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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Thursday, June 17, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Come, O Lord, to Thy servants here as a gentle spirit or as a mighty rushing wind—but come. Come to us and infuse with Thy presence all we think or say or do. Come to us to make us better men strengthened to make better laws for a better nation in a world made better by our service. Remove from us and from all men the little evils which blight the spirit and lay waste life. Take away all the big sins which pollute the human scene and destroy life.

When the day is done, may we lay our tribute of work upon the eternal altar and ask that Thou wilt correct what is wrong and bless and use what is right, to the honor and glory of Thy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 575) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The President pro tempore signed the enrolled bill (S. 575) today.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 16, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session, to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MICRONESIAN CLAIMS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 143, House Joint Resolution 617.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read the title as follows:

Joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages rising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BURDICK. Mr. President, on June 9 the House of Representatives passed House Joint Resolution 617, which would establish a commission to hear and adjudicate claims of the citizens of Micronesia that arose during World War II and during the postwar period.

Earlier this year, on May 4, the Senate passed and sent to the House my bill, S. 860, relating to the Trust Territory of the Pacific Islands. Title II of S. 860 provides for the creation of a Micronesian Claims Commission, and for all intents and purposes is identical to the language of House Joint Resolution 617 and the proposed legislation submitted by the administration which the Interior Committee heard earlier this year, Senate Joint Resolution 35.

I might add that the Senate during the 91st Congress passed Senate Joint Resolution 211 on this same general subject, but that legislation died before final action could be taken.

The purpose of the joint resolution is to create a five-man commission to whom will be submitted the claims of the citizens of the trust territory who suffered injury during World War II and immediately thereafter. This commission would operate over a period of 3 years.

The legislation authorizes the appropriation of $5 million which is the U.S. contribution in the form of an ex gratia payment to match a similar payment by the Government of Japan. To meet the claims arising after the war, there is authorized to be appropriated a sum not to exceed $20 million.

Mr. President, for more than 25 years the people of Micronesia have been patiently awaiting the creation of a forum before which they could file their claims. This is the only area and these are the only people that have not had that opportunity. I am disappointed that the House has not taken action on S. 860, which would not only meet the claims issue but also provide for other essential legislation for the betterment of the lives of the Micronesian people. However, further delay would be extremely unfair. Therefore, I express the hope that prompt action will be taken on House Joint Resolution 617, thus clearing the measure for the signature of the President.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. I move to reconsider the vote by which the joint resolution was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE VIETNAM WAR DOCUMENTS

Mr. CURTIS. Mr. President, I respectfully petition your patience and that of my other colleagues here to allow me to speak for a few moments about a very serious problem, as I see it, concerning the Vietnam war documents that are the center of a nationwide controversy.

I have been reading a lot of information in the papers and listening to the reports and discussions about these documents on radio and television. I have not seen or had a chance to read the documents themselves. But I want to make some observations that I believe the American people have every reason to be concerned about.

I do not believe the serious problem here, either to the American people or to the Government of the United States, is the fact that the New York Times began publishing a series of articles on these documents.

I share the view of the vast majority of the people of this country that the freedom of the press to publish information about the Government of the Nation, and the decisions made by the officials of this Government, is one of our most precious freedoms. I believe this freedom alone has preserved our system of free democratic government to this time and will continue to preserve it in the future, as long as it is not abridged.

In short, I do not find fault with the New York Times; I commend the Times and all the other newspapers and newspaper men and women who are constantly digging to bring out the truth and keep it squarely before the American people.

I do find very serious fault, Mr. President, with the information classification and document security system of this country.

It concerns me very much, and it should concern every American.

Judging by what I have read and heard about these Vietnam war documents, the Government tends to stamp a "secret" or "top secret" classification on too many documents and too much information in an attempt to hide it from the public.

The classification system should never be used to cover up a lie or a documented case of public deceit by the officials of any agency of Government.

It should be used only to protect the security of our country and our people from foreign powers that would destroy us, or subvert us for the purpose of taking our Government away from the people.

But even more importantly, when a document is classified "secret" or "top secret," the American people have a right to expect it to be kept in a vault under lock and key, or under armed guard, or both. And they have every reason and right to expect that all such documents are kept on Government premises, unless the person to whom a copy is entrusted for performance of a specific duty is given custody temporarily and is instructed to return it by a certain time or date.

I find it inconceivable, Mr. President, that copies of the documents currently in controversy are scattered clear across the country, with some of the highest officials responsible for the decisions being made in our Government in connection with the Vietnam war not even aware of the existence of these documents until the New York Times began publishing its articles.

If these documents are as highly classified as the lawsuit filed by the Attorney General against the New York Times would indicate a wanton breach of security occurred within our Government at the end of the previous administration when copies of these documents were allowed to leave Government premises apparently on a permanent basis.

I do not blame the Times or anyone else outside the Government for the so-called leak that occurred. I would not be surprised if there were copies in Moscow and Hanoi. I do not see how anyone could expect to maintain the sanctity or, if you prefer, the secrecy of the information when copies of the documents were stored in such places as the private law office of a politician involved in the selection of candidates for President by one of our major political parties. I do not see how the security of the information can be protected when two copies—not one, but two—were released on a permanent basis to a large corporation that may or may not have a future use for them. I do not see how the security of the documents can be expected to be protected when one copy is sent to a presidential library where it is available to scholars or anyone else to study.

And yet this is what happened to four of the 15 "legitimate" copies of the controversial Vietnam war reports currently in the news, Mr. President. One copy is in the private law offices of Mr. Clark Clifford in downtown Washington, two are housed in the Rand Corp., and one is in the Lyndon B. Johnson Library at Austin, Tex.

I think the person or people responsible for this scattering of the so-called classified war records should be determined, if indeed these records were so highly classified.

I believe steps should be taken immediately to tighten the security precautions to see that such a breach of security does not take place again.

And in the process, I believe it would be well for a freedom-of-information committee to be set up, including prominent members from the communications media, to determine whether there is too much classification of information in the Government today simply to keep it away from the American people, in order to deny them the right to know legitimate information about the actions and activities and decisions of their Government.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

AMENDMENT TO REQUEST FOR APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92-20)

A communication from the President of the United States submitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 for the Department of Health, Education, and Welfare (with accompanying paper); to the Committee on Appropriations.

PROPOSED LEGISLATION AUTHORIZING CERTAIN NAVAL VESSEL LOANS

A letter from the Secretary of the Navy submitting proposed legislation to authorize certain naval vessel loans, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Controls Needed Over the Leasing of Land Acquired Under the Open-Space Land Program" (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Progress Being Made and Difficulties Being Encountered by Credit Unions Serving Low-Income Persons" (with accompanying report); to the Committee on Government Operations.

Proposed Legislation Regarding Recreational Small Boat Harbors

A letter from the Secretary of the Army submitting proposed legislation to provide for non-Federal operation and maintenance of recreational small boat harbors constructed by the United States (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

A resolution adopted by the Del Mar Republican Women's Club Federated, of Del Mar, Calif., praying for the restoration of freedom of the seas for vessels flying the U.S. flag; to the Committee on Commerce.

A resolution adopted by the city council of Solon, Ohio, praying for the enactment of legislation to restore the area of greater Cleveland as a bulk mail handling station for the Postal Service; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 108. A bill for the relief of Kyung Jo Min and Kyung Sook Min (Rept. No. 92-209);

S. 119. A bill for the relief of Manuela C. Bonito (Rept. No. 92-210);

S. 1489. A bill for the relief of Park Jung Ok (Rept. No. 92-211);

S. 1759. A bill for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza (Rept. No. 92-212);

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States (Rept. No. 92-217); and

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu (Rept. No. 92-218).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 60. A bill for the relief of Foo Ying Yee (Rept. No. 92-213); and

S. 361. A bill for the relief of Maria de Lourdes Moitoso Mota (Rept. No. 92-214).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 59. A bill for the relief of Ng Kwok Kwen (Rept. No. 92-215) and

S. 624. A bill for the relief of Fung Yut Ma (Mar) (Rept. No. 92-216).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 415. A bill for the relief of Mr. and Mrs. Arvel Glinz (Rept. No. 92-160).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 113. A bill for the relief of certain individuals and organizations (Rept. No. 92-174).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 161. A bill for the relief of the West Fargo Pioneer (Rept. No. 92-159).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 47. A bill for the relief of Flore Lekanof (Rept. No. 92-208);

S. 248. A bill for the relief of William D. Pender (Rept. No. 92-163);

S. 654. A bill for the relief of Frederick E. Keehn (Rept. No. 92-164);

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler (Rept. No. 92-165);

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane (Rept. No. 92-166);

H.R. 2036. An act for the relief of Miss Linda Ortega (Rept. No. 92-167);

H.R. 2047. An act for the relief of Marion Owen (Rept. No. 92-168);

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr. (Rept. No. 92-169);

H.R. 2835. An act for the relief of William E. Carroll (Rept. No. 92-170);

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois (Rept. No. 92-171); and

H.R. 4327. An act for the relief of Robert L. Stevenson (Rept. No. 92-172).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, with an amendment:

S. 504. A bill for the relief of John Borbridge, Jr. (Rept. No. 92-173).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 101. A joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day" (Rept. No. 92-161); and

H.J. Res. 556. A joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971 (Rept. No. 92-162).

By Mr. BAYH, from the Committee on the Judiciary, with amendments:

S. 1732. A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 (Rept. No. 92-220).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 751. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile (Rept. No. 92-180);

S. 752. A bill to authorize the disposal of vegetable tannin extracts from the national stockpile (Rept No. 92-181);

S. 753. A bill to authorize the disposal of thorium from the supplemental stockpile (Rept. No. 92-182);

S. 754. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile (Rept. No. 92-183);

S. 755. A bill to authorize the disposal of shellac from the national stockpile (Rept. No. 92-184);

S. 756. A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile (Rept. No. 92-185);

S. 757. A bill to authorize the disposal of iridium from the national stockpile (Rept. No. 92-186);

S. 758. A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile (Rept. No. 92-187);

S. 759. A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile (Rept No. 92-188);

S. 760. A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile (Rept. No 92-189);

S. 761. A bill to authorize the disposal of diamond tools from the national stockpile (Rept No. 92-190);

S. 762. A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile (Rept No. 92-191);

S. 765. A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile (Rept. No. 92-195);

S. 766. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (Rept. No. 92-194);

S. 767 A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile (Rept No. 92-193);

S. 768. A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 92-192);

S. 769. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile (Rept. No. 92-196);

S. 770. A bill to authorize the disposal of columbium from the national stockpile and the supplemental stockpile (Rept. No. 92-197);

S. 771. A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile (Rept. No. 92-198);

S. 772. A bill to authorize the disposal of celestite from the national stockpile and the supplemental stockpile (Rept. No. 92-199);

S. 774. A bill to authorize the disposal of vanadium from the national stockpile (Rept. No. 92-200);

S. 775. A bill to authorize the disposal of magnesium from the national stockpile (Rept. No. 92-201);

S. 776. A bill to authorize the disposal of abaca from the national stockpile (Rept. No. 92-202);

S. 777. A bill to authorize the disposal of sisal from the national stockpile (Rept. No. 92-203); and

S. 778. A bill to authorize the disposal of kyanite-mullite from the national stockpile (Rept. 92-204).

By Mr. CANNON, from the Committee on Armed Services, with an amendment:

S. 763. A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile (Rept. No. 92-205).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 92-219).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 129. A resolution to authorize the printing of a Senate document of a report entitled "Study Mission to Central and East Africa" (Rept. No. 92-221).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 109. A resolution authorizing special supplementary expenditures by the Committee on Banking, Housing, and Urban Affairs for an inquiry and investigation pertaining to the securities industry (Rept. No. 92-223).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 100. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants (Rept. No. 92-222).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities (Rept. No. 92–206).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 1545. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92–178).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1670. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended (Rept. No. 92–207).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

H.R. 5257. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children (Rept. No. 92–179).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah (Rept. No. 92–155);

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah (Rept. No. 92–156);

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah (Rept. No. 92–157); and

S. 30. A bill to establish the Arches National Park in the State of Utah (Rept. No. 92–158).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–175)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 48, 91st Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–176)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 240, 90th Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–177)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 342, 91st Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Otto F. Otepka, of Maryland, to be a member of the Subversive Activties Control Board;

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana;

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana; and

Roy L. Stephenson, of Iowa, to be a U.S. circuit judge, eighth circuit.

By Mr. BYRD of West Virginia, for Mr. Williams, from the Committee on Labor and Public Welfare:

Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare; and

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

Mr. CANNON. Mr. President, from the Committee on Armed Services I report favorably the nominations of two general officers in the Army. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Maj. Gen. Carroll Hilton Dunn, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; and

Maj. Gen. Glenn David Walker, U.S. Army, to be assigned to a position of importance and responsibility designated by the President.

Mr. CANNON. Mr. President, in addition, I report favorably 530 appointments in the Army in the grade of lieutenant colonel and below; the appointment of 527 first lieutenants in the Air Force; and the appointment of 161 officers in the grade of captain and below in the Navy. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Peter D. Abler, and sundry other officers, for appointment in the Regular Air Force;

Ralph D. Pinto, and sundry other persons, for appointment in the Regular Army; and

Raymond G. Allen, and sundry other officers, for assignment in the U.S. Navy.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on June 1, 3, and 9, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROTH (for himself and Mr. Boggs):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S. 2081. A bill for the relief of Henri Borbach and his wife, Kyra Borbach. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. Cranston):

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leghold or steel jaw traps on animals in the United States. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance. Referred to the Committee on the District of Columbia.

By Mr. McCLELLAN (for himself and Mr. Hruska) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

By Mr. EASTLAND:

S. 2089. A bill to provide that a retired justice or judge shall not perform judicial duties later than 5 years after retirement; and

S. 2090. A bill to amend section 2241(d) of title 28, United States Code, so that a district court may not transfer an application for a writ of habeas corpus to another district court having concurrent jurisdiction. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Hartke):

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. EAGLETON:

S. 2092. A bill for the relief of Loy Shin Chong, Mui Eng Lim, and Erich Chong. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. BOGGS):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

INTERNATIONAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, today I am introducing legislation on a matter of longstanding concern to me. My advocacy of the principle of revenue sharing goes back to my first congressional campaign in 1966 and has continued to the present. During the last session of Congress I introduced H.R. 13353, the House version of a bill proposed in this Chamber by the distinguished Senator from Maine (Mr. MUSKIE) and former Senator Goodell of New York. This revenue-sharing plan was largely the result of excellent staff work by the Advisory Commission on Intergovernmental Relations.

I am generally gratified by the discussion and controversy which have been generated by the revenue-sharing proposals of President Nixon and those of others. I feel this way because to some extent this debate has been a wide-ranging one, highlighting a number of problems which go to the heart of our federal system. We in the Congress and the public at large have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing social problems they must face in this era of change and adjustment; and are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost? This last question is one of particular interest to me.

President Nixon's domestic program clearly addresses itself to all three of these issues. I wish to commend the President and express my approval of the general intentions of his general revenue sharing, special revenue sharing, and executive reorganization bills. The reforms which they propose need not divide us on partisan or ideological grounds. Regardless of the number of functions one would ideally assign to government, most of us would like to see those currently performed by it handled in the most efficient fashion possible. Revenue sharing has received support from both the present Republican and the past Democratic administration. Similarly, we have seen numerous bills on this topic introduced into Congress by prominent Members of both parties.

I endorse the overall intent of the administration's revenue-sharing bill, S. 680, which I was privileged to cosponsor. I believe, however, that it may be strengthened in several areas.

For example, I think we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the Central Government. It would be preferable I think to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operation are also constructive goals we should strive for through this legislation. If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be elfminated. If one really believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of government which spends revenues should under normal circumstances be the same one which must justify their collection to the people.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think for example, that we can continue the tendency of the present system of categorical grants to redistribute revenues away from the higher income urban States of the East and Middle West to the lower income rural States of the South and West. Charts 1, 2, and 3 which I am introducing into the RECORD, at the conclusion of my remarks, provide support for these contentions. I do not intend here to reject all Federal programs which redistribute resources among States. I simply argue that if we currently face an urban crisis, we should put more Federal money into the States with the large center cities.

In an effort to provide stronger general revenue-sharing legislation in these areas, I am submitting a bill which I believe more fully meets the great challenges faced by our federal system today. This bill has two basic purposes: First, to funnel significant amounts of money to those areas where it is most needed, our urban centers; and, second, to encourage States and local governmental units to improve their own tax-raising capabilities in order to enable them to shoulder more of the burden of governmental services.

The first element of my proposal, like the administration bill, would allocate 1.3 percent of total taxable income reported on Federal individual income tax returns for use by State and local governments. This would amount to about $5 billion during the first year and would reflect changes in the Federal personal income tax collections in future years. Under title I of my bill, the Secretary of the Treasury would for a period of 5 years turn over to each State the portion of the total revenue-sharing fund which was derived from that State. The States, in turn, would be required to pass through certain amounts of these funds directly to specified metropolitan areas, thereby guaranteeing that the money is quickly directed to where the need lies.

The bill has a built-in termination date; the general revenue-sharing feature of the legislation ends in 5 years, with the amount of money available to the States and local governments cut in half in the fifth and final year.

There are two reasons for including a closeout day in the bill. First, it puts the States and local governments on notice that they will not have available an endless Federal Government program for providing revenues to them for local use; second, it gives them both the time and the means for revising local taxing structures so that they will be able to assume the burden of providing local government services themselves by the end of the 5-year period.

At the same time the general revenue-sharing feature of the bill is being phased out, a tax credit feature will take effect. Under this provision of the bill, a taxpayer may elect to take as a credit against his Federal income tax payment 40 percent of certain local and State income taxes which he has paid. It is hoped that this provision will stimulate the States and local governments to improve their revenue-gathering efforts, thereby retaining the principle that the governmental unit which has the power to spend tax money should have the responsibility for raising it.

As I stated earlier, revenues in the amount of approximately $5 billion a year would be made available to the States under title I. The States would be limited in the use of these new revenues only by the requirements of passing a portion of them on to certain metropolitan areas; of making use of reasonable fiscal and accounting procedures; of providing reports and other information regarding their use; of following a nondiscriminatory policy; and of enforcing fiscal, accounting, and reporting standards on their political subdivisions. The number of strings attached to these funds have been kept at a minimum so as to encourage State and local governments to determine their own priorities and use these funds accordingly.

To further encourage initiative at the non-Federal level, the bill permits States to avoid the pass-through requirements contained in the bill by devising alternatives which meet with the approval of cities whose shares are guaranteed.

I should emphasize that not all the funds allotted to the States will be automatically passed through to designated metropolitan areas. Each State will retain a sizable portion of the funds for its own use after required amounts are made available to the larger cities.

The pass-through provision of the bill would apply to all cities with populations of 50,000 or more. Those of 50,000 or more would receive revenues at least equal to that city's percentage of the State's population. Cities of 75,000 population or larger which are located in standard metropolitan areas of 500,000 or more would be entitled to a share at least equal to 1.25 times that city's percentage of the State's population. Thus, the larger metropolitan cities, where the need is greatest, would receive a higher percentage of the automatically allocated revenues. While distribution solely on the basis of population would improve the lot of the center cities, it is quite likely that without the multiplier provided in this bill they would not receive aid in proportion to their fiscal difficulties.

Under my plan, New York City would receive approximately $329,000,000 as compared to $189,000,000 under the administration bill. Los Angeles would receive about $99.2 million rather than $34.7 million, Chicago almost $135,000,000 rather than $47.6 million, Boston nearly $33,000,000 as opposed to $10.7 million, and Atlanta close to $11,000,000 rather than $7.6 million. One can go down the list of large center cities appearing in chart 4 and find that almost all of them obtain similar advantages from the revenue-sharing provisions of the Intergovernmental Revenue Adjustment Act as compared to the administration's proposal.

My intention here is not to argue that no one except the Governors of populous urban States and the mayors of big cities are having trouble making ends meet. For instance, there can be no question that some of the most serious problems of poverty, unemployment, pollution, and lack of social services exist in our rural areas. Nevertheless, the statistics so painstakingly collected by the Advisory Commission on Intergovernmental Relations for their reports "Fiscal Balance in the American Federal System" and "Urban and Rural America: Policies for Future Growth" and by the National Commission on Urban Problems for its final report, persuade me that center cities do need special attention under any revenue-sharing system.

Chart 5 lists some of the specific reasons why the fiscal problems of our larger center cities are of a disproportionate magnitude, especially compared to their surrounding suburbs. Loss of tax base, tax rates which are relatively burdensome at present, diseconomies of scale, the costs of providing services to nonresidents, and the public expenses resulting from the presence of "high cost" citizens and serious social problems are among these factors contributing to the fiscal crisis in the larger center cities.

Smaller cities, suburbs, and rural areas could expect a share of new revenues to be allotted to them by the States if the bill I am offering were to become law. To some extent the presently operating system of categorical grants redistributes money away from the wealthy urban States to the lower income rural States, as chart 1 points out. Similarly, chart 3, taken from the special analyses of the 1972 budget, shows that the populous Northeastern and Middle Western States now receive absolutely less Federal aid per capita than do the States of other regions. These categorical grants according to the Advisory Commission on Intergovernmental Relations, are also less readily available for activities upon which the larger cities spend greater amounts of money. Thus, by favoring urban States and metropolitan cities, this bill could be said to be, among other things, compensating for the impact of the present aid system. The list of States which would be "gainers" as a result of the mode of distribution which it provides appear on chart 2. Such great urban States as New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Ohio, and Illinois are among these.

While we may need to provide temporary relief to States and localities through designating Federal revenues for their use, a true revitalization of decentralized government will come only when these State and local governments modernize their financial and governmental structures. If they were to take serious steps in this direction, they could then undertake on their own many of the services demanded by their citizens which are now handled in Washington.

According to a report issued by the Advisory Commission on Intergovernmental Relations in 1969, only 18 percent of State tax collections and hardly any local collections were derived from individual income taxes. The income tax is not only more equitable or progressive than the other modes of State and local taxation in the distribution of its burden on the taxpayer, but it is "elastic" in that its yield expands as our economy and need for public service grow.

In an attempt to strengthen the fiscal base of American federalism, I am proposing in title II of this bill that taxpayers, as an alternative to the present deduction for State and local taxes, be allowed a 40-percent credit on income taxes paid to State and local governments. Many of the elements of title II were found in H.R. 13353, the Advisory Commission on Intergovernmental Relation's bill, which I introduced into the House last session. In order to discourage the continued use of inelastic State and local taxes, an income tax to be credited against one's Federal tax bill would have to allow the minimal personal deductions provided in the Internal Revenue Code of 1954.

The 40-percent credit would allow the average taxpayer considerably more Federal tax relief than the present deduction. It would also be available to all, rather than just those who itemized their returns. High-income taxpayers could still avail themselves of the current deductions if it offered them more relief. It is assumed that State and local legislators could more easily justify the use of personal income taxes to their citizens if these citizens could credit part of these taxes against their Federal tax bills. Not only would States and localities thus modernize their tax structures, but they would also come in for a larger share of all governmental revenues.

Title II of the bill, which provides the partial tax credit, would apply to taxable years beginning after December 31, 1975. Since the general revenue-sharing portion of the bill is not phased out until the end of fiscal year 1977—or June 30, 1977—there would be an overlap of these two features of 1½ years. It should be remembered, however, that in the fifth and final year of the general revenue-sharing portion of the bill, the percentage of Federal revenues allocated will be one-half that in effect during the first 4 years.

In other words, the bill provides that during fiscal years 1973, 1974, 1975 and 1976, 1.3 percent of total taxable income reported on Federal personal income tax returns would be available for general revenue sharing. For fiscal year 1977, the percentage would be cut to 65 percent. But by that time, the 40-percent tax credit would have become effective, thereby permitting a lessening of dependence on the Federal grant at the same time the States and localities are able to take advantage of the tax break the Federal credit affords their citizens.

Assuming such credits had become law in 1970, the ACIR estimates that after 3 years approximately $7.2 billion would be gained at the non-Federal level, while the National Government would suffer a loss of about $5.1 billion.

A further incentive to improve the revenue-gathering procedures of States and localities is provided by title II of the bill. This title authorizes the Treasury Department to enter into negotiations with the chief executive officer of any State or political subdivision to have a certain percentage of the Federal income tax collected without charge by the Internal Revenue Service and turned over to the local or State government. Since the tax-collecting machinery of the Federal Government is considered to be more efficient than many State or local tax-collecting agencies, it would thus be used to buttress the independence of those governments which are closer to the people. This title might also lead to considerable savings on the part of State and local governments.

Besides attending to the needs of a vigorous federal system and helping to meet the current crisis in our cities, this bill, like that of the President, would indirectly contribute to the reform of the system of Federal categorical grants. By expanding the revenue capacity of States, cities, and counties, and by providing temporary block grants to them, the role of encumbered categorical grants from Washington would decline.

As a result, we might hope that to some extent the disadvantages of this form of intergovernmental aid would be avoided. The informational difficulties faced by the users of aid, the effect of matching requirements on State and local priorities; and the often irrational patterns of distribution are among the deficiencies of the present domestic aid system which are of special concern to me.

Even after enactment of revenue-sharing and tax credits for State-local income taxes, a vast array of categorical grants would still exist. There are certain needs which are best met by national programs of this sort. As a consequence, we should continue to give attention to various other grant reforms such as, grant consolidation, joint funding simplification; improvements in informational services available to grant users; and the strengthening of grant review, oversight, and financial management.

The growing interest in some form of revenue-sharing, executive reorganization, and grant reforms results from a feeling on the part of many that we should stand back and take a look at the relationships between governmental structure and policy. Often we have acted as though there is no interrelationship between the two. We have legislated social goals and assumed that they would be automatically reached with no bad side effects. Yet, the current state of our governmental machinery has a great deal to do with whether and how these goals are met. Perhaps we can make adjustments in current practices which will allow us to preserve our old values of decentralized government while at the same time better executing the new tasks we have given to our governments.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATIVE BILL, AND PRESENT AID SYSTEM[1]

State and region	S. 2080 share	Percent of United States	Administration share[3]	Percent of United States	Ratio of percent of Federal aid to percent of Federal taxes[4]
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	100/100=1
New England	351,800,000	7.016	266,000,000	5.320	[5] 1.150
Maine	17,900,000	.358	23,000,000	.460	1.200
New Hampshire	17,100,000	.342	15,000,000	.300	.880
Vermont	8,400,000	.219	12,000,000	.240	2.240
Massachusetts	164,500,000	3.290	136,000,000	2.720	.830
Rhode Island	24,800,000	.495	21,000,000	.420	.970
Connecticut	119,100,000	2.382	59,000,000	1.180	.521
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	[5] .995
New York	612,200,000	12.245	534,000,000	10.680	.842
New Jersey	225,700,000	4.514	154,000,000	3.080	.510
Pennsylvania	298,800,000	5.977	246,000,000	4.920	.790
Delaware	17,400,000	.349	13,500,000	.270	.602
Maryland	120,600,000	2.412	92,500,000	1.850	.610
District of Columbia	22,600,000	.452	23,000,000	.460	2.640
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	[5] .755
Michigan	247,000,000	4.940	229,000,000	4.580	.752
Ohio	284,800,000	5.695	212,500,000	4.250	.690
Indiana	123,900,000	2.478	116,000,000	2.320	.740
Illinois	358,800,000	7.176	220,000,000	4.400	.719
Wisconsin	97,600,000	1.952	124,500,000	2.490	.873
Plains	331,800,000	6.636	411,000,000	8.022	[5] 1.448
Minnesota	78,200,000	1.564	107,500,000	2.150	1.182
Iowa	56,200,000	1,123	74,500,000	1.490	1.005
Missouri	105,800,000	2.117	96,500,000	1.930	.959
North Dakota	7,900,000	.158	20,500,000	.410	2.400
South Dakota	9,200,000	.185	19,000,000	.380	2.500
Nebraska	28,000,000	.560	39,000,000	.780	1.100
Kansas	46,500,000	.930	54,000,000	1.080	1.040
Southeast	$758,100,000	15.160	$1,044,000,000	20.880	[5] 1.586
Virginia	99,300,000	1.986	104.500,000	2.090	.940
West Virginia	29,500,000	.590	41,500,000	.830	2.100
Kentucky	50,200,000	1.003	78,000,000	1.560	2.110
Tennessee	70,200,000	1.403	87,000	1.740	1.300
North Carolina	83,000,000	1.661	113,500,000	2.270	1.110
South Carolina	37,004,000	.748	56,500,000	1.130	1.300
Georgia	81,000,000	1.621	107,500,000	2.150	1.402
Florida	146,000,000	2.921	167,500,000	3.350	.750
Alabama	50,000,000	1.000	82,000,000	1,640	1.900
Mississippi	24,500,000	.490	61,500,000	1.230	2.400
Louisiana	62,000,000	1.240	101,500,000	2.030	1.800
Arkansas	25,000,000	.500	43,000,000	.860	2.140
Southwest	329,900,000	6.598	390,000,000	7.800	[5] 1.901
Oklahoma	43,800,000	.875	63,500,000	1.270	2.100
Texas	237,900,000	4.758	243,000,000	4.860	.963
New Mexico	15,500,000	.310	32,000,000	.640	3.100
Arizona	32,700,000	.654	51,500,000	1.030	1.500
Rocky Mountain	92,000,000	1.840	139,000,000	2.780	[5] 2.200
Montana	10,800,000	.217	19,000,000	.380	2.300
Idaho	11,200,000	.223	20,000,000	.400	1.710
Wyoming	6,600,000	.131	11,500,000	.230	3.400
Colorado	46,200,000	.925	60,000,000	1.200	1.400
Utah	17,200,000	.345	28,500,000	.570	2.300
Far West	700,900,000	14.018	753,000,000	15.060	1.802
Washington	90,400,000	1.807	92,000,000	1.840	1.020
Oregon	45,700,000	.914	57,000,000	1.140	1.400
Nevada	15,800,000	.315	14,000,000	.280	1.200
California	549,000,000	10,981	590,000,000	11.800	1.300
Alaska	6,800,000	.137	8,500,000	.170	4.230
Hawaii	19,000,000	.379	23,500,000	.470	1.741

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.

[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.

[3] Based on population and revenue effort.

[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for fiscal year 1968.

[5] Average.

CHART 2.—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S. 2080) than under population-revenue-effort formula (administration)*[1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.

Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.

Great Lakes: Michigan, Ohio, Indiana, Illinois.

Plains: Missouri.

Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969[1]

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
New England	1,173	101.93	17.9
Mideast	4,113	97.01	15.2
Great Lakes	2,989	74.92	14.0
Plains	1,511	93.40	17.0
Southeast	4,530	107.21	22.8
Southwest	1,714	116.33	21.2
Rocky Mountain	665	136.30	23.3
Far West	3,043	115.25	14.9
United States	20,287	100.47	17.4

[1] Found in Special Analyses of the 1972 Budget, p. 240.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan
Alabama: Birmingham	$5,437,500	$3,531,004
Arizona: Phoenix	13,364,875	6,360,085
California:		
Anaheim	5,490,000	1,390,130
Garden Grove	4,117,500	530,287
Los Angeles	99,261,250	34,721,456
Riverside	$4,792,500	$962,580
Sacramento	8,921,250	3,179,135
San Bernardino	3,431,250	1,127,197
San Diego	24,018,750	6,382,633
San Francisco	24,705,000	23,954,600
San Jose	15,783,750	3,452,094
Santa Ana	5,490,000	967,647
Colorado: Denver	13,686,750	10,527,896
Connecticut: Hartford	7,741,500	2,322,391
Delaware: Wilmington	3,197,250	1,823,650
District of Columbia	28,250,000	22,915,149
Florida:		
Fort Lauderdale	3,832,500	1,981,867
Hollywood	2,920,000	968,786
Jacksonville	14,235,000	2,859,870
Miami	8,937,500	4,617,813
St. Petersburg	5,837,500	4,276,375
Tampa	7,482,500	3,981,297
Georgia: Atlanta	10,935,000	7,647,341
Hawaii: Honolulu	9,975,000	4,917,712
Illinois: Chicago	134,998,500	47,601,259
Indiana:		
Gary	5,265,750	1,848,739
Hammond	3,407,250	1,045,054
Indianapolis	22,302,000	5,612,259
Kentucky: Louisville	7,028,000	8,661,641
Louisiana: New Orleans	12,710,000	9,907,090
Maryland: Baltimore	34,974,000	14,285,058
Massachusetts:		
Boston	32,907,500	10,700,523
Springfield	5,963,125	2,191,749

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[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN—Continued

State, city	Intergovernmental Revenue Adjustment Act of 1971 [1]	Administration plan
Michigan:		
Detroit	$46,621,250	$24,901,847
Grand Rapids	7,101,250	2,215,551
Minnesota:		
Minneapolis	11,143,500	5,143,400
St, Paul	7,917,750	3,734,244
Missouri:		
Kansas City	14,283,000	9,1 4,435
St, Louis	17,721,600	15,120,157
Nebraska: Omaha	8,190,000	3,459,983
New Jersey:		
Clifton	3,103,375	1,000,362
Jersey City	10,156,500	4,246,309
Newark	14,952,625	7,551,318
Paterson	5,642,500	1,928,007
North Carolina: Winston-Salem	2,697,500	1,036,046
New York:		
Albany	4,821,075	1,100,900
Buffalo	19,896,500	4,846,479
New York City	329,057,500	189,348,578
Rochester	12,244,000	3,341,859
Syracuse	5,356,750	2,338,845
Schenectady	3,290,575	571,380
Ohio:		
Akron	$10,093,000	$4,421,170
Cincinnati	15,664,000	13,508,542
Cleveland	25,276,000	11,227,393
Columbus	18,156,000	5,225,749
Dayton	8,188,000	4,124,377
Youngstown	4,984,000	1,547,709
Oklahoma: Oklahoma City	7,165,000	4,554,222
Oregon: Portland	10,625,250	7,928,286
Pennsylvania:		
Allentown	3,361,500	940,735
Philadelphia	60,252,500	39,781,536
Pittsburgh	16,434,000	7,433,529
Rhode Island: Providence	5,828,000	2,243,861
Tennessee:		
Memphis	13,952,250	5,408,621
Nashville-Davidson	10,003,500	5,732,847
Texas:		
Dallas	22,005,750	10,557,412
Fort Worth	10,408,125	4,658,714
Houston	36,577,125	12,953,581
San Antonio	17,247,750	4,685,184
Utah: Salt Lake City	3,547,500	2,547,835
Virginia:		
Norfolk	8,192,250	3,805,469
Portsmouth	2,979,000	1,055,155
Richmond	6,702,750	3,510,825
Washington: Seattle	17,628,000	8,820,093
Wisconsin: Milwaukee	19,764,000	7,942,274
Total for United States	5,000,000,000	5,000,000,000

[1] Calculated from the Advance Reports, 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970; statistics made available by the Advisory Commission on Intergovernmental Relations.

[2] From Department of the Treasury, General Revenue Sharing, February 1971.

CHART 5.—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.

2. Tax rates which are already more burdensome than elsewhere.

3. Relatively greater expenses in areas not aided by Federal and state governments.

4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.

5. Necessity of providing services for nonresident, often non-taxpaying, commuters.

6. Increasing proportions of "high cost" citizens—the poor, aged, etc.

7. Social conditions which lead to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

CHART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these taxpayments]

[In billions of dollars]

Hypothetical conditions	1st year, 1970				2d year, 1971				3d year, 1972			
	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain
		Total	Due to credit			Total	Due to credit			Total	Due to credit	
1. No change in present law (deduction of State-local income tax payments)	8.5	1.9			10.0	2.2			12.0	2.6		
2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections) [2]	9.4	3.1	1.2 (1.1)	0.9	11.5	3.8	1.6 (1.5)	1.5	15.0	5.0	2.4 (2.2)	3.0
3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections) [3]	10.6	4.5	2.6 (2.5)	2.1	14.0	5.9	3.7 (3.5)	4.0	19.2	8.1	5.5 (5.1)	7.2
4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections) [4]	13.6	6.9	5.0 (4.7)	5.1	20.0	10.2	8.0 (7.4)	10.0	30.0	15.3	12.7 (11.7)	18.0

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-parcent credit—42 percent; 50-percent credit—51 percent.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to tha Federal tax credit.

Source: ACIR staff estimates.

By Mr. WILLIAMS (for himself and Mr. CRANSTON):

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

MOBILE TEACHERS' RETIREMENT ASISSTANCE ACT

Mr. WILLIAMS. Mr. President, I am today introducing the Mobile Teachers' Retirement Assistance Act of 1971.

Over the past decade, the Congress has shown its interest and responsibility in improving education by the many Federal programs now in operation. No less important on our agenda should be an effort to provide a solution of a longstanding problem that has prevented the growth of a truly mobile teaching force to meet the critical problems of today's education; namely, the loss of retirement credits by teachers who move from one State to another. At present, a great many teachers who move in their professional pursuits to other States where there is a demand for their services must do so at the price of sacrificing hard-earned retirement rights. The retirement benefits and financial security they acquired and earned for their dedicated work are forfeited by their move. The Congress must assist our active public school and college teachers to realize the basic right to make provision for the time they retire from the teaching profession.

This dedicated and unselfish professional group, like all other workers, must also be able to look to their retirement years with some degree of certainty that they will be able to meet their basic life needs.

As increasing numbers of teachers come to retirement with inadequate resources to meet their daily needs, their plight creates a deterrent to the aspiring youth who choose a career in teaching. Additionally, areas in need of teachers are deprived because of the reluctance of qualified teachers to forfeit earned retirement credits.

The purpose of this bill is to strengthen the profession by providing adequate retirement benefits to those teachers who move from one State to another. It seems to me only equitable to extend to teachers who move from State to State the same opportunity for their future retirement as their colleagues who remain with a single school system enjoy during their working years.

The loss of this retirement credit comes about for two reasons: The State which a teacher leaves may not allow for early vesting of retirement rights, and the State where a teacher relocates may not grant retirement credit for years of teaching service performed outside its jurisdiction.

This legislation would provide one approach to resolving the problem. It would establish a Federal-State program to assist in the funding of these benefits for public school teachers. The two major provisions of the bill would enable teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers.

It would provide Federal funds to aid in the financing of recognized out-of-State service credit, and to supplement deferred vested benefits. In order to qualify for Federal funds, participating States must: First, permit teachers to purchase at least 10 years of out-of-State public school teaching service not vested elsewhere, whereby the teacher and the employer share in the cost; and second, provide for vesting of retirement rights after not more than 5 years of service in the retirement system.

The strongest impediment to necessary mobility of the teaching profession would be removed by the sharing of cost in purchasing out-of-State credit and the security resulting from early vesting for deferred benefits. The college teacher in a public college who wishes to cross State lines to accept a special research function in another State college, today is unwilling to incur the penalty of forfeiture of benefits. Without the provisions just outlined, he may be forced to reject the offer or lose his retirement rights in accepting it. The need for specialized teachers or administrators in our deprived urban and rural areas is a problem of deep national concern which, without solution, will retard our educational growth.

Many of our fine State retirement systems have made attempts toward alleviating this problem, but the State-based nature of American education and the limited funds available have not permitted the States to make any great strides in this direction. Some States utilize the basic concept of out-of-State credit; however, I am informed that in nearly all cases, the teacher must pay the employer's share, his own share, and an interest fee, which taken together are usually financially beyond the limits of the teacher's income.

It should be noted that in any State where an attempt is made to preserve the retirement credits for mobile teachers, the methods utilized are representative of the provisions in this bill. The teacher retirement administrators throughout the country have supported these concepts for nearly a quarter of a century. However, the States, and rightly so, realize that their primary commitment is to utilize their financial resources for improving education within their own boundaries. Therefore, it seems both fitting and proper that the Federal Government lend some assistance to the States in solving this important interstate problem.

The cost to the Federal Government to accomplish the objectives of this bill is modest in view of the benefit to education. And there is an even greater benefit: the new horizons of educational opportunities which this bill makes available to youth who would have the advantage of the mobile teacher. I think my colleagues will agree that action must be taken to enhance the present educational opportunities of our youth and eliminate a future social problem by permitting teachers to prepare for retirement during their active employment years.

Mr. President, as my colleagues know, the Senate Subcommittee on Labor is currently conducting a comprehensive investigation and study of welfare and pension funds pursuant to Senate Resolution 35. I believe that this bill, which has the backing of the National Education Association, could provide a reasonable basis for helping to assure that there is a truly mobile teaching force in the United States. It represents an approach which I feel is well worth considering along with other approaches which we may find appropriate in the course of the pension study. No matter what the technique the Congress decides is best, however, I must emphasize that definitive action is required for us to continue to expand our commitment to quality education for all Americans.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD the bill which I have just introduced and the table showing the current status of vesting and out-of-State credit provisions in the State retirement systems to which teachers belong.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2082

A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established under State law, or a local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

(5) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system or institution, or a school or institution of higher education which is tax-supported.

(6) The term "out-of-State service" means public teaching service performed in another State and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(7) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(8) The term "Commissioner" means the Commissioner of Education.

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(d) and of supplemental benefits as required in section 5(c),

(2) allow covered teachers at least 10 years of credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher of a portion of the cost involved and payment from public funds of the remainder,

(3) allow a reasonable period after the State retirement system becomes eligible to participate in the program provided for in this Act within which a covered teacher may make the payment referred to in paragraph (2), in order to become entitled to such credit,

(4) provides for vesting after not more than five years of credited service in the State retirement system, and

(5) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 40 per centum of the product obtained by multiplying the level of teachers' salaries (determined under subsection (b)) by the benefit cost factor (determined under subsection (c)).

(b) The level of teachers' salaries shall be deemed to be the salary which is the seventy-fifth percentile of a distribution of the salaries paid to teachers who are classroom teachers in public elementary and secondary schools in all the States, as determined by the Commissioner on the basis of the most reliable data available to him for the preceding school year.

(c) The benefit, cost factor shall be an amount equal to 2 per centum of the present value of payments of one annually for life, determined on the basis of the life expectancy of teachers in the States at age sixty-five and an assumed rate of interest (determined by the Commissioner).

(d) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

DEFERRED BENEFIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practicable after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher in the membership of the system who, during the fiscal year (or other twelve-month period designated by the system) which ended during such calendar year, became entitled to payment of a vested deferred benefit. The Federal contribution on account of each year for which each such teacher is receiving a vested deferred benefit shall be an amount equal to the product obtained by multiplying the difference between the average teacher's salary in the preceding fiscal year and the average teacher's salary in the tenth preceding fiscal year (determined under subsection (b)) by the benefit cost factor (determined under subsection (c) of section 4).

(b) The average teachers' salaries, for purposes of subsection (a), shall be the average salary for the year in question of teachers in all the States, determined by the Commissioner on the basis of most reliable data available to him for such year.

(c) Each participating State retirement system shall supplement the retirement benefits which such system pays a covered teacher who is receiving a deferred vested benefit and who meets the requirements of subsection (d) by an annual amount equal to the product obtained by multiplying the following factors:

(1) The annual retirement benefit to which the covered teacher is entitled before the supplement required by this section.

(2) The number of years between the covered teacher's separation from teaching service which is credited under the State retirement system in question and his retirement, but in no event shall such number of years be more than ten.

(3) The average annual increase in the average teachers' salaries, for the State or all the States, whichever is the lesser (determined as provided in (b)), during the ten-year period referred to in subsection (a).

(d) To be entitled to the supplemental benefit, the covered teacher must have performed public teaching service for a total of twenty years or for a total of five years during the ten-year period immediately preceding the date payment of the deferred vested benefit began.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 5 per centum of the Federal contribution made under sections 4 and 5.

EFFECTIVE DATE

SEC. 7. This Act shall become effective July 1, 1971, with respect to teachers who retire after such date.

TABLE I.—VESTING PROVISIONS AND MAXIMUM OUT-OF-STATE SERVICE IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG

Retirement system (1)	Type of membership [1] (2)	Years of service and/or age requirements for vesting [2] (3)	Maximum years of out-of-State service creditable (4)
1. STATEWIDE RETIREMENT SYSTEMS			
Alabama	T	(a) 15 years at any age; (b) 10 years if in service at age 55.	None.
Alaska [3]	T	10 years	10 years.
Arizona	P	5 years	None.
Arkansas	T	(a) 20 years at any age; (b) 10 years, age 60.	10 years.
California [3]	T	5 years	None.
Colorado [3]	P	do	Do.
Connecticut [3]	T	10 years	10 years (reciprocal).
Delaware	P	20 years	None (4 years may be counted toward 30 years' service retirement requirement).
Florida [4]	P	10 years	None.
Georiga	T	20 years	10 years (reciprocal).
Hawaii	P	5 years	None.
Idaho	P	10 years	Do.
Illinois [3]	T	5 years	10 years.
Indiana	T	(a) 15 years' service and age 50; (b) 10 years at age 65.	8 years (limit may be exceeded under certain circumstances).
Iowa	P	(a) 8 years; (b) age 55 regardless of years of service.	None.
Kansas	P	10 years	Do.
Kentucky [3]	T	5 years	8 years.
Louisiana [3]	T	(a) 20 years; (b) 10 years if teacher withdraws to enter public-school teaching in another State.	None.
Maine [3]	P	10 years	10 years.
Maryland	T	15 years	5 years.
Massachusetts [3]	T	(a) 20 years; (b) 6 years if position is abolished or the teacher not reemployed.	10 years.
Michigan	S	(a) 25 years; (b) 10 years and age 50.	15 years.
Minnesota	T	10 years	None.
Mississippi	P	(a) 20 years for full vesting; (b) 16 years for partial vesting.	Do.
Missouri	T	20 years	10 years.
Montana	T	5 years	5 years.
Nebraska	S	5 years	10 years.
Nevada	P	(a) 20 years for full vesting; (b) 15 years with partial benefit.	None.
New Hampshire	P	15 years	Do.
New Jersey	T	do	10 years.
New Mexico	S	5 years	5 years.
New York	T	10 years	10 years.
North Carolina	P	12 years	None.
North Dakota	T	No vesting	Unlimited.
Ohio	T	5 years	None (unlimited credit allowed to meet the eligibility requirements for retirement in Ohio).
Oklahoma	S	20 years	5 years.
Oregon	P	5 years	None.
Pennsylvania	S	10 years	12 years.
Rhode Island	P	do	5 years.
South Carolina	P	15 years	Unlimited.
South Dakota	T	10 years	None.
Tennessee	T	(a) 10 years; (b) 4 years for college and university faculty members.	Do.
Texas	S	10 years	10 years.
Utah	P	No vesting	None.
Vermont	T	15 years	None (10 years toward 15-year eligibility for disability retirement).
Virginia	P	5 years	None.
Washington	T	do	Do.
West Virginia	S	20 years	Varies; on same terms as other States provide credit for West Virginia public school service.
Wisconsin	T	Immediate	None for members of combined group (with social security); out-of-State credit available to some separate group members under certain circumstances.
Wyoming	P	4 years	None.
Puerto Rico	T	10 years	Do.
2. LOCAL RETIREMENT SYSTEMS			
California:			
Los Angeles	T	5 years	Do.
San Francisco	P	(a) 10 years; (b) if accumulated contributions exceed $1,000.	Do.
Colorado: Denver	S	10 years	Do.
District of Columbia: Washington.	T	5 years	10 years.
Illinois: Chicago	T	(a) 20 years; (b) 10 years and age 55.	Do.
Iowa: Des Moines	T	20 years and age 45	None.
Maryland: Baltimore	P	No vesting	Do.
Michigan: Detroit	S	(a) 15 years' continuous service and age 50; (b) 25 years, with last 10 years continuous; (c) 15 years' continuous service and subsequent retirement from another public agency.	10 years; 15 years if service is in Michigan.
Minnesota:			
Duluth	T	No vesting	None.
Minneapolis	T	7 years	Do.
St. Paul	T	10 years	5 years.
Missouri:			
Kansas City	S	5 years and age 40	None.
St. Louis	S	5 years	Do.
Nebraska: Omaha	S	20 years	5 years.
New York: New York City	T	15 years	15 years.
Oregon: Portland	T	5 years	None.
Tennessee: Knoxville	P	15 years	Do.
Wisconsin: Milwaukee	T	Immediate	Do.

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[1] In this column, T=teachers and professional school employees only; S=all school employees; P=teachers and other public employees.

[2] The requirements listed are other than those needed for early retirement.

No social security coverage.

[4] In December 1970, Florida consolidated its retirement systems. All new teachers will become members of this system and will automatically be covered by social security. Teachers under the old system had the opportunity to elect coverage in the new system and with it social security coverage.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States. Referred to the Commitee on Commerce.

TWO BILLS

Mr. BAYH. Mr. President, Today, I wish to introduce two interrelated bills both aimed at a serious reduction in man's brutality toward wildlife. One bill, which would be known as the "Antipoison Act of 1971," would totally ban the use of poisons to kill wildlife on the public lands of the United States, as well as ban the interstate commerce in two particularly devastating poisons now widely used. The other piece of legislation would ban the use of leg-hold or steel jaw traps.

THE ANTIPOISONING ACT OF 1971

The federal government program to "control" predators began in earnest some 55 years ago. It is almost impossible to estimate the magnitude of the total destruction of numerous species of wild animals in the intervening decades. Untold millions of animals, ranging from the stately mountain lion to the lowly prairie dog, have been wiped out. In certain parts of the West, almost all wildlife has been completely eliminated by actions of our Government.

The animals and birds which have been destroyed in such huge numbers are all a part of our national heritage. Yet, they are disappearing at a truly astonishing rate.

Back in 1915 when the program started, the purpose was to aid cattlemen and sheepmen whose animals were being preyed upon by predators, primarily wolves and coyotes. The Federal exterminators have done such a thorough job that they have completely eliminated predators from large parts of our public lands. As a result of this ruthless program, smaller animals which were the normal prey of the predators have had a population explosion. There are now hundreds of millions of rabbits and various rodents, whose normal population was kept in check by the wolves, coyotes and other predators. Now the Federal exterminators have gone after these smaller animals with a equal vengeance. Tons of grain, which have been soaked in the most horrible poisons, are sown to rid the public lands of this new "menace."

Much publicity has been given recently to the fate of the black-footed ferret, an animal which is literally on the verge of extinction. These animals live with and feed almost exclusively on prairie dogs. As the prairie dogs are poisoned by the millions, the ferrets disappear at the same time because their food has been poisoned and wiped out.

What history has shown is that the use of massive poisoning programs creates drastic imbalances in nature. In a futile attempt to correct one imbalance, poison is used in a larger and more lethal program. It is truly a vicious circle. As soon as the Department of the Interior gets rid of one type of animal, it feels forced to go after another.

As horrible as the direct and intended purposes of these programs may be, the indirect and unintended results can be equally horrible. Much publicity has been given recently to the deaths of a number of rare species of eagles. It is especially ironic that we have all but exterminated the bald eagle, our national symbol. These deaths deserve very special attention. Yet, they are only one example in a multitude of cases of deaths of carrion-eating birds such as hawks, buzzards, ravens, and the rare California condor. These animals die in untold numbers in two ways: they either eat the poisoned meat which has been set out for predators, or are indirectly poisoned from eating the bodies of other animals which have been killed by the poisons.

The poison commonly used by the Department of the Interior is sodium fluoroacetate, commonly known as "Poison 1080." This is a slow degrading poison, which creates a cycle of destruction. When consumed by any animal, it remains unchanged in the body. As a result, any predator or bird eating the dead animal will also die. Poison 1080 is not only a terribly effective but also extremely inhumane agent of death. An animal eating a very small quantity of the poison will die only after a number of hours of terrible convulsions and vomiting.

The poison most widely used by private individuals, thallium, is manufactured by a number of chemical companies and sold in interstate commerce. This is the poison which has been responsible for the largest proportion of the recent deaths of the eagles.

The current poisoning program on public lands is carried out by a division of the Department of the Interior known euphemistically as the Division of Wildlife Services. It was formerly and more properly titled the PARC Division—Predators and Rodent Control Division.

The Division of Wildlife Services has turned into a huge bureaucratic boondoggle, which in large measure is responsible for the continuing massive poisoning programs. Over a recent 5-year period some 700 employees of the Division of Wildlife Services have worked day in and day out to eradicate the wildlife of the West. In this 5-year period they have put out 2,300,000 pounds of poisoned meat. They have used 3 million strychnine tablets. They have used tons of poisoned grain.

Only recently has it come to light that this wholesale slaughter was being carried out with taxpayers' dollars. At the present time, poisoning of wildlife in the West is costing the taxpayer over $8 million a year. Only part of this money is used directly by the Division of Wildlife Services. Most of it goes in subsidies to States, communities, and private organizations for their use in poisoning.

And for whose benefit is this massive program of killing taking place? The program as originated in 1915 was a small effort to assist cattlemen and sheepmen in reducing the number of animals lost to wolves and coyotes.

But things have changed in the intervening years. Today, less than 1 percent of our cattle is grazed on public lands. The percentage of sheep grazing on public lands is greater. There are approximately 8 million sheep grazing on public lands at one time or another during any year. Yet, the owners of the sheep pay to the Federal Government only 8 cents per sheep per month. For this they not only need fencing and reseeding of the grazing lands, but they also ask for as complete protection from all wild animals as the Department of the Interior can provide. It is in its zeal to protect these privately owned sheep that the Department of the Interior has waged an all-out war to eradicate all predators on public lands.

No one objects to the grazing of cattle or sheep on public lands of the United States, but the Government should not expect the public to condone or pay for the utter destruction of all wildlife on its public lands for private interests.

A number of efforts have been made to minimize the terrible wildlife destruction. These efforts have included several lawsuits to enjoin further killing by the Secretary of the Interior. In addition, some States have adopted what is known as the Missouri plan. Under this plan, private landowners are trained to control specific animals causing specific damage. They are taught to use humane traps which do not break legs. They are taught methods of controlling particular predators without endangering other wildlife. Finally, at least one State, Kansas, has recently adopted a law banning the use of all poisons, on both public and private property, for the killing of wildlife.

To expedite these various efforts, I propose that Congress properly take responsibility for policies of the Federal Government by passing the "Antipoisoning Act of 1971." This bill has been suggested to me by the Washington office of the Committee for Humane Legislation, Inc., a New York based wildlife conservation group which is headed by Miss Alice Herrington.

The bill would totally ban the use of poisons to kill animals or birds on any public lands except under emergency circumstances. It would also ban interstate shipment of both 1080 and thallium.

Provisions are made to encourage extension of the Missouri plan throughout the whole country. Finally, the vast legion of 700 poisoners of the Department of the Interior would be put to other tasks connected with the preservation rather than the destruction of wildlife.

Mr. President, I ask unanimous consent that the text of the "Antipoisoning Act of 1971," along with an article by Lewis Regenstein from the New York Times be printed at this point in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 2083

A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Anti-Poisoning Act of 1971.

Sec. 2. *Definitions.*

For purposes of this Act,

(a) "Public lands" means all publicly owned lands of the United States except Indian and military reservations.

(b) "Poison" means biocides and toxicants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoroacetate.

(c) "Chemosterilant" means any substance which, when ingested, causes the animal to become sterile.

Sec. 3. *Prohibitions.*

(a) Except as provided in section 4 of this act, the use of poisons or chemosterilants to kill any animal or bird on public lands is hereby forbidden.

(b) The interstate commerce of thallium and sodium fluoroacetate, commonly known as Poison 1080, is hereby forbidden.

Sec. 4. *Exception.*

In any specific instance where either the Secretary of the Interior or the Secretary of Agriculture believes, because of unusual and extraordinary circumstances, that it is imperative to use poisons on public lands for animal control, he shall place a Notice of Intention in the Federal Register at least 60 days prior to the proposed beginning of the program and shall give a public hearing to anyone who wishes to protest the poisoning; the program shall not be begun until a review of the protests is made by the Secretary of the Interior or Secretary of Agriculture, as the case may be, and a detailed explanation of the need of the program is placed in the Federal Register.

Sec. 5. *Penalties.*

Any person, including officials, employees and agents of the United States or any State, who violates the provisions of this Act shall, upon conviction for the first offense, be subject to a fine not to exceed $500.00 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $5,000.00, or imprisonment of one to three years, or both.

Sec. 6. *Extension Mammal Control Agents.*

(a) There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

(b) As of July 1, 1972, and thereafter, the number of mammal control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

Sec. 7. *Authorization of Funds.*

There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed during the period from effective date of this Act until the close of the fiscal year ending June 30, 1972, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

[From the New York Times, June 13, 1971]

(By Lewis Regenstein)

Arlington, Va.—Last month, 48 bald and golden eagles were found dead in the state of Wyoming. It is virtually certain that many more eagles have died and have not yet been found in the remote Wyoming canyon country, the one place where it was hoped they might be able to make a comeback.

About half of the eagles found had been poisoned by thallium sulfate, a chemical which the United States Department of the Interior had spread throughout the western United States as part of its efforts to exterminate coyotes. Although the Interior Department asserts that it has discontinued using thallium, there is widespread suspicion that the department is involved in the latest deaths of eagles. In any event, thallium which is manufactured by American Smelting and Refining Company of New York City, is still readily available to sheep farmers and cattle ranchers for their own use.

What is not in doubt is that the killing of these eagles is part of a deliberate, well-planned campaign, aided and abetted by the United States Government, to wipe out all predatory animals which might compete with agricultural interests.

In describing the American eagles, it is difficult to capture the majesty of these awesome creatures. Both the Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaetos*) have wingspreads of six to eight feet and stand over three feet high. They mate for life and return to the same nest at the same time each year, spending the first month refurbishing their huge "eyrie."

The eagle first appeared on a United States coin in 1776, and it has been present ever since. The bald eagle became our national symbol during the Congressional assembly of 1782. As President Kennedy once put it, "The fierce beauty and proud independence of this great bird aptly symbolize the strength and freedom of America." Yet there are many Americans—some in the United States Department of the Interior—who would destroy this magnificent creature. The reason is that ranchers who raise wool and cattle believe that eagles—like coyotes—occasionally kill their livestock, particularly very young sheep or calves. Biologists dispute this, contending that eagles do not kill animals any larger than rabbits, although they may feed upon an animal that has already been killed. Despite the fact that eagles perform beneficial functions such as preying on snakes and rodents, the belief persists in many quarters that they are injurious to agriculture.

As a result, the Interior Department has gone along to some extent with this campaign to wipe out our few remaining eagles. For example, in March 1967, then Secretary of Interior Stewart Udall—who is now posing as an ardent conservationist—authorized the killing of golden eagles "for the protection of livestock" in 52 of 56 Montana counties. The law still authorizes the Secretary of Interior to permit "the taking" of bald and golden eagles "for the purpose of seasonally protecting livestock" and under other "special circumstances."

This killing of eagles for vested interest groups is not new. In Alaska, a bounty was paid on bald eagles until 1951 because they were considered "damaging" to the salmon industry. During the 36 years in which bounty payments were made, over 100,000 eagles were killed.

Today, the main causes of eagle deaths are DDT and other pesticides, high-voltage power lines, "sportsmen" and hunters—and the United States Government. Again, at the behest of cattle and sheep farmers, the Interior Department has adopted a mass and indiscriminate poisoning campaign designed to wipe out all wild animals which these ranchers consider undesirable. This massive effort involves distributing throughout the western United States tons of grain and meat baited with the deadly poisons, cyanide, strychnine and sodium monofluoroacetate, or 1080. The intent of the program is to "eliminate" such predators as coyotes and mountain lions; but there is no way to prevent other creatures, such as eagles, from feeding on this bait or on the carcass of a poisoned animal. For years, eagles have been dying from 1080; it was present in the area and has not yet been ruled out as a cause of some of the eagle deaths in Wyoming. The Interior Department is aware of this situation and admits that eagles are "accidentally" being killed; but each year it increases both the scope and cost of this poisoning program.

The "predator control program" has already succeeded in its effort to drive the wolf, the fox, the mountain lion, the grizzly bear, the black-footed ferret, and other species of wildlife to the very brink of extinction. Why should the eagle—which is also a predator—be treated any differently?

The Interior Department has been one of the main culprits in driving the eagle toward extinction. While it is charged with the responsibility for protecting the eagle, Interior has in fact contributed to its demise—both purposefully and through neglect.

According to the new Secretary of the Interior, Rogers C. B. Morton, there are now at most 800 nesting pairs of bald and golden eagles left in the United States. Unless Secretary Morton can bring about an immediate and drastic change in Interior's wildlife policies, our national symbol will soon be gone forever.

HUMANE TRAPPING BILL

Mr. BAYH. Mr. President, the second bill I wish to introduce today and which was also suggested by the Committee for Humane Legislation, Inc., deals with the use of leg-hold or steel jaw traps.

It is possibly a truism that man's inhumanity to man is nothing compared to man's inhumanity to animals. Many of us have noted an advertisement which has appeared in several magazines and which pictures a raccoon caught in a leg-hold trap. The eye catcher of the ad in bold print is: "There Is No Such Thing as a Tender Trap. "The raccoon caught in the trap is obviously in horrible pain.

It is true that there is no such thing as a tender trap, but some traps are more cruel than others. The cruelest of all is the leg-hold or steel jaw trap. It rarely kills its prey but rather catches the animal by a leg. Frequently, the leg is broken as the jaws of the trap spring shut. In any event, it holds the animal until it dies of exhaustion or starvation, or until the trapper arrives to put the animal out of its misery.

To the extent that trapping is either necessary or is going to be done, there are ways of doing it which are relatively humane. Cage-type traps are generally painless. Additionally, there are traps, generally known as Conibear traps. which kill the animals instantly.

Many question whether there will be

a real need for large scale trapping in the future. Trapping is no longer a source of food, nor is it essential for clothing. In fact, many trappers themselves wear clothes made of synthetic fibers simply because they are lighter and warmer. The principal reason for trapping is the fashioning of luxury clothes.

Therefore, this is an appropriate time to reconsider methods of securing furs for luxury clothes. I certainly do not mean to imply that we should engage in an all-out war against furriers. Our war should be against brutality. If women who bought coats made from the furs of wild animals—as opposed to domestically raised animals, such as ranch mink—knew of the brutality that has gone into the making of their coats, they probably would not wish to wear them.

Years ago, in introducing an antitrapping bill, former Senator Richard Neuberger of Oregon said:

> I believe that a people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of that people's civilizations.

Unfortunately, Senator Neuberger's bill made no progress, but times are changing. The young people of our Nation are no longer entranced with brutality either toward human beings or toward helpless animals. As times change, attitudes change. I think that the time has come to outlaw the use of brutal traps.

The bill which I asked to be introduced today has already been introduced on June 1, 1971, in the House of Representatives by Mr. Broomfield, of Michigan, one Member of Congress who has long been interested in practical ways of lessening man's brutality toward animals. With Mr. Broomfield's leadership in the House, and, hopefully, with the assistance of many Members of both Houses of Congress, we may get our legislation enacted.

The bill would declare it to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

The prohibition in the legislation applies to interstate and foreign commerce in furs and leathers, if such fur or leather comes from animals trapped in any State or foreign country which has not banned the manufacture, sale or use of these traps. Mr. President, I ask consent that the text of my humane trapping bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2084

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

PROHIBITION

Sec. 2. No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

CURRENT LIST

Sec. 3. The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

PENALTIES

Sec. 4. Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

EFFECTIVENESS

Sec. 5. The provisions of this Act shall become effective four years after the date of its enactment.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

MID-DECADE CENSUS

Mr. TOWER. Mr. President, I introduce for appropriate reference today a measure designed to authorize the Secretary of Commerce to conduct a census in the mid-decade. Under the terms of this legislation, beginning in 1975 and continuing every 10 years thereafter, the Census Bureau would compile figures as of the first day of April of 1975 which would provide more current information than is now available in the mid-decade.

Mr. President, one of the strongest reasons for holding a census in the mid-decade is the fact that the amount of Federal funds that a community or State receives is in a large part determined by its population. Likewise, the eligibility for certain types of aid is triggered by other population formulas. In a highly mobile and ever-expanding society such as ours, census figures that are 8 or 9 years old can often times have little relevance to current situations. Therefore, cities and States that have a great need for funds and other services find themselves deprived of adequate amounts, simply because the data upon which these amounts depend is so outdated.

After the last census, which was just completed about a year ago, many cities and towns in Texas were concerned because they felt that the census failed to accurately reflect their populations. Likewise, many of the cities and counties in Texas are among the fastest growing in the Nation. Over a 10-year period, the population of some areas can change 20 to 30 percent, while in still faster growing areas, the change can be as much as 50 percent. The necessity for more accurate information upon which to base legislation and upon which to distribute Federal funds and services should be readily apparent.

Mr. President, there has been some concern in the past regarding the length of the questionnaire involved in the decennial census. I have shared this concern and have in the past introduced legislation that would limit the number and types of questions asked in the census. In talking with people in the Census Bureau, I have every reason to believe that the questionnaire would be kept as simple and short as possible, in the interest of efficiency and the rights of our citizens. With this in mind, I will refrain at this time from putting a question limit in this legislation, hoping that such details can be worked out during the hearings on this bill. Should agreement prove to be impossible at that time, I will recommend to the Congress that an absolute limit, consistent with the purposes of this mid-decade census, be written into this legislation on the subject. I might note also, that in cities over 100,000, there will be no full survey, but sampling procedures and special surveys will be allowed. This will allow accuracy to within 0.01 percent, while negating the necessity of involving large numbers of people in the census.

Mr. President, due to the long lead-time that is necessary to prepare for a census, time is of the essence in considering this legislation. I hope that the appropriate committee can see fit to expedite this most important matter. This bill will help us to better understand the shifting patterns in our country and will help us to better legislate for her future.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance; referred to the Committee on the District of Columbia.

Mr. BEALL. Mr. President, I send to the desk a bill which would authorize full payment for all overtime work performed by the District of Columbia policemen during the so-called May Day demonstrations as well as to provide for overtime pay in future cases of civil disturbances.

Mr. President, I for one believe that the policemen of the Nation's Capital did an outstanding job under most difficult circumstances during the May Day demonstrations. They effectively thwarted the objectives of those who attempted to bring this Government to a close. Initial mistakes may have been made by the police as they attempted to make certain the city would continue to operate, and to prevent large numbers of people from stopping an even larger number of individuals from coming to their place of work. Nevertheless, our juridical system provides the means whereby any such errors may be remedied. Certainly, I am concerned over the constitutional rights of citizens to demonstrate, but I am also concerned over the constitutional and basic rights of citizens to go to and from their work without fear or danger to either their person or property.

Whatever one feels with respect to police handling of the May Day demonstrations, I feel there should be broad and general agreement that the policemen, who at a great deal of personal sacrifice, inconvenience, and danger, are called upon to work long hours, should at least be remunerated for this extra duty and extra service.

Under present law, any policeman is prohibited from earning more in any 2-week period than the base pay of an assistant chief. Working 14- to 16-hour shifts, many policemen earned or exceeded the limit during the May Day demonstrations. The bill I introduce today, which is identical to the measure introduced by Congressman HOGAN, would not only retroactively compensate the men for the pay they lost for overtime during the recent demonstrations, but also provide for full compensation for overtime during future periods of civil disturbances or natural disasters. I strongly urge that the District of Columbia Committee take early and favorable action on this measure.

By Mr. McCLELLAN (for himself and Mr. HRUSKA) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, this body is well aware of the recent wave of assaults on New York City policemen. Already this year approximately 50 policemen have been killed in the United States—seven of them in New York City alone. In 1968, 64; 1969, 86; and in 1970, 100 were killed.

We must try to remedy the multiple causes of disrespect for police which are in large part responsible for many of these killings. We must relentlessly pursue the slayers of these men and deal out swift justice which will have, I think, a deterrent effect on future killings. These two actions, of course, will take a long time to accomplish. We can, however, do one thing quickly, and that is provide some security for the families of the men who are attempting to provide daily security to each of us. We can, as President Nixon has proposed, provide a gratuity of $50,000 to the spouse and dependents of a police officer killed in the line of duty.

Mr. President, during 1969 a total of 35,202 policemen were stabbed, beaten, assaulted, or wounded by a bullet. This is intolerable for a civilized society and government under law. This measure, of course, does not provide an answer to many of these problems, but it is a necessary step in the right direction.

I now introduce—by request—for appropriate reference, for myself and the senior Senator from Nebraska, a bill "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

Mr. HRUSKA. Mr. President, the subject with which this bill is concerned was discussed at a meeting called by President Nixon at the White House on June 3, 1971. Present at the meeting were, among others, Attorney General Mitchell, FBI Director Hoover, and 20 leading law enforcement officials from all parts of the country. The President expressed his concern at the increasing number of attacks on police officers in metropolitan areas throughout the country, highlighted by the fatal shootings of two officers in New York and two others in Washington the week before the meeting.

The police officials were aware that the President had, last November, directed the Attorney General to make available all appropriate investigative resources of the Department of Justice to work jointly with State or local police, when requested, in any case involving an assault upon a police officer. The officials expressed satisfaction with this directive and agreed that it represents the appropriate Federal role in helping to prevent assaults on our State and local peace officers.

The consensus of the meeting was that the Federal Government could do no more to insure that the families of police officers killed in the course of their vital and courageous duties of protecting the public from criminal elements are adequately provided for.

The bill which I am introducing would implement the determination to provide for the families. In recognition of the perils faced by policemen and of the disparity in benefits among the several States, it would authorize payment of a gratuity of $50,000 to the family of a slain policeman, thus serving as a Federal floor for the total benefits payable. A similar benefit was authorized for the families of police and other public safety officers of the District of Columbia by Public Law 91-509, approved October 26, 1970.

The benefit would be paid by the Law Enforcement Assistance Administration under regulations issued by it, and out of funds specially appropriated to it under the Omnibus Crime Control and Safe Streets Act of 1968, upon certification by the Governor of the State in which the police officer is employed that he had been killed in the line of duty.

The gratuity thus provided, Mr. President, would be in addition to any other gratuity, benefit, or payment made under any other law or plan.

Mr. President, I believe that the benefits which this bill would provide are richly deserved and will help to enhance the morale of the gallant men in blue who daily put their lives on the line on our behalf. It merits the prompt and favorable attention of the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with a letter of transmittal from the Attorney General to the Vice President and a sectional analysis of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2087

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Police Officers Benefits Act of 1971."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new Part:

"PART J—POLICE OFFICERS DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under Part F of this title, upon certification to the Administration by the Governor of any State that a police officer employed on a full-time basis by that State or a unit of general local government within the State to enforce the criminal laws has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"SEC. 702. The gratuity payable to any person under this Part is in addition to any benefits to which he may be entitled under any other law."

SEC. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence:

"In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part J."

SEC. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of Part J the term does not include the District of Columbia".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 1, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

The slaying of police officers in New York City and in Washington, D.C. in recent weeks has shown to America the risk of lethal violence faced daily by peace officers in city after city across the country. The nature of the dangers police officers confront and the disparity in survivors benefits from State to

State have led us to conclude that the Federal Government should provide a gratuity to the families of each municipal or State Police officer killed while in the performance of duty, to serve as a federal floor for survivors benefits, and to be in addition to any other benefits due the family. The 91st Congress authorized a payment of $50,000 to survivors of police and other public safety officers slain in the line of duty here in the District of Columbia.

On behalf of the President of the United States, I am transmitting the enclosed legislative proposal to give to the spouse and dependents of a police officer killed in the line of duty a gratuity of $50,000, payable from funds appropriated to the Law Enforcement Assistance Administration for that purpose.

I urge early consideration and prompt enactment of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

John Mitchell,
Attorney General.

Sectional Analysis

Section 1 is the short title.

Section 2 would add a new Part J to Title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968. The new part would consist of two new sections, 701 and 702.

Proposed section 701 would authorize the Law Enforcement Assistance Administration to pay a lump sum gratuity of $50,000 to the spouse, dependent children or parents of police officers who are killed in the line of duty. It is intended that the latter term be construed to provide payment to the survivors of a police officer who dies as the proximate result of injuries sustained in or on account of the performance of his official duties. Payments would be made under regulations promulgated by the Administration upon certification of the applicable facts to LEAA by the Governor of the State concerned. Where the police officer leaves both a surviving spouse and one or more dependent children, the spouse would receive $25,000 and the children $25,000, divided equally. Otherwise, the spouse or children would receive the entire $50,000. If there are neither children nor a spouse surviving the officer, the money would go to the dependent parents of the officer. The term "dependent for support" in the section is intended to mean more than one-half of the support of the dependent concerned.

Proposed section 702 would make clear that the new benefits are in addition to any other benefits.

Section 3 of the bill would amend section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to authorize appropriation of such sums as are necessary to carry out the program.

Section 4 of the bill would amend the definition of "State" in the Omnibus Crime Control and Safe Streets Act of 1968 so as to exclude the District of Columbia from the coverage of the bill. Survivors of police and other public safety officers of the District of Columbia killed in the line of duty are entitled to a $50,000 death benefit by virtue of Public Law 91-509, approved October 26, 1970.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

INVESTMENT TAX CREDIT FOR FARMERS AND SMALL BUSINESSMEN

Mr. PEARSON. Mr. President, I introduce today legislation which would reinstate the investment tax credit for farmers and small businessmen.

More than 90,000 Kansas farmers and countless small businessmen in my State have suffered badly during the recent inflationary spiral. A farm tractor today costs about twice as much as the same implement would have cost a decade ago. The trucks and other equipment which small businessmen and farmers must purchase to meet the demands of their customers are priced beyond the reach of many essential and competitive enterprises.

Because the economy of Kansas, and many other rural States depends upon a secure economic position for farmers and small businessmen, I have concluded that current economic conditions demand the reinstatement of the 7-percent investment tax credit for these businessmen.

I have been deeply gratified by the bipartisan support which the Rural Job Development Act has attracted in this Congress. I am hopeful that substantial measures can be adopted to attract ambitious citizens to job opportunities in rural regions in the coming years. The quality of life in America during the remainder of this century will depend, to a great extent, upon the success of rural development initiatives designed to promote balanced economic growth.

As Congress considers carefully the major programs before it to promote economic expansion, the question of incentives to business for expansion in rural areas will be of central importance.

I believe restoration of the 7-percent investment tax credit is appropriate at this time, pending full consideration of all economic development programs for rural America. I believe the investment tax credit will improve substantially the opportunities for small businessmen and farmers to survive inflationary pressures and credit shortages which have stifled expansion and eroded profits in the recent past.

Mr. President, I ask unanimous consent that the text of my bill to restore the 7-percent investment tax credit for farmers and small businessmen be included in the Record at the conclusion of my remarks.

I urge its timely consideration and adoption by the Congress.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2088

A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 49 of the Internal Revenue Code of 1954 (relating to termination of credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies", and

(2) by adding at the end thereof the following new subsection:

"(e) Farmer and Small Business Exemption.—

"(1) In General.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is begun after December 31, 1970, or

"(B) which is acquired by the taxpayer after December 31, 1970, and which is constructed, reconstructed, erected, or acquired for use in a trade, business, or for farming, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $15,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c) and (d) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 407(a)(4) shall not apply.

"(2) Special Rules.—

"(A) Married individuals.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $7,500 in lieu of $15,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) Affiliated groups.—In the case of an affiliated group, the $15,000 amount specified in paragraph (1) shall be reduced for each member of the group by apportioning $15,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that—

"(i) the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504(a), and

"(ii) all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(C) Partnerships.—In the case of a partnership, the $15,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) Other taxpayers.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f), shall be applied for the purposes of this subsection."

By Mr. CRANSTON (for himself and Mr. Hartke):

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

VETERANS' EMPLOYMENT AND READJUSTMENT ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, with the distinguished chairman of the Veterans' Affairs Committee (Mr. Hartke), S. 2091, the Veterans' Employment and Readjustment Act of 1971.

This bill would assist returning veterans by expanding and improving the job counseling, job training, and placement services already available through the Department of Labor's Veteran's Employment Service. It would establish preferences for disabled and Vietnam era veterans in jobs growing out of Government contracts, and provide a coordinated program to encourage Federal agencies to hire these veterans. It would also facilitate the access of disadvantaged veterans to existing manpower training programs.

Other features of the measure include: a provision to insure that the Veterans' Administration's Outreach program will fully advise and assist each returning veteran to take full advantage of the readjustment programs available to him; a provision for medical readjustment counseling for those who request it; and a provision to make reduced-fare air travel available for job hunting or getting to school for up to 1 year after discharge.

Finally, for those veterans who will still need unemployment compensation benefits if we are otherwise unable to assist them, the bill provides a new floor for those benefits in the lower pay grades.

BACKGROUND

Whatever one's views are about the war we are waging in Indochina, there is general agreement that we have a special obligation to those men whom we have sent there to implement our national policy. As President Nixon recently stated on April 12, 1971,

> We owe these men a debt of gratitude for their service—but we also owe them something more. We owe them an extra measure of help in making the difficult transition back to civilian life.

The bill Senator HARTKE and I are introducing would provide our returning veterans that "extra measure of help" to let them compete for jobs with those who did not serve or who have already made their readjustment to civilian life and work.

All of our recent veterans have made sacrifices for their country. For some, the sacrifice has involved giving up productive years of education or employment. Many others, in addition, have been required to risk their lives and limbs in a cruel and destructive war which is yielding a greater percentage of disabled veterans than any prior war.

Aside from the physical and psychological wounds some men bear, the most unacceptable sacrifice being demanded is that of returning to an economy which keeps them unemployed while their friends who did not serve obtain jobs more readily.

It is ironic that the unemployment problem faced by our veterans is directly related to the very war in which they fought. It is tragic that the burden of unemployment falls so heavily on those who have already sacrificed so much. It is urgent that we act to correct this double sacrifice.

VETERANS' UNEMPLOYMENT AND READJUSTMENT HEARINGS

In the 91st Congress, it was my privilege to serve as chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare. In that capacity, I held hearings on unemployment and overall readjustment problems of returning veterans on November 25, and December 3, 1970.

At these hearings, several high officials, representatives of veterans organizations, and other interested persons testified on the problems faced by our returning veterans. The major theme and consensus was that the principal problem of most of these men is finding a job within a reasonable time. The most direct and convincing testimony was from the veterans themselves. One of the Vietnam era veterans expressed the crushed hopes, the despair, and frustration he encountered. Here is his view:

> Upon discharge I came to Washington full of confidence and hope of getting a job . . . . I was under the impression that being a veteran, doors would be opened to me. Much to my surprise, I found this untrue. Still, day after day, I roamed the streets of Washington going to every agency that deals with veterans and accomplishing nothing . . . . After many days of job searching and finding no results I began to feel frustrated and tense . . . . By this time the money I saved while in the Navy was running out so I went to sign up for unemployment compensation . . . . It was from February until June . . . . before I got employment.

Mr. President, many similar cases have been brought to my attention, and they give substance and feeling to the cold statistics which demonstrate that our veterans are bearing far more than their share of the unemployment epidemic in our country.

SERIOUSNESS OF THE PROBLEM

The crisis of returning veterans' unemployment at this time is the product of our overall high rate of unemployment aggravated by recently accelerated military separations accompanied by readjustment difficulties and employer reluctance to hire Vietnam veterans. Overall unemployment has skyrocketed from a low of 3.3 percent in February 1969 to a 10-year high of 6.2 percent in December 1970. The most recent unemployment rate is 6.2 for May, 1971, with 5.4 million people out of work.

Annual military separations have totaled over one million men for each of the past 2 fiscal years. There were 1,120,000 men separated from the military in fiscal year 1970, nearly double the number separated in 1967—606,000. By the end of April, the Vietnam era veteran population will probably pass the 5 million mark, with about 70 to 80 thousand new veterans returning each month to a severely saturated labor market.

The latest quarterly figures show that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971. This is an absolutely shocking and intolerable figure. It means there are now almost twice the number of veterans unemployed as there were during the same period a year earlier, when 199,000 were looking for work.

The unemployment rates for veterans as compared to nonveterans in the same age group demonstrate the extra sacrifice our veterans are being required to make. The latest figures show that veterans 20 to 24 years old now face an unemployment rate of 14.1 percent, while the rate for nonveterans in that age group is 9.9 percent. Among men 20 to 29 years old the rate for veterans averaged 10.1 percent compared to a rate of 7.6 percent among nonveterans during the 3-month period, February through April 1971. Furthermore, the 10.1 percent rate for veterans is 3.2 percent higher than it was in the same period in the previous year, when it was 6.9 percent. This tremendous increase in unemployment highlights both the crisis we face and the need for us to act, to stem the rising tide of Vietnam veterans' joblessness.

At least as disturbing as the overall unemployment rate for veterans is the fact that the most neglected veterans are those, generally, who have risked the most. A recently published study by the Department of Defense found that men who serve in vital combat occupations like infantry, artillery and armor tend to have the highest unemployment, and that men who serve a duty tour in Vietnam are even more likely to be unemployed than those servicemen who did not. Thus, we seem to be doing the least for those from whom we asked the most.

I feel very strongly that we have the highest obligation to our returning veterans, especially those who have served in Vietnam. We must make a special effort to help these men readjust to civilian life as quickly and thoroughly as possible. Every study and authority I know says that a job is absolutely indispensable to an effective readjustment.

Mr. President, I have outlined the nature of the problem. The most desirable and comprehensive solution is to provide jobs and job training opportunities for all those people who need them. Our veterans and our country would benefit from a truly comprehensive job creation program.

VETOED PUBLIC SERVICE EMPLOYMENT LEGISLATION

It was extremely unfortunate that the 91st Congress' major effort to deal with the unemployment crisis, S. 3867, the Employment and Manpower Act, was vetoed by the President on December 16, 1970. That legislation would have done a great deal to meet the veterans' unemployment crisis which has grown steadily since then. It included a number of the provisions to assist veterans which are in the bill I introduce today.

It is my fervent hope that the more abbreviated version of that measure, the Emergency Employment Act of 1971, which the Senate passed on April 1, 1971 (S. 31) and the House on May 4 (H.R. 3613) will be promptly signed by the President. We are today engaged in a House-Senate conference to resolve the comparatively few disagreements between the bodies on that bill. And I am pressing, along with my friend from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower, and Poverty Subcommittee, to set aside a substantial proportion of jobs under that bill for our unemployed veterans who have served in Vietnam.

During consideration of S. 31 in the Labor and Public Welfare Committee, I proposed amendments to insure that recently returned veterans would receive a fair share of the public service jobs made available in that legislation. The version passed by the Senate included a provision I helped develop which directs the Secretary of Labor to make an equitable distribution of public service jobs to segments of the population significantly affected by high unemployment, including veterans recently separated from military service. S. 31 provides for up to 250,000 public service jobs over the next 2 years, and about 18,250 of these jobs should go to recently discharged servicemen under the Senate bill. Under the House version—with its veterans' preference provisions—probably even more, and, potentially, all jobs would be filled by veterans. As I indicated, I am hopeful we can resolve this difference to the advantage of our returning veterans.

EXPLANATION OF BILL

Mr. President, I would now like to explain the provisions of S. 2091, the Veterans' Employment and Readjustment Act of 1971.

TITLE

Section 1 of the bill designates its title.

VETERANS' EMPLOYMENT SERVICE

Section 2 of the bill adds a fully rewritten chapter 41 to title 38 of the United States Code. This chapter sets forth the basic veterans' employment and manpower responsibilities of the Department of Labor, administered through the Veterans' Employment Service. Provisions virtually identical to these were passed by the 91st Congress as section 702 of S. 3867, the Employment and Manpower Act of 1970, and would be law today but for the veto of that measure.

The urgent need for improvement of employment services to veterans is demonstrated by the Department of Labor's latest report on these services, for the first quarter of 1971. During this period, new applications for assistance increased by 26,500 over the previous year: 594,100 veterans asked for help compared to 567,600 a year earlier. Only 52,500 of these nearly 600,000 people were provided initial counseling interviews. The record of success—measured by placements made—was much less than a year earlier: Placements fell from 210,800 to only 176,400. These figures make it clear that we are simply not making even a respectable effort to try to help these unemployed veterans.

The revised chapter 41 in the bill would strengthen the Veterans' Employment Service, enlarge its staff and protect its appropriation from diversion to other Labor Department purposes. It also includes a mandate for job development activities and the provision of counseling for and referrals to appropriate training and manpower programs, as well as directly to job openings.

New administrative controls and data gathering and reporting responsibilities are assigned to insure prompt and adequate services to all veterans seeking employment or training assistance.

These provisions also call for close coordination with the Veterans' Administration, especially in assisting the VA in its promising job fair or job mart programs and in its outreach services program. This should lead to the assignment of more State public employment counselors to work at veterans' assistance centers, and to more such counselors devoting full time to the needs of the rapidly expanding veteran population.

READJUSTMENT COUNSELING

Section 3 of the bill would entitle Vietnam era veterans to readjustment counseling and appropriate followup care through the medical facilities of the Veterans' Administration. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, I feel very strongly that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and if he asks for it, that his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, our VA facilities for assistance will be made more visible and accessible.

In the hearings on the readjustment problems of returning veterans held before the Veterans' Affairs Subcommittee last winter, the testimony indicated that some of our returning veterans do encounter very difficult psychological readjustment problems. Only this past Tuesday, my Health and Hospitals Subcommittee of the Veterans' Affairs Committee was told exactly the same thing again about the seriousness of readjustment problems.

Although no accurate estimate of the extent of the problem has been made, this testimony was very disturbing, and convinced me that readjustment counseling services must be made far more visible and readily available to those who need and request such help.

Dr. Gerald Caplan, professor of psychiatry at the Harvard Medical School and senior consultant to the U.S. Army at Fort Devens, Mass., and to the Peace Corps, testified that:

> It appears that a significant proportion of Vietnam veterans, especially those who were extensively involved in active combat, have serious problems in readjusting to civilian life. These problems may last up to two or more years, and are manifested by job instability, difficulties in relating to other people, depression, social alienation, anger and resentment, emotional irritability, poor control over aggression, and alcoholism and drug addiction.

Dr. Caplan reported that the main factors underlying the problem are:

> (a) Estrangement from home values and behavior due to Army life overseas; (b) closing of ranks at home during the veteran's absence; (c) brutalizing of the soldier by combat experience, especially in guerrilla warfare; (d) ambivalent welcome to the veteran by a home society in unstable equilibrium, with precarious control over its own violence.

Another witness, Prof. Murray Polner, of Suffolk Community College, Selden, N.Y., had interviewed over 200 veterans and written a book about the Vietnam veterans, "No Victory Parades." He testified that those whom he interviewed were truly estranged and alienated from their Government, and from those of their peers who had never served. He found the young veterans bitter, without hope, suspicious, and confused. He recommended that far more individualized counseling was needed and that far more veterans should be encouraged to use existing VA facilities.

In hearings on the medical care of Vietnam veterans held in the winter of 1969 and the spring of 1970, several distinguished psychiatrists who have worked with veterans from various wars told the former Veterans' Affairs Subcommittee that Vietnam veterans have very special psychological problems and need special help to readjust to civilian life.

Dr. Robert Jay Lifton, professor of psychiatry at Yale University School of Medicine, described the Vietnam veteran's experience as one of "profound inner confusion, helplessness, and terror." One of the most difficult problems with which the Vietnam veteran must deal is his inability to convince himself that his participation in the war, and the sacrifices made by him and his fellow servicemen, had purpose and significance. Dr. Lifton and recently Dr. George Solomon of the Stanford Medical School noted that the Vietnam veteran often develops a deep distrust of the society that sent him to the ordeal of Vietnam. He feels victimized and betrayed by his own country, which is itself confused about what our country is doing in Vietnam. Dr. Lifton suggested that our VA medical services be extended to reach all varieties of psychological disturbances and that stringent time limitations on the presumption of service connection be removed.

Dr. E. James Lieberman, a psychiatrist on the staff of the National Institute of Mental Health, testified that our veterans need far more preventative psychiatric assistance in their readjustment, and suggested that the VA should find new approaches for helping returning veterans, especially those who have been disabled.

Based upon my last 2 years' study and investigation of the Vietnam veterans readjustment problems, I am convinced that the problem of psychological readjustment is an acute and very real problem, and that we must make certain that our facilities for this kind of assistance are visible and easily accessible to those who need this help.

GOVERNMENT CONTRACTOR VETERANS' PREFERENCE

Section 4 of the bill would establish an employment preference in all Government contracts and subcontracts for disabled veterans and veterans of the Vietnam era. While the veterans would have to meet all of the qualifications for the job involved, this section is based upon the principle that if all other factors are equal, the disabled or Vietnam era veteran should be chosen for the job.

This section contains a provision directing the President to implement the preference requirement by issuing appropriate regulations. I note that on June 11, 1971, the President announced that he would issue an Executive order to require listing of all job openings with the U.S. Employment Service by all Federal agencies and contractors funded by the Federal Government. This section would give substance to that listing requirement and would compliment it very well. In my view, the combination of required listing and a veteran's preference such as this section proposes for contractors and the affirmative action plan requirement contained in section 5 of the bill will be the most effective way to insure that returning veterans have the opportunity to obtain jobs.

In testimony before the Veteran's Affairs Subcommittee of the Committee on Labor and Public Welfare on December 3, 1970, Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, stated that he felt it would be desirable to consider legislation requiring an employment preference for service-connected disabled veterans. In response to another question, he also reacted favorably to the suggestion that a Vietnam veterans' preference in government contracts, particularly defense contracts, might be helpful.

The President's recent Manpower Report, transmitted to Congress in April, estimates that Federal Government spending for goods and services purchased from private industry generated about 3.7 million jobs in the private sector in 1970. Federal purchases of goods and services comprised 10.2 percent of the gross national product in 1970. While federally supported employment declined during 1970, it is still extensive, and a veterans' preference in this area could operate to reduce the disparity of unemployment of veterans as opposed to similarly situated nonveterans. It is essential that we work toward achieving at least equalization of the employment rate of veterans as compared to nonveterans of the same age and qualifications.

I believe that this provision would be of substantial assistance and encouragement to the President's Jobs for Veterans campaign, and would help to ensure its effectiveness. I was most disappointed to learn of the very poor initial response to the massive mailing to employers conducted by that program. A total of 900,000 employers were contacted and asked to signify their interest in hiring a returning veteran. Only 15,000 employers even replied—less than 2 percent of those contacted.

This demonstrates the need to go considerably beyond publicity campaigns in order to assist these veterans.

President Nixon stated the obligation very well on April 12, 1971, when he announced:

> As a Nation, we bear a profound and very special responsibility to those who have been called upon to serve. All of us share in that obligation—and each veteran, by his service, has earned assistance in assuming his rightful place in the civilian community. The Federal Government must do its full share in meeting that obligation, and I urge all others who can help to do so.

On June 11, 1971, in a letter to Secretary of Labor Hodgson, the President reiterated the need for the "highest priority" for a "vital national effort to provide the returning veteran what he has earned—a smooth transition to civilian life and meaningful work."

I believe that Congress should act immediately to enact this bill in order to give substance to the President's statements of concern.

FEDERAL AGENCY AFFIRMATIVE ACTION PLANS

Section 5 of the bill, consistent with the President's June 11 directive to Secretary Hodgson to find more Government jobs for returning veterans, would add a new chapter 42 to title 38, United States Code, to charge the Administrator of Veterans' Affairs with the responsibility to establish an affirmative action plan for the employment of disabled and Vietnam era veterans by Federal departments and agencies. Under the bill, the Administrator would develop and implement the plan in consultation with the Secretary of Labor and the Civil Service Commission.

An estimated 2,574,000 civilians are employed full time by the Federal Government in the various departments and agencies of the executive branch. As job openings become available, I feel that we should have a positive plan of action to insure that our disabled and recently returned veterans are given every consideration for these positions.

These provisions are designed along the lines of those administered by the Secretary of Housing and Urban Development to insure equal housing opportunity under title VIII of the 1968 Civil Rights Act.

Veterans are now afforded a preference in Government employment through a system of bonus points added to their civil service exams if they achieve a passing score. These bonuses are five points for a veteran and 10 points for a service-connected disabled veteran.

The administration has given recognition to the need for additional encouragement to Federal departments and agencies to hire returning veterans. On March 26, 1970, President Nixon issued an executive order authorizing veterans readjustment appointments for Vietnam era veterans. Under this order, Government jobs in the grade 3 to 5 levels are made available, without taking civil service examinations, to young veterans willing to continue their education and training while employed.

Mr. President, this is an excellent effort and should probably be extended to higher grades. The provisions in this bill to establish an affirmative action plan for employment of disabled and Vietnam era veterans will compliment and encourage the expansion of such initiatives and will maximize their effectiveness.

VETERANS' UNEMPLOYMENT COMPENSATION INCREASE

Section 6 of the bill adds two new provisions to chapter 85 of title 5, United States Code, which deals with the unemployment compensation program for ex-servicemen.

Since 1958, returning veterans have been entitled to unemployment compensation benefits paid for by the Federal government but processed and disbursed under the unemployment insurance law of the State to which he returns upon his release from active service—the so-called UCX program. Thus, the amount and duration of benefits vary from State to State.

This program differs from those for World War II and Korean veterans, which established a definite amount and duration of benefits regardless of State law. World War II veterans could receive $20 a week for 52 weeks, and Korean veterans were provided $26 a week for 26 weeks. The existing program reflects a Congressional policy that ex-servicemen should be treated the same as all other claimants for unemployment compensation in the State.

The amount to which the veteran is entitled is determined by each State based upon a schedule of pay and allowances for each pay grade of servicemen issued by the Secretary of Labor. This schedule reflects the wages received by the serviceman both in cash and in kind.

Under this system, benefits for veterans range from $37 to $86 depending upon pay grade and the laws of the paying State. The average payment was $52 during the last quarter of 1970. Each State has a maximum amount payable, and in 49 of the 53 jurisdictions, a veteran who achieved pay grade E–5 will receive the maximum. In my State of California, for example, the weekly UCX benefit for veterans is as follows: E–1, $38; E–2, $40; E–3, $45; E–4, $58; and E–5, $65, which is the maximum. Among those men with a single term of service, the percentage distribution among the enlisted pay grades upon separation is as follows: 2.4 percent at E–1 and E–2; 11.5 percent at E–3; 48.3 percent at E–4; 35.9 percent at E–5; and 1.9 percent at E–6 and above.

I am concerned that among the lower pay grades, the benefits—based upon military pay—do not adequately reflect the economic context within which the veteran must subsist in civilian life while looking for work. I believe it would be more appropriate to establish a floor under these benefits.

The Secretary of Labor issues a schedule of pay and allowances of servicemen in the several pay grades which is used by the States to determine the amount of benefits for the individual veteran. Section 6(a) of the bill would require the Secretary to adjust this schedule by including an additional $100 a month in his computation for pay grades E–5 and below.

A similar add-on provision is used in section 229(a) of the Social Security Act in order to base servicemen's benefits on a higher pay scale which is more comparable to wages received by comparable civilian workers.

The most recent schedule of pay and allowances—in cash and in kind—issued by the Secretary for UCX purposes establishes the weekly rate of pay for E–5's and below as follows:

Pay grade:	*Weekly rate*
E–5	$146.30
E–4	117.11
E–3	88.69
E–2	77.70
E–1	74.41

These figures do not compare poorly to the average weekly earnings of those in the civilian work force. In March 1971, the average weekly earnings of nonsupervisory production workers in the United States was $124.02. The weekly average for nonsupervisory workers in manufacturing is $139.74.

With the adjustment of $100 a month for the lower pay grades, veterans' unemployment compensation benefits would be based on a weekly salary schedule approximately as follows:

Pay grade:	*Weekly rate*
E–5	$171.30
E–4	142.11
E–3	113.69
E–2	102.70
E–1	99.71

I believe that this is a reasonable proposal to provide additional assistance to those veterans who need it most—those who served in the lower pay grades and are unable to find work upon their return from the service. It continues the policy of treating ex-servicemen the same as other claimants in the same State, with an adjustment to compensate for the low military pay received by servicemen in the lower pay grades. If the full $2.7 billion military pay raise recently voted in the Senate finally becomes law, the lower pay grades will receive such an enormous—well-deserved—increase—averaging well over 100 percent—in basic pay that their overall UCX base will be closer to comparability with civilian pay and, thus, this amendment would not be necessary.

PREVENT UCX CUTOFF

Section 6 also adds a new section 8526 to chapter 85 of title 5, United States Code, to insure that funds are available for payment of unemployment compensation for ex-servicemen. This new section would authorize the Secretary of Labor to draw against funds for the succeeding fiscal year if appropriated funds are insufficient to pay this benefit during the last half of the fiscal year.

Under language traditionally inserted in appropriations bills, the Secretary has been authorized to draw such funds during the last quarter of the fiscal year, but this year appropriated funds were exhausted during the third quarter and an urgent supplemental appropriation was required to prevent the cutoff of UCX benefits. This early exhaustion of funds was the result of this extremely high unemployment throughout the country and inadequate estimates of the demand for unemployment compensation of veterans. Regardless of the reasons why the estimate of the need was unrealistic, I consider it essential that we guarantee that funds are available to pay this benefit to which our veterans are entitled. This new section would provide the assurance that this national obligation will be met when the payment is needed.

DISREGARD MILITARY PAY FOR ELIGIBILITY FOR POST-SERVICE TRAINING

Section 7 of the bill would facilitate the entry of disadvantaged veterans into existing manpower training programs by disregarding the pay and allowances received by a veteran while he was in the service. Thus, in assessing the veterans' needs or qualifications based upon income, the veteran's eligibility for such programs would be determined by his situation prior to and subsequent to his term of service, rather than that while he was in the military.

In addition, this section would require that amounts received by veterans and their dependents from the Veterans' Administration for disability and death compensation and GI bill education cannot be counted for purposes of determining eligibility for participation in manpower programs based upon income requirements. I believe that these payments to which veterans and their dependents are legally entitled both as compensation for the Government's responsibility for service-connected disabilities and to assist in readjustment through educational payments—should not serve to disqualify anyone from participation in a manpower program. This philosophy is consistent with the repeal in March 1970—in section 213 of Public Law 91–219—of the prohibition against receipt of GI bill benefits together with other Federal education and training program benefits.

EXPANDED FUNDING FOR VA OUTREACH

Section 8 of the bill would require the Veterans' Administration to use funds appropriated to it to improve and expand its outreach effort to the extent intended by Congress when it passed the new Subchapter IV of chapter 3, title 38, United States Code, the Veterans Outreach Services program—Public Law 91–219 of March 1970.

The Outreach program is designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and to assist them in obtaining them.

The statutory authority for a comprehensive outreach effort is very broad, and contemplates a massive contact and assistance effort. I have been most disappointed by the Veterans' Administration's lack of responsiveness to Congress' mandate to reach and help our returning veterans.

When this legislation was being studied by Congress in 1969, the VA estimated that the cost of the new Outreach program would be $25,078,252. This included $10,655,252 for the Outreach services which would require an additional 864 positions, and $14,423,000 for 1,466 additional staff positions to process the workload generated by this special effort.

The VA's lack of interest in the Outreach effort is demonstrated by its budget request for this and the coming fiscal year.

The VA's actual and estimated average full-time employment in its contact activity is as follows:

Year	*Contact positions*
1969	1,219
1970	1,297
1971 (est.)	1,380
1972 (request)	1,500

These figures are most upsetting when it is noted that by the VA's own estimate the number of persons engaged in the Outreach effort in fiscal year 1971 should be 2,161 (1297+864) in order to carry out Congress' intent in enacting the new Outreach program.

The provision in section 8 of the bill would correct this situation by requiring the VA to use the funds appropriated to it for fiscal year 1972 for general operating expenses (GOE) above the level estimated for Outreach to carry out the expanded Outreach program as required. The VA has requested $17,295,000 for the Outreach program in fiscal year 1972. This new provision requires the VA to use an additional $12,539,000 of the GOE appropriations above $17,295,000 to expand this effort. This figure is one-half of the amount originally estimated by the VA to accomplish the purposes of the Outreach program. What this would mean practically is that the V.A. would suffer a serious shortfall of GOE funds unless it requested and obtained a substantial increase in the GOE item in order to carry out an expanded Outreach.

Section 9 of the bill amends section 403(b) of the Federal Aviation Act of 1958—49 U.S.C. 1373(c)—to permit airlines to grant reduced-rate transportation on a space-available basis to veterans for up to 1 year after their discharge from active duty. Such preferential rates are now available to ministers of religion.

Permitting veterans to travel at reduced rates for a year after their discharge would be of great assistance to them in their readjustment to civilian life. It would broaden their employment opportunities by making it possible for them to seek work within a larger geographical area. It would also make it possible for them to look beyond their immediate surroundings for educational and training opportunities.

Under the amendment, this opportunity for increased mobility would be available to our returned veterans at the very time they are most free to look beyond their own home area for better education, training, and job opportunities.

ELIGIBILITY FOR ASSISTANCE

Finally, Mr. President, I wish to note that throughout this bill one rather important change is made in the basic standards for veterans' eligibility for assistance under the provisions it adds and expands. Generally, title 38 of the United States Code—through the language "discharged or released . . . under conditions other than dishonorable"—38 U.S.C 101(2)—restricts veterans' benefits to those who received either honorable or general discharges. As to veterans with undesirable or bad-conduct discharges, the Veterans' Administration, Labor Department, or other agency administering the benefit, is presently empowered to make an adjudication that the conditions surrounding the discharge were not "dishonorable" and thereby grant eligibility for VA benefits—VA Manual, chapter 14. However, this is a much prolonged and exasperating process which usually ends in determinations of ineligibility.

After my 2 years as chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress and now as chairman of the Health and Hospitals Subcommittee of the new Veterans' Affairs Committee, I have concluded that this is an unwise, unfair, and administratively burdensome situation. Thus, the bill I introduce today eliminates the need for this onerous adjudication process in the vast majority of the cases. Under the bill's standard, if the veteran has a dishonorable discharge he is automatically ineligible. The only cases that would still require adjudication would be other than dishonorable, honorable, or general discharge cases—that is, undesirable or bad conduct—where there was a suggestion of one of the absolute bars to benefits set forth in section 3103(a) of title 38, United States Code, which I do not propose to change at this time—namely, those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status.

The problem of drug addiction among returning veterans is really what has brought this matter to a head. Most all the veterans organizations and all outside authorities believe it is vital that the VA be authorized to provide treatment and rehabilitation to the thousands of men discharged with undesirable or bad conduct discharges because of drug abuse. I believe that strongly myself and am so proposing in separate legislation I will introduce next week. But I do not believe there is any rightful or logical distinction between the case of a veteran with one of those discharges and that of any veteran who has an undesirable or bad conduct discharge, the large preponderance of which are for AWOL's and involve veterans who probably should never have been inducted to begin with.

I believe those men need help—medical care for their service-connected disabilities and assistance in readjusting to civilian life. I believe the Nation will benefit greatly, as well as the veterans themselves, by offering them as much help as possible toward becoming productive, self-respecting citizens.

I believe we are ready to adopt this more enlightened and humane approach. At least, I very much hope so.

Mr. President, in closing, I wish again to make note of my appreciation to Chairman Hartke for his joining with me in introducing this urgent measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record at this point, followed by two recent newspaper articles pinpointing the returning veteran's readjustment and unemployment problems: "But No Right Jobs/Veterans Returning to Unhappy Jobs," by Duncan Spencer in the June 15, 1971, Washington Star, and "Death, Dope, No Job—Hi! Veteran," by Larry D. Hatfield in the June 6, 1971, San Francisco Examiner and Chronicle:

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 2091

A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Employment and Readjustment Act of 1971".

JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE

Sec. 2. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—Job Counseling, Training, and Placement Service for Veterans

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a person who served in the active military, naval or air service during any war or after January 31, 1955, and who was discharged or released therefrom with other than a dishonorable discharge;

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of Veterans' Employment Representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purpose of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of Local Offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for veterans' employment representative and his assistants.

§ 2005. Cooperation of Federal Agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of Funds for Administration; Authorization of Appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative Controls; Annual Reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and Coordination With the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ------------------------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ------------------------- 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement service for Veterans ------------------------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ------------------------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

READJUSTMENT COUNSELING

Sec. 3. (a) Subchapter II of chapter 17 of title 18, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. Eligibility for Readjustment Medical Counseling

"The Administrator, within the limits of the Veterans' Administration facilties, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military, naval or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such veteran in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"612. Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical assistance."

VETERANS' EMPLOYMENT PREFERENCE UNDER FEDERAL CONTRACTS

Sec. 4. (a) Any contract entered into by any department or agency for the purchase of goods or services for the Federal Government shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give a preference to disabled veterans and to veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the furnishing of goods or services to the United States. A contractor or subcontractor shall be required to give an employment preference to a veteran under this section for any job only if the veteran otherwise meets the qualification for such job. The President shall implement the provisions of this section by promulgating regulations within sixty days after the date of enactment of this Act.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to granting employment preferences to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred by such service to the Office of Federal Contract Compliance of that Department. That Office shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) As used in this section—

(1) The term "disabled veteran" means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

(2) The term "veteran of the Vietnam era" means any veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

(3) The term "department or agency" means any department or agency of the Federal Government and any federally owned corporation.

ACTION PLAN FOR THE FEDERAL EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS

Sec. 5. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 42—Employment of Disabled and Vietnam Era Veterans.

"Sec.
"2011. Definitions.
"2012. Action plan for employment of disabled and Vietnam era veterans.

"§ 2011. Definitions.

"As used in this chapter—

"(1) The term 'disabled veteran' means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means say veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

"(3) The term 'department and agency' means any department or agency of the Federal Government and any federally owned corporation.

"§ 2012. Action plans for employment of disabled and Vietnam era veterans.

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Service Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every department and agency. Such action plan shall be promulgated within 90 days after the date of enactment of this section and shall be published in the Federal Register.

"(b) Each department and agency shall be responsible for implementing the action plan promulgated under subsection (a) of this section and shall, within 60 days after the promulgation of such plan, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate such action plan. Each department and agency shall consult with the Administrator in order to achieve such consistency and uniformity as may be feasible.

"(c) Each department and agency shall submit a report to the President each year on or before March 30 indicating the extent to which the action plan referred to in subsection (a) of this section has been implemented by such department or agency during the immediately preceding calendar year. The President shall submit a report to the Congress each year on or before May 1 indicating the extent to which such action plan has been successful during such calendar year. The President shall include in such report statistics showing the extent to which each department and agency has complied with such action plan during the preceding calendar year."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by adding at the end thereof a new item as follows:

"42. Employment of Disabled and Vietnam Era Veterans—2011".

(a) The table of chapters at the beginning of part III of title 38, United States Code, is amended by adding at the end thereof the following new item:

"42. Employment of Disabled and Vietnam Era—2011".

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Sec. 6. (a) Paragraph (2) of section 8521 (a) of title 5, United States Code, is amended by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a comma and the following: "but in specifying the pay and allowances for servicemen in pay grades of E–5 and under, the Secretary of Labor shall increase by $100 the monthly pay and allowances which would otherwise be specified for each such pay grade;".

Sec. 6. (b) Subchapter II of chapter 85 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8526. AUTHORITY TO DRAW AGAINST FUNDS FOR SUCCEEDING FISCAL YEAR

"Notwithstanding any other provision of law, if after December 31 of any fiscal year the Secretary of Labor determines that insufficient funds have been appropriated for the payment of unemployment compensation to ex-servicemen under this chapter, he is authorized to draw against the funds appropriated for such purpose for the succeeding fiscal year to the extent necessary to make timely payments of unemployment compensation to ex-servicemen required by this chapter."

(c) The table of sections at the beginning of chapter 85 of title 38, United States Code, is amended by adding at the end thereof the following:

"8526. Authority to draw against funds for succeeding fiscal year."

(d) The amendments made by this section shall become effective on the first day of the first calendar month which begins after the date of enactment of this Act.

ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER CERTAIN FEDERAL PROGRAMS

Sec. Any amounts received as pay or allowances by any person while serving on active duty in the military, naval or air service of the United States, and any period of time during which such person served on such active duty, and any amounts received under chapter 11, 13, 31, 34, or 35 of title 38, United States Code, by a veteran of any war (as defined in section 101 (12) of title 38, United States Code) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds.

FUNDS FOR THE VETERANS OUTREACH SERVICES PROGRAM FOR FISCAL YEAR 1972

Sec. 8. Notwithstanding any other provision of law, in addition to the sum of $17,295,000 appropriated to the Veterans' Administration for general operating expenses for carrying out, during the fiscal year ending June 30, 1972, the Veterans Outreach Services Program, provided for under subchapter IV of chapter 3 of title 38, United States Code, there is hereby reserved out of the funds appropriated to the Veterans' Administration for general operating expenses the additional sum of $12,539,000 for carrying out the Veterans Outreach Services Program during such fiscal year.

REDUCED AIR FARES FOR CERTAIN VETERANS

Sec. 9. The last sentence of section 403 (b) of the Federal Aviation Act of 1958 is amended by inserting immediately before "ministers of religion" the following: "persons who served in the active military, naval or air service and were released or discharged therefrom on or after August 5, 1964, with other than a dishonorable discharge for a period of one year following the date of such release or discharge and to".

[From the Evening Star, June 15, 1971]

BUT NO RIGHT JOBS

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job well in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veterans' Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better," Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 per hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson. Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

COULDN'T RESUME JOB

Previously a microfilm worker with the U.S. Passport Office, he was unable to get his job back after war service because he had held it less than 90 days before being drafted.

"Most of the guys said it wasn't hard finding a job, just go to the VA," he said. "Then when I got home, I found seven or eight guys, out of the service a couple of months, they couldn't get jobs either."

McNeill's attitude was like that of many other D.C. veterans. Someone told them their job troubles were over because they were veterans.

Cornell Talley's brother-in-law, sitting on the record player in the little apartment, had a little philosophy to offer.

"I told him he hadn't any use getting married the way things are now," he observed. "For a long time, Cornell would go out at 6 a.m. It was always the same thing—'You come back later,'" the brother-in-law said.

ON HIS OWN EARLY

At the age of 15, Talley was an assistant baker at the Hot Shoppes bakery here after leaving high school. Later he joined the job corps where he learned painting, and he was on his own with his own apartment early in life. "I never did mind working," he said, "but I don't like to work for nothing with no future in it."

There is a sort of righteous anger in Talley's talk, even though he's free to admit he was exposed to little danger while serving his country. "When a man comes back from the Army, he feels, you know, like he wants to make up for being away. And then he gets on that dead end road," he said.

"In Germany, I was an inventory clerk, I was a supply specialist, I could run a whole warehouse all by myself," Talley recalled, with some doubt in his voice. "I guess I'll just take that job, whatever, it is, and take it from there."

[From the San Francisco Examiner & Chronicle, June 6, 1971]

DEATH, DOPE, NO JOB—HI! VETERAN

(By Larry D. Hatfield)

They say it is a war without heroes.

They may not be heroes but they're American fighting men and they're coming home.

And although the vast majority slip quietly back into the civilian mainstream, many are coming home from Southeast Asia with problems—problems with drugs, jobs, broken bodies and simply adjusting to life again in the United States.

They are Frank Demarco and Steve Smith and Jim and Bill and Jesse Richards and Charles Turney and others like them. Here are some of them:

Steve Smith (not his real name) was born in Vallejo Sept. 17, 1950. He died in a dingy apartment 20 years, four months and 12 days later.

Good-looking, a fair athlete and an average student, Steve was graduated from high school in June, 1968, and after working on an uncle's ranch in Montana through the summer, he enlisted in the Army.

"It's what he wanted to do," his mother says. "He didn't have any thoughts about the war. He just didn't want to go to college and the Army seemed the thing to do."

Steve went to Vietnam as a "combat engineer" and was there for about a year before the Army quietly let him out just short of his 20th birthday and a year before he was due for discharge.

"He had a problem with heroin that started over there," his father said last week. "He didn't try to keep it from us—he really could not very well because of the Army business—but I think he really wanted to stop."

Steve moved back with his parents and five younger brothers and sisters in Vallejo, but he was different.

"I know it must sound odd for me to say it but one of the things I noticed most about how he had changed was that he went to Mass and confession after he came back," his mother said.

"He didn't go regularly before, you see. I don't know why that should bother me. I think he was having a hard time relating to whatever happened over there . . . either the war or the drugs."

His father added, "He didn't—wouldn't—talk much about the war. I remember once he said he didn't think the Vietnam people cared who was in charge as long as they were left alone. And once he told me about how easy it was to get drugs. He told me they sell it on the streets, right out in the open."

"SCARED WITHOUT IT"

Steve did want to kick his "smack" habit, his father says, "but I think he was really scared about getting along without it."

His father and a physician who was a family friend finally talked him into entering a private hospital for treatment of his addiction but the day before he was due to go in, he split.

A while later, his parents got a letter mailed in San Jose telling them he thought he could work out his heroin problem by himself

"He also said he was going to enter Santa Clara University," his mother said. "I think Steve thought that would assure us he was straightening out."

Two months after that, they got another letter from their son. It read:

"Dear Mother and Dad—There is no way I can explain to you what I've seen or what I've done. I can't even explain it to myself but you always said I was one of the denser types (ha! I didn't know I could laugh anymore). You won't understand what I have to do but I hope you can try. Or forget. Dad, you always said god looks after little dogs and lost children. My god, I hope you were right. Please forgive me. Love Steve."

Late in January. Steve turned up at a friend's apartment in Southern California. On Jan. 29, he stuck a gun in his mouth and pulled the trigger. Suicide.

* * * * *

Dr. Richard Seiden, an associate professor of behavioral science at UC Berkeley and an authority on suicides, says he has no figures on suicides among returned Vietnam veterans.

"I have no information that there is an 'epidemic' of suicides or anything like that," he said. "But the epidemic of heroin addiction certainly has self-destructive aspects to it."

Dave Wellisch, coordinator of psychiatric services at the Haight-Asbury Free Clinic, says many veterans who come there are hooked on heroin "are very suicidal."

"SUICIDE A WAY OUT"

"They don't have the street skill to round up enough to support the addiction they started on high grade stuff over there," Wellisch said, "and they get very suicidal. The trauma of Vietnam has really frightened these guys and heroin is a good way to put that to sleep."

Skip Gay, director of detoxification at the clinic, added that suicide may be the only way out for some of the heroin-addicted returnees:

"A lot of them are white middle-class individuals who are not sociologically attuned to going out and engaging in the day to day hustle to support their habit."

* * * * *

Frank Demarco survived. He didn't come back with a dope habit but he came back with a problem—memories of buddies "blown into a few little pieces" and the resulting hate for the people "we were supposed to be defending."

A native of The City and graduate of Daly City's Jefferson High, Demarco, 25, is now para-physician at Fort Miley Veterans Hospital. He was a Navy Corpsman and served with the First Marine Division near Da Nang in 1968 and 1969.

Unlike many returning veterans, he didn't have any trouble getting a job when he came back. "They need the people who were corpsmen over there to take care of all the torn up guys coming back," he said.

Demarco feels some guilt about what the war did to him. "When I was over there, I became very case-hardened. I am pretty easygoing, but I started to hate the Vietnamese people with a passion.

"I wanted to help them but after awhile, I realized these people didn't have any loyalties. They'd blow up a Marine then act as if you were their friend.

"We'd catch a little kid or an old lady planting a mine, then we'd go into their vill' (village) and the same people would treat us like they were friendly."

"VIETNAMIZATION ONLY WAY"

Demarco thinks President Nixon is the best possible man to have in the White House now. "I think the Vietnamization program is fantastic. It's the only way we can get out of there. I don't think it could go faster. The ARVN are not too good fighters."

"I'd vote for Nixon. I think his awareness about all the problems of the U.S. is very good. I think he tries to alleviate problems."

Although he has "readjusted" to civilian life, Vietnam still haunts Demarco part of the time.

"After awhile it gets to you . . . you see a couple of Marines get blown to bits and you can understand My Lai . . . yes, women and children too . . . I wanted to kill those people."

* * * * *

The Army Provost Marshal's office in Saigon has said there are 30,000 to 40,000 GI heroin addicts in Vietnam—one in 10 Americans there. The report has since been classified but some experts estimate the addiction rate as high as one in four.

Dr. Joel Fort, a Bay Area authority on drug addiction, thinks the U.S. is not dealing with the problem effectively.

"When you consider the way this war has been 'staffed,' the problem gets much bigger. Say that if in the 10 years we've been over there, we've sent three million people through there. If just 10 percent of them tuned on to heroin, that's 300,000 and that's a very conservative estimate. I think it is likely more than that."

He says the Army "is dealing with it in characteristic style, by (first) denying it exists . . . and then resorting to punishment. The Army and the government has not attacked the sources and it could easily do it in South Vietnam and Thailand.

"WITHDRAW ALL AID"

Fort called for withdrawal of "all military and economic aid from any government involved in heroin production."

Wellisch of the Free Clinic agrees and adds some other ominous information:

"We've had at least 200 returned veterans on heroin come to us in the last year. That's about 10 percent of the everybody we've seen here. But it's not just the veterans, it's their wives too. And it's getting worse."

Fort and Wellisch both said one of the major problems in dealing with the returning addicts is the fact that their addiction resulted from a much purer heroin than is available on the street here. "It is a much heavier addiction," Fort said.

Ironically, one of the relatively few attempts by the government to deal with the addiction problem is meeting only limited success.

The Palo Alto Veterans Hospital, which has pilot drug programs for veterans now under way, last week was putting out calls to street clinics to steer addicts to them.

Also, the Veterans Administration is negotiating with the Haight-Asbury Free Clinic on a contract to treat addicted veterans. "The government is dealing with it any way they can," Wellisch said. "And they just don't know where to turn."

* * * * *

Vietnam isn't the only place GI's are getting hooked. Jim (he wouldn't give his last name because of his narcotics background) is a 23-year old Polytechnic High graduate who enlisted in the Air Force in 1966 "to get away from home."

He did tours in Thailand, Okinawa and Korea and picked up a trade as a jet engine mechanic. He also picked up a dope habit that recently was running him $40 a day and up.

Jim smoked a "few joints" in high school but didn't really turn on regularly until his service buddies introduced him to opium-soaked marihuana.

"A NICE ESCAPE"

"It was a nice escape," he said last week at a counseling session at the Free Clinic.

After Thailand and its steady supply of opium, Jim said, "I went to Okinawa and that's when my trip really started to fall apart. I got hung up on amphetamines for about six or seven months and got back into grass again . . . and acid (grass was cheap and acid went for $10 a tab)."

Officers as well as enlisted men partook, he said. "I had an officer who was an acid head and saw pilots who were grass heads. There was a psychiatrist who was a head and who was getting guys out of the service until they caught him."

He then turned to heroin. "I never got strung out but I was a heavy user. That's it. I came home and things started falling apart."

He returned to the Haight where he grew up "and I found some of my old high school friends on smack." This along with his trouble in finding a job and his parents' separation, promoted his own smack habit.

He's now married, has a parttime job and plans to go back to school. "I've got my head straightened out now. I do have something going for me and I always did. I wish I'd realized it sooner. I know now what I want to do."

HABIT IN KOREA

Bill, another veteran being counseled at the clinic, served from 1966 to 1968 and picked up his drug habit in Korea.

"I got turned on to grass . . . tried heroin a couple times (snorting, not mainlining) . . . and a lot of seconal . . . the prostitutes got it for the GIs but it was American-made pills."

When he was stationed in the southern part of South Korea, he said, "the brass got pretty hot about it. But up north (when he was stationed in the DMZ at Panmunjom), the brass was like your mother, they really didn't want to find out what you were smoking."

About 50 percent of the men in his unit were into drugs of some kind, he said.

Bill belonged to a military police unit.

* * * * *

Drug and psychological problems aren't the only things facing returning vets. Many can't find jobs, either.

"It's getting so whites are now having as much trouble as minorities finding jobs," says F. F. Bradley, contact officer at the VA's Veterans Assistance Center here. That means the job market is tight.

The Veterans Center does a superb job in finding veterans jobs and offering many other services, but Bradley says the tight job picture and San Francisco's limited size makes it difficult. "One thing is that 30 to 38 percent of the men coming in here are from out of state."

It has been suggested by some, particularly unemployed veterans, that prospective employers are turned off at the idea of hiring a Vietnam veteran.

"VETERANS PREFERRED"

E. W. Christensen, the VA's regional director, denies this, saying. "Employers are very interested in the Vietnam vet. Most employers have youngsters of their own and these veterans are a little more mature. The employers are not discriminating. In many cases, they prefer him."

Bradley says colleges also report the veteran makes the best student.

Christensen, while recognizing there are different types of problems facing Vietnam veterans than those which faced Korean and World War II vets, says he thinks the "profile" of the Vietnam vet is much the same as previous wars.

"A relatively small percentage of Vietnam veterans have serious problems in the long run," he says. "In this area, they are pretty much the solid citizen. By and large, I would say the problem percentage is relatively small."

(The Veterans Center at 49 Fourth St. offers job help and other assistance to veterans. The phone number is 556–3570. Similar services for vets from non-public agencies are available at Fort Help at 10th and Howard, phone 864–HELP.)

* * * * *

Jesse E. Richards, 20, grew up in Nashville and served in the Army from April 1968 to April 1971, 14 months of it in Vietnam.

He's out now, can't find a job and is bitter.

"It feels kind of bad," he said while waiting for an interview with a VA job placement counselor. "I served my country like all patriotic people are supposed to do and people won't hire me.

"People are screaming 'bring them home' but when they do, the same people will be screaming 'send them back.' "

He wants to be a cop but feels the San Francisco Police Department is showing preference to non-veterans.

The police department and other potential employers, Richards says, "look at someone from the 'mod generation' and say 'we'll take him.' But this one (the veteran), they say 'he's been overseas and might go beserk. Or he might have some disease.' I don't feel we're being treated right."

(Capt. George Eimil, director of recruiting for the police department, said the department does not discriminate against veterans.

("In fact," he said, "27 out of 51 graduates in the last (police cadet) class were veterans and 29 out of the 66 in training now are veterans." He said the department has no policy of preference for either veterans or non-veterans, adding: "Most of the veterans, as a matter of fact, turn out to be superior applicants because they have been exposed to the discipline of the services.")

"COME BACK TO NOTHING"

Richards' attractive wife, Janie, who also is looking for a job ("Unemployment is not enough to feed a dog," her husband says), added: "It's pretty bad. These guys lost so many years of their lives and then come back to nothing."

Young Richards says he'll take whatever job comes along. "I need one. I don't care what it is. But the interviewers kind of sit away from you and tell you in a roundabout way they don't really want you there.

"I've never taken drugs, except what doc gave me and that wasn't enough to make a fly drunk but I guess they figure you been over there, you're some kind of drug addict. They treat you like animals."

* * * * *

Charles Turney, 29, grew up in Columbus, Ohio, Detroit, Mich., and other places, and he has even more of a job problem than young Richards. He's black.

He served in the Marines from 1959 to 1965, got out, then went back into the Army in 1968 because "I just wanted a job."

Trained by the military as a draftsman, he served as a helicopter door gunner near the Cambodian border.

He got out last Sept. 5 and finally got temporary Christmas work at the Post Office. He was laid off on Christmas Eve. He then worked two months as a rod man on a survey team but the job ended.

JOBS ARE HARD TO FIND

"Since April, I've been to every major company in San Francisco looking for a job," he says. Currently, he's making do as a low-paid file clerk at the VA. The temporary job, he said, "is just something to keep me eating."

He blames his trouble more on the economy than on his color. "And when you tell someone you were on a hunter-killer team, they get sort of skeptical. You always get a good reception at the interview but they never call you back."

The war, he said, "was just a job to me." He has no strong opinion for or against it now but he thinks many critics here "just don't know what they're talking about."

He thinks maybe the troops are coming home too fast. "You come back and there's nothing here for us. One day you're in 'Nam, then in 24 hours you're over here, they process you and say 'bye and you have to make it."

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. McGOVERN. Mr. President, fair prices for grain are basic to the farm price structure.

Consumers do not benefit through declines in grain prices. With the farmer receiving only 2 or 3 cents as his share of the loaf of bread, an increase in grain prices does not appreciably affect the cost of a loaf of bread or puffed wheat.

What is needed is a fair and stable grain price which will both help to keep farmers in business and at the same time provide for an ample reserve supply, not simply of grains alone, but also of meat, milk, and poultry.

Extreme variations in the price of live pork in recent months, with pigs bringing as little as $15 per hundredweight, did not mean lower pork prices for the consumer. However, these low prices did force many pig producers out of business.

An increase in cash corn prices saved some farmers, but this increase was due to shortages caused by the corn blight. Another saving factor has been a live cattle market which somehow refused to drop more than 15 percent.

There is considerable truth in the saying that cheap grain means cheap meat. The large increase in the number of pigs produced which caused the low pig prices can be traced back to cheap feed prices. Before the corn blight, the price of feed had dropped so low that farmers believed the only way they could master the situation was to increase pig production by feeding them their grain instead of marketing the grain.

In the first quarter of 1971, 22 percent more pigs were marketed than in the first quarter of 1970. This oversupply is declining. By July, the forecast is for only a 5- to 7-percent increase over 1970. In September, the supply will probably be 5 percent to 7 percent less than in September of 1970. Barrows and gilts yielded $21 to $22 per hundredweight in September of 1970 and should be back to that level this September.

However, there is a serious problem in the feed and hog situation which could lead to another period of overproduction of feed grains and cause the whole low-price cycle to return.

Under the set-aside farm program, farmers have planted some 10 to 11 million more acres than in 1970 as a hedge against the corn blight.

If the corn blight does not hit this year, we will have a tremendous oversupply of feed grain. There is some evidence the blight has returned, and while it is too early to predict how severe it will be, we do know there will be a sufficient supply of blight-resistant seed corn for the 1972 crop.

But if the blight does not come this year or if acres planted to crops stay at the same level in 1972, the result will be bankruptcy for thousands of farmers.

Corn prices are currently well above the loan level and prices of other feeds are comparable. But if the level of production we have set for 1971 comes through, we will have more feed grains than we will use, thereby adding a substantial quantity to stocks.

In 1966, we had both high exports and domestic use of feeds. The result was a reduction in our carryover stocks. Corn prices were well above the loan level. Following the cut in reserves, a larger crop was produced in 1967 which we thought would be added to the reserves.

But the moderately larger 1967 crop caused the market level to fall below the loan level for the first 5 months of the marketing year. The loan rate was $1.05 a bushel. The U.S. average price the first 5 months was $1.03, but the average for the year was $1.07 per bushel.

If we have a crop this year which meets our needs for feed grains and adds somewhat to the reserves, prices will again fall below the Government loan level.

I am tired of empty rhetoric about agriculture. Although I do applaud the recent attention that has been focused on the plight of farmers, we need some action now, this year.

I am introducing a bill which will put the price-support loans on feed grains and wheat up 25 percent in any year that the crop is expected to add to reserves, or carryover stocks. It would apply for this year's crops.

I would much prefer a bill which raised the minimum price-support level for wheat and feed grains by 25 percent as a permanent provision and then add 25 percent during years of reserve building. However, this bill is offered in the realm of what we might attain in view of the administration's low-price, high-volume policy.

This bill should not cause massive surpluses because the Secretary of Agriculture retains the authority to order a set-aside of up to 100 percent of the domestic allotment for wheat and 50 percent of the allotment for corn when he deems it advisable to limit production of those commodities. What it would do is protect both the farmer and consumer against wild price fluctuations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 346, a bill to encourage the development of new job-creating industries in rural areas.

S. 364

At the request of Mr. Moss, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 364, a bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purpose of the act.

S. 831

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 831, the Personal Safety Firearms Act.

S. 1145

At the request of Mr. Moss, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1145, a bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes.

S. 1163

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1163, the Nutrition Program for the Elderly Act.

S. 1305

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1305, a bill establishing a National Legal Services Corporation.

S. 1437

At the request of Mr. CANNON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

S. 1483

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of S. 1483, a bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, and for other purposes.

S. 1525

Mr. BEALL. Mr. President, on April 14, 1971, Senator MATHIAS, Senator HATFIELD and I introduced S. 1525, to provide for the expansion of the Antietam National Battlefield in the State of Maryland and for other purposes.

I am pleased that Senator GAYLORD NELSON has joined in cosponsoring this measure and I ask unanimous consent that at the next printing of the bill his name be added.

S. 1839 AND S. 1840

At the request of Mr. CANNON, the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. BENNETT), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. ALLOTT), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1839 and S. 1840, bills pertaining to the Federal Government's purchase of recycled materials.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from South Dakota Mr. MCGOVERN), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2037

At the request of Mr. CURTIS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2037, the Revenue Sharing for Public Assistance Act.

S. 2062

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2062, a bill to change the name of the Nebraska National Forest to the Samuel R. McKelvin National Forest.

SENATE CONCURRENT RESOLUTION 31—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971"

(Referred to the Committee on Rules and Administration.)

Mr. PELL (for himself and Mr. JORDAN of Idaho) submitted the following concurrent resolution (S. Con. Res. 31) which reads as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1971", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there by printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

HIGHER EDUCATION AMENDMENTS OF 1971—AMENDMENTS

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. WILLIAMS. Mr. President, in the last several months, the Education Subcommittee of the Labor and Public Welfare Committee, chaired by the distinguished junior Senator from Rhode Island (Mr. PELL) has been hearing testimony on the Higher Education Amendments of 1971. In this time, we have heard testimony from a great range of witnesses comparing aspects of various bills introduced by Senators PELL, PROUTY, MONDALE, JAVITS, HUMPHREY, DOMINICK, CHILES, and myself. Foremost in this testimony have been two critical problems: The need to alter and increase our commitment to alternate forms of student assistance, and the parallel need to provide some form of institutional aid to our colleges and universities.

Many alternate formulas to deal with both of these problems have already been suggested, all of which have received criticism from one group or another that have appeared before us. Because I believe that our decisionmaking process can only benefit from this criticism and exchange of ideas, I am today introducing three amendments to S. 659, so that we may consider a number of problems that the proposed legislation has not yet dealt with. These three amendments propose changes to the institutional aid formula, the student assistance formula and to title VII, for construction of facilities. I would like to take some time to explain each of these amendments.

INSTITUTIONAL AID

For some time now, thoughtful leaders in the field of education have been concerned over what appears to be an approaching crisis in our institutions of higher learning. In a report commissioned by the Carnegie Commission in late 1968, that commission reported the following:

> Although the financial impacts have differed, most institutions have by now had to absorb so many of . . . pressures that formerly available margins in facilities and resources have been depleted. These institutions are now being forced to choose among the alternatives of limiting enrollments, raising tuition fees, postponing expansion and new programs, or allowing quality to deteriorate. These alternatives are already being employed in varying degrees throughout higher education.

This statement has since been well documented by further studies, reports from universities around the country, and by various groups that have testified before us here in the Senate. In a striking series of hearings held before the Education Subcommittee, chaired by my good friend and colleague, the distinguished junior Senator from Rhode Island, we have been further impressed that this crisis affects all schools, private and public, college and university, 2-year and 4-year.

While our public institutions are under greater strain, because of a need to keep tuitions as low as possible, because of tight State budgets and because of the inability to rely on individual contributions, we are finding that the private universities and colleges of this country that have contributed so much to this country's history are having to cut back on enrollments, and delve into capital funds to keep their institutions running. For example, the American Council on Education has reported that in New York State alone, the five largest universities have invaded their capital funds to the sum of $77 million. This situation has been worsened by the cutback in foundation and Federal Government support for grants and research which for so long had eased the problem of increasing enrollments in undergraduate and graduate curriculums for private institutions by freeing funds to be used for other purposes.

Facing this problem, I believe that we in the Senate have come to believe that the Federal Government must take up a greater proportion of financial support to institutions, and that we have a greater responsibility to support our higher educational system than the 20 percent of total support which is the current Federal contribution.

Immediate action to provide this institutional support has been delayed, however, by increasing agreement on the need for reform within higher education itself. The Carnegie Commission in its series of reports has come down hard on the need to provide greater equality of opportunity for all of our young people, and for the need to provide a greater diversity of educational styles and forms for all of our population. Most recently, the Newman Task Force has cautioned us further about the need for reform, and that the simple expansion of the present system of higher education "will not provide meaningful education for the ever-broader spectrum of students gaining entrance." Thus, while this report adamently supports and encourages the Federal Government to increase access for disadvantaged students and to make it easier for these students to go to school, it likewise warns us that our present system of education is not adequate for this task and that we must encourage diversity of public and private institutions. Higher education must become more sensitive to public concern and public needs for education.

Mr. President, we have come to realize that the crisis in higher education finance requires the Federal Government to provide substantial institutional support for all of our universities and colleges. It is incumbent upon us not only to provide this substantial support so that our schools may continue to give quality education, but to search for formulas for this aid that may both encourage and support reform within higher education, while insuring a flexible structure and a suitable relationship among all levels of government and the university.

Several higher education associations and other interested individuals that have appeared before the Education Subcommittee have presented testimony which provides guidelines for institutional aid that we might examine. They suggest:

That all institutions be able to take advantage of a Federal program of institutional support;

That the formula be simple so that it is easily applied and bypasses the difficulty of determining costs of higher education;

That the formula assist both graduate and undergraduate education;

That the formula encourage schools to enroll the disadvantaged and lower income students;

That the formula encourage diversity in form of education;

That the formula must not provide "across-the-board" aid, but offer incentives to schools to accommodate the needs of students and society as a whole; and

That the formula be assessed as to the future implications of any structure created, and the future relationship between local, State, and Federal governments and the institution.

These are hard guidelines to meet, and no formula will meet them all equally well. They do, however, provide us with a set of goals toward which to work, and against which to measure our achievement. In view of these guidelines, I would like to offer for the Senate's consideration a formula which appears to deal effectively with the parallel problems of the need for institutional aid and the need for reform within higher education. I propose that—

First. For the first 2 years of undergraduate education, the college or university receive $1,000 per student per year for each full-time student or full-time equivalent receiving the "basic opportunity grant" under S. 659.

Second. That the college or university receive $300 per individual who receives a baccalaureate or equivalent degree.

Third. That the university receive $200 per graduate student enrolled in 12 hours of course work, and $100 per student who receives a terminal graduate degree.

This formula would provide aid to all institutions, for both graduate and undergraduate instruction, and would be fairly simple to administer. By tying the grant to the students receiving "basic opportunity grants" for the first 2 years, the formula would encourage schools to enroll lower- and lower-middle-income students and would create a competitive factor among schools, thereby increasing access to all forms of quality education institutions for these students. The grant for these first 2 years would be higher than in later years in order to pay institutions for the higher cost of instruction for disadvantaged students, and to help them provide supportive and remedial educational services. Finally, by tying the grant to the student, the formula would encourage institutions to alter their curricula, and give them incentives to reform in order to be more responsive to these students.

By providing an additional grant to an institution for every baccalaureate graduate, the formula recognizes the expense to the university or college of providing quality education to its students, and for investing resources in curricula and improvement of teaching. It encourages an institution to give greater attention to its continuing student body, to be responsive to the students' needs and demands. It also provides an incentive to the institution to follow the disadvantaged student and to be sensitive to his probems in continuing higher education.

By providing support for graduate instruction in the two-page formula, the university woud be rewarded for providing graduate education broadly to those students wishing to continue their education beyond the baccalaureate degree, and additionally be encouraged to be responsive to their graduate students' progress toward an advanced degree.

This formula is appealing because it not only recognizes the financial crisis of the universities and colleges and responds generously to that crisis, but pays a university or college for reforming itself, and gives it a stake in responding quickly and adequately to the need for wider access and greater diversity in higher education. The mechanism that it sets up for the first 2 years of undergraduate training coincides with the thinking behind other formulas here in the Senate and the priorities set by the administration to increase access for the low- and lower middle-income student, by tying those grants only to the student. It likewise avoids the criticism made of an "across-the-board" grant that it would allocate scarce resources to all institutions without regard to which programs and which institutions are suffering the greatest deficit or without regard to which institutions are performing the most needed national services.

The second stage of the formula is more subtle. It would provide grants to an institution for each graduate it produces. Some criticism may be raised to this proposal suggesting that universities and colleges will be encouraged to avoid quality control, and simply produce and graduate as many students as possible.

My response to this critism is threefold. First, I think that we have to rely on the university's or college's dedication to the search for knowledge, and to assume that this preeminent standard which has been the rationale for education for generations will not be abandoned, because we are offering a minimal grant for each graduate produced. Second, there are other sources of control within the higher education institution itself which militate against such a reduction in quality. I cannot imagine, for instance, that a department of faculty members devoted to imparting knowledge would agree to reduce standards in their discipline in order that this institution might receive an additional minimal grant. Those faculty members have too great a stake in their field and in the training that they have undergone and are passing on to their students to agree to such a reduction. I think the very pride that most of these members have, in their own profession and that they have in themselves will work against this outcome.

Finally, I believe that the students who are receiving this education will play a great role in preventing such an outcome. For to assume that this reduction of standards will come to pass, also assumes that most students care not at all about the quality of education that they are receiving. I think that our recent experience with student discontent in higher education suggests the contrary. More to the point, it is the large institutions in higher education that would be most open to this criticism because of the large numbers that they educate. Yet, it is these very institutions where students have been most concerned over the quality of education that they are receiving, and the virtual anonymity of the process that they undergo for 4 years. It is also these same institutions where the separation rate is high in the first 2 years, because of the lack of individualized attention. It seems reasonable that this formula would encourage these institutions to be both more attentive to the quality of education that they provide, and responsive to the needs and complaints of their students.

Furthermore, Mr. President, when Secretary Richardson appeared before the subcommittee on June 9, he did not propose a formula for institutional aid, but suggested a series of guidelines for the Senate to consider in making their difficult decision on institutional aid. I believe that this formula responds to all of those guidelines in a sensitive and responsible way. Secretary Richardson proposed that—

> Institutional aid should be related to the effort an institution was making in performing recognized national purposes;
>
> Aid should support those institutions most in trouble;
>
> Aid should not produce major reallocation in aid that has traditionally gone to institutions from other sources; and
>
> Aid should not impose a uniform bias as to how higher education should be provided.

Because the formula that I have proposed provides some aid to all institutions, and for all levels of education, it avoids imposing a bias for a particular form of education, and will provide aid to those institutions most in difficulty. However, the bulk of the aid will go to those institutions which have responded to the need of increasing access for students who have previously had trouble in financing their education.

In summary, Mr. President, I believe that this formula very much deserves the attention of the Senate. I enter it today as an amendment to S. 659, the Higher Education Amendments of 1971, for the purpose of consideration and debate by the Senate as a method of easing the financial crisis in higher education, and a first step toward reform and change of our institutions.

Second, I am proposing an amendment to the student assistance formula that increases the highest level of the "basic opportunity grant" from $1,200 to $1,500.

I offer this amendment because I believe we need to investigate further whether the limit which we have focused on in the past actually provides aid for all of the students who need it.

I believe that we have agreed, Mr. President, that students from the lowest income groups presently are disadvantaged in their opportunities for higher education. We have agreed that they should be given a basic grant to be used for their education, and that universities should be encouraged to open their doors to these students and to lower middle-income students. But in doing this, we must not lose sight of the fact that middle-income students are having an increasingly difficult time in paying the cost of higher education. Our primary goal is to increase access and opportunity to higher education, but in pursuing this goal, we must insure that we are not producing undue hardship for students who are just over the limits that we have established. I am including, as an example, one set of data from an article in Financial Aid News, August 1970, written by Edward Sanders and James Nelson of the College Entrance Examination Board staff.

These authors have estimated distribution of Federal student aid by family income, using averages of educational costs for low- and average-priced institutions, and for private institutions. These cost figures are $1,700, $2,160, and $2,950, respectively. The following two tables from the article are informative. The first calculates estimated deficits in resources to meet college costs when only Federal funds and estimated family contribution are included as student aid. As table 1 indicates, even with Federal aid, low-income students have difficulty paying the costs of education. But all students from $0 to $15,000 have difficulty paying the costs of private institutions, and students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive:

TABLE 1.—ESTIMATED DEFICIT IN RESOURCES NECESSARY TO MEET COLLEGE COSTS

Income group	Average total funds from EOG, NDSL, GLP, CWS, college job, added to family contribution[1]	Deficit according to type of college Low-priced ($1, 700)	Average ($2, 160)	Private ($2, 950)
$0 to $2, 999	$908	$792	$1, 252	$2, 042
$3, 000 to $5, 999	$622	1, 078	1. 535	2, 328
$6, 000 to $8, 999	$308+$400	992	1, 452	2, 240
$9, 000 to $11, 999	$298+$1,000	402	862	1, 758
$12, 000 to $14, 999	$182+$1, 560	0	718	1, 202
$15, 000 and over	$0+$2, 200 to $3, 000	0	0	2

[1] Based on parent contribution expected by the College Scholarship Service for families with 2 or 3 children.

When these deficits are discounted for aid received from other sources such as universities, corporations, social security, and the GI bill, some of this problem disappears, but it does not vanish completely. Note that table 2 only calculates deficits for average cost institutions—not for private institutions. Once again, it is reasonable to conclude that students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive, that they are priced out of private institutions and that even students up to $15,000 income are priced out of private institutions.

TABLE 2.—ESTIMATES OF THE 1969–70 PER STUDENT FINANCIAL AID DEFICT FOR UNDERGRADUATES

Income group	Total EOG, loans, and work	Institutional, State, and corporate grants	Social security and GI bill	CSS expected parent contribution	Total assistance available	Deficit at college of average cost ($2,160)
0 to $2,999	$908	$194	$560	0	$1,662	−$498
$3,000 to $5,999	622	160	290	0	1,072	−1,088
$6,000 to $8,999	305	60	104	$400	869	−1,291
$9,000 to $11,999	298	81	84	1,000	1,463	−697
$12,000 to $14,999	182	94	74	1,560	1,910	−250
$15,000+	24	0	0	2,200	0	0

This data alone produces enough questions about level of adequate student support to suggest that further consideration is necessary for the student aid formula. Before we make a decision that will have great impact on our educational system, I believe we should question the flexibility of the formula we are undertaking. Does the formula take account of differences in costs in different geographic areas, does it provide enough leeway for special circumstances, does it in fact accomplish what we want it to accomplish? The formula that we have been considering will not provide answers to the deficit figures that I have cited above.

And these figures are for the 1969–70 academic year. Testimony that we have had from higher education associations show these figures are not remaining stable, but are on the increase. Reports from the American Association of State Colleges and Universities' 275 member schools show that the median total cost for the 1970–71 academic year has risen 8.87 percent over the previous year's total cost for in-State students and 6.03 percent for out-of-State students. Similar reports from the 113 members of the National Association of State Universities and Land-Grant Colleges indicate that the median total cost rise for in-State students for 1970–71 was 6.09 percent, with a rise of 7.37 percent for out-of-State students. More alarming is the estimate of increases for NASULGC members for the 1971–72 academic year. They estimate that the median percentage increase for tuition charges to resident students will be a high 18.8 percent and the median percentage increase for required fees will be 18.1 percent.

These increases are for public institutions. Data from private schools are not much different. The Association of American Colleges' report, "The Red and the Black" shows that although these schools have had a 40-percent tuition income rise in 1970–71 over 1967–68, they expect a continuing significant rise in tuition because of a declining pool of applicants for admission. To give you an idea of what these tuition increases look like across the country, let me quote the following figures to you:

TUITION INCREASES FROM 1968-69 TO 1971-72

	1968-69	1971-72
Bodin College	$2,200	$2,700
Chicago	2,100	2,475
Duquesne	1,400	2,000
Cornell	2,200	2,800
Princeton	2,150	2,800
Stanford	1,920	2,610
Knox	2,010	2,606

These are just tuition rises; adding on fees, and room, and board would increase the figures substantially.

In the face of these rising costs, students are less able to support themselves than ever before, because of the economic slump. I have had letters from students all over the country, as I am sure have the rest of my colleagues, reporting that they are having great difficulty finding summer jobs which would provide money needed for the coming academic year. We also know from student financial aids' officers that part-time jobs during the academic year are on the decline.

Mr. President, I believe that these figures demonstrate a clear need for a close look at the student financial aid formula. I am offering this amendment because I do not believe that the present formula will help all of the students who are in need of help, or will help them in a way that will be meaningful in comparison to their increasing expenses.

CONSTRUCTION

Finally, I am offering an amendment to encourage institutions to apply for renovation funds for their facilities, instead of relying on new building programs. I do this, because many institutions have reported to me that they have had difficulty getting funds for renovation moneys in order to replace and refurbish completely adequate structures.

Although the language within the Higher Education Facilities Act, which will now become title VII of the Higher Education Act, allows for "rehabilitation, alteration, conversion, or improvement" or any combination of two of these, I am introducing an amendment to include the word "restoration" in this listing, and will request that the committee write into its report that moneys are to be allowed for restoration and renovation wherever possible, in order to make the intent of this language clear.

Mr. President, I ask unanimous consent that the three amendments be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 167

On page 28, beginning with line 6, strike out all through line 13, and insert in lieu thereof the following:

"SEC. 409. (a) In addition to the amounts paid to institutions for supplementary grants the Commissioner shall pay to each eligible institution for each academic year a cost of instruction allowance which is equal to the total of

"(1) the product obtained by multiplying $ times the number of students in full-time attendance (including the full-time equivalent of the part-time attendance for credit) at such institution during such year who are receiving a basic opportunity grant under this title;

"(2) the product obtained by multiplying $ by the number of students who are awarded baccalaureate degrees (or an equivalent degree) by such institution in such year;

"(3) the product obtained by multiplying $ by the number of students who are awarded graduate degrees (not including any honorary degree) by such institution in such year; and

"(4) the product obtained by multiplying $ times the average full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) during such year.

"(b) No Payment under this section may be made to, or used to support, a school or department of divinity. For purposes of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to be ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

AMENDMENT No. 168

On page 23, line 22, strike out "$1200" and insert in lieu thereof "$1500".

AMENDMENT No. 169

On page 88, line 5, insert a comma and the word "restoration" after "rehabilitation".

FEDERALLY GUARANTEED LOANS TO CERTAIN FIRMS—AMENDMENT

AMENDMENT NO. 170

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment to be proposed by him to S. 1641, a bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest.

EMERGENCY LOAN GUARANTEE ACT OF 1971—AMENDMENT

AMENDMENT NO. 171

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment intended to be proposed by him to S. 1891, a bill to authorize emergency loan guarantees to major business enterprises.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 172

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 173

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, I send to the desk an amendment to H.R. 6531.

The amendment declares a policy of strict U.S. neutrality in the forthcoming South Vietnamese elections and establishes a congressional commission to keep the Congress informed and help implement the policy of neutrality. The bipartisan 10-member commission, supported by a Vietnamese speaking staff, would be in place in South Vietnam at the earliest possible date, charged also with the duty of helping assure the South Vietnamese of our neutrality. The amendment expresses the sense of the Congress that any South Vietnamese regime which acquires or retains power through corrupt or coercive means shall be ineligible to receive U.S. military assistance. It is identical, except for technical changes, to Senate Concurrent Resolution 17, which I introduced with 12 cosponsors on April 5, 1971.

I bring this matter before the Senate now because recent developments indicate that the Congress needs an independent, reliable source of information about our involvement in the forthcoming elections. Press censorship, political arrests, laws to keep candidates off the ballot—all of these occur not on election day, but months before. If we want to know whether the United States is involved in irregularities of this kind, and if we want to convince the South Vietnamese that we are committed to a policy of neutrality toward the forthcoming elections, the way to do it is by establishing an independent congressional commission now.

A decade of war does not need to be crowned with apparent U.S. complicity in a rigged election. After all our protestations about self-determination for the South Vietnamese, we need not be perceived as dictating the outcome of this last Presidential election during our military involvement.

That is the purpose of the resolution—to diminish those risks for ourselves and the South Vietnamese and give them a chance to choose a government before we leave. Whomever the election victors are, they would be better able to deal with the North and govern if they come to power with an appearance of South Vietnamese support, instead of U.S. support.

Earlier this week, I asked Dr. Chester L. Cooper, Director of the Institute for Defense Analyses and author of "The Lost Crusade" for his opinion of the desirability of a congressional commission and the need to establish it now. Dr. Cooper, who recently returned from a 4-week tour of South Vietnam, replied that—

> The sooner a Commission along the lines you propose can be established, the more effective it will be.

I ask unanimous consent that Dr. Cooper's sober and balanced analysis of U.S. policy vis-a-vis the forthcoming elections be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHEVY CHASE, MD.,
June 17, 1971.

Hon. ADLAI E. STEVENSON, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: I am responding to your letter of June 16 in which you ask for my views with respect to the desirability of organizing a Congressional Commission to observe and report on American actions which might influence the course of the forthcoming elections in Vietnam. As you may know, I feel strongly that the Administration has an obligation to both the American and the Vietnamese people to do everything possible to insure that those elections reflect a free and unfettered choice. It would, of course, be unrealistic to expect that elections in Vietnam, or, indeed, in most countries of the world and even in many parts of the United States, can meet the highest standards of an ideal democracy. Nonetheless, our Government, for more than a decade, has related American assistance to South Vietnam to the objective of free choice. It now has a responsibility to insure that the modalities of the forthcoming campaign and the election itself are as fair as possible, recognizing, of course, the limitations imposed by war and dislocation, difficulties of communication and the inadequacies of the mass media in Vietnam.

There are two separate but not unrelated aspects to the problems of a free election:

An American posture and behavior which is scrupulously neutral with respect to the opposing candidates. We must not only be neutral. Like Caesar's wife, we must be Vietnam and in the United States, to be neutral. Like Caesar's wife, we must be "above suspicion."

The United States should use whatever influence it has to assure that the Saigon Government takes the necessary steps, both during the election campaign and on election day, to assure a genuinely free choice. From many points of view it would be desirable if the Vietnamese and the American people were made aware of American efforts in this direction.

It is my understanding that the Commission you propose would be directed toward the first objective. This is laudable and practicable, but I hope that some strong expression of a Congressional interest in the second will also be made clear to both the Administration and the Government in Saigon.

The sooner a Commission along the lines you propose can be established, the more effective it will be. Not only President Thieu but the other presidential candidates as well as aspirants for seats in tht Lower and Upper Houses, should be aware at the outset of their campaigns that the United States will adopt a strictly neutral stance and will cooperate with anyone chosen through a free and fair election. The longer this issue remains in doubt, the more poisonous the atmosphere of the campaign and the greater the chance of opposition candidates stirring up a popular sense of suspicion and hostility with regard to the United States. Over and above this, I would think it would be to Thieu's advantage to be able to make a credible claim that he is not the chosen instrument, or even a puppet of Washington.

The task of the Commission, as I understand it, is clearcut and practicable. The existence of directives to American personnel in Saigon and in the provinces to adopt a strictly hands-off attitude is easily enough determined. More difficult, but still not unduly complicated, would be the task of ascertaining that these directives were adhered to. One assumes, of course, that the Commission's staff would operate with discretion and tact. It should not give the impression that they are a group of "private eyes" snooping into areas of policy or conduct that go well beyond their charter or terms of reference. They will need the cooperation of the Americans in Vietnam and will be unable to do their job without it.

The principal difficulty the Commission will encounter, I believe, will be in separating its narrow function relating to American activities from the broader function of monitoring the election process in general. Arrangements for a careful and effective observation of the election process, involves responsibilities, resources and procedures that go well beyond those of the Commission you are proposing. Moreover, it would entail receiving the formal agreement and the active cooperation of the Saigon Government which I do not think is necessary in the case of a Commission geared primarily to observing American conduct in connection with the election.

In sum, the Commission you propose could have a useful purpose and might have a wholesome, if indirect, effect on the broader issue of free choice in Vietnam. Its early establishment would increase its chances of success. I am sure you would agree that, in itself, the Commission could not exert a significant influence on the modalities of the campaign or the voting process as conducted by the Vietnamese, nor would it be able to pass confident judgment on the credibility of that election.

Sincerely,

CHESTER L. COOPER.

AMENDMENTS 174 THROUGH 197

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN (for himself and Mr. HATFIELD) submitted 24 amendments intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

SUGAR ACT AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 198

(Ordered to be printed and referred to the Committee on Finance.)

Mr. KENNEDY. Mr. President, for myself and Senators BAYH, BROOKE, CRANSTON, HART, JAVITS, McGOVERN, PELL, TUNNEY, and WILLIAMS, I am introducing for appropriate reference an amendment to H.R. 8866, the Sugar Act Amendments of 1971, approved by the House of Representatives on June 10. The purpose of my amendment is to terminate the sugar quota that the United States currently allocates to the Republic of South Africa.

I am firmly convinced that there is no moral or economic justification for the continuation of this $5 million annual subsidy to a Nation that intensifies a system of indignities and human repression that is repugnant to every principle that America stands for. Morally, the case against South Africa is clear and well known to all of us in the Senate. No one in that Republic is free from the savagery of degradation and submission if he is black. The scars of the 1960 Sharpsville massacre still rest heavily on the conscience of all who believe in human justice—South Africa has enslaved its citizens in a system that dehumanizes blacks and distorts the true meaning of life for whites.

Here in the United States, we have long recognized these grave failings in that country's official practices. We have even established policies that claim to insure that our Government will not engage in commerce with such an unjust regime.

Mr. President, I am calling today for the United States to stand behind that pledge.

As the letter from the chairman of the House Agriculture Committee to the nations applying for a sugar quota makes clear, sugar quotas will be extended only to nations that exercise friendly relations with the United States. Specifically, there must be a policy of nondiscrimination against U.S. citizens in the quota country.

We know, however that there is discrimination against U.S. citizens in South Africa. Such discrimination is directly associated with the apartheid system. The most publicized cases of discrimination involve black Americans and others who are public critics of apartheid. Arthur Ashe, Dr. Martin Luther King, Louis Armstrong, and just last month, the Very Reverend Francis B. Sayre, Jr., Bishop William Creighton, and Judge William Booth have all been denied humane treatment at the hands of the South African Government.

In 1967, the Secretary of Defense instructed the commanding officer of the aircraft carrier, *Franklin D. Roosevelt,* to allow his men ashore in South Africa only for activities not subject to apartheid. As a result of this directive, all personnel on board that vessel had no option but to remain on the carrier—there were no activities in South Africa free from the repressive regulations imposed by apartheid.

Over the past 8 years, South Africa has received over $25 million in special subsidies under the Sugar Act. We in this Congress cannot, in good faith, continue to grant such a nation any economic windfall.

Economically, South Africa can demonstrate no reasonable argument that its sugar quota is vital to the well being of the nation's stability. Each year South Africa is guaranteed payment for 60,000 tons of sugar in exports to the United States, a guarantee worth $5 million for that nation's treasury.

Moreover, as interpreted by the House Committee on Agriculture, the U.S. sugar quota has as one of its principal purposes the offer of assistance to underdeveloped countries. While $5 million cannot be termed a significant sum to a nation like South Africa with a gross national product of $20 billion, no country, whether a developing nation or otherwise, would give up its claim to such an attractive bonus.

No argument can be made that South Africa needs to participate in the premium priced sugar market in the United States. South Africa has no significant dependence on sugar as a source of foreign exchange. At recent hearings on the Sugar Act, South Africa's own counsel testified that—

> Sugar exports represent a small percentage of the total South African exports to the world.

In fact, South Africa's sugar exports amount to less than 3 percent of her total export shipments.

Since the United States has established a world quota of sugar production amounting only to 5 million tons for all countries, it makes sense to equitably distribute that amount to those nations that depend heavily on sugar for its exports. For a nation like South Africa, where exports of its agricultural products account for only 10 percent of all of its export shipments, and where sugar is less than a third of that figure, it is impossible to contend that such a nation deserves the benefits or the protection afforded by the quota.

Mr. President, I first introduced legislation to withdraw South Africa's sugar quota in April 1969. Again on January 26, 1971, I introduced similar legislation.

Today, once again on behalf of nine other Senators and myself I am presenting a measure that will bring an end to the needless and undeserving support the United States grants to the Republic of South Africa.

Although, the withdrawal of the sugar subsidy could not be realistically expected to have a significant impact on the economy of South Africa or its policy of apartheid, it is an important sanction against a regime that opposes all that we in this country stand for. Withdrawing the sugar quota for South Africa is one move toward moral leadership that we must take.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

James R. Laffoon, of California, to be U.S. marshal, southern district of California, for the term of 4 years, vice Donald B. Hill, resigned; and

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office, vice Louis F. Kreek, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 29, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON S. 674

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on S. 674, "to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II."

These hearings have been scheduled for July 14 and July 15, 1971, at 10 a.m., in room 2228, New Senate Office Building, Judiciary hearing room, Washington, D.C.

The Department of Justice has initiated administrative procedures to transfer amphetamines and methamphetamines from schedule III to schedule II recently. However, the subcommittee is concerned that it has not included the methlphenidate and phenmetrazine in its proposed action.

In addition, I am concerned that this rescheduling might be unduly delayed and for this reason feel it necessary in holding these public hearings as expeditiously as possible.

Those presently invited to testify are Hon. CLAUDE PEPPER, chairman, House Select Committee on Crime; Dr. Charles C. Edwards, Commissioner, Food and Drug Administration; Mr. John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice; Dr. Maurice Seevers, University of Michigan School of Medicine, Department of Pharmacology; and representatives of companies producing these drugs.

Those who wish to testify or file statements for inclusion in the RECORD of the hearings should communicate as soon as possible with Mr. Lawrence Speiser, staff director and chief counsel of the subcommittee, room 302, Senate annex, 225-2951.

NOTICE OF HEARINGS CONCERNING UNEMPLOYMENT OF VETERANS

Mr. EAGLETON. Mr. President, in the Tuesday, June 15, 1971, edition of the Washington Evening Star, there is an article by Duncan Spencer entitled "No Right Job," concerning problems that veterans are having finding employment within the District of Columbia. Mr. President, I ask unanimous consent that this article be printed at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO RIGHT JOB

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veteran's Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better." Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 an hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson, Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

Mr. EAGLETON. Mr. President, the Senate District Committee has been examining this problem and has found that the figures for unemployment among veterans in the District of Columbia are astonishingly high.

It is for that reason that I am announcing hearings beginning Tuesday, July 13, 1971, on the subject of veterans unemployment within the District of Columbia, at 10 a.m. in room 6226, New Senate Office Building.

Any interested person who wants to file a statement or appear as a witness on this matter should notify Mr. Gene Godley, general counsel of the District of Columbia Committee, in room 6222, New Senate Office Building.

NOTICE OF HEARINGS ON PROPOSED FORESTRY LEGISLATION

Mr. HATFIELD. Mr. President, the Senate Subcommittee on Public Lands chaired by the distinguished Senator from Idaho (Mr. Church), will be holding three field hearings over the course of the summer on S. 350, the American Forestry Act, which I introduced, and S. 1734, the Forest Lands Restoration and Protection Act, introduced by the distinguished Senator from Montana (Mr. Metcalf). The first of these 1-day hearings will be held in Atlanta, Ga., on July 23; the second in Portland, Oreg., on August 9; and the third in Syracuse, N.Y., on September 24. I invite the testimony of my colleagues at these hearings, and I ask unanimous consent that both bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 350

A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forest lands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forest lands; to establish a Federal forest lands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND STATEMENT OF PURPOSE

SHORT TITLE

Sec. 101. This Act may be cited as the "American Forestry Act".

STATEMENT OF PURPOSE

Sec. 102. The Congress hereby declares that the purpose of this Act is to provide for—

(a) the restoration, maintenance, and enhancement of the quality of the forest land environment;

(b) an important and accelerated reforestation program on private and public forest lands to increase productivity and benefits;

(c) financial incentives to encourage prompt action in development of private and State forest lands;

(d) the delegation of authority to States for expenditure of Federal funds for certain forestry programs;

(e) State development of a statewide plan for private and State forest lands;

(f) increased outdoor recreational opportunities on forest lands;

(g) Federal funding for State-sponsored primary and secondary education programs in forestry;

(h) an expanded research program to meet new demands upon forest lands;

(i) increased Federal support for State-sponsored technical assistance programs for private forest lands;

(j) increased public participation in forest land programs;

(k) the use of the Federal share of receipts from public forest lands for management and development of Federal forest lands;

(l) an American forestry board to advise and counsel on national forest land policy;

(m) plans and public hearings for Federal forest lands not presently incorporated in multiple-use plans before physical disturbance of natural conditions; and

TITLE II—INCENTIVE FORESTRY

FORESTRY INCENTIVE PROGRAM

Sec. 201. (a) There is hereby established a forestry incentive program to stimulate the development of forests on private- and State-owned lands. Such program shall include reforestation of non-Federal forest lands, expansion and development of forest tree nurseries, development of outdoor recreation, and development of forestry environmental education and technical assistance programs.

(b) The Secretary of Agriculture (hereinafter referred to in this title as "Secretary") is authorized to approve State-prepared plans for programs authorized under this title and to make matching grants for the payment of the Federal share: *Provided, however,* That payment of up to 100 per centum of the cost is authorized for outdoor recreation development projects.

STATE PLAN REQUIREMENT

SEC. 202. Any State desiring to receive a grant under this title shall submit to the Secretary a State plan which shall be prepared in accordance with the following:

(a) Provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency.

(b) Set forth a program for the development of forestry programs which are consistent with the requirements set forth by this title.

(c) Set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth.

(d) Provide assurances that the State will pay from non-Federal sources the remaining cost of such programs.

(e) Provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title.

(f) Provide that the State will submit to the Secretary—

(1) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(2) such other reports as may be reasonably necessary to enable the Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which the State is eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(g) The Secretary shall approve a plan which meets the requirements specified in subsections (a) through (f) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

PAYMENTS

SEC. 203. (a) The level of payment to any State to be made for purposes authorized under this title during any year shall not exceed the non-Federal amount expended within the State for the same purposes during the same fiscal year.

(b) The Secretary as authorized to make payments on the certification by the designated State official that the specific projects undertaken in accordance with the approved plan have been completed.

RESTORATION OF NON-FEDERAL FOREST LANDS

SEC. 204. The following limitations are applicable to the reforestation of non-Federal forest lands under this section:

(a) Assistance shall be limited to initial stocking of those acreages which are in the judgment of the Secretary nonstocked or poorly stocked on the date of enactment of this Act;

(b) In any one year, the acreage under one ownership eligible for reforestation shall be limited to any one tract or combination of tracts not exceeding five thousand acres and such other limitations as may be imposed by the State. The acreage shall be State-owned land and nonindustrial private land under the sole ownership of an individual, corporation, partnership, trust, association, or any other business unit, device, or arrangement;

(c) To assure the intent of this title, the State may require, as a condition for the expenditure of incentive funds, the nonindustrial private fee landowner be required to sign a lien agreement, management contract, or similar device for a specified period or until the State certifies the first cut of timber is suitable for industrial use, whichever is the lesser period. The lien, contract, or device is intended to assure restoration of timber productivity and its associated environment to obtain repayment of the grant, plus interest at prevailing rates, if such lands are not maintained or protected for the purposes for which the funds were granted, excepting, however, catastrophic losses. For State lands, evidence of laws, ordinances, or public resolutions is deemed to satisfy this requirement;

(d) Reforestation priorities under this section shall be based on the demand for forest products, environmental conditions, or combinations of both so as to yield the greatest benefits to the public.

LEASING AND DEVELOPMENT FOR RECREATIONAL PURPOSES

SEC. 205. Forest lands suitable for recreation use during the period of timber growth may be leased and maintained for the development of outdoor recreation projects.

FOREST TREE NURSERIES

SEC. 206. Where the State determines that present facilities are inadequate for producing tree planting stock to meet reforestation requirements of this Act, the development or expansion of new or existing State forest tree nurseries is authorized.

FOREST ENVIRONMENT EDUCATION AND TECHNICAL ASSISTANCE

SEC. 207. To complement and support existing programs, the Secretary shall encourage States to develop forestry education and technical assistance plans to—

(a) provide a better public understanding of the forest environment through primary and secondary education programs, and

(b) provide expanded technical assistance on non-Federal forest lands to improve management and the environment.

TITLE III—FEDERAL FOREST LANDS MANAGEMENT

FOREST LAND MANAGEMENT FUND

SEC. 301. (a) There is hereby established in the Treasury of the United States a "Forest Land Management Fund" (hereinafter referred to as the "fund").

(b) Section 603 of the Act of July 31, 1947 (30 U.S.C. 603), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law and excepting that part of the money received from the sale of timber and other forest products from lands of the national forests and the public domain, designated by law to be paid to local governments, any money received from the sale of timber and other forest products shall be credited to the Forest Land Management Fund.".

APPROPRIATION FROM THE FUND

SEC. 302. Money credited to the Forest Land Management Fund shall be available to the Forest Service and to the Bureau of Land Management, in amounts which do not exceed the respective agency deposits, for expenditure upon appropriation. Such moneys as may be appropriated shall be available until expended. Any money credited to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years in which such money was credited to the fund, shall be transferred to miscellaneous receipts of the Treasury of the United States.

USE OF FUNDS

SEC. 303. (a) Money appropriated from the fund is authorized for expenditure by the Secretary of Agriculture on national forest lands and by the Secretary of Interior on public domain forest lands. Such money shall be used in conformity with the policies and principles of multiple use and sustained yield for purposes which include the following:

(1) management of timber resources, including reforestation and development;

(2) management of the forest land environment, including restoration and enhancement;

(3) development of outdoor recreation;

(4) management and development of fish and wildlife habitat;

(5) management and development of range forage;

(6) management of sail, water, air quality, and scenery; and

(7) expanded forest land research.

(b) Forest land management funds shall be allotted in accordance with the following priorities:

(1) The reforestation of other cultural measures for stand improvement of nonstocked, recently harvested, and poorly stocked forest lands to enhance the forest environment and timber growth;

(2) The improvement in the quality of timber management, forest land planning, and the environment; and

(3) The development of other multiple uses of the forests to obtain a wider range of goods and services while maintaining or improving the quality of the environment.

(c) Money for expanded research shall follow the order of allotment priorities cited in this section and shall be administered in accordance with the provisions of the Act of October 10, 1962 (76 Stat. 806).

ENVIRONMENTAL IMPACTS

SEC. 304. In connection with the sale of timber and other forest products or the use of Federal lands, the Secretary of Agriculture and the Secretary of the Interior are authorized and directed to require contractors and permittees to install or take such additional measures as may be needed to reduce unfavorable environmental impacts that might result from the authorized activity. The costs of such measures shall be recognized in determining the appraised value of the product to be sold or the amount of the permit fees.

TITLE IV—POLICY BOARD

AMERICAN FORESTRY POLICY BOARD

SEC. 401. (a) For the purpose of advising and counseling the Secretary of Agriculture and the Secretary of the Interior on national forest land policy, there is hereby established an American Forestry Policy Board, hereinafter referred to as "the Board".

(b) The President shall appoint members of the Board to serve at his pleasure and name its Chairman. The Board shall be composed of not less than fifteen or more than nineteen members who shall have attained national prominence by their professional qualifications and who shall represent major citizen groups interested in forest land management including the following: professional forestry, wood products, outdoor recreation, wilderness, fish and wildlife, State forestry, labor, forestry education, livestock grazing, minerals, industrial forestry, forest wasteland, air quality, and members of the general public. The Secretary of Agriculture and the Secretary of the Interior shall serve as ex officio members.

(c) Members of the Board shall while serving on the business of the Board be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including travel-time; and while so serving away from their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(d) The Chairman of the Board shall call an organizational meeting of the Board within three months following appointment of its membership and meetings of the Board shall be held at least twice annually thereafter.

TITLE V—UNDEVELOPED FOREST LAND

UNDEVELOPED FEDERAL FOREST LAND AREAS

SEC. 501. (a) Except for those forest lands where the public has participated through hearings, advisory discussions, or similar meetings in the planning, development, and use of Federal forest lands, and before any physical disturbance of natural conditions occurs in any regionally significant underdeveloped area not presently incorporated in multiple-use plans, the Secretary of Agriculture or the Secretary of the Interior shall prepare a plan and hold public hearings to determine whether such lands shall be managed and developed or preserved.

(b) Following review of the hearing record the Secretary will determine the appropriate use.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. When used in this Act the term—

(a) "Forest land" means land which is producing or is capable of producing crops of industrial wood and is not withdrawn from timber utilization by statute or administrative regulation.

(b) "Non-Federal" includes private nonindustrial and State forest land ownerships.

(c) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "State forest land" includes State, county, and municipal land ownership.

RULES AND REGULATIONS

SEC. 602. The Secretary of Agriculture and the Secretary of the Interior, respectively, are authorized and directed to issue rules and regulations as may be necessary to carry out the provisions and purposes of this Act.

EFFECT ON OTHER ACTS

SEC. 603. (a) The Act of March 4, 1913 (37 Stat. 843) is hereby repealed.

(b) Nothing contained in this Act shall in any way be construed to alter, amend, repeal, interpret, modify, or be in conflict with any other Act unless specifically so provided under this Act.

APPROPRIATIONS

SEC. 604 (a) Funds authorized for appropriation under this Act are in addition to those which are regularly appropriated and are not intended, to supplant regularly appropriated funds.

(b) There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act, as follows:

(1) for fiscal year 1972, 50 per centum of title III forest land management fund and the full amount of money credited to the fund for each fiscal year thereafter, and

(2) in addition to those funds provided under the title III forest land management fund, $50,000,000 for fiscal year 1972 and $100,000,000 for fiscal year 1973 and so much thereafter as the Congress may determine to be needed to carry out the provisions of this Act.

S. 1734

A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest Land Restoration and Protection Act of 1971."

DEFINITIONS

SEC. 2. When used in this Act, the term—

(1) "Secretary" means the Secretary of Agriculture;

(2) "timber harvesting and land management plan" means a comprehensive plan for the harvesting of timber and the managing of forest land by using sound forest practices and taking into account the particular ecological conditions encountered (including soil, climate, vegetative cover, and topography);

(3) "fully mature tree" means a tree which has attained at least 95 per centum of its maximum potential height growth, has grown its maximum volume of high quality wood, and whose merchantable portion is capable of being manufactured into high grade lumber;

(4) "sound forest practice" includes, but is not limited to, protection of site quality, prevention of erosion, particularly on steep slopes and in areas of unstable soil, selection for harvesting of fully mature trees wherever consistent with the biological requirements of the tree species, limitation of clear cuts to small openings to maintain as much contiguous forest cover as possible, growth of timber on long rotations, prompt reforesting after harvest or after fire or any other disaster, prevention of the degradation of any waters, and to follow even flow principles;

(5) "even flow" means perpetual yield of approximately equal annual amounts of timber of the same or improving quality in quantities which do not decline and which may increase;

(6) "small forest landowner" includes any person who owns, leases, operates, or otherwise controls no more than five thousand acres of designated commercial forest land;

(7) "person" includes an individual, partnership, corporation, company, association, firm, society, joint stock company, Indian tribe, State, municipality, and political subdivision of a State;

(8) "cooperative management unit" means an association or group established under State law of small forest landowners who harvest timber and manage designated commercial forest lands under a single timber harvesting and land management plan;

(9) "commercial forest land" means any forest land capable of growing continuous crops of fully mature trees on an even flow basis after application of sound forest practices consistent with the purposes of this Act;

(10) "forest products" means any renewable material including trees, shrubs, and flowers or other plant life which are sold from forest lands;

(11) "forest lands" when referred to in section 3 and title II of this Act includes all federally owned or administered forest land as that term is defined in the Act of March 29, 1944 (16 U.S.C. 583f);

(12) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof, or which affects commerce; and

(13) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

FINDINGS AND PURPOSES

SEC. 3. (a) The Congress finds and declares that—

(1) the environmental quality and productivity of the Nation's forest lands are rapidly deteriorating due to inadequate and unregulated timber harvesting and land management procedures and measures;

(2) the public has a right to enjoy a healthy human environment and to expect that the Federal Government, the States, and local government will utilize all practicable means and measures to protect that right and enhance the quality of our environment;

(3) multiple-use values relating to recreation, watershed, wildlife, range and forage, fisheries, esthetic enjoyment, and preservation of wilderness are not being adequately taken into account with respect to the management of the Nation's forest lands;

(4) a maximum sustained yield of high-quality timber products in an even flow from the Nation's forest lands is not occurring; and

(5) approximately four-fifths of the Nation's commercial forest lands are privately or otherwise nonfederally owned and that much of these lands are not being optimally managed through the application of sound forest practices.

(b) It is, therefore, the purpose of this Act to create and maintain an effective and comprehensive system of regulation and use of all forest lands in the Nation through a program where timber harvesting and land management will be carried out only on forest lands already in, and suitable for, commercial production of timber products so as to assure that—

(1) the environmental quality and productivity of forest lands are restored, enhanced, and maintained;

(2) multiple-use values are effectively taken into account with respect to the management of such lands; and

(3) the goal of maximum sustained yield of high-quality timber products is achieved consistent with such multiple-use values.

TITLE I—COMMERCIAL FOREST LANDS

CRITERIA FOR THE DESIGNATION OF COMMERCIAL FOREST LANDS

SEC. 101. (a) Within forty-five days after the enactment of this Act, the Secretary shall publish in the Federal Register proposed criteria for the designation by the States of commercial forest lands located therein. Such criteria shall be consistent with, and in furtherance of, the purposes of this Act.

(b) After a reasonable time for interested persons to submit written comments thereon (but no later than ninety days after the initial publication of such proposed criteria), the Secretary shall promulgate such criteria with such modifications as he deems appropriate. Such comments shall be available for public inspection.

(c) The Secretary shall from time to time review, and, as appropriate, revise such criteria in the same manner as the initial criteria were developed.

STATE DESIGNATION OF COMMERCIAL FOREST LANDS AND STANDARDS FOR TIMBER HARVESTING AND LAND MANAGEMENT PLANS

SEC. 102. (a) (1) Each State shall, after reasonable notice and public hearings, designate all lands located in such State (within six months after criteria are promulgated under section 101 of this title) which are already in, or suitable for, consistent with the criteria promulgated by the Secretary under section 101 of this title, as commercial forest lands, except that such designations shall not apply to any Federal forest land. In addition, each State shall, after reasonable notice and public hearings, adopt, within nine months after the enactment of this Act, and submit to the Secretary (A) standards for timber harvesting and land management of designated commercial forest lands, and (B) a plan for the implementation, maintenance, and enforcement of such standards (hereinafter referred to as the "plan").

(2) The Secretary shall, within four months after the date required for submission of standards and a plan under paragraph (1) of this subsection, approve or disapprove such standards and plan or any portion thereof. He shall approve such standards or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with the purposes of this Act. He shall approve such plan or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides for the attainment of such standards as expeditiously as practicable;

(B) it provides necessary assurances that a designated State agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such standards and plan;

(C) it provides effective measures, including, but not limited to, land use controls, to insure maintenance of such standards after they are attained;

(D) it provides for periodic reports by persons subject to such plans on the timber and land management operations conducted by such persons, which reports shall be available to the public;

(E) it provides that each person who owns, leases, operates, or otherwise controls all or any portion of any designated commercial forest land and who conducts or plans to conduct timber harvesting thereon shall submit to the appropriate State agency (within four months after the approval of such standards) an effective timber harvesting and land management plan prepared by a licensed forester for all or a portion of such person's land consistent with such approved State standards and plan, except that where more than one person owns, leases, operates, or otherwise controls such lands and conducts or plans to conduct timber harvesting thereon, each such plan shall be coordinated to insure that it is so consistent;

(F) it provides (i) for periodic review and, where appropriate, revision, after public hearings, of such standards or plan, or both, to achieve the purposes of this section, (ii) for revision of such standards or plan, or both, whenever the Secretary finds on the basis of information available to him that such standards or plans are substantially inadequate to achieve the purposes of this Act; and

(G) it provides such other information as the Secretary may require to carry out the purposes of this Act.

(3) The Secretary shall, in accordance with the procedures and requirements of this subsection, approve any revision of such standards or plan.

(4) The Secretary may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed six months.

(b) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such plan or portion thereof, if (1) a State fails to submit standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the standards or plan, or portion thereof, or both, submitted is determined by him not to be in accordance with the requirements of this section, or (3) the State fails, within sixty days after notice by him or such longer period as he may prescribe, to revise such standards or plan as required by this section. If such State held no public hearing associated with adoption of such standards or plan, he shall provide an opportunity for such hearing within such State on any proposed regulation for such State. He shall, within six months after the date required for submission of such standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adopted and submitted standards or plan which he determines to be in accordance with the requirements of this section. Such standards or plan promulgated by him for any State shall be the standards or plan, or both, applicable to such State in the same manner as if such standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such standards or plan and it is approved under this section.

(c) (1) A petition for review of any action of the Secretary approving such standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within thirty days from the date of such approval by any interested person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon he shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

(2) Such approved standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement under this Act.

TIMBER SUBJECT TO ACT

SEC. 103. (a) Beginning on and after the date established by section 102 of this title for designating commercial forest lands in each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested from any land in such State other than from designated commercial forest lands.

(b) Beginning on and after the date established under section 102 of this title for the approval of standards and a plan for each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested on designated commercial forest land in such State in violation of such standards or plan, or both.

(c) Any person who knowingly violates subsection (a) or (b) of this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this title, punishment shall be by a fine of not more than $25,000, or by imprisonment for not more than three years, or by both; one-third of said fine shall be paid to any person who gives information leading to a conviction, and he may sue for the same.

FEDERAL ENFORCEMENT OF STANDARDS AND PLANS

SEC. 104. (a) Whenever, on the basis of information available to him, the Secretary finds violations of an applicable standard or plan approved by him under section 102 of this title, he shall notify the person in violation and the appropriate State of such finding by certified mail. If such violation extends beyond the fifteenth day after receipt of such notice, he shall issue an order requiring such person to comply or he may bring a civil action in accordance with subsection (b) of this section. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Secretary, taking into account the seriousness of the violation and any good faith efforts to comply, determines is reasonable. A copy of any such order shall be sent to the appropriate State and all orders and notices and related data, information, documents, and material shall be available to the public for inspection.

(b) (1) The Secretary may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(A) violates or fails or refuses to comply with any order issued under this section; or

(B) violates any standard or plan for more than fifteen days after receipt of notice thereof under this section.

(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State agency.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 104. (a) For the purpose of (i) developing or approving or assisting in the development of any standards and any plan for the implementation, maintenance, and enforcement thereof or (ii) determining whether any person is in violation of any such standard or plan—

(1) the Secretary shall require the person who owns, leases, operates or otherwise controls any designated commercial forest lands to (A) establish and maintain such records, (B) make such reports, and (C) provide such other information as he may reasonably require; and

(2) the Secretary or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through such lands or in any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records and inspect such lands and timber operations conducted thereon.

(b) Each State shall develop and submit to the Secretary a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Secretary from carrying out this subsection in a State.

(c) In carrying out the provisions of this title, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof to which the Secretary has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such persons, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, to appear and produce papers, books, and documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

LICENSING OF FORESTERS

SEC. 105. Each State shall establish requirements for the licensing by the State of all foresters working within the State in accordance with criteria to be established by the Secretary. The Secretary shall publish within four months after enactment of this Act criteria for the licensing of foresters and shall provide an opportunity for public written comment thereon. Such criteria shall be promulgated by him within three months after such publication. The Secretary shall from time to time review, and, where appropriate, revise such criteria in accordance with this section. Such comments shall be available to the public.

COOPERATIVE MANAGEMENT UNITS

SEC. 106. The Secretary shall cooperate with the States in providing technical assistance to small forest landowners whose commercial forest lands are within a cooperative management unit, in the development of timber harvesting and land management plans, and in otherwise assisting such landowners in carrying out the requirements of this Act.

TITLE II—TIMBER HARVESTING AND LAND MANAGEMENT ON FEDERAL FOREST LANDS

GENERAL POLICY

SEC. 201. Where timber harvesting on Federal forest lands is permitted, it shall be conducted in accordance with the principles and requirements of the Multiple Use and Sustained Yield Act (16 U.S.C. 528 et seq.) and this Act. All such timber harvesting operations shall, to the fullest extent possible, not impair the multiple-use values relating to water quality, recreation, range and forage, watershed, wildlife and plant life, including habitat for populations of rare, endangered, disjunct, narrow range, endemic, or unique associations of species, fish, esthetics, and preservation of wilderness. Whenever the Secretary or the Secretary of the Interior, in the case of Federal forest lands under his jurisdiction, finds that such values are or will be impaired on any such land, he shall not permit timber harvesting to begin or to continue until effective means and measures are developed to prevent such impairment and are reviewed by the public.

TIMBER HARVESTING ON FEDERAL LANDS

SEC. 202. (a) Beginning one year after the enactment of this Act, timber harvesting on Federal forest lands shall be conducted under timber harvesting and land management plans promulgated under this section.

(b) The Secretary or, in the case of Federal forest lands within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall publish proposed plans for the harvesting of timber on Federal forest lands where such harvesting is permitted. Such plans shall be consistent with, and in furtherance of, the provisions of this Act and the Multiple Use and Sustained Yield Act. Such plans shall be published for all such lands within each State or region. Within forty-five days after such publication, the appropriate Secretary, whenever there is sufficient public interest in any such plan, shall hold a public hearing thereon. After considering any oral or written comment thereon, such Secretary shall promulgate each such plan with such modifications as may be appropriate within six months after such publication. Each such plan shall be reviewed at least every three years and, if appropriate, revised, after notice and public hearing.

(c) (1) The Secretary or, as appropriate, the Secretary of the Interior shall not enter into any contract or other arrangement for the clear cutting of any Federal forest land or portion thereof, until a timber harvesting and land management plan is promulgated for such land.

(2) After such plan is promulgated, the appropriate Secretary, before entering into any such contract, shall find, and publish his findings, whether clear cutting of any part of such forest lands is a sound forest practice. In making this finding he shall among other matters consider—

(i) the effect of clear cutting on all other resource values and the environment;

(ii) the compatibility of clear cutting with the maintenance and enhancement of long-term productivity of the forest lands and the integrity of the environment;

(iii) the practicability of reforestation and other work to restore forest lands which are clear cut; and

(iv) all feasible and prudent alternatives to clear cutting.

(3) The appropriate Secretary shall, within forty-five days after enactment of this Act, review each contract or other arrangement to clear-cut timber on any Federal forest land where such work has not begun or is not substantially completed. Pending such review, such work shall be halted. If based on such review, he finds and publishes his finding that such work does not constitute a sound forest practice he shall terminate such contract. Such termination shall be subject to applicable provisions of law relating to the payment of damages, if any, for such termination.

(d) In entering into any contract or other arrangement for timber harvesting on Federal forest lands, the appropriate Secretary shall do so by competitive bidding and shall require that the fair market value of the timbers be received by the United States. He shall also provide that it is the responsibility of said contractor to comply fully with the applicable policies and requirements of this Act, including, but not limited to, those requiring that harvested lands be restored and wastes removed. The Secretary shall publish in the Federal Register within six months after enactment effective regulations to meet the requirements of this subsection and afford an oportunity for public comment thereon. Such regulations shall be promulgated, after consideration of such comment, four months after such publication.

FEDERAL ENFORCEMENT ON FEDERAL FOREST LANDS

SEC. 203. (a) Any person who knowingly harvests timber in violation of any applicable plan promulgated under this title shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

(c) No Federal agency may enter into any contract with any person, who is convicted of any offense under section 103 of this Act or this section, to harvest timber on Federal forest lands. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

(d) Any person who conducts timber harvesting operations on any lands subject to such plans shall establish and maintain such records and make such reports as the appropriate Secretary shall require. Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof, to which the Secretary has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

NATIONAL FORESTS: PRIMITIVE AREAS

SEC. 204. (a) All areas within the national forests which fall within the definition of "wilderness" as defined by section 2(c) of the Wilderness Act (16 U.S.C. 1131) but are not, as of the date of enactment of this Act, classified as a "primitive area" or "wilderness" area by such Act because they fail to satisfy the acreage requirement of such Act, are hereby given "primitive area" status and shall be managed under the provisions of such Act as a "primitive area", if such area is at least three thousand contiguous acres, or at least one thousand two hundred and eighty contiguous acres if adjacent to a presently designated "wilderness area" or "primitive area".

(b) The Secretary shall, within ten years after the date of enactment of this Act, review, as to its suitability or nonsuitability for preservation as "wilderness", all areas whose classification is changed to "primitive area" as a result of subsection (a) of this section.

(c) Nothing in this section shall be construed to abrogate any contract in existence on or before December 31, 1970, to harvest timber in a national forest.

EXPORT RESTRICTIONS

SEC. 205. Notwithstanding any other provision of law, no logs or unfinished forest products from Federal forest lands or from designated commercial forest lands shall be exported from the United States during any calendar year, unless the Secretary shall find, after public hearings with adequate notice in the Federal Register of such hearings, that the Nation's projected timber supply needs for each of the five consecutive years thereafter can be satisfied entirely by domestic supplies.

FEDERAL FOREST LAND FUND

SEC. 206. (a) There is established in the Treasury of the United States a trust fund to be known as the Federal Forest Land Fund (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) (1) There is authorized to be appropriated to the Trust Fund amounts equal to the net proceeds accruing to the United States from the sale of forest products by the United States.

(2) The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in any amounts transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its projected expected condition and operations. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such

investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) Amounts in the Trust Fund shall be available in addition to all other appropriated and other funds, to the Secretary for making expenditures to complete the national forest system, to complete the acquisition of inholdings, including those affecting recreational programs which have been authorized by Congress, to enlarge tree-planting operations on Federal forest lands, and to carry out other activities to improve the environment within Federal forest lands.

OTHER LAWS

Sec. 207. The provisions of this Act shall not apply to Federal forest lands within the National Wildlife Refuge System and the National Park System.

EMPLOYEE PROTECTION

Sec. 208. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of any timber harvesting operation or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Secretary or his authorized representative of any alleged violation, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice to the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary of Labor's findings therein. Any order issued by the Secretary of Labor under this subsection shall be subject to judicial review in accordance with this Act. Violations by any person of subsecton (a) of this section shall be subject to the provisions of section 203 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

REPORT

Sec. 209. The Secretary and the Secretary of the Interior shall on September 1 of each year submit to the Congress a report on the actions taken by each under this Act during the preceding fiscal year. Such report shall include a detailed description of all timber harvesting contracts or other such arrangements on Federal forest lands and a statement of any findings made by each concerning any clear cutting permitted under such contracts, and a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this Act. The report shall also set forth the sums accruing to the Fund established by this Act and the actions taken with such sums. The report shall also describe in detail the actions taken or not taken by each State to carry out the purposes and requirements of this Act.

ADDITIONAL STATEMENTS

THE VIETNAM PAPERS

Mr. ALLOTT. Mr. President, in the coming days much will be written about the real significance of the New York Times' action in arrogating too itself the right to receive, declassify, and publish stolen secret documents. And much will be written about the revelations—if any—which these documents contain.

Thus far the most perceptive and responsible comment I have seen is contained in the column by Messrs. Evans and Novak in today's Washington Post. So that all Senators can consider this wise column, I ask unanimous consent for it to be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

The Vietnam Papers

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960's look treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other American institutions and politicians of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportunity for the prompt development and execution of sustained reprisals" against North Vietnam.

Contingency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could hardly have been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

OFFICIAL SECRETS

Mr. SYMINGTON. Mr. President, much has been written in recent days about the New York Times articles based on a secret Defense Department study of the origins of U.S. involvement in Indochina and the Government's attempt to prevent the publication of further installments on this revealing study. Deserving of particular attention, however, is an interesting and thought-provoking editorial in the Wall Street Journal of yesterday.

Commenting on Attorney General Mitchell's complaint that these disclosures will cause "irreparable injury to the defense interests of the United States," the editorial states that—

> After reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

In this connection, I join with the senior Senator from Virginia in requesting that the Department of Defense make "a clear and unequivocal statement to the American people as to just why this early history of the Vietnam war should continue to be classified top secret."

In my opinion, there would appear no jusification on the grounds of "national security" for the Justice Department's attempts to keep the truth from the Congress and the American people about the policy decisions which led our Nation into this tragic conflict. One of the cornerstones of democracy is the faith of the people in their Government. That faith has already been badly shaken by the revelations of deception by the previous administration and what faith remains can only be further undermined if the present administration fails to reveal the basic facts about past, as well as current and future, foreign policies to the American public.

As the Wall Street Journal editorial asks: "If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?"

President Nixon himself summed it up well in November 1969, when he said:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

To that end, I will continue to press for a Senate investigation, either by the Foreign Relations or Armed Services Committees separately, or jointly, to undertake a full examination of the origins of the war in Indochina so that future generations may profit from this sad experience.

Hopefully, this investigation and the disclosure of at least part of this Pentagon report will also force a long overdue examination of present attitudes toward the use of classification for political purposes, not reasons of national security.

As the editorial concludes:

> Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

I ask unanimous consent that the editorial in question from the Wall Street Journal of June 16, 1971, entitled "Official Secrets" be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Official Secrets

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakened the country's world influence and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

SECRETARY ROGERS C. B. MORTON CITES NEED FOR REORGANIZATION

Mr. HANSEN. Mr. President, recently, the Secretary of the Interior, the Honorable Rogers C. B. Morton, addressed the Wyoming Bankers Association at its annual convention at Jackson Hole, Wyo.

As a strong advocate of the President's plan to reorganize the executive branch of our Government, I was especially pleased to read Secretary Morton's comments concerning the need for a Department of Natural Resources.

The new Department of Natural Resources would be built around the Department of the Interior. The Forest Service and the Soil Conservation Service of the Agriculture Department would be transferred to the Department of Natural Resources. It also would take over the National Oceanic and Atmospheric Administration now in the Commerce Department and the civilian energy functions of the Atomic Energy Commission.

Mr. President, this proposal makes a lot of sense. I believe a majority of Americans favor the President's reorganization plan. I would like to ask unanimous consent to include in the Record a brief synopsis of Secretary Morton's remarks on June 11 before the Wyoming Bankers Association.

There being no objection, the synopsis was ordered to be printed in the Record, as follows:

Secretary Morton Urges Support of President's Government Reorganization Plan

Secretary of the Interior, Rogers C. B. Morton, today urged the members of the Wyoming Banker's Association to support the Administration's Government Reorganization Plan. In an address delivered to the 63rd Annual Convention of Wyoming Bankers at Jackson Lake Lodge, the Secretary stated:

"The Federal Government has not pursued an effective approach to the stewardship of our vast natural resources. As we in Government attempt to solve this and other problems, another challenge confronts us. Our Federal Government is not organized to deal effectively with these matters."

Morton cited several examples of the fragmentation of responsibility that exists in government today:

Nine different Federal Departments and twenty independent agencies are now involved in some aspect of education.

Three Departments work to help develop water resources.

Four agencies in two Departments are involved in managing public lands.

Six agencies in three Departments administer Federal Recreation areas.

He praised the President's reorganization plan which recommends that the Departments of State, Treasury, Defense, and Justice continue as basic units of the Cabinet but that all other departments be consolidated and rearranged into four.

Morton stated that, "Under the President's plan Government would be modernized to deal comprehensively with modern-day National needs. It would give us a Department of Human Resources to deal with the concerns and needs of the people, a Department of Community Development to bring assistance to the people's urban and rural community needs, a Department of Economic Development to promote the Nation's prosperity and develop jobs and businesses, and, a Department of Natural Resources to look after our physical environment and the preservation and balanced use of our natural resources.

"Naturally, the proposal closest to my heart is the one designed to enable us to maintain and enhance our rich heritage of land, forest and water—the proposed Department of Natural Resources. Built around the Interior Department it would also include the Forest Service and Soil Conservation Service now in the Department of Agriculture; the civil functions of the Army's Corps of Engineers; the National Oceanic and Atmospheric Administration now in the Commerce Department; and the related civilian energy functions of the Atomic Energy Commission.

"This is a carefully thought out plan to reorganize activities to effect five major and interrelated federal missions—the management of: energy and minerals; land (the Federal Government owns one-third of the land area of the United States); water resources; earth sciences; and the people whose heritage and lives are most closely related to the land—the American Indians, the Alaska Natives, and the peoples of the Territories.

"Consider, for example, how utterly wasteful and time-consuming it is to have interrelated land and water projects conceived and considered separately, each agency having its own mission. It is easy to see how they can cancel out each other's efforts or render them ineffective.

"Consider how much easier it would be for you as citizens to deal with one Department responsible for managing public lands, their range and forest, their recreation potential, and their other multiple uses."

The Secretary went on to discuss the need for the adoption of the National Land Use Policy Act now before Congress. After commenting on the problems this Nation faces today due to inadequate machinery for influencing land use decisions, the Secretary said:

"Land is our basic resource and its misuse has grave consequences. Although most land use decisions are properly made at the local level, those land use issues which spill over local jurisdictional boundaries or involve values of State-wide concern must be made at a higher level. Environmental values frequently fall into this category. The Administration's National Land Use Policy Act of 1971 encourages the States to exercise more fully their responsibility to deal with these land use problems of more than local impact. This year there will be a $10 billion gap between the costs and ability to pay for running States and providing local services. The Administration's legislative program attempts to close this gap and protect our vital land resources."

The Secretary concluded by stating: "The President is taking dramatic action, but as he has so often pointed out: 'No matter how well organized Government itself might be . . . in the final analysis, the key to success lies with the American people'."

"So I must caution you, the financial leaders of this great State of Wyoming, never to forget that you have as great a stake—and a responsibility for—the preservation, the use and the management of our Nation's resources as does anyone in Washington.

"Your support, your counsel, your constructive criticism, all are so desperately needed if we are to attain the goals which we have set for ourselves and for you—that the great trust of our natural resources on this continent be managed and used in such a way as to provide a legacy and a promise for our children and future generations to come."

MISS JIM CRABTREE

Mr. McCLELLAN. Mr. President, in this day and age of big, costly, and impersonal government, it is a rare pleasure to discover that public servant who still performs as one. Miss Jim Crabtree was such a devoted, helpful friend to residents of St. Charles, Ark., for the 30 years she delivered their mail. No matter of weather or roads, however foul, could prevent her daily rounds. She treated the rural families along Route 2 as her own, and they reciprocated with mutual affection.

Miss Crabtree recently retired from the U.S. Postal Service. She will be sorely missed, not only by her people in St. Charles but by the Government she served so honorably as well.

It is a privilege for me to ask unanimous consent to insert in the Record an article from Era Enterprise of De Witt, Ark., which recognizes Miss Crabtree's accomplishments.

There being no objection, the article was ordered to be printed in the Record, as follows:

Miss Jim Crabtree

Rain, sleet, shine or snow—the mail must go through. Even though this old cliche dates back to the time of the horse and buggy and has been worn ragged from over use during the years, it still has a special meaning to a St. Charles woman and an affectionate tone could be depicted in her voice as she repeated the words last Friday.

Perhaps the reason the phrase has a special meaning to Miss Jim Crabtree is because she has lived by the words for the past 30 years. Doing a job normally held by a man, Miss Crabtree has traveled rain-sodden dirt roads of which many skilled drivers backed away. Her job—delivering the U.S. Mail.

"Miss Jim" by which she is affectionately known, recently retired from her mail route of 30 years because of failing eye sight but memories of her many experiences as a rural mail carrier still linger on.

Miss Jim delivered mail on Route 2 which covered 50 miles round trip, six days a week. She left St. Charles at 7:30 a.m. and returned at 10:30 a.m. by way of Van and Ethel distributing and picking up Uncle Sam's parcels. However, her work day was only half completed as Miss Jim's afternoon trip left St. Charles at 4:40 and returned at 5:40 p.m.

Before the mail route was established, residents of the areas where no railroad connections reached received mail and freight once a week by boat on the White River. Miss Jim took over the contract route in 1940 and made her first delivery May 27 of that year. She established a period of personal service that was only interrupted for eight days during her 30-year span. Due to death and sickness in the family, a subsitute carrier was needed to cover her route only eight times during her career.

Miss Jim's final mail run was last Christmas Eve. She entered Mid-South Sight Service Institute on New Years Eve for eye surgery. The corrective eye surgery enabled Miss Jim to see well enough to get around but she feels her vision is not good enough to drive the mail route.

Since her retirement she has been devoting most of her time improving her home at the outskirts of St. Charles. It doesn't take long to realize that she takes great pride in preserving the 100-year-old home and its furnishings. Miss Jim has also been a successful farmer and a regular attendant at church and Sunday School. She has been absent from church only seven Sundays in the past 30 years.

Miss Jim is acknowledged to be one of the most well-known and most respected residents of her area. She has a reputation of considering right to be essential and wrong intolerable.

Mr. McCLELLAN. Mr. President, I am sure that we all agree that Miss Crabtree deserves our highest esteem and best wishes for her future happiness. Both the U.S. Postal Service and the people of Arkansas should take great pride in her accomplishments.

RETIREMENT OF REPRESENTATIVE McCULLOCH OF OHIO

Mr. TAFT. Mr. President, I know that all Members of the Senate and the country at large share with me in expressing great regret at learning that William M. McCulloch, Member of Congress from Ohio's Eighth District and dean of the Ohio delegation will not seek reelection for health reasons.

Bill McCulloch's service to our Nation has been exceptional and outstanding. His inspiration and help to his colleagues has known no peer. We shall miss him deeply.

George Jenks of the Toledo Blade reviewed brilliantly a number of his many accomplishments and I ask unanimous consent that his article of June 9 be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Champion of Fairness

(By George Jenks)

Washington.—Rep. William M. McCulloch, Piqua, O., Republican, will retire from the House at the end of his present term after 26 years as the representative of west central Ohio's politically conservative 4th Congressional District. He shared the conservatism of his constituency in most fields, particularly government extravagance and arrogance. The right-wing Americans for Constitutional Action gives him the high rating of 80 for his entire congressional career. Yet, if he receives a footnote in the history of his times—and it is probable that he will—it will be because of his vigorous participation in the liberal cause of civil rights.

As the ranking minority member of the House Judiciary Committee, he became the catalyst who made possible the enactment of the landmark civil rights legislation of two Democratic administrations, those of John F. Kennedy and Lyndon B. Johnson.

He came into national prominence in 1963 with the introduction of proposed legislation to protect voting rights and strengthen federal authority in bringing an end to southern racial discrimination.

A House judiciary subcommittee had reported a bill which went far beyond the Administration's proposal, one which Democratic House leaders informed the White House had no chance of approval.

Accordingly, the late Robert F. Kennedy, then attorney general, went before the full committee to ask Republican assistance in modifying the subcommittee bill. It was Mr. McCulloch who worked with the Kennedy administration in writing the measure that finally became law. Robert Kennedy later said that without the Ohio congressman's help the bill never would have become law.

He again went to the aid of the Democratic majority and the cause of civil rights during the Johnson administration in 1944 when Congress enacted what has been called the most far-reaching civil rights legislation since the reconstruction period.

The bill was stalled in the House Rules Committee and was reported out only after Mr. McCulloch, his party's leading spokesman on civil rights matters, went before the committee to defend the constitutionality of the measure as approved by his judiciary Committee.

His claim to a position in the high councils of civil rights advocates was recognized by the White House. Former President Johnson named him to the Advisory Commission on Civil Disorders along with Sen. Edward Brooke of Massachusetts and Roy Wilkins of the NAACP.

The emergences of this small town, Ohio Republican as a defender of minority rights came about from two sources. One was his long seniority in the Judiciary Committee. The other was his intense concern for fairness both in the law and in the administration of the law.

Evidence of that latter trait came when he became incensed at what he regarded as overzealous and improper tactics by the Department of Justice in securing the conviction of Teamster leader James Hoffa. Mr. McCulloch in 1964 introduced a resolution to name a committee to investigate the Department of Justice for violation of individual rights and liberties.

It cannot be said of him that his activities in controversial fields were undertaken for the sake of winning votes. In fact, in 1964 he feared that his defense of civil rights might cost him his seat and he called this newspaper's Washington bureau to suggest that a few kind words in print might make the difference between victory or defeat.

Mr. McCulloch deserves more than a few kind words. He has served his country and his state well.

A MEDICAL BILL OF RIGHTS

Mr. EAGLETON. Mr. President, on June 4, Senator Muskie and I introduced amendments to the health manpower legislation now pending in the Senate Committee on Labor and Public Welfare. At that time, Senator Muskie referred to the tasks that lay before us in improving our health care systems above and beyond the need for national health insurance. He especially spoke about revamping our health manpower system and development of new types of health maintenance operations—HMO's.

On Thursday, May 27, Senator Muskie gave a commencement address at the Albert Einstein College of Medicine, in New York City. At that time he most eloquently described the health care crisis before this Nation, and in great detail, spoke of the "medical rights" that must be established for all Americans.

I ask unanimous consent that the full text of that statement be printed in the Record, so that all Senators may have the benefit of his views on this question.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Medical Bill of Rights

When politicians speak at college commencements in 1971, careful students raise their guard. You wonder what we really have to say—and whether you should even try to listen. The world in your time has left you with a sure sense of skepticism about public men and political life.

A graduate of Einstein has seen too much in recent years to accept very much of the rhetoric he hears.

For as long as you have been in college, America has been in Indochina. Your generation has stood up for peace—and your protest has persuaded most of my generation to oppose the war. But still the fighting rages on—and still our free system fails to bend our policy to the will of our peopple.

For as long as you have been in medical school, you have witnessed in some neighborhoods of the Bronx the starkest evidence of man's inhumanity to man. You long ago heard the pledge of new priorities—but daily you encounter mothers without food, workers without work, and children hooked on heroin. Politicians have always made promises to the South Bronx—but they have seldom made progress for the families who live there.

Finally, for as long as you can remember, the stain of racial prejudice has mocked our claim to national equality. We have talked civil rights and supported civil rights and even proclaimed civil rights. But how would white Americans now answer President Kennedy's probing question: "Which of us would willingly trade places with a black man?"

So I understand whatever skepticism you bring to this ceremony today. I know that my words cannot erase your doubts. Only the deeds of government in the years ahead can restore your confidence and renew our country. But I think we can do what we must—and I think that we will. I think that ultimately America will turn from the tasks of death abroad to the tasks of life at home.

I cannot prove my conviction. But I ask you to share it—in spite of the wrong you have seen—and because of the right you have experienced. Your education alone is vital evidence of an ability to build justice here in America.

In 1954, Dr. Samuel Belkin founded Einstein, not only because New York City needed another high quality medical school, but because the nation needed another non-discriminatory medical school. His faith and the faith of his fellow founders can be reduced to a single, simple truth. They believed that something better than bias should determine the chance to learn how to heal. They believed that general quotas could not measure individual qualifications. And they translated their belief into a place that is first rate in its profession and first rate in its principles.

In 1971, Einstein is a quietly eloquent testament to the good that Americans can create. And Einstein's remarkable record gives us reason to hope that our institutions can respond to our conscience and our social crisis.

Between 1958 and 1971, your medical school graduated only 15 blacks and Puerto Ricans. In 1974 alone, it will graduate 20. The difference is that Einstein is no longer waiting for minority applications. It is actively seeking them—and it is succeeding in its search. Your institution has done what some say no institution can do—it has adapted the practices of the past to the present and the future needs of people.

But Einstein's response has not been limited to serving the cause of racial justice. This new college has also discarded the old prejudice of the medical profession against women. Twenty-nine of them become doctors here today—twenty-nine more than almost any medical school would have wanted or accepted only a few years ago. Their hands and brains will have lives—because Einstein has broken with an ancient tradition that was wrong from the beginning.

And now Einstein is pointing the way to further reform. In response to the shortage of doctors, it is increasing its enrollment and reducing its course of study. The result of the three-year program will be more doctors of equal competence trained in less time. And the result of that will be more health care for more Americans.

Anyone privileged to graduate from Einstein cannot be completely skeptical about institutions and their potential to advance the cause of compassion and decency. You should be proud to come from a medical school which is serving, not only your special profession, but our entire society. Its example is a lesson to take with you as you leave here today—a lesson equal to any you have learned—a lesson as important as anatomy or physiology or biochemistry. For you, like your college, have a social as well as a professional service to perform.

This morning you receive a piece of paper and swear a solemn oath that will permit you to cure the sickness of people. But the diploma and the oath will require something more from each of you—a constant commitment to cure the sickness of a medical care system which too often keeps doctors and the people who need doctors far apart. The technical name for the system is "health care delivery." The human reality behind the name is painfully visible everywhere in this city.

In the South Bronx, a young couple dips into their meager savings, not to send a son to school, but to bury their youngest child. It is no consolation for them to learn that their neighbors share their sorrow—that the rate of infant mortality in the South Bronx is double the rate of communities to the north.

In Brownsville, a seven-year-old is brought to an emergency room with stomach cramps from eating lead paint. After treatment, he is returned home to more hunger—and to a further risk of lead poisoning—a risk that each year becomes a reality for at least 900 children throughout New York City.

On the lower east side, a Spanish speaking mother takes her injured daughter to the hospital. After waiting around for seven hours, she is told in words she barely comprehends to return tomorrow. She does not know enough English to understand the explanation that there are not enough doctors. All she is left with is a worried night alone with her child.

And on Staten Island, a widow discovers that all the insurance and investments of years have been drained by the $30,000 bill for her husband's cancer treatments. She is discovering a hard fact of life and death in America—that sickness is often a financial as well as a physical catastrophe.

Multiply all these tragedies a hundred fold—reduce them to categories and numbers—and you will end up with the sad statistics of a failing health care system..

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 18 million to 21 million.

Seventy-five thousand newborn babies die in the United States each year.

The number of general practitioners has declined 35% since 1957—and foreign physicians now constitute more than 25% of our nation's doctors.

One hundred and fifty counties across the country have absolutely no health professionals of any kind. In most central cities, the situation is as bad—or just a little better. In the Kenwood section of Chicago, there are only two physicians for 46,000 people.

The cost of medical care has skyrocketed to over $60 billion annually. At the same time, the health insurance industry has used its actuarial studies to exclude segment after segment of our society from access to medical protection. The poor are abandoned to uneven and often inhuman public health services. And the middle class is caught squarely in the middle—too well-off to qualify for government help—too pressured to help themselves with comprehensive insurance.

In the end, millions of Americans go without adequate medical care. They cannot afford it. They are afraid it will break them. Or they cannot find a doctor. Some of them die. Others are left destitute. And most of them fall victim to needless pain and needless suffering. They are your parents or mine—your children or mine—our friends and our fellow citizens.

The disaster we call medical services makes most Americans forgotten Americans. It betrays each of them and all of us. Our system of medical care is in fact a system of medical neglect. It is in the deepest sense un-American.

Despite our power and our strength, despite our trillion dollar G.N.P., we have let young people die before their time and old people die when there was some precious time left. How will history judge us, a country which was first in the wealth of its resources, but far from first in the health of its people? And more importantly, how will we judge ourselves in those quiet, inner moments, when we remember that what finally counts is not how much we have, but what we are?

It is time for us to do more until we have done enough to sustain and enhance the health of our nation.

Countless medical students and some doctors have already answered the call to a new kind of service. In the early 1960s, student health organizations from Los Angeles to Boston pioneered concepts for comprehensive health care. In the summer of 1967, students like you joined together in New York City to found the student health project of the South Bronx. Their historic initiative was a sign of a new generation's determination to make medicine work for people.

But the young and the concerned in the the medical profession cannot do the whole job alone. Your voices have been heard—and sometimes even heeded. But your own efforts will take too long. And the results will be too uncertain. The only certainty is that entrenched and established forces will oppose you every step of the way. We cannot wait or gamble on the outcome. Human life and human health hang in the balance.

Four decades after organized medicine almost adopted a report favoring uniform financing for medical services—four decades and a hundred million illnesses too late—we must enact a medical bill of rights for all Americans. The Constitution commits our country to protect political freedom. Now, by legislation, the Congress must commit America to protect the physical health which alone makes possible the exercise of liberty.

The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet. And we cannot depend on reform on half-way measures and half-hearted compromise. A right to medical care which left the burden of cost on the poor and the near poor would mock its own purpose. The only sure security is federally funded universal health insurance. That is our best hope for the future—and a priority goal in 1971.

We must take the dollar sign out of medical care. We must destroy the financial barrier between deprived people and essential medical services. We must end the terrible choice so many Americans face between losing their health and losing their savings.

The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services. The system is not only inequitable—it is also undermanned and inefficient. It is on the verge of collapse. The Nation must now respond with Federal financial incentives that will insure real reform.

There are not enough doctors. But Federal incentives can persuade medical schools to follow Einstein's lead and expand their enrollment. New schools can be created and sustained by Federal loans and grants. And Federal funds must also be provided to help medical students who should have something better than money to worry about. A program of scholarship aid must include all who are in need—and it must encourage minority students who intend to return to the old neighborhoods.

Yet the number of doctors is not the whole answer. If we produce 50,000 additional physicians and plug them into the current structure, our efforts for reform will certainly fail. Some of the health manpower legislation now before the Congress would do just that—and the result would be too many more doctors serving too few people at too high a cost.

Here, too, Congress must set up financial incentives that can move medicine in a new direction. We must encourage a shift from a system dependent on the individual doctor to a system built around the concept of the health team, composed of primary care physicians and other medical professionals. Teams would allow us to allocate medical resources with maximum efficiency and to maximum effect. They would employ paraprofessionals to relieve nurses and doctors from routine, time-consuming tasks. They would gather together diverse skills—from internists to pediatricians—and patients would deal with the team, not just a single physician. Einstein has experimented with the health team concept. The Federal Government must make Einstein's experiment national policy.

And health teams must be sufficient in distribution as well as in number. Federal bonuses must make it worthwhile to practice in the inner city and in rural America. Medical care cannot reach people unless people can reach doctors. And people must have more than geographic reach. A health team should also be subject to the reach of local influence.

Location incentives for health services must be designed to create responsive, personal structures. It was never right—and it is no longer possible—to satisfy Americans with distant, impersonal medical care. The system must respect everyone's identity—and sacrifice no one's dignity. And we must always remember that it is easier for a patient to reach a health team that he knows—than a shining new medical center walled off from surrounding rural poverty or a nearby urban ghetto.

The third medical right of all Americans is care within their needs. The present health insurance system is heavily biased toward high-cost hospital treatment and against preventive health care. That is incredibly expensive—and incredibly insensitive to the real needs of people. It has filled hospitals with patients who should not be there and would be better off elsewhere. A new national health program must reverse the old priorities. It must guarantee a range of medical services, comprehensive in scope, preventive in emphasis, and restricted only by the scope of scientific knowledge.

America's concern over the quality of health care has reached a high water mark in 1971. You are graduating from medical school at a time when the whole medical profession may be profoundly altered. You should welcome change—and work for change. Only in the context of a medical bill of rights for every American, can each of you truly and in the most literal sense profess your profession—which is nothing more and nothing less than the protection of human life.

And that requires not just a medical bill of rights, but a social bill of rights. The real cure for lead poisoning is not hospital care, but decent housing. The most effective treatment for malnutrition is adequate food. And the best guarantee of good health is a physically and emotionally health environment.

As health professionals, you must commit yourselves to total health care. And total care includes virtually everything that determines whether we are sick or well. You cannot confine yourselves to the technical skills you have learned here. You must also practice the fundamental human concern of a school like Einstein.

You must speak out for a fair and sensible medical care system.

You must stand up for social progress and for people—whether they are your patients or migrant workers two thousand miles away.

You can cure individuals—and you must help America build a compassionate society.

It will take time. There will be setbacks and frustrations and defeats. But men and women who come from Einstein have good reason to believe that we can finally fashion a country that is great enough to be good. You have seen in your own lives what a difference one school can make. Now all of you have a chance to make a real difference in the lives of others.

The practice you choose and the practices you follow may not change our country overnight. But you can remind us by example of Aristotle's ancient truth: "Health of mind and body is so fundamental to the good life that if we believe men have any personal rights at all as human beings, they have an absolute moral right to the measure of good health that society is able to give them."

That is our challenge and our chance. Two thousand years after Aristotle wrote, we must secure a medical bill of rights for our own people. We can wait no longer—in health care or in society. In our individual lives and in our national life, whatever we can do, and whatever we dream we can do, we must begin now.

THE CIA FIGHTS ILLEGAL DRUG TRAFFIC

Mr. HANSEN. Mr. President, earlier this year I had the pleasure of addressing an ROTC group who was in the audience, questioned me in regard to certain allegations made in Ramparts magazine that the Central Intelligence Agency encouraged the opium traffickers of Indochina.

I doubt that such allegations have been given credence by many Americans, but apparently Mr. Ginsberg either believed them to be true, or chose to pretend that he believed them. But because I do not take such serious charges against our Government lightly, and believe that none of us should allow unjust criticism of our Government to stand unchallenged, I recently asked the Bureau of Narcotics and Dangerous Drugs to set the record straight on these accusations.

Bureau Director John Ingersoll replied this week, and his remarks are timely in view of the major initiatives President Nixon is expected to announce today to help deal with the illegal drug problem.

Mr. President, Mr. Ingersoll has reported to me that the CIA is his Bureau's strongest ally in identifying foreign sources and routes of illegal trade in narcotics. I ask unanimous consent that his letter of June 15 be printed in the Record, followed by a report on recent trends in the illicit narcotics market in Southeast Asia, and my telegram of May 11 which was printed in the final spring semester edition of the University of Wyoming student newspaper, the Branding Iron.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 15, 1971.

HON. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is in response to your letter of June 9, 1971, concerning charges made in "Ramparts Magazine."

Charges made in the article appear to be a part of a continuing effort to discredit agencies of the U.S. Government, such as the U.S. Military, the FBI, the CIA, and the Department of State, all of which are, in point of fact, working actively with the Bureau of Narcotics and Dangerous Drugs (BNDD) in our worldwide effort to curtail international drug traffic.

Actually, CIA has for sometime been this Bureau's strongest partner in identifying foreign sources and routes of illegal trade in narcotics. Their help has included both direct support in intelligence collection, as well as in intelligence analysis and production. Liaison between our two agencies is close and constant in matters of mutual interest. Much of the progress we are now making in identifying overseas narcotics traffic can, in fact, be attributed to CIA cooperation.

In Burma, Laos, and Thailand, opium is produced by tribal peoples, some of whom lead a marginal existence beyond the political reach of their national governments. Since the 1950's, this Southeast Asian area has become a massive producer of illicit opium and is the source of 500 to 700 metric tons annually, which is about half of the world's illegal supply. Up to now, however, less than ten percent of the heroin entering the United States comes from Far Eastern production.

The dimensions of the drug problem and the absence of any strong political base for control purposes has been a dilemma for United Nations opium control bodies operating in Southeast Asia for many years. Drug traffic, use, and addiction appears to have become accepted as a fact of life in this area and, on the whole, public attitudes are not conducive to change.

The U.S. Government has been concerned that Southeast Asia could become the major source of illicit narcotics for U.S. addicts after the Turkish production is brought under control. The Bureau of Narcotics and Dangerous Drugs, with the help of CIA, DOD, and the Department of State, has been working to define and characterize the problem so that suitable programs to suppress the illicit traffic and eliminate illegal opium production, such as the proposed United Nations pilot project in Thailand, can be implemented.

It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries. Nevertheless, in consideration of U.S. Military personnel in the area, as well as the possibility that opium from this area may become a source for domestic consumption, concerned U.S. Agencies, including CIA, Bureau of Customs, DOD, and State, are cooperating with BNDD to work out programs to meet the immediate problem as well as provide longer term solutions.

Since the subject matter of your letter concerns CIA, I have taken the liberty of furnishing a copy along with my reply to Director Richard Helms.

Sincerely,

JOHN E. INGERSOLL,
Director.

RECENT TRENDS IN THE ILLICIT NARCOTICS MARKET IN SOUTHEAST ASIA

1. The reported increasing incidence of heroin addiction among U.S. servicemen in Vietnam and recent intelligence indicating that heroin traffic between Southeast Asia and the United States may also be increasing suggest that Southeast Asia is growing in importance as a producer of heroin. While this phenomenon in part reflects improvement in information available in recent months to the U.S. Government, there are also good indications that production of illicit narcotics in Southeast Asia has indeed risen in 1971.

BACKGROUND

2. The Bureau, Laos, Thailand border area, known also as the "Golden Triangle," is considered one of the world's largest opium producing regions. This region normally accounts for about 700 tons of opium annually or about one-half of the world's total illicit output. A substantial proportion is consumed within the region. Burma, by far the largest producer of opium in this region, accounts for about 400 tons annually.

BURMA

3. Production in Burma is concentrated in the Eastern and Northern parts of Shan State and in the Southwestern part of Kachin State. Poppy fields cover the rugged slopes in Eastern Shan State around Keng Tung and in Northern Shan State from Lashio east and north to the China border. The latter territory, comprised of the former Wa and Kokang feudal states, is now a center of insurgency directed against the Burmese government, with much of the area under insurgent control.

4. The growing season varies with the altitude, but the planting season generally falls during the months of August and September, with the harvest some seven months later during February and March. At harvest time the women of the hill tribes slit the poppies and collect the raw opium by hand. The opium plants themselves are ground into a compound for smoking. In Northeast Burma, the raw opium is packed by the growers and traded to itinerant Chinese merchants who transport it to major collection points, particularly around Lashio and Keng Tung. Agents of the major entrepreneurs circulate through the hill country shortly after harvest time arranging for payment and pickup. Payment is often in the form of weapons and ammunition, although gold and silver rupees are also used.

5. The opium harvested in Shan, Wa, and Kokand areas is picked up by caravans that are put together by the major insurgent leaders in these areas. The caravans, which can include up to 600 horses and donkeys and 300 to 400 men, take the opium on the southeasterly journey to the processing plants that lie along the Mekong River in the Tachilek (Burma)-Mae Sai (Thailand)-Ben Houei Sai (Laos) area. Caravans carrying in excess of 16 metric tons have been reported.

THAILAND

6. Opium-growing areas in northern Thailand are located in the upland tracts occupied by various tribal groups. The provinces of Chiang Mai, Chiang Rai, and Nan, which have the largest concentration of Meos, produce most Thai opium. Illicit opium production in Thailand is estimated at 200 tons.

LAOS

7. Another, less productive, opium growing area is along the 2,500 to 4,500 foot high mountainsides of Northwest Laos. The opium cultivated by the Meo in this area is of a relatively lower grade and thus less suitable for refinement into morphine base or heroin. In these areas where the tribesmen have been encouraged to grow corn, the poppies are planted among the corn. When the corn is cut, the poppies continue to grow until they too can be harvested.

8. Major producing areas include Phong Saly Province in the North, Houa Phan (Samneua) Province in the Northeast, and the Plaine des Jarres area of Xiang Khoang Province in the East-central part of the country. However, large areas of production in Phong Saly Houa Phan, and Xiang Khoang have fallen under the control of the Pathet Lao and North Vietnamese.

9. The trade in Northwest Laos is well structured and organized for significant commercial exploitation. There are no advance purchasing agents or pick-up caravans. The harvested opium and the poppy plants which are ground up for smoking are transported to nearby village markets by the growers themselves. In highland market places the raw opium and its by-product are used openly as currency. Ethnic Chinese merchants are the traditional purchasers of the opium products throughout Laos. The products they collect are transported to population centers and also to processing plants along the Mekong River by travelers, particularly government soldiers, who have the most mobility and access to air travel in the area, and refugees. Opium produced in the Communist-controlled areas also finds its way into the regular marketing channels.

DISTRIBUTION AND REFINERIES

10. The KMT irregular "armies" and the Burmese Self Defense Forces (KKY) are the most important trafficking syndicates in Northern Southeast Asia. The KMT irregulars—formerly the remnants of the Chinese Nationalist forces which retreated across the Chinese border in 1949—now composed largely of recruits from the local population, have a combined strength of between 4,000 and 6,000 well-armed men. The largest force, with an estimated strength of 1,400 to 1,900, is the Fifth Army. The second largest with a troop strength of between 1,200 and 1,700 is the Third Army. The headquarters of both armies are located in a remote part of Northern Thailand between Fang and Mae Sai. It is estimated that these two KMT irregular forces control more than 80 percent of the opium traffic from the Shan State.

11. The KKY have been major competitors of the KMT irregulars in the opium trade. the KKY are comprised of former Shan State insurgents and bandits who have allied themselves with the Burmese government against both the KMT and Chinese Communist-backed insurgents. In return the government of Burma allowed them to pursue their opium trafficking activities.

12. The Shan States Army, an insurgent group, is also heavily involved in the opium business. It maintains several camps in Northern Thailand where opium is marketed for weapons and military supplies.

13. About 140 tons of raw opium is normally transported annually out of Northeast Burma to foreign markets. Most of this opium is stored or processed in the Mekong River tri-border area before transiting Thailand and Laos. Tachilek, Burma is probably the most important transshipment point in the border area. In 1970, out of a total of 123 tons reportedly shipped out of Northeast Burma, 45 tons was received in the Tachilek area. In the first two months of 1971, 58 out of a total of 87 tons had Tachilek as its destination. Other important transshipment points appear to be located in the vicinity of Ban Houei Sai, Laos, and Mae Salong, Thailand.

14. There appear to be at least 21 opium refineries of various sizes and capacities located in the tri-border area, of which about 7 are believed to be able to process to the heroin stage. The most important are located in the areas around Tachilek, Burma, Ban Houei Sai and Nam Keung, Laos, and Mae Salong. Thailand. The best known, if not largest of these refineries is the one at Ban Houei Tap, Laos, near Ban Houei Sai which is believed capable of processing some 100 kilos of raw opium per day. The 14 refineries in the Tachilek area apparently process the largest volume of raw opium in the region. In 1970, about 30 tons was converted by the Tachilek refineries into refined opium, morphine base, and heroin.

15. The typical refinery is on a small tributary of the Mekong River in an isolated area with a military defense perimeter guarding all ground approaches. Most of these refineries operate under the protection of the various military organizations in the region, or are owned or managed by the leaders of these military groups. The KKY units protect and operate most of the refineries in Burma. Leaders of these groups also hold an ownership interest in many of these facilities. In Thailand, the refineries appear to be operated by units of the KMT irregulars, whereas in Laos, most of the refineries operate under the protection of elements of the Royal Laotian Armed Forces (FAR). While the management and ownership of the Laotian refineries appear to be primarily in the hands of a consortium of Chinese, some reports suggest that a senior FAR officer may hold an ownership interest in a few of these facilities.

16. Most of the narcotics buyers in the tri-border area are ethnic Chinese. While many of these buyers pool their purchases, no large syndicate appears to be involved. The opium, morphine base, and heroin purchased in this area eventually finds its way into Bangkok, Vientiane, and Luaing Prabang, where additional processing may take place before delivery to Saigon, Hong Kong, and other international markets.

17. Much of the opium and its derivatives transiting Thailand from Burma moves out of such Northern Thai towns as Chiang Rai, Chiang Mai, Lampang, or Tak by various modes of ground and water transport. These narcotics, along with those produced in Thailand, are smuggled into Bangkok for further refinement into morphine or heroin. A considerable quantity of the raw opium and morphine base is sent by fishing trawler from Bangkok to Hong Kong during a period from about 1 January to 1 May. During this period, approximately one fishing trawler a day—carrying one to three tons of opium and/or quantities of morphine base—leaves Bangkok for Hong Kong. The boats proceed to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles south of Hong Kong—where the goods are loaded into Hong Kong junks.

18. Opium and its derivatives which move through Laos are transferred from the Mekong River refineries by river craft and FAR vehicles to Ban Houei Sai, farther downstream on the Mekong in Laos, from where it is transported on Royal Laotian Air Force (RLAF) aircraft to Luang Prabang or Vientiane. From Vientiane narcotics are usually sent via RLAF aircraft, as well as Air Laos, to other cities in Laos such as Savannakhet or Pakse or to international markets. A considerable portion of the Laotian produced narcotics is smuggled into Saigon on military and commercial air flights, particularly on Royal Air Laos and Air Vietnam. Although collusion between crew members and air line agents on one hand and individual narcotics smugglers on the other has been reported, poor handling of commercial cargo and the laxity of Lao customs control in Vientiane and other surreptitious loading of narcotics aboard commercial flights.

RECENT CHANGES IN THE AREA

19. There are tentative indications that larger quantities of raw opium may now be moving into the tri-border area for refining and that larger quantities of this raw opium are now being refined into morphine base and heroin in this area. As suggested in paragraph 13 above, data on the first two months of 1971 indicate that the Tachilek transshipment and refining area may be receiving and processing sizably larger amounts of raw opium than was the case in 1970. As for changes in the type of refined narcotics produced, the processing plants at Mae Haw in Thailand and Houei Tap in Laos now appear to be converting most of their opium into #4 or 96 percent pure white heroin. Previously, these refineries tended to produce refined opium, morphine base and #3 smoking heroin. An increased demand for #4 heroin also appears to be reflected in the steady rise in its price. For example the mid-April 1971 price in the Tachilek area for a kilo of #4 heroin was reported to be U.S. $1,780 as compared to U.S. $1,240 in September 1970. Some of this increase may also reflect a tight supply situation in the area because of a shortage of chemicals used in the processing of heroin. Rising prices for opium and its derivatives can also be seen in other areas of Southeast Asia.

20. The establishment of new refineries since 1969 in the tri-border area, many with a capability for producing 96 percent pure heroin, appears to be due to the sudden increase in demand by a large and relatively affluent market in South Vietnam. A recent report pertaining to the production of morphine base in the Northern Shan States would indicate a possible trend toward vertical integrations—producing areas establishing their own refineries—in the production of narcotics. Such a development would significantly facilitate transportation and distribution of refined narcotics to the market places.

MAY 11, 1971.

Miss VICKI WHITEHORN,
Editor, % The Branding Iron, University of Wyoming, Laramie, Wyo.

DEAR MISS WHITEHORN: In a letter to the editor, published in *The Branding Iron* of April 23, 1971, Mr. Allen Ginsberg asked my comments on some allegations contained in a recent issue of *Ramparts Magazine* which, in Mr. Ginsberg's words allege "that our government's Central Intelligence Agency has been for decades subsidizing the main opium traffickers of 83 per cent of the world's illegal supply in Indochina," and "that the CIA did actually subsidize main opium traffickers in Indochina as part of our political policy."

I do not take such serious charges against our government lightly, nor do I feel the students at our University can afford to take such charges lightly. None of us should allow unjust criticism of our government to go unchallenged. Therefore, I have sought the facts and hope you are able to print this in its entirety.

Having thoroughly investigated these allegations, I can state categorically that they are completely unfounded. As recently as April 14 of this year, the Director of Central Intelligence stated in an address to the American Society of Newspaper Editors: "There is the arrant nonsense, for example, that the Central Intelligence Agency is somehow involved in the world drug traffic. We are not. As fathers, we are as concerned about the lives of our children and grandchildren as are all of you. As an agency, in fact, we are heavily engaged in tracing the foreign roots of the drug traffic for the Bureau of Narcotics and Dangerous Drugs. We hope we are helping with a solution; we know we are not contributing to the problem."

The Central Intelligence Agency is directly accountable to the President, through the National Security Council which is privy to all of its activities; it is subject to the scrutiny of the Office of Management and Budget, which oversees is expenditures; to the President's Foreign Intelligence Advisory Board, made up of distinguished private citizens; and to four Committees of the Congress, to whom it reports on all its activities. To suppose that in these circumstances the Agency could conduct the activities alleged in the *Ramparts* article without the knowledge or approval of any of these authorities to which it is responsible, or that any of these authorities would sanction such activity, is the ultimate in absurdity.

Turning to some of the more specific allegations in the *Ramparts* article, it is worth noting that:

So far as opium entering the U.S. is concerned, recent studies indicate that perhaps only about 5 per cent of the illegal imports come from all of Southeast Asia, the remainder originating mainly in the Middle East;

Roland Paul, a former investigator for the Senate Foreign Relations Committee who made a study of the area last year, writes in the April issue of *Foreign Affairs* that "in passing it may be interesting to note that because of their long association with the American agency (CIA), the hill tribes have shifted their agricultural emphasis from opium to rice," a conclusion which can be solidly documented from other authoritative sources.

In fact, efforts of American agencies to discourage opium growing among these hill tribes has produced a North Vietnamese propaganda campaign encouraging and applauding the raising of opium poppies. This campaign contrasts the Communist-controlled areas where the population can "make our living as we wish" by raising opium to the lot of those under "imperialist domination" who are restrained from doing so. (In view of his concern, perhaps Mr. Ginsberg would like to raise the matter with the authorities in Hanoi.)

In summation, I can assure you that the allegations in question are completely false and that no U.S. Government agency operating in Southeast Asia has approved, supported, or condoned illegal drug production or traffic. On the contrary, these U.S. Government agencies are all cooperating in efforts to discourage opium production and distribution and these efforts have had at least some success.

Sincerely,

CLIFFORD P. HANSEN.

STEP BACKWARD—PSYCHIATRIC TRAINING CUTS UNWARRANTED

Mr. HUMPHREY. Mr. President, the administration's proposed cutback in psychiatric training is a cruel and unwarranted step backward in the field of mental health.

President Nixon has proposed a $6.7 million cut in funds for the National Institute of Mental Health's training support for fiscal 1972 and a planned phaseout of the entire $34 million program for psychiatric residency training.

This cutback would mean the loss of more than 1,000 hospital residency positions and severe curtailment of mental health services to the poor.

For example, the Presbyterian Hospital in the Bronx, N.Y., treats about 5,000 emotionally disturbed persons a year from the black and Puerto Rican communities.

If the President's cutbacks go into effect, the number of psychiatric residents would drop from 30 to 18 and the number of patients served would be reduced by an estimated 2,000.

It is important to emphasize that almost all of the patients seen at this facility are poor people, and there is no other psychiatric service available to them.

At a time when we are trying to upgrade health care and do more to help those with mental problems, we cannot afford to be cutting back.

Drug use, alcoholism, crime, and delinquency are creating severe emotional problems and increasing the demand for mental health services. The growing drug crisis among Vietnam veterans and soldiers is further compounding the situation. The need for more professional psychiatric manpower is ever more evident.

There is little evidence that mental illness is declining. On the contrary, there is evidence that it is increasing. And the administration's programs are inadequate on both the preventive and curative sides. Nor is it moving effectively to get at the roots of emotional problems.

How can we expect emotional stability when we lock young people into slum housing in ghetto communities? When we give them substandard education? When they are hungry and malnourished?

Mr. President, today, more than ever before, our society is beset with enormous problems because of major social, economic, and political changes.

Our youth, our minorities, our poor, our veterans—are confronted with unique problems of an extremely serious nature.

The problems that they face are reflected in different ways.

Our youth and our veterans in increasing numbers turn to drugs and alcohol. Our young become delinquents and engage in crime. Or they decide to disown everything about this country and withdraw into subcultures dominated by antiheroes.

It is our task to show them that life is worth living and that it can be fulfilling, rewarding, and happy.

It is our job to see that there are educational and vocational opportunities—

Freedom from racism and discrimination,

Good nutrition and adequate, wholesome housing,

The lifting of inequities,

And freedom from wars which deprive our youth of life and peace of mind.

Meanwhile the many problems our young people and others face often cause deep emotional conflicts.

One way to solve these problems is to strengthen programs in health and the programs operated by trained professionals to combat drug abuse, alcoholism, alienation, and the dreadful and sometimes irreversible effects of poverty.

CHILDREN

Let me begin with our Nation's children. Too few children who need psychiatric attention receive it during the critical period before age 6. A New York survey provided by the American Psychiatric Association shows that only one out of 1,400 children needing care between 2 and 5 years of age are being treated either in clinics or by private psychiatrists.

Comparable ratios reported one out of 170 receiving care between 6 and 11; one out of 110 between 12 and 14; and one out of 90 between 15 and 18. In the entire population between ages 2 and 18, only one out of 160 are being treated.

The Joint Commission on Mental Health of Children made recommendations to guarantee the mental health of our Nation's children in a report entitled, "Crisis in Child Mental Health: Challenge for the 1970's."

These recommendations included correcting many of the social inequities or inadequacies which cause mental and emotional problems among our children. The inequities include segregated housing in ghetto communities, hunger, and malnutrition, poor working conditions and an inadequate minimum wage level for parents, inadequate facilites and services to meet the physical and mental health needs of American children and their families, lack of prenatal care, lack of family planning and birth control services, and lack of integration of physical and mental health services with the educational system.

Serious mental health problems exist among our Nation's youth. A New York City study, for example, shows that 4 out of 5 leading causes of death among young people aged 15 to 35 can be attributed to disturbed behavior, including drug addiction, homicides, and suicides.

VETERANS

Our young Vietnam veterans are suffering from a drug problem which has reached crisis proportions. Because of it there is a rising rate of mental and emotional illness. It is said that more than 100,000 of these veterans are victims of this addiction.

Meanwhile, the Veterans' Administration has stated that they have facilities and services to treat only 7,000 of them in 1972.

The Vietnam veteran is beset with numerous other problems today which erode his mental health. He is no longer accorded the deserved status of one who has served his country.

He also is not honored for having taken part in an unpopular war. He is not encouraged to readjust to civilian life, and he is frequently the victim of unemployment.

It has been a time-honored tradition in our country that our war veteran be given the opportunities to rediscover his role in society. But we now find ourselves remiss in this responsibility. Is there any doubt why the veteran is losing his way? We must rehabilitate those who need rehabilitation, and that includes improved mental health services and training of mental health professionals.

THE POOR

The poor in our country also suffer disproportionately from mental and emotional illness.

Social deprivation, poor housing, poor health, and health facilities and services, poor nutrition, and the complex factors introduced in the human relationships of a poverty environment are all contributing causes to the high incidence of mental illness among the poor.

It has been shown that severe malnutrition of either mother or baby in the early stages of development can be a cause of mental retardation. There is new and more conclusive evidence that severe prenatal and postnatal malnutrition may inhibit the division of cells in the developing brain, and thereby cause mental retardation. Prenatal and postnatal factors such as clinical and subclinical brain injuries relating to problems of pregnancy also occur at a significantly higher ratio among the poor.

Scientists have established many links between conditions of poverty and poor mental and physical health.

Here it is to be noted that a significant number of mental health services to the poor are provided by psychiatric residents, physicians who are taking a graduate course of study to become specialists in psychiatry.

If the number of these residents is decreased, as it would by the proposed administration's action to phase-out the National Institute of Mental Health training supports, mental health services to the poor would be severely curtailed. The American Psychiatric Association in a national survey has shown that one-third of these residencies would be lost if the training supports were lost.

For example, at Presbyterian Hospital in the Bronx, N.Y., a large volume of psychiatric care is provided to indigent blacks and Puerto Ricans living in the area immediately surrounding the hospital. The Department of Psychiatry of Columbia Medical School administers the psychiatric service of the hospital. Virtually all the patients treated in this service—about 5,000 a year—are seen by the 30 psychiatric residents in training at this hospital. Forty percent of these residents, 12 men and women, are supported through the Federal stipend program.

If this program is eliminated the medical school would have to reduce its residency program from 30 to 18. It would not be able to find other funds to replace this Federal source of support.

As a result, the psychiatric service at the Presbyterian Hospital would have to drastically reduce the number of patients it can serve a year—from 5,000 to 3,000. And the number of weekly treatment visits would be cut from 830 to 498. This means that there would be some 17,000 fewer treatment sessions per year. It is important to emphasize that almost all of the patients seen at this facility are poor. There is no other psychiatric service available to them.

The mental health problems of minority groups occur in roughly the same proportion as they do among the poor, and often the two are synonymous. However, minority groups have additional barriers to good mental health, having to overcome the effects of low self-esteem, alienation, and prejudice.

Forty percent of the hospital beds in our Nation are occupied by the mentally ill, and 1 in 10 of our population suffers from some form of mental or emotional illness. A recent Public Health Service survey showed that nearly 20 million Americans either had had a mental or emotional breakdown, or thought themselves close to it.

The mental health field has made great strides since 1945. At that time, there were nearly 3,000 psychiatrists in the United States. During World War II, in order to cope with new neuropsychiatric problems, the armed services were compelled to establish special schools to train medical officers in psychiatry. The enactment of the National Mental Health Act of 1946 created training funds for psychiatrists because of a dire national need.

The program has worked well.

Nevertheless, the great need continues. There is little indication that mental illness is on the wane in our country. Half of those who now present themselves to a physician, complaining of physical symptoms, are found to have an element of mental or emotional illness.

There is no question that modern society imposes strains and stresses on the human psyche never experienced before, and the casualty rate is great.

Behavioral problems, such as drug addiction, alcoholism, and the problems of childhood and adolescence have been recognized by the Congress as problems we must face squarely. Therefore, we have mandated augmented programs in all of these areas which must be carried out.

An adequate and well-trained supply of mental health professionals must be made available if these programs are to be carried forward.

Many psychiatrists have amply demonstrated their social consciousness. Close to 60 percent of their time is devoted to institutional services. Increasing cadres of young psychiatrists are taking a great interest in the community mental health centers program. But many more are needed. Our stated goal is 2,000 community mental health centers to serve the mental health needs of our population. Seven and one-half years after the passage of this historic legislation, we have less than 300 in operation. A great part of the problem lies in the inadequacy of staffing grants to man this growing network.

Through the years our research has developed new methods in coping with mental illness. The development of psychotropic drugs have enabled many of our mentally ill to resume useful roles in the community. Protracted stays in mental institutions have greatly diminished, and the resident population of state mental hospitals has dropped from over 500,000 in 1950 to slightly over 300,000 today

There is great hope for the future, as we begin to uncover some of the secrets of mental illness.

But at the time especially, we cannot afford to diminish the ranks of our mental health professionals.

I am distressed that the 1972 budget message to Congress projects a $6.7 million cut in psychiatric residency training funds.

These funds are needed to train psychiatrist to fight the problems I have outlined.

Under the administration's proposal, there will be an elimination of the current $34 million for psychiatric training over the next 3 years.

Such cutbacks are not in tune with the times.

We must expand our efforts in the mental health field. We cannot afford to retreat.

REVENUE SHARING FOR PUBLIC ASSISTANCE ACT

Mr. TOWER. Mr. President, I am extremely pleased to join my good friend from Nebraska, Senator CURTIS, in cosponsoring S. 2037, the "Revenue Sharing for Public Assistance Act," which he introduced on June 10.

The entire Congress is now well aware of the tremendous problems this Nation faces in reforming our current welfare system. President Nixon was perhaps the first figure of national prominence to recognize this problem. In his original message on welfare reform, the President said:

> The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all too often making it more attractive to go on welfare than to go to work.

Since the first Presidential message August 11, 1969, the Congress has attempted to find a rational and workable solution. Last year, the House of Representatives passed the Family Assistance Plan. The Senate Finance Committee held lengthy hearings on this measure and finally reported it unfavorably to the Senate. After considerable debate during the waning hours of the 91st Congress, the Senate took no action.

The Family Assistance Plan was reintroduced on behalf of the Nixon administration by the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, in the 92d Congress, as H.R. 1. Included in the bill are various reform measures intended to improve the social security, medicare and medicaid programs. The bill has been again reported favorable to the House of Representatives by the Ways and Means Committee. I am extremely pleased by the action taken by the House Rules Committee which will enable a separate vote on the family assistance plan, independent of the other sections of the bill which include a 5-percent increase in social security.

As Senator CURTIS stated in his introductory remarks, S. 2037 has as its primary objective the return of decision-making and administrative powers regarding public welfare to the several States. The bill is based upon the revenue-sharing concept proposed by President Nixon. I support the revenue-sharing concept and I believe it can be well applied to welfare reform.

I strongly believe that by returning government power to the States, which have traditionally had the responsibility for implementing public assistance programs, we can reduce overall Government expenditures and simultaneously provide help for those who are truly in need. The bill I now join as cosponsor would provide block grants to each of the States to meet the fiscal crisis that has been primarily thrust upon them by increased expenditures for the Aid to Families with Dependent Children—AFDC—program. It would allow the States to establish any type of public assistance program they deem necessary to meet the problems of their citizens. Each State would be required to provide a fixed percentage of the cost of each of its welfare programs. The Federal Government would supplement payments above the percentage for each welfare program through the block grant procedure.

This method employs the two ingredients which I believe essential to effective welfare reform. First, it would allow the States the opportunity to control and administer a particular set of programs which can be tailored to meet their own specific needs in an area traditionally under State jurisdiction. Secondly, it would relieve the States of the fiscal burden that has been forced upon them by administrative edicts emanating from the Federal establishment, notably the Department of Health, Education, and Welfare.

For a moment I would like to examine the AFDC program. This program has caused the upshoot in welfare panic that is now upon us. The AFDC program provides public assistance to needy family units with children. Most of these families are headed by the mother, who is often unable to work because of family responsibilities. The most ridiculous aspect of this program is that it encourages family breakdown by reducing the level of assistance if a male resides in the home. This limitation has often resulted in either temporary or permanent male desertion from the household in order for the family to qualify for AFDC payments.

If there is a poverty cycle based upon a distinctly unhealthy social relationship found in millions of American households, then it is certainly caused to a large extent by the hypocritical regulations of the AFDC program. While the AFDC program is mostly State supported, it originated within the Federal establishment, and many of the guidelines supporting the program have been federally imposed upon the States.

Government expenditures for the AFDC program reflect the thoughts I have just expressed. According to the chairman of the House Ways and Means Committee, expenditures for the AFDC program for the month of January 1971 was $482.4 million—a 40.5 percent increase over the previous January. The number of recipients rose from 7.5 million in January 1970 to 9.7 million in January 1971—2¼ million more people in 1 year.

My own State of Texas is now facing a monumental welfare crisis. According to a State senate committee, AFDC rolls are increasing on the average of 12,000 a month. During the decade of the 1960's the number of payments increased by 250 percent. The number of children on the AFDC rolls increased by a similar amount. Total payments increased by more than 300 percent. To dramatize the fact that the welfare problem is primarily caused by the AFDC program, it should be noted that for the same 10-year period the number of individuals receiving old age assistance payments in the State of Texas increased by only 10,000 people. The amount of payments for this program increased by only $3 million.

Texas State officials are attempting to devise methods to insure that public assistance payments are maintained in the upcoming fiscal year. However, there is a State constitutional limit on welfare expenditures and there is a good chance that benefits will have to be reduced for all groups receiving public assistance, including old age assistance beneficiaries, the majority of whom are over the age of 75.

Therefore, it would seem natural that State officials would look for out-of-State fiscal relief to resolve this crisis. I do not blame some of these officials for endorsing complete federalization of all welfare programs. It would seem that the Federal Government would be a logical source because of its ability to collect and disburse large sums of revenue.

There is no question in my mind that the Federal Government must come to the assistance of the States in meeting this problem. Yet, with complete federalization of the welfare program, the States will surrender any remaining powers they have to regulate the type of program to be instituted. Through its stringent and uncompromising requirements, the Federal Government has been the major direct cause of the welfare crisis now upon us.

Gov. Ronald Reagan of California has been in the forefront in the battle for welfare reform at the State level. In his message to California State Legislature on welfare reform, the Governor succinctly dramatized the reasons against federalization of welfare:

> The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me.

I completely agree with Governor Reagan on this point. At the same time, I believe the Federal Government has an obligation to relieve the States of the problem that it, the Federal Establishment, has created. It is for this reason that I am supporting the Revenue Sharing for Public Assistance Act which will relieve the States of this financial problem, while allowing them to institute programs suited to the needs of their citizens without Federal encroachment.

A few days ago, an address by the Honorable Edward Reinecke, Lieutenant Governor of California, was inserted into the Congressional Record. I enjoyed reading his remarks and strongly concur with the thoughts he expressed. The Lieutenant Governor of our largest State spoke of welfare as a problem unique to the various States and localities throughout the Nation:

> Welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

The proponents of the family assistance plan included in H.R. 1, maintain that with the passage of this bill, fiscal relief will be almost instantaneous. This is only true to the extent that the 50 State governments will no longer have to pick up the majority share of welfare expenditures. However, the American people, through increased taxation, will eventually pay for adding the 10 million more people who will benefit if the plan is enacted.

Mr. President, if the family assistance plan is enacted over 25 million Americans will be eligible for welfare. I would hope that someone could inform me how welfare reform will be instituted by placing one out of every nine Americans on the public welfare rolls. No doubt millions of these Americans should be receiving some form of assistance because of physical disabilities, old age, or other unfortunate circumstances. But it seems highly impractical to suggest that by adding 10 million people to the welfare rolls we will be achieving welfare reform.

According to the House Ways and Means Committee report, 1,571,300 people will be eligible for welfare in the State of Texas if the family assistance plan becomes operative. Of these, more than 1.1 million will be eligible under the family category, which is similar to the AFDC program. These figures represent more than a 100-percent increase in the overall number of eligibles in the State, and perhaps even more astonishing, they represent nearly a 300-percent increase in eligibles under the family category.

These figures simply do not represent responsible reform. Furthermore, there are technical and philosophical questions involved in the ability of the Department of Health, Education, and Welfare to move people off the welfare rolls and onto the payrolls once the Nation has 25 million people on the caseloads who are supported through the use of general revenues. It has not yet been determined that those officials charged with the responsibility of encouraging the incentive mechanism built into the family assistance plan will actually work to achieve the success that most of us desire. I am not questioning Secretary Richardson, who has on numerous occasions convincingly expressed the point that without the incentive and work requirements the program would be a failure. Yet, none less than the distinguished chairman of the Senate Finance Committee, Russell Long, has questioned the sincerity of certain HEW officials who continue in positions of power throughout a number of administrations. These bureaucrats give only lipservice to the work incentive program as well as to the overall philosophical attitude in support of strong incentives and requirements that have been the keystone of President Nixon's statements on the welfare issue.

Furthermore, I am astounded by the report in the June 16 Washington Post in which Deputy Under Secretary of HEW Patricelli made it clear that the Department favors further liberlization of the family assistance plan when the bill comes to the Senate. I have no doubt that should the family assistance plan be enacted there would soon be attempts to increase the $2,400 guaranteed annual income provision for a family of four. However, it now seems apparent that the Department of HEW intends to join a number of Senators in support of raising the minimum even before the plan is enacted.

I do not have the figures to show how much a higher minimum income guarantee will cost the hard-working American taxpayer who has had to pay for the ever-increasing welfare costs over the past decade. I do know that passage of the family assistance plan will add some 10 million Americans to the welfare rolls at an initial cost of $5.5 billion to the American taxpayer. I do not consider this to be responsible reform and I cannot support this bill in its present form.

The Congress must enact some type of welfare reform. The Revenue Sharing Public Assistance Act in my view represents the best welfare bill thus far presented in the Congress. It allows the States the opportunity to devise solutions to their own problems. At the same time, it provides the funds to the States to resolve a crisis that for the most part has been caused by an irrational and unworkable program directed and controlled by the Federal Government.

Mr. President, this is the kind of responsible welfare reform the Congress should approve.

VIETNAM ARCHIVE AND THE FIRST AMENDMENT

Mr. BAYH. Mr. President, the publication by the New York Times of the Department of Defense study entitled "The History of U.S. Decision Making Process of Viet Nam Policy," has been met with an unprecedented response from the Nixon administration. Never before in the history of this Nation has the U.S. Government gone to court to keep a newspaper from printing the news.

Attorney General Mitchell says this censorship is justified, that printing these articles will cause "irreparable injury to the defense interests of the United States." If this is true, it is a serious matter indeed. But I would like to call to the attention of the Senate an editorial that appeared this morning in the Wall Street Journal. The Journal—certainly a publication without any partisan position opposed to the Attorney General on this question—states—

> . . . after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

Now I do not agree with everything the Journal says, indeed I have often taken positions which the Journal has opposed editorially. But I believe that today's editorial makes an extremely important point —that excessive secrecy in Government is not in the best interest of this country, and, as the Journal's editorial points out—

> The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflects—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests.

The issue, Mr. President, is a clear one. Simply put, it is whether the Government trusts the people. I believe that the Government must take the people into its confidence. As Thomas Jefferson said 150 years ago—

> I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not en-

lightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Or, as the Wall Street Journal puts it—

> Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely upon the ingenuity of the press for such information, the Government has little justification for complaint.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal editorial of June 16, 1971, entitled "Official Secrets" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIEW AND OUTLOOK: OFFICIAL SECRETS

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakend the country's world influnce and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

PROPOSED CONQUEST OF CANCER AGENCY

Mr. TAFT. Mr. President, I am delighted that the Senate Labor and Public Welfare Committee has unanimously reported S. 1828, a bill to create a "Conquest of Cancer Agency." This would be an independent agency within the National Institutes of Health.

Testimony before this committee has indicated that in 1969 we spent $410 per citizen for national defense, $125 for the war in Vietnam, and $19.50 for space exploration but only 89 cents for cancer research.

The striking disparity of these figures is highlighted by the fact that in 1969, 323,000 Americans died of cancer that year compared with 9,414 Americans who were killed in Vietnam for the same period.

As concerned as we all have been about Vietnam casualties, we have not given proper emphasis to a concerted effort to cure cancer. If a cancer casualty list were published in our daily newspapers perhaps Americans would recognize that almost 1,000 Americans die each day from this dreaded disease.

I am pleased that our committee has been able to strike a compromise between the administration bill and the Kennedy bill. By laying aside partisan considerations we can act decisively and promptly to undertake a major national research effort in a concerted way. The haunting specter of cancer is one which casts a dark shadow over every American family. Let us hope that this new effort will result in a meaningful breakthrough that can eradicate cancer and give hope to those who are now suffering from this dreaded disease.

THE VIETNAM CHRONOLOGY: "IRREPARABLE INJURY?"

Mr. KENNEDY. Mr. President, many of us are grappling in our own minds with the issues presented by the New York Times publication of the McNamara Vietnam chronology.

My own conclusion is that the full chronology and analysis should be made public. We have already seen the bulk of the materials from the Johnson years, and I think we should also see the materials from the Kennedy years and prior years, so that we can have the whole story, letting the chips fall where they may.

The only significant issue which some have raised is whether full release by the Times would inflict substantial damage on our national defense. I have seen no such possibilities in the material published so far, and I have no reason to believe the remainder will present such risks. But in any event I am willing to trust the self-discipline and dedication to the national interest of the New York Times, as well as the constraints presented by the Federal penal laws, as a guarantee that no information will be published which would constitute a substantial and actual threat to the present ability of the United States to maintain its military defense capabilities.

Moreover as Tom Wicker points out in today's New York Times, the Government in its lawsuit has not even made any specific allegations that release of the materials would bear in any way on current or future military operations. I believe the Members of the Senate may want to read Mr. Wicker's lucid analysis, and I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRREPARABLE INJURY

(By Tom Wicker)

The Government has alleged that The New York Times, in publishing the Defense Department's own record of the nation's involvement in Vietnam, "has prejudiced the interests of the United States and the publication of additional excerpts . . . would further prejudice the defense interests of the United States and result in irreparable injury to the United States." That is a travesty of fact and common sense.

Is it alleged by the Government that these appalling documents are not genuine? No.

Is it alleged by the Government that The Times is in any way distorting or manipulating this historical record to its own ends? No.

Is it alleged by the Government that these documents bear in any way on current or future military operations? No.

Is it alleged by the Government that these historical documents recount any of the confidential deliberations concerning Vietnam of the present Administration? No; the compilation of the record was completed in 1968, before President Nixon's election.

There remain two ways in which The Times might be charged with having damaged the nation's "defense interests" by publishing historical documents. One is by the mere act of publication, since the Pentagon study was "classified."

Aside from the fact that newspapers publish and Government officials "leak" classified information every day—Presidents and Cabinet officers have been known to do it—the statute that The Times is alleged to have violated is one adapted to guard against espionage, not against a free press in pursuit of its duty to publish. Nor can a wartime emergency be involved to justify supression of information about public business, since the Government in its wisdom has never seen it to declare war on North Vietnam or any other entity with which it may be at odds in Southeast Asia.

Since the documents in the Pentagon record go back to the Truman Administration, since they were collected in 1967 and 1968 expressly for historical purposes, and since they bear on present diplomatic and military exemptions only in a historical sense, for any newspaper or scholar to concede that they can properly be "classified" and kept from the public would be to concede that history itself can be classified and suppressed.

It must be, therefore, that the Government believes further publication would "result in irreparable injury to the United States" because of the content—because the documents themselves form an almost incredible record of subterfuge, deception, shortsightedness, mistakes, wrong assumptions and arrogant disregard of truth. Moreover, these are not the creation of that devil-press Vice President Agnew likes to denounce; nor are they the fantasies of "peaceniks." This is the factual record of what happened, compiled within the Pentagon itself, often by men who bore the responsibility for much of that record.

But no statute exists that says Government officials must be protected from the exposure of their follies or misdeeds. Indeed, the great lesson of the Pentagon record is that the ability to operate in secrecy breeds contempt for that very public in whose name and interest officials claims to act. It often is argued that government cannot function if its officers cannot deal with one another in confidence; but seldom if ever has it been so graphically demonstrated that when men are relieved of the burden of public scrutiny, uncomfortable as it may be, no other form of accountability can effectively take its place.

Although it may be long past the point when the tragedy might have been averted, and although it may now be too late to hold anyone effectively accountable for the blunders and deceptions of the past, one thing is apparent: reading this sad record can teach every American something about the nation, the world, the past—and therefore about the future. Can anyone maintain that the public will be less enlightened and the future of the nation more endangered if these documents are made available for study and reflection? On the other hand, can anyone conceivably suggest that the people of the United States would be better off and the interests of the nation further advanced if this dark chapter of its history were locked away in the vaults of the Pentagon?

To advance the latter argument would be to assert that truth has less value than deception, and that in a democracy the people ought not to know. Yet that is essentially what the Government is asking the courts to rule; and in the legal ground upon which it tries to base its case, it is also asking that the self-serving security classifications of the Defense Department take precedence over the First Amendment to the Constitution.

That is the only "irreparable injury" that can be done, in this painful matter, to the real interests of the United States, and it is not The New York Times that can perpetrate it.

PROPOSED REGULATIONS OF THE INTERNAL REVENUE SERVICE FOR ACCELERATED AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

Mr. COOPER. Mr. President, on December 9, 1969, I introduced on the floor my amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, to provide a 5-year amortization of the coal mine safety equipment needed in order to meet the requirements of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969. This amendment permits operators of nongassy mines located above the water table to writeoff over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install or the cost of converting existing equipment to a permissible condition within the period specified in the act.

My amendment was cosponsored by my colleague from Kentucky (Mr. Cook) and Senators Baker, Byrd of West Virginia, Byrd of Virginia, Randolph, Spong, Stevens, and Schweiker and was accepted and taken to conference by the manager of the bill, the distinguished senior Senator from Georgia (Mr. Talmadge). It was agreed to in conference and became section 707 of the Tax Reform Act of 1969.

I am pleased to note that the Internal Revenue Service has issued its notice of proposed rulemaking and proposed regulations to implement this provision of the 1969 Tax Reform Act, and they appear in the Federal Register of May 26. I would like to bring to the attention of interested parties that written comments on these proposed regulations should be submitted in writing to the Commissioner of Internal Revenue by June 25, 1971.

Mr. President, I ask unanimous consent that section 707 of the Tax Reform Act of 1969, Public Law 91–172, 83 Statutes-at-Large 706, and the proposed notice of rulemaking be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Public Law 91–172

Sec. 707. Amortization of certain coal mine safety equipment.

(a) Allowance.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 904 of this Act) the following new section.

"Sec. 187. Amortization of certain coal mine safety equipment.

"(a) Allowance of Deduction.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) Election of Amortization.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) Termination of Amortization Deduction.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a), may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(d) Certified Coal Mine Safety Equipment.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before January 1 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) Special Rules.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) Clerical Amendment.—The table of sections for part VI of subchapter B of the chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1969.

Internal Revenue Service

[26 CFR Part 1]

Amortization of Certain Coal Mine Safety Equipment

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 25, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner, by June 25, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674) relating to amortization of certain coal mine safety equipment, such regulations are hereby amended as set forth below. Section 1.187-1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following regulations are prescribed under section 187 to precede § 1.211:

§ 1.187 Statutory provisions; amortization of certain coal mine safety equipment.

Sec. 187. *Amortization of certain coal mine safety equipment*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) *Certified coal mine safety equipment.* For purposes of this section, the term "certified coal mine safety equipment" means property which——

(1) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

(2) The Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

(3) Is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) *Special rules.* (1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

[Sec. 187 as added by sec. 707(a), Tax Reform Act 1969 (83 Stat. 674)]

§ 1.187-1 Amortization of certain coal mine safety equipment.

(a) *Allowance of deduction*—(1) *In general.*—Under section 187(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in § 1.187-2), based on a period of 60 months. Such 60-month period shall, at the election of the taxpayer, begin either with the month following the month in which such equipment was placed in service or with the succeeding taxable year. For rules as to making or discontinuing the election, see paragraphs (b) and (c) of this section. For the computation of the adjusted basis (for determining gain) of any certified coal mine safety equipment, see paragraph (b) of § 1.187-2.

(2) *Amount of deduction.* (i) Such amortization deduction shall be an amount, with respect to each month of such 60-month period which falls within the taxable year, equal to the adjusted basis for determining gain of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. Such adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to any certified coal mine safety equipment for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year.

(ii) If any certified coal mine safety equipment is sold or exchanged or otherwise disposed of during a particular month, then the amortization deduction (if any) allowable to the tranferor in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the equipment was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 187(a) with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable with respect to such equipment under section 167 for such month.

(ii) If the adjusted basis of such coal mine safety equipment as computed under section 1011 for purposes other than the amortization deduction provided by section 187(a) is in excess of the adjusted basis, as computed under paragraph (b) of § 1.187-2, then such excess shall be recovered through depreciation deductions under the rules of section 167. See section 187(e), and paragraph (b)(2) of § 1.187-2.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179-1 for additional first-year depreciation in respect of certified coal mine safety equipment.

(4) *Special rules.* (i) If the assets of a corporation which has elected to take the amortization deduction under sesction 187(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) For the right of estates and trusts to take the amortization deduction provided by section 187 see section 642(f) and § 1.642(f)-1.

(iii) For the allowance of the amortization deduction in the case of coal mine safety equipment of partnerships see section 703 and § 1.703-1.

(i) In the case of certified coal mine safety equipment held by one person for life with the remainder to another person, the amortization deduction under section 187(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(5) *Effective date.* The provisions of this paragraph shall apply to taxable years ending after December 31, 1969.

(6) *Meaning of terms.* Except as otherwise provided in § 1.187-2, all terms used in section 187 and the regulations thereunder shall have the meaning provided by this section and § 1.187-2.

(b) *Election of amortization*—(1) *In general.* Under section 187(b), an election by the taxpayer to make amortization deductions with respect to any certified coal mine safety equipment and to begin the 60-month amortization period shall be made by a statement to that effect attached to his return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each piece of certified coal mine safety equipment for which an amortization deduction is claimed;

(ii) The date on which such equipment was "placed in service" (see paragraph (a)(2)(i) of § 1.187-2);

(iii) The date on which the amortization period began;

(iv) The total costs paid or incurred in the acquisition and installation of such equipment;

(v) A computation showing the adjusted basis (as defined in paragraph (b) of § 1.187-2) of the equipment as of the beginning of the amortization period;

(vi) In the case of electric face equipment which is newly acquired by the taxpayer, a statement that the equipment has been certified by the Secretary of the Interior or the Director of the Bureau of Mines as being permissible within the meaning of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969; and

(vii) In the case of property placed in service in connection with used electric face equipment (within the meaning of paragraph (a)(2)(ii) of § 1.187–2, a statement that such property has resulted in the used electric face equipment becoming permissible and a copy of the notification that such property is permissible.

(2) *Late certification.* If, 90 days before the date on which the return described in this paragraph is due, a piece of coal mine safety equipment has not been certified as permissible by the Secretary of the Interior or by the Director of the Bureau of Mines, then the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. The statement and amended return in such case must be filed not later than 90 days after the date the equipment is certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines. Amended income tax returns or claims for credit or refund should also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 187(a) other than that prescribed in this section shall be permitted on or after (the date of publication in the FEDERAL REGISTER of the regulations under section 187). A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to certified coal mine safety equipment shall not be entitled to such deductions. In the case of a taxpayer who has elected prior to (such date) the statement required by subparagraph (1) of this paragraph shall be attached to his income tax return for his taxable year in which (such date) occurs.

(c) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* (i) Under section 187(c), if a taxpayer has elected to take the amortization deduction provided by section 187(a) with respect to any certified coal mine safety equipment, he may, after such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period for such equipment.

(ii) An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director or with the director of the internal revenue service center with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. In addition, a copy of such statement shall be attached to the taxpayer's income tax return filed for such taxable year. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions, and shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the certified coal mine safety equipment with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, he shall not be entitled to any further amortization deductions under section 187 with respect to such equipment.

(2) *Revocation of elections made prior to [the date of publication in the* FEDERAL REGISTER *of the regulations under section 187].* If before [such date] an election under section 187(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing a notice of revocation on or before [the 90th day after the date]. Such notice shall be in the form and shall be filed in the manner required by subparagraph (1)(ii) of this paragraph. If such revocation is for a period which falls within one or more taxable years for which an income tax return has been filed, an amended income tax return shall be filed for any taxable year in which a deduction was taken under section 187 on or before [such 90th day].

(3) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* (i) A taxpayer who elects in the manner prescribed under subparagraph (1) of this section to discontinue amortization deductions under section 187(a) or under subparagraph (2) of this paragraph to revoke an election made prior to [the date of publication in the FEDERAL REGISTER of the regulations under section 187] with respect to an item of certified coal mine safety equipment may be entitled to a deduction for depreciation with respect to such equipment. See section 167 and the regulations thereunder.

(ii) In the case of an election to discontinue an amortization deduction under section 187, the deduction for depreciation shall be computed beginning with the first month as to which such amortization deduction is not applicable, and shall be based upon the adjusted basis (see section 1011 and the regulations thereunder) of the property as of the beginning of such month. Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility, as determined as of the first day of the first month as of which the amortization deduction is not applicable.

(iii) In the case of a revocation of an election under section 187 referred to in paragraph (c)(2) of this section the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 187. See subparagraph (2) of this section for rules as to filing amended return for years for which amortization deductions have been taken.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, places in service a piece of coal mine safety equipment required as a result of the Federal Coal Mine Health and Safety Act of 1969 which is certified as indicated in paragraph (a) of § 1.187–2. The cost of the equipment is $120,000. On its income tax return filed for 1970, the corporation elects to take the amortization deductions allowed by section 187(a) with respect to the equipment and to begin the 60-month amortization period with October 1970, the month following the month in which it was placed in service. The adjusted basis at the end of October 1970 (determined without regard to the amortization deduction allowed by section 187(a) for that month) is $120,000. The allowable amortization deduction with respect to such equipment for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 ($120,000 minus $2,000) divided by 59	2,000
December: $116,000 ($118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the equipment as of June 1, 1972 (assuming no capital additions or improvements) is $80,000, computed as follows:

Yearly amortization deductions computed in accordance with example (1):	
1970	$6,000
1971	24,000
1972 (for the first 5 months)	10,000
Total amortization deductions for 20 months	40,000
Adjusted basis at beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

Example (3). Assume the same facts as is in example (1), except that on its income tax return filed in 1970, X does not elect to take amortization deductions allowed by section 187(a) but that on its income tax return filed for 1971 X elects to begin the amortization period as of January 1, 1971, the taxable year succeeding the taxable year the equipment was placed in service. Assume further that the only adjustment to basis for the period October 1, 1970, to January 1, 1971, is $3,000 for depreciation (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 3 months of 1970. The adjusted basis (for determining gain) for purposes of section 187 as of that date is $120,000 less $3,000 or $117,000.

§ 1.187–2 Definitions.

(a) *Certified coal mine safety equipment*—(1) *In general.* (i) The term "certified coal mine safety equipment" means property which—

(*a*) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

(*b*) The Secretary of the Interior or the Director of the Bureau of Mines certifies is permissible within the meaning of such section 305(a)(2), and

(*c*) Is placed in service (as defined in subparagraph (2)(i) of this paragraph) before January 1, 1975.

(ii) In addition, property placed in service in connection with any used electric face equipment which the Secretary of the Interior or the Director of the Bureau of Mines certifies makes such used electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment. See subparagraph (2)(ii) of this paragraph.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1)(i)(*a*) of this paragraph, the term "placed in service" shall have the meaning assigned to such term in paragraph (d) of § 1.46–3.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the term "property" includes those costs of converting existing nonpermissible electric face equipment to a permissible condition which are chargeable to capital account under the principles of § 1.1016–2. Property is considered to be placed in service in connection with used electric face equipment (which was not permissible) if its use causes such electric face equipment to be certified as permissible.

(b) *Adjusted basis*—(1) *In general.* The basis upon which the deduction with respect to amortization allowed by section 187 is to be computed with respect to any item of certified coal mine safety equipment shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property (see part II (section 1011 and following) subchapter O, chapter 1 of the Code) computed as of the first day of the amortization period. For an example showing the determination of the adjusted basis referred to in the preceding sentence in the case where the amortization period begins with the taxable year succeeding the taxable year in which the property is placed in service see example (3) in paragraph (d) of § 1.187–1.

(2) *Capital additions.* The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under section 187(b), shall not be increased, for purposes of section 187, for amounts chargeable to the capital account for additions or improvements after the amortization period has begun. However, nothing contained in this section or § 1.187–1 shall be deemed to disallow a deduction for depreciation for such capital additions. Thus, for example, if a taxpayer places a piece of certified coal mine safety equipment in service in 1971 and in 1972 makes improvements to it the expenditures for which are chargeable to the capital account, such improvements shall not increase the adjusted basis of the equipment for purposes of computing the amortization deduction allowed by section 187(a). However, the depreciation deduction provided by section 167 shall be allowed with respect to such improvements in accordance with the principles of section 167.

Par. 2. Paragraph (c)(1) of § 1.179–1 is amended by adding the following new (*c*) and (*d*) to subdivision (iii) thereof. These added provisions read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * * (iii) * * *

(*c*) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

(*d*) A piece of certified coal mine safety equipment which the taxpayer elects to amortize under the provisions of section 187.

* * * * *

[FR Doc. 71–7362 Filed 5–26–71; 8:53 am]

Mr. COOPER. Mr. President, because of the interest among the small coal operators in this tax provision I believe it would serve a useful purpose to have my explanation of the amendment and the supporting data as well as comments by other Senators when the amendment was considered on the floor made available again.

Mr. President, I ask unanimous consent that the discussion on this amendment appearing in the Congressional Record, volume 115, part 28, pages 37894–37897, be inserted in the Record.

There being no objection, the excerpt from the Record was ordered to be printed in the Record, as follows:

Amendment No. 399

Mr. Cooper. Mr. President, I call up my amendment, No. 399.

The Presiding Officer. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. Cooper. Mr. President, I ask unanimous consent that the Senate dispense with further reading of the amendment.

The Presiding Officer. Without objection, it is so ordered.

Mr. Cooper's amendment is as follows:

Page 454, after line 2, insert the following new section:

Sec. 707. Amortization of certain coal mine safety equipment.

(a) Allowance.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 906 of this Act) the following new section:

"Sec. 187. Amortization of certain coal mine safety equipment.

"(a) Allowance of Deduction.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) Election of Amortization.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) Termination of Amortization Deduction.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(4) Certified Coal Mine Safety Equipment.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before the expiration of six years after the operative date of title III of the Federal Coal Mine Health and Safety Act of 1969.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) Special Rules.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. Cooper. Mr. President, I offer this amendment for myself, the Senator from Tennessee (Mr. Baker), my colleague from Kentucky (Mr. Cook), the Senators from West Virginia (Mr. Randolph and Mr. Byrd), and the Senator from Virginia (Mr. Byrd).

Mr. President, I hope very much that the manager of the bill will be willing to accept the amendment.

Mr. Talmadge. Will the Senator explain it, so that Senators can ascertain what it does?

Mr. Cooper. Yes. The purpose of the amendment is to permit the amortization of the cost of certain "permissible" coal mine equipment over a 5-year period. The usual period of depreciation, I am informed, is a period of 10 years. I shall explain the reason for offering the amendment.

Mr. Javits. Mr. President, will the Senator yield momentarily?

Mr. Cooper. I yield.

Mr. Javits. Before leaving the Chamber, I should like to inform my colleagues, if I could have their attention, that I am the ranking member of the Committee on Labor and Public Welfare which just handled the coal mine safety bill. That bill was drafted by the Senator from New Jersey (Mr. Williams) and myself.

One of the big problems that we had was to reconcile safety with economics. The Senator from Kentucky (Mr. Cooper) is laying before us a very grave problem affecting small miners, where we are trying to impose heavy safety precautions, and its costs money to provide them.

I should like to say to my colleagues who are interested in safety that what the Senator from Kentucky is now proposing is a way in which the small mine operator can be helped. We knew he had to be helped. We tried to get him small business loans and other things, which is a kind of long way around, but I think the Senator, with his tax amendment, has something which can directly help him, and I hope my fellow Senators will give the greatest sympathy to the Senator's proposition. I testify to my colleagues that one of the bases of the coal mine safety bill was an attempt to reconcile economics with human life. We did the best we could, but what Senator Cooper is now proposing would help us immeasurably to do justice on the economic scale.

Mr. Cooper. I thank the Senator from New York for his excellent statement. I have also been informed that the Senator from New Jersey (Mr. Williams), who was chairman of the subcommittee that had charge of the coal mine health and safety bill, also supports the amendment.

I ask unanimous consent also to add the names of the Senator from Virginia (Mr. SPONG), and the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, on October 2 of this year the Senate passed S. 2917, the Coal Mine Health and Safety Act of 1969. On October 29, 1969, the House passed its bill. The conferees have met and it is expected that the conferees will file a conference report very soon.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TALMADGE. Mr. President, do I understand correctly that this is the result of the action of Congress in requiring these coal mine safety devices in coal mines?

Mr. COOPER. The Senator is correct.

Mr. TALMADGE. And that the equipment must necessarily be bought, because an act of Congress has required it?

Mr. COOPER. That is right.

Mr. TALMADGE. And that the purpose of the equipment is to save human life?

Mr. COOPER. The Senator is correct. Both Houses of Congress have passed bills which include a provision requiring that "permissible" machinery be used in all coal mines by a specified date.

The provision included in both the Senate and House bills would abolish the present distinction between "gassy" and "nongassy" mines, a classification that up to this time had been preserved in the Federal Coal Mine Safety Act since its adoption. The chief purpose of proposing the merging of all mines in one classification as "gassy" mines, is to require operators of mines now classified as "nongassy" mines to purchase and install new equipment which is designated as "permissible" equipment under the Federal Coal Mine Safety Act. This equipment is designed to prevent "sparking" of the machinery which could, of course, cause the danger of ignitions and explosions in mines where a sufficient concentration of methane occurs.

Bureau of Mines statistics show that for the year 1967 there were a total of 3,191 nongassy mines employing 45,472 workers and producing 143 million tons of coal a year.

I ask unanimous consent that a compilation prepared by the Bureau of Mines be printed in the RECORD at this point.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

NUMBER OF BITUMINOUS UNDERGROUND COAL MINES, EMPLOYMENT AND PRODUCTION BY STATES AND BY GASSY AND NONGASSY MINES—1967

	Gassy			Nongassy		
	Number of Mines	Employees	Production	Number of Mines	Employees	Production
Alabama	17	3,222	8,443,850	85	1,633	739,350
Arizona				1	3	969
Arkansas	5	61	93,690			
Colorado	23	1,026	3,008,995	36	239	569,915
Illinois	26	5,271	27,797,978	9	111	525,834
Indiana	7	421	1,564,831	4	285	142,483
Iowa				5	51	244,917
Kentucky	32	3,851	18,996,388	913	10,687	42,000,000
					580	2,287,406
Maryland				33	236	409,550
Missouri				2	14	3,000
Montana		16	6,200	12	41	22,650
New Mexico	1	98	625,000	7	22	4,375
North Dakota				1	5	996
Ohio	18	2,115	8,922,588	55	1,244	4,496,000
Oklahoma	1	4	2,400			
Oregon				1	5	1,000
Pennsylvania	68	13,973	46,110,933	279	3,007	8,302,238
Tennessee	7	57	135,250	142	1,924	4,364,750
Utah	10	799	2,785,122	17	359	1,478,102
Virginia	44	3,347	14,265,000	673	4,722	16,625,000
Washington	1	7	8,599	3	31	48,017
West Virginia	132	20,848	80,348,324	908	20,181	61,037,451
					32	30,812
Wyoming				5	60	118,942
Total	382	55,116	213,115,058	3,191	45,472	143,453,737

Mr. COOPER. Since all mines are designated as "gassy" under the pending legislation, the operators of these 3,191 "nongassy" mines will be required to junk the nonpermissible machinery now used which has been installed at great cost and replace it with "permissible" equipment of greater cost. This will impose a burden which many operators cannot sustain, result in the closing of hundreds of mines, and will drive out of employment hundreds, if not thousands of miners. This drastic legislation will not only affect the mines and miners, but will result in severe economic hardship upon the communities and States in which the "nongassy" mines are located. The Bureau of Mines compilation for 1967 indicates that there were 913 "nongassy" mines in Kentucky, 908 in West Virginia, 279 in Pennsylvania, 142 in Tennessee, 55 in Ohio, 85 in Alabama, 36 in Colorado and smaller numbers in 10 other States.

Both in the Senate Labor and Public Welfare Committee and on the floor when the Senate considered S. 2917, I offered amendments to preserve the distinction between gassy and nongassy mines. I introduced statistics and geological data showing that nongassy mines are the safest mines and that there is no demonstrated need for abolishing the present distinction between "gassy" and "nongassy." However, my amendments were not agreed to.

The House and Senate conferees have agreed, first, that for all mines certain specified small electrical equipment must be made permissible within 1 year after the operative date of the act—which is 90 days after enactment; second, that heavy electrical face equipment employed in coal mines not classified as "gassy" prior to enactment of the act and which are located above the water table—which definition would include a great majority of mines now classified "nongassy"—must be made permissible within 4 years of its operative date of the act with the right to obtain extensions up to a maximum of 2 years. Thus, under this provision, all operators of the above described nongassy mines would be required at the conclusion of 6 years after the operative date to have replaced all existing nonpermissible equipment by permissible equipment.

In addition, nonpermissible equipment that has worn out is to be replaced 1 year after the operative date by equipment that is permissible.

The amendment I introduce today would permit the operators of nongassy mines located above the water table to amortize over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install, or the cost of converting existing equipment to a permissible condition within the 6-year period after the effective date of the act.

My amendment is limited to equipment required to be installed in this 6-year period and the 5-year amortization would not be available for equipment installed after the 6-year period has expired. In addition, the 5-year amortization provided by my amendment would not be available to write off the small horsepower equipment required to be permissible within a year after the effective date of the act. It is limited to heavy electrical face equipment and is extended only to operators of nongassy mines located above the water table. My amendment, therefore, is of limited scope and of limited duration.

I am informed by the Bureau of Mines that the useful life of coal mining equipment as determined by the Internal Revenue Service for accounting purposes is 10 years. I am informed that most operators employ straight line depreciation schedules in depreciating this equipment. During the debate on the Federal Coal Mine Health and Safety Act, statements were provided by the Senator from New Jersey (Mr. WILLIAMS), manager of the bill, concerning estimates of the cost of new equipment and of the conversion of old equipment. A letter from the Honorable Hollis M. Dole, Assistant Secretary of the Interior, addressed to Senator WILLIAMS, dated August 2, 1969, was included in the CONGRESSIONAL RECORD, volume 115, part 20, page 27143. In his letter, Assistant Secretary Dole stated that the Bureau of Mines has estimated the cost to be approximately $50 to $60 million. I would point out that these cost figures included the cost of converting or replacing small electrical equipment in both gassy and nongassy mines, which equipment would not be given the 5-year writeoff as proposed by my amendment. Therefore, I am informed by the Bureau of Mines that this $50- or $60-million total cost figure would be less when limited to the cost of heavy electrical equipment as provided for by my amendment.

Taking the cost estimates submitted by the Bureau of Mines, I requested the Treasury Department to give me an estimate of the revenue loss should my amendment be adopted.

In a letter dated December 8, 1969, I am informed by Mr. John S. Nolan, Deputy Assistant Secretary, that my amendment—and I read from his letter—"will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero."

The new Federal Coal Mine Health and Safety Act will require many small operators in nongassy mines to junk their existing equipment and purchase permissible equipment as required by this legislation at great expense for reasons of safety. It seems to me, Mr. President, that the least that the Congress can do is to provide, to this limited extent, financial assistance in meeting these costs. The tax reform bill provides a 5-year amortization to the railroad industry and to industries purchasing air and water pollution equipment. Certainly, the equities of the small coal operator are equal, if not greater, than the industries helped by the 5-year amortization provided in this bill.

Mr. President, reconversion must take place under S. 2917 which is now in conference, within a minimum of 6 years. In my judgment, based upon the letter from the Treasury Department, the overall cost of the amendment would probably be $5 million or less.

It affects approximately 45,000 miners who are working in these mines which produce about 40 percent of our bituminous coal.

It is a just amendment. Congress will enact the measure which is now in conference. Help should be given not only to the operators of the mines, but to the men employed in the mines. Keeping the mine open will continue their employment.

Mr. President, that is the basis of my argument for the measure.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky for yielding and my chairman, the distinguished Senator from West Virginia, for permitting me to speak at this time for the purpose of observing that I believe the Senator from Kentucky has done a great service to a great industry by offering the amendment.

I very much hope that it will be agreed to by the Senate as part of the bill.

It is a difficult task, that of providing for mine safety and coming to grips with the issue of whether gassy and nongassy mines should be preserved.

The Senate has worked its will in that respect. For my part, and I know, from the standpoint of the senior Senator from Kentucky, we had hoped that there would be a continuing distinction between gassy and nongassy mines. However, there is not under the present state of affairs. Therefore, it becomes essential and urgent that something be done to encourage those who operate in nongassy mines, and obviously designated so, to devote permissible equipment to the preservation of those jobs which are by and large in an area of the country that has chronic unemployment and thus promote employment of men who are, by and large, uniquely suited to only one occupation, that of mining coal.

I think the Senator from Kentucky would move a great distance in this direction and the amendment would encourage many operators of nongassy mines to devote permissible equipment to conserving those jobs, thus contributing to our area of Tennessee, Kentucky, Virginia, and West Virginia.

Mr. President, it is with great pride that I join with the Senator from Kentucky in sponsoring the amendment. I hope that the Senator promptly agrees to it.

Mr. COOPER. Mr. President, I thank the Senator from Tennessee.

Mr. President, I yield now to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the amendment offered by the knowledgeable Senator from Kentucky (Mr. COOPER) indicates once again his very real concern for the problems of coal mining and the safety of the miners. These mining problems, particularly as relate to the smaller mines now classed as nongassy, are soon to become acute and expensive. With the Coal Mine Health and Safety Act nearing finalization in this Congress, most of these mines necessarily must install much new equipment at substantial cost to meet the strict new safety requirements. The amendment which I am privileged to cosponsor will help the smaller mining companies provide the equipment requisite to the safety of their miners. The amortization provided can be very important in the financing of the equipment changeover to satisfy provisions of the new safety measure.

Mr. President, I am very grateful that over a period of time the Senator from Kentucky has demonstrated detailed knowledge and has been realistic in evaluating legislation as it affected the mines of his own State and neighboring ones. The mines concerned in the amendment, frankly, are mostly in Kentucky.

But numerous others in Tennessee, Virginia, and southern West Virginia will have some measure of tax relief available to them under Senator COOPER's amendment, and we are grateful to him for his alertness and his diligent attention to these matters.

Would amortization provisions, I ask the Senator from Kentucky, usually apply over a period of 10 years?

Mr. COOPER. That is the information we receive from the Department of the Interior and the Department of the Treasury. The usual depreciation is over a period of 10 years.

Mr. RANDOLPH. Mr. President, the Senator's amendment would reduce that to a period of 5 years.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And the letter the sponsor has referred to indicates that the cost to the Federal Government would not be a substantial sum.

Mr. COOPER. It would be $1 million a year for several years. It would then decrease to zero. The reason it would decrease to zero is that it ends as soon as the mines are reequipped in the 6-year transition period.

Mr. RANDOLPH. Mr. President, I am sure the estimate is correct. The estimate is that it would cost the eligible mining companies from $50 million to $60 million for this equipment.

Mr. COOPER. The letter is addressed to the committee of the Senator from West Virginia. The Committee on Labor and Public Welfare had charge of the bill. The letter was addressed to the Chairman of the Labor Subcommittee Senator WILLIAMS by Hollis M. Dole, Assistant Secretary of the Interior. He states:

"Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment, a more realistic cost estimate would be between $50 and $60 million."

Mr. President, I ask unanimous consent that the letter of Assistant Secretary Dole of the Interior Department and the letter of Deputy Assistant of the Treasury Nolan and a summary I have prepared explaining the amendment be printed at this point in the RECORD.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

ESTIMATES OF THE COST OF CHANGING NONPERMISSIBLE ELECTRIC FACE EQUIPMENT TO PERMISSIBLE CONDITION, BY THE DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1969.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Senate Labor Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Enclosed are two attachments (A & B) in response to your letter of July 5, 1969, requesting further information on the cost of changing non-permissible electric face equipment in underground coal mines to permissible condition under the procedures (Schedule 2–G) of the Bureau of Mines. These procedures are primarily designed to assure that such equipment, if maintained in permissible condition, will not emit a spark or arc and cause a mine fire or explosion.

The first of these attachments is an updating and correction of estimates previously prepared and supplied to your subcommittee in relation to the cost of changing non-permissible equipment to permissible and the time needed to accomplish it.

The other attachment is the results of a survey or undeground coal mines conducted, at your request, by the Bureau of Mines in each of the 9 major coal producing States. The survey was undertaken through the Bureau's district offices and complied here. While it included some contact with the industry, repair shops, and equipment manufacturers, it is largely a paper survey based on records and data of the Bureau, including inspection reports, etc. We have discussed informally the results of the survey with your staff.

At the request of your staff, we checked, after completing the survey, on whether a bias had been introduced inadvertently due to the small number of mines sampled in the 9 States. Time did not permit a greater sampling. We have concluded that the samples for at least 3 of the States, Virginia, Kentucky, and West Virginia, are not truly typical of the small mines in those States. Thus, a bias was, in fact, inadvertently introduced.

From the survey we have, at your request, estimated the cost of making this equipment permissible either by conversion or rebuilding. The estimates are as follows:

SMALL NON-GASSY MINES

Estimated costs

Cost of "conversion"[1] of all equipment:	
Nine States only	$37,000,000
County-wide basis (by extrapolation from data)	42,500,000
Cost of upgrading or using rebuilt equipment:	
Nine States only	54,882,580
County-wide basis (by extrapolation from data)	63,000,000

LARGE NON-GASSY MINES

Estimated cost

Cost of upgrading or using rebuilt equipment:[2]	
Seven States only	$13,475,650
County-wide basis	18,100,000

[1] Assumes field permissibility approval will be feasible even for equipment that had never had permissible approval.

[2] Assumes that all equipment could be upgraded and none would be converted.

You also requested that we provide an estimate, based on the survey, of the costs of making this equipment permissible, through conversion, upgrading, purchasing rebuilt or purchasing new, in the case of those gassy mines with "grandfathered" equipment is still permitted under the 1952 Act. The estimates are as follows:

Grandfathered equipment, all Gassy Mines:

Cost to upgrade, $3,591,350.
Cost to rebuild, $14,158,060.
Cost new, $36,951,170.

Because of the bias mentioned above, you also asked if we could use the survey and make some estimates taking the bias into account. Probably the most appropriate way to make such an estimate is to use an average of the capital cost per yearly ton of coal produced. For these larger and more efficient mines covered by the survey a mine producing 20,000 tons per year would require an investment of about $16,000. If the equipment were used for 20 years this would represent a cost of 4 cents per ton of coal mined. There is, however, some tonnage produced in hand loaded mines where permissible equipment would not be required. On the other hand, smaller mechanized mines, also not included in the survey, would be expected to have a higher investment per daily ton than those included in the survey. In our estimate, we have assumed that these two factors are to be in balance.

Using this method then, the cost for the small non-gassy mines for the country as a whole to convert or rebuild the equipment would be $30 million.

If all the equipment could be converted

rather than using a combination of conversion and rebuilt equipment, the cost would be about $21 million.

The total cost can thus be estimated at $51.7 million, broken down as follows:

Grandfathered equipment (all upgraded), $3.6 million.

Cost of upgrading or using rebuilt equipment in large non-gassy mines, $18.1 million.

Cost for converting or using rebuilt equipment in small non-gassy mines, $30 million.

These figures are lower than those in Attachment A because we have assumed that the new concept of conversion which we have discussed with your staff using field approval for permissibility will be possible and because the size of the sample in the latest survey introduced a bias. Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment a more realistic cost estimate would be between $50 and $60 million. It is probable, however, that some portion of this sum would be expended anyway due to normal replacement needs.

Another cost is that of the Government which would be appreciably higher if all the equipment were converted, since it would involve a large increase in the man-hours required for field inspection of field converted and approved equipment.

Sincerely yours,

Hollis M. Dole,
Assistant Secretary of the Interior.

The Department of the Treasury,
Washington, D.C., December 8, 1969.

Hon. John Sherman Cooper,
U.S. Senate,
Washington, D.C.

Dear Senator Cooper: You have requested an estimate of the revenue cost of Amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, which you have introduced. The amendment would allow five-year amortization for certain equipment installed to comply with the Federal Coal Mine Health and Safety Act of 1969.

Treasury estimates that this amendment will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero.

Sincerely yours,

John S. Nolan,
Deputy Assistant Secretary.

EXPLANATION OF COOPER, RANDOLPH, BYRD (W. VA.), COOK, BAKER AMENDMENT

Purpose is to permit amortization of the cost of certain "permissible" coal mine equipment over a five-year period. The usual period recognized by the Internal Revenue Service is ten years.

Cost of reequipping mines with "permissible" equipment, estimated by the Department of Interior, is $50 to $60 million. Cost, in loss of revenue, estimated by the Department of Treasury, is $1 million annually for the first several years, then reduced to no cost.

Reason: House and Senate conferees have agreed on a provision to be a part of the Federal Coal Mine Health and Safety Act of 1969 (S. 2917), which requires for the safety of miners that "permissible" equipment—that is, non-sparking equipment—be installed in "non-gassy" mines over a six-year period. "Non-gassy" mines number about 3,000 and employ about 45,000 men and produce about 40% of the nation's bituminous coal. These are chiefly small mines and the cost of reequipping will put many out of business and increase unemployment, unless some aid is provided.

The five-year amortization provided by the amendment is limited strictly to "non-gassy" mines located above the water table, and only to the cost of installation of heavy electrical face equipment of a permissible type or the cost of converting existing equipment to a permissible standard during the six-year transition period.

Mr. RANDOLPH. Mr. President, I do not wish to take more time except to say that this is desirable and necessary legislation. In the Coal Mine Health and Safety Act, we sought to be prudent without compromising the safety of miners. However, approval of this amendment would mean that we can be more careful in insisting that the smaller units in the industry are not put out of business with the resultant increase in unemployment.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And I have talked with the chairman of the Subcommittee on Labor. He is interested in the amendment and desires to support it.

I have listened to the acting chairman of the Finance Committee as he has questioned the principal author of the amendment. He indicates that he understands the problem we face in this matter.

It has been my privilege to join in cosponsoring the amendment. I do feel it is equitable. And I hope it will receive the unanimous approval of the Senate.

Mr. COOPER. Mr. President, I thank the Senator. We have conferred on the amendment and have worked out the amendment before us.

I yield now to my colleague from Kentucky.

Mr. COOK. Mr. President, although my distinguished colleague from Kentucky has said this would cost the Government $1 million a year for approximately 6 years, I think the weight of the argument is that it will cost the industry between $50 and $60 million during that same period of time.

This cost of $50 to $60 million is the direct action of Congress itself. Contrary to the Williams amendment of just a moment ago which, as the distinguished Senator from Delaware said slowly but surely pulls away this $1 million a year for approximately 5 or 6 years, the cost to the Federal Government is necessitated by the fact that the industry, by action of Congress, must expend between $50 and $60 million during that same period of time.

I say to the distinguished Senator from Georgia that the real argument is that, for the safety and protection of human life, the industry is required to pay some $60 million and Congress is asked for this opportunity to extend to the industry a rapid writeoff from 10 to 5 years at a cost to the Federal Government, for the safety of human lives, the sum of $1 million a year. I think this is the real argument, and this is the point that the distinguished Senator from Kentucky (Mr. COOPER) has so eloquently made. I hope that the committee will accept the amendment.

Mr. COOPER. I thank the Senator.

I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I commend the Senator from Kentucky for bringing this amendment to the floor. In my judgment, it is a necessary adjunct to the very fine mine safety legislation enacted earlier in this session.

I should like to associate myself with the remarks of the Senator from Kentucky and say that I am very pleased to be a cosponsor of the amendment, and I hope the committee will see fit to accept it.

Mr. TALMADGE. Mr. President, the distinguished Senator from Kentucky and the cosponsors of the amendment have made an impressive case for the amendment. It would authorize the same amortization that is already included in the bill for pollution control devices. Since this is a safety control device affecting human life, I have discussed it with the ranking minority member of the committee, and he and I are in accord that the Senate should adopt it and let us take it to conference.

Mr. COOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

THE PROPOSED ECONOMY RECOVERY ACT OF 1971

Mr. MONDALE. Mr. President, the numbers games continue. Every few days, the administration releases some new statistics which supposedly demonstrate that the economy is in a vigorous comeback—a "good solid expansion" according to Secretary Shultz.

Several Mondays ago, we learned that consumer prices had risen 0.3 percent in April, while durable goods orders had dropped by 2 percent. Administration spokesmen waxed euphoric on describing the small price rise while studiously ignoring the implications of the drop in durable goods orders.

But these are not the statistics that matter. What matters is the 5 million unemployed; the 17 percent of our teenagers who are without jobs; and the quarter of a million—15 percent of veterans 20 to 24—who are looking for work. For Negro veterans 20 to 24, unemployment is an appalling 21 percent.

People may disagree about the expansion, but there is one point which is widely accepted: There is no prospect for a substantial drop in unemployment in the near future.

Is not this what really matters?

To meet this problem, I recently introduced S. 1725, the Economy Recovery Act of 1971. This bill would:

First, move forward to this year personal tax cuts presently scheduled for 1972 and 1973;

Second, provide a program of extended unemployment compensation benefits; and

Third, reestablish a 7-percent tax credit for the first $25,000 of investment in plant and equipment.

My bill would have a vigorous expansionary effect now—when it is needed. Its impact would all but vanish at the end of 1972—when we should be approaching full employment. This is in contrast to the administration's new depreciation rules whose maximum impact will occur in the years after 1972—when inflationary pressures may well be threatening again.

I might add that the revenue loss resulting from my bill would be about one half that associated with the new depreciation rules over the next 10 years.

Recently, Prof. Walter Heller, Chief Economic Adviser to President Kennedy, gave me his views on S. 1725.

I ask unanimous consent that Dr. Heller's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

May 17, 1971.

Hon. Walter F. Mondale,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Senator Mondale: Your bill, S–1725, the "Economic Recovery Act of 1971," is exactly what the doctor ordered for the U.S. economy under present circumstances.

At a time when we have over 6% unemployment, when $60 billion of our productive capacity is running to waste, and when 25% of our manufacturing capacity lies idle, it's clear that the U.S. economy urgently requires added fiscal stimulus.

Your bill would accomplish this in a responsible manner since it follows the principle of prompt stimulus today without undercutting the long-run revenues and anti-inflationary impact of our federal budget:

Your proposed income tax reduction is simply a speed-up of already legislated tax cuts.

The federal funding of extended unemployment compensation makes funds available today when unemployment is unconscionably high, but will fade out as the economy returns to full employment conditions and inflationary dangers.

The special investment credit for small business will not have a significant revenue effect, yet will help to balance the business structure of the country.

Your program, together with a system of temporary public service jobs, will speed up economic recovery without touching off a new surge of inflation. At a time when $60 billion of our country's productive resources are unemployed, the added stimulus will translate into more jobs, more production, higher profits, but not higher prices. Our inflation today is entirely of the cost-push variety, not demand-pull, and your program will exceed neither the speed limits nor the capacity of the economy to absorb additional demand.

As you know, we economists constantly think in terms of the balance of cost and benefit. Here's a program will obvious and immediate benefits in both human and material terms, and virtuously no costs in either the short run or long run.

I hope the Congress will speedily enact the "Economic Recovery Act of 1971."

Sincerely,

WALTER W. HELLER,
Regents' Professor of Economics.

THE IMPENDING SALT AGREEMENT

Mr. SAXBE. Mr. President, in today's Wall Street Journal there is an article entitled, "SALT Agreement: Genocide Pact?" Robert L. Bartley espouses the thesis not ordinarily heard in our deliberations on arms control. He believes that the doctrines of "mutual deterrence" and "assured destruction" embody a concept of nuclear deterrence that is constructed on an assumption of "reciprocal rationality" which can never be completely guaranteed. He proposes an alternative to assured destruction which would limit offense and encourage defense. This theory depends on the technical feasibility of missile defense.

As you know, I have opposed the Safeguard system of an anti-ballistic-missile defense precisely because I believe it is not technically feasible. However, I firmly believe that research and development should be continued in an effort to seek technical feasibility.

Many will argue that an adequate defense may encourage a first strike if the aggressor believes that his first strike would reduce the other side's second strike capacity to a level which could be effectively nullified by a missile defense system. This argument is the primary one against Mr. Bartley's thesis, however, in the interest of a more intelligent discussion of these issues, I commend it to the attention to my colleagues.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 17, 1971]

SALT AGREEMENTS GENOCIDE PACT?

(By Robert L. Bartley)

WASHINGTON.—With good luck American and Soviet negotiators will agree on strategic arms limitation sometimes this year, writing the doctrine of "mutual deterrence" and "assured destruction" into a formal agreement. Despite the general jubilation that will result, some experts will be deeply worried. For a dissenting school of strategic thinkers believes those doctrines add up to a "genocide pact."

The phrase comes from Fred Charles Ikle of Rand Corp. He and a few other analysts, notably Donald G. Brennan of the Hudson Institute, are deeply suspicious of the prevailing notion of deterring war by insuring that each of two competing nations can utterly destroy the other. Above all, they are appalled at the millions and millions of innocent civilians who would be killed if deterrence somehow broke down and war did start.

The doctrine of "assured destruction" became the bedrock of U.S. strategic posture during Robert McNamara's tenure as Secretary of Defense. The thinking is that if the U.S. can absorb a Russian nuclear strike and still retaliate with enough power to destroy the Soviet Union as a society, the first strike will never take place. When each power can retaliate to obliterate the other, the theory continues, the result is a "mutual deterrence" that makes nuclear war unthinkable.

Mutual deterrence and assured destruction will almost certainly provide the intellectual foundation for any arms pact that may emerge from the forthcoming round of SALT at Helsinki. The recent joint U.S.-Soviet announcement said that negotiators would "concentrate" on limiting anti-ballistic missiles, but would also agree on "certain measures" to restrict offensive missiles. The clear implication is that any agreement will follow the assured destruction doctrine in limiting the defense more sharply than the offense.

This order of priorities conforms to the assured-destruction logic because it would insure that neither side could escape destruction if a nuclear exchange took place, thus building the maximum "unthinkability" into the use of nuclear weapons. Opponents of the doctrine would reverse the priorities, limiting the offense more sharply than the defense to insure that any exchange would produce fewer deaths. This difference, in fact, has been at the root of much of the domestic debate over ABM proposals.

Ironically, assured-destruction-type deterrence seems likely to be formalized internationally just when it's losing its hallowed status among Western strategic thinkers. Those openly attacking it are few; most analysts continue to accept it for want of a persuasive alternative. But among its defenders, the self-satisfaction of the McNamara era has given way to a new uneasiness.

This shows in President Nixon's 1971 foreign policy message which contains a line saying the President should not be "limited to the indiscriminate destruction of enemy civilians as the sole possible response to challenges." The administration has found immense difficulties in translating this desire for flexibility into specific weapons and tactics.

A SMALL STEP

The Nixon administration concept of "sufficiency," however, is at least a small step away from assured destruction. In the heyday of the latter nuclear-force levels were decided by a computer programmed to calculate the number of warheads necessary to destroy given percentages of the Soviet population and production capacity. While "sufficiency" is a less clear-cut concept, it seems to mean that force levels and similar decisions are ultimately matters for political judgment.

The new uneasiness about current deterrent postures is cropping up not only in political quarters but in intellectual ones. The latest annual survey by the Institute for Strategic Studies in London found, for example, that "deterrence still seemed to be an overwhelmingly powerful force at the end of 1970." But it also noted, "some fear was an inevitable element in the strategic balance, if only because the concept of nuclear deterrence had been constructed on an assumption of reciprocal rationality which could never be completely guaranteed."

This is precisely the point at which critics of assured-destruction deterrence concentrate their attack. Obviously mutual deterrence means no rational man would deliberately start a war, but who ever said war is likely to be started by the deliberate plan of rational men? Yet for the purpose of deterring rationally planned war, the current nuclear posture insures that war starting from any cause will automatically result in the slaughter of the majority of the population in both the U.S. and the Soviet Union.

Rationality has in fact played scant part in most past wars, to judge by the evidence assembled by Rand's Dr. Ikle (pronounced E-Clay) in his new book, "Every War Must End" (Columbia University Press). In tracing how wars in this century have been brought to a close, he finds that those who started them have not even thought about the problems of ending them.

When the Japanese attacked Pearl Harbor, for example, their government had made no effort to think through how such a war would ultimately end. World War I started though no one wanted it. Once wars are actually underway, he finds, they grow ever more resistant to rationality, tending to continue beyond any logical purpose because of internal political developments in the warring nations.

If history is a guide, nuclear war, too, would be most likely to start in some less-than-rational fashion. Dr. Ikle conceives of a number of circumstances in which deterrence might be of little help; and accidental missile launch a non-nuclear war that escalates because of the powerful political forces war engenders, the advent of national leaders whose philosophy includes, as Mussolini's did, living dangerously.

There is even a possibility that leaders on one side might come to believe that the other would not in fact launch a retaliatory strike. However rational the threat of retaliation is, actually carrying it out when the threat has failed is a separate question. What if an enemy's first strike has hit your military installations, and the enemy retained further missiles that could strike your cities? Would you then kill his civilians?

ELEGANT BUT FRAGILE LOGIC

The point is not that nuclear war will come this way or that way, but that the logic of mutual deterrence is elegant but fragile. To work it must persist forever, but it is too clean, too logical, too pristine, Dr. Ikle says. "We have this rational structure that must survive decade after decade if we are to survive decade after decade, that's my main theme."

The alternative to assured-destruction deterrence would be negotiating armaments postures that limit offense and encourage defense. Dr. Brennan says, "The SALT context is a ready-made opportunity to make a dramatic difference," providing the talks are aimed at an agreement reducing offensive forces and allowing defensive build-ups on both sides. In the absence of an arms agreement, he has elaborated a unilateral posture of maintaining general parity while spending a greater proportion of money on defense.

Whether an alternative can work in practice as well as theory depends, however, on the technical feasibility of missile defense. Most experts agree that a well-designed system could be useful in defending hard targets like missile silos, but defense of the civilian population is quite another matter.

Dr. Brennan believes that if offensive forces were reduced to the equivalent of 500 Minutemen, a $20 billion missile defense around the top 50 cities could save perhaps 45 of them. The prospect of losing five cities, he adds, would still deter any rational leader. Over time he has been considerably more optimistic about defense than other planners, however, and in any event negotiating a 500-missile offensive limit would require astounding political feats.

Still, there is always the chance that a highly effective defense can be developed eventually; even a less effective one would still save some lives, and you have to start somewhere. The present technical problems are little reason, Dr. Ikle notes, to negotiate a treaty "closing" the door on defense. That may be a door we want to go through." Yet the thrust of arms talks so far seems to be sharp limits on defense in the pursuit of assured destruction. Dr. Brennan remarks, "People are not basically interested in getting out from under this."

Proponents of assured destruction, indeed, argue that missile defense starts to make nuclear war once again thinkable. A power knowing it had some protection against retaliation might consider launching a surprise first strike, says Herbert Scoville Jr., former deputy director of the CIA and now a spokesman for the Federation of American Scientists. "Without an ABM it's crystal clear, you've got to be bloody irrational to start anything."

HOW IRRATIONAL?

If any leader is completely irrational, Dr. Scoville continues, the whole situation is hopeless anyway. He agrees that assured-destruction deterrence is "psychologically not the most satisfying kind of situation." But he thinks the cataclysmic effects of nuclear war will make a sharp difference in the minds of national leaders, "even if they're not rational they're not that irrational."

This is a plausible line of argument, and its impact on American strategic thinking has been a powerful force toward an arms agreement stressing limits on defense. Also, the Soviets currently want to limit defense, and in fact had been proposing a defensive-only pact, a curious stance in light of their traditional emphasis on defense. Many American analysts and politicians had been urging acceptance of the Soviet proposal.

Given the political practicalities, American negotiators have reason to feel they did pretty well in maintaining any offensive limits at all in the joint announcement. The administration has to consider, for example, that even a limited ABM only barely passed Congress. Given both this background and the Soviet position, it's hard to conceive how the American government could insist on limiting offense and expanding defense the way critics of assured destruction would like. One close observer remarks, "If that's the way you're going to do it you may as well forget about SALT agreement at present."

Any reasonable SALT agreement would be a hopeful political sign, in the sense of suggesting a willingness of both the U.S. and the Soviet Union to work together at least to some extent on strategic problems. For the U.S. to suddenly reverse its negotiating position after all that has already gone by could have quite disturbing implications in international politics.

Even so, the critics of assured destruction would rather have no pact than the wrong one, preferring to wait and hope that the Soviets would work their way back to their old position that limits should apply to offense but not defense. And whatever the practicalities, the critics do raise highly disturbing questions about accepting assured destruction deterrence as a permanent doctrine.

When you look at the public images the two sides of the strategic debate have acquired, in fact, the questions turn downright eerie. How is it that anyone who wants an ABM to save civilian lives is seen as something close to a warmonger? How is it that one enrolls in the legions of peace, and stands up against the Dr. Strangeloves, by backing assured destruction and its threat of genocide?

These are the political practicalities that go far to determine what kind of SALT agreement we will negotiate, given a rare chance to do so. Unless the world has in fact reached the point where the only sanity is madness, there simply must be something fundamentally wrong with our national thinking. And regardless of the outcome of SALT, the need to clarify that thinking will persist.

A good start would be to recognize that if the impending SALT agreement does come to pass, its short-run political implications may very well give reason for jubilation, but its long-term strategic implications raise a hard question. To wit, for how long do we really want to stake the destruction of the world's two greatest nations on a bet that the elegant logic of assured destruction will prove more durable than the suggestions of history?

BALTIC STATES FREEDOM DAY

Mr. WILLIAMS. Mr. President, June 14 through 17 marks the 31st anniversary of the Soviet invasion and occupation of the formerly independent Baltic nations of Lithuania, Estonia, and Latvia, and the eventual deportation of thousands of Baltic citizens to undesirable and desolate portions of the Soviet Union.

Not long after the liberation from their Soviet oppressors in 1918, each of the Lithuanian, Estonian, and Latvian nations began to enjoy the long-sought treasures of self-government and national prosperity. The ensuing 22 years of independence brought to these countries a time of great cultural advancements, characterized by numerous literary and scientific achievements.

But this period of self-determination and national independence was tragically short-lived. By 1940, the Soviet recognition of Baltic sovereignty appeared ignored as Russian military presence became increasingly obvious. On June 14, 1940, the Soviet Union accused the Baltic nations of hostility and insisted on the formation of a government more friendly toward Moscow. Within only hours, the Soviet army invaded and occupied Lithuania.

This act of aggression was only the beginning of great sorrow and hardship for the people of the Baltic nations. On June 17, Estonia and Latvia were also invaded and forced to surrender their independence to the powerful Russian Army. Within several months nearly 100,000 Baltic citizens were cruelly and unjustly deported to remote regions of Russia.

Mr. President, as we mark the anniversary of this deplorable act, let us remember the contributions of these formerly autonomous Baltic people to the democratic way of life, and pay tribute to their courageous and continuous desire to be independent once again.

THE OKINAWA TREATY WITH JAPAN

Mr. INOUYE. Mr. President, I urge ratification of the treaty being signed today between the United States and Japan for the reversion of Okinawa to Japan. After almost 26 years of U.S. rule, Okinawa and the adjoining Ryukyu Islands are to be returned in the near future to their prior status under Japanese rule. I support the return of Okinawa and the other Ryukyu Islands to their historical position as a prefecture of Japan.

In submitting the Okinawa treaty to the U.S. Senate as a treaty rather than as an executive agreement, the Nixon administration risks unduly delaying ratification of the reversion accord. The possibility thereby exists that the domestic U.S. textile lobby may well attempt to halt Okinawa's reversion in order to gain leverage on Japan to reduce textile exports to the United States. Opponents of free trade may well delay a ratification to a Japanese voluntary cutback of textile exports. Pressure could also be put on Japan to increase the value of the yen, a move that would render Japanese products somewhat less competitive in American markets. While I believe that Japanese trade liberalization is certainly long overdue, I hope that the reversion of Okinawa will not become a hostage of trade negotiations in general and textile negotiations in particular. I note the recent Japanese announcement of an eight-point program of trade liberalization and encourage the vice-ministerial committee formed to implement such liberalization to generate substantial reforms in current trade relations.

Much more important than trade arrangements is the political stability which Okinawa's reversion should foster. Okinawa must not be considered in the parochial context of Asian political stability. At stake is not only the domestic stability of both Okinawa and Japan, but also the political stability of the Pacific and the Far East, which depends in large measure upon American and Japanese cooperation. Return of Okinawa to Japanese rule is the key to continued good relations between the United States and Japan, and the Japanese alliance is the cornerstone of the U.S. political and security position in the Orient. The return of Okinawa to Japan, where it is an emotional and nationalistic issue, is crucial to those relations. In Japan, the treaty has aroused so much interest that today's ceremony is being televised throughout the nation. Eighteen months of difficult negotiations should not now be exchanged for trade benefits at the expense of political stability.

THE SITUATION IN PAKISTAN

Mr. HARRIS. Mr. President, on April 1, I expressed my fears that the world community was silently allowing a human tragedy of massive proportion to take place in East Pakistan. At that time I urged that our Government end its unconscionable silence on this matter and encourage other nations to do the same. Today, my fears of great human suffering in East Pakistan have not been allayed significantly. To the contrary, the appalling results of the conflict in Pakistan have spread into India, where over 4 million East Pakistani refugees have fled—with reports indicating an increase in that figure of up to 100,000 per day.

I am pleased to see that the U.S. plans to assist in the aid to the refugees in India—the enormity of the crisis demands that we do no less. If, however, our efforts are to be truly meaningful, we must address ourselves to the roots of the problems in Pakistan itself. The Indian Government has indicated, and rightfully so, that it cannot provide for the Pakistani refugees forever. They must return someday to their homeland. Yet the flow of refugees from Pakistan to India continues each day, with little of any prospect of reversing the flow. When millions of people are forced to flee from their country, whether it be from starvation or terror, I find it difficult to accept the contention that the problem is a purely internal one for the Government of Pakistan to handle.

When viewed in the context of the precarious relations between India and Pakistan, the situation even more urgently demands our attention.

One of the major problems, Mr. President, in assessing the situation in Pakistan has been the difficulty in attaining hard facts. Because of the Pakistani Government's policy of excluding the press—with the exception of two sponsored tours of the country—we do not know all the facts. The unwillingness of the Pakistani authorities to allow a completely open and honest reporting of the facts, as I stated on April 1, must cause us to conclude that life in East Pakistan has not returned to "normal." What we do know is that the conflict resulted in tremendous loss of life, starvation, and destruction of property for the people of East Pakistan. Eye-witness accounts and news reports indicate that both sides in the conflict exercised brutality that must be condemned by the world community. Particularly reprehensible, though, are the actions taken by the West Pakistani military against the people of East Pakistan. It seems that this action was an attempt to suppress a duly elected majority in East Pakistan by the use of armed might. It is no surprise then that many of the people of East Pakistan have refused to accept an imposed rule by the Government of West Pakistan. Those that have stayed in East Pakistan may give the impression of normality that the Pakistani Government so strongly wants the world to accept. Recent news reports have indicated that this apparent normality is nothing more than a facade. The nonresistance and passivity of many East Pakistani citizens mask their fear rather than their loyalty, their despair rather than hope.

Under these circumstances, I strongly doubt whether any effective relief operation for the people of East Pakistan can be mounted by the central government. Control over the food, health, clothing, and shelter for a starving and destitute people can be one of the most insidious means of bringing these people under political control. This situation could only inflame the bitterness, hatred, and mistrust among the people of Pakistan, and surely would not lead to any lasting settlement of the conflict between East and West Pakistan.

What I am suggesting today is that the United States must press for an international relief operation in East Pakistan and a climate in which the parties in conflict might be able to reconcile their differences in the political arena. First, we must insist that the actual distribution of relief items, beyond their unloading and shipment to distribution centers, be supervised by a team of international observers. We must be certain that the people of East Pakistan receive assistance with no strings attached. Second, and extremely important, we must strive to create an atmosphere in which a peaceful settlement to the Pakistani conflict can be reached. As long as we maintain a military and foreign aid policy that gives an advantage to one side or the other, we will prolong the conflict between East and West Pakistan. We must remove our presence from this situation and encourage others to do the same. Only by halting all military and economic aid to either party in the conflict can we do this. The withholding of economic aid, which is of crucial importance due to the ease with which such aid allows the diversion of other resources to military purposes, will not, of course, prevent us from contributing to an international relief operation for Pakistan. Finally, it is my hope that political talks between East and West Pakistan can be initiated with a view to bring a halt to the conflict.

To the above ends, Mr. President, I intend to submit Senate Resolution 99 as an amendment to the Case-Mondale resolution, or as an amendment to other appropriate legislative matters that might come before the Senate, with the following modifications:

First, in section 1, lines 7 and 8, strike the words "until the conflict ceases," substituting in lieu thereof the words "until an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan", and

Second, in section 1, lines 10 and 11, strike the words "as soon as the conflict ends," substituting in lieu thereof the words "as soon as an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan."

THE AMERICAN BAR ASSOCIATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, much of the opposition to the International Convention on the Prevention and Punishment of the Crime of Genocide comes from the American Bar Association. The vote by the ABA's house of delegates against ratification is used time and again to support the opponents' case. They argue: if the attorneys of the Nation do not support a proposed treaty, it should not be ratified.

The field of law is varied. No one can be an expert in all phases of legal thought. Good legal opinions are a result of careful investigation into a particular matter by experienced legal minds. This was the type of thorough examination the ABA's section of individual rights and responsibilities made of the Genocide Convention.

I ask the Senate to consider the conclusions of this committee which has been most directly and intimately concerned with the convention. The distinguished men and women in the ABA who knows the most about the subject and who had the responsibility of delving into every relevant issue, rendered this evaluation. I ask unanimous consent to have an excerpt of the section's report printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

1. The Convention on the Prevention and Punishment of the Crime of Genocide is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the English Bill of Rights, the French Declaration of the Rights of Man and the Citizen, the United States Bill of Rights, the Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, and the United Nations Charter, the Convention is a statement which advances individual rights and human dignity. The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort shall not be undertaken ever again.

2. The great documents of human rights have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American and French Revolutions, to the constitutional amendments of nineteenth century America, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents growing out of the rebirth after World War II, among them the Convention against Genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal, or could be made illegal dates from the twentieth century, and with one or two exceptions, from the end of the Second World War. The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars. Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are steps in the direction of preservation or restoration of peace.

3. The Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of geno-

cide. Accordingly, states are made to answer in international organs—for example, the United Nations Security Council or the United Nations General Assembly, for actions taken by their governments that might constitute genocide, or actions taken in their territory—even without official government sanction—such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. Whether in anticipation of a war crimes trial such as those after World War II, or in anticipation of a change in government internally, all those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given documents, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

4. Earlier opposition to the Genocide Convention seems to have stemmed largely from a fear of expanded use of treaties generally. That fear is no longer relevant, as treaties by the thousands have been entered into by the United States and others in the past twenty years. One particular aspect of this fear, that by the treaty process the United States government would seek to enact civil rights legislation otherwise not constitutional or not possible of passage, has also been overtaken by events, as the major federal civil rights bills and scores of judicial decisions have removed whatever doubt there might have been in 1949 about the powers of the federal government in this area. Neither the Genocide Treaty nor the treaty power generally has played any part in these developments.

In addition to the general objections to the Genocide Convention, a number of specific provisions of the text of the Convention were criticised, some as providing "loopholes", others as extending coverage of the Convention too far or raising conflicts with the United States Constitution. None of these objections stands up to careful analysis.

5. The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

MAYORS ENDORSE VIETNAM DEADLINE

Mr. McGOVERN. Mr. President, while the news reached Washington too late to have a bearing on the vote yesterday, I am sure Members of the Senate will nevertheless be interested in the resolution on the Indochina war adopted yesterday by the U.S. Conference of Mayors at their 1971 annual conference in Philadelphia.

The mayors called upon the President to do—

> all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner. . . .

I ask unanimous consent that their resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 41: Withdrawal From Vietnam and Reordering of National Priorities

Whereas, City Governments fully understand and accept the leadership of the National Government in international affairs; and

Whereas, The war in Vietnam has brought such serious division to the people of our communities that it has become a proper concern to City Governments; and

Whereas, President Nixon has taken encouraging steps to end the American involvement in the Vietnam conflict; and

Whereas, the continuation of the Vietnam conflict badly distorts national priorities and the allocation of national resources; and

Whereas, Both Congress and leading elements in the private sector have undertaken serious study of the problems involved in conversion from war expenditures to domestic expenditures; and

Whereas, City officials and civic leaders, along with governmental officials and leaders in the private sector at all levels, must have some clear guidelines if the achievement of their conversion goals and new program directions are to be realistic; and

Now therefore be it resolved, that the United States Conference of Mayors calls upon the President to do all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner; and

Be it further resolved that the United States Conference of Mayors calls upon the Congress to work with the President in the development of a constructive program of peacetime conversion which will give national priority to the needs we face in the fields of housing, education, health, child development, law enforcement, and other pressing domestic needs.

PROGRESS IN EDUCATION FOR DISADVANTAGED RETURNING VETERANS

Mr. CRANSTON. Mr. President, Public Law 91–219, enacted March 1970, has made it possible to establish much needed new programs for the educationally disadvantaged serviceman—preveteran—and veteran.

These programs, which I am proud to have authored, include PREP, the predischarge education program, which provides special educational benefits for men still in service, but lacking a high school diploma or needing remedial, refresher, or deficiency work to continue their education.

Another new program is the special supplementary assistance or tutorial allowance to provide up to $50 a month—for up to 9 months—for individualized tutorial help for college veterans enrolled in college and in academic difficulties.

Another program in Public Law 91–219 expanded opportunities for veterans with academic deficiencies to participate in short term special remedial or refresher programs at colleges and universities in order to prepare them to begin and succeed in college-level work.

Under PREP and the college preparatory program educationally disadvantaged veterans can take high school or college remedial work without charge to regular GI bill 30-month entitlements.

Mr. President, Dr. John P. Mallan, director of programs for servicemen and veterans at the American Association of Junior Colleges, and his staff have been very effective in getting colleges to develop PREP programs for educationally disadvantaged servicemen at military installations and military hospitals. The American Association of Junior Colleges, which includes in its membership most of the Nation's 1,100 2-year colleges, has a grant of almost $300,000 from the Carnegie Foundation to encourage colleges to develop more programs for returning GI's. The association has helped to organize 37 PREP programs at military bases and hospitals in all parts of the country, programs to encourage men still in service to continue their education. It is also planning overseas educational programs in Vietnam, Europe, and the Pacific, and working with a variety of other programs intended to bring education and guidance counseling to more veterans and servicemen.

I admire their efforts—often in the context of lethargy, disinterest, and footdragging by Veterans' Administration and Defense Department officials—and I congratulate them for it.

In my floor statement of March 23, 1970, I described these new programs as they might touch the life of a Chicano veteran in East Los Angeles. Mr. President, I ask unanimous consent that an excerpt from my March 23 statement be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Let us take a Mexican American from east Los Angeles who dropped out of high school after the 10th grade and was drafted at age 19. After he completes his 6 months basic training, he is approached by a college counsellor under PREP who convinces him of the importance of continuing his schooling and he enrolls under PREP in a special accelerated program at a nearby private college to assist him in securing credits toward his high school diploma. He makes significant progress but is held back by his lack of facility in spoken and written English.
>
> He then is sent to Vietnam; and after his tour, while awaiting discharge is again recruited into a special 4-month college preparatory PREP program run by a nearby community college on the base where he is stationed. He shows such sufficient promise that the school suggests he enter their special college preparatory program for one semester, after which, should he perform satisfactorily, he would be granted an equivalency certificate and enrolled in the regular college program. However, during the end of the PREP program he becomes disillusioned due to his English language deficiencies, and fails to follow through despite the urging of the counselor working with the program that he go on to the college preparatory program.
>
> He is discharged, after receiving the basic Veterans' Administration packet of materials about his benefits, to which, unfortunately, he is in no frame of mind to pay attention, and he returns home to East Los Angeles to search for a job. But to no avail; his lack of a high school diploma, his language deficiency, and his overall alienation and frustration at this point make him a very unsalable commodity on a job market already oversupplied with veterans and others with his same limitations.
>
> One day in his 20th year, 6 months after his discharge, after having just exhausted his entitlement to veterans unemployment compensation, he is visited at home by another Chicano whom he remembers from his high school class and who is now enrolled in the nearby State college, having recently re-

turned from the service. He is employed part time in the East Los Angeles Veterans Service Center, performing the outreach activities assigned to the VA in the new legislation. He empathizes with our veteran and vice versa; they share their common high school, Army, and Vietnam experiences; and before long our veteran has applied to the special veterans preparatory program at UCLA. There he takes sufficient psychology and sociology credit hour courses and enough remedial and refresher math and English courses to qualify for a full-time GI bill allowance under the new full-time definition and noncredit/credit provision. He also has some time available to work part time to help out with his family's finances.

After one semester, he is granted a G.E.D. equivalency certificate and enrolles in UCLA, where he begins to use his 36 months of regular GI bill entitlement, all prior benefits not having been charged against that entitlement. He carries the minimum number of hours to qualify for a full-time GI bill allowance, for he is uncertain of his ability to succeed. Because his English is still weak, UCLA certifies to the VA the essentiality of correcting that deficiency as prerequisite to his satisfactory performance in college undergraduate work, and secures for him an excellent tutor for 5 hours per week, whom he pays with his supplementary assistance allowance from the VA. He begins to improve markedly in the overall stimulating college environment—he has moved onto the campus—and at the end of his first semester, after 4 months of tutoring, his classwork has picked up and he has earned a "B" and three "C's" in his college course.

He then proceeds through college rather uneventually except when, during the last semester of his senior year, he falls in danger of failing a European history course required for graduation. The university again assigned him a tutor, and he receives a supplementary assistance allowance from the VA for 3 more months, enabling him to pass the course and graduate from UCLA. He is then hired by IBM in a special junior executive minority hiring program.

Now, of course, it is highly unlikely that any one veteran would require or take advantage of all these special benefits; nor is it our intention that the assistance be quite so intensive in most cases. But all of this could happen, and who will say that producing this 24-year-old young man with a college degree from UCLA with a job and a starting salary of $8,500 per year, with a fine future and with self-esteem and dignity was not well worth all the effort and the relatively small extra Federal investment in his and our future. That total VA expenditure for this achievement, spread out over 6 years, was $8,580, $6,300 of which was for the 36 months of his regular GI bill entitlement. The total cost breaks down as follows:

Program, rate, and total cost

Six months special precollege program under PREP at $100 a month	$600
Three months college preparatory PREP prior to discharge at $150 a month	450
Outreach worker efforts at $2.50 per hour for 2 hours	5
Regular GI bill under special $175 a month for college preparatory program at UCLA, 5 months	875
Regular GI bill, $175 a month for 36 months	6, 300
Special supplementary assistance allowance, $50 a month for 7 months	350
Total	8, 580

Mr. CRANSTON. Today, I would like to describe for my colleagues an outstanding program being administered by Dr. Alan Gross, veterans' adviser at Macomb County Community College, Warren, Mich. The program is described in a paper by Dr. Gross entitled "The Returning Veteran and the Community College" includes four key parts: First, a PREP program for servicemen at nearby Selfridge Air Force Base; second, a "section 1691" remedial-refresher college preparatory program for educationally disadvantaged veterans; third, a veterans' tutorial program, which is also a work-study program for student tutors; fourth, a veterans' outreach program, to encourage more veterans to enter college.

In regard to the student outreach program, I note that the concept embodied is identical to that included in the work-study program in S. 3657, which was passed in the Senate in the last Congress and which, unfortunately, died in the other body. I reintroduced that bill as S. 740 on February 11, 1971, and it is my hope that the Veterans' Affairs Committee will begin hearings on it shortly. To refresh the recollection of Senators, I ask unanimous consent, Mr. President, that there be printed in the Record at the conclusion of my remarks an appropriate excerpt from the committee report—No. 91–1231, pages 14–16—on the work-study program. See appendix 1.

This comprehensive program which Dr. Gross has established at Macomb College is tied in with the new National League of Cities Veterans' Education and Training Action Committee program, on the steering committee of which I am privileged to serve. Funded by the Office of Economic Opportunity it has selected the Detroit area for a major veterans' outreach program. Student veterans will be employed as outreach workers to persuade other veterans to return to school. Other Detroit colleges, including Wayne County Community College are also involved.

The Macomb County project is an example of the excellent work that can be done by one man with sympathetic administrative backing at a given college. Dr. Gross, who also carries a regular teaching load and did not have additional staff or planning funds, was able to establish four major new programs for servicemen and veterans during a period of a few months. These programs, once estabilshed, are self-supporting under the GI bill, and the tutorial program will also support a substantial new college work-study program for other students.

I join Dr. Mallan and Dr. Gross in encouraging other colleges to review this experience and, hopefully, be stimulated to initiate programs along similar lines. Our returning servicemen deserve no less; they are entitled to no less.

In this connection, in terms of the great need for implementation of many, many more of these programs, it is noteworthy that virtually every study and report about drug abuse among servicemen and recent veterans cites boredom as a major faction in contributing to extensive experimentation with and then habituation to narcotics in Southeast Asia, overseas and here at home. More PREP programs would provide a very badly needed alternative to the boredom which oppresses so many of our troops. Through such programs, which could very well include drug abuse education components, we might find a constructive, preventive approach to the scourge of addiction among our servicemen and veterans. Through full implementation of outreach and college preparatory programs, and enactment of S. 740, we can follow up on these PREP efforts by making sure the returned veteran is placed and succeeds in an appropriate education and training opportunity under the GI bill.

Keeping one veteran or serviceman off drugs is at least as important—and far more productive and far less expensive than trying to break a veteran addict's habit acquired during service.

I urge my colleagues to bring these so far underutilized programs to the attention of appropriate educators in their own States, as I have done in California.

Mr. President, I ask unanimous consent that there be printed in the Record at this point Dr. Gross' paper entitled, "The Returning Veteran and the Community College: The Macomb County Experience."

There being no objection, the material was ordered to be printed in the Record, as follows:

AMERICAN ASSOCIATION OF
JUNIOR COLLEGES,
Washington, D.C.

THE RETURNING VETERAN AND THE COMMUNITY COLLEGE: THE MACOMB COUNTY EXPERIENCE

(By Dr. Alan Gross)

In Michigan—a typical state—over 200,000 potential students are eligible for substantial, federally funded scholarships. Moreover, the number of these potential students increases by over 40,000 each year. But of this year's 40,000 only 8,000 will take advantage of their scholarships and there is a backlog of 160,000 who have never taken advantage of them.

What are these scholarships? Over two thousand dollars a year for college or technical training. Additionally, over two thousand a year for pre-college training. Also, free tutoring help when necessary.

Who are the people eligible for these scholarships? They are Vietnam Era veterans. They are probably not in school and their unemployment rate is between two and three times the national average: One in five Vietnam Era Veterans is unemployed.

WHO IS ELIGIBLE

Educational benefits are the legal right of every veteran (except for reservists) with 181 days consecutive service from January 31 1955, to the present day. A veteran has eight years from date of discharge to pick his benefits up, but because of the way the law is written, any veteran—even those discharged as far back as January 31, 1955—has until May 31, 1974 to collect up to thirty-six months of benefits. In other words, even a man who was discharged sixteen years ago is still entitled to benefits.

Who else is entitled to educational benefits? War widows, war orphans, the wives and children of men on 100% disability. If a veteran dies his wife and children are entitled to veterans benefits if the death is shown to be the result of some pre-existing service-connected injury.

THE STUDENT VETERAN AS A PERSON

One day about a month ago I was sitting across the desk from a black veteran. We were talking about his educational opportunities at Macomb County Community College. I asked him how he found out about the college and he referred to an article that had been in *The Detroit News* two days before: "That article kept me up all night." he said. "It was a second chance, a second chance to succeed in life." Speaking about the black veteran, Dr. Charles A. Stenger, head of the VA's Vietnam Era Committee says: "I am very surprised there is so little violence by blacks. They are very bitter in the sense they feel the need to strike back. Black veterans ask themselves if they really count as a person in our society." In the case of the veterans I see—black and white—the bitterness has as one of its causes the benign malignancy of the high school tracking system from which there was little hope of escape. For many of these veterans, school was a place of hostility and rejection. But their bitterness is the bitterness of young men. Once they see the school as a supporter and encourager of their self-respect, they will return to school. Once the school actually is such an encourager and supporter, these men will stay in school and become useful and fully employed citizens.

VETERANS AND THE COMMUNITY COLLEGE

The community college is an ideal place for the returning veteran to continue his schooling. Although veterans are given tuition assistance by some states, this is the exception rather then the rule. Accordingly, for most veterans the low tuition and expenses of community college attendance are a positive incentive. A single veteran living at home and holding a part time job can make it at Macomb where the tuition is only $150 for a full semester. For example, only one thousand two hundred and fifty veterans attend the University of Michigan—where the tuition is $330 per semester—while nearly four thousand attend Macomb County Community College.

Furthermore, the variety of programs at a comprehensive community college—many of which lead to jobs in a year or two—is bound to attract the returning veteran who tends to regard college as a remote ivory tower, not a student and job-oriented community service.

The community college is an ideal place for returning veterans because it is more responsive to their needs than the average four-year college or university. However, there is a great deal that the community college can do specifically to help the returning veteran.

I think it is socially wise and fiscally sound to set up a comprehensive program for returning veterans at all community colleges. I thought so when I began to set up our veterans program at Macomb. I am even more convinced of it now that the program is in operation.

ADMISSIONS AND REGISTRATION

Every community college has student veterans. Each of these is issued a Certificate of Eligibility when he applies for his educational benefits. The school must fill out this certificate, have it signed by a certifying official and send it back to the Veterans' Administration. This certificate is essentially a clerical function under the Registrar and at Macomb a clerical person does the regular certifying. Although the function is clerical, the procedure is administrative. At Macomb we worked out a satisfactory procedure with the regional office of the Veterans' Administration. Now when a payment is unduly delayed we know when we are at fault and when the Veterans' Administration is.

THE STUDENT VETERAN: ADVANCED PLACEMENT

Some veterans enter the community college with transferable college credit. These present no unusual problems for the Admissions Officer. Other veterans, however, present the community college with evidence that they have passed the regular or the college-level General Educational Development Test (GED), various College Level Examination Program tests (CLEP), or college-level correspondence courses given by the United States Air Force Institute (USAFI). The regular GED is commonly regarded as the equivalent of high school and ordinarily presents no problems. The college-level GED represents a higher level of achievement and opens the question of whether or not some college credit ought to be given for it. CLEP tests and the USAFI program are obviously legitimate and college credit ought to be awarded for them. The two questions that arise from the CLEP Tests are: what test grade should be the cut-off point for college credit, and what is the maximum amount of credit that ought to be given? At Macomb we accept both GEDs as high school equivalency, all SAFI courses and all CLEP summary scores of above 50th percentile for college credit.

Other admissions matters are worth considering. Physical Education seems like a superfluous course for veterans. They ought to be excused from it certainly and perhaps they ought to be given credit for it. At Macomb they are merely excused. Also at some schools veterans are given some college credit simply for having served in the armed forces. At Macomb we do not do this but we do try to convert training given in the armed forces to a community college credit equivalent.

VETERANS SUPPLEMENTAL EDUCATION PROGRAMS

The discussion has centered so far on ways of tailoring the functions of the Admissions Office and the Registrar to the needs of returning veterans. Now I would like to turn to the matter of setting up three specific programs for the education of veterans—PREP: the Predischarge Education Program meant to provide servicemen with pre-college training; "Section 1691": a refresher or deficiency program which serves the same purpose for veterans; Tutorial: designed for veterans who are having academic difficulties with standard college courses.

THE PREDISCHARGE EDUCATION PROGRAM (PREP)

Under Section 1696 of Public Law 91–219, every serviceman who has at least 181 days of consecutive service, and has the permission of his commanding officer, can participate in PREP, an educational program designed to prepare him for post-secondary education or training. With the permission of the commanding officer the program can be given during duty hours. Otherwise it must be given during off-duty time.

Macomb County Community College is near Selfridge Air Force Base where approximately two thousand men are stationed. At present we are running a Predischarge Education Program with about twenty men, a math teacher, a reading teacher, a writing teacher and two counselors. The program, given on base, is run four nights a week—and will continue for twenty weeks. The men are divided into two groups, the first attending class from 5:15 to 7:15, the second from 7:30 to 9:30. Monday night is devoted to writing, Tuesday to group counseling, Wednesday to reading, and Thursday to mathematics. Students can take the whole program or only part of it.

In the academic areas extensive use is made of programmed materials. These materials allow the student to start at his own level and to proceed at his own pace.

The counseling aspect of the program is as unconventional as the enrollment policy. In the group sessions counselors use human potential techniques to bring out student strengths. In the evaluations which are a recurrent aspect of the program, one student said of counseling that he liked it best of all because "I am beginning to be more aware." Another student felt that counseling "develops my mind on a 'all over' basis". In addition to the group sessions on the base, the counselors have given the men a tour of the community college and are planning to visit them on their jobs, to get to know them better.

The results of the academic side of the program will not be clear until its conclusion. However, the evidence that comes in is positive. Indeed, one of our students moved from basic arithmetrical operations through algebra in two months.

The men in the program naturally have a multiplicity of goals and this multiplicity is encouraged. Some men want high school level work; some want to improve rank or rating while in service, some want to prepare for college or advanced training. Whatever their goal, they are encouraged to reach it and apparently they respond well to such encouragement. The program has grown largely by word of mouth because, as one student puts it, PREP is a "very worthwhile program incorporating many subjects applicable to those remaining in the service or being discharged."

ESTABLISHING PREP

Before initiating a PREP program at Macomb I set down its goals, its schedule and its budget. These were approved by the college, including the Board of Trustees, and by the State Approval Agency and the Veterans Administration Regional Office. After that I went to the Education Officers of the various services stationed at Selfridge and to the various commanding officers. Everyone was uniformly cooperative and an initial roster of interested servicemen was obtained. On the basis of the roster I hired part-time faculty and counselors from the usual sources and ordered some materials. I held an initial meeting of my faculty and counselors at which I introduced them to each other and to the program. The attendance at the initial week of classes failed to live up to the enrollment roster and I cancelled classes for two weeks to allow for more recruitment time. Two weeks later we began full operations.

FINANCING PREP

PREP is fully funded by the federal government. If the program runs full time—twenty-five clock hours per week—the college can charge running expenses, including books and supplies, of up to $175 per month per serviceman. The program is a generous one and a great deal of individual attention can be given. The money for the program is paid to the students in one lump sum check which they sign over to the college.

SECTION 1691: A REFRESHER OR DEFICIENCY PROGRAM

For men no longer in the service a deficiency or refresher program, similar to PREP, is possible. The federal government provides under Section 1691 of Public Law 91–219 that all veterans who are eligible for regular educational benefits of thirty-six months are also eligible for additional months of benefits to take refresher or deficiency courses. They may take these courses whether or not they have finished high school. In fact, the level of education of the veteran is never a bar to his taking such courses. The wisdom of this is that most veterans have been away from books for a considerable time and need brushing up. At Macomb we are fortunate enough to have a Programmed Education Center well staffed by competent full-time instructors on duty day and night.

The Center is lavishly appointed and consists of individual student stations, instructor stations and seminar rooms. It is well stocked with educational programs, tapes and the latest electronic and television equipment.

The Center is an ideal place for a refresher program for veterans. At the moment we have such a program on a pilot basis with ten students paying fifty cents per hour of instruction. If they take twenty-five hours of instruction per week they get their full allotment—$175 per month for a single persons. This allotment in no way touches a veteran's regular eligibility. Veterans can start the program at any time and can take it at almost any reasonable hour day or night. Counseling is provided by our regular counseling staff.

By next January, we hope to increase the program to one hundred veterans. At every step—ten, twenty-five, fifty students—we will have a full-scale evaluation of attitude and academic progress and we will modify the program accordingly. At our present tuition rate—50c per hour—one hundred veterans will generate about $65,000, which will make the program self-supporting—an especially good idea since Michigan provides no funds for community college programs which generate no college credit.

Many schools, of course, lack a lavish Programmed Education Center. In fact they may not have any such Center, however appointed. This need not bar to a refresher program which can be made self-supporting by charging a reasonable tuition, by making use of programmed materials, and by a deft combination of professionals and paraprofessionals.

VETERANS' TUTORIAL ASSISTANCE

The new G.I. Bill also provides, under Section 1692, that if a veteran is taking at least six credit hours and is in danger of failing a college course necessary for the completion of his program, he is entitled to tutoring help of up to nine months for up to $50 per calendar month. At Macomb we considered using both faculty and student tutors. We ruled out faculty tutoring as too expensive and undertook an investigation of student tutoring.

We reviewed every article published on student tutoring in the last seven years. The results of this investigation were both surprising and heartening. In every case reported student tutoring proved beneficial to both the tutor and the student tutored.

Still, establishing student tutoring at the college level was unprecedented, and proved to be a delicate matter which had to be explained carefully to administration and to the faculty. Essentially I wanted to formalize and extend an already existing situation where students study together and coach each other. The faculty would choose the tutors with the approval of their administrators. The tutors would meet with those they tutored at regular intervals, would receive two dollars an hour for their work, and would report regularly on the progress of those they tutored. The program began in April. It is designed to curb the drop-out and withdrawal rate of student veterans and provide students with thousands of hours of part-time employment.

VETERANS' OUTREACH AND RECRUITMENT

Before I began a comprehensive veterans program at Macomb, the large number of enrolled veterans students was not generally known. When a census was taken, we were surprised to find that we had nearly four thousand in a school of seventeen thousand, or nearly one in four. If we could attract so many veterans with no recruitment effort, certainly we could attract many more if we looked for them. After nearly a year of experimental recruitment effort I have come to the following conclusions:

a. No veteran ought to be recruited for school until he is out of service for at least three or four months. Veterans are young men, they like to blow off steam.

b. All publicity should be designed to get the veteran in touch with a person at the college. The personal touch is of big importance: a signed letter or a phone call are worth a thousand brochures. *Moreover, your best recruiters are satisfied student veterans. An active Veterans Club is your best ally.*

c. Group sessions informally arranged with coffee and doughnuts and pleasant conversation are the most inexpensive and best sort of admissions counseling.

d. Admissions counseling ought to lead to immediate and trouble-free enrollment. (In my opinion students ought to be enrolled throughout the year. There is no compelling reason why all courses must begin in September or February or June. At Macomb we have had excellent luck with mini-mesters—courses lasting only two weeks—but we have not as yet used these courses to their full potential.)

A counseling procedure based on these guidelines is now at the core of the Detroit pilot project for a nationwide educational recruitment drive just funded by the Office of Economic Opportunity.

LIAISON WITH VETERAN'S ORGANIZATIONS

Veterans are a large and vocal minority. There are nearly 28 million of them in the United States and educational benefits are only a small portion of their concerns which range through loans, pensions, rehabilitation, compensation, hospitalization, and license plates for the seriously disabled. No viable community college veterans program can ignore the Veterans' Administration, the Veterans of Foreign Wars, and AmVets, the Disabled American Veterans, the American Legion, the Jewish War Veterans or the Marine Corps League. No community college considering a PREP program can ignore the local military establishment.

I regarded it as a vital part of my job that I meet personally with representatives of each of these organizations on their home ground in an attempt to understand their problems and their point of view.

I also kept in close touch with the veterans' programs in other institutions of higher learning in southeastern Michigan. Finally I organized a conference at Macomb to help consolidate the efforts of the region in behalf of the education of veterans. This conference resulted in the sharing of valuable information and promoted the morale of the participants who no longer felt that their efforts were isolated.

PLACE OF VETERANS' PROGRAM IN COLLEGE OPERATIONS

The veterans' functions of Macomb County Community College—admissions, registration, PREP, refresher, tutoring, recruitment, liaison—obviously needed some focus. The College is in a district which now has two campuses, South and Center. It was decided that veterans' affairs would be a campus function. At Center Campus, which has about two thousand students, the veterans' operations have been pretty much absorbed into everyday campus functioning. At South Campus a Veterans' Information Center has been established to carry on all veterans' functions with the exception of regular admissions and registration, still housed in their traditional offices, and PREP, which has been placed under the direction of the Dean of Continuing Education.

Local conditions will obviously dictate different organizational patterns. Nevertheless at the center of all these patterns there must be the kind of cooperation and encouragement I have received from every administrator at Macomb from the president on down and from the faculty government.

VETERANS' EDUCATION AND BEYOND

The education of returning veterans is undoubtedly a duty of the community college, but it is also more than a duty, it is an opportunity to try, on an experimental basis, the kinds of programs that will be the challenge of the seventies: the use of students and paraprofessionals in higher education, experiments with more flexibility in scheduling and in programs, and the creation of viable educational programs for the disadvantaged.

APPENDIX 1

(Excerpt from Committee Report No. 91–1231 (S. 3657), pages 14–16)

VETERANS' WORK-STUDY PROGRAM

The proposed work-study program (new section 1687 added by section 203 of the committee substitute) would enable full-time GI bill post-secondary trainees with a financial need to perform 100 hours of services needed by the VA (on campuses or at VA regional offices or medical facilities) pursuant to agreement with the VA under which the veteran then becomes entitled to receive, in advance, a work-study educational assistance allowance of $250. The committee believes that this program will be of substantial benefit to individual veterans and their families, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims processing and through outreach work performed by these student veterans. Work-study trainees could also perform various non-professional, badly-needed tasks in VA hospitals, especially assisting the most severely disabled patients and cleanup and general maintenance work. There seems little doubt that such services could be very effectively used in many VA medical facilities. Students would be limited to performing 100 hours of services over a semester or other enrollment period.

This program should be particularly helpful for the almost 50 percent of the GI bill post-Korean trainees with families and for the 27 percent who enroll in nonpublic schools. The rate increase recently enacted in Public Law 91–219 would provide $1,575 over a full nine-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

One key aspect of the work-study program would be veterans performing outreach services under subchapter IV of chapter 3 of title 38 also enacted in P.L. 91–219. Using GS–12's or 13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 20 percent of those separated during fiscal year 1970 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. In many cases, this serious lack of participation by those who desperately need to take advantage of their GI bill benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23, 1969 (H.R. 11959), the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this description perfectly.

In carrying out this new work-study program, the VA would be expected to establish equitable guidelines for determining financial need and need for the services and for selecting and using the services of veterans. Appropriate guidance for determining financial need should be sought in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans would perform such services under agreements with the Veterans' Administration. They would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing application and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, workstudy allowances, as all other GI bill allowances, would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in section 3101(a), of title 38, United States Code.

It should also be noted that several witnesses at the hearings referred to the desirability of permitting the VA to contract with colleges and universities (under its general contract authority in section 213 of title 38) to supervise veteran work-study trainees in carrying out outreach activities in a particular locale. The committee strongly endorses this idea, which would be particularly useful if applied in areas where there is no Veterans' Administration Regional Office or Veterans' Assistance Center.

This program differs somewhat in detail from that proposed in S. 3657 but retains the same basic concept which was endorsed by the VA. At the hearing, the Administrator of Veterans' Affairs, in supporting in principle the desirability of a veterans' work-study program, agreed to staff discussions to iron out program details. Those discussions produced the provisions in the committee substitute which the VA has advised is administrable for a relatively small administrative cost $250,000). It is estimated that the services of 56,000 student-veterans might be effectively utilized in the program in the first full year of its operation.

PUBLIC SUPPORT FOR THE McGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, one of the most heartening and encouraging aspects of the effort to bring the tragic war in Southeast Asia to a close has been the widespread support I have received for the McGovern-Hatfield amendment to end the war. Letters, petitions, telegrams, and telephone calls have reached me from every section of the country and have been eloquent testimony to the deep desire of Americans for peace now.

Yesterday, on the day the Senate voted on McGovern-Hatfield, four outstanding community leaders from New Rochelle, N.Y., flew to Washington with a suitcase full of petitions urging the Senate to pass the end the war amendment. The petitions were signed by 15,000 citizens of New Rochelle, which has a registration of 30,000 voters—a remarkable percentage. I commend Mrs. Sandy Jamieson, Mrs. Michelle Aisenberg, Mrs. Bess Hammers, and Mr. Stephen P. Horgan, who were so instrumental in securing the signatures and organizing their community in the cause of peace.

THE EDUCATION APPROPRIATIONS BILL

Mr. EAGLETON. Mr. President, because of the limitations which applied during the consideration last week of H.R. 7016, the education appropriations bill, I did not have an opportunity to comment generally on the bill. Comment is called for, I believe, by those of us who are appreciative of the generally excellent funding levels provided in the bill and grateful to the members of the Appropriations Committee whose work led to this result.

Chief among them is the distinguished senior Senator from Washington (Mr. MAGNUSON) whose deep concern for American education was made evident throughout the long and difficult process of passing H.R. 7016. Unlike many who express great concern but do little, the chairman of the Labor-HEW Appropriations Subcommittee (Mr. MAGNUSON) is one who actually, to use a colloquialism, puts his money where his mouth is.

Obviously Senator MAGNUSON was not alone in this effort. I want also to commend the other subcommittee members and members of the full Appropriations Committee who joined with him in producing a bill that we can be proud of. In particular, I want to single out the ranking minority member of the subcommittee, the distinguished senior Senator from New Hampshire (Mr. COTTON), whose close working partnership with the subcommittee chairman has contributed greatly to the excellence of this bill.

In the course of the subcommittee's hearings on this bill I had the opportunity to appear and to comment upon what I felt to be inadequacies in the funding levels provided in the House bill and the desirability of increased funding by the Senate for certain programs. In the course of my statement, I made the following suggestion:

> In dealing with deficiencies in the House bill, it is impossible for your Committee to meet all the valid and urgent claims competing for the federal dollar. Therefore, it would be useful to establish criteria to apportion the limited funds. I would suggest three tests:
>
> "First, there are on-going programs that have increased students or new functions, but there has been no new funding. In such instances existing levels deserve to be proportionally increased. Some authorized programs that have never been started should begin at once.
>
> Second, there are programs where formulas and administrative revision have brought inequities. Adjustments are required to meet special situations.
>
> Third, several effective quality programs have been arbitrarily cut below workable levels; here funding should be restored to the amounts of previous effectiveness.
>
> These are austerity standards. I fear that they really fall short of realistically sustaining present levels and they do not permit room for expansion. There is no allowance for inflation, a recognized factor in other governmental calculations. But I feel that they set forth minimal guidelines when steering a compromise course between the desirable and the practicable.

In my judgment, H.R. 7016 meets these criteria in nearly every respect.

The best example of an excellent program that has been authorized but never funded is category "C" of the impacted areas aid program, which provides for assistance to school districts on the basis of children living in tax-free, federally constructed public housing. The $60 million appropriation approved by the committee and by the full Senate marks the first step toward making this program a reality and, I should add, is a major step forward in introducing a greater measure of equity to the often criticized impacted areas aid program. I ask unanimous consent that a table prepared by the U.S. Office of Education be printed in the RECORD at the conclusion of my remarks. This table shows the estimated allocation among the States of entitlements under category "C" of impact aid and the corresponding allocation of the $60 million appropriation contained in H.R. 7016, which represents approximately 20 percent of entitlements.

The bill also seeks to remedy hardships caused by administrative discrepancies. A prime example is the adult education program where, because of formula changes, 17 States will have to reduce their programs unless Congress provides $35 million more than the amount recommended by the administration and voted by the House. The Senate bill provides this additional $35 million.

Finally, an example of a program arbitrarily cut by the House is NDEA III which has been of unquestioned value to school districts all across the country. The House approved a cut of $30 million below last year's appropriation of $50 million. The Senate bill restores the House cut and adds an additional $40 million to permit further strenghtening of school curriculum in the instruction of science, languages, mathematics, and other academic subjects.

These are just several examples of the very constructive results that have been produced by this bill. There are many other programs in all areas of education which have been increased to meet proven, pressing needs.

Mr. President, I fully support the actions taken by the Appropriations Committee and approved by the full Senate. The Senate bill is an enormous improvement over the measure sent to us by the House. I know the Senate conferees will be steadfast in their insistence upon realistic appropriations—funding levels that are closer to those contained in the Senate bill than those that are in the House bill. I pledge my support of them in this effort.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Total	$300,000,000	$60,000,000
Alabama	9,096,000	1,819,000
Alaska	354,000	71,000
Arizona	1,269,000	254,000
Arkansas	2,418,000	484,000
California	16,697,000	3,339,000
Colorado	1,780,000	356,000
Connecticut	6,438,000	1,288,000
Delaware	614,000	123,000
Florida	7,124,000	1,425,000
Georgia	11,467,000	2,293,000
Hawaii	1,238,000	248,000
Idaho	121,000	24,000
Illinois	25,843,000	5,169,000
Indiana	3,170,000	634,000
Iowa	575,000	115,000
Kansas	901,000	180,000
Kentucky	896,000	179,000
Louisiana	5,746,000	1,149,000
Maine	470,000	94,000
Maryland	5,023,000	1,005,000
Massachusetts	14,085,000	2,817,000
Michigan	6,755,000	1,351,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS—Continued

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Minnesota	$4,009,000	$802,000
Mississippi	2,000,000	400,000
Missouri	4,624,000	925,000
Montana	428,000	86,000
Nebraska	3,015,000	603,000
Nevada	675,000	135,000
New Hampshire	1,186,000	237,000
New Jersey	19,485,000	3,897,000
New Mexico	691,000	138,000
New York	48,918,000	9,783,000
North Carolina	5,751,000	1,150,000
North Dakota	277,000	55,000
Ohio	12,261,000	2,452,000
Oklahoma	1,517,000	303,000
Oregon	2,645,000	529,000
Pennsylvania	19,766,000	3,953,000
Rhode Island	3,418,000	684,000
South Carolina	2,237,000	447,000
South Dakota	411,000	82,000
Tennessee	7,954,000	1,591,000
Texas	11,365,000	2,273,000
Utah	15,000	3,000
Vermont	269,000	54,000
Virginia	5,292,000	1,058,000
Washington	3,755,000	751,000
West Virginia	900,000	180,000
Wisconsin	2,813,000	563,000
Wyoming	78,000	16,000
District of Columbia	4,057,000	811,000
Guam	71,000	14,000
Puerto Rico	7,423,000	1,485,000
Virgin Islands	614,000	123,000
Wake Island		

Note: Estimates of the authorization for public housing are the least accurate due to the lack of a firm data base regarding the number of eligible pupils. Estimates have been based primarily on the number of low-rent housing units reported as under management as of Dec. 31, 1970.

ASSISTANCE TO DEVELOPING INSTITUTIONS

Mr. HARRIS. Mr. President, on Thursday, June 10, 1971, the Senate authorized, as part of the Education Appropriation Act of 1972, an appropriation in the amount of $53,850,000 for "Strengthening Developing Institutions." This figure shows an increase of $15,000,000 over the House allowance.

It is my opinion that this appropriation falls far short of the Federal funds needed to meaningfully assist those colleges and universities with predominantly black student enrollments.

The needs of these institutions could be more adequately met by appropriating the full $91,000,000 authorized in the legislation. Regretfully, this was not done.

There are approximately 111 predominantly black public institutions at present. These institutions were originally created as a courageous response to this country's shameful lapse in social justice. Today, however, they are the victims of social progress. After a century of lonely service to black students, these institutions now face, in addition to higher education's general financial crisis, a severe drain of their best talent as many able black students and faculty are attracted to the predominantly white universities because of increased financial aid and expanded educational programs, most of which have been made possible by funds received from various Federal sources. Because most of our Federal dollars are poured into competing, predominantly white institutions, black public colleges, particularly those in the Southern States, are finding it almost impossible to expand or to integrate their schools.

The crisis that these institutions are presently faced with and its impact upon the future of black-white relations in America is clearly expressed by columnist Milton Viorst in the June 14 copy of the Evening Star. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 14, 1971]

BLACK COLLEGES GET A RAW DEAL

(By Milton Viorst)

Black colleges are in big financial trouble—and on their survival depends much of the hope for closing the gap between black and white in America.

For, to compete effectively against whites in business, government and the professions, it is indispensable that the black community have a cadre of well-educated leaders.

To be sure, American Negroes have produced an incredible number of outstanding leaders, given the educational handicaps they have faced.

As recently as World War I, the South—where 90 percent of all blacks then lived—had only 45 fully functioning high schools for Negroes.

According to the Census Bureau, even among blacks born in 1930, the median number of school years varies between five for former rural children and nine for city dwellers.

Right now, almost all black college students represent the family's first generation in higher education—and function completely without the benefit of a university tradition.

Recently, considerable publicity about blacks in standard universities—including black militants, black athletes, black merit scholars and the rest—has conveyed the impression that the problem was being solved by integration.

The impression is misleading. Most blacks remain in predominantly black institutions—and that situation is likely to continue for the foreseeable future.

That is why the survival of these black institutions is so important to American society.

But black higher education in America is receiving a raw deal—and the worst offender is the federal government itself.

By law, the federal government shares with the states the support of the land-grant colleges, the nation's principal system of public higher education.

The land-grant colleges are no longer segregated, as they once were, but in the South they remain "predominantly white" or "predominantly black." And color is unquestionably the chief factor in determining how much the federal government gives them.

For example, in the last year of the Johnson administration, the government gave $5.8 million to Clemson, South Carolina's "white" land-grant college. It gave South Carolina State, the black counterpart, $490,000.

Though Clemson is three times larger, it received 12 times more money than South Carolina State.

Checking the most recent figures, it turns out that the Nixon administration's contribution to Clemson in 1970 rose to $6.4 million, while its contribution to South Carolina State dropped to $442,000—changing the ratio to almost 15 to 1.

The most recent figures also show, for example, that the federal per capita contribution to Alabama's white land-grant college was $642; to the black, it was $277, a drop of 32.4 percent since 1968.

For Georgia, the figures are $920 for the white school; $262 for the black, a 33.7 percent drop.

Nationally, the federal contribution per white land-grant student last year was $710, a slight increase over 1968. For black students, it was $310, a decrease of 12 percent.

Needless to say, this pattern of federal racism is intensified at the state level. Yet the ratio of state aid is not, racially speaking, as discriminatory as federal aid.

In December, in response to complaints of insensitivity from black educators, HEW Secretary Elliot Richardson announced that he was transferring $30 million into an emergency fund for Negro colleges, both land-grant and non-land-grant. At last examination, only a fraction of that money had been spent.

Early this year, the Carnegie Commission on Higher Education reported that black colleges needed a tripling of federal support to fulfill their "opportunities for service."

In March, the congressional Black Caucus presented the issue as one of its 60 grievances.

With his usual piousness, the President answered that he "recognizes the special needs of black colleges" and that "your broad goals are largely the same as those of the administration." He has, however, proposed no programs.

Clearly, the record of the Johnson administration and of those which preceded it is inexcusable; but that of President Nixon is worse.

Unless concern replaces this indifference, the gap between white man and black is not likely to change very soon.

LET THE McNAMARA PAPERS BE PUBLIC

Mr. HART. Mr. President, authority to classify documents is intended to protect the national security, not the reputations of governments.

Documents may be classified to prevent publication of secrets which might give tactical or strategical advantage to an enemy, but documents should not be classified to prevent embarrassment.

Surely, no one likes to embarrass a friend, and a case can be made that representatives of different governments should have an opportunity to exchange confidential informaton.

But those foreign friends which may still look to us as a major defense of "the free West" realize, I am sure that the strength of our society rests on the right of and the need for the public to know what its government is about. If our friends want this Nation to remain strong and a force for freedom, then they must understand that any reluctance to embarrass a friend is overwhelmed by the public's right to know.

To argue that government documents should not be released because the public might misinterpret them is to give to government an omnipotence justified neither by history nor by our Constitution.

Those who contend that Government documents which they feel may undermine confidence in Government should not be public, err in believing that confidence in a democratic Government springs from secrecy rather than from public knowledge.

As far as I know, no one contends that

the New York Times reports on the McNamara study of U.S. involvement in Vietnam are inaccurate, deal with deliberations of the current administration, or reveal plans for future military actions.

Both the Times stories and the study, deal with the history of the Vietnam war in 1968. It is not to early for us, as a people, to learn from that history.

So that we may continue to learn from the past for the benefit of the future, I urge the administration to reconsider its decision to attempt to stop publication of reports about the McNamara study.

That plea is made with the full awareness that the study probably does not include all pertinent documents, and that testimony of the persons involved may affect the color of the meaning of some of the documents included. For that reason, I welcome and support Senator Mansfield's intention to conduct congressional hearings on the report.

But the absence of some documents or of the testimony of persons involved, singularly or together, do not outweigh the importance of publishing the McNamara report. That report represents a major step toward gaining a fuller understanding of U.S. participation in the Vietnam war.

Mr. President, I would like to make one additional point.

The fact that this document, historical in content, remains classified, brings to mind the often made complaint that many Government documents of public interest are unjustly classified.

Once again Congress has good reason to reexamine the Nation's method of classifying information, perhaps with the intent of establishing an effective avenue for public challenge to improper classification.

At this point in our history, it might be well to recall the words of Thomas Jefferson:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

THE VIETNAM PAPERS

Mr. McGEE. Mr. President, in assessing the recent publication of but a small portion of the 47-volume report represented as an analytical and all-inclusive study of our Nation's involvement in Vietnam, I believe it behooves us all to reflect on that period in our history.

In conjunction with this statement, I would like to point out a column by Rowland Evans and Robert Novak which appeared in this morning's edition of The Washington Post. The column, entitled "The Vietnam Papers," strikes a valid point which should not be lost on the Nation in light of the apparent emotion surrounding the divulgence of this 2.5-million-word study.

It would be well for all of us to go back to the scene in 1963 and 1964 and take a good, hard look. At that time, Mainland China was very much on the move. With the aid of Peking, Indonesia was on the brink of being taken over by the PKI. There were predictions from Mainland China that Thailand would be taken next. It looked as if all of Southeast Asia was on the brink of falling.

Since that time, Mainland China has experienced many failures. Her influence in Africa has been considerably diminished. She was literally thrown out of Indonesia. She suffered similar setbacks all over the globe.

Now, it is a whole new ball game. With the exception of Laos, all of the other small, independent governments in East Asia have much more viable economies and, in most instances, stable governments. This is much more than we could have hoped for 8 years ago when the black clouds of uncertainty hung ominously over all of Eastern Asia.

It is, therefore, important that we not lift out of context questions which appeared to be far more serious at the time than they now might appear in hindsight.

Another impression being conveyed very strongly by the publication of the portion of the study which has so far appeared in print is that there was a firm decision made by the President before the election in the fall of 1964 to put forth an all-out effort in bringing Hanoi to her knees.

This is a sheer distortion. The record shows that such decisions remained on a contingency basis and on an assessment of available options which were under constant review until the spring of 1965. In the spring of 1965, a total collapse of the South Vietnamese government in the face of a North Vietnamese gamble of an all-out assault with her own regular troops and modern weaponry in the South was imminent. This required the tough decision on the part of the President which he was ultimately forced to make.

One may wish to fault the decisions made, and I am sure President Johnson would be the first to attest to the many factors which were present in his ultimate decision. But a President does not have the luxury of awaiting the judgment of history before he can make that decision. And every decision of the hairline type, which has always characterized Vietnam, lays the process of that determination open to severe criticism no matter which way the decision goes.

So, I must repeat what has been said many times. The assessment of these issues being exposed in a fragmentary way, not only by The New York Times but also the study itself, should in all fairness be left to the subsequent efforts of historians. We do our country serious disservice torturing and twisting these factors by lifting them out of context.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 17, 1971]

THE VIETNAM PAPERS

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960s looks treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other Americans of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportuntiy for the prompt development and execution of sustained reprisals" against North Vietnam.

Contigency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could not have been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

WITHDRAWAL FROM VIETNAM

Mr. HATFIELD. Mr. President, yesterday the Senate rejected two alternatives for ending our involvement in Indochina.

Yesterday, the U.S. Conference of Mayors voted for a resolution calling for the President to withdraw all troops from Vietnam by the end of the year.

Yesterday, Gen. Matthew B. Ridgway, former commander of our forces in Korea, called for the complete withdrawal of all our troops from Vietnam, in no later than 9 months from now.

Mr. President, General Ridgway is one of this country's most distinguished soldiers. Further, he knows well the difficulties and the challenges of military engagement on the Asian mainland. His wisdom, his judgment and his previous military experience with American forces in Asia give his words an unquestionable ground of authority and forcefulness.

After yesterday's vote, I have become even more convinced that a majority of this body favors the setting of a terminal date for our involvement in Indochina.

As long as the war continues, we will continue in our efforts to assert our Constitutional duty, and to bring our involvement to a decisive, swift and complete end.

Yesterday's events have only made firmer my determination to seek a legislative end to our involvement in this war.

I ask unanimous consent that a press report on General Ridgway's comments, taken from the Boston Herald Traveler of today, June 17, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PULL OUT EVERY GI: RIDGWAY

NEW YORK.—Gen. Matthew B. Ridgway, former commander of U.S. forces in Korea, has called for the withdrawal of all U.S. troops from Vietnam by no later than nine months from now.

Ridgway, in writing in the quarterly Foreign Affairs, says complete withdrawal means "the removal of every U.S. uniform from the mainland of Vietnam, except embassy guards."

So long as U.S. armed forces remain in South Vietnam, he says, "our men will be mortared, shelled or otherwise attacked," and "so long as they are attacked they will counterattack with fire and movement and the war will drag on, not end."

Ridgway voices skepticism about the Nixon administration's plan for "winding down the war."

"How can we reconcile retention of a 'residual force,' of which the secretary of defense speaks with 'complete withdrawal' to which the President is publicly committed?" he asks.

The prisoner question, he observes, "is a torturing one" which deserves "unceasing effort on the part of our government."

But Ridgway says he doubts the "openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel" would be effective.

He says the question of whether "stepped up bombing of North Vietnam targets, including population centers," will succeed in winning release for the prisoners is open to serious question.

He argues that in another six to nine months the South Vietnamese army will have had "ample time to attain adequate training levels, if it is ever going to do so," and says "at the end of that time, regardless of developments," the United States should begin phasing down operations until complete withdrawal is achieved.

At the same time, he says, the United States should continue "by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained."

POPULAR SUPPORT IN MASSACHUSETTS FOR COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, the debate over national health insurance continues to increase in its proportions. One of the important areas of discussion is concerned with whether the Federal Government should administer the program, or whether private insurance companies should continue to retain the responsibility for the program. Too often, the needs and opinions of the people involved in the issue are not duly considered.

A recent poll, conducted by the Becker Research Corp. in Boston for the Boston Globe, indicates that 64 percent of the population in Massachusetts favor the position that the Federal Government should "take over the responsibility of providing medical care for all those who want it." Only 30 percent oppose the Federal Government's administering the program. Indeed, a majority of the people in each of the income groups sampled in the poll were in favor of the Federal Government administering a national health program.

I believe that the Massachusetts' poll is an important indication of popular support for a Federal health care program. In fact, as the poll indicates, there is broad support for a complete Federal takeover of the health system in the Nation. Thus, the people are willing to go far beyond any steps proposed in any pending legislation, and far beyond what many other Senators and I have proposed in the Health Security Act.

I believe this poll will be of interest to all of us concerned with public attitudes on the health care issue, and I ask unanimous consent that the Massachusetts poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, April 3, 1971]

MASSACHUSETTS POLL—BAY STATERS PREFER U.S. MEDICAL PAYMENT

People in Massachusetts, by better than 2 to 1, favor the Federal government's furnishing medical care, according to the Massachusetts Poll, conducted for The Globe by the Becker Research Corp. of Boston.

The poll shows 64 percent for and 30 percent against changing the present system of medical care so that the Federal government would take over.

Opinion tends to divide along partisan lines. Seven Democrats and independents in 10 support the idea, while Republicans are divided, with 46 percent in favor and 49 percent opposed. There also seems to be less receptivity to the proposal among the more affluent than among the lower-income groups.

A Boston carpenter said: "In most European countries it's a success."

A Boston truck driver remarked: "The British use it and have seemed to be successful."

A barber said: "The Federal government should move in on the hospitals, otherwise leave medical care alone; $110 for a hospital bed is too much."

A Chelsea businessman called it "too much socialism, too high cost."

A factory worker from Allston said: "The government shouldn't delve into those things."

A production manager from Dorchester, unemployed, said: "You start to get into socialized medicine."

The poll was taken by telephone between Feb. 5 and Feb. 12 among 1000 Massachusetts residents 18 years or older.

The poll results:

"QUESTION PEOPLE WERE ASKED"

"Some people have proposed changing the present system of medical care in this country so that the Federal government would take over the responsibility of providing medical care for all those who want it. Would you favor or oppose this change?"

[In percent]

	Favor	Oppose	No opinion	Percent base
Total Massachusetts public	64	30	6	1,000
Area of State:				
City of Boston	65	26	9	506
Boston Suburbs [1]	63	32	5	296
Rest of State	64	29	7	198
Political party:				
Democrats	70	23	7	551
Republicans	46	49	5	223
Independents	67	27	6	181
Sex:				
Men	64	31	5	499
Women	63	30	7	501
Income:				
Under $5,000	68	24	8	184
$5,000 to $7,499	71	17	12	142
$7,500 to $9,999	72	22	6	192
$10,000 to $14,999	64	32	4	227
$15,000 and over	52	45	3	148

[1] Counties of Essex, Middlesex, Norfolk, Plymouth and Suffolk, excluding Boston.

LET THEM EAT LEAD

Mr. KENNEDY. Mr. President, once again, the hazards of lead based paint poisoning have been recognized and commented upon by one of our leading journalists, Jack Newfield, an editor of the Village Voice. His article, "Let Them Eat Lead," in the June 16 edition of the Boston Globe sharply focuses attention on this critical problem—a problem recognized by my colleagues when they enacted legislation last fall that provides for Federal support of programs that find and treat children with high lead levels. The Congress has recognized the need for legislation in this area. The President, when he signed the authorization bill in January 1971, recognized the need for legislation. Unfortunately, in May, the House-Senate conference committee failed to accept the Senate recommendation of $5 million to fund vitally needed programs. Secretary of Health, Education, and Welfare Elliot Richardson has so far neglected to request funds for lead paint poisoning programs despite repeated evidence like that presented by Mr. Newfield that the lead poisoning menace must be terminated.

In his eloquent article Mr. Newfield clearly outlines how this relatively little known malady afflicts our Nation's children—most of whom are black and living in our Nation's urban ghettos. When 200 white children died of polio it was an epidemic. But, as Jack Newfield points out "only a lack of purpose sentences 200 black children to die of lead poisoning each year."

Mr. President, I find it increasingly difficult to conjure up the right combination of catalysts that will spur this Congress and the administration to move toward an effective end to this health hazard. We have made the case for this program repeatedly. When the lead poisoning hazard is stopped, then we can stop.

Mr. President, I ask unanimous consent to enter in the RECORD the very fine article from the Boston Globe by Mr. Jack Newfield.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET THEM EAT LEAD

(By Jack Newfield)

Lead poisoning is a small thing, a little horror compared to the Vietnam war, or the fact that parts of Brownsville look like Laos, or the Moon.

There are no marches on Washington to protest lead poisoning, no theatrical threats of violence by its victims, no guest shots by its chic critics on Dick Cavett.

Last month, on May 20, a Senate-House conference killed the last chance to appropriate a meager $5 million this fiscal year for lead poisoning treatment and prevention. The next day the deed was not noticed by any New York newspaper or television station. It seems that nothing is real to the media until it reaches the white middle class, like heroin addiction, or unemployment. Then it is a crisis.

But the little horror of lead poisoning is the special prism through which we can see, with piercing clarity, the rainbow of larger horrors—racism, decaying cities, inadequate health care, bureaucracy and demented priorities.

Lead poisoning is an environmental disease of the urban ghettos. Children, usually between the ages of 1 and 6, get it by eating the sweet-tasting chips of peeling tenement walls, painted a generation ago with leaded paint.

According to the Department of Health, Education and Welfare, 400,000 children are poisoned each year, about 30,000 in New York City alone. About 3200 suffer permanent brain damage, 800 go blind or become so mentally retarded that they require hospitalization for the rest of their lives, and approximately 200 die.

The tragedy is that lead poisoning is totally man-made and totally preventable. It is caused by slum housing. And there are now blood tests that can detect the disease, and medicines to cure it. Only a lack of purpose sentences 200 black children to die each year.

When 200 white children died of polio it was called a national epidemic, and all our scientific resources were galvanized to find a cure. But 200 black children are invisible, and nobody wants to know their names.

On Dec. 31, 1970, Congress passed the Ryan-Kennedy Bill, which authorized $30 million in Federal grants to combat lead poisoning. On Jan. 14 of this year, President Nixon signed the Lead Paint Poisoning Prevention Act.

But then nothing happened. Although the bill authorized $10 million for fiscal 1970–71, and $20 million next year, HEW Secretary Richardson refused to ask Congress to appropriate the money. The President did not mention lead poisoning in his annual health message to Congress; Secretary Richardson did not mention it in his budget testimony before various committees.

Last month the Administration submitted its second supplemental appropriation bill, a $6.8-billion package of extra money requests for this fiscal year, which ends on June 30.

The bill included funds for every special interest; $3.5 million for dairy and beekeeper indemnity; $166 million for defense; $80 million for maritime subsidies; $15 million for highway beautification; and $275 million for the highway trust fund.

But not one cent for lead poisoning, even though Congress had already authorized $10 million. Rep. Bill Ryan and Sen. Ted Kennedy tried to break tradition and add $5 million for lead poisoning, even though the Administration and the committee barons didn't want it. It was on May 20, in the clubby secrecy of the Senate-House conference, that this $5 million was eliminated from the budget.

Rene Jules Dubos won a Pulitzer Prize for his book, "So Human An Animal." Last year, at Rockefeller University, he concluded a speech on lead poisoning with these words: "This problem is so well defined that it may provide an occasion to introduce a kind of social accounting . . . if we do not act on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we, with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

Government policy is not an abstraction. It has specific human consequences. Bureaucrats and politicians may conduct cordial meetings in comfortable offices in Washington, and decide not to spend any money on lead poisoning.

But those crisp, impersonal decisions kill other people. Clerks can be held accountable for genocide just as well as generals.

Lead poisoning is a preventable disease. Congress has made a law, but Secretary Richardson won't implement it.

And so small, black children, in Watts, in Buttermilk Bottom, in Bed Stuy, will eat paint chips, vomit, tremble with convulsions, slip into a coma, and die.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate, at the conclusion of the period for the transaction of routine morning business, the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 149 of the Senator from New York (Mr. BUCKLEY), on which there will be 1 hour of debate, the time to be equally divided between the Senator from New York (Mr. BUCKLEY) and the Senator from Mississippi (Mr. STENNIS).

The Chair now recognizes the Senator from New York.

Mr. BUCKLEY. Mr. President, amendment No. 149 would reduce the proposed extension of the induction authority from 24 months to 20 months.

I am pleased to say that it is an amendment which is cosponsored by the Senator from Colorado (Mr. DOMINICK) who, as a member of the Armed Services Committee, has heard and considered the testimony which supports the feasibility of phasing out the draft by March of 1973.

I am deeply conscious of the fact, Mr. President, that this body has already rejected amendments calling for a 1 year and for an 18-month extension of the draft, and that it may well be asked why the Senator from Colorado and I should ask our colleagues to consider still another amendment, and one at that which would reduce the proposed extension by only 4 months.

I submit that the amendment now being debated involves much more than a reduction by a third of a year in the proposed draft authority. It involves the opportunity for the Senate to make a tangible commitment to the concept of an all-volunteer military.

Forty-three Senators voted for a 1-year extension, and seven more voted for an 18-month extension of the draft. Thus, 50 Senators are on record for terminating the draft in less than 2 years. This suggests that there is a clear majority sentiment in favor of the earliest feasible conversion of our armed services to all-volunteer forces, especially as some Senators who voted against these other amendments questioned the prudence of having an extension of the draft terminate in the middle of an election year, or at a time when a lame duck Congress would be sitting. Thus, it is quite possible that the postponement of the termination date until March of 1973, well after 93d Congress is seated, may well be all that is required to cause the Senate to assert in an unmistakable manner, its determination to see the draft phased out at as soon as this can be prudently accomplished.

Also, since the voting on the 1-year and on the 18-month extensions took place, there has been another most significant development which bears on the prudence of the amendment now under debate. I speak of the adoption of the Allott amendment which incorporated the increases in compensation recommended by the Gates Commission as a precondition to an all-volunteer military. As the amount of these increases is comparable to those already approved by the House, it is a foregone conclusion that we will begin the next fiscal year with levels of compensation, especially for the lower grades, which ought to assure the successful phasing out of the draft within the 20-month period provided for by amendment No. 149.

I will not detail the wealth of evidence which supports this conclusion. The facts and figures contained in the Gates Commission report and in testimony presented before the Armed Services Committee have been reviewed on this floor on a number of occasions since debate on H.R. 6531 began. I am sure that my colleagues are fully familiar with this evidence as well as with the arguments advanced by those who believe that such data notwithstanding, it would be imprudent to extend the Induction Authority for a period of less than 2 years. I submit, however, that little meaningful risk would be incurred in relying on the Gates Commission report and on the testimony supporting the feasibility of moving into an all-volunteer military for the reason that should the manpower projections fall short of expected goals, the next Congress will have the time within which to consider an additional extension in the light of actual experience prior to the expiration of the proposed extension—that is to say, prior to March of 1973.

On the other hand, a failure on the part of the Congress clearly to demonstrate its determination to move swiftly to all-volunteer forces, could in itself result in unnecessary delays in achieving what I and others consider to be an essential goal. Although the military are making commendable efforts to implement the changes in recruitment policies and the reforms which, together with the increases in compensation now scheduled for the coming fiscal year, are required in order to achieve appropriate levels of volunteer enlistments, the added incentive of a clear congressional mandate would insure that every possible effort is made to achieve this goal.

There is another, most important reason, Mr. President, for Congress to indicate at this time its commitment to the concept of all-volunteer forces through the enactment of this amendment: Ours is a war-weary country, a country in which the continuing existence of the draft has become a symbol of social dislocation and of the alienation of too many of our young men. It is important that the Congress underline its intention to do away with the draft just as soon as this can be accomplished without injury to our Nation's security and its confidence that this goal can be achieved in less than 2 years. This will not be achieved through a 2-year extension, even though this is a departure from the past practice of the 4-year extension. It will not be achieved by a 3-year extension because the debate thus far has made it clear that a number of the Senators who will vote for the 2-year extension do not favor an all-volunteer military in the foreseeable future. These Senators either are not convinced of the feasibility under present circumstances of returning to our traditional reliances on all-volunteer forces, or they believe it is somehow inequitable not to have some draftees in our armed services so long as there is a chance that some of our forces will be engaged from time to time in actual combat.

I am deeply conscious, Mr. President, of the fact that we are beginning to run a serious risk to our national security because of the relatively static state of our military power, quantitatively and qualitatively, in contrast to the rapidly increasing strength of the Soviet forces and Soviet armaments in just about every category of weaponry. The deterioration of our position vis-a-vis the Soviet Union is graphically described in an article appearing in Life magazine this week which is entitled, "Our Four-Star Military Mess—the Blunt Fact Is We Are About To Become No. 2." Yet we continue to feel pressures for still further cuts in an already inadequate defense budget. I suggest, Mr. President, that we will not find ourselves in a position to refocus an appropriate amount of our resources on this first of all national priorities; namely, our national survival, until and unless we somehow defuse the antimilitarism which has infected so many of our citizens.

I submit that the most effective single measure which we can take to reduce this antimilitarism and to restore the conditions where a sensible national debate can take place as to our true defense needs, is to eliminate that massive irritant of compulsory military service. Let us not forget that each year over 2 million young men come under the shadow of the draft, and that each of these young men has brothers and sisters and parents whose attitudes are inevitably colored by the prospect that one of their own may be forced into involuntary service. This growing antipathy to service is a natural one, a human one, an understandable one. And more than that it is a political reality which will not be dissolved by reminders as to the sacrifices which free men are called upon to pay in every generation in defense of their liberties.

Yes, it is possible that the estimates and the projections offered in support of all-volunteer forces may be wrong. It is possible that we may find that the inducements now enacted, plus the antimilitarism now with us, will cause true volunteers to fall significantly short of expectations. It is possible that we will need to redebate this great issue in January and February of 1973 if actual experience and the imperatives of national defense make it clear that selective service must be extended for still another period of time. I recognize that we may run some element of risk in paring back the period of the proposed extension by 4 months, just as I recognize that the increases in compensation incorporated in the Allott amendment—for which I voted—might result in still further reductions in equally essential investments in military research and hardware. I feel, however, that we run a far greater risk if we fail to tell the country unequivocally at this time that the Congress of the United States has determined to move away from the draft, and to that system of all-volunteer forces which has supported us throughout most of our history.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a very short quorum call, the time to be charged to my side.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I want to say a general word at this time. Yesterday completed the sixth week of debate on this bill. I think that it has been a very wholesome debate. Especially I have no complaint about the debate on the bill. I welcome it. It is part of the legislative process. However, I really think that now, with all due deference to everyone, all the major points have been covered and all Senators interested in those major points have certainly had their day in court.

We have had arguments pro and con and back and forth. We have had rollcall votes with plenty of notice given in advance as to when the vote would be taken, so that every Senator who was physically able has had a chance to be here and to record his will. With all deference to each Senator and his rights as such, there just comes a time in the legislative branch of the Government when we have to close ranks and move forward and work together to pass what we think is responsible legislation. It is not like the executive branch where, if the executive is within the law and has the power, he can say it should be this way, or we should do this or do that. The legislative department cannot take that attitude and say, "It is our way or no way." As a part of the legislative branch, things have to finally come to a vote and be controlled by the rules.

I think we have reached the point now where we have an obligation to the Senate as a whole to close ranks, move forward, and bring this bill to a final vote. Those who oppose the bill can vote no, of course, and those who think we should have it can vote yes; but we will have discharged our obligation to the Senate and the people.

We are now going into the seventh week of debate on this bill. I hope from now on that the overwhelming majority of the membership will be willing to close ranks and take the attitude that even though there may be some merit in amendment X, it already has been passed upon in amendment B, and we will be able to avoid going over the same subject matter again and again.

With great deference to the author of this amendment and those who may support him, I point out the subject of the extent of the duration of this law, if it passes, and I think it is certain to pass, has already been subject to extensive debate. We have had debate on the proposition of no extension at all, that is, not having any Selective Service Act. We debated that at length. That was the Hatfield proposal which was voted on May 26. That proposal was rejected by a vote of 67 to 23, an overwhelming defeat of almost 3 to 1.

Later, we passed on the proposition of 18 months, which had been proposed by the very able Senator from Colorado, who is a very valuable member of our Committee on Armed Services. He proposed that we renew the act but that we let it run for only 18 months. Debate was had and that amendment was rejected by a vote of 67 to 8.

Then, we had the amendment that had been pending the longest in connection with this matter and that amendment was somewhat the father of these time amendments. I refer to the Schweiker amendment. After 9 days from the votes, on the amendments I have already mentioned, that matter came to a head and after spirited debate and the most searching kind of decision on whether we would have an extension for 12 months, that 12-month proposal was rejected by a vote of 49 to 43. That was the key vote. The Hatfield proposal was defeated by a vote of 67 to 23. That was an overwhelming decision. The 18-month amendment was passed on and that was highly unsatisfactory. So it is clearly established that the Senate thinks the real issue here is whether the extension should be for 1 year or for 2 years. The extension provided in the committee bill is for 2 years, and the 1-year proposal was in the Schweiker amendment.

The pending amendment would extend the law for 20 months. I do not know of any other amendment that is going to be offered on this subject, but we may have more amendments. We do need the law renewed and we must have the act. If we were to let it run for only 20 months it would expire on March 1, 1973.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself such additional time as I may use.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. A President will be inaugurated on January 20, 1973. It will be either President Nixon, if he is a candidate for reelection, or someone else chosen in the regular way. There will be a new Congress, a new House, coming into office on January 3, 1973, and, of course, one-third of the Senate could consist of new Members in 1973.

Everyone knows that from the time we assemble until the time of inauguration not much legislation is enacted. I cannot picture that the House would organize, have hearings on a bill like this bill, and make much headway before January 20. I cannot picture that the Senate would make much headway. So a President would be inaugurated on January 20. If it were a new man he would have a total of some 40 days to make up his mind as to what recommendation to make regarding the extension of the draft, and within that same 40 days the House of Representatives would have to hold hearings, make up its mind, bring the bill to the floor, and pass it; and the Senate would have to hold hearings, and based on whatever they decide they would bring a bill to the floor of the Senate, it would be debated and, I assume, passed, it would go to a conference with the House, come back to the floor of the Senate and be passed.

Mr. President, all of that would be done, I assume, with very determined but honest opposition. All of that would be done within 40 days, and we have been involved in debate on this bill already for 42 days under comparatively calm and settled circumstances.

Therefore, Mr. President, with all deference, this measure is unrealistic; it is impractical, it is unworkable, and I do not think there is any legislative way to get around the idea that it will be impossible, along with the new House of Representatives and Senate, to have the matter settled by the time of inauguration and then to make a determination here and have anything that is a semblance of debate.

This decision has already been made. The 18-month proposal has been rejected and the 12-month proposal has been rejected, so that is a determination that more than 12 months is needed and that more than 18 months is needed. If more than 18 months is needed—and that was an overwhelming vote—the only reasonable time to extend it would be for 24 months, which is the provision in the bill before us. That period of time would at least give Congress some time with reference to getting a bill before Congress and getting it passed in a deliberate way.

I trust the overwhelming result of this vote will be to respectfully reject the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me for 10 minutes?

Mr. BUCKLEY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I have listened to my distinguished colleague from New York and I have joined with him as a cosponsor of this amendment. I have also listened with great interest to my friend and highly respected colleague, the Senator from Mississippi, who has spoken in opposition to the amendment.

This represents the fourth attempt during this debate to limit extension of the draft to less than 2 years and I think a recap of the major amendments we have considered thus far will be useful to us all and will more clearly develop the rationale for this amendment.

The debate on the various proposals began when my amendment to extend the draft for 18 months was considered as a substitute to the Schweiker 1-year amendment. In retrospect, we did not get too many votes because we were caught at a point between those and those who did not want more than 1 year. Those in favor of the zero and 1-year amendments were committed to their positions, just as those in favor of the 2 year extension felt they had enough votes to defeat all lesser proposals. However, I felt a 2-year extension was unnecessary but that adoption of the 1-year proposal did not leave us the realistic option of extending the draft in an election year, if that should be required. I also suggested we still had a long way to go toward implementing those incentives necessary for the volunteer force. That is why I offered my amendment at that time.

The question was raised during the debate on the possibility that the time period of my amendment could cause the Congress to consider further extension during a lame duck session. I pointed out that I expected the final extension period would be resolved at about 20 months in conference, thus enabling any further extension to be considered by the 93d Congress. It is rather ironic that we have completed the full circle and today we are considering a 20-month extension.

Next, the distinguished Senator from Iowa, in concert with the distinguished Senator from Pennsylvania, offered an amendment that would have substituted the House pay proposal for the administration's pay request.

I might add that Senator HUGHES is a distinguished member of the Armed Services Committee, of which I also am a member, and I know of his genuine interest in the members of the Armed Forces. He is concerned, as I am concerned, for their well being and that they receive adequate compensation for the unselfish and valuable service they provide to our country. In particular, he expressed concern in the presentation of his amendment, and I agree, for the ridiculously low wages our recruits receive.

So my colleague from Iowa was well intentioned in trying to make this bill the very best possible, and I commend him for that. But I suggest the pay amendment was rejected, in part, because it did not quite hit the bull's-eye. If we accept the premise that the majority of this body want to see the draft ended and want to leave the manning of the Armed Forces to volunteers, then we need to ask ourselves what will it take in terms of salary to attract and retain these volunteers?

Let me digress for a moment and examine the requirement for new yearly enlisted assessions. The Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger Kelley, stated in hearings before the Armed Services Committee that 528,000 new enlisted assessions are required in fiscal year 1972 to maintain a budgeted strength of approximately 2.5 million. Of this number, Mr. Kelley estimates about 315,000 would be volunteers in any case, even in the absence of the draft and new volunteer incentives.

In other words, without the pressure of the draft, with an Armed Forces strength of about 2.5 million men, another 213,000 acceptable volunteers would be needed. I say acceptable because not all who volunteered would meet the service entrance requirements. However, the Armed Services Committee effectively reduced the fiscal year 1972 end strength to 2.4 million and if this is upheld in conference, the new enlisted assessions requirement will be reduced by about 100,000. This means a shortfall of about 113,000 additional volunteers would have to be recruited to maintain the yearly enlisted assessions requirement if no volunteer incentives existed. With volunteer incentives implemented, the shortfall is estimated at between 10,000 and 30,000.

Who would these volunteers be? Most would probably be high school graduates along with others with greater or lesser educational attainments who, hopefully, would see the Armed Forces as an opportunity that offers a rewarding career with reasonable starting salary and reasonable salary progression. This is where I feel the House proposal missed the bull's-eye. If we accept the premise that the primary purpose of any raise at this time is to assure to the maximum extent possible that we can make the transition to the volunteer force, then I submit the House proposal does not provide adequate salaries to guarantee the new assessions that will be required. I think that is the primary reason the amendment was rejected.

Next, the Senate considered the amendment offered by the senior Senator from Oregon. His amendment would have allowed the draft to expire on June 30 of this year with the Armed Forces thus having to rely on volunteers to maintain strength at the required levels. This amendment was rejected 23 to 67. I was opposed to terminating the draft that soon, not because I am for the draft because I am not, but because much still needs to be done before we can move to the volunteer force. There was no way that I could see that we could rely solely on volunteers after June 30. At this time we still have no experience that will tell us the volunteer concept will work. Volunteer incentives need to be implemented first and we need to crawl before we walk. The draft must continue as we gain experience with the volunteer requirements, much like we gain experience in an R. & D. program through the use of prototypes.

If we had had at least a year's experience with all the necessary volunteer incentives in being and if those incentives had proven effective, then all of us, except maybe those who do not want a volunteer force under any circumstances, would probably have supported that amendment. As it turned out, most of us thought we were at least a year or more away from being able to rely on a volunteer force.

The Senate then debated the 1-year amendment offered by Senator SCHWEIKER, my distinguished colleague from Pennsylvania. I think there were two things that caused the rejection of this proposal. First, there was no guarantee that after July 1972 the required strength of the Armed Forces could be maintained with volunteers. At the time, it looked as though the final pay package would be a compromise between the administration proposal and the House proposal. I do not believe the majority of my colleagues thought that would have provided an adequate pay incentive for the volunteer force. Second, although my 18-month amendment was defeated, I feel that many who did not vote for my amendment did have some reservations that the Congress would extend the draft in an election year, if that should be required. And, as my distinguished chairman, Senator STENNIS, pointed out with the 1-year extension we could have ended up compromising at 18 months with the House, and then, for sure, further extension would be considered by a lame duck session.

Now the vote on Senator SCHWEIKER's amendment was close, 49 to 43, so 43 Senators, I assume, felt we could move to a volunteer force in July 1972, even with a compromise pay package, and 43 Senators, I assume felt the Congress would vote to extend the draft again in an election year or in a lameduck session, if that should be required.

The final amendment I will mention was the proposal of my most distinguished colleague and senior Senator from Colorado, Senator ALLOTT, to substitute the pay proposal of the Gates Commission in lieu of that offered by the administration. To me, the passage of this amendment meant overwhelming support for the volunteer force, because this is a pay proposal that really hits the bull's-eye. It is specifically tailored to attract the new man into the service and provides starting wages that really compete. The yearly cost of this proposal and the one offered by the House are both about $2.7 billion. Only the pay distribution schedules are different. Primarily, the Senate version provides all of the money for increases to those with under 4 years service, whereas the House version provides lesser raises to those with under 4 years service but also provides quarters allowance raises to all ranks.

Mr. President, I believe it would be useful for my colleagues to see these two proposals side by side so that they may be able to compare and understand the exact differences. Mr. President, I ask unanimous consent that both the Senate and House pay proposals be printed at the end of my remarks.

Without objection, it is so ordered. (See exhibit 1.)

The PRESIDING OFFICER. Mr. President, let me quickly summarize where we now stand. The zero draft, 1 year extension and the 18-month-extension have been rejected. The house pay proposal has been rejected. But the Gates Commission pay proposal has been passed.

Armed with this pay proposal we are now in a strong position to move to the volunteer force. So I ask Mr. President, why do we need to extend the draft for 2 years?

The 20-month proposal offers something that the majority of this body can accept.

For those who wanted no draft extension or a 1 year extension or even an 18 month extension it offers an alternative of less than 2 years. They can accept this amendment as one that will end the draft as soon as practicable, will allow time to verify that the pay package is adequate and will allow adequate time for the Department of Defense to implement those other necessary volunteer incentives. They can accept this amendment as one that will allow us to make a responsible and safe transition to the volunteer force.

Those who are in favor of a 2-year extension, if they are not against the volunteer force, can accept this amendment for the same reasons. They can also accept it because it provides the reasonable and realistic option of being able to extend the draft, if that should be required. Any further request to extend the draft would be considered by the 93d Congress, free from election pressures and the Department of Defense will have had 20 months to get on with the volunteer program and to gather data on the effectiveness of its incentives.

Mr. President, it might well be asked, does it make sense to extend the draft for just four months less than the administration requested? After all, why bother over such a short period of time? The answer, Mr. President, is straight forward. The American people want to end the draft as soon as it can be done safely. During that extra 4 months many young men could needlessly be drafted. I say needlessly because in 20 months we will know whether we can rely completely on the volunteer force. Therefore, why subject anyone to the draft beyond the point that the volunteer force can be safely implemented? That would be the case if the draft were extended for 2 years.

The passage of this amendment will prove to the American people we are adopting a realistic solution to this problem and that we do not want to see the draft continued any longer than absolutely necessary.

One final point, Mr. President. Should this amendment be accepted I would hope we could hold to 20 months in conference with the House. We will have shown them the way to move to the volunteer force a little sooner. But even a compromise at 22 months is preferable to 2 years and I suggest the American people would also prefer that.

And what of the desire of the administration. Surely they can live with this proposal. Surely they can have no objection to ending the draft in 20 months if it is proved the volunteer concept will work. Or they should have no objection to requesting extension at that time if it does not. The point is, the judgment on the feasibility of the volunteer force can be made just as well with a 20-month-test period as with 2 years.

Mr. President, everyone has something to gain by supporting this proposal because it is a realistic and workable alternative to the 2-year proposal. It puts us on safe ground all the way and at the same time shows the American people we want to end the draft at the earliest practicable date.

I urge my colleagues to give this amendment their support.

EXHIBIT 1

SENATE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0-10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
0-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
0-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,001.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
0-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
0-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
0-5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
0-4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
0-3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
0-2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
0-1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 Naval of this title.

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0-3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
0-2	0	0	0	773.10	798.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
0-1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50

WARRANT OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90
W-3	605.70	656.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9[1]	0	0	0	0	0	0	$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	0	0	0	0	0	$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	301.50	0	0	0	0	0	0	0	0	0	0	0	0	0

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 ragardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
0-10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60	$2,967.60
0-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,260.50	2,443.50	2,443.50	2,618.40	2,618.41
0-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
0-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
0-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463 10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
0-5	834,60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.10	1,471.20	1,471.20
0-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
0-3[2]	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
0-2[2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
0-1[2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

HOUSE PROPOSAL—Continued

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	665.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

WARRANT OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 3
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	746.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.60	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	462.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185, regardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

Basic allowance for subsistence:

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month
Enlisted members when rations in kind are not available	$3.45 a day.

BASIC ALLOWANCE FOR QUARTERS

Pay grade	Without dependents	With dependents
O-10	$271.20	$339.00
O-9	271.20	339.00
O-8	271.20	339.10
O-7	271.20	339.00
O-6	249.30	303.90
O-5	233.40	281.10
O-4	210.30	253.50
O-3	186.30	230.10
O-2	163.20	206.70
O-1	128.10	166.50
W-4	202.80	244.50
W-3	182.70	225.60
W-2	161.40	204.30
W-1	145.80	189.30
E-9	153.90	216.90
E-8	143.70	202.50
E-7	123.30	189.90
E-6	112.80	176.40
E-5	109.20	163.20
E-4 (over 4 years' service)	96.00	143.10
E-4 (4 years' or less service)	96.00	143.10
E-3	85.20	120.00
E-2	75.00	105.00
E-1	70.20	105.00

Mr. BUCKLEY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BUCKLEY. I yield myself 5 minutes for a short closing statement. After that I shall be prepared to yield back the balance of my time.

I am very glad the Senator from Colorado pointed out the very significant situation we face today in contrast to the situation faced by the Senate during the consideration of earlier amendments calling for various extensions of time.

I would also point out that in voting on two of those extensions; namely, the 18-month extension and the 1-year extension, before the Allott pay boost amendment had been adopted, a total of 50 Senators, one-half of this body, registered their belief in the feasibility of the all-voluntary system. For one reason or another, however, they did not see fit to register a flat success on one or the other of the amendments.

In any event, the new situation we face at this time is that the whole pay package recommended by the Gates Commission has been adopted, and that makes it clear that, within the time period we are talking about, the achievement of the great goal of an all-volunteer force is in fact a feasible and achievable objective.

As I indicated in my earlier remarks, I think that we have another consideration beyond that of the feasibility of the all-voluntary concept which ought to guide our action at this time, and this may be perhaps symbolic in importance. Yet symbolism is of vital importance in life, and I believe in fact the antimilitarism that has grown up in this country is due in large part to the continuation of the draft; that this antimilitarism as a symbolism is as great an obstacle to taking appropriate measures to assure our national security as is the debate on this floor.

I therefore urge my colleagues to consider seriously the favorable impact on the country if Congress were at this time to come out in an unmistakable way, an unequivocal way, and express its confidence in the achievability of all volunteer forces, the feasibility of phasing out our draft within this 20-month period, and the ability of our Nation to move to this goal without unduly weakening our military forces or jeopardizing our national security.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from New York (Mr. BUCKLEY) would extend the draft 20 months rather than the 24 months requested by the administration and approved by the Armed Services Committee.

The Senator from New York indicates that the intent of his amendment is to demonstrate that the Senate supports an all-volunteer armed force at the earliest possible time.

Mr. President, I am opposed to this amendment because there is no evidence to support the belief that this Nation can maintain minimum manpower levels without the draft for the next 2 years.

There is serious doubt in my mind as to whether the Nation can maintain the necessary levels after July 1, 1973, should a future Congress fail to extend the Selective Service Act.

Also, it is my view that administrative problems would ensue if the draft were ended in the middle of a fiscal year as this amendment would provide.

In May the Senate rejected by a vote of 67 to 8 an amendment which would extend the draft 18 months. This amendment would extend it 20 months. There is only 2 months difference between dates set by these two amendments.

Mr. President, I recognize the good intentions of the Senator from New York but I feel his amendment would place upon the country an unnecessary risk in maintaining minimum military manpower levels.

For this and other reasons I have cited, it is my hope the Senate will reject this amendment.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back his time?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. All remaining time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, how much time remained to the Senator from Mississippi (Mr. STENNIS), which was yielded back?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that that time be restored to me momentarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time on the amendment has been yielded back.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Tennessee would vote "nay".

The result was announced—yeas 35, nays 48, as follows:

[No. 98 Leg.]

YEAS—35

Aiken
Bayh
Beall
Buckley
Case
Cook
Cooper
Dole
Dominick
Gravel
Griffin
Harris
Hart
Hartke
Humphrey
Inouye
Jordan, N.C.
Magnuson
Mansfield
Miller
Mondale
Muskie
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Stevens
Stevenson
Symington
Taft
Williams

NAYS—48

Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, Idaho
Kennedy
Long
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Percy
Saxbe
Schweiker
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—17

Baker
Brock
Brooke
Chiles
Church
Fulbright
Hughes
Jackson
Javits
Mathias
McGovern
Mundt
Nelson
Prouty
Scott
Spong
Tunney

So Mr. BUCKLEY's amendment (No. 149) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-131)

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotic deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional $155 million to carry out these steps. This will provide a total of $371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse.

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from $30 a day to $100 a day. This is $210 to $700 a week, or $10,000 a year to over $36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than $2 billion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still not moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American lifestream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort suceed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives and priorities, carry out programs through other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic red tape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under inter-agency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance instead of hoping for it. Agencies would receive money based on performance and their retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous application of the fullest penalties provided by law are two of the steps in rendering narcotics trade unprofitable. But as long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

To do this, I am asking the Congress for a total of $105 million in addition to funds already contained in my 1972 budget to be used solely for the treatment and rehabilitation of drug-addicted individuals.

I will also ask the Congress to provide an additional $10 million in funds to increase and improve education and training in the field of dangerous drugs. This will increase the money available for education and training to more than $24 million. It has become fashionable to suppose that no drugs are as dangerous as they are commonly thought to be, and that the use of some drugs entails no risk at all. These are misconceptions, and every day we reap the tragic results of these misconceptions when young people are "turned on" to drugs believing that narcotics addiction is something that happens to other people. We need an expanded effort to show that addiction is all too often a one-way street beginning with "innocent" experimentation and ending in death. Between these extremes is the degradation that addiction inflicts on those who believed that it could not happen to them.

While by no means a major part of the American narcotics problem, an especially disheartening aspect of that problem involves those of our men in Vietnam who have used drugs. Peer pressures combine with easy availability to foster drug use. We are taking steps to end the availability of drugs in South Vietnam but, in addition, the nature of drug addiction, and the peculiar aspects of the present problem as it involves veterans, make it imperative that rehabilitation procedures be undertaken immediately. In Vietnam, for example, heroin is cheap and 95 percent pure, and its effects are commonly achieved through smoking or "snorting" the drug. In the United States, the drug is impure, consisting of only about 5 percent heroin, and it must be "mainlined" or injected into the bloodstream to achieve an effect comparable to that which may have been experienced in Vietnam. Further, a habit which costs $5 a day to maintain in Vietnam can cost $100 a day to maintain in the United States, and those who continue to use heroin slip into the twilight world of crime, bad drugs, and all too often a premature death.

In order to expedite the rehabilitation process of Vietnam veterans, I have ordered the immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam. This procedure is under way and testing will commence in a matter of days. The Department of Defense will provide rehabilitation programs to all servicemen being returnd for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotics addict. All of our servicemen must be accorded the right to rehabilitation.

Rehabilitation procedures, which are required subsequent to discharge, will be effected under the aegis of the Director of the Special Action Office who will have the authority to refer patients to private hospitals as well as VA hospitals as circumstances require.

The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

I am asking the Congress to increase the present budget of the Veterans Administration by $14 million to permit the immediate initiation of this program. This money would be used to assist in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting.

I am also asking that the Congress amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority under this act for the use of methadone maintenance programs. These programs would be carried out under the most rigid standards and would be subjected to constant and painstaking reevaluation of their effectiveness. At this time, the evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Finally, I will instruct the Special Consultant for Narcotics and Dangerous Drugs to review immediately all Federal laws pertaining to rehabilitation and I will submit any legislation needed to expedite the Federal rehabilitative role, and to correct overlapping authorities and other shortcomings.

ADDITIONAL ENFORCEMENT NEEDS

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides a sound base for the attack on the problem of the availability of narcotics in America. In addition to tighter and more enforceable regulatory controls, the measure provides law enforcement with stronger and better tools. Equally important, the act contains credible and proper penalties against violators of the drug law. Severe punishments are invoked against the drug pushers and peddlers while more lenient and flexible sanctions are provided for the users. A seller can receive fifteen years for a first offense involving hard narcotics, thirty years if the sale is to a minor, and up to life in prison if the transaction is part of a continuing criminal enterprise.

These new penalties allow judges more discretion, which we feel will restore credibility to the drug control laws and eliminate some of the difficulties prosecutors and judges have had in the past arising out of minimum mandatory penalties for all violators.

The penalty structure in the 1970 Drug Act became effective on May 1 of this year. While it is too soon to assess its effect, I expect it to help enable us to deter or remove from our midst those who traffic in narcotics and other dangerous drugs.

To complement the new Federal drug law, a uniform State drug control law has been drafted and recommended to the States. Nineteen States have already adopted it and others have it under active consideration. Adoption of this uniform law will facilitate joint and effective action by all levels of government.

Although I do not presently anticipate a necessity for alteration of the purposes or principles of existing enforcement statutes, there is a clear need for some additional enforcement legislation.

To help expedite the prosecution of narcotic trafficking cases, we are asking the Congress to provide legislation which would permit the United States Government to utilize information obtained by foreign police, provided that such information was obtained in compliance with the laws of that country.

We are also asking that the Congress provide legislation which would permit a chemist to submit written findings of his analysis in drug cases. This would speed the process of criminal justice.

The problems of addict identification are equalled and surpassed by the problem of drug identification. To expedite work in this area of narcotics enforcement, I am asking the Congress to provide $2 million to be allotted to the research and development of equipment and techniques for the detection of illegal drugs and drug traffic.

I am asking the Congress to provide $2 million to the Department of Agriculture for research and development of herbicides which can be used to destroy growths of narcotics-producing plants without adverse ecological effects.

I am asking the Congress to authorize and fund 325 additional positions within the Bureau of Narcotics and Dangerous Drugs to increase their capacity for apprehending those engaged in narcotics trafficking here and abroad and to investigate domestic industrial producers of drugs.

Finally, I am asking the Congress to provide a supplemental appropriation of $25.6 million for the Treasury Department. This will increase funds available to this Department for drug abuse control to nearly $45 million. Of this sum, $18.1 million would be used to enable the Bureau of Customs to develop the technical capacity to deal with smuggling by air and sea, to increase the investigative staff charged with pursuit and apprehension of smugglers, and to increase inspection personnel who search persons, baggage, and cargo entering the country. The remaining $7.5 million would permit the Internal Revenue Service to intensify investigation of persons involved in large-scale narcotics trafficking.

These steps would strengthen our efforts to root out the cancerous growth of narcotics addiction in America. It is impossible to say that the enforcement legislation I have asked for here will be conclusive—that we will not need further legislation. We cannot fully know at this time what further steps will be necessary. As those steps define themselves, we will be prepared to seek further legislation to take any action and every action necessary to wipe out the menace of drug addiction in America. But domestic enforcement alone cannot do the job. If we are to stop the flow of narcotics into the lifeblood of this country, I believe we must stop it at the source.

INTERNATIONAL

There are several broad categories of drugs: those of the cannabis family—such as marihuana and hashish; those which are used as sedatives, such as the barbiturates and certain tranquilizers; those which elevate mood and suppress appetite, such as the amphetamines; and, drugs such as LSD and mescaline, which are commonly called hallucinogens. Finally, there are the narcotic analgesics, including opium and its derivatives—morphine and codeine. Heroin is made from morphine.

Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

To wage an effective war against heroin addiction, we must have international cooperation. In order to secure such cooperation, I am initiating a worldwide escalation in our existing programs for the control of narcotics traffic, and I am proposing a number of new steps for this purpose.

First, on Monday, June 14, I recalled the United States Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam, and the United Nations for consultations on how we can better cooperate with other nations in the effort to regulate the present substantial world opium output and narcotics trafficking. I sought to make it equally clear that I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments. We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

Second, United States Ambassadors to all East Asian governments will meet in Bangkok, Thailand, tomorrow, June 18, to review the increasing problem in that area, with particular concern for the effects of this problem on American servicemen in Southeast Asia.

Third, it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies. I will propose that as an international goal. It is essential to recognize that opium is, at present, a legitimate source of income to many of those nations which produce it. Morphine and codeine both have legitimate medical applications.

It is the production of morphine and codeine for medical purposes which justifies the maintenance of opium production, and it is this production which in turn contributes to the world's heroin supply. The development of effective substitutes for these derivatives would eliminate any valid reason for opium production. While modern medicine has developed effective and broadly-used substitutes for morphine, it has yet to provide a fully acceptable substitute for codeine. Therefore, I am directing that Federal research efforts in the United States be intensified with the aim of developing at the earliest possible date synthetic substitutes for all opium derivatives. At the same time I am requesting the Director General of the World Health Organization to appoint a study panel of experts to make periodic technical assessments of any synthetics which might replace opiates with the aim of effecting substitutions as soon as possible.

Fourth, I am requesting $1 million to be used by the Bureau of Narcotics and Dangerous Drugs for training of foreign narcotics enforcement officers. Additional personnel within the Bureau of Narcotics and Dangerous Drugs would permit the strengthening of the investigative capacities of BNDD offices in the U.S., as well as their ability to assist host governments in the hiring, training, and deployment of personnel and the procurement of necessary equipment for drug abuse control.

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Humanitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking. The drug problem crosses ideological boundaries and surmounts national differences. If we are barred in any way in our effort to deal with this matter, our efforts will be crippled, and our will subject to question. I intend to leave no room for other nations to question our commitment to this matter.

Sixth, we must recognize that cooperation in control of dangerous drugs works both ways. While the sources of our chief narcotics problem are foreign, the United States is a source of illegal psychotropic drugs which afflict other nations. If we expect other governments to help stop the flow of heroin to our shores, we must act with equal vigor to prevent equally dangerous substances from going into their nations from our own. Accordingly, I am submitting to the Senate for its advice and consent the Convention on Psychotropic Substances which was recently signed by the United States and 22 other nations. In addition, I will submit to the Congress any legislation made necessary by the Convention including the complete licensing, inspection, and control of the manufacture, distribution, and trade in dangerous synthetic drugs.

Seventh, the United States has already pledged $2 million to a Special Fund created on April 1 of this year by the Secretary General of the United Nations and aimed at planning and executing a concerted UN effort against the world drug problem. We will continue our strong backing of UN drug-control efforts by encouraging other countries to contribute and by requesting the Congress to make additional contributions to this fund as their need is demonstrated.

Finally, we have proposed, and we are strongly urging multilateral support for, amendments to the Single Convention on Narcotics which would enable the International Narcotics Control Board to:

—require from signatories details about opium poppy cultivation and opium production—thus permitting the Board access to essential information about narcotics raw materials from which illicit diversion occurs;

—base its decisions about the various nations' activities with narcotic drugs not only as at present on information officially submitted by the governments, but also on information which the Board obtains through public or private sources—thus enhancing data available to the Board in regard to illicit traffic;

—carry out, with the consent of the nation concerned, on-the-spot inquiries on drug related activities;

—modify signatories' annual estimates of intended poppy acreage and opium production with a view to reducing acreage or production; and

—in extreme cases, require signatories to embargo the export and/or import of drugs to or from a particular country that has failed to meet its obligations under the Convention.

I believe the foregoing proposals establish a new and needed dimension in the international effort to halt drug production, drug traffic, and drug abuse. These proposals put the problems and the search for solutions in proper perspective, and will give this Nation its best opportunity to end the flow of drugs, and most particularly heroin, into America, by literally cutting it off root and branch at the source.

CONCLUSION

Narcotics addiction is a problem which afflicts both the body and the soul of America. It is a problem which baffles many Americans. In our history we have faced great difficulties again and again, wars and depressions and divisions among our people have tested our will as a people—and we have prevailed.

We have fought together in war, we have worked together in hard times, and we have reached out to each other in division—to close the gaps between our people and keep America whole.

The threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors. It is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs. We must try to better understand the confusion and disillusion and despair that bring people, particularly young people, to the use of narcotics and dangerous drugs.

We are not without some understanding in this matter, however. And we are not without the will to deal with this matter. We have the moral resources to do the job. Now we need the authority and the funds to match our moral resources. I am confident that we will prevail in this struggle as we have in many others. But time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate a message from the President of the United States submitting the nomination of Aldon J. Anderson, of Utah, to be a U.S. District Judge for the District of Utah, which was referred to the Committee on the Judiciary.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 120

Mr. KENNEDY. Mr. President, I call up my amendment No. 120 and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The legislative clerk read as follows:

On page 32, between lines 20 and 21, insert the following:

"(30) Section 13(b) is amended by adding at the end thereof the following: 'Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.' "

Renumber paragraphs (30), (31), and (32) of section 101(a) of the bill as paragraphs (31), (32), and (33), respectively.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the information of the Senate, I do not think we are going to need the full amount of time allocated under the unanimous-consent agreement. For the purpose of notification I think we can dispose of this matter in approximately one-half hour, or perhaps less, depending upon the attitude of the chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, may we have order so that we may hear the full explanation with the legislative background.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, the amendment which I have called up is rather simple but I feel it is an important amendment.

The amendment provides that selective service regulations be published in the Federal Register and that there be a 30-day period afforded interested parties to file written comments with the director.

It should be clearly understood at the outset, that this amendment in no way mandates hearings or other administrative proceedings that might be unduly burdensome for the Selective Service System. Although most other Federal agencies are liable under the Administrative Practices Act to publication, comment, hearing and other procedural requirements, the Selective Service System has been exempt from all but the public information section of that act.

What this amendment proposes is that all regulations issued for the Selective Service System be published in the Federal Register 30 days before their effective date. During that time, the Director would have the benefit of the comments of legal and academic scholars in the field of Selective Service affairs.

Prepublication would allow a variety of significant new inputs into the system of prime concern would be legal analysis that might help the system to operate more effectively than it currently does.

First, there exists the possibility that a regulation is unauthorized by the act and thus legally unenforceable. A competent opinion to this effect submitted to the Director might result in either the alteration or retraction of the proposed regulation.

Perhaps the foremost example is the delinquency, regulation No. 1642. I ask unanimous consent to have this regulation printed in the RECORD.

There being no objection, the regulation was ordered to be printed in the RECORD, as follows:

PART 1642—DELINQUENTS

GENERAL

1642.1 Regulations Governing Delinquents.—Delinquents, as defined in section 1602.4 of this chapter shall be governed by the provisions of this part and such other provisions of the Selective Service Regulations as are not in conflict therewith.

1642.2 Continuing Duty.—When it becomes the duty of a registrant or other person to perform an act or furnish information to a local board or other office or agency of the Selective Service System, the duty or obligation shall be a continuing duty or obligation from day to day and the failure to properly perform the act or the supplying of incorrect or false information shall in no way operate as a waiver of that continuing duty.

1642.3. Compliance With Procedures of This Part Not Condition Precedent to Prosecution.—Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by the regulations in this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Military Selective Service Act of 1967.

1642.4 Declaration of Delinquency Status and Removal Therefrom.—(a) Whenever a registrant has failed to perform any duty or duties required of him under the selective service law other than the duty to comply with an Order to Report for Induction (SSS Form 252) or the duty to comply with an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board may declare him to be a delinquent.

(b) When the local board declares a registrant to be a delinquent, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall complete a Delinquency Notice (SSS Form 304), in duplicate, setting forth the duty or duties which the registrant has failed to perform. The local board shall mail the original to the registrant at his last known address and file the copy in his Cover Sheet (SSS Form 101).

(c) A registrant who has been declared to be a delinquent may be removed from that status by the local board at any time. When the local board removes a registrant from delinquency status, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall advise the registrant of such removal by letter a copy of which shall be filed in his Cover Sheet (SSS Form 101).

CLASSIFICATION AND INDUCTION OF DELINQUENTS

1642.10 Restriction on Classification and Induction of Delinquents.—No delinquent registrant shall be placed in Class I-A, Class I-A-O, or Class I-O under the provisions of section 1642.12 or shall be ordered to report for induction under the provisions of section 1642.13 or section 1631.7 of this chapter, or, in the case of a conscientious objector opposed to noncombatant training and service, ordered to report for civilian work in lieu of induction, unless the local board has declared him to be a delinquent in accordance with the provisions of section 1642.4 and thereafter has not removed him from such delinquency status.

1642.11 Registration and Classification of Unregistered Delinquent registrant between the ages of 18 years and 6 months not registered reports or is brought before a local board, he shall be registered in the normal manner, except that if the local board with which he registers determines that because of his delay in registering he should be declared to be a delinquent under the provisions of section 1642.4 and processed for induction as a delinquent, the local board may enter in item 2 of the Registration Card (SSS Form 1) an address within its jurisdiction. If the local board makes such determination and retains jurisdiction of the registrant, it shall, as soon as possible after his registration, declare the registrant to be a delinquent and classify him as provided in section 1642.12.

1642.12 Classification of Delinquent Registrant.—Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into Class I–A, Class I–A–O or Class I–O, whichever is applicable, regardless of other circumstances: *Provided*. That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified or reclassified into Class I–A, Class I–A–O or Class I–O under this section unless such action is specifically authorized by the Director of Selective Service.

1642.13 Certain Delinquents to Be Ordered to Report for Induction.—The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter, or in the case of a delinquent registrant classified or reclassified into Class I–O, the local board shall determine the type of civilian work it is appropriate for him to perform and shall order him to perform such civilian work in lieu of induction in accordance with the provisions of Part 1660 of this chapter, unless in either case (a) it has already issued such order, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction or civilian work.

1642.14 Personal Appearance, Reopening, and Appeal.—(a) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part may be reopened at any time before induction or before the date he is to report for civilian work in the discretion of the local board without regard to the restrictions against reopening prescribed in section 1625.2 of this chapter.

(c) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case.

1642.15 Continuous Duty of Certain Registrants to Report for Induction.—Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order to Report for Induction (SSS Form 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253), or fails or has failed to report for civilian work in lieu of induction pursuant to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), it shall thereafter be his continuing duty from day to day to report for induction or for civilian work in lieu of induction to his own local board, and to each local board, whose area he enters or in whose area he remains.

DELIVERY OF DELINQUENT REGISTRANTS

1642.21 Procedure.—(a) If a delinquent registrant reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board and that he will be inducted if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(b) If the registrant's own local board advises or if it is ascertained from the United States Department of Justice that the registrant is delinquent because he has failed to respond to an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253), the delinquent shall be delivered for induction and the local board to which the registrant has reported or before which he has been brought shall prepare such papers as may be necessary in order to effect such induction and forward copies thereof to the registrant's own local board. The induction of such a registrant shall be reported to the registrant's own local board in the same manner as if the registrant had been transferred for delivery to the local board from which such registrant was inducted.

(c) If a delinquent registrant who is in Class I–O reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board, and that he will be ordered under the provisions of Part 1660 to perform civilian work deemed appropriate by such local board for the registrant to perform in lieu of induction, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(d) If the registrant's own local board advises that the registrant is delinquent because he has failed to respond to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board at which the registrant appeared or was brought shall issue to him written instructions regarding the date and place he is to report for work and the type of work he is to perform. Whenever necessary, travel, meals and lodging may be furnished the registrant under the provisions of section 1660.21(b) of this chapter.

(e) If the registrant's own local board advises that no Order to Report for Induction (SSS Form 252) or Order for Transferred Man to Report for Induction (SSS Form 253) or Order to Report for Civilian Work and Statement of Employer (SSS Form 153) has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

MEN IN CUSTODY

1642.31 Completing Records of Man Liable for Training and Service.—(a) Provided they are required and have not already been accomplished, the following steps shall be taken in connection with every man who has registered or who is required to register under the provisions of the Military Selective Service Act of 1967 immediately upon his reporting to or being brought before a local board or immediately upon his being taken into custody or his being placed in confinement:

(1) He shall be registered; provided, that any law enforcement official or any other authorized person may act as registrar.

(2) He shall complete his Classification Questionnaire (SSS Form 100).

(3) He shall complete his Special Form for Conscientious Objector (SSS Form 150), when applicable.

(4) He shall complete all other necessary forms.

(5) He may be physically examined.

(b) If such a man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a member or clerk of a local board or the superintendent, warden, or other law enforcement official from information gained by interviewing the delinquent and from other sources.

(c) If the signature of such man is required upon any form after it is filled out and he is unable or refuses to sign his name or make his mark upon any such form, a member or clerk of a local board or the superintendent, warden, or other law enforcement official shall sign such man's name and indicate that he has done so by signing his own name beneath the name of such man. The act of a member or clerk of a local board, or of the superintendent, warden, or other law enforcement official in so doing shall have the same force and effect as if such man had signed his name to such form.

1642.32 Obligation of Man in Custody, Confinement, or Imprisonment.—No man is relieved from complying with the selective service law during the time he is in custody, confinement, or imprisonment. He shall perform the duties and shall be accorded the rights and privileges of all registrants.

1642.33 Obligation of Man After Release From Custody, Confinement, or Imprisonment.—When a man is released from custody, confinement, or imprisonment, he shall immediately advise his local board of that fact and shall perform the duties and be accorded the rights and privileges of all registrants. This applies equally to a man taken into custody, confined, or imprisoned for a violation of the selective service law and to a man taken into custody, confined, or imprisoned for any other cause.

RECORDS AND REPORTS OF DELINQUENTS

1642.41 Report of Delinquent to United States Attorney.—(a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form 301); provided that if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form 301) shall be placed in the delinquent's Cover Sheet (SSS

Form 101). The local board may report any other delinquent registrant to the United States Attorney by letter stating all the circumstances. A copy of such letter shall be placed in the delinquent's Cover Sheet (SSS Form 101).

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (SSS Form 1), or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event shall the local board order or participate in the arrest of a delinquent.

(c) Whenever the local board suspects a person, other than one of its own registrants, of being a delinquent, it shall, upon its own motion or upon request of the United States Attorney, advise such person by letter that he is suspected of being a delinquent and directing him to submit to the local board evidence concerning his selective service status. It shall be the duty of the person to whom such a letter is mailed to present such evidence to the local board and, if directed to do so, to appear personally before the local board. Unless the local board is convinced that such person is not delinquent, it shall report the facts to the United States Attorney by letter.

1642.42 Local Board Action Subsequent to Reporting a Delinquent to United States Attorney.—(a) After a delinquent has been reported to the United States Attorney, it is the responsibility of the United States Attorney to determine, subject to the supervision and direction of the Attorney General, whether the delinquent shall be prosecuted. Before permitting a delinquent who has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) to be inducted, the local board should obtain the views of the United States Attorney concerning such action.

(b) After a delinquent has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) the local board shall promptly advise the United States Attorney by letter when:

(1) The local board receives any additional information which (i) may be of assistance in locating the delinquent,

(ii) has been requested by the United States Attorney, or

(iii) may assist the United States Attorney in determining whether prosecution is warranted; or

(2) The local board has taken any action with reference to the classification or status of the registrant.

1642.43 United States Attorney to Advise Final Disposition.—The State Director of Selective Service shall request the United States Attorney to advise the local board concerned promptly by letter when he finally disposes of a case which has been reported to him on Delinquent Registrant Report (SSS Form 301).

1642.44 Local Board Record of Delinquents.—(a) The local board shall open and maintain a Record of Delinquent's (SSS Form 302), listing thereon all currently delinquent registrants including both those who have been reported and those who have not been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301). A person suspected of being an unregistered delinquent shall not be entered upon such report unless and until his registration has been accomplished. On the last day of March, June, September, and December the local board shall forward one copy of the Record of Delinquents (SSS Form 302) to the State Director of Selective Service having jurisdiction over the area in which such local board is located.

(b) On the last day of March, June, September, and December the local board shall post a copy of the current Record of Delinquents (SSS Form 302) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

1642.46. State Record of Delinquents.—The State Director of Selective Service shall prepare a Summary of Delinquencies (SSS Form 303) on or before the 15th day of January, April, July, and October and forward one copy to the Director of Selective Service, Washington, D.C.

Mr. KENNEDY. Mr. President, this regulation explicitly provides for the punitive induction of registrants who are remiss in their duties.

These regulations were declared invalid by the Supreme Court in 1970 in *Gutkneckt* v. *U.S.* (396 U.S. 295). There the Court stated:

> Nothing in the 1948 Act or in any prior Act makes reference to delinquency or delinquents. The regulations purport to issue under the authority of § 10 of the 1948 Act. Section 10, however, relates neither to selection (§ 5) nor to deferments and exemptions (§ 6), but simply to the administration of the act as delegated to the President. . . .
>
> Again, however, there is nothing to indicate that Congress authorized the Selective Service System to reclassify exempt or deferred registrants for punitive purposes and to provide for accelerated induction of delinquents. Rather, the Congress reaffirmed its intention under § 12 (50 U.S.C. App. § 462 (1964 ed., Supp. IV)), to punish delinquents through the criminal law. . . .
>
> The power under the regulations to declare a registrant "delinquent" has no statutory standard or even guidelines. The power is exercised entirely at the discretion of the local board. It is a broad, roving authority, a type of administrative absolutism not congenial to our law-making traditions. . . .
>
> Where the liberties of the citizen are involved, we said that "we will construe narrowly all delegated powers that curtail or dilute them . . .
>
> The director of selective service described the "delinquency" regulations as designed "to prevent, wherever possible, prosecutions for minor infractions of rules" during the selective service processing . . .
>
> We search the act in vain for any clues that congress desired the act to have punitive sanctions apart from the criminal prosecutions specifically authorized. Nor do we read it as granting personal privileges that may be forfeited for transgressions that affront the local board. If federal or state laws are violated by registrants, they can be prosecuted . . .
>
> If induction is to be substituted for these prosecutions, a vast rewriting of the act is needed . . .
>
> Standards would be needed by which the legality of a declaration of "delinquency" could be judged.
>
> And the regulations, when written, would be subject to the customary inquiries as to infirmities on their face or in their application, including the question whether they were used to penalize or punish the free exercise of constitutional rights.

This decision affected over 100 cases and resulted in numerous convictions under the act being invalidated. In addition, disruptions resulted in the military itself since several men had to be released from the Army on these grounds.

This is a classic example of the closed nature of the selective service regulatory system working against itself. In an attempt to avoid delays, the Selective Service System has opened itself to litigation and controversy through the issuance of illegal and unauthorized regulations.

Thus, in *Breen* v. *Selective Service Board* (396 U.S. 460), the Court held again that the regulations which had been issued were unauthorized and the "order for induction involved a 'clear departure by the Board from its statutory mandate.' "

A similar example of a regulation being issued which is not called for by the act involves R1622.15, which bars the I–S(C) deferment to all young men who previously held a II–S. The statute applies such a bar in the case of undergraduate II–S cases only. Yet the regulations specifically extend the prohibition to anyone who held graduate II–S deferments.

In *Marsano* v. *Laird* (412 F.2D65 (1969)), the Court found that "no statutory provision authorizes the restriction of deferments by administrative regulation explicitly granted" in regulation 1622.26.

While this matter remained unsettled, more than 50 cases surfaced around the Nation, many of which involved preinduction judicial review.

What is also particularly distressing is that we have no way to determine how many registrants had their rights denied by these regulations. Because it is supremely clear that only after most circuits had ruled the regulation invalid and enjoined the induction of any registrants entitled to the protection of the I–S(C) classification, that the Selective Service System responded. The Selective Service System acquiesced in those instances by issuing a local board memorandum which reinterpreted its regulation to with the act.

It is urgent for the Senate to understand that these are not isolated examples. The delinquency regulations were vigorously enforced prior to being ruled invalid. Similarly the case of graduate I–S(C) also involved extensive injustice to individuals.

I call the attention of my colleagues to the regulation R1622.30, which produced an identical controversy prompting a series of legal cases. Under this provision the fatherhood deferment classification was denied to all former holders of a II–S. Only after court action, only after lengthy delays and only after substantial injustices—were these regulations reversed.

Let me caution my colleagues that each of these situations might have been avoided had the regulations been open to comment prior to their becoming effective. If the director had access to outside legal comments, the regulations might have been withdrawn or suitably modified, resulting in a tremendous saving of time, effort, and legal fees.

There is a second category of regulation which could be affected by prepublication and comment to help the system operate more effectively. Regulations have been issued which, while not being illegal in the sense of being unauthorized, are so ambiguous as to compel resolution by means of litigation.

The Subcommittee on Administrative Practices of the Senate Judiciary Committee held hearings on the operation of the Selective Service System in 1969. At that time, numerous witnesses, including Thomas P. Alder, director and president of the Public Law Education Institute, testified to the "ambiguities and outright errors which are not caught in the rulemaking process—by failing to take comments on proposed regulations, the system has given registrants not only good reason to seek a day in court, but often good grounds as well."

The committee also heard evidence of the impact of the ambiguous regulations on increasing the burden of the local boards. Marshall Commission members and consultants cited the 2,265 State directives issued in the first 9 months of 1966 as an example of the difficult situation forced on local boards.

The ambiguity of national regulations prompted the need for additional directives on the State level, directives which not only are frequently denied the public but which add to the frustrations of local board members.

The lack of clarity in national regulations and the difficulties presented to both the registrant and to the system itself, prompted the subcommittee to recommend in its report:

> One method of insuring more effective national standards is to require selective service to solicit comments on its regulations before they are issued permanently . . . if selective service adopted this procedure, it might obviate the need for constant flow of memoranda and advice from national headquarters which often confuse more than clarify. The subcommittee recommends, therefore, that all selective service regulations be issued in proposed form, and that comments be solicited before the regulations are permanently issued.

The kind of ambiguous regulations which we are discussing are those like R1625.2, which prohibits postinduction order reopening of a classification unless the registrant demonstrates a "change of circumstances beyond his control" the lack of certainty in this language produced nearly 200 cases in a 5 year period, with circuit courts divided on the subject.

Many registrants refused induction in good faith to test how courts would interpret this ambiguous regulation. Under a recent Supreme Court ruling, most of them are bound for jail. But the disturbing aspect of this situation is that the lack of clarity in this regulation prompts an individual to question its validity.

The practice of issuing selective service regulations unilaterally is neither common in other Federal agencies nor is it conducive to efficient and just results.

It seems strange that the Internal Revenue Service is able not only to provide for comments on its proposed regulations but is also able to satisfy the demands of administrative fairness in its hearing process. Other agencies such as the Atomic Energy Commission, the Environmental Protection Agency, the Department of Transportation, the Department of Health, Education, and Welfare, the Food and Drug Administration and a host of others find that the end product is more likely to be in the public interest if the public is involved in the rulemaking process.

If the Internal Revenue Service feels compelled to permit the involvment of interested parties because of the possible impact on a person's property of IRS rulings, surely the Selective Service System should show an equal concern for the possible impact on persons' lives.

I believe that prepublication and an opportunity for written comment would be in the interest of the registrants, in the interests of the Selective Service System, and in the interests of the Nation.

Mr. President, the theme of the legislation before us is to try to make the system more fair and more equitable. This is a technical amendment but I think it has importance in providing a better sense of equity and fairness to the young people who will be affected by the Selective Service System.

Mr. STENNIS. Mr. President, will the Senator yield to me for a few questions?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. STENNIS. The Senator's amendment is addressed, as I understand it, to regulations that the Director of Selective Service is authorized under this law to issue, and, of course, that means they must be issued with the approval of the President of the United States or his direct representative. The Senator's amendment in its present form merely requires the publication of those regulations 30 days in advance of their effective date. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS The Senator has done much work in this field, I know, and in a constructive way. The Senator from Massachusetts had an amendment on this subject matter before our committee. In the form before our committee, his amendment required certain hearings and related matters with reference to the regulations. As I understand it, the modified form of the amendment as the Senator presents it now does not require hearings. Is that correct?

Mr. KENNEDY. That is correct. I would personally feel that hearings would be more effective in assuring the fairness of the procedures. I would have liked to have seen that, although I think there is sufficient awareness in the country at this time so that by soliciting public comment from interested parties we could assure uniform and clear regulations. We do not now require public hearings. The Senator is correct.

Mr. STENNIS. There is no implication in the Senator's amendment that public hearings would be required. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS I might observe that the Senator from New Hampshire (Mr. McINTYRE), a member of our committee, had an amendment before the committee on this same subject. His amendment also required hearings, as I recall. The troublesome requirement of the hearings was the reason why the committee rejected the amendment. I know that was the main reason why I did not favor it. I think that was the tone of the entire membership of the committee.

May we now, for the record, have something stated as to what the Senator means when we talk about regulations? In the form of a question, let me illustrate the provision in the law, and which is still in the law the same way, when the Supreme Court passes on the question of conscientious objectors. The Senator recalls that the Court broadened that definition somewhat. When that new decision by the Supreme Court came out, it called for the issuance of regulations by the Director of Selective Service, at least as to guidelines as to how the Director would apply and interpret that Supreme Court decision. Is that correct?

Mr. KENNEDY. Yes; that is correct. As the chairman of the committee knows, regulations on the question of conscientious objectors have not yet been issued in full.

Mr. STENNIS. That is an illustration of one type of regulation as to which the Senator's amendment would require 30 days' prepublication notice?

Mr. KENNEDY. That is correct.

Mr. STENNIS. Another illustration, if I may continue this: Even though we have the lottery system, a chance drawing by numbers, nevertheless the national director issues regulations as to how they are going to break groups up as to age levels, those that are turning 19 and those that are turning 20, and so forth. That comes out in the form of the regulations, does it not, and that is a major regulation? The Senator's amendment would require that regulation to be published if it should be changed, or a new one issued, at least 30 days before the effective date. Is that correct?

Mr. KENNEDY. The Senator is correct. The Senator has stated one of the most important and fundamental regulations. As one who supported random selection, the Senator is probably aware of some of the initial concerns the first time they had the random selection system. There was a question whether there was an appropriate scrambling of the numbers and whether the procedures that were followed really carried through the purpose of the Congress to produce a truly random system of selection. There was a good deal of comment after the fact on this question. I think if some of those matters had been brought to the attention of the Director prior to that time, he would have benefited from those comments.

Mr. STENNIS. Another question: Included in the regulations from time to time are announcements about taking married men and announcements that no one married after a certain date will be deferred for that reason. That is a regulation, but it is a little different. Would a regulation that no one would be deferred for the reason of getting married after a certain date require 30 days' prepublication notice before it could be effective?

Mr. KENNEDY. That would, as well. I think any regulations that are going to affect those who will be selected and those who will not be selected, the eligibility for being taken and the ineligibility for not being included, ought to solicit some kind of public comment. I would think that would fall as well into that requirement.

Mr. STENNIS. This was not a trick question, the Senator understands, but a regulation like this, in order to be effective, has to become effective at once.

I see where the Senator was anticipating some conditions in line 3 of page 2 of the amendment, which reads:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

At least there is some authority there for the President to have discretionary power. Would the Senator think that sentence would meet the situation I have outlined?

Mr. KENNEDY. I think it would. As one who has tried, as the Senator knows, to remove some of the discretionary powers of the President in terms of calling up men, I think we have moved into the area of greatest importance with the amendment that was accepted and supported by the chairman of the Armed Services Committee.

The amendment would permit the President to waive those provisions in times of national emergency.

This amendment is an attempt to provide a better sense of equity and fairness, notification, information, and legality in terms of the gray period of time such as we have at the present time when a number of young people are being drawn into the service, and when there is no national emergency. But the Senator is quite correct, that this does provide the President the opportunity for waiving these provisions of the regulation when it would materially impair the vital interests of the United States, upon public notice to the effect that this is the reason for it.

Mr. STENNIS. Mr. President, to keep things on an even keel here, I yield myself 15 minutes, or such part thereof as I may require. I wish to continue the questioning of the Senator from Massachusetts, if I may.

In view of the questions here, I am thinking about legislative history now, because this is an important matter, and I shall indicate in a few minutes that I think the Senator's amendment has considerable merit, particularly in its modified form.

Is there anything else the Senator would like to say on legislative history about it now?

Mr. STENNIS. Mr. President, as our colloquy here has indicated, we considered this amendment in the committee, and it had considerable appeal to the members, as it did to me.

At the time, though, there was a provision in the amendment that required hearings before a regulation could be made effective, and that involved the great question of how long the hearings might continue, and it involved just too much of a burden procedurally, we thought, with reference to making effective these regulations that have become so necessary.

Under the present practice, the regulations are gotten up by the Director of Selective Service. We have an excellent man now as Director, Dr. Tarr. Then they go to the President, or his representative, the Bureau of the Budget or whomever, and sometimes it takes them some time to clear it. But then, if they are cleared, in whatever form they are in when they are cleared, they are published in the Federal Register, and they become effective immediately.

Some of these regulations are very far-reaching. As the Senator pointed out, sometimes the quick interpretations that are given vary across the country.

It has great appeal to me, when we give such great power to the executive branch to issue regulations that have the force of law, that such a delegation of power we ought to zealously guard and safeguard. I like the idea that there should be a time lapse after the regulations are made public before they become effective.

There is nothing here that puts any undue handicap on the National Director of Selective Service. His office opposes the amendment, but it is mainly, I believe, on the grounds that it would create some delay and make the procedure a little more cumbersome in that way.

But I think in its present form the amendment sustains the fundamental principle that, where it is possible, of course, the people are entitled to notice about the effect of a regulation, some time to digest it, and the opportunity to take a position if they want to. I objected to all of them being encumbered with hearings, but it is now a different amendment.

The amendment contains a proviso, reading from line 3 on page 2 of the amendment in its printed form, as follows:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

As I understand, that means that if a matter comes up that the President thinks necessitates a waiver of this requirement that 30 days must elapse after the date of publication before the regulation is effective, he can just give public notice that he thinks compliance with it would materially impair the national defense, and then the regulation becomes effective without the lapse of 30 days' time intervening.

I think this language could be scrutinized a little more closely, if the amendment is passed and goes to conference, as to that clause; but I believe the clause is a safeguard for the executive branch of the Government to have. With it, it would not be mandatory that this delay must occur, and, that being the case, I favor the amendment and support it, and I believe that I reflect the sentiments of the members of the committee itself, or most of them, anyway, as we considered this matter and passed on it at the time.

Mr. President, I have been handed a memorandum stating that I referred to the Senator from New Hampshire as being an author of an amendment before the committee, which reminds me that he did not actually write out the requirement for hearings, but the inference was that his amendment would require hearings. I notice that the Senator from New Hampshire is shown as a coauthor of the amendment the Senator from Massachusetts now offers, which shows that this reflects his present thinking on the subject.

So, Mr. President, with the amendment modified as now before us, and with this legislative history, I feel that this is sound legislation, that it is timely, and that it should become a part of the bill, and I hope the Senate will support it.

Mr. McINTYRE. Mr. President, I am proud to join the distinguished senior Senator from Massachusetts (Mr. KENNEDY) in cosponsoring his amendment to require Selective Service regulations to be published in the Federal Register 30 days prior to their effective date.

These Selective Service regulations affect the lives of thousands upon thousands of our citizens and it seems to me that they should have the right to be fully aware of the regulations and whenever possible should have the right to suggest consideration for changes in these regulations before they become final. I do not feel that this proposal would hinder the System since I have by my votes supported its continuation for a period into the future. I do, however, feel because of the enormous effect that it has on our young people and their mothers, fathers and loved ones that there should be the greatest possible citizen participation in making sure that the System's regulations are understood and protected.

Presently the Selective Service System issues the bulk of its regulations in the form of executive orders. The remainder are issued by the Director. Although all these regulations are published in the Federal Register, they are effective on the date they are issued. This has posed a problem because it gives no lead time for persons who are affected by the regulations to become aware of them. They may inadvertently break the rule without even knowing it; or they may be entitled to some new procedure but are unable to take advantage of it because they are unaware of it. The amendment under consideration would correct the possibility of this kind of occurrence.

Another area which has troubled me is that after Selective Service regulations are issued, within a short period of time, the Selective Service System's National Headquarters issues a local board memorandum which further explains the regulation and fills in some of the gaps. This is an important procedure to assure that the local boards are completely familiar with and understand how to implement these regulations. But the local board directives are not published in the Federal Register so that the people they affect are not aware of them except through their local board. Mr. President, if the regulations are published prior to their effective date, questions can be cleared up before the regulations are finalized so that the final form of the regulation may fill in some of the gaps and thereby preclude the need for such lengthy local board memorandums.

THE ADMINISTRATIVE PROCEDURE ACT

The Selective Service System is one of the few agencies which is not subject to the Administrative Procedure Act of 1946 which requires most Government agencies and departments to publish their regulations prior to their effective date in order to give interested persons a chance to submit their views thereon.

Since 1948, our draft law has provided that—

> 13(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act except as to requirements of section 3 of such act.

That is the section dealing with public information requirements of administrative agencies. Under this section, the Selective Service is required to publish their regulations in the Federal Register, but this section does not require prior publication.

The evident purpose of this exemption was to make it clear that the Administrative Procedure Act did not require local boards to conduct quasi-judicial proceedings every time they made a decision affecting a registrant's classification. The Selective Service System has, however, given this language a more sweeping construction, taking it to mean also that Congress has barred any formal procedure under which the President or the Director would solicit public comment on proposed regulations before they are issued in final form.

One of the results of this practice is that ambiguities or errors which are not caught in the rulemaking process are likely to be raised later in a multiplicity of court cases. By failing to take comments on proposed regulations, the System has given registrants not only good reason to seek a day in court but often good grounds as well. During the last fiscal year, 3,700 processed selective service cases went through our courts. This is the highest number of cases of any of the specific Federal statutory offenses.

Mr. President, I would like to see this number greatly diminished as I am sure every one of my colleagues would and as I know the Selective Service System would.

I believe this amendment would cut down considerably on litigation because many of the questions which are now raised in the courts around our country could then be raised and cleared up with the Selective Service System prior to finalization of regulations. Moreover, this kind of public airing would result in a greater acceptance by the people who are affected by these regulations.

It is not proposed that the Selective Service System be subjected to all the rules and procedures of the Administrative Procedure Act; only that their regulations be published before they become effective so that views can be taken. With the current system, citizens never get a chance to question these regulations unless they do so as a criminal assertion.

ESCAPE CLAUSE

Under this proposal, the Director of the Selective Service System would have the discretion to decide whether formal hearings would be held or whether comments would be taken by letter. The amendment does suggest a time period of 30 days for views to be taken. I feel it is a good idea for a specific time frame to be spelled out in order to avoid any litigation on that point.

The language of the amendment also gives the Director the option of not publishing regulations prior to their effective date if it is not practicable or consistent with the national security. This would also give him authority to change the time period under these circumstances.

SIMULTANEOUS PUBLICATION AND INTERNAL REVIEW

I am aware of the lengthy administrative review the Selective Service regulations are already subjected to within the executive branch. I understand that sometimes this review can take as long as 7 months. If the regulations could be submitted to the public via the Federal Register simultaneously with their final month of internal review, then there would be no added time delay. The Council on Environmental Quality uses this technique and I understand it has been quite successful for them.

I commend the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for this fine proposal and I urge my colleagues to join with us in supporting this amendment. I believe it will make the system more efficient and relieve Selective Service of much of its burden of litigation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HOLLINGS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 99 Leg.]

YEAS—78

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Stennis
Symington
Taft
Talmadge
Thurmond
Weicker
Williams
Young

NAYS—0

NOT VOTING—22

Brock
Brooke
Chiles
Church
Fulbright
Gambrell
Harris
Hughes
Jackson
Javits
Mathias
McClellan
McGovern
Mundt
Prouty
Scott
Sparkman
Spong
Stevens
Stevenson
Tower
Tunney

So Mr. KENNEDY'S amendment (No. 120) was agreed to.

Mr. McCLELLAN subsequently said: Mr. President, I wish to announce that I was absent on the last vote because I was in a conference at the White House at the time and was not able to get here before the vote closed. Had I been present, I would have voted for the amendment.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GRIFFIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

AMENDMENT NO. 156

The PRESIDING OFFICER (Mr. BYRD of Virginia). Under the previous order, the Chair now lays before the Senate amendment No. 156 of the Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

(e) In the case of any State in which the provisions of this section apply because of the failure of the Governor to give notice as provided by subsection (b), the State shall, under regulations issued by the President, notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the State; and shall provide for their registration for voting, if they elect to register for voting under this section, in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State. Any such registration for voting shall be deemed to have met all the requirements for voting in Federal elections held in such State and shall continue in effect for the same period of time it would have been in effect had such persons registered under the applicable State law.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, the Senate agreed to the Eagleton amendment No. 113 the other day. If I understood the explanation of the distinguished Senator from Missouri (Mr. EAGLETON) correctly, the rationale behind that amendment was that those who are old enough to fight for their country are old enough to vote, and that they should have all means made available to them so that they can exercise that right.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senator from Iowa may proceed.

Mr. MILLER. Mr. President, the Senate by agreeing to the Eagleton amendment has gone on record in support of that rationale.

I suggest that the Eagleton amendment did not go far enough and that it is defective in that it overlooks the fact that there is discrimination, if we want to call it that, in the Selective Service Act in that only male citizens or residents are required to register for the Selective Service Act. That being the case, the question naturally arises, what about the 18-year-old girls? Do they not have any right to be notified? Should they not be notified with the same intensity as those who are required to register for the draft?

Hundreds of thousands of our young men will be registering for the draft. Only a fraction of those will actually be called up. We hope and pray that none of those who will be called up will have, in fact, to fight for their country.

There are going to be hundreds of thousands of young women who will be reaching age 18 and will be wondering why the Senate, in providing for procedures for the registration of 18-year-old men, did not think about them also.

What my amendment has attempted to do has been to parallel the Eagleton amendment as much as is feasible to provide that a State which has, under the Eagleton amendment approach, decided to come under the Eagleton amendment notify these young women of their right to be registered to vote, and then, paralleling the Eagleton amendment, provide that if they elect to register to vote under this section, they shall be so registered in accordance with the procedures as may be prescribed by the President.

I would like to make it very clear that, whereas the Eagleton amendment uses the selective service system as a vehicle for registration, my amendment does not do so. Rather, it requires the State to set up the procedure. The purpose of the Eagleton amendment and my amendment is identical in that we want the 18-year-olds to be notified and to have a right to be registered as efficiently as possible.

Some will say that the States will take care of that matter. Maybe some States will, and maybe some States will not. I do not recall that in my State any 18-year-olds will be automatically notified of their right to be registered. They leave that up to the individuals concerned. I think that if we are going to notify the young men, we ought to notify the young women.

That is the essence of my amendment. I will be happy to yield for questions. I notice that my friend, the Senator from Missouri, is on his feet. I will be happy to yield for a question.

Mr. EAGLETON. Mr. President, I take it that the Senator from Iowa believes in the basic wisdom, fairness, and convenience of allowing young men to register to vote at the same time they register for the draft as provided for in the so-called Eagleton amendment.

Mr. MILLER. Mr. President, may I say to my friend, the Senator from Missouri, that I voted against the Eagleton amendment because I believe it is not necessary in the first place and, in the second place, I think there is a little defect with the philosophy that states that because one is 18, 19, or 20, one is old enough to vote. We covered that in our constitutional amendment. In fact, I think all of us in the Senate voted for that constitutional amendment. However, if we go further and say that since they are old enough to fight, we will make it easier for them to register, then we will find that we are going to register not only those who will be called up and who may have to fight, but we will also be registering hundreds and thousands of others who will never be called up.

I do not think it would be fair to say that only those who are called up would be registered under that amendment. I think the Senator was consistent in saying that since one is registered under the draft, he will be eligible to register for voting.

What about the 18-year-old girls? Why leave them out?

My point is that if we are going to be consistent, I think a similar amendment ought to be agreed to.

While I may have opposed the Eagleton amendment originally, the majority of the Senators supported the amendment. That is the ball game. I am trying to improve that provision.

Mr. EAGLETON. Mr. President, I must say that I fear the Senator is loving my amendment to death. To be perfectly consistent, I think the Senate should reject the Miller amendment. The theory and rationale behind the Eagleton amendment was that since the young man who is 18 is obliged under Federal law to walk into the draft board and register for the draft, we should make it convenient for that 18-year-old to register to vote at the same time if he so desires. After all, an 18-year-old registering for the draft with the potential exposure to the draft and the other risks involved in the draft, including death—could conveniently at the same time he is obliged to walk into the draft board to sign a registration form also sign a registration form to be eligible to vote.

It is entirely inconsistent to bring in 18-year-old girls. They are not required to register at draft board for possible service to their country. The 18-year-old girl who is desirous of voting—and we hope that they all do—can go down to the county board of commissioners or the county courthouse, or wherever registration is provided for. She can do that now and will be able to next year, too.

The use of draft boards for registering men to vote at the same time they register for the draft is one thing. It is superfluous to tie this to function the registration of women. It is not superfluous in the case of young men since they must come into the draft board in the first place.

I suggest that rather than adding to the thrust of the Eagleton amendment, the Senator—perhaps unwittingly—is subverting the purpose of the amendment. There is no intention to require the registration of young women. Young women are not responsible for registering for the draft; they are not required to serve in the defense of their country; they are not subject to the loss of life and limb in the service of their country.

Mr. MILLER. Mr. President, the Senator is not responsive, since he says that registration for the draft has nothing to do with my amendment. That is quite obvious. That is why my amendment exists. I do not understand why the Senator seems to make the point that there is no tie-in between registering for the draft and the registration of young women. To me, it is beside the point. If there were some relevance, my amendment would not be required. However, because there is no tie-in, my amendment is essential. That is the reason for my amendment.

The Senator suggests that only 18-year-old men are required to be drafted. This is one thing that bothers me about his amendment. They can go to the draft board down the street and register for voting in accordance with the present procedures of the various States. The Senator said that is a little more difficult, make it easy for them and let them register at the time they go to the Selective Service office, and the Senate said that is fine.

As long as that is done, why not fulfill a similar purpose with respect to those not required to register for the draft. It is the will of Congress that they are not required to register for the draft. Some persons might call that discrimination but it is the will of Congress that 18-year-old women do not have to go to the draft board to register, so it seems to me, Congress has the obligation to treat them in the same way or nearly the same as possible.

Mr. EAGLETON. I think there is a first blush, highly superficial appeal to the Senator's amendment. But I repeat to him that under the draft law, and we trust it will be extended, young men are obliged to come in and register; and there is set up already a system whereby books are kept on 18-year-old men at the local level, and the national record is kept by Selective Service in Washington.

If the Senate were to agree to the amendment proposed by the Senator from Iowa (Mr. MILLER) it might require a whole new system for hundreds of thousands of persons who are not obligated under the draft and, therefore, there is no record kept on them. If eventually draft boards were used there would be no way to check the authenticity of their registration because there would be no way the selective service board could verify that Mary Brown was 18 years old and could vote, but with respect to Tom Brown, her twin brother, they do have a record.

Mr. MILLER. If the Senator wants to dispute my amendment on its merits, that is fine, but let us not drag in side issues not in accord with my amendment.

He said my amendment would require all kinds of new machinery.

Mr. EAGLETON. I believe it would.

Mr. MILLER. All we would have to do is go through the regular machinery now existing. What is difficult about that? Where are they going to go, anyway?

Mr. EAGLETON. Do you want the Selective Service to keep records?

Mr. MILLER. Not at all.

Mr. EAGLETON. Do you want them to keep records of birth certificates and other records of women?

Mr. MILLER. Not at all. Show me anywhere that I say anything about the Selective Service doing that.

Mr. EAGLETON. That is the effect of the amendment, because it would be required.

Mr. MILLER. It will not be required and I have already stated it will not. So I ask the Senator, to go into the merits of this amendment and not into something that is not here.

Mr. EAGLETON. The State will have to get into recordkeeping for thousands and ultimately millions of women.

Mr. MILLER. Not at all. It requires the State to notify these 18-year-old girls of their right to be registered for voting and to provide for their registration for voting if they elect to register.

Mr. EAGLETON. They will have to get up a list of the 2 million 18-year-old girls.

Mr. MILLER. Who will do that?

Mr. EAGLETON. Selective service?

Mr. MILLER. Not at all. They have nothing to do with keeping a list of 18-year-old women.

Mr. EAGLETON. The Senator might put them in that business with that amendment.

Mr. MILLER. Not at all. You should know better, having served in the Missouri Legislature. You should know the way the State will do this will be to take a list of those who apply for automobile registration.

Mr. EAGLETON. So, every 18-year-old girl will not be notified—only every 18-year-old car-owning female. That would be the way you would register? If you are not a car-owning 18-year-old female you cannot be notified?

Mr. MILLER. What kind of record do they now keep on 18-year-olds who apply for automobile registration?

Mr. EAGLETON. I am sorry to say that in most Western States they are shoddy records.

Mr. MILLER. They keep a list of 18-year-olds.

I think it is sorry that you put in red herrings and nonsequiturs. It is unfair. You should support my amendment instead of bringing up false issues.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask that Senators not refer to one another in the second person, but that the rule be enforced and that they refer to colleagues in the third person.

The PRESIDING OFFICER. The Chair requests that Senators comply with the rules.

Mr. MILLER. I am happy to yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes or such time as I may require.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, in spite of my very high regard for the Senator from Iowa, the author of this amendment, who once was a member of our Committee on Armed Services and a valuable one, and a hardworking member, too, I feel compelled to vigorously oppose this amendment. There are several reasons.

I was opposed to the Eagleton amendment, but it was presented thoroughly by both sides and the Senate by a decisive vote voted in favor of the Eagleton amendment. I accept it now as part of the bill and we will vigorously espouse its cause in conference.

At the time I said it had the effect of the Federal Government reaching over and taking jurisdiction of a young 18-year-old man and requiring him under penalty of law to register and to get on the books, and probably be drafted. The idea has already been established that if a person is going to fight he should be allowed to vote. The Eagleton amendment said, "When you register to fight your registration to fight will count as registration to vote."

That is putting it a little briefly but that is the substance of it, as I saw it. Now, we do not discriminate against 18-year-old girls but neither does the Federal Government say to them, "We are going to take jurisdiction of you and make you take your chances about going to fight." We have not gotten to that yet. Until we do the processes of the Eagleton amendment or any other process of the kind with reference to voting does not apply. Certainly, it does not apply to this bill. This is not a voting bill. This is not a registration primarily for voting.

I call attention to the language of the amendment. Line 3 states, and I hope I am not too critical of it:

> the state shall, under regulations issued by the President,

and here is a State in a matter in which it has sole jurisdiction,

> notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the state;

Mr. President, why go out of bounds so far and so much and mandate the States under regulations here of a Federal Chief Executive on a matter of this kind? That is not necessary.

Turning now to page 2:

> In accordance with such procedures as may be prescribed by the President. . . .

Here are the procedures for registering in a State. It all has to be in accordance with Federal procedures that may be prescribed by the President "if such persons are otherwise qualified to register for voting in Federal elections in the State."

The language is silent with respect to what we are talking about—Selective Service or elected officials of the State. According to the colloquy, that has been cleared up. The Senator from Iowa said he had no such intention.

But I really think it ought to be spelled out and made clear which registration and where we are talking about.

My objection is that here is a matter wholly foreign to the bill. It is wholly foreign to the subject matter of the bill. It is wholly foreign to our power in any kind of bill to be mandating a State or the regulations of the President of the United States to go out and look for people when we have no jurisdiction in that field. I do not think we have gotten that far where we have to legislate on those matters—not yet. We ought to leave to the Governor some identity and to the States some identity and some function.

Therefore, I hope this amendment will not be adopted. I frankly think it detracts from the Eagleton amendment. If it were an amendment fitting hand and glove with the Eagleton amendment, which would strengthen it somewhat, or which at least did not detract from it, I would not object to anything in that form, but I think the Senate's will on the Eagleton amendment must be espoused in conference. If we now go off in an additional field and tie in this additional amendment, I think we detract from the amendment already passed and weaken its chances in conference.

But basically and fundamentally, we just do not have to get into the field of elections in this bill at all with respect to people who are not connected with selective service, over whom we have no purpose or jurisdiction. It is a foreign subject matter, and I respectfully think it ought to be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa has 1 minute remaining.

Mr. STENNIS. Mr. President, I yield the Senator 2 or 3 minutes in addition.

Mr. MILLER. I thank the Senator.

Mr. President, the Senator from Mississippi knows I have a great amount of respect for him as a person and also for his legislative ability. I do regret, however, that he seems to feel, while the intention behind my amendment has been made clear, there remains something in there that does not make clear that the Selective Service System is not going to be involved in this legislation.

Mr. STENNIS. Mr. President, I merely make the point that the courts do not always accept the legislative history.

Mr. MILLER. What I am going on is the plain reading of the measure, because it simply says the States shall provide for their registration. I do not know how a State can provide for their registration by requiring the Selective Service System to do anything. It just does not have anything to do with the Selective Service System on a plain reading of the amendment.

I understand the Senator's concern about tying in with the States, which was emphasized in the Eagleton amendment, but the Eagleton amendment has a paragraph which provides that if the Governor of each State notifies the Director in writing that the State does not desire to get into the picture, they are not going to get into the picture.

Finally, I would suggest this to my friend from Missouri: If he wants his amendment to stand up in conference, I think he ought to support the Miller amendment, which merely complements and makes clear that we are not going to discriminate as between 18-year-old young women who, under mandate of Congress, do not have to register for the draft, and 18-year-old men who do.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. I yield back my time.

Mr. MILLER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back and the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY) would each vote "yea".

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote nay.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay".

The result was announced—yeas 28, nays 56, as follows:

[No. 100 Leg.]

YEAS—28

Bayh
Bellmon
Burdick
Byrd, W. Va.
Case
Cook
Cranston
Curtis
Griffin
Harris
Hughes
Humphrey
Magnuson
Mansfield
McIntyre
Miller
Montoya
Muskie
Nelson
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Williams

NAYS—56

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Va.
Cannon
Cooper
Cotton
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gravel
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
McClellan
McGee
Mondale
Moss
Packwood
Pastore
Percy
Roth
Saxbe
Smith
Sparkman
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—16

Brock
Brooke
Chiles
Church
Fulbright
Goldwater
Hart
Jackson
Javits
Mathias
McGovern
Metcalf
Mundt
Scott
Spong
Tunney

So Mr. MILLER'S amendment was rejected.

AMENDMENT NO. 135

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate amendment No. 135, offered by the Senator from Oregon (Mr. HATFIELD), which will be stated.

The assistant legislative clerk read as follows:

TITLE IV—CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 401. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority the Secretaries of the military departments shall, not later than three months after the date of enactment of this Act, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect;

(7) the improvement and expansion of education opportunities, including associate degree programs and off-duty courses;

(8) ways to alleviate or prevent the problem of family separation for married members of the military services;

(9) the improvement and expansion of housing opportunities; and

(10) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a) (2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs shall be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than three months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield myself 10 minutes.

Mr. President, we have had a number of days of discussion on the floor as to when and under what circumstances this Nation would be ready to move to an all-volunteer military. Today I have an amendment which I think will be acceptable to even those who perhaps do not support the idea of an all-volunteer military as well as those who do support the proposition of an all-volunteer military.

We have heard it said frequently that we do not have sufficient data upon which to base a decision at this time on the question of an all-volunteer army. In this amendment, we are again attempting to put into action one of the recommendations of the Gates Commission which would direct the Secretary of Defense to provide for military manpower needs of our country through voluntary enlistments, to the greatest possible extent.

This amendment would direct him to do this within 3 months after enactment of the act, by initiating the following measures:

It would provide the inducements necessary to take the fullest advantage of career selection motivations in attracting persons to military careers.

It would provide for the improvement and expansion of programs utilizing civilian personnel in lieu of military personnel for noncombatant services.

Within this context, the Secretary is directed to provide a position-by-position analysis of all military jobs within the Defense Department, with a view to determining which jobs shall be performed by military personnel and which shall be performed by civilian personnel.

It would also provide him with the opportunity to develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel.

This analysis would also be required to be completed within 3 months after enactment of this act.

This amendment further directs the Secretary of Defense to provide for an improvement and expansion of programs under which the education of specialists is paid for by the Armed Forces in return for an obligated period of military service by the individual receiving the educational assistance.

The amendment would provide for the improvement and expansion of officer training programs and the improvement and expansion of military recruiting programs.

It would require a more effective incentive program for recruiting personnel, under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotion, and quota systems would no longer be in effect.

The amendment would require the improvement and expansion of educational opportunities, including associate degree programs and off-duty courses.

The Secretary would also determine ways to alleviate or prevent the problem of family separation for married members of the Armed Forces; and to improve and expand housing opportunities. Finally, this amendment would require the Secretary of Defense to submit to Congress no later than 18 months after enactment of the act a detailed report regarding the progress toward total reliance on a voluntary system for maintaining military manpower needs and making recommendations for the system's improvement.

Mr. President, this amendment would help move us one step closer to a volunteer military and help the Congress decide what the best method of maintaining our military manpower needs would be.

The passage of this amendment would possibly accelerate programs already contemplated by the Defense Department as well as provisions already encompassed in other parts of this act.

Perhaps one of the most important aspects of this amendment is the position-by-position analysis of military jobs with an eye to civilian replacement if it is deemed economic.

This would obviously relate only to noncombatant jobs so there would be no need to have this material classified for fear of jeopardizing our national security.

The position-by-position analysis would give us an accurate picture of the requirements of the Defense Department so that the Congress could much more easily make decisions relative to its constitutional role of providing for our Nation's military manpower needs;

This amendment would not cost any additional money, but in the long run may well be a vehicle for savings;

The provisions within this amendment are consonant with the goals set by the administration and the Defense Department;

And whether or not one favors a volunteer military, voting for this amendment would only make the Armed Forces more efficient and provide Congress with greater knowledge for more wisely exercising its constitutional responsibilities.

Mr. President, I believe this is a thorough and extensive description of the amendment which I am offering. I think it embodies here a number of existing parts of the bill. The specifics are also found elsewhere as, for instance, in the Scott amendment which was passed earlier by the Senate calling for a report on progress toward a volunteer military. It gives more meaning to the Scott amendment. It details the basic concept in the Scott amendment which has already been approved and, therefore, I believe that the pending amendment should be agreed to.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. On this amendment, what is the agreed upon time?

The PRESIDING OFFICER. One hour, one-half hour to each side.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this is an amendment that the committee did not have an opportunity to consider. Some of the matters relate to those in the Gates Commission report and are outlined here as things which must be done; that is, the President, the Secretary of Defense, and so forth, shall provide for the military manpower needs of the Nation through a volunteer program of enlistment. That is just window dressing. That is what the program is, and it has been implemented here and really says, in the exercise of such authority, the Secretary of the military department shall, not later than 3 months after the date of the enactment of this act, under the direction and supervision of the Secretary of Defense, specifically provide for, one, inducements necessary to take fullest advantage of career selection, motivation, in attracting persons to military careers.

Mr. President, enumerated in the amendment are 10 different items that must be done within the 90-day period.

It is easy to go back and take things out of the report and write them into language and put mandatory "shalls" on them and bring them in here as an amendment from the floor when there is not much chance for the membership to know what is in them or to know the meaning, much less when they are engaged in other matters as they are today, as evidence the number of vacant chairs in the Chamber at this moment.

If the President or any of the Services—the Department of Defense—wanted these items to be put in the bill, we would have heard from them in January or February. They are not supporting this amendment. There are some things here which I expect them to do, or try to do, but it is wholly beyond the realm of reason just to mandate here on the floor of the Senate that they "shall" do these things and must have their plans in operation and on the move within 90 days.

Mr. President, it will take longer than that for this "baby" to be born. This is a totally new concept. We already are pouring billions of dollars into the program. Congress will have plenty of opportunity to push the program along in its essential matters—money, for instance, and other things that go to make up the so-called voluntary services—a volunteer army.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. Just a moment—those that actually are for this matter, I believe, it is thought to pass the amendment when the Senators come back into the Chamber and they are told, "This is for the voluntary army plan and if you are for the voluntary army then vote for this amendment."

I think those that are for a volunteer army and really want it to move had better be still a little while and give the President and the military an opportunity to move that way rather than just to jump the gun here telling them what they must do.

I am glad now to yield to the Senator from Oregon.

Mr. HATFIELD. Did I understand the Senator to imply that the provisions in this amendment indicate new programs?

Mr. STENNIS. Well, not altogether, but they are in the idea stage, a good number of them that the Senator has listed here.

Mr. HATFIELD. I would beg to differ with the Senator, in all due respect, that there are no new programs provided in this amendment. The Senator, I am sure, is well aware in his careful study that the programs are underway now in the military and we are not mandating any new programs. We merely ask in the amendment to get the files so that they can be presented to Congress for our information.

Is the Senator against receiving information?

Mr. STENNIS. The last part of the Senator's question is off—is not relevant, I do not think.

Let me ask the Senator a question, if I may—return a question to him—what is the hurry? Why the lack of trust here? Why the lack of trust in the President, for instance, and those who are supporting him? What is the hurry? Is not the Senator satisfied to get the plan, and get the money for it and then trust these men to do the best they can?

Mr. HATFIELD. I do not think there is any wording in the amendment which implies a lack of trust, although there might be evidence here in the past few weeks that might cause us to have some question about trust. But I do not think there is any wording in the amendment to indicate a lack of trust. There is no question of trust in here. I am sorry the Senator has seen fit to divert our attention to a peripheral point. This is a harmless matter, purely a matter of getting information. The question is whether we want to be informed. If the Senator does not want to be informed on these matters, that is quite all right. I, for one, feel that when we have had this debate, up to this point, the Senator from Mississippi has rejected outright the Gates Commission. He has said the Gates Commission is not the basis upon which to make a decision.

This is merely asking for information from the military. Does the Senator not accept the information from the military? We are not asking for this to be given to us by some nonmilitary organization or nongovernmental organization. We are merely asking for a report on various programs. No new mandates and no new programs are being undertaken. We are merely asking for a report from the Pentagon to Congress. I cannot imagine what the logic would be in rejecting a request for information.

Mr. STENNIS. Mr. President, if the Department of Defense, which is supporting a volunteer army, wanted this enacted into law, why did they not say so? To the contrary, they say they do not want it enacted into law.

Mr. HATFIELD. Mr. President, I would be very happy to answer that question. When they proposed the legislation pending before the Senate, that was not part of the scope of that legislation.

Mr. STENNIS. They say they are against the Senator's amendment. We can argue all day about these improvement and expansion programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance.

That is the whole field of medical attention to the military, their dependents, and the retirees.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, I will yield in a moment. There are plenty of requests coming in for those things.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, does the chairman of the Senate Armed Services Committee imply that there are no existing problems in recruiting for these forces under present conditions? Does the chairman of the Senate Armed Services Committee imply that there are no problems in the military as it relates to the educational provisions and housing? The committee itself has brought in provisions relating to this.

The PRESIDING OFFICER (Mr. MONTOYA). The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I have the floor. I would be glad to yield to the Senator from Oregon for a question.

Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 additional minutes.

Mr. HATFIELD. There are already embodied in the bill which the Senator brought from his committee provisions for some of these specific programs. The committee has already recommended action on some programs. All we are asking is that a report be made to Congress. Why should we reject a request for a report on the very thing the Senator from Mississippi had included in the bill?

Mr. STENNIS. Mr. President, I am pointing out here that this goes far beyond the rule of reason or commonsense. For instance, there is a mandate here that 3 months after this act passes, we must specifically provide for a more effective incentive program for recruiting personnel under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions.

Here we are dipping down into the proposition of accelerated promotions for one particular group of the vast military. I know a little about this. I have been dealing in a way with this personnel matter for a number of years. When we go to set up special provisions for accelerated promotions for a special group, we ought to know what we are doing. The matter ought to be delved into. Here we propose to throw in a blanket provision and say that we must do this.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. In just a moment. The amendment also reads: "quota systems will no longer be in effect."

What are quota systems? We are outlawing them. What does it mean? I do not know what it means. I never heard of that term in connection with recruiting, although it may be used. Here we are, and we do not know. We do not know what all these things mean. I am not finding fault with the Senator from Oregon. Someone sold him a bill of goods and he wants these provisions passed.

I am saying as a chairman of the committee and as a longtime member of the committee, that it is impracticable and unreasonable to go into these things. They must be involved. Is the Senator referring to the ROTC in this amendment?

Mr. HATFIELD. That is in a separate amendment.

Mr. STENNIS. That is something that I have experience with. I have someone working on it especially for me. I expect to try to make a few speeches in three or four places around the country to encourage young men to go into the ROTC. We do not need the money. We can always get the money. We have to persuade them to go into it and persuade the institutions to permit them to operate on the campus. That is where the trouble is.

Something has to be done in this country to get junior officers in all the services. I think the ROTC is the best way to do it. However, we cannot put a provision in a bill and say that it shall be done. We have to create the climate and the desire. That is the process of evolution.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would just like to keep on the subject here. We are going to go into the ROTC in the next amendment. I would like to say that I am utterly confused at this point by the statement made by the chairman of the Armed Services Committee who indicates that we are proposing a new program on recruitment and quotas.

I am sure the chairman of the committee realizes that these are already in the Armed Forces on an experimental basis. The bonus system is already included on an experimental basis.

There is nothing new contained in this amendment that is not already underway in the Armed Forces. We are not mandating some new program. I want the Senator to point out one thing in the amendment that is a new program. There is not a single new program in this. We are asking for a progress report on the experimental programs. They are already going on. The military knows they have trouble in recruiting. They have experimental programs. We are trying to improve their programs.

Point out one new program that is not already employed at least on an experimental basis by the military services.

Mr. STENNIS. Mr. President, they have been making some efforts along the lines we have been talking about. They have been making some efforts. Any time we ask them, "Are you doing this to improve the service," they always say "Yes." I have never heard them say anything but yes. I have never heard a witness who has come before the committee and said he did not know. There is always an answer.

My point is that they have been trying to see what they could do about some of these items at least, and they are finding a lot of insurmountable difficulties. They are having to back up and start over again. That is why they are opposed to the Senator's amendment. The Senator is trying to freeze something in concrete before there is time for them to find out where they are. I think they are trying to do this in good faith.

The Senator is taking a lot of things out of the Gates report that the President of the United States refused to accept and would not recommend. He would not recommend it in the bill. In the proposal for the volunteer army, the Senator is proposing to kill the draft. I am not talking about the Senator personally. However, there is a sentiment created here to kill the draft. The volunteer army is another thing.

Mr. HATFIELD. Will the Senator yield?

Mr. STENNIS. I will yield in a minute. Everyone from the President of the United States on down has come in and said, "Give us 2 years and we think we can make this thing work. We have already done some planning." The idea proposed here was not to give them a single day's extension of the draft. I believe the Senator voted for that. That was his amendment. He did not want to extend the draft at all. He certainly has a right to offer such an amendment to turn the President down on this matter in his official capacity. I admire the Senator's honesty all the way through on this matter.

The President asked for extra dollars and they said to give him this amount and they did, and I am not complaining. But now that they have been turned down on all those things, they say, "Make him take this." I am opposed to it and I hope there will be a majority opposed to it.

I yield to the Senator from Oregon.

Mr. HATFIELD. I would like to ask the Senator if there is anything in this amendment inconsistent with what is now going on in the military on at least an experimental basis.

Does the Senator find anything in this amendment inconsistent with what is already being considered and studied and programed by the military?

Mr. STENNIS. I note the Senator includes language here that they must, within 90 days, specifically provide for the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers, whatever that means, which is already going on.

Mr. HATFIELD. Does the Senator——

Mr. STENNIS. Let me answer the question. The Senator asked me a question.

If we were to ask the military if they are doing something along that line, the answer would be that they are. My point is that the Senator would freeze this in concrete and try to anticipate an overrun; and they will come in with a lot of words that do not mean any more than the Senator's words in this amendment. But they will confuse and jam the brakes, if they are given the leeway.

The amendment also states:

> Not later than 18 months after the enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of a voluntary system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, there will be plenty of reports. I do not object to that. There would be reams and reams of testimony coming in and wanting this and that and more money. This is a billion-dollar program. I warn the Senate in that respect again. If we want it to work, there has to be trust in those who have the responsibility.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HATFIELD. Does the Senator imply there is a cost factor involved?

Mr. STENNIS. Yes. These items will cost a tremendous amount of money. It depends on how far the Senator wants to go. I know if we mandate this by implication we are promising to support whatever is brought here, and the military is very resourceful on ways to get money.

I am not in favor of any amendment that would cook up all of that and have them coming back to get billions of dollars. I credit good faith to the effort.

Mr. HATFIELD. Does the Senator imply he accepts other reports without careful scrutiny of the report, or merely upon a recommendation? I see nothing here requiring the Senate to accept the report.

Mr. STENNIS. I said I did not want to be bound to espouse the cause for the money by requiring them to do all that the Senator would require them to do.

I am not being personal, but I do not believe the Senator made a full study of the subjects he wants to write in concrete. I do not think the Senator has made a sufficient study to have a clear-cut idea of the requirements.

This language is general and it covers the waterfront. It cannot be carried out. It would take years to carry out some of the provisions.

We now are calling for a report, a plan, within 90 days. It is just impossible.

For instance, item 9 calls for the improvement and expansion of housing opportunities. We have been voting hundreds and hundreds of millions of dollars for years and years for family housing. It is a good investment and we have millions and millions of dollars invested in family housing all over the country and overseas, too. There will be bills this year with specific recommendations.

The second item provides for "the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service." Item 3 calls for "the improvement and expansion of programs under which the education of specialists is made." Item 4 calls for "the improvement and expansion of officer training programs."

Mr. HATFIELD. Is the Senator against improvement?

Mr. STENNIS. Of course not. I would like to improve this bill a little by getting it finished and getting it on to the White House. We have had enough of these amendments, I think, for a sound bill.

Mr. President, I will yield for a question, if the Senator wishes, or I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I find myself on the horns of a real dilemma. The Senator has criticized the amendment as being too specific, and in the same breath he criticizes the amendment as being too general. I am puzzled as to the real point.

The Senator said this is a recommendation against the commission; that the President rejected the recommendation of the Gates Commission. That is not the record. We have enacted already certain parts of the Gates Commission recommendation. The President did not reject it outright. He rejected the timing of a volunteer army but not the idea of an increased pay scale. We have already increased the pay scale.

To say that the Gates Commission represents some sinister form of study is nothing but rhetoric; it is forensic flounting of the issue. We have to keep our focus on exactly what the amendment would do and would not do.

If one would carefully read the amendment he would find that it merely asks for information on ongoing programs. It asks for this information merely in order to establish some sort of viable basis on which this Congress or some future Congress could act on the question of a volunteer military.

Let us not misunderstand the situation. If Congress votes for a 2-year extension on the induction power of the President, this does not mean we would not have to face up to these matters for another 2 years. We will still have to consider some of these matters during that time. We will have to consider these points in the amendment.

The Senator has rejected the Gates Commission and scorned it in every comment on the floor of the Senate. We have tried in this amendment to develop some data and statistical evidence upon which Congress can make judgments and upon which there will be agreements on the validity and authenticity of information, reports, statistics, and data.

Regardless of one's point of view on the volunteer military, and that is not the question here, this is merely an information-requesting amendment. If a Senator votes against this amendment he is saying, in effect, he does not want information or data.

As will be recalled, we agreed to the

Scott amendment. The Scott amendment called for a report. All this amendment would do would be to fill in and state specifically the things we want the report to include. The Senate is already on record asking for a report. We are not asking for a new report or any new programs. We are merely asking for a more definitive report that is not included in the Scott amendment. That is all this amendment would do and nothing more. It asks for it in a reasonable period of time and if it is only the time factor that is involved, I am open for change to make it more acceptable; but it does not mandate any new programs or any new requirements for the military because we have already passed the Scott amendment.

All this does is to give in detail the specifics that the Scott amendment language does not provide.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, amendment No. 135, offered by the distinguished Senator from Oregon (Mr. HATFIELD) would provide for a series of directives by Congress designed to implement an all-volunteer armed forces program.

It amounts to the Congress telling the Defense Department to do what it is already trying to do in moving toward an all-volunteer armed force.

These proposals are to be implemented within 3 months after passage of the selective service bill. This time limitation would certainly give the executive branch problems if this amendment should pass. Further, this time limitation would prevent the provisions of this amendment from being implemented in an effective way.

The amendment requires that the Secretary of Defense provide for the following actions:

First, inducements for attracting persons to civilian careers; second, utilization of civilians in lieu of military personnel; third, increased use of subsidized education; fourth, improvement and expansion of officer training programs; fifth, improvement and expansion of recruiting programs; sixth, improvement and expansion of educational opportunities; seventh, alleviating or preventing problems of family separation; eighth, improvement and expansion of housing opportunities; and ninth, other actions to upgrade conditions of military service and the status of military personnel generally.

Mr. President, I see no need for this amendment as many of these steps and others not provided for in this proposal are being carried out by the Defense Department.

The Nixon administration is on record in favor of an all-volunteer armed force, and drastic steps are being taken to achieve that goal by July 1, 1973.

I seriously question this mad rush to relieve our young people from the legal obligation to serve in the uniform of their country. These and other actions indicate to the people of America that someone can be paid to defend us. People should serve in uniform out of obligation and dedication to their country and not for money alone.

One aspect of this amendment deserves special attention. With respect to a program for the increased utilization of civilian manpower, a program for civilian-military substitution was initiated in 1966 to replace by the end of 1968 some 114,000 military with 95,000 civilians. The establishment of hiring limitations on civilian personnel in Public Law 90–364, July 1, 1965, limited the actual substitutions to about 90,000 civilian personnel, but the military positions had already been eliminated.

The Defense Department agrees that when the military forces have reached their post-Vietnam level, a civilian substitution program should be underway and carried out over a 3- to 4-year period. Plans to do this have already been initiated.

It appears, however, that a civilianization program would not be a major factor in achieving an all-volunteer force since, according to the estimates appearing in the Gates Commission report, about 70 percent of the potentially suitable positions for civilianization are located in the continental United States support elements of the Air Force and less than 6 percent in the Army, whereas the greatest problem in attaining an all-volunteer force is likely to be in the Army.

Mr. President, for the reasons cited I am opposed to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time remains to each side?

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes. The Senator from Oregon has 20 minutes.

Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes. I do not care to yield or surrender it.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. STENNIS. I do not have any time. I have only 2 minutes.

Mr. HATFIELD. On my time, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I cannot help but wondering if raising the argument of a volunteer army as an argument against the amendment is anything but camouflage, because there is certainly nothing that commits a person to a volunteer army in this amendment. The amendment merely asks for a filling in of the general request in which the Senate has already asked the military, under the Scott amendment, for certain information.

I think that at a time when we see the question of trust being raised, through the New York Times publication of certain activities by the previous administration, this is a proposal which the Congress, and particularly the Senate, should welcome, and opponents should welcome the kind of information requested in the amendment.

To try to frustrate the adoption of this amendment and to try to influence Senators to vote against the amendment certainly, in my opinion, gives further credence to those who feel that the Congress, or the Senate, is under some kind of unnatural influence of the military.

If we want to argue a voluntary military, I am willing to argue it over again, but that is not the reason why I am offering this amendment. When we are told that we should study the effects of this amendment, I think those who oppose it have as much responsibility to know what they are talking about as those who propose it. I do not propose this amendment lightly. I do not propose any amendment without study. I do not propose any amendment without the ability to undergird it with facts and statistics. A lot of flailing of words, raising obstacles in people's thinking, is done because the evidence is so little and they raise emotional arguments.

This is not a question of a volunteer military. I defy anyone on the floor or anyone else to say that this is a volunteer military proposal under some sort of camouflage or disguise. People who raise these questions do not have enough evidence to argue the merits of the case. I think it also indicates the intransigent position that the opposition may have. I do not know of anything that will invite a filibuster more on the floor of the Senate and cause many to join in it than the specious arguments raised against this amendment.

The military is not going to live or die on this amendment. I am not going to live or die on the amendment. But it exposes this afternoon the kind of attitude that has been expressed here—that anyone who comes in who has been an advocate of a volunteer military or who has referred to the Gates Commission report immediately is under suspicion. I personally resent that kind of attitude as it has been expressed today.

I say also to my colleagues that when the day comes that we start making our judgments—and I fear we are already there—on our idea of individual sponsors, rather than the merits of the proposals, that is not the way to make a decision.

The implications here today are that we are mandating some new programs. I prefer to think that is forensics, debate tactics, rather than lack of understanding of what is going on in the military.

The implication has been made that somehow this is a guise for a volunteer military. The implication has been made that this is somehow a new idea.

The Senate is already on record as having asked for this basic kind of information, without the specifics. What this amendment would do is fill in the Scott amendment that we have already passed. Therefore, I challenge anyone who wants to take opposition to show me in evidence rather than in generalities where this is either a volunteer military amendment, or contrary to the wishes of the President of the United States, as if we all have to bow in some sort of kow-tow because the President says it.

Let us decide it on its merits. There has not been one bit of argument here today to knock down the amendment, other than that somehow it is associated with the Gates Commission, or that, because I have proposed it, it is somehow associated with a volunteer military.

This amendment does not do that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 3 more minutes. I think it may shock some people that my next amendment seeks more funds for ROTC scholarships. I am sure some sinister implication will be made that that is leading us toward an all-volunteer army, or toward an early end to Vietnam.

All I ask is that Senators read the amendment and argue on its merits, rather than getting into all these peripheral tangents we have been on this morning.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes remaining, but I shall use it to doubly assure the Senator from Oregon that I make no attack on him. He and I have been working on this matter for 6 weeks on this floor, and there is no effort on my part to refer to the Senator except in laudatory terms. I repeat, I have the greater respect for him.

Going back, Mr. President, this is a serious matter. These items were urged as a part of the background for a volunteer army, and I have accepted the verdicts that have been made here along that line. My argument now is largely on this basis: Let us abide by the request of the President of the United States, who is the father of the plan, for just a little more time to get these matters going and get them worked out, before they are placed, as I have stated, in concrete.

The Senator certainly missed the mark in talking about someone under the influence of the military. It is so easy to charge that. And it does not sound good to someone who happens to be in my position. I simply say the Senator could not be worse mistaken, and no one knows that any better than the military itself, and all its branches. I do not owe them anything, and they do not owe me anything. The Senator and I are both working for the country.

Mr. President, I think it would be a great mistake to set up here, in hard law, the requirements and demands that are set forth in this amendment. If it is going to be done that way, there are other matters that should be included.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I am glad to yield time to the Senator.

Mr. STENNIS. How much time?

Mr. HATFIELD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. HATFIELD. I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

As I say, if we are going at it this way, there are many other things that ought to be included here on an equal par, but I do not think any of them ought to be included until the real facts are developed and the proper basis can be laid to justify them, and also to justify the appropriation of money to carry these matters out.

That is the substance of what the Department of Defense is saying. They are asking now for time. They are asking for time, and it would be a great mistake, for the success of the so-called volunteer army, for us to jump the gun now, and crowd this thing too much. That is one reason why I have worked so hard here, trying to get a bill that carries at least 24 months, for at least a 24-month background, because I know that is necessary if the volunteer army concept is to be worked out successfully, and that 24 months is the minimum time necessary to give it a chance.

Four different times we have voted here on the duration of this extension. It is not unfair to the Senator from Oregon to point out that his position was that he did not want it extended at all. It was judged, though, that it is necessary, and with the same firmness and logic, I believe, I say now, that some time is necessary to get the basic plans in operation for a successful trial of a volunteer army. So those who are favorable to it, I think, should get in step, now, and say, "Well, we are going to give the President time to work this thing out."

We can reexamine it, then, during the course of achievement, one might say. Six months or a year from now, of course, we will be examining it. I know they are going to work hard on these matters, but I think they are entitled to a chance.

I thank the Senator again, and I yield back whatever time I did not use.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

I would only say in response to the Senator's comments that we have had the draft for more than 20 years. I cannot understand why he implies that there is some way this amendment is going to rush us into anything. We have had the draft for more than 20 years, and during that period of time, the military has been very alert in understanding its problems of recruitment. I say that because I happen to have been a military adviser on a college campus for a number of years, and made arrangements for recruiting officers of all branches of the military to visit the campus and talk with our students. I have visited other campuses, and know they have been programing many, many experimental methods in recruitment, inducing reenlistments, and all other ways of recruitment of personnel.

The military is not being asked to undertake any new program by this amendment. The military is not being asked to do anything it is not already doing. I have yet to hear anyone address himself in opposition to the amendment itself. We have heard many speeches today on other subjects, but not on the amendment. We have heard speeches on the volunteer military, but this amendment has nothing to do with that. It merely is asking for information. All it does is to undergird the decision that we made previously when we passed the Scott amendment. That is all the amendment does.

I think if one looks at the following amendments, one will see that this is a part of a series. I ask, in the next amendment, for an increase in ROTC scholarships. One cannot call that an antimilitary establishment amendment. Neither is this amendment. This amendment merely asks that we be provided with information on experimental programs that are going on now in the military.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 2 more minutes.

I really feel, Mr. President, that if I were to reduce the point here in debate to its most simplistic terms, it would be, "If you do not want to know, vote nay. If you want some information, and want some basis on which we can take the judgments that we are going to be called upon to make in Congress, vote yea." Because that is all this amendment proposes to do, is to ask for information.

Mr. TOWER. Mr. President, I regret that I cannot give my support to the amendments presented by the distinguished Senator from Oregon (Mr. HATFIELD) to H.R. 6531 concerning recommendations by the Gates Commission.

I am a strong supporter of the volunteer army concept and am fully hopeful that the President will be able to achieve this objective by July 1973. Furthermore, I believe there is an excellent chance that a zero draft can be achieved before that date.

There is no doubt in my mind that President Nixon, Secretary Laird, and other Government officials involved in military manpower matters are firmly committed to the volunteer army objective. The President's recommendations for military pay increases certainly confirmed his support for the concept. Furthermore, the action taken by the Congress in adding to the President's recommendations have confirmed the legislative branch's support for changing the emphasis away from the Selective Service System.

The amendments presented today by Senator HATFIELD are intended to carry out a number of recommendations emanating from the President's Commission on an All-Volunteer Force.

While I have great respect for the members of that Commission and for the excellent work they produced, I do not feel that their recommendations represent the only path to take in order to meet our objective. As the chairman of the Senate Armed Services Committee stated earlier today, these amendments were not presented to the committee when it was considering this bill. If the President thought that the substance of these amendments were necessary to achieve the objectives of a zero draft and the volunteer army, the administration would have followed through appropriately by presenting them to the Armed Services Committee during the period of hearings and deliberations on this bill.

Mr. President, the administration has presented us with a formidable plan to phase out the draft and substitute it with a professional volunteer force. If this were not the case, these amendments would be most appropriate. I believe, therefore, it is better to allow the executive branch to carry out its plan which I am convinced will result in success. It is for this reason that I urge the Senate to defeat these amendments.

The PRESIDING OFFICER (Mr. MONTOYA). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 135) of the Senator from Oregon (Mr. HATFIELD). On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Delaware (Mr. BOGGS) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 45, as follows:

[No. 101 Leg.]

YEAS—42

Aiken
Baker
Bayh
Beall
Burdick
Case
Cook
Cooper
Cotton
Cranston
Dole
Gambrell
Gravel
Griffin
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
Miller
Montoya
Moss
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Schweiker
Stevens
Stevenson
Taft
Williams

NAYS—45

Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Harris
Hollings
Hruska
Jordan, N.C.
Long
Magnuson
McClellan
McGee
McIntyre
Metcalf
Mondale
Muskie
Randolph
Saxbe
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—13

Boggs
Brock
Brooke
Chiles
Church
Fulbright
Jackson
McGovern
Mundt
Nelson
Scott
Spong
Tunney

So Mr. HATFIELD's amendment (No. 135) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today he presented to the President of the United States the following enrolled bill:

S. 575. An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 136

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous unanimous-consent agreement, the Chair now lays before the Senate amendment No. 136, which will be stated.

The assistant legislative clerk read as follows:

On page 35, between lines 4 and 5, insert the following:

SEC. 107. Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000,
"Navy program: 10,000,
"Air Force program: 10,000."

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 123 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on amendment No. 123.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Chair announce to the Senators present the time available for each side?

The PRESIDING OFFICER. There are 30 minutes available to each side.

How much time does the Senator from Oregon yield himself?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment would increase the ROTC scholarships to 10,000 per branch of the armed services a year.

Each branch of the Armed Forces has 4,500 ROTC scholarships annually to distribute among the Nation's colleges.

As we know, nearly 90 percent of our officers come from college graduates.

Approximately 65 percent of our officer corps were college graduates in 1965.

Twenty-six percent were ROTC graduates.

While about 3 percent of our officers entering the Army come from West Point and approximately 6 percent entering the Navy come from Annapolis, their retention rate is very high and there is no foreseeable need to increase the size of the academies.

There would be a tremendous cost factor involved in increasing the size of the academies. I will not go into the estimates because there are variations. However, I think the thing to bear in mind is that even though some of the ROTC programs have lost their attractiveness to some young men on the college campuses, we are still dependent upon the ROTC to produce a high percentage of our officers.

It is my understanding that a number of colleges and universities that originally prohibited or withdrew from ROTC programs now want them to return to their campuses. I am very hopeful that we are going through only a short phase of hysteria and irrationality in relation to the incidents we have read about where ROTC billets have been stoned or burned or some other violence has occurred around ROTC buildings. I do not think our judgment should be based upon these incidents. We must still look to the college campuses for our officers.

Those who are concerned about militarism in this country should be the strongest advocates and supporters of our ROTC programs because it is within the civilian environment on the campus that the officers can be recruited and maintain the so-called balanced viewpoints that come from the training of civilians for the military.

Mr. President, I have always been impressed by the outstanding performance of the ROTC programs whereby I have had the chance to review and to become personally involved in understanding what they are doing and knowing the caliber of men they produce. I am of the opinion that we have produced some of the finest officers in all branches of the service from the ROTC activities.

It is also well known that we have to attract more men into officer programs. The Gates Commission—and I am a little reluctant to refer to that Commission's report—did provide us with a good deal of study and statistical material. It indicates that we have a good retention rate within the officer corps, the highest coming from West Point and Annapolis and the Air Force Academy. The next highest comes from the ROTC programs. The next comes from the officer candidate school programs.

If anyone wishes to ask questions concerning the numbers involved, we have the statistics available. I will not go into each of them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 additional minutes.

Mr. HATFIELD. Mr. President, we have a good retention rate within our ROTC.

I firmly believe that if we could increase our ROTC scholarships from 4,500 for each service at the present time to the 10,000, as proposed in my amendment and as recommended by the Gates Commission, we would have a stable supply and a more equitable supply of officers coming into our military services.

Mr. President, again let me just merely add as a reference here to the military branches themselves that they are fully appreciative of the need to attract more young men into the ROTC programs. They are fully appreciative of the fact that we have more applicants for the ROTC scholarships than we have scholarships. Instead of a matter of trying to lure young men necessarily into the service for a career, the amendment provides greater ability for the services to accommodate the requests and the applications they presently have.

I think also it will give rise to the expansion of ROTC programs. It will encourage expansion of them as well as increasing the number of personnel in these ROTC programs who have scholarships.

Some of us perhaps have a secondary interest in the pending amendment because it will help in a number of cases where young men could not perhaps otherwise obtain an education. It would provide for economic assistance to needy students who would qualify through their mental and other examinations for an ROTC appointment and who otherwise might not have that opportunity.

I was reading the other day a story of why Dwight D. Eisenhower chose West Point over the objections of his parents who belonged to a historic peace church and who were pacifists. He did this because he knew he did not have the opportunity to obtain an education in the general education market based upon the economic conditions of his family.

I am sure that today we have many young men who would qualify for ROTC scholarships and would have the opportunity therefore not only for an education but also an opportunity to serve their country as officers in one of the branches of the military service.

Again, let me emphasize the point that this is something the services could use.

I suppose one of the first questions we should consider is the price tag involved. That is estimated to be about $25 million according to the Defense Department for this scholarship increase. But I think it is well worth it, and I urge Senators to consider the fact that we can vote for weapons systems and they will only be as good as the personnel who handle them and manage them. We should be that much concerned with the personnel who are given the responsibility in our service for handling those weapons systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. HATFIELD. Mr. President, therefore, looking at the overall needs of the military today and projecting them into the future, I hope we might undertake this additional ROTC scholarship program by moving it from 4,500 per year to 10,000 per year.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I am glad we have even this much attendance as we go into some of these amendments. I shall be as brief as I can.

The ROTC expansion program is something in which I am vitally interested, along with many other Senators. It is something to which I have decided to give some extra time. I plan to go out, if I possibly can, and make a few speeches encouraging the idea of students going into the ROTC.

One of the most immediate considerations is that there must be a better climate and atmosphere created on the campus to encourage young people to go into the ROTC. Another thing I have in mind is to get this program expanded so as to include the junior college students. That is where some of our finest talent in the country is to be found. They are capable of making the finest officers, and I do want to expand the program to include them. We must have more junior officers. I think the ROTC is the best way and the cheapest way to get them.

With all deference to the Senator's amendment, which provides there shall be an increase in the number in the three services and on the same basis, a need has developed that is different from that. The Senator from Maine and I have a bill which we have introduced. I have the bill before me. It is the administration bill. We have not held hearings on it and I would not vote for it myself without hearings. I think the Senator from Maine and all members of our committee would have to know more about what we are doing and how it is going to be apportioned.

A new system is proposed here that, in short, authorizes ROTC students in each service to the extent of 10 percent of the authorized active duty strength for officers in that military department.

Right now, incidentally, the bill about which I am talking is the subject of hearings in the House. They are working on these formulations and this change.

As I understand further the selections are already in the process of being made for the next scholastic session. I do not think any bill we could pass this summer would be passed in time. These students have to be selected. I know the process. It would be the end of June before this bill would become law and so near the end of the session that I do not think any bill is going to affect very much the students for the session beginning in September, although I would not say it is impossible.

I do want hearings to be held on this matter and I hope we have an expanded ROTC program so as to include the 2-year junior college students. I believe it can be done. I believe it must be done. If they get the bill they want the amount would be higher for the Navy than they would need. For the Army the Hatfield amendment would not be quite high enough, that is, by fiscal year 1975.

These variations show how this will vary and gradually climb according to the new plan. I am not opposed to the idea of the increase; I favor it. But I favor a better system and a better plan of apportionment.

There is another bill which has not been introduced yet. It would provide subsistence for ROTC students. I do not know how far they propose to go, but that is part of the plan.

The scholarship program and the subsistence program, if they go into effect for fiscal year 1972, will bring about an increase of $6 million under present plans. That would be a start on this plan that I think could be called a greatly improved plan.

I hope we might see fit to wait and at least adopt some version of that proposed plan. I think we can almost be certain to get that plan before the Senate some time during this calendar year. As I said, I think it does not make much difference which one is agreed to. It is not going to affect very substantially the forthcoming year for ROTC students.

I wish to mention one matter in connection with the wording of the amendment. The amendment applies only to ROTC students; is that correct? The wording actually speaks of midshipmen and cadets, and it is misleading to a degree, but it applies only to ROTC students; is that correct?

Mr. HATFIELD. Only ROTC students.

Mr. STENNIS. Yes.

Mr. HATFIELD. Of course, there is the Navy ROTC. They have special titles.

Mr. STENNIS. Yes. But it is odd language. I know it is already in the law and the Senator followed the law and the terms used. I thank the Senator.

Mr. President, I have a letter from Roger T. Kelley, Assistant Secretary of Defense, Manpower and Reserve Affairs. He outlines the substance of what I have said. I ask unanimous consent that his letter dated June 4, 1971, may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 4, 1971.

Hon. JOHN C. STENNIS,
Chairman, Armed Services Committee,
United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I was asked to explain why the number of ROTC scholarships in S. 1226 was established at 10% of the authorized active duty strengths in the Military Departments.

We believe that the number of ROTC scholarships authorized by S. 1226 will provide sufficient junior officers to supplement the officer production we anticipate from non-scholarship ROTC and related college officer procurement programs such as the Marine Corps PLC program. In order to maintain the output of the non-scholarship programs at an adequate level, the Department of Defense sponsored legislation to increase subsistence allowances for senior ROTC and provide subsistence allowances for the Marine Corps PLC program. We expect to forward shortly a legislative proposal to provide subsistence allowances for the Navy's ROC and AVROC program. The combined effect of these legislative proposals should provide an adequate supply of junior officers. If the number of ROTC scholarships in S. 1226 were raised to 20% or 30% of active duty officer strength, we would be spending more money than necessary to meet our ROTC production needs.

At the present time the Army, Navy and Air Force are each authorized 5,500 ROTC scholarships for a total of 16,500. There were 15,400 enrollments in FY 1971. On the basis of the 10% formula we would gradually increase ROTC scholarship enrollments to about 33,400 by FY 1976, which would more than double current enrollments.

Assuming S. 1226 and S. 1225 are enacted, we estimate that commissions from ROTC during FY 1972–1976 will be as follows:

Fiscal year	Scholarship	Non-scholarship	Total	Percent scholarship
Current 1971	4,207	14,451	18,668	22
1972	4,428	10,259	14,687	30
1973	5,837	8,500	14,337	41
1974	6,981	8,500	15,481	45
1975	7,328	8,500	16,927	46
1976	8,427	8,500	16,927	50

As shown in the above table, under the 10% formula in S. 1226, 50% of the ROTC commissionings will be from the scholarship program by FY 1976. The bill provides that the maximum number of scholarships may not be more than 10% of the authorized active duty officer strengths of the Military Departments. If sufficient production of ROTC graduates can be maintained using less than the maximum number of grants, we will use the lower amount. Since the program would gradually increase to the maximum, we will be able to judge if a number less than 10% will meet our objectives.

Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227 should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

Your support of our vital manpower programs is very much appreciated.

Sincerely,

ROGER T. KELLEY.

Mr. STENNIS. Mr. Kelley gives the figures as to what they will need. He has a summary proposing a number of ROTC scholarships based upon the enactment of S. 1226. His figures show for fiscal year 1972 that the number is 6,500. That would be some increase over the present law of 5,500. I am speaking of fiscal year 1972. This relates to the present system and the figure goes up from year to year, with more in the Air Force and the Army than in the Navy, because the Navy does not have the demand.

Those are the facts and we lay that before the Senate for decision. Do we just come in and raise it under the old system or shall we take this approach which was based on factual developments and enact a broader plan than called for by the Senator?

I think there is a tremendous difference between those two programs. I heartily support the administration plan, and hearings are being held now in the House of Representatives

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I would like to respond to the Senator from Mississippi. I am very sorry if there was any misunderstanding with reference to the midshipmen or cadets. In the case of the Navy, it refers to midshipmen; in the case of the Army, it refers to cadets.

Mr. STENNIS. Yes. It is in the present law that way, but all the Senator asked was if this was for West Point and Annapolis.

Mr. HATFIELD. And, secondly, we use the existing language there. It is a matter of including both the Navy and the Army. We have the Air Force included. It is three separate programs.

I am glad to know the Senator is in support of the concept embraced in the amendment, even though he cannot vote for the amendment.

I would like to say his objection and his reason for wanting to postpone action I do not think is valid, for the reason that we are not undertaking any new program. The ROTC program is already a program established and underway. We have had evidence and statistics to prove that we have more applicants than slots for awarding ROTC scholarships. We are not floundering around here.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. HATFIELD. I yield.

Mr. DOMINICK. When the Senator started his statement he said this amendment was to provide for more ROTC's.

Mr. HATFIELD. Scholarships.

Mr. DOMINICK. As I read the Senator's language—and I want to be sure of this—it gives the ROTC program the right to go up to this limit. In other words, the Senator is setting a maximum.

Mr. HATFIELD. That is the wording of the present law.

Mr. DOMINICK. And if the Department of Defense did not want to go beyond what they have until they wished to, the Senator's amendment, if adopted, would not necessarily affect them; but if they wanted to go up, they could?

Mr. HATFIELD. The Senator is correct. This is not mandatory. They would not have to order 10,000. All we have done is taken the language of the present law, which uses the figure 4,500, and advanced that figure to 10,000. That is the whole proposition. If they do not want to select that number, they do not have to select that number.

As I have said, there are more applicants than they have slots to fill, or the 4,500 figure is much lower than the applications. From what I have been told, there are many qualified young men they would like to award scholarships to, but cannot because of the limitation of 4,500.

Mr. DOMINICK. Can the Senator answer this question for me as a matter of information? Does he have any idea how much it would cost if this amendment were adopted?

Mr. HATFIELD. Yes; $25 million if all 30,000 were fully implemented.

Mr. DOMINICK. I thank the Senator.

Mr. HATFIELD. I thank the Senator for bringing these points out.

This amendment will not affect the 1975 projections. The Senator from Mississippi indicated that the plan he has in mind might increase by 1975. This is certainly adjustable. It is not a full commitment that is going to have to prevail through 1975. All we are doing is lifting the limitation now from the existing 4,500 level to 10,000. If any branch of the service does not want to take advantage of that number, that service is not required to do so.

Again, let me emphasize the point that we have now many qualified young men who are desirous of an ROTC program and scholarships, but who are not able to acquire one simply because of the limitations we have at the 4,500 level.

The Senator has said we ought to encourage young men to go into the military. I agree with the Senator from Mississippi. This is one of the best ways to encourage young men to go into the military service—through the ROTC programs.

I want to emphasize again that I think we have turned the corner—I am hopeful we have turned the corner—in this Nation with respect to the irrational, idiotic, irresponsible, illegal, unlawful, and every other adjective you want to ascribe to it, outbursts against the ROTC programs that we have seen on our college and university campuses.

Also, it does not represent the overwhelming majority of the campuses. It represents a minority of the campuses where these unfortunate and certainly terrible incidents have taken place.

I feel it would be a very important step forward to encourage young men, and I think it would bring into the service the abilities of many young men today, who otherwise would not achieve an education. I think we could achieve many objectives with this kind of amendment. I do not believe the Senator from Mississippi would indicate that today the military branches of the armed services would be opposed to the amendment. In fact, the Senator has said he agrees with the concept, but perhaps not with the timing or the formula.

We are not establishing a new formula. We are not establishing a new procedure. We are only amending the limitation of 4,500 which is now the ceiling and the lid for the number that can be accommodated in any one branch of the service.

Mr. STENNIS. Mr. President, I yield myself 10 minutes. The Department of Defense is opposed to amendment No. 136. I have it here in writing.

This letter says that there is an authorization of 5,500 ROTC scholarships for each of the military departments.

Then I have a letter here from the Assistant Secretary of Defense, Mr. Kelley, that I referred to a few minutes ago, which explains the administration bill. One paragraph reads:

> Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227—

They are the bills I referred to a minute ago—

> Should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

He had already said in the letter, in another place, in substance, that they just could not crowd it all in at once, anyway.

Mr. President, I point out another fact. Whatever program we adopt this year ought to include the idea of getting this talent, these potential resources, from the junior colleges. It is an important point. The law permits the subsidized ROTC students only in colleges and universities that have 4 years of college work. It has always been limited to that, but our bill proposes—and I believe that bill will be back here on the floor in time—that the junior college students who go on to senior colleges to take their last 2 years of college work will be ineligible for subsidized ROTC scholarships in all the services, and they will take what is called an accelerated program. They will have to give it more time and hours per week than those who have been in the 4-year colleges all the time.

But it will be a splendid inducement. A number of these young men from the junior colleges are far from the upper income levels, and some of them have to give time to working their way through. This subsidized ROTC scholarship will be very attractive from that standpoint, and I think it will be very productive indeed in acquiring talent, dedication, and ability in the particulars that are so much needed in our junior officer corps.

So in this case, though it will take a few more weeks until we can get to a House bill, I plan for us to await the House bill, and whatever disposition they make of it. They are holding their hearings, and I think their bill will pass and come over here, and we will have the benefit of the hearings they are holding and such additional hearings as we may see fit to hold, and in time have an augmented program, an accelerated program, and one that has these additional advantages to which I have already referred.

I do not think there is anything more that I can say, except to go back to the proposition here that the Department of Defense opposes this amendment, for the reasons that I have stated; and one of those primary reasons is that they want this percentage program worked out on this basis, and to make the junior colleges eligible.

The Senator from Maine (Mrs. SMITH) has been detained and could not be here, but I am authorized to say for her that she supports the bill she and I introduced, to which I have already referred.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I am opposed to the pending amendment offered by the distinguished Senator from Oregon (Mr. HATFIELD), on the grounds that it deals with each of the three services equally rather than separately.

The amendment would increase the number of ROTC financial assistance grants from the present 5,500 for each of the Services to 10,000 for each of the services.

Because the services are of different size and have different officer needs, this amendment will allow more for the Navy than it needs and less for the Army than it needs. The Air Force would also receive an insufficient number of grants under this amendment.

There is pending legislation, S. 1226, which would increase financial assistance grants to a maximum number equal to 10 percent of the officer strength ceiling of each of the services. The difference would vary. This legislation would more properly meet their needs than trying to set a single figure for all three departments.

S. 1226 also provides that some of these scholarships could go to 2-year programs in junior colleges. This is an important feature of S. 1226 which is not contained in the Hatfield amendment.

Mr. President, for these reasons I am opposed to amendment No. 136.

Mr. HATFIELD. Mr. President, I am ready to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STEVENSON). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 136) of the Senator from Oregon (Mr. HATFIELD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), and the Senator from Delaware (Mr. BOGGS), and the Senator from New York (Mr. BUCKLEY) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 40, nays 44, as follows:

[No. 102 Leg.]

YEAS—40

Aiken
Baker
Bayh
Burdick
Case
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Mansfield
Mathias
McGovern
Miller
Mondale
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Roth
Schweiker
Stevens
Stevenson
Symington
Taft
Weicker

NAYS—44

Allen
Allott
Anderson
Beall
Bellmon
Bentsen
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Kennedy
Long
Magnuson
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Nelson
Randolph
Ribicoff
Saxbe
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—16

Bennett
Boggs
Brock
Brooke
Buckley
Chiles
Church
Fulbright
Goldwater
Jackson
Mundt
Packwood
Scott
Spong
Tunney
Williams

So. Mr. HATFIELD's amendment (No. 136) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER and Mr. THURMOND moved to lay the motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 164

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Under the previous order, the pending business now is amendment No. 164 of the distinguished Senator from Ohio (Mr. SAXBE), which the clerk will state.

The assistant legislative clerk read as follows:

> On page 31, between lines 23 and 24, insert the following:
>
> "(28) Section 10 is further amended by adding at the end thereof a new subsection as follows:
>
> "'(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is presently constituted, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.'."
>
> Remember paragraphs (2) through (32) of section 101(a) of the bill as paragraphs (3) through (33), respectively.

The PRESIDING OFFICER. On this amendment 10 minutes are allocated to each side.

Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Ohio yield me 2 minutes?

Mr. SAXBE. I yield.

Mr. STENNIS. I need only a minute. Mr. President, I think this is an important amendment. It has not been in very long. The Senator from Ohio is very familiar with the subject, as he has dealt with it for many years. It is possible that we will not need to have any extended debate and can dispose of the amendment in a few minutes.

I thank the Senator for yielding to me and, Mr. President, I ask for order in the Senate so that the Senator from Ohio may be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, under the act of 1967, there is a clause which says that in the event the Selective Service shall make no call, it would go to a standby status. This amendment merely clarifies that and extends it to the Reserves presently maintained.

Very few people are aware of the fact that there is a Reserve in both the National Guard and in the Reserves. They are earmarked—and that is the very word used—for Selective Service assignment. They train in the National Guard with what is known as a State staff, and in the Reserves with what is known as a special unit, where they spend their training periods and their yearly camp periods on assignment to Selective Service Headquarters, familiarizing themselves with the operation of the Selective Service System.

The reason was, in 1940, when the Selective Service was invoked, there was no one trained in the operation of Selective Service, and to set this rather involved headquarters up took a tremendous period of time which embarrassed the war effort tremendously and especially in regard to the selectees sent in and the delays and the paperwork that were necessary.

These units, with which I had experience and commanded over the years, are officers from the various branches of the service and are not commissioned in the Selective Service, but could be infantry officers in the Army, or they could be Navy, Marine Corps, or Coast Guard officers.

They train in this field and are qualified to go into State headquarters and be an assistant director or a State director, a fiscal or a procurement officer, or a manpower officer to fill these vacancies.

As we go into a volunteer army, I do not think there is anyone that wants to junk Selective Service—that is, to put it completely out of business. We want to keep the records up and the registrations and certainly we want to keep trained personnel that can operate the system.

It was considered that there be a civilian reserve, but a civilian reserve would leave us helpless to bring people in if they have moved from their locality, they are no longer interested, they have a better job, or have any one of a million other personal reasons they are not available.

But a military reserve at all times gets its trained personnel. Every person in the unit is a volunteer. Every person is working at a civilian job. He is not, as in some of the services, a full-time government employee. Of course, there are some who do come from government, such as in the Post Office or something like that, but they are employed outside of the military practically 100 percent.

There are at the present time 1,311 such personnel in this country. I do not believe there is any intention to do away with this reserve.

This merely sets out that they will continue to operate as they do, on a part-time reserve basis.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. HRUSKA. Mr. President, the language of the amendment says that there shall be maintained as an active standby organization with a complete registration and classification structure capable of immediate operation, and so forth.

It is not contemplated that registration shall be maintained. It is only the structure and the organization, the equipment, the procedures, and the manuals that are necessary to initiate registration if and when a national emergency comes.

Mr. SAXBE. The Senator is correct. Whether or not registrations are to be maintained will be a decision when we go to a volunteer army. It is not involved in this discussion at the present time.

Mr. HRUSKA. So, the Senator's amendment does not include the actual registration of potential inductees.

Mr. SAXBE. This is the language that comes out of the act of 1967. At the present time, I believe they do contemplate a continuation. But that would have to be decided at such time as we go to a volunteer army.

Mr. HRUSKA. Mr. President, I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, may we have the attention of the Senate?

This amendment has very limited application as I understand. I would like to have the Senator from Ohio answer some questions. As I understand, this would not affect more than 1,200 men.

Mr. SAXBE. One thousand three hundred eleven officers are now so earmarked.

Mr. STENNIS. The continuity the Senator wants here as I understand, is because of the variations in the number of men called even now, and with the volunteer army the number we need from time to time will vary. The Senator wants continuity in operations rather than a total disbanding of this force.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, to save time, the continuation would not mean that these men would be drawing full-time pay, but they will be merely held together and rendering their monthly drill service time and military time and be paid as any other reservist for the time they render. Is that correct?

Mr. SAXBE. The Senator is correct.

I might add that were the units disbanded, these men would revert to their regular branch of the service and would continue to serve. This amendment continues these people in the particular earmarked service for which they are trained in respect to the operation of selective service.

Mr. STENNIS. They have already been drawn out of the ordinary channels and have been put into this organization. As long as they are needed, they will continue in full-time employment.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, when the slack comes, they will not continue to draw their pay, but will be held together as a unit in the Reserve and be paid only for such drill time as they may put in each month.

Mr. SAXBE. Mr. President, I want to correct a misconception. They do not work full time now in the Selective Service. They are part-time, weekend soldiers at the present time. There are people in here who are car salesmen, bankers, and lawyers. It is like any other Reserve unit. They are only earmarked. Their training program comes from the National Selective Service headquarters rather than from their particular military branch.

Mr. STENNIS. Mr. President, even though this is repetitious, for the sake of emphasis, we do have these stop and go calls now. There are many more some months than others. If this volunteer army concept builds up, it will become even more uncertain. They may go 2 or 3 months and not have to call anyone. Then they will have to go back and call some more later.

Mr. SAXBE. Yes. Should the pay increases work, as some have indicated here, and if the calls were reduced to zero, there would be a reduction in the work force of selective service as to the new act of Congress, they would be reduced. This group would continue to operate just as they do now, drilling once a month, going on active duty for 2 weeks a year, training for emergency, and they cannot be called up except in an emergency, just as the other National Guard or Reserve units.

Mr. STENNIS. Mr. President, repeating again, the purpose is to keep them in this special category and also have a provision that they will have this monthly training.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, the Senator is suggesting this from his personal knowledge and experience acquired over many years, or several years at least, with this very activity.

Mr. SAXBE. The Senator is correct. I joined such a unit in 1959 and continued in it until I came here. During that period of time we trained a number of officers and did serve as a pool for training personnel who were available, if they desired, to go into national headquarters or into auditing or some other aspect of selective service. It is a training ground.

Mr. President, if there are no other questions, I am prepared to yield back the remainder of my time. I have not asked for the yeas and nays. I would be willing, with the agreement of the chairman of the committee, to submit the amendment to a voice vote.

Mr. STENNIS. Mr. President, I do not know of any other questions. I hope that we have been able to acquaint the Senate with the amendment. The Senator from Ohio is very familiar with this subject. I believe that he has made it clearly understood. I believe that we can agree to the amendment by a voice vote. I would be willing to yield back the remainder of my time.

Mr. SAXBE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (putting the question).

The amendment was agreed to.

AMENDMENT NO. 139

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate amendment No. 139 which will be read.

The legislative clerk read as follows:

On page 24, line 15, strike out the quotation marks.

On page 24, between lines 15 and 16, insert the following:

"(f) For the purposes of this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder."

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

" 'PROCEDURAL RIGHTS

" 'SEC. 22 (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

" '(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

" '(c) A quorum of any local board or appeal board shall be present during the registrants' personal appearance.

" '(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

" '(e) Each registrant shall further have the right to be accompanied and advised by private counsel before any such board. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.' "

Mr. KENNEDY. I ask unanimous consent to modify my amendment as follows:

Delete lines 1 through 8 and renumber the other lines accordingly.

On page 2, line 17, delete the word "represented" and in its place insert "be accompanied and be advised".

Furthermore, to delete the words on line 17 after the word "counsel," and starting with the word "If" through the rest of the paragraph through line 21.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

Will the Senator please send his modifications to the desk?

Mr. KENNEDY. I am glad to do so.

The amendment, as modified, is as follows:

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

" 'PROCEDURAL RIGHTS

" 'SEC. 22. (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

" '(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

" '(c) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

" '(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

" '(e) Each registrant shall further have the right to be accompanied and be advised by private counsel before any such board.

Mr. STENNIS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

Mr. STENNIS. Mr. President, this is an important amendment and it will involve some debate. We may be able to yield back some of the time.

The amendment involves the procedure before the board and the right to have an attorney, and other procedural matters. These are important matters and they cannot be disposed of quickly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. PATTEN, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, Mr. CONTE, and Mr. BOW were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

REQUEST THAT 5-MINUTE WARNING ON VOTES BE OBSERVED

Mr. STEVENS. Mr. President, on the vote on the last Kennedy amendment five of us could not make the rollcall because we relied on the 5-minute warning. I would like to ask that the 5-minute warning be a full 5 minutes because, relying on the 5-minute warning we came over to vote and found when we arrived that the vote had been completed.

I am not being critical, but we did rely on the 5-minute warning and we thought we had a full 5 minutes. However, when we arrived the vote had been completed and we could not cast our votes on the Kennedy amendment. If we are to have the 5-minute warning, I ask that it be 5 minutes.

I thank the Senator for yielding.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the American system of justice, grounded in fundamental standards of fairness and due process, is without question the principal guardian of our individual freedom. The most fundamental tenet of American due process is that no person shall be deprived of life, liberty, or property without the right to be heard in his own behalf, both on the level at which initial decision is made and on the level of appeal to higher authority.

At either level, a fair and just decision, based upon a complete and accurate appraisal of the facts, is totally impossible unless the individual is allowed to present his case before those who would decide it.

Yet, today the Selective Service System operates on a totally different concept. Under selective service regulations:

There is no right to a personal appearance at the appellate level.

There is no requirement that a quorum of the local board or the appellate board be present at personal appearances.

There is no requirement for a written statement of the reasons for decisions to be given the registrant.

There is no right to present witnesses at local or appellate levels.

There is no right to counsel.

The basic requirements of procedural fairness dictate that these minimal guarantees be available to a registrant.

For it is one thing to allow an individual the right to a hearing and a totally separate and distinct situation when one seeks to allow him the right to a fair hearing.

Affording the right of personal appearance at the local board level is a fundamental prerequisite of due process, but it falls far short of meeting all that due process requires.

If justice is to be served, the individual faced with the loss of substantial liberty or property must be permitted the means to present his case effectively.

My amendment seeks to enable the registrant to just that.

It would permit a registrant the opportunity to appear in person at the local and appellate level.

It would permit the registrant the right to present witnesses.

It would require that a quorum be present during the registrant's personal appearance.

It would require that decisions of local and appellate boards be accompanied by a written statement of the reasons for the decision.

It would give registrants the right to an attorney.

In these ways, we would be giving registrants whose involvement in the Selective Service System carries with it the risk of death, the same rights that we give corporations who seek broadcast licenses, the same rights we afford defendants involved in the most petty crimes, the same rights that we afford individuals appealing income tax rulings.

I think it is appropriate to note that for these reasons a committee of the American Bar Association has endorsed my amendment. The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities has also passed a resolution to that effect and filed a memorandum in support of my amendment.

I have been heartened by the quantity of support this proposal has received. I have a letter from Mr. Robert Turtle, who is the chairman of the American Bar Association Selective Service project.

I ask unanimous consent to include at this point in the RECORD the letter from Mr. Turtle as well as a memorandum that has been prepared by the Committee on Civil Rights and Responsibilities of the American Bar Association.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

JUNE 18, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities of the American Bar Association has adopted the attached resolution on the basis of the material contained in the attached Summary of Arguments. The resolution and material will be presented for adoption by the entire Association at its annual meeting this summer. In the interim the Committee wishes to express its support for and endorsement of your proposed amendments to H.R. 6531. These amendments are the minimum requirements to insure that procedural due process and fundamental fairness will have a place in the Selective Service System. In our opinion, these amendments will not unduly delay the Selective Service processing of a registrant, and may, in fact, serve to expedite that process.

Sincerely,

ROBERT H. TURTLE,
Chairman, ABA Selective Service Project.

RESOLUTION OF THE COMMITTEE ON CIVIL RIGHTS AND RESPONSIBILITIES OF THE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES OF THE AMERICAN BAR ASSOCIATION

Whereas, it is the firm conviction of the members of the Committee on Civil Rights and Responsibilities of the section of Individual Rights and Responsibilities of the American Bar Association that the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings is a denial of fundamental rights which have been a long-standing tradition of the American system of justice; and

Whereas, this procedure is totally unauthorized by the Selective Service Act of 1967, and for this reason is an invalid exercise of administrative discretion; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with the possible loss of substantial rights, including his liberty, is an infringement of the fundamental rights of due process which are guaranteed by the Fifth Amendment to the United States Constitution; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with reclassification which is basically punitive in character and from which the registrant's only form of judicial recourse may be as a defense to criminal charges for refusal of induction, represents an infringement of rights guaranteed by the Sixth Amendment to the United States Constitution; and

Whereas, it is the firm conviction of the committee that the denial of such a fundamental right at local board hearings cannot be justified by the needs of national defense or administrative efficiency, be it hereby

Resolved, that the members of the Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities are firmly and unequivocally opposed to the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings; and be it further

Resolved, that the same members strongly urge the Congress to amend the Selective Service Act to take action to remove this travesty upon the American system of justice by amending the Selective Service Act to allow registrants to be represented by counsel at local board hearings.

A SUMMARY OF THE ARGUMENTS IN SUPPORT OF THE RIGHT TO COUNSEL AT LOCAL BOARD HEARINGS

At the cornerstone of the American system of justice are the principles of fairness and due process which are applicable to all American citizens and, indeed, to all persons within the borders of this country. Stated in the simplest terms, these principles require that any person faced with the loss of substantial personal liberty or property is to be afforded the right to a hearing, complete with the procedural safeguards which our history has found to be absolutely necessary to ensure that justice is done. Among the most fundamental safeguards in this context are the right to confront the witnesses who would deprive the individual of liberty or property, the right to appeal a decision of first impression to a higher level, and the right to the assistance of counsel by one who possesses the requisite knowledge and skills to ensure that the laws are obeyed and the individual protected from arbitrary action.

For these reasons it is a genuine source for alarm, especially to the members of the legal profession, when a situation is found to exist within the American system wherein individuals have been systematically denied these fundamental rights of fairness and due process. It is submitted that such a situation exists in the current procedures established by the Selective Service System for the hearing of registrants at the local board level.

The Selective Service Act of 1967 provides that:

"Local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title ([said sections]), of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe . . ." 50 U.S.C. App. § 460(b) (3) (1968).

It is clear that this language, which has been a part of successive Selective Service Acts since 1948, is an indication of Congressional recognition that a registrant who contests the classification given him by his local board is faced with the loss of substantial rights, and that such a registrant is entitled to the type of hearing which due process has traditionally required in such situations.

Notwithstanding this fact, for two decades the Selective Service System has circumscribed the procedural safeguards which a registrant may invoke at local board hearings. Particularly, § 1624.1 of the regulations established by the Selective Service provides that:

"No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: PROVIDED, That if the registrant does not speak English adequately he may appear with a person to act as interpreter for him: AND PROVIDED FURTHER, That no registrant may be represented before the local board by anyone acting as attorney or legal counsel." 32 C.F.R. § 1624.1(b).

Thus, the selective service registrant is denied representation by one who is familiar with the substantive rights which the laws and regulations provide to the registrant. Although § 1624.1 permits the Board *in its discretion* to allow the appearance of witnesses who might present factual testimony in the registrant's behalf, it effectively precludes the appearance of anyone who might object to the manner in which the hearing is conducted or who might otherwise advise the registrant of his substantive rights.

It is submitted that on its face, the denial of counsel at local board hearings is contrary to fundamental American standards of fairness and due process. This denial is even more egregious, however, when considered in the light of the limited review available to registrants once the local board has made its decision. The registrant may appeal his case to the state Selective Service appeal board, 32 C.F.R. 1626.2, and may take an additional appeal if the appeal board is less than unanimous in upholding the local board's decision. 32 C.F.R. 1627.3. In either case, however, the registrant is not allowed a personal appearance on appeal, and since no transcript is taken of local board hearings, appellate review is limited to the registrant's written statements and to the board's written conclusions. The only recourse which a registrant has open to him if he loses his administrative appeals is to contest the legality of the board's action as a defense to criminal prosecution for refusal to be inducted, or, if the registrant allows himself to be inducted, by way of a habeas corpus action. In such a case, the court's range of review is "the narrowest known to the law," *Blalock* v. *United States,* 242 F. 2d 615 (4th Cir. 1957), and the court may reverse the appeal board "only if there is no basis in fact for the classification . . . "*Estep* v. *United States,* 327 U.S. 114 (1946).

Given these circumstances, the need for effective representation at the local board level is even clearer. The local board's decision is virtually final, except in the rare case where the appeal board reverses the local board decision or where a reviewing court is unable to find a factual basis in the limited record for sustaining the board's decision. Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

The denial of counsel under these circumstances is subject to attack on three separate grounds. First, it has been established by the Supreme Court that the administrative denial of "traditional forms of fair procedure" must "not be restricted by implication or without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition." *Greene* v. *McElroy,* 360 U.S. 474, 508 (1959).

There is nothing in either the Selective Service Act or the legislative history accompanying each of the successive acts which gives authorization for the denial of counsel in local board proceedings. Further, it cannot be argued that congressional inaction in the face of this long-standing practice is tantamount to authorization. As stated in *Greene:*

"It must be made clear that the President or Congress, within their respective constitutional powers, specifically has decided that the imposed procedures are necessary and warranted and has authorized their use. . . . Such decisions cannot be assumed by acquiescence or non-action. . . ."

Second, the denial of counsel in local board hearings is contrary to the fundamental standards of due process established by the Fifth Amendment. It is clear that personal appearance before a local board is an adjudicative hearing affecting substantial rights. The Board is called upon to make findings of fact on conclusions of law, often in areas—such as conscientious objection—in which the law is constantly in flux. As a result of the board's decision, a registrant may lose a deferment which is conferred upon him by law, or he may be faced with an order to perform military service which is contrary to his religious and moral convictions. In any case, he is faced with a possible loss of his liberty. In such circumstances, it is by now axiomatic that—

"When governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process." *Hannah* v. *Larche,* 363 U.S. 420, 442 (1960).

It is equally beyond question that the right to counsel is an essential procedural aspect of the judicial process. As the Supreme Court noted in the context of juvenile proceedings, one who is faced with a binding decision affecting his substantial rights "needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings. . . ."

Third, the prohibition of counsel at board hearings is contrary to the principles established by the Sixth Amendment. The narrow scope of judicial review applicable to classification decisions, coupled with the fact that most conscientious objectors aggrieved with the refusal of the board to grant conscientious objector status must refuse induction in order to have their case heard in court add up to the conclusion that the local board hearing is a "critical stage" in the criminal proceedings to which an unsuccessful conscientious objector is often subject. As the Seventh Circuit noted in *United States* v. *Freeman,* 388 F.2d 246 (1967):

"Under these circumstances conviction is almost inevitable, since the Board's refusal to grant the conscientious objector classification is based on an inference as to the sincerity of the registrant's belief and there will almost always be something in the record to support an inference of lack of sincerity."

With the limited review of board decisions and the strong likelihood of criminal sanctions for registrants who claim conscientious objection, such a registrant may be convicted without the safeguards which the Sixth Amendment was intended to provide. Without some protection against innocent acts or omissions at the board level which may prove decisive, such as ignorance of the regulations or of recent interpretations thereof, the registrant may find himself serving the five-year maximum sentence for refusal of induction without having had the type of fair proceeding which the American system of criminal justice has long held sacred.

Thus, the question to be resolved is whether fundamental standards of fairness and due process established by the Constitution are to be upheld in the context of local board hearings, or whether they are to be overridden because of the unsupported assertion that allowing counsel at such hearings would make the Selective Service System's task more difficult. The answer can only be that our fundamental standards of fairness and due process should not be undermined on supposed grounds of administrative expediency.

Mr. KENNEDY. Thus, this amendment brings with it the endorsement of the legal association most directly charged with understanding the detailed responsibilities of the Selective Service System. Also all of the elements in this amendment have specifically been endorsed by the ACLU.

It should be noted at the outset that the restriction on the due process rights of individual registrants was not in any way a result of congressional action. This action results solely from administrative action by the Selective Service System. I refer specifically to 32 C.F.R. 1624.1 (B) which provides:

> No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: . . . And provided further, that no registrant may be represented before the local board by anyone acting as Attorney or legal counsel.

If it might be argued that the provisions of the Bill of Rights seek to guarantee fairness to the individual against the powers of the State, then the regulation previously read, seeks to guarantee the powers of the State against the individual. For when we place the burden on the individual of proving himself "not available" for the draft, as General Hershey has stated in the past; then it is unconscionable to deny him the legal means to bear that burden.

Plato has written:

> The time has arrived, Glaucon, when, like huntsmen, we should surround the cover, and look sharp that justice does not steal away, and pass out of sight and escape us.

As far as the regulations of the Selective Service System are concerned, justice has long since passed out of sight.

Attaching procedural due process requirements is the only way to entice its return.

The first change that we are suggesting in the amendment now before the Senate is that an individual registrant be assured the right to present witnesses to the local board.

I cannot readily understand how this right can legitimately be denied an individual. We are talking about a basic element of due process. If there is to be an opportunity for an effective presentation of one's case, then the registrant must be able to call upon persons who can substantiate his statements. Obviously, the Selective Service System felt this could at times be desirable since its regulations permit witnesses at the discretion of the local board. Yet, this discretionary power contains the seeds of arbitrary action. For it means that some young men have special rights which are denied to young men in the jurisdiction of a different board.

The right to present witnesses, under rules and regulations prescribed by the President, surely would not result in any disastrous impediment to the selective service process.

Nor is this a right that is foreign to any system of law. Western legal doctrines can be traced to the code of Hammurabi which guaranteed to an individual the right to present witnesses. The Hebrew legal system also contained that assurance. In nearly every legal system that we know of, that right has been protected.

The same right is protected by the sixth amendment to the Constitution.

The Supreme Court held in Washington against Texas in 1966:

> The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts . . ." In its opinion holding that this protection under the sixth amendment was applicable to the states under the due process clause of the 14th amendment, the court recalled the words of Joseph Story. Story, in his commentaries, "observed that the right to com-

pulsory process was included in the Bill of Rights in reaction to the notorious common law rule that in cases of treason or felony the accused was not allowed to introduce witnesses in his defense at all.

Let me repeat the statement made by former Attorney General Ramsey Clark during testimony before the Administrative Practices and Procedures Subcommittee on the Selective Service System. I asked the Attorney General whether witnesses were important to a fair hearing.

His response was and I quote:

> It is the only way that you can get the truth across that I know of.

I find that statement to be immensely impressive because here you have the Attorney General stating that if the local boards want the truth then "the only way" is to assure that they have the opportunity to hear witnesses who may corroborate the word of a registrant.

That view also has been testified to time and again by representatives of the American Civil Liberties Union. In their appearances this year before both the House and Senate Armed Services Committees, Aryeh Neier, executive director of the American Civil Liberties Union, stated:

> While there are wide variations in the practices of local boards, registrants are often refused permission to bring witnesses with them to local board hearings. For obvious reasons of fairness, the right to bring witnesses should be mandated by legislation.

Also, I believe it is important to remember that we are discussing individuals who, because of their age and level of maturity may well be less than fully capable of presenting their case adequately. The ability to have as corroborating witnesses, persons who are closer to the current age level of the board members, undoubtedly would be of assistance in bolstering the strength of a registrant's testimony. Ministers, teachers, parents, and friends—each might be able to establish particular elements of an individual's background which would be critical to his request for a deferment.

Since we are moving toward a situation where conscientious objector and hardship classifications will be the major remaining deferments, the issue of a registrants' sincerity will be of utmost importance. The right to present witnesses who can establish the credibility of a registrant's testimony is a vital element in carrying out the purpose of the 1967 law, the purpose of assuring that the Selective Service System is "fair and just."

A second prerequisite of fairness in hearings is that an individual should be heard by those who will ultimately decide his case. This would appear to be a self-evident proposition. Yet in the case of the Selective Service System it is neither required nor does it always occur.

For under existing regulations, it is quite possible for an individual to appear before a local board to present his case and find only one member of the board and the clerk on hand. His appearance may be nearly worthless under those circumstances since a decision on his request for a change in classification will be made at a later date when a quorum of the board is present. But at that time, it is very well possible for the one board member who actually heard his case to be absent. Thus, no one except the clerk will have heard his presentation. The right to a personal appearance under those circumstances becomes of dubious value.

Also, under these circumstances, the system permits one member of the board who did hear the evidence to have undue influence over his associates. This also diminishes the likelihood of an impartial decision.

The amendment now before the Senate merely provides that at personal appearances a quorum of the board shall be present. This will protect the rights of the individual and the reputation of the board.

There is a third element of procedural fairness which currently is denied to registrants. Neither the local board nor the appellate boards are required to make written findings.

The ability of an individual to present his case effectively at the appellate level or in the courts is predicated on full knowledge of the basis for the initial decision. Without that knowledge, the right of appeal is almost meaningless since there is no way for the individual to muster his evidence to meet the arguments of the local board or the appellate board. A general presentation may or may not provide the appellate body with facts necessary to reexamine the original decision.

Thus, the lack of written findings of any sort denies due process rights in several ways.

It places almost insurmountable barriers in the way of the registrant who is seeking to construct an intelligible appeal.

The absence of written findings severely handicaps the appeals boards in arriving at a decision since they have little basis for evaluating the rationale behind local board actions.

There can be little question that the absence of a written statement of the basis for a local board decision frustrates and impedes judicial review. The Supreme Court stated in Simmons against United States:

> The right to file a statement (before an appeal board) . . . includes the right to file a meaningful statement, one based on all the facts in the file and made with awareness of the arguments to be countered.

All we are suggesting is that a simple written statement of the reasons for decisions is a minimal requirement in keeping with our traditions of due process guarantees for individuals faced with the loss of substantive rights.

Fourth, the increasing importance played by a registrant's sincerity in determining his qualifications for a deferment requires that he be afforded the right to a personal appearance at the appellate level.

The appellate review is essentially a de novo review of the lower court decisions and the facts in the case. For that reason, it seems reasonable and desirable to permit an individual a right to a personal appearance, under appropriate regulations.

Some have argued that permitting this opportunity at the appellate level would seriously hamper the administration of the Selective Service System. Yet even the Selective Service System acknowledges that approximately half of the appeals in the survey they provided my office had some legal validity. All of those legitimate claimants then were denied the right to an appearance, an appearance that well might have substantiated their position or provided some basis for further analysis of the local board decision.

I think that if we are balancing a minor delay against the rights of a not insignificant number of registrants, we must find for the individual. It should be our responsibility, even in matters related to the Selective Service System, to protect the rights of the individual. I think that providing the right to a personal appearance at the appellate level would be a step in achieving that goal and would not in any way do injury to the efficiency of the Selective Service System.

Finally, there is the remaining element in the provision of due process, an element called by the Supreme Court fundamental and essential to a fair trial—the right to counsel.

Gideon against Wainwright reasserted the fundamental and central relationship of the right to counsel to insure that an individual obtains a fair hearing. The court in Gideon traced the precedents describing the right to counsel. In Powell against Alabama—1932—the court declared:

> The right to the aid of counsel is of this fundamental character.

In Grosjean against American Press Co. in 1936, the court stated:

> We concluded that certain fundamental rights, safeguarded by the first eight amendments against federal action, were also safeguarded against state action by due process of law clause of the fourteenth amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution.

And, in its opinion in Gideon against Wainwright, the court concluded:

> From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

I believe the same responsibility extends to us today when we consider the risks and duties imposed upon the individual by the draft.

Under current regulations—regulations not legislated by the Congress but mandated by the Selective Service System—the registrant is denied the right to representation by someone well-versed in the substantive rights which the laws afford to the registrant.

Within the confusing welter of statutes, hundreds of pages of regulations, an almost equal number of local board memorandum and state directives, the individual registrant is a pitifully vulnerable creature. Without counsel, he may waive his rights. Without counsel, he may not be aware which facts are relevant to his case and which facts are not. Without counsel, he is blind to his rights, to the law, and even to his responsibilities.

In its summary of the reasons for supporting the right to counsel, the American Bar Association committee stated:

> Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

It is the crucial stage, because it is at the local board level that most determinations of facts and most conclusions of law are made. Because of the limited right of appeal, because of the lack of a right to a personal appearance on the appellate level and because of the absence of written decisions to confront at the appellate level, the original decisions of the local boards take on even greater meaning. It is there that an attorney can be of most use. As Justice Sutherland stated in Powell against Alabama:

> The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law . . . he lacks both the skill and knowledge adequately to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him.

If we are to adhere to the premise that Americans are guaranteed that they will not be deprived of life, liberty, or property without due process of law, then we must begin by providing the right to counsel to Selective Service registrants.

Mr. President, the Selective Service System as it exists today denies fundamental rights of due process, rights guaranteed in both the fifth and 14th amendments of the Constitution.

As a result, an individual registrant may lose a deferment to which he is entitled, a deferment which might allow him to remain with his family or to avoid jail. In short, he is faced with the loss of his liberty and, whatever his obligation to his country, he is entitled to a fair hearing of whatever facts bear on his status.

That fair hearing is now denied him.

At a time when the youth of America are becoming more and more disillusioned with the American system, it is imperative that the 19-year-old receive the same guarantees of due process that are afforded to others with more power and influence within our society.

These rights are now given to corporations seeking broadcast licenses. They are given to companies seeking exemptions from FDA and FTC regulations. They are given even to the polluter who seeks a permit to expand his plant. Yet we deny those same rights—to witnesses, to written statements of decisions, to quorums of the deciding bodies, to appearance at appellate levels, to counsel—we deny those rights to the 19-year-old.

Perhaps the irony was best expressed in a letter from Villanova Law Professor Howard R. Lurie. He wrote:

> Suppose a member of the House of Representatives introduces legislation to put taxation on the same basis as conscription. Incomes are to be taxed at 100 percent subject to such credits, exemptions, and deductions as the statute or the President by rules and regulations, shall provide.
>
> The individual taxpayer must prove to the satisfaction of his local tax board that he is entitled to any particular credit, exemption or deduction, but he is not allowed to be represented by an attorney or accountant when he appears before it.
>
> The board is not required to issue any written opinion regarding its determination of the taxes due from the taxpayer; no judicial review of its decisions is available, except as a defense to a criminal prosecution instituted against the taxpayer for failure to pay the taxes due; and the decision of the tax board is reversible only if there is no basis in face for the tax assessment.
>
> No reasonable member of the Congress would take such legislation seriously. It would be outrageous to treat taxpayers in such a fashion.

But in fact is it not equally outrageous to treat your young men in precisely the manner? How can we justify calling these men to duty and at the same time treat them as second-class citizens compared to other groups within our society? Surely, we should give the same protection of due process that we afford to others who face a threat to their property rather than to their lives.

Yet, we know that the very lives of the young men are at stake when they deal with the draft board.

I think the time is long overdue for the Congress to right the wrong that we have permitted to exist for two decades.

If we are convinced that fundamental standards of due process are guaranteed to all Americans, then let us apply these same standards to those whom we would ask to serve and honor our country.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46 minutes remaining.

Mr. KENNEDY. Mr. President, I want to make one correction for the Record. This amendment is offered in behalf of the Senator from New York (Mr. Javits) and myself. His name was on the earlier amendment, but, by misprint, his name was left off. I ask unanimous consent that the Record show that the amendment is offered in behalf of the Senator from New York and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, in my judgment, the Senator from Massachusetts (Mr. Kennedy) has proposed a critically important amendment, in which I have joined. I might say that, like himself, I have had a longstanding interest in and experience with draftees and their problems. In addition, this provision was in my own proposal for reform of the draft.

My experience with draftees goes back to the time when we first began to draft men immediately before World War II, when I was a Government appeal agent. That means I was the people's lawyer as well as a draft board lawyer. It was in a district in Manhattan—Harlem, teeming with people who really needed representation.

I have kept in very close touch with the whole draft system since, because I maintain a large office in New York to service constituents, and an enormous number of those cases are cases involving the draft and the military services.

From the point of view of the preservation of basic freedoms, and in a very practical sense, the way in which the individual, the ordinary American, comes into contact with Government, I know of no part of this legislation, other than the question of whether we shall have a draft at all, which is more important to the individual than the provisions which secure for him due process or procedural rights, nor do I know of anything which can more nearly convince the individual American that the system is just than the inclusion of a provision like this as part of our law.

We must note at once, as the Senator from Massachusetts has noted in his main argument, that the Administrative Procedure Act does not apply to draft boards, and hence what they do—and the courts have pretty well dealt with the matter in that vein—is pretty much up to them. They have to do whatever they think they ought to do to come to their best judgment about the individual's status.

We are dealing here with the draft, and involuntary deprivation of liberty, or perhaps even of life itself, all in the highest patriotic spirit. I favor the draft. Indeed, I have debated this issue on many college campuses. I am a liberal, and very proud of it; but, much to the surprise of many thousands of students, I have said I prefer the draft because of its civilian and egalitarian quality, and because of its assurance against a military class, and its ultimate sanction, in terms of our civilian population, as to when we do or do not engage in war, so that the entire population has an interest in the issue, and not just those who are willing, for monetary or other reasons, to take the risk.

So my strong feeling in favor of the draft naturally colors my feeling in respect to this particular amendment.

Mr. President, the elementary rights which are guaranteed by this amendment are critically important. As I say, the individual is not protected by the requirements of the Administrative Procedure Act. As they are spelled out, they constitute the network of basic protections of Anglo-Saxon law as contained in the Bill of Rights to the Constitution.

It seems to me that every one of us ought to be satisfied that every draftee will have these rights, and the best way to assure them is to write them into the law.

Mr. President, they are written into the law, by this amendment, in such terms as not to represent a straitjacket for anyone, for the United States or for the draftee. Let us examine them, and see what they are.

There is no question about the right to appear in person. Incidentally, that is never denied, that I know of. But what does happen, practically, is that when people get very busy, you have a rush operation. I have seen it myself. You simply have to pour through a good many people in a very short period of time, and the individual most often is not accustomed to dealing with a governmental body, and so he does not complain or protest if they give him only a minute and look like they are not interested and do not listen to him at all. Most often, he says nothing. The people are not trained. They are not able to "protect their rights," and do not feel it is an adversary proceeding; and yet it may very well turn out to be, as their liberty and their future are being judged by a group of their peers.

As I say, the rights of the individual person, standing alone, I have never heard challenged, but the meaning of the appearance is then buttressed by the other specific rights which this amendment provides.

First, to present testimony. That calls on a person to say something on his own behalf, if for any reason he feels he should not be called upon to serve. Then that needs to be substantiated. I have heard men, time and time again, under these circumstances—as I say, I was a government appeal agent myself for a couple of years—say they often are left in doubt as to whether what they are being told is the truth or not. So some support, some corroboration, as the lawyers say, becomes desirable and highly important.

I point out that the regulationmaking power will prevent the production of such witnesses from being dilatory or burdensome. The President can, by regulation, establish reasonable limits considering the very large number of people involved and the imposition upon the civilian members of the draft board themselves as to their time. Rules and regulations can be made by the President to see that this right is not abused.

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. JAVITS. I do, of course.

Mr. COTTON. Would that right to establish regulations extend to some control of the size of lawyers' fees, when counsel is provided?

Mr. JAVITS. I will jump ahead and answer the question, instead of saying "we will get to it," by saying that the way we get at the lawyers' situation is that we have very sharply limited the right to counsel. The way we had it originally, we said he has a right to be represented by counsel. Now, the Senator from Massachusetts has accepted my view, to say that he may be accompanied and advised by counsel in appearing before such board. We have not gone into the question of the amount, because we have stricken out the requirement that the United States provide counsel.

Mr. COTTON. I beg the Senator's pardon; I read that provision in the version of the amendment on our desks.

Mr. JAVITS. No, that has been stricken, for that reason, that you get into such a trying network of regulations. Senator KENNEDY and I agreed that for cases like this, there are enough volunteers, bar associations, legal aid societies, and so on, so that we should not further complicate the issue.

Mr. COTTON. I apologize for asking the question and interrupting the Senator's train of thought.

Mr. JAVITS. That is all right.

Now, as to a quorum of a local board or appeal board, I do not think there is any question that a man is entitled to that, because, again, I have seen the right of personal appearance—which, as I say, I have never seen challenged—considerably diluted by the fact that one member of the board may be there, and it is really the clerk, in the final analysis, who will make the decision, and that is not the way this is supposed to work. If a fellow wants to contest, at least he ought to be heard by enough members of the board to do justice to his claim.

As to the written statement called for by the amendment, a decision in writing is really what it means. It seems to me that is so much within the control of the local board that it is not too much to ask that they at least have some note as to why they decided as they did, because the man has a right to an appeal, and he has the right to get the Government appeal agent to meet him.

Mr. President, I see my time is up. Will the Senator from Massachusetts yield me another 3 minutes?

Mr. KENNEDY. Yes.

Mr. JAVITS. The Government appeal agent, as I say, is supposed to help him if he wishes to prosecute an appeal, and it seems to me that in cases like this, which are so informal, it is very valuable to whoever is dealing with the appeal to know the basis for the board's decision, even if very briefly and episodically put.

Finally, as I have just explained to the Senator from New Hampshire, there is, again, no effort to impose a straitjacket by providing for legal representation. We have inserted the words "accompanied and advised by counsel," rather than the word "represented," so that a registrant's lawyer will not be fighting the case; and again, it is within the concept of the bill, if a lawyer becomes too obstreperous, to have him pipe down. His right is to accompany and advise his client, rather than engage in forensics before the board, and there again, I think Senator KENNEDY was very well advised to accept this formulation as being modified to meet the particular exigencies of appearances before draft boards.

It will be noted that we have stricken out, as I have explained to the Senator from New Hampshire, the whole network of problems, personnel- and money-wise, which would have arisen if the United States had undertaken to supply counsel where there was no counsel present. We can, I think, take a reasonable chance on that, in the sense that, from my experience, there are plenty of lawyers, bar associations, and legal aid societies to render this kind of service, including the legal services of the poverty administration in many places. So that I do not think we need to provide for that in this measure.

For all these reasons, because of the seriousness of what is involved and the most elementary due process which, as I have explained, cannot be obnoxious in its operation because of the way this amendment has been developed, I hope very much that the Senate will see its way clear to give the assurance and confidence to the individual which would be engendered by the addition of this amendment to the draft law.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 15 minutes.

Mr. President, we have to get before us the background of this entire system before we can understand the significance—I will not say "meaning"—of the words in this amendment.

The amendment refers to "procedural rights." That sounds as though a person is proceeding before a court, a judicial body. These would be good rules of procedure, and some would be basic procedure that is recognized. Therefore, when we consider this matter, if we do not keep foremost in mind the nature of these boards, we are going to run off the track.

These are local boards, composed of local people in the communities who are nominated by the governors of the States and appointed by the President of the United States or his representative. These people, most of them laymen—not versed in court procedure or law—serve without compensation, in one of the most sensitive and delicate categories in which a citizen is called upon to serve.

They are not versed in law; they are not versed in procedure. They are not accustomed, without the guidance of a presiding officer who is versed in the law, to analyze testimony and to reach judicial conclusions.

I should like to relate what a justice of the peace I once knew said in his court. When a lawyer started to read a section of the law, he told the lawyer:

> Close the law book. We are not going to have any law read around here. It confuses me. I am going to decide this case according the right and the wrong; and if you want it decided according to law, you can appeal.

These men are called in, without a background of legal training, without any compensation—without any applause, either, in the community—and they are called on to decide these cases according to their concept of right and wrong. When we put the burden on them of listening to too much testimony and making more or less judicial decisions, we are going to get in trouble right away.

Just a word about the appeal boards. Many of the appeal boards sit many miles away, but they also are composed of men who serve without compensation. They make many hard decisions—it is not as hard for them to make those decisions as it is for the local board—and they render a great service to the Nation.

Under existing law, people about to be drafted do not have the privilege of appearing in person before the appeals board and presenting testimony. A person is permitted to present testimony in writing before the appeals board. He does have the right now to appear in person before the local board. So section 22(a) would be an additional requirement for the appeals board.

We asked the Selective Service to give us the figures as to how much additional burden this would put upon the appeal boards. The Selective Service has informed us that approximately 120 appeal boards are in operation at this time, manned by 660 personnel—as I have said, they are not compensated—and these people have to consider approximately 120,000 appeals every year. To require these boards to sit at least one-half hour for a personal appearance in every appeal would amount to 60,000 hours and would require their members to devote at least 10 hours each week to personal appearances, without regard to time spent reviewing cover sheets or making classification decisions. These board members are not compensated, and they have to have other jobs, of course.

I do not see how they would be able to handle these appearances, which would spiral as the registrants and draft counselors became aware of the delay inherent in appeal.

So I think these are very serious considerations with respect to the appeal board proposal. We could not manage this matter, in our present system, if we had to have all these additional procedures.

There is also a provision that each registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe. That does not say whether each would have a right to present witnesses to the local board and the appeal board. It just says "present witnesses on his behalf."

That would be a situation in which, apparently, written into hard law would be a demand that witnesses—an unlimited number of witnesses, according to this—for every registrant would have the right to appear with all these witnesses before the local board and the appeal board, apparently, under such rules and regulations as the President might prescribe. The President could not prescribe highly restricted regulations to cut out all this, I do not believe, if we adopted this amendment.

The third requirement: A quorum of any local board or appeal board shall be present during the registrant's personal appearance. During the registrant's personal appearance before the local board, there is no requirement now that a quorum be present. A quorum is directed to be present when they are making judgment decisions and audits. But the custom is to have at least two members of the local board present when a registrant makes a personal appearance.

That is a reasonable rule to have, at least to present, but only a majority. I want to make it clear that I favor only an actual majority rendering a decision. These burdens on the appeals board that they can hardly carry, I do not know where the appeals board, how far they average on being away, but I know that in my State, the appeals board is 250 miles from large areas of the State. I know that in other States it is bound to be even farther. Therefore, to insist on a quorum there for each registrant in his personal appearance is beyond reason.

Section (d) states:

(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

Well, I think there should be some evidence there of a written statement. That is my opinion about it. But there is no such requirement now. However, we can talk about that later.

Section (e) states in part:

(e) Each registrant shall further have the right to be represented before any such board by private counsel.

I judge that means that the attorney may come in with the registrant to advise him on things that come up during the hearing, but the attorney would not be permitted to argue the case and ask questions of witnesses, and so forth, as they do in an ordinary court.

But, anyway, adding all these together, and they do have to be added all together because they are in the amendment together, means an impossible burden upon the appeals board.

To convert these boards into a judicial authority and putting these impossible burdens upon them I think would mean, first, a wholesale exodus of these very fine people. Most of them are extraordinarily fine human beings who have been serving in these capacities and would like to continue to serve and more will be appointed both to the local board and the appeals board. I think that is the most serious point.

These matters can be made to look good on paper, but where are we going to get the men of the kind and character we must have to fill these positions?

I do not believe that anyone can answer that question with any assurance.

If the membership of the Senate could just be in this Chamber to hear these arguments and have these problems explained, I think they would fully understand the situation, but under the circumstances that this amendment is being considered now, it is very, very difficult.

Thus, I think the whole thing can be summed up as follows: That we are placing impossible requirements for the board to carry. If we are going to demand all these requirements to be met, then we will have to stop and create a system of taking testimony and adjudication. We will have to get someone on the board who is trained in judicial procedure. We will have to go to the taking and consideration of evidence, just as in a criminal case, or a civil case, with a jury in the box and witnesses who come in and laywers being present, all done under the guidance and direction and authority of a man that is a seasoned lawyer, trained in the law, experienced in trial work and the administration of justice.

Thus, if we were to adopt all the requirements of a court and put them onto these boards, they will not be able to carry the load. If we adopt all these requirements, then we will have to set up a judicial tribunal or one that is in the nature of a judicial tribunal. I think it comes down to that.

Now, Mr. President, I will be glad to yield time now.

Mr. KENNEDY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield to the Senator for a question if he wishes.

Mr. KENNEDY. I thank the Senator. In considering the procedural rights, I direct the Senator's attention to title B——

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes for the purpose of discussing the Senator's question, if that is what he wants to do.

Mr. KENNEDY. Section (b) states:

Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

So does not the Senator agree with me that we still have rules and regulations on certainly the number of witnesses. I do not think we expected, in terms of this amendment, to provide undue kinds of delays or undue kinds of appearances or unnecessary appearances. But does not the Senator agree with me that we do grant the President and the Director of Selective Service the opportunity to prescribe rules and regulations so that the number of witnesses could be reasonable?

Mr. STENNIS. Well, perhaps that would be a reasonable regulation about the number of witnesses, but if I may ask the Senator a question right there, on this section, when he states, "shall have the right to be accompanied and advised before any such board by private counsel," the Senator did not include in that provision the idea that the attorney can make a speech or make an argument to the board, did he? He would just want to assure the benefit of legal counsel, I suppose?

Mr. KENNEDY. That is correct. Perhaps the Senator from New York would like to comment on that, but what we are trying to do is not in any way to have the lawyer make an argument or involve himself in the cross-examination of witnesses, but he should be able to counsel and advise the registrant on the various rules and regulations that are applicable. Perhaps, on that point, I should yield to the Senator from New York——

Mr. STENNIS. May I ask the Senator one more question——

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. In just a moment, I will yield to the Senator whatever time he wishes, but I want to finish my question first, please.

As I understand it, the appearance of an attorney is not for the purpose of speaking. What about for the purpose of examining witnesses?

Mr. KENNEDY. I would expect not.

Mr. STENNIS. Yes; the Senator would not expect that.

Mr. KENNEDY. I would say not. It is a recognition that—if I could say it—a recognition that the Government appeal agents, who are the only source of advice to registrants today, really have a responsibility both to the Government as well as to the rights of the registrants in all matters. As Dr. Tarr stated to the Senator's committee, and as Dr. Tarr said himself, it would appear that the appeals agent has a conflict of interest.

But what we are trying to do in terms of this——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. KENNEDY. Mr. President, I yield 2 minutes to myself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, what we are trying to do in terms of this amendment is to provide that there be representation which has a responsibility only to the registrants.

Mr. STENNIS. Mr. President, I yield to the Senator from New York for a question.

Mr. JAVITS. I did not mean to intrude.

Mr. STENNIS. I understand.

Mr. JAVITS. Mr. President, what I had in mind was exactly what we do before committees. With the committee's permission a witness often appears with counsel at his side. The committee does not allow the counsel to speak, to argue, or to examine witnesses. However, counsel may tell the witness not to answer or to plead the fifth amendment. That is as far as it goes. However, it does give a sense of confidence to the person that he is not alone in the world. That is all.

Mr. STENNIS. There is no right to speak and no right to examine witnesses.

Mr. JAVITS. Exactly.

Mr. STENNIS. I thank the Senator. That is a very valuable statement.

Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from West Virginia such time as he requires.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished manager of the bill and the distinguished Senator from Ohio.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to propound the following unanimous-consent requests. May I say that I have discussed the requests with the distinguished manager of the bill and with the authors of the amendments which will be affected. I have also discussed the requests with the distinguished minority whip and with aides to the distinguished minority leader.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 11 A.M. MONDAY, JUNE 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) be laid before the Senate and made the pending business just before the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 123 by the Senator from Alaska be limited to 2 hours to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 10:30 tomorrow morning the Chair lay before the Senate amendment No. 123 of the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 123 on tomorrow, it proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of the Hatfield amendment No. 137 on tomorrow, it proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) be limited to 1 hour, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its consideration and disposition of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) on tomorrow, the amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 11:30 o'clock on Monday morning next, the Chair lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 127 of the Senator from Oregon (Mr. HATFIELD) be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) on Monday next, it proceed to the consideration of amendment No. 130 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous agreement with respect to amendments to amendments obtain with respect to the amendments I have just enumerated.

The PRESIDING OFFICER. With the provision for germaneness?

Mr. BYRD of West Virginia. That is correct. That is included, and so is the 20-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, I have just offered an amendment that the Senator from Mississippi (Mr. STENNIS) has not seen as yet. It will involve only, I hope, the necessary colloquy. It refers to cases where an act of Congress has been ratified and the action of the President has created some problem. There has been some colloquy about this. I hope that we could definitively get the matter clear.

I want to notify the manager of the bill that such an amendment has been offered. I would be willing to agree on a reasonable time.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator, and we will keep that in mind. I ask unanimous consent that the time on amendments to amendments be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. CASE. Mr. President, reserving the right to object—and I shall not object, I do it merely to seek information—when is the cloture motion coming up?

Mr. BYRD of West Virginia. Mr. President, I am glad the Senator raised that question. I say in response to the Senator from New Jersey (Mr. CASE) that it is the intention of the leadership—not myself—to offer the cloture motion on Monday next and the vote would then occur thereon on Wednesday next.

Mr. CASE. But not the vote on the cloture motion.

Mr. BYRD of West Virginia. Mr. President, the vote on the cloture motion would occur on Wednesday. The distinguished majority leader wanted me to make it clear that the Senate will be voting on Monday and expects to have rollcall votes on Tuesday. Of course, the rollcall vote on the cloture motion would be on Wednesday, as I have stated.

Mr. JAVITS. Mr. President, whenever the cloture motion is filed, I hope they will protect the amendments at the desk so that we do not have to go through the gyrations of having exact compliance with the rules and reading them all over again.

Mr. BYRD of West Virginia. Mr. President, the Senator's request has been noted, and, with the approval of the distinguished manager of the bill, there will be no problem, I am sure.

Mr. GRAVEL. Mr. President, I believe that there will have to be a unanimous-consent request by the Senator from New York.

Mr. JAVITS. Except that they will be laying them down and when they do they can take care of it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 125 and No. 150 by the Senator from Alaska (Mr. Gravel); No. 117, and Nos. 127–134, and 137 through 138 inclusive by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 123 by the Senator from Alaska (Mr. Gravel).

Ordered further, That on June 18, 1971, at 10:30 a.m. amendment No. 123 be laid before the Senate.

After the disposition of amendment No. 123, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it on the list is disposed of: amendment No. 137 by the Senator from Oregon (Mr. Hatfield); amendment No. 150 by the Senator from Alaska (Mr. Gravel); and amendment No. 127 by the Senator from Oregon (Mr. Hatfield) but debate on this amendment will not be controlled until Monday, June 21, 1971.

Ordered further, That on June 21, 1971, at 11:30 a.m. amendment No. 127 be laid before the Senate. After the disposition of amendment No. 127, the Chair will lay before the Senate amendment No. 130 by the Senator from Oregon (Mr. Hatfield).

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree), except on amendments numbered 123, 127, 130, 137, and 150 on which the time on all amendments to amendments will be controlled by the mover of the amendment in the second degree and the manager of the bill.

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal years 1972; and for other purposes.

AMENDMENT NO. 139

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes to the Senator from Ohio. If he does not use it all, he can yield it back.

Mr. SAXBE. Mr. President, I rise to discuss this amendment because I have some familiarity with the operation of local boards and appeal boards. I recognize that in this amendment there are some meritorious points made. There are several that are now covered by regulations in the Selective Service System which extend to a registrant certain privileges.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, these would be in the law if the amendment were agreed to. However, I would like to call the attention of Members of the Senate to the fact that the Selective Service System is a voluntary institution. It is made up of laymen, people in the community who serve without remuneration.

I might add that it is sometimes extremely difficult to obtain them. They are patriotic persons who are willing to devote 1 night a week and additional time to attending meetings of this local board. They are not learned in the law. Their primary function is to make findings of fact. They are directed by local board directives put out from the national headquarters and a body of information that has been built up over the years.

These are not easy decisions. The decisions are many times difficult, especially when the press is great and men are being called away from their families and men are being called perhaps from critical employment, and sometimes persons who think themselves not qualified for the military or subject to a deferment feel themselves unjustly put upon.

Usually the 660 appeal boards—I believe that is the number—are located some distance from the local board and, again, their members serve voluntarily and, again, they are hard to obtain because of the demands on the time of the individual. These men are patriotic individuals who devote their time because they feel the system should function and the system has functioned over the years The system has operated much better than many people would admit today. Certainly, during the period of the Second World War it operated under a pressure that is hard to contemplate today.

This amendment would place a burden on the members of the local board and the appeal boards that I believe they are incapable of bearing, a burden to permit a lawyer to sit in with them, to advise the registrant, and then to go with him to the appeal board, if necessary, and to provide him with a lawyer, if he is not capable of providing one himself.

I was interested that the Senator from Massachusetts would advance this proposal because in his opposition to the volunteer army he repeatedly referred to the fact that we would have a poor man's army. I cannot help but feel as the result of considering this amendment that this would insure a poor man's army under selective service because even today, with the safeguards that are in the law, any person who can afford a lawyer and wants to fight induction pretty well escapes induction. He can stall until his time runs out and this has been proven many times.

Certainly with the requirements on the time of members of appeal boards, giving one-half hour apiece to the 120,000 who appeal even now, we would have to have full-time members of the appeal board. We would have to hire members for the appeal boards because no matter how patriotic a man might be he could not devote the time necessary to sit on the appeal board when these requirements had to be met.

I also feel that the poor man from Alexandria who would have to travel to Richmond to appear before an appeal board would not go, whether he had a lawyer or not. He would not go because he could not afford to take a day off from his job. I believe that Richmond is the nearest appeal board for residents of Alexandria. The young man of affluence could go to Richmond and take his lawyer with him.

I do not believe the young man who would have to subscribe to a pauper's oath in order to get legal assistance would do so. He would go in and they would ask if he has an automobile, and this and that. If he said he owned an automobile they would say that he could afford to hire a lawyer. The bar association is rather particular on this point. They do not volunteer for someone who is driving his own automobile or who has any resources at all.

However, the rich father could see that the young man is represented by the best attorney in the country and he would be.

I believe it would work an injustice on the operation of the Selective Service System. It would mean that those who were subject to appointed attorneys would fare less better than those able to hire a specialist. Specialists would appear soon after the enactment of such a law. There would be specialists. I can imagine an unscrupulous draft board clerk who would say, "Go down and see so and so. He can spring you on this deal."

It would lead, I believe, to ethical problems in regard to the operation of local boards.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. TOWER. Mr. President, I am very interested in the reasoning of the Senator from Ohio, and I think it is correct.

Would this proposal not raise another possibility and that is the possibility of lawyers who are not very good lawyers going out and promoting business for themselves, perhaps cluttering up the draft board with "lawyerizing," so to speak?

Mr. SAXBE. I think so. There would be an obvious attempt to wear out the cases. This is always a device of the competent lawyer. He can wear out the case. Time is a factor. When the young man approaches the age where he is no longer liable for the draft, he can approach it in the courts.

Everyone today who says he is not going to take the step forward when he is told to step forward has the right to raise those points, but to raise those legal issues at the local board level where there is a group of individuals who are only qualified to make findings of fact, and to raise them before a volunteer board where the members are not learned in the law, would give an advantage to those who have the time and the money to fight the system.

I think it would be a disservice to those boards who have done a good job over the years and a disservice to those individuals who, when called by their local boards, proceed as directed and raise their right hands and serve in the Armed Forces.

The **PRESIDING OFFICER.** The time allotted to the Senator has expired.

Mr. **KENNEDY.** Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **BYRD** of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. **KENNEDY.** I yield.

YEAS AND NAYS ORDERED ON AMENDMENTS 127 AND 137

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 127 and amendment No. 137.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD** of West Virginia. Mr. President, I ask for the yeas and nays on those two amendments.

The yeas and nays were ordered.

Mr. **KENNEDY.** Mr. President, I yield myself 4 minutes.

The **PRESIDING OFFICER.** The Senator from Massachusetts is recognized for 4 minutes.

Mr. **KENNEDY.** Mr. President, the point is made that the Selective Service System and the boards are rather fragile. So is the jury system in this country.

The average man in our Nation is making very important decisions on a variety of questions, on the most complicated antitrust cases, corporate cases and criminal cases as member of a jury.

The decisions local board members make on issues presented to them are similar to decisions which members of juries are making now. They are matters or judgment based on testimony by witnesses. I was interested in the statement of the Senator from Ohio questioning why I would offer such an amendment when I am opposed to the volunteer army. One of the questions involved will be the question of hardship deferments; the other question will be conscientious objectors. Those are the two major deferments remaining.

I think if people are raising the question of hardship because they are looking after their families, they should be able to be represented or at least to get some kind of rights and due process.

I am amazed that we are balancing the inconvenience of a selective service board member against a young American who is asked to go to South Vietnam to fight and die. We are asked whether we want to bother that board member to come down on a Tuesday night and make a quorum.

What do we have at present? All that is needed is a quorum at the time the decision is made. Certainly, if we are interested in providing fairness to the young men who are being selected and who may have deep beliefs about conscientious objection or questions involving hardships to their family, they ought to be entitled to have a quorum as the board hear their cases.

These are very basic and fundamental questions. We afford those rights to the petty criminal who steals $20 or $30. He is entitled, under Supreme Court decisions, to representation by a lawyer. Yet we get someone who may very well be called upon to go to Southeast Asia and die and we refuse to inconvenience the members of the selective service board. I have greater confidence in the willingness of the American people to give up time and to go to the board and participate in the decisions.

I am completely in accord with the opinion of the Senator from Ohio that, generally, the selective service boards have performed an amazingly good service. The system is an institution that is virtually devoid of any kind of corruption or evil influence.

Let me mention a couple of matters finally. At the present time what we are trying to do is insure a quorum at the time of appearance. There is a requirement of a quorum at the time of the decisions, so we are not really making a significant adjustment in the law. We are simply assuring a quorum at the time of the appearance.

The second point involves what is now a discretionary matter. In some jurisdictions they may present witnesses. In others they do not. All we are trying to do is provide that all registrants, regardless where they live, may present witnesses. In some jurisdictions they do; in some jurisdictions they do not, but obviously in places where they have decided there is a right to present witnesses, they feel that right is important both to the board and the registrant.

Third, with reference to the question of counsel, as the Senator from New York has mentioned, we afford that right to an individual who appears before a congressional committee. We afford him the right to be accompanied and advised by an attorney. Why should not those who may be selected to fight in Vietnam have that same kind of protection?

Finally, we are asking that the decisions be written, because that is important with respect to questions that are brought upon appeal or that go to a higher authority. They virtually do not know what the basis of the decision was at the local board level because nothing is written. All we are saying is that, in terms of appeal, if the decisions are written, due process will be provided the individual registrants.

Mr. **STENNIS.** Mr. President, will the Senator yield briefly for a question right there?

Mr. **KENNEDY.** I yield.

Mr. **STENNIS.** The Senator understands that there are a great number of cases pending before the boards. They consider them partly at one time, and partly at another time, and then finish them up. Sometimes at those meetings 2 or 3 dozen, or perhaps 50, cases will be disposed of. If each decision must be accompanied by a written statement, that will amount to a mountain——

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **KENNEDY.** Mr. President, I yield myself 5 minutes.

How much time do I have?

The **PRESIDING OFFICER.** The Senator has 25 minutes.

Mr. **STENNIS.** Mr. President, I will yield the Senator 5 minutes.

In a very short period of time, there will be an accumulation of a mountain of decisions if every decision must be accompanied by a written statement. It would be a question of putting out what is the case and what is the decision. I just point out that it would be an impossible requirement to comply with. If the matter is not appealed or contested in any way, it is accepted and there is no reason for a written decision.

I know the Senator's intention is good, but it involves a construction of how this requirement would be applied, when something less than this could serve the purpose the Senator has in mind.

Mr. **KENNEDY.** The point remains that at the time when these decisions would go through an appellate procedure, for example, there would be absolutely no way of knowing what the basis of the rejection by those at the lower level was.

I think if an observation had been made at the local level and made by a quorum of that board, it would provide enormously helpful and valuable time saving for those at the appellate level. I suggest that these recommendations will actually avoid litigation and provide for less delay in the system, because they will provide and give a better source of information regarding the situation on the registrant. I believe that at the local as well as the appellate level they will be able to make decisions which will be upheld in any kind of court. Actually, this requirement will be a timesaving rather than a delaying feature.

Mr. **STENNIS.** Mr. President, if the Senator will yield one minute further, as the Senator well understands, many of these decisions are more or less automatic. There will be 100 men whom the doctor reports as being 4–F. The board just accepts that classification. There is no contest about it, and they go into their respective categories. Still, under the amendment as written, the Senator would require a written statement that applied to all of them. That is one illustration.

Mr. **KENNEDY.** We are not asking for decisions when there is agreement only when a registrant's claim is rejected. Nor are setting requirements on the length of statements. I think one line or two lines explaining the fact that a person has been classified as 4–F would fill the requirement.

Mr. **STENNIS.** Mr. President, if the Senator will yield further, his amendment requires setting forth the decision. I imagine the Senator has in mind that, if there is a contest or an appeal about case X, then they could call on the board to get a written statement and include therein the reason for the decision. Would not that meet the requirement of what the Senator had in mind?

Mr. KENNEDY. Yes, that would meet the requirement.

Mr. STENNIS. I thank the Senator.

Mr. KENNEDY. Let me say finally that this amendment has been endorsed by the bar association, by the special committee on rights and liberties. I think what we are attempting to balance here is the convenience of this system with the rather basic and fundamental rights of registrants who are going to be called upon in some cases to make the supreme sacrifice. It seems to me it is important at this time, when we are attempting to devise a Selective Service System, that we insure that those who will be selected will be given the full rights and guarantees that we accord to others in our society.

Mr. President, I am prepared to yield back the balance of my time.

Mr. SAXBE. Mr. President, I would like 1 minute.

Mr. STENNIS. The Senator from South Carolina (Mr. THURMOND) had asked for some time. How much time did the Senator want?

Mr. THURMOND. About 8 or 9 minutes.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to Amendment No. 139 offered by the distinguished Senator from Massachusetts (Mr. KENNEDY), to the selective service bill.

This amendment is far-reaching and would result in tremendous administrative problems for the Selective Service System.

In effect, the amendment sets up the Selective Service System and especially the over 4,000 draft boards around the country as miniature courtrooms.

It takes the view that if a man is called to service he apparently faces some punishment in having to put on our Nation's uniform and is, therefore, due all the rights of an accused man in court.

Some of the proposals in this amendment sound reasonable but most amount to aiding men who are opposed to military service to such a degree that draft boards would bog down in hearings and appeals.

Presently the Selective Service System allows several levels of appeal over the decision of the local draft board. The individual may appeal to the State and national offices. Some cases under present procedures can be delayed for many months.

Therefore, it cannot be said the present laws do not provide adequate safeguards for young men who have special reasons for not wishing to enter military service.

Mr. President, I would like to cite briefly the four major provisions of the pending amendment and comment upon several of them. The four key parts provide for:

First, personal appearances at appeal boards.

Second, requirement that a quorum of a local or appeal board be present for personal appearances.

Third, written statement supporting the decisions by a local or appeal board.

Fourth, right to legal counsel and right to present witnesses at all appearances before any board of the Selective Service System.

Mr. President, I would like to comment on the section that provides that the registrant be afforded the opportunity to appear in person before any appeal board of the System.

This provision sounds reasonable but the Selective Service is convinced that the backlog of appealed cases which would result from the requirement would so increase in number that any registrant who did take an appeal might virtually be granted a deferment past age 18 for a long period of time.

The Selective Service System has approximately 120 appeal boards manned by 660 uncompensated personnel. These people consider approximately 120,000 appeals annually. To require these boards to sit at least one-half hour for a personal appearance in every appeal—60,000 hours—would be to require their members to devote at least 10 hours each week to personal appearances without regard to time spent reviewing cover sheets or making classification decisions.

Mr. President, these board members are uncompensated and in most cases have other jobs. It seems doubtful that they would be able to handle these appearances which would spiral as registrants and draft counselors become aware of the delay inherent in an appeal.

Selective Service feels also that this provision might hurt those individuals it sought to help—the poor and uneducated. Very likely it would be the poor and uneducated who would, first, not be aware of this avenue of delay and therefore would be inducted in place of those who were effectively using it, or second, not be able to afford either the time off from work or the travel costs to the appeal board to have a personal appearance.

There is another part of this amendment I would like to comment on also. That is the part allowing the registrant the right to legal counsel and presentation of witnesses.

As I mentioned earlier in my remarks, this provision would result in the meetings between the local board and the registrant being converted into a full-scale judicial proceeding. Selective Service feels this is inappropriate considering that military service should be viewed as a privilege and not a criminal punishment.

The great majority of local board members are not attorneys by profession and would therefore not be well versed on all the legal technicalities which might be presented by the registrant on advice of his counsel.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Louisiana.

Mr. LONG. Can the Senator tell me whether the amendment we are discussing here provides, directly or by inference, as to how much evidence that board must hear, once the lawyer comes in there and starts presenting it?

Mr. THURMOND. Mr. President, the amendment does not say how long it could go on. I think the Senator has raised a very interesting point, if a registrant decided to appeal, as to just how long he could take, whether 1 hour, 1 day, or 1 week.

Mr. LONG. Does it not seem logical, if we are going to accord each person subject to the draft the right to a personal appearance, to bring his lawyer, and to present his case, his arguments, and his evidence, that implicit in that right there are going to be the ordinary rights that exist in any court, including the right to require that all evidence relevant to the case be heard. If a lawyer becomes one of the experts in defending these cases before a board, and achieves a reputation for being able to either get people off or delay interminably the time they have before they go, does it not stand to reason that any good lawyer in an area who is specializing in defending people against being drafted would then proceed to avail himself of all the time that he can use, to drag out the proceedings, to present volumes upon volumes of evidence, to call witnesses and insist there are other witnesses not available, but who could be brought there at a future meeting, and to drag these cases out so long that the board would be tied up interminably waiting to hear them, so that members of the board would be forced to resign voluntarily because members would not have the time to stay there and make a quorum——

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield the Senator 4 additional minutes.

Mr. LONG. Is that not correct? The amendment requires a quorum of the board to be present to hear the case; so all a lawyer has to do is drag these cases out, if he has a number of such clients, so that the members of the board find that, without compensation, they do not have time to hear the cases; and, in the absence of a quorum, nobody could ever be drafted.

Mr. THURMOND. Mr. President, I think that would have been the case prior to the amendment. The amendment has been amended, as I understand it, so that the lawyer could not speak, but would merely be there to advise the registrant. Of course, he could advise the registrant to handle himself in the same way. Possibly the same end could be accomplished if, as was pointed out by the Senator, the lawyer were allowed to speak.

Mr. LONG. If you are going to permit a person the right to be there with his lawyer in the first place, what sense does it make to deny the lawyer the right to plead the case? What sense does it make to deny a lawyer the right to plead his lawsuit?

Mr. THURMOND. As I understand, the author of the amendment feels he would just have him there to advise and counsel. Understand, I am not in favor of that position.

Mr. LONG. But what, in the name of commonsense, is the difference between letting the lawyer plead the lawsuit and letting the lawyer whisper to the man being drafted, "Now you say this, now you say that, and now you say the other." Actually, in the interests of time, if the thing is going to drag out interminably anyway, would it not be more efficient to let the lawyer say it himself, rather than have the lawyer first whisper it into the man's ear, and then have the man state the question, thus requiring that everything be said twice?

Mr. THURMOND. There is much merit in what the Senator says.

Mr. LONG. If we are going to require the board to hear these witnesses and this evidence by pursuing that logic, would it not be just as logical that they be required to hear the questions and arguments of counsel as well?

Mr. THURMOND. Mr. President, I think there is great logic in what the Senator from Louisiana has had to say.

Thus, it is believed that local board members would have to be represented and advised by legal counsel if the registrant were advised by counsel. This, along with the presentation of witnesses by the registrant, would greatly prolong the proceedings as legal points were discussed.

Further, it is felt that inequities in the system might be increased rather than reduced by the requirement of counsel at all local board meetings with the registrant. Some attorneys would be more zealous and knowledgeable than others, and it is probably safe to assume that middle- and upper-income registrants would be able to hire the more zealous, qualified, and committed draft lawyers to assist them. Thus, the poor and uneducated might be hurt rather than helped by this provision as more of the rich and middle class escaped induction through procedural technicalities.

Also, in a final comment on this point, the Senate should realize that the registrant's rights are already protected under the currently operating mechanism of the Selective Service System. If a young man feels that his case has not been fully considered, he may request a personal appearance before the local board to discuss the classification. If the young man feels that the local board still has not correctly considered his information, he can appeal his classification to an appeal board. In addition, a Government appeal agent is appointed for each board to advise the registrant of his rights. Finally, the registrant is completely free to consult with his own attorney about the facts of his case—outside the local board meeting.

Mr. President, I am opposed to this amendment on the grounds that our present system is working fairly and justly, and the judicial elements of the courtroom are not needed at the draft board.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from Mississippi.

Mr. President, I have listened to this debate with great interest. There is no doubt in my mind that, on initial reading of this proposal by the Senator from Massachusetts, a person would be affected by it. But very serious problems have been brought up. One problem has been brought up by the Senator from Louisiana, and it is really of great significance. If each person has a right to present testimony before an appeal board or before a local board, as long as he wants to, whether it is called a filibuster or whatever else, he can wear out the local officials totally, so that they will not have time, unless they happen to be fairly wealthy retired people.

What we have been trying to do with respect to local boards throughout the country is to get volunteers from our younger group of people, who are employed, and who will do this on a voluntary basis, either at night or part-time during the day. So it would seem to me that with a determined group of people—which we have in this country—who say that they are not going to be drafted if they can possibly avoid it, the local board could be worn out almost totally, and it would probably cause a breakdown in the local board system as well as the appellate system.

Subsection (d) reads:

> Every decision by a local board or appellate board shall be accompanied by a written statement setting forth the reasons for the decision.

I am a lawyer, and I would presume that this would mean that this would be true even where they agreed with the person's complaint—namely, that he had a physical disability or something of this kind.

This seems to me to mean that they would need not only the present clerk of the court but also additional stenographic help, just to be able to put this together, at greatly increased cost, without increased efficiency.

The only real purpose, as the Senator from Massachusetts has admitted, for having a written decision is when one wants to appeal from it. If the board already has agreed with the person, what in the world is the reason for having a written decision? Yet, that would be required under the wording of this amendment.

I have listened to the debate, as I have said, and I am interested in the statements of the Senator from Louisiana, the Senator from South Carolina, and the Senator from Ohio that if you are going to have a lawyer accompany and advise you, what is the difference between that and having a lawyer represent you? The only difference is that the client gets up and testifies to what the lawyer tells him to say, instead of the lawyer saying it himself. If you get some of the people I have run into who have been complaining about draft boards and their decisions and the question of whether the whole Selective Service Act is constitutional, you have people there who can talk just as long as a lawyer, without any problem whatever, in trying to confuse the issue.

I think some other features of the amendment would be burdensome.

> The registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

This would require the President of the United States, with all the other duties he has, to delegate to someone on his staff—it does not give the right of delegation, although I am sure it is assumed—the writing of national rules and regulations which would be applicable, so far as I can see, to every local and appellate board in the country.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

Mr. DOMINICK. This amendment would turn the Selective Service System—which has been largely based on local board decisions, and so structured initially in order to get it out of the Federal orbit—into one more degree of centralization. One of the things we have been trying to do over and over again in our Government is try to diversify government, not to further centralize it; and that very provision would further centralize what must be done before anybody could validly be put within the Selective Service System.

I do not know what quorums are in local boards or appeal boards. I would suspect that they are different in different States and in different appellate systems. I would suspect that in some of them, as we have done in the Committee on Labor and Public Welfare, they have said that one-third of the membership present is a quorum. In other places, I would suspect they would say that half is a quorum. This means we would have rules and regulations on a national system, just for the purpose of procedure, to determine what a quorum would be.

For all these reasons, the reasons expressed by the other opponents of this amendment, and because I think it would bog down the opportunity to get to a true voluntary system—I am a believer in the voluntary army, and I have been voting that way throughout—I would be strongly opposed to the adoption of this amendment.

I yield back to the distinguished Senator from Mississippi whatever time I have remaining.

The **PRESIDING OFFICER.** Who yields time?

Mr. STENNIS. Mr. President, I will not prolong the debate. I will take only a few minutes. I yield myself 3 minutes.

Mr. President, where is the proof about any great number of wrongdoings by these boards?

They have passed on hundreds of thousands of cases, millions of cases, during the last few years. I have heard of very few cases that have not stood up in court.

I return to the question of presenting evidence to the local boards, evidence to the appeal board. How much evidence? How many witnesses? There is no limitation whatever here. Many want to kill the Selective Service Act, anyway. It will be "goodbye Katy" if this amendment becomes law, because it is impossible to carry out its provisions. We would be creating a court of law, with no judge, no one trained in the law or in evidence or in procedure, no directing head.

There would be a great exodus of the membership of these boards. They would not want any of the boards to continue. Everyone else in the community would be against coming in. That is one way to kill the whole system. We would be creating a tribunal, a court of law; and I predict that if this amendment becomes law, it will be impossible in many areas of the country to get the job done. It takes a court, a judge, someone who knows the subject matter of these procedural requirements. These are largely the requirements of the common law of England, the common law of our States, and everything else all cranked into one.

I do not want to prolong the argument, Mr. President, but I am responsible for saying that this is an impossible system, however well it may look on paper, and it cannot be carried out. It is too broad.

Substantial justice has been done in this country since 1948 in millions and millions of cases. I believe we have the only system now that can properly carry it out, with these members, who are willing to give some of their time and their judgment and go down the street and meet the mothers, sisters, and brothers of those boys on whom they have passed with a clear conscience. I appeal for a continuation of this system. Of course, it is not perfect, but what is?

Mr. President, I yield the floor.

Mr. HARRIS. Mr. President, I rise to offer my support for the amendment introduced by Senator KENNEDY.

Because a decision in selective service matters directly and decisively affects the life of an individual, his understanding of the laws involved, his familiarity with the options open to him, and the opportunity to participate significantly in that decision are vital to the protection of his rights as an individual. Unfortunately, due to inequalities in background or differences in local board procedures, the opportunity for involvement of registrants in the selective process of local and appeal boards is neither equal nor consistent. This amendment goes a long way toward correcting these injustices.

First, a correction long overdue offers the registrant the right to council, providing funds for those unable to pay legal fees. In a system of government which has long recognized the prerogative of counsel in legal matters of great or small consequence, the failure to recognize such a need in a process which invariably alters an individual's life cannot be allowed to continue. Familiarity with selective service options is the key element to the protection of an individual's rights. In the past this familiarity has often been synonymous with the ability to pay for legal advice, thus perpetuating a basic inequality in the Selective Service System.

Second, the bill offers three amendments which increase the involvement of an individual in the selective service process. Two of these amendments concern the right to appear in person before both local and appeal boards, and the requirement of a quorum during such appearances. The first gives the individual the right to personally state his position; the latter guarantees that those with the authority to judge his sincerity must be witness to his presentation. The third affirms the right of an individual to use witnesses in his presentation, an opportunity presently offered solely at the discretion of the board. This inconsistency perpetuates another inequality in the Selective Service System.

Last, the amendment requires a written explanation of a board's decision. This guarantees that an individual's carefully prepared case will not be lightly taken and strengthens his ability to appeal what he might feel constitutes an unjust decision. To be denied an understanding of the basis of a board's ruling is a serious handicap in a preparation to appeal it.

When an individual's future stands subject to significant change, it is his right to be involved in determining the course of that change. I offer my support to this amendment because it increases the opportunity for and probability of the consistently equal participation of those affected by the selective service laws and affords them the opportunity to fully appreciate the options open to them.

Mr. KENNEDY. Mr. President, I yield myself 1 minute to say that we afford the same rights to companies and corporations that pollute the atmosphere and come before the Environmental Protection Administration. We afford the same rights to corporations who appear before the Federal Communications Commission. We afford the same rights to tax delinquents who come before the Internal Revenue Service. I say that we can afford to provide the same kind of basic, fundamental rights to those who might be asked to make the supreme sacrifice for their country. That is all we are trying to do in terms of this amendment.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment (No. 139) of the Senator from Massachusetts (Mr. KENNEDY).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the distinguished senior Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from California (Mr. TUNNEY) would each vote "yea".

Mr. SAXBE. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachuetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), the Senator from Ohio (Mr. TAFT), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from Utah (Mr. BENNETT), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay".

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Delaware (Mr. BOGGS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Delaware would vote "nay".

The result was announced—yeas 32, nays 44, as follows:

[No. 103 Leg.]

YEAS—32

Bayh
Bentsen
Burdick
Byrd, W. Va.
Case
Cook
Eagleton
Gravel
Harris
Hart
Hatfield
Hughes
Humphrey
Javits
Kennedy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington

NAYS—44

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bible
Byrd, Va.
Cannon
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Moss
Pastore
Pearson
Prouty
Roth
Saxbe
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED

Magnuson, for.

NOT VOTING—23

Bennett
Boggs
Brock
Brooke
Buckley
Chiles
Church
Cranston
Ellender
Fulbright
Goldwater
Griffin
Hartke
Inouye
Jackson
Mundt
Muskie
Packwood
Scott
Spong
Taft
Tunney
Williams

So Mr. KENNEDY's amendment (No. 139) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF VOTES ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no further rollcall votes tonight.

The amendment which previously had been scheduled for action at this time has been put over until tomorrow because of the fact that the author of the amendment had a dental problem that required attention.

The Senate will come in at 10 o'clock tomorrow morning. There will be action on three amendments tomorrow. The yeas and nays have been ordered on two amendments, and it is expected that the yeas and nays will be requested on the third amendment. It is not anticipated that there will be any rollcall votes after 3:30 p.m. tomorrow.

The distinguished majority leader, I repeat, has asked me to state that a cloture motion will be offered on Monday.

ORDER FOR ADJOURNMENT FROM TUESDAY, JUNE 22, 1971, UNTIL NOON ON WEDNESDAY, JUNE 23, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a cloture motion will be offered on Monday, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in adjournment until 12 o'clock noon on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENCE OF AMENDMENTS ON TOMORROW

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. On the votes tomorrow we cannot tell definitely, but I believe we will move along fairly fast, at least on some of them. Probably some of the time will be yielded back.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, for the information of the Senate, amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) will be laid before the Senate and made the pending business shortly. There will be no action on it this evening. An agreement has been entered into whereby there is a limitation of 2 hours on that amendment. The Senate will proceed to the consideration of that amendment at 10:30 tomorrow morning. If all the time is used on that amendment—and, of course, some of the time could be yielded back—a vote will occur on amendment No. 123 at about 12:30 p.m. tomorrow.

Upon disposition of that amendment the Senate will proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD), which was originally scheduled for today. An agreement limiting time thereon to 1 hour has been entered into. The yeas and nays have been ordered on both amendments, No. 123 and No. 137.

Following the vote on amendment No. 137 the Senate will proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL). An agreement has been entered into limiting the time thereon to 1 hour.

When that amendment is disposed of tomorrow, the Chair will lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD). It will be made the pending business and on Monday next at 11:30 a.m. the Chair will lay before the Senate that amendment. A time limitation of 1 hour thereon has been entered into and the yeas and nays have been ordered on that amendment for Monday.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, we all owe a debt of gratitude to the Senator from West Virginia for these agreements. He has worked long and laboriously in working out these matters in a splendid fashion.

Tomorrow morning the first amendment will be contested, but I think probably both sides will yield back some time, so the vote may come before 12:30.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill. I claim no credit—I have done only what was authorized by the majority leader—but I want to express my appreciation to the manager of the bill and to the leadership of the minority and to all Senators who have cooperated so splendidly in working out these time limitations.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virgina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that various amendments have been scheduled for tomorrow, the time sequence has been finalized, and agreements limiting time thereon have been entered into, I ask unanimous consent that the Pastore germaneness rule be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME SET FOR CLOTURE VOTE

Mr. BYRD of West Virginia. Mr. President, lest there be some confusion resulting from my having by unanimous consent set an hour for the convening of the Senate on Wednesday next, let the RECORD be clear that there will continue to be action on amendments on Monday and Tuesday next.

I have merely set the convening time at 12 o'clock on Wednesday next so that Senators will be apprised of the approximate time for a vote on the cloture motion on that day. Under rule XXII, the vote on the cloture motion would occur on the second day on which the Senate is in session following the day the motion was introduced—in other words, the following calendar day but one—and then 1 hour after the Senate convenes on that day; to wit, Wednesday of next week, the Chair must automatically ask for a quorum call.

When the presence of a quorum is established, the rollcall on the motion to invoke cloture would be automatic under the rule. Consequently, that rollcall vote—depending on how long it takes, of course, to establish the presence of a quorum—would occur at around 1:15 p.m. on Wednesday next.

In the meantime, as already indicated, there will be action on amendments on Monday and Mr. MANSFIELD wanted me to make it indubitably clear that there will be action on amendments throughout the day on Tuesday. Hence, my having emphasized the fact a number of times now.

AMENDMENT NO. 123

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the

Senate amendment No. 123 by Mr. Gravel; that it may be made the pending business, with the understanding that time will not begin to run thereon until it is laid before the Senate by the Chair tomorrow morning at 10:30 o'clock.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment (No. 123) as follows:

On page 21, lines 21 and 22, and on page 22, line 20 strike out the words "whether or not a state of war exists" and in both places insert in lieu thereof "when a state of war declared by the Congress exists".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

At 10:30 a.m. the Chair will lay before the Senate the pending amendment, which is amendment No. 123 by Mr. Gravel. Time on the Gravel amendment No. 123 will be limited to 2 hours. The yeas and nays have been ordered on that amendment.

Upon the disposition of the Gravel amendment No. 123, the Senate will proceed to the consideration of amendment No. 137, the mover of which is Mr. Hatfield. An agreement has been entered into limiting the time thereon to 1 hour. The yeas and nays have been ordered thereon, and that will be the second rollcall vote for tomorrow.

Upon the disposition of the Hatfield amendment No. 137, the Senate will proceed to the consideration of amendment No. 150 by Mr. Gravel. An agreement has been entered into limiting the time thereon to 1 hour. A rollcall vote thereon is likely.

Upon the disposition of amendment No. 150 by Mr. Gravel, the Chair will lay before the Senate, under the agreement already entered into, amendment No. 127 by Mr. Hatfield, which will be made the pending business for Monday next.

The Pastore germaneness rule has been waived for tomorrow.

When the Senate completes its business tomorrow, under the previous order—which, of course, is subject to change—it will stand in adjournment until 11 a.m. on Monday next.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 18, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 17, 1971:

U.S. District Courts

Aldon J. Anderson, of Utah, to be a U.S district judge for the district of Utah, vice A. Sherman Christensen, retiring.

CONFIRMATION

Executive nominations confirmed by Senate June 17, 1971:

Securities and Exchange Commission

A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1976.

Council of Economic Advisers

Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

HOUSE OF REPRESENTATIVES—*Thursday, June 17, 1971*

The House met at 11 o'clock a.m.

Rabbi Chaim U. Lipschitz, managing editor, the Jewish Press, Brooklyn, N.Y., offered the following prayer:

Our G-d, and G-d of our Fathers, reign Thou in Thy glory over the whole universe, and be exalted, above all in Thy honor.

Shine forth in the splendor and excellence of Thy might upon all the inhabitants of Thy world.

All who were created will understand that Thou hast created them. Let all those who breathe, call out, "The L-rd our G-d ruleth over all." Satisfy us with and gladden us with Thy salvation.

May G-d bless this country so that it should continue to prosper in the path of true democracy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

RABBI DR. CHAIM U. LIPSCHITZ

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, it is indeed an honor and privilege to welcome Rabbi Dr. Chaim U. Lipschitz and to thank him for the moving prayer with which he opened today's session of the House of Representatives. I have known Rabbi Lipschitz for the many years that he has been a leader in Brooklyn's Jewish Community. Rabbi Lipschitz was born in Jerusalem, the son of Grand Rabbi Moses Lipschitz. After completing his studies in Israel he served with the American Consul General in Israel starting in 1936. Two years later he came to this country and the Congregation Chevra Machzikai Hadaath in Philadelphia. In 1951, he came to lead the Ohev Sholom congregation in Brooklyn. He is a charter member and a member of the Presidium of the Metropolitan Orthodox Board of Rabbis. And he is many things more; author, editor, newspaperman, and originator of radio and television programs concerned with the way of life of American Jewry. He is an activist in the finest sense of the word in the fields of human rights, education, antidiscrimination, and health care. He is a cultured, humane, hard-working man of God who has spent his life helping his fellow man. And we are indeed gratified that he is with us here this morning.

EMERGENCY INDEMNITY PAYMENTS TO FARMERS

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, yesterday I, along with the esteemed gentleman from South Carolina (Mr. McMillan), introduced the bill H.R. 9205. This bill would provide emergency indemnity payments to any farmers who suffer total economic loss as the result of a natural disaster.

The need for this legislation was brought home to me last week when a severe hailstorm struck my district, wiping out numbers of tomato and cucumber farmers just as they were ready to pick their crops.

Now, these men cannot be helped by emergency loans. Only last year they were nearly destroyed by a drought and have borrowed to the limits of their credit. Unless they are helped by indemnity payments they—and all those dependent on them for jobs and business—will be ruined.

Rather than introduce a private relief measure, we have introduced general legislation. I am sure that Charleston County is not unique. Other farmers are being ruined by similar catastrophes. If we are to preserve our farms, this body must take some action to protect our farmers from such natural disasters. I hope my colleagues will give this their consideration.

DISCLOSURES OF MATERIAL ON THE VIETNAM WAR

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, I was amazed to read in the Washington Post this morning the feature story whose headlines read, "He didn't lie."

Mr. Speaker, I have no knowledge of anyone's calling this distinguished gentleman a liar or stating that he did lie. However, the cloud overhanging the recent disclosures of the New York Times probably dictated the denial.

Mr. Speaker, I am reminded of the quotation, "The wicked flee when no man pursueth: but the righteous are as bold as the lion."

Mr. Speaker, it seems to me the basis of the reassessment of the causes of the war in Vietnam by Mr. McNamara was that this genius of Edsel fame lost track of the causes and the course of this awful war.

It seems to me that even the people who are the architects of the war in Vietnam forgot why they were there and why it was started. This necessitated the study of why the war was begun and the history of the Vietnam war following.

The conduct of this war from beginning to end causes us again to think, "Oh, what a tangled web we weave, when first we practice to deceive."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT UNTIL MIDNIGHT TOMORROW

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MEMBERS OF CONGRESS SHOULD BE FULLY INFORMED WITH RESPECT TO OUR CONTINUING INVOLVEMENT IN VIETNAM

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. As I stated yesterday, I believe we in the House owe a special obligation to the Constitution, to our constituents and to ourselves to be fully informed on all aspects of any matter on which we vote.

This is particularly true with respect to our continuing involvement in Vietnam.

We are not so informed today. The Department of Defense has refused, and continues to refuse congressional requests for pertinent information on Vietnam and Laos, and in particular, with respect to the Defense Department's Vietnam task force study completed in 1968.

Until we have access to such study and any and all other facts relative to Southeast Asia, we cannot vote wisely and in good conscience. Most important of all, we cannot perform the responsibilities of our oath of office as Members of the House.

I, therefore, move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from California (Mr. McCLOSKEY).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. McCLOSKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 30, nays 369, answered "present" 2, not voting 32, as follows:

[Roll No. 141]

YEAS—30

Abzug
Bingham
Burton
Chisholm
Collins, Ill.
Conyers
Dellums
Edwards, Calif.
Gibbons
Halpern
Harrington
Hawkins
Hechler, W. Va.
Jacobs
Koch
Link
McCloskey
Metcalfe
Mitchell
Morse
Rangel
Rees
Reid, N.Y.
Riegle
Rosenthal
Roybal
Ryan
Stokes
Waldie
Wolff

NAYS—369

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Dow
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruth
St Germain
Sandman
Satterfield
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—2

Drinan
Leggett

NOT VOTING—32

Biaggi
Byrne, Pa.
Cabell
Clay
Crane
Dent
Donohue
Dorn
Edwards, La.
Ford, William D.
Fraser
Gallagher
Grasso
Gray
Helstoski
Hosmer
Keith
Long, La.
McCulloch
Mathias, Calif.
Pelly
Quillen
Runnels
Ruppe
Sarbanes
Scherle
Slack
Smith, N.Y.
Staggers
Thompson, Ga.
Veysey
Wilson, Charles H.

So the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leomar, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On June 2, 1971:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands.

On June 4, 1971:

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; and

H.J. Res. 583. Joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT UNTIL MIDNIGHT TOMORROW

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for Treasury-Postal Service-General Government for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ROBISON of New York reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SCHEDULE ON APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, I wish to alert all Members that on tomorrow, June 18, the Committee on Appropriations is meeting to consider and report two major appropriation bills:

First, the Agriculture-environmental and consumer protection programs appropriation bill for 1972, and

Second, the Treasury-Postal Service-General Government appropriation bill for 1972.

Copies of the printed hearings have been released over a period of time and are available in the committee rooms, H–218 in the Capitol.

Copies of the bills and reports will be available tomorrow in the committee rooms as soon as the bills are reported. We plan to meet in the morning on the Agriculture-environmental and consumer protection bill, so I would say they should be available during the noon hour.

The Treasury-Postal Service-General Government bill and the report thereon should be available later tomorrow afternoon.

Mr. Speaker, the exact floor schedule for these bills will of course be announced by the leadership.

Looking to next week, Mr. Speaker, the committee is scheduled to report three more major appropriation bills:

First. On Monday next, June 21, we are meeting to consider and report the State-Justice-Commerce-Judiciary bill for 1972. Hearings on this bill are available in the committee rooms, and the bill and report will be available probably by about the noon hour on Monday.

Second. Then on Wednesday, June 23, we are meeting to consider and report the appropriation bill for the Department of Housing and Urban Development, the Space agency, Science Foundation, and Veterans Administration for 1972.

Third. And on Thursday, June 24, we expect to report the Interior appropriation bill for 1972.

Printed hearings on the Interior bill are available. Some of those on the HUD-space-science-veterans bill are available; others will be available shortly. Bills and reports will be available at the committee rooms as soon as they are reported.

The floor schedule for these bills will also be arranged in cooperation with the leadership but I can say we hope to pass all of them in the House by June 30.

Since most of the bills will not be enacted into law by July 1, the beginning of the new fiscal year, we will also need to bring in a continuing resolution several days before the beginning of the new fiscal year.

I might add, Mr. Speaker, that we would expect to be able to report the Transportation appropriation bill right after the July 4 break. Other bills will be coming along during July as they are ready, provided there are no major authorization hang-ups. Our goal is still to get all the regular appropriation bills for fiscal 1972 to the House before the August 6 summer break.

TRUTH HURTS

(Mr. JACOBS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. JACOBS. Mr. Speaker, more data from the administration's "department of truth hurts" has arrived at my office in a plain brown wrapper, to wit:

> Once upon another time—and yet the same Times—a little girl and her dog visited a wonderful Wizard, oddly enough.
>
> Because, because, because, because—well, er—because of the wonderful things his fifty P.R. men said he does.
>
> But her puppy was a doubting dog—your incredulous canine.
>
> And the Wizard, because of a gap in the curtain, feared it was about to be curtains, credibility-wise.
>
> So he huffed and he puffed and he fussed and he fumed, "restrain your dog while in this room."

And all this just so the Wizard might live happily ever after.

NEDZI-WHALEN AMENDMENT NOT IN THE BEST INTERESTS OF OUR COUNTRY

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, there has been great interest in this country regarding the Nedzi-Whalen amendment because the sponsors have claimed that it will end the war on December 31, 1971. In doing an in depth study, I find that what it says, in effect, is that no equipment purchased under this authorization will be used by our troops in South Vietnam, Cambodia, or Laos.

Mr. Speaker, before any of this equipment would be available, several years will have passed. This is an authorization bill. Next, money will have to be appropriated. After that, orders would have to be placed and contracts negotiated. Then equipment would have to be manufactured. I do not anticipate that we will be in Vietnam at that time; therefore, of what value is this amendment, other than political propaganda?

Because of this, I have come to the conclusion that it is not in the best interests of our country for me to support this amendment.

APPOINTMENT OF CONFEREES ON H.R. 7016, OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Flood moves to take from the Speaker's table the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes, with the Senate amendments thereto, disagree to the amendments of the Senate, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, on April 7, the House passed the education appropriation bill, and it passed the Senate last week. The Senate and House bills are about $815 million apart. We intend to go to conference and, very frankly, work out a compromise which will provide a very substantial increase over last year's appropriations for educational purposes, and bring back to you a bill which we believe can become law by the beginning of the fiscal year 1972, July 1.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

Th SPEAKER. For what purpose does the gentleman from Maine rise?

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Hathaway moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 7016, be instructed to agree to all the Senate amendments.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Flood of Pennsylvania moves to lay on the table the motion of the gentleman from Maine, Mr. Hathaway.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Pennsylvania.

Mr. HATHAWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 182. answered "present" 1, not voting 22, as follows:

[Roll No. 142]

YEAS—228

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Blackburn
Boland
Bow
Bray
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hébert
Henderson
Hillis
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Morse
Myers
Natcher
Nelsen
O'Konski
Passman
Patten
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Ruth
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Waggonner
Wampler
Ware
Watts
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zablocki
Zion
Zwach

NAYS—182

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Brinkley
Brooks
Brown, Mich.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Diggs
Dingell
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McCormack
McDonald, Mich.
McKay
Macdonald, Mass.
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Pepper
Perkins
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Stanton, James V.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
White
Whitehurst
Wolff
Yates
Yatron
Young, Tex.

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—22

Biaggi
Dent
Donohue
Dorn
Dowdy
Edwards, La.
Foley
Grasso
Gray
Helstoski
Long, La.
McCulloch
Mathias, Calif.
Pelly
Runnels
Ruppe
Scherle
Staggers
Veysey
Wilson, Charles H.
Wright
Wyatt

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pelley for, with Mr. Dent against.

Mr. Scherle for, with Mr. Charles H. Wilson against.

Mr. Ruppe for, with Mr. Foley against.

Mr. Veysey for, with Mrs. Grasso against.

Mr. Mathias for, with Mr. Donohue against.

Mr. Wyatt for, with Mr. Biaggi against.

Mr. Dowdy for, with Mr. Staggers against.

Until further notice:

Mr. Wright with Mr. Helstoski.

Mr. Gray with Mr. Runnels.

Mr. Dorn with Mr. Edwards of Louisiana.

Mr. MURPHY of New York and Mr. RANDALL changed their votes from "yea" to "nay."

Mr. PICKLE, Mr. COLLINS of Texas, Mr. POWELL, and Mr. BOB WILSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa, Hull, Casey of Texas, Patten, Mahon, Michel, Shriver, Mrs. Reid of Illinois, and Messrs. Conte and Bow.

EXPLANATION OF VOTE ON TABLING MOTION

Mr. RANDALL. Mr. Speaker, I call attention to the fact that on the rollcall vote to table the motion to instruct the conferees on H.R. 7016 pertaining to the conference report making appropriations for the Office of Education I voted to table this motion and subsequently changed my vote from aye to nay.

I insert this explanation at this time because as well as I can recall this is the first time in my 13 years here that I have changed my vote in the well. In hurriedly discussing the provisions of the conference report with one of the committee staff I understood correctly that the motion of the gentleman from Maine (Mr. Hathaway) was to instruct the conferees to accept the Senate version on appropriations for the Office of Education.

What I did not understand was that the motion of the gentleman from Maine to instruct the conferees was substantially identical to the "Hathaway package" which I had supported in April and which failed back on April 7 by four votes. The reason I changed my vote was because if I was to be consistent by supporting the Hathaway package last April then I should support the Hathaway motion to instruct the conferees.

Ordinarily, I am not constrained to tie the hands of our conferees. On the other hand as I have said so many times I find it most difficult to vote against increased appropriations for purposes of education. After provision for our national security, and then funds for medical research, the appropriations for education comes very near the top of my list of priorities for appropriations.

I was disappointed to learn that there was no additional funding provided for category A and B children in the appropriations for Public Law 874, being assistance for federally impacted areas. At the present time even with the additions added earlier by the House there is only a 73 percent entitlement for category B children, being the children of parents who work on Federal property but live in the community, and only a 90 percent entitlement for category A children being the children of parents who both live and work on Federal property and are thus a direct burden on school districts by reason of Federal activity.

I was also disappointed to note that the sole increase of $60 million for Public Law 874 instead of going to category A and B children was instead an appropriation for category C children to provide payments to school districts of children who reside in public housing. That was never the intent at the inception of Public Law 874. This appropriations bill apparently breaches the barrier against such category C children which we have always been able to maintain heretofore. However, it was encouraging to note that the other category of assistance for federally impacted areas, being Public Law 815, or assistance in school construction was increased by approximately $25 million which is sorely needed for brick and mortar by those school districts that have to carry the load of category A and B children.

Overall, Mr. Speaker, a no vote being against the motion to table the motion to instruct the conferees is a vote for increased funding for a better education of the children of our country and at the expense of being repetitive such appropriations should enjoy a high priority by all the Members of the House.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATIONS, 1971

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8687, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday it had agreed that title IV of the bill, ending on page 7, line 4, would be considered as read and open to amendment at any point. An amendment by the gentleman from Michigan (Mr. NEDZI) had been offered and read. The Clerk will rereport the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI:

Page 7, line 4 after the period insert:

"SEC. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI) for 5 minutes in support of his amendment.

Mr. HÉBERT. Mr. Chairman, I would appreciate it if the gentleman would yield to me to make a statement at this time, and ask unanimous consent that the time consumed not be counted in the gentleman's time.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, on yesterday I informed the House as to the situation in connection with the consideration of this legislation. I wish today to again inform the House as to the status and procedure which we will follow today.

As I suggested on yesterday, there will not be any attempt on my part to cut off debate in any way whatsoever. I indicated that in my opening statement, and I repeat it now. As to the length of time we devote to the legislation, that is entirely in the hands of the Members of this body and not in my hands.

There is only one stipulation I do make, that is, this bill is going to be finished today; it is not going to go over until tomorrow. We will finish today. As to the length of time it takes today, that all depends on how many demands are made for teller votes with clerks. As you may recognize, there was much time consumed in votes yesterday, the result of which was obviously known before the vote was taken. I do not criticize those who proceeded in this manner. It is their right to know exactly how strong or how weak they are in their legislative proposals, and I will not deny them that right. However, I emphasize again we will finish this bill today. We will proceed with the amendments at the desk, and the time we leave here will depend upon you and not upon me.

Mr. HALL. Will the gentleman yield?

Mr. HÉBERT. Yes. I yield to the gentleman.

Mr. HALL. I appreciate my distinguished chairman yielding to me.

In that same vein and in the same spirit, I wish that the Committee would be on notice that there will not be a general granting of unanimous-consent requests for continued use of time and repetitive explanations of the various amendments. We all know the question and issues. Few minds will change by belaboring them with oratory, and least of all political demagoguery.

Mr. HÉBERT. Of course, it is the gentleman's right to exercise his right of objection.

Mr. HALL. I thank the gentleman for yielding to me. Under our procedures there are proper ways for adequacy.

The CHAIRMAN. The gentleman from Michigan (Mr. NEDZI) is recognized for 5 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to proceed for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Chairman, I object.

Mr. NEDZI. I thank the gentleman from Missouri for his customary courtesy.

Mr. Chairman, I think it is regrettable that we have a matter that has generated so much interest and so much controversy that one is constrained to rely on the rules of the House to prevent a detailed explanation of it by someone who has been intimately involved in the process, but those are the rules.

Mr. Chairman, the war in Vietnam has torn our Nation apart for too many years.

Even in those moments when it recedes from the headlines we cannot dismiss it from our hearts and minds. It is a paramount issue, perhaps, the paramount issue.

I hope, Mr. Chairman, that we will be spared any parliamentary maneuvers which would deny us a clear-cut opportunity for a vote on the amendment I have the honor of cosponsoring. We are the people's representatives and the people deserve, at long last, to see a manifestation in this body of their deep anguish over the longest war in our Nation's history.

THE PAIN AND THE SORROW

The cost of American involvement in Vietnam is well known to all Americans in every corner of the land and of every political persuasion.

By any of several crucial measurements—the length of time we have stayed, the over 54,000 American lives lost, the money spent, the serious strains inflicted on our economy, and the diversion of our Nation's time, energy, and intellectual and moral vitality from other needs at home and abroad—we have honored our commitments well beyond what could be expected of us.

Let me add to that list two more costs: One is the recent cruel and astounding increase in heroin addiction among American servicemen in Vietnam, as our colleagues, the gentleman from Illinois (Mr. MURPHY) and the gentleman from Connecticut (Mr. STEELE), have so dramatically disclosed in their outstanding report resulting from personal investigations. Second, it must be recognized that our professional military men have been asked to plan and fight an action which is awkward as to terrain, where they are frequently confronted with a dangerous ambiguity between friendly and unfriendly forces, and where political considerations often confuse military ones. This has demeaned the military in the public mind, especially among the youth. As a believer in an effective military preparedness, I am deeply concerned that the character of this dragged-out war is weakening motivation and morale of our Armed Forces to the point where it will be difficult to respond with full effectiveness in case of serious emergency.

NO RECRIMINATIONS

I hope we can refrain from recriminations. I hope we can restrain ourselves from passing moral and political judgments on American officials who acted in what they believed to be the best interests of our Nation.

It serves no purpose to say that we must admit we were wrong in the past. I do say that whatever the facts of the past, whatever the conclusions of the past, now is another time, another mood, another set of facts. What may have been valid in the 1950's and 1960's is no longer tenable in the 1970's. This longest war has gone on too long and has cut too deeply. The burdens outweigh the benefits. Conditions have changed, and we must change.

THE NEDZI-WHALEN AMENDMENT

The amendment offered by Congressman WHALEN and myself would prohibit the expenditure of funds from this procurement authorization after December 31, 1971, to support U.S. military deployment or U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

Let me emphasize this point: it prohibits, after December 31, expenditure of funds under this bill; that is, new money. It does not stop weaponry in the pipeline, it does not prohibit the use of equipment procured in the 6 months of the fiscal year up to December 31. And it does not mandate withdrawal.

What we sought to do was to draft this amendment so that it remained germane to the procurement bill while still maintaining an essential thrust.

This point deserves further emphasis. We are all acquainted with the House rule of germaneness. All efforts to strengthen the amendment resulted in frustration by the rules of the House. Yet, we considered it essential that the people of the United States be provided an opportunity to express their concerns over the war through their elected representatives. This accounts for the narrowness of the amendment and its vulnerability to the charge that it is a do-nothing amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I shall be happy to yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman very much.

It has to be conceded that the bill concerns itself with mainly "long leadtime" military hardware. The acting controller of the Department of Defense has advised me that only $2.4 billion of the authorization is programed for expenditure procurement in fiscal 1972—the period ending July 1, 1972. We must concede that even this amount is in excess of what the value of the actual hardware added to the inventory will be since some of the expenditure will be on account for future deliveries. Present plans for the expenditure of the funds authorized in the bill according to the acting controller call for final expenditures to be made in fiscal 1977 which means that the real "bite" of the amendment will not come until sometime in 1973 or 1974. This, of course, creates some interesting speculations about the reasons for the frantic concerns over this amendment.

Clearly identified opponents of the measure use the familiar dodge that it is not strong enough—it does not do anything. Other opponents more honestly recognize the amendment for what it is—an expression of concern about our continued involvement in Vietnam and an endeavor on the part of the House of Representatives to share in decisions affecting our military involvements. While they regard this as the President's private preserve, which is their right, we believe an opportunity should be provided to those who disagree to do so on the record.

I indicated that some of the funds which we authorize in this bill will not be spent until fiscal 1977 and that increments of hardware in our inventory will not be significant until 1973 or 1974. Yet, we have the spectacle of strenuous lobbying in the White House and in the Halls of Congress against the amendment. One can only conclude that present White House policy does not rule out a substantial American involvement well beyond the year 1972 and I submit that there is no, I repeat no, American interest which warrants the continuing material and spiritual costs of further U.S. groping for a military solution.

Unfortunately, recent disclosures of the New York Times of the duplicity of administration actions in previous years and concerted efforts to suppress further publication are not a source of great comfort to those of us who were Members of the Congress during those critical years.

Our amendment is well within the boundaries of the statement of purpose circulated by our colleagues, Messrs. O'NEILL, ROSTENKOWSKI, CAREY, and CORMAN and within the boundaries of the statement circulated by Messrs. MOSHER, MORSE, GUDE, ESCH, and COUGHLIN.

We offer the amendment with the purpose of providing the House of Representatives with a relatively clear opportunity to express its sentiments on the question of setting a date for ending new U.S. expenditures in Vietnam. It will also be, inevitably, an expression of interest in setting a date certain for withdrawal of all U.S. troops from Vietnam, Cambodia, and Laos.

Our amendment is introduced in the hope that it will serve to facilitate the early release of our prisoners of war, the safe withdrawal of all our troops, and the beginning of those steps urgently needed to heal our Nation's economic and spiritual wounds.

FINALE

The primary objective of U.S. policy in South Vietnam for the past decade has been to assist the South Vietnamese to maintain their own security and determine their own future. We have bought time for them at great, great cost to ourselves.

We cannot stay there indefinitely, as a residual force would suggest. It is incredible that our prisoners will be returned as long as a residual force is there.

Our amendment is an expression of the view that we must withdraw completely and within a relatively early time.

We believe that a congressional initiative is within our constitutional and moral obligations. And we believe the amendment is meaningful.

I ask your support of the amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I think it best to get right to the meat of the cocoanut without any extra long explanation of opinions.

I hold in my hand here a letter from the Secretary of Defense, Mr. Melvin Laird, our former colleague, with whom we served so long and admire so much. I think it best that I read the letter to you, which certainly gives the cogent reasons why this amendment should be voted down.

My dear friend, the gentleman from Michigan, (Mr. NEDZI) has worked long and hard on the amendment, but I am sure that when he realizes and understands what the Secretary of Defense has said he will have second thoughts about the matter.

This is from the Secretary of Defense, dated June 15, 1971, addressed to the Honorable F. EDWARD HÉBERT, Armed Services Committee, House of Representatives, Washington, D.C.:

> Dear Mr. CHAIRMAN: The purpose of this letter is to indicate my opposition to the so-called "Nedzi-Whalen" Amendment.
>
> Subsection (a) of this proposed amendment would set a formal and fixed deadline (31 December 1971) for the deployment of US Armed Forces in or the conduct of US military operations in or over Indochina. Subsections (b) through (f) then provide a number of exceptions to this basic prohibition. We believe that taken as a whole this proposed amendment is sufficiently ambiguous so as (1) to cause the Executive Branch considerable difficulty in implementing it, if passed; and (2) to provide the seeds of potential conflict the Executive and the Legislative Branches concerning what is or is not proper interpretation.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Chairman, I realize this is a very controversial amendment and I respect, as I respect few men, the distinguished gentleman who has offered it. But I associate myself with the remarks of the gentleman from Louisiana, the chairman of the committee, with respect to the letter which he received from the Secretary of Defense.

I do not believe we should undertake by legislative fiat to settle the war at a time certain or to tie the hands of the President in any way. I am convinced that the President is just as much against continuing the war as we are. I do believe he has undertaken—although I disagree with him on most domestic issues—to get our prisoners and our troops back home just as fast as we can do so without being irresponsible in the eyes of the Vietnamese people and people throughout the world.

Mr. HÉBERT. I thank the distinguished Speaker of the House.

He certainly expresses the thoughts I have in my own mind.

Mr. Chairman, I shall continue, in order that the House may be well informed, with the rest of the letter from the Secretary of Defense to which the distinguished Speaker has addressed himself and to which the contents of this amendment which is now before us addressed itself to.

These are the words of the Secretary of Defense:

> Looking at the Amendment's basic intent, which is to dictate a formal and fixed timetable for the complete withdrawal of the U.S. from Indochina, President Nixon has repeatedly outlined his reasons for opposing such a unilateral step and I do not believe I need repeat those again. I would, however, like to provide the following amplifying thoughts specifically related to this or any other limiting amendments:
>
> The Vietnamization program has gained momentum and is working. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support or assistance cannot be made to coincide with a predetermined and arbitrary timetable.
>
> Providing the number and quality of leaders and skilled personnel for the ARVN requires time. Sophisticated skills must be taught so that the Vietnamese can operate and maintain the equipment we have provided them.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MONTGOMERY. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. Chairman, continuing to read the letter from the Secretary of Defense:

> The Administration must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide material and maintenance support through a military mission of some sort.
>
> Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense.

This is very important now.

> This amendment—

Meaning the amendment offered by the gentleman from Michigan and the gentleman from Ohio—

> This amendment would preclude this vital aspect of our efforts to obtain a just and lasting peace in Indochina.
>
> Finally, let me reiterate what I have said so often: we are trying to bring about an early end to the involvement of US forces in Indochina. By every measurement, our involvement is down. In view of this progress, I believe that the President's program should be allowed to proceed. To arbitrarily terminate US support to those to whom we have given the ultimate commitment of the lives of our fighting men would be a tragic mistake.

I submit to you, ladies and gentlemen of the Committee, those are the words of the one individual who is responsible in the Defense Department, the Secretary of Defense, the words of an individual who served in this body so long and with such high respect and regard. He was selected from this body to serve as Secretary of Defense. Those are the words of Mel Laird. Those are the words that Mel Laird himself would speak to you today if he were given the privilege of standing in the well once again where he stood so often to provide for the security of this Nation and to provide for its defense.

He asks no quarter of any men, nor need he give to any man in his understanding, appreciation, dedication, and determination to keep this country safe and sound. No man knows more about the situation in Vietnam today than does Mel Laird and he gives every indication of being one of our greatest Secretaries of Defense. I stand on his testimony and accept his testimony. I offer his testimony to you as the soundest, most logical argument to follow. Let the peace talks in Paris be the vehicle through which we negotiate an end to this war. Let us not telegraph our punches to the enemy by legislative fist.

The President of the United States has kept every word that he has given to us in this matter, and he has delivered in every instance. All you have to do is look at the figures and statistics coming out every week, the attacks and the counterattacks, and you will see where the war is in fact winding down.

Richard Nixon did not make this war. He inherited it, and he promised to stop it as quickly as he could. He is doing exactly that in keeping his word, and it is time that we support him. Remember, we have only one President. He is the President not of Republicans or of Democrats, but President of all Americans, and he advises us in this instance through his Secretary of Defense.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman very much for yielding.

Mr. Chairman, after hearing the letter of the Secretary of Defense, I did not recognize my own amendment. Could the Chairman enlighten us as to where in my amendment there is any dictation of a formal and fixed timetable for complete withdrawal?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHALEN. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

Mr. Chairman, last Tuesday during formal debate I outlined what this Nedzi-Whalen amendment would do and what it would not do. I concluded that, despite its limitations as a result of the germaneness question, this is a very significant amendment. I concluded further that if it were adopted, it would represent a very clear message from the people of the United States through their elected Representatives in the House of Representatives that we want to terminate our involvement in Indochina.

I would like to move now to the central question and that is our military involvement in South Vietnam.

There are many ways in which we can discuss this question. There is, of course, the legal issue. There is the moral question of our involvement and, parenthetically, a majority of the American people, according to the Gallup poll, now feel that our involvement in Vietnam is immoral.

I hope that the Members of this body will excuse me for concentrating, during the time allotted me, on an area that is related to my background as an economist, and that is the utilization of what I would term scarce resources.

Mr. Chairman, in my opinion, we are engaged in a tragic waste of scarce resources, human, and financial, as a result of our involvement in South Vietnam.

When anyone undertakes an effort, be it an individual, a business firm or an organization, he usually assesses the effort in the light of two criteria. First, what is the objective of the effort? Second, what does it cost in terms of human and financial resources in the light of the benefits that are expected?

I should like to apply our Indochina involvement against these two criteria.

First, what is our objective? Mr. Chairman, it is sad to relate but we have no objective in Indochina. Every stated goal that has been made by the executive branch ultimately has been discarded by successive Presidents. This would include the domino theory, the stop communism argument, and so forth. Mr. Chairman, regrettably, we really do not know why we are involved militarily in Indochina.

Now, that notwithstanding, let us take a look at the second criterion; namely, the cost-benefit relationship.

What are the costs? Let me just relate a few. We have lost 55,000 lives in South Vietnam. Yesterday we received notice of our 300,000 casualty as a result of the conflict in Indochina. During the past 7 fiscal years we have spent $120 billion of the taxpayers' money in this fight. As a result of this we have diverted from domestic problems not only our financial resources but also our energies. And, of course, as a result of this huge expenditure of funds we have created a troublesome inflation problem these past 4 years. We have seen division in our own country as a result of the war, and we have also seen a deterioration of the morale not only of the private sector of our country, but also of the Armed Forces themselves.

I believe no one stated it better last year than the late chairman of the Committee on the House Armed Services when he said as a result of this war our involvement in Vietnam, we have hurt ourselves militarily. The cost has been huge.

What are the benefits? We have received absolutely no benefits that I can see from this engagement. Even if we were to drive the Communists out of South Vietnam, even if militarily we in the United States were to post forces in North Vietnam, I cannot see where we would have any economic or any security benefits from such activities.

Mr. Chairman, we are Members of a coequal branch of Government, the legislative body. We have a responsibility to identify problems, to act upon those problems. As I said Tuesday, I believe the greatest problem confronting us in the United States today, indeed the greatest problem that has confronted us during the past 5 or 6 years, is our involvement in Indochina. We must end this involvement. Within the limits of the jurisdiction of this bill, the Congress adopting the Nedzi-Whalen amendment, will take a significant step toward this end.

I urge your support of this amendment.

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today, in support of the Nedzi-Whalen amendment to the Military Procurement Act. This amendment would prohibit the expenditure of funds by the Defense Department after December 31, 1971, to support continued American presence in Southeast Asia. In effect, if successful, it would be an indication that this Government has accepted a December 31, 1971, pull-out date. It would be an opportunity to test in the weeks and months ahead the accuracy of the reports emanating from Paris, some of which have been challenged by the administration, that once this country accepted a pull-out date, the North Vietnamese would be willing to negotiate for the release of our prisoners of war. In other words, it would call their bluff. I mention this today because I do not feel that in our desire to bring this war to an end without any further loss of lives, as soon as possible, we should not forget the hundreds of men who are being held behind enemy lines. We have a moral commitment to keep the safety of these men before us in all we do.

Nevertheless, as a signatory of the statement of purpose circulated by Congressman THOMAS P. O'NEILL, one of the great leaders of the antiwar movement in Congress over the years, I am today seizing the opportunity to legislate into law the sentiments and objectives of that statement. This war has gone on too long, far too long for anyone to be content with expressions of concern, with vows to do all possible to wind it down, and with hopes pinned on possible success of a Vietnamization policy. As I have said many times before, the war in Southeast Asia is a bottomless pit and we are, as a nation, sinking slowly into its depths more and more each additional day we allow this war to continue. In our efforts to save a nation we have come close to destroying several nations. In our efforts to obtain peace with honor, we have encouraged a moral turpitude which threatens to engulf a whole generation of young people the world over. In our efforts to save the world for democracy, we have come close to destroying our Nation at home. Our cities are dying, there is division in the land, our national sanity is at the breaking point. We have seen the rise of a drug culture and the beginnings of a national "cop-out." We have paid a tremendous price to date, and I, for one, do not feel we should pay another penny more, or sacrifice one more life.

As a Congressman, I know only too well where the real authority and the responsibility for the conduct of this war lies. I know only too well the President of this country, as Commander in Chief, has in his power the right to terminate this war tomorrow. Ultimately, he and only he can achieve the objectives behind the amendment I am supporting today. I am genuinely concerned about the prospect of this House turning itself in to a chamber of 435 commanders in chief, each with his own views on the day-to-day operations of a foreign military conflict. I was willing to give President Nixon time to live up to the promises he made to our people in 1968 and later when he took office to bring peace in our time. But time is running out. We have added Laos and Cambodia to the areas of our involvement. We have a drug problem among our soldiers such as was unimaginable a few short months ago. In short, time is running out and in view of the seriousness of the problem, I am left with no alternative but to join with those who feel it is time for Congress to assert its authority and to indicate to the President in no uncertain terms that he can no longer count on the support of this House for his present policies. Our patience has been exhausted and the President should be so informed. In indicating to the President our feelings against the continuation of this war we are giving him a consensus and a policy. Hopefully, he will act within its framework. I only regret that it has been necessary that Congress go so far on this issue, but our concern must be recorded in the only effective way it can by using the means at our disposal and voting to cut off funds for this national tragedy that is the war in Southeast Asia.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield briefly to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman yielding.

The gentleman from Ohio (Mr. WHALEN) said a moment ago that he did not know what our purpose was in Vietnam and that the administration had discarded one purpose after another. Well, I believe it is perfectly obvious, and the President has made it perfectly clear, that the purpose is to allow the South Vietnamese to make their own decision with regard to their future rather than to have that decision forced upon them by military action from outside their borders.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Not right now.

Mr. WHALEN. Thank you.

Mr. ARENDS. Mr. Chairman, I applaud very much the excellent statement made by the chairman of my committee, and endorse it wholeheartedly.

Likewise I compliment the Speaker of the House, Mr. ALBERT, in his very pointed remarks as to why this amendment should be voted down. His statement is a clear indication that this issue before us is completely and wholly nonpartisan. The amendment is opposed by the leadership of the majority party and by the minority party. This is all in an effort to do something in the best interests of this country of ours.

Mr. Chairman, never have I stood in the well of this House over the many years I have been here more concerned or more disturbed about a false issue that has been raised than at this particular time. It is a cruel hoax to try to lead the American people to believe that if a date is fixed, then everything will be over.

I am rather amazed at my friend from Ohio, for whom I have great respect, that he stood here today and talked about water over the dam and about things that have gone on which we can do nothing more about.

We got into this war and we are presently there, but we are getting out of it. That is the issue. How do we get out of the war? The way to get out of Vietnam is to do what the President of the United States is recommending today—not a Republican President or a partisan President but the President of all of us.

He is recommending today that we do certain things, namely, give him the tools with which to work and with which to negotiate. That is all that we are trying to do here.

All of us sincerely and honestly are concerned about getting out of Vietnam. There is not a living soul in America today who enjoys this war, to my knowledge. All of us have the same purpose in mind, which is get out and get out in the best way that we can. If we will let the President operate as the master of foreign affairs, which he is and which is his responsibility under the Constitution, and let him see what he can work out, then we can approve or disapprove when the time comes. However, to tie his hands at this particular time, in my humble opinion, would be one of the greatest errors that we can perpetrate.

There are many people for whom the wish is father to the thought. They tell us that if we set a date for withdrawal in Vietnam, then the North Vietnamese will quickly release the prisoners. There is simply no evidence, no evidence at all, to support such a conclusion. The North Vietnamese treatment of our prisoners is one of the most barbaric and inhuman chapters in the history of warfare. Nothing in their behavior up to this time gives us any reason to believe that they would quickly release prisoners. If we want to bring about the release of our prisoners of war safely, we will have to allow the President to negotiate without tying his hands.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Not at this particular time. I am limited as to time. I am sorry.

I urge the Members of this House to defeat this amendment.

I repeat with all of the sincerity at my command that this action today is going to mean much to propose settlement of this war and our getting out.

As you well know, we had at one time almost 560,000 men in Vietnam. That figure has now been reduced by over half. An orderly process of reducing our strength there is in being. Our men are being returned. As a matter of fact, our men are being returned ahead of schedule, which schedule was announced some time ago. We can see great progress in our getting out of Vietnam. I hope we can use some semblance of reason in obtaining a reasonable peace so that we will not have a recurrence of what happened in prior wars.

One remembers well World War I when we won the physical war but lost the peace.

I can remember World War II when I stood in this body and voted to go to war because we had been attacked. We finally won the war, but, again, we lost the peace. There has been no complete peace in Korea.

There are now those who would say bring our boys home and forget the peace. Let me say to those people that we have to arrive at some kind of a workable and reasonable peace so that we will not again go through a repetition of what we did at the end of other wars and we will not have to send our boys back again to fight somewhere, sometime.

I distinctly remember the great hue and cry of those in this country at the end of World War II. It was very much like it is now. People shouted come home, come home, come home. That is all we heard at that particular moment. I say to you that because we failed to get the right kind of peace after those earlier wars, we had to go back to war. Let us not lose by political action again what our fighting men refused to give up on the battlefield.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the United States came to the aid of South Vietnam when it was experiencing aggression from North Vietnam and we did this in a manner highly sacrificial and highly moral.

We did not conclude that we would be willing to do things that normally would be the course of war, if needed for the success of the war: Such things as closing the harbor of Haiphong and carrying the land war into North Vietnam. We did not want to precipitate a war of those dimensions, and the possibilities of active intervention by Russia and Red China on the other side.

The war became an issue in the last presidential campaign and the winning candidate won on a platform to end our involvement in the war.

On November 11, 1969, I wrote the President concerning an issue involved in the war, the prisoner-of-war issue, and I urged that our planned withdrawal of troops be halted until we got our prisoners of war back. I wrote as follows:

NOVEMBER 11, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: There is no need at all to reply to this letter but I just felt that I should say again what I may not have said before to you directly, but certainly have said in my own office conferences; and that is, I feel that before any further reductions are made in South Vietnam in troops, the next reduction which is planned should be made conditional upon the freeing of all U.S. prisoners by North Vietnam.

With kindest regards, I am
Sincerely,
CHARLES E. BENNETT.

On May 13, 1970, I wrote the President, making a number of other suggestions concerning the war in the following letter:

MAY 13, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, I have attempted to support you fully in your efforts to end the war in South Vietnam. Although I originally felt we should press for a military victory, the time seems to have run out for that—primarily because of our reluctance to use the degree of force required. I am not wise or informed enough to know that this reluctance was not well founded, or is not now well founded; although it was not my original opinion that such reluctance was well founded. I believe major errors on our part are apparent: first, not to decide in advance what to do if we started winning the war and China then came in; second, our employing troops under politically-arrived-at guide lines that prevented victory.

Under the circumstances now prevailing, it is my opinion, and apparently yours, that all U.S. troops should be withdrawn as promptly as possible. I have apprehensions about what this may do in making less credible the chances for world peace, by making less credible our willingness to assist small nations resisting aggression. With this in view, I have some suggestions I would like to make which would minimize, or offset, this loss to our efforts for world peace.

My first suggestion is that you call upon the United Nations to hold free, U.N.-supervised, elections in South Vietnam, to determine if the people of South Vietnam wish to go forward with the war by themselves or to end the war by negotiations with the North Vietnamese. If the election goes for ending the war, then U.S. troops could be removed immediately. If the election goes the other way, then the total withdrawal of U.S. troops could be postponed for one year, but only for one year. If the U.N. fails to act within sixty days or acts unfavorably to holding an election, then the U.S. could nevertheless withdraw all U.S. troops by one year from the time limit of sixty days or rejection of the election plan, whichever is first.

My second suggestion is that (since we are inferentially downgrading the chances of our intervention in cases of future aggressions), we substitute in place of this war-deterrent an offer to help finance (but not to man) an international standing police force to act to put down aggression in future cases wherein the U.N. recommends intervention. The troops should be drawn from volunteers from small nations throughout the world. This would not prevent our unilateral intervention but would diminish or eliminate the need for it. No U.S. sovereignty would be eliminated or impaired.

My third suggestion is that a separate agency be created in the Federal government to study the causes and preventions of war, a research agency solely, not an agency allowed to establish policy, but to get this needed research and information for the President, the State Department, and the Congress. There should also be a joint committee in Congress to secure congressional oversight in this field.

I hope these ideas may be worthy of your consideration. I know you will do what you feel is best for our beloved country and for mankind.

With kindest regards, I am
Sincerely,
CHARLES E. BENNETT.

It is admitted by the Secretary of Defense that we could with safety to our own troops withdraw within a few months, and that our continued presence beyond that time is planned for continuation of war purposes. When the Bay of Tonkin resolution was repealed there remained no constitutional basis for such U.S. war purposes. The portion of the Nedzi-Whalen amendment that would require further congressional action on any such war purposes is in my opinion more consistent with the U.S. Constitution than any other course. Under that document we are not supposed to be at war unless Congress has said that we should be.

Now, Mr. Speaker, time has gone on and the President as Commander in Chief has made very substantial withdrawals of troops in accordance with the platform on which he was elected; and the debate here really is upon whether we should continue to stay partly in this war as distinguished from withdrawing from it entirely. Although originally I felt we should try to win the war we had entered and to do this regardless of the dangers involved. I believe time has so now run out on this. I think no war can be won when the Commander in Chief is of the opinion that we should not pursue it. And so I feel under these circumstances the quicker we get out of the war the better it will be.

Therefore, since the amendment before us is in that direction, and does require a strenuous effort to bring back our prisoners of war in the process, I support the amendment.

AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK TO THE AMENDMENT OFFERED BY MR. NEDZI

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York to the amendment offered by Mr. NEDZI: Section 402(a) of the amendment is amended to read as follows:

"SEC. 402(a). No funds authorized to be appropriated pursuant to this Act may be expended after April 30, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos if by such date a cease-fire has been arranged either by the parties involved or by the United Nations or by any group of neutral nations, and if by such date an agreement has also been consummated by the parties involved for the identification and exchange of prisoners of war and all Americans held as prisoners of war anywhere in former Indochina have been released."

Strike subsection 402(b), and then redesignate subsections (c), (d), (e) and (f) as subsections (b), (c), (d) and (e) respectively.

Mr. ROBISON of New York. Mr. Chairman, the amendment I have offered to the pending Nedzi-Whalen amendment differs therefrom, insofar as language is concerned, in only two respects. First, it extends the Nedzi-Whalen "cutoff" date—or deadline—by 4 months; that is, from December 31, 1971, to April 30, 1972. I think such additional time may well be needed for what I have in mind. Second, it then conditions the application of that "cutoff" date—or deadline—upon the happening, prior to April 30, 1972, of two related events: the arrangement of a cease-fire either by the parties involved in the present hostilities in former Indochina, or by the United Nations, or by any group of neutral nations, and the consummation of an agreement between those same hostile parties for the identification and exchange of prisoners of war, and all Americans held as prisoners of war anywhere in former Indochina have actually been released.

If one were to count only the words changed, the modification thus proposed in Nedzi-Whalen might, at first glance, appear to be of modest proportions. However, Mr. Chairman, I submit that my amendment presents us with a dramatically different approach to our common problem of deciding how best, and how most responsibly, to work with the President in bringing this war to an early and as satisfactory as possible end—not just for ourselves, but for all the warring parties.

How so?

Well, to find the answer, I suggest we look again at the Nedzi-Whalen amendment as now before us. It has become known as the House version of the highly-publicized "end-the-war amendment" that heretofore surfaced only in the other body and was once again, on yesterday, defeated therein.

But, will either Nedzi-Whalen, or the other body's original version thereof, actually "end" this war—the ending of which all of us devoutly yearn for and none more so, I suspect, than our President?

Clearly, the answer has to be "no"—unless, possibly, the only kind of an ending we want is an end to our own involvement, and our own anguish.

To my friends on my left—though this may gain me no votes from my own side of the aisle—I cite in support of this argument no less noted a critic of the war than Eugene McCarthy, former Senator from Minnesota, who recently claimed, if I understood him right, that any congressional mandate simply forcing a withdrawal of our forces from Vietnam would be counterproductive, in that it would invite chaos in Vietnam, Laos, and Cambodia, and that such action would also constitute an abdication of congressional, as well as national, responsibility for the combined military, political and economic problems we have helped to create in those war-weary nations.

What, then, is the proper course we should follow?

Let me now quote from former Senator McCarthy:

> The answer is that we should *negotiate now.*

And then he further said:

> We should work for a political settlement.

In this instance, I completely agree with former Senator McCarthy.

The only way this unfortunate war can truly—and properly—be "ended," is through a negotiated, political settlement.

I believe, if we stop to think about it, we must all accept that as fact.

Now, without in any way intending to question the sincerity of either of the coauthors of Nedzi-Whalen—my good friend, Mr. NEDZI, or my equally good friend, Mr. WHALEN—nor of those of my colleagues who are supporting their proposal, what would our adoption of their idea produce??

Well, by way of "openers," it would almost certainly produce a most-serious and divisive constitutional confrontation—despite its disclaimer to that effect—between President and Congress since I can not, for a moment, believe the Nedzi-Whalen approach would be acceptable to the President.

But consider—and please listen to this most carefully—any eventual forcing of a mere withdrawal upon the President could only mean that we were tossing away, arbitrarily and unilaterally, about the only bargaining leverage the President still has to bring about that desired, political end to this war.

There can be no question but that President Nixon is bringing us out of this war—the longest one in our history. To be sure, he is not doing so fast enough for some of us, and others of us have lingering doubts about whether or not he may still be aiming for some form of "Korean solution" in Vietnam, for which one would have to question the depth of American support.

Nevertheless, the President has set us upon an apparently irreversible withdrawal course. Somewhere along that road he, almost inevitably, has to reach with our allies for a negotiated settlement of whatever then remains of this war. But is not it true that his bargaining power dwindles away with each passing month, as our troops continue to come out? The answer is obvious.

So I, for one, think it is time for the President to do some serious negotiating with Hanoi, and it is our responsibility to help guide—but not force—the President in the direction in which we think he should thus go.

I know it takes two to negotiate, even as it "takes two to tango"—yet, in either exercise, one participant has to lead. And if, up to now, the President has been reluctant so to lead by virtue of his uncertainty over the congressional and public reaction to any such forward movement on his part, it seems to me, in conclusion, that our adoption of the modification I have offered to the amendment now before us could strengthen his resolution to seek the only true and responsible end for this war that I can see.

Mr. Chairman, I urge the favorable consideration of the amendment I have offered to the pending Nedzi-Whalen amendment for such a modification will encourage meaningful negotiations while Nedzi-Whalen, as is, will but discourage them.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, the debate today permits us in the Congress to examine our role in responsibly bringing U.S. involvement in Indochina to an end.

I think that we can agree that our efforts should be directed at three principal objectives: First, the safe withdrawal of our troops; second, the release of our prisoners of war; and, third, facilitating and encouraging negotiations.

Reluctantly, and only after much thought, I oppose the Nedzi-Whalen amendment to the military procurement authorization bill, as ineffective in realizing our objectives.

I say reluctantly, as I, like those who support this amendment, feel the anguish and concern over our decade-long, bloody involvement in Vietnam which has led to the offering of this amendment. I believe, however, that the intent of the amendment is to provide a vehicle through which this body can express that concern. We have heard frank statements by the amendment sponsors as to its effect upon the military conduct of the war. Its passage would, as a practical matter, change nothing, and could result only in one more disillusionment for a public already deeply disillusioned over the war.

It is not well understood by the public that the President can completely disregard the amendment's withdrawal date of December 31, 1971, if he determines it would not permit the safe and orderly withdrawal of our troops, or if adequate provisions for the return of our prisoners of war were not made. In addition, the amendment specifically states it is not to be interpreted as restricting the amount of continuing economic and military aid to South Vietnam, Laos, or Cambodia.

Under our system of government, the President clearly has broad authority to conduct a war once it is in progress. He is also charged entirely with the conduct of foreign affairs, whether in time of war or time of peace. The proposed amendment, neither in its wording, nor, I believe, in its intent makes any pretense of attempting to abridge these broad powers.

It is clear the Members who offered the amendment understand, just as the framers of our Constitution understood, that a legislative body, no matter how sincere its intentions, has neither the power nor the capacity to conduct a war, or, in this instance, to successfully negotiate a peace or withdrawal of our combat forces from a theater of operations. It is then, at most, a symbol.

Yet, it is my primary concern that even though it may be understood by the

Congress as a symbolic act, other nations could so interpret its passage as to seriously affect the President's credibility in seeking a negotiated settlement. It could undermine the position of the President at a time he is conducting serious and delicate negotiations abroad on such important issues as Vietnam itself, the SALT talks, Middle East peace, and trade restrictions.

Passage of the Nedzi-Whalen amendment would be, at most, an expression of "no confidence" in the initiatives of troop withdrawals and peace negotiations undertaken by the President. As I do not share this feeling of "no confidence" I cannot vote in favor of this amendment, although like so many, I hope the President in his capacity as leader of this country, will, in his good judgment, set a genuine date certain for American withdrawal in the near future—the sort of date this proposed amendment purports to set.

Then what can we do to assist in the efforts to terminate American participation? What positive action by the Congress would further an early negotiated settlement? Clearly, a step providing an incentive to negotiate is welcome. Time may well be running out.

I support the approach of the amendment to Nedzi-Whalen, offered by Howard W. Robison, also of New York, which unlike the Nedzi-Whalen amendment, would assist, rather than lessen the chances of negotiations, and avoids its mischievous implications.

This amendment would cut off funds to support the deployment of U.S. military personnel, or conduct any military operations in South Vietnam, North Vietnam, Cambodia, or Laos on a date certain, if by that date a ceasefire has been arranged by the parties involved, by the good offices of the United Nations, or by any group of neutral nations, and if by that date agreement has been reached for the exchange of prisoners of war held in Indochina.

By conditioning withdrawal on successful negotiations, I believe, we in Congress would be encouraging North Vietnam to negotiate. We would also be stating the sense of this Nation that we welcome peace initiatives from Asian nations or from any other source, giving ample time for negotiations and initiatives to take place. We would also be stating it is our position that this war should be ended at the earliest possible moment.

In addition to this, I believe, this body can usefully be about other meaningful work. Recent revelations on the origins of the Vietnam war, with disclosures of unilateral Presidential decisions which involved Americans in this protracted war without either the knowledge or consent of Congress, drastically underscores what this work should be. There is clear need for Congress to reassert its constitutional responsibility to share with the Executive military decisions before a war is undertaken, and before the President in his role as Commander in Chief becomes charged with the conduct of a war.

To this end, I have joined with a number of my colleagues in cosponsoring a resolution which would require the President to justify to Congress any commitments of U.S. troops to combat on foreign soil. The Congress with the power to approve or disapprove the action, must confirm the American involvement or the authority to commit troops must end in 30 days. We desperately need statutory procedures of this type to preclude the possibility of future Vietnams. Enactment of this joint resolution would serve this most useful purpose.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition both to the Nedzi amendment and to the amendment in the nature of a substitute offered by my good friend, the gentleman from New York (Mr. Robison). I believe we are making a mistake, both in this body and in the other body, to spend all this time arguing as to what particular date we are going to end the war.

I do not believe there is any question about the fact that all Americans, all of us in this body, and all of those in the other body, want to end the war as quickly as we can, and as effectively as we can.

But I do think we are creating an unnecessary and somewhat illusory division in our Nation when we try to divide this country into the white hats and the black hats over the question of whether we are going to end it on the 1st of June 1972 or the 1st of July or the 1st of September or what have you.

The fact of the matter is, as the gentleman from Illinois has already said, we are already ending it. President Nixon now has taken more than 300,000 American troops out of Vietnam and we are going to be out of this war, certainly to all intents and purposes, by the fall of next year. In fact virtually all of our ground combat troops are out of combat over there now, and they are being used only for security forces which, ironically enough, is why they have time hanging heavily on their hands and so are tempted to experiment with drugs.

This is an amendment that does not even end the war, as the gentleman from Ohio (Mr. Whalen) told us rather eloquently the other day, when he wanted to clear up what he called some "misunderstandings" of the Nedzi-Whalen amendment. But, if that is true, they have not told John Gardner and his people in Common Cause who are deluging our offices with mail, telling us to support this amendment because it is going to end the war.

What this amendment really is, of course, is an attempt to get a rollcall vote on the idea that Congress ought to be forcing the President to set a fixed date for total withdrawal from Vietnam, whatever that word "total" means, even though this amendment itself will not achieve that result at all, and in fact does not even support the idea of "total" withdrawal.

The whole idea of setting a definite date for withdrawal from Vietnam has some rather serious defects, however, which I think we should recognize. In the first place, in the additional statements included in the report by Mr. Nedzi and Mr. Whalen, they said:

> It is now clear that if we set a definite date, we are going to get our prisoners of war back.

Well, that is just not true. I know that we do not have too much time to read in this body, but the announcement by the gentleman from California (Mr. Leggett) last week and the announcement by the former Secretary of Defense, Mr. Clark Clifford, and the text of the published interview that appeared in the Washington Post with the chief North Vietnamese delegate, made it perfectly clear that the North Vietnamese have no intention of releasing any prisoners in return for just our setting a date of total withdrawal. They still want to talk and dicker after that date has been set.

And why is that? Because the one thing they intend to do is to use our prisoners—those 500 or more Americans who are prisoners—as hostages to force us to turn over South Vietnam to their control. That, after all, is what they are fighting the war about over there and they are not going to return our prisoners, they have made it perfectly clear in the interview in the Washington Post, unless we give them the objective for which they have been fighting for 17 years.

So, while we all want to see our prisoners returned, are we really going to be willing to exchange those 500 or 600 or whatever the number of prisoners is, in return for everything for which 45,000 other young Americans have already lost their lives in an effort to achieve?

This is really the issue involved in setting a withdrawal date. And the principal flaw in this kind of amendment, either the Nedzi or the Robison amendment, is that they fail to recognize that we are not going to get our prisoners back simply by setting a date alone. So, adoption of such an amendment will serve to undermine the basic purpose of our long involvement in Vietnam—and the gentleman from Ohio said he did not know what the purpose was—which is to allow the South Vietnamese to make their own decision as to the shape of their future and not have it forced upon them by military aggression from the outside.

So while we do want to get out of this war and while we do want to get our prisoners home safely we also have the objective of trying—at least trying—to help the South Vietnamese to stand on their own feet. Thus, once the war is over, we must supply them with economic help. We must also supply them with military help. We cannot agree, as the North Vietnamese would have us agree, to end all military assistance to South Vietnam. Actually, the Nedzi-Whalen amendment recognizes this by including an exemption for military aid and for marines stationed at the U.S. Embassy. But the North Vietnamese, unfortunately, are not going to buy this portion of the Nedzi amendment.

So let us defeat this amendment and let us unite behind our present policy, which is to end our military involvement in Vietnam as quickly as possible, but to do so under conditions that do not guarantee—as the North Vietnamese would have us guarantee—that with our withdrawal all that we have fought and worked so hard to achieve will automatically go down the drain.

Mr. CARTER. Mr. Chairman, I rise in support of the Robison amendment to the Nedzi-Whalen amendment.

Mr. Chairman, our Nation has long been embroiled in a horrendous conflict in Indochina. For years, we have been involved in this bloody conflict which threatens the very existence of our beloved country.

When we delve into the reasons for our being in Vietnam, three basic ones are given. Let us examine these reasons for their validity.

The first is to prevent the spread of communism. In response to this reason, it seems foolish to try to contain communism 11,000 miles from home while communism flourishes in Cuba 90 miles off our shore and the cancerous tentacles of communism have spread from Cuba to nations in Latin America—to Chile, for example. By trying to contain communism in Asia, we may well have lost Central and South America to communism.

The second is to insure self-determination for the people of South Vietnam in deciding what type of government they should have. President Eisenhower, in his book, "Mandate for Change," stated that 80 percent of the people of South Vietnam supported Ho Chi Minh. We did not accept his knowledge, we did not accept his admonition. But, instead, we went blindly in on the side of the 20 percent who opposed Ho Chi Minh. Therefore, it can be truthfully stated that our purpose was not to provide self-determination.

The third reason given relates to the domino theory by which it was thought that if South Vietnam became Communist, all the nations of Southeast Asia would fall. If indeed this is true, it seems to me that the nations involved in Southeast Asia should be the ones most fearful of communism. Their actions show that they are not. The Philippines, South Korea, Australia, and Thailand have provided only token assistance. Hence, we can see that none of these nations actually feels the threat of the domino theory.

In 1964, it was evident that the 17,000 American troops and the South Vietnamese were facing defeat and that our forces were on the brink of being thrown out of Vietnam. The Tonkin Gulf incident occurred at this time; purportedly two of our destroyers were attacked while on the high seas. Congress was asked to pass the Tonkin Gulf resolution, which it did with small dissent.

Today, it is accepted that these two destroyers were not under attack. Yet, by the authority of the Tonkin Gulf resolution, our troops were increased in number to 542,000 and the bloodiest conflict since World War II was begun.

It seems that in 1964 we lacked men of calm, cool perception who could truthfully evaluate the situation in Southeast Asia. As a result, this conflict has cost us the lives of 45,250 men as a result of hostile action and 9,583 men as a result of nonhostile action; 151,471 men have been wounded seriously enough to require hospital care and 148,453 more received wounds not requiring hospital care.

Our military expenditures are equally horrifying since 1965, our Nation has spent nearly $120 billion on this war.

Since coming to Congress in 1965, I have twice visited South Vietnam. On my first visit, I saw the finest, best trained, best equipped young soldiers the world has ever seen. I saw hospitals and supposedly pacified areas. In 1966, I was a member of the Speaker's Committee of Combat Veterans of World War II sent to evaluate the war effort. By that time, the so-called pacified areas I had previously visited had been retaken—ours for only as long as snow drops on the river—a moment white, then gone forever.

As a result of this tragic war, our country is torn by dissention—troubled by traitorous rabblerousers and rioters who blatantly curse the beloved land which has nurtured and cared for them. And yet they are permitted to spout hate, incite arson, promote looting with impunity.

Yes, Mr. Speaker, ours is a troubled land. The war in Vietnam is causing great worry and anxiety. Among the people of my district and our whole country, sentiment is increasingly against the war. We all look for the day when every American soldier will be removed from this unhappy land.

Let us now, while we are yet strong, bring our men home. If we must fight, let us fight in defense of our homeland and our own hemisphere. Our sons' lives are too precious to lose on foreign soil. If they must die, let it be in defense of America. As a combat medic with an infantry division in the South Pacific, I have been intimate with the horrors of war and feel that the lives of our men should only be risked in case our country is attacked. In that event, we know they would resist assault with all their spirit, stamina, and strength.

I compliment the present administration's efforts to wind down the war. In order to emphasize the desire of our people to end the war, I support the amendment of the distinguished gentleman from New York (Mr. ROBISON).

Mr. O'NEILL. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Chairman, I feel obliged to speak in behalf of this amendment, just as I feel a moral obligation to oppose the continuation of this cruel and senseless war.

Mr. Chairman, some time ago I, with three other Members of Congress, HUGH CAREY, of New York, DAN ROSTENKOWSKI, of Illinois, and JAMES CORMAN, of California, circulated to the Members a statement of purpose on Vietnam. Over 120 Members of Congress have signed it and an additional number have signed a similar statement. Out of that, I believe, has come the Nedzi-Whalen amendment. It is an expression of concern and responsibility. It is our contention that the Congress has a responsibility for ending this war, since the President is not, and that the Congress should set a deadline for ending this war, no later than the end of this year.

I recall that it was about November 1965 that I first heard the term used: "The light can be seen at the end of the tunnel." That was the day Mr. McNamara said to us:

> We will bomb North Vietnam. We will have them on their knees within 6 weeks, and the war will be over.

Well, people have been seeing the light at the end of the tunnel for over 6 years, and the war is not over.

I listened with interest today to the letter of Mel Laird, a man with whom I served for many years here in the Congress. His words are not a bit different from the words of Rusk and of McNamara; his predictions are the same, his expectations are the same.

I remember that back in 1965 I was a hawk, as some of you still are—perhaps a majority of the House. But I spoke to admirals, I spoke to generals, and I spoke to people in high security places. I spoke to members of the State Department and those in the highest echelons of Government.

These people were advocating the policy of the administration, the Johnson administration, and advocating the policy of the State Department. But within the confines of private and friendly conversations they told me they were opposed to the war, and that our policies were wrong and could not succeed. While they were publicly advocating and following the policy of the President, they told me in their private conversations that they were opposed to the war and knew that it could never be won this way, nor could we extricate ourselves this way. These were people from the CIA, generals and admirals, and you know, I believed them. They convinced me that I could not justify this war in moral, political, or security terms. They convinced me that I could not justify being a hawk on a war that could not be won, and should have been ended.

Mr. Chairman, I was one of the first, I believe, early in 1967, that changed my opinion on the war, and it was for those reasons. Our policies—then and now—could not win the war and would not end it.

You know, during my 20 years here, many important events have happened. I remember June 1961, when Khrushchev said to John F. Kennedy, the President of the United States:

> Get your troops out of Berlin or we will invade.

Kennedy went over and made the great Berlin speech, called up our reserves, and Khrushchev backed down, knowing that otherwise it would have set off World War III.

That happened again, Mr. Chairman, with Cuba, in October 1962. We all received notice to report. You remember the messages, the phone calls, and telegrams that you got. We, from all of New England, went to Logan Airport; other Members met at the GSA Building in the battery section of New York, and other Members from other sections of the country went directly to Chicago or to Los Angeles. We met with trepidation, both Democrat and Republican. We did not know whether we were going to hear a declaration of war. We were there and we were told about the missiles and shown pictures of the missiles and told about the blockade. But, thankfully, Krushchev backed down.

Mr. Chairman, why did he back down?

He knew America was serious and he knew it would mean World War III.

Why do I raise this point?

Well, Mr. Chairman, we are fighting a war which we have made no attempt to win. Why? The only way we could win would have been to have bombed Hanoi and the rice paddies, bombed Haiphong, and invaded North Vietnam with infantry. Why have we not done that? We have not done it because we know that China and Russia would come to the aid of North Vietnam, and that it would mean World War III. Just as Kennedy defended our place as a major power, so would Kosygin and Mao defend their positions.

So, what are we there for? We are there for the same reasons we have been there for years. Because we refuse to admit past errors and mistakes. I have seen the pacification program fail, and we have talked about the Vietnamization program. We give new names to old policies and continue a hopeless war.

Mr. Chairman, I believe we ought to be out of there lock, stock, and barrel tomorrow. We cannot justify our being in there. The President is fighting a war he does not want to win. Yet, he does not want to lose. We are not providing self-determination for the people, we are only providing destruction.

When I spoke with the knowledgeable people in our security and intelligence branches of Government about the war, they convinced me that this war was wrong. That was in 1966, yet the same policies continue.

What makes this war such a tragic mistake, is that we have viewed it as a war between two states, whereas in reality it is a civil war, and, unfortunately, we are fighting for the elite in Saigon, the rich who do not have the interests of the Vietnamese people at heart, nor do they have the support of the people we are supposedly fighting to save.

We are drafting 18-year-old boys to fight for people that do not draft their own sons until they are 21. And the legislature of South Vietnam on many, many occasions refused to change that age.

American boys must serve their Nation in uniform or go to jail, but the rich South Vietnamese boy can buy his way out of the Army.

We have spent $150 billion on this war while the leaders of South Vietnam fill their Swiss bank accounts with American money.

Our Nation suffers for housing, schools, and hospitals, while the rich elite in South Vietnam accumulate wealth.

Our Nation has given so much to South Vietnam that has never reached the people there and will never reach the people there. We need much here—massive increases in funds for education, for health care, public housing, welfare, research, and environmental quality. But instead we waste our people and our substance in a useless war.

Our priorities have been turned on end while we fund and fund this war. And the corruption in that country makes it more and more tragic that a single American boy has given his life for this conflict. The Government of South Vietnam is corrupt to its core. It does not protect the rights of its people nor insure their participation in government. Yet, we supposedly fight for the people's self-determination. This will not change, whether we withdraw our troops by the end of this year or just prior to the election of 1972.

The President is withdrawing our troops slowly because we cannot stand to end the war without victory.

Mr. Chairman, I am frightened about the plan that the President is using in order to get down to the point where we just have only 50,000 troops over there. Why wait and do something slowly that could be done now?

It is a common expression of our soldiers in Vietnam that no one of them wants to be the last person killed in Vietnam. That is part of the tragedy—that even one more soldier should die while this Nation dallies.

What would happen if the North Vietnamese attacked Nixon's remaining 50,000 troops?

What would be the reaction here at home? This is the calculated risk. You will then have World War III. I say this to you, Members of Congress, and I say to the President: "Make an announcement, Mr. President, that on a set date you are going to stop the fighting, that within 60 days we expect to have our prisoners of war returned and that we will have all our troops out of Vietnam by December 31." That is what we want to do here today. Show that we want to stop the fighting, and within a certain time get our troops home.

Mr. Chairman, I support the Nedzi-Whalen amendment. We gain no advantage by staying a day longer in Vietnam. For the sake of our Nation, our remaining soldiers, and Vietnam, let us set a date. I urge support of the original amendment.

Mr. CORMAN. Mr. Chairman, I was one of the four cosigners of the letter initiated by the gentleman from Massachusetts (Mr. O'NEILL). I rise in support of the Nedzi-Whalen amendment to the bill before us today and I would like to speak frankly as to why it is desperately important that our military involvement in Southeast Asia must end and to my belief that the Nedzi-Whalen amendment is the instrument by which this Nation can finally bring this war to an end. My support of this amendment is not a vote for American disarmament. It is not a vote for an isolationist policy for America. We have not reached the time or place in the world's history where America can do without powerful national defenses. No nation, large or small, can either totally disarm or exist on a policy of isolationism. My vote is, however, a vote to end what we now know is an involvement that we should not have begun and should not continue. This was from the beginning an American military action in the wrong place and for the wrong objectives.

To understand this we must, I think, look back to World War II. All of us who lived through December 7, 1941, wondered then if this Nation would survive. We remember only too well the onslaught of Japanese military aggression in the Pacific. We well remember how quickly Hitler's army overtook most of Europe—the terrible fight—the tragic years—the many lives it took until the Axis Power's capitulated.

Korea and the "cold war" in Europe followed before we could even begin to assess or question the impact of World War II.

Many of us, from that time on, became overly defense minded. We had witnessed raw aggression, and were ready to accept any theory or policy put forth to fight aggression wherever it occurred. We doubted neither the principle nor the need for our involvement anywhere in the world. We had become the world's leaders, and we did not look too carefully as to what real responsibilities, in terms of the entire world, this leadership carried with it. We were in part, misinformed about the definition of aggression, and in part we misjudged the need for our developing policies "to stem aggression wherever it occurred."

So, in essence, many of us share the responsibility for the beginning of our involvement in Southeast Asia. That is history, and, at least for myself, I now look to a way that this country can discharge itself from this involvement—a way to end totally our military action in that area. To do so, we must look carefully and dispassionately at what was wrong with the policies and strategy that led to our involvement, and make certain that this Nation never again makes the same mistakes that we have made in Southeast Asia.

The Nedzi-Whalen amendment, in setting a date for complete withdrawal of our military personnel from Southeast Asia, is an opportunity we must not lose to achieve our complete military disengagement from this war. The lives of many of our young men, vast sums of money and energy—which have strained our own economy—and even the very fabric of this country's foundations, have gone into making the South Vietnam Government as viable as one country can make another. We do not, by this amendment, forgo our commitment to future assistance to South Vietnam in terms of money and goods. We do this for many nations through our foreign assistance programs. But, we do say—our military involvement must stop—our men must come home—our own country must put itself back together again.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Nedzi-Whalen amendment.

The amendment is faulty in many respects. However, one of the most serious disabilities in the amendment language is the premise that we can expect the North Vietnamese and the Vietcong to deal with the prisoner-of-war issue in a forthright and honest manner.

In a recent issue of the Washington Evening Star there appeared an editorial entitled "The POW Issue" which I believe assesses the POW issue in its proper perspective. At the proper time I will ask unanimous consent to include the editorial in the Record. That editorial notes former Secretary of Defense Clark Clifford's statement that he "has reason to believe" the Vietnamese communists would release all American prisoners of war within 30 days of an American agreement to withdraw all U.S. forces from Indochina by December 31 of this year.

If Hanoi is seriously interested in such a proposition, it has no need to rely on the President's foes to convey its views. The United States, North Vietnamese, and Vietcong representatives have, after all, been in regular touch with each other for more than 3 years at the so-called Paris peace talks. Not once during those so-called negotiations have the Communists ever officially stated that they would agree to the return of all American prisoners within 30 days of an American agreement to withdraw all U.S. forces from Indochina.

I cannot comment on Mr. Clark Clifford's reasons for making a statement of the kind he did. Mr. Clifford was the Secretary of Defense at a time that the war in Vietnam was being escalated rapidly. Mr. Clifford has been intimately connected with Government for many, many years. He must know better than most of us that if he knows something that officials of our present administration are not privy to, he has an obligation to convey that information forthwith to the proper officials in Washington who can act accordingly.

If he has such information and fails to do so, he would be performing a grave disservice to not only the American public but to every single prisoner of war now being detained by the Vietcong and the North Vietnamese.

On the other hand, if he has no firm basis for his observations and assurances, then he has, in truth, been incredibly naive or perhaps far worse.

We have not gone through 6 years of sacrifice to come to the point of being talked into using the POW's as a political ploy.

Mr. Chairman, I include the editorial which I previously referred to, at this point:

The POW Issue

The Nixon administration is right to take a cautious view of former Defense Secretary Clark M. Clifford's statement the other night that he has "reason to believe" the Vietnamese Communists would release all American prisoners of war within 30 days of American agreement to withdraw all U.S. forces from Indochina by December 31.

If Hanoi is seriously interested in such a proposition it has no need to rely on the administration's foes to convey its views. U.S., North Vietnamese and Viet Cong representatives have, after all, been in regular touch with each other for more than three years at the so-called Paris peace talks. One can only assume, then, that the Communists wish this emotive issue to be publicly stirred up.

Secondly, Xuan Thuy, Hanoi's chief negotiator in Paris, hinted broadly in a recent interview that when North Vietnam speaks of a U.S. withdrawal, it means the cessation of *all* aid.

What the North Vietnamese are saying, in short, is that only if the United States agrees to create the conditions for a Communist takeover of the South will they agree to the repatriation of the Americans they are holding. That amounts to blackmail, not negotiations, and is consistent with traditional Communist disregard for humane principles.

The return of the American prisoners is and should be one of the principal objectives of American policy. But it cannot be the only one. Mr. Nixon has stated on many occasions that the withdrawal from Vietnam should be mutual, gradual and incomplete until there has been an exchange of prisoners. That is a reasonable position.

This does not mean that the administration should not continue and indeed intensify its efforts in private discussions with the enemy to reach agreement on an exchange of prisoners, a cease-fire and other questions of mutual interest. And while it is always unwise to make threats which cannot be carried out, it might be useful to reframe the question in terms of what the United States will do if the prisoners are *not* exchanged rather than concentrating on the concessions to be made to secure their freedom.

For the brutal truth is that the North Vietnamees will not return their American prisoners until they have extracted every last ounce of advantage from so doing. In dealing with such people, it is in the real interest of the prisoners themselves to let the Communists know that there are limits beyond which they venture at their own peril.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman and gentlemen, I rise in support of the Nedzi-Whalen amendment.

I do not think that this is perhaps the best form of the amendment that we could have here to end the war, but I think we have to recognize the parliamentary situation that on this bill it has to be germane. In order to make a germane amendment it has to be rather obscure and unfortunately we must beat about the bush. I tend to think that this Congress, of course, has not participated at all in approving this war, so it is probably just as well that we let the thing meander along and let the President wind it up if he can.

I also say this: I want to commend the President of the United States for the withdrawals that have taken place to date. We now stand at some 255,000 men. I think when my party was in power we had some 548,000 men there. Even still I tend to think we should have some concern here in Congress as to where we are going from here.

I am not positive that the President, in spite of the things he says, has a really firm idea of how he is going to end and terminate this war. I believe the gentleman from Massachusetts (Mr. O'Neill) is exactly correct in saying that really we have spent—I do not know whether he said a figure—$200 billion, we have 45,000 dead Americans, we have 300,000 wounded, and we have obligated ourselves for $200 billion of veterans' benefits now, in order to do as the gentleman from New York (Mr. Stratton) says, to provide self-determination for the people of South Vietnam.

Certainly, that is a very laudable objective, but I do not see why we are not working for self-determination in Iran or self-determination in Pakistan or self-determination in Central America, or in Argentina or in a massive number of countries that we seem to have very little concern about.

If we are talking about self-determination, how about South Vietnam's "Barry Goldwater" who ran in the last election, Tran Van Dinh, who got 30 percent of the vote and now sits in a Saigon jail because he advocated the wrong neutralist policies, perhaps policies to bring the folks together out there to end the war.

The President I believe wants to end the war. He is bothered by the Joint Chiefs of Staff, who really do not have a plan to end the war.

He gave a press conference a few weeks ago, on June 1, and they said, "Mr. President," in the press conference, as reported in Congressional Quarterly, "Will you set a date if we can get the prisoners back." And the President's response to that was that the only thing they had told us we can get in response to setting a date was talk.

This was one of the things I discussed in my little informal chat in international diplomacy in Paris a few weeks ago with the Deputy Chief of Mission of both the North Vietnamese and the National Liberation Front. I referred to the President's statement and I said, "Do not talk about talk. What can we do as far as action goes?" One has to badger these people and has to press them.

What we found out we could get was, No. 1, a list of prisoners in South Vietnam; No. 2, we could get an immediate cease fire if we had agreed on a reasonable termination date for the war as far as the United States is concerned; we could get a guarantee that our troops would get out without being fired upon; and could also get a guarantee not only that we would talk about prisoners but also that the prisoners would all be returned to the United States prior to the obtaining of the reasonable termination date.

We came back and talked to the White House. I exchanged that information with Ambassador Bruce. The press asked the State Department about this.

I want to read the dialog of the press conference at the State Department, and four analyses from my office describing my recent informal talks with the enemy forces in Paris.

News Briefing

Q. Charles, can we go on to Viet-Nam now?

Representative Leggett today said in a conversation with the Number 2 Man of the Viet Cong Delegation in Paris, on March 31st—he was told that if the United States sets a date for total withdrawal, they will release a list of all American POWS they are holding.

And secondly, that these POWS would be released before that total withdrawal was taken out.

Do you have any comment on this at all?

A. That if we set a date for our withdrawal, they would release the list—

Q. Yes.

A. And they would release the prisoners before the withdrawal was complete.

Q. Yes.

A. The Geneva Convention, I believe, requires that lists of prisoners of war be provided promptly to the sending country; that list is clearly-long overdue and is not under international convention, the kind of thing that we should have to negotiate for.

Now we continue to have indications which are conveyed informally and semi-publicly to Americans of possible changes in the negotiating positions of the North Vietnamese and the PRG.

We continue to attempt to probe, officially, for confirmation of any such changes in the other side's position, and we would welcome—but have so far been unsuccessful in eliciting—any confirmation from the other side that its position is changing. We would welcome this publicly, privately, but we would certainly welcome some official confirmation.

Q. Charlie, in the President's press conference, his last press conference, he said that all they have said—

A. Let me just add a sentence to this, Marilyn.

Q. Oh, yes.

A. I regret that we have never been successful in confirming officially, what the other side may be saying informally to private American citizens.

Q. All right, Charlie, the President said that all they have promised to do is to discuss the matter. They have never promised to release them.

Now is all that is required at this point is official confirmation of these things that they have been saying?

A. I don't know how to get a handle on that question.

Q. In other words, the President apparently wants a word from them that they will release the prisoners—not that they will "discuss" prisoner release.

Is all that we are now requiring, is that last step in which they give us official confirmation that what they are saying to someone like a Congressman is in fact, their position?

A. Well, I don't want to pre-judge the future of negotiations, Marilyn.

The President has made his position very clear.

What I am suggesting is that if the other side is changing their position in any way, it seems to us reasonable, since we have been attempting to negotiate officially between sides in Paris for three years now, that they confirm their position to us oficially.

Q. Charlie, in the past, have they not telegraphed their position through the press? For example, when they moved from the word "could" to "would" and so on and so forth—just for the record—has it not been true that what they have been saying privately to journalists, American Congressmen and so forth, has later been borne out in the official activity in the talks?

A. Well, all I can—

Yes, the answer is that that does sometimes take place.

All I can say is that the telegraph wire to which you refer has been busy telegraphing for many months, now—without any confirmation of an official character.

Q. Charles, the President used the word "commitment" in his press conference—if I can just rephrase the question: If we receive a commitment from the North Vietnamese to release American prisoners, are we willing to set a deadline?

A. I am going to leave this where the President left it, John, I am sorry.

Press Release From Congressman Robert Leggett

Washington.—The National Liberation Front, or Viet Cong, has told a U.S. Congressman that if a date for complete withdrawal of American forces from Vietnam is agreed upon, they will release all American prisoners before that date. They also said they would release a complete list of prisoners so soon as the date was agreed upon.

The statement was made to Congressman Robert L. Leggett by Nguyen Van Tien, second-ranking member of the NLF negotiating delegation, during a three-hour private meeting held in Paris May 31.

Congressman Leggett cautioned that statements made in private conversation do not constitute public commitments. However, if the NLF delegates publicly confirm their private statements, this would constitute a significant change in their position. Previously, they have said only that they will "discuss" the prisoner issue once the date were agreed upon. They have been unwilling to commit themselves to releasing the prisoners before the completion of American withdrawal, and they have been unwilling to specifically discuss the question of the list.

Mr. Tien also told Congressman Leggett that the NLF would not attack withdrawing American forces, that they would establish an immediate cease-fire once the date was agreed upon, and that the government the NLF hoped to establish in South Vietnam would like to have diplomatic relations with the United States.

Congressman Leggett also met with Nguyen Minh Vy, second-ranking member of the North Vietnamese negotiating delegation, on May 29. Mr. Vy was willing to establish a cease-fire and to refrain from attacking American troops once the date were set, but he would not promise that all pirsoners would be released prior to the completion of the American withdrawal.

"It's too bad we met with the North Vietnamese first," Congressman Leggett said. "If we had seen the NLF first, we could have come to the North Vietnamese and said, 'This is what your NLF colleagues told us. Do you agree with their position?' I don't think the North Vietnamese have ever failed to support a statement by the NFL."

Congressman Leggett quoted statements by President Nixon at his June 1 press conference that he would not offer to set a date for total withdrawal because "we have yet no indication whatever that (the North Vietnamese) will be willing to release prisoners in the event that we took certain steps."

"We now have this indication," Congressman Leggett said, "assuming our private conversation is publicly confirmed. At least, we have it from the NLF, which may hold up to 540 American prisoners. If North Vietnam supports the position of the NLF, I urge President Nixon to respond by setting a date.

"Both the North Vietnamese and the NLF insisted Mr. Nixon is using the POW issue as a false pretext for continuing the war," he continued. "They said his real motivation is to maintain the Thieu-Ky government. If the NLF position is publicly confirmed, and if the North Vietnamese support it, I hope President Nixon will give the lie to their accusations by offering to set a date for total withdrawal. I believe Christmas of this year would reasonable."

Congressman Leggett described his reception as "hospitable and cordial throughout. Our discussions were almost entirely free from polemics." He asked if he could return in a few months for further discussions, and both the NLF and the North Vietnamese indicated this would be agreeable.

Report on Meeting With Delegates of North Vietnam and the National Liberation Front

(By Hon. Robert L. Leggett)

On May 29, 1971, I met with Nguyen Minh Vy, the second-ranking member of the North Vietnamese negotiating delegation in Paris. Two days later, I met with Nguyen Van Tien, the second-ranking member of the National Liberation Front negotiating delegation. Robert Sherman of my staff was present with me during both meetings. Mr. Vy and Mr. Tien spoke through their own interpreters. Mr. Vy and Mr. Tien and their interpreters were most courteous and friendly throughout the discussions.

Our talks were long: two hours with the North Vietnamese and nearly three hours with the NLF. Much of what we said and heard was not new, and there is probably no point in repeating it in detail; our notes from the meetings are available to those who are interested. But I believe we may have made some breakthroughs, at least in our discussions with the NLF.

First. The NLF delegate, Mr. Tien, explicitly told us that if all parties agree upon a date for total withdrawal of US forces from Vietnam, the NLF will release all American prisoners before that date.

Second. Mr. Tien explicitly told us that, once this date is agreed upon, the NLF will immediately release a complete list of the prisoners it holds.

Both of these concessions came unexpectedly. When I asked Mr. Vy of the North Vietnamese delegation, "If we set a firm date for withdrawal and stopped all bombing, could we be assured our prisoners would be returned and our troops would not be attacked?", he responded by referring to the December statement by Madame Binh of the NLF. This is the one which says if we agree to get out by June 30, 1971, they will protect the safety of American troops and will discuss the release of prisoners. I said the June 30 date would have been excellent six months ago, but was now no longer feasible. I urged them to make a more specific commitment than simply agreeing to "discuss" the release of prisoners. I pressed these points repeatedly.

Their response was always polite and cordial, but invariably they wound up referring back to Madame Binh's statement. Their attitude was that this statement indicaed all problems would resolve themselves once we set a date. They said, in effect, that my proposal was the same as Madame Binh's, so what were we arguing about. Every time I stated my desire for more specific guarantees, or for a date later than June 30, they just referred back to Madame Binh's statement, although they did say they would consider another date if President Nixon would offer one.

If the North Vietnamese were this rigidly tied to Madame Binh's statement, I was afraid we would just get more of the same when we met with Mr. Tien of the NLF two days later. Happily, this was not the case.

My assistant, Mr. Sherman, asked him, "If the President were to agree to complete withdrawal of all American forces by Christmas of this year, when could we count on recovering all our prisoners?"

Mr. Tien responded, "All the prisoners will be returned before Christmas." Later, he amended this by saying, "If the parties agree on a date for withdrawal of all US forces, we will release all the American prisoners before that date."

In order to be sure there was no misunderstanding, we came back to this point on three separate occasions, and he affirmed it each time. However, I want to caution against over-emphasizing a statement made to me in private conversation. This is not a public commitment. I hope the question of the guaranteed release of prisoners before final withdrawal will be put to Mr. Tien and Madame Binh at their next press conference. If they publicly stand by their statements to us, and I fervently hope they will, then I believe this is one more reason why we should set a date for complete withdrawal.

At his June 1 press conference, President Nixon said he would not set a date for withdrawal because as far as the North Vietnamese are concerned, ". . . It always comes back to the same thing . . . they will agree to discuss prisoners, not release them. We have yet no indication whatever that they would be willing to release prisoners in the event that we took certain steps."

Now we appear to have this offer to release them, subject to public confirmation of course, and I hope the President will act accordingly. It is true that the offer comes from the NLF rather than the North Vietnamese, and unfortunately we met with the North Vietnamese first, and thus did not have the opportunity to ask them if they shared the position of the NLF. I hope the press will ask this question at the next North Vietnamese press conference in Paris. Parenthetically, I believe the North Vietnamese have never failed to support an NLF statement of policy.

Their second unexpected concession was their promise that they would release a list immediately if a date were agreed upon. As we did with the promise to return the prisoners, we came back to this point several times to eliminate the possibility of a mistranslation or misunderstanding.

Now I will briefly summarize some of the other aspects of our discussions. I am, of course, merely reporting what was told to us, rather than stating my own position.

Mr. Tien promised an immediate ceasefire if the date were set. He said he had no interest in maintaining the prisoners in captivity. He said the prisoners were well-fed and received medical treatment when necessary. He complained of brutal treatment in the ARVN prison. He said the NFL wanted to form a government that would include members of the present government in Saigon, although Thieu, Ky, and Khiem must be excluded. He said he believed in one man one vote and thought a multi-party system was possible. He said when the NLF takes over South Vietnam it will want to establish diplomatic relations with the United States. He said the NLF hopes to establish a neutralist foreign policy. He also described their economic program as "neutralist," by which I believe he means a mixture of socialism and capitalism. He said they would like to receive economic aid from anybody, as long as it came without conditions. He said the NLF forces in the Mekong Delta had more than enough food, enjoyed majority popular support, and were doing well.

We made a number of unsuccessful attempts to elicit further concession. On several occasions, I asked Mr. Tien how many prisoners the NLF held; he said they did not have a count. Mr. Sherman suggested it would be a valuable good-will gesture if the NLF were to release twenty or fifty prisoners; Mr. Tien replied that they had at various times released 30 prisoners, including journalists, and that each time the U.S. Government had dismissed it as propaganda. We asked if Christmas 1971 was a satisfactory withdrawal date for them; Mr. Tien replied, "the sooner the better."

I think it's worth noting that, unlike the North Vietnamese, Mr. Tien never once mentioned June 30 as the withdrawal date. Moreover, his demeanor seemed to suggest that Christmas was an acceptable date, although he didn't want to commit himself to it in the absence of any evidence that it was acceptable to our government.

I asked, "If the United States agrees to withdraw on a day certain will the North Vietnamese also agree to withdraw on a day certain?" Mr. Tien smiled and said the Vietnamese would solve this among themselves, politically, after the United States left.

Both the North Vietnamese and the NLF stated their view that President Nixon uses the prisoner issue as a false pretext to continue the war. They said his real reason is to preserve the Thieu-Ky-Kheim government. They said he had indicated American troops would remain until the Saigon Government was stable. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability; therefore this rationale could be used to keep our troops in Vietnam more or less indefinitely.

Both were willing to pre-commit themselves to guaranteeing the safety of the withdrawing American troops, once a date was set.

Both delegations expressed cynicism toward the elections scheduled for South Vietnam this fall, saying free elections were not possible under Thieu and Ky.

Both Mr. Tien and Mr. Vy expressed interest in our plan for proportional repatriation and disengagement, although both wished to study it further before commenting. I continue to believe this plan could be the most feasible procedural vehicle for carrying out the withdrawal, once we have agreed on a date.

Both Mr. Tien and Mr. Vy received us with hospitality and friendliness, and the discussions were almost entirely free of polemics. Both asked to meet our wives, who were waiting in the car—the NLF went so far as to ask them to sit in on the last hour of our discussion.

I asked both Mr. Tien and Mr. Vy if I might return and talk with them again in a few months, and both indicated this would be agreeable.

Finally, I must add that Ambassador Bruce and our own negotiating team were most cooperative and helped me in every way they could. I was impressed by their intelligence and ability, and I regret that they continue to be burdened by our government's refusal to set a date; they deserve to represent a workable policy.

THE HONORABLE ROBERT L. LEGGETT MEETING WITH DRV DELEGATION ON MAY 29, 1971

Together with my assistant, Robert Sherman, we just completed a two-hour conference with Nguyen Minh Vy, the Deputy Chief of the Negotiating Delegation from North Viet-Nam. The interpreter was a man by the name of Xuan Oanh, a gentleman who said he was at the Delegation to study music. The conference that we had was a pleasant one. It did not take the classic form of questions and answers, and in that respect sometimes it was difficult to obtain particular answers to questions that were posed. It started with a statement by myself for perhaps 20 or 25 minutes, followed by a statement from Mr. Vy for a similar period of time, and thereafter we had certain specific answers—certain specific questions.

I would generally conclude that very little new was learned from the conference. It consisted primarily of restatement of prior positions by the North Vietnamese Delegation. They appeared, however, to be very friendly and very much concerned about the opportunity to talk to ourselves. They indicated they considered that we were friends and that they were reluctant to talk to anybody about the prisoner of war issue. They knew that we came to talk about the prisoner of war issue. They were cognizant of the program which we had suggested concerning proportional repatriation. They were impressed with our sincerity in making these proposals, probably primarily because we had attached a Christmas withdrawal date in connection with the percentage of reductions; for this reason they discussed the situation with us. With respect to the particular percentage withdrawal proposal both for troops and prisoners of war, we really didn't appear to have much of a problem. The North Vietnamese Delegation apparently is of the view that the prisoner of war issue is being used primarily by the Nixon Administration to justify a long-time occupation by a residual force in South Viet-Nam, probably for the purpose of maintaining the stability of the South Vietnamese Government.

They were much concerned that Nixon had indicated we could not withdraw until: number one, their troops were withdrawn; and number two, the stability of the South Vietnamese Government was assured. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability and therefore our troops probably would be in Viet-Nam more or less indefinitely. They felt, considering the fact that Nixon had put the double condition onto our withdrawal timetable, that the prisoner of war issue was strictly fraudulent, and they made that point over and over again—that prisoners of war is no problem. I asked them if we set a firm date for withdrawal, could we be reasonably assured if we did no further bombing, that cities would not be shelled and in the withdrawal period that American troops would not be assassinated if they withdrew, and that all of the prisoners would be returned to us in advance of the withdrawal date.

I assumed a hypothetical date of Thanksgiving or Christmas, or finally Washington's Birthday, and their attitude was that really there was no problem on any of those issues, that of course they were unable and unwilling to assume any other alternative withdrawal date other than the date that Madame Binh had suggested, to wit, June 30 (next month). I indicated that this date was, today, totally unreasonable. They cited General Shoup's testimony indicating that we could withdraw a great number of men in a very short period of time, and I assured them, while that is technically possible, certainly if you were banking on the support of American public opinion, that American public opinion would require a longer duration date, that certainly we would have to—whatever we did and whenever we totally got out—firmly give notice to the South Vietnamese Government, and I told them under no circumstances could that date be less than six months.

So, I said assuming a six-month period, assuming all these prior conditions, and assuming we announced to the press that we would get out by Washington's Birthday—that we would withdraw totally by that period of time and that we would not conduct further bombing—could we be assured that our troops, number one, could get out without incident, that our prisoners could be returned, and that the cities would not be shelled.

The response to that was that—well, Congressman, you have Madame Binh's proposal—that's the same thing. This is your proposal—really there's no problem.

So I generally concluded that they were not really interested in setting up a new possible scenario. They were concerned that whatever we set up would probably be manipulated by the President. They indicated that they had many reservations about the President's good intentions. They also didn't like Mr. Reagan, the Governor of my home state. whom they referred to in a jocular fashion.

[(Mr. Sherman speaking, quoting Mr. Vy): "While insisting on a date of withdrawal, we can assure you there will be no problem in solving the POW problem if the date is set. But Nixon does not do his part—that is in setting the date. We cannot do ours, that is, in releasing the POWs. The difficulty is not from our side."]

I further asked them two questions that were posed in an article by Scotty Reston, as reported in the Washington Star on April 9, where he indicated President Nixon said he would not set a specific date for any American disengagement from the conflict because this might put the remaining troops in danger and interfere with the release of our prisoners of war. Reston asked two intriguing questions—one for Nixon and the other for officials of North Viet-Nam and the National Liberation Front. First, would Nixon set a date for the total withdrawal of all American forces from Viet-Nam if officials on the other side guaranteed the release of all prisoners of war and the safe evacuation of all American troops? And second, would Hanoi and the NLF agree to release the prisoners and guarantee the safe withdrawal of the American Forces if he got a guarantee that all Americans would be out of that country by a certain date? It was my general impression after hearing their answer that they feel there would be no problem in terms of their actions; that is, there appears to be no reason to withhold affirming a certain date for fear of safety of American troops.

Apparently they are prepared to pre-commit the safety of withdrawing troops if a firm date for American withdrawal is set.

They finally indicated that they would be glad to talk to me again in perhaps 60 days, that they felt they learned something of American public opinion from our conference, that they wished me well, and wished me to convey my best wishes to members of the American Congress who were concerned with ending the war.

Statement of Congressman Robert L. Leggett, Concerning Meeting With Representatives of the Provisional Revolutionary Government, May 31, 1971

Congressman Leggett. On the above-mentioned date, at my request, Mr. Robert Sherman and myself met with Mr. Le Van Loc (he didn't speak), described as expert, Le Mai, interpreter who was also described as expert, and second man on PRG negotiating team, Nguyen Van Tien. The meeting took place at the above address, a two-story home. Two French policemen were located outside. We were invited into the home, which had French conventional furniture and draperies and appeared to be clean. We were asked to have a seat and the five of us engaged in a conversation for approximately two and three quarter hours. The PRC people appeared to be cultured and hospitable. They served a thick, carbonated orange juice, cabernet wine and delectable meat rolls as hors d'oeuvres.

I began the conversation by explaining that neither Mr. Sherman nor myself represented the Nixon Administration, that we were Democrats, that I was a member of the House Armed Services Committee, and that a number of us in the Congress and many of the people in the United States were interested in reorienting American national priorities and ending the war with peace in Southeast Asia.

We mentioned that a few days earlier we had met with the North Vietnamese, to wit, Minister Vy. We indicated that we had a program that had been now authored by approximately 10 percent of the American Congress which we called proportional disengagement, also known as proportional repatriation. Tien appeared to be aware of our proposal through correspondence and otherwise. I emphasized that the proposal involved a number of factors that were beneficial to both sides, that it would call for a date for disengagement, would assume no bombing or shelling would occur after the date was set, and that proportionally troops and prisoners would all be withdrawn and returned home.

I mentioned that I was aware of the proposal for disengagement suggested by Madame Binh, to wit, June 30, 1971. I indicated that at this time a more reasonable date would have to be looked to, such as next Christmas or spring. I explained to Tien that as far as I was concerned, I felt both sides had an interest in a programmed disengagement whereby the South Vietnamese government would have at least six months notice of American total withdrawal. I used the words that they could be "weaned from the United States."

I mentioned that I felt it was to our mutual advantage that we not have a long-term occupation of South Vietnam. I mentioned that the American people, I felt, were tired of the war in large part because we couldn't afford it due to inflation; that inflation was not a permanent thing, that conditions were bound to get better, that when we were in a healthier economic condition, the American people might again find it to their advantage to continue the war. I mentioned that as a result of this possibility it was to our mutual interest that we negotiate prior to the time the President's de-escalation resulted in a hard-core residual force of occupation.

Mr. Tien thanked me for my explanation. He welcomed our good will to end the war, to bring an early repatriation to troops and prisoners of war.

I had mentioned that the proposal I had made did not receive the blessing of our own administration, and I mentioned the reasons why our proposal had received a negative response, to wit, we were concerned that if the PRC and NVN did not accept a proposal like this we might find it difficult to further disengage.

The response to that by Mr. Tien was that the Nixon Administration's negative answer was easy for him to understand because he felt that President Nixon was using the prisoner of war issue merely as a camouflage to masquerade (his words) Nixon's perfidious schemes to maintain prolonged occupation. He mentioned, as Mr. Vy had mentioned, that President Nixon had conditioned his disengagement intent on two conditions. First, the return of all American prisoners of war and, second, the stabilization of the South Vietnamese government. Tien indicated that the South Vietnamese government could never be stabilized. Tien indicated that Nixon knows the PRG position on prisoners of war. "He knows that they can be returned if he would merely set a date for disengagement, but he insists on maintaining his options for a long-term occupation." He indicated if Nixon would set a reasonable date, the prisoners of war could be released soon.

My assistant, Mr. Sherman, asked, if the President were to announce withdrawal of all troops by Christmas of 1971, could the prisoners be released earlier than that date? Mr. Tien smilingly indicated that this was very possible. He indicated that humanitarian considerations would require the release of the prisoners. "When President Nixon sets a date, prisoners could be released through talks relatively soon without attacks on withdrawing troops."

At this point I asked him if we could have a list of the prisoners. He repeated that this can be solved when they receive the notice of withdrawal.

I said, "Well, how many prisoners are we talking about—350, 100, 200, 40?" He smilingly indicated that he hadn't accumulated the lists. I said, "Do you have so many you cannot count them?" He smilingly replied that when the President provided the notice of disengagement Tien would provide the list of prisoners and the prisoner issue would be settled.

I asked if the prisoners were well-kept. The response was that they were. I asked if they received medical attention. He said that they had hospitals and doctors—many underground. He indicated again that President Nixon is not concerned with the prisoners, only with supporting the Thieu/Ky/Khiem government, that President Nixon needlessly continues to waste the lives and dollars of American taxpayers to support only a handful of bellicose people, to wit, Thieu/Ky/Khiem.

Mr. Tien was concerned that the people in the United States and their other friends around the world continue to exert pressure on the President to end the war. He indicated that they would like to see a termination of hostilities, the establishment of a new government, the establishment of diplomatic relations of the new government with the United States.

I asked him at this point who he expected to win the election in October in South Vietnam. He indicated, that depends on Nixon. If Mr. Nixon wants the war to end, if he wants an honorable end to the war, he will have to support the South Vietnamese people who want the withdrawal of the United States support to the Thieu/Key/Khiem government. He indicated that the people of Saigon and South Vietnam, in his view, hated the government.

I asked him if Madame Binh and himself were to join in a ticket, if they were allowed, opposing the Thieu/Ky/Khiem ticket, who would win. He indicated that this was not allowed over there.

I asked him what percentage of support in South Vietnam he felt the PRC had. He indicated that they had an overwhelming majority. He said he had considerable support in the urban areas. Because people are tortured and placed in tiger cages it is difficult to determine their allegiance.

I asked if he were a Communist. He indicated he was a neutralist. He indicated that because there was no freedom of speech in South Vietnam, it was difficult to determine the attitudes of the people.

I asked him what major changes he would like to see in South Vietnam besides Thieu/Ky/Khiem and the United States getting out. He said he envisaged a nation of concorde, reconstruction, and economic development as well as respect for independence.

He said he would accept aid from any country if they wanted to assist in rebuilding South Vietnam.

I asked him what he thought of Big Minh's chances for the election. He indicated that depended on Nixon.

I asked him how the government of South Vietnam could redevelop, how the parties could work together. He indicated that everybody could work together, but not Thieu/Ky/Khiem. He indicated that anybody should be allowed to participate in the government who supported neutrality, independence, and peace. This excluded Thieu/Ky/Khiem. But when was asked who was the judge of the standards he described, he smiled and said the people will decide.

I asked him if the thought a two-party system would work in South Vietnam or a system where the Communists were allowed, as in the United States, France, and Italy. He thought if they had too many parties the government could not work.

He again made clear Madam Binh's 8 points for a coalition government of the three components: (1) the PRG; (2) the Saigon government, but not Thieu/Ky/Khiem; (3) persons of religious forces, all of whom were for peace, independence, and neutrality.

I asked if he believed in one-man, one-vote. He smilingly said he did (if he understood me).

We asked about reprisals after the war against people who supported the Saigon government. He indicated that reprisals are useless, that the people of Vietnam have had too much of war. They will welcome a neutralist policy.

I asked him if he planned a Communist-type system right away. He indicated he wanted to govern in an independent, neutralist line. I asked if he planned a private enterprise, a Communist, or a socialist economic system. He indicated that he supported a neutralist economic system. I said if you don't plan to have private enterprise or a Communist system, could the system you espouse be described as socialist. He smiled and said, "No, it's a neutralist, independent line." I said that when you write your book on a neutralist, independent economic system, would you send me a copy. He smiled.

I asked why he was opposed to Thieu/Ky/Khiem. He said he was last in South Vietnam in 1969. He said he was opposed to the dictatorial, war-like policies and the corruption of the Thieu/Ky/Khiem government. He was opposed to its support by the United States.

He said that Vietnam was one country for 4,000 years, that there was a common desire for eventual reunification of the North and the South, that he was in no hurry. I asked if he wanted to unify the North and the South right away. He said, "Well, there's a difference in regimes. It will take a long time for reunification, maybe five to ten years."

I asked if the United States agreed to withdraw forces on a day certain, will the NVN also agree to withdraw on a day certain. He stated that the problem of the Vietnamese armed forces will be solved by the Vietnamese parties themselves. I said, "Well, armies solve problems by force." He smiled and indicated that he felt that a political solution was the way the Vietnamese would solve their problems after the United States left.

I asked again if he felt that multi-political parties could work in Vietnam and he indicated, yes.

Back to the subject of prisoners of war, we asked again about health (already covered), and what prisoners got to eat. I asked if they were given food other than rice. He said yes, New Nuong (the meat rolls we were then consuming). He said the prisoners like it.

We asked again when we could get a list of prisoners. He said when the President sets a date we can have a list. I said how would you like to have a list of your prisoners in exchange for a list of our prisoners.

He said, "They tell us you have only three political prisoners. We ask their names and the names were not provided."

He referred to an article by Don Luce, a copy of which he provided me. The article, he said, refers to one hundred to four hundred thousand political prisoners. He said the United States admits to one hundred to four hundred thousand political prisoners. I asked him where these people were. He said they were in a thousand prisons and jails, at Con Son prison, with 8,000 and he provided me with another list of prisons where he claims political prisoners are being held.

I asked, if I gave him the names of their political prisoners, will he give me the names of our prisoners? He responded that if Nixon desires to end the war and set the date for withdrawal, then all the rest of the problems can be resolved easily.

We talked again of a Christmas disengagement date. I asked him, "Since you are allied with the North Vietnamese and since they provide a list of prisoners and mail service, why don't you?" He said, "I think we have explained that. If Mr. Nixon will set a date for withdrawal, the prisoners can be returned." He stated that thirty prisoners, including civilians, have already been released from the South and that all of the releases were claimed to be merely propaganda efforts.

I asked him why he didn't talk to Madame Binh and give us the names of a few prisoners to take home. He ignored the question. Mr. Sherman then asked a series of questions to the effect that the American position of the President was that if a date were set for disengagement, that the President was concerned that a number of other conditions would be added before prisoners could be released. At that time, Mr. Tien referred to a written statement that he had provided earlier in the negotiations which stated that if a reasonable date for disengagement were set we could have an immediate cease-fire, second, that all parties could immediately enter into a discussion insuring the security for withdrawal and release of all captured military men, that the discussions could be had on release of all prisoners of war, and he said then, that a second matter to be resolved was the disposal of the Thieu/Ky/Khiem government. He indicated that the two problems were linked together which caused us preliminarily to believe that they would require the deposing of the existing Saigon government before the prisoner issue could be resolved.

Mr. Sherman again asked if they felt Christmas was a reasonable date. The answer was the sooner the better. I said, "Well, your answer indicated then that the setting of a date is totally immaterial for a solution to the problems, that the main issue is the deposing of the Saigon government which appears to be a condition not under the control of the American people." He indicated that was not correct. The position was not so rigid. I asked him to explain this. He said again that if the United States sets a date for withdrawal immediately, there would be a cease-fire between the United States and the NLF, that the parties could immediately enter into discussions for the return of all prisoners, captured men and pilots and for the safe withdrawal of all American forces, and then there would be a second question which could later be handled concerning the Thieu/Ky/Khiem government.

I told him that the United States has good control over our troop disengagement but not over the Thieu/Ky/Khiem government. He said that the United States must be responsible. I told him that the American people were not responsible for the government of Saigon, that the American people wanted the withdrawal of American forces, but that there was not majority support in the United States to abandon the Saigon government. I said I anticipated the United States would supply Saigon and Hanoi would supply them (i.e., the PRG) until a political settlement is reached.

I asked him how he thought it would be possible to get rid of the Thieu/Ky/Khiem government. Since they controlled the Army, a coup did not look likely and they appeared to have popular support in the elections the way they were held. He stated if the United States withdraws military support, it's over. I asked him to explain this. He indicated the Thieu/Ky/Khiem government survives on U.S. aid. I asked if the ARVN didn't have billions of dollars of supplies already. He indicated they will need more.

I asked him when was the last time he was in South Vietnam. He stated 1969. His home is in the Mekong Delta in a place called My Tho, 80 kilometers south of Saigon. I asked him if he had read *U.S. News and World Report* last week indicating the Mekong area was reorienting toward the Saigon government. He said the people's movement in the Mekong is very strong, has always been on the offensive. He said evidence of this is the toxic spraying of chemicals by the United States which has destroyed ⅔ of the coconut trees, much of the crops and fruit trees. He said if there is no problem in the Mekong, why do we spray the crops.

I asked him if his forces rely on the Mekong food supply. He said yes, that they had plenty of food, a surplus.

I asked where his people sleep at night. He said many places. They go to bed at 8:00 P.M. In liberated zones. This is difficult near U.S. bases where they must live in underground shelters.

I said, "What do you do with your wounded?" He said that they have doctors and hospitals throughout South Vietnam and in the liberated zones. I asked where the liberated zones were and he said, all over.

I asked what percentage of support he had in Saigon, the number of people. He said the people cannot say openly, but the PRG has majority support.

I asked him if the United States withdrew, could the South Vietnamese government survive another Tet-type offensive. He said if there were a cease-fire, there would be peace.

I asked if any of the written material he had given us was new. He indicated that it was provided negotiators last year except, he said, information on the prisoners. I asked if he was tired negotiating. He said, "We are a patient people."

During the conference we asked specifically if a reasonable date were set, perhaps six months away, what would happen? He answered: No. 1—cease-fire; No. 2—We would talk about prisoners and agreement would be reached where prisoners were returned immediately before the disengagement date, that the safety of all troops disengaging would be guaranteed and that a list of prisoners would be provided also immediately.

My wife and Mrs. Sherman were present for about one hour of the conference. They were welcomed.

Tien said he would be glad to talk to me again in sixty days.

Mr. SHERMAN. During the course of our discussion there were several points they made, which were new at least to me. In all cases in order to make sure that there was no misunderstanding, we explicitly restated what they said at least once, sometimes three times, to be sure that they would confirm it. They began by saying that President Nixon's rejection of proportional repatriation was easy to understand because he intended to keep troops in Vietnam and to continue the war indefinitely. He said that President Nixon proposed two conditions for withdrawal—(1) prisoner release; (2) stabilization of Saigon and Saigon cannot be stabilized.

We asked them if we were to withdraw by Christmas, when would the prisoners be returned. They said the prisoners will all be returned before Christmas. This point we reviewed three more times to make sure there was no misunderstanding. They did not insist on a June 30 deadline, which the North Vietnamese negotiators did. They did back off from their statement in one instance, this was a distinction they emphasized very strongly. They indicated by their mannerisms they felt it was an important distinction, that is that the date for withdrawal must be reasonable and it must be agreed to by all parties.

Later in the discussion, I asked him explicitly if they regarded Christmas as a reasonable date and they said, "The sooner the better."

They said they have no interest in keeping the prisoners. They have no intention to maintain them in captivity.

He said once the United States withdraws, friends of the United States who love peace will replace Thieu/Ky/Khiem. I asked him if they considered themselves friends of the United States. They laughed and said they considered themselves friends of the American people. They said they were ready to establish diplomatic relations with the U.S. Government. They said if Nixon desires an end to the war, the coming election provides an opportunity to get out of the war in an honorable way. They said the government they would establish in South Vietnam would be made up of three elements—(1) The PRG, (2) Members of the Saigon government excluding Thieu/Ky/Khiem, and (3) Other religious persons who stand for peace, neutrality, independence and democracy.

We asked who would decide who stood for peace, neutrality, independence and democracy. They said the people will be the judge when they vote. I said then that they were saying that it will only be by a vote, the election is made not by a preselection and they said, yes.

Then they said they were ready to receive aid from anybody, as long as it came without political conditions.

We asked if they believed in one-man, one-vote. They said, yes.

I asked them, "Can you assure us that there will be no blood reprisals against those who associated with Thieu/Ky/Khiem." They said reprisals are useless among their people, that they desire to unite with each other and to rebuild. They have had enough of war. The danger of reprisals is a pretext used by President Nixon to prolong the war.

We asked them if they intended to unite with North Vietnam. They said Vietnam has been one country for four thousand years, that they were not hurried. There are differences between the two regimes. They mentioned a time period of "five to ten years or longer" as the time reference for reunification.

We asked them, "Will the North Vietnamese troops be withdrawn at the same time as the U.S. troops." They very emphatically said that the Vietnamese would solve this problem among themselves.

We asked them if the Vietnamese could work together with multi-political parties and they said yes.

At this point we asked them if once the date is set, will they immediately produce a list of all the prisoners they hold. They said they would. This point we subsequently restated three times and they indicated agreement with it.

I said to them that one of the reasons that President Nixon gave for rejection of proportional repatriation was his feeling that if we offered to set a date in return for releasing the prisoners of war, that then the NLF would raise their price and would ask that the deposing of the Thieu/Ky/Khiem government as an additional price for returning the prisoners of war.

They said they want economic aid only, not military aid. We asked them if we continued to supply the Thieu/Ky/Kheim government, but gave them no military personnel, would that government be able to survive, and they said, no.

We asked them if the U.S. troops withdrew would the Thieu/Ky/Khiem government be able to survive another Tet offensive. They said if the U.S. Government withdrew they would want peace, not another Tet offensive.

We said it would be a valuable good-will gesture to end the war if they were to release twenty to fifty prisoners of war. They said they had released thirty prisoners of war already, including journalists, and that each time President Nixon had dismissed it as propaganda.

We asked them if they were tired of negotiating. They said, "We are patient."

On all occasions when we discussed the list they seemed to regard the list as a relatively minor thing and they emphasized that as soon as we set a date not only would the list be given out, but there would be an immediate cease-fire and they would immediately discuss the release of all prisoners.

Congressman LEGGETT. We generally concluded that our plan of proportional disengagement/repatriation might well be the procedural vehicle which the parties could use to carry out any negotiating prior to actual total disengagement after a date is set.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, efforts to deny the people's right to know about decisions made prior to 1968 to escalate the war in Vietnam gives a new dimension to the responsibility of the House of Representatives to assert itself on ending the war in South Vietnam.

Neither the people's representatives in Congress nor the public have ever been privy to the secret information that guided the decisions of high officials to involve us heavily in war in Vietnam. Even now the public is told it is not to know this information that was gathered in 1968 by the Pentagon because the Attorney General of the United States believes it would be leaking information vital to our national security.

Even though it is past history now, the people of this country should know what motivations, decisions, mistakes, miscalculations or misdirections by the officials at high levels have led us deeply into war.

By preventing this knowledge from becoming general, the Attorney General and others in the administration do all of us a disservice.

This day should end the subservient silence by the House of Representatives on ending our involvement in the undeclared war in South Vietnam. With the constitutional responsibility of initiating appropriation measures, the House in its past history was a more vocal and vital branch in the workings and decisions of the country. It should reassert that role.

Today the House again speaks on how long we permit this country to pursue the policies in Vietnam of a declining war and a slow withdrawal marked with decisions of military activity into Cambodia and Laos. Oh, how long, how long, does it take this country to decide that our withdrawal should proceed forthwith and our attentions turned toward our own Nation's economic and social problems?

It is fitting that the House today assert its right and duty to measure and direct the flow of expenditures in Vietnam. It is especially fitting in view of the Attorney General's action in court to muzzle the press and prevent publication of the facts surrounding decisions in 1968 to escalate the war in Vietnam. To try to prevent publication of the 1968 Pentagon war study by citing national security, as the Attorney General is doing with the support of the Secretary of State, will not wash with the American people. The people recognize that it is a flimflam effort to cover up the factual history by yelling "national security" to conceal decisions made to escalate the war prior to 1968.

President Nixon in the fall of 1969 rallied the people including myself behind him when he announced our withdrawal from Vietnam. The President was bringing the country to a unified position by this policy. But he has delayed too long to hold the strong backing he once had by stretching out his withdrawal plans, escalating side wars in Cambodia and Laos, and creating doubt as to his future plans.

There are many lessons to learn from Vietnam, and one of the most important is surely that decisionmaking on war should involve the Congress.

The House should speak today to tell the President what the people of this country have already determined. We are too long in Vietnam. "Out now" they say, "out with our men, out with our prisoners of war held by Hanoi." For that purpose and for that goal the people's elected Representatives can today take a stand and help guide the President and the Nation, as we are supposed to do.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GUBSER. Mr. Chairman, I rise in opposition to the Robison of New York amendment.

Mr. Chairman, threaded throughout this debate we have seen serious consideration of our unfortunate prisoners of war.

Some have callously said that we are making pawns of these men. But we cannot disregard the fact that they are Americans who are prisoners for having done their duty as they were ordered to do it. It is our obligation to conduct ourselves here in this Congress in a manner which will best assure their safe return.

Now I commend the gentleman from New York (Mr. ROBISON) for his amendment, because I think it is intended to meet that purpose, but I submit that despite its sincerity it falls far short of that goal, and it will probably cause harm, because it unilaterally concedes a point that the North Vietnamese devoutly desire in exchange for a promise to be fulfilled in the future regarding POW's.

One of the greatest and most respected names in U.S. naval history is the name of Adm. C. Turner Joy. He was the man who conducted our negotiations at Panmunjom. Just by coincidence the Doorkeeper brought me a card a little while ago with this message written on it:

> My father said in his book, "How Communists Negotiate," you must deal from a position of strength when negotiating with communism. Communists respect only force and patience.

The Chicoms in Korea were hoping the American people would force him to give in to the North Koreans and the Chinese communists.

Today is a repeat performance of the Korean truce talks.

And that is the card of C. Turner Joy, Jr. I think that man knows whereof he speaks. I think that he knows that the unilateral concession of a withdrawal date, no matter how well it is intentioned, no matter how much lip service we may give to the POW issue in a legislative forum, that these men will be held for ransom and for reparations, and they will be held for political purposes just like the *Pueblo* prisoners were held.

How many of you know that, according to the French Embassy, there are some 20,000 POW's and MIA's who fought with the French who to this day are unaccounted for? The Library of Congress expert on Southeast Asian affairs puts the number at 26,000.

Now, how can you ascribe any credibility to Hanoi's announcement that they will talk about the release of prisoners of war once we set a withdrawal date? How can we expect honest negotiations even with the so-called safeguards in the Robison amendment when we concede a major point without a quid pro quo?

Contrary to what so many people are telling you today, you can negotiate return of prisoners of war before a war is over. That is the way it is done. Let us not try to assume the negotiation process in this legislative body. It does not belong here.

It was on June 8, 1953, that the POW issue was settled at Panmunjon, to be effective on the date of the armistice, and the fighting was still going on and the fighting continued until 12 hours past midnight on July 27, 1953. That was the date of the armistice.

So it is totally false to say that you cannot negotiate a POW settlement in advance of a withdrawal or a cessation of hostilities. It was done in Korea, and it can be done again.

In the Robison amendment the term "ceasefire" is ambiguous. The North Vietnamese have repeatedly rejected our President's October 7, 1970, proposal for a total cease-fire throughout Indochina.

The most they have ever stated is that they would not shoot at American forces as they depart, which means they would continue to attack the cities and populated areas while claiming to only be shooting at their Saigon enemies. American lives would be jeopardized.

Also of dubious feasibility and wisdom is the Robison amendment charging the United Nations with the vital responsibility for insuring compliance with the provisions of the agreement reached under the resolution:

> The Communist side has explicitly and consistently opposed any United Nations role whatsoever in the Indochina conflict and North Vietnam's Communist allies in the UN could be expected to continue to make every effort to prevent the UN from playing an effective supervisory role.

Finally in contrast with the administration's call for an effectively supervised ceasefire throughout Indochina and for an international peace conference involving all of Indochina, the amendment totally neglects the important related areas of Laos and Cambodia where large numbers of North Vietnamese regular army units are carrying on their attacks.

The Robison amendment should be defeated.

Mr. SIKES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the House is being asked in this amendment to assume treatymaking responsibilities and to establish foreign policy. This is not our constitutional right. There have been a rash of attempts like this through amendments which claim to contain the magic date for an end to the Vietnam conflict. All of these efforts have a common failing. They set a date for withdrawal by American forces which is meaningless because they propose unilateral action by the United States. They assume the North Vietnamese, through some sudden change of heart, will release all American prisoners of war and stop the fighting and leave the South Vietnamese to their own destiny once the United States agrees to quit.

There is not an iota of evidence to support either hope. Nothing has been developed at the Paris peace talks which would indicate, let alone promise, such an outcome. All that we have are hints cleverly expressed by Asiatic Communists who are skilled in the art of doubletalk to some traveling American Congressman that everything will be all right if we will only establish an American surrender date in Vietnam.

Now, I have the fullest respect for our colleagues who are seeking to bring about an end to the war. Everybody wants the war ended. Our colleagues are very sincere in what they are attempting to do. But they ought to know that lying is second nature to a Communist. Is not it obvious that if the Communists really are serious, they would at long last be carrying on meaningful negotiations at the Paris peace talks? All they are doing is throwing dust in our eyes. What they say to American Congressmen is not binding and it is intended only to confuse the American people and cast doubts on our leadership. The Communists can set a date any time they wish for the release of our prisoners and for both sides to end the fighting, and we will respect it.

I intend to oppose all such amendments to the fullest. There is only one appropriate time for the United States to withdraw from the conflict in Vietnam. That time will come when all American prisoners are certain of speedy release and the South Vietnamese are assured a reasonable chance to protect themselves from successful Communist aggression.

To be sure, that is a date uncertain. Further, it is a date which no man in this Chamber can claim to know for a certainty. What is so sacred about December 31, 1971? Or, for that matter, what is sacred about any of the other dates which have been proposed for complete American withdrawal from Vietnam?

We are told that we should get out of Vietnam this year, because we have been there long enough and we have lost enough American lives to have filled our treaty commitments. And heaven knows, we have been there long enough, but only because the American people were never asked to support a war to win in Southeast Asia.

It is too late for that now. Our country has soured on the "no-win" policy and groups have sprung up all over our land which urge us to get out at any cost—just get out. Whatever their backgrounds or connections, they are helping to make a shambles of the Nation's efforts to bring about an honorable and responsible peace. The President has done everything that anyone could hope to do to bring about an end to the war short of actual surrender. His policies are working; there has been substantial progress in disengagement; and the South Vietnamese are accepting more and more the responsibility for their own destiny.

Let us not throw in the sponge when we are making real progress. We in the House of Representatives are not treaty makers. We can accomplish only harm by attempting to take policy matters out of the President's hands. He is doing a good job. He is getting our troops out of Vietnam. He will have us substantially out of that conflict within a matter of months without a confirmation of victory for the Communists and he will do it in an honorable and responsible way. This amendment would do just what we do not want—confirm a victory for the Communists.

Again, the Communists themselves can establish a date any time they wish—a date for the release of American prisoners and for an end to the fighting by both sides—and we will respect it. We cannot establish a date by action of the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in recent weeks I have received a number of letters which begin something like this: "Dear Congressman, my vote for or against you in the election next November will be based on how you vote on ending the war in Vietnam." Most of my colleagues have had a similar experience. Therefore, the interest which Members of the House have in matters of foreign policy and more specifically our policy in Vietnam is not that of a mere casual and disinterested spectator. The people of the United States do look to the Congress as well as the Chief Executive and hold us responsible for how well we perform in this vital area. And I do not complain. Indeed, this is as it should be, and part of the tragedy of Vietnam was the manner in which by calculated deception and the deliberate withholding of information in a prior administration Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility for our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionally warranted or wise.

However, the question before us today is whether or not this bill is the proper vehicle to assert a congressional prerogative to share in the formulation of policy. I think not. It by the admission of one of its own authors, the gentleman from Ohio (Mr. WHALEN), the jurisdiction of the Armed Services Committee relates inter alia to the authorization of the procurement of various defense weapons systems. It does not extend to the payment of military personnel.

I quote the gentleman from Ohio—page 19962 of the RECORD for June 15:

> Let me state some specific examples of things that the Nedzi-Whalen amendment will not accomplish:
>
> First it will not require that troops be withdrawn from South Vietnam after December 31 of this year, or deny them use of equipment and weapons systems that are already in South Vietnam.

Earlier this week the RECORD carried a letter of Prof. Paul Seabury of the University of California at Berkeley, a liberal Democrat, he was writing to another distinguished American, John Gardner, to tell him why he could not support him and his organization in their effort to secure passage of an end the war resolution of the type before us this afternoon. He made among others two points that particularly impressed me. One was his reference to what Max Weber calls the ethic of responsibility which he suggests is as important as the other ethic which Weber concerned himself with, the ethic of ultimate values and ends.

My friends, I feel very deeply a sense of responsibility this afternoon, the sense that all of us in this body have erred in times past because of some of the misinformation that was circulated about Vietnam. And I shall carry that responsibility with me as long as I live.

But can I then turn around and say that this is the way to act responsibly, to encourage the American people to believe that by adopting this amendment we are somehow going to secure an objective which all of us devoutly wish for, the withdrawal of our troops from Vietnam, when the very author of that amendment has told us, "No, it will not bring about the withdrawal of a single man from Vietnam by December 31 of this year?"

I cannot see how I as a legislator can discharge my ethic of responsibility by taking that position. Indeed, I think it would serve to compound some of the errors I have made in the past. So I would think the ethic of responsibility compels us to refrain from that kind of action.

I would remind you of what a great parliamentarian, Edmund Burke, once said. He said that in a discordancy of sentiments it is better to look to the nature of things than to the humors of men. It would unquestionably give many of us including myself a great deal of satisfaction to proclaim that I have voted to end the war. We are unanimous, I feel sure, in this body and in the executive branch in the desire to end the war and usher in a generation of peace. However, the unanimity of such intention in our midst must not serve to obscure the realities. We must look to the nature of things and realize that peace will come and we will see the return of our prisoners of war only when there is a mutuality of opinion on these issues and our adversary is willing to exchange war for peace and to release our POW's.

My disapproval of the Nedzi-Whalen amendment does not mean that I see no role whatever for the Congress to play in sharing the responsibility for an end to the war. Next week I plan to testify before the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee. My testimony will be in support of a resolution which I have drafted in an effort to clearly state our objectives and policy in South Vietnam.

The forum of these hearings and the debate which could then ensue on a resolution which might be reported by the committee would provide this House with an opportunity for truly meaningful participation in this area of legislative responsibility.

I believe that the procedure that I have outlined is better designed to help the Congress assert its initiative and rightful role than the adoption of the amendment before us.

Its authors and supporters are unquestionably well-intentioned. However, it would further compound the tragedy of Vietnam to adopt it only to discover that instead of peace it had produced disillusionment for the reason that it simply cannot accomplish the noble end for which it was designed.

Mr. DOW. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. DOW. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. I am a little reluctant about doing so, but I wanted to speak to you for just a minute or two because I thought it would be helpful for you to have the views of someone who was opposed to the war from the very beginning. We, perhaps, had a different view of this amendment than some of the rest of you, and I want to take just a minute to say why that is.

We think that the Nedzi-Whalen amendment is a very feeble amendment even though we are going to vote for it. We think that it is as wide as a barn door in permitting the President to continue the war. He could drive a team of horses through there if he wanted to take them to Vietnam.

We believe that subdivisions (b), (c), (d), (e), and (f) of the Nedzi-Whalen amendment are very weakening amendments, that they are feeble, and that they contain illusions about the war and overlook some of the realities.

I am going to speak briefly on only two of those illusions.

One of these illusions relates to the prisoners of war. The (b) paragraph allows the President, if he thinks there is some better way to secure the release of the prisoners, to set the date provided in the amendment ahead—in other words, to ignore it.

The implication is that perhaps by using force or by retaining troops in South Vietnam we are going to secure the release of the prisoners. My good friends, I submit to you that those prisoners will never be released by the threat of the use of force. Certainly if we could not release them and if we could not work our will in Vietnam with 500,000 men, how in thunder can we do it with 150,000 or 50,000 or some residual force?

The prisoners will be released at some time by negotiation just as the men from the *Pueblo* were released from Korea. That is the only way it will happen. I am presumptuous enough to make that prediction because the North Vietnamese and the Vietcong have shown us after 6 years of our applications of force, unrelieved applications of force, that they will not give an inch. Certainly they are not going to give the prisoners. I submit we had better make up our minds to that reality.

The only other section I should like to address is section (c). It says:

> This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

It seems to me a constant habit in Congress to bow down to the President of the United States on the assumption that there is a great area here, a great constitutional area, where the President has a certain right of decisionmaking all his own and separate from Congress. I submit that this is an illusion, because there is no area over which the President has executive power where the Congress does not also have legislative power. The Constitution specifically states that the Congress shall have legislative power and that it shall have the power to regulate the Army and the Navy. I am sure that goes all the way down to monograms on the silver in the mess hall.

The Congress could legislate in any area relating to the discipline of and the use of our troops. We could legislate for entry into Cambodia or the barring of our troops in Cambodia. We could legislate for entry into Laos or the barring of that purely by a legislative enactment.

That, as I see it, is one of the weaknesses in this amendment; namely, conceding so much to Executive prerogative, as if it were outside the frame of legislative oversight.

Nevertheless, I support the Nedzi amendment because it does point in the direction of ending the Vietnam war sooner. It is regarded as a step toward peace in Southeast Asia, and that I am for.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, about one out of four Congressmen and Senators has sponsored declarations, resolutions or amendments calling for withdrawal of U.S. forces from Southeast Asia immediately or by December 31 or some other date certain. Some proposals call for flatout disengagement, no matter what. Others would temporize somewhat regarding the safety of POW's and withdrawing military forces.

In contrast, President Nixon pledged termination of the Vietnamese war as fast as feasible when he assumed office in January 1969. He refused to announce a withdrawal deadline because to do so would not help the United States get out, but might significantly aid the North Vietnamese. The President also determined it to be in the national interest to specify three withdrawal conditions:

American POW's must not be imperiled;

Withdrawing U.S. military forces shall not be endangered; and

South Vietnam's legitimate defense should not be disadvantaged.

Within these constraints the President has accomplished troop reductions at a remarkable rate of over 130,000 per year. By next January American forces in Vietnam will be reduced from a high of 543,400 to less than 150,000. By mid-1972, they are expected to number fewer than 50,000, with withdrawals continuing.

Short of surrender, I do not see how this process could have proceeded any faster. I am as frustrated with this long drawn-out war as the next man. I know of no one who does not want out of it as quickly as possible. Frankly, it appears to me that setting a congressional time limit will not speed this up but is highly likely to be counterproductive.

Just because we are sick and tired of the war, does not mean that we can walk away from it without paying any exorbitant price. A man may be fed up supporting his wife and children. But if he walks away from them all will suffer severely. The situation with nations is parallel.

Modern diplomatic history reveals that we have veered between seeking our national security in alliances or seeking it in isolation.

Alliances, such as we now have, can prevent or damp down conflicts, but at the cost of engagements in faraway disputes that now generations of voters find burdensome.

Isolation avoids such early involvements, but often at the cost of facing large-scale conflicts in more unfavorable circumstances later on.

For example, World War II came on the heels of a declaration in 1938 at Munich by British Prime Minister Neville Chamberlain, responding to instincts very similar to those expressed by some Americans today, which dismissed Czechoslovakia as "a faraway country of which we know nothing."

In this context, a last minute switch to the isolationism of some fixed date for getting out of Vietnam seems the way to invite a larger conflict later. Continuing the President's less rigid formula seems likely to achieve the generation of peace which he has promised.

Possibly it would be politically advantageous for me to join the clamor for a "deadline" on the war. It appears popular. But I think it would be wrong and perilous. I think it would disserve the United States.

I must decline to do so.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in my judgment the Nedzi-Whalen amendment should be defeated for two very good reasons.

First, it is symbolic, without substance. The net consequence is that it is a meaningless amendment.

Second, the amendment should be defeated because if it were approved in the context of what many Americans believe it contains, it would have the net result of depriving the President and his appointed negotiators of honestly and effectively negotiating for a peace for the United States in South Vietnam.

Many, many Americans have the distinct impression that, if we pass this amendment, by December 31, 1971, all American forces must be out of Vietnam.

That is a regrettable and erroneous impression.

The truth is, as has been admitted by many previous speakers and particularly the speaker who just preceded me, the gentleman from New York (Mr. Dow), this amendment is full of loopholes and escape hatches. To use his words, if I can repeat them, he said specifically that it was "a feeble attempt" and "it was an amendment that was as wide open as a barn door."

If we approve this amendment, we are deceiving the American people and we are adding to the cynicism that exists throughout the country. We would not accomplish anything, because in the amendment you have not one but several escape hatches or loopholes.

Subsection (c) of section 402 says:

> This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

If you do not interfere with the constitutional power of the President as Commander in Chief, who has the constitutional duty to protect the lives of the men who serve on active duty and who has the constitutional responsibility of taking care of our national security, then we do nothing—I emphasize nothing.

I think it is sad and regrettable that the American people, many of our fellow citizens, believe that the enactment of this amendment would in effect force the withdrawal of 245,000 Americans who are currently in South Vietnam. The opposite is true. Its enactment will disillusion many Americans.

Second, as I said, if we pass this amendment in this form, we would torpedo the opportunities for bona fide, legitimate negotiations. If this amendment is approved, it would be my feeling that our negotiators in Paris might as well come home. In Paris, with this amendment on the statute books, they would have one hand tied behind them. They, as negotiators, would have been told to give away something for which they might have gotten something. Their effectiveness in Paris would be negligible if this amendment were to be passed.

We tried this approach before where we gave away something in the hope that the enemy would give us something after the fact. We tried it in November 1968, when we stopped the bombing and we were promised that negotiations would proceed and results would be accomplished. In this case the Communists banked our concession and put it in their pocket and said, "Now let us start from scratch."

Mr. Chairman, if we do what the proponents of this amendment want, we will be doing the same thing and compounding the same error. I do not think we should be so foolish again.

One final comment. The gentleman from New York has, I am sure in the greatest sincerity, sought to amend this defective Nedzi-Whalen amendment by a proposal that calls upon us or our negotiators to get a settlement of the prisoner of war problem, as a prerequisite to the American troop withdrawals. The gentleman from New York has recognized the total weakness of the Nedzi-Whalen proposal. He is doing his best to try to improve it by his amendment, but his amendment and the others point up what should be done. There should be full hearings on all proposals in a responsible committee or subcommittee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BINGHAM. Mr. Chairman, reserving the right to object, there have been repeated objections from the other side, some of them, in my opinion, remarkably discourteous, particularly to the original proponent of the amendment. I deplore this, and I shall not object in this case, but I should like to call attention to the fact that these objections from the other side of the aisle have taken place.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Mhichigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I am very grateful to the gentleman from New York (Mr. BINGHAM) and certainly the gentleman from Indiana (Mr. DENNIS).

I want to make one point. I was told yesterday that our distinguished colleague, the gentleman from New Jersey (Mr. GALLAGHER), the chairman of a subcommittee of the House Committee on Foreign Affairs, was undertaking next week, as I recall, a comprehensive hearing on all of the proposals that air at doing something like the Nedzi-Whalen propostion.

I was told, as I recall, that there were 70 Members of the House who had one version or another on this issue.

Mr. Chairman, does it not make more sense to turn this responsibility, that of the Robison of New York amendment, that of the Nedzi-Whalen amendment, the Findley amendment, and the McClory amendment, over to that group for them to make a judgment and to report something to the House, if anything?

I thank the distinguished gentleman from Indiana for yielding.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I asked for this time only because I did not have time to complete my statement a few minutes ago. In other words, I was prepared to suggest the very thing which the distinguished minority leader has mentioned.

I, for one, plan to appear and to testify before a subcommittee of the House Committee on the Far East and Pacific and Asian matters when it does meet.

I think we do have a responsibility, and let me make that clear. I am going to appear before that subcommittee and suggest the language of a sense-of-Congress resolution whereby we can define our objectives and our goals in South Vietnam and clearly assert what I think is a legitimate congressional prerogative in this area.

Mr. Chairman, my only point is that forum and I feel that that kind of approach is infinitely to be preferred to the efforts being made this afternoon, as sincere and well-intentioned as they are, which have been offered by many of my good friends. Yet I think they would be ineffectual in accomplishing the very purposes they are designed to effect, and to that extent disillusion the public which has already been disillusioned beyond measure with the war in South Vietnam.

So, Mr. Chairman, I would hope we would take up this responsibility at this time in a forum that has been created for that purpose.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the remarks which have been made by the distinguished gentleman from Illinois.

Mr. Chairman, I believe we are all in basic agreement on ending the war at the earliest possible date and now that we have had an opportunity to debate and evaluate the many suggestions that have been advanced, I feel we should reflect on what has taken place here today.

First, I believe these so-called "end the war" amendments and the debate on them here in this body, have served a very useful purpose. Certainly, the question of germaneness has placed a definite limitation on the entire subject matter; suggesting that, in the future, we must identify and utilize the proper forum and the correct vehicle with which to carry out the will of the people with respect to ending the war in Vietnam.

Second, in retrospect, I question if a defense procurement measure is, in fact, the correct vehicle to advance Congressional initiatives in the area of foreign policy. To my memory, no war in history has even been concluded through the passage of legislation and, to my knowledge, there is neither precedent nor provision in the Constitution to do so.

Third, I believe the net result of this particular exercise in the legislative process, is bitter disappointment and frustation on the part of a great many, sincere and well-meaning people. These so-called "anti-war amendments" have only served to raise false hopes, to deceive, to mislead and I do not think there's any question that they have been greatly misinterpreted here at home, in Vietnam, and throughout the world.

At stake in this entire controversy and still left unresolved, is this basic and underlying question of whether or not the Congress should have or assume greater authority in matters related to ending this war. The Congress can ill afford to ignore this question much longer.

I have always believed that our Founding Fathers realized that foreign relations could not be effectively carried on by the Congress on a day-to-day basis. In addition, it is the contention of a great many Members of this body and a great many people in this country, that when confrontations occur, there can be no doubt that the United States is not powerless to act and will not have to wait for protracted debate in Congress before the vast resources at our disposal will be employed to thwart or respond to an attack.

In contemporary times, particularly since World War II, the Congress has repeatedly gone on record as recognizing that, with the advent of the Atomic Age and the development of nuclear and hydrogen super-weapons, the Legislative Branch of our Federal Government was just not structured to provide the kind of "quick reaction" capability that is absolutely essential in the event of nuclear attack. Such a flexible response, it was argued, could best be rendered by the Commander in Chief if the lives of literally millions of Americans were to be spared.

I state these precedents, not because they apply to the war in Vietnam, but because they are the guidelines under which the Congress is now functioning and because they point up, I believe, the complete inadequacy of those basic guidelines.

The separation of powers enumerated in our Constitution as they apply to war, were intended to deal exclusively with what has become known as conventional warfare. The war in Vietnam, and to a lesser extent the war in Korea, fall in the unconventional or guerrilla war class and thus, I submit, that any attempt to apply the warmaking clause of the Constitution to either the reality of nuclear warfare or unconventional warfare—is as outmoded and obsolete as conventional warfare itself.

What is needed, in my judgment, is not legislation to further inhibit the President's ability and authority to defend us or freedom, but a new, realistic, and clearly understood definition of war and new guidelines for our future security—guidelines which are acceptable to and understood by the Congress, the executive branch and the American people.

In this regard, I believe the Congress has been derelict as have the committees of the Congress having jurisdiction over foreign policy. The Congress has failed, in my judgment, to keep pace with the changing nature of war and threats to our security. And the Foreign Relations Committees have likewise failed to develop any kind of policy guidance to express the sense of the Congress with regard to the Vietnam war.

Such an expression of foreign policy, as I see it, is not only the proper role of the Congress in these matters, but absolutely essential if we are to correctly represent the true feelings of the American people with respect to the Vietnam war.

As a result of the experience of the past few days, I, for one, intend to press for hearings by the respective Foreign Relations Committees from which a clear-cut "Sense of the Congress Resolution" can be developed which provides basic policy guidelines from the Congress with respect to the war in Vietnam.

The Congress has both a duty and the responsibility to convey to the President such policy guidelines which reflect the sentiments of the American people. Thus far, however, it has failed to do so.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New York.

Mr. ROBISON of New York. I would like to take the time to respond to the remarks of my good friend, the gentleman from Illinois (Mr. ANDERSON), by saying that I have had one of those "sense-of-Congress" resolutions about ending the war, one which I introduced last year and another which I introduced this year. All they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.

Mr. Chairman, I think it is time, even though this may be a bad vehicle for doing so, to tell the President how some of our constituents feel about this war in Vietnam, and I am doing the very best I can in that regard through the offering of my amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Michigan and the gentleman from Illinois.

Mr. Chairman, I rise in opposition to those amendments which would call for a unilateral withdrawal of our military forces in Vietnam.

Despite the escape clause built into the amendment offered by the gentlemen from Michigan and Ohio (Messrs. NEDZI and WHALEN) to the Military Procurement Authorization bill which would allow for congressional reconsideration of the December 31 withdrawal date, I oppose this amendment. I do so, Mr. Chairman, because I sincerely believe that President Nixon deserves the support of all of us in this body in this final hour of his troop withdrawal policy. In my opinion, a vote for this amendment would be a "no confidence in the President" vote.

Since my election to the 91st Congress—coinciding with the Nixon administration's assumption of governmental leadership in 1969—I have watched the development of the President's troop withdrawal and Vietnamization policies. And, Mr. Chairman, the President has kept every promise that he has made to the American people in his effort to wind down the American involvement in Southeast Asia. I have supported him throughout this 2½-year period and I have no intention of backing down now.

If we take a long-range, hindsight look at what has been accomplished to date and what will be accomplished in Vietnam by the end of this year, it must be obvious to anyone that troop withdrawal is succeeding at an orderly and realistic pace. When President Nixon took office in January 1969, the death casualty rate ranged from 150 to 190 weekly. It is now 25 to 50 weekly. When he was inaugurated there were 532,500 Americans stationed in Vietnam. As of May 1 the authorized troop strength in Vietnam was 284,000. By December 1, 1971, President Nixon has pledged that there will be only 184,000 Americans in Vietnam. If U.S. troop withdrawals continue bebeyond December 1 at the present pace, we will be down to 55,000 troops by September 1—the figure generally talked about as a "residual force." Possibly withdrawal could be accomplished even earlier since the President has beat every deadline he has set to date.

Although the President has pledged to withdraw all American troops from Vietnam, the question of setting a definite withdrawal date always arises. Despite the escape clause, setting a definite date is essentially what the amendment before us seeks to do. The sponsors and supporters of this amendment seem to believe that setting a date-certain withdrawal deadline will motivate the North Vietnamese to break the negotiation deadlock, to refrain from attacking our withdrawing troops, and to negotiate release of our prisoners of war. If so, they are ignoring the North Vietnamese pattern of operation so far.

Mr. Chairman, I thoroughly disagree with this reasoning on the part of the supporters of this amendment. Setting a date-certain withdrawal deadline will do nothing more than deal the enemy the trump card in this conflict.

Contrary to what the supporters of this amendment claim, naming a date would give the enemy information he would dearly like to have. It would remove any incentive on their part to bargain for the release of American prisoners or to end the war by negotiation. It would allow enemy commanders to attack our remaining forces at their most vulnerable time.

In a recent news article in the Washington Evening Star, Crosby S. Noyes states that the date debate is utter nonsense. He wrote:

> The date debate is nothing but a shocking illustration of the degree to which the confidence of the American people in its leadership has been undermined and eroded—not by anything that this or past presidents have done or said—but by the dedicated efforts of a small group of politicians and pundits who are determined to discredit any president who is unwilling to engineer an American defeat in Vietnam.

An even more important question raised by this amendment than that of a specific pullout date is the congressional curb on the President's power to commit military forces to armed combat which this amendment would impose. In testimony before the Foreign Relations Committee in the other body, Secretary of State William Rogers cited the precedent for presidential use of the Armed

Forces without congressional approval. In the following instances, the power of the Commander in Chief was used without congressional mandate:

> President Jefferson's sending of a squadron of ships to protect American vessels from Barbary pirates in 1801;
>
> President Polk's dispatching of American forces into disputed territory near the Rio Grande in 1846;
>
> President McKinley's sending 5,000 troops to China in 1900 to protect Americans and help put down the Boxer Rebellion.
>
> President Theodore Roosevelt's ordering of gunboats to the Canal Zone;
>
> President Truman's commitment of over a quarter of a million men to a war in Korea; President Eisenhower's sending of 14,000 troops into Lebanon in 1958 to protect American lives;
>
> President Kennedy's 1962 quarantine of Cuba.
>
> President Johnson's dispatch of Marines in 1965 to the Dominican Republic to protect the safety of American citizens;
>
> In 1965, when President Johnson began sending American combat troops to Vietnam, he relied as authority for his action on a combination of his own Constitutional authority as Chief Executive and Commander-in-Chief, the Senate's advice and consent to the SEATO treaty, and the authority granted by the Congress in the Tonkin Gulf Resolution. This Resolution was voted for by every Democratic Senator who is now in the Senate and was there in 1964.

Mr. Chairman, I know the American people are tired of the Vietnam war and our involvement with it. We all want to end the American involvement—all of us—the President, who inherited the war, and you and I and all of our colleagues in this Chamber. But it is my feeling, and it is the feeling of the majority of my constituents in Maryland's Fifth Congressional District that the President's policy is the only orderly, viable, and realistic way to achieve our withdrawal.

On this point, I would like to interject the results of a poll which I recently conducted among all my constituents. In a questionnaire sent to nearly 220,000 dwellings in my congressional district, 62.5 percent of the respondents indicated that they were satisfied with President Nixon's policy of troop withdrawal and Vietnamization of the war effort. Significantly, this is an increase from the 59 percent who responded favorably to a similar query in my November 1969 poll.

Finally, Mr. Chairman, while I cannot, in good conscience, support the precipitous withdrawal of American troops advocated in this amendment, I will give my support to a resolution offered by our colleague from Illinois (Mr. MCCLORY) which would establish a fixed date for the withdrawal of all foreign military forces from Vietnam—including the military forces of North Vietnam.

This resolution I do not think would be in conflict with the goals and aims of the administration for establishing a just and honest peace. Under the provisions of this resolution, November 30, 1971, would be designated as the date on which the Government of North Vietnam and all other governments with military forces in South Vietnam would commit themselves to withdrawal from that beleaguered country. This withdrawal would be supervised by a United Nations Military Observer Group.

Prior to the fixed withdrawal date, this resolution calls for a total cease-fire by August 15, 1971, and an exchange of all prisoners of war by September 1, 1971—also subject to United Nations supervision.

Mr. Chairman, while I could support this proposed resolution, I cannot, in good conscience, support the amendments we are considering today. Therefore, Mr. Chairman, I urge the defeat of the amendment offered by the gentlemen from Michigan and Ohio (Messrs. NEDZI and WHALEN) and similar amendments which call for a unilateral withdrawal of our troops by a certain date.

Mr. DENNIS. Mr. Chairman, since I am on my feet, I would like to say that the trouble with all these amendments is, as has been pointed out several times, first, that they do not really accomplish anything at all. Second, if we want to talk about the war powers of the President, and the war powers of the Congress, as I said here to the House yesterday afternoon, the time and place to do that is in a serious discussion of a measure on that subject, and in full conference with plenty of time to devote to the question, and not try to do it here by a meaningless amendment on an authorization bill.

There is nothing to these amendments, except some possible political advantage, and I want to record my opposition to them.

Mr. DOWNING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I thank the gentleman from Virginia for yielding.

I would like to say that I want to associate myself with the position that is about to be stated by the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, several months ago I came to the firm conclusion that our men should be withdrawn from South Vietnam as soon as possible. I concluded that the United States has fulfilled all of its commitments and obligations to that country, and that we could leave with honor.

Now, I do not intend to prejudge the rightness or wrongness of our participation in Southeast Asia. Only history can be the true judge of this. I have never said that the great sacrifices that were made to sustain South Vietnam as a free country were in vain.

Recently I spoke to the World Affairs Forum in Hampton, Va. During the course of that speech I said that:

> As a Member of Congress I have supported the last four Presidents in their foreign policy because I considered myself a loyal American, duty bound to support my Commander-in-Chief, as most Americans have and should.
>
> I supported the President's move into Cambodia because he assured me, and I believed, that it would minimize the attacks on American troops from those sanctuaries and reduce American casualties. Hindsight and statistics have proven this to be true.
>
> I approved the decision to allow South Vietnamese troops—and South Vietnamese troops only—to cross the Laotian border and cut the Ho Chi Minh supply trail. With the old Port of Sihanoukville closed, these complex trails were the enemy's main pipeline of troops and weapons from north to south. If the ARVN can accomplish this mission and hold until the rainy season closes the paths to everybody, we should be free to bring our men home posthaste.
>
> We have been in South Vietnam for 17 long, painful years. We have paid the price in lives and money to enable these people to defend themselves, if they have the will to defend themselves. They have the resources. If they lack the determination to defend their borders with their own people, our withdrawal should not blemish our conscience or abrogate our treaties.
>
> Today I am told the Vietnamese have a regular army of over 1.2 million men. In addition, they have over 500,000 irregulars who can be called upon. They are armed with the finest weapons of war that this country can produce. They have received every technical and military advice that they can absorb. President Thieu, himself, has said they are willing and ready to defend themselves. Much of the civilian population has denounced our presence. Clearly, the time has come to leave that country.

I have supported President Nixon in the past, and I support him now. I would not give this amendment one bit of attention had not the sponsors included a provision in it which would give the President sufficient leeway to take reasonable action if it be needed.

I am going to vote for the amendment, not because I think it will end the war, because certainly it will not. I am going to vote for the amendment because I believe the President needs to heed the advice of millions of agonized Americans.

And then, too, I am sincerely concerned that the present administration has no clear-cut policy as to how to end the war, and at the same time bring about the release of our prisoners of war. Indeed, just recently Secretary of State Rogers in trying to respond on the vagueness of our future Vietnam policy, stated:

> The reason we are not telling exactly what is going to happen in the future is that we do not know exactly.

I believe that this is an honest statement by the Secretary, a statement which tends to firm up my opinion that the hawks, of which I am one, have flown into a fog.

With some misgiving, therefore, I intend to cast my vote for the Nedzi-Whalen amendment.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment, and I would like to take a moment to address the House on a subject of concern and anguish to the American people. We have all heard the arguments generated on both sides of the Vietnam war issue. We have all sorrowed over the thousands of Americans and Vietnamese who have lost their lives in this 11-year conflict. We have all been horrified by the billions of dollars spent on the war effort. And, we have been outraged by a no-win policy that has been implemented by three Presidents of both parties.

I have not risen today to belabor any of these points. Each of us knows only too well the terrible toll exacted from America by the war, whether our point of view be personal, economic, political, or any other or any combination thereof.

I rise today instead to say that the American people have suffered enough. Contrary to constitutional intent, the American people have not formulated American policy in Vietnam. They have not been consulted, they have not been listened to, they have only been permitted the right to furnish sons to die. In the 1950's, when public sentiment was opposed to involvement in Vietnam, the administration ran roughshod over the people. In the early 1960's, with Americans of all persuasions clamoring for a hard-line military victory, the administration again turned a deaf ear, cut back the bombing, and severely limited the war effort. Now, in the beginning of another decade, Americans have been made beggars for peace, and the administration is throwing them Vietnamized bones.

Mr. Chairman, I do not want to see the South Vietnamese people victimized. I am not one of those who stands beneath the Vietcong flag with a clenched fist. I believe in freedom and liberty for all people, and I have always acted accordingly. But neither do I believe in a war that has been used to promote political advantage for our Presidents, a war that has been fired up or wound down to suit the political climates or our election years. Our soldiers have not been fighting for the future of a little piece of earth 10,000 miles away. They have been dying for the political futures of our Presidents, and it is time that we told this story the way it truly is. Where is the freedom of choice of the American people?

Thousands of people have spoken thousands of words on the subject of the Vietnam was. I am only one Congressman, only one citizen of this country, but I am anxious that these few words I speak will not be lost in the multitude of syllables uttered in this crisis. Because, Mr. Speaker, I love this country. I love its spirits, its grandeur, its wisdom, and its youth. I love the American people, and their sense of fairness and justice. Unlike many of America's critics, I love what America is, not just what it can become. I believe in America, and I believe we have done a good job for a nation that is not yet 200 years old.

It is because I love this country, Mr. Chairman that I rise to speak in behalf of an immediate withdrawal of our troops from Southeast Asia. It is because I love America, that I plead for her citizens to be heard. I do not like to see us fight a war in behalf of the right of another people to enjoy freedom and liberty, only to have America lose these same blessings at home. For these reasons, Mr. Chairman, I respectfully ask that my colleagues give their support to the amendment now under consideration.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Nedzi-Whalen amendment.

Mr. Chairman, the distinguished Chairman of the Committee on Armed Services read a letter from the Secretary of Defense earlier in the debate. I would like to read another letter on the other side from somebody you never heard of, a fellow by the name of Joe Hamus. He is not the Secretary of Defense; he is a retired 69-year-old member of the Wood County Draft Board. Wood County is the home county of our present Secretary of Defense, Mel Laird, the man whom I succeeded in the Congress.

Last month, after serving as a member of that draft board since September of 1963, Joe Hamus resigned. In this letter of resignation he said:

> Draftees are still going to Vietnam to replace some of those returning. I find that I can no longer, in good conscience, participate in classifying another man in Class 1A while the situation in Vietnam remains in its present or comparable stage. I feel that I cannot ask of another what I would not willingly do myself. . . .
>
> I believe it best for both myself and the good of the Service, that I tender my resignation as of today.

Mr. Chairman, Joe Hamus is not a wild peacenik. He is not an agitator. He is not a violent dissident. He is rather a respected member of his community and a very thoughtful man.

It has been said that this amendment will not stop the war. Well, Mr. Hamus' resigning will not stop the war. It did not end the sending of draftees to Vietnam. It was largely a symbolic gesture but his gesture and the actions of thousands of people like him across this country are causing an awakening of conscience and causing a reexamination of our Vietnam policy by the American public and the people who serve that public. I think his action explains in a small way why it is necessary for those of us in the House who share his concern over present Vietnam policy to lend our support to amendments such as this.

That is why I support the Nedzi-Whalen amendment.

Mr. Chairman, this amendment will not by itself stop the war. It does not in and of itself require the withdrawal of troops from Vietnam by any date certain.

It does say, however, that no new funds may be expended after December 31, 1971, for the purchase of certain military equipment for use in Vietnam.

If passed, this amendment in my judgment could logically lead to other decisions to withdraw our participation in that war.

And most importantly, this amendment like the letter of Joe Hamus is symbolic. This amendment above all seeks to restore a spirit of cooperative responsibility between the Congress and the Presidency.

The Presidency has had to bear for all too long, in my judgment, the full burden of the conduct of this war. That in the long run is not good for the Presidency. It is not good for the Congress, and it most certainly is not good for the American people.

I think if you vote for this amendment today, you will not be voting to stop the killing, but you will be helping in at least a small way to bring about the day when we can.

I hope you support the Nedzi amendment.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman.

Mr. CAREY of New York. Mr. Chairman, when we ignore the clear will of the American people, there is no question that there is political risk, but when we do so in a matter of national security, we do so at even greater peril in conducting a war in a foreign land. I do not know of any war that was ever prosecuted by any nation where the majority of the people of that nation no longer believed in the prosecution of that war. We have a clear indication before us in terms of popular support now that the American people, if they had a chance to vote or had a referendum today, would not support this war beyond December 31, 1971, or beyond any date they could select as their own reasoned choice.

If we consider the population in each State voting for itself in a recent test that was held in a body not far from here, you will find that those who voted for an amendment that would end the war on December 31—who represented the entire population of their own States—voted in numbers of 64,536,573 in favor of a date certain to end the war and only 60,298,527 in favor of continuing the present policy despite the head count of the vote which was 55–42 against—against—I repeat the will of the population.

Mr. Chairman, if the people could decide, this amendment would pass on a referendum by over 3 million votes.

I submit the tabular population vote of the other body as though it were cast by the people themselves for the information of the Members.

IF THE PEOPLE COULD VOTE

If a national referendum were held on the war, most polls indicate that a majority of the people would support setting a firm withdrawal date—as soon as possible. Most of the indices bear out this contention.

Now we have another, yet more explicit, indication of the popular will, as demonstrated by representatives of the people voting in the U.S. Senate.

Looking at the population of the States in which both Senators voted for the McGovern-Hatfield amendment, we find that Senators representing 64,536,573 people voted for the amendment, as follows:

TABLE I

Both Senators voting for McGovern-Hatfield (total 42)

State:	*Population*
California	19, 715, 490
Illinois	10, 977, 908
Indiana	5, 143, 422
Massachusetts	5, 630, 224
Minnesota	3, 767, 975
Missouri	4, 636, 247
Montana	682, 183
New Jersey	7, 084, 992
New Mexico	998, 257
North Dakota	610, 648
Rhode Island	922, 461
Wisconsin	4, 366, 766
Total	64, 536, 573

Yet when we look at the population of the States in which both Senators voted against the McGovern-Hatfield amendment, we find that Senators representing 60,298,527 people voted against the amendment as follows:

TABLE II

Both Senators voting against McGovern-Hatfield (total 55)

State:	*Population*
Alabama	3, 373, 000
Arizona	1, 752, 122
Colorado	2, 178, 176
Delaware	542, 979
Georgia	4, 492, 038
Kansas	2, 222, 173
Kentucky	3, 160, 555
Louisiana	3, 564, 310
Mississippi	2, 158, 872
Nebraska	1, 468, 101
Nevada	481, 893
Ohio	10, 542, 030
South Carolina	2, 522, 888
Tennessee	3, 838, 777
Texas	10, 989, 123
Vermont	437, 744
Virginia	4, 543, 249
West Virginia	1, 701, 913
Wyoming	328, 591
Total	60, 298, 527

In these States in which there was a split in the voting—table III—a "State weight" has been used to determine whether the State's population leaned more heavily in favor of one Senator versus another. The "State weight" was obtained by calculating the percentage of the vote received by each of the Senators in the most recent election, and placing the State in the column of the vote cast by the Senator receiving the greater percentage of the vote. (See table IV.)

Adjusted for McGovern-Hatfield

Connecticut	2, 987, 950
Florida	6, 671, 162
Hawaii	748, 575
Idaho	698, 275
Maine	977, 260
Michigan	8, 778, 187
New York	17, 979, 712
Oklahoma	2, 498, 378
Oregon	2, 056, 171
Pennsylvania	11, 669,565
Utah	1, 060, 631
Total	56, 125, 866

Adjusted against McGovern-Hatfield

Alaska	294, 607
Arkansas	1, 886, 210
Iowa	2, 789, 893
Maryland	3, 874, 642
New Hampshire	722, 753
North Carolina	4, 961, 832
South Dakota	661, 406
Washington	3, 352, 892
Total	18, 544, 235

The total of the "adjusted States" and those States which had both Senators voting for the amendment is 120,662,439.

The total of the "adjusted States" and those States which had both Senators voting against the emendment is 78,842,756.

One might ask, "What effect might the voting in the Senate have in the House, which had the opportunity to vote on the Nedzi-Whalen amendment?" As the Nedzi-Whalen amendment was defeated by a vote of 256 to 158, one could argue that the House is 10 years out of step with the American people.

Since we reflect the 1960 census—or some more anterior age, but certainly not the mood and meaning of our masses in the country today.

TABLE III

States with split votes

State:	*Population*
Alaska	294, 607
Arkansas	1, 886, 210
Connecticut	2, 987, 950
Florida	6, 671, 162
Hawaii	748, 575
Idaho	698, 275
Iowa	2, 789, 893
Maine	977, 260
Maryland	3, 874, 642
Michigan	8, 778, 187
New Hampshire	722, 753
New York	17, 979, 712
North Carolina	4, 961, 832
Oklahoma	2, 498, 378
Oregon	2, 056, 171
Pennsylvania	11, 669, 565
South Dakota	661, 406
Utah	1, 060, 631
Washington	3, 352, 892
Total	74, 670, 100

TABLE IV.—PERCENTAGE

	Percent	Year
Alaska:		
Stevens (no)	59. 6	[1] 1970
Gravel (yes)	45. 1	[2] 1968
Arkansas:		
Fulbright (yes)	59. 1	1968
McCellan (no)	unopposed	1966
Connecticut:		
Weicker (no)	41. 7	1970
Ribicoff (yes)	54. 3	1968
Florida:		
Chiles (yes)	53. 9	1970
Gurney (no)	55. 9	1968
Hawaii:		
Fong (no)	51. 6	1970
Inouye (yes)	83. 4	1968
Idaho:		
Church (yes)	60. 3	1968
Jordan (no)	55. 4	1966
Iowa:		
Hughes (yes)	50. 2	1968
Miller (no)	60. 9	1966
Maine:		
Muskie (yes)	61. 7	1970
Smith (no)	58. 9	1966
Maryland:		
Beall (no)	50. 7	1970
Mathias (yes)	47. 8	1968
Michigan:		
Hart (yes)	66. 8	1970
Griffin (no)	55. 9	1966
New Hampshire:		
Cotton (no)	59. 3	1968
McIntyre (yes)	54. 1	1966
New York:		
Buckley (no)	37. 2	1970
Javits (yes)	49. 7	1968
North Carolina:		
Ervin (no)	60. 6	1968
Jordan (yes)	55. 6	1966
Oklahoma:		
Bellmon (no)	51. 7	1968
Harris (yes)	53. 7	1966
Oregon:		
Packwood (no)	50. 2	1968
Hatfield (yes)	51. 8	1966
Pennsylvania:		
Scott (no)	51. 4	1970
Schweiker (yes)	51. 9	1968
South Dakota:		
McGovern (yes)	56. 8	1968
Mundt (no)	66. 3	1966
Utah:		
Moss (yes)	56. 2	1970
Bennett (no)	53. 7	1968
Washington:		
Jackson (no)	82. 4	1970
Magnuson (yes)	64. 4	1968

[1] Election.
[2] 3 party candidates.

Mr. OBEY. I could not agree with the gentleman more.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. DU PONT. Mr. Chairman, we have heard many arguments on both sides of the issue covering withdrawal from South Vietnam. The setting of a fixed date for ending our participation has received particular attention. The Nedzi-Whalen amendment purports to set such a fixed date. It does not do so.

I do not happen to favor the fixed date concept because it would undermine our negotiating position, and give unnecessary military advantage to the other side. Further, it seems unnecessary to tie the hands of an administration that has already reduced our participation in the war by more than 50 percent and is publicly committed to total withdrawal.

Regardless of one's position on the question of a fixed date, I believe this amendment should be voted down. The reason is fundamental: The American public believes that this amendment will stop the war by December 31, 1971. It will not, and therefore, is deceptive.

As one of the sponsors of the amendment the gentleman from Ohio, admitted on the floor 2 days ago—

> . . . There has been a misunderstanding to the effect that the passage of this amendment will remove troops from South Vietnam after December 31 of this year. This it will not do.

Yesterday's Washington Post carried a lead editorial making the same point.

Every Member of this body is aware that there exists today a serious "credibility gap concerning the war in South East Asia. The events of the past few days concerning our build-up in 1964 and 1965 may have taken us past the point where the American people will ever believe their elected representatives on this issue. The adoption of this amendment will only further polarize the country, because every Member here knows that when December 31, 1971, arrives, we will still be in South Vietnam. I fear then that the millions of Americans who believed this amendment was going to end the war will feel that they have been misled by false promises once again.

The amendment in no way affects deployment of U.S. forces in Southeast Asia, since it is attached to a military hardware procurement bill. Further, it is so riddled with qualifications and exceptions that it is ineffective even in its limited scope. The exceptions swallow the whole.

Could the bombing of Laos, Cambodia, or South Vietnam be increased under this amendment? Yes.

Could a strategy of fortified hamlets be reinstituted, under which U.S. troops could be sent to strategically located hamlets to defend South Vietnamese civilians? Yes.

Could a large contingent of U.S. combat forces remain in Southeast Asia indefinately under this amendment Again the answer is "Yes."

To enact legislation that purports to set a deadline for withdrawal, but does not do so, is wrong. To intentionally deceive the American people—who sincerely do believe that this amendment will end the war—is irresponsible.

I urge the amendment's defeat.

Mr. PIRNIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are important reasons why the Nedzi-Whalen amendment should not receive the support of the Congress.

It can have a number of negative psychological effects: First, It could undermine the efforts of the President to bring about a just and lasting peace in Southeast Asia; second, it could weaken the will of the people of South Vietnam at a time when they are putting forth increased efforts in assuming a larger share of the war's burden.

The record of the Nixon administration in reducing our troop strength in Southeast Asia is one which should lead us to fully support the President when he said as he did on April 7 of this year:

> As you can see from the progress we have made to date and by this announcement tonight, the American involvement in Vietnam is coming to an end. The day the South Vietnamese can take over their own defense is in sight. Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary.

The proposed amendment would establish a formal and fixed timetable for U.S. troop reductions in Vietnam. It seems to me the authors of this amendment have forgotten that as early as May 14, 1969, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. Unilateral action by the United States is not the way to set a fixed timetable.

Hope of progress in the Paris talks would evaporate. Put yourself in the position of the Communist negotiators. Knowing that American troops will be removed by a certain day, they will be even more inclined than at present to yield nothing and more encouraged to wait us out. In this regard it is helpful to review President Nixon's remarks in his February report to Congress on foreign policy:

> Since 1968 the US has done almost everything that various parties—including Hanoi—told us would kindle negotiations. We halted the bombing and other acts of force against North Vietnam. We agreed to NLF participation in the Paris talks. We agreed to the principle of withdrawal and made substantial withdrawals, soon to total 265,000. We agreed in principle to remove all our troops. We took a series of de-escalatory steps, such as cutting back our B-52 and tactical air sorties. And we appointed a new senior negotiator in Paris.
>
> These steps, except for the bombing halt, were unilateral measures, designed not only to reduce our involvement, but also to open the door to negotiations. Each of them was urged by the other side as a constructive contribution. None of them has generated movement by the other side.

If North Vietnam wished to cooperate in the cause of peace it could agree to our proposal of immediate ceasefire. Why do not the proponents of this amendment condemn this refusal to act. This amendment can only serve to undermine the efforts of the President to bring about a just and lasting peace in Southeast Asia.

Mr. FLYNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is never an easy decision to take a position and to vote against the recommendations of the House Committee on Armed Services.

In voting for the Nedzi-Whalen amendment I do so because I feel it is necessary to express in perhaps the best way we have our opposition to a prolongation, perhaps an indefinite prolongation, of the wrong war in the wrong place at the wrong time.

Many of us voted for the Gulf of Tonkin resolution because we believed what we were told at that time. We believed that we were being told the truth when we were informed by high officials in the U.S. Government that two American naval vessels had been attacked. Today there seems to be overwhelming evidence that those vessels were not attacked.

I believe everyone agrees that the Gulf of Tonkin resolution gave legal and constitutional authorization for a massive build-up of U.S. military forces in Vietnam and the prosecution of what we refer to as the Vietnam or Indochina war.

That legal and constitutional authority vanished totally when the Gulf of Tonkin resolution was repealed by congressional mandate and signed by the President in the closing days of the 91st Congress. So the question arises, under what authority are we there now? As I construe it, we are there solely under the authority that the President has as Commander in Chief.

Mr. Chairman, there have been many statements made during this debate that this amendment would undermine the constitutional authority of the President as Commander in Chief. With that contention I totally disagree. In fact, as I read subsection (c) of this amendment, it reads very clearly. It says:

> This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

Implied in this amendment is a statement that the Congress of the United States no longer supports a prosecution of the war in Vietnam. The effect of this amendment as it is worded is more symbolic than pragmatic.

For many years I thought that at least two Presidents wanted a declaration by the Congress that Congress and the American people wanted this war ended. I believe, Mr. Chairman, that the Nedzi-Whalen amendment will give such a declaration of policy by the Congress to the executive branch that this Congress and this country want this war ended at the earliest possible time.

I, for one, think that the time allowed in this amendment is sufficient time to provide for the orderly and expeditious withdrawal of American forces from Vietnam which the President has stated he desires.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. Mr. Chairman, I object.

PREFERENTIAL MOTION OFFERED BY MR. FLYNT

Mr. FLYNT. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. FLYNT moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. FLYNT. Mr. Chairman, if the objection had not been lodged to my unanimous consent request, the gentleman who made the objection might have gained 2 minutes. In fact, I think I can finish in 3 minutes, but I must say that along with, I know, several of my colleagues, we resent the lack of opportunity for House Members who are not members of the Committee on Armed Services to be allowed to speak to this bill and to this amendment. If I could have been recognized by the Chair at the conclusion of the remarks of the author of this amendment, the gentleman from Michigan, I would have yielded to him my 5 minutes and would have foregone the time which I have taken.

Mr. Chairman, let me say that I do not in any way consider this amendment as tying the hands of the President.

I certainly do not consider my vote a vote to tie the hands of the President. I know that some will say that that is exactly what I and others who support this amendment are trying to do. But I wish those who are nodding their heads and indicating that is the way they feel would accord to us who support the amendment the same integrity of purpose that we accorded to those who oppose it.

Mr. Chairman, I regret very much that anyone would see fit to attack the sincerity of purpose of the two authors of this amendment, the gentleman from Michigan and the gentleman from Ohio, or of any of the rest of us who see fit to support it.

I have always believed, Mr. Chairman, that an honest and honorable difference of opinion sharpens the intellect of all those who participate.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman made a very perceptive comment, I think, about the constitutional powers involved here. Now that the Gulf of Tonkin resolution has been repealed and is no longer on the statute books, what authority does the Commander in Chief, does the President, have to stay in Vietnam? Is it not limited to the safety of the forces remaining there?

Mr. FLYNT. I think it is limited to the safe protection, and I might say, the safe and orderly withdrawal of those troops who remain. I just happen to believe that safe, orderly and expeditious withdrawal can be accomplished within the time specified in this amendment.

This amendment, if adopted, could in no way be construed as an expression of no confidence in the President. I think the President knows that this country and this Congress has confidence in him. I know I have supported him publicly and privately in conversations and in public speeches every time I have had the opportunity, because I believe his purpose in seeking to accomplish an expeditious and orderly withdrawal is exactly the same purpose which I have and the same purpose which all of us who are going to vote for this amendment have.

Mr. Chairman, with regard to the prisoners of war, I yield to no Member of this House in my desire that those honorable Americans be immediately released and returned to our homeland and to their families.

I somehow feel—and I hope that I am correct—that the language of this amendment might help to expedite, if adopted, the return of those honorable Americans who are now held in prisoner of war camps.

With regard to the negotiations going on in Paris, I have said before, and I say again, that I believe those negotiations are a farce at best and a fraud at worst.

Mr. Chairman, when the Secretary of State in testifying in 1969 before the Senate Committee on Foreign Relations stated that it was not the purpose of the new administration to achieve a military victory, there remained no reason whatsoever for the North Vietnamese and the Vietcong to negotiate on anything.

Once having adopted the policy of no-win, a reason to sacrifice the lives of our American manhood vanished.

This most tragic mistake in the history of the United States must be admitted and this road to destruction must be corrected without further delay.

Therefore, Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. ARENDS) rise?

Mr. ARENDS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I know that the chairman of the Committee on Armed Services finds himself in a difficult position in view of his statement earlier today that he had no intention to attempt to close off debate. However, I notice by the clock that we have been debating and discussing this amendment for 2 hours and 10 minutes. I would like to find, if possible, whether or not there could be some agreement as to a time limitation on the Robison of New York amendment, but not the other amendment.

Mr. Chairman, I ask unanimous consent that all time on the Robison amendment be limited to 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. RIEGLE. Mr. Chairman, I object.

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, there have been many assertions here on the floor with reference to what the American people think, and I have here in my hand the complete Opinion Research Corp. poll of Princeton, N.J., as of May 8, which is barely 5 weeks ago. This complete poll shows false any impression that 73 percent of the people want our troops out of Vietnam regardless of the consequences.

Well, let me read to you what this poll says:

> The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.
>
> Here are some of the results of that survey:

This is a complete survey, not merely on the question of what some of them have been talking about here. Here it is:

> 1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."
>
> 2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.
>
> 3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.
>
> 4. *By almost seven to one,* Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.
>
> 5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

Now, Mr. Chairman, I plan to insert at the proper time this entire poll, and the poll will not show what has been put in the newspapers all over this land: that 73 percent of the people want our troops out of Vietnam by December 31. That was only a part of the poll. As I say, I am inserting the whole poll which gives the idea of whether or not they support the President, and they do, by 72 percent in this poll. The American people will support almost any plan to end the war, but they will not support two things: First is if there is going to be danger to the prisoners of war not getting back home, and, second, the possibility of a Communist takeover.

I wish that I had this material yesterday so that I could have inserted it in the RECORD so that all of my colleagues could have read it today, because I believe that they are entitled to have the whole truth, and not just a part of the truth.

The material referred to follows:

OPINION RESEARCH CORP.,
Washington, D.C.

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

PRINCETON, N.J.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it means a Communist take over of South Vietnam,* 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.*

PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. Well over half the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. By almost seven to one, Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period of May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes, 72; No, 18; and No opinion, 10.

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes, 68; No, 20; and No opinion, 12.

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over in South Vietnam?"

Yes, 29; No, 55; and No opinion, 16.

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes, 11; No, 75; and No opinion, 14.

The CHAIRMAN. The question is on the motion offered by the gentleman from Georgia (Mr. FLYNT).

The motion was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose both of the amendments.

Mr. Chairman, despite being a member of the Committee on Armed Services, I hesitated to take up this additional time so that Members who are senior to me would be able to make the arguments they desire to make for your consideration. However, some of the arguments that have been made, by admission of the proponents, have not had a great deal to do with the amendments themselves. I think there are a few pertinent arguments that should have been made that have not been made, and I think it is my duty to do just that.

Mr. WHALEN has told us that this amendment does not take us out of Vietnam by December 31, or any other fixed date.

He has told us that the money or ammunition, guns, or planes would not be denied for use in Vietnam or Cambodia or over Laos.

Mr. NEDZI said that it does not mandate a withdrawal and another of our colleagues said the amendments are feeble and as wide as a barn door and obscure.

The gentleman from Illinois (Mr. PUCINSKI) 2 days ago really helped us focus just exactly what the question is here and I wish to express it to you, when he said:

> The gentleman says the only meaning that this amendment has is that it is going to give a signal of the American people's intentions. A signal to whom? A signal of what? Who is the signal going to be received by?

The gentleman from Ohio (Mr. WHALEN) responded:

> I think certainly we are signaling to the executive branch of the government our desire and our concern.

I would submit for your very respectful consideration that this resolution, this amendment, and others like it have done not what they have been held out to the American people that they would do; that being to end the war. But, in fact, they have been feeding ambiguous facts and statements for the Communists to use in their propaganda machine not only in Vietnam but throughout the world.

If you would just read some of the minutes of the negotiations in Paris, you would find there the words of the Communists quoting—yes—quoting statements of people who are Members of this Congress and, in fact, leaders in our Government or so-called leaders in our Government, and quoting editorials from some of our free press and, in fact, using that to tell the people of the world how immoral we are as Americans.

I rise emphatically today, because I do not believe that the United States is an immoral nation. I do not believe Americans are immoral people. I do believe that we are a nation under God. I believe we are a united nation despite statements to the contrary by some of the people who would have you support this amendment.

I would suggest that you consider seriously the very important action we take here today if we were to submit to this—and I am sure we will not—but were we to adopt this amendment. We would in fact be providing more ammunition to the Communist propaganda machine and we would be providing more propaganda material for radio Hanoi to beam to our troops in Vietnam.

As a member of the Armed Services Committee of this House, I have been to Vietnam and I have heard radio Hanoi propaganda quoting words and deeds of Members of the Congress and others as they attempt to downgrade and demoralize our American soldiers over there.

I say to you, ladies and gentlemen, it is time that we stop applying the pressure upon the leaders of our Government. It is time we stop trying to give President Nixon—or whoever the President of this great Nation might be—stop trying to give him a message. I say it is time to apply a little bit of that same pressure to the Communists—to the enemy. Let us give them a message, and by a resounding "no" vote on the Nedzi-Whalen amendment today, my distinguished colleagues, let us tell the Communists—let us tell the enemy—let us tell the aggressor—that we are not going to hand them victory on a silver platter.

Mr. Chairman, I close by quoting one of our other colleagues today who told you—and these are his words—"Do not bow down to the President of the United States."

I would add to that, my distinguished colleagues: Let us not bow down to the enemy of the United States. Let us apply the pressure where it belongs. Let us give the message to the right people. Let us give a real resounding "no" vote to this amendment today.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Nedzi-Whalen amendment has been characterized by some very eloquent speakers this afternoon as meaningless and as accomplishing nothing. Well, I would suggest that if it is meaningless and if it accomplishes nothing, it still has attracted some very vigorous opposition, indeed, not only in this body but from outside this body.

Mr. Chairman, I would like to address a few remarks to those of the Members who may not have made up their minds on this amendment.

What this amendment really means, aside from all the detail and aside from all the specifics, is the proposition that a December 31, 1971, date should be set for an end to active American involvement in the Vietnam war, the date to be set by the Congress or set by the President.

As a number of speakers have suggested, a heavy vote for this amendment would be a clear indication to the President that there is a lot of sentiment here in the House that a termination date should be set for American involvement in Vietnam.

What would the setting of such a date accomplish? What would it do?

First of all, it would provide an opportunity to negotiate for the release of our American prisoners of war. Members of this body have received information that would be indicating that the prisoners would be released if the date was set.

The fact can be tested if a date is set. If we start now on negotiations for the release of the prisoners, we are starting with some 250,000 troops in Vietnam. The President's proposal apparently is to go on withdrawing troops until we have only 50,000 or less in Vietnam and then seek to use those troops as a bargaining chip for releasing the prisoners. Surely this is topsy-turvy reasoning. I would submit to you that, if the President were really focusing on the question of the release of the prisoners, he would indeed set a date, because he would have nothing to lose by that procedure and everything to gain.

I suggest that the real reason the President does not want to set a date is because his objective is to preserve the present Government of South Vietnam, the Thieu-Ky government. But I wonder how many Members of the House want this country to go on making the sacrifices we are making, with all the costs that this war entails, to keep a government of that nature in office in Saigon.

The setting of a date, whether by the Congress or by the President, would put pressure that has never up to now existed on the Saigon government to make a reasonable negotiation settlement. They have never had any interest in negotiations, because the United States was backing them and prepared seemingly to back them indefinitely. If the date for U.S. withdrawal were known, the Thieu-Ky government would have to be more realistic about making a compromise settlement, or else the Thieu-Ky government would fall and be replaced by a government prepared to reach a peaceful settlement.

It is not true, as the President has suggested, that there has been no progress in negotiations. There is one main issue that separates the two sides in Paris today and that is the issue of what the interim government will be in Vietnam pending elections. Everybody is agreed on elections. Everybody is agreed on international supervision. The real crux of the issue is what kind of government will be in power when those elections take place. The President's position is that that must be the Thieu-Ky government. That is essentially what American boys are still being asked to die about.

Mr. Chairman, a date must be set. A heavy vote for the amendment will indicate that those who support the amendment want to see a date set. Voting for this amendment is not going to force the end of the war. I wish it would. But this amendment will not do that. But it will give us an opportunity to indicate where we stand on the issue of setting a date for the termination of this war.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Indiana.

Mr. DENNIS. If merely setting a withdrawal date would return the prisoners of war, does not the gentleman think the enemy would simply say so, out loud and publicly?

Mr. BINGHAM. The setting of a withdrawal date would give us an opportunity for negotiating the release of the prisoners of war. As far as I am concerned, the troops would not be withdrawn unless the prisoners are released, and we cannot test the good faith of North Vietnam on this subject unless we set a date. The President steadfastly refuses to set a date.

Mr. DENNIS. What I suggest to the gentleman is that if it is the enemy's position that merely by setting a date we would get the prisoners of war, all the enemy would have to do would be to say so. But in truth and in fact they want other things. They want a coalition government. They want a Communist takeover.

Mr. BINGHAM. I cannot yield further. It is still my time. That may be the gentleman's opinion, but we will not be able to tell whether the gentleman's opinion is correct or whether the opinion of Mr. LEGGETT and others who have talked with North Vietnamese is correct unless we try; and unless we set a date, we will never know.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BOLAND. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Our harrowing decade in Vietnam makes one thing plain: A military victory there, the goal that has beset and bedeviled the Pentagon since the early 1960's, is nothing short of an illusion. Further military action would be fruitless, plunging us still deeper into a war that now engulfs virtually all of Southeast Asia.

The United States has already paid dearly for what the State Department likes to call our "commitment" to South Vietnam—more than 50,000 American soldiers killed and more than $250 billion squandered. Draining our resources and dividing our people, this war is now little more than an exercise in futility. A negotiated political settlement is the only way—quite literally, the only way—to stop the bloodshed. The concept of victory, always suspect, is now absurd And the peace movement, once considered the worst kind of villainy, is now a powerful and prestigious force in American life. Even the most ardent advocates of the war have long since abandoned it. Who hears of "hawks" any more?

The events of the past several years have shaken the American people out of their weary apathy. Public opinion polls—poll after poll, year after year—show that the vast majority of Americans want our troops to quit Vietnam.

Our commitment to that country—if, indeed, anything even distantly akin to a binding commitment ever existed—has been fulfilled.

If South Vietnam is not yet ready to defend itself, it never will be.

The time to get out is now.

How much more can we endure, after all?

How many more planeloads of coffins, how many more mutilated and lamed soldiers, how many more heroin addictions, how many more Mylais, how many more plundered cities and burned villages?

A hastened withdrawal schedule—together with what the press terms a "date certain" for total withdrawal—would help to yield a political settlement and help to free our POW's in North Vietnam.

At the very least, it would help stop the mindless slaughter of a whole generation of America's young men.

Clearly, Mr. Chairman, the Nedzi-Whalen amendment would help achieve this goal.

I urge its passage.

A James Reston column, published in the New York Times of June 16, 1971, discusses this country's role in Southeast Asia and the public's right to know about it.

Mr. FORSYTHE. Mr. Chairman, I move to strike the requisite number of words.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, the time has come in our long and tortured involvement in the war in Southeast Asia when the only course left to the Congress is to say, "Stop!"

That is what, as I interpret it, the Nedzi-Whalen amendment is designed to do—to say, "Stop!" I cannot do more, for under our rules of germaneness the amendment can only affect the money authorized to be spent—but not yet appropriated—by the pending legislation. Therefore, it necessarily leaves a wide degree of latitude to the President for a considerable period of time, long past the stated deadline of December 31, 1971.

Nevertheless, I intend to vote for it unless a demonstrably more effective amendment can be found. For it seems to be, at this time and place, the best we can do. And that best is clearly worthwhile. Though its value is chiefly symbolic, adoption of the amendment would tell the President, and our people, that Congress at long last is convinced that there is more to gain by ending the war in Southeast Asia than by prolonging it, no matter how low the level of our participation may be.

Mr. Chairman, I have reached this conclusion with some reluctance and only after all other efforts to end the war, including my own, have apparently failed. Neither unilateral withdrawal of our forces as of a fixed date nor gradual withdrawal combined with "Vietnamization" have ever appealed to me as our best alternative. For each would tend to perpetuate the war even though our direct involvement would ultimately cease. But of these two—and they seem to be the only alternatives left—the former is clearly the more desirable at this late date.

As many of our colleagues know, my own efforts for the past 5 years have been directed toward securing a cease-fire—a U.S.-initiated, mutually binding cease-fire, supervised by a United Nations force or units from an ad hoc group of neutral nations, followed by simultaneous withdrawal of all foreign troops. This, in turn, would stimulate more meaningful negotiations at Paris and maximize the opportunity for the Vietnamese people themselves to determine their own fate.

As an extension of my remarks, Mr. Chairman, I shall include in the appendix of today's RECORD the text of a newsletter I issued in June of last year explaining in detail the several features of my proposal and the specific formula for securing a cease-fire.

No one, of course, could guarantee that this or any similar plan would work. But as I explained in my newsletter and as I emphasized repeatedly to Presidents Johnson and Nixon and their top foreign policy advisors, we would have nothing to lose and everything to gain by trying. If it failed, the onus would be on the North Vietnamese for continuing the war, for we would have demonstrated convincingly our determination to end the war and reach a political settlement.

Unfortunately, however, neither this administration nor its predecessor has shown any serious interest in plans other than their own either for conducting or ending the war in Southeast Asia, which fact leaves us with the two alternatives of continued Vietnamization or congressional action to hasten our withdrawal.

In supporting the latter, I do so in the conviction that a vote for the Nedzi-Whalen amendment would be the most responsible action we can take today.

It would neither tie the President's hands nor excessively limit the options open to him in seeking an end to the war.

But it would, instead, enhance the position of the Congress as direct representatives of the people in sharing with the President for the first time active responsibility for determining how best to end the war.

It would not, in any way, imperil American prisoners of war or endanger those American troops withdrawing from Vietnam.

On the contrary, not only does the amendment specifically provide for the return of our POW's and the safety of withdrawing troops, but agreement on a target date for withdrawal—even a tentative one—could well lead to the kind of understanding with the North Vietnamese which hastens, rather than delays, both the return of American prisoners and the withdrawal of American forces. Should the North Vietnamese violate such an understanding there would, of course, be no compulsion on us to withdraw according to schedule.

Neither would the amendment, Mr. Chairman, unduly disadvantage the legitimate defense of South Vietnam.

We have been told for some time that Vietnamization is working well, that most of South Vietnam is securely held by forces loyal to the Saigon government, that the army, navy, and air force of the country are far superior to those of North Vietnam.

Surely, this ought to be true. For more than 10 years, we have spent billions of dollars and tens of thousands of our officers and men to train, equip, supply, maintain, support, and advise the military forces of South Vietnam. Today, they are acknowledged to be the strongest such force anywhere in Southeast Asia.

If, with all of that, they are incapable of defending their tiny country or if the government is unable to hold the loyalty of its citizens, we shall at least have done our best. And I cannot understand how an additional few months of U.S. involvement after December 31, 1971, would substantially change this situation.

In the final analysis, Mr. Chairman, this war has been a bad investment for the people of the United States, however we measure this investment—morally, politically, economically, socially, or even militarily. From a purely selfish point of view, overlooking for a moment the huge toll of death and destruction imposed on the Vietnamese people themselves, the United States has put into this war more than a hundred billion dollars, the lives of 50,000 of its best young men, and the health of hundreds of thousands more. We have divided our people deeply and bitterly; we have strained to the breaking point our people's respect for their Government and confidence in its integrity; we have weakened our economy on which the livelihood of millions of Americans depend; we have stimulated inflation, incurred huge budgetary deficits, endangered our export trade, and suffered serious reverses in our balance of international payments; and now we are told by the Pentagon that the Soviet Union has caught up with or exceeded us in the development and deployment of major weapons systems.

All this—and more—is the direct and indirect results of our failure to see the costs of Vietnam in proper perspective.

In view of this, Mr. Chairman. I can find no objective or purpose which could justify remaining involved in military operations in Southeast Asia any longer than it takes to disengage. Consider, for example, that within the past few weeks, President Nixon has opened trade relations between the United States and Communist China and has greatly expanded the already comprehensive list of American products—including many with direct military applications—which our companies can sell to the Soviet Union. Yet, at the same time, the administration persists in its position that we are involved in Southeast Asia to defend free governments against a Communist conspiracy fueled by the Soviet Union and Communist China.

I do not think we can have it both ways.

Nor must we try to have it both ways, for there is not a great deal of difference between the President's position and ours. Insofar as we all are determined to end the war, withdraw our troops, and liberate our prisoners as soon as possible, then we are in agreement on the fundamentals, and I would hope that no lesser considerations should obscure this fact.

All I ask, therefore, Mr. Chairman, and all I believe the Nedzi-Whalen amendment involves, is for the President to make a little room for Congress and the people to participate meaningfully in determining how and when to end the war, or else to be more precise and convincing in telling us why the administration's plan should remain untouched and unaltered.

As one who believes the President has accomplished a great deal in reversing the trend of our involvement in Southeast Asia and has earned the gratitude of all who are concerned at the price we have had to pay for that involvement, I do not believe this is too much to ask.

If he will accept it in the spirit in which it is offered, the President will find, I believe, that this amendment can serve in an appropriate way the common purpose of all who wish to close this tragic chapter in American history.

Mr. FORSYTHE. Mr. Chairman, the Nedzi-Whalen amendment is proposed here today purportedly as a way to bring our troops home from Vietnam by the end of this year.

Many of the responsible and sincerely dedicated Americans who believe the President must set a date certain for disengagement are supporting this amendment.

I have great respect for these people, as I have for the amendment's sponsors and Members of this House who also support this proposal.

And, I must say, in all honesty, that I have, for weeks, debated with myself about this issue. I desperately want to do everything responsible to get us out of this war in Vietnam.

As you may know, I have been consistently opposed to setting a date certain, as a solution to our involvement in Southeast Asia. So, a yes vote for me would, of course, be a substantial change in position.

Mr. Chairman, I do not question the sincerity of those who are supporting this proposal here today.

They want the bloodletting to stop just as I do.

They want their people back home to know how they feel, just as I do.

They are tortured with every casualty on either side, just as I am.

They, too, are impatient and frustrated that the war has not ended.

They ask, and I ask, "Will the killing and maiming never stop? Cannot we in Congress bring this war to an end?"

Perhaps we can. Perhaps we can legislate peace. But I am not so sure. And, if we can, I must confess I do not know how. At least not yet.

But, Mr. Chairman, I do know this: Nedzi-Whalen, even though it has captured the minds of many people as a way to end this war, is a cruel hoax.

It is not the way to peace. It will not stop one bomb from falling after December 31, 1971. It will not bring one American home.

That is a fact.

Some supporters of this proposal argue that it is consistent with a statement of policy signed by a number of Republican Members, entitled "Action To End the War."

They argue that since this is so, it would be inconsistent not to support Nedzi-Whalen.

As a signer of this document, I continue to stand by its purpose and its intentions.

The crux of this statement is as follows:

> We shall work and vote for responsible legislation during the current session to fulfill our obligation to the President and to the people to work to end our military involvement in Vietnam, Cambodia and Laos this year, consistent with return of our prisoners and safe return of our personnel.

The key word here, Mr. Chairman, is responsible.

And, in my judgment, this is where Nedzi-Whalen fails.

Responsible legislation, in my mind, means legislation which will accomplish a stated purpose in a conscientious and accountable fashion.

It means, in short, that the proposal turns into specific results within a given period of time.

This simply would not occur with Nedzi-Whalen.

It cuts off funds for new procurement of military supplies after December 31, 1971, and, in this way, sets a "date certain."

But does the military and the administration need these funds to conduct the war after this date?

The answer is "No."

In fact, by the time military equipment covered under this bill gets down the pipeline to Southeast Asia, it will be long past December 31, 1971.

The amendment has no effect on personnel.

It would bring no one home. It would not stop the bombing. It would not stop the fighting.

And, by its very nature, people are being led to believe that this would occur.

If I were serious about wanting to set

a date, this certainly is not the vehicle that I would choose.

The amendment goes out of its way to assure that the administration's war-making powers are not abridged.

It hedges withdrawal with safe return of prisoners.

Mr. Chairman, there are so many loopholes that it would take Fruit of the Loom all week to patch them up.

The amendment is a cruel hoax.

Yet, supporters will tell their constituents: "I voted to set a date."

Most of those constituents will believe a date has been set, if Nedzi-Whalen passes, and that the demands of Hanoi have been satisfied.

They will be disillusioned because the date that has been set is meaningless.

The vote on this amendment is being declared as a vote of either confidence or no confidence in the President. This is unfortunate.

I do not consider my "no" vote to be a blank check for the administration. I am just convinced that this is bad legislation.

I will continue to seek responsible ways to participate in ending this war.

The New York Times release of some of the inside history of the Vietnam war further destroys confidence in our Government.

The Congress should not play this game of deception. This is the game that Nedzi-Whalen plays.

I repeat, my colleagues, that this is a most cruel hoax.

It does not do what it purports to do. It does not set any meaningful date.

It does not mandate withdrawal.

It does not stop the use of material to prosecute the war during either the period ending December 31 or even June 30, 1972. Or, really, even after that.

It does not stop the bombing or any of the things many people believe it does.

It does not stop the war.

Mr. Chairman, and my colleagues, let us not deceive the people. Let us seek to be truly responsible.

Let us question and seek new paths toward peace.

But, let us not deceive the people.

Mr. CELLER. Mr. Chairman, from some of the remarks made this afternoon one would get the impression that Congress had no hand in the conduct of this war. Well, I can only say that that is just balderdash. We are not political eunuchs. We have power when it comes to this war. The President is Commander in Chief of the Armed Forces, but we are the commander of the purse, and our power is almost equal to that of the President. The powers are coordinate. Since we have command of the purse, let me remind you of an old phrase: He who pays the price can call the tune. I think it is time we called the tune.

Mr. Chairman, it is quite evident we cannot win a military victory. That is admitted by all. It is quite evident, also, that we cannot have a diplomatic victory in Paris. That seems to be admitted by everyone. Therefore there can be no victory.

Why are we in Southeast Asia if there can be no victory whatsoever either on the diplomatic side or on the military side? Why continue this senseless war that the Nation does not want? To what purpose do we continue?

To my mind there is no logical answer. The continued killing and maiming of our sons is a dreadful and dreaded result. The indiscriminate destruction of the native population by indiscriminate bombing cannot be justified. It amounts to the slaughter of the innocent.

How long can we wait for this undeclared war to end? This is no more than manslaughter.

All sorts of promises, subterfuges, lies—and I emphasize lies—have been fed to us. Are we mice or are we men? Let us rise and assert ourselves now, we who should be concerned for our Nation, for its prosperity, for its dignity, and for its welfare.

It is ridiculous to say that we in Congress have no power over this unholy war. As I said before, the Constitution does give us power, and this amendment is within the ambit of that power. It concerns appropriations, it concerns moneys for the conduct of the war and for the maintenance and support of our armies in Southeast Asia.

We have been supine, apathetic, and quiet for too long a period. Let us act now and give the signal that the war must end. I think passage of this amendment will be that signal not only to the country but to the whole world.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. McCLORY. Mr. Chairman, as has been mentioned here earlier, I am the author of House Concurrent Resolution 321 in which 20 of my colleagues have joined to establish a fixed date, the earliest date I know of, for withdrawal from Vietnam, November 30, 1971. This resolution provides for a mutual withdrawal of the North Vietnamese Armed Forces and all other foreign armed forces from South Vietnam. It is also conditioned upon there being established a cease-fire and an exchange of all prisoners, also according to set dates. This resolution is set for a hearing before the Subcommittee on Pacific and Southeastern Asian Affairs of the House Committee on Foreign Affairs, and I expect to testify in support of that resolution next week.

It seems to me, as has been indicated here earlier, by my colleague from Illinois (Mr. ANDERSON), that this is the correct approach to take with regard to a fixed date resolution for withdrawal from Vietnam, or other congressional action.

I think personally that the President should set a fixed date for withdrawal, and this sense-of-the-Congress resolution would designate a date which could be adopted by the President for a mutual withdrawal.

Mr. Chairman, I do not feel that we are helpless or that we should sit here supinely as has been indicated by an earlier speaker. I think it is incumbent upon us to give every bit of support, advice, and assistance to help the President in bringing this war to a final conclusion at the earliest possible date.

Mr. Chairman, there is precedent for the Congress acting in such a way, because we have done this with regard to other conflicts which I have referred to in earlier remarks in this Chamber, and which are reported in an earlier volume of the CONGRESSIONAL RECORD.

Mr. Chairman, in a questionnaire which was circulated among 154,000 households in my congressional district support for the President's domestic policies ranged up to 85 percent. On other domestic issues the survey indicated that the voters were about 2 to 1 in support of what the President has proposed. But with respect to the subject of Vietnam and whether they felt our present Vietnam policy would be successful in terminating our involvement, the men gave only a 37-percent vote in support of the President, and 63 percent against. The women voted 31 percent for our present policy and 69 percent against. This indicates that they want something more to be done and that, in essence, is what my House concurrent resolution proposes to do. It says:

> Yes; the President is doing a good job, and he is keeping his word; he has reduced the total number of our troops in Vietnam in a little over two years from a high of more than 540,000 down to 242,000; he has kept his word with regard to the withdrawal schedule.

But, Mr. Chairman, the American people still want an accelerated withdrawal and a final termination date for this war.

Mr. Chairman, I am going to vote against the Nedzi-Whalen amendment and the Robison amendment, because I feel we should deal with this subject directly through the form of a House concurrent resolution at the hearings before the appropriate committee. I am hopeful that those who have joined me in this resolution will not feel that they are being let down by my not proposing my resolution in the form of an amendment to this bill. I hope that other cosponsors will support the position I have indicated, that of going directly to the issue with the expectation of bringing the resolution to the House for a vote after we have had hearings before the committee. This should enable us to have an early vote on this concurrent resolution.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, the time has come to put up or shut up. The Nation has had its full of sophistries about how we must kill for peace, and expand the war in order to end it.

When the Nedzi-Whalen amendment to the military authorization bill comes to a vote, every Member of this House of Representatives will have an opportunity to make known the wishes of his constituents—whether they want to end the war before the first of the year, or whether they want the war to continue.

Undoubtedly, there will be attempts by professional pettifoggers to cloud the issue with qualifications, to pretend that the issue is not that simple. It is that simple. Either Congress exercises its fundamental power of the purse by refusing to allow any more of the people's tax money to be poured down the drain in Southeast Asia, or it does not.

Either we stop the war or we do not. The recent revelations of manipulations by past and present administrations have taught us once again the lesson which President Nixon urged early in his term of office: do not pay any attention to what I say—watch what I do.

The country is no longer interested in what we say about the war. It is waiting to see what we do.

Words will not stop the killing, nor will they bring the return of our prisoners of war. The President refuses to set a date for ending the war because he says that would mean abandoning our POW's. Who ever heard of prisoners of war being exchanged in the middle of a war? Prisoners of war are exchanged when a war is over.

Countless people in positions both high and low have urged the President to signal an end to the war by announcing a withdrawal date, so that we can begin to negotiate with the North Vietnamese for a mutual exchange of prisoners. They have promised they will join us in such an agreement once a withdrawal date is announced. The amendment offered by my colleagues, the gentleman from Michigan (Mr. NEDZI), and the gentleman from Ohio (Mr. WHALEN), protects against a welching by the North Vietnamese; it permits the President to condition withdrawal on successful arrangements for mutual release of prisoners. The President has said that a date certainly would be a "precipitate" move. We have been involved in Vietnam 17 years—longer than the Civil War, World War I, and World War II put together. Isn't 17 years long enough?

Congress can evade its constitutional responsibility no longer. We have wheedled, cajoled, and deferred to the President time and time again, and to no avail. It is time we gathered up our moral courage and rose with a single voice to say "No more."

I would like to commend my distinguished colleagues, the gentleman from Michigan (Mr. NEDZI), and the gentleman from Ohio (Mr. WHALEN) for their leadership in pushing a reluctant House to stand up and be counted at last on the issue of ending the war. History will record whether the House accepted the responsibility to save the country from any more of this ugly war.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, we are today considering legislation which calls on the Members of this House to express a formal desire to remove all American troops from Vietnam on a fixed date, December 31, 1971.

I oppose that measure, Mr. Speaker, for a number of reasons.

The legislation at issue here, the Nedzi-Whalen amendment to the Military Procurement Authorization bill, has been widely advertised as the House version of the well-publicized Hatfield-McGovern amendment, which was defeated in the Senate yesterday by a vote of 55–42.

But the Nedzi-Whalen amendment is vastly different from the Hatfield-McGovern measure. The Nedzi-Whalen bill cannot end the war by December 31, even if enacted, a fact finally admitted by its sponsors after weeks of misleading publicity.

The gentleman from Michigan (Mr. NEDZI) has conceded that even if his bill passed, it would not materially affect the course of the war for another 2½ years, since authorizations already approved would sustain American military operations through that time.

So the Nedzi-Whalen amendment, while calling for a December 31, 1971, deadline, could not force a withdrawal before the early months of 1974. I am confident that President Nixon will have ended American combat involvement in Vietnam long before that time.

But this amendment, though powerless to affect the war directly, could if passed provide the North Vietnamese and Vietcong with a powerful propaganda weapon, and to destroy any incentive for the enemy to negotiate an earlier settlement.

With these facts in mind, it is obvious that this legislation could only prove damaging to our efforts to continue an orderly withdrawal of American troops, and to turn the complete war effort over to the South Vietnamese and give them the responsibility of defending their own country.

A vote for this amendment would not be a vote for an earlier peace, since it could not have that effect. A vote in favor could only serve as a signal to the enemy that we are ready to give up our pursuit of a just peace.

President Nixon has said on several occasions that setting a fixed withdrawal date would not be in the best national interest at this time. As Commander in Chief of the Armed Forces, and with his access to the private discussions now going on in Paris, the President knows better than any Senator or any Representative what is the best course for us to follow in disengaging our troops.

The Vietnamization program is working—300,000 Americans have been brought home from Vietnam over the past 2 years. Troop withdrawals are continuing now at a rate of 19,000 a month. We are moving toward a total withdrawal of American fighting men.

Casualties are at their lowest point since the initial troop buildup was ordered by the Johnson administration 6 years ago. The number of American casualties has been reduced by 90 percent since the Vietnamization policy was implemented 2 years ago. None of us will be satisfied until we reach a 100-percent reduction—no casualties at all—but we are working toward that goal.

These are positive steps toward peace, not reckless rhetoric that cannot be supported by facts.

The facts are that we are getting out of Vietnam, and that the rate of withdrawal has been consistently accelerated.

All of us want peace. We want our sons and brothers and fathers home with us. We want our prisoners of war released, and brought home to safety.

President Nixon wants all this as much as any of us, and I am convinced he is doing his best to see these goals achieved at the earliest possible date. President Nixon has met or exceeded every commitment he has made to the American people, and with their support, and ours, we can conclude our involvement in this war in an honorable way, and hopefully achieve the goal of the President—a goal we all share—and that is a long-awaited generation of peace.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I shall support the Nedzi-Whalen amendment. I believe it makes sense to establish a date certain for withdrawal of our troops from Indochina.

The time has come for the Congress to exercise its constitutional power to limit expenditures for military operations in that troubled area of the world.

It has been 10 years since our Americans began their bloody sacrifice. On December 22, 1961, Sp4c. James Thomas Davis of Livingston, Tenn., became the first American soldier to die in combat in Vietnam. Since that date almost 50,000 more American boys have joined him in death in that war and over 300,000 other American boys have been wounded, a dreadful toll. It was announced today by the Pentagon that another 25 American boys had been killed in combat. The time has come to bring such announcements to an end.

Almost 140,000 South Vietnamese have been killed in battle and almost 350,000 others have been wounded.

Three hundred twenty-five thousand South Vietnamese civilians have been killed and over 1 million more have received wounds.

The number of South Vietnamese uprooted from their homes and forced to become refugees exceeds 6 million, which is more than one-third of the total population. More than 5½ million tons of bombs have been dropped on Indochina, a staggering quantity which is 2½ times more than the total bombing by all belligerents during World War II.

We are told and we have tended to believe that the approximate cost of the war to date has been $125 billion. That is only the initial cost. A study by Prof. James L. Clayton of the University of Utah which has been accepted as a part of the Department of Commerce's Statistical Abstract of the United States estimates financial commitments attributable to the war as of June 30, 1970, to be $352 billion. This is broken down as follows:

First, $110 billion in direct spending by the Armed Forces;

Second, $220 billion in Veterans benefits made necessary by the conflict extending into the next century;

Third, $22 billion in interest payments on war-related Government debt.

Almost another year has gone by since last June 30 and almost another $15 billion has been spent on the war. It must be obvious that Professor Clayton's estimates are conservative. How much longer shall we permit our Nation's resources to be thrown down the drain in Vietnam?

It will be argued, however, that we must not pull the rug out from under the President—that the President knows best—that he is in possession of the vital facts relating to the war and to peace negotiations and that Congress should not interfere with whatever he is doing in this field.

Congress has tended more and more to leave such matters to the executive branch, depending upon the President to provide timely information for its guidance. In the years following World War II with the growth of American involvement in international affairs throughout the world, the Congress has given more and more power to the President and has deferred to his judgment.

We are reading in the press today the results of such reliance in the early 1960's.

Unfortunately, the executive branch has come to assume that in matters of war and foreign policy the Congress has little choice other than to accept the judgment of the executive branch. Unfortunately, too, some Members of Congress have the same viewpoint. One need only recall the demand of the White House for prompt approval of the Gulf of Tonkin resolution to realize the dangers inherent in inadequate questioning of Presidential proposals in this field. It is clear now that all the facts surrounding the episode in the Bay of Tonkin which led to the initial bombing of North Vietnam by American planes were kept from Congress at the time it voted on that resolution.

Too frequently the executive branch has failed to follow the sage advice of the late Senator Vandenberg that Congress should be informed and consulted before the takeoff on some foreign adventure and not merely at the time of the crash landing.

Obviously, we must not and shall not withdraw our Armed Forces from Vietnam without having repossessed our prisoners of war. No settlement is possible without their release. But they certainly will not be returned as long as the fighting continues and the Vietnamization program continues the fighting. It is true that on occasion belligerents exchange prisoners during a war, but that is the exception. Ordinarily, prisoners are released when hostilities are ended.

Hanoi has expressed interest in combining the return of the prisoners with American withdrawal. Approval of the Nedzi-Whalen amendment may serve to bring the negotiators together on a date for our withdrawal and the return of our prisoners, and I shall vote for it.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, it pains me once again to oppose my leadership on this legislation. And I wish to emphasize my admiration for the determination the committee chairman, the gentleman from Louisiana Mr. HÉBERT), has shown to assure full and unfettered debate on a most vital issue.

But Mr. Chairman, the startling series in the New York Times has revealed the extent to which Congress and the Nation were deceived by those who formulated our disastrous policies in Vietnam.

With many others in this body, I accepted as fact what has turned out to be—and I shall try to be charitable—a chain of prevarications surrounding the start of our massive involvement in this war.

In retrospect—and hindsight in these matters is always helpful—it appears President Johnson was ill advised by many of his senior counselors during the period of maximum buildup. I wish more of these officials had been like George W. Ball, our Under Secretary of State at the time, who at least had the courage of his convictions in openly opposing the wider war, involving as it did the commitment of large numbers of U.S. ground forces.

Some of the men around Mr. Johnson were less than frank in discussing the war with Congress and the public. I recall vividly the headlines of 4 or 5 years ago, over Mr. McNamara's pronouncements that the boys would all be coming home within a year or so. Either Mr. McNamara did not know what the facts were, or he was lying.

I do not think the war would have been allowed to progress in the way it has if Congress had been properly informed back in 1964 and 1965.

It is not necessary to belabor past mistakes. But it has been said that those who do not read history are doomed to repeat its mistakes.

Let us look, instead, to the future. Not alone because I feel duped by McNamara and others, but because such action now seems tragically overdue, I shall vote for the Nedzi-Whalen amendment.

I want America out of this war.

Mr. WALDIE. Mr. Chairman, I rise in support of the Nedzi-Whelan amendment. I listened to those who have said we should oppose the Nedzi-Whelan amendment, because if it were to pass, and since it is a meaningless expression, it would contribute to the further disillusionment that is already prevalent in our society.

I pose this question to them: What factors do they believe have been responsible for bringing about the disillusionment of the American people?

Mr. Chairman, clearly in my district there is the feeling that the House of Representatives and the Senate, particularly the House of Representatives, are institutions that have no ability to perform anything meaningful in disengaging us from Vietnam. That is where a large part of the disillusionment has come from. Further, that the President is the only one to whom they can turn to accomplish a change in that policy, while the House and Senate sit back and pass up opportunity after opportunity to take meaningful steps in their behalf.

Mr. Chairman, it is an ineffectual attitude on the part of the House of Representatives, particularly, that has contributed greatly to the disillusionment of the American people.

Mr. Chairman, the amendment may not do much, but this is the only amendment pending before us, and it is the only amendment that does anything. It is sophistry to suggest that there are better amendments and that we should have a better amendment than the one now pending before us. There are no other amendments pending before us. The Nedzi-Whalen amendment is the only amendment pending before us. If you want to bring about a lack of disillusionment on the part of the American people, let them know that the legislative branch of this country is effective, and this is the time and place for us to cast that vote.

I am also concerned with those who say that to vote for the Nedzi-Whalen amendment would cast a doubt on the faith that we might have in our President; that we should have total and utter faith in our President to bring us out of this complex dilemma in which our Nation finds itself, because they say that "he is the only President we have got." We have had total and utter faith in all of our Presidents. I think there are few in this Chamber who do not now say that that utter and complete faith has in fact been misplaced, and it seems to me it was misplaced in the last administration, if the brief information to which we have had access as to how they arrived at their policy is correct. And I am beginning to believe that the faith in this administration may be equally misplaced because of the adamant position this administration has taken to the further release of those decision papers that involve the administration in which they did not participate. I suspect their motivation may be that if a precedent is set with the Johnson administration, the public may thereby gain access to equally critical papers involving how this administration arrived at the peculiar decisions they have arrived at in this particular conflict.

Furthermore, those who say that if we pull out of Vietnam and end that tragedy, we will "lose face in the world," are suggesting that the face we now present to the world in Vietnam is a desirable face. It is the ugliest and most tragic face America probably has ever presented to the world, and to all of our people in our entire history. To change that face by withdrawing from Vietnam does not seem to me to be a tragedy, or be a case of losing face, but it seems to me instead it is a case of changing faces from an ugly one to a much better one.

Finally, many have extended great credit to the President for faithfully "following his plan to end the war." That plan was described during the President's campaign as, "I have a plan to end the war." Despite urging that he reveal the details of that plan, the President as a candidate refused to do so. And, politically, that was a wise decision. Because if he had revealed a "plan to end the war" that 2½ years later was not any more nearly accomplished than this "plan" the American people would have clearly rejected that "plan" at the polls. In truth and in fact, the mysterious "plan" was not in existence—or if it was, has not worked. A quarter of a million troops still remain in Vietnam, casualties continue, the war drags on.

End this war, Members of Congress. vote to end it.

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Whalen-Nedzi amendment. I would first like to thank all of those who supported the record-teller amendment last year for making it possible for me to cast my first vote squarely on the continuation of the Indochina war.

The real question before us today is whether the House will continue to act as a silent partner in any military undertaking commenced and conducted by the executive branch. We have been watchers from the sidelines in a war that is demoralizing our Armed Forces and dividing our people so deeply that it may be impossible to unite on issues of war and peace ever again.

This administration has made steady progress in withdrawing American forces. Absolutely nothing in the Whalen-Nedzi amendment repudiates this record of winding down the war. This is not a vote of no confidence in the President; it is a vote of new confidence in the Congress. Only joint action by the President and Congress can accomplish our complete withdrawal with the dignity and unity of purpose this Nation needs. Whether we like it, or even knew it or not, we have been accomplices in this war. Let us be real partners in achieving peace.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to identify myself with the remarks of the gentleman in the well, and to express my strong support for the Whalen-Nedzi amendment.

Mr. Chairman, the time has come for the Congress to take the lead in ending the war in Vietnam.

We have before us today the Nedzi-Whalen amendment that prohibits the use of military procurement funds to continue the war in Indochina.

We have had similar proposals offered in the House before to restrict the conduct of the war but each has been defeated. The time has come for the Congress to reassert its constitutional responsibility to finance war or the end of war.

The text of the Nedzi-Whalen amendment is reasonable, flexible, and perfectly within the prerogatives of Congress. It will effectively speed up the pace of our withdrawal from Vietnam, which is the Nation's established policy, a policy that nearly every American shares and a policy which three-quarters of us would like to see completed by the end of this year.

I know, Mr. Chairman, that many of our colleagues have long regretted their votes in 1964 in favor of the blank check to President Johnson that was given in the form of the Gulf of Tonkin resolution. They know that if we in the Congress are to retain our credibility as the representatives of the people we must reassert our rights and responsibilities in national affairs. We can do so through approval of the Nedzi-Whalen amendment. I believe the President is doing his job in ending the war. Now we need to do ours.

The revelations this week in the New York Times of the deceptions practiced on the Congress early in the Vietnam buildup makes it absolutely imperative that the Congress express its will now, however belatedly it might be. I am sure that every Member of this body who supported the Gulf of Tonkin resolution as an emergency response to attacks on an American destroyer was angered to learn that the resolution was, according to the Times, drafted 3 months before the incidents occurred.

I have pledged to work to settle the issues involved in this conflict by the end of this year. We need to complete the withdrawal that has already begun by the end of this year. We need to resolve the prisoner-of-war question to insure the safety of our men and their earliest possible return to this country by the end of this year. We need to heal the domestic wounds that have arisen because of Vietnam. And, we need to provide programs to insure the rapid assimilation of Vietnam veterans into our society and our economy.

In my view, the Nedzi-Whalen amendment would be a step toward each of these goals. The defeat of the amendment would be a severe blow to the possibility of achieving these goals and it would be a repudiation by the Congress of the wishes of the American people. Its passage would mark a significant step forward for both the Congress and the American people.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Millions of words have been spoken on this subject, and in this long debate perhaps we have heard far too many words. What we need to distill out of all those words are two simple things: first, does this body still have the belief that human life is sacred and valuable even in Vietnam? The second thing we need to distill from all of those words is whether or not the action that we will take today on this amendment will begin to restore credibility in the system of representative government.

I heard the distinguished minority leader say that this amendment is meaningless. I would ask the gentleman to tell that to the mother of that young man who worked in my campaign, who came back from Vietnam with his right arm blown off, fingers missing from his left hand, and his back permanently in a brace.

I would ask the distinguished minority leader to tell her that it is meaningless—when she has to face the awesome prospect that her second son will go to Vietnam, to face the same fate, or one that is worse. Perhaps that second son will be killed. I would ask the distinguished minority leader when he speaks about the amendment being only a symbolic gesture—I would ask him to look into the faces of those thousands of young college men and women I talk to, both black and white, who tell me, "Brother Parren, we do not believe in the system because the House of Representatives has failed in its responsibility, to end the war."

I would say to the distinguished minority leader, "my God, my God, if we ever needed a symbolic act—it is now." This is much larger than just the issue of Vietnam. This goes to the central issue of whether or not this is a democracy, as we know it and understand it, will survive or whether it will be eroded overtly and overtly, vitiated and perhaps destroyed by a lack of credibility in the system of government.

This is a crucible and this is a severe test for this body. The question in my mind, and the question in the minds of these young men and women whom I see every day is—how will this honorable body act at this juncture, at this point in history, will it meet that test? Will you act to restore credibility or will you once again act out of political expediency and lack of commitment and a lack of awareness of what that world is like outside this Chamber?

Mr. Chairman, I urge support of the pending Nedzi-Whalen amendment.

Mr. HUNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are getting down to the closing moments of the debate, I hope, on this amendment and on the one offered by the gentleman from New York.

It would appear to me that perhaps the record sometimes becomes distorted in many channels to suit the person who emotes so unqualifiedly at times.

About 4 years ago I was one of the first persons in this body to advocate withdrawal of American troops from Indochina and the turning over of South Vietnam to the South Vietnamese. I did so when it became quite evident that we were engaged in a no-win war—where we were supplying the men, the materials and the money, and because I thought the American people had been sold down the stream by persons who had deliberately misled them into believing, first, that we had been attacked in the Gulf of Tonkin and, second, that we were out to save the world for democracy.

Then we found out a little bit later as we went along that this is not the case—that those persons who were advocating this—and I need not be bashful about saying it was Robert Strange McNamara who said:

> We are about to see the light at the end of the tunnel.

He had no more intention of winning that war then than he does now.

I heard someone say a short time back in this Chamber that the people were disillusioned. You bet they are disillusioned. They are disillusioned with the picture that was painted by those people who sent over a half million men to Vietnam to fight a war that they never intended to win. The same people in this Chamber who supported that are today the greatest doves and the greatest bleeding hearts. Certainly, our people are disillusioned—why should they not be? I have been disillusioned and so have many more.

Loss of face—no one worries about loss of face today. That day has passed. Loss of face is not for us to discuss. The object for us now is to get our men home as rapidly as possible and to turn the government over to the South Vietnamese so they might have their own form of government and that they would not knuckle down to the Communist threat. The Hanoi line is that we turn over the entire range to the Vietcong of Vietnam—that we withdraw without our POW's, prisoners of war, being returned to us—or that we throw out Mr. Thieu who is their President—and unless we do everything the Communists want—that they will not acquiesce. I oppose the Nedzi-Whalen amendment because it is a gesture in futility, a cruel hoax on the American public and, in fact, does nothing to affect an honorable peace in Indochina.

The Nedzi-Whalen amendment would not bring one man home. It would merely cut off the authorization of money to support the men whom we are trying to bring home now. Why do they not speak the truth about this situation? Money is not going to save them. It is going to take the action of all the Members in this Chamber to think about this war with level heads, not to attack the President at every little whipstitch, not to be talking for your own benefit for reelection, and not to be speaking for these people who now seek to become President by virtue of this unfortunate occurrence we have found ourselves placed in as a result of the Gulf of Tonkin resolution.

Why do we not face up to the reality and say, "Mr. President, you are the first man to bring troops home. You are the first to try to do a job in this respect. We think you are doing the right thing, and we are going to try to help you get them home as soon as possible"? Why do we not do that for a change, and stop giving solace to the Communists in Hanoi so they might parrot the lines of people in this very House tomorrow morning on the radio, so they might broadcast the support that is being given them by the Members of the Congress, if you will, because they do not have the courage to stand up and face their own inadequacies?

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The gentleman from Missouri is recognized.

Mr. RANDALL. Mr. Chairman, I oppose the Nedzi-Whalen amendment because it is my carefully considered conclusion that it will only lead to further frustration and disillusionment of our people. It is not very often that I find myself in complete agreement with the minority leader. But no truer words were ever spoken than when the gentleman from Michigan said in the well a moment ago that if we adopt this amendment it will lead our people to believe it will end the war on December 31, which it will not, and when they wake up to find that it did not do what they thought it would do, there will be more cycnicism and more disillusionment than has been produced by anything the New York Times articles have said about the Gulf of Tonkin resolution being the outgrowth, not of an actual attack, but a provoked attack. I repeat, more cynicism can result from the mistaken effect of this amendment than all the articles written in recently the New York Times.

I predict that if we adopt the amendment we will be once again confusing, deceiving, and even misleading our people.

Why do I make that statement? First, because the date is misleading. I think we should take time to once again review, even at the expense of repetition, some of the things this amendment will not do. First, it will not lead to the withdrawal of our troops, such as the McGovern-Hatfield amendment in the other body would provide.

Why is this so? Because of the total of $28 million involved in the procurement bill, only about $2.5 billion will have any reference at all to the fiscal year 1972. Quite a substantial portion of the funds will be spent in 1973, 1974, 1975, 1976, 1977, and some as late as 1978.

Second, the amendment cannot be effective or restrictive of the war because there are already enough funds in the pipeline, funds already appropriated in former years, already authorized and funded, to carry on the war for a considerable time.

Third, if by the assumption of some strange hypothesis we could freeze or suspend the use of all funds provided in former years, then notwithstanding—and there has been a lot said about the powers of the President as Commander in Chief—under those powers the President would retain the authority to circumvent all the provisions of this amendment. He could take planes, tanks, or ships already authorized for our forces for use anywhere else in the world and simply transfer them to Vietnam and still be in conformance with the terms of this amendment. The hardware from former appropriations sent to Vietnam could be replaced by hardware from this authorization without any violation of this amendment by the President.

For these foregoing reasons the amendment is so filled with loopholes as to be ineffective. It is not only misleading but deceiving to all of our people who have been led to believe it will end the war.

Finally, it has been said that if the amendment cannot be effective it still has left its symbolism, that it is a signal from the House that we want the war over. I am sure I am speaking for the great majority when I say that the authors of this amendment and those who support it, enjoy no monopoly in wanting to end the war. We are all for ending the war. This amendment, however, will not accomplish that objective but it will be misleading, deceptive, and lead to greater frustration and disillusionment than ever before. Later this afternoon I intend to join in either a substitute to this or a separate amendment which will express the concern of the House, without the disadvantages of this most ineffective amendment.

There has been some talk about the hearings to be conducted by the Foreign Affairs Committee. I am convinced that even before these hearings we can adopt this afternoon a reasonable expression of the sense of this House to withdraw our troops before we complete this debate today.

We all want an early withdrawal of our troops from the war. But the way to achieve that objective is not to mislead, confuse, deceive and increase the cynicism such as would result from the adoption of this amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Illinois.

Mr. FINDLEY. I wonder if the gentleman could support an amendment something to this effect:

> None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.

Mr. RANDALL. My answer is in the affirmative. If I heard you correctly such wording would clearly express our intent and I will support your effort to adopt such a meritious proposal.

(Mr. HICKS of Washington asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HICKS of Washington. Mr. Chairman, during the past 2 months I have received petitions with several hundreds of names requesting my support for measures similar to the amendment offered today by our colleagues, the gentleman from Michigan (Mr. NEDZI) and the gentleman from Ohio (Mr. WHALEN). To each signatory of these petitions I have sent a letter which reads as follows:

> I am sympathetic to your view that the Indochina war come to an immediate end. If it appears that the President does not intend to continue withdrawal at the same or at an increased rate until all forces are out of Indochina, then I shall vote to cut off funds. Otherwise, I should prefer to give the President the opportunity to disengage in accordance with what he feels to be in the best interest of the nation so long as that does not include a residual force in Vietnam or the continued use of air and naval power from outside Vietnam.

Mr. Chairman, in the summer of 1968 I took the position before the Washington State Labor Council that our commitment to the South Vietnamese essentially had been fulfilled. When President Nixon began withdrawing American forces in 1969, I applauded his efforts. I still believe that as long as the President continues to withdraw our troops at the present or preferably an increased rate he should be allowed the opportunity to disengage in accordance with what he determines to be the best interests of the Nation.

I did not support the Nedzi-Whalen amendment when it was offered in committee. It is my intention to vote against it today on the floor. However, Mr. Chairman, if at any time it becomes clear to me that the President does not intend to withdraw all American forces, and, as has been discussed both in the national press and here today in the House, that a residual force may be left in South Vietnam, I will then support legislation to end all funding of our military efforts in Indochina.

SUBSTITUTE AMENDMENT OFFERED BY MRS. MINK FOR THE AMENDMENT OFFERED BY MR. NEDZI

Mrs. MINK. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The Clerk read as follows:

> Amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. NEDZI: Title V, General Provisions, of H.R. 8687 (FY 1972 Defense Authorization Bill) is amended by adding the following new section:
>
> "SEC. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos."

Mrs. MINK. Mr. Chairman, the Nedzi-Whalen amendment has received wide publicity. I believe it has been lobbied without care or attention to the details which detract from its effectiveness. Nevertheless, even though its import is questionable, it has been advertised as an end-the-war amendment and only as such I shall support it. However, I offer my amendment to delete all but the first paragraph so that at least the intended purpose of this highly touted amendment will be allowed to stand by itself without all the bypass equivocation and qualifications.

My amendment would simply delete sections (b) through (f).

It would strike first of all paragraph (b) which states that if the President determines that the cutoff date does not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or fails to insure the return of our prisoners of war, he may recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives. All along President Nixon has refused to set a withdrawal date because he believes to set a date is injurious to the safety of the men who are remaining. He has authorized incursions into Cambodia and Laos on the grounds that these were necessary to safeguard American lives. We know how the President stands on the matter of a cutoff date. Therefore section (b) is nothing more than an endorsement of the President's argument against a deadline. If a cutoff date is adopted, obviously, the President may at any time propose any legislation he wants. Therefore, section (b) is entirely unnecessary.

Paragraph (c) should likewise be stricken. It states that the amendment shall not be construed to affect the constitutional power of the President as Commander in Chief. Again, this section is unnecessary. We all know that we cannot overrule the Constitution by a statutory act such as the military procurement bill. Any constitutional power the President may have will be unaffected by this bill. But the danger of the section is that it appears to confer legislative sanction of the President's claims of authority to do practically anything he wants with our military forces without congressional approval. The powers of Commander in Chief have been used to justify the invasions of Cambodia and Laos.

On December 29, 1969, President Nixon signed the Defense appropriation bill for fiscal year 1970 into law. It contained the Cooper-Mansfield amendment which said that no funds could be used "to finance the introduction of American ground combat troops into Laos or Thailand." But this did not prevent the President from spreading the war into Laos. He has authorized extensive use of American air and logistical support, reconnaissance flights, combat support flights, payment of non-American troops, and introduction of 643 American advisory, training, and logistical personnel as listed by him in his statement of March 6, 1970, on our involvement in Laos. Mr. Nixon said he acted because "it has been necessary to protect American lives in Vietnam."

On January 11, 1971, President Nixon signed the Defense appropriation bill for fiscal year 1971, again carrying a prohibition of the use of funds for the introduction of U.S. ground combat troops into Laos or Thailand. This second provision was as ineffective as the first, for almost concurrently, the President staged a secrecy-shrouded invasion of Laos in which U.S. troops gave massive combat air support to the South Vietnamese invaders.

Similarly, we passed a Cooper-Church prohibition as part of the Special Foreign Assistance Act of 1971, but this has not stopped our extensive operations in Cambodia. Clearly, the constitutional powers of the Congress to declare and terminate war are infringed upon by the powers of the President as Commander in Chief. We should not therefore further degrade our own authority by adopting section (c).

Section (d) should be deleted because it is entirely contradictory. It states that the amendments shall not be construed to affect the power of the President to provide military assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of the amendment. How could any military assistance be consistent with this amendment? If we really are opposed to our military involvement in Southeast Asia this section must be stricken.

Section (e) states that all these funds provided under this act may nevertheless be used for ensuring the return of prisoners of war. The President bases his refusal to set a deadline for our total withdrawal on the need for obtaining the release of American prisoners of war before setting such a date. In this regard section (e) supports the reasons for the President's refusal. Yet it should be apparent to all that the only way of obtaining the release of our prisoners is to end the war. When the fighting stops, the prisoners will be released. This section while seeming to help our prisoners is nothing more than a statement of approval for the prolongation of the war. If we wish to establish a firm unequivocal date to end the war then we must not include in such a resolution all the excuses for its suspension.

Section (f), which permits the assignment of customary military personnel to diplomatic missions, further violates the stated intention of the amendment. There have been numerous charges in the past of large numbers of diplomatic assignees performing largely secret advisory or even clandestine military roles in such countries as Laos and Cambodia. Indeed, the expansion of these missions got us into Vietnam in the first place. We should not repeat this mistake.

In summary, sections (b), (c), (d), (e), and (f) add nothing to the goal of obtaining our withdrawal by the end of this year. If we are serious about the import of this amendment, let us not burden it with loopholes. I urge your support of my amendment.

The CHAIRMAN. The time of the gentlewoman has expired.

Mrs. MINK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. HALL. Mr. Chairman, I object.

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. GUBSER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ANDREWS of Alabama. I am glad to yield to the gentleman.

Mr. GUBSER. Could the Chair inform the gentleman regarding the order in which votes might come, assuming that no other amendments or substitutes are offered at this time?

The CHAIRMAN. The first vote would come on the Robison amendment to the Nedzi-Whalen amendment.

Mr. GUBSER. Then, if that vote fails, the vote would come on the Mink substitute?

The CHAIRMAN. That is right.

Mr. ANDREWS of Alabama. Mr. Chairman, there is not any question but that this amendment is a popular amendment, because all Americans want this war to end. It seems that it has been with us "since the memory of man runneth not to the contrary." It is the same war that should have been won in Korea 20-some-odd years ago and could have been won if we had followed the advice of that greatest of all Americans, Gen. Douglas MacArthur.

Mr. Chairman, the issue was the same then as it is now, trying to stop Communist aggression. The enemy was the same, the Communists.

Now, I am somewhat of a hawk. I have made many speeches from the well of this House calling on President Johnson and President Nixon to either fight to win or get out. You should never get in a war unless you are willing to use all the resources of the country to back up the young men who are out facing the bullets.

So, when the former President and his successor, the present Commander in Chief, announced to the world that we were not fighting to win, I was ready then to back the ships upon the beaches and tell the boys to turn their backs on the enemy and run and get aboard those ships.

Mr. Chairman, a man told me years ago when I was District Attorney:

> Do not ever pull a gun on a man unless you are ready to kill him.

That is good advice for a human being and is equally good advice for a nation. Do not ever send a young man out to a war unless you are willing to back him up.

Mr. Chairman, the most important question before the American people in my humble opinion is the return of those poor unfortunate prisoners of war. How on earth can you get those prisoners returned when you are operating from a standpoint of weakness? Every time you withdraw troops from South Vietnam, you weaken our position.

Last year we had a high-ranking military man before our committee, and I told him that I admired his optimism about the Vietnamization program, but I did not share his views. I said, "General, if all these if's that are cranked into the Vietnamization program come to pass and we equip the South Vietnamese and we train them, I want to ask you a $64 question—will they have the capability and the determination to protect their country?" He said, "Mr. ANDREWS, that is a $128 question, and it is a question that remains to be answered."

Mr. Chairman, in view of the experience which the South Vietnamese had in Laos not too long ago, that question might have been a $500 question, which I asked that General.

Now, 2 weeks ago the Air Force people were before our committee, and I asked them if they still had the remaining capability in South Vietnam to put the port of Haiphong out of commission. His answer was "Yes." I said, "How long would it take?" He said, "Two weeks."

Mr. Chairman, 85 percent of the materiel of war that are used to kill our men in Southeast Asia goes through that port of Haiphong. I said to that General, "It is unfortunate that we did not do it 8 years ago."

Mr. Chairman, one of the saddest byproducts of this war is that a whole new generation of dope addicts are being bred in Southeast Asia.

We had a general before our subcommittee week before last. I asked him how long it would take a young man to get hooked on that pure heroin, as easily as it is available and as cheaply as they can buy it, and he said, "One week." A young man was reported to me as having said 90 percent of all the men in his company were addicted to heroin.

So, Mr. Chairman, of course, to vote for this amendment would be popular, because the American people want this war to come to an end.

Mr. Chairman, I oppose the amendment, because I do not want to put a stumbling block in front of the President.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American involvement in Vietnam has been a long and sad one. In retrospect it can be seen that most every move made there has been unwise. This dates from the initial decision of President Eisenhower in 1954 to send advisers. Parenthetically, it may be noted that Vice President Nixon advocated sending troops at that time. Since then Presidents Kennedy and Johnson must share discredit for a continuing escalation of the conflict.

For years our leaders had an alternative that could have been followed, and that in my view the majority of the people supported. This was simply that we should choose to fight the war on a full-scale basis to win as soon as possible or to quit and get out as soon as possible. Our leaders would never make this decision, however. When President Nixon came into office in January of 1969, these options still remained. Instead of winning the war or getting out of the war we have stayed on indefinitely. Though President Nixon is bringing our troops home, he is not doing it as fast as he should. His basic rationale for delay is the concept of "Vietnamization." Most objective thinking Americans know in their own hearts and minds that Vietnamization will not work. We know that within weeks or months of the withdrawal of American troops and support, the Saigon government will fall. Our Government has now been following the President's program of "Vietnamization" for approximately 2½ years. During that period, 20,000 young Americans have died and over 50,000 have been hospitalized in Southeast Asia. Vietnamization is not worth one American life or one American casualty. And it is also clear that Vietnamization has retarded efforts to have our prisoners of war returned. The best evidence now is that setting a specific withdrawal date will be helpful in negotiating release of those 1,100 or so prisoners.

Our disillusionment, disappointment, despair, and sorrow for our killed and injured American men is now compounded by reliable assertions that for every American now being killed, we are returning to our society a Vietnam veteran addicted to narcotics. Scarcely a week goes by without such a case from my district coming to my attention. The grief that is beginning to pervade our people as a result of this alarming development is incalculable.

Today marks the first time, Mr. Chairman, we in the House will be recorded on the issue of setting a specific withdrawal date—December 31, 1971—to have all of our troops out of Vietnam. During my period in the Congress I have been reluctant to be critical of the President on conduct of the war, realizing that he did not create the problem and further believing that he was sincere in bringing the troops home. Though I have often said that he was not bringing them home fast enough, he at least was moving in the right direction. I have tried to resolve all doubts in favor of the President for as long as possible. The point has now been reached where I can no longer do this. There is no justification for continuing to delay. Let us support the Nedzi amendment. Let us return our troops now.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Americans have been extraordinarily patient in waiting for the ending of the Vietnam war—the longest and most inconclusive in U.S. history and the most marginal to our vital interests. When Nixon beat Humphrey in 1968, in part because he seemed less a prisoner of past Vietnam policies, would anyone have imagined that well into the 3d year of his term, the United States would still be so heavily involved in the war? It is time to get out.

Almost no one outside the White House any longer believes that the President's refusal to commit himself to total withdrawal will win concessions from the other side. This makes it difficult for the public to accept the President's policy.

Whatever the particular date, the President should proclaim one publicly. This would revive understanding and support of the President, eliminate the uncertainty, and enable us to set an honorable post-Vietnam course. It would change the entire atmosphere and show that the Government is in control of events and has firmly chosen its course. A prolonged and open-ended withdrawal will further divide the country and may put great pressure on the President to accept terms in the end that are truly shameful.

From the point of view of those who favor a strong America, we need to end the war quickly before anti-Vietnam emotions cause us to cut defense spending, out of anger and frustration, without regard to national security and to retreat into neoisolationism. A strong America is the only thing that maintains the security of all free nations in the world, as Israel knows. Anger and rising frustration over Vietnam threatens to undermine our ability to carry out this role.

We need to end the war quickly so that we may begin to restore confidence in the military. Morale is badly undermined. The examples of "fragging" officers are not uncommon. We have recently learned the chilling news that 10 percent to 15 percent of all U.S. troops have developed a heroin habit. The soldier going to South Vietnam today runs a far greater risk of becoming a heroin addict than a combat casualty. This is one more heart-rending reason to get out.

We need to end the war quickly in order to have our prisoners returned. Negotiations have proved fruitless. There is no real bargaining leverage in a residual force. It is more hopeful to rely on the age-old tradition of warfare—exchanging prisoners at the end of hostilities.

The war will end and we must be prepared to handle the historic aftereffects of our tragic intervention in that struggle.

We should not talk as though we were a nation of war criminals, as the rhetoric of the left would have us do. There can be no question that the North Vietnamese began this war in South Vietnam and Laos, and carried it on with the utmost ruthlessness. Our intentions were honorable—to support the principle of self-determination and to help small countries resist aggression as we had rightly and successfully done in North Korea. We made a serious error in misjudging our capability and that of our allies to carry on such a war successfully, and to do so without being drawn into other kinds of atrociousness.

We should not berate ourselves for having lost a war. Rather, we should consider that our intervention has not been entirely in vain. For one thing, the danger of widespread resort to "wars of national liberation" for expanding Communist domination has lessened. Second, Communist China now no longer seems in an expansionist, belligerent mood but in improving relations with the rest of the world. Third, the North Vietnamese may have suffered to the extent that they must concentrate on their own reconstruction and cease for a time at least to be a troublemaker in Southeast Asia. Fourth, the war provided time for other nations in the area—Thailand, Malaysia, Singapore, Indonesia—to strengthen and modernize their countries. Fifth, the United States has learned a valuable though costly lesson through this tragic and divisive experience.

We have learned the limitations of our power, and that we cannot control events in distant parts of the world. We will emerge a wiser and more mature nation.

There is now a national consensus on withdrawal; the fear of a rightwing backlash that we lost the war is no longer a threat as it might have been a year ago. We have done enough. Withdrawal will bring an enormous sigh of relief in this country. It will "bring us together" like nothing else. Let us have peace with healing in its wings and begin the task of binding up our wounds.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 8687, and wish to take this opportunity to commend our distinguished colleagues on the Committee on Armed Services for the most thorough review of individual items in the budget of the Department of Defense we have seen in many years. By careful scrutiny of each item they have managed to reduce the overall total authorization by some $18.5 million, a remarkable accomplishment in this year of constantly accelerating costs.

I also believe the committee majority is to be commended for resisting an effort to so amend the bill as to attempt to legislate an end to our military engagement in Southeast Asia, an amendment offered by some of our colleagues with what I believe are the best of intentions, but one which would dangerously tie the hands of the President in his efforts to bring our boys home safely at the earliest possible date.

In the 2 years since Vietnamization began in South Vietnam, the number of our men has been reduced by 294,800, and the President has pledged that another 63,200 will be home by the end of the year, leaving a residual force of 184,000 or less. It is difficult to believe that any American citizen really thinks the President does not feel more deeply than any other man the responsibility for the 247,200 fighting men who remain in Southeast Asia and that he is not exerting every effort to end the conflict. Yet such belief could be the only possible reason for supporting an amendment to this legislation which would be gleefully broadcast throughout the world by the enemy and pose as grave a danger to the men who still fight for us in Vietnam as do the North Vietnamese bullets.

I am disturbed by the seemingly casual manner in which some proponents of this amendment brush aside the fact that our repeatedly announced intention not to expand the war into North Vietnam, our repeated pledges of a cease-fire whenever the North is willing, and our several bombing halts, have yet to elicit the first word of commitment from the North Vietnamese that they will even abide by the conditions of a cease-fire once all Americans have been withdrawn. Even more disturbing to me, perhaps because time has only slightly dimmed but will never erase the memory of the filth and desolation I knew during my months as a prisoner of another enemy in another war, is their expressed confidence that we can expect the same barbarians who are now bayoneting and torturing our men in their prison camps to suddenly become civilized and return them to us in good health when we have removed the last weapon with which our President can negotiate, our armed resistance to their brutal aggression.

I am sure that no Member of this House disagrees with the earnest desire of the proponents of this amendment to see an end to this war. Without question it has been the most frustrating and fruitless conflict in the history of this Nation, the end too long in coming and the cost unbearable in human lives and money. It has placed a heavy burden on our economy, our manpower, and especially on our servicemen whose sacrifice for their country is unlimited.

One of the most unfortunate consequences of the conflict is the fact that it has so divided the American people that it is now almost impossible for the President as Commander in Chief to conduct the foreign policy of the Nation without the Communists questioning whether or not he is speaking and acting for all the American people. Never before in the history of the Nation have American boys been required to fight on foreign soil without the confidence that they have the complete support of the American people. By instant satellite communications from home they now see rioting on streets and campuses in America by Americans protesting the actions they are commanded to take.

This situation has become intolerable for those who remain in Vietnam. It is an impossibly severe blow to the high morale which is essential to the proper conduct of military actions. Regardless of our individual attitudes toward the Vietnam conflict, all of us owe these brave men all of the morale support we can give them until the last American boy, soldier or prisoner, has returned home.

Mr. Chairman, I urge support of H.R. 8687, and defeat of this crippling amendment.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. EVANS of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. ARENDS

Mr. ARENDS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 5 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. ARENDS).

The question was taken; and on a division (demanded by Mr. EVANS of Colorado) there were—ayes 89, noes 39.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing seeking recognition.

Each Member will be recognized for 2 minutes.

PARLIAMENTARY INQUIRY

Mr. BOGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BOGGS. Mr. Chairman, will the Chair state the time specified in the motion just adopted.

The CHAIRMAN. The motion provides that all debate on the pending amendment, and all amendments thereto, close at 5 o'clock.

AMENDMENT OFFERED BY MR. M'DADE TO THE SUBSTITUTE AMENDMENT OFFERED BY MRS. MINK

Mr. McDADE. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. McDADE to the substitute amendment offered by Mrs. MINK: in the last line strike the word Laos and the period and insert the following: "Laos, *Provided*, That all U.S. prisoners of war under control of the North Vietnamese, the Viet Cong or their allies, be released not less than four months prior to the above date; and *Provided further*, That the government of North Vietnam, the Viet Cong and their allies shall do nothing to interfere with the safe withdrawal of U.S. troops."
>
> Strike subsection 401(b).
>
> Redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

(By unanimous consent, Mr. YATES yielded his time to Mr. McDADE.)

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 4 minutes.

Mr. McDADE. I thank the gentleman from Illinois.

Mr. Chairman and my colleagues, I realize that the hour is getting late, that time has been limited, and we are in a difficult parliamentary situation. Let me explain to you, if I may, exactly what I was trying to do.

I have offered an amendment to the substitute that was offered by the gentlewoman from Hawaii, Mrs. MINK, and an amendment that goes right back to the language of the original Nedzi-Whalen amendment, with one, as I view it, tremendously important addition. The language that I offer in this substitute provides as follows, and I would like you to listen to it:

> *Provided*, that all U.S. prisoners of war under control of the North Vietnamese, the Vietcong or their allies, be released not less than 4 months prior to the above date—

The above date being December 31, 1971.

I think that we in this House have had a good and constructive debate during the past few days, a debate that I concede has caused some confusion, both at home and in this Chamber. All of us have received telegrams. We have received postcards and letters indicating the confusion that exists. There has been confusion on the floor of the House of Representatives among members regarding the import of the Nedzi-Whalen amendment. I think with commendable candor the gentleman from Ohio has spelled out rather clearly what is in this amendment, the Nedzi-Whalen amendment, and what is not in this amendment.

I think probably all of us had occasion, or most of us, to see the editorial that appeared in the Washington Post just a few short days ago indicating what was not in the Nedzi-Whalen amendment and what was in it.

The Washington Post stated:

> The . . . Nedzi-Whalen amendment, which is to be voted on today in the . . . House . . . would not "end the war" or automatically retrieve the American P.O.W.s or guarantee the safe exit of American forces, or least of all, assure a Vietnamese reconciliation. Any such claim promises more than the amendment can deliver and invites further frustration and disillusionment.

The fact is, stated the Post, the amendment can only be symbolic.

As I indicated before, our distinguished colleague, the gentleman from Ohio, makes the thrust of his amendment clear. His comments in the RECORD disclose that his amendment will not require that troops be withdrawn from South Vietnam after December of this year. It will not cut off the pay of any American troops remaining in South Vietnam after the effective date of December 31.

And so, as he stated yesterday, the amendment is a message. And that seems to be the centrally agreed upon point, whether the amendment be referred to as a symbol, or signal, or message.

I ask to do one thing with this signal. I ask to signal the world that the House of Representatives today serves notice that we will not withdraw from Vietnam by December 31 unless, at least by August 31, all American prisoners of war have been returned. I do not believe that it is an earth-shattering change in what a lot of us feel. I think it is a change, however, and an important change in the mechanism that we send out to the world, if a signal is voted on here today, when we give notice. I think what we ought to demand and what we ought to serve notice of is that we seek some sort of reciprocal action on the part of the North Vietnamese in return for a withdrawal by December 31.

For myself this is it. For myself this is the key question, I think, that remains. Our Nation, through the expenditure of innumerable resources and tens of thousands of lives and hundreds of thousands of wounded, has discharged any debt we might have to the government of Saigon. The time has come for the people of South Vietnam to determine their own destiny. Seventeen years of training is enough. Over 5 years of Americans fighting a South Vietnamese war is enough. In my viewpoint, there is one debt that remains outstanding, and we cannot avoid it, however difficult. That is the debt that we owe to our POW's and to those who are missing in action.

So I offer the amendment in the hope that all of you might be able to support it and to tell the world—yes, we may get out by a terminal date of December 31, but we want one thing in return by August 31: release every American prisoner of war.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I compliment the gentleman in the well, and point out that this is the most meaningful amendment that has so far been offered. It is in keeping with my belief that after the return of our prisoners all of our forces should be brought home as quickly as possible thereafter. I support the gentleman's amendment.

Mr. HARVEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Pennsylvania (Mr. McDADE). Since his inauguration on January 20, 1969, I have considered myself a stanch supporter of President Nixon and his policies, both foreign and domestic. Just last week, I appeared on a television program which regularly appears in my district and highly praised the manner in which he had taken over a most difficult situation in Vietnam, and had succeeded in withdrawing more than half of our troops. I said then, and I repeat, that I believe President Nixon's first term in office will be remembered chiefly because he brought an end to the war in Vietnam and succeeded in withdrawing our troops.

The Vietnam war, however, is the longest war in our history. Moreover, it is an undeclared war. The hardship and sorrow that it has created here at home have long been apparent. It is said that we should leave the decisions as to our future participation to the President. The Constitution does not give sole authority in this field to the President, however. The Congress also has the duty to exercise its judgment.

The plain facts which are available to the public at the Pentagon are that the South Vietnamese now have more than 1,100,000 men under arms. This force includes men trained in planes, helicopters, tanks, and other sophisticated weaponry. At best, using the Pentagon's own figures, the number of North Vietnamese and Vietcong in South Vietnam total something less than 250,000 men. The total military strength of North Vietnam is estimated at less than 325,000 men.

In other words, the South Vietnamese have at least 2-to-1 numerical superiority and most estimates place that figure as high as 4 to 1.

In making the decision whether it is time to withdraw, it is also fair to take another look at the Government of South Vietnam. By December 31, 1971, that Government will have undergone elections in every village and Province and on a national scale for the second time. Regardless of who is elected President, this is a real achievement and reflects stability.

I can readily understand why it is difficult to make the decision that it is time to withdraw. Certainly, undertaking the training and equipping of a military force of more than a million men, and providing guidance in the formation of a government, both of which we have done, will be recognized by history as herculean tasks. I submit, however, that we can train and equip this military force, but we cannot instill the will to resist aggression. We can give counsel in the formation of a government, but we cannot instill in those who shall rule, or in those who are governed, the same appreciation of freedom, tolerance, and the freedom from corruption that we enjoy in our own Government.

I believe that during one of my recent visits to my district, a mother put the matter in perspective better than anyone else I have heard. As we discussed the war in South Vietnam, and as I defended the length of time it was taking to train the South Vietnamese force so that it could defend itself, she said:

> I don't agree, Mr. Harvey. My son was drafted in April, sent to Vietnam in September, and killed in October. It only took six months to train him. Why should it take more than three years to train the South Vietnamese?

Needless to say, Mr. Chairman, it was a difficult question to answer. It serves to illustrate, however, that measured by the training we give our own men, certainly we have done as much as can be reasonably expected in the training of the South Vietnamese.

I am inclined to agree with Senator MIKE MANSFIELD who said yesterday, and I quote him:

> If they (the South Vietnamese) aren't ready now after 17 years of being advised, equipped, trained and financed, they'll never be. They've got the seventh largest army in the world.

By any standard of measurement, the South Vietnamese are as well prepared as we can train them to stand on their own feet and defend their country. For this reason and for the many reasons so well expressed in the Saginaw News editorial dated June 13, 1971, which follows, I believe that by the end of this year the time will have come for us to withdraw our troops and to turn over the task of defending themselves to the South Vietnamese.

Any such resolution setting a date for withdrawal, however, should make clear that our action is conditioned upon first, release of the prisoners of war under control of the North Vietnamese, as well as those held in the South or in Laos or Cambodia, and second, a guarantee of the safe withdrawal of our troops. In my judgment, such a congressional resolution setting a date for withdrawal could be of substantial help to the President in making clear our determination to secure the release of our prisoners of war, and at the same time the safe return of our troops.

The amendment offered by the gentleman from Pennsylvania does all of these things. It declares that we are ready to end our role in Vietnam, but it says that we will only do so upon release of our prisoners of war and the safe return of our troops. I shall strongly support it. Unfortunately, the Nedzi-Whalen amendment, which has been so highly publicized, fails in this regard.

The Saginaw News editorial follows:

It Is Time to Declare December 31 Viet Deadline

These must be difficult days indeed for the families of men held prisoner in Vietnam. And they must be equally difficult for those who have sons or relatives serving in Vietnam.

The lack of national purpose in this whole mess—called Vietnam—crystallized last week with the charges and counter-charges that flew in Washington.

There was the plan offered by former Defense Secretary Clark Clifford, which, in brief, called for announcement of troop withdrawal by Dec. 31. Mr. Clifford said he had been assured that the prisoners would begin being released 30 days after such an announcement.

As has been the case in so many of these proposals, there was a high amount of intrigue. Clifford would not name his source of information offering such an assurance on prisoner release.

Meanwhile, back at the negotiating table in Paris, no one was saying anything that definite to our top negotiator, Ambassador David E. Bruce. He said the Vietnamese Communists are playing politics of a most reprehensible variety.

Then U.S. Sen. Edward M. Kennedy got in his licks. He charged that President Nixon's Vietnam policy is politically motivated. Not so, said U.S. Sen. Hubert H. Humphrey, titular head of the Democratic party. Sen. Humphrey went on to say that he believes the President wants peace.

And on it goes, week after week, seemingly without end and without too much hope. The war—the war—the war.

This newspaper carried a report Thursday that U.S. casualties in Vietnam were the lowest in 5½ years—19 American lives in the preceding week. Small comfort for 19 American families who must have to ask themselves: What did our son die for? There indeed is the question. Certainly not to make Vietnam free for democracy.

The South Vietnam political campaign is already moving into high gear. The president and vice-president of that country are counting noses and getting their respective political machines into action—as opponents. To put what they call politics into perspective, let's not forget the man who opposed the present South Vietnamese administration in the last election. At last report he was still in prison, but there have been no reports of anyone actually seeing or talking with him.

Obviously the opposition has to put the highest of stakes on the line if there is to be opposition. That's not democracy. That's a police state.

With due respect to Mr. Nixon, it becomes more and more difficult to justify staying one day longer in Vietnam. We fear we could be there forever and never accomplish the objective of seeing a stable government calling the shots in Saigon. We've been there since the late 1950s—just think of that for a minute or two—and yet we are told more time is needed to adequately prepare the South Vietnamese Army to defend its country.

Mr. Nixon has accomplished much to wind down the war. He has achieved results that his predecessors did not. When he took office, he inherited a problem as big as any incoming president could inherit. And he has moved toward a solution with determination and directness. He must be credited with setting a course that is getting us out—and the administrations of neither Lyndon B. Johnson nor John F. Kennedy could make that claim.

But we share the view of U.S. Rep. James Harvey that complete withdrawal from Vietnam by the end of the year should be our goal. We hope the President will come around to this point of view and make corrections in his timetable to achieve that result.

When one puts the whole efforts we have made in Vietnam on the scale of values, there is no balance. To say that the war has never had broad public support is an understatement. The fact that its manpower needs were met by a draft system that was grossly unfair and undemocratic in nature and organization says something about public attitude.

There have been a number of ways, including college deferments for those who had the ability and could afford to attend college, to avoid service in Vietnam—or service in the armed forces for that matter. The Army has had a recruiting practice of promising service in Germany for those who sign up for a full hitch. We submit that a nation concerned dedicated to a cause would have never let this situation exist all these years.

And just how have we treated the men who risked life and limb in the service of their country in Vietnam? Shoddily. Veterans are having an extremely difficult time finding employment, once they are mustered out. In relative terms of the returning World War II vet and the Viet vet, the boys who served in Vietnam are a poor relation in terms of opportunities for employment, education training in comparison to the lot of the World War II vets.

And what about those thousands of Vietnam vets who probably will spend the rest of their lives in hospitals? How much concern as a nation have we really shown for them? Not very much.

We have been dismayed over reports that many of those coming home from Vietnam are returning hooked on heroin. And we are just beginning to acknowledge that problem.

We couldn't very well let it go unnoticed. After all, the dope traffic is becoming a political issue in Vietnam with allegations that there are persons in high government places who are masterminding the narcotics traffic.

And when we get reports that some men are re-enlisting to return to Vietnam because they can sustain their drug habit for $2 a day rather than the $60 to $100 it costs stateside—we submit it is high time to be concerned about what we are involved in over there.

This war has torn the country apart. It has divided our government. It has alienated our youth. It has been a source of anguish and grief for almost 60,000 families which have lost sons and thousands more who saw their sons come home without arms, legs or perhaps their eyesight.

In prosecuting the war over the years, we have created a class of wealth in Vietnam whose members have lived off an enterprising black market. We have supported governments that proved to be highly corrupt. And we have had to face the world with the scar of My Lai on our collective conscience.

In view of all this, we see little hope for accomplishment in the next 12 months that couldn't be achieved in the next six.

We urge complete withdrawal by Dec. 31 so that not one family will lose a son in 1972. It would be a great prospect for beginning a new year.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

I do so because I believe that approval of this amendment is the very least the House can do in response to the overwhelming desire of the American people to end this war.

I cannot in good conscience profess to believe that the amendment will indeed terminate the war in Indochina by December 31, 1971. It is riddled with escape clauses that, in effect, give the President authorization to continue the war and to disregard the will of the people, if he so decides. There is some value, however, in having Congress on record for a specific date for a cutoff of funds for the war, even though under this amendment it would be expressing a pious wish rather than inescapable mandate.

The discussion today has gone into the questions of the weaknesses and the symbolic quality of Nedzi-Whalen, including the fact that it may mislead the American people.

That last argument is entirely spurious. Adopting the Nedzi-Whalen amendment today might mislead the American people, but it would be a great kind of misleading, because there would be basically a restoration of faith and confidence of the American people in the House of Representatives and their Representatives in it. It would be a great kind of misleading.

It is about time Congress used its power under the Constitution and exercised its obligation to represent the people of this country by cutting off funds and withdrawing our troops before the end of the year.

It is very germane and very correct, therefore, that the Nedzi-Whalen amendment is coming up in connection with the $21 billion Defense Procurement Authorization Act. This bill contains authorization for billions of dollars for missiles and weapons while we cannot get the kind of money we need for education, or the money for health, housing and all the other priorities so desperately needed in this country.

This would show the people that Congress finally has come to its senses and recognizes that even as it considers authorizing an unjustifiably large military budget, that it must cut off at some point and does cut off the war in Indochina, the worst example of our incorrect military policy.

I have said that I consider adoption of this amendment the very least that Congress can do. I am told that the language had to be punched full of loopholes in order to make it palatable to a large number of Members of this House. It is a shocking measure of the insularity of this body and the unreality pervading its cursory debate that the Members should have to be coaxed along so gently and deferentially into taking the first tentative step toward doing what they should have done long ago.

The war has been on for 10 years, and for 6 of those years our troops in huge numbers have been fighting and dying to save the neck of one hopelessly corrupt and undemocratic regime in Saigon after another. Almost 50,000 or our troops have died, a quarter of million have been wounded, some maimed for life, and now our remaining troops, in epidemic proportions, are turning in despair to heroin.

The American people have long since repudiated this war, three-fourths of them and just yesterday the conference of mayors. Their wisdom in doing so is borne out by the revelations in the Pentagon study of the war which shows that our involvement in this tragic conflict dates back to a decision by President Truman to side with the French colonial interests against the Vietnamese population which had fought violently against the Japanese and felt it had earned its right to freedom. The study traces the step-by-step descent of successive administrations into a wrong policy based on deceiving the American people and the Congress and escalating a minimal commitment into a massive and unspeakably brutal war.

Although we are told that the Pentagon study followed the war only through 1968 I should like to say to Mr. HÉBERT, the chairman of the Armed Services Committee, and to Mr. ALBERT, the Speaker of the House, that we in Congress can have no confidence that we are not getting the whole truth about our Nation's continuing role in that war. We have repeated ambiguous statements from the President and other administration spokesmen about their plan. At times they speak of total withdrawal at some vague, indeterminate date. At other times, we are told that a residual force will have to remain in Indochina indefinitely, and that bombing missions, whether based in Indochina proper, offshore, or in Okinawa will continue to be authorized. This is not a prescription for ending a war, but rather for prolonging it. And by insisting on linking continuation of the American presence to the stability of the Saigon government and its ability to defend itself, President Nixon is perpetrating the follies of his predecessors. Our task, Mr. HÉBERT and Mr. Chairman, is to do honor and give support to the President if he is right, but to restrict him and check his power when he is wrong—and he is wrong.

Mr. Chairman, the American people have a right to know the full details of all policies relating to the continuation of this war. I commend the New York Times for its decision to publish the McNamara papers and support its right under the first amendment to do so. And I condemn the Government's attempt to keep this vital information from the American people. This is clearly in the public interest, and perhaps the editors of the Times have learned something from their past mistake in repressing the news of the contemplated Bay of Pigs invasion, which so quickly turned out to be a fiasco.

I believe the Congress, which under the Constitution is given the power to declare war and peace, should have full access to the entire McNamara study. Accordingly, at the appropriate time, I shall introduce a privileged resolution of inquiry under which the House can require members of the executive department to provide it with full information. I shall request that the President, the Secretary of State, the Secretary of Defense, and the Joint Chiefs of Staff provide the House with the complete text of the McNamara study and also with all documents, reports of other material relating to estimates of the military strengths of the Saigon Government, its potentiality to maintain its defense without military or financial help from us, its popular support, its repression of neutralist and peace movements within South Vietnam, its election plan and procedures, its jail system, and the involvement of the members of the Government, if any, including members of Parliament, in drug traffic.

I believe this information is necessary to enable the Congress to make a realistic assessment of the prospects for a speedy and total termination of the American military role in Indochina.

There is ample precedent for a resolution of inquiry. Most recently, it was introduced in 1950 by Representative Lodge in requesting information about Formosa from the Department of State. Once introduced, the resolution is referred to the appropriate committee, which then must report it out, either favorably or not, in 7 days. I hope that other Members of the House will join me in proposing this inquiry.

Finally, I ask my colleagues to heed the will of the Nation and to approve the Nedzi-Whalen amendment. As the Washington Post pointed out yesterday, this would at least provide an expression of national torment over the war and the country's profound skepticism that the President, any President, can be trusted to wind it down." We should do much more. I do not see how we can do less.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas (Mr. PRYOR).

Mr. PRYOR of Arkansas. Mr. Chairman, over the course of 4 years in Congress, we have together seen the issue of Vietnam ebb and flow, discussed, thrashed out, debated, and yet the war goes on. It has now become the longest war in the history of America. The Pentagon issues its periodic weekly report which proclaims "only 76 killed in action this week," which, because the number is less than in the same week 2 years ago, is considered some sort of victory.

It is hard to conceive that 55,000 young men have been sent into an undeclared and unwinnable war to give their lives to an unknown cause and an unappreciative ally. Over a quarter of a million have been wounded—some to the extent that they will never see walls other than their hospital's for the balance of their lonely, long years ahead.

It was early 1967 when I first had to start deciding about Vietnam. Like so many, to do anything but "support the President" was bordering too closely on showing a lack of patriotism. Of course, we had known the late General Mac-

Arthur's admonition of never entering a land war in Asia—and we all became familiar with the basic cry of "win or get out"—but we did neither.

We believed the President. We believed the Pentagon. Just a few more thousand troops. Just a few more billion dollars. Just a few more months. After all, we were the world's most powerful people; how could we lose?

But the real truth was that we had waded off into quicksand. By 1968, not only our prestige but an entire generation was at stake. The country started coming apart. The system was challenged. Official fumbling, contradictions, and more rhetoric couched in terms of "honorable peace," "Vietnamization," and the like only added to our dilemma, rather than solved it. I soon began to see what was meant by the politics of war.

Time passed. Peace talks in Paris began—even a ray of hope now and then. But it was all false, all words and more rhetoric and more speeches promising a coming miracle for a facesaving, convenient, and glorious finale to the most horrendous of all American catastrophes.

For a long time, I sat silently by—hoping, and believing, like you, that the end was in sight. Now that even our President has said we will not win a military victory in Vietnam I believe:

First, that Vietnam is not worth one more American life;

Second, that we should come home now;

Third, that funds to support our present policy in Vietnam should no longer be continued;

Fourth, that the Congress must be an integral part of the decisionmaking power to commit our sons to foreign lands in the future.

(By unanimous consent, Mr. PRYOR of Arkansas yielded his remaining time to Mr. RYAN.)

Mr. RYAN. Mr. Chairman, I support the Nedzi-Whalen amendment, which would prohibit the expenditure of funds authorized in this bill after December 31, 1971, in support of U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. I support it because I believe it is time the Congress asserted its constitutional responsibilities in this area.

The amendment itself has certain weaknesses. I wish it were stronger. I would prefer, as every Member in the Chamber knows, an amendment which would terminate the war immediately—without waiting 6 months or another day. I am not in sympathy with the loopholes in the amendment, particularly the language which gives wide discretion to the President. This could negate the whole purpose of the amendment.

However, the amendment, if passed, would be a major step toward ending our involvement in this dead end war, it would be an expression of congressional determination to assert the constitutional responsibility which Congress has abdicated as a body over the past 7 years.

I have said time and again that the only way the war is going to be brought to an end is through congressional action, by exercising our power over the purse and prohibiting the expenditure of any additional funds for its prosecution.

Despite what he says, despite his rhetoric, the President of the United States has no plan to end this war. He says he is winding it down. What that means is that fewer American lives are being sacrificed, and the war is being made more palatable solely in terms of statistics counting American dead and wounded. Vietnamization means a continuing loss of Vietnamese lives and a continuing American presence to prop up the Thieu-Ky regime.

Several weeks ago, when the Selective Service Act amendments were before the House, I offered an amendment which would have set December 31, 1971, as the end of this perfidious war. Unfortunately, that amendment was defeated on April 1. Today, we have another chance to vote for what is right and what is decent and what is necessary. We cannot squander this chance also. Our duty to our Nation, to our constituents, and to humanity, demands that we, in this body, vote to end the war in Southeast Asia.

Yesterday, in the Senate, the McGovern-Hatfield amendment was defeated. Today, we, in the House, must act to end the war. Thus far, the people of America have been left largely powerless. They want an end to the war—at least 73 percent of them, according to the Gallup poll.

Actually, the issue of numbers of people wanting an end to U.S. involvement in the tragedy of Southeast Asia is really beside the point. I have voted against every appropriation for this war, since the first bill appropriating money for military activities in Vietnam came to the floor of the House on May 5, 1965. I would venture to say that in 1965 and 1966 and even later than that a majority of Americans supported the then President in his conduct of the war.

The issue has never been how many people the polls register as opposed to the war. The issue has always been the morality of the war. And on that issue, the balance has never been in doubt. This war is wrong; it is misguided; it is insane. The United States intervened in what began as a civil war. It has used every means, short of nuclear weaponry at its disposal. Free fire zones, search-and-destroy missions, massive defoliation, massive bombing—all of these have been the devices used to leave this Nation's signature on a hapless land thousands of miles away.

In the pursuit of its policies, this Nation has supported successive despots in power in South Vietnam. The democracy some have claimed we have been fighting to preserve in that land, or to engender in that land, is alien to the regimes which have held sway there. Today, it is Thieu and Ky. The same Thieu and Ky who jail thousands of political prisoners; the same Thieu and Ky responsible for the tiger cages on Con Son Island.

The recent publication in the New York Times of the Pentagon study of our Vietnam policies reveals the duplicity and deception which have led this Congress and this Nation down a path of despair and destruction.

We, Congressmen, must end this war. The President will not. We must.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, reasonable men can differ on how best to get our prisoners back, but no reasonable men would argue that we would abandon them under any circumstances.

I would like to try to put these thoughts of ours in a new perspective. We have been talking to one another and we have been exchanging views and some emotion and some bombast. Suppose, instead of the Members of this House in the seats before us, we had 500 other men, the 500 who will in fact die—at least that many, the way things are going, at the rate of 20 a week—even before the suggested "deadline" of December 31 of this year. Perhaps it is easier for us to explain to one another the importance of sustaining this conflict than to them. Because I can see how a hand would go up in the back and say, "Why must I die?" And I can see the answer being given, if it is taken directly from the administration, "Well, to insure that we get our prisoners back and, secondly, that the South Vietnamese have a chance to defend themselves."

Then, should another hand go up, the question could be put that we have been there 10 years and 6 in full combat. Is that not giving them a chance? But should another hand go up with the question, "What do you mean by the South Vietnamese getting a chance? Is it not true that a man who has been sentenced for political crimes is no longer able to participate in the political life of that country? So to which South Vietnamese are we giving a chance?"

Gentlemen, I find it difficult to answer the question. I do think that the admittedly symbolic response of the House under the circumstances should assure these young men and their parents that this Congress, while powerless to spare their lives, can and will act to save others to come. For such an act the time is now.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, like all Members of the House, I have agonized over the Vietnam war more than any other decisions on which I have had to reach a conclusion. As you have heard before in the well of this House, I was the next to last person to vote for the Tonkin Gulf resolution. I hesitated because I was concerned about the very things that have since developed. However, I have supported all of the administrations in their efforts to resolve this problem of Southeast Asia.

I have listened attentatively to the debate on the Nedzi-Whalen amendment, and I concluded, as I believe many of us have, that it does not do what the public has been led to believe that it would do—that is, stop the bombing and bring the troops home by December 31, 1971. The fact is that it will not bring troops home one bit faster—it is only a symbol—and it is the wrong kind of symbol.

We, Mr. Chairman, cannot win this conflict unilaterally, nor will we be able to keep the peace unilaterally. The fact is it is going to take an international effort. So—as my contribution—I tried to come up with an amendment. It would create an international commission whose purpose would be:

First, to supervise an agreed-upon cease-fire.

Second, to supervise the arrangements for the release and exchange of prisoners of war.

Third, to supervise elections in South Vietnam in which all South Vietnamese individuals, parties, and groups, including those who have supported or served the Vietcong, could participate if they renounced violence, and were willing to abide by the results of the election.

Finally, it would have the responsibility to supervise the establishment and functioning of the interim arrangements for governing South Vietnam during the period between the elections and the establishment of a new government that might result from the elections.

Now, in talking with the Parliamentarian, I learned that this amendment would be considered non germane. During today's debate the point was made by our colleague from Illinois, (JOHN ANDERSON), that the Foreign Affairs Committee would be the place in which a forum for further consideration of this proposed creation of an International Peacekeeping Commission.

But, we will not be able to have any International Commission if we do not have the strength that comes from standing with our President in his efforts not only to turn the responsibility for the conflict over to the people of South Vietnam but also for the alternative of an International Commission.

Mr. Chairman, after World War I, we tried the League of Nations, and it did not work. After World War II, we tried the United Nations, and that has not worked. But we must keep on trying, because I think that is the universal hope of mankind.

Years ago, Mr. Chairman, Tennyson wrote, in the 1860's, at the time of the Civil War, a poem. This was long before the days of the B-1 or the SST—long before the days of the League of Nations or the United Nations. He wrote in "Locksley Hall":

> For I dipped into the future, far as human eye could see,
> Saw a vision of the world, and all the wonder that would be;
> Saw the heavens filled with commerce, argosies of magic sails,
> Pilots of the purple twilight, dropping down with costly bales;
> Heard the heavens fill with shouting, and there rained a ghastly dew
> From the nations' airy navies grappling in the central blue;
> Far along the world-wide whisper of the south-wind rushing warm,
> With the standards of the peoples plunging through the thunder-storm;
> Till the war-drums throbbed no longer, and the battle-flags were furled
> In a Parliament of man, a Federation of the world.
> There the common sense of most shall hold a fretful realm in awe,
> And the kindly earth shall slumber, lapped in universal law.

Now Mr. Chairman perhaps, long before the arrival of the day of envisioned by Tennyson—we can force a step toward peace in Southeast Asia. We can discuss in our Foreign Affairs Committee the internationalizing of this peacemaking and peacekeeping effort.

Mr. Chairman, we can win friends in other lands—and particularly in Southeast Asia—if in further debate we remind them and the other nations of the world that our goals here are no different than those for which we fought and sacrificed in World War I and World War II—and in Korea.

We in Congress have generally recognized that the executive branch—perhaps with the advice and consent of the Senate—have the major responsibility for foreign policy. The debate here today—and I believe the vote which will soon come—indicates that we still hold that the executive branch does have this major responsibility. My suggested amendment will, if it is further discussed before the Foreign Affairs Committee, encourage and seek international understanding. Furthermore, I believe it will support our noble effort to not only resolve this problem today, but to stabilize Southeast Asia for tomorrow.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. ARENDS was allowed to yield his time to Mr. KEITH.)

(By unanimous consent, Mr. FINDLEY was allowed to yield his time to Mr. KEITH.)

Mr. KEITH. Finally, it would have the responsibility to supervise the establishment and the functioning of the interim arrangements for governing South Vietnam during the period between the elections and the establishment of a new government that might result from the elections.

Now, in talking with the Parliamentarian, I learned that this amendment would be considered as not germane. I learned during today's debate that, the Foreign Affairs Committee hearings to which the gentleman from Illinois, Mr. ANDERSON, referred earlier would be the place in which I could find a forum for the consideration of this International Commission.

But, we will not be able to have any International Commission if we do not have the strength that comes from standing with our President in his effort to turn the responsibility for the conflict over to the people of South Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I find it virtually inconceivable that we now find ourselves in the position where many of us who are deeply concerned about our presence in Indochina must address ourselves to this extremely serious question within the period of 2 minutes. I find it even more inconceivable when I place in juxtaposition to this incredible time limitation the fact that thousands of American GI's fought and died in Southeast Asia, and the relatives, friends, and loved ones must carry the sorrow of the death of those GI's forever, and the many hundreds of GI's who fought in Indochina, and returned to this country as amputees who must carry the burden of the cruel war forever.

However, we as Members of Congress now must limit ourselves to 2 minutes on a matter of such grave importance to the American people. How paradoxial and tragic this has become.

Now, let me try to say something to you in the few seconds I have remaining, regarding the concern of millions of Americans who are standing and saying to the people's branch of the Government, the Congress: Assume your responsibilities.

I rise in support of the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK) because it does have substance, it does have meaning, and it does address the criticisms of those colleagues who based their objection to the Nedzi-Whalen amendment solely on the basis of the notion that the amendment is nebulous. It does remove all the objections, it sets forth a mechanism very loudly and very clearly to end this insane war.

Second, to place this issue in broader context, I think it is clear to many in this country that the U.S. Congress is perhaps the weakest branch of the Government on the Federal level, and the executive branch is growing stronger every day, and we are doing nothing about it.

We are taking no firm stand on ending an insane, illegal and immoral war in Indochina. Let us vote this substitute amendment into law in order to have a clear way to end this war, and replace and restore some faith in the people's branch of the Government by the people of the United States themselves. We must do that which we can, and that is to cut off the funds for carrying on this illegal and immoral war in Indochina.

Next we must address ourselves to the question of moral responsibilities, to assume some moral leadership in this country. For instance, how can we oppose violence in this country and fight an unconstitutional war in Indochina? I think this is a moral contradiction that millions in this country see and understand.

My final comment on this is that many people have said that war is hell. Then let us assume our responsibilities and support this amendment, and get the hell out of hell, and turn to using our human and economic resources to address the critical human issues that must be dealt with immediately.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, it is awfully hard to know exactly what to say at this point in the debate, when the time has arbitrarily been cut off. I want to express my very deep sense of disappointment that the minority whip of my party would see fit to cut off debate on this issue. Our young men have been asked to go and fight that illegal war in Vietnam for 10 years, and yet in response to their sacrifices and continuing agony we restrict the debate to only allow 2 minutes for each speaker. This restriction brings shame and humiliation on this House. I am appalled that this should be done—and done by my party. I have never, in 5 years, been more disappointed in the judgment of the minority whip, the gentleman from Illinois, than I am today. It is little wonder that the people of America are coming to think of the Republican Party as a war party.

I heard Richard Nixon say, to my face, on the 22d of June in 1968 that if he were elected President he would end the war in 6 months. We are in the third year of this administration, and 18,000 young Americans have died under Nixon—and we cannot even debate that issue in this House Chamber.

Of course we ought to pass this amendment to end the war. This is the first time in 10 years that the House has even come close to having the courage to face a direct vote on the war.

We all know that this is not a perfect legislative vehicle, but that is due to the fact that the leadership of the House has steadfastly refused to bring to the House floor a straightforward resolution where we could vote—yes or no—to cut off the war.

Of course we should support the amendments before us, but when we only have 2 minutes to speak on them then I say that it is an indefensible practice—it is just indefensible.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I yield my time to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I thank the gentleman from Colorado for yielding me his time.

Mr. Chairman, I would like within the 2 minutes that I have to make three or four observations regarding the debate concerning the Nedzi-Whalen amendment.

First, there have been some comments made that there is deception involved in this amendment. I would certainly hope, and I certainly believe that the Members of this body who made those statements are not accusing the authors of this amendment of deceit.

It was for this very reason that during the debate on Tuesday I outlined precisely what this amendment would do, and would not do.

The gentleman from Michigan, Mr. NEDZI, today during the limited time given to him did the very same thing.

Second, it has been stated that this amendment is meaningless. I would suggest to those who have made that statement that they would not support any amendment that would have the real effect of pulling out by December 31 all troops from Vietnam.

Third, I would point out that the Nedzi-Whalen amendment goes as far as we can under the germaneness rule.

As I mentioned Tuesday, the jurisdiction of this committee and thus this bill is limited. Consequently, this amendment is as far as we can possibly go under the circumstances. Fourth, I applaud the dean of this House, the gentleman from New York (Mr. CELLER) for his statement. Mr. CELLER very clearly pointed out that we, in this body, as well as the President, have the responsibility for considering and attacking the problems confronting our country.

Within the limitations of the jurisdiction of our committee and of this body, I certainly think the Nedzi-Whalen will do just that. I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I rise to support the Nedzi-Whalen amendment. I do so, however, with the greatest misgivings about the meaning, thrust and implications of this one slender chance by which the Congress can reassert its power over the military in America.

The extent to which the Congress of the United States has abdicated its constitutional right and duty to declare war and to appropriate funds for any war declared by Congress is dramatically demonstrated by the simple fact that the Nedzi-Whalen amendment is necessary. Never before in all of American history has it been necessary for the Members of the Congress to propose that their colleagues in the Congress join them in opposing the continuation of an undeclared war carried on by the President of the United States not in one country but in four nations.

My vote for the Nedzi-Whalen amendment is cast with the hope that the potential advantages of this amendment will not cancel out the very serious potential dangers inherent in the wording of this amendment.

The clearest and the most promising provision of Nedzi-Whalen is the proposal that "No funds authorized to be appropriated pursuant to this act may be expanded after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations or over South Vietnam, North Vietnam, Cambodia or Laos." This provision, as the coauthors of the Nedzi amendment have conceded, does not in fact require the war in Southeast Asia to be terminated on December 31, 1971. Appropriations from sources other than H.R. 8687 or the defense authorization bill for fiscal 1972 would be available to the President to carry on various military activities in Indochina.

If, however, the Nedzi-Whalen amendment contained only the language cited above it would at least provide some assurance to the American people that the Congress had expressed its wish in a relatively clear and forceful way that the military operations in Southeast Asia terminate at the end of this calendar year. The other provisions of the Nedzi-Whalen amendment unfortunately blunt and possibly even negate the thrust of the provision noted above.

In section (b) of the Nedzi-Whalen amendment it is stipulated that the President may return to the Congress with legislation "setting another date within the fiscal year which will permit the accomplishment of these objectives." The "objectives" are the "safe and orderly withdrawal of all U.S. military personnel from Vietnam" and the return of the American prisoners of war. There appears to be at least a bit of a contradiction in such a suggestion, if not an invitation, to the President since surely the objectives on which everyone agrees can in fact be carried out if the United States would announce a date of December 31, 1971, for the cessation of all American military operations in Southeast Asia.

Section 3 of the Nedzi-Whalen amendment which simply indicates that the proposal "shall not be construed to effect the constitutional power of the President as Commander in Chief" does not add anything except potential confusion to the situation.

Section (d) of the Nedzi-Whalen amendment is most objectionable on many counts. The section affirms the alleged fact that the President has the power to provide for "asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces." It is by no means clear that there is any inherent power in the President to give "asylum" to foreign nationals without some authorization from the Congress. Furthermore, there is a very broad assertion or grant of power to the President indicating that in the event that asylum is not appropriate he may use "other means" to provide for the safety of Vietnamese citizens. While the intentions of the authors of the Nedzi-Whalen proposal in authorizing "other means" are laudable, it can be feared that such a broad unspecified authorization could be another Tonkin Gulf resolution.

Section (d) of Nedzi-Whalen is even more objectionable in that it states that the proposed amendment "shall not be construed to affect the power of the President to provide—military and economic assistance to Cambodia, Laos, or the Republic of Vietnam." This, of course, is an extraordinary assertion in that it concedes the power of the President to continue giving military assistance not merely to Vietnam, but also to Cambodia and Laos. To those who feel as I do that the President had no authorization to invade Cambodia or to assist the invasion of Laos, any suggestion that he has an inherent power to continue military assistance to these two countries is objectionable in the extreme.

Once again, section (e) of Nedzi-Whalen suggests a very broad grant of power to the President in that there is no limitation on the use of funds "for purposes which may be necessary to insure the return of prisoners of war." As much as one can be sympathetic with the plight of the prisoners of war and their families it does not seem advisable to extend to the President the broad power conferred in section (e) of Nedzi-Whalen.

Section (f) of Nedzi-Whalen insures the continuation of what is called "customary military personnel to diplomatic missions" in Southeast Asia. If this means simply military guards for Embassies and similar personnel there can be no objection. But if this is all that section (f) intends there is no need to include it in the bill.

Mr. Chairman, the hundreds of thousands of messages received by the Members of the Congress endorsing Nedzi-Whalen are but a small manifestation of the profound and intense desire of the American people to end our involvement in Southeast Asia. At the same time the ambiguities and the loopholes in the Nedzi-Whalen amendment constitute a manifestation of the indecisiveness and confusion of the Congress in not being willing to assert the inherent power of the Congress to end this undeclared war. A more vivid example of the unresponsiveness of our Government can hardly be imagined.

Mr. Chairman, despite my misgivings as explained above, I hope that the Nedzi-Whalen amendment to the 1972 military authorization bill will pass.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I do not know what is going to happen to the amendment now pending before the House, but I do hope that when the smoke clears, all Members on both sides will join me in signing the discharge petition now on the Clerk's desk urging the President to impose a moratorium on the sending of any further troops to Vietnam.

The only way we are going to get American troops out of Vietnam is not to send them there.

I have circulated through the Chamber a table I have prepared showing American troop rotation and troop reduction and, if the President's present troop withdrawal policy is unaltered, the rate at which we will become disengaged in Vietnam. The table shows all of our troops will be out of Vietnam by December 1972, under Mr. Nixon's present withdrawal rate. But, we will stop sending any more replacement troops by January 1972, because by that date our troop rotation rate each month will be smaller than our monthly reduction rate.

From May 1 until December 1, 1971, we will have rotated back home 138,000 boys who have concluded their tour of duty in Vietnam. The President has ordered that 100,000 of these troops not be replaced, in other words, as our boys are rotated home most of them are not being replaced. All I am asking the President to order a moratorium on any further troops to Vietnam so that the remaining 38,000 not be replaced. We can open up a new dimension for the peace talks in Paris and ask for the immediate release of our POW's and for an immediate cease fire.

My resolution does not interfere with the President's constitutional powers. This is a sense of Congress resolution, urging the President to announce to the world that after July 1 a moratorium will be placed on any further troop movement to Vietnam. As the boys are rotated back home under normal rotation, we will not replace them.

If you study my table you will see that between July 1 and the rest of this year, we will send only 22,000 more American troops to Vietnam. We can have a whole new dimension at the peace talks in Paris and we can capture the imagination of the world and we can stabilize the home front so that the hundreds of thousands of American families whose boys are faced with the draft or are now being trained for overseas duty can get their first decent night's sleep. I honestly believe such a moratorium would provide a new incentive for meaningful peace talks in Paris.

Mr. Chairman, I hope all Members will join in signing the discharge petition.

Mr. Chairman, I am including my letter and table "Projected American Troop Withdrawal from Vietnam," at this point in the RECORD.

PROJECTED AMERICAN TROOP WITHDRAWAL FROM VIETNAM

DEAR COLLEAGUE. Following is the projected U.S. troop withdrawal from Vietnam based on President Nixon's present troop reduction policy. If the President does not alter this policy after December 1, 1971, you can see that all of our troops will be out of Vietnam by December of 1972. Assuming the President will not reduce the withdrawal rate after December, 1971, and based on our present troop rotation policy, it is clear from these projections that no American troops would be sent to Vietnam after December of this year.

In other words, you can see that our monthly reduction rate will exceed our monthly rotation rate, and therefore, no troops will be sent after the first of the year. I have suggested that since we are talking only about 38,900 troops which will be sent to Vietnam this year, the President consider announcing a moratorium on all troop movements immediately. This would mean that as soldiers are rotated back home, they would not be replaced, and the remaining units in Vietnam would be consolidated with other units. It is my hope that such a moratorium will open a new dimension for the peace talks in Paris and obtain a cease-fire immediately as well as the return of our American POW's. My proposal in no way alters our present rotation policy. I have a Discharge Petition on the Clerk's Desk urging such a moratorium, and I hope you will join me in this effort.

ROMAN C. PUCINSKI,
Member of Congress.

Month	Total troops in Vietnam	Due for rotation this month	President Nixon's monthly reduction rate	Number of replacements to be sent to Vietnam during month [1]	Total troops in Vietnam at end of month
May 1971	280,000	23,333	14,300	9,033	265,700
June 1971	265,700	22,142	14,300	7,842	251,400
July 1971	251,400	20,950	14,300	6,650	237,100
August 1971	237,100	19,758	14,300	5,458	222,800
September 1971	222,800	18,567	14,300	4,267	208,500
October 1971	208,500	17,375	14,300	3,075	194,200
November 1971	194,200	16,183	14,300	1,883	179,900
Total		138,308	100,100	38,208	
December 1971	179,900	14,992	14,300	692	165,600
January 1972	165,600	13,800	14,300	0	151,300
February 1972	151,300	12,608	14,800	0	137,000
March 1972	137,000	11,416	14,300	0	122,700
April 1972	122,700	10,225	14,300	0	108,400
May 1972	108,400	9,033	14,300	0	94,100
June 1972	94,100	7,842	14,300	0	79,800
July 1972	79,800	6,650	14,300	0	65,500
August 1972	65,500	5,458	14,300	0	51,200
September 1972	51,200	4,266	14,300	0	36,900
October 1972	36,900	3,075	14,300	0	22,600
November 1972	22,600	1,883	14,300	0	8,300
December 1972	8,300	691	14,300	0	0

[1] This represents the difference between soldiers being rotated back and the President's monthly reduction factor.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I intend to vote for the Whalen-Nedzi amendment. I do not do so necessarily as a critic, blamefinder or an historian. I do only as one who believes the time has come for Congress to take a recorded position on this matter.

I have supported President Nixon's withdrawal policies, and indeed I campaigned in support of those policies. I applaud the President's actions in reversing the American involvement in Southeast Asia and in withdrawing our personnel and winding down our efforts. I take particular pride and pleasure in the fact that the President has met each deadline that he has set for himself.

Nevertheless, I am personally weary, and, in my judgment, the citizens of my district and of this country are also weary of our involvement in Indochina. While endorsing the President's withdrawal program, I strongly believe that it should be accelerted and that the people of this country should be given some assurance that our efforts there will terminate.

For a few years, it was appropriate not to talk of date-setting as a matter of strategy and tactics. At this stage of the game, as we move into the final phases of an "irreversible" withdrawal, the policy of date-setting is no longer destructive to our overall strategic policies.

I and many of my constituents are depressed with the dependency that we have created in the Republic of South Vietnam. Until some definite termination date is established, in my judgment the South Vietnamese will continue their heavy dependency on us. Until they have a fixed target date on which they must stand, relatively, on their own feet, they will be happy to be supported by us and our personnel as long as we are willing to provide support.

For many years we have propped up a government which was said to be under attacks of external aggression. Under the Nixon doctrine there ought to come a time, at a fixed date, when that country undertakes its own defense without the assistance of our military personnel. We do not have a perpetual obligation to any country.

I am aware that the Whalen-Nedzi amendment will not do all of the things that many of the people outside of these halls who support it believe it will do. I am also aware that it is not likely to be adopted. I agree with the local newspaper editorial yesterday that its consideration is largely symbolic. As a general rule I abhor symbolic votes in legislative bodies.

This case, however, is different. This House has had no direct votes on this subject. In my judgment the people of the United States deserve a couple of symbolic votes on this issue.

In summary, Mr. Chairman, my vote for the Whalen-Nedzi amendment is not necessarily critical of anyone. It is simply a vote that says we have done that which we set out to do and can do in Vietnam. It is a vote that says our people are weary—that they wish to escalate our withdrawal and terminate our involvement. It is, of necessity, a symbolic vote, but it is an honest and deeply felt one.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, this is a momentous occasion in the House. It is the first time we have had a clear opportunity to raise our voices to reassert our constitutional authority, to reaffirm the oath of office we have all taken—to face up to our warmaking and peacemaking powers.

I hope that the House will adopt the amendment of the gentlewoman from Hawaii, Mrs. MINK, because I think it is a clear, simple, straightforward clarion call that will go from here to the White House and will be listened to.

But in the event it is not adopted, I certainly will support the Nedzi-Whalen amendment. I think that it would be clear, absent sections B, C, D, and E, for the reasons that our colleague from Massachusetts, Mr. DRINAN, mentioned. But the fact that this amendment to a procurement bill is not going to have any legal force and effect in the next 6 or 8 months because it does not control expenditures for personnel, and the crunch on equipment will not be felt for several years, what we are doing today is symbolic in nature. But the importance of that symbolism is transcendental for all of us, because we have a Nation that is, in a very real sense, dying here. Our cities have lost their sense of comity. We have been unable to provide the essential facilities and services that a civilized nation provides for its own people. The war has sapped our resources, and alienated the young and the poor. We desperately need to find the way out—suggested by Clark Clifford and others—and this amendment will signal to the President our collective determination to extricate ourselves from the most futile, wasteful, squalid war in our Nation's history.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. It is far from perfect but more perfect than the processes which govern this House. And since it is the only opportunity that we in this House will have today to register our opposition to the war in Vietnam, it becomes a symbol behind which all of those who are outraged by our continued involvement in Indochina must rally. However, as has been pointed out by others preceding me in the well of this House, the Nedzi-Whalen amendment is more than a symbolic act. It provides that no funds authorized under this bill may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

Members of this House who were here when the Gulf of Tonkin resolution was passed have said today that had they known what is now being revealed by the publication of the Vietnam papers authored by members of the Johnson Administration, they would not have voted for that resolution providing the basis for President Johnson's escalation of our military involvement. It is ludicrous that while now for the first time since the Gulf of Tonkin resolution we vote squarely on the war and whether this House supports our military involvement in Vietnam, the Nixon administration has gone into court to prevent the publication of background information which would have a bearing upon the Members' votes today; similarly it has even refused to supply such information requested by congressional committees.

At the conclusion of today's debate I will vote "yea" on the Nedzi-Whalen amendment, but the probability is that it will not prevail. And so, should it be defeated, I will vote "nay" on the final passage of the authorization bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the involvement of the United States in Indochina, I think, was a commitment that we were going to stop or try to stop unwarranted aggression by Communist nations. I do not think there was a single instance, other than the Gulf of Tonkin resolution, that caused our involvement. We were involved because we wanted little nations to have the right to choose their own government. I therefore do not think our leaders deceived us, or that we were not given full information. I stand here in the well today to say that it is not proper for some of our Members to use hindsight or the advantage of it, in trying to say that we were not given the full facts. We went into this war to try to stop aggression, to draw the line, and that is what we did.

Whether history will treat us kindly, whether it will say that we did right or wrong remains to be seen. Perhaps we should have gone in with greater force to try to achieve a military victory. But I do not think the American people would have supported that. I think history would have treated us more unkindly if we had not tried to help. We have, as a nation, done our best.

We took the policy that said, "We will give the South Vietnamese time." We have now given them that time to defend themselves and to establish their own government.

I say to the administration, "You are coming mighty close to the time when total disengagement must be reached." I call on the administration to tell us, "What is your troop withdrawal policy as of December 1971?" I am told at that time you will have 184,000 troops left in Vietnam then. You do not tell me what your troop withdrawals are or will be after that point, and you do not say what your policy will be with respect to the cessation of bombing. I think the American people are entitled to that information. We ought to have given and we have given the South Vietnamese Government time to set up their own government.

I am therefore willing to give them time—at least until after the election this fall—and then we should have another announcement of plans and schedule. I do not think the pending amendment will stop the war. It is an expression of intent—and with that I think we can all agree. If it would stop the war I could support it.

I am willing to give this administration time, as I have to previous administrations, to bring this thing to a quick conclusion. But I say to you that you are reaching the point where you have to give answers to those two big questions. What can we expect to a definite troop withdrawal and what can we expect about future bombings?

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the question that I would raise is, Where are the votes for the Nedzi-Whalen amendment in view of the fact that we all say we are against the war? I suggest that the absence of the necessary votes is a reflection upon our leadership in the Congress and a reflection upon those liberals here who have professed to support the end of the war as soon as possible. Now we have an opportunity, and this body will go on record, as the Senate did yesterday, that we really are not for stopping the war, even under this very modest proposal.

So I want to suggest to you that some of us must pledge to keep on after the vote of the day here. Some of us must examine what we are going to do and how we are going to bring an end to the war. I am saddened when, after we get assurance from the Chairman of the Committee that he will not interfere to halt the debate, we have the whip of the minority side interfering with the debate. Then I hear my esteemed Speaker of the House lead us against this amendment. It is a very disappointing day for liberals.

So what I ask us to do, on both sides of the aisle, is to begin to formulate the policies and tactics that will force an end to this war, because we are now Vietnamizing the United States of America. Yes, the violence there is the same violence that is coming into our cities across this land.

I would like to ask the Members of this body are present, if we are waging a war that is unpopular with the American people—why are we in it? I think that is the question which goes to the very heart of the difference between the way this Government operates and the way the American people want it to operate. It should be clear that we are in a war that is not sanctioned by the American people even after avalanches of propaganda to condition us to accept the inhumane consequences of this war. The American people reject this war not only because of the devastation to the poor peoples of Asia and not only because of what it does to our own American men who are sent there—but really because of what it is doing to the very fiber of this country. Why is it that we are in a war that the American people refuse to sanction?

One of the reasons that we are unable to extricate ourselves from a war that nobody claims to have wanted is that we do not have on either side of the aisle leadership that has convinced me that they really want to take the necessary steps to end the war. This body does not operate by magic. It does not operate in some mysterious way. The simple fact is that we do not have enough people in the legislative branch who are sufficiently concerned.

They are against the war. Everybody is against the war. I have not met one person in the last 6 months who is for the war. So, I am beginning, after a few years of service in this great body, to ask the hard questions that the American people are asking: If we are all against the war, why aren't we getting out? If we are all against the war, where are our leaders to develop programs that will extricate us from the horrors of Vietnam?

It is not going to satisfy the American people to have a few Congressmen out of 535 articulate their objections to the war. I think something is going on in this country that is far more profound than most of our Members are ready to recognize, much less acknowledge. And that is that the war in Vietnam is having a devastating psychological effect upon the American public. The people are losing faith in the entire system of Government, and if some of us do not begin to say that to our leaders, we are going to be faced with legislative leaders who want to govern, with a citizenry which will not accept their leadership. We are faced with young people, and now increasingly with old people, of all races, of all classes in our society who are beginning to seriously question for the first time the validity of this system of Government. And I believe that the finger can be pointed to this horror of Vietnam as the single factor that has contributed more to undermine the confidence of the people in this Government than any one other thing.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I rise in opposition to this amendment which would set a specific, unilateral withdrawal date for American troops. I find it incredible that so many should suggest that we withdraw our troops regardless of whether or not we receive any similar action on the part of the aggressors, the North Vietnamese.

Outside of Congress, the promoters of this amendment, the American peace movement, have sold the American people a bill of goods. I have received many letters from interested citizens in my district who seem to believe that 73 percent of the people support this pullout resolution. As is the case in many other areas, there has been a basic perversion of the truth. To say that 73 percent of the American people want to bring home all U.S. troops from Vietnam before the end of this year is false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

First, by an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

Second, support for the proposed congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a Communist takeover.

Third, well over half the American people oppose a December 31, 1971 deadline with withdrawal, if that withdrawal means a Communist takeover of South Vietnam.

Fourth, by almost 7 to 1, Americans oppose any yearend withdrawal that threatens the lives or safety of American prisoners of war.

Fifth, the earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist takeover.

The Wooster Daily Record, Wooster, Ohio, printed this public opinion poll in its May 24, 1971 issue. Here is exactly what the paper printed:

Pullout Is Popular With Reservations

PRINCETON, N.J.—The public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

Seventy-two per cent of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18 per cent who do not support his plan and 10 per cent who have no opinion. At the same time, 68 per cent of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20 per cent opposed this move and 12 per cent have no opinion.

However, when various possible consequences of quick withdrawal of all U.S. are tested, the public is against withdrawal troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55 per cent said no, 29 per cent said yes, and 16 per cent had no opinion. Also an overwhelming majority, 75 per cent, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam. Eleven per cent of those polled would favor such a withdrawal and 14 per cent had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

Mr. Chairman, the other aspect of this debate which intrigues me is the number of legislators who have fallen for the 30-day argument, that is, the hope that the Communists will release our American prisoners 30 days after we pull out even though they do not promise this in advance. I maintain that the record clearly indicates that they did not do it even when they promised, let alone without giving any assurances.

On June 9, the Washington Post quoted the former Secretary of Defense Clark M. Clifford as saying that he had "reason to believe" that the Vietnamese Communists would release all American prisoners of war within 30 days of an agreement to withdraw all U.S. military personnel from Indochina by December 31.

Mr. Clifford, as a former Secretary of Defense, should certainly have been aware of the true facts concerning Vietnamese Communists' treatment of prisoners of war. On July 20, 1954, during the Geneva Conference, the Vietminh Communists signed a treaty on the cessation of hostilities with the French Government. Article 21 of that treaty reads in part as follows:

> All prisoners of War and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Viet-nam during military operations or in any other circumstances of war and in any part of the territory of Viet-nam shall be liberated within a period of thirty (30) days after the date when the cease fire becomes effective in each theater.

Eight years later on November 17, 1962, the North Vietnamese Government announced over radio Hanoi that—

> After a rather long period of negotiations between the DRV (Democratic Republic of Vietnam) Government and the Government of the Republic of France on the repatriation of French soldiers who had surrendered, on 25 October the representation of the Republic of France sent a message to the DRV Ministry of Foreign Affairs stating that it had been authorized to work out a plan for transporting commencing November 1962, French soldiers who had surrendered and who had applied for repatriation. The message proposed that our government approve the French transportation plan.
>
> In its 30 October 1962 message, the DRV of Foreign Affairs replied that it approved the transportation plan drafted by the French representation and asked that the French Government take the necessary steps so that the repatriation can be carried out on schedule.

Apparently, Mr. Clifford would like us to make the same bad deal that the French made 17 years ago. If we have learned nothing else in our years of dealing with the Communists, we should at least understand that they cannot be trusted to keep their signed agreements.

Mr. DENHOLM. Mr. Chairman and my worthy colleages in the "House of the People," I am depressed and I am saddened because I see storm clouds on the horizon and—

> When a land rejects her legends,
> Sees but falsehoods in the past;
> And its people view their Sires
> In the light of fools and liars,
> 'Tis a sign of decline
> And its Glories cannot last.

We not only have rejected our legends but we, the elected Representatives of the people, are about to reject our obligations imposed upon us by the Constitution of this Republic. Again, this great body is willing to "pass the buck" to one man, one Commander in Chief, one President. When we cannot make a decision we say to him alone, "You make that awesome decision and we will all be free to go our individual ways and campaign at will not matter what the results might be."

It seems to me if we wanted to act as true Americans, as elected Representatives of the people and pursuant to section 8 of article I of our Constiution, we would say that we, the Representatives of the people, will decide on the grave issues of peace and war, and that we would on this occasion support the amendment to end the military involvement of this country in Vietnam today

I believe our continued involvement in a Civil War in Vietnam has corrupted our people there and it has divided our people here. If we actually seek peace in this world we must seek that utopia in the spirit of the words of Ethel Blair Jordan when she said:

> In hearts too young for emnity,
> There lies the way to make men free.
> Let child love child and wars will cease.
> Disarm the heart, for that is truly peace.

Mr. Chairman, this Nation emerged following World War II as the only nation that had never lost a war. This country has never lost a war when Congress has acted and declared war.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing to hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *Lusitania* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and declaration of war can be done only by the two Houses of Congress whose Members are elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what department of the Government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by an appropriation for a longer term than 2 years.

NO AUTHORITY—NO PRECEDENT

There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provision for appropriations not in access of 2 years without another request to the Congress for further appropriations to finance war.

THE MORE SUBTLE ISSUES

The more subtle and difficult issue is what may from time to time constitute an act in the national interest? There can be no doubt that when this Nation, its people, or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakeably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

SUMMATION

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 with but two dissenting votes and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam beyond the Gulf of Tonkin resolution. More recently we entered Cambodia without any act, counsel, or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia is without precedent and of questionable merit as to national security. The continued escalation of military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times.

It is my considered judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress exactly how our national security is exposed. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the Nation or the people for whom any declaration of war will issue in Southeast Asia under present existing circumstances. If there is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in jeopardy.

It appears that our military commitments and our military involvement has exceeded and does now exceed any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a bypolarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily and politically to achieve the equilibrium of power among nations.

CONCLUSION

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the Members of Congress to pursue individually the political expediencies of public opinion at the expense of a divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected representative of the people to do all that he can to bring these grave issues to a united decision through the consultative processes of our democratic government by official action of the Congress in joint session.

Mr. Chairman, the "Congress shall have power to declare war, to raise and support armies"—Article I, section 8, U.S. Constitution.

Mr. Chairman, does the Congress have the power to seek the peace? That is the question before the House today. Crime, corruption, war, and war crimes will darken the horizon of each new day until we respect the supreme law of this land and until the President—the Commander in Chief—clearly places the issues before the Congress pursuant to the Constitution of this land—I will remain steadfast in what I know the law of this land to be according to our brilliant history of the past.

I am hopeful that I am wrong about the storm clouds coming—I am hopeful the generation behind me will not reject the legends of this land and see but falsehoods in the past—certainly I hope they will not look upon the leaders of this Nation in the light of fools and liars—for if they do then I fear that it is a sign of decline and the glories of America cannot last.

Thank you, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, there are a few things that I think we all know. One of them is that we would like to see an end to the war. Another is that the pending amendments do nothing whatever to end it. These amendments, under the circumstances existing, are only symbolic, and I submit that, under the circumstances existing, they are and can be only symbols of weakness in the midst of an ongoing conflict which the President of the United States, in the proper exercise of his duties, is bringing to a close as expeditiously as it can be done. Such a symbol at such a time seems to me unfortunate and unwise, and I urge the defeat of the pending amendments.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, it is probably difficult at this late hour to add anything to the debate or to change any votes, but I do think one thing is clear. With the various amendments that have now been offered, by the gentleman from New York (Mr. ROBISON) and by the gentleman from Pennsylvania (Mr. McDADE) making our withdrawal contingent upon the release of the prisoners of war; and even considering the original conditions included in the Nedzi-Whalen amendment which would allow us to give military aid to South Vietnam after we have withdrawn, and also to station marines at our Embassy there, which the gentlewoman from Hawaii would remove, it is clear that what we are really doing here in these proposals is not legislating but trying to negotiate and to set down negotiating conditions that say we will withdraw only under such and such conditions.

The fact of the matter is, Mr. Chairman, that we cannot negotiate with an enemy from the floor of a legislative body. Under the Constitution of the United States the President has the exclusive right to negotiate. I think we ought to concede him that right. We ought to stop having 535 individual Secretaries of State visiting Paris to negotiate with the North Vietnamese and the Vietcong. Let us allow Ambassador Bruce speak for America on this issue with one voice.

After all, we are getting out of Vietnam, steadily and irreversibly. There is no question of that. And if we do want to get out safely and get our prisoners of war back safely and with honor and provide for some measure of stability in Asia, then this country must pull together again.

In the closing months of the war in Vietnam I believe very strongly that we ought to speak as a unified country instead of continuing to divide ourselves so bitterly down the middle over what are after all relatively minor matters, such as whether we get out 2 or 3 months before or after some particular deadline. What is really important is not only when we end this war but whether once we have left Vietnam this country continues to remain a factor for world leadership and for peace in the future. We certainly cannot expect to do that if we continue to be a bitterly divided country in the face of a stubborn and determined enemy.

The CHAIRMAN. The Chairman recognizes the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in opposition to the amendment and to all amendments thereto.

I believe that they constitute a vote of no confidence in this administration, which the evidence does not justify.

Mr. Chairman, although there are some distinguishing features in the Nedzi-Whalen amendment, the fundamental issue is still whether the Congress should impose upon the Commander in Chief a requirement that the disengagement of all military forces from Indochina should be based on a date certain, established by Congress. I believe it is my responsibility to speak out on this overriding issue.

The current revelations by the New York Times, which suggests that the buildup of troops in Indochina under President Johnson may have been made in accordance with a deliberate calendar designed to provoke a response from the North Vietnamese, has in the absence of time for clearheaded evaluation added to the public clamor for a simplified withdrawal procedure. For example, although the dates suggested in the two Houses of Congress usually designate the end of this year and are conditioned upon safe withdrawal of our troops and release of the prisoners of war, the Utah Democratic Party last Saturday went beyond these suggestions, and in that party's State convention passed a resolution calling for withdrawal of all troops by September 15 of this year without any conditions attached pertaining even to prisoners of war. It may be suggested that this was a purely political convention, so produced an extreme decision, but I do agree the people of this country are increasingly restive.

I think what the people of this country want, however, are not political declarations but hard evidences of the reality of withdrawal of the U.S. forces from Indochina. An objective and nonpolitical analysis of the present military policy of this administration does in fact reveal that hard evidence.

This administration has, according to reliable reports, been stepping up its withdrawal of military personnel so that the former objective of reducing U.S. troop strength to 184,000 troops on December 1, 1971, will not only be achieved but there will be a considerable number less than that 184,000 as of that date. In addition, President Nixon has announced a goal of total withdrawal.

Secretary of Defense Melvin Laird has stated in an interview in U.S. News & World Report that the combat operations of U.S. troops will be ended by the end of this summer. Considering the fact that the buildup in Indochina reached a total troop strength there of approximately 550,000, the phased, deliberate and consistent withdrawal of troops is proof this administration is fulfilling its pledges.

Furthermore, there is something of value to be gained by our sacrifices in South Vietnam which should not be discarded out of hand. The administration issues favorable reports about the "Vietnamization" program. If the people of South Vietnam can exist as a free nation under democratic procedures and resist Communist domination in accordance with their responsible desires, then this is certainly a plus for the free world. Under the circumstances, a congressional mandate of a date-certain for disengagement, which the Commander in Chief opposes, would constitute a vote of no confidence in the Commander in

Chief, a decision not justified by the facts.

After more than 6 years of war, it is natural for many Americans to conclude that unless a date-certain is established, there will actually be no conclusion to our participation, and I can certainly understand those who share this opinion. The deliberate and premeditated statements of the President and others in this administration, however, are that there will be total withdrawal with the hope that the South Vietnamese will be able to defend themselves.

Respecting the opinions of my constituents who favor the concept of a date-certain withdrawal, I recently sent an "Issue of the Month" presenting what I believe to be objective arguments for and against the date-certain concept.

As of this date, I have received 1,151 replies, almost all of which are accompanied by comments or letters and all of which are addressed and stamped by the constituent himself. Of these replies, 354 support the concept of a date-certain and 775 oppose the concept and support the President; 22 are undecided. For the RECORD, this "Issue of the Month" is as follows:

THE SHERM LLOYD REPORT: ISSUE OF THE MONTH

A DATE-CERTAIN WITHDRAWAL FROM VIETNAM

For many months a variety of resolutions have been introduced into the two Houses of Congress to establish a cutoff date for our military operations in Southeast Asia. One of the best known was introduced into the Senate nearly a year ago—the McGovern-Hatfield Amendment to the Military Procurement Bill, which would originally have cut off all funds for the Vietnam War on last January 31, 1971, in the absence of a declaration of war by Congress. The Amendment was subsequently amended and defeated.

In the meantime, a wide variety of similar proposals have been introduced. Peace demonstrations have accompanied the proposals. Some of these demonstrations have been lawful and effective to a degree. Others have not. Peace demonstrations, being more general in nature, have usually cited as their objective: "Immediate and unconditional withdrawal of all U.S. troops and material from Southeast Asia."

There has been a buildup of support for the concept of a time-certain withdrawal. The President and the Congress are under increasing pressure to adopt such a policy. My office is no exception. Recently, a statement was suggested to the House of Representatives by a Republican, Charles Mosher of Ohio. Up to twenty and perhaps more Republicans have joined him, and the list grows. The statement would require that all U.S. military personnel be removed from and over Vietnam, Cambodia, and Laos by December 1, 1971, conditioned upon safe removal of our troops and safe release of our prisoners of war.

I have received, in the past two weeks, more than 200 telegrams and letters urging that I join in supporting the Mosher Resolution. Many of the communications refer to Common Cause, an organization of repute, which supports such action.

It is difficult to gauge public opinion accurately. The Gallup Poll reported on January 31, 1971, that 73 percent of Americans want their Congressmen to vote to withdraw U.S. troops by the end of the year. Critics of the poll assert the question presented did not give sufficient freedom for completely accurate evaluation by the citizens.

In Utah around the latter part of April, I put the question to several groups, including students of Kearns High School, Cyprus High School, and higher age group in Granger, Salt Lake, and Cedar City. In every case, there was overwhelming support for the Nixon position as against a time-certain withdrawal. My results have been criticized as having not been produced by sufficiently objective presentation and questioning. In reply, I will state that it was my intention to be objective and give both sides, but it is true my own support for the Nixon position at the time was expressed and may very well have colored the way the question was put. As to the age groups above high school age, it is also true these were preponderantly Republican. (Although I think it is unfortunate that public meetings addressed by a Congressman should be largely avoided by those who do not belong to the Congressman's political party.)

ARGUMENTS FOR A DATE-CERTAIN WITHDRAWAL

After six years of fighting, we have more than discharged any "commitment" we may have had.

This is a civil war in Vietnam in which we should not meddle.

The war has seriously divided America, creating disturbances and worse. The war has promoted revolution among the young, has exposed our military men to drugs, and other moral and emotional problems.

Our domestic needs are so overwhelming, we should begin binding up our own wounds.

Continuation of our participation in the war will add to the misery and hopelessness of our prisoners and their families. A date certain will increase pressure on Hanoi to release prisoners.

The war is undeclared, and is therefore unconstitutional and immoral.

President Nixon is prolonging the war so that he can end the war in an election year, thus adding to his chances for reelection.

The draft is un-democratic. Those who cannot afford the several methods of exemption are forced to bear an unequal burden in providing sons for combat in a war which is not supported by the American people. Therefore, unless Congress declares war, we should not draft boys to fight in it.

The objective of helping to maintain a "free society" in South Vietnam is unrealistic. They have no concept of the freedom which is traditional to America, but foreign to the realities of Southeast Asia.

We are supporting a regime guilty of corruption, which is not truly supported by the South Vietnamese, and which is accepting and encouraging American assistance only for personal and selfish gain. This regime will eventually fail regardless of our effort.

There are others, and supporters of the time-certain withdrawal concept can undoubtedly find fault with the above presentation.

ARGUMENTS AGAINST A DATE-CERTAIN WITHDRAWAL

President Nixon did not start the war. He inherited it. When he came into office, there were 536,000 U.S. military personnel in Vietnam. He announced a policy of withdrawal and "Vietnamization," (loosely interpreted as a policy which would give the South Vietnamese a reasonable chance to provide for their own defense). He has kept his pledge. 200,000 have already been withdrawn. 100,000 more will be withdrawn by December 1, this year, and he has announced a goal of "total" withdrawal from Vietnam, (contrary to South Korea where around 50,000 troops have been kept for peacekeeping purposes since 1953, with general approval of Americans.)

The North Vietnamese have not stated they will release prisoners of war if we withdraw—but only that they would "discuss" on the matter of release, indicating they could be using the prisoners for larger stakes.

We cannot negotiate an "honorable" peace as successfully if we give our plans to the enemy.

President Nixon has kept all his pledges to date as Commander-in-Chief. Under these circumstances, he should not be handicapped by ultimatums.

Any date-certain withdrawal announced now by the U.S. would create bitterness in South Vietnam, and create completely new sets of objectives for the South Vietnamese election in October.

"Vietnamization" is "proceeding apace." Over one million South Vietnamese are now in uniform in defense of their country. The October elections have attracted at least three candidates for the top office, and will be supervised by international agencies in an effort to guarantee maximum freedom. Our objective of allowing the South Vietnamese free elections is attainable.

Announcement of a time-certain withdrawal will contribute to "defeat" in South Vietnam, a take-over by the North, with prospects of a bloodbath for the South, and loss of the total investment we have made in South Vietnam in blood and treasure.

MY POSITION

Up to the present time, I have felt that President Nixon was entitled to my support. This does not mean I feel an "obligation" to the President in this matter superior to my obligation to the people. It has been a matter of continuously deepest concern, study and evaluation. Pursuant to that objective, I would now like to have *your* opinion:

I support the concept of a time-certain withdrawal.

I do not at this time support the concept of a time-certain withdrawal.

Comments:

Name and address.

COMMITTEE ON FOREIGN AFFAIRS—JUNE 8, 1971

FOREIGN ASSISTANCE AUTHORIZATIONS AND APPROPRIATIONS, FISCAL YEARS 1971 AND 1972

Program	Authorization, fiscal year 1971	Appropriation, fiscal year 1971	H.R. 8961, fiscal year 1972
Technical assistance	$396,870,000	$353,435,000	$415,250,000
Worldwide	(183,500,000)	(166,750,000)	(183,500,000)
Alliance for Progress	(90,750,000)	(82,875,000)	(90,750,000)
Multilateral	(122,620,000)	(103,810,000)	(141,000,000)
Development loans	[1] 350,000,000	420,000,000	[2] 580,000,000
Alliance for Progress	(428,250,000)	(370,375,000)	(428,250,000)
Loans	337,500,000	287,500,000	337,500,000
Grants	(90,750,000)	(82,875,000)	(90,750,000)
American schools and hospitals abroad	12,900,000	12,895,000	25,000,000
UNRWA (Arab refugees)	1,000,000	1,000,000	1,000,000
Industrial Basin:			
Grants	$7,530,000	$4,925,000	$15,000,000
Loans	(3)	6,980,000	
Supporting assistance	414,600,000	414,600,000	800,000,000
Supplemental	195,000,000	155,000,000	
Contingency fund	15,000,000	15,000,000	100,000,000
Supplemental	[4] 15,000,000	[4] 7,500,000	
Administrative expenses:			
AID	51,125,000	51,000,000	57,600,000
State Department	(5)	4,100,000	(5)

Footnotes at end of table.

COMMITTEE ON FOREIGN AFFAIRS—JUNE 8, 1971—Continued

FOREIGN ASSISTANCE AUTHORIZATIONS AND APPROPRIATIONS, FISCAL YEARS 1971 AND 1972—Continued

Program	Authorization, fiscal year 1971	Appropriation, fiscal year 1971	H.R. 8961, fiscal year 1972
Overseas Private Investment Corporation	(5)	$18,750,000	(5)
Total, economic assistance	$1,796,525,000	1,752,685,000	$2,331,350,000
Military grant assistance	350,000,000	350,000,000	705,000,000
Supplemental	340,000,000	340,000,000	
Total, economic and military	2,486,525,000	2,442,685,000	3,036,350,000
Foreign military credit sales	$250,000,000	$200,000,000	$510,000,000
Israel (supplemental)	(6)	[6] 500,000,000	
Grand total	2,736,525,000	3,142,685,000	3,546,350,000

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[1] Plus $300,000,000 authorized but not appropriated in prior fiscal years.
[2] Plus $230,000,000 authorized but not appropriated in prior fiscal years.
[3] $51,220,000 authorized in the Foreign Assistance Act of 1967.
[4] Earmarked for relief, rehabilitation, and reconstruction assistance in East Pakistan.
[5] This is a permanent authorization of such amounts as may be necessary.
[6] This was authorized in the Military Procurement Act (Public Law 91-441). The appropriation was carried in the supplemental appropriation, 1971 (Public Law 91-665).

Mr. Chairman, this is a time for a nonpolitical evaluation of this overriding issue. Purely objectively, I do not believe the imposition of a date-certain requirement upon the Commander in Chief constitutes provision for national defense or will assist in our responsible disengagement from Indochina. While my "Issue of the Month" is certainly not a scientific cross-section of the State, it is mailed to 30,000 constituents on a nonpolitical basis. While a great many Republican officials are on this mailing list, those who have replied do not appear to include a disproportionate number of Republican Party workers, and I consider it valid or I would not have issued the communication in the first place.

My constituent response is in accord with my own conviction that a congressional imposition of a date-certain withdrawal at this time is clearly adverse to the national interest.

(By unanimous consent, Mr. LLOYD yielded the remainder of his time to Mr. ROBISON of New York.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I appreciate this opportunity to remind my colleagues that I do have a pending amendment before the committee, and that it will be the first item on which we vote, and to remind them that it differs from the Nedzi-Whalen amendment only in that it extends the cutoff date or deadline by 4 months, from December 31, 1971, to April 30, 1972.

And, further, that it then conditions that deadline upon the prior happening are two events:

First, a cease-fire arrangement, and, second, an arrangement relative to the prisoners of war, to be followed by the actual release of our servicemen held as prisoners of war. This approach encourages negotiations which, of course, would be conducted, as the gentleman from New York, Mr. STRATTON, knows, by the President and not by the Congress.

Conversely, Nedzi-Whalen would tend to discourage negotiations as the amendment now stands.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. GUBSER.)

Mr. GUBSER. Mr. Chairman, this is a historical hour when we will make one of the most significant decisions in my 19 years' experience as a Member of this body. The issue has been building for at least 10 years and unfortunately has been entwined with unfulfilled predictions, hopes and promises, and allegations of deceit and misrepresentation. This has brought us to the point where millions of Americans do not trust the words and deeds of their Government.

An intensive nationwide lobbying effort has been directed at this hour of decision. The effort appeals to the pent-up emotions and frustrations of a citizenry which distrusts its leadership and despises a war that politicians have determined not to win.

If one is to react to public opinion, if one's bent is to follow and not to lead, if one considers his responsibility to act as a human computer and vote in accordance with the latest public opinion polls, then his decision will be easy. But if on the other hand he wishes to do the right and moral thing, he must risk his personal political security and weigh it against current truth.

Today's decision cannot be made by assessing blame for what has gone on before. It must not be made on the allegations of past duplicity and deception. It must not be made on the assumption so subtly created by demagogs that no government or administration can be trusted. In my opinion, today will give us a true measure of statesmanship.

The question we must decide is not how we got into Vietnam, but how we can get out.

Mr. Chairman, no amount of debate, whether each of us talks 2 minutes or 2 hours, could decide this question in a parliamentary body. That is something that must be decided at the negotiating table in Paris.

By assuming what is constitutionally and historically the function of the executive branch we cannot declare the war to be ended. We do have the right, and we should reassume the right to declare the war when it begins.

Mr. Chairman, the Washington Post has said that—

> McGovern-Hatfield and Nedzi-Whalen simply do not offer a way to end our participation in the war, let alone end the war. Inevitably that must be a political exercise in political symbolism.

The gentleman from Ohio (Mr. WHALEN), a coauthor of the amendment, has forthrightly admitted that it would do none of the things professional lobby groups have said it would accomplish, nor would it end our participation in the war. He has frankly admitted that it is a symbol.

This is an authorization bill. It authorizes the subsequent appropriation of funds for the acquisition of ships, missiles, aircraft, tracked vehicles, trucks, and rifles. The appropriation process must follow, then contracts must be negotiated, and the realities of leadtime considered. It is safe to say that none of the arms authorized in this bill will be in inventory for at least a year, and most of them would not be in inventory for from 3 to 5 years. The Nedzi-Whalen amendment would clearly allow the President of the United States to continue the war in Southeast Asia with weaponry currently in inventory, or in the pipeline, or on order from prior-year funds. As a means of ending the war by December 31 it is meaningless.

Some may argue, "Why not pass it if it is meaningless? If it is meaningless is it not harmless? Why not reassure the American people?"

I have two answers for such arguments: First, we would not be reassuring the American people; we would be deceiving them. Second, if we look ahead instead of backward at the public opinion polls, we should determine how passage of the Nedzi-Whalen amendment or any of its substitutes today will be interpreted by the Vietcong and the North Vietnamese negotiators at Paris when they meet on next Monday morning.

A withdrawal date is a negotiable item which the North Vietnamese and the Vietcong strongly desire. The Nedzi-Whalen amendment constitutes a unilateral concession of that negotiable item. Can anyone with any degree of sincerity argue that the North Vietnamese would negotiate in good faith when this Congress meddles in the negotiation process and unilaterally concedes what they want? I believe with all my heart that the chance for an earlier end to the war than December 31 would be lost if we were to fall victim to the calculated plan of Hanoi to marshal U.S. public opinion to exert pressure against our Congress.

Mr. Chairman, as I stated earlier today, I am convinced we would seal the doom of our prisoners of war, and they would meet the same fate as the 20,000 who fought for the French and to this day have not been accounted for.

Some tell us we cannot have a settlement of the prisoner-of-war issue before we have a settlement of the war. History belies that contention.

The final cease-fire and actual armistice in Korea were agreed upon on July 27, 1953. It is noteworthy that the POW issue was resolved on June 8, 1953, while fighting was still going on and the agreement became effective with the July 27 armistice. Thus, in the past a POW settlement has been negotiated prior to the cessation of hostilities. In my opinion, it can be again.

Mr. Chairman, I believe it would be a terribly dangerous precedent to get away from the constitutional and historical precedent that negotiations in foreign affairs are carried on by the executive branch of Government and not by legislative action. If we attempted to conduct negotiations on the floor of the House, I predict future foreign affairs would result in chaos. The very nature of negotiation makes it impossible for it to be conducted within the confines of hard and fast legislative language. Congress should insist upon its constitutional prerogative of declaring war, but recognize the impracticality of a political parliamentary body negotiating a peace.

The one thing that has been strangely missing in the debate today is the point on which I would like to conclude. What about the projected balance sheet of human life? Yes; if we remain in Vietnam until December 31, or any date even shortly thereafter, American lives will be lost.

But, ladies and gentlemen, I went to Hue just a few short weeks after the Tet offensive, and I saw those thousands of graves of innocent Vietnamese people who had their hands tied behind their backs, were buried alive, and had their throats cut from ear to ear, because they cooperated with the United States of America and the South Vietnamese Government. After seeing that, I cannot help but believe that an ill-advised withdrawal date would only increase the pressures here in America for an even earlier withdrawal date. It would amount to an immediate date, taking no account whatsoever of the ability of the South Vietnamese——

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Alabama (Mr. Dickinson).

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. GUBSER. Mr. Chairman, as I started to say, such a withdrawal would take no account whatsoever of the ability of the South Vietnamese to defend themselves against massive massacres. And I have no doubt that the thousands of innocent people who cooperated with the United States would find their throats cut from ear to ear, just as the people of Hue had it happen to them.

Now, if you want to sum up the balance sheet of human life, do not just stop at white lives. Does it make any difference if the people who would be slaughtered are brown, and perhaps have slanted eyes? Would you feel better if they were all black or all white, or all red or all brown? They are human beings. You know in your heart that if we succumb to this pressure there would be greater pressure for an even earlier withdrawal date. There would be no consideration paid to the ability of South Vietnam to protect its own citizenry which is composed of human beings created by the same God as created you and me. Morality should not follow geographic lines, religious lines, or color lines. Let us not create a massive blot upon the American conscience.

I beg you, let us stand up and do the right thing today. Let us not look at the political polls and react like inhuman, bloodless computers. Let us do the right thing and the moral thing, and allow the President—who has demonstrated his willingness to get us out of Southeast Asia as fast as he can—to proceed in a reasoned and constitutional fashion.

I hope we vote down all of these amendments.

Again I thank the gentlemen from Alabama and California for yielding to me.

Mr. DICKINSON. Mr. Chairman, anyone who says that a vote for this amendment is a vote for peace and a vote against it is a vote to prolong the war is either being a demagog or is totally ignorant of what the amendment will do.

Even the author of the amendment, the gentleman from Ohio (Mr. Whalen), states what this amendment will not do on pages 19962–19963 in the Congressional Record. He admits:

First. It will not require that troops be withdrawn from South Vietnam after December 31 of this year.

Second. It will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.

Third. It will not deny American troops the use of equipment and weapons systems that are already in South Vietnam.

Fourth. It will not deny the use of weapons systems authorized in previous procurement programs.

Fifth. It will not deny to the administration the right to provide military assistance to our three allies in Indochina.

What will this amendment do? Simply stated, it is a snare and a delusion. It will not shorten the war by one day—it will not save one life.

What will it do?

It will show the North Vietnamese and the Vietcong that we are weak in our resolve; it will take some of the leverage from the President and Ambassador Bruce to negotiate for the return of our POW's; it will delude the American people into thinking there is a deadline for a total withdrawal. There is no good to come from it—but a great deal of evil can and will flow from it.

I oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. McKinney).

Mr. McKINNEY. Mr. Chairman, I am sorry that I will not have time to address this House on my amendment to the Nedzi-Whalen amendment, because I think it would answer the objections of most of the Members of this House.

It would have given the President the clear right and prerogative to go to the Paris peace talks and say that if we can reach agreement by December 1, a bilateral agreement on the prisoners of war, and a cease-fire, we will follow the Nedzi-Whalen objective, which is to withdraw from Vietnam.

In essence:

It returns the proper prerogatives to the legislative branch;

It does not compromise the position of the Executive;

It speaks directly to the prisoners-of-war issue;

It shifts the essence of credibility to the North Vietnamese Government; and

It firmly declares this body's intention to end this war.

But what I resent most, though, in the limited time I have, because of the parliamentary maneuver, are the statements that have been made in this House that if you are for peace you are against the President, because quite frankly he is the first man in this country who has had the guts to try to bring this war to an end.

Now, I resent also its being classified that only liberals can be for peace in Vietnam, because I can tell you something this war is doing, and anyone who is economically conservative knows it, it is destroying the American dollar. Anyone who is interested in the defense posture of this Nation knows it is destroying the Navy, the Army, and the morale of our fighting men.

I say this: I support President Nixon. I believe in what he is doing, but I am going to vote for this amendment because, above all, I stand and I must stand, for as quick a withdrawal as possible. The one thing I never have understood is the fact that in my war, which was Korea, and in this war, the Senate and this House have allowed American men to go out and fight and die without a commitment from the people who are supposed to represent the individual voters of this country, the House and the Senate of the United States. Sooner or later the people of this Nation will demand that their elected representatives must stand and be counted on the disposition of our fighting men on foreign soil. This is our constitutional duty and we have for far too long avoided it.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana, the majority leader (Mr. Boggs).

(By unanimous consent, at the request of Mr. Hébert, the time allotted to him was granted to Mr. Boggs.)

Mr. BOGGS. Mr. Chairman and members of the committee, first let me congratulate the great chairman (Mr. Hébert) and all the Members of the House on the character and the caliber of this debate. I think it has been one of the finest debates on Vietnam that I have heard since I have been here.

For just a minute I would like to sum up my own impressions of the debate. I cannot do so without recalling a bit of history. I came to this body shortly before World War II. At that time this country was tremendously divided. We had all kinds of rallies all over the country against any type of participation by our Nation and we extended the draft by only one vote. Finally, Pearl Harbor united the Nation.

Then in 1950 we had the Korean war which was again a very divisive war and it had a tremendous impact on the presidential race in 1952.

Now for the past decade we have had Vietnam.

I cannot believe that any man or woman who is a Member of this body is not for peace. I cannot believe that anyone here would not settle for peace as of yesterday—and certainly not later than today.

Having said that, I just do not believe anyone can question anyone else's motive or sincerity. I have looked at the amendment offered by the distinguished gentleman from Michigan and the distinguished gentleman from Ohio—and the gentleman from Ohio has been quite honest. He spelled out in the Record on June 15 that the only thing his amendment does is prohibit the use of equipment in Vietnam after December 31, 1971, if the equipment was purchased by funds authorized in this bill.

But everything else remains the same—the troops can stay there and the full power of the United States can be brought all over Indochina. If that amendment is a symbol; it is a very damaging symbol. Because the American people do not interpret it that way. They interpret it as an end of the year cutoff of hostilities in Vietnam.

I do not say that there is any deliberate intent to deceive, because obviously there is not.

The authors of the amendment have spelled it out and I think that symbolism is not a good symbolism if it cannot be carried out.

Then follows the question—is the President acting in good faith? Now I have had a lot to do with a lot of Presidents, both Republicans and Democrats. Goodness knows, I have opposed many Presidents on many issues and I opposed many, many of the policies of the present occupant of the White House. But I have had Presidents say to me: "It is not a question of doing right—it is a question of knowing what is right."

I cannot believe that any President, regardless of his political affiliation is not for world peace, peace in this country and the security of this country. Therefore, it seems to me that if we adopt this symbolic language that the real impact will be to tie the hands of the men who are charged with trying to negotiate some type of settlement in Vietnam. I just cannot believe that that kind of symbolism is worth that price—because that is the way it will ooperate if you analyze this amendment as to what it says.

After all, this is a very limited bill, Mr. Chairman. This is not an appropriation bill. This is an authorization bill. The amendment can only go to that section of the authorization which deals with the equipment which may go to Vietnam after December 31, 1971. I think if we are wise, and if we look at it without emotionalism and if we realize that every man and every woman in this Chamber is for peace and for peace immediately and we are all struggling to find out the best way to achieve it, I just do not believe that we should penalize and make it more difficult for those who are trying to negotiate for peace.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I would like to say at this time that I think through the patience of the chairman of our House Armed Services Committee, the gentleman from Louisiana (Mr. Hébert), this House has distinguished itself today by having the finest debate on the issues of war and peace that we have been able to have in many, many years. I believe that through the initiative of the gentleman from Michigan (Mr. Nedzi) and the gentleman from Ohio (Mr. Whalen) we have a very formidable issue here placed before the House. We can argue about the form of the amendment, but we all know that this amendment has to be very, very narrowly construed in order to be germane.

We have amendments to the Nedzi-Whalen amendment. We have a substitute by the gentlewoman from Hawaii (Mrs. Mink). We have amendments to the substitute of Mrs. Mink. Very frankly, I think I am going to support all of the amendments and all of the substitutes, because I do not really see that much difference in them. They all relate to a date. I do not think it makes too much difference if we set a date in December or a date in April, or whether we limit it to prisoners or the cessation of hostilities or a cease-fire. My information is that when the President sets a date, we are going to be able to start serious negotiations in Paris.

I know some people have indicated that perhaps we have usurped the prerogatives of the State Department in even talking to the other side. I want to assure you that any initiative by any Members of the Congress in talking to the other side have been welcomed by our negotiators over there in Paris. I tend to think we have a real opportunity for peace. I think the President is going to see that perhaps 40 percent of this House will be supporting various of these amendments. I think if he reads this Record he will find 20 or 30 percent more of this House are for some kind of date, but they do not want to put any limitation on him. They want to give him the discretion. Personally I would like to give him the discretion. I would like to let him wind this up all by himself, and it should be wound up with honor, with dignity, and with perhaps 6 or 8 months' notice to the South Vietnamese that we are going to let them fight their own battles. It should be wound up with assurance in the bank that we are going to get our POW's back, and I think we can make some deal in private, not relying on anything any of us have said, but actually getting to the nub of private negotiations over there.

We can assure that our men can get out of Vietnam without being fired upon. We can get a list of prisoners. We can restore men to family units that have been separated for 5, 6, or 7 years.

I think there is a danger that if the President thinks the matter is going to wind up all by itself, we might have a problem. We are told that we will have about 181,000 troops there in Vietnam by December 1 of this year. What happens after that? We have asked the JCS, the Joint Chiefs, before our committee what the residual force will look like. Very frankly, they have not figured that out.

I tend to think that the best political thing for the President to do is to set a date 6 or 8 months in the future and get assurances from the other side, get them in the bank, and we will have the benefit of the bargain. We can get the best benefit of bargaining right now while we have 250,000 men in that country.

Let us fight the issues next year in the elections strictly on the basis of the economy. Let us have peace behind us, and let us not worry about whether or not 40,000 or 50,000 men will be a club we can use to get back our prisoners of war and keep the honor of the United States. I tend to think that if the President believes that 40,000 men and perhaps American bombers, and so forth, and bombing personnel is a real club that we can use against the Communists, he is going to find that perhaps he is as mistaken as we were in 1962 and 1963 when we found we had to escalate the war in order to try to terminate it. Those are my views.

Again I say I congratulate the committee for managing a very excellent debate.

Mr. SKUBITZ. Mr. Chairman, in my opinion the Nedzi-Whalen amendment, if passed, would not end the war on December 31, 1971, it would not result in the release of a single prisoner of war but would in fact weaken the President's ability to bargain. It would not guarantee the safe departure of our boys; however, it would give aid and comfort to the North Vietnamese and could in fact be interpreted as a vote of "no confidence" in the President of the United States. I have no intention to be a party to such action.

I do want to commend my colleague from New York (Mr. Robinson). I must confess that at first blush I was tempted to vote for his amendment, because it provides for complete withdrawal when and if an agreement is reached for a cease-fire for an exchange of prisoners and safe departure for our trooops and in my opinion this should be the basis for negotiation and settlement, but the question that bothers me is whether we are going to legislate here today or try to negotiate.

Win or lose I urge the President to heed the Robinson proposal. It is sound. It is in accord with the views of the majority of the people of the fifth district of Kansas.

Mr. O'HARA. Mr. Chairman, I intend to vote today for the Nedzi-Whalen amendment to the Defense Procurement Act. I do so in the strong belief that this body should be on record in support of the setting of a definite date of termination of U.S. military activity in Indochina.

The Nedzi-Whalen amendment prohibits the expenditure after December 31, 1971, of funds to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

The Nedzi-Whalen amendment takes account of the need to protect our withdrawing troops, and further provides that the withdrawal date is contingent upon the release of all our men now held captive by Hanoi and the Vietcong.

Finally, the amendment would permit continued economic assistance to South Vietnam and the other nations in Indochina.

Mr. Chairman, in October 1969, I stated in a speech in the House that we should disengage ourselves from the struggle in Vietnam. I said that our disengagement ought to be accompanied by renewed efforts to strengthen Saigon's capacity to defend itself.

Since that time, Saigon has been given every opportunity to prepare herself for the day when she will take over full responsibility for her own defense.

It is time now to give her that responsibility. Whether the government and the people of South Vietnam will be able to survive as a viable nation now rests squarely upon the South Vietanamese themselves. We will continue to provide economic assistance, but the South Vietnamese will have to demonstrate their determination to survive as a free and independent nation.

On the occasion of the administration's decision to send U.S. troops into Cambodia in May 1970, I said here in the House that—

> Too many lives have been lost, too much money spent and too much damage done to our national character . . . during the extended course of U.S. involvement in that Southeast Asian conflict.

I strongly believe that the time to disengage U.S. troops from that conflict has long since come. Passage of the Nedzi-Whalen amendment will be a firm step toward that overdue objective.

Mr. Chairman, the vote today on the Nedzi-Whalen amendment is the most direct opportunity the House of Representatives has ever had to express itself on the question of U.S. military withdrawal from Indochina.

As I said in my statement here more than a year ago:

> It is time for all of us to stop demonstrating our own courage at the cost of other men's lives.

Mr. ADDABBO. Mr. Chairman, I support the Nedzi amendment to end our engagement in Vietnam by December 31, 1971. I believe the amendment has sufficient safeguards to guarantee the return of the prisoners of war.

Mr. Chairman, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriations Committee, I have voiced concern over the expansion of the war, the extent of our role in Southeast Asia, and my support for a Vietnamization policy which should end our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of continued pullouts. I believe that after 10 years—after all our dead and wounded—after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea—after 40 percent of our troops starting to use drugs, it is time to let the South Vietnamese know that they must take over the responsibilities in the field.

The South Vietnamese did not start drafting their 18-year-olds until we gave them the ultimatum; so, once again, I believe we must give them an ultimatum—a definite date beyond which the United States will not continue to provide troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program. The South Vietnamese have been fighting in Cambodia and Laos, and they have told us that they will get out of Cambodia when they wish. South Vietnam has had an election and they will have another in September. If they cannot go it by December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the war. That plan had to be withdrawal of all American forces, for in reality the Vietnamization program was started by President Johnson when he ordered the training of the South Vietnam Army to defend itself under the pacification program. By calling for complete withdrawal by December 31, 1971, we are supporting the policy of Vietnamization but calling for its completion in 1971 instead of 1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops will be withdrawn from Southeast Asia. I say let that be our policy and let it be achieved by the end of this year.

Mr. COTTER. Mr. Chairman, I rise in strong support of the Nedzi-Whalen amendment.

During my campaign last year and after my election, I became increasingly convinced that the Congress must reassert its prerogatives in foreign policy, specifically by assisting the President in liquidating our divisive Southeast Asia military commitment.

My actions to date indicate the depth of my commitment to have Congress share the responsibility with the President in ending this tragic war.

During my second week in Congress, I cosponsored the Vietnam Disengagement Act of 1971. This legislation would forbid the use of U.S. funds to support U.S. personnel in or over Vietnam. This legislation also takes account of U.S. POW's in Vietnam and provides for the safety of South Vietnamese during the withdrawal of U.S. personnel.

The importance of setting a date is twofold. First, it would allow serious negotiation on the prisoners-of-war issue. Our distinguished colleague, BOB LEGGETT, and the former Secretary of Defense Clark Clifford, have clarified one crucial point in the debate over the POW issue. There will be no discussion of U.S. POW's unless there is a date set for full U.S. withdrawal.

Mr. Chairman, I do not like this situation one bit, but we must realize that there has never been a total exchange of prisoners in any war until the hostilities ceased. We cannot be naive or trusting of the North Vietnamese or the NLF, but I feel that setting a date will serve the following goals: it will lower the temper of the Nation on Vietnam, it will provide a basis for negotiation on the POW issue, and it will force the Government of South Vietnam to stand on its own feet.

I have specifically mentioned these goals because the President has increasingly tied U.S. withdrawal to both the POW issue and, with more alarming frequency, to the ability of the South Vietnamese Government—the Thieu-Ky regime—to stand alone. This position, I submit Mr. Chairman, has to be rejected. From 1954 to 1971, our Nation has poured billions into "getting the South Vietnamese ready to defend themselves." We have lost 55,000 U.S. soldiers and suffered tens of thousands of U.S. wounded both physically and psychologically. We have contributed enough U.S. manpower to allow the South Vietnamese to "stand alone."

For these reasons, I voted at the March 21 Democratic caucus to put the House Democrats on record for the first time as supporting the end of the war by December 31, 1971. Unfortunately, this resolution was defeated by a vote of 100 to 101.

Recently, I signed a letter of intention—the O'Neill letter—to vote for amendments that would restrict the use of DOD funds in Southeast Asia to end the war by December 31, 1971.

In keeping with this unwaivering support of efforts to end this tragic war, I am today supporting the Nedzi-Whalen amendment to the military procurement authorization bill.

This amendment, too, cuts off funds in order to end the war by December 31, 1971. This amendment allows the President some flexibility by allowing an extension of this deadline, but only after he secures the approval of the Congress. This feature reinforces my position that Congress must reassert its authority and share responsibility for ending the war.

The Nedzi-Whalen amendment is the first concrete legislation initiated in this Congress to end this disastrous war.

I urge my colleagues to vote for this amendment.

Mr. SNYDER. Mr. Chairman, it seems to me that there has been a lot of misinformation disseminated across the country about the effect of this amendment on the conduct of the war in Southeast Asia. It is not my intent to try to place blame for the misinformation, but

I have discussed with the gentleman from Ohio (Mr. WHALEN) what the amendment would do, if adopted. He assures me that both he and the gentleman from Michigan are aware of the facts attendant to the amendment.

This is a military hardware bill and authorizes the procurement of certain weapons in the nature of ships, tanks, guns, aircraft, et cetera, for which appropriations will be made for the fiscal year July 1, 1971, through June 30, 1972. This amendment, if adopted, would only relate to the expenditures authorized to be expended by this bill. The truth of the matter is that this country is not today destitute of military hardware and no doubt has an arsenal in hardware sufficient to continue the war in Southeast Asia for a long time in the future. In addition, of course, funds appropriated under this authorization could be spent for hardware to be used in Southeast Asia for the 6-month period which would end January 1, 1972.

Additionally, the amendment specifically states that it shall not be construed to affect the constitutional power of the President as Commander in Chief—which would allow the President sufficient authority to continue what was in his best judgment necessary in Southeast Asia. This is not only my opinion but the opinion of most of those with whom I have discussed the amendment.

There is the additional provision that the amendment shall not be construed to limit the use of funds for purposes which may be necessary to insure the return of prisoners of war. Again, this, in the opinion of many, would leave conduct of the war in Southeast Asia pretty much to the discretion of the President.

Now, I want to make it perfectly clear that I am not objecting to the latter two provisions which I have mentioned, but I just would like to have the record clear that this is not an end-the-war amendment—and this is not an amendment which would necessitate having our troops out of Southeast Asia by January 1, 1972, or any reasonable date thereafter.

Nevertheless, I do believe that the amendment does serve a useful purpose. I have repeatedly said here in the Congress and publicly at home that I do not believe we should ever commit American troops to foreign soil except with the commitment to win whatever conflict we may be engaged in. I still believe that.

The previous administration and this administration have made it patently clear that that is not our commitment. Likewise, it has been my position, since we have no commitment to win, that we should get our troops out of Southeast Asia as rapidly as possible. I really believe the President is doing that—and I do not believe that the adoption of this amendment is going to hinder him in these efforts nor give solace or comfort to the enemy. It is my opinion that this administration has had the "pressure on" the South Vietnamese Government ever since a determination was made that they were going to Vietnamize the war in an effort to get the South Vietnamese to assume the responsibility of defending their own country.

On the other hand, the South Vietnamese have never had it so good economically, and it seems to me that there is some reluctance on their part to assume the responsibility that this administration desires they assume. We train American boys to defend foreign soil in less than 6 months. It seems to me that the South Vietnamese ought to be able to be trained in the several years that have now elapsed since Vietnamization became the official policy of this Government.

I have no illusions as to passage of this amendment today. Nevertheless, I do believe that if it were adopted or if it makes a substantial showing, that it will be notice to the South Vietnamese Government that they must expedite their obligations in connection with their war.

Mr. Chairman, while I believe, as I have said, that there is something to be accomplished by a vote for the Nedzi-Whalen amendment, I am distressed that, by and large, the general public believes its adoption will do much more than it will.

I believe the following Washington Post editorial is worthy of our attention:

CONGRESS VOTES ON THE WAR

The McGovern-Hatfield and Nedzi-Whalen amendments, which are to be voted on today in the Senate and House respectively, would not "end the war" or automatically retrieve the American POW's or guarantee the safe exit of American forces or, least of all, assure a Vietnamese reconciliation. Any such claim promises more than either amendment can deliver and invites further frustration and disillusionment. Not only does fulfillment of claims like these lie to a great extent in other than American hands. But the American system of government gives the President broad authority to conduct a war. It is idle to pretend while the fighting goes on that Congress can remove that authority; in fact, McGovern-Hatfield explicitly concedes the point.

So it is misleading the public to talk of these proposed Congressional restraints in terms of a "date certain" for our withdrawal, however comforting and convenient that piece of shorthand may be to supporters of both measures; Vietnam has given us enough deceptive shorthand, and also enough easy—and offensive—sales pitches—as witness the transcripts of radio commercials on the McGovern-Hatfield amendment which appear elsewhere on this page today.

We bring all this up not to argue against the two amendments—we favor them—but merely to make the point that they should be judged for what they are and for what they could realistically be expected to accomplish, even in the unlikely event that they should become law.

The fact is, they can amount to more than a kind of symbolic protest or demonstration; what they say is that some in the Congress reject the President's policy of withdrawing ground combat troops from South Vietnam by next year, while leaving a residual force and continuing the Indochina air war until 1) all American prisoners are returned and 2) the President decides Saigon has "a reasonable chance" to survive on its own. The counter-policy expressed by the two amendments would have the President withdraw all troops and halt all air and naval operations "in or over" all parts of Indochina by next Dec. 31—assuming the prisoners of war have been released.

It is the central condition of all Vietnam debate, however, that no stark statement of a policy position is ever what it seems. Whether Mr. Nixon will in fact indefinitely maintain a residual force and continue bombing in Indochina cannot be foretold. Negotiating openings or the two elections—Saigon's next October, Washington's next year—could bring a change. Even more policy slippage is built into the two amendments. Necessarily (and redundantly), they note that the President retains authority to delay withdrawal for the sake of prisoner release and to assure that withdrawal is orderly. Therein lies a loophole big enough to fly a B–52 through. Moreover, both amendments—and properly—leave open to the President an option to provide post-withdrawal aid to Saigon. This option would seem to cut across a full-widthdrawal requirement since, by expert consensus, a sizeable number of American troops would have to stay on hand to administer a military aid program necessary to keep the South Vietnamese armed forces functioning in the style to which the United States has accustomed it. Finally, due to the particular structure and rules of the House, the Nedzi-Whalen amendment had to be attached to the defense procurement authorization bill, and it would prohibit merely the expenditure of new funds, and then only after Jan. 1, 1972, for certain kinds of military equipment for war in Indochina; the President could spend old funds and deliver materiel in the pipeline as he pleased.

The Congress, then, even if it had the votes, could not snuff out the war like a candle. Hanoi and the Vietcong, to say nothing of Saigon, must go along. The President must go along. For all that their sponsors may hope to the contrary, McGovern-Hatfield and Nedzi-Whalen simply do not offer a way to end our participation in the war—let alone "end the war." Inevitably they must be exercises in political symbolism. They express the national torment over the war and the country's profound skepticism that the President, *any* President, can be trusted to wind it down. This distrust can only have been accentuated by the disclosure of the McNamara papers in The New York Times.

We are not without some respect for Mr. Nixon's intent to facilitate the re-election of President Thieu in order to hand over to a stable, entrenched government a greater share of the load now carried by American fighting men, and we realize that Mr. Thieu might be somewhat shaken—and his opponents fortified—by a pre-election statement of an American intent to withdraw fully from the war. We nonetheless believe that far greater advantages could accrue to Mr. Nixon—both in terms of the domestic mood and in terms of negotiating at Paris—if he were to accept the offer implicit in the two amendments of Congressional support and a sharing of responsibility in liquidating American involvement in the war. The amendments as written are by and large thoughtful and responsible, though limited. A wise Congress would enact them, and a wise President would welcome them as reinforcement of his own policy and his own concern for the Nation.

Mr. BADILLO. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment to the military procurement bill. I do so because it is long past time that Congress reestablished itself as a full partner in the formation and supervision of this Nation's foreign and military policy. While this amendment is not as strong as the McGovern-Hatfield amendment which was before the Senate, it clearly represents a meaningful effort to end our tragic and costly involvement in Indochina this year.

Figures released today show that 45,000 young Americans have died in Vietnam and 300,000 more have been injured and maimed. This unnecessary war has wreaked havoc throughout Indochina, disrupted our economy, and distorted our national priorities. Our ability to provide decent housing, quality education, and adequate health care for our own citizens has been seriously impaired by our preoccupation with the war and by the more than $100 billion we have poured down this Asian rathole.

The current administration came into office with two basic pledges: to get us out of Vietnam and to square with the American people about what we are doing in Southeast Asia. It has reneged on both pledges.

The administration's so-called Vietnamization program is nothing more than a thinly veiled means of perpetuating our involvement in Southeast Asia and of supporting one of the most repressive regimes in the world today. And rather than squaring with the American people about the nature and extent of our involvement, the administration has repeatedly employed half-truths, distortions, and outright lies, not the least of which is the continued insistence that the Central Intelligence Agency is not engaged in running military operations in Laos.

I urge adoption of the Nedzi-Whalen amendment as just the first step in the resurgence of congressional responsibility for this Nation's foreign policy.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment to the defense authorization bill. This amendment would, subject to certain protections, prohibit the expenditure of new funds after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

This House will have its first real opportunity today to let the American public know how we feel about the continuing expenditure of American lives and money in the war-torn peninsula of Southeast Asia.

The Nedzi-Whalen amendment is the most logical and sensible way for Congress to respond to the overwhelming demand of the American people that we end our military involvement in Southeast Asia at the earliest opportunity.

Every responsible poll that I have seen indicates that the great majority of Americans want our troops withdrawn this year. The mail from my constituents demonstrates the same feeling, and so does that of every member of this Congress with whom I have consulted.

Mr. Chairman, what conceivable argument can be made for asking one more American boy to sacrifice his life in Southeast Asia?

Nobody, from the President down, pretends any longer that we seek a military victory. It is the consensus of America that our policies in Southeast Asia have been a tragic mistake. The old cliches about "commitments" and "dominoes" and "Communist aggression" have long been discarded, along with the "Paper Tigers."

Why, then, are Americans still fighting and dying?

Opponents of the Nedzi-Whalen amendment, and its sister proposal, the Senate's McGovern-Hatfield amendment, have given two rather lame arguments: that American troops might be threatened by attack during a withdrawal, and that American prisoners held by the Communists should first be released. Neither argument carries logic.

The North Vietnamese have repeatedly stated that, once a withdrawal date is set, the withdrawing American forces would not be attacked. We do not have to rely only on the word of the Communists for this; common sense reinforces it. Why should they attack once we are on the way out? What would they gain? Why should they take any action that would only bring a counteraction and undoubtedly delay our withdrawal?

The other argument is equally weak. The North Vietnamese negotiators in Paris have stated that negotiations for release of American prisoners will begin as soon as a withdrawal date is set. Again, why should they not carry out this promise? What would they gain by continuing to hold our prisoners?

Adoption of the Nedzi-Whalen amendment will call the hand of the North Vietnamese on both of these issues. If they should renege on their promises, which is doubtful, we still have the upper hand. Under the Nedzi-Whalen plan, the President could extend the deadline until next June 30 should this be necessary to protect our prisoners of our withdrawing troops.

Mr. Chairman, I think that the prisoner-of-war argument is a phoney contrivance created by President Nixon to exploit the prisoner issue and use it in his efforts to thwart the expressed will of the American people. It is a semantic trap which has now ensnared its creator.

He stated unequivocally that American troops would not be withdrawn until the prisoners were released. This was an unwise and illogical statement, which is serving only to delay freedom for those unfortunate Americans in Communist prisons. No prisoners of war have ever been released during active hostilities. They are released after the end of hostilities, or at least when a definite end is in sight.

We know this, the President knows this, and the North Vietnamese know this. Let us not permit the President to enmesh us in this trap of his own making. We can free our prisoners by setting a date for the end of hostilities, and in no other way. It is time to stop asking American boys to lose their lives so that American politicians can save face.

Mr. Chairman, this undeclared war in Southeast Asia has dragged along for many years at the insistence of the executive branch. This Congress has been dragged along with it; the people of our Nation have been dragged along with it. It took the young people of the country, those we asked to risk their lives, to point out the tragedies of our policies. The banner was picked up by courageous journalists, businessmen, religious leaders, a few Members of Congress, and others who continued their fight despite immense pressure. They were called "nervous Nellies," "Communist sympathizers," and "neoisolationists." Their very patriotism was questioned. But they persevered, and the American public has responded. In voting for the Nedzi-Whalen amendment, I feel that I am voting for the wishes of the people of my district and the people of the Nation, as well as voting for a logical, workable plan to close the books on a sad chapter of American history.

Mr. EDWARDS of California. Mr. Chairman, I rise to speak in favor of the Nedzi-Whalen amendment to the Military Procurement Act. I do not believe that anyone needs to be convinced of the necessity to bring an end to the bloodshed in Vietnam at this point. But, the question remains, does the Congress have the integrity and resolve to assert its legislative powers to insure the war's conclusion, something nearly all of us now acknowledge as necessary?

I know that I have received hundreds of letters in the last week or so urging me to use whatever powers I might have as a Congressman to cut off funds—end the war by the end of the year. I have heard from young people, children, senior citizens, veterans, every conceivable group. They are all asking for the same thing. Not all of these people understand the mechanics of what is needed to end this conflict, but they are putting their trust in me to do what I can, as their elected representative. I am sure that I am not the only person here today who has heard the anguished cry from the people of America to stop the war.

I know, too, we are all aware of the growing frustration of the citizens of this country—their fear that they are powerless to influence their Government. Citizens ask me frequently what they can do to help end the war. I always answer that they should write to their elected representatives, that we seek to fulfill their will.

The question remains, will we, indeed, act on this legislation according to the will of the people? I am not so naive to think that we are in danger of our jobs if we, at every instance, on every issue, fail to act according to the wishes of our most vocal constituents. But this is an issue almost unique in America today. I believe the people are watching and they will remember.

I urge all of my colleagues to search their consciences and to vote, in good conscience, for the Nedzi-Whalen amendment. This legislation allows whatever time is necessary for an orderly planned withdrawal of our troops. It is not an extreme measure. It is something that every responsible critic of the war can support with the full knowledge that he is safeguarding our troops, our prisoners of war, and most importantly, the American people against a brutal continuance of the Vietnam tragedy.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Michigan (Mr. NEDZI) and the distinguished gentleman from Ohio (Mr. WHALEN). The amendment would prohibit the use of any funds contained in H.R. 8687, the defense procurement bill for fiscal 1972, for any U.S. military operations or deployment in or over North or South Vietnam, Laos, or Cambodia, after December 31, 1971.

It seems incredible, but it is true that, despite the fact that our involvement in the war in Indochina has entered its second decade, the House has never before had the opportunity to cast a clear-cut vote on ending the war.

That opportunity has finally presented itself and Members of this House, Mr. Chairman, are in effect being given a chance to catch up with the American people. Five months ago, 73 percent—almost three in four of those surveyed—told pollsters they favored congressional initiatives to end the Indochina war by December 31, 1971. That is precisely what is at issue when we vote on the Nedzi-Whalen amendment.

This is the longest war in our Nation's history. Without question, it is the most tragic.

The human costs alone are almost beyond comprehension. We have heard the shameful statistics before, but we cannot allow their repetition to dull our sensitivities. More than 50,000 American lives have been lost; total American casualties number more than a quarter million. About 1,600 American soldiers are either captured by the enemy or missing in action. South Vietnam counts 130,000 lives lost in combat, and more than a million combined military and civilian casualties. Our Defense Department sets North Vietnamese combat deaths at 742,000, or a total almose equal to the entire population of my home State of Hawaii.

Costs in money are also enormous. In this country alone, over $100 billion has been diverted from urgent domestic needs to conduct the war that everybody wants ended.

And the highest cost may, in the end, be the tearing apart of the fabric of American society. From 12,000 miles away, this conflict in a remote area of the world is setting parent against child, old against young, frustrated citizens against established institutions.

The time has come to say, "Enough." A date must be set for total U.S. withdrawal. And if, for whatever reason, the President chooses not to set a date, then Congress must do it.

The passage of the pending amendment will not, by itself, force the end of our participation in the Indochina war on December 31, 1971. Presumably, enough materiel exists in the procurement pipeline to supply U.S. troops for some substantial time after the end of this year. But an "aye" vote on this amendment is vitally important, Mr. Chairman, because by it we can make it clear to the administration that because of its refusal to act, the Congress will take the necessary steps to end the war in Southeast Asia at the earliest possible date.

Mr. Chairman, the vote on the Nedzi-Whalen amendment will no doubt turn out to be one of the most important votes, if not the most important in the 92d Congress. It is imperative, therefore, that we vote right, and the right vote is "aye."

Mr. MONAGAN. Mr. Chairman, I support the Nedzi-Whelan amendment because it states in effective language the desire of the people of the United States that the U.S. military involvement in Indochina be terminated with the utmost dispatch.

I supported in the Democratic caucus the resolution which stated our determination as Members of Congress to work toward a termination of military involvement by the end of the current Congress.

The present amendment expresses the intent of Congress that funds should not be expended for military operations in that area after the close of the current calendar year.

Even though the argument is made that there might be some effect upon negotiations by the specification of a date, it does seem to me that the Congress should not pass this occasion to let the people of the country know that their desire to put an end to this conflict is not being ignored or disregarded here in Washington.

While the expression of a desirable date is set forth in this amendment, nevertheless, the President is given the discretion to set a further date in case of danger and there is a specific provision that the amendment should not affect the constitutional powers of the President as Commander in Chief. There are also further provisions which specifically preserve the President's power to provide asylum and to give assistance to Cambodia, Laos, and Vietnam.

Finally, there is a specific provision that the amendment should not in any way limit the use of funds for any purpose necessary to insure the return of the U.S. prisoners of war.

The rate at which U.S. troops are being withdrawn from Vietnam does present the possibility that the date in question may be an academic one provided the withdrawals continue. It may even be as former Secretary of State Dean Acheson has said, that the retention of U.S. prisoners by North Vietnam will be pointless in due time since their further imprisonment will no longer have any effect in bringing about the withdrawal of U.S. troops. I feel, however, that it is desirable that our objective be expressed and in view of the fact that the President's existing powers are not affected, it seems to me that there are compelling reasons to warrant the House in supporting this amendment.

Mr. REID of New York. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

First of all, I believe that an end to the war could have been negotiated a long time ago if either administration had been willing to change some of its premises and taken some truly meaningful "risks for peace." As an example, I remember when Pierre Mendes-France, on June 17, 1954—exactly 17 years ago to the day—took a risk for peace when he announced that he would resign from office in 30 days if he had not negotiated a settlement to the French involvement in Indochina. To quote just a short portion of his speech, he said:

> The war has placed an unbearable burden on our country. . . . I advocated peace at an earlier date when we still held more trump cards than we do today. But even now there are certain conditions which would be unacceptable. . . . France has not accepted and will not accept any conditions for a settlement that would be incompatible with her vital interests. . . . If it has not been possible to achieve a satisfactory solution (within four weeks,) . . . my Government will offer its resignation to the President of the Republic.

Mendes-France promised a responsible solution to that war. I believe it is possible for the United States to work out a responsible settlement in the same sense, guaranteeing the safe return of our prisoners of war, providing amnesty for any who wish it, guarding against any bloodbath, and providing for a responsible transfer of power to free government.

I think we have missed a number of chances for peace in the past. But what troubles me even more are indications that even now, with 50,000 casualties and billions of dollars behind us, we may still be missing chances for peace.

I regret indications that this administration is not putting maximum and timely priorities on negotiations. Just yesterday Secretary Rogers strongly implied that one of our major objectives in the war was to insure that South Vietnam would be kept independent and non-Communist through "preventing the North Vietnamese from overrunning South Vietnam militarily." Are we going to wait until the South Vietnamese are totally self-sufficient until we will begin to negotiate seriously for an end to our involvement in this war? If so, we had better not hold our breath.

Furthermore, it is becoming increasingly possible that this administration is more concerned about timing than it is about serious negotiations now. Vietnamization seems to be becoming the policy of gradual troop withdrawals related to a residual force concept and not unrelated to the presidential campaign in Saigon in October.

Many of us are not anxious or happy to force the President to do certain things in the area of foreign policy; obviously this is an area where any President should exercise leadership, and where his test must be accomplishment, not good efforts or good intentions.

The sad fact is, however, that sufficient leadership is not being exercised, that negotiations are not being pressed, and that the House—a body which is coequal with the Senate—must exercise its constitutional responsibilities. Congress has no choice, therefore, but to support this amendment, not only as an expression of grave concern over this lack of leadership and priority in the negotiations, but also as a vital and clear message that many of us can no longer accept continued casualties as a trade for vague political or strategic timing.

The more we delay in these negotiations, the weaker our position gets, the fuller the heroin hospitals become, and the longer our casualty lists grow. Unless our leaders choose to act with courage, similar to the French in 1954, our men will be coming home from Vietnam not in troop transports, but in boxes, while our cities decay and while people throughout the country, young and old, become so disenchanted as to give up hope of a peaceful and just society.

Mr. Chairman, I urge support of the amendment.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this amendment. As has been made clear, it is at best a symbolic gesture which accomplishes nothing toward the withdrawal of American forces from Southeast Asia or toward ending the conflict there. This body can, however, do something truly meaningful in demonstrating our support for the President of the United States in his effort to lead us toward a lasting and honorable peace by voting down the Nedzi-Whalen and all like amendments.

In all fairness it should be pointed out to those who would attempt to turn the present conflict in Southeast Asia into Mr. Nixon's war that when this President came into office all the decisions which resulted in our deep involvement there had already been made. He found more than 550,000 American soldiers heavily involved in a war in Southeast Asia, with great restrictions having been placed on their conduct of that war, with many billions of dollars and many thousands of precious lives already lost, and with no plan in progress either to win the conflict or to extract our forces from it.

He did not have the option of deciding whether or not there would be a war. It had long existed when he came to the White House. He did not get to decide whether there would be American involvement or whether combat forces would be sent there, or whether their conduct of the military operations should be severely restricted, for all these decisions had long since been made.

The war in Vietnam, therefore, is not, has not been, and cannot be Mr. Nixon's war.

When peace is achieved, however, it will be the President's leadership which has been decisive toward obtaining that cherished goal.

Mr. Nixon, shortly after coming into office, initiated what is now called the Nixon doctrine, in which he made clear to Asian leaders, to the American people, and to the world that in the future we will seek to substitute economic and military assistance to those nations to which we have commitments or which we deem vital to our security for the kind of American combat force involvement which has been the case in Korea and Vietnam. While providing a nuclear umbrella and such economic and military assistance, we would seek a partnership arrangement in both defense and development, and would look to those threatened and their own neighbors to provide the combat forces for the defense of their own area.

In Vietnam itself, he devised a plan for peace. He initiated a program of Vietnamization and phased withdrawal which is to date proceeding ahead of schedule and is succeeding. He indicated his continued willingness to negotiate with the Communist representatives toward the achievement of peace in Vietnam and Southeast Asia and has made a continuing effort toward meaningful negotiations. He has made clear the one condition upon which he will insist is self-determination for the people of the Republic of Vietnam.

There has to this point been little progress on this front, but it is well to understand that the negotiation table is to the Communists simply a battlefront, a battleground on which they seek to win that which they could not militarily achieve.

It may be that a display of unity behind the President will strengthen his hand until those Communist leaders who have been encouraged by well-publicized demonstrations of disunity and dissent on the part of some over the war in Southeast Asia will come to terms.

Certainly we cannot serve the interest of meaningful negotiations by such actions as the passage of this amendment or by actions which imply in any way our abandonment of the President's single goal of self-determination for the people of South Vietnam as a sine qua non of peace.

Whether or not we make progress at the negotiation table, it is clear the success of the Vietnamization program will continue to make possible the phased withdrawal of our forces while leaving the people of that troubled country with a real and, in my judgment, excellent chance for self-determination. Such self-determination will, I am certain, be expressed through the continuation of a representative non-Communist government elected through the regular free elections provided in the present constitution of the Republic of Vietnam.

It is manifestly clear to me that the present President, coming into office and finding our Nation in what seemed a hopeless involvement in a no-win war, has set us firmly on the road to peace and has given the leadership which history demanded in our time. He does not deserve a reprimand of any kind from this body such as the passage of this amendment might imply, or even the symbolic instruction which it might give. He needs our support and confidence as he continues to lead us toward what he has described hopefully as a generation of peace.

Mr. Chairman, as has been pointed out, the symbolic gesture of the passage of this amendment can serve to further confuse the situation and disillusion the American people in that it actually accomplishes nothing toward withdrawal and nothing toward peace. Support for our President, however, can provide the means to a complete withdrawal and an honorable peace, and the only means which is safe to our combat forces and which provides any hope for self-determination for the people of the Republic of Vietnam.

Our President has given leadership that is worthy to be followed. I urge the Members of this body to unite behind that leadership in defeating the Nedzi-Whalen amendment. In delivering the message to Hanoi which this action will clearly speak we shall indeed be striking a blow for peace.

Mr. HORTON. Mr. Chairman, I think that the nationwide discussions of the Nedzi-Whalen amendment to H.R. 8687, the Military Procurement Authorization Act of 1971, have suffered more than debates on any other issue in my memory, from the severe polarization America has suffered in the past 5 years. It has been the strength of our democracy that realism, rationality, logic, and compromise has carried the day toward progress, and toward the continued strength of the democratic process.

Today, however, the order of the day is emotion, symbolism, guilt, and blame, balanced poorly if at all by pride, trust, and even more symbolism on the other side.

Points being most strongly debated on this amendment are whether or not a date for final troop withdrawal from Southeast Asia should be set by Congress—a goal which this amendment does not accomplish—whether or not we have been deceived by this Chief Executive or the last, whether or not supporting the President is reason enough, of itself, to vote one way or the other way. Allegations have been made that we, not the North Vietnamese should shoulder the bulk of moral guilt for Vietnam, while others allege that we should shoulder none, and they all of it. Some are saying that regardless of what we, as a Congress do, or do not do, the Executive cannot be trusted to carry it out. Others say he should be trusted so completely that there is no necessity to even involve ourselves in the question of Vietnam.

I would begin, Mr. Chairman, by submitting that none of these questions are key points, or even side issues in the worthiness or unworthiness of this amendment. Perhaps it will not be popular to focus discussion of my view of Nedzi-Whalen on the legislative and constitutional aspects of this amendment, but I feel these are the only considerations relevant to our action here today.

I have heard it said that to vote for this amendment would be to turn one's back on all of the progress President Nixon has made so far in ending our involvement in this war. On the other side, a respected citizens group, Common Cause, proclaimed in a nationwide newspaper ad last week that this amendment would assure the return of our prisoners of war. Both of these statements are as false as they are foolish. Both are results of a polarizing process which has brought us to the point where it is nearly impossible to hold a discussion on Vietnam without invoking words of blame, guilt, prejudice, or generalities which cannot be substantiated. The Vietnam issue automatically evokes thoughts of death, communism, credibility, morality, national priorities. The whole tragic experience makes one immediately think of what he or she would like the world to be like, and about that which is distasteful and horrible in our real world. All of these feelings and symbols are issues in Vietnam. All of them are proper subjects for extended national and congressional soul searching and discussion. But unfortunately, it is too easy, and too irresponsible for anyone to believe that these wrongs can be righted, or these ideals reached by our action on an amendment to the Military Procurement Act of 1971.

To fully explain my own thinking on the whole issue of Vietnam, on the pace of our withdrawal and the President's policies, I would like to read a public statement I made early last week on Vietnam withdrawal:

VIETNAM WITHDRAWAL

(By Hon. FRANK HORTON, of New York, June 8, 1971)

In January, 1969, when this Administration took office, there were 550,000 U.S. troops in Vietnam. As of June 3, 1971, there were

250,900, about half the earlier figure. By December 1, 1971, the President has pledged to reduce our troop commitment to 180,000. President Nixon deserves full credit for this progress, and for the fact that despite massive U.S. troop withdrawals, the level of hostilities and casualties, throughout Indochina, and particularly within the borders of South Vietnam, have been substantially reduced. There has been a substantial increase in the proportion of the South Vietnamese people who are able to live and work in "secure" or pacified areas, compared with two and three years ago.

This progress, however, should not be allowed to overshadow the fact that there is still a shooting war in progress in Indochina, killing 45 or more Americans per week, in addition to many more Asians, both military and civilian. Nor can we allow this substantial progress to overshadow the continuing adverse effects of the Vietnam war on American society. These effects include the alienation of large segments of American young people, for whom the war is pointless, brutal and immoral, and for whom it threatens continued conscription and possible assignment to the jungles of Indochina. The war is also distorting our national priorities and diverting our attention from serious problems of poverty, hunger, antiquated health care delivery, teeming urban areas, serious neglect of our educational systems, our environment and the quality of life in our society—all of these problems can trace some major roots to the Vietnam war. Seven years of 54,500 dead, of whom 45,000 were killed in hostile action, hundreds of thousands wounded, of more than $100 billion spent, and all for a goal which becomes vaguer and more remote to the American people as each day passes.

These factors, to me, must be very, very heavily weighed in determining the pace of our withdrawal from Indochina and in beginning in earnest, the implementation of the Nixon Doctrine, which calls for helping those nations which can and will help themselves, *without* committing American troops to brush fire wars.

It is for these reasons that I publicly expressed my disappointment with the President's recent announcement that the withdrawal rate of 12,500 troops per month through May 1st would be increased only to 14,300 men per month after May 1st. At this rate, the last American would leave Vietnam in January of 1973.

I believe this schedule is too prolonged, even compared with the seven years we have already spent in Vietnam with large numbers of U.S. troops. What was apparent to me in the President's April 7th message on troop withdrawals was a seeming uncertainty in his own analysis of the situation. In that speech, he pronounced Vietnamization a success—and surely there is ample evidence that this policy *has* enabled us to withdraw thousands of troops without sacrificing either security or military effectiveness on the part of the allies. But on the other hand, he suggested that a withdrawal plan faster than what he was outlining would present the danger of a communist takeover of the South Vietnamese government. This, to me, is a contradiction in terms. Perhaps it is evidence of a sincere question in the President's own mind as to exactly what level of strength and preparation the South Vietnamese must reach before they are ready for total withdrawal.

Having come this war, the American people are less and less interested in providing American military security for the South Vietnamese and are more and more interested in the return of American prisoners of war and of U.S. troops. Our people sincerely feel that we have more than lived up to our commitment to the Vietnamese, that we have bled enough. They are ready to judge that the South Vietnamese are as ready as they will ever be to defend themselves.

I do not believe that these decisions should be made by public opinion polls, or by street demonstrations. On the other hand, I don't think the American people will be satisfied any longer to take their cues on the Vietnam war over the TV screen in the form of Presidential messages to the people on the progress of our policies. America has endured countless televised appeals to patience and understanding from the past two Presidents. While their messages are meaningful, and while President Nixon has been able to report real progress in ending our involvement, these messages have lost their impact on our people. They seem, despite concrete progress, to paint a vaguer and vaguer picture of where we stand, and when it will all end.

This is why I believe that the people must be able to feel that they will have some definitive voice, through the Congress, in the course of this war and of our withdrawal. Despite the sincerity and success of President Nixon, I feel a stronger Congressional role is needed in the form of participation in decisions affecting the rate of our troop withdrawals.

I do not believe that Congressional action should take the form of pre-emptive shut off of the President's power to make decisions affecting Vietnam. This would be the same as seizing from the President his Constitutional powers as Commander-in-Chief, and would presume unnecessarily that his actions were not based either upon fact or upon necessity. The alternative I would choose, however, does follow the Constitutional division of power between Congress and the President.

Whenever Congress authorizes a domestic program, the School Lunch Program for example, it sets a date after which the President will have to request Congress to extend his authority to conduct this program. Together with his request, he must show reasons why he feels or does not feel that the particular program should be extended.

Despite indirect and passive action on military appropriations, Congress has made no direct authorization of military activity in Indochina since the passage of the Tonkin resolution in 1964. With the repeal of that resolution last year, there is really no direct authority for the continuation of U.S. military activities in that area, although Congress has knowingly authorized funds and set limitations on our actions there, implying approval of them.

I would support legislation to end all authority for U.S. military activity in Indochina as of a certain date. This would mean that unless the President requested and received authority to continue military involvement in Vietnam beyond that date, he would have to withdraw our forces consistent with certain conditions guaranteeing release of our prisoners of war and safe withdrawal of our men.

In order for the President to conduct military activities in Indochina beyond that date, he would have to come to Congress prepared to justify his request for extended authority, indicate for how long he was requesting an extension and for what level of troops and dollars. His request could be cut or expanded, accepted or rejected by Congress—but the authority could only be extended by a majority vote of both the House and the Senate—like the extension of any other program. Presumably, if Congress granted one extension, it could grant another, but it would have to do so by affirmative vote.

This would be the first time in seven years that individual Congressmen and Senators would face a direct decision on the cessation or continuation of U.S. involvement in Vietnam. Whatever their decision, it would indicate much greater participation by the American people, through their representatives, in the determination of our Vietnam policy and in the setting of our withdrawal rate.

Congress, of course, would no longer be confined to sideline criticism of Presidential policies. Its Members and Senators would themselves share a major responsibility for the consequences of their decision, just as the President now has full responsibility for his decisions. Despite the considerable progress that has been made in Vietnam, I do not feel the American people want Congress to be silent as to our further course there. And this kind of silence must be measured by the presence or absence of responsible action, not of political speechmaking.

I fully expect that my constituents and my colleagues will measure my vote today, and my future votes on questions related to Vietnam by the yardstick described in this statement of June 8. The key portion of this statement, the portion by which Nedzi-Whalen must be measured, says again:

> I would support legislation to end *all* authority for U.S. military activity in Indochina as of a certain date. This would mean that unless the President requested and received authority to continue military involvement in Vietnam beyond that date, he would have to withdraw our forces *consistent with certain conditions guaranteeing release of our prisoners of war and safe withdrawal of our men.* (emphasis added)

If I may, Mr. Chairman, let me attempt to sort away the emotionally charged arguments that have been raised in this Chamber today and focus directly on just what the Nedzi-Whalen amendment to the Military Procurement Authorization Act would and would not do:

First, the Nedzi-Whalen amendment prohibits the expenditure of any funds under the Military Procurement Authorization Act, after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, Cambodia, or Laos.

The amendment does not end all, or even a significant part of the authority for the President to conduct warfare or deploy troops in Indochina, but prohibits only the shipment and usage of heavy military equipment that is to be newly procured in fiscal 1972, in Indochina after the end of this calendar year. Legally, the President could conduct a vigorous war in Vietnam indefinitely, and could even deploy additional troops and send additional existing aircraft, armor, missiles, ships, and other items not purchased with funds authorized by this bill.

Second, the Nedzi-Whalen amendment, although it contains language in subsidiary sections about safe withdrawal and prisoners of war, would not and could not insure the return of prisoners or safe withdrawal as many of its proponents have claimed.

The amendment does not make the termination of procurement authority contingent on the safe return of prisoners or on safe withdrawal of our remaining forces. In fact, it removes these bargaining tools from the President's negotiating arsenal—to the extent only of funds for the procurement of equipment—after December 31. I feel it is very important at this time for the President to retain these bargaining tools.

Under the language of Nedzi-Whalen, if the same amendment were attached to a stronger bill, for instance the Defense appropriations bill, the President would be forced to withdraw all troops by December 31 with or without the return of our prisoners, and with or without assurances that the withdrawal would be under safe and protected conditions, unless he were able to convince Congress that an extension of time were needed to accomplish these two vital goals.

This is a point that should not be lightly overlooked, and yet, it is one that is difficult to explain to persons who feel that Nedzi-Whalen is the be-all and end-all of congressional action to end the war. The amendment places no conditions on the cutoff of Presidential authority to deploy troops and conduct military actions in Indochina. If this amendment were to be added to the appropriations bill, covering all military expenditures and not merely equipment development and purchases, it would require December 31 as an absolute deadline.

The language does, however, place conditions on the factors that can justify the President in coming back to the Congress to recommend legislation recommending another date within the fiscal year for the cutoff of authority. It states that he shall recommend another date only if he determines that the December 31 cutoff will not permit the safe and orderly withdrawal of U.S. troops or the rcturn of prisoners of war. It sets conditions on the terms of any extension of the date, not on the authority cutoff itself.

As outlined in my statement of June 8, I would do just the opposite. I believe that consistent with the constitutional role of Congress in matters of war, it would be appropriate in this situation to cut off Presidential authority as of a certain date if, and only if, by that date, safe withdrawal and return of U.S. prisoners is assured and permitted by the other side.

My approach would leave some bargaining room for the President on the issues of safe withdrawal and POW's, although not on the issue of the readiness of South Vietnam to defend itself. Under Nedzi-Whalen, however, the North Vietnamese would have every reason to stand pat on POW's and on assurances of safe withdrawal. It would be in their interest to wait and see whether Congress, once having passed Nedzi-Whalen, would in fact vote the President any extension of time beyond December 31 to bargain for POW's and even for assurances of safe and orderly withdrawal. For without a granting of the extension by Congress they would be free to hold our prisoners long after withdrawal and even free to attack our remaining forces in the process of withdrawal—at a cost of even more lives.

Disregarding the fact that this amendment is being sought for a bill which would render it almost powerless from a legislative standpoint—a flaw which I do not consider to be fatal to the purpose of the amendment—I feel that leaving open the question of whether or not Congress will insist on return of our POW's and safe withdrawal of our troops as the price for our complete and early withdrawal by a fixed date is a very serious, and perhaps irresponsible step.

That is why I will vote to support the McDade amendment, the text of which follows:

Amendment offered by Mr. McDade: An amendment to the Nedzi-Whalen amendment. Section 401 of the amendment is amended to read as follows:

"Section 401. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos: *Provided*, That all United States prisoners of war under control of the North Vietnamese, the Vietcong or their allies, be released not less than four months prior to the above date: *And provided further*, That the Government of North Vietnam, the Vietcong and their allies shall do nothing to interfere with the safe withdrawal of United States troops."

Frankly, Mr. Chairman, the McDade amendment is an imperfect one also. Under the Military Procurement Authorization Act, it, too, is really powerless to actually cut off Presidential authority, even after our POW's are returned and our safe and orderly withdrawal is assured by the other side.

It also could be improved by a provision which would contemplate and permit the President to come back to Congress and seek an extension of time if he thought circumstances warranted an extension. Of course, no extension could be granted in any case without a majority vote of both the House and Senate.

But despite these deficiencies, the McDade amendment does put the conditions relating to POW's and safe withdrawal in the proper place—limiting the terms of the cutoff of authority, thus leaving the President with the ability to bargain and negotiate for the POW's and for safe withdrawal between now and December 31.

I believe the adoption of the McDade amendment would at least be a meaningful expression of congressional intent to speed up substantially the pace of our disengagement, and of congressional intent not to abandon the POW's or to leave to chance the safety of our withdrawing forces. The McDade amendment may only have symbolic value when attached to a procurement authorization, but it would have the full force of law if added to the defense appropriation.

In closing, I would share with my colleagues the observation that this horrible war, and the numbness and revulsion our Nation has developed to it, has produced some unfortunate effects and beliefs among a very large and very sincere segment of the American people. Faced daily with reports of deaths and misery caused by our own military actions, these Americans have come to have almost more faith in the intentions and in the humanity of the North Vietnamese than in our own Government. Despite the fact that the North Vietnamese have yielded nothing, I repeat, nothing, since the 3-year-long Paris negotiations began, many Americans sincerely believe that they will act promptly and honestly to return our POW's and permit safe U.S. withdrawal if only we would set a date for withdrawal.

While even the North Vietnamese themselves have not said this, and even though their past actions do not even suggest that it is safe to assume they would comply so easily with these conditions, these beliefs are widely and sincerely held.

A few of these same people have also come to believe that communism is merely a strawman for the radical right in this Nation to pursue in justification of militarism, and not an onerous political system which utilizes terror, thought control, and suppression of freedom to survive.

I must state that our actions in this Chamber today, or any day, must not be predicated on assumptions of what the North Vietnamese may or may not do, or what they will or will not agree to do. It is possible that they will release all of our POW's, that they will abide by firm guarantees of safe and orderly withdrawal, and that they will suddenly begin permitting inspection of their prison camps and acknowledge openly the presence of their own troops in South Vietnam, Cambodia, and Laos.

It is also possible, and perhaps probable, that they will not do these things.

Just as I feel it is vitally important for Congress to reassume its rightful and constitutional role in the military and war and peace policies of this Nation, I feel it is equally important that we not act in such a way as to encourage the North Vietnamese to continue their inhumanity, and their shield of indifference. Thus, I cannot support an amendment which would even symbolically leave open the question of whether or not we will demand our POW's and safe withdrawal as the price for setting an early date for total withdrawal from Indochina. For leaving open this vital question in the Halls of Congress is tantamount to closing the question at the Paris peace table.

Consistent with these thoughts and with the terms of the statement I made on June 8, I must, therefore, vote for the McDade amendment to Nedzi-Whalen and, should that fail, I must cast my vote against the original Nedzi-Whalen language.

The CHAIRMAN. The Chair recognizes the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) to close debate.

Mr. GERALD R. FORD. Mr. Chairman, we have before us the Nedzi-Whalen amendment. Also we have the Robison amendment. In addition we have the Mink substitute. And we have the McDade amendment to the Mink substitute.

These amendments approach the problem in a variety of ways. We have different dates of withdrawal to consider. There are some that emphasize a cease-fire, some that emphasize the problem of the prisoners of war and those missing in action, and some that give carte blanche authority to the President to exercise his constitutional authority as Commander in Chief. Others have a variety of exceptions, loopholes, and escape hatches.

What this proves to me, Mr. Chairman, is that in utmost good faith individuals or groups of individuals have sought to express their individual views without the benefit of the traditional committee hearing where the proponent of an amendment or of a bill has the opportunity to explain and justify his proposal.

We in this instance have not had the experience of a committee or a subcommittee interrogating the proponents as to what was their intent, what the words mean, and what the proposal really envisages if it becomes law.

For those reasons, among others, I believe all of the proposals currently before us should be defeated.

I have been promised and the House has been guaranteed that next week the gentleman from New Jersey (Mr. Gallagher), the chairman of a subcommittee of the House Committee on Foreign Affairs, will invite all proponents of all suggestions to testify before his subcommittee, so that that group, Democrats and Republicans, will have the benefit of the wording and of the intent. If that subcommittee and if the full Committee on Foreign Affairs decides that something ought to be done by Congress to help the President solve the war in Vietnam, that committee will make a recommendation, and we can pass judgment on it in this body here in a far more responsible way.

As I said earlier, I believe the Nedzi-Whalen amendment is defective because it is symbolic. It is meaningless. It has no real substance. It will be better known for its loopholes and its escape hatches than for what it seeks to accomplish.

The gentleman from New York (Mr. Robison), I believe is well intentioned, but he attaches his proposal to an amendment which is fundamentally weak. As the gentleman from New York (Mr. Dow), said, it is feeble; it is as wide open as a barn door. I do not believe the Robison amendment materially helps the Nedzi-Whalen amendment.

Then of course we have the Mink substitute amendment, which does seek to do something in a categorical way. That is by far a more frank approach than the Nedzi-Whalen amendment. But then the gentleman from Pennsylvania (Mr. McDade), seeks to water down what the Mink substitute seeks to do, by the attachment of language which puts us right back in the same ball park as the Nedzi-Whalen amendment, which I believe is fundamentally unsound and which I believe unfortunately misleads the American people.

I pass no condemnation on the authors of the amendment in any way. It is just the net effect of that amendment.

For these reasons, Mr. Chairman, I hope that all amendments are defeated when we vote.

The CHAIRMAN. All time has expired.

The Chair will now put the question on the first amendment, which is the Robison amendment to the Nedzi-Whalen amendment.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that immediately prior to the vote on the amendment and the amendment to the amendment, on the substitute and the amendment to the substitute, that the Clerk be directed to read the text of the various amendments and substitutes, and so forth.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Clerk will read the Robison amendment.

The Clerk read as follows:

Amendment offered by Mr. Robison of New York to the amendment offered by Mr. Nedzi: Sec. 402(a) of the amendment is amended to read as follows:

"Sec. 402(a). No funds authorized to be appropriated pursuant to this Act may be expended after April 30, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos if by such date a cease-fire has been arranged either by the parties involved or by the United Nations or by any group of neutral nations, and if by such date an agreement has also been consummated by the parties involved for the identification and exchange of prisoners of war and all Americans held as prisoners of war anywhere in former Indochina have been released."

Strike subsection 402(b), and then redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Robison), to the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROBISON of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KINNEY TO THE AMENDMENT BY MR. NEDZI

Mr. McKINNEY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. McKinney to the amendment offered by Mr. Nedzi: Strike out Subsection B and insert the following in lieu of: "This section shall not take effect unless an agreement has been reached prior to December 1, 1971, between the Governments of the United States and the Peoples Republic of North Vietnam for the setting of a definite date of a ceasefire and a mutual return of prisoners of war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut to the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The amendment to the amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Pennsylvania (Mr. McDade), to the substitute amendment offered by the gentlewoman from Hawaii (Mrs. Mink).

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McDade. Amendment to the substitute offered by Mrs. Mink; in the last line, strike the word Laos and the period and insert the following: Laos, *Provided*, That all U.S. prisoners of war under control of the North Vietnamese, the Viet Cong or their allies, be released not less than four months prior to the above date; and *Provided Further*, That the government of North Vietnam, the Viet Cong and their allies shall do nothing to interfere with the safe withdrawal of U.S. troops."

Strike subsection 401 (b).

Redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDade), to the substitute amendment offered by the gentlewoman from Hawaii (Mrs. Mink).

The question was taken; and on a division (demanded by Mr. McDade) there were ayes 37, noes 146.

Mr. McDADE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentlewoman from Hawaii.

The Clerk read as follows:

Amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Nedzi: Title V, General Provisions, of H.R. 8687—Fiscal Year 1972 Defense Authorization bill—is amended by adding the following new section:

"Sec. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos."

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Hawaii (Mrs. Mink), for the amendment offered by the gentleman from Michigan (Mr. Nedzi).

TELLER VOTE WITH CLERKS

Mr. HOWARD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HOWARD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. Hébert, Mrs. Mink, Mr. Price of Illinois, and Mr. Nedzi.

The Committee divided, and the tellers reported that there were—ayes 82, noes 327, not voting 25, as follows:

[Roll No. 143]

[Recorded Teller Vote]

AYES—82

Abourezk
Abzug
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bingham
Blatnik
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Daniels, N.J.
Dellums
Denholm
Dingell
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Ford, William D.
Fraser
Fulton, Pa.
Gaydos
Gibbons
Green, Pa.
Halpern
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Howard
Karth
Kastenmeier
Koch
Leggett
Link
McCloskey
Macdonald, Mass.
Mikva
Mink
Mitchell
Morse
Mosher
Nix
O'Neill
Pepper
Podell
Preyer, N.C.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Roncalio
Rosenthal
Roush
Roybal
Ryan
Scheuer
Stanton, James V.
Stokes
Symington
Thompson, N.J.
Udall
Ullman
Vanik
Waldie
Yates
Yatron

NOES—327

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rostenkowski
Rousselot
Roy
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—25

Clark
Davis, Wis.
Dent
Diggs
Donohue
Edwards, La.
Fuqua
Grasso
Green, Oreg.
Helstoski
Long, La.
McCulloch
Mathias, Calif.
Matsunaga
Metcalfe
Moss
Pelly
Purcell
Rooney, N.Y.
Runnels
Ruppe
Vander Jagt
Veysey
Wilson, Charles H.
Wolff

So the substitute amendment was rejected.

Mr. MACDONALD of Massachusetts. Mr. Chairman, through inadvertence I went through the wrong line and voted no. I ask unanimous consent that I be recorded as voting aye.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: Page 7, line 4 after the period insert:

"Sec. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

Mr. ARENDS (during the reading). Mr. Chairman, I think every Member is familiar with the amendment. I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Nedzi).

TELLER VOTE WITH CLERKS

Mr. NEDZI. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. NEDZI. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Mr. Hébert, Mr. Nedzi, Mr. Price of Illinois, and Mr. Whalen.

The Committee divided, and the tellers reported that there were—ayes 158, noes 255, not voting—21, as follows:

[Roll No. 144]

[Recorded Teller Vote]

AYES—158

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Collins, Tex.
Conte
Conyers
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Dellums
Denholm
Dingell
Dow
Downing
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flynt
Ford, William D.
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Howard
Jacobs
Karth
Kastenmeier
Koch
Kyros
Landrum
Leggett
Link
Long, Md.
McCloskey
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Smith, Iowa
Snyder
Stanton, James V.
Steele
Stokes
Stuckey
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wolff
Yates
Yatron

NOES—255

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Belcher
Bell
Betts
Bevill
Blackburn
Blanton
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Crane
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Gallagher
Gettys
Goldwater
Gonzalez
Goodling
Griffin
Gross
Grover
Gubser
Hagan

Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Konski
Passman
Patman
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—21

Corman
Davis, Wis.
Dent
Diggs
Donohue
Edwards, La.
Fuqua
Grasso
Green, Oreg.
Helstoski
Long, La.
McCulloch
Mathias, Calif.
Metcalfe
Moss
Pelly
Runnels
Ruppe
Vander Jagt
Veysey
Wilson, Charles H.

So the amendment was rejected.

(Mr. STAFFORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. STAFFORD. Mr. Chairman, the December 31 cutoff of fund for U.S. operations in Vietnam has now become simply a political issue which ignores present withdrawal plans, negotiations on the prisoner-of-war issue and a realistic period for concluding U.S. operations in Vietnam.

I regret these facts since I strongly favor specific action by the Congress to reassert its share of responsibility for ending our involvement in the Vietnam war. Such action at this time, however, should be taken in concert with the Commander in Chief of our Armed Forces, President Nixon, if it is to be most effective and meaningful.

The substitute amendment which was offered by the distinguished Member from New York (Mr. Robison) providing an April 30, 1972, cutoff date, conditioned upon a cease-fire and agreement on exchange of prisoners, would have allowed the President room and time for negotiating a settlement. It is unfortunate that more consideration was not given to this proposal, which I was happy to support.

It is my personal belief after intensive and agonizing analysis that we can end U.S. involvement in the Vietnam war on a total basis by a date no later than June 30, 1972. It is my personal hope that President Nixon will by the end of this October make clear to the American public and the Congress his intentions to do this.

I shall urge him to do so with every power at my command. I shall also urge him to order a cease-fire in all United States military operations, both on the ground and in the air, by a date of his choosing no later than December 31, 1971.

Such decisions on the part of the United States Government would end our combat involvement, would provide a setting for realistic and meaningful negotiations for the release of American prisoners of war, and would provide the practical time element to complete an orderly troop withdrawal as well as finishing construction projects which are vital to the future well being of the people of South Vietnam.

If by next November 1 the way does not seem clear and apparent for ending our involvement and recovering our prisoners of war by the outside date of June 30, 1972, then I believe it would be appropriate and necessary for the Congress to take action on its own to accomplish these ends.

President Nixon is committed to withdrawal of American troops from Vietnam. The pace is not fast enough for some of us, but I believe the President will take new initiatives in the next 4 months to step up our disengagement from Vietnam, and I am hopeful that these initiatives will lead toward a total U.S. military withdrawal from Vietnam.

AMENDMENT OFFERED BY MR. FISHER

Mr. FISHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fisher: On page 7, following line 4 in the bill, add the following new section:

"Sec. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution."

Mr. FISHER. Mr. Chairman, the pending amendment is a very simple amendment. It is a committee amendment, approved by the Committee on Armed Services by a vote of 28 to 4.

All it does is to put back into the bill for the next year the same provisions that were in the bill last year. It is similar to the provision that was written into the NASA bill, and is now in the law. It would deny funds appropriated pursuant to this act to institutions of higher learning if the Secretary of Defense or his designee determines that at the time of expenditure of funds for such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of that institution.

Mr. Chairman, this matter has been debated before. It is written into the law now. It is in the NASA Act, and it serves a very good purpose, and that has been demonstrated. I would ask for the adoption of the amendment.

Mr. KYL. Mr. Chairman, would the gentleman yield?

Mr. FISHER. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I would like to direct a question to the author of the amendment.

Suppose an institution of higher learning has an office building off campus in the town, which is adjacent, and the recruiter is permitted to see college students from that institution in that building off campus.

Would that institution then be in compliance with the law for funding?

I speak here of an actual case.

Mr. FISHER. The answer is "Yes," the funds would not be disapproved, although it is the wish of our committee that the military recruitment would be permitted on the campus itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Fisher).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Findley: On page 7, line 4, after the period insert:

"Sec. 402. None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.

"This section shall not be construed as limiting the authority of the President to take necessary measures to secure the safe return of United States servicemen held prisoner-of-war and provide asylum for people who may be endangered by the withdrawal of United States forces."

Mr. FINDLEY. Mr. Chairman, the defeat of the Nedzi-Whalen amendment, I feel, can be attributed mainly to the fact that it included a deadline date or appeared to include a deadline date for our participation in Vietnam and most of us, obviously do not want to write such a provision in the law.

The amendment that went down to defeat also had language in it which gave support to the concept of total withdrawal of our combat forces from Vietnam—a concept that I am sure most of us, and perhaps all of us, would support.

Now the slate is wiped clean. The Tonkin resolution was repealed. We have defeated the Nedzi-Whalen amendment. I think it is notable that this body, which is sometimes called a very loquacious one, has yet to say a legislative word either of approval or disapproval of the concept of withdrawal of our forces from Vietnam.

I can see the merit of defeating a deadline date, but I also can see great merit to the President as well as to us in Congress under our responsibility under the Constitution for voicing our support for the concept of total withdrawal of our combat forces in Vietnam at the earliest practicable date.

It may be that some of us do not know what we want the military mission of our forces in Vietnam to be. I suspect that there is some doubt in some minds. I had doubts for awhile but today I had no doubt. I want the military mission of our Armed Forces in Vietnam to be the safe withdrawal of those very same forces. I think that is the totality of such mission.

My amendment says just that. It does have language which, of course, gives the President flexibility to deal with the POW's and the asylum question should this arise.

Let me read once more the language of this amendment, and I do so because I hope enough Members will stand to permit a recorded vote by tellers. I am sure you would want to know the language on which you will be voting.

I might add, too, that I have a stack of papers here in which the language of the amendment is spelled out and if anyone wants a copy of it, I hope he will come over.

In my view the amendment I will read to you in a moment gives very clear and precise support to the withdrawal program that the President has already so far advanced and encourages him down this correct road. It does not specify a precise calendar date, but it says the job should be done at the earliest practicable date, which, I think, is what we all want. It does not say December 31 or July 1. It says "the earliest practicable date" which, I hope, can be even earlier than December 31.

The amendment also protects, as I said, the flexibility of the President in dealing with the POW's. I think most important of all it fulfills the responsibility of this Chamber, which up to now, I think, we have greatly neglected, and that is to give guidance and support and direction to the President in this most difficult situation that we have ever encountered in our history.

Mr. Chairman, my amendment reads as follows:

> SEC. 402. None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.
>
> This section shall not be construed as limiting the authority of the President to take necessary measures to secure the safe return of United States servicemen held prisoner-of-war and provide asylum for people who may be endangered by the withdrawal of United States forces.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. WALDIE. I would ask the gentleman if his amendment can be construed as an affirmation of the support of this body of the President's present program in Vietnam?

Mr. FINDLEY. The amendment can not be construed beyond the language of the amendment itself, which is support for total withdrawal of combat forces at the earliest practicable date.

Mr. WALDIE. Will this amendment in any way direct the President to engage in a policy different than that which he is already following?

Mr. FINDLEY. I think it leaves the Commander in Chief with a certain flexibility which he naturally would have to have in order to effect the safe withdrawal of our forces. I am sure everybody wants that.

Mr. Chairman, the language before us is hardly new. In October, 1969, similar language was embodied in a resolution sponsored by 128 Members, well over one-quarter of the House. The resolution stated:

> *Resolved*, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

President Nixon personally expressed his support for the resolution. On October 30, he wrote to me:

> I would like to express my thanks to you for your role in the introduction of the House Resolution concerning my scheduling of troop withdrawals from Vietnam. This legislative action is greatly appreciated.

The Congress refused to signify its own approval for his withdrawal policy, but nevertheless, President Nixon wisely decided to press on. Six months later, on April 20, 1970, he told the Nation:

> We can now say with confidence that the South Vietnamese can develop the capability for their own defense, and we can say with confidence that all American combat forces can and will be withdrawn.

Although the President continued to announced larger and larger troop withdrawals, the Congress remained silent. Today, the President has withdrawn more than half of the men he found in Vietnam when he assumed office 2½ years ago. He has increased the rate of withdrawal. He has cut our casualties to the lowest point in 5 years. And on April 19 of this year he reaffirmed his pledge that—

> Our goal, however, is a total withdrawal. We do not have as a goal a permanent residual force such as we have in Korea at the present time.

All of this he has done without one word of guidance or approval from the Congress. By our default he has assumed the entire and enormous burden of the Vietnam war and he has embarked upon a policy which has met with widespread approval among the American people, if not among their Representatives in Congress.

Mr. Chairman, exactly 113 years ago today, Abraham Lincoln paraphrasing the Book of Mark, uttered the oft quoted words: "A house divided against itself cannot stand."

Apparently, we are a House utterly and irreconcilably divided. If we stand for anything but confusion, I for one cannot determine what it may be.

The Constitution of the United States commits the warmaking power to the Congress, yet for almost a decade we have steadfastly resisted every opportunity to exercise that responsibility. With the notable exception of the Gulf of Tonkin resolution, we resisted it throughout the buildup in Vietnam, and we continue to resist it throughout the withdrawal. Now, even our 1964 expression has been repealed.

Although elected by the people of this country to represent them in the halls of government—smugly calling oursevles the body closest to the people—we studiously avoid representing the people who elected us on the most important issue facing us, and the Nation, today. Of course, it is always difficult to grasp the nettle of basic decision. It is always easier to shrink from judgments and decisions which seem difficult because of their complexity and the uncertainty of their outcome.

Nevertheless, this neglect does not absolve use from our responsibility. Nor does it mean that decisions will go unmade. Rather, it shifts the entire burden onto the shoulders of the President—a President who deserves the guidance and support which only we can give him.

It is absolutely appalling to me that the House of Representatives, after 10 long years, is still unable to devise suitable language to express itself on Vietnam policy.

Of the millions upon millions of words which have been uttered on the subject of Vietnam withdrawal, it defies credulity that the U.S. Congress has uttered not a one. Worse, that very fact more than any other rises up to challenge the integrity of the very system which you and I hold so dear and which many young people now question.

How much longer will we stand in mute silence before we ourselves will begin to raise their same questions?

To our constituents, we must seem like the cowardly lion in the "Wizard of Oz," afraid even of the shadow of committing ourselves on Vietnam policy.

It cannot be said that the Congress has not had sufficient leadership to permit it to form its own opinion. Anyone who doubts that should ask Lyndon Johnson, HUBERT HUMPHREY, or Richard Nixon. President Nixon has stated that he expects the American people to hold him accountable in 1972 for his stewardship of U.S. foreign policy, and surely they will. What a shock it would be to us all if the American people similarly decided to hold the Congress accountable.

It is not difficult to understand why the President is not anxious to see a "Johnny-come-lately" Congress deal with Vietnam policy. Having carried us beyond the point of no return with respect to troop withdrawals, it would hardly be appropriate for the Congress to suddenly jump out front to accept the credit.

But our responsibility is broader than that. Although the President may prefer no Vietnam policy amendments at all to the pending bill, the House of Representatives is not merely a king's court selected to honor his every wish.

The Constitution clearly commits to us the responsibility to decide upon basic war policy and to participate in the formulation of foreign policy. We can hardly do so if we stand mute when the Constitution and the American people cry out for us to speak.

The amendment I am offering today simply sets as our sole military goal in Vietnam the safe withdrawal of all our combat forces at the earliest practicable date. It has a saving clause which provides for the safety of American prisoners of war and for the protection of those endangered by our withdrawal.

This is a simple, limited goal. Perhaps it is more limited than many would like to see, but surely it is preferable to alternatives which might call for a reversal of the withdrawal rate.

Others may believe that this language says too much. Perhaps some may actually prefer a reversal of policy. Some might wish to see the United States stay in Vietnam until military victory occurs.

Any Member feeling that this resolution is too limited, or that it goes too far, may offer amendments.

The crucial thing, however, is that we are charged by the Constitution and elected by the people to say something on this important question. The amendment which I am offering puts the House of Representatives clearly on the record in favor of withdrawal from Vietnam, and does so in a responsible manner.

Mr. PIKE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a couple of questions of the author of the amendment.

Is a pilot a combat force?

Mr. FINDLEY. Yes; I would interpret the words "combat force" to include any U.S. military combat personnel and combat equipment that is in the custody of U.S. personnel in the Vietnam area.

Mr. PIKE. Then the word "combat" really does not mean anything in the context of this matter?

Mr. FINDLEY. It means combat strike forces, forces that have the ability to undertake military action.

Mr. PIKE. I thank the gentleman.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. HÉBERT. This ground has been plowed over and over and over again this afternoon. While a few new seeds and new words have been sown, it is the same body dressed up a little more with a little more lipstick and eyebrow pencil. It all means the same thing. We have rejected it three times already, and I suggest we reject it a fourth time and finally.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Iowa.

Mr. GROSS. These final words of the amendment concern me greatly:

> The President may provide asylum for people who may be endangered by the withdrawal of United States forces.

How many billion dollars would it take to provide asylum for the several million people who might be endangered?

Mr. HÉBERT. This is not my language.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Illinois.

Mr. FINDLEY. I appreciate the gentleman yielding to me. The language would not authorize. It merely states that it shall not be construed as prohibiting the President from taking such action.

Mr. HÉBERT. It would not authorize and it would not prohibit.

Mr. RANDALL. Mr. Chairman, I support the amendment of the gentleman from Illinois (Mr. FINDLEY). I wish to associate myself with his remarks. It is more meaningful and will accomplish more than the Nedzi-Whalen amendment in my judgment because it does not carry all the legerdemain of what has developed in this debate as a game of dates.

We should recall the Nedzi-Whalen amendment first calls for withdrawal by December 31, 1971 and then contains an escape clause which allows the President to extend the time to July 1, 1972 or into the end of the fiscal year 1972. There have been a lot of other dates mentioned in the debate today; then there have been other dates considered by other forums than the House itself.

Most of the members of the Democratic caucus are already on record as voting for the end of the war by the end of the 92d Congress, or December 1, 1972. The President has said in various press conferences, or at least has implied by strong implication that all combat troops will be out of Vietnam by November 1, 1972. It is my own conclusion he will withdraw all our troops much earlier. On the other hand, the Findley amendment before us now is a no-date amendment. That is why it is so meaningful. It provides for withdrawal of our troops at the "earliest practicable date." How could you find better language than that? There is nothing magic about any date. Without the presence of a date we are expressing support of a safe and orderly withdrawal not by December 31, 1971, but just as soon as possible, meaning just as fast as there can be a safe withdrawal.

Let me emphasize the Findley amendment has all of the symbolism and significance of the Nedzi-Whalen amendment but is much more realistic. It creates no illusions. It is not misleading or deceiving. It says straightforwardly that we do not have to wait on any particular date but instead provides we begin now upon enactment of this procurement bill, to use the 6 months between now and December 31, which the other amendment does not consider. With this amendment there is no waiting period.

The amendment offered by the gentleman from Illinois which I support enthusiastically provides for accelerated withdrawal. It says we want our men home as soon as practicable. That means that this amendment is a kind of sense of the Congress resolution. If we support this amendment we go on record for a safe and orderly withdrawal. I hope you agree that the provisions of this amendment constitute a reasonable and meaningful expression of the sense of the House concerning withdrawal.

It is my considered judgment we should not adjourn here tonight without taking some initiative concerning withdrawal. Now that the Nedzi-Whalen amendment has been defeated and all of it's substitutes and amendments to the substitutes, we now stand without having taken any positive action in this body today.

Let us never forget the Gulf of Tonkin resolution was our only positive expression. That resolution has been repealed. The best way to describe the situation now is that the slate is clean and the page is barren of any collective expression by either body of the Congress. Oh, all of us have individually spoken up to say the time has come to end the war. But this kind of thing is not an expression of the collective membership in the nature of or in lieu of a resolution. Here and now we have the opportunity for a clear-cut vote, support or reject such a resolution.

Some of our Members stated here this evening that the membership of this House should not further divide itself but rather unite itself. If there is any consequence to these suggestions then here is an opportunity for all to unite behind the amendment of the gentleman from Illinois to express our intent to support the withdrawal of all of our forces in Vietnam at the earliest practicable date.

Those who support this amendment need entertain no fear that they will be tying the President's hands. The reason is that this amendment clearly preserves and so states that the prerogatives of the President will not be impaired. It does not limit the authority of the President to take the necessary measures to secure the return of our prisoners of war.

This amendment is one which could and should be supported by those who were for the Nedzi-Whalen amendment and also all of those who entertain the fears that that amendment was too inflexible and would impede the President's efforts to achieve complete withdrawal. Certainly this amendment is consistent with the President's policy.

We ought and should support this withdrawal amendment because we as a House should not adjourn tonight without agreeing to an expression of policy on withdrawal. The adoption of this amendment is an expression of positive action that the House of Representatives is in favor of withdrawing our troops from Vietnam at the earliest practicable date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 7, line 4, before the quotation marks insert the following new sentence: "Nothing in clause (A) or (B) of the first sentence of this paragraph or in the immediately preceding sentence shall be construed to authorize the use of any of such funds by the Central Intelligence Agency (or by any agency or person operating on behalf of the Central Intelligence Agency) to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any operation of the kind commonly called 'guerrilla warfare' operation) which will be executed by forces composed in whole or in part of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in clause (i) or (ii) who are under arms and are indigenous to any foreign country or area."

Mr. BADILLO. Mr. Chairman, this is a very specific amendment limiting the activities of the Central Intelligence Agency to the gathering of intelligence, and specifically prohibiting the Central Intelligence Agency from conducting guerrilla operations in Southeast Asia. The necessity for the amendment arises because the enabling act which created the Central Intelligence Agency provides that the CIA may perform "such other functions and duties related to intelligence and affecting national security as the National Security Council may from time to time direct."

There has been clear evidence from news accounts over the years, which I am sure all of you have read, that the Central Intelligence Agency is conducting guerrilla operations in Laos and Cambodia. This last week, as you know, the Senate had a secret session involving our activities in Laos and Senator SYMINGTON in the CONGRESSIONAL RECORD indicated as follows:

> In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Yesterday, my colleague the gentleman from California (Mr. WALDIE), questioned the chairman of the committee as to whether this bill specifically included funds for the Central Intelligence Agency, and the chairman answered that it does. The chairman also refused to say what the amounts were and said that only he and the ranking minority member of the committee knew.

The gentleman from California Mr. WALDIE) also asked the chairman as follows:

> What is the purpose of the CIA activity in Laos?

The chairman answered as follows:

> Mr. HÉBERT. The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

If that is the understanding of the activities of the CIA by the chairman, then he should be in support of this amendment, because all I am saying is that that should be precisely the activity of the Central Intelligence Agency, to gather information, and not to engage in guerrilla activities. But because we do not know exactly what funds are avaliable either in this body or in the Senate, and we do not know exactly to what purpose they are being put, this amendment is prepared so that we can be sure that the activities are limited.

I seek only to insure that the activities of the Central Intelligence Agency be limited to those specified in the law, and that is to the gathering of intelligence. Certainly after the recent disclosures it becomes all the more important that we insure that the agencies of the executive department comply with the mandates of the Congress.

Even before the New York Times published parts of the Pentagon study of our involvement in the Vietnam war, it had become apparent that the CIA had literally been running the entire military operation in Laos, including the hiring, training, and leading of a mercenary army of Thais and Meo tribesmen and the tactical control of an air war which has made the Laotian people refugees in their own land.

As early as 1964, the CIA recruited Thai pilots to fly planes with markings of the Royal Laotian Government against Communist forces in Laos and there is evidence these Thai pilots are still flying missions in Laos, under CIA control and supervision. Reliable estimates given recently to the Senate indicate that the CIA currently is paying about 5,000 Thais to fight in Laos.

Enactment of this amendment is necessary if Congress is to regain some measure of meaningful control and oversight in the field of foreign affairs. Regardless of how individual Members might feel about the recent articles in the New York Times, it is clear that the nature and extent of our involvement in Southeast Asia has repeatedly been hidden from and misrepresented to the American people and their elected Representatives. I strongly suspect that the pattern of subterfuge and outright misrepresentation continues. This amendment represents a step toward squaring with the American people. I urge its adoption.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. BADILLO. I yield to the gentleman from California.

Mr. LEGGETT. Would the amendment preclude the CIA from supporting such things as have been reported in national magazines, such as the pay for personnel in the Saigon Police Force, which police force is being used, of course, for campaign purposes to support the Thieu government in Southeast Asia?

Mr. BADILLO. Yes it would, because it would seek to limit the Central Intelligence Agency to the gathering of intelligence and to its functions as approved by the Congress. Specifically it excludes the support of activities commonly called guerrilla warfare, support of mercenaries, support of regular or irregular personnel of any armed forces of any foreign nation or area within Southeast Asia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the precision with which the gentleman has formulated this amendment. I believe it is an exceedingly important one. I applaud his courage and support him.

Mr. BADILLO. I thank the gentleman very much.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman's amendment seeks to place a restriction upon the use of any funds authorized in this proposed act for military or paramilitary operations in Southeast Asia organized or supervised by the Central Intelligence Agency.

The Central Intelligence Agency was established by the National Security Act. It functions under the National Security Council under the President of the United States. It initiates no activities of its own without direction from the President and/or the National Security Council.

I do not propose to debate on the floor of the House the activities or functions of the Central Intelligence Agency. I will state categorically that the intelligence activities conducted by our Government are essential to the security of this Nation.

The amendment offered by the gentleman from New York, as I read it, seeks to prohibit the Central Intelligence Agency from organizing, supervising, or conducting any so-called military or paramilitary operation of any kind in Southeast Asia which would be executed by mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, or any other personnel of a foreign nation. I will not go into the ramifications of such a restriction should it be enacted. I will merely tell the House that in my opinion, as well meaning as this amendment may be, it is very dangerous to the security of our country. Secrecy is one of the prices we must pay for survival. Today, there seems to be a penchant for exposing Government secrets which wittingly or unwittingly give aid and comfort to the enemy.

The amendment offered by the gentleman from New York would seriously restrict our intelligence activities in Southeast Asia and would certainly most seriously affect, and perhaps even prevent, the further withdrawal of U.S. troops from Vietnam.

I am not going to expand upon my statement any further.

I urge the House to overwhelmingly defeat this amendment.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and particularly the distinguished and personally deeply respected chairman of the Committee on Armed Services, I have no belief that this amendment will be adopted. The very existence of the amendment, though, I think tells you something about the troublesome nature of the CIA activities and the attitude of many Members of the Congress of the United States toward those activities.

I have been told all sorts of stories about the activities of the Central Intelligence Agency. I doubt that very many of those stories are credible or true. The fact remains, though, that nobody can rebut those stories, because everybody is confronted, when a rebuttal is sought, with the statement that the chairman just made; namely, that he is not at liberty to go into the activities of the CIA.

As a Member of this Congress, I have already begun to lose great faith, which I previously had, in Presidents of the United States and their ability to always act in the best interests of this country in all instances in which they have power. I really believe that the only check upon Presidents is the constitutional powers that are provided with oversight on the part of the Congress.

I have attempted to find over the past month what oversight of the activities—operational activities, but not the intelligence gathering activities of the Central Intelligence Agency, is, in fact, implemented in the House of Representatives.

Yesterday was the first indication I had of two people that apparently exercise some oversight, the distinguished chairman of the Committee on Armed Services, and the ranking minority member of the Armed Services Committee.

I have heard of other Members who are involved in oversight. Those people are privy to information that every Member of Congress ought to have.

Mr. Chairman, I do not want this country to be confronted with another CIA-conducted "Bay of Pigs" invasion again. That decision was made as an Executive decision based upon information that was so classified it was not even recorded in any record, and then classified. There is no possibility of this Congress determining whether an Executive decision which would involve this country in a major war is a correct decision. Congress ought to have some oversight upon and resulting responsibility for those sensitive, enormous questions of national policy.

The CIA acts under the strictest, most absolute secrecy, a policy which subjects it and its activities to all kinds of rumors that are very exaggerated, I hope, beyond that which, in fact, is truth.

Your assurances, Mr. Chairman, that this amendment is very critical to our country impressed me. They would impress me far more if you could tell me why that has to be the case.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentleman for his statement. However, there is a question that remains unanswered by the chairman of this committee with reference to the proposal of this amendment, and that is the gentleman from New York quoted the chairman and said that he described the activities of the CIA as intelligence gathering exclusively.

Now, I understand from the implications of the chairman's remarks that the CIA functions go far beyond that.

If I am not correct, I would like to stand corrected at this point. There is this vital difference and I think this body is entitled to have that difference resolved.

Mr. WALDIE. I yield to the gentleman from Louisiana for his response to the question. I know the response is affirmative, because the gentleman said yesterday they were solely engaged in such activities.

Mr. HÉBERT. Mr. Chairman, if the gentleman will yield, I would answer the gentleman from Michigan in this fashion: The moving finger writes, and having writ, moves on. The record stands for what I said yesterday and what I said today.

Mr. WALDIE. Now, Mr. Chairman, you are again emphasizing the points that I am attempting to make.

I intend to ask the chairman of the Appropriations Committee whom I also mysteriously understand has something to do with oversight of the CIA, certain questions when future appropriations bills are being considered. Every single appropriation bill brought up on this floor from now on, whether it be Agriculture, Armed Services, or Foregin Aid, I am going to ask him if there are CIA funds included in that appropriation bill.

I would also hope that the Speaker of the House would disclose to the Members of the House what Members in this body act as the Oversight Committee of the CIA, and permit me and my equally less favored colleagues to judge the Members acting in this capacity, and determine whether I want to entrust my responsibility as a Member of Congress to them in this sensitive area. I want to be convinced that the operational activities of the CIA, in fact, do not jeopardize this country. I am not fully convinced that that is so.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, and I wish to state to the Members of this body that there is a simple question that has not been resolved. The Chairman has assured me that what the sponsor of the amendment said is correct as to the functions of the CIA. Yet we have disclosures that imply that they do far more than gather intelligence. It seems that is not a classified matter and that it would be extremely difficult for any Member of this body to vote for or against this amendment without getting a clarification.

Can the gentleman expand in any way on this point?

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to point out that I am not speaking in innuendos, I am forced to speak as I do, because in response yesterday to a question from the gentleman from California (Mr. WALDIE), the chairman stated—and first I shall read the question asked by the gentleman from California:

> Can the gentleman tell me in what portion of this bill those funds are contained?
>
> Mr. HÉBERT. No, I cannot tell the gentleman that.
>
> Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?
>
> Mr. HÉBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

So therefore even if we wanted to go to the committee and wanted to examine the classified documents to get the facts, we would find that we, as Members of the Congress, not the press, but Members of the Congress, would not have that information available.

So then we go down to the bottom of the page where the chairman is asked:

> What is the purpose of the CIA activity in Laos?

And the answer was:

> The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Now, if that statement is correct and that is the activity of the CIA, then that is the purpose of the amendment, and there is no conflict, but if that statement is correct then the one made today by the chairman cannot be correct also, and the two statements cannot be reconciled.

Mr. CONYERS. Then the intent of your amendment is to merely limit the Central Intelligence Agency to those activities described by the chairman?

Mr. BADILLO. Exactly, the activities of gathering intelligence described yesterday in the CONGRESSIONAL RECORD.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the House should be told that prior to the current session of the Congress there was a Central Intellience Agency Subcommittee of the House Committee on Armed Services. During the last Congress I was privileged to be a member of that subcommittee. We acted pretty much in an oversight capacity. However, this year when the gentleman from Louisiana assumed the chairmanship of the House Committee on Armed Services he adopted a new policy.

I should not speak for the gentleman, but I think I know his motivation in formulating that new policy. He felt that no member of the Committee on Armed Services should be privy to information more delicate than any other Member, even the newest freshman is entitled. So he did not reconstitute the CIA Subcommittee. I admire the gentleman for that, I admire his motivation.

The pending amendment brings up this point: how many is enough to oversee the activities of the Central Intelligence Agency? Is it two, 10, like it was last year, 20, or 435 Members of the House?

I know that every person in this body is an honest and well-intentioned person, but we are all people who deal in words off the cuff.

We are constantly dealing with newspaper people who are doing their job of trying to get information. So I ask you in all sincerity, would it be safe to have too many people in this political arena privy to the sensitive activities of the CIA?

I have confidence in the gentleman from Louisiana, and I have confidence in the gentleman from Illinois. If I did not have, I would introduce a resolution expressing a lack of confidence. I think that is what we ought to do if we feel that way.

Insofar as the mission is being restricted to the gathering of intelligence, I only point out, probably parenthetically, that when you are gathering intelligence in a combat situation you cannot ask a man to be in a combat area and around a combat area unless he is able to adapt himself to the environment which his job places him in.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I do so just to make this statement:

I know that this amendment will be defeated, but I want to commend the gentleman from New York for his fresh ideas of reviewing some of the functions of the Central Intelligence Agency.

I frankly think that perhaps our committee can do more to really look at exactly what that agency is doing. I think by and large it is a great agency and it should be secret. But as long as it is making the foreign policy of the United States and as long as it is obviously fighting a war for us in Laos and Thailand then it should be under very, very close scrutiny. I would hope the gentleman's amendment at least brings a new awareness of the functions of this agency not only in the countries that I mentioned, but the agency does have a very, very formidable function in Vietnam.

I suppose that CIA function could be handled over a short period of time in total secrecy, but now their war has been going on for some 7, 10, and 15 years—it is all a secret how we got into this war apparently, as it would appear from the Times article the other day. It is all a secret how we are really fighting the war in these various countries. I suspect that we are going to finish it and we really will not know how many wars we have been in or really what has been done. I think we have formidable function to review this agency and I commend the gentleman again for his amendment.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to point out that this really is not a new or fresh idea. The gentlewoman from New York Edna Kelly, some 12 years ago introduced a resolution in this body asking for an oversight committee on the CIA. I heard her begging the leadership year after year to place such a committee in effect and she pointed out repeatedly that here was a large organization that was responsible to no one.

I regret that she no longer is a Member of this body. I assure you had her idea been put into effect then, it would have been extremely helpful now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and on a division (demanded by Mr. BADILLO), there were—ayes 46, noes 172.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Title IV, General Provisions, of H.R. 8687—fiscal year 1972 Defense procurement authorization bill—is amended by adding the following new section:

"Sec. 402. The Secretary of the Treasury shall place in a special account established by him—

"(1) the amount of the funds which may be appropriated under the authority of this Act for the production or deployment, or both, of multiple independently-targetable re-entry vehicles (MIRV's), and

"(2) the amount of all appropriations made before the date of the enactment of this Act for such production or deployment, or both, which remain unexpended or unobligated on the date of the enactment of this Act.

to the extent that the sum of the amounts in clauses (1) and (2) exceed the sum of—

"(3) the cost required to complete the conversion of 16 nuclear-powered submarines to the POSEIDON missile system, and

"(4) the cost of the number of MIRV systems required to equip the launchers for the 16 nuclear-powered submarines referred to in clause (3), and

"(5) the cost of the number of MIRV systems for which appropriations were obligated on the date of the enactment of this Act for equipping Minuteman III missiles.

The funds and prior appropriations required to be placed in the special account under the preceding sentence shall be held in such account and not further obligated or expended until and unless the President reports to Congress that the Strategic Arms Limitations Talks (SALT) have not, and in his best judgment will not, provide an agreement which would enable the United States to cease further deployment of MIRV's and that continued testing and deployment by the Union of Soviet Socialist Republics of additional defensive or offensive strategic nuclear weapons systems require that such funds and prior appropriations be expended by the United States for the purposes for which they were appropriated."

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, this amendment deals with the MIRV program. What is does is to take the money that has not been spent and put it into a special fund to be held until the President decides that we must move ahead with the completion of the MIRV'ing of our submarines and land-based missiles. In other words, Mr. Chairman, this amendment does not cut any funds and it does not reduce the authority of the President to proceed with his programs, provided that sometime hereafter the President decides it is imperative that the United States proceed with the multiple-warhead program.

Mr. Chairman, the MIRV program is a weapons system in search of a rationale. The MIRV program was started some 3 or 4 years ago for one major purpose only, and that was to enable the U.S. offensive forces to penetrate an ABM system to be built by the Soviet Union. The Soviet Union has never built the ABM system for which the MIRV's were designed. The most the Soviet Union ever built was about 64 launchers around Moscow, an inferior ABM system, and then they stopped building it. For 2 or 3 years they have not made any progress They have not gone any further with their ABM.

Yet we have been proceeding with billions of dollars in expenditures for the multiple-warhead program to overcome a defense which does not exist.

Mr. Chairman, the President announced just a few weeks ago that we are going to get an agreement with the Soviet Union to limit ABM systems. It was the expectation of the President that before the year is out we will not have any ABM systems of any size either in the Soviet Union or in the United States.

If the President's prediction proves to be true, then clearly we do not need the multiple-warhead program, and any money spent between now and then will be wasted money, wasted money that could be used for other purposes and needs here in the United States.

I am not proposing to cut out this money but simply to put it into a special account pending completion of the SALT talks, and if they fail, and if it turns out that the Soviets are going ahead with an ABM system or other offensive missiles that would compel us to resume the program, there is nothing that would prevent the President from moving ahead.

Mr. Chairman, I provide that the stoppage of the MIRV program for the submarines stops at the 50-percent level, the halfway mark. So we can put multiple warheads on 16 out of the 31 submarines which were intended to be MIRV'ed under the complete program. When the 16 submarines have the multiple warheads—and this is what my amendment would provide—we will have added 2,300 more separately targetable warheads to the submarine arsenal.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, with the 16 submarines which I provide will be equipped with multiple warheads, and 100 Minutemen having been converted to Minuteman III, we will have added

2,500 new warheads in the past 18 months, which is more warheads than the whole total Soviet arsenal. There is no need to go further. There is no need to add another 3,000 or 4,000 separate warheads at least until we find out what is happening with the SALT talks.

The Armed Services Committee never once in 10 years has halted or slowed down any of the nuclear strategic programs. The only action the Armed Services Committee has ever taken has been to push the strategic arms race ahead, principally by insisting on the development of the B–1 bomber over the opposition of the Secretary of Defense. Never once has the committee questioned a program, "Let us perhaps do it a little differently," or "Let us halt a program we do not need."

I believe the time has come when the Armed Services Committee and the House of Representatives ought to begin to look at what the facts are and to recognize that we are fueling an arms race which threatens to destroy the entire planet.

If we do not exercise some judgment who will? Who will exercise the judgment if we do not begin to look at these facts with some care?

Mr. Chairman, I urge the adoption of this amendment. It does not cut off the funds, but simply puts them in escrow pending determination by the President that in fact those expenditures will be required if the SALT talks fail.

I thank the gentleman for yielding.

Mr. RONCALIO. Mr. Chairman, I am not a strategist or a military man of any learning. The largest unit I can speak for is a rifle company, or possibly an infantry battalion in which I lived for some 4 years of my life.

I know that in our nuclear deterrent we are the strongest Nation in the world, and this the world respects. Our power the world will continue to respect.

Let us now give the world an example of leadership and morality which the world will also respect.

This amendment does not tie the President's hands. This amendment is in support of our spokesmen at the SALT talks. This amendment will give support to the development of the ICBM's we now have, our missile program, and help to make us a strong Nation and help to give us credibility in a world which we so dearly need.

Ladies and gentlemen of the House, I respectfully urge support of this amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Minnesota says that this is to give the President time to decide whether we should go ahead with the MIRV, the multiple warhead missile. The President has already decided that. The Congress has already decided that.

It was not for anti-ABM use. That was not the purpose of the multiple warhead. It was to increase our offensive capability, to send in one missile head a number of explosive missiles which could be directed to different targets. That is what it was for.

The ABM was designed not because of the MIRV but to protect the United States against Soviet intercontinental ballistic missiles of all types, including multiple reentry missiles from one warhead.

The MIRV is designed to offset in the balance of power race, multiple reentry warheads from a single missile with or without multiple warheads. MIRV missiles have already been constructed by the Soviet Union in the past and they are now being constructed by them. That is what the MIRV is for.

I cannot understand this kind of logic where you tie our hands against a weapon which is designed to protect the United States while the adversary is continuing to make those weapons. It is incomprehensible to me.

Mr. FISHER. Will the gentleman yield?

Mr. HOLIFIELD. Yes. I yield to the gentleman from Texas.

Mr. FISHER. The President and the Congress have already decided it is in the national interest and in keeping with the best interests of the national security to proceed with the MIRV program. So, if this amendment were adopted, then the President would be faced with the question of whether to proceed with it or to withdraw from the SALT talks. That is the practical effect, is it not?

Mr. HOLIFIELD. Of course, the gentleman is right. We are talking in SALT, and I am for the SALT talks and I have supported the SALT talks, and we are placing different weapons on the negotiation table and offsetting them against other Soviet weapons. Take away our counters and the other fellow has all of the counters. Then how will you negotiate? I do not know how.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I want to commend the gentleman for the fine statement he has just made.

There were many of us who were around in the past when new weapons systems were developed. This brings you back in mind to the time when you heard all of the arguments against the development of the Polaris missile and the Poseidon on the nuclear submarine. These weapons have proved to be over the years the greatest deterrents to war that we have ever had rather than being weapons which would provoke one.

Mr. HOLIFIELD. The gentleman is exactly right. The Poseidon and the nuclear submarines have been the frontline of our defense against any kind of Soviet encroachment and as a part of our security, because they have been hard to find and have been on the job at all times in the different oceans of the world ready to launch an attack on the enemy when the enemy launched an attack on us. That is what they are for. They have never been used in anger and will never be used in anger, but they stand there as the most forceful deterrent against a sneak attack on the United States of any kind of weapons system in the world.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not suppose there is anything more in the American tradition than to allow a cause or a person to have its or his day in court. That means fair play; that means letting the other fellow have his say, and it means inconvenience and it means patience. I would like for the Record to show that one Member—and I am sure many other Members of this body feel the same way—who on frequent occasions in years past and even on this day has not always agreed with the recommendations of the Committee on Armed Services, feels that the Record should show admiration and commendation for the chairman of the Committee on Armed Services for the eminently and demonstrably fair fashion in which he has conducted his work in this debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Fraser).

The question was taken; and on a division (demanded by Mr. Fraser) there were ayes 32, noes 146.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Leggett:

"Sec. 502. No funds authorized by this legislation may be used to procure aircraft missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons to support after January 1, 1972, deployed forces in the European Theater of Operations in excess of 270,000 men: *Provided, however,* That the President shall have the power to except from this limitation on condition that he reports to the Congress fully on the reasons for such exception."

Mr. LEGGETT. Mr. Chairman, this is my last amendment. We have had a lot of very commendable debate here today. This, however, is an important amendment. The Senate debated the NATO force structure for something like 2 or 3 weeks and here we are when we will probably dispose of this amendment in 3 or 4 minutes.

Mr. Chairman, as the Members know, our nonclassified force structure in northern Europe today numbers about 200,000 men in Germany. The 6th Fleet comprises some 50,000 men and the balance of our force is split over perhaps 1,000 bases between Iran, Cairo, Turkey, Morocco, Iceland, and the NATO member countries.

While the United States is interested in reducing tensions around the world and reorienting priorities, it is this Nation that today has the troops in 3,000 locations around the world.

To my knowledge the Soviets, for all their noise and bravado, have not ventured out of Eastern Europe. They have no troops in Japan, the Pacific, and the American Hemisphere, save advisers in Cuba. They have no troops in Indonesia or Indochina. No advisers have been noted in North Vietnam.

True, they have a few air squadrons in Egypt, and while they have ships in the Mediterranean, their ships are sea locked in the Black Sea and by the closed Suez. The Allies control Malta and Gibraltar and the United States and Britain also have virtual control of the entrances to the English Channel and the North Sea.

As far as the Chinese are concerned I have yet to receive knowledge that they have troops anyplace off the western portions of the Asian Continent.

It is in the American interest that our farflung military empire be contracted.

What I have offered is not a new Mansfield 50-percent amendment, but what I call a Willie Brandt "small step" amendment. The Secretary of State said over the weekend that we would probably negotiate a mutual 10- to 15-percent reduction in NATO-Warsaw forces in the near future. The effect of the pending amendment is to cut through the form of negotiation.

Do not worry about prearrangements with our Allies which appear to be very troublesome and nebulous but lets unilaterally program a 10-percent reduction for January 1 next.

If the Soviet reciprocate their notice of intention we let the cut go through. If not, the President has the authority under the amendment to report to the Congress that this cut is not in the national interest and the amendment is not binding.

The Soviets stated a few weeks ago as follows:

> Moscow, March 30.—General Secretary of the Central Committee of the CPSU Leonid Brezhnev, speaking at the party congress in the Kremlin, noted the major tasks of the Party in the field of international relations:
>
> "First:
>
> "To eliminate the hotbeds of war in Southeast Asia and in the Middle East and to promote a political settlement in these areas on the basis of respect for the legitimate rights of states and peoples subjected to aggression.
>
> "To rebuff, firmly, and immediately, all acts of aggression and international lawlessness. For this, full use must also be made of the possibilities of the United Nations.
>
> "Repudiation of the threat or the use of force in settling differences must become a law of international life. For its part, the Soviet Union suggests that the countries which accept this approach conclude appropriate bilateral or regional treaties.
>
> "Second:
>
> "To proceed from the final recognition of the territorial changes that took place in Europe as a result of the Second World War. To bring about a radical turn towards a detente and peace on the continent. To ensure the convocation and success of an all-European conference.
>
> "To do everything to ensure collective security in Europe. We reaffirm the readiness expressed jointly by the member countries of the defensive Warsaw Treaty to simultaneously annul this treaty and that of the North Atlantic Alliance or—as a first step—to dismantle their military organizations.
>
> "Third:
>
> "To conclude treaties banning nuclear, chemical and bacteriological weapons.
>
> "To work for an end to the testing of nuclear weapons, including underground tests, by everyone and everywhere.
>
> "To promote the creation of nuclear-free zones in various parts of the world.
>
> "We stand for the nuclear disarmament of all states in possession of nuclear weapons, and for the convocation for that purpose of a conference of the five nuclear powers—the USSR, the United States, the People's Republic of China, France and Britain.
>
> "Fourth:
>
> "To invigorate the struggle to halt the race in all types of weapons, we favor the convocation of a world conference to consider all aspects of disarmament.
>
> "We stand for the dismantling of foreign military bases. We stand for a reduction of armed forces and armaments in areas where military confrontation is especially dangerous, above all in Central Europe.
>
> "We consider it advisable to work out measures that would reduce the likelihood of accidental or deliberately fabricated armed incidents that could lead to international crises and war.
>
> "The Soviet Union is prepared to negotiate agreements to cut military expenditures, above all by the major powers.
>
> "Fifth:
>
> "The U.N. decisions to end the remnants of colonial rule must be carried out in full. Manifestations of racism and apartheid must be universally condemned and boycotted.
>
> "Sixth:
>
> "The Soviet Union is prepared for mutually advantageous cooperation in every sphere with other interested states. Our country is prepared to work with other states on such common problems as the preservation of the environment, the development of power and other natural resources, the development of transport and communications, the prevention and eradication of the most dangerous and widespread diseases, and the exploration and development of outer space and the world ocean."
>
> Brezhnev emphasized that over the past five-year period the economic potential of the socialist states had grown substantially, the political foundations of socialism had been strengthened, the standard of living of the people had risen.
>
> The report notes "important successes in coordinating the foreign-policy activity of the fraternal parties and states." In recent years the Warsaw Treaty military organization has been further improved. "The armed forces of the allied powers are at a high level of preparedness and are capable of guaranteeing the peaceful endeavors of the fraternal peoples."
>
> Once this is reached, we feel that there could be a consideration of further steps for a military detente in the whole area, in particular, for converting the Mediterranean into a sea of peace and friendly cooperation," Brezhnev said.
>
> The Soviet Union is working for positive results in its negotiations with the United States to limit strategic armaments. "Disarmament talks in general can be productive only," Brezhnev said, "If equal consideration is given to the security interests of all parties concerned, and if no one seeks for unilateral advantages."
>
> In the recent period, the United States administration "has taken a more rigid stance on a number of international issues, including some which have a bearing on the interests of the Soviet Union."
>
> We proceed from the assumption," the General Secretary of the CPSU Central Committee emphasized, "that it is possible to improve relations between the USSR and the United States."
>
> Commenting on the situation in Europe, Leonid Brezhnev said that the convocation of an all-European conference could serve to improve the general situation. He noted that most states now backed this conference. "Preparations for it are moving into the area of practical politics."
>
> The speaker noted that Soviet-French relations has had "important positive consequences for the whole course of European affairs."
>
> "We stand for the further development and deepening of relations between the USSR and France, and regard this as an important element in international security."
>
> "New prospects in Europe are opening up as a result of a substantial shift in our relations with the Federal Republic of Germany," Leonid Brezhnev stated. There is a sharp demarcation of political forces in West Germany over the ratification of the treaties the USSR and Poland have signed with the FRG.
>
> "Delay in ratification would result in a fresh crisis of confidence in the whole of the FRG's policy and would worsen the political climate in Europe and the prospects for easing international tensions."
>
> "As for the Soviet Union, it is prepared to meet the commitments it has undertaken under the Soviet-West German Treaty."
>
> As for West Berlin, Brezhnev said that if the United States, France and Britain proceeded, from respect for the allied agreements on the special status of West Berlin, from respect for the sovereign rights of the German Democratic Republic, the current talks could be successfully concluded.

Alexei N. Kosygin stated as follows on April 6, 1971:

> The Soviet Union and the fraternal socialist countries invariably worked for peaceful coexistence between states with different social systems, that we did not regard war as inevitable, and were therefore for economic competition between the two systems. We were against closed trade groupings such as the common market. We advocated comprehensive development of multi-lateral economic ties without any discrimination. That was our principled stand. We were ready for cooperation with every state which showed the desire for such cooperation and adhered to the principles of peaceful coexistence.

Andrei A. Gromyko stated on April 6, 1971:

> We have no territorial claims to put to any states of the world and no intentions at all of impairing anyone's lawful rights and interests. But we also demand that our own country be treated in the same fashion.
>
> Anyone really prepared to come to terms with us on matters that call for settlement will always find a serious and responsible partner in the person of the Soviet Union. But all desirous of encroaching upon our interests and security, upon the interests and security of our friends and allies, each time see for themselves that a policy of this order has no future.

I say, let the Soviets put their reductions where their mouth is. Let us take the troop reductions out of politics.

Mendel Rivers, my former chairman, said in this regard last year at Claremont College:

> The military programs that we have voted for in the House are, in effect, responses to meet commitments created by the Senate and the Executive Branch.
>
> Yet, I sometimes sit in wonder and listen to Senators refer to me as a field marshall or a kind of super militarist.
>
> I think the Congress will right the order of procedure in the coming years and review our foreign policy commitments and quite possibly reduce them.
>
> In line with this, I expect to see a real effort to reduce our troop strength in Europe. And I personally think it is time to study such reductions, or at least take a hard look at the service personnel needed to support our substantial number of dependents in that area.
>
> I also expect our military manpower to be reduced considerably following the war in Vietnam, possibly even below the level that it was in 1964 before the great buildup for Vietnam began. If you study the Defense

budget, you will find that people are our most expensive product. You can save a lot more Defense money by reducing the number of people than by cutting out a few weapons systems.

It is a great fiction that all of our Defense money goes for big systems like the ABM, the F-15, the Polaris missile, etc. If you look at the Defense budget closely, you will find that we spend more money on people than all of the weapons systems combined. The cost of the Defense budget for personnel, military and civilian, is something over $40 billion a year.

I believe that personnel reductions can be considered in the years ahead, but I do not think we can consider a reduction in our technological capability.

I am not as concerned with the size of our armed forces as I am concerned with keeping our defenses as advanced as we can make them so as to not fall behind those powers which are working intensely to achieve technological superiority over us.

We may reduce our commitments in many areas. We may reduce our forces to meet those commitments. But we simply cannot slow down the forward thrust of our strategic capabilities because the threat they were designed to meet is not going away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 5 strike out line 18 and all that follows thereafter down through page 7, line 4.

Mr. HARRINGTON. Mr. Chairman, and Members of the House, let me in my pursuit of one more lost cause attempt to describe what this is all about.

This is the anomoly of the military procurement bill. It involves $2.5 billion of authorized funds for the support of local and so-called free world forces in southeastern Asia. My objection is not one for the purpose of obliterating the program, but to its being contained in a military procurement bill which in general has as its stress the development of weapons systems, hardware of various kinds, ships, and other materiel for this country's defense.

Frankly, what bothers me, and I hope it might bother those who are still paying attention to what is going on, is that the matter, like almost all other sections of this bill, was heard in secrecy. Let me recite the situation:

The hearing started with the chief witness, the Assistant Secretary of Defense, with six of the 41 members of the Committee on Armed Services present. The chairman and I fenced in efforts to get the hearing opened so that the public and the Members of the Congress who were interested might have a chance, so they will not repeat history in a New York Times version 5 or 10 years from now, to know what we were doing in Laos, Thailand, and Vietnam. The effort was unsuccessful.

And I might note, out of fairness, that by the time the hearing was over where we devoted 2 hours to this $2.5 billion amendment, we had 21 members of the Committee on Armed Services present.

I am not saying this to defend my attendance record. I am just saying it to give you some idea of the degree of the seriousness attached to the question of this kind of program.

Until 1966 all of these funds were in our military assistance program, heard and developed by the Committee on Foreign Affairs in the House. And this is really all I am asking. I am not asking that we strike this money with the expectation that it should stay out, I am asking this so that the Congress does not find itself in the situation that was developed this week, in a study of the Nixon era in the conduct of its southeastern Asian foreign policy, where we are in the position of not knowing what they were doing. What I am suggesting is that we tear aside the veil of secrecy surrounding this process and open it up to debate, turn it over to the Committee on Foreign Affairs where our military assistance for the rest of the world is developed, and in so doing devote more than 2 hours on one obviously "pro" witness to the discussion of this subject, which involves more than 10 percent of this entire appropriation.

At least allow knowledge on the part of the House, if they want that knowledge, to be a part of what they do in deciding whether they are going to allow these funds to be used for the purposes which may involve an expansion rather than a contraction of our presence in other parts of southeastern Asia.

That is really the essence of what I am suggesting.

I hope in making this record, and I realize this is all this is going to be, that we at least let the American people know the degree of attention accorded to the expenditure of $2.5 billion which could commit us in a continuing venture to other parts of southeastern Asia over the next few years.

So my purpose is not to say—do not award the money—do not use it for the purposes stated—but to open this process up and give it to the committee that historically has had it and let us at least have the House begin to participate in a remotely relevant way in the discussion of what our policy is going to be in this area.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, we all recognize the gentleman's diligence and his great knowledge of the past and of history. But during the gentleman's short time in the Congress, he does not know the history of the switching of the funds to the Committee on Armed Services in 1966.

If the gentleman cares to study the history and illuminate himself on that subject matter, he will find that the late chairman of the committee, Mr. Rivers, insisted upon the Committee on Armed Services having jurisdiction over that money and he succeeded in having that transferred in that area alone to the Committee on Armed Services.

The gentleman from Massachusetts should also recognize the facts of life and the realities of life: That, if the military assistance program was not tied in with the foreign aid program, you would not have had a foreign aid program for the last 15 years. It would have been dead. So he should know this.

However, because there is little time to discuss the merits and demerits, but he is a very intelligent young man and one of the most intelligent young men that I have met since I have been a Member of the Congress, and I am delighted to have the gentleman sitting in front of me in the committee and observe how the committee is run. But the only thing I can say is to ask that this amendment be voted down and I would point out the expression of opinion in our committee, on this amendment, was 36 to 1, and his was the lone vote.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Certainly, I yield to the gentleman.

Mr. HARRINGTON. I appreciate the gentleman yielding—I mean the chairman. I am sorry. I stand corrected as I do often in the Committee on Armed Services.

Mr. HÉBERT. That is how the gentleman learns.

Mr. HARRINGTON. I appreciate the recognition the gentleman has accorded my presence on the committee. I only really wish to say that I am aware of the history which I think I tried fairly to allude to in the course of my discussion—at least that part of it which was heard.

My point really is only this. The historical reason for this change in committees was a full-scale involvement of this country to a greater degree than we presently are now.

We have a program that is questionable, I suppose—questionable as to the end results sought, called Vietnamization, which calls for our departure from Southeast Asia. My only feeling is this—that it may be well to provide some historical reason to restore to the Committee on Foreign Affairs its traditional jurisdiction.

I think it is something more than symbolic and logistical—this whole question of our policy in Southeast Asia. I do not want to be apprised how this all developed in the New York Times or a Louisiana paper or a west coast paper 5 years from now. I just want to make absolutely sure that the Members of this House know that at the time when the matter was determined in the Committee on Armed Services, the number of people present ranged from 6 to 21 and there were 2 hours of debate, and further that the vote to which the gentleman referred as being 36 to 1 was during the markup session when the bill in general was being dealt with. I think the basic distinction is that most of the membership who voted ultimately were not present to hear the discussion nor were opposition witnesses heard. I think the American public should certainly have a right to know and be able to be aware of the nature of this appropriation before we vote for something as substantial and as a far-reaching as this.

Mr. HÉBERT. I can say that there came into being years ago a foreign aid program growing out of the Marshall plan. That is the time they tied up the military area, and I hope the day will come when that program is in such shape that I can vote against foreign aid.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. SEIBERLING. I will not take a minute. I wish to commend the gentleman from Massachusetts (Mr. HARRINGTON) for his courage as well as his insight. I will support this amendment, just as I will oppose the entire authorization bill, because so long as we fail to put a cutoff date on this war, I will not vote for any legislation that will help to continue the war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The question was taken; and on a division (demanded by Mr. HARRINGTON) there were—ayes 29, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PEPPER

Mr. PEPPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEPPER: On page 7, after line 4, insert the following:

"SEC. 402. (a) Subject to the provisions of subsection (c) of this section, no funds authorized under this act may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

"(b) Nothing in this section shall be construed to affect the authority of the President to:

"(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

"(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

"(3) to provide assistance to the nations of Indochina, in the amounts approved by the Congress, consistent with the objectives of this section.

"(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a)."

The CHAIRMAN. The gentleman from Florida is recognized in support of his amendment.

Mr. PEPPER. Mr. Chairman and Members of the Committee, I feel a sense of guilt to take the time of the committee so late in the day, but I have waited a long time to have the opportunity to offer my amendment, and I would appreciate your giving me the opportunity now to explain it.

The amendment is the same as the one introduced in the other body yesterday by my distinguished colleague from Florida, Senator CHILES, and received 44 votes as against 52 in opposition.

There are two essential differences between this amendment and the Nedzi-Whalen amendment.

This amendment would prohibit the expenditure of any funds authorized by this act in the Indochina war after June 1, 1972, about a year from now, and 6 months later than the time specified in the Nedzi-Whalen amendment.

In the second place, this amendment specifically provides that this cutoff date shall not be effective if, 60 days prior to June 1, 1972, if this amendment is adopted, the enemy that holds our prisoners has not released and repatriated all those prisoners. This amendment, then, does not contemplate our pulling out, stopping our operations, without the return of our prisoners.

Mr. Chairman, Members will remember that Winston Churchill said one time:

> If we open a quarrel with the past and the present we shall find that we have lost the future.

I do not rise here today to recriminate, to condemn, to castigate any President or any party. The past is past. But I raise the question whether this House wishes to continue to be a joint partner in the enterprise of continuing to conduct this war at least beyond June 1, 1972, provided 60 days before that date our prisoners of war have been repatriated.

Mr. Chairman, there is just one thing I should like to emphasize here today, and that is the courts are holding that, by every act we do to provide material and personnel and money for the conduct of this war, we are acting in the constitutional equivalent of voting for a declaration of war.

My first authority for that is Berk against Laird in the U.S. District Court for New York. This is headnote No. 1:

> Notwithstanding lack of explicit declaration of war, Congress has authorized hostilities in Vietnam in a manner sufficiently explicit to satisfy constitutional requirements.

Later in this opinion the court quotes the U.S. Supreme Court, which said that when Congress appropriates money in furtherance of an act of the Executive, whether authorized or not, we ratify that Executive action.

I wish to quote one other authority, the Second Circuit Court of Appeals in the case of Orlando against Laird, decided April 20, 1971. I quote from this opinion on page 2490:

> As we see it, the test is whether there is any action by the Congress sufficient to authorize or ratify the military activity in question. The evidentiary materials produced at the hearings in the district court clearly disclose that this test is satisfied.
>
> The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations.

Mr. Chairman and Members of the Committee, would we vote this afternoon for a declaration of war to continue these activities of military character in Indochina after June 1, 1972? If we do not prohibit the employment of personnel and materiel—materiel in this case—made available by this bill for Indochina we are, in the eyes of the courts, declaring or voting for a declaration of war there.

Mr. Chairman, I do not believe the Congress wishes to continue the joint enterprise of this tragic war beyond that time. Today is the first day I have voted, as the able Chairman knows, to curtail our fighting this Indochina war. I do hope you will adopt this amendment to place a limit of June 1, 1972, on our participation in this repulsive war if 60 days before that date our prisoners have been returned home.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

We are again plowing the same ground. This particular amendment was defeated in the other body after a debate of weeks and weeks and weeks, and today we repeatedly defeated amendments with practically the same objective as this one. There is no use discussing it any further. The House expressed its will on several occasions. I urge the defeat of the amendment and ask for a vote.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida.

Today we have heard, time after time, stories of the disillusionment and the torment of our people due to the lingering military presence of these United States in Indochina. It is my feeling that, while we owe the duty and obligation to support the President of the United States, we also owe the duty and obligation to our people to give them a date certain upon which they can fix their hopes and aspirations that we will some day in the near future disengage from that terrible war in Vietnam.

I like the approach taken by my colleague from Florida, because he addresses his amendment to two problems. First the problem of actually fixing a date and conditioning the termination of this war upon the settlement of the prisoners-of-war problem and the problem of our people who are missing in action.

Mr. Chairman, I urge my colleagues in the Congress to support this amendment and to give our people in this country some hope in the near future that this war will terminate.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Florida, and I would like the RECORD to show that I was a cosponsor of this amendment.

While it may be said that this is old ground, and it has been fought over and over again, and the votes have indicated the desires of this Chamber to the contrary, there are some important differences which my able colleague has pointed out.

I support the amendment and previous amendments to this intent because I believe that present policy as extended is based on an erroneous premise. I support the theory of withdrawal. I support the President in his action to terminate the war. I do not agree, however, that a residual force remaining in Vietnam will do anything to bring the North Vietnamese to negotiate about anything. I do not think the North Vietnamese will negotiate about anything with this country because we are doing everything that they want done at this point. Therefore, it seems to me, when one examines the extension of the logic of what a residual force will do, that we cannot support the contention that additional lives ought to be lost for that purpose.

I think the time has come to state realistically what it is we are doing and to recognize the fact that the North Vietnamese are not going to give us the right time of day with respect to negotiation.

If that is true—and I believe it is—then I think we ought to vote to get out in terms of a total force and resolve the question of the present policy which is predicated upon the maintenance of a residual force in order to bring about a political settlement of the dispute, which I do not think will come about.

That is the reason why I am supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PEPPER).

TELLER VOTE WITH CLERKS

Mr. PEPPER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PEPPER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. PEPPER, Mr. ALEXANDER, and Mr. PRICE of Illinois.

The Committee divided, and the tellers reported that there were—ayes 147, noes 237, not voting 50, as follows:

[Roll No. 145]

[Recorded Teller Vote]

AYES—147

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Broomfield
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carney
Celler
Chisholm
Collins, Ill.
Collins, Tex.
Conte
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Denholm
Dingell
Dow
Downing
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flynt
Fraser
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gaydos
Gray
Green, Pa.
Gude
Hamilton
Harrington
Harvey
Hathaway
Hechler, W. Va.
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Landrum
Leggett
Link
Long, Md.
McCloskey
McCormack
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Neill
Pepper
Perkins
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Watts
Whalen
Widnall
Wolff
Yates
Yatron
Zwach

NOES—237

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Bevill
Blackburn
Blanton
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conyers
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Dorn
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Gallagher
Gettys
Giaimo
Gonzalez
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McFall
McKay
McKevitt
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Mayne
Miller, Calif.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Myers
Nelsen
Nichols
O'Konski
Passman
Patman
Patten
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Spence
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—50

Ashley
Carey, N.Y.
Clay
Corman
Dent
Diggs
Donohue
Dowdy
Edwards, La.
Esch
Frenzel
Frey
Fuqua
Garmatz
Gibbons
Goldwater
Grasso
Green, Oreg.
Griffiths
Halpern
Hanna
Hawkins
Heckler, Mass.
Helstoski
Ichord
Long, La.
McCulloch
McEwen
McMillan
Mathias, Calif.
Metcalfe
Michel
Mills, Ark.
Morse
Moss
Murphy, N.Y.
O'Hara
Pelly
Railsback
Runnels
Ruppe
Shoup
Sikes
Stuckey
Teague, Tex.
Terry
Vander Jagt
Veysey
Wilson, Charles H.
Wyatt

So the amendment was rejected.

Mr. DOWNING. Mr. Chairman, I ask unanimous consent to change my vote from "no" to "aye."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 7, line 4, strike out the period and insert the following: ": *Provided further*, That none of the funds authorized to be made available under the first sentence of this paragraph to support the purposes stated in clause (A) or (B) of such first sentence may be so used in any manner or to any extent with respect to Vietnamese, Laotian, or Thai forces, as the case may be, if the President determines that the government of South Vietnam, Laos, or Thailand, respectively, has failed to take appropriate steps to prevent narcotic drugs (as defined in section 101(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this proviso. In implementing the provisions of this proviso, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this proviso. Nothing contained in this paragraph or any other provision of law shall be construed to authorize the President to waive the provisions of this proviso."

Mr. HÉBERT. Mr. Chairman, I make a point of order against the proposed language as not germane to the bill. It refers to a subject not included in the bill, the matter of narcotic drugs, which is under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York wish to be heard?

Mr. RANGEL. Mr. Chairman, may I ask the distinguished chairman of the committee to allow me to explain the amendment and to reserve his point of order?

Mr. HÉBERT. I will reserve the point of order.

Mr. RANGEL. That is certainly appreciated. I thank the gentleman.

The CHAIRMAN. The gentleman from Louisiana reserves the point of order.

The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Chairman, I am certain that all of you are just as concerned as I am about the massive narcotics epidemic which has swept our country, eaten up the inner cities, and is now rolling into the suburban areas.

As Americans, we find ourselves not only being concerned about the danger narcotics poses to our children, but now also about the danger it poses to our fighting men who are putting their lives on the line in Vietnam.

The Bureau of Narcotics and Dangerous Drugs has reported that huge amounts of opium are grown and processed in the Far East and that much of it is beginning to be smuggled into the United States.

We have been fortunate enough in our august body to have Congressman MURPHY and Congressman STEELE visit the very nations that we are asked today to continue to give military and political support. They have been able to confirm that not only are several high officials of those countries involved in the trafficking of drugs but also that these governments and their high officials are using the very same equipment that we give them to preserve democracy to transport these drugs from area to area. Americans all over are demanding a response from the Congress of the United States, and the President himself today in a message to Congress called for an all-out offensive.

I believe that this amendment is germane because while most of the military aid bills that come before the House originate from the Committee on Foreign Affairs—which has jurisdiction over our State Department MAP program—nevertheless as the distinguished chairman pointed out earlier, all of the military assistance that goes to the countries that are listed in today's bill comes from the Armed Services Committee. We are asked today to vote on a bill, a section of which places a ceiling of $2.5 billion for military aid to the very nations that are cutting out the vitals of our youth in the United States and our fighting men abroad.

I say that if my amendment to this section of the bill is not germane, then this section itself is not germane.

All I ask in my amendment today is that we give the President the power to review whether these foreign governments are cooperating in curbing the production and trafficking of opium in their countries, and also that we give the President leverage to act against these nations if he believes they are not cooperating with us.

I cannot see how this is not germane, but I certainly will yield to the distinguished chairman of the Armed Services Committee.

Mr. MURPHY of Illinois. Mr. Chairman, I rise in support of the amendment of my colleague from New York (Mr. Rangel).

As my colleagues in the House know, the President has stated that present efforts and procedures to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national and world emergency and that he intends to take every step necessary to deal with this emergency; including asking the Congress for a budget amendment requesting an additional $155 million to carry out these steps. The President has also called for a coordinated Federal response. I can think of no other more effective weapon or special leverage than the Rangel amendment to give the President of these United States; especially in Southeast Asia. It would allow the President to see that the Vietnamese, Laos, and Thai forces begin clearing up the narcotics corruption among officials; therefore, I urge my colleagues to support the Rangel amendment.

Mr. HÉBERT. Mr. Chairman, I insist on my point of order that the legislation is not germane, that it refers to a subject matter not in the bill, and that it comes under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York care to speak to the point of order?

Mr. RANGEL. I am here, Mr. Chairman, to learn.

It seems to me section 401 provides a ceiling on the amounts of money we can provide to the nations named in this bill. Mr. Chairman, is that correct?

Mr. HÉBERT. I believe the gentleman should address himself to the Chair.

Mr. RANGEL. I was only asking for an interpretation of the bill which came out of your committee.

Mr. HÉBERT. My interpretation of the bill which came out of the committee is that this type of language is not germane to the bill. It refers to drugs, which were not included in the committee bill. This is not under the jurisdiction of the committee. It is under the jurisdiction of another committee.

Mr. RANGEL. On the question of whether or not this is germane, I suspect I will have to learn a lot in terms of becoming a parliamentarian and a good Congressman. If I correctly heard earlier one of the questions raised in connection with an amendment to the bill, the chairman responded and indicated that in 1966 these countries—Laos, Thailand, and Vietnam—were transferred from the Department of State to the Department of Defense, and the jurisdiction remains in this committee.

It just seems to me, Mr. Chairman, if we are prepared under the jurisdiction of your committee to give $2.5 billion to nations we know are trafficking in drugs, we may never have an opportunity, notwithstanding that this information has been gathered by the CIA, which has informed the Federal Bureau of Narcotics and Dangerous Drugs, and our two colleagues say they are offending us.

We are now asked to vote to give them $2.5 billion.

Mr. HÉBERT. I support the gentleman's objective, before the proper committee, but this is not the time or the place.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Louisiana.

Mr. RANGEL. A point of information, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule on the point of order raised by the gentleman from Louisiana.

Mr. RANGEL. I was just asking, before what committee would it be germane?

The CHAIRMAN (Mr. Rostenkowski). The amendment offered by the gentleman from New York provides that none of the military assistance funds authorized to be made available by this act for South Vietnamese, Laotian, or Thailand forces shall be used if the President determines that the respective governments have failed to take appropriate steps to prevent narcotic drugs produced or processed in such countries from entering the United States unlawfully.

The President is authorized to utilize other agencies and facilities of the U.S. Government to assist foreign governments in their efforts to accomplish this end.

The subject of narcotic drugs is not elsewhere introduced in the pending bill, and the Chair notes that the amendment would bring into contemplation agencies and departments of the Government other than those involved in the normal administration of the funds authorized by this bill. It would give the President authority and responsibilities which he does not have under existing law.

The Chair has examined a precedent of the 90th Congress, rendered when an amendment was offered to the foreign assistance authorization bill for fiscal 1967. That amendment provided that assistance to certain nations should be curtailed until the President determined and reported to the Congress that those countries have established tax reform measures.

The Chairman of the Committee of the Whole on that occasion, Mr. Price of Illinois, ruled that the amendment was not germane. Congressional Record, volume 113, part 18, page 23977.

The Chair holds that the amendment introduces agencies and concepts not appearing otherwise in the pending bill, rendering the amendment not germane. The Chair, therefore, sustains the point of order raised by the gentleman from Louisiana.

Mr. VANIK. Mr. Chairman, today, during the debate on H.R. 8687, the fiscal year 1972 Military Procurement and Research and Development Authorization Act, we will be called to pass on a number of important amendments to this $21.8 billion bill.

This is always a difficult bill for Members who are not on the Armed Services Committee to vote on. Our goal is to provide America with the strength, with the defense hardware necessary so as to provide a deterrent which will prevent the Armageddon of a third world war. It is also our goal, as representatives of of the American taxpayer, to provide this defense with a minimum of waste, a minimum of padding and budget fat.

In the past, there has been a tendency to accept the word of the committee on faith. Forunately, we are now beginning to see some real debate on the multibillion dollar issues involved in these defense bills. A number of members of the committee have developed a great deal of expertise in military affairs and have been able to accurately question some of the assumptions in the bill and to offer sound alternatives and amendments for the consideration of the whole House. Witnesses are appearing before the committee, who are not connected with the Department of Defense which we are supposed to be overseeing. These witnesses, such as Dr. Jeremy J. Stone, director of the Federation of American Scientists, have been able to provide expert independent testimony on some of the items in this authorization bill.

At a time when the world's two superpowers have a destructive capability equal to approximately 15 tons of TNT for every man, woman, and child on this planet, at a time when the United States is estimated to have the capacity to destroy the Soviet Union 10 times over, it is time that the Congress begin to assert some controls over what has been in the past an uncontrolled military expenditure.

As Secretary of Defense Laird has said:

> Since studies within the NSC (National Security Council) and the Department of Defense focus on requirements, there is a built-in tendency to request more resources than are available. . . . We cannot and should not expect the Department of Defense or the NSC to decide on the final allocation of resources between Defense and non-Defense activities. The President and ultimately the Congress must make these decisions.

Therefore, in general, I intend to support a series of amendments to this bill by members of the Armed Services Committee, which will have the effect of tightening up the defense budget and ending our involvement in the longest war of our history.

I will support the amendment by the gentlemen from Michigan (Mr. Nedzi) and Ohio (Mr. Whalen) which would prohibit the expenditure of new funds, after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. For years, while 50,000 Americans died in Indochina, we have been preparing the South Vietnamese to defend themselves. This amendment will force that Government to make the necessary reforms and effort to stand on its own two feet. Our complete withdrawal, while ending the dislocation of our domestic economy and the dissent which has torn the very fiber of our country, will not appreciably affect the fighting strength of the South Vietnamese, since the administration has already indicated the end of our active field operations by this fall. The amendment will not weaken our negotiating position in Paris. Indeed, it should provide a breakthrough in those talks by placing the burden of reciprocal action on the North Vietnamese. The end of our involvement in that war is the only possible way that our prisoners of war will be returned to us. Only after the French withdrew from Vietnam were their prisoners released.

The amendment is worded so that if the President determines that the limitation will not permit a safe withdrawal of our men and the return of our POW's by the end of this year, he may delay the date of termination. This amendment does not prohibit the continuation of military and economic assistance to Vietnam, Laos, or Cambodia. These nations will still be able to receive material necessary to maintain operations for their self-determination.

I supported the amendment offered by the gentleman from California (Mr. Leggett) to provide a modest 10 percent reduction in our troop strength in Europe—unless the President reports to Congress on reasons why this cannot be done. A 10 percent reduction in our 300,000 men in Europe—with their quarter of a million dependents—will not appreciably effect our fighting strength, while it will provide an American diplomatic initiative for achieving a general reduction in troop strength in Europe by both the Warsaw Pact and NATO. The Soviet Union has recently indicated its willingness to discuss troop reductions throughout Europe. We must welcome this development and take action to move it from the realm of discussion to the field of action. A minor troop reduction will place the burden on the Soviets to reciprocate.

I might add the Armed Services Committee's concern over the inordinate burden of NATO defense upon the United States is a welcome concern. As the committee pointed out in its report, the defense of Europe is costing us some $14 billion anually. I would like to enter into the Record a table prepared by the committee which shows the percentage of each NATO member's GNP devoted to defense.

DEFENSE EXPENDITURES—NATO COUNTRIES

Country	Military budget	Percent of gross national product
Belgium	$721,538,000	3.0
Canada	1,676,000,000	2.0
Denmark	365,187,000	2.5
France	4,899,000,000	3.6
Western Germany	5,990,928,000	3.2
Greece	471,000,000	5.5
Iceland	(1)	
Italy	2,650,841,600	3.0
Luxembourg	8,592,000	1.0
Netherlands	1,113,304,000	3.6
Norway	369,400,000	3.7
Portugal	367,117,000	6.5
Turkey	429,992,363	3.8
United Kingdom	5,471,959,200	5.0

[1] None.

At the present time our GNP devoted to defense is estimated at between 7.4 percent to 6.8 percent. In no case do any of the other NATO members spend as much on national security as we do. In most cases it is less than half our level of effort. At a time when the dollar is under heavy pressure throughout the world, particularly in Europe, we should ask our NATO partners to assume a large burden of the defense of Europe.

I also supported the amendment which sought to limit the authorization in the bill for procurement, research and development to the total authorized for these programs last fiscal year. Within this spending ceiling the Department of Defense would have been free to allocate funds to the projects it considered most important.

This amendment would have permitted an increase in these areas over last year's actual expenditures. This is true, because, while we authorized $19.9 billion last year, we appropriated only $18.6 billion. The amendment would have allowed a full appropriation within the authorization ceiling, which would more than make up for the decrease in purchasing power due to inflation.

This amendment was important for several reasons. For some time we expected that there would be a "peace dividend" once our involvement in Vietnam was wound down and terminated. Yet that peace dividend, so important for meeting the pressing domestic needs of the country, is being absorbed by new military hardware. And much of that hardware is of a very questionable strategic and technical worth.

It is my hope that a spending ceiling can eliminate some of the more questionable programs. But I will also support specific efforts to eliminate funding for the more questionable weapons systems.

As an example of the type of weapons system which is totally dispensible, I would like to discuss some of the features of the B-1 manned bomber program. This weapon system, designed to replace or supplement the F-111 and B-52 fleets, is conservatively estimated to cost $25 billion. It is probable that this figure is very low. Some estimates on the cost of developing a new manned bomber in this age of missiles place the figure at between $50 and $75 billion.

Do we need a new manned power? Is it a good weapons system? The bipartisan group, Members of Congress for Peace Through Law, have issued a report on the B-1 which concludes that the bomber is a virtually useless weapons system that will cost an enormous amount of money to develop. The report points out that—

> The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B-1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

In addition to the question of obsolescence, in an age of missiles, there is the question of whether we need this system in addition to our hardened land-missile system, and a mobile and nearly indestructible Polaris and Poseidon system. Further, the manned aircraft is one of the easier systems to defend against. There is a real question as to whether the planes would be able to get through to their targets. As the report of members of Congress for Peace Through Law notes—

> [The B-70 aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B-52 was considered to be too slow. After we initiated work on the B-70, however, they deployed large numbers of high altitude SA-2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B-70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B-52 G's and H's have been superior to the B-70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.
>
> But the SA-2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advanced planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft like the B-1].
>
> It is entirely reasonable to expect that when the B-1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Since it now seems clear that the life of the B-52 can be extended through modification and that that plane can be made more effective through the installation of "standoff" missiles, there is simply no reason to invest billions in a plane which has a questionable mission and a questionable ability to perform.

The bill before us contains a number of weapons systems whose usefulness is at least as questionable as the B–1. For this reason, I have supported amendments to cut the authorization level in the hope that a number of these projects can be deferred or canceled. I believe that we can get a better defense through a sounder use of the taxpayer's money.

Mr. BRINKLEY. Mr. Chairman, if the question were asked of the American people, "What is the work horse of the Army?" the overwhelming response would almost certainly be, "the helicopter." Because today Vietnam has made that fact plain. Equally clear is the fact that our Army without superior air mobility would lose its technical advantage to any major adversary.

This is why the Cheyenne helicopter is so important to the modern day Army and the role it must be equipped to play at home and abroad. The Cheyenne incorporates the power of a fullback with the quickness of a scatback; the punch of a heavyweight with the mobility of a lightweight; the dexterity of a purple martin with the sting of a red wasp. Ask anyone who has flown it. He will tell you. The Cheyenne is a truly amazing machine.

I flew the rigid rotor predecessor to the Cheyenne in 1967 at Baileys Crossroads. My exhilaration in its performance on that day matches my present enthusiasm and absolute advocacy for the procurement of the Cheyenne.

Along Shirley Highway we swooped upon an imaginary tank and pulled out with breathtaking dispatch. Its effortless ease of mobility, of ascending and descending, its acceleration and deceleration gave it unsurpassed maneuverability.

How valuable is this tool? Is its prices tag justified? My answer to the latter question is yes. To the former question, the essentiality of this weapon is vouched for by the Army's chief aviators and planners. I have full confidence in their judgment as well as utmost confidence in this splendid vehicle.

I trust that in the final version of this bill there will be authorization for $13.2 million for the Cheyenne.

Mr. ANDERSON of California. Mr. Chairman, I have read your Subcommittee on Sea Power's report on the "Status of Shipyards," and I want to commend you and other members of the committee for conducting hearings in this area, and for focusing attention on the conditions in our Nation's shipyards.

The Military Procurement bill, before us now, authorizes $3.3 billion for the construction and conversion of naval vessels.

It is my hope, Mr. Chairman, that the Department of Defense will follow the recommendations of your subcommittee, that—

> The procurement should be spread among yards after a thorough examination of all problems related to the construction of the particular type ship.

Mr. ZWACH. Mr. Chairman, we have been debating this Military Procurement authorization bill for 3 days, and many of us have unsuccessfully tried to bring the funding level down. Now we are about to vote on the requested authorization which is $3.3 billion more than last year's appropriation. With the large reductions in our military force and with the closing of bases throughout the world, we should be in the position to make substantial cuts this year. Instead, we have large increases which I cannot support.

I am also very dismayed that all of our NATO Allies spend a much smaller share of their gross national product for defense than does our country. This is a gross injustice to the already harassed American taxpayer.

Our country is asked to spend 7.4 percent of its gross production for defense. Compare that to 3 percent for Belgium; 2 percent for our neighbor, Canada; 2.5 percent for Denmark; 3.6 for France; 3.2 percent for West Germany; 3 percent for Italy; 3.6 percent for the Netherlands; and 5 percent for Great Britain. I cannot agree to putting the additional costs of defending our NATO partners on the backs of our people.

Mr. Chairman, for these reasons, I am compelled to vote against this legislation.

Mr. RANDALL. Mr. Chairman, I support H.R. 8687 on final passage as amended in Committee of the Whole.

Before commenting on its provision, I wish to compliment our new chairman of the House Armed Services Committee who managed the bill on the floor. It was most refreshing and encouraging to Members that in no single instance did he move to limit or restrict debate at any point during the discussion of the bill. He made such a promise when we commenced the bill and he kept his promise. Moreover, during all committee consideration of the bill, all Members will agree he conducted the hearings fairly. Members were not recognized on the basis of their seniority but rather in the order of their arrival in the committee room. Regardless of seniority, everyone on the committee had an opportunity to be heard. The record will show that nearly every member of the committee made some contribution to this procurement bill. Members were diligent in their attendance, probing in their questions, and exercised independence in their judgment.

I support H.R. 8687, not because I am a member of the committee but because it is necessary to our basic defense needs. The fundamental purpose of this bill is to provide for the future security of the United States. It is not for financing involvement in Vietnam. We must never lose sight of the fact in this bill we are talking about deterrents against aggression of the United States itself. And, moreover, we are talking about deterrence against aggression in the future, meaning in the late 1970's and 1980's.

Repeating, what this bill is all about is future preparedness of our country and America's ability to defend itself as much as a decade from now. The assistance provided for in this bill will start us on the path for an adequate national defense many years from now. I refer to such weapons as the Safeguard system, the B–1, SAM–D, the ULMS, AWACS, the F–15 and others.

Your committee has worked diligently to make significant reductions under the budget request. We cut $60 million from the Army's main battle tank. We eliminated $24.4 million from the Navy's request for transport aircraft for fleet logistic support—$13 million was deleted from the Cheyenne helicopter program, $12 million from the Navy's torpedo authorization. The largest single item of deletion was $860,000,000 for procurement of F–14 aircraft for the Navy. This was made without prejudice against the ultimate decision to go ahead with the aircraft. The authorization may be restored if the Navy can produce a strong justification for the aircraft.

Of course, there were some additions, particularly for the F–111 which is our only interim bomber and our only present capability until the B–1 comes into inventory. Repeating, the F–111 is all we have between the expiration of our aging B–52's and our new B–1 which is many years down the road.

We all realize that defense is expensive. But we should all recognize that a desirable defensive system if it is of any value must be ready by the time a threat becomes a reality. There is quite a substantial difference between a potential but nonexistent threat, and a visibly developing threat. That is why it is so very important to keep in mind the factor of long leadtime in any complicated weapons system. You can stop the development of a weapon system any time. But if you find you need it and do not have it, there is no way to buy the time that is lost.

Because of the unpopularity of the Vietnam involvement there is a tendency of many today toward becoming antimilitary. That is due to our involvement in the most uncertain war in our history which has been a terrible experience for all of us. This has led to confusion in the minds of our people, between our involvement in this particular war and our basic defense needs.

It would be easy to vote against defense programs. It would be the popular thing to do because public opinion is running high against all things having any relationship to the military. One could score some points with his constituents by voting against this bill. A vote for this bill will not only take hard judgment but also some courage when the time comes to have to explain the exercise of that judgment to the people. In other words, it may take guts to vote for this bill while an unpopular war is fresh in the minds of our people. But it is my conviction that providing for our national security rather than yielding to current changes of public opinion is the right decision.

Overall, H.R. 8687 deserves the support of every Member of the House. As we come to the end of debate, I clearly recall the thoughts of our late chairman of the Committee on Armed Services, who expressed about the same thought on defense posture and national security as our former Speaker, John McCormack. Both said in different words that, if ever a Member errs in his judgment, let us hope it will always be in favor of a strong defense posture. Put differently, what both of these distinguished gentlemen who are no longer with us meant is that it is much wiser to maintain a strong defense posture with weapon systems that are ready when we need them than to find we need them and not have them.

Mr. LINK. Mr. Chairman, I am voting nay on H.R. 8687, the Military Procurement bill. I do so after the failure of amendments by which Congress would have taken a positive position in directing withdrawal from the Indochina war.

I vote nay, because it is time for Congress to assert its voice in the conduct of the foreign and military policy of the United States. Since the Constitution authorizes Congress to declare war and to raise funds to carry out foreign and military policy, I believe this authority should be exercised in considering the military procurement bill. My thinking in this regard was fortified by the recent revelations about how the executive branch made decisions that led us into the Vietnam conflict.

We who supported a time certain to withdraw from Vietnam were told that doing so constituted a vote of no confidence in the President. I submit that positive congressional action toward this end undergirds the President's stated policy of withdrawal. I will continue to support the President's every effort to achieve this objective.

My concern about the President's position is his intention to maintain a residual U.S. force in Indochina. I think it is time for a clean break, and I believe the vast majority of the American people agree. Since all amendments expressing this point of view failed, I cannot, in good conscience, support H.R. 8687, which helps fund the Indochina war. We can no longer allow inconsistency and compromise to cloud our effort to end our involvement in that war.

I vote this way for the additional reason that I am persuaded by evidence presented during debate that the funds requested are in excess of adequate needs. Moreover, some of the money requested is for military equipment of questionable performance.

As we wind down the Indochina war, it seems implausible that the 1972 fund request should be $1.9 billion more than last year. With the welcome news from the White House that progress is being made at the Strategic Arms Control Treaty talks, the least we can do to underwrite our good intentions is not to increase military authorizations.

Even with an arms limitation treaty, we must maintain a strong, credible national defense. We cannot have that kind of defense by dissipating our efforts over the greater part of the globe and neglecting urgent domestic problems.

Congress must assert its rightful role in applying more reasonable criteria to our national defense requirements in full realization that a strong domestic economic and social structure is an integral part of national security.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not detain the House any longer—it is quite late—but I certainly would consider myself remiss if I did not take a few moments at this time to extend to you personally and on behalf of the Committee on Armed Services appreciation for the splendid manner, judgment, and patience which you have used in the chair during the last three trying days.

Mr. Chairman, I have not finished. I certainly want to express my very deep personal appreciation to LES ARENDS, the ranking minority member of the committee, and all members on the minority side as well as those on the majority side.

Ladies and gentlemen, I have been in this Congress for 31 years, and I do not think I have ever seen a bill conducted with such harmony and good spirits and good grace as we have this bill. It has been a pleasure, and certainly the committee and the staff are appreciative. The staff, consisting of Mr. Blandford, Mr. Slatinshek, Mr. Shumate, Mr. Ford, Mr. Cook, Mr. Morgan, Mr. Norris, Mr. Reddan, and every one of them right on down the line, have made it possible for us to come to the floor with the intelligence which we demonstrated and which you think we might have but which we certainly would not have without their arrangement of the music.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to my friend.

Mr. ARENDS. As my good friend, Dewey Short, used to say, "Mr. Chairman, it is a pleasure to do business with you."

Mr. HÉBERT. I thank the gentleman and congratulate all of the gentlemen on your patience for waiting so long. I tried my best to get you out of here as soon as possible.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 470, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 8687 to the Committee on Armed Services.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 332, nays 58, answered "present" 1, not voting 42, as follows:

[Roll No. 146]

YEAS—332

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum

Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—58

Abourezk
Abzug
Badillo
Barrett
Bingham
Bolling
Brasco
Burton
Chisholm
Collins, Ill.
Conyers
Dellenback
Dellums
Denholm
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Ford, William D.
Forsythe
Fraser
Green, Pa.
Gude
Halpern
Harrington
Hechler, W. Va.
Kastenmeier
Koch
Link
Mikva
Mitchell
Mosher
Nedzi
Nix
Obey
O'Konski
Pike
Podell
Rangel
Rees
Reid, N.Y.
Reuss
Roncalio
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Seiberling
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Wolff
Yates
Zwach

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—42

Broyhill, Va.
Carey, N.Y.
Clay
Corman
Dent
Diggs
Donohue
Dowdy
Edwards, La.
Erlenborn
Esch
Frenzel
Frey
Fuqua
Gibbons
Grasso
Green, Oreg.
Griffiths
Hanna
Hawkins
Heckler, Mass.
Helstoski
Long, La.
McCulloch
McEwen
Mathias, Calif.
Metcalfe
Michel
Morse
Moss
Murphy, N.Y.
O'Hara
Pelly
Railsback
Runnels
Ruppe
Shoup
Stuckey
Terry
Vander Jagt
Veysey
Wilson, Charles H.
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Carey of New York against.

Mr. Fuqua for, with Mr. O'Hara against.

Mr. Charles H. Wilson for, with Mr. Helstoski against.

Mrs. Green of Oregon for, with Mr. Clay against.

Mrs. Grasso for, with Mr. Metcalfe against.

Mr. Donohue for, with Mr. Hawkins against.

Mr. Shoup for, with Mr. Diggs against.

Mr. Stuckey for, with Mr. Morse against.

Until further notice:

Mr. Hanna with Mr. Pelly.

Mr. Corman with Mr. Erlenborn.

Mr. Moss with Mr. Wyatt.

Mr. Murphy of New York with Mrs. Heckler of Massachusetts.

Mrs. Griffiths with Mr. Vander Jagt.

Mr. Runnels with Mr. Ruppe.

Mr. Long of Louisiana with Mr. Broyhill of Virginia.

Mr. Michael with Mr. Mathias of California.

Mr. Edwards of Louisiana, with Mr. Veysey.

Mr. Gibbons with Mr. Frey.

Mr. McEwen with Mr. Railsback.

Mr. Frenzel with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may be allowed 5 legislative days in which to revise and extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL STATEMENT

Mr. FOLEY. Mr. Speaker, on Tuesday, June 15, on rollcall No. 134, I was absent. Had I been present, I would have voted "yea."

Mr. Speaker, on Wednesday, June 16, on rollcall No. 137 I was absent. Had I been present, I would have voted "nay."

Mr. Speaker, today, on rollcall No. 141, I was absent. Had I been present, I would have voted "nay."

ELECTION TO COMMITTEE

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (House Resolution 484) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 484

Resolved, That Edith Green, of Oregon, be, and she is hereby, elected to the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NARCOTICS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–131)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotics deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October, 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional $155 million to carry out these steps. This will provide a total of $371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from $30 a day to $100 a day. This is $210 to $700 a week, or $10,000 a year to over $36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than $2 billion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still not moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we can cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American lifestream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort succeed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives, and priorities, carry out programs though other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic redtape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under inter-agency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance instead of hoping for it. Agencies would receive money based on performance and their retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous application of the fullest penalties provided by law are two of the steps in rendering narcotics trade unprofitable. But as long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

To do this, I am asking the Congress for a total of $105 million in addition to funds already contained in my 1972 budget to be used solely for the treatment and rehabilitation of drug-addicted individuals.

I will also ask the Congress to provide an additional $10 million in funds to increase and improve education and training in the field of dangerous drugs. This will increase the money available for education and training to more than $24 million. It has become fashionable to suppose that no drugs are as dangerous as they are commonly thought to be, and that the use of some drugs entails no risk at all. These are misconceptions, and every day we reap the tragic results of these misconceptions when young people are "turned on" to drugs believing that narcotics addiction is something that happens to other people. We need an expanded effort to show that addiction is all too often a one-way street beginning with "innocent" experimentation and ending in death. Between these extremes is the degradation that addiction inflicts on those who believed that it could not happen to them.

While by no means a major part of the American narcotics problem, an especially disheartening aspect of that problem involves those of our men in Vietnam who have used drugs. Peer pressures combine with easy availability to foster drug use. We are taking steps to end the availability of drugs in South Vietnam but, in addition, the nature of drug addiction, and the peculiar aspects of the present problem as it involves veterans, make it imperative that rehabilitation procedures be undertaken immediately. In Vietnam, for example, heroin is cheap and 95 percent pure, and its effects are commonly achieved through smoking or "snorting" the drug. In the United States, the drug is impure, consisting of only about 5 percent heroin, and it must be "mainlined" or injected into the bloodstream to achieve an effect comparable to that which may have been experienced in Vietnam. Further, a habit which costs $5 a day to maintain in Vietnam can cost $100 a day to maintain in the United States, and those who continue to use heroin slip into the twilight world of crime, bad drugs, and all too often a premature death.

In order to expedite the rehabilitation process of Vietnam veterans, I have ordered the immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam. This procedure is under way and testing will commence in a matter of days. The Department of Defense will provide rehabilitation programs to all servicemen being returned for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotic addict. All of our servicemen must be accorded the right to rehabilitation.

Rehabilitation procedures, which are required subsequent to discharge, will be effected under the aegis of the Director of the Special Action Office who will have the authority to refer patients to private hospitals as well as VA hospitals as circumstances require.

The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

I am asking the Congress to increase the present budget of the Veterans Administration by $14 million to permit the immediate initiation of this program. This money would be used to assist in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting.

I am also asking that the Congress amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority under this act for the use of methadone maintenance programs. These programs would be carried out under the most rigid standards and would be subjected to constant and painstaking reevaluation of their effectiveness. At this time, the evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Finally, I will instruct the Special Consultant for Narcotics and Dangerous Drugs to review immediately all Federal laws pertaining to rehabilitation and I will submit any legislation needed to expedite the Federal rehabilitative role, and to correct overlapping authorities and other shortcomings.

ADDITIONAL ENFORCEMENT NEEDS

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides a sound base for the attack on the problem of the availability of narcotics in America. In addition to tighter and more enforceable regulatory controls, the measure provides law enforcement with stronger and better tools. Equally important, the Act contains credible and proper penalties against violators of the drug law. Severe punishments are invoked against the drug pushers and peddlers while more lenient and flexible sanctions are provided for the users. A seller can receive fifteen years for a first offense involving hard narcotics, thirty years if the sale is to a minor, and up to life in prison if the transaction is part of a continuing criminal enterprise.

These new penalties allow judges more discretion, which we feel will restore credibility to the drug control laws and eliminate some of the difficulties prosecutors and judges have had in the past arising out of minimum mandatory penalties for all violators.

The penalty structure in the 1970 Drug Act became effective on May 1 of this year. While it is too soon to assess its effect, I expect it to help enable us to deter or remove from our midst those who traffic in narcotics and other dangerous drugs.

To complement the new Federal drug law, a uniform State drug control law has been drafted and recommended to the States. Nineteen States have already adopted it and others have it under active consideration. Adoption of this uniform law will facilitate joint and effective action by all levels of government.

Although I do not presently anticipate a necessity for alteration of the purposes or principles of existing enforcement statutes, there is a clear need for some additional enforcement legislation.

To help expedite the prosecution of narcotic trafficking cases, we are asking the Congress to provide legislation which would permit the United States Government to utilize information obtained by foreign police, provided that such information was obtained in compliance with the laws of that country.

We are also asking that the Congress provide legislation which would permit a chemist to submit written findings of his analysis in drug cases. This would speed the process of criminal justice.

The problems of addict identification are equalled and surpassed by the problem of drug identification. To expedite work in this area of narcotics enforcement, I am asking the Congress to provide $2 million to be allotted to the research and development of equipment and techniques for the detection of illegal drugs and drug traffic.

I am asking the Congress to provide $2 million to the Department of Agriculture for research and development of herbicides which can be used to destroy growths of narcotics-producing plants without adverse ecological effects.

I am asking the Congress to authorize and fund 325 additional positions within the Bureau of Narcotics and Dangerous Drugs to increase their capacity for apprehending those engaged in narcotics trafficking here and abroad and to investigate domestic industrial producers of drugs.

Finally, I am asking the Congress to provide a supplemental appropriation of $25.6 million for the Treasury Department. This will increase funds available to this Department for drug abuse control to nearly $45 million. Of this sum, $18.1 million would be used to enable the Bureau of Customs to develop the technical capacity to deal with smuggling by air and sea, to increase the investigative staff charged with pursuit and apprehension of smugglers, and to increase inspection personnel who search persons, baggage, and cargo entering the country. The remaining $7.5 million would permit the Internal Revenue Service to intensify investigation of persons involved in large-scale narcotics trafficking.

These steps would strengthen our efforts to root out the cancerous growth of narcotics addiction in America. It is impossible to say that the enforcement legislation I have asked for here will be conclusive—that we will not need further legislation. We cannot fully know at this time what further steps will be necessary. As those steps define themselves, we will be prepared to seek further legislation to take any action and every action necessary to wipe out the menace of drug addiction in America. But domestic enforcement alone cannot do the job. If we are to stop the flow of narcotics into the lifeblood of this country, I believe we must stop it at the source.

INTERNATIONAL

There are several broad categories of drugs: those of the cannabis family—such as marihuana and hashish; those which are used as sedatives, such as the barbiturates and certain tranquilizers; those which elevate mood and suppress appetite, such as the amphetamines; and, drugs such as LSD and mescaline, which are commonly called hallucinogens. Finally, there are the narcotic analgesics, including opium and its derivatives—morphine and codeine. Heroin is made from morphine.

Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

To wage an effective war against heroin addiction, we must have international cooperation. In order to secure such cooperation, I am initiating a worldwide escalation in our existing programs for the control of narcotics traffic, and I am proposing a number of new steps for this purpose.

First, on Monday, June 14, I recalled the United States Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam, and the United Nations for consultations on how we can better cooperate with other nations in the effort to regulate the present substantial world opium output and narcotics trafficking. I sought to make it equally clear that I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments. We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

Second, United States Ambassadors to all East Asian governments will meet in Bangkok, Thailand, tomorrow, June 18, to review the increasing problem in that area, with particular concern for the effects of this problem on American servicemen in Southeast Asia.

Third, it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies. I will propose that as an international goal. It is essential to recognize that opium is, at present, a legitimate source of income to many of those nations which produce it. Morphine and codeine both have legitimate medical applications.

It is the production of morphine and codeine for medical purposes which justifies the maintenance of opium production, and it is this production which in turn contributes to the world's heroin supply. The development of effective substitutes for these derivatives would eliminate any valid reason for opium production. While modern medicine has developed effective and broadly-used substitutes for morphine, it has yet to provide a fully acceptable substitute for codeine. Therefore, I am directing that Federal research efforts in the United States be intensified with the aim of developing at the earliest possible date synthetic substitutes for all opium derivatives. At the same time I am requesting the Director General of the World Health Organization to appoint a study panel of experts to make periodic technical assessments of any synthetics which might replace opiates with the aim of effecting substitutions as soon as possible.

Fourth, I am requesting $1 million to be used by the Bureau of Narcotics and Dangerous Drugs for training of foreign narcotics enforcement officers. Additional personnel within the Bureau of Narcotics and Dangerous Drugs would permit the strengthening of the investigative capacities of BNDD offices in the U.S., as well as their ability to assist host governments in the hiring, training, and deployment of personnel and the procurement of necessary equipment for drug abuse control.

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Humanitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking. The drug problem crosses ideological boundaries and surmounts national differences. If we are barred in any way in our effort to deal with this matter, our efforts will be crippled, and our will subject to question. I intend to leave no room for other nations to question our commitment to this matter.

Sixth, we must recognize that cooperation in control of dangerous drugs works both ways. While the sources of our chief narcotics problem are foreign, the United States is a source of illegal psychotropic drugs which afflict other nations. If we expect other governments to help stop the flow of heroin to our shores, we must act with equal vigor to prevent equally dangerous substances from going into their nations from our own. Accordingly, I am submitting to the Senate for its advice and consent the Convention on Psychotropic Substances which was recently signed by the United States and 22 other nations. In addition, I will submit to the Congress any legislation made necessary by the Convention including the complete licensing, inspection, and control of the manufacture, distribution, and trade in dangerous synthetic drugs.

Seventh, the United States has already pledged $2 million to a Special Fund created on April 1 of this year by the Secretary General of the United Nations and aimed at planning and executing a concerted UN effort against the world drug problem. We will continue our strong backing of UN drug-control efforts by encouraging other countries to contribute and by requesting the Congress to make additional contributions to this fund as their need is demonstrated.

Finally, we have proposed, and we are

strongly urging multilateral support for, amendments to the Single Convention on Narcotics which would enable the International Narcotics Control Board to:

—require from signatories details about opium poppy cultivation and opium production—thus permitting the Board access to essential information about narcotics raw materials from which illicit diversion occurs;

—base its decisions about the various nations' activities with narcotic drugs not only as at present on information officially submitted by the governments, but also on information which the Board obtains through public or private sources—thus enhancing data available to the Board in regard to illicit traffic;

—carry out, with the consent of the nation concerned, on-the-spot inquiries on drug related activities;

—modify signatories' annual estimates of intended poppy acreage and opium production with a view to reducing acreage or production; and

—in extreme cases, require signatories to embargo the export and/or import of drugs to or from a particular country that has failed to meet its obligations under the Convention.

I believe the foregoing proposals establish a new and needed dimension in the international effort to halt drug production, drug traffic, and drug abuse. These proposals put the problems and the search for solutions in proper perspective, and will give this Nation its best opportunity to end the flow of drugs, and most particularly heroin, into America, by literally cutting it off root and branch at the source.

CONCLUSION

Narcotics addiction is a problem which afflicts both the body and the soul of America. It is a problem which baffles many Americans. In our history we have faced great difficulties again and again, wars and depressions and divisions among our people have tested our will as a people—and we have prevailed.

We have fought together in war, we have worked together in hard times, and we have reached out to each other in division—to close the gaps between our people and keep America whole.

The threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors. It is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs. We must try to better understand the confusion and disillusion and despair that bring people, particularly young people, to the use of narcotics and dangerous drugs.

We are not without some understanding in this matter, however. And we are not without the will to deal with this matter. We have the moral resources to do the job. Now we need the authority and the funds to match our moral resources. I am confident that we will prevail in this struggle as we have in many others. But time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1971.*

REINTRODUCTION OF A BILL TO PROVIDE MEDICAL DISCHARGES AND TREATMENT FOR DRUG DEPENDENT SERVICEMEN

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, a bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes.

As the author of the original House legislation on military drug addiction—which I am reintroducing today with 24 cosponsors—I thank those Congressmen who have taken my side on the major difference in current concepts of treating GI addicts. I am extremely pleased to see the number of my colleagues in the House who agree that it is impossible to have the armed services take the total responsibility for treating addicted service personnel. The mission of the Armed Forces is the protection of our country. It is not designed to have part of it splintered off to become a gigantic halfway house for drug abusers.

But the military and our Federal Government do have a responsibility to take care of its drug-dependent personnel. That is why, in my plan, the military addict would be physically separated from the armed services and bound over to the already existing Federal program for narcotic addicts under the authority of the Surgeon General. They in turn would provide treatment in our public health service hospitals, veterans hospitals, and any other appropriate public or private hospitals, clinics, and other facilities available to the Secretary of Health, Education, and Welfare for the care and treatment of drug-dependent persons.

The approach which I took in the bill I introduced on March 16, 1971, has been endorsed by our peer in narcotics legislation, Congressman CELLER of the House Judiciary Committee and by other Congressmen who have cosponsored my bill and who have doubts that GI addicts can be treated totally within the military services.

Both the Senate and the House are finally becoming aware of a problem that has been going on for years—not only in Vietnam, but in Korea, in Europe, and even in the continental United States—the use of all types of drugs by our servicemen. It has taken years of committee hearings, trips to Vietnam, reports and conferences to convince the Congress and the Pentagon to face this problem and provide an answer to it.

Based on my extensive studies and interviews with combat commanders, military doctors and psychiatrists—and the GI's themselves—I feel that my solution to this problem is the more realistic one and I urge the House Armed Services Committee to consider my proposal and the other proposals in hearings as soon as possible. I feel that feasible legislation should be reported immediately and sent to the floor for action.

This is too serious a problem to play with. We are dealing with the lives and deaths of tens of thousands of our sons and it is not a time to pass a bill hastily thrown together in reaction to a problem that most Members of Congress have become aware of only recently. I feel that we should act—and fast—but the House Armed Services Committee should hold legislative hearings on the proposals before it so that we are not forced into the position of accepting the hastily considered Senate amendment passed on Wednesday of last week which would put into law an eclectic approach that has already been tried and proven to be a dismal failure by the military.

I ask the many Members of the House who have concerned themselves with the military drug problem to join me in calling on the House Armed Services Committee for hearings. Many Members have introduced their own bills on this subject after much personal research and study. This knowledge should be presented to the proper committees of the House for consideration in hearings.

To accept the Senate amendment would be to surrender our legislative function in this most important area.

There have been no House hearings on these bills.

There has been no committee report.

There has been no floor debate.

My reading of the Senate amendment finds it fraught with questionable approaches, suppositions, conditions, and language. It would be a disservice to our men in arms if those of us in the House who have worked on this problem for so long were to accept what is put forth as a "solution" when it is really no solution at all. It would be a disservice to a nation that looks to us for leadership if we accepted a bad amendment because to eliminate it in these emotional times would be tantamount to a "vote against motherhood." It would be a disservice to this Congress to delude ourselves into thinking we had done something about this problem when we had actually done very little.

I most respectfully ask Members to join me in my effort to move the House to assume its full legislative responsibilities in this area.

Because of the cosponsor support I have received, I plan to reintroduce this legislation 1 week from today to accommodate those Members who wish to join me in supporting this approach. For those Members who are not familiar with this problem area and some of the different viewpoints concerning it, I include my "Dear Colleague" letter at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

"DRUG ADDICTED G.I.'S"

DEAR COLLEAGUE: I am writing to you regarding a bill I introduced on March 16, 1971, H.R. 6172, which concerned itself with the handling of drug abusers in the Armed Services. I feel that the crisis of drug abuse facing the military is beyond the capacity of the individual services to cope with. The mission of the Armed Forces of America is the defense of this country. They should not be forced into the business of rehabilitating thousands of drug addicts and multiple drug users. My bill would help solve the problem of weeding out those truly addicted and drug dependent servicemen and committing them to our Federal program for the treatment and rehabilitation of addicts.

Since I introduced H.R. 6172, which was the first bill introduced in Congress on the military drug offender, there have been other bills introduced on this same subject—but the bulk of them call on the military to provide treatment services. I feel that such an approach to drug addicted G.I.'s is not a sound one. I repeat that the mission of the Armed Services is the defense and protection of this country; we cannot turn the services into one vast rehabilitation center.

There are not enough hospitals.

There are not enough doctors.

And there are not enough supportive treatment personnel to set up such a system within the services.

I have studied this problem since 1966 when we first began to find addicted veterans returning from Vietnam. I have talked to military men including battle commanders, doctors, psychiatrists, and social workers. They all agree that the military cannot and indeed should not have the primary responsibility to deal with this problem.

That is why in my bill I call for the medical discharge of truly addicted servicemen and a civil (non-criminal) commitment to the already existing Federal program for the treatment of addicts set up by the Narcotic Addict Rehabilitation Act of 1966. That program has the facilities, the personnel, and the expertise to return the military drug addict to a useful life. Under my plan, the G.I. addict could be treated under confinement for up to 42 months which would discourage malingerers from escaping military service.

I am convinced that something must be done to help the Department of Defense out of a dilemma, which, in the main, it has inherited from civilian society. On the other hand we must protect society from those troops who became addicted for the first time or who became more addicted because they served in parts of the world where drugs are plentiful and cheap, such as Vietnam. Too many times these soldiers are given dishonorable discharges and returned home to spread even more addiction and commit crimes to support their drug habits.

The Supreme Court long ago recognized that addiction is an illness, and I feel it is time the military officially recognized that fact. My bill would accomplish this by allowing physical disability discharges for drug dependency and the treatment and care of these unfortunate young men. It would also allow him to receive veteran benefits after he is cured—which is not now the case.

I am convinced it is the most humane and sensible approach to our addicted soldiers. Because of this it has the support of medical people in the military both in the United States and in Vietnam.

In summary, my bill provides:

The physical disability separation from service of drug addicted and drug dependent military personnel. Presently, regulations require that drug addicts be discharged with something other than an honorable discharge.

The civil commitment of drug users to treatment under the Narcotic Addict Rehabilitation Act of 1966.

Penalties for drug offenses that are commensurate with those provided for in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The bill will make all of title III of the Narcotic Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service. This means that it provides for the same hearing and examination that NARA provides. Once the soldier is studied by the Department of Health, Education, and Welfare and found to be an addict, he is discharged to a hosiptal of the Public Health Service or any hospital or other facility of the Public Health Service especially equipped to handle drug dependent persons, or any other appropriate public or private hospital or facility available to Health, Education, and Welfare for the care and treatment of drug dependent persons.

Further, in the bill, the Uniform Code of Military Justice is amended so that in effect, I have established statutory penalty provisions applicable to drug offenses under section 934 of title 10 of the United States Code.

I think you will agree that the same progressive treatment of young drug offenders we provided for in the new drug law Congress passed in 1970 should apply to our young servicemen as well.

A 19-year-old serviceman who is an addict should receive the same treatment as a 19-year-old civilian.

Finally, I point out that the hit or miss, fragmented attempts of the Armed Services to meet this problem have not proven successful and the approval of setting up a whole new system of treatment programs in the services contained in the proposals now before Congress would take years to develop. We need to help these servicemen now. And we can do it quickest and best in the facilities that are already set up to accomplish this.

That is why we in Congress must recognize the disastrous nature of the drug abuse problem in the military and take immediate action to solve the problem. The situation is critical and demands the immediate attention of the Federal Government. The disastrous drug situation among the troops has spilled over into civilian life as the G.I.'s return home.

My bill would attack the drug problem not only in the military, but here at home where drug abuse and dependency has been compounded by returning servicemen who have become addicted and drug dependent while serving their country. Under present discharge procedures, these drug using troops are released back onto the streets of our cities and towns, unknown to local authorities. This is true in my own city of New York where "strung out" Vietnam veterans are turning up at Bellevue or in our police stations under arrest for drug related crimes.

My bill would stop this.

We should provide the very best of care for all of our returning veterans and this includes adequate treatment for drug dependency.

That is why I have decided to re-introduce my bill at this time to seek support from those who agree with my approach. I would welcome your co-sponsorship of this legislation. If you are interested in my plan to handle the problem of the G.I. addict, please have your staff call Carl Perian or Jim Larocca on Extension 5-6898 by June 24, 1971.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

A BILL TO PROVIDE MEDICAL DISCHARGE AND TREATMENT FOR DRUG-DEPENDENT SERVICEMEN

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, today I have the honor of joining with our distinguished colleague from New York (Mr. MURPHY) in sponsoring H.R. 6172 which provides for discharge and treatment of drug-dependent servicemen. This measure is a major step in curbing the mounting drug-abuse problem in the military.

Drug addiction in the military has reached crisis proportions. Easily accessibility and low cost combined with the emotional stress of combat have resulted in rampant use of drugs by our servicemen in Vietnam. We must assist the Department of Defense in this situation and we must remember that addiction is an illness and not a crime—a fact that the Supreme Court recognized long ago.

H.R. 6172 provides that a serviceman with a physical dependency on drugs should be recognized as suffering from an illness and not dishonorably discharged. He is given a physical disability discharge for his addiction and his treatment and veterans' benefits are insured. H.R. 6172 provides for treatment under confinement for up to 42 months, which would substantially discourage those who would use drug addiction as a method for escaping military service.

H.R. 6172 provides for penalties for drug offenses that are equal to those stated in the Comprehensive Drug Abuse Prevention and Control Act of 1970. The 1970 act also provides for progressive treatment of young drug offenders and I can see no difference between a young civilian addict and a young military addict.

I have spent a considerable amount of time studying the various proposals introduced on the escalating drug-abuse problem in the military and one of the main reasons I support this is that I share Mr. MURPHY's opinion that the prime duty of the military is the defense and protection of this country and not one of rehabilitating servicemen addicted to narcotics.

The armed services do not have enough hospitals, doctors, or supportive personnel to deal effectively with the problem, but the already existing Federal program for the treatment of addicts provided for in 1966 by the Narcotic Addict Rehabilitation Act does. H.R. 6172 provides for the civil commitment of drug users under this act.

The time to remedy the military drug problem is now, and it is my opinion that the proposals now before the Congress would take a great deal of time to develop. We simply cannot wait. We must use the facilities that are already set up to accomplish this and we must do this now.

If this bill is enacted into law, it will mean a positive and meaningful step toward curbing drug abuse not only among service personnel but also among the civilian population to which these drug-addicted servicemen have returned. We must relieve the military of the responsibility for extended treatment and rehabilitation of serious drug abusers. We must allow drug-dependent servicemen to be medically rather than punitively discharged. Under present discharge procedures serious drug abusers are discharged under conditions other than honorable and are returned to the community with their drug problem. It is far better to identify this man while still in the service, medically discharge him under the conditions of this bill that I have the privilege of cosponsoring today, and then remand him to a drug rehabilitation program within his own community rather than at a far distant military hospital.

While I have primarily directed my remarks to the need and provisions of this bill I would also like to address myself to the need for multiphased attacks upon drug abuse in the military. Rehabilitative efforts alone will not completely solve the military drug problem. Intensive drug-abuse education efforts must be developed and implemented so that each man who enters military service is made fully aware of the medical and physical effects of drug abuse. In addition to an accelerated program of drug-abuse education there is also need for intensified investigative efforts coordinated among the branches of the service to seek out and identify sources of supply of illicit drugs. I believe that these efforts coupled with the approach of this bill, to identify and then medically assist drug addicts and drug-dependent men, will result in curbing the drug-addiction problem within the military.

CAPITOL PAGES TAKE TO THE FIELD

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, let it go down in history that the first annual junior-senior Capitol page softball game was held in Bowie, Md., last Saturday, June 12, 1971. Needless to say, it was a good game for the seniors. After all, they have to take some memories home with them, and the 15-to-10 victory over the juniors will be one.

It all started when Archie Nahigian and Bob Bergin combined forces on Saturday morning, the 5th of June, and called all the juniors and seniors with hopes of organizing a softball game. With such leadership—as well as a promise of a home-cooked meal from Mrs. Bergin—all involved knew there would be a good game. And it was, with the juniors winning 16 to 3 over the seniors. However, there was only one problem. This game did not count as a victory for the juniors because Craig Black was the senior pitcher. And so, a rematch was called for the following Saturday, June 12. This game would be the first annual junior-senior Capitol page softball game. What with such a smashing victory over the seniors the previous week, the juniors could not possibly realize what could happen in a rematch.

The second softball game on Saturday, the 12th—which the seniors consider as the first official game since they were overwhelmingly defeated in the previous week—was ironic in comparison to the first game. Every junior had his worst day ever; the seniors' ability remained the same. For example, juniors Peter Thompson and David Bianchi committed a combined total of three errors yielding five unearned runs. Brian Jones' pitching did not help the matter either—he gave up two home runs to Bob Bergin on top of a myriad of hits. However, had it not been for Desi Drotos, Dohn Larson, Gary Earle, and John Van Zile, the juniors would not have scored their 10 earned runs. Also, Bob Bergin's brother, Peter, saved the juniors from falling still further in the hole with two fantastic plays at third as well as three RBI's.

As for the seniors—well, as previously stated, they stayed the same—or tried to stay the same. John Andrews and Archie Nahigian helped the juniors more than any junior was able to assist his team. Pitching nearly the entire game, John yielded 10 earned runs on twice as many hits, committing two errors; Archie made one error, but, sorry to say, it did not help the juniors. Had it not been for some fantastic fielding and hitting by seniors Mike Malbrough, Raymond Potts, Brad Walker, Geoff Perselay, and Glenn Harden, the seniors would never have been able to "pull off" such an untimely victory.

But all is well that ends well. The juniors can claim a handicap, however. They did have one less man than the seniors. John Andrews and Archie Nahigian did equalize the situation with their "fine plays." But wait until next year—the juniors shall rise.

THE HOUSE DEMOCRATIC STEERING COMMITTEE UNANIMOUSLY ENDORSES A COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, at a meeting of the House Democratic Steering Committee yesterday afternoon, discussion was held on the Comprehensive Health Manpower Training Act of 1971 and also the pending Nurses Training Act of 1971. Both of these bills were reported out of the House Rules Committee on Tuesday of this week and will be considered on the floor of the House in a few days.

Members of Congress are familiar with the critical shortage of doctors and nurses throughout the Nation in both urban and rural areas. The American Medical Association, State medical associations, nurses' associations, and hospital associations are all unanimous that the lack of medical training schools for doctors and nurses are approximately 25 years behind the times and the health of the Nation depends on a united effort by government, medical people, and the public to cooperate as a unit in a mass effort to relieve the shortage of doctors, nurses, and medical facilities. The steering committee heard from Congressman STAGGERS and Congressman PAUL ROGERS, who are chairmen on committees that held extended hearings on the Nation's serious health crisis. The steering committee also heard from Chairman TORBERT MACDONALD in an informative report on legislation to limit the fabulous amount of money political parties and candidates are using to purchase nominations and win elections throughout the Nation.

Mr. Speaker, I incorporate with my remarks the resolution unanimously adopted by the steering committe endorsing H.R. 8629. The Nurse Training Act of 1971 was also endorsed by the steering committee at its session yesterday. The resolution follows:

ENDORSEMENT OF H.R. 8629

Be it resolved by the House Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, a bill to amend Title VII of the Public Health Service Act to provide increased manpower and medical facilities for the health professions.

MORE ON TIDELANDS ISSUE

(Mr. HÉBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HÉBERT. Mr. Speaker, the tenacity of George W. Healy, Jr., editor of the Times-Picayune, is evident again in his determined effort to keep the tidelands issue before the Congress and to get a long overdue settlement to the problem.

Under the title, "Twin Needs: Oil, Tidelands Action," Mr. Healy again reviews the situation in an editorial in the June 13 issue of his paper.

An understandable reaction to his previous writings on the subject is from a surprisingly large number of non-Louisianians who say they want the States to get an equitable portion of offshore revenues.

This suggestion is the end toward which I and the other members of the Louisiana delegation have worked—that all States be treated equitably.

Editors who read Mr. Healy's comments responded that they were under the impression that the issue had been settled long ago.

The realistic attitude is that it took the confusion a long time to get developed and it will take a long time to get things unconfused.

The Louisiana delegation and the Congress welcome any assistance other States can provide in the interest of getting this problem solved once and for all.

I want to insert at this point Mr. Healy's editorial which follows up the previous material in the RECORD on this situation:

TWIN NEEDS: OIL, TIDELANDS ACTION

President Richard M. Nixon during the past week gave another reason why generation-old differences between federal and state governments should be settled promptly.

Differences to which we refer, of course, are those regarding revenue from offshore minerals deposits.

The President's first message to the Congress on national energy policies urged utilization of new sources of energy *and increased development of offshore oil fields.*

Coastal states off whose shores oil now is being produced are being penalized by inequities resulting from federal-state differences. If President Nixon's recommendations are followed, fields will be developed in waters off many more states touching two oceans, the Gulf of Mexico and the Great Lakes.

Unless existing practices are changed, the discrimination which has been experienced by several states for years will be felt by many others states from Maine to Hawaii and Alaska.

These states will learn what Louisiana has learned and continues to learn the hard way: that providing education, police and fire protection and hundreds of other necessary and costly services for residents who operate offshore rigs and platforms while receiving no revenue from those operations is an unjust burden.

Present law discriminates most heavily against Louisiana. That is because more oil is produced off the coast of this state than off the coasts of California, Texas and Alaska. On the basis of latest available figures, Louisiana offshore wells are producing 277,400,000 barrels of petroleum per year: California, 9,940,844 barrels, and Texas, 798,110 barrels.

Figures on production off other states were not available in Washington this past week. It is certain, however, that offshore exploration is increasing almost everywhere, thanks in a large degree to equipment and techniques developed off Louisiana.

This widespread exploration, we expect, will result in the vastly increased offshore production which President Nixon urges.

Some public officials say that "everything has been done which can be done" to end the inequity which exists in the use of revenues from offshore minerals production. We do not agree.

True, Louisiana has hired competent special counsel to litigate in its behalf. Prolonged litigation hasn't settled the federal-state differences; and there is no indication that further litigation will settle them. "Blue ribbon" committees haven't settled them; and there is no reason to expect that more "blue ribbon" committees will settle them.

Congressional action can and should end these differences.

Members of the Louisiana delegation in Washington doubtless have worked hard to try to settle them. That delegation in the past, however, did not hold the powerful places in the Senate and in the House of Representatives that four of its members hold today. Need for settlement never has been as acute as it is today.

Now, we contend, is the time for concerted action toward having the Congress settle the differences. The Congress can accomplish this with justice and with speed. It should apply to revenues from offshore lands which the federal government claims the same sharing formula that it applies to federal lands within state boundaries.

This would assure the coastal states at least a substantial portion of the offshore revenues. It would be a kind of revenue-sharing at its best.

It is a worthy goal which we are confident can be accomplished; but it won't be accomplished if we rely on politicians who say it can't be done to provide the leadership and do the work that are essential to end the differences.

Complete faith in the justice of the coastal states' position and determination and hard work on Capitol Hill will succeed, in our opinion.

Let's have that determination and hard work, now!

EMERGENCY COMMUTER RELIEF ACT OF 1971

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, on February 25, I introduced the Emergency Commuter Relief Act of 1971. This bill would provide financial assistance on a short-term basis to assure the retention of adequate urban mass transit by State and local governments.

The Urban Mass Transportation Act, Public Law 91–453, provides for long-term solutions to some of our critical mass transit needs. In the interim, however, transit fares are increasing throughout the Nation in response to ever-escalating costs. Transit riders are forced to pay more for their transportation but rarely receive service improvements as a result.

Within the past 11 months, 769,000 daily railroad commuters riding 24 different railroad lines in several large metropolitan areas have been confronted by requests for fare increases. Seventeen such requests have been approved and put into effect. Consequently, commuter tickets have increased in cost anywhere from 5 to 75 percent per trip. Many passengers are outraged at these increases. Railroad managers, however, contend fare increases are necessary in order to reduce railroad operating deficits. All too often, it is a self-defeating proposition since the increase drives away a certain percentage of the clientele.

Railroad commuter systems experienced a moderate 1-percent increase in ridership in 1970 over 1969, while revenues increased by 6.6 percent. In 1970, 4,592,000,000 passenger miles were attributable to commuter trains, an increase of 36 million over the 1969 figure of 4,546,000,000. Commuter revenue for 1970 was $172,301,000, an increase of $10,725,000 over the 1969 revenue of $161,576,000. This is another indicator that people are paying more to ride commuter trains.

It is my opinion that under present conditions, the automobile is not the most appropriate vehicle for moving masses of people into and out of our congested cities. Transit ridership must be increased for the very survival of our smog-choked and traffic-snarled cities. Passage of the Emergency Commuter Relief Act would assist materially in establishing reasonable fares and decent services on these systems.

For the benefit of my colleagues, I wish to insert in the RECORD, a list of the railroad commuter lines on which a fare increase has been put into effect, or applied for. I am certain a similar situation exists with regard to bus and rapid-rail systems. The list follows:

COMMUTER FARE INCREASES

Date of Request	Railroad	Metropolitan area	Fare increase (percent)	Number of daily riders
Requests pending:				
May 13, 1971	Southern Pacific	San Francisco	10	11,500
May 3, 1971	Pennsylvania-Reading Seashore Lines	Philadelphia-New Jersey	10	200
May 1, 1971	Illinois Central	Chicago	7	2,000
Mar. 30, 1971	Erie-Lackawanna	New Jersey-New York	15	45,000
Mar. 10, 1971	Burlington Northern	Chicago	6	320,000
Soon to be announced	Long Island	New York	[1] 10	260,000
Requests approved:				
May 29, 1971	Milwaukee Road	Chicago	5–10	23,000
May 1, 1971	Penn Central	New York (Hudson Line)	25	13,000
Do	do	New York (Harlem Line)	10	29,000
Do	do	Chicago	25	400
Do	Chicago & North Western	do	7	90,000
Apr. 5, 1971	Baltimore & Ohio	Baltimore/Washington	7	1,000
Apr. 1, 1971	Chicago, South Shore & South Bend	Chicago-Northern Indiana	75	9,000
Do	Penn Central	Baltimore/Washington	25	250
Mar. 1, 1971	do	Philadelphia	10	70,000
Do	Reading Railway	do	10	48,000
January 1971	Central of New Jersey	Intrastate New Jersey	15	30,000
Do	Penn Central	do	25	7,000
December 1970	do	New Jersey-New York	25	26,000
November, 1970	Baltimore & Ohio	Pittsburgh	10	1,000
Nov, 1, 1970	Chicago, Rock Island & Pacific	Chicago	6	26,000
Sept, 1, 1970	Boston & Maine	Boston	10	25,000
August, 1970	Erie-Lackawanna	Cleveland	35	250
Requests withdrawn voluntarily by railroad:				
Feb, 15, 1971	Grand Trunk Western Railroad	Detroit	5–10	1,400
Total number of riders affected				769,000
Total number of fare increases				23

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[1] The anticipated Long Island Railroad fare increase will be at least 10 percent.

ATTENDANCE SOUGHT FOR NEWSMEN AT SOVIET TRIALS OF JEWS

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, last December, the House enacted House Resolution 1336, to protest against the continued injustices to which the Jewish people in the U.S.S.R. have been subjectd by that Government. It can be presumed that this and other protests which were raised in other countries had considerable influence in the Soviet decision to commute the death sentences that had been imposed on two of the Jewish defendants in the Leningrad trial that month.

Since then, the Soviets have continued a series of trials involving Jewish defendants who have expressed a desire to emigrate. These trials have been conducted under conditions that have caused great concern on the part of citizens of all faiths throughout the world. There have been many reports of the harassment of representatives of the American press when they have sought to observe these proceedings. The most recent trial at Riga, in which four Jews were found guilty of anti-Soviet activity and sentenced to terms ranging from 1 to 3 years in prison camps, was moved without notice and at the last moment to a new and inaccessible location, in effect barring foreign observers and press from viewing it.

The next trial is scheduled to begin on June 21, at Kishinev, Moldavia. As the one guarantee that the defendants will have a fair trial is the presence of outside observers, I have today directed a letter to the Secretary of State to urge every appropriate action on behalf of our journalists and correspondents so that they might be assured access to its proceedings.

I am gratified to have the support of 55 Members of the House in this effort, and am pleased to include here the text of the letter to Secretary of State William P. Rogers, and the list of signatories:

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to urge that every effort be made by the United States Government and our Embassy officials in the Soviet Union to aid those members of the U.S. press corps who will be seeking access to the forthcoming trial at Kishinev, Moldavia, scheduled to begin next week, on June 21.

We are greatly concerned with the conditions under which the recent trials, involving Jewish defendants who have expressed a desire to emigrate, have been held, as well as with the reports that accredited members of the press who have attempted to observe them have experienced considerable harassment. The steps taken by the Soviet Government to obstruct the entry of outside observers to the recent trial of Jewish defendants in Riga have served to intensify our concern, and that of Americans of all faiths, that the Jewish people in the USSR are being denied fair and equitable justice.

As the Congress has clearly put itself on record in support of efforts to insure justice for Soviet Jewry, and as international public opinion has proved to have considerable effect in this regard, as witnessed by the commutation of the death sentences in the Leningrad trial last December, we think it critical for the U.S. to continue to make its concern known, and to provide the members of the press every possible assistance in their efforts to observe the proceedings of the forthcoming trial at Kishinev. Their presence will not only help alleviate the growing concern which the secrecy of these trials has caused, but it is also the one guarantee that the defendants will receive a fair trial.

We are most grateful for your cooperation and assistance, and hopeful for the success of your efforts.

Sincerely,

F. BRADFORD MORSE,
Member of Congress.

ADDITIONAL SIGNERS

Bella S. Abzug of New York.
Joseph P. Addabbo of New York.
William R. Anderson of Tennesee.
Herman Badillo of New York.
William A. Barrett of Pennsylvania.
Mario Biaggi of New York.
Jonathan B. Bingham of New York.
John Brademas of Indiana.
Frank J. Brasco of New York.
Goodloe E. Bryon of Maryland.
George W. Collins of Illinois.
James C. Corman of California.
William R. Cotter of Connecticut.
R. Lawrence Coughlin of Pennsylvania.
Philip M. Crane of Illinois.
Edward J. Derwinski of Illinois.
Robert F. Drinan of Massachusetts.
Bob Eckhardt of Texas.
Joshua Eilberg of Pennsylvania.
Dante B. Fascell of Florida.
Edwin B. Forsythe of New Jersey.
Donald M. Fraser of Minnesota.
Bill Frenzel of Minnesota.
Edward A. Garmat of Maryland.
Ella T. Grasso of Connecticut.
William J. Green of Pennsylvania.
Michael Harrington of Massachusetts.
James Harvey of Michigan.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Louise Day Hicks of Massachusetts.
Frank Horton of New York.
Edward I. Koch of New York.
Peter N. Kyros of Maine.
Paul N. McCloskey of California.
Mike McCormack of Washington.
Parren J. Mitchell of Maryland.
Lucien N. Nedzi of Michigan.
Robert N. C. Nix of Pennsylvania.
Claude Pepper of Florida.
Bertram L. Podell of New York.
Donald W. Riegle of Michigan.
Howard W. Robison of New York.
Peter W. Rodino of New Jersey.
Benjamin S. Rosenthal of New York.
William F. Ryan of New York.
James H. Scheuer of New York.
Fred Schwengel of Iowa.
Garner E. Shriver of Kansas.
Louis Stokes of Ohio.
Morris K. Udall of Arizona.
Bob Wilson of California.
Wendell Wyatt of Oregon.
Sidney R. Yates of Illinois.
Gus Yatron of Pennsylvania.

SOCIAL SECURITY—MEETING ITS COMMITMENTS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, during recent months, a few critics have focused considerable attention on the increase in social security taxes, the impact of the program on middle income groups and the tremendous burden on the younger worker. Those who assail the social security system talk only about the taxes and completely disregard the benefits.

First of all, one half of today's social security retired beneficiaries, 9 million older people, would have no other significant retirement income if it were not for social security. For the other 13 million, social security is the major source of retirement income. Less than 5 percent of those on social security would be able to afford modest retirement without social security benefits.

Today, 95 million people are covered by the social security program. These citizens and their employers will contribute $40 billion into the social security fund in 1971. This figure excludes $7.7 billion for medicare. The workers and their employers buy social security protection for almost 100 million workers for $40 billion per year. What does the worker and his employer get for the average $200 per year payment each make for social security insurance?

By this insurance payment, millions of young workers are substantially relieved of having to support their elderly parents whose benefits can range up to $213 per month for the retired worker himself and $320 for a retired couple. Under life expectancy tables, a married worker retiring today at 65 would be expected to live 13 years and his wife 3 years longer. In this period of time, and not counting cost of living increments, the retirement benefits would total $33,244 for the husband and $22,962 for the wife. Under this year's proposed social security bill, the benefits would total $68,839. How many young Americans would be able to pay for this level of support for their parents if there were no social security system?

In spite of all its problems the medicare system is the largest payer of medical bills in the world. In 1971, $5.2 billion will be collected from employers and employees for hospital insurance, while $2.5 billion will be paid into the doctors medical insurance fund. From these funds $8.4 billion will be paid on the claims of about 12 million elderly citizens. This $8.4 billion burden would otherwise have to be borne in large part by the children of the elderly.

The costs of health care and support of elderly parents would descend upon the younger worker at a time when he must face the heavy burdens of supporting his family and completing the education of his children.

The average young worker at age 35, with maximum earnings under social security, and his employer pay $115 per year each, or a total of $230 per year for survivor and disability insurance under social security. Without regard to escalators, this insurance has a value of $75,000 to $100,000 depending on average earnings. If he should die, his widow and two children would receive up to $517 per month until the children reach 18 or 22 if attending school. These payments are subject to escalation under H.R. 1, the social security bill now before Congress.

If this worker is disabled, he and his family would receive about the same amount for the period of his disability. At the maturity of his children, his benefits would drop to $295.40 per month. These benefits are also subject to escalation under H.R. 1, the social security bill now before Congress. In addition, under H.R. 1 Medicare would assume the major cost of his medical expense in turn for a slight increase in the tax payment.

Under the automatic adjustment provisions of H.R. 1 now being considered by Congress, a worker of 35 retiring at age 65 and married would receive $1,215.90 per month at the time of retirement for himself and his wife. Ten years later, their benefits will increase to $1,530 per month. With an average life expectancy, this worker and his wife could receive a total of $249,480—a quarter of a million dollars.

Today's 35 year old worker retiring at age 65 would receive the following schedule of benefits for himself and his wife. All of these projections of benefits are based on the conservative assumption that the cost of living will be increasing by 2.3 percent per year over the long term, and that the wage levels will increase over the long term by 4.5 percent.

COUPLE'S MONTHLY BENEFITS OF WORKER NOW 35 RETIRING AT AGE 65 UNDER PROPOSALS OF H.R. 1

Retiree's age	Worker's benefit	Couple's monthly benefits
65	$810.60	$1,215.90
66	810.60	1,215.90
67 and 68	848.70	1,273.10
69 and 70	888.60	1,332.90
71 and 72	930.40	1,395.60
73 and 74	974.20	1,461.30
75 and 76	1,020.00	1,530.00

In the past 4 years, and under H.R. 1, social security benefits will have increased across the board by 50 percent.

INCREASES IN CASH BENEFIT

Amendments	Effective date of increase	Benefit increase (percent)	Cumulative increase (percent)
1967	February 1968	13	13
1969	January 1970	15	30
1971	January 1971	10	43
1971	June 1972	5	50

When we consider the other benefit improvements, like the increased widows' benefits, disability benefits, and the retirement test, increases in the social security package total 70 percent in the last 4 years.

INCREASES IN SOCIAL SECURITY CASH BENEFIT PROTECTION

[In percent]

Amendments	Increase in protection	Cumulative increase
1967	14.5	14.5
1969	14.2	30.1
1971	10.0	43.8
1971	18.0	70.0

When we add the value of medicare coverage which is estimated to increase total coverage between 30 to 36 percent, it can readily be seen that social security benefits including medicare have increased by over 100 percent in the past 5 years.

Nowhere in America, or anywhere else in the world, can comparable insurance be bought. No private insurance program today provides a cost of living escalation in benefits. Social security is the best insurance investment for every worker in America.

SHARPSTOWN FOLLIES—ACT II

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks at this point.)

Mr. GONZALEZ. Mr. Speaker, we have had the salad oil scandal, and the case of the fertilizer king, and now we have the great Sharpstown Follies. As you recall, Mr. Speaker, act I of the Sharpstown Follies involved the machinations and manipulations of Frank Sharp, who was a homebuilder, banker, insurance man, philanthropist, man about town, and fraud.

Frank Sharp bought and systematically looted companies. Through stock manipulation schemes it is alleged he endeavored to enrich high officials of the State of Texas, who might or might not have known what was happening, or why, just as the Jesuit priests he defrauded of millions might or might not have known that their supposed benefactor was stealing them blind. After all of this was revealed, the Sharpstown State Bank collapsed, with a loss of millions. And it appeared that Frank Sharp was destined to face trial and perhaps a long jail sentence.

That was act I of the Sharpstown Follies. Act II has now started.

Mr. Speaker, some weeks ago I discussed in great detail how Frank Sharp and his associates built and milked a financial empire. I discussed how this man bought and sold insurance companies, and made deals with high officials in Texas, how he manipulated stocks and defrauded people, the very companies he owned, and even a Jesuit school. Millions of dollars disappeared into the mysterious world of Sharpstown, the town that Sharp built, and into Sharpstown State Bank, which he owned.

Now we learn that this man, who surely was one of the great manipulators of his time, has been permitted to plead guilty to lesser offenses, and has been assessed a fine of $5,000.

This is less than a slap on the wrist.

Obviously, the big fish has been let off the hook by the Department of Justice. We have a right to ask why.

Well, for one thing, it is possible—and very likely—that the Department of Justice has decided it would rather go after some political figures rather than the man who seemingly tried to influence those same men. They have made a deal with Frank Sharp—help us indict these Democrats, and we will let you off with a little old fine.

Now we are told that Will Wilson, who was once a Democrat, and who once aspired to be Governor of Texas, but who is now a Republican and in charge of the Criminal Division at the Department of Justice, has disqualified himself from the case of Frank Sharp. Why? Well, because he was once an associate of Sharp—and was attorney for Sharp in some of the very deals that Sharp has been indicted for.

But perhaps there is more to this than meets the eye. Did Will Wilson ever trade in the stocks that Sharp manipulated? Could it be that the Department of Justice wants as little known about this phase of the deals as possible? And is not it likely that one way to cover this up would be to go after democratic politicos and ignore Sharp himself?

One wonders why it is that the Deputy Attorney General himself is making the deals in this case. One wonders why it is that the local U.S. attorney mysteriously cut the Securities and Exchange Commission out of his plea bargainings with Sharp, despite the protests of the SEC. This same attorney had just a few weeks ago been extraordinarily zealous in prosecuting some rural small time Democratic officials—why is he now not so zealous in prosecuting Frank Sharp? One explanation could be that he is a specialist in catching little fish. But it is far more likely that he is not so much interested in the big fish in this case, but in the rich political possibilities involved in prosecuting highly placed State officials who may or may not have known about what Sharp was doing or trying to do. And incidentally, at the same time, saving his boss, the Assistant Attorney General for the Criminal Division, and former Sharp associate, the embarrassment of having to own up to his own dealings with Sharp, and the stocks that Sharp manipulated.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has the greatest length of railroad as of 1966 with 210,573 miles of track.

INCREASE IN INTERPOL DUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, in company with the gentleman from New York (Mr. CELLER), I have introduced a bill to authorize an increase in the U.S. dues for the International Criminal Police Organization—Interpol. The bill would raise the ceiling on dues from $28,500 to $49,000, and would also provide for the payment of the outstanding Interpol dues balance of $20,170 for the calendar year 1970. The dues paid by the United States will be only about 6 percent of the total amount of dues payable to Interpol and is equivalent to the individual shares to be paid by France, Germany, the United Kingdom, and Italy.

I include at this point in the RECORD a descriptive statement of Interpol, its makeup, its purposes, the nature of U.S. participation, and the benefits we derive from our membership:

International Criminal Police Organization—Interpol

The International Criminal Police Organization (Interpol), comprised of 109 member countries, is represented in the United States by the Treasury Department. Each participating country appoints a corresponding National Central Bureau to coordinate and channel their enforcement agencies foreign investigative requirements. For example, in the United Kingdom the N.C.B. is a part of Scotland Yard; in France, it functions as a branch of the Surete Nationale; in Australia, all foreign requests are handled by the Melbourne Police Department.

The purpose of Interpol, as stated in its Constitution, is:

"A. To ensure and promote the widest possible assistance among all criminal police authorities within the respective limits of the laws existing in their countries . . ."

"B. To establish and develop all institutions likely to contribute effectively to the prevention and suppression of crime."

Therefore, Interpol, is the catalyst which enables the police of the world to effectively coordinate their work in law enforcement and crime prevention.

In practical terms, Interpol is the tool and means by which any police agency, whether it be local, county, state or Federal, having a requirement for foreign investigation, from a routine criminal name check to a full criminal investigation leading to the gathering of evidence and subsequent arrest and extradition of a fugitive, can communicate their needs.

The Organization, however, is forbidden to undertake any intervention or investigation of cases having a political, military or religious character.

During the past two years, Interpol Washington's emphasis has been on advising and encouraging, not only the Treasury and other Federal enforcement agencies of the services of the Organization, but also educating the local police departments on the potential benefits to be obtained considering today's jet age in which the sophisticated criminal finds no national boundaries too distant to commit his offense. Prior to 1969, cases referred by this N.C.B. on behalf of United States enforcement agencies amounted to only 4% of the total case load of this Bureau. During Fiscal 70, 34% of the case load was on behalf of United States interests. The New York City and Los Angeles Police Departments, as well as others, refer all their foreign requirements through this N.C.B.

Interpol Washington, located at the Main Treasury Building in Washington, D.C., has telex capabilities to communicate directly with 41 member countries and cable facilities to the remaining countries. In addition, our National Central Bureau has access to the Interpol International Radio Network consisting of all the member countries on the European Continent, as well as many in South America, Africa and Asia.

There are, moreover, special additional benefits for the United States incident to membership in the Organization. These arise from the fact that Treasury and Justice law enforcement agencies have assigned numerous agents to posts of duty in foreign countries in order to combat activities abroad that ultimately have consequences in the United States, such as smuggling, counterfeiting, and movement of illicit drugs. These agents collaborate effectively in their missions with foreign police officials. To a large extent, such cooperation is made possible by the fact that the United States and the foreign countries in which United States agents are stationed have a common membership in Interpol.

In addition, the General Secretariat, located in St. Cloud, France, staffed by police officers on assignment from the French Surete and the Prefecture, as well as from numerous other countries, maintain complete identification files, fingerprints, photographs, etc., on known international criminals and furnish member countries with studies, reports and intelligence on the activities of individuals and groups engaging in international criminal operations.

The benefits derived from our participation in Interpol are far more valuable than the modest amount we pay in dues. I am pleased to introduce and offer my support for this legislation.

Mr. Speaker, by way of more precise explanation of the content of the bill, I quote herewith the letter of transmittal dated June 15, 1971, addressed to the Speaker by the Secretary of the Treasury:

The Secretary of the Treasury,
Washington, D.C., June 15, 1971.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization."

Under existing law, the Act of June 10, 1938, (22 U.S.C. 263a), there is a ceiling of $28,500 per annum on the total dues to be paid for the membership of the United States in the International Criminal Police Organization (Interpol). As the agency designated to represent the United States in the International Criminal Police Organization, the Treasury Department has been responsible for the payment of Interpol membership dues and has obtained annual appropriations for that purpose. Because the dues have been increased, the Treasury Department recommends that the ceiling be increased from $28,500 to $49,000 and the payment of the outstanding balance of $20,170 for calendar year 1970 be authorized.

Congress amended the Interpol enabling act in 1967 to increase the then existing limitation on United States dues payments from $25,000 to $28,000 a year. Since that time, however, expenses have risen appreciably and at the annual conference held in 1969 in Mexico City the General Assembly of Interpol approved a new budget increase which raised the United States membership dues to the equivalent of $48,670 a year starting in calendar year 1970. The amount of dues payable by member countries is reconsidered every three years by the General Assembly of Interpol. The United States share represents only about 6% of the total amount of dues payable and is equivalent to the individual shares to be paid by each of the following members: France, Germany, United Kingdom, and Italy. Adequate safeguards are provided through congressional consideration of the annual appropriation request for the amount of such dues.

The Department believes that participation in Interpol is far more valuable to the United States than the amount of the annual dues. Such membership makes this country part of a productive information and communications system relating to criminals. This is valuable not only because of the data it regularly provides about offenders, but also because of the knowledge it imparts about developing trends in international crime and police science.

On June 25, 1970, the Department submitted legislation on the matter to the Speaker of the House of Representatives, which was introduced as H.R. 18550, and referred to the Committee on the Judiciary. However, no further action was taken on the measure and the Department as a result has been unable to pay the membership dues for the calendar year 1970 in full because of the present statutory limit. Consequently, section 2 of the draft bill would authorize the payment of the balance of the dues remaining unpaid for 1970 and authorize appropriations for that purpose.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the House of Representatives. An identical bill has been transmitted to the President of the Senate.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

John B. Connally.

POW PRISONS SHOULD BE INSPECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, 7 years and 83 days ago the first American became a prisoner of war in Southeast Asia. Since that time too many of our young men have been captured by the North Vietnamese or have become missing in action. This is a long time to be held prisoner in a war that should have been ended long ago. We have little idea who the North Vietnamese is holding captive much less what kind of treatment they are receiving. Our boys deserve better than that.

Mr. Speaker, this deplorable situation must be ended. We must do all in our power to secure inspection rights of prison camps by neutral observers, to get assurances that our prisoners are receiving humane treatment, to secure a list of all prisoners, and finally we must step up our efforts to negotiate the return of all men imprisoned by the North Vietnamese.

MERCHANDISING STOLEN PROPERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Devine) is recognized for 5 minutes.

Mr. DEVINE. Mr. Speaker, I had occasion today to pay a partial visit to the highly publicized press conference of a group of our colleagues, augmenting a statement of 62 House Members, designed to influence Attorney General Mitchell, in effect, to withdraw his suit to enjoin the New York Times from publishing certain classified material.

Apparently the spokesmen for this group will inject themselves into the legal proceedings as amicus curie for the purpose of urging publication of the secret documents. Frankly, I am appalled and disturbed by what appears to be an endorsement by certain of our colleagues of the practice of merchandising stolen goods. Do they really realize what they are sanctioning? In my rather broad experience as a lawyer, prosecuting attorney, and law enforcement official, it was always considered a crime to fence, or merchandise, stolen goods, and the facts in this case merely would compound the offense by peddling highly secret, sensitive U.S. Government documents.

I suspect by now most everyone knows there were 47 volumes of the material in the secret report, and only 15 sets, so it should not be impossible to discover from whom they were taken, and I presume the Attorney General will vigorously prosecute whoever is responsible for this outrageous breach of trust.

Moreover, I am deeply distressed over the publication by the New York Times of top secret Defense Department documents. In my view the action taken by one of America's supposed "leading newspapers" represent a new low point in journalistic irresponsibility and constitutes a serious threat to the internal integrity of our National Government.

I should like to emphasize very clearly at the outset, that, although I strongly believe in the public's right to know and in the concept of free and open government, the articles published by the Times far exceed any reasonable interpretation of these principles. The documents in question used by the Times were stolen from the U.S. Government and were clearly marked as classified "top secret" by the Department of Defense. That it went ahead and published them, at a time when American combat soldiers are still engaged in the battlefields of Southeast Asia, to me indicates a callous disregard for the national interest and a serious violation of the law.

It is vitally important that we separate the two very different questions which are raised by the Times' action. The first question is whether or not this is the proper moment for us as a Nation to engage in a national debate over how and why we entered the Vietnam war. The Times obviously believes that it is. I strongly feel otherwise.

It is my feeling that, in view of the fact that there are still American servicemen in the field and American prisoners of war interned in Southeast Asia, now is not the time to undertake a retrospective analysis of our involvement nor a self-recriminating search of our souls. Perhaps I would feel otherwise if the present administration were not getting us out of this unfortunate war. It is apparent that it is. President Nixon has withdrawn over 300,000 troops from Vietnam and has announced his intention to continue his withdrawal program. Vietnamization seems to be working and the Paris negotiations just might start moving forward at any time now that the war is winding down.

We should have an analysis of our involvement in Southeast Asia and there are very few people who would argue otherwise. However, there will be ample time for all to engage in such an effort. I believe that the Times' contribution at this time can have a very detrimental impact on the President's efforts to achieve a settlement. It is a classic example of very bad timing which very well may prolong the agony of the war.

The second issue raised by this controversy is a much more serious one, involving as it does a flagrant disregard for national security. Here is a newspaper anxious to print "all the news that's fit to print" obtaining a highly classified Government document from an inside source, proceeding to declassify it by publishing its contents on its news pages. The Times evidently is putting the American people on notice that it is willing to violate the law to obtain classified information relating to the national defense and it is taking upon itself the authority to determine whether or not that information should be declassified. In other words, "National security be damned."

To me this means that any and all classified documents in the possession of our Government henceforth are fair game to the Times or any other newspaper that can get its hands on them. It means that Government employees at all levels will be subjected to solicitations from enterprising reports for classified documents of all sorts whose contents might later appear on the news pages of newspapers across the country. It means that Government officials—both our own and those dealing with us—cannot operate freely with the assurance that highly sensitive conversations will not be the subject of somebody's headline. The implications of all this are appalling for every American. It must not be allowed to happen in America.

I, for one, do not want to see national security decisions made by Arthur Ochs Sulzberger of the New York Times. I urge the present administration and the Justice Department to prosecute the New York Times to the fullest extent of the law. The Times and its reporters have no constitutional right to violate the law and endanger national security. Those who believe that we will have a freer flow of information were the Times allowed to prevail in this instance will be sadly disappointed. If such conduct receives the sanction of the law, Government officials will surely be much more secretive in their activities than they need to be today. The "chilling effect" on our national leaders would be a great detriment to effective government. Its impact on international diplomacy, devastating.

The nature of the documents in this instance is totally irrelevant. There are well-established procedures to declassify secret publications whenever appropriate, but this must be a governmental function and not one for a newspaper. What really is at issue is whether anyone has the right to steal classified documents and publish them at will. If the New York Times can blatantly and arrogantly violate the law and jeopardize national security without punishment, it will be a sad day indeed for this great Nation. I urge that every individual involved in this most unfortunate episode—whether he be government official or Times employee—be brought to trial and dealt with accordingly.

HEARINGS ON VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I would like to announce that Subcommittee No. 1 of the House Judiciary Committee has scheduled a series of public hearings on various proposed constitutional amendments to provide voting representation for the District of Columbia.

These hearings will commence on July 19, 1971, at 10 a.m., room 2141, Rayburn House Office Building, at which time congressional witnesses will be heard. On July 20, 1971, Government witnesses and District of Columbia officials will testify. Organizations and public witnesses are scheduled to be heard on July 21 and July 22, 1971.

Those wishing to testify or to submit statements for inclusion in the hearing record should address their requests to the Committee on the Judiciary, House of Representatives, room 2139, Rayburn House Office Building.

ENVIRONMENTAL AND CONSERVATION ORGANIZATIONS OPPOSE STREAM CHANNELIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations, of which I am chairman, has for several years held wide-ranging hearings and investigations on the economy and efficiency of Federal Government programs as they relate—for better or for worse—to the environment.

Our subcommittee recently concluded 7 days' of hearings called to evaluate the effects of stream dredging and modification programs—the small watersheds "stream channelization" projects authorized by Public Law 566—on the quality of our environment.

We set out to learn the answer to a question of prime importance: Are those Federal agencies which conduct, authorize, or provide financial assistance for stream channelization projects—principally, the Army Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service, and the Tennessee Valley Authority—complying with congressional mandates: First, to consider carefully possible adverse effects on fish and wildlife, in order to avoid or minimize them; and second, to protect and enhance our Nation's recreational opportunities and the quality of our waterways.

We heard testimony from proponents of stream channelization that these projects may—

Increase available water storage;

Provide flood protection to bottom land—which is then developed for residences and crops;

Decrease mosquito populations; and

Increase land values.

Critics of channelization testified that although these projects are designed primarily to facilitate navigation and flood control, they also—

Adversely affect fish and wildlife habitat;

Increase streambank erosion and stream sedimentation;

Increase pollution downstream and cause greater downstream flooding; and

Destroy esthetic values.

Representatives of environmental and conservation organizations who testified during the first 2 days of our hearings were unanimous in their support for a moratorium on stream channelization projects. They are joined by countless other organizations and individuals, many of whom have communicated their concern to me.

During the May 4 hearing, I asked the witnesses whether they would agree with the witnesses we had heard the previous day that, beginning on July 1, 1971, a 1-year moratorium be placed on stream channelization projects. The following colloquy ensued:

Mr. Reuss. Yesterday the question was put to the witnesses—representatives of the Audubon Society, the Wildlife Management Institute, the National Wildlife Federation, the Izaak Walton League, and Friends of the Earth—whether it would not be in the public interest for Soil Conservation Service channelization activities to be suspended during the year starting July 1, 1971, and ending with the end of that fiscal year. There was unanimous agreement among the witnesses that such a prohibition would be in the public interest.

I am going to ask each one of you that proposition, though some of you in your testimony made it clear that you would go much further.

I will take you in the order that you testified. How about the American Forestry Association?

Mr. Towell. I would wholeheartedly concur in the opinion of my colleagues yesterday, Mr. Chairman, that a 1-year suspension, or even longer if necessary, to review all channelization projects would be in order. However, I would not agree with one of our colleagues today, and others perhaps, about a suspension of all Public Law 566 projects for 2 years. I think this would be bad because there are many fine recreational, wildlife conservation, soil conservation, water conservation projects going forward under Public Law 566, and I think it would be disastrous to condemn the whole program for its weaknesses.

Mr. Reuss. I put my question narrowly to try to see the measure of as much agreement as possible. And your testimony is clear that you would favor as a minimum a 1-year ban on further channelization.

Mr. Towell. Yes, sir; I concur.

Mr. Reuss. Let me now turn to Mr. Barry of the Wildlife Society.

Mr. Barry. I concur, but perhaps it would be well to establish that date in 1973, rather than immediately, in order to effect the administrative procedures.

Mr. Reuss. You say for 2 years?

Mr. Barry. No. To start the procedure in 1973 rather than right now. It might create administrative complications if you started in the fiscal year 1972, or this July.

Mr. Reuss. Well, I picked that date for several reasons. One, it is close at hand. Two, it happens to be the day after the SCS Memorandum No. 108 filing deadline, which requires a return from the State conservationists; because unless there is such a prohibition, there would be nothing to stop the SCS from going right ahead with stream channelization as it has done for the last 15 years or so.

Mr. Barry. But aren't there contracts ready to be let, and you might have complications in legal procedure here?

Mr. Reuss. The reference in my question was to the fiscal year 1972 budget.

Mr. Barry. That would be starting in July.

Mr. Reuss. The commitments that exist before that would presumably have to be on order.

Mr. Barry. We concur then.

Mr. Reuss. Yes, would concur, Mr. Dickerman?

Mr. Dickerman. Yes. The Wilderness Society could clearly concur in the proposal you made as a minimum situation. I think our testimony would indicate we would prefer to go further.

Mr. Reuss. Dr. Jenkins.

Dr. Jenkins. What would be the nature of the review carried on during this year's moratorium?

Mr. Reuss. My question sort of leaped over that because I was trying to get a minimum position, if there is one, on which all witnesses would agreed. I would assume that during the year in which there was a moratorium, organizations such as those represented here today would be working with the Soil Conservation Service—either to make the ban permanent or to see whether there are not some channelization projects which don't present any environmental threat and which are economically sound. If so, presumably the ban would be partially lifted, but these are facts that we can't now determine.

Dr. Jenkins. Fine. We would concur.

Mr. Reuss. You would concur. Mr. Johnson of the Sierra Club.

Mr. Johnson. Yes, I concur.

Mr. Reuss. General Rich?

General Rich. Yes, sir.

Mr. Reuss. And finally, Mr. Strohbehn and Mr. Barlow of the Natural Resources Defense Council.

Mr. Strohbehn. We clearly concur.

Mr. Barlow. Yes, sir. I, myself, have just recently been alerted to the full and wide problems caused by stream channelization, and I would certainly welcome this period of review to continue picking up all the information that is just coming to the fore on the devastating effects of channelization.

In fact, at the end of this period of review we very well might find ourselves in the position of asking the Soil Conservation Service to pursue flood control and to keep our streams clean by constructing swamps instead of destroying them.

Mr. Reuss. It is interesting that there is unanimous agreement today on this proposition, as there was yesterday; and between today and yesterday we have a very wide spectrum of the greater conservation organizations of the Nation. Your agreement with the proposition I put gentlemen, means, I take it, that you would not be satisfied with the operation of SCS Memorandum No. 108 over the next year. While it represents some forward motion, it apparently is your opinion that stream channelization would still continue under that operation, and you feel that, at least for the interim year, it should not continue. Is that a fair statement?

(All replied in unison affirmatively.)

Mr. Reuss. I'm particularly interested in the enthusiastic "yes" answer to my question given by the Natural Resources Defense Council, because you gentlemen—especially Mr. Barlow—showed more sympathy perhaps toward Memorandum No. 108 than some of the other witnesses have. But even you, sympathetic as you are, say that the boom should be lowered as of July 1, for at least a year.

Mr. Barlow. Yes, at least.

Mr. Strohbehn. Yes.

Mr. Barlow. At no point in Memorandum No. 108 is there any indication that a specific channelization project is going to be shelved as a result of the review. This review process is simply paper shuffling in many cases.

Mr. Reuss. In general, you get the feeling that Memorandum No. 108 says "if the conservationists are being difficult, because we are bulldozing trees a hundred feet from the stream, just bulldoze 50 feet from the stream and see if we can't get them off our back." Would that be the general feeling?

Mr. Barlow. Yes. But Memorandum No. 108 does give us an opening to pursue this further. For instance, it has come to our attention that the Soil Conservation Service is not requiring the State conservationists and the sponsoring soil conservation districts to submit 102 statements of any projects that were approved prior to the passage of NEPA—the National Environmental Policy Act. And since 108 clearly indicates that channelization is causing a lot of problems, we feel that there are grounds to go to the Soil Conservation Service and say, "where are the 102 statements on these projects?"

Mr. Reuss. I would just comment that it amazes me that the Soil Conservation Service—which as I have said in days gone by has been one of my favorites—is so careless of its reputation that it has allowed a situation to come about where in the clearest and most forthright way all the great outdoors and conservation organizations which have testified before us yesterday and today are unanimous in their condemnation. I don't know where SCS has been.

Mr. Speaker, yesterday I included in the Record, in my remarks on stream channelization, excerpts from letters we have received from State and international agencies. I now include, at this point in the Record, excerpts from the statements of environmentalists and conservationists who testified before the Conservation Subcommittee at its May 3 and May 4 hearings:

The National Rifle Association—Maj. Gen. Maxwell E. Rich, Retired, Executive Vice President

Some of these [channelization] projects have enhanced the quality of our environment by conserving soil, water and wetlands, and therefore the maintenance of suitable habitat for viable fish and wildlife resources.

Too often, however, these federally subsidized programs have subverted the wise and basic principles of conservation and have, in the opinion of many competent biologists, done irreparable harm to soil and water and wildlife resources. Included in this category, we believe, are the extensive wetland drainage projects which, in a puzzling paradox, add agricultural land acreage as agricultural lands are being removed from food production by other Federal programs. Meanwhile, these wetlands, valuable as wildlife habitat and a means of diverting rain from surface water runoff to much needed underground water supplies, are lost.

Case histories of dredging, drainage and channelization are legion and each such history has in common with others the conversion of living streams to silted ditches. Fish and other wildlife populations are decimated and radically changed by species. A 1964 study by Bayless and Smith in North Carolina found a 90-percent reduction of aquatic life after stream channelization. The results of this study are substantiated over and over again by separate studies conducted by independent and respected scientists in such diverse States as Ohio, Colorado, Washington, Nebraska, Montana and many others. An interesting study on the Tippah River in Mississippi concluded only last year showed the streams produced a standing crop per acre of fish before channelization of 887 fish weighing a total 240.7 pounds. Four years later the same stream produced 2,498 fish per acre totaling only 4.8 pounds in weight, a reduction of 98 percent in weight, an increase of 68 percent in numbers. The second sample is 99 percent minnows, shiners and darters—species of no food or recreational value.

It may appear strange that our association which has a basic interest in sport shooting and hunting should show so much concern over the reduction of aquatic life. And I hasten to point out that our interest in the environment is not limited but rather is a matter of entire concern. Terrestrial animal population is equally damaged by channelization, and it is more difficult to make the same precise evaluation of this reduction as is noted in studies of aquatic animals. However, the serious decline of terrestrial species, dependent on the edge environment of stream banks is immediately obvious.

Texas reports a 90-percent reduction of their 4.5 million white wing dove population as the result of clearing riparian lands along the Rio Grande River by a Federal agency as part of a reclamation project.

Many of these federally sponsored projects lay claim to providing additional man-days of recreation on the water impoundments and reservoirs thus created. However, we hear no claims being made as to the quality of this new recreation. Nor do we hear much about increased siltation rates of water impoundments because of channelization of upstream tributaries.

We suspect that frequently the deciding factor on channelization, reclamation, and so-called flood control projects is an economic one. The implication of increased short-time prosperity brought about by the expenditure of substantial sums of money by the Federal Government for local construction overrides the long range loss suffered from a degraded environment.

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THE NATIONAL AUDUBON SOCIETY—MR. CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT

The channelization emphasis in the Public Law 566 program has to be changed * * *. These damages are in the lowering of water tables, the elimination of flood plains as natural reservoirs and recharge basins for aquifers, the elimination of wildlife cover and of stabilizing vegetation along the streambanks, an increase in water temperature and turbidity, elimination of desirable sport fisheries, and decimation of a whole host of stream-related wildlife. In short, the conversion of beautiful streams that are rich in natural life into sterile and unsightly ditches. And all for the benefit, really, of a relative handful of riparian landowners who, at the cost of disproportionate public investment, gain more acres of cleared and tillable land.

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Two years ago the Game and Fish Commission of the State of Georgia made a careful analysis of SCS plans for the extensive channelization of the Alcovey River and its tributaries, Flat Creek and Cornish Creek. Using the Soil Conservation Service's own figures, the commission found that channeling 80.9 miles of these streams would make possible the drainage of 4,327 acres of privately owned swampland at a cost to U.S. taxpayers of $3,494,432, or at the average cost of $807.77 per acre. The value of the land before drainage was estimated at $300 per acre, and after drainage it would be worth, the SCS said, $350 per acre.

The economics of most such projects, we fear, are equally fantastic—not counting the generally unmeasured but substantial costs in environmental damage.

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THE NATIONAL WILDLIFE FEDERATION—MR. LOUIS S. CLAPPER, DIRECTOR OF CONSERVATION

We were, like the Audubon Society, one of the original supporters of the small watershed program and the Watershed Congress which each year continues efforts to promote this concept.

We still believe there is merit and public value in the original concept of the watershed program—that of controlling floods by holding water where it falls, especially in the upper reaches. But we honestly and sincerely feel many of the so-called channel improvement projects which are being pursued under the guise of flood control in reality are measures designed to speed water off the land or to allow adjacent farmowners to reclaim wetlands for increasing agricultural production, and we don't believe it's consistent, Mr. Chairman, for one arm of the same department to increase agricultural production at the same time when another program within the same department is endeavoring to pay subsidies to keep lands out of production.

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Now, I would like to make one additional expression. We would express the hope that the subcommittee will join us in reaching the decision that these drainage and channelization projects as currently pursued are contradictory, conflicting, wasteful, and harmful, and not in the overall public benefit.

Further, we hope and trust that the subcommittee will recommend administrative changes and, if necessary, additional legislation which will correct the ills and deficiencies which these hearings are bringing out.

AMERICAN FORESTRY ASSOCIATION—MR. WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT

As a native Missourian, I witnessed almost complete disappearance of what we called our delta hardwoods down in southeast Missouri from land drainage and clearing as a result of drainage and channelization. At one time there was a tremendous hardwood forest industry in that section of our State, but as a result of this drainage and the clearing that resulted from it this almost completely disappeared.

The same thing is true in other States. In Arkansas, for example, since 1960, 1.2 million acres of delta forest have been cleared, and they calculate this at the rate of 150,000 acres per year. In Arkansas only about 2 million acres of the delta forest remain.

In Mississippi we have some figures, too, which show that 1 acre out of every three in the delta region has been cleared. And I think, as I already mentioned, that this clearing is a direct result of drainage and stream channelization. Once the land is cleared, it, of course, goes immediately into agriculture crops, which I am afraid is the real incentive behind the project.

I quote also from a U.S. Forest Service report in Louisiana:

"It appears that the brunt of agricultural expansion in the delta is being borne by the better hardwood sites and that forests are being increasingly restricted to areas that flooding, poor drainage, and soil conditions render unsuitable for farming. The delta has long been noted for the quality and quantity of timber yielded by its heterogenous forests. These forests are generally regarded as the most productive hardwood lands of any size in the entire South or perhaps the Nation. The decade-by-decade attrition of hardwood acreage in the delta has caused widespread local concern over the long-range future of the region's wood-processing industry."

This same thing happens not just in Arkansas and Mississippi and Louisiana, but in most of the Eastern and Southern States where you have delta forests, where you have flood plains, and lowlands, where drainage is generally desired to achieve agricultural productions. * * * when forests are gone, generally the wildlife goes right along with it.

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Now, I am against channelization generally. I think it has been overused and abused to the detriment of forests, to the detriment of fish and wildlife. I think it should be eliminated eventually as a small watershed project because of its misuse and because of the detrimental effects it has on conservation and environmental matters. * * *

THE WILDERNESS SOCIETY—MR. ERNEST M. DICKERMAN, DIRECTOR, FIELD SERVICES, EASTERN REGION

The Wilderness Society would like to stress one major thought: The place to keep the water is in the soil. That is where the water is most fruitful. To undertake to run it off as rapidly as possible is to lose its prime benefit in terms of productivity, whether of domestic cattle, wildlife, cultivated crops, timber, fish, or other forms of plant and animal life upon which man is dependent. To be beneficial the water needs to stay in the land. A meandering stream or river, along the banks and bottoms of which innumerable forms of plantlife grow, does this best. Likewise, a swamp or marsh is the most efficient and effective form of water reservoir, automatically expanding or contracting as the circumstances require, absorbing the surplus waters in time of flood, releasing the surplus waters gradually after the flood has subsided. And all the while as the swamp or marsh automatically performs this reservoir function, it is constantly productive in terms of growing suitable types of timber, of sustaining bird, fish, and other animal life ranging from the conspicuously visible to the microscopic in size, of providing one more of the varied forms of natural habitat necessary for a balanced ecology on this planet.

Because we as a society have become so accustomed to judging practically everything by the number of dollars which it will add to man's annual income, we have persisted in the error of closing our eyes to the long-term needs of life itself. We have closed our eyes to the fact that man, too, must live in harmony with nature and must adapt his needs and actions to conform to the balance of nature if he is to have a continuing existence—most especially so if he is to have a full and satisfying life.

These channelization projects, which would drain the water off the land and accelerate its movement to the sea are in most cases of benefit only to the individual property owners who stand to make a quick monetary gain from some short term use not previously possible. A former piece of swampland, drained and filled, may then be subdivided and the land sold at a handsome dollar profit by the original private owner—with the new homeowners probably plagued with drainage problems from then on. Or the drained swamp may initially and for some years grow cash crops previously not possible; but the odds are that the character of the soil will not sustain indefinitely intensive cultivation and in time it will have to be abandoned. With the stream or river ditched and straightened by dragline or bulldozer, almost certainly the local water table will be lowered, reducing the fruitfulness of the adjacent lands. Most certainly fish life will be destroyed indefinitely, for the barren stream bed will contain no nourishment, the swifter flowing waters will retard the growth of new plantlife and the sustaining of needed microscopic life, and the frequent deposition of silt cut by the faster flowing water from the bare stream banks will periodically suffocate new plant life bold enough to try again.

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This is the sort of Government-financed program which needs to be eliminated in short order.

We have too long presumed to evaluate a wide range of river control projects only on a limited range of factors. By omitting consequential loss factors, we have made unwise projects appear favorable in terms of immediate dollars and cents. For example, on dam and reservoir projects for years we have deliberately omitted the loss of annual food production from the highly productive river-bottom lands which would be permanently inundated. The National Environmental Policy Act of 1969, with its section 102 statements requiring that all adverse environmental effects be taken into account, represents positive action on the part of the Government to see that in our environmental projects the entire range of related factors is fully considered. But with thousands and thousands of separate channelization projects programmed all over the United States, we cannot hope for adequate protection of the public interest if each one has to be reviewed and fought individually when the true problem lies in the basic error of the general policy of river channelization.

This destructive policy has gone on because the channelization projects happen one by one in a diversity of localities around the country, making it difficult to show them as a national danger. The Subcommittee on Conservation and Natural Resources is to be most heartily commended for focusing public attention at the national level on this problem.

THE SIERRA CLUB—MR. A. STEVE JOHNSON

"Channel improvement" as used by the SCS can mean a wide variety of operations, ranging from simple removal of snags and debris from the streambed, to drastic excavation and straightening of miles of stream channel, with complete removal of vegetation from banks. Quite often, however, the latter extreme is the dominant one. For example, in my home State of Georgia, the 72 SCS projects authorized as of December 1970, include 318 miles of excavation, plus 264 miles of clearing and snagging.

Similar activities by other Government agencies—notably the U.S. Army Corps of Engineers and the Tennessee Valley Authority—are much in evidence in the Southeast. For example, TVA's plan for development of the French Broad River Watershed in North Carolina includes 74 miles of channel improvement, of which 58 miles is excavation. Channelization activities of the Corps of Engineers during the past 40 years have affected every major stream in the delta region of Louisiana; hardwood forests in this area are being cleared at the rate of 110,000 acres per year, and at this rate will be depleted by 1991. Proposed development of the Atchafalaya Basin in Louisiana by the corps is expected to detrimentally affect 1,300 square miles of outstanding wildlife habitat.

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Although environmental impact statements are now required on all SCS small watershed projects, under the National Environmental Policy Act of 1969, such statements appear to be little more than a formality, are poorly researched or documented, and show a gross ignorance of ecological principles on the part of the SCS. For example, in the statement on the headwaters of the Chattooga River in Georgia—Coosa drainage—section II, headed "Adverse Environmental Effects" contains only the one blunt statement: "No adverse effects on man's environment are anticipated." (The project contains seven floodwater retarding structures and about 26 miles of "channel improvement.") The statement on the North Oconee River project in Georgia states: "The 24 miles of channel improvement are not expected to result in losses to the presently low-value fish and wildlife resources." No biological data or other evidence of intelligent investigation into the subject is apparent in the statement.

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WILDLIFE SOCIETY—MR. EDWIN M. BARRY, ON BEHALF OF DR. FRED G. EVENDEN, EXECUTIVE SECRETARY

I would like to say that from my experience the Middle Atlantic States and those to the south of us, who have experienced severe damage to wildlife through drainage of swamps and marshes and relocation of existing streams and rivers, are of one mind in the demand that future Federal agencies not rest their case on mitigating measures but that all projects show documentary approval and that all resource values are thoroughly considered and replacement in kind of fish and wildlife habitat is effected.

We might point out that in the little State of Maryland there are about 300,000 acres of wetlands. We are losing more than 2,000 acres a year.

THE WILDLIFE MANAGEMENT INSTITUTE—DR. LAURENCE R. JAHN, VICE PRESIDENT

Increased flows have undesirable impacts all along stream channels. And this, I emphasize, is an important relationship. They alter the stability of the channel itself wherever the peak flow moves. The added volume of water gradually enlarges the channel through erosion. The results are unstable and poorly vegetated banks, scoured or muddy channel beds, and unusual debris accumulations. All of these results degrade a stream and its associated flood plains. Biological productivity declines. Preferred species of fish decrease, and if conditions are particularly severe the species composition may change drastically with the desired species becoming rare or being eliminated. Esthetic values are degraded. Of course, some of this happens in undisturbed streams, but the results are neither as abrupt nor as disastrous as in areas downstream from channeled portions of streams.

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In view of these potentially serious adverse impacts of channelization on interior continental streams, we recommend:

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8. That a moratorium be established immediately on construction of channels and other drainage measures in watershed projects. As of July 1970, construction was in progress on 728 small watershed projects and planning was underway on 368 projects in the United States. Additional watershid projects are being proposed continuously. Established projects have been evaluated and planned without benefit of adequate ecological, hydrological, and benefit-cost considerations. Alternatives for channel construction and drainage should be incorporated into all approved and proposed projects.

THE IZAAK WALTON LEAGUE OF AMERICA—MR. TED PANKOWSKI CONVERSATION ASSOCIATE

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It is suggested, Mr. Chairman, in the interest of flood prevention, channelization is actually causing higher and greater flood levels than occurred before the channelization took place.

In north Missouri, for example, a rough estimate is that more than 400 miles of river have been completely channelized, 600 miles of river partially destroyed with more than 700 miles scheduled for straightening and damming. The Satilla River in Georgia that should be studied for "scenic river" designation is, according to our affiliates there, a target for recreational navigation, a concept conjured up by some Corps personnel.

A similar situation existed with respect to plans to convert the Maumee River from Toledo, Ohio, to Fort Wayne, Ind., into a commercial barge canal eventually linking up with the Ohio River. * * *

The public has been made well aware of the more notorious instances of environmental damage caused by these works—the Alcovy River in Georgia where the Soil and Water Conservation Service of the Department of Agriculture advised us 2 weeks ago no environmental impact statement as required by EPA has yet been prepared. * * *

And in New Jersey * * * we learn that the Department of Agriculture may be contributing to their destruction. This is done through a Federal assistance program to salt hay farmers, who are encouraged to dike off lands over which the tide flows and to drain it for increased hay production.

The particular irony here is that this encourages the breeding of mosquitoes so that the department can then offer further assistance for pesticide application.

THE NATURAL RESOURCES DEFENSE COUNCIL—MR. EDWARD L. STROHBEHN, JR.

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The seriousness of the environmental destruction problem posed by the watershed protection program is apparent from its magnitude: as of June 30, 1970, planning assistance had been authorized for 1,561 watersheds, of which 273 projects had been completed; a backlog of 1,300 applications for assistance had accumulated at that time and 8,904 of the 19,195 watersheds in the Nation that could qualify for Public Law 566 assistance were reported as needing attention. By April 1, 1971, SCS had completed another 27 projects.

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And the Soil Conservation Service has permitted itself to pursue an environmentally destructive course of agricultural land development when its statute clearly commands it to undertake an environmentally responsible multipurpose program. Here, however, under existing authority, other Federal agencies that are seeking to protect the environment can undertake responsible decisionmaking roles regarding the watershed protection projects.

Unless remedial action is taken now, one of the most precious parts of our environment will be lost forever. We would be wise to remember Justice Holmes' admonition: "a river is more than an amenity, it is a treasure." So is a stream.

FRIENDS OF THE EARTH—MR. BRENT BLACKWELDER

No account is taken in the cost-benefit analysis of significant costs. There is a great deal of mention of benefits but no enumerations of such significant losses as losses of fishing, hunting, esthetic beauty, recreational opportunities, loss of forest products, losses from lowering of the water table, from increased downstream flooding, siltation, the rapid spread of pollutants and insecticides.

Furthermore, the loss of areas of scientific and educational value is something that should be taken into account but is not now done.

In addition, an unrealistically low discount rate is used to justify these projects. Many of them were authorized under a 3⅛-percent rate, and they have yet to be installed. Were the opportunity cost of capital to be used as the discount rate—that is now between 8 to 10 percent—perhaps as many as 80 to 90 percent of these projects would have an adverse ratio and could not be initiated.

Studies of a number of these projects have shown that it would be cheaper to purchase the land and use it as a wildlife refuge rather than continue with the project.

Almost double the amount in some projects is being spent per acre over and above what the land is valued at.

The magnitude of the threat posed by channelization needs to be stressed. Fewer than 300 projects have been completed, but the claim is that over 10,000 additional Public Law 566 projects are needed, and unless something is done, many of these 10,000 will involve channelization.

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We fully support a moratorium for a good number of years until adequate scientific investigation can be conducted on all of the Soil Conservation Service Projects. We do not believe that the talk of mitigation which is mentioned in Watersheds Memorandum 108 will be sufficient because there is no reason to mitigate losses on projects which should not have been initiated in the first place.

THE NATURE CONSERVANCY—DR. ROBERT E. JENKINS, ECOLOGY ADVISER

In our view, the chief purpose and result of channelization and stream modification is the destruction of natural habitat resulting from the naive and arrogant assumption that a simplistic, artificial hydrological system can be imposed on the natural one without penalty.

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Of all the habitats we seek to save, none are more important, in our view of the current evidence, than waters and wetlands. Life began in the water and it is still water upon which every living thing depends. At the same time, mismanagement and misunderstanding of the water resource is perhaps the outstanding feature of present day civilization's treatment of the environment. Water is at the bottom of things and, therefore, becomes particularly vulnerable to a variety of influences in the surroundings, the effects of which are eventually felt in the lakes, streams, oceans, or wet bottoms.

At time when the need to preserve the aquatic environment is becoming apparent, the intent of channelization and other stream modifying operations is frequently the elimination of natural wetlands. In their place we are offered ditched streams and artificial impoundments. Natural floodplains are no longer to be permitted their periodic floods. Natural valley communities which were exquisitely adapted to occasional inundation are drowned under permanent pools of deep water. Swamps and marshes are drained, cleared and put into crops.

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Prior to September 1, 1969, nearly 59 million acres of watershed in 956 projects had been approved for alteration under Public Law 83–566 alone, and applications had been made to treat another 155 million acres in 1,860 other projects.[4] In 1964, Hollis Williams of the Soil Conservation Service asserted at the 11th National Watershed Congress that 1 billion acres—or 43 percent of the U.S. land area—needed watershed development. In the single month of March 1971 the Council on Environmental Quality received environmental impact statements from SCS for projects involving 22 dams and at least 61.9 miles of channel alteration on watersheds covering well over 200,000 acres.

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It might be better if all of this were a simple matter of spoiled esthetics and insulted conservationists, but it is much grimmer than that. Whereas the colonial agriculturist could be forgiven for his belief that swamps were useless or worse, in the face of the emerging evidence to the contrary, it is not asking too much of Government environmental specialists to reassess their positions on the matter. I will not speak here of the well-known values of wet lands to fish and wildlife, their great recreation and esthetic potential, and their tremendous productivity relative to other ecosystems. These are well-known facets of wet lands which I feel have already been considered by the promulgators of hydrological simplification and rejected as less important than the apparent short-term economic returns to be realized by the technological "fix" which they choose to employ. However, wet lands fulfill other vital but nonobvious functions within the ecosystem which we are only beginning to understand, but which may be of much long-term significance to human welfare.

The first of these factors has actually been known for a long time, but it has been for some reason given insufficient consideration. This is the role that wet lands fill in the hydrological cycle. Swamps, marshes, and flood plains act like giant sponges, absorbing up to 16 times their own weight of water and releasing it slowly into water courses, the atmosphere, and into deep ground waters.

Far from requiring protection from floods, such areas actually act to prevent floods elsewhere by reducing waterflows to levels which can be accommodated by existing channels.

This is exactly the opposite of the way channelization itself performs, passing the roaring torrent downstream where it can cause further problems. Retention of the water at one place permits it to percolate downward into the aquifiers, which we are now recognizing as underground reservoirs of great value because of their comparative purity and their protection from evaporative loss. Slow release of water also maintains more continuous streamflow, reliable springs, et cetera.

Mr. REUSS. Mr. Speaker, I submit that we create an intolerable situation when we allow the conversion of hundreds of once-beautiful, natural settings—the breeding grounds of fish and wildlife—to barren, silt-laden waterways in which few creatures can flourish or even survive.

PANAMA CANAL: INTENSE PANAMANIAN HOSTILITY CAMPAIGN AGAINST THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, since World War II the diplomatic relations between the United States and the Republic of Panama have been featured by a sustained sequence of unrealistic and unreasonable demands on the part of Isthmian demagogues as regards the Panama Canal. Bluntly stated, these demands aim at wresting control of the Canal Zone and canal from the United States.

Though Panamanian propagandists seem to lie awake at night trying to think up cleverly worded diatribes and distortions against United States and Panama Canal authorities, they seldom, if ever, mention the great economic benefits received from U.S. Government agencies in the Canal Zone. In 1969 more than $161,100,000 were injected into the economy of Panama from these sources giving that small country one of the highest per capita incomes in all of Latin America. Moreover, in 1970 there were a total of 15,846 Panamanian nationals employed by the United States.

Among the recent critical comments against the United States as expressed in the Spanish language press of Panama the following are summarized:

El Panama America, January 5, 1971: A columnist states that Panama has made it very clear that in future relations with the United States, it expects to be treated as an equal and will accept nothing less than absolute sovereignty over all its territory, including the Canal Zone.

El Panama America, January 8: Editorial contends that the France Field area should be turned over to Panama as that area was included in the 1967 draft treaties for cession to Panama.

El Panama America, January 8: Columnist in commenting on the January 9, 1964, Panamanian mob assault on the Canal Zone stated that each stone thrown and each bullet fired against the U.S. military repudiated the situation in the Canal Zone, in Panama, in Latin America, and indirectly in all the dependent countries; and opened new roads toward the only goal, a Panama Canal used by the people of the world and managed by Panamanians.

Matuitino, January 9: A columnist refers to the "cold, satanic executioner, Gen. Andrew P. O'Meara, who ordered his army to kill undefended citizens" in the 1964 mob attack on the Canal Zone.

El Panama America, January 10:

> National dignity is vital for the Panamanians.
>
> Hour of the Second Independence Has Come.
>
> We should free ourselves of Colonialism.
>
> Sovereignty or Death.

Critica, January 12: Columnist states that Panamanian jurisdiction should be administrative, fiscal, judicial, and political.

El Panama America, January 18: Operation of schools, colleges and universities in Canal Zone is illegal. No school should exist in the Canal Zone without permission from Panama.

La Hora, January 21: Referring to Representative LEONOR K. SULLIVAN, a columnist states that no Member of Congress is against Panama more than Representative FLOOD except Mrs. SULLIVAN.

El Panama America, January 24: Refers to the Panama Canal as the cancer of Panama.

La Hora, January 26: Writer states that the gringos are trying to pull the wool over Panama's eyes by closing a number of canal installations and pretending to have financial difficulties.

El Panama America, February 2: The Governor has no authority to give an opinion on the future use of the Panama Canal without first having consulted the Panama Foreign Office.

La Estrella, February 3: United States does not have the right to give political asylum in the Canal Zone.

El Panama America, February 3: Columnist devoted his criticisms to statements by Representative DURWARD G. HALL regarding U.S. sovereignty over the canal stating that such persons would listen to Panamanian reasoning only if it is backed up by an act of sabotage, or if every Panamanian in the Canal Zone becomes a guerrilla, ready to set a storehouse on fire, or place a plastic bomb in the residence of a Canal Zone official.

El Panama America, February 8: Foreign Relations Minister Juan A. Tack has done a fine job fighting for Panama's absolute sovereignty over the Canal Zone.

La Estrella, February 12: Foreign Relations Minister Tack labels Canal Zone authorities as arbitrary, abusive, and intolerable.

El Panama America, February 9: The cause of sovereignty is the cause of Latin America.

El Panama America, February 13: Compares U.S. action in the arrest of an impersonating narcotic agent with the action of the NKVD.

El Panama America, February 26: The Revolution reaffirms Panamanian political and judicial sovereignty in the Canal Zone.

Critica, February 26: Not one Panamanian would permit signing treaty in perpetuity.

El Panama America, March 1: Charging for water is another of many impositions by Canal Zone authorities on Panama.

El Panama America, March 12: Columnist writes that Latin America has been exploited by the U.S. which buys Latin America's raw materials at low prices and sells back finished products at high prices.

El Panama America, March 24: Pressure Fails/Now They—Gringos—attempt to undermine us by using drugs from the Canal Zone.

Canal Zone has been converted into a sanctuary for psychological activities against Panama.

Editorial states that not only do Canal Zone authorities protect drug pushers but they hide Panamanian terrorists and criminals.

El Panama America, March 25: Canal Zone Police have had a great time giving citations for traffic violations to motorists who do not know how to drive in proper lanes on the Thatcher Ferry Bridge.

La Hora, March 26: Canal Zone has become a source of corruption.

El Panama America, April 1: Only after the 1903 Treaty has been replaced by one satisfying Panama can there be any discussions for a new treaty.

El Panama America, April 8: Foreign Minister Tack protests to U.S. Ambassador in Panama against "illegal" operation of clubs and recreation centers in Canal Zone.

El Panama America, April 21: U.S. Chief Negotiator Anderson is wrong in wishing to consult with Canal Zone residents on treaty negotiations.

Critica, April 28: Principal aim of Torrijos is clear: Panamanian jurisdiction over the Canal Zone and elimination of irritating privileges of the United States.

Critica, May 6: "Panama One Nation: One Flag from Border to Border," say Panamanian treaty negotiators.

El Panama America, May 7: Editorial says that reactionaries are trying to make the Panama Government appear communist in order to bring about U.S. intervention.

El Panama America, May 12: Columnist writes that if something unfortunate like the January 9, 1964, mob assault on the Canal Zone occurs, the people will not be alone and Governor Parker will open new graves.

Editorial states that one of the conflicts that will be eliminated when Panama has complete sovereignty over the Canal Zone is its use as a political asylum—

El Panama America, May 13: Columnist suggests that Panama geographers revise their data and texts to show the Canal Zone as Panama.

La Estrella, May 15: Torrijos wishes to end Panama's dependence on the United States.

El Panama America, May 15: President Allende of Chile supports Panama's aim for complete sovereignty over Canal Zone.

Critica, May 15: Panama will be energetic in defense of its rights.

El Panama America, May 17: Canal Zone impedes full development of Panamanian nationality.

Critica, May 18: Columnist deals with the Guatemalan fight against communism and the part U.S. played and the various times U.S. interfered with the internal affairs of Mexico.

El Panama America, May 18: Students reaffirm defense of sovereignty.

Editorial urges an organization to promote the negotiations and to orient the masses on canal treaty with the United States.

La Hora, May 18: Panama is being flooded with contraband phonograph records from Canal Zone.

El Panama America, May 20: Columnist suggests that the problem of returning the Canal Zone to Panama be submitted to the U.N. General Assembly in September 1971.

El Panama America, May 23: Panama will demand that some of the meetings in the treaty negotiations be held in Panamanian territory.

El Panama America, May 24: Columnist blames the Thatcher Ferry Bridge for a tragic bus accident, which involved the loss of 38 Panamanian lives.

El Panama America, May 29: Editorial discusses the use of Panama water for operating the Panama Canal and questions the right of the United States to sell Panama water to vessels in transit and to Panama. He thinks that the United States should supply free water to Panama.

Critica, May 29: Panama cannot accept that its relations with the United States be on a colonial basis and be burdened by a treaty made through imperialism and power.

El Panama America, May 31: Dr. Carlos Lopez Guevara, member of the Panama negotiating team, states that the 1903 Treaty is contrary to the U.N. Charter, and that, under Article 103 of the Charter, the Charter prevails over the Treaty.

El Panama America, June 1: The Zone will no longer be a colony within our territory.

La Hora, June 1: Absolute Sovereignty: In the Panama Canal Zone.

El Panama America, June 2: A cartoon on the editorial page shows two new Panamanian patrol launches in the water with a sign saying "200 miles" and a Panamanian saying, "Now we can defend our sovereignty in the water."

Critica, June 2: Panama never gave sovereignty in the Canal Zone to the United States.

El Panama America, June 3: Revolutionary Government obligation: to consolidate sovereignty and the rights of the people in the entire national territory.

Editorial: The new Treaty will be made by the people, who will also ratify it—

El Panama America, June 3: Dr. Carlos Lopez Guevara contends that the U.N. Charter nullifies the 1903 Treaty that he says was not negotiated but imposed on Panama.

Critica, June 3: Editorial states that the existence of another government within a government was an impossible situation and the principal cause of conflict between Panama and the U.S.

El Panama America, June 4: Columnist writes that Panama wants just compensation for its contribution of geographical position and its water resources that make the Canal possible.

La Estrella, June 4: The principal objective of Panama is recovery of jurisdiction in the Canal Zone.

Mr. Speaker, the foregoing sequence is not accidental but evinces a carefully prepared design of hostility to the United States. As I have often stated the crucial issue at Panama is not U.S. sovereignty over the Canal Zone versus Panamanian but U.S. control versus Soviet control.

As regards the tragic bus accident on the Thatcher Ferry Bridge on May 24, 1971, listed above, I have taken steps to ascertain essential facts. After a study of them, I plan to make a special report to the House in an address should this be deemed appropriate.

One of the current demands that has been often repeated in the past is payment for Chagres River water on the specious claim that this water is a natural resource of Panama and that the United States should pay for it. Isthmian agitators never mention the fact that one of the fundamental provisions of the 1903 treaty grants the unrestricted use of this water in perpetuity to the United States for canal purposes and I shall quote that provision:

ARTICLE IV

> As rights subsidiary to the above grants (Articles II and III) the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

Mr. Speaker, the above cited treaty provision is further evidence of the vision of the statesmen who were responsible for the construction of the Panama Canal and the acquisition of its protective frame of the Canal Zone in the early part of the century. Its terms are conclusive and should end all debate but it does not, largely because of the failure of the highest officials of our Government to answer directly and forthrightly such atrocious claims and criticisms. Instead of boldly asserting our treaty-based rights as President Theodore Roosevelt or Secretary of State Charles Evans Hughes would have done, recent high officials of our Government have kept silent, giving Isthmian demagogues unrestricted play to ply their game of political blackmail.

In the present diplomatic negotiations with Panama the lineup of negotiators is as follows:

For the United States: Robert B. Anderson as Chief Negotiator, and John C. Mundt as deputy.

For Panama: Dr. Carlos Lopez Guevara and Fernando Manfredo.

It is interesting to note that Ambassador Anderson was also the chairman of the recent Atlantic-Pacific Interoceanic Canal Study Commission that recommended the construction of a new Isthmian Canal in Panama of so-called sea level design. This proposal hinges upon the surrender to Panama of U.S. sovereignty over the Canal Zone and existing Panama Canal, which to any realistic person is unthinkable. It makes imperative early adoption by the House of the pending Panama Canal sovereignty resolutions now before the Committee on Foreign Affairs.

In my judgment all that has recently occurred in Panama since the Communist takeover of Cuba has been influenced, aided and abetted by Soviet power and money. What the Soviet Government has done in these connections has been motivated by its long proclaimed policy to conquer the entire world for communism—a policy that has never been renounced, but has become more determined as shown by the recent Soviet-Egyptian Treaty.

The election of a Marxist as president of Chile, the expropriation of property there, and the assassination of conservative leaders in that country show the inevitable consequences of Communist practices in every country where they have obtained domination or a foothold. How can anyone with knowledge of these facts be so stupid as to believe that what is now taking place in Panama is without Soviet backing and assistance? Our own country's softness is dealing with the Isthmian situation has been induced, in large measure at least, by the desire of our responsible officials not to "make matters worse." Except for this Soviet backing, I am sure that these violent, truculent and hate-infected actions at Panama would not obtain.

Soviet power now dominates the Suez Canal and several Near Eastern countries, including Egypt. A Soviet fleet has been built in great strength in the Mediterranean and Soviet power is moving heaven and earth to open the Suez Canal and thus enable Soviet naval power to control the Indian Ocean and adjacent nations. According to Admiral Horacio Rivero, commander in chief, Allied Forces Southern Europe, opening the Suez Canal would provide "an enormous strategic advantage" to the Soviet Mediterranean Fleet—U.S. Naval Institute Proceedings, June 1971, page 108.

A confrontation between United States and Soviet power at Panama seems inevitable and the nonconstitutional Government there now in authority seems to have been completely taken over and dominated by Soviet influence. If and when that power takes over the canal enterprise and the United States is driven from the isthmus complete domination of all Latin American and the West Indies will inevitably follow. For this reason holding firm at Panama is imperative to the security of the United States and the entire free world.

Mr. Speaker, in the past in diplomatic discussions with Panama our negotiators do not seem to have made counterproposals to extravagant demands of Panamanian negotiators. The current claims for payment for water from the Chagres River to which the United States under treaty is entitled emphasize the importance of extending the boundaries of the Canal Zone to include the entire Chagres watershed as was originally recommended by Gen. Clarence Edwards when he was the commander of the U.S. Army on the isthmus. The present Panamanian demands for payment for lockage water make the proposal to extend the Canal Zone paramount.

The story of the latest Panamanian water demand for payment of Chagres River water as told by the two Panama negotiators and published in a leading isthmian newspaper should be of great interest to the Congress and I quote it as part of my remarks:

[From the Star & Herald Panama, R.P., June 4, 1971]

PANAMA TO SEEK PAY FOR PC USE OF WATER

Panama will demand compensation for the water consumed in the operation of the Panama Canal as well as for the use of its geographical position as a site for the waterway, according to negotiators Fernando Manfredo and Carlos Guevara López.

In a television interview over Channel 2, Manfredo and Guevara pointed out that water for putting the ships through the Canal comes from the Chagres River basin, which is a Panamanian natural resource. Fifty-two million gallons of water are dumped into the sea each time a ship transits.

As to the lands in the Canal Zone, they pointed out that there are 242,500 acres of land with commercial value in use plus 167,500 acres of land submerged under Panama Canal waters.

Discussing Panama's geographical position as a natural asset, the negotiators said this resource is not quantifiable.

In addition to direct benefits, the negotiators said, Panama is entitled to indirect benefits resulting from activities such as the docking of ships and sale of supplies to vessels.

The United States, they pointed out, has received direct benefits from the Canal, not the least of which is a subsidy for its maritime trade through low Panama Canal tolls.

In the discussions on compensation, negotiator Manfredo said, consideration will be given to what each country has furnished for the Canal enterprise. In this connection, he mentioned the United States investment in the waterway.

From the political viewpoint, according to negotiator Guevara, the main objective for Panama is to recover its jurisdictional rights in the Canal Zone. He said these rights, granted to the United States in the 1903 treaty, have been abused by the United States for purposes not provided for in that treaty.

The interviewer asked negotiator Guevara how a new Panama Canal treaty would be ratified by Panama, whose constitution requires legislative approval of all treaties.

He replied that he has heard authorized spokesmen of the Revolutionary Government say that with or without a National Assembly, a new treaty would be submitted to the people, directly for approval—a plebiscite.

BLACK LUNG LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, it is a pleasure to share with my colleagues a statement made by Dr. Lorin E. Kerr, director, department of occupational health, United Mine Workers of America and visiting professor of public health, Howard University College of Medicine before the General Subcommittee on Labor, House Committee on Labor and Education on May 10, 1971, with respect to bills to amend title IV—black lung benefits—of the Federal Coal Mine Health and Safety Act of 1969.

This excellent statement follows:

STATEMENT BY LORIN E. KERR, M.D., M.P.H. ON H.R. 18, H.R. 42, H.R. 43, AND H.R. 5702

My name is Doctor Lorin E. Kerr. I am Director, Department of Occupational Health, United Mine Workers of America and Visiting Professor of Public Health, Howard University College of Medicine.

I wish to express the union's appreciation to this subcommittee for holding these hearings on H.R. 18; H.R. 42; H.R. 43; and H.R. 5702, bills to amend title IV (black lung benefits) of the Federal Coal Mine Health and Safety Act of 1969. It is appropriate that this subcommittee should hold the first hearings to amend this historic act and that this initial attention is focused on title IV. Mister Chairman, you and the other members of the subcommittee played a major role in assuring the provision of benefits for black lung victims as well as the ultimate passage of the law. We are also mindful of the precedence this law established in your highly successful endeavors to protect the on-the-job health of all workers which culminated with the passage of the Occupational Health and Safety Act of 1970. Although the 1970 act is not concerned with the prevention and control of the health hazards plaguing the nation's coal miners, the administration of the 1970 act does have an immediate and direct effect on the Federal Coal Mine Health and Safety Act of 1969 and the UMWA shares with all of organized labor a deep concern about the matter on which I will elaborate later in my testimony.

As you know, the authority and responsibility for the enforcement and compliance with the health standards in the coal mine act is delegated by Congress to three federal departments. There are none of these, however, that can successfully achieve its assigned responsibilities by independent action. In each instance all interested parties, but in particular the union, must and have played an active and aggressive role. During the seventeen months since the law was enacted the union's Department of Occupational Health has conducted an intensive campaign to help coal miners disabled by coal workers' pneumoconiosis and widows of miners killed by the disease received black lung benefits. More than 50 articles, most of which contained detailed information concerning title IV, have appeared in the United Mine Workers Journal which is mailed to every member of the union. These included such items as a black lung application form; the rules and regulations for black lung benefits which appeared in the Federal Register April 7, 1970; a continuing black lung questions and answers column; and a listing of the name and address of each union district office rehabilitation counselor appointed by President Boyle to assist black lung victims. The federal black lung rules and regulations were also mailed to every local union. Mr. Chairman, sample copies of these items appear as appendix A at the end of this statement and I respectfully request they be inserted with my statement in the record of these hearings.

Beginning in May 1970 the department conducted two series of meetings throughout the coal fields with the union district rehabilitation counselors and representatives of the Social Security Bureau of Disability Insurance and the UMWA Welfare and Retirement Fund. The first meetings were designed to facilitate and hasten all applications while the second were concerned with immediate implementation of the reconsideration of all applicants denied benefits. During June 1971 a third series of meetings will be devoted to the activation of the Social Security Administration appeals procedure for those receiving a negative response to an application for reconsideration. In the union districts these regional meetings are followed by continual local group and individual meetings.

The Department, since December 30, 1969, when the bill was signed into law, has received each day more than fifty written requests for help and information on black lung benefits. Replies to these and innumerable telephone inquiries are never delayed more than forty-eight hours. In addition, there have been almost daily conversations and many personnal meetings with the Bureau of Disability Insurance in an effort to resolve individual applications, policies and issues.

Finally, I am sure you are aware of our role in the National Conference on Medicine and the Federal Coal Mine Health and Safety Act of 1969 held here in Washington, June 15–18, 1970. This was the first public review of the numerous health aspects of the act and of necessity considerable time was devoted to title IV and its administrative problems. The conference was supported by a grant from the Bureau of Occupational Safety and Health, Department of Health, Education, and Welfare; the coal industry and the United Mine Workers of America. Mr. Chairman, I have a copy of the papers and proceedings of that conference for each member of the subcommittee because I believe this report will be a standard reference on the diagnosis, prevention and control of coal workers' pneumoconiosis for some time to come. I think you will also find the contents helpful to you in your deliberations on the proposed amendments. Additional copies are available at no cost to anyone requesting them.

We have been impressed with Congressional wisdom in assigning the administrative responsibilities for title IV to the Social Security Administration. The concern for people manifested by the Social Security Bureau of Disability Insurance has been a refreshing contrast to the usual adversary attitude encountered in most state workmen's compensation agencies. It was this attitude which motivated the Bureau to implement the act the same day the President signed the bill, instead of waiting one and one-half days for the beginning of the new calendar year. This action did, in fact, provide a number of applicants with an extra month of benefits. There are many other significant actions which further substantiate the Bureau's capability to handle the black lung program. We are, however, deeply concerned about the restrictions we constantly encounter which are attributed by the Bureau to the absence of Congressional authority or the lack of clarity in the legislative intent. We think the passage of these amendments will eliminate some of these restrictions.

We heartily endorse H.R. 18. This amendment will help to rectify the serious problem surrounding the overly long delayed publication of the criteria for determining the adequacy of state workmen's compensation coverage for pneumoconiosis by the Department of Labor. The proposed rules were published in the Federal Register on October 9, 1970, with a 30-day proviso for comments. However, the final rules and regulations were not published in the Federal Register until March 17, 1971. As you know, by that time a number of legislatures had adjourned and, lacking federal criteria, they took no steps to amend their compensation laws. In fact, they resisted the importuning of UMWA district presidents to at least take the six initial steps spelled out in the act. Detailed information essential for implementing these requirements was developed early in January 1971 by the Department of Occupational Health and sent to each district president by President Boyle with a memorandum insisting on immediate action. Thus far only two states, Montana and West Virginia have made essential legislative changes. Some states opined that the lack of federal criteria indicated that P. L. 91–173 would be repealed by 1973, thus obviating the need to amend state laws. The passage of H.R. 18 will correct misconceptions and permit the orderly passage of state laws without penalizing black lung victims for whom the benefits were intended.

The union also endorses H.R. 42. On March 26, 1971, President Boyle addressed a letter to Commissioner Robert M. Ball regarding the proposed rule making concerning black lung benefits published in the Federal Register on March 4, 1971 with a 30-day proviso. A copy of this letter is attached and labeled appendix B. The first point in that letter deplored the absence in the proposed rules of any provision for the payment of benefits to dependent survivors other than widows. President Boyle noted this was a serious deficiency in P. L. 91–173 and strongly recommended that ". . . the Department of Health, Education, and Welfare take action to have legislation introduced at an early date to rectify this grievous oversight." Precedent for the passage of H.R. 42 exists in other sections of Social Security legislation where payment is made to orphans.

The UMWA strongly supports H.R. 43. We have disagreed many times with the Social Security administrative decision which permits the reduction of black lung benefits by any payments for a distinct and separate disability regardless of the source of such payments. A Congressional statement that black lung benefits must not be construed as workmen's compensation would remove the administrative subterfuge which Social Security Administration has used to support its decision. President Boyle, in his letter of March 26, 1971 to Commissioner Ball, noted above, vigorously protested this administrative decision as it appears in the proposed rule making of March 4, 1971. His letter states:

"There is nothing in the law to support your deduction of workmen's compensation payments for *any* disability. The context in which this is covered in the law clearly indicates that the disability under consideration is one produced by black lung. Moreover it is contrary to the purported concern for people expounded by the Social Security Administration to reduce the benefit for a coal miner disabled by black lung by the amount paid by state workmen's compensation for a totally unrelated disability such as an above-the-knee double amputation."

The same statement is also applicable to the Social Security Administration reduction of black lung benefits by an amount equal to OASDI benefits paid for a separate disability. The passage of H.R. 43 would correct this defect.

The UMWA heartily endorses H.R. 5702. The passage of this amendment will rectify a serious inequity in P.L. 91–173. At present it is impossible for a coal miner with pulmonary impairment, regardless of the severity of the resultant disability, to receive black lung benefits unless his chest x-ray shows dust opacities thought to be characteristic of coal workers' pneumonoconiosis. This restriction unjustly penalizes many miners who are totally disabled because of a protracted occupational dust exposure. Moreover, the x-ray, good as it may be, should not be used as *the sole determining test* of an occupational pulmonary disability. The adequate interpretation of a chest x-ray requires an experienced, well trained and skilled radiologist. The chest x-ray, however, is only one piece of the medical armamentarium which the physician uses to arrive at a correct diagnosis. In this instance the physician must at least combine information from the x-ray with the results of pulmonary function tests and occupational and clinical history. Numerous physicians and miners have complained bitterly to me because the present law does not recognize the man who is totally disabled but has a negative chest x-ray. The passage of H.R. 5702 would recognize the total man and his disability which in turn would necessitate the development of adequate diagnostic criteria dependent on a number of factors.

While these hearings are concerned primarily with four proposed amendments, I am certain you share our concern about a number of other closely related health matters effecting P.L. 91–173 and its administration which should also be subjects for additional amendments. Again, I refer you to President Boyle's letter to Commissioner Ball (appendix B) wherein he reiterates his earlier denunciations of the administrative decision expressed in 410.555(a) (3) and 410.520 of the March 4, 1971 proposed rule making which condones the reduction of black lung benefits paid Pennsylvania miners and widows by an amount equal to state benefits which they are entitled to receive from general tax revenues. President Boyle's letter elaborates a little more on this matter but stresses the fact that it is an administrative decision in conflict with both the letter and intent of P.L. 91–173.

The same letter also voices the union's continuing opposition to the reduction of black lung benefit payments by the 1965 Social Security "offset provision." This has caused untold hardships among disabled miners who have suffered reductions of $50 to $200 per month in social security benefits.

A final item in that letter recommends that a wife or widow be qualified as a legal representative in the March 4, 1971 proposed rule making. In the absence of such a regulation the wife or widow is presently required to pursue the legal process of qualifying as legal representative. In such instances lawyers' fees may be as high as twenty-five percent of the total black lung benefits payable. Acceptance of this recommendation will prevent further diminution of the already meager resources of the wife or widow.

Another matter concerning the administration of black lung benefits is covered in President Boyle's letter of April 13, 1971 to Commissioner Ball, attached as appendix C. This letter urges the Bureau of Disability Insurance to adopt the same criteria for the diagnosis of black lung as the one formulated by the Bureau of Occupational Safety and Health published in the Federal Register of August 19, 1970. Contrary to the arguments presented by Social Security Administration, there is good reason to believe that the adoption of these criteria would hasten decision making on black lung applications and reconsideration of denials. The present dual system also raises unnecessary questions concerning the validity of two standards for the same diagnostic procedure within one federal department, particularly when one standard has acknowledged superiority over the other.

Finally, I must draw your attention to the apparent decimation of the Bureau of Occupational Safety and Health by the Secretary of Health, Education, and Welfare. On April 27, 1971 President Boyle sent a telegram and confirming letter to Secretary Richardson deploring his violation of the Occupational Safety and Health Act of 1970 and stressing the destructive effect his inaction would have on the Federal Coal Mine Health and Safety Act of 1969. This telegram is attached as appendix D. The 1970 law requires the designation of a National Institute of Occupational Safety and Health on April 28, 1971. To date this pronouncement has not been made. On April 16, 1971 the Federal Register indicated the Bureau of Occupational Safety and Health was to have immediate and direct administrative responsibility to the Assistant Secretary for Health and Scientific Affairs. Contrary to this formulation, we understand it is planned to make the Bureau administratively responsible to the Assistant Secretary via the Surgeon General then the Director of Health Service and Mental Health Administration and possibly the Director of the Communicable Disease Center. This extraordinarily long chain of command for a Bureau charged with major responsibilities by both P.L. 91–173 and P.L. 91–596 would confirm suspicions that such laws are a sham and will never be enforced.

Organized labor, until recently, has given top priority to programs designed to provide medical security because of the preeminence given this need by the workers themselves. There is now sufficient public attention focused on this subject that it is safe to conclude we are not far removed from a national health program which, hopefully, will remove the financial barriers and provide a planned approach to comprehensive, readily accessible medical care.

Consequently, organized labor is able to direct its attention to the grisly toll of job-related death and disability. This is rapidly gaining acceptance as the next major health problem confronting the workers and they will not tolerate current administrative tinkering with bills designed to eliminate the needless slaughter on-the-job.

After nearly 18 months of operating experience with the federal coal mine act the UMWA feels that it is inconceivable that Secretary Richardson would even consider destroying both the letter and intent of P.L. 91–173. This experience has also convinced the union that the present director of the Bureau of Occupational Safety and Health has established himself as a thoroughly competent individual fully capable of assuming the responsibilities of the National Institute of Occupational Safety and Health and the implementation of the Occupational Safety and Health Act of 1970.

The nation's coal miners who fought so hard for the 1969 legislation have unsuccessfully petitioned Secretary Richardson not to subvert the National Institute or the 1969 and 1970 Acts. We now turn to Congress with a request to stop the impending chaos.

Thank you.

APPENDIX A

FORM FOR COAL MINERS AND WIDOWS TO FILE FOR "BLACK LUNG" BENEFITS

The form below was published in the January 15, 1970 issue of the UMW Journal to assist coal miners and widows in applying for Federal benefits under the Federal Coal Mine Health and Safety Act of 1969. To apply for benefits under the new law fill out this form. Take it to the nearest Social Security office or mail it as soon as possible. Any delay in filing could cause a loss of benefits. If you think you are eligible for benefits file this form. Payments will start as of the date you file, if it is determined that you are eligible. The law does not permit back payments earlier than the date you, yourself, file.

Name of the Coal Miner (Please print)___

Social Security Number__________________

"I____________(Name of Miner or Widow—Please Print) hereby apply for any benefits due me (and my family) under the Federal Coal Mine Health and Safety Act of 1969."

Witnesses: If this statement has been signed by mark (X), two witnesses who know the person making this statement must sign below, giving their full addresses.

1. Signature_____________________________
Address________________________________
2. Signature_____________________________
Address________________________________
Signature of person making the statement:
Signature______________________________
Mailing Address (please print)___________
City, State, Zip Code.
Date, Telephone No.

[From the United Mine Workers Journal, February 1, 1970]

Q. AND A. ON "BLACK LUNG" COMPENSATION

EDITOR'S NOTE. The UMWA's Department of Occupational Health, headed by Dr. Lorin E. Kerr, has received hundreds of letters asking questions about the new Federal "Black Lung" compensation law. As of January 21, the Social Security Administration has received 60,000 applications for the Federal compensation under the new law. By the time you read this they expect to have over 70,000. Listed below are the questions most frequently received by the Department of Occupational Health. The answers are correct on the basis of the best information available at the present time.

1. Where should I file for black lung benefits?

Answer: At your nearest Social Security office. It is important to apply now, because benefits are effective only with the date of application. If you are unable to visit the office, write as soon as possible. The address can be found in the telephone directory or obtained from your post office.

2. How much will the benefits be?

Answer: For single miners, $136 per month; it goes up to $272 per month for a miner with three or more dependents.

3. How much money will I have to spend for medical reports to prove my claim?

Answer: You may not have to spend any since the evidence needed to support your claim may already be available. However, the law provides that claimants will be reimbursed for reasonable medical expenses incurred in establishing their claims.

4. Are benefits payable to widows?

Answer: Yes, *regardless* of when the miner died provided that he was disabled by or died from pneumoconiosis. Such a widow must not have remarried and must have been living with or dependent for support on the deceased miner at the time of his death, or, if living apart, it must have been for reasonable cause or because of miner's desertion. Once a miner starts drawing these benefits his widow will become entitled to benefits at his death, if she meets the other requirements. The widow will receive the basic monthly amount ($136) plus any allowance due for children up to the family maximum of $272.

5. How about payment to a wife or child?

Answer: There is no provision for direct payment to a wife or child, but if a wife or child qualifies as a dependent, this will result in a higher benefit rate payable to the disabled miner. (Benefits to a widow are also increased if she has dependent children.) The maximum family benefit is twice the basic benefit payable to a disabled miner (about $272 a month at the present time).

6. Is a miner who retired many years ago because of pneumoconiosis due to his employment in an underground coal mine eligible for benefits?

Answer: Yes, the law sets no time limit on when the disability must have begun. Similarly, if the miner is deceased it does not matter how long ago he died for his widow to qualify.

7. What coal miners are eligible?

Answer: Any individual who has worked underground or on the surface in preparing coal who has pneumoconiosis as prescribed by the law or is found by the Social Security Administration to be incapacitated by the disease to a degree that they are totally disabled. The criteria may not be more restrictive than those for determining entitlement to social security disability benefits.

8. What is pneumoconiosis?

Answer: The law defines pneumoconiosis as a "chronic dust disease of the lung arising out of employment in an underground coal mine."

9. Are other chronic dust diseases of the lung included in the law for purposes of "black lung benefits"?

Answer: Yes. A partial list of chronic dust diseases of the lung that may have arisen out of employment in an underground coal mine includes pneumoconiosis, anthracosilicosis and silicosis.

10. What benefits must be reduced because of entitlement to workmen's compensation, unemployment compensation, or disability insurance benefits under State law on account of disability of the miner?

Answer: Either miner's or widow's benefits but only if the workmen's compensation, unemployment compensation, or disability insurance benefit is on account of the disability of the miner.

11. If an individual becomes entitled to miner's black lung benefits, may he work without losing benefits?

Answer: A totally disabled miner beneficiary may earn up to $1,680 a year without any reduction in his black lung benefits. There is a $1.00 reduction in benefits for every $2.00 earned between $1,680 and $2,880, and a dollar-for-dollar reduction thereafter for earnings over $2,880. Work deductions do not apply to widows or dependents.

12. Should an individual also apply for State workmen's compensation benefits?

Answer: The law requires that you must also file a claim under the State workmen's compensation law unless you have already done so or the filing of such a claim would be futile because you would clearly not be eligible. Your Union District office can help answer this question for you on State workmen's compensation.

13. Should miners receiving state workmen's compensation benefits for "black lung" also apply for Social Security "black lung" benefits?

Answer: Yes.

[From the United Mine Workers Journal, Apr. 1, 1970]

NEW GOVERNMENT BLACK LUNG PAMPHLET

(EDITOR'S NOTE.—The Social Security Administration has published a pamphlet titled "The New Coal Miners Black Lung Benefits." It is printed in full below. Dr. Lorin E. Kerr, Director of the UMWA Department of Occupational Health, recommends that this be saved for future reference.)

If you are a coal miner disabled by black lung disease—

If you are the widow of a coal miner who had this disease—you may get monthly cash benefits.

MINERS

A miner who is disabled by black lung disease may be eligible for benefits even if he has been out of the mines many years.

WIDOWS

A widow of a coal miner may be eligible for benefits if her husband was disabled by or died from black lung disease. It does not matter how long ago he died.

APPLY NOW

If you think you may be eligible for these benefits and have not already applied, you should do so now. Even though payments cannot begin until a claim has been approved, benefits will be paid going back to the time of application. But no benefits can be paid for the time before you file your claim.

Apply at your nearest social security office. Phone or write the office if you can't visit in person. You can find the address of the office in the telephone directory under "Social Security Administration" or ask at your local post office.

The people at your Social Security office will help you with your application. There is no charge for this service. It is not necessary to have someone represent you when you apply for benefits—but it is your right to have a representative if you want.

The medical evidence needed to support your claim for black lung benefits may be available in existing records. You will be notified of any additional information or evidence you need to furnish. You will be reimbursed for any reasonable medical expenses you might have in establishing your claim.

AMOUNT OF BENEFITS

The benefits amount to about $136 a month for a miner or his widow. Payments are higher if there are dependents (wife or children), ranging up to about $272 a month for a family of four or more.

WHAT IS BLACK LUNG DISEASE?

Black lung disease is the commonly used name for coal workers' pneumoconiosis, a chronic lung disease caused by breathing dust in underground coal mines. Sometimes black lung disease is called miner's asthma, silicosis or anthracosilicosis.

WHAT IF I HAVE ALREADY APPLIED FOR SOCIAL SECURITY?

You should apply for black lung benefits even if you have filed for social security payments. You may be entitled to additional benefits.

If you think you are disabled by black lung disease, you should apply even though you have been turned down for social security disability benefits. The rules are different and you might qualify for black lung benefits even if you aren't eligible for social security disability payments.

REDUCTIONS IN BENEFITS

If a miner or his widow is getting workmen's compensation, unemployment compensation, or disability insurance benefits under state law, black lung benefits may be reduced in the amount being paid under those programs.

If a miner is getting social security disability benefits, under some circumstances there may be a reduction in these payments if a claim for black lung benefits is approved.

If a miner qualifies for black lung benefits but earns more than $1,680 a year, his benefit checks will be reduced (unless he is 72 or older). Benefits are reduced $1 for every $2 earned between $1,680 and $2,880. Benefits are further reduced by $1 for every $1 earned over $2,880. Earnings by a miner's wife or widow, or by dependent children, do not affect the benefit amount. The social security office can explain this in more detail.

HELP SPREAD THE WORD

If you know people who may be eligible for black lung benefits and have not yet applied, tell them about this new program. Suggest a visit to the nearest Social Security office. The people there will be glad to help in every way.

[From the United Mine Workers Journal, May 15, 1970]

U.S. BLACK LUNG BENEFIT REGULATIONS

EDITOR'S NOTE: On April 7 the Federal Register published regulations covering payments of black lung benefits under the new Federal Coal Mine Health and Safety Act. The text of these regulations is printed in full below:

[F.R. Doc. 70-4171; Filed, Apr. 6, 1970; 8:48 a.m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 10 added]

Part 410—Federal Coal Mine Health and Safety Act of 1969, Title IV—Black Lung Benefits (1969———)

Title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173, provides for payment of benefits to coal miners who have contracted pneumoconiosis from work in the Nation's underground coal mines and are disabled thereby, and to the widows of such miners. Section 411(b) of the Act provides that the Secretary of Health, Education, and Welfare shall by regulation prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. There are, accordingly, promulgated below, Regulations No. 10 of the Social Security Administration, 20 CFR Part 410, which at the present time contain two subparts: Subpart A (Introduction, General Provisions, and Definitions) and Subpart D (Total Disability or Death Due to Pneumoconiosis).

Because of the provision in section 411(b) of the Act requiring that such standards be promulgated and published in the *Federal Register* not later than the end of the third month following the month in which title IV was enacted, the Secretary of Health, Education, and Welfare finds that notice of rule making and public procedure thereon are impracticable. Therefore, these regulations will be effective upon their filing with the Office of the Federal Register.

Consideration will be given, however, to any data, views, or arguments pertaining to said regulations for the purpose of suggesting modifications or additions thereto, which are submitted in writing in triplicate not later than May, 1970, with the Commissioner of Social Security, Department of Health, Education, and Welware Building, Fourth and Independence Avenue, S.W., Washington, D.C. 20201.

Subpart A—Introduction, General Provisions, and Definitions

Sec.

410.101 Introduction.

410.110 General definitions and use of terms.

Subpart D—Total Disability or Death Due to Pneumoconiosis

410.401 Basis for total disability standards.

410.402 Total disability defined.

410.403 Evaluating total disability under § 410.402(b).

410.404 Evidence of pneumoconiosis.

410.405 Determining medical equivalence.

410.406 Evidence of origin of pneumoconiosis.

410.407 Cessation of disability.

410.415 Death due to pneumoconiosis.

410.421 Provisions incorporated by reference.

AUTHORITY: The provisions of this Part 410 issued under secs. 402(f), 411(b) of Public Law 91-173; 83 Stat. 793.

Subpart A—Introduction, General Provisions, and Definitions

§ 410.101 Introduction.

The regulations in this Part 410 (Regulations No. 10 of the Social Security Administration), relate to the provisions of part B (Black Lung Benefits) of title IV of the Federal Coal Mine Health and Safety Act of 1969, as enacted December 30, 1969, and as may hereafter be amended. The regulations in this part are divided into the following subparts according to subject content:

(a) This Subpart A contains provisions relating to definitions and the use of terms.

(b) Subpart B of this part relates to the requirements for benefits, filing of claims for benefits, and duration of benefits.

(c) Subpart C of this part contains provisions regarding dependents of entitled miners and widows.

(d) Subpart D of this part provides standards for determining total disability and death due to pneumoconiosis.

(e) Subpart E of this part relates to the payment of benefits, benefit rates, adjustment of benefits, and overpayments and underpayments.

(f) Subpart F of this part relates to procedures for determinations and review of determinations with respect to benefits, and representation of parties.

§410.110 General definitions and use of terms.

For purposes of this part, except where the context clearly indicates otherwise, the following definitions apply:

(a) "The Act," means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), as enacted December 30, 1969, and as may hereafter be amended.

(b) "Benefit" means the black lung benefit provided under part B of title IV of the Act to coal miners and to surviving widows of miners.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Social Security.

(e) "Administration" means the Social Security Administration in the Department of Health, Education, and Welfare.

(f) "Appeals Council" means the Appeals Council of the Bureau of Hearings and Appeals in the Social Security Administration or above the surface of such land by any person, used in, or to be Chairman.

[From the United Mine Workers Journal, Sept. 15, 1970]

IF TURNED DOWN FOR "BLACK LUNG" BENEFITS, HERE'S WHAT TO DO

EDITOR'S NOTE. The following information from the Department of Health, Education, and Welfare is for the information of all American coal miners. It concerns your right to question the decision made on any claim you may file or have filed for "black lung" benefits under the Federal Coal Mine Health and Safety Act of 1969. Read it carefully. If there are further questions you should get in touch with your local Social Security office and/or with the Rehabilitation Counselor in your UMWA District office.

WHAT TO DO

This article explains what you may do if you feel the decision on your claim under the Federal Coal Mine Health and Safety Act is not correct and you want to have the decision re-examined.

1. First you may ask that the decision be *reconsidered*.

2. You may next ask for a *hearing before a hearing examiner* if you disagree with the results of that reconsideration.

3. If you disagree with the decision of the hearing examiner, you may then ask for a review of that decision by the *Appeals Council*.

4. If you disagree with the Appeals Council decision or if the Appeals Council declines to review your case, you may bring a *civil action in a Federal court*.

WHAT ASKING FOR RECONSIDERATION MEANS TO YOU

When you apply for benefits under the provisions of the Federal Coal Mine Health and Safety Act, your application and the evidence submitted are given careful consideration. If the requirements for benefits are met, your claim is approved. If it is determined that you do not meet the requirements of the Act, your claim is disallowed. The following steps may be taken if you feel that the decision made on your claim is not correct.

RECONSIDERATION OF YOUR CLAIM

A reconsideration is a complete review of your claim to determine whether the original decision was correct. It is a thorough examination of all the evidence submitted when the original decision was made plus any additional evidence which can be obtained. This review is made by persons other than those who made the original determination to insure that you receive a new and independent decision. The request must be filed within six months of the date the notice of initial determination is mailed. If you still disagree with the decision after the claim has been reconsidered, you may ask for a hearing before a hearing examiner.

HEARING BEFORE A HEARING EXAMINER

A hearing examiner is an officer of the Bureau of Hearings and Appeals of the Social Security Administration. He had no part in the initial or reconsidered determination. A hearing is usually held in the city where the Social Security office that handles your claim is located so that you may conveniently attend the hearing and present your case in person. At the hearing, the hearing examiner reviews what has gone before in the case, states exactly what issues must be decided, and asks questions of you and your witnesses present. All testimony is taken under oath. You and your representative may question the witnesses, present new evidence, and may examine the evidence on which the hearing examiner will base his decision.

If you prefer, you may request that the hearing examiner review the case without your personal appearance. In that event, the hearing examiner will base his decision on the evidence which was previously submitted in the case plus any additional evidence or statements which you submit. A request for a hearing must be filed within six months of the date the notice of the reconsidered determination is mailed.

A copy of the hearing examiner's written decision will be sent to you. If you disagree with this decision, you may request a review by the Appeals Council.

REVIEW OF THE HEARING EXAMINER'S DECISION BY THE APPEALS COUNCIL

Whether your request for a review of a hearing examiner's decision will be granted is up to the Appeals Council. If the Appeals Council decides to review the case, you have a right to appear and present new evidence before the Appeals Council and to file a written statement. A request for Appeals Council review must be filed within 60 days of the date that the hearing examiner's decision or dismissal of the hearing request is mailed. The Appeals Council meets in Washington, D.C. When the Appeals Council decides your case, a copy of the written decision is sent to you. If you feel that the decision is not correct or if the Appeals Council has declined to review the hearing examiner's decision, you may bring a suit in a Federal District Court.

HOW TO REQUEST A RECONSIDERATION, A HEARING, OR A REVIEW

A request for a reconsideration, a hearing, or an Appeals Council review must be in writing and filed with an office of the Social Security Administration. The request may be made by you or your representative. A special form for making the request may be obtained from your Social Security office. The people there will also be glad to assist in completing the forms. A request may also be made by letter.

TIME LIMITS

If you wish to question any decision made on your claim, there are, as mentioned before, specific time limits within which the request must be made:

Reconsideration—Your request must be made within six months of the date of mailing of the notice of the initial determination.

Hearing Before A Hearing Examiner—Your request must be made within six months of the date of mailing of the notice of reconsidered determination.

Appeals Council Review—Your request must be made within 60 days of the date of the mailing of the hearing examiner's decision or dismissal of the hearing request.

Court Action—Your complaint must be filed in a District Court of the United States within 60 days of the date of mailing of the notice of the Appeals Council's decision or denial of review.

When the last day of the period for requesting any of the actions falls on a nonworkday (Saturday, Sunday, or national holiday), the period is extended to the next full workday.

If you fail to request the appropriate review within the time specified, you may lose your right to that review and be ineligible to take advantage of the next step in the review process. However, for good cause, such time limits may be extended. Of course, a person does not have to go through all the review steps if he does not want to. For example, a person may have a reconsideration and decide not to ask for any further review.

RIGHT TO BE REPRESENTED

You have a right to be represented by a qualified person of your choice in dealing with the Social Security Administration at any stage of your claim for black lung benefits. You and your representative will receive notices of the decisions. Payment of any fee to your representative for his services before the Social Security Administration must be made by you. For further information about your right to have someone represent you, get in touch with your Social Security office.

WHERE TO GO FOR INFORMATION

If you have any questions about the decision made on your claim for benefits under the Federal Coal Mine Health and Safety Act, get in touch with your Social Security office. The people there will be glad to discuss your claim with you and assist you in any way they can. They will also be glad to discuss any social security matter with you.

[From the United Mine Workers Journal, Feb. 1, 1971]

"BLACK LUNG" BENEFITS DENIED? ASK FOR RECONSIDERATION

The UMWA's Department of Occupational Health is currently engaged in a series of meetings with UMWA rehabilitation counsellors and representatives of the Social Security Administration in coal areas looking toward ironing out difficulties encountered in administration of the Federal "black lung" benefits program.

Dr. Lorin E. Kerr, Department Director, reports that the meetings are very successful and are resulting in better understanding of the problems being encountered.

The *Journal* has reported that Social Security has processed more than 150,000 "black lung" claims for miners and widows. Benefits have been awarded to more than 90,000 applicants, including 35,000 widows.

SOME CLAIMS HAVE BEEN DENIED

Of course, as in any such program, there have been denials of claims. Many of these denials undoubtedly are not justified. The Department of Occupational Health recommends and urges all applicants for "black lung" benefits to request reconsideration of their claims if there have been denials.

It is simply not true that Social Security is systematically denying benefits or is using a "gimmick" to deprive applicants of benefits to which they may be entitled. We say this because some uninformed persons have made such charges and the charges have been published in coal area newspapers.

Our impression, having talked to Social Security representatives, is that every effort has been made and will be made to give applicants any and all benefits to which they are entitled under the law.

If for any reason you have been denied benefits to which you think you are entitled you should immediately request reconsideration. This should be done in person or by letter to your local Social Security office.

It is not necessary to employ an attorney to handle any of these matters. There is no evidence that any reconsideration review or appeal is hastened or a decision changed by the employment of an attorney by a coal miner or widow. The UMWA has designated a rehabilitation counsellor in every one of the UMWA District offices in the United States. The District offices are listed on the Official Roster page in each issue of the Journal. If you need help get in touch with the rehabilitation counsellor.

The Journal plans to report in more detail on the meetings between UMWA rehabilitation counsellors and Social Security representatives in a later issue.

UMWA REHABILITATION COUNSELLORS

Following are the names of the UMWA rehabilitation counsellors in the UMWA Districts in the United States. They are the men to whom applicants for Federal "black lung" benefits should present their problems if they have any questions about denials or other problems:

District No., Counsellor.
2, Bruno Telk.
3, Bruno B. Olmizzi.
4, Walter Suba.
5, John Wusels.
6, John Pollack.
8, James Procarione.
10, Sam Nicholls.
11, James Procarione.
12, Kenneth F. Wells.
14, Henry Allai.
15, Arthur Biggs.
17, Robert L. Hutcherson.
19, Kenneth R. Combs.
20, Samuel E. Littlefield.
21, Donald E. Lawley.
22, H. A. "Dell" Brownfield.
23, Lee Roy Patterson.
25, Daniel M. Kopcza.
27, Antoinette Boyle.
28, William F. Hogan.
29, Robert Forren and Charles H. Phillips.
30, Tom Raney.
31, William L. Marsh.

[Appendix B]

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., March 26, 1971.

Mr. ROBERT M. BALL,
Commissioner of Social Security,
Department of Health, Education, and Welfare,
Baltimore, Maryland

DEAR MR. BALL: In accordance with the proposed rule making published in the Federal Register on March 4, 1971 concerning black lung benefits, we submit the following comments:

1) There is no provision for benefits for dependent survivors other than widows. Failure of the Federal Coal Mine Health and Safety Act to provide for orphans is a serious deficiency and we strongly recommend that the Department of Health, Education, and

Welfare take action to have legislation introduced at an early date to rectify this grievous oversight.

2) The second sentence of 410.226 needs clarification. The sentence can easily be determined to mean the claimant can be paid benefits for the month of filing only if all of the requirements for entitlement are met in the same calendar month. It is my understanding that this is not the actual practice. Therefore, we urge you to change the wording to avoid possible contrary action at a later date.

3) There are three typographical errors in the printed text. Line 4 of 410.230 "field" should be "filed." Line 8 of 410.231(c) "edath" should be "death." Line 1 of 410.320 (c) "low" should be "law."

4) Section 410.515 states and section 410.520 delineates the reduction of black lung benefits upon receipt by a beneficiary of payments made "on account of any disability of the miner" by state workmen's compensation. We vigorously protest this administrative decision. There is nothing in the law to support your deduction of workmen's compensation payments for "any" disability. The context in which this is covered in the law clearly indicates that the disability under consideration is the one produced by black lung. Moreover, it is contrary to the purported "concern for people" expounded by the Social Security Administration to reduce the benefit for a coal miner disabled by black lung by the amount paid by state workmen's compensation for a totally unrelated disability such as an above-the-knee double amputation.

5) I reiterate my denunciation of the administrative decision as expressed in 410.515 (a)(3) and 410.520 which condones the reduction of black lung benefits paid Pennsylvania miners and widows by an amount equal to state benefits which they are entitled to receive from general tax revenues. The case for non-deduction of these state benefits is clearly set forth in the report of the Joint House-Senate Conference Committee on P.L. No. 91–173. As I have stated before, the law does not support this administrative decision. In fact, it is acknowledged by those familiar with the law and its legislative history that this is an inhuman misinterpretation of both the letter and intent of the law. We will continue to vigorously protest this decision until it is rescinded

6) The United Mine Workers of America again voices its opposition to the reduction of black lung benefit payments by the 1965 Social Security "offset" provision as proposed in 410.515(a)(1) and 410.530. This amendment with its 80% proviso sorely affects those with meager income. It has caused untold hardships among disabled miners who have suffered reductions of $50 to $200 per month in Social Security benefits. The union will continue its diligent efforts to have this section of the law repealed.

7) We recommend that a wife or widow as defined in 410.310 and 410.320 be qualified as a legal representative in 410.570(d). In the absence of such a regulation the wife or widow is required to pursue the legal process of qualifying as legal representative. My information is that lawyers' fees in such instances may be as high as 25% of the total black lung benefit payable. Acceptance of my recommendation will prevent further dimunition of the already meager resources of the wife or widow.

We share your concern over the need to provide each applicant adequate appeal procedures in the event of denial. However, we fear the administrative detail set forth in subpart F can serve as a subterfuge to delay further the final decision on many applications. Far too many victims of black lung are still waiting action on claims filed in 1970. We urge you to expedite these decisions.

Sincerely yours,

W. A. BOYLE.

[Appendix C]

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., April 13, 1971.

Mr. ROBERT M. BALL,
Commissioner of Social Security, Department of Health, Education, and Welfare, Baltimore, Md.

DEAR COMMISSIONER BALL: The Bureau of Disability Insurance has been utilizing criteria appearing in the regulations published in the Federal Register of April 7, 1970 for diagnosing coal workers' pneumoconiosis and assessing total disability produced by this disease.

The Bureau of Occupational Safety and Health published in the Federal Register of August 19, 1970 standards governing the chest x-ray program for working miners set forth in title II of Pub. L. 91–173. The U.S. Public Health Service in setting these standards sought the advice and assistance of all interested parties including appropriate professional and scientific organizations. As you know, the Public Health Service also sponsored and actively participated in an extensive training program designed to assist radiologists and chest physicians participating in the title II program. We are favorably impressed with the validity of the standards and the methods being utilized to implement them.

In view of the numerous problems BDI and, in turn, the miner is encountering among those making a diagnosis of black lung in accordance with the title IV regulations, we urge you to adopt the title II regulations at an early date.

It is my understanding that BDI has taken preliminary steps in this direction but we are puzzled by the inordinate delay in taking appropriate action. This is only compounding the number of denials for black lung benefits and retarding the decision making process. It is also raising unnecessary questions concerning the validity of having two standards for the same diagnostic procedure within one federal department, particularly when one standard has acknowledged superiority over the other.

May I have your early response.

Sincerely yours,

W. A. BOYLE.

[Appendix D]

APRIL 27, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

We understand you are contemplating placing the bureau of occupational safety and health within the administrative structure of the communicable disease center of the health services and mental health administration.

Such action would make it utterly impracticable for the bureau to comply with the authority and responsibility assigned by Congress with the passage of the Federal Coal Mine Health & Safety Act of 1969. It would hamper the bureau's efforts to comply with the congressional intent of the occupational safety and health act of 1970.

In accordance with the 1970 act, it is essential that on April 28, 1971 the bureau be designated by you as the institute of occupational safety and health. It is also essential that the institute have immediate and direct administrative responsibility to the assistant secretary of health and scientific affairs as stated in the Federal Register of April 16, 1971. This is the only way the institute can adequately protect the workers' health and safety on the job. Any act to subvert the institute for occupational safety and health or the 1969 and 1970 acts will bring condemnation from the nation's work force.

In view of the innumerable problems still confronting HEW in seeking enforcement and compliance with the health regulations of this Federal Coal Mine Health and Safety Act of 1969, it is inconceivable that you would even consider administrative action destroying both the letter and intent of the law. The nation's coal miners who fought so hard for this legislation implore you not to make this change.

W. A. BOYLE, *President,*
United Mine Workers of America.

ACCESS TO THE NATION'S CAPITAL

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, yesterday, June 16, Washington National Airport marked its 30th anniversary. And I think it appropriate that the anniversary remind us of something too often taken for granted.

Over the past few years the city of Washington has been in the news a great deal, usually with the emphasis upon a District of Columbia problem of one kind or another. It is a somewhat rare occasion when we focus on one of the District's strong points, when we turn our attention to its community assets.

One of the strongest assets of the Washington metropolitan area is its accessibility. Washington is one of the most accessible national capitals in the world. In any government where the people elect the chief executive and the legislators, easy access to the national capital is tremendously important. Such accessibility enables us to go frequently and quickly to the people in our districts. It enables the people to come conveniently to see their government in action here. It enables our constituents to have ready access to express viewpoints on important legislative matters.

A major reason for Washington's accessibility can be found in the area's airports system. Washington National Airport, now handling about 9½ million passengers a year, is the most important element of this system in terms of volume, convenience of location and for short-range and medium-range air trips.

At this particular time in the jet era most of the scheduled short-range and medium-range air service is provided by three types of aircraft—the 727, the 737, and the DC–9. These are the planes most frequently seen at Washington National Airport. And increasingly they are being seen without the smoke trail.

More than 5 years ago, long before the present level of concern about environmental pollution, the airlines began working with manufacturers on a new type of burner can to virtually eliminate the visible particulates from the engines powering the 727, the 737, and the DC–9. The experiment was successful. A retrofit is underway at a cost to the airlines of some $30 million. And soon the planes using Washington National will be virtually smoke-free.

Among all of the 530 airports in the United States served by the scheduled airlines, Washington National is the outstanding example of a highly productive close-in airport. A close-in airport has many advantages. But a heavily used close-in airport must constantly strive to curb congestion. Here the airlines serving Washington National deserve good marks.

In the past few years passenger facilities there have been vastly improved. Since 1967 the airlines serving Washington National have invested more than $15 million in new passenger facilities. This has increased the terminal capacity by some 60 percent. Public parking space has been increased by 37 percent.

Amid the swirl of seemingly larger events occupying official Washington, such things as more room for passengers and more parking space at the airport usually pass without notice. This is particularly true if such amenities are provided as needed and the airport continues to do its job well. But they are part and parcel of insuring continued easy access by a people to their government. And that, I submit, is a very big thing indeed.

From a personal standpoint, I have taken off from or landed at Washington National Airport 784 times on trips to or from my district in Columbus, Ohio. It is most convenient. The trip is usually 50 minutes in the air, and 10 minutes by car to the Capitol building. Although Dulles is a fine modern facility, it is ridiculous to expect air travelers to spend an hour or more riding into Washington from there. Until such time as we develop high-speed surface transportation, it would be impracticable, inconvenient, shortsighted and ridiculous to bow to the special interest groups, real estate promoters and developers. Washington National must continue to serve the needs of the District of Columbia as well as the public who have business in the Nation's Capital.

Those complaining about noise and air pollution are really using this as the excuse rather than the reason for urging discontinuance.

I trust Washington National Airport will be able to celebrate at least another 30 years of effective and efficient service to the public.

THE PACIFIC TROPICAL BOTANICAL GARDEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing legislation, cosponsored by my distinguished colleague from Hawaii, the Honorable Spark M. Matsunaga, to amend the charter for the Pacific Tropical Botanical Garden, to remove the limitation as to the maximum number of persons who may serve on the board of trustees.

The garden, located in Hawaii, was chartered by Congress by the act of August 19, 1964, Public Law 88–449. Its purposes, as set forth in the act, are as follows:

> To establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;
>
> To foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicines, and other sciences;
>
> To disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;
>
> To collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; and
>
> To provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.

The garden has made steady progress toward carrying out these objectives. In view of the comprehensive nature of the stated objectives, it has been necessary to proceed through a period of organization and preparation which will enable the corporation to fully carry out the purposes of the act. Perhaps the most important principle developed during the planning phase of the first 5 years of the garden was that a 20th century garden could best be developed on a number of smaller sites and on the different islands of the State of Hawaii as they offered varying ecological environments.

Year 1970 marked a turning point in the progress of the garden, as it moved from planning to developmental activity. During the year the staff concentrated on preparing the garden's land in the Lawai Valley, on the Garden Island of Kauai, for its use as a scientific botanical garden. Some initial plantings were made, including native Hawaiian flora, medicinial plants in general, and the beginnings of a complete collection of hibiscus species and hybrids. A broad program of plantings in many genera was scheduled for this year.

In 1970, too, the Garden acquired additional Kauai acreage to form the nucleus of a botanical garden. As the corporation implements its operational program for the second 5 years, I am confident that we can look forward to great achievements in the establishment of sites on other islands and expansion of the planting and cultivation.

The increase in activity has brought a need for expansion of the membership of the board of directors, and that is the reason for my bill. Congress chartered the garden as a nonprofit corporation, and envisioned that it would be established and operated through private gifts and endowment without the need for appropriation or expenditure of Federal funds. Section 5(a) of the charter limits the size of the board to 15 members. The trustees and officers of the organization are of the view that this limitation should be removed.

In line with the purposes set forth in the act, the garden has the unique role of establishing for the people of the United States an educational and scientific center in tropical botany. In order to achieve the national goals of the corporation, it has been the practice of the board to include representatives on the board from as many sections of the country as possible, from the Northeast, mid-Atlantic, South, Southeast, Midwest, Northwest, Hawaii, and others. The board members have also recognized the need to have a diversity of interests and talents represented on the board: botany, horticulture, agriculture, education, medicine, drug manufacturing, philanthropy, industry, fund raising, and administration, among others.

When Congress chartered the corporation in 1964, it named only five persons to be the original trustees of the garden. These five and those whom they appointed to join them have carefully expanded the board over the past 7 years. By mid-1969, the board had been increased to 10 members. There were 14 in May 1971, and it was expected that during 1971 the 15th member would be elected to the board.

There are presently representatives on the board from the mid-Atlantic States, the District of Columbia, the Midwest, California, the Southwest, and Hawaii. If suitable trustees can be found in other sections of the country, the board would like to be able to add them. There are presently on the board a representative or representatives of the medical profession, the industrial community, the education community, garden clubs, and other nonprofit institutions. The board feels that when outstanding leaders in various of the disciplines previously mentioned related to effectuating the objects and purposes of the garden become available, that there should be the opportunity to add such persons to the board. A system of rotation of trustees has been adopted, but the system alone will not provide the flexibility required.

In view of the great need for adoption of this legislation to permit the organization to more effectively carry out its functions, I certainly hope that my bill will be promptly adopted.

CUBAN-AMERICAN VETERANS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Veterans of Foreign Wars recently created their first Cuban-American Post in Miami and the featured speaker was the distinguished Latin American news editor of television station WTVJ, Dr. Manolo Reyes.

I include Dr. Reyes' remarks in the Record so that my colleagues in the House may know of the contributions of Cuban-born men to our Armed Forces:

Speech by Dr. Manolo Reyes

> A man without a country, but with ideals, is a brilliant star with its own light.
>
> A human conglomeration which flees from oppression and tyranny is an example and a warning. But, it is also a symbol of love, because freedom was never born out of hate.
>
> In the past, God took his chosen people from their country to return them to the promised land later, after a given time. We shall say that in this century, God took a group of Cubans to the desert to make them a reserve. Today we are contemplating the reassurance of the statement just made.
>
> Twenty-four men born in Cuba and one born in the United States of Cuban parents—twenty-five men who have shone and do shine wearing the proud uniforms of the United States Armed Forces (the country which gave its close friendship to Cuba)—these men united to form the Cuban-American Post of the Veterans of Foreign Wars.

Using the opportunities which this great country has given to them, these twenty-five Cubans have united to look towards the future and act according to situations that arise.

We must say, that they have not only used the opportunities given them, but have gained the right to use them, with the light of their own ideals, which leads them straight on to combat International Communism, with their arms in hand, in Viet Nam or in Santa Domingo or in the eternal shores of Giron Beach.

Twenty-five men whom I consider heroes in the fight for freedom—the supreme expression of human dignity. Freedom is not bought—nor is it begged. Freedom is born of our ideals, brave men and with force of combat.

Freedom cannot be taken for granted. Each generation has its duty to achieve, maintain and preserve freedom. If a generation is born without freedom . . . it has the duty to earn it.

The twenty-five Cubans that are here today to form the first Cuban-American Post of Veterans of Foreign Wars are the symbol of a generation fighting for freedom.

To achieve this, the hands of these twenty-five brave men still have the smell of gun powder. However, for them the chapters they have lived are only a prologue of what is yet to come. The real chapter of their lives will be written with luminous letters in blood and gold in the final realization of Cuba's freedom.

For years they have been preparing. They have learned the art of war, and its more sophisticated methods. They have scaled to positions of honor. In exile honors are only half-received . . . in exile a being only half-breathes. The mother of us all is far away from us . . . the country that gave us everything is now in great pain. And because of these things, it is only right that we give her all we have.

Over there . . . Cuba . . . awaits her freedom!

There is an old American saying that reads, "Behind each great man there is a great woman." In the present case, we can say that behind this Cuban-American Post, there is a great woman.

With these words, and in the name of all my fellow Cubans, I wish to render respect and tribute, admiration and thanks to the great lady of the United States, Mrs. Anne Gennessee.

Mrs. Gennessee is the wife of Mr. Joseph Gennessee, Commander in Chief of the South Florida District of the VFW. In rendering tribute to these two American citizens, I am expressing the traditional Cuban-American friendship.

Now, my message to you, the brave Cubans who with your magnificent acts in the battle fronts of Viet Nam, fighting against International Communism . . . you have placed the name of Cuba on a very high scale.

Humanity is living a crucial moment. The principles which have allowed us to reach these moments look as though they are about to break. Our morals are constantly under attack from the forces of evil.

You, who are the military know that the corner stone of good order is respect, not only for the military, but also for society in general. Precisely, today people are trying to destroy respect and to end the principle of authority. Without respect there is no authority, and without respect or authority, there is no hierarchy of values. This is what International Communism is trying to do with their offensive ideology. The same International Communism you battled in the jungles of Viet Nam.

But, in keeping and cultivating the basic principles of God, country and family; by establishing the principles of law as a boundary which no man can infringe upon; and, by defending the sacred right of the people to freely choose those who govern them . . . we can overcome those who, with aggression, try to create chaos. Only in the confusion of anarchy can minorities seize power, as what did happen to our beloved country. Only in being loyal to ones ideals, even without a country, can one be a star with light of its own. Stars that can light the way to a free Cuba . . . on and off the captive island.

To go to ones country and to break the yoke of oppression . . . should be the greatest desire of all exiled Cubans. And for that supreme moment, when it comes . . . when the bullets of redemption sing their freedom gospel . . . I have brought something for you. Something that is the greatest symbol we have. Something that has the face of no leader but synthesizes in it the labor of all those who have fought for the freedom of Cuba. . . . The Cuban flag.

This Cuban-American Post of the Veterans of Foreign Wars carries the name of our great patriot "Jose Marti". God willing, may the gesture of these honorable men reach his tomb.

However, to make this more real, I am giving this beloved Cuban flag to this Post of gallant military men with the ferverent desire, converted into a solemn promise . . . that this flag which represents the country which Jose Marti fought for and gave his life for . . . will wave forever over his tomb at the Cemetery of Santa Efigenia in Santiago de Cuba.

And with all our hands united, we will help raise it over the new Cuba . . . over a free Cuba.

Gentlemen: Let us prove that God took a group of Cubans to a desert to form a reserve.

A NEEDLESS TRAGEDY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we have regrettably witnessed our first airborne hijacking tragedy—the death of a passenger who heroically attempted to disarm a hijacker holding a stewardess as hostage.

There is every reason to believe that this incident never should have happened, Mr. Speaker.

For many, many months now I have been urging the Federal Aviation Agency to get the various airport authorities and the airlines together on an agreement to install sensitive magnetic detecting devices at all the major airports of this country. To so equip each gate, I have been informed by those who manufacture the devices, would cost less than $2 million, a minute sum to an industry that spends billions of dollars.

I have been told that the disagreement between the airlines and the airports is a matter of principle, Mr. Speaker, as to who should bear the cost of installing the devices and training the personnel to use them. One man has died for this principle, for this needless quibbling.

There is pending before the Congress my bill, H.R. 3992, which has been joined by 43 other Members of this body, to provide the funds necessary to install these sensing devices at all major airport gates in the country.

The tragedy of a few days ago should tell us that it is no longer a matter of saving passengers the inconvenience of an unscheduled stop. It has now become a matter of saving lives of passengers whose fate may someday be sealed by the demented mind of an aircraft hijacker.

I do not mean to imply that electronic devices should be the only front on which we move to minimize the risk of skyjacking.

Another equally important matter, now before the Senate, concerns ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague last year.

I wish to call to the attention of my colleagues the excellent and forceful testimony of John J. O'Donnell, president of the Airline Pilots Association, delivered before the Senate Foreign Relations Committee on June 7.

In addition to supporting ratification of the agreement, President O'Donnell makes a strong case for preventive deterrent measures on the ground and, in a supplementary statement submitted June 16, for bilateral treaties with those nations that are not signatories to the convention.

Mr. Speaker, I am inserting President O'Donnell's statement at this point in the RECORD:

STATEMENT BY J. J. O'DONNELL

Mr. Chairman: I am John J. O'Donnell, President of the Air Line Pilots Association. In this capacity, I represent more than 31,000 pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 airlines.

I am grateful for the opportunity to appear before your committee bcause it gives the Association the opportunity to go on record in support of the immediate ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, which was signed at The Hague last December.

As President Nixon said, the Convention will be an important step in the development of international law and practice and we uphold the administration's stand on this great issue. From the standpoint of the flight crews who are literally in the front lines in the war against hijacking, the ratification of the Convention by the signatory nations is absolutely essential if lives and property are to have any measure of protection. The Convention, however, is only one of the actions that this nation and all nations must take if lives and property are to be saved from acts of aerial piracy.

The Air Line Pilots Association strongly urges that ways and means be found to bring *all* hijackers to the bar of justice wherever found and make them subject to severe punishment for any act which endangers the safety and well-being of airline passengers and crews. We wish to point out that the Convention, while an excellent, forward-moving document, would legally apply only to those nations who are members of the International Civil Aviation Organization. It would not necessarily be honored by non-participating nations.

Therefore, we urge in the strongest possible terms that the United States enter into bilateral agreements with other nations not members of the International Civil Aviation Organization. It is only through this means that *all* hijackers will be susceptible to punishment and thus present a psychological deterrent that may substantially lower the number of planes being diverted by this type of criminal.

Tht most recent hijacking, when a Pan American World Airways plane was diverted to Cuba, is a significant case in point. For the 66th time, American passengers, crew and planes were forced to land there because a single individual threatened to harm or murder innocent people in order to get his way. It was the first time, however, that the passengers and crew were held incommunicado and detained for such a long time.

It is the feeling of flight crews that it is only a matter of time before an aircraft being hijacked to Cuba is either destroyed in flight, or mid-air collision will occur because the crew's attention is diverted or an accident will take place because of below standard airport conditions in Cuba. Therefore, it is especially imperative that the United States enter into a bilateral agreement with Cuba as one important means to deter diversion of American planes to that country.

The Association also wishes to go on record before your committee as firmly believing that the best way to stop hijacking is to prevent the crime from happening in the first place. Prevention is always better than apprehension—especially if apprehension is attempted by a shoot-out at 30,000 feet. Airline crews want more diligence and attention paid to security measures on the ground. We want airport security plans that will affirm who has jurisdiction, who will search the baggage and how bomb scares and hijacking attempts will be handled. In short, we want deterrence through prevention—before the crime, not after.

Therefore, we view the Convention agreement—although vital to the best interests of the traveling public of the world—as only one of the many essential measures that must be taken by our Government to make air piracy as rare as piracy at sea. It must *not* be considered the final answer to the air hijacking problem. However, we urge its endorsement at the earliest possible moment and hope that your committee will use its influence to pursue ways and means to get non-signatory nations to comply with its provisions.

Thank you for allowing us to have this day with this important Committee. We want you and the American public to know that we stand ready to assist in any way possible to prevent the dastardly crime of airliner hijacking that still occurs with frightening frequency and we expect the passage of this Treaty.

Supplementary Statement of John J. O'Donnell Before the Senate Foreign Relations Committee on the Convention for the Suppression of Unlawful Seizure of Aircraft

Mr. Chairman: I appreciate this opportunity to submit a supplementary statement for the record after hearing the statements by representatives of the Departments of State and Transportation.

Perhaps it is the sign of our times but the statements of both these representatives seemed to infer that the ratification of the Convention by the countries represented at the Hague last December would solve the hijacking problem.

Mr. Beggs, Undersecretary for the Department of Transportation, even suggested two more conventions be written and ratified. He also advocated that "we do not wish to compel courts to apply the penalty of a minimum sentence of 20 years in the case of hijackers where special equities may be present."

Mr. Chairman, it is this attitude of mollycoddling of criminals that has placed the pilots of the nation's air transports in the dangerous position they are in today. Every time a commercial airliner takes off, the pilot and crew never know when some passenger will attempt to divert the plane to some unplanned destination. The destination for most hijacking attempts of U.S. planes has been Cuba—66 of them have been successful. Cuba is not a signatory to the Hague Convention. For all we know, Mr. Castro only interns them briefly and then puts them to work in the cane fields. He extracts anywhere from $5,000 to $10,000 in landing fees and ground handling costs from the airline. Therefore, he profits nicely each time a hijacked airliner lands in his country.

Last weekend, a new chapter began in the sordid history of air piracy. A Trans World Airlines jet was commandeered in Chicago by an individual who demanded that he be taken to North Vietnam. He had boarded without a boarding pass and seized a stewardess. He shot and killed a passenger. The plane was flown to New York and an aerial gunfight took place enroute. The hijacker was wounded and subsequently captured.

Mr. Chairman, this hijacking had the dubious honor of achieving three aviation "firsts." It marked the first time that an innocent passenger has been killed, the first time there has been a high altitude shoot-out on an American plane and the first time that a hijacker demanded passage to North Vietnam.

Now, Mr. Chairman, suppose for a moment that the hijacker had gotten his way and the crew had to try to fly to North Vietnam. Whether we want to admit it or not, we are at war with North Vietnam. A safe arrival in North Vietnam of a U.S. aircraft is doubtful.

It so happens that North Vietnam is not a signatory to the Hague Convention, either. Our State Department is not in direct contact with that country. It is conceivable that nothing could have been done to alert the North Vietnamese that a defenseless airliner was headed their way or that they would have honored its senseless mission.

So, it is the feeling of the 43,000 flight crew members I represent that these conventions, while necessary and probably helpful, do not solve the problem. Neither does it help for a government official to announce that we are in favor of lesser penalties for the crime of air piracy, and that the courts "be allowed to consider motivation and other special circumstances." What this means is that a slap on the wrist will be the eventual penalty for a crime that is potentially mass murder.

In your questioning of one of the government witnesses, you asked about the penalties for a passenger who hijacks an airliner from an Iron Curtain country to the United States and seeks asylum here. We do not believe the penalties should be any less for that individual just because he is escaping from some brand of political oppression to the Free World. The act is a crime because it endangers the lives of innocent people. It should be treated as a crime in the courts. It is only in this manner that we can expect hijackers from our country to be subject to swift and severe punishment *also*.

Again, I reiterate that we think the Hague Convention should be ratified. However, we want to see bilateral treaties with those nations that are not signatories and we are in no measure in favor of lesser penalties for hijacking.

Thank you, Mr. Chairman, for this opportunity to add a few words to my testimony of June 7. The members of our Association are available to do whatever we can for our country to help combat the serious hijacking situation. In light of the tragic events of last weekend, it is obvious that the threat is just as great as ever.

EDUCATION APPROPRIATIONS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there is tragic irony in the fact that on the same day that the House is considering a bill—the Military Procurement Authorization bill for fiscal year 1972—which provides $21.88 billion for the Pentagon, conferees are also appointed to consider the Office of Education Appropriations bill, which, as the House passed it, provides less than one-fourth as much for education—$4.8 billion. If we need any object lesson of the misplaced priorities of this Nation, we certainly have it today.

The House conferees should be urged to accept the Senate version of the Office of Education Appropriations bill. The Senate version of the bill provides an appropriation of $5.5 billion—$808 million in excess of the House version.

Every aspect of the Senate-passed version of the bill demands the House's acceptance. The House bill provides $1.5 billion for title I of the Elementary and Secondary Education Act. The Senate-passed version provides an additional $150 million. Title I is the most important educational assault on the disadvantages of the poor and deprived. Its purpose is to alleviate educational deficiencies resulting from an impoverished environment and inadequate cultural, health, social and education experiences.

An excerpt from the recently published study by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," very clearly states the need for these funds:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for sucess in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they have simply swept disadvantaged youth under the educational rug.

The House-passed version of the Office of Education fiscal year 1972 appropriations bill appropriated $528 million for grants and work-study programs under title IV of the Higher Education Act of 1965. Again, these are enormously important programs, and that is why the Senate-passed version of the bill, providing $708,800,000 more adequately meets the need. This sum means that 654,000 students will be able to participate in, and benefit from, the college work-study program, as compared to the 430,000 students in the current academic year.

In total, the Senate-passed version of the appropriations bill provides $1.2 billion for student assistance programs. This is enormously important. This assistance—and there should be much more—is essential in order that no American youth be denied the opportunity to obtain a higher education.

In terms of adult education, the Senate-passed bill provides $90 million—$35 million in excess of the House-passed version. I know, from the experience of many of my own constitutents, how important adult education is. It provides the opportunity for men and women to compensate for the disadvantages of their youth by achieving the education they were denied. It gives them a chance for increased self-dignity and self-improvement. It provides them the entrance to better jobs.

I am also particularly pleased to see that the Senate-passed version of the Office of Education appropriations bill includes $60 million to provide payments to school districts for children who reside in public housing.

This $60 million will provide much needed relief to urban school districts by providing some compensation for loss of local tax revenues resulting from public housing projects rendering the land on which they are located tax exempt.

The Senate bill also provides $50 million for bilingual education. This is absolutely essential. It is $27 million in excess of the amount provided by the House bill. Even at that, it is still $50 million below the authorized amount of $100 million.

Bilingual education funds must be obtained. In my own congressional district, applications to the Office of Education for these funds have been denied because the Congress has not appropriated enough money. And yet this program is a primary vehicle—the primary vehicle—for giving children for whom English is not their chief language an opportunity to preserve their mother tongue, while at the same time developing a fluency in English.

These children—the intended beneficiaries of bilingual education programs—come from a vibrant and live cultural heritage. In my district, most of these children come from homes in which Spanish is spoken. That is their mother tongue; it is the bond which keeps their traditions and their cultures alive. And it is imperative that these traditions and this culture be sustained and nurtured.

At the same time, it is essential that these youngsters have the opportunity to develop a proficiency in English, which is the dominant language in this country. Without that proficiency, they may well be doomed to being locked out of the mainstream of our higher educational system and of our job market.

Bilingual education aims at enhancing "the self-image and sense of dignity of families that speak other languages," as Theodore Andersson and Mildred Boyer have written in "Bilingual Schooling in the United States." It also aims, as this study states, at "helping to harmonize various ethnic elements in a community into a mutually respectful and creative pluralistic society." These aims can only have the most beneficial of results.

For all of these reasons, then, the Senate-passed version of the Office of Education fiscal year 1972 appropriations bill more nearly recognizes and meets the needs of the children and adults of America. I urge the House conferees to accept this version.

NARCOTICS TRAFFIC AND DRUG ADDICTION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, President Nixon has finally taken positive steps to organize national resources in action against illegal narcotic traffic and drug addiction, and I have made known to him that he has my support in taking this step. At this point it is not clear whether existing agencies will be properly used or what the extent of the powers of the new director will be, and those areas will have to be carefully examined, but the general direction is commendable.

From my reading of the President's message to the Congress, it appears that he has again given his endorsement to the principal procedures set forth in my bill, "The Armed Forces Drug Abuse Control Act of 1971," which I filed on May 10, and which is cosponsored by more than 50 House Members on a bipartisan basis. In his request for legislation to permit retaining narcotic addicts in the military service beyond their normal discharge date, the President has, in fact, asked for the prompt enactment of a major phase of my bill. I agree with the President that illegal narcotic addiction "afflicts both the body and soul of America and that if we cannot destroy the drug menace in America, it will surely destroy us."

It may be a costly operation, but we must resign ourselves to substantial expenditures to establish educational and rehabilitative processes in each branch of the Armed Services. We must also provide immediate assistance not only to those servicemen who are addicted to drugs and who are awaiting discharge, but also to those who became addicts while in service and have been discharged under conditions other than honorable as a result of drug addiction.

There have been many proposals for action based on the urgency of the drug problem. Neither the Armed Services nor the Veterans' Administration presently has the authority, the funds, the personnel, or the facilities to cope with the situation. I have strongly recommended action in these fields and I am gratified that the President, with his action today, has provided leadership which will contribute to making our proposal a reality and provide the means of dealing effectively with this exploding and heartbreaking national problem. I am pleased also that the President has recommended international sanctions against foreign nations which fail to cooperate in efforts to choke off the narcotics traffic. I have supported the use of such sanctions in connection with the provision of aid under our foreign assistance legislation. It is not clear from the message exactly what sanctions the President has in mind, and once again, this proposal will have to be clarified in the immediate future, but he is to be congratulated for taking the right road in seeking regulation of this virulent foreign import.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENNIS (at the request of Mr. GERALD R. FORD), for Friday, June 18 and Monday, June 21, 1971, on account of official business.

Mr. MOSS (at the request of Mr. KLUCZYNSKI), from 4 p.m. today through Tuesday, June 22, on account of official business.

Mr. SEIBERLING, for Friday, June 18 and Monday, June 21, 1971 on account of official business attending Immigration Law Institute and hearings of Immigration and Nationality Subcommittee in Los Angeles.

Mr. RODINO, for Monday, June 21, 1971, attending meetings of Subcommittee on Immigration and Nationality in Los Angeles, Calif.

Mr. SAYLOR, for Friday, June 18 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SEBELIUS) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER for 5 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

Mr. DEVINE, for 5 minutes, today.

(The following Members (at the request of Mr. LINK) to revise and extend his remarks and include extraneous material:)

Mr. RODINO, for 10 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 30 minutes, today.

Mr. FLOOD, for 30 minutes, today.

Mr. KEE, for 15 minutes, today.

Mr. RARICK, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HARVEY and to include extraneous material during general debate today on the bill H.R. 8687.

Mr. MADDEN.

Mr. BENNETT to include extraneous matter in remarks made in Committee of the Whole today.

Mr. VANIK.

Mr. CORMAN, to extend his remarks following the remarks of Mr. O'NEILL today.

Mr. DAVIS of Georgia, to extend his remarks following the remarks of Mr. DOWNING today.

Mr. HARVEY, to extend his remarks following the remarks of Mr. McDADE today.

Mr. DELLUMS, to revise and extend his remarks today.

Mr. LEGGETT to include extraneous matter in his remarks today on the bill.

Mr. RANDALL to revise and extend his remarks prior to the request of Mr. FINDLEY for tellers with clerks.

Mr. MONAGAN to revise and extend his remarks during debate in Committee of the Whole on Nedzi-Whalen amendment.

Mr. SNYDER to revise and extend his remarks during debate on Nedzi-Whalen amendment and include extraneous matter.

Mr. RANDALL immediately following the motion to table the motion to instruct the conferees on the conference report on the Office of Education today.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. GUDE in two instances.

Mr. KEITH.

Mr. DUNCAN in two instances.

Mr. Morse in two instances.
Mr. Wyman in two instances.
Mr. Cederberg.
Mr. Miller of Ohio in two instances.
Mr. Steiger of Arizona.
Mr. Myers.
Mr. Schwengel in two instances.
Mr. Hosmer in two instances.
Mr. Pettis.
Mr. Conte in two instances.
Mr. Schmitz in three instances.
Mr. Forsythe.
Mr. Price of Texas.
Mr. Wiggins.
Mr. Derwinski.
Mr. Robison of New York.
Mr. Ashbrook in three instances.
Mr. Devine.
Mrs. Dwyer in three instances.
Mr. Kemp in two instances.
Mr. Keating.
Mr. Goldwater.
Mr. Latta.
Mr. Ruth in five instances.
Mr. Carter in five instances.
Mr. Dickinson.
Mr. Bell.
Mr. McClory.
Mr. Sandman.

(The following Members (at the request of Mr. Link) and to include extraneous material:)

Mr. Brasco in two instances.
Mr. Rodino in two instances.
Mr. Badillo in three instances.
Mr. Evins of Tennessee.
Mrs. Chisholm.
Mrs. Abzug in 10 instances.
Mr. Fraser in three instances.
Mr. Dingell in three instances.
Mr. Minish in three instances.
Mr. Rosenthal in five instances.
Mr. Carney.
Mr. Jacobs in two instances.
Mr. Yatron.
Mr. Begich in three instances.
Mr. Pickle in three instances.
Mr. Daniels of New Jersey.
Mr. Symington.
Mr. Harrington in two instances.
Mr. Hungate in two instances.
Mr. Carey of New York in four instances.
Mr. Gallagher.
Mr. Downing in two instances.
Mr. Galifianakis in two instances.
Mr. Eilberg.
Mr. Rarick in three instances.
Mr. Brinkley in two instances.
Mr. Dulski in six instances.
Mr. Zablocki in three instances.
Mrs. Hicks of Massachusetts in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, June 18, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

865. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 48th and 49th Annual Reports of the Board of Actuaries of the Civil Service Retirement System, covering fiscal years 1968 and 1969, pursuant to 5 U.S.C. 8347(f) (H. Doc. No. 92-132); to the Committee on Post Office and Civil Service and ordered to be printed.

866. A letter from the Secretary of Transportation, transmitting a report of an Anti-Deficiency Act violation by the Federal Aviation Administration, pursuant to 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

867. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize certain naval vessel loans, and for other purposes; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

868. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the neighborhood health services program for the poor administered by St. Luke's Hospital Center in New York City, Office of Economic Opportunity; to the Committee on Government Operations.

869. A letter from the Comptroller General of the United States, transmitting a report on controls needed over the leasing of land acquired under the open-space-land program, Department of Housing and Urban Development; to the Committee on Government Operations.

870. A letter from the Comptroller General of the United States, transmitting a report on progress being made and difficulties being encountered by credit unions serving low-income persons, Office of Economic Opportunity; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 6247. A bill to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years; with an amendment (Rept. No. 92-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9098. A bill to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act (Rept. No. 92-283). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Michigan:

H.R. 9221. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 9222. A bill to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; to the Committee on the Judiciary.

By Mr. CELLER (for himself and Mr. Poff):

H.R. 9223. A bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. Horton, Mr. Howard, Mr. Jacobs, Mr. Keith, Mr. McKinney, Mr. Macdonald of Massachusetts, Mr. Matsunaga, Mr. Mitchell, Mr. Morse, Mr. O'Neill, Mr. Rees, Mr. Riegle, Mr. Roybal, Mr. Ruppe, Mr. St Germain, Mr. Stafford, Mr. Steele, Mr. Tiernan, Mr. Vanik, Mr. Biaggi, and Mr. Stokes):

H.R. 9224. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. DEVINE:

H.R. 9225. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 9226. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself and Mr. Alexander):

H.R. 9227. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself, Mr. Aspin, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Cleveland, Mr. Cotter, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Frelinghuysen, Mrs. Grasso, Mr. Halpern, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, and Mrs. Hicks of Massachusetts):

H.R. 9228. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. LENNON (for himself, Mr. Garmatz, Mr. Downing, Mr. Griffin, Mr. Anderson of California, Mr. Mosher, Mr. Keith, and Mr. du Pont):

H.R. 9229. A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Hawkins, Mr. Roush, Mr. Derwinski, Mr. Jones of North Carolina, Mr. Celler, Mr. Garmatz, Mr. Edwards of California, Mrs. Hicks of Massachusetts, Mr. Waldie, Mr. Daniel of Virginia, Mr. Flynt, Mr. Fraser, Mr. Henderson, Mr. McDade, Mr. Burke of Massachusetts, Mr. Charles H. Wilson, Mr. Hathaway, Mr. Addabbo, Mr. Rodino, Mr. Alexander, Mr. Daniels of New Jersey, Mr. Yatron, Mr. King, and Mr. Bray):

H.R. 9230. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mr. Daniels of New Jersey, Mr. Meeds, Mr. Seiberling, Mr. William D. Ford, Mrs. Grasso, Mrs. Abzug, Mr. Nichols, Mr. Barrett, Mr. Cotter, Mr. Harrington, Mr. McKevitt, Mr. Morse, Mr. Veysey, Mr. Cleveland, Mr. Clancy, Mr. Anderson of Illinois, Mr. Mathias of California, Mr. Forsythe, Mr. Lujan, Mr. Minshall, Mr. Wyatt, Mr. Frenzel, and Mr. Hanna):

H.R. 9231. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Symington, Mr. Byrne of Pennsylvania, Mrs. Hicks of Massachusetts, Mr. Rees, Mr. Scheuer, Mr. Garmatz, Mr. Daniel of Virginia, Mr. Edwards of California, Mr. Fulton of Tennessee, Mr. Sarbanes, Mr. Podell, Mr. Ashley, Mr. Anderson of Tennessee, Mr. Moss, Mr. Stokes, Mr. Hawkins, Mr. Nedzi, Mr. Archer, Mr. Carney, Mr. McDonald of Michigan, Mr. Wolff, Mr. Williams, Mr. Udall, and Mr. Denholm):

H.R. 9232. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Waldie, Mr. Brasco, Mr. Mann, Mr. Murphy of Illinois, Mr. Rangel, Mr. Wiggins, Mr. Steiger of Arizona, Mr. Winn, Mr. Keating, Mr. Charles H. Wilson, Mr. Vigorito, Mr. Howard, Mr. Badillo, Mr. Matsunaga, Mr. Gonzalez, Mr. Ryan, Mr. Mazzoli, Mr. Rostenkowski, Mr. Smith of Iowa, Mr. Addabbo, Mr. Miller of California, Mr. Anderson of California, Mr. Danielson, and Mr. Rosenthal):

H.R. 9233. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Henderson, Mr. Van Deerlin, and Mr. Yatron):

H.R. 9234. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER:

H.R. 9235. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 9236. A bill to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were expended to benefit only individuals in the construction, operation and maintenance of the Wind River irrigation project; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER:

H.R. 9237. A bill to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9238. A bill to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS (for himself, Mr. Blackburn, Mr. Brown of Michigan, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Collins of Texas, Mr. Eshleman, Mr. Johnson of Pennsylvania, Mr. Price of Texas, Mr. Rousselot, Mr. Sandman, Mr. Saylor, Mr. Whalley, and Mr. Ware):

H.R. 9239. A bill to amend the Social Security Act to terminate the AFDC program except for those families who not only qualify on the basis of need but whose members are actually unable (with or without training or other assistance) to provide for their own support, and to furnish the necessary training, rehabilitation, child care, and other services and assistance, particularly on-the-job training and public service employment, to make possible the removal of all employable individuals and their families from the AFDC program, with the objective of placing such individuals in employment in the private sector of the economy with the cooperation of business and government; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 9240. A bill to preserve, stabilize, and reactivate the domestic gold mining industry on public, Indian, and other lands within the United States, and to increase the domestic production of gold to provide the requirements of industry, national defense, and other nonmonetary uses of gold; to the Committee on Interior and Insular Affairs.

H.R. 9241. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 9242. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 9243. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. CONTE (for himself and Mr. Wyman):

H.R. 9244. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 9245. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 9246. A bill to extend for an additional year the existing program for payment of black lung benefits; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. Mazzoli):

H.R. 9247. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. FULTON of Tennessee (for himself, Mr. Stuckey, Mr. Hammerschmidt, and Mr. Winn):

H.R. 9248. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 9249. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. KYROS:

H.R. 9250. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. LLOYD (for himself and Mr. McKay):

H.R. 9251. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Annunzio, Mr. Aspin, Mr. Baring, Mr. Bevill, Mr. Burton, Mrs. Chisholm, Mr. Daniels of New Jersey, Mr. Dulski, Mr. Duncan, Mr. Foley, Mr. Halpern, Mr. Harrington, Mr. Matsunaga, Mr. Mitchell, Mr. Preyer of North Carolina, Mr. Rees, Mr. Rosenthal, Mr. St Germain, Mr. Carney, Mr. Sarbanes, Mr. Watts, and Mr. Winn):

H.R. 9252. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

By Mr. SCHWENGEL (for himself, Mr. Baker, and Mr. Caffery):

H.R. 9253. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. STEELE (for himself, Mr. Murphy of Illinois, Mr. Anderson of Illinois, Mrs. Chisholm, Mr. du Pont, Mrs. Dwyer, and Mr. James V. Stanton):

H.R. 9254. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 9255. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

By Mr. BRAY:

H.J. Res. 722. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. CARTER (for himself, Mr. Anderson of Illinois, Mr. Boland, Mr. Brademas, Mr. Buchanan, Mrs. Chisholm, Mr. Collier, Mr. Collins of Illinois, Mr. Denholm, Mr. Derwinski, Mr. Fisher, Mr. Forsythe, Mr. Griffin, Mr. Gude, Mr. Halpern, Mr. Harvey, Mr. Hastings, Mr. Horton, Mr. Kemp, Mr. Kuykendall, Mr. Landgrebe, Mr. McCormack, Mr. Mazzoli, Mr. Morse, and Mr. Podell):

H.J. Res. 723. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mr. Preyer of North Carolina, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Rosenthal, Mr. Stafford, Mr. Steele, Mr. Vigorito, Mr. Ware, Mr. Winn, and Mr. Morgan):

H.J. Res. 724. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 725. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. FREY:

H.J. Res. 726. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 727. Joint resolution authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week"; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H. Con. Res. 340. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 341. Concurrent resolution relative to placing of human right violations, including genocide in the Soviet-occupied Latvia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. WYLIE:

H. Res. 485. Resolution declaring that the House rejects the findings and recommendations of the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 9256. A bill for the relief of Kyong Ok Goodwin (nee Won); to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H. Res. 486. Resolution to refer the bill (H.R. 9217) entitled "A bill for the relief of James A. Boyajian" to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REPORTS ON CLEARCUTTING ISSUE IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. RANDOLPH. Mr. President, the issue of clearcutting on our national forest lands is increasingly receiving greater attention through interested citizenry.

This practice which denudes the land and, in many cases, renders the land unfit for regeneration was begun on the Monongahela National Forest in West Virginia with the introduction of a new management in 1964—even-aged management. Citizens residing near the forest have been "up in arms" ever since as well as conservation organizations and professional foresters.

The Forest Service is well aware of the concerns of those opposed to clearcutting and it is fair to say that the Forest Service has made some minor concessions.

With regard to West Virginia, the controversy could be brought to an end if recommendations five and six of the West Virginia Forest Management Practices Commission were followed. They read as follows:

> To implement the multiple use, sustained yield policy in national forests in West Virginia, we recommend that both uneven-aged and even-aged forest management be employed to manage the timber resource but with the greater emphasis placed on uneven-aged management. We believe full multiple use and sustained yield of all resources cannot be accomplished if even-aged management is used as the basic timber management system throughout the national forests.
>
> As the main silvicultural technique to implement uneven-aged management, we recommend that the selection cutting system be used; that it be the primary and basic silvicultural technique used to manage the timber resource in national forests in West Virginia; and that it be the normal silvicultural technique employed where it can feasibly and logically be used to accomplish the regeneration and harvest of the timber resource.

Chief Edward P. Cliff, in testimony before the Senate Subcommittee on Public Lands with regard to the Monongahela National Forest stated:

> We used the even-aged system of management for the general forest areas there since 1964 based on research and experience in hardwood management in the eastern United States and in other countries.

Mr. President, as I noted earlier, the Forest Service has made some changes. However, I question how valid or extensive its research has been after I saw practiced on steep slopes, over wide areas and so close together I was not able to distinguish two cuts were actually present.

Ralph O. Smoot, a highly respected forester and a University of Michigan graduate, toured portions of the Monongahela with Burt Schoor, a staff reporter for the Wall Street Journal. Smoot spent 31 years with the Forest Service and was ranger on the Gauley Ranger District of the Monongahela. He also presented excellent testimony before the Senate subcommittee hearing.

Mr. President, I ask unanimous consent to have the article from the June 4 issue of the Wall Street Journal printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Forest Service Smarts Under Critics' Claim It Has Allowed Damage to Public Timberlands

(By Burt Schorr)

Camden on Gauley, W. Va.—The government's green-clad foresters have changed from white hats to black hats.

In growing numbers, conservationists, sportsmen, members of Congress and plain old nature-lovers are lashing the U.S. Forest Service. The foresters, say their critics, have allowed timber companies to cut too many trees in the national forests at the expense of recreation, wildlife development, watershed protection and natural beauty.

Ardent preservationists have been leveling such charges for years, but now criticism is also coming from members of the close-knit forestry establishment like Ralph O. Smoot whose opinions may carry much more weight.

Mr. Smoot, a past chairman of the West Virginia chapter of the Society of American Foresters, served for 31 years in the Forest Service himself, 10 of them near here in the Monongahela National Forest. He's convinced that his former government colleagues have been too permissive.

To prove his point, Mr. Smoot, whose home at Camden on Gauley overlooks the forest, guides a visitor along the dirt road that skirts the base of Black Mountain here. Off to the south, the Williams River rushes almost unseen behind a thick stand of sugar maples, basswood, ash and beech trees. On the opposite side of the road, though, the eye is affronted by a broad 50-acre swathe of cutover land stretching bleakly to a treeless skyline.

MORE THAN BEAUTY

Stepping nimbly between the dry limbs and toppled small trunks that litter the four-year-old cut, forester Smoot looks closely for signs of new tree growth. His verdict: "Other than (undesirable) beech-stump sprouts, reproduction is absent." Mr. Smoot theorizes that the slope may be too sunbaked because of its southern exposure. "If the cut had been only a half-acre across (and therefore shadier), it would have been filled with understory in a year's time," he adds.

There's more than natural beauty at stake in such stock-taking by Mr. Smoot and other Forest Service gadflies. The 97 million acres of commercial timber in the national forests yield 40% of U.S. timber production. And last year a Nixon task force recommended that to meet home construction needs the forests' timber output should be expanded 55% by 1978.

Wounded by allegations of lax stewardship, however, Forest Service officials are in the midst of timber management reforms that raise doubts about reaching that production goal. The foresters now are limiting the size of areas to be cut over, requiring greater distances between cuts and banning cutting on steep slopes. "Our whole problem has been letting the timber industry exert too much pressure," concedes one of the younger administrators whom Forest Service Chief Edward P. Cliff has moved into policy posts in the past few years.

HIGHER LUMBER PRICES AHEAD?

The reform moves are already biting into timber output. The national forests' timber sales are now trailing slightly behind the level projected for the fiscal year ending June 30, and some of the service's top administrators expect a wider lag of about 10% in the coming year. Upward pressure on lumber prices could result.

The present forest furor centers on a practice known as clearcutting: leveling every tree in a track selected for timber harvesting. While government foresters have prescribed clearcutting for a half-century or longer, it was mostly applied to Douglas fir stands in the Northwest. Then, in 1964 when demand for government timber was surging, the Forest Service made it standard procedure in every one of its 154 forests. (The cut pointed out by Mr. Smoot here is one reflection of the 1964 directive.)

Clearcutting is defended by Chief Cliff and his staff as the most efficient way to harvest mature, over-age and diseased trees as well as to assure speedier regeneration of desirable species by allowing in maximum sunlight and moisture. The alternative of selective cutting, or gradual removal of only mature trees in a stand, has been deemphasized in recent years; the agency's research showed it limited replacement growth to less desirable, shade-tolerant species including balsam, and beech.

Many clearcutting opponents don't wholly disagree with Mr. Cliff, but they charge that government foresters have badly misused the technique. Leon S. Minckler, a former Forest Service researcher now on the faculty of the Syracuse University College of Forestry, believes such misuse has been widespread in Eastern hardwood areas.

SIDE EFFECTS CITED

"Clearcutting is an immediate esthetic disaster and full recovery is slow," Mr. Minckler recently told a U.S. Senate subcommittee. "Unless great care is taken, debris can clog streams, erosion can occur on the watershed, and stream-water temperature can be excessively increased. Furthermore, clearcutting excludes recreation from larger areas of land and tends to produce relatively uniform forests lacking the diversity needed for a good mix of wildlife."

Mr. Minckler even challenges the necessity of clearcutting to help establish the more valuable, shade-intolerant species like ash, cherry, oak and tulip poplar. "My research has shown clearly that this can be done by group selection or by cutting small patches," he testified.

Dissent of this sort prompted the West Virginia legislature to create a special investigating commission that last August recommended rather severe constraints on clearcutting in the Monongahela National Forest.

Even more embarrassing to the Forest Service was a University of Montana study of its administration of the Bitterroot National Forest astride the Montana-Idaho line. Headed by Arnold W. Bolle, the university's respected dean of forestry, the study group found that "quality timber management and harvest practices are missing."

Photographs with the report showed hillsides denuded by large clearcuts and gouged with deeply bulldozed terraces that resembled the aftermath of strip mining. The terraces were intended to prevent erosion and foster new growth, but sometimes they hurt more than they helped, the Bitterroot study concluded.

In April the Senate subcommittee that heard from Mr. Minckler also heard from more than 60 other witnesses, and most were critical of the way the Forest Service has been running things. The strong turnout has prompted subcommittee Chairman Frank Church, an Idaho Democrat, to plan a series of field hearings, including sessions in Syracuse, N.Y., and Portland, Ore.

One bill before the subcommittee offered by Wyoming Democrat Gale McGee, calls for a two-year moratorium on clearcutting and a reexamination of its effect on forests. The moratorium idea, which grew out of Wyoming conservationists' complaints that Medicine Bow, Brigder and Shoshone national forests in their state are being overcut, isn't given much of a chance. But it has attracted 14 co-sponsors and considerable public interest.

"People write us that for the first time they're noticing the practices in the forests near them and they don't like what they see," says a McGee aide.

The unaccustomed role of black hat has prompted some painful self-analysis by the proud and somewhat stiff-necked forester corps. As a result, a series of new orders has gone out from its Washington headquarters.

Emergency Directive No. 6 dated Sept. 16, 1970, for example, declares that "quality of work will not be sacrificed to achieve quantitative goals"—meaning that maximum timber output should not take priority over other national forest uses. A more recent memorandum covering the Bitteroot National Forest, though it authorizes continued clearcutting, imposes many restrictions, including an outright ban on cutting on slopes steeper than 27 degrees.

TWICE AS LONG, TWICE AS MUCH

There are signs of change in this West Virginia forest, too. At the Gauley Ranger District office near the town of Richwood, Monongahela Supervisor Frederick (Tony) Dorrell pores over a map of Glade Run, a 1,396-acre tract nestled between popular Cranberry River campgrounds. The map shows only four patches—the largest 23 acres and the total equaling 6% of the tract's acreage—marked for clearcutting. (Following a recommendation of the state investigating commission, the Forest Service has agreed to a 25-acre limit for clearcuts as the usual practice for the Monongahela.)

Hefting a thick analysis by wildlife, recreation and other experts on how to protect the nontimber uses of Glade Run, Mr. Dorrell observes: "It's taking us twice as long and costing us twice as much to prepare timber sales as before."

Skeptics like the conservationist Sierra Club's forester, Gordon Robinson, doubt that the Forest Service really has changed its basic timber management concepts. "They're hiring landscape architects, but that's like the military hiring chaplains," Mr. Robinson snorts. Government foresters themselves concede they have become most cautious about timber-cutting in forests like the Monongahela where public protest has been loudest; elsewhere they are bolder.

In the George Washington National Forest of Virginia just east of the Monongahela, a visitor finds scenes of clearcutting exceeding any seen here. Although citizens living close to the George Washington now have gathered more than 300 signatures on anticlearcutting petitions, the controversy there remains fairly quiet. And that's one of the reasons why clearcuts in the Virginia forest are generally permitted to stretch up to 50 acres in area, or twice the Monongahela's limit.

One thing the Forest Service and its critics can agree on is that the nation wouldn't be facing a recreation-vs.-lumber dilemma now if the agency's past budgets had received more sympathetic handling from Presidential budget officers. Lack of funds, both sides say, has prevented reforestation of 3.8 million acres of brushlands within the national forests plus thinning and other methods that would speed young timber growth on another seven million acres.

A committee of forest-industry representatives and conservation organizations recently recommended that a start on "high-level management" of the government forests, employing landscape architects and recreation specialists, would require $552 million in the coming fiscal year; that's $141 million more than the foresters were able to wheedle in President Nixon's budget request. The House Appropriations Committee is expected to vote some of the extra money, but how much isn't certain.

According to a draft program for the 1970s now under Forest Service consideration, however, the total cost of meeting the timber requirements envisioned by the Nixon task force is reckoned at a staggering $13 billion to $16 billion. This sum would cover a greatly expanded federal-state effort to plant trees on 22 million acres of non-federal forest land and research to develop less destructive timber harvest methods, possibly using helicopters.

STATEHOOD FOR NEW YORK CITY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. ABZUG. Mr. Speaker, in the past few weeks a movement to make New York City a State has been gaining momentum and enthusiastic support from residents of the city. When I announced formation of a committee for statehood in the wake of the State legislature's vendetta against our city and its needs, I had anticipated a favorable response, but I must say that I was astonished by the depth and breadth of support it elicited.

The phones have been ringing steadily in my New York office, with literally thousands of New Yorkers volunteering to circulate petitions to put this question on the November ballot. Among those expressing support are Representatives WILLIAM F. RYAN, SHIRLEY CHISHOLM, and JOSEPH ADDABBO, Borough Presidents Robert Abrams, Percy Sutton, and Sebastian Leone, members of the State senate, State Assembly, New York City Council, city commissioners, and representatives of community organizations, labor, educational and religious institutions, and many, many individuals.

This response was touched off by the recently adjourned session of the New York Legislature, which the New York Times in an editorial June 9 called "a sick, mean-spirited, heart-breaking session." The legislature, dominated by representatives from nonurban areas, ordered a 10-percent cut in welfare payments, approved an unconstitutional 1-year residency requirement for welfare, adopted a regressive sales tax increase—(New York City residents now pay a 7-cents sales tax), and as a final insult, passed a vacancy rent decontrolled bill for 1.3 million apartments while extending rent control to suburban areas like Westchester County.

Residents of New York City are rebelling not only against the punitive economics measures directed against them by the State legislature, but against a master-slave relationship in which the city is at the mercy of upstaters who decree how the city shall be run. New

York City provides more than half of the State's taxes and has half the State's population, but it has been shut out of political power.

New Yorkers are determined to have control over their own city. We are still discussing whether our move should be confined to the current borders of the city or whether it should also encompass the suburbs that are economic satellites of the city, but this is a question that can be settled by the people directly involved. At long last, however, we are bringing to the attention of the Nation the need to bring our political structures into harmony with political reality.

The vast majority of Americans live in cities, but are still under the domination of governmental units devised by our Founding Fathers who were rural in outlook and origin. As we approach the 200th anniversary of Nation's birth, it is time to recognize that America's people and strength are concentrated in the great metropolitan areas and they must have a considerably stronger and more independent role in Government.

The material follows:

Statement by Congresswoman Bella S. Abzug, June 1, 1971

Governor Rockefeller and his state legislature have disfranchised and disinherited the 8 million people of New York City.

Because of an outmoded political relationship, New Yorkers have stood by helplessly while a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city.

For residents of New York City, this session of the legislature—and it is still going on—has been a disaster. It has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs, and topped it all by ordering what amounts to the end of rental control or 1.3 million families—the only protection they have against raging inflation.

It is time for the city of New York and its elected officers to stop begging for what is rightfully ours. It is time for us to repudiate this humiliating relationship and to take the necessary steps to make New York City a State.

Let us put certain facts in perspective.

New York City is the only city in the entire nation which has half of its state's population, that contributes more than half of the state's income, that has an educational system, police force and fire department as large as the rest of the state combined, and that has a budget larger than that of the state.

There are 43 existing states with populations smaller than New York City's. Thus, if NYC were admitted to statehood, it would rank seventh among all the states in the Union.

NYC's current budget is $7.8 billion, but it sends more than $11.9 billion to the U.S. government and $2.7 billion to the state. For every $1 that NYC gives to the federal government, it gets back only 12.6¢. For every $1 it gives to the state, it gets back 66¢. It gives more and more, even as its own needs and expenses grow.

Statehood for New York City would provide benefits that far outweigh any drawbacks. For example:

If NYC retained all the taxes it now pays to the state, it would have a net gain of almost $1 billion.

It would have complete taxing authority. It would not have to seek permission from Albany to tax commuters, who are now virtually free loading on our city, and it could work out a more equitable tax system that would not penalize the poor, small property owners and working people.

It would get a direct and larger share of federal revenues.

It would gain two U.S. Senators and strengthen the city's Congressional delegation in Washingon.

Perhaps most important, it would help bring the political structure of our nation closer to the realities of American life. Most Americans live in cities, but they are ruled by a Congress and state legislatures that are dominated by men from small towns and rural areas. Urban America is where the people are. It's where the crises are. It's where the solutions to the problems that are convulsing our nation must be found.

Accordingly, together with other elected officials, some of whom are present here today and others of whom have expressed their support, I am announcing the start of a citywide petition campaign for a referendum to be placed on the November ballot. This will give residents of NYC an opportunity to say Yes or No to statehood for our city.

Simultaneously, those of us here and our supporters will be joining with representative people from throughout our city to set up a broadly based committee to work out the mechanism for calling a convention to write a constitution for our new State and to gain the necessary approval.

New York is the richest city in our nation. It is rich not only in money and resources, but in the diversity and cultural heritages of its people, in educational achievement, intellect, technology and extraordinary talent.

But we are told that our city no longer works.

We believe it can work—but only if the 8 million people who live here are freed from colonial bondage to the state, free to enjoy the wealth they create, free to develop a system of genuinely democratic government that meets their economic, social and cultural needs.

Statehood for New York City is an idea whose time has come. The time is *now*.

Bella Abzug Proposes Program Leading to Statehood for City

New York, June 1.—Bella Abzug announced today a two-part program to "set in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state."

Speaking at a news conference in her district office (252 Seventh Avenue), the Congresswoman from Manhattan's 19th C.D. proposed:

A city-wide referendum in November, 1971 in which the people of New York will vote on a proposition to petition Congress for admission to the union as a new state, in accordance with Article IV of the federal constitution;

The formation of a special planning committee to report on the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971. The committee would be selected by an ad hoc group composed of city elected officials—congressional representatives, state legislators, borough presidents, councilmen and district leaders—plus union, business and community leaders.

Following the approval of the proposition in the referendum, Rep. Abzug explained, the constitution resulting from the convention would be offered to the people for adoption. Consent from the state would then be sought and Congress petitioned for admission.

Mrs. Abzug pointed out that, armed with the referendum vote and the constitution, the people would be in a position to exert strong pressure on the legislature and the Congress.

"A principal advantage of this plan," said the Congresswoman, "is that it would offer the people of our city their first opportunity to register their stand clearly on a simple question: Do they want New York City to become a state?

"From all indications I have received from my district and from the contact I've had with other elected officials concerning their constituencies, there is every likelihood that the proposition will win strong approval in a referendum. After a long history of arrogant mistreatment by the Governor and the legislature, the patience of the people in this city reached a breaking point during the current Albany session. That point was passed when cruel budget cuts decimating vitally needed services were followed by legislation cynically dooming rent control in the city while retaining it upstate".

To implement her proposed plan, Mrs. Abzug announced that under the auspices and direction of the Committee to Establish New York City as a State, a group she is forming, petitions would soon be circulated to place the statehood proposition on the November ballot.

She also said that she is in contact with more than 250 elected officials and other leaders and is requesting them to meet as soon as possible to select a convention planning committee.

Mrs. Abzug reported that, although only announced this past holiday weekend, the Committee to Establish New York as a State was receiving fast growing support.

She said she had been in touch with the City Administration which looked favorably on the movement and encouraged her efforts.

"The committee," she said, "is intended to be as broad-based and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and independents, conservatives as well as liberals and—perhaps most important of all—large numbers of individual private citizens as well as public officials and community leaders.

"So today we are appealing to all those who wish to join this campaign for a better New York to join us. We intend to set up soon a separate committee headquarters but, in the meantime, those interested may contact my office. 252 Seventh Avenue, New York, N.Y. 10001. Tel: 924–5604.

Among those who have agreed to join the Committee to make New York City a State are:

Chairwoman: Congresswoman Bella S. Abzug, Congressman Joseph Addabbo, Mr. William Haddad, Congresswoman Shirley Chisholm, Congressman William F. Ryan

Borough Presidents: Robert Abrams, Bronx; Sebastian Leone, Brooklyn; Percy Sutton, Manhattan.

City Council: Carter Burden, Eldon Clingan, Monroe Cohen, Rudoph Di Blasi, Al Frankenberg, David Friedland, Bertram Gelfand, Carol Greitzer, Kenneth Haber, Arthur Katzman, Donald R. Manes, Thomas Manton, Mario Merola, Robert Postel, Aileen Ryan, Barry Salmon, Leonard Scholnick, Saul Sharison, Theodore Silverman, Charles Taylor, Theodore Weiss.

State Senators: Abraham Bernstein, Jack Bronston, Joseph L. Galiber, Robert Garcia, A. Frederick Meyerson, Manfred Ohrenstein, Waldaba Stewart.

State Assemblymen: Albert Blumenthal, George Cincotta, Arthur Cooperman, Louis DeSalvio, Anthony DiFalco, Stanley Fink, Richard Gottfried, Stephen Gottlief, Burton G. Hecht, Alan Hochberg, G. Oliver Koppell, Harry Kraf, Franz Leichter, Joseph Martuscello, Michael McCarthy, Melvin Miller, Peter G. Mirto, Armondo Montano, Anthony Olivieri, William F. Passannante, Herbert Posner, Manuel Ramos, Frank Rossetti, Leonard Silverman, Leonard Simon, Mark Southall, Anthony J. Stella, Andrew

Stein, Stanley Steingut, John S. Walsh, Samuel Wright, Calvin Williams.

John Burns, Chairman, N.Y. State Democratic Party; Patrick Cunningham, Bronx County Leader; Meade Esposito, Brooklyn County Leader; Arnold Feinblatt, Chairman, Queens County N.D.C.; Jerry Finkelstein, Chairman, N.Y.C. Democratic Committee; Sarah Kovner, Vice-Chairman, New Democratic Coalition; J. Stanley Shaw, Chairman, Liberal Party Queens.

Democratic District Leaders: Humberto Aponte, Ellen Atkin, Frank Baroff, Helayne Baron, Simon Barsky, Patricia Beckert, Martin Begun, Henry Berger, Meriam Bockman, Jeff Brand, Arthur Brook, Joan Fernstertock, David Friedland, Barbara Gelobter, Sheldon Glass, Robert Ginsberg, Len Gruber, Ray Gunther, Judy Harlan, Steve Jarema, Ernst Koller, John LoCircero, Joseph Mercurio, Jeanne Miles, Kenneth Mills, Maria Montalvo, Jerry Nadler, Martha Overall, Julia Paz, Corinne Pettey, Alex Rosenberg, Alice Sachs, Ralph Sherman, Arlene Stringer, Jerome Tarnoff, Barbara Taub, Saul Weprin, Paula Weiss.

New York City Commissioners: Benjamin Altman, Rent and Housing Maintenance; Amalia V. Betanzoo, Relocation and Management Services; Mr. Kretchmer, Environmental Protection Agency; Eleanor Holmes Norton, Human Rights Commission; Major R. Owens, Community Development Agency; Bess Meyerson, Consumer Affairs; Marvin Gersten, Comm. of Purchase.

State Committee: Natalie Gordon, Jane Miriam Friedlander.

Eugene S. Callender, President, N.Y. Urban Coalition; Judy Graham, Social Services Director, N.E.N.A.; Jerome Kolker, Manager, N.Y.C Manpower Career Development Agency; Stella Kramer, Knickerbocker Tenants; Jose Morales, Chairman, LOGOS, Inc.

Labor: Leon J. Davis, President, Local 1199, Drug and Hospital Workers; Steve D'Inzillo, Business Representative, Local 306, Motion Picture Machine Operators; Henry Foner, President, Joint Board of Fur, Leather and Machine Workers Union; Moe Foner, Executive Secretary, Local 1199, Drug and Hospital Workers; Stanley Hill, President, Social Service Employees Union, Local 371; Robert Lewis, Counsel, United Electrical Radio and Machine Workers of America; David Livingston, President, District 65 ALA National Council Distributors Workers of America; Sam Meyer, President, Local 259, UAW; William Michaelson, President, United Store Workers; Felicio de Novellis, Manager, Joint Council No. 13 United Shoe Workers of America; Mac Sherman, President, Local 239, International Brotherhood of Teamsters; Sol Silverman, President, Local 140, Bedding, Curtain and Drapery Workers Union; William Nuchow, Secretary-Treasurer, Local 840, Brotherhood of Teamsters; William Michaelson, President, United Store Workers Union, Member, Hospital Corp. of New York.

Dr. William Birenbaum, President, Staten Island Community College; Bruce Buckley, Editor, Chelsea Clinton News; Jimmy Breslin, Joan K. Davidson, Marion Forer, Assistant Professor, Adelphi University; Frank Griffin, Publisher, Home Reporter (Brooklyn); John Guare, Jack Gilford, Madeleine Gilford, Sheldon Harnick, Joseph Heller, Dorothy Pittman Hughes, Chairman, Committee for Community Controlled Day Care; Saul Levitt, Burton Lane, Norman Mailer, Dr. Joseph Murphy, President, Queens College; Dr. David Newton, President, York College; Charles Reicheithal, Editor, Flatbush Life; Maurice Reichman, Former Commissioner, Rent Control and Housing Maintenance; Dr. Herbert Schueller, President, Richmond College City University; Blanche Schwartz, Principal, P. S. 70; Joseph Stein, Gloria Steinem, R. Peter Strauss, President, WMCA; Elizabeth Stecher Trebony, Director, Project FIND; Dr. Richard Trent, President, Medgar Evers College; Dr. Leonard Cavello, Chairman East Harlem Comm. on Aging; Miss Laurel Bolgiano, Director, East Harlem Comm. on Aging; Mrs. Elma Harris, President, E. 119 Street Block Association; Mr. Aston Glaves, Harold Holzer, Editor, Manhattan Tribune.

Rabbi Balfour Brickner, Director, Commission on Interfaith Activities; Rev. W. Sterling Carey, Executive Director, Metropolitan United Churches of Christ; Dr. Lawrence Durgin, Broadway United Church of Christ, Manhattan; Dr. Milton Galamison, Siloam Presbyterian Church, Brooklyn; Father Gerald Gallagher, Saint Clement Pope, Queens; Rev. Williams B. Gray, Parish of Trinity Church, Manhattan; Rev. John Hinkamp, Flatlands Dutch Reform Church; Rev. Calvin Marshall, Varick Memorial Methodist Church; Rev. Carl McCall, Chairman, Citizens Voter Education, Campaign of NY State; Rabbi Alan Miller, Society for the Advancement of Judaism; Rev. Howard Moody, Judson Memorial Church, Manhattan; Rev. Tilda Norberg, United Church of Christ, Staten Island; Rev. William Nye, Church of the Evangelists, Manhattan; Rev. Albert J. Petty, Unitarian Universalist Church, Flushing; Rev. Hugh Pickett, American Baptist Convention, W. Wesley Shrader, D.D., Madison Avenue Baptist Church, Manhattan; Gardner Taylor, Pastor, Concord Baptist Church, Brooklyn; Rev. Samuel L. Taylor, First Presbyterian Church, Brooklyn; Rev. George D. Younger, Acting Director, Metropolitan Urban Service Training; Rev. Joseph Zorawick, Pastor, St. Stephen Episcopal Church, Howard Box, Brooklyn Ethical Culture Society; Rabbi Steven Riskin, Lincoln Square Synagogue; Rabbi Philip Schecter, New Morning Community; Rabbi Edward E. Klein, Stephen Wise Free Synagogue.

[From the New York Times, June 5, 1971]

Sutton Says the City Should Be a State To Aid "Frustrated"

The "crushed," "frustrated," "powerless" citizenry of New York City needs a new governmental structure—the 51st state—Manhattan Borough President Percy E. Sutton said yesterday.

Mr. Sutton told the City Club at a luncheon that the proposal advanced earlier this week by Representative Bella S. Abzug, Democrat of Manhattan, to make the city a state could, if realized, bring enormous benefits to the city.

Whether the drive fails or succeeds, he said, it is "inevitable" that New York City will undergo "a centralizing of governmental resources in a regional government and a decentralizing of government's delivery of services on a local neighborhood level."

The Borough President conceded that to become a state New York City had to leap two formidable hurdles: The creation of a constitutional convention in New York State and consent of the legislature to cut New York City loose.

Mr. Sutton was introduced by Robert Conrad, a lawyer and president of the 79-year-old City Club of New York.

The 50 members and guests at the luncheon, all but three of them men, demonstrated by their questions to Mr. Sutton after he spoke that the city-state idea was at least seriously to be considered.

Mr. Sutton said he favored the abolition of the City Planning Commission "except as a coordinating body." He proposed that the elected Community Boards take over the commission's planning power.

Opponents of this idea, he said, include municipal unions and upstate New Yorkers. But he said the latter might, with the city's secession, eventually say, "Good riddance."

[From the New York Post, June 2, 1971]

To Statehood

(By Pete Hamill)

Statehood for New York City is not, of course, a new idea. Years before Norman Mailer and Jimmy Breslin raised the cry in the 1969 mayoral election, statehood had even been demanded by William Randolph Hearst, among others. Most of the time, the idea has been treated as if it were some quite hilarious joke, especially by reporters who live in New Jersey. But it is no longer a joke. The ruthless performance of upstaters and suburbanites in the Albany zoo this year has shown once and for all that this city must press for statehood or die.

Congresswoman Bella Abzug held a press conference yesterday to "act in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state." She was dead serious and so were the people who are supporting the move: Congresswoman Chisholm and Congressman Addabbo, Manhattan Borough President Sutton, Assemblymen Blumenthal, Stein, Simon, and Gottfried; Councilmen Merola, Clingan, Weiss, Katzman, Salmon; Councilwomen Greitzer and Ryan; R. Peter Straus of WMCA; Eugene S. Callendar of the New York Urban Coalition, and a number of other distinguished citizens. There isn't a little old lady in sneakers in the bunch.

Congresswoman Abzug brought her special capacity for rage to the argument, reminding us that the people of this city are having their fates decided by "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border." This triumvirate—Rockefeller, Duryea and Brydges—has slashed health services and education, increased our sales tax, attacked welfare in an absolutely punitive manner and pushed through "vacancy decontrol," which will force thousands of middle-class families out of our town.

Bella reminded us of some figures: New York City sends more than $11.9 billion to the federal government and $2.7 billion to the Albany government. For every dollar that goes to Washington, 12.6 cents comes back. For every dollar sucked out of the town by Albany, 66 cents comes back. We have to go to Albany to literally beg for some of our own money; if we could only hold on to all the taxes we now pay to the state, the net gain would be $1 billion.

As a separate state, New York would be able to levy its own taxes, such as the proposed tax on commuters who earn their living in our town but do not yet pay a fair share of its upkeep. At present, the Mayor of New York must go to Albany to levy such a tax, leaving the decision to the representatives of the very people he is trying to tax. We have had to go to Albany to obtain permission for a fourth police platoon, as if that is any concern of people from Endicott or Corning. We had to go to Albany for permission to allow our sanitation men to issue tickets. We have to get permission from these people to decide how much we can spend on cops and firemen. This is a process of humiliation which a great city should no longer have to endure.

What if we were a separate state?

Right off, we would have two Senators to fight for specifically city interests, and a more cohesive Congressional delegation. We now have more people than 43 other states, but unequal representation in Congress. Our share of the federal pie (that is, our share of our own pie) would come to us directly instead of being funneled through the Albany apple orchard and the richest city on the earth would be able to stand straight and deal with its own problems.

It should be unnecessary, after what has been done to us at this session of the legislature, but it has to be repeated: statehood is not a joke, it is dead serious. A Committee to Make New York City a State has been formed with headquarters at Congresswoman Abzug's district office (252 Seventh Av., Tel: 924 5604). The plan is to collect enough signatures to put statehood to a referendum this November.

The people on the committee need money.

They also need volunteer help, especially lawyers who can research the mechanical and constitutional problems involved. (How did Virginia and West Virginia pull it off? What is the precedent in Puerto Rico, which remains in colonial status because Puerto Rican voters turned down statehood in a referendum? Are there other possible city-states, such as Los Angeles, New Orleans, Houston, San Francisco-Berkeley-Oakland?) This is a campaign that must be run citywide, breaking through all conventional political lines; those clowns in Albany don't care if you are a liberal, a conservative, a middle of the roader, a Republican, a Democrat, a Bircher or a Communist. If you are a New Yorker, that's enough for them to grin their shark's grin and proceed to put you in harm's way.

It's time to do the deed at last, with the seriousness and drive and energy that propel all desperate human beings. If you have any doubts, just ask yourself one question: isn't it time we had a Governor?

[From the New York Times, June 2, 1971]

MRS. ABZUG OPENS DRIVE FOR 51ST STATE

(By Alfred E. Clark)

Representative Bella S. Abzug, charging that New York City was "in bondage" to the state government in Albany, announced yesterday a campaign to make the city the 51st state.

The Manhattan Democrat said an organization was being formed to seek a citywide referendum in November on a proposition petitioning Congress to admit the city to the Union as a new state. The change, she said, would be carried out in accordance with Article IV of the United States Constitution.

Mrs. Abzug, who represents the Lower East and West Sides, accused Governor Rockefeller and the Republican-controlled Legislature of having "disfranchised and disinherited eight million people of New York City."

DIFFICULTIES CONCEDED

Mrs. Abzug acknowledged that the Constitution required approval by the legislature and Congress before the city could become a separate state. But she said she would not let difficulties stand in her way.

At a news conference at her office at 252 Seventh Avenue, she called for the formation of a committee to report "as soon as possible" this year on the feasibility and structure of a city Constitutional Convention.

"The committee would be selected by an ad hoc group composed of city elected officials, such as Congressional representatives, state legislators, Borough President, Councilmen and district leaders, as well as union, business and community leaders," she said.

A strong mandate from city voters in November, she said, would make it difficult "for any Legislature to deny their will." Mrs. Abzug said that among those supporting her plan were Representatives Shirley Chisholm of Brooklyn, Joseph P. Addabbo of Queens, both Democrats, and a number of other Councilmen, state Legislators and district leaders.

A statement by Mario Merola, Bronx Democrat, declared that the Legislature, by its actions, "had breathed new life into the idea of making the city a separate state."

"When a state government, dominated by farmers and fishermen and political opportunists, can turn its back on a city in crisis," he said, "it is time to take a serious look at the prospects for obtaining control of our own destiny."

Manhattan Borough President Percy E. Sutton also backed Mrs. Abzug's plan, saying that recent state laws on rent decontrol and welfare "gravely damage" the city.

In an ironic vein, Representative John M. Murphy, who represents Staten Island and part of Brooklyn, said in Washington:

"New York City should secede from the State of New York and the Union; we should then declare war on the United States, and before fighting begins, surrender unconditionally. We should then apply for foreign aid."

The Constitution provides that:

"New states may be admitted by the Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned as well as of the Congress."

[From the New York Post, June 3, 1971]

A BRONX CHEER FOR THE CITY

As advocates of making New York City a separate state seek support for their proposal, a group of Bronx legislators have done them one better: they say the Bronx should form its own city.

"The Bronx should secede from New York City and its Manhattan-oriented Administrations," Assemblyman Anthony J. Mercorella (D-Bronx) said yesterday. "We should go back to Mother Westchester.

"After all, the Bronx is the only part of New York City that's really in the United States," he said. "All the rest are on islands."

FIFTY-ONE SPONSOR BILLS

Meanwhile, in Albany, 51 Assemblymen have co-sponsored a bill to create "a separate state within the five counties of New York City," and one Manhattan Assemblyman urged New Yorkers to refuse to pay the New York State telephone tax to demonstrate support for the secession campaign.

The Bronx secessionists—Mercorella and Assemblyman Manuel, Ferdinand J. Mondello, Burton G. Hecht, Armando Montano and Anthony J. Stella, all Democrats—threatened to take with them "the Bronx Zoo, the Hunts Point Market—the world's largest—and those fine cultural institutions, Fordham, New York University and Lehman College . . . plus Yankee Stadium."

Mercorella complained, "Everybody passes through the Bronx, but nobody stops here." He said the City Planning Commission "relegates our future to being an industrial suburb of Manhattan."

He urged the Bronx's 1.5 million residents to "give the rest of New York City the Bronx cheer."

On the question of the city forming its own state, Assemblyman Leonard M. Simon, (D-Brooklyn), introduced a bill yesterday to put before state voters a referendum on whether New York City should be permitted to form its own state. The final decision rests with Congress, which needs the consent of the state before it can act.

NEED 76 VOTES

Simon's 50 co-sponsors were mainly New York City Democrats. The bill would need 76 votes to pass the Republican-controlled Assembly.

Simon was optimistic about approval of his plan by upstate voters. "They want to get rid of us on an amicable basis," he said.

Assemblyman Richard N. Gottfried (D-Man.), said he would send a check for the amount of the state tax on his phone bill to Rep. Bella Abzug's Committee to Make New York a State. He urged all city residents to follow his example.

[From New York Magazine]

WHAT WE CAN DO TO STOP ALBANY FROM MILKING US DRY

(By R. Peter Straus)

If you're already tired of hearing about the urban crisis, you're in for a very bad time indeed in the weeks ahead. According to Mayor Lindsay, this is the year of the crunch. No more dire warnings about what will happen to the next budget unless Albany injects some more state aid. This year—mainly because welfare is up and tax receipts are down—the mayor has been talking about a deficit of $300-million in the *current* budget, the one that takes us to June 30. And that doesn't include the price the city will have to pay to get new contracts with its sanitationmen, firemen and policemen.

The budget for next year is being drawn up by Mr. Micawber. The superagencies have submitted their carefully padded requests, but the mayor need not offer a total until mid-April. He speaks of a billion-dollar deficit, but not of new revenues to close the gap. Something, presumably, will turn up.

If so, it will have to turn up in Albany—or Washington. The state holds the city's purse-strings, and the federal revenue-sharing President Nixon keeps talking about will be routed to New York City by way of Albany, if at all. As a state in its own right, the city might be free to deal with John Lindsay's budget crunch. With Albany calling the shots, it can't.

The mayor made tentative noises last year about "payless paydays"—which would certainly produce workless workdays too. He also promised to drop 500 provisional employees from the city payroll—which he can do because provisionals aren't under the great umbrella of civil service. "As in business," the mayor announced recently to a group of business executives, "when the crunch comes, the only immediate way to save money is to fire people."

That kind of captain-of-industry line may go down well with the roast beef lunch in a ballroom at the Waldorf. But the people who go to these lunches don't die in municipal hospitals because there aren't enough nurses. They don't live in crumbling tenements with broken boilers that the city doesn't even have the manpower to inspect, let alone fix. And they don't belong to a union that started contract negotiations from the premise that a patrolman's salary should jump from $10,000 to $16,000 in two years—with a four-day week thrown in. The municipal unions aren't likely to hold still for massive payroll cuts.

If the city can't hold down expenses, it will have to increase income. Traditionally that means begging in Albany—either for more state aid or for more taxing powers. In spite of his cool relationship with nearly everyone in Albany from the governor on down, John Lindsay has been a remarkably successful beggar. His first year in office, he got Albany's approval for the city income tax. Last year he led the state's big-city mayors in a fight to let local governments skim more money off the top of the state's tax revenues—a fight the mayors won, at least on paper. But that was last year, when the governor was running for re-election.

This year, Governor Rockefeller's poor-mouthing rivals Lindsay's. The governor has, in fact, grabbed the mayor's timeworn script and substituted "Washington" for "Albany" in the scene where somebody comes to the rescue. Only federal revenue sharing can save us, according to the governor, and if we don't get it, we're supposed to put the blame on the New York Congressional delegation—which just happens to be the only sizable body of politicians in the state where Democrats are still in the majority. "Those congressmen are our representatives and they're where the money is," the governor said the other day. "If they haven't got the money, they've got to get the money. There isn't any other chance."

Revenue-sharing simply means that Washington would set aside some of its tax revenues and send them back—no strings attached—to be spent by state and local governments. Rockefeller has promoted this idea incessantly from the time he was re-elected in November. What he had in mind was a $10-billion federal pie to be cut up among the states, which he figured would give New York about $1 billion. By a funny coincidence, $1 billion would just about make up the difference between the $7.9 billion Rockefeller says the state must have from current revenues in the next fiscal year and the $6.8 billion it can count on at present tax rates. But President Nixon's revenue sharing plan offers only a $5-billion pie, and there's no telling whether Congress will buy even that.

It says something about the political problems ahead for federal revenue sharing that Rockefeller isn't counting on it right now. Instead, in the fiscal 1972 budget he laid before the taxpayers on February 1, he called for drastic tax increases totaling $1.1 billion.

Worst of all for us city slickers, the governor informed New York City and the rest of the state's local governments that they would get nothing new in the way of state aid. They *will* get the aid Albany promised last year, but that won't come up to expectations because one of the formulas was tied directly to the state's revenues, which are down because the whole economy is down. So New York City will get $31 million less under this program than it figured to get a year ago.

In the long run revenue-sharing may well be the solution to the fiscal squeeze on the states and cities. The beauty of the idea is that the guy who gets to spend the money doesn't have to take the rap for the taxes that bring it in. If you just look casually at the figures the Treasury Department has put out to drum up support for the Nixon Administration's revenue sharing plan, it's not hard to see why the idea appeals to the governor. New York State, with about 9 per cent of the nation's people, is down for almost 11 percent of the pie. And better yet—if your vantage point is Albany—is the knowledge that 49 per cent of the money that comes back from Washington under revenue sharing is going to stay right there in Albany, while the leavings are passed through to local governments like North Tonawanda—and New York City.

Dig further into the Treasury's figures, however, and revenue sharing looks a lot less attractive, even from Albany's point of view. Acccording to the Internal Revenue Service, the taxpayers of New York State contribute about 18 per cent of all federal revenues. (The figure would be higher if it included the income taxes of people who work in New York but don't live here.) Since those are the revenues that would be shared under the Nixon plan, or any other that Congress writes into law, it's obvious that revenue sharing is less than the millennium for the State of New York if anything under 19 per cent of the shared funds comes back to us. The bill Nixon is backing provides less than 11 per cent. Any questions?

Of course, if your desk happens to be in City Hall rathter than the state capital, the defects of revenue sharing—at least the Nixon brand—are even more visible. The city's annual expense budget is normally bigger than the state's by at least half a billion dollars; yet for every three dollars the city would get under the Administration's revenue sharing plan, the state would get four. That's all very well if you see the nation's problems as concentrated at the state level rather than in the cities, but not many city dwellers are about to buy that eyewash. They know better.

The irony is that if it weren't for the big cut the state skims off the top, New York City would actually do rather well under the revenue sharing formula by comparison with other local governments. In fact, 69 per cent of all the funds to be shared at the local level in New York State would come to the city. In short, the Nixon plan to share the wealth only confirms what New York City and the rest of the nation's overburdened cities already know too well: Under the federal system, they exist only by the sufferance of their sovereign states. As always, the line from Washington to city hall runs through the statehouse.

New York is almost a textbook example of colonialism in reverse—the mother territory around New York Harbor oppressed and exploited by the hinterland up the Hudson. New York State tells the city how much it must spend on welfare, the city's biggest and fastest-growing budget item. And, as Mayor Lindsay pointed out a few weeks ago, local governments within New York State have to pay more of the total welfare bill than they do in any other state. In 25 states, according to the mayor, the local share of welfare expenditures is 1 per cent or less; yet New York City must carry 25 percent of the welfare load here.

After setting the levels of support the city must provide for welfare and other services, the state insists that the city must balance its budget. And if the city is forced to impose new taxes to do it, the state must be begged and cajoled into giving its approval beforehand. The city's transit fare is set by a board whose members are controlled by Albany. Its property tax exemptions are mandated by Albany. The very hours its policemen may work are dictated in Albany.

And what kind of representation does the city have in Albany? Well, if New York City's choice had been elected governor, Mayor Lindsay would be dealing with Governor Goldberg. (In the five boroughs, Arthur Goldberg outran Rockefeller by 17,000 votes.) The New York City delegations in both houses of the State Legislature are outnumbered by upstate and suburban members. Both houses are controlled by the Republicans, although the city's legislators are overwhelmingly Democratic. In the Senate the Republicans are led by Earl Brydges, a Bible-quoting lawyer who lives in a distant suburb of Niagara Falls. The speaker of the Assembly is Perry Duryea, a lobster wholesaler from Montauk, on the farthermost tip of Long Island. Isn't it about time *we* had a man with clout in Albany?

It's true that some of the most influential state legislators come from the metropolitan area. Assembly Majority Leader John Kingston, like Speaker Duryea, is from Long Island. The chairman of the most important single assembly committee, Ways and Means, is Willis Stephens of Putnam County, Lieutenant Governor Malcolm Wilson, who presides over the Senate, used to represent a Westchester district there. But the urban core itself? Forget it. Even the committees on New York City affairs are headed in both houses by men from a suburb within the city limits: Staten Island.

Obviously these chairmen have their own constituencies; none of them has any compelling reason to concern himself with the more unpleasant aspects of New York City. The result is that taxes from the city continue to subsidize the rest of the state. The independent Citizens Budget Commission produced some figures last year to show that the subsidy isn't as grossly unfair to the city as it used to be; New York City got about 45 per cent of all state aid in 1967 as against 37 per cent in 1960. The city, though, is still more than paying its way, chipping in about 47 per cent of the total state tax bill in 1967. But there's a lot more to the state budget than cash aid to local governments. For instance, of the $354-million budget last year for the State University, only $28-million benefited students from New York City—a stingy 8 per cent of the total. By comparison the city got a real break on state transportation funds—$18 million out of $143 million, or 13 per cent. All told, Citizens Budget Commission research showed the city gets only 33 per cent of the visible benefits from the "State Purposes Fund."

So Norman Mailer and Jimmy Breslin were right over a year ago when they ran for office: The city would have millions if it could snap the strings that tie it to Albany. Instead of wondering whether the mayor can talk the governor into a little more state aid, and instead of speculating on the likelihood of a federal revenue sharing plan that would put the money in the cities, why couldn't we take more direct action? Why not—legally, democratically and responsibly—bring the statehouse here to the city? If New York City were a separate state—an idea that's not exactly unfamiliar to faithful readers of *New York*—it would get every penny it's entitled to as a city under the President's revenue sharing formula, plus millions that would otherwise go to Albany.

The legal steps that would have to be taken on the way are easy enough to define: a constitutional convention to form the city-state, a citywide referendum on the new constitution, approval by simple majority of both houses in the State Legislature, and, finally, recognition by Congress. The first two steps should be easy. But if the colonialists in Albany are really squeezing the city dry, why should they stop as long as there's a drop left? Mailer and Breslin never came up with a convincing answer. Yet there is one.

To begin with, there are strong emotional pressures on *both* sides of the city line for city and state to go their separate ways, and hang the expense. For every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks *his* taxes are supporting a bunch of welfare chiselers, truants and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom. It is still possible, believe it or not, for upstate legislators to lose elections because they're suspected of being soft on New York City. Since their constituents think the city is costing *them* money rather than the other way around, they should be pleased to see the city go.

In any case, it's not the North Country and the Finger Lakes and the Southern Tier that are *really* gorging on state tax money that ought to be spent on the city's problems. It's the suburbs. A study by Social Science Research Associates, a mini-think tank connected with the State University of New York in Albany, found that the city spent $739 of its own money for each student in the public school system four years ago, and got an additional $379 per student from the state. The Long Island surburbs spent considerably less from their own school taxes—only $602 per student—but the state more than made up for that by contributing an additional $524 per student—$145 per student more than it gave the city. Those same suburbs get 36 per cent of their total budgets from the state: the city gets only 31 per cent.

Albany not only discriminates against the city in passing out school aid; it also tailors the city's taxes to favor the commuter who earns his living in the city and takes his paycheck home to Rockville Centre or Dobbs Ferry. In the first place, the city resident pays city tax on *all* his income, while the commuter pays only on what he earns in the city. And in the second place, while the resident is getting hit for as much as 2 per cent of his total income, the daytime visitor is paying a maximum of ⅜ of a per cent on his net earnings. If you make $4,000 a year, your tax is so small that it really doesn't make much difference—about $2.88 for a resident family of four versus $2.50 for one with a commuting breadwinner. But let your income go up to $30,000 and the city will grab $260 of it if Daddy takes the Independent subway to work from Forest Hills and only $75 if he rides the Long Island Railroad from Great Neck. No wonder the city fights an uphill battle to keep its prosperous young families from fleeing to the suburbs. Aside from all its other problems, the city's income-tax structure—controlled by Albany—beckons the affluent earner to move out.

The city might not be able to tax commuters at all if the Democrats hadn't won control of the State Assembly for the 1966 session in a special election, the state's first under "one man, one vote" ground rules. Naturally the suburban Republicans in the Senate would have preferred a tax on city residents alone, but the city Democrats in the Assembly wouldn't buy it. The Senate finally settled for lower tax rates on commuters.

So if the suburban legislators have that kind of muscle in Albany, how can the city get the leverage to pry itself loose from the rest of the state? Like this: Sooner or later the voters in upstate counties like Chemung and Chenango are going to discover that something has happened to suburban counties like Nassau and Westchester: they're getting more like the city every day—which means, in upstate eyes, that they're no longer part of the solution; they're part of the problem. The town fathers from the eastern tip of Suffolk County saw this quite clearly a few years ago, and their towns—then barely touched by urban sprawl—tried to secede from the county's heavily developed western half.[1] Once the upstaters realize that it's no longer enough to vote against the city, their Republican alliance with the suburbs will begin to crack. And that opens up a bizarre prospect: a coalition of city and upstate legislators that would last just long enough to set the city free from Albany for good.

The arithmetic is right. Even though the census takers keep telling us that more people now live in the suburbs than in either the cities or the sticks, New York City still holds nearly half the seats in each house of the State Legislature—26 out of 57 in the Senate; 70 out of 150 in the Assembly. If the city delegation stands fast for statehood, it will take only three upstate votes (out of a possible nineteen) in the Senate and six (of a possible 51) in the Assembly to get the required bill passed. Even if a few renegades bolt the city delegation, there ought to be enough upstate votes to do the job.

But the city had better act quickly. Within the next year or so the Legislature must draw new district lines for its members, taking into account the population shifts confirmed by the 1970 population shifts confirmed by the 1970 census. The city is bound to lose some seats in that reapportionment; the suburbs are bound to gain. If the city can't round up the upstate votes for statehood now, they'll be a lot harder to find after 1972.

As a separate state, with its own two senators and a single-minded Congressional delegation, the city might even be able to do something to change the federal aid formulas that now discriminate against big cities. Within the Department of Housing and Urban Development programs in cities of less than 50,000 people are eligible for federal funds up to three-quarters of the total. But if the city is bigger than that, Washington won't pay more than two-thirds of the bill.

Federal programs often limit spending in any one state to 12.5 per cent of the total federal appropriation. At least one HUD program sets an even lower quota: 10 per cent. As two states instead of one, our New York and their New York would have a shot at 20 or 25 per cent of the federal pot instead of fighting over half that much.

So revenue sharing isn't the only chance for us, Governor Rockefeller. Our new state wouldn't have to plead for Albany's permission to tax commuters' incomes at the same rates residents must pay—as New York State now taxes the incomes of commuters from New Jersey, Connecticut and elsewhere. So the city's revenues would go up at no cost to the people who live here. The city thus would profit from statehood and so would the upstate areas beyond the commuter belt—and together they have the power to legislate statehood for the city. The old emotional objections are no longer valid, if they ever were. New York isn't the most populous state anymore, so who cares whether it stays in one piece and ranks second or splits up and comes in sixth and eighth? What matters is the most magnetic of cities—first in trauma, but first in talent too—should be able to solve its own problems (or fail to solve them) without harassment from a lot of out-of-towners who don't even know how to pronounce Houston Street.

[From the Daily Mirror, June 2, 1971]

BELLA OPENS NEW DRIVE TO TURN CITY INTO STATE

Charging that the nation's largest city is "in bondage" to its state Legislature, Congresswoman Bella S. Abzug announced a program yesterday that aims to gain statehood for New York City.

The Committee to Establish New York City as a state, a group she began forming over the weekend, will collect petitions for a referendum to be put on the November election ballot asking Congress to admit the city into the union, Mrs. Abzug said.

There also will be a committee set up to plan the feasibility of a city constitutional convention as soon as possible this year.

"Governor Rockefeller and his state Legislature have disfranchised and disinherited the 8 million people of New York City," the Congresswoman said at a crowded news conference in her office. "Because of an outmoded political relationship, New Yorkers have stood by helplessly while our billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city."

Mrs. Abzug was joined by a group of about a dozen city and state legislators at the news conference, and her statement announcing the statehood bore the names of more than 45 political leaders, ranging up to members of Congress who back the proposal.

The developments that convinced so many people to work for the city's statehood, Mrs. Abzug said, came in this year's session of the legislature in Albany, which she termed a "disaster."

That session, she said, "Has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs and topped it all off by ordering what amounts to the end of living, of rent control for 1.3 million families—the only protection they have against rising inflation."

To questioners skeptical about the possibility of statehood for New York City, the Congresswoman insisted the proposal was "realistic." Norman Mailer, the author, used statehood for the city as his principal campaign theme in a losing race for mayor in 1969.

Although Mrs. Abzug predicted a large plurality of support for statehood in any voters' referendum held in the city, she said a successful campaign "might take a couple of years."

Applying provisions of the U.S. Constitution governing admission of new states to the union, approval of the New York state legislature would be necessary for any such application by New York City. Manhattan assemblyman Franz Leichter, who was present at the news conference, said, however, that many upstate legislators have a "sick attitude" about the city and would approve a split in the state.

Mrs. Abzug, who noted the secession of West Virginia from Virginia at the time of the Civil War was not approved by Virginia's legislature, said the constitutional issues raised questions that could be argued, particularly because of what she said was "arrogant and cruel" treatment of the city's needs by the legislature.

[From the New York Post, June 2, 1971]

MAYOR IN NEW PLEA FOR CITY PLAN

(By Robert Vare)

Mayor Lindsay, shaking his fist not only at Albany but at state governments generally, continued to seek support today for his proposal that big cities be allowed to govern themselves.

"Despite all Constitutional safeguards," he told the 65th annual convention of the Municipal Finance Officers Assn. at the Americana, "there is absolutely nothing to protect New York City and its 8 million residents from the travesty currently under way in Albany."

Establishment of "national cities" by federal charter, he said, might be the answer for big cities currently "at the mercy of anti-city forces and their domineering state legislatures."

HISTORY BACKS IT

As an example of what he called growing "massive public resistance" to state power over big ciites, he cited the campaign to transform New York City into the nation's 51st state.

Proponents of this campaign have been quick to draw historical parallels:

"Parliament and George III wouldn't let us go either," says Assemblyman Richard Gottfried (D-Man.) in a not-too-subtle reference to the Legislature in Albany and Gov. Rockefeller. "But we managed to do it anyway."

Rep. Bella Abzug (D-Man.), the leader of the new statehood drive, compares the "revolutionary spirit" of the original 13 Colonies with the "mood of independence in our city today."

GEORGE AND ROCKY

Mrs. Abzug also sees a strong resemblance between the British monarch, George III, and Gov. Rockefeller in their "tyrannical attitude and their utter disregard . . . for the needs of the people."

And, she concludes, the city's payment of $2.7 billion a year in taxes without an adequate return is tantamount to "taxation without representation," a familiar refrain of the American War of Independence.

The major legal obstruction to secession, Constitutional experts say, is Article 4, Section 3, of the U.S. Constitution, which declares in part that ". . . no new state shall be formed or erected within the jurisdiction of any other state . . ." without the consent of the Legislature of the state as well as the Congress.

Thus the Legislature in Albany itself would have to approve the city's accession and that body is no more likely to grant such an unprofitable divorce than it is to give a large share of state aid to the city.

Even in the event of the state's approval, secession supporters would still have to face Congress, another improbable adherent to statehood for the city. As one observer put it, "Congress would not take kindly to two more New York senators."

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[1] The scheme fell through, ironically, because the state constitution says no new county can be formed unless it has enough people to have an assemblyman all its own; the seceding towns couldn't make it. But the federal Constitution imposes no such requirement for new states.

[From the New York Post, June 10, 1971]

THAT WAS THE YEAR THAT WAS

(By Steven Marcus)

ALBANY.—Last March, while the Republican majorities in the Legislature were cutting $760 million from Gov. Rockefeller's proposed budget, the administrative aide to a liberal Democratic Assemblyman put up a hand-lettered sign on the wall next to her desk.

"Season's Greetings from Nelse and the Gang," the sign said. "Happy 1969."

That year, in the view of most liberal politicians, was a very bad one for the Legislature. It was a year in which the Republicans rammed through—and Gov. Rockefeller signed—a budget that made cuts in welfare and medicaid benefits despite outcries that the people who could afford it the least were being hurt the most.

But the 1971 legislative session, which ended early yesterday morning, may be viewed by critics as even more regressive.

"NO TEARS LEFT"

During the five months the lawmakers were here, the Republicans virtually rearranged the Governor's budget to reduce his proposed tax increases. They cut welfare payments by 10 per cent, the state's revenue sharing program by three per cent, raised the eligibility for medicaid and reduced many of its benefits.

They also adopted a one-year residency requirement for welfare recipients. Last week, during the debate on a bill to provide more aid to non-public schools, Assemblyman Franz S. Leichter (D-Man.) rose tiredly from his seat to oppose it and said: "So many outrages have been committed this session that I really have no tears left."

But if the Democrats were unhappy, the Governor had reason to be, too.

Fresh from winning a fourth term in office by the largest plurality in his political career, Rockefeller saw his previously tight control over the Republicans sharply diminished. A conservative faction in the party, strongly supported by Assembly Speaker Duryea who has his eye on the 1974 gubernatorial race, refused to fall in behind the Governor.

POUND OF FLESH

When Rockefeller said that the conservatives had got their "pound of flesh" by cutting his budget and vowed to lead a fight to restore some of the money, Duryea refused to go along.

In addition, the Governor's power plant siting bill was killed along with his proposals for reducing penalties for marijuana possession, compulsory health insurance, gun control and no-fault automobile insurance

No one is certain yet whether the Legislature has taken a swing to the right or whether it is simply reacting to the bleak fiscal climate.

But there is speculation here that the recession is likely to continue and that the Governor will be forced to ask for more tax increases.

"It should be quite a session next year," one Assemblyman said.

Here is a rundown on the action the Legislature took on some of the major bills before it:

State budget

Approved a $7.7 billion budget for the fiscal year that began April 1. The budget increased taxes by $475 million, including an increase in the state sales tax from 3¢ to 4¢ on the dollar and a $168 million hike in business taxes.

Increased the legislators' annual expense allowances—known as "lulus"—from $3000 to $5000. Also provided new and increased allowances for committee chairman and ranking minority Democrat.

New York City

Passed a $525 million tax-authorization package that also provide a state guarantee for an extra $100 million in federal aid.

Authorized the city to issue $300 million in bond notes to meet the deficit in its budget for the current fiscal year.

Set up a commission to investigate the city's structure, management and fiscal controls.

Passed a bill requiring the state controller to audit the finances of the city, Rochester and Buffalo.

Authorized the city to acquire Yankee Stadium for $24 million.

Passed a plan under which 1.3 million apartments would become decontrolled when voluntarily vacated by their tenants.

Killed a bill authorizing 25¢ tolls on the four East River bridges and the doubling of tolls on the Triborough Bridge and Tunnel Authority bridges and tunnels, with the surpluses to go to the Transit Authority and the Long Island Railroad. William Ronan, chairman of the Metropolitan Transportation Authority, said that as a result of this, the subway fare is certain to increase next year.

Killed a pension bill for 121,000 municipal employes that would have cost an estimated $30 million a year.

Constitution

Passed the Governor's proposed community development article, which will appear on the ballot this fall and would permit the state to help finance housing and other construction in the state, especially in urban core areas.

Ratified the federal Constitutional amendment lowering the voting age to 18 in all elections. Killed the proposed state amendment that would have done the same thing.

Killed the proposed repeal of article 11, section 3, of the state Constitution, which prohibits direct or indirect aid to church-related schools.

Transportation

Passed the proposed $2.5 billion transportation bond issue, also to be voted on in November. It would provide $1.15 billion for highways, $1.35 billion for mass transit and $200 million for mass transit upstate.

Authorized the MTA to sell $30 million in bonds to finance land acquisition and improvements for developing Stewart AFB in Newburgh in to a cargo and general aviation airport.

Authorized a high-speed rail link between Manhattan and Kennedy Airport.

Authorized construction of new highways in New York City.

Elections

Postponed the date of primary elections this year to Sept. 14.

Eliminated the ban on the sale of liquor on primary and general election days.

Increased the city council districts in New York from 27 to 33. This is expected to provide more black and Puerto Rican representation.

Health and Welfare

Passed a series of welfare changes proposed by the Governor, giving him tighter controls over the welfare system. These include a one-year residency requirement; a requirement that an employable adult on welfare accept a public works job and the stripping of the state Board of Social Welfare of its regulatory powers by transferring them to the Social Services Commissioner, who is directly responsible to the Governor.

Killed a bill to repeal the state's liberalized abortion law and replace it with the old law that permitted abortions only if the mother's life was in danger.

Environment

Passed a bill banning the use of phosphates in detergents by June of 1974.

Authorized New York City to create an administrative tribunal to handle violations of the city's laws on waste disposal and noise and aid pollution.

Education

Increased state aid to public schools by $156 million and aid to non-public schools by $33 million.

Provided an additional $15 million for the SEEK programs at the city and state universities.

Housing

Passed a bill to permit banks to give 20-year mortgages for up to 75 percent of the purchase price to buyers of cooperative apartments.

Labor

Extended unemployment insurance benefits from 26 to 39 weeks.

Gambling

Passed a bill to permit the state's Off-Track Betting Commission to study and . . .

[From the Herald, June 6, 1971]

DOES THE CITY NEED THE STATE?

(By James R. Gaines)

This is the year of the Crunch. You can almost feel the clamp girdling the City somewhere around midtown; the pressure is there, the Legislature upstate sweating, straining to draw out the fiscal blood of the city. You can see the early signs of fission down around City Hall as administration officials scramble madly, stuffing yellowed state-aid programs into steel-reinforced briefcases, making ready for the penultimate crack.

With an expression imprinted on the minds of city-dwellers as a wry smile. Governor Rockefeller engineered a cynically obvious last-straw maneuver to abolish rent control for 1.3 million city families while he extended it for the rest of the state.

But this most recent coup is only a sign of the times. The city has been taking a financial brow-beating from its sovereign in many breathtaking new ways for many years. Only this year, as it happens, is the year of the Crunch.

How does it happen? How is it that the City of New York stands impotent while "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border join in inflicting one grievous blow after another on our city?" as Representative Bella Abzug put it this week.

EXPLOITATION IN REVERSE—BACKLANDS BLEEDING THE CITY

The wry smile appears before our minds and vanishes.

The fact of the matter is that in America we are both unaccustomed to and find utterly distasteful any trace of colonialism or political oppression in our society; we despise the idea so much, in fact, we are apt to miss it when it is happening to us.

But it's true. As numerous local politicians and journalists are pointing out, New York City has become a prime example of a new kind of colonialism which is affecting many large cities; the exploitation of a state's popular and cosmopolitan capital by its backlands capital.

The State Legislature, for example, sets the level at which New York City must support welfare and other services in its jurisdiction. If the need for such programs grows beyond the capacity of the city to fund them, obviously new taxes or sources of aid must be sought. And while the state is belligerent about granting more taxes to the city, it is downright intractable about granting more aid. What happens? The Crunch.

The state sets transit fares, property tax exemptions, even the hours put in by uniformed city employes. But when it comes around to contract negotiation time, Albany doesn't want to hear about it.

As a result, every year the city has to go to Albany for aid, slinking like a panhandler. All told, Mayor Lindsay has been a pretty slick beggar, but even he couldn't pull off what is needed. Crunch.

Still, one would think the Legislature would have something to say about the city's pinch. And they do, which is part of the problem.

New York City's delegation is a minority in both houses of the Legislature. Both Senate and Assembly are predominantly Republican, while the city delegation is Democratic. Senate Leader Earl Brydges, referred to above by Abzug as the lawyer from a Canadian border town, is alleged to quote the Bible regularly, almost pathologically, and wouldn't be caught dead going soft on New York. The Assembly speaker, Perry Duryea, the "lobster wholesaler from Montauk," has his own constituency too, one which lives as far out on Long Island as it can get.

There is, in fact, no delegate with much clout who either comes from Manhattan or takes the problems of strictly urban living as his own. Even the heads of the Senate and Assembly committees on New York City affairs are from Staten Island.

LEGISLATIVE DISAPPORTIONMENT, THE FACTS OF STRIFE

The blemishes on the complexion of this Legislature are truly revolting, not to mention harmful, to city residents. For instance, of the $354 million State University budget last year, New York students saw only $28 million, about eight per cent. Of the $143 million transportation budget, the City got what is, by comparison, a whopping $18 million or 13 per cent.

New York City, with half the state's population, its own budget exceeding that of the state by half a billion dollars, and bearing the lion's share of the state budget on its back, reaps only 33 percent of the benefits of the "State Purposes Fund," according to research done by the City Budget Commission.

Combined with the historical reality of the legislature's make-up is the pressing fact that this year NYC is getting $31 million less from Albany than last year because the scale used to determine the appropriate amount of aid is joined to the state's revenues, which have been sliding downward with the economy.

Crunch. Crunch.

Albany sees the solution to New York City's crisis in the revenue-sharing program now before the Congress. As Rockefeller has said, "those Congressmen are our representatives and they're where the money is. If they haven't got the money they've got to get the money. There isn't any other chance."

Of course, if revenue-sharing dies he might just add that the blame must rest with our Congressmen; he might say, with a straight face, that they are the only predominantly Democratic body in the state.

It's simple to understand why the revenue-sharing plan is so attractive to Albany. With nine per cent of the nation's population, the state will be eligible for 11 per cent of the take. They will also be allowed to keep 49 per cent of the money kicked back to the capital, leaving the crumbs to be picked up by localities like Fishkill and New York City.

But a deeper look exposes a fiscal can of worms for the city. For every dollar that gets to City Hall, Albany will get $1.34. That would be all right if Rockefeller got an extra 34 cents worth of the city's problems too, but he won't. He'll make a profit by keeping them right where they are.

Simply put, the revenue-sharing plan just illustrates the problem, it changes nothing. The city must still make its own way; it must still exist only by the benign tolerance of its aloof sovereign; it must keep suffering the consequences.

And crunch again.

HOPE SPRINGS ETERNAL THE 51ST STATE

The only real hope, lost somehow in the hilarity of the Mailer-Breslin bar-hopping mayoralty campaign in 1969, is to make New York a state. Funny, it still brings to mind an old Marx Brothers scenario, but the concrete proposals presented this week by Bella Abzug were set forth in the gravest of terms, no cracks allowed. It quickly prompted enthusiastic and thoughtful support from both politicians and significant private citizens, none of them in it for laughs.

Charging the state with "overt and covert hostility towards residents of the City of New York, Congresswoman Shirley Chisholm, Manhattan Borough President Percy Sutton and New York Urban Coalition Chairman Eugene Callender have joined with Bella to push hard for the city's secession from New York State, among many others.

Representative Chisholm said Tuesday she had been "thinking about this for a number of years on the basis of my own experience in the New York State Assembly, where I saw the division between localities upstate and localities downstate. Each year the same symphony of hostilities is played. To me the solution is the city becoming a state."

She feels that the city's economically and emotionally oppressed minorities, the ones who die in city hospitals because of heatlh budget cutbacks and live in decaying and infested tenements, would be "especially benefited because it's they who get the shortest end of the inadequate services stick."

Sutton said the same day, "the enactment of the budget cuts, the one year welfare residency requirement, and the decontrol of rents are all acts by the state legislature that will gravely damage the City of New York. The fact that such destructive legislation could become law is clear evidence that New Yorkers have no significant degree of control over their own destiny.

"I would like to see New York City, and perhaps the entire New York Metropolitan Region, become a separate state."

Callender said Tuesday he thought city-statehood "a great idea" during the Mailer campaign, "but I think the recent behavior of the New York State legislature has made it even more imperative."

The Abzug campaign to de-crunch the city was also endorsed on Tuesday by numerous state and local representatives and civic organizations.

Part of the reason the plan was so quickly endorsed, and by so many, is that the proposals outlined at Bella's news conference were thoroughly cogent, historically valid, and entirely feasible.

Many people have strange associations with the idea because it was so poorly supported by Mailer and Breslin. Actually, though the procedures provided for by the Constitution are straightforward and their success quite plausible.

First will come a special planning committee session to investigate the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971, composed of officials elected in the city, serving both state and local government.

There will be a city-wide referendum in November, 1971, in which the people of New York will vote on a proposition to petition Congress for admission to the Union as a new state in accordance with Article IV of the U.S. Constitution.

Article IV stipulates "New states may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislature of the States concerned as well as of the Congress."

Then the constitution which results from the city convention will be offered to the people for adoption, after which the state legislature would be approached for their consent.

Finally, the United States Congress would be petitioned for admission.

The many obstacles which are expected to appear and interfere with the program's smooth passage into law do not include a lack of historical precedent.

In 1791, both Vermont and Kentucky were formed out of existing states: New York and Virginia respectively. Later, Maine split off from Massachusetts and, in a dispute over secession just prior to the Civil War, West Virginia chose to secede, in effect, from Virginia.

This last example provides the statehood campaign with quite a broad precedent, in fact. For, although the Supreme Court never recognized the secession of Virginia from the Union, and although the Virginia legislature never gave consent to West Virginia's statehood, when the war ended there was one more state in the union. The sovereignty of West Virginia was, therefore, self-appointed; the territory formed its own legislature, gave its own sanction, and broke itself off.

However, though many advocates of the statehood plan feel the highest hurdle will be the State Legislature, there is a persuasive argument that the Virginia precedent will never have to be used, even if it could be.

Even admitting the sadistic glee with which the Albany politicians put it to New York, admitting as well the enormous financial contribution the City sends to Albany every year, even so there is an enormous psychological impetus among upstaters to rid themselves of what many of them feel is a concrete urban white elephant.

As New York journalist Peter Strauss has pointed out, "for every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks his taxes are supporting a bunch of welfare chiselers, truants, and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom."

Also, as the Republican coalition between New York's suburbs and upstate localities begins to weaken, as the outback starts to see that Westchester, Suffolk, Nassau and the like aren't as out-back as they are and, in fact, are becoming more city-oriented and costly to the state every day, there could well be a shuffle. And the result could just be a "strange-bedfellow" alignment between city and upstate officials on the very subject of letting New York City go its own way.

CITY HALL REACTION AND A NEED FOR SPEED

Since Tuesday, Mayor Lindsay has been standing quietly by, but certainly watching this development with great interest. Recently, at a meeting in Cleveland, he proposed that the nation's 25 largest cities, those with populations over one-half million, be made sovereign "national cities." He has cited the recent Abzug plan so far only as another example of the frustration of New York city-dwellers rather than as one of a workable and desirable alternative.

It is certain that if statehood is to be, it had better come soon. A reapportionment to make the legislature's complexion justify with the population shift indicated by the 1970 census is due. It is certain to create more seats for the suburbs and less for the city. So 1972 could be a bad year.

As of now the city, with its suburbs, has a majority in both Houses of the legislature, 26 of 57 in the Senate and 70 of 150 in the Assembly. If the urban delegation unifies behind the statehood concept, passage will require only three Senate votes and six Assembly votes from upstate. And even if the city delegation splits slightly, indications are that enough upstate votes could be mobilized to let the city break away.

After all, some of the symbolic impact of the move has been eliminated: New York isn't the biggest state anymore. There's less status to be lost since many upstaters have lost their belief that it was really ever worth it anyway.

GOAL OF STATEHOOD TO STOP HURTING PEOPLE

But most important, in a city where people really did die today, yesterday, the day before, because of short-sheeted health care programs, tottering tenements in ghettos made intolerable by the constant threat of drug addiction and crime, and the real emotional devastation caused by living a jungle-life that, to many, borders on the insane, this kind of a city must assure the rights given the individual by the constitution by shouldering the responsibility assigned by civil law and basic ethical imperatives (as the state is unresponsive) to obtain for itself the capacity to make things right. At the very least it must alleviate inexcusable degradation, even if it means pointing the crunch the other way.

"Nothing is more powerful than an idea whose time has come," a 19th century tenet recently reiterated by Representative Abzug. But the idea which emerges out of all the others emerges for knowable and understandable reasons, to which the idea must be held accountable.

Statehood for New York City is such an idea. It fills a gap which has been widening for years; it calms, at least a little, a storm of economic and social problems which have taken their toll of the quality of life here in the city.

Like the bamboo tree which bends in the hurricane and does not break, let's hope the statehood program can soothe a deteriorating city, and let a ravaging squall become the renewing winds of change.

[From the New York Times, June 9, 1971]

For New "National Cities"

(By John V. Lindsay)

It is no longer reasonable to say that under our federal system cities must continue only as supplicants to their states. Cities like Houston and Detroit and Philadelphia are each larger than fifteen of the 50 states. And the budget of my own city is larger than the budget of New York State.

It is time that we rethought the role of these cities in the American governmental system. It is time for us to recognize that they are "national cities," with a unique role to play in our national life and deserving a prominent status in our political structure.

The Federal Government should charter a number of "national cities" with a grant of special powers.

Under their charter, national cities could deal directly with Washington on matters of trade, finance and social welfare. They could receive broader federal financial support in order to ensure functions of national responsibility. They could have independent authority on issues of local concern and urban development.

There are parallels in federal law for a national cities charter.

In the area of corporate law and finance, the Federal Government has responded to high-priority needs with the creation of federal corporations and nationally chartered banks. The Federal Deposit Insurance Corporation was set up across state and local lines to guarantee bank deposits at a time of economic crisis. T.V.A.—the Tennessee Valley Authority—was established to generate the power for the development of an important region. Amtrak has just moved to operate our declining railroads.

These are different from a national cities' charter, which would probably require a constitutional amendment to authorize this change in our federal structure. But evolution and change have been the strength of our constitutional system.

The charter for national cities would fill the unique need of great urban centers for that measure of independence and stability so desperately lacking at the present time.

Our cities are already corporate entities—but chartered by the states. They perform services for the states, but far more importantly, they fulfill vital federal functions. Their claim to national status is strong and clear. The 25 American cities with over 500,000 population certainly qualify as national cities. Perhaps others would, too.

I know this would confirm the sense of many of us in these great cities that our futures are linked to one another far more than to the governments of our states. We have only recently discovered that Seattle and Baltimore, Atlanta and Milwaukee, San Francisco and Pittsburgh have inherited a common national legacy. Despite state differences—despite a long history of regional competition for national resources, we have learned, as the NATO countries have, that the things that unite us are more important than the things that divide us.

A national cities charter would free these cities from the restraints imposed by unresponsive state governments. It would lift the inequitable burdens and restrictions imposed by state legislatures under the domination of anticity interests. And it would formalize the Federal responsibility for the national scope of urban development.

This is not to suggest that we can "solve" our urban problems by a mere change in structure. The needs of the working man denied marginal security, the jobless veteran, the pressured pensioner, the welfare mother, and the harried commuter in our cities involve the whole range of vital urban services—police, fire, sanitation, health, education, jobs, and recreation. Obviously, a new structure is only a beginning.

This is not to suggest, either, that the three-tiered concept of American federalism is not relevant to the issues of the seventies. It is, and should remain the basic pattern of American government.

But a national cities charter does suggest that after nearly 200 years of the American experience, we have understood the changes that have occurred not only in our own country, but in world civilization.

There are, of course, other fundamental defects in the present structure of our cities. Looking outward to the suburbs, we see the irrationality of present city boundaries as a tax base and a service area. The move toward metropolitan and regional government is spreading. Looking inward, we find that city governments with a million citizens can be remote and unresponsive to their residents. We need a more compact unit of government at the neighborhood level to rebuild a sense of urban community.

Ideally, we might dream of redrawing the map of America so that each national city becomes a metropolitan government which incorporates smaller neighborhood government units. That would be a new metropolitan federalism—with a national, regional and neighborhood government. Some of us have looked longingly at the structure of London for such a model.

But American history, geography and law make that dream unreal for most of our cities. Instead, we will respond to the need for metropolitan and neighborhood government in our own local ways. There will be a mix of structures and arrangements. But we can meet the overriding need for national commitment with a new national cities policy.

Recently, I toured the Brownsville section of my own city with a group of twelve other big-city mayors. Seeing the empty shells of abandoned buildings and the ruins of a once thriving community of 170,000 people, the Mayor of Seattle, Wes Uhlman, said to me: "God, it looks like Dresden after World War II."

I could not help but think that if it were Dresden, it would have long since been rebuilt with substantial American support. Indeed, I have sometimes wondered, if Brownsville had been discovered in Burma, whether our national Government would not have responded far faster and with greater generosity that it has, so far, here at home.

America's $135 billion commitment to foreign aid, including the Marshall Plan, was not only an act of generosity. It also marked the real end of American isolationism. A commitment to a national cities policy would be no less significant—for it would signal the end of America's bias against its own cities.

[From the Manhattan Tribune, June 12, 1971]

The New Battle for Statehood: Bella Abzug: "We Are Through Begging!"

(By Edith Spiegel and Harold Holzer)

What could William F. Buckley and Bella Abzug possibly have in common?

The Greeks had a word for it: city-state.

Back in ancient history—the 1965 mayoralty campaign, to be exact—Conservative candidate Buckley proposed that New York City establish independence and become a sovereign state.

His call received only limited attention.

Buckley lost, but the proposal did not.

Throughout the next half-dozen years, and especially when the Republican-dominated state legislature was in heated session debating home rule for the city, the idea was revised. But never seriously.

Now, six years after the Buckley defeat, Rep. Bella S. Abzug of Manhattan has rallied new support for the old proposal. But this time she has brought to the argument the support of: two fellow congressmen, the Borough President of Manhattan, two state senators, four assemblymen, six city councilmen, and 33 more noted city dwellers from the fields of politics, communications, literature and labor.

This time Mrs. Abzug has won the encouragement of the man who defeated Buckley in 1965—Mayor Lindsay.

This time she brings to the fight the anger of New Yorkers over what they feel is new short-changing by the state legislature.

This time—from all indications—the effort looks real, and local leaders are for the first time talking about the "inevitability" of statehood for New York City.

Not since the civil war have cries for secession been heard so often.

Not since the Boston tea party have the slogans of rebellion been revived so regularly.

And not since the farmers of Western Virginia called a meeting to establish independence has any part of any state so vehemently threatened secession.

Six years have transformed a flighty issue into a dead serious battle. The difference in 1971, the experts note, is six-fold.

(1) The urelenting struggle the city has experienced in Albany this year to secure money and win the "right" to tax.

(2) The passage, this session, of a vacancy decontrol bill (over the objections of most all city legislators) that makes the first serious dent in New York's tough, 20-year-old rent control code.

(3) The apparent inevitability of repeal of the Blaine amendment—or the bypassing of the Blaine to win aid to parochial schools.

(4) The "pension controversy"—which has resulted in strikes and stallins.

(5) The Assembly passage of the one-year residency requirement for welfare (over the objections, again, of city legislators).

and (6) the leadership, in the new struggle for independence, of Congresswoman Abzug, whose nickname, "Battling Bella," was earned by fighting uphill battles—and winning them!

In leaderless times like these, the major difference that can either make or break a political issue is not what is said, but who says it. A strong voice is needed, and Mrs. Abzug, literally, has it. Her gut reaction to the latest Albany "massacre" has become a rallying cry.

"No taxation without representation," yelled the Congresswoman from the 19th. And the cry rang out like a shot heard 'round the city. "It's time for us to get self-government," Rep. Abzug declared at a press conference last week. "We have been deprived of that right far too long. Fact is, we've got to bring history up to date. The state was formed by rich farmers and they can't continue to run a modern city with totally different problems—it's a total anachronism!"

Mrs. Abzug did more than just throw her ideas out to the public, to wait for them to act. "This is a practical matter," she told the Tribune. "And that's why I've started with a petition campaign."

"By their outrageous rejection of our city's plea for help," Mrs. Abzug said at her press conferences, "Governor Rockefeller and the state legislature have disinherited the people of New York City. We are through begging. We have no alternative but to assert our independence from state bondage and to take the necessary steps to create a new state of the City of New York.

"Since the legislature cynically killed rent control for the people of NYC and retained it for up-staters, the dam has burst. I have received hundreds of calls from outraged citizens demanding action."

Mrs. Abzug plans now to get enough signatures to get a city-wide statehood referendum on the ballot this November.

If the city votes approval of a proposition to petition Congress for Statehood, Mrs. Abzug would work to call a constitutional convention. A new constitution would then be offered to the people, and their consent would trigger a demand to Albany for independence, and a petition to Congress for admission as the 51st state.

"Not the 51st state," The Congresswoman corrected. "Look—there are 43 states smaller than New York City. So I would like to think of us as the 8th state rather than the 51st.

Already seeing ahead to independence, Mrs. Abzug added, "Once we get expansion we can begin to put our own city together. We can model our own government, take care of our own funding."

She emphasizes that Mayor Lindsay's plan for a "national city" is not "inconsistent with our idea. But it is more complicated. It would require an amendment to the constitution. And statehood is a much shorter route."

Mrs. Abzug asks for the support of all her constituents. "The people of New York must get involved in the campaign. They must get community leaders to respond. Let's see some storefronts come up around the city. Most of all we need money—money for ads in newspapers and for funding."

To lead the way, Mrs. Abzug is forming a special planning committee to report on the feasability and structure of a constitutional convention. The offices of the committee are in the Congresswoman's own office at 252 Seventh Avenue.

"The committee," she said, "is intended to be as broadbased and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and independents, conservatives as well as liberals and—perhaps most important of all large numbers of individual private citizens as well as public officials and community leaders."

Back at Bella's local office, awaiting the expected rush of support, the staff is busily researching American history for precedents. Starting with Mrs. Abzug's lead of the secession of West Virginia from the rest of Virginia during the Civil War, the researchers are checking out the necessity of consulting the legislature—although many supporters of the drive aren't convinced the rest of the state won't be glad to get rid of the city.

The researchers have discovered there were earlier supporters of statehood: William Randolph Hearst, Paul O'Dwyer, Norman Mailer and Jimmy Breslin.

The Abzug staff is sure of Mayor Lindsay's help—but Lindsay aides say the Mayor "believes in the positiveness of the city concept," and prefers his own plan of establishing National Cities.

Mark Corrigan, from the Mayor's office, explained that Mr. Lindsay feels there is precedent for chartering national cities in the examples of such Federal corporations as banks and TVA-type projects.

But the trend seems to be toward secession—and independent statehood.

From nearly all the local political leaders who have endorsed the Abzug demands come the same two responses: it must be done, and it can be done.

Percy Sutton, Borough President of Manhattan: "I would like to see New York City and perhaps the entire New York Metropolitan Region become a separate state. . . . Through statehood and decentralized local services, New York City will have available the resources to meet the needs of all people, and the average New York City resident will have a significant degree of control over his local environment."

Albert Blumenthal, Deputy Minority Leader of the State Assembly: "I'm 100 per cent behind the effort to secede . . . primarily due to all the frustrations of this year in Albany, the passage of legislation that has disregarded the needs of the city and in effect disenfranchised 8,000,000 residents."

Eldon Clingan, Minority Leader of the City Council: "The state has told us in effect that they're not interested in having us participate in making decisions. . . . Some of them have long maintained that we are a burden and they would be glad to be rid of us. But those farmers upstate may be reluctant to give up the rich cow they're been milking. But as one who grew up on a dairy farm. I know that if a cow is sufficiently fractious, you sell it, no matter how much milk it produces."

Carol Greitzer, Manhattan Councilwoman: "I'm in budget hearings right now and all I keep hearing are the cuts of essential facilities and programs. I suggest that people write to their legislators . . . if a large number of people can be mobilized it can't help but have a good effect on our cause."

Richard N. Gottfried, West Side Assemblyman: "I am henceforth withholding and refusing to pay the state tax portion of my telephone bill, and I am urging everyone else to do the same. I think eventually New York City will be an independent state—it's a matter of time, and a matter of how much blood will be shed. Brownsville was the first skirmish."

Manfred Ohrenstein, State Senator: "Right now we have to beg for the right to tax . . . the legislature is unwilling to do what we want, what we need. This makes it quite clear that while the city provides revenue, it has no say in its distribution, and no say in how much comes back to us. We've got to make sure the city can determine its own course."

Andrew Stein, Assemblyman: "We need to become the 51st state—or we need home rule. We shouldn't have to go to Albany and let men from Nassau and Niagara Falls tell us what to do."

[From the New York Post, June 12, 1971]

THE 51ST STATE?

(By Joel-Philippe Dreyfuss)

Maybe they'll call it the State of New York City. Or the City-of-New-York State. Or maybe the City-State of New York.

Whatever the name, the latest secessionist rumblings out of City Hall are nothing new in New York politics. Rebellious talk about withdrawal from the state and even from the United States turns up regularly.

It has usually happened after the city has undergone a particularly strenuous ordeal with the Legislature in Albany.

The motivation for separating New York City from New York State has always been the same—money and home rule power—and it goes back to long before Norman Mailer's Mayoral campaign.

A long string of New York Mayors, beginning with Fernando Wood in 1861, chafed at the tight reins on the city's independence and sought statehood as liberation from tight-fisted upstate legislators.

The bitter battle between Mayor Lindsay and Governor Rockefeller over the city's latest budget proposals was in keeping with a 110-year tradition.

In 1861, Mayor Wood charged that "the political connection between the people of the city and the state has been used by the latter to our injury."

In 1971, Lindsay described the just-concluded legislative session as "chillingly anti-city" and said New York had been "short-changed again."

Rep. Bella Abzug (D-Man.) charged the city was "in bondage" to the state government and announced a campaign to make New York City the 51st state. Mrs. Abzug formed a committee and drew up a petition calling for a city Constitutional Convention. A strong mandate from the voters, she said, would make it difficult "for any Legislature to deny their will."

Manhattan Borough President Percy Sutton promptly hailed the campaign as "the dawn of a new era" and called for its expansion to other cities across the nation. "The development of New York City as a city-state would be meaningful in helping to bring political structure of our nation closer to the realities of American life," Sutton said.

Last Tuesday night, Mayor Lindsay announced plans to set up a commission to investigate the effectiveness of state government and examine the possibility for statehood. (It is clearly relevant to their respective roles that the Albany lawmakers, with Gov. Rockefeller's swift approval, had previously decided to investigate the city.)

The new state would rank ninth in population and last in land area. Without its namesake, New York State would drop from second to tenth in population.

The new city-state would draw one fifth of its work force from out-of-state and as the financial capital of the world would be soundly based, at least economically.

Many law experts agree that separation is constitutionally possible, but in terms of practical politics, they say, it just isn't going to happen.

To make New York City a state, the city would have to call for an election of delegates to a constitutional convention that would draw up a constitution.

After the constitution was approved by a citywide referendum (hurdle No. 1) it would be submitted to the Legislature for approval, (hurdle No. 2) then forwarded to Congress, which by a majority vote (hurdle No. 3) could admit New York City into the Union and provide for its election of Senators, Representatives and statewide officials.

The question now must be whether this latest effort will be more successful than secessionist movements of the past.

Mayor Wood wanted to pull out of the Union in 1861 not only because of displeasure with Albany, but because Abraham Lincoln had just been elected President and he figured the United States was doomed anyway.

Loyalists on the City Council resisted the Mayor's efforts and when the Civil War started, Wood jumped on the Union bandwagon. But to no avail—he wasn't renominated for office.

William Randolph Hearst took up the cause in 1921, when there was widespread support for "Home Rule." The movement failed but the call for secession was established as a political lever against the chafing yoke of Albany legislators.

In 1928, Prof. A. G. Ogilvie, geographist at Edinburg University, revived the idea but expanded it to a "metropolitan state" which would include the growing suburbs of New Jersey, Connecticut, Westchester and Long Island.

"After the formation of this super-State," Ogilvie said, "the city would be able to carry out its present magnificent plan, a project which will transform it and double its population in 40 years."

While Mayor Jimmy Walker liked the idea, it was considered too cumbersome because the Legislatures of three states would have had to approve.

In 1939, Rexford G. Tugwell, the political scientist and FDR braintruster who was then chairman of the City Planning Commission supported statehood for the city and the issue began turning up with new regularity: 1941, 1943, 1949, 1951, 1956 . . .

In 1959, Senate Minority Leader Joseph Zaretzki suggested that New York City and Long Island compose a "South New York State" with the remainder of the state designated as "North New York."

During the heated debate, Assemblyman Bernard McDonnell of the Bronx retorted that his borough was the only part of the city that belonged to the continental United States.

"The rest of you," he told Manhattan, Brooklyn, Queens and Staten Island legislators, "are from offshore islands."

The issue of statehood flared briefly in 1963 and 1966 but came into the spotlight again with the 1969 candidacy of Norman Mailer, who presented detailed analyses of the financial inequity of the city and state.

The catch, of course, is, and always has been, Albany. Unless drastic changes occurred in the makeup of the Legislature, any proposal to separate the state from its most important city seems doomed to fail, and if, on the other hand, the Legislature were more responsive to the city's needs there would be no talk of separation.

Opposition to the plan would surely also come from other states, who would fear the precedent established in New York. Next might come Chicago, Los Angeles, Detroit, Atlanta, all possibly eager to sever ties with their mother states.

On Thursday, the Mayor's office released the text of a memorandum on statehood prepared by Leon Panetta, his executive assistant for intergovernmental affairs.

Panetta focused on the root of animosity between the city and state—finances.

He said the city generated $2.799 billion in revenues for the state and got back only $1.829 billion in all forms of state assistance. The net gain from Independence, Panetta calculated, would be almost $1 billion.

The memo said exemptions from property taxes now granted by the state, about 30 per cent of the city's total, would be eliminated and possibly reduce the tax burden on individual taxpayers.

"Statehood is not an unrealistic possibility, the report concluded. "Indeed it may well be the only sensible approach to governing New York City."

Governor Rockefeller called such talk "utterly irrevelant," adding: "I think the idea is childish because it would destroy the city."

Experts on urban politics differ on the effects of statehood for New York City. Dr. Robert H. Connery, professor of government at Columbia University and a deputy city administrator during the Wagner Administration, said statehood for the city would be a "great mistake."

"The problems that are being faced are larger ones," he said. "There is more effort for metropolitan governments and even bigger units, not smaller ones."

Dr. Demetrios Caraley, of Barnard College, another expert on government, was pessimistic about the possibilities. "If New York City would profit, why would the Legislature approve it?" he asked. "It's all wishful thinking. You can't secede."

Caraley was more enthusiastic about another Lindsay proposal which received less attention when first presented at the NATO conference on cities in Indianapolis on May 27.

At the time, Lindsay suggested the creation of "national cities" of 500,000 or more population with more direct links to the federal government. The national cities, Lindsay said, would enjoy "broader financial support in order to insure functions of national responsibility."

"I think it makes a lot of sense," said Caraley, noting that such a procedure would avoid the entanglements of legal battles presented by separation of a single city.

It is curious that the new cry for separatism for the metropolis should come during a period when it is otherwise increasingly apparent to many students of urban affairs that urban sprawl into the suburbs and beyond calls instead for regional solutions to regional problems.

Many planners point out that the problems of the nation's large cities will not be solved by the simple act of divorce from their parent states. Ecology, transportation, air and water pollution, welfare and migration of the poor—all these problems transcend state boundaries and would continue to do so even if it were the city which became the state.

The rise of inter-state agencies such as the Port of New York Authority indicates to some urbanologist critics of secession that regional organization rather than the city-state is the answer.

When Mailer proposed statehood for the city in 1969, he even favored breaking city government down into smaller "Neighborhood" units, with their own laws, police departments and school systems.

The real issue is, of course, home rule power. Many New Yorkers resent a situation in which a city of 8 million with a $9 billion budget must appeal to the Albany Legislature for permission to tax its own residents or consolidate its own agencies.

The State Constitution of 1894 gave the mayors of cities a "suspensory veto" on legislation affecting their property, affairs or government, but this veto, which could be overruled by the Legislature, was replaced in 1923 by a home-rule amendment granting limited legislative powers.

Legislative intrusions on their property was still forbidden without their consent or an emergency message from the Governor. Since 1938, when the emergency message provision was eliminated, the power of cities has not changed substantially.

Lindsay's proposal for "national cities" may help solve a problem that is not just limited to New York—the problem of communication between large urban areas and the federal government—but serious consideration of his proposal seems far off.

Only a month ago, before the Legislature acted on the city's tax package, Lindsay said that statehood was "totally impractical" and "not productive."

Is the Mayor's about-face just a continuation of the use of statehood as political leverage or is it a genuine response to the urgent needs of a city whose reality has far outrun Fernando Wood's flight into fancy?:

"As a free city, but with nominal duty on her imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes and have cheap soup nearly duty free."

THE TRUTH ABOUT THE GULF OF TONKIN

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. McGOVERN. Mr. President, the documents published by the New York Times relating to American military involvement in Indochina have clearly shown that the administration did not adequately inform the American people and the Congress about the policy it was pursuing there.

There is documentary evidence now available which indicates that as late as 1968, when the Foreign Relations Committee held hearings on the Gulf of Tonkin incident, high administration officials continued to deny the extent of American military involvement and planning at the time of the incident.

I believe that the Foreign Relations Committee should be enabled now to investigate the full extent of the deception practiced at its expense. The documents and summaries, as appeared in the New York Times, are sure to be helpful, but I would see no reason for further delay by the administration in providing the committee with the full documentation.

From the evidence now available, we can already identify some of the most flagrant efforts to deceive the American people. On February 20, 1968, Secretary of Defense McNamara told the committee that South Vietnamese operations against the north:

> Were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

But the documents printed and summarized in the New York Times show that from February 1, 1964, "an elaborate program of covert military operations against the state of North Vietnam" began—Pentagon quote. United States personnel were involved. The operations were directed, not by the South Vietnamese, but through a section of the Joint Chiefs of Staff called the Office of the Special Assistant for Counterinsurgency and Special Activities.

At other points in the hearings, Secretary McNamara denied knowledge of an advance draft of the Gulf of Tonkin resolution, prior to the actual incident, and of plans in late 1963 and early 1964 for extending the war into the north. In the first case, Mr. McNamara either was not frank in his answer or he was implicitly admitting that his own subordinates had escaped his control in preparing such a draft. In the second case, he was simply not honest. The Times quotes a memo from Mr. McNamara to the President dated December 21, 1963 concerning CIA and U.S. military plans for operations in the north. He wrote:

> They (the plans) present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk."

A careful examination of the Foreign Relations Committee hearings and related documents show, when compared with the documents in the New York Times, a consistent pattern of deception by the Defense Department about the state of American military preparations and planning prior to the Gulf of Tonkin incident.

There can be no excuse for failing to tell the truth years after the fact. The documents show that we became involved in Vietnam, not to protect that country, but for many extraneous reasons and mainly to prevent our own humiliation. Obviously that is why the Defense Department officials did not want to admit even later what they had done.

But I cannot understand why the present administration has joined in the effort to suppress the truth. Their actions implicate them in the conspiracy of silence.

Mr. President, for the information of Senators and the American public, I ask unanimous consent that the full text of the Foreign Relations Committee hearings on the 1964 Gulf of Tonkin incidents and supplementary documents be printed at this point in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

GULF OF TONKIN, THE 1964 INCIDENTS

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room S–116, the Capitol Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Morse, Gore, Lausche, Church, Symington, Dodd, Clark, Pell, McCarthy, Hickenlooper, Aiken, Carlson, Williams, Mundt, Case, and Cooper.

Also present: Senators Gruening, Morton, and Percy.

The CHAIRMAN. The committee will come to order.

The Committee on Foreign Relations is meeting this morning in executive session to hear the Secretary of Defense.

Mr. Secretary, I am very grateful to you for coming before the committee this morning in this executive session.

You have had a long and arduous experience in serving your country for some 7 years. I know from my own knowledge that it has been an extraordinarily gruelling tour of duty for you and I believe you have applied your talents and energy far beyond the call of duty. You appear to have survived remarkably well, I may say.

I recall with satisfaction the several meetings and conversations I have had with you during these 7 years. You have always been responsive and in good humor and, I for one, regret to see you leave the Government at this very perilous time in our history. I know, of course, that your new assignment is a very important one and I am sure you will discharge your responsibilities with efficiency and with honor.

I should like to add as a personal observation that I am very pleased that your lovely wife Marge has returned home from the hospital and I know that eases your troubles.

ESTABLISHING TRUTH OF TONKIN GULF INCIDENTS

My view of the purpose of this hearing is simply to review the decisionmaking process of our Government in time of crisis. I am interested only in establishing the truth about the Tonkin Gulf incidents of August 2 and 4, 1964. The purpose is not to assess blame on anyone, certainly not upon you. Personally, I have long since acknowledged publicly my own shortcomings in connection with the affair. I am a firm believer in the idea that to acknowledge my mistakes of yesterday is but another way of saying I am a wiser man today.

But this committee and the Government we hope will continue long after you and I are gone and there will be crises in the future and I think it will be helpful to future Senators and future Secretaries of State and even future Presidents if we review past decisions of importance and evaluate them in the light of subsequent developments. This is one of the ways we can help develop a wiser and more mature procedure and judgment in the future.

If this Nation cannot learn from its past performance and acknowledge where it has been wrong or insufficient to the task, then the United States will become servile to its past—and suffer for this servitude.

Mr. Secretary, you have shown your fondness for T. S. Eliot on other occasions, particularly Eliot's thoughts in "Little Gedding." You will therefore appreciate the thought behind Eliot's words:

"History may be servitude,
"History may be freedom."

Mr. Secretary, I believe all of us here share your own desire that the United States profit from its mistakes—not repeat them.

As is customary in these proceedings, you may have the opportunity to make an open statement if you desire, which I understand you have prepared. I would hope that in your statement you will describe the military and political situation as it existed during the spring and summer of 1964, in this country and in Vietnam. If you can refresh our memory about the background conditions relative to which the incidents of August 1964 took place, I believe it will be most helpful.

Before I yield to the Secretary, I should like to submit to my colleagues on the committee the suggestion that after the Secretary concludes his opening remarks, I should like to proceed with the questioning in accordance with the questions prepared by the staff in order to develop these complicated events and communications in as orderly a manner as possible. I shall, of course, be very glad to yield for questions or suggestions from the members as we go along, but I do believe if we are to understand these events and make an intelligible record, a systematic, more or less chronological approach, should be followed. After I have submitted the prepared list of questions, I shall call upon all members in the usual manner. I hope this is agreeable to the committee.

The Secretary does have a prepared statement which I understand he would like to read.

LETTER RELATING TO THE HEARING

I wish to put into the record also, Mr. Reporter, a copy of the letter relating to this hearing which was sent to the Secretary.

(The letter referred to follows.)

FEBRUARY 7, 1968.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I refer to our telephone conversation of yesterday concerning your scheduled appearance before the Committee on the incidents in the Gulf of Tonkin.

As I said during our conversation, I appreciate your concern that your testimony be fully responsive to the wishes of the Committee. Therefore, I can understand your interest in the internal working paper done by the staff. As I said to you, however, the Committee does not wish at this time to release the staff study. Moreover, the information used in the staff study is drawn entirely from data provided by your office; so there will be no surprise there. At the same time, I know that the Committee staff does not have all information available to you on the Tonkin incidents. As I told you, however, I am enclosing a list of the documents your Department has supplied the Committee. If there are any questions about the material, please have your office contact the Committee staff.

In any event, the interest of the Committee is not in a discussion of the staff study, but in your testimony of August 6, 1964, and Ambassador Stevenson's statement to the United Nations of August 5 in light of any information your office may have acquired since the incidents in the Gulf of Tonkin.

Therefore, in the interest of a thorough discussion on February 20, the Committee will make available to your office a copy of the transcript of the testimony of August 6, 1964, (Ambassador Stevenson's presentation is, of course, a matter of public record.) I would hope that you will be able to review this transcript and bring the Committee up to date on what we now know of the incidents in the Gulf of Tonkin. The Committee is particularly interested in discussing what lessons have been learned about the problems of analyzing information in the midst of a crisis situation.

Finally, as I mentioned to you during our conversation, I would like to renew my request of January 8th that the Department of Defense provide the Committee at the earliest possible date with a report done by the Weapons System Evaluation Group on the subject "Command and Control of the Tonkin Gulf Incident, 4–5 August 1964."

I look forward to seeing you on February 20.

Sincerely yours,
J. W. FULBRIGHT, *Chairman.*

The CHAIRMAN. Mr. Secretary, my own view is that this statement of yours should not be made public until after the committee has had an opportunity to go through the hearings, and also to decide what it does about its own staff report and the hearings. This is an executive meeting and I hope that you will be willing to retain that. I realize there will be pressures upon you, as there are upon the committee, for release of these documents, but I would think it is premature to do so.

STATEMENT OF HON. ROBERT S. MCNAMARA, SECRETARY OF DEFENSE; ACCOMPANIED BY GEN. EARLE G. WHEELER, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. H. B. SWEITZER, U.S. NAVY, MILITARY ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

Secretary MCNAMARA. Mr. Chairman, I very much appreciate your personal kind wishes and compliments. It has been a most satisfying 7 years to me, made more so by the courtesy with which I have been treated by this committee on my numerous occasions before it.

I might also say I share T. S. Eliot's belief that history may be freedom, and I look forward to the development of our discussions here today in a way that will make it freedom and not servitude.

I do have a statement which I would like to present to the committee at this time. I have not released it to the press. I told my associates that we should not do so. We have submitted to the committee some 200 copies of it so they may release it. I doubt very much that we will be able to withstand the pressures of the press today without releasing it. We have been deluged by requests for it.

RELEASING OF DOCUMENTS

Senator MORSE. Can I only say, Mr. Chairman, on a procedural matter, I quite agree with the Secretary. I do not think we ought in any way to place any restrictions on the Secretary in regard to releasing anything he wants to release. I know you did not so imply. But I think the judgment of the Secretary should prevail in regard to what the Department of Defense releases, and I think the judgment of the committee should prevail in regard to what we should release.

The CHAIRMAN. The only thing I was suggesting——

Senator MORSE. It is in keeping with the division of powers doctrine.

The CHAIRMAN. I thought it would be much fairer if we could arrange to release them simultaneously. For example, the staff report would present only one side of the picture, as would the Secretary's statement. I think it would be too bad if this goes out and nothing else. That is a matter for the committee to determine, I grant.

Senator MORSE. I still would not want to—I would personally not be a party to placing any restriction on the Secretary.

The CHAIRMAN. The point I am trying to make is that much of the information which we have is confidential and cannot be released. Whereas a great many of the documents to which the Secretary refers, but does not incorporate, are also confidential. I would submit that it is a very one-sided picture to release only the statement.

Senator MORSE. It is one-sided only if the committee leaves it that way.

The CHAIRMAN. I grant that. But it is only a matter of time. We have not had a chance to read the Secretary's statement. We only received this statement an hour ago and it is a matter of timing.

Senator MORSE. I understand.

The CHAIRMAN. Does the Senator object for the committee to have time to consider the statement?

Senator MORSE. I would only object as to placing any restrictions on the Secretary at all.

The CHAIRMAN. I do not consider it placing restrictions. It is a matter for us to arrive at an understanding as to when we do it.

Senator GORE. Mr. Chairman.

The CHAIRMAN. Yes?

Senator GORE. There is a question here. We are having an executive session. Could we not defer judgment on this until we have had a chance to read it?

The CHAIRMAN. That is what we normally do. That is what I was suggesting until we receive it; the committee makes up its own mind usually afterward, this afternoon, for example.

Senator GORE. The point I was attempting to raise, I find a great deal of appeal in what Senator Morse has said, but I think it must be interpreted in the light of the fact that we are dealing here with classified materials and having an executive hearing. The release of a statement in executive hearing, used in an executive hearing, has not, so far as I can recall, been done except by permission of the committee.

I remember one time when I was chairman of a subcommittee, Secretary Rusk was appearing, and the question of releasing his statement was submitted to the committee, and the committee voted unanimously to approve its release. I dare say it might do so—we might do so, after hearing this, but I would like to defer judgment on it.

The CHAIRMAN. That is all right.

PROCEDURAL RIGHT OF WITNESS

Senator MORSE. Can I take 30 seconds more? I do not want to be a stickler or make a tempest in a teapot, but I do think, gentlemen, you are dealing here with a procedural matter that you should not set a precedent on. I do not think that at any time a committee of the Congress has the right to call into executive session a Cabinet officer or anyone who is really a spokesman for the administration and seek to impose any restriction on that witness in regard to anything that he says in that executive session in respect to his right to make any comment after the meeting is over or release any statement he wants to make after the meeting is over.

Speaking hypothetically, although the Secretary has made very clear his willingness to oblige you, I am not talking about his willingness to oblige but I am talking about what I consider to be a very, very important basic procedural right of the administration witness under the separation powers doctrine. I have never transgressed upon it knowingly, and I am not going to let the administration at any time transgress upon our corresponding right under the same doctrine. Therefore, I think we ought to deal with each other on the basis that we know what these respective rights are and seek to place no restriction on each other. That is my point.

I took the same position, you will recall, in the MacArthur hearings when there was an attempt, in my judgment, on the part of the committee then to infringe the rights of the administration under the doctrine there. I take the same position this morning.

Senator HICKENLOOPER. Mr. Chairman.

The CHAIRMAN. Senator Hickenlooper.

RESPONSIBILITY FOR RELEASING A STATEMENT

Senator HICKENLOOPER. I think we have a rather complicated situation here which is not necessarily one under the control of the Secretary or of the committee. It may be more under the control of the committee than of the Secretary.

I would say that the Secretary has no right whatsoever under our procedure to release a transcript of this record where members question the Secretary and answers come in. On the other hand, I would say this, that the responsibility of releasing a statement on the sole responsibility of the Secretary or any other administrative official is the responsibility of that official of that department. I am not so sure we can control it. We can control what we release. I think it is a matter of some kind of an understanding.

I am thoroughly sympathetic with what you have said, Mr. Chairman, about piecemeal releases of these things. I hate to read about them even though they have not been released—I hate to read about them in Time magazine or the New York Times or other papers of that kind, where we have to get some of our information from there. That makes us quite restless but apparently there is nothing we can do about it, and sometimes what goes on in this committee at least seems to be approximative in some of those news releases of certain columnists and so on.

So it is a problem that has its various facets. But so far as a straight statement of the Secretary, I would say that we have no authority to inhibit him from a straight statement he wants to make to the public on his own responsibility without regard to questions or answers or what anyone else has said, because when that occurs, then there is a dual responsibility there, not only on the questioner but the Secretary, and I hope we can control that.

But I do not know; it is a very difficult thing, and I am thoroughly sympathetic with the piecemeal——

The CHAIRMAN. I was not asserting any right to control it. It was merely a suggestion if there was some comity——

Senator HICKENLOOPER. If it is a question of comity, we can arrive at it.

The CHAIRMAN. He can keep it within his control.

Go ahead, Mr. Secretary.

NEWSPAPER REPORTS OF CLASSIFIED INFORMATION

Senator LAUSCHE. Mr. Chairman, having listened to what Senator Hickenlooper has just said, I feel obliged to make a statement that this body, vested with secret information of the most intimate character, dealing with the security of the United States, has been brought scandalously into disrepute by the frequency with which reports are carried in the newspapers of what is supposed to be done under closed executive meetings, and I do not feel content that we can wink at these leaks that are coming out of this committee. I am not satisfied with the statement that there is nothing we can do about it. Somebody is leaking things, whether it is a member. Members of the Senate, or whether it is members of the staff. I do not know who it is, but it is a terrible mistake that this body, related most intimately to matters that deal with the security of the United States, finds iself with newspapers reporting what takes place under confidential discussions.

It cannot be denied that these reports are being carried outside of the meeting. How do they get out? I think we ought to make an investigation. We ought to find out whether it is from the staff or where it emerges.

The whole world can laugh at us at what happened. It seems you do not need spies, all you have to do is look at the papers and fully you will find revealed what takes place confidenially in this room.

The CHAIRMAN. I wonder if we could get on with the testimony.

Senator AIKEN. I would like to observe that sometimes the leaks appear 2 or 3 days after they come out in the newspapers, which can hardly be in the category of a leak.

The CHAIRMAN. Let us get on.

Senator LAUSCHE. The chairman wants to get on with this matter, and I can understand why he would want to get on, but I will say to you with what you are trying to get on is not as significant as what I am trying to search out. Something is wrong with this committee.

Senator MORSE. Mr. Chairman.

The CHAIRMAN. I wonder if we could proceed.

Senator CLARK. Let us go ahead.

PLACING RESTRICTIONS ON ADMINISTRATION SPOKESMEN

Senator MORSE. We are not going to leave this record in this condition so far as the Senator from Oregon is concerned. I do not think we ought to take up the Secretary's time with quarrels of the committee, but, Frank, you were not here and you are not aware of what Senator Hickenlooper was talking about. We are not talking about what you are talking about. That was not raised. I had risen to the defense of what I think is a very important doctrine that always ought to prevail at our hearings when we have a Cabinet officer or anyone else from the administration here; namely, we should make no attempt to place any restriction on the spokesman of the administration regarding what he says to the press afterward and what he releases. The only suggestion was a very helpful intention by the chairman suggesting that the Secretary of Defense hold any statement when he goes out of this meeting such as releasing the testimony he is about to give us until we will have the whole record considered.

I only raised a point there, understanding the motivation of the chairman to be of the highest, that I would not support placing any restriction, under the separation-of-powers doctrine, on Secretary McNamara. That is how all this occurred. We were not talking, Frank, about the problem that you are raising, and I do not think we ought to be taking the time of the Secretary to be talking about that now. That is for us to handle in our own executive session.

The CHAIRMAN. Mr. Secretary, will you go ahead. I think we ought to proceed.

Senator Lausche. I want to make this statement, and then I will close.

In the report that was filed by the staff, there was an addendum, and in the addendum there was stated that X contacted the staff and told about the truth that there were no missiles seen fired at our ships. Y spoke to the staff. Well, as a member of the bench for 10 years, when you begin offering that type of proof to establish a fact, I simply cannot accept it.

The Chairman. Proceed, Mr. Secretary.

STAFF STUDY REFUSED

Secretary McNamara. Mr. Chairman, I have sought in my statement to be as responsive as I can to what I believe to be are the questions in the mind of the committee regarding the Tonkin Gulf incident. I have not had the advantage, however, or the privilege of exposure to the staff study that I know has been completed and circulated among you. I asked for that several weeks ago but was denied access to it, and I may, therefore, not entirely respond to all of the information that you wish to query me about. I will be very happy to take questions concerning the statement.

Senator Mansfield. Do I understand the Secretary requested a copy of the study and was denied?

The Chairman. That is correct. I also requested their command and control documents and it was denied.

Senator Mansfield. I was thinking of those in juxtaposition.

The Chairman. That is correct.

Senator Gore. Perhaps we can exchange those now. That might solve it.

The Chairman. I think we ought to go on. Go on, Mr. Secretary.

Secretary McNamara. Let me comment, Mr. Chairman. These are not to be equated. You can have any raw material we have. We tried to supply all of it to you. Some of it is very highly classified, and we assume you will treat it with the care that its classification deserves. We also are quite willing to let you have evaluation reports, but only after we have ascertained that the authors of those reports had access to all the appropriate information. It turns out that the author of this particular study you mentioned did not have access. I never heard of the study when you requested it. General Wheeler was not aware of it. The author did not query General Wheeler or me about the actions we took today, or the actions of the Joint Chiefs, the National Security Council, or those the President took.

I do not think you want evaluative reports sent over here that are incomplete. Any report we have, you have access to, but only after it has been properly reviewed as to its reliability.

Your staff study is quite a different matter. I consider it a very serious handicap to me in appearing before you today to address these issues that have been reviewed and addressed and considered in your staff study, evidence of which is examined in your staff study, which evidence has never even been brought to my attention, but if you are willing to go ahead with the hearing on that basis, I am.

The Chairman. All of the staff was based upon material that come from your office, all of it. We gave you a complete list of every document and everything we had received and it is available to you as it was to us.

ADDENDUM TO STAFF STUDY

Secretary McNamara. Senator Lausche has just stated it had an addendum to it that included information that was not available to me.

The Chairman. That was not used in the preparation of the staff study and it was purely an addendum of things that had happened outside of the documents which came from the Pentagon.

Senator Lausche. Let me say, Mr. Chairman, that the addendum recited a number of contacts made by a staffman with persons unknown. Now it was offered as an addendum supposedly having an insignificant importance, but it is there. Three or four men who were supposed to have been in the Tonkin Bay are alleged to have said that there were no missiles fired. Who are the men? How did they contact them?

Senator Copper. What weight was given to it?

Senator Mansfield. Mr. Chairman, I apologize for the interruption but I have to be up here on the floor.

The Chairman. I would hope the Secretary would be allowed to proceed.

Mr. Secretary?

ESSENTIAL FACTS ARE THE SAME TODAY

Secretary McNamara. Mr. Chairman, on August 6, 1964, I appeared before this committee and testified concerning the attacks in the Tonkin Gulf on the destroyers U.S.S. *Maddox* and U.S.S. *Turner Joy*, and our response to those attacks.

Over 3½ years have passed since that time. However, even with the advantage of hindsight, I find that the essential facts of the two attacks appear today as they did then, when they were fully explored with this committee and other Members of Congress.

The relevant events, and their significance, were the subject of intensive debate in the House and Senate. Both my testimony and that of other officials of the Government reported the evidence that established conclusively the occurrence of these attacks on U.S. naval vessels operating in international waters. This evidence was available to us at the time of the decision to make a carefully tailored response to the attacks. In my testimony, I noted that, while sonar and radar readings may be subject to interpretation and argument because of sea and atmospheric conditions, we had intelligence reports of a highly classified and unimpeachable nature which established, without question, that the attacks took place on both August 2 and August 4.

PART PLAYED BY U.S. NAVAL VESSELS

Also fully explored at the time was the question whether the attacks on the *Maddox* and *Turner Joy* were in any way provoked by or related to certain South Vietnamese naval activity which occurred in the period from July 30 to August 4. As I stated then, and repeat now, our naval vessels played absolutely no part in, and were not associated with, this activity. There was then, and there is now, no question but that the U.S. Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

As the chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the *Maddox* patrol had not even begun and the ship was at least 130 miles to the southeast. The attack on the *Maddox* on August 2 took place 63 hours after completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the *Maddox* and the *Turner Joy* were at least 70 nautical miles to the northeast.

Senator Case. I wonder if you could go a little more slowly. It is a little hard to understand.

The attack made against them on August 4 was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed 3½ years ago, that attacks occurred against our ships both on August 2 and August 4, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

REVIEW OF FACTS OF ATTACK

On the 2d of August 1964, the U.S.S. *Maddox* was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did *Maddox* depart from international waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from as coast, *Maddox* was attacked by three North Vietnamese torpedo boats. At least three torpedoes were directed by the boats at the *Maddox*, as well as machinegun fire. The *Maddox* avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. *Ticonderoga*, repelled the attack and sank or damaged the attacking craft.

The attack on *Maddox* took place in daylight. North Vietnamese reports of their plans had previously been obtained from an intelligence source. The attacking craft were clearly seen by *Maddox* personnel and were photographed. The launching of the torpedoes by these PT boats was also observed as were the torpedo wakes passing near *Maddox*. Machinegun fire from the attackers was also observed and, indeed, one bullet was recovered—it is in our possession and I have it here this morning if you wish to inspect it.

This was an unprovoked attack on a ship of the United States on the high seas. Nevertheless, no reprisal by the United States was undertaken. The *Maddox*, fortunately, had avoided significant damage itself, and inflicted damage on the attackers. Since no rational motive for the attack was apparent, we believed it possible that it had resulted from a miscalculation or an impulsive act of a local commander. After the second attack, the chairman commented in Senate debate that I had stated, after the first attack on the *Maddox*, that I did not expect it to be repeated. He also noted that this showed how wrong I was.

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The U.S. Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

It was within this context that we received, at about 9:20 Washington time on the morning of August 4, information from an intelligence source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the *Maddox* were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11 a.m. we received a flash report that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the commander in chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

CONTRADICTIONS EXAMINED AND RECONCILED

During this period, I had a series of meetings with my chief civilian and military advisers in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders alerting them to the several possibilities so that initial planning steps could be undertaken.

In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers in fact occurred.

For example, I saw a message from the onscene task group commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the commander in chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 p.m., Washington time, the message to execute the strike was transmitted by the commander in chief, Pacific.

Those are the essential details. To recapitulate, on August 2, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

ACCURACY OF DETAILS STILL QUESTIONED

Now, three and a half years later, there again seems to be debate about the essential accuracy of the above account. The questions that appear now to be raised are the same as those considered and settled at the time:

Was the patrol in fact for legitimate purposes?

Were the attacks unprovoked?

Was there indeed a second attack?

If there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

I would like to address these questions.

WAS PURPOSE OF PATROL LEGITIMATE?

First, was the patrol in fact for legitimate purposes?

Patrols of the nature of those carried on by *Maddox* and *Turner Joy* were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the *Maddox* was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because *Maddox*, prior to commencement of its patrol, took abroad certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard *Maddox* consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.

The Congress, at the time of the debates on the Tonkin Gulf resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of passive radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

WERE THE ATTACKS UNPROVOKED?

Second, were the attacks unprovoked?

Senator MUNDT. Are you defining the De Soto patrol?

Secretary McNAMARA. The term as I am using it here refers to the patrols in the Tonkin Gulf of which this was the fourth, one having occurred in 1962, one in 1963, and the third in the early part of 1964, and the fourth in August 1964. Actually it is a generic term covering a broader range of patrols in the western Pacific but as used in this paper it refers to the four patrols in the Tonkin Gulf.

Second, were the attacks unprovoked?

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts, I think, are these.

Prior to the first attack, on August 2, the *Maddox* had been engaged on its patrol since July 31. At no time during the conduct of this patrol did the *Maddox* depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any offshore island no closer than 4 nautical miles. *Maddox* adhered scrupulously to these instructions. When the patrol resumed with *Maddox* and *Turner Joy*, the ships were instructed to remain at least 11 miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was reemphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the *Maddox* entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3-mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3-mile rule on achieving independence. Later, it proclaimed a 5-mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a claim in excess of 3 miles occurred well after the attacks on September 1, 1964, in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the Communist countries? The simple answer is that Communist countries do not have such a uniform position: Cuba and Poland each adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

SOUTH VIETNAMESE OPERATIONS

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf resolution and the hearings prior thereto, but, of late, it seems to have been resurrected. It is the suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnamese.

I informed members of this committee of these activities of the South Vietnamese in an informal meeting on August 3, 1964, after the attack on the *Maddox*. The subject was again raised in lesser detail in my testimony before this committee on August 6, 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous two and a half years. I described the scope of that infiltration; that is, 140 known incidents between July and December 1961, an estimated 1,400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

"The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping

South Vietnam arm itself. I do not know about the specific boats.

"I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for years.'

Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese islands which had occurred some two and a half days prior to the attack on the *Maddox*, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support, or back up the South Vietnamese boats in any way. As I stated during the hearings:

"* * * as I reported to you earrlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort.

That statement remains entirely accurate, I can confirm today that neither the ship commanders nor the embarked task group commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher naval commands were made aware of the operations by Commander, U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

DIRECTIONS TO U.S. DESTROYERS

Throughout the patrol conducted first by the *Maddox* alone and later by the *Maddox* and the *Turner Joy*, the U.S. destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions this imposed on the patrol were such that, at one time, consideration was given to its abandonment. The task group commander knew only that certain South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31 as Soviet P-6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTF's bombarded the islands of Hon Nieu and Han Me on the night of July 30-31, the *Maddox* had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the *Maddox* on August 2, the South Vietnamese boats had been back at their base in Da Nang for almost 53 hours.

I learned subsequent to my testimony of August 6, 1964, that another South Vietnamese bombardment took place on the night of August 3-4. At the time of that action, the *Maddox* and *Turner Joy* were at least 70 miles to the northeast. The North Vietnamese attack on *Maddox* and *Turner Joy* on the night of August 4 occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on August 3 that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese could connect the patrol of the *Maddox* and *Turner Joy* with a South Vietnamese action taking place some 70 miles away.

WAS THERE A SECOND ATTACK?

Now, thirdly, was there indeed a second attack?

I know of no claim that the attack on *Maddox* on August 2 did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed, and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of August 4, 1964, Task Group 72.1 consisting of U.S.S. *Maddox* and U.S.S. *Turner Joy*, with COMDESDIV 192 embarked in *Maddox* and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of 20 knots. At about 7:40 p.m., Tonkin Gulf time,[1] the task group commander, Capt. J. J. Herrick, USN, observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 p.m., *Maddox* and *Turner Joy* changed course to 130 and increased speed to 28 knots to avoid what the task group commander had evaluated as a trap.

Shortly after 9 p.m., both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two U.S. ships were approximately 60 miles from the North Vietnamese coast.

At about 9:39 p.m., both *Maddox* and *Turner Joy* opened fire on the approaching craft when it was evident from their maneuvers that they were pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from *Maddox* when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the *Maddox*'s sonar. A report of the torpedo noise was immediately passed to the *Turner Joy* by intership radio and both ships took evasive action to avoid the torpedo.

REPORTS OF EYEWITNESSES

A torpedo wake was then sighted passing abeam *Turner Joy* from aft to forward, approximately 300 feet to port on the same bearing as that reported by *Maddox*. This sighting was made by at least four of *Turner Joy's* topside personnel: the forward gun director officer, Lt. (jg.) John J. Barry, USNR; the port lookout, Edwin R. Sentel, SN, USN; by a seaman who was in the forward gun director with the director officer, Larry O. Litton, SN, USN; and by a seaman who was operator of the after gun director, Roger N. Bergland, SN, USN.

At about 10:24 p.m., one target was taken under fire by *Turner Joy*. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other *Turner Joy* personnel observed a thick column of black smoke from this target.

Later, 10:47 p.m., during the attack a searchlight was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of U.S.S. *Turner Joy*. The beam of the searchlight did not touch the ship, but was seen to swing in an arc toward *Turner Joy* and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the searchlight. (Walter L. Shishim, QMCS, USN; Richard B. Johnson, SM1, USN; Richard D. Nooks, QM 3, USN; Richard M. Bacino, SM2, USN; and Gary D. Carroll, SM3, USN, stationed on the *Turner Joy's* signal bridge all made written statements that they sighted the searchlight.

The silhouette of an attacking boat was seen by at least four *Turner Joy* personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P-4-type boats. (None of the four had ever seen a picture of a P-4 boat before). (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN: Delner Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from the *Turner Joy* who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard U.S.S. *Maddox* saw the outline of a boat which was silhouetted by the light of a burst from the 3-inch projectile fired at it. (Jose R. San Augustin GMG2, USN.)

The commanding officer of Attack Squadron 52 from the *Ticonderoga* (Comdr. G. H. Edmondson, USN) and his wingman (Lt. J. A. Burton), while flying at altitudes of between 700 and 1,500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light antiaircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake 1½ miles ahead of the lead destroyer, U.S.S. *Maddox*.

Two U.S. Marine Corps personnel who were manning machineguns on U.S.S. *Maddox* saw lights pass up the port side of the ship, go out ahead, and pass down the starboard side. Their written statement asserts their belief that this was one or more small boats at high speed. (These were Matthew B. Allasre, SGT, USMC, and David A. Pronty, L/CPL, USMC.)

INTELLIGENCE REPORTS

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was underway. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the *Maddox* and *Turner Joy* in the Tonkin Gulf on the night of August 4, 1964. Vice Adm. Roy L. Johnson, USN, commander of the U.S. 7th Fleet at the time, stated in his review of the combined chronology and track charts submitted by the task group commander:

"Commander, Seventh Fleet, is convinced beyond any doubt that Maddox and Turner Joy were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964."

Adm. T. H. Moorer, then commander in chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lt. Gen. David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."

In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4 attack and another incident which occurred on the 18th of September 1964; that is, about 45 days later. At that time, the U.S. destroyers *Morton* and *Edwards* were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2 and 4 provided no evidence of any enemy action on September 18. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, that is, August 2 and 4, and September 18, have made the mistaken assumption that descriptions of the September 18 incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on September 18, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

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[1] To convert local Tonkin Gulf time to e.d.t. subtract 12 hours.

REPORTS FROM CAPTURED NORTH VIETNAMESE NAVAL PERSONNEL

As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of that attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated the Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants.

SUFFICIENT EVIDENCE AVAILABLE TO SUPPORT CONCLUSION

Now, finally, if there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

Some of the details cited above, particularly the statements of eyewitnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

Reports from the ships that they were under attack.

A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed.

A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement

Reports from the US ships that they had sunk two and possibly three of the attacking craft

An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement

A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred.

All of this information was available prior to the time the Executive order was issued.

MONSTROUS INSINUATIONS

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2 attack on the *Maddox* with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and uniquivocally warned of the serious consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any further misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that anyone even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief civilian assistants, the Secretary of State, and the President of the United States.

Mr. Chairman, that concludes my statement, and I will be very happy to try to answer any questions.

The Chairman. Thank you, Mr. Secretary.

I would like to have a few preliminary questions with regard to the situation under which this whole affair took place. I don't think they are very difficult to answer.

INTERNAL TROUBLES OF KHANH GOVERNMENT

Mr. Secretary, is it true that the government of General Khanh which overthrew the Minh junta in January 1964 was in serious trouble by the spring and early summer of 1964?

Secretary McNamara. I think there was considerable dissension among the members of the government, Mr. Chairman, and there was then and later a series of changes in the government as a result of that dissension.

The Chairman. Did you not say recently on "Meet the Press," and I quote: "Three and a half years ago the South Vietnamese forces were on the verge of defeat. The North Vietnamese and Vietcong forces were on the verge of victory."

Is that accurate?

Secretary McNamara. Mr. Chairman, if I said that, I misestimated the date. What I was talking about—I think later in that same broadcast I specifically referred to it, was July 1965. I should have said two and a half years ago. That was the reference I was making.

The Chairman. That is a quote from just 2 weeks ago.

Secretary McNamara. It may be, Mr. Chairman. I would have to have the full transcript of what I said. I believe I mentally deducted July 1965 from January 1968 and came to three and a half and it should have been two and a half. And I believe I also corrected that in the succeeding sentence, or later in the discussion. In any case, what I was talking about was July 1965, at the time the President made the decision to send the large increment of U.S. combat troops.

The Chairman. In July of 1964 General Khanh delivered a major address calling for carrying the war to the north. Did General Khanh press the U.S. Ambassador in Saigon for further U.S. involvements in the war in Vietnam, and particularly for a commitment to take the war into the north?

Secretary McNamara. Mr. Chairman, I would have to check the record on that. I don't believe he did.

The Chairman. Well, I think the record shows that in his speech, I don't know what reference you have—

Secretary McNamara. You asked did he press the U.S. Ambassador. I don't believe the record will show he did press the U.S. Ambassador to take the war to the north.

EXTENT OF U.S. PARTICIPATION IN SVN OPERATIONS AGAINST NORTH IN 1964

The Chairman. Mr. Secretary, would you describe the organization, the extent of U.S. participation in South Vietnamese operations against the north during 1964?

Secretary McNamara. I can't describe the exact organization although I will be happy to try to obtain the information for you.

The operations of the South Vietnamese against the North were carried out by South Vietnamese personnel, utilizing to some degree U.S. equipment. The boats, as I think I stated before this committee in August 1964, were, I believe, wholly supplied by the United States. I was going to say, in part; I think they were wholly supplied by the United States.

The United States was informed of the operations to insure that they did not interfere with patrols of the kind that we are describing now.

I believe, also, some U.S. personnel may have trained, or participated in the training, of some of the South Vietnamese personnel participating in the operations.

The operations, however, were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

AMOUNT OF U.S. TRAINING AND SUPPLIES

The Chairman. Do you recall, what did America do beyond training and supplying the equipment, do you know? You should know.

Secretary McNamara. No. In the first place, I don't believe we carried on all the training, although I think there were some U.S. personnel participating in it.

In the second place, we did provide some of the equipment, but I don't believe we provided all of it.

Thirdly, we were informed of the nature of the operations but we did not participate in them and we did not command them.

The Chairman. The information provided by the Department of Defense reveals that the U.S. Navy trained South Vietnamese for interdiction missions against North Vietnam beginning in June of 1964. These missions included the bombardments of North Vietnamese positions from both the sea and air; did they not?

Secretary McNamara. I don't believe there were any air bombardment missions.

However, I would add, I don't believe the training started as your question implied, in June of 1964. I think it must have started earlier than that.

The Chairman. Well, it was at least by June of 1964 and possibly it did before that.

EXTENT OF U.S. PARTICIPATION IN TRAINING MISSIONS

I don't believe, however, that this committee or the Congress was informed of these training missions for this purpose; were they?

Secretary McNamara. When you say training missions, they weren't training missions. They were U.S. personnel. I don't know whether Navy, or Army, or some other service personnel—who were training them.

The Chairman. The point I wish to make is at that time we had not declared war or even a substitute for a declaration against North Vietnam, had we?

Secretary McNamara. No; certainly not.

The Chairman. Yet we did participate in the missions which were for the specific purpose of attacking the north?

Secretary McNamara. We did not participate in the mission.

The Chairman. No; in the training.

Secretary McNamara. In the training of personnel for that purpose. I made very clear at the time, if I may emphasize, Mr. Chairman, that we supplied the equipment to some degree for most missions and the public debate bore reference to my statement on that subject.

The Chairman. Yes.

SIZE OF U.S. MILITARY CONTINGENT IN SVN IN 1964

Can you give us the size of the military contingent in South Vietnam in the spring of 1964, approximately?

Secretary McNamara. Total U.S. military personnel in South Vietnam in the spring of 1964, I would guess, was on the order of 12,000 or 15,000.

Senator Lausche. It must have been more than that because when President Kennedy lost his life it was 18,000, and he lost his life in 1963.

Secretary McNamara. I believe it was 16,000 at the end of 1963. I think it dropped a little bit, but it was on the order of 16,000, Senator Lausche.

In any case, I will check and clear the record.

DISCUSSION OF EXTENDING U.S. MILITARY ACTIONS TO NORTH

The Chairman. According to an article written by Hansen Baldwin of the New York Times in July of 1964, the Pentagon at that time was arguing in favor of extending the war into North Vietnam. Were there, in fact, recommendations by the U.S. military at any time from late 1963 until July of 1964 to extend the war into the north by bombing or any other means?

Secretary McNamara. Mr. Chairman, I would have to check the record on that.

When he says the Pentagon argued for extending the war to the North, I don't know who the Pentagon is——

The Chairman. Well, but——

Secretary McNamara. May I finish my answer?

I know it wasn't me.

The Chairman. Was it General Wheeler?

Secretary McNamara. Whether there were any recommendations from the Chiefs recommending extension of the war to the North during that period, I can't recall. I will be very happy to check the record and put the proper answer in the record.

(The following answer was later supplied:)

"We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing."

The Chairman. I wonder if General Wheeler knows that at this time?

General Wheeler. I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence activities [deleted] but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities.

The Chairman. You can supply any change?

General Wheeler. I will check for the record.

CONTINGENCY DRAFT OF SOUTHEAST ASIA RESOLUTION

The Chairman. Mr. Secretary, did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNamara. Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it. I called Mr. Bundy myself to ask him if he had any recollection that I ever saw it. He states he has no recollection that I did, and he believes I did not.

But I can't testify absolutely that I didn't. My memory is not clear on that.

The Chairman. Mr. Bundy told this committee that this draft was prepared some months before the Tonkin incidents in the hearing. You know that.

Secretary McNamara. I know that, but I don't think he said I saw it.

The Chairman. No, I was asking you, you don't think you saw it?

Secretary McNamara. I don't believe I saw it, and he doesn't believe I saw it.

The Chairman. Isn't it customary for the State Department to consult you on a matter of this kind?

Secretary McNamara. Well, if it were a working paper, and apparently that is what it was, no. It hadn't advanced to a point of decision within the Government.

SENDING UNITS TO SOUTH VIETNAM AND THAILAND

The Chairman. Mr. Secretary, the most immediate result of the Tonkin incidents were the deployment of U.S. fighter bomber aircraft into South Vietnam, into Thailand, and a movement of interceptors to South Vietnam; is that not so?

Secretary McNamara. I would want to check the movement, Mr. Chairman. I don't recall there were any movements after that. As you remember, we had the strike, the night of the 4th, and then I don't believe there were any other air strikes until February the following year, nor do I recall any movement of air units into Thailand or South Vietnam during the period.

May I check the record of that and then introduce the facts?

(The following answer was later supplied:)

"The records of the Department are being examined to determine which air units were moved to South Vietnam or Thailand between the Tonkin Gulf incidents and February 1965."

The Chairman. I think for the record that the attack was on the morning of the 5th, wasn't it, following——

Secretary McNamara. It was the 4th, sometime. The launch took place about 10 p.m., the night of the 4th.

The Chairman. You mean Washington time?

Secretary McNamara. Washington time.

The Chairman. Well, I was just trying to translate it.

Secretary McNamara. Right.

The Chairman. Local time the attack took place at night and of the 4th and we attacked approximately 10 or 12 hours later; is that correct, General?

Secretary McNamara. That is correct.

General Wheeler. It would be the morning of the 5th, Saigon time, Mr. Chairman.

The Chairman. General, maybe you can answer the question I just asked. Maybe you are more familiar with military equipment. Is it not true that fighter bombers were moved into Vietnam and Thailand immediately after this took place?

General Wheeler. We moved some bombers in 1964, but I don't have the exact dates, but you are speaking particularly about aircraft. I would have to——

The Chairman. Fighter bomber aircraft.

General Wheeler. I would have to check that and supply it for the record.

The Chairman. I wonder if you would answer this and supply if you cannot now: Were these units alerted to impending movement prior to the Tonkin incidents?

General Wheeler. To the best of my knowledge, not, Mr. Chairman, but I will check that, also, and make sure.

The Chairman. Would you check whether or not you were considering sending these units to South Vietnam and Thailand prior to the Tonkin incidents?

General Wheeler. I will check that particular point.

(The following information was later supplied:)

"We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing."

TIMING OF MILITARY DEPLOYMENT

Senator Morse. Mr. Chairman, just to supply something for the record, I don't want to involve this, but I think it helps the Secretary, but we have the Secretary's testimony before the committee on August 6, 1964, in which he said:

"Certain military deployments to the area are, therefore, now underway. These include (*a*) transfer of attack carrier group from the Pacific coast to the western Pacific, (*b*) movement of interceptor and fighter bomber aircraft into South Vietnam, (c) movement of fighter bomber aircraft to Thailand, (*d*) transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific, (*e*) movement of an antisubmarine force into the South China Sea, (*f*) the alerting and readying for movement of select Army and Marine forces.

"In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

"The moves we have taken to reinforce our forces in the Pacific are in my judgment sufficient for the time being. Other reinforcing steps can be taken very rapidly if the situation requires.

"This concludes my descriptions of the two deliberate and unprovoked North Vietnamese attacks on U.S. naval vessels on the high seas; of the United States reprisal against the offending boats, their bases and related facilities; and of the precautionary deployment and alerting steps we have taken to guard against any eventuality."

I just assume the chairman got his information from that testimony.

Secretary McNamara. I will be very happy to determine when those movements were first initiated, when the units were put on alert, and whether it occurred before the Tonkin Gulf incidents. I don't recall that information.

INTENSIFICATION OF U.S. INVOLVEMENT

The Chairman. Mr. Secretary, if there had not been a Tonkin incident would you have recommended to the President and Congress that the United States step up its military assistance to South Vietnam because of the security problem facing General Khank?

Secretary McNamara. Mr. Chairman, I think it is a speculative question. I would have recommended, I believe, that if the level of infiltration continue to grow as it did—and it grew very substantially in the latter part of 1964—that we provide additional assistance.

The Chairman. But to be more specific, was there any plan for such an intensification of the U.S. involvement?

Secretary McNamara. No; not that I can recall.

The Chairman. Did it then include the bombing of North Vietnam?

Secretary McNamara. Not that I know of, Mr. Chairman.

I don't mean to say that contingencies and targets hadn't been examined, because they had been, prior to that time, but there was no plan for further buildup that I can remember, and no plan for the bombing of the north.

REASON FOR INTELLIGENCE-GATHERING VESSELS

The Chairman. Mr. Secretary, why was it necessary to send intelligence-gathering vessels into the Gulf of Tonkin in 1964?

Secretary McNamara. For the same reason that it was necessary to do so in 1962 and 1963, and in the early part of 1964. To obtain information on the environment of the gulf, the movement of North Vietnamese naval forces in the gulf, and certain military installations on the shores of North Vietnam.

The Chairman. Did we wish this information, want to have this information on radar installations in order to be better able to attack North Vietnam by air from our aircraft carriers offshore?

Secretary McNamara. I don't think that we wished to in 1964 for that reason any more than we wished it in 1963 or 1962, Mr. Chairman. I rather doubt that the people who were gathering the information had any basis for believing there would or would not be attacks on North Vietnam.

The Chairman. On August 6, 1964, in testifying for the Southeast Asia resolution, you described the patrols of the *Maddox* and *Turner Joy*—the ships involved in the incidents on August 2 and 4—as "engaged in a routine patrol in international waters of the Gulf of Tonkin."

Was the *Maddox* engaged in an electronic spy mission similar to the *Pueblo?*

Secretary McNamara. I think that the equipment on the *Pueblo* was more sophisticated than that on the *Maddox*; at least I am told that by technical experts. The *Maddox* was engaged in the same kind of patrol that we carried on in the western Pacific 2 or 3 years prior to the time she was out there, and have carried on in many areas of the western Pacific since that time.

The Chairman. But was the purpose dissimilar to the *Pueblo*? It was an electronic spy mission, wasn't it?

Secretary McNamara. No; the purpose was not primarily electronic, and, as I say, I haven't compared, myself, item by item, the equipment on the *Pueblo* and the *Maddox*: but I am told the *Maddox* had much less sophisticated equipment and less of it, and was less capable, therefore, of electronic surveillance. Electronic surveillance was one of her missions, but was not the only mission by any means, nor was it the primary mission.

PRIMARY MISSION

The Chairman. What was the primary mission?

Secretary McNamara. The primary mission was to observe North Vietnamese naval patrols and the junk fleets in that area. We were concerned at that time, particularly, about infiltration by sea. As a matter of fact, it was a short time after that—about 2 or 3 months, I think—when the large U.S. sea patrol was established, known as Market Time operations.

Senator Mansfield. You mean North Vietnamese patrol; not U.S. patrols.

Secretary McNamara. No; but the large U.S. patrol known as Market Time Operation was a few months after the Desoto patrol, because of our concern about infiltration by sea from the North to the South; and the Desoto patrol, in August, among other things, was collecting information that would lead to a consideration of the character of the infiltration from North to South. The Market Time patrols established by the United States after that, of course, took place off the coast of South Vietnam but they were based upon the kind of information that we obtained from Desoto patrols.

The Chairman. Mr. Secretary, in the orders, I mean that we obtained from the Pentagon, the *Maddox* was authorized in its missions, and I quote from the orders: "to stimulate Chicom-North Vietnamese electronic reaction."

What does that language mean?

Secretary McNamara. It means that they turn on certain kind of equipment on board the *Maddox* which, in turn, leads the Chicoms or the North Vietnamese to turn on the radars so that we can measure the radar frequencies, that was clearly one of their objectives.

The Chairman. That is what I meant. That is what I meant by electronic spy mission.

Secretary McNamara. Mr. Chairman, I said specifically that electronic surveillance was part of this mission, but it was not the primary mission. If you read further into those orders, you will find it.

INSTRUCTIONS TO THE "MADDOX"

The Chairman. And the *Maddox* was given orders to penetrate the territorial waters of North Vietnam and stimulate their electronic networks, assuming their territorial waters was 12 miles.

Secretary McNamara. Absolutely not. The *Maddox* was specifically instructed to stay out of territorial waters and was instructed to go no closer than 8 miles to the coastal area.

The Chairman. I said assuming their territorial waters was 12 miles.

Secretary McNamara. But you said the *Maddox* was instructed to penetrate territorial waters.

The Chairman. Assuming it was 12 miles.

Secretary McNamara. I want to just make perfectly clear the *Maddox* was not instructed to penetrate territorial waters assuming anything.

Senator Lausche. What is the further language in that which gives the primary cause.

Secretary McNamara. Yes, I was just trying to find the specific cable, and if I may have a moment I will find it and read from it here.

I am reading now from the cable to the commander of CTF 72, which was the task force that the *Maddox* was part of, and this was sent on July 17, [deleted].

Paragraph 9 states "The primary purpose of this patrol is to determine, DRV," meaning Democratic Republic of Vietnam, "coastal activity along the full extent of the patrol track," that is the primary purpose and that was the charge given to the commander.

Now, paragraph 10:

"Other specific intelligence requirements are as follows: (a) location and identification of all radar transmitters, and estimate of range capabilities; (b) navigational and hydro information along the routes traversed and particular navigational lights characteristics, landmarks, buoys, currents, and tidal information, river mouths and channel accessibility, (c) monitoring a junk force with density of surface traffic pattern, (d) sampling electronic environment radars and navigation aids, (e) photography of opportunities in support of above. In addition, includes photography as best detail track would permit of all prominent landmarks and islands, particularly in vicinity of river and build-up areas, conduct coastal radar scope photography by ship which is transmitting from Point A which is the end of the mission.

"12. Specific search location identification requirements [deleted], to be conducted while the Maddox is in the Gulf of Tonkin, [deleted]."

Then it goes on to say additional intelligence guidance will be provided by the naval commander, Japan, and operational guidance will be provided by MACV, and so on.

So its mission was not primarily electrical surveillance but it also had that as one of its several items to be carried out, to be covered.

The Chairman. One of the ways to do this is to stimulate electronic reaction?

Secretary McNamara. Yes, by its own transmitting equipment.

The Chairman. This was true of the *Pueblo*, too, it is customary?

Secretary McNamara. Mr. Chairman, I am not sure of that. In the case of the *Pueblo*, I don't believe that during the majority of the voyage it was to stimulate the transmitters. I think quite the reverse, it was to collect information on the transmitters assuming they had not been stimulated by the *Pueblo*.

TERRITORIAL WATERS QUESTION

The Chairman. Well, now, you make the point that they did not give orders to go into the territorial waters, but, and I said assuming it is 12. You are basing it on the assumption it was three. But I notice the order told them to stay off the 12-mile limit of the coast of China, which was next door isn't that so?

Secretary McNamara. I think so.

The Chairman. I mean, the orders were to go to 4 miles off the islands and 8 miles off the mainland of North Vietnam, but to stay beyond the 12-mile limit of China which was just beyond, where this attack was predicated, is that not correct?

Secretary McNamara. I think that is correct. And I assume that the reason—I have not checked this—but I assume the reason would be that China at that time claimed a 12-mile limit which North Vietnam at that time did not.

The Chairman mentioned to me that the closest approach to China is 15 miles; yes, here it is.

The Chairman. Yes. Fifteen miles but South Vietnam it was 4 miles off the island

Secretary McNamara. And 8 miles off the coast.

SIMILAR MISSIONS SINCE 1962

The Chairman. Did you state how many missions there had been of this kind since 1962?

Secretary McNamara. I believe this was the fourth. There was one in 1962, one in 1963, one in early 1964, and one in July 1964.

The Chairman. Similar to this one?

Secretary McNamara. Yes, I examined the tracks myself just to check that exact point and they are almost identical.

The Chairman. And with similar equipment?

Secretary McNamara. I am told they had similar equipment.

The Chairman. Mr. Secretary, were there several officers and men of the U.S. Military Advisory Command in Vietnam aboard the *Maddox*.

Secretary McNamara. No. They were invited, but they didn't accept the invitation.

The Chairman. Well, I thought our information indicated they were aboard.

Secretary McNamara. No, sir. The cables I have gone through are quite clear on that. They were invited, but they didn't believe that this was a patrol connected with their activities and they saw no reason, therefore, to participate in it. They participated, I believe, on board the third patrol, and found that they got so little out of it they didn't want to take the time to participate in a fourth, and, therefore, were not on board that patrol.

The Chairman. If they had the invitation they were aware of it, though?

Secretary McNamara. Oh, yes, indeed; they were aware of the patrol.

But they felt it had so little connection with their activities that they didn't choose to participate in it.

OPERATIONS OF SVN AGAINST NVN ON SPECIFIC NIGHTS

The Chairman. Could you give a brief description of the operations of the South Vietnamese against North Vietnam on the nights of the 30th and 31st of July, 1964, and the nights of the 3d and 4th of August of 1964? What were they doing?

Secretary McNamara. I can give you—it will be a brief description because I don't have all the information on it. But on the night of the 30th of July certain patrol boats of the South Vietnamese bombarded Hon Me and Hon Nieu, and on the night of the 3d of August certain patrol boats of South Vietnamese bombarded Rhon River in North Vietnam and Vinh Sonh radar in North Vietnam.

The Chairman. That is what was called Operation 34.

Secretary McNamara. It was called a 34A operation.

The Chairman. And they did bombard the coast on those 2 nights?

Secretary McNamara. They did.

The Chairman. During your testimony of August 6, 1964, you state:

"Our Navy was not aware of any South Vietnam actions, if there were any."

Do you think after reviewing the case that that is an accurate statement?

Secretary McNamara. Well, if you go on in the same paragraph, Mr. Chairman, I think it is an accurate statement.

The Chairman. How is it accurate?

Secretary McNamara. Because you are talking about the commanders of these ships, and whether the ship commander knew enough about the South Vietnamese operation to place their ships in some way in support of those operations, and the fact is that the ship commanders didn't know about the South Vietnamese operation as to target or time. They knew so little about it that one of them on the 31st of July, just as he was starting his patrol, sent a report of vessels that he observed on radar, and I guess visually as well, which he identified as Soviet P6 vessels, when, in fact, they were vessels of the South Vietnamese 34A operations.

I simply mention this to indicate how little they knew about it.

Beyond that, one of my own staff members, called Captain Herrick, who was the commander of the *Maddox* and *Joy* task force, I asked him specifically if he knew of the targets or dates or details of the operations, and he said he did not.

KNOWLEDGE OF THE OPERATION

Senator Gore. Will the chairman yield there?

It seems to me it wasn't so important a commander of a destroyer knew about it, that the command of the operation—the central question is whether the command of the operation knew about it. The *Maddox* was following detailed instructions as to where it was sailing. So it seems to me it is not whether the captain of the *Maddox* knew about it. It was whether the Navy knew about it.

Secretary McNamara. Well, I stated at the time that the Government knew about it, and I specifically testified on August 3, before this committee, in informal session, and on August 6, in formal session, that our Government knew about it. But it is important that the commanders on the scene did not know about it because they had great latitude as to where their ships were to be at particular times. They were allowed to orbit at particular points and shift the time schedule of their position along a 200- or 300-mile coastal track within their own discretion, and even if a higher command may have known something and tried to plan it could not have been carried out successfully if the local commanders were not informed of the details of the operations.

NAVY CLAIMED NO KNOWLEDGE OF OPERATION

The Chairman. I think to complete the record, I ought to read what was said at that time before this committee. And I quote:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any. I want to make that very clear to you. The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no knowledge of, and so far as I know today has no knowledge of any South Vietnamese actions in connection with the two islands, as Senator Morse referred to."

That is page 23 of the transcript of hearings.

Senator Mundt. Was this the Secretary?

Secretary McNamara. Yes.

The Chairman. It was the Secretary's statement at that time.

Senator Cooper. I have a question.

The Chairman. Yes.

Secretary McNamara. May I just——

COMMANDERS KNOWLEDGE OF SOUTH VIETNAMESE ACTIONS

Senator Cooper. Were you stating as a fact, as you knew it at the time of your testimony that the commanders of the ships did not know that the South Vietnamese vessels had attacked the two islands?

Secretary McNamara. Yes; exactly so.

Senator Cooper. Do you still say as a result of your investigation that your statement was correct?

Secretary McNamara. That is correct, and the third sentence and the fourth sentence of the quotation read by the chairman makes that very clear. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no evidence of, and so far as I know today has no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today.

Since the testimony was given, I have had, as I said, one of the members of my staff talk to Captain Herrick personally, and he certifies that was true then.

Senator Morse. I want to make this comment on the Secretary's comment. The general proposition laid down in the testimony, and I quote, was "Our Navy played absolutely no part in it, and was not associated with it, was not aware of any South Vietnamese actions, if there were any."

Well, the *Maddox* doesn't speak for the Navy, in general.

Secretary McNamara. No.

DOUBT AS TO LACK OF NAVY KNOWLEDGE OF OPERATION

Senator Morse. You go on to say the *Maddox* was operating in international waters but I am still in doubt even in your testimony this morning as to whether or not the Navy was oblivious to the South Vietnamese action.

Secretary McNamara. Senator Morse, I think there is an ambiquity in that sentence. I am quite prepared to say that to you in one respect. I will comment on this in a moment, but I want to emphasize that the Navy played no part in, and was not associated with these South Vietnamese actions.

Now, maybe you would say, "Well, even that is too strong a statement," because later in my testimony that same day I stated we had supplied the boats. Maybe that is a "part in it," but it is not "a part in it" in the sense that it was of concern, and I think quite properly of concern to you at the time, and it is not a part of it in the sense that we were addressing. We didn't command the operation, we didn't associate the Desoto patrol with it, and the particular question at issue at the time was did the Desoto patrol commanders know of it; they did not.

Senator Morse. I only want to say at the time I had information that was given to me that the Navy was aware of it and that there was a maintenance of radio communication with Saigon on the part of our Navy during the time of the attack, and that is what I brought out at the time, and I was seeking to find out whether or not that was true or false.

Secretary McNamara. And I stated at the time that we knew of the operation, we knew of the fact that operations of that kind were carried on. Periodically, future programs for such operations were transmitted to higher headquarters above Saigon, including the Pentagon. Beyond that the Navy had worked out an arrangement—and I am not sure I mentioned this at the time, although I think I may have—but it is a fact that the Navy had worked out an arrangement between the separate commands in the Pacific, the Saigon command on the one hand, and the 7th Fleet Command on the other, to insure that these operations stayed out of each other's areas, and the commanders of the ships on patrol were specifically instructed to stay away from certain geographic areas in order to avoid interference or association with the 34A operations of the South Vietnamese.

The Chairman. Well, on that point, there is one cable which shows the following, and I quote from a cable to the *Maddox*:

"The above patrol will (a) clearly demonstrate our determination to continue these operations, (b) possibly draw NVM"—that is North Vietnamese navy—"PGMS (patrol boats) to northward away from the area of 34A operations, (c) eliminate De Soto patrol interference with 34A operations."

It is unusual that, having received that cable, that the *Maddox* did not know what 34A was.

Secretary McNamara. The *Maddox* did know what 34A was, no question about that. But *Maddox* was not associated with 34A, was not playing a part of it, was not planning to draw forces away from it.

Senator Morse. I thought you said they did not know anything about it.

Secretary McNamara. Now wait a minute, I did not say they did not know anything about it.

Senator Morse. You said "were not aware of."

EXTENT OF KNOWLEDGE OF DETAILS OF ACTION

Secretary McNamara. They were not aware of the details is what I said, of the attacks, as to location, or as to time, and unless one is aware of that, you cannot properly plan a diversionary effort.

Now, since we are on that subject, may I mention some other points that bear on it. I have already mentioned that they knew so little about it that they identified certain of the 34A ships as Soviet vessels. They very much wanted to avoid interference with it, and CINCPAC fleet advised MAC/V that they would make every effort to give him 36 hours' notice of changes in the time schedule of the patrol at certain points, in order to allow MAC/V to change the suggestion that he might make regarding location of 34A attacks. MAC/V came back and said that they had worked out with the South Vietnamese adjustments to assure that 34A operations would prevent interference with the patrols.

Senator Morse. Could I read one——

Secretary McNamara. May I just continue?

Senator Morse. I thought you were through I am sorry.

TWO OPERATIONS SEPARATE

Secretary McNamara. I am simply trying to develop the point that every possible effort was made to keep these two operations separate.

In the message on the 1st of August, the commander of the task force, which included the *Maddox, stated* that he thought that in view of the hostile intent of the North Vietnamese they should consider stopping the patrol, and the 7th Fleet stated, "You are authorized to deviate from itinerary" any time that the risk appears too great.

(Subsequently the chairman inserted in this record the full text of the cable cited by Secretary McNamara, as follows: "1. Ref Alfa Bravo and Charlie noted. When considered prudent, resume itinerary IAW ref Delta. You are authorized deviate from itinerary at any time you consider unacceptable risk to exist. Keep Alcon advised.")

Again later the same day on the 2d the commander of the 7th Fleet directed the *Maddox* to retire from the area to avoid hostile fire.

Senator Lausche. What date was this?

Secretary McNamara. This was on the second.

On the second they also put in restrictions on hot pursuit that were much more severe than we normally apply in situations like this. The U.S. vessels were not allowed to carry on hot pursuit of enemy vessels closer than 11 miles from shore and the aircraft were not allowed to carry on hot pursuit closer than 3 miles from shore.

Again on the second, MAC/V told the commander of the 7th Fleet to keep the De Soto patrol clear of a designated area. Later on the third, MAC/V sent another request that the De Soto on patrol be moved even farther north to stay farther away from the area the South Vietnamese were planning to operate in.

Also on the third, later in the same day, the commander of the 7th Fleet reported his intention to terminate the patrol on the evening of August 4 in order to move it away from the area and avoid any possibility of conflict with 34A.

I mention this simply to tell you that the higher commands were knowledgeable about the 34A and De Soto and took every possible action to separate the two.

BASIS OF STAFF STUDY DISCUSSED

Senator Lausche. It is regrettable that our staff study contains none of these facts which negative all that is in our secret report.

The Chairman. Well, I will say——

Senator Lausche. It is a tragedy.

The Chairman. I will say to the Senator we requested all relevant documents, and Mr. Nitze——

Senator Lausche. But it is thoroughly apparent that none of this material is relevant to any of the papers I have before me. All of the paper is directed to show that there was falsehood presented.

The Chairman. The paper contains all of the information supplied to the committee, and we could not put in what they did not supply, and there is no selection as far as the documents supplied, and I had a meeting with Mr. Nitze——

Senator Lausche. Well, the paper which I have before me has nothing justifying the action that was taken. All that I have in my paper is material showing that the action should not have been taken.

The Chairman. I wish to make it clear, I had a meeting with Secretary Nitze and Senator Russel at Secretary Nitze's request, and we discussed this matter, and Senator Russell advised Secretary Nitze that he thought that the Department of Defense should make available to this committee—to this committee, which met jointly with the Armed Services Committee when this matter was heard in 1964—and he told Mr. Nitze he should make available relevant documents to these incidents, and it was my understanding he would make those available with one sole exception which I have already described to the committee. If those documents are not in here, it is because the Department of Defense did not supply them to us upon request of all relevant documents. Not being aware of them, we could not ask for them specifically, but we have asked for other documents specifically, but not these because we did not know about them.

Secretary McNamara. Mr. Chairman, may I simply say that four of the facts that I just stated to you were supplied to the committee. Others may have been. But I can check from my list in front of me that four of the statements I made, the committee, was aware of. Whether they are in your report, I do not know. I do not have access to the report.

Senator Lausche. Will the chairman point out a single statement in this report to the committee that shows that there is in it anything justifying the action that our U.S. Government took? Every statement in this secret report tends to prove that we should not have done what we did, and I cannot understand how we did it.

Senator Gore. I respectfully submit that is not an accurate statement.

Senator Lausche. It is pretty substantial.

Senator Clark. Mr. Chairman, I do not think this discussion is seemly. I think we ought to proceed in a normal manner. You ought to wait until your turn.

Senator Lausche. If he will quit, I will get my turn.

Senator Clark. He is your chairman. You owe him some courtesy and you are not giving it to him.

CABLE FROM "MADDOX" TO THE FLEET COMMANDER

The Chairman. I will go on with the record. On the 3d of August some 15 hours before the second incident the operational commander of the *Maddox* and the *Turner Joy*, who was aboard the *Maddox*, sent the following cable to the commander of the 7th Fleet: '(a) Evaluation of info from various sources indicates that the DRV (Democratic Republic of Vietnam) considers patrol directly involved with 34-A operations. DRV considers U.S. ships present as enemies because of these operations and have already indicated readiness to treat us in that category. (b) DRV are very sensitive about Hon Me. Believes this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases."

Secretary McNamara. Mr. Chairman, may I comment on this specific cable?

The Chairman. Yes.

Secretary McNamara. Two points: First, we can find no basis for the commander making this statement, that the DRV considered the De Soto patrol directly involved in 34-A operations.

Second, Herrick himself now states he can recall no basis for coming to that conclusion.

Third, the PT boat officer that we captured and interrogated in July 1966 told his interrogators that it was clear in his mind that the De Soto patrol was separate from 34-A operations.

The Chairman. Well, you are not saying this cable was not sent.

Secretary McNamara. I simply stand on what I said, Mr. Chairman. Of course the cable was sent.

The Chairman. You are not saying it was not sent.

Secretary McNamara. But I am saying it is a complete distortion of the fact to leave the record indicating that the commander of the *Maddox* task force had any basis whatsoever for believing that North Vietnam confused 34-A and De Soto. He did not have the basis. He now says he did not have the basis, and a North Vietnamese captured since that time states that North Vietnam distinguished between the two operations.

The Chairman. Well, at the time, all I am saying—I am not going into his mind, this is what he is saying.

Secretary McNamara. I am perfectly happy to have it on the record along with my refutation.

The Chairman. That is all right.

Senator Williams, did you want to say something at this point?

COULD "MADDOX" HAVE BEEN OPERATING 4 MILES OFF COAST?

Senator Williams. The question in my mind, Mr. Secretary, is that you say the *Maddox* was operating with substantial freedom in this area with no knowledge of the operation of the plans of the South Vietnamese. Would it not have been conceivable or possible that it could have been operating 4 miles off the coast of one of these islands during the attack?

Secretary McNamara. No.

Senator Williams. What would have prevented it?

Secretary McNamara. No, because as the cables submitted to the committee showed, the commander of the 7th Fleet and the U.S. commander in Vietnam had an arrangement under which the position of the *Maddox* on its patrol was to be submitted to Vietnam so that the South Vietnamese could plan their operations to stay away from the patrol.

Secondly, the commander of Vietnam had said to the commander of the 7th Fleet, "In addition to knowing where you are, we would like you to stay away from certain particular places," and he, on two occasions during the period of patrol, gave to the commander of the 7th Fleet, who in turn passed it on to the commander of the *Maddox*, specific instructions to stay out of certain areas.

I recall one of the areas was an area set by a line between 17 degrees and about 17 degrees, 50 minutes north and a line running north-south into which area the patrol was not to penetrate, and later that restricted area was substantially expanded to everything south of 19 degrees, 10 minutes.

Senator Williams. That is all.

FULBRIGHT LETTER TO NAVY SECRETARY IGNATIUS

The Chairman. I think we should put in the record the fact that I sent a letter on January 12 to Hon. Paul R. Ignatius requesting one of the cables relating to this question. I say this was with regard to the Senator from Ohio's observations. I will ask the reporter to put it in the record, this is January 12. I might read it. It is very difficult to translate it except by those familiar with the symbols that are used by the Navy:

"In the message sent by CTU72.1.2 to AIG-171 dated [deleted] the following sentence is included: 'RCVD info indicating attack by PGM/P-4 imminent. My position 19-10.7 N 107-003 proceeding southeast at best speed.' "

The reply to that—I will put the whole letter in—Mr. Ignatius replied that:

"With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length in a meeting wtih Secretary Nitze, Senator Russell, and yourself. There is nothing further I can add to these discussions."

In other words, it was not supplied to the committee although it was requested.

(The letters referred to follow:)

January 12, 1968.

Hon. Paul R. Ignatius,
Secretary of the Navy,
Washington, D.C.

Dear Mr. Secretary: As you are well aware, over the past few months the Department of Defense has been providing the

Committee with information and materials on the incidents in the Gulf of Tonkin. One of the cables you provided on November 24 has given rise to a particular question.

In the message sent by CTU 72.1.2 to AIG 181 dated [deleted] the following sentence is included:

"RCVD INFO indicating attack by PGM/P-4 imminent. My position 19-10.7N 107-003 proceeding Southeast at best speed."

The staff of the Committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as interception of North Vietnam messages.

Would you please provide me the information necessary to clear up this point. If the information comes from a communication intercept, I would appreciate having the text of that intercept as well as any other intelligence interceptions relating to the second incident in the Gulf of Tonkin.

Sincerely yours,

J. W. Fulbright, *Chairman*.

The Secretary of the Navy,
Washington, D.C., January 16, 1968.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length at a meeting with Secretary Nitze, Senator Russell and yourself. There is nothing further I can add to those discussions.

Sincerely,

Paul R. Ignatius.

Secretary McNamara. Mr. Chairman, I am confused on that. The message that you read from has a date code of [deleted]. My information is that it has been supplied to the committee. Am I in error on that?

The Chairman. Mr. Bader, has it been supplied?

Mr. Bader. Senator, we have the message.

Senator Mansfield. We have?

Mr. Bader. The letter reads in part as follows:

"The staff of the committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as an interception of North Vietnam messages."

"Would you please provide me the information necessary to clear up this point?"

This was the crux of the letter. We are unable to determine the source of the information referred to in the cable. Therefore, we had no way of evaluating it.

STAFF CLEARANCE FOR CERTAIN INTELLIGENCE INFORMATION

Secretary McNamara. We have some problems, because the staff has not been cleared for certain intelligence and we are under specific written instructions from the President, as are all executive departments, not to furnish such intelligence to uncleared personnel.

Senator Lausche. I do not understand that. The members of our staff are not cleared?

Secretary McNamara. Certain members of congressional staffs have requested clearance, others have not, and we are under instructions from the President in writing not to submit intelligence to individuals that have not been cleared other than to Members of Congress.

Senator Lausche. May I ask the chairman, are all the members of our staff cleared?

The Chairman. All of those who have worked on this matter, but he is talking of a special classification of intelligence communications.

Secretary McNamara. I do not believe any member of the staff has been cleared for certain kinds of intelligence relating to this incident.

Senator Lausche. Of the Foreign Relations staff?

Secretary McNamara. That is correct, on specific items of intelligence.

The Chairman. I might say for the information of the committee, Mr. Bader was cleared at one time for such intelligence information. He has not been cleared subsequent to that, and I assume—you say they do not carry their clearance?

Secretary McNamara. Mr. Chairman, I do not know the rules of clearance. All I know is that because of receiving these written instructions from the President, I made a personal effort to find out who had been cleared and who had not been cleared, and there was no member of this staff cleared on the registries of the FBI, the Central Intelligence Agency, or the Defense Intelligence Agency—cleared for this kind of intelligence.

Senator Gore. Mr. Chairman, could we know what particular classification that is? I had not heard of this particular super classification.

The Chairman. The staff, Mr. Marcy, and Mr. Holt are cleared for top secret information. This is something I never heard of before either. It is something special with regard to intelligence information. However, Mr. Bader was cleared for that.

Secretary McNamara. If the staff would wish to request clearance, I am sure the Government would do it.

Mr. Marcy. All of the members who are here submitted renewal requests for top secret clearance recently and, so far as I know, all of those requests have been granted.

Secretary McNamara. But that is not the issue. Clearance is above top secret for the particular information involved in this situation.

Senator Case. Mr. Chairman, may I clear this up in my own mind?

The Chairman. Yes.

Senator Case. On this particular request for information, it was denied on the ground of lack of clearance.

Secretary McNamara. Yes.

Senator Case. I see. That was made clear; there was no question.

Secretary McNamara. I do not know that that was made clear, but that was the reason.

Senator Case. I think it is important to know whether the committee was told that information was not being given it and for what reason.

The Chairman. I told the committee that Mr. Nitze showed me one message——

(Subsequently the chairman inserted in the record the following paragraph from the staff study dated January 17, 1968:)

"In late December Under Secretary of Defense Paul Nitze asked to see Senator Fulbright. At that meeting Mr. Nitze presented for Senator Fulbright's eyes only a cable from special intelligence which he said was "conclusive" evidence that the *Maddox* and *Turner Joy* had been attacked. The staff has not seen this information and has no way of judging whether this particular piece of information is the conclusive piece of evidence that will demonstrate without doubt that the *Maddox* and *Turner Joy* were actually attacked."

Senator Case. Is that the one you are talking about?

The Chairman. At this particular moment I think that is the one we are talking about. There may be others.

Senator Case. This is not a question where we were not given information and we were not told that we were not being given it.

The Chairman. I would like to go through these. I want to try to make the record and then let the members engage their own time.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese believed to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary McNamara. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

TERRITORIAL LIMIT DISCUSSED IN MAY 1966 HEARING

Senator Morse. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testmony of August 6, 1964:

"As part of that, as I reported earlier to you this week, we understand the South Vietnamese Sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort."

That is the quote from Secretary McNamara. Now to quote the chairman on May 24, 1966:

"First, I want to ask you: had your ships within days before the incident gone within territorial limits recognized by North Vietnam?

"Mr. McNaughton. Within the 12-mile limit, Mr. Chairman.

"The Chairman. That is the territorial limit.

"Mr. McNaughton. I think that it is. If that is the case, the answer is "Yes".

"The Chairman. That had been the limit.

"Senator Pell. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

"Mr. McNaughton. No, sir, it is the one—the chairman, I understood the chairman to say territorial limits recognized by North Vietnam.

"Mr. U. Alexis Johnson. Claimed by North Vietnam.

"The Chairman. That is right. Many countries have different ones.

"Senator McCarthy. Texas claims the 12-mile limit.

"The Chairman. They vary, but they claimed 12 miles. But our ships had gone into it.

"Mr. McNaughton. Yes, sir; that is correct."

I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary McNamara. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator Morse. That is right.

Secretary McNamara. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the chairman's statement of it, he was wrong.

IDENTITY OF CLEARANCE STATUS

Senator Gore. Mr. Chairman, would you please clear up the exact identity of this clearance status that is something superior to top secret and whether or not the President's letter applied only to this particular operation? I would like to be informed. I never heard of this kind. I thought top secret was top secret.

The Chairman. I am not sure that I can do it justice. I never heard of this clearance before. But at the meeting I attended, which is referred to, and is referred to in the staff report, with Mr. Nitze, he said that this particular message was beyond top secret, and it has to do with intelligence communications, and that was the reason he could not give me that particular communication. He allowed me to look at it. It was a very short message; I think it was only about a paragraph, and I read it very rapidly. He said this was beyond top secret, and only a few people are allowed to see it. I was given to understand it relates to what is called an intercept, and it is my information, well, my memory, that he stated this was the conclusive evidence upon which the Pentagon relied beyond all doubt that there was an attack upon our ships on the 4th of August.

Senator Gore. Excuse me, what is the classification, what is the name of it?

Senator Sparkman. "Eyes only."

Senator Mansfield. Does this have to do with codebreaking or things of that sort?

Senator Gore. No; that is not it.

Secretary McNamara. Mr. Chairman, may I try to answer it?

The Chairman. The Secretary can do better than I can.

Senator Mansfield. Or General Wheeler seems to want to say something.

The Chairman. Or General Wheeler.

TYPES OF CLEARANCES

Secretary McNamara. Mr. Chairman, let me comment on this first. Senator Gore asked, "Does this instruction from the President apply only to this incident?" The answer is "No." All of the executive departments, because of recent security violations in this country, have been instructed to tighten up on security, with their own personnel and with all other personnel. All of the executive departments have been instructed to observe strictly the appropriate clearance procedures. They are many. There are a host of different clearances. I would guess I have perhaps 25. There are certain clearances to which only a handful of people in the Government are exposed. There are others with broader coverage, and overlapping coverage, and it is not really a question of degree of clearances. It is a question of need to know, and need to know clearances apply to certain forms of data.

Now, there is a top secret clearance that covers certain kinds of information, and is a rather broad clearance and is related to a level of clearances starting for official use only, rising through confidential and secret and top secret and generally speaking that is a pyramidal clearance. There is another clearance, Q clearance, that relates to certain categories of information.

There is another clearance which is the special intelligence clearance we are talking about, that relates to intercept information, and it is this latter clearance in particular that is at issue here, and the staff members of this committee have not been cleared for that kind of information. So far as I know they have not requested clearance. If they do request clearance, we will be happy to consider it.

The President instructed me specifically to make information available to members of the committee—Members of the Congress, whether they are cleared or not. I have the information here with me this morning and I will be happy to go over it with you, but I will have to ask individuals in the room, staff members and others, who are not cleared to leave the room when I do it.

Senator Gore. Because it deals with intercepts.

Secretary McNamara. It deals with intercepts.

Senator Gore. Ambassador Goldberg discussed the intercepts at the U.N. on television.

Secretary McNamara. But the problem here involves an intercept with the particular traffic involved. Our intelligence analysts have gone over this and have stated the area is a danger to us in certain kinds of intercept material and disclosure of it. [Deleted.] We are under instructions to deny it other than to Members of Congress and others properly cleared.

Senator Pell. Mr. Chairman, the fact we have publicly stated that intercept information confirmed the location outside North Korean territorial waters of the *Pueblo*, which has strengthened our case to this effect, has this not thrown into the public domain quite a portion of the fact that we have access to this kind of intelligence?

Secretary McNamara. The intelligence analysts believe not. Well, I do not want to get into a further discussion until the room is cleared of those not authorized to handle it. We would run the risk of compromising intelligence sources if disclosed.

NORTH VIETNAM TERRITORIAL LIMIT CLAIM

Senator Sparkman. Mr. Chairman, may I ask just one very brief question. Going back to this 12-mile limit, I believe you said in your paper, did you not, that sometimes following the Gulf of Tonkin incident, North Vietnam did claim through a radio dispatch a 12-mile limit?

Secretary McNamara. They did, Senator Sparkman.

Senator Sparkman. But that was the first time they had stated it.

Secretary McNamara. That is correct.

Senator Sparkman. I think that might explain the difference between 1964 and 1966.

Secretary McNamara. It might well.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

The Chairman. I forgot that. Did you reply to why the *Maddox* did not break off the patrol when they believed they had stimulated—according to this cable, they said that the North Vietnamese regarded them as hostile and an enemy and that they were very sensitive about Hon Me. Why did they not break off at that point?

Secretary McNamara. I am not certain I know which particular message you are referring to.

The Chairman. The one I read.

Secretary McNamara. Yes. Can you give me the time date group on it? I think I have it here, and it is [deleted] and in that particular message he was speculating on North Vietnam's interpretation of his operations. He did not at that point consider the risks sufficiently high to break off the patrol.

You will recall that later the following day he did state that he believed it might be advisable to break off the patrol, but he had not reached that point of judgment then.

The Chairman. Well, that was his judgment. Why did his superiors not order him to break it off in view of that cable if they did not wish to provoke an incident?

Secretary McNamara. Because we were on the high seas and operating legally and entirely within our rights. The President stated publicly that we would continue to carry out the patrol in international waters in a legal fashion.

The Chairman. Here, this is the—have you identified that now?

Secretary McNamara. Yes.

The Chairman. I read from a cable from the operational commander of the two ships sent some 15 hours before the second incident:

"(a) Evaluation of info from various sources indicates DRV considers patrol directly involved with 34A ops. DRV considers U.S. ships present as enemies because of these ops and have already indicated their readiness to treat us in that category. (b) DRV very sensitive about Hon Me, believe this is PT operating base, and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases. (c) Defense against PT's very difficult when in close proximity to Hon Me in that they can hide behind it until the opportune moment and start their run leaving very little time for tracking and spotting and allowing no international water working space for aircraft. (d) Under these conditions 15 minutes reaction time for obtaining air cover is unacceptable. Cover must be overhead and controlled by DD's at all times."

It seems to me it is very clear they thought they were extremely exposed and in a dangerous position and were requesting authority to break off.

Secretary McNamara. No, I beg your pardon, Mr. Chairman, they specifically did not request authority to break off, and, had they wanted to break off, they would have requested it. Those were their orders, and later in the sequence of messages you will find that they did not suggest breaking off.

The Chairman. Maybe I overstated it. At least they did not even want a 15-minute delay in aircraft. They wanted the aircraft right over them.

Secretary McNamara. That is clear.

The Chairman. They thought they were pretty exposed.

Secretary McNamara. Oh, yes; I do not dispute that.

WERE WE IN TERRITORIAL WATERS?

Senator Lausche. Mr. Chairman, are you trying to prove——

Senator Mundt. What is the date of that?

Secretary McNamara. August 3.

The Chairman. It is shortly before the attack.

Senator Lausche. Mr. Chairman, are you trying to prove we were in territorial waters?

The Chairman. I am trying to get the truth of what took place, that is all, Senator.

Senator Lausche. Well, I would be able to follow you better if I can learn——

The Chairman. What this means will have to come later. I cannot tell what the answers are. All I am trying to do is develop the truth.

Senator Lausche. Let me finish my question.

Are we trying to prove that because we were not in international waters but in territorial waters that North Vietnam had the right to shoot at us?

The Chairman. I am not a witness, Senator. I do not propose to answer those questions. I am trying to develop a case of what happened.

WARNING SHOTS FIRED BY "MADDOX"

Mr. Secretary, as to the attack of August 2, 1964, your testimony states that the *Maddox* first fired "three warning shots before taking the North Vietnamese torpedo boats under fire."

Is there such a thing as a warning shot between naval combatants?

Secretary McNamara. Mr. Chairman, I do not know. I would be happy to check with the Navy and answer the question for the record.

(The following was subsequently supplied:)

"There is a difference of opinion as to the use of warning shots between combatants. Obviously, a commanding officer would only have recourse to such shots under very special and compelling circumstances."

The Chairman. Well, a former admiral communicated voluntarily to this committee, Adm. Arnold True, said he was a destroyer commander during quite a number of years. He said that this is not a recognized procedure between naval combatants.

General, do you know anything about this?

General Wheeler. I am not a naval officer, Mr. Chairman.

The Chairman. I understand.

General Wheeler. However, I would submit this, that we were not at war with North Vietnam, and I would think that rather than the commander opening fire directly on approaching vessels in daylight that, as a precautionary measure, he might very well have fired warning shots rather than firing directly at them.

The Chairman. I may add that a gunnery officer aboard the *Maddox* when asked about the so-called warning shots, was quoted as saying, and I quote, "Oh, no. We were definitely aiming right at them because the speed factor was there. We did not want to waste much time in spotting our shots."

Then the logs of the *Maddox* reveal that the *Maddox* simply opened fire on the patrol craft. That is what the log reports.

Secretary McNamara. Did we furnish you the testimony from the gunnery officer, Mr. Chairman?

The Chairman. Where did it come from, Mr. Bader?

Mr. Bader. Mr. Secretary, that quotation is not from material provided by the Defense Department.

Secretary McNamara. Is that in the staff study? I would like to have the name of the gunnery officer in order to check the testimony. I am not familiar with it. I never heard it or saw it. I would like to have it and I will check it. May I have it, Mr. Chairman?

The Chairman. I do not have the name.

Senator Lausch. I do not have the name.

Mr. Bader. I have it right here.

Senator Lausche. Is this one of the x's in the addendum?

Mr. Bader. It is a newspaper quotation from a gunnery officer.

(Subsequently the chairman inserted the following information in the record:)

"Lieutenant Raymond P. Connel, gunnery officer abroad the *Maddox*, quoted in AP dispatch in the *Arkansas Gazette*, July 16, 1967."

The Chairman. Mr. Secretary, considering the fact that the *Maddox* was heading for an island recently attacked by South Vietnamese raiders using U.S. equipment, is it not possible that the North Vietnamese could have concluded the United States had a role and had remained in North Vietnamese waters and to attack the island again?

Secretary McNamara. I think not, Mr. Chairman. My reasons are twofold. First, Vietnamese radar could track our vessels and 34-A vessels and, therefore, knew they were separated by time and distance.

Secondly, as I mentioned to you earlier, prisoners that we have since captured indicate that they knew that these were separate operations.

WHY AIRCOVER WAS PROVIDED IN TONKIN INCIDENTS

The Chairman. Mr. Secretary, in your recent "Meet the Press" interview you stated that the *Pueblo* was not given air cover and an armed escort because this would have been provocative to the North Koreans. Yet in the case of both incidents in the Gulf of Tonkin, American aircraft carriers provided air cover.

If in the case of the *Pueblo* air cover and protection would have been provocative, why would not the same term apply in the Gulf of Tonkin, particularly since the *Maddox* and the *Turner Joy* had orders that would take them within what the North Vietnamese considered to be territorial waters?

Secretary McNamara. First, the North Vietnamese did not consider them to be territorial waters, as I have pointed out on several occasions this morning.

Secondly, there is a major difference between the situation with the *Pueblo* off the cost of North Korea and the situation of the *Maddox* and *Joy* off the coast of North Vietnam.

North Vietnam at that point, in fact, was infiltrating several thousand armed personnel a year from North to South Vietnam, and there was reason, therefore to protect our craft, a reason that was not present in the case of the *Pueblo*.

The Chairman. Well, it was present, but you did not recognize it because they took the ship, did they not?

Secretary McNamara. Well, the same reasons were not present, Mr. Chairman.

Senator Mundt. Will you yield?

The Chairman. Yes, I will yield.

NORTH KOREAN INFILTRATIONS INTO SOUTH KOREA

Senator Mundt. Were not the North Koreans infiltrating people into South Korea?

Secretary McNamara. Not several thousand.

Senator Mundt. In this Blue Palace incident?

Secretary McNamara. Not several thousand a year, Senator Mundt, nor was North Korea at the time of the *Pueblo* incident carrying out direct, and from its capital, armed attacks upon the people and the political institutions of South Korea to the extent as that North Vietnam was then doing against South Vietnam.

Senator Hickenlooper. If I may observe there, it is my understanding North Koreans went through the American lines and we did not do anything to stop them, but they do not go through the ROK lines. The Koreans stop them, the South Koreans, and they attacked Seoul.

Secretary McNamara. On the point of whether we are stopping the North Korean infiltrators or not stopping them, and whether our record compares favorably with South Korea's, I cannot testify. But I will be happy, Senator Hickenlooper, to check.

(The desired information will be supplied at a later date.)

Secretary McNamara. Now, on the question of the relations between North Korea and South Korea, on the one hand, and North Vietnam and South Vietnam, on the other, there is just a major difference in the situation in Southeast Asia in 1964 and that in North and South Korea today.

Senator Hickenlooper. I should not have asked it. I got that information from a soldier who has been over there for quite a little while.

Secretary McNamara. It may be correct, but I am not familiar with it.

Senator Hickenlooper. He seemed to know what he was talking about. But I do not know.

Senator Mundt. Is it your position that the attack by the North Koreans on the Blue Palace was not a planned attack on the high Korean Government?

Secretary McNamara. No, Senator Mundt, my position is very simple. There is a major difference between the situation in the North and South Korea today, on the one hand, and that which existed in Southeast Asia between North Vietnam and South Vietnam, on the other, and I will be very happy to take some hours of the committee's time to document it.

EVIDENCE OF NORTH VIETNAMESE INFILTRATION INTO SOUTH QUESTIONED

Senator Morse. Mr. Chairman, I do not want to argue the point now, but as the Secretary knows, I always have believed in pretrial hearings and giving advance notice of your case. But, if I understand you now, Mr. Secretary, your position is that prior to the Tonkin Bay incidents there was heavy infiltration of North Vietnamese forces into South Vietnam. I have just asked Mr. Marcy to have someone go to work on our hearings, because unless I have lost all power of recollection, it is my recollection that prior to the Tonkin Bay incident the administration, through an administration witness, testified to a committee, and we will find it on the record, there was not infiltration of North Vietnamese forces into South Vietnam prior to Tonkin Bay. You will find one administration witness who says they did not have any evidence of a single cadre. He pointed out that South Vietnamese had been sent to North Vietnam for training, but they had gone back. But the administration could not give us any proof that North Vietnamese forces had infiltrated into South Vietnam, and I want to tell you so in order that we may discuss it later.

Secretary McNamara. Senator Morse, I think, without arguing the point of whether there was evidence of North Vietnamese forces, meaning formal units of its military service, infiltrating from north to south, there was ample evidence of infiltration from North Vietnam to South Vietnam of thousands of people sent from the north to the south to subvert the government of the south, and operating there in the south for that purpose under the direct control and literally the hour-by-hour direction of Hanoi.

Senator Morse. Military personnel?

Secretary McNamara. Military personnel.

Senator McCarthy. Mr. Chairman, may I ask a question?

The Chairman. Yes.

TRANSMISSION OF INFORMATION TO SVN NAVY

Senator McCarthy. Was the information that our destroyers were gathering transmitted to the South Vietnamese Navy for its use?

Secretary McNamara. I cannot answer the question.

Senator McCarthy. Well, you must know that.

Secretary McNamara. No, I do not know that.

Senator McCarthy. You cannot answer that? If we get information that would be helpful to the South Vietnamese Navy, we would give it to them?

Secretary McNamara. I do not say we would not. I simply cannot answer it.

Senator McCarthy. If we were transmitting it, wouldn't it be the equivalent of an act of war against North Vietnam? In other words, you were not just out gathering information for the files of the Defense Department, were you?

Secretary McNamara. We were gathering information that we needed to assist the South Vietnamese in reducing the adverse effect on them of the infiltration from north to south by sea, and I so stated.

I further stated, and I stated this at the time, it was part of the public debate at the time, that we were furnishing to South Vietnam the boats they used.

Senator McCarthy. I know.

Secretary McNamara. Whether we gave information or not, the fact is——

Senator McCarthy. The question of the time lapse, and so on, has become much less important. If you picked up information one day and gave it to them, and the next day South Vietnam took military action, it becomes almost a part of the same naval operation.

Secretary McNamara. Whether we gave information to them or did not give information to them, we did supply boats, and that was known on August 6, at the time. I think it is extremely unlikely that we gave any information from the patrol to the South Vietnamese in the time interval such as you suggested. It is possible that over a period of weeks or months we may have. But I am certain we did not in a matter of hours or days after the collection of the information.

WHY INTELLIGENCE SHIP WAS OFF NORTH KOREAN COAST

Senator McCarthy. I was interested in your comparison of the situation of the difference between North and South Vietnam as contrasted to North and South Korea. So, therefore, the protection given the destroyers can be quite different from that of the *Pueblo*. What was the role of the *Pueblo?*

It the relationship between North and South Korea was so much better, why do we have a spy ship off the coast, which we assume was helping South Korea?

Secretary McNamara. We have patrols that we are carrying out all over the world in the air and on the sea, international waters and international airspace, collecting information that would be of benefit to us in protecting our security. That was the mission of the *Pueblo*.

Senator McCarthy. Shouldn't we——

Secretary McNamara. Pardon me, Senator, if I may finish.

Senator McCarthy. Yes.

Secretary McNamara. That was the mission of the *Pueblo*, and it is the mission of literally thousands of reconnaissance flights that we carry out, and many seaborne missions that we carry out each year.

Senator McCarthy. Would it not seem to be more provocative to have a ship like the *Pueblo* there if supposedly the relations between North and South Korea were reasonably good, and we were not as directly involved as we were in South Vietnam? Isn't this a kind of unnecessary intrusion of American power?

Secretary McNamara. No. I think American ships, when it is in our interest should move any place in international waters——

Senator McCarthy. Spy any place they want to, but take the consequences.

Secretary McNamara. I believe——

Senator McCarthy. Get the information.

Secretary McNamara. If you want to change the entire legal basis——

Senator McCarthy. I am not going to change anything.

Secretary McNamara (continuing.) Of operations of the sea, that is your prerogative.

Senator McCarthy. Well, there really are not any, as you know. I mean everybody claims different things.

Secretary McNamara. Of course, there are. Let us not say there is not a basis.

Senator McCarthy. We do not have to go into it now.

Secretary McNamara. We will go into it.

Senator McCarthy. Well, we won't.

Secretary McNamara. We will.

Senator McCarthy. I would like to ask my questions. He is not answering the question I wanted to ask him.

The Chairman. Let him try, and then you can respond.

Senator McCarthy. I do not want to go into the law of the sea.

Secretary McNamara. Mr. Chairman, may I simply ask permission to respond?

Senator McCarthy. Yes.

The Chairman. Go ahead.

Secretary McNamara. May I ask permission to respond for the record, because the question I was answering Senator McCarthy several minutes ago—I do not want to ask the reporter to go back and find it—but it did attribute to me a statement for the record, and I want to correct my own statement for the record.

The Chairman. Do you want to do it now?

Secretary McNamara. I would like to do it later.

Senator McCarthy. I will take it all out.

Secretary McNamara. No, I want to leave it in, but correctly.

Senator McCarthy. I did not get a chance to finish it with you. I have no objection to our spying for our own purposes, but I say if we have a spy ship picking up information and then transmitting that information to another country which is engaged in hostilities with a nation on which we are spying, then we are not quite so pure as we represent ourselves to be. That is the point I wanted to make.

DID UNITED STATES TRANSMIT ITS INFORMATION TO SOUTH KOREA?

With reference to the *Pueblo* off the coast of North Korea, I think it is somewhat the same thing that applies to the destroyers. It was really in that sequence that I wanted to ask the question, Mr. Secretary.

Secretary McNamara. What was the question?

Senator McCarthy. All right. We can say—you say—America has the right to do it. That is fine, I think we have, too. But it becomes different if we pick up information that should be ours, and we then transmit it to another country like South Korea, which, in turn, uses it against North Korea. Then our ship picking up the information is not quite in the same immune position as it would be if it were picking up information for our use alone. That is my question.

Secretary McNamara. That is a statement not a question, but I will let it stand, and I would be happy——

Senator McCarthy. That was the point I wanted to make.

Secretary McNamara. I disagree with the statement. I do not think it is factual.

Senator McCarthy. It is a question. I ask——

Secretary McNamara. What is the question?

Senator McCarthy. Two questions I asked. Let us answer them.

Secretary McNamara. Let the reporter go back and read the question.

Senator McCarthy. I will ask the question, first of all, about the destroyers, as to whether the information they were picking up would be transmitted to South Vietnam.

Then I tried to ask the same question with reference to the *Pueblo*, that is all. I said if it was doing this—and you said there was a difference in the relations between North and South Korea from those of North and South Vietnam—if the *Pueblo* was picking up that kind of information, and giving it to South Korea, the justification for that action, it seems to me, would be less clear than the justification for what might have been taking place off the coast of South Vietnam. That is all.

Secretary McNamara. Let me rephrase it and see if I state your question properly, and then I will see if I can answer it.

USE OF U.S. INFORMATION FOR SVN NAVAL OPERATIONS

Your first question was whether information picked by the destroyers *Maddox* and/or *Joy* while the 4th DeSoto mission was taking place in the Tonkin Gulf was transmitted to the South Vietnamese.

Senator McCarthy. Well, not immediately. I want to know whether that information was being used to give direction to South Vietnamese naval operations, not necessarily on the same day or the same 2 days, but as part of the pattern of operation.

Secretary McNamara. Well, to the best of my knowledge, it was not transmitted at the time. It was not transmitted shortly thereafter and, so far as I know, it was not used in the planning of the South Vietnamese operation. I do not know the latter for a fact. I will check it and answer it for the record.

(The following was subsequently supplied:)

"We have found no evidence that any information gained on the DeSoto patrols was used in the planning of the South Vietnamese operations."

Senator McCarthy. All right.

TRANSMISSION OF INFORMATION TO SOUTH KOREANS

Secretary McNamara. Your second question—the same question with respect to the *Pueblo* in relation to South Korea. To the best of my knowledge, the *Pueblo* did not break radio silence from the time it moved on station, some time around January 10, to approximately January 22 and, therefore, could not during that period have transmitted any knowledge to the South Koreans. I am not aware that we had any plans, had the *Pueblo* voyage been completely successful, to transmit any knowledge to the South Koreans.

Senator McCarthy. That answers the question. I am sorry we had the confusion over the question.

CARRIERS IN THE TONKIN GULF AREA

The Chairman. Mr. Secretary, what carrier was in the Gulf of Tonkin when this affair started?

Secretary McNamara. Pardon me, Mr. Chairman?

The Chairman. What carrier, aircraft carrier——

Secretary McNamara. I believe the *Ticonderoga* was there.

The Chairman. Was a second carrier moved in shortly before the second incident on the 4th?

Secretary McNamara. Mr. Chairman, my memory is faulty. I do not recall. I will be happy to answer it for the record.

The Chairman. Do you know, General Wheeler?

General Wheeler. At the time of the first incident, the *Ticonderoga* was in the Tonkin Gulf area. The *Constellation* was in Hong Kong, and we started to sail her south from Hong Kong toward the Gulf of Tonkin.

The Chairman. Shortly before August 4?

General Wheeler. Before August 4.

The Chairman. Had she arrived in the Gulf of Tonkin by August 4?

General Wheeler. She had not, sir. She was still outside the Gulf of Tonkin.

WHY IT WAS NECESSARY TO GO CLOSE TO COAST

The Chairman. Mr. Secretary, according to the orders sent to the *Maddox* and *Turner Joy* the ships were directed to go toward the North Vietnam coast and then retire to sea at night. The track of the ships took them within 8 nautical miles of the North Vietnam coast, and 4 nautical miles of the North Vietnamese islands. Why was it necessary to go so close to the coast?

Secretary McNamara. Just a minor point, Mr. Chairman. I think the *Maddox* was authorized to go as close as 8 miles, not directed to go to 8 miles, and I believe the *Joy* when it was added to the *Maddox*, was restricted to an area no closer than 11 miles, an in the latter case the *Maddox* and the *Joy*, operating under the restriction of no closer than 11 miles, did not actually go closer than 16 miles. The purpose of allowing such a proximity to the coast was, of course, to obtain the maximum amount of information on coastal activities.

The Chairman. They went as close as 4 miles to the islands, did they not?

Secretary McNamara. Yes, I am not sure they went as close as 4 miles, but they were authorized at least on July 30, to go as close as 4 miles.

The Chairman. They were authorized, and they were authorized to go no closer than 15 miles from the coast of Communist China; is that correct?

Secretary McNamara. That is correct.

OUR LEGITIMATE RIGHTS IN INTERNATIONAL WATERS

The Chairman. According to the cables the Defense Department sent to the committee, the commander in chief of the Pacific Fleet sent a message to the *Maddox* and *Turner Joy* on August 4, stating that the termination of the patrol after 2 days as called for in the operational plan, "Does not in my view adequately demonstrate the U.S. resolve to assert our legitimate rights in these international waters."

What did the commander mean by this? That is a quote from his statement.

Secretary McNamara. Well, the portion that is the quote, of course, does not indicate the ship went within the territorial waters of North Vietnam. I would simply like the record to show that it did not enter the waters claimed as territorial waters by North Vietnam or recognized as territorial waters by the United States.

The commander you referred to was simply responding to a suggestion from the task force commander or intermediate headquarters—I have forgotten which suggested that the patrol be terminated, and the commander you referred to said in his opinion, it should not be terminated, in view of the present President's statement of August 3, that we would continue to operate the patrol in international waters.

If we then terminated it, it would appear to him that we were changing the directive as made public by the President.

The Chairman. And he did not think it adequately demonstrated our resolve to assert legitimate rights.

Secretary McNamara. I think that is exactly the language he used.

The Chairman. That is the language from the cable.

Secretary McNamara. Yes.

Senator Morse. May I refer to that cable a moment, the cable you just cited?

The Chairman. Yes.

Senator Morse. Mr. Secretary, don't forget in paragraph 2 of that cable he said, "Accordingly."

According to paragraph 2 of that: "Accordingly, recommend following adjustments in remainder of patrol schedule. Provided paragraph T2, reference B in order to accommodate commander, U.S. Military Assistance Commander in Vietnam. Request patrol ships remain north of latitude 19–10 north until O60600H—to avoid interference with 34A OPS. Four August patrol from points Delta to Charlie remaining north at 19–10 north."

Then later in the cable, he says, "The above patrol will clearly demonstrate our determination to continue these operations.

"B. Possibly draw NVN (North Vietnamese Navy) PGNS (patrol boat) northward away from the area of 34A OPS.

"C. Eliminate DeSoto patrol interference with 34A OPS."

CONNECTION OF "MADDOX" AND "TURNER JOY" WITH SVN FLEET

Here you get from the commander of the fleet out there, specific reference to the operations of the South Vietnamese attacking boats with instructions to our destroyers. That is where you lose me, unless there is some break in my thinking, that is where you lose me if it is the contention that we were not using the *Maddox* in connection in some way with the attacks.

It is only my premise, and I am not reaching any final conclusion until I hear all of the record—I hope I am too good a lawyer for that—but it seems to me that these cables that we got from your own Department show that instructions went out to the *Maddox* and to the *Joy* in relationship to 34A, and they were being used.

Now, if they were, does that make any difference whether they were on the high seas or not, if they were acting as a provocateur, if they were in fact cooperating with the South Vietnamese boats? You are not arguing, are you, that the North Vietnamese had no right to attack them on the high seas?

Secreary McNamara. I am arguing, Senator Morse, that the reason for the change in the area border from which area the *Maddox* was to be restricted was designed by the U.S. commander in South Vietnam to further separate the *Maddox* from the 34A operations in order to assure that there was less reason for anybody, including the North Vietnamese, to associate the two.

I am arguing further that the North Vietnamese themselves have stated that they did not confuse the two.

Senator Morse. Well, Mr. Secretary, you give us the testimony of a captured prisoner or two, which does not bespeak what the naval operators of North Vietnam not captured were thinking. After all, when you are using a prisoner as a witness, you are certainly not using the best witness.

POSITION OF DESTROYERS IN 34A PROJECT

You see, one of the things that disturbs me is that I think the cablegram itself shows that we were trying to draw those North Vietnamese boats away from the South Vietnamese boats in order to give the South Vietnamese boats greater freedom of action, and that if that is not involving our destroyers in the 34A project, I do not know what it is.

I think we were using them as a decoy.

Secretary McNamara. Senator Morse, had we been using them as a decoy we would not have so substantially increased the restricted area.

This move to north of 19 degrees 10 minutes was a move of about, I would say, 90 miles moving the northerly boundary of the retricted areas farther and farther away from the 34–A operations.

Senator Morse. It is a pretty good decoy if you are trying to get the North Vietnamese boats to follow them.

Secretary McNamara. No, because then the North Vietnamese boats knew that our boats had no hostile intent and played no hostile role. They knew that from having tracked them the previous nights, and they knew that from previous patrols, so there was no basis for this assertion by the author of that cable and, by the way, he said it would possibly draw them to the north. There was no——

Senator Morse. Possibly in that context could be interpreted as hopefully.

Secretary McNamara. In any case it was not possible and it was not a plan, and it was not the purpose of the DeSoto Patrol, and the Joint Chiefs had never considered that, and would never have approved that purpose, nor was the patrol carried out in such a way to permit such a purpose to be achieved.

Senator Morse. It is most unfortunate you had them anywhere near there while the South Vietnamese attacks were going on because you opened yourself, I think, to just this kind of an interpretation of the messages.

The Chairman. Could I say to the committee that the Secretary has a luncheon engagement, and I thought we would adjourn at 12:30. The Secretary has agreed to come back at 2:30 if that is agreeable to the committee. We will have our floor vote around 1 o'clock.

FURTHER PRISONER IN 1967

Could I ask this, Mr. Secretary, I wonder why were we not given the fact that you had another prisoner in 1967? They told us about the prisoner in 1966, but Mr. Nitze never indicated you had a further prisoner in 1967 who testified. I think you should have notified us of that.

Secretary McNamara. I think so, too. Mr. Chairman, I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days.

The Chairman. I see.

Senator Lausche. Mr. Chairman, may I have just 1 minute?

The Chairman. The Secretary wants to go.

Secretary McNamara. Mr. Chairman, I am quite happy to stay longer if the committee wants me to. I would be delighted to that, and also come back later this afternoon.

The Chairman. We will go to a quarter of one if you like.

Senator Lausche. Yes.

WHAT IS OBJECTIVE OF THIS MEETING?

I would more clearly be able to see what is sought to be proved if I knew the objective of this meeting. One, were we trying to prove we were in territorial waters of North Vietnam and, therefore, North Vietnam had the right to shoot at us?

Two, are we trying to prove we were not shot at and that we initiated the shooting under a misapprehension of the facts?

Two avenues are sought to be followed, and there is nothing clear in what has been developed this morning after two and a half hours of what the real objective of this meeting is.

It looks to me as if it is trying to put the United States in a bad light and the North Vienamese in a good light, and I cannot subscribe to that.

Senator Morse. Mr. Chairman, could I say something about procedure?

The Chairman. Senator Morse.

Senator Morse. It is easy in situations such as this for sincere men with some different viewpoints trying to find out, to check their own viewpoints against the evidence that the Secretary of Defense can offer us, to take the position that we are trying to put our country in a bad light, as Senator Lausche suggests.

There is no basis for that at all. I think this is so important that we try to find a way of reaching an understanding with regard to the Gulf of Tonkin.

I am not convinced by anything the Secretary has said this morning that we followed the proper course in regard to the *Maddox* and the *Joy* in reference to this incident, and that is why we want his answers to these cables, and we want the supplements to these cables of information we do not have, anything that he can give us.

There is still every reason for my continuing to believe that we followed an unwise course of action in the Tonkin Bay incident, and that we do not have clean hands in regard to what happened over there. It just happens to be my honest opinion. But that does not mean I am not going to change it before this hearing is over.

So the procedural point I make, Mr. Chairman, I think we ought to continue. I think this has been very beneficial. Each person will get his turn to discuss this.

I think you have done a magnificent job in carrying out this meeting. We ought to meet this afternoon, but whatever hours the Secretary has indicated are necessary would be of assistance to us. I am not so sure that you can finish it this afternoonn. If you cannot, we ought to meet tomorrow morning. This is the last opportunity that we will have to talk to the man, who is the best witness in regard to helping us get the facts because he was Secretary of Defense at the time, and I hope that there will be no attempt to restrict the chairman or any other member of this committee from taking the time we need to carry out what we think our duty is.

Senator Gore. Mr. Chairman, could I have a half minute to answer, to attempt to answer, Senator Lausche's question?

The Chairman. Yes.

EXAMINATION OF TONKIN INCIDENTS

Senator Gore. Before you entered the room, Senator Lausche, the chairman stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin in the process of examining the decisionmaking process of the United States in a crisis; is that correct?

The Chairman. That is correct.

Senator Gore. Now, the country, rightly or wrongly, has taken itself—has been taken into a war that has proved rather disastrous, and it is important not only from the context of history but for the future of our country to examine this particular incident and develop the truth. Insofar as I am concerned, I share in the objective the chairman stated, as the chairman stated it.

The Chairman. That is correct. This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution.

I do not accept that definition, but in any case that is what Under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country and to this committee.

Senator LAUSCHE. The paper that was submitted in the last 2 weeks, and which I read, premised its judgment or its implied recommendations on the claim that we were never fired upon, that there was proof of those on the ship who said, "We saw no torpedoes," and the implication was that we initiated the firing.

Well, today I do not know, the questions are directed not to that, to proving that point, but to prove the point that we were in waters in which we were not allowed to be and, therefore, the Communists had the right to shoot at us.

I do not know which direction you are moving and in trying to establish some conclusions as a consequence of this meeting.

The CHAIRMAN. Mr. Secretary, then with your permission we will go until a quarter of one.

I would like to get through this because then each member will be called upon for his own questions. These questions are all based upon official documents which we have received, and that is why I thought it was important to address the initial questions to them.

I will go through one or two more before we adjourn.

NATURE OF INFORMATION RECEIVED BY "MADDOX"

Mr. Secretary, some 15 hours before the second incident on the 4th of August, the *Maddox* sent a message to the commander of the 7th Fleet stating that evaluation of information from various sources indicated that the North Vietnamese considered the patrol directly involved with the South Vietnam attacks on North Vietnam. These attacks, as has been stated, took place on the night of the 3d and 4th of August.

Could you tell us what the nature of this information that the *Maddox* received was?

Secretary McNAMARA. Mr. Chairman, I have already responded to that question. It was asked an hour or so ago, and I stated then that the *Maddox* had not received any information that would have supported such a conclusion.

Captain Herrick, the man who wrote the cable, testifies today he can recall no information that would have supported the conclusion and, as I mentioned, a North Vietnamese prisoner stated that the North Vietnamese separated the patrol from the operations, knew they were not connected.

Senator CASE. Was the cable sent?

The CHAIRMAN. Yes. This is a cable from the *Maddox*.

Senator CASE. No question about that, Mr. Secretary?

Secretary McNAMARA. Oh, no, no.

The CHAIRMAN. This was the language I mentioned.

Senator CASE. Is there a suggestion that somebody else other than the commander sent a cable?

The CHAIRMAN. No. Who was the commander?

Secretary McNAMARA. Herrick.

The CHAIRMAN. Where is he now?

Secretary McNAMARA. He is in this country.

The CHAIRMAN. What is his assignment?

Secretary McNAMARA. I think he is in the Norfolk area.

The CHAIRMAN. He was the then commander of the *Maddox*?

Secretary McNAMARA. He was the commander of the task force.

The CHAIRMAN. Who was commander of the *Maddox*?

Secretary McNAMARA. He was CTG 72.1 who was superior to the commander of the *Maddox*. They embarked a task force commander onboard the *Maddox* in addition to the commander of the *Maddox* itself.

The CHAIRMAN. Just for the record, who was the commander of the *Maddox*?

Secertary McNAMARA. I do not know.

The CHAIRMAN. Commander Ogier?

Secretary McNAMARA. Yes.

The CHAIRMAN. Who was commander of the *Turner Joy?* Barnhard?

Senator GORE. Who sent the cable?

Secretary McNAMARA. Herrick sent the cable.

Senator MORSE. Do I understand he was on the *Maddox* when he sent the cable?

Secretary McNAMARA. Yes.

Senator CASE. Now he says he did not have any——

The CHAIRMAN. Justification for it.

Secretary McNAMARA. This was speculation on his part, and says he has no basis for speculation.

The CHAIRMAN. What I was really asking for, he says from various sources. I assumed this to have been some of these messages that we have previously talked about.

Secretary McNAMARA. We have gone over all the messages and I know of no information in them that would lead to such a conclusion, so I can only conclude that it was sheer speculation, unfounded speculation.

Frankly, I have in my own mind an explanation of why he sent it, but I do not think it bears on the issue at hand, and I am not going to repeat it to you.

WHY WAS PATROL NOT BROKEN OFF?

The CHAIRMAN. For the record, why was the patrol not broken off if we were certain that the North Vietnamese considered our ships part of an attack on North Vietnam?

Secretary McNAMARA. We were not certain they considered it. We had every reason to believe that they did not believe our ships were preparing to attack North Vietnam.

The CHAIRMAN. They did not?

CABLE FROM THE PHILIPPINES

As to the second incident itself, I want to read a cable sent to Washington in the immediate aftermath of the second incident by the Naval Communications Center in the Philippines. I want to note, as background, that this naval facility had monitored all of the messages coming from the *Maddox* and the *Turner Joy* during the incident. The text of the message from the Philippines, after review of all the reports from the *Maddox* and *Turner Joy*, reads as follows:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

With a cable like this coming from the Philippines, it seems to raise a very serious question as to why, in view of this suggestion, at least some reasonable investigation or delay in time in order to clarify was not taken.

I think, Mr. Secretary, you will have to admit that this was a pretty clear warning that there were some uncertainties about the situation.

Secretary McNAMARA. Mr. Chairman, let me make sure we have the right cable so we can all be talking about the same thing.

The CHAIRMAN. Mr. Bader, bring the document.

Secretary McNAMARA. Give me the time date, let me get it from them.

[Deleted.]

The CHAIRMAN. Will you place it in time context?

Secretary McNAMARA. Yes. You say that is from the Philippines? My message in front of me indicates it is from the commander of the task force.

COMMUNICATION FROM PHILIPPINES SUGGESTS ATTACKS UNCONFIRM

Mr. BADER. It is from the Communications Center, Philippines to CINCPAC Fleet, and then it——

Senator GORE. Read it.

Mr. BADER. It is the same cable that the Senator just read:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather——"

Secretary McNAMARA. Let me look at the cable because you may have misidentified it.

Senator GORE. Let him read it first.

Mr. BADER (reading):

"Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

This is a copy of the original cable, Mr. Secretary.

Secretary McNAMARA. I just want to see the identification on the top.

General WHEELER. It is a relay from the commander of the task force.

Secretary McNAMARA. I think I am correct in saying this is a message from the task force commander. It is of some importance, as you will see later, who it came from. The underlying message is here. I will be happy to give it to you. It is exactly the same words.

Mr. BADER. Mr. Secretary, it is marked as NCS Phil.

Secretary McNAMARA. Yes, but that is the relay point. The message from the task force commander goes to the Philippines and then is relayed in here, and that message, therefore, is from the task force commander.

Now, the reason it is important——

The CHAIRMAN. I am not sure it makes it any weaker.

Secretary McNAMARA. I am not arguing. I just want to get the facts straight.

The CHAIRMAN. All right.

Secretary McNAMARA. Now, that message came in to us, I believe, at 1327 on the 4th of August, and it is a message from the commander of the task force stating that atmospheric conditions and sea conditions and other conditions cast doubt on some of the reports of firings, observations, and torpedoes.

Senator MORSE. Is that Herrick again?

Secretary McNAMARA. Yes.

Senator MORSE. He was on the *Maddox?*

Secretary McNAMARA. Yes.

Senator MORSE. And from the *Maddox* he sends this wire which raises questions of doubt.

Secretary McNAMARA. That is correct. At least, that is the way my message reads. It reads "From the Commander of Task Group 72.1," which is him.

Senator MUNDT. Would he be in a better position to know what happened?

SOURCE OF MESSAGE IS IMPORTANT

Secretary McNAMARA. Oh, yes, I am not disputing the point, I am just trying to get the record clear as to where the message came from, and it is important that he raised these points himself.

What would you think we would do when we got it? Well, obviously we were concerned, and we immediately began to examine it, and I have here a whole series of steps we took at that point as to what was done. I personally called Admiral Sharp and brought this to his attention, and said we obviously do want to carry out retaliatory action unless we are "damned sure what happened." Those were the exact words.

The CHAIRMAN. Did you see the cable?

Secretary McNAMARA. I am not sure I saw the cable or whether it was brought to my attention in an oral report. General Burchinal, who was then Director of the Joint Staff, was downstairs a floor below my office, and I had a number of telephone conversations with him, and I do not know whether I saw the document or whether he reported it to me. But anyhow, I got the information, because I then called Admiral Sharp, and I have a transcript of that telephone conversation in which the specific words were, "We obviously don't want to carry out the retaliatory strike unless we are damned sure what happened." Then the instruction was to go find out.

Now, there is a lot of exchange here, Mr. Chairman. You may not want to take the time now to go into it.

Senator MUNDT. We had better wait until 2:30.

Secretary McNAMARA. If you do I am willing to go through it.

The CHAIRMAN. If you wish then, it is a quarter of 1, and we will just resume at this point, if that is agreeable.

Secretary McNAMARA. I will be happy to do that.

The CHAIRMAN. All right.

Secretary McNAMARA. Mr. Chairman, may I say I notice there were press out in front when I came in. It will be my intention to walk out there and say nothing.

The CHAIRMAN. That is mine, and I am going to say I have nothing to say, which is exactly what I am going to say.

(Whereupon, at 12:45 p.m., the committee recessed to reconvene at 2:30 o'clock the same afternoon).

[Afternoon session, 2:40 p.m.]

PRESS RECEIVES SECRETARY M'NAMARA'S STATEMENT

The CHAIRMAN. The press says the Pentagon has released it.

Secretary McNAMARA. We have, Mr. Chairman.

The CHAIRMAN. In view of that, there are some here who said their people called them and they wanted it. You have some copies here.

Secretary McNAMARA. Yes, right. I will tell you what I did, Mr. Chairman. UPI 109, which came out about 1:22 this afternoon, after we had all left here, stated that a member of this committee said today one of the vessels involved in the 1964 Gulf of Tonkin incident penetrated North Vietnam's 12-mile limit. The information was given the committee by McNamara. That is just——

The CHAIRMAN. Who did that?

Secretary McNAMARA. I would rather not say. I have it here if you wish to read it. UPI 109. But that is just contrary to what I said this morning. I cannot stand without having what I said in my statement issued.

Senator COOPER. I have been asked if you said it. I said you did not.

The CHAIRMAN. It says Senator McCarthy said it.

Secretary McNAMARA. That is why I released it.

Mr. Chairman, I had instructed my people under no circumstances to release it and they did not release it until I issued the instructions to them.

The CHAIRMAN. When I went out I said I had nothing to say.

Secretary McNAMARA. So did I.

The CHAIRMAN. They said, "Are you going to have anything to say this afternoon?" I said, "Not so far as I know."

Senator SYMINGTON. Will the chairman yield?

Mr. Chairman, the Navy is up before the Armed Services Committee, and I plan to go back there. Before leaving, however, may I remind us that at a previous meeting I felt we first ought to have somebody discuss this matter, somebody from a "high classification" standpoint, CIA or DIA. We kicked that around a bit.

It is clear the Secretary himself was not alone responsible for the orders out there. Every Senator should have the right to know the full details of what went on, but I would again point out the witness would not be the only one to make any decision.

I would express my regret that any member of the committee said anything to the press if there was agreement not to say anything.

If you will excuse me, Mr. Secretary, I would like to go back and listen to why we need all that money. [Laughter.]

Secretary McNAMARA. Thank you very much much, Senator.

Senator SYMINGTON. It is a lot.

The CHAIRMAN. Well, the committee will come to order.

NAVAL COMMUNICATION RECEIVED FROM PHILIPPINES

We were, when we adjourned, discussing—just for the record I will reread it, a report, a cable, or message that was relayed by the communications—Naval Communications Center in the Philippines, a message that had been sent by Commander Herrick of the task force. It reads:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

To pin it down again, when was that message sent?

Secretary McNAMARA. I believe it was sent—the number date group is [deleted] meaning Greenwich time, and that would mean it was sent at—on the 4th of August at around 1:30 p.m. eastern daylight time.

The CHAIRMAN. What was local time?

Secretary McNAMARA. Local time would have been around 1:30 a.m., August 5.

The CHAIRMAN. Approximately 4 or 5 hours after the attack took place.

Secretary McNAMARA. Yes, perhaps 3 hours.

The CHAIRMAN. Is that approximate?

Secretary McNAMARA. Three hours.

The CHAIRMAN. Three hours afterward and it was received in Washington——

Secretary McNAMARA. Essentially a few minutes.

Senator GORE. If you will yield so that I may relate something.

The CHAIRMAN. Yes.

Senator GORE. One instruction to the task force was that it search the area for debris. Was this after the search for debris?

Secretary McNAMARA. Substantially before the search for debris. I have forgotten the exact times. I can give it to you or insert in the record. It was the following day that the search for debris was to take place.

(The following was subsequently added:)

"The instruction to search for debris was initiated at 5:11 p.m. e.d.t."

Senator GORE. In that connection, did they find any debris?

Secretary McNAMARA. I do not believe so.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. As a matter of fact, this approximately 1:30 a.m. would be on the 5th, would it not? It would have been a.m. of the 5th.

Secretary McNAMARA. That is correct, local time If I said around 1:30, I meant around 1:20, Mr. Chairman.

The CHAIRMAN. 1:20.

Secretary McNAMARA. On the 5th.

The CHAIRMAN. The morning of the 5th.

Secretary McNAMARA. That is correct. Local gulf time.

The CHAIRMAN. That is right.

Well now, will you come back to that message. Did you have something to say?

Secretary McNAMARA. Yes, Mr. Chairman; if I may take a few minutes of your time, I would like to tell you of a sequence of conversation with respect to this subject. Because needless to say we were concerned about the question raised. Although the message itself does not state that he questioned whether an attack had taken place, it did say that many reported contacts and torpedoes fired appeared doubtful. So we began then to correlate information and ask for further views and evaluations from the commander in chief of the Pacific.

CONVERSATION WITH PACIFIC COMMANDER

At roughly 2:45 Eastern Daylight Time, which is roughly an hour and 20 minutes later, the commander in the Pacific, or rather the commander of the task force, reported to the commander in the Pacific that he was certain that the original ambush was bona fide. This is a message on [deleted]. Details of the action present a confusing picture, but he had made positive visual sightings of cockpit lights or similar lights passing near the *Maddox*, and the *Turner Joy* reported two torpedoes passed near her.

Then, at 1500, roughly 15 minutes after the report I just gave you, I met, along with Secretary Vance, with the Joint Chiefs of Staff to review all of the evidence relating to the attack, to determine whether, in fact, an attack on the destroyers had occurred. We met for about 2½ hours discussing it, reviewing it, considering particularly the communications intelligence information we had available to us, and then at 1723, which was 2 hours 23 minutes after the meeting started, we received a telephone call from the commander in chief of the Pacific stating that in his opinion the attack had occurrd.

I should have mentioned earlier that about 40 minutes before that telephone call, this is to say at 1640, the commander in chief Pacific had called in stating that he had received the information from the commander of the task group, saying that the commander of the task group was certain the original ambush was bona fide and had made positive visual identification of cockpit lights, and reporting that the *Turner Joy* had reported two torpedoes.

Then, as I say, about 43 minutes after that the commander in chief Pacific called back again while I was still in the meeting with the Joint Chiefs, stating that he was convinced the attack had occurred and that all were satisfied it had.

Then, at 1807, which was 34 minutes after that, the commander in chief Pacific called again, and I was present down in the Joint Chiefs quarters when the call came in. We discussed it, and he stated he was fully assured the attack took place. I stated that I was then convinced that it had, and I released the Executive order on the strike. So that between 1327 and 1807 we were reviewing the information that bore on whether an attack had taken place.

Senator GORE. Would you mind stating again what he said in the call at 1807?

Secretary McNAMARA. Yes. I spoke to the director of the Joint Staff and asked him to make certain that the commander in chief, Pacific was willing to state that the attack had taken place, and therefore that he was free to release the Executive order because earlier in the afternoon I had told him that under no circumstances would retaliatory action take place until we were, to use my words, "damned sure that the attack had taken place."

He confirmed that he believed the attack had taken place. I stated that after my further discussions with the Chiefs and reexamination of all of the evidence, particularly the communications intelligence, that I was convinced it had taken place and therefore he was free to release the Executive order.

COMMITTEE REQUEST FOR RELEVANT INFORMATION

The CHAIRMAN. Were these conversations—did we receive copies of these reports?

Secretary McNAMARA. I do not know that you did, Mr. Chairman.

The CHAIRMAN. It seems to me they are relevant to this situation. Why did we not?

Secretary McNamara. I do not know that anyone asked. Nobody asked me for them. But in any case I will be happy to see that you get such information.

The Chairman. We—I think we should have them. As I told you in the beginning, obviously we cannot know all that is available. It was my understanding with Secretary Nitze that all relevant communications would be made available. It seems to me this certainly should be made available. They do not involve any highly secret matters, and I think all of it should be made available.

Secretary McNamara. Mr. Chairman, I am quite happy to make it available to you. Nobody queried me about it. These were conversations I had with Admiral Sharp. I do not know all of the records that are available in the Department on such matters. But I know what I said to him, and I will be happy to check to see whether there are records.

(The check is in progress according to the Department of Defense.)

Senator Lausche. What was Sharp in charge of?

Secretary McNamara. He was commander in chief of the Pacific at that time.

Senator Lausche. Pacific.

Secretary McNamara. Yes, and had his headquarters in Hawaii.

The Chairman. I do not think I recall seeing any records of conversations of that kind, Mr. Bader; did we?

Mr. Bader. I did not hear.

Mr. Marcy. No, sir; we did not have any conversations.

The Chairman. I think we should have all of those that are relevant to this situation. It was my understanding that we were to be given those, with the sole exception of that one communication that you said was an intercept.

Secretary McNamara. Mr. Chairman—pardon me, sir.

Senator Lausche. May I put a question at this time, Mr. Chairman?

The Chairman. Sir?

Senator Lausche. May I put a question?

The Chairman. Yes.

Senator Lausche. The report that was submitted to us by the staff indicated that the commander of the Pacific sent a communication back to the commander of the 7th Fleet asking that a careful check be made to make certain that there was an attack and that communication indicating that the commander of the Pacific was in doubt has been used as the basis of a charge that there was no attack made. Will you comment on that?

Secretary McNamara. Yes.

DOUBT ABOUT ATTACK

The commander in the Pacific at one point was in doubt—I do not believe as to whether an attack had been made, but as to the character of the attack and the details of the attack and his doubts occurred for at least two reasons: First, because he had received a copy of the message that we referred to a moment ago, message [deleted] from the commander of the task force reporting questions about certain of the details of the incident, and, secondly, the commander in the Pacific expressed doubts because I, having seen the same message, called him on the telephone and said I had seen it. I had doubts as to the details. I wanted him to examine them, supply me additional evidence and, to use my words, "be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated, at least to the point of justifying retaliation."

Senator Lausche. Then the use of the commander of the Pacific's communication to the commander of the 7th Fleet asking for extreme caution was the consequence of talks which you had with the commander of the Pacific that no retaliatory action be taken unless it was damned certain that there was an attack.

Secretary McNamara. That was one of the two contributing factors, the other being the cable he had gotten from the commander of the task force.

Senator Lausche. I might say that the report filed with the committee, the secret report, predicated doubts about the alleged—about the attack, because the commander of the Pacific asked for further information wanting to make certain.

Senator Gore. Mr. Chairman, I must say again that is not an accurate statement. I would like my friend from Ohio——

Senator Lauche. Point out where it is not an accurate statement.

Senator Gore. I will not take the time now, but I will be glad to do it privately.

Senator Lausche. Point out where it is not, because that is the communication that went through.

Senator Gore. My friend from Ohio is all emotional about this.

Senator Lausche. I certainly am.

Senator Gore. But it is not an accurate statement. I will be glad to point it out to you privately.

Senator Lausche. Yes.

The Chairman. Proceed, Mr. Secretary.

Secretary McNamara. Mr. Chairman, that covers my comment on the details of the incident.

The Chairman. Is it understood you will make available all of the conversations during this period relative to this attack?

Secretary McNamara. That we have a record of; yes. I am not certain, Mr. Chairman, how much record we have. Generally speaking, there are no records made of telephone conversations in the Defense Department other than communications that happen to go through a very special channel, which is the channel of operational command. I do not allow any recordings, I have none in my office, and there are no recordings made of conversations in any other offices of the building with this single exception of the operational command channel.

I do not know how much of this will be recorded. I will have to examine it to see.

The Chairman. What is the source of your statement there?

Secretary McNamara. The source of my statement is my memory of what I myself said and did, since I am reporting on my own conversations.

The Chairman. I see.

Secretary McNamara. May I say one further thing? A moment ago someone mentioned that you understood you had been given all information excepting for one communications in intelligence message. There were many communications intelligence messages that bore on this, at least nine, that I would like to acquaint you with this afternoon. I do not—if we have misled you to believing there was only one, I regret it. I am just commenting on the statement that someone made a moment ago.

CLASSIFICATION OF COMMAND AND CONTROL STUDY

The Chairman. Are these matters you are talking about now in the study that was prepared, the command and control study, which was not given to us?

Secretary McNamara. I do not know how much of it was in there. It does not bear a communications intelligence classification. I do not know why it does not. It is classified top secret. If it were to be—if it were based on communications intelligence and referred to it, it would have to be more highly classified. I myself cannot explain whether he did or did not have access to it. I have asked people to look into it. This is one of the problems I have with it. We do not know exactly what access the author had to all the information available. I know he did not talk to me. I know he did not talk to General Wheeler. I do not believe he talked to others who participated in the decisionmaking and evaluating process.

The Chairman. If I can clear up a point, did you agree this morning to make that study available to the committee?

Secretary McNamara. If the author of it had access to raw material such as to allow him to give a balanced picture of it—and I frankly do not know—it is a very long, long detailed study. I understand it was for the purpose of examining some of the procedures of the Joint Staff. The Chairman of the Joint Chiefs was not aware of it. I have not been aware of it. Neither one of us has yet had time to examine it in detail. I cannot tell you to what degree the author was acquainted with all of the facts relating to the incident. I know he was not acquainted with the facts I had in my mind because he did not ever talk to me about it.

Senator Gore. Mr. Chairman, if the chairman will yield.

The Chairman. Yes.

Senator Gore. Well, even though that be the case, it seems to me it would contribute to the probity of this procedure if we had the report and study, together with such information as the Secretary and his assistants think was lacking by reference or availability to the author. I hope the committee is going to dig quietly and thoroughly into this whole proposition because this is a very fundamental question about the decisionmaking process, and a question of war or peace.

The Chairman. It is.

Senator Gore. And I would hope that the Secretary would make it available, together with such deficiencies as in his view it suffered.

VERIFICATION OF INCIDENT WAS ADEQUATE

The Chairman. That raises a question, Mr. Secretary, that is after the incident in September I understand you convened a formal inquiry into that incident, is that not right?

Secretary McNamara. I think that I first sent out certain representatives of my own on an informal basis to check—to see whether there was sufficient basis for questioning whether the incident took place, and then later asked the Navy to set up an investigating group, Mr. Chairman.

The Chairman. That was not done on the August 2 one.

Secretary McNamara. No.

The Chairman. Why not?

Secretary McNamara. Or August 4.

Because the information was persuasive that it took place. I myself had doubts as to the incident of September 18 right from the beginning of the set of reports we received on it. It was not preceded by, nor accompanied by, nor followed by intelligence reports of the kind that we had available to us on both the August 2 and August 4 incident.

The Chairman. Is that all you have then to say on that matter from Commander Herrick?

Secretary McNamara. Yes, sir, it is.

The Chairman. Who was the sonarman on the *Maddox* to whom he refers—an overeager sonarman—do you know?

Secretary McNamara. I do not know whether he said man or men.

The Chairman. It says man.

Secretary McNamara. I can find out the name of the man.

The Chairman. I just thought you had it there. If you could supply it for the record.

Secretary McNamara. Surely, I would be happy to.

(The following information was supplied:)

To the best of our knowledge, his name is David E. Mallow, Sonorman Third Class.

The Chairman. You said this morning Commander Herrick is in Norfolk.

Secretary McNamara. Norfolk, I believe.

I believe the message says "men," not "man," "overeager sonarmen."

The CHAIRMAN. Was there more than one?

Secretary McNAMARA. Well, at least the message says "men."

TIME OF ORDER FOR ATTACK

The CHAIRMAN. When was the order you mentioned a moment ago, the executive order——

Secretary McNAMARA. Execute order.

The CHAIRMAN. When was that issued?

Secretary McNAMARA. When was it what, sir?

The CHAIRMAN. When did you authorize it to be sent?

Secretary McNAMARA. At——

The CHAIRMAN. What time?

Secretary McNAMARA. 1807 eastern daylight time, August 4.

The CHAIRMAN. Which would be?

Secretary McNAMARA. 6:07 p.m.

The CHAIRMAN. Out there?

Secretary McNAMARA. Which would be in the morning out there.

The CHAIRMAN. Just 12 hours different, is it not?

Secretary McNAMARA. That is right, exactly; 6:07 a.m. August 5, gulf time.

The CHAIRMAN. Right. That was approximately 8 or 10 hours after the attack.

Secretary McNAMARA. That is right.

The CHAIRMAN. I will proceed with these others.

A review of the communications sent by the *Maddox* and *Turner Joy* during and after the incident on August 4 suggests that there was much confusion on the ships and contradictory information coming from the ships. Are you personally satisfied that the evidence then available of the second attack on these vessels was so conclusive that it was reasonable for the United States to retaliate by sending 64 sorties against North Vietnam?

Secretary McNAMARA. I am, Mr. Chairman, and in answer to the question, rather than take your time, I would like to have inserted here the first full paragraph on page 19 of my statement including the 10 or 11 bits of evidence available to me at the time the execute order was sent establishing beyond any reasonable doubt that the attack took place.

(The following information was subsequently supplied:)

"Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

"An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

"Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

"Reports from the ships that they were being approached by the high-speed vessels and an attack appeared imminent.

"Reports from the ships that they were under attack.

"A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.

"A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

"An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.

"Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

"An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

"A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

"A report from the Commander-in-Chief, Pacific that he had no doubt that an attack had occurred."

COMMAND AND CONTROL REPORT

The CHAIRMAN. The committee has information that the Department of Defense has a report on the operational command and control procedure during the second incident. Our information is that this study includes the text of communications between President Johnson anud Admiral Sharp and others during the period when the critical decisions were being made. I understand that you have reviewed this study yourself; is that correct?

Secretary McNAMARA. Which study are we talking about, Mr. Chairman?

The CHAIRMAN. I did not know there was but one, on the operational command and control procedures, the one to which we have already referred.

Secretary McNAMARA. I have not read the entire study. It is a very thick document. I first learned of it a few days ago when you asked for it. I asked my staff to get it for me at the time. They did. I glanced through it. It raises lots of questions, one, because its classification is not high enough to indicate that it covers all of the intelligence information which contributed significantly to our conclusion that an attack took place and, two, I know that the author of it did not discuss with me, and I am told he did not discuss with General Wheeler, events which took place during the day, and there are certain events which took place during the day that only General Wheeler, or I, or the President, or one or two others whom the author did not contact, had knowledge of.

I am not aware, for example, of any communication between President Johnson and Admiral Sharp.

General Wheeler, do you know of any?

General WHEELER. I know of none, sir.

The CHAIRMAN. Who was the author?

Secretary McNAMARA. What was the author's name?

General WHEELER. Ponturo. He was an employee of the Institute for Defense Analysis.

The CHAIRMAN. How do you spell his name?

General WHEELER. I do not know. I would say P-o-n-t-u-r-o.

The CHAIRMAN. Ponturo. Is he still there?

General WHEELER. Yes; he is, sir.

Senator GORE. Mr. Chairman, do I understand he made an unauthorized study or was it authorized?

STUDY NOT BROUGHT TO THE ATTENTION OF PENTAGON CHIEFS

Secretary McNAMARA. He made a study for one of the sections of the Joint Staff on certain procedures and operations that that section was interested in. The study was not brought to the attention of the Chiefs and it was not brought to my attention, and I am not familiar with how he made it or what access he had to information that bore on the attack.

Senator GORE. Are copies widely distributed in the Department?

Secretary McNARAMA. Not to my knowledge.

Senator GORE. How many are there?

Secretary McNARAMA. I do not know.

The CHAIRMAN. General Wheeler, do you know about that?

General WHEELER. In the first place, this was not a study. It was a critical incident report. I understand that there were some 40 copies made. It was never coordinated within the Joint Staff. It has been the practice within the Joint Staff to have a series of examinations of staff procedures, and this was one of the inputs to the methodology of improving our staff procedures, Mr. Chairman.

The CHAIRMAN. Is this the only attempt to bring together these various elements in one place? Is there any other study?

General WHEELER. I know of no other, Mr. Chairman.

The CHAIRMAN. This is it. If there is one, this is it.

General WHEELER. This it is, and, as I say, until a request was made the other day, just like Mr. McNamara, I had never heard of this study or critical incident report or whatever you want to call it. And it had never been reviewed by the Joint Chiefs. It had never been subjected to cross check within the Joint Staff, and, as the Secretary indicates, scanning it, which is all I have had time to do, I find errors of fact and I believe omissions that would be pertinent to any definitive study of the operation.

The CHAIRMAN. Would either of you be willing to inform the committee as to what you do or you have observed in this report or do you wish not to?

Secretary McNAMARA. I would rather not, Mr. Chairman, because I have not had time to read this. I have been testifying before committees of Congress in the last 2 weeks and this is a document of great length, and I have not read it.

General WHEELER. I have read maybe a half dozen pages, Mr. Chairman, and that is all. And any comment I make would be incomplete and maybe misleading.

The CHAIRMAN. All right.

Does either the study of your own knowledge indicate there were considerable delays in receiving information from the ships and that as time went on there was increasing evidence throwing doubt on whether there had been an attack at all?

Secretary McNAMARA. Absolutely not.

Mr. Chairman, I would like at some point, subject to your permission, to review in detail the communications intelligence information which was very important in its effect upon our interpretation at the time of other evidence we received and very important in its influence on our decision at the time that an attack had taken place.

Senator MORSE. I think that is very important.

The CHAIRMAN. Pardon me?

Senator MORSE. I think it is very important whenever you want to have the Secretary do that that it be done.

The CHAIRMAN. I do, too.

SPECULATION ON NUMBER OF TORPEDOES FIRED

In the reports of the attacks from the ships on August 4, the figure of 22 torpedoes is given as the number of torpedoes fired at the *Maddox* and *Turner Joy*. How many North Vietnamese patrol boats would have had to have been 65 miles at sea at the time of the incident in order to fire 22 torpedoes?

Secretary McNAMARA. I do not know, Mr. Chairman. I am not entirely sure how many torpedoes each of the boats carried, but we had reason to believe at the time that there were not a large number of torpedo boats participating in the attack.

The CHAIRMAN. Then the report that there were 22 is still in error.

Secretary McNAMARA. I think it probably was. The report that came in from Admiral Sharp, after he began his investigation of the details, stated that the *Turner Joy* reported two torpedoes passed near here.

The CHAIRMAN. I think we have been told by someone that a PT boat carries two torpedoes. Does your staff know about that?

General WHEELER. That is correct.

The CHAIRMAN. Is that not correct?

General Wheeler. That is generally.

The Chairman. Does a Swatow boat carry torpedoes?

Secretary McNamara. A Swatow does not carry torpedoes.

Senator Morse. Could I ask a question there, because you raised it, and I was going to ask the Secretary later.

On page 17 of your statement this morning you said:

"In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

Before I jump to a conclusion, I thought that if the Swatow boats attacked, they would attack with torpedoes but apparently they make some other kind of attacks.

Secretary McNamara. They have guns, but they do not have torpedoes, Senator Morse.

Senator Morse. Do they have heavy-caliber guns?

Secretary McNamara. No; relatively light, 37-millimeter guns, and it was this information that we had available to us that caused us to question some of the reports of numerous torpedo attacks.

The Chairman. It is unusual for a Swatow with a 37 millimeter to attack a destroyer with 5-inch guns anywhere under any circumstances, is it not?

ORDER FOR SWATOWS TO ATTACK

Secretary McNamara. Well, Mr. Chairman, I am prepared today to show you the order to Swatows to do that.

Senator Morse. How fast can they go? Can they catch a destroyer?

Secretary McNamara. Yes.

General Wheeler. They can do 43 knots.

Senator Morse. They can?

Senator Pell. Excuse me; if I may interrupt for one second. You mean there is available, there can be shown to us, an operational order directing a small light ship armed only with machineguns to attack a destroyer?

Secretary McNamara. Yes.

The Chairman. Do you wish to do it at this point?

Secretary McNamara. Yes, I will have to ask the room be cleared of all personnel for special——

The Chairman. Why do we not finish these and then we will come to that. I did not know that was necessary.

Secretary McNamara. Very good.

The Chairman. Did the North Vienamese use shipboard radar during the attack?

Secretary McNamara. I believe the answer is "Yes," but I cannot say for sure.

General Wheeler. Yes; there is one message which talks about being painted by what they thought was a skinhead radar, and the skinhead is a name for a type of radar, a surface-search radar, which is carried on a Swatow-class vessel.

The Chairman. Skinhead is a strange name. What does that mean for a layman?

General Wheeler. All it is, it is a surface-search radar.

The Chairman. Surface search.

General Wheeler. Yes.

The Chairman. And you are saying that the Swatow did have skinhead radar?

General Wheeler. They do have them, and, as I say, there is one message in the events leading up to the attack. The commander reported that he thought he had been contacted by a skinhead-type radar.

The Chairman. What was that message from? Who was it from?

General Wheeler. I will have to locate it, Mr. Chairman.

The Chairman. Do we have that message?

Mr. Bader. Senator, that is the summary of the attack from the ship itself.

The Chairman. This is from the *Maddox*.

Mr. Bader. It is from the *Turner Joy*. But this is a summation.

General Wheeler. (reading):

"The commander of Task Force 72.1 reported at (deleted) hours position of vicinity of Point Delta, suspect Red Shadow 15 miles to west. Skinhead radar detected on same bearing."

The Chairman. What is the time of that message?

General Wheeler. It would be roughly, 2:30 in the morning, eastern daylight time.

Captain Sweitzer. The daytime group is (deleted) Zulu.

The Chairman. The time, the local time?

General Wheeler. The local time would have been around 1430.

The Chairman. Is that 2:30?

General Wheeler. Around 2:30 in the afternoon.

The Chairman. A.m.

General Wheeler. No, p.m. I gave it to you first in eastern daylight time.

The Chairman. You mean long before the attack?

General Wheeler. Yes.

The Chairman. This was very early in the game, before——

Captain Sweitzer. It is the afternoon. The attack took place that evening.

The Chairman. This was about 6 hours before the attack took place?

General Wheeler. Roughly.

The Chairman. Is that correct?

General Wheeler. That is correct.

The Chairman. It was the afternoon of the 4th at approximately 2:30. I thought it was afterward. Read that again. I am getting the picture now.

General Wheeler. It said:

The commander of the task force reporting his position as being in the vicinity of Point Delta. Suspect shadow 15 miles to west, skinhead radar detected on same bearing.

The Chairman. Is that the only evidence of a radar being used?

General Wheeler. I cannot answer the question.

LOCATION OF TORPEDO BOAT

Senator Gore. Mr. Chairman, Point Delta is close to the Vietnamese coast, and I do not know what would be unusual about a torpedo boat or some other Vietnamese craft being at that point.

The Chairman. How close is it to the island?

Senator Gore. It is not—if you look on your map, it is not near the island. It is up here.

The Chairman. At the top.

Senator Gore. Just judging from this distance, I would say it is maybe 12 miles or 15 miles, something like that, from the coast.

The Chairman. I see. What I was trying to understand in my question here and I will ask if the North Vietnamese used shipboard radar during the attack. Yours is long before the attack, 6 hours before the attack.

General Wheeler. Then I responded incorrectly, Mr. Chairman. I do not recall any message reporting anything during the attack. I wanted to make the point here. Since you asked about radar, I was making the point that shipboard radar associated with Swatow type vessels were in the vicinity——

The Chairman. I see.

General Wheeler. Of the task group.

Senator Gore. Mr. Chairman, would there be anything particularly significant about a Vietnamese Swatow boat being within the coastal——

General Wheeler. The only point I am trying to make, Senator, is this: He reported he suspected a shadow 15 miles to his west, a vessel that was shadowing him and using radar to keep him under detection.

Senator Gore. If he was near the Point Delta which I am advised here was 11 miles east of the Vietnam east coast, and if he observed a Swatow some miles west of them, that would mean that he observed maybe, if that is what it was, a Vietnamese Swatow somewhere along the Vietnamese coastline.

General Wheeler. This would be possible, yes, sir.

Senator Gore. What would that indicate?

General Wheeler. The point I am trying to make, Senator, is that he felt he was being shadowed by this vessel. The vessel was following him and tracking him, keeping him under observation.

Senator Gore. Would that be unusual if a U.S. vessel were 11 miles off the Vietnamese coast, would it be unusual for a Vietnamese Swatow or gunboat to be watching somewhere between him and the coast?

General Wheeler. Well, I would say that in the past De Soto patrols there had been intermittent contacts but not the steady contact that the task force commander was reporting.

Senator Gore. I do not wish to be niggling about it, but it just does not seem to me it shows anything.

The Chairman. Let me see if we can get to this. If during the attack the *Maddox* and *Turner Joy* detected this radar, they would report that, would they not, during the attack?

General Wheeler. I am not sure, Mr. Chairman. I cannot answer the question.

MEANS OF LOCATING AMERICAN VESSELS

The Chairman. Let me ask you, if there was no radar, how would these patrol craft manage on a dark night, which the Secretary has already described, to find the *Maddox* and *Turner Joy* 65 miles at sea, how would they possibly locate them without radar?

General Wheeler. They could be using some variety of radar, which is one way of doing it. I have some naval officers here. Maybe they could advise me better as to other ways they might do it.

The Chairman. Would radar be the normal way for this kind of a boat to locate another?

General Wheeler. I have been given three answers. They could track on the wakes of the destroyers, they could have been vectored by radars on the shore, or they could have been vectored from Swatows over the horizon.

The Chairman. Well, in the *Turner Joy's* communication of the 5th, it is hard to identify this, the date time is [deleted] says this: "Estimate the PT's attack originally. However must admit two factors defer. No ECM"—which I take it is electronic activity—activity from PT boats. However, tactics seem to be to bore-sight on wake thus accounting for lack of radar signals. No sonar indications of torpedo noises even that which passed down side. Self noise was very high."

In other words, he is saying there was no radar signal during the attack. He says no sonar indication or torpedo noises, even that which passed downside. Self-noise was very high. We gather from other messages that when these destroyers rev up to 30 knots or more, that it interferes with the operation of the sonar; is that correct?

General Wheeler. That is my understanding.

The Chairman. That is my understanding from this. So it would indicate there was no radar during the attack.

Mr. Secretary, I will try to get on with this. Are you satisfied that the command and control techniques then used were adequate and that the President had such reliable information available to him that he could reasonably have ordered the air strikes against a nation with which we were not at war?

Secretary McNamara. Yes, sir, I am.

SCOPE AND RETALIATION

The Chairman. Why did the United States consider it necessary to retaliate against

North Vietnam in a manner so completely disproportionate to the nature of the offense?

Secretary McNAMARA. Mr. Chairman, I do not believe it was disproportionate to the offense. We had had two attacks on U.S. naval vessels operating on the high seas in an entirely legal fashion. One of the attacks occurred after a warning from the President that we would continue to operate in those waters in a legal fashion and that a further attack would have grave consequences. The attack itself was very limited in character; it was directed against the bases of the attacking boats and their petroleum support facility. It was not followed by any further actions.

The CHAIRMAN. How many missions were flown against the installations on the shore?

Secretary McNAMARA. I cannot give you the answer from memory, but I will be happy to insert it here.

(The following information was supplied:)

"64 attack sorties were flown against the installations."

The CHAIRMAN. Well, there were 64, were there not?

Secretary McNAMARA. I do not recall the number.

The CHAIRMAN. Why do you call 64 missions such a limited attack occurring within hours after that? I think that is a very vigorous attack.

Secretary McNAMARA. It is a limited response because we attacked such low-value targets as the bases of the PT boats instead of the much more important military targets that lay within the range of those 64 flight paths.

The CHAIRMAN. Why did we not take the issue to the United Nations before retaliation?

Secretary McNAMARA. We had no reason to believe the United Nations could have acted in any effective manner.

The CHAIRMAN. Why did we not protest to the International Control Commission as the North Vietnamese did on July 31, 2 days before the first incident, when Hanoi formally protested the attacks on its islands?

Secretary McNAMARA. Because the International Control Commission has a record of failure in investigating incidents of this kind and has consistently refused to extend its operation to the point where it can investigate them effectively.

Senator LAUSCHE. May I ask a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. Do you know of any incident in which the International Control Commission, I think made up of Canada, Poland, and India, has taken action when requested so as to bring about a settlement of disputes.

Secretary McNAMARA. I know of none. I know of some cases, some of them quite recent, where it has even refused to accept outside help offered to it when the ruler of the nation in which it is located has asked that it increase the effectiveness of its investigation.

ROLE OF THE UNITED NATIONS

Senator LAUSCHE. Have we gone to the United Nations asking it to intervene in South Vietnam and has the United Nations in any event intervened?

Secretary McNAMARA. The United Nations has not taken effective action with respect to South Vietnam although we have on many occasions indicated our willingness to have it act in the situation.

Senator LAUSCHE. Why has it not taken action?

Secretary McNAMARA. Senator Lausche, I can only conclude——

Senator LAUSCHE. Well, Russia will not permit it to do it.

Secretary McNAMARA. Yes.

Senator LAUSCHE. So the questions why we did not go to the International Control Commission and why we did not go to the United Nations are answered by the fact that neither of those agencies have ever exercised the authority assigned to them.

The CHAIRMAN. I do not wish to argue about it.

Senator LAUSCHE. But your questioning implies——

The CHAIRMAN. I do not think it is correct. I think your statement is quite in error.

Senator MORSE. We never submitted a resolution to the United Nations that meets the law—never.

The CHAIRMAN. It is not the issue in this case about Vietnam. The North Vietnamese did protest after the attack on the 31st, which was just a few days before, to the ICC.

Mr. Secretary, when was the decision made to bomb North Vietnam?

Secretary McNAMARA. The execute order was released at 1806, I believe, 1807.

The CHAIRMAN. That is the issue.

Secretary McNAMARA. On the 4th of August.

The CHAIRMAN. When was—was there no consideration of this prior to that time?

Secretary McNAMARA. No decision was made prior to that time, Mr. Chairman. The consideration of it, the discussion of it, had proceeded all day long starting at the Department of Defense level at about 10 o'clock that morning.

The CHAIRMAN. And the decision to execute it was deferred until after the attack, but the orders were already made, is that right?

Secretary McNAMARA. No, sir; consideration of it was not even undertaken until we received a message indicating that the North Vietnamese had issued orders to initiate the attack. The discussion of it took place during the attack and after the attack, and the execute order was issued after we were certain in our own mind that the attack had taken place and that it was intentional.

The CHAIRMAN. So that you are certain that no decision was made to attack North Vietnam prior to the issuance of the execute order.

Secretary McNAMARA. I am positive of that.

The CHAIRMAN. General Wheeler told us during the August 6 hearings that the North Vietnamese patrol boats were found dead in the water at their base as the U.S. aircraft attacked. If the North Vietnamese had actually attacked the *Maddox* and *Turner Joy*, why would they leave offensive patrol craft tied up at the dock without any alert?

General WHEELER. I suppose they presumed since we had not retaliated against them after the first attack on *Maddox* that we would not retaliate when they had a second attack, Mr. Chairman.

Senator LAUSCHE. May I on that item comment. Why did we leave the *Pueblo* unprotected and unguarded when we were in there?

The CHAIRMAN. Well, I remember from your testimony it strikes me that they are extraordinarily stupid. If after having attacked at approximately 9, 10 o'clock in the evening, that all those boats are in their berths only a few miles, 60 miles away without any alert at all, sitting there quite vulnerable to destruction from attack—I would not do that.

General WHEELER. I would say there were two factors, Mr. Chairman. The one I mentioned a moment ago and the other would be the speed with which we retaliated. In other words, had they anticipated retaliation, they probably did not anticipate that we would be quite as prompt.

Furthermore, vessels which had taken part in the attack would undoubtedly have had to replenish after having gotten back to port.

BRIEFINGS ON NORTH VIETNAMESE TARGETS

The CHAIRMAN. Were the patrols and crews that participated in the attack against the North Vietnamese oil depots and patrol bases briefed on their targets prior to the incidents of August 4?

General WHEELER. No, sir; I do not see how they could have been.

The CHAIRMAN. Do you know anything, Mr. Secretary?

Secretary McNAMARA. No, I would say exactly the same thing, Mr. Chairman.

The CHAIRMAN. You say they were not.

Secretary McNAMARA. I do not know how they could have been. There was no plan to attack those targets, no decision to attack them. I do not know any reason why the crews would have been briefed on those targets.

General WHEELER. I was not present for a portion of the day because I had been absent in New York, and I did not get back to Washington until 4:30 of the afternoon——

The CHAIRMAN. What day is this?

General WHEELER. This was the day of the 4th, Mr. Chairman. In my absence the Secretary had met with the JC's on a couple of occasions, and when I returned I found that my colleagues were engaged in discussing the types of targets that might be struck and so on. As I recall, they had recommended a series of targets which in turn were recommended to the Secretary, and the targets, after having been modified, were the ones that were finally approved for strike. So I do not see how the pilots could possibly have been briefed prior to the time.

Secretary McNAMARA. Refresh my memory on this. Am I not correct in saying that the time of the strike was influenced in part by Admiral Sharp's statement that he would need time to brief the pilots and load the aircraft?

General WHEELER. That is correct—and load the aircraft.

Secretary McNAMARA. I think we can find that in some message. I believe I remember reading it or hearing it at the time.

General WHEELER. In fact, he said it would be tight, if I recall correctly.

The CHAIRMAN. How long does it normally take to brief—strike that.

How many planes were engaged in making the 64 strikes? There were 64 missions according to the information we have.

General WHEELER. There were about 59 aircraft, all told, Mr. Chairman, that engaged in the operation, and there was a total of 59 in the first wave, and 21 in the second wave on a recycle.

The CHAIRMAN. How many targets were there?

General WHEELER. There was a total of six all told, I believe.

Senator LAUSCHE. Mr. Chairman, many I ask a question?

The CHAIRMAN. Just as soon as he finishes.

General WHEELER. Six.

The CHAIRMAN. Six targets.

General WHEELER. Yes.

The CHAIRMAN. How long does it normally take to brief a crew of 59 on a mission?

General WHEELER. I would say that in a case like this you have to get out target materials and so on, and that you would want at least an hour in order to do it, Mr. Chairman.

The CHAIRMAN. Well, how would you account, Mr. Secretary—well, pardon me—yes, Senator?

PRESIDENTIAL APPROVAL FOR ATTACKS

Senator LAUSCHE. Did the President approve these attacks upon the Vietnamese patrol bases?

Secretary McNAMARA. Oh, yes, Senator Lausche. The President was kept informed fully during the day. I was just checking my diary last night as to the number of calls and meetings I had with him and it exceeded 11 during the day and it was late in the afternoon that he approved the attacks.

The CHAIRMAN. Did the President also order a series of additional measures such as sending aircraft into South Vietnam and fighter-bomber aircraft into Thailand?

Secretary McNAMARA. Yes.

The CHAIRMAN. And following that the President came to the Congress, the Senate of the United States, Congress of the United States, asking for the passage of the resolution.

Secretary McNamara. Yes; that is correct.

The Chairman. When does your diary show that the President authorized the attack, what time?

Secretary McNamara. I think it was about 6 o'clock in the afternoon that his final authorization was made. It had been tentatively authorized subject to the final information on the details of the incident earlier in the afternoon. We met some time shortly after 3, and then I talked to him five times after that and it was in the last conversation that it was authorized at about 6 o'clock.

The Chairman. Six o'clock on the evening of the——

Secretary McNamara. August 4.

The Chairman. Of the 4th, which would be 6 o'clock on the morning of the 5th in Vietnam.

Secretary McNamara. That is correct.

The Chairman. Yes.

Mr. Secretary, how do you account for the fact that the North Vietnamese boasted of their attack on the *Maddox* on August 2 and yet vehemently denied that there had been an incident on August 4?

Secretary McNamara. I cannot answer the question, Mr. Chairman. Their damage may have been greater on the 4th than it was on the 2d, I just do not know.

The Chairman. Do you have any idea, General Wheeler?

General Wheeler. I have no idea, Mr. Chairman.

EVIDENCE FROM CAPTURED NORTH VIETNAMESE OFFICER

The Chairman. A North Vietnamese commander who was a squadron commander of the North Vietnamese patrol craft told U.S. investigators after his capture that the North Vietnamese had attacked the *Maddox* on August 2 but that there had been no attack on August 4.[1] This denial was consistent with interrogation reports of several other members of a North Vietnamese naval vessel who were captured by the United States in 1966.

How can we account for this denial when this particular officer gave the United States valuable information that led to the destruction of a number of North Vietnamese installations? In other words, the report we have shows that he did give you quite a lot of information which was very useful in your attacks but he denied there was any attack at all on the 4th?

Secretary McNamara. First, Mr. Chairman, I believe I am correct in saying he was not a squadron commander. This is of some importance because the name of the squadron commander was given to us a year after the interrogation you speak of by another North Vietnamese naval officer whom we captured. We had evidence at the time of the attack that a man by that name participated in the attack and we have the boat number that he was operating from, and it was stated that that boat participated in the attack, so I think that the statement you made is erroneous.

Second, I do not believe he stated there was no attack on the 4th. I think he said he had no knowledge of such an attack.

Third, I do not believe that it is correct to say that his statement was consistent with information of others from other captives whom we interrogated. I am not aware that that is true. It is possible it is true, but I would have thought it would have come to my attention if it was. I am not aware of it.

And finally, most importantly, as I mentioned to you earlier today, in July of 1967 we captured an individual of some rank in the North Vietnamese Navy who gave us the name of the squadron commander in charge of the PT boats participating in the August 2 attack, and it is that name that we had reported to us as having participated in the August 4 attack at the time of the attack, and it is his boat by number that we had reported to us as having participated in the August 4 attack at the time of the attack.

The Chairman. Will you give us the second report——

Secretary McNamara. Yes.

The Chairman (continuing). That you got in 1967?

Secretary McNamara. I would be very happy to.

The Chairman. For the record, I want to complete it, and read what the Navy's own report has to say with regard to this interrogation.

"Extensive interrogation of all potentially—"

this is from the report of the Navy—

"Extensive interrogation of all potentially knowledgeable sources reveals they have no info concerning an NVN attack on U.S. ships on 4 August 1964. They state definitely and emphatically that no PT's could have been involved. They do have knowledge of a U.S. air attack on 5 August in which at least one and possibly three* Swatow PGM's were sunk by ACFT in vicinity of the Gianh River (17–43N/106–30E). Slight damage was also inflicted by ACFT on 2 PT's this date as stated Ref. Alfa.

2. The possibility that Swatows could have committed the 4 Aug attack has also been carefully explored. Here again, however, all sources disclaim any knowledge of such an attack. Based on the experience of interrogations thus far it is very possible that PT boat crews in general might not have heard of this attack since they apparently have little contact with other ship types. On the other hand, source [deleted] obviously has traveled in higher circles and has proved himself exceptionally knowledgeable on almost every naval subject and event of interest. Yet he specifically and strongly denies that any attack took place. When pressed further on this issue he states that if such an attack did take place, it could have been committed by Swatows.

Senator Lausche. Will you comment on that?

Secretary McNamara. Yes. I think, Mr. Chairman, we should stop here and get into this communications intelligence because it bears on this issue and I am afraid that the record will be distorted unless we introduce it at this point.

The Chairman. All right.

Secretary McNamara. With your permission I would like to do so and I would like to ask those who have not received clearance for special intelligence other than the Members of Congress to leave the room if they would.

The Chairman. All right.

(Discussion off the record.)

The Chairman. Mr. Secretary, I would like to ask, I know that your time is very limited—do I understand that you do not wish to come back again at any time before the committee before you leave?

Secretary McNamara. Mr. Chairman, if the committee feels that it is essential that I return, I will in some way or other try to return, but I look at the 10 or 11 days that lie ahead of me. I don't see how it is possible.

The Chairman. We may not.

I would like to ask a few questions.

POSSIBLE APPEARANCE OF OTHER WITNESS

Is there any objection on the part of the Department to our having Commander Herrick who was commander of the task force appear before the committee?

Secretary McNamara. None, no objection.

The Chairman. Mr. Ponturo, is that his name?

Secretary McNamara. In this case——

The Chairman. Ponturo. Is he still in the Department?

Secretary McNamara. He is not an employee of the Department so far as I know. He is an employee of an outside agency, the Institute for Defense Analysis. I don't know whether it would be appropriate Mr. Chairman, for him to appear.

The Chairman. Then you have nothing to do about it.

Secretary McNamara. We have something to do about it because the Institute for Defense Analysis is under contract to the Defense Department; but I just can't answer your question.

The Chairman. Put it this way: the Defense Department will not raise any objection to his appearing; is that correct?

Secretary McNamara. I don't know his qualifications, I don't know just how much he knows about this. I am very reluctant to see witnesses appear for the Defense Department who are not qualified to testify fully and completely on the questions raised to them. I am quite happy to have Commander Herrick appear and testify on anything that relates to his activities there because I know he was present and is a qualified witness.

I don't know Ponturo, I never heard of him. I haven't the faintest idea what his qualifications are. I know nothing about the man and, hence, I am reluctant to say we concur in his appearance.

The Chairman. It is strange he would be given access to all these papers and be given the duty to prepare a report without having him cleared.

Secretary McNamara. I can only tell you I lack knowledge.

The Chairman. General Wheeler, you know nothing about it?

General Wheeler. I know nothing of him, sir. At one time in the operations of the J–3, this is the operation division of the Joint Staff, certain employees of IDA were in there assisting and looking at the Joint Staff operations with an idea of helping us to improve them, and this gentleman was one of several at some time or another who assisted.

The Chairman. They would be of the highest clearance. They wouldn't allow him to assist without being cleared.

General Wheeler. It would depend on what type of operation they are working on, Mr. Chairman. If he were operating in the communications intelligence field he would have to have the necessary clearances. I mean we grade them according to whatever they have to do.

STATUS OF COMMAND AND CONTROL REPORT

The Chairman. I understand the grading. You have seen this report, Mr. Stempler wrote the committee, with regard to this document, "It is an internal paper of the Joint Chiefs of Staff, is currently under review by the Chairman," that was January 23. I just want to try to get where we stand with regard to this matter. You have had all the time—or do you want more time or will you make it available? I want to know what to instruct the staff.

Secretary McNamara. I think I covered that this morning.

The Chairman. You will make it available?

Secretary McNamara. I simply stand on what I said.

The Chairman. I have forgotten what you said. Will you refresh my memory?

Secretary McNamara. What I said was that I was not familiar with the report, I am not familiar with the man, and I don't know the degree to which he had access to all of the information that is required to obtain a proper understanding of the incident. I know he didn't have access to some of it; he didn't talk to General Wheeler about his participation, and he didn't talk to me about my participation. There is information that he could not have obtained regarding the incident unless he talked to General Wheeler or me, or to the President or one or two others who had been in on the discussions, and under these circumstances I am not willing to release a report until I know more about it.

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[1] Identified in a Navy publication as a "division commander" of a "torpedo boat division."

*Note: From earlier interrogation source stated that Swatows are neither designed nor intended for missions against large ships.

General Wheeler. Furthermore, I don't know, but I am informed that Mr. Ponturo's report has no communications intelligence in it. I don't know whether he is cleared or not, and that is one of the weaknesses of the report.

Secretary McNamara. At least it doesn't have a communications——

The Chairman. Could you clear this up for us? Could you inform the committee, give us a memorandum on what the situation is? Could that be done?

Secretary McNamara. We will be happy to.

The Chairman. In the near future?

Secretary McNamara. Yes.

Senator Gore. And the location now of the 40 reports, the 40 copies?

Secretary McNamara. Surely; I don't know where they are.

The Chairman. I don't care where they all are, but I would just like to get one of them.

Senator Gore. Let's know where they are. You will find some in the Rand Corp.

The Chairman. I have been told there was a very responsible scientist who was well informed about and working in Defense Intelligence by the name of Fubini. Do you know such a man?

Secretary McNamara. I do indeed, although I don't think he was working in Defense Intelligence.

The Chairman. Well, do you trust him? Is he a trustworthy man?

Secretary McNamara. He is a very able individual in his field, which is electrical engineering and associated subjects.

The Chairman. Assuming he did have knowledge of this matter, do you have any objection to our calling him?

Secretary McNamara. No, I have no objection to his being called. He is a private individual now not working for the Defense Department.

Let me simply say this, I am certain he didn't have full and complete knowledge of this incident.

The Chairman. Well, he may have had some knowledge.

Secretary McNamara. He was at that time, he would have been Deputy Director of Research and Engineering. He was not a part of the intelligence organization.

The Chairman. Yes, but as a man, you regard him as a trustworthy American?

Secretary McNamara. I do indeed, but I don't regard all trustworthy Americans as competent witnesses on the Gulf of Tonkin incident.

COMMITTEE CONTACT WITH OTHER INTERESTED PERSONS

The Chairman. As a result of the committee's review and the general interest in this subject, there have been certain individuals, civilian and military, who have sought out the committee or the staff. There also have been newspaper reports based on press interviews based on officers and men on the *Turner Joy*. I refer to an AP report in July 1967, for example, which was well before this committee had any idea of review. Have any military or civilian employees been disciplined in any way for talking to the press communicating with this committee or otherwise breaching security?

Secretary McNamara. None to my knowledge. As a matter of fact, we have leaned over backwards to avoid talking to certain of the individuals to whom the committee has talked, to avoid any indication that we might in any way have disciplined them or pressured them in relation to what they would say to us or to the committee.

The Chairman. Are you aware of a commander who voluntarily called up and came to a member of the staff of this committee, talked, at his request, with the chairman and a member of the staff, and the next day was picked up and sent to a psychiatric ward?

Secretary McNamara. No, sir; I am not aware of that incident.

The Chairman. Would you believe it if I told you it is a truth?

Secretary McNamara. Well, I would not believe that we would penalize a man in any way for talking to this committee, assuming he told the truth. I think it would be a monstrous act if we sent a man to a psychiatric ward even if he told a falsehood to the committee, and I can't believe it was done. I will be very happy to investigate it.

Senator Morse. How do you mean, Mr. Chairman, that he was requested to take a psychological examination?

The Chairman. That is right. And he was examined by this place, I can't—it slips my mind at the moment—but this was all initiated by him, we had nothing to do with it. I mean we didn't initiate it. I never heard of him. He called a member of the staff and requested to relieve, as he said, himself of a burden. He was, the next day, taken for a psychiatric examination but after the examination he was found to be fit, and returned to duty. It seemed to me to be a very ominous thing if a man like this would be picked up like he was.

Lastly——

Secretary McNamara. Mr. Chairman, may I simply say on that if there is any feeling on the part of the committee that the examination of this man by psychiatric personnel was in retaliation for his report to the staff, I will personally have the Inspector General analyze the case and I will promise to discipline anyone who took action of that kind.

The Chairman. I am not really seeking to discipline anyone, but it seemed to me it was an unusual circumstance that the next day after he came over, and this man had been in the so-called flag plot of the Pentagon during the incidents referred to here, and he felt it was on his conscience, and he had been in the Navy a long time, and I am sure your people, some of them know about it, and I would interpret it since he was picked up the next day, as being a gesture intended to intimidate him or anybody else who did such a thing.

Secretary McNamara. Mr. Chairman, I will have the Inspector General investigate it and send a report to the committee. I can't believe that any individual, civilian or military in the Defense Department would behave that way with respect to any man whether he gave true or false testimony to the committee.

Furthermore, if the man you are speaking of is the man I am thinking about he was not assigned to flag plot at the time of the August 2 and August 4 incidents.

The Chairman. Well, he said he was. That is subject to proof, I guess.

JUSTIFICATION OF COMMITTEE INQUIRY

Lastly, it was, I think you said this morning—I don't have the quotation—that anyone who entertained a doubt about these events was engaged in a monstrous affair. Don't you agree that in view of the conflicting nature of the testimony, especially from the commander of the task force, that there was a reasonable justification for at least this committee inquiring into these incidents?

Secretary McNamara. First, Mr. Chairman, I don't think I said this morning that it was monstrous for anyone to retain a doubt about this. I think I said there is no doubt about the attack of August 2. That was one statement I made.

The Chairman. We don't allege that at all.

Secretary McNamara. I understand. I am saying what I said, and, secondly, I stated in the latter part of my statement that the insinuation or the suggestion that the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action, I could only characterize as monstrous. That is quite a different thing from saying it is monstrous that anybody should doubt what happened.

The Chairman. Well, I don't think anyone, I don't believe anyone, certainly myself, entertained the idea this was a plot or a conspiracy.

The point really is, and I think there is evidence sufficiently to justify an inquiry as to whether or not the decisionmaking process, with all these conflicting reports coming in, is sufficiently accurate and reliable to justify taking such a decision to declare war on another country, which was the immediate outgrowth of this particular series of events.

Secretary McNamara. I didn't comment on that.

COMMITTEE ACTED WITH INCOMPLETE EVIDENCE

The Chairman. I think this committee, and certainly as chairman of the committee I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

I submit that even if you give the most favorable interpretations to these reports that it was far less than positive and unequivocal as your statement before the committee indicates.

This has been very serious to me and all members of this committee and the Senate.

We have taken what is called the functional equivalent of a declaration of war upon evidence of this kind, and action as precipitate as this was. Even the commander, that is one of the crucial cablegrams from the commander of the task force, recommended that nothing be done until the evidence was further evaluated. I read it this morning, I won't read it again.

But that alone almost, if I had known of that one telegram, if that had been put before me on the 6th of August, I certainly don't believe I would have rushed into action.

We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me, as saying these things on the floor. Of course all my statements were based upon your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituents and the country for the unwise action I took, without at least inquiring into the basis. It never occurred to me that there was the slightest doubt, certainly on the part of Commander Herrick who was in charge of the task force that this attack took place. He obviously had doubts, his own cablegram so states. That is the reason for it. I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

Well, I just wanted to make that for the record.

Now, I think other members should have an opportunity.

Secretary McNamara. May I simply at this point make one very brief comment?

I don't believe Commander Herrick in his cable stated he had doubt the attack took place. He questioned certain of the details of the attack and, secondly, his questions——

The Chairman. Mr. Secretary——

Secretary McNamara. Pardon me, Mr. Chairman, secondly, his doubts was resolved that afternoon before the retaliatory action was taken.

The Chairman. I think he went much further than that. He advised you not to do anything until it had been reevaluated. I don't want to burden the record but it is a very strong statement.

Secretary McNamara. Nothing was done until it was reevaluated.

The Chairman. He says "Suggest complete evaluation before any further action."

Now, that is a very strong recommendation from a man on the scene in charge of the operation.

Senator Gore. Read it.

CHAIRMAN WOULD HAVE ACTED DIFFERENTLY IN 1964 WITH MORE EVIDENCE

The Chairman. If I had had enough sense to require complete evaluation I never would have made the mistake I did. If I had had notice of that particular cable in 1964 I think I would have had enough sense at least to raise a warning sign, and normally this committee does have hearings and questions. I don't know why, what possessed me, the background was such that I went along, of course I wasn't the only one. Both committees, except for the Senator from Oregon, unanimously accepted your testimony then as the whole story, and I must say this raises very serious questions about how you make decisions to go to war.

I mean, this is not a small matter that we are in, in Vietnam, and I think for the future, the least I can do and the committee can do, is to alert future committees and future Senates that these matters are not to be dealt with in this casual manner.

I felt very badly about it, about the matter. I must say that I don't blame you personally for this. These communications were very conflicting, and I don't think—I never meant to leave the impression that I thought you were deliberately trying to deceive us, but I must confess I think the evidence is very conflicting and warrants what Mr. Herrick suggested—time to evaluate what the evidence was—which we didn't do.

Well, I delivered myself.

Senator Mansfield, do you have a question?

Secretary McNamara. Two points, Mr. Chairman, if I may, only 10 seconds.

One, the commander evaluated it that afternoon, concluded an attack took place and came to a conclusion before the retaliatory action was executed.

Two, I know of no evidence since that time that would support the conclusion this attack did not take place. That is all I have to say.

The Chairman. Well, there is evidence, you, yourself, I mean, the evidence of one captured man, there are a number of things depending upon credibility of the people.

It isn't all that clear cut.

Senator Gore. Mr. Chairman, there is at least evidence that a doubt existed even after the order went out, because the order to loose the retaliation we are informed went on at 6:30 and at 7:06 Admiral Moorer of CincPac cabled the *Maddox* and *Turner Joy* to report immediate confirmation of the earlier attack on them.

The Chairman. He still had evident doubt after the order had been given there or he wouldn't make the inquiry.

Secretary McNamara. This was simply a response to the earlier inquiry of Sharp who got the information by other channels before that time.

Senator Mansfield. Mr. Chairman, my remarks will be brief.

SECRETARY M'NAMARA TESTIFIED IN GOOD FAITH

I felt at the time that Secretary McNamara when he was before us that he was being as candid and as honest as he could be in the light of all the facts which were at his disposal.

I still feel the same way, and I am happy that this additional highly confidential information was made available, and because to me it seems to establish a fairly close correlation between the intelligence and the reports sent back from this particular task force at that time.

Of course there are questions in all of our minds, I am sure there are still questions in the Secretary's mind.

But three and a half years ago is a long time, and you were under pressure, we were under pressure. Maybe we did some things that we wouldn't do if we would be more careful and that is the reason for that resolution of yours.

The Chairman. Don't call it mine. I didn't originate it. It was the administration's resolution.

Senator Mansfield. No, no, I am speaking of the resolution which is pending on the calendar as to which we will take up later this year.

The Chairman. I see. I thought you were talking about this commitment resolution. I apologize. [Laughter.]

Senator Mansfield. I wonder myself what I would say if 3½ years later I was called upon to testify. I am quite sure that I wouldn't do a very good job because I have a hard job remembering what goes on the week before, let alone what happened so long ago.

That is all I have got to say.

The Chairman. Senator Aiken, do you have any questions?

Senator Aiken. I hate to see Russia reaping so many benefits, that is all. We ought to do something about that.

The Chairman. That is, from the war you mean?

Senator Aiken. Yes.

The Chairman. Well, I do, too.

Senator Aiken. That is the only thing that came to mind. I have nothing to say. But, as I have said frequently, the last 3 years have gone by. The next 3 years, the next 3 months should be very interesting.

The Chairman. Is that all?

Senator Aiken. That is all.

The Chairman. Senator Morse?

Senator Morse. Mr. Chairman, I would have very, very many questions, if we were going to trial. We are not on trial. Time would not permit the asking of the questions if we were in trial, and I only want to say to the Secretary that I think he knows no matter how much I disagree I have an exceedingly high regard and respect for him.

I am sorry I shall so completely disagree.

NEW EVIDENCE DOES NOT ALTER SKEPTICISM

He has not said anything here today, a single thing today, that changes anything I said on the floor of the Senate in August 1964 and what I said in committee at the time in our very short hearing. I don't think we have been talking all day about what we ought to be talking about, the Tonkin Bay Resolution.

I think we ought to be talking about what preceded the incidents and what brought about the incident and our involvement in Tonkin Bay at the time. We have a right to have freedom of the sea. But a right with regard to it doesn't justify following the course of action or give the right to create it. As to comments that I made in August 1964, I didn't make them in a vacuum.

I was communicated with by sources at the Pentagon Building in whom I have high confidence, that raised a lot of doubts in my mind. I remember, I said, I don't have to have it in front of me but I paraphrase it, "You ought to get the logs because this Senator suggests you had better ask for the logs. You had better ask for some facts as to where those ships were and how they got there and what the knowedge of the Navy was in advance of the incident."

What I have heard here today verifies all the information I received before I ever said anything in August 1964.

You see, what I think we never come to grips with is what we were doing long before the 2d and the 4th, long before the incidents of Tonkin Bay. The fact we had this kind of a presence there, that we were stimulating the electronic devices of the North Vietnamese, that we were carrying on intelligence operations was wrong. The *Maddox* was, on this occasion, a spyship and quite a different body of international law applies to spy activities than applies to other activities. So I only want to say for the record that I don't think we should have been there and especially under those circumstances when the Navy and the administration knew that South Vietnamese naval vessels that we had furnished and the personnel whom we had trained were on their way in that period of time to bombard North Vietnam and its two islands. The *Maddox* and the *Turner Joy* were in the area, despite all our talk about the distances. The fact is that the North Vietnamese had no reason to believe that we were trying to keep separate the South Vietnamese boat operations and our patrol. They had no reason to know or believe that. We don't know what conclusions they reached. I think it would be a very reasonable conclusion if they thought there was a connection.

CONNECTION BETWEEN AMERICAN AND SOUTH VIETNAMESE OPERATIONS

I happen to think there was a very clear connection.

The very fact that you were electronically invading, so to speak, North Vietnam, while at the same time, in that series of time, the South Vietnamese boats were going to make their attack, put us, I think, in the position where the North Vietnamese and the rest of world, for that matter, would see some interrelation.

But I still go back beyond that.

What worries me is that we were at that time escalating, we were involving ourselves more and more in the difficulty in South Vietnam. We know from the record what the thinking was in the administration, having in their pocket a resolution ready to spring on us.

We have some evidence that the resolution, or a draft of a resolution was prepared before the Tonkin Bay incident ever occurred. It was to give to the President the authority that the Congress gave. I am willing to let history be the judge, eventually it will be recorded that it was a completely unconstitutional move.

You can't possibly give the President that power under the Constitution. That always has been the position that I have taken from the beginning of many aspects of this matter. With this preparation for bombarding North Vietnam. I want to say most respectfully, I think that wisdom dictated that we should have had the *Maddox* and the *Turner Joy* far removed from any area, high seas or not, that would possibly justify anybody making this connection. To be on the high seas and commit an illegal act on the high seas constitutes a form of aggression, constructive or actual, that was really our position, in part, in October 1962 during our conflict with Russia over her clear act of constructive aggression against us vis-a-vis Cuba.

So one of my bones of contention is that I don't think our hands are clear if we fall back on technical defenses of our rights on the high seas and making perfectly clear to North Vietnam we were going to enforce those rights.

The basic question is why were we following this course of action at that time in the Gulf of Tonkin when the South Vietnamese boats were going up there to make an attack? I think all the explanation of the Secretary, all the explanation of the administration just ducks that problem.

One of the reasons why we find ourselves so much isolated is because the world does not like this involvement we got ourselves into on a unilateral basis.

I only want to say we have had this information given to us. I, as a lawyer, don't question for a moment that it is subject to a considerable amount of attack and qualifications, just as I think Secretary McNamara's use of captured North Vietnamese prisoners isn't a very reliable source upon which to form a judgment. In fact, even in domestic law, as a lawyer I never thought too much about the stool pigeon testimony because too frequently it is not worth the lips that emit it.

ALL EVIDENCE SHOULD BE MADE AVAILABLE

But here we do have, and it bears on something you said, Senator Fulbright, we do have a communication. It is anonymous, it is true; but on the other hand, its content gives a pretty good idea of the reliability of the source. Although some of the ideas I don't agree with, I think the Secretary is entitled to hear it. I don't think we are fair with the Secretary if we have this kind of material in our records and don't discuss it with him. Just as I said this morning, as far as I am concerned, I think he should have every memorandum we have. I don't see why we should keep it from him.

As far as I am concerned, I would give him everything we have, and whatever help he can give to us in regard to it, I would welcome.

But we have this communication, received December 26, 1967. The letter is to this committee through its chairman. It reads in part:

"Getting the logs of the *Maddox* and the *Turner Joy* may be of some use to you in trying to get to the bottom of the Tonkin Gulf incident, but it really won't help much.

"What you most need is the record of events of communications passing through the national military command and control center. Most of them have probably now been destroyed.

"Whatever study was made on the basis of most of these records, fresh after the event, by the Weapons System Evaluation Group entitled 'Command and Control of the Tonkin Gulf Incident, 4–5 August 1964,' this document is Top Secret and it is very tightly held because it is based in part on the tape recordings of conversations over the phone of the President, the Secretary of Defense, Admiral Sharp and others during the period when the critical decisions were being made. Very probably an effort will be made to have all copies of the study destroyed when and if there is any intimation that you know of the existence of the study. The study will not disclose that the incident was a put-up job. It will disclose several embarrassing things, however.

"One is that the first attack, that on the *Maddox*, was very probably made because the NVN confused the *Maddox* with [deleted] operations which were covering SVN hit-and-run attacks against NVN coastal areas. This was probably due simply to lack of coordination.

"Another point will be that the attack on the *Turner Joy* the following day was indeed probably imaginary.

"After the first report of the attack there was a report there probably had not been an attack at all. But the President was to go on the air to address the Nation about the retaliatory attacks that had already been planned, and after another flurry of confusion Admiral Sharp said there had been a real attack after all.

"At this point the Secretary of Defense decided to advise the President that the attack on the *Turner Joy* was real and to order the retaliatory attacks and go ahead with the speech because it was getting very late for the address to the Nation and, moreover, the retaliatory attack planes had been kept in a state of take-off readiness for the maximum time.

"It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

"One may wonder how much the Secretary of Defense, who is a man of honor and conscience, has worried about this since. Because later events all indicate that the second attack was at best a trick of false radar images.

"I am sure if I signed this I would lose my job, but if you proceed wisely, you should be able for the good of the country to learn the truth of all I have suggested here and much more.

"The Tonkin Gulf incident, upon the basis of which the resolution was so quickly obtained, was not a put-up job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be, and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He got from them all the critical and decisive information and misinformation and he simply put his trust in the wrong people.

"One of the things your committee should really look into is the constant use of security regulations to conceal the blunders and the connivings in the field of national security.

"But I doubt that all the power of the United States Senate could ever penetrate far enough into the supersecret world to learn much about what goes on. Right now the JCS is refusing materials in their field wanted by people working on Vietnam for the Secretary of Defense, most obviously because they are fearful it would serve the Secretary of Defense's purposes, not theirs."

I want the Secretary to know that one must weigh that with great caution and circumspection and some doubt. It is only one of several memorandums or letters that we have in these files. We have a lot of signed material, but on this committee you have to weigh this and doublecheck it to see if there is any other evidence that bears out any of these contentions. We have plenty that bears out some of his contentions.

But I close, Mr. Chairman, by saying that the thing that is wrong with the whole case we have listened to today is that it doesn't go back far enough, back to 1954 when you have the Gavin report against involvement in Asia, where you have the Ridgeway support of the report.

Other military officers in the next few years will look askance at what we were doing, and yet the administration step by step gets us more and more involved.

NO LEGAL BASIS FOR AMERICAN INVOLVEMENT CLAIMED

So here we are now, involved over there by what the former Attorney General of the United States tries to justify as a kind of a functional declaration of war, which is of course pure nonsense legally.

This is what bothers me. I think we ought to go back to the beginning. We ought to be devoting ourselves to trying to find out how we can honorably get out of the mess that we are in. We need some kind of a multilateral takeover to settle this war.

I wish he were still in the room because I quite agree with what the Senator from Montana himself said to the President, and his top foreign policy advisers in one conference. We have never submitted a resolution to the international bodies that have jurisdiction over this matter, if they would exercise their jurisdiction.

I don't see how we can ever expect them to exercise their jurisdiction unless we are willing to commit ourselves to abide by their jurisdiction provided they, in turn, will carry out their corollary responsibility to enforce the peace.

I am so concerned. I think history has got us recorded as engaging in what I think is the unilateral making of war. That is the great foreign policy mistake.

I am sorry I took as much time as I did, but I thought the record ought to show my respect for the Secretary. He doesn't share any of my views on this or my major premises, I am sure, that is where our great division is.

I am never going to support the kind of a military operation that we are engaged in over there, or the policy of this administration until it gets back to the Constitution and declares war. You know why we don't. You wouldn't have the world with you.

The Chairman. Senator Case?

Secretary McNamara. Mr. Chairman?

Senator Morse. I think the Secretary should be allowed to say anything.

DENUNCIATION WITHOUT FOUNDATION

Secretary McNamara. Mr. Chairman, Senator Morse is certainly one of the most able advocates that it has ever been my fortune or misfortune to sit opposite. He has presented a case very powerfully.

I think it is built on an entirely false foundation, and I think the earlier testimony today indicates that.

There are certain legal points he has made which I am not qualified to comment on, but as a layman, I can't believe that there was a constructive act of aggression committed by the *Maddox* or the *Joy* and if there wasn't, they were acting entirely legally. As I understood what he said, he accepted the statement that an attack had taken place on the 2d and he was at least willing to recognize the possibility of an attack on the 4th.

He referred to an anonymous letter which made very grave charges, which I would assume the committee would want to expose.

I can't refute people who are faceless accusers. I know some of the statements in the letter are absolutely false. I don't make tapes of my conversations with the President. I don't know of anybody else in the Department who does.

I can't believe any study made by the Department refers to tapes of conversation with the President.

All of the investigations that I know of that have been made by the commanders involved in the attack of the 4th, after the attack, concluded that the attack did take place. So I think it extremely ill-founded for the anonymous writer to conclude that the attack was imaginary.

There are a number of other charges there that I would be happy to investigate if the committee wishes me to do so.

I think it would be very helpful if the individual could muster up enough courage to make his accusations, state his evidence openly, so we can discuss them and follow them down.

I don't have anything to hide.

DEFENSE DEPARTMENT POLICY RE INFORMATION

For 7 years I have tried not to hide the actions of the Department. We have disclosed more to our Nation and to our enemies, for that matter, about the national security of this country and the factors that we take account of in protecting it than has ever been disclosed before. I believe in disclosure, and I believe that the truth will support itself, and I am perfectly prepared to have the anonymous accuser or anybody else come in and examine the raw material available in the Department that bears on this.

But I think, as does Senator Morse, that you do yourself a disservice and you do me a disservice by withholding information from me and expecting me to comment on information which has not been available to me.

The Chairman. This letter, I may say, was in no way included in the report and nothing in the statements based on it. It was in the addendum, as the Senator knows, and was volunteered as an anonymous message.

We had others that were not anonymous, but that is not a part of the report, and we did not question you about that today. That is the reason I didn't refer to it.

Senator Morse. I thought I made clear in my statement I am not basing my case on this anonymous letter, but only giving you an idea of the kind of information which has been made available to the committee.

My case has nothing to do with what happened on the Tonkin Bay, on the 2d and the 4th.

It is what preceded it.

When I talk about an act of constructive aggression, my case is that I think there was clear knowledge of what the South Vietnamese boats were up to. I think the fact the *Maddox* and the *Joy* were kept in the Tonkin Bay, in close proximity to North Vietnam, justified the enemy in assuming that we were giving aid and abetting.

I think they did aid and abet by their very presence there. I think they created a problem with North Vietnam.

I think while the preparation for that bombardment was going on that the electronic stimulation of North Vietnam at that time couldn't be justified, and would justify North Vietnam striking back, and I think that is why, as I said in my speech in August 1964, we cannot escape the conclusion that we are to a degree a provocateur in this whole matter.

SECRETARY M'NAMARA INFORMED OF SOURCES OF STAFF STUDY

The Chairman. I want to make it clear, too, that I did give the Secretary a complete list of all the documents which were the basis of the staff study. They are all available to him in the Department.

There is nothing else in the staff report except the staff views about the documents, which is not a matter in issue at all. It is the significance of the documents which we have read to you, and we gave you a complete list of everything we used. You had them available the same as we did. In fact, you have a lot more.

If there is any complaint, I will say that despite my understanding with Mr. Nitze, at least, the Department did not supply the committee by any means with all relevant documents which I had understood they had.

Senator Case.

Senator Case. Mr. Chairman, thank you. If I may, I would yield to the Senator from Kentucky because I have to go, and if I do not get back here before the Secretary leaves that is all right, too. But I do have to be away for the next few minutes.

I will yield to him and say, so far as the record goes, my concern is not about this incident, but about the use of this resolution subsequently in ways that were never intended by Congress. That is my basic concern.

The Chairman. Senator Cooper.

Senator Cooper I will be brief.

I would like to say, first, that I appreciate the willingness of the Secretary to give the committee his testimony. His testimony has been helpful and forthright. I would also like to say that I think the Secretary has been a faithful, able, and conscientious servant of our country.

Secretary McNamara. Thank you very much, Senator.

The Chairman. I will join him in that.

Senator Morse. If you will permit me, I would say one of the most dedicated public servants I have experienced in my 23 years in the Senate.

Secretary McNamara. Thank you very much, Senator Morse.

Senator Cooper. As the Chairman has stated, his chief purpose and that of the committee in conducting this inquiry is to evaluate the effectiveness of decisionmaking decisions, which could bring about the involvement of Amercan military forces, and the Nation's engagement in war. I think it is a proper inquiry.

It has also raised other questions, extreme charges and you have referred to one of them. In asking the question I am now propounding to you, I do not do so because I accept it. But it has been stated in some quarters that the administration did not have any information which would justify either retaliation or the submission of the resolution. It has been speculated that the incident was contrived to bring the resolution before the Congress.

As I understand it, you say, there is no truth at all in such a statement or speculation. Is that correct? That is my question.

Secretary McNamara. My answer is as you have indicated, Senator Cooper. There was nothing to it.

EXECUTIVE ATTITUDE REGARDING PROVOCATION

Senator Cooper. It has also been suggested that the incident was provoked in order to have a reason to come to the Congress. Was there ever any discussion or consideration of provoking an incident which would enable the administration to come to the Congress with the Tonkin Bay resolution?

Secretary McNamara. No, sir. The reverse was the case. Every reasonable effort was made to reduce what otherwise would have been illegal operations or reduce what were legal operations in order to avoid provocation. It was no intention to provoke an incident. We do not believe it did provoke an incident. It is inconceivable to me that a plan to provoke an incident could have been developed within the kind of government we have without this having been known to enough people for one of them to report authoritatively to the Congress that such was the case. There was, I can just state unequivocally, there was, no intent to provoke. Quite the contrary.

Senator Cooper. Now, turning toward the evaluation that was made on August 4, is it correct that you did consult on that day with the Joint Chiefs of Staff?

Secretary McNamara. Yes, sir. I did on numerous occasions during the day.

Senator Cooper. You have said that you consulted with other advisers. Would that include the Secretary of State?

Secretary McNamara. Yes. As a matter of fact, the matter was so urgent and so important that I asked the Secretary of State to join me at the Pentagon before lunch, on August 4, which he did. We met there for a considerable time with representatives of the Chiefs. I say representatives because the Chairman was not then present, being out of the city, and subsequently the Secretary of State and I met with the President at the White House, and on several other occassions during the day the Secretary of State and I directly or indirectly discussed our views with the President—indirectly only in the sense that we may have been on two telephones at the same time with the President.

Senator Cooper. Did you detail your reasons for finding that an engagement had taken place?

Secretary McNamara. Yes, sir.

Senator Cooper. Acting upon the basis of information received from the destroyers themselves and also from intercepts, was there included a message from the commander of the *Turner Joy* before the retaliatory strike, reporting that there had been an engagement?

Secretary McNamara. Yes, sir. The commander of the Task Force 72.1, who was not the commander of the *Turner Joy*, but was the superior officer to the commander of the *Turner Joy*, and was on the scene on the *Maddox*.

Senator Cooper. There is a statement in the record, furnished us by the staff, which says that 3 hours before the retaliatory strike, the commander of the *Turner Joy* reported there had been an attack.

Secretary McNamara. That is correct. I simply wanted to differentiate between him and the commander of the task force.

CONFIRMATION OF ATTACK

Senator Cooper. At the time the decision was made to make the retaliatory strike, was any question raised or was there any in your mind that an engagement had not taken place?

Secretary McNamara. No, sir.

Earlier in the afternoon, because of some of the uncertainty as to the details of the engagement, I had said that we should not carry out any retaliatory strike until we satisfied ourselves that an engagement had taken place. We did so satisfy ourselves during the remaining hours of the afternoon, and that is not just my view. It is the view of every one of the key senior and civilian and military officials in the Department.

Senator Cooper. Accepting the fact of the engagement, and I do, there remains a question of judgment whether the scope of the engagement was such that a resolution should have been presented, and also whether in hindsight the Congress should have voted one.

You have said categorically that our ships were never in territorial waters. Is that correct?

Secretary McNamara. That is correct, sir.

Senator Cooper. That conclusion is based upon the statement that the United States did not consider territorial waters of North Vietnam to extend a distance beyond 12 miles?

Secretary McNamara. That is correct.

Senator Cooper. This is bound to be questioned, you know. What authority do you find for making that statement?

Secretary McNamara. The authority I cited in my statement based upon the lawyers of the Department who are familiar with the law of the sea, which is that unless a nation claims beyond 6 miles its territorial waters are not believed to be extending beyond that limit, and North Vietnam had not claimed beyond 3 miles before August 4, 1964.

Senator Cooper. There has been brought in question a statement you have made when you came before the committee to testify for the Tonkin Bay resolution, that the Navy was not associated with the South Vietnam 34A operations. You said further, "I must emphasize the *Maddox* did not know of these actions."

NAVAL KNOWLEDGE OF SOUTH VIETNAMESE OPERATION

Were you intending to say that the Navy had no knowledge of them or were you emphasizing that the *Maddox* had no knowledge of them?

Secretary McNamara. I was emphasizing the *Maddox* did not, Senator Cooper, because I knew at the time—as a matter of fact I informed the committee at the time—that I knew and the senior commanders in the Navy knew of the South Vietnamese operations, at least in terms of the general character of them.

At the time of the specific incidents of August 4, I did not know of the attack on August 3 by the South Vietnamese, but we knew of the operations, and some senior commanders above the level of the commanders of the task force did know the specific dates of the operations.

Senator Cooper. Questions have been raised about the patrolling of North Vietnam, Tonkin Bay, and an analogous situation in North Korea.

Is there communication in the Department between the naval authorities, between you and the President and the Secretary of State about patrolling these coasts when it involves the possibility of actions such as occurred in the Tonkin Bay and off North Korea?

Secretary McNamara. There is a special group set up, on which I am represented by the Deputy Secretary of Defense, and which includes comparable senior officials from the State Department, the CIA, and certain other agencies of Government before which must be presented every one of these missions for the approval of the members of that group.

If there is any difference of opinion among those members, the matter is to be brought to the attention of the Secretary of State and the Secretary of Defense. So the answer to your question is, "Yes."

I do not mean to say that the President is personally involved in this. But I am personally involved in it through my Deputy Secretary, and the Secretary of State is personally involved in it through a very high level representative of the State Department.

Senator Cooper. I would assume that such measures must be taken at times when necessary to protect the security of our country.

RISKS OF NAVAL INTELLIGENCE OPERATIONS

I do think, however, that there is a very serious problem involved when, as has been evidenced by the *Pueblo*, and when we are rather thinly spread, it seems to me risks are taken which result in incidents which humilitate our country and also place the United States in a position where there is danger of deeper involvement and not of our choice.

I assume that you look at these problems. But I give my own view that there should be the most thorough and immediate consideration of this problem undertaken—so that we will not become further involved.

I think that is all I have to say at present.

Secretary McNamara. Thank you very much, Senator.

The Chairman. Senator Gore.

Senator Gore. Well, Mr. Secretary, it is painful to subject you to this interrogation after the sacrifices you have made for public service, and I regret that I do feel the necessity of doing so.

CLAIM THAT ADMINISTRATION HAS BEEN MISLEADING

I do not in any sense question your patriotism or your sincerity. On the other hand, I feel that I have been misled, and that the American people have been misled. Indeed, the statement that you released today does not fully comport with the testimony that you gave to this committee earlier today.

I cite one instance, the statement—well, when I say "testimony" I mean other than the prepared statement. I read from your prepared statement:

"In addition to the above—"

This is on page 17—

"intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

The second sentence—I raise no question about the first sentence I just read, except the characterization of the source as "highly classified and unimpeachable."

The second sentence:

"The same source reported, while the engagement was in progress on August 4, that the attack was under way."

I submit, Mr. Secretary, you have cited nothing from the intercepted message to support that.

Secretary McNamara. Let me put in at this point in the record, if I may, the four messages, starting with the first at [deleted] indicating there were two objectives, enemy attack vessels, located at a point at which the *Maddox* and the *Turney Joy* were located within 3,000 yards of them; and the second message, which stated that——

Senator Gore. Directing them to make ready for military operations.

Secretary McNamara. Make ready for military operations, again referring [deleted] and the third message indicating that the Swatow boats reported an enemy aircraft falling and enemy vessel wounded, and that message coming 12 minutes after our ships reported that they were being attacked.

The fourth message later reporting that they had shot down two planes and sacrificed two ships, and adding further details of the engagement.

I submit that any reasonable explanation of these messages leads one to the conclusion that the attack was underway, as I stated in my statement.

Senator Gore. Well, that interpretation is possible. Another interpretation is that this was an exaggeraated report by the North Vietnamese commander, just as they exaggerated the losses of our planes.

But your statement released to the public is that the same source reported while the engagement was in progress on August 4 that the attack was underway. That is a flatfooted statement that nothing you have submitted today supports.

Secretary McNamara. I take issue with that, Senator Gore, and I think it is not proper to say that the four messages were just a report from a commander. These four messages were flowing back and forth amoung various stations.

Now, I am going further than I should in discussing this classified information.

Senator Gore. Well, your publicly released statement this is compounded by your flatfooted statement on page 5:

"During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack."

Well, the same flatfooted statement is repeated. Nothing you have submitted supports this unqualified statement.

Secretary McNamara. Well, I differ on that, Senator Gore, and I do not think we should discuss this further unless we want to back into messages which I do not want to do in the room with uncleared people present.

Senator Gore. Then I would like to call to your attention, and I do not know what the committee wishes to do, but I think we have no choice but to make an incisive examination to reveal the actual facts.

Now, without identifying the messages to which I will refer on page 17 as to time, you quote the task group commander this way:

"Vice Admiral Roy L. Johnson, USN, Commander of the U.S. Seventh Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: 'Commander, 7th Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1961.' "

POSTMISSION EVALUATION NOT REVEALED

Now, what I wish to point out is not any inaccuracy there but the failure to reveal to the American people that this statement was made on August 14.

Secretary McNamara. Quite right.

The Chairman. August 14?

Senator Gore. August 14.

Secretary McNamara. That whole paragraph relates to postmission evaluation and, as I pointed out on page 19, some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time the reprisal air strikes were ordered executed.

Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place, and I cite the information available, and I do not include Admiral Johnson's report or Admiral Moorer's report or General Burchinal's report, all of which came in as a result of their evaluations of the reprisal attack.

Senator Gore. I understand. I have read this report, and I realized when I read it that the evaluation made was after the fact, after the attack had been ordered.

This goes to the matter that troubled this committee, and I will say troubles me—I won't speak for the committee, I will say it troubles me.

I do not hold that this was a rigged affair, but from all the testimony you have submitted here today the administration stands revealed as having acted very hastily and out of proportion to the provocation and, it seems to me, to further compound the thing you quote, let me see, you refer here to Lt. Gen. David A. Burchinal.

Secretary McNamara. Burchinal.

Senator Gore. It says he analayzed the information from message traffic with the assistance of the Joint Staff. You do not say when. He gave his evaluation to the Secretary of Defense, "The actuality of the attack is confirmed."

Now, you had sent out messages hours before the order to attack North Vietnam asking that that attack on our ships be confirmed. You got your confirmation from Lieutenant General Burchinal on August 7, 2 days after we had made an attack on North Vietnam. So this has gone out to the public today.

Now, I have said nothing publicly, so far as I know the chairman has said nothing publicly, but once again the facts have been twisted, Mr. Secretary.

FACTS ARE PRESENTED IN A STRAIGHTFORWARD MANNER

Secretary McNamara. No, sir; I beg your pardon, Senator Gore, the facts have not been twisted. I am talking about no one within the Department of Defense has reviewed all of the information which I later point out came in after the incident. All of these eyewitness reports came in after that. That is known to you, it is known to the members of the committee, it is known to others.

Senator Gore. But it is not known to the American people.

Secretary McNamara. I so indicated. I stated on page 19 that it was.

Senator Gore. It is not so identified.

Secretary McNamara. Also on page 19, I specifically listed the information available to the President at the time he ordered the retaliatory attack, and it does not include reports from Admirals Johnson or Moorer or General Burchinal. That is exactly the purpose of it.

Senator Gore. You bolstered the decision by stating conclusions reported after the fact.

Secretary McNamara. No, no.

Senator Gore. And you state twice that these highly classified and unimpeachable sources said that the attack was underway. We have had no such information. We have had corroborative evidence that might bear that interpretation.

Let me cite one other thing, if I may.

Secretary McNamara. May I first make clear that I did not indicate that Johnson's, Moorer's, or Burchinal's evaluation took place before the retaliatory decision. I did indicate that they reviewed all of the information that I previously discussed, much of which, particularly the testimony of eyewitnesses, was taken after the retaliatory attack, which I stated on page 19 occurred after the retaliatory attack.

Senator Gore. Well——

Secretary McNamara. I worked until 8:30 last night trying to be certain this statement was accurate. I had some of the best lawyers in the Department to work on it, and I submit to you it is not misleading.

Senator Gore. Well, it is a difference of opinion. I say that there is nothing you presented today that supports your public statement that you had a report from a "highly classified and unimpeachable" source reporting that the attack was underway.

Secretary McNamara. Well, we just differ then on the meaning of words, Senator Gore.

Senator Gore. Well, let us see if we differ on this matter. Today in your statement you say this, and this is page 2:

"As I stated then and repeat now our vessels played absolutely no part in and were not associated with this activity. There was then and there is now no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnamese aggression. As I informed Congress the boats utilized by the South Vietnamese were financed by the United States. What I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities and they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort."

Now, here is what you said to the committee on the 6th:

"I would like to cover three points. First—"

The Chairman. Of August 1964.

Senator Gore. Of August 1964.

"First, our Navy played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions, if there were any. I want to make that very clear."

NEW STATEMENT ALTERS TESTIMONY OF AUGUST 1964

This was stricken from the record that was published. You state further, and I read again what was stricken from the record—

"It was not informed of, was not aware, had no evidence of and, so far as I know today, has no knowledge any, any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to."

Now, in your statement today you modified that. You said they had no knowledge of the details of these operations. That was not the question at all. So there is a considerable difference in what you said to the public today on this point and what you said to the committee on August 6, 1964. I read further, and all I am reading here, Mr. Secretary, was stricken from the record.

Secretary McNamara. Could I interrupt you one moment, Senator Gore?

Senator Gore. Yes, sir.

Secretary McNamara. Possibly through oversight you omitted a very important sentence in that August 6, 1964, statement because you read a sentence that started with the word "It" when the word "It" in relation to what you said previously might have reflected back on the Navy, to mean the Navy, whereas it meant the *Maddox*, and the sentence you omitted was, "The *Maddox*, operating in international waters, was carrying out the routine patrol we carry out of the type we carry out at all times, it was not informed of it," meaning the *Maddox* was not informed of it.

Senator Gore. That is correct. The Department or you struck that from the record.

Secretary McNamara. I said the *Maddox*——

Senator Gore. It differs from what you said to the public today.

Secretary McNamara. I beg your pardon?

Senator Gore. Let me read two sentences.

Secretary McNamara. Let me make clear what this says and what the committee understood at the time, that the *Maddox* was not informed of, was not aware of, had no evidence of, no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today, and I personally had the commander of the patrol called within the last 72 hours to check and make sure that my understanding was still correct, and he says he did not have knowledge then of the possible South Vietnamese actions in connection with the two islands Senator Morse referred to.

Senator Gore. Well, your first statement there is that our Navy played absolutely no part in——

Secretary McNamara. I think the word, when I say our Navy played no part, I think that is true; was not associated with, that is true. I said it was not aware of, I think that is ambiguous. I was using the word "Navy" referring to the task force. But I think that it is ambiguous.

Later in the paragraph I think it is clear I was referring in the whole paragraph to the task force. But I certainly agree with you that the word "Navy" in the first sentence is ambiguous.

UNITED STATES KNEW OF 34A OPERATIONS

Senator Gore. Well, of course, we know now from the cables that the *Maddox* was, in fact, informed of the 34 Ops.

Secretary McNamara. You do not know now that they had knowledge of——

Senator Gore. The details.

Secretary McNamara. (continuing). Possible—not details. You do not know now they had knowledge of what I said they did not have knowledge of, which is possible Vietnamese actions. You know very well that the Navy meant *Maddox* in this context in that first sentence because I myself reported that the Navy had furnished the boats to the South Vietnamese, and you, meaning the Congress, so reported in the congressional debate, so there could have been no misinterpretation then, and I do not think there is now of that paragraph.

Senator Gore. Well, I won't review the cables. They are already in the record.

There is another sentence which you spoke to the committee about on page 24 of the executive hearings that was deleted. I will read the whole sentence lest—and then I will identify what is stricken:

"I testified the other day that the American vessels were or the American vessel was, it as the *Maddox* at that time, was operating on a southerly course in routine patrol in international waters in this area."

The following part of the sentence is stricken, "and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese in South Vietnam or outside of South Vietnam."

The cables certainly contradict that.

Secretary McNamara. I do not believe so, Senator Gore.

Senator Gore. Will you give me those cables?

Secretary McNamara. Yes, sir; I have them here, and I will be happy to see that they are inserted in the record right here. The cables instruct the commander of the *Maddox* to stay outside certain restricted areas. They do not tell him who is operating in the areas or against what targets or at what times. They simply say, "Stay north and east of a line between two points 17 degrees, 17 plus degrees, in such and such easterly longitude."

Later that instruction is modified to say, "Stay north of 19 degrees 10 minutes north."

Senator Gore. Well, Mr. Secretary, you said earlier that the commander of the *Maddox* knew what 34 operations stood for.

Secretary McNamara. I did not say. I think you will find in the record that I did not say that.

Senator Gore. Didn't he say that, Mr. Chairman?

KNOWLEDGE OF SHIP COMMANDERS LIMITED

Secretary McNamara. You will have to check the record and see that. I said he did not know the time schedule of operations or of the targets or of the details of the operations. He did know that he was to stay out of certain restricted areas. He knew the term "34–A" because it was included in a message that was sent to him.

Senator Gore. But did not know what it stood for?

Secretary McNamara. I do not believe he knew what it stood for, and he certainly did not know anything about these particular targets or dates or the nature of operations.

One good evidence of that is that he misidentified 34–A vessels as Russian vessels.

The Chairman. Didn't he later say in one of his cables that the North Vietnamese were very agitated about their presence there and regarded them as part of the 34–A operations, in one of the later cables? I think he said that is why he was apprehensive and suggested that they call off the further operation.

The cable—let me see, I think—let me see, this is very puzzling to me. Is this the one at the top? The cable from the *Maddox*, "The above patrol will"—this is to the *Maddox*—"clearly demonstrate our determination to continue these operations. Possibly draw North Vietnamese Navy patrol boats to northward away from the area of 34–A operations and eliminate DeSoto patrol interference with 34 operations."

Then, on the 4th of August, some 15 hours before the second incident, the operational commander of the *Maddox* and the *Turner Joy*, who was abroad the *Maddox*, sent the following to the commander of the 7th Fleet:

"Evaluation of info from various sources iindicate that DRV considers patrol directly involved with 34A Ops.

"The DRV considers United States presence as enemies because of these ops and have already indicated readiness to treat us in that category.

"B. DRV are very sensitive about Hon Me. Believe this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases."

I cannot imagine a commander who sent that saying that they considered him a part of the 34 operations without knowing anything about what 34 operations was.

Secretary McNamara. Well, I can only tell you what he tells us, which is that he did not know the nature of the 34–A operations, the targets, the times, the boats, the courses, or anything at that time.

The Chairman. The details.

Senator Gore. That was not what you told the committee though, Mr. Secretary.

Secretary McNamara. It is what I believe I told the committee, Senator Gore.

PUBLIC STATEMENTS BY THE ADMINISTRATION DECEPTIVE

Senator Gore. You told the American people today they did not know about the details of the operation. What you said to the committee, back in 1964—let me find it:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions if there were any"

Secretary McNamara. First, let us get clear that is in the paragraph that was talking about the *Maddox*, and the word "Navy" is synonymous with the *Maddox* there.

Senator Gore. Well, we just read—

The Chairman. This paragraph is from the communication from the *Maddox*.

Secretary McNamara. Let me just take it step by step here because I had the same testimony said that the Navy had given boats to the South Vietnamese for this, for the purpose of Operation 34–A, so it is quite clear that the Navy in the generic sense and in the sense of the upper echelons of the Navy knew about 34–A, and my own testimony so indicated.

Senator Gore. May I interject something here?

Secretary McNamara. Surely.

Senator Gore. Also the *Maddox* received a cable that they could pick up a MAAG officer from South Vietnam, one of the advisory group in charge of 34 operations for any intelligence communication it wished to make.

Secretary McNamara. I do not believe that the MAAG officer was in charge of 34 operations. I think it was a MAC/V liaison officer.

The Chairman. It is MAC/V.

Senator Gore. What did the cable say? It was an advisory military officer to South Vietnam.

Mr. Bader. It simply said a MAC/V representative. It made no indication——

Secretary McNamara. It made no indication.

Senator Gore. What would he be if it was not a military adviser to South Vietnam?

Secretary McNamara. So far as the *Maddox* is concerned, he had no known relationship to 34–A but was presumably interested if he were there at all, and it turned out he was not interested enough to go, in sea infiltration, and the information the *Maddox* would collect in relation to it.

Senator Gore. For whatever it means, the commander of the task force was aware that if he wished some advice from an officer in, an American officer in South Vietnam, he could contact him.

Secretary McNamara. Not advice. He was aware that he could——

Senator Gore. Information instead of advice.

Secretary McNamara. Not even information. It was presumably for the purpose of the MAC/V benefiting from association with the intelligence collection patrol, and MAC/V believed it did not benefit enough from association with the intelligence collection patrol to send an officer on it, and it did not.

Senator Gore. Well, the reason I am pressing this point is that a point was made by a member of this committee at the time that the U.S. vessels *Maddox* and *Turner Joy* were conducting their patrols if not in conjunction with, at least in such a way and at such times over a period of 2 days here, that the North Vietnamese might reasonably assume that there was coordination between the South Vietnamese-operated vessels which we had furnished, and the crews which we had trained and advisers which we had supplied, that they could likely consider, and it was reasonable that they would consider, that our ships were sufficiently associated with the operations as to be possibly confused with the attack and, indeed, as you have today cited, the communication, the intercepted communication, of the North Vietnamese referred to our ships as enemy vessels.

PREPARATIONS FOR INTELLIGENCE PATROL

I now have the cable to the *Maddox*. You are going to have to read this, Mr. Bader. This is the original. I cannot read this.

Mr. Bader. "Embark COMVAN with personnel MAC/V rep"—a representative from the military assistance group in Vietnam—"and mobile photo unit photographer in Keelung, Taiwan. Offload personnel and equipment Keeling upon completion of patrol."

Secretary McNamara. Yes, and the MAC/V representative was, in effect, invited to participate in the patrol, assuming that he might find it useful to obtain at first hand the intelligence information the patrol collected, because of MAC/V's concern about sea infiltration, a concern that later led within 3 or 4 months after that to the establishment of the U.S. naval patrol along the coasts of Vietnam to stop sea infiltration. In any case MAC/V did not accept the invitation. He did not feel he would benefit from it, and there was no MAC/V representative on board.

May I go back to the point you made that it is your belief that the DeSoto patrols on the 2d of July, 2d of August, and 4th of August were carried out in such a way that North Vietnam could reasonably assume there was coordination between them and operations 34A, I do not believe so for the following reasons:

At the time of the July 30 operation, 34A attack, the *Maddox* was 130 miles from the point of attack when it occurred. The attack on the *Maddox* occurred 63 hours after the 34A attack. At the time of the attack on the *Maddox*, the *Maddox* was 28 miles from the coast and steaming east. I see no basis on which the North Vietnamese could have concluded that that *Maddox* patrol was coordinated with the 34A operation.

Secondly, at the time of the August 4 attack on the *Maddox* and the *Turner Joy*, they were 70 miles from the Operation 34A attack when it occurred.

The attack on the *Maddox* and the *Turner Joy* appeared 22 hours after the 34A attack. At the time the *Maddox* and *Turner Joy* were attacked they were 60 miles from the coast and they were steaming east.

And, finally, I am informed by those who interrogated the prisoners, the North Vietnamese naval prisoners, we have captured subsequent to the attack, that North Vietnam knew the difference between the 34A operations and the DeSoto patrols and did not confuse the two.

Senator Gore. I have now found the telegram I was, the cable I was searching for, and this was on July 10.

"The Commander in Chief of the U.S. Forces in Pacific authorizes his fleet units involved in the DeSoto Patrol to contact Commander, United States Military Assistance Vietnam for any additional intelligence required for prevention of mutual interference with 34A Operations and such communications arrangements as may be desired."

That is what I was looking for.

Secretary McNamara. Yes. Well, that simply means that the commanders were trying to separate the two.

Senator Gore. But you tell us——

Secretary McNamara. May I just finish one second?

Senator Gore. Yes.

ATTEMPTS TO COORDINATE AMERICAN AND SOUTH VIETNAMESE PATROLS

Secretary McNamara. That the commanders were trying to separate the two, and the commander in chief Pacific instructed his subordinate commanders in the commander of Naval Forces Pacific, and the 7th Fleet they were authorized to contact the U.S. commanders in South Vietnam to obtain enough information on the 34A operations to plan the DeSoto patrol in such a way as to not conflict with it.

Senator Gore. I do not know why you belabor the point. I do not wish to belabor it further.

It is clear to me that our Navy and the commander of the task force knew of the 34A operations. He was advised, as I have just read, to contact the commander in chief of the military assistance in Vietnam for additional intelligence required. For what purpose? Prevention of mutual interference with 34A operations.

The chairman has just read a telegram from the commander of the DeSoto patrol, of the *Maddox*, referring to 34A operations.

Secretary McNamara. Senator Gore, may I interrupt you here one moment. I do not believe it is correct to say, as I understood you to say, that the commander of the *Maddox* was advised to contact MAC/V regarding 34A operations. I do not think that that cable is to the commander of the *Maddox*.

Senator Gore. Well, let me read it.

Secretary McNamara. Let us be sure, let me get the cable in front of me so I can be absolutely certain I know to whom it is addressed. What is the number of the cable?

Senator Gore. I do not know. I am reading from a summary here. It was on July 10, 1964. I do not believe I have——

Mr. Bader. I have the cable here, Mr. Secretary.

Senator Gore. Let the Secretary have it, if you will.

Mr. Bader. I want to make it clear for the record that this cable is to U.S. Fleet units, not direct to the *Maddox*.

Secretary McNamara. This is not the *Maddox*. This is from CINCPAC in Honolulu to CINCPAC Fleet, and it says:

"Desire you"—CINCPAC Fleet—"submit data required for the DeSoto patrol for the primary purpose of determining"—such and such, in designating type—"not mandatory it be employed. Desire patrol be scheduled to commence 1 August. Direct liaison is authorized with MAC/V for any additional intelligence." That is between CINCPAC Fleet and MAC/V and not between the commander of the *Maddox* or the *Maddox* patrol.

Senator Gore. We keep alternating from the commander of the task force and the Pacific commander, and it seems to me that is really not consequential because whoever was directing the operations knew of both operations, and they were occurring within a period of 3 days within the same gulf, and the point was made here—let me repeat—that this would give cause or provocation because of concern for any reasonable opposing country to assume that there was coordination. But then you have given a statement.

NORTH VIETNAMESE COULD DISTINGUISH "MADDOX"

The Chairman. Will the Senator yield? The Secretary said the North Vietnamese did not confuse the *Maddox* with 34 ops. I think that is true, because they knew it well enough that they certainly thought it was involved in or coordinated with it. That is, I accept the idea that they could tell the difference beween the *Maddox*, which is quite a little ship, and a patrol boat.

But the wire, the cable, from the *Maddox* commander, that is, the commander of the task force, clearly indicates that the DRV, as he says, considers patrol directly involved with 34–A Ops. The word confused with—no one is contending they could not tell the difference between a destroyer and a patrol boat, but they were involved with or they were coordinating their actions; that is what this shows.

Secretary McNamara. Mr. Chairman, there have been several points raised by Senator Gore and you, and let me try to cover them, as I recall.

First, Senator Gore said it is not very relevant to whom the message is addressed It is absolutely fundamental in relation to my testimony and in relation to the question of the degree to which the commander of the *Maddox* knew about 34–A, as to whether the cable from CINCPAC instructing CINCPAC Fleet to feel free to contact MAC/V went to CINCPAC Fleet or to the *Maddox*. If it went to CINCPAC Fleet it is not an instruction to *Maddox*. It is very relevant.

Secondly, the wire from the commander of the *Maddox* to which you referred, Mr. Chairman, as I explained this morning, was not based on any information available to him that he can now recall or that we know he had. I think it was sheer speculation, and an unfounded speculation, and a speculation that is disputed by other evidence.

Thirdly, there is no question but what the DeSoto patrol and the Operation 34 tracks and activities were separated in place and time by miles and times that I referred to a moment ago.

The North Vietnamese radar tracked both of them; we can be confident of that. They knew they were separated in place and time, but importantly, and most important of all, the North Vietnamese knew they had nothing to fear from our DeSoto patrol. This was the fourth one carried out. They were all carried out essentially in the same fashion and operating procedures. At no time did any of these patrols carry out hostile action. At no time did they contribute in any way to the success of the 34–A Operations and, therefore, there was no basis whatsoever for the North Vietnamese to consider them a part of or associated with 34–A Operations.

The Chairman. That is mighty hard to believe. In this same cable, the *Maddox* commander asks for cover overhead under the control of the destroyers. Even 15 minutes was not enough. Why would he be so concerned?

Senator Gore. He wanted them immediately overhead and under his command.

The Chairman. He wanted them immediately under control of the destroyer.

Secretary McNamara. Let me ask each of you gentleman if you had been attacked yesterday, and you had knowledge that you were likely to be attacked again, would you be satisfied with less than immediate air cover? I would not, and he was not.

The Chairman. No, because of what he says here, because he considers him the enemy.

Secretary McNamara. Not because of what he says here, but because he was shot at. I happen to have one of the bullets in my pocket, 24 hours before. Here it is, right here, This came from the man who sent the cable. That is the reason why he was asking for a 15-minute-reaction air cover.

Senator Gore. You hold one bullet, and we sent 64 ships in retaliation.

Secretary McNamara. And there were——

Senator Gore. Airships.

Secretary McNamara. There were two separate attacks on U.S. vessels on the high seas.

Senator Gore. I do not think, Mr. Secretary, the second attack has been established by your testimony today at all.

EVIDENCE FOR SECOND ATTACK IS NOT SUFFICIENT

Secretary McNamara. All I can say is that that——

Senator Gore. I think there is more question now than when you came.

Secretary McNamara. All I can say, Senator Gore, is that those in the Department who had no responsibility for the retaliation, and who have examined the information, concluded beyond any shadow of their doubts that the second attack occurred.

Senator Gore. Let me state quite candidly my feeling of doubt and question. I hope that further inquiry will resolve these doubts and questions. I feel the Congress and the country were misled about the closeness of operation of DeSoto patrol and the South Vietnamese raids by vessels that we had furnished, by men we had trained, operating with the advice of our military advisers in South Vietnam. That is No. 1.

I know I have been misled. It may be partly my fault. I am not excusing myself.

Secondly, I feel that I was misled that this was an entirely unprovoked attack, that our ships were entirely on routine patrol. The fact stands from today that they were intelligence ships; that they were under instructions to agitate North Vietnam radar, that they were plying close to the shore within 4 miles of the islands under orders in the daytime, retiring at night; that they were covered with immediate air cover which, in itself—that they were covered with military aircraft which you said on television the other day which would be provocative off of North Korea. Why it would not be provocative off of North Vietnam I do not know.

Thirdly, I think that from my tentative conclusion it is that the administration was hasty, acted precipitately, inadvisably, unwisely, out of proportion to the provocation in launching 64 bombing attacks on North Vietnam out of a confused, uncertain situation on a murky night, which one of the sailors described as one dark as the knob of hell; and, particularly, 5 hours after the task force commander had cabled that he doubted that there were any attacks, and recommended no further action be taken until it was thoroughly canvassed and reviewed. And yet you give to the American people the canvass that occurred, two canvasses, one on the 7th and one on the 14th, several days after the attacks.

So I think, Mr. Chairman, in view of all these facts, and in view of the statement that has been released which, I submit, is misleading in details which I have cited, and I have marked others as I went through, that we have no choice but to proceed further with the inquiry.

The Chairman. Senator Pell, you have been patient.

Secretary McNamara. Mr. Chairman, may I make one or two brief comments. I do not think you will want me to take time at 6:25 in the evening to respond in full to Senator Gore's comments, because I disagree almost completely with all of them, and I think the record or the testimony today will show why.

I do want to make two points, however, that the commander of the task force did not say he doubted there was any attack, as Senator Gore alleged. He specifically did not use that language, and I think the record should not be allowed to show that——

Senator Gore. Mr. Chairman, could I ask that his——

Secretary McNamara. Yes.

Senator Gore. I was paraphrasing.

Secretary McNamara. He raised a question about certain details, and we will put the exact message in here. It is at [deleted].

Mr. Bader. Mr. Secretary, I think I could read it for you again.

Secretary McNamara. No, we will just put it right in here.

Senator Gore. Let me read it. It is certainly better than the words that I have used:

"Review of action makes many reported contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarmen may have accounted for many reports. No actual visual sitings by *Maddox* suggests complete evaluation before any further action."

Yet 5 hours later we launch an attack with 64 planes on a little country.

Secretary McNamara. Because we have made a complete evaluation.

The point I want to make is he did not doubt there was any attack. He did not say so in his message.

WASHINGTON DID NOT HAVE ALL DETAILS OF ATTACK

The second point I want to make is that I did not state in my statement that we had information from Admiral Johnson or that we had Admiral Johnson's evaluation report or Admiral Moorer's evaluation report or General Burchinal's evaluation report at the time we made the decision regarding retaliation. I very specifically mentioned on page 19, I believe, that some of the details cited above, particularly the statements of eye witnesses, had not reached Washington at the time the reprisal air strikes were executed, but information adequate to establish beyond any doubt that an attack had taken place was available, and I listed specifically what that was. I said allow me to repeat again that information.

Senator Gore. Thank you, Mr. Chairman.

The Chairman. Senator Pell, you have been very patient.

Senator Pell. I have a couple of questions and one comment, if I may.

In your open, leased statement, you mentioned the figure of, first it was 8 miles and then withdrawn to 11 miles, of the patrol. What was the reason for choosing 11 miles as opposed to 12 or 13?

Secretary McNamara. I cannot say why it was 11. I think I can say why it was 8. They simply wanted to make it a little further away than it has been previously and, as you know, the patrol itself stayed 16 miles away, although it was authorized to go 11.

CONFLICTING CLAIMS OF TERRITORIAL WATERS

Senator Pell. Right.

I understand you presumed North Vietnam had a 3-mile limit because it was a successor country to France, which had had it.

I am disturbed here with the analogy of Korea because Korea is also, North Korea is also, a successor country to a nation that had a 3-mile limit, specifically, Japan.

And yet we have honored, as I understand, quite conscientiously, the 12-mile limit that North Korea has claimed. What is the reason for presuming or for not presuming that North Vietnam did not also have a 12-mile limit?

Secretary McNamara. Because in the case of North Korea they had previously stated a claim to territorial waters out to 12 miles whereas North Vietnam had not made any such claim. I want to emphasize, of course, we do not recognize North Korea's claim to 12 miles. The point here is that North Vietnam had not claimed 12 miles.

Senator Pell. Right.

Secretary McNamara. And, therefore, we were not operating within territorial waters claimed by them.

Senator Pell. It is not so much a question of recognizing or not recognizing. We do not willfully want to provoke more hostilities. I am sure you probably feel that way more strongly than any of us.

I was looking at the note that the North Vietnamese sent to the International Control Commission, on the 31st of July objecting to the 34A operations, calling it a violation of the sovereignty and territorial integrity of the DRV, and referring to them as acts of the Americans, and the Southern Administration. Then on August 5, they made an English language broadcast, in which they referred specifically to our destroyer, and said:

"On the afternoon of 2d August it (the destroyer) encountered our patrol boats between Hon Me and Lach Truong in our territorial waters. In the face of the provocations by the sea rovers, our patrol ships took action to defend our territorial waters and fishermen and chased the enemy ship out of our territorial waters."

This (this broadcast of August 5 stating that our destroyer was in their territorial waters on August 2 when we knew that, while she had gone to within 8 miles of the North Vietnamese main shore, her orders had permitted her to go no nearer) [1] would indicate to me that they had thought that 12 miles was their territorial limit. Would you believe that this broadcast supported that thought?

Secretary McNamara. It would indicate that they thought 3 miles or 12 miles?

Senator Pell. Twelve miles.

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[1] Parenthetical statement subsequently added for clarification.

U.S. RECOGNIZED 3-MILE LIMIT

Secretary McNamara. I do not think it really led us to that conclusion. We believed up to that time they thought 3 miles was the territorial limit because they had not stated anything beyond that.

Senator Pell. You thought 12 miles up to that time?

Secretary McNamara. No; we thought 3 miles.

Senator Pell. Three miles, I am sorry.

Secretary McNamara. Was their territorial limit because they had not said anything to the contrary. It was not until September 1 that they did, to the best of my knowledge.

Senator Pell. I must say I agree with Senator Gore in his point that the retaliation seems large in proportion to the offense. I know from the old rules of land warfare that if you are engaged in hostilities or occupying a country, the rule of thumb given to a commanding officer is that you can retaliate 10 to one. If two of your men are killed by saboteurs or franc tireurs, you have recognized authority to kill 10 civilians for each one of your men. At least, this is what we were taught in World War II.

It seemed to me in these two attacks, one definite and one quite possible, we suffered no damage. Therefore, why did we feel we had to retaliate on the basis of almost infinity from the viewpoint of the damage we suffered?

Secretary McNamara. Well, the attack was, the retaliation was, against sites associated with the vessels that carried out the attacks on our ships. The crime was not measured by the amount of damage done. It was measured by the violation of our right to navigate freely on the high seas, and it appeared to us that the retaliation was controlled, limited, and quite appropriate to the character and type of attack upon us.

Senator Pell. This is obviously a question of, a very subjective question of, opinion, where some of us would disagree strongly with you. But that is past history.

I would commend you on the way you handled the *Pueblo* case, because, although you had so many similarities there, you apparently followed a completely opposite course from the *Maddox*. You did not have an air cover, kept out of the 12-mile limit, and did not over react.

Do you feel that the lessons of the *Maddox* and Tonkin Bay resolution may have had an effect on your reaction to the heinous seizure of the *Pueblo*?

Secretary McNamara. No. I think the *Pueblo* case was different in the history that preceded it as compared to the *Maddox*.

We had clear and convincing evidence that North Vietnam was directing military operations of the Vietcong in South Vietnam; was supplying men for those operations by sea as well as supplying military materiel in large quantities, both men and materiel; and, therefore, that there was greater risk for our operations in the Gulf of Tonkin than there was in the waters off of North Korea.

I think that is the reason for both a difference in the nature of the patrol and also for the difference in the response.

Beyond that, beyond the history leading up to the actions, I think one should also recognize in the case of the retaliation attack against the North Vietnamese patrol boat bases, that this occurred after the second attack, and after the President, following the first attack, had stated that we would maintain our right to operate on the high seas, and that interference with that right would carry with it the gravest of consequences. So I think the situation really was quite different.

Senator Pell. All right.

COMPARISONS WITH OTHER ATTACKS ON AMERICAN SHIPS

The Chairman. I wonder if he would elaborate on the distinction between these cases and the *Liberty* where we were on the high seas and they actually destroyed the boat and killed 34 of the men.

Secretary McNamara. I think the major difference, Mr. Chairman, is in intent. There was no intent on the part of the attackers of the *Liberty* that has ever been disclosed to me from the Government of Israel to attack our ship.

The Chairman. That is more important than the actual destruction?

Secretary McNamara. I think so.

Senator Pell. I have the greatest sympathy with the officers of the ships. As one of the few people here who once stood watch underway and engaged in combatant activities at night, I can see how the confusion comes. I think you can imagine it, as you read your statement, as you hear Senator Gore's questions. I still stick to my view that our Government's response was excessive to the offense, particularly as it has been delineated in the hearing.

My regard for you as an individual, remains very high. I am sure that in no way would you intentionally or are you in any way intentionally misleading us. But I still believe we can all be honorable men and yet differ as to the courses of the same actions and react differently.

Secretary McNamara. Thank you.

The Chairman. Is that all?

Senator Pell. Yes, sir.

The Chairman. Does the Senator from Missouri wish to ask a question?

Senator Symington. Again, Mr. Secretary, I am sorry I was not here more today. Most of the people on this committee are also on the Finance Committee, so they never schedule hearings for me.

As I understand it from the little that I heard this morning and have heard today, if there was a mistake, and you do not believe there was a mistake, it was an unintentional mistake; and there was no conspiracy, no effort to formulate something to mislead the American people so as to justify going into a more active state of belligerency with North Vietnam. Does that sum it up?

Secretary McNamara. It does.

My belief is that the first attack occurred, the second attack occurred. We had evidence of a second attack at the time of our decision to retaliate. We acted constructively to try to avoid provocation, and there is no evidence submitted then or now that indicates either provocation or planned provocation.

Senator Symington. Thank you.

PROBLEM OF DISCLOSING SOURCES OF INFORMATION

One other question. I noticed you mentioned in your statement, which I saw only a few minutes ago, intelligence reports of a highly classified and unimpeachable nature. If that has been released, does that release us from being more specific about what the information was?

Secretary McNamara. No, sir. While you were at the other committee hearing I read a report from General Carroll that emphasized the very serious penalties that we faced were the source of the information disclosed.

Senator Symington. From the standpoint of future military operations?

Secretary McNamara. From the standpoint of current military operations.

Senator Symington. Well, tomorrow is future. I am probably the least informed. I just have not had the time, but is it fair to say that the actions taken were taken on the basis of this highly classified unimpeachable source information?

Secretary McNamara. It was one of the major factors leading us to the conclusions that we came to.

Senator Symington. Do you think you would come to these conclusions without it?

Secretary McNamara. Yes.

Senator Symington. That is an interesting answer.

It was not the deciding factor, but it justified the decision.

Secretary McNamara. It did.

Senator Symington. Is that correct?

Secretary McNamara. It did.

Senator Symington. I have no further questions, Mr. Chairman.

The Chairman. Mr. Secretary, I apologize for going so long.

RELEASE OF TESTIMONY CONSIDERED

In view of your release of your statement, do you have any objection to the committee, if it so decides, to release this transcript?

Secretary McNamara. Only as much information, Mr. Chairman, in the transcript that ought to be removed is that which refers to sources of data, and so on. But subject to that, I would be delighted to see it released.

The Chairman. This was one reason why I objected to releasing your statement until we had had an opportunity to see what the hearing would develop. But I think you can understand that it is going to be rather difficult to refrain from making public a major part, if not all, of this transcription order to give a balanced picture of the whole affairs, don't you?

Secretary McNamara. Mr. Chairman. I am sure you will recall I explained why my statement was released. I released my statement because there was an absolutely incorrect newspaper report of my testimony this morning issued.

Senator Gore. Mr. Secretary, you released an incorrect statement, at least one that is not in conformity with your testimony today.

Secretary McNamara. Senator Gore, I am sorry you hold that opinion. It is not held by others who have reviewed my statement in great detail. But I think it is perfectly clear that there was a newspaper report released at 1:22 this afternoon that was an absolutely false report on what I said this morning on a very important issue, and I do not suggest that a member of the committee made a false statement. I simply say that the newspaper report falsely reported what I said this morning.

Senator Symington. It is most unfortunate if he did.

The Chairman. I, of course, have no knowledge of that either, but I do not think it is all that important when he said it was in territorial waters.

LOCATION OF AMERICAN SHIPS DISCLOSED

Secretary McNamara. He did not say it was in territorial waters. I should not say he said, the newspaper report said he said I said it was in territorial waters. I did not say it was in territorial waters. It is a most important point, and I could not stand with that—I made every effort—I delivered 200 copies of that statement to this commitee this morning. I specifically instructed my people not to release it. We leaned over backward.

The Chairman. What I mean, there is nothing at all critical if you had stated that you did not say they were in territorial waters. But you released the whole statement, and that 20-page statement, which is a slight escalation.

Secretary McNamara. All I can say I told you, Mr. Chairman, why I did it.

The Chairman. I can understand why you did it. But you released the entire statement. There was no reason why you could not have stated to the press that you did not say they were in territorial waters, which would have been a direct denial of what was said. All, or even the report of the newspapers, all he said was they were in the territorial waters.

Now, there has been this general feeling around of 12 miles. We recognized 12 miles in Korea. We carefully recognized or at least we avoided going within 12 miles of Communist China, and if he said it, I think it was an inadvertence, because of the great discussion that has been placed about North Korea and the *Pueblo*, and I regret it was said.

If Senator McCarthy, was quoted in the press report.

Secretary McNamara. Mr. Chairman, may I read it to Senator Symington? I would like him to know, if I may read it.

The Chairman. You can give it to him.

Secretary McNamara. Read the first two lines pencil barcketed, Senator Symington.

In view of the *Pueblo* case, in view of the controversy over whether we were or were not in territorial waters with the *Maddox* and the *Joy*, it was absolutely essential that that be corrected, and corrected quickly and precisely, and that is why the statement had to be released.

The Chairman. I see no objection to your saying you did not say it was in territorial waters.

NORTH VIETNAMESE CLAIM IS UNDERSTANDABLE

The exchange that Senator Pell read, it is quite clear that the North Vietnamese believed you were in territorial waters. They did not come right out and say, "Our 12-mile territorial waters," but if you were in the area which the record shows you were, they believed you were in their territorial waters. I have no way of knowing whether they never had expressed 12 miles. That requires research. I do not know whether your lawyers have done a complete research, and are positive that in the last 10 years they have never claimed 12 miles or not. That is a matter that has never been brought up before.

Actually there was an assumption, because of these other cases that 12 miles was what they claimed. We have not, the staff has not, had an oportunity to make any inquiry at all on that point.

But I think publication of your statement puts a great deal of pressure on the committee to release the transcript, and I do not propose, of course, to do it without action of the committee, but I think it does make it very difficult for us.

Senator Gore. Mr. Chairman, great reliance has been placed, the Secretary has placed great reliance, it seems to me, upon this unidentified, unimpeachable, highly classified source. Twice in his statement he has quoted that source as reporting something which the evidence does not support. So I do not know what the committee does now. I think we must plow forth and get to the full truth and make a report to the people.

The Chairman. I understood the Secretary to say to the Senator from Missouri that this highly classified information was not an absolutely essential basis for the decision. Even without those reports he would still have made the same decision, so that might make it easier to simply delete that evidence. I do not know.

Well, I do not know what the committee, in its wisdom, will decide to do. I certainly do not feel authorized to release the transcript. I do not propose to do it until the committee considers the matter. But I was just inquiring while the Secretary is here, as to what his attitude is toward releasing of the transcript.

Secretary McNamara. Mr. Chairman, after eliminating those particular aspects of it that would compromise our intelligence collection sources, I would be delighted to see it released.

WOULD DISCLOSURE JEOPARDIZE OUR SECURITY?

The Chairman. Mr. Secretary, I do not like to take issue with you, but it is awfully hard for me to believe that 3½ years after that this is of any significance to current security. It is just incredible. [Deleted.]

Secretary McNamara. Mr. Chairman, I am quite prepared to have this issue presented to the Foreign Intelligence Board and rely on their decision. I simply tell you that the intelligence, senior intelligence, directors of our Government, CIA, DIA, NSA, state categorically that it would be a serious compromise of intelligence sources.

I am quite prepared to have my acceptance of their statement judged and overridden by a decision of the Foreign Intelligence Board, and I will put it up to them if you wish.

The Chairman. Of course, you raise this very difficult question that confronts us all along, and it seems to me the executive branch takes the position that the Congress has no function to play in foreign relations and in making war; that we should do anything and everything that the executive——

Senator Symington. Mr. Chairman, if I may, when this question of the Tonkin Gulf episode came up I did suggest that we get somebody knowledgable [deleted] and have him come before the committee, so we could get an independent slant on what the damage might be. Frankly, I did not know what it was or would be.

We are losing 300 or 400 men a week now, and should be careful. I did make that suggestion, before the two Secretaries went on "Meet the Press" 3 or 4 weeks ago; and still think it then was a good suggestion. I would hope the Chair and the committee would give consideration, not as decisive, but as something that should be considered.

The Chairman. The Senator says he has not read it. But if he reads the Secretary's statement which has been released, it is quite definite, I think, to anyone [delete].

Senator Symington. I must say that was my impression when I just read it.

The Chairman. It is a highly classified source. That is the only thing it could mean [deleted] and for us to say it a second time does not seem to me to add anything to it [deleted].

Senator Gore. Mr. Chairman, it is nearly 7 o'clock.

The Chairman. I move we adjourn.

Senator Gore. I suggest you and the Secretary talk about this privately.

The Chairman. I move we adjourn.

Senator Symington. I second that motion.

Secretary McNamara. If you want my opinion, I agree with the chairman.

(Whereupon, at 6:50 p.m., the committee adjourned.)

THE GULF OF TONKIN, THE 1964 INCIDENTS

PART II

A. INITIAL EXCHANGE OF LETTERS AFTER FEBRUARY 20, 1968 HEARINGS

U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., March 1, 1968.

Hon. Clark M. Clifford,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: When Secretary of Defense McNamara appeared before the Committee on Foreign Relations on February 20, 1968, to review the incidents which occurred in the Tonkin Gulf in August 1964, he agreed to provide the following information for the record:

1. The exact number of American troops stationed in Vietnam at the end of 1963.
2. Whether recommendations were made by the Joint Chiefs of Staff to extend the war to North Vietnam.
3. The number and location of air units deployed to Southeast Asia between August 5, 1964, and February 1965.
4. Measures taken, if any, by American troops to prevent infiltration by North Korean troops into South Korea.
5. The status of the command and control report evaluating the Tonkin Bay incidents.

I enclose a copy of this testimony for your information. [Omitted here.]

In addition, could you provide me with the document referred to by Secretary McNamara in which North Vietnam, on September 1, 1964, declared that her territorial seas extend 12 miles.

I would also appreciate having the names and affiliations of all men aboard the *Maddox* in July and August 1964 who were not part of the regular crew.

I am grateful for your attention to this matter.

Sincerely yours,
J. W. Fulbright,
Chairman.

Assistant Secretary of Defense,
Washington, D.C., April 4, 1968.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Secretary Clifford has asked me to reply to your letter of March 1, 1968. The following is provided in answer to the correspondingly numbered questions contained in your letter:

1. 16,263.
2. During the first part of 1964 prior to the Tonkin Gulf incidents of August, the Joint Chiefs of Staff examined several possible types of military action which might be brought against North Vietnam in order to deter that country from continuing its aggression against South Vietnam. Contingency planning for these actions was taken. However, no definitive recommendation for extending the war to the north had in fact been made by the Joint Chiefs of Staff.
3. See enclosure (1).
4. See enclosure (2).
5. The Chairman of the Joint Chiefs of Staff has again reviewed the status of the so-called command and control study to which your letter refers. He confirms the fact that this was an internal study and one of a series directed to the mechanics of the national military command system. It was not intended to be, nor does it constitute, a comprehensive evaluation of the incidents themselves. It was not prepared for review by the Chairman of the Joint Chiefs of Staff. As you have previously been informed, the author of the study did not have access to sources of information that would be essential to an overall evaluation of the incidents. In light of the foregoing, the study is not considered appropriate for dissemination outside the Department.

In response to your additional requests, enclosure (3) is an opinion by the Judge Advocate General of the Navy as to the breadth of the territorial sea claimed by North Vietnam. Paragraph 8 of that document and enclosure (2) thereto is the source of Secretary McNamara's statement as to the North Vietnamese "claim" made on September 1, 1964.

Enclosure (4) gives the names and affiliation (at that time) of all men aboard *Maddox* in July and August 1964, who were not part of the regular crew.

Sincerely,
Paul C. Warnke.

ENCLOSURE (1) TO LETTER FROM ASSISTANT SECRETARY WARNKE, APRIL 4, 1968

AIR UNITS MOVED TO SOUTH VIETNAM AND THAILAND BETWEEN TONKIN GULF INCIDENTS AND END OF FEBRUARY 1965

The chronology regarding the movement of air units to South Vietnam or Thailand between the Tonkin Gulf incident (August 4, 1964, and February 1965) is listed below:

August 4, 1964

(Dates authorized by the Secretary of Defense)

Type of Number of aircraft, beginning and destination

KB-50, 4 Yokota Air Base, Japan, Takhli Air Base, Thailand.

B-57, 36 Clark Air Base, Philippine Islands, Bien Hoa Air Base, South Vietnam.

F-100, 4 Clark Air Base, Philippine Islands, Takhli Air Base, Thailand.

RF-101, 2 Misawa Air Base, Japan, Tan Son Nhut Airfield, South Vietnam.

F-102, 6 Clark Air Base, Philippine Islands, Da Nang Airport, South Vietnam.

F-102, Clark Air Base, Philippine Islands, Takhli Air Base, Thailand, Tan Son Nhut Airfield, South Vietnam.

F-105, 18 Yokota Air Base, Japan, Korat Air Base, Thailand.

August 7, 1964

C-123, 16 CONUS, Tan Son Nhut Airfield, South Vietnam.

September 4, 1964

RB-57E, 2 CONUS, Tan Son Nhut Airfield, South Vietnam.

February 7, 1965

Vietcong attack Pleiku.

Flaming Dart I (reprisal strike) authorized by President. 49 7th Fleet aircraft attack Dong Hoi area north of DMZ.

February 8, 1965

COMUSMACV ordered redeployment of following air units as a precautionary measure against possible Vietcong reprisal attacks:

Type of Number aircraft, beginning and destination

F-100, 18 Da Nang, South Vietnam, Takhli, Thailand.

F-105, 12 Da Nang, South Vietnam, Korat, Thailand.

B-57, 10 Bien Hoa, South Vietnam, Clark Air Base, Philippine Islands.

February 9-28, 1965

No additional deployments.

Enclosure (2) to Letter of April 4, 1968

COMPARISON OF 2D U.S. DIVISION AND ROK DIVISION, DMZ INCIDENTS AND CASUALTIES

1. Approximately three-fourths of the Korean DMZ firing incidents and nearly one-half of the DMZ firefights occurred in the 2d U.S. Division sector. Of 438 DMZ firing incidents during 1967, 359 occurred in the 1st U.S. Corps (GP) sector; 333 in the 2d U.S. Division zone. Of the total incidents 123 were actual firefights. Seventy-four of these were in the 1st U.S. Corps (GP) sector, 56 in the 2d U.S. Division.

2. The U.S. troops are involved in firing incidents much more frequently than the [deleted] ROK divisions deployed on the DMZ and U.S. casualties were higher than the average ROK DMZ division. During 1967, 16 U.S. troops were killed and 63 were wounded while the [deleted] ROK DMZ divisions suffered a total of 73 troops killed and 165 wounded in DMZ actions for an average of eight killed and 18 wounded per ROK division.

3. The 2d U.S. Division also accounted for more North Korean casualties than the average ROK division. Thirteen North Koreans were killed and two captured in the 2d U.S. Division sector while 75 North Koreans were killed by the [deleted] ROK DMZ division. It is impossible to determine the total number of infiltrators or the percent of those effectively neutralized.

4. There are several reasons accounting for the high level of activity in the 2d U.S. Division area. The division lies astride the main approach from North Korea to Seoul. This route is the shortest, has some of the best transportation lines, and flat terrain leading to Seoul. This area is therefore subject to many attempts to infiltrate agents into Seoul and deeper into Korea.

5. There is also political motivation for concentrating on the 2d U.S. Division. North Korea gains more by hurting and embarrassing an American unit than a ROK unit. These missions also serve to test U.S. reaction to North Korean hostilities, and to support Pyongyang's propaganda theme that the presence of U.S. troops in Korea is the cause of current tension [deleted].

6. [Deleted.]

Enclosure (3) to Letter of April 4, 1968

MEMORANDUM FOR THE SECRETARY OF THE NAVY FROM THE OFFICE OF THE JUDGE ADVOCATE GENERAL, DATED FEBRUARY 1, 1968

Subject: North Vietnamese territorial waters.

Enclosure:

(1) DNI message to ALUSNA, Saigon, dated May 1, 1963.

(2) International law file note concerning foreign broadcast intercept service No. 42 of September 1, 1964.

(3) [Deleted.]

1. The following information is submitted concerning the breadth of the territorial sea claimed by North Vietnam.

2. During the period between acquiring independence from French control and the Tonkin Bay incident of August 1964, North Vietnam issued no public announcement of a new claim to a territorial sea broader than the 3-mile claim of the French. Enclosure (1) dated May 1, 1963 noted:

"According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Absence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of such a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to 12-mile limit claimed by other Communist nations if issue were raised."

3. When the Sixth Committee of the United Nations General Assembly approved a resolution calling for a conference to consider the International Law Commission's draft articles on the Law of the Sea to be held in the spring of 1958, the French delegate, Mr. Pinto, stated that France wanted to maintain its traditional position in favor of a 3-mile limit. Furthermore, the prepared study for the U.S. delegation to the Second United Nations Conference on the Law of the Sea (1960) listed France as claiming a 3-mile territorial sea and further stated that she desired the least possible extension via any compromise that may arise.

4. Cambodia, a state previously under French rule, stated that although Cambodia had no legislation of its own on maritime law drafted since gaining its independence, it applied the principles of French law. This statement was contained in a letter of April 2, 1956, from the Minister of Foreign Affairs, Cambodia, and appears in the American Journal of International Law, volume 50 on page 1044. This letter further stated that Cambodia follows the rule of French law, under which the territorial sea has a breadth of 3 miles. Parenthetically, it is noted that Cambodia subsequently has increased its territorial seas claim

5. It is a general principle of international law that the legal system of the former state remains in force in the territory of the succeeding state until modified by municipal legislation of the new sovereign or by the international conventions that have created the new state. The Geneva Accords are silent on the point of territorial seas, and as noted above North Vietnam has not made public any proclamation on this matter prior to the Tonkin Bay incident.

6. It is concluded therefore, that foreign states were entitled to rely on the application of the French claim of 3 miles in regard to the extent of the North Vietnamese claims to territorial sea limits. The fact that a sister successor state, Cambodia, publicly adopted the French 3-mile rule gives further justification to this reliance.

7. The United States was further free to rely on this position in view of the official announcement of the United States contained in the statement of Ambassador Arthur H. Dean, chairman to [sic] the American delegation to the Law of the Sea Convention in which he stated at the closing session of the 1958 conference in part as follows:

"We have made it clear that in our view there is no obligation on the part of states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of territorial sea. And on that we stand. (U.N. Conference on the Law of the Sea; Department of State Bulletin, June 30, 1958.)"

8. Even after the Tonkin incident, it is debatable whether Hanoi has made an official assertion sufficient to place other nations on notice of a 12-mile claim. Enclosure (2) reveals that Hanoi made a claim to 12 miles, on September 1, 1964, in a radio broadcast concerning the Tonkin incidents but no documentary substantiation of this claim appears to exist.

9. [Deleted.]

10. As a matter of fact, all Communist countries do not claim a 12-mile territorial sea. Examples are Cuba and Poland which claim 3 miles and Yugoslavia and Albania which claim 10 miles.

11. In summary, Indochina under French control had a 3-mile territorial sea. When North Vietnam became independent, it made no attempt to modify this 3-mile claim until after the Tonkin Bay incidents. Even following these incidents, North Vietnam has not officially promulgated a 12-mile claim, but only most informally indicates that it presently claims 12 miles.

WILFRED HEARN.

Director, Naval Intelligence Message to Saigon, Dated May 1, 1963, (Enclosure (1) to Memorandum for the Secretary of the Navy)

FM: DNI

To: Alusna Saigon.

Info: CINCPACFLT, North Vietnamese International Waters.

A. Your 010339Z (NOTAL).

1. According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Abesence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to the 12-mile limit claimed by other Communist nations if issue were raised.

2. DRV and CHICOMS have two known agreements:

(*a*) "Maritime Transport Agreement" signed December 12, 1956, permits ships of both nations to use each others ports and facilities; gives preference to ships carrying goods and passengers; offers to exchange information on port facilities.

(*b*) Fishing agreement signed April 25, 1957, believed renewed in 1962, deals exclusively with exchange of mutual fishing rights.

International Law File Note Concerning Broadcast Transcript Service No. 42 of September 1, 1964 (Enclosure (2) to Memorandum for the Secretary of the Navy)

Vietnam (North) T. W. Claim

Foreign broadcast intercept service 42 of September 1, 1964. North Vietnam radio Hanoi stated concerning Gulf of Tonkin incident: "DRV declares the territorial sea is 12 miles."

[Deleted.]

Enclosure (4) to Letter of April 4, 1968

MEN ABOARD THE "USS MADDOX" IN JULY AND AUGUST 1964, WHO WERE NOT PART OF THE REGULAR CREW

Name, rate, branch and duty station

Allaire, Matthew Brian, Sgt, USMC, First Composite Radio Co., Kaneohe Bay, Hawaii.

Atchison, Ronald Stephen, CT2, USN, Naval [deleted] Activity, Taipei, Taiwan.

Delaney, Samuel Warren, Sgt, USMC, Naval Communication Station, San Miguel, Philippines.

Bolton, Victor James, CT2, USN, Naval [deleted] Activity, Kamiseya, Japan.

Burdette, Harvey Nelson, CT2, USN, Naval [deleted] Activity, Taipei, Taiwan.

Dixon, Thomas Luvern, CT2, USN, Naval Communication Station, San Miguel, Philippines.

Gaughan, Thomas Anthony, Sgt, USMC, First Composite Radio Co., Kaneohe, Bay, Hawaii.

McMahan, Arthur Blane, Cpl, USMC, First Composite Radio Co., Kaneohe, Bay, Hawaii.

Moore, Gerrell Dean, Lt, USNR, Naval [deleted] Activity, Taipei, Taiwan.

Prouty, David Alexander, Cpl, USMC, Naval Communication Station, San Miguel, Philippines.

Stanton, James Harold, Cpl, USMC, First Composite Radio Co., Kaneohe Bay, Hawaii.

Zimbelman, Lyle, Jr., CT1, USN, Naval [deleted] Activity, Taipei, Taiwan.

Mitchell, Dennis Edward, CT1, USN, Naval Communication Station, San Miguel, Philippines.

De Courley, Charles D., CT2, USN, Naval Communication Station, San Miguel, Philippines.

O'Rourke, Richard L., CT3, USN, Naval Communcation Station, San Miguel, Philippines.

Bahm, Jack C., CT3, USN, Naval Communication Station, San Miguel, Philippines.

B. THE DEPLOYMENT OF AIR UNITS

During the February 20, 1968 hearing the Chairman asked General Wheeler to check whether the United States was considering sending air units to South Vietnam and Thailand prior to the Tonkin incidents. General Wheeler said he would check that particular point.

The following information was later supplied and included in the published version of the February 20 hearing:

"We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing."

Subsequently the Joint Chiefs of Staff provided the following information on the further check of records:

AIR UNITS ALERTED FOR MOVEMENT TO SOUTH VIETNAM AND THAILAND PRIOR TO THE TONKIN GULF INCIDENTS

"The Joint Chiefs of Staff have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents."

C. TERRITORIAL SEAS

On the question of the territorial seas claimed by North Vietnam the February 1968 hearings contained the following text:

The CHAIRMAN. Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese believed to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary MCNAMARA. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

Senator MORSE. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The Chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testimony of August 6, 1964:

"As part of that, as I reported earlier to you this week, we understand the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort."

Senator MORSE. That is the quote from Secretary McNamara. Now to quote the Chairman on May 24, 1966:

"First, I want to ask you: Had your ships within days before the incident gone within territorial limits recognized by North Vietnam?

"Mr. MCNAUGHTON. Within the 12-mile limit, Mr. Chairman.

"The CHAIRMAN. That is the territorial limit.

"Mr. MCNAUGHTON. I think that it is. If that is the case, the answer is 'Yes'.

"The CHAIRMAN. That had been the limit.

"Senator PELL. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

Mr. MCNAUGHTON. No, sir, it is the one—the Chairman, I understood the Chairman to say territorial limits recognized by North Vietnam.

"Mr. [U. ALEXIS] JOHNSON. Claimed by North Vietnam.

"The CHAIRMAN. That is right. Many countries have different ones.

"Senator MCCARTHY. Texas claims the 12-mile limit.

"The CHAIRMAN. They vary, but they claimed 12 miles. But our ships had gone into it.

"Mr. MCNAUGHTON. Yes, sir; that is correct."

Senator MORSE. I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary MCNAMARA. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary MCNAMARA. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the Chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the Chairman's statement of it, he was wrong.

As a supplement to this report the committee includes the following excerpt on the matter of 1964 "assumptions" as to North Vietnam's territorial seas taken from an interview with the Honorable Cyrus Vance who was Deputy Secretary of Defense in August of 1964. This excerpt contains an exchange over the question of North Vietnamese territorial seas between Secretary Vance and Richard Fryklund of the Washington Evening Star. The interview took place over the Voice of America on Saturday, August 8, 1964 (one day after Senate approval of the Southeast Asia Resolution).

RICHARD FRYKLUND. Is there any dispute about the Tonkin Gulf being international waters? Do, for instance, Communist China and North Vietnam claim the gulf as their territorial waters?

Secretary VANCE. Not to my knowledge. I think that they do claim a 12-mile limit as opposed to a 3-mile limit, but there is no claim that the Gulf of Tonkin is territorial waters.

RICHARD FRYKLUND. Does the United States recognize the 12-mile limit?

Secretary VANCE. No, it does not. The United States recognizes 3 miles as the territorial limit.

RICHARD FRYKLUND. Do our naval units ever sail closer than 3 miles to the shore?

Secretary VANCE. They do not.

RICHARD FRYKLUND. Are they under specific orders not to?

Secretary VANCE. They are.

JACK RAYMOND. Well, the real issue here is, I think, do they sail closer than 12 miles?

Secretary VANCE. They have sailed——

JACK RAYMOND. They have.

Secretary VANCE. Sailed closer than 12 miles.

D. SUBSEQUENT EXCHANGE OF LETTERS

MAY 29, 1968.

Hon. CLARK M. CLIFFORD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Over the past few weeks the staff of the Foreign Relations Committee has been assembling what will become the final record of the Gulf of Tonkin hearing with former Secretary of Defense McNamara on February 20, 1968. This process involves the final submission by the Department of Defense of material for the record asked for by the committee during the hearing and not available at the time the transcript was published.

One such piece of unfinished business was brought to my attention last week. This concerns the interrogation reports of North Vietnamese naval officers. After reviewing the records and examining the inserts submitted by the Defense Department on May 6, I wish to bring to your attention what I believe to be an important and disturbing discrepancy between the published record and the documentation offered on May 6 to support Mr. McNamara's statement now in the public transcript.

The apparent discrepancies I refer to below may simply be a matter of misinterpretation on the part of the committee staff or an oversight on the part of your staff. Whatever the circumstances, I feel it is necessary to clarify the issue and set the record straight if indeed there are discrepancies.

The point at issue is the relative weight the public should give to two interrogation reports of two North Vietnamese naval officers captured by U.S. forces. These two naval officers had knowledge of the August 4 incidents in the Gulf of Tonkin.

The record of February 20 shows [pp. 74–75] that I introduced into the record the text of an official U.S. Navy interrogation report on a North Vietnamese naval officer captured by U.S. forces in 1966. This naval officer stated after his capture by U.S. forces that the North Vietnamese had indeed attacked the U.S.S. *Maddox* on August 2, but there was no attack on August 4 of the U.S.S. *Maddox* and the U.S.S. *Turner Joy*. The interrogation report I quoted, stated in part:

"Extensive interrogation of all potentially knowledgeable sources reveals that they have no information concerning a NVN attack on U.S. ships on 4 Aug. 1964. They say definitely and emphatically that no PT's could have been involved * * * possibility that Swatows could have committed the August 4 attack has also been carefully explored. Here again, however, all sources disclaimed knowledge of such an attack."

Because the Department of Defense had sent this interrogation report to the committee at my request, Mr. McNamara chose to refute this testimony in the following way:

"As a final point on this issue, U.S. naval forces in the 3¼ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of the attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated that Swatows could have been used for that attack. His disclaimer of PT participtaion is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants."

When I raised the question with Mr. McNamara as to why the committee was not given the information that the Department of Defense had knowledge of an interrogation report of another prisoner taken in 1967, Secretary McNamara replied:

"I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days."

At my request, the Department of Defense on May 6 provided the committee with the interrogation report Mr. McNamara described as the basis of this "comprehensive" "illuminating" report on the 1967 prisoner. It is important to point out that this second interrogation report in Mr. McNamara's opinion contradicts the information received from the earlier captive and adds substantial proof to the Defense Department's contention that the August 4 attack had actually taken place. The May 6 inserts state that the 1967 prisoner was a "senior captain in the NVN Navy and that he provided the new and important information of the identity of a North Vietnamese commander and his squadron. Again according to the insert of May 6, the identity of this commander "was a mystery, since it is an uncommon name." Fitting this new information in with what Mr. McNamara described as "intelligence reports of a highly classified and impeachable nature" the Department of Defense contends it now has additional proof not only that the attack took place but the prior testimony of the naval commander whose testimony was used by the committee was wrong.

The staff of the Foreign Relations Committee has now read the 1967 interrogation report and the letter of enclosure, and compared this information with the large study of the interrogation of the 19 North Vietnamese Navy personnel taken in 1966. I invite you to comment on the accuracy of the following conclusions drawn from the comparisons of these two texts:

(1) The name of the commander of the torpedo boat battalion was not a "mystery" until 1967. The July 1966 report from which the committee drew its own information contains the name of the commander of the torpedo squadron in question. Thus, this information was available to the Department of Defense long before the second interrogation report.

(2) The source of the second report Secretary McNamara made so much of was indeed a senior officer in the North Vietnamese Navy. However, he was in the political cadre in the naval headquarters, and according to the Defense Department's own report "had no knowledge of navigational methods and/or naval tactics." Moreover, despite the emphasis given to his second interrogation report given by Secretary McNamara the source never said that there had been an attack on August 4. The entire contribution of the second source was to give the Department of Defense the name of a man already known. Therefore, the second report added nothing substantial to the Defense Department's case.

(3) What the material provided on May 6 does not contain is that the officer who was second in command of the squadron mentioned in the second interrogation report was the naval officer whose testimony the Foreign Relations Committee used on February 20. And this officer said that there was no attack on August 4.

In sum, I can see nothing in the material provided on May 6, which in any way contradicts the information used by the committee. Moreover, I find the Defense Department's contention that this second interrogation report provides comprehensive and illuminating information on the August 4 attack as totally without foundation.

I would appreciate it if you would ask your staff to review the May 6 information in light of Mr. McNamara's testimony of February 20 and the interrogation reports provided the committee dated August 9, 1966.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 17, 1968.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Clifford has asked that I reply to your letter of May 29, 1968, concerning apparent discrepancies between the published Gulf of Tonkin hearing report and the documentation, provided you by the Department of Defense on May 6, 1968, supporting Mr. McNamara's statements at the February 20, 1968, open hearings (and again in closed session).

Reexamination of the NVN PT boat exploitation report shows that the discrepancy noted in your letter was a result of an oversight in the Department of Defense due to changes in cognizant personnel, through normal duty rotation, from 1964 to 1968.

As you know, the interrogation of the 19 NVN naval personnel, captured in July 1966, was initially reported in 91 SITREPS (copies of which were provided to you as enclosure (1) of SECNAV's letter dated December 18, 1967). The SITREPS, which did not contain the name of [deleted] were processed by personnel who were primarily concerned with identifying intelligence of tactical value. These personnel had not been directly involved in the 1964 incidents and were not directed to look for information correlating with those events. When the finalized interrogation report became available in August of 1966 the significance of the name [deleted] was overlooked among 150 NVN naval personalities listed. From that time until the initiation of your November 16, 1967, inquiry, there was no Department of Defense requirement to review material on the 1964 incidents.

As a result of the Senate committee's recent inquiry into the Tonkin Gulf incidents, it was necessary for personnel who had no close familiarity with the 1966 interrogations to research the files and become familiar with all the data. The later interrogation report, based on a 1967 capture, which mentioned the name of [deleted] (enclosure (1) of my letter of May 6, 1968) did not come to the attention of these personnel until early January 1968. The key point of this new report was not the source's own knowledge of the events of August 1964, but the fact that he identified [deleted] as the individual mentioned in the sensitive evidence which was shown to you and Senator Russell by Secretary Nitze on December 14, 1967, but which was not made available to your staff because of classification. This information provided the basis for Mr. McNamara's statements on February 20, 1968, and was indeed illuminating as it was the first time that any one familiar with the [deleted] message of [deleted] mentioning the name [deleted] had been furnished with information identifying that individual. The listing of [deleted] name in the final report of the interrogations of 1966 was not noted within the Department of Defense until mentioned in your letter of May 25, 1968.

I hope that this information will satisfactorily respond to the questions that you have raised.

Sincerely,

PAUL C. WARNKE.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. YATRON. Mr. Speaker, it is with great concern that I urge the U.S. President to bring the issue of the liberation of the Baltic States before the United Nations. This action is requested pursuant to House Concurrent Resolution 416—89th Congress—unanimously passed by the House and the Senate, which urges the President to bring the Baltic States' question before the United Nations and requests the Soviet Union to withdraw from Lithuania, Latvia, and Estonia.

I insert House Concurrent Resolution 416—89th Congress—and the paper entitled "Self-Determination of the Baltic Peoples" in the RECORD:

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia, and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died of suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters have lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House Committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the first and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

COMPREHENSIVE NOISE CONTROL

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BRASCO. Mr. Speaker, hearings are being held this week by the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce to consider legislation to effect noise abatement.

As I am strongly in favor of this legislative package, I wish to have the testimony I presented to the subcommittee included in the Record at this time.

The testimony follows:

Mr. Chairman, we will have all become aware of air, water and thermal pollution. Now the time has come to turn our attention to the growing intrusion of yet another form of pollution that erodes the quality of life as surely as any of the others. Noise pollution can and does harm people as surely as any illness that medicine has yet diagnosed.

It is conceivable that excessive noise can act as a triggering agent for physical ailments such as ulcers and allergies, as well as for mental illness. Emotional well-being can be terminated by growing noise levels. The time has come for real attention and legislative action to blunt this threat, which grows daily.

Our daily decibel diet of horns, sirens, motorcycles, garbage trucks, typewriters, jackhammers, air compressors and a series of other noise-producing machines is rapidly approaching the intolerable in major metropolitan areas. One recent survey showed that the average decibel reading for a New York City street corner at rush hour is 95. Many medical experts believe that continuous exposure to anything above 85 can cause hearing loss. A Federal study indicates that environmental noise is doubling every decade. So far, the efforts to fight this have been few and relatively ineffectual, except in the case of some jet aircraft noise.

Yet the fault must be singled out and described. We live by a technology that prizes mechanical over human considerations. Industrial manufacturers can design products to minimize noise. People are awakening to the realization that they do not have to helplessly tolerate such assaults upon their persons without striking back.

The City of New York has been taking the lead in the struggle against noise. Already its efforts are bearing fruit. Yet this is merely a beginning. Major comprehensive legislative action is required. For all these reasons I vigorously support and enthusiastically endorse a package of anti-noise legislation introduced by my colleague, Mr. Ryan of New York.

One measure fully funds the Office of Noise Abatement and Control created by the Clean Air Act Amendments of 1970. A $30 million authorization was provided for. No funds have been provided up to now.

A second measure broadens the functions and responsibilities of this office. It would be able to make grants in the anti-noise field. Research and demonstration projects would also be authorized. Noise standards could then be established for any class of products found hazardous. Federal programs relating to noise would be coordinated.

Another measure provides for identification of noise-producing machinery. The fourth bill amends the Occupational Safety and Health Act to set noise standards in industry in order to ensure the health of workers presently exposed to intolerable levels of noise. In this case, an 80 decibel limit for prolonged exposure to this type of noise.

All of these measures are sensible, necessary and reasonable. True sound deadening will cost money. Any such improvement must bear a price tag. Yet it is impossible to evade the necessity for such action any longer. The quality of life is not just a phrase. People require their quiet times just as they do other forms of sustenance.

Further, noise, like other forms of pollution, knows no boundaries. It usually crosses any and all political boundaries as if they were nonexistent. For this reason, as well as the others I have already alluded to, anti-noise measures are a proper area for Federal interest and action.

Metropolitan areas in particular are affected. As noise levels within them escalate, life becomes increasingly intolerable for their residents. As this is an urban nation, once again the need for swift Federal action is obvious. I believe that the Congress must involve itself swiftly and comprehensively before the situation becomes even worse.

An excellent precedent was set by the Congress in the recent decisions to withdraw further Federal funding for the SST. Prominent among the arguments advanced by foes of the aircraft was the sonic boom problem. People will not tolerate such an increase in noise levels.

By enacting this comprehensive package of legislation, we move ahead on various fronts, ranging from research and grants to identifying noise polluting devices and setting industrial noise standards. I urge approval of this legislation by the Committee.

SENSITIVITY TRAINING IN THE ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RARICK. Mr. Speaker, the Army has now adopted a new dimension—not training to repel an enemy but sensitivity training to brainwash its own troops—a collectivist cell, group activity.

Sensitivity training, in spite of mounting evidence as to it harmful effects, continues to be promoted for use in many youth groups and sometimes on a mandatory basis in certain public schools, police departments, and other government agencies.

While it is claimed that the goals of sensitivity training or group criticism are openness of communication, elimination of prejudice, trust, and love, it has been proven that a breakdown in communication, fear, mistrust and hatred too often result from such a practice.

The Army is now using sensitivity training on its troops in a futile effort to promote racial equality, brotherhood, tolerance, and love.

In an article in Army Times of June 16, Sp4c. John McMichael tells about a sensitivity training program in which soldiers of the 3d Infantry Division in Germany are involved.

I insert the Army Times article at this point:

SENSITIVITY TRAINING OPENS MINDS IN 3D DIVISION

(By Sp4 John McMichael)

SCHWEINFURT, GERMANY.—Reach out and touch another man.

Tell him what you think about him and the color of his skin and then listen to what he has to say about you. Begin to understand.

Twenty-four 3d Inf Div soldiers who participated in recent sensitivity training designed to promote racial harmony here claim this method works. Divided into groups, they spend 2½ days of "meaningful communication" at Ledward Barracks Education Center.

"The experience was definitely thought-provoking," said PFC Thomas Witchey, HHC, 1st Bde. "It gave us many insights which were previously nonexistent or just blurred.

"And there was a feeling of good will all around."

"I communicated with the members of the group on a level I'd never achieved with the men in my battalion," said 1st Lt. Nicholas Temple, 2d Bn, 64th Armor, who considers the program "a must for officers."

"I learned a great deal that I feel will help me in leading the men," he said.

The training was led by Jack Peters, former Aschaffenburg education director who has been conducting General Education Development (GED) sensitivity sessions in the 3d Div area for about eight months. It involves an encounter group—in this case, a dozen soldiers dressed in civilian clothes and sitting in a circle.

After introducing themselves, the men broke into biracial pairs and one at a time each individual closed his eyes and felt his partner's head and face. The consensus was "I just touched another man. There was no difference."

One man was then selected to stand in the center of the circle and ask another man to join him. He asked him why he had come to the meeting, what he thought about the group, how he felt about standing in the center. This continued until everyone had a chance to be in the middle and question someone.

With the group better acquainted, this process was repeated, except this time the man in the center expressed any negative feelings he had toward the individual he selected. In this way, the members got a glimpse of what they really thought of each other.

Anyone who had been quiet up to this time was then chosen to stand in the center and the entire group stated their feelings toward him and gave him a chance to talk back. The group tried to show the man they were interested in him.

Finally, each person walked around the group. Looking each member in the eye and without using words, he tried to convey his feelings toward that man with gestures.

At the session's end, the men discussed what had occurred.

"I was nervous when we started but as things progressed I became familiar with the other group members. I learned a lot about myself and others," said Sp4 Leonard Crump, HHC, 1st Bde.

"After awhile, you realize that if you put yourself wholly into the program, you gain a tremendous understanding of other people's feelings."

MSgt. Andrew Moses, 2–64th Armor, said: "The program gave me a feeling of confidence and trust in my fellow man. Now, I go out and really talk to my neighbors. I'm actually concerned about how they feel."

Several of the group members expressed a willingness to lead or join in future groups. Sp4 John Yaegerhof, HHC, 1st Bde., said: "I'd like to extend this opportunity for a wonderful experience to others."

Further GED sensitivity training is planned at Ledward, said Floyd Exeter, Schweinfurt educational director. The program has been going on for several months in Aschaffenburg where men of the 1st Bn, 4th Inf, and 1st Bn, 7th Inf are experiencing the sessions squad by squad.

A SUMMARY OF THE PROVISIONS OF H.R. 1. SOCIAL SECURITY AMENDMENTS OF 1971

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GOLDWATER. Mr. Speaker, there have been many questions raised about our burgeoning welfare system. I present a summary of the provisions of H.R. 1 which outlines some of the major features of the bill:

SUMMARY OF PROVISIONS—H.R. 1

SOCIAL SECURITY AMENDMENTS OF 1971, AM.

Provisions relating to the social security cash benefits program:

1. Five percent increase in benefits effective June 1972.

2. Automatic benefits increase: Social Security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had not been enacted or become effective in the previous year. Social Security contribution and benefit base would accordingly be automatically increased according to the rise in average wages covered under the Social Security program (if wage levels had gone up sufficiently). Also, in any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased by the same percentage. First possible increase effective January 1973.

3. Special minimum benefit: A special minimum benefit would be provided for people who worked for 15 or more years under Social Secrurity. The benefit would be equal to $5 multiplied by the person's years of coverage under the Social Security system, up to a maximum of 30 years, The highest minimum benefit under this coverage would be $150 for a person with 30 or more years of coverage. The special minimum would not be raised under the automatic benefit increase provisions. Effective January 1972. 500,000 people would increase their benefits and $60 million in additional benefits would be paid the first full year.

4. *Increased widow's and widower's insurance benefits:* Widows or widowers (including those already on the rolls) would be entitled to benefits equalling 100 percent of the amount the deceased would be receiving if still living. Benefits applied before age 65 would be reduced according to the widow's age at the time of application. Effective January 1972. 3.4 million people would receive increased benefits on the effective date, and $728 million in additional benefits would be paid in the first full year.

5. *Increased benefits for those who delay retirement beyond age 65:* A worker's old-age benefit would be increased by 1 percent for each year (1/12 of 1 percent for each month) in which the worker does not receive benefits because he is working after age 65. No increased benefits would be paid under the provision to the worker's dependents or survivors. Effective based on earnings after 1970. 400,000 people would receive increased benefits; $10 million the first full year.

6. *Age-62 computation point for men:* Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women, Under the bill, these differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women. Effective in three annual steps, becoming fully effective for men reaching 62 in 1974 and after. $6 million in additional benefits would be paid in the first full year.

7. *Additional dropout years:* One additional year of low earnings—in addition to the five years dropped under present law—for each 15 years of covered work could be dropped in computing the average month-

ly wage on which benefit amounts are based. Benefits based on the earnings of people who reach age 62 or die after 1971, or whose first month of entitlement to disability insurance benefits is after December 1971. $16 million in additional benefits would be paid in the first full year.

8. *Computation of benefits based on combined earnings:* A working married couple each of whom had at least 20 years of covered earnings under the program after marriage could have their earnings for each year combined up to the maximum amount of taxable earnings for that year. If they elected to have their earnings combined, each member would receive a benefit equal to 75 percent of the benefit based on their combined earnings. Payments to the surviving spouse based on the combined earnings would continue at the 75 percent rate. The provision would be an alternative to the present law, and would apply only if higher payments would result. Effective only for people who attained age 62 in or after January 1972.

9. *Liberalization of the retirement test:* The amount that a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year would be increased from the present $1,680 to $2,000. The bill would provide for a $1 reduction for each $2 of all earnings above $2,000; there would be no $1-for-$1 reduction as under present law. Also, in the year in which a person attains age 72 his earnings in and after the month in which he attains age 72 would not be included as under present law, in determining his total earnings for the year. Effective after 1971. Additional benefits amounting to $484 million would be paid in the first full year.

10. *Reduced benefits for widowers at age 60:* Widowers under age 62 could be paid reduced benefits (on the same basis as widows under present law) starting as early as age 60. Effective January 1972.

11. *Childhood disability benefits:* Childhood disability benefits would be paid to the disabled child of an insured retired, deceased, or disabled worker, if the disability began before age 22, rather than before 18 as under the present law. In addition, a person who was entitled to childhood disability benefits could become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated. Effective January 1972. 13,000 additional people would become immediately eligible for benefits on the effective date, and $14 million in additional benefits would be paid in the first full year.

12. *Continuation of student's benefits through end of semester:* Payment of benefits to a child attending school would continue through the end of the semester or quarter in which the student (including a student in a vocational school) attains age 22 (rather than the month before he attains age 22) if he has not received, or completed the requirements for, a bachelor's degree from a college or university. Effective January 1972. 55,000 students would have their benefits continued beyond age 22, and $16 million in additional benefits would be paid, in the first full year.

13. *Wage credits for members of the uniformed services:* Present law provides for a social security noncontributory wage credit of up to $300, in addition to contributory credit for basic pay, for each calendar quarter of military service after 1967. Under the bill, the additional noncontributory wage credits would also be provided for service during the period January 1957 (when military service came under contributory social security coverage) through December 1967. Effective January 1972. 130,000 additional people would receive larger benefits on the effective date, and $39 million in additional benefits would be paid in the first full year.

14. *Reduction in waiting period for disability benefits:* The present 6-month period throughout which a person must be disabled before he can be paid disability benefits would be reduced by one month (to 5 months). Effective January 1972, 950,000 people would receive increased benefits, and $105 million in additional benefits would be paid, in the first full year.

Provisions relating to medicare, medicaid, and maternal and child health:

1. Extending health insurance protection to disabled beneficiaries: Health insurance protection under XVIII would be extended to persons entitled to monthly cash benefits under the social security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years. Effective July 1972. About 1.5 million disabled social security and railroad beneficiaries would be eligible for both hospital benefits and physician coverage under medicare. About $1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

2. Hospital insurance for the uninsured: People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Those who enroll would pay the full cost of the protection—$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over. Effective January 1972.

3. Amount of supplementary medical insurance premium: The supplementary medical insurance premium will be determined as under present law for months through June 1972 ($5.30 through June 1971 and $5.60 from July 1971 through June 1972.) Thereafter, the Secretary of Health, Education, and Welfare would, as under present law, determine and promulgate for each year a monthly enrollee premium for both aged and disabled. However, the enrollee premiums would be increased only in the event of the enactment of legislation providing for a general benefit increase or in the event of an automatic general benefit increase. In any given year, the premium would rise by no more than the percentage by which cash benefits had been increased across the board in the interval since the premium was last increased. The premium amount paid by the beneficiary would never exceed one-half of total program costs. Effective July 1972.

4. Change in supplementary medical insurance deductible: The Medicare part B deductible, currently $50 per year, would be increased to $60. Effective January 1972.

5. Automatic enrollment for supplementary medical insurance: People entitled to hospital insurance benefits would be automatically enrolled and covered for supplementary medical insurance benefits unless they indicate they do not want to be enrolled for such coverage. Effective January 1972.

6. Incentives for comprehensive care under medicaid: Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time, disincentives would be provided to discourage prolonged stays in institutions. Specifically, there would be—

(a) an increase of 25% (up to maximum of 95%) in the Federal Medicaid matching percentage to States under contract with HMO's or other comprehensive health care facilities;

(b) a decrease in the Federal medical assistance percentage by one-third after the first 60 days of care in a general or TB hospital;

(c) a reduction in the Federal percentage by one-third after the first 60 days of care in a skilled nursing home unless the State establishes that it has an effective utilization review program;

(d) a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after 275 additional days of such care during an individual's lifetime except that the 90-day period may be extended for an additional 60 days if a doctor certifies that the patient will benefit therapeutically from such an additional period of hospitalization; and

(e) authority for the Secretary to compute a reasonable cost differential for reimbursement between homes and intermediate care facilities. Effective July 1, 1971, except that the reasonable cost differential provision would be effective January 1, 1972.

7. Determination of payments under medicaid: Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above $720 (after deducting the earnings of school children and any costs of required child care) less the difference between the medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State medicaid standard would be eligible for medicaid assistance. Effective July 1972.

8. Limits on costs recognized as reasonable: The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are found necessary to the efficient delivery of needed health services except in the case of an admission by a physician who has a financial interest in the facility). Effective July 1972.

9. Limits on prevailing charge levels: Physicians' charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limited by providing: (a) that after December 31, 1970, medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the calendar year elapsing prior to the start of the fiscal year; (b) that for fiscal year 1973 and) thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicans and in earnings levels; and (c) that for medical supplies, equiment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lowest levels at which such supplies, equipment, and services are widely available in a locality.

10. *Limits on skilled nursing home and intermediate care facility costs*: The average per diem costs for skilled nursing homes and intermediate care facilities countable for Federal financial participation under medicaid would be limited to 105 percent of such costs for the same quarter of the preceding year. Increases resulting from higher labor costs due to minimum wage legislation would not count in computing the cost figure. EFFECTIVE JANUARY 1, 1972.

1. *Payments to health maintenance organizations*: Medicare beneficiaries could choose to have all covered care, except emergency services, provided by a health main-

tenance organization (a prepaid group health or other capitation plan). The Department of Health, Education and Welfare would contract with such organizations, and would reimburse them on a monthly per capita basis at a rate equivalent to 95% of the estimated per capita costs of medicare beneficiaries in the area who are not enrolled in such organizations. Profits accruing to the organization, beyond its retention rate for nonmedicare members, would be passed on to the medicare enrollees in the form of expanded benefits. EFFECTIVE—Accounting periods beginning after JUNE 30, 1971.

12. *Reductions in care and services under medicaid*: The states would be permitted to eliminate or reduce the scope and extent of health services which are optional under the Federal medicaid statute, e.g., outpatient drugs, eyeglasses and dental care. States would have to provide the same dollar amounts for their required health services.

13. *State determinations of reasonable hospital costs under medicaid*: States would be allowed to develop methods and standards for reimbursing the reasonable cost of inpatient hospital services. Such costs could not exceed medicare rates. EFFECTIVE July 1. 1972.

14. *Physical therapy and other therapy services under medicare:* Under medicare's supplementary medical insurance program, up to $100 per calendar year of physical therapy services furnished by a licensed physical therapist in his office or the patient's home under a physician's plan would be included in covered charges. Hospitals and extended care facilities could provide physical therapy services under part B to inpatients who have exhausted their days of hospital insurance coverage. Effective January 1972.

15. *Grace period for paying medicare premium:* Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

16. *Three-year limitation on medicare enrollment dropped:* Eligible beneficiaries would be permitted to enroll under medicare's supplementary medical insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program.

17. *Collection of medicare premium by the railroad retirement board:* Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his railroad retirement benefit in all cases. The Railroad Retirement Board is given authority to choose the carrier for part B benefits for its beneficiaries.

18. *Chiropractors' services:* The Secretary of Health, Education, and Welfare would conduct a study of the desirability of covering chiropractors' services under medicare, utilizing the experiments and experience under the medicaid program. A report on the study, including the experience of other programs paying for chiropractors' services, would be submitted to the Congress within 2 years after enactment of the bill.

In order to finance the changes in the OASDHI program as amended by the bill, the limit on taxable earnings would be increased to $10,200 effective January 1972.

PROVISIONS RELATING TO ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

The existing Federal-State programs of aid to the aged, blind, and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65, or are blind or disabled and would be established by a new Title XX of the Social Security Act. The program would be administered by the Social Security Administration through its present administrative frame work and facilities.

1. *Eligibility for and amount of benefits:* The Secretary would establish the circumstances under which gross income from a trade or business, including farming, is large enough to preclude eligibility (net income notwithstanding). In addition, people who are in certain public institutions, or in hospitals or nursing homes getting medicaid funds, would be eligible for benefits of up to $25 a month. People who fail to apply for annuities, pensions, workmen's compensation, and other such payments to which they may be entitled would not be eligible.

2. *Definition of income:* In determining an individual's eligibility and the amount of his benefits, both his earned and unearned income would have to be taken into consideration. The definition of earned income would follow generally the definition of earnings limitation of the social security program.

3. *Exclusions from resources:* Individuals or couples cannot be eligible for payments if they have resources in excess of $1,500. The following items would be excluded from resources:

(a) The home to the extent that its value does not exceed a reasonable amount.

(b) Household goods and personal effects not in excess of a reasonable amount.

(c) Other property which is essential to the individual's support (within reasonable value limitations).

(d) Life insurance policies (if their total face value is $1,500 or less). Other insurance policies would be counted only to the extent of their cash surrender value.

4. *Rehabilitation services:* Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

3. *Optional State supplementation:* A State which provides for a State supplement to the Federal payment could agree to have the Federal Government make the supplemental payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments, the State would pay all of such costs. States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill. The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

PROVISIONS RELATING TO FAMILY PROGRAMS

The present program of aid to families with dependent children (AFDC) would be repealed effective July 1, 1972, and two new totally Federal programs would take effect on that day. The new programs would be adopted for a period of five years (through fiscal year 1977) in order to give Congress an opportunity to review their operation before continuing them in subsequent years. The new programs would be established by a new Title XXI in the Social Security Act. A description of the two new programs follows:

Families in which at least one person is employable would be enrolled in the Opportunities for Families Program, administered by the Department of Labor. Families with no employable person would be enrolled in the Family Assistance Plan administered by the Department of Health, Education, and Welfare.

A. Opportunities for families program:

1. *Registration for employment and training:* Every member of a family who is found to be available for work by the Secretary of Health, Education, and Welfare would be required to register for manpower services, training and employment.

Every person who registered (other than a volunteer) would be required to participate in manpower services or training and to accept available employment. An individual could not be required to accept employment however—

(a) If the position offered is vacant due to a strike, lockout, or other labor dispute;

(b) If the wages and other employment conditions are contrary to those prescribed by applicable Federal, State, or local law, or less favorable than those prevailing for similar work in the locality, or the wages are less than an hourly rate of ¾ of the highest Federal minimum wage ($1.20 per hour under present law);

(c) If membership in a company union or non-membership in a bona fide union is required;

(d) If he has demonstrated the capacity to obtain work that would better enable him to achieve self-sufficiency, and such work is available.

2. *Child care and other supportive services:* The Secretary of Labor directly or by using child care projects under the jurisdiction of the Department of Health, Education, and Welfare, would provide for child care services for registrants who require them in order to accept or continue to participate in manpower services, training employment, or vocational rehabilitation.

The Secretary of Labor would be authorized funds to provide child care by grant or contract. Families receiving such services might also be required to pay all or part of the costs involved. A total of $488 million would be authorized for child care services in the first full year.

Health, vocational rehabilitation, family planning, counseling, social, and other supportive services (including physical examinations and minor medical services) would also be made available by the Secretary of Labor to registrants as needed.

3. Operations of manpower services, training and employment programs: The Secretary of Labor would develop an employability plan designed to prepare recipients to be self-supporting. The Secretary would then provide the necessary services, training, counseling, testing coaching, program orientation, job training, and followup services to assist the registrant in securing employment, retaining employment, and obtaining opportunities for advancement. Provision would also be made for voluntary relocation assistance to enable a registrant and his family to be self-supporting. Public service employment programs would be used to provide needed jobs. Public service projects would be related to the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facility and similar activities. The Secretary of Labor would establish these programs through grants or by contract with public or nonprofit agencies or organizations. The law would provide safeguards for workers on such jobs and wages could not be less than the higher of the prevailing or applicable minimum wage or the Federal minimum wage. Federal participation in the costs of an individual's participation in a public service employment program would be 100% for the first year of his employment, 75% for the second year, and 50% for the third year.

States and their subdivisions that receive Federal grants would be required to provide the Secretary of Labor with up-to-date listings of job vacancies. The Secretary would also agree with certain Federal agencies to establish annual or other goals for employment of members of families receiving assistance.

4. Allowances of individuals participating in training: An incentive allowance of $30

per month would be paid to each registrant who participates in manpower training (States would have the option of providing an additional allowance of up to $30). Necessary costs for transportation and similar expenses would also be paid.

5. Utilization of other programs: The Secretary of Labor would be required to integrate this program as needed with all other manpower training programs involving all sectors of the economy and all levels of government.

6. Rehabilitation services for incapacitated family members: Family members who are incapacitated would be referred to the state vocational rehabilitation service. A quarterly review of their incapacities would usually be made. Each such incapacitated individual would be required to accept rehabilitation services that are made available to him, and an allowance of $30 would be paid him while he receives such services. (States would have the option of providing an additional allowance of up to $30). Necessary costs for transportation and similar expenses would also be paid.

B. Family assistance plan:

1. Payment of benefits: All eligible families with no member available for employment would be enrolled and paid benefits by the Secretary of Health, Education, and Welfare.

2. Rehabilitation services and child care for incapacitated family members: Family members who are unemployable because of incapacity would be referred to State vocational rehabilitation agencies for services. A quarterly review of their incapacities would usually be made. Such persons would be required to accept services made available, and would be paid a $30 per month incentive allowance plus transportation and other related costs. (States would have the option of providing an additional allowance of up to $30.) Child care services would also be provided if needed to enable individuals to take vocational rehabilitation services.

C. Determination of benefits:

1. Eligibility for and amount of benefits: Family benefits would be computed at the rate of $800 per year for the first two members, $400 for the next three members, $300 for the next two members and $200 for the next member. This would provide $2,400 for a family of four, and the maximum amout which any family could receive would be $3,600. A family would not be eligible unless it had countable resources of $1,500 or less.

If any member of the family fails to register, take required employment or training, or accept vocational rehabilitation services, the family benefits would be reduced by $800 per year.

Benefits would be determined on the basis of the family's income for the current quarter and the three preceding quarters.

After a family has been paid benefits for 24 consecutive months a new application would be required which would be processed as if it were a new application.

The Secretary could determine that a family is not eligible if it has very large gross income from a trade or business.

Families would have to apply for all other benefits available to them in order to be eligible.

2. Definition of income: Earned income would follow generally the definition of earnings used in applying the earnings limitation of the social security program.

3. Exclusions from resources: A family cannot be eligible for payments if it has resources in excess of $1,500.

4. Meaning of family and child: A family would be defined as two or more related people living together in the United States where at least one of the members is a citizen or a lawfully admitted alien and where at least one of them is a child dependent on someone else in the family.

No family will be eligible if the head of the household is an undergraduate or graduate student regularly attending a college or university. Benefits would not be payable to an individual for any month in which he is outside the United States.

The term "child" means an unmarried person who is not the head of the household, and who is either under the age of 18 or under the age of 22 if attending school regularly.

5. Optional State supplementation: If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal Government make its supplementary payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill.

The Federal Government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

D. Procedural and general provisions:

1. *Payments and procedures:* The Secretary would be permitted to pay the benefits at such times as best carry out the purposes of the title and could make payments to a person other than a member of the family or to an agency where he finds inability to manage funds. The Secretary's decision would be subject to hearing and review.

The family benefits could not be paid to an individual who failed to register, or take work, training or vocational rehabilitation. Cash advances of $100 or less could be paid if an applicant appears to meet all the eligibility requirements and is faced with a financial emergency.

The Secretary may arrange for adjustment and recovery in the event of overpayments or underpayments, with a view toward equity and avoiding penalizing people who were without fault. People who are, or claim to be, eligible for assistance payments, and who disagree with determinations of the Secretary, could obtain hearings if they request them within 30 days.

2. *Child care:* The Secretaries of Labor and Health, Education, and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families Program and the Family Assistance Plan who need such day care in order to participate in training, employment, or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of Health, Education and Welfare, these would be utilized.

3. *Obligations of parents:* A deserting parent would be obligated to the United States for the amount of any Federal payments made to his family less any amount that he actually contributes by court order or otherwise to the family. And parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of $1,000, imprisonment for 1 year, or both.

OTHER RELATED ASSISTANCE PROVISIONS

1. Effective date for adult assistance and family programs: Major changes made in the assistance programs would be effective July 1, 1972. The child care provisions would become effective upon enactment of the bill. The amendments which provide benefits to families where the father and mother are both present, neither is incapacitated, and the father is not unemployed (the "working poor") would become effective January 1, 1973.

2. Prohibition against participation in food stamp program by recipients of payments under family and adult assistance programs: The bill would amend the Food Stamp Act of 1964 by providing that families and adults eligible for benefits under the assistance programs in this bill would be excluded from participation in the food stamp program.

3. Limitations on increases in State welfare expenditures: States would be guaranteed that, if they make payments supplementary to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971, to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The value of food stamps would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

4. Limitation on Federal expenditures for social services: The Federal Government would continue to provide 75% matching funds to the States for child care and family planning services on an open-end appropriation basis. Federal matching for other specified social services would be limited to the amounts appropriated by the Congress.

5. Increase in Federal matching-WIN program: Effective immediately the Federal matching under the WIN program would be increased from 80 to 90%. This provision expires June 30, 1972.

HARD FACTS DISPUTE NIXON CREDIBILITY GAP

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MYERS. Mr. Speaker, Roscoe Drummond, writing in the Philadelphia Inquirer, has some timely observations about one of the most loosely used terms today—the credibility gap—which he calls "one of the most poisonous epithets in American politics."

I call the attention of my colleagues to the Drummond column headed: "Hard Facts Dispute Nixon Credibility Gap." The full text follows:

HARD FACTS DISPUTE NIXON CREDIBILITY GAP

WASHINGTON.—"Credibility gap" is becoming one of the most poisonous epithets in American politics.

It is being used so loosely, so unfairly and often so falsely, that some effort ought to be made to look at the facts and to try to discover whether the accusers are not doing as much—if not more—to create distrust of government as the accused.

Take the state of the economy.

Early this year the Nixon Administration made a prediction that the U.S. gross national product (GNP) would reach $1.065 trillion by the end of 1971. A Cabinet spokesman foresaw a steady upturn in business activity and a steady downturn in inflation.

And did they get hit on the head with the credibility gap epithet! MIT Professor Paul A. Samuelson, a Nobel Prize-winner in economics who was an adviser to President Kennedy, leapt into the gap with cries of "poppycock," "ludicrous," "cynical" and "comic opera."

Now Prof. Samuelson is saying that in * * * of new favorable trends he expects a period of "uninterrupted economic gains."

After the first-quarter figures showed a GNP gain of $30.75 billion Dr. Samuelson revised his forecast for the 1971 GNP by $10 billion—from $1.045 trillion of last fall to $1.055 trillion currently—thus now moving his estimates half-way to the Administration's $1.065 trillion.

Other economists are doing the same, raising their estimates nearer to what only a few months ago they branded "poppycock." It isn't poppycock to David R. Francis, the cooly nonpartisan business and financial correspondent of the Christian Science Monitor. He writes:

"There had thus developed a big gap between what the public thinks of the recovery and the fact, which is that the economy shows many signs of moving ahead at a rapid rate."

Yes, there's been a credibility gap—but who's been creating it?

Take the state of public opinion on Vietnam withdrawal.

Who doesn't know that by 68 percent to 20 percent the American people say they favor the proposal that all U.S. troops be out of Vietnam by the end of this year? This is what most Americans think that most Americans think, and when the President says he is steadily winding down the war, the critics cry "credibility gap" on the ground that he isn't winding it down as fast as they contend the public is demanding.

It is certainly true that when asked whether they would like to see all forces withdrawn by Dec. 31 of this year most people say yes.

But is that all of it? Consider these facts:

When the same Opinion Research Corp. asked the same people if they favored such withdrawal if "this meant a Communist takeover of South Vietnam," they voted 55 percent no, 29 percent yes.

When asked if they would favor a 1971 withdrawal if it threatened the lives or safety of U.S. prisoners of war held by North Vietnam, the same people voted 75 percent no, 11 percent yes. When asked: "Do you support President Nixon in his plan to end the war in South Vietnam?" the replies were 72 percent yes, 18 percent no.

There has been a credibility gap on how the American people want to get out of Vietnam, but it is now evident that it has been created mostly by the failure of the pollsters to ask the revealing questions and the zeal with which so many politicians take the one poll which suits their purpose.

NATIONAL DEFENSE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is continuing its extended debate over whether to authorize $21.9 billion for Department of Defense activities for the coming fiscal year.

A hue and cry has been raised by some Members of this body for a so-called reordering of national priorities. This carping worries me greatly because it represents a trend in our society, and a dangerous trend at that. It appears that a growing number of Americans are increasingly becoming more willing, and even anxious in fact, to bleed our national defense capabilities in the name of "reordering national priorities."

Contrary to what some would have us believe, though, determining the size and composition of the defense budget does not really involve assigning relative priorities between national defense and domestic programs, between guns and butter. Rather, decisions on the size and composition of the defense budget should only involve a consideration of the needs of national survival, and nothing more. In this process, the key question that should be raised and raised often is, "What is needed for the survival of our Nation?"

Mr. Speaker, the American people and their public officials must never forget that the ability of this Nation to survive in the future will not depend on how well it has managed its domestic resources and domestic programs. It will depend instead on whether this Nation has been successful in avoiding and frustrating the forces of darkness which would involve us in a devastating war with the Soviet Union or Red China. Thus, if we fail in this endeavor, we fail in everything. And the American ideals and way of life which we hold so dear will have come to naught but dust, and radioactive dust at that.

It is to prevent this kind of conflagration that we need to maintain an impregnable national defense system. We must possess a level of strategic and conventional military strength sufficient to deter would-be aggressors. Regrettably, however, the facts indicate that the Soviet Union is steadily upgrading and augmenting its military might, and the Chinese Communists are striving to do likewise. Thus the strategic balance of power, which, for many years following World War II, hung solidly in favor of the free world, has started to move slowly in the other direction.

When one considers all the elements in national military nuclear and non-nuclear force levels of the United States, the Soviet Union, and Red China, this Nation still possesses a powerful and very believable deterrent to any World War III. But military experts and strategic analysts point out with chilling objectivity and clarity that the Russian military war machine is expanding its research, development, and production to such levels that unless the United States takes significant countermeasures, this Nation will be reduced to a second best military power. In fact, in certain significant respects during the past 5 years the fine balance of strategic power has actually shifted in favor of the Soviet Union.

Mr. Speaker, in an effort to highlight the most significant aspects of the Soviet and Chinese Communist threat, I have, with the cooperation of Defense Department officials, compiled an up-to-date breakdown of their offensive and defensive strategic capabilities, as well as the current state of their research and development activities.

RUSSIAN STRATEGIC CAPABILITIES

I. ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only 4 years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of more than 1,440 launchers, compared with our fixed ICBM force of 1,054 launchers, a U.S. force that peaked out at this level over 5 years ago.

With regard to the apparent slowdown in the deployment of the Soviet's SS–9 launch system, this condition has now been offset by the recent revelation that the U.S.S.R. is constructing new missile silos. Secretary of Defense Melvin Laird stated, in this connection:

> There is evidence of construction of a large missile system . . . it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system.

A. SS–7 AND SS–8

Since initial deployment in the early 1960's the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. Their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

B. SS–11

The SS–11 is one of the three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities.

In 1968 deployment of SS–11's at MR/IRBM complexes in the western U.S.S.R. was begun. These missiles with variable range capabilities could be targeted on both United States and the NATO area of western Europe.

Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles.

C. SS–13

The SS–13, savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and U.S. weapons analysts are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1,000 launchers.

D. SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction.

The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5,000 nautical miles. Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. It can be stated with assurance, however, that this large payload missile, with its proven versatility, provides a variety of options for strategic deployment or employment.

E. ICBM GROWTH

The Soviets have already surpassed the United States in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development ICBM testing by the Soviets constituted the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

II. MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium- and intermediate-range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western U.S.S.R. border. Although MR/IRBM force has remained fairly constant over the past 10 years, there are indications that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the U.S. mainland, the MR/IRBM force, including refire capability, does represent more than a 1,000 missile threat to our overseas bases and to our allies.

III. SLBM FORCE

In less than 5 years Soviet sea-launched ballistic missile capabilities have tripled. This growth is similar to the growth in the ICBM area.

A. OLDER SUBMARINES

The first ballistic missile-carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-golf and then the H-hotel class. The hotel class was the Soviet's first nuclear-powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nautical miles.

B. YANKEE-CLASS SUBMARINES

By far the most significant factor in the expanding sea-launched ballistic missile threat has been the development of the Yankee-class nuclear-powered ballistic missile submarine. Like U.S. Polaris subs, the Yankee carries 16 missiles each, with a range of about 1,300 nautical miles. At least 17 of the Y-class boats are considered to be operational. It is believed, however, at least another 15 are presently being outfitted or under construction at two separate facilities, and that the production rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the submarine's present strike range. This new naval missile may be the Sawfly which was first publically displayed in a 1967 Moscow parade.

III. SLBM GROWTH

Today, the United States still has the advantage in numbers of sea-launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

IV. BOMBER FORCE

Bombers play a vital role in the Soviet arsenal. Since 1965 a long-range aviation force of about 90 bombers has been maintained.

A. HEAVY BOMBERS

The heavy bomber force, composed of bears and bisons, is being maintained at about 195 aircraft. Of this number, 50 bisons are normally utilized as tankers.

Although the United States stopped heavy bomber production about 7 years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

B. MEDIUM BOMBERS

The Soviet medium bomber force, consisting of blinders and badgers, totals about 700 aircraft. Although the Badger was first introduced in 1953, some have been modernized by the addition of air to surface missiles.

A limited production continues on the Blinder, which is a swept-wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern U.S.S.R. staging bases, the medium bombers could be a potential threat to the United States.

C. FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While there is no known direct military application for the craft, the Soviet SST could provide valuable engineering data for a follow-on strategic bomber. In this connection, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

D. BOMBER STRENGTH

The long-range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early sixties. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down.

Many will recall Mr. Khrushchev's famous remark in 1957:

> Bombers are obsolete. You might as well throw them on the fire.

In view of Russia's continued reliance on the manned bomber, one wonders whether Khrushchev made this comment as a matter of conviction or in an effort to influence U.S. national defense policy.

RADARS

Soviet radars, which number in the thousands, provide complete warning and interceptor control throughout the U.S.S.R. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air-based radars.

I. AWACS

A new airborne radar is mounted on the moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about 200 miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIGHTER PLANES

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, MIG–19, and MIG–21, have a good all-weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long-range interceptor which became operational about 5 years ago. If used in conjunction with the AWACS, it could provide a patrol capability well beyond Soviet borders.

I. FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about 2½ years.

II. THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When introduced over 5 years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. It was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The *Moskva* and her sister ship, the *Leningrad*. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the *Leningrad* has been noted as far north as the Kola Peninsula. The *Leningrad* also played a prominent role in the large-scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidentally, the widest in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long-range, land-based aircraft for this mission. There aircraft the mail and the may are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire north Atlantic could be covered routinely.

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union literally bristles with defensive systems ranging from antiaircraft artillery to antimissile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, quantitatively greater than the United States.

By way of illustration, with a land area not quite three times that of the United States, they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in antisubmarine warfare.

I. BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway. The Moscow system consists of 64 launchers, divided among four complexes, and was begun 5 years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the hen house, provide early warning acquisition and tracking functions.

This first-phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense." He also stated that there is "no reason to doubt the effectiveness of this system."

II. ABM RADAR—ACQUISITION

A second large radar, nicknamed Dog House and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

III. ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, located in strategic locations throughout vital areas of the U.S.S.R.

IV. ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multistaged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1- to 2-megaton nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be 2 or 3 years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA–5 missile and it has been said that "if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R. & D. efforts with these new ABM components may find that, by the mid-seventies, the Soviets could have as many as 2,000 ABM launchers.

V. SAMS

Besides innumerable AAA weapons ranging up to 130 millimeters, there are on the order of 10,000 surface-to-air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA–1, is still deployed around Moscow.

The SA–2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, North Vietnam, and the UAR. The good high-altitude capability of the fixed SA–2 system is complemented by the SA–3 system which has better low altitude capabilities. The SA–2 and SA–3 have figured prominently in the Mid-East.

The SA–4 and SA–6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA–6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA–5 Tallinn System provides an excellent defense against extremely high altitude aircraft: and as a leading U.S. expert has pointed out, could have considerable capability to intercept ballistic missiles.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the director of Defense Research and Engineering:

> The Soviet Union is now about to seize world technological leadership from the United States.

He has based this conclusion on the comparative state of technology today between the two nations and the current level of R. & D. efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

I. R. & D. PRACTICES

Soviet R. & D. practices can be characterized by three features:

They are bold in their approach to program concepts. Construction on the large Hen House radar, for example, actually began several years before a working interceptor to complement it was available.

The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of U.S.S.R. fighter aircraft are examples of this methodology.

Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS–9 missile.

II. R. & D. FUNDING FOR DEFENSE

Looking at military, space, and atomic energy R. & D., the United States is already behind about $3 billion a year. In this regard, the Soviets have been expanding R. & D. expenditures by about 13 percent a year since 1960.

CHINESE COMMUNIST STRATEGIC THREAT

The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They have also concluded that this power would greatly enhance their bargaining position throughout the world.

As a step toward attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have been conducting nuclear testing since 1964, and have to date detonated about a dozen nuclear devices. Most of these are believed to have been thermonuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400-pound payloads provides an insight into their missile potential.

Based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR/IRBM

The Chinese have been testing a medium-range ballistic missile since the mid-1960's. The Soviet MRBM is much like the type given the Chicoms by the

Soviets in the early sixties. Using Soviet technology as a springboard, the Chinese have probably developed a medium-range ballistic missile of their own.

Emphasis in Chicom missile R. & D. may have shifted in 1970 to the development of an intermediate-range missile system. By the middle of this year, there could be a small number of MRBM's deployed and limited numbers of the IRBM could well be deployed within 1 to 2 years. On the basis of present estimates, a force of 80 to 100 MRBM's could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium-range bombers. These include about 10 B-29-type piston aircraft acquired from the Soviets in the late fifties and a small but growing medium-bomber force of Badger-type aircraft. Thus, at present rates, a significant number of medium-range bombers should be off the assembly line by the middle of next year.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium-range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with medium-range ballistic missiles, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft; mostly of Soviet design. However, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface-to-air missile sites and nearly 4,500 anti-aircraft artillery weapons are deployed throughout the country.

Mr. Speaker, this information, taken in perspective, leads one to the inescapable conclusion that the growing Soviet and Chinese Communist strategic capabilities present a threat to this Nation that is immense indeed. The Soviets are still deploying at least three kinds of ICBM's and are diligently working on follow on improvements. The U.S. advantage in sea-based ballistic missiles is rapidly diminishing, and the Soviets may well surpass us with the advent of the new missile I referred to earlier, a missile that will double the range of the missiles carried by the Yankee-class submarines. Finally the Soviets are continuing to manufacture manned bombers and fighter planes, and are developing an advanced bomber as well.

I would point out that even though the Soviets already hold the strategic balance of power in defensive weaponry, they are deploying larger numbers and more advanced surface to air missiles and are upgrading their antisubmarine and ballistic missile defenses. Through extensive programs of research and development, the Soviets are striving to construct the world's finest technological base for furthering expansion of their strategic strength.

As regards the Chinese Communist strategic threat, the current evidence indicates that they are striving to augment their military forces and develop potent nuclear capabilities. Given their rate of development, the day may soon come when the Red Chinese will trade ping-pong diplomacy for nuclear diplomacy.

In conclusion, Mr. Speaker, I would urge my colleagues to carefully weigh the consequences of reducing the ability of this Nation to defend itself and its allies. After all we are dealing with fundamental questions of life and death. This Nation can protect itself only through strength, not through weakness. Defense needs must be fully met and fully funded.

STATEMENT OF AARON M. KOHN TO THE LOUISIANA STATE RACING COMMISSION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. STEIGER of Arizona. Mr. Speaker, yesterday I was privileged to appear before the Louisiana State Racing Commission to testify on the involvement of Emprise of Buffalo, N.Y., and organized crime. Mr. Aaron Kohn, ex-FBI agent, 17-year-fighter of organized crime and nationally recognized authority delivered the following paper at the hearing. It is authentic, scholarly, and excellent.

The statement follows:

STATEMENT OF AARON M. KOHN, MANAGING DIRECTOR, METROPOLITAN CRIME COMMISSION OF NEW ORLEANS, INC., TO THE LOUISIANA STATE RACING COMMISSION, JUNE 16, 1971

First, I should like to express appreciation to the Racing Commission for diligence in initiating this investigation after I wrote the Commission Chairman, Mr. L. A. Holland, on March 9, 1970, transmitting certain information concerning the alleged involvement of Emprise Corporation with organized crime figures, and urged that a thorough probe be made of their influence on Louisiana racetracks. The Commission, having no investigative staff of its own, referred the request to the small, newly created, Organized Crime Intelligence Unit of the State Police. Subsequently, the same police unit was assigned investigative responsibilities for the Joint Legislative Committee Investigating Organized Crime and Corruption. During the Legislative Committee hearing on March 18, 1971, State Police Officer James S. Howard made a preliminary report about the ownership of Jefferson Downs, Inc. principally by John G. Masoni and Emprise Corporation, as well as by the Daytona Beach Kennel Club, in which Masoni Emprise are also owners. He also testified to information in the Congressional Record concerning the financial alliance of Emprise Corporation with various individuals identified as Cosa Nostra figures. Officer Howard's testimony was unreported by most of the press.

For the past three months the State Police Intelligence Division, aided by some additional personnel, has intensified and expanded its investigation in an admirable way. It is notable that this is the first time the Racing Commission, or any other State body, has had available to it the services of an intelligence-gathering unit with the dedication and professional commitment which now exists in this still inadequately-staffed special division of the State Police.

I will not burden your time or this record with repetition of data you undoubtedly will receive in great detail from Congressman Sam Steiger and from reports of the State Police Intelligence Division, which has researched and briefed most of the Crime Commission records on Jefferson Downs, Emprise and related files.

However, as citizen observers, from the public interest viewpoint, I should like to briefly trace some of the history of Jefferson Downs, its relationship to Emprise and to organized crime influences.

From its beginning as Magnolia Park, the Jefferson Downs track has been troubled with financial problems, bankruptcy, hurricane, fire and the intrusions of organized crime. The abuse of legitimate track operations by corrupt officials, professional gamblers and the Marcello organization were the subject of testimony before the U.S. Senate Permanent Subcommittee on Investigations during August, 1961. Use of the track to further illegal gambling continued thereafter until it was rendered unfit for further use at the old location. The track was frequently in trouble with the Jefferson Parish Health Officer, Dr. Isadore Yager, who threatened to close it because of hazards to the health of nearby residents. And throughout that history, Emprise and its subsidiary, Sportservice, has been an active part of the track operations.

The present controlling ownership of Jefferson Downs, its concessions and property, has gradually evolved from a series of takeovers by Emprise which somewhat typify its evolution into economic dominance of racetrack business in this nation and elsewhere.

Jefferson Downs started as Magnolia Park, Inc. incorporated in Louisiana on July 16, 1953 to operate as a harness racing track. Emprise, through its subsidiary, New Orleans Sportservice, Inc., took over concessions and loaned money to the owners.

In 1956 we were informed that Sportservice unsuccessfully applied to the Racing Commission for permission to operate flat racing at the track.

In April 1957 Felix Bonura, as president of Magnolia Park, Inc., announced plans to issue $200,000 additional stock to reopen the track for flat racing. In August, 1957, the Racing Commission approved night flat racing dates for Magnolia. On September 18, 1957, the Magnolia secretary announced the track would reopen on October 3, and that "We're getting all the money we need from Sportservice," which reportedly had agreed to lend Magnolia $300,000. The track did open, and our Crime Commission promptly received information that it was swarming with illegal bookies.

Magnolia didn't receive the promised money, never developed operating stability, and on October 16, 1957, filed a voluntary petition for reorganization under Chapter X of the Federal Bankruptcy Act.

On November 3, 1958, the trustee, Richard B. Montgomery, Jr., filed a plan for reorganization, supported by the Securities and Exchange Commission. The plan recommended that the concession contract with Sportservice be rejected, and U.S. District Judge J. Skelly Wright agreed this would be in the best interest of the track.

Sportservice opposed the reorganization plan, and was represented in Louisiana by two attorneys from Buffalo, New York, Robert P. Leacy and Arnold Weiss.

The plan provided that Magnolia would be reopened as Jefferson Downs with ownership in a corporation headed by C. Ray Edmonds, who had been running tracks at Sioux City, Iowa and elsewhere. Edmonds reportedly had already been involved with John Masoni and the Jacobs family (Emprise) at a dog track in West Memphis, Arkansas.

The attorneys for Sportservice claimed they had, in fact, advanced over $200,000 to Magnolia while operating the concessions there. Thomas Lupo, now a stockholder in Jefferson Downs, temporarily replaced Sportservice as the concessionare with L & R Concessions. Sportservice filed a $1 million suit for breach of contract.

While the reorganization controversy proceeded, in August 1958 the Racing Commission received an application to reopen the track for racing in early 1959. Commission Vice Chairman Daigre was then quoted in the press as saying that Commission Chairman J. M. "Pete" Menefee told him Governor Earl Long wanted the request approved. This was publicly denied.

In a hearing before Judge Wright on January 21, 1959, there was testimony that Sportservice attorney Robert Leacy had said "We are not at all concerned with the plan, only with the concessions. No damn state commission is going to push us around. If we don't get the concessions, we will fight the plan". The Court was also told that the State Racing Commission had disapproved Sportservice as the concession operator for Jefferson Downs. Sportservice attorney Arnold Weiss was quoted as saying he would "take steps to change that". Thereafter, I was informed that Leacy admitted paying $10,000 to Governor Earl Long and a similar amount to Racing Commission Chairman "Pete" Menefee on behalf of Sportservice, to protect their interests.

On December 22, 1958, the reorganization plan was submitted to stockholders, creditors, and debenture holders. On November 1, 1960, the trustee reported that the plan had been approved, but with certain changes. One such change was: "The objections to the plan which were filed by New Orleans Sportservice, Inc., were settled by accepting New Orleans Sportservice, Inc. as the concessionaire and the approving of its contract with Magnolia Park, Inc., which was then assigned by the Trustee to Jefferson Downs, Inc."

Thereafter, John Masoni moved into ownership and presidency of Jefferson Downs. C. Ray Edmonds was moved out. Emprise loans and stock purchases increased, until today Emprise directly and indirectly controls every aspect of Jefferson Downs' finances and management.

The growth of Emprise Corporation, and the Jacobs family, from concessionaires in burlesque houses to an international conglomerate of vast proportions challenges the imagination. And challenging to responsible decision is the parallel record of organized crime alliances and deceptive practices of Emprise as has been documented by Congressman Steiger. Emprise Corporation has investments in or control of about 40 racetracks, roughly 450 sportservice concession contracts, various sports arenas and stadiums. Through their conglomerate business network the Jacobs family has also acquired interest in a professional basketball team, the Cincinnati Royals, and their employees are at virtually every professional football game. They have operating units in at least ten major league baseball stadiums, eight professional football stadiums and many minor league parks. Racetrack operators, including concessions and track ownership extend to 25 states, Puerto Rico, Canada, England and Columbia. They have subsidiaries in Italy. They operate food and drink concessions in hundreds of theaters across the nation, parking lots, airport services, restaurants, bars and lounges.

Emprise has frequently been charged with giving false or deceptive information to government agencies.

For example, after it had been denied by Emprise Attorney Lawrence P. D'Antonio when Jeremy Jacobs, President of Emprise, testified at a hearing of the Arizona Racing Commission on March 2, 1970, he admitted that Emprise had supplied the money with which J. J. Isaacson had purchased Tucson Turf Club stock.

The Arizona Auditor General reported that Empire used false income figures when requesting tax concessions from the Arizona Legislature.

The U.S. Securities and Exchange Commission alleged that the Tucson Turf Club filed "false and misleading" documents, concealing ownership of over ⅔ of the stock by Emprise.

About nine months after Jeremy Jacobs swore that he had no business dealings with ex-convict Irwin Wiedrick in a Delaware track, Emprise filed a suit in Dade County, Florida in which the Wiedrick relationship was admitted.

Emprise ownership and financial transactions repeatedly tie them to underworld figures.

The "Silent Syndicate" by Hank Messick describes specific situations in which large amounts of money moved between the Cleveland syndicate and Sportservice, helping to bankroll each other's needs.

Illinois records document the activities of Emprise in that State's racetracks, including joint concession interests with racketeer Frank "Buster" Wortman at Cahokia Downs, and financial involvements with ex-convict Irwin "Sam" Wiedrick.

The partners of Emprise at the Hazel Park track in Michigan include key figures in the Detroit area Cosa Nostra, as identified by the Attorney General of the United States in 1969. These include Anthony J. Zerilli, President, and Jack W. Tocco, Vice President, as well as Dominic P. Corrado, a Director, of the Hazel Park Racing Association. Four of the nine Directors of Hazel Park are now under federal felony indictments and a fifth has been connected with illegal gambling. Members of the Zerilli organization have been prosecuted in recent years for interstate gambling, bankruptcy fraud, embezzlement, illegally taking goods from bonded areas, tax evasion, fraudulently securing FHA and SBA loans, evading payment of taxes on handbook operations, interstate transportation of firearms, intimidation of a Federal officer, liquor law violations, counterfeiting, obstruction of justice, interstate racketeering, loansharking and illegally bringing aliens into the United States.

Emprise owns 156,555 shares, or about 12%, of Hazel Park and it controls the concessions, including parking.

The Zerilli mob, bossed by Anthony's father, Joseph, were considered the most notorious prohibition era hoodlums in the Detroit area. They eventually took over domination of the rackets from the Purple Gang. In characteristic organized crime pattern, they dominated gambling and other rackets while increasingly moving into legitimate-front enterprises. The money which Anthony Zerilli invested in Hazel Park he admitted receiving from his father, the Cosa Nostra Boss. Anthony is married to the daughter of the deceased Mafia Don Joseph Profaci.

Hazel Park has been the target of scandals and investigations. U.S. Internal Revenue in Detroit raided 12 syndicate gambling centers July 1, 1966, and four jockeys and a trainer were allegedly involved. A State Racing Commissioner resigned.

The Michigan Attorney General, Frank J. Kelley, asked for a grand jury probe of horse-doping, bribery and conspiracy at Hazel Park. He charged that public officers, state employees and persons licensed by the Racing Commission were involved in a conspiracy at the Hazel Park track.

The common interests of Emprise with the Detroit Zerilli Cosa Nostra Family becomes particularly dangerous in Louisiana because of the apparent close relationship between the Marcello organization here and the Zerillis.

Police intelligence has established past direct contact between Carlos Marcello, Anthony Zerilli and the Hazel Park track.

Frank Caracci's conviction on three counts for conspiracy to bribe a federal tax agent was upheld earlier this month by the U.S. 5th Circuit Court of Appeals. An associate of the Marcello mob, he has a long history of corrupt operation of New Orleans strip-clubs, and as a pinball gambling racketeer. In September 1969 he was arrested with others in connection with a sports betting operation in Houston.

Earlier in 1969, in May, Frank Caracci was at the Spaghetti Palace, in Roseville, Michigan, a suburb of Detroit. This restaurant is owned by Anthony Zerilli and frequented by other members of the Detroit Mafia. With Caracci was Frank Profaci, brother-in-law of Zerilli and son of a former Cosa Nostra boss, Joseph Profaci. Also with them was Nicholas J. Graffagnini of Metairie, Louisiana who then had 16 horses running at Hazel Park, and whose horses race on Louisiana tracks.

I remind the Commission of the many ways in which Carlos Marcello has been able to manipulate and influence corruptly on behalf of his interests, direct and indirect. Recent legislative committee hearings have documented some of the pattern. He, or his associates, have attempted, or have wormed their way into every race track in this State. Former Racing Commissioner Antoine Ashy resigned after disclosures of his relationship with Vincent Marcello, and with illegal gambling at Evangeline Downs. Carlos Marcello tried to buy his way into the original Jefferson Downs, and sought to have the new track built on his Churchill Farms property. Marcello-connected gamblers have frequented and been ordered off the Fair Grounds track. People in the Marcello organization breed and run racehorses. And the Marcello mob includes major figures in illegal gambling, including horserace betting.

And as Carlos Marcello told a candidate for election in Jefferson Parish, he makes contributions to political campaigns with the understanding that he will expect favors for his friends when they get in trouble.

Marcello also has a history of taking over control of various enterprises, as does Emprise, by increasing investment, some concealing ownership behind front men.

In the Eastern District of Michigan, federal court docket #45236, indictments for Bankruptcy Fraud were returned against 15 defendants. Of eight of them officially identified as important in the Cosa Nostra, two are officers of Hazel Park.

They are charged with "scam" operations which have typified planned bankruptcy frauds by organized crime groups in recent years—an increasingly serious problem.

An indictment returned by a federal grand jury in the Central District of California, on February 26, 1971, makes serious charges in 10 felony counts against Emprise Corporation, two other owners of Hazel Park, (Anthony Zerilli, Peter Bellanca) and others.

The extensive California indictment alleges that Emprise owners Louise M. Jacobs, Max M. Jacobs and various others conspired and acted in concert with those indicted, to create an intricate web of false ownership of a Las Vegas gambling casino, and to deceive the Nevada State Gaming Commission, a regulatory agency as is the Louisiana Racing Commission.

Also indicted with Emprise and Zerilli were a former Michigan judge, Arthur J. Rooks, and Jack Shapiro, manager of the Frontier Hotel and Casino in Las Vegas.

In March of this year the FBI, the U.S. Attorney and a federal grand jury probed into wiretapping allegedly used to obstruct the Arizona Racing Commission's investigation of the Emprise Corporation ownership interest in six Arizona dog-tracks. It had been disclosed that one of the Commissioners who later resigned, Al Marth of Phoenix, had assured Emprise's local partners that the licenses being challenged would be renewed. Wiretaps reportedly had been installed on the office and home phones of Racing Commission Chairman John Goodman; on the phones of Congressman Steiger and his administrative assistant, Michael Jarvis; on the residence phone of Arizona Republic reporter Don Bolles; and on other phones. The wiretaps admittedly had been arranged by an investigator, George H. Johnson, employed by the Funk-Emprise interests in Arizona.

The wiretapping was being done about one year ago while the Arizona Racing Commission was considering renewal applications for joint operations of the six dog tracks and Prescott Downs by Emprise Corporation and Funk racing interests.

In Arizona, Emprise apparently is co-owner of eight tracks. In 1967 they took over the Phoenix Trotting Park when the former owner became insolvent. Thereafter legal pressure was brought in an effort to recover previously paid taxes totalling $203,000.

Arizona State Auditor General Ira Osman prepared an analysis for that State's Legislative Budget Committee which showed that the Emprise-Funk tracks had expended $281,682 in their efforts to retain racing rights there in 1970. This included payments to lawyers, public relations consultants and others, including the wiretapping investigator. Part of the money went to a New York PR man, Hal Antin, apparently for directing an unsuccessful campaign to prevent re-election of Congressman Steiger, a courageous and tireless opponent of rackets influence on horseracing.

In 1968, the U.S. Attorney for Southern District of New York, Robert M. Morgenthau, Jr., subpoenaed Louis Jacobs, of Emprise, to question him before a federal grand jury concerning business dealings with Gerardo "Jerry" Catona, reputed successor to Vito Genavese and boss of New Jersey's LCN organization, and with Meyer Lansky, notorious international racketeer figure. Jacobs resorted to various legalities to avoid questioning, and died before he could be interrogated. Thereafter his wife and sons took over direction of Emprise.

The Bally Manufacturing Corporation of Chicago, formed by merger with the Lion Manufacturing Company, calls itself the largest producer of slot machines and one of the biggest manufacturers of pinball machines in the world. It boasts that it supplies about 90% of the one-armed bandits used in Nevada.

Bally machines, of the pinball payoff type, are a serious organized crime problem in Louisiana, where they are operated in violation of the law. Thousands of these machines have created law enforcement problems all across the state. The powerful influence of the pinball racketeers was disclosed in our recent Legislative Committee hearings and was further evidenced by their ability to block every effort to pass a law which would ban them here.

It is, therefore, important for your Commission to know that Sportservice or Emprise has had a major financial interest in the Bally Company.

According to official records in Nevada and New York State, an officer of Bally Manufacturing Company admitted that he and Louis Jacobs of Emprise each acquired 25% of the stock of Bally at a time when Irving Kaye and Abe Green each bought 12½% of the stock. Kaye is a partner of Jerry Catina in the Kaye Manufacturing Company, Brooklyn. Abe Green either works for, or is a partner of, Jerry Catina in the Runyan Sales Company, coin device distributors in the East. As mentioned before Catina has been officially identified as Boss of the Northern New Jersey Cosa Nostra, and successor to Vito Genovese in the National LCN Commission. Although Jacobs reportedly sold out his interest in Bally to his partners in 1964, it is significant that he again formed economic alliances with major figures in organized crime.

It appears reasonable to conclude from the extensive Emprise record, of which I have mentioned brief extracts, that they and their affiliate companies are given to deception and organized crime alliance. This is a particularly dangerous combination to entrust with authority to operate a racetrack, which is an endless source of such law enforcement problems.

For example, the Fair Grounds expends between $300,000 and $350,000 on security measures during a racing season, I am told. They frequently ban from the track such notorious Marcello-connected gamblers as Sam DiPiazza and Frank Timphony. Carlos Marcello was, and probably still is, considered persona non grata at all tracks which belong to the Thoroughbred Racing Protective Bureau. It is not logical to expect that track management will ban their friends, or friends of friends.

There is need for another important consideration, in view of the deceptive patterns of Emprise. It must be remembered that food and beverage concessions handle a major part of the money expended at the track. Parimutuel mechanically records the betting handled. But the concession business is all cash, without reliable record keeping devices. The concessionaire, Emprise's Sportservice, can if so inclined make any arbitrary report on income. Opportunities for tax-cheating are great. Only completely reliable and ethical management can be depended upon to not take advantage of these opportunities. In that connection, it should be noted that the Fair Grounds operates its own concessions.

We strongly urge, on the basis of the information in possession of the Racing Commission, that it refuse to license racing to the present ownership of Jefferson Downs. And that it not grant such authority until ownership is in the hands of more acceptable proprietors, who will first have been thoroughly checked out by the State Police Intelligence Division.

It may well be that, as in the case of the Fair Grounds, local ownership and management of both track and concessions, carefully screened, will result.

INTER-AMERICAN ASSOCIATION FOR DEMOCRACY AND FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I am associated with the Inter-American Association of Democracy and Freedom in New York City. Mr. Francis R. Grant, secretary general of this organization, has for many years devoted himself to exposing and protesting the activities of dictatorships in the Americas. The road he traveled has been rocky, but he has continued his public efforts.

The following article explains some of the problems facing the association presently. I commend this article to my colleagues:

"WE SURVIVED"—MAY 1950–MAY 1971, A FRANK APPEAL TO NORTH AND LATIN AMERICANS WHO STILL BELIEVE THAT DEMOCRACY AND FREEDOM MAY BE SAVED IN THE AMERICAS

(By Frances R. Grant, Secretary General)

This month, May 1971, the Inter-American Association for Democracy and Freedom marks the twenty-first year since it was founded at the historic meeting in Havana.

It was the Abbé Sieyes who, when he was asked how he had served the French Revolution, answered, "We survived."

There are times in human history when sheer survival is an achievement. For men must pit their courage, compassion, integrity, hope and even desperation against the unremitting forces which would destroy men's freedom and pursuit of happiness.

Yes, we survived. But we wonder whether the North and Latin American friends of democracy and freedom have ever considered the price of that survival for the few—the very few—who shared our responsibilities in this period of augmenting tyrannies.

During these 21 years, the IADF has again and again protested and exposed the oppressions by Latin American dictators; it has been the constant advocate for help and the release of the thousands of political prisoners in Latin America, men and women robbed of their freedom, constantly subjected to torture and frustrated in their just demands for juridical redress. In these 21 years thousands of political exiles from Latin American tyrannies have turned to us for help in obtaining political asylum; in their immigration problems; in their lack of work, and, as much, in their need for friendship and moral fortifications against indignities which beset fighters for freedom in alien lands, when deprived of their country and their birthright.

The IADF has played many roles in this "coming of age." And the struggle is now more intense, in a present moment when there are not only the overt tyrants, but also the amorphous and anonymous foes of freedom, who cross all boundaries and all continents to vitiate the individual's right to dignity and happiness.

However, this appeal is not intended as a paean for self-glorification. For already, the democratic leaders of Latin America, who bore the brunt of the struggle against the dictatorships—Venezuela, Colombia, Argentina, Peru, Cuba, Honduras, Nicaragua, Haiti, the Dominican Republic, Brazil, Paraguay—have given their testimony to the past and present role of the IADF in their struggle.

Instead this Appeal is directed to the needs of the present struggle and to all who would save Democracy and Freedom in the Americas that they join us in an Army of Survival, so that liberty may not be stifled in the Americas.

For ourselves—and there are still, alas, too few—we are determined not to leave the field of battle nor lose the war by default. But we ask all friends of democracy and freedom in the Americas, to stand up and be counted, and help us in the struggle ahead.

REPRESENTATIVE DWYER'S CEASE-FIRE PROPOSAL

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. DWYER. Mr. Speaker, in my remarks today in support of the Nedzi-Whalen amendment to the Military Procurement Authorization bill, I referred to a newsletter I issued a year ago which explains in detail my proposal for a U.S.-initiated cease-fire as a means of ending the war in Southeast Asia.

I include the text of that newsletter as a part of my remarks:

JUNE 4, 1970.

A "THIRD WAY" TO END THE WAR

For me, the experience of these four or so weeks since U. S. troops moved into Cambodia—the sudden and startling (but completely understandable) way this event gripped our minds and emotions, the more than 2,000 letters and telegrams which constituents were moved to send me, the nearly 1,000 more contituents who felt the compulsion to come to Washington for lengthy discussions with me and my staff—has served above all to confirm three fundamental truths:

First, that almost all Americans want to end the war in Indochina and withdraw American forces as soon as possible;

Second, that we are sharply and often bitterly divided about the means we believe most desirable for accomplishing these objectives—with the division generally polarized around two main strategies: (a) unilateral U.S. withdrawal as of a fixed date sometime in 1971, and (b) President Nixon's policy of gradual withdrawal over a time span long enough to Vietnamize the war; and

Third, and most important, that a third alternative, a "third way"—acceptable to both groups—must be found in order not only to end the war but to end it in a way that will restore national unity here at home.

A FIVE-POINT TEST

In order to be acceptable, this "third way" of ending the war must, I suggest, meet these tests: (a) lead to the earliest possible halt to the killing and destruction, (b) protect the safety of American forces and assure their early withdrawal, (c) assure the simultaneous withdrawal of North Vietnamese forces, thus precluding any appearance of American "sell-out" or "surrender," (d) provide a realistic chance for a political instead of military solution to the war through resumption of meaningful negotiations in Paris, and (e) offer a maximum opportunity for the Vietnamese people themselves to determine their own fate.

Few Americans, despite our present differences on the war, would dispute these objectives, I suspect. Just as surely, however, neither immediate withdrawal nor gradual withdrawal-plus-Vietnamization could be expected to achieve more than two or three of the five objectives at most. This is especially true of the first, for either immediate or gradual withdrawal would undoubtedly perpetuate the fighting and the killing—though ultimately, at least, without direct U.S. participation.

I recognize that we may finally have no other option but withdrawal of some kind, but with national unity and the ending of a horrible war at stake, I believe we have both a moral and practical obligation to seek the best possible solution so long as it may be open to us, a solution that meets *all* the tests I have suggested.

THE "THIRD WAY": A CEASE-FIRE

A cease-fire is the way—the "third way"—a cease-fire that is mutually binding and enforceable.

But to be effective—to have a chance to lead to a peaceful settlement of the war on the five-point basis I've proposed—the cease-fire must be credible. And to be credible it must be more than talk, or a gesture, or a "you go first" proposal, or an ultimatum. We, the United States, must take the initiative and we must do so in a way that will convince the communists, the rest of the world, and especially ourselves that we really mean it.

For about four years now, as many of you know, I have been proposing such a cease-fire initiative—a series of initiatives, if necessary—in newsletters, speeches, statements, and in letters and personal conversations with Presidents Johnson and Nixon, their chief advisors, and my Congressional colleagues. But never before have the timing and the circumstances—and the need—seemed so immediate and right and hopeful.

Briefly, the "scenario" for my plan goes this way. As soon as feasible—the completion of our withdrawal from Cambodia would seem particularly appropriate—the President would publicly announce that as of a date and time certain all aggressive action by U.S. forces (air, land and sea) would cease for a limited period of time (two or three days, perhaps) long enough to allow the North Vietnamese and Vietcong to join in the cease-fire either tacitly or officially.

THE KEY: REPEATED INITIATIVES

If they did so, a UN or other ad hoc international truce supervision force would be ordered into South Vietnam to monitor the ceasefire and the withdrawal of all foreign forces—a move which, in turn, would undoubtedly simulate effective negotiations. If the communists refused to accept or abide by the cease-fire, we would, of course, reserve the right to defend ourselves against attack. But at the same time, the President would announce that the U.S. would repeat the cease-fire initiative in two weeks time. If that, too, failed, it would be repeated a third and fourth time—until the communists were convinced the U.S. was serious about ending the war.

The combination of a U.S. initiative and the declared intention to repeat that initiative would, I believe, make the difference between cease-fire proposals which have been mere gestures and the real thing.

If one accepts the premise, as I do—because I believe it inescapable after all these years—that there is no ideal or certain solution to the war, that whatever we do may not be adequate or lasting or completely satisfactory, then the wisdom of trying for a cease-fire becomes compelling, for these, among other, reasons:

(1) we would know whether it would work, or could work, in a relatively short time—a matter of weeks;

(2) if it did work, we would have an improved chance to win objectives in Southeast Asia we all want;

(3) if it didn't work, all our other options would still be open and, more importantly, we would be considerably more unified as a result of the experience of making an open, demonstrably genuine, and wholehearted effort to end the war.

NOTHING TO LOSE, MUCH TO GAIN

In other words, we have little or nothing to lose and potentially a great deal to gain by trying this cease-fire idea or something like it.

UNITED STATES CALLED NEGLIGENT ON POISON

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to call my colleagues' attention to a May 30, 1971, Washington Post article dealing with the action taken on the initial test of the new Occupational Safety and Health Act of 1970.

On the one hand, it is gratifying to note that some action has been taken to alleviate a hazardous working condition. Indeed, the Washington Post refers to this precedent case as "an historic first in the fight for a cleaner and safer workplace." However, it is painfully disturbing to read accusations that the Labor Department may have been lax in meeting its responsibility to protect workers.

The Occupational Safety and Health Act is a long-awaited piece of legislation of vital importance to millions of workers. Thorough and successful implementation of this act will appreciably rectify many of the grievous dangers which have historically beset the workingman.

It is our responsibility to oversee the execution of this legislation, and I would like to take this opportunity to make it quite clear that we will most assuredly meet that responsibility.

The text of the article follows:

UNITED STATES CALLED NEGLIGENT ON POISON

(By Morton Mintz)

A physician-chemist yesterday accused the Labor Department of leisurely handling of a complaint of "imminent" danger from concentrations of poisonous mercury vapor at the Allied Chemical Corp. plant in Moundsville, W. Va.

The department "neglected its legal responsibility to protect workers," Dr. Sidney M. Wolfe of the Medical Committee for Human Rights said in a letter to Labor Secretary James D. Hodgson.

The complaint of "imminent" hazard—the first made under the new Occupational Health and Safety Act—was filed by the Oil, Chemical and Atomic Workers International Union, AFL–CIO, on May 14. Friday, 14 days later, the department ordered the plant to stop exposing its workers to dangerous mercury fumes.

One worker is in a hospital with tremors and other classic signs of mercury poisoning, The Washington Post disclosed in yesterday's editions. Eight others have filed for workmen's compensation on the ground of claimed mercury exposure. In addition, a Public Health Service official said that urine specimens taken from several workers show above-normal mercury levels.

Officials of Allied Chemical, which produces chlorine at the Moundsville facility, said there is no evidence of mercury poisoning among the employees, on the basis of tests in their own and other laboratories.

In the letter to Secretary Hodgson, Dr. Wolfe said the department's delay in acting on the May 14 complaint, "considering the imminence of the danger involved," has been "phenomenal." Not until May 19 did a department inspector survey the plant, Wolfe said.

The most exacting tests could have produced results "in 1 or 2 days," but as of May 26 "the results still were not available and no action had been taken," the letter continued. The results became available Friday. That day, the department ordered the contamination eliminated by next Wednesday.

YOUTH PHYSICAL FITNESS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, each year the U.S. Marine Corps sponsors a youth physical fitness program in secondary schools throughout the Nation. This program, conducted in support of the President's Council on Physical Fitness and Sports is based on the five-exercise physical fitness examination used in Marine recruit training and has been well received by coaches, principals, and students.

This year, more than 300,000 students representing over 1,300 high schools, participated in the program. Twelve teams, having previously won regional championships, competed for national honors on June 17. One of these teams, North Hagerstown High School, is from the Sixth Congressional District. In light of their excellent efforts in reaching the final competition, I would like to take this opportunity to recognize those students who participated for YPF honors—

Mr. James W. Brown, Hagerstown, coach.

Mr. Allen R. Bennett, Hagerstown, son of Mr. and Mrs. Vernon Bennett.

Mr. Edward B. Coles, Hagerstown, son of Mr. and Mrs. Edward W. Coles.

Mr. Ronnie Krowl, Hagerstown, son of Mr. and Mrs. John Krowl.

Mr. Lee Mumma, Hagerstown, son of Mrs. Louise R. Mumma.

Mr. Eugene K. Ridenous, Hagerstown, son of Mr. and Mrs. John F. Ridenour.

Mr. George D. Russell, Hagerstown, son of Mr. and Mrs. George W. Russell.

They are all to be congratulated for a job well done.

AIRPORT AND AIRWAYS SYSTEM IN THE UNITED STATES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PETTIS. Mr. Speaker, as a currently rated commercial pilot and former airline pilot I have a strong feeling, that the American public little realizes the inadequacy of the airport and airways system in the United States.

No country in the world can match our aviation technology, why then have we not given the American public the safety to which it is entitled when it uses the airports and airways of America?

Recently, John J. O'Donnell, president of the Air Line Pilots Association appeared before the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee of the House. I commend his remarks to my colleagues. He makes a lot of sense:

STATEMENT BY JOHN J. O'CONNELL

I am John J. O'Connell, President of the Air Line Pilots Association.

Our Association represents 31,000 airline pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 U.S. commercial airlines.

I appreciate this opportunity to appear before your Committee to express the serious concern the members of our Association have regarding the Department of Transportation's appropriations request for fiscal 72.

In recognition of your Committee's important mission and the limited time available for all participants who wish to be heard, I will confine my remarks to two important areas seldom understood by persons other than pilots who fly the system and have the safety of their passengers as their prime concern—men who must perform without all of the available safety tools of the trade.

(Supplementary data important to the documentation of our position is offered for the record.)

Let me emphasize this one point. Air Line Pilots Association members concur wholeheartedly with the feelings being expressed here before your Committee. We are shocked by the violation of trust that is being perpetrated on the aviation community, users of the airport/airways system, and the public itself whose taxes are being collected for the prime objective of purchasing a modern, safe and efficient airport/airways system.

We, who command and fly the airliners of this nation, have for many years fought for maximum safety within the airport/airways environment; many times without audience until tragedy struck.

On numerous occasions, prior to today, we have testified before Congressional leaders and groups. We have appealed for action that would eliminate or reduce substantially the waste of lives, equipment and property resulting from inadequate or antiquated equipment, while new more efficient tools are available but not installed.

The need for funds to upgrade the nation's air transportation system inspired our Association to vigorous action in support of Airport/Airways Trust Fund legislation last year. It is our judgment that distribution of these funds as designated by Congress could have been weighted more heavily to insure airports will be safer for the final approach and the landing phases. But, the important thing is the fund was created. We are proud of having made an important contribution to this major legislative action and look forward to working with Congress on future modifications and requirements that may develop.

During the past ten years there were 19 fatal and 32 non-fatal accidents resulting in 587 deaths and a monetary loss of over $111 million during *non*-precision landing approaches. These are approaches airline pilots are required to make when the runway to be used does not have a precision instrument landing system (normally referred to as an ILS).

Gentlemen, today in this great nation of ours approximately 90% of the runways of our 530 air carrier airport system do not have instrument landing systems and other important landing aids required for precision approaches. Yet these are the runways airline pilots are required to use in good weather and bad.

Almost as many runways do not have Visual Approach Slope Indicators (normally called VASI). These lighting systems are designed to provide the pilot with a visual track to follow to the runway touchdown position when visibility permits.

ALPA research shows that approximately 1,722 runways used by airline pilots on a continuing basis do not have either precision instrument landing systems (ILS), visual approach slope indicators (VASI) or runway end identification lights (REIL). The latter provides positive visual identification of the runway threshold under poor visual conditions.

Ironically, after we had reviewed the ten-year accident history data, two tragic accidents involving airliners occurred during the past four days. Again, these accidents point up the tragic cost of these inadequacies which still have not been corrected even though the remedies and the equipment have been available for a decade.

How would anyone in government explain to the loved ones of 49 persons aboard the Air West DC–9, lost last weekend, that a contributing cause to death is a system that will permit two jet aircraft to be on a collision course on different flight plans, several miles above the earth?

How can anyone really explain or excuse the death of 28 persons aboard the Allegheny Airlines' propjet last Monday that was attempting a non-precision approach at the New Haven airport? The airport manager is quoted as saying the crash "would not have happened if the airport had an instrument landing system."

Another accident still haunts us. It occurred at Huntington, West Virginia, last November and it is still under investigation by the National Transportation Safety Board. There were no survivors among the 75 passengers and crew of a chartered Southern Airways DC–9 that impacted on a hilltop in restricted visibility during a non-precision approach. That airport did not have a full instrument landing system, now it does—75 lives too late.

I could name other similar accidents, two at Bradford, Pennsylvania, one at Charleston, West Virginia. All suffered from the lack of precision landing system services at the time. These are terrible losses, too costly in lives to excuse. But still there is pitifully little action.

I emphasize again, the fact that only about 10% of the runway approaches used by U.S. airliners do have complete instrument landing systems which give the added margin of safety the air traveling public deserves.

To place ILS systems on the remaining unprotected 90% of the runways—not now programed for such installation by 1981—will cost $250 million additional. The systems are proved and the manufacturing capability is available. All we need is $250 million in trust funds and simplification of government paper work to speed the installation of these systems at these unprotected runways.

Let me draw comparison for a moment. We have been told the reason such systems have not been installed is due to lack of funds. Now, you the Congress have provided the National Air Transportation modernization trust fund to remedy this situation. Still the money has not been designated for ILS installations. Only 310 systems are installed, 1,810 are needed as of now.

However, the FAA finds time and energy to plan for modernization and enlargement of its private aircraft fleet. It intends—with Congressional approval, I assume—to spend more than $123 million for its aircraft fleet by 1981. This figure, of course, does not include the operational costs of its present roster of 90 aircraft.

Let's look at the breakdown of these costs.

[In millions]

Airways Checking Aircraft (Including Modification and Electronic Packages)	$69.2
Research and Development Aircraft	10.1
Flight Training Aircraft (Including Modifications, Simulator and Avionics)	44.2

The total planned new aircraft procurement amounts to $123.5 million. This money alone would finance more than half of the ILS systems needed—would accelerate achievement of an acceptable safety level for the total system. Perhaps with fleet operational savings we could achieve a goodly portion of the remaining $126.5 million needed to complete the package. More importantly, such redirected priorities may save the lives of another 587 passengers and prevent the loss of another $111 million-plus investment by 1981. *This is the real price we cannot afford to ignore any longer.*

We realize airways and approach systems require checking and monitoring. But there are other ways that are less expensive than a fleet of aircraft larger than 80% of the airlines they are supposed to assist.

The need to spend $44 million for aircraft and simulators for flight training of FAA personnel is a facade, a game of blind man's bluff.

Is anyone (other than FAA) foolish enough to suggest that an FAA inspector of limited airline experience, if any at all, who received at best minimum flying in these high performance jet aircraft, qualified to judge the competence of a highly skilled professional airline pilot, whose very day-to-day survival depends on his skill and judgment?

The number of deaths that have occurred during flights that FAA inspectors have been aboard during training and proficiency check rides compared to the total training hours spent in the air by airline pilots does not reflect increased safety by their presence. It is the collective judgment of the 31,000 airline pilots I represent, that the man who checks them and judges their proficiency should be at least as qualified and experienced as they are. Such a system is like having a law student judge the competence of a supreme court justice.

Therefore, we believe FAA should return to the airline check airman and FAA designee system similar to that now in effect for non-jet aircraft.

Mr. Chairman, if trust funds are to be diverted for administrative and operational purposes, I condemn the practice and place the responsibility for future accidents squarely upon the shoulders of those responsible for such decisions.

I have shown that we are woefully short in the approach landing area alone. There are many other safety related programs that could move forward as well, if the trust fund money is applied according to the intent of Congress.

Testimony prior to this hearing in these chambers, has defended the Administration's plan to siphon off the funds for other than facilities and airport/airways modernization purposes.

In recent statements reported in Aviation Daily (June 3, 1971) Secretary of Transportation John A. Volpe appeared to contradict himself as to the real intentions of the Department. He is reported to have said in the National Aviation System Planning Conference speech that "all monies from the aviation trust fund that are used in the special transportation special revenue sharing fund will be used to further aviation. The integrity of the aviation trust fund will not be violated."

At a May 10 seminar he reported that President Nixon has proposed setting up a special transportation fund amounting to nearly $3 billion a year to be allotted to state and local governments . . . Under the proposal, funds will come from four sources—highway trust fund, airport trust fund, urban mass transit appropriations and finally general revenues. The report quoted him as saying "those funds which derive from urban mass transit revenues must be spent for the furtherance of urban mass transportation. The remainder of the transportation special revenue sharing fund may be spent for any other type transportation project selected by local officials."

This information clearly illustrates the double-talk that has been coming from the Administration in regards to diversion of aviation trust funds.

The 43,000 members of the Air Line Pilots Association deplore the intention of the Administration and urge this committee and the United States Congress to make sure that legislative restraints are placed on such free-wheeling interpretations of an otherwise very clearly defined bill. Such budgetary subterfuge is an insult to the Congress and the American people.

We endorse the provisions of HR7072 and similar bills and urge speedy passage.

Your action will hasten the day when all air carrier airports serving the air traveling public will have modern, safe facilities and equipment. It will provide the pilots who man those planes with confidence that their passengers will be delivered on-time, safely under good weather and bad. When they break out of the fog at 200 or 100 feet, at 160 or 170 miles per hour, they will be confident that the runway threshold is there where it should be for a safe landing. Anything less than the best and the safest airports and approach systems will be measurable in accidents and deaths that are now preventable.

You and I will have room for little pride in our great FAA fleet, if one more preventable accidents takes your life or mine—or those of your loved ones, friends and constituents.

Trust fund money must be spent for better airports and airways facilities and equipment.

Thank you.

SUPPLEMENTARY DATA

(Submitted for record with statement by John J. O'Donnell)

SUMMARY COST ESTIMATES:[1] ILS, VASI AND REILS FOR ALL RUNWAYS NOT PRESENTLY EQUIPPED AND FAA AIRCRAFT COST FIGURES PROGRAMED TO 1981

		Cost (in millions)
Existing conventional ILS	310	
Conventional ILS proposed to 1981	325	$91.9
Replacement ILS proposed to 1981	454	97.5
Total ILS by 1981	1,089	189.4

[1] Numbers and estimates based on National Aviation System plan 1972-81 made by FAA, March 1971.

Airline Airports Estimated, 530.

Runway ends (estimated two runways/airport average), 2120.

Conventional ILS Runways in 1971, 310.

VASI and REIL Equipped in 1971, 88.

Runways without ILS in 1971, 1810.

Approximate airports without ILS in 1971, 300.

Runways without ILS, VASI or REIL in 1971, 1722.

As of 1971—Estimated cost to equip each runway not so equipped: ILS—1810x243,000=$439,830,000; VASI & REIL—1722x(20,000 VASI 10,000 REIL) $51,660,000.

As of 1971—Estimated cost to equip each airport not so equipped: With *One* ILS—300x243,000 $72,900,000.

Cost of 779 ILSs Programmed to 1981: $189,400,000.

Estimated additional cost of ILS for all runways ends at 1981: $250,430,000.

Programmed cost of FAA aircraft fleet to 1981 (not including existing fleet), $123,500,000.

Airways Checking Aircraft, Modification & Avionics, $69,200,000.

Research & Development Aircraft, $10,000,000.

Flight Training Aircraft, Modifications, Simulators & Avionics, $44,200,000.

INDIVIDUAL COST OF FAA FACILITIES[1] AND PROGRAMED INSTALLATIONS TO 1981

	Total Number by 1981	Establishment	Annual operating cost
Conventional full capability ILS (CAT II type)	635	$282,000	
Replacement low activity airport ILS	454	138,100	$29,000
Localizer plus 1 marker		85,600	15,000
Air traffic control tower (16-hr. day)	525	200,000	128,000
ASR/ATCRBS	273	1,050,000	348,000
Full approach light system with flashers	1,080	200,000	
Medium intensity approach light system (MALS/RAILS)		65,900	37,000
VASI 4 box (average)	469	20,000	
TVOR	148	80,000	
VOR	905	187,000	
TACAN/DME	905	39,000	
REIL	354	10,000	

[1] From FAA Correspondence and National Aviation System Plan, 1972-81, made by FAA March 1971.

LOGISTICS/JOB SUPPORT AIRCRAFT (F. & E. ITEM)

	On hand 1970	Anticipated 1981
L-1329	1	0
TV-2 Lockheed	1	0
G-159	1	0
C-123	1	0
DC-3	4	0
BE-80	4	0
BE-65	2	0
BE-55	4	0
Light turboprop	0	12
Light turbojet	0	4
Medium jet	0	1
Medium turboprop	0	1
Total	18	18

New Aircraft Funding Needed, $27.2 Million.

NEW RESEARCH SUPPORT AIRCRAFT (F & E ITEM)

Number by 1981, 6.

Funding Needed by 1981, $18.3 Million.

Heavy Turboprop, 1.

Light Turboprop, 3.

Twin Turbine Helicopter, 1.

Long Range Jet, 1.

Old CV-580 (retained), 1.

FAA PROGRAMMED COST OF AIRCRAFT PROCUREMENT BY TYPE AND USE FROM 1972-1981

FAA aircraft fleet—Number and cost summary program

Number Aircraft at present, 90; New 1972-1981, 53; On Hand 1981, 62.

New Aircraft Funding Needed by 1981, $123.5 Million.

Funding by type use 1972-1981

Airways Aircraft Program (Facilities and Equipment), $69.2 Million.

Research and Development Aircraft, $10.1 Million.

Flight Training Aircraft (F&E), $44.2 Million.

	On hand 1970	Inventory 1981
Flight inspection aircraft (F. and E. item) 1970-81:[1]		
C-135	2	0
CV-580	4	0
T-29 Convair	3	0
DC-3	43	0
Light turbo	0	21
Light turbojet	5	5
Heavy turbo	0	1
Total	57	27
Flight training aircraft (F. and E. item)[2]:		
B-720	1	1
B-727	1	1
DC-9	1	1
L-188	1	0
DC-3	2	0
STOL	0	2
Light twin	0	2
Light turbojet	0	3
Total	6	10

[1] New aircraft funding needed, $69,200,000.

[2] New aircraft funding needed, $44,200,000.

SUMMARY

Nonprecision approach accident statistics, 10 years, 1961-1970

Number of People killed, 559.

Number of Fatal Accidents, 18.

Number of Non Fatal Accidents, 32.

Estimated value of aircraft damage	$58,000,000
Estimated insurance cost of people killed	28,000,000
Estimated additional costs of loss of revenue, insurance and investigation 50 Accidents at $500,000 each	25,000,000
Total	111,000,000

U.S. AIR CARRIER FATAL ACCIDENTS—UNDERRUN—NONPRECISION APPROACHES, 10 YEARS, 1961–70

Date	Location	Air carrier	Aircraft	Damage	Fatalities
Nov. 8, 1951	Richmond, Va	Imperial	L-049	Destroyed	77
Dec. 14, 1962	Hollywood, Calif	FTL	L-1049H	do	8
Nov. 29, 1963	Morgantown, W. Va	Prudue	DC-3	Substantial	1
Mar. 12, 1964	Miles City, Mont	FAL	DC-3	Destroyed	5
May 7, 1964	San Ramon, Calif	PAC	F-27	do	44
Nov. 15, 1964	Las Vegas, Nev	BAL	F-27	do	29
Nov. 8, 1965	Constance, Ky	AAL	B-727	do	58
Apr. 22, 1966	Ardmore, Okla	AFAX	L-188	do	83
Oct. 20, 1967	Constance, Ky	TWA	CV-880	do	69
June 13, 1968	Calcutta, India	PAA	B-707	do	6
Aug. 10, 1968	Charleston, W. Va	PAI	FH-227	do	35
Oct. 25, 1968	Hanover, N.H	NEA	FH-227	do	32
Dec. 24, 1968	Bradford, Pa	AAA	CV-580	do	20
Jan. 6, 1969	Bradford, Pa	AAA	CV-440	do	11
Mar. 13, 1969	Minchumina, Alaska	WCA	DHC-6	do	1
Oct. 10, 1970	McGuire AFB, N.J	SAT	L-100	do	3
Nov. 14, 1970	Huntington, W. Va	SOU	DC-9	do	75
Dec. 28, 1970	St. Thomas, V.I	TCA	B-727	do	2
Total					559

U.S. AIR CARRIER NONFATAL ACCIDENTS—NONPRECISION APPROACHES, 10 YEARS, 1961–70

Date	Location	Air carrier	Aircraft	Damage
Feb. 18, 1961	Stuttgart, Germany	PAA	DC-7	Substantial.
Feb. 25, 1961	Houston, Tex	BNF	B-720	Do.
Mar. 26, 1961	St. Louis, Mo	TWA	B-707	Do.
July 5, 1961	Bismarck, N. Dak	FAL	DC-3	Do.
Oct. 10, 1961	Des Moines, Iowa	BNF	CV-340	Do.
Nov. 19, 1961	Tri-cities, Bristol, Tenn	PAI	DC-3	Do.
Nov. 23, 1961	Morgantown, W. Va	LCA	DC-3	Do.
Dec. 2, 1961	Jacksonville, Fla	DAL	DC-7	Do.
Jan. 26, 1962	Fort Lauderdale, Fla	NWA	B-720B	Do.
Apr. 27, 1962	Manila, Philippines	PAA	B-707	Do.
Aug. 6, 1962	Rocky Mount, N.C	PAI	M-404	Do.
Dec 21, 1962	Grand Island, Nebr	FAL	CV-340	Do.
May 28, 1963	Manhattan, Kans	STD	L-1049G	Destroyed.
June 5, 1964	La Guardia, N.Y	NEA	DC-6B	Substantial.
July 16, 1964	Richmond, Va	EAL	DC-7B	Do.
Sept. 22, 1964	Sacramento, Calif	WAL	B-720	Do.
Jan. 21, 1965	Weyers Cave, Va	PAI	M-404	Do.
Apr. 27, 1965	Ponce, P.R	CBA	CV-340	Do.
May 18, 1965	Knob Noster, Mo	AAXICO	DC-6A	Destroyed.
Sept. 14, 1965	Stevens Point, Wis	NCA	DC-3	Substantial.
Oct. 16, 1965	Charlotte, N.C	EAL	DC-7	Do.
Mar. 21, 1966	Norfolk, Va	FTL	CL-44D	Destroyed.
June 29, 1966	Mojave, Calif	AAL	B-720B	Substantial.
Oct. 22, 1966	New Orleans, La	DAL	DC-8	Do.
Oct. 5, 1967	Kansas City, Mo	UNI	DC-6A	Do.
Nov. 1, 1967	Great Falls, Mont	FAL	CV-340	Do.
Jan. 1, 1968	Oxford, Miss	SOU	M-404	Destroyed.
Jan. 28, 1968	Benton Harbor, Mich	NCA	CV-440	Substantial.
Mar. 20, 1968	Evansville, Ind	DAL	CV-440	Destroyed.
Sept. 27, 1968	Cherry Point, N.C	UNI	DC-7C	Do.
1969	None in category			
Jan. 11, 1970	Harlingen, Tex	TXI	DC-9	Substantial.
Aug. 8, 1970	Acapulco, Mexico	MOD	CV-990	Destroyed.

AIRLINE AIRPORT SUMMARY

(*May 1971*)

A list of the airline airports in the United States, including Puerto Rico and the Virgin Islands, showing the number of runway ends, ILS, localizers, VASIs and back-course approaches. In this summary the following is shown:

Airports, 578.
Runway Ends, 2,200.
ILS, 280.
Localizer only installations, 19.
VASI (including AVASI), 119.
Back courses with approach procedures, 50.

The above list includes all airports having runways at least 4,000 feet in length. "Runway ends" includes only those runways of 4,000 feet or more in length.

NOTE.—The sources for the airport listing are the ALPA "Master Airport List" and the World Aviation Directory; the Jeppesen Manuals provided the data.

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Alabama:					
Anniston	2	0	1	0	0
Birmingham	4	1	0	1	1
Decatur	2	0	0	0	0
Dothan	4	0	1	0	0
Gadsden	4	0	0	0	0
Huntsville	4	1	0	0	1
Mobile	6	1	0	0	0
Montgomery	6	1	0	0	1
Muscle Shoals	4	0	1	0	0
Tuscaloosa	4	0	0	0	0
Total	40	4	3	1	3
Alaska:					
Adak	4	0	0	0	0
Amchitka	2	0	0	0	0
Anchorage	6	2	0	3	0
Aniak	2	0	0	0	0
Annette Island	2	1	0	0	0
Attu	2	0	0	0	0
Barrow	2	0	0	2	0
Barter Island	2	0	0	0	0
Bethel	[1]2	0	0	1	0
Bettles	[1]2	0	0	0	0
Big Mountain	[1]2	0	0	0	0
Cape Lisborne	[1]2	0	0	0	0
Cape Mewenham	[1]2	0	0	0	0
Cold Bay	4	1	0	1	1
Cordova	2	0	0	1	0
Dillingham	[1]2	0	0	0	0
Fairbanks	2	1	0	1	1
Fairwell	[1]4	0	0	0	0
Fort Yukon	[1]2	0	0	0	0
Galena	2	0	0	2	0
Gulkana	2	0	0	0	0
Gustavus	4	0	0	0	0
Haines	[1]2	0	0	0	0
Homer	2	0	0	1	0
Iliamna	[1]2	0	0	0	0
Juneau	2	0	1	1	0
Kenai	2	0	0	1	0
King Salmon	4	1	0	2	0
Kodiak	6	0	0	1	0
Kotzebue	2	0	0	1	0
McGrath	2	0	0	0	0
Middleton Island	[1]2	0	0	0	0
Moses Point	2	0	0	0	0
Nome	4	0	0	1	0
Northway	2	0	0	0	0
Port Heiden	4	0	0	0	0
Shemya	4	0	0	0	0
Sitka	2	0	1	2	0
St. Paul	2	0	0	0	0
Tanana	[1]2	0	0	0	0
Umat	2	0	0	0	0
Unalakleet	[1]2	0	0	1	0
Utopia	[1]2	0	0	0	0
Yakutat	4	0	0	0	0
Total	114	6	2	22	2
Arizona:					
Flagstaff	2	0	0	0	0
Grand Canyon	2	0	0	0	0
Kingman	6	0	0	0	0
Page	2	0	0	0	0
Phoenix	4	0	0	1	0
Prescott	4	0	0	0	0
Tucson	6	0	0	0	0
Winslow	4	0	0	0	0
Yuma	8	0	0	0	0
Total	38	0	0	1	0
Arkansas:					
El Dorado	6	0	0	0	0
Fayetteville	2	0	0	0	0
Fort Smith	4	1	0	0	1
Harrison	2	0	0	0	0
Hot Springs	4	0	0	0	0
Jonesboro	6	0	0	0	0
Little Rock	6	1	0	0	1
Pine Bluff	2	0	0	0	0
Texarkana	4	1	0	0	0
Total	36	3	0	0	2
California:					
Apple Valley/San Bernadino	2	0	0	0	0
Arcata	4	1	0	1	0
Bakersfield	4	1	0	0	0
Blythe	6	0	0	0	0
Burbank	4	1	0	0	0
Chico	2	0	0	0	0
Crescent City	4	0	0	0	0
Fresno	4	1	0	0	1
Imperial	2	0	0	0	0
Inyokern	2	0	0	0	0
Lancaster	2	0	0	0	0
Long Beach	10	1	0	0	1
Los Angeles	8	4	0	2	2
Marysville	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Merced	2	0	0	0	0
Modesto	4	0	0	0	0
Monterey	4	1	0	0	0
Oakland	8	2	0	0	1
Ontario	4	1	0	0	1
Oxnard	2	0	0	0	0
Palm Springs	2	0	0	0	0
Redding	4	0	0	0	0
Riverside	2	0	0	0	0
Sacramento	6	1	0	0	1
Salinas	4	0	0	2	0
San Diego	4	1	0	0	1
San Francisco	8	2	0	1	1
San Jose	4	1	0	0	1
San Luis Obispo	4	0	0	0	0
Santa Ana	2	1	1	0	1
Santa Barbara	4	1	0	0	0
Santa Maria	4	0	0	0	0
Santa Rosa	4	0	0	0	0
South Lake Tahoe	2	0	0	1	0
Stockton	2	1	0	0	0
Visalia	2	0	0	0	0
Total	140	21	1	7	11
Colorado:					
Alamosa	2	0	0	0	0
Colorado Springs	6	1	0	2	1
Cortez	2	0	0	0	0
Denver	6	2	0	2	2
Durango	2	0	0	0	0
Grand Junction	4	1	0	0	0
Gunnison	2	0	0	0	0
Hayden	2	0	0	0	0
Lamar	2	0	0	0	0
Montrose	2	0	0	0	0
Pueblo	8	2	0	0	1
Total	38	6	0	4	4
Connecticut:					
Bridgeport	6	0	0	0	0
Groton	6	0	0	0	0
New Haven	4	0	0	1	0
Windsor Locks	6	1	0	1	1
Hartford	2	0	0	0	0
Total	24	1	0	2	1
Delaware: Wilmington	8	1	0	0	0
Florida:					
Daytona Beach	2	1	0	0	0
Fort Lauderdale	4	1	0	0	0
Fort Meyers	4	0	0	1	0
Gainesville	6	0	0	0	0
Jacksonville	4	1	0	0	1
Key West	2	0	0	0	0
Melbourne	4	0	0	0	0
Miami	8	2	0	3	2
Ocala	2	0	0	0	0
Orlando	4	1	0	0	1
Panama City	4	1	0	0	0
Pensacola	4	1	0	0	1
St. Petersburg	6	1	0	0	1
Sarasota	4	0	0	1	0
Tallahassee	4	1	0	0	1
Tampa	6	2	0	0	2
Vero Beach	4	0	0	0	0
West Palm Beach	4	1	0	1	1
Total	76	13	0	6	10
Georgia:					
Albany	4	0	0	0	0
Athens	4	0	0	0	0
Atlanta	8	3	0	2	1
Augusta	4	1	0	0	0
Brunswick	6	0	0	0	0
Columbus	2	1	0	0	1
Macon	4	1	0	0	0
Moultrie	4	0	0	0	0
Rome	6	0	0	0	0
Savannah	6	1	0	0	1
Valdosta	6	0	0	0	0
Waycross	6	0	0	0	0
Total	60	7	0	2	3
Hawaii:					
Hito	4	1	0	1	0
Honolulu	6	1	0	1	0
Kahului	4	1	0	0	1
Kailua	2	0	0	1	0
Kamuela	2	0	0	0	0
Lanai	2	0	0	0	0
Lihue	2	0	0	0	0
Total	22	3	0	3	1
Idaho:					
Boise	4	1	0	0	0
Burley	4	0	0	0	0
Coeur D'Alene	6	0	0	0	0
Idaho Falls	4	0	0	0	0
Lewiston	4	0	0	0	0
Pocatello	6	1	0	0	0
Sun Valley/Hailey/Ketchum	2	0	0	0	0
Twin Falls	2	0	0	0	0
Total	32	2	0	0	0
Illinois:					
Alton	4	1	0	0	0
Bloomington	2	0	0	0	0
Champaign	6	1	0	0	0
Midway	12	1	1	0	0
O'Hare	12	5	2	3	2
Danville	4	0	0	0	0
Decatur	6	1	0	0	0
Galesburg	2	0	0	0	0
Marion	2	0	0	0	0
Mattoon	2	0	0	0	0
Moline	6	1	0	0	1
Mt. Vernon	2	0	0	0	0
Peoria	6	1	0	0	1
Quincy	6	1	0	0	0
Rockford	6	1	0	0	1
Springfield	6	1	0	0	1
Total	84	13			
Indiana:					
Bloomington	2	0	0	0	0
Columbus	4	0	0	0	0
Evansville	4	1	0	0	0
Fort Wayne	6	1	1	0	1
Indianapolis	6	2	0	1	2
Kokomo	4	0	0	0	0
Lafayette	2	0	1	0	0
Marion	2	0	0	0	0
Muncie	4	0	0	0	0
Richmond	6	0	0	0	0
South Bend	8	1	0	0	1
Terre Haute	4	1	0	0	1
Total	50	6	2	1	5
Iowa:					
Burlington	4	0	0	0	0
Cedar Rapids	4	1	0	0	1
Clinton	2	0	0	0	0
Des Moines	4	1	0	0	1
Dubuque	4	0	0	0	0
Fort Dodge	4	0	0	0	0
Iowa City	4	0	0	0	0
Mason City	4	0	0	0	0
Ottumwa	4	0	0	0	0
Sioux City	6	1	0	0	1
Waterloo	6	1	0	0	1
Total	46	4	0	0	4
Kansas:					
Dodge City	4	0	0	0	0
Garden City	8	0	0	0	0
Goodland	2	0	0	0	0
Great Bend	6	0	0	0	0
Hays	2	0	0	0	0
Hutchinson	4	1	0	0	1
Liberal	6	0	0	0	0
Manhattan	2	0	0	0	0
Parsons	6	0	0	0	0
Salina	4	1	0	0	1
Topeka	6	1	0	0	1
Wichita	6	1	0	0	1
Total	50	3	0	0	3
Kentucky:					
Bowling Green	2	0	0	0	0
Frankfort	2	0	0	0	0
Lexington	2	1	0	0	1
London	2	0	0	0	0
Louisville	6	2	0	1	2
Owensboro	2	0	0	0	0
Paducah	4	0	0	0	0
Total	20	3	0	1	3
Louisiana:					
Alexandria	4	1	0	0	1
Baton Rouge	6	1	0	0	1
Fort Polk	2	0	0	0	0
Lafayette	4	1	0	0	1
Lake Charles	4	1	0	0	1
Monroe	6	1	0	0	0
New Orleans	6	1	0	0	1
Shreveport	4	1	0	0	1
Total	36	7	0	0	6
Maine:					
Auburn	2	0	0	0	0
Augusta	2	0	0	0	0
Bangor	2	1	0	0	0
Bar Harbor	2	0	0	0	0
Portland	4	1	0	1	0
Presque Isle	4	0	0	0	0
Rockland	4	0	0	0	0
Total	20	2	0	1	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Maryland:					
Baltimore	6	2	0	1	2
Hagerstown	2	0	0	0	0
Salisbury	6	0	0	0	0
Total	14	2	0	1	2
Massachusetts:					
Bedford	4	1	0	2	1
Boston	8	2	0	1	1
Hyannis	4	1	0	0	0
Martha's Vineyard	2	0	0	0	0
Nantucket	4	1	0	0	1
New Bedford	4	1	0	0	0
Worcester	4	1	0	0	0
Total	30	7	0	3	3
Michigan:					
Alpena	6	0	0	0	0
Battle Creek	8	1	0	0	1
Benton Harbor	2	0	1	0	0
Cadillac	2	0	0	0	0
Detroit (Metro)	8	3	0	0	0
Detroit (Willow Run)	10	1	0	0	1
Escanaba	2	0	0	0	0
Flint	6	1	0	0	1
Grand Rapids	2	1	0	0	1
Hancock	4	0	0	0	0
Iron Mountain	2	0	0	0	0
Ironwood	2	0	0	0	0
Jackson	2	1	0	0	0
Kalamazoo	2	1	0	0	1
Lansing	4	1	0	0	1
Manistee	2	0	0	0	0
Marquette	2	0	0	0	0
Menominee	2	0	0	0	0
Muskegon	4	1	0	0	0
Pellston	4	0	0	0	0
Pontiac	2	0	0	0	0
Saginaw	4	1	0	0	1
Sault Ste. Marie	2	0	0	0	0
Travers City	4	0	0	0	0
Total	88	12	1	0	7
Minnesota:					
Bemidji	4	0	0	0	0
Brainerd	4	0	0	0	0
Duluth	6	2	0	2	1
Fairmont	2	0	0	0	0
Hibbing	2	0	0	0	0
International Falls	2	0	0	0	0
Mankato	2	0	0	0	0
Minneapolis	6	3	0	1	3
Rochester	4	1	0	0	1
Thief River Falls	2	0	0	0	0
Winona	2	0	0	0	0
Worthington	2	0	0	0	0
Total	38	6	0	3	5
Mississippi:					
Columbus	2	0	0	0	0
Greenville	6	0	0	0	0
Greenwood	4	0	0	0	0
Gulfport	6	1	0	0	0
Hattiesburg	4	0	0	0	0
Jackson	4	1	0	0	0
Laurel	4	0	0	0	0
Meridian	4	1	0	0	0
Natchez	6	0	0	0	0
Oxford	2	0	0	0	0
Pascagoula	6	0	0	0	0
Picayune	2	0	0	0	0
Tupelo	4	0	0	0	0
Vicksburg	2	0	0	0	0
Total	56	3	0	0	0
Missouri:					
Cape Girardeau	4	0	0	0	0
Columbia	2	0	0	0	0
Jefferson City	2	0	0	0	0
Joplin	6	1	0	0	1
Kansas City (Municipal)	4	1	0	0	0
Kansas City International	4	2	0	0	2
Kirksville	2	0	0	0	0
St. Joseph	6	1	0	0	0
St. Louis	8	2	0	0	2
Springfield	4	1	0	0	1
Total	42	8	0	0	6
Montana:					
Billings	6	1	0	0	1
Bozeman	6	0	0	1	0
Butte	6	0	0	0	0
Glasgow	4	0	0	0	0
Glendive	2	0	0	0	0
Great Falls	6	1	0	0	0
Havre	2	0	0	0	0
Helena	4	0	0	1	0
Kalispell	6	0	0	0	0
Lewistown		0	0	0	0
Miles City	4	0	0	0	0
Missoula	6	0	0	0	0
West Yellowstone	2	0	0	0	0
Total	60	2	0	2	1
Nebraska:					
Alliance	8	0	0	0	0
Chadron	4	0	0	0	0
Columbus	2	0	0	0	0
Grand Island	6	0	0	0	0
Hastings	2	0	0	0	0
Kearney	6	0	0	0	0
Lincoln	6	1	0	0	1
McCook	2	0	0	0	0
Norfolk	4	0	0	0	0
North Platte	6	0	0	0	0
Omaha	6	1	0	0	1
Scotsbluff	6	0	0	0	0
Sidney	2	0	0	0	0
Total	60	2	0	0	2
Nevada:					
Elko	2	0	0	0	0
Ely	4	0	0	0	0
Fallon	2	0	0	0	0
Las Vegas	8	1	0	0	0
Reno	4	1	0	0	1
Total	20	2	0	0	1
New Hampshire:					
Berlin	2	0	0	1	0
Keene	4	1	0	1	0
Laconia	2	0	0	1	0
Lebanon	2	0	0	1	0
Manchester	4	1	0	0	0
Total	14	2	0	4	0
New Jersey:					
Atlantic City	6	1	0	0	0
Cape May	2	0	0	0	0
Newark	4	2	0	2	0
Teterboro	4	1	0	0	0
Trenton	4	1	0	0	0
Total	20	5	0	2	0
New Mexico:					
Albuquerque	8	1	0	1	1
Carlsbad	6	0	0	0	0
Clovis	4	0	0	0	0
Farmington	4	0	0	0	0
Gallup	2	0	0	0	0
Hobbs	6	0	0	0	0
Roswell	6	1	0	0	0
Sante Fe	6	0	0	0	0
Silver City	2	0	0	0	0
Total	44	2	0	1	1
New York:					
Albany	4	1	0	0	1
Binghampton	4	1	0	0	0
Buffalo	4	2	0	0	1
Elmira	6	1	0	0	0
Glens Falls	4	0	0	0	0
Islip	6	1	0	0	1
Ithaca	2	0	0	0	0
Jamestown	4	1	0	0	0
Massena	4	0	0	0	0
La Guardia	4	3	0	3	1
Kennedy	8	4	0	4	0
Ogdensburg	2	0	0	0	0
Olean	2	0	0	0	0
Plattsburg	6	0	0	0	0
Poughkeepsie	2	0	0	0	0
Rochester	8	2	0	0	1
Saranac Lake	6	0	0	0	0
Syracuse	4	1	0	0	1
Utica	4	1	0	0	1
Watertown	4	0	0	0	0
White Plains	6	1	0	0	0
Total	94	19	0	7	7
North Carolina:					
Asheville	2	1	0	1	0
Charlotte	4	1	0	0	0
Elizabeth City	4	0	0	2	0
Fayetteville	4	1	0	0	0
Greensboro	4	1	0	0	0
Hickory	4	0	0	0	0
Kinston	4	0	0	0	0
New Bern	4	0	0	0	0
Raleigh	4	1	0	0	0
Rocky Mount	2	0	0	0	0
Southern Pines	2	0	0	0	0
Wilmington	4	1	0	0	1
Winston-Salem	2	1	0	0	0
Total	44	7	0	3	1
North Dakota:					
Bismarck	4	1	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Devils Lake	4	0	0	0	0
Fargo	4	1	0	0	1
Grand Forks	4	0	0	0	0
Jamestown	4	0	0	0	0
Minot	4	0	0	0	0
Williston	2	0	0	1	0
Total	26	2	0	1	1
Ohio:					
Akron	6	1	0	0	1
Cincinnati	6	2	0	2	2
Cleveland	10	4	0	1	1
Columbus	8	2	0	0	2
Dayton	6	2	0	0	2
Findlay	4	0	0	0	0
Lima	2	0	0	0	0
Mansfield	4	1	0	0	1
Toledo	2	0	0	0	0
Youngstown	4	1	0	0	1
Zanesville	4	0	0	0	0
Total	56	13	0	3	10
Oklahoma:					
Bartlesville	2	0	0	0	0
Duncan	2	0	0	0	0
Enid	6	0	0	0	0
Lawton	2	0	0	0	0
McAlester	2	0	0	0	0
Muskogee	2	0	0	0	0
Oklahoma City	6	1	0	1	1
Ponca City	2	0	0	0	0
Stillwater	6	0	0	0	0
Tulsa	8	2	0	0	0
Total	36	3	0	1	1
Oregon:					
Astoria	4	0	0	0	0
Baker	6	0	0	0	0
Corvallis	4	0	0	0	0
Eugene	4	1	0	0	0
Klamath Falls	6	1	0	0	0
Medford	4	1	0	0	0
North Bend	6	0	0	0	0
Ontario	2	0	0	0	0
Pendleton	6	1	0	0	0
Portland	6	2	0	0	1
Roseburg	2	0	0	0	0
Salem	4	1	0	0	0
Total	54	7	0	0	1
Pennsylvania:					
Allentown	4	1	0	0	1
Altoona	2	0	0	0	0
Bradford	4	1	0	0	0
DuBois	2	0	1	0	0
Erie	2	1	0	0	1
Franklin	2	0	0	0	0
Hazleton	2	0	0	0	0
Johnstown	4	0	0	0	0
Lancaster	4	1	0	0	0
Middletown	2	1	0	2	1
Philadelphia	6	1	0	1	0
Philipsburg	4	0	0	0	0
Pittsburgh	8	2	0	1	0
Reading	6	1	0	0	0
Wilkes-Barre	2	1	0	0	1
Williamsport	4	1	0	0	0
Total	58	11	1	4	4
Puerto Rico: San Juan	2	1	0	0	1
Rhode Island: Providence	6	1	0	1	0
South Carolina:					
Charleston	4	1	0	3	1
Columbia	4	1	0	0	1
Florence	4	0	0	0	0
Greenwood	6	0	0	0	0
Greer	2	1	0	0	1
Myrtle Beach	2	0	0	0	0
Spartanburg	6	0	0	0	0
Total	28	3	0	3	3
South Dakota:					
Aberdeen	2	0	0	0	0
Brookings	2	0	0	0	0
Huron	2	1	0	0	0
Mitchell	4	0	0	0	0
Pierre	4	0	0	0	0
Rapid City	2	1	0	0	1
Sioux Falls	4	1	0	0	1
Watertown	4	0	0	0	0
Yankton	2	0	0	0	0
Total	26	3	0	0	2
Tennessee:					
Bristol	4	1	0	0	0
Chattanooga	4	1	0	1	1
Clarksville	4	0	0	0	0
Crossville	2	0	0	0	0
Jackson	2	0	0	0	0
Knoxville	4	1	0	0	0
Memphis	6	2	0	1	1
Nashville	6	1	0	1	1
Shelbyville	2	0	0	0	0
Total	34	6	0	3	3
Texas:					
Abilene	6	1	0	0	1
Amarillo	4	1	0	2	1
Austin	4	1	0	1	1
Beaumont	6	1	0	0	1
Big Spring	2	0	0	0	0
Borger	2	0	0	0	0
Brownsville	8	0	1	0	0
Brownwood	4	0	0	0	0
College Station	6	0	0	0	0
Corpus Christi	2	1	0	0	1
Dallas	6	2	0	2	2
El Paso	6	1	0	0	0
Fort Worth	4	1	0	0	1
Galveston	6	0	0	0	0
Harlingen	8	0	0	0	0
Houston	6	1	0	1	1
Laredo	2	0	0	0	0
Longview	6	1	0	0	0
Lubbock	4	1	0	0	1
Lufkin	4	0	0	0	0
McAllen	2	0	0	0	0
Midland	8	1	0	0	1
Paris	6	0	0	0	0
San Angelo	6	1	0	0	1
San Antonio	4	2	0	0	1
Temple	4	0	0	0	0
Tyler	6	1	0	0	1
Victoria	8	0	0	0	0
Waco	6	1	0	0	1
Wichita Falls	6	1	0	1	1
Total	152	19	1	7	16
Utah:					
Cedar City	4	0	0	0	0
Moab	2	0	0	0	0
Ogden	6	0	0	0	0
Salt Lake City	6	1	0	1	1
Vernal	2	0	0	0	0
Total	20	1	0	1	1
Vermont:					
Burlington	2	1	0	0	0
Montpelier	2	0	0	0	0
Newport	4	0	0	0	0
Rutland	2	0	0	0	0
Total	10	1	0	0	0
Virginia:					
Blacksburg	2	0	0	0	0
Charlottesville	2	0	1	0	0
Danville	6	0	0	0	0
Hot Springs	2	0	1	1	0
Lynchburg	2	1	0	0	0
Newport News	4	1	0	0	1
Norfolk	6	1	0	0	1
Richmond	6	1	0	0	0
Roanoke	4	1	0	0	0
Staunton	2	0	1	0	0
Washington National	6	2	0	4	0
Dulles International	6	2	0	1	0
Total	48	9	3	6	2
Virgin Islands:					
St. Thomas (Truman)	2	0	0	1	0
St. Croix (Hamilton)	2	0	0	1	0
Total	4	0	0	2	0
Washington:					
Bellingham	4	0	0	0	0
Ephrata	6	0	0	0	0
Hoquiam	2	0	0	0	0
Moses Lake	4	1	0	0	0
Olympia	4	0	0	0	0
Pasco	6	0	0	0	0
Port Angeles	4	0	0	0	0
Pullman	2	0	0	0	0
Seattle (Boeing)	2	1	0	1	0
Spokane	4	1	0	0	1
Tacoma International	4	1	1	0	0
Walla Walla	6	0	0	0	0
Wenatchee	6	0	0	0	0
Yakima	6	1	0	0	0
Total	60	5	1	1	1
West Virginia:					
Beckley	2	0	0	0	0
Bluefield	2	0	0	0	0
Charleston	4	1	0	0	0
Clarksburg	2	0	0	1	0
Elkins	4	0	0	0	0
Huntington	2	1	0	0	1
Martinsburg	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Morgantown	2	0	0	1	0
Parkersburg	4	0	1	0	0
Wheeling	4	1	0	1	0
Total	30	3	1	3	1
Wisconsin:					
Appleton	4	1	0	0	0
Eau Claire	4	0	0	0	0
Green Bay	4	1	0	0	1
Janesville	6	0	0	0	0
La Crosse	6	0	0	0	0
Madison	8	1	0	0	1
Manitowoc	2	0	0	0	0
Milwaukee	8	1	0	1	0
Oshkosh	4	1	0	0	0
Rhinelander	4	0	0	0	0
Sheboygan	2	0	0	0	0
Stevens Point	4	0	0	0	0
Total	56	5	0	1	2
Wyoming:					
Casper	8	1	0	0	1
Cheyenne	6	1	0	0	0
Cody	2	0	0	0	0
Jackson	2	0	0	0	0
Laramie	4	0	0	0	0
Riverton	2	0	0	0	0
Rock Springs	4	1	0	0	0
Sheridan	4	0	0	0	0
Worland	2	0	0	0	0
Total	34	3	0	0	1

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[1] Gravel runway.

WILLIAM D. HASSETT TESTIFIES ON REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEMP. Mr. Speaker, public hearings on President Nixon's general revenue-sharing proposal will be concluded next week. Then the matter will be considered by the Ways and Means Committee in executive session.

From all indications this committee will reject the proposal. But such action would not necessarily mean the proposal's demise for the Senate appears to be unswayed by the unsympathetic Ways and Means Committee.

Moreover, the testimony by private citizens before Ways and Means has had its impact on the other body. Bill Hassett, an Amherst, N.Y. real estate company president is one of those whose voice will be heard throughout the Congress.

Bill is a member of the New York State Committee for Revenue Sharing and a director of the Buffalo area Chamber of Commerce and did a brilliant job in support of general revenue sharing before the Ways and Means Committee this morning.

I am proud to call attention to his testimony and include his comments at this point in the RECORD:

TESTIMONY OF WILLIAM D. HASSETT, JR., FOR NATIONAL CITIZENS COMMITTEE FOR REVENUE SHARING IN WASHINGTON, D.C., JUNE 17, 1971.

May I express my thanks to Chairman Mills and this Committee, for the opportunity of talking with you today.

First, I should like to tell you who I am, describe the area where I come from and what viewpoint I represent, so that you may evaluate my remarks about Revenue Sharing with more meaning.

I own and operate a Real Estate and Building Business in Buffalo, New York. We employ approximately 200 people. In addition to my basic business activities, I attempt to serve our area by Board of Director or Trustee Membership in the Buffalo Area Chamber of Commerce, the Marine Midland Bank—Western, the area's largest; Canisius College, the area's largest independent institution of higher education; the United Fund, and many other charitable or civic institutions. I try to be both a businessman, and a responsible citizen.

Our area, Buffalo and Erie County, lies at the Western end of New York State. Unfortunately, many people identify New York State only with New York City, 450 miles to the East. Few realize that Buffalo and Erie County has a population of over 1,100,000 persons, and is larger than 15 of the States in this nation. It is a major metropolitan area.

As to viewpoint, my thoughts are borne out of the practical experience of any hard working businessman. I started my company, have achieved some success, and grapple with the problems of furthering it—trying to make it grow.

I tend to look ahead, and view problems as an inevitable part of life. It's the solving of problems, that creates opportunities—and will set a future way of life for my children, your children and all of our grandchildren.

Now I have spent this rather lengthy time in orientation, to try to establish a common perspective; so that I might ask you of the committee to share a viewpoint with me—to freshly, and simply, view today's discussion of problems and proposed solutions, from a young but seasoned—an optimistic but practical point of view.

I am neither a theoretician nor an economist. But as a businessman who works daily with industry, retailers, office users, housing developments and governments, I am keenly aware of the difficulties all of these areas of endeavor encounter in doing business, and providing needed services in our metropolitan area. As a businessman, I am *convinced*, that the revenue sharing proposals which you are considering would be of great benefit to my community and others, larger and smaller, throughout the country. Let me attempt to illustrate this in specific terms by using Buffalo/Erie County as an example of the problem, and then showing the effect of Revenue Sharing.

The City of Buffalo has come to a point where it cannot raise more general revenue from its existing taxable base. It has run full up against its constitutional limit. New York State, which last year returned to our area $204,000,000 of the tax dollars it collected in the Buffalo Metro area, cannot supply more State Aid. We cannot look to the State for the kind of increases in State Aid we need. The State itself, has needs that must go unmet due to fiscal pressures.

The city's present budget will not allow it to maintain present municipal services without more revenue. Layoffs and cutbacks are being explored and planned, in many essential phases of city services, including Police, Fire, Educational, Sanitation and other areas. Only this year's sale of its reversionary rights to the Greater Buffalo Airport, coupled with a sales tax increase, that pushed this tax in the city to a total of $.07 on the dollar, has permitted the city to maintain these services to-date.

And just maintaining them at present levels, has not been enough to stem the outflow of people from the city, and industry from the city and the area, with resulting unemployment. Major plant closings in our area totalled 22 in the four years 1966 to 1969, but another 21 in the last 16 months. This alarming rate has more than doubled. Unemployment has soared from 3.5% in early 1968 to over 6.5% through the first five months of 1971.

Industry will not remain or expand in an area where not only the quality, but worse, even the continuance of essential services is in question. Industry will not remain or expand in an area when paying the limit of taxation, still does not insure the providing of services. People do not wish to remain, or build for their family's future, in an area of declining services and opportunities, coupled with increasing costs.

And what of the towns and villages in the rest of the county? They mirror the city. For example, property taxes in Amherst, an immediate suburb, have gone up over 40% in the last three years.

The health and progress of the suburbs is directly related to the city which they surround. Buffalo's problems are interwoven with the county as a whole. And the county, city, the towns and the villages, the state, all need more general revenue, which they cannot adequately derive from presently fully taxed sources.

I have used my home to illustrate. Unfortunately, this set of circumstances is not unique to Erie County and Buffalo. It is a national problem, requiring national response, program and action.

I've set out the Buffalo area's problem.

What would the administration's plan do for the Buffalo/Erie area? Under the proposed $5 Billion Dollar funding available nationally for the first full year, the City of Buffalo would receive back $4.8 Million of tax dollars collected in Buffalo by the Federal Government. The rest of Erie County would receive an additional $7.5 Million.

For the city, this could be converted into salaries for 85 policemen, plus 50 firemen and two new fire stations, plus 170 teachers, plus operational funds for 40 needed playgrounds, plus new day care facilities and services for 700 children of lower income families whose parents need and want to work—and with these benefits established, we still would not have used more than one-half of Buffalo's allotment of general Revenue Sharing funds. The balance could be used for other needed programs that cannot now be funded. We would gain these programs and people with our equitable share of funds collected in our area, but now distributed elsewhere, despite our crying need for more help at home. Similar examples can be shown for the county, towns, villages and state. I've confined this illustration only to the city.

This would be the effect in our community and so many others in this nation. Communities that today cannot maintain let alone improve services; communities that are losing their taxpayers—and whose only present alternative is to tax still further, in an attempt to retain them—that's an unworkable alternative!

To use the popular governmental phrase—that's counterproductive!

But general Revenue Sharing is a workable solution—an equitable one—and a simple one. Others more technically knowledgeable than I have testified to this fact before your committee, in two Presidential Study Commissions, and many other forums showing strong bipartisan support. I have not dealt in the mechanics; therefore, but in the effective desirability from a businessman's point of view.

We have two major newspapers in our area, each independently and locally owned. I think that's something of a rarity these days. It's a further rare instance, when they solidly agree on a major issue.

Well, they both *strongly* endorse the passage of a Revenue Sharing Program.

The Courier Express in its lead editorial on June 11th said, "We can only hope that—members of the Mills Committee will strive mightily to report this bill out".

The Buffalo Evening News in its lead editorial on June 3rd also strongly endorsed the concept of Revenue Sharing.

Both papers commend the holding of these hearings, and I've earlier expressed my gratitude for your allowing me here. But that same editorial and I respectfully raise this further question. I quote again,

"The House Ways and Means Committee, while 'thoroughly convinced' that something must be done to give financial aid to the cities, still insists that 'there has to be an alternative' to revenue sharing. Why, pray tell, does there have to be an alternative? Why not revenue-sharing?"

To finish on the same theme with which I began, I've asked you to look at this matter not as members of Congress only, but as citizens, businessmen, familymen.

I urge you to avoid polarizing your position, and rejecting this concept today because you've rejected it yesterday, last month or last year. I urge you to meet your responsibility in the *present* time, by giving this plan to the *nation* for its future.

True, it is not a panacea, not perfect. Solving imperfections that may develop, however, will be the happy problem of coming ranks of lawmakers; more importantly of future ranks of the peoples of this nation. *But,* they can't improve, what they don't have.

As a businessman, representing free private enterprise, I strongly feel our future domestic economy depends in great measure, on the action of this committee and this Congress.

Therefore, I urge you, to bring this legislation to the Congress for a vote—It's *your* responsibility.

KUZNETSOV HAILS RADIO LIBERTY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, at the present time there are some in this country who are questioning the important work being done in Eastern Europe and the Soviet Union by Radio Free Europe and Radio Liberty.

For millions of men and women these voices from the West provide the only alternative to the distorted government-controlled news issued by official Communist state radio stations.

The Communists themselves admit that the influence of these Western stations has caused them to provide more factual information to their citizens. The Soviet newspaper, Komsomolskaya Pravda for May 29, 1971, said this of the conclusions which Soviet propagandists should draw from the work of Radio Liberty:

> The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is always better for us to analyse them ourselves than to wait for commentaries by various "voices" (i.e. foreign radio stations) which reach our public in one way or the other . . . Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days.

The Soviet writer, Anatoli Kuznetsov, fled from Russia to England in order to achieve the freedom of expression which was denied to him in his native land.

In a letter to the London Daily Telegraph for June 7, 1971, he criticizes those in America who would alter or eliminate the important services rendered by Radio Free Europe and Radio Liberty. He notes that—

> If it were not for the broadcasts by Radio Liberty, Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Of American critics, he points out that—

> American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal.

Mr. Kuznetsov's letter is one which I share with my colleagues, and I include it in the RECORD at this point:

RUSSIA AND RADIO LIBERTY

SIR: I understand that the work of the two American-supported radio stations, Radio Liberty and Radio Free Europe, which are based in Munich and broadcast to the countries of the Communist world is shortly to come under discussion in the United States and that certain changes are proposed in their status.

The first person to raise the question of the sources from which these stations are financed was Senator Clifford Case, but now Senator William Fulbright has raised his voice against their very existence.

The statements made by these two Senators were greeted with delight by the official Soviet propaganda machine, which could scarcely have dreamt of receiving support from such high quarters. A logical consequence of this was a "trial balloon" in the form of an official protest by the Polish Government to the West Germans about the continued presence of Radio Free Europe on German territory.

I could say a great deal about how essential a part of life and how great a source of hope for Soviet citizens is Radio Liberty, whose broadcasts I listened to regularly until I left the Soviet Union in the middle of 1969.

But my views on this subject may very well be considered biased. Let me therefore quote from a Soviet newspaper, *Komsomolskaya Pravda* for May 29, 1971. Discussing the conclusions which Soviet propagandists should draw, from the work of Radio Liberty, the paper said:

The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is always better for us to analyse them ourselves than to wait for commentaries by various "voices" [i.e. foreign radio stations] which reach our public in one way or the other, directly or by roundabout means. Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days. We must go more deeply into things for our young people.

This unexpected comment by a Soviet newspaper contains everything—an admission that Radio Liberty provides true factual information, confirmation that it reaches a wide circle of listeners and, moreover, the statement that the Soviet Press compares very unfavourably with Radio Liberty.

The above quotation makes it quite clear that Soviet propaganda does not provide information of an "unfavourable" nature and that it limits its account of life in the West to talk of the "bared teeth of imperialism."

On top of all that we cannot avoid the conclusion from what the Soviet newspaper says that, if it were not for the broadcasts by Radio Liberty (the station most violently attacked in the article), Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Were it not for Radio Liberty it would never have occurred to them to revise, however little, their Stalinist ideas.

It is at first sight a strange situation: American Senators cast doubt on the value of Radio Liberty and Radio Free Europe, while the Soviet Press has no doubt at all about their effectiveness.

But it is really not so strange, because the Soviet propagandists know precisely what those radio stations transmit and how their broadcasts are received, while American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal about the subject under discussion.

A. ANATOLI (KUZNETSOV).

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHWENGEL. Mr. Speaker, the tactics used by the bus and truck lobbies to secure passage of legislation allowing wider and heavier vehicles is well known to many of us. However, the story written by Mr. George Anthan in the Des Moines Register for May 30 is one of the best articles that has been written documenting these tactics.

The amazing fact brought out by the article is the brazen admission by officials of the American Trucking Association—ATA—that they do in fact, utilize "whipsaw tactics" to play one State against another. It seems to me that this admission is all the more reason why we need to be especially firm on the size and weight legislation here at the Federal level.

Questions were raised by the truckers in the past as to whether opponents of the Federal size and weight legislation lacked faith in the judgment of the various State legislatures. In view of the ATA tactics and strategy revealed in the Register article, it seems to me that some skepticism in this regard is certainly justified. The article follows:

TRUCK LOBBY FOCUSES ON IOWA'S LAW—ASKS APPROVAL OF 65-FOOT UNITS

(By George Anthan)

WASHINGTON, D.C.—Truckers are making a major effort this year to clear a coast-to-coast route through the upper Midwest for 65-foot-long twin trailer-truck combinations (double-bottoms), officials of the American Trucking Association (ATA) have confirmed.

Iowa, astride one of the country's most important east-west Interstate highways, is a focal point of this effort. Trucking officials said most states east and west of Iowa allow the longer double-bottom trucks.

Also, state trucking organizations, backed by the ATA, are seeking approval for 65-foot double-bottom trucks in Wisconsin and Minnesota, and in several southern states.

Officials of the trucking industry said the longer twin-trailer trucks are vital to the economy of the industry. They say rising costs due to inflation have made more efficient trucks necessary, and that the 65-foot double-bottom vehicles not only contain much more space for freight, but are more economical in that a trailer can be loaded for a certain destination and dropped off there. The tractor and the other trailer then can continue on to another destination.

AAA OPPOSITION NOTED

Officials of the American Automobile Association (AAA), the leading national opponent of larger and heavier trucks and buses, says the current trucking effort is a continuation of "their divide-and-conquer tactics of the past.'"

James J. Gudinas, an AAA transportation economist, said, "The truckers could not get their requests through Congress, and the plan now is to get the states to expand their maximum limits, then point out to Congress that federal standards are too low."

The AAA has argued that bigger trucks and buses pose a serious danger to occupants of passenger cars, and that the larger vehicles also cause more damage to pavements than they pay for through taxes.

The ATA has countered by saying that if the trucking industry is not allowed to move freight more efficiently, prices of freight and subsequently of most consumer goods will increase. These increases, the trucking industry contends, will hit small towns especially hard since it already is uneconomical to haul freight to many less-populated areas.

Gudinas said, "When they get something passed in one state, then they go to the next and say, 'You're standing in the way,' or argue, 'Your state is losing economically by not allowing these larger trucks.' "

A spokesman for the ATA acknowledged that this is used by state trucking organizations, and he called it the "whipsaw" tactic.

He explained privately that this means "when one state passes a law changing truck sizes, by natural process the people (truckers) in the next state are going to say, 'We should have that, too.' "

"WHIPSAW" TACTICS CITED

He said that under the "whipsaw" theory, trucking industry officials in the various states cite gains that the industry has made in other, nearby states.

"In a sense, whipsaw is a national policy, and in a sense it's not," he said. "It's not written down or anything like that. We (ATA) don't tell the state organizations what to do."

Another ATA official said of the state-by-state efforts to get favorable truck law changes:

"It's an argument that's used. After all, nobody's running a truck for fun. This service reflects in consumer costs. If you don't run economically, you drive up the costs."

Iowa is important, ATA officials said, "because if you want to start out in the East now you can run 65-foot twin-trailer combinations on the Massachusetts and New York thruways. There's a small gap in Pennsylvania of 20 or 30 miles (Pennsylvania does not allow double bottoms) so the combination must be broken, hauled across singly, then re-assembled. Then, Ohio, Indiana and Illinois allow 65-foot twin trailers."

At this point, ATA officials said, the coast-to-coast truckers must swing south through Missouri and Kansas because of the Iowa prohibition.

This denies long-distance trucks the use of Interstate 80 through Iowa. Nebraska allows the 65-foot double-bottoms.

(The Iowa Senate Thursday voted 28 to 19 to permit 65-foot-long trucks on any four-lane highway in Iowa. The bill awaits consideration by the Iowa House.)

A bill to allow the 65-foot double-bottom trucks is pending in Tennessee, and one has been defeated in Mississippi.

In Georgia recently, a state commission recommended legislation to allow 65-foot doublebottom trucks, citing "the necessity for keeping Georgia competitive with other states in freight transportation facilities." However, strong public opposition developed and the Georgia bill was dropped.

SNEAK ATTACK

In Louisiana last year, the House of Representatives passed a bill to keep livestock off the highways. However, the Louisiana Motor Club, affiliated with the AAA discovered the measure contained a provision to allow twin-trailer combination trucks; there was a public protest, and the measure died.

In Pennsylvania, there currently is no move aimed at permitting double-bottoms, but the legislature is considering a bill to increase the single trailer length from 40 to 45 feet.

Indiana, the State Motor Truck Association is seeking an increase in gross weight per truck from the present 72,000 pounds to 73,280, the current federal limit for Interstate highways.

James Nicholas, secretary-treasurer of the association, recently argued, "Indiana should get in step with her neighbors," referring to the fact that Illinois and Kentucky already have raised the limit to 73,280 pounds, and Ohio has increased it to 78,000 pounds.

Nicholas was quoted by local newspapers as saying recently, "Other states let much larger trucks use their roads. It helps their economy. Are we to say Indiana is inferior to other states?"

Iowa currently allows 60-foot double-bottom trucks, but ATA officials said any twin trailer combination shorter than 65 feet is not feasible.

They said this is because the trailers come in standard lengths of 27 and 28 feet. Two of these trailers, plus the space between them, plus the length of the tractor unit require a minimum of 65 feet, they said. A total of 31 states allow 65-foot double-bottom trucks.

SCHWENGEL MAJOR FOE

The AAA's Gudinas and Representative Fred Schwengel (Rep., Ia.), a major opponent of larger trucks and buses, said they believe the industry is concentrating on the double-bottom issue because of two major national defeats suffered in 1968 and 1969.

Bills backed by the U.S. Transportation Department that would have increased truck sizes and weights were defeated in those years.

One industry-oriented magazine last fall blamed the defeats on Schwengel, on newspaper coverage, on AAA opposition and on railroad lobbyists in Congress.

Schwengel said he has been "fighting hard against these bills in Congress, because once they get permissive legislation on the federal level, then they go to the states and say "Congress has okayed this; the state should not stand in our way.' "

Schwengel currently is fighting a bill in Congress to increase bus widths from 96 inches to 102 inches.

"I also know about their whiplash," Schwengel said. "I know the truckers have tried to defeat me in my campaigns."

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PICKLE. Mr. Speaker, in the Declaration of Independence from Mexico, the founders of the Republic of Texas charged the Government of Mexico had "failed to establish any public system of education—although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

Such was one of the keys in the founding of the State of Texas, and today one of the finest manifestations of that early dedication to education is the University of Texas System—now home of one of the top 32 libraries in the world—only five of which reside in this country—home of 23 of the highest ranking graduate programs in this Nation, home of six general academic institutions housing 70,000 students at present and preparing to handle 150,000 students by 1980, of four medical schools, and of numerous other graduate and specialty schools, including the McDonald Observatory, the M.D. Anderson Hospital and Tumor Institute, and the new L. B. J. School of Public Affairs.

The university is rapidly taking the lead, as well, in producing prominent young scholars, leading the country in Woodrow Wilson national fellowships, and a leader in the coveted Rhode's scholarships and Fulbright - Hays scholarships and fellowships.

And this university is meeting the challenges which face all our universities today—the challenges posed by this country's first politically oriented student body and what their presence means for freedom of speech and for the need to allow students to study in quiet and researchers to research in peace.

This morning, as our guest at the Texas Breakfast Club, the dynamic and highly respected University of Texas system chancellor, Charles A. LeMaistre, outlined how this great university system is meeting these challenges—meeting them head on. He said:

> I must tell you that I did not accept the chancellorship to preside over the demise of the University of Texas.

His strong words hold a forceful hope for a reasoned balance in the new environment in which higher education has found itself in the past few years.

Mr. Speaker, I would like to insert Chancellor LeMaistre's remarks in the RECORD at this time:

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

(By Dr. Charles A. LeMaistre, Chancellor, University of Texas)

For almost a year now, I have had the privilege and responsibility of serving the vast

University of Texas System, first, as Chancellor-Elect, and then, since January 1, 1971, as Chancellor. In that year, I have spoken to many groups, and responded to questions of all varieties. While the groups have varied widely in their areas of primary interest, I find that there is an almost alarming sameness in the essence of their questions. In my experience, people of all persuasions and of all outlooks are concerned about higher education, its image and its future. There is an *aura of negativism* about higher education which continues to concern me very much. I spoke of this concern over a year ago in a commencement address at Austin College—an excellent private institution in Sherman, Texas. I would like to quote a few sentences from that address.

"Colleges and Universities across the land are being sorely tested and critically evaluated as worthwhile instruments of society. Education's ancient place of honor in civilized society hangs in the balance. Uncontrolled unrest on the campus is already accepted as a clear indictment of the value of education by many who once professed belief in the necessity of a college education.

"The 'confidence crisis' in education was not invited by premeditated action, but rather by inadvertent past failures on the part of academic leadership. We have allowed the purposes of higher education to become so vague as to invite misuse and the subsequent outrage of the American society."

I must admit that in the year since I made that statement the "confidence crisis" in higher education has, if anything, become more acute. From a personal observation I can tell you that it is most difficult to sell *a positive and constructive* message about higher education to the general public in a time of such negativism. The result has been a public image which is more negative than positive, more defensive than offensive, and more attuned to explaining the antics and demands of a few attention seekers—than insuring positive progress for the *massive numbers* of dedicated students on our campuses.

It is for these dedicated students, unequalled in quantity or quality by any preceding group of young Texans, that higher education must castoff the cloaks of defensiveness and apology. Aggressive action must replace reaction if we are to meet the educational needs of these young Texans and, in so doing, fulfill the visions of greatness found in our Texas Declaration of Independence.

Aggressive leadership will lead to constructive change in education and change does not always serve an individual personal need. Yes we can expect some personal unhappiness as changes occur and we have already seen some. However, for every scholar who has left expressing dissatisfaction and discontent with the present academic environment, equal numbers—and of at least equal quality to the teaching process—have arrived here, drawn by the new challenge and greater potential of the University of Texas System. The very fact that we are removing the decay and critically evaluating the worth of of our offerings has resulted in an overwhelming interest by faculty elsewhere.

I am fully aware that developing a positive approach may not be easy. To be sure higher education has positive programs making outstanding contributions to education and society—but higher education is not attuned to telling its story. First, no personnel concerned with public relations are employed by our State agencies. Second, a forum or medium is not always available to tell the story.

Let me now begin to accentuate the positive: A few facts and figures about the University of Texas System will serve as background for our later discussion.

There are six general academic institutions, the University of Texas at Austin, El Paso, Arlington, Dallas, San Antonio, and Permian Basin. Three of these are developing schools, having been authorized by the 1969 session of the legislature. In effect we are presently creating three new academic universities, an unprecedented task in Texas, in order to be prepared for twice as many college students by 1980, approximately 150,000 in number in the University of Texas System alone.

There are four medical schools—Dallas, Galveston, San Antonio, and a new component in Houston. From an entering capacity of 2.60 in the mid 60's, these four units now enroll about 430 entering medical students, and are authorized by the Board of Regents to expand this entering capacity to 800 students by 1980. In the decade of the 80's, Texas will produce in 10 short years more physicians than are now in practice in the State. No other state can approach this record.

There is a dental school in Houston and another in San Antonio. When fully developed, these units will enroll 275 freshman students, almost tripling the University's current output of dentists.

Incidentally, our Houston Medical School and our San Antonio Dental School began teaching students within one year after Legislative authorization, a feat unequalled elsewhere in the Nation.

Since 1967, the System-wide nurse education program has grown from a primary base in Galveston to expanded units in Austin, San Antonio and El Paso—nurse production is currently doubled and soon will be quadrupled, as new units in Houston and Ft. Worth are developed.

To meet the needs of a State with disgraceful epidemics of diptheria in its urban communities, with five urban areas ranking high in venereal disease, with serious problems in nutrition, and basic environmental problems, the Legislature activated a School of Public Health in the UT System to produce the manpower to protect the public's health. We need only to look at some of our other major problem areas to further appreciate the need for this school: clear air, water quality, overpopulation, preventive health services, drug abuse, etc.

To meet the need for teachers in health manpower there is the graduate school of biomedical sciences at Houston.

Last but not least are two institutions which perhaps illustrate the diversity of the System:

The M.D. Anderson Hospital and Tumor Institute—one of the foremost cancer research and treatment facilities in the world—and

The Institute of Texan Cultures—A living symbol of the inter-cultural background and heritage which represents Texas today.

This "laundry list" does not include several outstanding research and educational facilities which operate administratively as part of a general component: For example—

McDonald Observatory attached to The University of Texas at Austin—an essential base for exploration of the moon, with the world's third largest optical telescope;

Marine Science Institute attached to The University of Texas at Austin;

Bureau of Economic Geology at Austin;

Bureau of Business Research at Austin;

Environmental Health Engineering at Austin;

Population Research Studies at Austin;

The new Lyndon Baines Johnson School of Public Affairs at the University of Texas at Austin;

Schools of Social Work at Austin and at Arlington;

Institute of Urban Affairs attached to the University of Texas at Arlington;

Social Science Research Center at El Paso;

Air Quality Management at Houston;

Marine Biomedical Institute attached to the University of Texas Medical Branch;

Nutrition Program at Galveston; and

Poison Control Center Consultation at Galveston and a federally funded project: The Regional Medical Program directed from the System Administration.

Thus, it is obvious that the University of Texas System has made an impressive beginning to fulfill one of the responsibilities which is generally accepted to be a legitimate role of the University—that of public service.

Let me conclude the statistics by stating that the University of Texas System represents a State resource which has:

$1,500,000,000 in total assets;

$250,000,000 in annual operating expenses; and

$70,000 students entrusted to our educational responsibility—growing to 150,000 by 1980, and 3,500 full-time faculty, and over 20,000 employed staff.

For those of you who are "bricks and mortar" oriented, we have $100,000,000 of construction under contract and $300,000,000 on the drawing boards.

As we look ahead to the rapidly changing decade of the 70's—the higher education community is fast realizing that the historical and traditional role of the ivy-covered university will not satisfy the current demands of society. The university must further share its expertise and special resources with those who bear the primary responsibility for the solution of society's problems and demands.

Let me focus briefly upon what is probably your primary interest—UT Austin—to assure you that it is performing well in its academic responsibilities.

Last May at the El Paso meeting of the Board of Regents, Chancellor Harry Ransom, to everyone's regret and surprise, decided to step down as the administrative head of The University of Texas System to devote full time to the area of library acquisitions and endowments. As Chancellor Emeritus, he is working harder than ever and is constantly available for imparting his great knowledge, wisdom and experience. To him belongs the credit for the recent worldwide publicity that cited The University of Texas Library as one of the top 32 in the world. Of that 32, only five are in the United States, and one is at your University in Austin.

Probably the most significant high point from a prestige standpoint came toward the end of 1970. A rating of graduate programs by the American Council on Education placed 23 of the University of Texas at Austin's graduate programs among the highest ranking programs in the nation. Four were in the top five in the nation in their respective fields—Linguistics, German, Botany, and Spanish—and four others were in the top ten—Pollution Biology, Civil Engineering, Geology, and Classics. One of Dr. Spurr's main goals, he tells me, will be to not only maintain this position, but to improve it in the years ahead.

In addition, coveted Rhodes scholarships for study at Oxford were won by two UT students. And UT was third only to Harvard and Yale to the number of the Rhodes recipients. UT led the nation in independent study awards from the Woodrow Wilson National Fellowship Foundation. Three Austin students and one at The University of Texas at El Paso received these awards. Only a hundred students throughout the United States received these awards.

I could continue with examples of progress like the Lyndon Baines Johnson Presidential Library dedicated on May 2 before a remarkable assembly of prestigious personalities. That complex on The University's eastern edge will be a Mecca for research specialists in political science, government, economics, and history for many, many years to come. Time is running short and I must conclude.

The all-out assault to erode and destroy public confidence in the leading educational institutions will, I fear, continue.

Those of us who feel a responsibility to ensure the continued positive development of higher education must join me in agreeing that:

The university must protect freedom of thought, freedom of inquiry, freedom of discussion for all—not just the radicals;

That the external forces designed to impair or intimidate dissent, debate, or expression cannot be tolerated;

That the university should not be converted to a political institution;

That freedom to run from "Rhetoric to Riot" must stop now; and

Those who hold these positions—and I most assuredly do—can expect personal and public abuses of unimagined portions as the attempt is made to destroy public confidence in education's leadership.

I also must tell you that I did not accept the Chancellorship to preside over the demise of the University of Texas—nor do I wish to associate myself in any way with those who daily attack the American University System. It is my intent to return education in Texas to its ancient place of honor and to accomplish this without delay. We no longer will resort only to defensive tactics. We intend to be aggressive in re-establishing the rightful place of higher education in Texas.

This, then, is where we stand today. As we seek a solution (both individually and collectively) to the problems of higher education, perhaps it would be well if we remembered the words and the actions of the handful who met at the primitive village of Washington on the Brazos to give voice not only to their yearnings for freedom, but also to the visions of greatness they sought for Texas. They realized that education is a hallmark of greatness for any society. In the Declaration of Independence from Mexico those founders of our State charged the government of Mexico as follows:

"It has failed to establish any public system of education, although possessed of almost boundless resources (the perfect domain), and although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

May I repeat for emphasis "unless a people are educated and enlightened it is idle to expect a continuance of civil liberty or the capacity for self-government" an axiom that is as pertinent to the problems of Texas in 1971 as it was when those famous words were first penned. When, in the future, our Texas society stands in the light of historical judgment, these words from the Texas Declaration of Independence, and more importantly, the actions of generations of Texans to implement them must stand as our greatest achievement. May we in the days to come measure our words and our deeds against the words and deeds of those who founded the State of Texas.

DEATH CLAIMS DRUMMER BEN POLLACK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HUNGATE. Mr. Speaker, I would call attention to the death of the band leader Ben Pollack who gave an opportunity to many of the jazz artists of this country. The article follows:

DRUMMER BEN POLLACK, EARLY CHICAGO JAZZMAN

(By Hollie I. West)

Ben Pollack, the drummer who headed the first big band in which clarinetist Benny Goodman played, hanged himself Monday in the bathroom of his home at Palm Springs, Calif. He would have been 68 on June 22.

Authorities said Mr. Pollack had left two notes complaining of despondency over financial and marital problems. His body was found late Monday by a friend who lived in a nearby trailer park.

One of the first well-known native Chicago jazzmen, Mr. Pollack first gained prominence with the New Orleans Rhythm Kings, recording with them between 1922 and 1924. The ensemble played in the style of New Orleans black musicians and exerted primary influence on a coterie of white musicians in Chicago.

Mr. Pollack formed his own band in California in 1925. The group included Goodman and trombonist Glenn Miller, who were to lead two of the most popular swing era bands in the 1930s.

Mr. Pollack planned to build a first-rate jazz band that would perform sharply executed arrangements of current popular material instead of presenting long improvisations on jazz tunes in the New Orleans jam session style. The idea was to modify the New Orleans style by making the band's music sound impromptu but set it in a context of formally worked-out patterns.

Miller and Joseph (Fud) Livingston composed and arranged for the band. Goodman's first solo on record—"He's the Last Word"—was for a Pollack band date in December, 1926, when the clarinetist was 17.

Despite the attractiveness of the musical approach, the idea failed because Mr. Pollack bowed to commercial concessions. As time went on, he called for less improvisation and added violins to keep the group working. Goodman carried out an updated version of the idea in his orchestra in the late 1930s.

Mr. Pollack's various groups worked frequently between 1925 and 1940. Later band alumni included Jimmy McPartland, Jack Teagarden, Charlie Spivak, Yank Lawson, Harry James and Muggsy Spanier. Although Mr. Pollack was not a major musician, he was significant as a discoverer of talent.

The musician opened a restaurant in Hollywood in the 1950s but remained in music until the mid-1960s. By 1965 he had given up performing and was running a restaurant in Palm Springs in partnership with his sister.

He was divorced in 1957 by Doloris Robbins. They had no children.

NATIONAL HOME FASHION WEEK

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WIGGINS. Mr. Speaker, I have today introduced a resolution proposing National Home Fashion Week commencing September 26, 1971. Few concerns facing Americans today are more compelling than the quality of our physical environment. We are all concerned with the earth and our environment being neglected and polluted. We all agree that it is terrible. However, few of us have questioned why we have become so neglectful of it.

A noted expert on human behavior—Dr. Bruno Bettelheim, a psychologist and founding member of the National Academy of Education, and a fellow and diplomat of the American Psychological Association—says it is a result of the settings in which we are brought up as children. If we grow up in a setting—an environment—that is deeply meaningful to us, and that we can cherish, we will, as adults, treat any environment with respect and appreciation. If, on the other hand, our setting during those impressive years does not have a personal meaning to us, it is not likely our environment will be important to us as adults.

This Nation stands on the threshold of a new lifestyle. We are involved in planning cities, combatting pollution, preserving the landscape, and perfecting transportation. We must also concern ourselves with other areas affecting how we live, and that includes the interior spaces in which our citizens spend the majority of their time.

There is no computer in this highly technological society which can measure the influence a home has on the quality of life. Nor is it likely that there ever will be any systematic means of judging the specific effects of the home on "health of our society."

However, it is roundly accepted in America, that the home is vital to our way of life. Yet, ironically, it tends to be overlooked in our priorities.

I propose a National Home Fashions Week, to begin September 26, 1971, to bring national attention to the importance of the home. I feel very strongly that no period in history has had greater reason to "design" the environment, nor better means for doing so. Let us put the home in its proper perspective.

THE CONNECTICUT INTERN PROGRAM

HON. LOWELL P. WEICKER, JR

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. WEICKER. Mr. President, Congressman STUART MCKINNEY, Congressman ROBERT STEELE and I are currently sponsoring a unique intern program for young people throughout the State of Connecticut. For each of 9 weeks during the summer, we are bringing about 50 students, all under the age of 21, to Washington to view all aspects of their Government firsthand. I have asked each of the students to write a brief essay on their experiences, and I intend to submit a number of them for the RECORD as the summer progresses. The program began last week, and the essays I have received so far demonstrate a firm grasp of the workings—both good and bad—of our system of Government.

Mr. President, I ask unanimous consent that two of the essays written by members of last week's group be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

A FEW THOUGHTS . . .

(By Carol Buckland of Farmington, Connecticut)

The two-headed mythical character Janus, the gate-keeper, not only stares forward of the future, but also faces back towards the past. In many ways, Washington, D.C. is like Janus: the gate-keeper of American democracy, it strains for the future while still firmly entrenched in the traditions of the past.

Because of this, the Connecticut Intern week in Washington is a study in dichotomy: memory and reality, old and new, and fascination and frustration.

Talking about this program, Senator Weicker said that even if interns come out of this week criticizing the "system", they will at least have some knowledgeable basis for doing so. I have never believed in "my country right or wrong, my country". To me, the best attitude has always been "my country right, keep her right; my country wrong, make her right". After spending the past five days in D.C., I feel I am not only more capable of making a judgment about government but also more able to do what can and has to be done.

This week was my third trip to Washington, but it was the first in terms of getting past the marble and reaching the men, of seeing this city as a political battlefield—both compelling and frightening—instead of as a multi-million dollar monument.

The fascination was in the people and the aura of power that surrounds them. As Hans Morgantheau said, all politics is, of necessity, a struggle for power. Washington and its inhabitants reflect this.

I especially enjoyed the opportunity of talking with and questioning people like Mr. Hildebrand and Mr. Nidecker. Whether speaking with Congressman Steele at 11 p.m. in his office or watching Senator Byrd evoke the memory of a Roman statesman by admitting his ambition as well as his love for the legislative body he serves, I had the feeling that the interns were being spoken to not only as interested listeners, but also as students who must learn because they will soon take on their teacher's responsibilities.

Beyond the listening, there was a great deal of watching and seeing. The Supreme Court, the Lincoln Memorial, the Washington Monument all stood as testament to the past and standards for the future. The white marble stands, pure and symbolizing an intent to act with integrity, but it also calls to mind the white hair of men who once walked boldly toward the future but now cling weakly to the past, refusing to see that today, in a world which is constantly going forward, to even stand still is the same as going backwards.

Most impressive, however, was the Senate which seems like a great arena where men fight with words and ideas instead of fists and violence. The debate on the draft bill was watching history being made, and, hopefully, a better future being hammered out.

But there was frustration also. To quote Bob Dylan: "Come Senators, Congressmen, heed ye the call. Don't stand in the doorway, don't block up the hall, for he who gets hurt will be he who has stalled." Watching and listening, I had the feeling that there is stalling: the seniority system, the tangle of reports, memorandums, and applications and the constant tightrope of compromise for over-all good versus personal conviction. There was also the repetition of the struggle between the experience of the past and the energy of today. All too often, in its web of committees, power-dealing and tradition, Washington, D.C., seems to be using yesterday's tools to shape the resources of today for use tomorrow.

Still, despite the obvious weaknesses, it is clear that there are strengths to bolster them. One of the greatest strengths is the youth of the people of this program. People are not always young chronologically, but youthful in their orientation.

John Kennedy, in his inaugural address, said, "Ask not what your country can do for you, but what you can do for your country." I think, in the Connecticut Intern Program, the process worked both ways: our country, through Washington, opened its doors both symbolically and physically, showing the federal system "warts and all." On the other hand, we, the interns did our part by coming with an open mind, wanting to learn both the good and the bad.

Hopefully, and it would be the most meaningful part of this program, I can take what I've learned and do something—both for myself and my country.

AN ESSAY

(By Gregory Patti of Bethel, Connecticut)

To most people, Capitol Hill is a mystical Olympus where gods in high places decide the fate of nations and the future of humanity. Until recently I could have been included in their number, as I had never met a Senator first hand, or attended a session of the legislature.

Due to my participation in the Connecticut Intern Program of Senator Lowell P. Weicker and Congressmen Stewart McKinney and Robert Steele, however, my sense of perspective has been drastically altered. It has become clear that those who sit and rule the nation are not gods, but men—fallible human beings, flawed in some measure as all are flawed, yet men who have a duty to perform under difficult circumstances and adverse conditions.

One fact is clear. In certain respects these men are above other men. To them, government is a sacred thing. In the words of one high member of the Senate, the Honorable Robert Byrd, "I love the Senate. To me it is one of the greatest organs of the government created by our fathers." I now share this sentiment not simply in terms of the Senate, but in terms of the entire process of government.

Most tourists visit the monuments, see the Potomac, tour the Capitol, and say "I have seen our government in action." Nothing could be further from the truth. Such an approach still tends to sanctify our legislators—it still hides them in a cloud of secrecy and an aura of infallibility. However, we have met them in personal contact. They have addressed us and answered our questions. They have graciously contributed their time and effort to enable us to observe the true government—the committees, the hearings, the debate, the staff and office work. We have seen them, not in full dress with neatly combed hair, but with loosened ties and rolled-up sleeves reading mounds of documents, making telephoned inquiries, and coping with the real problems of the nation. Occasionally they err. Occasionally they voice opinions with which we disagree. But they listened to our reasons, and we heard theirs, and we realized that they are making a supreme effort to govern well. Their motives are not all altruistic.

In this governmental system the legislators must do well in pleasing their constituents, or else they face defeat in the next election. But many of those who seek the Congress do so because they see ills in the nation and believe that they can help. They wish to legislate to eradicate bigotry and hatred, superstition and ignorance, poverty and hunger. Their attempts to improve the lot of man on earth are often futile. But they are no less noble for their failure, and in success, the members of Congress can feel proud that their existence on earth has had meaning—that their lives were not such that they leave behind them a world unchanged by their presence—that their efforts have made life for their fellows a bit more enjoyable, a bit more worthwhile.

Until now, these sentiments have seemed to be platitudes espoused by blind "patriots" who see no faults in our country. But now that I have seen and worked with our representatives, I realize that even with its flaws, Congress deserves these compliments. This is the greatest value of the program—this realization that our government, for all its failings, is essentially a good one.

In my mind, all other considerations in the preparation of this program must be secondary to those which approach this end if the program is to provide the optimum benefit. Discussions, seminars, question-and-answer sessions, visits to congressional offices—all of these provide the key to understanding.

It is not the marble and the co'd stone buildings which are the government of the nation. It is the corps of public servants who work inside them, who strive to pierce the deceit and fog of political maneuvering, who juggle facts and figures and balance them against the problems and attempt to find the answers in discussion and compromise that lead this nation. They are our greatest hope to achieve on earth some semblance of the peace, security and welfare of our people which the Preamble to their Constitution pledges their people.

THE WASTING DISEASE OF GIANTISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean, one of this country's great newspapers, carried an article on Saturday, June 12, 1971, on the "Wasting Disease of Giantism."

The article, by Anthony Lewis of the New York Times news service and carrying a London dateline, discusses a speech by Michael Young, the British sociologist.

The theme of Mr. Young's speech is—bigness does not work in either the private sector or the public sector.

Because of its particular relevance to many of this country's problems today, including the President's proposed reorganization of many huge Government departments into even larger ones, I place in the RECORD this article from the Nashville Tennessean. The article follows:

[From the Nashville Tennessean, June 12, 1971]

THE WASTING DISEASE OF GIANTISM

(By Anthony Lewis)

LONDON.—One of the most original thinkers in Britain is a sociologist named Michael Young. Sociologist is really too dusty a word: Young is a provoker of new social ideas and organizations. He started the consumer movement in Britain. His idea for education by television has flowered in the Open University. His book, "The Rise of the Meritocracy," showed in utopian satire how those who rise to power on merit may be as intolerant and stifling as the old aristocracy.

In a speech the other day Young sounded an important new theme. Or, rather, he transformed an old one by the fresh, almost paradoxical method of his argument. He made the case for smallness in human organization.

For a long time, he said, we have believed that bigness brings efficiency in business and government. To gain economies of scales we have accepted the remoteness and impersonality of large organizations.

"Whenever anything goes wrong," Young said, "growth is the stock remedy." The ailing automobile company is enlarged by merger. Government ministries are combined into a super-department. Local governments are expanded to cover larger areas. We build huge schools and universities.

But the remedy no longer works, Young said: "It is fine for computers and other machines. They thrive on size. But for a large complex of people the whole has become less than the sum of its parts . . . there is hardly a large organization in the country which has not gone downhill over the last quarter of a century."

He asked: Was the British post office as efficient as it used to be? Was the B.B.C.? The Labor party? The University of London? The Royal Air Force? He knew that his listeners would answer no. And he added some telling American examples: the Bell Telephone company, the U.S. Army, New York City, the University of California.

"Almost all large bodies," he said, "have become afflicted by a new wasting disease, giantism."

Why does growth bring inefficiency? Young said the answer was simple. The old idea of individual freedom and integrity had grown stronger in our century, he said, and increased civil liberty and social welfare. But that made large organizations hard to manage:

"Bigness can only work if people are willing to accept orders coming from the top. This they are becoming less and less willing to do; orders seem to conflict with the old notions of human dignity in their new, even more individualist form."

"Big organizations had become aware of tain cooperation by communicating. But the problem," Young said. "They tried to obthey had to spend so much time passing information up and down and sideways that nothing much else is done besides just communicating."

All those who have been in large bureaucracies will recognize the disease described by Michael Young. But his cure will still be hard for many to accept: "Seize every opportunity to reduce the scale of organization. Make things smaller, not bigger, in industry and in the public services, and often efficiency as well as humanity will be enhanced."

Britain does have some of the symptoms of giantism, especially the tendency of politicians and businessmen to equate size to prestige. But things are not too bad. Local committees and controlling boards in many kinds of public affairs provide a human scale. And the small physical size of the country itself gives her a great advantage in encouraging community.

Young's analysis has more urgent and more poignant meaning for the United States. We are a continental country and have always been so proud of that—what middle-aged American does not remember thrilling in the sweep of America across the map? And in so many ways we have worshipped size: big business, Whitmanesque landscape, even giant apples and strawberries.

And now we know it does not work. The citizen begins to feel what Young articulates. The big businessman tries to find ways of allowing smallness and initiative inside the huge corporate structure. The federal government looks for new relationships with localities and states. There is a vague striving for "participation."

MISSION CHURCH CENTENARY, 1871–1971

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today I urge the Members of the U.S. House of Representatives to join with me on the joyous occasion of the centennial anniversary of the Basilica of Our Lady of Perpetual Help—Mission Church—which is located in my district in Roxbury, Mass.

The Mission Church is staffed by the Redemptorist Fathers and Brothers and the School Sisters of Notre Dame under the capable rector, Very Rev. Joseph F. Scannel, C.Ss.R.

At this time I would like to share with my colleagues and all those who read the record a brief history of the Mission Church.

ALL OUR YESTERDAYS—AND A PRAYER FOR TOMORROW

(By Father Joseph E. Manton, C.Ss.R.)

While a savage snowstorm whirled outside, and almost nine hundred people filled the pews inside, the first sermon on Our Mother of Perpetual Help was preached in the original wooden Mission Church by Father Timothy Enright. That was January 29, 1871, the very day the church opened.

It was not the first time the black Redemptorist habit had been seen in Boston. Two years before, a group of Redemptorists from New York had conducted a mission in St. James, which was so spectacularly successful (eleven thousand confessions, for one thing) that Bishop Williams invited the Redemptorists to establish themselves in his diocese, preferably in the area known as Boston Highlands.

To this end Father Anwander and Father Helmpraecht arranged a meeting with two laymen from Holy Trinity parish. Since they were all Germans (it is sometimes forgotten that the first five rectors of the Mission Church were German) they decided to meet for lunch at a German Beer Garden where a man could get some decent knockwurst and perhaps a foaming stein. The priests, incidentally, wore ordinary business suits because this was the day of the A.P.A.'s, the Know-Nothings, and other anti-Catholic organizations. Bigots would think twice before selling property to Papists.

During the course of the meal the waiter overheard them discussing possible properties and remarked that the very place where they were eating, Franklin Gardens, was available because its lease expired that same day and was not being renewed. So the Fathers looked over the land, liked it, and eventually purchased it. The Catholic Church at large is founded on a Rock, but Mission Church in its own way is founded on a Beer garden. Ironic, is it not, that on the very spot where people used to toss down steins of gurgling lager, now they drift in to take the pledge?

On the grounds of the Beer Garden stood the old Brinley Mansion. While George Washington may never have slept there, Charles Dickens did, on his lecture tour of America. What George Washington did do, was to plot the Battle of Worchester in the mansion's reception room. Some historians claim, too, that the first sullen rumblings against the Stamp Act were raised in the billiard room of this mansion. You could have read some of this on a huge, official bronze plaque that hung, outside the Rectory until one night last summer, when vandals pried it off and roared away in their car. (Probably a band of junkies who wanted to sell the metal for dope.)

The Fathers and Brothers were sleeping in that famous old Brinley House, now become the Rectory, after the exciting day when the cornerstone of our present church was laid in May, 1876. That night Brother Chrysostom stirred uneasily, thinking he smelled smoke. He opened his door and saw one wing of the house in flames. He pounded on doors, roused everyone (one Father sprained an ankle jumping out a window) and then rushed over to the church to set the bell ringing frantically in the night. Firemen and parishioners united to save the building, though it was badly damaged. The Jesuits from Boston College, then situated in town, offered the five Redemptorists hospitality during the weeks when the house would be repaired. So, for quite awhile the Redemptorists lived with the Jesuits, and there are those who think the Redemptorists have never been the same since.

Other things we changed, too. Brookline Road became Tremont Street, and the rather rowdy name of Bunstead Lane was canonized into St. Alphonsus Street. It was 1910 before the twin spires with their booming bells and their illuminated crosses soared up like a double lighthouse over the rolling waves of Roxbury rooftops. The colossal dome has glowed with at least three themes during the course of the decades, namely, the Coronation of Mary, the Veneration of the Picture, and the present portrayal of four Redemptorist Saints, Alphonsus, Clement, Gerard, and Blessed Bishop Neumann.

The gorgeous mosaic of Calvary at the Purgatorian Altar was raised in memory of the men of the parish who gave their lives in the first World War. At that time more than a thousand stars dotted our giant service flag. How many parishes were so large fifty years ago that they could send off that many men to the colors?

In the beginning we were not even a parish, just a "Mission Church" with no authority to baptize or marry. In the course of years the Mission Church has become a famous Basilica. May she never become just a headstone over buried glory, an eccelesiastical fossil, a place where the tourist will prowl with a guide book instead of the worshipper kneeling with a prayer book! We do not think she ever will, but instead, go on flourishing, a dynamic, throbbing spiritual center, because her Patroness is the Mother of Perpetual Help, and perpetual means always!

I would like to include a letter from the Apostolic Delegate to Father Joseph Scannell which expresses the Blessings of our Holy Father, Pope Paul VI.

On the joyous occasion of the Centennial Anniversary of the Basilica of Our Lady of Perpetual Help (Mission Church), Roxbury, Massachusetts, our Holy Father, Pope Paul VI, graciously bestows his Apostolic Benediction upon you, the clergy and religious associated with you, the parishioners, and all who join in observing this happy event.

Much has been accomplished for the honor and glory of Almighty God during these past one hundred years; for this reason, there is joy and deep gratitude in the hearts of all who have been associated with the Mission Church. In the years to come, may Our Lord ever continue to draw the priests and people of the parish closer to Himself, the Way, the Truth and the Life.

To this Blessing of the Sovereign Pontiff, I wish to add my personal congratulations and good wishes. With sentiments of esteem and renewed felicitations, I remain

Sincerely yours in Christ,
LUIGI RAIMONDI,
Apostolic Delegate.

FLEET STILL SINKING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, Admiral Rickover stated:

Last year I gave this committee an ominous assessment of what the Soviets were doing in the naval field. I stated that based on the facts available to me the Soviets were

> capable of starting the biggest war there has ever been and that I was not confident the outcome of such a war would be in our favor. What this committee and the American people must realize is that I am not overstating the situation. In almost all respects the position of the United States as a naval and maritime power has continued to decline from what it was a year ago. The United States is weaker, and our weakness is the world's danger.

Mr. Speaker, Once a year the Joint Committee on Atomic Energy, composed of both House and Senate Members, meets to hear the testimony of the man responsible for the development of our nuclear powered naval forces. Admiral Rickover, a man of unimpeachable integrity and proven foresight, speaks frankly. From his unassailable position as the foremost genius in nuclear propulsion techniques he speaks his mind without fear of political reprisal. The facts he presents are those he considers important to national survival and his conclusions are not altered in accordance with the prevailing political expediency.

This year the admiral testified to the growth and operational improvements of the Soviet Union's surface and submarine forces and the continuing decline of the United States in both of these categories of naval strength. He reported that the Soviets now have more nuclear powered submarines than does the United States and that they are currently building three to four times as many new nuclear powered submarines as we are.

He pointed out that the Soviet submarine forces are remarkable not only for their quantity—they have almost three times as many submarines as does the United States—but also for their quality. Soviet submarines are becoming faster and faster and the Soviets now have 65 submarines which fire surface-to-surface cruise missiles. The United States does not have any of this type of sub which can lie undetected by radar and out of sonar range—underwater radar—and wreak havoc on surface vessels, or control "choke points" such as straits and canals, using tactical missiles. The admiral recommended that the United States give top priority to the construction of our own tactical missile firing submarine force.

The Soviets will match the United States in numbers of Polaris-type ballistic missile firing submarines by 1974, a year earlier than predicted last year. No Soviet submarines are of pre-World War II vintage and all are less than 17 years old, while 36 of the total U.S. submarine force are pre-World War II construction and almost half of our submarines are over 17 years old. Eight of the early U.S. nuclear powered submarines are not considered "first line" ships.

The admiral remarked on the fact that the Soviets have given away or scrapped diesel submarines of more recent make than some U.S. units which are still operational. He concluded that:

> It will require heroic measures just to establish a submarine program that will halt further erosion of our position and enable us to hold our own in undersea warfare.

COMPARISON OF UNITED STATES AND U.S.S.R. SUBMARINE FORCES

Submarine type	Soviet Union	United States
Attack	[1] 236	101
Cruise missile	65	0
Ballistic missile	50	41
Nuclear powered	[1] 92	92
Total submarine force	355	142

[1] Over.

The Soviets are matching the expansion of their undersea warfare capabilities with an equally impressive expansion of their surface fleet. In the last 5 years the Soviets have built over twice as many surface combatant ships as the United States. Many of these ships are armed with surface-to-surface missiles which give even a single frigate the capability to challenge an entire task force. None of our surface fleet is presently armed with surface-to-surface missiles which were specifically designed for that purpose.

While the United States has 249 major combatant ships, their average age is 16 years and over half are 20 years old or older. In the last 5 years we have reduced the total number of major U.S. surface combatants by 25 percent. The Soviets have 214 major surface combatant ships with an average age of only 10 years and less than 1 percent of these ships are over 20 years old. Most Soviet combatants are capable of higher maximum speeds than comparable U.S. classes. Soviet gun systems generally outrange that of their U.S. counterparts and surprisingly enough the Soviets are well ahead of us in many areas of electronic warfare.

The admiral summed up the current defense situation with his usual candor:

> Now you may be able to fool the American people through public relations, but you can't fool our enemies that way. . . . The Russians know where we stand, but do the American people know where they stand?

UNPRECEDENTED REQUEST BY LOCKHEED SHOULD BE REFUSED

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEATING. Mr. Speaker, Congress is being asked to authorize an unprecedented Federal guarantee of a $250 million loan to save an entirely commercial L-1011 plane for the Lockheed Aircraft Corp.

I do not feel that the Government should participate in this type of guarantee.

This request is unprecedented and should be refused. The arguments against such a loan militate against making such a guarantee.

First, there is no real assurance that this will be all the money required and Congress may be asked to double or triple the guarantee in times to come.

Second, this may set a precedent for the Government to perpetuate incompetent management.

Third, coming to the aid of Lockheed also means helping Rolls Royce, an English corporation, which in turn compounds the already severe balance of trade deficit.

Fourth, it was Rolls Royce's difficulty which precipitated Lockheed's problem and as yet, Rolls Royce has not met the specifications for the engine.

Fifth, it places a premium on under bidding your competitors and then when you are in trouble, asking the Government to bail you out. This is not fair competition to other companies making legitimate bids.

Sixth, making a loan to Lockheed indicates that if you are big enough and fail, the Government will come to your rescue. What about the small businessman who is encountering the same difficulty? Will the Government then determine which businesses will survive and which will be permitted to fail. How far can the Government interfere without distorting the free enterprise system?

Seventh, Lockheed does not have under contract sufficient planes to break even, or pay back the loan. They have firm orders for 110 and options for 68 more. They must sell 250 to 300 to break even. Lockheed traditionally has had a bad record and has not been financially successful in the commercial airplane area.

Eighth, Lockheed had a $2 billion overrun in the C-5A cargo plane.

Ninth, Lockheed underestimated the cost and technical problems on the Cheyenne helicopter program.

Tenth, Lockheed had an overrun on the contract for the SRAM rocket motor.

Eleventh, no financial analyses have been made of the Lockheed Corp. by a Government agency. We do not know what alternatives have been considered.

Twelfth, the collapse of Lockheed would not jeopardize any defense projects.

It has been stated that the Reconstruction Finance Corporation guaranteed loans. However, in that instance, loans were limited to $500,000 and were available to all solvent businesses unable to obtain credit through normal channels, and RFC was a separate corporation.

The Government cannot and should not intrude in the marketplace of a free economy in this manner.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE BATTLE OF BLENHEIM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARTER. Mr. Speaker, the war which has been waged for so long in Vietnam has caused great anguish, distress, and discontent within our country. The former Secretary of Defense, the Honorable Robert McNamara, the mastermind in the development of the famous Edsel, became so bemused and befuddled as to the cause and course of the present war that he ordered a reassessment to determine why we had gone into Vietnam and the events leading to our increased involvement.

Although he was master architect of this war, it seems that he, like "Old Kaspar" in the Battle of Blenheim, had lost the reason for our being in Vietnam to begin with. To refresh the memory of the Members of the House, I include in the RECORD "The Battle of Blenheim" by Robert Southey:

THE BATTLE OF BLENHEIM

(By Robert Southey)

It was a summer evening;
Old Kaspar's work was done,
And he before his cottage door
Was sitting in the sun;
And by him sported on the green
His little grandchild Wilhelmine.

She saw her brother Peterkin
Roll something large and round,
Which he beside the rivulet,
In playing there, had found:
He came to ask what he had found,
That was so large, and smooth, and round.

Old Kaspar took it from the boy,
Who stood expectant by;
And then the old man shook his head,
And with a natural sigh,
"'Tis some poor fellow's skull," said he,
"Who fell in the great victory.

"I find them in the garden,
For there's many here about;
And often, when I go to plough,
The ploughshare turns them out;
For many thousand men," said he,
"Were slain in that great victory."

"Now tell us what 'twas all about,"
Young Peterkin he cries;
And little Wilhelmine looks up
With wonder-waiting eyes;
"Now tell us all about the war,
And what they fought each other for."

"It was the English," Kaspar cried,
"Who put the French to rout;
But what they fought each other for,
I could not well make out;
But every body said," quoth he,
"That 'twas a famous victory.

"My father lived at Blenheim then,
Yon little stream hard by;
They burnt his dwelling to the ground,
And he was forced to fly;
So with his wife and child he fled,
Nor had he where to rest his head.

"With fire and sword the country round
Was wasted far and wide,
And many a childing mother then,
And new-born baby died;
But things like that, you know, must be
At every famous victory.

"They say it was a shocking sight
After the field was won;
For many thousand bodies here
Lay rotting in the sun;
But things like that, you know, must be
After a famous victory.

"Great praise the Duke of Marlbro' won,
And our good Prince Eugene."
"Why, 'twas a very wicked thing!"
Said little Wilhelmine.
"Nay—nay—my little girl," quoth he,
"It was a famous victory.

"And every body praised the Duke,
Who this great fight did win."
"But what good came of it at last?"
Quoth little Peterkin.
"Why, that I cannot tell," said he;
"But 'twas a famous victory."

WESTBURY, 1798.

CUSTOMS' SEIZURES OF ILLEGAL DRUGS ON UPSWING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROBISON of New York. Mr. Speaker, I have been noticing various reports in our Nation's newspapers relative to the increasing number of illegal drug seizures by the Bureau of Customs. In fact, during the first ten months of fiscal year 1971, drugs of abuse seized by the customs service amounted to 143,334,27 pounds, or over 70 tons. These illicit drugs would have sold for an estimated $127,631,390.

This dramatic upswing in the seizures of illicit drugs is due in no small part to improved procedures and greatly increased examinations of cargo, mail and baggage coming into the United States. Commissioner Myles J. Ambrose and his excellent staff are certainly deserving of our commendation for the fine job they are doing.

One of the most recent drug seizures occurred in Puerto Rico where customs officials seized $40 million of heroin. This seizure brings the total of heroin seized during fiscal year 1971 to over 854 pounds.

I am pleased to include, here in the RECORD, the Department of the Treasury release on this important seizure as further evidence of the excellent job being done by our Bureau of Customs:

CUSTOMS SEIZES $30 MILLION OF HERION IN SAN JUAN

U.S. Commissioner of Customs Myles J. Ambrose today announced the seizure of 201 pounds of pure heroin worth $30,300,000 at estimated street prices. The seizure follows Saturday's announcement of a $23 million heroin seizure in Miami and the arrest of nine persons in Miami and New York.

The latest seizure was made at San Juan, Puerto Rico, by Special Agents of Customs, and resulted in two arrests. The heroin was found in hidden compartments of a 1967 Citroen car, that arrived in San Juan on May 29 via the Spanish vessel, "Satrustegui."

Arrested was Jean Joseph Tonarelli, age 37, an electrician employed by the city of Menasque, France. According to his passport, Tonarelli's home address is Aples de Hte, Province 3, Bd., Fleming, France, which is near Belgium, and 85 miles from Paris.

Also arrested was Tonarelli's traveling companion, Miss Andre Josette Gayraud, age 36, whose home address is the same and who is also employed by the city of Menasque in Southern France near Marseilles.

Commissioner Ambrose said, "The present heroin seizures are a result of the intensified enforcement efforts of Customs to stop the flow of narcotics into the United States. The work of our Inspectors, Special Agents, and the Office of Investigations is showing meaningful results by gathering intelligence and developing smuggling conspiracy cases which contribute greatly to the efforts of the President and this administration to bring the present drug crisis under control."

Commissioner Ambrose stated that the Bureau of Customs had seized over 854 pounds of heroin during fiscal year 1971, more than the 710 pounds of heroin seized by Customs in the last five years.

THE TRAGEDY OF WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I received the following poem from Mr. Chester Johnson of New York City.

The tragedy in this war is many faceted. According to Mr. Johnson, this poem was written by Mr. John Stulett approximately 2 months before he was killed in Vietnam. It is marked by a cynicism that borders on despair. This intangible type of tragedy parallels the tragedy of his death. For these reasons alone we must halt the American involvement in this war.

The poem follows:

THE TRAGEDY OF WAR

The bullet rivets an eyeball and the eyes stay blind, don't they, Dick?
Hands and eyeballs still fly off in all directions forever from the unmercy of Viet Nam.

While interpreter Suan Hue translated the long Viet Nam secrets, he held us like a good father holds his wildest sons with good stories—the hand blood gurgles now, but his fingers keep twitching to touch something, anything, nothing and that one severed hand dies in elephant grass at the front door to America's conscience. What does it mean?

We could suffer for your eyes too, Dick. But would you trade them for dead eyes in a second? You ask us over here to do it for you over there for nothing.
What does it mean?

We'll end the war with honor, you say, Dick?
Dying while we stand in line to leave is just like dying for no reason at all.
How much longer? Every life's worth more than the death of the second it takes to die! What does it mean?

We have nothing new to tell you, Dick?
What new way is there to save lives but to stop the killing?
A soldier dies in the puddle as I write this line, a hiding child convulses as you read it. The Killing is our wound-up clock!! tick tick, tick tick, trickling away blood, beautiful arms, my drunk buddies and beautiful slant eyes.
What does it mean? Stop and give you time, Dick?
If bullets catch up with that time we give, we've murdered lives that die in the time. We can't let go of the bullets until they fall short!

Go after death-seekers and men who blow
out eyes by being slow!
On this wet hot rainy afternoon, slant eyes
melt on elephant grass and a wrinkled
man scratches his back up and down
on a shrivelled hut—he doesn't have
any arms left. What does it mean?
I'm afraid I know.

JOHN STULETT died April 12, 1971.

SPEECH OF CAPT. W. J. MADDOCKS, U.S. NAVY, AT CHANGE OF COMMAND, NAVAL WEAPONS STATION, YORKTOWN, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DOWNING. Mr. Speaker, it has been my privilege to have attended many change-of-command ceremonies at the various military installations within my congressional district. Without exception I have mixed emotions at these functions—sadness for the retiring commanding officer and happiness for the new commander.

On June 12, 1971, Capt. W. J. Maddocks, commanding officer of the Naval Weapons Station at Yorktown, Va., was relieved by Capt. Boyd E. Gustafson. Both of these gentlemen are outstanding naval officers serving their country well in times of war and peace.

Captain Maddocks made an inspiring speech and I think my colleagues will be particularly interested in that portion of his remarks dealing with persistent efforts by some to discredit the military of our country. I ask that his speech be made a part of the RECORD for this purpose.

EXTRACTS FROM REMARKS OF CAPT. W. J. MADDOCKS, U.S. NAVY

Before I read my orders I would like to take this opportunity to thank all of those employees, military and civilian alike, who by their support and dedicated efforts made it possible for Yorktown to carry out its assigned mission despite continually increasing problems of reduced fundings, lowered ceilings, reorganization and consolidation, all at a time when, in fact, the load placed on Yorktown by the fleet has been increasing.

Through their efforts I found it possible to carry out the demanding responsibilities of command and, as a matter of fact, it has been most apparent that only through their teamwork and enthusiasm for service can the complex tasks assigned be properly accomplished.

That these last three years were difficult ones is an understatement. The most painful part being the greatly reduced ceiling, which meant that many employees, temporary and career, had to be separated. Yet despite these trying times, the future of Yorktown seems as bright today as it was three years ago. The station is, if possible, even more firmly established as a basic fleet support element and there is clear evidence that the mission is continually expanding and changing to keep step with the innovation and advances of our modern Navy.

Nevertheless it would be foolhardly indeed to assume easy sailing in the coming years. Certainly my successor will need the same support, loyalty and devotion that was accorded me if he too is to meet the challenges which we can see even now on the horizon.

I know that you will not fail him, that you will generate the same confidence as in the past, and that you realize that the success of the station, our Navy and our Nation is dependent upon selfless, sacrificing Americans both in uniform and civilian attire.

Contrary to the "now" generation, we have at Yorktown and at St. Juliens Creek Annex a team that has a broader view, a greater realization, and the wisdom to understand that greatness comes only from sacrifices and discipline, and that we are a great nation because so many patriots put their fellowman and their country ahead of their personal pleasures and comfort. I say to Captain Gustafson, how fortunate that these are the kind of people you will have in your command. While the world goes berserk outside the gates, you will find stability, sanity, understanding, compassion, respect and order inside.

And because you will have the very finest officers, petty officers, managers, supervisors and employees in your command, you can be sure that the station will not fail in the carrying out of the great responsibilities that are now transferred to your shoulders.

And just as they will support you, they will continue to merit the confidence that the community and the Navy has had in Yorktown, knowing full well that the mission of the station is both a critical and potentially hazardous one.

Now I would address these closing remarks specifically to the sailors and marines here today.

We know that a major drive is underway to discredit the military in this country. That it has been quite successful is common knowledge. To what limit it shall extend is a matter of grave concern to all Americans.

It doesn't take a professional historian to reflect that it has been the U. S. military that has preserved and deterred a third World War during the last 25 years, and that it has been this force that has successfully turned back communist expansion during this period.

Communism has found the U. S. military its chief obstacle to world domination just as the principles of democracy under God have been the chief challenge to atheistic communism throughout the world.

The communist game plan is well publicized—it says "do not engage in a direct confrontation with U. S. Armed Forces; seek victory through exploiting minority group problems, local wars of insurrection and guerrilla action; through psychological warfare destroy U. S. institutions, morality, family and religious discipline, weaken national fiber by encouraging the youth to reject traditional standards of morality and the American ethic, and finally, exploit the traditional liberal environment of the schools and colleges".

Aided and abetted by a variety of groups and individuals in the U.S., this plan has been successfully executed and you see its disastrous effect on our society today.

In my view, you men in uniform provide the only real strength in this nation and will once again become the final bulwark in the preservation of life in the American mold.

To you, to your strength, your loyalty and your willingness to make personal sacrifice will come this task—in not too distant future. I counsel you to be ready for it, to preserve your physical and mental strengths, to fortify your sense of values, your standards, your dedication.

For just as each of you has played an indispensable role in the effectiveness, security and safety of this station—you will have an even more important role in preserving our society.

Once again the lessons of the past are painfully realized. For the military "there is no substitute for victory" today as in the past.

I ask you to dwell on this, to keep it engraved in your minds—not only is there no substitute for victory, but anything less than a winning strategy is devastatingly destructive to our fighting men, their officers and our military leaders.

Better that we abandon the military completely than to embark on such a venture again.

I ask you to keep in mind the foe that some would ask you to accommodate—a cowardly nation that would barter with humans for their political gain for the first time in modern civilized history—a nation that slaughtered millions of peasants in achieving internal control—a nation that drove other hundreds of thousands out to escape terrorism—a nation that grants no liberties whether it be freedom of speech, of the press, of worship or travel to its citizens—a nation that has deceitfully attempted unsuccessfully to hide the fact that it had armies conducting operations inside other neutral countries.

I ask you to recognize that you live in a Nation with by far the highest standards of living, personal freedom and comfort and that the basic struggle between the east and the west is because the east cannot come even close to these standards. I ask you to realize that the long range struggle is really part of a plan to make us give up these standards so that the communist hordes might be raised a miserable fraction.

I ask you to be proud Americans, proud of your heritage and your service—and finally I ask you to be part of an orderly change—for change is needed in every age—but change under law, order and the American system.

AMERICAN POLISH LANDMARK SOCIETY SUPPORTS A NATIONAL HISTORIC SHRINE TO THADDEUS KOSCIUSZKO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MINISH. Mr. Speaker, on June 9 of this year, I introduced in the House of Representatives a bill to maintain the home of Gen. Thaddeus Kosciuszko as a national historic shrine.

The measure, H.R. 9021, would authorize the first national memorial in the United States to a son of Poland. It is my belief that the establishment of Kosciuszko's home as a national shrine is an appropriate recognition for the courage and talent he contributed to America.

Since I introduced the bill, I have received a most gracious communication from the American Polish Landmark Society of Philadelphia, Pa. This letter explains why the site chosen for the national memorial to General Kosciuszko would be a suitable choice, and I share it with my colleagues in the hope they will see fit to support this legislation:

AMERICAN POLISH LANDMARK SOCIETY,
Philadelphia, Pa., June 12, 1971.

Hon. JOSEPH G. MINISH,
Cannon House Office Building,
Washington, D.C.

DEAR MR. MINISH: I would like to add my support to your bill (H.R. 9021) providing money for the restoration and maintenance of a national shrine in memory of General Thaddeus Kosciuszko.

It's about time that our nation recognized the contributions that Kosciuszko made to the cause of American independence.

The house the Polish patriot occupied in

Philadelphia is a reminder of our country's beginnings. With its small rooms and pattern of red and black headers, it gives us a glimpse of the frugality which Kosciuszko had to endure in the 1790's. Anyone who sees the 18th century house on the northwest corner of Third and Pine streets in Philadelphia is struck by its tininess, and at the same time, feels a closeness with the past—a harmony with history—which remains with him long after he has left the quaint corner.

The Kosciuszko house is an example of an age gone by, an inspiration to all men who cherish freedom. It reminds us that Kosciuszko, despite all the fame and adulation he gained in his lifetime, remained a man of modest means. It shows that he did not fight in this country's struggle of independence for a big pot of gold.

My colleagues and I greatly appreciate your efforts on behalf of poor Kosciuszko.

Sincerely yours,

EDWARD PINKOWSKI.

THE RACKET IS SINFUL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, the research of a University of Tennessee professor into the effects of noise on us humans has received, and certainly merited, national attention. Excessive noise is illegal in many cities, but it continues to increase at intolerable rates. Here follows what one Tennessee newspaper had to say on June 6:

[From the Knoxville (Tenn.) News-Sentinel, June 9, 1971]

THE RACKET IS SINFUL

Noise is injurious to health. Enough of it can cause deafness. Sonic booms can harm unborn babies.

But noise is more. It is shattering to the nerves. It can induce headaches. It riles the disposition. It interferes with television, phone calls, conversation, reading and sleeping. The economic losses from disrupted work must be staggering. And it is an inhumane invasion of privacy, which everybody these days keeps saying is so precious.

UT's Dr. David M. Lipscomb has been saying these things for a long time and now scientists all over the country are echoing his analyses and warnings, and adding views of their own.

All of them agree that most of such noises are unnecessary and that much of them are deliberate.

Now and then some public officials talk of doing something about all this. But the noise gets more deafening. Knoxville and other cities have laws, and so do many states, most declaring "excessive noise" to be illegal. But Knoxville's ordinances on noise are hardly ever enforced, unless some citizen or citizens file complaints; but inasmuch as neighbors or acquaintances are often the culprits, such complaints are rare.

Now, noise has grown into a national problem and President Nixon has sent to Congress legislation to give the Environmental Protection Agency power to coordinate research programs, set minimum noise standards, and require manufacturers to come up with quieter apparatus.

The National Industrial Pollution Control Council (whew!) has filed a report deploring noise from motorcycles (top culprits) and such other gadgets as snowmobiles, chain saws, boats, power mowers.

But what about buses, trucks, automobiles without mufflers, ambulances, fire apparatus, sirens of all descriptions? Police cars and fire trucks in a hurry can be excused but even they don't need sirens so loud they blast the skin off every citizen for a mile around. Ambulances, it has been proved, don't need to speed in nine of 10 cases.

Maybe it's just our imagination, or maybe our nerves have had it, but the growing noise in Knoxville is becoming intolerable, especially from muffler-less automobiles and motorcycles. These blasting noise-makers, rigged to outshatter all competitors, even roar up and down Church Avenue past the Safety Building, or up and down Gay Street, past traffic officers, with nothing being done to stop them. And the residential neighborhoods, which once were quiet, have become particular targets of the hoodlums who operate such vehicles.

The Government's Office of Noise Abatement and Control (a branch of EPA) is making studies. OK, but if the noise isn't diminished pretty soon, the people in this country will be setting up a din everybody can hear—a din of protest! If they don't, the noise soon will have them out of their minds.

OFFICE OF EDUCATION APPROPRIATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BELL. Mr. Speaker, I believe that there are no valid fiscal arguments against the higher Senate figure for the Office of Education appropriations when we view it in the perspective of the President's total fiscal year 1972 education budget.

We have been told that a Presidential veto would be the likely result if the Senate appropriations amount prevails.

But, Mr. Speaker, $50 million out of a multibillion-dollar education appropriations bill is hardly sufficient to justify a veto.

The Senate figure is $808 million higher than the House figure.

Of this $808 million difference, $758 million can be accounted for, leaving a real difference of only $50 million: $180 million in a fiscal year 1971 supplemental for college work study, $60 million for Follow Through, $3 million in pay raises, and $15 million for HEA title III—or a total of $258 million—were not considered by the House originally.

Another $500 million can be found in money which was budgeted by the President, but which will not be authorized, for the emergency school aid program.

Anticipating early action on the Emergency School Aid Act authorization, which originally contained a fiscal year 1972 authorization of $1 billion, the President included this $1 billion in his fiscal year 1972 Office of Education budget and expected to request it in a supplemental. Since the authorization bill has not passed, however, and since fiscal year 1972 begins in 2 weeks, the original fiscal year 1971 authorization of only $500 million has been pushed ahead to fiscal year 1972. The Senate has already passed the authorizing bill reflecting this $500 million ceiling for fiscal year 1972.

What this means is that the President was willing to spend $1 billion in fiscal year 1972 for the emergency school aid line item, but because of the delay in enacting the authorization, the maximum he will be able to spend for this purpose in fiscal year 1972 is only $500 million. This results in $500 million "left over" in money earmarked for education which the President will not be able to spend exactly as he had planned. By taking this $500 million in "free money" and applying it to the $808 million difference between the House and Senate figures—and then counting in the other $258 million that is already accounted for—the "difference" practically disappears.

Mr. Speaker, in prior years, some of us opposed education appropriations increases because of very real budgetary considerations.

But these budgetary problems do not exist this time.

And in view of the critical need for education funding, I see no reason not to support the additional $808 million.

PETER C. LEMON, CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CEDERBERG. Mr. Speaker, on Tuesday of this week, I was privileged to be present at the White House for the conferral of the Congressional Medal of Honor on one of my constituents by the President.

Sgt. Peter C. Lemon, of National City, Mich., represents the finest qualities of the American serviceman. During a time when service to one's country in the Armed Forces is being degraded, it is refreshing and reassuring to know that men of the quality of Sergeant Lemon serve their country with selfless devotion.

It was a real pleasure to have been able to be present for the presentation of our Nation's highest military award to this gallant young man. I want to commend him for his courage and wish him well for the future.

At this point, I would like to present the biography of Sergeant Lemon and the text of the citation accompanying his award:

BIOGRAPHICAL DATA

Name: Sergeant Peter C. Lemon, United States Army.

Organization at time of act: Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam.

Date and place of birth: June 5, 1950, Toronto, Canada.

Wife: Diane K. Lemon, Star Route Box 294U, National City, Michigan.

Parents: Mr. and Mrs. Charles R. Lemon, 536 Wilber Road, East Tawas, Michigan.

Civilian and military schools attended: Tawas Area High School, Tawas, Michigan; Advanced Individual Training Course, U.S. Army Training Center, Fort Polk, Louisiana; Recondo School at Nha Trang, Republic of Vietnam.

Summary of service: Entered the United States Army at Fort Knox, Kentucky, on February 25, 1969. Released from active duty on December 4, 1970.

Dates and organizataions:

Feb. '69 to May '69: Company D, 10th Battalion, Fort Knox, Kentucky

May '69 to July '69: Company D, 3rd Battalion, Fort Polk, Louisiana

July '69 to Mar. '70: Company I (Airborne-Ranger) 1st Infantry Division, Republic of Vietnam

Mar. '70 to July '70: E Company, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam

July '70 to Dec. '70: 2d Battalion, 61st Infantry, 5th Mechanized Division, Fort Carson, Colorado

Overseas service: Republic of Vietnam, July 1969 to July 1970.

Awards and decorations: Medal of Honor, Bronze Star Medal (with one Oak Leaf Cluster), Air Medal (with one Oak Leaf Cluster), Army Commendation Medal, Purple Heart, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal (with 2 Bronze Service Stars), Republic of Vietnam Campaign Medal with device (1960), Combat Infantryman Badge, Marksman Badge (with Automatic Rifle Bar), Expert Badge (with Rifle Bar).

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Peter C. Lemon, United States Army for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Sergeant Peter C. Lemon, (then Specialist Four), Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, distinguished himself on April 1, 1970 while serving as an assistant machine gunner during the defense of Fire Support Base Illingworth in Tay Ninh Province, Republic of Vietnam. When the base came under heavy enemy attack, Sergeant Lemon engaged a numerically superior enemy with machine gun and rifle fire from his defensive position until both weapons malfunctioned. He then used hand grenades to fend off the intensified enemy attack launched in his direction. After eliminating all but one of the enemy soldiers in the immediate vicinity, he pursued and disposed of the remaining soldier in hand-to-hand combat. Despite fragment wounds from an exploding grenade, Sergeant Lemon regained his position, carried a more seriously wounded comrade to an aid station, and, as he returned, was wounded a second time by enemy fire. Disregarding his personal injuries, he moved to his position through a hail of small arms and grenade fire. Sergeant Lemon immediately realized that the defensive sector was in danger of being overrun by the enemy and unhesitatingly assaulted the enemy soldiers by throwing hand grenades and engaging in hand-to-hand combat. He was wounded yet a third time, but his determined efforts successfully drove the enemy from the position. Securing an operable machine gun, Sergeant Lemon stood atop an embankment fully exposed to enemy fire, and placed effective fire upon the enemy until he collapsed from his multiple wounds and exhaustion. After regaining consciousness at the aid station, he refused medical evacuation until his more seriously wounded comrades had been evacuated. Sergeant Lemon's conspicuous gallantry and extraordinary heroism, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the United States Army.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,500 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured.

Lt. (j.g.) Gary L. Anderson, U.S. Navy, 682482, Kane, Pa. Single. 1962 graduate of Wentworth Institute. The son of Mr. and Mrs. H. L. "Chip" Anderson, Cedar Rapids, Iowa. Officially listed as captured May 19, 1967. As of today, Lt. (j.g.) Anderson has been held captive in Southeast Asia for 1,489 days.

PLIGHT SUFFERED BY PEOPLE OF BALTIC STATES

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FORSYTHE. Mr. Speaker, this week thousands of Americans of Baltic descent are especially reminded of the plight suffered by many of their freedom-loving relatives three decades ago.

This week marked the 30th anniversary of Soviet mass deportations, in June 1941, of tens of thousands of Baltic men, women, and children to Siberian slave labor camps.

Such large-scale deportations of Estonians, Latvians, and Lithuanians continued in the post-World War II period.

Lithuania was one of the first countries to experience the aggression of the Soviet Union. On October 10, 1939, a mutual assistance treaty was forced upon that small nation by the Russians, and she was forced to grant air bases and to admit Soviet garrisons.

On June 15, 1940, the Soviets occupied the country, and after a "rigged" election, Lithuania was declared a constituent republic of the U.S.S.R. just 2 months later.

And within a year, Lithuania lost about 45,000 people as they fled, were arrested, or deported. Some 30,000 members of the nation's intelligentsia were deported to Siberia on the night of June 14, 1941, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

Lithuania's suffering is only an example of the difficulties faced by all Baltic peoples. Resistance continues to this day, as a tradition handed down from father to son to grandson.

World opinion must be directed at any appropriate international forum to the denial of the rights of self-determination for the peoples of Latvia, Lithuania, and Estonia.

Their fight has been long and bitter and it still continues. As it does, we should help our fellow citizens to preserve their culture and continue their traditions within the framework of American life.

SECRET REPORT SUPPORTS PRESIDENT NIXON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. McCLORY. Mr. Speaker, notwithstanding the efforts of the administration to prevent the New York Times from continuing to publish the Pentagon report on the war, the disclosures, so far, implicate the Kennedy and Johnson administrations in the disastrous Vietnam buildup.

Mr. Speaker, I respect the administration efforts to prevent classified information from reaching enemy hands. The Attorney General is doing only what, by law and by his deep concern for our national security, he must do. But, as an article by Richard Wilson in today's Washington Star indicates the Nixon administration is the beneficiary of the disclosures in the New York Times articles.

Mr. Wilson's column follows:

SECRET VIETNAM REPORT A WINDFALL FOR NIXON

(By Richard Wilson)

Maybe the administration did not leak out the Pentagon's 2.5 million-word, 46-volume report on the incident of the Vietnam war but it is a windfall for President Nixon just the same.

The report in all its massive detail shows as nothing else could how the Kennedy-Johnson administrations took over the limited-risk commitments of the Eisenhower administration in Southeast Asia and made them into a large-scale, high-casualty war which Nixon is liquidating.

In this respect the Vietnam war wind-down is like the Korean war, a conflict undertaken in a Democratic administration and brought to an end in a Republican administration. It is somewhat ironic, but a tribute to the New York Times news judgment and enterprise, that it should have obtained and begun publishing such devastating documentation.

The Times has not admired the way Nixon has been getting out of the war but, by its own standards, it has even less reason to admire the way President Johnson's former Secretary of Defense McNamara, Gen. Maxwell Taylor, et al., got into the war.

In view of the record as it is now so painstakingly being set forth it is hard to imagine how the Democratic presidential candidates, who were right here on the scene but did not make known any opposition to the war in its incidence, could make any credible issue on the way Nixon is trying to end the mess on at least a half-way constructive basis.

To relate the Cambodian and Laos diversions in the process of withdrawal with the Kennedy-Johnson escalation seems particularly absurd. The college demonstrators and their professorial mentors can't be convinced that this is anything else but a sneaky Nixon version of McNamara's war, but more mature elements will certainly be able to see the difference. Protests which might have been valid at the end of the Johnson administration or at the Democratic National Convention have lost any semblance of a rational basis.

Nixon keeps saying that to end a war is easy but he is finding it hard as hell. It is hard to lose the illusions that led Johnson, McNamara and Taylor into commitments they could not fulfill. And it is even harder to emerge from this darkness of disillusionment into the light of a well ended war with concepts of honor and good purpose intact.

If we survive this one without shattered self-respect it will not be due to the forebearance now of those who remained silent when, in advance of the presidential election of 1964, great plans were afoot for the heaviest bombing operation the United States ever undertook. And in that year it was Barry Goldwater who was pilloried for being trigger happy!

There is enough blame to go all the way around. Nixon, as a private citizen and public man, supported the war. Johnson changed his mind about the bombing, finally bought escalation to a halt and began to entertain ideas for a winddown and withdrawal advanced by Clark Clifford.

Johnson will have his own story told in his memoirs soon to be published but it is not likely to alter the record of covert, clandestine and finally deceptive advancement into a major war which the Pentagon itself had written.

Where were the Democratic presidential candidates during the great deception? Sen. George McGovern was in the Senate—saying nothing. Harold Hughes was governor of Iowa—saying nothing. Edmund S. Muskie was in the Senate—saying nothing but now remembering that he had doubts. Hubert H. Humphrey was vice president and saying plenty—all of it in support of President Johnson's policy in Asia.

Nor are columnists who thought America could do what it put its mind to do exempt from blame. They suffered, too, from the World War II mentality that the United States had a mission and could carry it out for the betterment of world peace and security. Some who doubted the wisdom of the escalation, but agreed with the objectives, could see no alternative to supporting the adventure once it had begun.

The Nixon White House says it serves no constructive purpose to arouse anew the bitterness and recriminations bound to flow from the Pentagon's self-analysis. But maybe it will if it only slightly chastens those who now make Nixon's way out of the war more difficult by accusing him of the deception they so freely attribute to Johnson.

The contrast is sharp and clear. Nixon is getting out of the war that Johnson got into, and the record shows it.

SPEAK UP FOR AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FASCELL. Mr. Speaker, the Certified Plumbers of South Florida sponsor an annual contest for high school students in which participants have the opportunity to "Speak Up for America."

Many hundreds of Dade County high school students entered essays in the competition this year, and on May 18, 1971, the top 50 winners were honored at an awards banquet in Miami.

Four young men and one young lady carried away the top five awards with $1,000 going to the winner. Runnersup, according to order of finish, received $750, $500, $250, and $125. In addition the first- and second-place essayists won an American Heritage Tour of Washington, D.C., along with their teachers and other adult leaders who contributed to the success of the program.

Included in this group are Mother Maria Assumpta, principal of Notre Dame Academy; Miss Lena McClure, a teacher at Miami Senior High School; Mrs. Dorothy Massey, a teacher at Miami Norland Senior High School; Miss Margaret Bettendorf, a teacher at Notre Dame Academy; and Mr. Jeffrey Rosinek, a teacher at Coral Gables Senior High School. Mrs. Margaret Sims, the contest director, is accompanying the tour group as a representative of the Certified Plumbers of South Florida.

Rezso Magashazy, 17, son of Mr. and Mrs. Rezs Magashazy of 1429 SW. Third Street, Miami, and a senior at Miami High School, won the top prize of $1,000. In his essay Rezso wrote:

> America needs a revolution. Not a political revolution, but a revolution of ideas, a change of direction, a change of thinking. It needs less people to talk of others going hungry and more people who will provide jobs for the poor. People who have learned that peace does not come from the barrel of a gun, but through understanding and the realization of the universal brotherhood of man.

The second-place winner was Vincent R. Corvaia, 18, the son of Mr. and Mrs. Vincent Corvaia, Sr., of 16951 NE 18th Avenue, Miami, and a senior at Miami Norland High School. Vincent wrote:

> I admit I would have liked to have lived in the wooden colonial days of Benjamin Franklin, when all of America was a dream. Maybe that's it. America, of course, is no longer a dream. It is really finally here. And growing dimmer to many. So the dream must be within ourselves. That's where the individual comes in. The loner. The Rod McKuen-Five Easy Pieces-Henry Thoreau-Captain America man. Searching for a dream within a dream. Taking advantage of my own country's freedom to find my own.

Victoria Simons, 17, the daughter of Mr. and Mrs. Arthur H. Simons of 269 Cranwood Drive, Key Biscayne, and a senior at Coral Gables High School, was the third-place award winner. In her essay, Victoria exhorted:

> Take heart. Don't give up on this great country. Don't get wrapped in gloom and trapped in despair. Sure there are problems and problem kids, but, by and large, the new generation of Americans you have raised has not lack of faith in America, not lack of energy, not lack of commitment to the priceless heritage of freedom you have bequeathed to us.

Fourth-place winner Donald J. Painter, 17, and a senior at Hialeah High School, is the son of Mr. and Mrs. Donald Painter of 201 West 50th Street in Hialeah. Donald wrote:

> We must arouse the sleeping giant that is the American spirit to attack our basic and fundamental problems with the same vigor and fortitude we displayed in two major wars, because, in a sense, we are fighting a war. We're fighting for the right to live in a free nation, to breathe clean air, to drink clean water, to have children, and to have grandchildren.

John R. Toggweiler, 18, the son of Mr. and Mrs. John H. Toggweiler of 1139 Robin Avenue, Miami Springs, and a senior at Miami Springs High School, won the fifth-place award. In his essay John observed:

> As Americans, we are uninhibited in our search for truth. We are constantly exposed to new, innovative ideas which are absorbed into our life patterns. Our society is in constant flux, constantly changing to meet the demands of new times.

Mr. Speaker, I know our colleagues join in welcoming this distinguished group of students, teachers, and civic-minded citizens to the Nation's Capital. I am pleased to be able to call the attention of the House to the 1971 "Speak Up for America" essay contest winners.

Such a program, which involves our youth in thinking and writing about our Nation and its future, contributes a great deal to the necessary national dialog concerning the purpose and direction of the United States. The sponsors of the program, the Certified Plumbers of South Florida, including Chairman Russell J. Seiferth and Trustees R. F. Hildebrandt, Harley Lasseter, Jr., and Sam W. Long, deserve commendation for their efforts to promote that kind of communication.

NOISE: THE NEED FOR DECISIVE ACTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROSENTHAL. Mr. Speaker, we are living today in an age of intense concern with the quality of life and the quality of the environment where we spend that life. The air we breathe, the water we drink, the food we eat—all are objects of increasing concern. Another element in the quality of life is the topic of these hearings, noise.

Acoustics experts have said that everyone living in a city could be stone deaf by the year 2000 if noise levels keep rising at the present rate. Noise pollution has become a serious health hazard, according to evidence presented at last week's meeting of the International Standardization Organization in Geneva, Switzerland. Urban noise has been rising at the rate of 1 decibel a year, it was shown, and if it continues every urban dweller will be deaf by the end of this century, less than 30 years from now.

We are inundated with all kinds of noises, from all sources and all directions.

Noise, like so many other forms of pollution, is a product of our technological advancement. But this need not be. For far too long we have blindly accepted belching smokestacks, sewage-filled rivers and screeching machinery as signs of progress. We are just beginning to realize they need not be inseparable.

Pollution does not have to be the price of progress.

We have the know-how to clean the air, protect the water and quiet the noise. Too often, however, what has been lacking was the will to put that knowledge to work.

Noise is more than uncomfortable. It is debilitating. It can and does interfere with our sleep, our work and our leisure.

Studies have indicated that loss of efficiency due to noisy working conditions could be reducing our gross national product by several billion dollars a year. Billions more in potential workman's compensation claims are believed generated annually by noise-induced hearing losses in perhaps as many as 15 million American workers.

The World Health Organization says industrial noise alone costs the United States more than $4 billion a year in accidents, absenteeism, inefficiency and compensation claims.

There is evidence of a close relationship between noise exposure and body fatigue as well as psychological and social stresses.

Noise is one of the major problems in my congressional district. My district is in what may be the world's noisiest city, New York City. It was there that the fire department had to install louder sirens in order to penetrate the noise on the streets.

My constituents are neighbors of LaGuardia airport, one of the Nation's busiest. They suffer the consequences of decades of neglect of the noise pollution problem. Most of them have lived in New York City for many years. They live in established communities and not in hurriedly-assembled subdivision tracts. They were there before the jet arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now these people come home from their city jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more, noise, more distraction, and more simple human discomfort than their offices in the heart of the city.

For too many years, I believe, we have passed the noise problem from one pair of reluctant hands to another.

We cannot afford to delay any longer. Some significant first steps have been taken by the Congress, although administration response in carrying out this mandate has been somewhat lacking. We in the Congress must continue to prod the administration and to increase our involvement in improving the quality of our environment and fighting noise pollution.

Unless we act now, we will soon reach a critical stage.

I am most disappointed with the aircraft noise provisions of H.R. 5275 and H.R. 5388, identical versions of the administration proposal, the Noise Control Act of 1971.

Not only does this legislation give inadequate attention to one of the major causes of noise pollution, but it places responsibility in the wrong hands.

This bill gives the administrator of the Federal Aviation Administration the authority to prescribe noise standards, rules and regulations applying to aviation. If the administrator of the Environmental Protection Agency feels those measures do not adequately protect the public, he has no power to change them; he may only request the FAA administrator to review them.

This is exactly the opposite of the way it should be. The FAA has acted with deplorable slowness in implementing the mandate of the Aircraft Noise Certification Act of 1968 (Public Law 40–411) and has consistently shown itself to be a poor leader in noise abatement.

The FAA is not the one to set noise standards; after all, its prime responsibility, under law, is to promote aviation, not protect the environment—that is the job of the Environmental Protection Agency.

EPA is, therefore, the proper agency to establish standards, rules, and regulations for noise, whether the source of that noise is aircraft, motor vehicles, industrial machinery, or whatever. Noise pollution is first and foremost an environmental problem.

I wish to speak a moment, in support of two other antinoise bills, Mr. Speaker, H.R. 6987, the Noise Abatement and Control Act of 1971, and H.R. 6989, the Noise Disclosure Act, both of which I am cosponsoring.

The Noise Abatement and Control Act of 1971, H.R. 6987, would expand the functions and responsibilities of the Office of Noise Abatement and Control. It also would establish means for effective coordination of all Federal research and activities relating to noise and its control; establish noise standards; support noise research and control programs at all levels of government; establish a Federal policy of procurement and contracting which promotes noise control, abatement, and prevention; and establish a Noise Control Advisory Council to provide expert advice on noise.

Action of this nature is vital if we are to protect ourselves and generations to follow as well as protect our environment from the potential health hazards of noise pollution.

The Noise Disclosure Act, H.R. 6989, would require the disclosure of the operational noise level of machinery distributed in interstate commerce and require all noise-generating mechanical and electrical equipment to bear a label disclosing its operational noise level.

Such information would enable the purchaser, whether he is a major manufacturer or common consumer, to know the noise produced by a product he is purchasing. This is necessary if every citizen is to play his role in protecting the health of himself and others as well as protecting our environment.

I will have more to say on the subject of noise pollution, especially as it involves aviation, in the days and weeks ahead, including specific legislative proposals that will deal with immediate needs as well as long-term solutions.

MODERATION IS NEEDED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WYMAN. Mr. Speaker, moderation is sorely needed in this country; moderation and restraint.

A good example of the need is found in the extreme statements and positions taken by both right and left in their impatience with the status quo and their desire for change. There is a way to change thinks in this Nation but that way is by majority vote not by character assassination or violence.

Recently the left has taken to the same pattern of overstatement and exaggeration that characterized some who spoke in an earlier era. When directed toward such conscientious and devoted public servants as Dr. Foster of the Department of Defense or Hon. Melvin Laird, the Secretary of Defense, it constitutes an abuse of the right of free speech.

In this connection the following editorial by the distinguished Columnist Joseph Alsop is of interest:

[From the Washington Post, May 26, 1971]

LEFTWING McCARTHYISM

(By Joseph Alsop)

It has long been pretty obvious that a new brand of McCarthyism was gaining ground on the left in this country. Even the late unlamented Joe McCarthy never attempted anything quite like the leftwing stormtroopers' organized attack on the instrumentation laboratory at MIT rather more than a year ago.

The new McCarthyism has now moved on, however, from the kind of outrage that took place at MIT, to the kind of direct attack on disliked government policymakers that was so common in the dreadful McCarthy years. A prime current target is the Pentagon's able director of defense research, Dr. John S. Foster.

The Federation of American Scientists is Dr. Foster's official attacker. This is an exceedingly odd organization. The Eisenhower-era chief of defense research, Dr. Herbert F. York, serves as a sort of glorified front man, precisely because of his past Republican associations.

There are other people linked to the federation who are relatively neutral figures, like Dr. George Kistiakowsky. But the moving spirits are men much further to the left, like Dr. Salvador Luria and Dr. George W. Rathjens, both of MIT, and both active encouragers of the attack on the instrumentation laboratory. Incidentally, this is now the independent Draper laboratory, because of the attack's partial success; and MIT has lost heavily thereby.

The federation's chief mover and shaker, finally, is the exceedingly leftwing political scientist from Princeton, Dr. Jeremy J. Stone. There is every reason to believe that Dr. Stone completely shares the views of his father, I. F. Stone. And I. F. Stone has not departed a quarter of an inch from the Soviet line on any foreign or defense policy question in the last two decades—including the Soviet line on Israel's role in the six day war.

Dr. Jeremy Stone is the director of the Federation of American Scientists. Rather recently, the federation prepared a bitter personal attack on the Pentagon defense research chief, Dr. Foster, in the guise of a supposedly scientific analysis of Soviet research and development. Rather naturally, Dr. Foster's friends wanted to get a copy as early as possible, to study the character of the attack.

In consequence, Dr. George Heilmeier, a White House fellow now on assignment to the Pentagon, called Dr. Jeremy Stone to request a copy. The request was at first refused, but Dr. Stone then asked who Dr. Heilmeier was. He replied that he was working in Washington on a White House fellowship. He was then asked whether he knew an earlier White House fellow, known for his leftwing slant; and when he replied affirmatively, this seemed to act as a sort of password.

"You know," said Dr. Stone, after promising Dr. Heilmeier a copy of the federation's paper, "this guy Foster is dangerous." Dr. Stone went on that it was urgent to "zero in on Foster," in fact to "get Foster." In sum, the mask was dropped, and the ugly face of straight-out leftwing McCarthyism was nakedly displayed.

The attack on Dr. Foster has more recently been continued in the open, before the research subcommittee of the Senate Armed Services Committee. The controversy needs no special comment, except to say that Dr. Foster is undoubtedly correct that Soviet research investments are now much higher than U.S. research investments.

There are two other things that do need saying, however. To begin with, no experienced person can doubt that Dr. Robert Oppenheimer's opposition to an American H-bomb would have been supported by 95 per cent of U.S. scientists, if U.S. weapons policy had then been the public matter that it has become nowadays.

Even in their own fields, in short, scientists are seldom sound policy-makers; and this accounts for the positions taken by many able but politically woolly minded scientists. But the attempt to "get" John Foster, like the attack on the instrumentation laboratory, has another uncomfortable meaning, too.

The Draper instrumentation laboratory was, and still is, an invaluable and quite irreplaceable asset of this country's national defense. In quite another way, Dr. Foster is also an important asset of our national defense. The reason for this is simple.

Often almost alone in the government, the director of defense research has invariably put a tough-minded interpretation on such evidence as we have on Soviet defense developments. In just about every case, the tough-minded interpretation has turned out, in the end, to be the correct interpretation. So it would suit a lot of people to have Foster out of the way.

CHIEF BENEFICIARIES OF AMERICA'S BLESSINGS NAIVELY QUESTION THE SYSTEM WHICH MAKES THEM POSSIBLE

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. LATTA. Mr. Speaker, a friend of mine has called my attention to Abigail Van Buren's column which appeared in the June 15 issue of the Washington Evening Star. After reading the article I thought that I should share a part of it with my colleagues since we seem to be living in a unique period of our history when many of the chief beneficiaries of America's blessings are naively questioning the system which makes them possible. The article follows:

DEAR ABBY: I heard a good one the other day and would like to share it with you: A hippie couple were walking down the street. They both had long hair and were dressed in typical hippie attire, complete with beads, sandals and Indian headbands.

The fellow said to the girl: "I'm going over and pick up my unemployment check. Then I'll drop in at the university to see what's holding up my check for my federal education grant. After that I'll pick up our food stamps. Meanwhile, you go over to the free clinic and check your tests, pick up my new glasses at the health center, then go to the welfare department and apply for another increase on our eligibility limit.

"Then I'll meet you at 5 o'clock at the federal building for the mass demonstration against the rotten Establishment."

PHILADELPHIA KOSCIUSZKO RESOLUTION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EILBERG. Mr. Speaker, on Friday, March 26, I introduced a bill, H.R. 6759, in which I am deeply interested. It proposes to make the last residence in this country of the great Polish-American patriot, Gen. Thaddeus Kosciuszko, a national historic site. The Kosciuszko house is located near Independence Square in Philadelphia, a portion of which it is my honor to represent in Congress. I feel the enactment of this bill would afford fitting recognition to General Kosciuszko, who did so much in the cause of the American Revolution.

Additionally, I believe that the enactment of this measure, we are not only extending recognition to the efforts of a single patriot, but are honoring those of our fellow citizens who share his ancestral heritage. Indeed, we honor all the varied groups who have added their substance to the fabric of America, by thus memorializing Thaddeus Kosciuszko.

Related to this proposal, the City Council of the city of Philadelphia passed a resolution memorializing the Congress of the United States to enact legislation authorizing the secretary of the Interior to acquire and restore the 31 Pine Street house as a national shrine to Thaddeus Kosciuszko. It is with pleasure that I insert the letter of transmittal of this resolution from Paul D'Ortona, president of the Philadelphia City Council, and resolution No. 402, calling for the acquisition and restoration of the Kosciuszko home:

JUNE 9, 1971.

Hon. JOSHUA EILBERG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EILBERG: I am enclosing herewith a certified copy of Resolution No. 402, entitled:

"Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street House as a National Shrine to Thaddeus Kosciuszko."

This Resolution was adopted by the Council of the City of Philadelphia at a meeting held May 27, 1971.

Sincerely,

PAUL D'ORTONA,
President, City Council.

RESOLUTION NO. 402

Resolution memoralizing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko

Whereas, The National Park Service has recently listed, in the National Register of Historic Places, the three and one-half story brick building at 301 Pine Street, Philadelphia, as a tangible reminder of properties worthy of preservation for their historic value; and

Whereas, This existing structure, built in 1775 by Joseph Few, a Quaker merchant and member of the Carpenters' Company, was the last residence in America of General Thaddeus Kosciuszko who dedicated his services to the cause of American independence; and

Whereas, In this brick building Kosciuszko recuperating from wounds suffered on a Polish battlefield in a vain attempt to free his land from foreign rule, held important meetings with Thomas Jefferson, John Adams and other patriots of the war for American liberty and independence; and

Whereas, This building, now vacant and rapidly deteriorating despite attempts to restore it, is greatly in need of measures to protect the shell of the dwelling by shoring up the floors and boarding up the windows and doors; and

Whereas, This historic dwelling is the only meaningful house left that is still associated with the name of one of the great colonial patriots of American independence; a dwelling which if lost, can never be recovered; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memoralize the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko.

Resolved, That certified copies of this Resolution be forwarded to the President and Vice-President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania and the entire congressional delegation of the Commonwealth.

ALL AMERICAN AID TO PAKISTAN MUST CEASE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALLAGHER. Mr. Speaker, the Government of Pakistan has created a situation of unparalleled tragedy in East Pakistan by its miiltary actions undertaken on March 25, 1971, and, according to all eyewitness reports, continuing to this day. The flood of refugees forced to flee to India—now some 5.7 million—is irrefutable proof of these actions, as I saw when I inspected refugee camps early in June.

It should not be forgotten that the leaders and supporters of the Awami League won the election in December. They won 167 of the 169 seats contested in East Pakistan, an absolute majority in the full country in an election everyone concedes was fair.

The sheer number of refugees threatens the stability of India, poses a threat to peace on the subcontinent and, in my opinion, compels a formal change in U.S. policy. If we assist the Government of Pakistan in any way in its effort to thwart the will of the majority, Communist-inspired groups may well replace the moderate leaders who won the election.

I believe the United States must suspend all military, economic, and food assistance to the Government of Pakistan. According to all reports, the Army has flagrantly misused American aid in the past: for example, boats provided to alleviate the suffering caused by the flood and cyclone in November are now being used to transport troops on their raids throughout the countryside of East Pakistan. There is considerable doubt in my mind whether the populace in the East wing can recover sufficiently from its long-term distrust and recently created fear of the Army to accept aid administered solely by the military forces. According to testimony before my subcommittee, American and World Bank economic aid is all that keeps Pakistan from bankrutpcy and it certainly allows the Army to finance its adventures in the East—now costing some $2 million each day.

Mr. Speaker, this afternoon I had the distinct pleasure of hearing a speech at the National Press Club by the Foreign Minister of India, the Honorable Sardar Swaran Singh. He spoke eloquently and persuasively on the problems created for his government by the military adventures of the Government of Pakistan in East Pakistan and he stated many reasons which, in my judgment, argue for the adaptation of the House of my amendment to the Foreign Assistance Act of 1961.

My amendment, introduced in bill form on Tuesday, June 15, as H.R. 9160 would suspend all aid to the Government of Pakistan until international inspection teams have ascertained that Pakistan is cooperating in allowing the situation to return to reasonable stability in East Pakistan and that, as far as feasible, refugees are being allowed to return from India to reclaim their lands and properties.

In the CONGRESSIONAL RECORD of June 11 on page 19513 I discussed the many ramifications to world peace this situation poses. I spoke of the incredible flow of refugees and I would now like to report to my colleagues the most recent figures. The total number as of June 12 was 5,765,000, comprising 3,067,000 males and 2,698,000 females. This includes 907,000 children under 8 years of age. During April, immediately after the brutal actions of the Army inside East Pakistan, 56,000 each day came into India. During May and until the 5th of June the figure rose to 100,000 each day. Finally, from the 6th to the 12th of June the figure was 124,000 each day.

Any policy which generates this number of refugees—a number which is increasing rather than diminishing—must be the concern of all mankind. Aside from the obvious human misery which has been so compellingly documented in many photographs and descriptions in our press, it is also irrefutable evidence that the situation inside East Pakistan has not returned to normal. I think that H.R. 9160 would strengthen the hand of this administration in its desire to see stability returned to the area, for it would insist that all aid be channeled through international agencies and that our tax dollars would no longer contribute to the agonies and the clear threat to peace.

The Government of Pakistan must be made to fully and honestly cooperate in a normalization process. H.R. 9160 would suspend our bilateral aid and would make a powerful statement to the nations of the world that the idealism and the sincere desire of America to be truly humanitarian has not vanished. I urge my colleagues to join me in cosponsoring my bill when I reintroduce it early next week.

Mr. Speaker, I insert Foreign Minister Singh's speech of today and the text of my bill at this point in the RECORD.

SPEECH OF THE FOREIGN MINISTER OF INDIA, SARDAR SWARAN SINGH

Mr. President, I value and appreciate the invitation to address the National Press Club. There is a special reason for this: I have come here to seek, together with your leaders, a just, peaceful and enduring solution of a problem which has been reported upon so well and in such detail by your Press. So I am happy to have this opportunity to speak to this distinguished gathering of the representatives of the American press who play such a vital role in shaping public opinion.

The tragedy of East Bengal looms large on the horizon of India today: it looms large on the horizons of Asia. It poses a grave threat to peace and progress in our region.

The facts of the situation in East Bengal are well-known to you. But I wish to draw your attention to the dangerous potential of this problem for us and for our region. We should also consider the consequences that the world may have to face tomorrow, if today, due to a sense of indifference or helplessness, or out of some misplaced feeling of delicacy towards the perpetrators of the tragedy, we permit the situation to drift further.

The concern and anxiety which this situation in East Bengal cause to us in India are not ours alone. They are yours too. The character and the magnitude of the happenings in East Bengal are such that they are bound to have repercussions beyond the frontiers of Pakistan and be a source of concern to the international community.

Besides, our two countries have a common commitment to democratic principles and values. These same values and principles are being brutally suppressed in East Bengal.

The suppression of democratic principles by the army in East Bengal, I would remind you, cannot be defended on the ground that it is an attempt to deal with a secessionist movement. The elections took place in Pakistan in December last year for an assembly to frame a constitution for that country. The Awami League, led by Sheikh Mujibur Rahman, swept the polls in East Bengal on a programme demanding greater control over State affairs within the Union of Pakistan. The Awami League's six-point manifesto for the framing of the constitution received overwhelming support of the people of East Bengal. The six-points were not a manifesto for secession or independence. The demand for independence of Bangla Desh came, it should be remembered, in the wake of the bloodbath which began on 25 March. The case is, therefore, clearly of a minority, equipped with gifts of money and arms from abroad, trying to undo, through the use of brute force, the verdict of popular vote.

One of the results of this rein of terror unleashed by the army is that 6 million people have fled their homes in East Bengal and have sought refuge in India. There is no end yet in sight to do this mass exodus. Each day some 100,000 East Bengalis are driven by the Pakistan Army across the border of East Bengal into our country. The dimensions of this exodus will, perhaps, better be understood if I say that we are receiving one refugee every second.

We offer these refugees such succor and relief as we can afford. In our States bordering on East Bengal the schools of our children have had to be closed down to provide shelter for the refugees. Our health services are stretched thin and there are shortages of transport and tentage, food and medicine and other resources needed to cope with this grim tragedy. In the Indian State of Tripura today, there is one refugee from East Bengal to every two local inhabitant. West Bengal, already heavily populated, is groaning under the weight of this endless influx.

Clearly the humanitarian task of providing food, shelter and medicines must have high priority. The cost of relief will run into hundreds of millions of dollars. We had made a token provision of 80 million dollars in our budget for the current year; but even this token provision represents 30% of the additional tax burden which our people will have to bear this year.

While we are doing the best we can within our resources, the financial burden of looking after the refugees is clearly beyond our resources. We have welcomed such assistance as has been forthcoming from foreign governments, from voluntary organizations and agencies and from private citizens. Even though these contributions may not be very large, our Government and people appreciate the sentiments behind them.

Nevertheless, the task is a very large one, and we have our own pressing problems of poverty and unemployment to attend to. We, therefore, hope that the United States, a prosperous country of generous humanitarian instincts and, indeed, other countries of the world may, before long, address themselves more adequately to the problems and needs of relief.

But necessary as relief is, it is a palliative and not a solution to the problem which lies at the root of the situation. It is immediately necessary to stop further influx of refugees from Pakistan and that will come about only if the military action in East Bengal is ended forthwith. The international community must persuade and pressurize the government of Pakistan to that end.

Equally, conditions must be created for the return to East Bengal of those who were forced out of their homes and had to take shelter in India. The Government of Pakistan must be made to accept its proper responsibility for the rehabilitation of these refugees in their homes. In the meantime, their properties in East Bengal should be preserved and protected under international supervision pending their return.

The return and resettlement of refugees in their homes will obviously take a while and relief measures will be necessary and camps will have to be set up for the purpose. It seems to us that temporary relief camps should be set up in East Bengal itself and the refugees now in India should be transferred to these camps.

The Pakistan Government claims to have set up camps or reception centers in East Bengal; but refugees are not returning there because they, apparently, do not trust the Pakistan Government's declarations of amnesty. It is, therefore, necessary to restore their confidence that they will be well treated on return, that they will enjoy safety of person and property and that bona fide measures will be taken to rehabilitate them and protect their rights and interests. As a measure in that direction an area in Pakistan may have to be set aside for these temporary camps, to be administered by the refugees themselves under international supervision.

The basic problem is a political one; and it calls for a political solution. Without such a solution, the atmosphere of confidence and security, which is necessary for the return of refugees, will not be generated. There are two essential prerequisites: first, the necessary political solution must be found urgently, and secondly, the solution to be effective and enduring must be in accord with the wishes of the people of East Bengal and their elected leaders. Any effort to set up a regime in East Bengal which is not truly representative will only prolong the agony, and harden attitudes and pose hazards to peace of the whole region.

We feel great concern for the personal safety and well-being of Sheikh Mujibur Rahman. He is a leader of very high stature and rare human qualities, who commands the affections of the entire people of East Bengal. We hope that the international community will spare no effort to persuade the rulers of Pakistan to release Sheikh Mujib and to join with him in search of a political solution acceptable to the people of East Bengal. He symbolizes the aspirations and hopes of 75 million people which were expressed as late as last December. These will not be extinguished by his incarceration.

We would urge the international community as a whole, and countries friendly to Pakistan in particular, to bring their influence to bear on the Pakistan Government for a political solution on these lines. Our views with regard to the grant of military aid to Pakistan are well-known. A situation has now arisen in which even the grant of economic aid to that country, in present circumstances, is bound to be used for the suppression of the majority of Pakistan's people. It is, therefore, not out of any ill-will for the people of Pakistan but in the desire that the agony of strife in Pakistan should end as quickly as possible that we urge that all countries should suspend all military and economic assistance to Pakistan till a political solution acceptable to the people of East Bengal is found.

I hope that the people of this country will understand and appreciate our grave anxiety over the situation in East Bengal. We in India have been at the receiving end of the results of the reign of terror and killings that has gone on in East Bengal since 25 March. The point has now reached where the actions of Pakistan's military government threaten to disrupt the economic, social and political fabric of our society and our State. These actions threaten to engulf our region in a conflict the end of which it is not easy to predict.

We have acted with patience, forbearance and restraint. But we cannot sit idly by if the edifice of our political stability and economic well-being is threatened.

In the 23 years since our independence, we have struggled to give economic and social meaning to our political democracy. We have not succeeded in eliminating poverty and hunger and disease from our land, but the lives of our people are a little better than they were 2½ decades ago. We have doubled our food production; we have vastly expanded the availability of education, medical care and the opportunities of work to our people. Our exports touched a high of 7% last year and our growth rate has moved up to 5% per annum. The United States has helped us in our endeavours, and I am sure you share our pride in these achievements.

After our general elections in February which gave our Prime Minister Indira Gandhi, and our party, the Indian National Congress, a massive verdict of popular support for our programmes, we were getting ready for a powerful assault on our economic and social problems. And then came this crisis of Pakistan's making which threatens to wipe out our gains and destroy the prospect of peace and progress for our children.

To any responsible government this would be an intolerable situation. Hence our anxiety that a political settlement should be forged in East Bengal which is acceptable to the Bengali people and their elected representatives so that peace may return to that troubled land and the refugees who have come to our country should go back to their homes.

We face a grave situation; but we continue to have faith and hope that concerted and determined action of the world community will help find a satisfactory solution and lift the threat to India's stability and peace of the region. It was in that spirit that I undertook this tour which has brought me to Washington. I have found here understanding of our apprehensions and sympathy with our objectives.

Thank you Mr. President.

H.R. 9160

A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v)(1) All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

"(2) The President shall take measures as may be necessary to assure that no military equipment provided by the United States to any other country shall be transferred to the Government of Pakistan. If the President determines that any such transfer has been made after the date of enactment of this subsection, he shall suspend all assistance under this or any other Act to the country making the transfer and shall suspend all sales of military equipment under the Foreign Military Sales Act to such country.

"(3) The provisions of this subsection shall cease to apply when the President reports to the Congress that international inspection teams have ascertained that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties."

SHALL WE SHOOT THE TIMES?

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HARRINGTON. Mr. Speaker, the Nixon administration has filed an injunction against the New York Times barring the newspaper from printing further excerpts of the Pentagon's study on the origins of U.S. involvement in the Vietnam war. But the injunction, on a higher level, is really against the American people because it demonstrates a callous disregard for the Nation's ability to make decisions based on all the information.

The Boston Globe in an editorial Wednesday makes this point very clearly. I would like to quote from a portion of that editorial now.

However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country.

The editorial states further that the credibility in Government is sorely shaken, and I believe deserves to be. For in that report, all the lies are laid bare.

At this time, I would like to insert in the RECORD the complete editorial for the benefit of my colleagues.

[From the Boston Globe, June 16, 1971]

SHALL WE SHOOT THE TIMES?

There are some things which no government should or will confide to anyone outside of its own inner circle. This is not because all things are not indeed the citizen's business. They are and must be if government is to be the servant, not the master of the people. It is because the business of surviving as a nation may be at stake.

The nation's plans for resisting invasion clearly are and must be government's secret. The way to build an A-bomb or an N-bomb or even, who knows? an XYZ bomb is not ever going to be released to the nation's press, and the newspapers themselves would be the first to demand some official scalps were this to occur.

But certainly the New York Times's disclosures on the machinations and deceptions connected with American participation in the Indochinese war do not fit the description of a national security violation. It can be argued, to the contrary, that government efforts to prevent further disclosure are themselves a threat to the national security. However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country. The Times's disclosures pertain only to prior Administrations.

The Times's revelations, says the Department of Justice (and a Federal court has at least temporarily concurred), "will cause irreparable damage to the defense interests of the United States." On the contrary, however, irreparable damage is done to the nation when such disclosures are suppressed.

The people's confidence in either their government's integrity or its wisdom or perhaps both may be shaken all the more when government persists in the outlandish view that how the nation was conned into this war, and conned illegally at that, and how it could similarly be plunged into another, is none of the public's business. Where it is shown that past Presidents can and do err as grievously as has been demonstrated (either because they were too self-willed or were the victims of advisers) the motives of incumbent administrators who would conceal the facts then themselves inevitably becomes suspect.

The Nixon Administration takes the curious position that it was a breach of security to disclose that the Gulf of Tonkin resolution was drafted three months before the incident on which it was based. But the real outrage is the resolution itself and the suppression of this vital information until now. Had the Congress and the American people then known what they know now, we would have been out of Indochina long before this. The Nixon Administration's abhorrence of the disclosures does not exactly put to rest all doubts of the legitimacy of its own purposes in continuing the war into which the nation was apparently tricked.

Mr. Nixon speaks of saving the lives of American "boys," just as President Johnson did, and he is indeed bringing them home in numbers. But there are still more than 200,000 of them over there, and he stubbornly resists all efforts to bring them home now and thus save their lives.

In leaving them there he is prompted by the same dubious reasons that prompted President Johnson to send them there in the first place. If ever there were arguments that should convince wavering senators that passage of the McGovern-Hatfield resolution is vital, the Times's disclosures and the Administration's reaction to them is it. It is not only the integrity of the Johnson Administration that is at stake. It is the integrity of the Nixon Administration. The Times's disclosures of what happened four, five, 10 or 20 years ago "do irreparable injury to the defenes interests of the United States" in the same way that those interests were impaired by disclosures that George Washington's false teeth were ill-fitting.

What happens when a government bottles up legitimate information, or tries to, has been demonstrated time and again. It was not until 13 months had passed, for example, that the nation learned that peace was possible in 1964, if Mr. Johnson had wanted it, which he did not—and, seemingly, this Administration does not now because the time is not ripe. The Thieu government is not yet sufficiently entrenched.

The virtues of the fullest possible disclosures were put down in 1968 in the preface to a collection of his speeches by none other than the former Secretary of Defense Robert S. McNamara—and never mind that he was one of those who kept Mr. Johnson's secrets:

"The people of this nation, in whose name and by whose ultimate consent all high government officials serve, have both the need and the right to be thoroughly informed on decisions. The only narrow and necessary exceptions are those matters restricted by the irreducible requirements of intelligence collection or battlefield security."

The late President Kennedy was even more to the point after the Cuban Bay of Pigs fiasco on which the Times eliminated vital information in its exclusive account of the invasion then planned.

"If you had printed more about the operation," Mr. Kennedy later told Turner Catledge, then a Times editor, "you would have saved us from a colossal mistake."

The Times, in our view, has performed a singular public service, and should be rewarded rather than denigrated by the Nixon Administration. It is significant that no Administration official, and no one else for that matter, challenges the authenticity of the Times's revelations. The only Washington complaint is that it has unearthed facts which Washington wanted to keep locked in one of its dark closets.

The whole truth, when it is brought to light, can only help the people to know what they need to know, for their security and that of the nation.

CONGRESSIONAL MEDAL OF HONOR GROVE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ZABLOCKI. Mr. Speaker, on June 6, Wisconsin became the 12th State to dedicate an acre of land of the 52 acres set aside at Valley Forge, Pa., as a permanent memorial to the men who have received our Nation's highest award for bravery. The Congressional Medal of Honor Grove at Valley Forge has been established by the Freedoms Foundation to keep alive the records of gallantry and sacrificial devotion to duty that distinguishes these men. The grove is, as yet, unfinished. It is, however, a truly great symbol.

Living trees are marked in perpetuity with the names of each of more than 3,000 Medal of Honor recipients. Only 47 men from Wisconsin have received this award, Mr. Speaker; and three presently reside in the State. They are Clayton K. Slack, or Ashland, Wisconsin's only recipient in World War I; Einar H. Ingman, of Tomahawk, Wisconsin's only living recipient of the Korean war; and Gary Wetzel, of St. Francis, a veteran of the Vietnam war.

Mrs. Douglas MacArthur was an honored guest at the dedication ceremonies on June 6. She emphasized that although the general was born and later resided in different States, she wanted her husband's plaque placed in the Wisconsin Medal of Honor Grove.

I share a feeling of pride with the citizens of Wisconsin that the men from our State who earned our Nation's highest award for valor since 1863 are being remembered in the Medal of Honor Grove. I am sure, Mr. Speaker, that the grove will become a national shrine of impelling and patriotic significance—a truly fitting memorial to our country's heroes. Its development deserves the full support of every American.

THE EAST BERLIN UPRISING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DERWINSKI. Mr. Speaker, it is fashionable these days to engage in talk about peaceful coexistence with international communism, the establishment of cultural exchanges, the construction of "bridges of understanding," and the opportunity of making a few extra dollars through trade. It would be a good idea, once in a while, to review the past. Such an occasion presents itself this afternoon.

It was on June 17, 1953, that an uprising occurred in the Soviet sector of Berlin, where construction workers had abandoned their tools a day earlier in protest against increased work quotas. Near-starvation helped to inspire the demonstrations that spread throughout East Germany and involved 200,000 people.

When the revolt of the protesting workers led to a general strike in East Berlin, the Soviet Union moved three divisions into the city, which was isolated from the rest of the world while army tanks were being used in an attempt to quell the disturbances. Soviet forces killed 16 persons, hundreds were injured, and thousands were arrested. Although movement between East and West Berlin had been partly resumed earlier, the state of siege to which the Soviet zone had been subjected did not end until July 9.

A propaganda victory was scored by the United States, which asked the Soviet Union to admit $15,000,000 worth of American food for free distribution to the hungry people of East Germany. Although the Communists spurned the offer, free food was made available in West Berlin. More than 1,000,000 food packages were distributed to East Germans on a come-and-get-it basis.

Conditions in East Berlin have not changed dramatically since the short-lived uprising of 18 years ago. The infamous Berlin Wall has been erected to keep East Germans from leaving, although many have nonetheless risked their lives in attempts at escape. Some have been successful, while others have given their lives in vain attempts to escape life under communism.

The people of East Berlin, many of whom remember the totalitarian brutality of national socialism, are no more enthusiastic about existence under communism than they were about life under nazism. Thousands have voted with their feet and moved to West Berlin and West Germany.

How can we in America speak about peaceful coexistence between the free United States and international communism, when the Berlin Wall eloquently demonstrates the lack of peaceful coexistence between the two sections of Germany, one behind the Iron Curtain and the other part of the free world? Why should we desire to establish cultural ties with a regime whose own people by the thousands have abandoned all their material possessions in order to begin life anew in the West? Who wants to build bridges of understanding with ruthless murderers whose hands are stained with the blood of many millions of God's creatures? Those who would abandon people to perpetual slavery in order to profit from trade with Communist Russia have learned nothing from the tragic events that took place during the summer of 1953.

Mr. Speaker, as the people's representatives in the popular branch of the Congress of the United States, let us not be seduced by the voices that call for coexistence with a regime that makes war upon its own people.

Let us pay no heed to suggestions that we build bridges of understanding with a country that found it necessary to build a wall in order to prevent thousands of its subjects from escaping. Let us disregard the pleadings of those who would fatten their bank accounts through dealings with the Soviet Union, deliberately forgetting that much of the materiel that is being used to kill Americans in Vietnam is being supplied by Moscow.

THE MARYLAND PORT AUTHORITY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, July 1, 1971, marks the end of the independent existence of the Maryland Port Authority. On that date, the Maryland Port Authority will be absorbed by the Maryland

State Department of Transportation. The new organization under the department of transportation will be called the Maryland Port Administration.

For 15 years the Maryland Port Authority, under the direction of Mr. Joseph L. Stanton, directed the affairs of the Port of Baltimore. During that decade and a half, the MPA has transformed the port from an accumulation of deteriorating railroad piers into a modern, versatile facility that can handle anything from bauxite and radioactive elements to tobacco and grains, the chief commodities shipped through Baltimore in the 18th century. The MPA has been a prime mover in the city's rise as a container port, and it has worked to attract industry to the harborside. Beyond Baltimore, it has constructed piers at Cambridge, on the Choptank River, and has built a large marina at Crisfield.

The prime example of the MPA's port rejuvination work, of course, is its Dundalk Marine Terminal. The authority purchased the land for the terminal—it was Harbor Field, Baltimore's pre-Friendship Airport—in 1961. From a crisscross of runways it created an ultramodern facility that has boosted Baltimore to the status of a major east coast container port and made it the country's leading importer of foreign automobiles.

The list of accomplishments of the Maryland Port Authority is very impressive. Joseph Stanton has run the authority well, always keeping in mind the needs not only of the community in Baltimore but the entire State of Maryland. I wish him and his staff continued success in their new positions with the Maryland Port Administration. I would also like to commend Mr. James H. Grove, of Frederick, who has served with distinction as a commissioner of the Maryland Port Authority.

ALASKA RESOLUTION COMMENDS THREE REPRESENTATIVES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, one of the most important issues facing Alaska is the settlement of the Native land claims. There has been much debate on this issue, both in Alaska and across the country.

There are various proposals which have been introduced in Congress that will provide a solution to the Native land claims question. Besides introduction of specific bills, several Representatives have devoted much time and energy to see that there is a proper settlement to the Native land claims.

The Alaska State Legislature has passed a resolution commending Representative Wayne Aspinall, of Colorado; Representative John Saylor, of Pennsylvania; and Representative James Haley, of Florida, for their concern and dedication to this question. The legislature has also expressed its confidence that largely through the efforts and devotion of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time. I would like to take this opportunity to include a copy of that resolution into the Record so that my colleagues can be aware of Alaska's deep appreciation to these distinguished men:

Senate Resolution No. 11, Alaska State Legislature

Relating to Native land claims legislation

Be it resolved by the Senate:

Whereas settlement of the Native land claims is of the highest priority for the State of Alaska and its citizens; and

Whereas various proposals have been introduced in Congress which propose solutions to the Native land claims question; and

Whereas the U.S. Congress is divided, to a great extent, over the merits of these legislative proposals; and

Whereas irrespective of their views concerning what a proper settlement of the Native land claims should entail, three representatives have devoted endless hours to research, study, and the holding of hearings regarding the Native land claims; and

Whereas, as a result of their obvious interest and concern in seeking out all pertinent information and their willingness to listen to all persons and organizations concerned with the Native land claims, Alaska and Alaskans can only benefit from the fruits of this arduous task;

Be it *resolved* by the Alaska Legislature that it commends Representatives Wayne Aspinall of Colorado, John Saylor of Pennsylvania, and James Haley of Florida for their painstaking review and study of the Native land claims question and expresses its confidence that, largely through the efforts and devotion to duty of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time.

Copies of this Resolution shall be sent to the Honorable Wayne Aspinall, the Honorable John Saylor and the Honorable James Haley, members of the U.S. House of Reprsentatives; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled resolution, Senate Resolution No. 11, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate May 10, 1971.

Jay S. Howard,
President of the Senate.

Attest:

Emylou Lloyd,
Secretary of the Senate.

UNITED CEREBRAL PALSY OF NORTH CAROLINA CONDUCTS SUCCESSFUL FUND-RAISING TELETHON

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALIFIANAKIS. Mr. Speaker, the United Cerebral Palsy of North Carolina recently conducted a highly successful fund-raising telethon. Because of the fine services performed by this organization, I would like to share with my colleagues an account of their telethon and a description of the activities supported by the money which they raised.

This program was held for 18½ hours on May 1 through 2 at Reynolds Coliseum in Raleigh. Television stations WRAL in Raleigh and WECT in Wilmington carried it to viewers throughout the eastern half of North Carolina. Because of the large viewing audience which was reached through their efforts, $207,000 in pledges were raised. This sum is believed to be the most money per capita of viewing audience that any cerebral palsy telethon in the country has raised.

The efforts of countless people went into the success of this telethon. Some 1,500 volunteers in 19 communities gave their time and talents to this production. Even such high state officials as Gov. Robert Scott and Secretary of State Thad Eure volunteered their services. On the local level, hundreds of children and various civic organizations collected money from their groups and in their neighborhoods.

This telethon was more than just a source of entertainment and a money-raising activity; it was also an educational program. In informing the public about cerebral palsy, it performed an invaluable service. For example, by watching the telethon which took place last year, a mother discovered that her own child had cerebral palsy. Because of this knowledge, the child was able to receive treatment and has since made a significant improvement.

The telethon also served to stimulate viewers to volunteer for various cerebral palsy projects in their own communities. As a result, more cases of cerebral palsy can now be treated.

The $207,000 raised by this program will be put to good use. One-fourth of it goes to the national organization, the United Cerebral Palsy Association, located in New York. From there these funds will go to support research and training grants and clinical fellowships at hospitals and universities throughout the country. Just within my own district, Duke University, North Carolina State University, the University of North Carolina, and the North Carolina Cerebral Palsy Hospital in Durham have received over $160,000 from the organization.

The rest of the money raised by the telethon will go to support the North Carolina cerebral palsy organization. Because of these funds, the organization will be able to expand its programs and services for the State. These services include counseling of people with cerebral palsy and their families, educational and vocational programs, and residential and custodial care. The organization also assists with home care problems and maintains a referral and followup service. Through the efforts of the United Cerebral Palsy of North Carolina, the cerebral palsied of our State are able to overcome some of the effects of their disease.

Telethons and other fund-raising projects depend on the generosity, care, and concern of citizens in the various communities. The overwhelming response to this telethon indicates the interest North Carolina citizens have in eradicating this dreaded disease. I am proud of the concern expressed by the citizens of my State, and I salute the efforts of the United Cerebral Palsy Association of North Carolina.

REVENUE SHARING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker, the Washington Post of June 15, 1971, carried a letter from former Secretary of Health, Education, and Welfare Wilbur J. Cohen in which he expressed his views on proposals for general revenue sharing.

So that my colleagues may have an opportunity to be aware of Secretary Cohen's views on this matter, I insert the text of his letter at this point in the Record:

Former HEW Secretary Cohen on General Revenue Sharing

According to the advocates of general revenue sharing, it is legislation to provide federal funds to states and localities *without any string attached*, without any standards.

I am unalterably opposed to such legislation.

It is unconscionable, in my opinion, to support federal legislation to give governors and mayors, and their legislative bodies, absolutely complete discretion to spend federally raised money any way they see fit without any standards, requirements, criteria, or accountability to the Federal Congress.

With all the tremendous social and economic needs we have in this country, there must be some priorities and conditions in any federal revenue sharing legislation to guide the state and local people who will spend the federal money.

In addition, why should federal taxes go to help a state like Ohio when they don't have a state income tax and have the lowest tax effort in relation to income of any state? General revenue sharing as now proposed would help those who don't help themselves. Before any general federal funds are given, the state should at least have a state income tax. Under general revenue sharing a state could use the new federal money to reduce or eliminate its state personal income or corporation tax if it wished. This doesn't make sense. It sets up the wrong incentives.

There is no guarantee in general revenue sharing proposals that minority groups would get their fair share of the Federal funds. Nor is there any guarantee that the poor and disadvantaged would get their fair share. All the Federal funds could be used for high income persons or for low priority projects or as a substitute for existing state and local expenditures.

In my opinion, any Federal revenue sharing proposal should include requirements for merit selection of personnel, and ways to effectively trace the Federal funds, and performance or budgeting requirements. The requirement in most pending proposals is that the Federal money be spent or given away in almost any manner whatsoever. Is this a responsible way of developing Federalism in terms of effective Federal-State-local partnership? Of course not. It would probably result in graft, collusion, misunderstanding, and undermining faith in Federal as well as State and local government. It is a most unsound, unfair, and corrosive proposal being advocated by people who otherwise are arguing for responsibility and specificity in business contracts. Why not apply these same principles to general Federal revenue sharing?

I am strongly in favor of additional Federal aid to the States and localities but only on condition that the way in which the Federal money can be used are clearly specified in the Federal law and there is accountability by the States and localities to the Congress and the General Accounting Office as to the use of the money.

I sincerely hope the Congress will not vote to enact general Federal revenue sharing as long as the principles and specifics of any proposals are unsound, unwise, and unpolitic, as those which existing proposals appear to advocate.

A MEMORIAL IN HONOR OF MARY McLEOD BETHUNE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. CHISHOLM. Mr. Speaker, for 11 years the National Council for Negro Women has been endeavoring to obtain the funds necessary to erect a memorial in honor of Mary McLeod Bethune. The national council ran into difficulties in meeting their meaningful goal because of the changing priorities of black Americans, and the Congress granted extensions of their authorization in 1967 and again in 1970.

Today the goal of obtaining $400,000 is within reach. As of this morning $275,000 had already been received with a pledge of an additional $100,000 from the women's division of the United Methodist Church. It is because of the near realization of this goal and the growing consciousness and awareness among citizens of the invaluable contribution of black Americans that I have reintroduced on Tuesday, June 15, 1971, the resolution to obtain an extension for 2 more years.

When completed, the Mary McLeod Bethune Memorial will provide for the Washington, D.C., black community a living symbol of this black woman's contribution by providing facilities for outdoor cultural and recreational programs for low-income families. There is little doubt that in death, as in life, Mary McLeod Bethune will serve her people and her country nobly.

She once told a group that she was leaving them "love, hope and the challenge to develop confidence in one another." The proposed memorial will forever enshrine these words and serve as a testimonial to her own selfless dedication to achieve a just society. The memorial will stand in Lincoln Park to remind us all of the black man's contribution to the lifestream of America. It will inspire all Americans as she has inspired me to continue the fight for justice, dignity and equality which is ours to share. Today as we witness our country torn with hate, despair, and disgust of a people divided from each other it becomes increasingly more important that we in Congress retain the same tenacity in seeing through the establishment of this memorial as she did in fighting for a decent life for all.

WHERE IT IS AT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, Brookside School in-the-Berkshires recently held its 44th annual commencement exercises in Great Barrington, Mass.

Mr. George P. Lane, superintendent of schools of the Berkshire Hills Regional School District, was the commencement speaker for the occasion. Among those very much impressed by the address was Mrs. Helen M. Santelli of Southfield, Mass., who has requested that it be reprinted in the Congressional Record so that others may benefit from Mr. Lane's thoughts.

At this time, Mr. Speaker, I submit for the Record Mr. Lane's commencement address:

Where It Is At

I feel very honored, that I have been asked to address this forty-fourth commencement at the Brookside School. A few personal reflections—in my travels between schools—I often pass between Routes 7 and 183, and as I glance over the embankment this area always seems to strike me as having a very strange, yet special mystique about it.

Possibly, some of you may remember a play entitled "Brigadoon," which was later made into a film. In the beginning of this production it is very misty—and as the mist ascends there appears a very peaceful, tranquil hamlet tucked away between the hills.

I have ventured down into a hamlet such as this and have been very impressed by the beauty and the peacefulness which surrounds the area of the Brookside School. This area reminds me very much of places described by Thoreau in his writings.

In order to maintain this type of beauty and to keep a natural balance like this during these trying times; one must possess a very strong character and a great deal of insight. A person having qualities such as these is your own Doctor Altarez. Doctor Altarez and the members of his faculty are in my estimation all individuals possessing a great deal of vision. For here is a man, Doctor Altarez who actually grows younger each year—yet matures slowly.

This man handles the problems of today very optimistically. This is a man who has attempted through his forty-four years of teaching to emplant in the minds of youth the same vision, dedication and affection for life which he himself possesses. At this commencement exercise today—you the graduating class are the end result of your stay here at the Brookside School. I am sure that in your futures many of you will attain material rewards, However, as time passes your rewards will become more of a spiritual nature. I am sure that many times in the future you will continually reflect back to your association with Doctor Altarez and the staff of the Brookside School.

All commencement speakers at sometime during their speech have to set forth a challenge to the graduating class of the year—so far be it from me to begin setting any precedents. For these are challenging times—

and what times they are to be optimistic. How will you as individuals accept these challenges?

What kind of a citizen will you as an individual be? Will you be an unhappy, cynical human being, lacking loyalty and affection for your country?

Will you as an individual strive to meet the ideals of Doctor Altarez and become a person possessing loyalty and dedication to his country?

3. Are you as a person willing to participate in striving to make our supposedly not so great society—possibly a better one for all of us to live in? Or in other words are you willing to get involved—for if change is going to occur we must all be the type of person who is willing to strive for this change positively. Let us not have revolution simply for the sake of revolution. Let us all realize that at the end of the rainbow—there is indeed a pot of gold—and that we can all have a better country in which to live—if we are all willing to work for it.

4. How will you handle the problem of ecology—certainly your association here with the Brookside School has made you intensely aware of the beauty of nature. Will you be willing to work constructively in order to keep natural beauty in nature?

5. Will you as individuals be willing to carry forth the humanistic values from which you have been a part of, to others less fortunate and unaware?

6. Will you develop a sense of humor and be able to smile at life with its trials and tribulations?

7. Will you be willing to give rather than only take from the society in which you live?

I could make this speech longer—yet I cannot help but feel that in my closing you would probably get a lot more out of what I am going to read to you—a passage entitled "Desiderata" that was discovered in Saint Paul's Church in Baltimore in 1692 and is appropriate for all generations.

DESIDERATA

Go placidly amid the noise and haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they too have their story.

Avoid loud and aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans.

Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is perennial as the grass.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness: Beyond a wholesome discipline, be gentle with yourself.

You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore be at peace with God, whatever you conceive him to be, and whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul.

With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

FATHER'S DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARNEY. Mr. Speaker, the third Sunday in June each year is set aside for honoring fathers, and I would like to take this occasion to join millions of Americans in expressing our gratitude and appreciation for the unique contributions of fathers to family and community well-being.

The credit for the first celebration of Father's Day belongs to Mrs. John Bruce Dodd of Spokane, Wash. The idea occurred to her as a suitable tribute to her own father who had successfully reared a family of six adolescents after the death of their mother. In 1909, she wrote to the Rev. Conrad Bluhm, president of the Spokane Ministerial Association, proposing that the third Sunday in June be set apart for honoring fathers. The association approved the proposal when it was submitted to its members, and the first celebration of the day was held in Spokane in June 1910. Sons and daughters were asked to wear red roses in honor of living fathers and white roses if their fathers were dead.

The day was a tremendous success, and Mrs. Dodd went on to form a Father's Day Association. Gradually, support gathered to make the observance national. In 1924, President Coolidge wrote to Harry C. Meek, president of a Lions Club which had sponsored a Father's Day celebration on the third Sunday in October:

> As I have indicated heretofore, the widespread observance of this occasion is calculated to establish more intimate relations between fathers and their children, and also to impress upon fathers the full measure of their obligations.

President Wilson had antedated President Coolidge in recognizing Father's Day, however, when he pressed a button in Washington unfurling a flag on the platform at a Father's Day celebration in Spokane.

And in 1918, a Father's Day of a different kind was observed. At the suggestion of the Stars and Stripes, the official newspaper of the American Expeditionary Force, fathers at home wrote to their sons in France and the sons wrote to their fathers.

In the years that have followed, support for national recognition of Father's Day has continued to gain strength in Congress. The Senate passed a joint resolution designating the third Sunday of each June as Father's Day, in 1967, but the measure was not brought to the floor of the House. The report accompanying the Senate bill eloquently stated the need for national observance of this day:

> The service rendered to the United States by the American father is a constant source of intellectual and moral strength which helps to perpetuate the highest values of our civilization and our Nation. The designation of an annual Father's Day would point up the genuine regard, appreciation, and love which fathers earn each day, and should be publicly and specially commemorated.

Pioneer fathers, those who began our Nation, having found themselves oppressed by tyrants and intolerance in Europe, had the courage to gather their families together and bravely set off across unknown seas to carve new homes out of the wilderness of an unexplored continent. It was fathers of families who led the way to a new world to find freedom, liberty, and tolerance. It was these fathers who at first hunted, and then cleared and tilled and planted to sustain their families.

Today the wilderness is gone, and we have reaped the fruits of their labors, but contributions to the Nation's greatness continue to be made by the fathers of our land. It is the fathers of today who are still making family life in a home the great civilizer of the world. It is in the home that fathers—with some help from mothers—are nurturing the most important factor in the strength of our Nation, our children.

I hope that all Americans will join in honoring fathers on this day.

A BREEDER REACTOR POWER PLANT BY 1980

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, I was pleased to see editorial support of a breeder reactor power plant. I would like to put in the RECORD the following such item from the Knoxville, Tenn., News-Sentinel of June 13:

A BREEDER BY 1980

The drive to build a breeder reactor power plant by 1980 got a much-needed boost the other day from President Nixon.

The President told Congress he plans to spend an extra $27 million next year on nuclear research and expects to commit $50 million in additional Federal funds toward a demonstration breeder reactor plant.

The plant probably will be built either in upstate New York, along the Susquehanna River in Pennsylvania or in Washington state.

The Government has been criticized in recent months by scientists who say the United States is trailing far behind the Soviet Union and Western Europe in breeder research.

As the President points out, the breeder reactor—which creates more fuel than it uses—is the best method now known for generating cheap, clean power.

Present nuclear plants will exhaust the nation's uranium supply before the turn of the century unless some way can be found to put the breeders into commercial use.

There are problems with nuclear power—the principal one being the threat, however remote, of runaway radiation from nuclear accident.

Nor is it certain that the electrical power industry will be willing to provide most of the money for the breeder plant, as the President proposes.

But breeder power is where we're headed if we hope to keep pace with the demand for energy. And 1980 is none too soon to get there.

THE LIBERAL "PREFERRED" VETERANS GROUP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, the Vietman Veterans Against the War—VVAW—have been portrayed to the American people as a sincere group of disillusioned "angry young men" with altruistic and relatively peaceful motivations. John F. Kerry, a member of the executive committee of the organization, has achieved nationwide wonderboy recognition overnight despite the fact that he speaks for only a miniscule percentage of Vietnam veterans—approximately 1,000 out of a total of over 2,500,000.

During the week of demonstrations held by the VVAW in Washington it was observed that many of these men were in direct violation of statute 10 United States Code section 771–774 which prohibits the wearing of a military uniform or distinctive portions of a military uniform by unauthorized personnel.

Kerry and his meager band have received assistance in their "peace" crusade from liberal establishment sources. For example, Kerry's much publicized Senate antiwar speech was written with the help of former Bobby Kennedy speechwriter, Adam Walinsky. TV time has been made available to Kerry by the liberal pressure group, Common Cause. But in addition to these "respectable" associations, the Vietnam Veterans Against the War have fallen in with some less savory bedfellows.

During House Committee on Internal Security hearings it was brought out that Al Hubbard, the executive secretary of VVAW—who masqueraded as an officer until discovered—writing on that organization's letterhead, sent a letter—April 20, 1971—to "friends" which read in part:

> This is an appeal for the People's Coalition for Peace and Justice. Over the past months the People's Coalition has supported the Vietnam Veterans Against the War in many ways. The Coalition has made office space available at no charge, and permitted the use of all necessary office equipment such as mimeograph machines, stencil-making machines, folders and typewriters. They have loaned us cars, bullhorns, and public address equipment. Their staff has taken messages for us and joined fraternally in building our program. Now we can return this support.

It was interesting to note that the VVAW and the People's Coalition, the latter shown in testimony before the committee to have at least seven known members of the Communist Party on its steering committee, shared the same room at movement headquarters on Vermont Avenue.

While this group commands the national spotlight, another veterans organization advocating allied victory in Southeast Asia has worked for a year and a half to bring their message to the American people. Calling itself the National Committee for a Lasting Peace—NCLP—this organization which is quartered in San Diego, is headed by Jim Cawdry—a former Army major—and Dan Johnson—a former Marine corporal. Johnson and Cawdry have appeared on more than 300 local radio and TV stations and have challenged Senator GEORGE MCGOVERN to debate the issue—he has not seen fit to reply. The NCLP has run up against a stone wall in its efforts to gain a national forum for its victory views.

Attempts to appear on the major nighttime talk shows to rebut antiwar critics have proved futile. ABC went so far as to state that victory in Vietnam—non-Communist victory that is—was not a significant view and therefore not worthy of air time.

Anyone who doubts that a bias exists among the national network news organizations need only examine the coverage given these two veterans groups. The almost infinitesimal Vietnam Veterans Against the War, representing hardly anyone, but having liberal establishment backing and revolutionary support, have been catapulted into national notoriety while the responsible advocates of victory in Vietnam continue to languish in relative obscurity.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutional Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within six days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

GEORGE ANASTAPLO: MILITARY MEN AND POLITICAL QUESTIONS—WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, Greece has been ruled by a corps of colonels ever since the military takeover in 1967. Four years later the citizens of Greece still have not been allowed to return to a constitutional government with the restoration of individual freedoms. In those same 4 years the Government of our country has callously ignored the present-day political realities is Greece. One can only speculate to what extent the attitudes and actions of the United States have helped perpetuate the tyranny under which the people of Greece suffer.

However, not everyone has grown to accept this loss of freedom. There are those in this country who are still aware of the sad plight of the citizens of Greece and who would have us remember and learn from the military takeover in Greece. One of these men is Dr. George Anastaplo. I would like at this time to submit to the RECORD an essay written by him—very appropriately—on Memorial Day of this year.

MILITARY MEN AND POLITICAL QUESTIONS: WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

(By George Anastaplo)

(NOTE.—Dr. Anastaplo, who was born in St. Louis and now lives in Chicago, is Lecturer in the Liberal Arts, the University of Chicago, and Professor of Political Science, Rosary College.)

It should now be evident to all observers that American policy in Greece since April 1967 has been a dismal failure, so much so as to call into question as well the American understanding of and role in Greek affairs before the 1967 coup by a conspiracy of colonels who have exploited and dishonored the army in which they served.

One sees in Greece today how difficult it can be to restore constitutional government and liberty once they have been subverted. Nevertheless, one hears apologists in Greece for the colonels' dictatorial regime insisting there is indeed "liberty" in that country: "If you do what you are told, no one bothers you." Such an attitude accepts as trivial the sacrifice of the traditional political life, and liveliness, of the country, a sacrifice which is sadly apparent to the informed visitor who knew Greece in the better days of the "conservative" administration of Constantine Karamanlis (1955–63), the "liberal" administration of George Papandreou (1963–65), and the royalist administration of King Constantine II (1965–67), however troubled those administrations may have sometimes been.

It is instructive, I believe, to compare the 1965–67 crisis in Greece with the 1970–71 crisis in Canada. I found during my November 1970 and March 1971 visits to Montreal that the Canadian government has acted far more mildly than its invocation in October 1970 of the War Measures Act might have led an outsider to expect. It was evident to the visitor that, however excessive the response of the legitimate Canadian government may have been in October and however troubled the situation remains in Quebec Province today, the Canadian resort to extraordinary powers was really temporary, unlike that of the usurping Greek colonels. (See my article, "Canada and the Dilemmas of Decent Men," Chicago Daily News, Nov. 26, 1970, p. 3 (reprinted in the Congressional Record, vol. 116, pt. 33, p. 44796.)

I also believe it instructive, in that it can help Americans see themselves better, to collect as I have done here some of the comments on contemporary Greece scattered through my forthcoming book on constitutionalism and freedom of speech. (This book, *The Constitutionalist: Notes on the First Amendment,* will be published in the summer of 1971 by the Southern Methodist University Press of Dallas, Texas.) I draw for the comments in my book upon my publications since 1967 about Greek affairs. (I have, during my recent trips to Greece, taken the precaution of having myself accredited as a foreign correspondent for American journals.)

The passages touching on Greek affairs, among which some repetition is inevitable, are taken in this order from the extensive notes of *The Constitutionalist:* I: chap. 6, n. 1, at pp. 564–66; II: chap. 7, n. 78, at pp. 643–44; III: chap. 8, n. 18, at pp. 680–81; IV: chap. 9, n. 34, at pp. 799–800; V: chap. 8, n. 57, at p. 698; VI: chap. 7, n. 67, at p. 627; VII: chap. 4, n. 101, at pp. 491–93; VIII: chap. 8, n. 161, at p. 754; IX: chap. 8, n. 179, at pp. 765–66. Slight modifications have been made (and cross-references have been eliminated) to permit these nine passages taken from my book to stand alone as a series of short essays. The rationale of this arrangement of passages should become apparent to the reader.

It should also become apparent to the reader that topical observations about Greece made by me in 1967 and 1968 remain all too relevant in 1971. Indeed, these dismal observations threaten to remain relevant for years to come, to the very brink of that revolutionary debacle to which the self-serving colonels are dragging Greece and her well-meaning but deluded allies.

However dismal the prospects may be these days for Greece and for the friends of Greece, the gallant Greeks at home and in exile who continue to defy their military tyrants are entitled to periodic recollections by us of how things really are in their distressed homeland. That is, they need to be reassured from time to time that it is not Washington alone who speaks for America.

I.

I have attempted, since the colonels' coup which imposed a tyranny upon Greece in April 1967, to apply to the affairs of that country what I have learned in my own. See, for an indication of what can and cannot be exported of "American freedom," my discussions of Greek affairs which have been reprinted in the daily *Congressional Record* at pages E1875 (Mar. 11, 1969), E2631 (Apr. 2, 1969), E2632 (Apr. 2, 1969), E5156 (June 23, 1969), E5978 (July 15, 1969), E6294 (July 28, 1969), and E10873 (Dec. 20, 1969), and in Volume 116 of the *Record* at pages E935 (Feb. 16, 1970), E1818 (Mar. 10, 1970), and S7535 (May 20, 1970).

Thus, I have had occasion to observe, in my "Guide to Contemporary Greece," *Congressional Record,* volume 115, part 16, page 21018:

"The most serious indictment one might make of pre-1967 Greece is that such people as [the colonels now ruling the country] were permitted to remain in the Army, that they were given an opportunity to seize power, that they could try to seize power and that they could get away with it. It is to be hoped that the Greeks, especially the legitimate political and military leaders of that country, have learned the appropriate lessons from that experience. One lesson is that decent Greeks of all parties and allegiances have much more in common than any of them have in common with the kind of men who are apt to seize power if decent men are not moderate in their political differences. It is also to be hoped that the United States will be moved by this experience to reflect on whether its policies and attitudes in Greece helped prepare the ground upon which the colonels were able to execute their conspiracy."

A question often asked me is whether Americans should "support" the present Greek government by visiting that country as tourists, especially since it has been long established that that regime deliberately uses torture to secure power. Thus, a sensitive art historian (but not a Jew) who had conducted himself honorably in Germany during the 1930s has written me these observations (on the eve of his own visit to Greece in 1970):

"I wonder whether the poor people are happy or resentful with foreigners coming to Greece these days. In Nazi Germany we resented tourists happily coming to, say, Beyreuth to enjoy Wagner, with Hitler thrown in. How can one make clear that one visits Greece, the people, art, country, and not the colonels?"

There *is* a problem here since the colonels do parade the growth of tourism as proof of their success in making the country attractive to foreigners seeking a place where they can safely enjoy themselves.

I have visited Greece annually for almost a decade. I have never discouraged visitors since the colonels' coup (except members of my own family: I do not intend to offer the Greek tyrants, who have been rather displeased by my publications about them, an opportunity to seize hostages [on trumped-up charges] in order to coerce my "good behavior" either during my next visit there or upon my return home). But I have urged visitors to Greece not to go merely as self-centered or uninformed tourists: they should be prepared to make prudent but persistent efforts to talk to Greeks about the regime, to offer what information and comfort they can to that suppressed people (including lawful materials about Greece published abroad), and to publicize when they return home what they manage to learn about that country (especially since the support of our government has been essential to the continuation of the colonels' regime). That is, I have urged prospective visitors to Greece to do for that people what we would want done for ourselves in like circumstances: we can also learn thereby what to be vigilant about in our own community.

The position I have taken about visitors to Greece is essentially that indicated in a letter of mine published in the *Observer* (London), Aug. 14, 1960, during a six-month family camping tour of Europe in the spring and summer of 1960:

"I should like, as a recent visitor to the Soviet Union, to take issue with Mr. John Wain's suggestion that Western tourists provide that country with 'unpaid propaganda work when they get home'

"Almost invariably the fellow tourists with whom my wife, children and I exchanged impressions at the end of each day shared our serious reservations about the dreary, uncomfortable, restricted and monumentally tasteless life the Russian people seem to have had imposed upon them. The tourists with whom we came in contact were young people using the camping facilities we lived in outside Minsk, Smolensk and Moscow.

"Visits by tourists provide a valuable source of information for both the West and the Russians. The eagerness of Soviet citizens to talk to and question visitors reflects their interest in the outside world.

"I should like to urge increased contacts of the kind that only tourists can make. I say this despite the fact I was expelled from the Soviet Union last month, midpoint in a two-week visit, for having presumed first, to photograph and then to attempt to counsel three American and English students detained (and subsequently expelled) for allegedly distributing copies of the United States State Department exchange magazine, *Amerika,* on a Moscow street."

I was declared guilty during my trial (the afternoon of July 28, 1960) of having "subverted public order." (I myself had neither previously known the detailed students nor attempted to distribute any of the magazines they did have: I got "involved" upon trying to suggest a prudent course of action for them to follow after the authorities pounced. Their rashness got us all in trouble—and gave us a valuable opportunity to confirm what I had heard about Russian police practices and judicial "procedures.") See, for more information about this episode, Anastaplo, "Notes on the First Amendment" (University of Chicago Ph. D. diss., 1964), pp. 838–43, an appendix which is prefaced by an observation of Lord Cockburn's in 1853: "In a country like Russia where no one is safe in saying anything against the Government, or like America where every one seems to be safe in saying anything he pleases, obedience to the law is easy." (See, also, Malcolm P. Sharp, "The Conservative Fellow Traveller," *U. Chicago L. Rev.,* 30 [1963]: 704, 718–19.)

The Greece of the colonels is much more like Russia (of the Czars, both extinct and contemporary) than it is like America. The Greek tyrants, however, are more dependent upon and hence more responsive to American public opinion than are their Russian counterparts. See, e.g., my comparison of the effectiveness in Athens of American diplomats with the effectiveness there of foreign correspondents, which is found in a memorandum of October 12, 1970 (*Congressional Record,* volume 116, part 32, page 42624), "American Aid and Greek Tyranny." This memorandum was prepared as a result of my most recent adventures in Greece. (One does acquire a sense of some obligation toward a country which one visits often or from which one has otherwise gotten much.) These adventures saw me deported from Greece to Rome in September 1970 (for what I had written theretofore) and then invited by the Greek government to return after my fellow foreign correspondents in Athens had intervened on my behalf.

I should note that the efforts I have made to explain the Greek tyranny to Americans (who *are* partly responsible for the state of affairs there) have been endorsed by virtually every pre-1967 Greek leader, whether liberal or conservative, whether royalist or antiroyalist. (That is, the legitimate leaders of that country, unlike the colonels, do not regard my efforts as illegitimate "foreign interference in Greek domestic affairs.") I should also note that I did not concern myself with Greek political affairs before 1967, and do not expect to be obliged to continue to do so upon the reestablishment in Greece of genuine parliamentary government. I am afraid, however, that the colonels' regime (which is actively supported by most influential Greek-Americans) is likely to remain in power a long time: things have settled down to a dreary sameness, with little new to report from year to year. Tyrannies *can* be tiresome.

II

Fortunately for the cause of freedom, the men who are today most intent upon instituting repressive measures are also most likely to be negligent in the procedures they employ: that is, they are men who are not likely to be able to restrain and discipline themselves. Rather, they are likely to expose themselves and thus to put decent men on notice about what is going on.

The significance of an adherence by well-trained courts to traditional procedural standards is suggested by the remarkable delaying action that the South African judiciary was able to carry on for years against the full implementation of tyrannical legislation. See Lionel Forman and E. S. Sachs, *The South African Treason Trial* (London: J. Calder, 1967), pp. 41, 101, 109, 170, 211. (Consider the newspaper accounts, in early October 1970, of the recourse by the South African government to "the serving of [house arrest orders and public-gathering bans] on 19 Africans acquitted for the second time in Pretoria on Sept. 14." *Guardian* [London], Oct. 5, 1970, p. 4.)

In any event, it is somewhat reassuring that there does seem to be in the world of practical affairs *some* connection between vice and ignorance (or incompetence):

"The Report [on Torture in Greece issued in November 1969 by the European Human Rights Commission in Strasbourg] is a historic step in international human rights law, as it is perhaps the first time that an international body carried out such a thorough investigation of a police state. The horror of the situation emerges vividly from the Report, despite its legal and technical style. Another aspect that emerges is the extraordinary ineptitude of the Greek authorities in handling this case. Especially when the sub-Commission heard evidence in Greece, the confusion of the authorities is manifest. They let the jurists see some witnesses and places and then refused them others. Documents such as police ledgers and medical reports were patently falsified. The Greek government witnesses and lawyers seemed to believe that the argument, 'It is a communist lie' was a sufficient and effective rebuttal to the mass of evidence produced by the Scandinavians. It is clear that the Greek authorities, unaccustomed to the rule of law in their own country, were totally unprepared for the rigors of a proper hearing." [James Becket, *Barbarism in Greece* (New York: Walker & Co., 1970), pp. 107–8.]

I suspect the Russian authorities would be equally inept—but they, unlike the Greek government, are not dependent on Western support and can therefore ignore altogether such proceedings, thereby depriving both themselves and their people of salutary restraints.

III

The censor of publications can suppress on the basis of suspicion alone, to say nothing of whim. But the prosecutor of allegedly criminal writing must rely, if due process of law is at all respected, on more than mere suspicion to sustain his burden of proof. See Leo Strauss, *Persecution and the Art of Writing* (Glencoe, Ill.: Free Press, 1952), pp. 24–25. One finds in Mr. Strauss's discussion the usually unarticulated premises of the principal argument against "previous restraints."

I had occasion, during a visit in the summer of 1967 in Athens with the Helen Vlachou (the conservative Greek publisher who had refused to publish her newspapers under the colonels' censorship) to prepare at her request the following memorandum:

"Anyone familiar with the Anglo-American tradition of 'liberty of the press' appreciates the importance for friends of liberty of an insistence upon 'no previous restraints.' That is, the effort in the 18th and 19th Centuries to establish and secure the liberty of the press was, in large part, an effort to protect the right of anyone to publish whatever he chose without any prior control by government of the contents of such publication. It was accepted that there could be, when something was published contrary to the law of the time or disliked by the government of the day, prosecution of the offending publisher. But it was nevertheless thought that such prosecution was not as destructive of the common good or as offensive to personal dignity as a prior review by the government of the contents of publication. Indeed, some publishers have always preferred the safety of censorship to the risk of undertaking the obligation of deciding in each case what could be responsibly and safely published.

"What is or should be prosecuted after publication depends on particular circumstances, both social and personal. It should be remembered that the censor's prior restraint may be completely arbitrary and without any challenge, while the punishment for publication has at least the safeguard (except in the most oppressive regimes) of some judicial process in open court. It should be remembered as well that self-regulation recognizes the dignity and sense of responsibility of the publisher

"In the best of all worlds, there would be neither censorship (previous restraint), nor any punishment for honest publication. But it is certainly important that there at least be no censorship, leaving the publisher free to run the risk of honest publication."

It is significant that these observations, drawing on the centuries-old Atlantic tradition, made sense to Mrs. Vlachou who had been obliged to work out similar arguments that summer on the shores of the Mediterranean. Mrs. Vlachou was arrested shortly after our meeting. Her account of her adventures is recorded in *House Arrest* (Boston: Gambit, 1970), which I reviewed for the *Chicago Sun-Times*, June 24, 1970, p. 47. I included in my review the following observations which, with appropriate adjustments to our circumstances, should be taken to heart as well by American conservatives and liberals alike:

"[Mrs. Vlachou] has, among other things, a gift for the apt image, as is indicated by her observation that the colonels have 'hijacked the country,' a seizure made possible by 'the arms NATO had confided to them to protect Greece from real danger.' This hijacking, it must be added, was also made possible by the imprudent feuding from 1963 to 1967 of the politicians, press and Palace of Greece. What makes Greece both exciting and vulnerable is the existence there of a sense of self-importance: each Greek is prepared to lead his country to glory; few are prepared to submerge themselves (except in the face of foreign invasion) to a common purpose. Liberals conveniently detected such an invasion in the maneuverings in Athens of the American C.I.A. Conservatives were more effective in conjuring up foreign threats, partly because of the distorting legacy in Greece of a cruel civil war a generation ago: they could, Mrs. Vlachou admits, publish 'whipped-up warnings of "Communist danger"—always a useful pre-election vote winner for the parties of the right, in which we [her newspapers] had also indulged.' That is, she seems to recognize now the irresponsibility of such thoughtlessly partisan tactics. She has yet to recognize in print the extent to which Greek liberals feared and resented (with some justification) the oppressiveness of the police, particularly outside Athens, an oppressiveness which Vassilis Vassilikos portrays so well in his novel, Z. But there were at least available in the world of Z unfettered journalists and jurists—unlike conditions in Greece today. Traditional political rivals in Greece do concede these days that they have much more in common with one another than any of them has with the colonels. However responsible Mrs. Vlachou may have been in contributing to the political paranoia and the self-righteousness of the colonels (they were among her most devoted readers), she was perceptive enough to see that such upstart extremists could not be the saviours of Greece—and she was courageous enough, while others preferred to see in the colonels a useful solution to a disruptive constitutional crisis, immediately to declare herself in opposition to them . . ."

See *Book World*, May 24, 1970, p. 5, for my critique of a book of one of Mrs. Vlachou's political rivals, Andreas Papandreou, *Democracy at Gunpoint; The Greek Front* (New York: Doubleday & Co., 1970). (*Free Greek Voices*, a compilation edited by Mrs. Vlachou for publication in 1971 by Doric Publications Ltd. [10a Gayfere St., London], promises to be useful.)

IV

I spoke in September 1968, at a dinner in Athens sponsored by the Greek government for a party of visiting Americans, of the intimate relation between free discussion and a free ballot (see Edmund Burke, *Works*, World Classics [London: Oxford University Press, 1930], 3: 9, 12):

"We know that the most distinguished opponents of your proposed constitution—the politicians who we know have had popular followings for years—have been for some time under house arrest and will not be released before next Monday, and only then in order to be able to vote the following Sunday on the proposed constitution. It has been made clear to them that they are not to speak publicly against the constitution. How can it be said in such circumstances that a genuinely free referendum is being held, irrespective of how the balloting itself is conducted or comes out? . . . Yet, we have been told several times this evening that we are about to witness free balloting, that this is confirmed by the fact that some newspaper criticism of specific articles in the proposed constitution has been permitted. But we Americans know what a free election is. We know this from our own experience. We know what a free election feels like. We know what it sounds like. We know what it looks like. And we know this is not it.

"We Americans do know what to think when we see government resources and government personnel marshaled as they have been here in a massive (and no doubt successful) campaign to produce the desired result. This is no more a free referendum than similar exercises are free either in Spain or in Russia.

"And yet our host and his government have tried to persuade us that we are witnessing a genuinely free expression of the will of the Greek people. It seems important to them that Americans believe this. We Americans may not be informed enough about or familiar enough with Greek history and Greek affairs to be able to judge other claims of this government. But, as I have said, we do have the experience and the ability and the information to judge whether an election is truly free. And when we can see that this government claim about a free referendum, of which we have heard so much, is simply without foundation, what are we to think of all the other claims that we hear from the same government about what it has done for Greece, about what its motives are, about its innocence of deliberate torture of political prisoners, and about the imminent Communist danger from which it saved Greece by seizing power last year? Are we not entitled to judge what we may not know by what we can and do know?

"We have been speaking tonight of liberty. Liberty is what we Americans do know something about. And when an American visitor, who respects both the truth and Greece, is confronted as we have been at such length, not only tonight but ever since our arrival in Athens, by the insistence that liberty is to be found in Greece today, he is obliged to dissent, if he presumes to speak at all.

"If what Greek citizens have now is what you mean by 'liberty,' then we should all reconsider what we mean by 'the free world.' " ["Dissent in Athens," *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 3–4; *Congressional Record*, vol. 115, pt. 13, p. 16878.]

The vote on Sept. 29, 1968, "for" the colonels' constitution was 92 per cent.

V

The Deputy Prime Minister of Greece, Styllanos Pattakos, advised me in September 1970 that I had no right as an American citizen to advise the American government about its policy toward Greece. He berated me in the most violent terms when I challenged his insistence that all I was entitled to do in America was to vote for officials who would then do what they deemed necessary, without any "interference" from citizens. Indeed, our exchanges in the course of this semipublic debate in Athens were such (especially after I indicated I needed no lessons in citizenship from an army officer who had, in order to advance himself, substituted tanks for ballots) that it seemed for awhile I would be expelled from Greece for the second time that month.

Whether I will ever be permitted to return (as a "foreign correspondent") to the Greece of the colonels remains to be seen.

VI

Fundamental issues with respect to the legitimate source of authority in a republic may be raised upon consideration of the proper relation between political and military policies. Thus, I observed in my article, "Swan Song of an Eagle: America in Greece," *Southwest Review*, 55 (1970): 105, 124–25 (reprinted, in part, in the *Congressional Record*, vol. 116, part 12, p. 16362):

"Even more serious for America than the deterioration of a valuable alliance between the United States and Greece is what our behavior with respect to Greece may reveal about how we conduct our affairs all over the world.

"If our political leaders, including our State Department experts, had a better idea of what they were doing, and were to insist upon their professional and constitutional prerogatives, our military people would be more likely to do their jobs properly. To some extent, the usurpation of political functions and judgments by military men may represent a sincere attempt on their part to take up the slack left by the incompetence, diffidence, or negligence of civilians. But our military are ill-equipped to make political judgments: in this they share the disabilities of the Greek colonels, who can seize and hold power but who do not really know what to do with it. Our military (if permitted to behave elsewhere as they have behaved, or as they seem to have behaved in Greece) can succeed only in undermining our traditional respect for them, that public trust and accompanying honor which most fittingly reward and sustain men who devote their lives to the defense of their country.

"Thus, we cannot be fair either to our military or to ourselves if we permit or require them to assume duties and make judgments for which they are not equipped. We are not realistic about the enduring sources of our influence and self-confidence as a republican people if we 'pragmatically' exclude from our calculations in our relations abroad considerations of either political integrity or human dignity."

It should be added, however, that our civilian leaders are ultimately to blame in Greece, as in Vietnam, for our failures.

VII

Does not the constitutional guarantee of protection to the states by the federal government against invasion and domestic violence relieve American state governments of the necessity of maintaining substantial armed forces and thereby make even more likely the success of republican government in each State (and hence in the United States as a whole)? Is not this arrangement equivalent to the "deep Ditch" that Gouverneur Morris saw as essential to the development and preservation of freedom in England. Thus, he records in his diary a Paris conversation with Lafayette (at the time of the French Revolution):

"I reiterate to him the necessity of restoring the nobility, at which of course he flinches and says that he should like two Chambers as in America. I tell him that an American Constitution will not do for this country and that two such Chambers would not answer where there is an hereditary executive. That every country must have a Constitution suited to its circumstances, and the State of France requires a (stronger) government than that of England. He starts at this with astonishment. I pray him to remark that England is surrounded by a deep Ditch and being only assailable by sea can permit many Things at Home which would not be safe in different situations. . . ." [Gouverneur Morris. *A Diary of the French Revolution*, ed. Beatrix C. Davenport (Boston: Houghton Mifflin Co., 1935), 2: 72.]

See, also, Aristotle, *Politics* 2.10 (on Crete); Montesquieu, *Spirit of the Law* 18.5; Tocqueville, *Democracy in America* (New York: Random House, Vintage Books, 1954), 1: 169; *Federalist* (New York: Random House, Modern Library, 1937), pp. 23, 45–47, 79, 97–98, 153–54, 203, 266 (parallel to atomic weapons?); Max Farrand ed., *Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1937), 1: 464–65.

My argument on the relation of federalism and freedom was dismissed by Lenin as a "prejudice which is very widespread, particularly among petty-bourgeois democrats." *Essential Works of Marxism*, ed. A. P. Mendel (New York: Bantam Books, 1961), p. 159.

It is evident in Morris's *Diary* that the English reliance upon the "deep Ditch" required an adequate navy, which in turn required the use of press gangs. Thus, press gangs and English freedom can be said to have gone hand in hand. Is the critical cost of American federalism that provincialism (affecting both education and administrative efficiency) which induces some to dismiss "states' rights" as "the first refuge of a reactionary"? Paul Samuelson, *Newsweek*, Feb. 13, 1967, p. 88.

I have elsewhere argued, in effect, that the North Atlantic Treaty Organization can be for Greece what the "deep Ditch" has been for England and what federalism is for us Americans:

"The political man knows that he must take into account the prejudices of his people. He takes account of prejudices both by changing them when he can and by conforming to them when he cannot change them. The [Greek] Army's, and to a lesser extent the [Greek] people's, fear about the present Communist threat to Greece has to be moderated. This, at least, can be altered, even though the memory and hence the effects of the fierce Communist atrocities of the Civil War (prepared for by the harshness of Metaxas and by the bestialities of the Germans and their collaborators) cannot be erased for generations. The Greek politician who seeks to contain politically the Greeks' blinding anti-Communism should exploit domestically the NATO assurances. That is, politicians of the Left should consider the advantages for them of them of the fact of such protection for Greece: properly explained, the NATO arrangement can be used to persuade Greeks that they are free to take domestic reconstruction far more seriously than any threat, foreign or domestic, from Communism." ["Retreat from Politics: Greece, 1967, "*Massachusetts Review*, 9 (1968): 83, 110–11 (reprinted, with corrections, in the *Congressional Record*, Apr. 2, 1969, vol. 115, p. E2632.)]

The critical cost to Greece of such assurances (which *should* permit the reduction of the disproportionately large Greek army) may be the prospect of further naive American meddling in the volatile maneuvers of Greek parliamentarians.

VIII

Misplaced confidence in the military is good for neither military officers themselves nor the country they wish to serve. Cf. Morton Orodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949), pp. 242–43:

"With the first announcement of prohibited areas [on the West Coast during the Second World War], Attorney-General Francis Biddle appointed Thomas C. Clark as coordinator of the Alien Enemy Control program for the Western Defense Command. . . . In [one] respect, Mr. Clark disappointed his colleagues in Washington. They hoped that the promulgation of prohibited and restricted areas would quiet the rising clamor for mass evacuation [of Japanese and Japanese-Americans from the West Coast]; one of Mr. Clark's first jobs, they thought, would be be to reassure the population that the new program provided adequate protection and that sterner measures were unnecessary. Mr. Clark's method of carrying out this part of his mission was one of reassuring the people that the *military* authorities were talking, and would take, all necessary measures. . . . Mr. Clark's attitude was expressed most graphically after Army authorities had been given full authority but before evacuation policy had been set: "If the military authorities, in whom I have the utmost confidence, tell me it is necessary to remove from any area the citizens as well as the aliens of a certain nationality or of all nationalities I would say the best think to do would be to follow the advice of the doctor. Whenever you go to a doctor if he tells you to take aspirin you take aspirin. If he tells you to cut off your leg so you can save your body you cut off your leg. So I think it is up to the military authorities. . . .'"

I had occasion of 1968 (at the Greek government dinner in Athens referred to in Section IV, above) to comment on a similar argument made on behalf of the colonels:

"We have been told several times this evening [by government spokesmen] that Greek affairs of recent years required drastic medicine, that a doctor must sometimes prescribe harsh measures in order to save the life of the patient. But do we not all believe that an adult is entitled to select his own doctor, and to discharge him when he chooses? By what authority does the presiding doctor prescribe what is necessary for Greece? How can the Greeks be said to have selected him, when they did not even know who he was? What diploma does he have as a doctor? What proof of his qualifications is there aside from his self-serving testimony about himself? Certainly, we cannot accept as indicative of public approval of his regimen the fact that an unarmed people does not resist a determined government which is heavily armed." ["Dissent in Athens," *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 1, 4 (reprinted in *Congressional Record*, vol. 115, pt. 13, p. 16878.]

IX

Are there not thoughtful men associated with the Joint Chiefs of Staff in Washington who realize that whatever expertise the military have, it does not equip them to make political judgments, perhaps not even general strategic judgments (for these are often vitally dependent on political judgments)? The military man as such may have the disability—and, indeed, may be good at his job partly because he has the disability—that President Kennedy thought particularly striking in Admiral Halsey: "Bull Halsey is the perfect man to send on a military operation. But he must never participate in the decision on whether or not to go." *Life*, July 10, 1970, p. 22A.

Illustrative of improper, and eventually self-defeating, military influence with respect to political judgments by our government is the insistent and decisive role played by the Pentagon in determining our relations with Greece since the colonels took over in 1967. Thus, Senator Strom Thurmond introduced in Senate debate "an impressive document from the Department of Defense which clearly presents the vital need to maintain our aid to Greece." *Congressional Record,* vol. 116, pt. 16, p. 22011.) It is a remarkably shallow document, however influential it may have been in the Senate proceedings, a document which takes at face value everything the present Greek government claims. Even the people in our State Department, who were deluded for so long about the colonels' "intentions," now know better than that. (They know, for instance, that the colonel's government is regarded by many patriotic Greeks as "quisling." *Ibid.,* p. S13873 [Aug. 20, 1970].) Far healthier for the Republic are the spirit and standards reflected in the telegram sent by President Lincoln's Secretary of War to an eminently successful General Grant (Lincoln, *Complete Works,* ed. J. G. Nicolay and J. Hay [New York: Century Co., 1902], 2: 656):

"The President directs me to say that he wishes you to have no conference with General Lee unless it be for capitulation of General Lee's army, or on some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meanwhile you are to press to the utmost your military advantages."

COMMUNITY NEED BE DAMNED—THE INDUCTION OF URBAN PHYSICIANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BADILLO. Mr. Speaker, within the next few days we will witness the induction of a large number of young physicians into the Armed Forces. Most of these doctors will have recently completed their internships and intended to begin their residencies. While some may have been considering comfortable training and practice in private hospitals and suburban communities, may others had intended to continue working in urban, public hospitals and to continue providing urgently needed medical care and treatment to many persons unable to afford it. However, they are not being permitted to do so and large numbers of our urban poor and sick will have to fend for themselves.

At the Bronx Municipal Hospital Center in New York, for example, six resident physicians in medicine have been ordered to report for induction on July 1. These six physicians represent 35 percent of the resident physicians at the center. Their loss will result in a critical physician shortage of substantial detriment to the health care of a large number of my constituents in the Bronx.

A similar situation exists at the Harlem Hospital Center, an affiliated municipal hospital serving an area of approximately 400,000 persons in central Harlem, a community featured by desperate medical disadvantages.

Situations as I have just described exist in other urban public hospitals, both in New York City and elsewhere throughout the country. In Los Angeles County, Calif., the "doctor draft" will have the effect of reducing house staffs at certain hospitals by as much as 10 to 20 percent. Although there is a critical nationwide shortage of doctors, this desperate problem has apparently been ignored and once again we see the continuation of grossly distorted priorities. The administration has obviously chosen to disregard the fact that some 5,000 communities around the country are without doctors, that countless citizens will be deprived of the only available health care and the fact that many hospitals are forced to recruit foreign doctors in order to meet their needs.

As one urban medical director has noted, "In the complex setting of a municipal hospital, the delivery of medical care is heavily dependent upon house staff—interns and residents." Not only does the induction of interns and residents needlessly interrupt their medical training, but there is also the loss of their crucial services to the hospitals and communities. The loss of house officers may result in long-lasting staffing deficiencies as house officers are sought and hired during the fall of each year to begin on July 1. Thus, those residents and interns inducted next month simply cannot be replaced and health care and services will be cruelly denied to many of our constituents.

Mr. Speaker, the Selective Service System maintains that full consideration will be given to the doctor's community essentiality. In all candor, however, I have seen absolutely no evidence of this. Recently, for example, a young intern at the Montefiore Hospital and the Neighborhood Health Center in the South Bronx was classified I-A by his local board in Wisconsin, even though he had submitted a number of statements—including one from the Bronx borough president—attesting to his essentiality to that community. Countless similar examples can be offered to demonstrate that little or no concern is shown for the urgent need for health programs and personnel in our ghetto communities. Thus, even though many of my constituents and others living in urban poverty areas cannot afford the luxury of a private physician or clinic, their needs are callously disregraded.

The concept of community need or essentiality appears to be nothing more than a sham or cruel hoax and members of suburban draft boards seem to have little concern for the health crisis with which poverty-stricken urban dwellers are confronted. It is clear that the doctor draft will work a considerable hardship on our urban public medical facilities and the millions of persons served by them. It is equally clear that no action will be taken by the administration to halt this ill-conceived plan and to redirect its priorities. As a consequence, two community organizations in my district and two private citizens have instituted a class action suit against the Director of the Selective Service System and other selective service officials with a view toward enjoining the induction of two physicians at the Bronx Municipal Hospital Center.

Mr. Speaker, I do not believe that many of our colleagues are fully aware of the ramifications of the impending induction of over 1,500 physicians, a large number of whom have been working and studying in public hospitals and have been providing dedicated and effective health care to many indigent persons. In order that we may more fully understand this impending crisis and take appropriate action, I submit herewith, for inclusion in the RECORD, a memorandum supporting the class action suit against the Selective Service System; statements from the Society of Urban Physicians and a director of the New York City Health and Hospitals Corp., attesting to the critical need for these physicians; and, my recent exchange of correspondence with the New York City Medical Advisory Committee, including its wholly unacceptable reply. I urge that our colleagues give this situation their fullest and most careful attention and that steps be taken to avert the health-care crisis with which we will soon be faced if these interns and residents are drafted.

[U.S. District Court for the Southern District of New York]

MORRISANIA COMMUNITY CORP. ET AL., PLAINTIFFS, AGAINST CURTIS W. TARR, ET AL., DEFENDANTS

(Civ.)

MEMORANDUM OF LAW

This memorandum is respectfully submitted in support of Plaintiffs' request for the maintenance of this action as a class action, pursuant to the provisions of F.R. 23 (c) (1), in support of the maintenance of this action notwithstanding the provisions of 50 U.S.C.A. App. § 460(b) (3), and further in support of Plaintiffs' request for temporary and permanent injunctive and declaratory relief.

FACTS

Plaintiffs Morrisania Community Corp., Hunts Point Multi-Service Center Corp., Robert Garcia and Dennis Gardner in this action are representatives and residents of the community of the Bronx. This community is largely dependent for adequate health care upon the services of Jacobi Hospital, and any interruption of such services furnished by Jacobi Hospital causes irreparable harm to the people of the Jacobi area who have no other source of adequate health care.

Plaintiffs Marc Greenwald and Andrew Rosenblatt are physicians practicing medicine at Jacobi Hospital, which is affiliated with the Albert Einstein Medical College, at which they are full-time graduate students in medicine. They, and other physicians similarly situated, have received Orders to Report for Induction pursuant to Special Call No. 46 for Physicians, Osteopaths, and other medical personnel. Deferments within the Selective Service System are available for doctors who are determined by the Medical Advisory Committees to be essential to the health care of the communities in which they work. (See Exhibit "G" to the complaint.) It is not known how these determinations are made, but it is known that registrant-physicians are not permitted to appear before the Medical Advisory Committees or otherwise to submit evidence to such committees.

Pursuant to the apparently binding recommendations of the Medical Advisory Committees, Selective Service has deferred some physicians and has refused to defer others. No standards are published or known to plaintiffs concerning the way in which decisions are made by the Medical Advisory Committees.

Plaintiff Marc Greenwald is currently in receipt of an order requiring him to report for induction on July 1, 1971, which order has been postponed "pending advice of the Medical Advisory Committee." (Exhibit "E").

Plaintiff Andrew Rosenblatt is currently in receipt of an order requiring him to report for induction. Plaintiff Rosenblatt was recently advised by his Local Board that the Medical Advisory Committee had determined that he was "non-essential" and that he should report for induction as ordered. (Exhibit "F").

Other physicians throughout the nation have been ordered for induction and have had their eligibility for induction determined by Medical Advisory Committees. No procedures are available to any physician-registrant to challenge the opaque findings of the Medical Advisory Committees, nor is there any way at all that the affected communities, dependent for their health care upon these physicians, can cause evidence to be submitted to the Medical Advisory Committees. For these groups, Medical Advisory Committee actions are totally unchallengable.

THIS ACTION IS APPROPRIATELY MAINTAINED AS A CLASS ACTION AND SHOULD BE GRANTED THAT STATUS

The class action device has been developed in part to facilitate the resolution of disputes where a large group of people exists and each member individually possesses a right common to all members of the group so that one adjudication concerning the nature of that right can be determinative for each member of the group. The court may, by this device, proceed to a decree where the interested parties are numerous to an extent which makes joinder by the normal rules impracticable or impossible. Class actions are further essential to prevent inconsistent judgments in areas where uniformity is required to insure efficiency and basic fairness.

The instant case is particularly suited to the class action procedure. It is clear that where government action is directly involved, access to basic rights, such as adequate health care, must be equally provided for all persons in the United States. The people of the Bronx Community, herein represented by plaintiffs Morrisania, Hunts Point, Garcia and Gardner, are entitled not to have their only access to adequate health care effectively terminated by government action based upon arbitrary determination of "essentiality" made by bodies to which those who speak on behalf of the community have no effective access. Each member of the Bronx Community served by Jacobi Hospital has an identical and equal right to adequate and proper health care and the people of that community cannot lawfully be deprived of adequate health care by government action which arbitrarily and effectively discriminates against their community. Such discrimination is exactly what has taken place in the instant case. The quotas of physicians to be inducted from various areas of the country are determined not by the Selective Service System but by the Medical Advisory Committees. Where some areas of the country are barely affected at all by the Physicians Draft, others, such as the area served by Jacobi Hospital, are threatened with the loss of up to one third of their residents in medicine. There is a clear and invidious discrimination being practiced against the people of the latter community.

50 U.S.C.A. App. § 454(j) requires that in allocating quotas of physicians to be inducted, it is the obligation of the Medical Advisory Committee to ". . . give appropriate consideration to the respective needs of the Armed Forces and of the civilian population. . . ." An allocation of quotas for induction which fails to make this evaluation and which reflects such a failure is arbitrary, capricious and unlawful. As such, it infringes the right of the people of the communities discriminated against to receive proper and adequate health care. This discrimination is against each and every individual in the community depending on a community service hospital such as Jacobi. The persons served by Jacobi Hospital number in the hundreds of thousands and it is accordingly impossible for their right to health care properly to be adjudicated except by means of a class action to protect that right.

It is also appropriate for plaintiffs Marc Greenwald and Andrew Rosenblatt to seek to maintain this action on behalf of a class of physicians being drafted through the use of an illegal procedure. The drafting of a young man is an infringement by the government of his liberty and property, and as such can only be accomplished if the requirements of due process are rigorously observed. The procedure employed by the Selective Service System and the Medical Advisory Committee for the determination of quotas of physicians to be drafted, and further for the determination and the availability for induction of any particular physician violates due process requirements. These decisions are reached without an opportunity for an affected physician to present evidence in his own behalf concerning his essentiality or to confront witnesses and rebut evidence in opposition to his contention that he is essential to the community. He is provided only with an opaque conclusory determination made by a body whose composition, procedures and rules are unknown. In what amounts to a Star Chamber proceeding, the course of a young doctor's life is drastically affected and irrevocably determined without his being afforded an opportunity to speak in his own behalf. There is no access for registrants to the Medical Advisory Committees and no opportunity for a registrant or the institution in which he practises or the community in which he serves to gain the ear of the Medical Advisory Committee involved in order to present the case for the registrant's essentiality for the health care of that community.

Such a procedure violates our basic concepts of procedural fairness under the rubric of due process. It must be considered to be essential to due process that a young man be given an opportunity to speak in his own behalf before two years are excised from his life. Each and every doctor whose conscription is determined by such a system is denied essential due process and this action is accordingly appropriately maintained as a class action, since the procedure employed by Selective Service has affected or threatens to affect every doctor subject to the Military Service Act of 1967. Such a procedure, if wrong for one, must be wrong for all.

50 U.S.C.A. APP. § 460 (B) (3) IS NOT A BAR TO THIS ACTION

In the event that defendants should argue that 50 U.S.C.A. App. § 460 (b) (3) ousts this court of jurisdiction, plaintiffs urge that such a result is not possible concerning Class A and should not be allowed concerning Class B.

It is academic that to deprive a court of its power to review all acts of an administrative agency, a statute must be clear and unambiguous. *St. Joseph Stockyards Co.* v. *United States*, 298 U.S. 38 (1936). The language of 50 U.S.C.A. App § 460 makes clear that this section is meant to refer only to challenge to Selective Service actions by registrants and not to challenges to Selective Service action by other interested parties. Plaintiffs Morrisania, Hunts Point, Robert Garcia and Dennis Gardner and the class they represent clearly cannot challenge the asserted legal actions of the Selective Service System either by way of *habeas corpus* or criminal defense. To read 50 U.S.C.A. App. § 460 (b) (3) to prohibit judicial review of the action of the Selective Service System at the behest of the members of Class A would be to preclude those persons from having any access whatever to judicial review. Thus read, the Statute must be unconstitutional and void under the Fifth Amendment. *Petersen* v. *Clark*, 285 F. Supp. 693 (N.D. Cal. 1968).

As to the members of Class B, and registrants in general, it is now well-settled law that pre-induction challenges to Selective Service action will be entertained by the courts where the action of Selective Service is blatantly lawless. *Oestereich* v. *Selective Service System*, 399 U.S. 233, 240 (1968); *Gutknecht* v. *United States*, 283 F. Supp. 945 (D.Minn. 1968), *aff'd.* 406 F.2d 494 (8th Circuit 1969), *rev'd.*, 396 U.S. 882 (1970); *Breen* v. *Selective Service System Local Board No. 16*, 284 F. Supp. 749 (D. Conn. 1968), *aff'd.*, 406 F.2d 636 (2d Circuit 1969), *rev'd.*, 396 U.S. 360 (1970); *Wolff* v. *Selective Service System Local Board No. 3*, 372 F.2d 817 (2d Circuit 1967). The actions here in question are so clearly without the scope of the Fifth Amendment and of § 454(j) as to constitute such blatantly lawless action as will give this court pre-induction jurisdiction.

The Statute requires that the court retain jurisdiction. A reading of 50 U.S.C.A. App. § 460(b) (3) depriving the court of jurisdiction as to either class here involved would render § 460(b) (3) offensive to the constitution and valid.

PRELIMINARY INJUNCTIVE RELIEF IS JUSTIFIED—PLAINTIFFS WILL SUFFER IRREPARABLE INJURY FROM THE ENFORCEMENT OF THE INDUCTION ORDERS NOW OUTSTANDING

The Community dependent upon Jacobi Hospital for virtually all of its medical care is immediately threatened by defendants' attempt illegally to induct members of Class B. Few greater harms can befall an urban, overcrowded, largely economically disadvantaged community than to have its primary source of health care removed or effectively crippled. Defendants threaten to remove nearly one-third of the residents in medicine serving the Jacobi area. The harm resulting to the community from this action cannot be measured and cannot be avoided in any way other than to retain members of Class B in the community performing their duties.

The members of Class B threatened with illegal induction are also in danger of suffering irreparable injury. Jobs must be abandoned, patients neglected, professional responsibilities untended; homes are uprooted and families dislocated. The harm is real; it is immediate; and it cannot be remedied other than by this court's order that the members of Class B thus illegally threatened with induction be protected by the issuance of a preliminary injunction pending the determination of this action.

CONCLUSION

For the reasons above stated this court should declare this action to be maintainable as a class action on behalf of both classes hereinbefore described. The rights sought to be protected herein cannot be so protected except by the issuance of a preliminary injunction as prayed for in the complaint. This action should not be held to be barred by Section 460(b) (3).

Dated: New York, June 8, 1971.

Respectfully submitted.

JEREMIAH GUTMAN.
DONALD L. DOERNBERG.

Levy, Gutman, Goldberg & Kaplan, Attorneys for Plaintiffs. Office and P.O. Address: 363 Seventh Avenue, New York, New York 10001.

THE SOCIETY OF URBAN PHYSICIANS,
New York, N.Y., April 16, 1971.
Congressman HERMAN BADILLO,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: The delivery of care in New York City's Municipal Hospitals is heavily dependent upon supervised house staff (interns & residents). In addition, it is hoped that the training of these young physicians will eventually lead to the choice of New York as their area of professional activity following the years of internship and residency. The Municipal Hospitals are currently faced with the prospect that the current selective service call for physicians may create a serious deficit in the number of house officers in key hospital services.

The loss of house officers may leave long lasting hospital staffing deficiencies. House officers are sought and hired during the winter of each year. House officers cannot be replaced at least until the following July. In cases involving the loss of a house officer late in the academic year there may be considerable difficulty in filling the position for as long as 18 months.

House officers come from varied areas thoughout the country. The local quota considerations of draft boards may not take into account the needs of a far removed hospital and community. We are in need of focal attention for the specific physician needs of the New York City area. We ask your help in bringing the situation to the attention of the Office of Selective Service.

Sincerely,
GERALD E. THOMSON, M.D.,
Harlem Hospital Center.

NEW YORK CITY,
HEALTH AND HOSPITALS CORP.,
New York, N.Y., April 20, 1971.
Col. BENTLEY COURTENAY,
Madison, Wis.

DEAR COLONEL COURTENAY: I am a member of the Board of Directors, New York City Health and Hospitals Corporation. This public benefit corporation was established by the State of New York and is responsible for the management of the eighteen municipal hospitals in the City of New York. We are primarily concerned in our hospitals with the care of the poor and the indigent who are unable to obtain medical care elsewhere. Unlike the usual voluntary or community hospitals, our hospitals are staffed almost exclusively by our house officers; that is, our interns and residents. They provide the primary care for our patients.

I am therefore writing you this letter with regard to the above named physician, who, I understand, has received notice of induction. He is currently on our staff as an intern providing excellent care to the patients at Harlem Hospital. He has been appointed a first year resident which will increase his responsibility as of July 1st to care for more patients and also to train the interns who will be coming on board as of July 1st. His position is such that he will have great responsibility for many thousands of patients during the course of the year. Because of this late date, it will be impossible for us to find a replacement for Dr. ———, and his loss would be such that there would be no doubt that many patients would suffer.

I can not stress the importance of Dr. ——— to the delivery of health care at Harlem Hospital. At best we are severely understaffed at all our hospitals and Harlem is one of the most understaffed. It is only through the long hours and devotion of men like Dr. ——— that the sick poor are cared for with any degree of modern medical concern. His loss to us would indeed inflict an undue hardship upon many patients for whom he is the responsible physician. I urge you to consider these factors and appeal to you on behalf of the Hospital and the Corporation for your assistance in this matter.

If I can be of any further service, do not hesitate to contact me. Thank you for your considerations.

Very truly yours,
EDMUND ROTHSCHILD,
Director, New York City Health and Hospitals Corp.

MAY 26, 1971.
Dr. GURNEY TAYLOR,
Medical Advisory Committee to the Selective Service System, New York, N.Y.

DEAR DR. TAYLOR: I am writing to express my deep, personal concern over the impending induction of a large number of young physicians who are currently serving in our urban hospitals.

For example, six young physicians working at the Bronx Municipal Hospital Center are to be inducted on July 1. These six doctors represent 35 per cent of the resident physicians and it will be virtually impossible to replace them. Although the Harlem Hospital Center is critically understaffed, young interns and residents there are scheduled to be inducted. Similar situations exist in many other city hospitals.

As a consequence of this disastrous situation, a very large percentage of my constituents, as well as other citizens of New York City, will suffer from severely reduced medical care or, in some instances, the total absence of such care. They simply cannot afford to secure medical assistance from private sources and must depend on these public facilities.

In view of the fact that you and the other members of the Medical Advisory Committee determine "community essentiality", I urge that you give this current situation your fullest, most careful and sympathetic consideration. Our community cannot afford to lose these doctors and serious disruptions in medical care will occur if they are precipitously inducted. There is certainly no question that the doctors in our public hospitals are working in the public interest and are essential to the community. It is only through the long hours and devotion of these young doctors that the sick poor are cared for with any degree of modern medical concern.

Sincerely,
HERMAN BADILLO,
Member of Congress.

NEW YORK CITY ADVISORY COMMITTEE OF THE NATIONAL ADVISORY COMMITTEE TO THE SELECTIVE SERVICE SYSTEM,
New York, N.Y., June 8, 1971.
Hon. HERMAN BADILLO,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR SIR: In reply to your letter of May 26, 1971, I can assure you that this Committee will always evaluate each registrant and his responsibilities very carefully before making a recommendation.

Thank you for your interest in this very important problem.

Sincerely yours,
GURNEY TAYLOR, M.D.,
Chairman.

NATIONAL DEFENSE PETROLEUM RESERVE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, my distinguished colleague from Massachusetts, MICHAEL HARRINGTON and I, along with 42 other House Members, are today introducing legislation to create a National Defense Petroleum Reserve—NDPR—to provide a realistic and economic alternative to the costly and discredited oil import quota system.

It is high time we ended present oil import quotas which cost U.S. consumers nearly $6½ billion annually and which do not help, but, in fact, threaten our national security by the more rapid depletion of our limited oil reserves.

Under this bill, the President would be required to set aside Federal land with enough petroleum-producing capacity to protect the United States against a 1-year continuous interruption of oil imports from all those noncontiguous countries—excluding, therefore, Canada and Mexico—which he determines to be insecure. Wells would be drilled, gathering capacity installed, and all other necessary steps taken, so that, should these imports be halted, all we would have to do is turn a valve to replace the foreign oil. For the information of my colleagues, I am including at the end of my remarks a copy of the NDPR bill and a list of its cosponsors.

The bill is based on the recommendations of a recent study by two noted petroleum economists, Dr. Walter J. Mead of the University of California at Santa Barbara, and Dr. Philip E. Sorenson of Florida State University, which appeared in the CONGRESSIONAL RECORD for May 10, 1971, page 14085. After studying various alternatives to the quotas. I am convinced that a national defense petroleum reserve is the soundest, most economical method of safeguarding our national security in an adequate supply of oil. Its adoption would automatically obviate the need for quotas as soon as NDPR becomes operational. Moreover, this is a constructive response to our critical energy supply problem which the President recognized in his recent message to the Congress. Oil is now 40 percent of the Nation's energy.

This legislation reflects a true concern for the national security by encouraging more imports, but, at the same time, assuring we will not be at the mercy of any foreign supplier. And by insuring that we have enough reserves to protect us during an extended cutoff of foreign supplies, it would provide us with the best deterrent against the kind of tactics recently employed by the Persian Gulf governments to extract higher prices.

The list of cosponsors and bill follows:

LIST OF COSPONSORS OF THE CONTE-HARRINGTON BILL TO ESTABLISH A NATIONAL DEFENSE PETROLEUM RESERVE

Mr. Aspin.
Mr. Addabbo.
Mr. Badillo.
Mr. Biaggi.
Mr. Bingham.
Mr. Boland.
Mr. Burke of Massachusetts.
Mrs. Chisholm.
Mr. Cleveland.
Mr. Cotter.
Mr. Donohue.
Mr. Drinan.
Mr. Dulski.
Mr. Edwards of California.
Mr. Frelinghuysen.

Mr. Grasso.
Mr. Halpern.
Mr. Hawkins.
Mrs. Heckler of Massachusetts.
Mr. Helstoski.
Mr. Hicks of Massachusetts.
Mr. Horton.
Mr. Howard.
Mr. Jacobs.
Mr. Keith.
Mr. McKinney.
Mr. Macdonald of Massachusetts.
Mr. Matsunaga.
Mr. Mitchell.
Mr. Morse.
Mr. O'Neill of Massachusetts.
Mr. Rees.
Mr. Riegle.
Mr. Roybal.
Mr. Ruppe.
Mr. St Germain.
Mr. Stafford.
Mr. Steele.
Mr. Stokes.
Mr. Tiernan.
Mr. Vanik.
Mr. Wyman.

H.R. —

A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end thereof the following new section:

"NATIONAL DEFENSE PETROLEUM RESERVES

"SEC. 720. (a) The President shall establish and maintain on the public lands of the United States, national defense petroleum reserves which shall have a petroleum-producing capacity sufficient to protect the United States against a continuous one-year interruption of the importation of petroleum from those foreign countries not contiguous to the United States which the President determines to be insecure sources. To carry out the provisions of this subsection, the President is authorized to enter into contracts and other agreements. For the purpose of this subsection the term 'public lands of the United States' means all lands to which the United States has title on the date of enactment of this section, including public lands, acquired lands, submerged lands, and lands within the area comprising the outer continental shelf (as defined in the Outer Continental Shelf Lands Act).

"(b) To the extent he deems it necessary or appropriate, the President may treat existing petroleum reserves established and maintained under other laws of the United States as part of the national petroleum reserves, and for this purpose, the President is authorized to acquire by purchase lands or increase the capacity of such existing ing petroleum reserves and to enter into contracts or other agreements in order to protect or increase the capacity of such existing petroleum reserves.

"(c) Nothing in this section shall be construed to require or authorize—

"(1) the cancellation or termination of any existing lease; or

"(2) the taking or use of any lands which are, on the date of enactment of this section, within the National Parks system or which are, on that date, parts of national forests, national seashores, game refuges, or any other lands which have been otherwise set aside for purposes of recreation, conservation, or public use.

"(d) Within 30 days after the close of each quarter, the President shall submit to the Joint Committee on Defense Production a report of the petroleum-producing capacity in the reserves maintained under this section during such quarter.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

(b) Section 717(a) of such Act is amended by striking out "(except sections 714 and 719)" and inserting in lieu thereof "(except sections 714, 719, and 720)".

KETCHIKAN SALMON DERBY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, I would like to bring a recent event to your attention that I believe describes and typifies many of the people who live in Alaska.

This incident has set an example for the community as a whole and since it was not an isolated incident, brings to the forefront the spirit and sportmanship displayed in our community during the Ketchikan King Salmon Derby.

Several times a year the Ketchikan Chamber of Commerce sponsors the Ketchikan Salmon Derby which brings fishermen from all over the world to this great fishing area. As the included article notes, Mrs. Walt Northrup caught a larger fish than anyone in the derby, but due to rather unusual circumstances, refused to even attempt to enter the fish into the contest. As Mr. Northrup, who is president of the Ketchikan Local of the Association of Western Pulp and Paper Workers said that the area in which they were fishing was an isolated one and there were no witnesses to the catch. They could easily have entered it for what would have been the top fish. Mrs. Northrup is a very avid fisherman and has won the top spot in the last three of four special derbies.

I believe that this type of sportmanship is most admirable and I include in the RECORD, the story as it appeared in one of Alaska's most distinguished newspapers, the Ketchikan Daily News:

SMEDLEY PULLS TOP FISH OUT OF DERBY

Dr. Dennis Smedley, who was the apparent winner of an $8,500 cruiser in Ketchikan King Salmon Derby's special derby days, disqualified himself Tuesday. According to salmon derby chairman Shirley White, Smedley advised the derby committee that he learned another fisherman in his boat did not have a derby ticket when Smedley caught his 50-pound, eight-ounce king salmon. According to derby rules, all persons fishing from a boat with a derby entrant must have a derby ticket.

Smedley's disclosure moved Eldred Tisserand up to the top spot with a 44–8 fish caught in the first weekend of the special derby days which ran May 29–31 and June 5–6.

The derby committee met last night to check and verify results of the derby.

Smedley's fish was the second big one caught, but not qualifying for a prize. Sunday, Mrs. Walt Northrup caught a 54-pound king, but she did not enter the fish in the derby because it was attached to another line and pole. Mrs. Northrup snagged the line with the fish on it and reeled it in.

Northrups have offered to return the pole and line to whoever lost them if they can identify them and give the sad story on how they and the biggest fish hooked during derby days were lost. The Daily News was unable to determine today if the pole had been claimed.

"I do not know a more honest man than Dr. Smedley, and if the Salmon Derby Committee could award a prize for true sportsmanship, Dr. Smedley would be the champ," stated Mrs. White. "The committee can only applaud his integrity."

Tisserand, with a 44 pound 8 ounce king is the winner of the first prize of a 21-foot Fiberform San Juan Cruiser, donated by the salmon derby committee and a Ross depth finder, donated by Nordby Supply Company.

Other winners were:

Tom Hogan, 42 lb. 06 oz.; William Taylor, 41 lb. 04 oz.; Al Berry, 39 lb.; Elvin Elkins, 38 lb. 04 oz.; Nancy Berry, 37 lb. 15 oz.; Harold Carpenter, 36 lb. 09 oz.; Fay Freeman, 36 lb. 09 oz.; Estelle Thompson, 34 lb. 13 oz.; William Kushnick, 34 lb.; William Weston, 34 lb.;

Charley Diamond, 33 lb. 13 oz.; Svarre Hazelquist, 33 lb. 12 oz.; Terry Anderson, 33 lb. 07 oz.; Paul McGarrigan, 33 lb. 05 oz.; Mike Ciarochi, 33 lb. 03 oz.; Maxine Doyle, 33 lb.; Marilyn Groves, 32 lb. 03 oz.; Dorothy Lawrence, 31 lb. 11 oz.;

Stan Moberly, 31 lb. 04 oz.; Ailene Tisserand, 31 lb. 04 oz.; Tony Guymon, 31 lb. 02 oz.; Bill Schofield, 30 lb. 15 oz.; Rose Northrup, 30 lb. 11 oz.; Gilbert Ruscher, 30 lb. 10 oz.; Pete Ruaro Jr., 30 lb. 07 oz.; Kenneth Perry, 30 lb. 03 oz.;

Isabel Mathias, 30 lb.; Gordon Adams, 29 lb. 14 oz.; Ernie Smeltzer, 29 lb. 12 oz.; Paul Brozena, 29 lb. 11 oz.; Harold Howard Jr., 29 lb. 08 oz.; Don Miller, 29 lb. 04 oz.; Art Williams Jr., 29 lb. 15 oz.; Agnes Chalker, 28 lb. 10 oz.;

Norman Hundwin, 28 lb. 10 oz.; Bill Oliver, 28 lb. 08 oz.; Linden Cox, 28 lb. 04 oz.; James Martin, 28 lb. 04 oz.; Mary Hill, 28 lb. 04 oz.; Gene Maneman, 28 lb.; Doris Taylor, 27 lb. 13 oz.

Special bonus prizes were awarded in addition to the regular prizes. Winners were:

For the first salmon entered each day, May 29, Donald Hartwig; May 30, Duane Burnet; May 31, Jack Wilson; June 5, Jess Kiffer; June 6, Diana Tisserand.

For the first salmon entered each day over 25 pounds, May 29, Isabel Mathias; May 30, Dick Johnson; May 31, Muriel George; June 5, Andrew Frantz; June 6, Bill Schofield.

For the first king salmon entered opening day over 30 pounds, Maxine Doyle.

For the largest king salmon caught on Luhr Jensen lure, Donald Miller, 29 lb. 04. oz.

For the largest halibut entered Ray Packard, 115 lb. 12 oz.

For the most king salmon entered first weekend, Duane Burnet.

For the most king salmon entered second weekend, Doris Taylor, three.

For the highest total poundage halibut entered both weekends, Ray Packard, 115 lb. 12 oz.

None of the 159 entries matched the four random weights which were held in a bank vault. As a result the eight Penn 49 reels with a total value of $240 will be held over for future promotion.

CHOU EN-LAI SPREADS PROPAGANDA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, the current effort at "reconciliation" with Communist China has many of the earmarks of former campaigns by Communist leaders to make themselves appear to those in the West as something other than what they really are.

Thus, although Communist China pursues its policy of stimulating revolutions through Asia, supplying guerrillas in such countries as Thailand, Burma, and the Philippines as well as in Vietnam, Laos, and Cambodia, its leaders attempt to impress foreign visitors with the fact that China is really a lover of peace, and that its international isolation is a result of America's imperialistic policies.

The Chinese seek far more than American recognition, admission to the United Nations, or increased trade. They seek total control over Taiwan, the expulsion of the Nationalist Chinese from the United Nations, and the elimination of American power and influence in Asia. It is clear that they seek a relationship to Asia analogous to that which the Soviet Union has with regard to Eastern Europe.

In order to spread this false idea that the Communist government in China is neither aggressive nor imperialistic, Premier Chou En-lai and other leaders are conducting a campaign of indoctrination toward the American people, using those few "friendly" Americans who are permitted into China as convenient vehicles.

Columnist Holmes Alexander, in a recent article in Human Events, describes such an attempt to brainwash two American college professors. He laments at this time:

> Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China . . . Ping-pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

Hopefully, our commitment to the people of Taiwan and the honor of America's obligations will not be tarnished. Hopefully, this administration will not permit itself to be indoctrinated as the professors described by Mr. Alexander allegedly did.

I wish to share this article with my colleagues, and insert it in the RECORD at this time:

USES AMERICAN PROFESSORS: HOW CHOU EN-LAI SPREADS HIS PROPAGANDA

(By Holmes Alexander)

By now, if not before, Premier Chou En-lai's table tennis diplomacy can be seen for what it is. He had two anti-war professors from the United States with him for more than two hours, and a week later Chou's Communist line was writhing through a front page story in several of our newspapers.

It would be hard for the city slicker from Peking to find a more effective way of duping gullible Americans into believing what he desires them to. His two visitors were Profs. Arthur Galston (Yale) and Ethan Signer (MIT). They are biologists, and must be presumed to know more about the science of living matter than the science of international politics. Galston and Signer are identified as being anti-war, and they had spent 17 days in Hanoi before giving 15 days to visiting Peking, Shanghai and Canton. Their outlook, and no doubt their credientials, were far more satisfactory to the Red governments of North Viet Nam and China than to the government of their own country. Chou had himself a couple of patsies who were intellectually-defenseless against his propaganda.

Mainland China stands—or should stand—with American officialdom about where Soviet Russia stood just after World War I. The analogy is useful. The Russian Revolution caused an abortive intervention by American troops, and the Chinese overthrow of its Nationalist leaders caused the relatively bloodless expulsion of American persons and interests.

During the pre-Roosevelt era when we didn't recognize Communist Russia, a few Americans were allowed into the Soviet Union, and one of them became a tireless huckster of Soviet-American "friendship." He was and is Cyrus Eaton, founder of the Pugwash Conferences, a apologist for Stalin and Khrushchev.

The recent death of Sen. Thomas Dodd (D.-Conn.) reminds me that Eaton wrote to every Democratic senator around November 1958, asking for opposition to Eisenhower's nomination of Lewis Strauss as Secretary of Commerce.

Eaton disliked Strauss, who had been in Russia on a relief mission with Herbert Hoover, and there was a tinge of anti-Semitism in the man's relationship. This angered Dodd, a Catholic, who answered Eaton by saying that he'd never met Strauss but would now vote for his confirmation out of sympathy.

The anecdote is not quite pointless; it shows that Eaton, the special pleader for Moscow, was thoroughgoing in behalf of his foreign client. If the analogy holds up, the many special pleaders for Red China will show the same diligence. As they pass through Peking and return to this country in the months and years ahead. Chou will have acquired a host to speak for him, whereas Stalin in the main had only Eaton.

Already, with Galston and Signer bringing home their interview, Chou has a pair of sympathetic spokesmen. The message from Peking was that we will never achieve the bridge of government-to-government relationships until we connive at betraying the Nationalist government on Taiwan.

Chou referred to that island as China's "29th province," whereas it is more like an anti-Communist enclave on the order of West Berlin, a haven that is protected by American arms and pledges.

It is not hard to see why Chou would like to brainwash a large segment of Americans, causing them to look at Taiwan from his viewpoint. Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China, the name preferred by Chou, of course. A metropolitan newspaper in this town recently decided to leave off the identifying adjectives of Red and Communist when referring to the Peking regime. Chou's preference, again.

Ping Pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DEVINE. Mr. Speaker, Walt Siefert of the College of Journalism at the Ohio State University recently wrote a letter to the editor, which appeared in the June 5 Columbus, Ohio Dispatch relative to the conservative majority on the campus and the need to "speak up."

Since most university professors are either vocal liberals or strangely silent, I thought it would be refreshing to share the views of a professor that does not wish to march down the road to socialism.

The letter follows:

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

TO THE EDITOR: In 1930 I arrived at Kent State, wide-eyed and innocent, a true-believer in God and Man. Within six months a group of faculty Fagins had converted me into a raving radical, who shouted God is dead and the establishment doomed.

Not much has changed in academe since then. Most effective activists still lean to the left. Ohio State's late "Alternatives Committee," which had liberal solutions to everything, used to publish the names of its 150 members in the Lantern. Our conservative faculty activists could meet anytime in a telephone booth.

It's much the same with student bodies. Young liberals (or radiclibs) control most student governments for the simple reason that they act to support their beliefs.

Campus liberals do their homework well. They constantly plot, meet, write, speak, campaign and elect—exerting power far beyond their numbers.

Campus conservatives have no clout. Though actually the majority (as proved by Ohio State University Poll results), they sit in the grandstands of life and let the liberals run with the ball.

I admire campus liberals. I do not admire campus conservatives, who expect to ride the freedom train forever without paying a fare. They do not plot, meet, write, speak, or elect anyone. They seem to think democracy is a spectator sport.

Now this traditional slanting of academe would be fine if colleges and universities were unilaterally autonomous. They aren't, however, and the ivied walls keep cracking from coast to coast.

The April OSU Alumni Monthly was devoted to this single question: "Are Americans losing faith in their colleges?" The answer was largely yes.

McGeorge Bundy, liberal president of the Ford Foundation, recently predicted that society will not forever support parasitic appendages that seem dedicated to destroy it.

Columnist Malcolm Muggeridge sees danger in the fact that most effective communicators (on campus and in the mass media) have "an anarchic, death-wishing temperament, with its built-in passion to be on the losing side."

Be this as it may, no one can deny that academe now lives in a goldfish bowl. In state after state the people and their legislatures are up in arms, scaling the ivory towers to squint inside. Waves of campus chaos have washed this ultimatum onto the academic beach: "Heal thyself or else!"

The answer, it seems to me, is for the academy to start presenting both sides of the American dream. As the liberals keep telling us, we still have lots of unfinished business, lots of poverty and injustice. But the big news about this nation is that we have less poverty and injustice than any other ever known. The old intellectual discipline of perspective should compel us to emphasize this truth.

Most perceptive students and alumni can recall at least a dozen professors who preached and practiced the liberal line. Few can name even one conservative.

If academe is to regain credibility, its long-silent majority of faculty and students must get into the act and end domination by the small, dedicated minorities who work to win. Then, perhaps, we shall be spared the spectacle of "student leaders" elected by less than 5 per cent.

As America nears its 200th birthday it stands alone in human history, with more freedom, food, clothes and shelter than the average family has ever known.

Somebody, somehow, must have done something rather right in this land.

I think it's time to tell that story.

WALT SEIFERT.

GUN CONTROL—ONE MAN'S STEP TOWARD SANITY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, the distinguished dean of the House and chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), has recently introduced a comprehensive bill designed to cut the arms race which today rampages in the streets of America.

Opposition to such legislation is based primarily on emotional reluctance to yield up the romantic image of the American frontier. But rationality demands that we adjust to modern civilization and recognizing that the "Wild West" was not a model for law and order then or now. Guns represent a real threat to the security of us all.

A poignant letter appeared in the Christian Science Monitor of June 11, 1971. It was written by a former policeman who used to be adamantly opposed to gun control. His letter explaining why he has changed his mind demonstrates an openmindedness which many of us in the Congress would do well to emulate.

The letter follows:

HANDGUNS

Your recent editorial urging the outlawing of handguns and the registration of other types was of great interest and compelling impact.

I seriously doubt if anyone has ever been more adamantly opposed to the gun registration efforts than I. As an avid hunter and former police officer, to whom the handling of guns was a common everyday experience, the constitutional right of the citizenry to bear arms was one which I staunchly supported. But, there comes a time . . .

After serious thought, I have reached the cogent conclusion that it is high time the citizens of this country outgrow their adolescent penchant for playing "cops 'n robbers," or "cowboys 'n Indians," and their preoccupation with violence, and proclivity for taking the lives of helpless animals, and begin expressing the maturity and humanity which this period of history and development demands of intelligent, civilized peoples.

If the private, virtually unrestricted ownership of guns is allowed to continue, this Nation will face a threat from within, far more serious than any it has ever faced from without. It will become a "whited sepulcher, full of uncleanness," like the man who is so heavily armed he becomes a shell of armor containing nothing worthy of protection, but a mere container for combustibles ready to explode.

And, while the ownership of handguns should be restricted to the military and law enforcement agencies, and all others registered, this is not enough. Legislation must be enacted and *enforced*, which would greatly increase the penalty for a crime committed with any weapon. For this too is a necessary component in the fight to obliterate violence in our land.

There will be many who will hesitate, as did I, to take this step, but it must be taken. It has been said, "a journey of a thousand miles begins with but a single step." The time is here when we must fearlessly step forth and break trail in this direction. As we do so, we will see the path widen into a highway of progress toward the safety of all men. And, should we look back a short time hence, we'll find ourselves exclaiming increduously, "What took us so long?"

WILLIAM W. BLANKS.

LOS ANGELES.

HOUSE OF REPRESENTATIVES—*Friday, June 18, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Depart from evil and do good: Seek peace and pursue it.—Psalm 34: 14.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, we bow our heads and open our hearts as we stand in Thy presence.

"We need Thee every hour:
Stay Thou near by:
Temptations lose their power
When Thou are nigh."

As we pray, may Thy spirit take possession of our minds and hearts, leading us to genuine solutions for the problems that face us both as individuals and as a nation. May ill will, injustice, and hostility come to an end, and may good will, justice, and peace arise to new life in us and in our world.

In the manner and manners of the Master of Men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. RES. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

U.S. CONFERENCE OF MAYORS URGES THE PRESIDENT TO SIGN THE ACCELERATED PUBLIC WORKS LEGISLATION

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McFALL. Mr. Speaker, during the debate last Tuesday on the accelerated public works legislation, S. 575, my floor statement was not complete and did not include a list of witnesses heard by the Public Works Committee when the legislation was identified as H.R. 5376. This list was inadvertently omitted but did appear in the June 16 issue of the CONGRESSIONAL RECORD in the Extensions of Remarks section.

Last Wednesday, the U.S. Conference of Mayors, assembled in Philadelphia, urged the President to sign the accelerated public works legislation now on his desk for signature. I am glad to include at this point of the RECORD a copy of the U.S. Conference of Mayors' resolution:

ACCELERATED PUBLIC WORKS LEGISLATION

Whereas, unemployment is at its highest levels in nearly a decade; and

Whereas, because of the local financial crisis many cities are unable to construct urgently needed public works facilities; and

Whereas, the Congress has passed the Accelerated Public Works Act to provide $2 billion to aid local localities in areas of high unemployment construct needed public works facilities; and

Whereas, the Accelerated Public Works Act in combination with the public service employment legislation will aid significantly in solving unemployment problems and upgrading the quality of municipal services. now, therefore, be it

Resolved, That the United States Conference of Mayors urges the President to sign the Accelerated Public Works Act; and be it further

Resolved, That the Conference urges the Administration and the Congress to appropriate and commit to local projects the full $2 billion in assistance authorized in the Accelerated Public Works Act.

FREEDOM OF THE PRESS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, when I offered my cosponsorship to the newsmen's privilege bill of 1971, H.R. 9027, I noted that the better part of my adult life has been spent in the pursuit of law and journalism.

I am, therefore, especially sensitive to any encroachment on the freedom of the press, which I consider vital to a free society. The Government cannot tamper with the freedom of the press without tampering with the right of the public to information essential for the operation of a democratic society.

Without touching here on the complex historical and legal consideration involved in the recent Justice Department action with regard to the New York Times, I would here affirm my conviction that encroachment on freedom of the press can only be viewed as a prelude to the denial of other basic constitutional freedoms.

This latest action by the Justice Department comes as its second serious error of this year. When the veterans of the Vietnam conflict came to this city, the Justice Department rushed to court to request an injunction against them, and 2 days later went back to court to withdraw that request. I believe this is alarming evidence of basic unsound policy, of jittery guardians of justice.

I, therefore, urge you, Mr. Speaker, to join with the majority leader of the other body in launching full-scale congressional hearings on the New York Times issue and the executive policy of classification of documents in general. Nothing less than the right of free expression in America is at stake here.

THE MERCHANT MARINE AND GRAIN PRODUCERS MUST REALIZE THEIR MAXIMUM VALUE TO SOCIETY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, by eliminating the requirement that U.S.-flag vessels carry at least 50 percent of the grain to Communist China, another blow has been struck for the foreign and runaway shippers who would like to see the U.S. flag disappear from the high seas.

Mr. Speaker, we must not let this happen. We must build up our merchant marine, which presently carries less than 5 percent of our foreign commerce.

Besides being in the interest of our national defense, it is in our economic interest. A U.S.-flag vessel pays taxes to the U.S. Government—foreign vessels do not.

U.S. maritime workers—seamen, yard workers—pay taxes to the U.S. Government. Foreign seamen and workers do not.

Mr. Speaker, we must reach an agreement whereby two important segments of our economy—merchant marine and grain producers—both can realize their maximum value to our society.

THE REVERSION OF OKINAWA TO JAPAN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, the reversion of Okinawa to Japan appears to be an accomplished fact without any type of congressional approval. I am deeply concerned over this action.

Okinawa is very valuable from a military standpoint since it is the only U.S. possession within a reasonable distance of Peking, Seoul, Saigon, Bangkok, and Hanoi. It is a very important site for nuclear and modern conventional weapons needed for the preventive defense of the Pacific, and more specifically the State of Hawaii and America's west coast.

Okinawa also holds a great deal of historical and sentimental value since 12,000 U.S. servicemen gave their lives to liberate Okinawa.

I hardly believe the payment to be made by Japan will be just compensation for the suffering caused during World War II and the vast defense installation our Nation has built out of necessity since the end of the war.

Japan has also approached Russia concerning the return of an island being occupied by the Soviets. Of course, you can imagine where the Russians told the Japanese Government to go.

TRUCK BUMPERS

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, I was shocked this morning to learn that the Department of Transportation has abandoned its efforts for the present to establish requirements for rear bumpers or underride guards on trucks. The National Highway Traffic Safety Administration states:

> Based upon the information received in response to the notices and evaluations of cost and accident data, the administration has concluded that, at the present time, the safety benefits achievable in terms of lives and injuries saved would not be commensurate with the cost of implementing the proposed requirements.

Mr. Speaker, this is incredible and unbelievable. Testimony and the record show that collision between the truck and passenger cars is very frequent and when this happens, the truck and/or truckdriver has, by far, the best chance of coming out without injury or death. In fact, testimony before the Public Works Committee indicates in every 37 deaths where trucks and passenger cars are involved, there is only one truckdriver killed compared to 36 passenger car drivers. Testimony further shows that proper bumpers on both cars and trucks could have saved a large percentage of these plus millions of dollars in property value.

Mr. Speaker, I am contacting the Department of Transportation and all people in the Government who deal with safety to call attention to the volumes of testimony that shows that there is a need for study on the need for bumpers and that trucks can be made more safe, millions of dollars in property damage can be averted, and most importantly lives can be saved. Further, Mr. Speaker, if we are so lacking in technical expertise that we can minimize proper protection of the rear end of trucks, we clearly are not in any position to allow any increase in the size or weight of these vehicles. Someone must, and I will, pursue this problem until we bring some reasonable judgment to all in government who can be influential in making our vehicles safe and they certainly will be safer when all vehicles have the adequate and efficient bumpers that are available and can and should be put on all vehicles.

IOWA RURAL ELECTRIC YOUTH TOUR

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, during this week it has been my great privilege to meet on several occasions with a truly outstanding group of young Americans. More than 90 of them of high school age have been here in Washington visiting their Nation's Capital on the 14th annual Iowa Rural Electric Youth Tour. They arrived Monday and will return to Iowa on Saturday. Most qualified to represent their own county rural electric coperatives on this trip by writing prize-winning essays on the subject of rural electrification. The contest and tour were organized by the Iowa Association of Electric Cooperatives represenitng 54 REC's and 132,000 rural families.

Twenty-four of these young citizens came from Iowa's Sixth Congressional District which I have the honor to represent. We have had some lively and stimulating discussions of today's issues together during their visit here and I have enjoyed showing them around the Capitol. I have been most impressed by their tremendous interest in and knowledge of our Federal Government. Obviously their parents and teachers have gotten these young people off to an excellent start toward useful and dedicated citizenship. Anyone concerned about continuing and strengthening our American way of life could not help being greatly encouraged and inspired when meeting our Iowa Rural Electric Youth this week. I am confident that our country's future will be in good hands with this new generation of such remarkable character and ability coming up.

I congratulate all of the young Iowans who were selected to make the tour this year and commend the sponsoring Rural Electric Cooperatives of Iowa for making it possible.

AUTHORIZING ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON EDUCATION AND LABOR

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 434 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 434

Resolved, That, notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, the Committee on Education and Labor, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding—

(1) the circumstances surrounding the production in foreign nations of goods which are subsequently sold in the United States in competition with domestically produced goods, welfare and pension plan programs in such countries, and the operation by the

Federal Government of elementary and secondary schools, both at home and abroad, with a view to determining means of assuring that the children of officers and employees, and members of the Armed Forces, of the United States will receive high-quality elementary and secondary education in the following countries: Italy, Germany, Austria, Yugoslavia, Greece, the Union of Soviet Socialist Republics, Kenya, and Ethiopia;

(2) postsecondary education, including vocational and technical education, in the following countries: Austria, Germany, the Union of Soviet Socialist Republics, and Israel;

(3) laws and practices relating to labor-management relations in the following countries: United Kingdom, France, Italy, and Germany;

(4) educational research, development and innovation and early childhood development and education in the following countries: Poland and the Union of Soviet Socialist Republics.

For the purpose of carrying out each of the investigations, studies, and inquiries enumerated above, the committee is authorized to send not more than eleven members (seven majority and four minority) and three staff assistants (two majority and one minority) to those countries within with such investigation, study, or inquiry is authorized to be conducted.

The Committee on Education and Labor is further authorized to send not more than ten members of the committee (five majority and five minority) to the International Labor Organization Conference to be conducted in Geneva, Switzerland, between June 2, 1971, and June 25, 1971.

Notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

With the following committee amendments:

On page 2, line 9, strike out "Israel;" and insert in lieu thereof "Japan;".

On page 2, line 19, strike out "eleven members (seven" and insert in lieu thereof "nine members (five".

On page 2, line 25, strike out "ten" and insert in lieu thereof "four".

On page 3, line 1, strike out "(five majority and five minority)" and insert in lieu thereof "(two majority and two minority)".

The SPEAKER. Without objection, the committee amendments will be agreed to.

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a question concerning one of these amendments. There are more than a few country miles difference in distance as between this country and Israel and Japan. Why is Israel now struck out and Japan substituted? This is basically the same resolution the House defeated not so long ago, is it not?

Mr. BOLLING. If the gentleman will yield, no, it is not. It is a substantially modified resolution, and the committee amendments are the modifications.

The question that the gentleman asked about the change from Israel to Japan was made at the request of the chairman of that particular subcommittee, Mrs. GREEN of Oregon. Frankly, I do not know the reason for the change, but it seemed reasonable to me, if the subcommittee did not want to go to Israel, to grant that request. There was no controversy in the committee over there.

Mr. GROSS. It would be interesting to know why the sudden switch. This resolution was before us only a couple of weeks ago.

Mr. BOLLING. I will attempt to find that out and ascertain it and explain it prior to the vote not on the amendment but on the resolution.

Mr. GROSS. I see the gentleman from Kentucky is here. I am sure he can explain why the switch from Israel to Japan.

Mr. PERKINS. If the gentleman will yield, this is authority for a study planned by Mrs. GREEN's subcommittee. There are persuasive reasons for the change. The subcommittee wishes to look at the educational system in Japan rather than in Israel. I am informed that recently new information was brought to Mrs. GREEN's attention about innovations in vocational and technical education in Japan. The subcommittee feels it would be more profitable to study these innovations during their study.

Mr. GROSS. And they do not have innovative ways of doing things in Israel, is that correct?

Mr. PERKINS. Yes; there is a difference. I will say to the gentleman from Iowa that I have worked with the distinguished gentlewoman from Oregon (Mrs. GREEN) for a long time and I respect her judgment in this matter. Mrs. GREEN felt that it would be more important to go to Japan than to Israel.

Mr. GROSS. Is this a better time of the year to go to Japan than it is to go to Israel?

Mr. PERKINS. They are contemplating going to Japan when we are in recess. They would stay on the job here when the Congress is in session.

Mr. GROSS. They are also going, or would be authorized to go, to Austria, Germany, the Soviet Union, and Japan.

Mr. PERKINS. They will not go before the August recess.

Mr. GROSS. Are they going to be able to do all that during the Fourth of July recess?

Mr. PERKINS. No, no, no. It will be during the August recess. That is the time when the subcommittees have made their plans to travel, not before.

Mr. GROSS. With respect to these tourists who are going over to the International Labor Organization conference—and I note the number has been reduced from 10 to four. According to this resolution, the ILO conference ends on June 25. Are they going to get there in time for the ending of it, or what is the story?

Mr. BOLLING. Mr. Speaker, if the gentleman will yield, the gentleman asks a good question and I asked the same question. They said that the ILO will be in session for the rest of this week and next week.

Mr. GROSS. The rest of this week is today, is it not, insofar as any business meeting? And I cannot conceive that they will meet on Saturday and Sunday in Geneva, Switzerland.

Mr. BOLLING. The gentleman handling this matter is not familiar with whether they do or do not.

Mr. GROSS. How are they going to sail up and down the blue Danube and do a few other things if not over the week end.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield further, the last week is not most important week of the conference. The State Department has suggested if any of our representatives go, that we certainly attend during the last week.

Mr. GROSS. If the State Department wanted them over there so badly, it could send them, could it not?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman from Iowa that unless they have moved the blue Danube, it is nowhere near Geneva.

Mr. GROSS. They can get to the blue Danube from Geneva for the weekend. I know where the blue Danube is, and there will be no trouble for them to go from Geneva to the blue Danube over the weekend.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I have not seen the blue Danube but Lake Le Mans is very attractive.

In response to the question about the State Department, unhappily, they have no funds, as they say, with which to send any warm bodies to Geneva. One of our closest friends from Missouri and distinguished colleagues is in the air now somewhere between Ohio and here.

Mr. GROSS. That is about the saddest situation I have heard of today, that the State Department does not have any money with which to send tourists around the world, and especially Members of Congress. That is, indeed, sad. I would hope that the proper committee would do something about it.

Mr. THOMPSON of New Jersey. I would hope so, too. As the gentleman from Iowa knows, some of us—innumerable friends of the gentleman from Iowa, have been urging the gentleman for some time to tour some of the places of the world. I hope the gentleman will do so. Of course the gentleman will have to stay here until after June 30 which we will celebrate here appropriately.

Mr. GROSS. The gentleman should be aware of the fact that my personal physician, the gentleman from Missouri (Mr. HALL) has not yet given me clearance for such travel.

Mr. THOMPSON of New Jersey. If I can continue further, I have been assured that he has promised to do a complete rundown for us between now and the 30th of June—a matter which we will refer to on that auspicious day. And the gentleman knows the resolution that the gentleman from Ohio (Mr. ASHBROOK) has, it is a sense of the House resolution urging the gentleman from Iowa to travel, but including in that resolution, of course, a requirement that his personal physician, the gentleman from Missouri (Mr. HALL) accompany him.

Mr. GROSS. Does the gentleman from New Jersey (Mr. THOMPSON) or the gentleman from Missouri (Mr. BOLLING) really think there can be any accomplishment on the part of these four Members who are going over, together with staff, to Geneva, for the closing-out week of the International Labor Conference?

Surely there will be closing festivities for the next 2 or 3 days. Does the gentleman really think there will be anything accomplished?

Mr. BOLLING. The gentleman would have to reply to the gentleman from Iowa that he does not know, but he assumes there would be because of the presence of a very bipartisan and very competent group which includes the gentleman from Ohio (Mr. ASHBROOK). I have been assured by everybody involved—and I have never been to an ILO conference and, in fact, I have only been to Geneva to change planes—but I have been assured by everybody, including people in the executive branch, that this is an important conference, and that they do hope that these Members will be able to go.

I frankly do not know anything about the schedule or the festivities, or the business.

Mr. GROSS. Only last year we were denying the ILO any new money. We said then that we were through with contributing to the organization because a Communist supported candidate had been elected to one of the most important posts.

I wonder why we have so quickly reestablished such an affinity for the organization that we must rush this delegation over to Geneva.

But I would like to ask the gentleman, is this resolution 50 percent of the business that is going to be called up today? Is that what we are here for today, to take up this resolution as 50 percent of the business?

Mr. BOLLING. No, I understand there is another item on the schedule, a bill from the Committee on Interstate and Foreign Commerce. I frankly do not believe I am qualified to describe this as any particular percentage of the total business.

Mr. GROSS. So on this Friday at least 50 percent of the business is to get four people on their way to Geneva?

Mr. BOLLING. I would like to reply to that, if the gentleman from Iowa will permit me, by saying that this is the first time in years and years that I have been here that the Members of this House have had a schedule provided to them by the leadership on both sides, and that we have known for the first time in my experience here when there would be recesses, and when there would be days to work. It was announced some time ago—and I do not remember exactly when—that this would be a day on which the House would work. We have some work to do, and we are doing the work that we are able to do. I happen to think that it makes a great deal of difference to all the Members that we are now operating on a schedule, and I happen to have a sort of a simple-minded view that, while we know when we can be away, when we are supposed to be working we ought to be here.

Mr. GROSS. I appreciate the gentleman's explanation, but I am sure the gentleman is aware that two of the bills programed for this week will not be brought up this afternoon—I do not know why. I do not know why we cannot go along until 7 or 8 o'clock tonight, if necessary, to finish the bills that were programed for this week.

Mr. BOLLING. I am perfectly willing to comment on that, although I am not in the leadership and I am not in a position to talk about delays in schedules. But I have with me a copy of a card which notes what rules are outstanding and I am aware that we are going to have a good many appropriations bills next week. But what has happened today really has very little to do with the two bills. The fact is the House has caught up with its committees and what we really need today and other days in the future if we are going to succeed in moving relatively rapidly is to have more matters before the Committee on Rules to be cleared by the Committee on Rules. Since I am a member of the Committee on Rules, I feel justified in making that comment.

We have mostly bills on schedule on the card I have in my hand which have been deferred for various specific reasons and we have scheduled for the immediate future. There is no great backlog before the House and I think we are moving in an orderly fashion.

Mr. GROSS. The House may have caught up with the committees but it has not caught up with itself, otherwise we would dispose of this afternoon the two bills that apparently are being carried over. I do not want to be too critical, but I cannot understand why we were called into session today to pass this congressional junketing resolution which was defeated a couple of weeks ago and ought to be defeated today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Without objection, the committee amendments are agreed to.

There was no objection.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may require.

Mr. Speaker, this resolution has been around before. It is a retread. Originally, when it was presented to the Committee on Rules, it called for 15 members on each of the four subcommittees to travel. It called for 10 members—five of the majority and five of the minority to go to the ILO conference.

It was reduced by the Rules Committee, but nevertheless when it came to the floor with 11 Members to travel on each of the subcommittees, and 10 for the ILO, it was defeated. It was defeated narrowly, but it was defeated.

It was reintroduced by the chairman of the Committee on Education and Labor—at 11 for each of the committees to travel with the staff authorization of three.

The Committee on Rules saw fit to reduce again the recommendation of the Committee on Education and Labor and we reduced the number of subcommittee members who may travel from 11 with a division of seven and four—to nine, with a division of five and four—in other words, five of the majority and four of the minority.

We reduced the number of Members to go to the ILO, the International Labor Organization, from 10—that is five and five to four—that is two and two.

There are no staff authorized to go to the ILO conference.

I think we responded to the action of the House when it defeated the resolution, and it seems to me this resolution should be passed and passed promptly and I hope unanimously.

Mr. SPEAKER, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on May 6, only a couple of weeks ago, the House considered House Resolution 434, the travel resolution from the Committee on Education and Labor, as the gentleman from Missouri has explained.

Mr. Speaker, this resolution was defeated on a rollcall vote by a vote of 172 to 156.

Shortly thereafter, incredible as it may seem, the chairman of the Committee on Education and Labor again reintroduced exactly the same travel resolution as had been defeated a few days previously on the floor of the House.

Then on June 14, the chairman of the Committee on Education and Labor wrote a letter, I assume to all members of the Committee on Rules, suggesting that the number of observers, and I want to emphasize that they are observers and not delegates to the ILO conference in Geneva be reduced from 10 to four—that is two on both sides of the aisle.

His letter also requested 10 members from each of the four subcommittees to travel, six and four for each one of the four subcommittees.

The House Rules Committee considered this resolution earlier this week and reduced the number from 10 to nine, and the observers to the ILO would number four. The chairman of the Education and Labor Committee had requested that.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Florida.

Mr. HALEY. May I suggest to the chairman of the House Committee on Education and Labor that he study the school systems of this Nation, because certainly in the last few years his committee has so disrupted the school systems of our Nation that they now need a lot of study. Some things need to be done in order to help the schoolchildren of America, rather than running off all over the world. I just do not think it is fair that we go abroad and try to get the people of other countries to adopt any school system that we have here.

Mr. MARTIN. I thank the gentleman for his remarks.

I would like also to call attention, Mr. Speaker, to the fact that the ILO sessions began on June 2. They conclude next Thursday. Normally no business is conducted at the ILO on weekends, Saturdays and Sundays. In other words, the four-member delegation who would be allowed to go by this resolution would only be there during the sessions of the 4 days of next week, because the convention concludes on Thursday.

As was brought out in the previous debate on this resolution on May 4, Mr. ROONEY, the distinguished chairman of the Subcommittee on Appropriations for the Department of Justice and State, and Mr. BOW, of Ohio, the ranking member of that subcommittee, saw that funds for paying the assessment of the United States to the ILO were eliminated from the appropriation bill last year. It was also stated by those two gentleman on the floor during the course of that debate that, as far as they were concerned, they did not want to include, and did not plan to include any funds for the U.S. assessment of the ILO in the coming fiscal year.

It was further stated that there would be embarrassment in the position of the Congress in cutting out these funds from the appropriation bill and then to go ahead and send 10 Members as observers to the ILO Convention.

Mr. Speaker, I think that same argument still holds, even though the number has been reduced to four.

There is very little that can be accomplished. The Members from the House would not be delegates; they would merely be observers. Only four voting delegates are allowed to each nation. In the case of our country, one would be from the State Department, one from the Department of Labor, one from industry, who is appointed by the U.S. Chamber of Commerce, and one from labor, who would be appointed by the AFL–CIO. Those are the only four members who have any say in any vote in the activities of the ILO Convention. Members of Congress are simply observers.

I was informed this morning that one Member from the other body, on a trip to Europe for another purpose, Senator JAVITS, of New York, spent 2 days at Geneva. He is the only Member from the other body who had been there, and, as I said, he was in Europe on other business and stopped by in Geneva to attend the sessions for 2 days. It does not appear of great importance that Members of the Congress be in attendance at that ILO meeting.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished gentleman from Nebraska, of the Committee on Rules, yielding to me.

I rise simply to ask a question and in the search of information. I have more than a personal and vested interest as a member of the Committee on Armed Services, in what we call our defense schools abroad.

Item 1 of the first "Resolved" in the resolution under consideration, refers to those circumstances; and a study of the operation by the Federal Government of elementary and second schools abroad, in determining that the children of officers and employees and dependent members of the Armed Forces of the United States will receive high-quality elementary and secondary education in the following countries listed, et cetera.

That certainly is noteworthy. I have done a lot of pondering and mulling over this resolution since it was defeated on May 6 of this year in this body. I am certainly for proper training of our students who are dependents of defense members stationed overseas.

However, does the gentleman know if we have any defense schools in Kenya and Ethiopia? If not, why would we want to study the Federal school system abroad in those two nations?

Mr. MARTIN. I might also add that Yugoslavia and the Union of Soviet Socialist Republics are included. To my knowledge there are no overseas schools there, because there are no American troops stationed in those countries.

I should like to point out, in fairness, in the first sentence of this resolution it is stated:

> The circumstances surrounding the production in foreign nations of goods which are subsequently sold in the United States in competition with domestically produced goods.

That is one item which the subcommittee will check into, which is in addition to checking into overseas schools.

Mr. HALL. I thank the gentleman. I presume, then, Kenya and Ethiopia do export a lot of goods in competition with our products, and this is partly responsible for the imbalance of trade?

Mr. MARTIN. I could not answer the gentleman's question with regard to that, but I understand they are checking both these matters.

Mr. GROSS. Mr. Speaker, will the gentleman yield briefly?

Mr. MARTIN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Did I correctly understand the gentleman to say the final week of the International Labor Organization conference is dedicated to salubrious festivities rather than to business?

Mr. MARTIN. I cannot answer the gentleman's question. I was there once, but I believe it was the first week of the session, which goes on for 3 weeks. That is the only time I have been there. I was not there the last week of the session. Perhaps the gentleman from New Jersey (Mr. THOMPSON) has been there.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman from Iowa that the conference is like most international conferences and like the Congress of the United States: it does most of its work the last week.

Mr. GROSS. Well, if the gentleman will yield further, of course, there are various forms of work. Some involves the use of arms and elbows. The question is what constitutes "work" on an occasion of that kind.

Mr. MARTIN. I would be happy to yield to the gentleman from New Jersey for an answer.

Mr. THOMPSON of New Jersey. Mr. Speaker, in response to the gentleman from Iowa, I would say I do not know about any other international bodies, but the procedure at the International Labor Organization is first the reconstituting of the annual offices. The first half, at least, of the conference is absorbed by a discussion of and debate on the Director General's report, during which time many, many committees are considering the annual conventions. It might be a reverse of other international bodies, but the fact is that during the last week the most intensive work is done, because the conventions, if there are to be any, which have been debated during the first 10 days or so, are there enacted. The body is in actual voting session.

So the fact is that the description, humorous though it is by the gentleman from Ohio, is accurate. It is a fact that the intensive work and the most constructive work of all is done in the last several days.

Mr. MARTIN. Mr. Speaker, I would like to draw attention again to the fact that Members of Congress are observers and not delegates. In view of the fact that they have not been there, it is hard for me to understand and realize how they would have any first-hand information as to what has gone on before with only 4 days of this conference left.

I hope this resolution is once again defeated.

Mr. BOLLING. Mr. Speaker, I want to say briefly that in a letter dated June 14, received from the Deputy Under Secretary of Labor for International Affairs, there is enclosed and made a part of it a background paper from the administration which makes clear that the President of the United States is anxious that the United States continue to participate in the ILO. I am informed that the State Department does in fact desire that Members of the Congress participate in the available time in the proceedings of the ILO. Therefore, I urge that this resolution be approved. It was overwhelmingly adopted and sent to the floor of the House by the Committee on Rules, and I believe it deserves the support of every Member.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 119, not voting 131, as follows:

[Roll No. 147]

YEAS—183

Abbitt
Abourezk
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Aspinall
Begich
Bergland
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Casey, Tex.
Chisholm
Clay
Collins, Ill.
Colmer
Cotter
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Derwinski
Downing
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Fulton, Pa.
Galifianakis
Garmatz
Gaydos
Giaimo
Gonzalez
Green, Pa.
Gude
Hamilton
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Hosmer
Howard
Jacobs
Johnson, Calif.
Jonas
Jones, Ala.
Kastenmeier
Kazen
Keith
Kemp
Klucyznski
Kyros
Landrum
Link
Long, Md.
McClory
McCloskey
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Rees
Roberts
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Waldie
Ware
Watts
Whalen
White
Widnall
Williams
Wolff
Yates
Young, Tex.
Zablocki

NAYS—119

Andrews, Ala.
Andrews, N. Dak.
Archer
Baker
Belcher
Bennett
Bevill
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Carter
Chappell
Clausen, Don H.
Clawson, Del
Collins, Tex.
Conte
Coughlin
Davis, S.C.
Denholm
Dickinson
Dow
Dowdy
Duncan
du Pont
Dwyer
Flowers
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hastings
Hébert
Hillis
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClure
McDade
McDonald, Mich.
McKevitt
McKinney
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Pettis
Pike
Poff
Powell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Robinson, Va.
Robison, N.Y.
Rousselot
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Smith, Calif.
Snyder
Spence
Springer
Steiger, Ariz.
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Thone
Vander Jagt
Wampler
Whitehurst
Wiggins
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—131

Abernethy
Abzug
Adams
Addabbo
Anderson, Ill.
Arends
Ashbrook
Ashley
Badillo
Baring
Barrett
Bell
Betts
Biaggi
Blatnik
Brasco
Broomfield
Brown, Ohio
Broyhill, N.C.
Byrnes, Wis.
Camp
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain
Clancy
Clark
Cleveland
Collier
Conable
Conyers
Corman
Crane
Davis, Wis.
Delaney
Dennis
Dent
Devine
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flood
Flynt
Fountain
Fraser
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Gettys
Gibbons
Goldwater
Grasso
Gray
Green, Oreg.
Griffiths
Gubser
Halpern
Hanley
Hanna
Harrington
Heckler, Mass.
Helstoski
Holifield
Horton
Karth
Keating
Kee
Koch
Leggett
Long, La.
McCollister
McCulloch
McEwen
Mathias, Calif.
Meeds
Mills, Ark.
Mollohan
Morgan
Moss
Nelsen
Nichols
O'Neill
Pelly
Podell
Price, Tex.
Railsback
Rangel
Reid, N.Y.
Reuss
Riegle
Rogers
Rosenthal
Roush
Roy
Runnels
Ruppe
Ruth
Ryan
Saylor
Seiberling
Shoup
Steele
Stuckey
Terry
Thompson, Ga.
Tiernan
Vanik
Veysey
Whalley
Whitten
Wilson, Charles H.
Wright
Wyatt
Wydler
Yatron
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Broyhill of North Carolina against.

Mr. Dulski for, with Mr. Frenzel against.

Mrs. Grasso for, with Mr. Frey against.

Mrs. Green of Oregon for, with Mr. Keating against.

Mrs. Griffiths for, with Mr. McCollister against.

Mr. Holifield for, with Mr. Price of Texas against.

Mr. Riegle for, with Mr. Abernethy against.

Mr. Moss for, with Mr. Shoup against.

Mr. Ashbrook for, with Mr. Fisher against.

Mr. Horton for, with Mr. Fountain against.

Mr. Reid of New York for, with Mr. Fuqua against.

Mr. Hanley for, with Mr. Gettys against.

Mr. Hanna for, with Mr. Nichols against.

Mr. Charles H. Wilson for, with Mr. Stuckey against.

Until further notice:

Mrs. Abzug with Mr. Conyers.

Mr. Tiernan with Mrs. Heckler of Massachusetts.

Mr. Ashley with Mr. Bell.

Mr. Addabbo with Mr. Pelly.

Mr. Brasco with Mr. Halpern.

Mr. Carey of New York with Mr. Mathias of California.

Mr. Delaney with Mr. Devine.

Mr. Celler with Mr. Arends.

Mr. Rosenthal with Mr. Diggs.

Mr. Donohue with Mr. Betts.

Mr. O'Neill with Mr. Anderson of Illinois.

Mr. Ryan with Mr. Railsback.

Mr. Vanik with Mr. Thompson of Georgia.

Mr. Wright with Mr. Zwach.

Mr. Yatron with Mr. Broomfield.

Mr. Karth with Mr. Nelsen.

Mr. Biaggi with Mr. Cederberg.

Mr. Barrett with Mr. Crane.

Mr. Adams with Mr. Erlenborn.

Mr. Harrington with Mr. Badillo.

Mr. Baring with Mr. Camp.

Mr. Blatnik with Mr. Whalley.

Mr. Carney with Mr. Fish.

Mr. Morgan with Mr. McEwen.

Mr. Podell with Mr. Brown of Ohio.

Mr. Reuss with Mr. Byrnes of Wisconsin.

Mr. Flynt with Mr. Clancy.

Mr. Flood with Mr. Gubser.

Mr. Fraser with Mr. Rangel.

Mr. Fulton of Tennessee with Mr. Wydler.

Mr. Gallagher with Mr. Conable.

Mr. Meeds with Mr. Edwards of Alabama.

Mr. Leggett with Mr. Findley.

Mr. Koch with Mr. Roy.

Mr. Dingell with Mr. Dennis.

Mr. Edmondson with Mr. Saylor.

Mr. Helstoski with Mr. Chamberlain.

Mr. Mollohan with Mr. Cleveland.

Mr. Corman with Mr. Steele.

Mr. Clark with Mr. Eshleman.

Mr. Dorn with Mr. Davis of Wisconsin.

Mr. Eckhardt with Mr. Ruppe.

Mr. Gibbons with Mr. Collier.

Mr. Rogers with Mr. Ruth.

Mr. Runnels with Mr. Terry.

Mr. Roush with Mr. Wyatt.

Mr. Mills of Arkansas with Mr. Veysey.

Mr. Whitten with Mr. Goldwater.

Mr. Drinan with Mr. Kee.

Mr. Gray with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SYMINGTON. Mr. Speaker, I wish to state for the RECORD that on recorded teller vote 143 yesterday I voted "aye" but had intended to vote "no."

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HEALTH PROFESSIONS STUDENT LOAN AND SCHOLARSHIP EXTENSION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 480 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 480

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7736) to attend the Public Health Service Act to extend for one year the student loan and scholarship provisions of titles VII and VIII of such Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

First, Mr. Speaker, there is a printing error on page 1, line 4, where the word "attend" appears in the resolution. That should be "amend."

Mr. Speaker, I ask unanimous consent that that error be corrected.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I know of no opposition to this resolution and I know of no opposition, in fact, to the bill which it makes in order. The rule makes clear that the purpose of this bill is to extend for 1 year the existing authorization for student loan and scholarship provisions of titles VII and VIII of the Public Health Service Act. Knowing of no controversy in the matter, Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. MARTIN. Mr. Speaker, as the gentleman from Missouri has explained, House Resolution 480 provides for an open rule with 1 hour of general debate on H.R. 7736, the Public Health Service Act.

The purpose of the bill is to extend for 1 year—fiscal 1972—present programs of student loans and scholarships under the Health Professions Educational Assistance Act and the Nurse Training Act.

The President's program, embodied in H.R. 5614, calls for terminating these programs and replacing them with a program of federally guaranteed loans. The committee determined to continue and expand the existing system of medical training assistance, and has reported two comprehensive bills—H.R. 8629 and H.R. 8630. The bill was reported to insure continuation of existing programs for the next fiscal year in case the other bills do not become law.

For fiscal 1971 approximately $40,500,000 has been appropriated for health professions student assistance, $25 million in direct loans and some $15,500,000 in scholarships. Federal assistance is about 52 percent of the total aid available to students.

The administration supports H.R. 5614, rather than the committee's reported bill. It wants to replace the direct loan and scholarship program with a federally guaranteed loan program which is geared to needy students.

Mr. Speaker, I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7736) to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7736, with Mr. WALDIE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason this bill is being brought up today is because it is important that we do not stop aid to those students who are contemplating entering our medical schools, nursing schools, and other health professions schools this fall.

Mr. Chairman, this bill should be passed in order to deal with a possible serious problem facing our schools of medicine, dentistry, and other health professions, and schools of nursing.

The existing authorization for student loans and scholarships expires June 30 of this year, and the administration has recommended legislation which would substantially revise the existing scholarship program, and which would eliminate the student loan program for new students in health professions schools. The budget as submitted in January is based on the assumption that these changes will be put into effect.

The Interstate and Foreign Commerce Committee has reported legislation to the House which would continue the existing student loan programs, and also continue the scholarship program for fiscal year 1972 on the same basis as presently exists. In order to enable schools of the health professions to plan for their class entering this fall, it is necessary that the schools know how much will be available to them for loan and scholarship assistance from Federal funds, but there is presently no appropriation authorization for these programs.

Passage of this legislation would permit appropriations for these programs at an early date, so that in the event there is any delay in passage of overall health manpower legislation, the schools will not be in the position of not knowing what assistance can be offered to students this fall. As I mentioned, it may be that this legislation will prove unnecessary and we certainly hope so because we want to get comprehensive legislation to the President for his signature before June 30 if possible. This bill is designed to deal with an emergency situation that would be created by any possible delay in the enactment of the comprehensive bills.

I think it is extremely important that we pass this bill before us today.

This bill carries $111 million for the year 1972.

I might explain this to the House; if we get H.R. 8629 and H.R. 8630 comprehensive health manpower bills, though, they will supersede this bill.

As I mentioned before, it is entirely within the realm of possibility that this bill will never go into effect, but that is very remote in view of the situation over in the other body relating to their versions of the overall health manpower bills, including the larger amounts of money contained in their version, and the major differences in the two bills.

Mr. Chairman, the question was asked earlier today about why the other two bills are not being called up. I will say this: that I asked the Speaker of the House to take those two bills off the schedule for today. I did this because many Members of this House were to be absent, because they had other obligations to fulfill. I have been contacted by many Members who said they were intensely interested in the nursing program and the doctors' program, and wanted the bills put off so they could be here when the bills are considered.

Therefore I asked the Speaker of the House not to bring up the other two bills today. I take responsibility for that.

I would like to say further, in mentioning our Speaker, that I saw what in my opinion was a very outrageous article in the Evening Star yesterday. It was the opinion of one man, I suppose, about the leadership of this House. I concede the reporter his right to his opinion, but I have my own opinions about the Speaker and the majority leader of the House, and my opinions differ strongly from those expressed in the article. And on that I want to say that, after 23 years' experience here, in my opinion the leadership of this House today is as well equipped, if not better equipped, than any leadership I have ever served under. The Speaker today has served as whip and majority leader under two great men—Sam Rayburn and John McCormack—and he knows, from experience, how to get the best out of the House. The gentleman from Louisiana has earned this position through long service and ability.

Nobody appointed these men—we, here in the House, elected them because we thought they were the best qualified men for the jobs, and they are.

If given a chance by this House and by the press, they will serve, I am sure, as well as any leadership has ever served in the Congress of the United States. I am confident of this fact because of having worked with these gentlemen for the 23 years that I have been here. I certainly am going to try to help in every way. I think they deserve every bit of help they can get from every Member of the House.

I think we are doing a good job so far in the House and I believe that by the end of this session we will have done as well as any other session that we have ever had and perhaps better.

Mr. Chairman, to return to the bill before us it simply is an extension of existing law. We started a program in 1963 for loans for health professions students and in 1964 provided loans for nursing students and in 1965 included scholarship assistance. This bill continues the program for 1 year.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from West Virginia has consumed 6 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I might say that the bill, H.R. 7736, is really only a stopgap measure. The bill is supplemental to the health manpower bills, which will probably be on the floor next week. They were scheduled for today, but have been put over until next week, and will supersede H.R. 7736.

Now why, therefore, should we pass H.R. 7736 today? Simply, for this reason. Present law which makes these scholarships and loans available to students will expire on June 30. We will probably pass our manpower bills next week, but the other body, however, will probably have several weeks yet on their bill. We probably will not get to conference before the latter part of July or the first part of August with the result that unless H.R. 7736 is passed, the student loan program would entirely lapse.

So we are passing this bill in order that the affected scholars may make plans for the fall semester between now and when the President signs the manpower bill.

The manpower bill will improve present law and makes more money available, and I think rightfully so, because we are trying to enlist students from the lower income brackets in the country who we think ought to be in medical schools but who are unable to get into those schools because of the lack of money.

So this bill will only extend the time until the manpower bill is finally put into law and the President signs it.

That is the purpose today of passing this bill, H.R. 7736. We could not afford to allow this loan program to lapse even for only a few weeks.

The recommendation of the committee as to this bill was unanimous, Mr. Chairman, and I urge its passage.

The CHAIRMAN. The gentleman from Illinois has consumed 2 minutes.

Mr. SHOUP. Mr. Chairman, I constantly receive mail from physicians and laymen alike regarding the crisis in health manpower training. I am aware of the fact that the shortage of physicians, nurses, and health technologists is a national problem, but it is particularly acute in America's rural areas. In Montana the shortage of health personnel, particularly in the more rural areas, is reaching crisis proportions. I am aware of several areas in rural western Montana where a single physician is so overworked that his health is in danger. In a country that enjoys unprecedented affluence and technological expertise, such a situation is deplorable, to say the least. Many physicians are forced to leave these already hard-pressed rural areas and reestablish their practices in more populated areas where they can have more time for themselves and their families.

Mr. Chairman, I am convinced that more must be done in reordering our national priorities to provide for the facilities and personnel to reverse this unfortunate situation. I am especially pleased to support legislation that will realistically help to relieve the country of this serious problem. It is my sincere hope that the House will favorably consider and pass H.R. 7736.

Mr. FRENZEL. Mr. Chairman, because of the shortage of health service personnel, the extensive training required to qualify for service, and the necessary high cost for such training, the Federal Government should continue to make loan and scholarship funds available to students in the health care fields.

I therefore am in full support of H.R. 7736, the Health Profession Student Loan and Scholarship Extension.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 7736, to extend for 1 year existing authorization for student loans and scholarships under the Health Professions Educational Assistance Act.

It is regrettable that the very heavy schedule we have experienced since the Committee on Interstate and Foreign Commerce reported comprehensive legislation in this field has made it necessary for us to legislate on an emergency basis today a simple 1-year extension of this authority. However, with the assurance of our committee colleagues that there will be no conflict between enactment of this legislation and the more comprehensive legislation we will be acting upon in the near future, I support this interim action today.

We are advised that approximately 4,130 first-year medical students will need loan or scholarship aid this fall, and that aid will be needed by some 5,000 students enrolled in other health professions. Since Federal funds constitute more than half of the loan assistance to such students, any significant delay in extending the authority would force sharp curtailment of the loan programs and jeopardize plans of many students and schools depending on the funds. With less than 3 months remaining before the beginning of the fall semester, we have no choice but to act quickly so schools can make commitments to students with assurance that scholarship and loan funds will be available for them.

While I am pleased to support today's action, this does not lessen my enthusiastic support for the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971 I had hoped we would be considering this week. I hope I speak for the majority of my colleagues in urging the leadership to reschedule these urgently needed measures as soon as possible so we can get on with the business of remedying the desperate shortage of persons trained to meet the growing health needs of our Nation.

Mr. Chairman, I urge enactment of H.R. 7736.

Mr. ROY. Mr. Chairman, due to the exigencies of time available, the House will not be able to consider the comprehensive Health Manpower Act and the Nurses Training Act of 1971 for some time. The other House may be even more dilatory in this regard. In such a situation, the Health Manpower Act of 1968 will lapse on June 30 without replacement or extension.

In most programmatic areas, this lapse will not seriously affect the health manpower situation in this Nation. Construction may be delayed; programs may not be initiated until a later date; but no permanent harm will be done.

But in one area serious difficulty may arise due to this programmatic lapse. This is the area of student loans and scholarships. The difficulty in this area stems from the unique temporal deadline involved with student loans and scholarships. That is, loans and scholarships in precise amounts for hundreds and thousands of individual students must be distributed early in the school year. For without these funds from virtually the first day of school, many students, especially those from disadvantaged backgrounds, will not be able to pay tuition, to pay rent, or perhaps even to pay for food.

With a series of time-consuming steps necessary before these funds actually become available to the individual students, it is important that we act favorably now in the Health Professions Student Loan and Scholarship Expansion. For even after we act, there must be agreement between the two Houses; there must be appropriations; there must be handling of the funds by the Bureau of Health Manpower Education; and, finally, each individual school must determine how and to whom to allocate its share of the funds.

This bill is an extension of current programs which provide vital funds. In order not to unduly hamper the distribution of these funds to students, in order not to create unnecessary hardship to students throughout the Nation, I therefore urge that this bill be accepted by this House today, and that the appropriation mechanism move rapidly to provide these funds in the very near future.

Thank you, Mr. Chairman.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 7736, a bill to extend for 1 year the student loan and scholarship authorizations of title VII and VIII of the Public Health Service Act. Because the authorizations for this assistance expires on June 30, Federal support of financial assistance for some 9,100 first-year medical, dental, and other health professions students this fall is in jeopardy. This represents more than one-third of the entering class of 26,000 students.

Mr. Chairman, as you know, the Committee on Interstate and Foreign Commerce has ordered reported H.R. 8629, the Comprehensive Health Manpower Training Act of 1971 and H.R. 8630, the Nurse Training Act of 1971. These bills propose 3-year extensions of the loan and scholarship provisions. It is our intention that these bills will be brought to the floor of the House prior to the June 30, 1971, expiration date of the programs authorized under this legislation until the middle of July. For this reason, this interim measure is necessary. Of course, enactment of the entire health package would supersede the provisions of this bill.

Medical schools and other health professions schools have already issued acceptances for the September term, and must now make commitments of financial aid. Without a clear assurance of aid, many students cannot commit themselves to the financial burden required to attend school. This situation is particularly serious in light of recent efforts which have been made to substantially increase the number of minority and disadvantaged students in the health professions. These efforts are almost entirely dependent on the availability of scholarship and loan assistance.

Passage of a continuing resolution would not alleviate the problem. The appropriation authorization for the health professions student loan program of the Public Health Service Act continues authority to make such loans only to those students to whom loans had been made prior to June 30, 1971. After that date, there is no authority to appropriate funds for loans to new students or to those not previously assisted under the loan program. Similarly, the statutory language for the health professions scholarship program restricts scholarship assistance after June 30, 1971, to students who previously had received such scholarships.

Mr. Chairman, unless we pass this bill, medical school admissions decisions will be disrupted and an even higher barrier would be raised for those applicants who are academically qualified but economically disadvantaged. I urge that the Congress adopt this legislation so that this potential crisis may be averted.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation—a stopgap measure calling for a 1-year extension of the student loan and scholarship programs now administered under the Public Health Service Act and the 1964 Nurse Training Act.

The bill would keep these vital programs from lapsing even if the Congress should fail to enact the 1971 Nurse Training Act and the Comprehensive Manpower Training Act.

In essence, Mr. Chairman, it would assure the survival of student aid in the health professions no matter what the fate of the two acts just cited.

The need for such aid is all too obvious. Health professions schools—the schools that turn out doctors, nurses, technicians, and other health personnel—are beset with financial difficulties. Tuition rates are moving upward year by year at a dizzying pace. Without Federal loans and scholarships most students simply cannot afford the burdensome costs.

What is at stake here, Mr. Chairman, is the health of our country's people.

Health professions personnel are already in short supply, lagging far behind the numbers needed to maintain our hospitals and clinics.

The Congress must recognize its responsibility to make adequate medical care available to the people it represents.

I urge passage of this bill.

Mr. ANNUNZIO. Mr. Chairman, I rise today to support H.R. 8629, the Comprehensive Health Manpower Training Act of 1971; H.R. 8630, the Nurse Training Act of 1971; and H.R. 7736, a bill to extend the Health Professions Student Loan and Scholarship programs contained in titles VII and VIII of the Public Health Service Act. Each bill, as reported by the Committee on Interstate and Foreign Commerce, represents a particularly effective and innovative approach toward alleviating the serious shortages of health manpower in this country.

I would like to commend the distinguished chairman of the subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, the subcommittee members, and the members and chairman of the full committee, Hon. HARLEY O. STAGGERS, for their diligence and forthright understanding of the critical problems that confront the delivery of health care in the United States. The comprehensive provisions contained in the three legislative proposals demonstrate the dynamic leadership of the new chairman of the Subcommittee on Public Health and Environment, Mr. ROGERS of Florida. I congratulate Mr. ROGERS and his colleagues for developing and recommending a series of proposals that I believe will provide forceful solutions to ease health manpower shortages that currently exist in the United States.

Each of us recognizes that serious health personnel shortages exist and continue to grow. Without adequate supplies of qualified health manpower, the ability of the health care system to meet increasing demands for health services is constantly impaired. These chronic shortages of doctors, nurses, and auxiliary personnel are especially aggravated by a severe maldistribution of existing health manpower. By now, we can cite the figures by rote. According to expert opinion, we lack 50,000 doctors, 150,000 nurses, and thousands upon thousands of allied health personnel. According to current statistics, 134 counties across the United States are without an actively practicing private physician. We read daily of many doctorless communities throughout the Nation that embark on intense efforts to recruit physicians—a search that generally ends in vain. We learn of hospitals that are forced to curtail patient-care activities because they do not have sufficient numbers of nurses. The examples are endless. In my own city of Chicago, health officials have labeled the situation in the inner city area "desperate." Last year, Chicago's outstanding Health Commissioner, Dr. Murray C. Brown, publicly stated the results of a survey taken in Chicago's inner city which indicated that only 85 doctors maintained private offices in the portion of the city south of Eisenhower Expressway. The commissioner termed this a "desperate situation."

Mr. Chairman, for such reasons, I strongly favor the provisions of the three health manpower bills recently reported out of the Committee on Interstate and Foreign Commerce. Briefly, the legislation would extend and significantly modify the provisions of title VII and title VIII of the Public Health Service Act. H.R. 8629, as reported, would provide increased Federal support to construct teaching facilities for the health professions and would authorize a new program to guarantee and pay interest subsidies on loans to construct such facilities. The bill would substantially increase the amount of institutional support for the various health professions schools through a new program of capitation grants. H.R. 8629 would also strengthen provisions for special project grants. In addition, several new programs are authorized including startup grants to new schools; grants to train teachers of the health professions; and grants to hospitals for training in family medicine. One newly authorized program known as Health Manpower Initiative Awards is particularly innovative and thought provoking.

The bill would continue and strengthen the health professions student loan and scholarship programs. Maximum loan and scholarship amounts for health professions students would be increased. I am especially pleased to note that the loan forgiveness provision contained in the student loan program reflects many of the proposals recommended in H.R. 2294, the Community Health Act—a bill that my distinguished colleague from North Carolina, Hon. NICK GALIFIANAKIS, originally sponsored, and that I and many others cosponsored. This new provision, if enacted, will provide a strong impetus to ease the desperate situation in many of our doctor shortage areas. Under the new provision, a doctor who practices in a shortage area for at least 3 years may cancel up to 75 percent of his outstanding educational debt—or up to $15,000. I am positive that many young men and women will take advantage of this program.

The Nurse Training Act of 1971, H.R. 8630, as reported, would continue the various authorities contained in title VIII of the Public Health Service Act. In addition, the legislation would initiate a variety of new programs such as loan guarantees and interest subsidies to assist in financing the construction of nurse training facilities; capitation grants to provide institutional support to schools of nursing; and start-up grants for new nurse training programs. Nursing student loan and scholarship programs would also be strengthened. Like H.R. 8629, H.R. 8630, as reported, would increase the maximum amounts of loans and scholarships for nursing students. The loan forgiveness program would be changed to reflect the intense efforts to recruit individuals to serve in nursing shortage areas. Under a provision similar to one contained in H.R. 8629, a nurse who practices in a shortage area for at least 3 years may be allowed to cancel up to 75 percent of her outstanding educational debt—or up to $10,000.

H.R. 7736, as reported, would extend for 1 year the existing student loan and scholarship programs as contained in the Public Health Service Act. Realizing that any significant change in the current loan and scholarship programs could jeopardize the plans of many of the students who benefit from these programs, the committee recommended the extension of the current programs for 1 year. I believe the committee to have shown unusual insight when making this recommendation.

It is estimated, for example, that 35 percent of the first year medical students in the 1971–72 academic year will need some form of Federal assistance. If H.R. 7736 is enacted, funds to continue the existing programs for loans and scholarships can be promptly appropriated.

Mr. Chairman, the legislative proposals contained in each health manpower bill as reported by the Committee on Interstate and Foreign Commerce, merit the favorable consideration of the Members of this body. Each provision represents a vital solution to the critical health manpower shortage in this Nation. I strongly support these provisions, for if this legislation is enacted the health needs of this Nation will be better met and its citizens better served.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

H.R. 7736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STUDENT LOAN PROGRAM UNDER TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

SECTION 1. (a) (1) The first sentence of section 742(a) of the Public Health Service Act (42 U.S.C. 294b) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years".

(2) The third sentence of such section is amended by (A) striking out "1972" and inserting in lieu thereof "1973", and (B) by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 743 of such Act (42 U.S.C. 294c) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(c) The first sentence of section 744(a) (1) of such Act (42 U.S.C. 294d) is amended by striking out "next three fiscal years" and inserting in lieu thereof "next four fiscal years".

SCHOLARSHIP PROGRAM UNDER TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

SEC. 2. (a) Section 780(b) of the Public Health Service Act is amended (1) by striking out "the next two fiscal years" in the first sentence and inserting in lieu thereof "the next three fiscal years", (2) by striking out "1972" in the last sentence and inserting in lieu thereof "1973", and (3) by striking out "1971" in such sentence and inserting in lieu thereof "1972".

(b) (1) Section 780(c) (1) (D) of such Act is amended by striking out "the next two fiscal years" and inserting in lieu thereof "the next three fiscal years".

(2) Section 780(c) (1) (E) of such Act is amended (A) by striking out "1971" and inserting in lieu thereof "1972", and (B) by striking out "1972" and inserting in lieu thereof "1973".

STUDENT LOAN PROGRAM UNDER TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 824 of the Public Health Service Act (42 U.S.C. 297c) is amended (1) by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal year ending June 30, 1971, and the next fiscal year", (2) by striking out "1972" and inserting in lieu thereof "1973", and (3) by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) Section 826 of such Act (42 U.S.C. 297e) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(c) The first sentence of section 827(a) (1) of such Act (42 U.S.C. 297f) is amended by striking out "next three fiscal years" and inserting in lieu thereof "next four fiscal years".

SCHOLARSHIP PROGRAM UNDER TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. (a) Section 860(b) of the Public Health Service Act is amended (1) by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years", (2) by striking out "1972" in the last sentence and inserting in lieu thereof "1973", and (3) by striking out "1971" in such sentence and inserting in lieu thereof "1972".

(b) (1) Section 860(c) (1) (A) of such Act is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years".

(2) Section 860(c) (1) (B) of such Act is amended (A) by striking out "1971" and inserting in lieu thereof "1972", and (B) by striking out "1972" and inserting in lieu thereof "1973".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair Mr. WALDIE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7736) to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, pursuant to House Resolution 480, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HARVEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 299, nays 0, not voting 134, as follows:

[Roll No. 148]

YEAS—299

Abbitt
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Aspinall
Baker
Baring
Begich
Belcher
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carter
Casey, Tex.
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collins, Tex.
Colmer
Conte
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Derwinski
Dickinson
Dingell
Dow
Dowdy
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Fulton, Pa.
Galifianakis
Garmatz
Gaydos
Giaimo
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McClure
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Roybal
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott

Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—134

Abernethy
Abzug
Addabbo
Anderson, Ill.
Arends
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Betts
Biaggi
Brasco
Broomfield
Broyhill, N.C.
Byrnes, Wis.
Camp
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain
Clancy
Clark
Cleveland
Collier
Collins, Ill.
Conable
Conyers
Corman
Crane
Delaney
Dennis
Dent
Devine
Diggs
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edmondson
Edwards, La.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flood
Flynt
Fountain
Fraser
Frenzel
Frey
Fulton, Tenn.
Fuqua
Gallagher
Gettys
Gibbons
Goldwater
Grasso
Green, Oreg.
Griffiths
Gubser
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Heckler, Mass.
Helstoski
Holifield
Horton
Karth
Keating
Kee
Koch
Landrum
Leggett
Long, La.
McClory
McCollister
McCulloch
McEwen
McMillan
Madden
Mathias, Calif.
Mills, Ark.
Mollohan
Morgan
Morse
Moss
Nelsen
Nichols
O'Neill
Pelly
Podell
Price, Ill.
Price, Tex.
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rogers
Rosenthal
Roush
Roy
Runnels
Ruppe
Ruth
Ryan
Saylor
Schmitz
Seiberling
Shipley
Shoup
Smith, Calif.
Steele
Stuckey
Terry
Thompson, Ga.
Tiernan
Vanik
Veysey
Whalley
Wilson, Charles H.
Wright
Wyatt
Wydler
Yatron
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Arends.
Mr. Celler with Mr. Anderson of Illinois.
Mr. O'Neill with Mr. Saylor.
Mr. Addabbo with Mr. Dennis.
Mr. Shipley with Mr. Findley.
Mr. Brasco with Mr. Conable.
Mr. Mills with Mr. Wydler.
Mr. Carey of New York with Mr. Gubser.
Mr. Donohue with Mr. Clancy.
Mr. Flood with Mr. Byrnes of Wisconsin.
Mr. Fulton of Tennessee with Mr. Fish.
Mr. Fuqua with Mr. Camp.
Mr. Rogers with Mr. Erlenborn.
Mr. Price of Illinois with Mr. Crane.
Mr. Holifield with Mr. Cederberg.
Mr. Rosenthal with Mr. Nelsen.
Mr. Charles H. Wilson with Mr. Broomfield.
Mr. Hanley with Mr. Zwach.
Mr. Hannan with Mr. Thompson of Georgia.
Mr. Tiernan with Mr. Railsback.
Mr. Barrett with Mr. Betts.
Mr. Ashley with Mr. Devine.
Mr. Stuckey with Mr. Mathias.
Mr. Karth with Mr. Price of Texas.
Mr. Carney with Mr. Pelly.
Mr. Dulski with Mr. Bell.
Mr. Fisher with Mrs. Heckler of Massachusetts.
Mr. Flynt with Mr. Chamberlain.
Mr. Fountain with Mr. Cleveland.
Mr. Gettys with Mr. Steele.
Mrs. Grasso with Mr. Eshleman.
Mr. Delaney with Mr. Morse.
Mrs. Greene of Oregon with Mr. Ruppe.
Mrs. Griffiths with Mr. Collier.
Mr. Biaggi with Mr. Whalley.
Mr. Abernethy with Mr. McClory.
Mr. Clark with Mr. Ruth.
Mr. Corman with Mr. Terry.
Mr. Helstoski with Mr. Wyatt.
Mr. Dorn with Mr. Veysey.
Mr. Leggett with Mr. Goldwater.
Mr. Edmondson with Mr. Broyhill of North Carolina.
Mr. Edwards of Louisiana with Mr. Frenzel.
Mr. Nichols with Mr. Frey.
Mr. Morgan with Mr. Keating.
Mr. Moss with Mr. McCollister.
Mr. McMillan with Mr. Eckhardt.
Mr. Runnels with Mr. Shoup.
Mr. Vanik with Mr. Riegle.
Mr. Aspin with Mr. Horton.
Mr. Landrum with Mr. Reid of New York.
Mr. Wright with Mr. Ashbrook.
Mrs. Abzug with Mr. Collins of Illinois.
Mr. Yatron with Mr. Hansen of Idaho.
Mr. Long of Louisiana with Mr. Schmitz.
Mr. Mollohan with Mr. McEwen.
Mr. Gibbons with Mr. Hastings.
Mr. Gallagher with Mr. Rangel.
Mr. Rees with Mr. Diggs.
Mr. Badillo with Mr. Reuss.
Mr. Drinan with Mr. Ryan.
Mr. Podell with Mr. Kee.
Mr. Koch with Mr. Harrington.
Mr. Conyers with Mr. Fraser.
Mr. Roush with Mr. Roy.
Mr. Smith of California with Mr. Seiberling.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, in response to the inquiry by the gentleman from Michigan, we have now completed the program for this week.

For next week we have five suspensions on Monday. That is after the Consent Calendar.

The suspensions are as follows:

S. 1538, American Revolution Bicentennial Commission amendment;

H.R. 3146, State and local law enforcement in national forests;

H.R. 7586, extending the Cabinet Committee on Opportunities for Spanish-Speaking People;

H.R. 5065, Natural Gas Pipeline Safety Act amendments; and

H.R. 9098. Child Nutrition Act amendments.

Those are to be followed by consideration of H.R. 1, the Social Security Amendments of 1971. That bill has 8 hours of general debate with a modified closed rule. We plan to conclude H.R. 1 on Tuesday.

On Wednesday we have scheduled the Agriculture—EPA—appropriations bill.

On Thursday we have scheduled the Treasury, Postal Service appropriation bill for fiscal year 1972.

Conference reports may be brought up at any time and, any further program will be announced later.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Rules.

Mr. COLMER. I thank the gentleman for yielding. My purpose in obtaining this permission is to ask the distinguished majority leader if I correctly understood that the bill H.R. 1 would be completed on Tuesday.

Mr. BOGGS. That is correct.

Mr. COLMER. The vote will occur on that day?

Mr. BOGGS. That is correct.

Mr. COLMER. Thank you, sir.

Mr. BOGGS. The rule on H.R. 1 will be taken up on Monday, of course.

Mr. Speaker, I take this time to make a further announcement about the program for next week and I ask this announcement appear along with the remarks I made earlier announcing the program for next week.

Mr. Speaker, we have cleared with the minority leadership the addition of one bill on the Suspension Calendar on Monday, H.R. 6247, a bill to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

We have done this, Mr. Speaker, because it was inadvertently left off the program, plus the fact that this authority expires at the end of June and it is important that we take it up as quickly as possible.

ADJOURNMENT OVER TO MONDAY, JUNE 21, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HARASSMENT OF THE GEORGIA-PACIFIC CORP.

(Mr. ABBITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, the Federal Trade Commission has embarked upon a vindictive and capricious campaign of harassment against the Georgia-Pacific Corp. which, I believe, should be of concern to every Member of Congress. The Commission is attempting to require the corporation to divest itself of eight of its plywood plants in the South, under terms which are as dictatorial and arbitrary as any action which I have ever known a governmental agency to assert.

Under the complaint, which has now been served on the company, Georgia-Pacific would be required to divest itself of "acquired timberlands and timber-cutting rights, along with eight softwood plywood plants in the South" and would be forbidden "to make any acquisitions in the forest products industry for 10 years after all required divestitures are completed, without the Commission's prior approval." In addition, if the timberlands have been disposed of or the timber on them used, such divestiture must be made from G–P's own holdings. In effect, should the FTC prevail, Georgia-Pacific would be operating under the heel of the Federal Trade Commission with its destinies being directly dictated from Washington.

The complaint alleges that the company, by its acquisitions of pinelands, "may substantially lessen competition or tend to create a monopoly in this concentrated industry. The fact is that that 673,000 acres of southern pine trees, to which the Commission refers, amounts to about four-tenths of 1 percent of the total commercial acreage available in the South. In addition, all of the eight plants to which the Commission refers, were built by Georgia-Pacific and do not represent acquisitions.

I feel that the basis for this proposal is totally without legal foundation and, if carried out, would set a tremendously dangerous precedent for other FTC actions far beyond the intent of Congress. Certainly Congress, in establishing the Commission, gave no license to capricious actions of this type nor was it intended that the powers of the FTC be used to disciminate against a great industry just because it has successfully expanded its operations. Georgia-Pacific was the pioneer in operations of this type in the South and has achieved a large measure of success, not only in its own operations, but in providing a boost to the economy of the southern part ot the country.

Among the eight plants which Georgia-Pacific would be required to relinquish is one at Emporia, Va., which burned on April 12 of this year. Immediately following this unfortunate fire, officials of Georgia-Pacific announced plans to rebuild this plant and began placing orders for the materials and machinery needed for reopening. Within a few days, April 14, to be exact, the Federal Trade Commission issued a news release, announcing its intention of issuing a formal complaint against the corporation.

Since that time, the company has been under continuous pressure—not knowing exactly where it stands with reference to the impending action but nevertheless recognizing the status of prior restraint on any actions within the area covered by the complaint.

Needless to say, the company's well-intentioned plans to rebuild the Emporia plant have gone by the wayside in the wake of the FTC actions. Meanwhile, most of the 400 or more employees have landed on the unemployment rolls. A blight has settled over what once was a thriving area—and the fault lies with the Federal Trade Commission. Had the April 14 release not been issued by the Commission, work on the new plant would have been well underway by this time, with the employees being actively involved in the construction.

I have been in contact with the Commission several times since learning of this action and I have been amazed by the ineptness, confusion and ridiculousness with which this whole matter has been handled. On May 4, I wrote Chairman Miles W. Kirkpatrick that I was shocked beyond description to be told that the Commission contemplates preventing Georgia-Pacific from rebuilding the Emporia plant. I was just as amazed when I received a letter from Mr. Alan S. Ward, Director of the FTC Bureau of Competition, dated May 17, in which he said:

> Georgia-Pacific's decision whether to rebuild the plant or not is solely within its own discretion and nothing in the Commission's actions, either by design or implication, is intended to prevent the company from rebuilding.

This, to me, is the height of folly. Ridiculous though the FTC order may be, the fact is that Georgia-Pacific is forced to consider the possibility that such a requirement might be upheld and this would obviously be a great factor in the company's decision as to whether or not to rebuild the Emporia plant, or make alteration of its operations at the other seven locations. To say that the decision is solely up to the company is obviously fallacious.

The unemployment in the Emporia, Va., area, as a result of the Georgia-Pacific fire, is now the fault of the Federal Trade Commission; it cannot be blamed on the company. I have received numerous inquiries about this and am aware that many other members have also. There have been many reactions to the Commission's actions—not only from the affected areas but from all over the country and not only from the pulpwood industry but from other industries as well. It is obvious that other segments of the business community are concerned about this, because if the Commission can do to Georgia Pacific what it seeks to do, then where does such usurpation of power end?

The General Assembly of Virginia has adopted a resolution, calling upon the Commission not to press its case against Georgia-Pacific and I am pleased to include the text of this resolution with my remarks:

HOUSE JOINT RESOLUTION NO. 101

Requesting that the Federal Trade Commission not instigate antitrust charges against certain enterprises of the Georgia-Pacific Company

Whereas, the Federal Trade Commission is in the process of bringing anti-trust charges against the Georgia-Pacific Corporation, to require it to divest itself of export plywood plants, including one at Emporia, Virginia, and six hundred seventy-three thousand acres of timberland, including forty thousand acres in Virginia; and

Whereas, Georgia-Pacific is an important factor in the economy of the Commonwealth, with a capital investment in the Commonwealth of thirty-two million dollars and annual expenditures of approximately fourteen million dollars; and

Whereas, Georgia-Pacific's presence in the Commonwealth and its industrial expansion have been sought and encouraged by local and State officials, who, with the citizens of the Commonwealth, are deeply disturbed by the threat of anti-trust charges against such an excellent industrial citizen of the Commonwealth; and

Whereas, the citizens of the Commonwealth and particularly those of Greensville County and the city of Emporia fear the results of such charges against a company which supplies eight hundred five jobs and over five million dollars in annual payroll in the Commonwealth; and

Whereas, the company owns a very small percentage of commercial forest lands in the southern states, and takes care of the bulk of its timber needs by buying on the open market; and

Whereas, Georgia-Pacific has been a pioneer in southern pine plywood, and has built its own plants at its own expense and risk; and

Whereas, the development by Georgia-Pacific of southern pine plywood, and related facilities has greatly increased ultilization of southern pine timber, and brought thousands of jobs, better markets for timber, and community stability to the south, as well as high quality building materials to the nation; and

Whereas, an order from the Federal Trade Commission to Georgia-Pacific required divestment of these operations would stifle a dynamic innovative firm, establish a crippling precedent and penalize genuine progress at a time when the nation can ill afford set-backs to the creator of jobs, generation of tax revenues, and construction of building materials; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Federal Trade Commission is hereby requested not to instigate or prosecute anti-trust charges against the Georgia-Pacific Corporation concerning its eight plywood plants in the south; and

Be it further resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to each member of Congress from Virginia.

Many of us have from time to time expressed concern over the growing power of the regulatory agencies of the Federal Government, where regulations and arbitrary orders far transcend any legislative guidelines. This is a dangerous area, because no one knows from day to day what the law is. Regulations and even press releases tend to become "law" and a minor concession to commission fiat in one instance may lead to broad usurpation of power in another. Far too much of this type regulation exists in America today and this is just another sad example of unchecked bureaucracy at work.

I call upon the proper committees of

Congress to make a thorough study of this action by the FTC, to see what is behind this capricious attempt to shackle a great industry, whose only guilt is the success it has achieved in opening up new development and more employment in areas where it has been badly needed. I know what Georgia-Pacific has meant to Emporia. It has provided employment from areas all over Greensville County and across the North Carolina line to some people who have been on the marginal roster for years. Many of these people have found new hope in gainful employment which they had every reason to expect would continue. The fire could not have been avoided, but the heavy hand of the Federal Trade Commission is today keeping these people from work to which they would otherwise be entitled.

Congress has the obligation to police the activities of the regulatory commissions which it established by law. This is a function which should be exercised in cases such as this, where there is an obvious attempt to grab more power than Congress intended for the agency to have. Georgia-Pacific has violated no law; it has not acted against the public interest. In this instance, the company recognizes full well that to close its operations in these eight areas would adversely affect the economy. I hope that the Commission and Congress will seriously consider the implications in this action. In the present state of our economy, I do not believe it is wise or prudent for the Government to be taking exploratory actions of this type which obviously will be leading toward unemployment and providing further economic difficulties.

MOBILE DENTAL CLINIC PROGRAM IN VENTURA COUNTY, CALIF.

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I am from the small California community of Santa Paula in Ventura County. I was born, raised, and have subsequently spent much of my life in this area. As a child, growing up, I was a member of a fortunate minority of children who were able to afford to have proper dental care. Unfortunately, for too long a time, the children of low-income families in the Ventura area have been denied proper dental attention because of their inability to pay for costly dental services.

I am happy to announce today that because of a joint effort by the dental schools of the University of Southern California and the University of California at Los Angeles, a mobile dental clinic program has been initiated to work to alleviate this problem which confronts too many children in Ventura County.

The dental services provided for these children will be staffed by dental students, dental hygiene students, and faculty—all donating their time.

At this point, Mr. Speaker, I would like to insert into the RECORD an article about this program written by Miss Jackie Reinhardt, California regional medical programs communications coordinator.

A JOINT UCLA–USC EFFORT—MOBILE DENTAL CLINIC PROGRAM STARTS UP IN VENTURA COUNTY THIS MONTH

A little over a year ago school nurses in Ventura County were asked by the RMP District Committee what they saw as the most pressing health need among children. Their response came back loud and clear: bad teeth!

Beginning this month, a mobile dental clinic program will get underway in Santa Paula, the first of four sites to be visited over a year-long period by students from USC and UCLA Dental Schools.

An estimated 700 to 1,000 low-income elementary school age children eventually will be brought into the program as it extends to communities in Oxnard, Simi Valley and Ventura.

Initiation of this service climaxes many months of searching by an RMP–CHP Dental Task Force which investigated other community-based alternatives before tapping outside resources. This 34-member group—chaired by Norman H. Portier, retired dentist—includes representation from the County Health Department, Ventura County Community Council, Ventura Dental Society and local civic organizations.

The USC Dental School, contacted in February through Dr. Charles Goldstein, faculty advisor, will bring two mobile units which, along with locally-provided rooms, will be staffed by about 40 dental students, dental hygiene students and faculty. Beginning in September, this equipment also will be used once a month by a 30-member UCLA Dental School team under the direction of Assistant Dean James Freed, D.D.S., and Calman Kurtzman, D.D.S., field coordinator.

Among the services to be provided are dental examination, x-rays, cleaning, fluoride applications, fillings and education about dental hygiene and nutrition. All personnel services are donated. The only costs are for supplies, transportation, housing and meals.

In Santa Paula where children from Fillmore, Piru, Ojai and Saticoy communities will come for clinic sessions June 19, July 10 and July 24, expenses are being met through local contributions and volunteer services. Joe Bravo, Barbara Webster School superintendent who heads community planning committees in charge of arrangements cited:

Lodging for the dental team at a Fillmore nursery school and St. Sebastian Church in Santa Paula.

Preparation of meals for children and workers by the Mexican-American Civic organization and several other groups.

A program of supervised play set up by the Santa Paula Recreation Department.

Transportation for parents and children by policemen who have volunteered to man school buses during off-duty hours.

Follow-up services offered without charge by several local private dentists.

"You might say the community reception has beep spontaneous," Mr. Bravo noted, "and it's been ballooning ever since."

He said 16 letters were sent out to community people. "We thought we would be fortunate if we got eight back; instead 14 responded with offers to help."

An estimated 150 children will be seen initially in the Santa Paula clinic, a meaningful start in meeting the dental needs of 475 youngsters already identified as eligible for the program and requiring care.

PROBLEMS KNOWN TO DR. FORTIER BEFORE TAKING ON CHAIRMANSHIP OF RMP–CHP DENTAL TASK FORCE

Last August when Norman H. Fortier, D.M.D., took on the job or organizing and chairing an RMP–CHP Dental Task Force in Ventura County, there was no question in his mind as to what the priorities were.

Until retiring 1968, he spent more than four decades practicing dentistry. Thirty-five of those years were in private practice in Rhode Island where he was president of the state dental society and 10 years in a two-chair clinic at Ventura County General Hospital.

It was during his latter service that Dr. Fortier became aware of the unmet dental needs in Ventura, particularly among adolescents who did not get remedial or preventive dental care early.

"There was a steady stream of dental patients into the hospital clinic," he noted. "It wasn't very hard to find a need especially after the Health Department discontinued its children's program."

In the Ventura dentist's view, it is too soon to judge the acceptance of the County-wide mobile dental clinic program which will begin this month, although the signs point toward its success.

Dr. Fortier does acknowledge, however, "a community consciousness—a kind of awakening" which the dental program has stimulated.

"If people are not aware of situations, naturally, they aren't going to do anything," he said. "This program is involving an awful lot of people who have been able to effect health care directly through comprehensive planning."

NEW YORK TIMES DOES MORE THAN REPORT THE NEWS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, one of the most incredible episodes involving national policy, national security, and journalistic freedom is currently unfolding.

Now and for some time, the editors of some of the Nation's news publications have disagreed with the actions of this country in Indochina. No responsible public official would deny any individual, whether he be a publisher or otherwise, the right to disagree with national policy.

The revelation of recent actions by the New York Times, however, should leave all responsible Americans profoundly shocked and dismayed.

It appears that the New York Times received documents clearly classified as "secret" under the Sabotage and Espionage Act of 1954. The June 17 edition of the Washington Post reports that a reporter for the New York Times obtained access 3 months ago to a 7,000-page secret Pentagon study of our entry into Indochina. If publication of news were the principal purpose of existence of the New York Times, it follows that publication of their discovery of the workings of the American Executive Department would have required publication almost concurrently with the date when the documents were received.

But the purpose of the New York Times publishers was not to publish news upon its discovery. The delay in publication was obviously well orchestrated to coincide this week with the debates in both the House and the Senate concerning our Vietnam involvement. The results of these debates was to be reflected in votes upon matters which would, or could, have immediate, profound, and irreversible effect on our Vietnam policy.

It should be clear to everyone that the purpose of the publication of the articles was to influence the vote in both the House and the Senate so as to bring American foreign policy in line with the thinking of the editorial staff of the New York Times.

Let me put aside the question of violations of law which the courts will act upon, hopefully giving some of these gentlemen the opportunity to meditate, under austere circumstances, upon their actions.

Let me put aside the impact that the revelations of the thoughts and utterances of those involved in setting national policy will have upon diplomatic relations with some of our most trusted allies.

Let me put aside the possibility, if not the probability, of compromising secret codes used by the United States which could have permanent damaging effects on national security.

What we should concern ourselves with is the fact that the editors of the New York Times have not been selected by the American people to exercise a veto power over matters of national policy set by elected officials. If the publishers and the editors of the New York Times wish to set national policy, under our system of government, the method is clear, although difficult. The method is to offer themselves for the office of the Presidency of the United States or other national positions. But it is obvious that they prefer the shields of the walls of their own offices from which to attempt to influence national policy.

We should not forget that the series of articles which were being published, during this week of critical debate, contain the impressions and conclusions of writers who themselves are sympathetic with the views of their employers.

It is impossible for any of us not having access to the documents themselves to determine if the impressions and conclusions reached by the New York Times writers are accurate, or the conclusions that a reasonable man, free from preconceived notions might reach. Inasmuch as the documents are not available to the public, we must withhold judgment.

I am suggesting that the plan of the New York Times editors was to present a damaging series of articles at a critical time and thus influence votes by Members of both the House and Senate. If, in fact, it should later develop that the conclusions put forth in the series of articles were erroneous, but the outcome of the facts had unalterably changed national policy, the cynical scheme would have achieved its purpose. Later revelations of truth would be moot in their impact.

Let me suggest that if the editors of the New York Times were sincere in revealing the truth they would have published their series early in point of time so that any erroneous conclusions of their writers could have been corrected in the public forum, assuming that national security would not be further compromised.

The implication is clear. The editors of the New York Times set themselves upon a deliberate course to sabotage American policy in Indochina. Reporting the news and giving the public the facts were secondary.

Time and more full disclosures of truth provide the final answer for us all.

CALLS FOR VOLUNTARY PRAYER IN PUBLIC SCHOOLS

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I am today reintroducing my joint resolution calling for a constitutional amendment to restore the right of voluntary prayer in public schools and other public places.

I am personally convinced, Mr. Speaker, that the authors of the Constitution had no intention of forbidding public prayer, or of abridging any religious freedom, as set forth explicitly in the first amendment.

The courts have disagreed with this opinion in a series of decisions beginning 9 years ago. They say the authors of the Constitution did not approve of public prayer, despite the fact that at the Constitutional Convention of 1787, every session was begun with a public prayer, as suggested by Benjamin Franklin.

The courts have said that the invocation of God's blessing through public prayer is not consistent with our heritage of religious freedom, despite the fact that not one of the 37 Presidents of the United States has assumed the "splendid misery" of that office without first calling on the Almighty—in the presence of their countrymen—to guide and sustain them.

From antiquity to our modern age, the hand of God has been the most significant influence on the works of man.

The Bible, in the 33d Psalm, reminds us that "Blessed is the nation where God is the Lord."

As a nation whose motto is "In God We Trust," we have, in less than two centuries, grown to be the mightiest and freest and greatest Nation in the history of the world. These two facts cannot, in my estimation, be reconciled as merely coincidental.

Gen. George Washington, in his darkest days at Valley Forge, is known to have gone to a private place for prayer.

Abraham Lincoln, in the critical years of his Presidency, said he was often "driven to his knees" in prayer as the last refuge against the "stormy present" of his day.

President Kennedy, in his inaugural address 10 years ago, issued this challenge: "Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own."

And if we are to do His work—and ours—we must preserve the right to call upon God publicly and seek His guidance, not covertly, not in fear of legal reprisal, but openly, in a spirit of hope.

For this reason, I am reintroducing the same amendment I proposed in the 91st Congress, an amendment reasserting a freedom that is central to our past, and essential for our future.

As I said during the last Congress, I want to make it clear that I am against compulsory prayer in our schools, and I am completely against the promotion of a state religion.

But I have supported, and will continue to support, every measure that will insure the right of every American to pray voluntarily in public as well as in the confines of his home or church.

The amendment I offer today is in that spirit, and I offer it at this time for the consideration and approval of my colleagues.

WELFARE REFORM

The SPEAKER. Under previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 1 hour.

Mr. MITCHELL. Mr. Speaker, in dealing with the pressing domestic problems that confront our Nation, we have come to refer all too frequently to the consequences of rising expectations that are not only unmet but in many cases ignored. We promised our citizenry the Great Society, but wound up with a society in serious trouble, gravely divided over the war and destruction—abroad and at home. The answer to this situation surely does not lie in continuing to ignore the problem nor in implementing half-hearted measures that will only perpetuate the trend of unkept promises.

Where we have failed most miserably in our efforts to solve our Nation's problems has been in the realm of improving the plight of the poor. We initiated a war on poverty at home, but our war abroad cut the heart out of this domestic campaign. Yet our military folly continues to consume our national resources, and the plight of the poor worsens.

Our present welfare system marks a prime example of our failure to fulfill this obligation to our impoverished citizenry. We are agreed that the present system is a nightmare and that we can no longer continue with it. It is costly, inefficient, unjust, discriminatory, inadequate, and administratively unworkable. Unfortunately, the same must be said for H.R. 1 as it is now before us.

President Nixon has termed his family assistance plan the "most important piece of social legislation in the history of the Nation." As presently constituted, however, it would be the most reprehensible piece of social legislation in the history of the Nation. The President stated in August 1969, when he introduced his family assistance plan to the Nation that no one should be worse off financially under the provisions of his new program than they are under the current welfare system. Such is glaringly not the case under the provisions of H.R. 1.

It is most important that we reject this measure. It is not a first step forward in the reform of our welfare system. Instead it is a giant step backward.

The Ways and Means Committee has been most generous in its decisions regarding an increase in benefit levels in certain categories of assistance. First, there is a 5-percent hike in social security benefits, which are to be adjusted annually in accord with the rise in the cost of living. The fully federalized program of welfare payments to the needy aged, blind, and disabled, established under a new title XX, also entails higher benefits to recipients.

However, there is no comparable increase in the benefit level under the aid to families with dependent children program, which will include 19.4 million of the estimated 25.6 million welfare recipients in 1973. This is not an unexpected turn of events. At present there exists a discrepancy between the assistance levels for adults as compared to those for the children in the AFDC program. H.R. 1 only serves to sharpen the inconsistency among these categories of assistance.

I firmly support the augmentation of benefits for those on social security as well as for the needy aged, blind, and disabled. Yet I cannot favor an overall system that would provide an aged couple with twice the benefits that it does for a poor family of four. H.R. 1 would establish distinctions in categories of payment based on status rather than on need.

It is shocking to learn that the percentage of nonwhite recipients in the AFDC category is 43. In the three other categories of assistance it ranges from 22 to 36 percent. Such actions are not only contrary to the best interests of the non white recipients involved. They are contrary to the well-being of us all, and such discriminatory distinctions must be considered unacceptable by all Members of this Congress.

Under H.R. 1 an estimated 90 percent of the welfare families in 45 States and the District of Columbia would be receiving Federal benefits that are lower than their present combined level of AFDC payments and food stamps. The $2,400 payment level for a family of four established under the bill is far short of the Federal Government's official determination of the poverty level. Representative WILBUR MILLS, in an appearance on Meet the Press on June 6, and Health, Education, and Welfare Deputy Undersecretary Robert Patricelli, as reported in the Washington Post of June 16, have acknowledged that $2,400 is not sufficient to provide a minimally adequate income. The States would have to supplement the Federal payment if these families are to live a decent existence.

We are faced today with a crisis resulting from our failure in the past to deal adequately with the plight of those who are in need of assistance. It is a problem that is of the greatest consequence to our Nation's future. Yet the primary concern of the Ways and Means Committee with regard to FAP–OFF appears to have been the fiscal woes of the States and localities. Granted, this is a problem that we cannot overlook.

Yet the effect of the enactment of H.R. 1, with its failure to deal adequately with the problems of the poor, would, over the long run, be far more detrimental to the monetary health of the States and the Nation. There can be only short-term savings if we fail to act vigorously on the problems presented by the existence of poverty in our Nation's cities and rural areas. If we do not deal with the crisis today, the cost to our society tomorrow will be prohibitive.

H.R. 1 encourages the erosion of State responsibilities in the field of welfare at a time when State legislatures are scrambling over each other in an attempt to determine which can enact the most regressive reforms. States are not required to maintain their present level of benefits. If the Federal payments were at an adequate level, it would not be necessary for the States to augment these benefits with their own funds. Yet under the provisions of H.R. 1, the poor are far from likely to receive adequate assistance from either the Federal Government or the States.

Requirements regarding State actions that are stipulated in the current welfare law and Federal support of some aspects of the assistance program are done away with in the present bill. For example, the requirement that States adjust their standard of need to the rise in the cost of living has been eliminated. A similar provision regarding automatic cost-of-living boosts in social security benefits has on the contrary been retained by the Ways and Means Committee.

Currently, reductions in the percentage of the State-determined need paid to recipients must be approved by the Department of Health, Education, and Welfare. That would no longer be the case under the modifications found in H.R. 1. Further disincentives for State supplementation of the benefit level paid by the Federal Government include a provision that if a State increases its payments to individuals above the amount they received in money and food stamps as of January 1, 1971, the State foots the entire cost. In effect, this would mean that States have little incentive to increase their present level of benefits. In fact, they may lower their benefit levels by failing to supplement the Federal payments.

The bill is also a nightmare of questionable provisions that either have already been declared unconstitutional by the Supreme Court or do away with safeguards that are presently part of the welfare law. First, despite the holding of the Court in Smith against Thompson, States are authorized to impose a 1-year residency requirement for eligibility for supplemental benefits. Hearing procedures need no longer conform with many current regulations regarding due process. To cite an example, a recipient who refuses a job offered to him would be denied the right to a hearing before the Government took away his benefits and instituted the payment of the child's benefits to a third party. The bill also lacks any clear definition as to what constitutes good cause to refuse a job. There is no provision in H.R. 1 guaranteeing a recipient's right to receive benefits pending a hearing—in violation of the Supreme Court's decision in Goldberg against Kelly.

Second, a mother presently has the right to be consulted concerning the adequacy of child care for her dependents. H.R. 1 contains no child care standards, nor does it adequately fund such programs. Recipients may even have to pay part of the cost of such services. Third, in clear violation of the sixth amendment, broad authority is granted to the Secretary of Health, Education, and Welfare to ban certain people from accompanying welfare recipients to family assistance offices to assist them in securing their legal rights.

We must also recognize that we can no longer deceive ourselves concerning wherein lies the solution to the complex problem of welfare and workfare. If work were available, only 5 percent of those individuals currently receiving welfare benefits would be considered employable, according to HEW figures. Certainly we must provide job training and public service jobs for those who can work, but we must not delude ourselves into thinking that we can cope with the welfare crisis by putting all people on the work rolls instead of the welfare rolls. Providing jobs at $1.20 an hour for those 5 percent who can work would give the wage earner a mere $2,400 annual income. Such underemployment is yet another example of our failure to fulfill rising expectations and our delusion that if people work, they are thereby automatically self-supporting; $2,400 is simply not an adequate income.

There are those who say that vast numbers of welfare recipients are not eligible for the payments they are getting. I agree that we should insure that those truly in need are not injured by people receiving benefits illegally. Yet when only four out of every thousand recipients cheat on their welfare eligibility conditions, again we need to look elsewhere for a real remedy to this problem. Fewer people cheat on welfare than do on their income tax returns. H.R. 1, however, treats welfare recipients as potential cheaters and requires extensive documentation and verification of eligibility. Recipients are also forced to reapply for their benefits de novo every 2 years. This is both demeaning to the recipient and costly to the taxpayer.

One out of every 10 of our children is presently on welfare. It is their future—and the future well-being of our Nation with which we must be concerned. If we fail to provide them with the means necessary to free themselves from the cycles of poverty and welfare, we will be condemned to live in those cycles as well. We must provide for these needs now. We cannot reassure ourselves by saying that future Congresses will improve upon the harmful provisions in the bill now before us. We cannot delude ourselves into thinking that benefit levels will automatically be increased to adequate standards at some point in the future.

What we must do in this session of the Congress is to enact legislation that will guarantee to every American the means to maintain himself and his family at a decent standard of living in this country of abundance for the many. H.R. 1 does not meet that obligation. Therefore, we must vote our consciences and defeat the bill.

I would like to submit for the consideration of my distinguished colleagues an excellent analysis of H.R. 1, title IV, which was prepared by the center on social welfare policy and law of Columbia University.

H.R. 1: THE OPPORTUNITIES FOR FAMILIES PROGRAM AND FAMILY ASSISTANCE PLAN

(A Comment on Amendments to the Aid to Families with Dependent Children Program Approved by the Committee on Ways and Means, House of Representatives, May, 1971)

INTRODUCTION

The Columbia Center on Social Welfare Policy and Law is a national center for law reform in welfare and other government benefit programs. Since its inception, the Center has become familiar with all aspects of the Social Security Act, particularly the so-called categorical assistance programs which are amended by the Family Assistance and Opportunities for Families Programs, and the ways in which these programs are administered by the states. The Center has conducted welfare litigation under the Act and has worked closely with welfare recipients, recipient organizations and public welfare administrators on the local, state, and federal levels.

Since the President first announced a specific welfare reform program in August of 1969, we have attempted to define the impact of this and other proposals upon recipients and the general public, both in terms of actual benefits received and of the rights and liabilities of those dependent upon some sort of public assistance. In October of 1970 we prepared a detailed analysis of the Family Assistance Plan then being considered by the Senate Finance Committee.[1] The following comments are directed towards the latest version of the Family Assistance Plan to come before the Congress, H.R. 1, as reported by the Committee on Ways and Means of the House of Representatives. The bill creates two programs for low income families with children: Opportunities for Families (OFF) and the Family Assistance Plan (FAP). In the first would be placed all families in which there is at least one person judged employable and therefore required to register with the Secretary of Labor for manpower services. This includes those already working, with incomes low enough to qualify them for supplemental assistance. The latter will include all other needy families. A separate part of the bill, not dealt with herein, provides aid to persons who are aged (over 65), blind or disabled, the "adult" assistance categories.

Although it extends benefits for the first time to the "working poor," and promotes uniformity through increased federal administration, H.R. 1 contains little else in the way of "welfare reform." If enacted it can result in a loss of benefits to 90% of current welfare recipients and it will create an administrative process antagonistic towards concepts of individual rights and entitlements and unresponsive to severe human needs.

A BRIEF HISTORY OF FAMILY ASSISTANCE LEGISLATION

In August, 1969, the President submitted a welfare reform program to the Congress.[2] The President intended to ameliorate the unequal distribution of benefits under the current system by requiring a minimum income level ($1600 for a family of four), aiding all families with children, including those with both parents present and the father employed (the working poor), and requiring those able to do so to accept jobs, job training or other services designed to increase their employability and decrease dependence. Only eight states then paid less than $1600 to a family of 4 receiving Aid to Families with Dependent Children (AFDC). The other states would have had to continue payments sufficient to maintain current benefit levels. In no case were benefits to be lowered because of FAP. There was to be a uniform set of rules and regulations under federal administration for determining eligibility and grant levels. For recipients of Aid to the Aged, Blind and Disabled, the "adult" assistance categories, the President proposed a minimum grant level of $90 per month per person. The federal government was to assume a major share of the cost of both programs, and the states would be held harmless against the expenditure of more than 90% of their 1970 welfare costs.

The House of Representatives, in the Spring of 1970, voted to enact H.R. 16311, essentially the President's proposal, with some stricter provisions relating to the work requirement and the support of dependents by deserting parents, and a slightly higher benefit level in the adult categories.

The Senate Finance Committee, with jurisdiction over H.R. 16311, disapproved of several features of the legislation. The House-passed bill, according to a committee staff analysis,[3] allowed too many areas of administrative discretion and could lead to an actual loss of benefits for some recipients (those with earned income) in at least 22 states. Under pressure from the committee, the Administration submitted new drafts of FAP legislation in June and October of 1970.[4] and finally agreed to a third draft completed in November and introduced by Senators Ribicoff and Bennett,[5] The final bill (hereinafter the November revision) contained guarantees against arbitrary administrative action and adequate assurances that no state would provide less in the way of actual cash benefits after FAP. This bill was never voted upon by the Senate because of the legislative log-jam which developed at the end of 1970.

SECTION-BY-SECTION ANALYSIS OF H.R. 1

§ 2101. Purposes.

H.R. 1 creates an income supplement and employment program to replace the cash benefits of Aid to Families with Dependent Children (AFDC). It is set up:

"For the purpose of—(1) providing for members of needy families with children the manpower services, training, employment, child care, family planning, and related services which are necessary to train them, prepare them for employment, and otherwise assist them in securing and retaining regular employment and having the opportunity for advancement in employment, to the end that such families will be restored to self-supporting independent, and useful roles in their communities, and

(2) providing a basic level of financial assistance throughout the Nation to needy families with children in a manner which will encourage work, training, and self-support, improve family life, and enhance personal dignity. . . ."

This is in marked contrast to the purposes of AFDC, of "encouraging the care of dependent children in their own homes or in homes of relatives . . . to maintain and strengthen family life and to help . . . parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection.[6] The primary purpose of the Act was to permit parents to raise their children at home by eliminating economic hardships which might force them to seek alternatives. There was, then, a societal determination to maintain as much as possible a stable family life for American children left without full parental care.[7] The theory that no child should suffer when circumstances leave him with no means of subsistence is undercut when making people work becomes the major aim of an aid program. As many of the following comments will show, real human needs are often ignored in such a context.

§ 2102. Basic Eligibility for Benefits.

Families in which a member is judged employable and registers for manpower services, training or employment are to be paid benefits by the Secretary of Labor under OFF. Benefits begin only after registration. Other eligible families will receive benefits from the Secretary of Health, Education and Welfare in the FAP program. This distinction, however, is likely to be blurred, at best, for many recipients. Employability factors will tend to fluctuate, for example, because of temporary disability, family break-up or childbirth. Each such occurrence will require a shift from one program to another. For many recipients, therefore, the structure of H.R. 1 will result in repeated moves between the jurisdictions of OFF and FAP, entailing frequent redeterminations of benefit levels and eligibility. Although regulations under the two programs are to be as nearly alike as possible, § 2151, the procedure can easily result in delayed or missed payments. Coupled with the other extensive and stringent requirements for applications and the reporting of information set out below, this twofold payment structure would appear to present extensive administrative burdens to recipients and the government.

PART A: OPPORTUNITIES FOR FAMILIES PROGRAM, REGISTRATION OF FAMILY MEMBERS FOR MANPOWER SERVICES, TRAINING AND EMPLOYMENT

§ 2111. All persons judged employable by the Secretary of Health, Education and Welfare must register for manpower services. The penalty for failure to register has been raised to $800 per year for each of the first two refusing members. § 2152(c).[8] (FAP began with a $300 penalty, which was raised to $500 in the house.)[9]

All persons are to be considered employable except the following:

(1) persons unable to work because of illness, incapacity or advanced age;

(2) mothers or other caretaker relatives of children under 3 years of age (under 6 until July 1, 1974);

(3) mothers or other female caretakers of children if an adult male relative is in the home and has registered for employment services;

(4) children under 16 or under 22 and in school; and

(5) persons required at home to care for an ill or incapacitated member of the household.

All other persons must accept any employment, job training, or rehabilitation service to which they are referred by the Secretary of Labor.

While few would quarrel with the merits of providing training and services to improve the employability of those with no income, it is doubtful that the OFF program is realistically structured with that goal in mind. Priority in providing manpower services is to be given to "mothers and pregnant women . . . who are under nineteen years of age." [10] The labor market is notoriously restricted for this group, and it would appear that self-sufficiency through employment would be extremely remote for them. This requirement is particularly puzzling in that a pregnant woman becomes immediately unavailable for employment under § 2111(b) once she gives birth. The section does, however, create the opportunity for harassment of women applicants by local employment personnel and at best for severe disruption in the pattern of family life for young children.[11] All further priorities are left to the discretion of the Secretary of Labor.

By contrast, the priorities under the AFDC Work Incentive Program (WIN), the precursor of OFF, are more clearly designed to promote the employment of those most likely to benefit from the program:

i. (a) Unemployed fathers currently participating in a Work Experience and Training Program under Title V of the Economic Opportunity Act or who have participated in a Community Work and Training Program under section 409 of the Social Security Act;

(b) Other unemployed fathers.

ii. Mothers and other caretaker relatives and essential persons who volunteer and are currently participating in a Title V Work Experience and Training Program.

iii. Dependent children and essential persons age 16 or over who are not in school, at work, or in training, and for whom there are no educational plans under consideration for implementation within the next 30 months.

iv. Mothers and others who volunteer but

Footnotes at end of article.

are not currently involved in a Work Experience and Training Program and who have no preschool children.

v. Mothers and others who volunteer and have preschool children.

vi. Any others determined by the State to be appropriate for referral. [45 C.F.R. §220.35(a)(3)]

These priorities are by no means completely equitable (they discriminate against mothers, for example, even though the responsibilities of a single woman are commensurate with a father's) but they seem more designed to increase employability.

Priorities, and the work requirement itself, become irrelevant when one considers the labor market today. Unemployment is now 6.1 percent (5,085,000 people). The rate for blacks is 10 percent.[12] The number of officially poor persons rose in 1970 for the first time in a decade, by 5 percent, to 25.5 million.[13] Welfare rolls have risen concurrently.[14]

OFF will not provide jobs to meet this kind of demand. The Administration estimates that there will be 2.6 million families with persons registering for employment services. The bill provides for 412,000 training and job placement slots, 200,000 public service employment slots, and 187,000 slots now in the Work Incentive Program under AFDC. This is a total of 799,000 placements, leaving 1.8 million either employed, placed in vocational rehabilitation or drug treatment, or unplaceable. Only 75,000 slots are budgeted for upgrading the employability of those in low paying jobs.[15] The Committee on Ways and Means offers no estimate of how many unemployed registrants will be available for the 799,000 placement slots.

Public service employment jobs are to be used to place those without jobs or training programs, for a limited time only. Funding is available for such placements for up to 3 years, after which the recipient must be hired as a regular employee of the agency where he is placed, or dropped from the program. § 2114(c).

The assumption on the part of many persons in and out of government is that the upsurge in welfare costs is due not to an officially-induced recession but to the laziness of the poor and their unwillingness to wash bed pans, for example.[16] Yet reliable studies indicate that poor people want to work and will voluntarily take advantage of help in getting jobs or training. As of 1969, HEW reported 20.1 percent of welfare mothers in the labor market. Of these, 66.5 percent were working; 33.5 percent were unemployed, unable to find jobs.[17] A 1967 Wisconsin study revealed that 53.7 percent of AFDC mothers interviewed wanted to go to work if adequate child care were available. Twenty-two percent of those interviewed were already working; 25 percent had worked at some time while receiving AFDC; over 8 percent had never worked but had tried to find jobs since coming onto the program.[18]

The Ways and Means Committee itself cites substantial data on the trend toward mothers voluntarily assuming support of their children.[19] This data would appear to militate against the need for the application of a coercive work requirement, particularly to mothers of pre-school children. Under the WIN program, volunteers were plentiful.[20] Sanctions for refusal to work had been applied in only 200 cases as of October, 1969.[21] In fact, a joint Labor-HEW task force on WIN discovered that under-utilization of the program has been due to the ignorance of caseworkers and lack of outreach plus insufficient child care and medical facilities, rather than to the intransigence of recipients.[22] Results of the OEO experiment in income maintenance without a work requirement indicate that work effort will increase among persons receiving supplementary payments:

"The data suggest that: 1. There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments." [23]

No work requirement can erase the lack of effective training programs and worthwhile jobs available to the poor.

"Persons are disadvantaged in the labor market because employers and potential fellow employees discriminate against them on racial and ethnic grounds, because social forces have established school systems which make them into unemployables and which are prevented from responding to their needs, because they are still residentially confined to areas where it is often uneconomical for plants to locate; because the relative cost of hiring them and raising their productivity are often excessive, in view of the multitude of ways in which they are disadvantaged; because mitigating their disadvantage seems to run counter to the short-term interests of those trade union members who are but two steps ahead of them in the labor market queue; and because certain government agencies, presumably charged with the responsibility of supplying services on an equitable basis to all, remain at best indifferent to efforts to equalize labor market opportunities." [25]

Successful manpower programs, in terms of numbers of participants placed in jobs, in a recession may simply mean that an equal number of non-participants did not receive jobs. Work requirements, like the AFDC Work Incentive Program (WIN), which made sense in an era of full-employment, become oppressive in the context of a government-induced recession. It may be valid public policy to combat inflation with high unemployment; but we should not then punish the victims of this policy by denying relief to those who do not work.

§ 2111(c) Standards for jobs and training programs.

A registrant cannot challenge offered employment as unsuitable to his particular needs or ability. By contrast, under the original bill proposed by the President, and the November revision, registrants could be compelled to participate only in "suitable" employment and manpower services.[26] Suitable was defined with reference to the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of his unemployment, his realistic prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of the available work from his residence.[27]

The new work provision is an advancement over most previous proposals in one respect: it permits referral only to jobs which pay at least a minimum of 75 percent of the federal minimum wage (now $1.60 per hour) or applicable federal, state or local minimum or prevailing rates, if higher. This prevents referral to those extremely low-paying positions which are often found suitable for assistance recipients by state employment services.[28] The bill should, however, set a minimum acceptable wage at the full federal minimum. This is the rule adopted in the case of public service employment programs. (See § 2114(c)(4)). There is no basis for this discriminatory treatment of those in private employment. If persons cannot be forced to work for public employers for less, they should not be forced to do so in private job placements.

§ 2112. Child Care and Supportive Services.

Lack of adequate child care facilities should be specified as a basis for refusal to participate in the manpower program. The Ways and Means Committee indicates that no mother would be forced to undertake work or training without adequate child care,[29] but this idea is not stated in the bill. The Secretary of Labor is authorized to provide child care for registrants, but there is no explicit remedy for the lack of such care. Under AFDC states are prohibited from referring any person to WIN if there are no adequate child care services available.[30] The November FAP revision provided that—

No family shall be denied benefits . . . or have its benefits reduced, because an individual who is a member of such family refuses work, if such individual is the mother, or other relative of a child . . . who is caring for such child, unless child care is provided pursuant to section 436 or child care of the same type and reasonable equivalent cost . . . is available for such child. § 448(c).

It should also be made explicit that a family may choose for itself the best child care arrangements, and that such choice need not be based only upon consideration of cost.

The WIN program, for example, requires that care be suitable for the individual child and that caretaker relatives be involved in the selection of the child care to be used if there is more than one source available. When there is only one source available caretaker relatives need not accept it if they "can show that it is unsuitable for their child." [31]

Standards for child care facilities are left completely to the discretion of the Secretary of Health, Education and Welfare. Adequate day care should be defined in the act as including maximum health and safety standards, an educational enrichment program, and a location convenient to the home and the parents' place of work.[32] Such quality standards are apparently not to be applied in judging whether care is adequate enough to require the mother to accept manpower services.[33]

PART B: FAMILY ASSISTANCE PLAN

§ 2133. Child Care Services.

Child care services are to be supplied to those FAP recipients required to participate in Vocational Rehabilitation. The Secretary of Health, Education and Welfare is to develop child care facilities for FAP and OFF families and to establish standards for such programs. Comments on § 2112, *supra*, p. 11, apply equally to this section.

PART C: DETERMINATION OF BENEFITS

§ 2151. See comments under § 2102, *supra*, p. 4, on separation of payments under Family Assistance and Opportunities for Families.

§ 2152. Eligibility for and Amount of Benefits.

H.R. 1 ostensibly raises the minmum federally guaranteed income floor from $1600 (in H.R. 16311 and Senate revisions) to $2400 for a family of four. The grant formula is $800 for each of the first two family members, $400 for each of the next three, $300 for each of the next two, and $200 for the next member. No family may receive more than $3600.[34] A family unit, regardless of size, may retain resources of up to $1500. However, under the $1600 floor, families were also to be eligible for food stamps, which would provide an income supplement of up to $74 per month or $918 per year.[35] Recipients of FAP will not be eligible for stamps § 502. In only five states [36] and Puerto Rico are recipients entitled to less than $2400 in combined public assistance and food stamps. Only the $72,500 recipients in these jurisdictions will gain income under H.R. 1. In all other jurisdictions, serving 7,836,700 recipients, benefits are reduced. (See section on state supplementation, p. 23, infra, for further comments on reductions in benefits.) According to official estimates, payments per recipient in 1973 will be $827 if AFDC is retained and only $494 under FAP and OFF.[37] Families will still be

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Footnotes at end of article.

entitled to receive surplus commodities, worth up to $432 per year, per family of four, the alternative to food stamps under the Agricultural Act.[38] This discrimination means that in some communities families will receive an income supplement in food benefits, while their neighbors in the next county will not.

Of course, families not now eligible for benefits (the "working poor") will gain up to the federal floor. This group in addition is expected to gain the most out of the income disregard provisions. However, it must not be forgotten that the Administration expects only 7 million out of a 20.3 million caseload to be members of the working poor category.[39] The remainder will be without any other source of income. (One-half of the increase in poor persons in 1970 consisted of families headed by women.)[40]

The United States Brueau of Labor Statistics estimates that as of January, 1970, an average family of four required $6,960 to meet minimum needs at a low living standard.[41] The Consumer Price Index has risen 5.9% during the past year, making the comparable current low income budget $7,370.64.[42]

A FAP grant of $2,400 provides ⅓ less than the national "poverty level" of $3,960. This figure is set annually by the Social Security Administration as a minimal subsistence allowance, but it is widely regarded as inadequate in terms of actual need:

"Technically, an income at the poverty level should enable families to purchase the bare necessities of life. Yet an itemized budget drawn at that level clearly falls short of adequacy. There are many items for which no money is budgeted, although these items may be needed. Funds for them can only come out of sums already allotted to the basic necessities of life."[43]

AFDC now authorizes the states to provide for "special needs' 'in addition to the basic need grant.[44] This refers to extra cash payments for unusual or non-recurring expenses, such as replacement of a worn-out refrigerator or stove, or a special diet for an ill person or pregnant woman. Special needs can include aid to replace items lost in a disaster such as a fire or theft. Most states make some allowance for special needs. New Hampshire, for example, allows additional grants for replacement of furniture, laundromat fees, moving of household goods when there is a valid reason for the move, property repairs, a telephone or housekeeper for persons who are ill, and special transportation costs.[45] FAP and OFF make no provision for meeting special needs; those faced with an unusual need must do without or deduct from an already minimal food and shelter allowance. The Ways and Means Committee indicates that the states are to continue special needs grants, in a program totally separate from any supplementation of FAP or OFF.[46] These grants are, of course, not mandatory, and there is no federal contribution toward their cost.

FAP and OFF grants are much lower than grants under Aid to the Aged, Blind, and Disabled, the so-called "adult" aid categories. These programs will provide $130 per person in 1973, $140 in 1974 and $150 in 1975; couples will receive $200 by 1974.[47] Funding is wholly federal, with an optional state supplementation provision. This feature of H.R. 1 perpetuates invidious distinctions which have come about partly because the adult categories can be set up by the states as separate and distinct programs, and partly because of local prejudices in favor of needy adults and against AFDC recipients.

The Administration has given no rational basis for this extreme differentiation in grant levels. The budget for adult recipients includes the same components as that for families—food, shelter, clothing, and certain personal expenses. Medical needs are not met through basic grants. There is a work incentive-income disregard in each program, although in the adult categories it is a patchwork, varying according to whether one is aged, blind or disabled, which should be standardized in any federal plan.

The Bureau of Labor Statistics has calculated living costs for retired couples at low, moderate and high living standards, and compared them with its similiar budgets for younger families.[48] For items of basic need such as food and clothing, the younger family of four had to spend more of its consumption dollar than the retired couple. The BLS retired couple's lower budget in 1969 was $2,902, and is now $3,209[49] over 80% of which is met by H.R. 16311. By comparison, only 61% of a family of four's budget is met under Family Assistance.

§ 2152(d). Determination of Benefits.

Under the current Social Security Act payments are based upon current needs. "Aid shall be furnished with reasonable promptness to all eligible individuals.[50] This has been interpreted to mean that: "only such net income as is actually available for current use on a regular basis will be considered and only currently available resources will be considered."[51]

Under H.R. 1 budgets are not computed according to current need. Budgets are computed quarterly, and any income, in excess of exempt income defined by § 2153, received during the previous three quarters, is to be deducted from benefits due for the current quarter. This is true even though at the time it received income a family was not in receipt of any assistance benefits and had to spend all its income to meet its needs.

Upon becoming eligible for FAP or OFF, a family will be presumed to have saved all income for the past 9 months in excess of payment levels, in anticipation of its entitlement for benefits. A family suddenly thrown out of work will thus have to wait up to 9 months before it is eligible for any payment, regardless of its ability to meet current needs.[52]

In other versions of FAP it was intended that income be based on current quarterly needs. Annual accounting was reserved for families in unusual situations, such as farming, in which the bulk of their income is received during a single quarter.[53]

§2152(e) Biennial Reapplication.

All payments cease automatically after two years, despite continued need, unless a family files a new application, to be treated "as though it were such family's initial application for benefits under this title." There is no deadline by which payment must be made after application, so benefits can be withheld indefinitely pending reprocessing. A $100 emergency grant is the only interim relief available. (See p. 26. infra.) This provision can result in thousands of families' missing benefits, simply because of ignorance of their deadline. It would seem to entail considerable administrative expense and it is moreover, superfluous as a check on eligibility given the strict rules on furnishing information. See p. 36 infra. The committee justifies the requirement as a review of eligibility and the reasons for dependence of each family, in order to combat long-term reliance on public assistance. However, administrative officials can be required to review each family's status periodically, as a check on eligibility and other factors. The danger in the reapplication requirement is that the burden of compliance is shifted instead to the recipient family, and away from the agency employee. In many cases a recipient family is far less capable of compliance with bureaucratic procedures.

§ 2152(f). Special Limits on Gross Income.

The Secretary may limit the amount of income which a family may realize from a trade or business (including farming) and remain eligible. Thus a family with a viable occupation with high overhead is ineligible despite its low actual income. Such a family must go without assistance or join those who are unemployed and must be serviced under the work program.

There is no similar provision allowing such a limit in state AFDC programs.[54]

§ 2152(g) (1) Ineligible Individuals.

(1) The entire family is ineligible for benefits if any of its members fails to take all steps necessary to qualify for any "annuity, pension, retirement, or disability benefit . . ." This is the only place in the bill where an entire family is completely disqualified from all benefits solely because one member fails to comply with a program regulation. Even the penalty for refusal to work is less: the reduction of the family's grant in an amount attributable to the refusing person's needs.

If any benefit carries with it a work requirement, the eligible family member must accept any required work, unless it fails to meet OFF job-standards. The section therefore, in some cases, will create an additional, more severe, penalty for failure to work. The section should be altered so as not to result in total family ineligibility.

(2) Individuals are ineligible if they are unable to work due to a disability caused, in whole or in part, by drug or alcohol abuse, unless they are undergoing approved, available treatment. The Secretary is to provide for "monitoring and testing" of such persons, "to determine the extent to which the imposition of such requirement is contributing to the achievement of the purposes of this title." § 2152(g) (2) (B).

It is this very tentative and experimental nature of the section which gives cause for concern. In effect those administering family assistance are being asked to play a major role in correcting drug and alcohol addiction, a goal which appears to have eluded success by numerous other agencies specializing in and expertly equipped to deal with these problems.

Decisions as to the extent of addiction and alcoholism are to be made by welfare administrators who presumably should be best trained in other areas of social service. At the same time it is questionable whether treatment induced by threat of withholding welfare can result in success. At least one New York addiction treatment center reports that it has never been able to treat effectively any person referred by the welfare department.[55]

It is clear that the onus of this requirement will in most cases fall on the family of the alleged addict or alcoholic. We question the attempt to insert a major drug prevention effort into a program designed to maintain family income and employability.

§ 2153. Meaning of Income.

§ 2153(b) Exclusions from Income.

A work incentive, designed to insure recipients who work a higher income than those who do not, has been part of the Social Security Act since 1967. The incentive is accomplished by setting aside a given amount of income which is to be retained by the recipient and not deducted from his assistance grant. In addition a family need not count as income money earned by a student, inconsequential or infrequently received income up to set limits[56] and the cost of child care. However, these latter exemptions cannot exceed the lesser of $2,000 plus $200 for each family member over four, or $3,000. Finally, not subject to any limit, the family may exclude any assistance based on need undergoing job training or vocational rehabilitation; any part of a grant, scholarship or fellowship used for payment of tuition and fees; home produce consumed by the family; one-third of support or alimony paid to

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See footnotes at end of table.

family members; and any amounts received for care of a foster child.

Out of the work incentive of $720 plus one-third must be paid all expenses of going to work, including all federal, state and local taxes, union dues and other mandatory payroll deductions, and transportation costs. When these costs are high, expenses can easily go beyond the exemption, leaving a working family less actual income than one where no member is employed.

Under current law, the work incentive itself is calculated on the basis of gross, not net income:

The applicable amounts of earned income to be disregarded [$30 per month plus ⅓ of the remainder under AFDC] will be deducted from the gross amount of "earned income," and all work expenses, personal and nonpersonal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.[57]

Under FAP and OFF, from gross income one must deduct earnings of students, child care costs and inconsequential income. The incentive is applied to whatever remains. Work expenses must be met out of the incentive. The amount of extra cash a recipient realizes from every dollar earned will therefore be lower in many states under FAP than under current programs.

To maximize the work incentive in terms of money for recipients the method currently followed by HEW should be maintained under FAP and state supplementation: from gross income, deduct the incentive of $720 plus ⅓ of the remainder; then deduct all taxes and other payroll deductions; then deduct personal work expenses such as transportation, etc. and other work or training expenses, child care costs, income of students and inconsequential income.

The ceiling on additional exemptions is unrealistically low. In a family of four which must pay $30 per week for child care, a low estimate for a single parent working full time, any older child cannot retain over $500 a year, even if he requires more to meet educational costs. This is the first time such a limit has been proposed.

§ 2155. Definition of Family and Child.

A family is defined as two or more related persons living together in a place maintained by one as his or her home, who are residents of the United States and one of whom is a citizen or an alien admitted for permanent residence. The definition of "maintained as a home" is unclear and unless loosely interpreted may be used in an attempt to deny federal benefits to migrants or other persons of unfixed domicile.

College Students. There is an absolute exclusion of any family whose head is an undergraduate or graduate student "regularly attending a college or university." This arbitrarily forecloses any recipient from pursuing a higher education, even though within a brief period his or her earnings potential would rise far beyond dependency levels. The overly broad exclusion makes ineligible a family head who might be working or willing to work full time, and study part time, at his own expense, on a scholarship, or even at a free public institution. In current aid programs, college attendance clearly cannot be a factor in eligibility.[58] Under the WIN program, recipients regularly attend college, under administrative determination that this is the best "employability" plan for them. Such determination by OFF should not be arbitrarily precluded.

Residency. Individuals are not eligible for FAP or OFF who remain outside the United States for thirty days until they have resided again in the U.S. for thirty consecutive days. This section does not apply to persons whose absence is due to employment or military service. The Supreme Court has twice prohibited the states from imposing any residence requirement on ARDC recipients.[59] The right to travel extends to travel abroad, and its restriction is violative of the fifth amendment when imposed by the federal government.

"In terms of federal power, the discrimination created by the one-year requirement violates the Due Process Clause of the Fifth Amendment." [60]

The bill would aid only families with children, excluding single adults or married couples without children living at home.

Two executive commissions within the past five years have recommended across-the-board aid to needy individuals,[61] as do several alternative welfare reform bills before the House. Although H.R. 1 does go beyond present programs in providing for federal aid to intact families with an employed parent, it nevertheless perpetuates the normative categorizing of the poor which is characteristic of current aid programs.[62] There is no equitable basis for extending help to persons with children and denying it to those without, when needs are identical.

§ 2155(d) Income and Resources of Non-Contributing Individuals.

This section requires that Family Assistance benefits be reduced by the income of adult members of the family unit, whether or not they are legally obligated to support all of the members of a recipient family. The income of a parent or spouse of a parent is presumed to be income to the entire family whether or not it is available to them. A male may have numerous obligations to support persons with whom he is not presently living, yet his entire income is budgeted for his spouse's household.

Requiring income of the parent's spouse to be budgeted for the needs of the entire family, even if he is not legally liable for their support, creates the danger that needy children will go without aid because of their mother's marriage, a practice which the Supreme Court has invalidated under the Social Security Act. In *King v. Smith*,[63] the Court ruled that an AFDC family's grant could be not terminated because of the suspected presence of an adult male in the household. HEW has implemented this decision by requiring that income of a household member not be attributed to a family (unless actually available) unless that person is liable, under a state law of general applicability, for the support of someone in the family who is receiving assistance.[64]

The Supreme Court recently upheld this regulation under the Social Security Act:

"Any lesser duty of support might merely be a device for lowering welfare benefits without guaranteeing that the child would regularly receive the income on which the reduction is based, that is to say, not approximate the obligation to support placed on and normally assumed by natural or adoptive parents." [65]

Section 2155(d) as now written penalizes children whose mothers choose to remarry. In all but one state a step-parent need not support his wife's children unless he chooses to adopt them. Attributing his income to the entire family (not just to his wife, whom he is liable to support) creates a strong disincentive to marriage and family stability.[66]

For these reasons the phrase "or spouse of a parent" in § 2155(d) should be deleted.[67]

§ 2156. Optional State Supplementation.

No state will be required to pay any additional assistance to any recipient under the FAP or Opportunities for Families programs. For 5,787,500 current recipients in 29 states plus the District of Columbia.[68] (66.8% of the total caseload) current AFDC payments are above FAP–OFF levels. In 45 states, 7,827,500 are entitled to higher benefits counting the food stamp bonus. Again calculating on the basis of AFDC benefits alone, a family of four in nine states will lose $100 or more per month.[69] For all of these persons, benefits can be lowered to FAP levels.

If states do choose to comply, eligibility must be determined according to FAP rules. Otherwise, any state payments will be deducted from FAP or OFF grants, and thus negated.

The federal government will guarantee that no state which voluntarily chooses to supplement federal benefits will have to spend more than it did on categorical aid in calendar 1971.[70] However, the hold harmless provision will not apply if a state raises benefits above 1971 AFDC levels plus the food stamp bonus. These levels are defined restrictively. The state may not include payments to any persons ineligible under its 1971 AFDC program, but at its own expense it may supplement intact families. This is a strong disincentive towards benefit increases, despite sharply rising living costs. It is a direct repudiation of current Congressional policy requiring that states adjust needs levels and maximum payments to reflect changes in living costs as of 1969,[71] under which twenty-five states have made recent upward adjustments in grants. There is no provision for cost-of-living increases in FAP or OFF (although another part of H.R. 1 requires such increases in Social Security benefits) and this section precludes such increases by the states.

In his first formal statement on welfare reform, the President pledged that benefit levels would not be reduced for families aided under existing AFDC programs.[72] Previous bills supported by the Administration required states to pay the difference between current benefit levels and the federal floor to all families currently eligible for AFDC (i.e., excluding the working poor).[73]

Although under H.R. 1 not all states are expected to cut out all payments immediately, the current rash of grant reduction announcements [74] indicates that this will be the inevitable result.

Residency. The states may impose residency requirements of unlimited duration on eligibility for supplementation. As noted above, the Supreme Court has twice made it clear that no such requirement can constitutionally be imposed.[75] In *Shapiro v. Thompson*, it is specifically stated that Congressional authorization will not save a residency requirement:

"Finally, even if it could be argued that the Constitutionality of § 402(b) [permitting a one-year residence requirement in AFDC] is somehow at issue here, it follows from what we have said that the provision, insofar as it permits the one-year waiting period requirement, would be unconstitutional. Congress may not authorize the states to violate the Equal Protection Clause. . . . Congress is without power to enlist state cooperation in a joint federal-state program by legislation which authorizes the state to violate the Equal Protection Clause.[76]

PART D—PROCEDURAL AND GENERAL PROVISIONS

§ 2171(a) Third Party Payments

Under two circumstances benefits are to be paid to someone other than the family head. The first is when there is shown incompetency to manage funds on the part of the family head; the second, when the family head has refused to register for manpower services or accept training, employment or rehabilitation services. Payments in such cases may be made to "any person other than a member of such family . . . who is interested in or concerned with the welfare of the family." [77] This language creates the possibility that payments may be made to a caseworker or other public official, who may have made the original decision to begin third party payments, and is then in a position to dictate the ways in which the grant may be spent. Assuming the validity of third party payments under these circumstances, preference should be given to other family members or resident non-family members.[78]

Third party payments may be made in cases of mismanagement only after a hearing. A

Footnotes at end of article.

similar right should apply in the case of refusal to enter the manpower program.

§ 2171(a) (4) Emergency Assistance.

A family who applies for benefits, is faced with a "financial emergency," and can establish presumptive eligibility, may receive an emergency grant of up to $100 pending processing of his application. This grant is then deducted from its first assistance payment.

Emergency assistance, or a cash grant over and above basic benefit levels, is now permitted by statute at any time, for a period of up to 30 days each year, to recipients without resources to "avoid destitution . . . or to provide living arrangements."[79] Examples of situations in which assistance is available are a home destroyed by fire, flood or other disaster, extensive theft, or a lost or stolen assistance payment.[80] In addition, grants should not be recovered from regular payments. An emergency encompasses costs over and above recurring family needs, and an emergency grant should be recognized as such. While some means is necessary to meet immediate needs during application procedures, such emergencies do not arise only at the time of initial application. Some provision should be made by FAP for special grants any time a family is destitute.

Moreover, a $100 ceiling is not adequate. There is no time limit on the processing of applications and beginning of payment. One hundred dollars is scarcely adequate to provide a family with food and shelter for an indefinite period, particularly when emergency needs caused it to apply in the first place. In those states now providing for emergency needs, payments per family averaged $151.35 for a single month, December of 1970.[81]

§ 2171(c) Hearings and Review.

Hearings

§ 2171(c), the provision for hearings to challenge administrative decisions ignores *Goldberg v. Kelly*, the March 1970 Supreme Court decision holding that prior hearings are constitutionally compelled,[82] as well as numerous later decisions applying *Goldberg* to other situations besides total termination.[83]

The Court in *Goldberg* noted that a prior hearing is necessary because:

> Termination of aid pending resolution of a controversy over eligibility may deprive an *eligible* recipient of the very means by which to live while he waits. Since he lacks independent resources, his situation becomes immediately desperate.[84]

Forty-six percent of all AFDC determinations are reversed after hearing.[85] The onus of administrative lawlessness, when it manifests itself as a wrongful eligibility determination should not fall on eligible but wrongful rejected applicants who may literally starve waiting for a fair hearing.

Now that the Court has spoken, exact standards as to the content of the hearing process should be legislated. Not every prior hearing satisfies the due process clause. The Supreme Court required:

"That a recipient have timely and adequate notice detailing the reasons for a proposed termination, and an effective opportunity to defend by confronting any adverse witnesses."

An effective opportunity to be heard must include the right to retain an attorney should the recipient desire it.[86]

"Finally, the decision maker's conclusion as to a recipient's eligibility must rest solely on the legal rules and evidence adduced at the hearing . . . To demonstrate compliance with this elementary requirement, the decision maker should state the reasons for his determination and indicate the evidence he relied on . . . though his statement need not amount to a full opinion or even formal findings of fact and conclusions of law. And, of course, an impartial decision maker is essential.[87]

The Ways and Means Committee assumes that procedural requirements of the Administrative Procedure Act, embodying most of these requirements, will apply.[88] However, this is certainly not made clear in the legislation itself.

Judicial review

Section 2171(c) (3) provides that "the determination of the Secretary after . . . hearing as to any fact shall be final and conclusive and not subject to review by any court." The reasons why this clause should be excised are fundamental. The issue rises to Constitutional dimensions:

> Among the attributes of law upon which "freedom is dependent . . ." are the "restrictions it places on the discretion of authority. From Caesar to Napoleon to Hitler, disaster followed when that lesson was ignored. Vague as the contours of the broadest delegation may be, the delegation cannot be boundless. To foreclose review is to make possible the exercise of boundless power . . . an attempt to limit such review would be unconstitutional.[89]

As long ago as 1886, the Supreme Court in *Yick Wo* v. *Hopkins*[90] asserted the necessity of judicial review of the factual basis for administrative action. The Court condemned as unconstitutional the arbitrary manner in which officials applied an otherwise valid licensing ordinance so as to discriminate against Chinese laundries:

> For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the employment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.[91]

In *American School of Magnetic Healing* v. *McAnnulty*,[92] the Court upheld the right of review as regards the "legal right [of plaintiffs] under the general acts of Congress to have their letters delivered . . ." in the face of the statutorily unauthorized refusal of the Postmaster. The Court said:

> Otherwise [if there is no review], the individual is left to the absolutely uncontrolled and arbitrary action of a public and administrative officer, whose action is unauthorized by any law and is in violation of the rights of the individual . . ."[93]

And in *Schware* v. *Board of Bar Examiners*,[94] *and Konigsberg* v. *State Bar*,[95] the Court overturned the refusal of state officials to admit plaintiff lawyers to the bar where substantial evidence did not support the officials' determination as to "good moral character."

> Even in applying permissible standards, officers cannot [consistently with due process of law] exclude an applicant where there is no [evidentiary] basis for their finding that he fails to meet these standards [citing *Yick Wo* v. *Hopkins*].[96]

In these cases, the Court required officials to observe due process and equal protection requirements, even though only so-called "privileges were involved (e.g., a laundry license, use of the mails, and practice of law). Professor Jaffe has written that such a "notion of privilege is . . . a perversion of thought and of language" because "vast numbers of the citizenry are deeply affected [by privileges] in their daily life." It is precisely in such field "that the rule of law is most important."[97] The Court has indicated its complete agreement,[98] most recently in *Goldberg* v. *Kelly*.

Welfare benefits are of vital importance to those receiving them, as *Goldberg* underscores. If these benefits are cut off and substantial evidence—". . . such relevant evidence as a reasonable mind might accept as adequate to support a conclusion"[99]—does not support the determination, the cut-off will be arbitrary. To deny judicial review would arguably deny due process of law because of arbitrariness and the important interests at stake (the Court would weigh the personal as against the institutional interests, as it did in *Goldberg*). The issue has never been specifically decided because review has rarely been denied. The review provisions of the Administrative Procedure Act exemplify the view that review should not be cut off. The Court has referred to APA's generous review provisions and "construed that Act not grudgingly but as serving a broadly remedial purpose."[100] 5 U.S.C. 706(2) (E) [the APA] specifically authorizes courts to review for substantial evidence. So does 42 U.S.C. 405(g), which authorizes review of social security determinations.

Congress proposes to backtrack by denying factual review to recipients of Family Assistance. This is inconsistent with its usual action and probably inconsistent with due process. The motivation is probably the feeling that welfare administrators[101] act always with good intentions and in the interests of poor people. Veterans, whose claim to their benefits is more deserving in the eyes of most people than are the claims of merely poor people, have suffered sever arbitrary action at the hands of administrators.[102] Poor people will inevitably be treated less well. In these days of growing disrespect for authority, especially among the poor, Congress should not deny the judiciary the power to right administrative arbitrariness. This is hardly a time for the legislative Branch to remove a basic safeguard against unreasonable or unfair administrative action.

In addition to expanding the scope of judicial review, Congress should provide that welfare benefits will not be cut off until the applicant is accorded judicial review if he desires such review. The procedural protections of *Goldberg* should be extended to all stages of the welfare process, which includes judicial review of agency action, as *Barnett* v. *Lindsay* held.[103]

The cost to the government will be small, since only a small percentage of hearing decisions are appealed. Benefits to individuals will include the avoidance of starvation (the result of benefit termination to *eligible* recipients) and the dangerous disaffection arbitrary administrative action induces in the poor.

§ 2171(b). Overpayments and Underpayments.

Recovery of overpayments is permitted except when it would penalize family members who were without fault in causing the overpayment, when it would "defeat the purposes of [the Act] or be against equity or good conscience," phrases which are explicitly undefined by the Administration.[104] FAP payments are by definition designed to meet only subsistence needs, so that this entire provision would appear to be meaningless since recovery will always defeat the purposes of the Act.

There should be no recovery of any overpayment so long as a family is deemed in need and entitled to FAP benefits. This principle is recognized in current policy. Recovery is permitted only when a family possesses sufficient income or resources above what is necessary for its basic needs.[105]

This is a straightforward formula which can easily replace the overly vague and normative language of H.R. 1. Reliance on the criminal fraud sanctions in § 2172 can remedy intentional wrongdoing without penalizing faultless error.

§ 2171(d) (3). Representation of Claimants.

This section permits the Secretary of Health, Education, and Welfare to place restrictions on persons, other than attorneys, who may represent recipients in any dealings with FAP or OFF officials. Representatives may be required to show that they are of "good character," that they are "in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimnants."

Footnotes at end of article.

The Secretary may prohibit the appearance before him of any person refusing "to comply with the Secretary's rules and regulations" (the content of which is unspecified).

Regulations under the Social Security Act have traditionally enforced the right of recipients to a completely free choice of representative. A fair hearing claimant or applicant;

> ". . . may be represented by legal counsel, or by a relative, friend or other spokesman, or he may represent himself." [107]

In addition, he

> "May be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility, and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them . . ." [108]

For several years, hundreds of recipients and other non-lawyers, known as lay advocates, have learned the intricacies of state and federal welfare laws and have effectively represented their peers at fair hearings and before state administrative personnel. The results have been an impressive increase in the ability of recipients to assert their rights before the state agencies. A neighborhood center on New York's Lower East Side was an early example of successful lay advocacy:

> "It was staffed by MFY (Mobilization for Youth) paid professional social workers and local citizens. The MFY lawyers instructed the staff on rights and remedies that neither the staff nor the other local citizens knew existed. It accepted clients, determined their needs, advocated causes, and often won cases. The lay advocates' successes included revision of inadequately computed budgets, acquisition of extra light allowances, allowances for special diets, grants for welfare arbitrarily denied, enforcement of codes by housing inspectors of dilapidated buildings, and many other benefits and rights too numerous to be detailed here. . . . In time, they helped develop an organization of welfare clients themselves, able to fight and win their own victories." [109]

It is feared that regulation by HEW will adversely affect the lay advocate movement. All such representatives serve without charge, so that the statute is not necessary to protect recipients against excessive fees. The subsequent parts of this section, providing for a maximum fee schedule and making it a misdemeanor to "deceive, mislead or threaten any claimant or beneficiary" or to charge excessive fees, are adequate to discipline those taking undue advantage of recipients. Administrative sanctions can be imposed for misconduct as well. Procedural regulations can be written to sanction conduct which destroys the hearing porcedure in individual cases. On the Constitutional level, the issue strikes at the heart of the prior hearing requirement:

> Historically and in practice, in our own country at least, it [a hearing] has always included the right to the aid of counsel when desired and provided by the party asserting the right. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel . . . If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and therefore, of due process in the Constitutional sense.[110]

Clearly the free choice policy of current programs should be continued.

§ 2171(e) (1) Application Procedures.

For several years many states have experimented with application by so-called "simplified statement." [111] This means that a statement by the applicant of the relevant facts as to his eligibility is to be accepted in granting or denying assistance, without extensive investigation and verification of the information therein. Random spot checks are relied upon for verification purposes. The system is designed to prevent prying into the personal affairs of applicants, including, for example, the unconsented to questioning of neighbors, landlords and creditors, and to conserve the administrative costs that these investigations entail.[112]

Under H.R. 1 application procedures are left to Secretarial discretion, but the Ways and Means Committee has stated that, "there will be no simple declaration process." [113] The Committee instead wishes to institute extensive documentation and verification of eligibility.

The Administration at one time claimed that the simplified method would be used in FAP,[114] but later indicated that "we would expect to utilize some form of a 'declarative' or 'simplified' system of claims, but with considerable extra documentation." [115] It is disappointing that a system which has proven so feasible, from an administrative and recipient point of view, is now to be eliminated.

HEW has required all states to begin instituting the simplified payment system on an experimental basis in the adult categorical assistance programs.[116] Preliminary results of experiments in the use of simplified statements indicate no increase in inaccurate grant payments or in fraud.[117] In New York, for example, spot checks indicate erroneous rejections of applicants or case closings were more numerous than incorrect acceptances.[118]

Cases of actual fraud can be dealt with through the criminal sanctions imposed by § 2172.

§ 2171(e) (2), (3) Quarterly Reports and Furnishing Information.

Benefits are terminated automatically unless a family submits a report within thirty days after the close of any quarter during which it received benefits, containing any information on income and expenses necessary for determining what the correct amount of benefits for that quarter should have been. The hearing requirements of *Goldberg* v. *Kelly* invalidate arbitrary terminations based on the essential nature of public assistance to the life and health of those dependent upon it:

> "To cut off a welfare recipient in the face of . . . 'brutal need' without a prior hearing of some sort is unconscionable, unless overwhelming considerations justify it . . .
>
> "Against the unjustified desire to protect public funds must be weighed the individual's overpowering need in this unique situation not to be wrongfully deprived of assistance . . ." [119]

That is why the Court required that due process be observed to guard against incorrect or arbitrary cut-offs. Yet the Ways and Means Committee now proposes a completely arbitrary termination, with no basis in the needs of recipients, for failure to file an earnings report. The report is due, four times a year, though in most cases the data therein is unlikely to change so often.

There is a clear obligation to report changes in circumstances affecting need and eligibility throughout the quarter, which should make quarterly reports superfluous. The obligation of additional quarterly reports can only serve to cause unwarranted loss or delay in benefits.

Similar objections apply to the penalty imposed by § 2171(e)(3) on failure or delay in submitting "any other data, material or report" throughout the quarter, required by the Secretary for benefit determination. The The penalty equals $25 for the first such incident, $50 for the next, and $100 thereafter, except where the family is without fault or there is good cause for such failure or delay. Provision borders on the absurd since it applies even when a failure to furnish information results in receipt of lower benefits than a family is entitled to. Again, the bill disregards the principle that payments must be based on need.

There is no similar provision under AFDC either for the filing of periodic reports or for a monetary penalty on failure to report changes in circumstances. State AFDC programs instead rely on recovery provisions in cases of misinformation. These are, as noted above, p. 33, surrounded by safeguards designed to assure that actual current needs are met. This section embodies an overly broad attempt to penalize the giving of incorrect information which is certain to result in loss of benefits to thousands whose only crime is ignorance of bureaucratic procedures.

§ § 2175 and 2176. Obligation of Deserting Parents.

Under this section any individual who deserts or abandons his spouse or child is made liable to the United States for all FAP or OFF benefits paid to such sponse or child, less any amounts he has actually paid for their support which were taken into account in determining their benefits. This debt is to be collected by the United States or under any Federal program."

This means that once a FAP or OFF recipient alleges desertion, the putative father or spouse can be deprived, by administrative fiat, of amounts otherwise due him under the law. No court need determine that a debt exists; the debtor has no statutorily prescribed recourse once the Secretary's decision has been made; and he hasn't even the right to advance notice that funds are being kept from him. In other words, he is being deprived of property without even a semblance of due process of law [120]

Moreover, the liability will in nearly all cases be satisfied out of payments which, by existing statutes, are exempt from any form of attachment by creditors. This is true, for example, as to Old Age, Survivors, and Disability Insurance, against which the majority of claims will no doubt be brought (42 U.S.C. § 207); and as to agricultural subsidies and diversion payments, [5 U.S.C. § 590(h)].[121] When these laws were passed, Congress determined that protection of payments thereunder was important in terms of overall statutory purpose. It is submitted that the Family Assistance Act should not defeat the intent of Congress without very careful consideration of the impact upon the legislation which is being altered.

In addition, H.R. 1 makes it a misdemeanor to travel interstate for the purpose of avoiding support of a spouse or child. Offenders are to be sentenced to a fine of up to $1000, a year in prison, or both.

The Social Security Act already requires the states to secure support from deserting parents, and the requirement is extended to spouses by H.R. 1.[122] The problem of securing support from deserters seems to be one of enforcement and not lack of power. The state mandates can easily be applied to federal officials administering FAP. Once the United States is given a right to reimbursement it has ample opportunity in the federal courts to enforce that right. This route should not be by-passed at the expense of putative fathers.

§ 2778(a). Establishment of Local Advisory Committees.

This section establishes local committees composed of representatives of labor, business and the general public to evaluate the OFF and FAP programs. This provision does not allow for sufficient input by recipients—those most affected by the programs and their administration. Rather, it assumes that groups at best tangentially concerned with public assistance have the greatest right to influence the way in which it is administered.

HEW now requires the states to set up advisory committees on AFDC, composed in

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Footnotes at end of article.

part of recipients.[123] The spirit of this regulation is not maintained in H.R. 1. HEW now meets regularly with representatives of welfare recipients and organizations composed of recipients. Congress should provide that such relationships be maintained, and extended to other representative groups. Because recipients' very existence is so closely governed by the welfare administration, their relationship should be governed by the same principles employed in the case of business and professional organizations and the regulatory agencies.[124]

In addition to requiring a role for recipients in an advisory capacity, recipients should be guaranteed a voice in agency rulemaking. At present, welfare regulations are exempt from the rule-making requirements of the Administrative Procedure Act[125] because they relate to "public property, loans, grants, benefits or contracts."[126] A number of legislative amendments have been proposed in recent years to remove these exemptions.[127] While the welfare reform bill perhaps should not be the place to amend the Administrative Procedure Act, the procedural provisions of the APA should be incorporated into rulemaking under the bill. The requirement of APA procedures was originally enacted because of a belief in the value of public participation. Surely encouraging such participation, which has been a fundamental goal of government activity in the War on Poverty since the Economic Opportunity Act of 1964, is even more important in 1971 than it was in 1946, when APA was enacted.[128]

§ 504 Puerto Rico, the Virgin Islands, and Guam.

Grants to FAP or OFF recipients in Puerto Rico, the Virgin Islands, and Guam are substantially lower than in the rest of the United States. Payments are to bear the same ratio to FAP as the ratio of per capital income of Puerto Rico, the Virgin Islands, or Guam to the lowest state per capital income. For example, if per capita income in Puerto Rico is three-fifths that of Mississippi (50th in per capita income in 1968)[129] FAP or OFF in Puerto Rico would be 3/5 of $2400 for a four-person family, or $1440. The same rule governs payments to adults under Aid to the Aged, Blind and Disabled.

Needs in these territories are greater than in any part of the U.S. In the Virgin Islands living costs are 20% to 25% higher than in Washington, D.C. and in Guam they are 18% higher.[130] Virtually all consumer items are imported, and many are subject to high tariffs. A lower per capita income means that many more persons are doing without basic needs. The FAP and OFF formula in effect means that the greater the poverty in a territory, the less we will do to alleviate that poverty. It is as though because per capita income in Mississippi is half that of New York, FAP will provide only $1200 per four-person family in Mississippi. The Administration sought in FAP to equalize somewhat assistance payments between the states. There is a close relationship between citizens of the territories, and of Puerto Rico in particular, and those of the states, and poverty is a problem which is shared by American citizens no matter where they happen to reside. Where extreme need is established, rates should not be arbitrarily lowered.

§ 523. Optional Modification in Disregarding of Income Under State Plans for Aid to Families with Dependent Children.

As noted on p. 19, *supra,* the states must now disregard earned income equal to $30 per month plus ⅓ of the remainder, plus all work connected expenses. This section would allow the states, effective immediately, to limit their income disregard work incentive to an extra $30 per month, with no work expense other than child care costs, and to limit the total disregard to $2000 plus $200 per person over four, or $3000, whichever is lower. Under FAP and OFF this ceiling does not apply to the incentive of $60 plus ⅓ of the remainder of earned income. This rule will wipe out all work incentive for many recipients. All social security and income taxes, all mandatory payroll deductions and all incidental work costs, plus child care, must be paid with $60 plus ⅓ of remaining earned income.

The effect of this amendment would be to create, for many families, a work disincentive, in direct opposition to the purpose of the 1967 Social Security Amendments, to provide "incentives, opportunities, and necessary services" for employment and training.[131]

FOOTNOTES

[1] Published in "Family Assistance Act of 1970", Hearings before the Committee on Finance, on H.R. 16311, United States Senate, 91st Cong. 2nd Sess. (1970) p. 2185.

[2] "The President's Message on Welfare Reform," August 11, 1969, reprinted in "Social Security and Welfare Proposals," Hearings before the Committee on Ways and Means, House of Representatives, 91st Cong., 1st Sess. 1969 (hereinafter House Hearings) p. 5.

[3] "Material Related to Administration Revision of H.R. 16311," Committee on Finance, United States Senate, 91st Cong. 2d sess. July, 1970 (hereinafter July Senate Committee Material).

[4] A line by line comparison of H.R. 16311 and the June and October revisions can be found in "H.R. 16311, the Family Assistance Act of 1970, June Revision, with Analysis by the Staff of the Community on Finance," Committee on Finance, United States Senate, 91st Cong. 2nd Sess. October, 1970.

[5] Amendments to S. 17550 introduced by Mr. Ribicoff for himself and Mr. Bennett.

[6] Soc. Sec. Act § 401.

[7] See, "Social Security in America: The Factual Background of the Social Security Act," as summarized from Staff Reports to the Committee on Economic Security, p. 23 (1937).

[8] Grants are computed according to the following formula: $800 for each of the first two family members; $400 for each of the next three members; $300 for each of the next two members; plus $200 for the next member, for a family maximum of $3600. The penalty for failure to register follows an identical formula. § 2152(b) and (c).

[9] At present the penalty varies from state to state, equalling that portion of the family's grant budgeted for the needs of the person refusing employment.

[10] § 2114(a).

[11] At least two commentators feel that this is true of any FAP work requirement: "The sad part . . . is that additional weapons have been created for those agencies wanting to harass and punish the poor." Handler and Hollingsworth, "Work, Welfare and the Nixon Reform Proposals," 22 Stanford L. Rev. 907, 942 (May, 1970).

[12] *New York Times,* May 8, 1971, p. 1.

[13] *Ibid.* The poverty level was set at $3,968 for a family of four.

[14] See Public Assistance Statistics, December 1970, U.S. Dept. of Health, Education and Welfare, National Center for Social Statistics, NCSS Report A-2 (12/70) p. 9.

[15] "H.R. 1, The Social Security Amendments of 1971," Report of the Committee on Ways and Means, United States Congress, House of Representatives, 92d Congress, 1st Session, 1971, (hereinafter Committee Report), pp. 160–161, 172.

[16] *New York Times,* April 20, 1970, p. 30.

[17] 1969 AFDC Study-Report of Preliminary Findings, Department of Health, Education and Welfare, National Center for Social Statistics, NCSS Report AFDC-1 (69) March, 1970, Table 38.

[18] Handler and Hollingsworth, "Work, Welfare, and the Nixon Report Proposals," 22 Stanford L. Rev. 907, 915–918. There was no earned income incentive at the time of the study; earnings were taxed 100 percent.

[19] *Committee Report,* p. 163.

[20] *House Hearings,* p. 263.

[21] *House Hearings,* p. 262.

[22] *Administration Revisions,* p. 81.

[23] Preliminary results of the New Jersey Graduated Work Incentive Experiment, Office of Economic Opportunity, February, 1970, p. 3.

[25] Leonard J. Hausman, "Approaches to Equal Employment," *Monthly Labor Rview,* July, 1970, p. 88.

[26] § 448(a), H.R. 16311 as reported by the Committee on Ways and Means, and S. 17550.

[27] Id. § 448(b).

[28] See, for example, the recent case of *Woolfolk* v. *Brown,* Civ. No. 225–70–R, (E.D. Va., April 22, 1971), in which the plaintiffs were denied AFDC payments for refusal to accept a job as baby-sitters and housekeepers, ten to twelve hours a day, five days a week, for $20 per week. The court held that Virginia could not impose its own work requirement separate from and in violation of regulations under the WIN program.

[29] *Committee Report,* p. 164.

[30] 45 C.F.R. § 220.35(a) (2) (v).

[31] 45 C.F.R. § 220.18(a), 36 Fed. Reg. No. 58, p. 5605, March 25, 1971.

[32] See, for example, "Federal Interagency Day Care Requirements," U.S. Government Printing Office, 1969. 395–669(4). No reference is made to maintaining these standards, which were promulgated under Section 522 (d) of the Economic Opportunity Act. The standards must be met by child care services furnished in state AFDC programs. (45 C.F.R. § 220.18(c) (2).

[33] *Committee Report,* p. 193.

[34] Only six states (Alabama, Delaware, Kentucky, West Virginia, Virginia, and New Mexico) currently impose such overall family maximums. The formula seriously penalizes persons who are members of large families (more than eight).

[35] The food stamp bonus, the amount by which the value of the stamps exceeds their cost, varies with family income, including welfare, so that in states paying high benefits the bonus is lower. A family of four with an income of $1600 is eligible for $108 worth of stamps each month, at a cost of $34. A family in a state now paying $2400 per year is entitled to $108 of stamps per month at a cost of $53. 36 Fed. Reg. 74, p. 7273, April 16, 1970.

[36] Mississippi, Alabama, Arkansas, South Carolina and Louisiana. "HEW Cost Standards." NCSS Report D-2 (7/70) Table 4, "OAA and AFDC Standards for Basic Needs for Specific Types of Assistance Groups."

[37] *Committee Report,* Table 1, p. 209, and Table 11, p. 227. Total cost estimates are $9.6 billion under current law and H.R. 1. Numbers of recipients will go from 11.6 million under AFDC to 19.4 million.

[38] U.S. Dept. of Agriculture, Commodity Distribution Division, Food and Nutrition Service, May, 1971.

[39] Statement of John F. Venemen, Under Secretary of Health, Education and Welfare, New York Times, May 14, 1970, p. 8.

[40] New York Times, May 8, 1971, p. 1: "This number accounts for virtually all the increase in poverty among Negroes."

[41] "Three Standards of Living for an Urban Family of Four Persons," U.S. Department of Labor, Bureau of Labor Statistics, Information Department, March, 1970.

[42] Information Department, Bureau of Labor Statistics, U.S. Dept. of Labor, May 1971.

[43] *Poverty Amid Plenty: The American Paradox,* Report of the President's Commission on Income Maintenance Programs, 1969, pp. 32–33.

[44] 45 C.F.R. 233.20(a) (2) (v).

[45] Manual of Public Policy—Department of Health and Welfare of New Hampshire, § 2635.15.

[46] *Committee Report,* p. 200.

[47] In addition, adult recipients may maintain $1,500 in resources per person and still be eligible for aid, whereas Family Assistance recipients are allowed an exemption of $1,500 per family.

[48] *Monthly Labor Review*, November, 1969, pp. 3–16.

[49] The Consumer Price Index has risen 10.6% since April, 1969. Information Department, Bureau of Labor Statistics, May, 1971.

[50] Social Security Act § 402(a) (10).

[51] 45 C.F.R. § 233.20(3) (ii) (c).

[52] If a family of four receives $1,800 in countable income in one quarter, no income in previous quarters, and then loses its source of income, it will have to wait 9 months to be eligible for benefits. A family of four with gross earnings of $6,000 must wait three months after losing all income to become eligible for benefits. (Countable income of $280 per quarter for three preceding quarters is applied to reduce the grant for the quarter of application, which is $600.) A family which had $8,000 gross income would have to wait 6 months.

[53] Report of the Committee on Ways and Means on H.R. 16311, the Family Assistance Act of 1970, 91st Cong., 2d Sess. p. 13:

"Your Committee has concluded that, in some cases, in order to prevent inequity it would not be appropriate to count as income for a quarter all income received in that quarter, a part of which should properly be distributed to prior or subsequent quarters. For example a self-employed farmer often receives the bulk of his income in the fall when his crops are sold, and little or no income during the rest of the year. If such a person's income were counted in the quarter in which it is received, he could get no payments for that quarter. Conversely, the amount of income received in a single quarter might be sufficient to disqualify a family for any payments during the year. Your committee's bill provides, therefore, that, in determining eligibility and payment amounts, the Secretary of Health, Education, and Welfare may allocate income received in a given quarter to prior or subsequent quarters."

[54] Social Security Act § 402(a) (8).

[55] Staff therapist, Exodus House, New York, N.Y., June 1, 1970.

[56] Unearned income of $60 per quarter, and earned income of $30 per quarter.

[57] 45 C.F.R. § 233.20(a)3(7), and Social Security Act § 402(a) (7) and (8).

[58] § 402(a) (10) see p. 16. *supra.*

[59] *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), *Gaddis* v. *Wyman*, 304 F. Supp. 717 (S.D.N.Y. 1969) *aff'd. per curiam sub nom. Wyman* v. *Bowens*, 397 U.S. 49 (1970).

[60] *Shapiro* v. *Thompson*, 394 U.S. at 642. *Washington* v. *Legrant* was a companion case to *Shapiro*, challenging a one-year residency requirement in the District of Columbia. And see *Kent* v. *Dulles*, 357 U.S. 116 (1958) and *Aptheker* v. *Sec. of State*, 378 U.S. 500 (1964).

[61] *Poverty Amid Plenty, supra*, and *Having the Power We Have the Duty*, Report to the Secretary of Health, Education, and Welfare by the Advisory Council on Public Welfare, June 29, 1966. See also the recently released recommendations of the Committee for Economic Development, summarized, the *New York Times*, April 7, 1970, p. 16.

[62] Two exhaustive Law Review articles have explained refusals to extend aid to the able-bodied poor without children as extensions into the welfare laws of old vagrancy law concepts. Since vagrancy concepts are becoming less and less important in the criminal law, the articles ask why they should be maintained in welfare legislation. Rosenheim, *Vagrancy Concepts in Welfare Law*, 54 Calif. L. Rev. 511 (1966), tenBroek, *California's Dual System of Family Law: Its Origin, Development, and Present Status*, 16 Stan. L. Rev. 257 (1964), 17 Stan. L. Rev. 614 (1965).

[63] 292 U.S. 309 (1968).

[64] 45 *Code of Federal Regulations*, § 203.1 (1969).

[65] *Lewis* v. *Martin*, 397 U.S. 552, 557 (1970), invalidated a California statute which presumed that all income of a stepfather or "man assuming the role of spouse" was available to the entire family.

[66] "By breaking up homes, the present welfare system has added to social unrest and robbed millions of children of the joy of living." The President's Message on Welfare Reform, in *The President's Proposals for Welfare Reform*, U.S. House of Rep., Committee on Ways & Means, 91st Cong., 1st Sess. (1969) pp. 93–94.

[67] A similar recommendation was made in "Report on Welfare Proposals," the Association of the Bar of the City of New York, Joint Subcommittee of the Committees on Federal Legislation, Civil Rights, Labor & Social Security, and Municipal Affairs, 1970, p. 17. The recommendation was accepted in the November revision of FAP.

[68] Nebraska, Ohio, Utah, Wisconsin, California, Oregon, Wyoming, Montana, Colorado, District of Columbia, Idaho, Iowa, Kansas, North Dakota, Virginia, Hawaii, Michigan, Rhode Island, Illinois, New Hampshire, Minnesota, South Dakota, Washington, Vermont, Pennsylvania, Massachusetts, Connecticut, New York, New Jersey, and Alaska.

[69] South Dakota, Washington, Vermont, Pennsylvania, Massachusetts, Connecticut, New York, New Jersey and Alaska.

[70] Mayor John Lindsay of New York has said of the new bill: "[It] will almost entirely federalize welfare costs in such states as Alabama, Mississippi, Arkansas, Georgia and Arizona. . . . At least 90% of their welfare costs would be paid by the federal government. But the costs of welfare in states like New Jersey, Illinois, Michigan, Massachusetts, Connecticut, Pennsylvania, and New York would be reduced by only 10 to 20% under the proposed legislation." New York Times, May 14, 1971, p. 51.

[71] Social Security Act § 402(a) (23). States may reduce actual payments by granting only a percentage of basic needs.

[72] "President's Message on Welfare Reform," *House Hearings*, p. 95.

[73] H.R. 16311, §§ 451, 452.

[74] New York State has already applied for permission to conduct a $2400 FAP-modeled "experimental" program. New Mexico, New York, Texas, Nebraska, Rhode Island, Alabama and Kentucky have cut or are about to cut current grant levels.

[75] See note 2, p. 21, supra.

[76] 394 U.S. 618, 642.

[77] § 2171(a) (2) (A) and (C).

[78] At one point the Administration indicated that this would be the case. H.R. 16311, Revised and Resubmitted to the Committee on Finance by the Administration, Comm. On Finance, U.S. Senate June, 1970 p. 68.

[79] Social Security Act § 406(e).

[80] New York State grants emergency assistance in "situations which suddenly render a family destitute including those caused by natural disasters, serious injury to persons or damage to property resulting from other causes," 18 N.Y. Code of Rules and Regulations § 372.3. Assistance can be paid for "food, clothing, household supplies and equipment, utilities, transportation, shelter, moving expenses and other emergency needs . . . medical care, mass feeding, clothing distribution . . . services . . . including family shelter, child care . . . and other services which meet needs attributable to the emergency situation." 18 New York Code of Rules and Regulations § 372.4.

[81] "Public Assistance Statistics, December, 1970," U.S. Dept. of Health, Education and Welfare, National Center for Social Statistics, NCSS Report A–2 (12/70) p. 16.

[82] 397 U.S. 254 (1970). The decisions are implemented in 45 C.F.R. § 205.10, 36 Fed. Reg. 3034 (Feb. 13, 1971).

[83] *Mothers and Childrens Rights Organization* v. *Sterrett*, No. 70 F. 46, N.D. Indiana, May 20, 1970; *Bryan* v. *White*, Civ. Action 70–85, S.D. Ohio, August 29, 1970; *Barnett* v. *Lindsay*, No. C 328–69, D. Utah, April 2, 1970; *Woodson* v. *Houston*, No. 6605, Michigan Court of Appeals. October 7, 1970; *In re Ramirez*, N.Y.L.S., March 26, 1970, p. 2, Col. 4 (Sup. Ct., N.Y. County); *Hernandez* v. *Goldberg*, N.Y.L.J., April 15, 1970, p. 16, Col. 3 (App. Div. 1st Dept.).

[84] 397 U.S. at 264.

[85] Handler, "Justice for the Welfare Recipients" 43 Social Service Rev. 12 (1964) and see Davis, *Discretionary Justice*, p. 181 (1969): "The degree of lawlessness of Welfare Administrators is widely recognized."

[86] 397 U.S. at 270.

[87] 397 U.S. at 271.

[88] *Committee Report*, p. 187.

[89] Raoul Berger, "Administrative Arbitrariness and Judicial Review," 65 Colum. L. Rev. 55, 72–73 (1965). Professor Berger argued his position—that administrative arbitrariness is always reviewable—in numerous articles during the course of a protracted debate with Professor Davis. See "Administrative Arbitrariness—A reply to Professor Davis," 114 *U. Pa. L. Rev.* 783 (1966); Davis, "Administrative Arbitrariness—*A Final Word*," 114 U. Pa. L. Rev. 816 (1966); Berger, "Administrative Arbitrariness—A Rejoinder to Professor Davis' Final Word," 114 U. Pa. L. Rev. 816 (1966); Davis, "Administrative Arbitrariness—A Postscript," 114 *U. Pa. L. Rev.* 823 (1966); Berger, "Administrative Arbitrariness: A Sequel," 51 *Minn. L. Rev.* 601 (1967); Davis, "Administrative Arbitrariness is Not Always Reviewable," 51 *Minn.* L. Rev. 643 (1967); Berger, "Administrative Arbitrariness: A Synthesis," 78 *Yale L. J.* 965 (1969). While the two men disagree over the interpretation of the Administrative Procedure Act and over case law, both argue that arbitrariness *should* always be reviewable.

[90] 118 U.S. 356 (1886).

[91] *Id.* at 370.

[92] 187 U.S. 94 (1902).

[93] *Id.* at 110.

[94] 353 U.S. 232 (1956).

[95] 353 U.S. 252 (1965).

[96] *Schware* at 239.

[97] Jaffe, *Administrative Review of Judicial Action*, 369 (1965).

[98] See Van Alystine, "The Demise of the Right-Privilege Distinction in Constitutional Law." 81 Harv. L. Rev. 1439 (1968).

[99] *Consolidated Edison Co.* v. *NLRB*, 305 U.S. 197 (1938). See 4 Davis, Administrative Law Treatise §§ 29.01.11, pp. 114–188 (1958).

[100] *Data Processing Service* v. *Camp*, 397 U.S. 150, 156 (1970).

[101] In the light of *Goldberg*, and prior cases (as discussed in Van Alystine). See Jaffe, *supra* pp. 376–389.

[102] See Davis, "Veterans' Benefits, Judicial Review, and the Constitutional Problems of 'Positive' Government," 39 Ind. L. Rev. 183 (1964).

[103] D.C. Utah, No. C 328–609 (Apr. 2, 1970).

[104] *Administration Revisions*, p. 69.

[105] 45 C.F.R. 233.20(a) (3) (ii).

[107] 45 C.F.R. 205.10(a) (2) (iii). 36 Fed. Reg. 30, 34, Feb. 13, 1971.

[108] 45 C.F.R. 206.10(a) (1). 36 Fed. Reg. 10784, June 3, 1971.

[109] Sparer, Thorkelson & Weiss, "The Lay Advocate" 43 Detroit L.J. 493, 505–6 (April, 1966).

[110] *Powell v. Alabama*, 287 U.S. 45, 68–69 (1932); see *Chandler v. Fretag*, 348 U.S. 3 (1954), and note *Goldberg v. Kelly*, 397 U.S. at 270.

[111] "Use of the Declaration in Public Assistance," and "Declaration in a Simplified Method of Eligibility Determinations." Facts About Welfare, National Study Service, Inc. Public Welfare Reporting Center, May, 1969.

[112] See Reich, "Midnight Welfare Searches and the Social Security Act," 72 Yale L. J. 1347, 1359 (1963); Handler, "Controlling

Behavior in Welfare Administration," 54 Cal. L. Rev. 479 (1966).

[113] Committee Report, p. 161. Social Security and income tax records are to be used to verify income reports.

[114] Hearings before the Committee on Ways and Means, House of Representatives, 91st Cong., 1st Sess. 321 (1969), p. 128.

[115] Administrative Revisions, p. 69–70.

[116] 45 C.F.R. § 205.20(a)(2), 35 Fed. Reg. 8366 May 28, 1970.

[117] "Use of the Declaration in Public Assistance," and "Declaration in a Simplified Method of Eligibility Determinations, Facts About Welfare," National Study Service, Inc., Public Welfare Reporting Center, May. 1969.

[118] "Does the Declaration System Really Work?" 1 Welfarer, September, 1969, p. 2.

[119] *Kelly* v. *Wyman*, 294 F. Supp. 893, 900 (S.D.N.Y. 1968) *aff'd. sub nom Goldberg* v. *Kelly*, 397 U.S. 254 (1970).

[120] See *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969), holding a Wisconsin statute permitting garnishment before a judicial determination of debt violative of due process.

[121] Family Assistance grants are also exempt. § 2171(d)(1). This section defeats the purpose of the Act of which it is a part by withholding benefits from the offending parent and his future family, should they ever require FAP or OFF.

[122] The NOLEO (Notice to Law Enforcement Officials), issue (under current law and under FAP) is thoroughly discussed in Silver and Efroymson, "Suggested Attacks on the NOLEO Requirement" 4 *Clearinghouse Review*, Nos. 1 and 2, May and June, 1970.

[123] 45 C.F.R. § 220.4.

[124] See, e.g., 49 U.S.C. § 5(b), recognizing organizations of firms subject to Interstate Commerce Commission regulation, and 38 U.S.C. § 3402(a)(1): "The Administrator may recognize representatives of the American National Red Cross, the American Legion, the Disabled Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars, and such other organizations as he may approve in the preparation, presentation and prosecution of claims under laws administered by the Veterans Administration."

See H.R. 7388, introduced by Rep. Fraser, § 2006(c) and H.R. 6729, § 11, which require all rules and regulations to be made on the record after an opportunity for a hearing under the APA, and give standing to participate in rule-making and in any judicial process challenging regulations to any organization which certifies to a membership of more than 50 recipients. Notification of proposed rule-making is to be sent to all such organizations.

[125] Requiring adequate notice, an opportunity for interested persons to participate, and provision for petition for the issuance, amendment or repeal of a rule. 5 U.S.C. § 553.

[126] 5 U.S.C. § 553(a)(2).

[127] See, e.g., § 2335, § 1663, and § 1663 (Subcommittee Revision) of the 88th Cong.; see Hearings on § 1663 before the Subcomm. on Admin. Proc. of the Sen. Comm. on the Judiciary, 88th Cong., 2d Sess., 1, 21, 32 (1964); § 518 of the 90th Cong., see Hearings on § 518 before the Subcom. On Admin. Prac. and Proc. of the Sen. Comm. on the Judiciary, 90th Cong., 1st Sess., 1 (1967), § 2770 and § 2771, see 113 Cong. Rec. 36028 (Dec. 12, 1967) (introduction). The Administrative Conference of the United States recommended the elimination of these exemptions, see mimeographed recommendations of the Administrative Conference of the United States Committee on Rulemaking, and attached consultant's report, Bonfield, "Public Property, Loans, Grants, Benefits, or Contracts," (October 2, 1969) as did the Hoover Commission, Task Force Report on Legal Service and Procedure 158–59 (1955).

[128] "Our society has reached the point once again where the very legitimacy of decision-making, both in government and in private affairs, is questioned by black and white, money and deprived, dove and hawk, hippy and straight arrow." Ferren, "Preliminary Thoughts About Public Decision-Making and Legal Aid: the Prospects for Legitimacy," 1 Conn. L. Rev. 263 (1968). For discussion of the evolution of the concept of "maximum feasible participation of the poor" (Economic Opportunity Act of 1964, 46 U.S.C. § 113(a)(6), see Rein and Miller, "Citizen Participation and Poverty," 1 Conn. L. Rev. 221 (1968) They conclude: "Our recital of difficulties and tensions in the unfolding of citizenship participation in the sixties could lead to the conclusion that it should be abandoned. That would be a grievous error. The idea of participation will be tremendously important in humanizing and democratizing institutions." 1 Conn. L Rev. at 242.

[129] *Statistical Abstracts of the United States*, U.S. Dept. of Commerce, p. 320 (1969).

[130] U.S. Department of the Interior, Territories Division, August, 1970.

[131] Social Security Act, § 430.

Mrs. CHISHOLM. Mr. Speaker, will the distinguished gentleman from Maryland yield?

Mr. MITCHELL. I would be glad to yield to the distinguished gentlewoman from New York.

Mrs. CHISHOLM. Mr. Speaker, next week the Members of this House will vote on the most far-reaching and important piece of domestic legislation of this session. H.R. 1 will not only dramatically affect the lives of recipients in all categories; the blind, the aged, the disabled, and the indigent mothers and children but it will also set the pattern for the manner in which we shall deal with these dependent citizens in the future.

The essence of FAP, as I understood it, was to help families get off the welfare rolls by giving them the incentive and opportunity to work. Unfortunately, the family assistance plan, as it is currently embodied in title 4 of H.R. 1, will not accomplish its avowed goal.

I am firmly committed to welfare reform but in this case the word "reform" is a misnomer. If the family assistance plan is passed in its current form we will only replace an inadequate system with one that is equally ineffective.

Quite aside from the question of adequate minimum support levels, the bill does not provide adequately for day care, job training and job development which will be necessary if the family assistant plan is to work.

I see the inadequacies of this bill as part of the overall pattern of discrimination against women, especially minority women, in this country.

When we talk about welfare we are talking about women and children. When people scream about the skyrocketing welfare rolls, what they are really talking about are the female heads of households who have had to resort to welfare because they could not make it in the economic marketplace. And I do not see how or where this bill improves the chances for women to secure employment with an adequate income.

I say adequate income because we really have not solved any problems if we help a woman find a job making $3,091 a year. That is the average income for all women working full and part time—fiscal year 1969. Black women, working full and part time make only $1,991 a year and they make up 46 percent of the current welfare rolls.

Under H.R. 1 recipients are not protected by the federal minimum wage. The women would be forced to accept any job that pays up to three-fourths of the federal minimum wage which is now $1.60 an hour. If she were lucky enough to get a full time job that would mean $2,400 a year.

Another negative aspect is that families headed by a college or university student will not be eligible for benefits. This amendment was instituted to placate the outrage of members over students from middle-class families signing up for food stamps. But the effect of it will eliminate the very successful experimental programs which were putting welfare mothers through school so that they would have a real skill with which to support their families.

This factor and the lack of minimum wage certainly lend credibility to the NWRO accusation that the purpose of FAP is to subsidize low-wage paying employers rather than enable poor people to become self-supporting.

The provision that any women whose children are over 3 years old must work is equally punitive especially if one considers the current lack of day care facilities. If you use the administration's conservative figures of $1,600 per child for day care and multiply this times the 1,262,400 children under 5 on AFDC and get $2,019,840,000. I would like to point out that that is a very conservative estimate because in New York City for example public day care already costs $2,700 per child per year.

Under FAP the old 25 percent State, 75 percent Federal matching grant formula for day care financing is retained. The problem is that the States, like the Federal Government have made day care a very low priority item.

Except in a handful of States the 75 percent Federal matching grant formula has not proven to be enough of an incentive to the States to set up the comprehensive day care systems that are needed.

Further, there are no day care standards in the bill. A woman must accept whatever child care facilities are offered or forfeit her rights to benefits.

Before I entered the political arena I was a day care teacher, director, and consultant for 12 years. My experiences in the day care field make me adamant in my opposition to this lack of standards. I have seen children tied to chairs, left in care of attendants who were so sick or simple minded that they needed help themselves and left totally without food or supervision all day. What it amounts to is the warehousing of children.

At a time when our employment rate is high and threatening to rise still further, it is essential for this bill to be wedded to the concept of job development and expanded public service employment. The public service employment authorized by FAP would receive funding for only 3 years, 100 percent the first year, 75 percent the second, and 50 percent the third, with States picking up the entire costs in the future—a bit of pie-in-the-sky in view of the cities' and States' current financial situation. It is especially interesting when one considers that one of the principal groups lobbying for the Federal takeover of welfare costs is the State and city governments.

Finally the provisions of H.R. 1 are totally inadequate in the area of job training. The typical welfare mother has not finished high school and has no specialized skills. She must receive additional education and/or job training before she will be able to handle a job. In the past women have always gotten short shifts in job training programs.

The number of training slots reserved for women has always been small in every training program and in apprentice programs they have been nonexistent. This policy must change.

There are some 2,400,000 AFDC families in the country today. These women are the heads of their households. They need day care, job training, and a chance at a decent job where they can support themselves and their families.

If we enact the family assistanct plan in its present form it is foredoomed to failure. In my view anyone who votes for this bill in the name of welfare reform is either hypocritical or has not bothered to read it carefully.

Mr. MITCHELL. Mr. Speaker, I thank the gentlewoman from New York for her incisive remarks.

Mr. Speaker, the reason for taking this special order today is that so many of us are concerned about doing the right and decent thing in this country. We know that when this bill comes out on the floor, it will come out like a monolithic steam roller with no one having a chance to address himself or herself to the major faults in the bill. Therefore, we have to seize this opportunity to speak to the issue.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I am delighted to yield to my distinguished colleague.

Mr. MIKVA. Mr. Speaker, I, for one, want to congratulate the gentleman from Maryland and the gentlewoman from New York. I share their concern. I am deeply troubled about this proposal that is going to come before this House next week—on which a great deal of our future as a country depends and about which, as the gentleman from Maryland has indicated, we are going to have very little of what we talk about in the textbooks as the power of Congress to fashion the kind of legislation that we are going to have. I am afraid that those decisions already have been made and those horses have already left the barn.

Mr. Speaker, I congratulate the gentleman from Maryland and the gentlewoman from New York for focusing the spotlight of attention on this trouble we are going to have.

Mr. MITCHELL. Mr. Speaker, I thank my colleague very much. I might simply indicate that in my hand I have five prepared statements of my other colleagues who are expressing their area of concern. I also have a list on which there are 14 names of Members of this House who are also as deeply concerned as you are and as I am about what is going to transpire in this House next week.

Mr. RANGEL. I am pleased today to introduce on behalf of the congressional black caucus their position on welfare reform. The caucus has carefully reviewed H.R. 1. Their report follows:

CONGRESSIONAL BLACK CAUCUS POSITION ON WELFARE REFORM

H.R. 1 as reported out by the House Ways and Means Committee on May 26, 1971, has been represented to us as a major step in welfare reform.

Indeed, for the first time low-income families with a working father would be eligible for cash payments. The bill would emphasize work rather than welfare dependency by providing training to all able-bodied applicants except mothers with children under three years of age. It would establish greater equity amoong the states in welfare payments by providing a basic federal level of $2400 a year for a family of four. It would replace the three state-administered programs of assistance for the aged, blind, and disabled with a single adult assistance program administered by the Social Security Administration. And, finally, it would provide social security recipients not only with a 5 percent increase in benefits beginning June, 1972 but also with an automatic annual increase in benefits according to the rise in the cost-of-living index.

But these limited virtues of H.R. 1 are more than offset by the defects buried deep in the bill and by the destructive potential they would have if unleashed. Not the least of these is the especially discriminatory potential that Title IV, the Opportunities for Families Program and the Family Assistance Plan, would have on the estimated 8.4 million black, Puerto Rican, Chicano, and Indian recipients who would be eligible for family assistance plan payments under H.R. 1, if enacted.

Specifically, the family assistance plan category which contains proportionately more blacks in comparison with whites than the other three categories—the aged, the blind, and the disabled—would not only be singled out and administered separately and more harshly but would also be saddled with lower benefit levels. Instead of equalizing the benefit levels, H.R. 1 would allow an aged welfare couple to receive $2400 a year and would limit a welfare family of two to only $1600. Not until the welfare family reaches the size of four members would it receive benefits equal to the aged couple.

As previously mentioned, a disproportionate number of non-whites occupy the families with children category. According to the latest available HEW characteristic studies of the aged, blind, disabled, and AFDC recipients, some 55.2% of the recipients in the AFDC category are non-white while the recipients in the other categories are overwhelmingly white as is more clearly shown below:

TABLE 1.—RECIPIENTS (ESTIMATED) BY RACE UNDER CURRENT LAW IN JANUARY 1973

[In thousands]

Category	Total	White	Non-white	Percent non-white [2]
AFDC (families)	11,600	5,200	6,400	55.2
OAA (aged)	2,200	1,700	500	24.7
AB (blind)	100	70	30	30.5
APTD (disabled)	1,100	700	400	36.1

[1] Table 11, H.R. 1 committee report.

[2] Characteristics studies of AFDC, OAA, and APTD.

TABLE 2.—RECIPIENTS (ESTIMATED) BY RACE UNDER HR.. 1 IN JANUARY 1973

[In thousands]

Category	Total	White	Non-white	Percent nonwhite
AFDC (families)	19,300	10,900	8,400	43
OAA (aged)[2]	4,900	3,800	1,100	22
AB (blind)[2]	100	70	30	30
APTD (disabled)[2]	1,200	800	400	36

[1] Tables 11, 12, and 13, H.R. 1 committee report.

[2] Office of Program Development and Estimates, family assistance planning staff, Office of the Secretary, HEW.

Note: The actual minimum needs of a family of 4 greatly exceed the needs of an aged couple in all regions of the country both by HEW's own poverty level standards and by each State's own objective determination of actual need.

EXAMPLE: DETERMINATION OF ACTUAL NEEDS AS COMPUTED BY THE STATES THEMSELVES

	Family of 4	Aged couple
Arkansas	$2,736	$1,764
New York	4,032	2,628
Mississippi	2,784	2,208
Kansas	2,928	1,824

EXAMPLE: HEW NATIONAL POVERTY LEVEL

Family of 4	$3,743
Aged couple	$2,38

The striking fact is that the only rationale offered for separating families with children from the other categories, which are combined under H.R. 1, is the "work" myth. The President and others perpetuate the myth that the rapidly expanding AFDC category contains millions of loafers who must be put to work. The fact of the matter is that the overwhelming majority of recipients in this category are not adults, but children. Of the 2,700,000 recipients who are adults, the administration itself states that only a minority—about 1 million—are even employable under the most optimum conditions, conditions where there are child care facilities, transportation, job training, and job slots available. It is felt that by keeping all families with children in poverty—even the majority who are headed by a person not considered employable—this will provide an incentive to those few adults who can work to do so. We find under H.R. 1 that this separation and penalization of AFDC recipients who are disproportionately non-white to be totally arbitrary and irrational. We, therefore, assert unequivocally that we will actively work for the defeat of H.R. 1 unless this inequity is corrected.

Besides this reservation, we have others. If H.R. 1 is to carry the banner of reform, we believe that no recipient, regardless of race, should be worse off under H.R. 1 than he is now under current law—a principle we note that the President himself stated in August, 1969, when he first unveiled the Family Assistance Plan to our nation. The following additional changes must be made in H.R. 1 if this principle is to remain viable.

2. *The federal grant level for families must be increased.* Section 2152(b) of H.R. 1 authorizes a benefit level of $2400 a year for a family of four which would be less than the combined AFDC-food-stamp level for an estimated 90 percent of the welfare families in 45 states and the District of Columbia unless the states choose to supplement the $2400 level. This $2400 a year level is $1343 less than HEW's own $3743 poverty level for a family of four and thereby assures for the vast majority of America's welfare recipients not a guaranteed minimum income but guaranteed annual poverty.

3. *Annual cost-of-living increases must be provided.* H.R. 1 provides annual cost-of-

living increases for social security recipients but the people who are really poor—those who would be on welfare—would be denied this benefit. Title IV of H.R. 1 entirely omits any federal cost-of-living increases for families and omits any federal matching for a state which wishes to do the same. Under current law, cost-of-living increases are required although states may reduce the percentage of need paid or make across-the-board cuts which may in effect cancel out these increases. Nevertheless, on balance, the majority of families under current law have benefited, something they would not similarly do under H.R. 1.

4. *The arbitrary family maximum must be eliminated.* Section 2152(b) of H.R. 1 will not allow an increase in benefits for families of a larger size than 8 members. This constitutes an arbitrary and irrational means of discriminating against existing large families.

5. *Eligibility must be based on the current need of the applicant.* Under the present law, states determine whether an applicant is eligible and how much he will receive by looking at his current financial condition. This allows migrant workers, school bus drivers, cotton shoppers and ginners, and other seasonal workers relief when there is no work. It also allows relief for those who through no fault of their own have lost their jobs or have suddenly become injured and cannot work. Section 2152(d) of H.R. 1, however, requires eligibility to be computed by determining if income from the current quarter exceeds $1,080, the break-even point for a family of four. If it does not, then the earnings of the applicant for the previous two quarters exceeding $1,080 would be carried forward to determine if a person is still eligible. Thus, a person may remain ineligible for several quarters irrespective of his current plight simply because he earned too much in the past.

6. *Mothers with pre-school children must not be forced to place their children with neighbors or in day care centers and required to work.* Section 2111(b) of H.R. 1 requires all mothers with pre-school children age 3 or over to work as a condition to receiving benefits. This age level should be raised from 3 to 6. A family would be better served by the recognition that the work of the mother in caring for her pre-school children would be more meaningful than requirements which would separate her from her vital family obligations. When over ⅔ of the mothers in the nation not on welfare who have children under 6 do not work, it is indeed repressive to require all welfare mothers to do so.

7. *Suitable work conditions and a federal minimum wage must be provided for persons who are required to work.* Section 2111(c) requires all able-bodied persons to accept employment as a condition to receiving benefits. This section omits any requirement that the work must not be a danger to safety or health and other traditional protections such as those provided under unemployment insurance laws. This section also requires a person to accept employment at ¾ the minimum wage of $1.60 ($1.20/hr. or $48/week, $2400/yr.) thereby possibly discouraging family efforts to work themselves out of poverty.

8. *The Medicaid provision not requiring states to cover under Medicaid persons who were made newly eligible for cash benefits under H.R. 1; the provision imposing on recipients an enrollment fee, a premium, or a cost-sharing requirement; and the provision decreasing federal matching for long stays in institutions must be eliminated.* Section 209 (d) of H.R. 1 states that no state will be required to furnish medical assistance to any person unless the state was required to furnish such assistance to such person under its Medicaid plan that was in effect on January 1, 1971. This means that states would not be covering any new people made eligible for welfare under H.R. 1. Section 208 of H.R. 1 provides that deductions or cost-sharing could be imposed for optional services to welfare adults and families. It also provides that the medically indigent who receive no welfare cash assistance would be required to pay an enrollment fee or a premium. Finally, Section 207 would decrease by ⅓ federal matching after the 60 days of hospitalization or skilled nursing home care. These provisions undesirably pit state treasuries against the health of the poor.

9. *Recipients must be accorded the same basic rights and due process protections that other citizens enjoy.* a. Section 2156(c) gives federal backing to any state making supplementary payments wishing to reinstate one year residency requirements. This is the wrong way to stop welfare families from moving to these states. This interstate barrier imposed on the mobility of the poor is similar to that outlawed by the Supreme Court in *Shapiro* v. *Thompson* 394 U.S. 618 (1969). Population stability is best assured by creating a national welfare system paying adequate benefits and thereby eliminating the need for states to supplement the $2400 benefit level in the first place.

b. Section 2171(e) requires recipient families to submit information to redetermine eligibility every quarter. Failure to do so within 30 days would result in a cut-off of aid and any delay or failure to report all needed data would result in fines. Section 2152(e) requires families to re-apply all over again every two years despite the rigid quarterly reporting requirement. This simply causes more inconvenience for recipients and unnecessary burdensome paperwork for the social workers.

c. Section 2171(c) dealing with fair hearing undermines the right to appeal administrative rulings. No provision for a prior hearing is really specified prior to reduction or termination of benefits and the scope of such hearings does not appear broad enough to include fraud determinations. Section 2171(d) requires that persons representing welfare recipients at the fair hearings must show that they are of "good character" and in "good repute" and possessed of the "necessary qualifications". Such vague requirements easily lend themselves to barring advocates who in the past have been highly effective in representing the poor against hostile social workers and adverse agency determinations.

10. Current welfare benefit levels must be maintained, including a cash-out of food stamps. The Federal Government must assist those states which currently provide benefits above $2400. Our final reservation about H.R. 1, perhaps the most significant from the standpoint of many other Congressmen besides Black Caucus members, is the failure of the bill to give adequate fiscal relief to the states which wish to supplement federal welfare benefit levels. It is our firm belief that the Federal Government should cover the entire cost of an adequate income program. However, since this apparently will not be the case, states must maintain their present benefit levels and the Federal Government must assist states in their efforts to provide benefits more consistent with need.

Section 2156 and 503 of H.R. 1 do not do much of anything toward this end. Section 2156 simply provides that if a state does supplement the federal payments, the federal payments would not be proportionately lowered. Section 503 provides if a state does supplement the federal payments, the federal government would not provide matching funds but would only hold the state harmless over the next five fiscal years for the costs above the actual dollar outlays during calendar year 1971 under the present programs. Additionally, any increased costs arising from changes that the state might make in the state program, would have to be paid by the state. In short, not only would no state be required to maintain its present payment levels (as was required in the previous bill) but it would be given virtually no fiscal help if it decided on its own to do so.

In our opinion, H.R. 1 must include a provision requiring no state to spend in the first year more than 75 percent of what it spent for assistance in calendar year 1971. For 1974 and later years, state expenditures for those purposes should not exceed 90 percent of calendar year 1971 expenditures. This all assumes that present benefit levels would be maintained, that an adjustment would be made for loss of food stamps, and that the state share of future welfare costs would be at a level of at least 25 percent of calendar year 1971 expenditures. These provisions would give states and localities an additional $4.2 billion of badly needed relief over the next five fiscal years. On the next page is a table showing the estimated savings each state would have.

TABLE 3.—SAVINGS BY STATE IF THE STATE SHARE IS AT LEAST 25 PERCENT BUT NO MORE THAN 75 PERCENT OF FISCAL YEAR 1971 EXPENDITURES WITH CURRENT BENEFITS MAINTAINED AND ADJUSTMENTS MADE FOR LOSS OF FOOD STAMPS

[In millions of dollars]

State	Fiscal year—				
	1973	1974	1975	1976	1977
Alabama	26.0	29.0	31.0	32.0	33.0
Alaska	4.0	5.0	6.0	6.0	7.0
Arizona	18.0	19.0	20.0	20.0	21.0
Arkansas	13.0	14.0	14.0	15.0	16.0
California	380.0	432.0	485.0	538.0	591.0
Colorado	16.0	18.0	20.0	23.0	25.0
Connecticut	22.0	26.0	29.0	33.0	36.0
Delaware	3.0	3.0	4.0	4.0	5.0
District of Columbia	17.0	19.0	22.0	24.0	27.0
Florida	150.0	160.0	170.0	180.0	190.0
Georgia	39.0	42.0	44.0	45.0	47.0
Hawaii	8.0	9.0	10.0	9.0	9.0
Idaho	2.0	3.0	3.0	3.0	4.0
Illinois	100.0	115.0	131.0	146.0	162.0
Indiana	12.0	14.0	16.0	18.0	19.0
Iowa	24.0	24.0	27.0	28.0	29.0
Kansas	14.0	16.0	18.0	20.0	22.0
Kentucky	10.0	11.0	12.0	14.0	15.0
Louisiana	45.0	47.0	50.0	52.0	55.0
Maine	6.0	7.0	8.0	9.0	10.0
Maryland	36.0	39.0	41.0	44.0	48.0
Massachusetts	81.0	93.0	105.0	118.0	130.0
Michigan	72.0	83.0	95.0	107.0	119.0
Minnesota	26.0	30.0	34.0	38.0	43.0
Mississippi	13.0	13.0	14.0	15.0	15.0
Missouri	17.0	19.0	21.0	23.0	24.0
Montana	2.0	2.0	2.0	2.0	3.0
Nebraska	5.0	5.0	6.0	7.0	8.0
Nevada	1.0	2.0	2.0	2.0	2.0
New Hampshire	5.0	5.0	6.0	7.0	8.0

TABLE 3.—SAVINGS BY STATE IF THE STATE SHARE IS AT LEAST 25 PERCENT BUT NO MORE THAN 75 PERCENT OF FISCL YEAR 1972 EXPENDITURES WITH CURRDNT BENEFITS MAINTAINED AND ADJUSTMENUS MADE FOR LOSS OF FOOD STAMPS—Continued

State	Fiscal year—				
	1973	1974	1975	1976	1977
New Jersey	83.0	97.0	110.0	124.0	137.0
New Mexico	6.0	7.0	7.0	8.0	9.0
New York	240.0	282.0	325.0	368.0	410.0
North Carolina	27.0	29.0	30.0	31.0	33.0
North Dakota	2.0	2.0	2.0	3.0	3.0
Ohio	59.0	63.0	67.0	71.0	75.0
Oklahoma	32.0	33.0	35.0	36.0	37.0
Oregon	14.0	16.0	18.0	20.0	22.0
Pennsylvania	104.0	122.0	140.0	157.0	175.0
Rhode Island	8.0	10.0	11.0	13.0	14.0
South Carolina	7.0	8.0	8.0	9.0	9.0
South Dakota	3.0	3.0	4.0	4.0	4.0
Tennessee	31.0	32.0	33.0	34.0	35.0
Texas	46.0	48.0	50.0	54.0	56.0
Utah	4.0	5.0	5.0	6.0	6.0
Vermont	2.0	2.0	3.0	3.0	4.0
Virginia	16.0	18.0	21.0	23.0	26.0
Washington	26.0	30.0	35.0	39.0	44.0
West Virginia	15.0	16.0	17.0	18.0	19.0
Wisconsin	23.0	25.0	33.0	28.0	29.0
Wyoming	1.0	1.0	1.0	2.0	2.0
Guam	.2	.2	.3	.3	.3
Puerto Rico	17.0	18.0	19.0	20.0	21.0
Virgin Islands	.8	.8	.8	.8	.8
Total	1,900.0	2,200.0	2,400.0	2,700.0	2,900.0

Since H.R. 1 as reported out of Committee fails to deal with the aforementioned provisions and the many other defects of the bill, the Black Caucus has no alternative but to oppose the bill in its present form. It is our hope that many of our colleagues will join us and vote their consciences to oppose the bill.

Mr. CLAY. Mr. Speaker, the House of Representatives is expected to vote next week on H.R. 1, which includes the welfare reform provision—commonly known as the Family Assistance Plan. The Rules Committee reported the measure out under a modified closed rule which permits one motion to take place—this is to strike out entirely title IV of the bill, which is the Family Assistance Plan.

Since Members of the House will not be given the opportunity to offer amendments to raise the $2,400 figure and modify other repressive provisions, I will be forced to vote against this legislation.

The congressional black caucus, of which I am a member, intends to work actively for the defeat of the Family Assistance Plan. The bill has been sold to the Congress and the American people by the Nixon administration as a reform of the welfare system. After a careful study of the bill's provisions, we have concluded that the effect they would have on poor people's income, legal rights, ability to find meaningful employment and medical care would be detrimental. The Family Assistance Plan is not welfare reform, but rather a giant step backward.

The estimated 8.4 million black, Puerto Rican, Chicano, and Indian who are to receive payment under the Family Assistance Plan, if enacted, would be worse off than they are now. When the President unveiled the Family Assistance Plan to this Nation in August 1969, he noted that no recipient, regardless of race, should be worse off under the reform plan than he is now under current law. Unfortunately, this principle does not hold true.

How can a plan which would allow an aged welfare couple to receive $2,400 a year and a welfare family of two a mere $1,600 a year be considered fair? In fact, not until the welfare family reaches the size of four members would it receive benefits equal to the aged couple. The actual minimum needs of a family of four greatly exceeds the needs of an aged couple in all regions of the country both by HEW's own poverty level standards and by each State's own objective determination of actual need.

The work myth seems to be the underlying rationale for distinguishing between families with children and the other categories. The families with children are being penalized by this perpetuating myth. The fact is that the overwhelming majority of recipients in this category are not adults, but children. Of the 2,700,000 recipients who are adults, the administration itself states only a minority—about 1 million—are even employable under the most optimum conditions—where there are child care facilities, transportation, job training, and job slots available. The congressional black caucus finds under H.R. 1 that this separation and penalization of AFDC recipients who are disproportionately nonwhite to be totally arbitrary and irrational.

The Family Assistance Act sets a minimum and a maximum Federal payment of $2,400 a year for a family of four. There is no requirement that States maintain present payment levels in the 46 States where they now exceed $2,400 in cash plus food stamps. In fact, 9 of our 10 families are likely to be worse off, since $2,400 a year is above present levels for only 10 percent of them.

States would be encouraged to reduce payments. If States increased payments above the amount recipients received in cash and food stamps combined as of January 1, 1971, the States will have to pay the entire cost of these increases. H.R. 1 fails to give adequate fiscal relief to the States which wish to supplement Federal welfare benefit levels. The black caucus believes that the Federal Government should cover the entire cost of an adequate income program. However, since this apparently will not be the case, the States must be assisted by the Federal Government in their efforts to provide benefits more consistent with need.

Another factor which has been omitted from the welfare bill is the assurance that welfare families will be provided annual cost-of-living increases. H.R. 1 specifically provides these increases for social security recipients but denies them to those receiving welfare. Thus, when the cost of living goes up, the welfare family of four will be forced to continue to exist on the meager $2,400 a year amount.

In addition, H.R. 1 requires all mothers with preschool children ages 3 or over to work as a condition to receiving benefits. The black caucus believes that this level should be raised from 3 to 6. The fact that mothers who are taking care of their children are indeed working and performing a necessary duty has been clearly overlooked by the family assistance plan. To force these mothers to go out and get jobs will destroy rather than enhance the family institution. These mothers will also be forced to accept child care arrangements while no safeguards as to their adequacy have been written into the bill.

As presently written, the bill requires all able-bodied persons to accept employment as a prerequisite to receiving benefits—while never setting up suitable work conditions. Our unemployment statistics can only increase by throwing this additional number of people into the job-seeking market. H.R. 1 also forces these people to accept employment at three-fourths the minimum wage of $1.60 which certainly will not help them to rise above the poverty level.

These are only a few of my objections to the welfare reform measure soon to be considered by the House. The list goes on.

If H.R. 1 is to carry the banner of reform those provisions which are repressive must be changed. In view of the fact that the legislation will be brought up under a modified closed rule and the only vote on the family assistance plan will be to vote it up or down—I will be forced to vote against the plan. If the House votes to retain this section of the legislation, I will vote against the entire measure. I urge all of my colleagues to do the same.

Mr. BADILLO. Mr. Speaker, I have grave reservations over H.R. 1, especially the effect of title IV, if enacted, would have on assistance to those in need, and I have concluded that the regressive features of the bill far outweigh the improvements to such a degree that, unless significant improvements are made in this title, the bill should be defeated.

H.R. 1 fails to properly identify the problems of people already suffering from social neglect; and it fails to provide adequate answers to their problems. Instead, it offers inoculations—mere shots in the arm—which in many cases are worse than the disease itself.

The family assistance plan as reported by the House Ways and Means Committee simply does not provide a system of welfare reform. It does not, as the committee report states "provide a basic restructuring of the national welfare system," and "set public welfare in this Nation on a new and constructive course." I believe the bill, if enacted, will put this Nation's welfare system on a disaster course. It fails to rehabilitate families and prevent individual family crises. In fact, it creates family crisis in some instances. It is an erratic and irrational answer to the outcry of the American people who want us to do away with the welfare system completely, and I say to my colleague in the House, before we accept the provisions in this bill, let us do just that.

Not only does this bill provide a means of cutting back income supports by making social services less accessible, it forces recipients to live in poor housing, accept inadequate health care, and work for lower wages. It perpetuates all the conditions of poverty.

The distinguished committee has attempted—in one piece of legislation—to calm the outcry of the American people over the burgeoning welfare rolls; answer the cry of the poor that benefits are inadequate; and provide a measure that fulfills the administration's announced intent to reform the current welfare system and find a solution that will enable States to meet the ever-increasing costs of welfare. It has failed miserably to succeed in these areas. It has succeeded, however, in polarizing Members of Congress on the welfare issue and in overlooking certain basic facts about the welfare problem.

In its attempt to answer the demands of our constituents that people be forced to work and leave the welfare rolls, it has overlooked the fact that in this period of high unemployment job opportunities are just not available; that the limit it has imposed on the amount of money the working poor can keep, makes a mockery of the concept that H.R. 1 will "enable welfare recipients to work themselves out of poverty."

The attempt in H.R. 1 to centralize and federalize administration of welfare is just that. It fell noticeably short of permitting a duplication of administration at State and local levels. States are now allowed to set up different programs in different areas.

In its attempt to find a solution to the problem of welfare recipients migrating to urban areas, it has created a migration problem within the States themselves, enabling the Secretary to waive the present statewide requirement that social services must be in effect in all political subdivisions of a State or furnished by all subdivisions, if locally administered—to receive funds.

How can we in Congress maintain our self-respect and endorse a measure which:

First, limits assistance for a family of four to $2,400 a year, including rent. Levels for Puerto Rico are one-half of that for the mainland;

Second, contains no plan to increase minimum levels of assistance;

Third, allows State to cut back assistance to $2,400 and spend nothing on welfare;

Fourth, eliminates single individuals and childless couples—unless they are aged, blind, or disabled;

Fifth, provides the same amount of assistance to an aging or disabled couple as a young family of four—$2,400 a year;

Sixth, provides less assistance than 90 percent of AFDC families in 45 States now receive;

Seventh, provides New York State only about 9 percent fiscal relief;

Eighth, authorizes States to impose a 1 year's residency requirement—as New York State has done—raising the question of constitutionality;

Ninth, makes families ineligible for participation in the food stamp program; and

Allows the aged, blind and disabled—15 percent of the poor—to be used as political footballs in the struggle for improved benefits for the younger poor—60 percent children under working age—and their parents caring for them—20 percent of the welfare population.

Perhaps in defeating H.R. 1, we could consider new initiatives and further our attempts to educate the American people about the composition of the welfare population and the reasons why we have a welfare population at all.

Mr. FRASER. Mr. Speaker, H.R. 1 is likely to be the most far-reaching piece of legislation to come before us this session. At least 50 million Americans will be directly affected by our action if H.R. 1 is enacted into law.

Many of us, I think, are in support of the provisions in this bill that expand social security and adult welfare programs. The real issue before us, however, is title IV which attempts to overhaul the unwieldy, costly and inefficient aid to families with dependent children program.

While title IV contains a number of useful new provisions, I am deeply concerned by this title's negative features. Unless some major changes are made before final passage, I am afraid that we we may be taking two steps backward in order to take one step forward.

Probably the most serious deficiency in the bill, as it stands now, is the lack of protection it affords current recipients against the threat of a cut in benefits. Recipients in 22 States, it's true, may receive higher cash payments. But in the remaining 28 States, which contains 70 percent of the current caseload and the Nation's largest urban centers, recipients are likely to receive cuts or, at best, remain locked in at current benefit levels.

As a result of the hold harmless provision added to the bill during the final days of the committee's deliberations, a State will be protected against increased welfare costs if it decides to maintain current benefits and provide the cash value of food stamps. Nineteen States will probably be able to use the hold harmless clause to protect recipients against a loss of benefits without, at the same time, sacrificing the State's share of the bill's $1.6 billion in fiscal relief. In 19 other States, however, some fiscal relief will have to be sacrificed in order to maintain benefits. If a State must choose between maintaining benefits or gaining added fiscal relief at the expense of recipients, the State is almost certain to choose the latter option.

Many recipients may not be faced with an immediate reduction in benefits but they will be forced to comply with new eligibility requirements that could be more painful than actual cuts in cash payments.

All mothers with children over the age of three will be forced to seek work and place their preschool children in some type of a day-care program. These mothers will be unable to determine for themselves whether the day care is adequate to meet their children's needs. In many cases, the day care is likely to be only the custodial or parking lot variety.

All recipients will have to take jobs that could pay less than the minimum wage. Job placement officials will not be required to match the jobs with the skills or the career goals of the applicant.

For the first time, college students will be unable to obtain benefits. This little noticed restriction is likely to eliminate highly successful college level career development programs such as the one at the University of Minnesota where 400 AFDC recipients are enrolled on a full-time basis.

The new work requirements along with the more frequent eligibility checks and the weakening of recipients' legal rights will mean the imposition of a highly regimented new system on millions of poor people who are already struggling just to make ends meet.

Unless these and other provisions are modified before final passage, adoption of H.R. 1 will mean only that we will have replaced the current illogical and inhumane welfare system with a new system just as inhumane but somewhat more systematic and orderly.

Mr. HARRINGTON. Mr. Speaker, the need for welfare reform is painfully obvious, the inequities and injustices of the present system have been pointed out time and time again. Equally obvious and painful is the disgrace that the wealthiest Nation in the world has over 25 million of its citizens existing below the poverty level.

H.R. 1, the family assistance program, was supposed to address this problem—supposed to help these fellow Americans. What happened to it? This bill sets a painfully low ceiling on the income given to the recipient—less than two-thirds of poverty level. This bill establishes punitive work requirements that will pull a mother of children over 3 years old away from her family while her children are sent to day care centers. These centers will be funded at a level so low they cannot even assure good custodial services, much less provide the type of care and guidance needed for proper growth. Yet, this period of life is the most important and formative in a person's development. This bill can force an individual to take any work no matter how far away from home—work which pays less than the minimum wage and could even be injurious to the individuals health. This bill grants no aid to childless couples or single persons living below the poverty level. This bill penalizes any family of over eight members. This bill authorizes States to impose residency requirements already declared illegal by the Supreme Court. This bill's entire tone seems to blame the poor for being poor and refuses to accept the fact that the cause of poverty is deeply rooted in the structure and development of American society. This bill seems to say, "We have failed and now, once again, will punish you for our failure for we are too ashamed and afraid to admit that the fault is ours."

Unfortunately, the form of this bill is not as strange as it seems. The bill addresses itself to a mythical portion of the population. It assumes that millions of employable but lazy people devote a good portion of their time to defrauding the government and buying expensive furs and cars from their welfare checks. The women in this mythical problem population spend most of their time having illegitimate children and taking their swarming brood from one State to the next until they find the one with the highest welfare payments. The basic assumption underlying this bill is that this segment of the population is poor because it chooses to be.

This mythical population has been created in total disregard of the facts. The President of the United States has recently been one of the more vocal perpetrators of these myths by making statements such as ". . . the way to get them off—welfare—is to provide incentives and disincentives, which will make them get off . . ." or "I do not think we can tolerate a system under which working people can be made to feel like fools by those who will not work. On the contrary, I think those who refuse to register for work and accept work or training should be ineligible for welfare payments." President Nixon's concerted campaign against welfare fraud has deluded the public into thinking that the bulk of welfare recipients are cheaters. At a formal White House function the President personally requested the song "Welfare Cadillac," a song that promotes the myth that recipients are fraudulent and lazy, drawing huge sums of welfare moneys while laughing at those who work and pay taxes.

The above picture of the welfare recipient is in stark contrast to the reality of the situation. Studies conducted by the administration's own agencies have uncovered the dismal truth about the plight and characteristics of the welfare recipient.

Well over 50 percent of the welfare recipients are children living on diets that fall far below the minimum nutritional standards derived by the White House Conference on Food Nutrition and Health.

Less than 1 percent of welfare recipients are ablebodied employable men. A report from the Department of Health, Education, and Welfare states that—

> Even with the best possible services, only about 5 percent, at most (of welfare recipients) can be helped to self-sufficiency within a reasonable length of time. A more realistic figure is probably closer to 2 percent. The rest are children too young to work, the aged and hopelessly disabled who cannot work, and mothers who have nowhere to leave their children in order to take a job—if one existed.

When these families move from one locale to another they do so to find work, not to get higher welfare payments. In fact, the average family now on welfare that moved to an urban from a rural area lives in the city for approximately 5 years before applying for welfare.

The average welfare family has only three children—not eight or nine.

In no State does a welfare family receive even close to what the Bureau of Labor Statistics has determined to be the minimum amount needed to exist at minimal health and nutritional standards.

The incidence of fraud is estimated by HEW at 4 percent. The percentage of tax fraud and evasion, as reflected by unreported income for professionals, businessmen and farmers, is 28 percent.

A study authorized by the President in 1968 and still continuing in New Jersey has found that the work drives and success desires of the welfare recipient are the same as the rest of the population and that an income supplement in no way discourages a man from working.

This bill, specifically title IV, appears to be an effective means of handling the mythical problem population, but it is a dishonest means of approaching the responsibility of society toward its poor. As long as we as legislators avoid facing the truth surrounding the conditions of poverty in America, we cannot hope to eradicate it. A first step is to defeat or amend this punitive bill. But the more important task for us as responsible legislators is to change the entire climate and approach to this problem. We need to make ourselves and our constituencies aware of the true nature of the problem. Poverty is not the fault of those afflicted. Rather, it is evidence of an inherent weakness in our society that we must honestly and constructively—not vindictively—try to correct.

Mr. METCALFE. Mr. Speaker, the family assistance plan, is a welfare reform bill, but it seems not to meet the needs of our welfare population. The major problem of poor people in this country is the lack of adequate income. True welfare reform must meet this need. We have the basic resources to meet the basic needs of all our citizens. Now, while H.R. 1 does appear to have some plausible merits, it is still a far cry from offering a realistic alternative to the existing welfare program that is needed in this Nation.

Mr. Speaker, it should never be forgotten that we are dealing with human beings—with people—people who have been just a little less fortunate than some of the rest of us; nevertheless, they are part of our society, and that, we should never forget.

True, H.R. 1 establishes a greater equity among the states in welfare payments by providing a basic federal level of $2,400 a year for a family of four. However, this is an unlivable wage in many parts of the country. How, in good conscience, I ask, is a family of four expected to exist on $2,400 a year, with the cost of living at the level that it is today.

Mr. Speaker, on March 25, the Congressional Black Caucus submitted a list of 60 recommendations to President Nixon. As a member of that distinguished body, I stand firmly behind our recommendation that the present welfare system be replaced by a guaranteed adequate income system. We opposed any welfare reform which fails to establish a satisfactory timetable for reaching a guaranteed adequate income system of a minimum of $6,500 a year for a family of four from cash assistance, wages, or both.

What I would like to see included in welfare reform is a built-in incentive to bring the father back into the family as breadwinner and as head of the home. On his return to the home, family assistance should remain constant while he is given an opportunity to raise his level of income to meet the needs of the family.

When the father returns to the home, as an inducement for him to remain to serve as a positive force for good of the family, I offer a formula as an incentive for him to seek work. Should he acquire a job that brings home a salary of $200 a month, there should be no decrease in his assistance, and for every additional $1 increase over the $200 of his salary, his family assistance will be decreased by 50 cents; also, the family shall be permitted to have the use of television in the home, and own an automobile, which are essentially a part of the American life of today.

Any federalization of existing welfare programs must have as an ultimate objective the realization of individual economic self-sufficiency. The federalized programs should guarantee the standardization of eligibility requirements, the establishment of adequate payment standards, the elimination of abusive and degrading administrative practices, and the provision of suitable work opportunities which maximize individual freedom of choice and self-respect.

I commit myself to work relentlessly to raise the floor grant of $2,400 to a more realistic goal of $6,500.

Mr. CONYERS. Mr. Speaker, I commend my colleague, Mr. MITCHELL, for calling this special order to discuss H.R. 1, the Social Security Amendments of 1971. It is vital when these amendments are considered that we have before us the facts of those provisions pertaining to so-called welfare reform, rather than some of the fictions which parade as facts. Above all, we must make it clear when discussing welfare that we are discussing people, children, and families, with pressing human needs and with aspirations to human dignity and security. Satisfaction of these needs and aspirations should be the birthright of every citizen.

I will not attempt at this time to chronicle the numerous deficiencies contained in this bill. As reported, there is no way that I can support it. Poor families, black and white, are denied the benefits and the rights to which they have a legitimate claim in a civilized society.

The story of welfare and what it means is told by several articles and analyses which I intend to include for the RECORD. The material is voluminous, but the conclusions are unanimous. The welfare system is on the brink of collapse and this bill does little to improve it. The articles and analyses follow:

[From the Washington Post, February 1971]

THE WELFARE TIDE—A HUMAN CRISIS

(By Nick Kotz)

Bertha Hernandez supported her family in the slums of Houston, Tex., for 18 years on the strength of her back and her ability to turn out spotless laundry for the ladies in the suburbs. The tiny Mexican-American woman raised three sons by working seven days a week, earning $30 to $45 when business was good.

She never went near a welfare office until 1968, for a number of reasons: under Texas welfare regulations, she made too much money. She knew the state seldom helped "her people." The presence of a husband further disqualified her for public welfare, even though he drifted in and out of the household and only occasionally contributed a few dollars earned by moving furniture or digging ditches. And she was proud.

But in 1968, a national tide reached Bertha Hernandez.

The tide was a phenomenon of the '60s. The civil rights movement began to show that in many cases poverty was the result of discrimination and therefore not a personal sin. The war against poverty further dramatized the problems. Federal court decisions challenged welfare agencies to justify why they arbitrarily excluded poor families from payments. The easy entry, low-skilled jobs in the central cities began to shrink with automation and the growth of suburbs. Inflation began to make it impossible to raise an urban family of four on $45 a week. Television convinced the poor that the nation really might care about them.

For Mrs. Hernandez, personal circumstances helped make the decision: her age, a final breakup of her 18-year marriage, the accumulated wear and tear of scrubbing and ironing seven days a week.

"I was too proud before," Mrs. Hernandez says, "but the migraine headaches got just too bad."

She went to the Texas State Welfare Department office that October and signed up for $38.50 a week under the Aid for Dependent Children (AFDC) program.

Thus the four members of the Hernandez family became a statistic in what President Nixon has called a national scandal—the crisis in welfare.

In Texas, AFDC rolls have doubled in the two years since Mrs. Hernandez's family became recipients. Nationally, in the same two-year period, AFDC rolls have gone from six million to nine million recipients. Today, almost 10 per cent of the nation's children are being supported by welfare. In 1968, AFDC welfare payments cost taxpayers $2.5 billion. Today, the cost is $5.3 billion annually, with the federal government paying $2.9 billion and state and local government footing the balance.

Some state and local officials, unprepared for the new tide or unwilling to appropriate funds to meet it, say the program is pushing them toward bankruptcy.

Similar welfare programs operate for the aged, the disabled and the blind, but the AFDC program, with accompanying Medical benefits, accounts for most of the rising cost and numbers.

IN MASS CONFUSION

"Our welfare funding is in mass confusion, our recipient rolls are growing by 10,000 monthly," Texas Gov. Preston Smith told his state legislature last month. His answer: fund the state's share of Mrs. Hernandez's AFDC check for only 10 more months, meanwhile beseeching the federal government to take over the entire program.

The present AFDC program has "degraded the poor and defrauded the taxpayer," said President Nixon. His solution: the proposed Family Assistance Program, "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades."

Mr. Nixon's plan, now before Congress, would provide more federal funds to reduce the state's share (22 per cent in Texas) of Mrs. Hernandez's $154 monthly welfare check, on which she is supporting Rudy, 17, Philip, 13, and Robert, 10. But the President's proposal would not add a penny to her check, since Mrs. Hernandez's payment already exceeds the $1,600 annual ($133 monthly) federal guarantee of the program for a four-member family.

In fact, payments to those now on AFDC would rise in only the seven Southern states that now pay less than $1,600 annually, while 36 other states, including Texas, would continue providing support at less than the official federal poverty line and less than their own established standards of need.

Since all the Hernandez children are of school age the Family Assistance Plan would require Mrs. Hernandez to accept either job training or jobs offered her at a minimum wage of at least $1.20 an hour. If she found a job, she could still keep part of her welfare check "as a work incentive," but not necessarily as much as present welfare regulations would permit her to keep if she were working now.

$3,920 MAXIMUM

The Nixon plan also would provide, for the first time, federal income supplements to 12 million persons in families of "the working poor," permitting up to $1,600 in federal aid to boost their total incomes to a maximum of $3,920.

In the eyes of many angry taxpayers and politicians, Mrs. Hernandez and people like her are lazy, cheaters, breeders of illegitimate children and riders in welfare Cadillacs. To sympathetic liberals, she is the product of a culture of poverty that has trapped 25 million Americans at the bottom of this most affluent society.

Mrs. Hernandez's life does not fit traditional welfare myths, but her attitudes and recent actions are indicative of the new aspirations of the welfare poor.

Growing up in the generations-rooted poverty of the Southwest's Mexican-Americans, she never finished the sixth grade in school. Of her $154 monthly welfare check, $30 goes for rent in overcrowded public housing and $37 for food stamps "that don't stretch a whole month." When the children need shoes, she bakes and sells pies; when Rudy wanted to study the clarinet, she traded out $40 worth of laundry work for a used one. She states forcefully that "my middle-class concerns include group therapy, which she believes is helping Philip with emotional difficulties.

And she is no longer ashamed of welfare. Although she doesn't look the part, she is even blossoming as a community leader "to help people get the right to a decent life." Less than five feet tall, a dumpy little woman with long brown hair, she appears older than her 43 years. She wore an apron when timidly attending her first welfare rights meeting. Now she sits on three community boards, is determined that other poor people get on welfare, that benefits be raised, and that the poor be permitted full access to education and all the benefits of an affluent society.

Bertha Hernandez, welfare statistic, symbolizes a new movement in this country—a movement regarded both by critics and advocates as a welfare revolution.

Strangely enough knowledgeable critics of the spiraling welfare rolls and advocates of expanded government aid for the poor agree closely about most of the long-term and short-term causes of the welfare revolution.

Conservative welfare commissioners such as Burton Hackney of Texas and William Serret of Indiana agree, for example, with much of the analysis given by Richard Cloward, a professor at the Columbia University School of Social Work and resident philosopher for the national welfare rights movement.

A 25-year migration of unskilled black, brown and white poor from rural areas to the cities created a vast pool of eligible poor people who originally came to cities seeking work and a better life. Most worked at menial jobs, survived off the charity of relatives or lived by their own wits, hustling in the swelling ghettoes. Their economic plight worsened as unskilled and semi-skilled grew fewer and industry moved out of the central cities into the suburbs.

At this point, unemployed men began deserting their growing families in record numbers and the scene was set for a welfare explosion. And then the political climate forced open the welfare system, which had been tightly guarded until this point by an ingenious set of federal, state and local restrictive practices.

"The '50s were a period of calm in the cities, so there was no pressure to open the rolls," says Prof. Cloward, "but the riot-torn '60s were a different matter. The federal government responded through its intervention to try to deal with the turbulence in the cities. The political response and the overwhelmingly important force was the antipoverty program—the Vistas, legal services, community action agencies—that's what spawned the welfare rights movement.

"The recent rise in the rolls is chiefly a political phenomenon, not an economic one. The urban blacks couldn't gain housing, education or jobs, but they now had political power, particularly with the National Democratic administrations, and they did gain welfare. Finally, the present recession came at a time when restrictive (welfare) practices had collapsed all over the country."

The "welfare crisis" today comes in large part because in the past most families technically eligible for welfare, were, in fact, arbitrarily excluded for a variety of reasons. In the past few years, court decisions and new federal regulations have taken the position that if a family meets the standard that its children are needy and there is no fraud, it has to be granted welfare status if it wants it.

For the first time, welfare clients had lawyers representing their cause, and restrictive welfare department regulations and practices came tumbling down in a torrent of Supreme Court and lower federal court decisions.

The Supreme Court knocked out the so-called "man in the house" rule, by which welfare departments summarily cut off AFDC families whenever welfare investigators found a man living with or visiting an AFDC mother.

Next, the Supreme Court ruled unconstitutional the one-year residency requirement by which states and counties kept newly arrived migrants from benefits.

The Supreme Court then invalidated the vague "unsuitable home" device by which Southern state had purged thousands of welfare families from the rolls on grounds that mothers were not caring properly for their children and home.

Lower federal courts eliminated the "stepfather responsibility rule," under which a stepfather was required to assume financial responsibility for his wife's AFDC-supported children from an earlier marriage.

New HEW regulations, backed up by the federal courts, required welfare departments to act on applications within 30 days, rather than the frequent indefinite delays. The new regulations prohibited cutting persons off the rolls arbitrarily, without first giving them an opportunity for a fair hearing.

Congress, in a little-noticed amendment to the 1967 Social Security Act, required states to update their cost-of-living standards, though not necessarily the actual benefits. Washington, D.C., for example, until last year paid AFDC recipients on the basis of 1953 housing costs and 1957 food and clothing costs.

The District and many states responded by raising the standard, but then paying only 75 per cent of it in benefits. Nevertheless, the higher payment standard made far more families eligible for benefits.

Another provision of the same law for the first time provided a positive "work incentive," permitting families to keep part of their earnings. Previously, all earned income was deducted from welfare payments.

Vista volunteers, Legal Service attorneys, community action agency workers and the emerging National Welfare Rights Organization helped steer the poor through the still formidable bureaucratic welfare jungle. Many of the poor learned for the first time about their legal rights.

Finally, the stigma that had kept many eligible poor away from the welfare office began to lessen as the poor and their allies openly lobbied for welfare benefits as a right, not "charity." And as welfare became more respectable, many of the urban poor began to view it as an acceptable alternative to their traditional dead-end jobs as maids, janitors and kitchen helpers—jobs that often paid less or only slightly more than rising welfare benefits in northern industrial states.

Welfare advocates and welfare critics, in accord as to those root causes, stop agreeing at this point. They differ markedly in assessing the implications of the welfare crisis for American society.

From Columbia Prof. Cloward's viewpoint, "the crisis is really the reform—namely that poor people are finally getting some money. The normal state of the system is that the poor get nothing."

National Welfare Rights Organization Director George Wiley adds: "If this is a crisis, there ought to be a bigger one. My question is not why so *many* people are getting benefits, but why so few. In a law-and-order society, these people have been denied their legal rights."

Government officials, on the other hand, define the "crisis" as a burden to the taxpayer and to government budgets and as a disruption to the economy.

"The crisis is basically fiscal," said HEW Under Secretary John Veneman in an interview. "State and local government can't handle it. And the whole [welfare] system is posing a challenge to the wage structure in the country. Seven and one-half million people are working for less than the minimum wage. It's a fundamental challenge to low-wage, marginal employment. It creates an alternative, seriously undermining these jobs."

Within the general public and the government, there has always been angry disagreement over the real characteristics of the welfare poor. Myth blends with fact in efforts to analyze family structure, divorce, desertion, illegitimacy, racial composition, work ethics, welfare fraud, economic and geographic mobility, and living standards of AFDC recipients.

Several facts are clear. Widening access to welfare benefits did not occur simultaneously throughout the country. Numerous states still prevent the vast majority of potentially eligible poor from obtaining benefits, and access to welfare in even the highest-benefit states has not necessarily produced economic security for the recipients.

New York City is the welfare capital of the nation with more than 800,000 women and children receiving the highest AFDC benefits (nearly $4,000 annually for a family of four). But a critical shortage of low-cost housing, an absence of jobs, and the highest cost of living nationally makes women swear about "welfare hell" in this supposed welfare paradise.

The city's AFDC rolls have risen from 195,000 in 1960 to 809,000 today. The city's share of welfare costs has grown from $89 million 10 years ago to $500 million last year, including $182 million for AFDC alone.

Judith Irby, an attractive 31-year-old black mother of six, would like to know, "Where has all that money gone?" She knows it has not gone for public housing, for which she has been on the waiting list for 10 years, or for adequate child day care facilities, the absence of which forced her to quit work.

Home for Mrs. Irby and her children was a rat-infested apartment with gaping holes in the walls, until the building was condemned, The New York City welfare department moved her family to the Hamilton Hotel, until it also was condemned last month as unfit for human habitation. She's still on a welfare tour of the citys' fleabag hotels and says of her recent homes: "I've never lived in hell but I can imagine what it's like. Believe me, we don't want to raise our kids in filthy slums. This is killing them."

Leaving rural poverty and her husband in Georgia, Sarah Glover came to New York in 1958 with a job as a sleep-in maid. Then she supported her children by caring for invalids. She always considered welfare a last resort, and that came when she had an eviction notice in her hand and only bus fare in her purse. "I went with my children to the welfare department and told them, 'I'm moving in somewhere, if I have to move in with you.'"

A 30-week manpower training course in bookkeeping "gave me hope," says Mrs. Glover. "Then the only job I was offered was $71 a week as a cashier clerk. I would have lost my Social Security, and with five kids to support, I couldn't take it. So I went back on welfare."

Indeed, a New York AFDC mother receiving an average $278 welfare check is better off than she would be working at the typical $274 monthly salary level for which AFDC recipients can qualify. And with Medicaid benefits, she is far better off than many of the city's working poor.

The willingness of women to regard welfare as an acceptable alternative to work appears related directly to welfare benefit levels, HEW studies show. In high-benefit states like New York, only 8 per cent of AFDC women work, but in states like Mississippi, Georgia and Florida where payments are near the bare survival level, more than a third of recipients supplement their welfare checks with low-paid jobs.

In New York City, the question of work is fast becoming academic, particularly for poor men. New York welfare officials estimate the city has lost several hundred thousand unskilled and semi-skilled jobs in the last few years.

"This has become a city of the very rich and the very poor," explains William Johnson, who has just completed a welfare study for New York's Rand Institute. "The jobs and the middle-income people are leaving for the suburbs, and what's left is the trapped migrant, who can't find housing or transportation to follow the jobs. The jobless husband deserts and the family goes on welfare."

"Desertion, sure," says Beulah Sanders, leader of the New York Welfare Rights Organization. "Do you think a man is going to sit there and see his family starve?"

Life may or may not be worse for the welfare poor in Indiana, which, in contrast to New York, pays the lowest welfare benefits of any Northern state ($150 a month for a family of four) and has the smallest proportion, of its poor receiving AFDC benefits—2 per cent.

"The entire philosophy of welfarism is alien and foreign to the people of Indiana," explains State Rep. Robert Bales, chairman of the House Health and Welfare Committee. "We run a very tight ship."

53% IN A YEAR

But the rolls are rising even in Indiana. The number of people receiving AFDC payments went up 53 per cent last year.

And in contrast to New York, where virtually all AFDC recipients are black or Puerto Rican, 55 per cent of the new welfare poor are native, white Hoosiers who grew up in rural poverty and now are moving to the cities and towns.

Marilyn Schwab, for example, grew up on a farm and moved to Richmond, Ind., where her husband worked in a tire factory. After her husband deserted her last year, Mrs. Schwab says she tried supporting her three sons working at two jobs—a tavern until 2 a.m. and then in a radio parts factory starting at 7 a.m. "I ended up in the hospital with nervous exhaustion," she says, "and for the next six months we lived on a $12 weekly grocery order, until they finally accepted me on welfare."

Of her $150 monthly welfare check, Mrs. Schwab says $58 goes as rent for an unfurnished apartment. "We make our own clothes or pick up used ones at a church," she said. "I had to call the school to say I didn't have shoes for two boys. This is not right. Children should have new clothes.

Mrs. Schwab's bare living is now endangered by a government and taxpayers revolt. For the politicians in Indiana, New York and Texas are now debating whether to cut the welfare payments of Mrs. Schwab in Richmond, Mrs. Glover in New York and Mrs. Hermandez in Houston.

[From the Washington Post, February 1971]

RULES ON WELFARE ARE TIGHTENED AS TAXPAYERS BALK

(By Nick Kotz)

Edith Reese, 19, unmarried mother of a 2-year-old daughter, looked at the list of 47 jobs. It included, "zoo keeper—apply at Indianapolis zoo" and "go-go dancer—call 291-1010."

She had walked 21 blocks to the county welfare office to ask for welfare for her daughter. The case worker told her:

"Before I will even give you an application form, you have to try all these jobs. You must get the lady's or man's name at each place, the time and date you went there, and what they told you. I want it in writing."

Edith Reese said, "How am I going to get there? I don't even have bus fare."

The case worker replied, "You'll do it or else you'll never get an application."

Miss Reese started with the less exotic jobs—kitchen helper, janitor, counter lady—but at each place she received such comments as, "There's no vacancy here. Tell the welfare office to stop sending people here."

Partway through the list of 47 jobs she consulted the Indiana Welfare Rights Organization, which threatened legal action if the county did not give Miss Reese an application form. She received the form and filled it out. Several weeks passed without a decision on the application. The welfare rights group pressed again. The county said they'd put Mrs. Reese's child on the Aid to Dependent Children program if she would drop any legal action.

"This is the new game," says Jill Hatch, organizer in Indianapolis for the National Welfare Rights Organization. "It's one of the new maneuvers. The welfare departments are really digging in their heels."

"The new game" is part of the welfare crisis.

Battles like the one between Marion County and Edith Reese are being duplicated daily in welfare offices, governor's offices and state legislatures throughout the country.

On one side are the poor. Empowered by court decisions, new federal regulations and welfare rights groups, they are increasing the size of Aid for Dependent Children (AFDC), the nation's major welfare program, at the rate of 200,000 a month.

On the other side are state and local governments, confronted with growing welfare lists, facing either drained treasuries or angry taxpayers or both. In response, many states are using a variety of strategems to discourage and delay welfare applications or increased welfare benefits.

Some states and cities face bankruptcy, but others have tax and welfare policy rather than pocketbook problems.

Indiana, for example ranks 11th in total personal income but although 17 per cent of its population is poor it has a smaller percentage of its residents receiving child welfare benefits than any state in the country. Its state taxes are relatively low—40th per capita among states—and it hopes to keep it that way.

To keep taxes low, Gov. Edgar Whitcomb recently vetoed a state welfare appropriation that would have permitted the state to comply with a federal requirement that welfare payments be based on the 1969 cost of living. It would have cost the state $10 million. It would have raised support for a mother with three children to $47 a week from the current $37.50, the lowest payment of any state outside the Deep South.

We ended the fiscal year with a healthy $56 million surplus," Gov. Whitcomb told the state legislature last month. "I always feel proud to live in Indiana because things are going so well." The observation was made at a governor's conference, where he noted, "that the states that spend the most, tax the most, also have the most civil disturbance, the highest welfare, and the most crime. I ask you to give thought to these matters, and let us work together to make Indiana an even greater place to live . . ."

Several days after Whitcomb's speech, the legislature sustained his veto of higher AFDC grants. The governor and legislature knew that the Department of Health, Education and Welfare would cut off Indiana's federal welfare funds on April 1, if the state has still refused to raise its AFDC payment standards. If the governor and legislature do not have a change of heart, the state's dwindling AFDC funds will force a reduction in Mrs. Reese's welfare check, rather than permit the federally called-for increase.

Indiana's actions do not represent an isolated example of a growing government rebellion against the cost of welfare. Ten other states and the District of Columbia have not raised their benefit standards to match present living costs, or otherwise violate separate provision of the 1967 Social Security Act. Nine states last year reduced AFDC benefits.

In an effort to save $11 million annually, the District refuses to provide a congressional-ordered "tax break" for 5,000 AFDC mothers who work full time at low-paid jobs. As an incentive for them to work, the law requires that eligible welfare recipients be permitted to keep one-third of their earned income rather than have the entire amount subtracted from their welfare checks. The District refuses eligibility and the "work incentive" to these women with full-time jobs.

The District's penny-pinching may prove counter-productive. A woman applying for AFDC support last month was told her full-time job, earning $74.50 a week cleaning offices at night, disqualified her family. The next day the woman with her five children was back, minus job, and onto welfare with a $313 monthly check. The District would have saved money by letting her work and receive a greatly reduced welfare check. But the often-stated goal "let's get them back to work" is often lost sight of today by governments fearful of sheer numbers on welfare.

Nevada last month cut off 22 per cent of its AFDC recipients. In the view of Ronald Polk, a leading welfare rights attorney, Nevada violated the court-ordered rights of all 3,000 recipients by denying each family a "fair hearing." Pollak says an investigation now under way already indicates that hundreds of those denied assistance were clearly entitled to their welfare checks.

Leading the welfare rebellion is California Gov. Ronald Reagan, whose state has 1.5 million AFDC recipients, the highest number in the nation. California's annual AFDC payments now total $900 million, and the state pays one-half of this cost. California's soaring AFDC costs are more a product of an incredible rise in recipients—now coming on the rolls at an annual rate of almost 400,000 persons—rather than the state's generosity in benefit payments. Seventeen states pay higher benefits than California's average monthly grant of $193, an amount that meets only 51 per cent of the state's self-established standard of need.

Rather than endlessly raising taxes to pay welfare costs, Reagan says he will "excise the cancer eating at our vitals." The California governor, already facing a federal welfare fund cutoff for refusing to provide the 1969 cost of living increase, now plans to eliminate the "tax break" for working AFDC mothers, put thousands of them to work on public projects, and revise eligibility standards downward.

[One Reagan proposal applauded by liberals, is to simplify welfare payments for the elderly, disabled and blind, thereby eliminating the need for hundreds of welfare workers.]

California's welfare burden is compounded by the largest old-age assistance rolls in the country. Its total of 317,000 elderly recipients is 50 per cent higher than that of any other state. When California's Medi-Cal costs are added the state's taxpayers end up paying more per capita for total welfare costs than those of any other state except New York.

New York was the first state to respond generously to the welfare rights movements' demands for legal entitlements, and ironically, the first to plug up liberal provisions in its welfare laws.

In its most successful campaign, the National Welfare Rights Organization in 1966–1968 helped thousands of New York City AFDC mothers claim the "special grants" provided for clothing, furniture, kitchen appliances and other essential needs. At the height of this drive, in August 1968, welfare mothers had won $100 million in special grants, an average of $104 per welfare family. Since these benefits had to be sought in individual bouts with the welfare office and most welfare recilpents did not participate, those participating actually received far more than $104 in benefits.

Reacting against this successful campaign, the New York State Legislature eliminated the special grants and slightly reduced total AFDC benefits.

Two to four years ago people were pulling themselves together through the vehicle of special grants," says New York City Welfare Department official Robert Jorgen. "When that ended, hope ended. Now there's no money for furniture or for winter school clothing for the kids."

Despite the legislature's best efforts, welfare costs continue to soar and New York Mayor John V. Lindsay is attempting countermeasures. Lindsay, the liberal mayor twice elected with black votes, had voiced approval several years ago when the percentage of welfare applicants accepted on the rolls increased from 60 to 80 per cent. Now, he is tightening welfare eligibility, has rejected his welfare department's budget as too expensive, and has filed suit to force the state and federal governments to take over the city's share of welfare costs. At present, the federal government pays 50 per cent, and the city and state split the balance.

Lindsay challenges the complicated formula by which welfare costs are shared by cities, states and the federal government. New York City pays $500 million a year as its share of total welfare costs but there are laws in 25 states that permit their cities to pay nothing.

In general, the richer the state, the smaller the portion it gets of federal money for welfare. As the individual level of monthly payments go up, the federal share becomes smaller. Thus, the federal formula encourages states to pay low benefits.

The difference among states is most dramatic in the case of Texas. Texas is rich, sixth in total personal wealth. But although it spends only $80 million in state welfare money on its 2.6 million poor, the federal government pays almost 80 per cent of total welfare costs for Texas, compared with 50 per cent for New York and California—each of which pays out more than $1 billion.

"We know we've been restrictive." Texas Welfare Commissioner Burton Hackney said in an interview. "Of necessity, we've had to be restrictive and serve only the poorest of the poor."

Texas has used a number of devices for keeping down its welfare payment. It is the only state with a constitutional limit on welfare spending—any subtantial increase in individual benefits or total recipents requires a referendum and an act of the legislature.

It required a court order last year to force one-third of the state's counties to operate a food assistance program for the poor. The state welfare department has a maximum of $50 allowance for rent, regardless of the size of the poor family, 75 per cent of whom live in cities.

In 1969 when welfare funds began to run out the maximum payment for a family, regardless of size, was cut from $135 a month to $123. This meant that a family of ten had to live on $31 a week. After a federal court invalidated this cut, voters raised state welfare funds from $60 to $80 million. Now funds are exhausted again and Gov. Preston Smith says he will not recommend another increase in welfare spending.

Despite pressures of higher taxes and less wealth than Texas, many other states are attempting to meet the rising welfare costs for the poor. Thirteen states raised their welfare payments last year. Many states are either raising taxes or making excruciating, Solomon-like choices between competing human needs. Oregon, for example took school funds to meet welfare crisis needs, and Vermont Gov. Deane Davis froze state spending on education to raise AFDC payments. "A high quality of education is part of the long-range solution," Davis said. "But the tragedy is, a long-term solution is of little help to a child who is hungry, sick or cold this winter."

The most devastating government blow to the welfare rights movement may have been signalled last month in a 6–3 U.S. Supreme Court decision, says Ronald Pollak, who successfully argues federal court cases that helped open up the welfare rolls. Justice Harry Blackmun, in his first written opinion, ruled that a welfare recipient must admit a caseworker to her home. It is not the immediate case that bothers Pollak so much as the welfare philosophy now expressed by a Supreme Court majority.

Commenting on the notorious midnight welfare raids which lower courts long ago ruled unconstitutional, Blackmun pointedly left open the possibility that the constitutionality of such searches will "present another case for another day." Blackmun compared welfare aid with "purely private charity" and said the benefactor "expects to know how his charitable funds are utilized."

"The court has come very much in tune with the political climate," said Pollak. "Judges are again seeing welfare as a gratuity, not an entitlement. A beggar must prove himself worthy. If we've now lost the support of the Supreme Court, it's very hard to figure out a strategy."

The next struggle over the welfare crisis will be in the present Congress, as it debates President Nixon's Family Assistance Program, and alternatives offered by welfare advocates and critics.

[From the Washington Post, February, 1971]

WELFARE REFORM: THE QUESTIONS RAISED ARE ENDLESS

(By Nick Kotz)

The nation's welfare rolls have swollen by almost three million persons since August 1969, when President Nixon first proposed his Famiy Assistance Plan. The annual costs have risen by $1.7 billion. And Congress is once again debating how to cope with what the President calls "a monstrous consuming outrage" for both the taxpayer and the welfare poor.

The Nixon administration's answer is a controversial new plan that would for the first time offer federal income supplements to workers in low-paid jobs. Any family of four with less than $3,920 annual income could gain benefits, ranging from a few dollars to $1,600. The hope of this plan is to ease the financial plight of 11 million "working poor" and keep them off the soaring welfare rolls.

The Nixon plan also would attempt, by a "carrot and stick" approach, to lift some of the 9.5 million now on welfare back into the workforce.

Most of these poor are women receiving benefits for their dependent children.

The underlying thesis of the proposal is to place a floor under the income of every family with children. Need rather than dependency would be the governing factor.

Every family would be guaranteed $500 for each of the first two family members and $300 for each additional child. Thus, a family of four would receive $1,600, if they had no other income.

President Nixon calls his plan "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades." Initially hailed by many liberals because it embraced the concept of a guaranteed annual income, it enraged many conservatives who consider it the straw that will finally destroy the American work ethic that a man should rise strictly by the sweat of his own brow.

The Nixon proposal passed the House last year, but was blocked in the Senate by an unlikely coalition of conservatives appalled by the cost and the emerging philosophy of guaranteed annual income and liberals dissatisfied with the benefit levels and the provisions forcing recipients to work at low-paid jobs.

But the debate has broadened into far wider issues. At heart, critics of the welfare crisis and of the President's proposed solution are questioning what kind of country America is or should be.

Does a work ethic originally premised on "useful work," still apply to an affluent society that spins out both redundant luxuries and grinding proverty? Does the country need a fundamental re-allocation of its wealth and resources to meet basic human needs?

The questions, endless, are being asked as Congress scrutinizes the Family Assistance Plan and wonders how to stop the spiral in which thousands are forced out of employment—or leave voluntarily—for welfare.

Criticism of the Family Assistance Plan grows as various state and local officials examine how it would affect their tax rolls, as well as welfare rolls.

"The Family Assistance Plan represents only another attempt to add a patch to an already overburdened system of welfare patches," says Texas Gov. Preston Smith.

Concerned mainly about the skyrocketing state costs, conservative Smith and other governors want to turn over the entire welfare burden to the federal government. Liberals such as Rep. Donald Fraser (D-Minn.) also see full federal control as a way to untangle the welfare bureaucracy and bring justice to the poor.

Recently the powerful House Ways and Means Committee has become intrigued with the idea that a federal welfare system might provide the most direct and helpful kind of revenue sharing with the states. The state's share of welfare program costs is about $5 billion a year, the same amount the President has proposed for new funds going into revenue sharing.

The most conservative governors, such as Ronald Reagan in California and Edgar Whitcomb in Indiana, are considering another approach: withdrawing their states from the present federal-state program and operating much less costly welfare entirely on state and local funds. Both strongly oppose the Nixon plan's guaranteed income for the working poor.

From the viewpoint of advocates for the welfare poor, the President's plan provides far too little money and too much potential coercion.

"The Nixon plan is an attempt to stem the tide of rising benefits," says George Wiley, director of the National Welfare Rights Organization. "This so-called welfare reform will be more punitive than the present system. The welfare department will be a new employment agency for substandard industry, agriculture, laundries, sweatshops." Labor union leaders criticize the plan for subsidizing low-wage pay, and say it will undermine efforts to organize farm and domestic workers.

Wiley's National Welfare Rights Organization favors a $5,500 a year guaranteed annual income. Additional incentives to the working poor would bring their incomes up to a maximum of $10,000. The plan would cost $50 billion a year and provide varying benefits to 100 million Americans. Despite its costliness NWRO's plan has a surprising number of supporters: the White House Conference on Food and Nutrition endorsed the plan at its December, 1969 meeting.

The Family Assistance Plan would affect the lives of 25 million poor Americans in differing ways.

The plan really contains two different proposals, one brand new and the other a reworking of an existing welfare plan:

1—A form of guaranteed annual income for "working poor" families with children.

This would offer benefits to almost 11 million Americans in families who now cannot receive welfare, in most cases, because there is a father in the house and he works.

Any family of four with less than $3,920 annual income would get some benefits. From the maximum payment of $1,600 for a family with less than $720, payments would decline as work income approached the $3,920 cutoff. Almost one half the potential beneficiaries live in the South.

Take a drug store clerk trying to support a wife and two children in Washington, D.C., on a $1.60 an hour salary, the federal minimum wage. His $64 weekly paycheck would be supplemented by $5.70 weekly in federal "family assistance." His annual income would rise from $3,328 to $3,624. He would have to agree to accept job training or move to a higher-paying job if a suitable one were offered.

The program would be paid for entirely out of federal funds. The administration estimates the first year costs at $1.7 billion. Benefits would be the same, no matter which state a person lived in. In this and other respects. Family Assistance for the working poor would differ from the second part of the plan.

2—A revision of the present Aid to Dependent Children program, in which federal, state and some local governments share administration and costs. It would continue to assist families in which one parent (usually the father) is absent or incapacitated. Most of the present 9.5 million recipients are mothers and children. Most of the mothers do not work.

At present, benefit levels are set by the states and the federal government simply pays part of whatever level the states establish. Payments for a family of four now vary from a low of $720 a year in Mississippi to a high of $4,164 in New Jersey. The Family Assistance Plan would only slightly alter this disparity.

The proposed plan would establish, for the first time, a federally paid floor under ADC payments of $1,600 for a family of four—raising payments for the one million recipients living in the seven Southern and Border states that now pay less.

For example, it would add $76 a month in benefits for Mary Williams, who tries to support three children in a Mississippi shack on a $57 ADC check.

But for the 8.5 million receiving ADC payments in the 43 states whose benefits are above the floor, the Nixon plan does not offer increased benefits.

Pamela Johnson and her two young children in Houston, Tex., would receive the same $129 welfare check. Although the Nixon plan would require states to maintain benefits at the present level and would permit a maximum of $3,720, it is unlikely any states would raise their payments. Most states want to cut benefit costs, not raise them.

As in the present system, Mrs. Johnson and Mrs. Williams could retain part of their earnings from a job and still get welfare benefits although reduced. But under the Family Assistance Plan, they would be denied $500 of their annual welfare payments if they refused job training or "suitable" employment paying at least $1.20 an hour. The plan also would offer day care for children.

The revised ADC plan is being touted to state and local governments chiefly on the basis that it will reduce their share of program costs. The federal government would pick up $356 million of the $2.3 billion state and local governments will pay this fiscal year in AFDC costs, plus $166 million for adult welfare programs: old age assistance, aid to the blind, aid to the disabled.

But state officials throughout the country are becoming increasingly doubtful as to whether the Nixon plan might end up costing them more money.

All agree, for one thing, that the present cost-sharing inequity among the states would be maintained. The federal government would take over the entire cost for Alabama, Arkansas, Louisiana, Mississippi, South Carolina, Tennessee and Missouri. Cost savings to the biggest states would differ widely depending on their present efforts.

State officials and others are appalled that the plan would very likely continue—and probably even further complicate—the present tangled federal-state-local partnership of welfare costs and administration.

Further, officials in most states now believe that their share of soaring Medicaid costs will soon outstrip any possible benefits in ADC cost-sharing. The administration acknowledges this problem but says it will reduce Medicaid costs by its forthcoming Family Health Insurance Plan. The plan most likely will transfer some of these costs to the welfare poor, who now get Medicaid benefits.

State officials also are skeptical about how many welfare recipients can be put to work. Of the 9.5 million ADC recipients, less than 200,000 are able-bodied men. The expected workers are principally mothers, 80 per cent of whom have children under eight years old.

The administration hopes to put 40 per cent of * * * available, they question whether the plan's provision for 250,000 job training slots will be any more successful than a present program for job training, which is failing. The child day care program is criticized as too expensive if the only rationale for it is to put women into low-paid jobs and inadequate if the purpose is to help children.

In addition, many state officials believe the best contribution of mothers should be to care for children growing up in already broken homes. The poor also strongly oppose forcing a woman to work if she would rather care for her children.

"These are people with large families," says Wilbur Williams, chairman of a welfare reform committee in Houston. "The mother should be home caring for them. This is not putting a family together. It's destroying it."

The level of benefits provided the poor under the Family Assistance Plan is hotly disputed by both liberal and conservative critics, but for very different reasons.

In the judgment of the conservative Council on Economic Development and of many in the economic-political power structure of the Deep South, the support level is too high. The CED believes that hundreds of thousands of service jobs such as waiters, gas station attendants, and household help are now going begging partly because welfare benefits already pose too attractive an alternative. Some Southerners fear, for example, that a black woman with three children no longer will work as a maid at $15–20 a week if her welfare check rises from $15 to $30.79 a week.

Advocates for the welfare poor argue that the plan is designed to put a lid on higher benefits the poor have been winning in the federal courts, in Congress and by their own efforts. "Whenever the federal government talks about reform," says Richard Cloward, a professor at the Columbia University School of Social Work, "it means reimplementation of restriction and of the system. The normal state of the system is that the poor don't get anything."

The Nixon administration does want to put a lid on benefits. The plan would permit 48 states to freeze benefits to ADC recipients at as much as $2,100 below the federal poverty line of $3,720 for a family of four. Forty-three states could continue paying less than their own "standards of need," a cost of living appraisal of the essentials of life: food, clothing and housing.

Another basic criticism of welfare advocates is that the combination of continued low payments and the "must work" provision will force the poor to continue performing the lowest-skilled, dirtiest and worst-paid jobs. Debate over the work requirement leads inevitably into the broader implications of welfare reform as they affect the essential quality of American life.

"Has welfare become an acceptable alternative to work?" questions Robert Patrecelli, deputy under secretary of HEW. "We think that liberals won't face up to that possibility."

Indeed, the poor are openly expressing growing unwillingness to trade even a meager welfare check for jobs at the bottom of American society.

"Who needs to be trained to wash dishes or clean toilets?" questions Dorothy Pittman Hughes, a black community leader in New York City. "What happens when we ask for meaningful work, like a proposal to train black mechanics to run their own cooperative business? That competes with someone else and it's turned down."

Asked in an interview what work the welfare poor would be expected to perform, HEW Under Secretary John Veneman replied: "Where they will work will depend on the economy. With today's economy there would be problems. Logically, they would work in services—hotel, food, beverage, janitors, cleaning, domestics."

What if the poor would rather care for their children than do that kind of work?

"If a woman is adapted to that kind of work," replied Veneman, "Then I think she should do it. If someone has been a maid for 10 years at $1 an hour then that's an appropriate job."

The welfare poor also criticize the $1.20 wage at which they would be required to accept jobs under the Family Assistance Plan. It is 40 cents below the federal minimum wage law.

"I don't think the Social Security Act is the place to set the minimum wage," says Veneman of this criticism. "It's a fact of life that millions of jobs pay below the minimum wage."

The over-all criticism by welfare reformers is that the Nixon administration's Family Assistance Plan doesn't try hard enough to really change the present facts and quality of life for poor Americans.

A survey for HEW recently showed that 80 percent of women receiving welfare would like to work, and 40 per cent are good prospects for employment. But these women have increasingly shown in their job training choices that they not only want decent salaries but work in human services rather than drudge labor. They sign up eagerly to become nurses aides, community action aides, day care center workers.

Daniel Patrick Moynihan, the former White House counselor who helped design the Family Assistance Plan, is impatient with criticism about the nature of work. As a pragmatist, he says that the first need of poor people is for more money. He thinks the plan establishes that right for the first time.

"Do you have a meaningful job?" Moynihan asked a critic. "How many Americans have meaningful jobs?"

Leaders of the National Welfare Rights Organization quote author William Stringfellow on the point of jobs. Stringfellow contends that the work ethic lost its legitimate original meaning when most Americans no longer produced tangible products of human needs but "redundant luxuries in which the package rather than the product is marketed." Yet the affluent American society still "enforces the work ethic with a literal vengeance against the poor."

Stringfellow, along with welfare rights advocates Richard Cloward and Michael Harrington, says the poor will be lifted out of their welfare poverty trap only by a massive reassignment of national priorities. Their viewpoint, shared by many liberal members of Congress, is that the government should redirect its resources into jobs that would help improve the quality of American life.

Sens. Jacob Javits (R-N.Y.) and Gaylord Nelson (D-Wis.) introduced legislation last week to spend $1 bililon creating 200,000 public service jobs.

America may or may not make the called-for re-allocations in the nation's wealth, resources, and energies, but observers of the welfare crisis believe fast short-range action is mandatory.

Dr. Henry Rossner, scholarly assistant director of the New York City Welfare Department has worked at that city's welfare problems for 37 years. Last week while two Americans were walking on the moon, D. Rossner observed:

"Welfare is a holding action and I'm afraid we don't have any long-range programs. Public assistance is the price we pay for social order. Over $1 billion a year is going into the slum areas of this city. Do you think those people in Bedford-Stuyvesant and Harlem would starve peacefully?"

[From the Washington Post, February, 1971]

WELFARE MYTH, FACT ARE FAR APART

MYTH: They're getting rich on welfare.

FACT: Welfare benefits for AFDC families now average $185 monthly, 43 per cent below the federal poverty line.

MYTH: They all come to the city to get welfare.

FACT: Seventy-two per cent of AFDC families now live in urban metropolitan areas, but the typical rural migrant lives in the city five years before applying for welfare.

MYTH: Most AFDC families contain men who won't work.

FACT: Of nearly 10 million AFDC recipients, only 100,000 (1 per cent) are able-bodied, unemployed men. More than 95 per cent of recipients are women and children.

MYTH: Most AFDC recipients are black.

FACT: 49.6 per cent are white, 46.3 per cent are black, 4.1 are other races.

MYTH: Once on welfare, they never get off.

FACT: The typical AFDC family stays on welfare for slightly less than two years. Sixty per cent of present recipients are receiving welfare for the first time.

MYTH: They cheat.

FACT: Some do. Fraudulent receipt of welfare is detected in less than 1 per cent of all cases, and detectable fraud has not been increasing.

MYTH: They keep having more children to receive more benefits.

FACT: The size of the average AFDC family has declined slightly to a present level of three children.

MYTH: AFDC is a problem because fathers desert and won't support their children.

FACT: Desertion is a major cause of AFDC dependency, but rising family breakups are a national phenomenon. Generally, the rich get divorces and alimony while the poor more often get separation or desertion with no available child support, and therefore go on welfare.

MYTH: More and more welfare children are illegitimate, particularly blacks.

FACT: Out-of-wedlock parental responsibility is the cause of dependency in 27 per cent of AFDC cases a percentage that is not rising. Nationally, illegitimacy is rising sharply among white women, but declining by 30 to 70 per cent among black women depending on age.

[From the Washington Post, May 16, 1971]

WELFARE: WHAT MR. MILLS HAS WROUGHT

Wednesday the House Ways and Means Committee isued a 32-page press release, in the form of a Committee print, describing the major provisions of the Social Security Amendments of 1971—the package that will contain Mr. Mills' substitute for President Nixon's original welfare measure. The administration has accepted Mr. Mills' revisions. Since the entire package, rendered into legislative language, will reportedly be some 800 pages long, it is only possible at this point to discuss it in its barebones outline. Even so, the Committee's press release makes a number of things abundantly clear, enough in fact to indicate that for many who have supported this measure enthusiastically—not to say combatively—through its many incarnations, it may now become increasingly difficult to do so. That is because, while the Mills version retains most of the key concepts of the original reform, it also contains one new, different and (in our judgment) damaging feature—to which we shall return in a moment.

The revised bill does preserve a number of sorely needed reforms that were present, or at least partially so, in the earlier versions of FAP. These include the creation of uniform federal standards of eligibility and minimum payment; aid to working as well as nonworking; financial incentives to take work, and assistance in doing so in the form of federally supported training programs and day care centers. The relatively noncontroversial "adult" categories of welfare (aid to the aged, blind and disabled) are to be subject to a phased takeover by the federal government of both their total costs and administration. The highly controversial AFDC program is to be replaced by what the Committee calls "two new totally Federal programs." These would divide welfare recipients into categories of "employable" and "unemployable," one to be administered by the Labor Department and the other by HEW. By virtue of a food stamp "cash-out," the standard annual benefit for a family of four would be $2400, as distinct from $1600, which was the base payment in the original bill.

There are any number of elements in this new legislation that could be quarrelled over—and doubtless will. And there some that strike us as ill-advised, good candidates for amendment. But all this must await the availability of the full text of the bill. What is plain at this point, however, is that the

Committee has made a major alteration in the original bill by providing no obligation for the states to maintain, by supplemental payments, the benefit levels they are paying now. Suppose that under the federal-state sharing arrangements of current law, a family of four is now receiving an annual payment of $3500. The federal government and the state government (with or without a local government contribution) may each be paying $1750 of it. Under the proposed law, the federal government will now make a contribution of $2400. The state by making a supplementary payment to the family of $1100 could maintain the family's present benefit level and would still be making a saving of $650 (its $1750 present share minus $1100). Under the previous versions of FAP that bobbled around the Senate and House last year, this supplementary effort by the states to maintain current benefit levels was mandatory. In the revised Ways and Means version it is to be optional. There is not even (as was hoped) an incentive in the form of a federal sharing—say, 30 per cent—of what supplemental payments the states might make. It is this feature of the proposed bill which we find potentially so dangerous. It could work real and serious hardship on great numbers of recipients, making them (not the federal government) a source of state treasury savings.

We have said in this space before that, in our estimation, any equitable across the board effort to reform and rationalize our federal welfare programs must necessarily result in *some* recipients being *somewhat* worse off than they are under present law. Circumstance has made that patchwork of statutes particularly advantageous to some in terms of a collection of cash and in-kind benefits. But making entirely optional the states' own supplementary contributions and failing even to offer some federal help with what voluntary contributions they choose to make is something else again. It does not come under the heading of making some special recipients worse off for the sake of bringing relief and equity to millions of others not now covered. Rather, it opens up a possibility of wholesale harm to current recipients in a number of mainly Northern states now paying (with federal help) a benefit substantially higher than the proposed $2400.

Apparently, the argument for accepting this feature of the new bill is that the affected states will voluntarily continue to bring recipients up to current benefit levels, that political realities will make it so. We wonder. Looking around the country at the mood in state capitals from New York to California, we do not get the impression that officialdom will need much of an excuse to seek savings at the expense of the welfare poor. This is the single provision (or lack of one) in the Mills bill as outlined by the Committee that seems to us sufficiently faulty—if it stands—to undermine the value of the rest of the bill and raise questions about its ultimate merit.

[From the Washington Post, May 1971]

Deafening Silence From the Politicians—The Growing Impact of Payroll Taxes on Middle Incomes

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same auto worker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contribution (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paychecks.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 percent of the payroll on wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent).

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year man, for example, gets just as big retirement benefits as a $7,800-a-year man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deduction or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to participants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors. But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will design to consider matters that matter to wage-earners.

[From the Washington Post, May 15, 1971]

The President Borrows From Governor Reagan—The Political Complexion of the Welfare Reform Issue

(By Nick Kotz)

In a recent speech to Republican governors, President Nixon praised California Gov. Ronald Reagan for "biting the bullet" of welfare reform. The President also could have expressed a debt of literary gratitude to Reagan for parts of the speech criticizing welfare recipients.

The President told the governors:

"I advocate a system that will encourage people to take work, and that means whatever work is available. It does not mean the attitude expressed not long ago at a hearing—I read about it in the paper and heard it on television—when a lady got up at a welfare meeting and screamed, 'Don't talk to us about any of those menial jobs.' "

Inquiries to the White House as to the identity of the welfare lady produced a deafening silence, except from one helpful White House aide. The source of the Nixon quote, he volunteered, could be found in a March 1

U.S. News and World Report interview with Gov. Reagan.

There it was. Governor Reagan, recalling a lady from the Welfare Rights Organization who "screamed out, 'And don't talk to us about any of those menial jobs.'" (Reagan's press secretary also is not certain where the governor got his example but said he quotes it often.)

Whether a presidential speechwriter borrowed only a speechline from Reagan or also his philosophy is not clear, but the President and governor offered closely similar reactions to the woman's comments and to the welfare problem.

The President said: "If a job puts bread on the table, if it gives you the satisfaction of providing for your children, and let's you look everyone else in the eye, I don't think that is menial. But it is just that attitude that makes others, particularly low-income workers, feel somehow that certain kinds of work are demeaning—scrubbing floors, emptying bedpans. My mother used to do that. It is not enjoyable work, but a lot of people do it. And there is as much dignity in that as there is in any other work to be done in this country including my own."

The President's words here were pointed at emphasizing one section of his welfare proposal approved by the House Ways and Means Committee that envisions forcing welfare mothers to accept jobs as maids, and cleaning women, at salaries 25 per cent below the minimum wage.

But in a broader sense, Nixon, Reagan and the Ways and Means Committee are in effect saying: state and local governments are going broke because welfare rolls are skyrocketing; the rolls are soaring because millions of welfare recipients are loafers, and finally, the nation's work ethic is crumbling as those now working at low-wage menial jobs decide they are suckers and drop out of the work force.

This picture of what is now happening in American society is held by many people and may be politically productive for Nixon and Reagan. But this picture does not coincide with the administration's own studies on what is happening.

First of all, who are the 12.8 million welfare recipients? HEW says that 10.2 million are either children, the aged, or the totally disabled. That leaves 2.6 million adults, all but 170,000 of whom are mothers of dependent children. Of this 2.6 million, HEW says 765,000 are either employed, in training or actively seeking work. That leaves 1.9 million, most of whom HEW characterizes as "mothers needed in the home fulltime or who have no marketable work skills."

HEW says there are perhaps several hundred thousand more welfare mothers who could qualify for menial jobs, or with training for better jobs, "if"—they had child care services, training, and job opportunities.

What is the status of the job market which these women might enter? They will compete first of all with 5 million already unemployed Americans, 2.2 million more than when Mr. Nixon became President.

Next, they will compete with five million others, who now work at poverty wage jobs—and are characterized by the Labor Department as "the last hired and the first fired." Furthermore, Labor Department studies show that these unskilled jobs are rapidly disappearing in an automated, computerized economy.

What is happening to present federal programs to train the welfare poor to enter this unalluring job market? A study for the administration on failures of the Work Incentive Program concluded, in part: "There is a tendency (by the government) to feel that any job is better than no job at all. This is not necessarily the view held by the recipients nor is it a valid axiom around which a vocational program can be built. . . . Forcing people to accept unappealing, low-pay, dead-end jobs will not result in program success."

So, the attitudes expressed by President Nixon's and Governor Reagan's welfare lady are not mythical. But the Labor Department study also stressed—as any conversation with a welfare mother will confirm—that the poor do want meaningful jobs. They eagerly desire jobs with decent pay and the pride of making a social contribution—as nurses aides, teacher's aides, and helpers in Head Start programs. They no longer (if they ever did) share the President's sense of the work ethic that picking cotton on Senator Eastland's plantation for a couple of dollars a day "let's you look everyone else in the eye."

The five million working at poverty salaries undoubtedly resent the non-working welfare poor, but most share their attitudes about being exploited in dead end jobs.

The administration and the Congress have before them proposals that would deal with the status of the generations-rooted poverty of these blacks, Mexican-Americans, Puerto Ricans, Indians and Appalachians who have always filled a role at the bottom of the heap.

First, there is the question of pay. The AFL–CIO proposes a $3 minimum wage to replace the present $1.60, which leaves a family of four with income 20 per cent below the barest definition of minimum income needs. Even Rep. Wilbur Mills (D-Ark.) favors a $2 minimum. The administration favors a slower rise to $2.

Second, there is the question of new job opportunities. Congress last year passed a bill to create hundreds of thousands of new jobs with social utility, but the President vetoed it. Reluctantly, he now supports a less ambitious job program to provide temporary work to those kicked off the welfare rolls.

Third, there is the future shape of a post-Vietnam economy. Senator George McGovern (D-S.D.) and others have proposed reconversion plans that would pour resources into creating a society with far more emphasis on providing human services to all its citizens. The Nixon Administration has announced no such plan. It has sought to stimulate the economy with a variety of tax breaks for big business to produce more consumer goods for a consumer society.

Finally, there is the issue of welfare. The President proposes that the welfare poor join others who work at poverty wages, with the government guaranteeing a supplement that would give some families of four a total of $2,400 income—less than two-thirds of the poverty guideline—and would bring others slightly above the poverty line.

The President's new rhetoric and restrictive additions to the original welfare proposal are premised on a belief in the justness of the present economic system, and on an apparent fear that more generous aid for the helpless and trapped poor would destroy the so-called work ethic.

Instead of his new rhetoric about the unworthy poor, the President might refer to one of his own studies, the New Jersey Graduated Work Incentive Experiment. Soon after he announced his Family Assistance Program, the President displayed preliminary findings of this experiment to show that the poor do not stop working when they receive an income supplement. Indeed, the preliminary results indicate that the poor have the same work drives and success desires as the rest of us. And the President might refer to HEW studies clearly refuting charges of massive welfare fraud.

Yet the President and a majority on the Ways and Means Committee now have eliminated last year's guarantee that the welfare poor not lose benefits, and have insisted on even more punitive measures to ensure that the poor will work at jobs assigned their lot.

Seldom has a President or member of Congress taken a similar attitude when the Ways and Means Committee considers the taxes and tax breaks that will affect affluent Americans. Commenting on how Ways and Means effects the income and lives of various groups of Americans, committee member Hugh Carey (D-N.Y.) said recently: "This committee has learned how to create more millionaires than any country in history. It has contributed, by its policies, to creating the largest middle class in history. But when it comes to the poor, we don't want to give them anything."

In the final analysis, the welfare issue will be resolved by how the nation views the poor and by the generosity of its spirit. Are the welfare poor to be pushed back into their traditional status in American society? Or will they be given enough money to raise their children decently and enough opportunity to pursue the same values and ambitions that animate most Americans?

THE GAPS IN F.A.P.

(By National Welfare Rights Organization)

The Family Assistance Plan (Title IV of H.R. 1) will soon be released by the House Ways and Means Committee chaired by Wilbur Mills. The House of Representatives is expected to vote on the bill during June.

The bill has been sold to Congress and the American people by the Nixon Administration as a reform of the welfare system and by others as a first step toward adequate income. The bill does make several positive changes in the welfare system. It provides aid to families with an employed father in the home for the first time. It raises the payment level for recipients in states which now pay the least. It provides substantial benefits to the aged, disabled and blind.

However, based on our careful study of how the bill's provisions affect poor people's income, legal rights, ability to find meaningful employment and medical care, the National Welfare Rights Organization stands firmly opposed to the bill.

On balance, the Family Assistance Plan (F.A.P.) is not welfare reform. It is not a step toward welfare reform. It is a giant step backward. It is worse than the present inadequate welfare system. F.A.P. must be opposed and defeated by those who believe in improving the conditions and opportunities of poor people.

Meet with your Congressman now. Explain to him how the provisions of this bill really affect poor people. Urge him to support an "open rule" so that the bad parts can be defeated. Urge him to vote against the Family Assistance Plan. If liberal members of Congress join the vote against F.A.P. it can be defeated. Only if liberals defeat the bill will Congress want to consider a better welfare bill, one that will increase and protect the rights of poor and low-income Americans.

CASH BENEFIT PROVISIONS

1. *Payment level inadequate.* F.A.P. sets a minimum and a maximum payment of $2400 a year for a family of four. Payments would never go above $2400; there is no commitment to adequate income or to maintaining present payment levels in the 45 states where payments are now above $2400.

2. *Nine out of ten welfare families could be worse off.* $2400 a year, $200 a month is above present payment levels for only 10% of the welfare families, those in Alabama, Arkansas, Louisiana, Mississippi and South Carolina. All others—90% of the families—could be cut back.

3. *$2400 is less than $1600.* The $2400 amount proposed by the Ways and Means Committee is actually less than the $1600 proposed earlier by President Nixon. The earlier bill provided $1600 in cash plus $864 in food stamps for a total of $2464. Ways and Means has made recipients ineligible for food stamps.

4. *States would be encouraged to reduce payments.* State governments will not have to spend more than they spend during calen-

dar year 1971 for the first five years of the Plan, no matter how many more people get on welfare. The federal government will pay for the costs due to more people getting on welfare. However, if states increase payments above the amount recipients received in cash and food stamps combined as of January 1, 1971 the states will have to pay the entire cost of these increases. While the $2400 payment means most states will save some money in the first years of the plan, they are not likely to pass this money along to poor people. Most states will keep the savings because they now spend more than they want to on welfare.

In fact, states may cut the amount they spend on welfare. No state is required to maintain present payment levels. They can cut back to the federal $2400 and not spend anything on welfare. By reducing payments, states can save even more than they would by maintaining benefits. It will be much easier for states to cut benefits under F.A.P. than under the present system which requires that a state percentage reduction plan be approved by H.E.W.

5. *Present cost-of-living increase will be denied.* In addition to the possible cuts in the amount recipients receive, poor people will be denied the cost-of-living increases states have been providing under the present welfare system. Between 1969 and 1970, 25 states increased the payment levels of AFDC families, raising grants for over one million recipients. In the same period only ten states cut grants, reducing payments to 250,000 recipients. There are no provisions in F.A.P. allowing increases in the federal payment of $2400. States may provide increases but they must pay for them entirely with state and local money.

6. *Family Maximum Imposed:* A family of two people receives $1,600, three people receive $2,000, four receives $2,400, five receives $2,800, six receives $3,100, seven receives $3,400, eight (or more) receives $3,600.

Families' payments vary with the number of people in the family. The more people, the more money it can receive. However, families of more than eight members will be able to get no more than $3,600, the amount a family of eight receives. F.A.P. discriminates against large families.

7. *Discrimination against single individuals, childless couples, families and against Blacks.* F.A.P. provides benefits only for families with children. Single individuals and couples without children receive no benefits whatsoever, unless they are aged, disabled or blind. They must rely on almost nonexistent state and local relief programs.

Families with children would receive only half as much as the aged, disabled and blind. While a family of four receives $200 a month, by July, 1973 an aged *couple* will receive the same amount.

Half of the families on welfare are Black. Only one-fifth of the aged, disabled and blind recipients are Black. The program that is largely Black will pay half as much as the program that is largely white.

FORCED WORK PROVISIONS

1. *The forced work requirement is more repressive and punitive than present law.* In the light of growing unemployment these provisions will only serve to deny benefits to needy people, harass innocent citizens, destroy family life and deny real opportunities for advancement. Families with members considered employable will be referred to O.F.F., Opportunities For Families, a separate program run by the Labor Department. Recipients who refuse to participate will be thrown off welfare. However, the lack of adequate training, child care and employment provisions means no real opportunities, only harassment for poor people.

2. *Mothers with children over 3 years old will be forced to work.* All family members will be required to register and accept a job offer unless they are specifically exempted. Under present law only those specifically referred to work are forced to register. Mothers of children over three and children over sixteen and not in school are among those not exempted and forced to work.

3. *Stable family life is threatened.* If a family member refuses to register or refuses a job that member is cut off welfare. This includes a mother in cases where there is no male parent in the home. Payments for other members of the family will not be sent to that member. Instead, the children's welfare is required to be paid to a third party, likely to be someone outside the home whom the government believes will be more interested in the well-being of the children than the mother who prefers to work raising her family rather than work outside the home at a menial, low-paying job. Third party payments are not required under present law, were not required by earlier versions of F.A.P., and should be restricted to cases where the mother is proved to be unable to manage funds.

4. *The plan will help only the very lowest paid workers.* Recipients will be allowed to keep only the first $720 a year they earn plus one third of their earnings above $720 and still receive assistance. Unless family members receive training allowances or have school children who work, the most a family of four can receive in welfare and wages combined is $4320 a year. Recipients will have to pay income taxes on their wages. These provisions will not allow poor people's income to go above the official poverty level by the time the bill goes into effect.

5. *Recipients are not protected by the federal minimum wage.* It is unlikely that recipients will be referred to jobs paying the minimum wage since the jobs available to the poorest workers are not covered by the minimum. The bill forces recipients to take whatever work is available unless the job pays less than three-fourths of the federal minimum. The present federal minimum wage is $1.60 an hour so recipients must accept $1.20 an hour, or $2400 a year.

6. *Recipients may be referred to any type of job.* The only language in the bill on the suitability of the job prevents recipients from being forced to strike break. Provisions insuring that no one would have to take a job that endangers health and safety or that is too far from home have been removed.

7. *Opportunities for training are restricted.* The bill makes it very clear that the purpose of F.A.P. is to subsidize low wage paying employers rather than enable poor people to become self-supporting. Families headed by a college or university student will *not* be eligible for benefits. Under current law welfare mothers are regularly attending college in the WIN Program, Under F.A.P. family heads will be denied the opportunity to receive the training necessary to enable them to advance to the limit of their capabilities.

8. *Child care opportunities are almost nonexistent.* Mothers with children will be required to accept whatever child care facilities are offered by the Labor Department or be cut off welfare. Under present law a mother has the right to refuse a child care arrangement she believes inadequate. No standards for child care arrangements are written in the bill. Authorization of funds for child care in this bill is totally inadequate. Families may be asked to pay all or part of the child care costs although some of these costs may be credited to the family's income. But the amount of child care costs that may be deducted from income under the income tax law will be only $750 a year. Child care authorities estimate the actual cost at over $2100 a year for one pre-school child.

9. *The federal government will not provide jobs.* Public service employment authorized by F.A.P. would receive federal funds for only three years: 100% in the first year, 75% in the second and 50% in the third, nothing thereafter unless states fund the entire cost. More extensive legislation has been passed by Congress but vetoed by President Nixon.

10. *Jobs for welfare recipients are not available.* The punitive nature of the forced work requirement assumes that jobs are available for welfare mothers and that the rolls are filled with employable people who simply refuse to work. Neither assumption is correct. The 1969 H.E.W. Study of Aid to Families with Dependent Children reports that 20.1% of welfare mothers are in the labor market. Of these, 66.5% are working. 33.5% are unemployed—looking for work but unable to find it. This is over five times the national employment rate.

Governor Reagan of California wrote to 309,485 employers in the state asking each to hire one welfare recipient. Only 13,000 employers responded. A total of 337 jobs were reported but only 26 actual jobs resulted from the effort. The average salary was $71.00 a week.

LEGAL AND CONSTITUTIONAL RIGHTS

1. *Recipients would have fewer legal rights under F.A.P. than they have now.* The few legal rights to welfare poor people enjoy under current law are seriously undermined or outright denied by H.R. 1. Several provisions fly in the face of constitutionally protected rights to equal protection and due process of law. Many provisions further demean poor people and destroy their family life, dignity and pride and make them less able to stand on their own.

2. *People who lose their jobs can be denied assistance.* Families whose current income and resources are low enough to qualify for assistance may be denied aid because of the restrictions on eligibility contained in the bill. If a family head suddenly loses his or her job, the family may be denied assistance for six to nine months because the bill assumes the family will have savings available even if all the savings have been used up. This will particular hurt larger families and those ineligible for unemployment insurance.

3. *Welfare recipients are assumed to be guilty of fraud without a trial.* Recipients who fail—for whatever reason—to report accurately all earnings plus other income from Social Security and other sources will be cut off welfare and fined $25 for the first offense, $50 for the second and $100 for later times. In the case of fraud, recipients would be fined $1000 or be imprisoned for one year or both. Under the Medicaid provisions of H.R. 1, hospitals and nursing homes must be reviewed by "program review teams" before those hospitals and nursing homes which abuse the program can be cut off. People under the F.A.P. provisions of H.R. 1 are not given this review opportunity.

4. *Recipients must reapply every two years.* Since the provision noted above requires recipients to report accurately their income every three months, there is no need for this provision which forces a family to reapply as if it had never been receiving assistance. It is a means of harassing recipients and encouraging those eligible for aid to go without it.

5. *Recipients and applicants can be denied adequate representation.* The Secretary of H.E.W. is given broad authority to ban certain people from entering Family Assistance offices to help recipients obtain their legal rights.

6. *Families can be denied benefits unless they know they are available and specifically apply for them.* Families eligible for Family Assistance would have to make separate applications for other benefits they may already be eligible to receive, such as Medicaid, state supplemental payments and surplus food commodities.

7. *The right to appeal decisions is curtailed.* Recipients and applicants may apply for a hearing if they feel they have been unjustly treated. However, the matters about which a hearing may be held are restricted. Hearing procedures need not conform to pres-

ent regulations or to the Administrative Procedure Act—thereby denying the right to present evidence, cross-examine and the right to be heard by an impartial examiner. These rights are granted to citizens and corporations in their dealings with other federal agencies. Factual rulings made by hearing examiners are not permitted to be appealed to the courts.

8. *Illegal residency requirements may be imposed.* States which choose to supplement above the federal $200 a month payment may also choose to impose a one year residency requirement as a condition of eligibility for supplementary payments. F.A.P. would obligate the Federal Government to follow the state's decision in administering the supplementation. This entire provision violates the Constitution as interpreted by the Supreme Court in *Shapiro* v. *Thompson,* 394 U.S. 618, April 21, 1969.

9. *Stepparents of F.A.P. children are held liable for support payments.* Under present federal welfare law, a stepparent must support the children of his or her spouse only if there is a general state law requiring all stepparents to support their stepchildren. Only a few states have such general laws. This provision of F.A.P. would require stepparent support and thereby discriminate against the poorest families by imposing an unnecessary financial hardship. Rather than reducing the amount of government funds neecessary for the support of step children, it will increase the need for welfare payments. A mother with children will be deterred from remarrying because her new husband would be forced to support the entire family. Step-fathers would be encouraged to leave the home so that the mother and children could receive higher payments. The Supreme Court has ruled that such provisions are illegal under the present law in *King* v. *Smith,* 392 U.S. 309, June 17, 1968.

10. *There is no limit on parents' support obligations.* Even if a mother or father cannot afford to support the children, a parent who leaves home would be obligated to the United States government for every cent the family receives from F.A.P. The ability of the parent to pay is not permitted to be a factor in limiting his or her liability. Many fathers do in fact leave their wives and children because they cannot afford to support them. Parents who travel in interstate commerce to avoid supporting their children are subject to a fine of $1000, a year in prison, or both.

11. *Advisory committees exclude recipients.* Advisory committees to evaluate the program would be composed of representatives of labor, business, the public and the government. Representatives of recipients and recipient organizations are not specified.

MEDICARE AND MEDICAID PROVISIONS

1. *Basic principles of the present Medicaid Program are undermined in a separate part of H.R. 1, Title II.* Recipients would have to pay for services now completely paid by the government and the quality of the services which is already horrible in many communities would be cut back further.

2. *Recipients would have to pay part of their hospital bills.* After the 30th day of hospitalization a recipient would have to pay $7.50 a day. After the 60th day a recipient would have to pay $15.00 a day. The longer a person is ill the lower his ability to pay becomes. But the federal government reduces its contribution and forces the recipient to increase his as time goes by.

3. *Recipients would have to pay part of their nursing home bills.* After the first 60 days of nursing home care, the Federal Government reduces its contribution by one-third. For mental hospital care a one-third reduction is made after the first 90 days and after one year there is no Federal contribution.

4. *The incentive to work is completely destroyed if you get sick.* F.A.P. recipients must spend a third of their earnings on medical bills before they become eligible for Medicaid coverage. Since F.A.P. recipients are allowed to keep only a third of their earnings in the first place, this means a family will be reduced to the basic welfare level of $2400 before they get Medicaid.

5. *Services covered by Medicaid may be cut back and people eligible for assistance for the first time under F.A.P. are not necessarily eligible for Medicaid.* States are not required to spend more on Medicaid than they now spend. Rather than paying for the additional cost of the program, the Federal Government will allow states to reduce the medical services provided under Medicaid and to decide whether or not newly eligible families with a father employed full-time will be eligible.

6. *Profiteering by nursing homes in rural areas will be encouraged.* Requirements that nursing homes in rural areas have at least one full-time registered nurse on staff would be dropped.

GENERAL LEAVE TO EXTEND

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include extraneous material.

The SPEAKER pro tempore (Mr. PUCINSKI). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ASSISTANT SECRETARY OF THE INTERIOR CALLS CHANNELIZATION DEVASTATING

The SPEAKER pro tempore. Under previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, yesterday I reported to the House that a dozen national environmental organizations have testified that channelization of our Nation's streams is causing severe environmental damage. On Wednesday I reported that State fish and game agencies are also gravely concerned about the detrimental environmental consequences of stream channelization.

Both the environmental organizations and the State agencies recommended that stream channelization programs of the Department of Agriculture be halted for 1 year pending review and study of the effects of channelization and the development of alternatives to channelization.

These organizations and State agencies contend that channelization works cause increased flooding downstream from the project area, add sedimentation and pollutants to the waterways, lower the ground-water tables, and are very detrimental to fish and wildlife and to the ecology of bottomlands. They offered substantial evidence that channelization has accelerated the drainage of many thousands of acres of valuable timberlands, marshes, and important wildlife habitat.

They also contend that the Soil Conservation Service has given little attention to these adverse environmental effects. A review of 24 recent SCS environmental impact statements indicates that they may be right.

In at least one case, where 26 miles of channelization will take place, the SCS concludes in a brief three-page statement that "no adverse effects on man's environment are anticipated." The view and comments of other agencies were not even solicited, as required by the National Environmental Policy Act.

The Council on Environmental Quality, in a letter of December 14, 1970, to the Department of Agriculture, said that it had reviewed "32 statements" of the SCS and concluded that "SCS appears to be going through the motions in their preparation."

Since then SCS has made some revisions in their procedures for preparing statements, but the SCS still gives short shrift to the environmental damages caused by the projects and to alternative approaches.

A June 1970, report by the Atlanta office of the Fish and Wildlife Service on constructed SCS projects in North Carolina concludes that its recommendations have not been followed by the SCS and the local sponsoring organization. The report also states that—

> In general, the practice of stream channel excavation is contrary to the stated policy of the National Environmental Policy Act.

Mr. Speaker, today I want to bring to the attention of the House the pertinent excerpts of the recent testimony of Assistant Secretary of the Interior Nathaniel P. Reed who was recently appointed to the post of Assistant Secretary by President Nixon. Mr. Reed testified with the complete backing of Secretary Morton, as follows:

Testimony by Nathaniel P. Reed

> In the recent controversey concerning the channelization of the Alcovy River in Georgia, it was learned that the Soil Conservation Service under P.L. 566 has plans for alteration of nearly every watershed in Georgia. Reviewing the status of small watershed projects in the Southeastern States alone, we found that as of August 1, 1969, 1,119 applications for watershed assistance have been received covering 122,620 square miles. Of that number, 638 have been authorized for planning and 428 have been approved for installation. Estimates indicate that projects in just this one program will involve the alteration of over 25,000 miles of stream channels to obtain flood protection and drainage objectives. These alterations will adversely affect from 25,000 to 60,000 acres of stream habitat. A conservative estimate of the wooded wildlife habitat damaged or destroyed by these alterations would be about 120,000 acres and could exceed 300,000 acres.
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> After an inquiry with the field staff in preparation for this statement, we found these trends occurring throughout the Nation. . . .
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> *Stream channelization projects usually entail changing the physical shape of the stream bed and bank, regulating natural stream flow patterns, and impounding or modifying the flood plain. If the emphasis on these practices continues, the ultimate result will be the destruction or serious degradation of valuable and irreplaceable natural resources, including stream fisheries and wildlife in many bottom lands and watercourses.*
>
> *Stream channel alteration under the banner of channel Improvement for navigation, flood reduction, and agricultural drainage is undoubtedly one of the more, if not the most, destructive water development or*

management practices from the viewpoint of renewable natural resources. These alterations are carried out in varying degrees, with a corresponding variation in damages to stream ecology. (*Italics supplied.*)

Stream channel excavation which increases the width and depth and changes alignment of a natural channel is the most damaging of these practices. Following in descending order of their detrimental effects are extensive clearing and snagging with dip out, clearing and snagging, minor snagging, and selectively cleared stream channels and/or floodways.

Channelization or other stream alteration practices destroy the balance of space and associated life supporting elements. *The effects of stream alterations on fish and wildlife is somewhat analogous to the impact of hurricane Camille on the human population along the gulf coast.* After the hurricane (or after stream alteration) the space still remains; however, the elements within the space which support vigorous and thriving populations are no longer immediately available or arranged in a fashion so as to be usable. *Fortunately, man has the capability and desire to rebuild his environment following such a disaster. Fish and wildlife lack this rebuilding potential; therefore, the organisms must evacuate the damaged or destroyed habitat or perish.* (Italics supplied.)

Studies conducted by the North Carolina Wildlife Resources Commission evaluated the effects of channelization on fish populations in eastern North Carolina streams. These studies showed that the production of game fish species was reduced by 90 percent following channelization. They further demonstrated that this loss is a permanent loss because normal maintenance procedures preclude the possibility of recovery of the stream's normal productivity.

A similar but unpublished sample relating to the fish population before and after channelization in Tippah River was obtained by the Mississippi Game and Fish Commission. Before channelization, a population sample was taken which revealed a total standing crop of 877 fish per acre weighing 241 pounds. Another sample obtained following channel excavation disclosed a total standing crop of 1,498 fish per acre weighing only 5 pounds. These comparative data show a 98 percent reduction in the weight of fish per acre with a 69 percent increase in the number of fish per acre. The marked increase in the number of fish may be misleading since 99 percent of these fish were minnows, shiners, and darters with a combined weight of 4.4 pounds.

Damage to fish habitat brought about by man's alteration of stream channels occurs across the United States. We have studies in Montana, Florida, Missouri, and other areas further documenting losses of 80 to 99 percent of stream productivity.

These studies provide shocking and irrefutable evidence of the severe damages to fish habitat and populations in the immediate area of channel alterations. (Italics supplied.)

Additional stream habitat degradation also occurs for some distance downstream from the altered areas. Siltation and turbidity associated with upstream channel alteration and disruption reduces light penetration in downstream waters, particularly during construction and until some reasonable degree of channel stability is achieved. This reduction in light penetration results in reduced photosynthetic activity by aquatic plants which are important links in the food chain. These plants also provide a certain amount of dissolved oxygen which is essential to a healthy aquatic environment. As the suspended particles settle out, they blanket large areas of productive habitat, thus seriously reducing or completely destroying the area's capability to provide the essential elements for fish survival and reproduction. *To me, this phenomenon is the aquatic version of the dust bowl disaster.* (Italics supplied.)

Some channels are constructed for navigation; however, the stated purpose of most channelization proposals is to increase the volume and velocity of flow for flood reduction and/or drainage. *In essence, this is water disposal and not water conservation, which in turn creates instant drought in the channeled area and instant floods in downstream segments.* These modifications can create problems in downstream segments which generate the need for more channel alterations.

The increase in quantity and speed of flow causes waters to carry a much higher silt load into downstream reaches. Under natural conditions, high waters spread out over the seasonally flooded bottom lands and swamps, thus greatly reducing the flow velocity, permitting the settling out of much of the silt load and reducing turbidity. These overflow bottom lands and swamps, which are highly productive of timber and wildlife, are nature's own floodwater-retarding structures. They may also perform other functions, such as recharging ground water storage areas, filtering and purifying surface flows, and controlling eutrophication of downstream waters by removing and utilizing nutrients.

The specific impact of channel alterations on the quantity and quality of bottom-land wildlife and waterfowl populations has not been the subject of intensive study. However, it is clearly evident to anyone who understands the rudiments of biology that habitat disruption and destruction of the magnitude caused by stream channel alterations result in serious losses to waterfowl and other bottom-land wildlife.

Stream channelization results in a direct loss of woodland habitat through right-of-way clearing for equipment access and spoil disposal. Some mitigating of this loss occurs when wildlife plantings are placed on the modified areas.

Channel alteration accelerates the removal of surface waters from swamps and marshes and greatly reduces the frequency and duration of seasonal flooding of other wooded bottom lands. Seasonal and permanent surface water, which are essential factors in maintaining these ecological units, are greatly decreased or eliminated. Loss of this surface water will allow encroachment of undesirable underbrush, inhibit growth and reproduction of desirable vegetation, reduce aquatic and wetland habitat, eliminate swamp refuge or escape areas, and significantly reduce or eliminate waterfowl utilization. Our experience indicates that installation of flood control and drainage channels encourages and accelerates the construction of smaller private drainage projects that further reduce the quantity and quality of wooded bottom-land wildlife habitat.

I think we are kidding ourselves if we do not admit that stream channelization has had a devastating effect upon our nation's waterways. We could spend all day detailing the endless miles of streams slated for additional modification by one agency or another. But that will not solve an admittedly serious problem. *What is needed is a complete rethink and redirection by the men who are designing and constructing the projects.* [Italic supplied.]

Is it possible to protect and enhance our environment while still providing needed flood protection?

While the demand increases for wild and scenic rivers, for fishing, hunting, swimming, and open space, and environmental quality, our supply is rapidly decreasing. The philosophy to date has been that as people move into and develop the river flood plains they demand flood protection, water for domestic and agricultural uses, and navigation to import and export the goods of our consumer-oriented economy and have sacrificed our rivers and streams to accommodate these apparent demands.

Even though we spend millions of dollars each year for ditching, dams and diking of our rivers and streams, the flood damage throughout the Nation continues to rise. Perhaps our philosophy has been misdirected. We have some Federal agencies charged wtih doing a job which involves environmental destruction and others charged to protect the environment, in continuous conflict. A redirection would involve a land use philosophy which by necessity would include flood plain delineation. After the flood plain has been defined, then flood plain zoning practices must be implemented which allow land uses compatible with periodic flood cycles; such land uses in the flood plain would involve fish and wildlife production, open space pasture, parking lots, recreation areas, and other demands for space which can withstand temporary flooding. This redirection of land use practices would not only aid in saving fish and wildlife and environmental quality but should also reduce insurance losses and other losses during flood periods. We realize this will not eliminate the damage but it would reduce the economic losses to our society.

The Department of the Interior definitely feels that there are ways that the environmental quality of the Nation can be protected while still providing needed flood protection. The following suggestions would aid in this endeavor:

1. Allow land owners to reduce their taxable acreage by the amount of land they have in wetland areas as long as it remains in its natural condition. This could include flood plain hydric hammocks and marshes. The fish and wildlife resource values of these areas must be approved by a State or Federal environmental agency prior to their acceptance. Furthermore, a land owner commitment that these lands will remain in their natural condition for at least a 10-year period of time would be necessary.

2. Encourage Congress to pass legislation establishing a green belt of vegetation which must be left along rivers and streams to protect the river ecosystem from erosion, as well as sustaining fish, wildlife, and environmental quality.

3. Zone flood plains so that whatever use is made of the land it should be able to withstand temporary flooding. There are certain land uses which can serve our society and still be compatible with occasional flooding.

4. A complete revision of Public Law 566 to incorporate purchase of lands for fish, wildlife, public access, recreation, environmental quality, and other needs of our modern society.

These recommendations alone, however, will not suffice. Existing uses and commitments in the flood plain zones necessitate some continued project works.

The National Environmental Policy Act of 1970 was a meaningful step towards weeding out the truly environmentally destructive proposals. It has, however, one serious flaw. The act is basically reflective in nature and not designed to function as an effective early warning system for society's decision-makers. Project review is not accomplished until such time as the proposed project design has been, for all practical purposes, decided upon. Our experience to date has been that it is extremely difficult to effect project revision when the project has arrived at the Council on Environmental Quality for final review.

Proper input into the project design from its inception by qualified, knowledgeable professional in the environmental field is essential. Under existing procedures Bureau of Sport Fisheries and Wildlife functions only in an advisory capacity to the other agencies authorized to design and construct stream channelization projects. These agencies are under no compulsion to integrate our recommendations into the project design nor are our objections overriding under existing procedures.

What is clearly called for is a reallccation of agency priorities. The Department of the Interior and the Environmental Protection Agency should be given a much stronger and more meaningful voice in the development of project design.

It is time that the Congress gave the environmental agencies the leadership role in determining project design. Make us a leader rather than a frustrated follower. A large portion of the morale problem within my Department is the result of rarely being listened to when we offer relevant recommendations to other agencies on this problem. It is discouraging for our biologists and field personnel to stand by helplessly and watch the wetlands resource succumb to the dredge bit or dragline bucket with little or no regard for the natural system.

And now to the third question I posed in my opening remarks . . . Should some sort of moratorium be placed on stream channelization activities at the present time?

In answering this question I must first tell you quite frankly that it has been the observation of the majority of our personnel that those agencies engaged in stream channelization activities are still largely paying nothing more than lip service to earnest environmental protection. We have yet to detect any substantive departure from the practices of yesteryear by these aegncies, and I believe the record will clearly support these conclusions.

In view of our continuing problems in this vital area, it is my belief that the following items should be given careful consideration as means to further protect these rapidly vanishing wetland systems:

1. A complete review of all river and stream channelization projects should be initiated by the Council on Environmental Quality working in cooperation with the Department of the Interior and the Environmental Protection Agency. This review should be directed to the possible need for project redesign or project deauthorization. If the supporting agencies fail to take this review seriously and if nothing more than lip service is paid to redesigning these projects then I would welcome the opportunity to reappear before this Committee to discuss the imposition of a complete moratorium on all such projects until these reviews and necessary project revisions have been completed.

Mr. Speaker, the foregoing comments of Mr. Reed dramatically demonstrate that channelization often has severe adverse environmental effects. During the subsequent colloquy, I asked Mr. Reed to tell us whether or not he supported the recommendations of the dozen environmental organizations and others that the moratorium which SCS has imposed earlier this year be continued through fiscal year 1972. Our colloquy follows:

Mr. Reuss. At our hearings last month, at which 12 of the major environmental organizations of the country were present, they all without exception agreed that in view of the environmental damage caused by the stream channelization projects of the Soil Conservation Service, that the current self-imposed moratorium on continued channelization work of the Soil Conservation Service should be continued throughout the next fiscal year, starting on July 1, in the appropriations act, which of course would permit it to be revived under supplemental appropriations legislation at such time as the environmental procedural questions had been worked out so that we are no longer in this lip service situation that we have been in. Would you agree with the positions of those organizations?

Mr. Reed. I was unaware of their stand, sir.

Yes, I would support that. Unless real consideration is given, with a fresh start on estimation of many of the environmental projects—not many, all of these projects—I think it is inconceivable, with all the interest in the Congress and in the United States as a whole, we would go ahead under the same old ballgame as we have been doing all these years. We know what the track record is. The bear tracks all come right back and are easily followed. And yet we do not seem to be able to attract anybody's attention at the planning agencies before they initiate these projects.

HON. HUBERT HUMPHREY ADDRESSES SPACE SEMINAR OF THE HUGH O'BRIAN YOUTH FOUNDATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. Teague) is recognized for 20 minutes.

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the Record, I include the text of an address which the Honorable Hubert Humphrey, U.S. Senator from Minnesota, delivered to approximately 70 high-school-age boys concerning the merits and benefits of our space program:

Talk by Senator Hubert H. Humphrey to NASA-Hugh O'Brian Seminar, Launch Control Center, June 14, 1971

Thank you. Thank you, very much. It's a great pleasure to be introduced by a famous actor and a man of the stage and screen like Hugh O'Brian. I always felt, myself, that I should have been in the movies but, somehow or another, I never made it. I want to compliment Hugh on the Hugh O'Brian Foundation For Youth and compliment him particularly because of what I see ahead of me here right out in front, you young men. And I want to thank the National Association of Student Councils, the Principals, the NASA organization and others who have made this Space Seminar possible.

I'm going to get right down to the nitty gritty of what I've got to say to you and then, I understand, we might have a little question period and I'll, hopefully, come up with at least some attempts at answers.

I think the first question that comes to mind whenever you think of a program such as the Space Program and think of the times in which we live and the problems which our country faces, which you are well aware of, the needs of our poor, the needs of all the people in this country in health and education, I think we have to ask ourselves, 'Why do we spend money on Space?'.

I just left Philadelphia this morning. Hugh and the group picked me up at Philadelphia after I had addressed the United States Conference of Mayors. I've been the Mayor of a great city, the city of Minneapolis, Minnesota, I've been a United States Senator during very difficult periods of American life. I've been the Vice President of the United States and I even thought I'd like to move into a place where they gave you free rent over at 1600 Pennsylvania Avenue. But I missed that by a little bit. It was sort of a space shot that went off target. So, I came back to the launching platform or, back to Earth called the United States Senate.

I would like to visit with you on why I think this program's worthwhile. Let me say, first of all, that I've been a man that spent most of my life trying to figure out how we could help people who needed help. How we could get housing for people of low income and moderate income; how we could get Federal aid to education; how we could get more money for our parks and playgrounds for a Youth Employment Program. I was chairman, for four years, of the Youth Opportunity Program. I came into political life fighting the battle of Civil Rights, trying to open up opportunity for people of all walks of life, of every race, creed and nationality. Because I happen to believe that this country of ours is the greatest experiment of all. It's greater than any space experiment. The United States of America, an experiment as to whether or not people such as in this room, and I look here and see every race, creed and nationality, whether we as a people can live together in peace and harmony and progress. Let me tell you that it's never been done before.

Just like the first landing on the Moon; never been done before. Never in the history of the world have the people of such variety as we have in this country ever been able to live in freedom and peace, in all of recorded history. Now, you say, "I can't believe that. People live in peace in Sweden." Yes, but they're all Swedes, with few exceptions. There may be a Finlander or two in there. There's a fellow here from Duluth. We've got a lot of Finlanders up there around Duluth. People in Norway live in peace but they're all Norwegians. People in Japan live in peace but they're most all Japanese. This is a heterogenous, to use a big word, pluralistic society from every race, creed and nationality, every culture and I want to repeat to you as a teacher, not as a politician, I just spent two years in the classroom at the university as a teacher and I've spent a lot of other years teaching, my work is in the field of History and Political Science, no country in all of recorded history has ever been able to do what's happening in this room right now, to have a white man and a black man or a brown man and a red man and a yellow man sitting alongside of each other in peace and harmony. It's never been done. And we're not quite sure that we're going to make it. That's the question before the house. Can we make it? Can we resolve our problems out of reason rather than out of force? Can we think through things rather than fighting them through? Can we preserve institutions of representative government where we make selections through elections rather than through connivery, conspiracy, slaughter and brute force? If we can we'll be the first. We've come a long ways. You've seen that ad they have on the television of the Virginia Slims. That was for the girls. We've come a long ways, girls. Well, we've come a long ways, fellows. We've come a long ways in this country but we haven't arrived at our destination. We're still exploring. So that's the big question before the country. All the other questions are on the periphery. They're all related somewhat.

One of the reasons that I have been active in the Space Program is because I believe that this program did something for all the things I thought were important in life. First of all, I think everybody ought to have a challenge. I think everybody ought to explore. And I think everybody ought to dare. And space requires all of that. Space exploration. Of course, so do other things. You don't have to be out in outer space to explore. After all, Columbus explored and he was just on the ocean. We've had other explorers who went over the hills and over the mountains. And you can explore in a thousand and one fields from education to athletics. But there is a great challenge here. But, more importantly, I think the Space

Program relates directly to what you and I are interested in.

For example, most of you in this room have taken a keen interest in what we call Ecology. Do you realize that word had almost been lost to the English language up until the last six or seven years? I venture to say that if you go to the library and ask the librarian to take a look back to six years ago and see how many times the word Ecology appeared in the metropolitan press that it would not have appeared once in a thousand editions. Six years ago. Ten years ago, practically unheard of except amongst the professors, the academics. Now, it's in every article, practically. We talk Ecology, environment. When do you think we made the great breakthrough in discovery about environment? When a man got in a space capsule and got up there in space and looked down and saw this Earth of ours and said, "It's blanketed in smog and filth and dirt." The Space Program was the pioneer in beginning to make the discovery in environmental control. And it's only beginning. One thing the Space Program has done is to prove that you can live in a pure environment. The men who live in a space capsule have to live in a pure environment. It's also proven to us that there's a relationship between the living space that we have and the number of people that can be there. It's also proven to us that you can have clean water and clean air. And it's proven to us that you can work together. So the Space Program has given us some rather practical examples.

The computer, they say, has revolutionized American industry. And, not only industry, but education. It's just in its infancy. And the computer is a direct by-product of the Space Program. It has tremendously increased the technical capabilities of modern industry and science. The telecommunications industry and, by the way ten years, fifteen years from now this same group, or a group like yours will be able to have a telecommunications lecture out of a space satellite that will have its own power station included within it and be able to bring you lectures on television from every country, practically, in the world. They say that it's fifteen years from a successful experiment in a laboratory to a practical application in what we call the real world. It is now possible, by laboratory, to lecture. We know, we watched the Olympics broadcast on the space satellite, communication satellite. But now, what I'm talking to you about is a man in Tokyo at the University of Tokyo giving you a lectur on Japanese Government and there's an instantaneous translation of that lecture into your classroom by mechanical translation, not by the human voice. Mechanically. It's on its way. Where you will be able to get the best minds of the world. Not that you have to hire them to bring them to your classroom but you plug in and turn the dial and turn on the switch, turn on the closed circuit television and there he is speaking in Russian or Japanese or Hindii, whatever it may be and instantaneous translation into your language to explain to you what his message is. The Space Program is making this possible. Not only ours but the Russians' and space research all over the world. This is in the offing for us.

One other part of the Space Program that often goes unnoticed is what it does for health. We've learned more about the stress and strain and tension and what the human body can take and how it reacts to weightlessness, for example, to different strains and pressures under the space program of Space Medicine, it's called, than ever before in medical history. This means lives saved. It surely means a great deal in the kind of a life we lead today, a very busy, urbanized life.

The Space Program is going to do something else that's quite interesting for us and it's right now doing it. For example, we have what we call an Earth Resources Satellite. I imagine that somebody may have told you about it. This is one of the interests that I had when I was Chairman of the Space Council. Our Earth Resources Satellite is able to discover, a satellite in outer space taking pictures of the Earth or using different kinds of science and technology that we have, the ultra-violet ray and so on, able to detect plant disease. Able to detect underground rivers. Able to detect underground lakes. Able to detect underground oil deposits. It used to be said that the fisherman went to sea and cast his nets in the hope of catching fish. Today, an Earth Resources Satellite detects where the fish are and the boats go on out to where the fish are. The Earth Resources Satellite has unlimited possibilities. Unlimited possibilities. The largest gold mine in the United States was discovered at Carlsbad, Nevada, by an Earth Resources Satellite. However, this one was attached to a high altitude plane like a U-2. You used to see the picture of the fellow with his little donkey and his pickax and his shovel and the guy's out there chopping away into the side of a mountain and hoping he's going to find gold or silver. The largest gold mine in the United States of America was discovered without a fellow using a pick or an ax or a donkey. He had an Earth Resources Satellite to pierce down through the Earth and it said, "There's gold." This is just a beginning. And this is in its infancy. I'm only trying to show you that these are experiments. But, they're beginning now to produce results.

The weather satellite, Project Nimbus. Project Nimbus has, alone, saved more money in property than the total cost of the Space Program. So when people talk about the cost of the Space Program, the best investment—if we'd never done anything, forget Walter Cunningham over here in Apollo 7, forget the boys in all the other Apollo flights and the Gemini flights, just say that's the dramatics of it. I don't happen to think it is but if you want to be cynical just say that that was just to keep the people interested—the weather satellite has saved lives by the thousands by advanced warning and it has saved billions of dollars in property. And, actually, the cost of the Space Program could well have been paid for by the savings that have been made by this one breakthrough. And, needless to say, the communication satellite has literally revolutionized communication. And you and I know as we talk we're all the time saying 'Well, we've got to learn how to communicate'. Well, not only do we have to learn how to communicate but we've got to learn as Americans to learn how to communicate with Russians and with Chinese and with Indians and with Japanese and so on and with Nigerians. And the space communications satellite has made it not only possible for us not only to communicate the voice but the picture and to communicate the active body to make things come alive. The weather satellite, now here's the one that means more to me than anything else. I think this generation of young Americans wants to live in peace. The greatest single threat to peace is the Arms Race. And, of course, the Space Program has made possible a great development of what we call the great boosters like the Saturn. And the Russians have their boosters. And it's on these boosters that we put the nuclear warhead. And the nuclear warhead of the megaton of the ten megaton like the Soviet SS 9 or our Minuteman, this is all part of the development of the military aspects of the Space Program. And, on that basis, somebody could say it's a killer. If we'd never had it we'd been better off. But the interesting thing is that the same program that produced the booster, that made possible putting an Intercontinental Ballistic Missile from one country to another, that that same Space Program produced what we call Project Vela.

Project Vela makes it possible for us to detect testing of nuclear weapons by the Soviet Union or any other country. Our space reconnaissance satellites that take millions of pictures—and I have seen them and I don't think it's any breach of security to tell you that I have seen pictures taken in the Soviet Union years ago when we thought the Soviet Union did not have Polaris submarines. And I saw the shipyards in which the Soviet Polaris submarines were being built. And the picture was so accurate that we could tell how many tubes the submarines had. And that reconnaissance satellite was hundreds of miles in outer space. I've seen reconnaissance satellite pictures that were so accurate that you could read the license plate on jeeps in foreign countries. Reconnaissance satellite pictures of the areas in China where they had their space stations and where they tested their nuclear weapons. I submit that the Space Program has possibly done more to give us what we call some protection for peace than anything. For example, frequently when we try to negotiate as we are today with the Russians a treaty on the banning the ABM, anti-ballistic missile, or slowing down the arms race, we call it the Strategic Arms Limitations Talks, right away somebody comes and says 'How can you trust those Russians?'. Well, they think, 'How can they trust us?' But, let's take our argument, how can you trust the Russians? We don't need to trust them. That's old fashioned in international diplomacy. We have built an alternative to trust. And that alternative to trust is a satellite system, a space system of monitoring. We can take pictures. We can take testings. We can not only take pictures, for example, of space installations and of military installations, but we have a system where we can not only tell what they have tested or when they have tested but what they have tested, how big they have tested it, how big it is and of its chemical composition. Not bad. It's all come out of this program. So I submit that possibly one of the greatest efforts for world peace has come right out of the science and technology of space research.

I think I saw an example of what this Space Program means. You maybe noted of late that the Russians have been much more cooperative with the United States. I don't want to attribute this to any one thing. I've spent twenty some years studying Soviet policy. It was one of my courses of study when I was a professor. I helped negotiate the Nuclear Test Ban Treaty. I went to Moscow when it was signed. I have the pen that President Kennedy used to sign the treaty and he gave it to me and when he did he said, "I give you this pen, Hubert, because it's your treaty." I've spent more time with Russian leaders than any living American. That's a bold statement but it's a fact. With Mr. Khrushchev, with Mr. Mikoyan, with Mr. Kosygin—these are people that I have gotten to know. I've been with their great news agencies, the Pravda and the Izvestia and the Tass. And when the space shot with Neil Armstrong, our Moon shot took place, I timed a visit to the Soviet Union to be in Moscow on the day that that space launch took place from this very Center. And I was in the offices of Pravda and Izvestia, one the Communist paper and the other the official state paper, daily newspapers, and a dispatch came through from Reuters, the English news service, noting that the launch had been successful, and I had said to the editors of Pravda, "Why don't you run this as a headline?" There was nothing in their paper that indicated that our launch had taken place And when I went to Izvestia the same afternoon I said, "Look, the launch has taken place and I see nothing in your headlines in your papers." I'm happy to tell you that they were somewhat embarassed and the next morning, at the National Hotel, under my door was a copy of Pravda and Izvestia with front page stories saying that there had been a successful launch. I waited in Moscow those days until our boys had completed their exercise and their great trip to the Moon and when Neil Armstrong touched down that Sunday night, it was Sunday night when I was in Moscow, I don't know what the night was here, the only information that I was able to get was out of the Voice of America through the United States Embassy because the Russians had blacked out. They were one of the few countries that did not have live television of that great space shot and of that great dramatic moment. I think it was the Soviet Union, China, and Albania, I believe, two or three countries that refused to cover it live. In Poland and East Germany and Czechoslovakia and in Rumania and in Yugoslavia there were great screens on the street and people were watching it. It was a tremendous thing across the world. But, in Russia, they were playing it down. You may recall they had an unmanned space vehicle that they were trying to get on the Moon at the same time. It went afoul. It didn't work. I'm sure that they were trying to prove to us that they could get there first even if it was without men.

I was in my hotel room at the National Hotel that Sunday night with an open telephone to our embassy reporting back to the hundreds of people that had gathered in our suite from all over the world, giving them a blow by blow account as Neil Armstrong walked down that ladder and put his foot on the Moon's surface. And a great cheer went up from these people. The next morning, I had an appointment with Kosygin, the Chairman of the Council of Ministers of the Soviet Union at 10:00 in the Kremlin. There had been no notice on the Soviet television or radio as to the success of that Moon shot. And when I arrived at the Kremlin that morning, of course by then the Soviet Union had to acknowledge it and there had been in the morning broadcast, before the arrival at 10:00 an announcement that the Moon shot had been a success without any details. When I arrived at the Kremlin and had my better than three hour visit with Mr. Kosygin, he complimented the United States of America, he complimented our astronauts, he complimented our Space Program and he asked me to convey to our astronauts, through the Houston Space Center, the congratulations of the people of the Soviet Union, which I did. I brought that through our ambassador and it was communicated directly to the men on the Moon and in the space shot and the Kremlin.

Now, why do I tell you that? Because I think that one thing did something great for the world. The Russians, remember, were in competition with us. They said they were going to get there first. They didn't believe that we had the stick-to-itiveness because we're a kind of a jump-around people. We start something and we're not sure if we want to finish it. We get all hot and bothered and then we cool off. And they were pouring in vast resources into their Space Program, tremendous resources, under great secrecy. And, you may recall when President Kennedy said in 1961 that we would put a man on the Moon and bring him back safely to Earth within the decade of the '60s. Most people believed that we weren't going to be able to do it. And we did it ahead of schedule at less than we had contemplated in cost. And what did this mean to the Russians? Because the Russians understand power. The Russians understand, the Communists, the Soviets, understand organization. They understand science and technology. They pour billions of dollars into it and they're good. Don't misunderstand me. And the Russians understand the meaning of all of this. When we were able to succeed they said, and it went through their mind like through a computer, they said, "They did it. They mobilized the resources, the manpower, the plan, they had a commitment, they stuck to it and they succeeded". Which was just a simple way of telling the Russians that if these Americans make up their mind to do something, they may do it. And, they can do it. It told them something about our management, about our labor skills. It told them something about our resource ability. And it told them something about the dimensions of power. And, from that day on, the relationships with the Soviet Union have been decidedly better, all for the future hope of mankind. Because the peace of the world in your lifetime and in the balance of mine depends in a large measure on how we get along with the Russians. Not that we give in to them. But that we're able to find areas that are mutually beneficial where we can come to some arrangement. Because this man speaking to you, serving on the National Security Council, as I did, can tell you that we have enough atomic power in any one of our sections of our nuclear weaponry, to destroy the whole of mankind. The Russians and ourselves are capable of total destruction. They can destroy us and we can destroy them. And we can take a small fraction of what we have in nuclear weapons today and destroy over 35% of the entire population of the Soviet Union. They can do exactly the same to us so don't start puffing up. Neither one of us can win it. In other words, it is what we call a balance of terror, mutual deterrence. The Soviets understand it and we understand it. And what they understood more out of the Space Program than anything else was that we knew how to organize, to mobilize, to make a commitment and to follow through. And from that day on we've had a better relationship. And I predict that if we stick with it that you're going to have a chance to live in peace because, despite all the tragedies of the present war and pray God that's over promptly and I mean promptly, the great threat is between the Soviet Union and the United States. And, in the days ahead, it could be between mainland China. But, thank goodness, we're now beginning to act civilized about that and beginning to open up contacts.

I'll just leave you with one little suggestion. I remember when Apollo 13 got into trouble. You know, we're all so proud of this wonderful program. It's been a kind of an excitement for us at a time when there's been so many troubles, so many mistakes and so many decisions that didn't seem to come out right, it was kind of good just to have one or two that seemed to work. It was a great uplift just out of the success of space programs and particularly of the manned flights. Well, when Jim Lovell and Jack Swigert and Fred Haise took off in Apollo 13, I remember they said it was a perfect launch. Just perfect. And everything was going great. And then, one noon, as I recall, I think it was sometime in the mid-day, there was a flash that something had gone wrong. And a terrible feeling came over America. And what was that feeling? That these fellows might never get back. Oh, we'd always felt that that might happen. But we never quite believed it. We never wanted to believe it. We'd had another tragedy in the Space Program and that was when, in one of the tests down here, on the ground there had been a terrible explosion and you may recall it. White, Grissom and Chaffee, two of them I knew very well, perished in that unbelievably tragic explosion. But it appeared that it was going to happen again. And then what happened? Then the whole resources of this program came into being. And I use this as an example for you. It's like our Earth. Our Earth is our satellite. You're on a space satellite now, called Earth. That's why you're space men. We're all space children. We're a part of the Solar System. We're a part of a big family. And if there was no other reason to have the program than to know the rest of the family called the Solar System, we ought to have it. We ought to learn more about the Sun. We ought to learn more about the effect of other planets on our lives. Obviously, it has some effect. People have known for a long time that Sun Spots had some effect on our psychic reactions, upon plant life, upon weather. We know so little. We have just scratched the surface.

Well, Apollo 13 was, again, another part of the Earth's great study of our Solar System. And it went wrong. And there was all across this land a feeling that these men would never come back. Horrendous stories were told. They'll burn out in space. What will be their last words? Who will be the last one to communicate? And we worried about their families. The uncertainty of it all. But, yet, almost the certainty that they'd never made it. And then, they made it. And I'll tell you why. And it relates to our kind of thing. They made it because, first of all, they had confidence in themselves and they had confidence because they were trained and equipped. They had confidence in the equipment even though much of it had failed them. They also took a little look to the past and learned from that because there was a man on the ground at Houston who was talking to the boys up there that was one of the other astronauts who was giving them the benefit of his earlier experiences from 7, 8, 11 and other flights. And they were doing everything that they could as a team to bring this space satellite back to Earth. Now, young friends, it's like our space satellite. I've heard a lot of young people say that the system is no good, speaking of our social-political system. Sure, it's got a lot of mistakes. And so they say the thing to do is to blow it up. Well, that isn't what the astronauts did and, let me tell you, their system was in trouble. They were in serious trouble. They were losing their power. They were losing their control, for a period of time, of the very mechanism in which the safety of their lives depended. But Jim Lovell didn't say, "Why those lousy engineers down there that put this confounded contraption together, we ought to go after them and when we get back we'll murder them." He didn't say that. The first thing he said is, "Look, fellows, we're in a fix. Let's see if we can all do our part. Let's not consume too much of our consumables. There's only so much water here." There's only so much here on this Earth, too. "There's only so much fresh air." There's only so much here. Let's not pollute it. "There's only so much power, we've got to conserve it." And we sometimes are in the same condition here. So, here was their world. There were only three men in that world out there called Apollo 13. And there are three billion on our Apollo called Earth. But the three out there decided that they were going to work together. They said we all have something to contribute. They weren't of the same religion or of the same race. Or the same background. But they said, "Look, we can pull together." And they said, "Not only that, we have only so much to deal with, let's conserve it." If they'd have had five men abroad they wouldn't have made it. So there is such a thing as overpopulation. There was enough for three. And they had something else. They didn't say, "Oh, we don't care what the rest of the people have done in the past," as I have heard some young friends say. They say, "What do we care about the yesterdays? It's unimportant." Oh, no. They called back to Houston and they said, "Say, we're in some trouble up here. Did you ever have anything like this go wrong before?" Whoever was down at Houston, they were communicating past experiences. The former astronauts who had been up on these Moon flights said, "Here's the way it worked with us. Try this, try that. Here's our experience." They drew from experience and then they drew from their own sense and their own knowledge. And they put together what they knew, what others had tried and what they'd experienced and to make a long story, which could have been a tragic story, short they were able to bring it back to Earth safely.

And out of that we've learned a great deal. We've made a better machine. I'm only saying to you, young friends, that out of the mistakes we've made, out of misjudgements, out of the pollution of the atmosphere which we have created, out of wars which we've been involved in, out of social blunders which we've had, such as racism in this country, we're learning if we don't decide to destroy the machine. If we just simply say, "Look, it's all we've got." It's just this Earth satellite. That's the only one we have. You can't stop the world and get off, fellows. You really can't. There isn't enough room to even get on one of these other satellites. Very few of you are going to make it. You ought to stick with it here.

So I think there are some great lessons in the Space Program. That's why I wanted to come here today. When Hugh asked me if I'd come down I said I would. Because I think this is the age that belongs to you. It's the age, the say, of Aquarius. But it's the age of Space. Exploration. Now, take this same exploratory feeling you have into a thousand and one other areas of life. Can we build more and better homes that people can live in? Can we make neighborhoods safe? Can we make cities livable? Can we stop polluting the waters and the air that we're breathing? Can we learn how to live in a community of nations? Are we going to learn more about the entire Universe? Because the Universe has untold secrets and the Solar System has secrets that we need to know. If I were a young man today of your age I would want to spend some time learning about the Sun. Learning about the planets. Because I'm just as convinced that your generation is going to have to know about the Sun as the generation of Christopher Columbus had to know about the new world. I think we're going to have to learn a great deal about the effects of a neighborhood that's bigger than our town or our state or even our world. The neighborhood of the Cosmos. And that's your world now. New frontiers.

So that's my little message to you. And, gee, what a time to be alive. I envy you. But I don't want you to think I'm resigning. I told somebody the other day that I was starting to take Geritol. I want to live to the year 2000. I want to see Number One, whether you're going to repair all of the damage that you think your parents have made. I want to see whether you're as smart as we think you are. Because, you see, I've got a big stake in you. After all, you're going to be responsible for my Medicare and my Social Security and I've got to make sure that you're going to do a good job. But more importantly, I want to see what's going to happen in this world in the next thirty years. Imagine. Look what's happened in the last ten. Look what's happened in the last twenty. In fact, in the last twenty years, television. That's all. There were no political conventions televised until the convention of 1952. Even Bonanza wasn't on. It's all happened in your lifetime. Now, what do you think is going to happen in the next twenty-five to thirty years? I don't know but I'm sure going to do everything I can to find out. In the meantime, I'll turn it over to you. Thank you, very much.

AIRBORNE RUSSIAN ROULETTE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, 13 years ago a United Airlines passenger plane collided with an Air Force F–100, and 47 passengers were killed.

One month after that, on May 20, 1958, an Air Force T–33 collided with a Capitol Airlines Viscount, killing 11 passengers and one of the occupants of the T–33.

The Nation was shocked. It seemed that military aircraft and airliners were falling out of the sky everywhere, and for one shocking reason: The pilots could not see and avoid each other. Airplanes had become so fast that it was no longer possible for pilots to be expected to see each other, even in clear weather, soon enough to avoid collisions.

The Nation demanded answers. The answer, we were told, was to integrate military and civilian traffic control so that all airplanes in the air over a given place would be controlled by a single ground traffic director. Congress was told in July 1958, that arrangements would be made to exchange information between the military and civilian traffic control systems, so that collisions could be avoided.

Despite the promises, however, airborne Russian roulette is still very much with us. Only a few days ago a DC–9 of Air West collided with a Marine F–4 Phantom, and 49 passengers were killed, plus the pilot of the Phantom. It was almost a carbon copy of the accident 13 years ago at Las Vegas, right down to the number of people killed.

The truth is, Mr. Speaker, that mid-air collisions are a very real danger today. Air traffic control is still a very uncertain thing. There are reasons for this, and I think Congress ought to be aware of the dangers, and why they exist.

In the first place, the FAA has never really integrated military and civilian air traffic control. In the tragic crash a few days ago, the FAA claims that its radars did not see the planes, because of interference from nearby mountains. The truth is that the Marine plane was on visual flight rules and not really under positive ground control. This should not have happened, and would not have happened if the FAA controlled traffic in the way that it assured us a dozen years ago that it would and could.

But of course collisions are possible between any two planes, regardless of whether they are military or civilian. Collisions do happen, and all too often the cause is failure in the air traffic control system.

In the most recent case, out in California, we are told that the traffic control radars had interference from mountains, and so failed to locate the aircraft that collided. In other cases we have been told that the radars were obscured by weather returns, or some other odd factor. The truth is that the system is simply not adequate.

The air route traffic control system is superimposed on an old system that relied on people simply seeing each other and thus avoiding collision. In fact, they called it "see and avoid." That worked well enough when airplanes traveled slowly, but today you have closing rates approaching a thousand miles an hour. Today's planes, traveling headon, are a speck on the windshield at one instant, and are on each other the next; avoidance is just not possible at such high rates of speed. Therefore you have to have positive control from the ground. That is why we have the air route traffic control system.

This system, however, being superimposed on the old "see and avoid" system is in fact no system at all. The equipment available is all too often outmoded and under-maintained. That is why we hear such frequent pleas about planes never being seen on the radars that are supposed to control them.

Moreover, the network is overloaded. Controllers are asked to undertake impossible workloads, and mistakes do happen. Not long ago two controllers standing side by side guided a light plane and a helicopter into collision. The reason was that the local system was illogically arranged. Procedures have since been changed, but who knows how many other places there may be where controllers standing side by side may be responsible for the same airspace, neither knowing what the other is controlling? This may be what happens in all too many collisions.

Sometimes the equipment is faulty, sometimes the procedures are inadequate or just plain wrong, and other times controllers are overworked, and every time this happens—or any one of these things happen—there is potential for disaster.

But there is more to this airborne Russian roulette than merely antiquated equipment or wrong procedures or human frailities. Sometimes the equipment just is not there, as happened at Hartford only a few days ago, when 28 people lost their lives in the crash of an Allegheny airliner attempting to land in fog.

Hartford was known as one of the worst airports in the country for various reasons, but one of those was that Hartford had inadequate instrument landing equipment. FAA never attempted to restrict flying there on that account, so as to force local officials to solve the problem, as far as I know. So Allegheny lost another plane, and 28 people are dead, because the equipment that should have been there was not.

The same could be said of Huntington, W. Va., location of another recent tragedy. The equipment needed for landing by instruments was not adequate. Pilots identified Huntington as one of the 10 worst airports in the country, just as they had Hartford. And just as at Hartford the almost inevitable happened—bad weather, inadequate instruments, and a shortfall. Many were killed.

Why is the equipment not there? Why is it antiquated? Why are there all these faults?

It could be that the FAA has never pressed its own case, because it is afraid to confess its own weaknesses and failings. Maybe they do not want to frighten the public.

On the other hand it is possible that the FAA has been more interested in political fences than in air safety.

Not many years ago the FAA decided that San Antonio would be a good place for a major air traffic control facility. They brought in the latest equipment, brought in highly trained people, and opened up a specially constructed, brand new facility. Then a couple of years later they closed it down and moved it to Houston. There were political reasons for this, which no longer exist, but at the time it was a smart move, despite the millions of wasted dollars involved.

The argument went that San Antonio traffic would be handled just as efficiently from Houston as from the just-abandoned San Antonio facility. Incidentially they had to build a new facility at Houston to replace the one abandoned at San Antonio, which was also new. But they never could explain to me why the reverse was not the case—why one could not handle Houston traffic from San Antonio.

Politics aside, this move endangered air safety.

San Antonio is a very complex city, in terms of its air traffic. Within a radius of a few miles we have a heavily used military logistics base, a major civilian airport and a military pilot training facility. The air over San Antonio is filled with dense traffic from these sources as well as from assorted private airfields in the area. This is a much more complex, complicated and concentrated picture than you find at Houston, or Dallas or other area cities for that matter. Experts tell me that the original FAA decision to locate its traffic control center at San Antonio was indeed correct, and that abandoning San Antonio created a dangerous situation. I believe that he was right. I do my share of flying, and I have been in the uncomfortable and frightening situation of a near miss.

In essense, we have a traffic control system that is not integrated fully even today, so that we have accidents today that are identical to accidents that we were having 13 years ago.

We have a system that is burdened with antique, inadequate equipment.

We have a system that in many places lacks essential equipment altogether.

We have a system that utilizes vastly overburdened personnel, sometimes under impossible procedures and impossible workloads.

We have a system that fears to make its defects and needs known, for fear of driving away business.

We have a system that does not recognize its own needs, but deals in political bargains, even at the expense of air traffic safety.

Promises were made a long time ago, but airborne Russian roulette is still with us.

MAGAZINE PUBLISHERS MOVE TO IMPROVE SUBSCRIPTION SERVICE, EXPAND OPEN SUBSCRIPTION DATING ON MAGAZINE MAILING LABELS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 30 minutes.

Mr. **ROONEY** of Pennsylvania. Mr. Speaker, I am pleased to call the attention of my colleagues to a breakthrough in timely and accurate servicing of magazine subscriptions.

In conjunction with a two-and-a-half-year investigation of magazine subscription sales methods which I have been conducting, I urged the Magazine Publishers Association in October of 1969 to initiate "open dating" of subscription expiration dates on magazine mailing labels.

At that time—October of 1969—although virtually all periodicals included subscription expiration dates in the jumble of numbers and letters which commonly appear above the subscriber's name and address on a magazine mailing label, the great majority of periodicals printed the date in some code which the average subscriber could not decode.

Thus, librarians and individual subscribers often were at a loss to know if subscriptions they purchased actually were entered for the proper period of time. And because of widespread selling abuses by subscription sales agency personnel my investigation of magazine selling practices had documented, it was readily apparent that numerous subscribers were being shortchanged on magazine service—that is, they were receiving fewer issues of magazines than they had paid for. Frequently, when a long-term subscription expired prematurely several years after it was purchased by a consumer, the consumer was no longer able to produce documentation to show conclusively that he was short changed. In many other instances, my investigation revealed, the subscriber never discovered that an unscrupulous magazine salesman had entered the subscriptions for shorter periods of time than the subscriber's contract called for, and than he had paid for.

For these reasons, in a letter dated October 29, 1969, I urged the Magazine Publishers Association to take voluntary action to initiate open subscription dating. During the intervening period, my office had a series of contacts with MPA about this matter and I am pleased to report that I was notified this week that MPA has established voluntary "Guidelines for Magazine Subscription Fulfillment and Service Practices" which consists of a series of recommended procedures which, if widely implemented by industry members, has the potential to achieve a commendable goal of "Truth in Subscription Selling." Already, one-third of the MPA members have adopted the guidelines.

Having been critical of MPA in the past for what I felt was a failure or reluctance to deal with abuses occurring in the marketing of periodicals published by MPA members, I want now to commend MPA for devising a set of guidelines which go to the heart of many of the industry's service problems.

The guidelines provide, for example, that—

Subscription service for weekly or biweekly publications be initiated within 25 days after receipt of the order by the publisher.

Subscription service for monthly or less frequently issued publications be initiated within 45 days after receipt of the order by the publisher.

When the publisher cannot meet the deadlines to start service, a written notice of the delay advising of the expected starting date of service be sent to the subscriber.

Recipients of gift subscriptions be sent timely written notice identifying the donor, unless the donor has given specific instructions to the contrary.

Subscribers be notified in writing in the event service has been, or will be, interrupted by the publisher for any reason, and that the notice include information as to steps taken to insure the subscriber will receive the full number of issues to which he is entitled.

Mailing address labels will include the subscription expiration date in a manner that will be easily identified and readily understood by the subscriber.

A change of address form or adequate instruction for the subscriber to effect such change be provided periodically in the magazine.

The publisher will process address changes promptly and make all reasonable effort to maintain continuous service.

The publisher will make all reasonable effort to answer consumer complaints and inquiries within 15 days of their receipt.

Still other aspects of subscription servicing are given attention in the guidelines, a copy of which I will ask to be included in the RECORD with my remarks.

Certainly, if the MPA member publishers will voluntarily adopt these guidelines and make an honest and forceful effort to comply with the proposed time limits for service starts and for responses to consumer complaints and inquiries, the magazine industry will have taken a tremendous stride to restore consumer confidence.

I also am pleased to acknowledge and ask to be incorporated in the CONGRESSIONAL RECORD the results of a survey of subscription dating policies of periodical publishers initiated by MPA's Central Registry of Magazine Subscription Solicitors in response to my request for voluntary open subscription dating on magazine mailing labels. This report identifies some 250 periodicals and reveals how coded subscription expiration dates can be read.

Among those which already have adopted open dating is Reader's Digest. Some 6 months ago a member of my staff met with Coleman Hoyt, of Reader's Digest, and Norman S. Halliday, vice president of MPA, to discuss magazine sales practices and to suggest that Reader's Digest, the periodical with the largest mail circulation, adopt open subscription dating on its mailing labels. I am gratified that Reader's Digest has taken this step.

In addition, although they are not listed among the periodicals in the MPA compilation, I have noted that several consumer-oriented periodicals utilize a dating method that can be read by the average consumer.

The Changing Times code line begins with the month and year in which the subscription will expire, as follows:

[FEB72] R462311HBEPU612R92741 (February, 1972)

The Consumer Reports mailing label identified the month and year by numbers which appear near the end of the code line, as follows:

11004527 N 1[0571]B (May, 1971)

In conclusion, Mr. Speaker, these new steps by the magazine industry to improve customer service and provide the consumer with the information he needs to determine, with confidence, that he is receiving the subscription service for which he has paid and to which he is entitled are deserving of public attention. I urge every publisher to consider carefully the voluntary adoption of the MPA guidelines in order that "Truth in Subscription Selling" will become an industrywide reality.

I invite the attention of my colleagues to the guidelines, and the key for reading subscription dates on mailing labels, as well as correspondence which relates to the development of both:

OCTOBER 29, 1969.

Mr. STEPHEN E. KELLY,
President, Magazine Publishers Association, Inc., New York, N.Y.

DEAR STEVE: This is to express my appreciation for your obvious concern and your continuing efforts to correct some most serious sales abuses which have been identified with some magazine subscription agencies engaged in cash and PDS door-to-door selling.

I was particularly pleased to receive the report on efforts by the Magazine Publishers Association and Central Registry to combat such abuses. While I remain convinced that many of the abuses I have been able to document are too serious to be overlooked by the Federal agencies which have authority to intervene, I have been favorably impressed by concern being demonstrated by MPA.

In this regard, I commend the action of the MPA's Executive Committee proposing an amendment to your by-laws providing for removal from membership in the Association of any member who has been found to have repeatedly conducted its business in violation of law or of the written standards prescribed for the industry by your Association. Its prompt approval by your entire membership must be viewed as an act of good faith on the part of a majority of publishers, particularly if its authority is exercised when necessary in the future. I hope you will convey my comments to the MPA membership during your November 6th meeting.

Further, there appear to be at least two other areas in which the publishers themselves could be instrumental in helping to halt certain practices which are being used to deceive subscribers. In these practices, deception is possible because the subscriber is unable to read coded information on mailing labels which would reveal when a subscription is due to expire. The consumer thus cannot determine whether a subscription purchased through a sales agency has been entered with the publisher for the period of time covered in his contract.

I ask, therefore, that the Magazine Publishers Association consider industry-wide action to clearly identify on the mailing label of each periodical the month and year the subscription is due to expire. Some periodicals already follow such practice and I wholeheartedly urge all publishers to implement this form of expiration date identification.

Further, a great deal of further confusion could be avoided for consumers and the industry alike if these same mailing labels with expiration date clearly identified were made an integral part of the mail-in subscription renewal forms which publishers mail to their subscribers. Because of the practices of some publishers to make mass mailings of subscription renewal solicitations several times each year, whether or not the subscriber's current subscription is due to expire, I believe the subscriber deserves fair warning if his subscription is not about to expire.

Although legislation could accomplish disclosure of expiration dates, I believe that the Magazine Publishers Association may wish to consider implementing this practice as another step to preserve the integrity of the magazine industry from further exploitation by those who engage in unscrupulous or unlawful practices.

With warm personal regards, I am,

Sincerely yours,

FRED B. ROONEY,
Member of Congress.

MAGAZINE PUBLISHERS ASSOCIATION, INC.,
New York, N.Y., March 13, 1970.

Hon. FRED B. ROONEY,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR FRED: Here is the information I discussed with you on the telephone the other day in answer to your letter of February 25th.

As I reported, we did make a survey of the extent to which the expiration date now appears on the address labels of subscription copies of magazines. You will be interested to know that for 92% of the 203 magazines for which we received replies, the expiration date is shown someplace on the address label. At the same time, Fred, in many cases it may be indicated in a line with other information and therefore a little difficult to read readily. To study this further, we have appointed a special committee to study and set up guidelines for fulfillment procedures and to make further recommendations for the industry in line with your comments and suggestions. (The committee has already had a preliminary meeting too, you'll be glad to know.)

Concerning an agency's participation in the Central Registry program as stated in the Articles of Agreement for the Cash Agencies, "any field selling subscription agency . . . may become a party to these Articles of Agreement upon approval of the Cash Section at a duly called meeting provided there is evidence before the Cash Section of the ability of the agency and its principals to conduct its business of soliciting magazine subscriptions in accordance with the purposes of these Articles of Agreement." The same criterion of evidence of ability to meet the Standards set forth applies to participation in the PDS Code program too. As an aid to determining this ability to comply, a questionnaire form is mailed to each agency applying for participation. I am enclosing a copy of this questionnaire and I think you will find it self-explanatory. (If the person requesting this information has any other questions, have him get in touch with Bob Goshorn.)

It goes without saying that we're following through on all the reports you forwarded to us, and we appreciate your making the information available so that we can be of such assistance.

Cordially,

STEPHEN E. KELLY,
President.

MAGAZINE PUBLISHERS ASSOCIATION, INC.,
New York, N.Y., June 9, 1971.

Hon. FRED B. ROONEY,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: The enclosed two reports I think will be of interest to you in light of your concern about subscription mailing labels and the expiration date thereon. The "Guidelines" were completed last winter and sent out to our members. Participation in them is on a voluntary basis and to date approximately a third of our membership has adopted them. Expiration dates are dealt with on page four under point B (2).

Also enclosed is a recent report out of our New York office cataloging the various publications, the form of their mailing labels and how the expiration date may be detemined from those labels. As a result of a conversation Ray and I had with Coleman Hoyt of the Reader's Digest earlier this year, the Digest label, page 20, clearly sets forth its expiration date.

If you have any questions about this material, please let me know.

Sincerely yours,

NORMAN S. HALLIDAY,
Vice President.

[From the Magazine Publishers Association, Inc.]

GUIDELINES FOR MAGAZINE SUBSCRIPTION FULFILLMENT AND SERVICE PRACTICES

INTRODUCTION

The purpose of these Guidelines for Magazine Subscription Fulfillment and Service is to establish standards to provide for customer satisfaction, to maintain the good will and confidence of the public and its willingness to enter into subscription contracts, and to forestall subscriber discontent and adverse publicity.

The following Guidelines are therefore set forth for voluntary adoption by those publishers desiring to conform to these standards.

A. PROCESSING OF SUBSCRIPTION ORDERS

1. Start of service

The publisher will promptly process all subscription orders received, and will make every effort, unless otherwise requested by the subscriber, to insure the mailing of the first issue to the subscriber within the following periods:

(a) For magazines published monthly or less frequently, the first copy will be mailed within forty-five (45) days after receipt of the order by the publisher.

(b) For magazines published weekly or biweekly, the first issue will be mailed within twenty-five (25) days after receipt of the order by the publisher.

The publisher will make every effort to see that its authorized subscription agencies transmit orders promptly to avoid delay between the time the order is given by the subscriber and the time it is received by the publisher.

2. Notice of delayed start

In the event the publisher is unable to mail the first issue within the above time limits, a written notice of the delay will be sent to the subscriber within the time limits set forth in paragraph 1 above informing him of the starting issue or expected mailing date of the first issue. If for any reason this new date cannot be met, the publisher will again notify the subscriber in writing. These written notices will continue to be sent until the first issue is mailed. The publisher will also make all reasonable effort to see that such notification is readily identifiable by the subscriber as pertaining to the subscription already ordered.

3. Gift subscriptions

The publisher will send or cause to be sent timely written notice to all recipients of gift subscriptions of the gift and the name of the donor, unless specific instructions to the contrary are received from the donor.

4. Sequence of copies

When a new subscription is started with an issue dated prior to the issue currently on sale, in the absence of specific request by the subscriber, the publisher will make all reasonable effort to adhere to the following conditions; to the extent that his fulfillment operation makes such compliance feasible.

(a) The publisher will comply with the Bylaws and Rules of the Audit Bureau of Circulation governing "back copies." [In summary, these Regulations limit the service of back copies as net paid circulation, (unless the subscriber is otherwise notified in advance of the order) to no more than two issues previous to that current at the date of the order in the case of weekly publications and not more than one such previous issue for other publications.]

(b) All copies will be sent to the subscriber in chronological sequence of issue date.

(c) If a subscription has been started with a back issue, only one issue of a magazine will be sent to the subscriber at one time.

(d) If more than one "back issue" is to be sent in servicing the order, the following schedule will be used in mailing the next copy to the subscriber:

For magazines published monthly or less frequently, the second copy will be mailed no sooner than seven (7) days after the first copy.

For magazines published weekly or biweekly, the second copy will be mailed no sooner than three (3) days after the first copy.

5. Request for specific issue

If a request is made by the subscriber or agency to start service with a particular issue, all reasonable effort will be made to comply with such request. If such request cannot be fulfilled, the publisher will notify the subscriber or agency of the reasons for his inability to comply with it and of the issue with which service is being started.

B. SUBSCRIPTION SERVICE

1. Interruption of service

The publisher will notify the subscriber in writing in the event service will be, or has been, interrupted by the publisher for any reason. This notice will inform the subscriber of the provision made to insure that he will receive the full number of copies to which he is entitled.

2. Expiration date

The mailing address labels will include the subscription expiration date in a manner which will be easily identified and readily understood by the subscriber. The publisher will take whatever steps he deems necessary to provide an explanation of how the expiration date is shown.

3. Changes of address

The publisher will include in his magazine periodically a subscriber Change of Address form and/or adequate instructions for the subscriber to effect such change, to facilitate prompt and accurate handling of such requests.

The publisher will process changes of address promptly upon receipt, and make all reasonable effort to maintain continuous service to the subscriber when the subscriber gives ample notice of the effective date of the address change. In any event, unless otherwise requested, the first copy mailed to the new address will normally be within the time limits set forth in paragraph A 1, above for the start of new subscriptions.

C. RENEWALS

1. Continuity of service

The publisher will process all renewal orders promptly as they are received, and will make every effort to avoid a break in service provided the renewal is received in reasonable time of the expiration date.

(a) On renewal orders for schools, libraries or other institutions where there is reason to believe that a complete file of the magazine may be desired, the publisher will make such special effort as is reasonable to maintain continuous service.

2. Form of renewal offer

Renewal notices will be clearly recognizable as solicitations for subscription orders and will not be of a format such as to mislead the subscriber or give appearance that it is simply a bill or invoice.

D. SUBSCRIBER INQUIRIES

1. The publisher will make all reasonable effort to answer subscriber complaints, inquiries, or requests for information concerning their subscriptions within fifteen (15) days after their receipt. (It is recognized, however, that some subscriber questions will have already been resolved by the time the inquiry reaches the publisher, and may not require an answer at that time.)

2. The use of form letters or postcards to answer or acknowledge correspondence or complaints is permissable as a means of expediting service.

E. REVIEW OF GUIDELINES

1. These Guidelines shall be reviewed by the Circulation Committee of the Magazine Publishers Association as it deems proper from time to time or upon request of three or more signatory publishers, in writing to the Chairman of the Circulation Committee.

2. Any proposed changes in the Guidelines will be effective upon approval by a majority of the Circulation Committee.

F. ACCEPTANCE OF GUIDELINES

1. Acceptance of these Guidelines by publisher-members of the Magazine Publishers Association shall be on a voluntary basis.

(a) Any publisher may now or hereafter formally accept these Guidelines by notifying in writing the President of the Magazine Publishers Association of such intent.

(b) A publisher, having formally accepted these Guidelines may withdraw from the obligations assumed thereby by similarly notifying the President, in writing of such intent.

2. A list of publishers formally accepting these Guidelines will be available for distribution at the discretion of the President of the Magazine Publishers Association.

MAGAZINE PUBLISHERS
ASSOCIATION, INC.,
New York, N.Y., April 30, 1971.

Memorandum to: Principal of All Agencies Participating in the Central Registry Program.

From: Robert M. Goshorn.

Subject: Subscription expiration dates.

As a by-product of a study we recently made concerning notice of expiration dates on subscription labels, we developed the enclosed information on how various publishers show the expiration date.

We thought this information might be helpful and of interest to you, and are, therefore, forwarding it to you at this time.

If any major publication does not appear, it may be assumed it did not respond to our questionnaire.

HOW TO READ SUBSCRIPTION EXPIRATION DATES (EXPIRATION PORTION OF CODE IS ENCLOSED IN BRACKETS [ ]

[Compiled by Magazine Publishers Association]

Magazine	Label	Explanation
Abstracts and bibliography.	PA 19007 ROHROHM[NO] CDA 209	15th & 16th digits in Code line show ex date. Example: 13=January 1973, 59–June 1969 (?), NO=November 1970.
Advertising age	AA [MAR71]	Self-evident.
Air Progress	9&2607500 571001PA420 [JAN71]	Self-evident.
American Artist	AADESPECASUUNISZO A [JUL71]	Self-evident.
American Girl	Mrs. John Doe [G71]	Ex date at end of subscriber name line: months coded A thru M, omitting I, followed by year; i.e., A71, H71, J71=January, August, September 1971.
American Heritage	B70302AAMSJ90206H4[J69]OL181H	19th, 20th & 21st digits in code line show ex date: months coded A thru L, followed by year; i.e., A71, D71, L71=January, April, December 1971.
American History Illustrated.	2A A6[F7]	Ex date shown in code line: i.e., A6 is month and year of starting date (Apr. 1966), F7 is ex date (Feb. 1967).
American Home	Label sample not furnished	Example given: "John Smith SEP"—Expire month. "E 70"—Expire year, may be reversed: 07.
American Medical Association, Journal of the	JA 16 R K E1215 [M71] D	12th, 13th & 14th digits in Code line show ex date. Months coded A thru M, omitting I, followed by year—A71, H71, M71=January, August, December 1971.
American Naturalist	PA19007 ROHROHM[NO] AN 209	15th & 16th digits in Code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
American Optometric Association, Journal of the	Label sample not furnished	Ex date may be ascertained by writing to the Journal.
American School Board Journal	0591740SLZK440J9G 3 0126 [51]	Last two digits in code line show ex date. Months shown, Jan. thru Oct. as 1 thru 0, Nov. is —, Dec. is +. I.E., 51=May 1971, —0=November 1970.
Amusement Business	BBDNGOLD121JORSZ640[011]B9C03012	20th, 21st & 22nd digits in Code line show ex date: year 0 thru 9; week 1 thru 52—i.e., 011=11th week in '70.
Analog	321100 KNI 00190093 [DEC72] 1 L	Self-evident.
Antiques	AN [12–71] RS12 OM6254	First three or four digits following title symbol (AN) show month & year of ex date.
Archives of Dermatology.	14 A 0239125015 [G71] N	14th, 15th & 16th digits in Code line show ex date. Months coded A thru M, omitting I, follow by year—A71, G71, M71—January, July, December 1971.

HOW TO READ SUBSCRIPTION EXPIRATION DATES—Continued

[Compiled by Magazine Publishers Association]

Magazine	Label	Explanation
Archives of Environmental Health	32 A 0240163028 [A71] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A71, G71, M71=January, July, December 1971.
Archives of General Psychiatry	41 A LOUIS101 W[M71] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A71, G71, M71=January, July, December 1971.
Archives of Internal Medicine	50 A ST VIBARRS [M70] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A70, G70, M70=January, July, December 1970.
Archives of Neurology	59 A CHARL811 A [G71] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A71, G71, M71=January, July, December 1971.
Archives of Opththalmology.	68 A 0050265018 [G72] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A72, G72, M72=January, July, December 1972.
Archives of Otolaryngology.	77 A 0351568035 [F71] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A71, F71, M71=January, June, December 1971.
Archives of Pathology	86 A 0110269060[E72] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A72, E72, M72=January, May, December 1972.
Archives of Surgery	95 A 0470568053 [L71] D	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year—A71, E71, L71=January, May, November 1971.
Argosy	27004 WLS 1003S093 [FEB71] A 6	Self-evident.
Astrophysical Journal	PA19007 ROHROHM [NO] AJ 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Astrophysical Supplement Series.	PA19007 ROHROHM [NO] AS 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969(?), NO=November 1970.
Atlantic Monthly	AM MRC2GE520A019 3 [1269]	Last four digits in code line show ex date: first two show month, last two show year.
Atlas	580004 118 OAAPEN94 [FEB72] 1 16	Self-evident.
Audio	A [NOV71] OK-17	Self-evident.
Baby Talk	12-70-[11-71]	Code line at top shows month and year of start, followed by month and year of expire.
Banking, Journal of the A.B.A.	51 9990012882 [0670] 017	13th thru 16th digits in code line show ex date: 0670=June 1970.
Better Homes & Gardens.	1-110400TA12—1—35991 [FEB71]	Self-evident.
Billboard	BBDNGOLD121JORSZ640[011]B9C03012	20th, 21st and 22nd digits in code line show ex date: year, 0 thru 9; week, 1 thru 52.
Black World	X3841COTHM155385683 [09/71] 2	Self-evident.
Boating	Label sample not furnished	Ex date shown in clear type two digits in from end of code line: i.e., JUL70.
Botanical Gazette	PA19007 ROHROHM[NO] BG 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Boys Life	AAC 6456 ZGLRI177JO 16B[061]	Last three digits in code line show ex date: i.e., 06=June, 1=1971.
Bride's magazine, the	00094091 55.073 FE123 1 [371]	Last three digits in code line show ex date: 1st shows month, Feb., March, May, June, Aug., Sept., Nov., Dec. numbered 1 thru 8; last two show year.
Bulletin of the Center for Children's Books.	PA19007 ROHROHM[NO] CB 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Business Management	Label sample not furnished	Ex date not shown.
Business Week	06Z0 EPE999 99DA [DEC70]	Self-evident.
Camping Journal	15 88 8260 BDR146AWW-3 [APR71]	Self-evident.
Car & Driver	Label sample not furnished	Ex date shown clearly two digits in from end of code line: i e., JUL71.
Car Craft	7420TOM *10011111 [7912]	Ex date shown in last four digits of code line: first two show year, last two show month—Sample shows December 1979.
Cat Fancy	Label sample not furnished	Example given: "John Smith SEP"—expire month. "E 70"—expire year; may be reversed: C7.
Catholic Digest	3 206220JHN3T—981 [APR71]	Self-evident.
Chicago	Label sample not furnished	Ex date not shown.
Child Development Journal.	PA19007 ROHROHM[NO] CDJ 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Children's Digest	57B 1 AKN 15 0KL123 B[25]	Last two digits in code line show issue number of expire. Issues numbered consecutively and # shown on contents page. 25=February 1973. (Starting in 1971, ex date will be shown as FEB73.)
Christian Herald	CH HILL92*TURGZ4 [7011] 1	Last four digits but one in code line show ex date. First two show year, last two show month: 7011=November 1970.
Christian Herald	ITALYEERGAXXPO112040A12RA [031]	Last three digits in code line show ex date. Months coded 01 thru 12; years 0 thru 9.
Christian Life	ITALYEERGAXXPO112040A12RA [031]	Last three digits in code line show ex date: i.e., 031=March 1971, 121=December 1971.
Christianity Today	Juanita Sue Harper [1-74]V	Ex date shown at end of subscriber name line: i.e., 1-74=January 1974.
Cincinnati	Label sample not furnished	Ex date not shown.
Civil War Times Illustrated.	2A E6-[F7]	Ex date shown in code line: i.e., A6 is month and year of starting date (Apr. 1966), F7 is ex date (Feb. 1967).
Classical Philology	PA19007 ROHROHM[NO] CP 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Coast	Label sample not furnished	Ex date not shown.
Commonweal	=61193 [5-71]	Last digits on code line show ex date: i.e., 5-71=May 1971.
Comparative Politics	PA19007 ROHROHM[NO] COP 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Connoisseur	GH[DEC69] 10000 00 ABC005 000098	Self-evident.

Magazine	Label	Explanation
Cosmopolitan	CM[OCT72] 10001 03 RCH2HY 461195	Self-evident.
Cue	RJ995039-B[B-JAN 72] RI	11th digit in code line shows week of ex date (A thru E for 5 weeks), month and year are self-evident.
Cycle	Label sample not furnished	Ex date shown in clear type two digits from end of code line: i.e., "JUL70."
Daedalus	[3–72]	Ex date shown above subscriname: quarterly—1=winter, 2=spring, 3=summer, 4=fall, followed by year.
Diseases of Children, American Journal of.	23 A 0270164012 [H71] N	14th, 15th & 16th digits in code line show ex date. Months coded A thru M, omitting I, followed by year: i.e., A71, E71, H71=January, May, August 1971.
Dog Fancy	Label sample not furnished	Example given: "John Smith SEP"—Expire month. "E 70"—expire year, may be reversed: 07.
Ebony	X384100THM155385683 [09/71] 2	Self-evident.
Economic Development and Cultural Change.	PA19007 ROHROHM [NO] ECO 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Electronics Illustrated	57 58 6596 SLE—8TPH–1 [ITG04]	Bi-monthly, and last five digits in code line show number of subsequent issues coming: i.e., ITG04=4 issues to go.
Elementary Electronics	12 46 1590 BAR301ELT–5 [ITG12]	Last five digits in code line show number of subsequent issues to come: i.e., ITG12=12 issues to go.
Elementary School Journal.	PA19007 ROHROHM [NO] EJS 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Elks magazine, the	Label sample not furnished	Ex date not shown.
Ellery Queen	15 88 8260 CHU563MRW–0 [APR71]	Self-evident.
Episcopalian, the	PTOD110SYLM9 [JAN72] 11001	Self-evident.
Esquire	460014 LNG 6750G098 [SEP71] 1 Q	Self-evident.
Eternity	BHE 52 LIVR9 11 [JAN71] 000	Self-evident.
Ethics	PA19007 ROHROHM[NO] ET 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969(?), NO=November 1970.
Exchange, the	[11]907751[69]	First two digits in code line show ex month, last two show year: i.e., 11 69=November 1969.
Family Handyman	T118 GP196897 [129]	Last three digits in code line show ex issue number, which appears on contents page.
Family Health	580004 PRI 1271A09 [DEC70] 1 D	Self-evident.
Farm Journal	1BBA 6D904202WLEME*******9 [C74]	Last three digits in code line show ex date: months coded A thru L. I.e., C74=March 1974.
Fate	BLB4377RPO 01081 121[244] 2	Digits indicated show ex issue number; issue number appears on title page; subscribers are given this info upon inquiry.
Field & Stream	64 84 6640 MEYBX140G–9 [NOV71]	Self-evident.
Financial Executive	[04/71] MG s–08769 3	Self-evident.
Financial World	FW MSS3AG 37J019 C70[0771]	Last four digits on code show ex date, month and year.
Flying	Label sample not furnished	Ex date shown in clear type two digits in from end of Code line: i.e., JUL70.
Forbes	12345678 DP1 [DEC71]	Self-evident.
Fortune	[JUN71] BOW SN400D91Y59 40 1	Self-evident.
Gentlemen's Quarterly	460014 LNG 6750G098 [SEP71] 1 Q	Self-evident.
Gift & Tableware Reporter.	BBDNGOLD121JORSZ640[011]B9C03012	20th, 21st and 22nd digits in Code line show ex date: year (0 thru 9), month (1 thru 12).
Glamour	321100KNI 0019G093 [SEP75] 1 8	Self-evident.
Golden	Label sample not furnished	Ex date appears as figures at end of addressee line: i.e., (12–68).
Golf	G126 RF726967 [149]	Last three digits in code line show ex issue number. (No explanation where it appears in magazine—not on contents page.)
Golf Digest	362228 SND 00126096 [JUN71] 7 D	Self-evident.
Good Housekeeping	GH[APR71] 10001 03 RBI2RG 862192	Self-evident.
Gourmet	Q0MC09 10 MD2BA2 69 [174]	Last three digits in code line show ex issue number. (Chart furnished showing example to be June 1971.)
Grade Teacher	EGLI 168 OCE J HEAJ9 [970] 01	Ex date shown in three figures, two digits in from end of code line: i.e., 970=September 1970.
Guns & Ammo	7420TZM *10011111 [7912]	Last four figures in code line show year and month of ex date: i.e., 7912=1979, Dec.
Hairdo	HA FRD46T538A059 01 [1071]	Last four figures in code line show ex date: i.e., 1071=October 1971.
Harpers Bazaar	HB[DEC71] 10001 03 PWE2RY 481894	Self-evident.
Harper's	HM POR2SE400R089 1 [0875]	Last four figures in code line show ex date: i.e., 0875=August 1975.
Harvard Business Review.	Label sample not furnished	Ex date not shown. (Will be changed to positive indication in 1971.)
High Fidelity	HFDALUCZ4**MCBRZO A [MAR72]	Self-evident.
Highlights for Children	2 [DEC71] SOWR2X7197 SZ	Self-evident.
His	SAMPLM34225815Q[970]AA1C1 69A	21st, 22nd & 23rd digits in code line show ex date: 1 thru 6=Jan. thru June, 7, 8, 9=Oct., Nov., Dec., plus year. i.e., 970=Dec. 1970.
History of Religions	PA19007 ROHROHM[NO] HR 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Home Garden	330004 HJK 0636H097 [NOV71] A G	Self-evident.
Home magazine	Not mailed	Single-copy sales only.
Horizon	B80302AAMSJ90206H4[J69]OLI81H	19th, 20th & 21st digits in code line show ex date: months coded A thru L: i.e., A71, D71, J71–Jan., Apr., Oct. 1971.
Hot Rod	7420TQM *10011111 [7912]	Last four figures in code line show year and month of ex date: i.e., 7912=1979, Dec.

HOW TO READ SUBSCRIPTION EXPIRATION DATES—Continued
[Compiled by Magazine Publishers Association]

Magazine	Label	Explanation
House & Garden	321100 KNI 0019G093 [SEP75] 1 5	Self-evident.
House Beautiful	HF[SEP72] 10001 03 PTT5RG 500894	Self-evident.
Human Genetics, American Journal of.	PA19007 ROHROHM[NO] GE 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Humpty Dumpty	57B & WRT 15 OH1123 C[95]	Last two digits in code line show ex issue number. (Sometime in 1971 ex date will begin to appear clearly: i.e., JUL71.)
Income Opportunities	14 44 4880 TH0505DSJ-6 [ITG04]	Last five digits (ITG04)= "Issues To Go 4."
Industrial Arts and Vocational Education.	16428-9-51095-2-1-[100]-A	Last three numbers in code line show month and year of ex date: i.e., 100= October 1970.
Ingenue	IN KNN47H643L099 01 [0772]	Last four figures in code line show ex date: i.e., 0772=July 1972.
Jet	X3841—THM155385683 [09/71] 2	Self-evident.
Journal of Advertising Research.	Label sample not furnished	Length of subscription shown by volumes covered: i.e., 8/9/10-1-2 shows to receive all of vols. 8 and 9 and 1st 2 issues of 10.
Journal of Business	PA19007 ROHROHM[NO] JB 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Journal of College Placement.	Label sample not furnished	Ex date not shown.
Journal of Geology	PA19007 ROHROHM[NO] JG 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1959 (?); NO=November 1970.
Journal of Infectious Diseases.	PA19007 ROHROHM[NO] JID 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Journal of Modern History.	PA19007 ROHROHM[NO] MH 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Journal of Near Eastern Studies.	PA19007 ROHROHM[NO] NE 209	15th & 16th digits in code line show ex date. Examples: 13=January, 1973, 59=June 1969 (?). NO=November 1970.
Journal of Political Economy.	PA19007 ROHOHM[NO] PE 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?). NO=November 1970.
Journal of Religion	PA19007 ROHROHM[NO] RE 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Ladies' Home Journal	Label sample not furnished	Example given: "John Smith SEP"—Ex month. "E 70"—Ex year; may be reversed—07.
Library Quarterly	PA19007 ROHROHM[NO] LQ 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Life	[OC71] DGA CA018H99L50 23 55	Self Evident. (Months abbreviated as JA, FB, MR, AP, MY, JE, JL, AU, SE, OC, NO, DE.)
Look	PH61458 5 [6-75]	Self-evident.
Look—Top/Spot	58004 RGE 02107093 [AUG70] N 2	Self-evident.
Lutheran, the	969 NCN 14 11 [0110] 6	Last four digits, but one, of code line show ex date: month and last figure of year. 0110 = January 1971.
MacFadden-Bartell (all publications)	[A] O [27]	Ex date month shown at end of subscriber name line, year at end of address line. Months coded A thru M, omitting I. (Year figures reversed)
Mademoiselle	321100 KNI 0019G093 [SEP75] 3 9	Self-evident.
Marketing Communications	[1271] C	Ex date shown at end of subscriber name line. 1271 = December 1971.
Marriage	C [D-71]	Ex date shown at far right on top line; months coded 1 thru 9 for Jan. thru Sept., O, N, D for Oct., Nov., Dec. D-71 = December 1971.
McCall's	5A12G72901BAC5GEI80390M4082 [872]	Last three digits in code line show ex date; months coded 1 thru 9 for Jan. thru Sep., O, N, D for Oct., Nov., Dec. 872 = August 1972.
Mechanical Translation	PA19007 ROHROHM [NO] MT 209	15th & 16th digits in code line show ex date. Examples: 13 = January 1973, 59 = June 1969 (?), NO = November 1970.
Mechanix Illustrated	88 89 7980 BYR304MCJ-8 [APR74]	Self-evident.
Merchandising Week	BBDNGOLD121JORSZ640[011]B9C03012	20th, 21st & 22nd digits in code line show ex date: year (0 thru 9) and week (1 thru 52).
Midway	OA19007 ROHROHM[NO] MI 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Model Airplane News	Label sample not furnished	"Expires D1 (December (D) 1971 (1)."
Modern Bride	Label sample not furnished	Ex date shown clearly two digits in from end of code line: i.e., "JUL73."
Modern Manufacturing	017ZOSIT411MAJA1 [MAR72]	Self-evident.
Modern Packaging	Label sample not furnished	Ex date not shown.
Modern Photography	MPDBSCOT666THERZ2 A [FEB72]	Self-evident.
Modern Romances	MR ALE213307MO89 01 [1071]	Self-evident.
Modern Screen	MS SRI7BX421TO19 01 [0971]	Self-evident.
Monographs of the Srcd	PA19007 ROHROHM[NO] MON 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Moody Monthly	Mrs John Smith [NOV71]	Self-evident.
Motive	COUN LAY LIFE & WORK [07/71]	Self-evident.
Motor Boating & Sailing	MB[MAR72] 10001 03 PRK3MS 730198	Self-evident.
Motor Trend	7420TOM *10011111 [7912]	Last four digits in code line show ex date: first two show year, last two show month. 7912=December 1979.
Motor Cycle Sport Quarterly.	7920TOM *10011111 [7912]	Last four digits in code line show ex date: first two show year, last two show month 7912=December 1979.
NEA Journal	Label sample not furnished	Ex date not shown.
National Review	* XRP1000D 946R 26 [021]	Last three digits in code line show ex date: first two show month, last shows year. 021= February 1971
Nation's Business	Edward P. Paul [MAR71]	Self-evident.
Negro Digest	4112200CHRI 3T225994 0[07/71]	Self-evident.
New Lady magazine	Label sample not furnished	"1 Oct 70 shows a one-year sub ending Oct. 1970; 2 Oct 71 a two-year sub ending Oct. 1971," etc. Location not stated.

Magazine	Label	Explanation
New Republic, the	NR MMA4BB 32T019 1 [0571]	Self-evident.
New York	Z224063 D 369 [6–72]	Self-evident.
New Yorker, the	613592 BRB 1949K091 [5C*71] 2 X	Last five digits, but two, from end of code line show week and year of ex date: 50*71=50th week, 1971.
Newsweek	DE* 4440 MDI *J 1 0H3100 [1071]	Self-evident.
Nursing, American Journal of	10Y 706F00D9JX [71SEP] 1A	Self-evident.
Nursing Outlook	NP 340EL C90A8 [71JAN] 1A	Self-evident.
Outdoor Life	586728 SAR B0002E93 [AUG70] 0 3	Self-evident.
Outdoor World	OWWZ WST2094T93306J927932[371]	Last three digits in code line show ex date: 371=March 1971. "N indicates November–December."
Pace	OKEIGE926AK 01154 [OCT73]	Self-evident.
Parents	52H WRR 60 8G5 63 [JUL73]	Self-evident. (This ex date style will start "sometime in 1971.")
Perspective in Biology & Medicine.	PA19007 ROHROHM [NO] PBM 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Phoenix	PM 008517 A 98 [7012]	Last four figures in code line show year and month of ex date: 7012=Dec 1970.
Photo Weekly	BBDNGOLD121JORSZ640[! B9C03012	20th, 21st & 22nd digits in code line show ex date: year (0 thru 9), week (1 thru 52).
Photoplatemakers Bulletin.	Label sample not furnished	Ex date not shown.
Physiological Zoology	PA19007 ROHROHM [NO] PZ 209	15 th & 16th digits in code line show ex date. Examples: 13 =January 1973, 59=June 1969 (?), NO=November 1970.
Popular Electronics	Label sample not furnished	Ex date clearly shown two digits in from end of code line: i.e. "JUL70."
Popular Mechanics	PM [SEP 71] 10001 0 PYNICL 462898	Self-evident.
Popular Photography	Label sample not furnished	Ex date clearly shown two digits in from end of code line: i.e., "JUL70."
Popular Science	386728 SAR B0002E93 [AUG 70] 0 3	Self-evident.
Presbyterian Life	PMF 95627DRS1BX877M9600729 [137]	Ex issue date shown in last three digits of code line i.e., 137=issue of 9/1/70.
Priest, Today's Family Digest, My Daily Visitor, Our Sunday Visitor.	0100BRNCU2153792 K26B [11–70]	Self-evident.
Private Pilot	Label sample not furnished	Example given: "John Smith SEP"—Ex month. "E 70"—Ex year; may be reversed—07.
Progressive Farmer, the	3MWZ IHECPO 4797301J901386[D72]	Last three digits in code line show ex date: months apparently coded 1 thru 9, Jan. thru Sep., O.N.D., Oct., Nov., Dec.
Psychology Today	OMUNAA0113AB 70344[DEC69]AM10	Self-evident.
Purchasing Week	56ZOCNLk54ADJAO [JAN71]	Self-evident.
Reader's Digest, the	B 75505 91205 PL1 [FEB72]	Self-evident.
Redbook	RA25A07424ASC4MR015397R2HM5[474]	Last three digits in code line show ex date. Months coded 1 thru 9, Jan. thru Sept.; O,N,D, Oct., Nov., Dec.
Revista Notaria	Label sample not furnished	Ex date not shown.
Rod & Custom	7420TOM *10011111 [7912]	Last four digits in code line show ex date year & month: i.e., 7912=December 1979.
Rotarian, the	Label sample not furnished	Ex date not shown.
Rudder	88 89 7980 BYR304MCJ–8 [APR74]	Self-evident.
Sales Management	Label sample not furnished	Ex date shown on renewal notice only.
San Diego	OMBOWR9335AN 04072[OCT72]	Self-evident.
San Francisco	1–2–[5–70]	Last three digits in code line show ex date: 5–80=May 1980.
Saturday Review	Label sample not furnished	Ex date shown clearly as "APR73"—location not stated
Scholastic	Label sample not furnished	Ex date not shown.
School Review	PA19007 ROHROHM[NO] SR 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1979 (?), NO=November 1970.
Science & Mechanics	15 88 0260 TEB626CAE–7 [APR73]	Self-evident.
Science Digest	SD[NOV72] 10001 03 PRR1LT 746390	Self-evident.
Scientific American	BETLILXEM049*[471]*42470DCG	Figures between asterisks indicate ex date: months coded 1 thru 9, Jan. thru Oct., 0, N, D, Oct., Nov., Dec.
Scouting	3640075 TRNDW541C9 10D[011]SA	Last three numerals in code line show ex date: 01 thru 12=months, 0 thru 9=year. I.e., 011=January 1971.
Signature	50L0–2–9269 4 [L71]	Last three digits in code line show ex date: months coded A thru M, omitting I. I.E., L71=November 71.
Ski	K81 F143828 [120]	Last three figures in code line show ex issue. 120=October 1974 issue.
Skiing	Label sample not furnished	Ex date shown clearly two digits in from end of code line: i.e., "JUL 71."
Skin Diver	7420TOM *10011111 [7912]	Last four digits of code line show ex date year and month. 7912=December 1979.
Social Biology	PA19007 ROHROHM [NO] SB 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Social Service Review	PA19007 ROHROHM [NO] SS 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Sociology, American Journal of.	PA19007 ROHROHM [NO] SOC 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Southern Living	3MWZ IHECPD 4797301J901386 [D72]	Last three digits in code line show ex date: months coded 1 thru 9, Jan. thru Sep., 0, N, D, Oct., Nov., Dec.
Spining Wheel	33470S [DEC72]	Self-evident.
Sportfishing	J4 S 573819004 P21 A[C1] PCRA	17th & 18th digits in code line show ex date: months coded alphabetically, last figure of year shown. C1=March 1971.

HOW TO READ SUBSCRIPTION EXPIRATION DATES—Continued

[Compiled by Magazine Publishers Association]

Magazine	Label	Explanation
Sports Afield	SA[AUG71] 10001 03 PSC4VL 421590	Self-evident.
Sports Car Graphic	7420TOM *10011111 [7912]	Last four digits of code line show ex date year and month. 7912=December 1979.
Sports Illustrated	[MY569] BWL PRO90B92T51 42 11	First five digits in code line show ex date, month, issue and year. MY569=fifth issue, May 1969.
Standard Rate & Data (all publications)	Label sample not furnished	Ex date not shown.
Stero Review	Labe sample not furnished	Ex date clearly shown two digits in from end of code line: i.e., "JUL71."
Successful Farming	2 609300D5C4R-1 ... 996 [1274]	Self-evident.
Sunset	110 468662 B [JAN75]	Self-evident.
Swimming World	SCA92103RUZCC42261 [7112] A 1 M	19th thru 22nd digits in code show year and month of ex date: 7112=December 1971.
TV Guide	81702201 823 [977]61	12th, 13th & 14th digits in code line show ex issue, which appears on masthead. Ex date not shown.
TV Radio Talk	DS LBL4MN129E009 01 [0774]	Self-evident.
Tan	X3841COTHM155385683 [09/71] 2	Self-evident.
Technology & Culture	PA19007 ROHROHM[NO] TC 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.
Teen	7420TOM *10011111 [7912]	Last four digits in code line show ex date year and month. 7912=December 1979.
Time	[AU71] T1E AE224M94T56 84 67	Self-evident.
Today's Education	Label sample not furnished	Ex date not shown.
Today's Health	TH JSS3BX132V069 03 [0871]	Self-evident.
Top OP	000 6C9250 WEE*KN******0 [7008]	Last four digits in code line show ex date: year followed by month. 7008=August 1970.
Town & Country	TO[DEC71] 10001 03 PRZ2CR 451291	Self-evident.
Travel	MX0[1-31-71]-66-000124CG	Ex date shown as marked at left. No explanation given.
True	88 89 7980 BYR304MCJ-8[APR74]	Self-evident.
U.S. News & World Report.	63HDA94025LNZ2ST009692UX2[DEC71]	Self-evident.
Vend	BBDNGOLD121JORSZ640[011]B9C03012	20th, 21st & 22nd digits in code line show ex date. Year (0 thru 9), month (1 thru 12). 011=November 1970.
Venture	AES4 1070 265127 VE [0871]	Self-evident.
Vogue	321100 KNI 0019G093 [SE175] 1 7	Last five (or four) digits, except two, from end of code line show ex date, month, day and year. SE175=Sep. 1, 1975, SE275=Sep. 15, 1975. Months when only one issue published shown without numeral between month and year: i.e., MAY 71.
Washingtonian	04330HASK F241 *69199 2[22]	Last two (or three) digits of code line show ex date: i.e., 22=February 1972.
Western Outdoors	WCA90016MOSLE34311 [7301] 15	Last four digits, save two, in code line show ex date, year and month. 7301=January 1973.
Wheels Afield	7420TOM *10011111 [7912]	Last four digits in code line show ex date, year and month. 7912=December 79.
Yachting	0738574R [1270] 0021L912N	Self-evident.
Yankee	XC10100639 KINSEDB#ZHL [12/71]	Self-evident.
Young Miss	32B 1 ZGR 10 OJ1260 G[74]	Last two figures in code line show ex issue number. (Sometime in 1971 will be changed clear showing of "OCT 71," etc.)
Ziff-Davis (all publications).	[MAY 74]	Self-evident.
Zygon	PA19007 ROHROHM[NO] ZY 209	15th & 16th digits in code line show ex date. Examples: 13=January 1973, 59=June 1969 (?), NO=November 1970.

TRIBUTE TO AMERICANS OF BALTIC DESCENT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, today is a day of both joy and sorrow for Americans of Baltic origin or descent and their families. For these citizens it is a day of rejoicing their distinguished spiritual, cultural, and historical background. It is, however, also a day of sadness since no Baltic-Americans can forget the suffering which their people have endured and continue to endure for the cause of freedom. At this time I ask all Americans to join with me in honoring our fellow citizens of Baltic descent.

The Balts are proud peoples who have inhabited the shores of the Baltic from time immemorial. For centuries the peace-loving Lithuanians, Latvians, and Estonians have been subjected to repeated attacks and occupations by other countries. In spite of the attacks against them, the Balts have preserved their ethnic unity. Today, these people are struggling to maintain their distinctiveness against the Soviets and to regain the right of self-determination denied them.

The Government of the United States has repeatedly confirmed our Nation's support for the cause of the Baltic peoples. Hence, we have refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia into the Union of the Soviet Socialist Republics. A more positive action was the unanimous adoption in the 89th Congress of House Concurrent Resolution 416 which urged the President of the United States to insure that the issue of the liberation of the Baltic States would be brought to the attention of the United Nations. It is still our hope that the plight of the Baltic people will be placed on the United Nation's agenda.

FREEDOM OF COMMUNICATIONS—THE FIRST PRIORITY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, increasing attention is being directed toward the issue of freedom of communications. On May 29, Mr. Robert Hyland, vice president, CBS, and general manager, station KMOX, St. Louis, Mo., delivered the commencement address at Lindenwood College, St. Charles, Mo., in which he commented on this very important issue.

I would like to share Mr. Hyland's very timely remarks with my colleagues. Mr. Speaker, I include his speech at this point in the RECORD:

FREEDOM OF COMMUNICATIONS: THE FIRST PRIORITY

(By Robert Hyland)

President Brown, distinguished honorees, faculty members, parents, guests, members of the graduating class of 1971. I am extremely honored to be here with you today on what is surely one of the most important days in the life of each and every person in this assemblage.

For you graduates, it is a day of elation, the culmination of years of effort and study. For you parents and close friends, a day of pride. And, you must admit it's also a day of relief that the enormous task of providing your child with a college education has at last ended. For you faculty members, it is a day of quiet satisfaction when a new group of young men and women leaves the campus . . . and takes a little bit of you with them.

Since it is such an important day, I hope that you will find my message as meaningful as the occasion. I want to begin by telling you what I'm *not* going to do. I'm *not* going to talk long. We broadcasters are disciplined along these lines. We are accustomed to thinking in minutes, seconds and fractions of seconds. And we must make each second count, or we do not, ultimately, survive in the marketplace. Perhaps this respect for time is the reason we are asked to make commencement addresses.

Secondly, I'm not going to berate the younger generation. I'm *not* going to tell you graduates that I disapprove of the style of your clothes, the screeching of your music or your generation's proclivity for demonstrations.

There's no doubt that your generation is unique, bold and often disturbing. But the rest of us must admit that the times call for unique approaches and bold solutions. And perhaps we needed to be disturbed about important issues.

The fact is evident that your generation, with all its abrasive qualities, has already made an impact on this nation unparalleled by any other generation of young people.

You have affected our clothes. Your disdain of conventional styles has inspired your mothers to bellbottoms, your fathers to peacock blue shirts, and your grandfathers to the wide ties they sported as young men.

You have affected our music. The persistent beat, the anti-sentimental lyrics, the unconventional tempos of your music have influenced virtually every contemporary art form.

You have affected our very language . . . "hangup, uptight, it's a blast, a drag, out of sight." You've got *all of us* talking this way.

But most of all, you have affected our attitudes. And you have affected them for a very simple reason: because you asked "why?" You asked "why?" early in life . . . in your grammar school years. "Why do we send rockets into space?" "Why don't black people live in our neighborhood?" "Why do you go to church?"

You asked "why?" in your high school years. "Why can't I wear jeans to school?" "Why is marijuana worse than liquor?" "Why don't you like Jews?"

And the questions you asked grew more frequent, more complex, more challenging the older you got. And we found ourselves not answering glibly, in the assured manner of parents and teachers, but introspectively, searchingly, sincerely . . . and sometimes, in all honestly . . . we answered unsurely. Because all too often we hadn't bothered to ask ourselves "why?"

Now these questions of yours were very disturbing to us for several reasons. First, because when we were young, we simply didn't question our parents in this manner. It wasn't permitted. The rules were laid down. The pattern of life was set. And we followed. Not that we didn't have our feelings of rebellion. Not that we didn't think our secret, silent thoughts about the generation in charge of things. But the authority of parent, teachers, church and government was basically unquestioned and unchallenged.

There was another reason we were a more passive generation, more given to acceptance than analysis, more willing to follow rather than innovate. We simply didn't know as many questions. We didn't know as much about scientific advancement, or racial problems, or religious controversy, or world affairs. Our world was circumscribed by home and neighborhood, church and school. Unlike you, we were not children of the communications explosion.

We did not have the world at our fingertips from the time we could toddle. We were not reared on the sights and sounds of happenings in space. The sufferings of American minorities in other sections of our own city were as remote as the agonies of the Middle Ages. We couldn't compare the words we learned in school . . . words like equality, liberty and justice . . . with the reality of life.

But you young people could . . . and you did. Because electronic journalism brought the world to you. And radio and television helped make you a generation to be reckoned with . . . long before you reached adulthood.

Because radio and television have been so important in the lives of today's young men and women I welcome this opportunity to speak to you about the survival of broadcasting. Yes, I said its survival. And I am not being overdramatic.

For we in broadcasting are now engaged in a struggle, against government control that is truly a matter of life and death. And if we lose, you lose. For it is you young people who must live with the consequences of a future without free electronic journalism.

You may be asking yourselves at this point if broadcasting, like the press, is not protected from government control by the first amendment to the constitution, the guarantee of free speech and free press.

This *should* be the case. But, unfortunately, it is not. For there is a very important distinction between our brothers in newspaper and magazine journalism, and those of us in electronic communications. Broadcasting is licensed by the Federal Government. Newspapers and magazines are not. Broadcasting stations must petition every three years to a Federal agency for renewal of individual licenses. Newspapers and magazines are free of this obligation.

The origin of government control over broadcasting has a technical basis. The number of frequencies on the broadcast spectrum is limited. So the Federal Government assumed the function of assigning dial positions to prevent overcrowding of stations on adjoining frequencies. From this limited beginning the licensing power sprung. And although it has never been used with full government muscle, it is there *to* be used.

Now, I am not saying the Federal Communications Commission acts as a supercensor, telling radio and television stations what to say and when to say it. I am not calling the FCC a bureaucratic big brother, who stands ready to pull the plug on your station if you get out of line.

But the FCC is there. The structure for putting a station off the air exists. And it could be used, if power ever fell into the hands of an administration without understanding of and respect for freedom of communications. And that is why I have chosen freedom of communications as my topic. And that is why I regard this freedom as our nation's first priority. For at the present time, the electronic half of our press is *not* free . . . despite our constitutional guarantee of free press. Government control breeds caution . . . a let's-play-it-safe attitude. It breeds the strongest and most inhibiting of human emotions . . . fear. And true freedom cannot exist in a nation where a segment of its journalists are afraid of the government.

Let's put the situation in print terms. I'm sure you are all familiar with the recent story in Life Magazine regarding the Mayor of St. Louis. This article alleged that the Mayor had connections with organized crime. I don't propose to discuss the accuracy or the validity of the Life story. But let us imagine the results if magazines were required, by law, to be licensed by city governments for distribution in that city. Don't you believe that Life Magazine would be concerned about its St. Louis distribution? And don't you also believe that Life's editors and publishers would hesitate at least for a moment, before undertaking a similar series of articles on other cities? The answers are obvious. All too obvious.

Because I bring up these very real threats to freedom I do not mean to imply to any degree that I regard broadcast journalism as perfect. I certainly believe we must work constantly to improve our creativity, accuracy and objectivity. And we must work toward these goals as individual journalists, as stations, as networks and through the self-policing efforts of our entire industry. But broadcast journalism perfection, or lack of it, is not the central point. Freedom is the central point.

You young people have shown that you understand the importance of freedom . . . of being unafraid to communicate your thoughts and opinions. You have shown on campuses across the nation that you want to express your thoughts on the war, on our environment, on higher education, on women's liberation. You name it, you young people have communicated with those in authority about it. We haven't always liked the way you communicated. At times you didn't reach us because you hadn't clearly defined your objectives. You hadn't set feasible goals. And all too frequently your tactics were so bizarre and so adolescent that they obscured the valid points you were making.

But you showed you understood the importance of being able to question policy . . . to challenge the decisions of those in authority . . . to ask "why?" You young people have also found that asking "why?" does not always get you valid answers. You have to keep asking . . . keep trying . . . keep speaking out . . . or the freedoms you have won will turn out to be mere illusions.

And for this sort of situation I fault some of the administrations of our colleges and universities. For if there is to be a true student-facility-administration communication, any give-and-take must not be a token pacifier. It must be true communication, consistent, continuing . . . an effort of substance . . . not a paper committee, with token student representation.

We in broadcasting can no longer tolerate *our* token freedom. And we can no longer live silently with a system that holds within it the potential for tyranny.

Since the beginning of government regulation, there have always been skirmishes between broadcasting and the government. When station management receives that official, government-franked letter from the FCC there is always concern. The letter may be a routine survey . . . or an inquiry on a listener complaint. But it is read with much anxiety because there is always the possibility that somehow, unknowingly, the station has done something to jeopardize its license. The language of such letters is invariably polite. But the power is there, and everyone involved knows it. We want you, the citizens of today and tomorrow's America, to be fully aware of this power, too. And we want you to be aware of its danger in a society which calls itself a democracy. Lately there have been confrontations between government and broadcasting that have spotlighted this entire problem of government control.

The most notable of these confrontations have been, of course, between Vice President Spiro Agnew and the electronic media. It is not just the executive branch of government that poses the threat. More recently there had been a head-on clash between a House Subcommittee and our own network. I'd like to discuss each of these confrontations.

Vice President Spiro Agnew is, unquestionably, a man of great sincerity and great persuasiveness. He has conviction. He has principle, and he has power. Unfortunately, he has used this persuasiveness and power to raise questions in the public mind about whether electronic journalists should be trusted with their freedom. The Vice President started this crusade because he regards some network reports as biased against administration policies.

We question his basic premise. But more importantly, we take issue . . . head on . . . with the inevitable implication that if networks are biased . . . "something should be done about it." We believe for an elected official of this level to use his power to encourage such thinking is unfortunate at best.

Mr. Agnew's statements, without doubt, have given weight and credence to a point of view that is the complete opposite of our concept of democracy and free speech. The heart of our democratic process is diversity of opinion, individual conclusions, discussion, dissent, opposition . . . and then the ballot. But this must exist in a climate in which information is brought to the public by free media . . . and then the voter holds the power of decision.

Unfortunately, Mr. Agnew's point of view would find fertile ground with all too many Americans . . . even without the respectability he granted it. A year ago, CBS conducted a survey on the Bill of Rights in which a cross-section of persons was asked, "except in time of war, do you think newspapers, radio and television should have the right to report any story, even if the government feels it is harmful to our national interest?" A large percentage . . . 55 per cent . . . said they should *not* have any such right. In other words, a majority of the American people do not understand the first amendment, free speech and free press . . . and what's more, they are not in favor of it.

Now let me state that many sincere citizens, persons who believe they are patriotic Americans, do not see long-range dangers in the Vice President's tirades. They do not see potential tyranny in labelling free-swinging journalism as un-American.

But we urge these citizens and those in this audience to consider the alternative. Suppose our press, radio and television did *not* question government policy? Suppose they took it all at face value? Suppose the reports we read, heard and viewed were consistently favorable to those in power . . . without probing . . . without comment . . . without analysis? Suppose we heard only the good results of government programs . . . the pleasant anecdotes about those in high office?

Suppose we never learned of defeat, or corruption, or malfeasance or opposition . . . or plain inefficiency. Of course this would be more comfortable for those in power. And it would *seem* more comfortable for a time for the citizens. But the comfort would be the deadly bliss of ignorance. It would be comfortable . . . but it would not be *freedom*.

The second current challenge to freedom of communication involves our own network specifically. And it centers on a single program, "The Selling of the Pentagon." This program dealt with military public relations activities, and it has created quite a furor.

Congressman Harley Staggers, Chairman of the Investigations Subcommittee of the House Commerce Committee . . . the group that has jurisdiction over the FCC . . . has launched an investigation of the program. He wants to find out whether it is accurate or not. His committee subpoenaed CBS to provide the broadcast film . . . plus . . . all raw material, notes, unused film and so-forth.

We furnished the film of the program, but we respectfully declined to furnish the raw material from which this film was built. Because to do so would be to sanction a government agency's right to judge our journalistic accuracy, our editing ability, and our very function as members of a free press in a free society.

The committee has since modified its subpoena to call for only the film footage edited out of the broadcast. CBS is standing firm on its position not to provide material not actually used in the broadcast.

As our CBS President, Frank Stanton, stated, "We will take every step necessary and open to us to resist this unwarranted action of a congressional committee and to keep broadcast journalism free of government surveillance. Too much is at stake for us to do less."

We also believe that too much is at stake for you to do less than join us in this fight.

I therefore call on you today . . . as the young men and women who will live in our nation today . . . and govern it tomorrow . . . to join us in this crusade to extend constitutional freedoms . . . to broadcasting.

For without free radio and television . . . without uncensored, unfettered, and unafraid broadcast journalism . . . no other freedom is possible in the twentieth, twenty-first and twenty-second centuries . . . and all the centuries to come. That is why I have termed freedom of communications our number one priority. And that is why I direct my appeal to members of a generation that has demonstrated such sensitivity to challenges to freedom.

At no other time in the history of the world, and in no other society, have so many people been exposed to communications. Virtually all our people hear radio, view television. It must be our great mission and your great mission that what they hear and view shall be free of the grasp of the long arm of government control.

You are the communications generation. You owe much of your knowledge to electronic media. Broadcast journalism helped you learn how to ask "why?" It is, therefore, your responsibility to make certain that these electronic marvels never become fawning servants of *whatever* group is in power. And I mean *whatever* group . . . far left, far right . . . or moderate center. For to serve the people . . . to serve freedom, the press, both electronic and print . . . need not be perfect. That is beyond human capacity to achieve . . . or even define. But it must be free . . . to challenge . . . to question . . . to probe. It must be able to do what your generation has done so effectively . . . to ask "why?" . . . without favor . . . and without fear.

UNITED STATES BEGINS ALL-OUT FIGHT AGAINST DRUNK DRIVERS

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, 2 million were injured, and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured, and $90 billion in economic damages were sustained.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

A recent article in the May 30, 1971, edition of Parade magazine entitled "United States Begins All-Out Fight Against Drunk Drivers" outlines part of the effort being taken on a community level to combat this devastating problem. The article was written by John G. Rogers and significantly indicates that the steps that are being taken by the alcohol countermeasures program of the Department of Transportation will solve the problem if given proper public and financial support.

I commend this article to my colleagues and encourage them to seek support from their district residents for strict enforcement of present laws and new programs of highway safety:

UNITED STATES BEGINS ALL-OUT FIGHT AGAINST DRUNK DRIVERS

(By John G. Rogers)

In Charlotte, N.C., the liquor stores are giving each customer a breath-testing kit that will tell him when he's too drunk to drive.

Nassau County, N.Y., has a new 24-hour telephone hot line which a drunk may call to ask for transportation when he feels he shouldn't drive his own car.

In Albuquerque, N. Mex., nine extra law officers are assigned the sole duty of patrolling high-accident areas looking for intoxicated people behind the wheel.

Ann Arbor, Mich., gives a person caught for drunken driving the option of escaping jail or fine by agreeing to swallow every day one anti-alcohol pill—then even one drink makes him unpleasantly ill.

These and many other local projects are part of an $18 million experimental drive the Federal Government has begun against the mounting toll of traffic deaths caused by problem drinkers who insist on driving.

"This is the most massive attack ever made in this field anywhere," says Willard Y. Howell, a director in the Department of Transportation. "There's been too much sloganeering in the past. Now we want action. The problem drinker who drives is a sick killer who needs help. Let's find him and help him, get him out from behind the wheel of that car that's bearing down on your kids and mine."

Of the 55,000 highway deaths in the U.S. last year, it's estimated that 20,000 involved problem drinkers.

"That," says Howell, in anger, "comes to 385 deaths a week. But do you hear any public outcry about that shocking figure? No, none at all. We just let it keep on happening. It's recorded in little items here and there in newspapers. What do you think would happen if a 747 crashed once a week killing that many people every time? Congress and the public would be screaming for investigations and action."

MANY DIFFERENT

Howell, director of the Alcohol Countermeasures Traffic Safety Program has nine local projects in action so far. Twenty more are to be added this year and 11 in 1972. Although there is some duplication in approach—nearly all, for example, lay stress on counseling and rehabilitation for the problem drinker—every project has its own variations. The aim is to find out what combinations of measures work best to combat drunken driving, then put them into effect in all 50 states.

The federally-funded experimental phase of the program is set for three years and the goal is to reduce traffic deaths by 15,000 by 1975. Other projects already at work are centered in Madison, Wis.; Portland, Ore.; Olympia, Wash.; Waterbury, Vt., and Denver.

TEST THAT BREATH

In a few cases results already can be measured:

Says John Kelly Wall, assistant project director in Charlotte: "We've started handing out 100,000 breath-testing kits in 15 liquor stores. Eventually we hope to have them available in just about every place where people drink. I already know of a few cases of people using one after a private party—they breathe into a tube and chemical crystals turn green according to how many drinks they've had—and after seeing the result call on someone else to drive the car."

And James W. Henderson Jr., project director in Ann Arbor, reports: "We're putting 30 people a month into our anti-alcohol program. They're all people convicted of or pleading guilty to driving while intoxicated or being drunk and disorderly. The usual sentence is 30 days but the judge gives them the choice of joining our program.

"If a man can't afford the cost of a pill a day, we give it to him. So far none of them has slipped off—we know this because they come in once a week for a blood test. They would get good and sick if they took a drink. This pill is so sensitive that some men can't even use a shaving lotion with alcohol in it—the body would react even to that external exposure."

Henderson says his pill-takers are a broad slice of life—kids cocky over piling up a car, men of poor background, men with very good jobs. And many of them are problem drinkers who frequently take to the wheel while drunk. The pill is not regarded as the final solution but it holds the line while the offenders are prepared for counseling.

Nearly all the project directors report that very few of their subjects are women. Says John F. Blenn, director in New York's Nassau County: "It's well known that lots of problem drinkers are women but they don't drive cars while drunk nearly as much as men."

Some more extreme measures are being considered. Blenn says that one of them is impounding the car of a drunken driver, or making him put a special license plate on his car, perhaps bearing the letter A—for alcohol. Albuquerque is pondering inspection of drivers at road blocks, and project director Curtis T. Thatcher reports that the special antidrunk patrol cars are equipped with video-tape cameras to record erratic car operation and poor coordination by drivers.

TALK IT OUT

Dr. James Ray Adams, psychologist who operates several phases of the New York project, holds regular rehabilitation meetings for people who have mixed alcohol and gasoline. In groups of 12 or so, they sit around and talk out their misconduct. This frequently brings out that the offender was under some kind of stress that made him drink, then drive. There was the case of a steady, professional truck driver arrested for speeding at 100 mph on the New York Thruway. Probing questions brought out that he was grief-stricken over the death of a grandchild. That driver was probably not in danger of repeating, but another case was chronic—a wife and husband who simply couldn't stand each other. They would argue and fight to the point where one or both of them would storm away and drink—then drive. That, says Adams, is the kind of case that must be helped through counseling. Some of the offenders are such problem drinkers that they actually come to the rehabilitation meetings half boiled.

OFTEN TOO EASY

The anti-drunk driving program faces many difficulties. Police, admittedly, often go easy on an offender, knowing that an arrest means revocation or loss of the man's license and perhaps that deprives him of his livelihood. Also, how far should the law go in making sure that an offender doesn't drive. A California study showed that in two-thirds of all revocations, the driver went right on driving. And a tough legal question—even though police and psychologists can single out the kind of individual who's likely to cause a drunken driving accident, what can be done to stop him *before* he's done his damage?

To keep that man from behind the wheel, Howell's program would need strong cooperation by his family. And for all phases of the project, strong support of the community is needed, and that means it must be well publicized. To this end, Nassau County has made 30 copies of a seven-minute film which commercial theaters have agreed to run. Charlotte has set up a 14-man speakers bureau and it's a rare day when one or more of its members is not in action. Says J. Harry Weatherly, project director: "The idea is to make the whole community conscious of what we're trying to do and to make them keep it on their minds. This has got to be a continuing thing."

WE MUST CHANGE

And Howell adds: "Another thing we need from the community is willingness to change a national, lifetime pattern of conduct. It's part of the American social pattern to drive after drinking. Most of us have done it for years. Now, we simply have got to change. If you want a reason, look at the figures. We may soon hit 60,000 traffic deaths a year. Half of those will involve alcohol. All we're asking people to do is keep themselves alive."

AFA PRESIDENT COMMENTS ON U.S. WEAPONS PROGRAM

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have obtained a copy of the recent remarks made by Mr. George Hardy, president of the Air Force Association, concerning the state of our weapons program. Because I believe Mr. Hardy has a particularly clear insight into our needs and our status vis-a-vis other nations, I would like to share these remarks with you:

AFA PRESIDENT COMMENTS ON U.S. WEAPONS PROGRAMS

(By George Hardy)

Recently, diverse political forces launched a series of well-planned attacks on a number of weapon system development programs. This was the start of a well-organized smear campaign which is lethal in intent and ingenious in its use of half-truths and no-truths at all.

The first target in this devious effort is the B–1 strategic bomber program of the United States Air Force.

The driving force behind these activities is a loosely constituted group of legislators who call themselves Members of Congress for Peace through Law. And they have tasted blood. They spearheaded the successful drive that killed the U.S. SST program earlier this spring.

At the latest count, there were 115 members in the so-called Peace through Law group—29 Senators and 86 Congressmen. Senator Mark Hatfield of Oregon is Chairman of the Steering Committee. Senator William Proxmire of Wisconsin chairs the committee concerned with Military Spending, Arms Control and Disarmament. The task force which concentrated on the B–1 was headed jointly by Senator George McGovern and Congressman John Seiberling of Ohio. Not surprisingly, this group of Congressmen is broadly and eagerly supported by the liberal news media and the New Left.

Three points stand out in this anti-B-1 campaign. They are the claims that the country no longer needs a new strategic bomber . . . that if it did, the B–1 would be the wrong airplane . . . and finally, that the financial management of the program is a failure. Let's take these points one by one.

In order to do this, we must raise a few questions. The most obvious one is "Do we need a diversified force for our strategic nuclear deterrence?"

The primary objective of our strategic forces is to deter nuclear attack upon ourselves or our allies. We seek to achieve that objective, first, by ensuring that our strategic forces always have the capability to retaliate decisively against an all-out surprise attack. This is our "Assured Destruction" capability.

Also, we incorporate into our strategic forces a variety of other capability to provide the President with a range of nuclear options for situations short of an all-out nuclear exchange.

A secondary objective of our strategic forces, in the event deterrence fails, is to limit damage to ourselves and our allies, and to exert pressure on the attacker to end hostilities promptly and on favorable terms.

Of these tasks, "Assured Destruction" is the most crucial, since it is the keystone of our entire strategic posture. It requires, obviously, that there never be any question about the ability of our forces to accomplish the "assured destruction" task—now or in the future. Uncertainties in any one element of the strategic forces, which are bound to arise from time to time as technology advances and the threat changes, must be offset by capabilities provided in other elements.

Moreover, we must not only guard against "foreseeable vulnerabilities" in our strategic forces, but also against those which may not as yet be clearly visible or understood.

For example, we know a great deal about the theoretical vulnerabilities of land-based missiles and bombers simply because we have studied them intensively and critically over a period of years. The potential vulnerabilities of the sea-based missiles, in contrast, have not been subjected to the same kind of critical and intensive analysis.

Yet, unless we believe that technological progress will come to a halt—which flies in the face of all our experience—we must assume that "potential" vulnerabilities of sea-based missiles will in time become much more visible, Dr. Foster, the Pentagon's Director of Research and Engineering, has pointed out that the Soviets "could today with their technology make the sea transparent." This, and other statements, suggest that the concern for the survivability of sea-launched missiles is just beginning.

Given the long lead times involved in the development, production and deployment of major new weapons systems, we must plan ahead for at least 10 to 15 years. By that time, new and totally unanticipated vulnerabilities may appear in one element or another of our strategic forces, just as they have in the past. The only way in which we can ensure that these unanticipated vulnerabilities will not fatally weaken our deterrent is to maintain well diversified forces and to make sure that each element has distinctly different survival and penetration characteristics.

For this reason we have created a triad of forces, consisting of bombers—of which a large proportion are maintained on continuous ground alert. . . . land-based missiles deployed in hardened underground silos that are dispersed in the central part of the U.S. . . . and sea-based missiles deployed in submarines.

Each element depends on a different mode for survival. Bombers depend upon tactical warning coupled with quick reaction. Minuteman depends upon dispersion and hardness. Polaris/Poseidon depends upon uncertainty of location of our submarines at deploy SLBMs with depressed trajectories close to our shores, it would bring into question the survivability of some of our bombers. If the Soviets deploy many, highly accurate ICMB's then our Minuteman force in silos is threatened. If the Soviets can reduce the uncertainty of location of our submarines at sea, then our SLBMs are threatened. If the Soviets achieve a significant advance in ABM technology, the value of both our ICBMs and SLBMs is compromised.

But a diversified force has the strong redeeming feature that a breakthrough in Soviet capability in any one area affects only that area and not our overall deterrent.

Further, and this is most important, by having a diversified force temporary vulnerabilities in any one element are not fatal. We can counter the vulnerability with deliberate well thought-out actions because we have confidence that the other elements of our forces will still work. On the other hand, if we put all our eggs in one basket, then we would have to be absolutely certain that there would never be any gap in the survivability of that force, however temporary.

Further, a composite force of bombers and land-based missiles greatly complicates Soviet "first strike" attack planning. That is, if the Soviets want to attack our land-based missiles and bombers at the same time with their ICBMs and SLBMs, they have two basic choices: (1) Launch the ICBMs first, then the SLBMs, so that both arrive over target simultaneously, or (2) launch both forces simultaneously.

If the Soviets make the first choice, then our bombers would have ample time to clear their bases before the SLBM warheads arrive. Our early warning system, which is already operational, can detect Soviet ICBM launches while they are still in the boost phase. We have under development a new system which could provide increased warning.

If the Soviets make the second choice, then there would be an interval of about 18–20 minutes between the detonation of the first SLBM warheads over our bomber bases and the arrival of the first ICBM warheads over the Minuteman silos. This would give our National Command Authority time to make a final decision and launch our ICBMs before they could be attacked.

Obviously, the presence of bombers and land-based missiles in the force greatly feeds the retaliatory capability of both and thereby strengthens our overall strategic deterrent posture. It confronts the Soviets with two mutually exclusive alternatives, each of which would be highly risky from their point of view.

Second, a mixed force of bombers and missiles complicates the Soviets defensive problem. While an anti-ballistic missile defense would be equally effective against sea-based missiles and land-based missiles, it would be of little value against low-flying B–1 bombers. Conversely, a good defense against low-flying B–1's would be of little value against land or sea-based ballistic missiles. In addition, the B–1 bomber is the only weapon system that's capable of fighting its way through whatever defenses the enemy creates because it can detect and destroy the radar installations needed for any kind of defensive system. Missile defenses and bomber defenses require different sets of equipment and technologies. Moreover, it is not enough to defend some targets against bombers and others against missiles—all must be defended against both if the defenses are to be of value.

Now, what is it that the bomber allows us to do . . . or more importantly, causes the enemy to realize what we can do . . . that the other two elements of the triad can't do . . . or do as well?

First, we have the potential for limited and controlled actions, as expressed in the President's desire to ". . . insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack or nuclear blackmail, or acts which could escalate to strategic nuclear war . . ." If we think in terms of limited nuclear responses, we must immediately recognize the utility of the strategic bomber. After launch, the bomber can be redirected or recalled over a period of hours, always remaining fairly noncommittal with respect to the area it is threatening. In the case of ballistic-missiles, the only way we could "show the force" is to launch the missile. But, the ballistic missile, once launched, cannot be recalled and will irrevocably detonate in a matter of minutes. In a situation which demands action with discretion, the strategic bomber offers a singular way to show our force and still provide the opponent with important time to evaluate our intent and re-consider his own.

Bombers are also very useful in third area conflicts such as Communist China, both in a nuclear and conventional bombing role. In contrast to missiles, bombers can be recycled repeatedly, and employed in sustained campaigns.

Although specifically designed for delivery of nuclear weapons against strategic targets, bombers are equally useful in a conventional role against tactical targets, much as our B–52s are being used right now in the Southeast Asia conflict.

Finally the presence of a strategic bomber in a diversified deterrent force helps our position in SALT-type negotiations. This hinges on the fact that the bomber—because of its relative slowness—is an unlikely first-strike weapon. As such, it is less destabilizing than missiles and should be less subject to critical bargaining at the SALT table. If our objectives in SALT are to achieve stability while making deterrence work, we should decidedly benefit from possessing a strategic system that minimizes the possibility for first-strike and still assures that we retain a strong second-strike capability for retaliation.

I now come to the second major point that is being raised by the members of the Peace Through Law group and many of the news media. Simply stated, the accusation is made that if the country needed a bomber at all, then the B–1 is the wrong kind of airplane. The claim is made that a subsonic strategic bomber serving exclusively as a standoff platform for a new air-to-ground missile would be better than the B–1. For this reason, the Peace Through Law group has urged cancellation of the B–1 program and allocation of limited funds for basic research on such a standoff system.

I submit this reasoning is not only illogical but also leads to a weapon system that would provide less deterrence for higher costs than the B–1. There are two ways of achieving the standoff capability. One is by using a large aircraft as a launching platform for ballistic missiles. This is not only enormously difficult in terms of guidance system and very expensive but also gets us right back at my earlier argument against putting all of our eggs in one basket. Remember that a single major advance in Soviet ABM technology would be effective against ALL long range missiles whether launched from under the sea, from silos, or from aircraft. ALL have ballistic trajectories.

So, the only alternative that makes any sense at all is to have a standoff missile that penetrates at low altitudes and over great distances. Extensive studies by the Air Force, the Department of Defense, and outside experts over a number of years have addressed this question . . . and rejected it because of higher cost, lower performance and other ill effects. I don't want to belabor the highly technical aspects of such a system.

But this much is certain as well as obvious: In order to have a range of at least 1,500 miles, such a missile would have to be subsonic and be powered by a conventional engine, two factors which virtually assure that it would be highly vulnerable to the enemy's SAMs. In addition, its minimum cost would be half a million dollars per missile . . . its size so great that the launching aircraft could carry no more than four aboard . . . its nuclear payload would be far below that of the B–1's bombs . . . and, because of inflexibility both the missile and its launching platform would be highly vulnerable. The gaggle of other accusations levelled against the B–1 is equally invalid. I am proud to say that the Air Force Association and AIR FORCE Magazine are dealing with these false claims in detail . . . refuting the range of errors from the B–1's alleged need for a special new tanker to insinuations about its inadequacy in terms of penetration speed. For reasons of time, I will single out only one other major point . . . that of costs. Cutting the DoD budget in order to fund allegedly underfunded social programs is the name of the game in the Congress and it is being played with the greatest degree of ostentation. The most cynical charges against the B–1 program are in the financial field, and suggest cost overruns and financial mismanagement. The most transparent hoax perpetrated by the Peace Through Law group is to charge the B–1 with such tangential elements as the cost of the Short Range Attack Missile (SRAM) which was developed for the B–52 and FB–111, and the eventual need of a new tanker . . . which would serve TAC as well as SAC. With the help of this kind of financial fast shuffle, the Committee arrives at the insinuation that the B–1 program will cost the taxpayer between 47 and 75 billion dollars. Actual cost forecasts by DoD and the Air Force are around $1 billion . . . and during the past year alone, frugal management techniques have reduced the cost of the current R&D phase by about half a billion dollars. To me the devious juggling of figures by opponents of the B–1 is the height of irresponsibility.

At AFA's National Convention last fall Secretary Seamans made this statement:

". . . It might be possible to undermine the effectiveness of either missiles or bombers alone, but to counter both at the same time would be a vastly more difficult problem. We must retain this stabilizing capability for the indefinite future. The B–1 gives us an improved system to do the job and represents the most economically feasible means to achieve this end . . . we must expedite the development of this aircraft."

The Air Force Association believes ardently that attainment of this goal is one of the most vital tasks this nation faces in today's troubled world. And we hope and pray that like the venerable B–36 it will provide many years of service . . . providing free men with peace without having to fire a shot in anger.

THAI FOREIGN MINISTER TELLS HOW OTHERS SEE US

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have wondered, as I am sure you have, what opinion other nations of the world have of the United States these days. When I read of some of the lunacies which make up most of the copy in the average newspaper today, the thought occurs to me that we must seem, in the eyes of the world, a nation gone mad.

Murderers are glorified in song and print and in television specials. Though every life lost in Vietnam is a tragedy, we slaughter many times more each day on the highways and in run-of-the-mill street murders. Films which, a few short years ago, were shown only in dingy back rooms of the most disreputable bars, now play to scores of thousands in our most plush theaters to million-dollar box offices. Men in high office call, virtually, for the destruction of the government. It is official policy to put as many Americans on welfare and dole as there are unemployed, regardless of the fact that jobs go begging. We send men to the moon but cannot get a letter from one side of town to the other in less than a week. Whole cities are unsafe after twilight. Our tax burden approaches 50 percent.

What must others think of us; this Nation which was so sensible, so powerful, so enviable a decade or two ago?

I think I have come across one view which is responsible and is probably representative and I would like to share it with you.

On July 15, the Honorable Thanat Khoman, Foreign Minister of Thailand, addressed the annual meeting of the American Chamber of Commerce in Bangkok. His address was titled, "The State of Thai-U.S. Relations and the Prospects of Their Future Development." In it, Minister Khoman talks about our country in a candid, open way and, as he himself puts it, in sympathy for us.

His address follows:

Address of Foreign Minister Khoman

Only a few days ago the United States celebrated the 194th anniversary of American Independence. I saw in the local newspapers that the Prime Minister, Field Marshal Thanom Kittikachorn, joined in the celebrations at the American Embassy here, while I personally congratulated the Secretary of State William Rogers in Saigon on that happy occasion. As can be seen by the two events, Americans and Thais are on speaking terms, or better than that, they are working fairly well together. In fact, they are fighting shoulder to shoulder for what they believe to be a good cause: namely, to repel a predatory aggressor and to help a small nation, South Vietnam, survive as a free and independent State.

That healthy relationship has existed since 1833, only 57 years after the emergence of the United States as a sovereign State, for the past 137 years and, in all appearance, there seem to be no reasons why that state of affairs should not continue on the same course for the future.

In the olden days, things went by placidly as there probably were only a couple of communications a month, at most, between the Embassy of the United States and the Ministry of Foreign Affairs and American Ambassadors could then afford a siesta during the heat of the day. I presume that things have somewhat changed at the Wireless Road Embassy. Perhaps because of the discovery of the air-conditioning, an American Ambassador has no longer any justification for taking such a leisurely nap.

However, clouds began to gather over the horizon when circumstances forced the United States to become involved more closely in the happenings of South East Asia.

The participation of the United States in the Vietnam war created new needs for support of war efforts in the form of military bases and installations. As the United States could not possibly obtain them in Laos, Cambodia, Burma or Malaysia, she had to look to Thailand who obligingly granted her what she wanted. Thus American soldiers poured into Thailand, air based for aircrafts ranging from reconnaissance and transport planes to fighters and larger bombers like the B52's, were built and used in Thailand with the consent of this government. That was the beginning of the trouble for this country and for the long time friend. The relationship which has been up till now serene and uneventful became difficult, not so much between the two governments as between certain elements of the American Society, mass media and politicians, who began to use this country as their favorite practice targets. The situation worsened when the United States, feeling lonely in Vietnam, began to induce other countries, including Thailand, to get into the quagmire she was, to a certain extent, responsible for creating. Thailand, at the United States insistence, had to send a full division of 12,000 men to join the American GI's.

Then came the 1968 Tet offensive which cost the North Vietnamese and Vietcong very heavily in human lives and in the destruction of their war potential. But the fact that those black-pyjama clad North Vietnamese could penetrate into the tightly defended stronghold of the American Embassy in Saigon gave them an even greater victory than the one they reaped at Dienbienfu over their French masters. The American public opinion, effectively aided by a chorus of TV and radio commentators, by the self-styled liberal pundits of the press, self-seeking politicians and half-baked intellectuals in many campuses, foundered before the co-ordinated onslaughts. At that juncture, the policy of scuttle-and-run distinctly emerged.

At this stage, while official relations at government level continue to be satisfactory and even cordial as heretofore, certain quarters in the United States, the press, particularly some elements of the New York-Washington axis mass media group, certain academic and congressional elements look upon Thailand not as a loyal friend and partner which has co-operated with the United States in many important ways at serious risks to herself and her people, but practically as a scapegoat on which to revenge their frustrations and failures.

Many unexpected happenings then began to unreel, to the amazement of the nonplussed Thai people. When American gasoline is stolen by Americans, the blame fell on Thailand. Or when United States authorities claimed to be swindled by American oil companies because they failed to take into account expansion under warmer climate, Thailand, which was not party to the contract, was held responsible. But the most baffling case is that of the Thai contingent in Vietnam which was sent into the battlefield at the urging of both the United States and Vietnam. At the time the request was made, Thailand made it abundantly clear that, because of the burden she had to carry for the defense of the country against communist encroachments and activities in various parts of the Kingdom as well as the needs for economic and social developments, Thailand could not assume additional expenditures resulting from the dispatch of Thai soldiers to help in the defense of Vietnam. The United States, therefore, offered to defray certain expenses to help alleviate the burden that Thailand already had to bear. It was in reality a bona fide understanding between two sovereign governments. However, the politicians of dubious morality misrepresented this accord for the sharing of responsibilities as a decision by the United States to engage "mercenaries". They also made the ludicrous claim that the United States had to pay a "bribe" of $1 billion for persuading Thailand to send her soldiers to Vietnam. A scholarly United States Senator even gave the Thai soldiers a new nationality borrowed from a historic German landgraveate of Hesse. So by the standard of that "intellectual" and "liberal" Senator, I myself, would be more appropriately known as Hessian rather than Thai Foreign Minister. I suppose this will not sound quite right to many sane and healthy people.

During those hectic years, Thailand was also strongly urged to buy United States Treasury bonds, although our authorities did not think much of that forced investment. However, when the measure became known a hallucinated Congressman, known more for his eccentricity than his intelligence, decried the fact that the United States had to pay interest to Thailand for the bonds.

A greater surprise for the Thai people came from the accusation by congressional and press elements that this country exploited the United States for the building of the $200 million U Tapao air base. In reality, and according to the words of American architects and engineers who themselves constructed those bases, the United States recovered the money she spent on building the bases in six months' time by realizing savings on the wear and tear on those huge B52's which could fly from nearby points rather than from distant bases of Guam and Okinawa as they had to do previously. But those ill-intentioned circles, unable or unwilling to show impartiality or good faith, chose to pass over in silence considerable contributions made by Thailand in this instance and in others which, calculated in hard cash, would match or even surpass the assistance rendered to this country by the United States. In fact, one can say without hesitation that, of all the countries in Asia, and perhaps in the world, which have co-operated with the United States, few have given in return for American generosity as much as the Thai Government and people.

One may ask in bewilderment why those immature and irresponsible elements in the United States have shown persistence in persecuting and molesting such a loyal friend and partner as Thailand? The answer has been supplied by Dr. Seymour Halleck of the American Psychiatric Association who declared "the number one mental health problem in our society is the Indo-Chinese war". Then a Berkeley Political Scientist by the name of Sheldon Wolin explained further, "The political life of this country (United States) is exhibiting unmistakable signs of derangement and systematic disorder . . . The present crisis is the most profound one in our entire national history . . . In contrast to previous crises, the present one finds the country not only divided but confused, embittered, frustrated, and enraged, but lacking the one vital element of self-confidence."

For these reasons, it seems to be difficult for those working closely and loyally with the United States to expect a well-reasoned and balanced reaction from their disturbed partner. We must recognize, however, that the difficulties and disturbances through which that great country has gone, have borne the mark of "Made in U.S.A." and created not by the enemy but by the less worthy elements of the American society for their own countrymen and for the friends of their country. In times of stress and strain the scum comes to the surface. It was those unwholesome elements which poisoned the hearts and minds and adulterated the sound and solid traditions of a great people. They even aimed at bringing about decay and disintegration to an otherwise strong and healthy society. For having co-operated wholeheartedly with the United States, Thailand has had to endure and suffer at the hands of those truly ugly Americans.

I say this, not in anger, but rather in sympathy and compassion. For, as a friend of the American nation who is impervious to the epithets of pro- or anti-Americans both of which have been occasionally applied to me, I feel saddened that, while the country is mighty and the great majority of the people are resourceful, ingenious and generous, certain unbalanced elements should succeed in beclouding the perception of the nation in respect of its actual power and potential. Those elements have particularly closed their eyes to the present and future role such a nation can play for itself and for the rest of the world. In actual fact, what the United States has been doing in many parts of the world, and during the past few years in Asia, should be looked upon as truly momentous deeds worthy of the highest respect and commendation. In any case, and from a strictly practical stand-point, the important services rendered by that country to the cause of freedom should allow the United States to cash in rather than cave in. We in Thailand fully realize the high significance of United States' performance. Unfortunately, some Americans themselves have debased these valuable contributions. It is high time now for the great majority of the American people, be they silent or not, to erase the deleterious and nefarious effects resulting from the actions of the few and restore a saner and healthier consciousness of the purposeful and beneficial mission of the United States in the days to come.

If any soul-searching operation were to be undertaken to find out the cause of present frustrations, one may ask why such an immense material power available to the defenders of Vietnam could not bring the little black-pyjama warriors down on their knees. Obviously, something must have been wrong. Would it be the fact that those who are in possession of and are used to work with impressive material and mechanical power and equipment lack the necessary understanding of the human hearts and minds? Especially, the motive power animating life in this part of the world is at least as much human will power as mechanical power. That applies particularly to the situation in Vietnam, which may not have been fully understood.

As to Thailand, the experience of the past few years has brought about a few conclusions which will probably guide and govern our future actions and relations with the United States.

In the first place, it seems to be the feelings of people not only in this country but elsewhere along the breadth and length of Asia that certain manifestations currently widespread in the United States are not suitable for Thailand nor for the rest of Asia and therefore must be rejected. I have in mind particularly the hippie and yippie culture as well as the Charlie Manson and the matrimonial community life experiments which are wholly repulsive to our morals and philosophy.

Secondly, while the Thai nation has been, still is and will be willing to entertain cordial relations with the traditionally generous American nation, it is not prepared to see our life and our thoughts dominated by certain segments of the American society. If, for instance, those elements of the New York-Washington mass media group which claims to have the right to shape and mould the thinking of their customers and terrorize those who resist the invidious grip on their minds, the Thai people are not ready to recognize either their paramountcy or their jurisdiction. Even though some of them may try to brow beat us into submission by blackmail or by ludicrous charge of anti-semitism, which is a phenomenon conceived and prevalent in western countries, or any other groundless accusations, the Thai people repulse their pernicious attempts at extending their thought control over them. Never will the fact that Thailand is recipient of United States assistance or at the same time a contributor to United States interests validly justify the claim of those elements to extend their ominous shadow over this country and tyranize it or for them to come to throw insults at us in our own home. Likewise, Thailand refuses to recognizes the jurisdiction and competence of the United States Foreign Relations Committee over the foreign policy of this country.

Thirdly, Thailand is not agreeable to receiving alien political systems, be they known as people's democracy or "Little Rock democracy" both of which are predicated upon the coloration of the political system or human skin and as such represent the antithesis of our casteless, classless humane philosophy of life. Buddhism, which is our guiding inspiration and perhaps the most egalitarian system, abhors dominance of some over the others. It also rejects all forms of discrimination whether on the basis of race, culture or religion.

Fourthly, while Americans are entitled to uphold and glorify the rights of dissent as the essence of their political faith, the Thai people must also be allowed to reject those forms of American "dissentery" or "dysentery" as dissent is conceived and practised over there. For we have seen how impractical and unavailing for people to express their dissenting views with opinions propagated by certain newspapers. They simply would not publish them. Worse still those who try to differ from political views forcefully thrust forward by militant organizations such as the S.D.S. or the Black Panther are likely to run into serious risks for their persons not to speak of their opinions. Terror which reigns in certain college campuses is sufficient to prove how dissent is tolerated and admitted by those circles.

Fifthly, the Thai people find it very difficult to understand why co-operation with the United States should be conditioned on Thailand, sharing the confusion and convulsions gripping certain sectors of the American national life. One export Thailand is loath to accept is the export of such destructive commodities which threaten to tear apart our society. If others find that these are appropriate expressions of their national activities, they should keep them preciously for themselves and prevent their exportation to those who have no use for them.

From all the above, it seems inescapable that relations between Thailand and the United States will evolve toward a more selective basis. While the Thai nation is always desirous to maintain, indeed to develop continuing close and cordial relations with the steady and well balanced American people, there is an understandable reluctance to have much, if anything, to do with the deviated and aberrant elements which forsake the time-honoured-traditions of their great country. Particularly, we look forward to strengthened contacts and co-operation with the sane and energetic majority of the American people for mutual interests and benefits. As the conflict in Vietnam gradually recedes into the background and the requirements of both a military and political nature lessen, normality hopefully will return to our relations. The lowering of the profile in the military and political horizons, areas which have caused much friction and irritation, will, I dare hope, open the way for increased practical and constructive co-operation in the economic, technological and cultural fields. Thailand has a great deal to offer and the United States much to contribute. I hope that all of us here who are protected from contagious viruses shall be able to join in common endeavors for the above purpose.

As to Americans living in Thailand, they will continue to enjoy many important rights and privileges as heretofore. They can practice professions such as newspaper editors, attorneys and medical doctors, which are not open to Thai citizens in the United States. American banks can do business here while their Thai counterparts are not allowed to function in certain States like California. Such lack of reciprocity is likely to exist as it existed in the past when the King or the Prime Minister of Thailand had to apply for a United States visa whereas any American citizen could walk into this country without similar requirement. As regards immigration permit difficulties which were mentioned by Ambassador Unger in his address to this body last year, they are being solved by the Foreign Office which can give extension of stay upon certification of bona fide business. Land ownership restrictions also may find appropriate solutions on the merits of the case. American GI's presence in Thailand is also welcomed while aggression in Vietnam continues for they are performing a worthy task for the peace of this region. All in all, Thailand undoubtedly represents now and in the foreseeable future the most friendly and favorable climate for cooperation the United States can find in the entire area. After the clouds which temporarily darken the sky have cleared and the asperities smoothed over or removed from the surface, the relationship between the two countries will surge forward, for the friendship between two peoples is genuine and based on natural, sound and solid ground. I have no doubt it will continue to serve and benefit our respective nations.

PRESIDENT NIXON'S GI DRUG PROPOSAL

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, my first reaction to the belated plan of the White House for the treatment of GI drug addicts was disappointment. On second reading, I was appalled at the simplistic approach that the President has taken. The plan is doomed to failure. It will be neither effective nor humane.

The problem of drug-addicted servicemen is an immediate one. They need help now. Not 1 or 2 years from now, for which most of the President's plan seems geared. The problem is not a simple one of detoxification of drug using or heroin using troops. Detoxification is a short term, relatively simple process. The real problem is an effective rehabilitation program designed to change the lifestyle and redirect the attitudes and motives of the young GI's involved. This takes years. That is why the Narcotic Addict Rehabilitation Act of 1966, to which GI addicts would be funneled under my proposed legislation, provides for up to 42 months of treatment including post hospitalization care. The basis of the President's plan is the detoxification program, that is, those eligible for discharge are to be preemptorily detoxified and released in the United States with instructions that they may return to a Veterans' Administration hospital if they wish.

The flaw in this plan is of course that there are only five hospitals now with 130 beds available for addicts that in reality may number 30,000. The President claims that $14 million will be released to enable the VA to expand its five addiction clinics to 30. The problem is that it will take at least a year to gear up to these 30 which is less than one per State and as I have pointed out, these addicts need help now, not a year from now.

Another problem is that the President's program is apparently aimed at heroin addiction. The problem as we have seen it develop in Vietnam during the last 5 or 6 years is that these troops are multiple drug users, they are addicted or habituated not only to heroin, but to a combination of drugs including the amphetamines, barbiturates and hallucinogens. There are no provisions in the President's plan for those troops who are addicted to different drugs.

As I said at the beginning, not only will the plan prove to be ineffective, it will be inhumane. After 3 weeks of detoxification, the GI will be referred to a civilian agency if he so desires. If not, he is simply released back into the community. This is contrary to everything we know about the treatment and rehabilitation of drug addicts. It is a rare addict who does not relapse one, two, three, or even four times before final abstinence. Yet under President Nixon's program, these junkie GI's will be released back into the community after 3 short weeks of drying out. I have seen addicts in Lexington Ky., and in rehabilitation centers in my own city of New York and I can testify that they are in no physical or psychological condition to cope with reentry into society with all the attendant residual problems of the use and abuse of opium and its derivatives after just 3 weeks.

The problem, of course, arises from the fact that the administration is, at the 11th hour, rushing in with a hurry-up stopgap program because it has completely ignored the problem for the last 6 years. Only a year ago the Defense Department claimed 100 addicts in uniform. Yet in the last 2 years, some 16,000 enlisted men have come to the attention of disciplinary authorities in the armed services for drug-related offenses. There were 10,000 of them discharged under regulations which barred them from treatment by VA hospitals even though the administration has reversed itself recently to allow VA treatment—which apparently, as of today, is relatively nonexistent.

Congressional studies indicate that there are additional tens of thousands of veterans who were released back into society undetected by the armed services and who are today saddled with a vicious drug problem unable to maintain it without resorting to crime, armed robbery or, worse, pushing drugs themselves.

Yesterday I reintroduced a bill I originally introduced on March 16, 1971, with 24 cosponsors which is based on extensive studies and interviews with combat commanders, military doctors, and psychiatrists, and GI's themselves.

I feel it is a more realistic solution to this problem and I urge my colleagues in the House to support it and to seek hearings by the House Armed Services Committee on it as soon as possible.

This is much too serious a problem to play with. We are dealing with the lives and deaths of tens of thousands of our sons and it is not time to be lulled into a false sense of security by the President's hastily thrown together program that can only have disastrous results.

It is a disservice to our men in arms, many who have fought valiantly for their country, to be subjected to the humiliation and degradation inherent in the President's plan.

For example, the forced ingestion of nalline which makes someone who has recently taken heroin acutely ill can only cause resentment and a feeling of humiliation on the part of troops who have been in forward combat areas for the previous 12 months.

I recommend that the Congress reject the President's plan and move forward with its own legislative program to handle the drug addicted veteran. The Nation should not be deluded into accepting what is put forth as a solution when it is really no solution at all.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The country which has the largest mail service in the world is the United States. U.S. citizens posted 78,368 million letters and packages in 1967. The U.S. postal system employs 715,970 people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and Monday, June 21, 1971, on account of the death of his wife's father.

Mr. CORMAN, on account of official business.

Mr. FOUNTAIN (at the request of Mr. MIKVA), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MITCHELL) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. TEAGUE of Texas, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) and to include extraneous matter:)

Mr. WARE.
Mr. SAYLOR.
Mr. THOMSON of Wisconsin.
Mr. SCHWENGEL in two instances.
Mr. BRAY in three instances.
Mr. SCOTT.
Mr. QUILLEN.
Mr. WHALEN.
Mr. WYMAN in two instances.
Mr. MILLER of Ohio.
Mr. BOB WILSON.
Mr. HOSMER.
Mr. COUGHLIN.
Mr. BIESTER.
Mr. SPENCE.

(The following Members (at the request of Mr. MITCHELL) and to include extraneous matter:)

Mr. MANN in 10 instances.
Mr. JACOBS in two instances.
Mr. ABOUREZK in five instances.
Mr. SISK in two instances.
Mr. ABBITT in two instances.
Mr. GARMATZ in three instances.
Mr. FRASER in three instances.
Mr. BARRETT.
Mr. ECKHARDT.
Mr. DELANEY in three instances.
Mr. RARICK in three instances.
Mr. RYAN in four instances.
Mr. ROE.
Mr. ANDERSON of California in three instances.
Mr. DONOHUE in two instances.
Mr. GONZALEZ in two instances.
Mr. BINGHAM in two instances.
Mrs. GREEN of Oregon in five instances.
Mr. MURPHY of New York.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled Joint Resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

ADJOURNMENT

Mr. MITCHELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, June 21, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

871. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notification of facilities projects proposed to be undertaken for the Air Force Reserve, together with cancellation of certain previous notifications, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

872. A letter from the Commissioner, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; to the Committee on the District of Columbia.

873. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting copies of Presidential Determination 71–14 relative the Government of Jordan, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended, and section 4 of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

874. A letter from the Acting Administrator, General Services Administration, transmitting a prospectus for proposed lease of space in a building to be constructed under a lease arrangement to house the Social Security Administration Payment Center in Birmingham, Ala., pursuant to the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971 (Public Law 91–556); to the Committee on Public Works.

875. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report on a proposed transfer of "research and development" funds, pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1971; to the Committee on Science and Astronautics.

876. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on a proposed transfer of "construction facilities" funds, pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1970; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 487. A resolution providing for the consideration of H.R. 1. A bill to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes (Rept. No. 92–288). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 9270. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-289). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. H.R. 9271. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–290). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. S. 145. An act for the relief of Esther Catherine Milner (Rept. No. 92–284). Referred to the Committee of the Whole House.

Mr. RODINO. Committee on the Judiciary. S. 566, An act for the relief of Maria Grazia Iaccarino (Rept. No. 92–285). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 672. An act for the relief of Nicholaos Demitrios Apostolakis (Rept. No. 92–286). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 1962. A bill for the relief of Dah Mi Kim; with an amendment (Rept. No. 92–287). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 9257. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 9258. A bill to authorize a 2-year program of financial assistance for all elementary and secondary school children in all of the States; to the Committee on Education and Labor.

H.R. 9259. A bill to provide for the issuance of a commemorative postage stamp in honor of the 100th anniversary of the Arnold Arboretum of Harvard University; to the Committee on Post Office and Civil Service.

By Mr. KOCH:

H.R. 9260. A bill to amend title II of the National Housing Act to limit the amount of any mortgage insured under section 235 or 236 of such act to not more than 10 percent above the amount established as the prototype cost of the property for the area where such property is located; to the Committee on Banking and Currency.

By Mr. MACDONALD of Massachusetts:

H.R. 9261. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 9262. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. Chisholm, Mr. Gude, Mr. Burke of Massachusetts, and Mr. Halpern):

H.R. 9263. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 9264. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (for himself Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mr. Hammerschmidt, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Ruth, Mr. Satterfield, Mr. Saylor, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.R. 9265. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 9266. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Commitee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 9267. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 9268. A bill to authorize the District of Columbia Council to change the amount of certain fees, taxes, and other charges; to the Committee on the District of Columbia.

By Mr. WHITTEN:

H.R. 9270. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. STEED:

H.R. 9271. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. COUGHLIN:

H.J. Res. 728. Joint resolution; Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. HALPERN:

H. Res. 488. Resolution expressing the sense of the House with respect to the negotiation of an American-Israeli Treaty of Friendship; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McDONALD of Michigan introduced a bill (H.R. 9269) for the relief of Betty A. Glassford, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

87. The SPEAKER presented a petition of the mayor and the Council of the City of Palo Alto, Calif., relative to the withdrawal of U.S. Armed Forces from Southeast Asia, which was referred to the Committee on Foreign Affairs.

SENATE—*Friday, June 18, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, by whose providence this Republic was brought forth, we beseech Thee to keep the Members of the Senate and all who assist them under the canopy of Thy grace. Give them a wisdom beyond themselves and a strength greater than their own. Beneath our words hear the deeper yearning of our souls. Rule over the deliberations of this body, for Thy glory and the good of all the people.

In the Redeemer's name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 17, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FREE OR REDUCED-PRICE MEALS TO NEEDY CHILDREN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 173, H.R. 5257.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 5257, to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Agriculture and Forestry with amendments, to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is authorized to use during the period ending June 30, 1972 funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) in such amounts as may be appropriate in addition to any other funds available for that purpose to carry out the provisions of the National School Lunch Act.

SEC. 2. (a) Section 4(a) of the Child Nutrition Act of 1966, as amended, is amended by striking out "for the fiscal year 1971" and inserting in lieu thereof "for each of the fiscal years 1971 and 1972".

(b) Section 13(a)(1) of the National School Lunch Act, as amended, is amended by striking out "three fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971," and inserting in lieu thereof "four fiscal years ending June 30, 1969, June 30, 1970, June 30, 1971, and June 30, 1972."

SEC. 3. Section 4(d) of the Child Nutrition Act of 1966 is amended by striking out "80 per centum" and inserting "100 per centum".

SEC. 4. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading "In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies." and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SEC. 5. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972, not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

Mr. ALLEN. Mr. President, H.R. 5257, a bill to amend the National School Lunch Act, is a major piece of legislation. It is needed at this time to meet an acute need that has arisen regarding the shortage of funds to carry out the provisions of the National School Lunch Act, the breakfast program, and the special food program.

I ask unanimous consent to have printed in the RECORD an article entitled "Cities Lose U.S. Funds for Summer Lunches," which was published in the Washington Post today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITIES LOSE U.S. FUNDS FOR SUMMER LUNCHES

(By Nick Kotz)

The Agriculture Department has informed big cities throughout the country that they will not receive expected funds to feed hundreds of thousands of poor children this summer.

The children were to receive free meals, starting next week, under a federally supported summer program to feed poor children in day care and recreation programs. During the school year, the children are helped by the national school lunch program.

City officials in Baltimore, Detroit, Los Angeles and other cities charged in interviews yesterday that the department has precipitated a crisis in ghetto areas by reneging on promises of food aid.

Agriculture Department officials said 11 cities, including Washington, D.C., have planned programs for 425,000 children at a federal cost of $11 million, while only $4.7 million is available to fund summer programs throughout the country.

The District has planned a $1 million program for 50,000 children but is scheduled to receive only $145,000 for both summer and full-year programs.

Sen. George S. McGovern (D-S.D.) disclosed the crisis in summer lunch programs and asked Agriculture Secretary Clifford Hardin to take immediate action to meet the problem.

Richard Lyng, assistant secretary of agriculture, acknowledged in an interview that needed funds are not available and that department officials improperly promised such funds to the cities.

"I just don't see how we can satisfy the requests of all these cities," Lyng said.

"It's a major problem and I don't have an immediate solution to it. Some of our people simply didn't face up to the budgetary problems soon enough. We have to have budgetary discipline in these things."

Among cities informed this week of sharp cutbacks in expected funds are:

Baltimore, which planned to start feeding 40,000 chidlren next Monday, at a federal cost of $1 million. USDA has said that all of Maryland will receive only $265,000 for year-round programs as well as summer programs.

Chicago, which planned to feed 60,000 children, beginning June 28, at a federal cost of more than $1.2 million. Chicago is now scheduled to receive only $185,000.

Los Angeles, which planned to feed more than 200,000 children with $5 million in federal aid, has been informed that all of California will get only $863,000.

Detroit, which planned a $1.3 million program for 50,000 children, will have to share in Michigan's total allocation of $500,000.

The U.S. Conference of Mayors, in a resolution at its national convention, asked Congress to pass legislation immediately to meet the needs of all city lunch programs.

"This is incredible," said Deton Brooks, commissioner of Chicago's department of human resources. "They dropped this on us 10 days before the program is to start. How are we going to feed these kids?"

Baltimore Mayor Thomas D'Alesandro III, said:

"Our situation is desperate. We don't have the money and the kids are going to be out there in the streets. We had a good program last year and were promised support for a better one this summer.

Arnold Robles, coordinator of the youth advisory council of Greater Los Angeles, said he has hesitated to inform 65 community organizations that promised funds will not be delivered to feed 273,000 children beginning July 1.

"I'll have to bar my doors and put on a steel hat," he said. "This is just terrible—one more broken promise to those kids."

The funding mixup apparently occurred because USDA officials badly underestimated funds needed to fulfill federal obligations on the year-round feeding program that ends June 30, and failed to consider its pledges for new funds starting July 1.

The Nixon Administration has requested $20.7 million, the same amount as this year for both summer and year-round programs under the out-of-school feeding programs of the Child Nutrition Act.

According to law, these funds are distributed on the basis of poor children living in the 50 states. The Agriculture Department avoided a similar crisis last year by redistributing funds not used by other states. However, the department has run out of current fiscal year funds and thus cannot meet the immediate needs of big cities beginning July 1.

City officials throughout the country said the department told them to expand their programs this summer. Assistant Secretary Lyng said he learned of the fund problem only two weeks ago. Lyng then ordered his subordinates to tell cities their expectations could not be met.

Mr. ALLEN. Mr. President, I also ask unanimous consent that a statement issued by the distinguished senior Senator from Georgia (Mr. TALMADGE) on yesterday be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HERMAN E. TALMADGE

I have received a number of anxious inquiries from people who are fearful that the Special Food Assistance Program for children will die on June 30.

The program provides money for free and reduced price meals for children participating in special camps for needy children, and other activities such as summer recreation programs.

Yesterday, June 16th, our Committee approved the authorization for the continuation of Section 13 of the School Lunch Act, which includes the summer food program. Today the measure was officially reported to the Senate.

I expect early action on this measure, and hopefully we can go to conference with the House soon.

I must point out that the White House did not even ask for an extension of this program until May 18 of this year, even though the program was due to expire on June 30.

The bill was introduced in the Senate on May 19, and Senator James Allen's Subcommittee on Agricultural Research and General Legislation held hearings on June 8. As I pointed out earlier, our full Committee on Agriculture and Forestry sent the bill out today.

Furthermore, the bill we have reported, authorizes the Secretary of Agriculture to use Section 32 funds in *any* amount necessary to keep this program going beyond June 30. The Committee included this provision because of the practical certainty that the appropriation for the Department of Agriculture for Fiscal Year 1972 will not be passed before July 1, and because of the probability that insufficient funds will be provided by a continuing resolution.

Such a resolution would be likely to allow USDA to continue all of its programs at the same levels as last year, until Congress is able to act on the money bill.

The bill we have reported will permit a higher level of support for the Special Food Assistance Program for Children if that is found to be appropriate.

Given all of these circumstances, there would seem to me to be no basis for the concern now manifested in many city halls about a cut off of money for the summer nutrition program.

The Congress has acted quickly and responsibly on this matter, despite what I consider to be foot dragging by the Administration.

Mr. ALLEN. Mr. President, the amendments provided by H.R. 5257 and the amendments of the Committee on Agriculture and Forestry to H.R. 5257 reach the situation and the problem posed by the article to which I have referred.

The committee amendment to H.R. 5257 extends the school breakfast program and the special food assistance program for children 1 year. The appropriation authorization for the school breakfast program for fiscal 1971 was $25 million and the bill would authorize the same level of appropriation for fiscal 1972. The appropriation authorization for special food assistance program for children was $32 million and the bill would authorize the same level of appropriation for fiscal 1972. This is the program under which food is made available for summer camps. Furthermore, the bill would authorize the Secretary of Agriculture to use section 32 funds for the remainder of this fiscal year and for fiscal 1972 in any amount necessary to carry out the provisions of the National School Lunch Act. The summer camp program is carried out under section 13 of that act so that enactment of this bill will provide complete authority to the Secretary and funds to carry out the summer camp program this summer, as well as any other programs authorized by the National School Lunch Act.

In addition, the bill would authorize the Secretary of Agriculture to pay up to 100 percent instead of 80 percent of the operating costs of the school breakfast program in circumstances of severe need. In cases not of severe need the Secretary would continue to be authorized as in the past to pay for the costs of agricultural commodities used in this program.

Further, the bill would apply the requirements of the National School Lunch Act for free and reduced-price meals to the school breakfast program so that the requirements will be the same in each program. The same child that is entitled to a free lunch should also be entitled to a free breakfast and it does not make sense to have different requirements for these two programs.

Mr. President, the bill would also authorize the Secretary of Agriculture to use up to $20 million for section 32 funds to carry out the supplemental food program in fiscal 1972. This is the program under which supplemental foods are made available to nursing mothers, pregnant women, and infants.

It is hoped that the other body will accept the Senate amendments to the bill on the next legislative day so that the bill can be sent to the President for his signature in order to meet this critical need.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Florida (Mr. CHILES), I ask unanimous consent to have a statement by him printed in the RECORD regarding H.R. 5257 on special food service programs, which includes the summer program that would feed hundreds of thousands of poor children.

There being no objection, the statement of Mr. CHILES was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. CHILES

The Senate Agriculture and Forestry Committee favorably reported H.R. 5257 earlier this week, with amendments that guaranteed funds to support the special food services programs, which includes the summer program that would feed hundreds of thousands of poor children.

During Committee consideration of this Bill I proposed an amendment, which was adopted, to allow the Sect. of Agriculture to utilize Section 32 monies to pay deficits in these feeding programs for this fiscal year. I support an additional to this amendment including deficits for the coming fiscal year as a protection in case the U.S.D.A. had underestimated the extent of the summer feeding program.

Today we learned that programs in 11 cities across the U.S., which would have fed 425,000 poor children this summer, plus other areas including my home State of Florida, will receive little or no funds. The real shame of this is that the U.S.D.A. had told these officials to gear up their program as funds would be forthcoming. The Agriculture Dept. indicated to me that the present allocation for these programs was sufficient to fund them. Obviously, this is not the case.

I urge the Congress to speedily pass this Bill, H.R. 5257, so that these child feeding programs can proceed on the schedule that was promised them. The Congress can do nothing more honorable than seeing to it that these hungry children are fed.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "An act to extend the school breakfast and special food programs."

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SAXBE. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

Mr. TALMADGE subsequently said: Mr. President, the Senate this morning passed H.R. 5227, as amended by the Senate.

I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Talmadge, Mr. Ellender, Mr. Allen, Mr. Humphrey, Mr. Miller, Mr. Aiken, and Mr. Young conferees on the part of the Senate.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with No. 145 and extending through No. 151.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRINTING OF THE 1970 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

The resolution (S. Res. 121) authorizing the printing of the 1970 Annual Report of the National Forest Reservation Commission as a Senate document, was considered and agreed to, as follows:

S. Res. 121

Resolved, That the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1970, be printed with an illustration as a Senate document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–148), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 121 would provide that the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1970, be printed with an illustration as a Senate document.

The printing cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$2,417.81

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "COST OF CLEAN WATER" AS A SENATE DOCUMENT

The resolution (S. Res. 130) authorizing the printing of the report entitled "Cost of Clean Water" as a Senate document, was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act, as amended) entitled "Cost of Clean Water", be printed with illustrations as a Senate document.

Sec. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–149), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 130 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with sec. 26(a) of the Federal Water Pollution Control Act, as amended) entitled "Cost of Clean Water," be printed, with illustrations, as a Senate document; and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,026.63
2,500 additional copies, at $217.54 per thousand	543.80
Total estimated cost, S. Res. 130	4,570.43

AUTHORIZATION FOR THE PRINTING OF THE PROCEEDINGS OF THE PUBLIC MEETINGS ON THE DEVELOPMENT OF A UNIFORM CONVENTIONAL MORTGAGE FORM AS A SENATE DOCUMENT

The Senate proceeded to consider the resolution (S. Res. 117) to authorize the printing, as a Senate document, of the proceedings of the public meetings on the development of a uniform conventional mortgage form, which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 9, after the word "of," strike out "1970." and insert "1970, and that there shall be printed two thousand two hundred additional copies of such document for the use of the Committee on Banking, Housing and Urban Affairs."; so as to make the resolution read:

Resolved, That there shall be printed as a Senate document the proceedings of the public meetings, held April 5 and 6, 1971, by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, on the development of a uniform conventional mortgage form as an aid to the secondary market operations for conventional mortgages authorized to be carried out by such Association and Corporation under title II and III of the Emergency Home Finance Act of 1970, and that there shall be printed two thousand two hundred additional copies of such document for the use of the Committee on Banking, Housing and Urban Affairs.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–150), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 117 as referred would authorize the printing, as a Senate document, of the proceedings of the public meetings held April 5 and 6, 1971, by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, on the development of a uniform conventional mortgage form as an aid to the secondary market operations for conventional mortgages authorized to be carried out by such Association and Corporation under titles II and III of the Emergency Home Finance Act of 1970.

At the request of the Committee on Banking, Housing and Urban Affairs, the Committee on Rules and Administration has amended Senate Resolution 117 to provide the former committee with 2,200 copies of the document.

EXTENSION FOR 2 YEARS OF AUTHORITY FOR ERECTION IN THE DISTRICT OF COLUMBIA OF A MEMORIAL TO MARY McLEOD BETHUNE

The joint resolution (S.J. Res. 111) extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective June 1, 1971, the last sentence of the joint resolution entitled "Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960, as amended (74 Stat. 154, 79 Stat. 822, 84 Stat. 303), is amended by striking out "within eleven years" and inserting in lieu thereof "within thirteen years".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–151), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Joint Resolution 111 would extend for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The original authority for the memorial was granted by House Joint Resolution 502 of the 86th Congress, approved June 1, 1960, which provides that—

(1) The Secretary of the Interior is authorized and directed to grant authority to the National Council of Negro Women to erect, on public grounds in the District of Columbia owned by the United States, a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation;

(2) The design and location of the memorial shall be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission;

(3) The United States shall be put to no expense in or by the erection of this memorial; and

(4) Unless funds in an amount which the Secretary of the Interior determines sufficient to insure completion of the memorial are certified available, and the erection of the memorial is begun within 5 years from the date of enactment of this joint resolution, the authorization hereby granted is revoked.

Authority for the memorial, which would have expired May 31, 1965, was continued for 2 additional years, through May 31, 1967, by Senate Joint Resolution 89 of the 89th

Congress approved September 1, 1965. House Joint Resolution 1069 of the 91st Congress, approved June 12, 1970, extended that authority for 4 more years, through May 31, 1971.

Senate Joint Resolution 111, the present proposal, would continue that authority for 2 additional years, through May 31, 1973.

Mary McLeod Bethune was a prominent Negro educator who was born in 1875 and died in 1955. She is possibly best known as a founder of the Bethune-Cookman College for Negroes at Daytona Beach, Fla. In 1930 President Hoover invited her to his White House Conference on Child Health and Protection, and during the administration of Franklin D. Roosevelt she was head of the Negro division of the National Youth Administration. In 1945 President Roosevelt asked her to be a delegate to the San Francisco Conference of the United Nations.

The site for the memorial, Lincoln Park—10 blocks east of the U.S. Capitol—has been approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The National Council of Negro Women has indicated that the additional time granted by this joint resolution would be sufficient to obtain, and to have approved, the statue of Mary McLeod Bethune intended to occupy that site.

AUTHORIZATION FOR THE PRINTING OF THE STUDY "SOVIET SPACE PROGRAMS, 1966–70" AS A SENATE DOCUMENT

The concurrent resolution (S. Con. Res. 30) authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the study entitled "Soviet Space Programs, 1966–70", prepared for the use of the Senate Committee on Aeronautical and Space Sciences by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of that committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–152), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 30 would provide (1) that the study entitled "Soviet Space Programs, 1966–70," prepared for the use of the Senate Committee on Aeronautical and Space Sciences by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, be printed with illustrations as a Senate document; and (2) that there be printed 3,000 additional copies of such document for the use of that committee.

This proposal is similar to that contained in Senate Resolution 124, referred to the Committee on Rules and Administration on May 13, 1971. Since the concurrence of the House of Representatives is required on proposals to print additional copies costing in excess of $1,200 (44 U.S.C. 703), the Committee on Rules and Administration is expressing its approval of this proposal by reporting out this original concurrent resolution in lieu of Senate Resolution 124.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$23,943
3,000 additional copies, at $1,421 per thousand	4,263
Total estimated cost, S. Con. Res. 30	28,206

AUTHORIZATION FOR THE PRINTING OF A VETERANS' BENEFITS CALCULATOR

The concurrent resolution (H. Con. Res. 120) to authorize the printing of a veterans' benefits calculator was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–153), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 120 would provide that after the conclusion of the second session of the 92d Congress there be printed 50,155 copies of a Veterans' Benefits Calculator, prepared by the House Committee on Veterans' Affairs, of which 2,000 copies would be for the use of that committee, 2,000 copies for the use of the Senate Committee on Veterans' Affairs, 37,400 copies for the use of the House of Representatives (85 per Member), and 8,755 copies for the use of the Senate (85 per Member).

The printing cost estimate is as follows:

Printing-cost estimate

First 1,000 copies	$2,448.51
49,155 additional copies, at $87.98 per 1,000	4,324.66
Total estimated cost. H. Con. Res. 120	6,773.17

AUTHORIZATION FOR REPRINTING BROCHURE ENTITLED "HOW OUR LAWS ARE MADE"

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 206) to reprint brochure entitled "How Our Laws Are Made" which had been reported from the Committee on Rules and Administration with an amendment. On page 2, after line 2, insert the following new section:

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document authorized by section 1 of this resolution.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–154), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 206, as referred, would provide (1) that the brochure entitled "How Our Laws Are Made," as set out in House Document 91–127, be printed as a House document, with a suitable paperback cover of a style, design, and color to be selected by the chairman of the House Committee on the Judiciary, with emendations by Joseph Fischer, Esq., law revision counsel of the House Committee on the Judiciary, and with a foreword by Hon. Emanuel Celler; and (2) that there be printed 98,000 additional copies of such document, of which 10,000 would be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives (200 per Member).

The Senate Committee on Rules and Administration has amended House Concurrent Resolution 206 to authorize the printing of 51,500 additional copies of the document for the use of the Senate. This would provide Members of the Senate with 500 copies each for distribution to their constituents.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Nos. 197 and 198 on the Executive Calendar only.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The two specified nominations on the Executive Calendar will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

RAILROAD RETIREMENT BOARD

The assistant legislative clerk read the nomination of Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board for the remainder of the term expiring August 28, 1973.

Mr. ERVIN. Mr. President, Wythe D. Quarles, Jr., had the good fortune to be born in the great Commonwealth of Virginia. He had the greater fortune to move from the State of Virginia to the State of North Carolina and to marry a very charming North Carolina girl. He now resides in Rocky Mount, N.C., and has devoted his life to railroad work, following, in that respect, in the footsteps of his father, Wythe D. Quarles, Sr.

Wythe D. Quarles, Jr., has risen from a position on the local board of engineers, on which he began to work in November of 1942, to the post of vice chairman of the National Railway Labor Conference.

I should like to read to the Senate an editorial which was published in the Rocky Mount, N.C., Telegram, a newspaper published in his hometown of Rocky Mount, N.C. The editorial is entitled, "New Honor for Quarles," and reads as follows:

NEW HONOR FOR QUARLES

Rocky Mount area citizens have a special interest in the appointment of Wythe D. Quarles, Jr. by President Nixon to the Railroad Retirement Board. They are happy that one of our own, a man who did much in his efforts to be a good citizen, won the honor, and at the same time they are confident that the President could not have selected a better man for the post.

The rise of Wythe Quarles from the post of locomotive fireman on the old Coast Line Railroad to the No. 1 railroad position in the country reads like a chapter from Horatio Alger. For not once in his 34-year railroad career has Quarles been content to follow the status quo or let well enough alone. Instead he has been continually interested in doing the very best job possible in the position he held. That intense devotion to work has seen promotion after promotion come to him on his way to the top.

Not only has Wythe Quarles earned the respect of railroad management but at the same time he has been regarded as one of them by the rank and file of railroad employees. While many were genuinely sorry to see Quarles leave his post with the Atlantic Coast Line, now the Seaboard Coast Line, they still rejoiced in the knowledge that he was achieving a higher goal when he went with the Railroad Labor Conference, which he has been serving as vice chairman.

However, Wythe Quarles has not been content just to be the best railroader possible. Even as he attained the heights in his chosen profession, he still found time to be a valuable citizen. Rocky Mount citizens know full well of his contributions to community life—the YMCA, the Methodist Church, Scouting, the Rotary Club, the United Fund and many other endeavors where he rendered invaluable service.

The Telegram believes it goes without saying that President Nixon's choice of Wythe Quarles will be confirmed by the U.S. Senate. Furthermore, there is every reason to believe that this vital three-man Railroad Retirement Board will benefit greatly in its work through the addition of this highly capable man.

Mr. President, I move that the Senate confirm the nomination of Wythe D. Quarles, Jr., for the post to which he has been nominated by President Nixon.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ERVIN. Mr. President, I ask that the President be notified immediately of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CRISIS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, as the acting minority leader I want to make a statement, though not necessarily reflecting the views of the minority leaders.

I take this opportunity to call to the attention of the Senate and the Nation to the situation fast developing in Pakistan. Mr. President, I have been interested in this situation for some time.

One of the world's great tragedies is taking place at the present time. I raise this matter because the world will not recognize the full extent of this calamity until perhaps as late as September or October of this year.

Mr. President, to review what has happened, in March the elections that had been held were determined by the Punjabi-controlled West Pakistani Army to have been insurgency. The national assembly was suspended and an attack was made upon students, upon the leaders of the moderate generally pro-Western Awami League, upon Hindus, and upon others.

Since that time millions have been driven from their homes and thousands of people have been killed to the extent that there are at the present time in West Bengal almost 6 million refugees. These people are living and trying to survive in the countryside without the benefit of food or medical attention.

At the present time cholera is rampant and will get worse as the monsoons come in and turn the whole countryside into a quagmire. Little medical attention is being given, although our Government has responded and is aiding India in transporting some people to places where they can be better cared for and is trying to clear some of the people out of the terrible conditions existing in Calcutta and the surrounding territory.

There are numerous people—I understand 3 to 4 million people—that are being pushed into the terrible conditions resulting from last year's flood area as a result of the typhoon.

This situation will get worse, because they are unable to plant crops. Now is the planting season. This fall when the crops should come, there will not be enough food to go around.

The PRESIDING OFFICER (Mr. GRAVEL). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I seek recognition and I yield my 3 minutes to the distinguished acting minority leader.

The PRESIDING OFFICER. The Senator from Ohio is recognized for an additional 3 minutes.

Mr. SAXBE. Mr. President, I thank the distinguished majority leader.

Twenty years ago the situation in West Bengal was quite similar to this, but it was not caused by any political difficulty. It was brought about simply as a result of the failure to get a crop. At that time almost 2.5 million people perished.

We talk worldwide outrage. The only thing that is going to bring the Pakistani Government to its senses is not to extend any assistance to it, because any aid will enable it to divert other resources to this effort. The situation there is an outrage. They are not permitting world health and world relief organizations to come in and distribute their goods.

Senator CHURCH and I have submitted an amendment to the foreign assistance bill presently before the Foreign Relations Committee (amendment No. 159 to S. 1657) that would cut off all economic and military aid to the Pakistani Government until such time as they permit these people to return to their homes and permit world relief organizations to go in and try to help resolve these terrible problems.

If they are intent, as has been alleged, on driving out 10 million Hindus from West Pakistan, it will only result in one of the worst forms of genocide and cause 10 million Hindus to have to leave their farms and make their homes in East Pakistan.

If all the persons who are now in East Pakistan and who do not claim allegiance to the army are going to be victims of the army supplied with American arms, we will be held as partially responsible for this. American arms were sold to Pakistan with the intent that they would be used for the defense of the country and not to be used against their own population.

I believe that this is the prime concern of America at this time. By continuing aid to Pakistan we are taking sides in an internal dispute and our aid perpetuates this terrible situation.

I only regret that our preoccupation with the matter of Vietnam has prevented us from responding to one of the great crises of world population.

Outrage cannot be stated too frequently. Yet, I am afraid that we are very careless (because of our experiences in Vietnam to the point that we cannot properly respond. If the American Government sends relief and supplies for East Pakistan, they will wind up in West Pakistan unless we make certain they are distributed in East Pakistan under supervision.

Food can be a weapon if distributed by an army intent on subduing its own people. Food may be given to Moslems and not Hindus, Punjabis but not Bengalis. This must not be allowed to happen.

If we send boats to haul relief and supplies at the present time, they will be used to haul relief and supplies, perhaps, but they will be hauling more military equipment and ammunition to be used against the population of East Pakistan.

I do not want to wait until September or October when people are dying by the millions. We must respond now.

I think the world is eager to assist in this situation, but it requires a positive response from the East Pakistani Government to say, "We recognize that these people are suffering and are dying from cholera and that they will die from other diseases also."

I hope that we are willing to respond in this situation and I believe strong action as proposed in my amendment is required. I invite my colleagues to cosponsor this amendment (Amdt. No. 159 to S. 1657).

Mr. GRAVEL subsequently said: Mr. President, I would like to endorse the statement made by the Senator from Ohio during the morning hour with respect to the situation in Pakistan. I think the situation of our having provided arms with the intent of having the arms go to nations in order to provide for their defense and then to have those arms used to suppress insurgencies certainly leaves us in what I consider to be a very embarrassing situation, particularly when we see the scale of fratricide that has taken place.

I think the Senator from Ohio had

very fine advice for the Senate and the Nation, and I would hope we would heed it.

I ask unanimous consent that my comments on this subject appear in the Record immediately following the comments of the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF VOTES ON TODAY, MONDAY, AND TUESDAY—CLOTURE MOTION TO BE FILED ON MONDAY WITH VOTE TO BE HAD ON WEDNESDAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, and this accentuates what the acting majority leader said yesterday, the Senate should be on notice that there will be rollcall votes today, there will be rollcall votes on Monday, and very likely there will be rollcall votes on Tuesday.

On Monday a cloture motion will be filed, and 1 hour after the Senate convenes on Wednesday the vote will be taken on that motion. I would hope that the attachés on both sides would notify all senatorial offices of what the joint leadership—because I am speaking for the Republican leader, as well—has just announced so that Senators will be on notice and hopefully in the Chamber on those days and on other days before the Fourth of July recess begins.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with Calendar No. 196.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar, beginning with Calendar No. 196, will be stated.

U.S. CIRCUIT COURTS

The assistant legislative clerk read the nomination of Roy L. Stephenson, of Iowa, to be a U.S. Circuit Judge, Eighth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nominations of Jack M. Gordon, of Louisiana, and R. Blake West, of Louisiana, to be U.S. District Judges for the Eastern District of Louisiana.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

NOMINATION PASSED OVER

Mr. MANSFIELD. Mr. President, I ask that the next nomination be passed over temporarily. A "hold" has been placed on this nomination.

The PRESIDING OFFICER. The nomination will be passed over.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy, placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Transfer of Research and Development Funds

A letter from the Deputy Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the proposed transfer of $450,000 of research and development funds appropriated to that Administration to funds for construction of facilities (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Prospectus of the General Services Administration

A letter from the Acting Administrator of General Services transmitting, pursuant to law, a prospectus revising the proposal to acquire space in a building to be constructed under a lease arrangement to house the Social Security Administration Payment Center in Birmingham, Ala. (with accompanying papers); to the Committee on Appropriations.

Proposed Facilities Projects for the Air Force Reserve

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, a report on the facilities projects proposed to be undertaken for the Air Force Reserve (with accompanying papers); to the Committee on Armed Services.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–224).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GOLDWATER:

S. 2094. A bill for the relief of Col. Charles V. Greffet. Referred to the Committee on the Judiciary.

By Mr. YOUNG (for Mr. Mundt):

S. 2095. A bill to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 2096. A bill to amend the Federal Water Pollution Control Act in order to provide for certain regulations with respect to two cycle outboard motors used on the navigable waters of the United States. Referred to the Committee on Commerce.

By Mr. PERCY (for himself, Mr. McClellan, Mr. Ribicoff, Mr. Javits, Mr. Scott, Mr. Byrd of West Virginia, Mr. Allen, Mr. Beall, Mr. Brock, Mr. Chiles, Mr. Gurney, Mr. Jackson, Mr. Mathias, Mr. Muskie, Mr. Roth, and Mr.. Saxbe):

S. 2097. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a Crusade Against Drug Abuse. Referred to the Committee on Government Operations.

By Mr. BYRD of West Virginia (for Mr. Williams):

S. 2098. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTONS

By Mr. NELSON:

S. 2096. A bill to amend the Federal Water Pollution Control Act in order to provide for certain regulations with respect to two cycle outboard motors used on the navigable waters of the United States; referred to the Committee on Commerce.

OUTBOARD MOTOR POLLUTION CONTROL ACT

Mr. NELSON. Mr. President, I am introducing today a bill to require fuel emission standards for future and existing two-cycle outboard engines used on the navigable waters of the United States.

Increasing recognition of outboard motor operation as a significant nationwide source of pollution and improved technology to correct the problem make such standards both urgent and feasible.

Studies investigating the effects and the amount of fuel exhausted by two-cycle outboard marine engines began as early as 1961, revealing that outboard motor emissions damage water quality by tainting fish flesh and by producing unpleasant odor and taste. The latest confirmation is a 1970–71 study made for the Environmental Protection Agency which demonstrates that fuel emission from outboard motors is becoming a serious pollution problem in our lakes and river systems.

The quantities of wastes involved in outboard motor operation are shocking. The exhaust to the water has been estimated to range from less than 10 percent to more than 50 percent of the fuel originally put into a two-cycle outboard engine. Within the 1 billion gallons of outboard motor fuel sold annually, it has been estimated that 100 to 160 million gallons of fuel is wasted. By comparison, the Torrey Canyon disaster resulted in an oil spill of only 15 to 30 million gallons. Furthermore, the waste of this unused outboard fuel costs boat owners between $50 to $100 million a year in out-of-pocket expense.

The source of the problem is relatively simple and should have been corrected long ago. Because of the design, the engine parts of the two-cycle motor are lubricated by mixing oil with gasoline. During the intake of this fuel mixture into the firing chamber, some of the fuel vapor condenses and accumulates in the crankcase. The unused fuel is evacuated from the crankcase by valves which open up and vent the fuel into the exhaust housing and then into the water. According to a study made by Stillwell & Gladding, Inc. in 1969, the two-cycle engine's open crankcase or "crankcase scavenging" design is "highly inefficient."

Significant steps have been taken recently in the improvement of the two-cycle outboard engine by the designing of a drain free engine which would recycle the unused fuel vented from the crankcase back into the engine as fresh fuel, and a recycling device that can be attached onto two-cycle engines.

The recycling of fuel technique reportedly is already being manufactured in all motor sizes and will be used industrywide in the 1972 models. However, in 1970, there were approximately 7,215,000 outbord motors already in use in this country, and over 98 percent of these are two-cycle motors. These older outboard motors will continue to leave massive fuel residues in our waters regardless of the fuel recycling innovation of the new two-cycle outboard motors.

To cope with existing outboard motor pollution, it is clear that fuel emission standards set under this bill must cover existing as well as future outboard motors, requiring use of the best available technology to reduce or eliminate the pollution in each case.

The bill that I am introducing will accomplish these important objectives through the following: First, direct the Administrator of the Environmental Protection Agency to study the available technology that could abate fuel emission from two-cycle engines and establish standards for outboard motors accordingly; second, make it unlawful for anyone to operate a two-cycle outboard motor on the navigable waters of the United States after June 30, 1972, without adhering to these standards; third, establish a penalty of not more than $500 for any violation of these standards, and fourth, allow the Secretary of the department in with the Coast Guard is operating to enforce the provisions of this bill by using law enforcement officers, Federal agencies, or the States.

Mr. President, I ask unanimous consent that immediately following my remarks there be inserted in the RECORD an article from the Jack Anderson column in the Washington Post dated May 15, 1971, which reports the disturbing findings of the 1970–71 EPA study on the amount of fuel deposited into our waters by outboard motors. The article is entitled, "Motorboats: Super Polluters of Lakes."

Also, I ask that the text of the bill be printed following the article.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

MOTORBOATS: SUPER-POLLUTERS OF LAKES

(By Jack Anderson)

With the warming of the weather, the nation's seven million outboard motors have started to pump a seasonal stream of gunk into America's once-sparkling waters.

This is the scientific, if upsetting, conclusion of an unpublished Environmental Protection Agency study.

The study found that a single outboard motor coughs, splutters and spits as much organic carbon pollution into the water in 24 hours as the sewerage from a neighborhood of 400 persons.

Up to 30 per cent of the fuel used in outboards, according to the study, actually is spewed into the water. Multiplying this by the total consumption of outboard motors in this country gives the staggering dimensions of the pollution problem—more than 100 million gallons of oil and gas poured into our streams and lakes and along our coast lines.

Many bodies of water simply don't contain enough bacteria to consume the gush of oil and gas. The residue fouls the shorelines, kills fish, pollutes drinking water and greases the skins of swimmers.

The study has been conducted quietly—if that is the word for an outboard motor test—by Dr. Williams Shuster, head of the Bio-Environmental Engineering Division of famed Rensselaer Polytechnic Institute.

He ran his tests with two engines, one 33 horsepower, the other 5 horsepower. His research team used an 18-foot-long, four-foot-deep swimming pool and took samples of the water for measurements.

As a double check, they also put containers on the fuel vents of the engines to collect the waste.

The lowest amounts of dumpage came from the high horse-power motor when it was tuned and speeding. Then only 4 per cent of the fuel leaked into the water. But at low speed, the motor threw off 27 per cent of its fuel. This increased to 30 per cent when the motor was untuned.

Footnote: The federal government has now given the Boating Industry Association a $100,000 contract to study the effect of outboard motors on the nation's water. The association includes the manufacturers whose motors are causing the pollution. Thus, the contract is a little like asking a tubercular cook whether he might infect his customers. Eight years ago, incidentally, the outboard motor makers were offered designs which would have largely prevented pollution.

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Outboard Motor Pollution Control Act of 1971".

SEC. 2. The Federal Water Pollution Control Act is amended by redesignating sections 21 through 27 as sections 22 through 28 respectively, and by inserting after section 20 a new section as follows:

"REGULATION OF OUTBOARD MOTORS

"SEC. 21. (a) The Administrator of the Environmental Protection Agency, after consultation with the Secretary of the department in which the Coast Guard is operating, shall promulgate, not later than June 30, 1972, regulations requiring that two-cycle outboard motors used on vessels or any other water craft on the navigable waters of the United States be equipped or modified in such a manner as will use the latest available technology to prevent such motors from polluting such waters.

"(b)(1) After the effective date of such regulations it shall be unlawful to operate a two-cycle outboard motor on the navigable waters of the United States in violation of such regulations.

"(2) Any person who violates the provisions of this subsection shall be liable to a civil penalty of not more than $500 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess any such penalty.

"(c) The provisions of this section and regulations established thereunder shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States in carrying out such provisions.

"(d) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section, may except as to public vessels or watercraft, (1) board and inspect any vessel or other watercraft upon the navigable waters of the United States, and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction."

By Mr. PERCY (for himself, Mr. MCCLELLAN, Mr. RIBICOFF, Mr. JAVITS, Mr. SCOTT, Mr. BYRD of West Virginia, Mr. ALLEN, Mr. BEALL, Mr. BROCK, Mr. CHILES, Mr. GURNEY, Mr. JACKSON, Mr. MATHIAS, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE):

S. 2097. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a Crusade Against Drug Abuse. Referred to the Committee on Government Operations.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT

Mr. PERCY. Mr. President, it is with mixed emotions that I appear in the Chamber today. I am, of course, highly pleased to announce a bold, new White House initiative to deal with the agonizing problem of drug abuse in this country. But to even allude to this initiative one must face up to the oppressive facts that establish the depth and dimensions of this disease that is infecting our society, and especially our youth.

President Nixon, in his message yesterday to Congress, echoed that thought. "We must now candidly recognize," he said—

> That the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency.

Noting that "drug addiction destroys lives, destroys families, and destroys communities," the President went on to say:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.
>
> Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America.

Calling for a statutory Special Action Office of Drug Abuse Prevention in the White House, the President has asked for $155 million in new funds for combating drug abuse, bringing to $371 million the total amount to be spent for this purpose. Of the new funds, $105 million is to be used solely for treatment and rehabilitation of addicts. Other requests include: $14 million to enable the Veterans Administration to expand its five drug addiction clinics to 30; $10 million for education and training in use of dangerous drugs; $2 million for research on drug detection techniques; $7.5 million for intensified investigation of large-scale traffickers and $18-million for customs inspections and pursuit of smugglers; $1 million to help other nations train enforcement officers; and $2 million for research on herbicides to destroy narcotics-producing plants.

The President said he would ask Congress to permit drug control assistance to Communist countries that are now ineligible for aid.

EXTENT OF THE PROBLEM

The scope of the addiction problem is chilling. The financial costs alone exceed $2 billion each year, but are inestimable in terms of the human costs—the personal suffering and mental anguish—that the American society is forced to bear:

HEROIN

Heroin addiction can be found in cities, in suburban and rural areas. In recent testimony before the Senate Subcommittee on Alcoholism and Narcotics, Dr. Bertram S. Brown, Director of the National Institute of Mental Health, said:

> Affluent suburbs often thought to be free of heroin associated with ghettos are suddenly aware of heroin use among their youth.

Since possession and traffic in heroin is illegal, it is difficult to know precisely the number of heroin addicts in the country. NIMH estimates the total at 250,000. The House Select Committee on Crime puts the figure at 200,000.

About half of the addicts in the country reside in New York State. In New York City, narcotics addiction is the greatest single cause of death of adolescents and young adults between the ages of 15 and 35. In the past 8 years, New York City has lost more lives to drugs than the entire State of New York has lost to the war in Vietnam.

Heroin addicts need from $20 to $150 per day to support their habit. If New York City's approximately 100,000 addicts spend an average of $35 per day on heroin, the total exceeds $3.5 million per day or $1.3 billion per year. Most turn to crime to get the money to pay for the heroin, since they ordinarily are unable to earn enough to pay for it. One survey in New York City showed that only 2 percent supported their habit through gainful employment; 98 percent were involved in criminal activity. If addicts steel goods, they must steal five times the cost of their habit, since stolen merchandise brings only 20 percent of its value when fenced. On a yearly basis, an addict must steal $90,000 worth of merchandise.

According to a recent, authoritative estimate from the provost marshal's office in Saigon, there are between 30,000 and 40,000 American servicemen in Vietnam who are heroin users—close to 15 percent of the troops stationed there. One study showed that the average age of the addicts included in the survey was only 20.5 years and the length of time addicted 5 months. With plenty of cheap heroin available in Vietnam, the servicemen have no trouble supporting their habit. But when they return to this country, their habit becomes more expensive—and most will have to steal to pay for it. They are sentencing themselves to lives of crime.

Mr. President, at this point I would like to recall my own personal experience in Vietnam when in Danang I met with the son of our distinguished colleague from Virginia (Mr. BYRD). Harry Byrd, III, was a marine stationed up in the Danang area. When I asked about his work he indicated he had supervisory responsibilities in a brig. I asked him what the most frequent charge brought against GI's in Vietnam was at that time. This was of course several years ago. He indicated that even at that early time most occupants of the brig were there for drug usage and drug abuse. He indicated that because of the boredom of GI's and the fact that many were protesting against the war and resented being there and fighting a war in which they did not believe, drug addiction, and particularly, at that time, marihuana smoking was possible because the enemy itself saw to it that it was widely and freely distributed. Trucks would come through villages and when they would see a group of GI's, dump off large quantities of marihuana. And no one knows how many of the harder drugs might have been made similarly accessible.

This problem that I heard about firsthand several years ago in Vietnam has grown until it has now reached the crisis stage.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. RIBICOFF. Mr. President, I am pleased to be a cosponsor of this legislation with the distinguished Senator from Illinois. I am confident the legislation will receive prompt hearings by the Committee on Government Operations.

The problem of drug abuse in this country is expanding and now wastes the lives of hundreds of thousands of Americans every year, many of them potentially our most promising young people. The recent disclosures regarding addiction in our Armed Forces in South Vietnam only highlight the pervasive impact drugs have in our society.

The need for a concerted attack on this problem is obvious. Until now, however, the Federal Government's drug abuse prevention and control programs have been fragmented and uncoordinated. Responsibility was unfocused. As late as last year coordination was being handled by an ad hoc committee chaired by a special assistant in the White House with numerous other responsibilities.

Under the President's bill, 10 programs from more than five departments and agencies will be supervised by a Presidential appointee working full time on this matter in the White House. I hope the creation of a new White House office will lead to greater coordination and better results.

An additional $155 million is to be provided along with the powers needed to oversee Federal drug abuse efforts effectively. The Director of the new White House office will have the authority to prescribe policies, prepare budgets, and set priorities.

I am pleased to cosponsor this legislation for the purposes of introduction and am confident that it will receive prompt and thorough hearings by the Government Operations Committee. Details of this legislation aside, no one can dispute the great need that led to its formulation and introduction.

We must be careful not to deceive ourselves, however. Enforcement needs to be improved. Education and rehabilitation are critical. But ultimately we must address ourselves to the ills of our society if we are to remove the underlying causes of much of the drug addiction in this country.

Why do so many feel the necessity of the drug habit? We need to know, so we can eliminate the causes that lead to drug involvement.

Mr. PERCY. Mr. President, I should like to thank my distinguished colleague, who is chairman of the Government Operations Subcommittee on Executive Reorganization. I would like to express my deep appreciation for his having become the principal cosponsor of this legislation. In fact, I am delighted at the interest and support each of the other cosponsors of this bill has expressed. Also, I should like at the same time to express my appreciation to Senator JAVITS of New York, another cosponsor of the legislation and who, together with Senator RIBICOFF, will be handling some of the major, substantive matters in this area in the Senate Committee on Labor and Public Welfare.

This matter, we would trust, would be referred to the Government Operations Committee, because its essential purpose is to set up a Special Action Office for Drug Abuse Prevention, which falls within the jurisdiction of the Government Operations Committee. By having overlapping jurisdiction in the Government Operations Committee and the Labor and Public Welfare Committee with ranking members in the persons of Senator RIBICOFF and Senator JAVITS who serve on both committees assume very active leadership roles in both. I think we have a coordinated effort which will insure early hearings and prompt action by the Senate in this most urgent area.

I again want to express my deep appreciation to our esteemed colleague.

AMPHETAMINES

In 1969, over 8 billion amphetamine pills were produced and consumed in the United States—enough for 40 doses of amphetamines for every man, woman, and child in the United States. According to the National Institute of Mental Health, the total legitimate medical need can be measured in the thousands. NIMH puts the number of persons using oral amphetamines without a medical prescription at about 5 million. Intravenous use of amphetamines or methamphetamine is limited to about 100,000 users. These "speed freaks" face an emergency when their drugs are withdrawn: an abrupt "crash."

BARBITURATES

In 1969 over 4 billion barbiturate capsules were produced and consumed in this country—again, far more than would be needed for legitimate medical reasons. NIMH estimates that 2 million people take this drug regularly without medical need. Barbiturates often are used in suicide attempts; accidental overdoses in combination with alcohol constitute another hazard. Barbiturates diminish the physical and mental responses to such an extent that users are endangering the general public when performing such tasks as driving a car.

HALLUCINOGENS

Use of hallucinogens, such as LSD, which can cause birth defects, appears to be leveling off. Repetitive use of LTD now is found among a relatively small number of individuals, although experimentation by young drug abusers unfortunately continues to flourish.

MARIHUANA

According to NIMH, marihuana usage is increasing rapidly. An estimated 10 to 12 million Americans have used the drug at least once. The recent report to Congress on "Marihuana and Health" from the Secretary of Health, Education, and Welfare determined that by the end of 1970, one college student in seven was using marihuana weekly or even more often. In a substantial number of colleges and high schools, a majority of students used marihuana.

Marihuana is at the center of great national debate. For example, this week witnesses testifying in San Francisco before the National Commission on Marihuana and Drug Abuse contradicted each other on such questions as whether marihuana usage leads to experimentation with harder drugs; whether marihuana produces a toxic reaction in the central nervous system of adolescents; and whether marihuana should be legalized.

We appear to know that marihuana is not physically addictive—though it may be psychologically habituating. We also know that it leads to an alteration of time and space perception, a sense of of euphoria, a loss of inhibition, exaggerated laughter and attention loss. And we know that it has relatively minor physiological effects. But, beyond this, we know little in spite of the HEW report and the state of opinions that bombard us regularly. We await next year's report of the National Commission on Marihuana and Drug Abuse before forming a firm judgment on many of the issues concerning marihuana.

A NEW OFFENSIVE

To counter the vicious cycle of addiction, the President has proposed a "new all-out offensive," dealing with the sources of supply at home and abroad and proposing the establishment of a central authority within the Executive Office of the President to have overall responsibility for all major Federal programs of drug abuse prevention, education, treatment, rehabilitation, training, and research programs. The authority will be designated at the Special Action Office of Drug Abuse Prevention. It will be headed by a Director accountable to the President.

Because of the emergency nature of this problem, the President has established this Office by Executive order, effective yesterday, pending passage by the Congress of specific enabling legislation which I am introducing today.

I am deeply pleased to see that the President has announced the appointment of Dr. Jerome H. Jaffe, director of the drug abuse control program of the State of Illinois, to head this new office in the temporary capacity of special consultant to the President for narcotics and dangerous drugs.

Dr. Jaffe, 37, has been a leader in developing innovative techniques for the treatment of heroin addiction, including comprehensive approaches involving methadone use. An article appearing in this morning's edition of the New York Times entitled "Drug Abuse Fighter" describes in some detail the admirable efforts of Dr. Jaffe in this area.

Apart from establishing the Special Action Office of Drug Abuse Prevention, the President's message provides for a comprehensive antidrug offensive, aimed at sources of supply and demand with equal force.

To the extent that rehabilitation is required for Vietnam veterans, the President:

Ordered immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam.

Ordered the Department of Defense to provide rehabilitation services and the rehabilitation of all returning discharged veterans who desire this help.

Announced the request of legislation to permit the military services to retain for treatment narcotic addicts due for discharge.

Described the authority of the Director of the Special Action Office to refer patients to private and Veterans' Administration hospitals as circumstances require.

Described authority to be sought by the Special Action Office to make VA facilities available for drug rehabilitation to all former servicemen regardless of the nature of their discharge.

Asked Congress to increase the present VA budget by $14 million to permit immediate initiation of the program.

The President also announced a request to Congress to amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority for use of methodone maintenance programs under rigid standards.

He also instructed Dr. Jaffe to review immediately all Federal laws pertaining to rehabilitation and announces he will submit any legislation needed to expedite the Federal rehabilitative role and correct overlapping authorities.

EDUCATION

An additional $10 million to increase and improve education and training in the field of dangerous drugs.

ENFORCEMENT

To expedite the prosecution of narcotics cases, legislation will be sought permitting the Government to utilize information obtained by foreign police and also will request legislation to permit a chemist to submit written findings of his analysis in drug cases in order to speed the process of criminal justice.

Dangerous drugs and narcotics enforcement are to be stepped up with requests to Congress for; $2 million for research and development of equipment and detection techniques; authorization and funding of 325 added positions in the Bureau of Narcotics and Dangerous Drugs; supplemental appropriations of $25.6 million for the Treasury Department—about $7.5 million for intensified investigation of large-scale traffickers; approximately $18 million for Bureau of Customs investigation and inspection efforts and for the pursuit and apprehension of smugglers.

NARCOTIC-PRODUCING PLANTS

The President announced a request for $2 million for the Department of Agriculture for research and development of herbicides to destroy growths of natural narcotics-producing plants without adverse ecological effect.

INTERNATIONAL EFFORTS

The President initiated a worldwide escalation of existing efforts along with new steps to secure international cooperation to control narcotics traffic.

Measures include; a request to the Director General of the World Health Organization to appoint a study panel on synthetics to replace opiates; a request for $1 million for assistance to developed nations in training enforcement officers; a request to Congress to amend and approve foreign assistance acts permitting assistance to Communist countries presently ineligible for aid in ending drug trafficking; a request to the Senate to promptly ratify the Convention on Psychotropic Substances recently signed by the United States and 22 other nations; a request to Congress to make additional contributions, as needed, to the United Nations Special Fund on the world drug problem; the urging of multilateral support for amendments to the Single Convention on Narcotics enabling the International Narcotics Control Board to acquire narcotics information, conduct inquiries on drug activities, and requiring signatories to embargo the export and/or import of drugs to or from a particular country failing to meet its obligations under the Convention.

Finally, the President directed that research efforts in the United States be intensified to develop a feasible substitute for codeine.

NEED FOR TIMELY ACTION

In introducing this legislation today, I am joined in a totally bipartisan effort with some of my most esteemed colleagues, among them Senators McClellan, Ribicoff, Javits, Scott, Allen, Gurney, Saxbe, Byrd of West Virginia, Beall, Brock, Chiles, Jackson, Mathias, Muskie, and Roth. I am certain that many other Senators will want to join in this critical effort.

I would also like to point out how grateful I am that the problem of drug abuse has surfaced as a concern of all Americans. No small thanks is due to the tireless efforts of the junior Senator from Iowa (Mr. Hughes) and the distinguished members of his Subcommittee on Alcoholism and Narcotics who have devoted countless hours to this matter.

I commend the President for his foresight and initiative in addressing this problem. I look forward to quick action in the Government Operations Committee, on which I serve, in reporting out a bill that incorporates whatever refinements or additions are deemed appropriate. As the President stated:

> Time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

As a final thought, we now are all too aware of the pervasive extent of heroin traffic among our GI's stationed in Vietnam. It is fatuous to speak of the drug problem without alluding to the hellish contribution of that war to the problem. But let us turn now from a war that we do not want, to a segment of society that we do so earnestly want. That we want to help.

We must redirect our attention and our energies and our moneys, let we lose our most cherished asset—lest we lose our youth not only to the hateful clash of war, but also to the pitiful whimper of despair.

At this time, Mr. President, I ask unanimous consent that the text of this legislation to establish a Special Action Office for Drug Abuse Prevention be printed in the Record, to be followed by a section-by-section analysis of its provisions. I also ask unanimous consent that the New York Times article to which I earlier referred, describing the work of Dr. Jaffe, be printed in the Record.

There being no objection, the bill and material were ordered to be printed in Record, as follows:

S. 2097

A bill to establish a special action office for drug abuse prevention to concentrate the resources of the Nation in a crusade against drug abuse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Action Office for Drug Abuse Prevention Act."

FINDINGS

Sec. 2. The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of this Nation;

(2) that drug abuse contributes to crime, particularly to crimes of violence;

(3) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities;

(4) that for these reasons the increasing rate of drug abuse constitutes a threat to national health and welfare and an emergency requiring immediate and effective Federal Government response.

PURPOSE

Sec. 3. (a) It is the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug addiction and drug abuse with the immediate objective of promptly and significantly reducing the incidence of drug addiction and drug abuse in the Nation within the shortest possible period of time.

(b) To accomplish these objectives (1) all Federal drug abuse prevention, treatment, rehabilitation, training, education, and research activities will be placed under the direction and policy-setting of a new Special Action Office for Drug Abuse Prevention, established in the Executive Office of the President; and (2) major drug abuse programs will be centrally developed, funded, managed, and evaluated to achieve maximum effectiveness.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Sec. 4. (a) There is hereby established in the Executive Office of the President, an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the Office).

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred to as the Director). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule (5 U.S.C. 5314).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed three Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director from time to time assigns or delegates.

CONCENTRATION OF FEDERAL EFFORT

Sec. 5. (a) The Director shall provide overall planning and policy, and shall establish objectives and priorities, for all Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities (exclusive of law enforcement activities and legal proceedings).

(b) In addition, the Director shall provide overall planning, policy, direction, management, and funding for all Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities (exclusive of law enforcement activities and legal proceedings) conducted pursuant to the authorities described in subsection (c) (1) of this section and programs and activities designated by the President pursuant to subsection (c) (2) of this section.

(c) As used in subsection (b) of this section and all subsequent provisions of this Act, the term "Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities" means—

(1) All such programs and activities (exclusive of law enforcement activities and legal proceedings) conducted pursuant to the following-described provisions of law:

(A) The Narcotic Addict Rehabilitation Act of 1966;

(B) Part D and Part E (to the extent that such Parts pertain to drug abuse) of the Community Mental Health Centers Act;

(C) Title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970;

(D) Section 502(a) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent that it pertains to public education not involving law enforcement;

(E) The Drug Abuse Education Act of 1970;

(F) Section 222(a) (9) of the Economic Opportunity Act of 1964 and all other provisions of that Act to the extent that they pertain to drug abuse;

(G) Secion 306(a) (2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse;

(H) The Manpower Development and Training Act of 1962, to the extent that it pertains to drug abuse;

(I) The Public Health Service Act, to the extent it pertains to drug abuse; and

(J) Title 38 of the United States Code, to the extent it pertains to drug abuse; and

(2) subject to the provisions of subsections (d) and (e) of this section, such other Federal drug abuse related programs and activities (exclusive of law enforcement activities and legal proceedings) as the President may from time to time designate, including those which constitute a part of some larger program or activity.

(d) Whenever a designation is proposed pursuant to subsection (c) (2) of this section, a notice thereof shall be transmitted to the Congress. Such designation shall become effective on the thirtieth day (exclusive of periods of adjournment or recess of either the House or the Senate in excess of three days) following such transmittal, but only to the extent that, between the date of transmittal of the proposed designation and such effective date—

(1) there has not been enacted into law a statute which otherwise deals with the program involved;

(2) neither House of the Congress has enacted legislation which specifically disapproves the designation involved.

(c) Any such designation by the President may, in accordance with the designation notice transmitted to the Congress, be made operative on a date later than the date on which that designation otherwise would have taken effect.

AUTHORITY OF DIRECTOR

SEC. 6. (a) In carrying out his functions with respect to the programs and activities covered under section 5(b) of this Act, the Director shall—

(1) prescribe policies, requirements, criteria and standards, regulations, and procedures for the administration and management of such programs and activities;

(2) prepare budget requests for such programs and activities;

(3) determine priorities for the use of funds for such programs and activities;

(4) make funds available for program implementation to Federal departments and agencies and establish an implementation plan for each program setting forth policies, procedures, performance requirements, manpower levels, key personnel qualifications, time schedules, and other requirements;

(5) maintain overall supervision of such programs and activities and evaluate the performance and results achieved by the Federal departments and agencies, and recommend organizational, managerial, personnel, and program changes whenever he deems such changes to be advisable;

(6) take such steps as may be necessary to evaluate and assure the most effective utilization of all drug abuse programs and activities conducted by Federal departments and agencies, and by public or private agencies and organizations engaged in such activities under Federal grants or other assistance; and

(7) strengthen coordination among Federal departments and agencies engaged in non-law enforcement efforts involving drug abuse prevention and control, and assure that those nonlaw enforcement efforts are coordinated with related law enforcement efforts being conducted by other Federal departments and agencies.

(b)(1) The Director may, with the approval of the President (A) exercise any powers or perform any functions conferred by any of the statutory provisions enumerated in section 5(c)(1), or any statutory provisions relating to programs and activities designated by the President pursuant to section 5(c)(2), or (B) provide for their exercise or performance by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions.

(2) To the extent that the Director or his designee exercises any powers or performs any function pursuant to paragraph (1) of this subsection, the Director or his designee, as the case may be, may exercise in relation to those powers and functions any related authority or part thereof available by law, including appropriation acts, to the official or agency from which such power or functions were derived.

(c) Except as otherwise provided by the Director, no Federal officer, department or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this Act with respect to Federal drug abuse training, education, rehabilitation, research, prevention, and treatment.

(d) The Director may require departments and agencies engaged in any activity involving Federal drug abuse training, education, rehabilitation, research, prevention, and treatment to provide him with such information and reports, and to conduct on a reimbursable basis such studies and surveys, as he may deem to be necessary to carry out the purposes of the Act.

(e) Nothing in the foregoing provisions of this Act shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formula, prescribed by law with respect to Federal drug abuse programs or activities.

GRANTS AND CONTRACTS FOR DRUG ABUSE PREVENTION AND TREATMENT PROGRAMS

SEC. 7. (a) The Director is authorized to make grants to any public or non-profit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

(1) to develop and demonstrate new approaches, techniques, and methods with respect to drug abuse prevention, treatment, and rehabilitation;

(2) to evaluate those new approaches, techniques, and methods;

(3) to foster the establishment of new or expanded drug abuse programs and activities;

(4) to acquire, construct, improve, repair, operate, or maintain facilities, and to acquire and improve real property, necessary to the establishment or maintenance of drug abuse programs and activities; and

(5) to otherwise carry out the purposes of this Act.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made over-payments or under-payments) in advance or by way of reimbursement, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency (including the Veterans Administration) may enter into grant or contractual arrangements with the Director and pursuant to such a grant or contractual arrangement, may exercise any authority or use any personnel or facilities otherwise available to such department or agency for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 8 (a) The Director may, subject to the civil service and classification laws, select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the civil service and classification laws, select, appoint, and employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of Title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of Title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of Title 5 of the United States Code.

TRANSITIONAL PROVISIONS

SEC. 9. (a) The President may authorize any person who, immediately prior to the date of enactment of this Act, held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

TRANSFER OF FUNDS

SEC. 10. The Director of the Office of Management and Budget is authorized to provide for the transfer to the Office of such unexpended balances of approriations, and of other funds, available or hereafter made available for Federal drug abuse training, education, rehabilitation, research, prevention, treatment programs and activities, as he may deem to be appropriate to carry out the provisions of this Act.

APPROPRIATIONS AUTHORIZED

SEC. 11. There are hereby authorized to be appropriated to the President such sums as may be necessary to carry out the purposes of this Act. Any of those sums may be appropriated without regard to fiscal year limitations.

JOINT FUNDING

SEC. 12. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by an agency, organization, institution, or individual to carry out a Federal drug abuse training, education, rehabilitation, research, prevention, or treatment program or activity, any one of the Federal agencies providing funds may be designated by the Director to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

VOLUNTARY SERVICE

SEC. 13. The Director is authorized to accept and employ in furtherance of the purpose of the Act or any Federal drug abuse training, education, rehabilitation, research, prevention, or treatment program or activity, voluntary and uncompensated services notwithstanding the provisions of section 3679 (b) of the Revised Statute (31 U.S.C. 665 (b)).

EFFECTIVE AND TERMINATION DATE

SEC. 14 (a) The provisions of this Act shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 4 of this Act may be nominated and appointed and any of the interim officers provided for by section 9 may be authorized to serve, at any time after the date of enactment of this Act.

(b) This Act shall terminate on June 30, 1974, unless extended by the President, in which case it shall expire on June 30, 1976, or such earlier date after June 30, 1974, as the President may prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS

A bill to establish a Special Action Office for drug abuse prevention

FINDINGS

Sec. 2. Sets forth the reasons for concern about the problems of drug abuse and its threat to National health and safety.

PURPOSE

Sec. 3. Cites the need for creation of a new project office to plan, fund, manage programs and activities of drug abuse prevention, treatment, rehabilitation, training, education and research.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Sec. 4. (a) Establishes the Special Action Office for Drug Abuse Prevention.

Sec. 4. (b) Designates a Director to be appointed by the President by and with the advice and consent of the Senate.

Sec. 4. (c) Designates a Deputy Director, also appointed by the President who will be the "alter ego" of the Director.

Sec. 4. (d) Three Assistant Directors are authorized to be appointed by the Director to senior positions in the management of the office.

CONCENTRATION OF FEDERAL EFFORT

Sec. 5. (a) Establishes the overall authority of the Director for overall planning, policy-setting, objectives and priorities for all Federal domestic programs of drug abuse excluding law enforcement activities. Note the international aspects of drug abuse are also excluded.

Sec. 5. (b) Specifies that in addition to the overall planning and policy role described in 5(a), the Director will also assume direct management authority over certain major drug abuse programs undertaken under the authorities listed in Sec. 5(c)(1). This includes programs now in operation in departments and agencies, plus new programs which may be initiated under these authorities to meet future program needs.

Sec. 5. (b)(2) Establishes general authority to assume management of any other drug abuse programs the President may designate.

Sec. 5. (d) Where a new program not covered by the authorities of Sec. 5(c)(1) is proposed, a notice will be transmitted to the Congress. The designation will become effective after 30 days if neither House of the Congress enacts legislation disapproving the designation.

Sec. 5. (e) Specifies that the actual start of operations of a newly designated program may be delayed beyond the date on which it might otherwise have taken. This assures that transfers of operations can be made when the action office is ready to assume responsibility.

AUTHORITY OF DIRECTOR

Sec. 6. (a) Details the specific authorities to be exercised by the Director for those programs and activities over which he assumes management authority under the provisions listed in Sec. 5(b) of this Act. By means of an Implementation Plan, the Action Office and each implementing agency will agree on the terms and conditions of operation. The Director can then evaluate the performance of each program to determine whether the implementing agency is successfully meeting the necessary performance criteria. This critical provision is the most important means available to the Director to assure compliance with program objectives.

Sec. 6. (b) Specifies that the Director is authorized to exercise any of the authorities specified in Sec. 5(c)(1) directly or to assign them to any Federal agency. Thus, a program which is not being properly carried out in one agency may be reassigned to another agency for implementation.

Sec. 6. (c) Points out that the existence of the special action office does not relieve other agencies of the need to carry out drug abuse programs which meet their broad responsibilities.

Sec. 6. (d) Allows the Director to obtain necessary reports, surveys, studies or other information from agencies which have such data of value to the Special Action Office.

Sec. 6. (e) Retains such things as standards, criteria, cost-sharing formulae or other regulations which otherwise govern the conduct of drug abuse activities.

GRANTS AND CONTRACTS FOR DRUG ABUSE PREVENTION AND TREATMENT PROGRAMS

Sec. 7. (a) Authorizes the Director to give grants and make contracts for drug abuse activities. This authority is in addition to authority to carry out programs by agreement with other agencies as provided in Sec. 5 and 6. It includes authority to let grants to states and local governments and provide the Director with alternative ways of carrying out programs where urgency, cost, special skills or other factors dictate.

Sec. 7. (b) Provides that the Director may require sharing of costs of drug abuse programs.

Sec. 7. (c) Allows for advance payments or installments as matters of administrative convenience in expediting grant or contract business.

Sec. 7. (d) Provides that the Director enter into grant or contract arrangements for necessary drug abuse program activity even where other laws or regulations might otherwise rule out these arrangements. This provision allows other agencies to accept these arrangements under specifications established by the Special Action Office and to use personnel and facilities otherwise available to carry out these arrangements.

PERSONNEL-SPECIAL PERSONNEL-EXPERTS AND CONSULTANTS

Sec. 8. (a) Allows the Director to employ a staff of civil service personnel under regular civil service laws and regulations.

Sec. 8. (b) Permits the hiring of five key executive people and fixing of their compensation at rates not to exceed that of a GS–18. This permits special flexibility in hiring a small number of special technical or management people.

Sec. 8. (c) Allows the use of consultants at rates not to exceed that for GS–18's.

TRANSITIONAL PROVISIONS

Sec. 9. (a)(b) Provides for designation of Federal officials as acting Director and deputy director until these offices are filled for the first time.

Sec. 9. (c) Provides full compensation for acting officials.

TRANSFER OF FUNDS

Sec. 10. Provides for orderly transfer of funds to the Special Action Office on assumption of program and budget responsibility.

APPROPRIATIONS AUTHORIZED

Sec. 11. Provides for authorization of appropriations and for the appropriation of "no year" funds as an important element of budget flexibility for the office.

JOINT FUNDING

Sec. 12. Permits joint funding by more than one agency of drug abuse programs and activities, including a portion of non-Federal funds, and permits waiver of inconsistent technical regulations and requirements.

VOLUNTARY SERVICE

Sec. 13. Allows the Director to accept the services of volunteers.

EFFECTIVE AND TERMINATION DATE

Sec. 14. (a) Provides for the office to start operations 30 days after the Director takes office. This precludes the office being forced to operate without a head, and allows the Director some time to make appropriate preparations.

Sec. 14. (b) Provides that the office will be temporary, operating for a period of three years unless the President chooses to extend its life for an additional two years at his discretion.

[From the New York Times, June 18, 1971]

DRUG ABUSE FIGHTER: JEROME HERBERT JAFFE

WASHINGTON.—"How do you expect to deal with Washington bureaucracy?" Dr. Jerome Herbert Jaffe was asked today just after President Nixon named him to head a new White House office on drug abuse control. "With the same unrealistic optimism with which I dealt with Illinois bureaucracy," the doctor replied. When he arrived in Illinois in 1966 from the Bronx, there wasn't a single state-supported bed for the treatment of drug addicts in Illinois. The first year he got 300 beds. Now there are 1,800.

Thirty-seven years old and even younger in appearance, Dr. Jaffe is an unpretentious, humorous man who affects outrageous ties, including the psychedelic one he wore to the White House today. He takes on big jobs in a cool, offhand way.

His wife, the former Faith Kessel of Philadelphia, likes to tell how he got into medicine. In high school in Philadelphia, he recalls, he was surrounded by so many bright and ambitious boys that he decided that, given the heavy competition, he would become a car mechanic.

"But his family decided otherwise," she said. "They persuaded him to apply for admission at Temple University, and he says he agreed because the application was only one page long and the college was only two stops away on the streetcar."

Four years later he graduated first in a class of a thousand, although he had to finance his medical studies with two jobs, as a short order cook in a diner and playing the string bass in a band.

Throughout his earlier school years he had worked during his spare time in the grocery on the Lower East Side of New York run by his father, an immigrant from Lithuania.

From college days until the present, Jerome Jaffe has been working overtime. He has no hobbies, takes no exercise, brings work home with him at night, never smokes, and takes a drink only out of social courtesy.

Dr. Jaffe spent five years at the Albert Einstein College of Medicine in New York, first as postdoctoral fellow, later as resident in psychiatry, assistant professor of pharmacology and instructor in the department of psychiatry. Then he was invited to become assistant professor in the department of psychiatry of the University of Chicago.

"I was looking forward to some quiet laboratory work and animal research," he recalls. But the lab was not ready yet, and he filled in the time by drawing up a program for drug abuse control in the State of Illinois. To his surprise Gov. Otto Kerner asked him to put the program into effect.

Today he takes no individual patients, but "I began directly taking care of people, and I didn't forget," he observes. "Every day, I talk to people who have been through our program—drivers, stockmen, all kinds, many of whom want to get relatives into treatment."

"Above all," his wife says, "he is a humane man. He keeps up with friends who date back to high school."

In Chicago the Jaffes live in a big, comfortable, old Tudor house on the South Side because it is only five minutes from the University of Chicago and he has never lived farther than that from his place of work.

By Mr. BYRD of West Virginia (for Mr. WILLIAMS):

S. 2098. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit. Referred to the Committee on Finance.

COMPUTATION OF SOCIAL SECURITY BENEFITS BASED UPON COMBINED EARNINGS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to introduce a bill on behalf of the junior Senator from New Jersey (Mr. WILLIAMS) and to have a statement by the distinguished Senator from New Jersey with regard thereto printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPUTATION OF SOCIAL SECURITY BENEFITS BASED UPON COMBINED EARNINGS

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, a bill to amend the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher total amount.

Under present law, a wife who is at least 65 years old is entitled to receive Social Security benefits equal to 50 percent of her husband's primary amount. This is true even though the wife never worked under covered Social Security employment.

In the case of a working wife, she may elect to receive benefits based upon her own earnings record or 50 percent of the primary amount received by her husband, whichever method produces the higher payments. This may sound generous. But, there are still instances where a couple with a working wife may receive lower Social Security benefits than a family where only the husband worked, even though both couples had identical total earnings.

As an example of the unfairness under present law, consider the benefit levels of two family units with average yearly earnings of $6,000. In the first case, the entire income is earned by the husband. This family would receive $337.10 in total monthly Social Security benefits. The husband would be entitled to $224.70 based on his earnings record, and the wife would receive $112.40—50 percent of the husband's benefits.

The second family also has $6,000 average annual earnings, but $4,000 is derived from the husband and $2,000 from the wife. In this case the husband would be entitled to $171.50 in monthly benefits and the wife $118.00, for a total of $289.50. However, in this particular example the couple with the working wife would receive $47.60 less per month than the family where only the husband worked. Yet, both couples had identical average earnings and contributed the same amount in Social Security taxes.

The bill that I introduce today would help to correct this long-standing inequity for families with working wives. In such cases, under my proposal, the husband and wife could elect to combine their earnings, with each spouse receiving an amount equal to 75 percent of the benefits based upon their combined earnings. Applying this new formula, both couples in the example cited earlier would receive the same total benefits, approximately $337.00 per month.

The reasons for making this change are compelling. First, fundamental fairness demands that couples with identical earnings records and contributions to the Social Security system should receive the same amount in benefits. Moreover, the existing formula works a hardship on low or moderate-income families in which the standard of living has been based on two incomes.

In addition, the existing inequity is not a transitional problem. Today 40 percent of married women work, compared with only 24 percent in the United States in 1940. And these figures are projected to increase with more and more women joining the labor force. Unless remedial action is taken soon, more elderly couples will be affected by this inequity.

S. 2098

A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 202(a) of the Social Security Act is amended to read as follows:

"(a)(1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)),

"(B) has attained age 62, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65,

shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its application increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 62 or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 215(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215(b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 percent of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i)),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individual or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

SEC. 2. (a) Section 202(e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(b) Section 202(f)(3) of such Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

SEC. 3. Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in Column V on the line on which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

Sec. 4. (a) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(b) The second sentence of section 215(f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income that can be counted in the years involved)".

Sec. 5. Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

Sec. 6. (a) The amendments made by the first three sections of this Act shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(b) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed" But not more than" in column III of the table in section 215(a)(1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

ADDITIONAL COSPONSOR OF A BILL

S. 986

At the request of Mr. Mansfield, for Mr. Magnuson, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 986, a bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; and to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

SENATE RESOLUTION 140—SUBMISSION OF A RESOLUTION RELATING TO U.S. INVOLVEMENT IN SOUTHEAST ASIA

(Referred to the Committee for Foreign Relations.)

Mr. SYMINGTON submitted the following resolution:

S. Res. 140

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through June 30, 1973, for the purpose stated in section 2 and within the limitations hereinafter imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to through June 30, 1973, to expend not to exceed the sum of $250,000 to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia. Of such $250,000, not to exceed $100,000 may be expended for the procurement of individual consultants or organizations thereof. Such sum is in addition to the amount specified in section 2 of Senate Resolution 26, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution.

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than June 30, 1973.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 141—SUBMISSION OF A RESOLUTION RELATING TO BENEFITS OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

(Referred to the Committee on Banking, Housing and Urban Affairs.)

PAYMENT OF THE INTEREST DIFFERENTIAL FOR PUBLIC DEVELOPERS OF NEW COMMUNITIES

Mr. HUMPHREY. Mr. President, I am today introducing a resolution designed to assure that the administration understands the full opportunities available to it under the newly enacted Urban Growth and New Community Development Act of 1970.

Previous to 1970, Federal long-term financing and loan guarantees were available only to private developers. With this aid, developers have built new towns and restored old towns.

Now with the enactment of the 1970 law, our country has embarked on an even more exciting program.

For the first time, the full range of Federal financial assistance—interest subsidies, loans, technical assistance, planning grants, supplements to existing Federal programs, and extended term financial arrangements—are available to State-created public new community developers.

Public new community developers will be able to sell bonds to help finance the acquisition of land and the construction of facilities. But the success of a project undertaken by these State agencies is directly related to the rate paid on its obligations and the condition of the market at the time of sale.

Sound financial banking requires the public developer to sell bonds on the taxable market. This bond market is wider, deeper, and more stable than the tax-exempt market. Yet, public developers must have an interest subsidy to make up the difference between the rate they would pay on a taxable security and the rate they would normally pay if all their obligations were tax exempt. Title VII of the Housing and Urban Development Act of 1970—the New Communities title—recognized this fact by providing a revolving fund to pay the interest differential between the two types of bonds.

Mr. President, it is timely that we discuss the role of the public new community developers because, at this very moment, the administration is considering whether or not to extend all the benefits of the 1970 act to these developers by completely funding the interest differential payment.

I believe that a decision to exclude the public new community developer by approving only the applications of private developers and by not funding this interest differential would be a serious error.

It would be a deliberate affront to the intent of Congress.

And, it would seriously hamper the efforts of Governors and State legislatures to create State development corporations.

Rather then exclude any particular development groups, I believe it would be in the public interest to make the benefits of the act available to all developers, public and private, and then award grants entirely on the merits of each application.

This is the only fair way. It is the only progressive way to build these new communities.

Mr. President, I ask unanimous consent that a briefing paper by the staff of the National Governor's Conference be printed at this time, and I also ask unanimous consent that the text of the resolution be printed at this time.

There being no objection, the paper and resolution were ordered to be printed in the Record, as follows:

Public New Community Developers: What They Are, Why They Are Needed, and Why They Deserve Federal Support

I. WHAT ARE PUBLIC NEW COMMUNITY DEVELOPERS?

A. Created by state legislatures and owned by the state or locality.

B. Authorized to sell obligations to finance land acquisition, development and construction.

C. Appropriate money for an initial revolving fund for land acquisition.

D. Sell obligations on the tax-exempt market and re-lend that money to banks, developers or directly to construction firms at a somewhat higher rate (but usually less than the going market rate). The difference between the rate on their obligations and the rate at which they lend money (usually .5%) pays for administrative costs.

E. The full faith and credit of the state is usually not pledged to the payment of their obligations.

F. May be authorized to acquire land by condemnation, and override local building code and zoning restrictions.

II. WHY ARE PUBLIC NEW COMMUNITY DEVELOPERS NEEDED?

A. They can borrow money cheaper than private developers and thus are able to "subsidize" their projects with more low- and moderate-income housing of high quality.

B. They can assemble land easier and at a lower total cost than private developers by using the power of condemnation. A private developer will usually acquire a new community site by bits and pieces. The last acreage acquired usually costs more than the first because people hear about the developer's plans.

C. They have a stronger base from which to negotiate with other public agencies for the timely introduction of essential public services.

D. They can control growth so as not to create an adverse ecological impact on the region surrounding a new community project.

E. Only public new community developers will be able to amalgamate the land and construction subsidies needed to make new towns-in-town economically feasible.

F. Public developers are not placed in the position of trading off design and construction quality for increased profits.

G. For most private developers the seven or eight percent rate of return on their investments (based on past new community projects) is not enough incentive to attract large manufacturing corporations into the new community market. (They can make a ten to fifteen percent profit on their manufactured goods). To a public developer a seven percent rate is a very good return and they are more easily attracted to sponsoring new community projects.

III. WHY DO PUBLIC NEW COMMUNITY DEVELOPERS NEED FEDERAL SUPPORT?

A. The bonds of a public developer must be self-financing—just like a private developer they cannot afford to lose money. Therefore, the success of a project undertaken by a public new community developer is directly related to the rate paid on its obligations and the condition of the market at the time of the sale.

B. Generally, the taxable bond market is a "wider and deeper" market than the tax-exempt market. But in order to enter the taxable market and not pay a higher rate on their obligations, public developers must receive an interest subsidy to make up the difference between the rate they would pay on a taxable security and the rate they would normally pay if their obligations were tax-exempt. Section 713 of the Housing Act of 1970 provides for the payment of this type of interest differential subsidy from a revolving fund.

C. Public new community developers must bear the same costs as an urban renewal agency when undertaking projects in deteriorated areas of inner cities. Urban renewal agencies receive substantial federal subsidies in the form of "land write-down." Public new community developers must be able to receive the same subsidies if their projects are to be economical.

D. Public new community developers must be able to "tap" federal housing subsidy programs, especially the "235", "236" and "Rent Supplement" programs.

E. New communities, properly planned and executed, can help solve pressing national problems: increased ghettoization of the poor, growing population pressures on existing metropolitan areas, and deteriorating ecological systems associated with poorly regulated developments.

S. Res. 141

Resolved, Whereas, Congress has enacted Title VII of the Housing and Urban Development Act of 1970, the Urban Growth and New Communities Title, and

Whereas, before this act, long term federal financing was only available to private developers, and

Whereas, private developers have done a commendable job building new communities, and

Whereas, under Title VII, the Urban Growth and New Communities Act of 1970, Congress mandated that the full range of federal assistance be made available to state created public new community developers, and

Whereas, the success of these public new community developers depends upon financial obligations they can sell on the security market, and

Whereas, the taxable bond market is more attractive to public developers because it is a more stable market, and

Whereas, to actively participate in this market, public new community developers require the Federal Government to pay an interest subsidy for the rate differential between a taxable security and a tax-exempt security, and

Whereas, the Administration is presently considering whether or not to extend the full benefits of the Urban Growth and New Communities Act of 1970 to public developers by funding this interest differential as provided in that law, and

Whereas, it would be in the public interest to increase the development of new communities,

Therefore, be it resolved that it is the sense of the Senate that it should be a policy of the Executive Branch to make available to public new community developers all of the financial assistance authorized under Title VII of the Housing and Urban Development Act of 1970, and specifically the benefits available to public New Community Developers as authorized by Sections 713, 714, 715, 717, 718, 719 and 720 of that act.

PRESERVATION OF THE RESOURCES OF THE CONNECTICUT RIVER VALLEY—AMENDMENT

AMENDMENT NO. 199

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

MT. HOLYOKE UNIT OF THE CONNECTICUT HISTORIC RIVERWAY

Mr. KENNEDY. Mr. President, I am introducing today an amendment in the nature of a substitute for S. 318. S. 318 introduced by Senator RIBICOFF creates a three-unit Connecticut Historic Riverway. This amendment establishes and outlines provisions for the Mount Holyoke unit of the Connecticut Historic Riverway.

This legislation is the result of the recommendations of the Bureau of Outdoor Recreation's 2-year study of the area and the arduous, detailed, and most valuable efforts of the Citizens Advisory Committee in Massachusetts. I think the most significant aspect of this legislation is that it is truly the product of the thoughts and concerns of the citizens who live within this beautiful and historic area. In every detail local residents have contributed their thoughts, and throughout the entire lengthy process of drawing up this legislation they have contributed their time and efforts.

There has never been any question that the people of western Massachusetts want the Connecticut River restored, that they want the water returned to an unpolluted state, that they want the land preserved for their use and enjoyment and that of their children. But the citizens in the past have disagreed on which specific means would be most beneficial to achieving these ends. We have held public hearings within the area to hear opposing views. And it is from these hearings, from the tremendous volume of mail from this area, and from the diligence of the citizens' advisory committee in testing their ideas on the community that we have today a piece of legislation that is most likely to serve the needs of the community. In addition we expect that a public hearing after the introduction of this legislation will give these citizens another chance to express their views on the final draft.

The concerns of people living within a proposed national park area tend to fall into the following categories: that Federal land acquisition will interfere with landowners' rights; that there will be significant erosion of the community tax base; that too much land will be developed for recreation at the expense of natural beauty; or the reverse, that too much land will be preserved for esthetic reasons while the community lacks recreational facilities.

While this legislation will of course not satisfy every individual desire, I feel it achieves as nearly as possible the delicate balance between preservation and recreation; between continued waste of natural resources and loss of tax revenues; between individual property rights and the greater community welfare.

This legislation is designed to leave untouched the most valuable farmlands which have been worked for over 300 years; to develop for recreational purposes those areas with the greatest potential for camping, fishing, hunting, boating, swimming, and hiking, and to preserve and restore the great natural wonders of the river, the land, the forests, and the air.

In recent years we have all become acutely aware of the loss of clean water and fresh air. We have learned that often in the name of technological progress, we have poisoned our streams and the air we breathe. In those areas of our Nation of particular beauty, the trend toward devastation of our resources has been particularly disturbing to the residents.

There are many approaches to solving

the problems of our environment—Federal assistance, regional planning, and the local public works project approach. In this case we have an example of several towns and cities, several concerned citizen groups, more than one State and the Congress of the United States working with the Federal departments to achieve the preservation of one of the most beautiful areas of the United States.

The objectives of this legislation are:

First, to provide for limited Federal acquisition of land with a minimum amount of condemnation rights.

Second, to provide for specific areas of recreational development with a minimum infringement on residential rights and maximum consideration of their concerns.

Third, to provide for the preservation of areas of esthetic natural beauty for the enjoyment of surrounding communities and future generations.

Fourth, to protect the rights of owners of homesteads and farmlands and at the same time assure the future of these lands against encroachment or overdevelopment.

But in the minds of some, recreation means hordes of visitors in the summer months, noise, traffic jams, gaudy concessions, selling overpriced items, and rampant overdevelopment. Ironically recreation area often carried the connotation of accelerated and federally financed devastation of national resources.

The historic riverway we envision conjures none of these images. It is the opposite of an unplanned and unstructured development. It outlines a well-planned, coordinated, and balanced approach to the needs of the community. While it includes recreational facilities, it also preserves the most beautiful spots for the enjoyment of nature and the peace and solitude which it often brings.

The New England Heritage Report pointed out that—

> Because of the existing highway network, its land would be accessible to nearby colleges and universities, as well as to more distant urban centers.

This need not be looked upon as a threat, but a potential. But it clearly shows the necessity for planning.

The Mount Holyoke unit comprises approximately 12,000 acres of the east side of the Connecticut River—north of Springfield. The river flows between the Mount Holyoke Range and Mount Tom Range. This unit of the historic riverway embraces the bulk of the Mount Holyoke Range. For 2 years field teams, planning agencies, local officials, and private citizens collected data and worked together on the New England Heritage Report on the Connecticut River National Recreation Area. Since the publication of that report, another 2 years have gone into study and refining the specific proposals put before the local communities.

This legislation establishes three types of land areas within the Mount Holyoke unit:

First. Public use and development zone—land may be acquired by donation, purchase, transfer, or condemnation but in no event can more than 1,500 acres be acquired by condemnation.

Second. Preservation and conservation zone—will be maintained in its natural state with only the development of trails.

Third. Private use and development zone—land within this zone shall be limited to noncommercial, residential development except for business areas already in existence.

The legislation also provides for the Mount Holyoke Riverway Advisory Committee composed of members representing the State government, regional planning commissions, towns and municipalities, and the Federal Government. And it establishes a clear and concise policy of cooperation between State and local agencies to provide safeguards against pollution of the Connecticut River.

Victor Hugo once said:

> Nature, like a kind and smiling mother, lends herself to our dreams and cherishes our fancies.

We know that if we are to begin saving our resources, we must begin now or it will be too late. The people of western Massachusetts sense the urgency that saving of this area demands. They understand that what we do in the next few years is decisive for this area's future. This bill represents a coordinated effort by the Federal Government and the local municipalities working with the citizens who live there to plan their own course for the preservation of this area.

The people of western Massachusetts have taught us all a great lesson in representative government. They have worked long hours and with great vigilance in developing and expressing their views on this legislation. And the people of Massachusetts have for many years provided a mecca for tourists and travelers by providing the finest in recreational facilities in the most scenic of natural settings. While time has taken its toll on the land and the water, these citizens have sought local, State, and Federal assistance in an attempt to preserve their precious gift. Today for them I introduce this legislation to assure them that the Congress is aware of their heritage, their work, and their concerns for the future of their environment. They have made themselves heard and the passage of this legislation will be the triumph of their love and concern for their land and their river.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENTS NOS. 200 THROUGH 206

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted seven amendments intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 207

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to H.R. 6531, supra.

ANNOUNCEMENT OF HEARINGS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an announcement of hearings before the Public Health, Education, Welfare, and Safety Subcommittee of the Senate District Committee.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

ANNOUNCEMENT OF HEARINGS BEFORE THE PUBLIC HEALTH, EDUCATION, WELFARE AND SAFETY SUBCOMMITTEE OF THE SENATE DISTRICT COMMITTEE

Mr. TUNNEY. Mr. President I would like to announce hearings on Thursday, June 24, 1971, at 9:00 a.m. in Room 6226, New Senate Office Building on eight bills pending before the Public Health, Education, Welfare and Safety Subcommittee of the Senate District Committee. These bills are as follows:

S. 1348 and H.R. 8794—Relating to medical services for disabled police and firemen

S. 1386 and H.R. 8589—Regulating the Practice of the Healing Art

S. 1996 and H.R. 2592—Amendments to employment of Minors within the District of Columbia

H.R. 2596—Authorizing members of the District of Columbia Fire Department, United States Park Police force and Executive Protective Service to participate in the Metropolitan Police Department Band

H.R. 2600—Equalize retirement benefits for Metropolitan Police and Firemen retired for permanent total disability

Any interested person who wants to file a statement or appear as a witness on these matters should notify Mr. Gene Godley, General Counsel of the District of Columbia Committee, in Room 6222, New Senate Office Building.

ANNOUNCEMENT OF ADDITIONAL HEARING ON INTERNATIONAL WHEAT AGREEMENT

Mr. MANSFIELD. Mr. President, on behalf of Senator SPARKMAN, the chairman of the Ad Hoc Subcommittee on the International Wheat Agreement of the Committee on Foreign Relations, I wish to announce that the subcommittee has scheduled an additional hearing on the wheat agreement on Tuesday, June 29, 1971. The hearing will be held in room 4221 of the New Senate Office Building beginning at 2 p.m.

Interested parties should communicate with Mr. Arthur Kuhl, chief clerk of the committee.

ADDITIONAL STATEMENTS

EPIDEMICS AHEAD?

Mr. KENNEDY. Mr. President, two recent articles, one in the March 19 issue of Medical World News titled, "Epidemics Ahead?" and one on March 30 in the Washington Post by Mr. Stuart Auerbach, deal with the alarming rise in measles, diphtheria, and polio cases in America.

The most serious threat is the current outbreak of common measles. Measles incidence fell dramatically after mass immunization campaigns were launched in 1966. According to Dr. John J. Witte, chief of the immunization branch of the Center for Disease Control in Atlanta, 47,363 cases of measles were reported in the United States last year, an increase of 83 percent over the 1969 figures. The cases this year are expected to go even higher, perhaps reaching 70,000.

Dr. Witte noted that last year 500 cases of diphtheria were reported, twice the number of cases in 1969. Miami and San Antonio suffered large-scale epidemics of diphtheria last year, and it is feared that similar epidemics may occur in other areas.

Immunization against the crippling disease, polio, has fallen to dangerous levels. In 1966, 79 percent of children aged 1 to 4 were adequately immunized. Last year, the figure was less than 66 percent. Dr. Witte is particularly concerned about many of the children who live in rural and urban poverty pockets. The number of immunizations in these areas is much lower than the national average.

It is estimated that 10 to 12 million children in the United States remain unvaccinated and thus susceptible to measles, diphtheria and polio. Vaccine for measles is fairly expensive—as much as $1.30 for a single dose. A combined tetanus, diphtheria and whooping cough vaccine costs about 25 cents. Dr. Lyle Conrad, assistant chief of the immunization branch at the Center for Disease Control, estimated that to run an active immunization program would cost only $12 to $15 million a year. Yet, for this small sum, the benefits in terms of lives saved and health expenses avoided would be enormous.

I ask unanimous consent that the two articles, "Epidemics Ahead?" and "Measles on the Rise Again; Believed Eradicated in 1968," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Epidemics Ahead?

Seven-plus years after the Vaccination Assistance Act started the U.S. on a national program to eradicate polio, diphtheria, rubeola and other communicable diseases, the immunization goal may be slipping beyond grasp. Experts who a few years ago were talking confidently of eradication are now pinning their hopes on better control methods—and crossing their fingers at that.

Large segments of the population remain unimmunized, jeopardizing the herd immunity goal. Either epidemics of eradicable disease have occurred—diphtheria is a case in point (MWN, June 26, '70)—or else there have been threats of an epidemic, as with polio.

Worst of all is measles, says Dr. John J. Witte, chief of the immunization branch of the Center for Disease Control in Atlanta. Speaking at the Eighth Annual Immunization Conference in Kansas City, Dr. Witte said: "Today, measles is out of control."

Measles incidence fell dramatically after mass immunization campaigns were launched in 1966. Cases numbered 62,000 in the 1966–1967 epidemiologic year (roughly October to October) and kept falling. Yet in the winter of 1969, 16,000 were hit by the disease as compared with 7,500 the previous winter. And for the 1970–1971 year, the total may reach 70,000 cases, far above 1969–1970's total of 44,701. In some areas, the rise has been manifold (see pages following page 54 in most MWN editions). Between last October and this January, 11,929 cases turned up—46% over the same period last year and 176% over 1968–1969 figures. Says Dr. Witte: "We're back where we started five years ago. I'm ashamed of the way we've neglected measles."

Since measles encephalitis occurs in about one case per thousand measles cases, and permanent disability occurs in about one out of three encephalitis cases, this epidemic year could see 2,500 children condemned to handicaps ranging from mental retardation—requiring permanent institutional care—to learning disabilities. The failure is not in the vaccine but in delivering it to the needy, says Dr. Witte. Asked Dr. William Schaffner II, assistant professor of medicine at Vanderbilt University, "How good is the vaccine?" Answering his own question, he said, "It's no damn good in the vial."

Turning to diphtheria, Dr. Witte noted that last year's 500 cases are double the 241 reported in 1969 and the highest incidence in the past eight years. There were outbreaks in six states. And, warned Dr. Witte, "unless we improve our preschool vaccination efforts, we can expect epidemics of polio again." He added: "The time for complacency has run out. We must face up to some difficult professional challenges. We need to find the funds to purchase vaccines, the personnel to plan and administer programs, the methods to get at hard-to-reach groups."

The expert noted that DPT vaccine costs 3c a dose and every health department should be able to afford the cost. And another warning: "Prior to the diphtheria epidemic in San Antonio, Tex., immunization levels of schoolchildren and preschoolers there didn't differ significantly from national averages from urban areas. What happened in San Antonio could have occurred in a score of other cities."

And polio immunization levels are declining, too. In 1966, 79% of children aged one to four were adequately immunized. Last year, the figure was less than 66%. Dr. Witte is particularly worried about poverty areas of cities. "Some are ripe for a polio epidemic," he declared.

"This 66% figure may represent the national average, but let's not forget that there are pockets of susceptible individuals around the country where levels are much lower."

Measles on the Rise Again; Believed Eradicated in 1968

(By Stuart Auerbach)

Measles, supposed to be eradicated three years ago with the development of a vaccine, is running rampant again, U.S. Public Health Service figures show.

Communicable disease experts estimate that at least 65,000 American children will catch measles this school year, as many as in 1966 before the vaccine was in wide use. As many as 60 children are expected to die from complications of measles, mainly from pneumonia and encephalitis (a brain ailment).

On top of the increase in measles cases, the National Center for Disease Control in Atlanta reported there were twice as many cases of diphtheria last year as in 1969. And the number of children adequately protected against polio has dropped 13 per cent since 1966.

Government officials blamed a slowdown in local and state immunization programs for the increase in cases of diphtheria and measles and the lowered number of children protected against polio.

But direct federal funds for these programs ran out in June, 1969. Local governments, though, can get indirect federal money for immunizations from such programs as maternal and child heatlh.

"The answer is once again convincing state health departments and local medical societies that good preventive medicine includes immunizing at least 90 percent of the children against diphtheria, whooping cough, polio and measles," said Dr. Lyle Conrad, assistant chief of the immunization branch of the Center for Disease Control.

The value of immunization programs was strikingly demonstrated during an epidemic in Texarkana, a city of 50,000 divided by the Texas-Arkansas state line.

CDC reported 637 cases of measles there between June 1970 and last January.

The part of the city in Texas, which has never had a measles immunization program, accounted for 97.5 per cent of the cases. Only 16 cases occurred in the Arkansas section of the city, which had an extensive immunization program.

Nationally, the Center for Disease Control recorded 47,363 cases of measles last year. That was an 83 per cent increase over the 25,826 cases reported in 1969 and a 113 per cent increase over the 22,231 cases reported in 1968.

The number of cases continued to grow this year. For the first 11 weeks of 1971, there were 20,300 cases of measles reported compared to 12,000 for the same time span last year and 5,000 for 1969.

But these official figures do not indicate the true extent of measles in the United States. For every case reported, Dr. Conrad estimated that 8 to 10 are not counted.

Although measles is generally an innocuous childhood disease, its complications lead to death in about one out of every 1,000 cases.

(In Washington, Dr. Michael W. Rosen, a Public Health Service expert assigned to the Health Services Administration, said there had been an outbreak of measles in this area last year, but only a few cases so far in 1971.)

The Center for Disease Control reported the largest number of cases of diphtheria last year since 1962. With outbreaks in six states—including large scale epidemics in Miami and San Antonio—there were 500 cases of diphtheria reported last year compared to 241 cases in 1969.

Government experts also estimated a decrease in polio immunization levels. In 1966, the Center for Disease Control said 79 per cent of American children 1 to 4 years old, had an adequate immunization.

Last year the figure dropped to 66 per cent, with many of the unprotected children living in rural and urban poverty pockets of the nation.

Dr. Conrad estimated it would cost between $12 million and $15 million a year to run an active immunization program.

Vaccine for measles is fairly expensive—as much as $1.30 for a single dose. But smallpox vaccine costs a penny a dose, a combined tetnus, diphtheria and whooping cough vaccine costs 5 cents a dose and polio vaccine costs about 25 cents.

THE GYPSY MOTH

Mr. BEALL. Mr. President, the gypsy moth is a growing menace to the Nation's woodlands. I have asked the Senate Appropriations Committee to provide $275,000 so that we might accelerate the Nation's research effort against these pests. I ask unanimous consent that my statement in support of an increased appropriation which was submitted to the Senate Appropriations Committee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator J. Glenn Beall, Jr., to the Appropriations Committee, U.S. Senate, Regarding the Gypsy Moth

Mr. Chairman, I strongly urge that the appropriations for the Agriculture Forest Service Research Program be increased by $275 thousand to accelerate the nation's research against the Gypsy Moth, an insect which is threatening destruction of millions of acres of our prime eastern woodland. It has been estimated that within the next ten years that over 200 million acres of hardwood forests may be damaged as a result of the repeated defoliation by the Gypsy Moth. To indicate the seriousness of the problem, it is well to point out the damage that has already been done by these devouring insects. In the summer of 1970, the Gypsy Moth defoliated 800 thousand acres of trees. This figure is more than triple the area stripped by these insects in 1969 and more than six time that denoted in 1968. At the present time it is estimated that over 50 million acres of woodland are known to be infested.

In recent years the Gypsy Moth has spread from the New England States and Eastern New York, throughout New Jersey and Eastern Pennsylvania. In 1970 over 800 thousand acres were defoliated in Connecticut, New York, New Jersey, and Pennsylvania. It is predicted that over one million acres will be affected in these states alone in 1971.

For the first time the insect's invasion path has led it to Delaware, Maryland, and Virginia.

These invaders are voracious eaters of leaves. They will feast on foliage of ornamental shrubs, shade and fruit trees, as well as from the forest. Although certain hardwood trees—oak, grey and river birch, willows, poplars and apple—are the moth's favorite hosts, the ravagers also may be found on cherry, paper birch, yellow birch, sassafras, maple, black tupelo, and larch. The older of the pests may reluctantly eat pine, spruce, white cedar, and hemlock needles. Altogether 500 known species of trees are known prey of the Gypsy Moth. Experts tell us that a single defoliation has been known to kill white pines, spruce, and hemlock; and two defoliations can kill most hardwood.

The Gypsy Moth is not a newcomer to our forests. Brought to this country in 1869 for the purpose of silkmaking experiments, the moth managed to escape from a naturalist's laboratory in Massachusetts. Without substantial opposition from its natural enemies, the destroyer spread rapidly across the Northeast. Federal and State programs to control the Gypsy Moth were first instituted in 1905, but the pest has not yet been conquered.

Until about ten years ago, when the Federal Government began to phase out the use of DDT, the moth was prevented from spreading to the area south of New Jersey. The use of DDT has since been completely replaced by that of a less persistent pesticide, which has not proven effective in controlling these pests.

The result, as I indicated, is that the Gypsy Moth has spread from the New England States, New York, and New Jersey, into Pennsylvania, Delaware, Maryland, and Virginia.

In 1969 for the first time the moth was found in a small area of Central Pennsylvania. Several males were trapped in Delaware and Maryland, and a single male moth was trapped as far south as Free Union, Virginia, on the Skyland Drive. The trapping of a single moth does not mean there is a major infestation. The moths trapped were all males which can fly. The females are fat and loaded with eggs and cannot fly. However, a single female deposits about 400 eggs in a cluster. It is this ability to multiply fast that is alarming entomologists.

The impact of the Gypsy Moth has been especially damaging to New Jersey. In that state the number of defoliated acres is mounting astronomically from 5,000 in 1968 to well over 100,000 in 1970. More than a million trees have been lost in a Newark, New Jersey, watershed over the last three years.

New Jersey's State Agricultural Department is predicting the loss of one million oak trees in 1971 from damage by the Gypsy Moth. At a recent meeting of the Maryland Office of Entomology held in College Park, Maryland, a New Jersey entomologist cited data indicating that without proper controls New Jersey may lose more than 20 million oak trees by the end of the decade.

A similar fate may be in store for Maryland and Virginia. Male moths have been found in Maryland in traps erected along the Mason-Dixon line between Maryland, Pennsylvania and Delaware. The first Maryland moth was caught in a trap in Cecil County in 1969. In 1970 there were 21 incidents of Gypsy Moth trappings in seven Maryland counties. Also, egg masses of the moth were found on a house trailer in Anne Arundel County. The trailer was from Connecticut. This summer, Maryland will set out 7,005 traps to determine the growth of the problem.

The problem is growing also in Virginia where one moth was caught in 1969. In 1970, Gypsies were found in Virginia in four locations. One area was a trailer park at Dumfries, two were in Southwestern Virginia, in and along the Shenandoah National Park, and one in Accomac County, on the Eastern Shore. Thomas McIntyre, spokesman for the Department of Agriculture, expressed doubt of our present ability to limit the moth's further spread. In an interview with the *New York Times* he said, "All we can do now is to delay further its spread to the Allegheny, Appalachian, and Ozark Mountain regions where much of the nation's hardwood timberland is located."

Damage by the Gypsy Moth to timber and other natural resources has been considerable. The American Forest Institute estimates that the "tree killing moth already did . . . from $2 million to $4 million a year in damage to timber stocks, including the cost of control measures." In terms of finished products these figures could be adjusted up to $50 million and $100 million respectively. But this cost represents only the immediate damage. The defoliation and destruction of trees have increased the occurrence of forest fires, multiplied erosion hazards, destroyed wildlife habitats, and reduced land and recreational values. Much income from State Parks and other tourist expenditures is lost when trees are denuded during the summer. Moreover, the defoliation of woodland has caused a mass migration of copperheads and rattlesnakes to lower, shadier ground.

The Department of Agriculture has repeatedly pointed out that "available tools cannot effectively control this destructive pest." However, certain natural factors have had a restraining effect on its spread. Lack of food, low winter temperatures that may kill eggs, birds and small animals, such as mice, parasitic insects, predators and diseases, such as wilt—all have helped to slow the growth of the problem. But nature's resistance to the destruction of her forests has been meager and inadequate.

Consequently, homeowners have joined in the battle against the Gypsy Moth. Homeowners paint and scrape the egg masses. They hand pick caterpillars, trap them with tangle-foot, spray them with carbaryl (Sevin), hand pick pupa cases, and trap the male moths. In some cases in New England, whole towns have banded together to present a united front against the Gypsy Moth plague. Sometimes they have been successful in ridding themselves of the pest. After persistent spraying and the resulting destruction of birds and beneficial insects, some towns have managed to drive the moth away—often into neighboring towns. Such "beggar-my-neighbor" policies are never desirable if only because they are never entirely successful.

On a larger scale, State Governments have joined the Federal Government in an effort to contain the moth. The Plant Protection Division of the Department of Agriculture, with the cooperation of the States, regulates the movement of trees, shrubs, stone and timber products, Christmas trees and greenery, and camping equipment and mobile homes to contain the Gypsy Moth. Despite these precautions, the moth has been found to have been transported as far as Texas.

Attempts to control the moth with pesticides have been unsuccessful. Insecticides are at best temporary tools. Because the female Gypsy Moth lays huge numbers of eggs, and because the insect's life is very short, those that survive pesticide spraying reproduce and replace those killed with more and more resistant populations. Paul Alampt, New Jersey Commissioner of Agriculture, concludes that "eradication of the Gypsy Moth is unattainble as matters now stand."

Recent research related to the life cycle of the moth has uncovered information that has led scientists to be hopeful that an answer to the Gypsy Moth problem may be near at hand.

The insect's life passes through four stages: egg, larvae or caterpillar, pupa, and adult moth. When the female reaches the adult stage between mid-July and mid-August, it releases an odor which the male can detect from a great distance. The male, a strong flier, is then drawn to the relatively immobile female for mating.

This information, said Dr. Morton Beroza, head of the Agriculture Department's Pesticide Chemicals Research Branch, has led to the development of a synthetic Gypsy Moth sex lure. The new lure, disparlure, is more persistent than the natural extract and attracts males for three months after the bait has been set. Using disparlure to detect the location of moths, insecticides are then used only in areas where the Gypsy Moth is found. The lure can also be used to entice male moths into areas covered with an insecticide that is deadly to them but harmless to other wildlife. Or, sprayed over an infested forest, "the lure sets the males flapping off in search of females and kills them through sheer frustration and exhaustion." Such procedures keep environmental pollution at a minimum and prove to be very efficient.

The sex lure has other, more far-ranging uses. Research has also discovered that male Gypsy Moths can be sterilized without affecting their mating ability. Scientists believe that this information can be used to develop a program whereby the Gypsy Moth will be induced to destroy itself. Sterile male moths released during July and August can mate with females that will consequently lay eggs which will never develop. For every sterile male released there could be as much as a 400-fold reduction in the population of the succeeding generation of Gysy Moths.

Sterilization programs have been successfully used against other pests. As the result of the release of sterile male flies, the screwworm was completely eradicated in Florida. To deal with the boll weevil, there is presently underway a sterilization program that utilizes techniques similar to those proposed to cope with the Gypsy Moth. The Department of Agriculture is optimistic that if enough sexually sterile male boll weevils can be released next spring, the boll weevil population will cease to exist. These results have led scientists to be optimistic about the use of sterilization to control the Gypsy Moth.

Last November the Technical Committee of the National Gypsy Moth Advisory Council met here in Washington and proposed an accelerated research and development program against the Gypsy Moth. They envisioned a coordinative venture combining the efforts of the Forest Service, Agricultural Research Service, State Departments of Agriculture, and State Conservation organizations. The proposed research program would provide: (1) accurate forecasts or prediction techniques; (2) develop an understanding of the ecological processes associated with Gypsy Moth population changes; (3) develop and evaluate control techniques including use of microbial pesticides, parasites and predators, sterile male releases, forest site manipulation, specific, nonpersistent chemical pesticides, feeding repellents/deterrents and sex attractants; and (4) integrate prediction, understanding, and control techniques to provide the most effective control combination(s).

It is obvious from the above that the program to eliminate the Gypsy Moth will have to be a multilateral approach. The program should include sterilization, selective spraying, and the enlistment of the moth's natural enemies in the fight.

Before beginning such a program we need some basic information such as dosage levels, timing and other key elements in the application of the various control methods. The answers to such questions I believe are close at hand.

Agriculture officials at the Federal and State levels have expressed confidence that if our research program is accelerated, the Gypsy Moth problem could be solved and thus save many of our trees from destruction. With the prohibition of the use of DDT, we desperately need new answers.

The National Gypsy Moth Advisory Council called for an additional $275 million in appropriations to accelerate our attack against these enemies of the forest. I strongly urge the Committee to provide these funds for I am convinced that a major headway will be forthcoming in a short period from such a directed effort. If we delay, Mr. Chairman, and continue research at the present pace, we will probably achieve the insect's control at a later date, but too late to save countless acres of valuable woodlands from these destructive creatures which, as I have indicated, have already caused an estimated $2 million to $4 million a year damage in timber stocks and in terms of finished products, $50 million to $100 million. The stakes are thus high and a crash-type varied research effort is urgently needed if we are to prevent these pests from becoming an epidemic in the State of Maryland, Virginia and Delaware as well as to stop their present voracious eating of the trees in the northeastern states. Both our inadequate existing knowledge and the value of our forest resources cogently call for a stepped-up research effort.

I hope that the Committee will approve the necessary sums to get this job done.

Mrs. Chairman, I ask unanimous consent that a letter I received from the State Forester, Mr. A. R. Bond, who called this matter to my attention and who supports an accelerated research program be printed in the *Record*. In addition, I ask unanimous consent that two articles from the *Washington Star* be printed in the *Record* also.

STATE OF MARYLAND, DEPARTMENT
OF FORESTS AND PARKS,
Annapolis, Md., February 3, 1971.

Hon. J. GLENN BEALL, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BEALL: The State of Maryland is in the path of a destroyer of hardwood trees. Gypsy moths have been found in Maryland in 1969 and 1970. They are moving into our State from Delaware and Pennsylvania. In the very near future they are expected to move through Virginia and West Virginia into the entire Appalachian hardwood forests and beyond.

Gypsy moths are voracious eaters of leaves. They can strip entire trees in a short time. Several successive defoliations of hardwood trees and only one of conifers can cause death. For example, more than a million trees have been lost in a Newark, New Jersey watershed over the last three years. In addition, homeowners in New Jersey, New York, and elsewhere are up in arms because the gypsy moth has invaded their backyards and city streets and parks. Trees are defoliated by the caterpillars, which cover lawns and sidewalks, the sides of homes, and even drop down onto children playing under the trees. Moreover, much income from our State Parks and from other tourist expenditures will be lost when trees in our State are denuded during the summer vacation season.

Gypsy moth is now a serious problem because we can no longer use DDT to control it, and no other safe chemical or biological controls are available. Our only resort is a crash research program by the Department of Agriculture before the pest becomes an epidemic in the State of Maryland, as it is in New York, New Jersey, Pennsylvania, and elsewhere.

The National Gypsy Moth Council has recommended that Congress fund the comprehensive and ecologically sound research and control program of the Forest Service and Agricultural Research Service, which will develop an integrated control system for gypsy moth.

The citizens of Maryland need protection against the gypsy moth. I urge your full support before the House and Senate Appropriations Subcommittees of Interior and Related Agencies (Forest Service) and Agriculture and Related Agencies (Agricultural Research Service). You will hear from me again before the Appropriation Hearings. Meanwhile, if I can provide further information, please let me know.

Sincerely yours,

A. R. BOND,
State Forester.

MARYLAND, VIRGINIA IN PATH OF INVASION BY GYPSY MOTHS

(By Lee Flor)

A great victory for conservationists, the ban on use of DDT, is turning out to have its somber side. Gypsy moths are starting to invade Maryland and Virginia.

"We're right in the invasion path," Dr. Charles McComb of the Maryland Office of Entomology warned at a meeting in College Park last week.

McComb and other entomologists from federal and state agencies gathered to discuss the problem in Maryland and Virginia, and to try to find ways to combat it.

Gypsy moths, in their caterpillar stage, have a keen appetite for the leaves of trees and ornamental shrubs. They have been known in past years to lay waste vast stretches of forests in New England.

DDT USE ONCE PLANNED

With use of DDT, the Department of Agriculture and state agencies had hoped to hold the line against gypsy moths. Michigan's forests, for example, were believed to have been saved from destruction by gypsy moths by use of DDT.

But several years ago the Agriculture Department and state agencies, deciding DDT was too harmful to other wildlife and endured too long in the soil, stopped using it in the gypsy moth program.

After the use of DDT was stopped, the moths started spreading. The first Maryland moth was caught in a trap in Cecil County in 1969. Then last year there were 21 incidents of moth trapping in seven Maryland counties.

In Virginia, moths were trapped in four locations last year. One was a trailer park at Dumfries in Prince William County. Two were in southwestern Virginia, in and along the Shenandoah National Park, and one was in Accomac County, on the Eastern Shore.

MORE TRAPPING PLANNED

Dr. George F. Lankford, Maryland state entomologist, told last week's meeting that Maryland would set out 7,005 traps this summer to see if the problem is growing.

"If we can cut down on the scattered sites," said W. H. Matheny, Virginia state entomologist, "we may have a few years in which to develop other ways to control the gypsy moth."

Dr. McComb and other officials said the biggest need now is to get Congress to appropriate around $1 million a year, for the next five years, so the Agriculture Department and other agencies could carry out research. The scientists are testing parasites that might control the moths, and are experimenting with several other programs.

None of the scientists at the College Park meeting advocated use of DDT. There was just a sense of mourning about the loss of an old and trusted ally in the fight against the moth.

The trapping of a single moth does not automatically mean there is a major infestation. Most of the moths captured so far are males, which can fly.

The females have wings but are too fat and loaded with eggs to fly. A single female deposits around 400 eggs in a cluster, and it is this ability to mutiply fast which is alarming entomologists.

Based on recent data, it is estimated that, without chemical controls, New Jersey may lose more than 20 million oak trees before the end of the decade, a New Jersey entomologist told the meeting.

CHEMICAL SEX LURES TO AID WAR ON BOLL WEEVIL

(By Roberta Hornig)

Chemicals that sexually attract boll weevils and lure them into traps will get their largest practical tryout to date in the most comprehensive experiment ever attempted by the government to eradicate the pests.

The Department of Agriculture will use the sex attractants, developed after 10 years of research, in an attempt to sharply reduce the use of harmful persistent pesticides on cotton crops.

A greater variety and quantity of pesticides are used on cotton than on any other domestic crop. Until now the major presticide being used is a combination including the controversial DDT. Scientists are looking for an alternative to the DDT combination.

"It is the greatest contribution that we can make in the near future to prevent environmental pollution," Dr. Edward A. Knipling, of Agriculture's research station in Beltsville, Md., said yesterday of the plan.

The government will wage its two-year war on the boll weevil beginning in August by treating 30,000 acres in southern Mississippi and adjacent parts of Alabama and Louisiana.

The primary area involved is a 4,000-acre section near Columbus, Miss. A 50-mile wide buffer zone also will be treated to prevent reinfestation.

The $2 million program, of which the federal share is more than $1.5 million, will be in three stages, using three different attacks on the boll weevil.

In the first stage, during August, department employes will spray the area with the non-persistent pesticides malathion and guthion.

In the second stage, the sex attractant traps will be used. They will be set out in the autumn to monitor the weevil population, and then again in the spring, after the weevils emerge from hibernation, in hopes of trapping large numbers and reducing their numbers.

The final stage of the offensive will come in late May of 1972, when millions of sexually sterile male boll weevils will be unleashed into the area, in hopes that they will mate with normal females, thus producing only infertile eggs.

Agriculture scientists believe that if enough sterile males are released, boll weevil population will cease.

If the plan is successful, Agriculture says, cotton growers can save $275 million annually.

Dr. Knipling said if the pilot project works, the coordinated biological and nonpersistent chemical techniques will pave the way for a greatly expanded nationwide program in all cotton growing states from the Carolinas to the plains of Texas.

INTERNATIONAL OCEAN TRANSPORTATION

Mr. INOUYE. Mr. President, Commissioner George E. Hearn of the Federal Maritime Commission recently delivered a thoughtful speech appraising the status of international ocean transportation today. Commissioner Hearn delivered his remarks before the American Cotton Shippers Association in New Orleans, La., on May 28, 1971.

Evaluating the conference system which presently constitutes the keystone of ocean commerce, Commissioner Hearn suggested the creation of a self-policing system to regulate carrier service in the ocean transportation industry. Briefly, Commissioner Hearn compared his proposal with the similar system which exists within the International Air Transportation Association, IATA.

Commissioner Hearn's proposal deserves serious consideration from all those who are interested in improving existing conditions in the international ocean transportation industry. Mr. President, I ask unanimous consent that this speech and commentary be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

It is a pleasure to be in New Orleans speaking before the annual meeting of the American Cotton Shippers Association. I was most appreciative of being extended the invitation by my old friend and your Washington representative, Neal Gillen. And of course it is always good to renew associations with your own Charles Wisler and one of the deans of shipping, Alex Cocke.

Before coming to New Orleans I read of some of the problems you gentlemen of the ACSA are having with your cotton exports. These problems are not unlike those of other American exporters and fit within the scope of comments I have made publicly on several occasions and also my remarks of today.

Conferences are a vital element in modern ocean transportation. As such they must act in a responsible manner, offering the best possible service as suits the needs of the users of that service. When, as in the case of cotton exports, conference service falls out of tune with current shipper needs, you have a right to be dismayed and to demand a reassessment of your relationship with the carriers. But these problems are arising worldwide and need to be dealt with also on that basis.

International ocean transportation is today experiencing a period of crisis. And unless something is done soon to turn events for the better, the current system may fall into complete disrepair.

Most of us connected with international waterborne shipping are aware of some symptoms of the crisis, but we may not place each such piece of evidence in an overall picture of a critical situation.

I will try in the next few minutes to put this picture together for you and offer my views on the subject.

The source of today's problems in ocean shipping is unfortunately to be found partially in what is the keystone of modern ocean transportation. That is the conference system and the way it functions.

It has long been recognized that ocean carriers acting in concert to establish rates and shipping practices are vital to financial stability in the industry. However, it appears that this conference system may carry the seeds of its own destruction.

Waterborne transportation has been a rapidly changing industry. And each change has heralded a new period of progress for the supplier and user of ocean shipping services.

But the existing conference framework seems no longer able to bear the weight of the expansion and reshaping of the industry. The time has come, therefore, to alter that framework.

Recently in Washington, D.C. I spoke about the need for the United States to re-examine and in some cases amend its shipping statutes to make them current with shipping conditions. Today I offer the same comment with respect to practices in the international sphere of ocean transportation. Both law and international practice in ocean shipping must be flexible enough to adapt to changed conditions. And this endeavor must be the project of not one but all nations working together.

Ocean transportation is not the exclusive province of any one country or group of countries. It is an industry born of international needs and dependent on international cooperation.

Further, it is an industry based not only on the interworkings of nation states, but also of substantial and diverse commercial interests. And because governmental and commercial interests are often mutually dependent, the realm of ocean transportation requires a high degree of integration of its various components.

That such an integrated system prevailed, at least in some respects, until recently I do not believe can be denied. But when the system ceases to remain in tune with the times, the integration becomes disintegration. And that, in my opinion, has begun to happen in international ocean transportation.

You gentlemen of the American Cotton Shippers Association have first-hand knowledge of this. Your problems with the trans-Pacific conferences and the cotton pool to the Far East are examples of the failure of old systems to adjust to changed conditions in a particular trade.

You are not alone with these or other difficulties. Shippers in the North Atlantic trades, for example, have stood by while the carriers disputed each other's rights and obligations. For many months North Atlantic conferences and their members contested the validity of through intermodal tariffs filed by one carrier and the failure of the conferences to establish similar tariffs. I thought the matter had been brought to a successful conclusion with the recent termination of a case involving the principal protagonists, Container Marine Lines and the North Atlantic Westbound Freight Association. But the dispute has just flared anew with the exchange of charges and countercharges among various parties.

Another problem, and one of long standing, concerns rate disparities. Without going into the complexities of the problem, I can say that United States regulatory shipping policy takes a dim view of a situation in which our shippers pay more for the same services provided foreign shippers. And when a rate disparity is apparent on the face of the tariffs, we demand that they be justified by the responsible rate setting conferences and carriers. Our efforts have apparently born fruit in several pending Federal Maritime Commission cases concerning the North Atlantic trades. The carriers there have indicated a desire to offer rate adjustments to remedy the disparate rate situation.

I am not here singling out the North Atlantic trades for special criticism; but these trades do exhibit several symptoms on the dark side of the crisis now confronting ocean transportation. The Federal Maritime Commission is, of course, exerting every effort within its authority to resolve the difficulties in these trades and elsewhere.

So, again, in the North Atlantic we find further internecine difficulties. Overtonnaging may by now be a tired expression and a poor excuse for some problems; but an excess of cargo space is advanced as the cause of conflicts which threaten the disintegration of North Atlantic shipping service.

When ship operators cannot fill their cargo space, the temptation is great to engage in sub rosa deals to attract the necessary cargo. Once this practice begins it can quickly get out of control with consequences debilitating to efficient service.

A few carriers have abandoned North Atlantic trade routes; competitive forces have been strained by a spate of carrier consolidations and consortia producing much contentiousness among competing interests. The existence of a North Atlantic conference has been endangered by the resignation of some members and the threatened resignation of others. And none of these conditions bodes well for reliable service in the trades.

These several problems I have mentioned may seem unrelated, to be dealt with on an individual basis. Yet there is a common element in them all—cargo. In ocean transportation cargo is the key to success, and more, to survival.

Vessel operators are always seeking ways to improve their efficiency and attractiveness to shippers and consignees. Innovations in technology which can produce this result are eagerly sought after. But when operational improvements fail in their intended purpose, carriers may resort to whatever method will put cargo in their ships.

Once begun this chain of events is hard to break. Confidence in the existing structure is severely diminished in the eyes of the users of shipping services. Cargo is rerouted or discouraged from moving. Capital investment in modern transportation systems is withheld for a lack of profitable cargoes now and in the future.

It is obvious that a solution must be found which will break this chain and restore ocean transportation to a healthy condition. Failure to do so now will permit chaotic conditions to develop in international transportation. The result will be a staggering increase in the cost of transportation and an oppressive inhibition on world trade.

I do not wish to appear a prophet of doom, but I strongly believe that the causes and effects which I have described are in the making. And I believe there are many in the industry who share my fears at least to some extent. Thus, for me, the overriding issue in ocean transportation today is how to halt the creeping disintegration of international waterborne commerce.

First we must look to that element which is both the keystone of ocean transportation and also a source of its difficulties. It is there—in the conference system—that the solution must originate.

The remedy for the problems in ocean transportation should be provided by commercial action. It would be most undesirable to have a solution imposed through governmental intervention. That does not mean that there should be no role for government to play in the remedial process. However, the initiative must come from the carriers through managerial decisions made by those in the trade.

In determining what sort of remedy to develop, one word should guide the deliberations. That word is self-regulation. By way of explaining any use of this term, I should first indicate what it does not mean in this context.

I am not advocating de-regulation of ocean commerce by any government or elimination of government participation in ocean shipping matters. In fact I firmly believe government surveillance, supervision, advice or other possible government participation in commercial maritime matters is necessary and desirable.

But what is needed, above all, in the ocean transportation industry is stronger policing of carrier service through self-regulation.

This cannot be accomplished within the established structure of ocean transportation, but requires the creation of a new entity. The new body would be a self-regulatory policing organization established by the carriers. It could be created on a regional basis such as for the North Atlantic trades where it would function as an Institute of Trans-Atlantic Ocean Services.

The basic purpose of such an organization would be to police the activities of conference and perhaps even independent carriers who subscribed to an established international code of fair practices, and to enforce adherence to such a code.

The important aspect of this self-regulatory system is not so much the code as the policing and enforcement body. It is easy enough to formulate a code of fair practices. The difficult job is to catch malfactors and punish them.

There is at present a self-policing system in all conferences which serve United States trades. Our shipping laws require its inclusion in all such conference agreements. But for one reason or another the actual results of this self-policing system have not matched the anticipated results. The basic flaw may be that the policing system does not extend beyond the scope of the individual conference, thus overemphasizing the narrow economic position of each carrier. The self-policing body proposed here would have authority over all conferences within its region as a minimal jurisdictional scope.

Renewed confidence in the conference system as fair, open and nondiscriminatory will come about not because of an international code honored more in the breach. The system requires strict enforcement of the code by a completely independent body with plenary jurisdiction over those who created it and having the acceptance and cooperation of national governmental authorities.

And this last point is very important. There are a variety of practices among the maritime nations with respect to ocean commerce. And unless all these nations coordinate their practices with the functioning of the new self-regulatory body it will not work. No system established for self-policing and enforcement can succeed if the governments of some carriers are antagonistically disposed toward it. There must be compromise and understanding by each country of the attitude of other countries in maritime matters. I believe the proposed system can be made to work with all the national maritime laws of which I have knowledge.

A self-policing system such as I have outlined would not be unique in international transportation. There is an existing and similar system within the International Air Transport Association, or IATA. Under the IATA rules the organization has investigatory, decisional and enforcement authority relating to breaches of the association's governing rules. The IATA system has worked well, and the ocean transportation industry ought to examine the air industry's experience.

Reliable service, stable rates and responsible carrier practices are three of the most important elements of ocean transportation. Their maintenance is necessary to inspire public confidence in ocean commerce as founded on the conference system. Without such confidence ocean transportation will cease to be profitable and carriers will seek cargo by even unfair means so as to make effective use of their new cargo systems. Failing that, the flow of capital investment into ocean transport will substantially diminish.

To forestall this possibility we must begin to think now in terms of 21st Century transportation and prepare ourselves at least for the intervening thirty years.

We must modify or do away with old forms which no longer fit the design of modern transportation systems. And we must adopt new means and new methods of meeting the changing needs of our industry. Flexibility is a vital element of the commercial and governmental framework of waterborne commerce.

The independent self-regulatory policing body which I have proposed is an attempt to serve these requirements not only of today but also of tomorrow in ocean transportation.

DR. MUNRO PROCTOR TO SERVE WITH PROJECT HOPE

Mr. McINTYRE. Mr. President, Project HOPE has proved, through the years of its existence, to be exactly what its name implies—"hope" for the poor and disadvantaged in many areas of the world. The project has received national and international acclaim for the humanitarian work it has done in the field of health.

Those who do the magnificent work for Project HOPE are mostly volunteers, giving of their time and talent to help those who cannot help themselves or do not have the facilities to protect their health. The contribution of these volunteers is a magnificent gift to the underprivileged.

It is for this reason, Mr. President, that I want to take a moment to pay tribute to Dr. Munro Howe Proctor, of Concord, N.H., who has just signed up for a tour of service with HOPE's domestic health program on the 16-million-acre Navajo Indian Reservation in Arizona.

Dr. Proctor is a graduate of the Columbia University College of Physicians and Surgeons. He has been in private practice in Concord, N.H., and is affiliated with the Concord and the New Hampshire State hospitals. He brings this wealth of knowledge and expertise to the HOPE-run hospital and teaching complex at Ganado, Ariz., where he will be treating the sick among the Navajo and helping train the Navajo's for careers in health.

The Ganado program is Project HOPE's second domestic medical education and training project, the first having begun a few months earlier in the Mexican-American community of Laredo, Tex. The program site is the 60-bed Sage Memorial Hospital located in the heart of the Navajo Indian Reservation at Ganado, Ariz.

The program is designed to introduce the Navajo and other resident Indian groups to career opportunities in the medical and health fields. The overall purpose of the program is the development and implementation of teaching programs for nurses, nurse auxiliaries, laboratory and X-ray technicians, dental assistants, community health workers, and many others.

Once trained, the Navajos will gradually assume positions of responsibility. Ultimately, the Indian nation will take over operation of the hospital and its supportive complex. Long-range plans call for the establishment of a system that will extend the health care facilities of the central hospital out into the 16-million-acre Navajoland, where they will be available to the greatest number of people.

I compliment Dr. Proctor for his contribution to his Nation.

DEATH OF LT. GOV. J. SARGEANT REYNOLDS, OF VIRGINIA

Mr. KENNEDY. Mr. President, the untimely death of Lt. Gov. J. Sargeant Reynolds last Sunday is a deep and tragic loss for his family and his friends, and for the people of the Commonwealth of Virginia he served and loved so well.

But it is also a deep and tragic loss for the Nation as a whole, which can ill afford to lose so young a leader. None who knew his enormous energy, the extraordinary talent and vitality he brought to public life, could fail to be impressed by his capacity for leadership of the emerging generation of Americans.

We deplore the devastating illness that took him from us so quickly, at a time when his star had only just begun to shine so brightly. But we also praise the courage he showed in his private struggle to overcome and conquer the disease—the same sort of courage he showed time and again in public life in every stand he took.

Long ago, in "Lycidas," Milton's immortal elegy mourning the death of a young college friend drowned at sea, the poet expressed the sense of loss we feel at the untimely death of young men as full of promise as Sargeant Reynolds. In the words of Milton:

> For Lycidas is dead, dead ere his prime
> Young Lycidas, and hath not left his peer.
> Who would not sing for Lycidas? He knew
> Himself to sing. . . .
>
> In the blest Kingdoms meek of joy and love
> There entertain him all the Saints above,
> In solemn troops, and sweet Societies
> That sing, and singing in their glory move,
> And wipe the tears forever from his eyes.

CUT OFF FOREIGN AID TO ALL COUNTRIES SENDING HEROIN TO UNITED STATES

Mr. PROXMIRE. Mr. President, I have read the President's message on drug-abuse control and I find that the proposals to control, limit, or end the international drug trade are wholly inadequate.

While the President asserts that the only effective way to end heroin production is to end opium production and the growing of poppies, I see little in the message to bring that condition about. His major method is to seek substitutes for morphine and codeine so that opium production through the growing of poppies may end.

That is the long way around. Furthermore, it does not guarantee that the illicit drug trade will end. Even if substitutes for needed drugs are found, there is nothing in this approach to force the end to the highly lucrative illicit drug trade.

Therefore, as chairman of the Foreign Operations Subcommittee which has authority in the Senate over all U.S. economic aid and about half of the military aid we send abroad, I intend to use the full authority of that position to stop all aid—military and economic—to all countries which fail to stop the shipment of illicit drugs to the United States.

There is no greater or more insidious threat to our country than the staggering increase in the international illicit narcotics trade. Of concern to the subcommittee is the fact that practically all—the estimate is over 85 percent—of the drug traffic originates in or flows through countries for which well over a billion dollars of U.S. military and economic assistance has been requested for fiscal year 1972. These requests will come before the subcommittee.

In the realm of international relations, the real clout we have to stop the narcotics traffic into the United States is the hundreds of millions of dollars of U.S. aid going to these trafficking countries.

There will be outcries from the State Department, from the producing countries of Turkey, Burma, Thailand, and Laos, and of South Vietnam where much of the Far Eastern supply is now funneled through Saigon, against cutting off aid. But any possible gain in military security or improvement in international relations for the United States is dwarfed by the appalling consequences of letting this illicit drug traffic continue.

Everything I have read or heard leads me to the conclusion that the countries of origin are doing far less than they are able to do to stop this evil menace which is polluting the very lifeblood of our youth.

The White House proposal of trying to meet the problem by giving more money to the producing countries for enforcement activities is a panty-waist approach. It has not worked. It will not work. It is trying to buy off the drug pushers. And the new approach of producing a substitute is at best a long-term solution.

I intend to press for the complete cutoff in all AID to those countries shipping illicit drugs to the United States both in the Appropriations Committee and with rollcall votes on the floor of the Senate. That, in my view, is a vastly superior approach to the present policy of rewarding countries where the narcotics trade flourishes by giving them tens of thousands of dollars of added aid funds. Let those Senators who favor continued handouts to these international drug pushers stand up and be counted.

The time to act is now. We can wait no longer.

CONGRESS AND THE WAR

Mr. McGOVERN. Mr. President, today the New York Times, in an editorial, discusses the votes on the McGovern-Hatfield and Nedzi-Whalen amendments.

The editorial says:

> There is little question that a majority of both houses is in sympathy with the purposes of the McGovern-Hatfield and Nedzi-Whalen proposals. But many cling to the belief that their symbolic goal—early withdrawal—is also the objective of the President's policies and therefore are still reluctant to force the issue.

But the editorial concludes:

> The answer is that Congress cannot, in fact, escape its share of that heavy burden.

Here is a lucid argument in favor of clear action by the Congress and the reassumption by the Congress of its full constitutional role.

Mr. President, I ask unanimous consent that the New York Times editorial "Congress and the War" be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Congress and the War

President Nixon has won more time for his Vietnamization policy this week with the defeat in Senate and House of separate proposals designed to speed the end of the American military involvement in Indochina.

But the Administration must find little comfort in the mere eight-vote margin in the Senate by which it managed to beat back a modified McGovern-Hatfield amendment to the Selective Service Act, calling for withdrawal of all American forces from Indochina by June 1, 1972. There are warning signals for the Administration also in the 158 votes that were cast in the House on behalf of a move by Representatives Nedzi of Michigan and Whalen of Ohio to bar the use of funds from a defense procurement bill in Indochina after Dec. 31. Administration supporters mustered a comfortable majority in this first recorded House vote on the war issue. But now that the ground has been broken there will be further challenges to the President's war policies in the House, which can be expected to become increasingly responsive to shifting public sentiment against the war.

There is little question that a majority of both houses is in sympathy with the purposes of the McGovern-Hatfield and Nedzi-Whalen proposals. But many cling to the belief that their symbolic goal—early withdrawal—is also the objective of the President's policies and therefore are still reluctant to force the issue. There is also a lingering propensity among some members of Congress to try to evade the Constitutional responsibilities of the legislative branch. "The basic question," Senator Stennis declared, "is: do we really want to relieve the President of his responsibility in the handling of the war?"

The answer is that Congress cannot, in fact, escape its share of that heavy burden. By rejecting proposals that could hasten United States disengagement, both houses have in effect allied themselves with the existing Presidential policy of Vietnamization. As fresh occasions arise for the expression of Congressional sentiment on the war, it will be the responsibility of every member to take a searching look at the implications of that policy.

In our view, Vietnamization has proved to be based on unrealistic expectations in regard to the development of South Vietnamese self-sufficiency. It amounts to a formula for indefinite United States military involvement in Indochina, with diminishing prospects for a negotiated settlement and for return of the prisoners.

SITUATION IN EAST PAKISTAN

Mr. KENNEDY. Mr. President, I have long been distressed over the critical situation that has developed in East Pakistan and India. Today I released correspondence I have had with Secretary of State William P. Rogers on the problem in South Asia, as well as comments I made during a press conference this morning.

I would like to share this correspondence and other information on the condition of the people in East Pakistan and India with my colleagues, and ask unanimous consent that this correspondence, my press release, as well as other press reports on the situation in East Pakistan, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Kennedy Comments on India/Pakistan and Releases Correspondence With Secretary Rogers

Senator Edward M. Kennedy, Chairman of the Judiciary Subcommittee on Refugees, said today "the Administration's high level silence over developments in East Pakistan is whitewashing a great human tragedy and contributing to the suffering of millions.

"Contrary to many official public statements that the situation in East Pakistan is returning to normal, field reports to our government and international agencies continue to report much violence and rapidly deteriorating conditions among the people. Unless stronger efforts are made to bring peace and relief, we appear to stand on the brink of a sharp escalation in human tragedy—which threatens needless war, instability and economic disruption of the entire area, and Great Power confrontation."

Senator Kennedy made his comments in releasing an exchange of correspondence with Secretary of State Rogers on the Pakistan civil war and the flow of refugees into India. Senator Kennedy said that "the latest figures available from U.S. government sources show upwards to 130,000 new refugees per day, the bulk of them Hindus. The total, since early April, now stands at more than 6,000,000.

"The reasons for the continuing refugee flow," said Senator Kennedy, "lie in the chaos of East Pakistan and the policy of violence which apparently governs the activities of the Pakistan army."

Interviews with refugees sound a theme of looting, burned villages, and indiscriminate killing.

There is a breakdown of civil administration and government services in the countryside.

A preliminary report to the World Bank describes the situation as extremely serious, as does limited information available to other public and private agencies.

Deteriorating conditions are seen especially in areas affected by the cyclone last fall, where at least 2,000,000 persons will surely face starvation and death unless a relief program is organized now.

Senator Kennedy said: "Belated steps currently underway in Pakistan to bring about political reconciliation and an international relief program are encouraging—but they are far from being implemented. The State Department's response to my letter of May 27 outlines some of these steps.

"So the fact remains that a heavy refugee flow continues, as of now. And, apart from much rhetoric and tokenism and paper plans, our government has not really responded promptly and positively and strong to the requirements of peace and humanitarian relief in the area.

"Especially distressing to me, is our government's continued silence, and apparent indifference, over the actions of the American supplied Pakistan army toward the people of East Bengal. Until the army is restrained, the refugee flow will continue beyond its already massive dimensions. It is unconscionable for our government, and the President himself, to remain silent any longer."

Attached is the exchange of correspondence between Senator Kennedy and the Department of State. Senator Kennedy's letter of

May 27 contained a four point proposal for action.

Text of Letter Sent To Secretary Rogers by Senator Kennedy on Flow of East Pakistani Refugees Into India

May 27, 1971.

Dear Mr. Secretary: Congressional and public concern continues over the situation in East Pakistan and the heavy flow of refugees into India. As you know, I share this concern, and since the early days of the tragedy I have strongly advocated and supported efforts by our government and others to ameliorate political tensions in the area and to initiate emergency relief operations under international auspices, preferably the United Nations.

The record indicates that little substantive progress has been made. The situation continues to deteriorate. Nearly all reports, including those to our government, tell of growing human need, sporadic military conflict, lack of government services, and deepening divisions between the central government and the people of East Pakistan. Political tensions between the governments of India and Pakistan escalate daily, and threatens the peace and stability of the area, and Great Power confrontation. The flow of refugees into India reportedly continues at a rate approaching 100,000 persons a day. The cumulative total already exceeds 3,500,000. India's appeal on April 23 for international humanitarian assistance has received only a token response, as individual governments and the United Nations stand immobilized in the face of great tragedy.

Steps are urgently needed on at least four fronts.

First, stronger efforts must be made by individual governments and the United Nations to encourage and facilitate political accommodations between the central Pakistan government and political forces within East Pakistan, so as to stop the flow of refugees into India and facilitate the return of those who have already fled the civilian conflict.

Secondly, our government must place higher priority on urgently needed emergency relief operations within East Pakistan, as a condition for any normalization of general American economic assistance to the central government. In this connection, our government should immediately respond to Pakistan's stated need for food and medical supplies and water transport for the distribution of relief commodities by Pakistani authorities and international personnel.

Thirdly, immediate initiatives by our government and others must be taken through appropriate diplomatic channels to ameliorate the escalating tensions between Pakistan and India—tensions which threaten the peace and stability of the region and needless Great Power confrontation in South Asia.

And fourthly our government must not stand idle because of the United Nations continuing immobilization in responding substantially to India's appeal for international assistance on April 23rd. As of today, no United Nations relief operation is being implemented in India. Until this is done, our government should respond to India's appeal on a bilateral basis. India has stated its requirements to meet human need, and our allocation of funds to an immobilized international organization only aggravates the immediate crisis of people confronting the Indian government.

I am extremely hopeful that our government will view the plight of the people in East Pakistan and the refugees in India with deep compassion, and, with a strong sense of urgency, will join with others in responding immediately to the requirements of peace and relief throughout the entire area.

Sincerely,

Edward M. Kennedy,
Chairman, Subcommittee on Refugees.

Department of State Response to Senator Kennedy's Letter

June 15, 1971.

Dear Mr. Chairman: Thank you for your further letter, dated May 27, on the situation in East Pakistan and the heavy flow of refugees into India, and for the suggestions you have made for U.S. bilateral and multilateral action on these very pressing and serious problems.

At the outset, I wish to reassure you that the United States Government views, with the same compassion you do, the plight of the people in East Pakistan and the refugees in India. We have responded directly and in cooperation with other countries to the requirements of peace and humanitarian relief in this area. We shall continue to do so.

I am enclosing a Department of State Press Release of June 12 which sets forth our recent actions to support relief efforts for East Pakistan and for the refugees in India and which also describes the three basic elements of U.S. policy regarding the East Pakistan situation. It demonstrates that we have responded promptly and positively to the emergency needs of both countries when requested. The following additional comments bring our actions up to date and respond to specific points you have raised.

In your letter you speak first of the need for individual governments and the United Nations to encourage and facilitate a political accommodation in East Pakistan. We have been urging such an accommodation publicly, and privately in discussions with the Government of Pakistan and have noted that President Yahya, in his May 24 press conference in Karachi, affirmed his intention to return power to the elected representatives. While the United Nations, as you know, cannot intervene in the political aspects of this situation, its participation in the humanitarian relief efforts both in East Pakistan and in India could be helpful in promoting peace and conciliation in the area.

We also recognize the imperative need to stem the flight of refugees into India and facilitate the return of those who have already fled from East Pakistan. We have discussed these issues as well with the Government of Pakistan and have been encouraged to note that it has publicly welcomed the return of the refugees, has offered amnesty, and is setting up reception centers along the border for the returnees. We are also pleased to note that Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, is visiting both Pakistan and India and that there are reports that the first groups of refugees are returning to East Pakistan.

In the meantime, we are giving high priority to emergency relief efforts in East Pakistan which you cite as your second suggestion. We agree that such a program is a necessary prelude for normalization of general economic assistance. Pakistan has sought assistance, as you state, in the form of foodgrains and water transport. Pending the launching of a coordinated international relief program under United Nations auspices, we have taken direct action relevant to these requirements as described in the enclosure. No request has yet been received from the Pakistan Government for medical supplies.

Thirdly, you refer to diplomatic action to ameliorate the escalation of tensions between Pakistan and India. We have made and continue to make appropriate diplomatic representations to both the governments, urging them to exercise restraint toward each other in the present tense atmosphere.

Finally, with regard to the refugee relief problem in India, we have been responding promptly to meet the needs as they develop. There have been no delays in our efforts which have been initiated within the framework of the international assistance effort but on a preliminary basis while that effort was being formally organized. In the interim, we released Title II foodstocks to various voluntary agencies operating in India for refugee feeding in mid-April. We have since extended our assistance to provide enough food to feed 1,250,000 refugees daily. Similarly, we have sent four C–130 aircraft to airlift refugees from Tripura to Assam and to bring relief supplies from Assam to Tripura in response to an Indian request which came to us through the United Nations High Commissioner for Refugees. These planes carried 1,000,000 doses of U.S.-produced cholera vaccine to help combat the epidemic that has broken out among the refugees. In recognition of the continuing emergency, we have now authorized a further allocation for food and cash aid of $15 million, bringing our total assistance to $17.5 million.

As you know, $500,000 of the $2.5 million initially allocated by the U.S. government for refugee relief in India was allocated to the UNHCR immediately after the UN Secretary General's appeal was made. We will continue to assist the High Commissioner in funding some of his organization's activities and expenses but we will also continue to extend relief directly through U.S. voluntary agencies within the framework of the international program.

Likewise, in East Pakistan, we are extending assistance bilaterally, pending the organization of an international relief operation. Most importantly, we have offered the Government of Pakistan a grant of $1 million to finance the chartering of coastal and river vessels to carry needed food and other relief supplies from the ports to inland distribution points. And we are prepared to move ahead quickly with more shipments of foodgrains when they can be received at the ports and utilized.

Responsive to the Pakistan Government's formal request to the UN for relief assistance on May 22, the Secretary General has sent a special envoy to Islamabad to arrange for the international effort. We understand that the necessary arrangements have been made and that a special UN representative is being stationed in Dacca to plan and coordinate international relief assistance.

Our purposes, like yours, are to ensure effective relief for both the people of East Pakistan and the refugees who have fled to India. I wish to assure you that the United States Government is actively moving to employ all appropriate resources, both bilaterally and through international organizations, to achieve these humanitarian purposes.

Recognizing your understandable and real interest in the refugee and relief situation in South Asia, we will continue to keep you advised of significant developments as they occur.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

[From the New York Times, June 12, 1971]

America and the World: I

(By Anthony Lewis)

London, June 11.—All over England this week children are coming home from school asking their parents for a few pence to give for relief of the East Pakistan refugees. In the newspapers the refugee tragedy has been the dominant story for many days; the largest-circulation tabloid has spread a relief appeal over page one. The House of Commons has been debating how Britain can do more to help.

In the United States, by contrast, the flight of five million refugees into impoverished India, with disease and starvation threatening, has evidently had no great public impact. A news agency manager remarked the other day that the stories from India were getting little play in most U.S. papers.

President Nixon has made no public statement on the disaster since it began three months ago with the intervention of Pakistani troops in East Pakistan. But then no reporter has asked him a question on the subject at a press conference.

Why? The United States does not have Britain's historical relationship with India, but that is not a sufficient answer. Americans have traditionally been generous in helping at times of gerat human disaster, whatever the historical or political context.

A major reason must be Vietnam—the wounding effect of the war on American attitudes toward the world. "It is part of the turning inward after Vietnam," a wise U.S. official said of the limited public reaction to the Pakistan disaster.

Looking at it another way, the present episode shows the distortion in American values that has occurred because of Vietnam, the disproportion in our weighing of political and human interests. If our sense of proportion were more balanced, how would we compare our relative interest in South Vietnam and India?

South Vietnam has a population of 18 million. Historically, its society has had little connection with Western law or political ideas. The country is governed by a general who jailed the runner-up in the election, the peace candidate, and who is now busy rigging the terms of the next election.

Until John Foster Dulles staked out an American responsibility there in 1954, hardly anyone would have conceived of South Vietnam as of particular strategic interest to the U.S.

India is the world's second most populous country, with 554 million people at last count. No one who has read E. M. Forster would make the mistake of equating Indians with Englishmen, but the legal and political systems of independent India remain recognizably like those we know in Britain and the United States. The Prime Minister is in office as the result of a free election and is trying to deal with terrible problems by democratic means. The stability of a continent depends on her success.

On behalf of Nguyen Van Thieu and his colleagues in Saigon we have spent 45,000 American lives and many billions of dollars, and still we are not ready to put a terminal date on our involvement. We cannot do that, President Nixon says, until we are sure Saigon has a reasonable chance of keeping the Communists out after we leave; otherwise there might be a "bloodbath" in South Vietnam.

Well, there has just been a bloodbath in East Pakistan, one of the largest and most blatant in a very long time, and the sounds of protest from Washington have not been audible. President Yahya Khan sent his army in to wipe out the results of a free election. Tens, probably hundreds, of thousands were massacred directly; millions have fled; now epidemic and famine threaten both the refugees in India and those who remain in East Pakistan.

A reporter for the British Broadcasting Corporation, Alan Hart, said a few days ago that unless the situation is stabilized in East Pakistan sufficiently to get the rice planted in the next few weeks, "It is possible, probable, that 20 million or more East Bengalis will be starving by September and October." Mr. Hart added: "All my instincts tell me that it may already be too late . . . unless the outside world imposes its will and its aid on Yahya Khan."

Officials in Washington must know all that as well as Mr. Hart. The reality is that Yahya Khan will have to be pressed hard to allow effective, internationally supervised aid in East Pakistan—and that the only solution imaginable to stabilize life in Pakistan and get the refugees back is some form of independence, with Yahya's army out.

But there is no sign of willingness in Washington to press Yahya Khan. The attitude there is, as one close observer put it: this is an awful situation, but we'd better not get our hands in too deep or we'll get burned again.

There is no pretending that any outside government can easily bring about a decent solution in East Pakistan. But it would be reassuring if one felt the United States had a sense of proportion about the interests involved. The State Department took pride this week in the amount of American aid authorized for relief of the growing disaster. In fact that sum, $17.5 million, is a little more than half what we now spend on the Vietnam war every day.

A Tragic Horde Without Food or Shelter

CALCUTTA.—The cholera epidemic came to eastern India with a column of 100,000 refugees who had trekked 60 gruelling miles westward from East Pakistan in the third week of May. Exhausted, hungry and without adequate shelter, the refugees were easy prey for the particularly virulent strain of the disease they had brought with them.

By last week, the epidemic had spread all along the border of the Indian state of West Bengal. The Indian Government had an estimated 68,000 cholera cases on its hands, almost all of them refugees. And the cholera scare did in the West what eight weeks of Indian pleading for help to cope with the refugee flood had failed to do. The Western community was shaken out of its lethargy, and relief supplies poured into Calcutta in such amounts that the local aid agencies weren't able to handle the volume.

With the aid cargo piling up at Calcutta's international airport and cramming the city's dilapidated warehouses, India has begun to turn back some new offers of help and British experts on the scene are urging efforts to reduce the head of steam created in Britain on the cholera issue.

Paradoxically, the international aid that flowed so generously last week came after the worst of the epidemic may have passed as a result of India's own efforts. By employing locally manufactured vaccine, saline solutions and antibiotics and diverting medical personnel from all over India, the local authorities appear to have stemmed the cholera tide. Although perhaps crude by Western standards, these methods have been largely effective. The death rate has fallen from 50 per cent to 10 per cent of those infected, and the rate of spread seems stabilized.

What the Indians fear now is that the world community could quickly revert to its previous indifference, satisfied that in the drama of the moment it stepped in and did the job. Yet, two or three months hence India will still be facing a herculean task caring for the refugees. Pneumonia, dysentery and malnutrition will remain in the refugee camps even if the cholera threat is brought under control. The financial burden will still be far beyond India's capacity.

There are now 5 million refugees from East Pakistan in India. Half of them at most enjoy the relative shelter and security of the 500 or so temporary camps. Some of the others have found accommodation with Bengali relations and friends along the frontier, but this has placed an intolerable strain on family budgets. The rest are left to wander the flat lowlands of West Bengal without hardly a trace of food or shelter.

And still the refugees flow across the border—at a rate of 100,000 a day, according to a report to Parliament last week by the Deputy Minister for Rehabilitation, Balgovind Verma. The Minister predicted that the number of refugees would grow to 7 or 8 million before the flood was spent.

Last week, the monsoon rains began sweeping in from the Bay of Bengal, and within minutes of the first lashing onslaughts the camps were reduced to mud-choked wildernesses. Pathetic rush matting under which families huddled from the deluge disintegrated in the wind.

Bedraggled refugees are drifting toward the streets of Calcutta, where upward of 30,000 homeless peasants nightly jostle with cattle, dogs, cats and goats for the choicest sleeping positions on the pavements.

The initial refuge influx was a mixed bunch of Moslems and Hindus fleeing the Pakistani Army crackdown against the autonomy movement of East Pakistan. The overwhelming majority since then have been Hindus. Whether or not it reflects the policies of Pakistani President Yahya Khan, the signs are that the army is moving against minority groups—Hindus, Christians and Buddhists—with the intention of driving these problems next door.

President Yahya has broadcast appeals for the refugees to return to their homeland. He has promised amnesty for political leaders and security for their followers. But none of his promises has prompted the slightest movement back across the frontier.

Nonlimits of Disaster

(By C. L. Sulzberger)

PARIS.—When the ancient Greeks said "multiple death is not death" they meant that death's qualitative agony could be drowned in quantitative shock. The hecatomb loses poignancy compared to the single succumbing marathon victor's pain.

Classical times never comprehend, from the sheer absence of mass, the ultimate meaning of multiple death as it was to become known in a later era of instant communication. Yet even in recent times, dying is not acutely understood when its scope transcends certain limits.

The leaden horror of Hitlerite and Stalinist concentration camps recedes into a coma of human incomprehension unless regarded through the innocent eyes of Anne Frank or Solzhenitsyn's famous Ivan Denisovich.

Hiroshima and Nagasaki are vividly remembered by the mind's eye primarily because of the novel means that brought holocaust to those cities. Statistically comparable disasters in Hamburg and Dresden are more easily forgotten; they were produced by what we already then conceived of as "conventional" methods.

Against this background one must view the appalling catastrophe of East Pakistan whose scale is so immense that it exceeds the dolorimeter capacity by which human sympathy is measured. No one can hope to count the dead, wounded, missing, homeless or stricken whose number grows each day.

Bengal has traditionally been an area of suffering and overpopulation. The gifted Bengali people have had little luck in guiding their own destinies along a hopeful road and the partition of India twenty-four years ago marked no great turning point.

What it achieved, in fact, was the artificial division of the Bengalis according to religion. The predominantly Moslem population of East Bengal was placed under the control of another Moslem state in the Punjab and the predominantly Hindu population of West Bengal was placed under the control of a Delhi regime far to the north.

The fish-eating, Bengali-speaking, rice-growing overpopulated area that became East Pakistan represented, in fact, the westernmost stretch of Southeast Asia. It had nothing but religion in common with the meat-eating Urdu-speaking, wheat-growing underpopulated area one thousand miles away that became West Pakistan and represented the fringe of the Middle East.

This was the genesis of today's continuing tragedy, a tragedy that aimed toward secession, developed into civil war, and resulted in mass slaughter, mass emigration, mass epidemics and multiple death. The world at large is appalled by the disaster which, thanks nowadays to the single eye of television, can at least dimly be comprehended.

Yet there is a limit to what the world at large can do to help. Funds, medicines, doctors, aircraft have been rushed to India to care for the rising tide of refugees and offered to a Pakistani Government whose writ in East Bengal seems to alternate between brutality and chaos. However, unless there is proper organization at the receiving end, charity and outside aid can glut facilities available to use them.

Neither the United Nations nor the great powers have shown themselves able to halt the killing, to curb the flood of refugees, or to insure that Bengal's apocalyptic horsemen may not ultimately embroil the entire Indian subcontinent.

Even if cholera can be restrained and even if civil conflict can be halted, the poison of hatred seems fated to spread. It is almost inconceivable that Hindus of East Pakistan who have been able to escape to India will easily be induced to return and one can imagine the anxiety of India's own Moslems.

Moreover, not only will East Bengal remain a sullen satellite so long as the martial Punjabis of the west govern that province; the whole concept of Bengali nationalism, not bounded by religion but by language, again stirs in India itself. One wonders whether West Bengal and its huge capital of Calcutta can avoid the emotional consequences.

The Bengalis of East Pakistan may have lost their first battle but they may also have started another partition of the enormous Indian subcontinent, a development whose historic consequences are even harder to forecast than those of the first partition in 1947.

The world's heart is already almost paralyzed by the multiple death that has stricken Bengal; the world's mind may soon be even more hopelessly bewildered by the problems spewed up by this hecatomb.

[From the Washington Post, June 13, 1971]

WHAT PRICE PAKISTAN?

(By Anthony Mascarenhas)

NOTE.—Mascarenhas is a Goan who was until recently a correspondent for the Karachi Morning News, a member of a newspaper group under Pakistani government control. He wrote the following article for the London Sunday Times following a 10-day tour of the East Bengal countryside with an army escort; it was filed from outside Pakistan, and is reprinted here by permission.

It was Friday the 16th, not quite Black Friday but still unlucky enough for Abdul Bari. Like thousands of people in East Bengal, he had made the mistake of running within the sight of a West Pakistani army patrol.

Now he was about to be shot.

"Normally we would have killed him as he ran," I was chattily informed by Maj. Rathore, the paunchy operations officer of the 9th Division, as we stood on the outskirts of a tiny village near Mudafarganj, about 20 miles south of Comilla. "But we are checking him out for your sake. You are new here and I see you have a squeamish stomach."

"Why kill him?" I asked with mounting concern.

"Because he might be a Hindu or he might be a rebel, perhaps a student or an Awami Leaguer. They know we are sorting them out and they betray themselves by running."

"But why are you killing them? And why pick on the Hindus?" I persisted.

"Must I remind you," Rathore said rather severely, "how they have tried to destroy Pakistan? Now with the cover of the fighting we have an excellent opportunity of finishing them off.

"Of course," he added hastily, "we are only killing the Hindu men. We are soldiers, not cowards like the rebels. They kill our women and children."

I was getting my first glimpse of the campaign of genocide that has spread a red stain of blood over the otherwise verdant land of East Bengal. First it was the massacre of the non-Bengalis in a savage outburst of Bengali hatred. Now it was deliberate genocide, carried out by the West Pakistan army.

The program's victims are not only the Hindus of East Bengal—who constitute about 12 per cent of the 70 million population—but also thousands of Bengali Moslems. These include university and college students, teachers, Awami League and left-wing political cadres and every one the army can catch of the 176,000 Bengali soldiers and police who mutinied on March 26 in a spectacular, though untimely and ill-starred bid to create the independent Republic of Bangla Desh.

ORDERS FROM THE TOP

What I saw and heard with unbelieving eyes and ears during my 10 days in East Bengal during April made it terribly clear that the killings are not the isolated acts of military commanders in the field. They are the result of deliberate, vengeful orders from the top.

Unnerved by the almost successful breakaway of the province, which has more than half the country's population, Gen. Yahya Khan's military government is engaged in its own "final solution" of the East Bengal problem.

We had been racing against the setting sun after a visit to Chandpur (the West Pakistan army prudently stays indoors at night in East Bengal) when one of the *jawans* (privates) crouched in the back of the Land Cruiser called out sharply: "There's a man running, Sahib."

Maj. Rathore brought the vehicle to an abrupt halt simultaneously reaching for the Chinese-made light machine gun propped against the door. Less than 200 yards away a man could be seen loping through the knee-high paddy. Rathore fired a warning burst.

As the man sank to a crouch in the lush carpet of green, two *jawans* were already on their way to drag him in.

The thud of a rifle butt across the shoulders preceded the questioning.

"Who are you?"

"Mercy, Sahib! My name is Abdul Bari. I'm a tailor from the New Market in Dacca."

"Don't lie to me. You're a Hindu. Why were you running?"

"It's almost curfew time, Sahib, and I was going to my village."

"Tell me the truth. Why were you running?"

Before the man could answer he was quickly frisked for weapons by a *jawan* while another quickly snatched away his *lungi*. The skinny body that was bared revealed the distinctive traces of circumcision, which is obligatory for Moslems. At least it could be plainly seen that he was not a Hindu.

Abdul Bari was clouted several times with the butt end of a rifle, then ominously pushed against a wall. Mercifully his screams brought a bearded old man out of a nearby hut. Rathore pounced on him.

"Do you know this man?"

"Yes, Sahib. He is Abdul Bari."

"Is he a *fuaji* [rebel soldier]?"

"No, Sahib, he is a tailor from Dacca."

"Tell me the truth."

"Khuda Kassam (God's oath), Sahib, he is a tailor."

There was a sudden silence. Rathore looked abashed as I said, "For God's sake, let him go. What more proof do you want of his innocence?"

But the *jawans* were apparently unconvinced and kept milling around Bari. It was only after I had once more interceded on his behalf that Rathore ordered Bari to be released. By that time he was a crumpled, speechless heap of terror. But his life had been saved.

Others have not been as fortunate. Driving through the countryside one could see bodies of both Hindus and Moslems twisted grotesquely beside the charred remains of huts and between the coconut palms.

For six spine-chilling days as I traveled with the officers of the 9th Division headquarters at Comilla, I witnessed at close quarters the terrifying extent of the genocide. I saw Hindus, hunted from village to village and door to door, shot offhand after a cursory "short-arm inspection" showed they were uncircumcised. I have heard the screams of men bludgeoned to death in the compound of the Circuit House (civil administrative headquarters) in Comilla. I have seen truckloads of other human targets and those who had the humanity to try to help them hauled off "for disposal" under the cover of darkness and curfew. I have witnessed the screaming brutality of "kill-and-burn missions" as the army units, after clearing out the rebels, relentlessly pursued the pogrom in the towns and the villages.

I have seen whole villages devastated by "punitive action."

And in the officers' mess at night I have listened incredulously as otherwise brave and honorable men proudly chewed over the day's kill—"How many did you get?"

All this is being done, as any West Pakistani officer will tell you, for the "preservation of the unity, the integrity and the ideology of Pakistan." It is, of course, too late for that. The very military action that is designed to hold together the two wings of the country, separated by a thousand miles of India, has confirmed the ideological and emotional break. East Bengal can only be kept in Pakistan by the heavy hand of the Punjab-dominated army.

The bone-crushing military operation has two distinctive features. One is what the authorities like to call the "cleansing process"—a euphemism for genocide. The other is the "rehabilitation effort." This again is another way of describing the blatant moves to turn East Bengal into a docile colony of West Pakistan. These commonly used expressions and the repeated official references to "miscreants" and "infiltrators" are part of the charade which is being enacted for the benefit of the world. Strip away the propaganda, and the reality is colonization—and killing.

JUSTIFYING THE CARNAGE

The justification for the annihilation of the Hindus was paraphrased by Lt. Gen. Tikka Khan, the military governor of East Pakistan, in a radio broadcast on April 18. He said: "The Moslems of East Pakistan, who had played a leading part in the creation of Pakistan, are determined to keep it alive. However, the voice of the vast majority had been suppressed through coercion, threats to life and property by a vocal violent and aggressive minority, which forced the Awami League to adopt the destructive course."

Others, speaking privately, were more blunt in seeking justification.

"The Hindus had completely undermined the Moslem masses with their money," Col. Naim, of 9th Division headquarters, said.

"They bled the province white. Money, food and produce flowed across the borders to India. In some cases they made up more than half the teaching staff in the colleges and schools, and sent their own children to be educated in Calcutta. It had reached the point where Bengali culture was in fact Hindu culture, and East Pakistan was virtually under the control of the Marwari businessmen in Calcutta. We have to sort them out ["fix" them] to restore the land to the people, and the people to their faith."

Maj. Bashir, who came up from the ranks, boasts of a personal body count of 28. He had his own reasons for what has happened. "This is a war between the pure and the impure," he informed me over a cup of tea. "The people here may have Moslem names and call themselves Moslems, but they are Hindus at heart. You won't believe that the mulla of the Cantonment mosque here issued an edict during Friday prayers that the people would attain *janat* (paradise) if they killed West Pakistanis. We sorted the bastard out and we are now sorting out the others. Those who are left will be real Moslems. We will even teach them Urdu."

Everywhere I found officers and men fashioning imaginative garments of justification from the arbitrary fabric of their own prejudices. Scapegoats had to be found to legitimize, even for their own consciences, the dreadful Nazi-style solution to what in essence was a political problem: the Bengalis won the election and wanted to rule. The Punjabis, whose ambitions and interests have dominated governmental policies since the founding of Pakistan in 1947, would brook no erosion of their power. And they had the army to back them up.

A PLANNED OPERATION

Officials privately justify what has been done as a retaliation for the massacre of the non-Bengalis before the army moved in. But events suggest that the pogrom was not the result of a snap decision when the Bengali forces mutinied but rather the product of careful planning.

It is clear that Lt. Gen. Tikka Khan played the pivotal role. I was privately informed that Tikka Khan began planning the "sort-out" when he took over the governorship from the gentle, self-effacing Adm. Ahsan, and the military command from the scholarly Lt. Gen. Shaibzada Khan. That was at the beginning of March, when Sheikh Mujibur Rahman's civil disobedience movement was gathering momentum. President Yahya Khan, it is said, went along with Tikka Khan rather than buck the tide of resentment caused in the top echelons of the military establishment by the increasing humiliation of the West Pakistani troops stationed in East Bengal.

When the army units fanned out in Dacca in pre-emptive strikes against the rebels on the evening of March 25, many of them carried lists of people to be liquidated. These included the Hindus and large numbers of Moslems; students, Awami Leaguers, professors, journalists and those who had been prominent in Sheikh Mujib's movement. The charge, now publicly made, that the army was subjected to mortar attack from the Jaganath Hall, where the Hindu university students lived; hardly justifies the obliteration of two Hindu colonies in the heart of the old city. Nor does it explain why the sizeable Hindu populations of Dacca and the neighboring industrial town of Narayanganj should have vanished so completely during the round-the-clock curfew on March 26–27. There is similarly no trace of scores of Moslems who were rounded up during the curfew hours.

Touring Dacca on April 15, I found the heads of four students lying rotting on the roof of the Iqbal Hall hostel. The caretaker said they had been killed on the night of March 25. I also found heavy traces of blood on the two staircases and in four of the rooms. Behind Iqbal Hall a large residential building seemed to have been singled out for special attention by the army. The walls were pitted with bullet holes and a foul smell still lingered on the staircase, although it had been heavily powdered with DDT. Neighbors said the bodies of 23 women and children had been carted away only hours before. They had been decomposing on the roof since March 25. It was only after much questioning that I was able to ascertain that the victims belonged to the nearby Hindu shanties. They had sought shelter in the building as the army closed in.

Sitting in the office of Maj. Agha, martial law administrator of Comilla city, on the morning of April 19, I saw the off-hand manner in which sentences were meted out. A Bihari sub-inspector of police had walked in with a list of prisoners being held in the police lock-up. Agha looked it over. Then, with a flick of his pencil, he casually ticked off four names on the list. "Bring these four to me this evening for disposal," he said. He looked at the list again. The pencil flicked once more. ". . . and bring this thief along with them."

The death sentence had been pronounced over a glass of coconut milk. I was informed that two of the prisoners were Hindus, the third a "student," and the fourth an Awami League organizer. The "thief," it transpired, was a lad named Sebastian who had been caught moving the household effects of his Hindu friend to his own house.

Later that evening I saw these men, their hands and legs tied loosely with a single rope, being led down the road to the Circuit House compound. A little after curfew, which was at 6 o'clock, a flock of squawking mynah birds were disturbed in their play by the thwacking sound of wood meeting bone and flesh.

AN EMPTY GARDEN

It is hard to imagine so much brutality in the midst of so much beauty. Comilla was blooming when I went there toward the end of April. The rich green carpet of rice paddies spreading to the horizon on both sides of the road was broken here and there by bright splashes of red. That was the *Gol Mohor*, aptly dubbed the "Flame of the Forest," coming to full bloom. Mango and coconut trees in the villages dotting the countryside were heavy with fruit.

Even the terrier-sized goats skipping across the road gave evidence of the abundance of nature in Bengal. "The only way you can tell the male from the female," they told me, "is that all she-goats are pregnant."

Only man was missing. In what is certainly one of the most crowded areas of the world—Comilla district has a population density of 1,900 to the square mile—people were eerily nowhere to be seen.

"Where are the Bengalis?" I had asked my escorts in the strangely uncrowded streets of Dacca a few days earlier. "They have gone to the villages" was the stock reply. Now, in the countryside, there were still no Bengalis. Comilla town, like Dacca, was heavily shuttered. And in 10 miles on the road to Laksham, past curiously silent villages, the peasants I saw could have been counted on the fingers of both hands.

There were, of course, soldiers—hundreds of unsmiling men in khaki, each with an automatic rifle. According to orders, the rifles never left their hands. But there were no Bengalis to be seen, even in the distance.

The Bengalis have good reason to be afraid. The roads are constantly patrolled by rough, trigger-happy men during the daylight hours. Wherever the army is, you won't find Bengalis.

Martial law orders, constantly repeated on the radio and in the press, proclaim the death penalty for anyone caught in the act of sabotage. If a road is obstructed or a bridge damaged or destroyed, all houses within 100 yards of the spot are liable to be demolished and their inhabitants rounded up. "Punitive action" is something that the Bengalis have come to dread.

Grim evidence of this was available when we were approaching Hajiganj, which straddles the road to Chandpur, on the morning of April 17. A few miles before Hajiganj, a 15-foot bridge had been damaged the previous night by rebels who were still active in the area. According to Maj. Rathore, an army unit had immediately been sent out to take punitive action. Long spirals of smoke could be seen on all sides up to a distance of a quarter of a mile from the damaged bridge. And as we carefully drove over a bed of wooden boards, with which it had been hastily repaired, we could see houses in the village on the right beginning to catch fire.

On the other side of the road, another village in the rice paddies showed evidence of the fire that had gutted more than a dozen bamboo and mat huts. Hundreds of villagers had escaped before the army came. Others, like a dead man sprawled among the coconut trees, were slow to get away.

As we drove on, Maj. Rathore said, "They brought it on themselves." I said it was surely too terrible a vengeance on innocent people for the acts of a handful of rebels. He did not answer.

A GRISLY TALE

A few hours later when we were again passing through Hajiganj on the way back from Chandpur, I had my first exposure to the savagery of a "kill and burn mission."

We turned a corner and found a convoy of trucks parked outside the mosque. I counted seven, all filled with *jawans* in battle dress. At the head of the column was a jeep. Across the road two men, supervised by a third, were trying to batter down the door of one of more than a hundred shuttered shops lining the road. The studded teak wood door was beginning to give under the combined assault of two axes as Maj. Rathore brought the Land Crusier to a halt.

"What the hell are you doing?"

The tallest of the trio, who was supervising the break-in, turned and peered at us, "*Mota*," (Fatty) he shouted, "what the hell do you think we are doing?"

Recognizing the voice, Rathore grew a watermelon smile. It was, he informed me, his old friend "Ifty"—Maj. Iftikhar of the 12th Froniter Force Rifles.

Rathore: "I thought someone was looting."

Iftikhar: "Looting? No. We are on kill and burn." Waving his hand to take in the shops, he said he was going to destroy the lot.

Rathore: "How many did you get?"

Iftikhar smiled bashfully.

Rathore: "Come on. How many did you get?"

Iftikhar: "Only 12. And, by God, we were lucky to get them. We would have lost those, too, if I hadn't sent my men from the back."

Prodded by Maj. Rathore, Iftikhar then went on to describe vividly how after much searching in Hajiganj he had discovered 12 Hindus hiding in a house on the outskirts of the town. These had been "disposed of." Now Maj. Iftikhar was on the second part of his mission: burn.

Iftikhar soon had a fire going. He threw burning jute bags into one corner of the shop, a bolt of cloth into another. The shop began to blaze. Within minutes we could hear the crackle of flames behind shuttered doors as the fire spread to the shop on the left, then on to the next one.

When I chanced to meet Maj. Iftikhar the next day, he ruefully told me, "I burned only 60 houses. If it hadn't rained I would have got the whole bloody lot."

This lanky Punjabi officer was proud of his job. And he liked to talk about it. Riding with Iftikhar to the Circuit House in Comilla on another occasion, he told me about his latest exploit.

"We got an old one," he said. "The ——— had grown a beard and was posing as a devout Moslem. Even called himself Abdul Manan, But we gave him a medical inspection and the game was up."

Ifikhar continued: "I wanted to finish him there and then, but my men told me such a ——— deserved three shots. So I gave him one in the ———, then one in the stomach. Then I finished him off with a shot in the head."

FLIGHT OR SERVITUDE

Overwhelmed with terror, the Bengalis have one of two reactions. Those who can run away just seem to vanish. Whole towns have been abandoned as the army approached. Those who can't run adopt a cringing servility which only adds humiliation to their plight.

Chandpur was an example of the first. In the past this key river port on the Meghna was noted for its thriving business houses and gay life. At night thousands of small country boats anchored on the river's edge made it a fairyland of lights. On April 18, Chandpur was deserted. No people, no boats. Barely one per cent of the population had remained. The rest, particularly the Hindus who constituted nearly half the population, had fled.

But they had left behind thousands of Pakistani flags fluttering from every house, shop and rooftop. The effect was like a national day celebration without the crowds. It only served to emphasize the haunted look.

The flags were by way of insurance. Somehow the word had got around that the army considered any structure without a Pakistani flag to be hostile and consequently to be destroyed. The idea was perhaps a pendulum swing from the time, just weeks before, when the army saw in the ubiquitous Bangla Desh flag the symbol of its growing humiliation at the hands of the Bengalis.

It did not matter how the Pakistani flags were made, so long as they were adorned with the crescent and star. So they came in all sizes, shapes and colors. Some flaunted blue fields, instead of the regulation green. Obviously they had been hastily put together with the same material that had been used for the Bangla Desh flag. The scene in Chandpur was repeated in Hajiganj, Mudafarganj, Kasba, Brahmanbaria—all ghost towns gay with flags.

Laksham was an example of the other reaction. When I drove into the town the morning after it had been cleared of the rebels, all I could see was the army and literally thousands of Pakistani flags. The major in charge there had camped in the police station, and it was there that Maj. Rathore took us. My colleague, a Pakistani TV cameraman, had to make a propaganda film about the "return to normalcy" in Laksham—one of an endless series broadcast daily showing welcome parades and "peace meetings."

Lt. Javed of the 39th Baluch was assigned the task of rounding up a crowd. He called out to an elderly bearded man who had apparently been brought in for questioning. The man, who later gave his name as Moulana Said Mohammad Saidul Huq, insisted he was a "staunch Moslem Leaguer and not from the Awami League." He was all too eager to please. "I will very definitely get you at least 60 men in 20 minutes," he told Javed. "But if you give me two hours I will bring 200."

Moulana Saidul Huq was true to his word. We had hardly drunk our fill of the deliciously refreshing coconut milk that had been thoughtfully supplied by the major when we heard shouts in the distance. "Pakistan zindabad!" "Pakistan army zindabad!" "Moslem League zindabad!" they were chanting. (Zindabad is Urdu for "Long live!") Moments later they marched into view, a motley crowd of about 50 old and decrepit men and knee-high children, all waving Pakistani flags and shouting at the top of their voices. Lt. Javed gave me a knowing wink.

Within minutes the "parade" had grown into a "public meeting" complete with a makeshift public address system and a rapidly multiplying group of would-be speakers.

Mahbut Ur Rahman was pushed forward to make the address of welcome to the army. He introduced himself as a professor of English and Arabic "and a lifetime member of the great Moslem League Party." Introductions over, Mahbut Ur Rahman gave forth with gusto.

"Punjabis and Bengalis," he said, "had united for Pakistan and we had our own traditions and culture. But we were terrorized by the Hindus and the Awami Leaguers and led astray. Now we thank God that the Punjabi soldiers have saved us. They are the best soldiers in the world and heroes of humanity. We love and respect them from the bottom of our hearts."

After the "meeting" I asked the major what he thought about the speech. "Serves the purpose," he said, "but I don't trust that bastard. I'll put him on my list."

FINISHING THE JOB

The agony of East Bengal is not over. Perhaps the worst is yet to come. The army is determined to go on until the "cleanup" is complete. So far the job is only half done.

Two divisions of the Pakistan Army, the 9th and the 16th, were flown out from West Pakistan to "sort out" the Bengali rebels and the Hindus. This was a considerable logistical feat for a country of Pakistan's resources. More than 25,000 men were moved from the west to the east. Carrying only light bed rolls and battle packs (their equipment was to follow by sea) the troops were flown out to Dacca by PIA, the national airline. Its fleet of seven Boeings was taken off international and domestic routes and flew the long haul via Ceylon continuously for 14 days. A few Air Force transport aircraft helped.

There is also the grim prospect of famine, because of the breakdown of the distribution system. Seventeen of the 23 districts of East Pakistan are normally short of food and have to be supplied by massive imports of rice and wheat. This will not be possible because of the ravages of the civil war. Six major bridges and thousands of smaller ones have been destroyed, making the roads impassable in many places. The railway system has been similarly disrupted, though the government claims it is "almost normal."

Two other factors must be added. One is large-scale hoarding of grain by people who have begun to anticipate the famine. This makes a tight position infinitely more difficult. The other is the government of Pakistan's insidious refusal to acknowledge the danger of famine publicly.

Lt. Gen. Tikka Khan, the military governor of East Bengal, acknowledged in the April 18 radio broadcast that he was gravely concerned about the food situation. Since then the entire government machinery has been used to suppress the fact of the food shortage. The reason is that a famine like the cyclone before it, could result in a massive outpouring of foreign aid—and with it the prospect of external inspection of distribution methods. This would bring the "foreign interference" that the government does not want. So the hungry will be left to die until the cleanup is complete.

Discussing the problem in his plush air-conditioned office in Karachi recently the chairman of the Agricultural Development Bank said bluntly: "The famine is the result of their acts of sabotage. So let them die. Perhaps then the Bengalis will come to their senses."

The crucial question now is, Will the killing stop?

I was given the army's answer by Maj. Gen. Shaukat Raza commanding officer of the 9th Division, during our first meeting at Comilla on April 16.

"You must be absolutely sure," he said, "that we have not undertaken such a drastic and expensive operation—expensive both in men and money—for nothing. We've undertaken a job. We are going to finish it, not hand it over half done to the politicians so that they can mess it up again. The army can't keep coming back like this every three or four years. It has a more important task. I assure you that when we have got through with what we are doing there will never be need again for such an operation."

Raza is one of the three divisional commanders in the field. He is in a pivotal position. And President Yahya Khan knows that the men who lead the troops on the ground are the de facto arbiters of Pakistan's destiny.

The single-mindedness of the army is underscored by the military operation itself. By any standard, it is a major venture. It is not something that can be switched on and off without the most grave consequences.

In one sentence, the government is too far committed militarily to abandon the East Bengal operation, which it would have to do if it sincerely wanted a political solution. President Yahya Khan is riding on the back of a tiger. But he took a calculated decision to climb up there.

[From the Christian Science Monitor,
June 15, 1971]

BEHIND THE EXODUS

The world has only awakened in recent days to the enormity of the problem posed by the influx of East Pakistani refugees into India.

It is nearly three months since the refugee flow began after the Pakistan Army cracked down on the East Bengalis' bid for autonomy. Instead of slackening off, it has swollen to huge proportions. Three weeks ago the number of refugees was given as 3,000,000. Now it is 5,000,000.

What has prompted this mass exodus? Hitherto only scrappy pieces of information have been coming out of East Pakistan, and we could only guess what was happening there.

Now a correspondent of the London Sunday Times, himself a West Pakistani, has given a detailed account of what he saw in East Pakistan, and he makes these charges; that the Army has killed thousands of civilians and burned down villages, that the toll includes both Muslim supporters of East Pakistani independence and Hindus who have been deliberately killed just because they are Hindu.

The correspondent, Anthony Mascarenhas, has left Pakistan for London, taking with him his wife and children, in order to give his story to the world. There seems little reason to doubt the authenticity of his dispatch, and that the tragedy of East Pakistan is being compounded by the ruthless methods of the West Pakistani soldiers. President Yahya Khan must at all costs see that such excesses as Mr. Mascarenhas reports are stopped.

The Pakistani President has offered to take back "genuine refugees" but very few are likely to want to go back at least until there are assurances that the repression has ceased.

In the meantime the influx of refugees has imposed an enormous burden on India, and added to the emotional and volatile situation on the border.

Officially India's policy towards the East Pakistani crisis is nonintervention, but pressures on Prime Minister Indira Gandhi for direct action are mounting.

Both the United States and Britain, the two Western powers most directly concerned, have warned of the danger of the situation's degenerating into war and have urged on India and Pakistan the utmost restraint.

Indian Foreign Minister Swaran Singh is visiting Washington this week and the Nixon administration will discuss with him what diplomatic measures can be taken to calm things down.

In the meantime, mercifully international relief is now reaching the refugees in good measure. This is the only way the world can give immediate help.

[From the Evening Star, June 10, 1971]

RAIN OF DEATH

Any day now the leaden clouds which have been building up over West Bengal for weeks will burst and a deadly torrent will drench the 5 million East Pakistanis who have fled to India to escape the aftermath of Bangla Desh's abortive attempt at secession in March. Deadly because the coming of the monsoon means cholera; and cholera spells death for tens of thousands of homeless Bengalis (an estimated 8,000 already have died of the disease).

The symptoms of cholera are not pleasant. Carved in stone on a Gujarati temple wall in western India is this ancient description of the disease, which is contracted by drinking contaminated water: "The lips blue, the face haggard, the eyes hollow, the stomach sunk in, the limbs contracted and sunk in as if by fire." The Thai word for cholera, more explicitly, means "the intestines being passed out."

West Bengal is the classical home of cholera (centuries ago, temples were built for the worship of Oola Beebee, "the lady of the flux") and the disease claims the lives of 2,000 Indians annually. But the massive influx of half-starving refugees, coming at a rate of 100,000 daily, forecasts a tragedy of soul-searing dimensions.

Not much is being done either to alleviate the misery of the refugees or to solve the long-term problem which they pose for both India and Pakistan. The United States plans to add an additional $15 million to an original allocation of $2.5 million for relief. But that is about enough to care for the refugees for a week and most of them have sworn they will never return to East Pakistan. Nor can India refuse them sanctuary: At least 2 million of them are Hindus, approximately 20 percent of East Pakistan's Hindu population, a special target of the 70,000 Punjabi troops in the rebellious province.

The pitiful horde poses a grave social, economic and political problem for India. There has been talk of war and Prime Minister Indira Gandhi has warned that India will "take all measures as may be necessary to insure our own security and the preservation and development of the structure of our social and economic life." But even if India could sweep Yahya Khan's army out of East Pakistan (the attitude of Communist China toward such an eventuality is uncertain), that would only mean a renewal of the slaughter of the Province's 2 million Bihari Moslems, who have been cooperating with the Pakistani army.

The important thing now is that a massive international relief operation should be launched to alleviate the plight of the 5 million refugees now in India. Such pressure as can be applied to Yahya Khan's government should be both discreet and limited to persuading him to instruct his military commanders to end their persecution of East Pakistan's Hindus and Moslem separatists.

The fundamental question of the political future of East Pakistan is one which only the Pakistanis themselves can determine, although slaughter and rapine are curious means for forging national unity. But that can wait. Help must be sent to West Bengal now before the rains come, or millions may die.

[From the Economist, May 29, 1971]

HOW NOT TO FACE FACTS IN PAKISTAN

It is a standard practice of governments, especially those which are fighting wars, to put out self-justifying propaganda. This propaganda may fail to convince, which is troublesome. Or it may convince so well that the propagandists themselves are taken in, which is positively dangerous. The government of Pakistan has clearly dug itself a credibility gap. The question now is whether it has also buried its head in the sand.

President Yahya Khan's press conference on Monday—his first public appearance since he ordered his army to take over East Pakistan two months ago—did not resolve the issue either way. The president showed some statesmanship when he refused to rise to Mrs. Gandhi's hints earlier in the day that the Indians might be forced to intervene militarily in East Bengal. He showed some realism when he admitted that the state of Pakistan's economy "is so bad that I cannot tell you." And he showed some flexibility when he modified the total ban on the Awami League and agreed to accept back a number of refugees. But he went on to load his offers with conditions and to repeat some of his spokesmen's familiar nonsense.

It is logically consistent, if nothing else, that a government which has not acknowledged that it is fighting a civil war should not recognise refugees from that war. Accordingly, Pakistan radio refers to "an imaginary influx" and labels the refugees "Hindu fifth columnists" and "Indian infiltrators." Not until last week did the government finally concede that the fleeing millions might include any innocent victims at all. President Yahya seemed to be opening the way to a solution last Friday when he declared that "bona fide Pakistani citizens who left their homes due to disturbed conditions" would be welcomed back to East Pakistan. But who are bona fide citizens? On Sunday Pakistan radio insisted that these are only a tiny fraction of the refugees, while the vast majority are "miscreants" and Indians. And on Monday the president himself vowed not to "open the floodgates for Indian destitutes."

The most charitable explanation for this kind of language is that the Pakistanis have got themselves hooked on a fable of Indian iniquity which they cannot abandon without intolerable loss of face. But they also appear to be using this propaganda line to justify a policy which will prevent significant numbers of East Bengalis from ever returning home. One group of refugees that is likely to be excluded altogether under this selective approach are the east Bengali Hindus. The migration of Hindus is a classic case of how propaganda can become self-fulfilling. Just after the March action, West Pakistani newspapers began accusing the Hindus in East Bengal of having illicit links with the Indians. The army then made the Hindus a special target for revenge, forcing them to flee to India in disproportionate numbers. This is now taken as proof that the Hindus were Indian saboteurs all along.

The prospect that great numbers of refugees will become permanent residents of India—either by their own choice or as a result of Pakistani exclusion—is the most terrifying aspect of the current crisis for the Indian government. When Mrs. Gandhi verges on the intemperate these days it is no longer to denounce Pakistani genocide but to threaten "measures" to ensure the eventual repatriation of all the refugees. On Monday Mrs. Gandhi appealed to the rest of the world and particularly to the great powers to make such measures unnecessary by putting pressure on Pakistan.

In fact the Indians have good cause for decrying "the unconscionably long time which the world is taking to react to this stark tragedy." Two months and three and a half million refugees after the killing began in East Pakistan, foreign governments have uttered scarcely a cautionary word to the Pakistanis and have contributed nothing very impressive to the maintenance of the 335 refugee camps in India. The Indians estimate that just keeping the current total of refugees alive for six months (disregarding the 60,000 more who are streaming in every day) may cost over £100 million.

Clearly the Indians cannot be expected to bear this financial burden on top of the all but intolerable political strains which the refugee influx has imposed. Tensions are rising every day—in parliament, in the border states and along the frontier where Indian and Pakistani troops had several shoot-outs this week. Foreign relief funds—in huge quantities—would relieve certain pressures. But the danger of conflict will continue to mount so long as the refugees keep streaming over the border. And the only government that can break this vicious cycle is Pakistan's.

President Yahya raised a glimmer of hope for such a breakthrough on Monday when he promised to produce a plan for a return to civilian government within two to three weeks. But his more important promise that day was to relax the blanket ban on political activity by members of the Awami League. Like his offer to the refugees, the value of this selective amnesty will depend on how widely he defines the "genuinely misled" as opposed to those who must be punished for their crimes. Sheikh Mujib, the imprisoned Awami leader, clearly belongs to the second category, for the president repeated the story about a Mujib secessionist plot. But unless the president actively welcomes back Mujib's lieutenants—including at least some of those who sought refuge in India—he will find that no plan for civilian rule in the east—or indeed at the centre—can get off the ground.

[From the Times (London), June 5, 1971]

HALF HINDU POPULATION FLEES FROM EAST BENGAL FEARING PERSECUTION BY MUSLIM TROOPS

An estimated three million Hindus, almost half the entire minority religious community of East Pakistan, have been driven across the border into India by Pakistani troops and Muslim zealots, Indian officials at the refugee reception camps alleged today.

The allegation is based on a rough breakdown of the 4,500,000 Bengalis who have flocked into West Bengal and other border states in the past two months. According to the Indians, about a third are Muslims and the remainder Hindus.

Checks taken with border police and with groups of refuees crossing the river at Hasnabad, south east of Calcutta, make it clear that the number of Muslim refugees has dwindled to a trickle. At the earlier stage of the exodus it appeared that as many Muslims were fleeing as Hindus.

This trend was evident at all border entry points which are accessible to journalists. At Hasnabad I discovered Hindu migrants who had fled from the Khustia district alleging that the army swept through their villages burning the houses of Hindus.

Others said that they had escaped to India after local Muslim zealots, encouraged by non-Bengali Muslims, had persecuted them during the past few weeks. A few claimed that Pakistan Army troops had given them a week to leave the country.

These people are simple peasants, too unsophisticated to concoct propaganda stories. One labourer from Khustia told me that from their hiding place in the fields he and other villagers saw troops burning down all their houses.

Others, possessing nothing but the clothes on their backs, said the army had combed the district of Jessore and had asked local non-Bengalis to point out houses of Hindus and members of the Awami League. Entire villages had been razed to the ground, they claimed.

Further to the north where almost 100,000 Hindus are still crossing into the cholera-affected Nadia district in India every day, the latest arrivals claim that the army and local Muslims have given them one week to leave the country.

"The Army men are giving our property to the Bengali Muslims", a farmer, Mr. Rishikesh Choudhury said.

During a recent tour of the refugee camps in Tripura I discovered further evidence which suggests that the initial reports of the Army's acts of persecution have been overtaken by Hindu-Muslim tensions.

Dr. S. Battachrea, a medical practitioner of Chittagong, told me that he had been living in a section of the town predominantly inhabited by Muslims.

"On April 29 about 15 attacked my house and burnt it down. They kidnapped two of my sisters-in-law and took them away. I managed to flee to India with the rest of my family."

Other accounts, taken at random, corroborate these reports and while their reasons for leaving Pakistan might vary, every Hindu is adamant on one single point; he will not return to Pakistan on any account and it would therefore appear that India will be saddled with a permanent refugee problem.

Mr. Cornelius Gallagher, member of the United States House of Representatives foreign affairs committee, who toured the Indian border today told journalists he was convinced that "genocide of no small magnitude" had been committed in East Bengal.

"When I came here I came with an open mind. But after meeting some of the evacuees I am now convinced that terrorism and other barbarities have been committed."

Mr. Gallagher said he was returning to the United States to mobilize a massive relief programme.

[From The Times (London), June 9, 1971]

UN FACES GIANT RELIEF TASK

(By Alan McGregor)

With contributions from governments now past the £12m mark and the certainty of more to come, United Nations aid for East Pakistan refugees is steadily gathering momentum—being coordinated by what amounts to a disaster relief unit set up within the office in Geneva of the United Nations High Commissioner for Refugees.

Officials are unable to estimate at the moment how much money may be needed altogether. On the basis of three million refugees, the Indian Government had earlier put forward a figure of approximately £70m.

For once, the United Nations had sidestepped its own red tape and gone ahead with establishing a "special body to organize disaster relief." This is being done by a six-man planning team, directed by Mr. Charles Mace, the Deputy High Commissioner. The team is backed by the considerable administrative resources of UNHCR headquarters.

The High Commissioner himself, Prince Sadruddin Aga Khan, has been in Pakistan since Sunday on what is undoubtedly the most difficult assignment of his career. His aim is twofold: to ensure "the humanitarian aspects" of relief, unhampered by political hitches; and, in the longer term, to work out with the Pakistan Government a programme for repatriation of all the refugees.

Events have thrust on Prince Sadruddin the responsibility of ensuring the success of the largest humanitarian action ever undertaken by United Nations agencies. The UNHCR emergency unit is registering Government contributions, in cash or in kind, obtaining precise details of what is needed, and informing the India Government what is available. A senior official, Mr. Thomas Jamieson, has been attached temporarily to the Delhi office of UNHCR.

One problem is obtaining the hundreds of thousands of tents needed to shelter the refugees during the monsoon. The slow-moving airlift of medical supplies by the World Health Organization will be given a boost tomorrow when an RAF Hercules will pick up nine tons at Geneva airport. The aircraft will already have a quantity of British supplies on Board, including 14,000 litres of saline rehydration fluid—regarded by WHO as the most important item of all, for saving the lives of persons already infected by the cholera vibrio.

An RAF VC10 will load 14 tons of supplies here on Thursday or Friday and American Air Force transports are expected within the next day or two. This will enable WHO to clear the backlog of supplies; only two and a half tons have gone out so far.

A Staff Reporter writes: British charities, who are working around the clock to mount their relief programmes to combat the cholera epidemic, are worried that the disease may gain an even firmer hold across the border in East Pakistan.

The Rev. Wilfred Kerr, international director of War on Want, said yesterday: "I assume it must be the same on the other side of the border. Cholera does not stop just because someone draws a line across a map."

War on Want has already dispatched aid to the value of £78,000. A medical team is leaving for Calcutta today with a 14-ton consignment of 1,500,000 antibiotic tablets, half a million vaccine shots and 5 vaccine guns.

Oxfam said that more than 23 tons of medical supplies and equipment will arrive in Calcutta by today. The organization has also cabled £40,000 in cash for provision of local medical teams and for local purchase of tents and medicines. Oxfam has made a total commitment to date of £140,000, and on Saturday is launching a giant appeal.

The British Red Cross Society, which has sent £10,000 to the League of Red Cross Societies for the relief operation, is dispatching five tons of supplies, including saline and cholera vaccine, today.

[From the Times (London), May 19, 1971]

ROAD OF DEATH FOR BENGALI REFUGEES

(By Peter Hazelhurst)

Thousands of terrified and impoverished Bengalis who have attempted to flee to India during the past fortnight have collapsed and died of exhaustion and starvation on the roadside.

Many others on the grim 75-mile march from the Chittagong district to the small Indian border state of Tripura are expected to meet with the same fate refugees told me today.

As many as 500,000 Muslim and Hindu refugees have already poured into the state of Tripura, and most of them crossed here at Sabrum, where the River Feni demarcates the Indo-Pakistan border.

Penniless, exhausted and in a stupor many of the refugees described the tragic flight from their homes in the Chittagong district, about 60 miles to the south.

Shamsuddin Ahmad, a farmer, aged 40, who has lost his wife and five children, fled Chittagong with his youngest daughter, three-year-old Robina, when West Pakistani troops fired on his village. He said his wife was killed by a bullet as the family fled.

Speaking through a Bengali interpreter, he said: "I was separated from the rest of my family as we fled. I don't know what has happened to them. After searching for them I started to walk to the Indian border with Robina.

"We had no food and no money. She collapsed after six days of walking. I carried her for a long time but she died in my arms. I buried her on the way. I have no one now."

The bewildered farmer said he saw hundreds of other refugees dying on the road. The stronger members of the families would huddle next to the exhausted and dying men, women and children. When they died, they buried them in nearby fields and marched on to India.

The tragic stories of many other refugees are similar. Mr. A. Z. B. Raha, a 48-year-old supervisor at Chittagong port, fled when Pakistani tanks moved in on his village, four miles from the centre of the city, last month.

"We started to walk north towards the Indian border. We saw people dying all along the way. Others were lying on the ground exhausted. The first to die were the babies, then further along the road the old and children collapsed, and then the women," he said.

We found Dr. Choudhury, a medical practioner from Shulteepur village near Chittagong, among the 200,000 homeless migrants who have flocked into the southern districts of Tripura. He was in a stupor.

Dr. Choudhury claimed that he marched towards India in a daze after the army encircled his village and killed 19 members of his family last month. "There is nothing left," he said.

Dr. Rattin Datta, supervisor of the general hospital in the border town of Agartala. North of Sabrum, has so far treated 300 East Pakistanis who had bullet and shrapnel wounds.

"These people were lucky," he said. "Most of them live near the border and managed to get through to us for treatment. But I fear that thousands have died and are dying from their wounds, starvation and exhaustion on the road from Chittagong.

His 267-bed hospital is now overcrowded with an additional 300 wounded refugees. All the refugees claim they were deliberately shot by Pakistani troops.

Two sisters, Rohina Begum, aged 16, and Jinat Begum, aged five, have bullet wounds in their legs and arms. Rohina said her entire family was wiped out when Pakistani troops fired on their small boat as they attempted to cross the River Feni into India last week.

Dr. Datta asked: "What do I do with these children when I have to discharge them? They have no one."

A railway engineer from the nearby junction of Akaura had a bullet wound in his head. He cannot believe what has happened.

"Why should they shoot me? I have never been in politics and I am an important government servant. I told them this when they were looting my office and house. But a soldier said, 'Kill the bastard', and when they shot at me I fell to the ground and pretended to be dead.

"They burnt my house and all I have. What am I to do? I am 55 with a family of 10, and I have nothing now."

The road from Agartala is as tragic and sorrowful as the overcrowded refugee camps. With fixed stares and utter hopelessness written on their faces the frail Bengalis march northwards in search of shelter and food. The stream is never ending.

Schools and Government offices have been turned into huge dormitories but space is limited and most families are in the open. A great number of women and children have constructed pathetic grass huts.

Sanitation is non-existent, the heat is stifling and the stench is unbearable. Pools of stagnant water are seen everywhere and an epidemic could break out at any moment.

[From the Economist, May 15, 1971]

RIDING A STARVING TIGER

Pakistan is very close to a national disaster for which, if it happens, the western countries will be held partly responsible. The situation amounts to this: millions of people may die in the next few months in East Pakistan unless the army turns its attention from policing the region to shifting food; there is not enough transport to do both. Secondly, Pakistan's economy, west and east, will soon come to a stop through lack of foreign exchange unless it gets a big dollop of aid from Europe, the United States and Japan. The government in Islamabad can defy the rest of the world on the first issue only if concerted diplomatic pressure is not applied through the second. There are encouraging signs that it is beginning to be applied. But the danger is that unless the world as a whole becomes engaged the minimum, as usual, will be done.

Until now, despite the horror stories that have come out of the east wing with refugees and expatriates. the real implications of Pakistan's internecine struggle have not sunk in. Since the federal government decided at the end of March to deal with the east wing's independence movement by force, a disaster much greater than that caused by last November's typhoon has always been likely. But in the confusion of fighting, communal rioting and the flood of refugees across the Indian border, there has been a striking absence of hard facts on which the outside world could make judgments.

In a largely agricultural area, based on thousands of villages barely accessible at the best of times, figures mean very little. But the few foreign correspondents allowed into East Pakistan have brought back a picture of death and devastation in the main towns (some of it caused, so it appears, by communal rioting between Bengalis and Biharis) that far outweighs the damage caused by the typhoon, when at least 200,000 people died. And possibly 3 million refugees may have crossed into west Bengal, causing enormous problems in supplying the basic necessities of life, as well as intensifying still further the distrust between India and Pakistan.

In the short term, India has the food reserves available to cope with the influx (see page 40), but has now told the United Nations that it will need £140 million a year to meet the cost of doing so. But the immediate crisis is in East Pakistan itself. There is the prospect of widespread famine in the second half of this year which must be taken very seriously, despite reassuring statements from Islamabad.

Most non-Pakistanis believe a co-ordinated external relief effort will be needed, and immediately. The means of pressure is through the World Bank consortium of aid donors on which Pakistan now depends for its economic future. But the picture is complicated by the difficulty of giving aid to an economy already so close to crisis point. The problem is that the aid donors, of which the big four are the United States, Japan, West Germany and Britain, regard a durable political settlement as essential if they are to pour aid into reconstruction projects either in the west or the east. This is because the economies of the two wings are so interrelated, with the west depending on the east's export surplus. But equally it is hard to see how such a long-term political settlement is going to be forthcoming.

The only short-term answer, therefore, is to deal with the crisis as it develops. The aid club has already held a meeting in Paris, and a senior World Bank official has been in West Pakistan to try to discover just what the state of the economy is. Pakistan has asked for a six-month moratorium on its foreign debts starting from May 1st, which, with annual debt service payments amounting to over $150 million (or at least 20 per cent of exports), would substantially relieve the immediate foreign exchange crisis. Although this probably will be granted, as it has been to other countries in the past, no one is putting new aid in the pipeline. And coping with famine is seen as the immediate priority.

East Pakistan normally needs to import some 10 per cent of its grain requirements, or around 1.7 million tons. But because of the typhoon, which devastated one of the main surplus areas in the south around Patuakhali and Barisal, a further 1.5 million tons are needed this year. Relief shipments were coming in steadily, mainly to Chittagong, until the beginning of March, when the ports came to a standstill during the brief period of control by the Bangla Desh secessionists. Since then little or nothing has been unloaded and several grain ships, after waiting for a month or more, have sailed away. And there has been very little movement of grain from the ports to the interior. Until now this hiatus has not had a serious effect, partly because of grain moved earlier, and partly because the main local crop harvest in November and December ensures enough food for the first half of the year. The big crisis will come from next month onward.

There are really two main problem zones, the cities and the rural deficit areas, in particular those stuck by the typhoon. The original plan was to have a three-month stock of food in secure storage available for the delta area by June in time for the monsoon, which makes transport extremely difficult. It seems very unlikely that this will be anything like achieved. The big towns can be more quickly and easily dealt with, provided the grain can be transported from the ports. So far it appears that the main means of transport have either not been working properly or have been commandeered by the army for military movements. Even if the ports are on the point of being reopened—and there is little sign of this yet—there would still be a very serious problem.

There are further big question marks. Many people have been moving from the towns backs to the countryside. If they stay there they may cause a larger and more intractible problem of rural starvation even if the towns are thereby easier to feed. Many of the refugees are rice farmers from the north-west who will have no crops to go back to if they return (indeed, no one knows how much planting went on in March for the main crop at the end of the year). What must be hoped for is that in the jute areas of the north-east the farmers will have planted rice instead this year, as they were asked to by Sheikh Mujibur Rahman. This would be harvested in August and September.

It is impossible to qualify the food picture. But it looks very serious. A lot turns on the army's ability to get the ports working quickly and to supply enough transport to get the extra food distributed. But if it does that it must be prepared to cut back on its military operations—and possibly lose control over large areas. For the federal government, therefore, the famine question may represent an equation which it is impossible to solve. But transport is also badly needed to get exports moving again, as they have not been since the beginning of March. Jute, raw or manufactured, accounts for nearly half Pakistan's exports and it all comes from the east, which also supplies quite a lot of import substitutes for the west in the form of tea, fruit and vegetables. Although much of the raw jute crop was either exported or sold forward earlier in the year, there is still some which has not even reached the ports, while the jute mills, like most of the east's manufacturing capacity, are believed to have been at a standstill for the past 2½ months.

Before March, Pakistan was already in severe balance-of-payments trouble, with short-term debt far outweighing foreign exchange reserves. It will have to start cutting back on imports, many of them essential for industry in the west. Over a third of its foreign exchange, or around $400 million, is obtained through aid, over half of it for specific projects. With the economy in its present muddle little new aid will be forthcoming until donors can see how it can be usefully employed. For example, there is no point in planning a project, even in the west, when many of the essential inputs are missing, such as raw materials, goods from other factorys and so on. Aid has to be slotted into an over-all reconstruction programme and the essence of this is a stable political environment. As yet this is not even on the horizon.

JEWS IN THE SOVIET UNION

Mr. HUMPHREY. Mr. President, I want to bring to the attention of the Senate the joint declaration of Soviet Jewry issued by the religious leaders of the State of Minnesota. In so doing I want to join with them in expressing my deep concern that the basic human rights of Jews in the Soviet Union be recognized and duly observed by the Government of the Soviet Union.

Furthermore, I urge that the United States openly make its views on this question known. Americans must join people throughout the world in pressuring the Soviet Union to recognize the right of Soviet Jews who so desire to emigrate to Israel, and to insure the unhindered exercise of this right, and to enable the Jews in the U.S.S.R. to exercise fully their right to live in accord with the Jewish cultural and religious heritage and freely to raise their children in this heritage.

Mr. President, I ask unanimous consent that the fine declaration from which I have just quoted be printed at this point in the Record along with Marquis Childs' article concerning the present plight of the Jews in the Soviet Union.

There being no objection, the material was ordered to be printed in the Record, as follows:

Temple Israel,
Minneapolis, Minn., May 3, 1971.

Hon. Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.

Dear Hubert: Some days ago we had a Service of Concern for Russian Jewry at the Temple in which Archbishop Byrne, Pastor Hammarberg and Dr. Cummins participated. It was a most impressive Service and many of the priests and pastors of the community were present.

We signed the enclosed statement which we have forwarded to the President, Mr. U Thant, Mr. Dobrynin and Mr. Kosygin. I hope it helps make an impression upon them.

I thought you would like to know what we did.

As ever,

Rabbi Max A. Shapiro.

We, religious leaders of Minneapolis, Minnesota, joining with others similarly concerned with the faith and future of all persecuted people, have come together this evening to decry the policy pursued by the government of the Soviet Union in suppressing the historic Jewish cultural and religious heritage and refusing to accede to the lawful wishes of those Soviet Jews who desire to emigrate to the land of Israel.

This constitutes a flagrant violation of human rights which the Soviet Constitution pledges to uphold and which is enshrined in the Universal Declaration of Human Rights as contained in the Charter of the United Nations.

At this Service of Concern, we call upon all religious leaders of all faiths to join with us in urging Soviet authorities—

To recognize the right of Soviet Jews who so desire to emigrate to Israel, and to ensure the unhindered exercise of this right.

To enable the Jews in the USSR to exercise full their right to live in accord with the Jewish cultural and religious heritage and freely to raise their children in this heritage.

To put an end to any defamation of the Jewish people in the Soviet Union.

Archbishop Leo Byrne,
Archbishop Coadjutor of St. Paul and Minneapolis.
Dr. Melvin A. Hammarberg,
President of the Minnesota Council of Churches.
Dr. John Cummins,
First Universalist Church and past president of the United Nations Association of Minnesota.
Rabbi Max A. Shapiro,
Temple Israel.
Rabbi Herbert S. Rutman,
Temple Israel.

April 16, 1971.

[From the Washington Post, June 8, 1971]

Red Trials Seek To Unnerve Jews

(By Marquis Childs)

The ordeal of the Jews in the Soviet Union must trouble the conscience of the world. The recent trials—trials in name only—on charges of plotting to hijack a plane to freedom were meant as intimidation to scare others into submission.

They ask merely for the right to emigrate to Israel. But that is, in itself, a slur on the Socialist paradise. Once one religious or ethnic group is allowed to leave, the flood gates would be open and no one in authority could say when the exodus might stop.

To press the demand for an exit visa, as a number of Jews have done, is bringing reprisals. The obstacles put in the way are formidable, and it takes both courage and persistence to get the coveted pass to freedom. During the past year about a thousand Jews have come out.

In Jerusalem recently I talked with several of the new emigres. One was Dr. Esther Eisenstat, a Ph.D in linguistics who had been professor at a linguistics institute in Moscow. She speaks fluently at least six languages.

When she first made application for an exit visa she was asked why she wanted to leave the Soviet Union. You have a good job, you are rather well paid, you have an apartment. What more do you want? Religious freedom is the answer that Dr. Eisenstat and the other emigres give.

Progressively over the years the opportunity for worship in the Jewish faith has contracted. Syngagoues have been closed. Books printed in Yiddish or Hebrew have all but disappeared. Rabbinical and talmudic teaching, the substances of the faith, must be done almost surreptitiously.

At the same time the price for a permit to leave has been steadily increased. The exist visa itself, if the applicant wants to go to a "capitalist" country, is about $400. Another $400 is the charge for surrendering Soviet citizenship. The total comes to about $1,000, and that is a large sum in a country where savings are not only hard to come by but are a kind of vote of no-confidence in a system in which the state is all-powerful.

Dr. Eisenstat, who went on a lecture tour across the United States shortly after establishing herself in Israel, is a realist. She doesn't believe that the current drive will result in any immediate relaxation of the bar on emigration. She is convinced the extremist tactics followed by Rabbi Meir Kahane and his followers will have an adverse effect both in the Soviet Union and the United States.

The small signs of dissent in the Soviet Union—coming from intellectuals, writers, poets, playwrights—give rise to speculation that authoritarian controls are easing. The theory frequently put forward is that, with the advanced education required in a highly technological society, freedom of thought is bound to widen. The state will have to let down some of the bars.

It is a dubious theory. Intellectuals pay for their dissent, usually expressed in the publication abroad of manuscripts smuggled out of the country, with prison terms in Siberia or exile remote from Moscow.

Yet Mrs. Eisenstat and the others who have managed to get out believe that world opinion does play a part. After the outcry over the death sentence imposed in the Leningrad trial, that sentence was commuted to life imprisonment.

The designation Jew goes on the individual's identity card, a kind of internal passport, if one or both parents are of Jewish origin. The origin of the mother is the determinant. In a bold decree the Israeli government recently offered citizenship to any Jew expressing a desire to emigrate, regardless of whether he could come to the Jewish state.

Since 1917 many minorities in the vast conglomerate of the Soviet Union have suffered harsh injustice for their separateness. But with the centuries-old tradition of the program as a political instrument under the czars, the Jews have paid most dearly.

Mr. HUMPHREY. Is it too much to ask of any country that its government ensure basic human rights and dignity to all its citizenry? Where is the nobleness of mankind if it is not in the affirmation of human dignity, and human worth?

I for one think that it is imperative that we in this country do all we can to alleviate the condition of Soviet Jewry.

We can speak out at every given opportunity to encourage Soviet officials to change their government's policies. Not only should they let those Jews who want to emigrate from the Soviet Union go, they should also be forced to realize that Soviet Jewry, while unique in their cultural heritage, are Soviet citizens and as such, deserve the respect that the Soviet Government promises the rest of its citizenry. People throughout the world must insure that these promises are fulfilled. Otherwise promises remain promises, and people die out of desperation and persecution.

ARTHUR GOLDBERG AND THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in 1967 Arthur Goldberg testified before the Senate Foreign Relations Ad Hoc Subcommittee on Human Rights. At the time he was the permanent representative of the United States to the United Nations.

He argued that ratification by the Senate of the human rights conventions would provide a tremendous impetus to the worldwide struggle for human rights. I agree with the former Supreme Court Justice.

The United States has long treasured for its own citizens the rights proclaimed by the Convention on Political Rights of Women and the Convention Against Forced Labor. Why is the Senate unwilling to reaffirm the principles so firmly based in our American tradition?

I ask the Senate to keep that question in mind as I read this excerpt of Mr. Goldberg's testimony:

> A tremendous impetus would thus be provided for the worldwide battle for human rights. And the solemn human rights provisions of the United Nations Charter would receive some real content. I believe that the United States, with its profound commitment to the rule of law, can only contemplate such a prospect with approval.
>
> We are, after all, a nation that stands for something in world history. "Certain unalienable rights" were proclaimed in 1776 as the heritage of "all men"—not just Americans. Abraham Lincoln said there was "something in that Declaration giving liberty not alone to the people of this country, but hope for the world, for all future time."
>
> It is deep in our American character to believe in this. And the influence of those brave words of 1776, in country after country, generation after generation down to our own day, is solid proof that these ideas are universal and that they can move men to action on a very large scale. When such ideas come to the surface anywhere in the world, our national conscience does not allow us to be indifferent to them.
>
> I would urge your Committee to recommend to the Senate that it advise and consent to all three of the conventions before you.

I call upon the Senate to ratify the Convention on the Political Rights of Women and the Convention Concerning the Abolition of Forced Labor.

DEMOCRACY IN VIETNAM

Mr. McGOVERN. Mr. President, I was pleased to see today that the Washington Post has been able to obtain and report on important documents relating to the early stages of American military involvement in Vietnam.

The documents reveal that, during the Eisenhower administration, Secretary of State John Foster Dulles attempted successfully to thwart the holding of elections in Vietnam, as specified by the 1954 Geneva accords. He opposed such elections because he believed that Ho Chi Minh would receive popular support in both north and south. President Eisenhower himself recognized that Ho Chi Minh would have received the support of as much as 80 percent of the people.

It is contrary to everything we say and everything we stand for to have blocked the holding of elections because we did not like the expected results. We cannot and should not choose to proceed by democratic methods only when the results are sure to please us.

The Washington Post report reveals further deception by the administration and a betrayal of our often-expressed to democracy around the world. Mr. President, I ask unanimous consent that the Washington Post article by Chalmers Roberts be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Documents Reveal U.S. Effort in 1954 To Delay Viet Election

(By Chalmers M. Roberts)

The Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

But the following year it was South Vietnamese President Ngo Dinh Diem, far more than the American government, who was responsible for the elections' not taking place. Diem flatly refused even to discuss the elections with the Communist regime in Hanoi.

These are among the facts emerging from sections of the Pentagon study on the origins of the Vietnam war, made available to The Washington Post.

The chief architect of the American policy of opposition to elections, as was well known at the time. was President Eisenhower's Secretary of State, John Foster Dulles. But it was Eisenhower who had insisted on allied support if he were to ask Congress for authority to use American military force to save the French army in Indochina in early 1954. The United States did not get that allied support.

The origin of the idea of holding an election in divided Vietnam, called for in the Geneva accords of 1954, remains obscure. But there is nothing obscure about Dulles' attitude.

In July of 1954, he sent a cable to various American diplomats then struggling with the problem. It said in part:

". . . Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after cease-fire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees."

Dulles went on to call attention to a joint statement by President Eisenhower and British Prime Minister Churchill in June, especially that part which spoke of achieving "unity through free elections supervised by the UN."

Later in July, shortly before issuance in Geneva of the "final declaration" of the long conference, a declaration that included the statement that "general elections shall be held in July 1956." Dulles cabled his unhappiness at the impending outcome.

He sent Walter Bedell Smith, the Under Secretary of State who had returned to the Geneva Conference to limit as much as possible what Dulles foresaw as the disastrous outcome, a cable that said in part:

"While we don't want to take responsibility of imposing our views on the French, I feel particularly concerned about provisions of paragraph 6 which gives the Control Commission constituted as per SECTO 666 authority also to control the general elections. The ink is hardly dry on the Declaration of President Eisenhower and Prime Minister Churchill of June 29 to the effect that 'In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections *supervised by the UN* to insure that they are conducted fairly.' It is rather humiliating to see that Declaration now so quickly go down the drain with our apparent acquiescene."

About a week before the above cable, and after French Premier Pierre Mendes-France had asked that Dulles return to Geneva and before Dulles agreed to send Smith as his stand-in, Dulles cabled some of his unhappiness to Mendes-France via the American Embassy in Paris.

Dulles complained to Mendes-France of "a whittling-away process, each stroke of which may in itself seem unessential, but which cumulatively could produce a result quite different from that envisaged" in a seven-point minimum program, agreed upon by Britain and the United States, that he then was trying to sell France.

He included this paragraph as illustrative of that "whittling away process."

"Allowing Communist forces to remain in Northern Laos; accepting a Vietnam line of military demarcation considerable south of Dong-hoi; neutralizing and [one word indistinct] demilitarizing Laos, Cambodia and Vietnam so as to impair their capacity to maintain stable, noncommunist regimes; accepting elections so early and so ill-prepared and ill-supervised as to risk the loss of the entire area to Communism; accepting international supervision by a body which cannot be effective because it includes a Communist state which has veto power."

In the end the election was called for, but not without considerable argument at Geneva, where the United States worked through the French. But others had the important say.

Chief among these important people were Chou En-lai, then as now Chinese Premier, and V. M. Molotov, the Soviet Union's redoubtable foreign minister.

In June of 1954, American Ambassador to France Douglas Dillon cabled Dulles to report conversations with Jean Chauvel, a key diplomat at the conference. Chauvel reported that Chou had "said that he recognized that there were now two governments in the territory of Vietnam, the Viet Minh Government and the Vietnamese Government. According to Chauvel, this was the first time that Chou had recognized the valid existence of the Vietnamese Government."

As to elections, Dillon reported:

"Regarding the final political settlement, Chou said this should be reached by direct negotiations between the two governments in Vietnam . . . Mendes at this point said that since the war had been going on for 8 years and passions were high, it would take a long time before elections could be held as the people must be given a full opportunity to cool off and calm down. Chou made no objection to this statement by Mendes and did not press for early elections."

On June 19, Smith called on Molotov at his Geneva villa. He filed a long report, with his comment, which included this:

"In private conversations with Mr. Eden and others, Communist delegates, in particular Chou En-lai, had taken an apparently reasonable view on Laos and Cambodia, but that here again, when we came to the point of trying to get open agreement on specific points we were unable to do so. I specifically mentioned Chou En-lai's statements to Eden in which he said that China would have no objections to recognizing the kingdoms of Laos and Cambodia or to these States having forces and arms sufficient to maintain security, or their remaining in French Union so long as they were not used as military bases by the United States. We could not disagree with any of this, although if we kept out the Chinese would have to keep out, and these small states would have to be allowed to join with their neighbors in whatever regional security arrangements would best protect their integrity without constituting a threat to any one else.

"Chou En-lai might be anxious about possibility of U.S. bases in Laos and Cambodia. We wanted on our part to be sure that these countries were not handed over to the Chinese. Molotov said that while he did not know about what attitude Chinese might have on other questions in future, he could assure me that Chinese attitude on this particular question was not at all unreasonable, and that there was nothing in it which would give rise to conflicts. He added, however, that if we continued to take a one-sided view and insist on one-sided solutions, he must 'in all frankness say that this would not succeed.' "

Smith told Molotov that "appearance of 'partition' was repugnant to U.S." and he reported that "in regard to U.S. aversion to partition, he [Molotov] said that this problem could easily be solved by holding elections at once, which would decide 'one way or the other.' "

When Molotov indicated Smith might encourage the French to agree, "I replied," reported Smith "that US was not one of principals to Indochinese dispute and did not cast deciding vote, to which Molotov remarked 'maybe so, but you have veto, that word I hear you use so often.' "

In his "comment," Smith cabled:

"It is probable that initial Soviet tactics were to forestall US intervention in the Delta by some kind of a compromise formula involving Hanoi and Haiphong if it appeared that such intervention were imminent. The recent raising of the ante in negotiations here by the Communist side probably reflects an estimate on their part that our intervention is improbable and that they are safe to go ahead there, keeping, of course, a sharp eye out for indications of change in our attitude."

Dulles had fought any partition of Vietnam but Chauvel reported in Geneva in June to U. Alexis Johnson of the American delegation that "there had been conversations between Vietnamese and Viet Minh in which Viet Minh had made it clear that only two alternatives were coalition government or partition."

The same day Dulles cabled that the suggestion then surfacing for a line dividing Vietnam at the "Thakhek-Donghoi line, coupled with rapid Delta deterioration, is leading us to reexamine possible de-facto partition Vietnam."

Both Dulles and the Joint Chiefs of Staff had opposed partition and/or elections. In April of 1954 Dulles cabled Dillon in Paris and American Ambassador Winthrop Aldrich in London a summary of what he had told French Ambassador Henri Bonnet on the eve of the Geneva Conference.

In part, it said that "division of Indochina impractical. Quote Mixed Unquote government would be beginning of disaster." Both, he said, would lead to a "face-saving formula to cover surrender of French Union forces."

A March memorandum from the Chairman of the Joint Chiefs of Staff, Adm. Arthur Radford, to Secretary of Defense Charles Wilson on the JCS views about the then-impending negotiations said this about "establishment of a coalition government:"

"The acceptance of a settlement based upon the establishment of a coalition government in one or more of the Associated States [Vietnam, Laos and Cambodia] would open the way for the ultimate seizure of control by the Communists under conditions which might preclude timely and effective external assistance in the prevention of such seizure."

In a paragraph about "self-determination through free elections," the JCS said in part:

"The Communists, by virtue of their superior capability in the field of propaganda, could readily pervert the issue as being a choice between national independence and French colonial rule. Furthermore, it would be militarily infeasible to prevent widespread intimidation of voters by Communist partisans. While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs of Staff to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

"Longer term" results of such a loss, said the JCS, "involving the gravest threats to fundamental United States security interests in the Far East and even to the stability and security of Europe could be expected to ensue."

By the time the Geneva Conference opened, as has been known for many years, the United States has actively considered the idea of military intervention. The documents made available to The Washington Post reflect this consideration at many points.

For example, a January, 1954, meeting of the President's Special Committee on Indochina discussed sending various aircraft to the French as well as 200 military mechanics. Deputy Defense Secretary Roger Kyes "questioned" whether sending the men "would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces." State's Undersecretary Smith disagreed, saying "we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worst came to worst he personally would favor intervention with U.S. air and naval forces—not ground forces."

Kyes said he "felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed."

But there were contrary voices as well. Late in January, Sen. John Stennis (D.-Miss.), then a low-ranking member and now chairman of the Armed Services Committee, wrote Secretary Wilson to say that "I have been impressed for some time that we have been steadily moving closer and closer to participation in the war in Indo-China."

He said he did not object to policy thus far but that "it seems to me that we should certainly stop short of sending our troops or airmen to this area, either for participation in the conflict or as instructors. As always, when we send one group, we shall have to send another to protect the first and we shall thus be fully involved in a short time."

The available papers do not include a response from Wilson to the senator.

Earlier that month, President Eisenhower approved the policy statement set at the National Security Council table two days earlier on "United States objectives and courses of action with respect to Southeast Asia." It began with a sweeping statement of "general considerations," one foreshadowed in the Truman administration and to be continued in one form or another, as the documents show, into the Johnson administration.

"1. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

"a. In the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another on the field of battle. The loss of the struggle in Indochina, in addition to its impact in Southeast Asia and in South Asia, would therefore have the most serious repercussions on U.S. and free world interests in Europe and elsewhere.

"b. Such is the interrelation of the countries of the area that effective counteraction would be immediately necessary to prevent the loss of any single country from leading to submission to or an alignment with communism by the remaining countries of Southeast Asia and Indonesia. Furthermore, in the event all of Southeast Asia falls under communism, an alignment with communism of India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) could follow progressively. Such widespread alignment would seriously endanger the stability and security of Europe.

"c. Communist control of all of Southeast Asia and Indonesia would threaten the U.S. position in the Pacific offshore island chain and would seriously jeopardize fundamental U.S. security interests in the Far East.

"d. The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia. Furthermore, this area has an important potential as a market for the industrialized countries of the free world.

"e. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism."

While the NSC study stated that "overt Chinese Communist attack on any part of Southeast Asia is less probable than continued Communist efforts to achieve domination through armed rebellion or subversion," the possibility of war with China was explored. It was stated that "in the event the United States participates in the fighting, there is a substantial risk that the Chinese Communists would intervene."

The immediate aim was to help the French by expediting, "and if necessary" increasing aid, to "assist them in:

"a. An aggressive military, political and psychological program, including covert operations, to eliminate organized Viet Minh forces by mid-1955.

"b. Developing indigenous armed forces, including logistical and administrative services, which will eventually be capable of maintaining internal security without assistance from French units."

In the event of Chinese intervention, the NSC concluded, the United Nations should be asked to call on member nations to "take whatever action may be necessary . . . to meet such an aggression." Whether or not the U.N. did act, it was proposed, the United States either under U.N. auspices or in concert with France, Britain and "other friendly governments" should take such steps as interdicting Chinese communication lines "including those in China," and, "if appropriate," also establish a joint "naval blockade of Communist China" and "as desirable and feasible" utilize Chinese Nationalist forces "in military operations in Southeast Asia, Korea, or China proper."

The NSC paper noted that if such actions as those outlined indeed were taken, "the United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

Military studies suggested that if the United States were to be involved on the ground "seven U.S. divisions or their equivalent, with appropriate naval and air support, would be required to win a victory in Indochina if the French withdrew and the Chinese Communists did not intervene." These were the words of the "Army position" on one NSC action memorandum.

But President Eisenhower, although he had approved the planning, wanted both Congressional approval and allied participation for any American intervention. An April telegram from Dulles to Dillon reported that "Congressional action would be required. After conference at highest level, I must confirm this position." He added: "US is doing everything possible" to "prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth's participation. Meanwhile US prepared, as has been demonstrated, to do everything short of belligerency."

But Dulles had trouble rounding up allies, especially the British. Dulles reported to Smith on an April 27 talk with Foreign Secretary Anthony Eden in London and found Eden worrying that military intervention would be "a bigger affair than Korea," where hostilities had ended less than a year earlier.

A few days later Dulles summarized his findings, in part, this way:

"UK attitude is one of increasing weakness. British seem to feel that we are disposed to accept present risks of a Chinese war and this, coupled with their fear that we would start using atomic weapons, has badly frightened them."

Dulles confessed to uncertainty by adding that "I do not underestimate the immense difficulty of our finding the right course in this troubled situation. Nor do I mean to imply that this is the moment for a bold or war-like course. I lack here the US political and NSC judgements needed for overall evaluation."

Summary statements in the papers available to The Washington Post do not include any Eisenhower decision not to intervene at any of the several points during 1954 when that was under consideration. The closest thing to a clear definition of the chief executive's thinking is a May memorandum to the Secretary of Defense and the Chairman of the Joint Chiefs by Robert Cutler, the special assistant to the President who handled NSC affairs.

Cutler reported on a meeting in the President's office with only President Eisenhower, Dulles and Cutler present, at which the chief executive approved instructions for Smith, then in Geneva. It was essentially an expression of unhappiness over Eden's proposals, which fell far short of intervention.

Point 3, however, was expressive of the President's frame of mind. It said: "The United States will not agree to a 'white man's party' to determine the problems of the Southeast Asian nations."

In the available papers there is no evidence of a post-Geneva American effort to prevent the elections throughout all of Vietnam from taking place.

The Soviets had "proposed June 1955" according to one report from Geneva but they and the Chinese and the North Vietnamese had finally agreed to July 1956. But South Vietnam, which the telegrams make clear had been told almost nothing about the secret Geneva talks although there was a Saigon delegation present, never accepted the Geneva accords, then or to this day.

A summary paper done as part of the Pentagon papers by an unnamed analyst put the outcome this way:

"As the deadline for consultations approached (20 July 1955) Diem was increasingly explicit that he did not consider free elections possible in North Vietnam, and had no intention of consulting with the DRV concerning them. The U.S. did not—as is often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva Accords and his opposition to pre-election consultations were at his own initiative.

"However, the U.S., which had expected elections to be held, and up until May 1955 had fully supported them, shifted its position in the face of Diem's opposition, and of the evidence then accumulated about the oppressive nature of the regime in North Vietnam. 'In essence,' a State Department historical study found, 'our position would be that the whole subject of consultation and elections in Vietnam should be left up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects.' "

On Jan. 19, 1961, President Eisenhower met in the oval room of the White House with President-elect John F. Kennedy. The President said that "Laos is the key to the entire area of Southeast Asia." The President-elect asked "how long it would take to put a U.S. division into Laos."

There was no discussion of Vietnam. That would become the problem for President Kennedy—and President Johnson—and President Nixon.

TIME IS ENEMY IN WAR AGAINST CANCER

Mr. HUMPHREY. Mr. President, man is blessed with tremendous powers, and one of the most omnipotent of these is science, but even the force of scientific knowledge is finite and its horizons limited in the context of time.

Time is the element which science, especially medical science, is in constant conflict with.

After all, what is the cure of disease other than forestalling of the ultimate stoppage of time, or death?

But in another context, time is equally elemental, and that is to acquire the knowledge and create the tools to speed the cure of diseases before they take their toll, for if we cure today, we save a life today; if we cure tomorrow, we lose all of those who will die today.

With the present institutions and financial means available, the enigma of cancer will eventually be solved, but these resources and agencies are not constituted to meet the urgency of the problem.

There is an overriding sense of urgency that we must face up to. Congress must mobilize our health resources in an all-out battle against cancer.

We cannot hesitate, for time is the enemy in seeking to lift this devastating burden from the minds and bodies of mankind, and we have the means to shorten this time.

Nearly 1,000 people perish every day from cancer in this country alone, and every day we delay we have to ask ourselves, "Had we speeded up our work, had we tried to do a better job of administration, had we concentrated more attention, how many lives would we have saved?"

Now we are not dealing with an ordinary disease, and I speak from some personal experience. It is one thing to be ill from other diseases, but the agony of cancer is indescribable. Those that linger with it are a pitiful sight—strong and healthy people, stricken and literally demolished and devoured by this disease.

I saw my brother go through that and one of my sons, so I speak with some emotion about the time factor. My son was cured and is well today, but my brother was not so fortunate.

More than 4 decades ago, the late Senator Matthew Neely, of West Virginia, who died in 1958 of the very disease he had been fighting legislatively for more than 30 years, vividly described cancer in a speech on the floor of the U.S. Senate:

> I propose to speak of a monster that is more insatiate than the guillotine; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The name of this loathsome, deadly and insatiate monster is *cancer*. It is older than the human race. Evidence of cancer has been found in the fossil remains of a serpent that is supposed to have lived millions of years ago. Records made on papyri by the ancient Egyptians show that the cancer curse was known in the valley of the Nile more than 2,000 years before the birth of Christ.

That was 1928, and Senator Neely noted that cancer was then taking 125,000 lives a year. He warned that the annual toll would rise significantly unless a major medical research offensive was mounted against it. Today, with the death rate from cancer at 325,000 a year, the wisdom of Senator Neely's warning is clear.

He called for a $100,000 initiative against cancer that year, but Congress was not fully convinced of the threat and finally voted only $50,000.

How different things might be if the Congress had listened to Matt Neely in 1928, or in 1937, when he succeeded in getting Congress to establish the National Cancer Institute but failed to win for it the money he felt it needed to do the job.

In 1946, Neely, then a Member of the House of Representatives, introduced a bill to appropriate $100 million to launch a large scale offensive against cancer.

That was 25 years ago—25 years before President Nixon called for a $100 million cancer initiative. How much longer must we wait? I used to sit alongside of Matt Neely in the Senate—he was a very dear personal friend—and many times we talked about what we might have done had we not dilly-dallied around.

Senator Neely noted that during World War II cancer killed twice as many persons as did enemy bullets.

To bring that up to date, let me point out that more Americans died of cancer last year alone than were killed in action throughout the Second World War.

And in the past 6 years of fighting in Vietnam, 44,000 Americans have been killed. At the same time, back home, cancer killed 2 million persons—that is more than 45 times as many human beings destroyed by cancer as by the war.

And of those 2 million, 35,000 were children. That is about 312 youngsters a week.

I do not wish to dwell in the past and on the lost battles of Matt Neely, for "of all the words of tongue or pen, the saddest of all are these: it might have been."

But we should not ignore his prophecy, for those who forget the lessons of history are doomed to repeat them.

Of the 200 million Americans alive today, 50 million will develop cancer and 35 million will die of the disease unless better methods of prevention and treatment are found.

About half those deaths will occur before the age of 65. Cancer today causes more deaths among children under the age of 15 than any other disease.

I was heartened by President Nixon's recent remarks on cancer. He demonstrated a new commitment to fighting this dread disease.

The President's acknowledgment that more money needs to be spent for research to discover a cure for cancer also will provide new impetus to the drive. The President said:

> If it should turn out that we need more money . . . I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized.

The President announced in his state of the Union message plans for adding $100 million to the $232 million already in the budget for the fight against cancer.

I support the recent compromise reportedly reached between the Nixon administration and the Senate Health Subcommittee to establish an independent Conquest of Cancer Agency as a part of the National Institutes of Health.

The new Director of the Cancer Agency as proposed under the compromise agreement would be named by the President and report directly to him.

Under the President's earlier proposal, a director of a cancer cure program would remain under the authority of the Health, Education, and Welfare Department secretary. HEW already has six layers of officials between the Director of the National Cancer Institute and the President. One more layer of bureaucracy will not help.

I believe the proposed Conquest of Cancer Agency will be much better able to mobilize the broad powers of science and technology in our battle against this dread disease.

In the race against cancer, time is important. And the time that we use in bureaucratic redtape means time that is lost and lives that are lost.

We do not know whether the critical experiment in cancer research has yet been done. Cancer is not a simple disease with a single cause that will be subject to a single cure of a single immunization, as was the case with polio. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. Some forms of cancer, in fact, already have been cured—eight types through the use of chemicals; other forms through surgery and radiation therapy. But the complete answer is not yet in sight.

The cancer program needs the same independence in management, planning, budget presentation, and the assessment of progress that other independent agencies give their projects.

The new Conquest of Cancer Agency will focus public and private attention on a program that may provide millions of Americans hope in their fight against this terrible affliction.

The agency will be in full public view, in a way that occurs too frequently in our Government system. It means taxpayers asking what you are doing. How are you spending our money? What are your results?

When you have layers of Federal bureaucracy between the public and the agency, that needed pressure is not felt.

We cannot predict an immediate cancer cure, but this agency will be able to rally more eminent, prominent, distinguished scientists and doctors and collaborators in health care and health cure than any cancer effort up to now.

We urgently need a continuing commitment of adequate funds, starting with a minimum of $400 million and building by 1976 to $800 million or even a billion dollars a year.

These are small sums when placed against our national resources or the human suffering and economic loss attributable to cancer.

Pain and sorrow cannot be measured in terms of dollars. The economic loss in jobs and earning power of persons stricken with this disease is conservatively estimated at $15 billion a year.

Major advances in the fundamental

knowledge of cancer have been made in the past decade. They have opened up promising areas for intensive investigation. They must be explored vigorously if we are to exploit the opportunities that lie before us.

Just 30 years ago, only 1 in 5 cancer patients survived. Today 1 patient in 3 is cured. That number should be reduced to 1 in 2, and finally to the point where all patients survive.

We have the finest doctors, scientists, and medical researchers in the world. But the answer to cancer lies not only in personnel. It is also a matter of the system through which medical manpower is made available to people.

We are suffering from a shortage of medical manpower and facilities, and what we have is poorly distributed geographically. The poor in the ghettos of our cities and those who live in our remote rural areas simply are unable to get the medical care they need and must have.

If all our citizens could receive the same quality of diagnosis and treatment now available at the best treatment centers, we could significantly reduce the death rate from cancer.

This calls for no great scientific breakthrough—though ultimately that is what is needed. It simply calls for a better distribution of the resources already available to the privileged members of our society.

Cancer is the No. 2 killer in the United States, after heart disease. The same is true in most of Europe and in the Soviet Union.

Cancer kills more than 2 million people a year in all parts of the world and the rate is increasing. As poorer nations eliminate the diseases already gone from the richer ones—cholera, smallpox, diphtheria, yellow fever, and typhoid—it becomes even more imperative that we conquer what has previously been incurable, particularly heart disease and cancer.

A dozen years ago, I was chairman of the Government Operations Subcommittee on reorganization and international organizations. After extensive study and research, including travel and visits to medical centers in Western Europe, Poland, and the Soviet Union, we published a document entitled "Cancer: A World Wide Menace."

In that report, I noted that cancer "is a disease whose ultimate conquest will undoubtedly involve an unparalleled effort of worldwide biomedical research."

The conquest of cancer is an international challenge. The Conquest of Cancer Act recognizes this by providing for a degree of support for foreign research and scientists, but it basically is a national plan.

I suggest consideration be given to making this an international crusade.

During my 1969 visit to the Soviet Union, I talked in detail on this subject with Ministry of Health officials and with Premier Kosygin. I visited the Cancer Hospital in Moscow three times.

I found great enthusiasm for a wider exchange of medical information and diagnostic data, and I predict the Soviets will be ready to cooperate in medical research and in pooling technology and resources.

I said in my 1959 report, and I repeat today:

> The evidence is clear that cancer is a world problem, best solved by research on a world wide basis. The combined efforts of scientists throughout the world should be applied to developing and exploiting leads wherever they occur . . .
>
> Against a universal killer, mankind must offer a universal defender—scientific cooperation. Against an enemy which strikes irrespective of politics or ideology, mankind must strengthen teamwork in a manner which transcends these of other factors.
>
> At stake is triumph in a human adventure of highest drama. And with triumph, will come the prize of a lessening of human suffering and of premature death throughout the world.

I believe the United States, with the greatest medical and scientific community in the world, should take the lead in this historic effort.

AMERICANS SEEK MEDICAL DEGREES IN MEXICO

Mr. KENNEDY. Mr. President, the crisis in admissions to American medical schools has reached major proportions. According to the best available statistics, U.S. medical schools can accommodate only 10,000 of the 25,000 students who apply each year. The American Medical Association says that fully 7,000 of the students rejected by American medical schools are fully qualified. As a result, thousands of qualified students each year are forced to leave the United States and seek their medical education abroad. In fact, an estimated 4,000 to 8,000 Americans are now studying medicine in Mexico and Europe.

An article in the June 14 issue of the National Observer, by Mr. John Peterson, deals with American medical students studying in Mexico. At the University Autonomous of Guadalajara, there are 1,046 American medical students enrolled—more than in any single medical school in the United States. The American students are in Guadalajara because they want to study medicine, but were refused admission by American medical schools.

American students in Mexico face many obstacles before they are able to return to the United States to practice medicine. All the lectures at the University Autonomous of Guadalajara are in Spanish. Tuition rates at the university are $1,000 a semester, plus an initial enrollment fee of $1,000. Mexicans pay $300 a semester and no enrollment fee.

In addition, the Educational Council on Foreign Medical Graduates requires that a foreign-educated physician must meet the requirements for licensure in the country where he has studied, before he can qualify to practice in America. Thus, medical students in Mexico face an extra 2 years of study before they are licensed and can return to the United States to practice medicine. The students in Guadalajara feel that the extra 2 years of study is unnecessary.

The U.S. Public Health Service says the United States needs 50,000 more doctors. We know that many of our hospitals are in desperate need of interns and residents. If our medical education system could expand to accommodate the 7,000 students who are qualified to study medicine, we could go a long way toward improving the health care in America. The Senate Health Subcommittee and the Labor Committee have recently approved major health manpower legislation in an effort to meet the broad range of problems we face in this area, and the legislation will soon be debated on the Senate floor.

I believe that Mr. Peterson's article, "Our Doctors in Mexico," supplies important information concerning the health-care situation in America, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR DOCTORS IN MEXICO

(By John Peterson)

There are 1,046 American medical students enrolled here in the University Autonomous of Guadalajara—more than at any medical school in the United States. But they're here by necessity, not by choice. How they fare is important, for they may be treating you one of these days.

The American students couldn't gain admission to any of the jammed U.S. medical schools. Determined to be doctors, they have chosen to enter the U.S. medical profession through this useful but shadowy back door.

No welcome mat greets them, here or back home. They study in Spanish, which makes the complexities of medicine doubly difficult. They compete for time in severely limited laboratory and clinical facilities. And, because of U.S. restrictions on foreign-educated doctors, most spend two more years in training than their contemporaries studying in the states.

"It's a bad price to pay," says 21-year-old John Wilson, "but at least it's an opportunity. We were all forced down here. We're the system's rejects, the dedicated fools who want to study medicine regardless."

The number of "rejects" grows apace. An estimated 4,000 to 8,000 Americans are now studying medicine in Mexico and Europe. U.S. medical schools can accommodate only about 10,000 of the 25,000 students who apply each year, though the American Medical Association (AMA) says that 7,000 of the rejects are fully qualified.

Foreign-educated doctors made up nearly one-third of the newly licensed U.S. physicians in 1970, the Journal of the American Medical Association reports in its June 14 issue. Of the 11,032 new physicians licensed last year, 3,016 were foreign graduates—including 198 U.S. citizens, 7 of whom studied here. The AMA study says 1970 was the fourth consecutive year in which the number of foreign-trained U.S. doctors increased.

These students contend that their academic schooling, which is based in part on U.S. texts and procedures, is as good as their individual abilities and effort. "You don't come down here if you don't really want to study medicine," says Michael Schwartz, a graduate of Johns Hopkins University. "Most of us are dedicated and determined, and we're appreciative of having the opportunity to study medicine at all."

They do put up with a lot. Mr. Wilson's experiences are indicative. He arrived in this city of 1,300,000 people last fall after driving all night over hazardous highways. "I wanted to get checked in at the university first, to get some advice on where to stay temporarily," he says. "But I had a little trouble with the language. Took me five hours of driving all over town to finally find the campus [it's in a valley outside of town]."

That language trouble—he knew only a few words of Spanish—made the first few weeks of lectures almost incomprehensible to Mr. Wilson. "Then the bug got me," he says. "You know: that Mexican bug that turns you inside out, that makes you think you're dying."

The Guadalajara school has about 3,500 students—one-third from the United States, another third from Mexico, and the rest from other Latin American countries. The Mexicans are primarily teenagers, but many of the Americans are over 30.

"If you're more than 25 in the states you don't even need to bother applying at medical schools: They give preference to younger applicants," says Stephen Stowe, a 31-year-old veteran of the U.S. Public Health Service. So Guadalajara Autonomous becomes in part a school for Americans who decided later in life to study medicine.

"I had my own swimming-pool maintenance and repair company for 12 years in Southern California," says Al Swaine, another U.S. student. "Andrew Koryn is 35 and had owned the Westwood Pharmacy in Los Angeles. We sold our business and came here, though we knew it would be a tougher grind."

The Americans here recognize and accept the difficulties inherent in foreign study—except for the requirement that they spend as much as two years more in training than students back home before they can practice in the United States. "That's an arbitrary, unjustifiable rule of the AMA and its bedfellow organizations of the U.S. medical establishment," snorts Mr. Stowe. "It's a ludicrous situation."

The situation, in fact, has thrust the entire medical profession into a deep, bitter dispute. "We're really talking about preserving our high standards of health care," says Dr. C. H. William Ruhe, director of the AMA's Division of Medical Education. "This dispute could reduce our system of medical education to chaotic shambles."

The students are challenging the interdependent labyrinth of "autonomous" organizations that control U.S. medical education. They've filed a lawsuit in Federal court charging that the AMA, among other groups, discriminates in denying them the right to pursue their profession, and they've been lobbying—with some success—in Washington, D.C., and in several state capitals for new legislation.

At issue is the Educational Council on Foreign Medical Graduates' (ECFMG) requirement that foreign-educated students must qualify to practice medicine in the country where they studied before returning home. For students here that means completing a one-year internship and another year of social service—usually treating Indians, without facilities or supervision, deep in the mountainous Mexican hinterland. Only then can the student, after passing the ECFMG test, begin an internship in the states. He is then two years behind U.S.-educated students who finished medical school when he did.

Americans studying here want to eliminate those "wasteful" two years. Thus far they've convinced the state of New Jersey, which passed a law neatly circumventing the ECFMG requirement, and three hospitals in Toledo, Ohio, which see the students as the only way to fill internships that would otherwise remain empty—a common phenomenon these days.

IS THE TRAINING GOOD?

But the hospitals in Toledo and New Jersey may face severe problems. The students want to come to them because of the clinical training available in their internship programs. But the AMA and its kindred organizations may lift the accreditation of those internships precisely because they would be filled with "unqualified" graduates.

At the root of the complicated situation lies the basic question: How good a medical education does an American student receive abroad?

"Obviously it can't be as good down here," says curly haired John Wilson, who did his undergraduate work at Albright College in Reading, Pa. "We have 1,000 students using facilities that 70 or 80 would use in the states." Adds Gary Fitzgerald: "The education is comparable to that in the states, though the laboratory facilities won't be adequate until we move into the hospital in 18 months."

These students contend that they learn medicine even if their clinical experience is lacking. Clinical experience "is what internships are for," says Joe Sarrica, who studied in Paris before the student riots there in 1968 closed the school.

Living costs here are about half of what they are in the states, but school itself is no bargain. Tuition for Americans is $1,000 a semester, plus an initial enrollment fee of $1,000. Mexicans pay $300 a semester. "Certainly our tuition is helping to pay for the university's new campus, but it includes a first-rate medical school-hospital complex," adds Mr. Sarrica. American foreign-aid and foundation funds have helped the university expand to accomodate today's 9,000 students, up from 3,000 in 1965. It is a striking campus, reminiscent of such new campuses as the University of California at Santa Barbara.

At a meeting of the North American Student Association, formed to push for changes in the requirements U.S. students must meet in order to return to the states, about 400 Americans discussed strategy and future plans. "We simply want to be accepted as legitimate medical students," explains Michael Ritota, vice-president of the university's student association. "We'd like at least have the opportunity to take the examinations after we complete our four years here. If we qualified for entry to the states it'd be better than spending the next two years here gaining questionable experience and training."

When the ECFMG was established in the mid 1950s, it was to ensure that foreign doctors knew both English and medicine. Because of varying medical-education programs, the ECFMG required—and nearly all states went along—that a foreign-educated physician meet the requirements for licensure in the country where he studied before he could qualify to practice in America. "We could hardly rate all of the world's medical schools, which would be the only alternative," says the ECFMG's G. Halsey Hunt.

Toledo Says 'Welcome'

The ECFMG test, which U.S.-educated students don't take, is the only direct method of measuring foreign schools' quality. The Guadalajara Autonomous graduates and the Americans among them do about as well as do all applicants, including Americans, who take the semiannual test world-wide.

Last February 13,577 foreign-educated doctors took the test and 32.8 percent of them passed, the AMA reports. Of the 422 Americans who took it, 125—or 29.6 per cent passed. Sixty-eight Guadalajara graduates took it and 37 per cent passed. The 68 included 37 Americans, of whom 11, or 34 per cent, passed.

"It is highly questionable whether the two years in Mexico improves on these fellows' education," says Dr. Robert Smith of Toledo, the immediate past president of the Ohio State Medical Association. "The men have deficiencies in their clinical training, not their book learning. It makes sense to bring them into our hospitals here for training interns. We need them and they need us."

Three Toledo hospitals have selected about 35 Autonomous graduates to intern later this year, bypassing the ECFMG stipulation that they spend the two additional years in Mexico. "We've lost 24 physicians in Toledo in the past 18 months," explains Dr. Smith, "and it's critical that we get more doctors here. Our hospital internships will go empty without these men."

That's the crunch. The U.S. Public Health Service says the United States needs 50,000 more doctors. There are more aspiring physicians than spaces in U.S. medical schools. So students head to schools in Mexico or Europe and then want to return home as soon as possible. Hospitals need interns, so caught squarely in the middle are the AMA and the ECFMG, whose requirements are designed to protect medical standards.

Today hospitals can only accept state-licensed physicians as interns. Students from U.S. medical schools normally are licensed upon completion of their academic work, but foreign-educated students must first meet the ECFMG standards. If the Toledo hospitals, for example, take the "unqualified" Autonomous graduates, present strictures require withdrawal of accreditation of their internship and residency programs.

New Jersey's newly enacted law sets up state standards that bypass ECFMG standards. The AMA says that so long as New Jersey licenses its interns, all is fine. But the state is still working on the new law's fine points and is hesitant about licensing foreign-educated Americans before giving them more clinical training.

Dr. Ruhe says the AMA fears that each state may establish different criteria for qualifying interns. "That could create a chaotic situation," he says. A program is needed to give foreign-education students additional clinical training in this country, he adds.

"We've spent more time here [at the AMA] worrying about this than on any other facet of medical education," Dr. Ruhe says. He talks of getting U.S. medical schools to oversee clinical clerkship for these returning students, and he hopes to get that program started this fall. It might entail up to an extra year's training in U.S. hospitals.

The New Jersey law provides for up to six months of additional clinical training before foreign-educated students enter the internship itself. "We simply don't want to be wasting years down here, treating Mexicans without facilities or supervision," says Mr. Stowe. "That is hardly superior training and education."

While this dispute proceeds, the students' lawsuit against the AMA slowly moves through pretrial proceedings. The suit alleges that the AMA denies these students their Constitutional right to pursue their chosen profession. The students also keep lobbying in other states, such as California, Ohio, and New York, seeking legislation similar to New Jersey's.

"All of this can sound like we're really asking for special privileges," says Mr. Sarrica. "But we merely want to be able to compete with U.S.-educated students without having a couple of extra years tacked onto our educational experience. If we can't pass the state examinations or the ECFMG after our four academic years here, we're ready to continue our studies until we can. We want that equal opportunity, however."

SAD AND GLORIOUS ANNIVERSARIES OF THE BALTIC STATES

Mr. HUMPHREY. Mr. President, on June 15, 1940, the Soviet Union invaded the Baltic States of Lithuania, Lativia, and Estonia. Since that time these republics have lost all vestiges of sovereignty under the imposed rule of the Soviet Union.

Despite this flagrant violation of the principle of self-determination and human liberty, the people of the Baltic States have demonstrated their determination to carry on the struggle for freedom in their own country and abroad.

It is both fitting and proper that we pay our respects and lend our support to the aspirations of these great people. Their ceaseless affirmation of the right to self-determination demonstrates that the fight for independence did not end in 1776. It continues today and will continue as long as the cynical disregard for human liberty is practiced by governments.

I want to join the people of the Baltic Republics in commemorating June 15 as a day for mourning and as a day for courage. Sadly enough, it takes courage to be free, and even more spirit to endure in the shadow of freedom for 31 years.

MINORITY YOUTH UNEMPLOYMENT

Mr. BAYH. Mr. President, I commend to the attention of my colleagues the report and appeal for action by the 20th Century Funds' task force on unemployment of minority youth released today. This report outlines starkly the plight of our Nation's minority youth. Among black teenagers the unemployment rate as of March 1971, was 30.3 percent. In low-income areas the figure is a staggering 41.2 percent. Even more shocking, the unemployment rate among black female teenagers has frequently been as high as 50 percent in recent years.

This report suggests to me that the public service employment bill now in conference is only a very small first step in the effort which we must make to provide desirable employment and career opportunities for black youth. Instead of discussing a veto of the public service employment bill the President should be urging us to expand manpower programs so that all who want jobs can find them. We must create and expand programs of child care, family planning, and part-time employment opportunities for young women who are out of work and out of school.

Above all, this effort will require a commitment which all too few of us have shown in the past toward solving the problems of a large and important segment of our society. I hope that this report by the 20th Century Fund will call the attention of the President and the Congress to the plight of minority youth in America.

Mr. President, I ask unanimous consent that the report of the 20th Century Funds' task force on unemployment of minority youth be printed in the RECORD.

YOUTH UNEMPLOYMENT: CRISIS IN THE CITIES

(A critical report and urgent appeal for action by the Twentieth Century Fund's Task Force on Unmeployment of Minority Youth.)

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When hope dies, its heirs are desperation and despair. A decade has passed since Dr. James B. Conant first warned of the "social dynamite" planted in our cities by the enforced idleness and empty expectations of hundreds of thousands of young people. By now, Conant's "hundreds of thousands" of the workless without hope have multiplied; in the hot summers the dynamite frequently explodes; and his warning has not yet been heeded.

Another summer is upon us. The schools are closing but the streets are open. The dynamite is there in critical mass.

At the height of this country's economic boom in 1969, more than one out of four nowhite male and female teenagers in the central cities of our twenty largest metropolitan areas was unemployed. This was about seventeen times the unemployment rate of 1.5 per cent for white males in the entire country.

Since 1969, the softening economy has led to a serious deterioration in the overall employment situation. But its effect on black youths has been a disaster. There are about 1.2 million black teenagers and 1.3 million blacks between the ages of twenty and twenty-four in metropolitan areas with over 250,000 population. As against a white adult unemployment rate of 5 per cent in March, 1971, the overall rate of black teenage unemployment was 30.3 per cent—or six times greater; in the poverty areas it was 41.2 per cent. For black adults between the ages of twenty and twenty-four, the unemployment rate was 16.5 per cent.

Even so, the official figures do not portray the extent of the problem. An additional number of the ghetto jobless are never found by the enumerators. At the very least, 100,000 young black people—a most conservative estimate—have given up hope and have stopped looking for jobs.

A step above the dropouts from the labor market and the unemployed are those who have found jobs. But for many the step leads no higher. Their jobs provide fewer hours of work than those of whites, less pay, little permanence and fewer prospects for advancement. Delayed, in some instances, but not in the end denied, they have not escaped the frustration of a dead-end work life.

Compounding the hardships of slack in the job market and the handicap of race is the sex disadvantage with which black women must contend. They are held back by multiple layers of discrimination. The highest unemployment rates of any group are those for black female teenagers in low income areas of central cities. Their unemployment rate in recent years has seldom been below 33 per cent and is often as high as 50 per cent.

A growing minority of black youth now have the preparation to enter and complete junior or senior college or to acquire a manual or technical skill that can aid them in a job search. But they too continue to face major discrimination in the world of work, which takes its toll by forcing them to accept jobs at lower incomes, with less opportunity for advancement than the jobs for which they are qualified.

While many black youths in urban ghettos are on tracks that do not lead into society's mainstream of legitimate gainful activity, their rural brothers in the farmlands and small towns of the South have even fewer employment prospects.

After Dr. Conant's warning, two factors decelerated but did not negate the growth of black youth unemployment. One was the economic expansion of 1961–69, the longest in our history, which generated an average of 1.5 million new jobs each year. The other was the expansion of the armed services which drew more than a million additional young men, many black, out of the labor force. But the moderating influence of these factors no longer exists. Now, opposite trends are at work. Our economy is haltingly recovering from a recession, and the present national unemployment rate is over 6 per cent, with little short-run prospect of dropping. This level further diminishes the opportunities for black youths whose hardships were crippling even while the boom was in full swing. Moreover, great numbers are pouring into the labor market from an accelerated demobilization of the armed forces while the draft draws fewer and fewer out, leading to intensified competition for the fewer jobs available.

The urgent problem of race in a surplus and discriminatory labor market is daily growing more acute. More young black people will enter the job market in the decade ahead, and they will represent a higher proportion of all new entrants than they did in the past. Teenagers among blacks and other minority groups will increase from about 2.1 million in 1970 to 2.6 million in 1980—a gain of 24 per cent. Among young adult blacks aged twenty to twenty-four, the projections show an increase from under 2.2 to about 3 million—a gain of 36 per cent.

Only at the gravest peril to our society can the American people continue to ignore the growing frustration, despair and hostility that characterize more and more young black people. After a childhood and adolescence stunted by deprivation, rejection and neglect, these young people want the opportunity to support themselves and live useful lives. But, as the reports of the Equal Employment Opportunity Commission and other government agencies underscore, many desirable training and employment opportunities remain closed to black youth.

Many black young people have grown up in households with only one natural parent. They have lived in slum housing in slum neighborhoods where violence and crime are commonplace. They have attended schools where teachers do not teach them, where the curriculum is irrelevant and where there are no performance standards. The family that should have nurtured them, the school that should have instructed them, the community that should have opened opportunities for them, the democratic society whose professed faith should have encouraged them—all have failed. They reach adulthood with one basic achievement not to be despised: they have survived their environment.

What they most need is a second chance to find themselves, to fit into a society which, through neglect—or worse—has seriously handicapped them. If there are walls they cannot scale that keep them out of jobs or confine them to the drudgery of ill-paid dead-end work, then they are doomed to live permanently as marginal workers, to exist forever on welfare, to dwell in the twilight zone of illegal employment or to exist as criminals in and out of prison. A society that turns its back on them invites only the enmity of the young and puts its own future in grave jeopardy.

To be black in a society that is only slowly shedding its racist past is a handicap. To be poor in a society where the important developmental opportunities that parents provide for their children depend on money is a handicap. To be female in a society that continues to treat girls and women as inferiors is a handicap. As if the lack of social justice was not enough, the disequality creates a malignancy that puts at risk the established social order.

The American people have not been willing to respond to the Randolph-Rustin Freedom Budget of some years ago that called for investing $100 billion over ten years to rebuild the ghetto areas and to relocate the adults and children who were trapped in them. Instead, there is now another modest federal gesture acknowledging that the hot summer approaches. In early spring, the President requested a supplemental appropriation of $64.3 million for summer jobs for 514,000 young people. Congress, at the end of May, voted $105.0 million for 609,000 jobs. About 40 per cent of the young people who will get summer jobs under this program will be black or other minority youth in low income areas of our large cities. While these young people will get a little work experience and a few may even acquire modest skills on these summer jobs, most of them will profit primarily from the approximately $350 that they can earn if they work the entire summer, giving them and their families a little extra cash. This annual pattern of pseudo-resolution of the crisis is now well established.

The President, the Congress and the American people hope that with money in their pockets the summer workers will not take to rioting. But large numbers of black youths will be left without jobs and income; the private sector is not able to come even close to meeting the needs of those who will not be federally employed.

II

The absence of desirable employment and career opportunities for large numbers of black youths is a failure that our society must correct without delay. There is urgent need for constructive action because of the widening gap between the expectations of black youth for full participation in American society and the realities of their continued exclusion, deprivation and discrimination. Over the longer term, the American people must address themselves with even greater seriousness to those defects in our institutions that have created and continue to enlarge the problem. An analysis of these defects and the Task Force recommendations for their remedy are in the following sections of this report. Here, the Task Force strongly urges immediate, priority actions:

The establishment of public service jobs for all young people who are unable to secure employment in the private sector.

Adequate funding for antidiscrimination efforts in federal, state and local governments to speed the removal of all arbitrary racial, ethnic and sex barriers.

The expansion of services, including child care and family planning, and of part-time employment opportunities for young black women who are currently out of school and out of work.

These actions are urgently required not only on grounds of justice and equity to the black community but also to ensure that our society does not become the target of those who see no alternative to violence to secure their rights.

III

Our social and economic institutions are defective in several ways:

The national economy has consistently failed to generate a sufficient number of jobs at adequate wages for all who want to work. There remains a wide gap between the promise in the Employment Act of 1946 and its fulfillment.

In allocating jobs, especially the better ones, our society has consistently discriminated against black people. More than a hundred years after the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution, black people are still denied equal treatment in every sector of our national life—where they are permitted to live, the schools they attend, the hospitals that treat them, their encounters with the police and the courts.

The educational system permits a disturbingly large number of black and other minority young people to drop out or graduate without the minimum skills they need to qualify for the wide range of desirable jobs.

Our society lacks effective developmental institutions for adolsecents who need an alternative to formal schooling.

Our mechanisms to facilitate the transition of young people from school to work are ineffective.

If alternative supplies of labor are available, employers are unwilling to hire young people or hire them primarily for dead-end jobs that provide little training or that contribute little to the development of good work habits.

IV

To remedy these serious institutional defects, the Task Force makes the following policy recommendations:

A REALISTIC PROGRAM OF YOUTH CONSERVATION

1. On the basis of the nation's recent experience, we conclude that the establishment and maintenance of a continuing high level of employment is an essential pre-condition for sustained progress in improving the job and career opportunities of all youth, particularly black youth. But even if the country were willing to tolerate rapid price rises as the cost of a continuing high level of employment, such a policy still would not generate an adequate number of jobs for teenage and young adult workers, particularly those who belong to minority groups. Accordingly, we recommend that Congress enact legislation creating a substantial number of public service jobs that, through an educational and training component, can lead to career advancement. We also propose that, as the country gains experience with this new program, public service employment be provided for all young people who seek full-time employment and cannot find jobs in the private sector. An economy that generates a trillion dollars GNP has the competence, if it can find the will, to create useful work for all who are forced to be idle.

2. To be black means to be the victim of discrimination. Young black people have seen their parents denied jobs, promotions, stability of employment and access to fringe benefits for no other reason than the color of their skin. They in turn face discrimination with the same destructive consequences for themselves and their children unless and until society moves energetically to reduce and eliminate it. We therefore recommend a redoubling of efforts to eliminate discrimination in employment by the following actions: Congress should grant the Equal Employment Opportunity Commission the right to issue cease and desist orders; Title VII of the Civil Rights Act of 1964 should be amended to remove the exemption of state and local government from the provision of the act; federal, state and local legislative bodies should increase their funding to antidiscrimination agencies so that they are better able to carry out their missions; private and nonprofit employers should devote more time and effort to ensuring that their organizations adopt strong affirmative action programs and see to it that they are implemented by middle and first-line management.

3. Large employers, public as well as private, must consider more than they have in the past the effect of locational decisions on employment opportunities for black workers. A decision to move from the central city to a suburb may have the same effect as hanging out a sign "no blacks wanted" if blacks have no ready access to the location. Where interurban transport is in place, it is essential that the responsible agencies establish schedules to facilitate travel by city residents to suburbs, and where it is lacking they must explore the feasibility of establishing special bus routes.

The federal government, with the assistance of state governments and private sector enterprises, must facilitate the building of more low-income and middle-income housing outside the central cities and assure that blacks and other minorities have access to it. Such action is essential to ensure that minority group members are not cut off from many desirable job opportunities.

Because of our conviction that, if discrimination in employment against blacks could be eliminated, a large part of the adverse labor market experience of black youth would disappear, we want to call attention to further remedies: The federal government can do much more than it has yet done through its Office of Federal Contract Compliance to insist through the use of statistical guidelines and other objective measures that contractors intensify their affirmative action programs to open opportunities for black workers. The same holds for the additional leverage that the federal government can exert through a stricter enforcement of its policy of nondiscrimination in its grant-in-aid programs, which total over $30 billion annually. We do not want to convey the impression that no progress is being made by the federal government in eliminating discrimination in employment. But we agree with the imagery of Theodore M. Hesburgh, chairman of the U.S. Civil Rights Commission, and urge that the dinosaur be prodded so that it will open its eyes. In matters of law enforcement, and certainly national leadership, the federal government must be out in front or the country will not follow.

4. Many young black women are particularly victimized because, in addition to the handicaps of race and low income, they face sex discrimination in terms of the jobs available, the wages paid and opportunities for advancement. The highest unemployment rates of any group are those for black female teenagers in low income areas of the central cities. But many young female adults suffer additional handicaps. One of every four black women aged twenty to twenty-four is an unmarried mother, and in low income areas of our large cities a third of all who have been married do not live with a spouse. Since many young black women leave high school because of pregnancy, we recommend that the educational authorities make special efforts to enable these young women to continue their studies during pregnancy and facilitate their return to school after the birth of their children. Without a high school diploma, most of these young women will have no opportunity to prepare themselves for a desirable position in an increasingly white collar economy. To return to school or to obtain employment, these young women need ready access to child care facilities that are totally or substantially government subsidized. So we recommend, that federal, state and local authorities, in cooperation with private and nonprofit organizations, assess the financial and other obstacles to a rapid expansion of child care facilities with the aim of removing them. Moreover, since young women with children may not be able to accept full-time employment, the federal government, in association with state and local government, should seek to create part-time public service employment in or near low-income areas so that these young mothers can receive some training and experience in working and earning income, which could be the first step in linking them to the world of work. Many of these young women need information about and access to birth control and family planning services and, in the states where the laws permit, access to facilities for termination of pregnancy. We recommend that the educational, health and welfare authorities and other interested public and private organizations cooperate on the design and implementation of effective programs of family planning services and

see that they are made available to all young people in the community.

5. Because there are a large number of dead-end jobs in the American economy and because there are barriers that thwart the attempts of workers to move from low-paying to better jobs, the Task Force recommends that all employers—private, nonprofit and government—on their own, and in association with trade unions and educational and training institutions, seek to improve the productivity of low-paying jobs through capital investment, job redesign, and improved management so that wage rates and earnings can be raised; build career ladders to facilitate the movement of workers from low-paying to better jobs; and provide educational and training opportunities so that poorly paid workers can, by improving their skills, gain access to better jobs in their present or related occupations.

6. While more and more young blacks are graduating from high school and college, their educational attainments continue to trail those of their white peers. In addition to this competitive disadvantage, many black youths finish high school poorly prepared to enter white collar employment, particularly jobs that require language and numerical skills. Many words have been written during the past years on where the blame lies. The favorite explanations run from too little money spent on education, through hostile teachers and administrators, to lack of parental involvement and support. Putting these explanations to one side, the Task Force underscores its conviction that more effective educational preparation could contribute to easing the employment problems of black youth. To this end it recommends that more attention be paid to teaching the basic skills of reading and writing in pre-school and early school years through greater parental involvement, more tutoring, curriculum reform, and other approaches that are found effective. It urges more experimentation with open schools at junior and senior high school levels so that young people can build on their interests and capacities rather than follow a rigid curriculum that lacks meaning and relevance for them.

Greater use is indicated of such mechanisms, as in California, whereby minority youth in college are hired as tutors and counselors to help younger persons who need assistance in their studies and career planning. The quality of vocational and technical training available to high school students and dropouts should be improved through a strengthened system of vocational training, through providing those who are qualified access to selected vocational courses in community colleges and through permitting, indeed encouraging, black youth to enter the more desirable programs.

7. About two out of five young people in low income areas of our cities drop out of junior high school without earning a diploma, many others obtain a diploma that attests more to their acceptable behavior than to the skill and competence they have acquired. This low ratio of minority youth who graduate with real competence underscores the lack of fit between the educational system and the large numbers of young people whom it seeks to serve. One important arena of reform would be for employers, labor unions, and the educational authorities to cooperate in bringing about a substantial expansion of work/study, cooperative and related programs should take the junior and senior high school student—as well as the junior and senior college student—out of the classroom into the world of work for part of the day, week, month or term. Although successful cooperative programs require the active participation of employers—and in this connection, government and nonprofit institutions as well as the private sector offer potentialities—the major drawback to date has been inadequate funding and poor educational planning and supervision. Cooperative programs will prove beneficial only if they are considered first and foremost as educational programs with work experiences closely related to educational goals and only secondarily as work and income-earning experiences.

8. The states and the federal government passed many statutes in the early 1900's limiting the conditions under which young people and women were permitted to work, the length of the working day and week and the equipment they were permitted to handle. With the passage of time, changes in technology and altered conditions of the workplace, some of this protective legislation has come to impede the employment of young people. We recommend that the Secretary of Labor initiate a comprehensive review of federal and state legislation and regulations and administrative interpretations of them as they affect the employment of youth. This review should lead to the provision of revised guidelines for the benefit of legislative and administrative agences to protect youth from exploitation while broadening their opportunities. Specifically, we recommend that by evaluating the experimental programs currently under way careful consideration be given to lowering the age at which young people are permitted, as part of an educationally sponsored program, to work at fourteen or fifteen; to exploring the potentialities of streamlining the issuance of work permits in view of the fact that in 1969 employers used only 42 per cent of the 36 million man-hours authorized; and to reassessing whether the broad prohibitions on the use by youth of power machinery is not unnecessarily restrictive under present safety regulations.

9. Ours may be termed a "credentialed" economy. More and more of the preferred jobs are open only to persons who have acquired the appropriate degree, diploma, certificate or license. One estimate indicated that in the New York City labor market alone some form of licensing was required for close to a million jobs. Minority youth are kept out of many desirable jobs and career opportunities by educational, certification and testing requirements that have their roots in discriminatory cultural traditions as well as in employer error or prejudice or professional or trade union efforts to control the labor supply.

We recommend that state and local legislative bodies review their licensing structures and procedures to assure broader representation of public members, including representation from minority groups; removal of arbitrary obstacles to certification, including high fees for licensing examinations; and restraint in establishing licensing requirements for additional occupations, unless careful study indicates a need. Further, various leadership groups such as trade associations, international trade unions and civil service commissions should encourage their constituent organizations to review their formal educational requirements for employment with the aim of eliminating requirements that are not work related and that are therefore discriminatory. Finally, employers should give more weight to work experience while credentialing bodies should provide credit for many types of work experience.

10. The manpower training programs financed by the federal government have expanded rapidly since the passage of the Manpower Development and Training Act in 1962. Total federal spending for manpower services approximate $3 billion annually. Of the approximately 1.3 million persons enrolled in these programs in 1970, black youth under twenty-two years of age accounted for about 450,000, or more than one-third. We recommend the following changes in manpower programs so that they can contribute more effectively to the employability and career development of black youth. Specifically, the federal government should link training to a job by providing assurance that a young person who satisfactorily completes a training program and cannot find a position in the private sector because of slack demand will be placed in a public service job where he can add to his skills while earning a wage. It is destructive to an individual's morale to encourage him to take a training program which does not lead to a job. The Neighborhood Youth Corps for in-school youth should be expanded and planned on a year-round basis as a structured educational-work experience program. The newly reconstituted Job Corps in urban settings, both residential and nonresidential, must make special efforts to provide their trainees with useful skills, to place their graduates in jobs and to follow them up to see whether their costly training is reflected in higher earnings and job advancement. Because of the high per capita costs in training Job Corps youngsters, it is all the more important to ensure that the training leads to the acquisition of useful skills and employment opportunities.

A hard look at the Work Incentive Program is essential. About 20 to 25 per cent of the mothers receiving some support under the Aid for Dependent Children program are under twenty-four years of age. Moreover, there are many adolescent children in families on welfare. If the Work Incentive Program were to concentrate on improving the employability of these young people, the results might prove more encouraging than the efforts to date.

11. Many young black men and a small number of young black women enlisted during the past two decades in the armed forces to acquire more education and training and to explore whether they might make a career in the military. Since the acceleration of fighting in Vietnam, which coincided with the rise in black consciousness, fewer blacks have looked with favor on the military as an environment in which to seek training or long-term employment. However, under a directive from the Secretary of Defense in 1966, the armed services have drafted or enlisted large numbers of black men who formerly would not have passed military screening requirements. Present military planning contemplates the suspension of the draft by no later than July 1, 1973, and a concurrent substantial reduction in force levels; as a consequence, the armed forces are presently acting to reduce the inflow of low-score men, of whom many are black youth. We recommend that the armed forces, as the single largest employer in the country, avoid using their prospective personnel stringency as an excuse to reject black youth who, despite low scores, could perform effectively. We also recommend that when the fighting in Vietnam ceases, Congress consider a special appropriation to the armed forces for men whom they would not otherwise accept, so that these men could receive training that might be equally beneficial to the reserves and to the civilian economy. The armed forces have a unique training capability which, in the absence of active fighting, should be used to the maximum.

12. It has long been recognized that poverty and crime are closely linked. The additional tensions under which minorities live, especially in crowded cities, contribute to crimes against persons. When the New York State Advisory Committee to the U.S. Civil Rights Commission held hearings in Harlem a few years ago, the dominant request of local witnesses was for more police protection. The merchants complained bitterly that they had to close their shops before dark because of the danger of burglary. Poor neighborhoods need more and better police protection.

In many low-income areas, young people recognize that the man with money is often involved in illicit or illegal activities—numbers, drugs, prostitution, the resale of stolen goods, racketeering. There is scattered evidence that many young men, probably one to two out of five in urban slum areas, realizing that they have little or no prospect of getting a decent job and earning a decent income, drift into illicit and illegal activities. But those who are apprehended, as well as those who are convicted, need rehabilitation, not punishment. We recommend more reliance on probation for first offenders with linkage to training and employment programs, such as the Manhattan Court Project in New York City. In addition, appropriate training for those who are sentenced to jail or prison and better placement services after they are released are essential. To this end special efforts must be made not to divulge the sealed proceedings against juveniles and to eliminate questions from employment applications dealing with arrests that did not lead to conviction. Moreover, community leaders should strive to reduce the arbitrary exclusion of former prisoners from many desirable types of employment. Our present practices with respect to law enforcement are injurious to the community as well as to the delinquent and the criminal.

13. During the 1960's we inaugurated many different experimental and operating programs that impinge on the education, training and development of young people and seek to broaden their options in the transition from adolescence to adulthood. Many young people, both effluent and poor, have broken out of the institutional confines that have held them prisoner for so long. Street academies, college discovery programs, communes, street people, the Peace Corps, Vista and the Teacher Corps suggest the breaking of the mold. But the fact remains that American society lacks the range and variety of development opportunities responsive to the unmet needs and changing values of young people during their exploratory years, many of whom remain in school until age twenty-four or even later. Young people need a varying diet of education, training, work, income, leisure and exploration to develop their potential and to help them to find themselves. We have no simple prescription for how these broadened opportunities can best be provided. But we recommend the following lines of action: easier ways to drop out without prejudice and to return to school: more opportunities for young people to enter painful employment as part of a structured educational and training experience; more governmental and voluntary programs that offer young people opportunities for worthwhile public and community service as part of their educational-training-maturational development. Young people from affluent homes enjoy many of these broadened options. It is essential that more poor minority youth have the same opportunities. Black youth will face special hardships even if the American people take action to accomplish urgently needed reforms. They will be frustrated to the point of explosion if the nation fails to fulfill its commitment to provide them with equality of opportunity.

GROWTH CENTER DEVELOPMENTAL HIGHWAY PROGRAM

Mr. HUMPHREY. Mr. President, included in the Federal Aid Highway Act of 1970 was a new section providing for a demonstration program of economic growth center development highways. Specifically, the program is designed to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of environment.

Specifically, this section of the Highway Act:

First, requires the Secretary of the Department of Transportation to develop criteria for economic growth centers having a current population of less than 100,000 people;

Second, requires that projects must be on the federally aided primary system;

Third, requires that each Governor identify and select economic growth centers within his State and establish priorities for the construction of development highways to serve such centers and submit his recommendations relating thereto to the Secretary of the Department of Transportation.

Fourth, permits the Department of Transportation to pay up to 100 percent of the cost of engineering and economic surveys necessary for the planning and design of the development highways;

Fifth, allows the Federal share of the cost—usually 50 percent—for such projects to be increased by an additional 20 percent up to a maximum of 95 percent.

Sixth, requires that projects under this section must promote the aims and purposes set forth in the section and economic growth centers selected must meet such criteria as the Secretaries of the Departments of Transportation and Commerce determine or deem necessary;

Seventh, stipulates that proposed projects that are within the Appalachian region or any of the title V commissions—under the Public Works and Economic Development Act of 1965—cannot be approved by the Secretary of the Department of Transportation until he has consulted with the Federal cochairman of the region and the Secretary of Commerce;

Eighth, provides for $50 million authorization for fiscal year 1972 and another $50 million for fiscal year 1973; and

Ninth, limits the allocation to any one State to not exceed 15 percent of the total authorization for the program.

As you can see, this program reflects the Congress growing concern regarding the development of a balanced national growth policy in the United States. Programs such as this are further evidence of the willingness of Congress to act in working toward such national objectives. I am sorry to report, Mr. President, that the same cannot be said for the administration in this regard. We have heard many fine words and read many inspiring statements issued by the White House regarding "national growth" policy, but have seen little or no action.

In fact, the administration not only opposed the growth center developmental highway demonstration program when it was first proposed in the House, but further has requested only $10 million of the $50 million authorized for the program for next fiscal year. I would urge, Mr. President, that the Congress appropriate the full $50 million it authorized for this program.

It also has come to my attention, Mr. President, that the Secretary of Transportation, in his instructional memorandum to Governors and State highway departments, is planning to fund at least one demonstration effort under this program in each of the 50 States. This would probably mean, under the formula usually applied in such cases, that the allocation to the States for individual projects will probably range from $100,000 to $3 million each. Despite the fact that these moneys can be used to piggyback regular federally aided highway projects, $10 million or even $50 million will not buy much of a meaningful demonstration program if spread among all 50 States.

The Secretary of Transportation should avoid diluting the purpose of this program in such a manner. While he may feel compelled to spread these moneys around to all States in the hopes of making everyone happy, he fails to recognize that most Governors would rather see these moneys used effectively in a few places than spread too thinly in many places which is likely to defeat the purposes of the program. It has been my observation that Governors, mayors, and other State and local government officials are getting tired of being enticed to participate in Federal programs only to discover, once involved, that not enough resources are available to get the job done.

I should further like to call to your attention, Mr. President, that Secretary Volpe apparently expects most of the $10 million that he has requested for this program next fiscal year to be expended for engineering and economic studies, with little or no money being expended for developmental highways themselves. Again, I would like to recommend that the full $50 million be appropriated and expended for fewer projects next fiscal year than what the Secretary apparently has in mind. I believe if this is done, less money would be required for such studies—most of which will probably go to consultants—and more can be devoted to producing some genuine, worthwhile demonstration projects that will produce the kind of results that the Congress obviously desired when it enacted the program. There is nothing in the law that requires that the money authorized be allocated to all or nearly all States.

Mr. President, as chairman of the newly established Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry, I am deeply interested in programs such as this developmental highway program. My fellow colleagues on the committee and I will be following the progress of this program very closely. Hopefully, the results of this program will provide important guidance for us in the future regarding the role that highways can play in stimulating desired economic and population growth patterns throughout rural America.

SCHOOL INTEGRATION

Mr. RIBICOFF. Mr. President, for the past 18 months the Senate has been struggling with the problem of school integration. Figures released yesterday by the Department of Health, Education, and Welfare document more clearly than ever before that the North and the South are the proverbial ships passing in the night, the South on the way toward integration, the North moving toward total separation of the races.

It is time to stop arguing about the magnitude of the problem and begin addressing ourselves to its solution. The increasing concentration of blacks in central cities throughout the South as well as the North makes it clear that we will never solve this problem until we integrate our schools on a metropolitan-wide basis and until we focus our attention on residential integration as well. Our schools can no longer bear the brunt of integration by themselves.

Because of the importance of these statistics, I ask unanimous consent that an article in this morning's New York Times by John Herbers interpreting the figures together with the tables from HEW be printed at this point in the RECORD.

There being no objection, the article and tables ordered to be printed in the RECORD, as follows:

SOUTH INTEGRATES SCHOOLS AS NORTH LAGS

(By John Herbers)

WASHINGTON, June 17.—In the last two years, public school integration has increased dramatically in the South while it has shown a significant decline in most of the large Northern cities.

The data, contained in a survey released today by the Department of Health, Education and Welfare, show that of the total number of Negro students in the nation the percentage attending majority white schools increased from 23 to 33 per cent between the fall of 1968 and the fall of 1970.

But the increase was attributable almost wholly to the rapid rise in the South. In the 11 states of the Old Confederacy, the percentage of Negroes in schools with a white majority increased from 18 to 39. In the Northern and Western states, integration remained about steady at 27 per cent, with gains in some areas being offset by declines in big cities.

In New York, for example, where blacks make up 34 per cent of the school population, the percentage of Negroes in majority white schools declined from 19.7 to 16.3 between 1968 and 1970. In Detroit the percentage dropped from 9 to 5.8; in Philadelphia, from 9.6 to 7.4; in St. Louis, from 7.1 to 2.5; in Boston, from 23.3 to 18; in San Francisco, from 15.4 to 14.2, and in Minneapolis from 70.8 to 57.6.

Some large Northern cities showed a slight increase. In Newark, for example, where 72 per cent of the school population is black, the survey showed that in 1968 2.1 per cent of the blacks were in majority white schools. Now the percentage is 2.9. Others decreased only slightly, like Chicago, which went from 3.2 to 3.

But the over-all trend in the Northern cities was down while the trend for both cities and rural areas in the South was up. Among the nation's 30 largest school districts, only Southern and some Western districts showed significant improvement in the picture of racial isolation.

Until 1968, nobody knew the extent of school integration and its trends on a state-by-state and city-by-city basis. That year, and again at the beginning of the current school year, H.E.W. surveyed all school districts enrolling 3,000 or more students and conducted a sampling of smaller districts.

Preliminary figures for the fall, 1970, survey were released on a national and regional basis in January. The final figures, which showed little change, and the detailed breakdown were released today.

Thus, they provide the first complete comparative data as to the extent and trends of school integration.

The figures show that while civil rights laws and court decisions have been effective to a large degree in the South, neighborhood segregation appears to be increasing in Northern cities and black populations were increasing in the central cities.

SOUTHERN REACTION SEEN

Disclosures in the survey are likely to step up the complaints of Southern members of Congress that their region is being required to go further than the rest of the nation in racially balancing the schools. Government efforts in the areas have been directed largely against the states that once practiced segregation by law and policy.

Efforts in Congress to require racial balancing of districts where there was no overt ordering of segregation have failed. The Nixon Administration is now pushing legislation to provide $1.5-billion to support integration steps in the North and South.

The survey measures the extent of integration in several ways. The most significant measure, from both an educational and social point of view, is believed to be the percentage of blacks in schools having at least 50.1 per cent whites.

In addition to a complete state-by-state breakdown, H.E.W. compiled similar tables for the 100 largest school districts. The survey shows further that there are now 17 large cities with majority black public school students.

IN CITIES LISTED

These are Chicago, 54.8; Detroit, 63.8; Philadelphia, 60.5; Baltimore, 67.1; Cleveland, 57.6; Memphis, 51.6; Washington, 94.6; St. Louis, 65.6; New Orleans, 69.5; Atlanta, 68.7; Newark, 72.2; Kansas City, 50.2; Oakland, 56.9; Birmingham, 54.6; Richmond, 64.2; Gary, 64.7, and Compton, Calif., 83. Most showed an increase in black percentages from 1968.

An illustration of what has happened nationally can be seen by comparing Mississippi to some Northern states. In 1968, Mississippi had only 6.7 per cent of its Negro students in white majority schools. By 1970 the percentage had increased to 26.4 per cent, surpassing California, Illinois, Michigan, Missouri, Pennsylvania and Wisconsin.

In the 10 other Southern states, the integration gains over the two years were: Alabama 8.3 to 36.5 per cent. Arkansas 22.6 to 43, Georgia 14 to 35.9, Louisiana 8.9 to 31.2, North Carolina 28.3 to 54.1, South Carolina 14.2 to 44.8, Tennessee 21.2 to 32.3, Texas 25.3 to 34.9, Virginia 26.9 to 41.4, and Florida 23.2 to 48.4.

TABLE 1-A.—NEGROES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

State	Total pupils	Negro		Negroes attending minority schools—													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43, 353, 568	6, 282, 173	14.5	1, 467, 291	23.4	4, 814, 881	76.6	4, 274, 461	68.0	4, 041, 593	64.3	3, 832, 843	61.0	3, 331, 404	53.0	2, 493, 398	39.7
1970	44, 877, 547	6, 707, 411	14.9	2, 223, 506	33.1	4, 483, 905	66.9	3, 311, 372	49.4	2, 907, 084	43.3	2, 563, 327	38.2	1, 876, 767	28.0	941, 111	14.0
Alabama:																	
1968	770, 523	269, 248	34.9	22, 308	8.3	246, 940	91.7	246, 356	91.5	245, 861	91.3	244, 693	90.9	243, 269	90.4	230, 448	85.6
1970	786, 975	269, 995	34.3	98, 609	36.5	171, 386	63.5	130, 020	48.2	119, 042	44.1	104, 940	38.9	80, 651	29.9	53, 954	20.0
Alaska:																	
1968	71, 797	2, 119	3.0	2, 119	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	78, 138	2, 146	2.7	2, 140	99.7	6	.3	0	0	0	0	0	0	0	0	0	0
Arizona:																	
1968	366, 459	15, 783	4.3	5, 272	33.4	10, 511	66.6	6, 397	40.5	5, 093	32.3	4, 349	27.6	3, 344	21.2	790	5.0
1970	433 595	16, 892	3.9	5, 439	32.2	11, 454	67.8	7, 156	42.4	4, 921	29.1	3, 753	22.2	3, 033	18.0	424	2.5
Arkansas:																	
1968	415, 613	106, 533	25.6	24, 091	22.6	82, 442	77.4	79, 787	74.9	79, 204	74.3	78, 901	74.1	77, 703	72.9	75, 797	71.1
1970	430, 100	106, 099	24.7	45, 583	43.0	60, 516	57.0	23, 127	21.8	19, 618	18.5	16, 450	15.5	10, 762	10.1	9, 132	8.6
California:																	
1968	4, 477, 381	387, 978	8.7	87, 255	22.5	300, 723	77.5	240, 444	62.0	215, 253	55.5	185, 562	47.8	115, 890	29.2	27, 986	7.2
1970	4, 550, 501	416, 757	9.2	107, 429	25.8	309, 328	74.2	240, 704	57.8	214, 641	51.5	194, 486	46.7	117, 598	28.2	20, 886	5.0
Colorado:																	
1968	519, 092	17, 797	3.4	5, 432	30.5	12, 365	69.5	9, 691	54.5	8, 193	46.0	8, 017	45.0	2, 862	16.1	0	0
1970	536, 237	19, 014	3.5	9, 517	50.1	9, 497	49.9	6, 971	36.7	5, 829	30.7	5, 332	28.0	947	5.0	0	0
Connecticut:																	
1968	632, 361	52, 550	8.3	22, 768	43.3	29, 782	56.7	17, 919	34.1	13, 707	26.1	9, 601	18.3	2, 254	4.3	328	0.6
1970	654, 024	58, 617	9.0	25, 477	43.5	33, 140	56.5	21, 272	36.3	15, 328	26.1	12, 469	21.3	5, 838	10.0	0	0
Delaware:																	
1968	123, 863	24, 016	19.4	13, 025	54.2	10, 991	45.8	6, 610	27.5	5, 177	21.6	5, 177	21.6	953	4.0	0	0
1970	132, 560	27, 319	20.6	14, 981	54.8	12, 338	45.2	8, 179	29.9	5, 825	21.3	5, 110	18.7	1, 222	4.5	0	0
District of Columbia:																	
1968	148, 725	139, 006	93.5	1, 253	.9	137, 753	99.1	134, 166	96.5	130, 958	94.2	123, 939	89.2	95, 608	68.8	37, 701	27.8
1970	145, 330	137, 502	94.6	1, 674	1.2	135, 828	98.8	133, 421	97.0	130, 688	95.0	127, 792	92.9	95, 261	69.3	46, 117	33.5

Footnotes at end of table.

TABLE 1-A.—NEGROES BY STATE—Continued

[Number[1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Negroes attending minority schools—													
		Negro		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
State	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Florida:																	
1968	1,340,655	311,491	23.2	72,333	23.2	239,158	76.8	229,946	73.8	227,563	73.1	224,729	72.1	215,824	69.3	184,074	59.1
1970	1,437,554	332,238	23.1	160,883	48.4	171,355	51.6	109,530	33.0	87,404	26.3	72,716	21.9	51,025	15.4	32,716	9.8
Georgia:[2]																	
1968	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	266,058	84.5	263,613	83.7	262,689	83.4	259,891	82.5	240,532	76.4
1970	1,098,990	365,223	33.2	131,049	35.9	234,174	64.1	143,839	39.4	125,968	34.5	112,469	30.8	92,949	25.4	61,468	16.8
Idaho:																	
1968	174,472	415	.2	415	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	174,556	432	.2	432	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Illinois:																	
1968	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	312,515	76.9	298,542	73.5	294,066	72.4	252,225	62.1	156.869	38.6
1970	2,310,784	421,430	18.2	60,412	14.3	361,018	85.7	327,127	77.6	316,258	75.0	300,261	71.2	253,517	60.2	152,744	36.2
Indiana:																	
1968	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	58,899	55.5	51,155	48.2	46,208	43.5	37,664	35.5	13,597	12.8
1970	1,229,518	109,978	8.9	33,360	30.3	76,618	69.7	60,342	54.9	52,917	48.1	45,432	41.3	32,311	29.4	15,302	13.9
Iowa:																	
1968	651,705	9,567	1.5	6,994	73.1	2,573	26.9	876	9.2	340	3.6	340	3.6	340	3.6	0	0
1970	653,241	10,346	1.6	7,283	70.4	3,063	29.6	132	1.3	108	1.0	0	0	0	0	0	0
Kansas:																	
1968	518,733	30,834	5.9	16,479	53.4	14,355	46.6	11,881	38.5	10,167	33.0	9,820	31.8	6,264	20.3	2,327	7.5
1970	500,362	32,536	6.5	19,504	59.9	13,032	40.1	11,280	34.7	9,346	28.7	7,357	22.6	5,506	16.9	3,423	10.5
Kentucky:																	
1968	695,611	63,996	9.2	34,389	53.7	29,606	46.3	12,945	34.3	17,025	26.6	17,025	26.6	9,021	14.1	3,342	5.2
1970	721,078	66,204	9.2	36,380	55.0	29,824	45.0	24,036	36.3	20,266	30.6	16,232	24.5	10,848	16.4	2,211	3.3
Louisiana:[2]																	
1968	817,000	317,268	38.8	28,177	8.9	289,091	91.1	282,698	89.1	279,614	88.1	279,614	88.1	278,620	87.8	259,897	81.9
1970	842,269	340,702	40.4	106,409	31.2	234,293	68.8	161,267	47.3	139,649	41.0	126,298	37.1	111,980	32.9	81,924	24.0
Maine:																	
1968	220,336	1,429	.6	389	27.2	1,040	72.8	800	56.0	0	0	0	0	0	0	0	0
1970	235,674	777	.3	777	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Maryland:																	
1968	859,440	201,435	23.4	62,670	31.1	138,765	68.9	117,802	58.5	109,478	54.3	105,886	52.6	92,030	45.7	62,898	31.2
1970	911,618	220,166	24.2	72,643	33.0	147,523	67.0	117,466	53.4	109,932	49.9	100,651	45.7	90,981	41.3	56,676	25.7
Massachusetts:																	
1968	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	14,790	31.7	11,503	24.6	8,558	18.3	4,936	10.6	79	.2
1970	1,164,295	52,389	4.5	25,138	48.0	27,251	52.0	20,096	38.4	15,730	30.0	11,367	21.7	6,420	12.3	3,172	6.1
Michigan:																	
1968	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	177,393	64.3	153,770	55.7	128,116	46.4	78,319	28.4	24,720	9.0
1970	2,148,736	287,974	13.4	55,253	19.2	232,721	80.8	188,101	65.3	166,468	57.8	143,501	49.8	75,893	26.4	29,165	10.1
Minnesota:																	
1968	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	361	4.0	361	4.0	0	0	0	0
1970	886,367	10,134	1.1	6,494	64.1	3,640	35.9	341	3.4	341	3.4	341	3.4	1	0	1	0
Mississippi:																	
1968	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	207,515	92.7	207,515	92.7	206,736	92.4	197,447	88.2
1970	535,089	272,013	50.8	71,771	26.4	200,242	73.6	131,692	48.4	96,529	35.5	81,295	29.9	51,604	19.0	29,402	10.8
Missouri:																	
1968	954,596	138,412	14.5	33,996	24.6	104,416	75.4	97,173	70.2	93,282	67.4	91,355	66.0	77,676	56.1	46,285	33.4
1970	991,539	144,599	14.6	29,007	20.1	115,592	79.9	99,355	68.7	91,641	63.4	85,430	59.1	80,183	55.5	43,682	30.2
Montana:																	
1968	127,059	102	.1	102	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	148,737	422	.3	403	95.5	19	4.5	0	0	0	0	0	0	0	9	0	0
Nebraska:																	
1968	266,342	12,340	4.6	3,364	27.3	8,976	72.7	6,210	50.3	4,408	35.7	4,321	35.0	674	5.5	0	0
1970	276,433	12,905	4.7	4,263	33.0	8,642	67.0	7,582	58.8	5,663	43.9	3,069	23.8	825	6.4	0	0
Nevada:																	
1968	119,180	9,189	7.7	4,883	53.1	4,306	46.9	4,272	46.5	4,272	46.5	3,626	39.5	699	7.6	0	0
1970	127,750	10,532	8.2	6,923	65.7	3,609	34.3	2,872	27.3	2,872	27.3	2,870	27.3	2,472	23.5	515	4.9
New Hampshire:																	
1968	132,212	537	.4	537	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	155,224	605	.4	605	100.0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey:																	
1968	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	100,493	48.2	88,082	42.2	68,434	32.8	37,827	18.1	15,245	7.3
1970	1,457,887	225,226	15.4	72,087	32.0	153,139	68.0	113,374	50.3	95,396	42.4	81,869	36.3	45,892	20.4	14,763	6.6
New Mexico:																	
1968	271,040	5,658	2.1	2,712	47.9	2,946	52.1	2,138	37.8	1,539	27.2	901	15.9	574	10.1	394	7.0
1970	281,233	6,077	2.2	3,171	52.2	2,906	47.8	1,884	31.0	1,379	22.7	603	9.9	343	5.6	332	5.5
New York:																	
1968	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	236,537	50.0	203,012	42.9	169,401	35.8	100,899	21.3	35,637	7.5
1970	3,498,522	542,487	15.5	156,140	28.8	386,347	71.2	298,938	55.1	261,030	48.1	211,183	38.9	140,699	25.9	48,732	9.0
North Carolina:																	
1968	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	236,711	67.2	231,732	65.8	229,393	65.1	227,057	64.5	207,742	59.0
1970	1,196,294	351,725	29.4	190,424	54.1	161,301	45.9	60,532	17.2	48,130	13.7	42,900	12.2	32,373	9.2	23,966	6.8
North Dakota:																	
1968	115,995	458	.4	458	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	119,708	653	.5	653	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Ohio:																	
1968	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	163,789	57.0	142,991	49.7	123,127	42.8	93,775	32.6	37,861	13.2
1970	2,442,550	295,498	12.1	80,358	27.2	215,140	72.8	166,996	56.5	145,990	49.4	126,479	42.8	93,121	31.5	41,260	14.0
Oklahoma:																	
1968	543,501	48,861	9.0	18,472	37.8	30,389	62.2	26,820	54.9	25,982	53.2	23,610	48.3	18,715	38.3	8,437	17.3
1970	550,963	52,569	9.5	27,674	52.6	24,896	47.4	21,775	41.4	21,669	41.2	20,133	38.3	15,445	29.4	5,559	10.6
Oregon:																	
1968	455,141	7,413	1.6	4,689	63.3	2,724	36.7	1,589	21.4	1,307	17.6	0	0	0	0	0	0
1970	458,989	8,007	1.7	5,351	66.8	2,656	33.2	1,494	18.7	1,217	15.2	0	0	0	0	0	0
Pennsylvania:																	
1968	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	156,356	58.2	135,414	50.4	118,449	44.1	87,064	32.4	11,756	4.4
1970	2,332,310	275,479	11.8	72,440	26.3	203,039	73.7	159,789	58.0	139,007	50.5	121,929	44.3	90,001	32.7	12,910	4.7
Rhode Island:																	
1968	172,264	8,047	4.7	7,196	89.4	851	10.6	131	1.6	131	1.6	0	0	0	0	0	0
1970	186,062	7,750	4.2	7,642	98.6	108	1 4	0	0	0	0	0	0	0	0	0	0
South Carolina:[2]																	
1968	603,542	238,036	39.4	33,811	14.2	204,225	85.8	201,556	84.7	201,556	84.7	200,188	84.1	199,752	83.9	188,666	79.3
1970	638,033	260,874	40.9	116,921	44.8	143,953	55.2	76,042	29.1	57,605	22.1	44,859	17.2	30,434	11.7	18,266	7.0
South Dakota:																	
1968	146,607	384	.3	360	93.7	24	6.3	24	6.3	12	3.1	12	3.1	0	0	0	0
1970	150,566	397	.3	397	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Tennessee:[2]																	
1968	887,469	184,692	20.8	29,240	21.2	145,453	78.8	139,424	75.5	135,511	73.4	132,208	71.6	123,468	66.9	108,425	58.7
1970	895,185	189,567	21.2	61,196	32.3	128,371	67.7	113,657	60.0	150,225	55.5	94,930	50.1	77,818	41.1	49,109	25.9

State	Total pupils	Negro		Negroes attending minority schools—													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Texas:																	
1968	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	255,724	67.3	247,185	65.1	239,540	63.1	208,021	54.8	165,249	43.5
1970	2,633,926	402,605	15.3	140,631	34.9	261,974	65.1	211,577	52.6	188,097	46.7	168,582	41.9	117,829	92.3	56,469	41.0
Utah:																	
1968	303,152	1,486	.5	1,098	73.9	388	26.1	183	12.3	0	0	0	0	0	0	0	0
1970	304,431	1,483	.5	1,143	77.1	340	22.9	0	0	0	0	0	0	0	0	0	0
Vermont:																	
1968	73,570	90	.1	90	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	84,616	127	.1	127	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia:[2]																	
1968	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	172,076	70.2	169,216	69.1	167,172	68.2	161,321	65.8	142,209	58.0
1970	1,076,365	259,151	24.1	107,393	41.4	151,758	58.6	79,767	30.8	63,942	24.7	54,155	20.9	46,881	18.1	26,667	10.3
Washington:																	
1968	791,260	19,145	2.4	12,299	64.2	6,846	35.8	2,531	13.2	843	4.4	0	0	0	0	0	0
1970	805,122	20,606	2.6	13,541	65.7	7,065	34.3	2,690	13.1	330	1.6	330	1.6	0	0	0	0
West Virginia:																	
1968	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,655	8.1	1,157	5.7	1,157	5.7	841	4.1	841	4.1
1970	402,133	19,007	4.7	16,300	85.3	2,702	14.2	164	.9	164	.9	164	.9	164	.9	164	0.9
Wisconsin:																	
1968	942,441	37,289	4.0	8,406	22.5	28,883	77.5	24,220	65.0	19,869	53.3	14,783	39.6	9,288	24.9	4,819	12.9
1970	989,987	41,344	4.2	9,410	22.8	31,934	77.2	26,784	64.8	20,917	0	15,590	37.7	3,939	9.5	0	0
Wyoming:																	
1968	79,091	665	.8	482	72.5	183	27.5	0	0	0	0	0	0	0	0	0	0
1970	75,820	839	1.1	671	80.1	166	19.9	0	0	0	0	0	0	0	0	0	0

Minute differences between sum of numbers and totals are due to computer rounding.

[2] Differences in enrollment between 1968 and 1970 are partially due to districts surveyed in 1970 not in 1968. There were 7 such districts in Arkansas, 29 in Georgia, 10 in Louisiana, 43 in Mississippi, 11 in South Carolina, 1 in Tennessee, and 8 in Virginia. With few exceptions, these districts were not surveyed in 1968 because their Federal funds were terminated at the time of the 1968 survey.

TABLE 1-B.—SPANISH SURNAMED AMERICANS BY STATE

[Number[1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

State	Total pupils	Spanish American		Spanish surnamed Americans attending minority schools													
				0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43,353,568	2,002,776	4.6	906,919	45.3	1,095,857	54.7	634,891	31.7	461,567	23.0	331,781	16.6	124,736	6.2	38,077	1.9
1970	44,877,547	2,275,403	5.1	1,005,340	44.2	1,270,063	55.8	753,466	33.1	521,890	22.9	371,847	16.3	131,311	5.8	40,116	1.8
Alabama:																	
1968	770,523	24	0	24	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	786,975	142	0	137	96.5	5	3.5	5	3.5	4	2.8	3	2.1	0	0	0	0
Alaska:																	
1968	71,797	479	.7	474	99.0	5	1.0	0	0	0	0	0	0	0	0	0	0
1970	78,138	785	1.0	767	97.7	18	2.3	11	1.4	3	.3	3	0.3	0	0	0	0
Arizona:																	
1968	366,459	71,748	19.6	34,402	47.9	37,346	52.1	15,012	20.9	10,792	15.0	7,376	10.3	2,426	3.4	762	1.1
1970	433,595	85,334	19.7	41,278	48.4	44,055	51.6	25,996	30.5	12,361	14.5	6,874	8.1	1,380	1.6	405	.5
Arkansas:[2]																	
1968	415,613	539	.1	527	97.8	12	2.2	9	1.7	9	1.7	9	1.7	9	1.7	9	1.7
1970	430,100	468	.1	341	72.9	127	27.1	19	4.1	15	3.2	3	.6	0	0	0	0
California:																	
1968	4,477,381	646,282	14.4	393,997	61.0	252,285	39.0	118,433	18.3	75,839	11.7	55,419	8.6	10,712	1.7	1,529	.2
1970	4,550,501	705,894	15.5	428,856	60.8	277,038	39.2	121,290	17.2	80,250	11.4	58,099	8.2	7,249	1.0	866	.1
Colorado:																	
1968	519,092	71,348	13.7	45,174	63.3	26,174	36.7	9,971	14.0	4,524	6.3	2,070	2.9	342	.5	0	0
1970	536,237	78,268	14.6	47,551	60.8	30,718	39.2	10,248	13.1	3,670	4.7	1,912	2.4	225	.3	0	0
Connecticut:																	
1968	632,361	15,670	2.5	7,627	48.7	8,043	51.3	4,134	26.4	3,416	21.8	2,582	16.5	1,356	8.7	12	0.1
1970	654,024	20,009	3.1	9,200	46.0	10,809	54.0	5,384	26.9	3,655	18.3	2,914	14.6	2,269	11.3	0	0
Delaware:																	
1968	123,863	245	.2	154	62.9	91	37.1	2	.8	2	.8	2	.8	0	0	0	0
1970	132,560	618	.5	352	57.0	266	43.0	203	32.8	101	16.3	2	.3	0	0	0	0
District of Columbia:																	
1968	148,725	662	.4	256	38.7	406	61.3	289	43.7	254	38.4	227	34.3	37	5.6	10	1.5
1970	145,330	713	.5	209	29.3	504	70.7	205	28.8	175	24.5	141	19.8	90	12.6	64	9.0
Florida:																	
1968	1,340,665	52,628	3.9	26,287	49.9	26,341	50.1	9,479	18.0	4,861	9.2	3,275	6.2	400	.8	240	.5
1970	1,437,554	65,713	4.6	30,918	47.0	34,795	53.0	19,811	30.1	9,721	14.8	3,310	5.0	444	.7	221	.3
Georgia:[2]																	
1968	1,001,245	1,370	.1	786	57.4	584	42.6	578	42.2	578	42.2	578	42.2	578	42.2	578	42.2
1970	1,098,990	1,110	.1	1,035	93.2	75	6.8	12	1.1	12	1.1	10	.9	0	0	0	0
Idaho:																	
1968	174,472	3,338	1.9	3,322	99.5	16	.5	16	.5	16	.5	0	0	0	0	0	0
1970	174,556	4,067	2.3	4,061	99.9	6	.1	0	0	0	0	0	0	0	0	0	0
Illinois:																	
1968	2,252,321	68,917	3.1	36,361	52.8	32,556	47.2	16,282	23.6	6,230	9.0	3,314	4.8	640	.9	249	.4
1970	2,310,784	78,249	3.4	36,696	46.9	41,552	53.1	20,691	26.4	8,582	11.0	3,115	4.0	756	1.0	165	.2
Indiana:																	
1968	1,210,539	13,622	1.1	7,093	52.1	6,529	47.9	2,944	21.6	1,516	11.1	242	1.8	175	1.3	34	.2
1970	1,229,518	14,924	1.2	7,637	51.2	7,287	48.8	5,499	36.8	2,022	13.5	1,205	8.1	112	.8	48	.3
Iowa:																	
1968	651,705	2,283	.4	2,271	99.5	12	.5	1	0	0	0	0	0	0	0	0	0
1970	653,241	2,658	.4	2,604	98.0	54	2.0	0	0	0	0	0	0	0	0	0	0
Kansas:																	
1968	518,733	8,229	1.6	7,601	92.5	618	7.5	56	.7	45	.5	16	.2	3	0	0	0
1970	500,362	8,888	1.8	8,367	94.1	521	5.9	37	.4	32	.4	9	.1	7	.1	4	0
Kentucky:																	
1968	695,611	136	0	135	99.3	1	.7	0	0	0	0	0	0	0	0	0	0
1970	721,078	187	0	183	97.9	4	2.1	1	.5	1	.5	0	0	0	0	0	0
Louisiana:[2]																	
1968	817,000	2,111	.3	1,671	79.2	440	20.8	75	3.6	23	1.1	23	1.1	23	1.1	23	1.1
1970	842,469	3,909	.5	2,542	65.0	1,367	35.0	199	5.1	98	2.5	34	.9	32	.8	21	.5

Footnotes at end of table.

TABLE 1-B.—SPANISH SURNAMED AMERICANS BY STATE—Continued

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

State	Total pupils	Spanish American		Spanish surnamed Americans attending minority schools													
				0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Maine:																	
1968	220,336	478	0.2	85	17.8	393	82.2	367	76.7	0	0	0	0	0	0	0	0
1970	237,674	157	.1	157	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Maryland:																	
1968	859,440	2,078	.2	2,073	99.8	5	.2	0	0	0	0	0	0	0	0	0	0
1970	911,618	3,404	.4	3,385	99.4	19	.6	2	.1	0	0	0	0	0	0	0	0
Massachusetts:																	
1968	1,097,221	8,733	.8	6,557	75.1	2,176	24.9	650	7.4	395	4.5	97	1.1	55	.6	0	0
1970	1,164,295	12,895	1.1	8,427	65.4	4,468	34.6	2,224	17.2	1,046	8.1	813	6.3	417	3.2	344	2.7
Michigan:																	
1968	2,073,369	24,819	1.2	21,169	85.3	3,650	14.7	1,667	6.7	1,303	5.3	766	3.1	333	1.3	113	.5
1970	2,148,736	28,269	1.3	24,638	87.2	3,630	12.8	1,497	5.3	1,111	3.9	644	2.3	225	.8	55	.2
Minnesota:																	
1968	856,506	3,418	.4	3,397	99.4	21	.6	1	0	1	0	1	0	0	0	0	0
1970	886,367	3,987	.4	3,651	91.6	336	8.4	18	.5	18	.5	18	.5	17	.4	17	.4
Mississippi: [2]																	
1968	456,532	327	.1	321	98.2	6	1.8	0	0	0	0	0	0	0	0	0	0
1970	535,089	279	.1	146	52.3	133	47.7	66	23.7	46	16.5	25	9.0	20	7.2	5	1.8
Missouri:																	
1968	954,596	1,393	.1	1,368	98.2	25	1.8	8	.6	8	.6	4	.3	4	.3	2	.1
1970	991,539	2,148	.2	2,088	97.2	60	2.8	4	.2	0	0	0	0	0	0	0	0
Montana:																	
1968	127,059	910	.7	906	99.5	4	.4	1	.1	1	.1	0	0	0	0	0	0
1970	148,737	1,786	1.2	1,687	94.5	99	5.5	4	.2	3	.1	0	0	0	0	0	0
Nebraska:																	
1968	266,342	3,722	1.4	3,439	92.4	283	7.6	8	.2	5	.1	5	.1	0	0	0	0
1970	276,433	4,067	1.5	3,751	92.2	316	7.8	67	1.6	55	1.4	49	1.2	40	1.0	40	1.0
Nevada:																	
1968	119,180	3,633	3.0	3,613	99.4	20	.6	9	.2	9	.2	8	.2	1	0	0	0
1970	127,750	4,153	3.3	4,144	99.8	9	.2	5	.1	4	.1	3	.1	1	0	0	0
New Hampshire:																	
1968	132,212	147	.1	147	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	155,224	213	.1	213	100.0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey:																	
1968	1,401,925	46,063	3.3	20,291	44.1	25,771	55.9	12,550	27.2	9,583	20.8	5,261	11.4	1,148	2.5	430	.9
1970	1,457,887	59,098	4.1	19,410	32.8	39,689	67.2	18,178	30.8	13,573	23.0	7,747	13.1	1,402	2.4	299	.5
New Mexico:																	
1968	271,040	102,994	38.0	27,494	26.7	75,500	73.3	34,136	33.1	17,221	16.7	10,336	10.0	4,461	4.3	2,704	2.6
1970	281,233	109,315	38.9	31,147	28.5	78,168	71.5	36,313	33.2	15,495	14.2	8,445	7.7	1,768	1.6	831	.8
New York:																	
1968	3,364,090	263,799	7.8	46,307	17.6	217,492	82.4	164,622	62.4	136,445	51.7	97,628	37.0	42,283	16.0	5,087	1.9
1970	3,498,522	316,590	9.0	52,577	16.6	264,014	83.4	204,147	64.5	168,976	53.4	125,822	39.7	66,490	21.0	19,848	6.3
North Carolina:																	
1968	1,199,481	482	0	465	96.5	17	3.5	3	.6	2	.4	2	.4	2	.4	2	.4
1970	1,196,294	521	0	483	92.7	38	7.3	5	1.0	0	0	0	0	0	0	0	0
North Dakota:																	
1968	115,995	230	.2	230	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	119,708	313	.3	313	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Ohio:																	
1968	2,400,296	16,031	.7	13,836	86.3	2,195	13.7	1,116	7.0	662	4.1	96	.6	31	.2	14	.1
1970	2,442,550	17,443	.7	14,643	83.9	2,800	16.1	997	5.7	770	4.4	288	1.7	223	1.3	178	2.0
Oklahoma:																	
1968	543,501	3,647	.7	3,540	97.1	107	2.9	22	.6	21	.6	16	.4	0	0	0	0
1970	550,963	5,735	1.0	5,605	97.7	130	2.3	13	.2	13	.2	9	.2	1	0	1	0
Oregon:																	
1968	455,141	4,502	1.0	4,474	99.4	28	.6	12	.3	8	.2	0	0	0	0	0	0
1970	458,989	5,696	1.2	5,677	99.7	19	.3	4	.1	3	.1	0	0	0	0	0	0
Pennsylvania:																	
1968	2,296,011	11,849	.5	6,008	50.7	5,842	49.3	4,297	36.3	3,066	25.9	1,767	14.9	241	2.0	12	.1
1970	2,332,310	15,392	.7	6,976	45.3	8,416	54.7	5,630	36.6	4,254	27.6	2,473	16.1	996	6.5	90	.6
Rhode Island:																	
1968	172,264	490	.3	313	63.9	177	36.1	0	0	0	0	0	0	0	0	0	0
1970	186,062	728	.4	728	100.0	0	0	0	0	0	0	0	0	0	0	0	0
South Carolina: [2]																	
1968	603,542	208	0	206	99.0	2	1.0	0	0	0	0	0	0	0	0	0	0
1970	638,033	376	.1	350	93.1	26	6.9	6	1.6	2	.5	0	0	0	0	0	0
South Dakota:																	
1968	146,407	273	.2	261	95.6	12	4.4	12	4.4	12	4.4	12	4.4	4	1.5	4	1.5
1970	150,566	372	.2	372	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Tennessee: [2]																	
1968	887,469	411	0	398	96.8	13	3.2	7	1.7	2	.5	2	.5	1	.2	1	.2
1970	895,185	539	.1	527	97.8	12	2.2	2	.4	2	.4	1	.2	1	.2	1	.2
Texas:																	
1968	2,510,358	505,214	20.1	139,877	27.7	365,337	72.3	237,136	46.9	184,360	36.5	140,486	27.8	59,351	11.7	26,164	.2
1970	2,633,296	566,257	21.5	152,280	26.9	413,977	73.1	274,055	48.4	195,432	34.5	147,772	26,1	47,129	8.3	16,612	2.9
Utah:																	
1968	303,152	9,839	3.2	8.665	88.1	1,174	11.9	325	3.3	0	0	0	0	0	0	0	0
1970	304,431	10,998	3.6	10,192	92.7	806	7.3	3	0	0	0	0	0	0	0	0	0
Vermont:																	
1968	73,570	34	0	34	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	84,616	102	.1	102	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia: [2]																	
1968	1,041,057	2,222	.2	2,189	98.5	33	1.5	3	.1	3	.1	3	.1	1	0	0	0
1970	1,076,365	3,224	.3	3,095	96.0	129	4.0	12	.4	0	0	0	0	0	0	0	0
Washington:																	
1968	791,260	12,692	1.6	11,150	87.9	1,542	12.1	35	.3	12	.1	0	0	0	0	0	0
1970	805,122	14,668	1.8	13,812	94.2	856	5.8	36	.2	5	0	5	0	0	0	0	0
West Viriginia:																	
1968	404,582	251	.1	249	99.2	2	.8	2	.8	0	0	0	0	0	0	0	0
1970	402,133	218	.1	217	99.5	1	.5	0	0	0	0	0	0	0	0	0	0
Wisconsin:																	
1968	942,441	7,760	.8	6,171	79.5	1,589	20.5	620	8.0	342	4.4	157	2.0	119	1.5	97	1.3
1970	989,987	9,548	1.0	7,786	81.5	1,762	18.5	565	5.9	280	4.0	98	1.0	16	.2	0	0
Wyoming:																	
1968	79,091	4,504	5.7	2,524	78.2	980	21.8	0	0	0	0	0	0	0	0	0	0
1970	75,820	4,977	6.6	4,028	80.9	949	19.1	0	0	0	0	0	0	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Differences in enrollment between 1968 and 1970 are partially due to districts surveyed in 1970 but not in 1968. There were 7 such districts in Arkansas, 29 in Georgia, 10 in Louisiana, 43 in Mississippi, 11 in South Carolina, 1 in Tennessee and 8 in Virginia. With few exceptions, these districts were not surveyed in 1968 because their federal funds were terminated at the time of the 1968 survey.

TABLE 1-C.—AMERICAN INDIANS BY STATE

[Number[1] and percentage attending school at increasing levels of isolation, Fall, 1970 elementary and secondary school survey]

				American Indians attending minority schools—													
		American Indians		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
State (1970)	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	44,877,547	197,109	0.4	131,014	66.5	66,095	33.5	42,147	21.4	27,474	13.9	13,466	6.8	3,810	1.9	3,490	1.8
Alabama	786,975	39	0	32	81.9	7	18.1	7	18.1	0	0	0	0	0	0	0	0
Alaska	78,138	10,070	12.9	6,204	61.6	3,866	38.4	3,005	29.8	1,417	14.1	1,031	10.2	777	7.7	640	6.4
Arizona	433,595	19,575	4.5	6,974	35.6	12,601	64.4	10,595	54.1	6,197	31.7	1,287	6.6	9	0	0	0
Arkansas	430,100	497	.1	492	99.0	5	1.0	0	0	0	0	0	0	0	0	0	0
California	4,550,501	16,842	.4	13,966	82.9	2,877	17.1	633	3.8	332	2.0	219	1.3	74	.4	37	.2
Colorado	536,237	1,219	.2	1,033	84.7	186	15.3	90	7.4	34	2.8	13	1.1	0	0	0	0
Connecticut	654,024	410	.1	370	90.2	40	9.8	23	5.6	12	2.9	5	1.2	1	.2	0	0
Delaware	132,560	76	.1	76	100.0	0	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	145,330	7	0	4	57.1	3	42.9	3	42.9	3	42.9	2	28.6	1	14.3	0	0
Florida	1,437,554	1,394	.1	1,305	93.6	89	6.4	18	1.3	10	.7	0	0	0	0	0	0
Georgia	1,098,990	406	0	401	98.8	5	1.2	1	.2	1	.2	1	.2	0	0	0	0
Idaho	174,556	2,192	1.3	2,064	94.2	128	5.8	0	0	0	0	0	0	0	0	0	0
Illinois	2,310,784	2,516	.1	2,148	85.0	378	15.0	151	6.0	101	4.0	45	1.8	26	1.0	5	.2
Indiana	1,229,518	679	.1	641	94.4	38	5.6	31	4.6	17	2.5	6	.9	0	0	0	0
Iowa	653,241	529	.1	517	97.7	12	2.3	0	0	0	0	0	0	0	0	0	0
Kansas	900,362	1,468	.3	1,438	98.0	29	2.0	14	1.0	14	1.0	0	0	0	0	0	0
Kentucky	721,078	48	0	44	91.7	4	8.3	4	8.3	0	0	0	0	0	0	0	0
Louisiana	842,469	250	0	210	84.0	40	16.0	1	.4	1	.4	0	0	0	0	0	0
Maine	235,674	564	.2	516	91.5	48	8.5	48	8.5	48	8.5	48	8.5	48	8.5	48	8.5
Maryland	911,618	373	0	366	98.1	7	1.9	0	0	0	0	0	0	0	0	0	0
Massachusetts	1,164,295	504	0	472	93.7	32	6.3	13	2.6	4	.8	4	.8	0	0	0	0
Michigan	2,148,736	4,375	.2	4,199	96.0	177	4.0	80	1.8	33	.8	25	.6	5	.1	0	0
Minnesota	886,367	7,172	.8	6,801	94.8	371	5.2	37	.5	37	.5	37	.5	37	.5	37	.5
Mississippi	535,089	103	0	83	80.6	20	19.4	14	13.6	14	13.6	11	10.7	1	1.0	0	0
Missouri	991,539	1,372	.1	1,347	98.2	25	1.8	17	1.2	8	.6	8	.6	8	.6	0	0
Montana	148,737	8,434	5.7	4,364	51.7	4,070	48.3	2,317	27.5	1,520	18.0	372	4.4	72	.9	72	.9
Nebraska	276,433	2,134	.8	986	46.2	1,148	53.8	67	3.1	58	2.7	11	.5	0	0	0	0
Nevada	127,750	2,839	2.2	2,122	74.7	717	25.3	502	17.7	255	9.0	88	3.1	88	3.1	88	3.1
New Hampshire	155,224	68	0	68	100.0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	1,457,887	471	0	334	71.0	136	29.0	23	4.9	10	2.1	7	1.5	0	0	0	0
New Mexico	281,233	19,216	6.8	3,182	16.6	16,033	83.4	12,130	63.1	8,657	45.1	3,675	19.1	557	2.9	553	2.9
New York	3,498,522	5,669	.2	4,252	75.0	1,417	25.0	1,143	20.2	527	9.3	479	8.5	399	7.0	375	6.5
North Carolina	1,196,294	14,168	1.2	3,115	22.0	11,053	78.0	6,913	48.8	5,108	36.1	4,038	28.5	250	1.8	225	1.6
North Dakota	119,708	1,133	.9	1,133	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Ohio	2,442,550	1,118	0	1,061	94.9	57	5.1	20	1.8	18	1.6	14	1.3	4	.4	0	0
Oklahoma	550,963	28,647	5.2	26,679	93.1	1,969	6.9	28	.1	26	.1	15	.1	8	0	0	0
Oregon	458,989	3,721	.8	3,286	88.3	435	11.7	433	11.6	432	11.6	0	0	0	0	0	0
Pennsylvania	2,332,310	511	0	508	99.4	3	.6	0	0	0	0	0	0	0	0	0	0
Rhode Island	186,062	160	0.1	160	100.0	0	0	0	0	0	0	0	0	0	0	0	0
South Carolina	638,033	295	0	171	58.0	124	42.0	7	2.4	0	0	0	0	0	0	0	0
South Dakota	150,566	7,536	5.0	5,263	69.8	2,273	30.2	1,324	17.6	677	9.0	368	4.9	0	0	0	0
Tennessee	895,185	305	0	299	98.0	6	2.0	3	1.0	2	.7	0	0	0	0	0	0
Texas	2,633,296	3,588	.1	2,205	61.5	1,382	38.5	1,186	33.1	1,135	31.6	1,063	29.6	988	27.5	957	26.7
Utah	304,431	4,733	1.6	4,059	85.8	674	14.2	537	11.4	151	3.2	0	0	0	0	0	0
Vermont	84,616	12	0	12	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	1,076,365	975	.1	717	73.5	258	26.5	124	12.7	108	11.1	108	11.1	0	0	0	0
Washington	805,122	10,611	1.3	8,932	84.2	1,679	15.8	72	.7	18	.2	18	.2	0	0	0	0
West Virginia	402,133	88	0	88	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Wisconsin	989,987	7,069	.7	5,404	76.4	1,665	23.6	533	7.5	489	6.9	467	6.6	456	6.5	452	6.4
Wyoming	75,820	916	1.2	910	99.3	6	.7	0	0	0	0	0	0	0	0	0	0

*Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-D.—ORIENTALS BY STATE

[Number and percentage attending school at increasing levels of isolation, fall, 1970, elementary and secondary school survey]

				Orientals attending minority schools—													
		Oriental		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
State (1970)	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	44,877,547	209,092	0.5	147,672	70.6	61,420	29.4	27,401	13.1	16,134	7.7	8,458	4.0	1,376	0.7	168	0.1
Alabama	786,975	155	0	155	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Alaska	78,138	657	0.8	649	98.8	8	1.2	8	1.2	0	0	0	0	0	0	0	0
Arizona	433,595	2,045	0.5	1,756	85.9	289	14.1	108	5.3	18	0.9	11	.5	0	0	0	0
Arkansas	430,100	328	0.1	223	68.0	105	32.0	1	0.3	0	0	0	0	0	0	0	0
California	4,550,501	104,821	2.3	63,435	60.5	41,387	39.5	16,950	16.2	8,616	8.2	6,152	5.9	562	.5	79	0.1
Colorado	536,237	3,095	0.6	2,826	91.4	267	8.6	139	4.5	35	1.1	35	1.1	6	.2	0	0
Connecticut	654,024	1,174	0.2	1,076	91.7	98	8.3	44	3.7	31	2.6	8	.7	0	0	0	0
Delaware	132,560	242	0.2	242	100.0	0	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	145,330	612	0.4	225	36.8	387	63.2	184	30.1	170	27.8	142	23.2	24	3.9	8	1.3
Florida	1,437,554	1,834	0.1	1,583	86.3	251	13.7	92	5.0	34	1.9	8	.4	1	.1	0	0
Georgia	1,098,990	954	0.1	922	96.6	32	3.4	4	.4	2	.2	2	.2	1	.1	1	.1
Idaho	174,556	908	0.5	908	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Illinois	2,310,784	7,511	0.3	6,352	84.6	1,159	15.4	621	8.3	531	7.1	463	6.2	38	.5	18	.2
Indiana	1,229,518	1,432	0.1	1,344	93.9	88	6.1	65	4.5	16	1.1	10	.7	0	0	0	0
Iowa	653,241	665	0.1	641	96.4	24	3.6	0	0	0	0	0	0	0	0	0	0
Kansas	500,362	1,120	0.2	1,166	95.6	54	4.4	1	.1	0	0	0	0	0	0	0	0
Kentucky	721,078	346	0	339	98.0	7	2.0	4	1.2	3	.9	1	.3	0	0	0	0
Louisiana	842,469	370	0	285	77.0	85	23.0	19	5.1	16	4.3	1	.3	0	0	0	0
Maine	235,674	285	0.1	285	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	911,618	2,655	0.3	2,628	99.0	27	1.0	5	0.2	1	0	1	0.0	0	0	0	0
Massachusetts	1,164,295	4,348	0.4	3,362	77.3	986	22.7	685	15.8	254	5.8	145	3.3	0	0	0	0
Michigan	2,148,736	4,165	0.2	3,762	90.3	403	9.7	180	4.3	135	3.2	98	2.4	42	1.0	13	.3
Minnesota	886,367	1,755	0.2	1,739	99.1	16	0.9	3	.2	3	.2	3	.2	3	.2	3	.2
Mississippi	535,089	278	0.1	168	60.4	110	39.6	39	14.0	20	7.2	8	2.9	0	0	0	0
Missouri	991,539	1,529	0.2	1,475	96.5	54	3.5	5	.3	4	.3	4	.3	4	.3	3	.2
Montana	148,737	460	.3	458	99.6	2	.4	0	0	0	0	0	0	0	0	0	0
Nebraska	276,433	528	.2	521	98.7	7	1.3	6	1.1	0	0	0	0	0	0	0	0
Nevada	127,750	700	.5	693	99.0	7	1.0	5	.7	3	.4	3	.4	2	.3	0	0

Footnotes at end of table.

TABLE 1-D.—ORIENTALS BY STATE—Continued

[Number and percentage attending school at increasing levels of isolation, fall, 1970, elementary and secondary school survey]

		Oriental		Orientals attending minority schools—													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
State (1970)	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
New Hampshire	155,224	284	0.2	284	100.0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	1,457,887	6,993	.5	5,588	79.9	1,404	20.1	478	6.8	275	3.9	105	1.5	18	.3	1	0
New Mexico	281,233	619	.2	489	79.0	130	21.0	24	3.9	10	1.6	2	.3	0	0	0	0
New York	3,498,522	21,770	.6	11,330	52.0	10,440	48.0	7,015	32.2	5,729	26.3	1,135	5.2	643	3.0	30	.1
North Carolina	1,196,294	635	.1	623	98.1	12	1.9	0	0	0	0	0	0	0	0	0	0
North Dakota	119,708	248	.2	248	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Ohio	2,442,550	3,380	.1	3,184	94.2	196	5.8	75	2.2	50	1.5	24	.7	13	.4	3	.1
Oklahoma	550,963	1,259	.2	1,249	99.2	10	.8	7	.6	7	.6	2	.2	1	.1	0	0
Oregon	458,989	3,314	.7	3,293	99.4	21	.6	2	.1	2	.1	0	0	0	0	0	0
Pennsylvania	2,332,310	2,408	.1	2,346	97.4	63	2.6	17	.7	16	.7	2	.1	2	.1	2	.1
Rhode Island	186,062	568	.3	567	99.8	1	.2	0	0	0	0	0	0	0	0	0	0
South Carolina	638,033	323	.1	298	92.3	25	7.7	9	2.8	1	.3	0	0	0	0	0	0
South Dakota	150,566	224	.1	224	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Tennessee	895,185	688	.1	669	97.2	19	2.8	8	1.2	8	1.2	3	.4	3	.4	3	.4
Texas	2,633,296	4,217	.2	3,468	82.2	749	17.8	268	6.4	120	2.8	72	1.7	13	.3	4	.1
Utah	304,431	1,553	.5	1,531	98.6	22	1.4	0	0	0	0	0	0	0	0	0	0
Vermont	84,616	113	.1	113	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	1,076,365	2,969	.3	2,842	95.7	127	4.3	30	1.0	7	.2	4	.1	0	0	0	0
Washington	805,122	10,439	1.3	8,144	78.0	2,295	22.0	286	2.7	15	.1	15	.1	0	0	0	0
West Virginia	402,133	275	.1	270	98.2	5	1.8	0	0	0	0	0	0	0	0	0	0
Wisconsin	989,987	1,466	.1	1,426	97.3	40	2.7	14	1.0	3	.2	0	0	0	0	0	0
Wyoming	75,820	274	.4	265	96.7	9	3.3	0	0	0	0	0	0	0	0	0	0

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-E—MINORITIES BY STATE

[Number[1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

		Minority		Minority students attending minority schools—													
				0-49.9 percent		50-100 percent		80-100 percent		90-100 percent		95-100 percent		99-100 percent		100 percent	
State	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States																	
1968	43,353,568	8,656,434	20.0	2,623,820	30.3	6,032,615	69.7	4,987,778	57.6	4,561,768	52.7	4,202,903	48.6	3,472,072	40.1	2,542,805	29.4
1970	44,877,547	9,389,015	20.9	2,507,532	37.4	5,881,483	62.6	4,134,387	44.0	3,472,583	37.0	2,957,098	31.5	2,013,264	21.4	984,885	10.5
Alabama																	
1968	770,523	269,357	35.0	22,384	8.3	246,973	91.7	246,389	91.5	245,861	91.3	244,693	90.8	243,269	90.3	230,448	85.6
1970	786,975	270,330	34.4	98,932	36.6	171,398	63.4	130,032	48.1	119,046	44.0	103,943	38.8	80,651	29.8	53,954	20.0
Alaska																	
1968	71,797	9,830	13.7	7,881	80.2	1,949	19.8	1,768	18.0	1,389	14.1	1,192	12.1	607	6.2	607	6.2
1970	78,138	13,658	17.5	9,759	71.5	3,899	28.5	3,024	22.1	1,419	10.4	1,034	7.6	777	5.7	640	4.7
Arizona																	
1968	366,459	103,933	28.4	47,152	45.4	56,781	54.6	28,272	27.2	19,403	18.7	12,151	11.7	5,862	5.6	1,559	1.5
1970	433,595	123,846	28.6	55,447	44.8	68,399	55.2	43,855	35.4	23,497	19.0	11,925	9.6	4,422	3.6	829	.7
Arkansas																	
1968	415,613	107,754	25.9	25,299	23.5	82,455	76.5	79,797	74.1	79,214	73.5	78,911	73.2	77,713	72.1	75,807	70.4
1970	430,100	107,393	25.0	47,640	43.4	60,753	56.5	23,147	21.6	19,633	18.3	16,453	15.3	10,762	10.0	9,132	8.5
California																	
1968	4,477,381	1,153,903	25.8	562,115	48.7	591,788	51.3	374,762	32.5	300,997	26.1	247,756	21.5	127,532	11.1	29,559	2.6
1970	4,550,501	1,244,315	27.3	613,685	49.3	630,629	50.7	379,578	30.5	303,839	24.4	258,956	20.8	125,483	10.1	2,1868	1.8
Colorado																	
1968	519,092	93,344	18.0	54,384	58.3	38,960	41.7	19,863	21.3	12,841	13.8	10,208	10.9	3,216	3.4	0	
1970	536,237	101,596	18.9	60,928	60.0	40,668	40.0	17,449	17.2	9,568	9.4	7,292	7.2	1,178	1.2	0	0
Connecticut:																	
1968	632,361	69,570	11.0	31,646	45.5	37,924	54.5	22,102	31.8	17,150	24.7	12,200	17,5	3,610	5.2	340	.5
1970	654,024	80,211	12.3	36,124	45.0	44,087	55.0	26,723	33.3	19,026	23.7	15,396	19.2	8,108	10.1	0	0
Delaware:																	
1968	123,863	24,356	19.7	13,274	54.5	11,082	45.5	6,612	27.1	5,179	21.3	5,179	21.3	953	3.9	0	0
1970	132,560	28,255	21.3	15,651	55.4	12,604	44.6	8,382	29.7	5,926	21.0	5,112	18.1	1,222	4.3	0	0
District of Columbia:																	
1968	148,725	140,445	94.4	1,813	1.3	138.632	98.7	134.766	96.0	131,501	93.6	124,409	88.6	95,711	68.1	38,735	27.6
1970	145,330	138,834	95.5	2,112	1.5	136,722	98.5	133,813	96.4	131,036	94.4	128,077	92.3	95,376	68.7	46,189	33.3
Florida:																	
1968	1,340,665	367,013	27.4	101,288	27.6	265,725	72.4	239,488	65.3	232,454	63.3	228,025	62.1	216,233	58.9	184,321	50.2
1970	1,437,554	401,179	27.9	194,689	48.5	206,490	51.5	129,451	32.3	97,169	24.2	76,034	19.0	51,470	12.8	32,937	8.2
Georgia:[3]																	
1968	1,001,245	317,361	31.7	45,911	14.5	271,450	85.5	266,776	84.1	264,330	83.3	263,405	83.0	260,605	82.1	241,244	76.0
1970	1,098,990	367,693	33.5	133,407	36.3	234,286	63.7	143,856	39.1	125,983	34.3	112,482	30.6	92,950	25.3	61,469	16.8
Idaho:																	
1968	174,472	6,325	3.6	6,174	97.6	151	2.4	16	.3	16	.3	0	0	0	0	0	0
1970	174,556	7,599	4.4	7,465	93.2	134	1.8	0	0	0	0	0	0	0	0	0	0
Illinois:																	
1968	2,252,321	483,966	21.5	99,217	20.5	384,749	79.5	329,285	68.0	305,166	63.1	297,755	61.5	252,926	52.3	157,140	32.5
1970	2,310,784	509,716	22.1	105,609	20.7	404,107	79.3	348,590	68.4	325,472	63.9	303,884	59.6	254,338	49.9	152,931	30.0
Indiana:																	
1968	1,210,539	121,228	10.0	40,226	33.2	81,002	66.8	61,875	51.0	52,683	43.5	46,462	38.3	37,848	31.2	13,640	11.3
1970	1,229,518	127,013	10.3	42,982	33.8	84,031	66.2	65,937	51.9	54,972	43.3	46,653	36.7	32,423	25.5	15,350	12.1
Iowa:																	
1968	651,705	12,732	2.0	10,124	79.5	2,608	20.5	877	6.9	340	2.7	340	2.7	340	2.7	0	0
1970	653,241	14,198	2.2	11,045	77.8	3,153	22.2	132	.9	108	.8	0	0	0	0	0	0
Kansas:																	
1968	518,733	41,539	8.0	26,502	63.8	15,037	36.2	11,941	28.7	10,215	24.6	9,838	23.7	6,268	15.1	2,328	5.6
1970	500,362	44,111	8.8	30,475	69.1	13,636	30.9	11,332	25.7	9,392	21.3	7,366	16.7	5,513	12.5	3,427	7.8
Kentucky:																	
1968	695,611	64,474	9.3	34,864	54.1	29,610	45.9	21,946	34.0	17,026	26.4	17,026	26.4	9,021	14.0	3,342	5.2
1970	721,078	66,785	9.3	36,946	55.3	29,839	44.7	24,045	36.0	20,270	30.4	16,233	24.3	10,848	16.2	2,211	3.3
Louisiana:																	
1968	817,000	319,971	39.2	30,408	9.5	289,563	90.5	282,775	88.4	279,639	87.4	279,639	87.4	278,645	87.1	259,921	81.
1970	842,469	345,231	41.0	109,446	31.7	235,785	68.3	161,486	46.8	139,764	40.5	126,333	36.6	112,012	32.4	81,945	23.7
Maine:																	
1968	220,336	3,558	1.6	931	26.2	2,627	73.8	1,967	55.3	67	1.9	67	1.9	67	1.9	67	1.9
1970	235,674	1,783	.8	1,735	97.3	48	2.7	48	2.7	48	2.7	48	2.7	48	2.7	48	2.7

Footnotes at end of table.

State	Total pupils	Minority		Minority students attending minority schools—													
				0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Maryland:																	
1968	859, 440	205, 369	23.9	66, 596	32.4	138, 773	67.6	117, 802	57.4	109, 478	53.3	105, 886	51.6	92, 030	44.8	62, 898	30.6
1970	911, 618	226, 598	24.9	79, 022	34.9	147, 576	65.1	117, 473	51.8	109, 933	48.5	100, 652	44.4	90, 981	40.2	56, 676	25.0
Massachusetts:																	
1968	1, 097, 221	59, 875	5.5	33, 938	56.7	25, 937	43.3	15, 777	26.4	12, 090	20.2	8, 804	14.7	4, 995	8.3	79	0.1
1970	1, 164, 295	70, 136	6.0	37, 399	53.3	32, 737	46.7	23, 018	32.8	17, 034	24.3	12, 329	17.6	6, 837	9.7	3, 516	5.0
Michigan:																	
1968	2, 073, 369	308, 938	14.9	85, 706	27.7	223, 232	72.3	179, 345	58.1	155, 291	50.3	129, 017	41.8	78, 709	25.5	24, 856	8.0
1970	2, 148, 736	324, 783	15.1	87, 853	27.0	236, 931	73.0	189, 858	58.5	167, 747	51.6	144, 268	44.4	76, 165	23.5	29, 233	9.0
Minnesota:																	
1968	856, 506	19, 655	2.3	17, 691	90.0	1, 964	10.0	362	1.8	362	1.8	362	1.8	0	0	0	0
1970	886, 367	23, 048	2.6	18, 685	81.1	4, 364	18.9	400	1.7	400	1.7	400	1.7	59	.3	59	.3
Mississippi: [2]																	
1968	456, 532	224, 607	49.2	15, 809	7.0	208, 798	93.0	207, 518	92.4	207, 518	92.4	207, 518	92.4	206, 739	92.0	197, 450	87.9
1970	535, 089	272, 673	51.0	72, 168	26.5	200, 505	73.5	131, 811	48.3	96, 609	35.4	81, 339	29.8	51, 625	18.9	29. 407	10.8
Missouri:																	
1968	954, 596	141, 110	14.8	36, 632	26.0	104, 477	74.0	97, 195	68.9	93, 303	66.1	91, 370	64.8	77, 686	55.1	46, 293	32.8
1970	991, 539	149, 647	15.1	33, 916	22.7	115, 731	77.3	99, 381	66.4	91, 653	61.2	85, 442	57.1	80, 195	53.6	43, 685	29.2
Montana:																	
1968	127, 059	6, 328	5.0	3, 780	59.7	2, 548	40.3	2, 276	36.0	943	14.9	325	5.1	325	5.1	81	1.3
1970	148, 737	11, 102	7.5	6, 912	62.3	4, 190	37.7	2, 321	20.9	1, 523	13.7	372	3.4	72	.6	72	.6
Nebraska:																	
1968	266, 342	17, 307	6.5	7, 953	46.0	9, 354	54.0	6, 254	36.1	4, 426	25.6	4, 339	25.1	681	3.9	0	0
1970	276, 433	19. 634	7.1	9, 521	48.5	10, 113	51.5	7, 722	39.3	5, 776	29.4	3, 129	15.9	865	4.4	40	.2
Nevada:																	
1968	119, 180	15, 948	13.4	11, 017	69.1	4, 931	30.9	4, 516	28.3	4, 345	27.2	3, 698	23.2	764	4.8	64	.4
1970	127, 750	18, 224	14.3	13, 882	76.2	4, 342	23.8	3, 384	18.6	3, 134	17.2	2, 964	16.3	2, 563	14.1	603	3.3
New Hampshire:																	
1968	132, 212	870	.7	870	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	155, 224	1, 170	.8	1, 170	100.0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey:																	
1968	1, 401, 925	258, 109	18.4	94, 092	36.5	164, 016	63.5	113, 176	43.8	97, 781	37.9	73, 744	28.6	38, 984	15.1	15, 677	6.1
1970	1, 457, 887	291, 788	20.0	97, 419	33.4	194, 369	66.6	132, 053	45.3	109, 254	37.4	89, 728	30.8	47, 312	16.2	15, 063	5.2
New Mexico:																	
1968	271, 040	128, 948	47.6	33, 673	26.1	95, 275	73.9	48, 548	37.6	28, 108	21.8	14, 660	11.4	6, 805	5.3	4, 736	3.7
1970	281, 223	135, 227	48.1	37, 989	28.1	97, 238	71.9	50, 351	37.2	25, 540	18.9	12, 725	9.4	2, 668	2.0	1, 716	1.3
New York:																	
1968	3, 364, 090	762, 382	22.7	213, 008	27.9	549, 374	72.1	409, 715	53.7	346, 870	45.5	269, 638	35.4	145, 430	19.1	41, 302	5.4
1970	3, 498, 522	886, 516	25.3	224, 299	25.3	662, 217	74.7	511, 243	57.7	436, 263	49.2	338, 619	38.2	208, 231	23.5	68, 985	7.8
North Carolina:																	
1968	1, 199, 481	367, 096	30.6	103, 494	28.2	263, 602	71.8	247, 307	67.4	242, 325	66.0	239, 986	65.4	232, 539	63.3	212, 020	57.8
1970	1, 196, 294	367, 049	30.7	194, 645	53.0	172, 404	47.0	67, 450	18.4	53, 238	14.5	46, 938	12.8	32, 623	8.9	24, 191	6.6
North Dakota:																	
1968	115, 995	2, 345	2.0	1, 987	84.7	358	15.3	0	0	0	0	0	0	0	0	0	0
1970	119, 708	2, 348	2.0	2, 348	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Ohio:																	
1968	2, 400, 296	306, 975	12.8	96, 868	31.6	210, 107	68.4	165, 009	53.8	143, 719	46.8	123, 252	40.2	93, 826	30.6	37, 887	12.3
1970	2, 442, 550	317, 439	13.0	99, 246	31.3	218, 193	68.7	168, 088	53.0	146, 828	46.3	126, 805	39.9	93, 361	29.4	41, 441	13.1
Oklahoma:																	
1968	543, 501	77, 543	14.3	46, 667	60.2	30, 876	39.8	26, 913	34.7	26, 049	33.6	23, 644	30.5	18, 721	24.1	8, 443	10.9
1970	550, 963	88, 211	16.0	61, 207	69.4	27, 004	30.6	21, 823	24.7	21, 715	24.6	20, 159	22.9	15, 455	17.5	5, 560	6.3
Oregon:																	
1968	455, 141	18, 595	4.1	15, 334	82.5	3, 261	17.5	2, 089	11.2	1, 802	9.7	0	0	0	0	0	0
1970	458, 989	20, 738	4.5	17, 607	84.9	3, 131	15.1	1, 933	9.3	1, 654	8.0	0	0	0	0	0	0
Pennsylvania:																	
1968	2, 296, 011	282, 848	12.3	82, 310	29.1	200, 538	70.9	160, 679	56.8	138, 492	49.0	120, 222	42.5	87, 309	30.9	11, 768	4.2
1970	2, 332, 310	293, 790	12.6	82, 269	28.0	211, 521	72.0	165, 436	56.3	143, 277	48.8	124, 404	42.3	90, 999	31.0	13, 002	4.4
Rhode Island:																	
1968	172, 264	9, 098	5.3	8, 061	88.6	1, 037	11.4	133	1.5	133	1.5	0	0	0	0	0	0
1970	186, 062	9, 205	4.9	9, 096	98.8	109	1.2	0	0	0	0	0	0	0	0	0	0
South Carolina: [2]																	
1968	603, 542	238, 843	39.6	34, 539	14.5	204, 304	85.5	201, 618	84.4	201, 618	84.4	200, 250	83.8	199, 814	83.7	188, 728	79.0
1970	638, 033	261, 868	41.0	117, 740	45.0	144, 128	55.0	76, 064	29.0	57, 608	22.0	44, 859	17.1	30, 434	11.6	18, 266	7.0
South Dakota:																	
1968	146, 407	17, 320	11.8	4, 366	25.2	12, 955	74.8	11, 269	65.1	10, 133	58.5	8, 728	50.4	1, 704	9.8	1, 704	9.8
1970	150, 566	8, 530	5.7	6, 257	73.3	2, 273	26.7	1, 324	15.5	677	7.9	368	4.3	0	0	0	0
Tennessee: [2]																	
1968	887, 469	185, 924	20.9	40, 442	21.8	145, 482	78.2	139, 436	75.0	135, 516	72.9	132, 213	71.1	123, 472	66.4	108, 429	58.3
1970	895, 185	191, 099	21.3	62, 691	32.8	128, 408	67.2	113, 670	59.5	105, 237	55.1	94, 934	49.7	77, 822	40.7	49, 113	25.7
Texas:																	
1968	2, 510, 358	892, 518	35.6	240, 437	26.9	652, 081	73.1	495, 240	55.5	433, 765	48.6	382, 153	42.8	269, 323	30.2	193, 352	21.7
1970	2, 633, 296	976, 667	37.1	298, 584	30.6	678, 083	69.4	487, 086	49.9	384, 784	39.4	317, 489	32.5	165, 959	17.0	74, 042	7.6
Utah:																	
1968	303, 152	16, 755	5.5	14, 657	87.5	2, 089	12.5	686	4.1	96	.6	0	0	0	0	0	0
1970	304, 431	18, 767	6.2	16, 925	90.2	1, 842	9.8	540	2.9	151	.8	0	0	0	0	0	0
Vermont:																	
1968	73, 570	153	.2	153	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	84, 616	353	.4	353	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia: [2]																	
1968	1, 041, 057	250, 183	24.0	70, 861	28.3	179, 322	71.7	172, 220	68.8	169, 347	67.7	167, 298	66.9	161, 331	64.5	142, 213	56.8
1970	1, 076, 365	266, 319	24.7	114, 047	42.8	152, 272	57.2	79, 933	30.0	64, 057	24.1	54, 267	20.4	46, 881	17.6	26, 667	10.0
Washington:																	
1968	791, 260	50, 685	6.4	39, 356	77.8	11, 229	22.2	3, 049	6.0	966	1.9	0	0	0	0	0	0
1970	805, 122	56, 325	7.0	44, 429	78.9	11, 895	21.2	3, 084	5.5	368	.7	368	.7	0	0	0	0
West Virginia:																	
1968	404, 582	20, 992	5.2	17, 320	82.5	3, 672	17.5	1, 659	7.9	1, 157	5.5	1, 157	5.5	841	4.0	841	4.0
1970	402, 133	19, 583	4.9	16, 875	86.2	2, 708	13.8	164	.8	164	.8	164	.8	164	.8	164	.8
Wisconsin:																	
1968	942, 441	51, 070	5.4	19, 543	38.3	31, 527	61.7	25, 470	49.9	20, 664	40.5	15, 382	30.1	9, 618	18.8	4, 926	9.6
1970	989, 987	59, 427	6.0	24, 026	40.4	35, 401	59.6	27, 896	46.9	21, 789	36.7	16, 155	27.2	4, 411	7.4	452	.8
Wyoming:																	
1968	79, 091	7, 486	9.5	5, 067	67.7	2, 419	32.3	1, 240	16.6	0	0	0	0	0	0	0	0
1970	75, 820	7, 005	9.2	5, 875	83.9	1, 130	16.1	0	0	0	0	0	0	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Differences in enrollment between 1968 and 1970 are partially due to districts surveyed in 1970 but not in 1968. There were 7 such districts in Arkansas, 29 in Georgia, 10 in Louisiana, 43 in Mississippi, 11 in South Carolina, 1 in Tennessee, and 8 in Virginia. With few exceptions these districts were not surveyed in 1968 because their Federal funds were terminated at the time of the 1968 survey.

TABLE 1-F.—NONMINORITIES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1970 elementary and secondary school survey]

State (1970)	Total pupils	Nonminority number		Nonminority students attending nonminority schools													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	448,775,473	5,488,532	79.1	1,196,154	3.4	34,492,378	96.6	29,679,942	83.6	25,570,360	72.1	21,321,681	60.1	11,634,575	32.8	4,631,396	13.1
Alabama	786,975	516,645	65.6	28,228	5.5	488,417	94.5	335,409	64.9	221,890	42.9	164,026	31.7	101,855	19.7	69,381	13.4
Alaska	78,138	64,480	82.5	678	1.1	63,802	98.9	53,136	82.4	37,587	58.3	11,185	17.3	4,564	7.1	2,741	4.3
Arizona	433,595	309,749	71.4	20,245	6.5	289,504	93.5	219,218	70.8	159,994	51.7	854,05	27.6	4,794	1.5	238	.1
Arkansas	430,100	322,707	75.0	21,862	6.8	306,845	93.2	225,109	69.8	195,408	60.6	167,991	52.1	120,022	37.2	81,639	25.3
California	4,550,501	3,306,187	72.7	172,270	5.2	3,133,917	94.8	2,320,086	70.2	1,503,274	45.5	667,468	20.2	21,439	.6	4,441	.1
Colorodo	536,237	434,641	81.1	15,536	3.6	419,105	96.4	343,158	79.0	262,736	60.4	172,336	39.7	22,452	5.2	4,841	1.1
Connecticut	654,024	573,814	87.7	11,311	2.0	562,503	98.0	523,249	91.2	471,529	82.2	417,354	72.7	152,298	26.5	27,260	4.8
Delaware	132,560	104,305	78.7	2,560	2.5	101,745	97.5	75,200	72.1	60,630	58.1	51,168	49.1	23,034	22.1	1,816	1.7
District of Columbia	145,330	6,496	4.5	2,770	42.6	3,726	57.4	1,310	20.2	663	10.2	0	0	0	0	0	0
Florida	1,437,554	1,036,375	72.1	51,625	5.0	984,750	95.0	670.709	64.7	456,819	44.1	301,472	29.1	124,635	12.0	31,733	3.1
Georgia	1,098,990	731,297	66.5	60,304	8.2	670,993	91.8	462,647	63.3	359,459	49.2	277,224	37.9	161,889	22.1	75,994	10.4
Idaho	174,556	166,957	95.6	60	0	166,897	100.0	163,694	98.0	149,010	89.3	123,404	73.9	45,668	27.4	20,170	12.1
Illinois	2,310,784	1,801,068	77.9	38,024	2.1	1,763,044	97.9	1,656,214	92.0	1,513,934	84.1	1,342,952	74.6	730,169	40.5	313,824	17.4
Indiana	1,229,518	1,102,504	89.7	13,387	1.2	1,089,117	98.8	1,050,607	95.3	984,060	89.3	911,879	82.7	608,737	55.2	302,434	27.4
Iowa	653,241	639,043	97.8	2,060	.3	636,983	99.7	629,544	98.5	615,804	96.4	591,221	92.5	456,745	71.5	273,522	42.8
Kansas	500,362	456,251	91.2	1,930	.4	454,321	99.6	425,112	93.2	367,016	80.4	303,904	66.6	163,572	35.9	85,590	18.8
Kentucky	721,078	654,292	90.7	4,303	.7	649,989	99.3	611,003	93.4	542,546	82.9	463,535	70.8	320,904	49.0	197,582	30.2
Louisiana	842,469	497,238	59.0	49,050	9.9	448,188	90.1	272,547	54.8	169,382	34.1	117,493	23.6	68,075	13.7	29,018	5.8
Maine	235,674	233,892	99.2	0	0	233,892	100.0	233,892	100.0	230,596	98.6	229,553	98.1	185,129	79.2	109,236	46.7
Maryland	911,618	685,020	75.1	18,794	2.7	666,226	97.3	570,973	83.4	474,918	69.3	339,486	49.6	128,566	18.8	50,853	7.4
Massachusetts	1,164,295	1,094,159	94.0	7,121	.7	1,087,038	99.3	1,059,626	96.8	1,006,049	91.9	927,877	84.8	528,588	48.3	150,227	13.7
Michigan	2,148,736	1,823,953	84.9	33,127	1.8	1,790,826	98.2	1,703,856	93.4	1,596,780	87.5	1,455,418	79.8	791,572	43.4	156,014	8.6
Minnesota	886,367	863,319	97.4	2,600	.3	860,719	99.7	850,234	98.5	829,777	96.1	787,911	91.3	536,829	62.2	160,036	18.5
Mississippi	535,089	262,416	49.0	52,296	19.9	210,120	80.1	101,248	38.6	49,562	18.9	28,211	10.8	11,291	4.3	5,896	2.2
Missouri	991,539	841,891	84.9	11,597	1.4	830,294	98.6	799,440	95.0	752,217	89.3	680,960	80.9	433,574	51.5	209,176	24.8
Montana	148,737	137,635	92.5	1,592	1.2	136,043	98.8	133,587	97.1	118,147	85.8	101,763	73.9	24,478	17.8	8,812	6.4
Nebraska	276,433	256,799	92.9	1,677	.7	255,122	99.3	245,774	95.7	235,648	91.8	208,844	81.3	129,144	50.3	57,170	22.3
Nevada	127,750	109,526	85.7	592	.5	198,934	99.5	98,058	89.5	57,020	52.1	30,234	27.6	4,005	3.7	1,041	1.0
New Hampshire	155,224	154,054	99.2	0	0	154,054	100.0	154,054	100.0	152,977	99.3	150,137	97.5	124,955	81.1	57,524	37.3
New Jersey	1,457,887	1,166,099	80.0	39,750	3.4	1,126,349	96.6	1,013,282	86.9	881,890	75.6	762,232	65.4	393,662	33.8	101,061	8.7
New Mexico	281,233	146,006	51.9	33,754	23.1	112,252	76.9	52,099	35.7	18,215	12.5	4,715	3.2	116	.1	116	.1
New York	3,498,522	2,612,005	74.7	102,234	3.9	2,509,771	96.1	2,201,227	84.3	1,942,945	74.4	1,714,995	65.7	973,647	37.3	257,953	9.9
North Carolina	1,196,294	829,245	69.3	68,953	8.3	760,292	91.7	439,015	52.9	290,624	35.0	190,849	23.0	99,743	12.0	56,911	6.9
North Dakota	119,708	117,360	98.0	0	0	117,360	100.0	116,855	99.6	112,108	95.5	107,484	91.6	68,306	58.2	38,354	32.7
Ohio	2,442,550	2,125,111	87.0	33,425	1.6	2,091,686	98.4	1,989,477	93.6	1,856,347	87.4	1,692,760	79.7	1,103,227	51.9	392,598	18.5
Oklahoma	550,963	462,753	84.0	3,461	.7	459,292	99.3	381,821	82.5	290,588	62.8	179,965	38.9	42,641	9.2	13,487	2.9
Oregon	458,989	438,251	95.5	1,030	.2	437,221	99.8	428,038	97.7	408,387	93.2	363,295	82.9	105,630	24.1	22,977	5.2
Pennsylvania	2,332,310	2,038,520	87.4	31,885	1.6	2,006,635	98.4	1,930,117	94.7	1,827,665	89.7	1,665,153	81.7	1,154,191	56.6	512,470	25.1
Rhode Island	186,062	176,857	95.1	79	0	176,778	100.0	167,002	94.4	150,597	85.2	137,861	78.0	99,159	56.1	27,904	15.8
South Carolina	638,033	376,165	59.0	46,042	12.2	330,123	87.8	130,282	34.6	41,902	11.1	20,143	5.4	6,850	1.8	4,022	1.1
South Dakota	150,566	142,036	94.3	508	.4	141,528	99.6	135,994	95.7	128,069	90.2	113,911	80.2	65,577	46.2	28,980	20.4
Tennessee	895,185	704,086	78.7	10,587	1.5	693,499	98.5	620,108	88.1	517,626	73.5	419,443	59.6	250,492	35.6	153,741	21.8
Texas	2,633,296	1,656,630	62.9	136,806	8.3	1,519,824	91.7	1,067,353	64.4	799,447	48.3	546,056	33.0	130,402	7.9	24,099	1.5
Utah	304,431	285,664	93.8	936	.3	284,727	99.7	278,132	97.4	247,972	86.8	190,934	66.8	25,183	8.8	1,041	.4
Vermont	84,616	84,263	99.6	0	0	84,263	100.0	84,263	100.0	84,263	100.0	84,263	100.0	71,879	85.3	40,559	48.1
Virginia	1,076,365	810,047	75.3	48,033	5.9	762,014	94.1	604,684	74.6	483,332	59.7	348,859	43.1	122,614	15.1	55,918	6.9
Washington	805,122	748,797	93.0	5,675	.8	743,122	99.2	717,122	95.8	653,064	87.2	525,458	70.2	96,759	12.9	8,479	1.1
West Virginia	402,133	382,550	95.1	1,713	.4	380,837	99.6	365,589	95.6	331,364	86.6	294,877	77.1	226,406	59.2	163,833	42.8
Wisconsin	989,987	930,561	94.0	5,039	.5	925,522	99.5	906,830	97.4	879,881	94.6	812,772	87.3	560,762	60.3	232,464	25.0
Wyoming	75,820	68,814	90.8	644	.9	68,170	99.1	62,960	91.5	48,641	70.7	35,245	51.2	8,345	12.1	6,220	9.0

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 2-A.—NEGROES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation; fall, 1968, and fall, 1970, elementary and secondary school survey]

Area	Total pupils	Negroes		Negroes attending minority schools—													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43,353,569	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	4,274,461	68.0	4,041,593	64.3	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
1970	44,877,547	6,707,411	14.9	2,223,506	33.1	4,483,905	66.9	3,311,372	49.4	2,907,084	43.3	2,563,327	38.2	1,876,767	28.0	941,111	14.0
32 northern and western: [2]																	
1968	28,579,766	2,703,056	9.5	746,030	27.6	1,957,025	72.4	1,550,440	57.4	1,369,965	50.7	1,198,052	44.3	834,898	30.9	332,408	12.3
1970	29,451,976	2,889,858	9.8	793,979	27.5	2,095,879	72.5	1,665,926	57.6	1,475,689	51.1	1,288,221	44.6	878,357	30.4	343,629	11.9
6 border and District of Columbia: [3]																	
1968	3,730,317	636,157	17.1	180,569	28.4	455,588	71.6	406,171	63.8	383,059	60.2	368,149	57.9	294,844	46.3	160,504	25.2
1970	3,855,221	667,362	17.3	198,659	29.8	468,703	70.2	404,396	60.6	380,185	57.0	355,512	53.3	294,104	44.1	154,409	23.1
11 southern: [4]																	
1968	11,043,485	2,942,960	26.6	540,692	18.4	2,402,268	81.6	2,317,850	78.8	2,288,570	77.8	2,266,642	77.0	2,201,662	74.8	2,000,486	68.0
1970	11,570,351	3,150,192	27.2	1,230,868	39.1	1,919,323	60.9	1,241,050	39.4	1,051,210	33.4	919,594	29.2	704,306	22.4	443,073	14.1

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alabama, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[4] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina Tennessee, Texas, Virginia.

TABLE 2-B.—SPANISH SURNAMED AMERICANS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Spanish surnamed Americans attending minority schools—													
		Spanish American		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
Area	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43,353,568	2,002,776	4.6	906,919	45.3	1,095,857	54.7	634,891	31.7	461.567	23.0	331,781	16.6	124,736	6.2	38,077	1.9
1970	44,877,547	2,275,403	5.1	1,005,340	44.2	1,270,063	55.8	753,466	33.1	521,890	22.9	371,847	16.3	131,311	5.8	40,116	1.8
5 Arizona, California, Colorado, New Mexico, Texas:																	
1968	8,144,330	1,397,586	17.2	640,943	45.9	756,643	54.1	414,689	29.7	292,737	20.9	215,688	15.4	77,292	5.5	31,159	2.2
1970	8,434,863	1,545,068	18.3	701,112	45.5	843,956	54.6	567,903	30.3	307,208	19.9	223,102	14.4	57,751	3.7	18,714	1.2
4 Connecticut, Illinois, New Jersey, New York:																	
1968	7,650,697	394,449	5.2	110,587	28.0	283,862	72.0	197,589	50.1	155,674	39.5	108,785	27.6	45,427	11.5	5,778	1.5
1970	7,921,217	473,947	6.0	117,883	24.9	356,064	75.1	248,401	52.4	194,786	41.1	139,598	29.5	70,917	15.0	20,312	4.3
1 Florida:																	
1968	1,340,665	52,628	3.9	26,287	49.9	26,341	50.1	9,479	18.0	4,861	9.2	3,275	6.2	400	.8	240	.5
1970	1,437,554	65,713	4.6	30,918	47.0	34,795	53.0	19,811	30.1	9,721	14.8	3,310	5.0	444	.7	221	.3
39 other states and District of Columbia:																	
1968	26,217,876	158,113	.6	129,102	81.7	29,011	18.3	13,135	8.3	8,295	5.2	4,033	2.6	1,167	1.0	900	.6
1970	27,083,914	190,675	.7	155,427	81.5	35,248	18.5	17,351	9.1	10,175	5.3	5,836	3.1	2,199	1.2	869	.5

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 2-C.—MINORITIES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 and fall 1970, elementary and secondary school survey]

				Minority students attending minority schools—													
		Minority		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
Area	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43,353,568	8,656,434	20.0	2,623,820	30.3	6,032,615	69.7	4,987,778	57.6	4,561,768	52.7	4,202,903	48.6	3,472,072	40.1	2,542,805	29.4
1970	44,877,547	9,389,015	20.9	3,507,532	37.4	5,881,483	62.6	4,134,387	44.0	3,472,583	37.0	2,957,098	31.5	2,013,264	21.4	984,885	10.5
32 northern and western[2]:																	
1968	28,579,766	4,441,516	15.5	1,675,779	37.7	2,765,737	62.3	2,002,321	45.1	1,686,488	38.0	1,410,141	31.7	907,426	20.4	348,320	7.8
1970	29,451,976	4,843,602	16.4	1,818,815	37.6	3,024,786	62.4	2,185,319	45.1	1,828,757	37.8	1,525,188	31.5	965,834	19.9	369,276	7.6
6 border and District of Columbia:[3]																	
1968	3,730,317	674,289	18.1	217,166	32.2	457,123	67.8	406,894	60.3	383,693	56.9	368,671	54.7	294,963	43.7	160,552	23.8
1970	3,855,221	717,913	18.6	245,729	34.2	472,184	65.8	405,081	56.4	380,697	53.0	355,839	49.6	294,241	41.0	154,485	21.5
11 southern:[4]																	
1968	11,043,485	3,540,629	32.1	730,874	20.6	2,809,755	79.4	2,578,563	72.8	2,491,587	70.4	2,424,090	68.5	2,269,683	64.1	2,033,933	57.4
1970	11,570,351	3,827,500	33.1	1,442,988	37.7	2,384,512	62.3	1,543,986	40.3	1,263,128	33.0	1,076,071	28.1	753,189	19.7	461,123	12.0

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[4] Alabama, Arkansas, Flordia, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

TABLE 2-D.—NONMINORITIES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968, and fall 1970 elementary and secondary school survey]

				Nonminority students attending nonminority schools													
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
Area	Total pupils	Nonminority (number)	Nonminority (percent)	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:																	
1968	43,353,568	34,697,134	80.0	716,981	2.1	33,980,152	97.9	31,069,591	89.5	27,163,133	78.3	22,778,976	65.7	13,030,089	37.6	5,723,597	16.5
1970	44,877,547	35,488,532	79.1	1,196,154	3.4	34,292,378	96.2	29,679,942	83.6	25,570,360	72.1	21,321,681	60.1	11,634,575	32.8	4,631,396	13.1
32 northern and western:[2]																	
1968	28,579,766	24,138,250	84.5	525,693	2.2	23,612,557	97.8	21,740,913	90.1	19,431,236	80.5	16,814,584	69.7	9,881,022	40.9	4,020,213	16.7
1970	29,451,976	24,608,374	83.6	577,170	2.3	24,031,204	97.7	21,945,496	89.2	19,531,985	79.4	16,729,924	68.0	9,261,581	37.6	3,406,296	13.8
6 border and District of Columbia:[3]																	
1968	3,730,317	3,056,028	81.9	37,167	1.2	3,018,860	98.8	2,768,130	90.6	2,442,230	79.9	2,030,382	66.4	1,297,736	42.5	738,408	24.2
1970	3,855,221	3,137,308	81.4	45,198	1.4	3,092,110	98.6	2,805,336	89.4	2,452,925	78.2	2,009,991	64.1	1,175,126	37.5	636,746	20.3
11 southern:[4]																	
1968	11,043,485	7,502,856	67.9	154,121	2.1	7,348,736	97.9	6,560,549	87.4	5,289,667	70.5	3,934,010	52.4	1,851,330	24.7	964,977	12.9
1970	11,570,351	7,742,850	66.9	573,786	7.4	7,169,064	92.6	4,929,110	63.7	3,585,450	46.3	2,581,766	33.3	1,197,868	15.5	588,354	7.6

[1] Minute differences between sum of numbers and totals are dua to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[4] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

TABLE 3-A.—NEGROES IN 100 LARGEST (1970) SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968, and fall, 1970, elementary and secondary school survey]

				Negroes attending minority schools													
		Negro		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
New York, N.Y.:																	
1968	1,063,787	334,841	31.5	65,824	19.7	269,017	80.3	202,517	60.5	174,846	52.2	146,945	43.9	88,233	26.4	34,033	10.2
1970	1,140,359	393,516	34.5	63,981	16.3	329,535	83.7	258,655	65.7	227,673	57.9	185,766	47.2	126,879	32.2	46,947	11.9
Los Angeles, Calif.:																	
1968	653,549	147,738	22.6	7,012	4.7	140,726	95.3	130,272	88.2	122,678	83.0	116,017	78.5	77,026	52.1	18,118	12.3
1970	642,895	154,926	24.1	9,121	5.9	145,805	94.1	134,889	87.1	129,039	83.3	122,779	79.3	85,923	55.5	13,551	8.7
Chicago, Ill.:																	
1968	582,274	308,266	52.9	9,742	3.2	298,524	96.8	278,219	90.3	266,928	86.6	263,159	85.4	234,045	75.9	146,152	47.4
1970	577,679	316,711	54.8	9,502	3.0	307,209	97.0	290,694	91.8	284,013	89.7	270,587	85.4	236,143	74.6	143,900	45.4
Detroit, Mich.:																	
1968	296,097	175,316	59.2	15,781	9.0	159,535	91.0	138,623	79.1	120,993	69.0	103,590	59.1	66,069	37.7	18,510	10.6
1970	284,396	181,538	63.8	10,618	5.8	170,920	94.2	143,946	79.3	134,222	73.9	120,209	66.2	65,349	36.0	24,809	13.7
Philadelphia, Pa.:																	
1968	282,617	166,083	58.8	15,880	9.6	150,203	90.4	127,641	76.9	111,477	67.1	99,277	59.8	72,174	43.5	7,201	4.3
1970	279,829	169,334	60.5	12,541	7.4	156,793	92.6	135,866	80.2	118,596	70.0	106,782	63.1	78,508	46.4	8,668	5.1
Houston, Tex.:																	
1968	246,098	81,966	33.3	4,318	5.3	77,648	54.7	74,482	90.9	72,101	88.0	70,816	86.4	64,907	79.2	52,854	64.5
1970	241,139	85,965	35.6	7,202	8.4	78,763	91.6	73,373	85.4	63,373	73.7	55,895	65.0	29,734	34.6	7,604	8.8
Dade County, Fla. (Miami):																	
1968	232,465	56,518	24.3	7,032	12.4	49,486	87.6	46,362	82.0	45,634	80.7	43,664	77.3	41,115	72.7	27,482	48.6
1970	240,447	60,957	25.4	13,254	21.7	47,703	78.3	32,352	53.1	25,514	41.9	20,317	33.3	12,550	20.6	7,498	12.3
Baltimore City, Md.:																	
1968	192,171	125,174	65.1	9,646	7.7	115,528	92.3	104,886	83.8	98,417	78.6	94,825	75.8	82,629	66.0	54,505	43.5
1970	192,458	129,220	67.1	12,122	9.4	117,098	90.6	104,688	81.0	102,358	79.2	95,838	74.2	87,731	67.9	55,378	42.9
Dallas, Tex.:																	
1968	159,924	49,235	30.8	1,045	2.1	48,190	97.9	45,777	93.0	43,152	87.6	40,431	82.1	26,131	53.1	15,807	32.1
1970	164,736	55,648	33.8	1,528	2.7	54,120	97.3	52,380	94.1	50,884	91.4	47,246	84.9	37,505	67.4	12,899	23.2
Prince Georges County, Md. (District of Columbia area):																	
1968	146,976	22,313	15.2	12,525	56.1	9,788	43.9	5,705	25.6	4,618	20.7	4,618	20.7	3,688	16.5	3,112	13.9
1970	160,897	31,994	19.9	13,040	40.8	18,954	59.2	11,190	35.0	6,470	20.2	3,938	12.3	2,375	7.4	724	2.3
Cleveland, Ohio:																	
1968	156,054	87,241	55.9	4,156	4.8	83,085	95.2	79,221	90.8	75,048	86.0	69,728	79.9	59,174	67.8	21,516	24.7
1970	153,619	88,558	57.6	3,725	4.2	84,833	95.8	80,505	90.9	79,015	89.2	75,162	84.9	60,050	67.8	30,852	34.8
Memphis, Tenn.:																	
1968	125,813	67,395	53.6	1,765	2.6	65,630	97.4	64,290	95.4	62,482	92.7	62,132	92.2	56,181	83.4	49,381	73.3
1970	148,304	76,303	51.5	4,979	6.5	71,324	93.5	68,751	90.1	68,268	89.5	63,749	83.5	56,327	73.8	37,979	49.8
Washington, D.C.:																	
1968	148,725	139,006	93.5	1,253	.9	137,753	99.1	134,166	96.5	130,958	94.2	123,939	89.2	95,608	68.8	38,701	27.8
1970	145,330	137,502	94.6	1,674	1.2	135,828	98.8	133,421	97.0	130,688	95.0	127,792	92.9	95,261	69.3	46,117	33.5
Baltimore County, Md.:																	
1968	123,717	4,299	3.5	4,299	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	133,674	5,097	3.8	5,097	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Fairfax County, Va. (District of Columbia area):																	
1968	122,107	3,322	2.7	3,322	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	133,368	4,214	3.2	4,214	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Milwaukee, Wis.:																	
1968	130,445	31,130	23.9	3,849	12.4	27,281	87.6	23,620	75.9	19,666	63.2	14,783	47.5	9,288	29.8	4,819	15.5
1970	132,349	34,355	26.0	4,197	12.2	30,158	87.8	26,193	76.2	20,740	60.4	15,590	45.4	3,939	11.5	0	0
San Diego, Calif:																	
1968	128,914	15,004	11.6	3,767	25.1	11,237	74.9	9,643	64.3	8,203	54.7	5,732	38.2	448	3.0	0	0
1970	128,783	16,008	12.4	5,146	32.1	10,862	67.9	9,017	56.3	7,428	46.4	3,522	22.0	0	0	0	0
Montgomery County, Md.:																	
1968	121,458	4,872	4.0	4,872	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	125,343	6,454	5.1	6,454	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Duval County, Fla. (Jacksonville):																	
1968	122,637	34,638	28.2	4,362	12.6	30,276	87.4	30,276	87.4	30,276	87.4	30,276	87.4	29,446	85.0	26,556	76.7
1970	122,493	36,054	29.4	9,237	25.6	26,817	74.4	20,747	57.5	19,794	54.9	19,794	54.9	19,794	54.9	13,345	37.0
Broward County, Fla. (Fort Lauderdale):																	
1968	103,003	24,516	23.8	3,556	14.5	20,960	85.5	19,545	79.7	19,545	79.7	19,545	79.7	19,075	77.8	16,882	68.9
1970	117,324	27,230	23.2	14,189	52.1	13,041	47.9	11,201	41.1	10,664	39.2	9,212	33.8	6,069	22.3	4,303	15.8
St. Louis, Mo.:																	
1968	115,582	73,408	63.5	5,244	7.1	68,164	92.9	65,321	89.0	64,282	87.6	63,255	86.2	55,632	75.8	36,651	49.9
1970	111,233	72,965	65.6	1,827	2.5	71,138	97.5	64,166	87.9	60,371	82.7	58,794	80.6	57,435	78.7	36,316	49.8
Orleans Parish, La. (New Orleans):																	
1968	110,783	74,378	67.1	6,569	8.8	67,809	91.2	61,942	83.3	60,407	81.2	60,407	81.2	59,700	80.3	46,320	62.3
1970	109,856	76,388	69.5	5,925	7.8	70,463	92.2	62,567	81.9	60,034	78.6	56,996	74.6	54,293	71.1	37,053	48.5
Columbus, Ohio:																	
1968	110,699	28,729	26.0	8,263	28.8	20,466	71.2	16,341	56.9	11,691	40.7	7,222	25.1	2,873	10.0	890	3.1
1970	109,329	29,440	26.9	7,614	25.9	21,826	74.1	15,604	53.0	13,313	45.2	7,181	24.4	1,724	5.9	655	2.2
Indianapolis, Ind.:																	
1968	108,587	36,577	33.7	8,205	22.4	28,372	77.6	22,872	62.5	21,064	57.6	19,347	52.9	13,728	37.5	3,945	10.8
1970	106,239	38,044	35.8	7,785	20.5	30,259	79.5	22,925	60.3	21,156	55.6	18,331	48.2	11,971	31.5	3,318	8.7
Atlanta, Ga.:																	
1968	111,227	68,662	61.7	3,728	5.4	64,934	94.6	63,050	91.8	61,796	90.0	61,796	90.0	61,297	89.3	53,644	78.1
1970	105,598	72,523	68.7	4,777	6.6	67,746	93.4	63,111	87.0	56,531	77.9	53,863	74.3	47,418	65.4	24,332	33.6
Hillsborough County Fla. (Tampa):																	
1968	100,985	19,225	19.0	3,513	18.3	15,712	81.7	14,886	77.4	14,097	73.3	13,604	70.8	13,604	70.8	12,371	64.3
1970	105,347	20,417	19.4	4,771	23.4	15,646	76.6	12,832	62.8	10,095	49.4	8,426	41.3	5,280	25.9	2,303	11.3
Denver, Colo.:																	
1968	96,577	13,639	14.1	2,732	20.0	10,907	80.0	8,993	65.9	7,647	56.1	7,539	55.3	2,862	21.0	0	0
1970	97,928	14,434	14.7	6,431	44.6	8,003	55.4	6,426	44.5	5,406	37.5	5,332	36.9	947	6.6	0	0
Boston, Mass.:																	
1968	94,174	25,482	27.1	5,943	23.3	19,539	76.7	13,878	54.5	10,983	43.1	8,558	33.6	4,936	19.4	79	.3
1970	96,696	28,822	29.8	5,174	18.0	23,648	82.0	18,757	65.1	15,205	52.8	11,367	39.4	6,420	22.3	3,172	11.0
Nashville-Davidson County, Tenn.:																	
1968	93,720	22,561	24.1	3,794	16.8	18,767	83.2	15,656	69.4	13,835	61.2	12,746	56.5	12,256	54.3	11,696	51.8
1970	95,313	23,473	24.6	5,877	25.0	17,596	75.0	15,727	67.0	14,643	62.4	11,674	49.7	9,276	39.5	4,942	21.1

Footnotes at end of table.

				Negroes attending minority schools													
		Negro		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Jefferson County, Ky. (Louisville area):																	
1968	85,846	3,213	3.7	2,365	73.6	848	26.4	848	26.4	848	26.4	848	26.4	848	26.4	0	0
1970	93,454	3,382	3.6	2,738	81.0	644	19.0	644	19.0	644	19.0	644	19.0	644	19.0	0	0
San Francisco, Calif.:																	
1968	94,154	25,923	27.5	4,024	15.5	21,899	84.5	12,079	46.6	8,904	34.3	5,275	20.3	1,317	5.1	110	.4
1970	91,150	25,988	28.5	3,681	14.2	22,307	85.8	14,417	55.5	8,239	31.7	6,776	26.1	741	2.9	281	1.1
Fort Worth, Tex.:																	
1968	86,528	21,398	24.7	2,065	9.7	19,333	90.3	18,283	85.4	18,283	85.4	18,283	85.4	16,389	76.6	12,991	60.7
1970	88,095	23,542	26.7	2,309	9.8	21,233	90.2	18,845	80.0	17,725	75.3	17,289	73.4	15,363	65.3	11,399	48.4
De Kalb County, Ga. (Decatur):																	
1968	77,967	4,124	5.3	1,841	44.6	2,283	55.4	1,939	47.0	1,939	47.0	1,939	47.0	1,939	47.0	421	10.2
1970	85,859	5,379	6.3	3,793	70.5	1,586	29.5	793	14.7	793	14.7	48	.9	48	.9	48	.9
Orange County, Fla. (Orlando):																	
1968	76,089	13,055	17.2	2,627	20.1	10,428	79.9	10,064	77.1	10,064	77.1	10,064	77.1	10,064	77.1	10,064	77.1
1970	85,270	15,398	18,1	6,265	40.7	9,133	59.3	8,005	52.0	5,125	33.3	4,090	26.6	2,553	16.6	2,553	16.6
Pinellas County, Fla. (Clearwater):																	
1968	78,466	12,715	16.2	2,762	21.7	9,953	78.3	9,303	73.2	9,169	72.1	9,169	72.1	8,147	64.1	3,298	25.9
1970	85,117	13,766	16.2	6,264	45.5	7,502	54.5	2,881	20.9	2,749	20.0	2,749	20.0	2,270	16.5	667	4.8
Cincinatti, Ohio:																	
1968	86,807	37,275	42.9	8,171	21.9	29,104	78.1	18,957	50.9	16,347	43.9	12,652	23.9	10,903	29.3	6,291	16.9
1970	84,199	37,853	45.0	6,399	16.9	31,454	83.1	20,661	54.6	14,954	39.5	12,068	31.9	10,266	27.1	5,924	15.7
Seattle, Wash.:																	
1968	94,025	10,376	11.0	4,647	44.8	5,729	55.2	2,531	24.4	843	8.1	0	0	0	0	0	0
1970	83,924	10,736	12.8	4,358	40.6	6,378	59.4	2,690	25.1	330	3.1	330	3.1	0	0	0	0
Albuquerque, N. Mex.:																	
1968	79,669	1,897	2.4	523	27.6	1,374	72.4	971	51.2	596	31.4	174	9.2	169	8.9	0	0
1970	83,781	2,048	2.4	742	36.2	1,306	63.8	779	38.0	555	27.1	191	9.3	0	0	0	0
Charlotte-Mecklenburg County, N.C.:																	
1968	83,111	24,241	29.2	6,704	27.7	17,537	72.3	16,506	68.1	14,274	58.9	14,274	58.9	13,863	57.2	9,459	39.0
1970	82,507	25,404	30.8	23,050	90.7	2,354	9.3	1,053	4.1	445	1.8	76	.3	0	0	0	0
Newark, N.J.:																	
1968	75,960	55,057	72.5	1,174	2.1	53,883	97.9	48,686	88.4	47,131	85.6	41,746	75.8	29,738	54.0	10,607	19.3
1970	78,456	56,651	72.2	1,620	2.9	55,031	97.1	51,685	91.2	48,959	86.4	46,541	82.2	35,843	63.3	11,217	19.8
Tulsa, Okla.:																	
1968	79,990	9,728	12.2	1,518	15.6	8,210	84.4	7,493	77.0	7,493	77.0	5,900	60.6	5,900	60.6	4,447	45.7
1970	77,822	10,672	13.7	2,933	27.5	7,739	72.5	7,332	68.7	7,332	68.7	6,153	57.7	3,078	28.8	1,887	17.7
San Antonio, Tex.:																	
1968	79,353	11,637	14.7	1,234	10.6	10,403	89.4	9,963	85.6	9,923	85.3	9,519	81.8	6,522	56.0	6,137	52.7
1970	77,253	11,853	15.3	1,099	9.3	10,754	90.7	7,950	67.1	7,124	60.1	6,096	51.4	3,395	28.6	1,310	11.1
Portland, Oreg.:																	
1968	78,413	6,388	8.1	3,664	57.4	2,724	42.6	1,589	24.9	1,307	20.5	0	0	0	0	0	0
1970	76,206	7,008	9.2	4,352	62.1	2,656	37.9	1,494	21.3	1,217	17.4	0	0	0	0	0	0
Anne Arundel County, Md. (Annapolis):																	
1968	65,745	8,923	13.6	7,161	80.3	1,762	19.7	222	2.5	0	0	0	0	0	0	0	0
1970	74,021	9,587	13.0	7,547	78.7	2,040	21.3	335	3.5	229	2.4	0	0	0	0	0	0
Clark County, Nev. (Las Vegas):																	
1968	67,526	8,233	12.2	3,961	48.1	4,272	51.9	4,272	51.9	4,272	51.9	3,626	44.0	699	8.5	0	0
1970	73,822	9,567	13.0	5,960	62.3	3,607	37.7	2,870	30.0	2,870	30.0	2,870	30.0	2,472	25.8	515	5.4
Pittsburgh, Pa.:																	
1968	76,268	29,898	39.2	6,373	21.3	23,525	78.7	17,936	60.0	15,699	52.5	12,779	42.7	11,588	38.8	2,925	9.8
1970	73,481	29,595	40.3	6,900	23.3	22,695	76.7	17,009	57.5	16,714	56.5	13,596	45.9	9,942	33.6	3,905	13.2
Kansas City, Mo.:																	
1968	74,202	34,692	46.8	4,865	14.0	29,827	86.0	27,083	78.1	24,231	69.8	23,331	67.3	17,460	50.3	5,050	14.6
1970	70,503	35,375	50.2	3,301	9.3	32,074	90.7	29,504	83.4	26,446	74.8	23,342	66.0	20,344	57.5	5,275	14.9
Buffalo, N.Y.:																	
1968	72,115	26,381	36.6	7,113	27.0	19,268	73.0	17,161	65.1	16,503	62.6	16,122	61.1	11,562	63.8	1,474	5.6
1970	70,305	27,069	38.5	7,249	26.8	19,820	73.2	16,172	59.7	15,181	56.1	14,934	55.2	13,168	48.6	1,785	6.6
Oklahoma City, Okla.:																	
1968	74,727	16,255	21.8	2,037	12.5	14,218	87.5	13,542	83.3	13,542	83.3	12,963	79.7	9,749	60.0	924	5.7
1970	70,042	16,109	23.0	3,442	21.4	12,667	78.6	12,095	75.1	12,095	75.1	12,095	75.1	10,911	67.7	3,672	22.8
Long Beach, Calif.:																	
1968	72,065	5,489	7.6	2,011	36.6	3,478	63.4	679	12.4	0	0	0	0	0	0	0	0
1970	69,927	6,349	9.1	2,219	35.0	4,130	65.0	0	0	0	0	0	0	0	0	0	0
Mobile County, Ala.:																	
1968	75,464	31,441	41.7	3,442	10.9	27,999	89.1	27,519	87.5	27,519	87.5	26,813	85.3	26,831	85.3	18,832	59.9
1970	69,791	31,034	44.5	5,658	18.2	25,376	81.8	16,888	54.4	14,618	47.1	12,808	41,3	9,635	31.0	3,141	10.1
Oakland, Calif.:																	
1968	64,102	35,386	55.2	1,958	5.5	33,428	94.5	27,292	77.1	22,452	63.4	16,604	46.9	8,062	22.8	1,661	4.7
1970	67,830	38,567	56.9	2,498	6.5	36,069	93.5	28,988	75.2	22,601	58.6	18,465	47.9	5,102	13.2	991	2.6
Jefferson County, Colo. (Lakewood):																	
1968	60,367	60	.1	60	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	67,675	71	.1	71	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Minneapolis, Minn.:																	
1968	70,006	5,255	7.5	3,722	70.8	1,533	29.2	0	0	0	0	0	0	0	0	0	0
1970	66,938	5,935	8.9	3,416	57.6	2,519	42.4	0	0	0	0	0	0	0	0	0	0
Palm Beach County, Fla.:																	
1968	61,715	17,158	27.8	3,191	18.6	13,967	81.4	13,636	79.5	13,074	76.2	13,074	76.2	12,409	72.3	12,409	72.3
1970	66,760	18,338	27.5	4,597	25.1	13,741	74.9	7,445	40.6	5,392	29.4	2,184	11.9	462	2.5	0	0
East Baton Rouge Parish, La.:																	
1968	63,725	23,751	37.3	1,333	5.6	22,418	94.4	22,362	94.2	21,617	91.0	21,617	91.0	21,330	89.8	19,007	80.0
1970	64,198	24,785	38.6	5,457	22.0	19,328	78.0	17,810	71.9	17,022	68.7	15,612	63.0	13,414	54.1	7,211	29.1
Wichita, Kans.:																	
1968	68 391	8,913	13.0	4,058	45.5	4,855	54.5	4,757	53.4	4,222	47.4	4,222	47.4	1,386	15.6	0	0
1970	63,811	9,362	14.7	6,025	64.4	3,337	35.6	2,950	31.5	2,950	31.5	2,260	24.1	975	10.4	371	4.0
Jefferson Parish, La. (Gretna):																	
1968	59,485	12,812	21.5	2,632	20.5	10,180	79.5	10,180	79.5	10,180	79.5	10,180	79.5	10,180	79.5	10,108	79.5
1970	63,572	13,201	20.8	6,425	48.7	6,776	51.3	4,791	36.3	4,186	31.7	2,577	19.5	2,577	19.5	2,577	19.5

Footnotes at end of table.

TABLE 3-A.—NEGROES IN 100 LARGEST (1970) SCHOOL DISTRICTS, RANKED BY SIZE—Continued

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968, and 1970, elementary and secondary school survey]

				Negroes attending minority schools													
		Negro		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Omaha, Nebr.:																	
1968	62,431	11,284	18.1	2,309	20.5	8,975	79.5	6,210	55.0	4,408	39.1	4,321	38.3	674	6.0	0	0
1970	63,516	11,786	18.6	3,145	26.7	8,641	73.3	7,582	64.3	5,663	48.0	3,069	26.0	825	7.0	0	0
Granite, Utah (Salt Lake City):																	
1968	62,236	59	.1	59	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	62,767	83	.1	83	100.0	0	0	0	0	0	0	0	0	0	0	0	0
El Paso, Tex.:																	
1968	62,105	1,804	2.9	1,114	61.8	690	38.2	510	28.3	468	25.9	379	21.0	194	10.8	78	4.3
1970	62,545	1,887	3.0	1,090	57.8	797	42.2	383	20.3	350	18.5	284	15.1	193	10.2	60	3.2
Birmingham, Ala.:																	
1968	66,434	34,156	51.4	2,472	7.2	31,684	92.8	31,649	92.7	31,290	91.6	30,810	90.2	30,810	90.2	28,906	84.6
1970	61,994	33,869	54.6	5,338	15.8	28,531	84.2	24,887	73.5	23,601	69.7	21,831	64.5	18,630	55.0	11,360	33.5
Brevard County, Fla. (Titusville):																	
1968	62,563	6,327	10.1	4,416	69.8	1,911	30.2	1,911	30.2	1,911	30.2	1,911	30.2	1,911	30.2	1,911	30.2
1970	61,908	6,618	10.7	5,876	88.8	742	11.2	742	11.2	742	11.2	742	11.2	0	0	0	0
Toledo, Ohio:																	
1968	61,684	16,473	26.7	3,725	22.6	12,748	77.4	10,553	64.1	8,626	52.4	6,752	41.0	2,164	13.1	1,617	9.8
1970	61,699	16,407	26.6	3,954	24.1	12,453	75.9	9,725	59.3	7,957	48.5	6,187	37.7	4,303	26.2	579	3.5
Jefferson County, Ala. (Birmingham area):																	
1968	65,328	18,186	27.8	538	3.0	17,648	97.0	17,579	96.7	17,579	96.7	17,579	96.7	17,579	96.7	17,579	96.7
1970	59,717	16,776	28.1	3,240	19.3	13,536	80.7	13,159	78.4	13,026	77.6	12,871	76.7	12,871	76.7	8,020	47.8
Fresno, Calif.:																	
1968	58,234	5,251	9.0	831	15.8	4,420	84.2	4,023	76.6	4,023	76.6	3,808	72.5	2,575	49.0	593	11.3
1970	57,508	5,133	8.9	1,255	24.4	3,878	75.6	3,441	67.0	2,628	51.2	2,628	51.2	2,073	40.0	16	.3
Charleston County, S.C.:																	
1968	47,178	16,730	35.5	2,140	12.8	14,590	87.2	14,091	84.2	14,091	84.2	14,091	84.2	14,091	84.2	14,091	84.2
1970	57,410	27,059	47.1	8,332	30.9	18,727	69.2	16,197	59.9	14,539	53.7	12,764	47.2	9,066	33.5	3,675	13.6
Tucson, Ariz.:																	
1968	53,667	2,767	5.2	524	18.9	2,243	81.1	955	34.5	656	23.7	380	13.7	148	5.3	0	0
1970	57,346	3,088	5.4	835	27.0	2,253	73.0	1,068	34.6	572	18.5	398	12.9	0	0	0	0
Greenville County, S.C.:																	
1968	56,306	12,453	22.1	1,839	14.8	10,614	85.2	10,378	83.3	10,378	83.3	10,378	83.3	10,378	83.3	9,258	74.3
1970	57,222	12,788	22.3	12,594	98.5	194	1.5	72	.6	0	0	0	0	0	0	0	0
Dayton, Ohio:																	
1968	59,527	22,790	38.3	2,488	10.9	20,302	89.1	18,837	82.7	18,837	82.7	17,574	77.1	14,198	62.3	5,061	22.2
1970	56,609	23,013	40.7	2,990	13.0	20,023	87.0	17,900	77.8	16,897	73.4	16,897	73.4	13,847	60.2	2,183	9.5
Akron, Ohio:																	
1968	58,589	15,137	25.8	5,705	37.7	9,432	62.3	5,958	39.4	3,594	23.7	3,133	20.7	1,264	8.4	588	3.9
1979	56,426	15,413	27.3	5,624	36.5	9,789	63.5	7,594	49.3	3,661	23.8	2,936	19.0	1,121	7.3	0	0
San Juan, Cal. (Carmichael):																	
1968	53,174	134	.3	134	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	55,621	217	.4	217	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Norfolk, Va.:																	
1968	56,029	23,499	41.9	2,701	11.5	20,798	88.5	19,341	82.3	18,706	79.6	18,322	78.0	17,236	73.3	11,648	49.6
1970	55,117	24,757	44.9	8,139	32.9	16,618	67.1	13,827	55.9	11,469	46.3	9,954	40.2	9,299	37.6	6,457	26.1
Austin, Tex.:																	
1968	51,760	7,783	15.0	1,022	13.1	6,761	86.9	6,691	86.0	6,587	84.6	5,063	65.1	4,486	57.6	1,728	22.2
1970	54,974	8,284	15.1	1,323	16.0	6,961	84.0	6,507	78.5	6,507	78.5	5,541	66.9	3,548	42.8	1,216	14.7
Polk County, Fla. (Bartow):																	
1968	52,255	11,652	22.3	3,815	32.7	7,837	67.3	7,769	66.7	7,769	66.7	7,769	66.7	7,679	66.7	7,769	66,7
1970	54,380	11,899	21.9	8,622	72.5	3,277	27.5	1,444	12.1	1,353	11.4	619	5.2	0	0	0	0
Caddo Parish, La. (Shreveport):																	
1968	60,483	26,429	43.7	649	2.5	25,780	97.5	25,734	79.4	25,734	97.4	25,734	97.4	25,734	97.4	24,844	94.0
1970	53,866	26,401	49.0	6,777	25.7	19,624	74.3	17,959	68.0	17,200	65.1	16,419	62.2	13,864	52.5	11,740	44.5
Louisville, Ky.:																	
1968	55,212	25,470	46.1	3,432	13.5	22,038	86.5	16,525	64.9	13,418	52.7	13,418	52.7	6,827	26.8	1,996	7.8
1970	53,197	25,674	48.3	3,013	11.7	22,661	88.3	19,884	77.4	17,556	68.4	13,522	52.7	8,527	33.2	1,094	4.3
Kanawha County, W. Va. (Charlestown):																	
1968	56,118	3,548	6.3	2,905	81.9	643	18.1	0	0	0	0	0	0	0	0	0	0
1970	52,888	3,404	6.4	2,934	86.2	470	13.8	0	0	0	0	0	0	0	0	0	0
Garden Grove, Calif.:																	
1968	52,908	83	.2	83	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	52,684	110	.2	110	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Sacramento, Calif.:																	
1968	52,545	7,324	13.9	5,150	70.3	2,174	29.7	387	5.3	259	3.5	0	0	0	0	0	0
1970	52,218	8,012	15.3	5,273	65.8	2,739	34.2	302	3.8	264	3.3	264	3.3	0	0	0	0
St. Paul, Minn.:																	
1968	50,338	2,917	5.8	2,556	87.6	361	12.4	361	12.4	361	12.4	361	12.4	0	0	0	0
1970	49,732	3,163	6.4	2,043	64.6	1,120	35.4	340	10.7	340	10.7	340	10.7	0	0	0	0
Winston-Salem-Forsyth County, N.C.:																	
1968	49,831	13,798	27.7	2,111	15.3	11,687	84.7	11,687	84.7	11,643	84.4	11,643	84.4	10,952	79.4	9,778	70.9
1970	49,514	13,727	27.7	5,077	37.0	8,650	63.0	7,884	57.4	7,822	57.0	7,822	57.0	7,337	53.4	6,015	43.8
Mount Diablo, Calif.:																	
1968	48,351	369	.8	369	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	48,395	416	.9	416	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Richmond, Va.:																	
1968	43,115	29,441	68.3	1,890	6.4	27,551	93.6	26,092	88.6	24,900	84.6	24,900	84.6	24,366	82.8	22,971	78.0
1970	47,988	30,785	64.2	3,609	11.7	27,176	88.3	17,485	56.8	13,776	44.7	8,680	28.2	8,680	28.2	2,954	9.6
Escambia County, Fla. (Pensacola):																	
1968	46,875	12,924	27.6	2,904	22.5	10,020	77.5	9,216	71.3	9,046	70.0	9,046	70.0	9,046	70.0	9,046	70.0
1970	46,987	13,443	28.6	5,548	41.3	7,895	58.7	2,225	16.6	515	3.8	0	0	0	0	0	0
Gary, Ind.:																	
1968	48,431	29,826	61.6	916	3.1	28,910	96.9	27,057	90.7	25,347	85.0	24,110	80.8	23,265	78.0	9,652	32.4
1970	46,595	30,169	64.7	1,060	3.5	29,109	96.5	27,673	91.7	25,850	85.7	24,033	79.6	19,544	64.8	11,781	39.1

				Negroes attending minority schools													
		Negro		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Corpus Christi, Tex.:																	
1968	46,110	2,496	5.4	43	1.7	2,453	98.3	1,960	78.5	1,937	77.6	1,912	76.6	810	32.5	640	25.6
1970	46,292	2,590	5.6	71	2.7	2,519	97.3	2,176	84.0	1,398	54.0	998	38.5	317	12.2	12	.5
Flint, Mich.:																	
1968	46,495	17,212	37.0	4,165	24.2	13,047	75.8	7,297	42.4	6,425	37.3	6,425	37.3	1,193	6.9	0	0
1970	45,659	18,475	40.5	3,512	19.0	14,963	81.0	7,051	38.2	5,621	30.4	4,816	26.1	1,367	7.4	385	2.1
Rochester, N.Y.:																	
1968	47,372	13,679	28.9	6,232	45.6	7,447	54.4	4,708	34.4	3,792	27.7	1,652	12.1	0	0	0	0
1970	45,500	15,082	33.1	6,161	40.9	8,921	59.1	6,661	44.2	3,651	24.2	3,651	24.2	652	4.3	0	0
Des Moines, Iowa:																	
1968	46,532	3,611	7.8	2,057	57.0	1,554	43.0	408	11.3	0	0	0	0	0	0	0	0
1970	45,375	3,751	8.3	2,193	58.5	1,558	41.5	24	.6	0	0	0	0	0	0	0	0
Shawnee Mission, Kans. (Kansas City area): [2]																	
1970	45,289	140	.3	140	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia Beach, Va.:																	
1968	41,272	4,372	10.6	2,719	62.2	1,653	37.8	1,653	37.8	1,653	37.8	1,653	37.8	1,278	29.2	1,278	29.2
1970	45,245	4,793	10.6	4,187	87.4	606	12.6	606	12.6	606	12.6	0	0	0	0	0	0
Cobb County, Ga. (Marietta):																	
1968	40,918	1,336	3.3	1,246	93.3	90	6.7	90	6.7	90	6.7	90	6.7	90	6.7	90	.76
1970	44,504	1,397	3.1	1,397	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Fort Wayne, Ind.:																	
1968	41,595	5,760	13.8	1,552	26.9	4,208	73.1	3,291	57.1	1,856	32.2	1,328	23.1	0	0	0	0
1970	43,400	6,492	15.0	1,921	29.6	4,571	70.4	3,194	49.2	2,634	40.6	512	7.9	0	0	0	0
Rockford, Ill.:																	
1968	36,975	4,434	12.0	2,593	58.5	1,841	41.5	472	10.6	0	0	0	0	0	0	0	0
1970	43,116	5,300	12.3	2,965	55.9	2,335	44.1	412	7.8	412	7.8	0	0	0	0	0	0
Muscogee County, Ga. (Columbus):																	
1968	42,373	12,517	29.5	884	7.1	11,633	92.9	10,951	87.5	10,951	87.5	10,757	85.9	10,757	85.9	8,768	70.0
1970	42,010	13,074	31.1	1,564	12.0	11,510	88.0	11,214	85.8	10,572	80.9	10,421	79.7	9,601	73.4	8,093	61.9
Richmond, Calif.:																	
1968	43,123	10,424	24.2	4,006	38.4	6,418	61.6	4,522	43.4	3,627	34.8	2,819	27.0	1,143	11.0	534	5.1
1970	41,492	11,389	27.4	5,730	50.3	5,659	49.7	3,781	33.2	3,405	29.9	3,405	29.9	1,621	14.2	343	3.0
Chatham County, Ga. (Savannah):																	
1968	42,416	17,440	41,1	1,620	9.3	15,829	90.7	15,102	66.5	15,102	86.5	15,102	86.5	15,102	86.5	13,460	77.1
1970	40,897	17,963	43.9	3,499	19.5	14,464	80.5	12,058	67.1	11,587	64.5	8,711	48.5	4,226	23.5	2,804	15.6
Compton, Calif.: [2]																	
1970	40,364	33,486	83.0	0	0	33,486	100.0	31,056	92.7	30,299	90.5	27,864	83.2	19,575	58.5	5,303	15.8
Spring Branch, Tex. (Houston area):																	
1968	35,704	15	0	15	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	39,771	22	.1	22	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Total (98 districts): [2]																	
1968	10,328,038	3,195,127	30.9	415,162	13.0	2,779,965	87.0	2,468,005	77.2	2,298,320	71.9	2,148,363	67.2	1,745,219	54.6	1,745,219	32.6
1970	10,482,814	3,387,423	32.3	544,109	16.1	2,843,314	83.9	2,431,526	71.8	2,224,162	65.7	2,000,227	59.0	1,513,616	44.7	710,181	21.0

[1] Minute differences between sums of numbers and totals are due to computer rounding.

[2] 1968 data for Shawnee Mission, Kans. and Compton, Cal. are not comparable with 1970 data due to major consolidations that occurred between the two survey years. Both 1968 and 1970 data for these two districts are omitted from the totals in order to allow comparisons between 1968 and 1970 for the remaining 98 districts.

TABLE 3-B.—SPANISH SURNAMED AMERICANS IN SELECTED LARGE SCHOOL DISTRICTS, RANKED BY SIZE IN 1970

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Spanish surnamed Americans attending minority schools													
		Spanish-American		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
New York, N.Y.:																	
1968	1,063,787	244,302	23.0	28,783	11.8	215,519	88.2	164,020	67.1	135,928	55.6	97,373	39.9	42,110	17.2	5,072	2.1
1970	1,140,359	292,664	25.7	31,534	10.8	261,130	89.2	203,085	69.4	168,283	57.5	125,311	42.8	66,375	22.7	19,843	6.8
Los Angeles, Calif.:																	
1968	653,549	130,450	20.0	42,684	32.7	87,766	67.3	69,088	53.0	54,217	41.6	42,340	32.5	6,348	4.9	647	.5
1970	642,895	140,346	21.8	42,360	30.2	97,986	69.8	70,433	50.2	57,901	41.3	45,964	32.8	4,073	2.9	287	.2
Chicago, Ill.:																	
1968	582,274	49,886	8.6	19,148	38.4	30,738	61.6	15,792	31.7	5,745	11.5	3,022	6.1	542	1.1	183	.4
1970	577,679	56,374	9.8	17,718	31.4	38,656	68.6	19,842	35.2	8,107	14.4	2,834	5.0	631	1.1	143	.3
Houston, Tex.:																	
1968	246,098	31,780	12.9	11,301	35.6	20,479	64.4	12,840	40.4	8,404	26.4	3,803	12.0	654	2.1	178	.6
1970	241,139	34,759	14.4	10,202	29.4	24,557	70.6	17,558	50.5	7,194	20.7	5,688	16.4	961	2.8	114	.3
Dade County, Fla. (Miami):																	
1968	232,465	39,487	17.0	15,364	38.9	24,123	61.1	8,566	21.7	4,545	11.5	2,993	7.6	144	.4	32	.1
1970	240,447	49,383	20.5	17,935	36.3	31,448	63.7	18,570	37.6	9,260	18.8	2,956	6.0	199	.4	8	0
Dallas, Tex.:																	
1968	159,924	12,196	7.6	5,447	44.7	6,749	55.3	4,057	33.3	2,195	18.0	1,192	9.8	203	1.7	73	.6
1970	164,736	13,945	8.5	6,495	46.6	7,450	53.4	4,284	30.7	2,899	20.8	1,726	12.4	1,068	7.7	104	.7
San Diego, Calif.																	
1968	128,914	12,981	10.1	8,485	65.4	4,496	34.6	3,418	26.3	2,492	19.2	1,127	8.7	287	2.2	0	0
1970	128,783	13,595	10.6	8,730	64.2	4,865	35.8	3,361	24.7	2,138	15.7	1,459	10.7	0	0	0	0
Broward County, Fla. (Fort Lauderdale):																	
1968	103,003	823	.8	762	92.6	61	7.4	61	7.4	61	7.4	61	7.4	42	5.1	42	5.1
1970	117,324	1,886	1.6	1,760	93.3	126	6.7	120	6.4	120	6.4	116	6.2	77	4.1	65	3.4
Hillsborough County, Fla., (Tampa):																	
1968	100,985	6,766	6.7	5,275	78.0	1,491	22.0	534	7.9	104	1.5	70	1.0	70	1.0	68	1.0
1970	105,347	6,756	6.4	5,329	78.9	1,427	21.1	1,046	15.5	289	4.3	208	3.1	157	2.3	148	2.2
Denver, Colo:																	
1968	96,577	18,611	19.3	8,884	47.7	9,727	52.3	4,981	26.8	1,681	9.0	1,527	8.2	342	1.8	0	0
1970	97,928	21,898	22.4	8,703	39.7	13,195	60.3	5,373	24.5	2,212	10.1	1,538	7.0	225	1.0	0	0

Footnotes at end of table.

TABLE 3-B.—SPANISH SURNAMED AMERICANS IN SELECTED LARGE SCHOOL DISTRICTS, RANKED BY SIZE IN 1970—Continued

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Spanish surnamed Americans attending minority schools													
		Spanish-American		0–49.9 percent		50–100 percent		80–100 percent		90–100 percent		95–100 percent		99–100 percent		100 percent	
Districts	Total pupils	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent
San Francisco, Calif.:																	
1968	94,154	12,217	13.0	4,098	33.5	8,119	66.5	1,164	9.5	240	2.0	112	.9	44	.4	0	0
1970	91,150	12,389	13.6	3,083	24.9	9,306	75.1	2,854	23.0	206	1.7	122	1.0	18	.1	4	0
Fort Worth, Tex.:																	
1968	86,528	6,937	8.0	4,058	58.5	2,879	41.5	452	6.5	452	6.5	452	6.5	37	.5	29	.4
1970	88,095	8,105	9.2	3,846	47.5	4,259	52.5	853	10.5	445	5.5	412	5.1	29	.4	20	.2
Albuquerque, N. Mex.:																	
1968	79,669	28,151	35.3	7,913	28.1	20,238	71.9	7,846	27.9	2,381	8.5	947	3.4	96	.3	0	0
1970	83,781	30,844	36.8	9,027	29.3	21,817	70.7	8,162	26.5	5,083	16.5	1,637	5.3	0	0	0	0
Newark, N.J.:																	
1968	75,960	7,046	9.3	516	7.3	6,530	92.7	3,869	54.9	3,382	48.0	2,109	29.9	971	13.8	355	5.0
1970	78,456	10,401	13.3	1,131	10.9	9,270	89.1	5,504	52.9	4,170	40.1	2,747	26.4	1,251	12.0	294	2.8
San Antonio, Tex.:																	
1968	79,353	46,188	58.2	5,731	12.4	40,457	87.6	33,265	72.0	27,697	60.0	23,633	51.2	7,386	16.0	1,357	2.9
1970	77,253	47,487	61.5	4,617	9.7	42,870	90.3	35,180	74.1	27,394	57.7	21,402	45.1	5,102	10.7	159	.3
Buffalo, N.Y.:																	
1968	72,115	1,278	1.8	866	67.8	412	32.2	142	11.1	140	11.0	137	10.7	119	9.3	0	0
1970	70,305	1,620	2.3	932	57.5	688	42.5	202	12.5	127	7.8	120	7.4	107	6.6	5	.3
Long Beach, Calif.:																	
1968	72,065	3,840	5.3	3,100	80.7	740	19.3	37	1.0	0	0	0	0	0	0	0	0
1970	69,927	4,299	6.2	3,395	79.0	904	21.0	0	0	0	0	0	0	0	0	0	0
Oakland, Calif.:																	
1968	64,102	5,241	8.2	792	15.1	4,449	84.9	2,570	49.0	1,282	24.5	586	11.2	137	2.6	26	.5
1970	67,830	5,940	8.8	1,038	17.5	4,902	82.5	2,699	45.4	1,320	22.2	900	15.2	56	.9	10	.2
Jefferson County, Colo. (Lakewood):																	
1968	60,367	1,118	1.9	1,118	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	67,675	1,346	2.0	1,346	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Palm Beach County, Fla.:																	
1968	61,715	1,553	2.5	1,252	80.6	301	19.4	189	12.2	22	1.4	22	1.4	18	1.2	18	1.2
1970	66,760	2,199	3.3	1,312	59.7	887	40.3	66	3.0	52	2.4	30	1.4	11	.5	0	0
El Paso, Tex.:																	
1968	62,105	33,639	54.2	5,800	17.2	27,839	82.8	22,439	66.7	20,075	59.7	15,929	47.4	5,820	17.3	2,139	6.4
1970	62,545	34,892	55.8	5,189	14.9	29,703	85.1	22,632	64.9	20,855	59.8	17,730	50.8	7,652	21.9	3,141	9.0
Fresno, Calif.:																	
1968	58,234	11,148	19.1	6,286	56.4	4,862	43.6	1,261	11.3	1,261	11.3	1,077	9.7	489	4.4	5	0
1970	57,508	11,274	19.6	6,606	58.6	4,668	41.4	1,045	9.3	601	5.3	601	5.3	400	3.5	5	0
Tucson, Ariz.:																	
1968	53,667	13,798	25.7	3,061	22.2	10,737	77.8	5,591	40.5	4,904	35.5	2,527	18.3	769	5.6	0	0
1970	57,346	14,902	26.0	3,938	26.4	10,964	73.6	7,486	50.2	4,568	30.7	2,928	19.6	0	0	0	0
San Juan, Calif. (Carmichael):																	
1968	53,174	1,126	2.1	1,126	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	55,621	1,433	2.6	1,433	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Austin, Tex.:																	
1968	51,760	9,956	19.2	3,020	30.3	6,936	69.7	6,432	64.6	5,822	58.5	2,180	21.9	28	.3	0	0
1970	54,974	11,194	20.4	3,390	30.3	7,804	69.7	6,638	59.3	6,638	59.3	4,215	37.7	96	.9	24	.2
Garden Grove, Calif.:																	
1968	52,908	4,862	9.2	4,862	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	52,684	5,764	10.9	5,764	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Sacramento, Calif.:																	
1968	52,545	6,184	11.8	4,441	71.8	1,743	28.2	278	4.5	34	.5	0	0	0	0	0	0
1970	52,218	6,450	12.4	4,450	69.0	2,000	31.0	133	2.1	36	.6	36	.6	0	0	0	0
Mount Diablo, Calif. (Concord):																	
1968	48,351	1,863	3.9	1,863	100.0	0	0	0	0	0	0	0	0	0	0	0	0
1970	48,395	1,746	3.6	1,746	100.0	0	0	0	0	0	0	0	0	0	0	0	0
Corpus Christi, Tex.:																	
1968	46,110	21,490	46.6	3,707	17.2	17,783	82.8	14,178	66.0	13,417	62.4	10,508	48.9	3,190	14.8	921	4.3
1970	46,292	22,729	49.1	4,539	20.0	18,190	80.0	15,396	67.7	11,343	49.9	8,674	38.2	2,513	11.1	421	1.9
Rochester, N.Y.:																	
1968	47,372	1,553	3.3	999	64.3	554	35.7	234	15.1	213	13.7	41	2.6	0	0	0	0
1970	45,500	1,853	4.1	1,239	66.9	614	33.1	378	20.4	248	13.4	248	13.4	8	.4	0	0
Richmond, Calif.:																	
1968	43,123	2,253	5.2	1,807	80.2	446	19.8	204	9.1	136	6.0	123	5.5	28	1.2	18	.8
1970	41,492	2,298	5.5	1,869	81.3	429	18.7	117	5.1	107	4.7	107	4.7	66	2.9	4	.2
Compton, Calif.: [2]																	
1970	40,364	4,605	11.4	0	0	4,605	100.0	3,668	79.7	3,458	75.1	2,727	59.2	1,191	25.9	295	6.4
Total (31 districts):																	
1968	4,682,953	768,723	16.4	212,549	27.6	556,174	72.4	383,508	49.9	296,830	38.6	213,891	27.8	69,874	9.1	11,163	1.5
1970	4,792,444	870,771	18.2	220,656	25.3	650,115	74.7	453,017	52.0	341,596	39.2	249,709	28.7	91,075	10.5	24,799	2.8

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] 1968 data for Compton, Calif., are not comparable with 1970 data due to a major consolidation with several other districts between the 2 survey years. Both 1968 and 1970 data for this district are omitted from the totals in order to allow comparisons between the 2 years for the remaining 31 districts.

TABLE 4-A.—NEGROES IN 100 LARGEST (1970) SCHOOL DISTRICTS BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Negroes attending minority schools—														
		Negro		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent		
Area	Total pupils	Number	Percent	Number	Percent	Number	Fercent	Number	Percent	Number	Percent	Number	Percent	Number	Fercent	Number	Percent	
Continental United States:																		
1968 [3]	10,328,038	3,195,127	30.9	415,162	13.0	2,779,965	87.0	2,468,005	77.2	2,298,320	71.9	2,148,363	67.2	1,745,219	54.6	1,041,396	32.6	
1970 [2]	10,482,814	3,387,423	32.8	544,109	16.1	2,843,314	83.9	2,431,526	71.8	2,224,162	65.7	2,000,227	59.0	1,513,616	44.7	710,181	21.0	
32 northern and western: [3]																		
1968 [3]	5,747,849	1,796,111	31.2	248,067	13.8	1,548,044	86.2	1,303,789	72.6	1,171,311	65.2	1,047,760	58.3	752,904	41.9	296,376	16.5	
1970 [2]	5,787,264	1,909,984	33.0	250,812	13.1	1,659,172	86.9	1,399,940	73.3	1,269,931	66.5	1,129,751	59.1	801,715	42.0	316,148	16.6	
6 border and District of Columbia: [4]																		
1968	1,340,469	470,901	35.1	62,122	13.2	408,779	86.8	375,791	79.8	357,807	76.0	343,097	72.9	278,341	59.1	145,386	30.9	
1970	1,360,862	487,435	35.8	66,122	13.6	421,313	86.4	383,259	78.6	364,189	74.7	342,118	70.2	286,306	58.7	150,463	30.9	
11 southern: [5]																		
1968	3,239,720	928,115	28.6	104,973	11.3	823,142	88.7	788,425	84.9	769,202	82.9	757,506	81.6	713,974	76.9	599,634	64.6	
1970	3,334,688	990,004	29.7	227,175	22.9	762,829	77.1	648,327	65.5	590,042	59.6	528,358	53.4	425,595	43.0	243,570	24.6	

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] 1968 data for Shawnee Mission, Kans. and Compton, Calif. are not comparable with 1970 data due to major consolidations that occurred between the two survey years. Both 1968 and 1970 data for these two districts are omitted from the totals in order to allow comparisons between 1968 and 1970 for the remaining 98 districts.

[3] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hamsphire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

TABLE 4-B.—SPANISH SURNAMED AMERICANS IN 100 LARGEST (1970) SCHOOL DISTRICTS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968, and fall, 1970 elementary and secondary school survey]

				Spanish surnamed Americans attending minority schools—														
		Spanish Americans		0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent		
Area	Total pupils	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Continental United States:																		
1968 [2]	10,328,038	811,749	7.9	239,871	29.5	571,878	70.5	391,892	48.3	302,343	37.2	216,683	26.7	70,607	8.7	11,373	1.4	
1970 [2]	10,482,814	924,383	8.8	254,320	27.5	670,063	72.5	464,699	50.3	349,327	37.8	254,526	27.5	92,848	10.0	25,392	2.7	
5 Arizona, California, Colorado, New Mexico, Texas:																		
1968 [2]	2,378,981	416,361	17.5	139,916	33.6	276,445	66.4	190,101	45.7	146,690	35.2	108,063	26.0	25,858	6.2	5,393	1.3	
1970 [2]	2,390,038	448,175	18.8	142,306	31.8	305,869	68.2	204,204	45.6	150,940	33.7	115,139	25.7	22,259	5.0	4,293	1.0	
4 Connecticut, Illinois, New Jersey, Hew York:																		
1968	1,878,483	304,371	16.2	50,552	16.6	253,819	83.4	184,062	60.5	145,408	47.8	102,682	33.7	43,742	14.4	5,610	1.8	
1970	1,955,415	363,291	18.6	52,803	14.5	310,488	85.5	229,016	63.0	180,490	49.8	131,260	36.1	68,372	18.8	20,285	2.5	
1 Florida:																		
1968	937,053	49,431	5.3	23,447	47.4	25,984	52.6	9,350	18.9	4,732	9.6	3,146	6.4	274	.6	160	.3	
1970	986,033	61,025	6.2	27,264	44.5	33,941	55.5	19,809	32.4	9,721	15.9	3,310	5.4	444	.7	221	.4	
39 other States and the District of Columbia:																		
1968 [2]	5,133,521	41,586	.8	29,956	62.4	15,630	37.6	8,379	20.1	5,513	13.3	2,792	6.7	733	1.8	210	.5	
1970 [2]	5,151,328	51,712	1.0	31,947	61.8	19,765	38.2	11,671	22.6	7,716	14.9	4,817	9.3	1,773	3.4	593	1.1	

[1] Minute differences between sum of number and totals are due to computer rounding.

[2] 1968 data for Shawnee Mission, Kans. and Compton, Calif. are not comparable with 1970 data due to major consolidations that occurred between the 2 survey years. Both 1968 and 1970 data for these 2 districts are omitted from the totals in order to allow comparisons between 1968 and 1970 for the remaining 98 districts.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. The hour of 10:30 a.m. having arrived, pursuant to previous order the Chair lays before the Senate the unfinished business, H.R. 6531, a bill to amend the Selective Service Act of 1967, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize Military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending amendment is amendment No. 123 by the Senator from Alaska (Mr. GRAVEL), which the clerk will read.

The assistant legislative clerk read the amendment (No. 123) as follows:

On page 21, lines 21 and 22, and on page 22, line 20 strike out the words "whether or not a state of war exists" and in both places insert thereof "when a state of war declared by the Congress exists".

The PRESIDING OFFICER. Under the previous order, debate on this amendment is limited to 2 hours, to be equally divided between the author of the amendment, the distinguished Senator from Alaska (Mr. GRAVEL), and the distinguished Senator from Mississippi (Mr. STENNIS).

Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, a point of clarification. We are not under the rule of germaneness, and I wonder if I might make a few comments not related to the subject under discussion.

The PRESIDING OFFICER. The rule of germaneness does not apply when the time is under control, so the Senator may use his time in any way that he sees fit.

AMENDMENT NO. 123

Mr. GRAVEL. Mr. President, my amendment 123 is a very simple one, and I hope that the manager of the bill, the distinguished Senator from Mississippi (Mr. STENNIS), will find it within his prerogatives to accept what I think is a simple concept, a simple change to conform with existing fact, but one that is most fundamental to the situation we find ourselves in today as a result of having conscription in this freedom-loving country—a conscription which has laid the basis upon which we were able to slip into the morass of Vietnam, and which I think has laid a foundation which will cause us to slip into further wars of this nature, and a foundation for bringing about an erosion of the concept of freedom which we have enjoyed through decades and centuries. I say centuries: Numerous centuries, because it is all tied to the history of the development of Western man, upon which our freedom and our representative Government are based.

The most important reason I feel so strongly about doing away with conscription in this country is the direct effect it would have on impeding our activities in South Vietnam, and indirectly on stopping the war; but certainly another reason why I rise to battle against conscription in a free society, in a country that is not under threat of invasion, is the simple fact that conscription under such circumstances does much to bring about militarism in our society, and to lay the seeds of future despotism.

I love this country, as I am sure every Member of this body loves this country, and to see the basic freedom and trust of our society played away almost without notice—and it is without notice—I am sure if all the Members of this body could perceive the full extent of what is going on, the Senate would rise up in unanimity and strike down this erosive, corrosive legislation.

I shall discuss, as a part of my floor presentation, some information that I have brought together in the hope of persuading my colleague from Mississippi to agree with my views. I shall proceed with the presentation of my remarks, and then yield the floor, in the hope that my presentation may have persuaded my colleague to accept the amendment.

In June of 1968, an article appeared in the Harvard Law Review from which I shall quote repeatedly during the course of my remarks. The article was entitled "Congress, the President, and the Power To Commit to Combat," and it states the problem as follows:

> The question of the legality of the Vietnam conflict has two distinct aspects: The justifiability of the United States intervention under international law, and the constitutionality of such actions under domestic law. The first has been the subject of considerable debate; the second has received less attention. Where it has not been dismissed as academic the issue has been approached polemically. One side vigorously asserts the constitutional authority of the President to act as commander-in-chief of the armed forces, while the other side with equal vigor brandishes the provision of the Constitution which gives Congress the power to declare war. The two sides assert claims which have support in constitutional history and are not incompatible but which bypass the real issue: How is the President's authority as Chief Executive and commander-in-chief to be reconciled with Congress' power to declare war?

That, to my mind, is the fundamental issue, not only of the amendment that I propose, but of the Hatfield-McGovern proposition as well. It is really the underlying basis for the tension between this body with its duties in juxtaposition to what its Members feel the President should be permitted to do, as affecting the health of this Nation.

I hope that the Members of the Senate are seeking an answer to this question. To do less, I believe, would be to shirk our responsibility as representatives of the American people.

Increasingly, our Armed Forces have participated in military operations without a congressional declaration of war. The Mexican War, the Boxer Rebellion, Korea—these among other historical military actions involving American troops have led to a steady erosion of the congressional power to declare war. The United States has intervened with troops on numerous occasions in Latin America, most recently in 1965 in the Dominican Republic, without the Congress having a word to say about it. The President has often presented Congress with a fait accompli which for all intents and purposes precludes meaningful congressional participation in the decision to take military action.

What Senator has not felt the pressure of the necessity of protecting "our boys" who are already "over there"? In the name of such "protection," we have witnessed a continual widening of the war in Vietnam, most recently into Cambodia and Laos; we have never received a formal request from the President asking our approval. We just have to read it in the newspapers like everyone else, and then are forced to "do whatever is necessary to protect the troops." Like Damocles, we all have swords dangling above our heads, and we cannot seem to get out from under them.

For a moment, then, let us look at what the Constitution says on this matter and what the framers of that document intended.

As we all know, the Constitution gives Congress the power to "declare war." The word declare is somewhat ambiguous, but the intent of the Constitutional Convention on the matter is not. To quote from the Harvard Law Review article previously mentioned:

> An earlier draft of the committee on detail gave Congress the power to "make" rather than "declare" war. ... When the proposal to substitute "declare" for "make" was introduced, the debates over the issue indicate that the new wording was not intended to shift from the legislature to the executive this general power to engage the country in war. At the most, the sole reason for the substitution was to confirm the executive's power to "repel sudden attacks."

Thomas Jefferson once wrote, in referring to this "declaration of war" clause:

> We have already given ... an effective check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay.

As the Law Review article further points out, in fact, during his administration when the Bey of Tripoli threatened and then declared war:

> Jefferson dispatched a squadron of frigates to the Mediterranean to protect American Commerce ... doubtful of the extent of his power to act without Congressional approval, Jefferson instructed his commander to release any vessels captured after having disarmed them. In the President's view his authority to act in defense of the country did not extend to taking further aggressive action, even against a declared adversary, in the absence of Congressional authorization.

Thus, Jefferson was quick to place even the very restrained actions which he had taken under congressional scrutiny. Nor is he the only President to have acted strictly in this manner. When confronted with the need for military intervention in Formosa in 1955 and in the Middle East in 1957, President Eisenhower, a great military leader and a man with the strongest sense of constitutional duty, hastened to seek immediate congressional approval for his actions.

It is interesting to note—this is just as an aside—that Dwight Eisenhower, whose career was in the military, had a greater propensity to recognize constitutional authority than those Presidents who found their base, who had their career concretely established, in the legislative process.

Alexander Hamilton, I should note, disagreed with Jefferson's position, as one might expect from history, but he argued only that the President need not consult Congress so long as the United States needs to take strictly defensive measures against direct attack.

I am sure that no one would challenge the need for immediate Presidential action in the case of invasion, insurrection, or nuclear attack. I certainly do not. The President's powers, not as Commander in Chief but as "executor of the laws," including treaties, and protector of national peace, would clearly require him to act immediately in such situations.

It is a false assumption that because he is Commander in Chief, however, the President has the right to do anything he wishes to do with the Armed Forces. Clearly the Constitution does not say this, and although he commands the Armed Forces, the President can find nothing in that clause of the Constitution which allows him to judge when and where they are to be used. Let me quote again from the definitive Harvard Law Review article on this subject:

> For the most part the United States escaped the type of attack which would justify the Presidential use of defensive warmaking powers. By far the most difficult struggle between the Congress and the President over the power to control the use of the military has occurred in attempting to decide what limits are to be placed on the President's power to use force in all other situations—situations where, though the country itself has not been attacked, its interests and national aims abroad are threatened and require force for their protection or advancement. Although the President early assumed the power to enforce all sorts of national aims, Congress' power to declare war, if it is not to be purely formal must include the power to decide when the country will go to war to protect such aims.
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> While the President must still be left with the power to judge in the first instance whether a given event constitutes an imminent threat to our survival and demands a response which leaves no time to seek Congress' acquiescence in that judgment, such limited discretion falls far short of authorizing assumption of his defensive war-making powers whenever the interest jeopardized is labelled a vital security interest. . . .
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> At the same time, however, it must be recognized that there will be cases where in the executive's judgment there simply is no time to secure congressional authorization before acting. In such cases, where he believes that Congress would agree with his judgment that the interest at stake is worth defending at the risk of war, the President should be able to take action while simultaneously seeking congressional authorization.
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> These cases should be few. None of the recent military actions appears to have involved such genuine urgency as to preclude congressional participation in the decision to employ the military. Even fewer should be the cases where the demands of secrecy preclude resort to Congress.
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> Although the difficulty in drawing the line cannot be avoided and must ultimately be left to the discretion of the President, at least the general presumption in accordance with which that discretion is exercised would be reversed: Instead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the assumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with the presidential initiative being reserved for the exceptional case.

What the legal scholars indicate to us is the need for Congress to insist on its rights to the determination of the functions of the military. It has become evident to many of us that if the erosion of the framers' intent that Congress have the ultimate warmaking authority is not stopped, that power will pass forever from Congress and become a meaningless formality.

Now is the time for Congress to assert its authority, for in the future it is not likely that we shall see "declared" wars of variety of the two World Wars. Rather we shall see countless undeclared actions throughout the world. If we participate in these numerous conflicts, we will be repeating the mistakes of Vietnam. For this reason Congress must insist upon its responsibility as the representatives of the people who end up suffering and dying when we commit our military forces to the field.

If I may cite one more quotation from that excellent Harvard Law Review article:

> Much of the burden of making resolutions meaningful devices for securing congressional consent must fall on Congress itself. . . . In situations where real emergencies are involved and unilateral executive action may be required, the burden falls on Congress either to voice its disapproval or to give its consent without needless delay.

Congress, unfortunately, has not chosen, through the vehicle of the Hatfield-McGovern resolution, to place any restraint on the President's activities. I would hope that it would see the vehicle for placing such a restraint in a reaffirmation of the constitutional prerogatives that we hold.

I would further hope that in the near future we can agree on some measure such as the one the distinguished Senator from Mississippi (Mr. STENNIS) has proposed, which would state Congress' views on the limitation of Presidential authority to commit the Armed Forces of the United States. I have privately commended the Senator for his actions, and I now do so publicly. I find it difficult to see how he could not reconcile his action to the action I propose today.

May I remind my colleagues that the clause that Congress shall have the power "to raise and support armies" and "to provide and maintain a navy" is at stake here. I propose that we jealously guard that power lest we further lose it. I can think of no power which has a greater effect on the lives of people than the power to induct. Let us be sure that Congress maintains ultimate control of this power as a first step toward regulating ultimate control of the military.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Do I understand correctly that there is an hour to each side on this amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 57 minutes remaining of his time.

Mr. STENNIS. I thank the Chair.

Now, Mr. President, this is not a complicated matter. For one reason, we have already had four rollcall votes that went to the same issue as now presented by the Senator's amendment. One of the rollcall votes was under debate the equivalent of a week. The others were debated for a reasonable length of time. The last one we passed on was yesterday.

The pending amendment pertains to the power of the President to induct inductees under the Selective Service Act into the armed services. I say it has been four times because we were debating each of those times how long, if any time, we would extend the present law so as to permit the President to induct inductees.

The first amendment that I mentioned was not the first one voted on, but the Senator from Oregon (Mr. HATFIELD) had an amendment that provided that there would be no power vested in the President beyond June 30 of 1971 to induct inductees; and that, in effect, is what the pending amendment would do, only in another way.

Reading the Senator's amendment into the bill, on page 21, line 20, if the amendment were to be adopted, the bill would read like this:

> The President is authorized from time to time, when a state of war declared by the Congress exists, to select and induct into the armed forces . . .

In other words, unless there is an actual declaration of war under the Senator's amendment, the President would have no power to induct anyone.

Now, Mr. President, I am not out of sympathy with the idea about the need for a declaration of war. In fact, I have in a resolution on that subject, and I hope that will be one of the things that comes out of this war, and that we will have learned a lesson from.

But, that is not the issue here today. We are already at war. The power of the President to induct inductees is on the verge of expiring. It will expire 12 days from now with a slight exception. There is no other plan that can be put into operation to supply the needed manpower.

We have a Navy with ships, submarines, and carriers scattered all over the world. We have Polaris submarines stationed all over the world with nuclear weapons. They are our frontline deterrent. Those crews are made up of men who are in the services under the inducement, according to the records, of the Selective Service Act.

I have all the figures here but we have been over them many times during debate, so there is no use repeating them now.

That is true of the carriers. Of the carrier crews that serve, even out on the decks with the planes taking off and landing, approximately 40 percent are in the Navy through the inducement of the Selective Service Act.

That is also true of our intercontinental ballistic missile crews stationed in the United States—the big missiles. That is true, right along with the Polaris submarines; they are also our first line of deterrence.

We gradually lose those men as their terms expire. They are in for more than 2 years, but they are in there through the inducement of the draft. As their terms expire, many of them leave.

Mr. President, the effect of the adoption of this amendment if it should become law—it would cut off these sources of manpower, not just for the men and the things that have to be done in our military society, but also for the extraordinary positions and the very delicate and sensitive positions I have described, many of which require 12 or 18 months of training to qualify before they can be performed. In addition to that, we have no other source except those that happen to be inclined to volunteer, even with the new law with its added inducement, some of whom would not be trained in the military in any way, and many of those assignments require extraordinary care and persistence and duration of time and proper training.

So, there is no alternative to which we can go. There is no buildup and no preparation for any source of manpower.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield briefly.

Mr. GRAVEL. Mr. President, I would hope the Senator from Mississippi could see the same inefficiencies that I do.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, if it takes 18 months of training, and a person is drafted for 2 years, it would strike me as grossly inefficient with respect to the use of tax dollars to meet the technological requirements the Senator speaks of.

I would hope that we would have the foresight and the wisdom to provide sufficient incentives—which I think we have in the pay scales which the Senate has agreed to—that we could get people to actually enlist for 3 years. If it takes 18 months to train them, we would have at least a year and a half of value from them.

Mr. STENNIS. Mr. President, the Senator makes a good point except that perhaps I did not make myself clear. The Senator overlooks the fact that in my remarks concerning the men on the submarines, the *Polaris*, and the carriers, I said they were draft induced. I believe that 42 percent of the men on the carriers are draft induced and their term is for 3 years. In the Air Force it is 4 years. It shows on the record that they are volunteers, and they are volunteers for that term. However, according to their own version, that percentage is draft induced.

Mr. President, you can imagine how things should be, and you would be right, but they are not that way; they are different. The realities are that we do not have any system ready to take care of our needs to protect our people at home except the Selective Service Act, and we have passed on that many times.

Mr. GRAVEL. I had hoped I had persuaded my colleague earlier, because this point was taken up by us before in colloquy. It is interesting that my colleague continues to pursue the argument that these men are draft induced. Today we have approximately 2.7 million men under arms. I do not know what percentage my colleague wants to use with respect to draft inducement, but I do know that based on military records that I have entered in the RECORD, our strategic force numbers 134,000 men. So I would hope that my colleague would have some figures. It would disturb me deeply if other figures were to indicate that the draft induced men were of such a number that we were unable to have the 134,000 men that my colleague speaks of with respect to the Poseidon submarines and the Minuteman missiles. I would hope that this Nation would at least have such a patriotic resolve that 134,000 Americans would volunteer to defend it. The argument that these people are there because of draft inducement must mean that all the other people who make up the figure of 2.7 million are draft induced.

I do not think those are the figures with respect to draft inducement. If they are, my colleague should come forward at this time and tell us because we are in serious trouble and we have been misinformed.

Mr. STENNIS. We have been debating this point off and on for these 6 weeks. The strongest answer I can give the Senator is the vote on the Hatfield proposal which would have provided a zero month extension of the draft. The Senator's amendment is almost the equivalent of that. The Senate voted against that proposal by a vote of 67 to 23 on June 4, 1971, which is a recognition that the draft must be extended to meet the present situation.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I would like to finish my presentation, unless the Senator has a question.

Mr. GRAVEL. I do. I think I have been unsuccessful in bringing home the point to my colleague. I say that respectfully because I think the deficiency is mine.

I do not relate my amendment to the McGovern-Hatfield amendment.

Mr. STENNIS. I said the Hatfield amendment that provided for a zero extension of the draft.

Mr. GRAVEL. I do not relate it to that amendment either. My point was that if this body wants to sustain what is going on, let us declare war; but at least let us be straightforward with ourselves, with our consciences, and with the consciences of the people of the world. If we need the draft, let us declare war. I would have no problem there at all. I have said that repeatedly. In fact, at my age, I would enlist because I am young enough to bear arms. If we are not at war, we do not need this draft. This amendment brings that point home for everyone in this Chamber to realize.

Mr. STENNIS. I say with all deference to the Senator, would the Senator introduce a resolution calling for a state of war between us and North Vietnam?

Mr. GRAVEL. If my colleague will accept this amendment, I will, so we could learn what the American conscience truly is.

Mr. STENNIS. With all respect to the Senator, I have a resolution that a declaration of war be required in the future, but as a practical matter, I totally except the present war in which we are involved from the terms of that resolution because I know that after getting into a war a country cannot get out by saying, "We are not at war." We already are at war and the question is how do we get out.

Mr. GRAVEL. Will the Senator yield so I may ask one more question in that regard?

Mr. STENNIS. I yield.

Mr. GRAVEL. My colleague knows I share his view on that resolution, and I will support it when it comes before the Senate. The reason for the great malaise in this country is that we, who are leaders, stand here and make statements to the effect that we cannot do it quite now.

The Senator states we should only do these things under a declaration of war, and he has a resolution to do this some time in the future. If it is worth doing in the future, why can it not be done today?

Mr. STENNIS. The main reason I excepted the present war from my resolution—one of the main reasons—is that I have been here long enough to know they would not be passing on the resolution but passing on the war. The only way to get the resolution passed would be to except the present war.

Now, I would like to finish my presentation, which will be brief, and if the Senator is willing, after listening to him on his final argument, perhaps we could shorten the time by agreement.

Mr. President, continuing with the matter of whether or not the President is going to have the authority to induct selectees into the Armed Forces after June 30, 1971, that matter was passed on directly on June 4 of this year. It was debated as an amendment to this bill. The Senate defeated that amendment by a vote of 67 to 23.

A few days before that the question came up on the amendment offered by the Senator from Colorado for an 18-month extension of the draft—for 18 months only—and that amendment was rejected on May 26 by a vote of 67 to 8. In other words, eight out of 100 Senators voted for only an 18-month extension and 67 Senators voted against the 18-month extension, which left the bill at 24 months, as the committee recommends.

Then, on June 4 there was another vote on the question of how long, if any, the provision should be extended for the President to induct under present conditions. That matter came up on the amendment of the Senator from Pennsylvania who proposed a 12-month-only extension. It should be remembered that the bill provides for a 24-month extension. That amendment received 43 votes for the 1-year extension and 49 votes against the 1-year extension. So that amendment was defeated, and left the 2-year provision in the bill.

Then, yesterday, this same problem was attacked by another amendment by the Senator from New York (Mr. BUCKLEY), who proposed that the President have this power for only 20 months as contrasted to the 24 months now in the bill. Thirty-five Senators voted in favor of a 20-month extension and 48 Senators voted against it, which left the bill reading 24 months.

So there it is. The matter has been presented in four rollcall votes extending over a period from May 26 until June 18. The matter has been debated pro and con, back and forth, with various extensions, and always, except for the one vote, an appreciable majority were, in effect, voting for the 24 months. The vote of 49 to 43 was the only one anywhere near close and that was a choice between 12 months and 24 months.

Now, the Senator has offered this amendment. If we were not already at war it would be a different proposition. I am talking about the need, as I emphasize, not just for the war. We already have this military machine and we are proposing that the manpower be reduced some and the ceiling on the number of inductees already is in the bill.

We are proposing other things. But there is no declaration of war in existence now, and I do not know of anyone who is planning to introduce such a declaration, and I feel it would not pass if it should be introduced. So where are we going to get the manpower?

I point out that it is absolutely necessary that we get it. We get some volunteers. We are adopting a system under which we are hopeful of getting more volunteers. Let me point out that one can go down here to 12th Street and Pennsylvania Avenue and get some bodies, or go to Chicago or San Francisco or any of the other cities or States and he will get some men under that inducement, but he will not get enough. We will not get enough men capable of training and having the aptitudes. We will not get enough of them who have the aptitudes and talents to go into the key positions.

We hope that something is going to devolve over the years that will lead to a volunteer system, but every time there has been a rollcall vote, I have enumerated how a majority of the Senate has said we have to have the power to induct. They disagree somewhat about the time, but always the Senate has said we must have the power to induct.

When the question came up on whether or not the President should have direct power to induct, only 23 Senators out of 100 were willing to vote that way.

So I say this question has been conclusively settled, not one time but four times, right here during this debate.

I hope we can move on now, after hearing the Senator fully, and vote on the amendment, and vote it down by a substantial majority.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield.

Mr. GRAVEL. Let me say most respectfully that I certainly look forward to further discussion without being dilatory, but the Senator gave us a legislative history which in my opinion does not advance the argumentation or does not go to the issue with respect to this amendment. So if it is just a question of killing time, I want to go on record that I will share that charge in the future with my colleague. I say that most respectfully.

Let me go back to the point in question; that is, that my colleague constantly calls it facetious that one would offer a resolution declaring war. I have had a few moments to reflect on that. I assure my colleague that I will do that. I appreciate that he may not want to accept that amendment, but I would do it to try to bring to the attention of the American people the fact that we are at war, and though we politicians may not want to accept this fact and prefer to couch it in special terms, we are at war and that we ought to have the honesty and straightforwardness to say so and do so legislatively.

I have just asked my staff assistant to prepare such an amendment, to be tacked onto this bill, to declare war. In that manner, I think we would have no compunctions at all about tying the draft to the war.

I think that the American people are very fed up with people in high office—and I include myself—who make speeches and statements, define their statements, but never get to the decisiveness that these issues require. The decisiveness in this case is very specific.

My colleague, and I am sure many colleagues in the Senate, realize that the draft should be in existence only if there is a state of war. All this amendment says is that we will use the draft if we declare war, but if we do not declare war, we will not use the draft.

Studies made today have shown that we could have 2.4 million men under arms on a voluntary basis. So why should we have the draft, with all that it does, the injustices that it perpetrates on our young? Why should we have it?

Mr. STENNIS. Mr. President, if the Senator will excuse me a moment, I will yield the floor. I can yield only for a question under the rules. I am glad to stretch that, but I am glad to yield the floor now.

Mr. GRAVEL. Let me just say that I am prepared to introduce an amendment——

The PRESIDING OFFICER. The Chair understood the Senator from Mississippi to yield the floor. If so——

Mr. STENNIS. No, Mr. President. I thank the Chair, but I will yield myself 3 minutes and yield to the Senator.

Mr. GRAVEL. I thank the Senator. I will introduce a resolution to declare war. That will permit the draft to continue under the requirements that my colleague feels are necessary.

What I am saying is that in putting forward a resolution to declare war if it is adopted then the draft can go on under that proviso, and I would then be willing to halt my filibuster.

Mr. STENNIS. Very well. I thank the Senator for his remarks. He has a right, of course, to introduce an amendment. We do not want to restrict him, or try to.

Mr. GRAVEL. Then, I take it the answer of my colleague is that he would not wish to pursue this legislative procedure to first, declare war and then second, to utilize the draft for that war?

Mr. STENNIS. It is up to the Senator to offer what he wants to. I assume he will introduce it at the appropriate time. I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRAVEL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. GRAVEL. How much time does my colleague from Mississippi have left?

The PRESIDING OFFICER. The Senator has 25 minutes.

Mr. GRAVEL. Mr. President, I should like to continue with my formal presentation, and I certainly appreciate the courtesy of my colleague from Mississippi.

The Constitution means to limit the power of the President and his government in the field of military and foreign affairs. The U.S. Congress, particularly the Senate, was designed as the instrument of that limitation. As the direct voice, both of the people as a whole and of the States, Congress was intended to have final say in major foreign and military commitments.

The Constitution was written at a time when the United States had little reason for a large military, little capability for maintaining a large Federal force, and little interest in foreign affairs. She was geographically isolated, and with the help of the British Navy and the Monroe Doctrine she intended to remain so.

George Washington's famous suggestions for keeping out of Europe's troubles were both practical and fortuitous. At least a dozen presidential elections in this country were held without a reference to the military or to foreign policy.

Rereading our history, it is shocking to see how far we have departed from the historic basis of our constitutional warmaking powers.

Every member of our constitutional convention and virtually every member of the State legislatures that ratified the Constitution opposed the creation of a large standing military force. The idea of drafting men to serve in such a force was so remote from political reality that it never even entered serious discussions. It was even rejected totally and firmly at the darkest moments of the revolution.

Further, all of our Founding Fathers feared a large standing army.

In the midst of the Revolutionary War, Connecticut proposed that no peace-time army be allowed.

Thomas Jefferson termed the draft, "The last of all oppressions."

Samuel Adams said:

> A standing army, however necessary it may be at some times, is always dangerous to the liberties of the people.

As James Madison told the constitutional convention:

> A standing military force, with an overgrown executivve, will not be a safe companion to liberty.

These are interesting quotations, and I think most relevant to today's debate.

No one knows oppression quite as well as the man who has suffered it and survived it.

There is no question that the idea of a large standing army, fed by unlimited Executive powers to draft, except in times of the most extreme and obvious danger, was not incorporated into the Constitution. That constitutional quesquestion has never been resolved by our courts, but we can resolve it today with the passage of the amendment under discussion.

The Civil War changed things with regard to the military. President Lincoln, essentially a Conservative when it came to State power, reluctantly took revolutionary powers to himself as Commander in Chief, and built for himself perhaps the first truly modern armed force. Nevertheless, no conscription law was passed by Congress until the low point of the Civil War. Even then, generous escape clauses were allowed for young men called into the service. The whole purpose of the Civil War draft law was not to raise a citizen army, but to stimulate enlistments. The idea that every able-bodied man drafted would be compelled to serve was still foreign and remote to our experience, even at the time of the greatest threat to our survival as a nation.

Then came a revised "manifest destiny" and the age of imperilism. Although the United States rejected outright colonialism, after its brief flirtations in the Spanish War and in Hawaii, foreign and military affairs became and remained paramount as our Nation increased its political and economic interests to include the whole globe.

Two World Wars, and, most of all, the pressure of the total "cold war," have increased to gigantic proportions the size, the scope, and the goals of our military-foreign policy. We in fact do have a garrison state—the mightiest garrison in world history.

There are those who argue that the very size and scope of our military and foreign interests demand more "flexibility" for the President as Commander in Chief. That is certainly the position of the Executive. The record of the Presidency is unambiguous—more and more Presidential initiative in military and foreign policy.

On September 17, 1962, Secretary of State Dean Rusk gave a list of American interventions abroad to a joint meeting of the Senate Committee on Foreign Relations and the Armed Services Committee. These interventions were meant to justify his request for passage of a resolution authorizing President Kennedy to use force against Cuba, just prior to the "missile crisis" of October 1962.

A few of the 160 Executive interventions will indicate the extraordinarily expanded power of the Presidency.

In 1854, in Nicaragua, July 9 to July 15, San Juan Del Norte, also called Greytown, was destroyed to avenge an insult to an American minister.

From 1900 to 1934, In China, Marines were stationed to protect foreign lives in the Boxer Rebellion, right at the turn of the century. That intervention lasted 34 years.

It is interesting that there is no equal parallel as a result of which we should fear the Chinese, because there has been no period in our history when they have occupied our land.

From 1903 to 1914, with brief intermissions, U.S. Marines were stationed in Panama—without treaty—I underscore, from November 4, 1903, to January 21, 1914.

That period, of course, included 1 year in Cuba, which was an intervention to "install stable government," and then again from 1912 to 1925, in Nicaragua, to protect American interests. All of this was tied to an American foreign policy of "speak softly but carry a big stick."

It is interesting, Mr. President, that we still have a foreign policy that is tied to the foreign policy of Teddy Roosevelt. I would have hoped that this Nation, with its great economic wealth and the might it has been able to acquire through its great economic prowess, would have matured beyond what I consider an archaic concept in world affairs—that is, that you take a switch and whip the little ones into line with your policy.

But let me continue with this list of involvements that took place at the direction of the President of the United States, without the action of Congress.

From 1916 to 1924, we went into the Dominican Republic to establish and maintain order.

From 1914 to 1917, in Mexico, we had an undeclared war, where hostilities included the capture of Vera Cruz and Pershing's expedition into northern Mexico, which was, of course, without the benefit of a declared war.

In retrospect, I have heard it said: "Thank God we had that experience in Mexico, so that we could train our American boys to make them more qualified when we went into the First World War."

Maybe the training we are getting in Vietnam will train our American boys for other wars. I think that logic falls of its own weight.

Then from 1915 to 1934, we went into Haiti. These, of course, were not two separate dates; we went into Haiti in 1915 and stayed there until 1934, in order to maintain order in a situation where there was chronic and threatened insurrection.

I ask Senators if that historic effort has been worthwhile to the American people, when we see the type of government that that nation now enjoys.

From 1918 until 1920, without the benefit of congressional restraint, the United States of America, under the President, sent to the Soviet Union—to Russia—15,000 marines. For what purpose? To thwart the efforts of the insurrectionists, the Communists, in line with the views of Czarist monarchists, and of course in line with the views of the Kerensky government. No war was declared against the Soviet Union.

Of course, we still wonder why they might have a paranoia, why they might fear that this peace-loving nation would invade the Soviet Union. We find it difficult to understand why the Chinese and the Soviet Union might think that we would invade, when we know that we would not. We know that we are a peace-loving nation. Perhaps an examination of history might give them, objectively, some justification to have some fear, might give them some justification to be paranoid, though we know, as honest men and peace-loving men, that we mean them no harm, just as we know, as honest and peace-loving men, that we mean no harm to the people of Northwest Laos.

We realize that that is not related to our extrication from South Vietnam. We know this to be true. But perhaps an examination of history would give us some understanding as to why this fact may not be entirely clear to "our enemies."

All these interventions were without any congressional consent. Some were kept secret from the people, and a few were secret even from Congress until they were accomplished.

The Executive claims that such powers are essential because of the necessity for speed and secrecy in modern foreign affairs. Because of the increase and importance and size of our military and of our foreign interests, the need for a congressional limitation on the Executive powers in these areas is more in order than ever before. Some method of checking, monitoring, and, where necessary, countering Executive initiative is demanded. If the recent release of the McNamara papers demonstrates one thing, it is precisely that proposition.

Today, instead of protecting U.S. interests in this hemisphere, unrestrained Executive power is used to invade Laos and Cambodia; and in the case of both dangerous adventures, the President held Congress as suspect, without information, just as we treated "the enemy." It is interesting that Congress, wherein the war powers are supposed to lie, was treated the same way as the enemy.

I know the realities of the situation to inform so many people would, of course, not permit us to have the shroud of secrecy to attack effectively. I realize that. But I think the point still is well taken that despite the sacred and sacrosanct power we are supposed to have, the oddity of the situation would require that Congress be treated in the same way as North Vietnam.

Conscription allows the President to combine his enormous power of intervention with the actual war powers of maintaining a prolonged major occupation or police action. This is what happened in Vietnam. He had this power to move people around in great force, and he did it. The Chief Executive of this country did it and brought us into a prolonged war that this body has not passed upon and has not had the straightforwardness and the courage to pass upon.

It comes to a point that the decision is considered almost humorously, as a colloquy earlier this morning demonstrated, when even the thought of declaring a war that everybody knows exists is considered as something almost ridiculous.

To what level have we, as public leaders, fallen, that we cannot even confirm the obvious? What hypocrits must we be regarded by the American people, when they know we are at war, when we know we are at war, but nobody is prepared to formalize the fact that we are at war?

Little wonder that the youth of this Nation is disenchanted with the leadership of the Nation. If there is anything we are all tired of, it is speechmaking, because, as we examine the rhetoric, we can find an argument to sustain any activity, and we have done that.

The draft is not needed for sudden and limited retaliation or intervention. A Lebanon or a Congo crisis, or even a Berlin, which is of short duration and emergency in nature, cannot possibly utilize the draft. As Maj. Gen. Leroy H. Anderson, manpower expert in World War II and later member of the Armed Forces Committee, pointed out in his testimony last year before the Armed Forces Committee:

> The draft is low in its effect. It never helps in a sudden emergency. It takes time to enlist and train new draftees. The draft is only needed when the involvement requires a slow and major buildup with an eye toward a long operation.

Vietnam was such a slow and major buildup. It has become America's longest war and most costly war.

Vietnam was begun without congressional consent and with the knowledge of very few Americans. The Executive steadily increased draft calls from a zero level in 1963 to more than 40,000 monthly by 1965. If the American people could be given this fact today and could understand the import of this simple fact, I think we would see a revolution of the people with great spontaneity—if we should repeat this fact and cry out, in the hope that the people can hear it. Vietnam was begun without congressional consent and with the knowledge of very few Americans. The Executive steadily increased draft calls from zero in 1963 to more than 40,000 per month by 1965. This was the tool of Vietnam. This was the tool of war that we all now decry.

The power to conscript is the power to make war, to involve the Nation in a major way in some new adventure. That is how the Presidency has increased its warmaking powers still further in the postwar period. That is the tragedy of today. The nub of the problem with respect to the issue of conscription is that the power to conscript, in the hands of the Executive, is the power to make war without Congress.

The fact that we have had this example for the past 6 years before us daily as an issue facing Congress, as an issue facing the American people, and to find that Congress cannot react in the face of this burdensome proof, defies comprehension and is why the American people have become so disenchanted with the processes of government and have begun to wonder how—to use the characteristic phrase—the establishment works. I hope and pray that it does.

The Constitution is still valid in this matter. The President needs to be checked by the people. The Constitution places the power to make war in the hands of Congress. That is valid. If anything is demonstrated today, it is that the American people must appreciate that the Congress must check the President. The Congress represents the people, and only the Congress can do that directly. We have given up our constitutional power to control the size of the military by allowing the President the power to conscript.

In fact, in recent history, I would say that the last President to have any grip on the military was Dwight Eisenhower. If I could quote a statement that I think is one of the finest statements that has ever been made by any Chief Executive—it is one which I can paraphrase almost accurately and almost verbatim. Mr. Eisenhower made it in August 1959, in the twilight of his service as President; that was that the people will want peace someday so bad that they will have to put aside the government in order to get peace.

What better situation do we see than the situation that exists today, where we have before us the total incapacity of constitutional government to respond to the will of the people. We need but ask the people. They are against war. They are against the draft. They have greater wisdom than the leadership, because they can perceive that to give the President the power to conscript is to give him the power to make war, and to give him the power to make war without the action of Congress. The proof of that has been in the events of the past 6 years.

It is obviously simple, but unfortunately we see no reaction to it. Surely, we would reject a Presidential recommendation for unlimited power to spend, even for military purposes.

Yet we have given that type of blank-check authority over human lives with respect to the draft, and we have done it for 20 years. In that 20-year period this Nation has gone from a supreme power to a trajectory which leads to its own annihilation, politically, economically, and morally.

All we ask now is that that power be reconstituted where it belongs; namely, in the hands of Congress.

If there is to be any draft at all, surely it must be limited to a state of war. The very principle of the draft is that all must serve their country in its dire need unless and until a war is declared. Neither the peril nor the need can be said to be great enough for all to serve.

My amendment would allow the President to induct only after Congress has declared a state of war. This would not hamper the President in his wide powers to intervene around the world in emergencies with existing active duty and reserve forces.

I would favor other legislation to do that. But this issue should stand on its own merits. The President can still send people around the world. He can still send them into Lebanon. He can still send them into Cuba. He can still send them into Israel. But the difference is, if he wants to keep them there, he has got to come back to Congress to sustain his activities.

This amendment would make it impossible for any President to expand such an intervention into a permanent American involvement.

Of course, that is exactly what took place in Vietnam.

We started out in the early 1960's with draft calls of zero, and at the height of presidential activity in 1965 those draft calls went up to 40,000 a month without Congress, doing a thing.

Is there any other proof that the draft is the tool that the Chief Executive uses to wage undeclared war?

Now, if that proof is not seen, then I suggest that no amount of events in the course of American history will effect a change, and that what has happened in the past 20 years is that we have created a psychology in the American people that there is no way to change.

We can appeal to the foundation of this Government by our forefathers. We should repeat over and over again that the reason why people came to this country and why this country was founded on a system of representative government was that our forebears did not want to be pressed into service in foreign armies; they did not want to fight wars for monarchs or emperors like Napoleon who came to power under conscripted armies. Our forebears left Europe because they understood the tradition of oppression brought about by conscription.

In fact, they felt this so deeply that in the death throes of the Revolution itself they took no recourse to conscription. That is the foundation of this country.

The PRESIDING OFFICER (Mr. BENTSEN): The time of the Senator from Alaska has expired.

Mr. STENNIS. Mr. President, I will yield to the Senator some time later, if I may, but now I want to yield 10 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, the pending amendment, No. 123, offered by the distinguished Senator from Alaska (Mr. GRAVEL), would bring this Nation to its knees as a world military power.

This amendment would limit the President's authority to induct personnel into military service only during a period in which a state of war was declared by the Congress.

Mr. President, the last time it was necessary for the Congress to declare a state of war was at the outset of World War II. The author of the amendment fails to recognize that small deployments of U.S. forces may be required to insure our national security short of an all-out state of war. Often these commitments cannot be made without a small pool of replacement manpower.

The effect of this amendment is to end the draft at the conclusion of the current fiscal year. Numerous unfavorable results would flow from such a shortsighted decision.

At the outset, Mr. President, it should be pointed out that the decision involved in this amendment has already been made by the Senate over these many weeks during the debate on this bill.

The Senate has rejected an all-volunteer Armed Force beginning in July of this year. This amendment would force upon the Government such a situation.

The Senate has rejected many other amendments which would prohibit our Nation from achieving adequate military manpower levels for the next few years. This amendment, if passed, would undo all of these wise decisions already made by the Senate.

Mr. President, I would like to discuss a few adverse results which would flow from approval of this amendment.

First, if the draft ends in July experts predict the Nation's Reserve and Guard personnel strength levels will nosedive. At present the high state of personnel strength in the Guard and Reserve depends on the draft which encourages men to seek military service in these units in an effort to avoid active service.

The 2 years between the expiration of the current draft law and the 1971 Selective Service Act are needed to make the difficult transition from a draft-supported military force to one maintained purely with volunteers.

This applies to Guard and Reserve Forces as well as Regular Forces. Service in the Guard and Reserve must be made more attractive if the Nation is to expect men to participate.

Second, passage of the pending Gravel amendment would have the effect of limiting the ability of the President to maintain in peacetime the necessary military strength levels.

If the United States allows its military forces to fall apart then our enemies around the world will move on many fronts, and our friends will side with the nation maintaining its military power.

This amendment would push America into an isolationist stance and bring into disrepute the over 44 mutual defense treaties we have with nations around the world. These treaties have helped preserve the peace in many areas of the world since World War II.

Third, without the draft the military could not obtain the necessary numbers of physicians and health specialists to give adequate medical care to men serving in uniform.

Other specialists such as technicians to operate the complicated weapon systems in our military arsenal would also be difficult to acquire.

Further, only 4 percent of those first entering service volunteer for combat arms. So without the draft the necessary numbers of fighting men could not be obtained.

Mr. President, the Commander in Chief of this Nation has traditionally had the power to make initial troop deployments in the interest of national security.

Ever since World War II we have had the draft to provide an adequate military force to enable the President to take this action if he deems it necessary.

This amendment seems to be aimed at crippling the ability of the President to make such a commitment. The amendment apparently stems from our unpleasant experience in Vietnam.

The Senate must realize that it has many avenues, mainly through control of military spending, to force the President out of a military involvement if the Congress feels it is an unwise step. It would be a mistake to rope and tie the President to an extent that he has no flexibility in responding to military situations around the world.

Passage of this amendment would in effect strip the President of his authority as Commander in Chief of the Nation. In his stead the Congress as a whole would act as commander of our military forces for it would take a declaration of a state of war for the President to send military forces of any size to any location.

Mr. GRAVEL. Will the Senator from South Carolina yield?

Mr. THURMOND. If the Senator will wait a moment, I will be through and I will then be pleased to yield to him.

Mr. President, in conclusion this amendment amounts to a surrender by this Nation in meeting its responsibilities as the leader of the free world. I urge the Senate to defeat it decisively and let the world know we are not beaten and defeated in body or spirit as the result of our efforts to assist South Vietnam and other free nations in resisting a takeover by world communism.

Mr. President, I will be pleased to yield now to the Senator from Alaska if I have the time.

Mr. GRAVEL. Mr. President, how much time remains to the Senator from South Carolina?

The PRESIDING OFFICER. The Senator from South Carolina has 2½ minutes remaining.

Mr. GRAVEL. Mr. President, I am sure the Senator from Mississippi will yield us sufficient time to complete the colloquy.

Mr. STENNIS. Mr. President, does the Senator from South Carolina need more time?

Mr. THURMOND. Mr. President, I understand that I have 2½ minutes remaining. I will be pleased to yield to the Senator from Alaska if it meets with the approval of the Senator from Mississippi.

Mr. STENNIS. That is agreeable with me.

Mr. GRAVEL. Mr. President, I would like to ask some questions of the Senator from South Carolina. I think there is some misunderstanding of what the amendment seeks to do. This amendment would not strip the President of any power. If the President wanted to, he could take all of the forces and move them to Cuba under this measure.

The amendment very simply provides that if we want a draft, we should have a declaration of war from Congress.

This amendment does not impair the President's power. It does not make Congress the head of the Navy. Perhaps I misunderstood the Senator's remarks, or perhaps the Senator from South Carolina misunderstood the intent of the amendment. The amendment does not stop the President from having 2 million, 3 million, or even 4 million men under arms, and have the power he now has.

Mr. THURMOND. Mr. President, is it not true that this amendment would end the draft at the end of the current fiscal year?

Mr. GRAVEL. Of course not. It would not end the draft tomorrow or 5 years from now. All it does is to say that if we want the draft, we have to declare war. We happen to be at war in Vietnam and everyone knows it. Let us be at least straightforward enough to declare war if we want to use draftees there.

Mr. THURMOND. Mr. President, we cannot get volunteers. If we do not have volunteers, we cannot remain strong. If we do not remain strong, we will be attacked. We know that the goal of the Communists is to take over the world. This Nation must remain strong militarily. If it does not, we can expect to be attacked, and I am sure that the Senator from Alaska realizes that.

Mr. GRAVEL. Mr. President, if the Senator from South Carolina would permit me, I would like to say that we both want a strong America. I love this Nation, and I want it to be very strong. The Senator from South Carolina says this amendment seeks to cripple the President. That is not the aim of this amendment. All this amendment does is to make us fish or cut bait. If we want a draft, let us be honorable and say that we want a declaration of war to secure it.

Let us not back up to the trough as we have done for 20 years. In the early 1960's we were drafting no men and in 1956 we were drafting 40,000 men a month. That is how we got into this undeclared war. Let us have the forthrightness to say "There is a war, let us declare it."

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield to me for 1 additional minute so that I may reply?

Mr. STENNIS. I yield 1 additional minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, in reply to the distinguished Senator from Alaska, whom I hold in high esteem, he has the cart before the horse. We should not have to declare war to maintain a strong military establishment. The way to avoid war is to maintain a strong military establishment. If we do that we can avoid war. But under the Senator's theory we would have to declare war before the draft could go into effect. How can we maintain a strong military establishment if we do not get the soldiers unless we have the draft? It is that simple.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes remaining.

Mr. STENNIS. Mr. President, I am willing to yield back my time.

Mr. GRAVEL. Mr. President, I would be happy to use some of the Senator's time if the Senator would be willing to share it.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Alaska, one-half of my remaining time.

The PRESIDING OFFICER. The Senator from Alaska is recognized for not to exceed 5 minutes.

Mr. GRAVEL. Mr. President, I would like to reiterate a few basic points before we vote. I would like to reiterate what this amendment is and what it is not. It is not an attempt to cripple the draft; it is not a repetitious amendment. This issue has not been faced by this body. We have voted on other issues. The amendment is a very simple amendment.

Like our forefathers, I feel the draft is something that is very extreme for representative government. With the draft we take away a person's freedom and say, "Go serve." That is extreme. The basic reason this Nation was founded was to get away from the invasion of these liberties.

Because the draft is an extreme action, I would like to see it tied to another extreme action, and that is the action of a declaration of war.

The argument that this will make us weak is not valid. We have studies to demonstrate that we can, on a voluntary basis, have 2.5 million men under arms. If we can have that many men under arms without a draft, and if we are not secure at that time, God help us because we will never be secure.

The argument that we need the draft to be secure is mistaken. If an emergency exists, a war, then let Congress declare war, and then let us have the draft.

I have tried to make the case this morning with respect to this amendment that the reason Vietnam occurred, and the reason we have been involved historically in undeclared wars, has been the simple fact that we permit the Executive unlimited manpower.

I do not understand how we, in our minds, differentiate between human beings and property, but for some historical, psychological reason we have more laws respecting property than human beings. We require through an appropriations process that we legislate military property every year. But for some reason when it comes to human beings we do not sanctify them to the same degree. I do not understand why. I am not a psychologist. I have thought and I have probed the depth of my psyche as to why we should be so tight with money and property, but when it comes to human beings we do not give them a second thought. We give the President the power, and history is very clear on this point.

In the early 1960's we were drafting no people. At the height of the Vietnam war we were drafting 40,000 men per month.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. GRAVEL. I thank my colleague.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. GRAVEL. I can think of nothing more conclusive that would require passage of this amendment than that if the Chief Executive wants all this manpower at hand to go to war, let him at least come to Congress. That is not too much to ask. This amendment would in no way impair the President's ability to send troops to Europe or anywhere in the world. It will in no way lower the level of troops we have today. It will have no effect on the situation today other than to say, "If you want the draft you have to declare war."

It should be understood by all of us that we have made a mistake in the last 6 years. We should be intelligent enough to say, "Let us learn something from that lesson and do something about it."

My colleague from Mississippi has a resolution pending in this body to do something about it but he wants to do something about it next year; next year is when we should have a law saying, "If you want a draft you have to declare war." It does not refer to this year.

I would hope we realize that giving the President the power to have the draft gives him the power of making unlimited war without the consent of Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, there are only 3 minutes remaining. I would like to yield back my time and leave 1 minute. If the Senator from Alaska wants the other 2 minutes I am happy to yield.

Mr. GRAVEL. I would be happy to take the time. My colleague is very generous.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. GRAVEL. Mr. President, maybe through repetition some of this might sink in. Let me go back one more time.

Vietnam was begun without congressional consent and with the knowledge of very few Americans. The Executive of this country steadily increased draft calls from zero in 1963 to 40,000 monthly by 1965.

If people ask themselves how we got into this mess that we are in today, we got into this mess because we have the draft. We have had it for 20 years. The draft is a weapon of crises. Certainly we cannot have lived in a crisis for 20 years. Our human lives are not ordained that way. We have moments of crisis, and when we do we should have the tools to meet them.

This tool makes no sense. What is does is produce a true garrison state.

To refer back to the statement I quoted from Thomas Jefferson, he stated clearly that he considered the draft the last of all oppressions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. JACKSON), the Senator from Utah (Mr. MOSS), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. TUNNEY), and the Senator from North Carolina (Mr. JORDAN) would each vote "nay."

Mr. SAXBE. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN), and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Iowa (Mr. MILLER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 12, nays 58, as follows:

[No. 104 Leg.]

YEAS—12

Bayh
Gravel
Hart
Hatfield
Hughes
Inouye
Mansfield
McGovern
Nelson
Pastore
Proxmire
Schweiker

NAYS—58

Aiken
Allen
Allott
Anderson
Beall
Bentsen
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Gambrell
Goldwater
Gurney
Hansen
Harris
Hollings
Hruska
Humphrey
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Mondale
Montoya
Pearson
Pell
Randolph
Ribicoff
Roth
Saxbe
Smith
Sparkman
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—30

Baker
Bellmon
Bennett
Brock
Brooke
Buckley
Burdick
Chiles
Church
Cranston
Fannin
Fulbright
Griffin
Hartke
Jackson
Javits
Jordan, N.C.
Metcalf
Miller
Moss
Mundt
Muskie
Packwood
Percy
Prouty
Scott
Spong
Taft
Tunney
Williams

So Mr. GRAVEL's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have cleared the following request with the minority side, and I propose it at the suggestion of the majority leader after having discussed it with the manager of the bill and with Senators who are principal movers of the amendments.

I ask unanimous consent that on Tuesday next at the hour of 12 o'clock noon the Chair lay before the Senate amendment No. 165 by the Senator from Kentucky (Mr. COOK), the Senator from

Alaska (Mr. STEVENS), the Senator from Missouri (Mr. Eagleton), and the Senator from Indiana (Mr. HARTKE), and that time thereon be limited to 4 hours, the time to be equally divided between and controlled by the principal mover of the amendment, (Mr. COOK), and the manager of the bill, (Mr. STENNIS); provided further that amendments thereto be germane and be limited to one-half hour on each amendment, the time to be equally divided and controlled by the mover of the amendment in the second degree and the distinguished manager of the bill, (Mr. STENNIS); provided further that the time on any amendment to the amendment be taken from the 4 hours allotted on the Cook amendment; provided further that Senators in control of time on the Cook amendment may allot time therefrom to any Senator on any amendment thereto, or on any motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, as I understand it, with respect to the time allowed on the amendment as a whole, the 4 hours, if those in control of the time see fit to do so, they can allow any part of that time to be used on one of the amendments to the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, time on any amendment to the amendment would be limited to one-half hour. The one-half hour would come out of the 4 hours that are allotted on the basic amendment. In addition to that one-half hour, the Senators in control of time on amendment No. 165 could yield time therefrom to any Senator on any amendment, motion, or appeal, except a motion to lay on the table.

Mr. STENNIS. Mr. President, reserving the right to object, would this unanimous consent proposal work out that the final vote on the amendment would begin at 4 o'clock?

Mr. BYRD of West Virginia. Mr. President, would the Senator like that?

Mr. STENNIS. Mr. President, I think that would make it more certain and would be more acceptable to the membership as a whole.

Mr. BYRD of West Virginia. Then the Senator would preclude any motion to table amendment No. 165.

Mr. STENNIS. Well, I think so; yes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on Amendment No. 165 occur at 4 o'clock p.m. on Tuesday next.

Mr. STENNIS. Mr. President, reserving the right to object on that, I can see the possibility that a rollcall vote may be in progress on one of these amendments to the amendment when 4 o'clock comes. Of course, if that should happen, we would have to complete that rollcall vote under the rules of the Senate.

Mr. BYRD or West Virginia. The Senator is correct.

Mr. STENNIS. We would then have the final vote.

Mr. BYRD of West Virginia. Precisely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 2 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, that means, under the unanimous consent agreement, that this amendment will be taken up at noon on Tuesday and the next 4 hours would be allotted to debate and would be used, I am sure. Senators are put on notice that votes can start very soon after 12 o'clock and will continue until 4 o'clock or a few minutes beyond.

These are all considered by the Senator from Mississippi as being important votes because there is no way now to judge what is important or unimportant. So, I think they are all important. I want to give notice to that effect. I am sure that our respective assistant leaders will send out their written notices to that effect, also, so that all may be advised.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays at any time on amendment No. 165.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNANIMOUS-CONSENT AGREEMENT READS AS FOLLOWS:

Ordered further, That on Tuesday, June 22, 1971, at 12:00 o'clock noon, amendment No. 165 by the Senator from Kentucky (Mr. Cook) be laid before the Senate. Debate thereon is to be limited to 4 hours to be equally divided and controlled by the mover and the manager of the bill. A vote on amendment No. 165 shall occur at 4:00 p.m. on June 22, 1971. Provided, That amendments to amendment No. 165 must be germane and that time on each such amendment be limited to ½ hour to come out of the time on amendment No. 165 to be equally divided and controlled by the mover thereof and the manager of the bill. Provided further that time on amendment No. 165 may be allotted to debate on any amendment thereto. (June 18, 1971)

AMENDMENT NO. 137

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate amendment No. 137, offered by the distinguished Senator from Oregon, on which 1 hour of debate has been ordered, and on which the yeas and nays have been ordered.

The assistant legislative clerk read as follows:

On page 35, between lines 4 and 5, insert the following:

SEC. 107. (a) Section 505(c) of title 10, United States Code, is amended to read as follows:

"(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years. The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

"(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows:

"§ 1169. Regular enlisted members: limitations on discharged

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me, briefly?

Mr. HATFIELD. I yield.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, on the disposition of the Hatfield amendment No. 130, the Senate proceed to the consideration of amendment No. 131, by Mr. HATFIELD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Hatfield amendment No. 131 on Monday, the Chair lay before the Senate amendment No. 145, by Mr. KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on amendment No. 145 be limited to 2 hours, the time to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill; that amendments thereto be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill, and that no nongermane amendments be received thereto.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that upon the disposition of amendment No. 145 on Monday, the Senate proceed to the consideration of amendment No. 134, by Mr. HATFIELD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the previous agreement with respect to a time limitation of 20 minutes on amendments to amendments obtain with respect to the amendments I have just enumerated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order at any time the yeas and nays on amendment No. 130.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, later prepared in written form, reads as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 125 by the Senator from Alaska (Mr. Gravel); No. 117 and Nos. 127–134 inclusive and 138 by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 145 by the Senator from Massachusetts (Mr. Kennedy).

Ordered further, That on June 21, 1971, at 11:30 a.m., amendment No. 127 be laid before the Senate and made the pending question, After the disposition of amendment No. 127, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it in the list is disposed of: amendment No. 130 by the Senator from Oregon (Mr. Hatfield); amendment No. 131 by the Senator from Oregon (Mr. Hatfield); amendment No. 145 by the Senator from Massachusetts (Mr. Kennedy); and amendment No. 134 by the Senator from Oregon (Mr. Hatfield).

Provided, That the debate on all amendments to amendments emunerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree), except on amendments numbered 127, 130, 137, and 145 on which the time on all amendments to amendments will be controlled by the mover of the amendment in the second degree and the manager of the bill.

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

Ordered further, That on Tuesday, June 22, 1971, at 12:00 o'clock noon, amendment No. 165 by the Senator from Kentucky (Mr. Cook) be laid before the Senate. Debate thereon is to be limited to 4 hours to be equally divided and controlled by the mover and the manager of the bill. A vote on amendment No. 165 shall occur at 4:00 p.m. on June 22, 1971. *Provided,* That amendments to amendment No. 165 must be germane and that time on each such amendment be limited to ½ hour to come out of the time on amendment No. 165 to be equally divided and controlled by the mover thereof and the manager of the bill. *Provided further,* That time on amendment No. 165 may be allotted to debate on any amendment thereto.

Mr. STENNIS. Mr. President, will the Senator from Oregon yield to me so that I may yield 2 minutes to the Senator from Alaska?

Mr. HATFIELD. I yield.

Mr. GRAVEL. I thank the Senator.

Mr. President, I hope the distinguished majority whip will correct me if I am in error. The yeas and nays have been ordered on my amendment No. 150. The Senator from Mississippi is prepared to accept my amendment with modifications, and I am happy to make these modifications; so we do not see the need for a vote on my amendment. Therefore, I ask unanimous consent that the order for the yeas and the nays on my amendment No. 150 be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. GRAVEL. At this time I give notice that there will be no need for a vote.

Mr. STENNIS. We will have a vote, of course, but it will not be a rollcall vote.

Mr. GRAVEL. I thank the Senator.

I hope all Senators are aware of the fact that the distinguished Senator from Mississippi has accepted one of my humble contributions to this distinguished piece of legislation.

Mr. STENNIS. I congratulate the Senator from Alaska on his overwhelming success. He overwhelmed me.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

HOUSE BILL REFERRED

The bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes was read twice by its title and referred to the Committee on Armed Services.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Oregon yield for a question?

Mr. HATFIELD. I am happy to yield.

Mr. BYRD of West Virginia. So that Senators will be on notice, is it the intention of the distinguished Senator from Oregon to ask for the yeas and nays on his amendment No. 137, which is now pending?

Mr. HATFIELD. It is my intention to ask for the yeas and nays.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, in view of the fact that the yeas and nays have been withdrawn on amendment No. 150, by Mr. GRAVEL, the only remaining rollcall vote today will occur on amendment No. 137, by the Senator from Oregon (Mr. HATFIELD), and it will occur no later than 2 p.m. today.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes, if I have that much time remaining.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment begin running as of now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has the full time remaining.

Mr. HATFIELD. I thank the Senator from West Virginia.

Mr. President, this amendment does basically two things. First, it gives to the Secretary of Defense greater latitude and authority to establish periods of enlistment for enlisted personnel.

Second, it applies some of the same principle which now exists for officer personnel to that of the enlisted personnel. Specifically, it gives the Secretary of Defense the authority to accept enlistments for 2 years for any branch of the Armed Forces.

It eliminates the present system of obligated terms of enlistment by prescribing that a man can receive a discharge upon request from the service with the following exceptions:

He will not receive discharge if it conflicts with special training or education programs in which the individual is participating, if the member has received orders for overseas duty or sea duty, and he will not be given a discharge if there is a war or a national emergency. He will not be given a discharge if he has failed to fulfill the period of time set by the Secretary of Defense following a special period of training, which would account for the cost factor involved in providing him with that training.

This is not so radical a departure from the present practice as it might seem initially. I would hope that careful study would be made of the exact language of the amendment, because the officers are treated in the same manner and there has been no adverse effect on officer retention, nor have we had any trouble in attracting officers.

The increased freedom of choice should make our armed services more attractive to enlisted personnel and potential enlistees. Enlisted men should be obligated to fulfill the terms of service commensurate with the cost of the training that they receive.

Let me just discuss that point in detail a little bit.

It is quite obvious that there has been a great change in the military service of this country over the past 20- to 30-year period. We are now involved in a military system in this country where we have sophisticated weapons and sophisticated procedures and, therefore, there is great demand for technical and sophisticated training. But also there is a great variation in assignments in the military between the various aspects of activities as well as within each branch of the service. Consequently, some training will be more detailed and more profound and will be a more complex training program than other training programs for other assignments.

It is reasonable that there should be flexibility as to the period of service required after the training to fulfill the cost factor in giving such training to the individual.

In other words, we do not want the service to end up being a training program and then, at the end of that training period, to have the individual leave the service for civilian employment without at least fulfilling some period of service following his training period. We have given the Secretary, under this amendment, the flexibility to establish a reasonable time limit both for the training period and for the service required following the receiving of such training.

The Defense Department should undertake a study to determine the length of obligation of service to be carried out for the various training programs. That is provided for in the amendment.

It would be rather unreasonable to indicate, at this time, that we would be able to develop the cost-to-benefit ratios without careful study and analysis of each position and training program.

The discharge request should be denied during the times of national emergency, or war, as it does with officers. That is provided for in the amendment.

In other words, let me make amply clear that this would not provide the opportunity for a young man to come into the service for, say, the training period and then fulfill a part of the obligated term following that training and then ask for a discharge. He could receive that discharge for two reasons; one, if he did not fulfill the period of the training; and two, if this country is engaged in a national emergency, he could not assume to acquire that discharge by stating he had taken the training period and the period obligated after the training.

By passing this amendment, we would in no way be jeopardizing national security, because adequate safeguards are provided for in the legislation. In fact, I believe, quite the contrary, that we will probably be increasing national security by providing more opportunities within the services for various training programs and opportunities for advancement and, thereby, enhance the individual's feeling of freedom of choice.

I believe that we should look to the fact that among draftees there exists a 95-percent turnover. No organization, including the military services, can operate effectively, economically, or efficiently with such a high rate of turnover. I feel, therefore, that by developing this kind of flexibility for enlisted personnel, as we have now for officer personnel, it would be more attractive for the true volunteer and, with more attraction for the true volunteer, we would have less of a turnover by depending for much of the manpower on the draft program.

This is again an opportunity for the Senate to improve the activities and the programs of the armed services. It is an opportunity to improve on the problem of the turnover rate which now hampers much of the efficiency of the armed services.

I would urge all Senators, sometime, to read the Navy magazines and other armed services magazines which talk about "personnel turbulence." Personnel turbulence is a phrase used in the military to identify the real problem of personnel turnover.

The Navy magazine has said frequently that personnel turbulence is the most serious problem the Navy faces today.

Let us bear in mind that the Navy depends more on and has more true volunteers than other branches of the armed services, with the possible exception of the Air Force. Even among the true volunteers, there is a high rate of turnover, so far as efficiency and economy are concerned.

Therefore, it would probably not only improve efficiency but certainly be more economical to provide for this kind of flexibility, to reduce the turnover rate, or personnel turbulence, as it is referred to by the military leaders themselves.

I again would say that this is not a new proposal that is being made today. It has been given careful study over years and years of time. It carries with it the stamp of approval of various distinguished military personnel, like General Gruenther and General Norstad.

It also carries with it the support of such distinguished civilian leadership in military matters as the former Secretary of Defense, Thomas Gates.

Thus, this is a program which represents some of the best thinking from within the military as well as those who have been called upon to evaluate military problems from outside the military organizations.

Mr. President, I would urge the Senate to give careful consideration to this proposal, because I believe it will do the things I have enumerated today in this brief presentation.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I very seriously warn the membership that this is a very serious amendment. It would be far-reaching in its application. It would be very expensive. If it should become law, it would greatly increase the training costs for one thing, as I shall enumerate in detail in a few minutes.

It might have been included in the bill which the Senator from Oregon introduced before the committee. I am not certain. But it was never taken up by the committee.

Mr. HATFIELD. If the Senator will yield momentarily to clarify the situation, this amendment as well as the previous amendment were included in the presentation made to the Senator's committee during the hearing provided for that purpose.

Mr. STENNIS. I thank the Senator. We certainly did consider his bill. It was out on the table and we called for anyone that wanted to move its passage. But I was not familiar with this. I have not really had a chance to have any consultation with any of the recruiting officers and those in personnel who have charge of this. But we do have a firm position on the part of Department of Defense, that they think it would gravely affect their enlistment program. We are heading in the direction now where everything will depend on the enlistment program.

Mr. President, this amendment represents an attempt to make a very strong and radical change in the manpower policies of our Armed Forces. The change seems to be a rather simple one. But it is far more than a simple change. Currently, enlisted men may originally enlist or reenlist in any of the armed services under the law for a period of 2, 3, 4, 5, or 6 years.

The amendment would change this to authorize only 2-year initial enlistments, unless it be in a case where the cost of the education involved would be such as to make 4-year reenlistments more reasonable. The amendment would permit reenlistments for unspecified periods for enlisted men.

Mr. President, I do not want to prejudge this issue. This recommendation represents, as I have said, a very fundamental change in the manpower policies for all of our Armed Forces. It is an issue involving complex questions which require thorough study by the Defense Department and each of the services. I think it should require a very careful study, too, by those in Congress who work with these problems year after year.

Mr. President, there are obvious reasons that very clearly show why such a change as this should not be made precipitately and could not be made precipitately. There is the additional reason that they are moving or going to attempt to move into a new system under which they will have only volunteers in all of the services, if the system works. It is really a case where they will have to feel their way in the darkness or semidarkness. So to put a mandatory change like this in the law could prove to be a roadblock.

The substantive changes in this amendment were recommended, it is true, by the Gates Commission. However, even that commission granted that this change "may appear dramatic," to use their words, but it passed off any difficulties with the comment that such a change "should not create serious problems for the military."

Mr. President, I challenge that statement, "should not create serious problems for the military." The military also challenges that statement. More especially it is true that in this formative stage this system has to learn to crawl before it can walk, and it has to learn to walk before it can run. I think this amendment would throw a roadblock in front of the system and very seriously impair the chances of its getting off the ground.

Mr. President, I must object to the passage of an amendment making such a fundamental change in an important part of our fundamental national security policies which has nothing behind it except slightly over one page of print in the Gates Commission report. There were no Senate hearings and no House hearings, so far as I know. I do not think they have had hearings. In fact, I am sure they have not.

Mr. President, as I have said before, the Gates Commission was comprised of notable and respected individuals and I have only the greatest respect for its distinguished chairman. But simply because the Gates Commission has recommended a step does not cast some magic blessing upon it. It has to be passed upon by the legislative body after weighing the problem. The Gates Commission merely recommended it. This amendment would write it into law without any real trial and without any real test.

This is a legislative body and a deliberative body. It is our obligation to examine proposals in detail, to make changes—particularly changes of this magnitude—only after we are thoroughly familiar with the implications of them and have reached a judgment that such policy would be in the best interests of the United States. Let us not ever think that this is a simple thing.

Mr. President, the amendment would make very fundamental changes in the manpower policies for all of our Armed Forces. Our manpower policies have been evolved by the respective services over a period of years. Currently the Air Force accepts initial enlistments of 4 years, the Navy 3 years, and the Army and the Marine Corps 3 years. The latter services have begun recently to accept some 2-year enlistments, but these represent only a small proportion of their overall enlistments. They do not want to be forced to go into this thing in a precipitate way.

Thus, an amendment which cuts in half the permitted initial enlistment period for the Air Force and reduces by one-third the initial period of enlistment for all the other services would surely increase the initial training costs for all services.

The initial training costs would be doubled for the Air Force and would be increased by about 50 percent for the other services if this amendment should become law, because more men would have to be brought into the system in order to obtain the same number of man-years, and that is what they have to have. That is what they rely on. I am talking about the enlisted man's level.

Initial training costs for the services are now approximately $1.7 billion a year. Passage of this amendment could thus increase them by at least 50 percent, and thus cost an additional $800 to $900 million a year.

This would be just like jumping off a cliff into the dark. The fact that we do not have the money has now become an incidental matter and is no longer a major point. However, I think it ought to be mentioned. We do not have the money. We are already billions of dollars behind in the fiscal year that will close in a few days. The estimates already are that there will be a deficit of around $20 billion for the new fiscal year.

So, as I say, that does not control anyone any more or bother them very much either. I suppose that it does bother them some. However, I think it ought to bother them a lot more. We would be adding to the $1.7 billion a year another $800 to $900 million. These are just estimates, but they are hard figures. In a few weeks now we will have a lot of votes on the floor to reduce the military budget.

Mr. President, the analogy between the enlistment and reenlistment policy now followed for officers and that to be followed for enlisted men under the amendment is only superficially plausible. The military can manage a system of unspecified reenlistment periods for officers because there are comparatively few of them and because such a high percentage receive special training which requires them to be obligated for specific periods. But a policy of unspecified enlistments for the enlisted men of all services would be a major and radical change to our entire military manpower system.

Mr. President, I can think of no reasonable argument to support the proposition that, merely because a commission has recommended such a step, we should legislate it here in Congress without study, without preparation, and without careful assessment.

Mr. President, I know the author of the amendment is not trying to criticize or discredit the military. There is already a lot of criticism of the military in these days. However, they know their credits with reference to these enlistments and reenlistments and personnel problems. The most difficult area, in my opinion, of all the military problems, all the military machinery, in all the military services is the matter of personnel and the matter of enlistment and reenlistment.

I can tell Senators no one is finer than many of these young fellows, but with some of them it takes more than 2 years to find out if they want to keep them or not. I say that with respect to all of them. They come in and many of them are immature, and the training tends to mature them. More than 2 years is needed. Under these 3- and 4-year enlistments, they find the best talent they have, and in many cases these young men find their life vocations and they are happy about it. They find things in the military life they love and like; and they make the finest noncommissioned officers.

I do not want it limited to just 2 years for all of them.

Now, there is another group. I do not find a finer group of Americans anywhere than I find when I have a chance to visit with some of these noncommissioned officers. I refer to the sergeants and other noncommissioned officers. They have their clubs and when I get an invitation to luncheon from them when I am on a military base—and I am not able to be there often—I always accept the invitations as much as possible because of my great appreciation for what they are doing for the military service.

When they get up to that bracket, I would be willing to give them an indefinite enlistment to stay as long as they can. I refer to the man who is already seasoned and it is known what he is going to do. If we get into trouble, it is known he will not go to "thinning out" and decide to terminate his military career.

If we get all of these young people in here and turn them loose with indefinite enlistments and if the going gets hard, some of them will not like the military as well as they thought they would like it and we might not have enough of the right kind of men who would stay.

I think those in the military now who deal with this problem of enlistments, reenlistments, and training know far more about this subject. I know they know far more than I do and I think they know more than the study, or lack of study, indicates.

If we put a stumbling block in front of the new system that is coming in it would undermine the fine foundation we have in the enlisted area of our services and it would add to what is already a tremendous training cost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

Mr. President, with all due respect and deference to the senior Senator from Mississippi, the chairman of the Committee on Armed Services, I would like to clarify some misstatements that were made relating to this amendment.

This amendment in no way requires the Secretary of Defense to provide for 2-year enlistments. On page 1, lines 8 and 9, it states:

> The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years,

So there is no great change here at all as relates to the power of the Secretary to make changes if he deems necessary. In other words, the Secretary is not required to do this, as was stated.

Mr. President, I also want to say we would not do some new or engage in a great radical experiment, as was intimated. This program has been in force for many years now and has been successful as it relates to officer personnel. This is not a new program. When the Senator from Mississippi raises these questions he is raising straw men. He is not addressing himself to the wording of the amendment.

The wording of the amendment makes amply clear that this will be discretionary authority exercised by the Secretary of Defense.

I have no quarrel with the chairman of the Armed Services Committee when he states that these matters should be considered in hearings by the committee. However, I would remind him that there were hearings before his committee and a number of us appeared at that hearing. If there has been inadequate attention given to this matter, it is not my fault. We were there and we presented these matters. Every one of these amendments being considered on the floor was presented to that committee.

It is interesting that we hold so sacrosanct the principle that every amendment must be presented before the committee, yet yesterday we had an amendment by the Senator from Ohio which never had a hearing and it was even accepted without a rollcall vote. Why is it we apply sanctity of hearings to amendments with which we do not agree and yet we do not apply the sanctity of hearings to amendments with which we do agree.

If the hearing procedure is so sacred, the hearing procedure should be applied to all amendments. I think we see the inconsistency of the argument demonstrated in this Chamber, as it was yesterday.

Again, I emphasize we have had adequate testing by the military branches of the service when they have applied and had this kind of program available to officers all these years. There is no roadblock. If there is a roadblock, it is the present law that provides the roadblock. The present law is so inflexible that it requires specific periods of enlistment. If we are really concerned about reenlistments and attracting young men to the services, we would make it possible to have a more flexible program for enlistments and reenlistments. That is what this amendment would do.

It is interesting that we hear cries loud and long about helping the military. I would like to know what we have done in the Senate to help the military. I have not seen anything coming from the Senate or the Armed Services Committee to correct some of the problems. Everything that has happened has been by force of amendment. These problems are not new. The military has had the problem of enlistments and manpower for years, but what has happened to correct these problems by this august body of Senators?

We must look at the whole question, and not so much worship the god of status quo. I have not heard such a demonstration as I have over the last weeks that the sanctity of the status quo must be maintained at all costs; that we cannot entertain any new change that might disturb the status quo.

I would like to have Senators read the military history written by Liddell-Hart, one of the most outstanding historians of our time, who died recently. He wrote about the mentality of the status quo and how damaging it has been to the military forces and that even with the power of legislative body we have had such a mentality.

The military needs help.

The PRESIDING OFFICER. The time of the Senator allotted to himself has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

We have not helped the military. Much of the criticism of the military today is our fault, because we have demonstrated that same inflexibility and status quo worship that has been ascribed to the military.

So I would like to say that this amendment is not antimilitary. It is a help to the military. It provides doing something that we have not seen happen from the committee procedures or out of the committee's work.

I think anyone who would read the amendment carefully would realize that we would give the military an opportunity to diversify their programs and provide more incentives to the enlisted personnel.

We treat military personnel as if they were youngsters. We treat them as children. We certainly do not consider them children when we send them to the bloody battlefield of Vietnam in an unholy war. We did not consider them children when we sent them out in World War II to defend this Nation. But, somehow, we feel we must treat them as children. I think some of the most demeaning comments of the military are referring to these youngsters as not being dry behind the ears. This is not serving the cause of correcting the problems of the military. Also I think it adds much to the ammunition of those who are definitely antimilitary and who are trying to create an antimilitary attitude today.

It reminds me of some of the writings of Charles de Gaulle who confronted this same difficulty in France between World War I and World War II. Nothing should be changed. Everything should be maintained within the mentality of the maginot line. Here was one man who was trying to warn the people of France that their military needed updating and change, but, no, the politicians and the military, all alike, could not see that change was important or that change should be brought about.

All we have had today are strawmen provided for arguments against the amendment. The opposition has not addressed itself to the amendment; they have offered only strawmen.

I know the military is not going to live or die on this amendment, but, again, I think if anyone reads the RECORD carefully, it will be an interesting study of the kind of attitudes that have been expressed here today, yesterday, and the last 4 or 6 weeks—change nothing; let us worship, worship, worship the status quo. Anybody who suggests change is not in keeping with what we want to do.

Let the RECORD show this is one Senator who is willing to consider new ideas and offer constructive changes which will assist and build the military into a viable organization for the defense of this Nation and which will meet some of the very problems the military has identified for itself, and in which we have given so little help to the military in trying to bring about these changes.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I think the Senator from Oregon and I have covered the pros and cons of this matter.

I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi yields 5 minutes to himself.

Mr. STENNIS. Mr. President, I am compelled to object very strenuously to this drastic, untried change in the whole system of enlistments just as we are entering into what has been depicted as the golden era of enlistments.

We are going to mandate into law that all services must limit their enlistments to 2 years, except that they can make the term as high as 4 years where the cost of special education or training would make a short enlistment impracticable.

Not a great percentage of enlistees go into special education or training. So when we limit the initial enlistments to 2 years, we are saying we are limiting a very high percentage of them—80 to 85 percent.

I see the Senator from Ohio (Mr. SAXBE) has come into the Chamber. He is experienced in the matter of enlistments and personnel. I wish he would correct me if I am in error.

This amendment provides a very drastic change in all enlistment systems that I have ever heard of. The amendment would mandate and provide by law that all reenlistments shall be for unspecified periods and for periods commensurate with the cost of special training. There is some exception for the matter of special training.

Again, those who go into that special training of the kind the Senator is talking about are highly important, but they are by no means half of the reenlistments. So we would soon find ourselves without an appreciable percentage of reenlistments who are under any obligation to keep them from walking off, except, in definite terms, with respect to reenlistments because of special training.

If for any reason a man does not want to be in the Navy any more, for example, he would just walk off. Perhaps a few cases might be found where he would not mind staying, but perhaps his wife did not want him to stay, and so he would walk off for that reason. That is natural. In the Army it would be the same way. So we would have a group that can come and go, and there would be a reenlistment group. There would be a group of raw recruits and, of course, to be of any value, they have to go through half of their enlistment period, anyway, before they are able to contribute very much.

So here, on the verge of the golden era of enlistments, going to an all-volunteer basis, we have a tremendous roadblock, because, in order to have any effective service that we can depend on, we must be able to rely on it on cloudy days and sunshiny days. I mean by that that when war clouds appear in the far, far distance, there would be an exodus, and when those clouds got closer and closer, there would be more and more of an exodus. That is human nature. So we would be cutting a very thin base if we adopted the amendment.

I repeat, if there were involved the mature and seasoned sergeants who are the backbone of the service, I would be willing to take them on a voluntary basis, but they constitute a very small number. On top of these other uncertainties, according to the most careful estimates and the most prudent estimates that we have, we would increase the cost of the training program from around $1.7 billion which it now is by another $800 or $900 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

It would add $800 to $900 million in additional dollars that we do not have to the actual training cost.

So I hope, in the wisdom of the Senate, in the scant chance it has had to consider this amendment, it will not approve the amendment.

In the course of the development of the voluntary system, if something like this can be evolved based on the hard facts of life and experience, then it could be entertained, but this amendment was a small part of a very elaborate bill that the Senator introduced, and on which he gave a fine, knowledgeable presentation in the hearing.

But I do not remember where this was emphasized, and I do not remember hearing it mentioned. I do not think this point was mentioned at all in our deliberations, and we did deliberate on this bill for days and days. We have a fine report here, on the bill as a whole, of some 150 or more printed pages.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I must keep the record clear on this matter. With all due respect, the Senator from Mississippi has constantly misstated the amendment. He has said it mandates the Secretary of Defense to provide for unlimited or unspecified terms of reenlistment.

Mr. President, that is simply not true. There is nothing at all in the language of the amendment that says the Secretary of Defense is mandated for an unspecified reenlistment, or for 2 years. It gives the Secretary of Defense the authority to have specific or nonspecified periods of enlistment and reenlistment. It does not mandate him at all. There is no language in here whatsoever that mandates the Secretary for unspecified terms of reenlistment.

The Senator has said that a man could just walk out of the Navy any time he wishes, or walk out of the Army any time he wishes. That is simply not so. There is no language in the amendment whatsoever that could be interpreted to permit a man to walk out of the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard any time he wishes. He must, as in the case of an officer at the present time, file for a discharge, and then that discharge must be approved by the Secretary of Defense. He cannot walk out. He would be AWOL if he walked out without that kind of approval.

The Secretary is not even without limitations as to the reasons upon which he must justify his approval of such a request. There are restrictions upon the Secretary of Defense as well.

The Senator has said we cannot go into something untried. Mr. President, it has been tried. It has been proved, in the case of the officers, by experience over many years.

This again, let me emphasize, is a matter of keeping our eyes on the facts and on what the amendment says, and not on a lot of straw men that are raised in opposition.

I would like to know where the Senator gets the figure of $1 billion additional costs. Is that pulled out of the air? I think if Senators will only look at this matter carefully, they will see it would reduce the costs, not increase them. The turnover is the big factor in the cost of military personnel today—the high rate of turnover. Consequently, it would not only provide for greater flexibility for the Secretary of Defense as to terms of service of enlisted personnel, such as we now have for officers, but I believe, Mr. President, it would also enhance the efficiency of the military and help them in correcting one of their very serious problems, which is retention rates, and would provide better acceptance of the Military Establishment by the people of this country.

This is very understandable language. It was not written by a Philadelphia lawyer. I am not a lawyer, but I can read it and understand it. I cannot see why the Senator refuses to address himself to the language of the amendment.

The amendment does not mandate the Secretary of Defense. It is not possible for a person to walk out of the Navy at will, like a person walking off the job.

These are the correct words. I urge Senators to read them for themselves, and then I hope the Senate will support the amendment.

Mr. STENNIS. Mr. President, I thought I had concluded my argument, but I feel compelled to respond to the argument of my friend from Oregon.

This word "may" here in this military language and the language of the law is phrased a little differently.

The present law says that the Secretary of the Navy may enlist men for a certain period of years. He is permitted to make a contract, more or less, where they volunteer, for 3 years. He "may" do it.

That is the way the language of the act is drawn. Congress has the authority, but it permits the Secretary to exercise that authority. He "may" do it. The Senator's amendment repeals all that old law, strikes it all out, and substitutes this system.

He uses the word "may." The Secretary "may" make these offers to these volunteers along the lines that the Senator has stated in his amendment, and he "may" offer 2 years, or he "may" offer additional years to Mr. X, if he is one of those who is going to take this special training.

Then, after he is no longer an initial enlistee, the Secretary, say the Secretary of the Navy again, may—"may"—let this man stay in the Navy for an indefinite time, or for such time as Mr. X would like to enlist, unless he is one of those who is going to take this special training, in which case the Secretary "may" enlist him for a definite time, and there he has to sign on the dotted line.

Our present system for these reenlistments carries a bonus provision. Reenlistment, not enlistment; this is different from the bonus we argued about the other day. That is based upon a contractual agreement. The man makes a contract to stay a certain number of years, and the bonus is based upon the contract. These provisions are all written in terms of permissive language, because no one has to volunteer, and the Secretary has only such authority as Congress will give him.

But I do not budge 1 inch from the proposition that, except for those reenlistments where it is for special education, and he signs up, commits himself for a definite period of time with the Secretary of the Navy, the rest of them can walk off when they want to under this amendment, and that is true for the Army, the Navy, the Air Force, and the Marines. So we are walking around here in darkness, in an unknown, untested, and untried field, where the military services think they would be at a total loss, and could not function or operate.

If we are going into this new system, let us let it crawl before it walks, and walk before it runs. Time will tell us a lot about what to do.

I do not discount at all the Senator's efforts, and I think he has made a good argument. It is nice to have it in the RECORD, but for the time being, I do not think we can agree to his amendment.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. Will the Senator describe for the Senate what the present provisions are for officers, as to their periods of enlistment?

Mr. STENNIS. The officers are under a different system altogether. I mentioned that in my argument here. Those men who become officers are already trained, to be put into special categories. Certainly, if they stay there very long, they have to show greater proficiency. And then they are bound there. Their schooling, the special courses, have a lot to do with it, and as I understand, if an officer is permitted to go to one of those special schools that they have, then he has to promise, before he is given that privilege, "I expect, now, that I will stay on here *x* years." He does not sign a contract, as I understand it, but it is altogether a different system.

Mr. HATFIELD. How?

Mr. STENNIS. Well, I say it is altogether a different system. The officers and the enlisted men, there is a difference; you just cannot—it is a different assignment, a different type of training, a different outlook; and many graduate from one into the other, but I think any officer whom I have ever known who went up through the ranks had no complaint about what the situation was when he was not in the ranks.

I have a memorandum which reads:

> No bonuses for officers.

That goes without saying. But the system is different because it is adapted to different purposes, different obligations, and they both work fairly well.

Mr. HATFIELD. I yield myself 2 minutes.

Mr. President, I think we have very clearly stated that what the Senator from Mississippi has described as a system for officers is the very thing we are trying to apply here for enlisted personnel. With respect to the difference between officers and enlisted personnel—I say this with all due respect—once you take the uniform off and if they are standing in their shorts, you will not be able to tell one from the other.

I have been in the Navy; and to those who say there is a world of difference between the officers and the enlisted personnel, I say it is not in the man, himself; there is a team effort.

Everyone fits into his slot; everyone fits into a specific assignment. I do not think it is logical to say that a system that is working well today for the officers somehow will not work for the enlisted men because they are enlisted men. Enlisted men are part of the team. A ship cannot run without enlisted personnel; an army cannot run without enlisted personnel.

All I am saying is that the system is not new. It has functioned, and has functioned well, for the officer personnel. All we want to do is to give the Secretary of Defense the flexibility, so that if he wants to install this system for enlisted personnel, he may do so. On page 3, the flexibility of that is indicated.

Mr. STENNIS. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator has only 1 minute remaining.

Mr. HATFIELD. I will yield time to the Senator.

Mr. STENNIS. With all deference to the Senator, the word "may" is simple authority for the Secretary to act, and he is limited by the Senator's amendment on this time, as we have already said.

I have a one-sentence quotation from the Gates Commission report, with reference to the terms of enlistment. It reads:

> Within the limits prescribed by law, this means that enlisted men would generally be granted discharges upon request.

Here is the father of this amendment, the original father—

Mr. HATFIELD. Mr. President, will the Senator yield?

I suggest that he read page 3 as to what those requests are.

Mr. STENNIS. We have already gone into that. I say that unless we find them within these exceptions, these men will be discharged upon request.

I believe that is all the time I have.

Mr. HATFIELD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. HATFIELD. I yield myself 1 minute.

I just want to make clear for the RECORD we are not seeking to enact here language from the Gates Commission report that has just been read. We are asking, in the introduction to this amendiment, to enact the language of the amendment; and on page 3 it is clearly stated that a man has to do more than request a discharge. This is carefully stated in subsections (1), (2), (3), and (4), as to the provisions required for that discharge to be approved.

So it is not just a matter of either walking out of the Navy, as was indicated before, or merely saying, "I want a discharge," and that discharge being granted. There are very carefully drawn provisions here only upon which discharges could be approved by the Secretary of Defense.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from Oregon, Mr. HATFIELD, would provide for four items:

First, original enlistments of males, in all Services except the Navy, for the duration of their minority or for a period of 2 years, and enlistments of females for 2 years, except for persons given special education or training who may be enlisted for up to 4 years;

Second, reenlistments for unspecified periods and for periods commensurate with the cost of any special education or training, but not more than 4 years;

Third, a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs, and

Fourth, authority for the discharge of persons who have reenlisted for unspecified periods, upon request, with certain exceptions.

Mr. President, present law authorizes original enlistments in all Services of males for the duration of their minority or 2, 3, 4, 5, or 6 years and for females for 2, 3, 4, 5, or 6 years. The Defense Department feels that the provisions of the present law are necessary to provide greater flexibility and stability in the forces. During periods of manpower stringencies, shorter enlistments can be accepted, but longer enlistments, in general, provide a more stable and effective force at less costs than shorter enlistments. Legislation governing tour length should be deferred until experience during the transition to a volunteer force proves that it is needed and beneficial.

Mr. President, a comprehensive study by the Department of Defense to determine terms of service for enlisted members who receive various types of special education or training is not necessary. In all military departments, individuals are screened to determine the length of the remaining service prior to making a training commitment. The length of special education or training is related to the complexity of the course and the resultant service obligations are related to this factor. Where service obligations are incurred, enlistment contracts or reenlistment commitments are negotiated prior to the start of the training.

Finally, Mr. President, the provision which could authorize the discharge of persons who have reenlisted for unspecified periods, upon request, with certain exceptions, would create inequities among members on sea duty or those assigned arduous overseas hours. This could cause some members to request discharge before being assigned to those duties.

For these reasons, Mr. President, I am opposed to amendment No. 137 offered by Senator HATFIELD.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Oregon. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. JACKSON), the Senator from Utah (Mr. Moss) and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. TUNNEY) and the Senator from North Carolina (Mr. JORDAN) would each vote "nay."

Mr. SAXBE. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 19, nays 55, as follows:

[No. 105 Leg.]

YEAS—19

Aiken
Bayh
Cooper
Curtis
Gravel
Hart
Hatfield
Humphrey
Inouye
Mansfield
McGovern
Mondale
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker

NAYS—55

Allen
Allott
Anderson
Beall
Bellmon
Bentsen
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cotton
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hollings
Hruska
Hughes
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Pearson
Prouty
Randolph
Roth
Saxbe
Smith
Sparkman
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—26

Baker
Bennett
Brock
Brooke
Buckley
Burdick
Chiles
Church
Cranston
Fulbright
Gambrell
Griffin
Harris
Hartke
Jackson
Javits
Jordan, N.C.
Moss
Mundt
Muskie
Packwood
Scott
Spong
Taft
Tunney
Williams

So Mr. HATFIELD's amendment (No. 137) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SAXBE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VISIT TO THE SENATE BY HIS EXCELLENCY, SWAREN SINGH, THE MINISTER OF EXTERNAL AFFAIRS FOR INDIA

Mr. SPARKMAN. Mr. President, the Senate is honored with a visit by a very distinguished friend of the United States, His Excellency Swaren Singh, the Minister of External Affairs for India.

In this connection, Mr. President, we have our own Ambassador to India present on the floor with us, a former Senator, Senator Keating. We also have a former Ambassador to India who is likewise on the Senate floor in the person of the Senator from Kentucky (Mr. COOPER), a former Ambassador to India.

We are delighted to have this distinguished visitor with us. The Foreign Relations Committee had the opportunity to meet and talk with him during lunch. It is a genuine delight to have him visit us.

(Applause, Senators rising.)

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 150

The PRESIDING OFFICER. Under the previous order, amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) is the pending business.

Mr. STENNIS. Mr. President, may we have order in the Senate? I think that this can be disposed of without a rollcall vote. However, the amendment certainly deserves the attention and consideration of the Senate.

Mr. GRAVEL. Mr. President, I ask unanimous consent to modify my amendment No. 150. I send the modification to the desk.

The PRESIDING OFFICER. The modification will be received and reported.

Does the Senator ask unanimous consent for the modification?

Mr. GRAVEL. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator want the modification read?

Mr. GRAVEL. No.

The PRESIDING OFFICER. Is there objection? The Chair has none, and it is so ordered.

The modified amendment reads as follows:

On page 29, between lines 3 and 4, insert the following:

(22) Insert a new section 7 to read as follows:

"SEC. 7. (a) The Director shall formulate and administer an intensive counseling program in cooperation with public and private secondary schools in the United States under which comprehensive information pertaining to this Act and the administration thereof shall be made available to every male student in his last academic year of high school and to other male students who have attained the eighteenth anniversary of the date of their birth regardless of their school year.

"(b) The counseling program provided for in this section shall include the opportunity for a representative of the Selective Service System to meet and confer with students. Such program shall also provide an opportunity for the representative of any responsible group or organization, making application through the school concerned, to meet and confer with students. Every reasonable effort shall be made to accommodate groups and organizations representing differing religious and political points of view. Members of the medical profession shall also be given an opportunity to meet with and confer with students to whom counseling service is made available under this section.

"(c) To the extent funds are made available for purposes of this subsection, the Director is authorized to reimburse any State for the salary of any person designated by such State to coordinate and supervise in such State the Selective Service Counseling program provided for in this section.

"(d) The Director shall compile and publish at government expense and make available to all persons engaged in counseling work under this section a booklet, or other publication, describing in detail the functions and operations of the Selective Service System; all options, rights, privileges, and opportunities available to a registrant under this Act; and opportunities and limitations available with respect to voluntary enlistment in military service, including information pertaining to pay and allowances and other benefits for military personnel. The Director shall also include in such booklet the comments and views (regarding the Selective Service System) of a number of responsible national organizations to be selected by the Director, which request the opportunity to include material in such booklet; but the Director may determine and impose reasonable limitations on the amount of space to be made available for such purpose. The Director shall provide for such revisions of the booklet as may be necessary to keep it current.

"(e) The Director shall formulate and administer a counseling program for registrants under this Act who are unable to receive such service in a secondary school. Such counseling services shall be provided as soon as possible after such persons register under this Act and shall be comparable to those counseling services provided in secondary schools.

"(f) The Director is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this section.

"(g) There are hereby authorized to be appropriated to the Director such funds as may be necessary to carry out an effective counseling program under this section."

Renumber paragraphs (22) through (32) of section 101(a) of the bill as paragraphs (23) through (33), respectively.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, there will be no further rollcalls for the day in view of the fact that the yeas and nays which had previously been ordered on amendment No. 150 have been vacated by unanimous consent at the request of the Senator from Alaska.

The PRESIDING OFFICER. What is the wish of the Senate with respect to amendment No. 150 as modified?

Mr. STENNIS. Mr. President, I yield myself 5 minutes or so much thereof as I may use.

This amendment in its original form contained a provision about pay to school teachers or anyone who assisted with reference to certain material. I was opposed to that provision. The members of the draft boards and appeal boards all serve without pay. I thought we ought not to make an exception to that general pattern and change the whole nature of the system.

There were other provisions on which we were in disagreement. The Senator from Alaska agreed to modify or to strike those out.

I think the amendment in its modified form has merit and should be accepted. I will support the amendment and will do the best I can on it.

I commend the Senator and commend him for modifying his amendment.

Mr. President, I am going to recommend that the amendment do pass.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. STENNIS. I yield back all of my unused time.

Mr. GRAVEL. Mr. President, there can be no doubt that the average registrant under the Selective Service Act is forced to wander in a labyrinth of rules and regulations without the slightest awareness of his rights and his responsibilities.

The selective service law is immense and imposing, and without the proper counseling, the registrant is left with a feeling of inadequacy and despair which, in some circumstances, very quickly transfers itself into distrust and hostility.

It should therefore be a fundamental goal of this Congress to insure that everything is done to provide registrants, and those about to become registrants, with all of the pertinent information which is necessary for them to recognize what the Selective Service System demands of them, and what they may demand of the Selective Service System.

I am proposing an amendment to H.R. 6531 which I believe will remedy the shortcomings of the Selective Service Act in this vital respect.

The amendment simply provides that every male who in his last year of high school, or who has attained the age of 18, will have available to him personal counseling and written information to assist him in learning of his options, rights, privileges, and other opportunities as a registrant under the Selective Service Act.

It is no doubt true that much of the information and counseling which is provided for by this amendment may be obtained through a local draft board or through other printed material published by the Selective Service System, but the difficulty with this is that very few registrants take advantage of this service largely because they are unaware of its existence, or because they distrust the source of the information.

Furthermore, the amendment provides for comprehensive information about the law relating to conscription, which unfortunately most local boards are simply not equipped to provide because the boards, themselves, lack the essential knowledge with respect to a great many areas of the Selective Service law.

A registrant who does attempt to obtain some information from his local draft board is also hampered by the severe handicap of not knowing precisely what questions to ask, simply because he lacks an awareness of the totality of the Selective Service System, and therefore is without a frame of reference which, in many situations, renders his questions meaningless and the answers to those questions without much value.

A point that was mentioned before should perhaps be emphasized in support of the need for this amendment. Although most local draft boards demonstrate an admirable ability to administer the Selective Service Act, there are, nonetheless, many local draft boards which, in relationships with registrants, maintain an attitude of vagueness which unjustly deceives the registrants with respect to their rights and options under the act.

I do not mean to suggest that some local boards are actively engaged in a conspiracy of deception to lure registrants in an unfailing course to military service. But there are sufficient examples of registrants who were not aware of possible deferments or of their ability to qualify for these deferments simply because their local board did not receive their requests for information with an attitude commensurate with fair and equitable administration of the law.

It is not the purpose of this amendment to provide registrants with information and counseling which will enable them to evade service in the Armed Forces of the United States. However, equity and justice demand that those who do not wish to serve, either because of physical infirmity or because of deep-felt moral convictions about military service, have the opportunity to know of their rights and the alternatives available to them.

Furthermore, it should be noted that much of the information and counseling which this amendment would provide includes information about voluntary enlistments in military service, including information pertaining to pay and allowances and other benefits for military personnel. The thrust, then, of this amendment is not to frustrate the purposes of the Selective Service Act, but rather to bring about a more efficient administration of the act through the education of those most directly affected by it.

It is unfortunate, indeed, that the vast majority of the counseling services made available to registrants in this country is through private sponsorship. It is unfortunate in two respects.

First of all, this fact points out that the Government has essentially abdicated its responsibilities to provide assistance to those persons most affected by its laws, and has condemned them to a state of ignorance which hinders their ability to understand and comply with those laws.

This suggests, perhaps, a conscious attempt at coercion through manipulation of the ability afforded registrants to recognize their rights, and thereby to more effectively frustrate registrants' statutory rights under the Selective Service Act.

Second, this private counseling is deficient in many respects. Many of the counselors are volunteers who do not, themselves, possess sufficient knowledge of selective service law to adequately counsel registrants with respect to the act.

It is admirable that such persons have given their time to remedy a situation too long ignored, but, nevertheless, it is vital that there be some assurance that the information which is transmitted to registrants be correct and in accordance with the purposes of the Selective Service Act.

Also, by virtue of this amendment, we may be assured that every person has the opportunity to receive counseling, not just those few who are fortunate enough to be aware of the private counseling available, and who have initiative enough to seek it out.

We have seen a great deal of criticism about the selective service system in recent years. Most of this criticism is justified. The system appears at times to be arbitrary, secretive, and totally at cross-purposes with the interests of the citizens of this country. Much of what constitutes the basis for these criticisms can be devined to be a result of a lack of understanding about the manner in which the Selective Service System operates, and the demands it makes on its registrants.

All is not right with the selective service, and much remains to be done to provide that it operate within the bounds of good public administration.

But until the bulk of those who come within its domain are adequatedly educated. Neither the individual nor the system can ever hope for an efficient and effective balance between the rights of the individual and the obligations which a government demands of its citizens.

This amendment, in a small way, provides the opportunity for the selective service system to cast-off its attitude of officiousness, and bring the administration of the law down to a level where those who must abide by it can have an equal opportunity to understand it. The provisions of this amendment are long overdue.

The PRESIDING OFFICER (Mr. ROTH). Is all time yielded back?

Mr. GRAVEL. Mr. President, I yield back my time unless someone wishes to speak on this matter.

Mr. STENNIS. I yield back my time.

Mr. BYRD of West Virginia. Mr. President, has the amendment been stated?

The PRESIDING OFFICER. Unanimous consent was granted that the amendment not be read.

Mr. BYRD of West Virginia. I thank the Chair. But the modified amendment will be printed in the RECORD.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 150 of the Senator from Alaska (Mr. GRAVEL), as modified. (Putting the question.)

The amendment was agreed to.

AMENDMENT NO. 127

Mr. BYRD of West Virginia. Mr. President, I ask that amendment No. 127 be laid before the Senate.

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate amendment No. 127.

The amendment was read, as follows:

On page 40, between lines 5 and 6, insert the following:

"SEC. 206. (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a new pay structure for the uniformed services. Such pay structure shall—

"(1) provide salary schedule of pay which combine basic pay rates and present allowances for quarters and subsistence;

"(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

"(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including loss of any tax advantage realized under current law. The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

"(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than three months after the date of enactment of this Act."

On page 40, line 6, strike out "SEC. 206" and insert "SEC. 207".

Mr. BYRD of West Virginia. Mr. President, under the agreement, I ask that time on the amendment not begin running until Monday next.

The PRESIDING OFFICER. That has already been ordered.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

(The remarks of Mr. PERCY when he introduced S. 2097 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

NATO

Mr. PERCY. Mr. President, on a subject of deep interest and concern, I should like to comment just briefly once again on the problem of our NATO balance of payments.

In 13 days, on June 30, the current United States-German offset arrangement expires. With estimated U.S. balance-of-payments costs for fiscal 1972 for our troops in Germany of $1.2 billion, it is imperative that we negotiate a meaningful offset arrangement to take effect from July 1.

As I stated last week on the floor, there have been two negotiating sessions to date between the United States and Germany with a third one scheduled for late this month in Bonn, Germany. To date there has been no agreement with both sides far apart on what they think is an equitable settlement. President Nixon and Chancellor Brandt have discussed this topic this week and it is hoped they have paved the way for negotiators on both sides to arrive at a rapid solution of this problem when they meet later this month.

The United States can no longer carry so much of the burden for NATO defense by itself. It is time for an impressive demonstration by the European nations of their willingness to bear more of the defense and monetary burden of NATO. I am confident greater cohesion and sharing of NATO burdens will be particularly important for NATO countries as the first tentative steps are made toward mutual balanced force reductions in Europe.

Secretary Rogers has recently suggested an inital arms cut in Europe by both sides as a symbolic step toward further mutual reductions in the future. Chancellor Brandt has expressed initial approval of this idea. But as these negotiations continue toward mutual reductions, it is imperative that NATO countries be unified and one way to help insure that, is meaningful cooperation on the part of European NATO members to help relieve the U.S. balance-of-payments deficit associated with the U.S. commitment in Europe.

Mr. President, I should like at this time to express deep appreciation to the Chancellor of West Germany, Willy Brandt, for the time he has taken to consult with the President of the United States and other leaders in this country during his visit this week. Some of us in the Senate had the pleasure of an opportunity to converse at length with him at the German Embassy at a dinner hosted by Ambassador Rolf Pauls, an able, dedicated, and distinguished member of the diplomatic corps in Washington. He is widely recognized as one devoted not only to his own country's interests, but also to the interests of all nations that are working together to find an equitable, fair, and just basis for establishing peace in the future.

It is my deep hope that these personal consultations at the highest levels that have been carried on by the Chancellor and the President will now advance the negotiations, which I believe have been on dead center, and which, from what I have been able to learn of the negotiations to date, leave us in a totally unsatisfactory position with respect to finding an acceptable answer to this very difficult problem.

I ask unanimous consent to have printed in the Record an article entitled "Rogers and Dobrynin Confer on Talks to Cut Europe Troops," written by Chalmers M. Roberts and printed in yesterday's Washington Post, which refers to the Brandt visit and the possibilities of mutual arms reduction.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rogers and Dobrynin Confer on Talks to Cut Europe Troops

(By Chalmers M. Roberts)

The United States and the Soviet Union yesterday opened what has every appearance of being a long dialogue on how to conduct East-West talks on reducing troops and arms in Europe.

Secretary of State William P. Rogers met for 50 minutes with Soviet Ambassador Anatoliy F. Dobrynin after which a State Department spokesman said the issues "certainly were not clarified sufficiently to get us started into negotiations."

Dobrynin told newsmen as he left that they had had a "useful exchange on questions of mutual arms, troops and armament reduction in Europe. We agreed to continue this discussion having in view to begin negotiations." No date was set, however, for another meeting.

The contact came as West German Chancellor Willy Brandt wound up a Washington visit in which the prospective negotiations played a part. They were discussed by Brandt with both President Nixon and Rogers.

The Rogers-Dobrynin talks form part of a NATO effort by many member governments to find out just what the Soviet Union has in mind. Soviet leader Leonid Brezhnev on May 14 called for negotiations on "reduction of armed forces and armaments in Central Europe."

Currently, Western eyes are on the East-West talks on a new status for West Berlin and on access to it, a matter Brandt also discussed here. He is known to have thought the recent NATO ministers meeting in Lisbon was overenthusiastic in its report of progress. However German sources said the Soviet Union has in fact agreed to accept responsibility for a new agreement and for the consideration of any disputes arising out of it, a major change in Moscow's position.

There is no formal NATO link between a successful Berlin negotiation and the Western call for talks on what it calls mutual balanced force reductions in Europe. However, there is a psychological tie well known in both East and West.

Thus the Rogers-Dobrynin talks now beginning and other such East-West conversations are likely to continue the rest of the year while the Berlin talks go on.

"SYMBOLIC STEP"

In a Tuesday night speech here, Brandt referred to what he said was a Rogers suggestion for an initial arms cut as a "symbolic step" and said he was inclined to agree. State Department officials said the secretary had thrown out that idea to the allies at Lisbon. It is known that a small percentage cut on both sides as a starter has been considered within the Nixon administration.

Brandt yesterday met with members of the Senate Foreign Relations Committee, many of whom favored the defeated amendment of Sen. Mike Mansfield (D–Mont.) to cut in half the American troop level in Europe. But Mansfield was not present and the issue was touched on only lightly.

The Western position is that NATO first proposed the East-West talks three years ago but that until the Brezhnev speech there was no real response.

Dobrynin yesterdav, in reply to a newsman's question, said he did not want to "say who's guilty and who's not guilty" in relation to the delay but that "you are prepared. We are looking forward to negotiations."

However, there is as yet no United States position on exactly what should be negotiated. Once there is, and that is expected shortly, it will go to NATO to be worked into an alliance proposal. In this phase the West Germans will have a major say and much is likely to depend on the outcome of both the Berlin talks and the strategic arms limitation talks (SALT) both of which may come to some conclusion by winter.

BRANDT HEARTENED

Brandt left Washington feeling that he has the full administration support on his Ostpolitik, or Eastern policy, according to well informed German sources. These sources said that Brandt and the President agreed that the Ostpolitik was not an isolated German policy but part of an alliance policy of both defense and detente.

Much of Brandt's concentration in his talks with the President, it was said, was on the relations between the United States and the European Common Market after the expected admission of Britain. Brandt argued that Britain's entry will assure that the Market will be more outward looking and not a protectionist trade organization.

Once again Brandt argued while in Washington for some institutional apparatus to discover economic problems and resolve them or at least narrow the gap before they turn into trans-Atlantic crises.

While both France and Britain have taken a restricted view of the Common Market evolving into a strong federation, Brandt is known to feel that the European organization in time will develop at least elements of a common foreign policy.

PRIORITIES IN ARMY RECRUITING

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the Record at this point an editorial entitled "Fouled Up Priorities, Again" published in the Chicago Sun-Times of this morning, Friday, June 18, 1971.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Fouled Up Priorities, Again

The Army has invested more than $10 million in a 13-week television and radio recruiting campaign which, by one estimate, drew only 2,500 men into the service at a cost of over $4,000 each. Yet, the Illinois State Employment Service can't get $35,000 a year in federal funding for a proven program that has trained approximately 5,000 young men to pass Army enlistment tests in the past three years.

Obviously, the priorities are all fouled up, again. The Illinois program is a simple one: It gives second-chance courses in elementary studies to individuals who tried once to volunteer for Army service but were rejected for educational inadequacies. Last year alone, 2,687 persons took the courses and 1,934 made it into uniform. Over all, the program has an 80 per cent rescue rate.

Despite this achievement, the Illinois program was funded only in its first fiscal year. In the past two fiscal years, the program has been subsidized by the manpower division of the Labor Department, which is not a military recruiting agency by any means.

The Illinois State Employment Service in this instance has done a positive job not only of helping volunteers into the Army, but in giving them a solid chance to make a contribution to themselves and society. We think the reward should be direct federal funding of the rejectee program and an order that similar programs get under way in other major cities—some of which started in but dropped out when the first money was gone. There are enough bad projects around—such as that multimillion-dollar TV recruitment campaign. The good ideas ought to be nurtured.

Mr. PERCY. The editorial points out that the Army has invested some $10 million in a 13-week television and radio campaign, which has been estimated to have drawn a disappointingly small number of men into the service.

Certainly this experiment, I think, had to be made. It had to be tried. But I would bring to the attention of the Senate an exceptionally good program that was instituted in the State of Illinois, in which, in contrast with the $10 million spent on a television and radio recruiting program, $35,000 a year could fund a program that has been proven, and has successfully trained approximately 5,000 young men to pass Army enlistment tests over the past 3 years.

Certainly, with this kind of a program, where men indicate their willingness to serve in the military service, and yet for one reason or another are turned down, how wise it is to spend a modest amount of money to do the rehabilitation necessary—sometimes it required additional schooling, sometimes it requires the correction of a medical deficiency—to correct problems and handicaps that young men have who want to serve in the military service, rather than resorting to a hard-sell, Madison Avenue, "LS–MFT" approach, carried on at tremendous expense—a cost of about $4,000 per man recruited thus far with far less significant results.

I am not in any way criticizing the military forces for trying this program, but having tried it, if we find it now to have failed, I would hope we would drop it and go about funding programs that have proven themselves to be more effective. The cost to society for rehabilitating a man is far less, apparently, than the cost of just trying through advertising to locate and entice someone.

These, as I say, are men who have the will and desire to serve. Not only that, through the rehabilitation process by which they are preparing to serve their country in the military forces, after they are discharged from that service, they return to society ready to take up a useful, productive role. Thus, for a few hundred or a few thousand dollars invested in a man at this time, we invest in a lifetime of benefit to that human being as well as benefit to the Government that shares, certainly, through income taxation, in all the revenue that that man earns.

Once these television commercials are aired, they are gone forever. There is nothing deader than a television ad or radio commercial that has just gone off, as many candidates who were defeated in the last election, found, to their sorrow, having felt they could poll an unlimited number of additional votes by taking a large amount of radio and television time. To the contrary, the matter is far more complex than simply taking a 1-minute or 2-minute radio or television commercial.

So I feel that this editorial, which is, as I say, entitled "Fouled Up Priorities, Again," should remind us that there are proven programs that cry out to be adequately funded.

THE UNITED STATES-JAPAN PACT ON OKINAWA

Mr. PERCY. Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an article published in the Chicago Tribune yesterday, June 17, written by Samuel Jameson, in the Bob Cromie column, entitled "Guest Salutes United States-Japan Pact."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. This is a remarkably perceptive article, that talks about the importance of the United States-Japan pact that was signed simultaneously yesterday, in Tokyo and in Washington.

I believe that this pact will cement for the future—despite some of the uprisings that occurred yesterday—a more lasting and binding relationship between these two countries.

At some time in the future, when this matter is before the Senate, I would like to comment on my own personal observations on the island of Okinawa concerning what I consider to be the impossibility of maintaining a military base in that area without the full support and cooperation of the Okinawans. These people seem to want strongly to become a part of Japan once again, so far as administration of their affairs is concerned.

There being no objection, the article was ordered to be printed in the Record, as follows:

Guest Salutes United States-Japan Pact

(By Samuel Jameson)

Tokyo.—Today, just for a moment, let me step out of the role of newsman.

Today I speak only as an American—because it is a proud day for America.

Today the United States and Japan sign a treaty like none there has ever been before. It is a treaty by which the United States will give up control of Okinawa, an island chain it won with blood in war but now has decided to relinquish with understanding in peace.

There have been treaties ending wars and terminating occupations before. Many of those, however, sliced off chunks of territory of the vanquished nations. Indeed, the 1951 San Francisco Peace Treaty with Japan was one of those. It gave the United States what could have been permanent possession of Okinawa, where one million Japanese live today.

Since that treaty was signed, the United States has held on to Okinawa for 19 years—mainly because the U.S. had built a billion dollars' worth of military bases there.

It was clear, however, that the United States never really intended to make Okinawa its own, as so many other nations might have.

It did not evacuate Japanese residents, as did the Soviets when they took over Japan's northern islands after World War II. It did not even force the Japanese residents to be educated in the language of the conqueror, as did Japan itself in its pre-war colonies.

Today, the administrative side of the American government takes the hard decision to turn Okinawa back to Japan.

A price will be paid by the United States, by Japan and by Okinawa itself. The U.S. no longer will have a free hand to use its military bases there as it might wish. Japan will have to be consulted first.

Japan will be paying a cash sum expected to run to about $4 billion to buy civilian assets from the U.S. and help maintain American bases. It also will be subsidizing Okinawa's economy for decades to come.

Japanese in Okinawa are bound to suffer as the military economy subsides and special privileges that accrued to them as citizens of a virtual "nation state" disappear.

The decision to return Okinawa is not yet final. The U.S. Senate and the Japanese Diet [parliament] will have to ratify the treaty. Political acrimony on both sides of the Pacific is likely. Some Americans will be complaining about Japanese textiles and economic relations with Japan. Some Japanese will be questioning whether the U.S. really will remove all of its nuclear weapons from Okinawa and others will complain about the continued maintenance of any American bases.

I was a member of the so-called "silent 50s" college generation, but one who remembers a childhood of inspiration in studying American history and ideals. One of those ideals was expressed in the Atlantic Charter.

In the charter the President of the United States and the prime minister of Great Britain declared that neither nation was fighting World War II for the purpose of acquiring territory.

Like many ideals, those of the Atlantic Charter were blemished in practice. The blemish was Okinawa, which remained in American hands for more than a quarter of a century after World War II ended.

Several years ago I escorted a Japanese friend to the Iwo Jima Marine memorial in Arlington National Cemetery. I wanted to show how much Iwo Jima meant to the United States as a symbol—and yet how much America had acted in line with American tradition by returning that war-won island to the nation that lost it.

Okinawa is more than a symbol. It is a valuable military base and there perhaps are good military reasons to keep it.

There also are good diplomatic reasons to give it back. One is the hope of closer relations with Japan. Another is the calculation that Japanese on Okinawa were reaching the limit of their patience with alien rule and that their support was necessary for the continued maintenance of the American bases there.

The best reason, however, was the purely American one expressed in the Atlantic Charter.

In a day when Americans are questioning values, Americans are dying in Viet Nam and when some accuse the U.S. government of being arrogant of its power, today—for me—is a very special American day.

(Note.—Bob Cromie has turned over his column today to Samuel Jameson, chief of the Tokyo bureau of the Chicago Tribune Press Service. Jameson asked if he could express his feelings as a citizen about the treaty the United States and Japan sign today, agreeing to return Okinawa and the other Ryukyu Islands to Japan after 26 years of American rule.)

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be period for the transaction of routine morning business, with statements therein limited to 3 minutes, not to extend beyond 3:30 p.m., today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10:45 A.M., MONDAY, JUNE 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:45 a.m. on Monday next.

The PRESIDING OFFICER. Without objection it is so ordered.

(Later this order was changed to provide for the Senate to adjourn until 10:30 a.m. on Monday.)

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by distinguished Senator from Alaska (Mr. GRAVEL) on Monday next, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the Senator from New York (Mr. JAVITS) on Monday next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

THE VIETNAM PAPERS

Mr. GRAVEL. Mr. President, I rise for a few moments to talk about what I think is a very important subject, one that may have extreme consequences.

I hold in my hand a newspaper article entitled "Nixon Urged A-bomb Use, Study Reports" written by Thomas B. Ross of the Chicago Sun-Times, where he goes into some detail as to what may be involved in the McNamara papers, the publication of which has been blocked by the courts.

One of the items he speaks of is the fact that now President Nixon—but then Vice President Nixon—advocated the use of tactical nuclear weapons as part of shoring up the crumbling French influence in Indochina back in the mid-1950's.

I find this extremely disturbing, but I also find that there may be some measure of accuracy to the statement. I do not know, because we are not privileged to see the documents. But I want to make reference to a speech made at that time by then Vice President Nixon to a luncheon meeting of the Executives Club of Chicago, on March 17, 1955, as reported in the March 18, 1955 New York Times. Let me quote from the speech made at that time by then Vice President Nixon:

> It would be insanity and madness for them [Chinese Communists] to embark on additional aggression in the face of the consequences we have made clear will follow. * * * It is foolish to talk about the possibility that the weapons which might be used in the event a war breaks out in the Pacific would be limited to the conventional Korean and World War II types of explosives. We are not prepared to fight an effective war in the Pacific with those types of explosives if they wanted to.
>
> Tactical atomic explosives are now conventional and will be used against the targets of any aggressive force.

That is the end of the quote from Vice President Nixon's speech in 1955, which I think offers some documentation to the article written by Mr. Ross in the Chicago Sun-Times of today's date, referring to what may be hidden in some of the papers that the present administration has blocked by injunction.

I would hope that the court, in a judicious manner, will release these papers for publication so that the American people may be able to make a thorough review of the policy processes employed in this democratic Government.

Mr. President, I ask unanimous consent to have the article written by Mr. Ross printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON URGED A-BOMB USE, STUDY REPORTS

(By Thomas B. Ross)

The unpublished portion of the top secret Pentagon history of the Vietnam war covers the period in 1954 in which President Nixon played a key role in the debate over dropping the atomic bomb and committing U.S. troops.

Eisenhower administration officials assert that Nixon, then the vice president, supported the use of tactical nuclear weapons and the commitment of U.S. combat forces to prevent the downfall of the French.

But they said they did not know whether Nixon's position was documented in the Pentagon's history of the war.

A number of unofficial accounts have portrayed Nixon as then advocating the use of tactical nuclear weapons and U.S. combat forces in North Vietnam to prevent the downfall of the French.

The issues were debated by the Joint Chiefs of Staff and the Pentagon history, which runs from 1945 to 1968, presumably contains documented citations of Nixon's position.

The fourth installment of the Times' article, which has been blocked by the court, deals with the Kennedy years and reportedly would prove acutely embarrassing to a number of prominent citizens who now declare themselves doves.

Later installments deal with the Truman and Eisenhower years.

Officials who served the U.S. Embassy in Saigon during Kennedy years said the Pentagon history would undoubtely reveal the intimate awareness of high ranking officials in Washington of the plot to eliminate the late president Ngo Dinh Diem.

These embassy officials said the upper echelon of the Kennedy administration did little to protect Diem from the South Vietnamese army officers whom they knew were planning to arrest and possibly execute him.

The embassy officials said the Pentagon history will show that Ambassador Henry Cabot Lodge arranged for a plane to take Diem out of the country, but other than that did little to protect him.

The officials said the Pentagon documents should disclose that Lodge overruled a proposal to provide an honorable funeral and burial for Diem in 1963.

ORDER FOR ADJOURNMENT TO 10:30 A.M. ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HUGHES ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from New York (Mr. JAVITS) on Monday next, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE RULE OF GERMANENESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of the fact that a time sequence has been agreed upon for calling up amendments on Monday next, and in view of the fact that a time limitation has been agreed to, the Pastore rule of germaneness be waived throughout the day on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BYRD of West Virginia when, on behalf of Mr. WILLIAMS, he introduced S. 2098 and submitted a statement by Mr. WILLIAMS are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to make the following unanimous-consent requests which I have cleared with the manager of the bill, the Senator from Mississippi (Mr. STENNIS), the acting minority leader, the Senator from Ohio (Mr. SAXBE), and the authors of the amendments involved.

Mr. President, I ask unanimous consent that when the Senate completes its work on amendment No. 134 by the Senator from Oregon (Mr. HATFIELD) on Monday next, the Chair lay before the Senate at that time amendment No. 172 by the Senator from New York (Mr. JAVITS), and that it be made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO 9 A.M. TUESDAY, JUNE 22, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9 a.m. Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the recognition of the two leaders under the standing order on Tuesday next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 9:20 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 9:20 a.m. Tuesday next, the Chair lay before the Senate amendment No. 172 by the distinguished Senator from New York (Mr. JAVITS); that the time thereon be limited to 1 hour, the time to be equally divided and controlled by the distinguished mover of the amendment, the Senator from New York (Mr. JAVITS), and the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that amendments to amendment No. 172, if any there be, be limited to 10 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill, the time to come out of the time allotted to amendment No. 172.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes the disposition of amendment No. 172 by the Senator from New York (Mr. JAVITS) on Tuesday next, the Chair lay before the Senate amendment No. 147 offered by the Senator from Alaska (Mr. GRAVEL); that the time on that amendment be limited to 1 hour, the time to be equally divided and controlled between the Senator from Alaska (Mr. GRAVEL) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS); that any amendments thereto be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill; and that the time on any amendment thereto come out of the time allotted to amendment No. 147.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition of the Cook-Stevens amendment on Tuesday next, the Senate proceed to the consideration of amendment No. 173 by the Senator from Illinois (Mr. STEVENSON); that the time thereon be limited to 2 hours, the time to be equally divided between the mover of the amendment and the manager of the bill, with amendments thereto limited to 30 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill; and that the time for any amendment to the amendment come out of the time allotted to amendment No. 173.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that on Tuesday next, upon disposition of the Stevenson amendment No. 173 the Senate proceed to the consideration of amendment No. 126 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 126 be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill, and that any amendment thereof be limited to 20 minutes, the time to be divided between the mover of the amendment in the second degree and the manager of the bill, and that time thereon come out of the time allotted on amendment No. 126.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that no amendments not germane to the enumerated amendments be received.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): Nos. 125, 126, and 147 by the Senator from Alaska (Mr. Gravel); No. 117 and Nos. 127–134 inclusive, and 138 by the Senator from Oregon (Mr. Hatfield); and No. 172 by the Senator from New York (Mr. Javits).

Ordered further, That debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 145 by the Senator from Massachusetts (Mr. Kennedy), and on amendment No. 173 by the Senator from Illinois (Mr. Stevenson).

Ordered further, That on June 21, 1971, at 11:30 a.m., amendment No. 127 be laid before the Senate and made the pending question. After the disposition of amendment No. 127, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceeding it in the list is disposed of: amendment No. 130 by the Senator from Oregon (Mr. Hatfield); amendment No. 131 by the Senator from Oregon (Mr. Hatfield); amendment No. 145 by the Senator from Massachusetts (Mr. Kennedy); amendment No. 134 by the Senator from Oregon (Mr. Hatfield); and amendment No. 147 by the Senator from Alaska (Mr. Gravel), except that time control on amendment No. 147 will not begin until Tuesday, June 22, 1971.

Provided, That the debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree), except on amendments numbered 126, 127, 130, 131, 134, 137, 145, 147, 172 and 173 on which the time on all amendments to amendments will be controlled by the mover of the amendment in the second degree and the manager of the bill, and the time on these amendments shall come from allotted time given to the amendments in the first degree. On amendment No. 172, amendments to the amendment will be limited to 10 minutes to be equally divided, and on amendment No. 173, amendments to the amendment will be limited to 30 minutes equally divided.

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

Ordered further, That on Tuesday, June 22, 1971 at 9:20 a.m. the Chair lay before the Senate amendment No. 147. After the disposition of amendment No. 147 the Chair will lay before the Senate amendment No. 172. Following disposition of amendment No. 172 at 12 o'clock noon amendment No. 165 by the Senator from Kentucky (Mr. Cook) be laid before the Senate. Debate thereon is to be limited to 4 hours to be equally divided and controlled by the mover and the manager of the bill. A vote on amendment No. 165 shall occur at 4:00 p.m. on June 22, 1971. *Provided,* That amendments to amendment No. 165 must be germane and that time on each such amendment be limited to ½ hour to come out of the time on amendment No. 165 to be equally divided and controlled by the mover thereof and the manager of the bill. Provided further that time on amendment No. 165 may be allotted to debate on any amendment thereto. Following the disposition of amendment No. 165, the Chair will lay before the Senate amendment No. 173 and following the disposition of amendment No. 173 the Chair will lay before the Senate amendment No. 126.

WAIVER OF GERMANENESS RULE ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a time sequence has been effectuated with respect to amendments on Tuesday next, and also in view of the fact that all amendments are under control, as far as time is concerned, I ask unanimous consent that the Pastore rule be waived for the day on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I have one minor change to be made with respect to the schedule on Tuesday. I am informed that the distinguished Senator from New York (Mr. JAVITS) would like his amendment No. 172 to be the second amendment considered that day.

Therefore, I ask unanimous consent that at 9:20 a.m. on Tuesday next the Chair lay before the Senate amendment No. 147 by the Senator from Alaska (Mr. GRAVEL), and that upon disposition of the Gravel amendment No. 147, the Chair lay before the Senate amendment No. 172 by the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, upon disposition of amendment No. 134 by the Senator from Oregon (Mr. HATFIELD), the Chair lay before the Senate and make the pending business—with time thereon not to run on Monday—Amendment No. 147 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOCATION OF TIME FOR AMENDMENTS TO AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I think all bases have been covered. However, as a coverall, I ask unanimous consent that on all amendments scheduled for Monday and Tuesday—amendments Nos. 127, 130, 131, 145, 134, 147, 172, 165, 173 and 126—the time on any amendments to those amendments come out of the time allotted on the respective enumerated amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows: The Senate will convene at 10:30 a.m. Following the recognition of the two leaders under the standing order, the following Senators will be recognized each for not to exceed 15 minutes, and in the order stated: Messrs. GRAVEL, JAVITS, and HUGHES.

Following the orders stated, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 11:30 a.m.

At 11:30 a.m. the Chair will lay before the Senate amendment No. 127, by Mr. HATFIELD. Time thereon will run for 1 hour. The yeas and nays have been ordered and there will be a rollcall vote at 12:30 p.m. on Monday.

On the disposition of the Hatfield amendment No. 127, the Chair will lay before the Senate amendment No. 130 by Mr. HATFIELD. The time thereon is limited to 1 hour.

Upon the disposition of the Hatfield amendment No. 130, the Chair will lay before the Senate amendment No. 131 by Mr. HATFIELD. The time thereon is limited to 1 hour.

Upon the disposition of the Hatfield amendment No. 131, the Chair will lay before the Senate amendment No. 145 by Mr. KENNEDY, with time thereon limited to 2 hours.

On disposition of the Kennedy amendment No. 145, the Chair will lay before the Senate amendment No. 134 by Mr. HATFIELD, with a time limitation thereon of 1 hour.

Upon the disposition of the Hatfield amendment No. 134, the Chair will lay before the Senate and make the pending business amendment No. 147 by Mr. GRAVEL. Time will not begin to turn thereon until Tuesday next.

Mr. President, the Pastore rule has been waived throughout the day on Monday next.

One yea and nay vote is assured, the yeas and nays having already been ordered.

Senators are on notice that there is, in all likelihood, going to be a total of at least five rollcall votes on Monday next.

The distinguished majority leader has indicated that the leadership will introduce a motion on Monday to invoke cloture, and, under rule 22 of the Standing Rules, a vote on that motion would then occur on Wednesday next.

The time for convening on Wednesday has already been set for 12 o'clock. That time, of course, is subject to change, but in the event of change it will be the intention of the leadership to get unanimous consent that the 1 hour under rule XXII on the motion to invoke cloture will begin running at 12 o'clock noon on Wednesday, so that all Senators will be on notice that the vote on cloture—which is an automatic rollcall vote under the rule—will occur at around 1:15 p.m. on Wednesday next.

ADJOURNMENT UNTIL MONDAY, JUNE 21, 1971, AT 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 32 minutes p.m.) the Senate adjourned until Monday, June 21, 1971. at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 18, 1971:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare.

RAILROAD RETIREMENT BOARD

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board for the remainder of the term expiring August 28, 1973.

U.S. CIRCUIT COURTS

Roy L. Stephenson, of Iowa, to be a U.S. circuit judge, eighth circuit.

U.S. DISTRICT COURTS

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana.

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Carroll Hilton Dunn, [redacted] U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Glenn David Walker, [redacted] U.S. Army.

IN THE AIR FORCE

The nominations beginning Peter D. Abler, to be first lieutenant, and ending John M. Zinkievich, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 1971.

IN THE ARMY

The nominations beginning Robert M. Wilson, to be Professor of Mechanics, U.S. Military Academy, and ending Henry V. Wysocki, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 1971.

IN THE NAVY

The nominations beginning Hugh W. Marcy, to be ensign, and ending Gary W. Blair, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1971.

EXTENSIONS OF REMARKS

OPPOSING LOCKHEED AIRCRAFT LOAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker on June 10, 1971, radio station WJR in Detroit broadcast an editorial opposing the proposal to guarantee a loan of $250 million to Lockheed Aircraft. The arguments put forth by WJR are most persuasive and I share them with my colleagues:

OPPOSING LOCKHEED AIRCRAFT LOAN

The Senate is currently considering legislation that will guarantee a loan of a quarter billion dollars to Lockheed Aircraft. The Nixon administration, in proposing this legislation, says that without the loan Lockheed will go into bankruptcy, that hundreds of millions of dollars invested by Lockheed in their airbus program will be lost, and that, most importantly, 60,000 workers at Lockheed, and its suppliers, will lose their jobs.

WJR believes there are two important issues at stake here. First, the administration should certainly be concerned about, and take action, to protect 60,000 jobs, especially in today's economy. We'll discuss more about how in a moment. But second, we question whether the proper action is for the government to simply guarantee a very large bank loan to Lockheed. Such a loan would have the effect of protecting the investment of Lockheed's stockholders and keeping them from losing their equity in the company.

We believe the establishment of such a precedent is a dangerous threat to American free enterprise. We believe there would be great difficulty in the future drawing a line between saving a large company with, say 60,000 employees, and a small one with 1,000 employees . . . or 100 for that matter. What the free enterprise system does not need is government insurance against the inefficient and the uncompetitive businessman losing his shirt. The management and the stockholders of Lockheed have, in fact, taken significant business risks which have led them into the current financial crisis. They must face, as many other businessmen have faced before them, the economic consequences of their decisions.

The C5A, the Cheyenne attack helicopter, engines for the SRAM missile, and several Navy shipbuilding projects, have demonstrated the terribly difficult technical and managerial problems Lockheed has encountered. The billion plus overrun on the C5A alone has already cost you and me (and don't forget, we're the ones who paid for it) a staggering amount.

If the issue is, as Lockheed suggests, merely that capital is necessary to tide Lockheed over for a short while until it gets back on its feet, then why is a government guarantee necessary? There is no shortage of private capital available for such purposes, provided investors are convinced of the soundness of the proposition. It is precisely because private investors lack this conviction that they demand government guarantees . . . in which case, you and I are required, in effect, to back Lockheed up with our tax dollars.

We believe the administration is essentially proposing to take the very risks which the stockholders and the banks are not ready to assume. If the big boys won't do it, why should we, as the public, the real financial backers of the government? And even forgetting the risk, the impact of such a precedent upon free enterprise will be shattering.

If we would propose that Lockheed's stockholders not be protected by the government, how about the 60,000 jobs that might be lost? Well, we believe there are a number of good alternative schemes for keeping the Lockheed operation going and protecting these jobs, but without protecting Lockheed's stockholders. We recognize this is a very complex financial issue, but we would advance three such alternatives. First, the company could be turned over to a receiver. In other words, let Lockheed go into the bankruptcy court, but with government assurances that operations would continue under a receiver. Second, a merger could be arranged with one or more of the major airframe manufacturers. If necessary, the government could protect the acquiring companies from large losses. Third, the government could set up a new corporation to take over the Lockheed operation. Such a corporation would, either now or at a later date, be sold to private investors.

The point we make is this. We certainly have no quarrel with the government protecting 60,000 jobs. Our concern is with the government protecting Lockheed's present stockholders from the financial mess Lockheed itself has created. Such protection would clearly subvert free enterprise in America. The Senate should not guarantee the loan to Lockheed. It should find another alternative to protect the jobs involved.

FATHER'S DAY—VIETNAM STYLE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BRASCO. Mr. Speaker, this weekend the Nation will again celebrate Father's Day, which over the years has been a time to honor the head of a household. It has been a day when children show respect to the male symbol of their home. This year, however, there is a special poignancy to such an occasion.

Many thousands of fathers have no sons to help them mark the day. Too many of those young lads are lying in our cemeteries, cut down in the full flower of their youth. Sent to do battle in a country they knew little of, they went unselfishly and unhesitatingly to fulfill the requirements of duty. Now they shall never celebrate any holiday again. And as the youths die, the fathers are bereft. An entire life, complete with dreams and sacrifices, goes to the grave with them. No one to carry on a name. No one to share a joke with. No one to fulfill desires a father created. No one to inherit the fruits of a lifetime of sacrifice. All gone. All for nothing.

There is yet another side to this coin. Many of those who have paid the full price of our involvement in Vietnam have been fathers themselves. Too often they left behind unborn children, upon whose faces they will never gaze. Other times they left behind several tiny youngsters, who will never feel the comfort of a father's hand, hear the warmth of a father's word of approval or know the pleasure of sharing a close moment with someone they have long looked up to.

They will not play ball with their children, ever. They will not attend a sporting event with their children, ever. They will never dance at a child's wedding, ever. Or attend a graduation, ever. And all because of the unending conflict dragging on in Asia.

As we celebrate Father's Day this year, Mr. Speaker, I want to make my desire and hope glaringly plain. This time next year should not see American fathers wondering whether their boy will ever return from Vietnam alive or in one piece. This time next year should see a complete end to creation of the new young widows and orphans that have proliferated across America.

Let us take it as a personal charge to each of us to insure that next Father's Day shall see a new experience in our land; the first one since the beginning of the last decade when we are at peace.

SUPPORT FOR H.R. 1661, TO REGULATE AND EVENTUALLY ELIMINATE THE DUMPING OF WASTES IN THE OCEANS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SANDMAN. Mr. Speaker, it is a distinct honor for me to be able to report overwhelming support by the citizens of the Second Congressional District of New Jersey for my bill—H.R. 1661—to regulate and eventually eliminate the dumping of wastes in the oceans.

The first fact revealed in the final tabulation of my annual questionnaire is that 94 percent of those responding favor enactment of this legislation while 6 percent oppose it or are not certain.

Over the past 2 months, 13,022 citizens in my district replied to the 15 questions in the poll. With 12,241 persons in support of H.R. 1661 and only 781 against it, this issue of ocean dumping drew the most clear-cut vote of confidence from my constituents.

This legislation, revised to State jurisdiction, was enacted into State law by the New Jersey Legislature 2 months ago and signed into law by the Governor last month. Several other States along our coasts are enacting similar legislation.

Hearings on H.R. 1661 and several similar measures have already been held in both Houses of Congress in the appropriate committees and it was my pleasure to testify in both cases.

Mr. Speaker, my Second District comprises four counties, two of which are predominantly seashore resort oriented because they front on the Atlantic Ocean. Among the famous resorts in Atlantic and Cape May Counties are Brigantine, Atlantic City, Ventnor, Margate, Longport, Somers Point, Ocean City, Sea Isle City, Avalon, Stone Harbor, the Wildwoods, and Cape May.

The other two counties in my district—Cumberland and Salem—front on the Delaware River and Bay which meets the Atlantic Ocean at Cape May.

United on this one vital issue, my constituents in all four counties see enactment of H.R. 1661 as the highest priority for Congress this session.

H.R. 1661 empowers the Environmental Protection Agency to set strict regulations for dumping anything in the ocean until the practice can be eliminated altogether as land-based disposal methods and facilities are developed. No dumping would be allowed within 100 miles of shore and severe penalties are set for violators.

The current practice of dumping chemicals, sewage sludge, and other wastes in the ocean near the multibillion-dollar resort industry in my district poses a serious economic and health threat to the constituents and vacationers to the Second Congressional District of New Jersey.

I once again urge prompt enactment of H.R. 1661 or similar legislation so that the Nation can begin the huge task of cleaning up and forever protecting our valuable marine environment.

CONGRESSIONAL LAWSUIT TO TEST THE CONSTITUTIONALITY OF THE WAR

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MITCHELL. Mr. Speaker, because of the great public interest in the suit, Mitchell et al. against Nixon et al., I submitted for the RECORD, on May 25, 1971, the papers related to the case. Today, I am submitting additional papers which have been filed since that date.

The lawsuit was filed on April 7, 1971, by the gentleman from Massachusetts (Mr. HARRINGTON), the gentleman from New York (Mr. ROSENTHAL), and myself, in the U.S. District Court of Washington, D.C. The suit asserts that the war in Indochina is illegal without a decision by Congress to fight a war. Coplaintiffs include: Representatives BELLA S. ABZUG, PHILLIP BURTON, HERMAN BADILLO, WILLIAM CLAY, SHIRLEY CHISHOLM, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., CHARLES B. RANGEL, THOMAS M. REES, and LOUIS STOKES.

The material follows:

[U.S. District Court for the District of Columbia, Civil Action No. 697-71]

THE HONORABLE PARREN J. MITCHELL, ET AL., PLAINTIFFS, VERSUS RICHARD M. NIXON, ET AL., DEFENDANTS

MOTION TO DISMISS AND OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Defendants Melvin R. Laird, William P. Rogers, Stanley R. Resor, John H. Chaffee, Robert C. Seamans, Jr., and the United States of America, by their attorney, the United States Attorney for the District of Columbia, respectfully move the Court to dismiss the complaint herein for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted. Rule 12(b) (1) and (6), Federal Rules of Civil Procedure.

Defendants also oppose plaintiffs' motion for a preliminary injunction.

THOMAS A. FLANNERY,
U.S. Attorney.
JOSEPH M. HANNON,
Assistant U.S. Attorney.
MICHAEL A. KATZ,
Assistant U.S. Attorney.

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Motion to Dismiss and Opposition to Plaintiffs' Motion for a Preliminary Injunction, together with supporting memorandum of points and authorities, has been made upon plaintiffs by mailing a copy thereof to their counsel, Stefan F. Tucker, Esquire, 1311 Delaware Avenue, S.W., Apt. S 647, Washington, D.C., on this 2nd day of June, 1971.

MICHAEL A. KATZ,
Assistant U.S. Attorney.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS AND IN OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Preliminary Statement

Plaintiffs herein, eleven members of the United States House of Representatives, brought this action as "legislators and lawmakers" (Complaint, paragraph 8) against the President of the United States, the Secretaries of State, Defense and the various military departments, and the United States, asserting that the military operations being conducted by the United States in South Vietnam and elsewhere in Southeast Asia are unlawful for the reason that no "declaration of war or an explicit, intentional and discrete authorization of war" has been enacted by the Congress. (Complaint, paragraph 6). By way of relief, plaintiffs request that this Court enjoin the further prosecution of military activities in Southeast Asia unless Congress authorizes their continuation.

On April 12, 1971, this Court dismissed this action as to the President of the United States. On May 25, 1971, plaintiffs filed a motion for a preliminary injunction.

For the reasons that follow, plaintiffs have failed to state a claim upon which relief can be granted, and the Court lacks jurisdiction over the subject matter. Therefore, the Court should dismiss the complaint. Alternatively, since the discussion which follows will show that plaintiff's claims do not satisfy the tests established for the issuance of a preliminary injunction, the Court should withhold any such relief.

Argument

I. Plaintiffs Lack Standing to Sue

The plaintiffs herein claim standing to maintain this action in their capacities (1) as citizens generally, and (2) as legislators who assert that they are entitled to protect the effectiveness of their "constitutional power and right to be decision-makers" and to prevent "impairment of their votes." (Plaintiff's memorandum at 66). Neither capacity is sufficient to confer standing upon them for the purposes of this action.

Despite the recent trend towards liberalization of the concept of standing to sue, *Association of Data Processing Org., Inc.* v. *Camp,* 397 U.S. 150 (1970); *Barlow* v. *Collins,* 397 U.S. 159 (1970), there remain certain requirements which plaintiffs must meet in order to maintain this action. These tests include (1) whether the plaintiffs have alleged that the action they challenge has caused them "injury in fact", and (2) whether they are within that class of persons that the statutory or constitutional provisions they rely on were designed to protect. *Association of Data Processing Org., Inc.* v. *Camp, supra,* at 152, 155. In neither of their asserted capacities can plaintiffs meet these tests.

In *Velvel* v. *Nixon,* 415 F.2d 239 (10th Cir. 1969), *cert. denied* 396 U.S. 1042 (1970), the Tenth Circuit made it clear that the decision in *Flast* v. *Cohen,* 392 U.S. 83 (1968), on which plaintiffs here rely in claiming standing in their individual capacities, did not extend to a "common citizen and taxpayer" the capacity to come into a Federal court to challenge the legality of the conflict in Vietnam on the same grounds that are urged by plaintiffs herein. The Court correctly discerned the narrowness of the exception created by *Flast* to the doctrine of *Massachusetts* v. *Mellon,* 262 U.S. 447 (1923), and ruled that it did not apply since plaintiff, as a taxpayer, was not claiming injury as a result of an exercise by Congress of the taxing and spending powers in violation of a specific constitutional limitation applicable thereto. See also, *Kalish* v. *United States,* 411 F.2d 606 (9th Cir 1969), *cert. denied* 395 U.S. 835, *rehearing denied* 396 U.S. 937. Plaintiffs likewise make no such claim here, and therefore, they have not shown a recognizable injury to them as individuals which is sufficient to enable them to employ this Court to "air [their] generalized grievances about the conduct of government or the allocation of power in the Federal system." *Flast* v. *Cohen, supra,* at 106; *Velvel* v. *Nixon, supra,* at 239. In relying on the recent holding in *Reservists Committee to Stop the War* v. *Laird,* No. 1429-70 (D.D.C. 1971), plaintiffs ignore the fact that Judge Gesell ruled that that case was one of the "undoubtedly very few" instances in which persons asserting merely the "undifferentiated interest of citizens" could have standing, because the case was *not* one in which the issue was one of "the allocation of power in the Federal System", and because "the issue tendered is a narrow one and involves a precise self-operative provision of the Constitution." Memorandum Opinion at 13. The most cursory examination of the extensive materials provided the Court by plaintiffs make it clear beyond peradventure that this is not the case here, and that plaintiffs *are* seeking to litigate with respect to the highly complex and delicate question of the allocation of broad powers over foreign military operations as between Congress and the President.

Nor do plaintiffs gain any standing from their positions as members of the House of Representatives. Their status as such has resulted in no special harm or injury to them or threat thereof; and their position in this regard can be no greater than that of the citizenry in general. They allege that by prosecuting the current military action in Southeast Asia, defendants "defeat plaintiffs' constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war," and have caused "impairment of their votes." (Complaint, para. 6).

Plaintiffs do not, nor can they, claim to represent the Congress as a body in this proceeding, and there can be no doubt that these eleven plaintiffs, who comprise less than 3% of the membership of the House of Representatives, and approximately 2% of that of the Congress as a whole, do not have a constitutional right "to decide whether the United States shall fight a war." Whatever the extent of the injuries plaintiffs may have suffered of the nature they claim, they are the result not of the actions of the defendants, but rather of their inability to convince a sufficient number of their colleagues in Congress to enact appropriate legislation, and their sole and exclusive remedy lies in the political process of persuading their brethren to this end. Whatever rights Congress as a body may have in this situation, they are not the rights of each legislator as an individual, and thus plaintiffs have failed to show that "personal stake in the outcome of the controversy" sufficient to confer standing. *Flast* v. *Cohen, supra,* at 99.

Plaintiffs' heavy reliance on *Coleman* v. *Miller,* 307 U.S. 433 (1939) is misplaced, as their assertion that the case establishes "[t]he right of a legislator to seek judicial redress for *executive* impairment of his legislative power to vote" (Plaintiffs' memorandum, p. 74, emphasis added) is inaccurate. What was challenged by the plaintiff state legislators in *Coleman* was the right of the Lieutenant Governor to vote to break a tie in the Senate, and this was clearly a question not of improper exercise of his powers as a member of the Executive branch of the State Government, but rather, of abuse of his powers *as a member of the Legislature,* to wit, the presiding officer of the Senate. *Id.* at 436. Moreover, the injury alleged by the plaintiffs in *Coleman* was an *actual* dilution of their votes as the result of a person having voted against them who was not entitled to do so; the alleged dilution of the voting power of plaintiffs herein is at best indirect, and in any event is not of the kind involved in *Coleman.* In *Burton* v. *Hickel,* No. 861–70 (D.D.C. 1970), Judge Pratt dismissed for lack of standing an action brought by three Congressmen against the Secretary of the Interior in which they sought to compel him to enforce an Act of Congress, where those plaintiffs had alleged no personal injury of their own, but only an alleged injury as members of Congress said to have been sustained at the hands of the Executive. We submit that this case should be disposed of in similar fashion.

II. The Propriety of United States Military Operations in Vietnam is a Non-Justiciable Political Question

The questions here presented for decision are "political questions," and hence inappropriate for judicial consideration. See *Marbury* v. *Madison,* 5 U.S. (1 Cr.) 137 (1803). Executive actions and decisions in matters of international policy belong exclusively to the political sphere in which our Government operates. *Chicago and Southern Airlines* v. *Waterman Steamship Corp.,* 333 U.S. 102 (1948). In *Baker* v. *Carr,* 369 U.S. 186, 217 (1961), the Supreme Court set forth five alternative criteria for application of the political question doctrine:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

Almost all of these are present here. Article II, Sec. 2 of the Constitution declares that the President shall be Commander-in-Chief of the armed forces of the United States. This power of the President is complemented by his position as Chief Executive. Under Article II, Sec. 3, he shall "take care that the laws be faithfully executed." The power is also complemented by the special responsibilities of the President in the field of foreign affairs. *United States* v. *Curtiss-Wright Export Corps.,* 299 U.S. 304 (1936). Yet the complaint asks that the Court issue a declaratory judgment that the President and his delegates have acted unconstitutionally in their conduct of the Vietnam conflict, that it enjoin "all illegal military actions" in Vietnam and force the President either to seek a declaration of war or its equivalent or discontinue hostilities. These are decisions which involve the conduct of foreign affairs and the President's authority as Commander-in-Chief. His constitutional grant of authority is sufficient to constitute a textually demonstrable constitutional commitment of the issue to the Executive Branch. To require of the President that he submit the matter to the Congress or else conduct military operations in a specified manner would be an unjustifiable incursion on his constitutional authority.

Despite plaintiffs' assertions to the contrary, the conduct of foreign affairs and the command of United States armed forces are complex areas of management in which there is obviously a lack of judicially discoverable and manageable standards for resolution.

"The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit *in camera* in order to be taken into executive confidences. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." *Chicago & Southern Air Lines* v. *Waterman Steamship Corp., supra* at 111.

It is suggested that, in view of the ongoing hostilities in which this country is deeply involved there is the requisite "unusual need for unquestioning adherence to a political decision already made." A court's holding against the conduct of the war would seriously impair the negotiating position of the United States at the Paris Peace Talks by raising expectations that the United States might be forced to withdraw unilaterally without a negotiated settlement.

The fifth category is the most likely to be applicable to this case. There would be tremendous potential for embarrassment in our foreign relations if the Court were to declare the conduct of hostilities illegal. The Supreme Court has stated that in foreign affairs the nation speaks with one voice—that of the President. *United States* v. *Curtiss-Wright Export Corp., supra,* at 319–320. Multifarious pronouncements from coordinate branches could undercut his constitutional authority. Not only would there be confusion and consternation among our own forces and among our allies, but the options of the President in planning and carrying out the orderly withdrawal of our troops would be severely compromised.

Federal courts have consistently recognized the applicability of the political question doctrine in cases involving the conduct of foreign hostilities. In *Johnson* v. *Eisentrager,* 399 U.S. 763, 789 (1950), the Supreme Court refused to examine the legality of the Executive's conduct of hostilities, stating:

"Certainly, it is not the function of the Judiciary to entertain private litigation—even by a citizen—which challenges the legality, the wisdom, or propriety of the Commander-in-Chief in sending our Armed Forces abroad or to any particular region * * *. The issue tendered * * * involves a challenge to the conduct of diplomatic and foreign affairs, for which the President is exclusively responsible."

The District of Columbia Circuit Court of Appeals has made it as clear as anything can possibly be that the question of the legality of our participation in the Vietnam conflict is a political question beyond the jurisdiction of the courts. *Luftig* v. *McNamara,* 373 F. 2d 664, 665–6 (D.C. Cir. 1967), *cert. denied* 387 U.S. 945; *Mora* v. *McNamara,* 387 F. 2d 862 (D.C. Cir. 1967), *cert. denied,* 389 U.S. 934, *rehearing denied,* 389 U.S. 1025. In *Luftig,* wherein a serviceman sought to enjoin the Secretary of Defense from assigning him to duty in Vietnam on the ground that the military action there was undertaken in an unconstitutional manner, the Court stated, in a *per curiam* opinion:

"It is difficult to think of an area less suited for judicial action than that into which Appellant would have us intrude. The fundamental division of authority and power established by the Constitution precludes judges from overseeing the conduct of foreign policy or the use and disposition of military power. These matters are plainly the exclusive province of Congress and the Executive." [373 F. 2d at 665].

The decision in *Luftig* has received substantial approbation elsewhere. See, *e.g., Kalish* v. *United States,* 411 F.2d 606 (9th Cir., 1969), *cert. denied,* 396 U.S. 835, *rehearing denied* 396 U.S. 937 *Simmons* v. *United States,* 406 F.2d 456, 460 (5th Cir. 1969), *cert. denied* 395 U.S. 982, *rehearing denied* 396 U.S. 871 *Ashton* v. *United States,* 404 F.2d 95 (8th Cir. 1968), *cert. denied* 394 U.S. 960 (1969), *rehearing denied* 394 U.S. 1025 *Cooper* v. *United States,* 403 F.2d 71, 74 (10th Cir. 1968) *Davi* v. *Laird,* 318 F. Supp. 478 (W.D. Va. 1970) *Medeiros* v. *United States,* 294 F. Supp. 198 (D. Mass. 1968) *Goldstein* v. *Clifford,* 290 F. Supp. 275, 280 (D. N.J. 1968) (three-judge Court). See also, *Commonwealth of Massachusetts* v. *Laird,* No. 71–419–W (D. Mass. June 1, 1971); *Switkes* v. *Laird,* Civ. No. S–1731 (E.D. Cal., Mar. 2, 1971).

In *Davi* v. *Laird, supra,* the Court observed (318 F. Supp. 482, 483):

"The issue of whether a certain instance of hostilities requires a formal declaration for its legitimation inescapably presents a political question . . . The matter has been exclusively committed by the Constitution to the other coordinate branches of Government.

"Adjudication of plaintiffs' claim would require this Court to make an initial policy determination of a kind clearly non-judicial in nature; that is, a judgment as to whether the war may be maintained in its present posture. Given Congress' discretion in the matter of whether a state of war should be declared and the myriad of reasons why that body might choose not to take such a step, any judicial determination that a certain state of hostilities is unauthorized absent such declaration would necessarily interfere with congressional prerogative.

* * * * *

"One writer has aptly suggested that the constitutional grants of power to the legislative and executive branches, if taken literally and without limit, are "logical incompatibles" which indeed offer an "invitation to struggle for the privilege of directing foreign policy". [Revely, "Presidential War-Making: Constitutional Prerogative or Usurpation" 55 Va. L. Rev. 1243, 1247–48]. Plaintiffs' request for relief has the effect of extending that invitation to this court. It must be declined . . . to the extent that the present sharing of responsibility for the Vietnam conflict may be characterized as a struggle, it is clearly a result of the separation of powers, and is not subject to judicial interference."

In *Velvel* v. *Johnson,* 287 F.Supp. 846 (D. Kan. 1968), *aff'd sub. nom. Velvel* v. *Nixon,* 415 F.2d 236 (10th Cir. 1969), *cert. denied,* 396 U.S. 1042 (1970) the District Court adverted to some of the questions of foreign policy that adjudication of plaintiffs' complaint might involve, stating:

"There may be sound reason for not making a formal declaration of war. Such a declaration might bring on an international conflagration which our political leaders are carefully seeking to avoid. This Court has neither the information necessary nor the power required to question the wisdom or the manner in which the military activity of our country is being conducted." [287 F. Supp. at 852]

The same point has been treated at length by Judge Wyzanski, who held that the issue of whether the Government's military activities in Vietnam require a formal declaration of war presents "the very essence of what is meant by a political question." *United States* v. *Sisson,* 294 F. Supp. 511, 515 (D. Mass. 1968). Judge Wyzanski's discussion is, we submit, completely dispositive here:

"A declaration of war expresses in the most formidable and unlimited terms a belligerent posture against an enemy. In Vietnam it is at least plausibly contended by some in authority that our troops are not engaged in fighting any enemy of the United States but are participating in the defense of what is said to be one country from the aggression of what is said to be another country. It is inappropriate for this court in any way to intimate whether South Vietnam and North Vietnam are separate countries, or whether there is a civil war, or whether there is a failure on the part of the people in Vietnam and elsewhere to abide by agreements made in Geneva. It is sufficient to say that the present situation is one in which the State Department and the other branches of the executive treat our action in Vietnam as though it were different from an unlimited war against our enemy.[1]

"Moreover, in the Vietnam situation, a declaration of war would present consequences which no court can fully anticipate. A declaration of war affects treaties of the United States, obligations of the United States under international organizations, and many public and private arrangements. A determination not to declare war is more than an avoidance of a domestic constitutional procedure. It has international implications of vast dimensions. Indeed, it is said that since 1945 no country has declared war on any other country. Whether this is true or not, it shows that not only in the United States but generally, there is a reluctance to take a step which symbolically and practically entails multiple unforeseeable consequences.

"From the foregoing this Court concludes that the distinction between a declaration of war and a cooperative action by the legislative and executive with respect to military activities in foreign countries is the very essence of what is meant by a political question. It involves just the sort of evidence, policy considerations, and constitutional principles which elude the normal processes of the judiciary and which are far more suitable for determination by coordinate branches of the government. It is not an act of abdication when a court says that political questions of this sort are not within its jurisdiction. It is a recognition that the tools with which a court can work, the data which it can fairly appraise, the conclusions which it can reach as a basis for entering judgments, have limits."

The affidavits submitted by plaintiffs in this case show beyond doubt that for the Court to make the sort of inquiry they wish it to would be to require it to evaluate effects of political considerations, decisions, and influences—precisely the sort of inquiry which the above authorities show that the Judiciary should avoid. Plaintiffs attribute their failure to achieve a termination of hostilities in Vietnam through congressional action to a variety of such factors as the "mechanics of the legislative process in the House" (Rosenthal aff., para. 3; Conyers aff., para. 3; see also Leggett aff., p. 2); the ramifications of the seniority system in the House, and the designation of certain key committee chairmen and House conferees, whose views on the Vietnam conflict do not appear to accord with those held by plaintiffs (see generally Rosenthal aff., paras. 3–8, 19–21; Conyers aff., paras. 3–8, 12); the political power of the President as national leader and as head of his party, as exercised through the media, though patronage, and through allocation of funds (see Rosenthal aff., para. 22; Conyers aff., para. 22; Roybal aff., para. 17; Clay aff., para. 17; Chisholm aff., para. 17, Harrington aff., para. 17; Diggs aff., para. 17; Stokes aff., para. 15) and that Legislators have in the past voted for appropriations and selective service extension bills without giving sufficient consideration to the implications of such legislation in terms of the Vetnam conflict.[2] (Plaintiffs' memorandum at 27, 29–30; Rosenthal aff., para. 19; Conyers aff., para. 19; Harrington aff., para. 6; Diggs aff., para. 6).

Plaintiffs argue that the question of which branch of the government has the power to declare war is a typically judicial question, similar to that of whether the power to seize steel mills in a national emergency is in the legislative or executive branch—a question decided by the Court in *Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579 (1952).

This argument, however, ignores the fact that the question of whether military operations in Vietnam should or should not be supported by a formal declaration of war or other legislative authorization equivalent thereto necessarily involves very difficult questions of foreign policy; no such questions were presented by the steel seizure case. As we have seen, questions of foreign policy have traditionally been and should continue to be, beyond the judicial sphere. *Johnson* v. *Eisentrager, supra,* at 769; *Chicago & Southern Airlines* v. *Waterman Steamship Corp., supra* at 103, 111; *Pauling* v. *McNamara,* 331 F.2d 796, 798 (D.C. Cir. 1963), *cert. denied* 377 U.S. 933 (1964). *Cf. Medical Committee for Human Rights* v. *Securities and Exchange Commission,* 432 F.2d 659, 665–66 (D.C. Cir., 1970) (note 6), *cert. granted* 39 U.S. L. Week 3409 (March 22, 1971).

III. This Action Is a Suit Against the United States to Which It Has Not Consented.

Plaintiffs seek declaratory or injunctive relief against the Secretary of Defense, Secretary of State, and Secretaries of the Military Departments—and the United States—relief which would require them to ask Congress for a declaration of war, or its equivalent, or discontinue military operations in Vietnam. On numerous occasions the Supreme Court has held that, absent an express waiver of sovereign immunity, a court may not entertain a suit which, while nominally against officers of the United States, is in reality against the Government itself. *Larson* v. *Domestic & Foreign Commerce Corp.,* 337 U.S. 682 (1949); *Malone* v. *Bowdoin,* 369 U.S. 643 (1962); *Dugan* v. *Rank,* 372 U.S. 609 (1963); *Hawaii* v. *Gordon,* 373 U.S. 57 (1963).

It is clear that the present action is in reality against the Government itself. "The general rule is that the relief sought nominally against an officer is in fact against the sovereign if the decree would operate against the latter." *Hawaii* v. *Gordon, supra,* at 58. And the decree would operate against the Government "if the judgment sought would * * * interfere with the public administration * * * or if the effect of the judgment would be 'to restrain the Government from acting, or compel it to act.'" *Dugan* v. *Rank, supra,* at 620. These tests are plainly met here: declaratory or injunctive relief concerning the legality of the Government's military action in Vietnam would obviously operate against the Government, would interfere with public administration, and would restrain the Government acting or would compel it to act. Since this suit is against the Government, and since the suit cannot be properly brought under the terms of any statute waiving sovereign immunity,[3] the Court should dismiss the action.

In *Dugan* v. *Rank, supra,* at 621–22, the Supreme Court recognized that an exception exists to the general rule precluding suits against public officers which are in reality against the government itself, where i) the official has acted beyond his statutory authority, or ii) the statutory authority on which the official relies is constitutionally void. There can be no question in this case of official action beyond statutory authority if, indeed, such statutory authority is required here.[4]

In *Luftig* v. *McNamara, supra,* at 665, our Court of Appeals affirmed the District Court's dismissal as "eminently correct" not only on the basis of the political question doctrine, as discussed earlier, but also because the action was an unconsented suit against the United States. See also, *Eminente* v. *Johnson,* 361 F. 2d 73 (D.C. Cir. 1966), *cert. denied,* 355 U.S. 929.

IV. Plaintiffs Are Not Entitled to a Preliminary Injunction

In order to establish their entitlement to a preliminary injunction, plaintiffs must demonstrate a probable likelihood that they will prevail on the merits, and that they will suffer irreparable injury if the requested relief is not granted. In addition the Court must determine that the defendant will not suffer substantial harm if an injunction is issued, and must weigh the effect on the public interest. *Virginia Petroleum Jobbers Assn.* v. *Federal Power Commission,* 259 F. 2d 921 (D.C. Cir. 1958).

As the above discussion has shown, there is no likelihood that plaintiffs will succeed on the merits, nor have they shown that they have suffered any demonstrable personal harm as a result of the activities they question or that they will suffer such harm in the future. Moreover, their assertion that "defendants will not suffer any injury if the relief requested herein is granted."

(Motion for Preliminary Injunction, p. 3) is patently frivolous. In any event, the public interest against entry of a preliminary injunction in this case is so plain as to require no elaboration, except to note that in the recent decision of *Page Communications Engineers, Inc.* v. *Resor,* No. 24784 (D.C. Cir. Dec. 4, 1970) the Court of Appeals summarily reversed the granting of a preliminary injunction by the District Court because of the latter's failure to "accord to the strong public interest in unimpeded implementation of military programs the prominence it deserves," and to "balance that interest against the asserted need for an injunction."

CONCLUSION

For the forgoing reasons, plaintiffs' request for a preliminary injunction should be denied, and the complaint should be dismissed.

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FOOTNOTES

[1] Judge Wyzanski's conclusion is supported by the statement of former Under Secretary of State Nicholas Katzenbach, in testimony before the Senate Committee on Foreign Relations in August, 1967:

"A declaration of war would not, I think, correctly reflect the very limited objectives of the United States with respect to Vietnam. It would not correctly reflect our efforts there, what we are trying to do, the reasons why we are there, to use an outmoded phraseology, to declare war.

* * * * *

"I feel that a declaration of war—that formulation of words would greatly misstate our objectives and be greatly misunderstood."

Hearings before the Committee on Foreign Relations, United States Senate, 90th Cong., 1st Sess., on S. Res. 151, at pp. 81, 87. Clearly, the questions raised by Mr. Katzenbach's statement are simply not appropriate for discussion or decision in a judicial forum. That plaintiffs suggest legislative alternatives to a "declaration of war" in the formal traditional sense in no way alters the basic soundness of the *Sisson* approach or of any of the other authorities upon which defendants rely herein.

[2] As to this latter assertion see *Velvel* v. *Johnson, supra,* 287 F. Supp. at 853.

[3] Neither 28 U.S.C. 1331 nor 28 U.S.C. 2201 are statutes waiving the sovereign immunity of the United States. Section 1331 of Title 28 is the grant of "federal question" jurisdiction to the district courts; Section 2201 is the Declaratory Judgment Act; neither is a legislative authorization to seek relief against the United States. *Anderson* v. *United States,* 229 F.2d 675 (5th Cir. 1956); cf. *Blackmar* v. *Guerre,* 342 U.S. 512, 515–16 (1952). Nor did 28 U.S.C. 1361 constitute a waiver of sovereign immunity—neither new liabilities nor new causes of action were created against the United States Government by that provision. *Prairie Band* v. *Udall,* 355 F.2d 364 (10th Cir. 1966); *White* v. *Administrator of General Services Admin. of the U.S.,* 345 F.2d 444 (9th Cir. 1955); *Switzerland Co.* v. *Udall,* 337 F.2d 56th (4th Cir. 1964), cert. denied, 380 U.S. 914; *Smith* v. *United States,* 333 F.2d 70(10th Cir. 1964); *Sprague Electric Co.* v. *Tax Court of the United States,* 230 F. Supp. 779 (D. Mass. 1964), *aff'd,* 340 F.2d 947 (1st Cir. 1965); see S. Rep. No. 1992, 87th Cong., 2d Sess. (1962) Rather, as these cases hold, the purpose of 28 U.S.C. 1361 was to confer jurisdiction of mandamus actions against federal officials upon all United States district courts in circumstances where, prior to its enactment, such actions could have been maintained only in the United States District Court for the District of Columbia under that court's common-law mandamus jurisdiction.

It is familiar law that mandamus lies only where "ministerial duties of a non-discretionary nature are involved" *Panama Canal Co.* v. *Grace Line, Inc.,* 356 U.S. 309, 318 (1958). Indeed, the Supreme Court has stated that mandamus will issue against public official only "where the matter is peradventure clear." *Id.* It is frivolous to argue that the question of whether a declaration of war is required to support the Government's military activities in Vietnam is so clear that there is a ministerial, non-discretionary duty on the part of the President to seek such a declaration. See *United States* v. *Sisson, supra,* at 514–15.

[4] The President possesses "in his own right certain powers conferred by the Constitution on him as Commander-in-Chief and as the Nation's organ in foreign affairs" (*Chicago & Southern Air Lines* v. *Waterman S.S. Corp., supra,* at 109), and his "very delicate, plenary and exclusive power" in the field of foreign relations "does not require as a basis for its exercise an act of Congress * * *." (*United States* v. *Curtiss-Wright Corp., supra,* at 320). This authority extends to military activity. The Supreme Court has long held that "hostilities may subsist between two nations" without a declaration of war (*The Fliza,* 4 U.S. (4 Dall.) 37, 40 (1800)), and that authority to direct such hostilities is implicitly granted the President by the Constitution (see *In re Neagle,* 135 U.S. 1, 64 (1890). The Executive has used force abroad at least a hundred times to accomplish national purposes without reference to Congress." Rogers, *World Policing and the Constitution* (1945), p. 56; see H. Rep. No. 127, 82d Cong., 1st Sess., pp. 55–62; (1951) H. Doc. No. 443, 84th Cong., 2d Sess. (1956).

[In the U.S. District Court for the District of Columbia, Civil Action No. 697–71]

THE HON. PARREN J. MITCHELL, ET AL., PLAINTIFFS, VERSUS RICHARD M. NIXON, ET AL, DEFENDANTS

REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

A. Introduction

The *Memorandum* filed by defendants makes the most fundamental issue in this and similar cases admirably clear. A reading of their *Memorandum* reveals that defendants are claiming the Executive has an almost unlimited, even dictatorial, power to make the decision on war. Defendants pay no regard to the fact that the Constitution explicitly gives Congress the power to decide on war. Nor do they permit any checks on the Executive's power in the war area: the courts they regard as completely disabled from enforcing the Constitution in this area, and the Congress they would place in a position where it is extremely difficult for it to have any practical alternative but to provide men and money which the Executive can then use to fuel its self-determined war policies.

All told, the defendants are claiming a war area power so unbounded that it matches the claim of unlimited Executive power which appeared to amaze Judge Pine in *Youngstown Sheet and Tube Co.* v. *Sawyer.*[1] Given the claim of enormous executive power being made by defendants in this case, it is clear that the real issue here is whether this Court will countenance an Executive claim which, in the words of Judge Pine, "I am obliged to say . . . [does] not comport with our recognized theory of government, but with a theory with which our government of laws and not of men is constantly at war." *Youngstown Sheet and Tube Co.* v. *Sawyer* 103 F. Supp. 569, 576 (1952), aff'd 343 U.S 579 (1952).

B. The political questions issue

The enormity of the defendants claim to power is made explicit in the reasons they give for their assertion that the constitutionality of their military actions is a political question. They assert that because the Executive is Commander-in-Chief, is Chief Executive, and has certain undefined foreign affairs powers, "his constitutional grant of authority is sufficient to constitute a textually demonstrable commitment of the issue to the Executive Branch." *Defendants' Memorandum,* p. 7. They even go so far as to say that "to require of the President that he submit the matter to the Congress or else conduct military operations in a specified manner would be an unjustifiable incursion on his constitutional authority" *Defendants Memorandum,* p. 7–8.

These assertions are nothing less than a claim to dictatorial power over the matter of war, without any need to even consult Congress on the matter. The defendants' claim is thus a rewriting of the Constitution that was written by the framers, and has been flatly rejected in *Berk* v. *Laird,* 429 F. 2d 302 (1970); *Orlando* v. *Laird,* 317 F. Supp. 1013 (1970); and *Mottola* v. *Nixon,* 318 F. Supp. 538 (1970). Unless Congress' extensive war powers are to be read out of Article I, Section 8 of the Constitution, defendants' claim that the President has full power to make the decision on war cannot serve as a basis for saying that the constitutionality of defendants' actions is committed to the Executive as a "political question".

Defendants also assert that the constitutionality of the war is a political question because they claim a judicial decision would "embarrass" the President's foreign affairs and military policies in Asia, curtail the President's options on troop withdrawal, and affect negotiations. *Defendants' Memorandum,* pp. 8–9. What this claim comes down to, of course, is that the courts should sacrifice the Constitution in order to protect the policies of a particular President. Equally important, in putting forth their parade of horribles, defendants simply choose to ignore the fact that Congress is fully capable of considering the foreign affairs and military problems which they posit. Were the war to be ruled unconstitutional, it would be up to Congress to decide whether and under what terms of authorization the war should continue.

In making this decision, Congress could take account of possible effects upon negotiations, upon our foreign affairs and military posture in Asia, upon our allies, and upon other factors raised by defendants. Congress might even decide that, far from an "'unusual need for unquestioning adherence to a political decision already made'" by the Executive (*Defendants' Memorandum* p. 8), there is an unusual need not to adhere to a decision that has brought so much grief. In any event, the issue would be for Congress, and defendants' parade of horribles should be addressed to Congress rather than to this Court. Of course, that defendants addressed their horribles to this court rather than Congress is in keeping with the basic idea in their *Memorandum* that the Executive has the power to do as he wishes without regard to Congress.

In connection with defendants' parade of horribles, it is important to remember the lesson of the *Steel Seizure* case. The Supreme Court did not rule that the mills could never be seized. Rather, despite the Executive's claim that the seizure was essential and all manner of disasters would occur from the Court's ruling, the Court said that it was up to Congress to authorize the seizure of the mills: it said proper constitutional procedures need be followed. Subsequent to the decision, Congress deliberated the problem at length. It did not authorize seizure of the mills, and the Korean war effort did not collapse but instead continued successfully. Thus, in retrospect we can see that the policy justifications which the Executive presented to the courts did not represent the real necessities of the nation, but would simply have expanded Executive power and prerogative at the expense of Congress and the Constitution.

The present case is closely parallel to the *Steel Seizure* case. Plaintiffs herein are not asking the Court to rule that the United States cannot fight a war in Indo China. Rather, they are saying that proper Congressional authorization must be obtained before the defendants can wage or continue to wage a war. If the Court upholds plaintiffs, there will be a sixty day period for Congress to act as it deems necessary. If Congress thinks the real necessities of the nation do require a continuation of the war in order to protect the so called peace talks or our allies or prisoners, Congress can take this into account, in considering whether and in what terms to authorize a continuation of the war. If, as in the *Steel Seizure* case, the Constitution is to be protected from Executive aggrandizement, it is essential that this Court rule that the Congress must be given the opportunity to decide these matters and that the Executive cannot take unilateral action on the basis of alleged policy justifications which Congress might well disagree with and which might prove wholly false. For if this Court refuses to rule that the decision whether and on what terms to wage war is for Congress, then the practical effect of the Court's decision will be to support the claim made in *Defendants' Memorandum* that the President can unilaterally decide on war.

Footnotes at end of article.

At great length defendants also make the argument that the constitutionality of the war is a political question because it may be undesirable to have a formal declaration of war. However, this argument is simply a red herring, since it is totally beside the point. As our main brief points out, it is not necessary to have a formal declaration of limited or general war in order to meet the constitutional standards established by Article I, Section 8, Clause 11. Instead war can be validly authorized by a statute or joint resolution which specifically, intentionally, and discretely authorizes hostilities.

In addition to their foregoing contentions, defendants ask this Court to ignore realism and to decide this case in a vacuum. For they say the Court should not consider any of the factors which show that Congress is in no position to make a decision on war when it considers appropriations and selective service renewals. (*Defendants' Memorandum* pp. 13–14.) It is our belief that this Court should consider realistic factors. Only unrealistic constitutional law can result from ignoring realistic factors.

Moreover, in this case, unlike any cited by defendants, Congressmen are directly asserting their own rights as legislators; and what is more, this Court unlike any other court to have considered the war, has been provided with realistic explanations of the legislative process by those in the best position to know that process i.e. by legislators. Finally ignoring realistic factors will lead to a constitution-distorting aggrandizement of of Executive power over the decision on war—which, of course, is in keeping with the basic position of *Defendants' Memorandum* that the Executive can do as it wishes in the matter of war without regard to Congress.

Finally, defendants claim that the constitutionality of the war is a political question because it is up to the plaintiffs to convince their colleagues in the legislature to terminate the war. *Defendants' Memorandum*, p. 13. Here, as with so many other of their arguments, defendants have put the shoe on the wrong foot. Since Congress has not authorized war, under the Constitution it is not up to plaintiffs to convince their colleagues to terminate the war. Under the Constitution, it is up to defendants to convince the legislators to authorize a continuation of the war. Moreover, the effect of defendants' argument is that if a person can attempt to take political action through the legislature, he is thereby disqualified under the political question doctrine from also seeking judicial redress to protect his constitutional rights. We know of no principle to support this. On the contrary, courts have often protected the free speech and voting rights of individuals who could and did also try to obtain protection for these rights through the political process. Thus, that the plaintiffs can attempt to work through the political process in Congress is no reason whatsoever for saying that the "political question" doctrine bars them from also seeking judicial redress against the Executive's action of nullifying and infringing their constitutional right to participate in the decision by vote on war.

C. Standing

Defendants' lack of respect for the Constitutional role assigned to Congress, and their aggrandizement of the Executive, also is manifest in the discussion of standing contained in *Defendants' Memorandum*. As we make clear in our main brief, each member of Congress has a right of participation in a decision by vote on war. Such a vote must be taken, and must have an affirmative result, before a war can be constitutional. The Executive, however, is fighting a war without Congress ever having voted on war. This is as clear a nullification and infringement as can be imagined of each legislator's right to participate in the decision on war. Yet *Defendants' Memorandum* says this is only an "indirect" dilution of plaintiffs' voting power. *Memorandum* p. 6.

If defendant's action of usurping each plaintiff's right to participate in a decision on war is only an indirect and hence unimportant infringement of each plaintiff's right to vote on war, then one might as well say that it would be only an indirect and unimportant infringement of an individual's voting right if legislators were installed in office without people having voted on them, or if bond issues were floated without a vote even when the law requires a vote, or if Constitutional amendments were put into practice without a vote.

Defendants' Memorandum makes light of plaintiff's right to participate in a vote on war by asserting that this is not a right which is personal to each plaintiff as a legislator, but which can only belong to Congress as a collective body, and that therefore plaintiffs "have failed to show that 'personal stake in the outcome of the controversy' sufficient to confer standing." However, we are at a loss to comprehend how defendants' position can be maintained. A federal legislator is not a mere cog in some collective machine called Congress. A federal legislator does not sit in Congress without personal rights as a legislator. On the contrary, in connection with almost every aspect of Congress, a federal legislator acts in his personal capacity as a legislator and with personal rights appertaining thereto. Each legislator-plaintiff is elected to office personally. Each represents his constituents personally. Each works on Congressional committees personally. Each participates in Congressional deliberations personally. Each votes in Congress personally. Each will be reelected or defeated because his constituents like or dislike the actions which he or she took personally. Each plaintiff's constituents will pay great attention to what he or she does personally in Congress in regard to the war, and the constituents are likely to consider this heavily in the next election.

In regard to the war, each plaintiff as a member of Congress can attempt to protect his constituents' best interests, wishes, lives and property only by his personal vote on the decision on war. It is thus nothing short of frivolous to contend that each plaintiff is not affected personally by this case or to contend that each plaintiff does not have a personal right to vote in the decision on war or to contend that each plaintiff does not have a vital personal stake as a legislator in the Executive desisting from its infringement and impairment of the plaintiffs' right to vote on war before war can be lawful.[2]

Defendants argument is not helped by their assertion that the thirteen plaintiffs here constitute about 3% of the House of Representatives and therefore could not themselves make the decision on war. For the issue of standing here has nothing to do with how many Congressmen are necessary to make the decision on war, nor is the issue over any collective right of Congress as a body. Rather the issue of standing involved here is the personal right of each individual plaintiff to participate in a decision by vote on war.

A personal right to participate in a decision by vote confers standing whether a case is brought by one person or a million. The many voting cases cited in our main brief show that when a citizen alleges an impairment of his vote, the courts do not say he lacks standing because the vote belongs not to him individually but to the body politic collectively. The courts do not say that the voter has no standing unless the number of plaintiffs is the 51% necessary to control the decision being voted upon at the election. What the courts do say is that every citizen can obtain judicial protection for his right to vote. Despite defendants' attempts to aggrandize Executive power, we assume that a legislator is not yet a second class citizen, and that his personal right to vote as a member of the relatively small body called Congress is therefore as important and as worthy of protection as the right of every citizen to vote as a member of the relatively enormous body called the citizenry of the United States or the citizenry of a particular state or city.

Moreover, in addition to being badly wrong as a matter of law, defendants' attempt to deprecate the number of plaintiffs could easily be wrong as a matter of fact. Given the current feelings and divisions over the war, thirteen votes in the House of Representatives could easily be the margin by which a bill authorizing war is enacted or defeated. The way to find this out, of course, is for defendants to follow the Constitution by requesting Congress to enact an authorization for the continuation of war, a constitutional course which defendants eschew in favor of a claim of dictatorial Executive power over war.

D. Sovereign immunity

Defendants assert that the present suit is barred by the doctrine of sovereign immunity. Under this doctrine, the Executive can violate the Constitution and destroy lives and rights, but cannot be brought into court for those things unless the government first consents. For the defendants to assert such a defense is thus in keeping with their Memorandum's general theme that the Executive is all powerful and cannot be checked in the matter of war.

The fact is, however, that the doctrine of sovereign immunity is no bar to a suit challenging the constitutionality of the war. *Berk v. Laird*, 429 F. 2d 302 (1970); *Mottola v. Nixon*, 318 F. Supp. 538 (1970). The Supreme Court has said the doctrine does not apply where officers of the government have exceeded their constitutional authority. *Larsen v. Domestic and Foreign Commerce Corp.* 337 U.S. 682, 689–91 (1949); *Dugan v. Rank*, 372 U.S. 609, 621–622 (1962). This is precisely what defendants are doing: in fighting a major war that has not been authorized by Congress, defendants are acting beyond their constitutional powers.

E. Preliminary injunction

Defendants' Memorandum maintains that this case is not meet for a preliminary injunction. Our main brief points out the reasons why such an injunction is proper. Plaintiffs' Memorandum pp. 108–111. In any event, defendants' contention is beside the point since plaintiffs have requested that the hearing on the preliminary injunction be consolidated with trial on the merits and that a permanent injunction issue.

FOOTNOTES

[1] The COURT. Now, you contend that exercising powers where there is no statute makes a case stand on a different plane—a preferred plane?

Mr. BALDRIDGE. Correct. Our position is that there is no power in the Courts to restrain the President and, as I say, Secretary Sawyer is the alter ego of the President and not subject to injunctive order of the Court.

The COURT. If the President directs Mr. Sawyer to take you into custody, right now, and have you executed in the morning you say there is no power by which the Court may intervene even by habeas corpus?

Mr. BALDRIDGE. If there are statutes protecting me I would have a remedy.

The COURT. What statute would protect you?

Mr. BALDRIDGE. I do not recall any at the moment. . . .

Mr. BALDRIDGE. Well, Your Honor, we base the President's power on Sections 1, 2, and 3 of Article II of the Constitution, and whatever inherent, implied or residual powers may flow therefrom . . .

The COURT. So you contend the Executive

has unlimited power in time of an emergency?

Mr. BALDRIDGE. He has the power to take such action as is necessary to meet the emergency.

The COURT. If the emergency is great, it is unlimited, is it?

Mr. BALDRIDGE. I suppose if you carry it to its logical conclusion, that is true. But I do want to point out that there are two limitations on the Executive power. One is the ballot box and the other is impeachment. . . .

The COURT. And that the Executive determines the emergencies and the Courts cannot even review whether it is an emergency.

Mr. BALDRIDGE. That is correct . . .

The COURT. . . . Let me put a case to you that is not quite so difficult:

Supposing the President should declare that the public interest required the seizure of your home and directed an agent to seize it and to dispossess you: Do you think or do you contend that the court could not restrain that act because the President had declared an emergency and because he had directed an agent to carry out his will?

Mr. BALDRIDGE. I would rather, Your Honor, not answer a case in that extremity. We are dealing here with a situation involving a grave national emergency . . .

I do not believe any President would exercise such unusual power unless, in his opinion, there was a grave and an extreme national emergency existing.

The COURT. Is that your conception of our Government? . . .

The COURT. Well, is it not your conception of our Government that it is a Government whose powers are derived solely from the Constitution of the United States?

Mr. BALDRIDGE. That is correct.

The COURT. And is it not also your view that the powers of the Government are limited by and enumerated in the Constitution of the United States?

Mr. BALDRIDGE. That is true, Your Honor, with respect to legislative powers.

The COURT. But it is not true, you say, as to the Executive?

Mr. BALDRIDGE. No. Section 1, Article II of the Constitution—

The COURT (interposing): Have you read the case of McCullough [sic] v. Maryland lately?

Mr. BALDRIDGE. I have, Your Honor.

Section 1, Article II, of the Constitution reposes all of the executive power in the Chief Executive.

I think that the distinction that the Constitution itself makes between the powers of the Executive and the powers of the legislative branch of the Government are significant and important.

In so far as the Executive is concerned, all executive power is vested in the President.

In so far as legislative powers are concerned, the Congress has only those powers that are specifically delegated to it, plus the implied power to carry out the powers specifically enumerated.

The COURT. So, when the sovereign people adopted the Constitution, it enumerated the powers set up in the Constitution . . . limited the powers of the Congress and limited the powers of the judiciary, but it did not limit the powers of the Executive.

Is that what you say?

Mr. BALDRIDGE. That is the way we read Article II of the Constitution.

The COURT. I see. . . .

(Transcript of hearing in the District Court, *Youngstown Sheet and Tube Co. v. Sawyer*, quoted in Westin, *The Anatomy of a Constitutional Law Case*, 60–64.)

[2] According to the defendants' theory that the right to vote on war is only a collective right of Congress as a body and is not also a personal right of each plaintiff as a legislator, the Congress could decide that any particular group of fifty representatives would not be permitted to join in the vote on war, and the excluded representatives would not have been denied any rights because the right to vote on the war belongs only to Congress collectively and in no way inheres to the excluded representatives personally. Similarly, under the defendants' theory that the right to vote is collective rather than individual, any body of citizens could be excluded from voting for legislative representatives, and the excluded citizens would have been denied no right since the right to vote is possessed only by the body politic collectively and does not inhere to citizens as individual human beings.

Defendants' have misplaced their reliance on *Burton v. Hickel*, No. 861–70 (D.D.C. 1970), which was a suit by Congressmen to compel the Executive to enforce an act of Congress. Whether the Executive must enforce an act of Congress involves issues of possible administrative discretion in deciding on the enforcement of a statute. It is thus probable that an administrative decision not to enforce a statute in particular instances does not cause any legally cognizable injury to a legislator or anyone else and therefore does not create the personal stake necessary for standing. But no issue of administrative discretion is involved in the present case since the Constitution gives defendants no discretion to fight an unauthorized war. Thus, by fighting such a war, defendants have infringed the right of each plaintiff to participate in the decision on war and have thereby caused the injury which gives each plaintiff the personal stake as a legislator which is requisite for standing as a legislator.

BALTIC STATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker, the 89th Congress gave its approval to House Concurrent Resolution 416 and thereby urged the President of the United States, first, to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and second, to bring the force of world opinion to bear in behalf of the restoration of these rights to the Baltic peoples.

In adopting House Concurrent Resolution 416, the Congress expressed its strong disapproval of the actions of the Soviet Union with regard to the Baltic peoples. The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia, and Estonia by force of arms and it has continued to hold the peoples of these three peace-loving republics in servitude for more than 30 years.

Since the Soviet invasion in 1940, these three nations have lost more than one-fourth of their entire population through exile to the Arctic and Siberia and through extermination. The Balts, however, have continued to wage an intensive fight for freedom.

The time has long since passed for the Soviet Union to have released the people of the Baltic States from their servitude.

Mr. Speaker, it is incumbent upon the President to bring the Baltic States' question actively before the United Nations so that the Nations of the world will have an opportunity to give expression to their desire that the Soviet Union withdraw from Lithuania, Latvia, and Estonia.

HON. JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DELANEY. Mr. Speaker, the elder statesman of the Democratic Party, chairman of the board of the Coca-Cola Export Corp., the Honorable James A. Farley, extremely active at 83, always provides interesting viewpoints and background items.

I would like to insert in the RECORD the report of an interview with Ernest Cuneo, from the Paterson, N.J., News, in which he details some family background not publicly and popularly known. I am sure this will be of interest to the many, many people who have followed Mr. Farley's career through the years.

The interview follows:

AN INTERVIEW WITH JIM FARLEY

(By Ernest Cuneo)

WASHINGTON.—Straight as a ramrod and lean as a wolf, the beautifully tailored giant put down his famed green ink pen and leaned back in his cabinet chair. He was asked how it felt to be 83 years old. "I haven't the slightest idea," he answered, and motioning to the stack of letters he was in the process of signing, he added, "And I haven't the time to find out."

"You mean you pay no attention to the calendar?" he was asked.

"I don't even pay any attention to the clock," he said, "because I found neither of any particular assistance in doing the work I had to get done. I've been too occupied with other people to become very preoccupied with myself.

"I don't count this as a personal virtue; as a matter of fact, it was a result of a great family tragedy. My father was a brick manufacturer, the old-fashioned head of an old-fashioned family. One morning, he was hitching up the horse to go to the funeral of a neighbor's daughter and the horse kicked him. He died that night."

"My mother called her children together after the funeral and told us that we'd all have to think of each other and to work hard. Well, of course, work means performing services for other people and I found early that I liked people so much that it wasn't really work, in the ordinary sense, to be engaged in useful functions. It wasn't work for me; to use that old-fashioned term, we were gainfully occupied. My mother, a good and wise woman, emphasized the 'occupation' on the ground that the 'gain' would take care of itself."

"What of the legend that out of love for your mother, you never smoke nor drink?"

"She asked us never to drink or smoke, and I never have. But primarily, that's out of respect for my mother's love for us, and not only the other way around. I just couldn't do anything which would hurt her—then or now," he added thoughtfully.

"Your education ended with high school?" he was asked.

"No," he said, "it began then. I went to Packard Commercial School and became a bookkeeper." "It was there I learned," twinkled Mr. Democrat, "that the hearts of people don't show up on balance sheets."

"Then where do they show up, General?" he was asked.

"Why," he said incredulously, "in people. All people in general, though, of course, in the Democratic Party particularly. Why the first public office I held—town clerk—was made possible by votes of friendly Republicans. I might not have had a political career had not the Republicans given me the margin."

"That's what I like about Republicans," he beamed, "they'll split a ticket on occasion—a practice, however, I do not recommend to Democrats."

"What do you think is the greatest advance of this 20th Century, General?"

"No question: that the Democrats always come up with the right people at the right time with the right answers."

"You're pretty sure of it?" he was asked.

"As certain as I'm sitting here," he answered—as he stood up.

Then you think that the Democrats are offering candidates of presidential timber?

"Why," said the War Horse as he galloped on familiar ground, "for one, Sen. Henry 'Scoop' Jackson, as presidential timber, stands as tall as the Douglas fir of his native state."

"Then you endorse Senator Jackson?"

"That's not what I said," he corrected. "The State of Maine also has some very fine stands and, in fact, is known as the Pine Tree State. Why, there are some giant pines up there still marked with the Kings Crown, for use as masts in the Royal Navy."

Would you say then that you regard Senator Muskie as royally marked for the presidency?"

"The Democratic Party," said the general severely, "does not go in for royal choices, being the Party of People; but if it did, I think it would prefer the Crown of Tara to the Crown of England. Not that I have anything against royalty, though I once had. Today, some of my best friends are former kings; they're very democratic now, and I sincerely mean that.

"To continue, certainly, Maine has great timber, but so does Minnesota, and it has presidential timber in Senator Humphrey."

"What of Senator McGovern?"

"South Dakota," the general said firmly, "has some fine stands of timber, but I see none towering against the sky at this time."

"And Iowa?"

"It's difficult to tell: everything grows rapidly in Iowa, and Senator Hughes is of growing stature."

"And Indiana?"

"The Birch is a justly famous wood, with excellent possibilities as a firm and reliable combination with more seasoned timber."

"And New York?"

"What New York needs most," declared the general, "is a re-seeding at City Hall. As presidential timber goes, John Lindsay is a dwarf pine. Republicans themselves refused to re-nominate him for mayor."

"As a matter of personal record, how many ceremonies and how much traveling did you do last year?"

"About 130 dinners, 105 luncheons, 26,000 miles of travel in 16 different countries."

"All work and no play makes Jack a dull boy," he added.

"General, would you say you get away from people by visiting other people?"

"Well, you might say that. I don't want to get away from it all, because all of the world is people."

"Will you ever retire?"

"Sure, but up to now, I've just been too busy to grow old."

"General, do you have any major weakness?"

"Well, my mother never warned me against vanilla ice cream and I'm glad she didn't."

THE NEED FOR HEALTH REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, recently I held 3 days of hearings on health care in Minneapolis. Invitations were sent to all segments of the medical and nonmedical communities—doctors, hospitals, planning groups—plus consumers and Government agencies. Almost 100 witnesses testified or submitted remarks for the record. They represented all fields of professional medicine, State, county, and Federal officials and medical consumers.

There were two objectives to the hearings. First to learn about the health care needs of the Twin Cities area, and second, to provide an areawide forum for discussion of the legislative proposals before Congress including the President's health message. These legislative proposals include the Health Security Act of 1971 (H.R. 22) of which I am a cosponsor.

There was a surprising degree of unanimity that the delivery system of health care be better organized. The majority of the witnesses favored a team approach organized to prevent illness rather than continuing the heavy reliance on curative medicine.

Testimony revealed that many areas lack even basic medical services. For example, 80 percent of the American Indians in one area had never seen a dentist; 30 percent of all women in another area had no prenatal care. In some areas local residents have succeeded in establishing clinics offering minimal services, restricted by lack of funds and critical shortages of trained personnel. And yet within these restrictive limits these clinics provide the only contact these residents have with medicine or medical care. Any comprehensive proposal must recognize that not only must more medical services be provided, but these services must be geographically dispersed, and have the care of the patient as the most important factor.

A plea for greater Federal funding of comprehensive health planning programs was made. If we are not to have too many hospitals in one area with shortages in others as well as too many specialists and not enough general practitioners then we must approach our needs in a rational and intelligent manner.

Representatives of labor, senior citizens, and other consumers testified to the high costs of medical care and asked that Federal programs take into account the needs of consumers and their ability to pay.

Because of the great interest in reform of the financing and delivery of health services, as well as the critical need for changes, I am making the views of those who testified available to the Members of Congress. For the next few days topical testimony will be presented in the Record.

The initial testimony revealed the appalling lack of services available to large numbers of individuals, the response, free clinics.

Roberta Acosta, Jim Carmody, and Margaret Schuering of the Westside People's Health Center in St. Paul testified to the accomplishment of volunteers in serving these new institutions. Ed Lambert of the Beltrami Health Center stated in his testimony that each clinic is different—each one functions according to the community it serves. The clinics are a significant undertaking, containing needed flexibility. Dean Zimmerman of the Cedar-Riverside People's Center maintains that the word clinic contains too narrow a meaning. The institution he serves is a center—it meets medical, clothing, and food needs of its patients. Dean Zimmerman submitted the following statement which explains in detail the activities of this important community response to vitally needed medical services:

SUMMARY

BY THE COMMUNITY

The Cedar-Riverside People's Center was set-up and is controlled by the residents of the Cedar-Riverside community. Through mass meetings arranged by the Cedar-Riverside Community Union, the community formulated the guiding principles and structures. The Policy Board implements those principles. Five community residents and two staff representatives comprise the Board. The Center serves all age groups—long time residents, senior citizens, and youth. The delivery of care is a personal response in an accepting as well as non-judgmental atmosphere. Individual freedom of choice and the right to privacy are foremost. This is a health care center in a total sense and an alternative to institutional experiences. The thrust of the Center is not experimental or educational—it is service to the community determined by them.

Staff

The People's Center is staffed by volunteers; professionals, area residents and patients, except for the salaried coordinator. There is no specific charge for services. Instead, donations of time, skills resources or money are actively solicited. In this way, the community is responsible for the basic manpower of the Center.

FOR THE COMMUNITY

Services

All services are based upon: complimentary, not competitive relations; team approach within and between areas; full utilization of community and professional resources; and innovative use of training.

Medical

Complete outpatient medical care is available to all. A medical team consists of a medical student, medic or community volunteer taking histories; a nurse, medical student and pharmacist deliver primary care; and are supervised by the attending physician. The Center has a laboratory to do routine blood, urine studies and cultures. Other lab tests are taken to medical institutions who donate their work.

Pharmacy

A volunteer registered pharmarcist dispenses all drugs and consults on therapeutic plans. Patients are individually instructed on the prescribed medicines and discuss any questions with the pharmacist. All drugs are dispensed without cost.

Psychopharmacology

Psychopharmacology advice and information is available one night a week from a graduate or post-doctoral student. The goal is to provide reliable information on drugs, their use and abuse.

Veterinary

Responding to the needs of this particular community, a veterinarian was one of the most urgent services. The People's Center has the only preventative vet clinic without monetary payment in the Twin Cities. Registered veterinarians and senior vet students offer shots, minor surgery, and general treatment.

Legal

Legal advice and advocacy are offered by the University of Minnesota Legal Aid Clinic and the Hennepin County Bar Association, Legal Advice Committee. The close proximity of the Center's diverse services enables the lawyers, for example, to seek assistance for an initially legal problem that requires counseling, medical or psychological support.

Psychological counseling

Psychological counseling frequently is a resource for other services. Individual counseling, long and short term is done by graduate students under the supervision of a licensed clinical psychologist.

The People's Center has the services of a psychologist specializing in human sexuality offering sex counseling.

Social services

Social Services offers a wide range of assistance:

Crisis intervention.

Family planning—birth control counseling.

Referrals and client advocacy to other agencies.

Drug usage.

Family problems.

Adjustment problems.

Information.

Approximately 16 community and professional volunteers staff the Social Services area.

People's pantry

The People's Pantry joined the Center in the Center's first six months of operation. It was a growing independent community project that came to the Center for space. The purpose was to make health foods available at low cost. Approximately 30 community volunteers worked for the Pantry until it closed due to zoning regulations and awaits the opening of the North Country Co-op, another community controlled venture.

Dental clinic

In September, 1970, six dentists enrolled in the University of Minnesota School of Public Health volunteered to study and set up a dental facility for the community. They have acquired equipment donated from retiring dentists. Construction and basic policy is presently being planned.

THE FUTURE

Senior citizens who comprise a sizable portion of the Cedar-Riverside community have voiced the desire for a quiet snack place outside the hi-rises and their homes. A room has been constructd for them at the Center. Programming has not yet begun.

In addition, a mobile medical unit is being sought to do house calls especially to the elderly and emergency transportation.

Preventative action is one of the goals of the medical clinic. Volunteer nurses and area mothers are studying the development of a Well-Baby clinic with educational classes.

The Cedar-Riverside community has established a viable way by which a community can meet its own needs. The People's Center is the beginning of an unique solution for total health care delivery.

FINANCIAL SUMMARY

July 1, 1970 to Dec. 31, 1970:	*Income*
Community donations	$1,414.80
Organizations	4,895.00
General Hospital pharmacy supplies	4,748.32
Total	11,058.12

Estimated:	*Expenditures*
Building	$1,750.00
Administration	377.00
Coordinator salary	1,750.00
Pharmacy	4,748.32
Lab equipment	100.00
Veterinary supplies	120.00
Total	8,845.48

DISASTER LOBBY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DICKINSON. Mr. Speaker, this is the time of year for high school and college graduations. With that in mind, I am directing these remarks particularly to young people who will be our future leaders and who are faced with the challenges that only a free country like ours can offer.

What in the world is the matter with those who are constantly sniping at the U.S. Government—those people who are afflicted with a disease called anti-Americanism, who continuously criticize everything and everybody and every motive and every action, except their own?

They should realize that this Nation is the most wonderful on earth. Ours is a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. In no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

Even though there has been a tendency of late to castigate the "American Way of Life," we are not a debased or rotten nation. The critics have not—and most likely never will offer—a better system or any meaningful solutions to the problems that confront us. We have our share of criminal misfits, of course, but most of us are pretty decent people—hard working, law abiding, God fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors, too.

It is unbelievable that so small a minority of Americans, rather anti-Americans, could create such a terrible atmosphere in this country. When this type of situation confronts you, remind the dissidents that there is no nation anywhere which can compare with ours. Ask them these questions: Where else in the world does the housewife enter stores expecting to see goods stacked to the ceiling, rather than wondering how she is going to grow or beg food for the family? What other country has poured out its own wealth and largess to help nations with which it does not agree? Where else in the world is there a public education system the match of ours?

Actually, there is much that could be improved in this country. Maybe we have not tried hard enough to right wrongs, but we have tried and will continue to try. There is so much good to be said about this great country—why do you not pass some of it along?

Mr. Speaker, at this time I include in the RECORD an extremely interesting article which appeared recently in the Birmingham News:

LOOK'S PUBLISHER BLASTS URGING OF "DISASTER LOBBY"

It has come to Ol' Vulc's attention that an important member of media—you know those folks you are frequently hearing about from politicians and others—made a most significant speech recently before the members of Illinois Manufacturers' Association.

If one of the good members of the association had made the speech even an old ironhead like this one would have thought—well that is one of those fellows who own factories, made goods, keep the wheels of the economy going.

But when a copy of the gentlemen's remarks came into Ol' Vulc's hands, "low and behold" the remarks were those of the publisher of Look magazine, Thomas R. Shepard, Jr., whose publication has on occasion taken rather critical looks at the American scene.

Ol' Vulc cannot pass onto you all that Shepard had to say to the Illinois Manufacturer's Association. His allotted space will not permit it. But Shepard spoke out frankly with great forthrightfulness and he created a phrase that will probably catch on—"The Disaster Lobby."

This ironhead had an impression Shepard was speaking for the millions who think that "something is right in America." Certainly there is much that must be done to keep the nation in the fullest sense of the word—"The Home of the brave" and if that is to happen much that has been neglected throughout the years must be quickly and effectively changed.

Education must progress. More jobs must be created. Companies whose trademarks are great in the marketplace must stand behind their brands. Pollution must be the special project of those who have created the "bad air" and the "bad water." Ol' Vulc is sure Shepard meant for those with responsibility to meet the challenges of our times.

HOW CAN I FEEL SO GOOD?

Now listen to part of what Mr. Shepard had to say:

One morning last fall I left my office here in New York and hailed a cab for Kennedy Airport. The driver had the radio tuned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is.

Air pollution. Water pollution. Noise pollution. Racial unrest. Campus unrest. Overpopulation. Underemployment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said—and I quote—"If things are all that bad, how come I feel so good?"

Ladies and gentlemen, I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

Well, I think I have the answer. We feel good because things aren't that bad. Today I would like to tell you how wrong the pessimists are and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other "ology" or "ism" are laying siege to our state and federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand-new socio-economic system can save us.

I call these people The Disaster Lobby, and I regard them as the most dangerous men and women in America today.

Dangerous not only to the institutions they seek to destroy, but to the consumers they are supposed to protect.

DISASTER LOBBY WRONG

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong, I can deny it. Our air is getting less fouled up all the time, in city after city.

In New York City, for example, New York's Department of Air Resources reports a year-by-year decrease in air pollutants since 1965. What's more, the New York City air is so immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back in the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal-clear rivers and lakes were the source of the worst known cholera, yellow fever and typhoid epidemics the world has ever known. Just one of those epidemics—in 1793—killed one of every five residents of Philadelphia.

Our waterways may not be as pretty as they used to be, but they aren't as deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are:

PUT BLAME ON NATURE

I now come to the case of the mercury in tuna fish. How did it get there? The Disaster Lobby says it came from American factories. The truth, as scientists will tell you, is that the mercury came from deposits in nature.

To attribute pollution of entire oceans to the 900 tons of mercury released into the environment each year by industry—that's less than 40 carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught 44 years ago and just analyzed contained twice as much mercury as any fish processed this year.

Then there is the drug problem. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of nonaddicts. Seventy years ago, one of every 400 Americans was hooked on hard drugs. Today it's one in 3,000. So, despite recent experimentation with drugs by teenagers, the long-range trend is downward, not upward.

Another crisis constructed of pure poppycock is the so-called "youth rebellion" to which the Disaster Lobby points with mingled alarm and glee. But once you examine the scene in depth—once you probe behind a very small gaggle of young troublemakers who are sorely in need of an education, a spanking and a bath, not necessarily in that order—you can't find any rebellion worth talking about.

LEAST RACIST NATION

The same assessment can be made of the putative black rebellion. There isn't any. Oh, there are the rantings of a lunatic fringe—a few paranoid militants who in any other country would be behind bars and whose continued freedom here is testimony to the fact that we are the most liberated and least racist nation on earth. But the vast majority of black Americans, as that same Gallup study revealed, are staunch believers in this nation.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of 6 per cent is about par. We've had less, but we've also had more—much more.

During the Kennedy administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployment reached 25 per cent. So let's not panic over this one.

That word "panic" brings me to the H-bomb. Some people have let the gloom-mongers scare them beyond rational response talk about atomic annihilation. I can't guarantee immunity from the bomb, but I offer the following as food for thought. Since World War II, over one billion human beings who worried about A-bombs and H-bombs died of other causes. They worried for nothing. It's something to think about.

HARD WORK FOR 38 YEARS

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill the animals and drive people to distraction with misleading advertisements. But what was life really like in America 150 years ago?

For one thing, it was brief. Life expectancy was 38 years for males. And it was a grueling 38 years. The work load was 72 hours. The average pay was $300. Per year, that is.

The women had it worse. Housewives worked 98 hours a week and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags. In the winter you froze and in summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family.

Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than 20 miles from the place you were born.

Ladies and gentlemen, whatever American businessmen have done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back—not a knife in it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world.

UNITED STATES SOLVING PROBLEMS

The point I am trying to make is that we are solving most of our problems, that conditions are getting better, not worse, that American industry is spending over $3 billion a year to clean up the environment and additional billions to develop products that will keep it clean, and that the real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful and most charitable nation on earth.

No, the danger today resides in the Disaster Lobby—those crepe-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

The time for surrender and accommodation is past. We must let the American public know that, once free enterprise succumbs to the attacks of the consumerists and the ecologists and the rest of the Disaster Lobby, the freedom of the consumer goes with it. His freedom to live the way he wants and to buy the things he wants without some Big Brother in Washington telling him he can't.

Truth and justice and common sense are on our side. And Americans have a history of responding to these arguments. All we have to do is get the story out—as often as possible, in as many forms as possible. And let's not vitiate our efforts by talking to each other—one businessman to a fellow businessman.

CONFEDERATE MEMORIAL DAY—1971

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RARICK. Mr. Speaker, June 13 was Confederate Memorial Day. In our Nation's Capital and in keeping with the custom established in 1914, the descendants and friends of Confederate veterans held memorial services at the Confederate Monument in Arlington National Cemetery.

I was honored to have been asked to deliver the address for the occasion. I include my speech at this point in the RECORD:

SPEECH BY MR. RARICK

Mr. Chairman, Madam President General of the United Daughters of the Confederacy, Commander Eble of the Sons of Confederate Veterans, Commander Porter of The Stars and Bars, Distinguished Officers and members of your organizations, Members of our United States Armed Forces, Distinguished guests, descendants, sympathizers and friends of the South:

As a U.S. Representative of a Southern Congressional District, I have many times explained my service here in our Nation's Capital as similar to that of a spy behind enemy lines.

Consequently, I was most happy and gratified at the large gathering at Gettysburg Friday for the dedication by the State of Louisiana to our Confederate dead on that battleground—a reminder to posterity that Louisianians were there and cared enough to remember.

I join with your leaders in expressing gratitude for your presence today—your attest to your loyal respect for history as well as your memory of the unforgotten heroes of the South.

We are gathered again to pay our respects to the fallen heroes of the Southland who made the supreme sacrifice in the first battle to preserve the U.S. Constitution—a war fought to deny Southern States their Constitutional right to independence.

Here about us arrayed around this beautiful monument sleep 267 Confederate soldiers and their wives.

A monument of mortar and steel will long endure as a reminder for future generations, but the true story of devotion can only be immortal so long as the issues and facts of history live in the hearts and minds of those of us who follow.

If those of the Southern cause were but able to speak to us today, would they not compel us to take heed of their mistakes and relate their struggle not only to the present, but what by logical conclusion faces us in the future? Those we honor today have written their lesson in blood and courage. We ignore the past at the peril of the future. The Union must be preserved. * * * There can be no secession under the Constitution. Our people as a nation move forward united, or we go down in flames together.

Yet today, Americans are being told that the Constitution is no longer the law of the land. It no longer protects us as individuals. It has been usurped or superseded by treaty, United Nations Charter, or Supreme Court amendment.

Internationalism . . . one-world thinking . . . bombards our environment from the news media, text books, church, booklets and sermons, attack against our culture and our living patterns. Yes, our very way of life and our children's birthright as free people are under massive revolutionary assault. There is a new secessionist movement underway.

A small minority has already seceded from the Union; and by raw power intrigue, distortion and manipulated violence would capture and deliver all our people into a new system of worldwide government, reducing our beloved United States to the role of a state among states.

Already the spokesmen of the new secessionist movement dictate our customs, our morals, our styles, and our thoughts without any voice or vote by the people. Those who disagree are told the changes are necessary for progress in the name of peace. They tell us it's too late to stop the revolution anyway. The trend is irreversible.

Can there be a difference between secession by people working through their State governments in accordance with the compact between the States to achieve peace and a secession movement led by a small group of wealthy internationalists with no mandate from the people or States but manufacturing justification under treaties and UN Charter and hiding behind the veneer of world peace and brotherhood?

The union today is divided—not by states or geographical sectionalism, but more by philosophical ideas. We find many new Southerners outside Southern States who join with us in abhorrence at the new secessionist movement.

What no foreign despot has ever achieved—nor did even the War Between the States accomplish—has now become a clear and imminent threat. Dismemberment of the United States by treasonous acts against the Constitution is now claimed justified as patriotic acts of courage to achieve peace.

If secession by the South was illegal, how can secession by the interationalists as "winds of change" be legal? The only logical answer is that the South must continue to be made the whipping boy of guilt and shame. The history of the United States is the history of the South and Southern people. Conceding this to be true, then the future of our nation can only be the future of the South and its people. The South is the greatest threat to the new secessionist movement.

It is time that we of the South start accentuating the positive, rather than defending the negative.

The new war of secession that we face is a psychological war of semantics, of words, slogans, bias and distortion. The most successful implements of war are not always swords, but rather—by dropping the "s" from in front of the "w," we have the weapon of modern warfare—"words."

The stigma of being marked as a Southerner should always be borne with pride and honor. It is to your credit, not to your shame. Every progressive and libertarian idea, concept, and tradition in our country originated with and comes directly from Southerners and Southern leaders.

It was Patrick Henry, a Southerner from Virginia, who used his sword—"words"—to rouse the American colonists to resist tyranny from the omnipotent power of his era.

It was George Washington, another Southerner, who led the true Revolutionary Army that subdued the tyranny of foreign power, then served as chairman of the Constitutional Convention, and ultimately became the first President of our new Republic.

It was Thomas Jefferson, another Southerner, who was responsible for the indictment of English colonialism by drafting that cherished freedom document, the Declaration of Independence. The same Thomas Jefferson who, unsatisfied with the Constitution as accepted because of the fear of too much power being amassed in the new Federal Government, was responsible for the words and adoption of the Bill of Rights, i.e., the first 10 amendments to the Constitution—a Bill of Rights which guarantees nothing, but is worded to prevent a too powerful central Government from interfering in your God-given talents and your freedom of choice in exercising maximum control over life and destiny as well as that of your children.

It was James Madison, another Southerner, later to become the fourth President of the United States, who was the secretary and kept the notes at the Constitutional Convention. Of the 37 Presidents of the United States, 14 were either born, reared in, or claimed the South as their home.

Of the 14 Chief Justices who have been on the Supreme Court of the United States, 5 have been Southerners, including Edward Douglas White of Louisiana, who authored the Slaughterhouse Cases, which allowed the American people to live in peace for three decades under the separate but equal theory of Constitutional law, until overthrown by Earl Warren in 1954.

Chief Justice John Marshall, acknowledged by lawyers and jurists as the great builder of the Supreme Court, was a Southerner from Virginia.

Southerners who are identified in history for their exemplary military services to the United States include General Douglas MacArthur of Arkansas, Andrew Jackson of Tennessee, General George Patton, Admiral Chester W. Nimitz, and General—later President—Dwight D. Eisenhower, all of Texas. And, of course, General Robert E. Lee, who resigned his Union commission and left his post as Commandant of West Point to take command of the Confederate forces. Following the Civil War, Lee concentrated his energies not in despair or revenge, but by serving as President of Washington College, later to be renamed Washington and Lee, where he labored to preserve and perpetuate our Southern education and culture.

But among the noblest of all American patriots and statesmen was Jefferson Davis of Mississippi. History has not smiled on President Davis nor his devotion to duty under the Constitution as he saw it. But then, few Southerners wrote the history.

As the newly-elected president of the Confederacy is reported to have said to Mrs. Davis:

"If we succeed, we shall hear nothing of these malcontents.

"If we do not, then I shall be held accountable by friends as well as foes. I will do my best and God will give me strength to bear whatever comes."

Jefferson Davis, at age 16, entered West Point military academy where he served with Robert E. Lee. As a lieutenant in the U.S. Army, he served in Northern States during the Black Hawk Indian War. He served his country and State as a U.S. Congressman. During the Mexican War, he returned to the army and as a combat officer rose to the rank of colonel and distinguished himself under fire. Under President Franklin Pierce, he served 4 years as Secretary of War, resigning to serve in the U.S. Senate for his State of Mississippi.

Jefferson Davis was well-known among Northerners and was the Nation's last moderate chance to avoid secession or armed conflict. But Senator Davis' appeals for reason in those days were as effective in dealing with the abolitionists as are the appeals to common sense with the civil rights abolitionists of today.

President Davis was and is still regarded as a leading Constitutionalist in the defense of state's rights and local government. He adamantly opposed every intrusion by the Federal Government to interfere in the state government, urging that such rights were never surrendered to the Federal Government in the compact by the States. Many of President Davis' statements and warnings ring clear and applicable today.

A steadfast patriot and true leader, not suffering the disease of compromise for fame and fortune, President Davis remained unswerving in his ideas and dedication to the death.

Captured by Union forces, he was imprisoned for 2 years, until released on $100,000.00 bond. Charged with treason under the Constitution, he was denied trial, which he sought so that he could prove by law his innocence under the Constitution and therefore the legality of the Confederate cause.

President Davis never recanted. He refused to ask the Federal Government to restore his citizenship. His constant position was that he had done nothing wrong, that it was the Northern politicians who had broken the Constitutional compact between the States.

At the age of 76, speaking to the Mississippi State Legislature, President Davis said he had never repented. "If I were to do it all over again, I would do just as I did in 1861."

So long as men cherish the concept of limited government by law and revere the U.S. Constitution, no greater champion nor martyr to his cause can be found in history than Jefferson Davis—statesman, soldier, patriot, American from the South. His was the fearless dedication of a great leader for all Americans—for all times.

These are but a few of the distinguished Southerners who played leading roles in founding our Nation, drafting its laws, preserving our liberties, and passing them on to our generations. We can be proud to be Americans, but more especially proud to be Americans from that region of our Nation known as the South.

The history of the U.S. is the history of the South and Southern people. When the South, its people and institutions, has been given its fair voice and representation in our Government, U.S. citizens have enjoyed the greatest peace and prosperity. But when the molders of public opinion and national leaders exploit the South as a whipping boy for political gains such as trading off our people for bloc votes in Northern cities, history then is complete, in that our Nation is reduced to a standstill. When, "we the people" are not truly represented, our Nation is plagued by misunderstanding, division, distrust, and even violence.

Since the history of the U.S. is the history of the South and Southern people, then the future of the U.S. is that of the South and will depend upon the dedication, intelligence, leadership and organized efforts of Southern people today and in the future. We cannot now permit the new secession. The Union is preserved for all, or all is lost.

We must gird for the battle by ridding ourselves of any feeling of guilt or fear. Psychological words such as racist, bigot, extremist, and repression are but emotional trigger words—word-swords—of the war of nerves, intended to catch you off guard, to deny you your right to rebuttal—to deny believability to your expressions and explanations. In short, to shut you up and thereby deny your freedom of speech and expression. Racism, bigotry, and extremism do not exist where there is no freedom. Where there is repression, those repressed are unable to complain.

While it seems to be the rage of the times to say, "Yes," it takes real courage to say, "No." This reminds me of the military commander who, upon seeing his men turn and run, said, "I'm their leader; I must follow them." Anyone can jump into the stream and float with the debris and refuse. It takes a thoroughbred to buck the current and tide. Politicians and public opinion polls produce followers, not leaders. Politicians and opinion-making agents with pretty faces are selected by the communications people and sold to unsuspecting people like so much merchandise.

Today's common enemy loves repetition. Remember that when you see or hear an idea or an individual given wide coverage on TV or the newspaper—beware! This is but the word-sword of the power secessionists striving to brainwash you into surrender by overselling the suggestion that the expressed ideas are representative of the masses; and to create the impression that if you disagree, you are alone and you best be quiet.

Southerners, and most thinking Americans, by now are aware that the great bulk of our communications media are not interested in giving factual news but rather in serving as vehicles of propaganda by people who do not like us nor our Southern heritage. In fact, they admit using their stewardship supposedly to bring "peaceful change" to our system of government. Do you know of any wire services or TV networks in the North owned by Southerners. Remember that the First Amendment, freedom of speech and press, was never intended to give a brainwashing monopoly to the wealthy owners of communications devices to sell only their biased ideals! The First Amendment freedom was intended to guarantee that our people receive the truth and be fully informed on all issues so that by being so informed, we can act to retain our freedoms.

Free thought and individual action has always been associated with the South and Southern people. Yes, Southerners are different. They are different because they are the descendants of the only Americans who have been defeated in war, who have lived under enemy occupation and know what it is to be prisoners in their own homes; the tyranny of being denied all Constitutional liberties. The Reconstruction Period in the South should never be forgotten. Its lesson should remind all Southerners that if we do not take a stand for our freedoms; then we deserve to lose them. This is why most Southern people are so outspoken and intolerant against revolutionary moves and new extremist changes. Many react without knowing why—almost by instinct.

There is nothing wrong with our system of government, with our country, or with our people. Our problem is with the small, dedicated internationally-minded group of new secessionists who by the use of power and wealth prevent our system from working as intended.

Power to the people! That's what the Constitution was all about. Power to the people! That's what the struggle for Southern independence was all about.

Those who seek "power to the people" today do not tell us to what people they desire to give the power and control over our lives. Their activities can only make us suspect that they are being used to create an evil impression that there is something wrong with people-power.

There are those constantly among us who set traps by striving to convince our people that free men are incapable of governing themselves and that we'd be better off joining the new secessionist movement under the new leadership of an elite one-world aristocracy. If our people fall for the bait, we will not only lose our country but as individuals be reduced to the state of common laborers on the new plantation.

It is past time that we of the South break loose from our verbal bondage. We must stop being defensive and regain the offensive. We must charge with our weapons of words and honesty; for if the U.S. loses. we all lose.

The history of the South is the future of the United States. The action of the South and Southern people will decide our Nation's future or its fate.

This is our challenge—by working together we can preserve the Union and perpetuate the noblest system of government our Creator has ever bequested to free men.

The lessons from battles of our fallen heroes of over 100 years ago remain unchanged.

"For we struggle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against wickedness in high places."

The history of the United States is the history of the South—the future of the United States is the future of the South—outnumbered always. To that end, we rededicate ourselves, our fortunes, and our sacred honor on this Confederate Memorial Day here among the habiliments of our illustrious dead and America's heroes of all wars.

WILLIAM G. GISEL—AN INNOVATOR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEMP. Mr. Speaker, my good friend Bill Gisel has been president of Bell Aerospace for 11 years and is leading the search for new dimensions in writing tomorrow's aerospace history. Bill is thinking about research and development for needs in the next decade.

A recent aerospace magazine article emphasizes the abilities of Bill Gisel and I am delighted to call this to the attention of my colleagues.

The article is included at this point:

THE INNOVATORS

(By William G. Gisel)

Bell Aerospace has been pioneering in new concepts for aircraft ever since Lawrence D. Bell founded his Bell Aircraft Corporation in 1935. Today, its new name points up changed directions and its president, William G. Gisel, is leading the search for new dimensions in writing tomorrow's aerospace history.

Mr. Gisel, who has been president of the company since 1960, joined Bell 20 years earlier as a cashier and rose through the financial side of the business. "So," he says, "I've spent a greater portion of my time in the last ten years in engineering and marketing fields—I could concentrate on those because I was familiar with finances."

Engineering knowledge is vital to Bell, which invents, develops and builds systems and products in rocket propulsion, aerospace components and electromechanical and electromagnetic electronics fields. Currently it has 138 separate, individual programs within those three areas.

APOLLO PROGRAM

Bell has been deeply involved in the National Aeronautics and Space Administration's manned spacecraft program and the U.S. Air Force satellite programs since 1959, when its Agena upper stage rocket engine performed perfectly in the first launching of a Polar orbiting satellite. Since then, the Agena engine has placed a variety of U.S. Air Force and NASA payloads into orbit—more than 300 for the Air Force alone.

Mr. Gisel was an observer at the launchings of Apollo moon missions, watching the performance of his company's equipment assignments which extended from lift-off to splashdown.

Astronauts trained in the Bell developed Lunar Landing Training Vehicle and the Lunar Module Rendezvous Simulator. The Command, Service and Lunar Modules have 31 Bell designed and produced zero-gravity propellant and water tanks. Most critical of all, however, is the Bell designed and developed LM ascent engine, which had to function properly the first time, because, unlike many of LM's other subsystems, there is no back-up ascent propulsion system. It did!

COMPUTER TECHNOLOGY

Under a NASA contract for computer structural analyses to trace and define the thermal and mechanical stresses at some 5,000 key points throughout the intricate framework of the Apollo spacecraft and its modules, Bell applied its expertise in computer applications.

According to Mr. Gisel, "one of the things that most people want to see is a spillover from our space program to solve earthbound problems. And we've done just that as a result of our computer knowhow. In cooperation with the U.S. Department of Health, Education and Welfare we have automated all medical, environmental and sociological files for 8,500 American Indians of the San Xavier and Papago Indian Reservations in Arizona as a pilot program. The system provides physicians, public health nurses and environmental specialists with a single data base that is current, complete and immediately accessible regardless of the location at which the patient is being treated.

"I believe this is an important breakthrough which will ultimately bring better health to everyone in the nation, and it is typical of the innovative thinking we have here at Bell."

Many of Bell's engineering staff of about 1,000 have M. S. or PhDs, usually in aeronautical engineering. "We look for specialists, with growth potential, to handle the interdisciplinary types of innovative projects we are constantly developing here," Mr. Gisel notes. "Our fine New York State universities—Columbia, NYU, RPI, Cornell and the State University of New York at Buffalo, which is becoming a fine scientific institution and we are working very closely with them—provide much of our engineering talent.

"We usually make our judgments on projects as a team decision. I get complete briefings in all engineering areas and query advanced research so I can evaluate it for merit."

Currently, Bell is engaged in research and development in the fields of its expertise for needs a decade hence. For example, it is participating in an experiment designed to determine the technical and operational feasibility of developing an air traffic control system employing a satellite relay. The experiment is being aimed at achieving the improved air-to-ground and ground-to-air communications that will be required simultaneously to monitor and control the 250 aircraft that are expected to be crossing the North Atlantic at peak load periods in the 1980s.

In materials research, the company has designed a test apparatus for evaluating the damaging erosive effects of impinging rain, sand and ice particles upon materials at speeds up to Mach 3. Such information is vital to the development of today's high-speed military and commercial aircraft and tomorrow's supersonic jets.

AIR CUSHION VEHICLES

But one of the projects nearest and dearest to Bill Gisel's heart is Bell's air cushion and surface effect vehicle developments.

"There is no limit to the applications of the air cushion concept," he says enthusiastically. "We can have air cushion landing gear on planes, and make airports, as we know them today, obsolete. Since they are amphibious, the plane could land anywhere there's a relatively flat surface.

"It is one of the most promising developments in surface transportation. ACVs have been demonstrated in San Francisco, where in one year nearly 14,000 people were whisked in direct routes across San Francisco Bay between Oakland and San Francisco Airports and downtown San Francisco. And, of course, the British are using a 177-ton ACV to ferry cars and passengers across the English Channel.

"This development is a classic example of the adaptation of a military development to solve civilian problems," he adds, pointing out that "Bell's ACV Voyageur, being built in Canada, meets the demand for effective, economical transportation—particularly in the Arctic and other not easily accessible areas of the world."

The 25-ton payload of Voyageur is equal to that of most transport airplanes now in regular supply operations in the Arctic—but lacking the dependency on weather that limits flights. Because they ride on a cushion of air above the surface, ACVs take ice, snow, water and the tundra in their stride. "Furthermore," Mr. Gisel notes, "the environmentalists will be happy to know that tests show that the low cushion pressure will not affect the ecology of the tundra country."

Bell is currently building for the U.S. Navy, Maritime Administration and Department of Commerce a 100-ton Surface Effect Ship (not amphibious) which will be capable of speeds of 80 knots or more. A prototype of possible ocean going vessels, the craft rides on a drag-reducing cushion of air contained by two side hulls and flexible bow and stern seals.

OTHER ACTIVITIES

The old adage of "let a busy man do it and it will get done" certainly applies to Bill Gisel. In addition to the far flung responsibilities of his leadership of Bell Aerospace, he finds time for an amazing variety of civic assignments.

He is vice chairman, appointed by Governor Rockefeller, of the Niagara Frontier Transportation Authority, which is actively planning for transportation growth in Erie and Niagara counties. After the problems involved in assuring the moon walkers a safe return to their mother ship, the charting of new bus terminals, airports, roads and public transportation must seem relatively easy to implement.

Mr. Gisel is also a member of the New York State Advisory Council for the Advancement of Industrial Research and Development, a group of leaders in science-oriented industries and universities, who meet to survey needs of industry, the capacity of the academic world to fill them, and to make recommendations for new or enlarged programs. "This work is extremely important," he says, "to assure the continued excellence and responsiveness of scientific education in our State."

Other science-oriented affiliations include membership in the Air Force Association, Navy League of the U.S., National Space Club, the National Aviation Hall of Fame, National Defense Transportation Assn., and on the Niagara University Council. He is also a director of the Western New York Nuclear Research Center.

But the outside activity that he enjoys most is his work as director of the Marine Midland Bank-Western and trustee of the Western New York Savings Bank. "Perhaps it's because of my financial background, but these responsibilities give me great satisfaction. Through them I become more involved with affairs in my own local community with the concomitant possibility of influencing events for the better."

THE FUTURE

Mr. Gisel is guardedly optimistic about the near future but completely so for the long haul.

"As I see it, for the next two or three years there will be a plateau in the aerospace business—and in the general economy as a whole—until we make the adjustment to a peacetime economy. Actual growth of the country will continue, but at a very limited rate. After all, no period in the history of man has been as exciting as the technologically dynamic last 35 years.

"After this short hiatus, I believe that we will move forward at an even greater pace, spurred on by the expanding technology resulting from the space program and other research and development funded by the Department of Defense, NASA and other government agencies. My guess is that the effects of this rededication by the government to science and technology in the aerospace industry, and in the fields of environment and oceanography, will prove as rewarding and beneficial to mankind in the next decade as well Neil Armstrong's 'one giant step' in ours."

PRINCE EDWARD COUNTY, VA., PRIVATE SCHOOL SYSTEM RANKS AMONG HIGHEST IN STATE

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ABBITT. Mr. Speaker, the story of the courageous action of the people of Prince Edward County, Va., in the wake of the 1954 Supreme Court school decision is well known throughout America. Other communities, facing similar problems, have marveled at the success which Prince Edward has achieved in charting its own course in seeking to provide high-standard education for its young people.

Prince Edward was tragically affected by the Court's decision, but its people were determined that a way would be found to educate their children properly, in a manner which would provide for maximum local control. Seeing public education on the brink of ruin, the people of this small county banded together to form their own private educational system, which today ranks among the highest in our State. The parents, dedicated teachers, and farsighted administrators have maintained their high standards of education and have never departed from their original goal.

Eleven years have now passed since the first graduating class received their diplomas in June of 1960. Mr. James J. Kilpatrick, then editor of the Richmond News Leader, had delivered the commencement address to the last class to graduate from the Prince Edward Public High School the year before. It was, therefore, fitting that he was selected to make the address to the 12th graduating class of Prince Edward Academy on June 5, 1971. Mr. Kilpatrick, now a nationally read columnist for the Washington Star syndicate, delivered a splendid address, entitled "My Time Is Your Time."

Mr. Kilpatrick is not only a tremendously effective writer and speaker, but he is as well acquainted as anyone in America with the outstanding job which Prince Edward County has done in upholding a very basic belief—that the best government or education is that which is closest to the people who have the responsibility for its support and execution. These people knew that in charting this course, there would be sacrifices and extraordinary demands. They knew all would not be sunshine, but they were determined to see it through—and this they have done.

This year there were 111 graduates and, of course, 56 had started in the first grade in the private school. During the 11 years, nearly 1,000 young people have graduated. These young people have gone to colleges all over America and they have done well. They have gone into the world of business, law, medicine, and other fields and they have looked with pride back upon the source of their education.

These are not easy times for our young people. There are many pitfalls, as Mr. Kilpatrick pointed out in his address. He has done an excellent job of describing the times and charting the way. His views are applicable to all sections of America and I commend them to the reading of the Members of the House. His address follows:

MY TIME IS YOUR TIME

(An address by James Jackson Kilpatrick)

One of the first things you should learn, as you prepare for survival in the jungle, is to beware of speakers who begin by saying they will not trespass long upon your time. The lesson to be learned from such a disclaimer is that the speaker always will trespass long upon your time. So if I begin by saying, I will not trespass long upon your time, you are forewarned.

But there is a reason for so beginning. My theme is time—my time, your time, time past, time future, time the river, time the highway, the time that is birth and death, the resurrection and the life. What I mean to suggest to you is the continuum of human existence according to laws as fixed as those that govern the set of real numbers.

In everyday reminiscence—not to mention in commencement speeches—men are fond of saying, "in my time." And the phrase serves well enough for every day. In the larger sense, the sense I ask you to reflect on briefly this evening, my father's time was my time, and my time is equally your time, and so your time will be the time of your children. But the continuum does not begin, of course, with my father's time. Homer's time was my time, and Caesar's time is your time. We live tonight in the time of Christ, in the time of Columbus, in the time of Einstein. If we speak of wars, and if you should ask, "what were the great battles of your time?", I should respond with familiar names: Pearl Harbor, Coral Sea, the landing at Normandy. But in the larger sense, the sense I dwell on this evening, the great battles of my time were also Thermoplyae, Agincourt, and Waterloo. What are the great inventions of "my time"? We begin, I suppose, with the lever and the wheel.

The point, thus stated, becomes obvious, and it is nothing novel: You graduates are a part of all the history that has gone before; and you will be a part of all that comes hereafter. You are here—literally and physically here—partly by accident of fate: the children of a given place, a time certain. But you are here in a different sense also, spiritually and metaphysically and intellectually; and these aspects have nothing to do with chance. The river that carries you has carried Rousseau of France and Burke of England and your neighbor from Albemarle, Mr. Jefferson, and they shaped the river's banks. You stand in the shade of the cedars of Lebanon; the great oak of Runnymede still casts its constant shadow. We live, all of us, *in saecula saeculorum*, world without end; amen.

This concept, to repeat, has nothing of novelty in it. "Lord," said the psalmist, "thou has been our dwelling place in all generations. Before the mountains were brought forth, or even thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God." Joseph Conrad sounded my commencement theme at one point in *Heart of Darkness:* "The mind of man is capable of anything—because everything is in it, all the past as well as all the future." I used to lecture my young associates when they turned in a superbly spread-eagled editorial, to make certain their work was obviously profound, and not profoundly obvious. The concept of time past in time present, I say once more, is profoundly obvious.

Yet I take it up with you this evening for this reason: Among many of our young people in our own immediate present day, the concept seems not obvious at all. A notion has taken root, and in some academic gardens it seems to flourish, that my father's time and my time is no real part of their time—that the past contains little or nothing of value to the present or the future. So the past may be dismissed like a migrant worker, faceless and nameless, hardly more than a bookkeeping entry.

Now, I once was told, and believe it to be true, that the barnyard goose differs in this respect from his great winged brother of the autumn skies, that the barnyard goose has lost his capacity for recollection. He supposes that each dawn the world is born anew. When I peer through the vaporings of some of the prophets of the New Left, I hear mostly the hissing of barnyard geese. Their message is destruction: the tearing down of the old. If this were but the first part of their message, the preface as it were, we should want to withhold judgment, for the process of growth, in any age, is in part a process of destruction. But this appears to be the whole of their message. Tear it down! There is no more. One waits in vain to be told of plans, structures, new ideas to replace the toppled institutions. One hears only the angry and insolent hissing.

I would exhort you to something better than the vain-glorious strutting of the barnyard goose. This evening brings you to one of the perceptible bends in the river. You have yet a while to go. At the turn of the century, your time, as we necessarily reckon these things, will be very close to my time tonight. You will be 50, more or less. At first glance, it may seem a thought to depress you; but you may discover—I hope you do—that being 50 is lots more fun than being 19.

What are you going to do with "your time"? Over the course of these next 29 years, you will be making decisions, public decisions and personal decisions, and you will be making them on many questions peculiarly in the context of "your time" as contrasted with "my time."

We can see the form, if not the particular substance, that many of these issues will take. There is the problem of sheer numbers of human beings. Your world, when you are 50, will be a deal more crowded than my world is at 50; and these sheer numbers of human beings will have compelled some profound changes in the style and quality of your life. They may also have compelled certain political changes around the world. When one of you returns to Prince Edward Academy to address the Class of 2000, it is entirely probable that he will address himself to a vastly different social and economic structure.

The problem of numbers goes beyond mere demography. For we are not dealing with abstract numbers, but with human beings of flesh and blood. In undertaking to impose some orderly limit upon the population growth of your time, you must face certain moral and ethical decisions of great importance: The Pill, that is to say; abortion; the intervention of the state into the size of families and the rearing of children.

Halfway down the road to 2000, we will pass the symbolic 1984, and in some ways the symbol may come sooner than we think. With every month that passes, biologists and geneticists are picking at the lock that guards man's greatest temple; and they hear the tumblers falling. Already work is far advanced upon the "test-tube baby," upon the transplantation of genes, upon the decoding of the impenetrable code. Already we have been compelled to face—perhaps we have merely turned our heads away—the moral and ethical implications of the heart transplant. Such surgery has become almost routine. We accept it. Your problem will be rather more difficult: Your problem will arise when the surgeons of your time, masked and gloved and gowned, first transplant successfully the human brain.

In these realms, at least, we tread close upon God's realm—or upon what has been so described. Some of your other decisions will be less awesome. What do you propose to do, in your time, with television, the computer, and the evolving technology of data retrieval? It is not necessary to explore the whole domain of Dr. McLuhan's often misty philosophy in order to grasp the main landmarks of this thought. He submits, and many wise men agree, that we are now embarked upon a change in the process of communication that is not a change merely of degree, but a change of kind. So the world changed, in kind, when written speech evolved from spoken speech, and again when movable type revolutionized the art of printing: Out of darkness there came light. So, too, with television now. When I was a boy, early on in my time, my "perceptual boundaries"—the phrase is McLuhan's—were limited to the streets and walks and alleys of the little world I knew. At 5, or thereabouts, I perceived—I knew and recognized—the 2200 block of Northwest Eighteenth Street in Oklahoma City, Oklahoma, U.S.A. Today's child, trotting off to the first grade, has wholly different perceptual boundaries: He has witnessed, if the surveys may be believed, some four thousand hours of television; and these hours have influenced not merely his boundaries of perception, but his realms of imagination also.

This is a part of what McLuhan means when he insists that "the medium is the message." These fantastic devices of communication are themselves communication, acting subtly—even insidiously—on our thought and action. The impact of network television is not the exclusive concern of Mr. Cronkite and Mr. Agnew. It must be the concern of all of us, and especially of all of you—in your time.

The same considerations apply, of course, to the marvelous new tools of the computer. It is a part of one's understanding of time to understand that the art of invention, at any given moment, stands forever at the crank of a metaphorical Model T. When your time is my time, you will look upon the computers of 1971 as we today look upon Mr. Ford's miracles of 1927. It is impossible for me to say what these astonishing machines will mean in terms of personal privacy, in terms of crime detection, in terms of industrial processes, in terms of the changing nature and locus of work—but it is not impossible for you to say. On the contrary, it will be both possible and necessary for you to say: You will say it for your time, which at some point will no longer be coincidentally my time; and whatever you say, you will be saying for a time future, for your children's time, and for their children's time.

You will want, I hope, to make wise decisions. To the extent that these decisions involve matters of public policy, you will want to decide, as it is said, "in the public interest." And your task will be to divine the *public* interest, which often turns out to be something more than the balance obtained by adding this and subtracting that. When you act in the name of the *public* interest, you will be acting in part as trustee—as trustee of the residual estate of my time, and my father's time, Burke's and Madison's and Jefferson's time. It is in the public interest—I would hope you would conceive it so—not to hack down the oak of Runnymede and to plant synthetic shrubbery in its place.

The same general considerations apply, I believe, to the largely personal decisions you will be making for yourselves, in your time—decisions that go to the manifestations of love, to the integrity of your bodies, to marriage and home and church and family. If these decisions do not fall in the area of a public trust, they constitute a private trust; and you will not make them wisely without some regard to the enduring lessons of God's time.

In all this, your concern will be in large part with relationships—the relationship of man to the state, and the relationship of man to man. You will want, in the first area, to seek an understanding of freedom and of power, and such an understanding cannot be sought, in the fashion of the barnyard goose, by regarding freedom as a concept of this morning or power as the invention of last night. These are the forces primeval. They are never to be perfectly, but only generally understood. The struggle between freedom and power is part of the continuum. So, too, with the nature of man—his capacity to love, his capacity to hate, his complex ability not only to be kind, but also to be cruel.

The whole purpose of education, at bottom, and you will understand that I mean education in the broadest possible sense, is to put you next to the great and achieving principles, to offer you the benefit and the guidance of the centuries, and to hope that you profit from the wisdom and the folly of all that has gone before. To that continuing education, I commend you; and I will not trespass longer on your time.

DEATH OF LT. GOV. J. SARGEANT REYNOLDS OF VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 18, 1971

Mr. BYRD of Virginia. Mr. President, last Sunday, June 13, Lt. Gov. J. Sargeant Reynolds of Virginia died in New York City.

Lieutenant Governor Reynolds accomplished a great deal in a short life of 34 years. The tragedy of his death is compounded by the fact that he was so young and had so fine a future.

The June 15 edition of the Harrisonburg Daily News-Record included a fine editorial on the death of Lieutenant Governor Reynolds, pointing out that "he has set an example in sickness and in health for others to follow."

I ask unanimous consent that the text of the editorial, "A Reynolds Legacy," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A REYNOLDS LEGACY

The death of Lt. Gov. J. Sargeant Reynolds, now being mourned by thousands of Virginians, has in it a lesson of life that should not be lost in the tragedy of the untimely event.

It is a lesson of courage. Informed late last summer that he had a brain tumor, the youthful lieutenant governor returned from a New York hospital with a renewed zest for public service that bespoke hope and confidence, thanksgiving, not self-pity.

In interviews, in public appearances, the ill Sargeant Reynolds had one pervasive message in his utterances—it was for all of us to live life to its fullest, to savor each moment and to use it to good advantage. It was addressed to old and young alike because as Mr. Reynolds noted, "time is our greatest enemy."

Sargeant Reynolds, dead at 34, used time as an ally in molding a remarkable political career that spanned less than a decade. He used his moments in service to his state. He has set an example in sickness and in health for others to follow.

THE EMMY AWARDS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, a distinguished broadcast newsman was recognized Saturday when Joseph McCaffrey was presented the Ted Yates Award at the Washington area's Emmy Awards banquet.

As Senate Majority Leader Mike Mansfield said at the banquet, Mr. McCaffrey digs out the news and presents it fairly and interestingly—the three facets of a well-rounded newsman. He is relied upon by the public, and by Members of Congress as well.

Mr. McCaffrey works for WMAL here.

Members of Congress should also be pleased that public, noncommercial broadcasting won a large share of the local awards. Here is an account of the awards banquet from the Evening Star:

The Emmy Awards

(By Bernie Harrison)

That was a subdued, civil local Emmy Awards banquet Saturday night at which 21 Emmies and six citations—still far too many—were distributed for the past year. Once again, it adds up in the main to a certification of the competent and, for viewers, continuing bewilderment. How do voters select, as superior, a program which is in essence distressingly similar to competitors?

Everybody was markedly polite, including WRC's Julian Barber who, as host, had occasion to applaud only one WRC winner (Bill Leonard's "Perspective"). WTOP also won only one Emmy, an individual one to Norman Davis for a half-hour editorial, "Money, Morality and Politics."

The voters missed an opportunity to provide a note of irony by failing to award an Emmy to nominee Carol Randolph, the co-star of WTOP's "Harambee," whose dismissal from the show (Also nominated) has prompted vigorous protest by the black community.

Carol didn't attend. I spoke to her on the phone Saturday and she made it clear she wasn't angry. But in view of the circumstances, she thought it best not to go. She'd rather land another TV job, she said, and didn't want to give anyone the wrong impression.

The major awards went to WETA–26, WMAL–7 and WTTG–5.

For Bill McCarter's WETA, it was the second year in which the largest number of Emmies went to the public television station. And that's as it should be. The "Newsroom" program, however, an experimental in-depth news show, wasn't one of them. The winner in this category was WTTG's "Ten O'Clock News." The bulk of WETA awards went for one of the best entertainment programs ever done here, "The Unicorn, the Gorgon and the Manticore." It also won for "Celebrate a Book," and the Board of Governors' award went to McCarter.

WMAL won in several of the most important categories, for its public affairs documentaries, "In White America" and "Fortress City." Joseph McCaffrey, the Veteran WMAL newsman, also won the coveted Ted Yates award.

WTTG could bask in the glow of two major Emmies, one for the "Ten O'clock News," the other for "Panorama."

The Emmy for best independent production went to Phil Martin's Allied Motion Picture Center, for "Where To?", and the Northern Virginia Educational Association also picked up an Emmy for a program, "Everybody's Different."

Table talk at the banquet focused on speculation over WTOP management changes. One of the presenters was John Corporon, WTOP vice president, who would tell me only that there has been a realignment of responsibilities among station executives.

There was a footnote to the Carol Randolph hassle at the station last week. A WTOP employe, Auttameese Boatswain, a niece of the Rev. Ralph Abernathy, has filed a complaint with the D.C. Human Relations Commission, charging discrimination. Hired as executive secretary, she said she was demoted in status and responsibility on June 3.

A BILL DEVELOPING A COMPREHENSIVE PROGRAM FOR TREATMENT OF DRUG ADDICTED VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the drug abuse bill which I am introducing will accomplish three basic purposes:

First. It will establish an orderly procedure for the Veterans' Administration to cooperate with Armed Forces in treating members of the Armed Forces with drug addiction problems.

Second. It will provide that the Administrator may receive and treat exservicemen on the basis of commitment from Federal courts. It is expected treatment of most of these types of patients will be accomplished through the use of contract beds at the National Institute of Mental Health facilities at Fort Worth and Lexington, Ky. These organizations are presently engaged in the treatment of narcotic addicts. The Veterans' Administration has maintained a cooperative contract relationship at these two locations for many years. By maintaining lease facilities at Fort Worth and Lexington, the VA would have an immediate treatment capacity to receive and treat military addicts and exservicemen addicts where the individual is under charges and must be restrained.

Third. The most important provision of the bill is the provision which clears up the confusion about honorable and dishonorable discharges and eligibility for treatment for drug addiction. At the present time an individual with an honorable discharge who becomes addicted after separation from service is eligible for treatment in a VA facility. An individual who may have actually developed drug addiction in service but escaped detection and was given an honorable discharge is also eligible for treatment in VA facilities. However, a serviceman who is detected as an addict in service and is involved in other irregularities may receive a dishonorable discharge and may not be eligible for treatment in a VA facility.

There has been a great amount of confusion as to who is eligible for treatment leading to calls for amnesty and changes in the discharge policies of the Armed Forces. With the enactment of this bill, this confusion will be cleared up and there would be no reason for disrupting the discharge policies of the Armed Forces because the legislation under consideration would authorize the Veterans' Administration to treat any serviceman or exserviceman with an addiction problem regardless of the type of discharge he holds or other legal problems he may have as a result of violation of other laws.

Some of the confusion seems to result from the thought that Veterans' Administration treatment for drug addiction is a benefit or a reward for service. Obviously it is not. With enactment of the proposed legislation the Veterans' Administration would be authorized to treat any veterans with an addiction problem not as part of a veteran benefits program, but in the general public interest, and in an effort to protect society from crime and abuse by drug users.

The Veterans' Administration has medical facilities in every large community in America, it is the largest single medical system in the world with a staff of 5,000 full-time doctors. It has a bed capacity of over 115,000 beds and is affiliated with most of the Nation's medical schools.

The Veterans' Administration has had a great deal of experience in vocational rehabilitation and has a large and well trained staff of psychiatrists, psychologists and social workers. Obviously there is not a great deal known about the treatment and rehabilitation of addicts, but certainly the Veterans' Administration is the best equipped agency of the Federal Government to meet this problem and it is obvious that the problem is going to be with us for a long period of time.

The latest check with currently operating VA drug centers indicated that over 100 veterans who had applied for drug abuse treatment are on the waiting list. What does a drug addict do when he is on a waiting list for treatment for drug addiction?

The bill will in no way interfere with current administration planning to set up a special agency in the Federal Government to deal with the national narcotic problem.

The Veterans' Administration medical program has a proud record of major breakthroughs in many areas of medical science and I believe that with their facilities and know-how they can make a major contribution to overcoming the drug crisis in our Nation if they are given the funds to do so.

THE FLAG

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEITH. Mr. Speaker, in the past few years it seems as if patriotism has become an unfashionable emotion. The voices of our critics drown out those who maintain a quiet pride in the Nation. In recognition of the many proud Americans who express continuing faith in our country I submit a statement issued by the members of American Legion Post 220 of Wareham, Mass., which honors the American flag and all for which it stands.

We can know America through our flag which is its symbol. In our flag the barriers of time and space vanish. All America that ever was and ever will be lives in every moment in our flag.

Understand that our flag is not the cloth but the pattern of form and color manifested in the cloth.

History has made it sacred. The honor paid it in uncounted acts of individual reverence has made it live, and so the pattern lives and it can manifest itself in any number of bits of perishable cloth, but the pattern is indestructible.

Alone of all flags it represents the sovereignty of the people, which endures when all else passes away. He who lives under it and is loyal to it is loyal to truth and justice everywhere.

He who lives under it and is disloyal to it is a traitor to the human race everywhere. What could be saved if the flag of the American nation were to perish?

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

CHILDHOOD LEAD POISONING—TESTIMONY OF DR. EDMUND O. ROTHSCHILD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Dr. Edmund O. Rothschild appeared yesterday, June 17, before the House Appropriation Committee's Subcommittee on Labor-HEW, chaired by the distinguished gentleman from Pennsylvania (Mr. Flood), to testify in support of funding the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695.

Dr. Rothschild is particularly well qualified to testify regarding childhood lead poisoning, whose extinction is the aim of the act. He is an assistant attending physician at the Memorial Hospital for Cancer Research, an associate at Sloan-Kettering Institute for Cancer Research, and an assistant professor of the department of medicine, Cornell University Medical College. In addition, Dr. Rothschild is a member of the board of directors of the New York City Health and Hospitals Corp. of the city of New York, and a member of the board of directors of the New York Scientists' Committee for Public Information, which has been a particularly active organization in bringing public attention to focus on childhood lead poisoning.

Dr. Rothschild presented what I believe to be a particularly compelling case for the funding of the Lead-Based Paint Poisoning Prevention Act. In the course of his testimony, he stated:

> The passage of this law indicated a recognition of the seriousness and magnitude of this problem and encouraged physicians in all areas of this country who agree that lead poisoning in a serious major epidemic. In this setting it is with great dismay that I appear here today before the Appropriations Committee to discuss this problem with you.
>
> The failure of the Congress to appropriate the $30,000,000 under this legislation is, to say the least, shocking. I am not a politician, but a physician; however, there are times when it becomes necessary to speak out in political terms. It seems to me that the failure to fund this program to the total extent permitted by law would be an act of murder by neglect . . .

Dr. Rothschild is right. The Lead-Based Paint Poisoning Prevention Act must be fully funded. The children are waiting.

Dr. Rothschild's full testimony follows:

Testimony of Edmund O. Rothschild

Congressman Flood, Ladies, and Gentlemen, I wish to thank the members of this subcommittee for the opportunity to testify with regard to Public Law 91-695 of the 91st Congress, the "Lead-Based Paint Poisoning Prevention Act". My name is Edmund O. Rothschild. I am a physician trained in internal medicine and involved in research, teaching, and practice. I am an Assistant Attending Physician at The Memorial Hospital for Cancer and Allied Diseases, an Associate at Sloan-Kettering Institute for Cancer Research, and Assistant Professor of the Department of Medicine, Cornell University Medical College, a member of the Board of Directors of the New York Health & Hospitals Corporation of the City of New York, and a member of the Board of Directors of the New York Scientists' Committee for Public Information. I would like to make a brief presentation of some salient points with regard to the legislation under consideration today.

Lead poisoning is a serious sometimes fatal illness of known cause readily diagnosed, treated, and completely preventable in most cases. From a clinical point of view, the disease presents itself in a rather nonspecific way. Patients may have gastrointestinal symptoms including loss of appetite, constipation, nausea, vomiting or abdominal pain. The central nervous system is frequently involved with the patient being irritable, confused, lethargic and in some instances lapsing into coma and developing convulsions.

These symptoms are so nonspecific that patients are frequently undiagnosed when presented with the milder group of symptoms. This is one of the tragedies of the disease, in that, both parents and physicians frequently will overlook these relatively minor symptoms until the child presents with more serious findings. It should be stressed that of those children who present with brain symptoms, 25–40% will suffer permanent severe brain damage.

Lead enters the body by a number of routes. It can be inhaled when it is in a vapor or particulate form. In certain compounds it can be absorbed through the skin and this has resulted in the past in industrial poisoning. Most commonly in the case of young children who are seen with the disease today, it is a result of chips of contaminated paint and plaster from walls and woodwork of deteriorated housing. Lead-based paint was the high quality paint in widespread use until the 1940's. It has subsequently been replaced by nontoxic titanium based paints. No one knows why some children will eat paint and plaster. This phenomenon known as pica or the eating of nonfood objects is quite common in all socioeconomic groups and does not seem clearly associated with any one factor such as hunger, lack of parental attention, etc. A chip the size of a thumbnail taken daily over several weeks can lead to serious poisoning and even death. Once the lead has been absorbed in the body, it circulates in the blood and is deposited in all tissues. Its effects on the body are not completely understood in all instances, but a great deal is known. Lead poisons certain enzyme systems, particularly those involved in the manufacture of hemoglobin necessary for red blood cells. Enzymes are the chemical catalysts of the body which are essential to the functioning of all life processes. One of the most sensitive ways to determine the effect of lead excess in the body is to measure some of these enzyme functions as they decrease with increasing lead. In addition, one can also measure byproducts of the interrupted enzyme functions.

Lead poisoning as recognized in the United States today primarily affects children between the ages of 1 and 6 living in deteriorated housing. Surveys in New York, Chicago, Baltimore, and Philadelphia over the years have shown that between 5 and 10% of these children are poisoned. In some housing units, as many as 20% of the children have been poisoned. Those who are diagnosed and treated, when returned to their uncorrected housing situation will frequently be repoisoned. Brothers and sisters of these children are frequently poisoned. The best existing program for the detection and treatment of lead poisoning currently is underway in New York City. Two million dollars have been allocated for this program during the present fiscal year. As a result of an intensive effort, over 87,000 blood samples have analyzed from somewhere in the neighborhood of 80,000 individual children. Ten percent of these specimens have had lead levels of 0.06 mg/100 gm or higher. This level is well recognized as requiring treatment and is diagnostic of lead poisoning.

Follow up on this program includes inspection of the home with determination of lead sources on the walls and woodwork. In addition, the Board of Health of the City of New York has mandated that the leaded condition be repaired. The City Council has provided tax incentives for the landlord. If the landlord fails to comply, the Bureau of Lead Poisoning can and does proceed with repair of the home and the landlord is subsequently billed. While the housing aspects of this program have been slower in getting started than the detection aspects, the effort is seriously underway. Dr. Vincent Guinee, of the New York City Lead Poisoning Bureau has submitted testimony with regard to the details of the experience in New York City. It should be mentioned that this program is aimed at detecting children who are already poisoned. Its preventive aspects lie in the fact that children with definitely elevated but not yet seriously elevated blood lead levels are detected by this method.

Potentially, these children could be protected by education of the family and repair of the home. A disturbing fact that can not be emphasized sufficiently is that a number of children in New York City who give no history of ingestion of leaded materials have been found to have above normal blood lead levels. These include children from non-ghetto areas and many of whom are white from middleclass backgrounds. Thus it would appear that these children are getting lead from other sources than paint and plaster. In many cities this raises the serious possibility that this disease will be found with increasing frequency in non-ghetto residents. The seriousness of this finding can not be underestimated. Recent studies of seventy-seven midwestern cities presented last year at the University of Missouri indicates significantly elevated lead levels in dust and air in cities as small as 100,000. Thus it appears that the problem of lead poisoning from other sources may be identified in these areas if looked for. Similarly, a U.S. Public Health Service survey of lead in the atmosphere in Los Angeles, Cincinnati, and Philadelphia reveals significantly higher mean blood lead levels in these cities. Recent reports of the death of a leopard in the Staten Island Zoo and subsequent findings of markedly elevated blood lead levels in the animals exposed to the air in this zoo should serve to point up this fact. Since these cats clean themselves by licking their fur they may serve as an early warning of the potential danger to young children from all economic classes in this country.

The exact extent of lead poisoning in the United States is unknown. Estimates crude as they are of excess of 200,000 children have been calculated based on the known figures about the housing and demographic information. It is not unreasonable to estimate that the disease may result in the death of hundreds of children a year and permanent institutional care of possibly up to 1,000. Just from an economic point of view aside from the human tragedy, it has been calculated that the care of a child in an institution from the onset of this illness until his death may cost over $100,000. Moderate to severe brain damage is estimated to occur in somewhere between 3,000 and 5,000 children in this country per year.

I should stress the fact at this point that the extent of the disease in this country is not known. A study conducted by the New York Scientists' Committee for Public Information based on a survey of the health departments of all fifty states and thirty-five cities in this country is submitted as an appendix to my testimony. This study completed in December, 1970 shows that the disease was reportable in only thirteen states and six cities, and in a number of these only occupational poisoning was reported. Reportability is of significance as it indicates recognition of a public health problem. It should also be mentioned that in the replies from the majority of states and cities there was an indication on the part of public health officials of a knowledge of the problem and a strong desire to begin programs directed towards the detection, treatment, and prevention of this disease. In November, 1970, the Surgeon General of the United States Public Health Service, Dr. Jessie Steinfield, issued a report on the medical aspects of childhood lead poisoning. It was the Public Health Service recommendation that screening programs for the prevention of lead poisoning in children be instituted. He said that it was urgent that more cities establish programs to locate and treat children who are suffering from lead-based paint poisoning and to remove the source of lead from their homes to prevent re-poisoning. He said, "A growing body of data from studies in many cities has established beyond doubt that lead intake by children from paint, particularly in the slums of the cities, is an important and widespread problem." His estimate of the number of children with dangerously elevated blood lead levels was as high as 400,000. If not otherwise included in the testimony before this committee, I submit the Surgeon General's report to be included.

Against this setting and as a result of a study by the committees of the House and Senate, the law under consideration today was enacted and signed by the President. The passage of this law indicated a recognition of the seriousness and magnitude of this problem and encouraged physicians in all areas of this country who agree that lead poisoning is a serious major epidemic. In this setting it is with great dismay that I appear here today before the Appropriations Committee to discuss this problem with you. The failure of the Congress to appropriate the $30,000,000 under this legislation is, to say the least, shocking. I am not a politician but a physician; however, there are times when it becomes necessary to speak out in political terms. It seems to me that the failure to fund this program to the total extent permitted by law would be an act of murder by neglect.

The obscene recommendation of the Secretary of Health, Education, and Welfare, Mr. Elliott Richardson, to appropriate $2,000,000 in the coming year to this program, defies polite criticism. Indeed, in my opinion, his recommendation is so contrary to the public interests in the matter of this major health problem, that I, for one, see it as grounds to call for his dismissal from his post. It seems to me by his action in this matter that he has failed in his sworn obligations to protect the health of the citizens of this country. This is even more shocking when one considers the fact that the victims of this disease are helpless young children who cannot protect themselves. Mr. Richardson's recommendation is contemptible and murderous. The opportunity remains, however, for you, gentlemen, and your colleagues in the Senate to act in the public interest. I urge you at this point to take positive action and recommend appropriation of the entire amount of $25,000,000 that your committee can support under this law. This is a matter of the gravest importance. To quote Rene DuBos at the National Conference on Lead Poisoning held in March, 1969:

"The problem is so well defined, so neatly packaged, with both the causes and the cures known, that if we don't eliminate this social crime promptly, our society deserves all the disasters that have been forecast for it."

I urge you to consider this issue as seriously as you will consider any other before you. I further urge you to review with your own health officers in your states and cities their attitudes toward this problem. I am sure you will find that they will acknowledge the facts as stated above and having done this that your decision to support this authorization will be favorable. I thank you for your attention and will be pleased to answer any questions you might have for me.

FEDERAL FUNDS NEEDED FOR PITTSBURGH'S CAMPAIGN TO HALT LEAD-PAINT POISONING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MOORHEAD. Mr. Speaker, much national concern has been registered recently on the effects of lead-paint poisoning, particularly in children, and particularly in low-income and ghetto neighborhoods. This is intolerable.

I am very pleased that important efforts are underway in my city of Pittsburgh to correct this situation, requiring immediate Federal help.

It is estimated that there are 400,000 children in the United States today with undue blood lead levels: 16,000 requiring immediate hospitalization, 3,200 with severe brain damage, 800 who will need permanent care.

While Public Law 91–695 authorized over $8 million from HEW and $1 million from HUD, nothing was appropriated last year, and a supplemental request was turned down. The fiscal year 1972 budget authorizes over $20 million, yet I am advised the administration plans to request only $2 million. This will not do the job.

If Pittsburgh and other cities are to end this alarming problem which is killing and maiming our poor children, full appropriations must be granted.

I include an article from the Christian Science Monitor of June 9 in support of my remarks and for the thoughtful attention of my colleagues:

PITTSBURGH MAPS CAMPAIGN TO HALT LEAD-PAINT POISONING

(By Samuel L. Spatter)

PITTSBURGH.—Parents in slum areas here may be getting new help in protecting their children against lead-paint poisoning—a malady that affects some 400,000 youngsters in the U.S. annually.

Health and housing officials here are taking steps to draft legislation and apply for federal funds aimed at removing lead paint from houses.

Three subcommittees, established by an ad hoc Code Enforcement Advisory Committee, are scheduled to report to the officials June 15 on efforts to work out details of a prevention program.

Action was prompted by Sholom D. Comay, Pittsburgh Housing Court magistrate, who became alarmed when cases heard in his court often involved families with children ill or suffering serious damage from poisoning.

SLUM HOUSES INVOLVED

Judge Comay found that most of these cases involved older houses in the city's slum areas.

He also learned that there is equipment available to detect the presence of lead paint in a house and that removal of this paint costs from $600 to $1,200. But since these houses are owned or rented by families that cannot afford to pay for the removal, federal help is needed.

Supporting the efforts are Dr. Charles L. Winek, chief toxicologist, County Coroner's Office, and Dr. Richard W. Moriarity, director, poison center, Children's Hospital.

Dr. Moriarity said his staff conducted a survey in the largely black area of Homewood-Brushton in the city during which 24 to 27 children had been tested. Six children, aged from one to three years, had elevated lead levels, he says.

When his staff studied 35 children in one of the city's public-housing communities, on the other hand, it found they had normal lead levels.

His agency plans to do some pilot work in the city's North Side area starting July 1. Four other hospitals will join his staff in screening about 700 youngsters in the Head Start Program to determine lead levels. His staff will also institute a program of treatment and do a statistical analysis on the area.

FUNDS ALLOTTED

Meanwhile, the county's laboratory will test houses in the area for the presence of lead.

Judge Comay said a federal law provides for grants of 75 percent to help a local government pay the cost of developing and carrying out a program for detection and treatment of lead-paint poisoning.

The act also provides federal grants for establishing programs to identify high-risk areas. Once identified, programs will be initiated to eliminate them. He said this would mean drafting amendments to the county's health codes.

A member of the county health department, Albert Brunwasser, said he found a field device to detect lead paint, but that it would cost about $4,250 to send a team of inspectors through the city with the device.

Until now, said Mr. Brunwasser, his agency has taken chips of paint from suspected surfaces to the laboratory and used special equipment to determine their lead contents.

REIMBURSEMENT OF FUNDS FOR WYOMING INDIANS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were expended to benefit only individuals in the construction operation, and maintenance of the Wind River Irrigation project. A total amount of $75,827.84 of tribal funds has been so expended and not reimbursed to the tribes.

Precedent has been set for congressional action to reimburse Indian Tribes for tribal funds expended on individual, as opposed to tribal, irrigation costs. Most recently the Ute Tribe of the Uintah and Ouray Reservation in Utah was reimbursed for tribal funds expended on the irrigation project on that reservation, as authorized on September 18, 1970, Public Law 91-403, 84 statute 843.

The joint business council of the Shoshone and Arapahoe Tribes, Wyoming, has adopted a resolution seeking enactment of this legislation, and I am hopeful the 92d Congress will see its way clear to dispense with the matter justly and promptly.

CHILDHOOD LEAD POISONING—ENVIRONMENTAL ACTION SUPPORTS FUNDING OF LAW

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Environmental Action is one of the leading organizations in the Nation seeking to arouse public concern about the degradation of our environment. While we often think of ecological depredation in terms of the destruction of our forests and wildlife, the quality of life of our cities is of equal concern to anyone attentive to the issue of the environment in which we live.

Environmental Action has issued a statement urging full funding of the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, whose aim is to mount a Federal assault on childhood lead poisoning, a disease clearly stemming from the deplorable environment in which so many children of our Nation are sentenced to grow up. This disease accounts for the mental retardation of 3,000 to 6,000 children a year. It sentences 800 children a year to permanent institutionalization as virtual mental vegetables. It kills 200 youngsters a year.

Childhood lead poisoning is preventable. What is needed is a firm commitment to accomplish its eradication. To implement this commitment, money is needed. The Lead-Based Paint Poisoning Prevention Act authorizes funds for screening, treatment, and eradication programs. Its funding is essential. As the statement of Environmental Action urges:

> There is a chance to appropriate the full $30 million: for community education and screening programs, $10 million; for detection and removal of lead paint, $15 million; and for Federal research, $5 million. Let's not allow lead poisoning to continue in epidemic proportions.

The complete statement of Environmental Action follows:

CHILDHOOD LEAD POISONING

Environmental Action urges Congress to appropriate the full $30 million authorized for the Lead-Based Paint Poison Prevention Act, Public Law 91-695, for Fiscal Year 1972. This legislation was first introduced by Congressman William F. Ryan of New York in March, 1969; hearings were eventually held in August, 1970; and the act finally signed into law—over HEW's recommended veto—on January 13 of this year. Still no budget request was made for this year, though $10 million was authorized. The Senate did provide $5 million for lead poisoning prevention in the 2nd Supplemental Appropriations bill for 1971, but this provision was defeated in conference, and the bill signed into law on May 25 without any funds appropriated for lead poisoning.

Unfortunately, while funds have been stopped at every turn, poisoning of young children from ingestion of lead paint has not. A recent HEW report estimates that for any given year, 250,000–400,000 children have elevated blood lead levels of 40 micrograms per 100 milliliters of blood or greater; 3,200 will suffer moderate to severe brain damage requiring special treatment and/or education; 800 will experience permanent brain damage requiring institutionalization; and 200 will die. New York City's poison prevention program estimates that the 2,649 cases of lead poisoning diagnosed last year represent only one-third of the cases in the city.

Virtually all of the patients diagnosed are children aged 1–6 who live in delapidated inner city slum buildings where lead-based paint still peels from the walls. The urge to pick up and to taste non-food items is particularly common to young children, who will eat the sweet-tasting paint chips that fall within their reach. However, in newer sections of the cities, lead-based paint has usually been replaced, well covered over, or not used in the first place. At least this is the assumption behind the few screening programs for lead poisoning that exist.

New discoveries might prove that high blood lead levels and cases of lead poisoning are much more widespread than the existing statistics as critical as they are indicate. Poisoning of one 20-month old child who was in the habit of chewing pencils led New York officials to the discovery that 30 percent of a random sampling of pencils sold in that city were coated with lead paint. The death of one leopard and paralysis of its twin in the Staten Island Zoo led a team of physicians and vets to the discovery that the leopards and other animals in the zoo had abnormally high blood lead levels. Dust, dead rodents and paint within the zoo all revealed high lead levels and zoo officials are hoping to replace paint with tiling in the near future. Furthermore while paint companies have an understood agreement not to make interior paints with greater than 1 percent lead content there is no existing federal law which outlaws such paint or requires its removal from interior surfaces. A recent study of 16 brands of interior paint revealed four to have a 1 to 3 percent lead content with no labels to that effect.

Keep in mind that these discoveries were made in New York City where, a lead poisoning program is already underway. Chicago has another extensive screening program where children are picked up, taken to a center for a blood test, and returned to their homes. Baltimore, Rochester, and New Haven also have working pilot programs, but countless other major cities have not even begun to screen their slum areas, and testing in small communities is virtually non-existent.

If reports on lead poisoning pale in comparison to the number of cancer victims and fatalities recorded each year, it is because existing screening porgrams for lead poisoning can only reach the crucial areas and crucial cases. Programs in New York and Chicago show that as high as 5 to 10 percent of the children who are reached have an excessive amount of lead in their blood and tissues and 1 to 2 percent show symptoms of clinical lead poisoning. While Surgeon General Jesse Steinfeld has recommended that 40 micrograms of lead be considered a high blood lead level, New York's statistics are based on surveys which exclude children exhibiting blood lead levels below 60 micrograms.

Slum children are used to being silent and unheard; they are one of the most neglected groups in our society. And if the fate of these children is undramatic enough to stir little attention, the initial symptoms of lead poisoning are equally so. Listlessness, loss of appetite, irritability, even anemia could all be reactions to the slum environment. Only when a child begins to vomit continuously or goes into convulsions will the parents know that he is seriously ill. By that time, it is likely that some brain damage will already have resulted, and, according to Dr. Julian Chisolm of Baltimore's City Hospital, 40–50 percent of those with brain damage will remain permanently damaged despite treatment. Yet these children still do not have the voice, precedence, or influence to command badly needed funds comparable to the additional $100 million the Administration is requesting for cancer research in Fiscal Year 1972.

In fact, what Secretary Richardson of HEW is requesting is a piddling $2 million for lead poisoning. This is supposed to indicate "a concerted effort" on the part of the administration. Furthermore, Richardson has suggested that these funds be applied to just two or three cities. The problem at hand is that programs are already only limited to a few cities and there are many more that must be reached. Richardson's own department has received specific requests for $ million worth of aid and additional requests estimated to total to more than another $20 million.

In the face of such requests, $2 million out of a possible $30 million can only be an appalling joke. Dr. Vincent Guinee, head of New York's lead poisoning program, told Environmental Action that "$2 million would be about right for New York City." Other directors agree. Dr. Chisolm said he thought that "very little will arrive in the field."

The tragedy is that while it would not take much to prevent lead poisoning entirely by removing and banning all lead-based interior paint and greatly extending screening programs, it does not take much for lead poisoning to continue either. Dr. Chisolm estimates that three to five paint chips ingested daily can give a child lead poisoning in three months time.

Don't let $100 million in extra appropriations for cancer research become an indication of satisfactory health programs in this country. A $2 million token for lead poisoning research will not even begin to curb a fatal disease which could be entirely eliminated if the emphasis were on total prevention rather than scanty treatment.

There is a chance to appropriate the full $30 million: for community education and screening programs on lead poisoning $10 million; for detection and removal of lead paint, $15 million; and for federal research, $5 million. Let's not allow lead poisoning to continue in epidemic proportions. Anyone who is realistically aware of the problems and negligence in our inner cities will support Congressman William F. Ryan's unrelenting plea for full funding of the Lead-Based Paint Poisoning Prevention Act.

DEPENDENCY?

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MANN. Mr. Speaker, a small clue as to one of the effects being created by the foolish efforts of the Federal Government to "take care" of everybody is found in a news article in the Washington, D.C., Evening Star of Tuesday of this week, June 15, 1971.

In a front page article headlined, "No Right Job," staff writer Duncan Spencer tells of a veteran who is not satisfied with the quality of the jobs available to him. More significant, however, are the following statements in the article:

> Syphax (an Employment officer) estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.
>
> Many also come with the mistaken belief that the government will hire them if no one else will.

Yes, only a small clue—like the small cloud—no bigger than a man's hand.

TRAGEDY IN PAKISTAN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, it is a sad measure of our preoccupation with Vietnam that the tragedy unfolding in East Pakistan has not been widely seen as the crisis it is. The bloody suppression of civil strife in East Pakistan and the flight of millions of Pakistanis into India has created political and humanitarian issues of the greatest concern.

I have sponsored legislation to suspend military assistance to the Government of Pakistan, and have urged the State Department to take immediate steps to provide emergency relief assistance to the millions who are homeless, hungry, and sick. But I believe it is time to call upon our Government to exert every means of diplomatic pressure at its disposal to influence the government of West Pakistan to reach an early accommodation with the people of East Pakistan.

In an editorial in today's New York Times, it is proposed that economic assistance to the Government of Pakistan be withheld until there is an end to the bloodletting. I agree with the statement in the editorial that such political conditions upon economic aid are undesirable in the ordinary case. But the situation in Pakistan is extraordinary, and the threat to India by the spillover of strife calls for extraordinary steps. Under these circumstances, I shall support the resolution proposed by the gentleman from New Jersey (Mr. GALLAGHER) to suspend bilateral economic assistance to Pakistan pending a political accommodation in East Pakistan. I commend the New York Times editorial to the attention of my colleagues.

[From the New York Times, June 17, 1971]

AID FOR PAKISTAN

The appeal of the United States Government to India and Pakistan to avoid exacerbation of tensions rising out of the civil strife in East Pakistan and the flight of millions of refugees into India is long overdue. It represents belated acknowledgment of the grave international implications of a conflict that Washington has tried to dismiss as a domestic affair.

But appeals for restraint on both sides of the tense Indo-Pak borders are likely to be futile unless the United States is prepared to use its considerable influence in Islamabad to try to halt the policy of repression in East Pakistan that is now threatening the stability of the entire Indian subcontinent. The Punjabi dominated military government's efforts to kill or drive out Bengali dissidents, and especially that government's deliberate campaign of terror against Hindus, have generated overwhelming economic, social and political problems not only in East Pakistan but in neighboring India as well.

Prime Minister Gandhi has in fact, exercised remarkable restraint so far in the face of soaring pressures created by the influx of millions of destitute, disease-laden refugees into eastern India and by the horrifying example of communal strife just across the border. But Mrs. Gandhi's bitter, emotional outburst in Parliament the other day suggests that she is nearing the end of her patience and perhaps of her ability to control events.

Assistant Secretary of State Joseph J. Sisco has at last called on the Pakistani Government to restore normal conditions in East Pakistan through "peaceful political accommodations." But officials in Washington at the same time made clear that the United States Government did not plan to withhold economic development assistance from Pakistan if such an accommodation was not forthcoming.

As a general principle, this newspaper has opposed the imposition of political conditions on development aid. But in the case of Pakistan today it is certainly reasonable to question whether such aid can be effectively utilized by a government that is at war with a large part of its population. It is highly doubtful that American interests or the real interests of Pakistan will be served by continuing to assist a regime that savagely suppresses its own people, refuses to yield to democratically elected leaders and pursues policies that threaten the peace and security of a neighboring state where the United States also has a substantial development interest.

The prospects for peaceful progress on the India subcontinent would be improved if the United States and other donor nations which will be meeting in Paris in the next few days refrained from making fresh pledges of assistance to Islamabad until there is clear evidence of a genuine political accommodation in Pakistan.

BACK HOME IN TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, recently the Rochester, N.Y., Times-Union printed an inside view of the activities of our former President Lyndon B. Johnson and his wife, Lady Bird. The article accurately portrays the busy yet warm and gracious lifestyle of our former first couple, and I share it with my colleagues at this time:

BACK HOME IN TEXAS: THE BUSY LIVES OF LBJ AND LADY BIRD: NEW LIBRARY, WRITING, RANCH, VISITORS

(By Paul Miller)

Those who sometimes wonder, as many have, what LBJ is doing—"so quiet and all since he left the Presidency"—can find out in short order if they visit Austin.

The 30th President has important and well-managed broadcast and other interests in and around the booming Texas capital, second in Texas only to Houston in its rate of growth.

But these and other interests may be of second interest—indeed, they almost certainly are. For LBJ has been involved in two other endeavors, either of which could be a full-time job all by itself for most.

First, of course, has been the overseeing of the construction, organizing, filling and finally the dedication of the Lyndon Baines Johnson Library. The former President and Mrs. Johnson could have been, one can imagine, almost totally involved in that.

But not so; not at all so.

Both have concluded the writing of books—LBJ's is due out in autumn. Both have new and old ties deep in the heart of Texas (for one, Lady Bird is now a member of the State Board of Regents).

And there is a stream of visitors from near and far, both to Austin and 70 miles west in their glorious "hill country" at the LBJ Ranch.

SCENE BY PEDERNALES

The Ranch. That seemed, to a visitor, the heart of everything—the heart of the heart of Texas—for all the Johnsons.

Along with the many news stories about the library have been many also about other Johnson interests and certainly the ranch. Yet this visitor had to walk and drive around in leisurely fashion to realize, even after reading much, how closely concentrated are so many aspects of the Johnsons' busy life.

LBJ's boyhood home at Johnson City is only 15 miles away from Stonewall, where the ranch is. His birthplace, reconstructed almost exactly and employing some stone and lumber from the original structure, is a pleasant walk over a tree-shaded road from the main house at the ranch.

From the main house, the LBJ state park is just across the Pedernales River and a road immediately beyond. You may walk or drive around the park beginning with the Information Center, which houses articles from pioneer days in the region—each the real thing, including a school desk on which, among many other examples of young students' pocket-knife carving, are the initials LBJ.

And a framed embroidered wall piece from a pioneer neighbor's home reading:

"Everything Depends
On God's Blessing."

Of course the influence of Lady Bird is everywhere—and her insistence that genuine articles to be used. On a chair in a kitchen of the LBJ birthplace is a black bonnet which, Mrs. Johnson tells friends with a smile, "was worn to every funeral for years." For many articles, she credits "neighbors for miles around" who let her "rummage through old trunks, closets and attics."

All this sounds pastoral enough, quiet and serene. And the wonder is that the Johnsons have been able to maintain it so. But they have, and they do, although the main house is the center of what is even today wide national and regional activities and interests, with Secret Service personnel in surveillance, checking and observing all who come and go on a day of many visitors, whether by highway, plane or helicopter.

Visitors to the Johnsons may arrive and depart by all three avenues. On a busy day, guards are in touch by walkie-talkie with one another and, if need be, with LBJ in his personal white Continental or golf-cart type ranch car. From their command center back of the house not far from the air field, arrivals and departures by whatever means can be monitored by closed circuit TV.

All this security activity is so controlled that there is little consciousness of it, and tourists clutter around the Pedernales from the ranch house, under the trees near the road into the park and avidly watch front porch, front yard and swimming pool activity at the ranch with or without binoculars.

From the tourists, it is only a few hundred yards—down the tree-shaded slope to the Pedernales, then up the similarly tree-shaded rise beyond to the driveway and the ranch house lawn.

The house itself somehow sits in quiet beauty, even when—as on a recent weekend—visiting old friends are scattered over the lawn, at pool-side chairs and tables, and milling in and out of the stately and solid but not at all pretentious house, which has been improved and enlarged as needed over the years.

PRESIDENTIAL ARCHIVE

Much has been printed in this newspaper and others about the LBJ Library in its magnificent setting on a 14-acre stretch of the University of Texas campus at Austin—about an hour's drive from the ranch.

On dedication day May 22, the massive library and associated School of Public Affairs—which together cost $18.6 million and toward which Mr. Johnson himself contributed more than $2 million—at first appeared of less interest to many of the thousands of guests than other guests! For "names" abounded.

But that was before they moved finally in numbers into the library building—after the ceremonies at which President Nixon and Mr. Johnson spoke, after drinks at stands set up about the area, and after the barbecue served to thousands on tree-shaded tables and in tents.

Once inside the library, guests wished they had allotted more time—and resolved to come back when they could.

In his dedicatory address, LBJ emphasized that among his 31 million papers was everything, good and bad, favorable and unfavorable. The library was planned, he said, so that students might see and learn "how the documents show it was" in the time of President Johnson's 40-year public service from a lowly congressman's assistant through the presidency. It was not planned merely to show or record how it looked or seemed to Lyndon Johnson.

This visitor is among those who hopes to return for a more extended stroll through the exhibit halls and galleries, from the first floor on up to the eighth-floor reproduction of the Oval Room—the President's Office—furnished as in LBJ's years in the White House. The library is to be open seven days a week.

Meantime, this visitor also is among those who expects that appreciation of the great value and usefulness of this impressive structure and repository will grow with the years, as will those of Harry S. Truman at Independence, of John F. Kennedy at Boston (when built), of Dwight D. Eisenhower at Abilene, of Herbert Hoover at West Branch, Iowa, and of Franklin D. Roosevelt at Hyde Park. LBJ's is the fifth library built and dedicated to American presidents. Go see any and all, if you can. You'll be happy you did.

WORTH THE COST

NOTE: Some critics have seemed to concentrate on the cost of building and maintaining the LBJ Library. Less has been said apparently of the fact that such historic structures are—or should be—built for (1) beauty as well as utility and (2) to last for generations.

And in the Johnsons' case, besides the $2 million personal gift, both LBJ and Lady Bird have also committed royalties from their books to the library and School of Public Affairs. Moreover, a family foundation is said to have contributed further substantial sums. University of Texas Chancellor Emeritus Harry Ransom told the dedication throng that the contributions former President Johnson made to the library are worth much more than the $2 million he donated formally.

QUOTE OF THE WEEK

Lyndon B. Johnson, speaking of the documents in the LBJ Library: "It's all here—with the bark off."

THE EMINENTLY WELL-MERITED HONORARY DEGREE OF DOCTOR OF LAWS IS CONFERRED UPON CONGRESSMAN JAMES A. BYRNE OF PENNSYLVANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. DONOHUE. Mr. Speaker, I know that all Members of the House will be gratified to learn that our distinguished colleague, Congressman JAMES A. BYRNE, of Pennsylvania, had an honorary doctor of laws degree conferred upon him at the Philadelphia College of Osteopathic Medicine's 80th commencement on June 6, 1971. This is the second time JIM BYRNE has been so honored by an outstanding educational institution.

The citation accompanying the degree reads as follows:

CITATION FOR JAMES A. BYRNE FOR THE DEGREE OF DOCTOR OF LAWS

(Philadelphia College of Osteopathic Medicine Commencement, June 6, 1971)

Presentation: Dr. Sherwood R. Mercer—Vice President.

Conferring of Degree: Dr. Frederic H. Barth, President.

Dr. BARTH: I have the honor of presenting James A. Byrne, James Byrne—On June 10, 1776 a committee—John Adams, Benjamin Franklin, Robert Livingston, Roger Sherman and Thomas Jefferson—was selected to prepare a Declaration of Independence. Thomas Jefferson, in the second floor sitting room of the house of Jacob Graff, a bricklayer, on the southwest corner of 7th and Market Streets, wrote the Declaration. On July 4th the Declaration was adopted by the Continental Congress.

And thus it all began.

And two Centuries later, James A. Byrne represents in the Congress of the United States the district where it all began. And because James Byrne is the kind of man he is, the people of this nation—and indeed of the world—have their national shrine preserved because he was responsible for the federal legislation which made possible the preservation of the Graff House and other shrines that help to make up the Independence Mall complex.

Your career of service has been marked by knowledgeable, able and strong leadership on the Armed Services Committee which puts you at the center of the protection of the nation, and your work on the Merchant Marine and Fisheries Committee brings your voice to shaping policies which affect the world food supply on the one hand and Philadelphia's Maritime commerce on the other.

But your particular skills show clearly not only in shaping national and international policies but also in caring for that single and particular soldier, that mother, that child who needs you and your help.

You, Sir, have spent your life in public service of the highest order. You are the example of responsible citizenship.

Philadelphia College of Osteopathic Medicine proudly salutes you and happily welcomes you to the select company of its honorary alumni.

In his welcoming remarks to the assembled graduates, Dr. Frederic H. Barth, president of the college, urged them to assume the duties of responsible citizenship. In so doing they certainly could have no better example than that of JIM BYRNE.

Since his earliest public service as a U.S. marshal for the eastern district of Pennsylvania, he has distinguished himself as a true servant of the people. With their traditional good sense the people of his district quickly recognized their good fortune in having such a dedicated and gifted man in their service and for the past 18 years they have consistently returned him to his high position of responsibility as a U.S. Representative.

JIM BYRNE has diligently devoted himself to the fullest discharge of his congressional duties and has become recognized as one of the most able and zealous legislative leaders in modern history. He is eminently respected as an outstanding Member of Congress, who daily expends every ounce of his extraordinary talents in honorably and effectively serving his country and his constituents.

However, far above and beyond his legislative leadership, and achievements, JIM BYRNE is beloved by his people and colleagues for his patient tolerance, humble attitude, compassionate understanding, gentle humor, and generous heart.

Mr. Speaker, it is no surprise to anyone here in Pennsylvania that two great universities have seen fit to confer honorary degrees upon JIM BYRNE—because long before he was so rightly recognized by these distinguished educational institutions, his people, friends, and colleagues had already bestowed upon him their informal but special degree, doctor of humanitarian service.

I most earnestly hope and believe that the Philadelphia College of Osteopatheic Medicine's class of 1971 will heed their president's advice to become responsible citizens and, in so doing, they could have no better inspiration than the life and conduct of Congressman JAMES A. BYRNE.

Mr. Speaker, at this point I would like to include the welcoming remarks to the graduates by the distinguished president of Philadelphia College of Osteopatheic Medicine, Dr. Frederic H. Barth:

WELCOMING REMARKS OF DR. FREDERICK H. BARTH

Members of the Board of Directors, Members of the Faculty, Members of the Class of 1971, Honored Guests, Parents and Friends:

I greet you and I welcome you to the 80th Commencement of Philadelphia College of Osteopathic Medicine. We are happy to have you with us as we celebrate with this class this great day.

Medicine today is perhaps as fine an example as we have of the trouble, the tension, the misunderstandings and indeed the hopes which are in the interface between science and society.

Alfred North Whitehead wrote, "Adventure or decadence are the only choices offered to mankind." This is the choice which society and science—and I include medicine in science—face today. In commenting on this, Dr. Allan Bromley, who is Professor and Chairman of the Department of Physics at Yale University, writes:

". . . I am confident that the adventure will continue. There are those who would advocate a moratorium on science—who suggest that new knowledge can wait until in some unspecified fashion we are better able to use it wisely. But this is surely unrealistic . . . The theoretical and practical knowledge which has led us to our present technological society is now part of the collective memory of all mankind and there is no going back. Nothing can extinguish the human curiosity or the will to understand."

Yes, there is no turning back. But what do we do? May I turn to some comments of former Congressman Emilio Q. Daddario who, as you will remember, was for a number of years on the House Committee on Science and Astronautics and Chairman of its Subcommittee on Science, Research and Development. Mr. Daddario is discussing the impact of science and technology on society and particularly on the environment. He comments that in his view the only way "man can avert catastrophe" is "by achieving . . . a steady-state environment. In scientific theory, a system is in a perpetual or state of balance when all forces acting upon it, internal as well as external, cancel out. We see examples of the steady state in the equilibrium phase of chemical reactions, in the homeostatic mechanism of the human body (a phrase which is very familiar to osteopathic physicians), in the equilibrium state of statistical mechanics, and in the 'balance in nature!' "

However, things have gotten out of hand. Mr. Daddario suggests that we need some form of social control "over technology in such a way as to enable man purposefully to build on acceptable steady-state relationship with his environment. But this calls for a major departure from long-established attitudes."

Indeed it does. The concepts of the boundless frontier, inexhaustible resources and freedom to do what one wishes are no longer tenable. Nor is the idea that has prevailed since World War II that science and technology provide the new endless frontier. But ecological disaster—at least ecological trouble—is upon us and we must think in new ways about man's "steady state" relationship to his finite home—the earth.

This places a terrible burden on our people and our law makers. Freedom is the word in America. But can we survive on unguided freedom finding expression in the actions of a pluralistic society? Who shall establish the priorities? Is our system of government by consensus around pragmatic solutions going to be effective?

As Mr. Daddario puts it: "Man must steer a careful course between the technological dictatorship of flawless, accident-free behavior and the bloody and catastrophic freedom of irresponsibility.

"The most important contribution that science and technology can make in the achievement of this balance is to identify irreversible trends toward catastrophic incompatibility. If man is slowly destroying the environmental viability of his own civilization by inventions or behavior, science must sound the alarm. The most important contribution that politics can make is to resist technically attractive improvements whose second-order consequences are irreversible trends toward the loss of human freedom. The task of politics is to establish and protect standards of human freedom, marking the boundaries beyond which science may not transgress. In the last analysis, politics and science must work in uneasy harness, achieving their own balance between conflict and cooperation. The achievement of such a cooperative relationship within the framework of a democratic form of government would be the crowning achievement of our century and perhaps of all time."

What does all this mean to the Class of 1971? Precisely this. They are physicians, osteopathic physicians. Their special function in society is to help their patients maintain homeostasis which is synonymous with good health. This class and the new generations of physicians have, however, an added duty. They now must make their skills, knowledge, judgments and insights have an impact on the decisions having to do with the maintenance of a steady state between man's freedom and the environment.

The osteopathic profession is an independent profession. It was able to be born and developed in America because pluralism is one of the foundation stone ideas on which the nation has been built. Pluralism presents difficulties in setting social priorities. It is incumbent, therefore, that the entire osteopathic educational and health care system contribute positively and constructively to the formation of policies concerning not only health care but also the resolution of how our society will handle the total problem of man's steady state relationship with his environment.

Members of the Class of 1971, I congratulate you on your achievements, and I look forward with great confidence to your success in your practice and in your role as responsible citizens.

Pennsylvania's long history is studied with accounts of great educators. No one of these shines more brightly than does that of our speaker today. Dr. Frederic K. Miller was born in Pennsylvania, he was educated here, he has had an outstanding career here and, as Commissioner of Higher Education, he has given to that office a quality of leadership which has enhanced the entire higher educational system of the state.

We are happy to welcome Dr. Miller today and we are honored by his presence.

FDA: MORE PRO-INDUSTRY THAN INDUSTRY?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ROSENTHAL. Mr. Speaker, rejection by the Food and Drug Administration of an industry offer to label all orange juice drinks with their specific percentage of orange juice makes the FDA look more pro-industry than industry itself.

It was a step in the right direction when the juice industry submitted to the FDA a proposal that would require orange drinks show the actual percentage of orange juice to the nearest 5 or 10 percent. I was shocked when FDA vetoed this in favor of more lax standards.

The FDA, which has put off action on this matter for more than 7 years, this week recommended setting up four broad categories of orange juice content: Below 10 percent, between 10 and 35 percent, between 35 and 70 percent, and 70 percent or more.

This would tend to encourage producers to use less orange juice, not more, Mr. Speaker. Under the FDA plan, the drink with 35 percent orange juice and the one with 65 percent would both have the same label, which says "contains not less than 35 percent orange juice."

The consumer would not be able to tell how much orange juice he is getting, and the producers could use this as an excuse to dilute their products rather than improve them with more juice.

Under the industry proposal, the drink with 35 percent orange juice and the other with 65 percent would bear labels stating those amounts. The FDA would make no differentiation, under its proposal.

This is further evidence, Mr. Speaker, of the FDA's apparent insensitivity to the American consumer.

TOWARD A PRIVATE POSTAL SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. CRANE. Mr. Speaker, it is not often that I find myself in agreement with the Washington Post's columnist, Nicholas von Hoffman. His commentary of Friday, June 11, 1971, however, is one with which I can most heartily concur.

In this column Mr. von Hoffman asks the question which many Americans have been asking for some time: Is Government really the most efficient body to conduct such services as that of delivering the mail?

While visiting in Wichita, Kans., Mr. von Hoffman encountered Harlan Lewin, the president of Wichita Independent Postal System of America. Lewin made the observation that—

> If you ask the clerk in a post office around Christmas time how things are, he will almost always say, "Terrible, we're so busy." Now you ask a clerk in a department store, she'll say, "Great, we're so busy."

IPSA, the private postal system, says that it can deliver mail for 3¾ cents per letter as against the U.S. mail's 8 cents. The organization has franchises in 52 cities, and believes it can deliver mail more efficiently than the U.S. Government, at a lower price, and at a profit.

The fact is that many functions which should be within the private sector have, over a period of time, become functions of government. Americans seem to have abandoned the Jeffersonian view that "That government is best which governs least," and have instead adopted a more statist approach to the Nation's problems. The result, however, is far different than the original advocates of Government involvement believed it would be. Instead of efficiency and economy, we have high taxes, inflation, debt, and an unprecedented inefficiency.

Mr. von Hoffman concludes:

> On every level the taxpayer/customer is complaining about the groaning inefficiency and the stinging costs of public services, while, at the same time, the government takes new jobs and responsibilities which it fails to do well enough to satisfy us. Maybe if it let go of certain areas to the proficiencies of the profit system, it could do what it alone must do better.

In my opinion, the postal service is clearly one of those things which could be better done by private enterprise.

I wish to share Mr. von Hoffman's column with my colleagues, and submit it at this point for their consideration.

The column follows:

[From the Washington Post, June 11, 1971]

IF YOU WANT IT DONE RIGHT

(By Nicholas von Hoffman)

WICHITA, KAN.—The hot cargo was there for anyone to see in the sorting shed of the Independent Postal System of America. Stacks and stacks of extra heavy envelopes. They were mailing from Blue Cross to its Wichita subscribers, and there could be no doubt about it, this wasn't junk mail. This was first-class mail which the law says is the absolute, airtight monopoly of the Post Office Department.

Nobody in this country is allowed to deliver a letter except the U.S. mail. And, under the Private Express Statute of 1936, "a letter is further defined as a message in writing from one person to another containing live, current information which would incite the recipient to act or to refrain from answering."

The independent Postal System of America got the business because it was charging a quarter for making the same delivery that the government mails would charge a dollar for. IPSA will get it to its address faster and in better condition. That goes without saying.

Unlike that mess that Red Blount, the Postmaster General, presides over, IPSA wants your business. When you go into the office of the Wichita franchise, they don't view a proposal to send a letter as an insulting proposition. "I'll tell you the difference," explains Harland Lewin, the president of Wichita IPSA. "If you ask the clerk in a post office around Christmas time how things are, he will almost always say, 'Terrible, we're so busy.' Now you ask a clerk in a department store, she'll say, "Great, we're so busy.' "

IPSA, the profit-making postal system, likes to be busy and its slogans show it: Now you have a choice—IPSA's Mail or Uncle Sam's; The Postman Rings Twice; Postal Service Through Free Eenterprise."

But not quite. It's against the law for IPSA to put a letter in your mail box, even if you paid for the mail box and it's installed in your house on your property. It's doubtful that IPSA could ever have more than marginal success against such a monopoly if it weren't for the state of Kansas which is thinking about joining IPSA in its free enterprise criminal activities.

The reason for the state's interest is that Kansas doesn't have the additional three quarter of a million dollars it will have to pay to send out its official correspondence under the new postage rates. The difference in costs between the private and public mail systems are immense. IPSA says it can deliver Kansas' mail for 3¾ cents per letter as against the U.S. Mail's 8 cents.

IPSA is in business to make a profit. Currently the organization has franchises in 52 cities, some of which Lewin says are doing very well, while others are having their troubles. But the Wichita operation, at least, has more than the profit incentive behind it. Some of the men who've invested in it also want to demonstrate that private groups can do a better job supplying services that we've come to assume are just naturally governmental functions.

One of these men is a paper box manufacturer named Bob Love. Love is so far right, so much of a decentralist, that you'd have to describe him as some kind of free enterprise anarchist. The guy is so far out he's not even sure he believes in public police departments.

What Love is doing with his participation in something like the private mail system is to lay the foundations for right wing counter institutions. As with the New Left people, he also wants to demonstrate that there are other and perhaps better ways of performing many of society's most necessary functions.

Love's biggest project is the Wichita Collegiate School. It is an unaccredited institution with 350 pupils in grades 1 through 12, run in defiance of state rigmarole and regulation. With its stress on Bible study, Latin, math and laissez-faire economics, it's not a school that every parent would want to see his kid attend, but that's exactly Wichita Collegiate's purpose, to give some parents a school that may be different but which suits them.

"The Collegiate School provides the only alternative to public schools here," says Love, who has given the place $300,000. "The rest of the schools are the same. Even the parochial schools are just like the public ones."

If Collegiate's headmaster had his way, there would be no public school system. "Public schools show the classic characteristics of every monopoly, the quality is going down and the costs are going up. Why if you read Horace Mann, you would see that he would be horrified at the monster we have in today's public education," says Randall Storms, the school headmaster, a man who says he got out of public schools because he couldn't take their vapidity any longer. "And I think they're going to get worse. There has to be a further degeneration of public education until the thing will either fall of its own inertia or there's a revolution or people will cop out into building an independent school system . . . The Catholics, of course, say they don't want to destroy the public education, but, hell, I do. I'm willing to take my chance in the free market."

Technically, as Randall Storms rather proudly tells you, under Kansas law all his students are truants who are scoring in the high 500s on the SAT's. It is for him a vindication for his pedogogical civil disobedience.

For the rest of us the meanings may not be clear. We can look at it and say, well, hell, it's just a bunch of rich rightwingers who built themselves a school and a post office; it has no application or significance.

None of it may have the application that Love and Storm see, that is the universal use of an unchained free market to solve every problem. Yet what they're doing should cause us to ask whether many government functions need to be so, whether they might be handled by the private sector cheaper and with greater satisfaction to the taxpayer or customer.

On every level the taxpayer/customer is complaining about the groaning inefficiency and the stinging costs of public services, while, at the same time, the government takes new jobs and responsibilities which it fails to do well enough to satisfy us. Maybe if it let go of certain areas to the proficiencies of the profit system, it could do what it alone must do better.

THE PRESIDENT'S RED GRAIN TRADE ORDER MUST BE AMENDED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ANDERSON of California. Mr. Speaker, earlier today I spoke briefly about the administration's move to eliminate the requirement that U.S. flag vessels carry at least 50 percent of the grain to Communist China. As this is an area of which I am familiar, and which, I believe, is vital to both our economic and military self-interest, I would like to expand on several of the points that were made in my earlier speech.

The U.S. merchant fleet has deteriorated to the position of fifth in the world and is now carrying only 5 percent of the Nation's waterborne foreign commerce.

The Merchant Marine Act of 1970 was designed to halt the decline of the U.S. merchant fleet and to rebuild it into a proud, necessary fleet of ships so vital to this country's economic strength in time of peace and its defense mobility in time of war.

But now, by eliminating the requirement that U.S. flag vessels carry at least 50 percent of the grain to Communist

China, another blow has been struck for the foreign and runaway shippers who would like to see the U.S. flag disappear entirely from the high seas.

By this action, the U.S. shipper is asked to compete directly with foreign shippers. In other words, the shipper who can ship the commodity at the cheapest rate, is awarded the contract.

But do we ask other U.S. industries to compete directly with foreign industries? Do we expect to compete directly with countries whose standard of living is far below ours? Do we expect the American merchant seaman to work for the same wages as a Liberian seaman?

The answer is no.

Mr. Speaker, in almost every area of our economy, we protect our industries in some way. For instance, Canadian grain sorghum imported into the United States must pay a duty of 4 cents per pound. Certain types of Canadian corn pay a duty of 25 cents per bushel. Foreign potatoes, imported into this country, pay a duty of 37.5 cents per pound.

Mr. Speaker, I could go on and on. There is a tariff schedule consisting of 544 pages—from abaca to zirconium.

Generally, I do not oppose these tariffs, for I know that foreign labor and foreign industry would soon flood our markets and drive U.S. industry out of business unless we gave our industry a degree of protection. However, I feel that in an area as important as shipping, we should be making every effort to keep our ships in operation by aiding and extending to them a degree of protection.

It is in our economic interest to encourage our merchant fleet to carry more and more of our cargo. A U.S. flag vessel pays taxes to the U.S. Government—foreign vessels do not.

U.S. maritime workers—seamen, yard workers—pay taxes, consume U.S. goods. Foreign seamen and workers do not.

Mr. Speaker, we must reach an agreement whereby two important segments of our economy—the maritime interests and the grain producers—both can realize their maximum value to our society.

BANNING CERTAIN ADS CAN HURT ALL OTHER ADS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BOB WILSON. Mr. Speaker, I have no vested interest in defending cigarettes or cigarette smoking. Tobacco farmers or manufacturers are not among my constituents. Nevertheless, the time has come for all Members to take a fresh look at the cigarette controversy to see just exactly what is in danger of going up in smoke.

More is burning than tobacco. More is threatened than the special interests of Members from North Carolina, Virginia, and Kentucky and their constituents.

"It's everybody's fight," declared the editors of Advertising Age on May 31, warning:

> The Government is out to ban cigarette advertising in any shape or form, and if they can get away with that they can get away with banning ads of any other product category.

In the same prophetic view, Horace R. Kornegay, president of the Tobacco Institute, warned the Rotary Club of Chicago of the dangers befalling any industry that becomes the target of the social crusaders whose new standard is that business is guilty until proven innocent.

He predicted:

> If this new standard is imposed on business, then we can say goodby to the economic system as we know it. We will really see a domino theory in action.

Mr. Speaker, the bell is tolling. Right now, for the cigarette industry. But tomorrow, who knows? The automobile industry, the food industry, the drug industry, and, above all, the advertising industry are all vulnerable. The assault on the right of legal products to legally advertise is an assault on a fundamental function of the American enterprise system.

I insert the editorial from May 31 Advertising Age, and the article from the May 28 Gyrator:

[From the Advertising Age, May 31, 1971]

IT'S EVERYBODY'S FIGHT

Make no mistake about it: The government is out to ban cigaret advertising in any shape or form, and if they can get away with *that* they can get away with banning ads of any other product category.

The last time around, non-tobacco advertisers pretty much washed their hands of the drive to force cigaret ads off the air. But they no longer have the luxury of standing aside and watching cigaret ads shoved out of magazines, newspapers, and finally out of advertising altogether. Can toy makers be far behind if the government is successful in their anti-cigaret crusade?

Sen. Moss' anguished cries accusing the tobacco companies of "callous disregard for expressed congressional intent and public opinion" have all the markings of a trumped-up case. He purports to be outraged about the big percentage gains that some magazines have derived from cigaret ads, but he doesn't mention the actual number of cigaret ads the magazines carried.

The result—and newspapers across the country fell into the trap—was that Sen. Moss waved huge cigaret ad gains of 500%, 300%, 150%, etc., around without revealing the actual page gains. This is the sort of deceptive and misleading rhetoric that the Federal Trade Commission is quick to pounce on—and rightly so.

But let's take a look at one of these so-called big gains. *Woman's Day*, for example, which had a 533% gain in cigaret ad pages, actually went from three cigaret ads in the first three months of 1970 to 19 in the first three months of 1971. That works out to six cigaret ads an issue, out of an average ad content of 66 pages per issue.

In a letter to Sen. Moss, Joseph F. Cullman III, chairman of Philip Morris Inc. and chairman of the executive committee of the Tobacco Institute, asserted that the cigaret ad report gives "a misleading impression" of the actual volume of cigaret advertising in magazines. "Since relatively little cigaret advertising appeared in magazines prior to the broadcast ban, a small number of additional advertisements can be translated into substantial percentage increases," he stated.

And, as Mr. Cullman pointed out, the cigaret companies' over-all advertising weight has been drastically reduced because of the broadcast ban. Philip Morris has cut its ad budget by 20%, he reported, and the number of advertising impressions is down even more.

It can be argued that Congress had some obligation to police the airwaves, since broadcasters are required to operate in the public interest. But the structures of magazines and tv are entirely different. Magazines present a more selective, less intrusive medium, where readers can more easily ignore an ad that doesn't interest them, or even offends them. Congress doesn't have any business trying to ride herd on the advertising of a legitimate product, legitimately sold.

Sen. Moss probably knows this, but he and others are determined to stamp out all cigaret advertising, and he's using the magazine situation as a convenient scapegoat. It's about time non-cigaret advertisers made it clear that they think his action is a patent and grossly unfair infringement on their right to market a product without undue government harassment.

[From the Gyrator (Chicago), May 28, 1971]

TOBACCO'S "BURNING QUESTION"

(By Robert H. Gardner)

How does a $10 billion industry with few defenders survive a crusade against it?

By spending more money to get at scientific truth and by encouraging public discussions of both sides of the controversy.

Horace R. Kornegay, president and executive director of the Tobacco Institute, gave no advice on whether to continue or stop smoking, but did point out the dangers befalling any industry that becomes the target of social reformers. He spoke Tuesday, May 25, before the meeting of Rotary/One in the Sherman House Grand Ballroom.

The attack on cigarettes involves a principle, Kornegay believes.

"Shall we, as a nation, scrap the historical principle that anybody—an industry as well as an individual—is innocent until proven guilty?" he asked.

"If this new standard is imposed on business, then we can say goodbye to the economic system as we know it. We will really see a domino theory in action. First, the tobacco industry, then the auto industry, the drug industry and the food industry. Banking, oil, air travel, advertising will also succumb," he warned.

Anti-smoking forces have moved from informing people about an alleged hazard to a fanatic compulsion to decide what is right for them and push them around, according to the speaker.

"Fortunately for us all, when human beings start out on a crusade, they always introduce a bit of lunacy into it," he observed, citing a recent ban on smoking on the decks of Staten Island ferries.

"It well may be that smokers have been so bombarded with propaganda that they have become immunized to it. I look ahead hopefully to the rest of 1971 as a period of sharply reduced noise level, which might accelerate the scientific resolution of the smoking and health controversy," Kornegay said.

The tobacco industry has taken many voluntary steps in regulating itself, which its critics ignore. It ended broadcast advertising of its produce, listed tar and nicotine content on packages, and displayed the health warning notice in print advertising—all by its own volition. Research was under way on a big scale long before the public cry against smoking.

The crusading, Kornegay believes, it attributable to "the tenacity of the cancer mystery, which is a challenge to the entire nation. It is humbling to realize how little real progress has been made in solving the fundamental problem of causation. It is understandable that individuals and organizations which are morally convinced that the elimination of cigarette smoking is the simple solution to a very complex question would feel frustrated by anyone's unwillingness to accept their judgments."

Meanwhile, three million members of farm families in 22 states are dependent on tobacco crops, and more than 100,000 workers are employed in tobacco factories. Over 4,500 wholesale firms distribute the products to hundreds of thousands of rental outlets. Some 329 industries sell their products directly or indirectly to the tobacco industry. U.S. tobacco exports account for three quarters of a billion dollars annually, and the industry pays $4.6 billion a year in local, state and federal taxes. It all adds up to about $10 billion in the economy.

"I am not suggesting that we balance health against dollars, but simply that we look at the principle involved and then decide what course is just," Kornegay said.

A member of the Washington, D.C. Rotary Club, Kornegay is a former Congressman from North Carolina. With him at the speaker's table were Rotarians representing the tobacco industry in our Club: MAX BLOOM, president of S. Bloom, Inc., wholesalers; STAN LEVI, president, Iwan Ries & Co., smoker's accessories; BILL MESICK, owner of Mesick & Mesick, cigar lighter distributors; and JACK SCHWARTZ, retail tobacconist. STEVE BLOOM, general manager of Cigarette Service Co., was out of the city and was not present.

A RIGHT TO KNOW AS WELL AS A RIGHT TO PUBLISH—THE NEW YORK TIMES CASE

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ECKHARDT. Mr. Speaker, as you know, 27 Members of Congress filed a motion of intervention today in the case of United States of America against the New York Times Co. in the U.S. District Court for the Southern District of New York.

This case has particular interest to all Members of the House of Representatives and I urge that they read the motion for intervention, the brief and accompanying papers to be printed at this point in the RECORD:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, PLAINTIFF, AGAINST THE NEW YORK TIMES CO., ET AL., DEFENDANTS, 71 CIV. 2662

MOTION FOR INTERVENTION

Now come Phillip Burton, John Dow, Bob Eckhardt, Don Edwards, Michael Harrington, Robert Kastenmeier, Edward Koch, Abner Mikva, Benjamin Rosenthal, William F. Ryan, James Abourezk, Bella S. Abzug, William R. Anderson, Herman Badillo, Jonathan B. Bingham, William Clay, Ronald V. Dellums, Sam Gibbons, Ella T. Grasso, Seymour Halpern, Peter Kyros, Parren Mitchell, Bertram L. Podell, Charles B. Rangel, Donald W. Riegle, Jr., James H. Scheuer, and Lester L. Wolff and ask leave to intervene in this cause in order to assert the defenses set forth in their proposed answer of which a copy is hereto attached, on the grounds that:

1. Movants are all Members of Congress and are affected by this litigation. If this litigation prevents the defendant New York Times from Publishing material from the Defense Department's 1968 Task Force Study on Vietnam, they will be denied important information, known to be in existence, which bears strongly on the following extremely important policy questions (among others):

(1) The definition and extent of the authority of Congress and of the Presidency with regard to the war-making power as respects:

(a) the power of Congress to declare war and exercise other authority under Article I, Section 8, of the Constitution; and

(b) the power of the President to act as Commander-in-Chief of the Army and Navy of the United States and to exercise other authority under Article II, Section 2, of the Constitution.

(2) The manner in which the power of the Presidency has been conducted as respects the war-making power;

(3) whether or not Congress should enact further statutory provisions providing processes designed to prevent the President from overstepping constitutional authority or initiate further statutory or constitutional provisions delineating with greater precision the boundaries between presidential and constitutional authority;

(4) the conduct of foreign affairs bearing on the subject;

(5) the matter of governmental organization bearing on the subject; and

(6) all questions relating to the right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy.

2. A prior restraint upon the defendant New York Times preventing the publishing of material from the Defense Department's 1968 Task Force Study on Vietnam would, and does (as respects the temporary restraining order), constitute prior restraint on the exercise of the right of free speech and freedom of the press as guaranteed by the First and Fourteenth Amendments to the Constitution of the United States.

3. Movants have suffered, and do suffer, injury in fact by virtue of the temporary restraining order. H. R. 8687, the Military Procurement Authorization Bill, is being debated in the House at the time of the preparation of this motion and during the period while the temporary restraining order herein is in effect. The debate upon such bill (as exemplified for instance by that of the Honorable John J. Flynt, Jr. of Georgia, on June 17, 1971) dealt heavily with the policy questions set out in items (1) and (2) of paragraph 1 above. Enjoining further publication of matter contained in the Defense Department's 1968 Task Force Study on Vietnam will deny to these movants important facts which constitute their tools for dealing with the important policy questions listed in items (1) through (6) of paragraph 1 above.

4. The interest of these movants is one protected by law in that

(1) Section 8 of Article I of the Constitution places upon them, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, the providing for organizing, arming, governing and disciplining the militia, and

(2) The First and Fourteenth Amendments to the Constitution protect and guarantee movants' right to access to information unrestricted by abridgement of the freedom of speech, or of the press.

These and other provisions of the Constitution, and laws passed pursuant to them, were designed, in part, to protect the interests asserted by these movants. Because of the duties placed upon them as described in (1), above, the interests of these movants are distinct and different from those of the members of the public generally. Movants are so situated that the disposition of this action may, as a practical matter, impair their ability to protect their interests, and the representation of their interest by existing parties may be inadequate. Movants' defense also has common questions of law and fact with the main action. Intervention by movants will not unduly delay or prejudice the adjudication of the rights of the original parties.

Wherefore, these movants pray that

(1) They be permitted to intervene in the cause,

(2) That the temporary restraining order granted against defendant New York Times be vacated, and

(3) That no further injunction be issued depriving them of information which they would otherwise receive through newspaper coverage were it not for a prior restraint against publication of the said Task Force Study.

THOMAS EMERSON,
Attorney for Movants.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, PLAINTIFF, AGAINST THE NEW YORK TIMES CO., ET AL., DEFENDANTS, 71 CIV. 2662

BRIEF IN SUPPORT OF MOTION FOR INTERVENTION

There is, of course, no question but that the case before this Court falls within the constitutional grant of jurisdiction to federal courts of certain "cases, in law and equity" and "certain controversies." The United States has contended that the New York Times is wrongfully in possession of certain governmental documents and should be enjoined from publishing them. As a result the Court has granted a temporary restraining order. The New York Times asserts that it is entitled to publish the materials as a part of its exercise of freedom of speech and freedom of the press. There being, therefore, a case or controversy before this Court, the only question respecting these movants' intervention is the question of their standing to enter such case.

The New York Times' interest in freedom of speech and of the press here is the interest of the *speaker* or the *publisher* not to be restricted by governmental action abridging freedom of speech. The interest of the Members of Congress seeking to intervene is the other side of the coin: The interest is not being deprived of information which would normally flow to them but for an intervening act of government restraining that flow.

The United States District Court for the Eastern District of New York has recently recognized the interest of those deprived of information or of viewpoints which they could have received had it not been for an unconstitutional prevention of the exercise of free speech. In the case of *Mandel* v. *Mitchell*, 39 LW 2530, certain university professors complained of the refusal to permit an alien, Mandel, to come into the country and express certain economic, international, and governmental doctrines of world communism. Mandel was denied a non-immigrant visitor's visa under the asserted authority of Section 212(a)(28) of the Immigration and Nationality Act. The professors alleged that they and other citizens desired to have Mandel speak at universities and other forums to hear his views and to engage in free and open academic exchange and they charged that the section of the Act excluding from admission to the United States aliens who are or at any time were members of described classes of aliens identified with certain leftist and extremist political doctrines is invalid under the 1st and 5th Amendments and that it imposes a prior restraint on constitutionally protected communication.

In response to defendant's attack on the professors' "standing to sue" the Court said:

"Since the First Amendment is not in its primary and most significant aspect a grant by the Constitution to the citizens of individual rights of self-expression but on the contrary reflects the total retention by the people as sovereign to themselves of the right to free and open debate of political questions, the issue of "standing to sue" is immediately seen to be unreal. The concern of the First Amendment is not with a nonresident alien's individual and personal interest in entering and being heard, but with the rights of the citizens of the country to have the alien enter and to hear him explain and seek to defend his views. * * *

"Mandel's status as a party does not rest on any individual right to enter (for he has none) but exists only as against the efforts to exclude him on a ground that denies to citizens of this country their primary rights to hear Mandel and debate with him. Here the plaintiffs other than Mandel are directly involved with Mandel's entry because they have invited him, and they expect to participate in meetings with him or expect to be among his auditors. No more is required to establish their standing. Cf. Snyder v. Board of Trustees, 286 F. Supp. at 931–932 (N.D. Ill. 1968); Smith v. University of Tennessee, 300 F. Supp. 777 (E.D. Tenn. 1969)."

It was held in *Data Processing Service Organizations* v. *Camp*, 90 S. Ct. 827 at p. 829, that the question of standing concerns "the question whether the interest sought to be protected by the complainant is *arguably* within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question." [Emphasis added.]

Though it is quite clear that the contention of the defendant New York Times is in fact within the constitutional guarantee of free speech and that, therefore, it is not constitutionally permissible to apply a prior restraint to the exercise of that right, it is not really necessary to determine the merits of the case in deciding that these movants have standing to intervene. Clearly their interests are as much within the zone of interest to be protected or regulated by the constitutional guarantee as are the interests of the New York Times.

The four leading cases establishing present law of standing are: *Hardin* v. *Kentucky Utilities Company*, 390 U.S. 1 (1968); *Flast* v. *Cohen*, 392 U.S. 83 (1968); *Data Processing Service Organizations* v. *Camp*, 90 S. Ct. 827 (1970); and *Barlow* v *Collins*, 90 S. Ct. 832 (1970).

Professor Kenneth Culp Davis has pointed out that, as a result of these cases:

"A huge portion of the former foundation of the law of standing was . . . knocked out. The old test of a 'recognized legal interest' was specifically rejected. In its place were two new tests. The first, based on Article III, was 'injury in fact, economic or otherwise.' . . . The second test . . . was 'whether the interest sought to be protected by the complainant is arguably within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question.'"[1]

Even under traditional standards, these intervenors have standing. Their status is even more secure under the new standards. Let us examine them:

1. *There Was "Injury In Fact, Economic or Otherwise."*

Congress has been currently dealing with matters related to the power of the Presidency and of Congress related to the making of war, the financing of the war effort, and the termination of the Indochinese involvement.

The subject matter of the New York Times articles has been widely accepted by Members of Congress as pertinent to these issues before Congress. Note, for instance, that Congressmen McCloskey and Harrington inserted the New York Times installments of Sunday and Monday in the Congressional Record on June 14, 1971 (19563–19603; 19729–19766). On the same day Senator McGovern inserted the same documentation (19670–19708). On the next day Senator McGovern inserted the third installment in the Tuesday New York Times in the Congressional Record 19877–19896), and Congressmen McCloskey and Harrington inserted the same article in the Record (19970–19990; 20058–20076).

During the very period during which the temporary restraining order was in effect and was blocking further installments, both the House and Senate were dealing with legislative topics whose subject matter made the content of the Task Force Study germane to the Congressional debate. On June 16, 1971, 6 votes were taken in the Senate and 4 in the House on topics to which the study is germane. In the Senate these were the Chiles Amendment to S. 9275 and the Hatfield-McGovern Amendment to S.9279. The House was on the same day acting on the Military Procurement Authorization Bill (H.R. 8687). The House continued consideration of the Military Procurement Authorization Bill on June 17, 1971, taking up the Nedzi-Whalen Amendment (providing a deadline after which funds under the procurement act should not be used for Indochina war support): the Harrington Amendment (which deleted a title of H.R. 8687 providing an authorization for Vietnamese forces and their allies, and local forces in Laos and Thailand), and considering several other amendments variously establishing cutoff dates and restrictions respecting funds which might find their way into support of the Indochina war.

Debate on these amendments was wide-ranging. For instance, Congressman John F. Flynt, Jr., of Georgia, reviewed what he called the mistaken premise upon which the Tonkin Gulf Resolution was enacted, the misinformation that was afforded the public and the Congress in that connection, the circumstances of its repeal, and the fact that the present war is being waged without a Congressional declaration of war. The question of candor of public officials during the development and the conduct of the war was a prominent feature of the debate on the Procurement Act, and such question of candor, or lack of it, was related to the desirability of Congressional action or Congressional expression calculated to bring the war to an end.

In debate in the House on June 16, 1971, at least three Representatives discussed the New York Times documents: Congressman McCloskey (20257), Congressman Podell 20264) and Congressman Abourezk (20284).

Nor have the issues which arose in these bills become moot by the defeat of the Hatfield-McGovern Amendment and the passage of the Military Procurement Authorization Act. There are at least four classes of legislation in the House in which the issue will undoubtedly be raised again:

Foreign Aid Appropriations and Authorization Bills.

Military Construction Authorization Bill.

Defense Appropriation Bill.

Vietnam Disengagement Act.

Also, there is presently a discharge petition on the Speaker's desk for the discharge of the Vietnam Disengagement Act (H.R. 4101).

If this litigation prevents the defendant New York Times from publishing material from the Defense Department's 1968 Task Force Study on Vietnam, intervenors will be denied important information, known to be in existence, which bears strongly on the various important policy questions listed in the motion for intervention: (1) The definition and extent of the authority of Congress and of the Presidency with regard to the war-making power, (2) the manner in which the Presidential power has been exercised, (3) the desirability of statutory or constitutional changes, (4) questions related to the conduct of foreign affairs and of matters of governmental organization, and (5) all questions relating to the right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy.

Thus the granting of an injunction would cause injury in fact to these intervenors in limiting their resources and their tools for solving such problems. In addition, it would injure them in this respect: Even if it were possible for Members of Congress to obtain similar information through private and confidential sources, these intervenors would have to act on this information without their constituents knowing the same basic facts. Such is not only directly injurious to a person called upon to represent a constituency but also tends to undermine the entire representative process. The right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy is interrelated with the right of their representative to act on information commonly available to himself *and* to those whom he represents.

2. *The Interest Sought to be Protected by Intervenors is arguably Within the Zone of Interest to be Protected or Regulated by the Constitutional Guarantee in Question.*

Section 8 of Article I of the Constitution places upon intervenors, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, and the providing for, organizing, arming, governing and discipling the militia.

The 1st and 14th Amendments to the Constitution protect and guarantee movants' right to access to this information unrestricted by abridgment of freedom of speech or of the press.

These and other provisions of the Constitution, and laws passed pursuant to them, were designed in part to protect the interests asserted by these intervenors. Because of the duties placed upon them as described above, the interests of these intervenors are distinct and different from those of the members of the public generally.

These intervenors are within precisely the same zone of interest as the professor plaintiffs in the Mandell case. Both are within the zone of interest protecting the right of citizens to enjoy the *product* of free speech. Persons who are so deprived becauseof a prior restraint by government in violation of the First Amendment are among those *intended* to be protected by that amendment just as are those who are silenced by the restraint.

The case of *Office of Communications of United Church of Christ* v. *Federal Communications Commission*, 359 F. 2d 994 (D.C. Cir. 1966) should also be noted as one in which the right to *hear* was involved. Certain individuals and organizations sought to intervene in a hearing before the Federal Communications Commission to contest the renewal of a broadcast license. The Commission denied intervention, stating that the individuals and groups had no "standing" to appear. Action was then brought under the A.P.A. to review this decision, and the standing of Plaintiffs was challenged. Plaintiff individuals and organizations constituting a listening public were held to have standing. The Court said:

"Since the concept of standing is a practical and functional one designed to assure that *only those with a genuine and legitimate interest can participate in a proceeding*, we can see no reason to exclude those with such an obvious and acute concern as the listening audience."

A less direct and specific interest in the subject matter existed in the case of the plaintiffs in the following environmental protection cases:

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[1] *The Liberalized Law of Standing*, Kenneth Culp Davis, 37 U. of Chicago Law Rev. 450, at p. 452.

Scenic Hudson Preservation Conference v. *Federal Power Commission,* 354 F. 2d 608 (2nd Cir. 1965), cert. den., 384 U.S. 941, 16 L. Ed. 2d 540, 86 Sup. Ct. 1462 (1966).

Road Review League, Town of Bedford v. *Boyd,* 270 F. Supp. 650 (S.D. N.Y. 1967).

Parker v. *United States,* 307 F. Supp. 685 (D. Col. 1969).

Pennsylvania Environmental Council v. *Bartlett,* 315 F. Supp. 238 (M.D. Pa. 1970).

Citizens Committee for Hudson Valley v. *Volpe,* 425 F. 2d 97 (2nd Cir. 1970).

Yet the Court held that the parties, complaining usually as little more than interested citizens against governmental action, had standing to sue.

It is respectfully urged that movants have standing in this case and that they should be permitted to intervene.

Respectfully submitted,

THOMAS EMERSON,
Attorney for Movants.

FORMER HEREFORD STUDENTS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. LONG of Maryland. Mr. Speaker, on May 16, the student council of Hereford Junior-Senior High School, Baltimore County, Md., sponsored a commemorative service honoring former students who lost their lives fighting in Vietnam.

I was privileged to participate in this service, which was attended by Hereford students, families of the soldiers, and other members of the community.

At this point, I want to share with my colleagues the fine service record of these young men and the commemorative service program.

FORMER HEREFORD STUDENTS KILLED IN VIETNAM

1. Marine Private John M. Dudley, of the Ninth Marine Regiment, was killed in action after receiving a bullet wound in the head at Quang Tri in 1966. Private Dudley was awarded the Purple Heart and the Republic of Viet Nam Medal posthumously. John Dudley attended Hereford from 1960 to 1962.

2. Army Sergeant Kenneth E. Grove, of the First Infantry Division, was killed in Vietnam on December 15, 1969, and was posthumously awarded the Purple Heart. Kenneth attended Hereford from 1955–1959.

3. Army Staff Sergeant Joseph H. Kelly who graduated from Hereford High School in 1965, was killed in action July 1, 1969, at Chu Lai. He was awarded the Silver Star, the Bronze Star, the Purple Heart, and the Army Commendation Medal.

4. Marine Private Stefan Stalimski, who attended Hereford Junior-Senior High School from 1960 to 1962, before his parents moved to Canada, also lost his life in Vietnam.

5. Specialist 4 Robert Waters entered the Army in 1964, a year after he graduated from Hereford Senior High School. He was killed on September 25, 1966, and was awarded two Purple Hearts, the Bronze Star, and 2 Vietnamese Medals of Honor.

COMMEMORATIVE SERVICE PROGRAM

Preclude: Hereford High Senior Band directed by Mr. David Hogan.

Posting of Color: Hereford High Color Guard.

"America": Arranged by Cavas.

Pledge of Allegiance.

Invocation.

Address by Martha Smith, Student Council President.

Remarks by Mr. David King, Vice Principal.

Eulogy: Congressman Clarence D. Long.

Plaque Presentation: Loretta Tenney, Student Council Representative.

Closing Remarks.

Benediction.

ADDRESS BY MARTHA SMITH, STUDENT COUNCIL PRESIDENT

What can you say about five young men who died? That they were brave? That they died in service to our country? They died for Vietnam, but in a larger sense, they died for each one of us here as well as for each person in this community, because they died for peace.

For these reasons, this afternoon is a unique event for Hereford. It is the culmination of a year's worth of thinking, suggesting, planning, and working. Actually, this day began in last May. As every year, students of our school ask that more of the pennies that they give every Friday as a homeroom be given to a cause which is closer to home, rather than the projects like HOPE, UNICEF, RFA, which sends the money overseas. Last year was no exception. However, several of the Student Council homeroom representatives came up with an idea for a local project. In the May representative meeting, which was to approve the Penny Collection budget, these representatives suggested their idea—to allot $90 for a memorial plaque commemorating Hereford High School students who died in the Vietnam conflict. This project was unanimously approved—but then the work really began. A committee was formed this school year to head this project, and with the leadership of Loretta Tenney, they've done an outstanding job.

There was much publicity over many of Baltimore's major radio stations requesting information concerning Hereford students who lost their lives in Vietnam, as well as many letters written to the United States Government and the families of the Hereford students. Then there was the matter of arranging the plaque, as well as organizing this service. The committee has been very busy the entire year, but I feel that they all consider it has been well worth their time and effort.

As President of the Student Council, I feel that I am speaking for the entire student body when I say that placing a plaque such as this in our school and remembering those men who were once students here as we are now with this service is worthwhile. While the plaque with the five names is on display, we as students hope that those viewing it will not only remember the men as they were students or soldiers, but we hope they will also remember what these men did for America—for peace. We hope that everyone will recall that to those students, peace was not just a word.

REMARKS BY MR. DAVID KING, VICE PRINCIPAL

Congressman Long, Major Ackers, Miss Smith, Miss Tenney, Fellow Teachers, and Students: When I was going to high school my principal was a fine gentleman, Dr. Wilmer A. DeHuff. Today, Dr. DeHuff is known as one of the finest educators ever produced in the State of Maryland. I particularly remember something he would say to all of us at Baltimore Polytechnic Institute. Standing in the auditorium, Dr. DeHuff would say, "Boys, life is like a coin; there are two sides to it. One side is freedom—the other side is responsibility." This idea—freedom and responsibility—was a part of the way that Dr. DeHuff ran his school. It became a part of our lives.

I think today Dr. DeHuff would add two more parts to his guide for living—challenges and choices. Life is, for all of us, a series of challenges. We are constantly faced with alternatives which will lead us to a solution of our problems. For example, when we drive our cars we are constantly reacting to approaching vehicles, pedestrains, road signs, hand signals, land configurations, etc.

Every day, from our first walking moment, we are forced into making decisions: what to eat; what to wear; what to say; what to believe; what to question; what to accept; what to avoid; what to forget; what to remember.

At times, we become exasperated—the choices and the decision making becomes endless. We throw up our hands and say, "If only I could go back to a simpler time." But, we don't; and the decision-making process goes on and on. Thus, it is my feeling that all of us, parents, teachers, students, governmental leaders, are being tested every day in many ways. For our seniors, the next week will bring their high school examinations. They will be challenged.

Our generation and our system of government have been challenged from without, and, more recently, from within, for many years. The people of our country, bearing freedom and responsibility in mind, have reacted positively to the challenges which have faced us. Although our choices have not always pleased everyone, they were choices made with responsibility.

Today, we gather at a commemorative service for those Hereford High School students who gave their lives in the Vietnam War. Some might go away from this service and say, "Wasn't that a nice thing to do?" They will have missed the point.

As we listen to and participate in this program, we must remember that those whom we honor met their challenge with their greatest responsibility. As we leave, we must remember we still have the freedom and the responsibility. More, however, we still have the time!

EULOGY BY REPRESENTATIVE CLARENCE D. LONG

Mr. King, Major Ackers, Miss Smith, Miss Tenney, parents, students, ladies and gentlemen.

We are here today to honor the memory of five young men who gave their lives for their country: Marine Private John M. Dudley, Army Sergeant Kenneth E. Grove, Army Staff Sergeant Joseph H. Kelly, Army Specialist 4 Robert Waters, and Marine Private Stefan Stalimski. Hereford High School is a small school. How many schools in the United States have lost five of their alumni in the same war? These men—former Hereford students—gave up the only life they would ever be able to live—most of them before they had a chance to marry and have children.

These young men are gone from us, but the sorrow and sense of loss of their loved ones—of all of us—remains.

Many question the Vietnam War. Nobody questions that these young men died for something in which they believed—their country. If there is any small consolation that I can offer to their loved ones it is this—although death must come to all of us, of very few can it be said that they died for something as precious as their country—our country—the United States of America.

I am proud as a Congressman to have had the privilege to represent, and to share in honoring, these splendid young Americans, and I congratulate the Hereford High School students who arranged this ceremony.

PLAQUE PRESENTATION BY LORETTA TENNEY, STUDENT COUNCIL REPRESENTATIVE

At this time on behalf of the Student Council I would like to present this Commemorative Plaque to the school. It bears the following inscription: "In memory of our men who lost their lives in Vietnam".

The plaque will be placed on a table in the lobby to be viewed by those in attendance today. Within the next few weeks the plaque will be permanently affixed to a wall in the lobby or nearby vicinity.

CAN AMERICA PAY COMMUNIST CHINA'S PRICE?

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. QUILLEN. Mr. Speaker, in the past week we have had major pronouncements pertaining to Far Eastern affairs and the U.S. role in them.

A letter from one of my constituents, Prof. Wen-Yen Tsao, professor of East Asian studies at Milligan College in my district, recently appeared in the Johnson City Press-Chronicle. Professor Tsao makes some interesting observations regarding our coming relations with Red China.

I would like to make available his very thoughtful letter, expressing the views, I believe, of many experts in Far Eastern affairs, as well as a significant portion of the Chinese community outside mainland China:

[From the Johnson City (Tenn.) Press-Chronicle, May 27, 1971]

CAN AMERICA PAY COMMUNIST CHINA'S PRICE?

Editor: The much-reported ping-pong diplomacy seems to have brought about a sudden transition from enmity to warmth for the American people on the part of the Peking regime.

The Chinese Communist hierarchy, as a totalitarian regime, can of course turn on or off enmity toward any country it chooses to hate. The anti-Americanism on the mainland of China during the past two decades was evidently artificially created. But Peking cannot create genuine warmth between our two nations overnight; it cannot turn on the electric light without power from the generator.

No one who has some knowledge of modern history of China can deny the fact that of all the imperialist powers who impinged upon Chinese sovereign rights America was the least sinful. In the long history of Sino-American relations since the "Empress of China" sailed into the harbor of Canton in 1784. America never behaved like international gangsters, robbers and thieves as the British, the French, the Russians, or the Japanese. For one thing America never had any territorial designs on China. The good will and friendliness and practical aid to the Chinese people knew no bounds. Whenever China was in trouble. America was the only country the Chinese people could look to for sympathy and help.

WARM PLACE

There is hardly any questions that in the heart of many an American there is a place especially warm for China—the China he learns to admire, respect, and love; the China of Confucius, Lao-tzu, Mencius, Chung-tzu and many other sages; the China of a continuous cultural heritage of 4000 years; and the China of countless human sufferings and yet the same of indomitable spirit that perpetuates and glorifies her.

Unfortunately today we are talking not of the friendliness between our two great nations—a friendliness that is natural and traditional and therefore can never be suppressed or stifled; but of the wisdom and tact of dealing with a Communist hierarchy and its rulers in the former forbidden city of Peking—a group of leaders who are so un-Chinese that they cannot be surmised, appraised, or rationalized by the criteria with which we are familiar.

WHAT DO WE GAIN?

In the prospect of a possible detente between Peking and Washington the vital question therefore boils down to this: "What does America stand to gain from its overtures to Peking?"

In a long-range view the rhetoric of the White House and the State Department holds that the prospective detente would lead to frequent and constant dialogues with the Peking regime through normal diplomatic channels, thus forestalling further deterioration of relations between the two governments and lessening the possibility of a serious confrontation. It should be understood, however, that Peking has assumed the role of the leader or savior of "all countries and peoples who are subject to aggression, control, intervention or bullying by American imperialism and socio-imperialism." It simply cannot afford to accommodate its arch-enemy unless on its own terms.

Granted the thaw in Peking-Washington relationship could have some salutary effect of easing world tension, what price is the Nixon administration expected to pay?

In the first place, all American forces in Indochina must be completely withdrawn in a limited period of time. If this is the price to pay, it is tantamount to presenting South Vietnam on a silver platter to Hanoi. Are the colossal sacrifices in lives and money (to date the war has cost more than 54,000 deaths and no less than 127 billion dollars) all in vain?

In the second place, all American forces in the Far East, especially those committed to the Republic of China under the Mutual Defense Treaty of 1955, must be withdrawn. If this is the price to pay, who in the world will ever take seriously American promises and commitments sanctified by treaties? Need we be reminded that "treaties made under the authority of the United States are the supreme law of the land"?

In the third place, the Peking regime must be admitted to the United Nations as the sole representative of China. In this respect the American formula, the so-called "two-China" policy, envisages the admission of Peking as the mainland representative with the permanent seat in the Security Council, while the Republic of China will be allowed to remain in the world body as a representative of one part of China. This formula is entirely impracticable simply because Nationalist China "will never tolerate the sight of the thief under the same roof of the world organization."

IS IT JUSTICE?

Is it justice to reward the condemned criminal with honor and penalize the faithful and loyal by expulsion? To borrow a Baconian expression: "We shall put an evil precedent on ourselves and our posterity." Should this happen, it may well be the beginning of the end of the world body.

If Machiavellianism stands for democracy, Nixon, having some of the best cards in hand, ought to know how to play them. Need he throw away the cards in order to conclude the game in defeat?

FALSE HOPES ARE BOON TO HANOI

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BRAY. Mr. Speaker, the following editorial from the June 12, 1971, San Diego Union, "False Hopes Are Boon to Hanoi," was received in my office and I submit it here for the attention of my colleagues.

The encouragement that has been provided the enemy by the citizens of our own country has long been of concern to me and I believe it is particularly critical when it involves the well-being of our MIA's and POW's.

The editorial follows:

[From the San Diego Union, June 12, 1971]

CLIFFORD SWALLOWS RED BAIT—FALSE HOPES ARE BOON TO HANOI

Americans who believe that they excel in gauging a public mood and making sophisticated appeals to it are pikers compared to North Vietnam, a primitive nation in terms of world communication.

So far as Vietnam is concerned, Hanoi already has one scalp on its belt—France. The French lost the war in Indochina because Hanoi was able to sap the will and resolution of the French people by skillful and continuous attacks upon the Gallic emotions.

Now, apparently believing that it is time to move in for the kill, North Vietnam is increasing the tempo of its campaign that plays upon the most vulnerable emotion of the people of the United States of America—our concern for our men held captive by the Communists.

They have succeeded in landing some big fish. Former Secretary of Defense Clark Clifford, for example, now is saying that he believes Hanoi will release all Americans it is holding within 30 days after we and they jointly announce that we will remove all of our forces from Indochina by Dec. 31. He also believes that they will not interfere with our withdrawal. Clifford's authorities are anonymous.

As anticipated, this aroused a political flurry in the United States that reached the highest levels. It was encouraged by cryptic public statements in Paris by Communist negotiator Xuan Thuy, who said that he was willing to discuss the issue of American withdrawal even if the present regime in Saigon remains in power—a seeming concession.

The realities came home to roost on the following day. Officially, North Vietnam said that its position on prisoners had not changed; that if the United States were to disengage completely from Indochina, the Communists would be willing merely to "discuss" the issues. Later, in Paris, Mrs. Nguyen Thi Binh, head of the Viet Cong delegation, added that the Communists would be willing to "examine" the prisoner question if we withdrew completely from the Indochina scene.

In short, North Vietnam is willing to discuss a ransom after we make the final concession that we can make. Hanoi is sure that once we established a definite date for total withdrawal, the national mood would not permit that it be revoked even if our prisoners were mistreated.

For his part, Mr. Clifford is suggesting that we give up our last bargaining point. Once we established a withdrawal date, the Communists would delay agreeing to the "joint announcement" from week to week, until Dec. 31 arrived. Then Hanoi would simply say, "No dice." Our withdrawal would be complete and nothing would stand in the way of their asking for extortionate reparations—with our helpless prisoners still as their blue chip.

Solutions to the war in Vietnam, and negotiations for the return of American prisoners of war, simply cannot be managed by private individuals, motivated by political or other purposes. Such statesmanship should be in the hands of responsible public servants who have the facts at their disposal and the experience to apply them.

The compassion Americans feel for fellow citizens who are held prisoner is understandable. However, it should not make us fall victim to false hopes that can only hurt those whom we seek to help.

THE FANFARE OF TECHNOLOGY: NOISE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, modern technology has furnished its own fanfare—an ever-increasing din that disturbs our sleep, interrupts our conversation, creates anxiety and annoyance, and adversely affects our physical and mental health.

Our cities have been saturated with a riot of sound. Urban residents are continuously assailed by the roar of traffic, the blare of horns, the shriek of sirens, the staccato of jackhammers, the banging of pile-drivers. Jets whine overhead, while subways thunder underfoot.

Nor is the home a refuge from noise. It is there that we face the grinding of garbage disposals, the noise of the dishwashers, mixers, blenders, and vacuum cleaners. It is there that we are subjected to our neighbors' radios, televisions and stereos. As homes become more and more mechanized to take the burden of labor off our hands, the burden of more and more noise is added to our ears.

In the literature of noise analysis, there is a tendency to describe noise as a necessary evil—the "price of progress." I suggest that, if noise is properly considered as in itself a danger and a nuisance, more progress will be made in controlling it. Just as for any other form of pollution, the control, reduction, and prevention of noise is a matter not of what we are able to do, but what we are willing to do.

Therefore, I have introduced a legislative package—cosponsored by over 35 Members of this House—to establish a comprehensive Federal program to combat noise pollution. This legislation—the Noise Abatement and Control Act of 1971—H.R. 6986 and H.R. 6987; the Noise Disclosure Act—H.R. 6988 and H.R. 6989; the Occupational Noise Control Act of 1971—H.R. 6990 and H.R. 6991; and the realistic, effective means for the control, Appropriations bill—H.R. 5043, H.R. 6984, and H.R. 6985—would provide a realistic, effective means for the control, prevention, and abatement of noise.

Two of these bills—the Noise Abatement and Control Act of 1971 and the Noise Disclosure Act—are currently the subject of hearings conducted by the Subcommittee on Public Health and Environment of the House Interstate and Commerce Committee.

The Noise Abatement and Control Act of 1971 would greatly expand the functions and responsibilities of the Office of Noise Abatement and Control which has been established within the environmental protection administration as mandated by title IV of the Clean Air Act Amendments of 1970. It would establish means for the effective coordination of all Federal activities relating to noise; establish noise standards; support noise research and control programs at all levels of Government; establish a Federal procurement and contracting policy which would lead toward a quieter environment; and establish a Noise Control Advisory Council to provide expert advise on noise and its control.

The Noise Disclosure Act would require the disclosure of the operational noise level of machinery distributed in interstate commerce in order to afford the consumer the opportunity to take noise into account as a factor in making his purchase decision.

For far too long, noise has been the stepchild of the environmental movement. The hazards of excess noise no longer be overlooked. The time has come for a concerted, comprehensive Federal program to combat the very serious dangers of abusive noise. It is my firm belief that the enactment of the Noise Abatement and Control Act of 1971 and the Noise Disclosure Act would be a significant step toward such a program.

At this point I include an article by Elizabeth Cuadra published in the May 1971, edition of Sound and Vibration magazine outlining some of the efforts on the Federal and local level to combat the menace of noise pollution:

[From Sound and Vibration magazine, May 1971]

NOISE LEGISLATION

(By Elizabeth Cuadra)

The voiced concern of the public about the environment is beginning to include noise, and this concern, together with the realization that something better is possible, is finally seeping upward into the halls of Congress and some of the state legislatures. In California, the deadline for submitting new bills to the Legislative Counsel's office is now past, and so it is a good time to report the kinds of new noise legislation being seriously considered here.

By way of background, California already has numerical noise limits for motor vehicles in its motor vehicle code, a noise exposure limitation for employees in its industrial safety code, and (under an authorizing statute passed in 1969) the first state airport noise regulation in the country, due to go into effect December 1 unless modified by the Legislature. To this list, the Legislature last year added new statutes:

Establishing airport land use commissions,

Requiring the State Highway Commission to consider noise impact upon communities affected in siting highways and freeways.

Setting numerical (interior classroom noise) criteria for decisions regarding construction of freeways adjacent to public schools and placing upon the State Department of Public Works the financial responsibility for modifying or replacing classrooms if they fail to meet these criteria by freeway siting or design measures.

Requiring the State Department of Aeronautics to hold an environmental public hearing if so requested by any concerned citizen before a new airport or a former military air base begins civil operations,

Lowering the noise limits applicable to certain vehicle types,

Directing the State Department of Public Health to undertake a study of noise pollution and render recommendations to the 1971 Legislature,

Requiring all agencies of state and local government with programs affecting the environment to prepare environmental impact reports in advance of their actions.

As a result of the Public Health Department's report, interim hearings on noise held by the Senate Public Health and Welfare Committee, and the personal interest of several California lawmakers in noise problems, there is now a large number of noise bills in the Legislature, plus an "Environmental Quality Act of 1971" (which would establish a statewide agency analogous to the Environmental Protection Agency at the federal level and whose domain would specifically include noise control). The noise bills include:

Snowmobiles: two opposing bills, one more restrictive than the other, to set noise limits for snowmobiles.

Motor vehicle noise: a package of four bills incorporating the scheduled lowering of the motor vehicle noise limits recommended by the Public Health Department's noise committee, and establishing authority for the certification of tires and replacement mufflers with respect to noise performance.

Airports and aircraft: bills placing airport expansions under the permitting authority of the State Department of Aeronautics, excluding all commercial supersonic transports from airports in the state, excluding aircraft producing noise above certain levels (intended to exclude all supersonic transports), and requesting the federal government to proceed with retrofit rulemaking to quiet much of the existing airline fleet.

Omnibus package (emanating from the Senate's interim hearings) mandating the establishment of state noise standards for all kinds of appliances, machines and construction equipment sold within the state; mandating the establishment of traffic noise criteria for residential land uses, prohibiting construction of either new housing or new freeways where existing development would combine to cause the criterion to be exceeded; requiring inclusion of a noise element in city and county general plans; mandating the adoption of state minimum standards for noise insulation in all new residential construction; and clarifying that local government may enact noise zoning to control the geographic movements of vehicles except on freeways or expressways.

Anyone desiring the numbers of any of these bills can obtain them from me, and copies of bills are obtainable from the Legislative Bill Room, State Capitol, Sacramento 95814.

At the federal level, there is also a flurry of activity on the subject of noise. The Clean Air Amendments of 1970 (signed into law December 31) mandated the Environmental Protection Agency to establish an Office of Noise Abatement and Control, authorized appropriation of $30 million, and directed that EPA prepare a report on noise for Congress by the end of this year. This act did not give the EPA any regulatory powers in noise control, nor have any of the authorized funds ever been appropriated. Nevertheless, the EPA is now in the process of staffing to comply with the provisions of the existing statute.

President Nixon, in his February 8 environmental message to Congress, outlined certain regulatory powers he wished given to EPA, primarily to set noise standards on transportation, construction and other equipment and require labeling of noise characteristics of certain products. The Administration's recommendations are contained in S 1016 (which we expect to be the subject of hearings before the Senate Committee Committee in late May or early June), and a similar bill has been introduced in the House.

An opposing package of noise bills has been introduced in the House by Representative Ryan and approximately 35 other Congressmen (HR 6984 through 6991). These bills give considerably more authority to the EPA, specify stringent fines, provides for citizen suits; and importantly (at least to Californians) provide for the setting of more stringent standards by states, whereas S. 1016 specifically prohibits the states from adopting different standards. A comparison of these bills with the administration's bill is presented by Representative Ryan in the April 1 issue of the Congressional Record, and the proceedings of the ad hoc noise hearings (held by himself and several of the other co-sponsors in New York City in February) are published in the March 30 issue of the Congressional Record.

With all the activity on the legislative front, I sincerely hope that individual citizens with professional expertise in acoustics and related fields will step forward and make their knowledge available to our legislators. There is activity afoot in the Acoustical Society of America to respond to this need as an organization, through the establishment of a Coordinating Council on Environmental Noise. Meantime, in California members of the Acoustical Society have cooperated with conservation groups, legislators and educational institutions on a volunteer basis to provide the necessary technical input. As a result of making their concerns and willingness to serve known, seven members of the Society have been appointed to the Scientific Advisory Group on Noise assisting the State Environmental Quality Study Council, others have served the Department of Public Health in drafting the report on noise to the Legislature pursuant to Assembly Concurrent Resolution 165 (1970), some have assisted the Task Force for Comprehensive Health Planning, one serves the Assembly as a member of the Assembly Science and Technology Advisory Council, and some serve the State Attorney General as members of his Environmental Task Force. It is my hope that members of the acoustical profession across the country (and our peers in law, medicine, architecture, planning and the social sciences) will play a more active role in seeing that new legislation is technically correct and provides the maximum feasible protection to "the quality of life."

SILVER ANNIVERSARY OF THE BLUE ANGELS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SPENCE. Mr. Speaker, the coming weekend is a highly significant one, since it represents a most important anniversary. Twenty-five years ago the Navy's Flight Demonstration Team, the brilliant Blue Angels, made their first appearance in Jacksonville, Fla. Since that performance well over 100 million people throughout the world have thrilled to the precision, the beauty, and the breathtaking maneuvers, which have become trademarks of these talented men and their first-rate aircraft. In the near future I plan to introduce a resolution which will accord the Blue Angels the recognition they deserve in their silver anniversary year, and I hope that many of my colleagues will join me in this effort.

Every one of the approximately 100 personnel comprising the Blue Angel team is a topnotch expert in his field. Each is carefully screened from a long list of volunteers to insure that the team's standard of excellence will always be maintained.

Mr. Speaker, no one who has had the opportunity to witness a performance of the Blue Angels can fail to be impressed and entertained. But some may wonder about the need for such an outfit. "What does this have to do with the mission of the Navy?", some may ask. There are many answers to this question, Mr. Speaker.

For example, the "Blues" are an extremely effective advertisement for the Navy. Many people, particularly those located away from the coastal areas, have very little contact with Navy personnel. These men bring the Navy to the people—and in a dramatic way. It is a fact that no Navy recruiter has failed to meet his assigned quota in any area where the Blue Angels have appeared, not only for the month of appearance, but also for months thereafter. An overwhelming majority of Navy pilots indicate that the Blue Angels were the major contributing factor to their interest in joining the Naval air training program.

But their public relations value is not limited to this country. These men put on shows all over the world. They are truly "Ambassadors of Goodwill" for America, and in my opinion we could not have better representatives of what is great about our country.

In addition, the Blue Angels perform numerous incidental services which are not necessarily associated with their primary mission. They perform for various charities throughout the year and manage to raise between $2 and $5 million annually for charitable purposes. Or occasionally they will perform under the sponsorship of a chamber of commerce, for example, and have been known to bring 50,000 people into a town of 25,000. The benefits of such an occasion to a trade area are obvious.

There are many other points I could make along these lines, Mr. Speaker. But there is one service the Blue Angels render which I think is most important of all. That is, their ability to instill in all with whom they come in contact a sense of pride—pride not only in the Navy and the rest of the military, but also in the entire United States of America and all it stands for. The sensation you get while watching the Blue Angels in flight is similar to that you experience when the flag is raised and the anthem played. It is a good feeling.

These are times when it seems to be fashionable to find fault with one's country, and it is especially chic to hate and deride all things military. This is not just unfortunate. It is tragic—and extremely dangerous. The Blue Angels are doing a lot to stem the tide of sickness called anti-Americanism, and it is for this that they deserve our highest accolades and deepest appreciation.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Capt. David Roscoe Smith, U.S. Army, 05420007, Dayton, Ohio. Single. Attended the University of Oklahoma and Ohio State University. The sister of Mrs. Paul Grice, Dayton, Ohio. Officially listed as missing March 16, 1969. As of today, Captain Smith has been missing in action in Southeast Asia for 824 days.

MR. TRIGG TWICHELL RETIRES AFTER 52 YEARS WITH INTERIOR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, Texas has been fortunate to have had working for its betterment a very distinguished and widely respected hydrologist, Mr. Trigg Twichell. Mr. Twichell has led a career which has been highlighted by an appointment as a Federal Commissioner and by chairmanships of interstate commissioners. He is that breed of public servant that makes this country keep on going strong. Recently, this fine expert held position with the Interior to enjoy a well-deserved retirement which I only hope will be as rewarding to him as his service has been to his State and Nation.

I would like to submit to the RECORD a June 11 Department of Interior news release telling of Mr. Twichell's many successes.

NOTED TEXAS HYDROLOGIST LEAVING U.S. AGENCY

Trigg Twichell, 69, one of the leading authorities on the water resources of Texas, is retiring from the U.S. Geological Survey, Department of the Interior, having served the agency 52 years.

A native of Austin, Twichell has dedicated his entire professional career with the Survey to evaluating, describing, and researching the water resources of Texas. In recent years he has served as Texas District Chief for the USGS Water Resources Division, Austin, and the Survey's Regional Representative on the Department of the Interior's Southwest Field Committee.

In 1955, President Eisenhower named Twichell as Federal Commissioner and Chairman of the two interstate commissions that drew up compacts for allocating waters of the Arkansas River, (1) between the States of Kansas and Oklahoma, and, (2) Oklahoma and Arkansas.

Twichell was born on June 24, 1901. He began his career with the U.S. Geological Survey before completing high school, and continued in a part time status until his graduation from the University of Texas with a B.S. degree in Civil Engineering in 1925.

Following a number of years in the field, he was assigned as Office Engineer and Assistant District Engineer in 1929. During the 1940's he assisted the District Engineer in the planning and execution of surface water investigations in Texas, and also, Twichell prepared and delivered a series of lectures on Texas water resources at summer schools of Texas colleges and universities—for which he received special commendation from the Secretary of the Interior.

The hydrologist is a licensed Engineer of Texas, a charter member of the Texas Society of Professional Engineers, a Fellow of the

American Society of Civil Engineers—and its Austin Branch, and the Texas Section, a member of the American Geophysical Union, Chi Epsilon (Honorary Civil Engineering Fraternity) and the Engineer's Ramshorn Club of the University of Texas.

He has authored more than 50 technical papers and reports on hydrology and Texas water resources.

Twichell and his wife, the former Fannie Eisenlohr, reside in Austin, at 1317 Arden Wood road.

THE BALTIC STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GARMATZ. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and some glorious anniversaries during this month.

First, the Baltic States were overrun by the Soviets 31 years ago; second, 30 years ago Lithuanians were successful in their revolt against the Soviet Union; and finally, the Baltic peoples have lost more than one-fourth of their population during 31 years of Soviet terror and occupation.

I, once again, urge the administration to implement legislation by bringing the Baltic States' case before the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia.

I would like to include the following essay prepared by the Lithuanian American Community of the United States of American, Inc., at this point in the RECORD, along with a copy of House Concurrent Resolution 416, of the 89th Congress, which was unanimously passed by the House and the Senate:

SELF-DETERMINATION OF THE BALTIC PEOPLES—RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic. social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CHARTING THE ROAD AHEAD

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WYMAN. Mr. Speaker, how many times have youngsters in high school and young men and women in college expressed uncertainty concerning what they wanted to do in the future? How often it is not so much that they do not want to be enthusiastic about developing a vocation but more that they are just not sure what vocation effort to make, or what they really want to do with their lives. Each person is an individual. Each, besides having a different face, has widely varying aptitudes, some of which may remain unrecognized by the young man or woman even into college years. Some may not belong in college, and some who may not be so inclined should be encouraged to attend.

Early in the formative years there should be standardized aptitude testing of all our young people. These tests would not take more than a few days but they would be enormously helpful in pointing out the rocks and potholes of their road ahead. In many instances they would clearly indicate some roads that may not be passable as a matter of physical or temperamental limitation.

In this connection I find the following editorial by the distinguished senior editorialist of U.S. News & World Report, David Lawrence, to be significant. I believe legislation to implement Mr. Lawrence's suggestion should be enacted by this Congress and I am readying same for introduction next month.

The article follows:

How To Cure a Major Cause of Unrest

(By David Lawrence)

We have seen on campuses and elsewhere disorderly "demonstrations" which have been composed primarily of young people. We have wondered why so many of them have recently disregarded discipline.

In a number of instances, the answer is to be found in their unhappiness, sense of despair and frustration. For their long-range objectives are uncertain. They don't know what occupation or profession to prepare for, or what courses to take in college. They are not sure of themselves. They need advice.

This problem has been recognized by scientists who say that tests should be applied to determine what are the attributes the individual posses—the aptitudes that each person is born with. For their is no such thing as "acquired" aptitudes.

Research organizations have found that, by testing young people and indicating to them the courses of study they should select and the profession or occupation they should later follow, a distinct change in the youngsters' morale becomes apparent. They begin to feel they have definite objectives, and they can go ahead with a firmness of purpose and a sense of assurance they did not have before.

These tests have been for many years utilized successfully by the Human Engineering Laboratories, which were set up by the Johnson O'Connor Research Foundation. While this non-profit organization has branches in some of the major cities, it could not possibly deal with the students in all of the high schools. What is needed is a project that would be undertaken by every State government.

The State of Washintgon, for example, has a system designed primarily to test those who are planning to go to college. Some other States have employment offices utilizing examinations of the aptitudes of job seekers. Seniors in high school could be allowed to obtain these tests. They are similar in principle to the ones used by the Human Engineering Laboratories.

Employment agencies operated by the States could be especially equipped to make available these tests to high-school seniors so they could have their "born attributes" measured, and thus be guided to the professions or occupations for which they are best fitted.

Such testing facilities could certainly be added to the employment agencies of the States at relatively little cost. It would mean a great deal to the youth of the country. Many of the boys and girls might not go to the type of college they previously had in mind. Others might not even go to college, as their aptitudes might indicate abilities already achieved which could be used in certain occupations. The dean of one midwestern college said to a friend not long ago, as he pointed to the campus: "Half of the students out there have no business in college at all." The reference, of course, was to the fact that many would do better if they were working at suitable jobs.

As this writer said in the July 21, 1969, issue, students frequently take courses of study with which they are later bored. The editorial added:

"Nothing tends to create more restlessness and uncertainty in the mind of a young man than to take specific studies without knowing where he is headed. A large proportion of the students are taking the wrong courses. When they graduate, they will have no more idea of the profession or business for which they are suited than they had before entering college."

A comment was made about aptitude testing, and a quotation by an expert in "human engineering" was given. He explained it this way:

"First, it is an attempt to separate knowledge—acquired facts—from born gifts. Every unused gift causes restlessness and dissatisfaction with oneself. Most paper-and-pencil tests and most school marks depend on the paper-and-pencil aptitude.

"We can now measure 19 of these separate gifts. The average college student has nine or ten. . . .

"So long as the average college student has nine or ten separate aptitudes and uses only one—the paper-and-pencil aptitude—there is bound to be restlessness."

Aptitude tests require only two or three days for completion, and the results are readily comprehended. It is unfortunate that the detection of aptitudes is not being tackled more extensively. Some tests have been in use for over 35 years.

The States should authorize their employment agencies in various cities to participate in solving the entire problem. Students should be examined to discover what category they would be qualified for and, in what courses they should specialize if they go to college.

For today, as has been said on this page again and again, aimlessness and frustration and restlessness are making many young people receptive to mob psychology, as they yield to incitements by agitators and activists bent on creating disturbances in our country.

STATEMENT OF JOHN CARSON BEFORE SENATE APPROPRIATIONS COMMITTEE

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BIESTER. Mr. Speaker, Mr. John T. Carson, Jr., director of the Division of Natural Resources of the Bucks County Planning Commission recently testified before the Senate Appropriations Committee on Appropriations for the Soil Conservation Service. I would like to take this opportunity to commend Mr. Carson's statement to my colleagues in the House and insert it in the Record at this time:

Statement of John T. Carson, Jr.

Beginning in 1962, the Bucks County Commissioners, together with the Commissioners of neighboring Montgomery County and the Soil and Water Conservation Districts of both counties, undertook a series of water research development studies for the Neshaminy Creek Watershed, whose 236 square mile drainage area encompasses 40% of Bucks County, and 36 square miles in Montgomery County. Thirty-four municipalities in the watershed joined in a request to the Soil Conservation Service, United States Department of Agriculture, to conduct an investigation under Public Law 566, to determine the economic feasibility of providing flood protection in this rapidly urbanizing basin which had suffered approximately $5 million damage in the hurricane floods of 1955.

The Commonwealth of Pennsylvania, through its Department of Forests and Waters, cooperated by carrying out a detailed study of water supply needs and how best to meet them in conjunction with the flood control study being carried out by Soil Conservation Service. As part of the water supply study, a detailed analysis was made of the need for water based recreation development and the possibilities of incorporating the provision of outdoor recreation opportunities into the plan. In addition, the Pennsylvania Department of Health, with the assistance of the Bucks County Department of Health, conducted a very detailed study of present water quality conditions, together with an analysis and prediction of what might be expected to happen during the next fifteen years.

These three sets of studies were coordinated by the Neshaminy Valley Watershed Association, a non-profit citizens group, which had been appointed as the official agent to act on behalf of Bucks and Montgomery Counties to insure that the maximum degree of cooperation was achieved by all agencies and interested parties. In all, during the four years following 1962, forty-two different agencies contributed their expertise to what resulted in a completely integrated water resource development program for the Neshaminy Creek Basin, a program which is designed to insure the maximum benefits from flood control, water supply development, recreation development, stream water quality improvement, and improved land use control to prevent erosion, sedimentation, and pollution.

This program, which consists of the proposed construction of ten reservoirs, three county parks, (two in Bucks and one in Montgomery County), a water supply filtration treatment plant and two pumping stations, is presently estimated to cost in the neighborhood of $40 million. This estimate does not include the cost of drastically upgrading the sewage treatment plants to approximately 90% B.O.D. reduction and removal of phosphates. The sewage upgrading is a separate program and is presently being undertaken by the owners of the sewage treatment plants.

In May 1966, since the signing of the Watershed Work Plan Agreement by Bucks and Montgomery Counties, their Soil and Water Conservation Districts, and the Soil Conservation Service, U. S. D. A., the following developments have occurred:

(1) The Watershed Work Plan has been approved by both Houses of Congress.

(2) The Work Plan has been declared operational by the Soil Conservation Service.

(3) Bucks County has acquired land rights to approximately five thousand acres or 90% of the land needed at a cost of approximately $12 million.

(4) Engineering has been completed on one multi-purpose reservoir designated as

PA-617 on the North Branch of the Neshaminy Creek.

(5) Engineering is 80% completed on the second multi-purpose reservoir designated as PA-620 on Core Creek.

(6) Construction is underway on a flood control reservoir designated as PA-612 on Robin Run.

(7) Engineering has been completed on one of the larger flood control reservoirs designated as PA-616 on Pine Run.

(8) Cooperative Agreements with the land owners have been obtained by the Soil Conservation District on over 50% of the drainage areas of the four reservoirs mentioned above, in which the owners agree to work out a plan with Soil Conservation Service assistance for reducing soil erosion losses from their properties.

During fiscal 1972, we will be ready to start construction on Reservoir PA-617 on North Branch. Bucks County has invested approximately $1,800,000 in the land rights for this reservoir. At the time the second Supplemental Watershed Work Plan was agreed upon in 1969, the estimated construction cost was $2,119,430, of which the federal share is $678,885. The local share of the cost of construction, estimated at $1,440,545, is presently invested and available immediately as soon as federal funds are forthcoming. Unfortunately, the rate of return on these invested funds is approximately only one-third of the annual increase in construction costs. I therefore urge you, gentlemen, to do your part in insuring that there be no further delays in constructing this reservoir. In addition to the protection it will give in times of flood, the water supply storage is vitally needed for domestic, industrial and commercial use in the rapidly developing central areas of both Bucks and Montgomery Counties.

Beginning in 1973, this reservoir is expected to provide 11 million gallons of water per day, with an eventual usage in the year 2010 in the neighborhood of 150 MGD. We can see no other possible source of water supply. The planning and development of the entire area is dependent upon this project.

Similarly, we will be prepared to start construction of the multi-purpose Reservoir PA-620 in fiscal 1972. Here the total cost was estimated in 1969 to be $1,045,579 with the federal share $468,451 and the local share $577,128. This money is likewise in hand and ready to be used as soon as federal funds are available.

Monies for relocation of roads and utilities for these two vitally needed reservoirs are already in hand and available as soon as required.

In all, Bucks County, through the Neshaminy Water Resources Authority, a financing and constructing Authority with a lease back operational agreement with Bucks County, has borrowed $23 million in bonds to finance this project.

I doubt if there is any project of similar magnitude being undertaken in any other county in the United States as part of the Public Law 566, the Watershed Protection and Flood Prevention Act program.

For our part, the local people are also ready to initiate construction of a fourth Reservior PA-616, during fiscal 1972. This will add at least an additional $300,000 to the federal funds needed for the Neshaminy Watershed Project during fiscal 1972. This means that the federal funding which will be required during fiscal 1972 will be in excess of $1.5 million in order to match the efforts and money put into this program by the local people and to keep the program moving on schedule.

It is my understanding that, in Pennsylvania alone, there are 23 watershed projects authorized for operation in which 110 flood prevention dams are contemplated. It is my further understanding that the federal administration has recommended an amount of $75.8 million for watershed construction funds, under Public Law 566. If the $75.8 million were to be distributed equally among the fifty states, it would provide Pennsylvania with $1,516,000 for fiscal 1972.

I submit that this is wholly inadequate to do the job and strongly recommend that the appropriations be increased to a minimum of $100 million.

PRESIDENT'S INITIATIVE LAUDED IN PREPARING ALL-OUT EFFORT TO MEET ENERGY NEEDS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. COUGHLIN. Mr. Speaker, as the enormity of our dilemma in developing adequate and clean power sources begins to dawn on the country, I think it only right that we acknowledge President Nixon's outstanding contribution in recognizing the scope of the problems and proposing an all-out effort to solve them.

Mr. Nixon is, in fact, the first President publicly to portray the extent of the growing crisis in our energy sources and to present a program of government and private industry cooperation to meet our increasing demands for power. The President's concern with adequate and clean power source demonstrates leadership and foresight.

I think it is only one facet—but a critical one—of his deep commitment to solving domestic problems that threaten to worsen to the crisis point within the next several years. His statement provides a clear delineation of our energy dilemma coupled with practical plans to begin meeting the challenges.

President Nixon's message to the Congress on our energy situation certainly must be regarded as a vitally important proposal on the homefront that has widespread ramifications for our domestic needs directly, and for our defense potential indirectly.

Growing blackouts and brownouts are symptoms of our failure to prepare to meet escalating demands for power. The President has properly pointed out in terms of higher prices and power shortages what will develop in this country if we fail to study and create new energy sources. I think we also should be aware of the possible effects of power shortages that could seriously impede our defense capabilities in this continent.

The President's call for some $100 million to start the power development program is one which I wholeheartedly endorse. Mr. Nixon has properly placed the primary emphasis on private industry for research and machinery, but also has charted a key role for the Government. In addition to the increased funds, the President proposes a single agency within the new Department of Natural Resources to handle energy matters. I support this proposal also.

I feel the President realizes that nuclear energy appears to be our best possibility at present, but is cognizant of the environmental considerations. In the last session of the Congress, Mr. Nixon again displayed his leadership and concern in his message on the environment—again he was the first President to devote so much thought and planning to bettering protection of our precious air, water and land resources.

The President's action is especially gratifying to me since I have felt that we need a National Energy Policy and a national commitment to develop an unlimited pollution-free source of power by 1980. I believe this commitment must be of the magnitude of those expended in splitting the atom and putting a man on the moon.

I hope the Congress will move swiftly to help implement the President's proposals. I fear there already has been too much delay in moving to resolve the complex task of providing adequate and clean sources of energy to meet the needs of an industrial nation of some 204,000,000 people. We can afford no further delay and I urge my colleagues to encourage congressional action just as quickly as possible.

MANY THANKS, JUDGE FASOLI

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ROE. Mr. Speaker, the dignity of our courts, in our courts and, most important, for our people continues to be upheld by the Honorable Judge Alexander E. Fasoli of my congressional district and I would ask you and my colleagues here in the House to join with me in applauding the outstanding example he has displayed in administering justice in our courts.

Judge Fasoli, in his own words, is "a country lawyer and an old-fashioned judge who travels the circuit and wants to continue to be of service to his community and country." He has served as a practicing attorney for 31 years, has been counsel for the Hawthorne Board of Education for the past 24 years and has been serving as a judge in our municipal courts for the past 7 years. He has studied at Fordham University, received his B.A. degree from the University of Pennsylvania and his LLB from the John Marshall School of Law. As a result of the tragic loss of one eye, he went into semiretirement and presently serves as a municipal judge in the New Jersey communities of Midland Park, Wayne, Oakland, Wyckoff, Hackensack, and Glen Rock.

I would like to share with you the following editorial that appeared in the May 3, 1971 issue of the Herald News of Passaic, N.J., one of the State's most prestigious newspapers, on an incident involving the flagrant use of obscene language at a public town meeting where Judge Fasoli had the courage to stand up and apply the justice of our courts to help stem the tide of the permissiveness and disruptions in our way of life that appear to be gaining acceptance throughout our country under the guise of freedom of expression not only contravening the laws of the land but by the action taken attempting to force the will of one on others assembled in peaceful and purposeful conference, transgressing the rights of all others.

In this time of national crisis in our Nation's history, the integrity and vitality of our courts, in my judgment, can very readily be the determining factor in the preservation of our representative democracy—and I think you will agree with me that it is most reassuring to know that there are just men like Judge Fasoli in the legal profession who are not only capable and adroit in the knowledge of law but also have a genuine deep interest, compassion, and concern for our people. We take this opportunity to extend our deepest appreciation to Judge Fasoli for his contribution over these many years to the quality of our way of life.

The editorial follows:

THANK YOU, JUDGE FASOLI

Municipal Judge Fasoli of Midland Park has earned the thanks of the public. Sitting temporarily in Wayne Municipal Court, he found a young dissenter guilty of using obscene language at a meeting of the Wayne Township Council during a hearing on an anti-loitering ordinance in January.

Instead of a tap on the wrist, Judge Fasoli imposed a three-month jail sentence and a fine of $110. The young man may appeal and inasmuch as he was represented in court by a representative of the tax-supported Legal Aid Society, he probably will appeal. In the meantime, however, the young man and his supporters will have something to think about.

In an interview after his arrest at the council meeting, the defendant said he "called out what many conservative-minded individuals consider to be an obscenity. My comment was not intended to be offensive . . ."

That is impossible to believe. Obscenity is popular with young activists because they have discovered what longshoremen have known for ages. Obscenity upsets persons who were brought up to believe that the use of obscenity is a deliberate, provocative insult to those within hearing. It still is.

Judge Fasoli cut through the legal rhetoric with his comment that "the defendant did utter an obscenity which was heard and the statute was violated."

No hair-splitting there. The law was violated, and Judge Fasoli imposed what he thought was an appropriate, useful penalty. That's the way it should be done until the discussion of public issues in public places can be conducted with what Judge Fasoli listed as "forbearance, tolerance and understanding." No reasonable person will quarrel with that.

REAL PROBLEMS AND IMAGINARY SOLUTIONS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MIKVA. Mr. Speaker, legislators continually demonstrate the wisdom of the sage who mused:

> Legislatures frequently offer real solutions to imaginary problems, and imaginary solutions to real problems, but they never seem to get around to providing real solutions to real problems.

Recently, the Illinois State Legislature passed a bill to increase the minimum sentence for armed robbery and other offenses committed while armed.

Crime is a real problem. The use of handguns in the commission of crime is a frighteningly real problem. But the Illinois State Legislature has come up with an imaginary solution which will do little more than gain a few votes here and there, and satisfy the legislators themselves that they have taken another strong step against crime.

Experience has shown beyond question that the longer the sentence, the more likely it is that the individual will commit a serious crime once he is released. Our correctional facilities do not correct. They do not rehabilitate, at least not in the case of long-term offenders who are removed from society, from their families, from any possible ties to normality or morality, Long term incarceration has one predictable effect on the prisoner: it destroys any chance for self-esteem, for pride, for adjustment to normal life upon release.

Nor does the threat of longer sentences provide an effective deterrent. Few criminals expect to be caught, so the results of getting caught weigh little on the mind. Furthermore, few criminals are caught and brought to trial, so the threat of a few extra years in jail has little effect.

The principal danger in fatuous legislation such as this is that it provides a pretense of efficacy. It enables all involved to go home satisfied that they have done what they could to deal with the problems of crime, while the problems rage on unaffected.

RESPONSES TO CONGRESSMAN HOGAN OF MARYLAND'S RECENT QUESTIONNAIRE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. HOGAN. Mr. Speaker, in January of this year I mailed to my constituents a questionnaire. The response was overwhelming, and I have recently sent out the results in the form of a newsletter.

Because of the pertinent nature of the response, I insert this newsletter in the RECORD for my colleagues' perusal:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May, 1971.

DEAR FRIEND: In January I sent you a questionnaire asking for your opinions on the most pressing issues facing us today.

I am pleased to report that your response was overwhelming. I received 27,756 replies to this mailing compared with 11,864 completed questionnaires returned on my previous poll.

Each of these questionnaires was individually tabulated and I personally read each one where a personal note was included.

I would like to take this opportunity to thank all of you who took the time to respond. I feel that this is the best way to learn your views on pertinent topics, enabling me to better serve you.

This newsletter describes the results in detail, and I want you to be assured that I will keep your views in mind as I tend to the duties of being your Congressman.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

RESPONSES TO CONGRESSMAN LARRY HOGAN'S RECENT QUESTIONNAIRE

1. Do you favor the busing of school children to achieve racial balance?

Yes, 9%; no, 88%; undec., 3%.

I am strongly opposed to school segregation, but I have also been opposed to busing children out of their home areas merely to achieve racial balance.

The problem in mixing education with racial prejudice is that everyone suffers. In my opinion, it makes absolutely no sense to bus children from an all-black school to an all-white school for the purpose of bringing the races together when, at the end of the day, the Negro children are bused back into an all-black neighborhood.

2. Do you favor stronger laws to control pornography?

Yes, 65%; no, 28%; undec., 7%.

Although for years I have noted with concern the increasing availability of pornographic and obscene literature and films, since coming to Congress I have become even more aware of the increased proliferation of this type of material and its availability not only to adults but to children as well.

Legislation which I sponsored and which was approved by a committee on which I serve—the Post Office and Civil Service Committee—resulted in the Postal Reorganization Act.

A provision of that law, which went into effect on February 1, 1971, prohibits the mailing of pornographic materials to those who do not wish to receive them. In order to protect oneself from being the recipient of such material, an individual must merely fill out PS Form 2201 and return it to the Post Office, where his name will be added to a list of those with a similar request.

Another piece of legislation—H.R. 1348—which I recently re-introduced would prohibit the distribution through interstate commerce of obscene material to those under the age of 16. The bill would also make the showing of pornographic movies to that same age group a violation of the law. This legislation is still pending in the Judiciary Committee.

I introduced a similar bill—H.R. 2159—which would prohibit the use of the mails to sell, deliver or distribute obscene matter to minors under the age of 17. The Post Office and Civil Service Committee has already held hearings on this bill which incorporates a definition of obscenity proposed by the minority on the President's Commission on Obscenity and Pornography.

Obviously, we cannot legislate virtue, but we can make laws against those vices which jeopardize the innocence of youth. Certainly children are entitled to that much protection.

3. Would you favor the Federal Government sharing tax revenues with State and local units of government?

Yes, 69%; no, 17%; undec., 14%.

Because of the large percentage of "undecided" responses on this question, I would like to take this opportunity to explain briefly the concept of revenue sharing.

There are two separate parts to the President's revenue sharing proposals. The *special* revenue sharing grants will be used in six functional areas: transportation, education, rural and urban community development, manpower training and law enforcement. The appropriation for these special grants during the first full year would be $11 billion.

The *general* revenue sharing fund would provide broad general support funds with no program or project restrictions attached to the use of these funds so that local priorities and needs will govern their ultimate allocation. The Administration is asking for a $5 billion first year funding which would give the State of Maryland $92.5 million.

The size of this general fund will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. Thus, the revenue sharing fund will grow as the tax base grows.

I have co-sponsored the Law Enforcement Revenue Sharing Act of 1971, under which Maryland would receive $8 million. This legislation would put more control of the Law Enforcement Assistance Administration's programs into the hands of the states and units of local government. Hopefully, this proposal would be effective in curbing "street crime" which affects more individuals than any other form of criminal activity.

4. Should Federal funds be denied to colleges which do not take steps to control violent demonstrations?

Yes, 77%; no, 18%; undec., 5%.

I vigorously condemn violence as a form of protest. Students, most assuredly, have the same right to be heard as anyone else, but they do not have the right to disrupt and destroy our institutions of learning.

It follows that those same institutions have a responsibility to the majority of their students who have come to school to learn rather than to bomb, fight and burn.

I have supported and will continue to support legislation that would prohibit giving funds to those colleges not complying with the anti-campus disruption provisions of the Higher Education Act of 1968.

The Higher Education Act halts the funding of loans, loan guarantees, grants and salaries to those individuals who participate in the use of force, seizure of property, and engage in threats at colleges and universities.

At present there is no pending legislation dealing with this specific subject before the House Committee on Education and Labor. The previous proposal died with the 91st Congress.

5. Do you favor the administration's welfare proposal (the family assistance plan)?

Yes, 42%; no, 29%; undec., 29%.

I have long advocated an overhaul of our welfare programs to eliminate inequities and find some way to give the unemployed some incentives to go to work and to receive the training they might need to qualify for available jobs.

I am particularly distressed by the significance of the growth in welfare in terms of children—more and more of whom are being caught up in the welfare cycle. Here in Maryland 72 out of every 1000 children under the age of 18 now receive Aid to Families with Dependent Children.

The Family Assistance Plan is designed to help those who are trying to help themselves, rather than discriminate against those families in which a father is present and working. Providing for the basic needs of the poor while requiring them to register for work or training to prepare them for work is certainly far better than encouraging idleness, which the present system does.

The President's program would establish a Federal minimum level of payment, uniform eligibility requirements, strong work incentives and work requirements, wage supplements for the working poor and fiscal protection for the States.

The Ways and Means Committee is considering the Social Security amendments which failed to pass the Senate last year along with this welfare legislation.

I am reserving my opinion regarding the legislation until I see what is brought to the House floor for us to vote on.

6. Do you favor weakening the laws against abortion?

Yes, 55%; no, 36%; undec., 9%.

It is ironic that some people who advocate abolishing the death penalty for criminals would permit the execution of innocent babies through abortion.

I am vigorously opposed to abortion. That fetus, whom many would so casually dispose of, is not some extraneous part of the body such as an appendix or tonsils, but a human being who should be accorded the same rights that other human beings enjoy.

"Abortion on demand" means simply that it would be legal to end one human life for the personal convenience of another human being. This cannot be right, nor should it be legal.

The problem of the unwanted child should be solved, not by killing him, but by giving him his constitutional right to life—and then putting him up for adoption.

A bill was introduced this year—known as the National Abortion Act—with a 20-week time limit. It would make a fetus, which was two weeks further along in development than the thumb-sucking one in the picture, fair game for abortionists.

I am pleased to report that a bill I cosponsored—H.R. 4257 to curb abortions in military hospitals—received Presidential support. The problem was solved by the President administratively when he overturned a Defense Department regulation, issued last year, liberalizing abortion rules in military hospitals in contravention of existing State statutes.

I am also pleased that the Maryland State Legislature defeated a bill this year which would have liberalized the present abortion statute.

7. Do you favor federal subsidies to revive the railroad industry?

Yes, 48%; no, 34%; undec., 18%.

Our railroads are facing their worst crisis in history. The near-collapse of the Penn Central Railroad—the nation's largest single transportation company—has led to talk of everything from Federal subsidies to complete nationalization of the railroad industry.

Railpax, an industry-supported effort to save essential passenger service, was signed into law at the end of the 91st Congress. It has received $40 million in starting funds and $100 million in loan guarantees. Loan guarantees are the most common form of Federal assistance. Since 1958 railroads have been able to borrow guaranteed loans up to $100 million for the buying or building of rolling stock. These loans must be repaid within 15 years.

Last December, the Congress passed legislation to provide an emergency loan guarantee to support Penn Central. Because many railroads are in precarious shape, it is likely that similar legislation will be considered by the 92nd Congress.

Both the Interstate Commerce Commission and the House Interstate and Foreign Commerce Committee are looking into the management policies of the railroads prior to consideration of pending legislation.

8. Are you satisfied with President Nixon's policy of troop withdrawal and "Vietnamization" of the war in South Vietnam?

Yes, 62.5%; no, 29%; undec., 8.5%.

During a breakfast meeting with the President prior to the most recent events in Southeast Asia, he told me he anticipated considerable press criticism, but he hoped the American people would take a long-range view of what he is accomplishing and will accomplish in Vietnam. When he took office the death-casualty rate ranged from 150 to 190 weekly. It is now 25 to 50 weekly. When he was inaugurated there were 532,500 Americans stationed in Vietnam. As of May 1 the authorized troop strength in Vietnam was 284,000. By December 1, 1971, President Nixon has pledged that there will be only 184,000 Americans in Vietnam.

The results of my questionnaire point out that 62.5% of my constituents support the President's policy of withdrawal. Interestingly enough, when I asked a similar question in my November, 1969 newsletter, only 59% supported the President's Vietnam plans.

President Nixon has pledged that he will withdraw all American troops from Vietnam and I have every confidence that he will fulfill this promise. His Vietnamization plan is working, and I am convinced that the President is well on the way toward ending our involvement there.

AMERICAN PRISONERS-OF-WAR

No matter what our political inclination, Americans cannot help but share a common bond in our anxiety over the fate of our American prisoners-of-war. The wives and families of these men—many of whom have endured being separated from their loved ones for as many as six years—have suffered tremendously.

Violations by the North Vietnamese of the Geneva Convention are shockingly commonplace. I recently co-sponsored a resolution protesting these violations and endorsing all national and international organizations in their efforts to affect a release of American prisoners.

I was also a co-sponsor of the resolution designating the week of March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." Through such demonstrations of support for our men in captivity, the American people show a united front of solidarity. This is our greatest weapon against Hanoi since, in the past, public opinion has been one of the few levers able to move North Vietnam.

9. Rate on a scale from 1 to 10 the priority you think the following areas should receive in the Federal budget:

	Total
Crime control	28%
Defense	20%
Drug control	9%
Education	12%
Environmental quality	18%
Foreign aid	1%
Housing programs	2%
Medical research	4%
Poverty programs	5%
Space programs	1%

As the responses to this particular question began to come into the office, it became immediately apparent that it would be impossible to tabulate each choice from 1 to 10 because of the large number of alternatives. (The tabulation was done on a volunteer basis, not with the use of computers.) Consequently, the percentages above indicate the number of people who considered a specific category their highest priority. In other words, 28% of the people who responded to this questionnaire considered crime control their highest priority for Federal spending while only 1% considered foreign aid or space programs to be the highest priority.

I was most pleased with this particular response because I have made the fight against crime my highest priority in Congress. It gave me a great deal of satisfaction to have played a role in securing passage of the D.C. crime bill during the last session of Congress. Since the enactment of this bill into law on July 29 of last year, the crime rate in the Washington Metropolitan area has been steadily decreasing. This is due in no small part to the tough attitude toward criminal behavior which this new law sets forth.

Through my new assignment to the Judiciary Committee. I hope to have the opportunity to work on national crime bills.

A DEVOTED PUBLIC SERVANT—MAC MYERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, I would like to comment at this time, on the occasion of his retirement, a man who has dedicated over 34 years of his life as a public servant in the Department of the Post Office. The man to whom I am referring is Bayard McLeary Myers of Dallas, Tex.

Mac is truly the epitome of a self-made man. Upon completion of his education at Draughons Business College at the age of 18, he went to work. After spending 5 years with various companies as a bookkeeper and record clerk, he entered the U.S. Post Office. In the years that ensued, Mac progressed through the ranks from the position of postal clerk to the office of regional director for the Dallas area.

Mac has not neglected his community, either, as he has served as president of the Floresville Junior Chamber of Commerce and as the chairman of his church's commission on education. He, also, has been a member of both the Dallas Exchange Club and the Federal Government Accountants Association.

Mac has truly been a dedicated civil servant and the time which he devoted in service of this land shall not be forgotten. Men of his character and stamina are indeed but few. He truly deserves the rest which he has accrued.

SPANISH VETS DESERVE POSTAGE STAMP

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mrs. GREEN of Oregon. Mr. Speaker, an article from the Stars and Stripes-the National Tribune was first called to my attention by my fellow Portlander, Mr. Harold B. Say. It describes the current interest and activity of Maurice H. Thatcher, a former Member of this House, who is still going strong at the age of 101 years old. All of you, I am sure, will share my delight in the knowledge of the zeal and energy of one whose public services has spanned a century and whose career in the House of Representatives was but one of many distinguished achievements in a remarkable lifetime. I hope that all will join me in congratulating Mr. Thatcher and supporting his efforts to commemorate the sacrifice of the men who fought in a war fast receding in memory and history, the Spanish American War.

The article follows:

SPANISH VETS DESERVE STAMP, SAYS THATCHER

Ex-Congressman Maurice H. Thatcher, who last year was named honorary president of the Gorgas Memorial Institute of Tropical and Preventive Medicine, points out the Spanish American War had vast influence on future development of the United States. He, incidentally, is the last survivor of the commission that supervised the building of the Panama Canal. He was governor of the Canal Zone from 1910 to 1914.

Thatcher, who resides in Washington, D.C., was once a member of Congress from Kentucky. He is 101 years old, but he thinks and writes as clearly as a man 50 years younger.

He has one vehement idea; namely that Spanish American War veterans long ago should have had a postage stamp honoring their services.

As has been frequently pointed out by the Stars and Stripes, the Post Office Department can find justification for stamps on dogs, athletes, and many other subjects, but only vague excuses for failing to issue one on the war with Spain and veterans concerned.

Following are excerpts from a letter Thatcher wrote to Postmaster General Blount on the subject of a Spanish War stamp:

"It appears that there are various appeals before you requesting or urging the issuance of a stamp commemorating veterans of the Spanish American War, or some similar designation.

"It is my judgment that such a stamp is long overdue. The Spanish American War led to achievements of the very first magnitude—not only for our own country, but for the Western Hemisphere and the entire world. Thus, yellow fever was mastered in Cuba and the Canal Zone, and this led to the building of the Panama Canal, and as a sequence, world shipping and world sanitation received invaluable results, and Cuba and the Philippines were freed.

"All in all, I believe that the benefits and scientific progress growing out of the Spanish American War have carried forward the progress of world advancement in unparalleled degree. There are few surviving members of the volunteer forces of the Spanish American War, and as these distinguished veterans have passed away, no better kind of recognition could now be given them and their deceased comrades than by the issuance of such a stamp.

Thatcher was made an honorary member of Camp No. 6, USWV of Louisville, in appreciation of his service in Congress.

A. M. Causey of Bowling Green, Ky., who also is 101 years old, has carried on a tireless campaign to get an 1898 stamp. Thatcher has worked closely with him.

THE DISASTER LOBBY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SCOTT. Mr. Speaker, I would like to call the attention of my colleagues to an informative editorial in the June 8 Lynchburg, Va., News, entitled "The Disaster Lobby."

It was refreshing to read that, alarmists and pessimists to the contrary, at least one major news outlet considers our country to still be the best in the world by a wide margin. That is what most of us have been maintaining all along. The editorial is reprinted below in its entirety:

THE DISASTER LOBBY

There are a large number of people who, for a variety of reasons, make a career out of finding fault with this country. To hear them tell it, nothing we do is right. We're a nation of racists and drug addicts dedicated to destroying the ecology and polluting the environment.

Thomas R. Shepard Jr., publisher of "Look" magazine recently gave these people a name: "The Disaster Lobby." He suggested we take a closer look at them—and their charges.

For instance: what about their accusation that American industry is polluting the air to such an extent that we soon will suffocate for lack of oxygen?

Shepard pointed out that the National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. The result?

"There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent."

The air, Shepard noted, is getting less polluted all the time. New York City's Department of Air Resources reported a year-by-year decrease in air pollutants in that city since 1965. Other cities have done the same. New York's air is far less polluted today than it was 100 years ago when people were burning soft coal.

What about water pollution?

Today's streams are not as pretty as they were before America was industrialized—but neither are they the source of cholera, yellow fever, et cetera—that those streams were. The water we drink today is the safest in the world. And progress is being made to make the streams wholesome again.

What about the recent scare of mercury in fish? According to the Disaster Lobby it came from American factories. The truth is, Shepard said, the mercury comes from natural deposits. Fish caught 44 years ago and just analyzed, contain twice as much mercury as the fish caught this year.

What about the charge that we're killing off animal species? It's true that some 50 species of wildlife will become extinct in this century. It's also true that about 50 became extinct last century. And the century before that and the century before that. According to Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. It is the way of evolution.

Well, what then about the rise in drug addiction? Seventy years ago, one in every 400 Americans were hooked on hard drugs. Today, one in every 3,000 is hooked. The long-range trend is downward, not upward.

Overpopulation? The birth rate in the United States has been dropping continuously since 1955, Shepard said, and is now at the lowest point in our history.

Generation gap? A while back "Look" magazine commissioned the Gallup Poll to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teenagers coincided with those of adults. On those issues where they did not, the youngsters often tended to be more conservative.

The black rebellion? It is a rebellion by a few malcontents on the lunatic fringe and does not involve the masses of American Negroes who, in that same Gallup study, revealed themselves to be staunch believers in the American system and nation.

Unemployment? The current six per cent is about par for the course. In the Kennedy Administration it was 9 per cent. Back in the recovery period of Roosevelt's second term, it reached 25 per cent. We're not so bad off.

What about the "dehumanizing" of American life by the profit system? Well, what about it? One hundred and fifty years ago, before industrialization, the average life expectancy was 38 years for men. The work week was 72 hours. The average pay $300 per year. Housewives worked 98 hours a week; there were no dishwashers, vacuum cleaners, washing machines, electric stoves. Food was scarce and monotonous. Clothes were scarce, too. You froze in winter and sweltered in summer and there was little defense against epidemics. Chances were that most Americans then did not travel 20 miles from their homes during their lifetime. Compare those conditions to the life today, created by American free enterprise, capitalism, and industry?

Sensational charges are being continually made and "causes" are being continually made up. They are given wide publicity and support by people who make no attempt to ascertain their validity. No attempt is made to put those charges in their proper perspec-

tive. Exceptions are magnified to make them appear the norm. The people are not being informed, they are being stampeded.

Problems we have—the problems created by the strongest, wealthiest, freest nation on earth. But none of the problems are as dangerous as the "disaster lobby" itself.

NATIONAL AIRPORT'S 30TH ANNIVERSARY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PUCINSKI. Mr. Speaker, on Wednesday, June 16, this Nation's Capital observed a significant anniversary not only for the people who live and work in the Washington area, but also for the millions of Americans who come to Washington each year on important business with the Government or to visit national shrines.

June 16 marked the 30th anniversary of Washington National Airport.

When Washington National was built by turning Potomac River mudflats to productive use back in 1941, there was many who described it as being overbuilt, as a facilty that never would be used to capacity. It would be difficult to find a more striking example of faculty prognostication. But I comment upon the airport's anniversary for reasons far more important that merely pointing out the errors of the nay-sayers.

The business of this area is primarily government. This is the people's business. And people from all parts of the country must have access to us. It is extremely fortunate, therefore, for both this area and the country at large, that Washington's major gateway is the most conveniently located major airport in the country.

A 15- or 20-minute taxi ride from the Capitol Building or from downtown Washington—compare this with the trip to the airports serving other cities—trips that sometimes take longer than the span of a short-range flight.

Most of the air traffic in and out of Washington National is serving short-range State lengths. More than 53.2 percent of the traffic serves cities within 300 miles of Washington and more than 77 percent of Washington National's airline flights serve cities within a radius of 500 miles.

Among the beneficiaries of Washington National, one must certainly include Members of Congress. But far more than our own personal convenience is involved here. The people in our districts expect us to communicate with them more intensively than ever before—by letter, by phone, by wire, and by actually being back in the district more frequently. Hence, the convenient access of Washington National helps us serve our districts more effectively.

Fortunately, Washington National is a vastly improved airport over what it was even a few years ago. Since 1967, terminal capacity there has been increased by some 60 percent. The air lines serving Washington National helped bring this about by investing more than $15 million of their own money in new passenger facilities. Parking facilities have been improved also. Public parking space has been increased by 37 percent. Thus, we have an airport that is close in, yet less congested.

As this metropolitan area continues progress on mass transit, I have every reason to believe that the airport will be served by the new system, thus improving its access even more.

I urge that the 30th anniversary of Washington National be a time for the National Capital area to count its air transport blessings. We are extremely fortunate in having three major airports.

There is Friendship serving the entire State of Maryland, including Maryland's Washington suburbs. There is Dulles International for long-range flights, including transcontinental flights and a growing number of international flights. And there is Washington National for the short-range and medium-range flights—including Chicago.

This is a well-balanced plant for serving our air transport needs. Let us make certain that we keep and improve all three elements in this splendid airport system.

FAIR IMMIGRATION LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BINGHAM. Mr. Speaker, it is gratifying to me to learn that a meeting of minds has occurred on how to remedy the unforeseen consequences of the 1965 Immigration and Nationality Act which resulted in unintended, drastic reductions in immigration to this country from a number of nations, such as Ireland, to which many Americans trace their ancestry.

For the past several years, I have introduced and urged passage of legislation that would establish a floor below which immigration from any country need not fall. That floor, or minimum, would amount to 75 percent of the average yearly number of immigrants from a given nation sent to the United States during a base period of fiscal year 1956–65.

I am pleased to note that compromise legislation, introduced by the chairman and several members of the Immigration and Nationality Subcommittee of the Committee on the Judiciary, includes this floor provision. I want to congratulate that subcommittee, and particularly its very able chairman, my colleague from New Jersey (Mr. RODINO), for bringing together the various officials of the executive branch who have authority in this area and devising a workable piece of legislation to solve this problem. I am today introducing legislation identical to that introduced by members of the subcommittee to indicate my firm support for it and my hope that it will be approved promptly by the full Judiciary Committee and brought to the floor for action.

This legislation has the support of the American Irish National Immigration Committee. I have been so informed by a letter from the national chairman of that organization, Mr. John P. Collins, and I am pleased to include the text of that letter at this point in the RECORD:

AMERICAN IRISH NATIONAL
IMMIGRATION COMMITTEE,
New York City, N.Y., June 16, 1971.

Hon. JONATHAN B. BINGHAM,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Congressman Peter Rodino (D–NJ), Chairman of The Immigration and Nationality Subcommittee, has joined with Congressmen Ryan, Flowers, Seiberling and Eilberg to introduce H.R. 8814.

This bill seeks to amend the 1965 Immigration and Nationality Act. It is a compromise bill which is fair and would assure a temporary solution to the discrimination which prospective Irish immigrants and others are presently faced with.

In the past our committee has supported H.R. 165. We have examined H.R. 8814 and are surely satisfied that we can support this new compromise bill. We feel it has excellent prospects of enactment into law.

We urge that you support this bill which will shortly be reported out to the Judiciary Committee.

Sincerely,

JOHN P. COLLINS,
National Chairman.

As many Members of the House are surely aware, the Irish were most adversely affected by the 1965 revision of the Immigration and Nationality Act. From fiscal years 1965 to 1967, total immigration to the United States increased from 292,000 to 326,000. At the same time, due to the new provisions of the 1965 act, immigration from Ireland fell from more than 4,000 to less than 2,000. By fiscal year 1970, the total number of Irish immigrant admissions to this country had fallen to 1,178.

Under the compromise subcommittee bill which I am introducing today, Ireland and other nations who have suffered similar reductions in immigration would be assured of at least 7,500 visas a year for the next 4 years.

I am also pleased to note that this legislation would also provide relief for potential immigrants from nations like Italy where the backlog of fifth preference—brothers and sisters of U.S. citizens—applicants has gotten out of hand, imposing cruel delays on immigrants who want to be reunited with their families in this country.

ARE THE CITIES WORTH SAVING?

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, there is a growing public awareness of the pressing need for rural redevelopment. The staggering problems of our gigantic urban concentrations are frequent subjects for media concern, only reinforcing the nostalgic feelings for a return to a healthier, more peaceful way of life. Nearly 60 percent of our people now want to live on farms or in small cities, and our deteriorating central cities will certainly cause that number to increase. We must act now to assure the economic growth of rural areas that will undergird their redevelopment.

I would call the attention of my colleagues to a perceptive editorial in the Mineral Point, Wis., Democrat-Tribune in a rural area of my district. The editors capture the sense of disbelief that many Americans share over the failure to enact a meaningful rural development program which would relieve the people pressure on our larger cities. They ask for action; and to take that action is our responsibility. It is time to accept that responsibility and develop a comprehensive policy of rural-urban balance and growth.

The editorial follows:

Are the Cities Worth Saving?

One of the most-mentioned topics in the news these days is the mess that our big cities are in. Everywhere we hear about the crowding, the crime, the lack of money to govern them, and the need for rebuilding.

All of this talk leads us to one big question which we feel should be answered before any action is taken on the problems of the cities—Is there any real need for really big cities in this day of modern technology.

We feel there is a good argument that the big cities are not needed at all. The Interstate highway makes it easy to move goods from one small or medium size city to another. There is no reason why all major corporation offices should be crowded into one small area. A computer complex in a main office in one medium size city could easily be connected with offices and factories in other cities miles away. Dozens of other ways to use modern technology to aid in the "dispersal" of the big cities could be cited. And some companies are already doing this.

Locating all offices and factories in small towns and medium size cities has big advantages. Look at the time saved in commuting alone. And people would be happier if they were not crowded.

But, what about the big cities that we already have? If we disperse the commercial centers around which they grew, we will have nothing left but dilapidated buildings and ghettos full of people who are unemployed. The cities will be in worse shape than ever.

We don't pretend to know all the answers. Current moves to aid rural development will help retard the growth of the cities. But what else?

We cannot afford to pour millions down the rat-hole of the sinking cities, yet, we cannot let them flounder as they are now doing. It will take some good minds to answer this dilemma.

THE NEED TO SUPPORT PSYCHIATRIC TRAINING

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BARRETT. Mr. Speaker, the Appropriations Subcommittee on Labor, Health, Education, and Welfare, under the direction of its very able chairman, the Honorable DANIEL J. FLOOD, has held its budget hearings. We are all aware that this subcommittee is concerned with areas and programs of vital importance to the people of our country.

The 1972 budget proposes a cut in the National Institute of Mental Health program of psychiatric training. On June 8, 1971, Dr. Albert Stunkard, chairman of the department of psychiatry of the University of Pennsylvania appeared before the subcommittee on behalf of the American Psychiatric Association on Psychiatric Residency Training Funds. Dr. Stunkard presented very distinct, cogent arguments against the proposed cuts.

Mr. Speaker, I believe that this fine statement contains much information which should be brought to the attention of the Members of Congress and therefore ask unanimous consent that his statement be included at this point in the RECORD.

Testimony of Dr. Albert Stunkard

The FY 1972 Budget proposes a 6.7 million dollar cut in NIMH support for psychiatric training, the first step in the elimination, over a period of three years, of the current 34 million dollar program.

The impact of these cuts, if enacted, would cripple our mental health capability at a time of desperate and growing need. This response to the challenge of mental disorder contrasts dramatically with an earlier one. In 1946 the challenge was the vast scope of psychiatric probems which came to light during the war years. At that time, half-a-million persons were confined in mental hospitals and more than one out of every two hospital beds in the country were devoted to the care of the mentally ill. Three thousand poorly trained psychiatrists were falling further and further behind and the numbers of mentally ill confined in hospitals rose steadily.

The enlightened response of the Congress was the establishment of the National Intitute of Mental Health which promptly undertook a three-fold program of training, research and patient care. This far-sighted program has paid off handsomely. It has transformed the fields of psychiatry and mental health. It has increased the number of psychiatrists from 3,000 in 1946 to 25,000 today. And it has had a dramatic impact upon the problem of mental illness.

As you will note from the attached chart, the number of patients confined in mental hospitals had been increasing by a figure of from one to two percent annually for many years. In 1955 there was a historical turning point when the patient population had reached 559,000. The following year, the first time, the number of patients in mental hospitals did not increase and, in fact, declined. This decline has continued during each of the succeeding years. By 1970 the patient population had fallen to 339,000. This decrease in hospitalized patients is the more remarkable in that it has occurred in the face of the continuing rapid increase in the population at large and, thus, in the population at risk of suffering mental illness. As the figure shows, the real extent of the achievement in reducing the number of hospitalized mentally ill is conveyed not alone by comparison with the 1955 peak of 559,000, but perhaps even more meaningfully, with a figure of 755,000 which would have been reached by 1970 had the earlier rate of growth continued:

The economic benefits are striking: (1) the saving of six billion dollars in hospital construction costs, (2) the saving of over six billion dollars in patient care costs, (3) a vast increase in the productivity of persons who formerly would have been totally removed from the labor market.

This reduction in the number of patients in hospitals does not tell the whole story of modern psychiatry. For the reduction was achieved not alone by improvements in care within the hospitals. The community mental health centers in particular have pioneered in keeping people out of hospitals by early diagnosis and treatment, and preventing readmission by vigorous aftercare programs.

It would be reassuring if these remarkable improvements in the care of the mentally ill had ended the need for psychiatry. Unfortunately, this is not the case. The 339,000 patients who remain in hospitals are precisely those who have been the most resistant to treatment. Furthermore, our nation is facing an epidemic of new forms of mental disorder and a vast increase in some of the older ones. Let us consider the challenge posed by the addictive diseases alone. Just as we ignored mental illness, so have we ignored alcoholism, and only now is the extent of this disorder becoming apparent:

There are nine million alcoholics in the country today.

Alcohol is responsible for over two million arrests per year for public intoxication, disorderly conduct and vagrancy. This is 45% of all arrests.

One half of all homicides and one-third of all suicides are alcohol-related.

Fifty percent of the 56,000 traffic fatalities each year involve alcohol.

The cost to industry alone is four billion dollars a year, simply from the loss of productivity caused by alcoholism.

CONSIDER NOW HEROIN ADDICTION

There are at least 250,000 heroin addicts in the country and the number is growing rapidly.

Addiction afflicts predominately the young, who, if they do not die of their addiction, have long lives as addicts before them. The Administration itself reports 30–40,000 addicts out of 250,000 troops in Viet Nam alone.

Heroin has become the leading cause of death between the ages of 15 and 35 in our larger cities.

Half of all crime in our cities is now committed by addicts. Conservative estimates place the value of goods stolen by addicts during the past year at over three billion dollars.

At most, only 10% of addicts are now receiving treatment. Yet methadone maintenance therapy, at a cost of $1,000 per addict per year, can remove most addicts from a life of crime and return them to gainful employment.

Without energetic new programs heroin addiction will continue its explosive growth, in part because of a unique feature of the disease. Addiction is the only condition in which the victim actively seeks to spread his disease—by selling drugs to support his habit.

There are at least twice as many non-narcotic drug abusers—half a million—as heroin addicts. We have little knowledge of the long-term effects of LSD, amphetamines, barbiturates, and hashish, but we suspect that they are highly unfavorable.

The economic and social costs of the addictive diseases alone are truly staggering. And as in 1946, without vigorous new programs we will fall further and further behind.

It is at this time, which the Administration itself calls a "crisis in health care," that it proposes to cripple our mental health capability. And the proposed elimination of Federal support for psychiatric training will do just that. It will cut the number of psychiatrists in training by 36 percent, from 4,275 to 2,427.

Most of this reduction will be in the training programs of the medical schools, whose output of psychiatrists will be cut by 50%. The graduates of the medical school programs are mostly American, while most of the foreign medical graduates are trained in mental hospitals. The dramatic decrease in quantity of psychiatrists will thus be matched by an equally dramatic change in the character of American psychiatry as it becomes increasingly the province of foreign medical graduates. This change will further damage a field which relies so heavily upon communication between doctor and patient.

Services for the poor would suffer radical reduction, since so many of these services are performed by the medical school programs.

The community mental health centers will flounder for lack of psychiatrists, and the patients they are now treating in the community will flood back into the hospitals, escalating costs and compounding misery.

Why, in this crisis in health care, has the Administration proposed this reckless course? The operations researchers in the Office of Management and Budget who initiated it, admit that psychiatry will be badly hurt. They defend their course by three arguments.

1. *The Federal government is planning to support medical schools with an allocation of $6,000 per graduate per year.* We applaud this plan and wish it well. It deals with the education of medical students, however, and has nothing to do with the training of psychiatrists.

2. *Physicians have used Federally-supported training to become psychiatrists and go into private practice where they get rich.* The facts are that psychiatrists devote more time to public service than do the practitioners of any other medical specialty. Fifty-eight percent of the time of all psychiatrists is spent in institutional practice, compared to only 42% in private practice. Furthermore, psychiatry shares with pediatrics and distinction of being the lowest paid of all medical specialties. If a physician wanted to make money, he would not choose psychiatry! Finally, by the OMB's logic, no part of medical training should have public subsidy, since the majority of *physicians* go into private practice.

3. The Federal government does not support the training of specialists other than psychiatrists. In the first place, this assertion is wrong. The proposed NIH budget for FY 1972 contains 152 million dollars for a variety of training purposes for specialties other than psychiatry.

The compelling reason for continuing Federal support of psychiatric training, however, is the very real savings which it has brought our health care system, and the promise of even greater savings in the future. For psychiatry is the leader in the move from high-cost treatment in hospitals to low-cost treatment in ambulatory care facilities.

Other medical specialties still carry out training mainly in hospital bed facilities, accustoming their graduates to use such facilities and thus to escalate the costs of medical care. Psychiatrists, on the other hand, largely because of Federal support, have been able to take a major part of their training in ambulatory care facilities, spending two out of three years of their training in clinics, community mental health centers and other programs outside the hospital. Thus trained, they have provided leadership for the development of innovative low-cost methods of treatment in the community, notably in the community mental health centers.

Precisely because of his progressive and pioneering approach, psychiatry would be damaged severely by the proposed budget cuts. For they would make it necessary to return their training to hospital beds, as other specialties do, to finance training, and would eliminate any further training in the community. And even this uphappy course could not prevent the decimation of the programs. It would be ironic indeed, if, in the search for minor economies, one of the most forward-looking areas in medicine were to be crippled at a time when it is needed most. The costs to our economy and to our country could be devastating.

We respectfully request that Federal support for psychiatric training be continued.

ONE OF OUR PRESSING HEALTH PROBLEMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. FRASER. Mr. Speaker, I originally received an article from Dr. Bernard Mirkin who is director of the division of clinical pharmacology in the departments of pharmacology and pediatrics at the University of Minnesota. The article recently appeared in the April issue of Hospital Practice. As Dr. Fein points out in his article, reforming the delivery of health services is more than just increasing the number of physicians. We must encourage redistribution of specialties. It is up to the Congress to address this and other problems of health care and enact legislation which will solve the pressing problems of our health care system.

The article follows:

CAN THE "DOCTOR SHORTAGE" BE SOLVED?

(By Dr. Rashi Fein)

The demand for medical services will grow by at least 20% in the current decade, owing both to increases in size of the U.S. population and to changes in its characteristics. This increased demand cannot be met solely by training more physicians or by delegating appropriately to nonphysicians within the existing system. Rather, new forms of care delivery are urgently needed to improve utilization of all personnel and facilities.

Educating more doctors will not, in itself, solve the doctor shortage. If we attempt to answer the public's demand for more medical care by that means alone—without introducing system change—we will be engaging in a false and very expensive therapy.

By "doctor shortage" what is really meant is a shortage of medical services for some parts of the population. It should be self-evident that even a sizable increase in the number of doctors is not likely of itself to bring many more to Appalachia or Harlem, where services are in such short supply. The problem is not only one of total supply but one of distribution and system change. An increase of, say, 20% in the number of physicians might mean that some patients who are already well cared for would have even more care, while the medically deprived would benefit little or not at all. Simply enlarging our medical school classes, desirable though this may be, will lead to consumer disillusionment unless it is coupled with the development of better methods of delivering medical services and of paying for them.

For many years, a neat, uncomplicated method of measuring whether things were getting better or worse has been the physician-population ratio. The trouble, as Frank Dickinson, former director of the AMA Bureau of Medical Economics, once write, is that, "The 'physician-population' ratio . . . reminds one of attempts to measure supply and demand by counting buyers and sellers." Statements that we need one practicing physician for every 750 people overlook the influence on demand of changes in the health and socioeconomic characteristics of the population, of advances brought about by research, of new patterns of medical organization, of new types of personnel, and of the way government helps transform medical needs into demands by instituting new medical services or financing programs.

In projecting how the above factors might affect the demand for physicians' services by 1980, we can start with utilization figures in a study of physician visits for the fiscal year ending June 30, 1967, by the National Center for Health Statistics of the U. S. Public Health Service. A physician visit is defined as a "consultation with a physician, in person or by telephone, for examination, diagnosis, treatment, or advice. The visit is considered to be a physician visit if the service is provided directly by the physician himself or by a nurse or other person acting under a physician's supervision." Hospital inpatient visits are not included.

The study showed that the two population groups that visited physicians most often were children under the age of 5, with 5.7 visits a year, and people over 65, with 6.0 visits. Women, with 4.8 visits, averaged 1.0 more a year than men. The average for the entire population was 4.3.

At the present rate of growth, the country's population will increase to between 226 million (low estimate) and 237 million (high estimate) by 1980, a rise of 10% to 16% over 1970. The increased demand based on sheer increase in numbers would, therefore, be about 13%. The changing age-sex makeup of the population, with a slightly larger proportion of women and of people over 65, would add a small amount to this percentage increase in demand.

According to the study, persons living in Standard Metropolitan Statistical Areas (those with at least one central city of 50,000 or more) averaged 4.5 visits a year, whereas people on farms in rural areas averaged 3.3. It is generally easier to get a doctor in the city, and city people have higher incomes. But the present trend to more urbanization is not likely to have much effect on the demand for visits. In 1967, less than 6% of the population lived on farms. They will not all leave the farm, and even if they did—since they are already less than 6% of the population—the probable increase in the ulitization of medical services would be only about 1.0%.

Will the number of physicians in 1980 be adequate to serve the expanded needs of the expanded U.S. population? In 1967, according to the National Health Survey, the rate of physician visits per person was 4.3. The data given in the table below suggest that if medical school enrollments increase maximally according to Carnegie Commissions recommendations, the number of physicians will permit the rate of physician visits per person to be increased to help keep pace with the increase in demand resulting from higher incomes and increase in need due to changing population characteristics.)

	1967	1980 Low estimate	1980 high estimate	Percentage increase	
				Low estimate	High estimate
U.S. population	192,359,000	226,000,000	237,000,000	17.5	23.2
Number of physicians	[1] 274,000	[2] 373,000	[2] 391,000	36.1	42.7
Total number of physician visits	[3] 831,000,000	1,120,000,000	1,174,000,000	34.8	41.3
Number of visits/physician	3,003	3,003	3,003	0	0
Rate of physician visits/person	[3] 4.3	5.0	5.0	16.3	16.3

[1] American Medical Association.

[2] Calculated from Carnegie Commission Report, "Higher Education and the Nation's Health," October 1970 (expected physician/population ratios if recommendations on expanding medical school enrollment are carried out).

[3] National Health Survey, "Volume of Physician Visits, U.S. July 1966-June 1967."

Persons in families with an income under $3,000 averaged 4.6 visits in 1967, as did those with incomes over $10,000. The influence of income is difficult to assess since the advent of Medicare and Medicaid has helped—as had been intended—to reduce the income barrier. In fact, the income-utilization relationship needs extremely careful examination on an age-specific basis. The proportion of older persons, who utilize more medical care, is greater in the low-income group. Thus, even though the under-$3,000 and over-$10,000 groups had the same per capita physician visits on the average, there still remain very wide differences in some age groups (for example, young children). Education, which is closely allied with income, showed the following pattern: When the head of the family had less than five years of formal education, the average was 3.7 visits per family member; the average was 5.0 visits in families whose head had 13 or more years of formal schooling. The expected higher levels of education and income (adjusted for inflation) for the population as a whole in 1980 could add significantly to the demand for services—perhaps adding a quarter to a half as much as population growth itself.

Lower income and education, as well as availability of care, are among the influences that give the 12% of the population who are nonwhites an average annual visit rate of 3.1 as compared with 4.5 for whites. By 1980, the situation of nonwhites is not likely to become identical to that of whites in all respects that influence the use of medical services; nonetheless, changes in the situation of nonwhites will increase the total demand for services by a few percentage points.

Of course, these numbers appear far more refined than is warranted in projecting changes since they omit the impact of changes in technology, of scientific discoveries, of Medicare and Medicaid, which increase demand (as is their purpose). They also omit possible impacts of the newly proposed Administration health programs (such as the Family Health Insurance Plan and the insurance that full-time workers might buy) or of a national health insurance program that would be universal in coverage and would operate without deductibles or coinsurance (as proposed by Sen. Edward M. Kennedy in S. 3).

In summary, and taking account of the various factors—but not taking account of legislative changes and major new programs—we can expect perhaps a 20% growth in demand for physicians' services (as defined, and it should be remembered that they need not all be rendered by physicians) between 1970 and 1980. This estimated increase in demand must be considered a lower limit, based on utilization at the present rate and at current prices. It does not reflect the reservoir of unsatisfied demand that now exists and new demands that will be created in the future. It is impossible to put numbers on these.

One factor will be the advance in medical capabilities due to research. Relatively few years ago, there was no demand for open-heart surgery or kidney transplants, because no one had shown that these procedures could be done with a fair chance of success. As people come to expect more help from the doctor, they visit him more often. They will do this even if they are incorrect in believing they have a better chance of benefiting from treatment. Physicians cannot always do as much as news stories of miracle cures lead the public to expect. But, owing to new discoveries and inventions, they can diagnose better, treat many ailments more effectively, and do more to rehabilitate many patients or to prolong their lives. This will be increasingly true in the future.

It is impossible to say what the long-term effect of advances in medicine and of changes in the population will be. If the effect of advances should also be to make patients live longer, their lifetime number of visits is likely to go up. Conversely, improvements in prevention or cure may reduce the total number of visits by patients who have a particular disease or are threatened by it. Some of the new high-potency drugs cure disease more quickly (though they can also cause complications that require additional medical services). Weighing the various factors, it is most probable that new discoveries are more likely to increase than decrease the demands on the system.

Not too long ago, people routinely saw their dentists twice a year but their doctors only when they were sick. Now many have been educated to seek screening, early detection, checkups, and other preventive or elective services. Physicians do not agree on the value of the annual checkup. Similarly, they may not agree on the usefulness or need for physician-rendered services in other situations. Yet the public comes and seeks care, comfort, and reassurance and, historically, the physician has attempted to respond.

Whether or not all medical attention is necessary, it is probable that when highly educated people with high rates of physician visits become the majority they will set the standards for the whole community. This, too, will increase the demand for services, making it more and more necessary that a number of the services now offered by physicians be offered by well-trained individuals working under the direction of the physician.

At present, physicians work long hours, rely more and more on telephone consultations, which are less time consuming than visits, and make house calls only rarely. It is reported that many of them cannot or do not accept any new patients. Patients, therefore, flock to emergency rooms, either because they cannot afford to pay a private physician or because they cannot find one who will accept them. Others simply go without care. If we succeed in eliminating the difference between the number of visits to physicians that people actually make and the number they would like to make, that will also increase demand in the years ahead.

The factors affecting the recent rapid increase in medical care prices are many and their analysis is complex. Medical care prices rose by 4.4% in 1966, 7.0% in 1967, 6.1% in 1968, 6.9% in 1969, and 6.4% in 1970. In those same years, physicians' fees rose by 5.4%, 8.7%, 7.3%, 8.1%, and 7.1%. Some of this increase is explained by general inflation in the economy, some by the permissiveness of various payment mechanisms. Some, however, is a reflection of demand and supply relationships.

Even a sizable increase in the number of medical and allied personnel is not likely to affect the price and costs very much. Indeed, there are those that argue that an increase in personnel might retard the adoption of more efficient methods, procedures, and organization of medical care. Costs of medical care depend on price and quantity, and, in part, the physician rather than the patient decides how much care should be utilized. He is the cost decisionmaker. An increase in the number of physicians—without a restructuring of the system through incentives—can result in more, but unnecessary, care. It has been suggested that the difference in surgical operations in England and the United States is due, in part, to the fact that some patients in this country may have surgery, not because they need it but because the surgeons are available to do it.

A greater number of physicians does not, therefore, necessarily mean better care or lower prices. Nor does it necessarily mean more needed services for those who today fail to receive sufficient services. This does not mean we don't need more physicians. It does mean that we must ask what kinds of physicians, where will they practice, how will they be oragnized and utilized, what will they be doing.

There is a stortage of services. Demands will grow (at least by 20% in the current decade). How can the shortage be met?

It would take great increases in the number of students graduating from medical school to make an appreciable dent in the shortage of services. To increase the total number of physicians by 5% within a year would require a 100% increase in the number of graduates. There has, as is well known, been a rather rapid increase in admissions to medical schools. In 1965, 9,012 students were accepted by medical schools. By 1969, the medical schools had accepted 10,514 applicants and 10,422 entered. In 1970, 11,360 students entered (a 9.0% increase). The Carneigie Commission on Higher Education has recommended that the number of entering places increase year by year to 16,400 in 1978. This would represent a significant increase in enrollment and a significant increase in the physician-population ratio. It would require expansion beyond the levels that are currently projected—approximately 14,000 students in 1974. Yet, even if the Carneigie Commission recommendation were to become reality, the percentage increase in the number of practicing physicians would be less than the anticipated percentage increase in demand for services.

The use of foreign graduates to answer our own shortage problem is not responsible behavior in the world context. It surely is not appropriate for the richest nation in the world to proceed in this manner.

An important additional factor that argues for expansion in medical education is the observation that in 1969 medical schools accepted 10,514 new students of the 24,465 who applied. Medicine remains one of the few profesions in which the number of students allowed to enter the educational system is fewer than the number of qualified persons who desire to study or practice in the field. How society should finance the expansion of medical education—who should pay and in what proportions—is an important question (though one that would need separate treatment).

Even if medical schools do expand by as much as the Carnegie Commission calls for, need for medical services will outstrip the capacities of physicians—as the system is organized at present. There would also remain a need for new kinds of personnel—let us, for simplicity's sake or as a kind of "shorthand," call them "physicians' assistants."

Although the desirability of training physicians' assistants and other new types of allied personnel is becoming part of the conventional wisdom, there remain a great many physicians who are unconvinced. Yet, they cannot have it both ways: they cannot complain that they are overworked and at the same time resist the training of personnel to take over some of the work. It has already been shown that trained personnel can do some tasks as well as, or even better than, physicians. In pediatrics, for example, it is estimated that more than one half of what the physician does in the office could be done equally well by allied personnel. And there is little evidence that once the consumer is educated to relate to nonphysician personnel he is dissatisfied.

We will have only a partial solution to the problem of providing more medical services if we rely solely on the production of more health personnel. Medical services cannot be stockpiled or shipped where needed. The quantity of medical services available in a given area is directly related to the number of physicians (and other personnel) in and around that area. The more specialized physicians become, the less likely are some areas to be adequately served, either in total numbers of physicians or in the mix of specialities. It is therefore vital to increase the physician's productivity (perhaps particularly outside of the hospital). One way is to use new personnel so that the physician can spend his time on the complex procedures that require his skills. There are other ways as well.

The productivity of physicians is measured by the number of patient visits per day or per week. It does not and cannot, with our present knowledge, include the quality of health service rendered, the number of morbidity days prevented, the improvement in health, or the amount of health satisfaction the patient realizes. Conceivably a physician could arrange to give more visits in a working day of the same length, but this risks a decline in quality through less thorough examinations, missed diagnoses, etc.

In a time of affluence and ease there is little incentive to cut waste or to reform one's methods. The growing pressures for more services—particularly if national health insurance becomes a reality—could force us to rationalize the system of health care. This, however, will not be done through the efforts of the individual physician. It is very hard for him to view himself as part of a total system with total costs. He cannot believe that if he acts in a certain manner to improve the efficiency of care it will make much difference, because he has no assurance that others will join in the effort. To him and to the patient, the dollars paid by Blue Shield and/or other third parties appear to be "free." Particularly in solo practice, innovations come slowly because the risks are greater and the time for concern with such matters is less. To increase productivity we will need incentives in addition to the predictable demand pressures. We will need more prepaid group practices, more "Health Maintenance Organizations."

Government and the public can press for more research on the organization and distribution of health services and an analysis of the health benefits arising from various medical procedures. Research is needed but so is action. We need more competition among various types of medical organization and more study of their effectiveness, in order to rationalize the system.

Studies already done of Kaiser-Permanente and other such plans indicate that prepaid group practice offers a superior method of utilizing personnel, keeping down costs, and delivering care equal to, if not even better than, that in solo practice. In such arrangements it is much easier to add new personnel and to provide the required supervision. In a word, groups *can* be more innovative—if they so desire.

Not only personnel but capital equipment can be utilized more efficiently in group practice. X-ray and other equipment may be needed to give the best care. If the solo doctor buys such machine, they may sit idle a large part of time. This is likely to result in higher costs, since all patients will share in paying for the inefficiency. It would be less inflationary for all patients to pay for one X-ray machine that operates at capacity than for two machines each operating at 50% of capacity. Furthermore, if the machine is not in steady use, there is an inducement for the physician to order unnecessary X-rays, or to specialize in conditions requiring X-rays (though the patients in his area may be in greater need of other services) just because the machine is available.

It is encouraging that the government, hospitals, medical schools, and other agencies are now backing various experiments in the provision of medical services through neighborhood health centers, satellite clinics, and other new types of facilities. As the government becomes more involved in the financing of medical services, it must also concern itself with the distribution of those services. It would be irresponsible—to the taxpayer—if it paid for services that are produced in an inefficient manner and, at the minimum, failed to make it possible for different kinds of options to develop.

If we are to produce more medical services to meet consumer demand, we will need more M.D.'s. But we will also be wasting valuable resources if we try to meet the demand solely with M.D.'s working in the present kind of system. Other things are needed as well. Perhaps the best way to put it is to cite the Report of the National Advisory Commission on Health Manpower:

There is a crisis in American health care. The intuition of the average citizen has foundation in fact. He senses the contradiction of increasing employment of health manpower and decreasing personnel attention to patients. The crisis, however, is not simply one of numbers. It is true that substantially increased numbers of health manpower will be needed over time. But if additional personnel are employed in the present manner and within the present patterns and "systems" of care, they will not avert, or even perhaps alleviate, the crisis. Unless we improve the system through which health care is provided, care will continue to become less satisfactory, even though there are massive increases in cost and in numbers of health personnel.

CAPITOL PAGE SCHOOL GRADUATION EXERCISES

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SISK. Mr. Speaker, on Monday evening, June 14, 1971, the Capitol Page School held its graduation exercises in the Ways and Means Committee room, Longworth House Office Building. Twenty-two graduates were addressed by the Hon. HAROLD E. HUGHES, Senator from Iowa. Mr. Albert A. Rosenfield, member of the District of Columbia Board of Education, awarded the diplomas. In addition to his diploma, each graduate received a certificate of recognition from President Richard M. Nixon. The Reverend John A. Limberakis, pastor of the Church of Annunciation, Elkin, Pa., whose son, Anthony, was a member of the graduating class, offered the invocation and benediction. The U.S. Navy Band under Master Chief Larry D. Creitner provided the music. Senior Class President Phil N. White, presided.

Mr. Speaker, the following pages were awarded diplomas:

John Dawson Andrews, Pr.
Robert Joseph Bergin.
Craig S. Black.
Glenn Bolden.
William Daniel Cochrane.
C. Ross Croulet.
Mark Stephen Farnan.
Albert D. Flair, Jr.
Richard L. Gooch.
Glenn Richard Harden.
Richard Clifton Holland.
Anthony John Limberakis.
Michael A. Malbrough.
Richard E. Monroe.
Archie H. Nahigian, Jr.
Russell Louis Perisho.
Geoffrey Scott Perselay.
Raymond Dale Potts.
Stephen Charles Richardson.
Geoffrey Wiren Spencer.
Brad Walker.
Phil McKenzie White.

CAPITOL PAGE SCHOOL GRADUATION EXERCISES

PHIL M. WHITE, SENIOR CLASS PRESIDENT

The invocation will be given by the Reverend John A. Limberakis, Pastor of the Church of the Annunciation, Elkins Park, Pennsylvania. Will the audience please rise for the invocation and remain standing for the pledge to the flag and the National Anthem.

REV. JOHN A. LIMBERAKIS PASTOR, CHURCH OF THE ANNUNCIATION ELKINS PARK, PA.

We turn heart and mind, O Lord God and Heavenly Father, to offer supplication of profound thanksgiving on this solemn and auspicious occasion, when sons of ours, having fulfilled the academic requirements of this school, are now conferred with their diplomas.

We pray, O Merciful Master, that the development of the moral and spiritual fiber of our youth may not rest here, but that it shall continue to grow stronger and to develop further in the years ahead, fully in accordance with Thy holy statutes and eternal truths. Let not their intellectual aptitudes be devoid of all those cultural values that have molded our civilization since time immemorial, and have made this land the great nation it is under Thy loving care.

Endow upon these leaders of tomorrow, O Lord, the acumen to discern the ways of nobility and greatness, from those ways which would lead to self-degradation and a sense of worthlessness, but empower them with the moral convictions to pursue the former with prudence, patience, and the will to persevere.

And in a world where sometimes the voices of discord are heard louder than those which profess the reassuring verity of the brotherhood of man under Thy providential godhead, grant to us, O Mighty God, the ability always to be sensitive to the needs of our time and to have the willingness to assume each in his own particular way, some part of this great human struggle.

And on this memorable day, we beseech Thee to bestow abundantly Thine eternal rich blessings upon the esteemed principal of this distinguished school, its devoted faculty, and upon all those who have in numerous ways participated in bringing to its final fruition this academic year.

And lest we be remiss in this special supplication, O Heavenly Father, we pray that Thou shalt manifest Thy devine countenance especially upon all those dedicated mothers and fathers of ours who so diligently toil to raise this generation and in whose hearts this day and hour a sense of deep gratification overflows; for, indeed, without their concern the welfare of society-at-large stands threatened.

For unto Thee are due all honor and glory, now and forevermore. Amen.

WELCOME REMARKS BY THE PRINCIPAL JOHN C. HOFFMAN FOLLOWS:

Sen. Hughes, Mr. Rosenfield, Rev. Limberakis, honored guests, parents, faculty, students and friends. Our faculty wishes to thank you for sharing our commencement exercises this evening. We feel that it is only fitting that these young gentlemen be honored for a job well done.

Although high school graduations are taking place throughout America no class of graduates could possibly have been so privileged as these young men who have had the enviable opportunity to share in the history making of our Government in action.

Now, as is the custom at the Capitol Page School, the President of our senior class will preside and announce the program. May I present to you the President of our senior class, Mr. Phil White.

Mr. WHITE. Senator Hughes, Members of Congress, Reverend Limberakis, Mr. Rosenfield, Mr. Hoffman, parents and friends. I am very happy to welcome you to our commencement exercises this evening. Traditionally, the Capitol Page School chooses as valedictorian and salutatorian the students ranking first and second in the graduating class. Such choices were impossible this year. The two ranking Seniors had compiled identical and perfect records in their four years of high school work. For this reason, the Class of 1971 has co-valedictorians.

The first of these, Richard Monroe, a Senate page from Missouri, will now present his valedictory address.

RICHARD MONROE, VALEDICTORIAN

Senator Hughes, Mr. Rosenfield, Father Limberakis, Mr. Hoffman, and friends, your attendance here honors this graduating class. Your coming may well signify a belief that Lenin, when he said, "It is the fate of the young to be stupid," was incorrect. We thank you for this.

Just as those here tonight honor us, classmates, we have likewise been honored by the parents who raised us, the patrons who fostered us, and the faculty that taught us.

In turn, it is only fitting that we hope to honor them in the future, not from a sense of debt or duty, but simply by our acts and works. It must not be a sense of responsibility that compels action, but rather our reactions as whole human beings, that scope of humanity given our character in its formation, that compels action.

If our careers are to be pious light on those who have helped form our character, our insight, and intellectual attainment, what shall we do? What goals shall we seek?

As a beginning, may I suggest we adopt some of the goals of the preceding generation—long hoped-for dreams, which are noble, but as yet still promises unfulfilled.

For example, we should, in our time, bring peace to the world, saving "future generations from the scourge of war."

We should, in our time, eliminate, in all cases, want forced on man unwillingly by the circumstances of society.

We should, in our time, shape an open society, such that, through justice, men are freed from fear of the state, or of different ideas, or of ignorance, or of the domination of the past.

We should, in our time, give human values to the methods of reaching our goals, to use poetry as well as journalism in our expression.

And finally, remembering the last generation's dreams, we should, in our time, shape our world so that our sons, as they become mature, will not feel compelled to rebel against it.

The tortoise pace of Congress, the delays of the Court, the pigeon-holing, the log-rolling, the pork-barreling, the frustrations of great men, these weaknesses that we have all witnessed on Capitol Hill, may well have made confirmed cynics of every one of us. The opportunities have been plentiful enough—but, in accepting the noblest hopes of the fostering generation as only the first of our hopes, we must recognize that there are times, dramatic times, occasions great and small, the turning points of history, for each of us—those times we may stop moving Sisyphus' stone a bit, times when one man's action matters. All who remember the Senate ABM vote know how much one man may count.

Should we achieve our goals, we would honor our forebears. Yet, really, it is pointless even to attempt to set political goals for a generation. How could the graduates of 1941 have known what bills to enact, what programs to devise, what policies to establish for 1971? Just so, how could the graduates of 1971 make the decisions for the year 2001 now?

Such setting of political goals is likewise pointless in a group such as we are, classmates. The very nature of our great experience here as part of the Congress and the Court, where the diverse ideas of our nation come and commingle and compromise, as well as the variety of our origins, preclude any hope that any two graduates would agree completely now, or in 1981, or in 1991, or in 2001 on a single course of action.

So what is common among us except a year or two in the Page School and in the Halls of Congress?

It is something intangible—a quality which I hold very dear—the common bond of friendship.

Months ago, when strangers met, a relationship formed from the novelty and somewhat frightening aspect of our new positions. As we worked together, studied together, took meals together, laughed together, and listened to each other's problems and complaints, bonds developed, little bridges which permitted the 22 seniors, all more than ever individuals, to become a class, a page corps, a community professionally, scholastically, and personally cohesive.

Those who know the Congress know that patronage is often a fleeting commodity. Tonight, more than ever, we realize how temporary and fleeting our common time in Washington has been. Only our friendship will bind us together as we proceed through the joys and sorrows which lie ahead.

I shall deeply miss the Senate; I shall deeply miss this Senior Class. Such associations form the triumphal joys of life. Let each one of us, therefore, be responsible for directing his character so that the bonds of our affection grow stronger with the years, not that those bonds separate, weakened by the passage of time. That would be unnecessary sadness added to that which we must experience.

Now, as we say goodby to what we have known here, we realize, classmates that by our lasting friendship, we may honor each other, for as Cicero wrote, friendship is surely the most valuable commodity on earth or in heaven.

Mr. WHITE. The Capitol Page School is affiliated with and accredited through the District of Columbia School System. It is customary to have a representative of the District of Columbia Board of Education present for our commencement exercises.

Tonight, I would like to introduce Mr. Albert A. Rosenfield, a Member of the Board of Education.

ALBERT A. ROSENFIELD, MEMBER, DISTRICT OF COLUMBIA BOARD OF EDUCATION

It is a pleasure for me to be with you on the occasion of this long-awaited day to bring greetings to you on behalf of myself and the other members of the board of education. I I wish to congratulate you for diligently working hard, and working long hours to earn your diploma and graduate from this very unique school. I know that you are impatient to take your places this month alongside other high school graduates throughout the country and look forward to entering college this fall.

Tonight, as you join a long line of students who have graduated from this very fine Capitol page school before you, I believe you do so at a very significant time in American and world history.

With only 29 years left in the 20th century, you must prepare yourself to assume responsibility to shape and direct this country's direction and progress in the 21st century. You must do this with complete faith that the next century will be the beginning of a new civilization comprised of great leaders able to rationally consider and solve the social, economic, scientific, technological and political problems and conflicts which have characterized the American society and the world community in this century.

As you prepare yourself for the great responsibilities that you will assume as adults in the various vocations you will enter, I would caution each of you to do what you can to use your education and the unique opportunities you have had to work within the congressional establishment to reduce the tension, frustration, and anger so prevalent in America and elsewhere today, while at the same time use your education to resolve the causes of these feelings within the framework of our marvelous political system. You must bring a calm, effective, and rational perspective into resolving the real problems confronting us. What we need in the 1970's is less heat and more light than we experienced in the 1960's on issues including poverty, discrimination, pollution, Vietnam, health, education and urban problems.

Your generation has inherited a divided, divided and tired society, you can affirmatively change this society by healing the wounds and hurts, both real and imagined, that have divided us. This can be done by affirmatively responding to the real needs of 210 million people.

Please remember, as you think about our society and its problems, as you have known it in your lifetime, and, that many times in human history men have been beset by problems brought about by social, economic, scientific, technological and political change. As men faced these and other problems looking forward to solutions they, too, felt unsure, baffled, bewildered and lonely.

The world has progressed to the point where it is today because there were some men and women throughout history that had faith that solutions could be made in a rapidly changing and uncertain world, men and women who had faith that God would not abandon them as they felt powerless to bring about solutions to what at times seemed to be unsoluble problems, it was through a deep faith in God and the future that sustained them. Such faith in a supreme being will help sustain you too in shaping a constructive future. Without such faith there is a strong tendency to run from problems. Our society is counting heavily on each of you not to run from problems but face them as challenges.

You can overcome the circumstances of these difficult decades by having faith, determination, and insight while at the same time doubting some of your own infallibility. You can do this by recognizing your need for one another, bridge gaps and heal wounds, and move together in the pursuit of tackling problems and achieving common dreams.

I believe that this is a great time to live, probably one of the most challenging times in human history. Emerson described his lifetime this way; "This time, like all times, is a very good time if we know what to do with it." Our generation, like each one before it, has made many mistakes, but at least we are facing some of the major problems of our time with some candor and constructive energy. For example, this generation has helped make this country the most affluent country on earth. It is tackling social problems in a significant way, it has declared and is waging war on poverty, has sent expeditions to the moon, and conquered polio. It has only begun these things; not finished them. Your generation will be charged with the responsibility to press and carry on to finish the tasks that my generation has begun. I hope that the education you have received here and the experiences you received in that connection with your work will help you do better than we have done when the torch of responsibility has been passed on to you.

In conclusion, young men, I say to you tonight, this is not a message of despair but of challenge, hope and achievement. It is a record of sensitivity to our environment of a magnitude never before achieved. There are many mountains to climb and many problems to solve. It is the likes of you here tonight and in similar meetings throughout the nation who must carry the torch. Carry it proudly.

Mr. White. Tonight it is a personal privilege to introduce the speaker of the evening. Born near Ida Grove, Iowa, in 1922, he attended Ida Grove High School and the University of Iowa. He served as a combat rifleman in North Africa, Sicily, and Italy in World War II. He was elected Governor of Iowa in 1962, and was re-elected in 1964 and 1966. In 1968, he was elected to the United States Senate. Serving on the Armed Services, Labor and Public Welfare, and Veterans Affairs Committees, he is known for his expertise in the field of drug abuse, and to the Senate pages, as a dear friend.

I am proud to be able to present a man whom it has been a pleasure for many of us to serve, Senator Harold E. Hughes of Iowa.

Remarks of Senator Harold E. Hughes

I am grateful, deeply grateful, for the opportunity to share this memorable occasion with you.

If there is a more courteous, congenial and thoughtful group of young people anywhere in the country, I don't know where you would find them.

You have successfully combined the adventure of a unique kind of education through experience as Capitol Pages with the far-from-easy academic responsibilities of modern secondary education. Training in a first-rate high school nowadays is tougher and more substantive than college was when I was your age. Each of you deserves commendation for your achievement. And I am sure I speak for all members of Congress in saying that your able and conscientious services as Pages are very greatly appreciated.

You Capitol Pages have been sitting at the ringside of contemporary history. Actually, you probably know more about what is going on in the House and Senate chambers than we members do. You have heard virtually all of the speeches and parliamentary dueling that goes on, while we members, owing to committee hearings and other demands on our time, hear only a part of the action.

Because of this exposure, coupled with your studies and reading, you are better informed than most adult Americans on events extending from New York City to Tel Aviv and from California to East Pakistan.

In general, the youth of today are maturing earlier than previous generations. They are more critical of the status quo, more sensitive to injustice and social wrongs in our society. Thank Heaven that this is the case; it is the best insurance I know for America's future.

A recent Harris poll, commissioned by Life magazine, interviewed a national cross section of the 26 million Americans between the ages of 15 and 21.

The overwhelming results of the massive interviewing indicate that what most young Americans want is peaceful change in our society, not revolution.

The final report of the recent White House Youth Conference held in Colorado said simply and movingly:

"We are motivated not by hatred, but by disappointment over—and love for—the unfulfilled potential of this Nation."

There is, of course, frustration and understandable frustration, on the part of thoughtful young people, that older Americans are inclined to turn off their hearing aids when youth speaks out. But this aspect of the Generation Gap has been going on for centuries.

I believe we are getting nearer the point today than ever before in history when youth will have a fair hearing and a just influence on our society.

The next question is: How will young people respond to the opportunity to take a more meaningful and influential role in our society and in our processes of government?

An article in today's Washington Post reports that we are approaching an historic milestone in American history—the full and unqualified enfranchisement of twelve million Americans between the ages of 18 and 21.

Thirty-two out of a required 38 States have now ratified what will certainly become the 26th Amendment to the Constitution before next November's election. It is a long overdue achievement—one that I called for in my first inaugural address as Governor of Iowa in 1963.

Now political analyists around the country—not to mention Presidential candidates—are wondering what it will all mean. Some say that it is a politically insignificant fact—that young people are traditionally lax in exercising the vote, and that those who do register and vote will merely reflect the patterns of their parents.

Others acknowledge that the socalled "youth vote" will play a significant role in the Presidential election, but have convinced themselves that it is already "sown up"—in the Democratic pocket.

I am convinced that both those views are sorely mistaken. Those who are convinced that young people simply will not vote have mistaken the current appearances of calm among young people for satisfaction. Quiet is not the same as contentment.

Unless I read the scene incorrectly, young people specifically—and all Americans who are deeply troubled by the direction of this country—are no less angry or no less passionate about our Nation's future than they were a year ago. If given a true choice by the political parties, young people will vote, and their vote will have tremendous impact on the outcome of next year's election.

In the first test of the 18-year-old vote—in the run-off election to fill the Congressional seat of Rogers Morton in Maryland—the 18–21-year-old group outvoted their parents by two to one.

Neither do I accept the notion that the "youth vote" already "belongs" to anyone. We have seen, I hope, the last vestige of those who follow like sheep the voting patterns of their ancestors. We can no longer afford the luxury of the politics of birthright.

A powerful and important new weapon has been added to the arsenal of the young. Until now, they have had to fight our encrusted institutions and misguided policies with only the force of moral outrage. It was a stacked deck—a hand with the ace of hearts but no other cards. Now the odds have been evened a bit. The direction of the game can change drastically.

We have heard a great deal over the past several years about the principle of self-determination. It is why, we have been told again and again, we have lost 55,000 American lives in Vietnam. The challenge of the seventies—the principle toward which I hope that this new vote will be directed—is establishing self-determination for the American people.

What does that mean? I believe it means the re-emergence of the individual American. We have let ourselves become prisoners in our home, captives of our own institutions—of government, of corporate bureaucracies, even of our schools. Instead of harnessing the energies of those forces to serve man, they have taken on a life of their own, a bit like the tale of Count Frankenstein who created a new life only to have it ultimately destroy him.

If the challenge of the seventies can be boiled down into a few words, it is this: Can we save America for Americans? Can we tame our giant corporations so that they recognize their responsibility to serve their customers and the public generally, and not choke them to death in the by-products of their unlimited expansion or kill them with their unsafe machines? Can we revitalize our rural areas so that those who reject a life in a crowded, dirty, noisy city can choose to take up an alternate life-style in the country? Can we reform our schools so that they are no longer factories, but instead places where young people can become more aware of themselves and the world around them? Can we remake government into an institution that anticipates the concerns of its people and works aggressively to improve their lives?

"Discover America" used to be a slogan urging people to visit our national parks. It could as easily be the banner of the seventies—a call to reassert ourselves over our own lives, to become "the masters of our fate, the captain of our souls."

The vote is a powerful new tool to help us—not only the young, but the entire country—to help us take control over the direction of our lives. Combined with the existing moral outrage of the young—a force that can never be minimized—the vote gives us some reason to hope.

I happen to be one who believes we should face our national problems forthrightly, using the right words, no matter how unpleasant those problems may be. To me, this is not the way to despair, but the first step toward regeneration.

You people here tonight undoubtedly cannot remember a day when this country wasn't engaged in war. This doesn't mean that we must be eternally locked in the treadmill of death—or that our economy couldn't successfully operate on a peacetime basis.

You are also aware that the American economy is seeing a lean period now as a result of an unprecedented combination of chronic unemployment and rising prices. This doesn't mean that the American economy, with its historic vitality and rallying power, won't recover.

We hear so much about problems nowadays, you wonder if there really are any plausible solutions. You hear so much Armageddon talk, you wonder if there is a rainbow left.

Will the present decade go down in history as "the Soaring Seventies" or the "Sad Sack Seventies?"

I doubt if either label would be appropriate.

I am, however, convinced that the decade of the '70's will be an exciting era of new breakthroughs for human betterment.

There will be no neat, final solutions to our major problems. The fact is, there never have been. We have allowed ourselves to get hung up on a myth—perhaps because of our comparative inattention to history, these days. But there will be new accommodations and developments, some along lines that are not clearly foreseen at present . . . and new opportunities for our nation and for the citizens who compose it.

Looking at the international scene, let me point to one area of the world that is presently the scene of tragic bloodshed and destruction, but could conceivably become a new center of American trade, cultural exchange, and economic development in the '70's. The Asia-Pacific region is likely to become the major world economic arena over the several decades, and United States economic policies can help shape the direction and configuration of the fastest growing region of the world.

In other words, what I am saying is that we should sustain our presence in Asia—but a presence that is dressed not in the olive drab of the military, but in the grey flannel of business. We need to work alongside and in friendly competition with Japan to develop the Asian economy in a context of multilateral responsibility and benefit. We also need to help bring about the return of the People's Republic of China to the world economy, in conditions that do not work against our interest and those of other countries of Asia.

This is only one phase of the vast potential of opportunity that awaits America and its youth. At home and abroad, in the decade of the '70's.

Mr. WHITE. Thank you Senator Hughes. Now the second valedictorian, Archie Nahigian, a House page from California, will present his valedictory address.

ARCHIE NAHIGIAN: VALEDICTORIAN SPEECH

Senator Hughes, Mr. Rosenfield, Reverend Limberakis, Mr. Hoffman, families and friends of the graduates . . . thank you for joining us here tonight.

In a geographical sense, Capitol Page School is undoubtedly the high school most representative of the United States. These 22 graduating seniors, representing twelves states and virtually every section of the country, came to Washington, D.C. for two common purposes.

Our primary purpose was to perform the various duties of pages in the House of Representatives, the Senate, and the Supreme Court. Our jobs immediately became the dominating aspect of our lives, not only in terms of the consumption of time and energy, but also, and more importantly, in broadening our education and increasing our awareness of the world we live in. The Congressional atmosphere is complex, fascinating, and, at times even frustrating, yet it is a "maturing" environment as well. Not only is each of us wiser than when we arrived on the Hill, but, as a result of this "exposure", we have progressed a bit further along the road to become "complete" and "individual" human beings.

The secondary purpose, and a legal requirement, was that of completing our high school education. The time length of classroom instruction was determined solely by the daily convening time of either the House or Senate. This, and the early morning hours, were a few of the adversities faced by the faculty and students alike. Hopefully, though, our "academic appetities" have been sufficiently whetted to welcome and desire additional education. For education is the cornerstone of democracy, and democracy is the foundation of our country

According to Ralph Waldo Emerson, "the true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of men the country turns out." Herein lies the foremost challenge to this generation, as it has to generations gone by. Although the population, cities, and agricultural output have increased, poverty, crime, ghettos, malnutrition and pollution are merely a few of the domestic evils which have accompanied these growths. Indeed, the material and quantitative aspects of life have greatly increased, yet those human and qualitative aspects of life have not improved accordingly. Let us hope the forthcoming generation will possess the insight, intelligence, and ingenuity to solve these domestic problems, and, additionally, to attain peace on this planet and instill a spirit of brotherhood among all its inhabitants. This is our challenge!

We are about to embark on another phase of the continuing educational process, and, as graduates, we should review and re-evaluate our lives thus far and reaffirm or re-establish our goals for the future. This is a personal responsibility of each graduate.

As previously stated, we are geographically representative of the United States. Each of us came here with his own beliefs and conceptions of what life is and what life should be. Some of these ideas were influenced by family backgrounds, some by personal observations and perceptions, and others by sectional attitudes. Through casual and serious exchanges and explorations of these ideas, we learned from each other, and consequently, developed an unusually close bond of friendship.

The commencement exercise characteristically serves as the culminating point of one's high school career, as the graduates say "good-bye" and go their separate ways. Accordingly, this commencement exercise signifies the conclusion of our time here together, yet rather than say "good-bye", let us say . . . "until we meet again". For it is my sincere hope and wish that our bonds of friendship will grow, both in depth and appreciation, through further encounters in future years . . . though we part here tonight to pursue our individual destinies.

We, who are graduating, owe a "special" and highly "personal" debt of gratitude to the United States Congress and, specifically, to our individual "sponsors" for providing us with this unique and rewarding experience, which, hopefully, each one of us will utilize to the maximum in striving to serve himself, his country, and mankind better in the future.

To the Members of Congress, our families, and our friends, we say "thank you".

Mr. WHITE. Mr. Hoffman, Principal of the Page School, will now announce the honors.

PRESENTATION OF HONORS AND DIPLOMAS

Scholarships

Harvard University—Richard Gooch.

University of Pennsylvania—Anthony Limberakis.

National Merit—Richard Monroe.

Brunswick Corporation—Brad Walker.

Special awards

Citizenship Medal, American Legion—Archie Nahigian.

Civitan Honor Kew Award—Richard Monroe.

West Point Society Scholarship Award—Richard Monroe.

Danforth Leadership Award—Richard Gooch.

Rensselaer Mathematics Award—Richard Holland.

Bausch & Lomb Science Award—Richard Monroe.

Journalism Award-Yearbook (1st Place last year—guarantee this year) Phil White.

Athletic Award—Robert Bergin.

National Honor Society—Robert Bergin, Richard Gooch, Richard Holland, Raymond Potts, John Andrews, Stephen Richardson, Anthony Limberakis, Russell Perisho, Archie Nahigian, Phil White and President, Richard Monroe.

School letters for school service and academic achievement—Robert Bergin, Ross Croulet, Glen Harden, Richard Holland, Archie Nahigian, Geoffrey Perselay, Steve Richardson and Anthony Limberakis.

Letter & Star—Richard Gooch.

Two Stars—Phil White.

Three Stars—Richard Monroe.

Recognition of varsity basketball awards—Coach Major Stewart McCaw, Gary Attman, Robert Bergin, Desi Drotos, Dave Federle, Richard Holland, Richard Kunkel, Robert Mathias, Mike Ovca, Russell Perisho, Geoffrey Perselay, Chris Shea, Brad Walker and Denny Webb.

Cheer leaders

We want the ladies to know that we are with them in the Lib movement although we honestly were neutral in the Page girl controversy. However, we have had girls for two years—lovely cheer leaders from La Reine High School in Suitland, Maryland. We would like these young ladies to rise and be recognized for a job well done—our team even won a few games. Miss Kathy Sherman, Miss Debbie Callahan, Miss Michelle Harrison and Miss Michele Williams, Captain. Thanks, young ladies.

Class and school officers

Student Council President 1st semester, Anthony Limberakis.

Student Council President 2nd semester, Richard Gooch.

Senior Class President 1st semester, Russell Perisho.

Senior Class President 2nd semester, Phil White.

Editor of Yearbook, Phil White.

Assistant Editor, Mark Farnan.

Editor of School Paper, Richard Monroe.

Assistant Editor, Glen Harden.

Parent teachers' club

President, Mrs. Gwendolyn Holland.

Vice President, Mrs. Ross Croulet.

Sec.-Treasurer, Mrs. Jackie Ignacio.

Faculty members

Mrs. Florence Block.

Miss Clare Godfrey.

Mrs. Naomi Ulmer.

Miss Laura Watkins.

Mr. Fred Hilton.

Mr. Lew Steely.

Further we are proud to say that our students chose, were accepted and will attend the following institutions of higher learning: North Carolina State, Frostburg, University of Nevada, Florida A. & M., University of Minnesota, University of North Carolina, George Mason, Macalester, Southern Mississippi, Amherst, University of Florida, University of Pennsylvania, Louisiana State University, Fresno State, University of Illinois, Hobart, Davidson, University of Rochester, Duke University, California Tech., Harvard University, Princeton University and Johns Hopkins.

In addition to the official high school diploma our students are privileged to receive a special certificate of recognition by the President of the United States which reads—

"To all to whom these presents shall come greetings: (student's name).

"It is my pleasure to congratulate you upon the accomplishment of high school graduation. May this day begin a further achievement in ideals of citizenship in your community and for your country.

"RICHARD NIXON,
"The President of the United States.
"JUNE 14, 1971."

Mr. WHITE. The benediction will be pronounced by Reverend Limberakis. Will the audience please rise for the benediction, and then be seated until after the recessional.

REVEREND LIMBERAKIS: BENEDICTION

We acknowledge, O God, that this day closes but a single chapter of the great volume of life. And that the morrow brings before each of us new hope and new opportunity, challenges which will lead to unexplored horizons.

Grant to us the strength and the inspiration, O Lord, to go forth anchored in Thee, to multiply the talents which Thou gavest to us, to increase them according to Thy will and to ascend the ladder of our moral perfection.

Guard our comings in and our goings out, safeguard our nation and all nations of the world, for Thou alone art the fountain of all goodness and holiness, the Giver of all gifts, and to Thee do we ascribe all adoration, now and forevermore. Amen.

SUBURB BUSTING UNDER THE "NEW AMERICAN REVOLUTION"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, on June 11, 1968, I called the attention of my colleagues to the dangers inherent in the Federal programs under the policy of "equal housing for all" and the inevitable destruction of the cities by the flight of the white population to the suburbs. All of this was done under the basic premise of the extreme left-wing liberals—destroy the existing culture and out of the ruins and ashes build anew. The crises of the cities show the success of the liberal programs.

Once again, this spectre of death looms over our culture—a culture that has only been preserved through the diligence and hard work of our resettled white population from its suburban homes.

This time the danger to our proud traditions is more real. The Nixon administration has announced plans to end "housing bias" through a policy of suburban block busting. There really seems to be no escape now—there is not any place else to move.

The unreality of all this is evident from a column in the June 14 issue of the "progressive" paper, the liberal's "Bible," the Washington Post.

The Nixon-directed "moralists" have filed suit against Black Jack, Mo., a suburb of St. Louis, charging racial discrimination. This suburb was only recently developed in 1969–70 by whites who fled to the suburbs to escape the blackening inner city.

It seems the administration will not be satisfied. Where it will end, only God knows. We are not like the Phoenix—we cannot rise again from the ashes.

The only thing certain is that these procedures are further evidence of the continuing assault against the greatest culture and the greatest Nation ever bequeathed by God to man. Under the Nixon administration no man's home is secure.

I insert at this point copies from the June 11, 1971, Evening Star, the June 14, 1971, Washington Post, and the Smoot report of 1968:

[Washington Evening Star, June 11, 1971]

Nixon Pledges Suits to End Housing Bias

(By Lyle Denniston)

President Nixon vowed to use Federal lawsuits to stop racial bias in housing, but opposed the use of federal funds to force neighborhoods to accept poor people—black or white.

In a 9,000-word statement defining a policy of "balance" on discrimination in housing, Nixon said the government has "very limited" power to control residential patterns in individual communities.

"There are some who assume that the federal government has the power to do anything it wants—or that they want," the President said.

He argued that the nation has kept its freedom by "insisting that the federal government's exercise of power not exceed its authority."

CITES DIFFERENCES

Throughout the message, he drew sharp distinctions between racial bias by those who build, sell or rent homes, and a neighborhood or city's right to choose its own plan of housing development.

The President also stressed that he sees a difference between problems of racial or religious separation in housing and problems of economic isolation.

But, he said, the government "will not countenance" any use of economic means as a coverup for racial segregation. In such cases, he said, "we will vigorously oppose it by whatever means are most appropriate."

"EQUAL OPPORTUNITY"

Racial, religious or ethnic bias "will not be tolerated" as a basis for denial of housing, Nixon said. He promised "vigorous enforcement" of the law if discrimination is "direct and overt," is a "subterfuge," or is an indirect result of "price and credit discrimination."

He stressed that what he means by "equal housing opportunity" is that people of "similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion or national origin."

That means the government "will not seek to impose economic integration upon an existing local jurisdiction," Nixon declared.

Federal housing subsidy programs mean the government's role is "essentially one of responding to local or private initiatives," he said.

NO "INSTANT GHETTOES"

Thus, "a municipality that does not want federally assisted housing should not have it imposed from Washington by bureaucratic fiat."

Nixon said the government would not use its subsidies to build "instant ghettoes," and would avoid moves that would "tip the balance of an established community with a flood of low-income families."

The choice of "land use policy"—including decisions on the sites and types of housing—is "essentially local," the President said.

Decisions about how and where to place new developments "represent the kind of basic choices about the future shape of a community or of a metropolitan area that should be chiefly for the people of that community or that area to determine."

He warned local communities that they should try, voluntarily, to improve housing opportunity for all unless they want the courts to impose stiff requirements on them.

Officials would not be wise to "allow a situation to develop" in which test cases in court control "their individual land use policies."

Those questions "no doubt will end up in the courts if they are not satisfactorily dealt with outside the courts through timely and enlightened local action," he said.

Nixon's statement followed charges by the U.S. Civil Rights Commission yesterday that a "separate and unequal market" in government housing for minorities is thriving because the federal housing department "has virtually abdicated its responsibility under the law."

Under federal law, the Department of Housing and Urban Development is specifically directed to administer its programs to promote the purposes of fair housing, the commission said in a report.

But by taking a passive role, HUD has allowed private home builders and lenders to sustain segregation in federally subsidized "235" housing for low-income families, the CRC asserted.

ROMNEY DEFENDS POLICY

Commenting on the commission report, HUD Secretary George Romney said the department has "been engaged in a range of actions over the last several months to make all of our programs more responsive to equal opportunity objectives as well as to the consumer generally."

But Romney appeared to concede a contention by CRC staff director Howard Glickstein that HUD's constituent agency, the Federal Housing Administration, is oriented more to lenders than to buyers.

The "235" program operates within the framework of the private real estate market," Romney said. "FHA has traditionally been structured legally and administratively to respond to the private market.

"FHA does not by itself control such things as housing site location (or) housing consumer preferences," he said.

The argument of the Civil Rights Commission is that the government should not respond to private activity but rather should provide leadership and guidance for it.

By neither counseling buyers nor disciplining lenders, FHA has permitted black and other minority buyers of "235" housing to be kept in city ghettoes while whites were channeled to the suburbs—usually into newer and better homes, the CRC said.

Instead of awaiting complaints from buyers, HUD should conduct "continuous compliance reviews of racial data and initiate action to block segregation," the commission said.

[Washington Post, June 14, 1971]

U.S. Files Housing Bias Suit

MISSOURI CITY SUED; ZONED TO BAR PROJECT

(By Ken W. Clawson)

The government yesterday sued the St. Louis suburb of Black Jack, Mo., charging that it was racially discriminatory when it rezoned land to prohibit construction of a middle-income housing project.

Attorney General John N. Mitchell announced the civil suit, which seeks "prompt" construction of a racially integrated housing development, after a wait of more than seven months while President Nixon prepared an administration housing policy.

A lawsuit was recommended last year by George Romney, Secretary of Housing and Urban Development, after Black Jack, Mo., first incorporated as a city and then passed a zoning ordinance preventing construction of an apartment complex called Park View Heights.

When the Justice Department refused to move in the case pending an overall housing policy statement by President Nixon, the American Civil Liberties Union sued the municipality, charging violation of the Fair Housing Act of 1968.

Justice's intervention yesterday was in line with Mr. Nixon's declaration that the government will not tolerate racial discrimination in housing. It was the first separate suit by the Justice Department charging that a municipal zoning ordinance was racially discriminatory although the government intervened on behalf of private plaintiffs last year in a suit against a Lackawanna, N.Y., zoning ordinance passed under similar circumstances.

Mitchell said eight other housing bias suits will be filed by the government.

In the Black Jack case, the government said that during late 1969 and early 1970, private developers purchased land from St. Louis County and even received preliminary approval from HUD for mortgage interest reduction. At the time, county zoning laws permitted construction of multiple-family dwellings on the 11-acre parcel.

The government brief said that during June, 1970, opposition from the generally white residents of the area solidified and on Aug. 6, 1970, the city of Black Jack was incorporated. On Oct. 19, 1970, the new municipality adopted a zoning ordinance that legislated out of existence the proposed integrated housing project.

The suit was filed yesterday in U.S. District Court in St. Louis. Attorney General Mitchell said the eight other suits will be filed later this week but did not specify the individuals or communities.

Mitchell said that for the administration to differentiate between communities that discriminate on the basis of economics rather than race, it would be necessary to investigate "the intentions of the parties involved, their statements and actions taken."

In his statement last week, President Nixon said that states, and through them cities, have the right to determine land use, and the government would not try to force communities to accept economic integration.

But the President called on suburban areas to make land available for low- and moderate-income housing as part of their responsibility in opening up all regions of the nation.

In a joint press conference with Mitchell, Secretary Romney announced proposed new guidelines for site selection of federally subsidized housing projects that place emphasis on locating them outside present minority concentrations.

"As a general proposition, all other factors being equal, projects outside areas of minority concentration will be given preference," Romney said.

Romney also defined the kind of federal pressure on suburbs to take low- and moderate-income housing. It did not include fund cutoffs, but rather a system of incentives whereby those communities with adequate low- and moderate-income housing would receive preferences in seeking other federal funds.

Romney said that in reviewing applications for urban renewal funds or water and sewer grants, HUD would declare ineligible those communities that had made no effort to provide low- and moderate-income housing. This provision is part of current federal law.

He indicated this would have the practical effect of stimulating construction of more low- and moderate-income housing throughout all metropolitan areas, including the suburbs. He emphasized, as did President Nixon last week, that most applications for housing funds and guarantees are initiated on the local level, and that communities' interest in such projects is voluntary.

Romney and Robert L. Kunzig, chief of the General Services Administration, announced yesterday the signing of an agreement under which GSA will consult with HUD on the existence of low- and moderate-income housing before selecting sites for government buildings.

[From the Dan Smoot Report, May 27, 1968]

SLUMS FOR EVERYBODY

In the early 1950's the federal government spent $36.8 million to convert a 55-acre area of St. Louis (formerly known as the Kerry Patch slum) into a high-rise apartment city for low-income workers.

The project, named Pruitt-Igoe, was originally planned as two separate housing facilities. The Pruitt was to be a complex of 20 buildings, 11-stories high, for Negroes only. The Igoe was to be 13 buildings for whites only.

The National Association for the Advancement of Colored People (NAACP) filed a lawsuit against the St. Louis Housing Authority for fostering segregation NAACP won the suit; and Pruitt-Igoe was built for integrated occupancy.

The 33 11-story buildings contain 2755 dwelling units. On 4 floors of each building there are "laundry galleries" complete with space for small children to play while mothers do the family wash. There is an abundance of beautiful parkways, gardens, open-spaces, playgrounds.

When the 55-acre patch of man-made heaven known as Pruitt-Igoe was completed in 1954, it was widely acclaimed a spectacular accomplishment which proved that lavish spending of tax money could create paradise. Architectural journals extravagantly praised Pruitt-Igoe for the economy, the uniqueness, the beauty of its design. Liberal uplifters and planners of other people's lives pointed to it with triumph. Government planning and spending had converted the ugly old Kerry Patch slum into a showplace where black and white would live together in tax-subsidized bliss.

The St. Louis Housing Authority set rents on a sliding scale: those with the lowest incomes paid the lowest rents; those who earned more paid more; but persons with incomes above a specified level were excluded. The Authority controlled the influx of tenants by reserving a certain percentage of units for each economic level accommodated. Only 10% of the units were available for unemployed persons on relief.

Though the NAACP had won its lawsuit to force integration, Pruitt-Igoe was never integrated. White people stayed away, and the 2,755 dwelling units were quickly taken by Negroes.

All seemed to go well for a while—until the late 1950's when the Housing Authority yielded to pressure, by the overburdened St. Louis Welfare Department, to accept more reliefers as tenants in Pruitt-Igoe.

By 1968, two-thirds of the 10,000 Negroes living in Pruitt-Igoe were on welfare—mostly families of illegitimates, or families deserted by fathers. Pruitt-Igoe had become a cancer in the heart of St. Louis, an indescribable cesspool of filth, fear, obscenity, and crime.

Vandals keep elevators out of order most of the time. Stairs, landings, halls and yards reek of human offal, and are littered with garbage, beer cans, broken wine bottles, assorted trash. Rape, robbery, and assault—in the buildings and on the grounds—are commonplace.

The laundry galleries have been largely taken over by hoodlums who do not live in the project, but who are attracted by the women who reside there. Areas where children were supposed to play while mothers did the laundry are now foul and cluttered dens where men and women drink, gamble, fight, and engage in sexual acts in full view of children or whoever else happens to be around.

Larry Fields, *Globe-Democrat* reporter who wrote a full-page feature on Pruitt-Igoe, called the project a "local and national disgrace." One elderly woman tenant told him she has not dared to go outside her apartment in 3 years. Violence and obscene disorder disturb her continuously, but she is afraid to call the police—afraid the police will be hurt; afraid the hoodlums will discover that she reported them.

Another woman told Mr. Fields:

"It was wonderful when we moved here . . . We all used to be neighbors, and we all cared about the place. But now, there are so many people who live here like animals.

"They throw bottles out of the windows, and they let their kids run around wild. Just the other day, a group of them set fire in the hallway and were having a barbecue. . . . And then, when they were through, they just left all their dirt behind, the bones and the burnt wood and bottles." [1]

Larry Fields interviewed Dr. Lee Rainwater, professor of sociology and anthropology at Washington University. Dr. Rainwater has a solution for the nation's slum problems. He suggests that the government give all poor people a guaranteed annual income, and lend them enough money to buy their own homes, wherever they please.[1]

Obviously, the lesson of Pruitt-Igoe is lost on Dr. Rainwater. Slums do not make people. It is the other way around. People make slums. Dr. Rainwater's scheme could make a Pruitt-Igoe of every neighborhood in the country.

The open-housing section of the 1968 civil rights bill forces people to sell or rent houses to whoever comes along. The government will take enough money away from you to provide the rent or the purchase money, and to guarantee your new neighbors enough annual income to buy booze, beer, clothes, and food. What will you do about the wild, drunken orgies they stage in the very presence of your families? What will you do about the swarms of illegitimates they will breed and turn loose in your neighborhoods, to roam uncontrolled like animals, littering, vandalizing, stealing, assaulting, robbing, and raping?

Perhaps Dr. Rainwater's scheme should cause us no anxiety, if it were only his scheme; but that is not the case. Rainwater's scheme is, basically, the scheme of powerful politicians like Robert F. Kennedy, Richard Nixon, Eugene McCarthy, Hubert Humphrey, Nelson Rockefeller, Lyndon Johnson. It is the scheme of powerful union bosses like Walter Reuther. It is the scheme of all prominent civil rights leaders. It is essentially the scheme of influential religious organizations like the National Conference of Catholic Charities, the American Jewish Congress, the Council of Jewish Federations and Welfare Funds, the National Council of Churches, the National Board of the Young Women's Christian Association. It is the scheme of the Southern Christian Leadership Conference whose leaders (successors to Martin Luther King) are conducting the poor people's march on Washington; and it is the scheme of President Johnson's National Advisory Commission on Civil Disorders (Riot Commission).

The Riot Commission recommended a guaranteed annual income, plus subsidized housing and a multitude of other benefits, for everyone who chooses not to work and for everyone who works but does not earn enough money ("enough" being a figure not yet specifically defined, but generally considered to be about $5000 a year income for a family of 4).

The Commission condemned the present system of public welfare as designed "to save money instead of people," and as operating "to remind recipients that they are considered untrustworthy, promiscuous, and lazy." The Commission alleged that whites created the slums Negroes live in, that whites ignore or condone horrible living conditions of Negroes, and that middle-class whites are unwilling to tax themselves for adequate help to Negroes—alleged that little has been done for the "ghetto poor" in the United States.

All of which is an outright lie.

From 1935 to the end of 1966, the federal government spent more than $421 billion on programs designed to aid, train, rehabilitate the nation's poor.[2] Most of the money was taken from middle-class whites. The spending not only continues, but increases with accelerating speed every year. From 1960 to the end of 1966, federal spending for welfare and health programs increased 210%, white U.S. population grew 10%.[3] The rate of increase on health and welfare spending during 1967 was vastly greater than the rate of increase during the 1960–66 period.

The federal government alone is now spending about $59 billion a year to help the nation's poor [4]—a sum which does not include the astronomical amounts spent on the poor by city, county, and state governments.

Negroes constitute about 11% of the population, but get 40% of the tax money spent on welfare.

Washington, D.C., is a classic case for study.

In 1950, when Washington was 2/3 white, the city's budget was $98 million. Academically, its schools rated with the best in the nation. Crime rates were lower than those of most other cities of comparable size. There were areas where housing was shabby and residents were careless about the appearance of their neighborhood (as in every other city of the world); but there were no vast slum sections where filth, crime, and tax-subsidized idleness were the most conspicuous features of life.

In 1968, the total population of Washington is only 25,000 greater than it was 18 years ago; but now the population is 2/3 Negro; and the city's budget is $450 million—which does not include additional billions of tax money being poured into the city by the federal government for urban renewal, rent supplements, public housing, welfare, poverty war operations, manpower training, freeway construction.

Negroes constitute 92% of the enrollment in District schools, which now rate, academically, among the lowest in the nation. Many of the schools are stews of crime and violence, where the educational process is virtually nonexistent. Yet, the District schools

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Footnotes at end of article.

cost more now than they did in 1950 when they were among the best in the nation. For example, the District schools have a greater number of professional staff per 1000 students than the schools of any other city of comparable size.[5]

Negroes get 80% of the "free" medical care at the D.C. General Hospital. The cost to taxpayers of providing this "free" medical service to Negroes in this one hospital in the District is more than $19 million a year. Approximately 90% of all welfare funds in the District goes to Negroes.[5]

In recent years, Congress has appropriated huge amounts of money for playgrounds, swimming pools, recreation projects—primarily for the benefit of Negroes. Job-training programs, poverty programs, and summer-employment programs have been directed almost exclusively for the benefit of Negroes.[5]

The Mayor of Washington is a Negro. More than 55% of all employees of the District government are Negroes (and the percentage would be higher if more Negroes would accept employment). More than 30% of all federal employees in the District are Negroes.[6]

Yet, the Reverend Ralph Abernathy's delegation of "poor people"—on the first day of their march on Washington (April 29)—told the Secretary of Agriculture that Washington is a "slave city," because so little has been done for the poor.[7]

Today, Washington is a hellhole of crime and mob violence. Vast sections of this once-lovely city have been converted into sloughs of filth by the people who live there at taxpayers' expense.

Liberals who control the federal government are financing, with our money, this rape and degradation of the nation's capital.

The answer? The only way to save our country is to stop all unconstitutional spending by the federal government and stop federal court interference and dictation in state and local affairs—thus leaving private individuals and state and local governments the responsibility and the resources to manage their own affairs and to enforce the laws, without regard to race or political affiliation.

It can be done, if we will elect a Congress and a President who will do it.

FOOTNOTES

(1) "The Separate World of Pruitt-Igoe," by Larry Fields, St. Louis *Globe-Democrat*, Apr. 27–8, 1968, Sec. C, p. 1.

(2) *Historical Statistics Of The United States, Colonial Times to 1957*, U.S. Department of Commerce, 1960, p. 194; *Statistical Abstract(s) Of The United States*, U.S. Department of Commerce, 1959—p. 266; 1962—pp. 274–5, 1965—p. 282, 1966—p. 281

(3) "Conclusions," editorial, *The Dallas Morning News*, July 25, 1967, p. D2

(4) "Any Answer To Riots?", *U.S. News & World Report*, Apr. 29, 1968, pp. 34–6

(5) "What's Wrong With A 'Poor People's March,'; Interview With Robert C. Byrd, Senator From West Virginia," *U.S. News & World Report*, May 6, 1968, pp. 72–3

(6) "Aftermath of Riots—what next?" *U.S. News and World Rept*. Apr. 22, 1968, pp. 27–30

(7) Article by Chas. Canconi, *The Wash. D.C. Eve Star*. Apr. 29, 1968, pp A1, 6.

FBI IN ACTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MIKVA. Mr. Speaker, in the past few years many of our major cities, including the Capital, have been subjected to the terrifying nightmare of bombings. In response to these indiscriminately devastating devices of terror, the citizens of the Nation have demanded that those who commit such crimes be apprehended and tried before a court of justice. Congress has responded in the form of tighter controls over explosives and stricter penalties for their illegal use. The courts in turn have seen an increasing number of trials for those accused of bombings.

The accused who have been mostly vigorously prosecuted have been for the most part blacks and youths. In New York, Seattle, and Washington, large-scale investigations were launched and indictments were handed down as rapidly as possible against such defendants. However, these are not the only ones who stand accused and who should be vigorously prosecuted by the Justice Department.

In 1968 and 1969, Tucson, Ariz., experienced a rash of bombings from unknown sources. Eventually courtroom testimony revealed that an FBI agent had been the cause of the bombings. Yet to this date the FBI has shown continued reluctance to become involved in the case, and the Justice Department has failed to indict and prosecute the agent. The only action taken against the agent has been his forced resignation from the Bureau.

This sad state of affairs constitutes a reprehensible indictment of our system of administering justice, and of the internal affairs of the Federal Bureau of Investigation. Not only is such individual action on the part of an agent beyond all boundaries of proper police conduct.

Furthermore, the failure of the Federal Bureau of Investigation and the Justice Department to prosecute this case as they have in the cases of blacks and youths constitutes selective enforcement in violation of fundamental principles of equal application of the laws. The law should be enforced as vigorously in Tucson, Ariz., as it is in New York, Seattle, and Washington. It should be enforced as strictly against an FBI agent as against a Black Panther.

In order to bring the facts of this incident out in the open, I insert in the RECORD several articles from various newspapers which raised grave questions as to the conduct of the FBI in this case:

[From the Baltimore Sun, June 2, 1971]

FBI AGENT IS LINKED TO TUCSON BOMBINGS

(By Adam Clymer)

TUCSON, ARIZ., June 1.—A year-long series of apparent gangland bombings was really the work of an FBI agent assigned to investigate organized crime, authorities here believe.

Between July, 1968, and August, 1969, 18 houses, businesses or cars were bombed—without reported injury. A few more were shot at. It appeared that a gang war had begun, and citizens fearfully demanded more help from the FBI.

That, it appears, was the last thing they needed. Testimony in court in 1969 and 1970 indicated that an FBI agent, David O. Hale, started the whole thing, enlisting helpers in what they thought was an officially sanctioned mission, on the theory that some selective bombing would get the Mafia fighting internally and drive it out of Tucson. One of the recruits was seriously wounded in one of the attacks.

Mr. Hale, on advice of his lawyer, would not discuss the subject with this reporter. In court he took the Fifth Amendment, and also pleaded that it is against FBI rules to reveal informants. The lawyer, Lawrence P. D'Antonio, denied Mr. Hale was involved, suggesting he was framed because he was nearing a solution involving some local civic leader.

But his is a lonely voice. Not only are local and state police convinced of the agent's guilt, but so was a Superior Court judge, William C. Frey (who is now a Federal judge), who told the agent last summer he led his followers "down that primrose path" on "a frolic of his own."

HALE FIRED

The FBI quickly fired Mr. Hale, its organized crime specialist in Tucson. He now works in Florida, doing industrial security for Giffen Industries, and returns here on occasional weekends. His family lives here. He has not been prosecuted. But that is only one of the curious loose ends in a story which, though it is not being suppressed, is certainly not getting much official attention or action.

David Hale came to Tucson in the mid-1960's, as the FBI was facing increasing pressure to combat organized crime. It was an important assignment. The city is the residence of Joseph (Joe Bananas) Bonanno, the reputed boss of much crime activity in New York, and Peter Licavoli, believed to have held a lesser position in Detroit, and various lesser lights.

SECRET PURCHASE

It is not just the sunshine that draws them to Arizona. This state allows purchase of land by secret, numbered accounts (as do only two other states), which offer an enviable way to slip crime profits into legitimate commerce. The title companies are almost as secretive as the Swiss banks, but the Internal Revenue Service can find out who owns what, if it knows which account to ask about.

Few people claimed to know David Hale well. He worked long, odd hours, and had been an agent since 1957, with a curious 15-month break in 1963–1964. He enjoyed watching basketball and playing golf, despite a wicked slice.

ALOOF, CONFIDENT

He was very confident. Reporters recall him as aloof, a bit arrogant. One remembered seeing Mr. Hale nonplussed only once, when asked if the Mormon church still had "avenging angels," who punished the unrighteous. One of them eventually got a noncommittal answer from the Mormon agent, but it stuck in the reporter's memory.

His home life was not smooth. Sometime in the summer or fall of 1968, his wife left him. (The bombings began July 21.) She sued for divorce. At his request it was filed in remote Apache county, where the filing successfully escaped press attention. She filed in November, and in January, 1969, won a divorce and a favorable settlement, but before a decree was entered, they were reconciled. Court records indicate no particular prosperity; their cars, for example, were 1956 and 1963 models.

LINK TO BOMBINGS

But back then no one was thinking about David Hale and the bombings, except as one of the law enforcement officials trying to solve them.

The first explosion was at a guest ranch owned by Mr. Licavoli. Some cars were damaged by dynamite and an electric junction box was destroyed in another blast.

The next night, July 22, Mr. Bonanno's modest home on Elm Street was hit. This was a bit more spectacular. A hole was blown in the garage roof, and a gap was blasted through the back wall, destroying a brick outdoor grill built into the wall.

A professional photographer who was hired for a Bonanno family wedding, Henk Moonen, lives nearby. When he heard the blasts, he said last week, he jumped in his car and drove to the house, linking the explosion to what he had read of the Licavoli bombing.

He and another witness reported seeing Mr. Bonanno digging around in the rubble and carrying two heavy canvas bags back to the house.

More than three weeks later the home of Joseph Notaro, regarded as a Bonanno bodyguard, was bombed. There were six bombings in September. For most of them, a gangland "war" explanation can be inferred, though not all are obvious.

Then, curiously, the bombings stopped for several months, resuming with two more in May, four in June, two in July and one in August, 1969.

Capt. Wesley Mauldin, of the State Department of Public Safety, said a few days ago that his impression at the time was not of a major mob war, as some newspapermen saw it, but of some minor-league extortion with the big-name victims added to create an impression. He still thinks this explains a few bombings.

But the explanation the police later come to accept for most of the bombings was quite different.

RACE DRIVER

It was based on the testimony of William J. Dunbar, Jr., a young racing driver, and Paul Mills Stevens, an engineer finishing college but working at Hughes Aircraft on the Phoenix air-to-air missile project in Tucson (police had to wait while he locked up classified documents before they could arrest him), and other informants, several of whom said they participated in some of the bombings.

Police came to believe that Mr. Hale recruited Mr. Dunbar, Mr. Stevens, Walter I. Pideaux and later others to help him start a "war" among hoodlums.

Mr. Prideaux is a businessman with a connection to the Bonannos; he tutored Joseph Bonanno, Jr., in English. He has been seeking for years to develop, through a secret land and a high rise office and apartment complex. But he has never quite put it together—something he now blames on the bombing publicity. He got to know Mr. Hale, he said last week, when the agent once investigated him.

ENGLISH TUTOR

Mr. Prideaux took the Fifth Amendment, too, after complaining to the deputy county attorney that he had been promised he would not have to testify if he helped the police. He said in an interview there are considerable errors involved" in the Dunbar-Stevens testimony, but I don't choose to get involved in confirming or denying."

However, he added, Stevens, Dunbar and I had far less involvement than three bankers, a lawyer and a newspaperman." He would not name them, but all except the lawyer's name were commonly mentioned in Tucson gossip in August, 1969.

The testimony came at a sentencing hearing July 24, 1970 after Mr. Dunbar and Mr. Stevens pleaded guilty. Asked how the bombings started, Mr. Dunbar described a dinner the four had at the Iron Mask Restaurant and testified that "David's idea—from what we were told—was to start a feud between the Mafia families in Tucson and to get them out of Tucson.

Mr. Stevens, who was brought in because he had Marine demolition experience and because he was a friend of Mr. Dunbar, gave similar testimony.

In an interview a few days ago, Mr. Dunbar was asked his motivation for participating in the bombings. He said "I knew the people. They get away with so much, against so many people, and nobody does anything about it.

* * * * *

Mr. Stevens testified he had * * * bombing, but at being taken in by Mr. Hale, who he said failed to protect his accomplices against arrest, as he had promised to do, and failed to give sufficient help to Mr. Stevens when he was seriously wounded in one of the attacks.

The engineer said his motive had been the same. Both said Mr. Hale implied, though he did not exactly say, that high FBI officials sanctioned the scheme. Each said he was not paid.

They testified that after agreeing to Mr. Hales plan, they met Mr. Hale and Mr. Prideaux July 21 and drove out to the Grace Ranch, Mr. Licavolis place east of the city. They looked it over and then set off their bombs without being discovered.

Mr. Stevens testified he assembled the bombs from dynamite he already had for a mine he partly owned. He said he and the agent went up toward the ranch house, but that he rejected the agents suggestion that they bomb the house itself. They expected to be only a "technical adviser, but found that Mr. Hale was afraid of dynamite. Mr. Stevens said he felt safer placing the charges and lighting the fuses himself.

TARGET SELECTED

The next night they assembled again at the Iron Mask, Mr. Stevens and Mr. Dunbar testified. Again they chose targets that presumably would not cause injury—this time at Mr. Bonnano's house. There is some confusion about who drove there, but they agree the FBI man drove during the escape.

But the attack on the Bonnano house did not go smoothly. The bombs were set and timed (and both Mr. Stevens and Mr. Dunbar remember hearing them go off while they were driving, a mile or so away), but as they were thrown, Mr. Stevens himself was hit by No. 2 shotgun pellets.

In a preliminary hearing on the case August 12, 1969, Mr. Bonnano's son, William S. Bonnano, testified that he saw a bomb tossed and then spotted someone running across the street and shot him with a shotgun.

BOOBY TRAP

Mr. Stevens and Mr. Dunbar both insist it was a booby trap, activated when the bomb went into the fireplace, which Mr. Dunbar had once repaired. None of the newspaper accounts reported the presence of William Bonanno that night.

Mr. Stevens said he was badly hurt, and staggered away. Mr. Dunbar said the agent did not want to stop the car for the wounded man, but did when he insisted. They ended up at Mr. Prideaux's house, where they saw that the engineer needed a doctor, and agreed on an alibi with the agent's help. They said they would say Mr. Dunbar's shotgun went off accidentally, a story the police believed.

The FBI agent, they testified, hurried off, saying he was on duty and would have to make a report on the attack on Mr. Bonanno's residence.

The injury sidelined the group's explosives expert, crippling his right arm. It is badly withered today.

But Mr. Stevens testified the agent visited him in the hospital and asked him to assemble some more bombs under the sheets. He testified he refused, but later said he helped Mr. Dunbar assemble four bombs (in court Mr. Dunbar took responsibility for them), and left them in a garbage can behind Mr. Prideaux's home for Mr. Hale to pick up.

According to their testimony, they resented Mr. Hale's failure to provide a doctor and take charge of the situation when Mr. Stevens was shot, and did not participate personally in the bombings, though Mr. Dunbar indicated he knew, at second hand, about some others.

Mr. Dunbar said he had also refused a suggestion that he get even for Mr. Stevens' wounding by shooting at Mr. Notaro, the Bonanno bodyguard, not with a gun, but with a crossbow, a weapon at which he is proficient.

[From the Baltimore Sun, June 3, 1971]

Bomb Clues Led to FBI Agent

(By Adam Clymer)

Tucson, Ariz., June 2.—In August, 1969, Tucson was startled to hear that an FBI agent, David O. Hale was implicated in what had been thought to be a year-long series of gangland bombings.

Among those who believed the charge—some then and more now—rumors began flying about others, either FBI superiors or leading local figures who they thought were involved. They assumed Mr. Hale must had some encouragement from above.

But in the nearly two years that have followed, no substantial evidence has turned up against anyone else. And the most typical hypothesis is that the agent, after years of trying to get evidence against organized crime chieftains, such as Joseph (Joe Bananas) Bonanno, finally cracked up.

There is another theory, advanced by Lawrence P. D'Antonio, whose entrance into the case as Mr. Hale's lawyer was a surprise in itself since he had previously represented Mr. Bonanno, a target at one bombing, for many years. The whole thing was a plot to discredit the FBI and frame Mr. Hale, its organized crime specialist here, the lawyer said in a letter to the FBI director, J. Edgar Hoover, in 1970. He got only a cursory reply.

The police got their first break when they found a woman, Jane Hitchcock, who told them that "an FBI agent named Dave" was behind the bombings, which occurred between July, 1968, and August, 1969, because he wanted to incite local Mafia chiefs into fighting each other.

Miss Hitchcock said she was a friend of two men, William J. Dunbar, Jr., and Paul M. Stevens, who had told her so. The police were skeptical at first, but after giving her a lie detector test and questioning others, including some small-time hoodlums, they began to believe it.

Mr. Dunbar and Mr. Stevens were arrested. (Both testified later that Mr. Hale warned them that Mr. Dunbar might be picked up, and he left town when he saw a policeman at the door, but was found soon after.) And on August 12, 1969, Miss Hitchcock retold her story. She was vague about details but definite about the "agent named Dave."

The state's case dragged on for more than a year after the arrests, and the public only got a detailed story after Mr. Dunbar and Mr. Stevens pleaded guilty to reduced charges.

A few days later, on July 24, 1970, they appeared at a sentencing hearing, and told a bizarre story which convinced a Superior Court judge, William C. Frey to fine them only $286 each.

Mr. Hale listened and watched, but appeared shaken when he was called to testify, and took the Fifth Amendment.

On his lawyer's advice, Mr. Hale would not discuss the case last week. Mr. D'Antonio said in an interview that his client was actually at a Mormon Church play rehearsal at the time of the Bonanno bombing—when Mr. Dunbar and Mr. Stevens said he drove the get-away car—and otherwise denied any involvement.

FBI RULES

Mr. D'Antonio asserted that FBI rules barred Mr. Hale from discussing the affair, since his knowledge came from informants. A similar assertion in court led Judge Frey to threaten to bring contempt charges.

Asked why the alleged FBI rules prevented the agent from answering where he now worked and where he was on the night of the Bonanno bombing, Mr. D'Antonio said only that he had wanted to make sure not to wait too long before claiming the privilege by declining to testify.

INVESTIGATION STOPPED

Police declined to discuss the basis of their other information against Mr. Hale, although they acknowledged that they have stopped investigating the 18 bombings and think they know who did most of them.

In court, only two other names were mentioned, those of Jerry Paisley, a night-club operator, and Walter I. Prideaux, a businessman.

Two policemen, Sgt. Warren Ryan of the Tucson police and Capt. Wesley Mauldin of the State Department of Public Safety, both said they had other independent information to confirm the Stevens-Dunbar story, and Captain Mauldin said Mr. Paisley had implicated the FBI agent in other bombings besides the one at the Bonanno home and one other attack admitted by Mr. Stevens and Mr. Dunbar.

COOPERATION SOUGHT

Sergeant Ryan also testified that a few days before the arrests, Mr. Hale had demanded that the Tucson police see that Captain Mauldin—who had custody of Miss Hitchcock—be more cooperative. Unless information was forthcoming, he reportedly said, he would keep Captain Mauldin out of the FBI's National Academy, which the state lawman was—and is—seeking to attend.

Captain Mauldin testified that he then met with Mr. Hale, but refused to tell him what he had learned. "I am a federal officer. You are a state officer, so you are going to have to tell me," he quoted Mr. Hale as saying.

Instead he and the Tucson police went to John Mull, the chief FBI agent in Arizona, with their full report, even naming their informants. "I don't think he believed me," testified Mr. Mauldin. Others recall a brush-off.

But the FBI did start to investigate on its own, seeking to question Mr. Stevens (and then dropping that attempt), examining the police reports, and interrogating Mr. Hale.

They later talked to William Dees, a former FBI employee and now a lawyer, who had represented Mr. Hale in a divorce case. Mr. Dees, a high councilman of the Mormon Church (to which Mr. Hale belongs) was cited by Mr. D'Antonio as the witness who would substantiate the alibi that the agent was at the play rehearsal.

DECLINES COMMENT

Mr. Dees confirmed this, but would not discuss it for quotation because he might be called before a grand jury at some time.

The FBI, though it was not anxious to talk about it, made Mr. Hale resign. It says he was suspended August 7 and that he resigned August 12, 1969—the day Miss Hitchcock testified publicly—but that it was a few days before his resignation was announced.

The FBI gave some help in return, furnishing the Tucson police with various reports made by Mr. Hale, presumably with his descriptions of his activities on nights he was suspected of taking part in bombing attacks. Captain Clarence Dunik, chief of detectives in Tucson, praised the bureau's helpfulness.

But whatever the police knew in August, 1969, for the public there was little fact and lots of rumor. And one of the busiest rumors was that some group of leading citizens of the city was behind the effort to harass and drive out the Mafia. On August 14, William J. Gilkinson, the acting police chief, told Robert L. Thomas of the Arizona Republic "there are some very prominent persons who will have to answer for their actions, persons that you'd never suspect."

Police say now that the persons whose names were being linked to the attacks all knew Mr. Hale, but say they know of no greater connection. Three of them, James Stuart Douglas, William Hawes Smith and Paul McKalip, all had taken a prominent role in warning against Mafia influence in Tucson. Mr. Douglas is president of the Southern Arizona Bank; Mr. Smith is vice president of the Valley National Bank; and Mr. McKalip is editor of the Tucson *Daily Citizen*.

ONLY INNUENDO

In interviews last week, they all said they could not imagine why they had been the subject of rumors. They said they had not been involved with the bombings. And no one else interviewed offered more than innuendo to dispute them.

But the three men all said that Mr. Hale called on them after his name got into the papers, visiting Mr. Douglas August 20 and meeting Mr. Smith August 28 and Mr. McKalip August 29.

Mr. Douglas, who said he had known the agent slightly—at first he said he could not "recall the agent's name" but after having it recalled to him, was referring to him as "Dave" a minute later—said the agent came and complained he was being framed and asked Mr. Douglas to help with his superiors.

BANK SEMINARS

The banker said he had known the agent through some seminars on organized crime which his bank ran and the agent had helped arrange. He said he told Mr. Hale he would speak favorably of the seminars, "but further than that I will not go because I don't know your record." He said he heard from Mr. Hale again three or four months later, when the ex-agent applied, unsuccessfully, for a bank security job.

Mr. Smith's and Mr. McKalip's recollections do not include any request for help. Each said he had not known the agent previously. Each recalled being warned by Mr. Hale that he was being investigated in connection with the bombings. Mr. Smith remembered being told that not only authorites, but the Mafia too, was investigating. Mr. McKalip did not recall being told the Mafia was investigating.

GRADUATE STUDENT

A couple of weeks later Mr. Thomas, the Arizona *Republic* reporter—who with Dave Green, a reporter for the *Citizen*, pursued the story doggedly—turned up another incident involving Mr. Hale.

Mr. Thomas wrote of a 37-year-old graduate student, Mrs. Fran Angleman, who had told friends of an association with Mr. Hale that included throwing a bomb at a car parked at the Bonanno home—the incident, though not Mrs. Angleman's role in it, was independently confirmed—and being with him when he fired a shotgun at another alleged gangster's picture window.

Mrs. Angleman had committed suicide May 14, 1969, leaving a note reportedly saying "Mr. Hoover, please don't let Mafia take over the country." Mr. Thomas's source was Tom Bahti, a local dealer in Indian art, and one of his employees.

HALE FEARED

Mr. Bahti repeated the story ten days ago. According to him, Mrs. Angleman, who was divorced, talked frequently about her friend the FBI agent, without naming him at first, saying she wanted to marry him, and that she was afraid of him.

He also said she kept a diary, which police only examined briefly when they investigated the seemingly ordinary suicide. He said he had been told of the diary by Mrs. June Bridges, the woman's mother, and quoted the mother as saying the diary described adventures with Mr. Hale.

"I MADE A MISTAKE"

Mrs. Bridges said last week in an interview that she had indeed told Mr. Bahti that, but "I made a mistake." She said in the interview her daughter's diaries had not been read: "we tore them up just so fast." Her husband, a lawyer, told Mr. Thomas that he had thrown away the diaries.

The police, hoping the diaries would be vital evidence, sought to find them despite the Bridges couple's claim they had been thrown away, but failed.

For nearly a year the police work went on with few public developments. The police were looking for a piece of evidence to tie Mr. Hale into the case. Under Arizona law, the testimony of accomplices like Mr. Stevens and Mr. Dunbar is not sufficient for conviction.

CHARGES REDUCED

They never found any, or at least none from witnesses whom they could persuade to appear in court. So finally, last July, they agreed to reduce the charges against the two they arrested if they would cooperate and tell their stories in public.

The result was a day-long sentencing hearing, seriously implicating Mr. Hale. It went around and around. Mr. Stevens's attorney, Thomas Chandler, called it "a Chinese fire drill."

And Mr. D'Antonio complained in court "this is merely a proceeding to embarrass my client." The other principals do not dispute that, though they might balk at his characterization of it as a "star-chamber proceeding" in last week's interview.

Mr. Chandler suggested to Judge Frey that if the agent was not going to testify, they stop questioning him and get on with the sentencing.

After Mr. Hale took the Fifth Amendment on a couple of questions, the judge cut off the questioning and suggested that "further proceedings" with respect to Mr. Hale might be a good idea.

Imposing fines, he told the defendants, "I can see how you were probably taken in, misled, led down that primrose path pointed out to you by Mr. Hale under the guise that you were acting for him in an official capacity."

"I can't imagine what his motivation was. However, I feel that under the circumstances I am not going to impose any harsh penalties on you two for what appears to be at least at this time a dereliction, gross dereliction of duty by Mr. Hale and certainly a frolic of his own that has brought embarrassment to all concerned."

[From the Baltimore Sun, June 14, 1971]

U.S. Aide Keeps Hale Case Alive

(By Adam Clymer)

Washington, June 3—Everyone else says the case is dead, but William C. Smitherman, assistant United States attorney in Tucson, says the federal government has not forgotten David O. Hale, the ex-FBI agent local authorities believe was behind a year long series of bombings.

The general belief in Tucson is that the Justice Department is unwilling to embarrass the FBI with another airing of the tale of an agent gone bad, and therefore will not prosecute.

"NOT MY BOSS"

Will Wilson, the assistant attorney general who heads the criminal division, said April 2 that, "barring any further developments in the case . . . the matter is closed."

But Mr. Smitherman, who runs the U.S. attorney's office here (his nominal superior is in Phoenix), told newspaper reporters "Will Wilson is not my boss."

Mr. Wilson said that, since the state government had prosecuted and convicted two persons (who confessed to two bombings and testified Mr. Hale had enlisted them to help start a Mafia war that would force the mobsters out of Tucson), "federal intervention was unwarranted."

State authorities, such as the deputy county attorney, David G. Dingeldine, said they had tried as hard as they could to make a case against Mr. Hale.

They tried from the time they first heard his name connected to the bombings (in July, 1969, a year after they began) until the case was aired in a sentencing hearing last July 24, and they pursued a few faint leads developed there by the two confessed bombers.

But all they ended up with was "accomplice testimony," and Arizona law bars a conviction obtained without some corroboration from evidence not so tainted. (Federal law is not so strict.)

MEMORIES HAD FADED

Local authorities indicate they feel the main reason for this gap is that they focused on Mr. Hale so long after the bombings began, when physical evidence and the memories of potential witnesses had deteriorated.

But Mr. Smitherman insisted he would take the case before a federal grand jury, after he completed some further investigation and study of statutes. He repeated that pledge to this reporter last week, but again without specifying when he would take action, and he declined to discuss the situation further.

Mr. Wilson and the deputy attorney general, Richard G. Kleindienst, an Arizonan believed to be familiar with the case, both declined interview requests on the matter this week. A department spokesman said the case would not be discussed because it is considered closed.

WOULD NEED CONSENT

An FBI spokesman, on the other hand, said he could not discuss it because the case was still open. He cited Mr. Smitherman's continuing interest as the basis of his conclusion.

If Mr. Smitherman pursues the case, at some point he will need Justice Department consent to get an indictment. But he could fight the issue over Mr. Wilson's head, with Mr. Kleindienst or the Attorney General, John N. Mitchell.

The most obvious federal charge—if the evidence in state courts is believed—is one of conspiring to deny a bombing victim his civil rights.

A case could be constructed that the victim enjoys a constitutional right not to have his property destroyed by the federal government—in the person of Agent Hale—without due process of law.

This is not a line of prosecution which appeals to the federal government. Unimpeachable sources say it would not relish arguing in federal court that Joseph (Joe Bananas) Bonanno, reputed Mafia leader and victim of the best-documented bombing, had his civil rights infringed by the FBI.

The government, after all, for years has been making considerable efforts to curtail Bonanno's civil rights by sending him to prison, most recently on an obstruction-of-justice charge arising out of his disappearance before a scheduled grand jury appearance in 1964.

Otherwise, nothing in the record made in state courts suggests that any other federal law was violated. Apparently, there was no interstate travel involved in any of the bombings with which police connect Mr. Hale.

In one interview, Mr. Smitherman was quoted by the Tucson *Daily Citizen* as saying that he was working with investigators from another federal agency (not the FBI) in probing the case. Some persons in Tucson took this to mean the Internal Revenue Service, but he declined to discuss it.

There is another interpretation of the federal government's handling of the case. It comes from Mr. Hale's attorney, Lawrence P. D'Antonio, who said last week in Tucson that his client had not been with the alleged bombers and had no involvement in the bombings, except to investigate them.

He conceded that his was an unusual view, since police and U.S. District Judge William C. Frey (who was a state judge when he heard the confessed bombers last July 24) think otherwise.

Mr. D'Antonio said that when the FBI forced Mr. Hale to resign as an agent, in August, 1969, just as his name first was getting into the newspapers, it was acting out of embarrassment, not because its investigation indicated the agent's guilt.

"He got fired, told to 'get the hell out and don't embarrass us.' When the FBI gets a little heat, they run like rats," he said. Mr. D'Antonio, whose appearance as Mr. Hale's attorney raised eyebrows because he previously had represented Bonanno, also was scornful of government efforts against organized crime; "organized crime means 'you check all these guys with Italian names,' build up public opinion against Italians in general."

He challenged the government to prosecute Mr. Hale or clear him. "I'd love to get in there and try that goddamn case," he said. "This country ain't worth 2 cents if the highest law enforcement agency in the country would tolerate one of their own members breaking the law."

But, Mr. D'Antonio said today in a telephone interview, the FBI had made no effort to dissuade Giffen Industries, a Florida-headquartered conglomerate, from hiring Mr. Hale as its director of industrial security.

He and others interested in the case also have expressed curiosity about this matter, noting the close ties most corporate security sections have with the FBI, and considering it surprising that the FBI apparently made no effort to blackball an agent who had embarrassed it.

The FBI declined to say today whether it had been asked for a reference for Mr. Hale when he got the job.

LAND INVESTMENT

Mr. D'Antonio said he had gotten Mr. Hale the job, and also said that he had assisted Mr. Hale by getting him in on a land investment near Nogales, Ariz., a package the attorney had assembled in which the ex-agent held about a $2,000 interest. Mr. D'Antonio said he had no money of his own in the package.

Mr. D'Antonio's challenge got an oblique assist from the press in Tucson. The *Daily Citizen* repeatedly complains about the case. On April 19, it asked:

"Why hasn't the FBI or its director, J. Edgar Hoover, offered even a minimal defense or explanation of this episode?

"Mr. Smitherman is to be commended for continuing his investigation. The whole story should, and must, be told."

And Mr. D'Antonio does not talk as though he believed there was no prospect of prosecution. He gave this as his reason for advising Mr. Hale not to talk to reporters: "If we're going to discuss it, we're going to discuss it in court where everybody's sworn. I'm not going to give it away in advance."

[From the Washington Daily News, May 31, 1971]

DID FBI AGENT PLAN MAFIA GANGWAR? JUDGE WANTS SOME QUESTIONS ANSWERED

(By Dan Thomasson)

The Justice Department and the FBI are being pressed for answers to charges an FBI agent tried to promote a "gang war" among Mafia leaders in Tucson, Ariz., by recruiting two men to bomb their homes and businesses.

The story, which Rep. Morris K. Udall, D-Ariz., calls one of the most bizarre he ever has encountered, began in the summer of 1968 and, as far as the Justice Department apparently is concerned, ended in July of 1970 with the guilty pleas and subsequent fining of the two bombers on misdemeanor charges.

SEEKING EXPLANATION

But Rep. Udall said today he has no intention of letting the matter drop until he has a satisfactory explanation from the Justice Department of FBI Director J. Edgar Hoover as to the role in the case played by special agent David Hale, who resigned from the bureau the day his alleged involvement was revealed.

And an April 2 letter from Assistant Attorney General Will R. Wilson notifying Rep. Udall that "the matter is closed," apparently has produced a conflict between the Justice Department and an assistant U.S. attorney in Tucson who has been quoted as saying the case still is open and adding:

"Will Wilson is not my boss."

The allegations against Mr. Hale, who resigned his bureau post on Aug. 12, 1969, and since reportedly has taken a job in Miami, grew out of a series of bombings on the home, ranch and business of Joseph (Joe Bananas) Bonanno, a prominent Mafia figure, during the summer of 1968.

The bombings were just several in a string of such incidents that had occurred over the years around property owned and frequented by a colony of Mafia figures in Tucson, including Bonanno and Detroit Mafia leader Pete Licavoli.

This led to speculation by Tucson newspapers and Tucson police officials that the underworld element in Arizona's second largest city was involved in an old fashioned Chicago-style war.

But subsequent to the Bonanno bombings, in which Bonanno's son, Salvatore, wounded one of the assailants with a shotgun, two young men with no Mafia connections were arrested—Paul M. Stevens, then 24, a research enigneer for the Hughes Tool Co., and Willaim J. Dunbar Jr., an ex-Marine demolition expert.

Both Stevens and Dunbar told Tucson police they had been recruited by Mr. Hale, an FBI special agent and organized crime expert in Tucson. Dunbar alleged Mr. Hale assured him he would be working under the auspices of the FBI and needn't fear prosecution for his activities.

Both Dunbar and Stevens eventually pleaded guilty to the charges and were fined $268 each and released. But at the sentencing, Tucson Superior Court Judge William Frey, now a federal district judge, accused Mr. Hale of leading "two young men down the primrose path."

Mr. Hale had been subponaed to testify, although the Justice Department had tried to get the summons quashed. Attorney General John N. Mitchell, however, wired Judge Frey on July 24, 1970, the day of the sentencing, that Mr. Hale could not testify on matters directly involving the FBI.

Mr. Hale then answered each question leveled at him with a declaration that he could not respond under the Fifth Amendment protection against self-incrimination.

Judge Frey then recommended that a federal grand jury be empaneled to investigate Mr. Hale's alleged involvement in the case.

But the FBI and Justice Department so far have failed to honor Rep. Udall's demands for a full disclosure of the facts in the case and Mr. Hale never has been brought back into court.

The Justice Department even has refused to tell Rep. Udall what Mr. Hale was doing between July 9, 1963, when he resigned from the bureau once before, and when he was reinstated as a special agent on Oct. 12, 1964.

[From the New York Times, June 11, 1971]

THE CASE OF THE FBI MAN AND BOMBING OF THE MAFIA

(By Robert M. Smith)

TUCSON, ARIZ., June 9.—The Federal prosecutor here plans to take before a grand jury this summer the bizarre case of a former agent of the Federal Bureau of Investigation who allegedly plotted bombings to foment gang warfare among members of the Mafia.

The case, which has lain like a desert haze over this resort city, harks back to 20 bombings in 1968 and 1969. It involves the F.B.I., the Mafia, the suicide of a woman, "prominent persons" in the city, an alleged proposal to kill Joseph (Joe Bananas) Bonanno's bodyguard with a crossbow, and the testimony of a wounded man that he was asked to make explosives under the sheets of his hospital bed.

The case also involves: a city so heavy with Mafia influence that the police chief went to Joe Bananas, the prominent Mafia figure, and told him the police did not want anything to happen to two witnesses before they could testify; some Justice Department officials in Washington who do not know whether the case is open or closed; and an F.B.I. apparently so baffled by the events, even though one of its own agents was allegedly involved, that it stamped the case unsolved and stopped investigating.

Reliable sources report that William C. Smitherman, the Assistant United States Attorney here, intends to present the case to the grand jury for investigation, probably in August, and will subpoena witnesses.

In a brief interview, Mr. Smitherman said, "The only thing I can say to you is no comment."

But Government sources reported that the attorney had already begun a presentation of the case to an earlier grand jury when its term expired.

Much of the case emerges from the public record, but the following account was also pieced together from interviews here, in Phoenix and in Washington.

On July 21, 1968, a bomb exploded in a garage at a ranch outside Tucson owned by Peter (Horseface) Licavoli, a reputed leader of the Mafia from Detroit. The next night, two bombs shattered a patio wall outside the home of Joe Bananas.

In the next year, a string of 15 bombings followed. They all seemed to be directed against Mafia leaders living in Tucson and people connected with them in some fashion, and they all seemed to be designed to cause property damage, not bodily harm.

SPECULATION ON GANG WAR

During this year, speculation in Tucson centered on the possibility of a gang war between factions of the underworld led by Licavoli, on the one hand, and Bonanno on the other. At one point, Bonanno's son, Salvatore, met secretly with James Corbett, Jr., the Mayor of Tucson, and disclaimed responsibility for the bombings. When the Mayor disclosed the meeting, he said Bonanno had offered to help the Tucson police arrest what he called "the punks who are hurting my family's image here."

During the July 22 attack on Joseph Bonanno's patio, his son fired a shotgun at a fleeing man. The man, Paul M. Stevens, then 23 years old, a former Marine with training in demolitions, turned up at a hospital. Stevens was arrested a year later with a friend, William J. Dunbar, then 26. Stevens worked as an engineer at the Hughes Aircraft Company here, and Dunbar had been a racing car driver.

Following their arrest, William C. Gilkinson, the acting chief of police, indicated that others had been involved. He told the local newspapers, "There are some very prominent persons who will have to answer for their actions, persons that you'd never suspect."

He went on to say mysteriously, "I'm already getting pressure from certain segments of the community to conclude this investigation. But . . . I'm going ahead."

FBI MENTIONED IN '69

The F.B.I. was first mentioned in the case on Aug. 12, 1969, when Dunbar and Stevens appeared for a preliminary hearing. Jane Hitchcock, a 21-year-old girl friend of Stevens, testified that Dunbar had told her "an F.B.I. agent named Dave" instigated the bombing of Bonanno's home to start a Mafia vendetta.

The next day, the F.B.I. responded. J. Edgar Hoover announced he was sending an investigator to look into Miss Hitchcock's statement. The announcement did not name any agent. It went only so far as to mention the allegations against a "former F.B.I. agent." Out to Tucson came Leonard M. Walters, now an assistant director to the F.B.I. He interviewed Federal, county and local officials and left town. It was not until the following March that The Arizona Republic succeeded in learning from the F.B.I. officially that one of its agents, David Hale, had left his job here on Aug. 12—the day of Miss Hitchcock's testimony.

David Olin Hale has been the central character in this mystery ever since that testimony. He was the only agent in the local office of the F.B.I. working on the Mafia. He was a Mafia specialist and one of the bureau's superior agents, hard-driving and possessing what one source called "a lot of brass." He is tall and thin, with blond hair and the customary tidiness of an F.B.I. agent—a friend says he dressed like a bluesuited Baptist minister.

Mr. Hale has been in court with regard to the bombings only once. That time, in July, 1970, he told the court virtually nothing except his full name. His lawyer, Lawrence P. D'Antonio—who also is an attorney for Joe Bananas—claimed executive privilege and the Fifth Amendment right against self-incrimination as each question was put to his client.

Mr. Hale, who now works for an industrial security company, could not be reached for comment. However, he has never responded to the many inquiries of the press.

DIALOG AT HEARING

At the hearing last July, both Dunbar and Stevens told their stories at length. They confessed to the bombings at the Licavoli and Bonanno homes but said they had been acting under Mr. Hale's direction. Dunbar's lawyer, Gerald Cartin, engaged in the following dialogue with his client:

Q. Well, whose idea was it from the very beginning?

A. David's (Hale's) idea, it was to, from what we were told, was to start a feud between the Mafia families in Tucson and to get them out of Tucson.

Q. Did he make any assurances to you regarding immunity or protection from prosecution?

A. He promised us that his office could take care of us, and that we'd never be arrested and if we were arrested we were never to say anything and let his lawyers handle it.

CHARGE AGAINST AGENT

The questioning brought a charge by Dunbar that Mr. Hale had promised to "wipe off" a prior felony conviction he had in 1963 if he cooperated with him.

At another point, Mr. Cartin asked whether Dunbar had known he was doing anything illegal.

Dunbar said, "No, not really; blowing up a wall was illegal, but we were assured there wouldn't be any, there was nothing wrong with it because it was, we were being protected by the F.B.I."

During cross-examination David Dingeldine, deputy attorney for Pima County, asked Dunbar whether Mr. Hale had indicated he had the approval of those above him. Dunbar said, "No it was just 'In my position and the people in back of me, you don't have a thing to worry about.' "

Dunbar also said that in the hallway of the Tucson Y.M.C.A., Mr. Hale asked him how he would "feel about getting even with the family" for shooting Stevens by "hitting" Bonanno's bodyguard, Peter Notaro, and had mentioned "some neat ways . . . like with a crossbow." Dunbar explained that he had done "quite a bit" of target shooting with a crossbow but had told Mr. Hale that he would not use one to shoot Notaro.

HOSPITAL INCIDENT

Stevens supported Dunbar's testimony, adding that as he lay wounded in the hospital, Mr. Hale had come to visit him and had "wanted some more explosives."

His lawyer, S. Thomas Chandler, pursued the point with Stevens. "He wanted you to do a job in the hospital bed?"

"Yes, sir," replied Stevens.

"What did he want you to do?"

"Wanted me to crimp a cap onto a fuse," Stevens said.

"What did you tell him?"

"I couldn't do it. I had only one hand, and you don't do it very well with one hand."

At the close of the hearing, District Judge William C. Frey imposed fines of $260 on both Dunbar and Stevens. He explained the sentence in this way:

"Under the circumstances I can see how you were probably taken in, misled, led down that primrose path pointed out to you by Mr. Hale under the guise that you were acting for him in an official capacity . . . I am not going to impose any harsh penalties on you two for what appears to be at least at this time a dereliction, gross dereliction of duty by Mr. Hale and certainly a frolic of his own that has brought embarrassment to all concerned."

Mr. Dingeldine rose after the judge had pronounced sentence to declare that he was "forwarding a copy of all these proceedings to the Federal attorney's office."

THE OFFICIAL END

That, as far as the public officially knows, marked the end—almost one year ago—of the strange case of David O. Hale.

Just after the sentencing of Dunbar and Stevens, however, a reporter for The Arizona Republic learned that Mrs. Frances B. Angleman, a pretty blonde, had told a friend that she and Mr. Hale had tried to bomb a car at the Bonanno home. Mrs. Angleman, who was completing work for a doctorate in anthropology at the University of Arizona, was found dead of a gunshot wound in the head in May, 1969. The police said she had committed suicide.

Interest in the case was revived in April of this year when Representative Morris K. Udall, a Democrat whose district includes Tucson, wrote Will Wilson, an Assistant Attorney General, about the case. Mr. Wilson wrote the Congressman that "the matter is closed."

Mr. Wilson wrote that "where a set of circumstances gives rise to Federal and state criminal law violations and where there is vigorous and successful state prosecution, Federal action is unnecessary." Mr. Wilson was saying that, since Dunbar and Stevens had been convicted, "Federal intervention was unwarranted."

"FURTHER DEVELOPMENTS"

The ink was hardly dry on Mr. Wilson's letter, however, when Mr. Smitherman told the press here: "There have been further developments. It is not closed, and investigation is continuing. It has never been closed."

Pressed to explain this difference, Mr. Wilson referred his questioner to Henry E. Petersen, one of his deputies. Mr. Petersen said that, "unfortunately, the guy who wrote the letter didn't check" with the United States Attorney for Arizona, Dr. Richard K. Burke, Mr. Smitherman's superior. Mr. Petersen went on to say that the Justice Department did not know whether the case was open or closed. "Frankly," he said, "we just let the locals handle it."

Dr. Burke would make no comment on the case, but other Government sources said Mr. Smitherman had made a preliminary statement before a grand jury here in January and had examined two or three witnesses before the jury. The sources said, however, that other business—including the cases of some Weathermen radicals—had so crowded the jury's schedule that its term expired in March before it could go on with the case.

STACK OF DOCUMENTS

These sources said Mr. Smitherman planned to examine again the two or three witnesses he called in January and to call

Dunbar, and Stevens as well. Dunbar and Stevens were subpoenaed in January but were not called before the jury. Evidence of Mr. Smitherman's continued interest is the thick stack of documents relating to the case that he keeps on a desk in one corner of his office.

Mr. Hale has, in the meantime, found new employment. He apparently tried to find work in the Tucson area but failed. While his family still lives here, Mr. Hale travels around the country as a security consultant. He is director of the security division of a small Miami conglomerate, Giffen Industries.

Observers here who have followed the bombings, the investigation, the sentencing of Dunbar and Stevens and the career of Mr. Hale raise several questions about the case beyond the guilt or innocence of the F.B.I. agent. Following are some of them:

Did the F.B.I. sanction or know about any extracurricular activities Mr. Hale may have engaged in?

Most concerns would be put off by a bad recommendation from the F.B.I. If Mr. Hale left the bureau under a cloud, how did he manage to get a job as an executive with Giffen Industries?

Why hasn't the state prosecuted Mr. Hale as a result of the allegations made against him?

SUPERVISOR STILL THERE

What did Police Chief Gilkinson mean when he spoke of "prominent persons" and said he was "getting pressure"?

Reliable sources in the Government maintain that the F.B.I. had no knowledge of anything Mr. Hale might have been doing outside of his job. They point out that Mr. Hale's supervisor, Kermit Johnson, the senior resident F.B.I. agent in Tucson, remains in his job. If Mr. Johnson had known that Mr. Hale was doing anything illegal, they argue, his supervisors would have punished him for not reporting it. If his supervisors also knew of any wrongdoing, the sources maintain, they would have punished Mr. Johnson for letting Mr. Hale bungle and bring embarrassment to the bureau.

One Government official said that if any agent had done something improper, the bureau might easily not have known about it. "If they have a man who doesn't follow the instruction and he doesn't fill out the forms that are supposed to show what he is doing honestly, they wouldn't find out until something breaks."

The official pointed out that the F.B.I. "doesn't follow its own men around" and argued, "You've got to start from the premise that the bureau is not infallible. They're suffering from this image that they're perfect. Don't think that because they're an investigating agency, a really clever guy can't get away with something."

FBI REPORTEDLY ANGRY

Government sources report that the F.B.I. was "mad as hell" at Mr. Hale and virtually forced his resignation. "He resigned," one official said, "because he knew the F.B.I. was about to take action."

According to that official, the F.B.I. was going to ask for Mr. Hale's resignation not because of the bombings—on which it was unable to find decisive evidence of guilt or innocence—but because the agent had violated bureau regulations. He had borrowed $750 to $1,000 from a private person (and had repaid it); he had accepted an expensive watch as a gift and borrowed a color television from the same person, and he had accepted the use of air-conditioned cars free from a Tucson car rental company, the official said.

Government sources say that the F.B.I. did not recommend Mr. Hale for his new job. They maintain that Giffen Industries never asked the bureau about his background. In an interview, Mr. D'Antonio, his lawyer said that he had secured the job for Mr. Hale by getting in touch with an officer he knew in the company.

Mr. Dingeldine, the county lawyer, said in an interview that he had not prosecuted Mr. Hale because of an Arizona statute that requires more evidence for conviction than the testimony of accomplices. "We had Dunbar and Stevens," he said, "but we could not find other witnesses to corroborate them."

Mr. Smitherman does not have that problem because Federal law provides more latitude and he has apparently found other witnesses. His problem, according to reliable sources, is the strength of the corroboration—one of the witnesses has made three statements, each of them slightly different—and the general quality of evidence that includes the testimony of two self-confessed bombers.

Mr. Smitherman has said that he is handling the case himself, without the aid of the F.B.I. He is reported to be doing this because he feels he cannot properly ask the bureau to investigate someone who worked for it.

One problem from the Justice Department's point of view may relate to the type of charges that would be used in the case. Observers say that the most likely charges to be lodged—if any are—would involve violations of the civil rights laws.

"PROMINENT NAMES"

This would put Attorney General John N. Mitchell and an Administration pledged to making war on organized crime in the position of filing charges against someone—perhaps a former F.B.I. agent—for depriving Joe Bonano of his civil rights.

Police Chief Gilkinson was asked during an interview about the "prominent persons" he had referred to. The chief was vague, saying only that "prominent names" had come out. Asked about the "pressure" he had reported he was under, the chief was equally vague. He said, "I think I was referring to the various groups that were in touch with us."

Pressed, he said, "I would rather not go into it now."

Chief Gilkinson did volunteer, however, the story of his effort to protect Dunbar and Stevens after their arrest. "I went to see Bonanno," he explained," and I said I didn't want anything to happen to these two boys while we had the case going."

How did Bonanno react? "He assured me he wouldn't have anything to do with harming them, because he felt there was someone else behind it and he wanted the police to investigate. So we had an understanding—he wouldn't interfere with anything then."

While Mr. Hale could not be reached, Mr. D'Antonio said he had advised him not to speak to anyone outside of his presence anyway. It is known, however, that Mr. Hale repeatedly and vigorously denied any wrongdoing in extended interviews with the F.B.I. He told the bureau he was the victim of a trumped-up charge.

LAWYER'S COMMENTS

The chunky, gray-haired Mr. D'Antonio is an energetic advocate of Mr. Hale's innocence. He says that Mr. Hale, a Mormon, was at a church function the night of the bombing at the Bonanno home and "was with other people at all times."

How does he account for the testimony of Dunbar and Stevens? "I account for it by saying there was a No. 3 and a No. 4 [involved in the bombing] and Mr. Hale's name was substituted for one of them."

Why would that be done? "I choose not to answer," he said "I think I have the key to it, but it's part of my defense."

"If you are going to get caught in a criminal act," he went on, "It's a hell of a nice defense to say you thought you were operating under a law enforcement officer, that you were acting as a vigilante."

At one point the lawyer suggested that Mr. Hale was the victim of a conspiracy bent on silencing him. "Don't you think if they let him alone he might have gotten right to the heart of it?" he asked. "He was spending every one of his hours on it; he was right on it."

Pounding on his green Mediterranean-style desk and stamping his foot on the floor, Mr. D'Antonio excoriated the F.B.I. for its silence. "Somebody's got to make an official statement," he shouted. "The F.B.I. has got to stand up and say he's either guilty or innocent."

CHESTER, PA.—THIS I BELIEVE

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WARE. Mr. Speaker, a grassroots movement is underway in a portion of my congressional district which I believe could well become a model for citizen participation throughout this Nation.

On Sunday, June 13, 1971, 25,000 people turned out in a massive pro-American demonstration, centered around the oldest public building in the United States—the 1724 courthouse in Chester, Pa., and by their participation dedicated themselves to the following "Creed for Our City:"

> I believe that the key to the future of Chester lies in an appreciation of its great historical past. This I Believe.
>
> I believe that the revitalization of the business area is a major step toward revitalization and redevelopment of our entire city. This I Believe.
>
> I believe that the cooperation of all of the people and all philosophies is necessary for the success of the rebirth of our city. This I Believe.
>
> I believe that the dedication of the people of Chester in their city will be the model for all citizens of all cities throughout our great country. This I Believe.
>
> I believe that the pride of the people of Chester in their city will guarantee the success of its rebirth. This I Believe.

It all started just a short time ago with a commitment by the Delaware County Bar Association to underwrite the cost of restoring the interior of the 1724 courthouse as a project around which that group's Law Day 1972 program would be centered.

Since that day and from its single purpose—restoration of the 1724 courthouse—has emerged a ground swell of positive-minded, progressive ideas and volunteer support which is truly amazing.

It would be impossible to include here the names of individuals, organizations, and businesses which have stepped forth an said, "Let me help."

But it is possible to list some of the accomplishments, and some of the future plans, that have emerged in just a few short weeks.

The original small leadership of this effort has expanded rapidly until now it is constituted as a 60-plus member Chester Bicentennial Committee, on which I am privileged to serve.

Looking to the future, the city council of Chester has officially changed the name of Market Street—believed to be the oldest street in the Commonwealth of Pennsylvania—to Avenue of the States, and with the help of a public-minded utility erected specially designed street signs with the new name and emblazoned with a replica of the Liberty Bell.

The State of Delaware—the first State—was invited to raise its flag at the 1724 courthouse as the highlight of a 2½-hour parade marking the celebration of Flag Day. This is the first of the 50 State banners which will, during the course of the next year, line the Avenue of the States.

At the same time, cooperating merchants will feature each of the 50 States in displays and promotions during the next year—and pay for the privilege.

A major paint manufacturer is presently at work preparing a color-coordinated scheme for the business district so the merchants can, at their own expense, present a colonial-type united front.

The old railroad station and overhead tracks which cut through the business district will be repainted and blended into the overall plans by a public-spirited organization.

I have recently urged upon the Citizens Advisory Committee on Commemorative Stamps that it give favorable consideration to including the 1724 courthouse among those to be issued during 1972—hopefully in conjunction with the rededication of this historic structure on Law Day 1972.

The President of the United States has been invited to participate in those ceremonies, and I urge him to accept.

Already plans beyond the next year's efforts are a gleam in the eyes of the people of Chester. For once the 1724 courthouse is restored and the business district renewed, the same people who have accomplished so much on their own initiative in so short a time, are already discussing ways and means of restoring the site, where in October 1682, William Penn first set foot in the Commonwealth of Pennsylvania—then called Upland, but changed by him to Chester, in remembrance of the city in Cheshire, England, from which a number of the early Quakers had already come.

At this stage of this truly grassroots efforts, I know of no one who has looked upon even the most grandiose suggestion with a negative attitude. What is truly amazing—and pleasing—to me is that a positive attitude is rampant in this old, old city.

It is an infectious attitude which has brought forth offers of help and cooperation from every facet of the community. It is this positive attitude, positive effort, and positive accomplishment which I commend to the people of our Nation today. This I believe.

SOVIET PERSECUTION OF RELIGION CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, we should have learned from events of history that appeasement of power seeking dictators only increases their appetite for more power. British Prime Minister Chamberlain learned this at the outbreak of World War II.

We should have learned by now that you cannot do business with Communists and expect to come out even. To them, treaties are but scraps of paper and promises are but to be broken if they do not serve the purposes of Communists and are to their advantage.

We have been told by Pope Pius XI that—

> Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.

Another religious leader, Rev. Richard Wurmbrand, who was able to escape from Rumania after spending 14 years as a prisoner of the Communists, testified before the Senate Internal Security Subcommittee in 1966 and before the House Committee on Un-American Activities in 1967.

His testimony should be read not only by every minister of the Gospel but by every American who loves and wants to preserve our heritage and freedoms.

I insert a few short excerpts from his testimony as a reminder of the threat to our security still posed by communism:

> I have been so many years with pickpockets in prison, I have learned something from them. In a minute his purse was in my pocket, and then I stretched my hand to him and said: "Let us peacefully coexist, but your purse will be in my pocket."
>
> "That is what the Communists wish. They have taken half of Europe. They have taken China, they have taken Rumania. They have stolen a third of the world, and now they say "Let us peacefully coexist." They should give back what they have stolen.
>
> It may be right for a state to have peaceful existence with Communism. I do not know. That is a question for Johnson and Goldwater to decide. But the church can never have peaceful coexistence with atheism. Everybody would laugh if I would say that health can peacefully exist with the microbe of tuberculosis, that the FBI can coexist peacefully with gangsters, that the church can peacefully exist with drunkenness, but communism and atheism is much worse than drug addiction and drunkenness. You drink a little wine and the next day it passes, but communism poisons youth and our children since 50 years. How can there be peaceful existence with this on the side of churchmen and the church leadership I cannot understand.
>
> I must say that I have been very sad. I have read in your periodicals that, I do not know why, church bodies here ask the admission of Red China in the organization of allied nations. It may be right. I do not know politics. I do not know what this organization of allied nations is, but I ask myself, "You, a church periodical, why don't you write about the tortures inflicted to Chinese Christians by the communists? That is your business and leave the business of politics to the Senate and like this."
>
> Wherever the communists came in the beginning, they said the same thing which I read here in newspapers and in periodicals. "You know Stalin's communism has been very bad, but Yugoslavian communism or another kind of communism, this is very good."
>
> A little lion in its first days you can play with him just like with a puppy. When he becomes great, only then he is a lion. Yugoslavian communism is this little communism. And American communism is a very little one and English communism is a very little one. When they grow, when they can do whatever they will to do, then only we can see them. With us, in the beginning, we also had a very nice communism. I have seen in Rumanian Communist demonstrations signs with the slogan, "God Save the King." I have seen the communist Secretaries of State making great crosses, showing themselves as being on the side of religion and making compliments to religion and bowing to religion and saying they are Democrats. In the beginning, they have put in prison party members who said that the agriculture must be collectivized. And they have gone together with the bourgeois party, with the Liberal Party of Tatorescu and with other Democrats.
>
> I have seen in the West Social Democrats collaborate with them. In Rumania, I have seen dying Social Democrats in the same cell with me; they died. Communists in Rumania, too, were nice until they had the whole power in hand. When they had the whole power in hand, they have done things exactly as in Russia, and so they will do everywhere. There is no difference.

Presently Reverend Wurmbrand is general director of a nonprofit missionary organization called "Jesus to the Communist World, Inc. Reverend Wurmbrand has made available to the American people considerable documentation about religious persecution going on in Russia today. The evidence includes exhibits with pictures of over a hundred persons of the Baptist faith, many of whom are serving or have served prison terms for their religious beliefs or practices. This includes photographs of persecuted individuals smuggled from inside the Soviet Union. The pictures with names and sentences of imprisonment are on display in my office annex, 1529 Longworth House Office Building. I invite our colleagues and their staff members to inspect them.

I insert Reverend Wurmbrand's letter, a news release, and the translation of an article concerning persecution of religion in Russia today at this point in my remarks:

> JESUS TO THE COMMUNIST WORLD, INC.,
> *April 28, 1971.*
>
> Congressman JOHN R. RARICK,
> *House Office Building,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN RARICK: I send you herewith photo-enlargements of recent pictures smuggled by this mission from inside the Soviet Union.
>
> The enclosed pictures substantiate mainly the persecution of the underground, unregistered Christian Baptists in the Soviet Union. A partial list, containing the names of a few such Baptists who are now in prison, is also enclosed. The pictures show churches that have been closed, Baptist ministers who have died in prison, children who have been taken away from their parents because they were given religious instruction, and lots of Christians who are today in prison and whose names appear on the enclosed list.
>
> Since these unregistered Baptists were the first to create the wave of dissent in Russia, it would seem right to grant them a hearing before the United States Congress, or one of its committees.
>
> The authenticity of these pictures can be verified through:
>
> 1. similar pictures of some of these people which appeared in the western press over the years (for example, a picture of Pavel Lukas appeared in Norway, see enclosed translation of article);
>
> 2. the fact that their names and signatures appear on numerous documents submitted to the United Nations in the last few years;

3. announcements of their names and sentences of imprisonment which appeared at different times in articles from the Soviet press (these articles are in our possession);

4. corroborating evidence of other Sovietologists (for example, see *In Quest of Justice* by Abraham Brumberg, Praeger Publishers, Washington, 1970, especially chapter IV, "Religious Dissent," and *Religious Ferment in Russia* by Michael Bourdeaux, St. Martin's Press, New York, 1968); and

5. the unblemished record of this mission, which has documented all asserted facts (see the enclosed Hearings before the United States Senate and House Committees of Rev. Richard Wurmbrand, and the letter of the House Committee on Un-American Activities on June Jones).

The background of Rev. Wurmbrand and of our mission, which at the time of the Hearings was known as Mission to Europe's Millions, may be obtained from the enclosed Hearings, as well as from the enclosed news release about Rev. Richard Wurmbrand.

We are also sending you several recent news releases, containing excerpts from the Soviet press regarding persecution, which we trust you will find informative and interesting. Photocopies of any document quoted may be obtained from this office upon request.

We hope to hear soon from you about how you have decided to publicize these pictures. Please let us know if there is any further information you need.

Yours sincerely,
Rev. MICHAEL WURMBRAND,
General Director.

[News Release, Jesus to the Communist World, Inc., Jan. 26, 1971]

NEW RUSSIAN CONCENTRATION CAMPS: MILLIONS OF PRISONERS?

"Over Russia stretches a net of concentration camps in which, against all the international conventions and treaties signed by the Soviet Union, the daily routine is made up of forced labor and awful exploitation of prisoners. The inmates of the concentration camp are systematically undernourished and are subjected to debasement, their human pride being destroyed. *Millions* of people pass in an uninterrupted flow through these camps. They enter these camps and are thrown at the other end of the society as physical and spiritual invalids. In this camp, a well-aimed, expert, and professionally outlined policy of punishment is applied which overshadows the awfulness of the Nazi concentration camps."

The above quote is taken from an open letter recently written to Alexander Twardowskij, the recently ousted Editor In Chief of the Russian literary magazine, "Novii Mir." It is signed by seven political prisoners and has recently been smuggled to the west with autographed pictures of the authors. The composer of the letter is Iuri Ivanov, one of the seven prisoners signing the letter. The letter was written at the end of 1969 in the concentration camp 17 A, one of the most dreaded complexes in the marshes of the Mordov Republic, 500 kilometers southeast of Moscow. About 10,000 prisoners are imprisoned in that camp.

The best known of Ivanov's mates is the peace-oriented poet, Iuri Galanskov, 30, and the writer Alexander Ginzburg, 34. Galanskov, who suffers from a chronic ulcer, is working at very difficult manual work and several times he was under emergency treatment in the hospital of the concentration camp. For Ginzburg, who is a sportsman—in times before, the senior boat rowing champion of the Soviet Union—it is easier to survive in the camp, but this does not hinder him from taking part in the suffering of the other inmates in the camp. In the beginning of 1970, he even succeeded in recording a message to the free world on a primitive tape recorder in the camp 17 A (this message was widely broadcast by CBS in the United States). As a punishment, he was sent to the dreaded prison of Vladimir, 150 kilometers east of Moscow.

Ginzburg sent from Vladimir the following message: "In the prison of Vladimir, in this grave of the living, there is only one physician, he himself a prisoner, and everybody stands constantly before death. I just returned from the last journey of my close friend, the Latvian Jan Kapitzin." The underground newspaper, "Samizdat," reports in its "Chronic of Actuality" that Kapitzin, 52 years old, died on the 16th of January, 1970, shortly after Ivanov drew primitively his portrait. He was under a 15-year slave labor sentence because he opposed the Russification of Lithuania. At approximately the same time, reported the Chronic about the death of another Lithuanian, 67 years old, in concentration camp number 3, of a 56-year-old Estonian, and also of another Lithuanian, all of them finding themselves in concentration camp 17.

Three of the cosigners of the document from the Mordavien concentration camp belonged to the all-Russian Social Christian Union for the Liberation of the People, which was founded in 1964. Members were mainly young students and professors at the University of Leningrad, trying to create a parliamentarian system with democratic liberties and a free market. They were arrested in 1967 and 1968. One of the three, the 33-year-old Orientalist Michael Sado, was sentenced to 13 years slave labor. Until recently, it was believed in the free world that few such complexes like the Mordavien camps exist, but today it is known that the concentration camp network is stretched over the whole Soviet Union. This is due to the faithful reports of the Soviet Underground Baptists, concerning the fate of 500 brethren imprisoned in the last years. It is already known the exact place of 202 concentration camps. Of other concentration camps, there are only suspicions.

(Translator's note: For a more detailed report on the addresses and quantities of different new Russian concentration camps, see the Swiss newspaper, "Der Bund" of January 7, 1969, which reports that to that date, 56 new concentration camps had been erected in 1968 and 69 in the Soviet Union, giving full details of their location and capacity.)

We hope you will give this news the widest possible publicity.

MORE THAN 5000 NORWEGIAN KRONER IN FINES AND 2 YEARS BEHIND PRISON WALLS

(Translation of article in "Vårt Land", Oslo, Norway, November 11, 1970, by Oddvar Johansen of the Pentecostal Congregation in Norway)

Because of persecution Christians in the Soviet Union go "underground"

[Picture captions]

1. The elder, Kristian Heggelund, talks during a meeting in the underground church. The lady who acts as interpreter had to quit her studies of medicine because she became a Christian.

2. "Jesus loves me, I know. . . ." Children are present in the underground church.

3. Paavo Lukas (in middle) has been in prison three times because of his faith.

TEXT OF THE ARTICLE

There really are people today who suffer for the sake of the Gospel. They hide in the most unbelievable places to worship God. They are persecuted day and night, but the police cannot prevent them from always gathering in new places.

This is happening in 1970 and not in 1870. It is happening in the country of our powerful neighbor, the Soviet Union, only three hours by airplane from Oslo. The mighty Iron Curtain hides things that never get to the ears of people who look for justice. The myth about religious freedom behind the Iron Curtain consists only in worshipping God in the way the leaders of the country think right. Those who do not want to accept this burden are worse off. They are under constant supervision and are put in the same class as criminals and enemies of society. The worst thing is that the Russian authorities try to paint white that which is black by telling the world that there is no underground church in Soviet Russia today. It is said that the state knows about all the different groups, wherever they are. The truth is quite different. Everywhere there are large and small groups of Christians who will continue to carry on with their secret meetings until the government behind the Iron Curtain is changed.

Twelve years of waiting before getting permission to have meetings

It is clearly shown by the following account that the regime is not in a hurry when it concerns Christians. The answer contained strict instructions that they could only be allowed to meet on the two days set by the Kremlin. Infraction would be a punishable offense.

The congregation asked if it was allowed to receive guests from abroad. The answer given was: "Foreigners are always welcome to the Soviet Union. When they come you must take care of them in the best way possible and show them the greatest hospitality. Under such circumstances you can arrange as many meetings as you want. . . ."

But when the guests left, the restrictions were in force again.

To the underground church

"We are taking great chances by going to the meeting," our Finnish interpreter said before we entered the taxi. "This is going to be the first meeting to be held after the police took away the congregation last spring."

Early on a Sunday morning, we left Leningrad. The houses got smaller and smaller, and were soon very small huts that looked more or less dilapidated. At last we branched off into a poor road where rain had made it nearly impossible to proceed.

A little green house, well hidden behind big apple trees, was the place we were to gather. The underground church was to have a meeting. Here were gathered friends of different rank and background. One thing united them, their experiences of Jesus Christ. The house was one of the simplest kind we can remember having experienced. The wallpaper hung down from the walls and the cold air blew through the crack around the window. In one of the rooms there were some long benches. The speaker's chair was in place and a well used organ stood in a corner.

This house had been entered by the police the 24th of May this year and had broken up the congregation while they were having a meeting. They had carried them off into the woods and had taken their Bibles away from them. Afterwards, they had to walk the long way back home. Many were old and weak. In the time that followed, the house was under strict guard. But then the Christians had again gathered courage and met in different places in the woods. There, too, the police had found them once. It was the same day when the president of an African country was present at a meeting in the registered church. There he could see for himself how good it was in the Soviet Union. The Christians had even been requested to take their children along to the meeting, which is otherwise not allowed! But on this very same day a group of Christians had been caught by the police in a nearby woods.

Today, then, they should get together again for the first time after this incident.

All the time since I became a Christian the authorities have hated me

The house belonged to 43-year-old Paavo Lukas. He became a Christian five years ago. When he surrendered himself to God, he was an alcoholic. During this short time he had been in prison three times because of his faith. Once he was in prison continuously for a year and a half. Fourteen times he had been fined 50 rubles (about 400 Norwegian kroner), all for having another belief other than the head of state.

With the help of our interpreter we had an interesting talk with Paavo Lukas. His hair had not grown out again since his last imprisonment. It hardly has time to grow between times.

Q. Why did you become a Christian?

A. I asked for realities, the same as so many others are asking for in the Soviet Union today. From the moment I gave my life over to Christ I have been absolutely free from alcohol and from everything that kept me down. I felt happy, but all the time there has been a fight to keep the faith. The first time I was imprisoned I asked myself, "Why am I here?" The answer I got was that I also should witness to somebody in this place about the power of change which is in the Gospel.

Q. Have you been in prison recently?

A. In July I was in prison for 10 days.

Q. Do the police know about the meeting you are going to have this morning?

A. The chief of police was here this morning and asked when the meeting was to begin. I told him that we begin as soon as the people come.

Q. Are there many underground churches in Leningrad?

A. There is a network of such churches all over Leningrad. The same can be said about the country as a whole. Through letters we have good contact with each other. If somebody is put in prison because of his faith, the different groups know about this in a matter of a few days. There are always some who are imprisoned because of the Gospel.

Q. Do you ever get depressed and discouraged?

A. He who believes in the Gospel will also receive the power he needs to suffer for the sake of the Gospel.

Q. Why don't you accept the conditions that are set up for the registered church? Then you would at least have some measure of liberty.

A. They have laws that do not comply with a living Christian faith. The government forbids us to evangelize, but the Bible says we must proclaim the Gospel to all men. They forbid us to preach conversion. We cannot take children under 18 years of age with us to the meetings, etc. We can never agree to such conditions.

Q. Then you go on evangelizing in spite of this being forbidden?

A. Yes, we bring out the message of happiness and we mind to do so until Jesus returns. Once I sat together with a man for five hours before he fell down on his face and acknowledged that he needed salvation.

Q. How does the registered church look upon your activities?

A. They do not like that we have meetings, but they, of course, are no adversaries of our work.

Q. If you are fined because of this meeting, what will you do?

A. I accept everything as it comes about. The Bible says that not even a sparrow falls to the ground except by the will of God.

Q. How is your personal relationship with the police here?

A. Many of the policemen who arrest me are my friends! But they must do the job which has been given them to do.

Our conversation was suddenly broken off by a woman who came in and told that the police had struck again! At a distance from the house, more than 50 people had been taken by the police and driven off in a bus the police had brought with them. Nobody could at the time tell to what place they had been taken. For the most part they had been older friends who had done nothing else but pray to God.

God be with you till we meet again

Then began one of the mightiest meetings we have ever experienced. There were not many people present after the last operation of the police, but Paavo Lukas walks up to the speaker's chair and proclaims the Gospel. There, on a bench, was an elderly woman who had traveled more than 400 kilometers to come to this meeting. There sits also the preacher who had lived for more than eight years in the woods because of proclaiming the Gospel. The young and pretty woman, who had been excluded from her medical studies because she had accepted Christ, was also there.

The elder, Kristian Heggelund, brought them a greeting from us in Norway, and when at long last we were able to leave the meeting, we heard these good, simple friends sing: "Until we meet again. God be with you till we meet again."

We knew that we would, perhaps, never see them again in this world. But their faces were shining in spite of all distress, thinking about the day when we shall all meet in heaven.

It is the greatest meeting we have experienced in all our lives!

THE RECORD SPEAKS FOR ITSELF

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RHODES. Mr. Speaker, I am sure that the editors of the New York Times did not think the situation through completely when they authorized the printing of the illegally obtained Vietnam studies which had been conducted under the supervision of former Secretary of Defense Robert S. McNamara. Had they bothered to realize the strange position in which this places the Times, they might have had second thoughts.

I am sure that the printing of that study would never be accepted by the Times editors as "donning the hair shirt," but the Arizona Republic in its editorial of June 17, 1971, very clearly points out the fact that the Times of 1971 is really accusing the Times of 1964 of being irrational, irresponsible, and just downright untruthful.

It is a pleasure for me to share this editorial with the Members of Congress:

THE RECORD SPEAKS FOR ITSELF

On September 24, 1964, when the New York Times was in the midst of its tirade against GOP Presidential nominee, Barry Goldwater, (two months earlier it had blamed him for the weekend violence in Harlem) that paper said that Goldwater did not inhabit "the same contemporary world" as Lyndon Johnson.

If the recent revelations in the Times are correct, one of the reasons Goldwater seemed not to inhabit the same contemporary world as the candidate so strongly supported by the Times, is that the Arizona Senator was consistently candid.

Goldwater's 1964 view about Vietnam—which led the Times to undertake one of the most sustained hysterical attacks ever launched by a major newspaper against a Presidential candidate—was that the U.S. either would have to pull out or make an effort to win, the latter by bombing the north and by deploying additional troops. And since almost no one then publicly favored withdrawal—this was the time when the liberals who made the decision to commit American forces to a limited war in Vietnam were still defending that decision as in our national interest—Goldwater favored trying to win the war.

On the other hand, President Johnson was—as the Pentagon study so gently puts it—"in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater." No one did more to depict the election as a choice between the reasonable and restrained LBJ and the unreasonable and unrestrained Goldwater than did the Times. Yet even while LBJ was saying that he had no plans to bomb North Vietnam or enlarge the war, his administration had decided to bomb. One month after his inauguration, LBJ approved sustained bombing raids against the north.

The Times would no doubt argue that it was deceived by LBJ. But its error was in deceiving its readers about Goldwater. It is one thing to oppose a candidate's political stance, and of course the Times was entitled to do so. But it is something entirely different to denounce a candidate as "ignorant," "ill-informed," "devious," "devisive," "reactionary," "radical reactionary," "retrogressive," "anachronistic,' "a hard core right winger"—all adjectives the Times applied to Goldwater—without making an honest effort to know or understand the man or his philosophy.

Goldwater has had a unique opportunity during the past few days to gloat. It is a further example of his honorableness that he has refused to do so, preferring instead to let the record speak for itself.

PROBLEM OF DRUG ADDICTION

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SAYLOR. Mr. Speaker, yesterday President Nixon transmitted a comprehensive message to the Congress outlining the administration's all-out attack upon the mounting national problem of drug abuse. The President is to be congratulated for marshaling this Federal offensive on several fronts against this insidious menace.

I have joined the chairman of the Committee on Veterans' Affairs and several of our colleagues in cosponsoring a bill that will authorize a treatment and rehabilitation program for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency in Veterans' Administration facilities.

The bill, Mr. Speaker, which is being introduced today will permit the Veterans' Administration to provide needed treatment and rehabilitation for drug addiction, irrespective of the nature of the ex-serviceman's discharge. At the present time, a discharge under conditions other than dishonorable is a prerequisite to treatment in Veterans' Administration facilities. Many ex-servicemen, however, are given undesirable or dishonorable discharges for drug-related offenses and thus are barred from needed treatment. The President has indicated the authority to treat these ex-servicemen in Veterans' Administration facilities will be sought. Our bill will accomplish this purpose.

There is one feature of the bill, Mr. Speaker, about which I have serious reservations. I am referring to the section that authorizes a narcotic treatment program for members of the Armed Forces in Veterans' Administration facilities. The medical care and treatment of active duty servicemen still in uniform has traditionally been the responsibility of the military services, while the care and treatment of veterans—men and women who have been separated from military service—has long been the responsibility of the Veterans' Administration. I believe it should remain that way.

The President, in his message, has stated:

> The Department of Defense will provide rehabilitation programs to all servicemen being returned for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotic addict.

Thus President Nixon has wisely determined that the active duty serviceman is the responsibility of the military service. With the expanded treatment and rehabilitation program envisioned within the military services for drug addicts, it appears that the Veterans' Administration effort should be limited to providing high-quality programs and adequate facilities for the discharged servicemen suffering from narcotic addiction. Certainly, it is difficult enough to obtain adequate funds and facilities for the care of sick veterans who are already eligible for treatment in Veterans' Administration hospitals. The added burden of responsibility for treatment of active duty servicemen addicted to drugs, despite the clear responsibility of the military to provide such care, would tax the Veterans' Administration's facilities far beyond their capacity to handle the added burden.

Mr. Speaker, with the exception I have noted, this bill will permit the Veterans' Administration to adequately and properly assist in solving this growing national social problem of drug addiction. I am hopeful that the bill can be perfected in committee so that we can soon report unanimously to this body for its consideration a sound drug-treatment program for veterans.

CONGRESSMAN WHALEN URGES COLLEAGUES TO READ ARMED FORCES JOURNAL ARTICLE ON THE STATE OF U.S. ARMED FORCES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WHALEN. Mr. Speaker, a most disturbing article concerning the state of the Armed Forces appeared in a recent issue of the Armed Forces Journal.

Titled "The Collapse of the Armed Forces," the piece summarizes many of the problems the services presently are facing. A former Marine, Col. Robert D. Heinl, is the author.

I believe that Colonel Heinl has performed a distinct service to the Nation and the Congress in researching the issue. While we all may not agree with everything he says, I do believe that every Member of Congress should read the article.

Therefore, Mr. Speaker, I insert Colonel Heinl's commentary:

The Collapse of the Armed Forces

(By Col. Robert D. Heinl, Jr., North American Newspaper Alliance)

The morale, discipline and battleworthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.

By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

Elsewhere than Vietnam, the situation is nearly as serious.

Intolerably clobbered and buffeted from without and within by social turbulence, pandemic drug addiction, race war, sedition, civilian scapegoatise, draftee recalcitrance and malevolence, barracks theft and common crime, unsupported in their travail by the general government, in Congress as well as the executive branch, distrusted, disliked, and often reviled by the public, the uniformed services today are places of agony for the loyal, silent professionals who doggedly hang on and try to keep the ship afloat.

The responses of the services to these unheard-of conditions, forces and new public attitudes, are confused, resentful, occasional pollyanna-ish, and in some cases even calculated to worsen the malaise that is wracking them.

While no senior officer (especially one on active duty) can openly voice any such assessment, the foregoing conclusions find virtually unanimous support in numerous nonattributable interviews with responsible senior and mid-level officers, as well as career noncommissioned officers and petty officers in all services.

Historical precedents do exist for some of the services' problems, such as desertion, mutiny, unpopularity, seditious attacks, and racial troubles. Others, such as drugs, pose difficulties that are wholly new. Nowhere, however, in the history of the Armed Forces have comparable past troubles presented themselves in such general magnitude, acuteness, or concentrated focus as today.

By several orders of magnitude, the Army seems to be in worse trouble. But the Navy has serious and unprecedented problems, while the Air Force, on the surface at least is still clear of the quicksands in which the Army is sinking, is itself facing disquieting difficulties.

Only the Marines—who have made news this year by their hard line against undiscipline and general permissiveness—seem, with their expected staunchness and tough tradition, to be weathering the storm.

BACK TO CAMPUS

To understand the military consequences of what is happening to the U.S. Armed Forces, Vietnam is a good place to start. It is in Vietnam that the rearguard of a 500,000-man army, in its day (and in the observation of the writer) the best army the United States ever put into the field, is numbly extricating itself from a nightmare war the Armed Forces feel they had foisted on them by bright civilians who are now back on campus writing books about the folly of it all.

"They have set up separate companies," writes an American soldier from Cu Chi, quoted in the *New York Times*, "for men who refuse to go out into the field. It is no big thing to refuse to go. If a man is ordered to go to such and such a place he no longer goes through the hassle of refusing; he just packs his shirt and goes to visit some buddies at another base camp. Operations have become incredibly ragtag. Many guys don't even put on their uniforms any more . . . The American garrisons on the larger bases are virtually disarmed. The lifers have taken our weapons from us and put them under lock and key . . . There have also been quite a few frag incidents in the battalion."

Can all this really be typical or even truthful?

Unfortunately the answer is yes.

"Frag incidents" or just "fragging" is current soldier slang in Vietnam for the murder or attempted murder of strict, unpopular, or just aggressive officers and NCOs. With extreme reluctance (after a young West Pointer from Senator Mike Mansfield's Montana was fragged in his sleep) the Pentagon has now disclosed that fraggings in 1970 (209) have more than doubled those of the previous year (96).

Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units.

In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week.

Yet fraggings, though hard to document, form part of the ugly lore of every war. The first such verified incident known to have taken place occurred 190 years ago when Pennsylvania soldiers in the Continental Army killed one of their captains during the night of 1 January 1781.

BOUNTIES AND EVASIONS

Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000, have been widely reported put on the heads of leaders whom the privates and Sp4s want to rub out.

Shortly after the costly assault on Hamburger Hill in mid-1969, the GI underground newspaper in Vietnam, "G.I. Says", publicly offered a $10,000 bounty in LCol Weldon Honeycutt, the officer who ordered (and led) the attack. Despite several attempts, however, Honeycutt managed to live out his tour and return Stateside.

"Another Hamburger Hill," (i.e., toughly contested assault), conceded a veteran major, "is definitely out."

The issue of "combat refusal", an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Calvary's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

As early as mid-1969, however, an entire company of the 196th Light Infantry Brigade publicly sat down on the battlefield. Later that year, another rifle company, from the famed 1st Air Cavalry Division, flatly refused—on CBS-TV—to advance down a dangerous trail.

(Yet combat refusals have been heard of before: as early as 1813, a corps of 4,000 Kentucky soldiers declined to engage British Indians who had just sacked and massacred Fort Dearborn (later Chicago).)

While denying further unit refusals, the Air Cav has admitted some 35 individual refusals in 1970 alone. By comparison, only two years earlier in 1968, the entire number of officially recorded refusals for our whole army in Vietnam—from over seven divisions—was 68.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war, vividly expressed by the GI phrase, "CYA (cover your———) and get home!"

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communists units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

Symbolic anti-war fasts (such as the one at Pleiku where an entire medical unit, led by its officers, refused Thanksgiving turkey), peace symbols, "V"-signs not for victory but for peace, booing and cursing of officers and even of hapless entertainers such as Bob Hope, are unhappily commonplace.

As for drugs and race, Vietnam's problems today not only reflect but reinforce those of the Armed Forces as a whole. In April, for example, members of a Congressional investigating subcommittee reported that 10 to 15% of our troops in Vietnam are now using high-grade heroin, and that drug addiction there is "of epidemic proportions."

Only last year an Air Force major and command pilot for Ambassador Bunker was apprehended at Tan Son Nhut air base outside Saigon with $8-million worth of heroin in his aircraft. The major is now in Leavenworth.

Early this year, an Air Force regular colonel was court-martialed and cashiered for leading his squadron in pot parties, while, at Cam Ranh Air Force Base, 43 members of the base security police squadron were recently swept up in dragnet narcotics raids.

All the foregoing facts—and many more dire indicators of the worst kind of military trouble—point to widespread conditions among American forces in Vietnam that have only been exceeded in this century by the French Army's Nivelle mutinies of 1917 and the collapse of the Tsarist armies in 1916 and 1917.

SOCIETY NOTES

It is a truism that national armies closely reflect societies from which they have been raised. It would be strange indeed if the Armed Forces did not today mirror the agonizing divisions and social traumas of American society, and of course they do.

For this very reason, our Armed Forces outside Vietnam not only reflect these conditions but disclose the depths of their troubles in an awful litany of sedition, disaffection, desertion, race, drugs, breakdowns of authority, abandonment of discipline, and, as a cumulative result, the lowest state of military morale in the history of the country.

Sedition—coupled with disaffection within the ranks, and externally fomented with an audacity and intensity previously inconceivable—infests the Armed Services:

At best count, there appeared to be some 144 underground newspapers published on or aimed at U.S. military bases in this country and overseas. Since 1970 the number of such sheets has increased 40% (up from 103 last fall). These journals are not mere gripe-sheets that poke soldier fun in the "Beetle Bailey" tradition, at the brass and the sergeants. "In Vietnam," writes the Ft. Lewis-McChord Free Press, "the Lifers, the Brass, are the true Enemy, not the enemy." Another West Coast sheet advises readers: 'Don't desert. Go to Vietnam and kill your commanding officer."

At least 14 GI dissent organizations including two made up exclusively of officers) now operate more or less openly. Ancillary to these are at least six antiwar veterans' groups which strive to influence GIs.

Three well-established lawyer groups specialize in support of GI dissent. Two (GI Civil Liberties Defense Committee and New York Draft and Military Law Panel) operate in the open. A third is a semi-underground network of lawyers who can only be contacted through the GI Alliance, a Washington, D.C., group which tries to coordinate seditious antimilitary activities throughout the country.

One antimilitary legal effort operates right in the theater of war. A three-man law office, backed by the Lawyers' Military Defense Committee, of Cambridge, Mass., was set up last fall in Saigon to provide free civilian legal services for dissident soldiers being court-martialed in Vietnam.

Besides these lawyers' fronts, the Pacific Counseling Service (an umbrella organization with Unitarian backing for a prolifery of antimilitary activities) provides legal help and incitement to dissident GIs through not one but seven branches (Tacoma, Oakland, Los Angeles, San Diego, Monterey, Tokyo, and Okinawa).

Another of Pacific Counseling's activities is to air-drop planeloads of seditious literature into Oakland's sprawling Army Base, our major West Coast staging point for Vietnam.

On the religious front, a community of turbulent priests and clergymen, some unfrocked, calls itself the Order of Maximilian. Maximilian is a saint said to have been martyred by the Romans for refusing military service as un-Christian. Maximilian's present-day followers visit military posts, infiltrate brigs and stockades in the guise of spiritual counseling, work to recruit military chaplains, and hold services of "consecrations" of post chapels in the name of their saintly draft-dodger.

By present count at least 11 (some go as high as 26) off-base antiwar "coffee houses" ply GIs with rock music, lukewarm coffee, antiwar literature, how-to-do-it tips on desertion, and similar disruptive counsels. Among the best-known coffee houses are: The Shelter Half (Ft Lewis, Wash.); The Home Front (Ft Carson, Colo.); and The Oleo Strut (Ft Hood, Tex.).

Virtually all the coffee houses are or have been supported by the U.S. Serviceman's Fund, whose offices are in New York City's Bronx. Until May 1970 the Fund was recognized as a tax-exempt "charitable corporation," a determination which changed when IRS agents found that its main function was sowing dissention among GIs and that it was a satellite of "The New Mobilization Committee", a communist-front organization aimed at disruption of the Armed Forces.

Another "New Mobe" satellite is the G.I. Press Service, based in Washington, which calls itself the Associate Press of Military underground newspapers. Robert Wilkinson, G.I. Press's editor, is well known to military intelligence and has been barred from South Vietnam.

While refusing to divulge names, IRS sources say that the Serviceman's Fund has been largely bankrolled by well-to-do liberals. One example of this kind of liberal support for sedition which did surface identifiably last year was the $8,500 nut channelled from the Philip Stern Family Foundation to underwrite Seaman Roger Priest's underground paper OM, which, among other writings, ran do-it-yourself advice for desertion to Canada and advocated assassination of President Nixon.

The nation-wide campus-radical offensive against ROTC and college officer-training is well known. Events last year at Stanford University, however, demonstrate the extremes to which this campaign (which peaked after Cambodia) has gone. After the Stanford faculty voted to accept a modified, specially restructured ROTC program, the university was subjected to a cyclone of continuing violence which included at least $200,000 in ultimate damage to buildings (highlighted by systematic destruction of 40 twenty-foot stained glass windows in the library). In the end, led by university president Richard W. Lyman, the faculty reversed itself. Lyman was quoted at the time that "ROTC is costing Stanford too much."

"Entertainment Industry for Peace and Justice," the antiwar show-biz front organized by Jane Fonda, Dick Gregory and Dalton Trumbo, now claims over 800 film, TV, and music names. This organization is backing Miss Fonda's antimilitary road-show that opened outside the gates of Ft Bragg, N.C., in mid-March.

Describing her performances (scripted by Jules Pfeiffer) as the soldiers' alternative to Bob Hope, Miss Fonda says her cast will repeat the Ft Bragg show at or outside 19 more major bases. Although her project reportedly received financial backing from the ubiquitous Serviceman's Fund, Miss Fonda insisted on $1.50 admission from each of her GI audience at Bragg, a factor which, according to soldiers, somewhat limited attendance.

Freshman Representative Ronald V. Dellums (D-Calif.) runs a somewhat different kind of antimilitary production. As a Congressman, Dellums cannot be barred from military posts and has been taking full advantage of the fact. At Ft. Meade, Md., last month, Dellums led a soldier audience as they booed and cursed their commanding officer who was present on-stage in the post theater which the Army had to make available.

Dellums had also used Capitol Hill facilities for his "Ad Hoc Hearings" on alleged war crimes in Vietnam, much of which involves repetition of unfounded and often unprovable charges first surfaced in the Detroit "Winter Soldiers" hearings earlier this year. As in the case of the latter, ex-soldier witnesses appearing before Dellums have not always been willing to cooperate with Army war-crimes investigators or even to disclose sufficient evidence to permit independent verification of their charges. Yet the fact that five West Point graduates willingly testified for Dellums suggests the extent to which officer solidarity and traditions against politics have been shattered in today's Armed Forces.

STRONG AND NOT ALTOGETHER PLEASANT READING

The U.S. Armed Forces today face numerous problems, internal and external, which are both baffling in their complexity and disturbing in their implications. There is disagreement on both the scope and cause of those problems, just as there is disagreement concerning the proper methods of dealing with them; but there is no serious disagreement that the problems do, in fact, exist—and may be getting worse, on an almost daily basis.

The problems can't be swept under the rug. They have to be faced.

This article is not pleasant reading. But it is the single most lucid, readable, and responsible explication of those problems we've yet seen. Colonel Robert D. Heinl, jr., the author, is a eminent military historian, a brilliant if sometimes abrasive journalist and commentator, and—most importantly, in our opinion—an officer and gentleman deeply and sincerely dedicated to the good of the United States and of the military men and women who defend it.

We do not, each of us, agree with each and every one of Colonel Heinl's own strongly held, and pungently expressed, comments and opinions. But the subject he addresses here, the status of the U.S. Armed Forces today, is far too compelling and too important, we believe, to permit our (usually minor) differences of opinion to exert a veto power over serious matters which must be faced, responsibly and eventually, by our military and civilian leaders.

You will not find this article pleasant, but you will find it thought provoking, and, we think, important reading We recommend it in the spirit that the first step in solving any problem is to state the problem.

THE ACTION GROUPS

Not unsurprisingly, the end-product of the atmosphere of incitement of unpunished sedition, and of recalcitrant antimilitary malevolence which pervades the world of the draftee (and to an extent the low-ranking men in "volunteer" services, too) is overt action.

One militant West Coast Group, Movement for a Democratic Military (MDM), has specialized in weapons theft from military bases in California. During 1970, large armory thefts were successfully perpetrated against Oakland Army Base, Fts. Cronkhite and Ord, and even the Marine Corps Base at Camp Pendleton, where a team wearing Marine uniforms got away with nine M–16 rifles and an M–79 grenade launcher.

Operating in the Middle West, three soldiers from Ft Carson, Colo., home of the Army's permissive experimental unit, the 4th Mechanized Division, were recently indicted by federal grand jury for dynamiting the telephone exchange, power plant and water works of another Army installation, Camp McCoy, Wis., on 26 July 1970.

The Navy, particularly on the West Coast, has also experienced disturbing cases of sabotage in the past two years, mainly directed at ships' engineering and electrical machinery.

It will be surprising, according to informed officers, if further such tangible evidence of disaffection within the ranks does not continue to come to light. Their view is that the situation could become considerably worse before it gets better.

TOUGH LAWS, WEAK COURTS

A frequent reaction when people learn the extent and intensity of the subversion which has been beamed at the Armed Forces for the past three or more years is to ask whether such activities aren't banned by law. The answer is that indeed they are.

Federal law (18 USC 2387) prohibits all manner of activities (including incitements, counseling, distribution or preparation of literature, and related conspiracies) intended to subvert the loyalty, morale or discipline of the Armed Services. The penalty for violating this statute is up to ten years in prison, a $10,000 fine, or both.

Despite this tough law, on the books for many years, neither the Johnson, nor so far, the Nixon administration has brought a single prosecution against any of the wide range of individuals and groups, some mentioned here, whose avowed aims are to nullify the discipline and seduce the allegiance of the Armed Forces.

Government lawyers (who asked not to be named) suggested two reasons for failure to prosecute. Under President Johnson, two liberal Attorneys General, Messrs. Ramsay Clark and Nicholas deB. Katzenbach, were reportedly unsympathetic to military pleas for help and in general to prosecutions for sedition of any kind. Besides, the lawyers said, the courts have now gone so far in extending First Amendment shelter to any form of utterance, that there is doubt whether cases brought under this law would hold.

Whatever the reason—and it appears mainly to be disinclination to prosecute or even test existing law—the services are today being denied legal protection they previously enjoyed without question and at a time when they need it worse than ever before. Continuing failure to invoke these sanctions prompted one senior commander to comment bitterly, "We simply can't turn this thing around until we get some support from our elected and appointed civilian officials."

One area of the U.S. Government in which the Armed Forces are encountering noticable lack of support is the federal judiciary.

Until a very few years ago, the processes of military justice were regarded as a nearly untouchable preserve which the civil courts entered with reluctance and diffidence.

Plagued by a new breed of litigious soldiers (and some litigious officers, too), the courts have responded by unprecedented rulings, mostly libertarian in thrust, which both specifically and generally have hampered and impeded the traditional operations of military justice and dealt body blows to discipline.

Andrew Stapp, the seditious soldier who founded the American Serviceman's Union, an organization aimed at undermining the disciplinary structure of the Armed Forces, last year had his well earned undesirable discharge reversed by a U.S. judge who said Stapp's right to unionize and try to overthrow the Army was an "off-duty" activity which the Army had no right to penalize in discharging him.

Libertarian Supreme Court Justice W. O. Douglas has impeded the Army in mobilizing and moving reservists, while his O'Callaghan decision not only released a convicted rapist but threw a wrench into military jurisdiction and court-martial precedents going back in some cases nearly two centuries.

In Oakland, Cal., last year, a federal court yanked some 37 soldiers from the gangplank of a transport for Vietnam (where all 37 had suddenly discovered conscientious objections to war) and still has them stalled on the West Coast some 18 months later.

The long-standing federal law against wearing of Armed Forces uniforms by persons intending to discredit the services was struck down in 1969 by the Supreme Court, which reversed the conviction of a uniformed actor who put on an antimilitary "guerrilla theater" skit on the street in Houston, Tex. As a result the Armed Forces are now no longer able to control subversive exploitation of the uniform for seditious purposes.

TACTICS OF HARASSMENT

Part of the defense establishment's problem with the judiciary is the now widely pursued practice of taking commanding officers into civil courts by dissident soldiers either to harass or annul normal discipline or administrative procedures of the services.

Only a short time ago, for example, a dissident group of active-duty officers, members of the Concerned Officers' Movement (COM), filed a sweeping lawsuit against Defense Secretary Laird himself, as well as all three service secretaries, demanding official recognition of their "right" to oppose the Vietnam war, accusing the secretaries of "harassing" them, and calling for court injunction to ban disciplinary "retaliation" against COM members.

Such nuisance suits from the inside (usually, like the Laird suit, on constitutional grounds) by people still in uniform, let alone by officers, were unheard-of until two or three years ago. Now, according to one Army general, the practice has become so common that, in his words, "I can't even give a directive without getting permission from my staff judge advocate."

RACIAL INCIDENTS

Sedition and subversion, and legal harassment, rank near the top of what might be called the unprecedented external problems that elements in American society are inflicting on the Armed Forces.

Internally speaking, racial conflicts and drugs—also previously insignificant—are tearing the services apart today.

Racial troubles is no new thing for the Army. In 1906, after considerable provocation, three companies of the 25th infantry (a colored regular regiment) attacked white troops and townspeople of Brownsville, Texas, and had to be disbanded. Among the few pre-World War II War Department records still heavily classified and thus unavailable to scholars are Army documents on racial troubles.

Racial conflicts (most but not all sparked by young black enlisted men) are erupting murderously in all services.

At a recent high commanders' conference, General Westmoreland and other senior generals heard the report from Germany that in many units white soldiers are now afraid to enter barracks alone at night for fear of "head-hunting" ambushes by blacks.

In the quoted words of one soldier on duty in West Germany, "I'm much more afraid of getting mugged on the post than I am of getting attacked by the Russians."

Other reports tell of jail-delivery attacks on Army stockades and military police to release black prisoners, and of officers being struck in public by black soldiers. Augsburg, Krailsheim, and Hohenfels are said to be rife with racial trouble. Hohenfels was the scene of a racial fragging last year—one of the few so far recorded outside Vietnam.

In Ulm, last fall, a white noncommissioned officer killed a black soldier who was holding a loaded .45 on two unarmed white officers.

Elsewhere, according to Fortune magazine, junior officers are now being attacked at night when inspecting barracks containing numbers of black soldiers.

Kelley Hill, a Ft. Benning, Ga., barracks area, has been the scene of repeated nighttime assaults on white soldiers. One such soldier bitterly remarked, "Kelley Hill may belong to the commander in the daytime but it belongs to the blacks after dark."

Even the cloistered quarters of WACs have been hit by racial hair-pulling. In one West Coast WAC detachment this year, black women on duty as charge-of-quarters took advantage of their trust to vandalize unlocked rooms occupied by white WACs. On this rampage, they destroyed clothing, emptied drawers, and overturned furniture of their white sisters.

But the Army has no monopoly on racial troubles.

As early as July 1969 the Marines (who had previously enjoyed a highly praised record on race) made headlines at Camp Lejeune, N.C., when a mass affray launched by 30–50 black Marines ended fatally with a white corporal's skull smashed in and 15 other white Marines in the sick bay.

That same year, at Newport, R.I., naval station, blacks killed a white petty officer, while in March 1971 the National Naval Medical Center in Bethesda, Md., outside Washington, was beset by racial fighting so severe that the base enlisted men's club had to be closed.

All services are today striving energetically to cool and control this ugly violence which in the words of one noncommissioned officer, has made his once taut unit divide up "like two street gangs."

MGen Orwin C. Talbott, at Ft Benning, has instituted what he calls "race relations coordinating groups" which work to defuse the resentments of young black troopers at a Georgia base.

MGen John C. Bennett, commanding the 4th Mechanized Division at Ft Carson, Colo., has a highly successful "racial relations committee" which has kept Carson cool for over a year.

At once-troubled Camp Lejeune, MGen Michael P. Ryan, the Tarawa hero who commands the 2d Marine Division, appears to have turned off the race war that two years ago was clawing at the vitals of his division.

Yet even the encouraging results attained by these commanders do not bespeak general containment of the service-wide race problem any more than the near-desperate attack being mounted on drug abuse has brought the narcotics epidemic under control within the military.

DRUGS AND THE MILITARY

The drug problem—like the civilian situation from which it directly derives—is running away with the services. In March, Navy Secretary John H. Chafee, speaking for the two sea services, said bluntly that drug abuse in both Navy and Marines is out of control.

In 1966, the Navy discharged 170 drug offenders. Three years later (1969), 3,800 were discharged. Last year in 1970, the total jumped to over 5,000.

Drug abuse in the Pacific Fleet—with Asia on one side, and kinky California on the other—gives the Navy its worst headaches. To cite one example, a destroyer due to sail from the West Coast last year for the Far East nearly had to postpone deployment when, five days before departure, a ring of some 30 drug users (over 10 percent of the crew) was uncovered.

Only last week, eight midshipmen were dismissed from the Naval Academy following disclosure of an alleged drug ring. While the Navy emphatically denies allegations in a copyrighted article by the *Annapolis Capitol* that up to 1,000 midshipmen now use marijuana, midshipman sources confirm that pot is anything but unknown at Annapolis.

Yet the Navy is somewhat ahead in the drug game because of the difficulty in concealing addiction at close quarters aboard ship, and because fixes are unobtainable during long deployments at sea.

The Air Force, despite 2,715 drug investigations in 1970, is in even better shape: its rate of 3 cases per thousand airmen is the lowest in the services.

By contrast, the Army had 17,742 drug investigations the same year. According to Col. Thomas B. Hauschild, of the Medical Command of our Army forces in Europe, some 46 percent of the roughly 200,000 soldiers there had used illegal drugs at least once. In one battalion surveyed in West Germany, over 50 percent of the men smoked marijuana regularly (some on duty), while roughly half of those were using hard drugs of some type.

What these statistics say is that the Armed Forces (like their parent society) are in the grip of a drug pandemic—a conclusion underscored by the one fact that, just since 1968, the total number of verified drug addiction cases throughout the Armed Forces has nearly doubled. One other yardstick: according to military medical sources, needle hepatitis now poses as great a problem among young soldiers as VD.

At Ft. Bragg, the Army's third largest post, adjacent to Fayetteville, N.C. (a garrison town whose conditions one official likened to New York's "East Village" and San Francisco's "Haight-Ashbury") a recent survey disclosed that 4% (or over 1,400) of the 36,000 soldiers there are hard-drug (mainly heroin and LSD) addicts. In the 82nd Airborne Division, the strategic-reserve unit that boasts its title of "America's Honor Guard", approximately 450 soldier drug abusers were being treated when this reporter visited the post in April. About a hundred were under intensive treatment in special drug wards.

Yet Bragg is the scene of one of the most imaginative and hopeful drug programs in the Armed Forces. The post commander, LGen John J. Tolson, and the 82nd Airborne's commander, MGen George S. Blanchard, are pushing "Operation Awareness," a broad post-wide program focused on hard drugs, prevention, and enforcement.

Spearheading Operation Awareness is a tough yet deeply humane Army chaplain and onetime Brooklyn longshoreman, LCol John P. McCullagh. Father McCullagh has made made himself one of the Army's top experts on drugs, and was last year called as an expert witness by Harold Hughes' Senate Subcommittee on Alcohol and Narcotics.

NO STREET IS SAFE

One side-effect of the narcotics flood throughout the services is a concurrent epidemic of barracks theft and common criminality inside military or naval bases which once had the safest streets in America.

According to the personnel chief of one of the Army's major units, unauthorized absence, historically the services' top disciplinary problem, is now being crowded by the thefts. Barracks theft destroys trust and mutual loyalty among men who ought to be comrades and who must rely absolutely on each other in combat. It corrodes morale and is itself an indicator of impossible conditions in a fighting unit.

At Ft. Bragg, primarily because of addict thieves, soldiers in many units cannot even keep bedding on their bunks in barracks. After what used to be reveille, they strip their bunks of bedding and cram it away under lock and key with whatever valuables they dare keep on hand.

Radios, sports gear, tape decks, and cameras—let alone individual equipment—are stolen on sight. Unlocked cars, on the manicured streets of this fine old post, are more likely to be stolen than not. Fayetteville, according to soldiers, abounds with off-post fences who will pay pennies for Army blankets and higher amounts for just about anything else.

Unhappily, conditions at Ft. Bragg are not unusual.

Soldier muggings and holdups are on the rise everywhere. Ft. Dix, N.J., has a higher rate of on-post crime than any base on the East Coast. Soldier muggings are reported to average one a night, with a big upsurge every pay-day. Despite 450 MP's (one for every 55 soldiers stationed there—one of the highest such ratios in the country) no solution appears in sight.

Crimes are so intense and violent in the vicinity of an open-gate "honor-system" detention facility at Ft. Dix that, according to press reports, units on the base are unwilling to detail armed sentinels to man posts nearby, for fear of assault and robbery.

DESERTIONS AND DISASTERS

With conditions what they are in the Armed Forces, and with intensive efforts on the part of elements in our society to disrupt discipline and destroy morale the consequences can be clearly measured in two ultimate indicators: manpower retention (reenlistments and their antithesis, desertions); and the state of discipline.

In both respects the picture is anything but encouraging.

Desertion, to be sure, has often been a serious problem in the past. In 1826 for example, desertions exceeded 50% of the total enlistments in the Army. During the Civil War, in 1864, Jefferson Davis reported to the Confederate Congress: "Two thirds of our men are absent, most absent without leave."

Desertion rates are going straight up in Army, Marines, and Air Force. Curiously, however, during the period since 1968 when desertion has nearly doubled for all three other services, the Navy's rate has risen by less than 20 percent.

In 1970, the Army had 65,643 deserters, or roughly the equivalent of four infantry divisions. This desertion rate (52.3 soldiers per thousand) is well over twice the peak rate for Korea (22.5 per thousand). It is more than quadruple the 1966 desertion-rate (14.7 per thousand) of the then well-trained, high-spirited professional Army.

If desertions continue to rise (as they are still doing this year), they will attain or surpass the WWII peak of 63 per thousand, which, incidentally, occurred in the same year (1945) when more soldiers were actually being discharged from the Army for psychoneurosis than were drafted.

The Air Force—relatively uninvolved in the Vietnam war, all-volunteer, management-oriented rather than disciplinary and hierarchic—enjoys a numerical rate of less than one deserter per thousand men, but even this is double what it was three years ago.

The Marines in 1970 had the highest desertion index in the modern history of the Corps and, for that year at least, slightly higher than the Army's. As the Marines now phase out of Vietnam (and haven't taken a draftee in nearly two years), their desertions are expected to decrease sharply. Meanwhile, grimly remarked one officer, "Let the bastards go. We're all the better without them."

Letting the bastards go is something the Marine Corps can probably afford. "The Marine Corps Isn't Looking for a Lot of Recruits," reads a current recruiting poster, "We Just Need a Few Good Men." This is the happy situation of a Corps slimming down to an elite force again composed of true volunteers who want to be professionals.

But letting the bastards go doesn't work at all for the Army and the Navy, who do need a lot of recruits and whose reenlistment problems are dire.

Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, minces no words. "We have a personnel crisis," he recently said, "that borders on disaster."

The Navy's crisis, as Zumwalt accurately describes it, is that of a highly technical, material oriented service that finds itself unable to retain the expensively-trained technicians needed to operate warships, which are the largest, most complex items of machinery that man makes and uses.

NON-VOLUNTEER FORCE?

If 45% of his sailors shipped over after their first enlistment, Admiral Zumwalt would be all smiles. With only 13% doing so, he is growing sideburns to enhance the Navy's appeal to youth.

Among the Army's volunteer (non-draftee) soldiers on their first hitch, the figures are much the same: less than 14% re-up.

The Air Force is slightly, but not much, better off: 16% of its first-termers stay on.

Moreover—and this is the heart of the Army's dilemma—only 4% of the voluntary enlistees now choose service in combat arms (infantry, armor, artillery) and of those only 2.5% opt for infantry. Today's soldiers, it seems, volunteer readily enough for the tail of the Army, but not for its teeth.

For all services, the combined retention rate this past year is about half what it was in 1966, and the lowest since the bad times of similar low morale and national disenchantment after Korea.

Both Army and Navy are responding to their manpower problems in measures intended to seduce recruits and reenlistees; disciplinary permissiveness, abolition of reveille and KP, fewer inspections, longer haircuts—essentially cosmetic changes aimed at softening (and blurring) traditional military and naval images.

Amid such changes (not unlike the Army's 1946 Doolittle Board coincidences intended in their similar postwar day to sweeten life for the privates), those which are not cosmetic at all may well exert profound and deleterious effects on the leadership, command authority and discipline of the services.

SOULBONE CONNECTED TO THE BACKBONE

"Discipline," George Washington once remarked, "is the soul of an army."

Washington should know. In January 1781, all the Pennsylvania and New Jersey troops in the Continental Army mutinied. Washington only quelled the outbreaks by disarming the Jersey mutineers and having their leaders shot in hollow square—by a firing squad made up of fellow mutineers.

(The Navy's only mutiny, aboard USS *Somers* in 1842, was quelled when the captain hanged the mutineers from the yardarm while still at sea.)

If Washington was correct (and almost any professional soldier, whether officer or NCO, will agree), then the Armed Forces today are in deep trouble.

What enhances this trouble, by exponential dimensions, is the kind of manpower with which the Armed Forces now have to work. As early as three years ago, U.S. News and World Report reported that the services were already plagued with ". . . a new breed of man, who thinks he is his own Secretary of State, Secretary of Defense, and Attorney General. He considers himself superior to any officer alive. And he is smart enough to go by the book. He walks a tightrope between the regulations and sedition."

Yet the problem is not just one of trouble-makers and how to cope with them.

The trouble of the services—produced by and also in turn producing the dismaying conditions described in this article—is above all a crisis of soul and backbone. It entails—the word is not too strong—something very near a collapse of the command authority and leadership George Washington saw as the soul of military forces. This collapse results, at least in part, from a concurrent collapse of public confidence in the military establishment.

General Matthew B. Ridgway, one of the Army's finest leaders in this century (who revitalized the shaken Eighth Army in Korea after its headlong rout by the Chinese in 1950) recently said, "Not before in my lifetime . . . has the Army's public image fallen to such low esteem . . ."

But the fall in public esteem of all three major services—not just the Army—is exceeded by the fall or at least the enfeeblement of the hierarchic and disciplinary system by which they exist and, when ordered to do so, fight and sometimes die.

Take the case of the noncommissioned and petty officers.

In Rudyard Kipling's lines, "The backbone o' the Army is the noncommissioned man!"

Today, the NCOs—the lifers—have been made strangers in their own home, the regular service, by the collective malevolence, recalitrance and cleverness of college-educated draftees who have outflanked the traditional NCO hierarchy and created a privates' power structure with more influence on the Army of today than its sergeants major.

NO OFFICE FOR THE OMBUDSMAN

In the 4th Mechanized Division at Ft Carson, Sp 4 David Gyongyos, on his second year in the Army, enjoys an office across the hall from the division commander, a full-time secretary, and staff car and driver also assigned full time. He has the home phone numbers of the general and chief of staff and doesn't hesitate to use them out of working hours when he feels like it.

Gyongyos (with a bachelor's degree in theology and two years' law school) is Chairman of the division's Enlisted Men's Councils, a system of elected soviets made up of privates and Sp 4s (NCOs aren't allowed) which sits at the elbow of every unit commander down to the companies. "I represent, electively," Gyongyos expansively told this reporter, "the 17,000 men on this post."

The division sergeant major, with a quarter-century in the Army, who is supposed to be the division's first soldier and—non-electively—father and ombudsman of every soldier, has an office which is not even on the same floor with the general (or Sp 4 Gyongyos either). He gets his transportation, as needed, from the motor pool. He does not "rap" freely over the phone to the general's quarters.

The very most that Gyongyos will concede to the sergeant major, the first sergeants, the platoon sergeants—the historic enlisted leadership of armies—is that they are "combat technicians." They are not, he coldly adds, "highly skilled in the social sciences."

The soldiers' soviets of the 4th Division represent an experiment in what the Army calls "better communications". Conditions throughout the rest of the Army do not quite duplicate those at Carson, but the same spirit is abroad. And experienced NCOs everywhere feel threatened or at least puzzled.

Most major units of the Army, Navy, and Air Force have some form of enlisted men's councils, as well as junior officer councils. Even the trainee companies at Ft Ord, Calif. have councils, made up of recruits, who take questions and complaints past their DIs to company commanders and hold weekly meetings and post minutes on bulletin-boards. General Pershing, who once said "All a soldier needs to know is how to shoot and salute", would be surprised.

THE VOCALISTS

As for the officers, said a four-star admiral, "We have lost our voice."

The foregoing may be true as far as admirals are concerned, but hasn't hampered short-term junior officers (including several West Pointers) from banding together into highly vocal antiwar and antimilitary organizations, such as the Concerned Officers' Movement (COM). At Norfolk, the local COM chapter has a peace billboard outside Gate 2, Norfolk Naval Station, where every sailor can profit by the example of his officers.

Inspection—one of the most important and traditionally visible tools of command—is being widely soft-pedaled because it is looked on as "chicken" by young soldiers, sailors, and airmen.

In a move "to eliminate irritants to Air Force life" all major Air Force commands got orders last year to cut back on inspection of people and facilities.

"You just damn near don't inspect barracks any more," said one Air Force colonel, "this is considered an irritant." Besides, he added (partly to prevent barracks theft and partly for privacy) airmen keep the keys to their own rooms, anyway.

Aboard ships of the Navy, where every inch of metal and flake of paint partakes in the seaworthiness and battle readiness of the vessel, inspection is still a vital and nearly constant process, but even here, Admiral Zumwalt has discouraged "unnecessary" inspections.

If officers have lost their voices, their ears have in many commands been opened if not burnt in an unprecedented fashion via direct "hot lines" or "action lines" whereby any enlisted man can ring up his CO and voice a gripe or an obscenity, or just tell him what he thinks about something or, for that matter, someone.

Starting last year at Naval Air Station, Miramar, Cal., sailors have been able to dial "C-A-P-T" and get their captain on the line. The system so impressed Admiral Zumwalt that he ordered all other shore stations to follow suit, even permitting anonymous calls.

At Ft. Lewis, Wash., soldiers dial "B-O-S-S" for the privilege of giving the general an earful.

At the Air Force Academy, cadets receive early indoctrination in the new order of things; here, too, a cadet (anonymously, if he wishes) can phone the Superintendent, record his message and, also by recording, receive the general's personal thanks for having called.

WORD TO THE WHYS

"Discipline," wrote Sir John Jervis, one of England's greatest admirals, "is summed up in one word, obedience."

Robert E. Lee later said, "Men must be habituated to obey or they cannot be controlled in battle."

In the Armed Forces today, obedience appears to be a sometime thing.

"You can't give them an order and expect them to obey immediately," says an infantry officer in Vietnam. "They ask why, and you have to tell them."

Command authority, i.e., the unquestioned ability of an officer or NCO to give an order and expect it to be complied with, is at an all-time low. It is so low that, in many units, officers give the impression of having lost their nerve in issuing orders, let alone enforcing orders.

In the words of an Air Force officer to this reporter, "If a captain went down on the line and gave an order and expected it to be obeyed because 'I said so!'—there'd be a rebellion."

Other officers unhesitatingly confirmed the foregoing.

What all this amounts to—conspicuously in Vietnam and only less so elsewhere—is that today's junior enlisted man, not the lifer, but the educated draftee or draft-motivated "volunteer"—now demands that orders be simplistically justified on his own terms before he feels any obligation to obey.

Yet the young soldiers, sailors and airmen might obey more willingly if they had more confidence in their leaders. And there are ample indications that Armed Forces junior (and NCO) leadership has been soft, inexperienced, and sometimes plain incompetent.

In the 82d Airborne Division today, the average length of service of the company commanders is only 3½ years.

In the Navy, a man makes petty officer 2d class in about 2½ years after he first enlists. By contrast, in the taut and professional pre-WWII fleet, a man required 2½ years just to make himself a really first-class seaman.

The grade of corporal has practically been superseded in the Army: Sp 4s hold most of the corporals' billets. Where the corporal once commanded a squad, today's Army gives the job to a staff sergeant, two ranks higher. Within the squad, it now takes a sergeant to command three other soldiers in the lowly fire-team.

"This never would have happened," somberly said a veteran artillery sergeant major, "if the NCOs had done their jobs . . . The NCOs are our weak point." Sp 4 Gyongyos at Ft Carson agrees: "It is the shared perception of the privates that the NCOs have not looked out for the soldiers."

When B Troop, 1st Cavalary, mutinied during the Laos operation, and refused to fight, not an officer or NCO raised his hand (or his pistol) or stepped forward. Fifty-three privates and Sp 4s cowed all the lifers of their unit.

"Officers," says a recently retired senior admiral, "do not stand up for what they believe. The older enlisted men are really horrified."

Lieutenant William L. Calley, jr, an ex-company clerk, was a platoon leader who never even learned to read a map. His credentials for a commission were derisory; he was no more officer-material than any Pfc in his platoon. Yet the Army had to take him because no one else was available. Commenting on the Calley conviction, a colonel at Ft Benning said, "We have at least two or three thousand more Calleys in the Army just waiting for the next calamity."

Albert Johnson, the tough Master Chief Petty Officer of the Atlantic Fleet, shakes his head and says: "You used to hear it all the time—people would say, 'The Chiefs run the Navy.' But you don't hear it much any more, especially from the Chiefs."

A HARD LOT AT BEST

But the lot of even the best, most forceful leader is a hard one in today's military.

In the words of a West Point lieutenant colonel commanding an airborne battalion, "There are so many ways nowadays for a soldier that is smart and bad to get back at you." The colonel should know: recently he reduced a sergeant for gross public insubordination, and now he is having to prepare a lengthy apologia, through channels to the Secretary of The Army, in order to satisfy the offending sergeant's congressman.

"How do we enforce discipline?" asks a senior general. Then he answers himself: "Sweep it under the rug. Keep them happy. Keep it out of the press. Do things the easy way: no court-martials, but strong discipline."

Toward the end of the eighteenth century, after years of costly, frustrating and considerably less than successful war, Britain's armed forces were swept by disaffection culminating in the widespread mutinies in most of the ships and fleets that constituted England's "wooden walls" against France.

Writing to a friend in 1797, Britain's First Lord of the Admiralty said, "The Channel Fleet is now lost to the country as much as if it was at the bottom of the sea."

Have things gone that far in the United States today?

The most optimistic answer is—probably not. Or at least not yet.

But many a thoughtful officer would be quick to echo the words of BGen Donn A. Starry, who recently wrote, "The Army can defend the nation against anything but the nation itself."

Or—in the wry words of Pogo—we have met the enemy, and they are us.

"HOOSIERLAND HIPPIES"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BRAY. Mr. Speaker, recent national publicity has brought to our attention the so-called "Raintree Tribe" of Brown County, Ind.

Brown County, famous for its natural beauty, has been for many years a retreat and shelter for those who desire to return to the land, to live apart from our busy hectic world.

However, the "Raintree Tribe" represents the new breed of recluse, those who live in seclusion while they attempt to plan the destruction of American life as we know it. Carolyn Pickering, staff reporter of the Indianapolis Star, has visited the Raintree Tribe and found them living off the land with the aid of U.S. Government food stamps and illegal drugs. Her article "Hippies Brag of Destruction, Fly Cong Flag" from June 11, 1971 edition of the Indianapolis Star follows:

Hippies Brag of Destruction, Fly Cong Flag

(By Carolyn Pickering)

Nashville, Ind.—Eight Negro youths, three white boys trying to grow beards, two well-spoken young white women and a 16-month-old blond girl with a china-doll look, sat around a beat-up table in a Brown County shanty yesterday and talked.

Oh, how they talked! Of the injustice being done to their leader, 29-year-old Larry E. Canada Jr., the self-styled chief of the Raintree Tribe.

They chattered about burning draft cards, mused about blowing up Selective Service headquarters if given the opportunity, bragged about deliberate destruction of United States Air Force planes in Vietnam.

And, when mouths were parched from talk, they munched on Jell-O and drank coffee purchased with Federal food stamps given willingly by the government they want to crush.

Outside the ramshackle building they call home, where lame dogs and sickly cats limp about and flies and hornets buzz without interference, the Viet Cong flag wavered in the summer breeze.

On the dusty road outside, a couple of trucks sat all day. Three men wearing forestry uniforms tinkered with the trees.

"They ain't conservationists. They're pigs," said one Negro activist with dilated eyes who said his name was "Wizard."

Farther down the road a car with five men in neat business suits, carrying briefcases, called on all the long-time residents of the area.

They identified themselves as Bible salesmen.

In the town of Nashville, where curio shops for years were the principal attraction of this resort community, the talk was of little but Larry Canada, the rich girl he married and was divorced by, only five days before the March 1 Capitol bombing in Washington.

Canada, and his ex-wife, Kathy Noyes Canada, 24, who said Wednesday she's been "traveling" with her former spouse since the divorce, are in Detroit, Mich., under subpena to testify before a grand jury there reportedly probing May day demonstrations in Washington and the Capitol bombing.

At the time of the divorce, according to Brown Circuit Court records, Canada assigned all mortgages and real estate to Kathy.

The same day, say Brown County recorder records, the acreage—more than 500 acres, including the palatial home they shared—was leased back to Canada.

Kathy paid all the costs of the divorce and gave up her right to a $19,000 savings account in the Nashville State Bank, the records disclose.

It wasn't long after that that Canada took out a whopper ad in the Brown County Democrat announcing he would pay no more Federal taxes.

In the same issue, Kathy paid for an ad indorsing the People's Peace Treaty—the treaty negotiated in Hanoi by former Indiana University student leader Keith Parker and others.

All that was before the revolution, so to speak. Local residents say strangers arrived from all over the country before the Washington demonstrations.

Activist Rennie Davis was a houseguest of Canada's.

Rental vans popped up to haul the troops to Washington, say members of the "tribe," which numbers at least 75, living in shacks scattered throughout the acreage.

Yesterday, Karen Davis, a 23-year-old beauty from Houston, Tex., and mother of the chubby blond baby, rolled her own cigarette and talked of many things.

On the table in front of her was a thick volume entitled, "The Fellowship of the Ring." It had been handled by many hands.

"I was interested in living in the country, where there's fresh air, so I traveled all over the country, searching for a place in which to raise my daughter," she said.

Karen, if that is her name, was college-educated and said her father is an oil executive in Texas.

"We all work and live together with our sustenance from the land," she said.

Outside, the only evidence of work was a battered fence enclosing a few chickens who clucked happily. The surrounding acreage bore only age-old scrub brush.

Karen was in Washington on May Day, helping "feed the people" she said.

She smokes "pot" because "it's more beautiful than alcohol."

Over on a dilapidated couch slouched 21-year-old Michael Christenziano, wearing a tattered Army shirt and combat boots.

Mike's eyes blaze with scorn for the government he served in Vietnam.

But, he says he enlisted when he was 17 "just to foul up this lousy government."

Christenziano boasts that he "blew up" U.S. Air Force aircraft engines during the year he was in Vietnam.

"Every engine I messed up cost this government a half million dollars. I did all my work in the Army for Charlie (Viet Cong). They're a lot smarter than we are," he boasted.

He says he was given a medical discharge in May, 1970, because "they didn't quite have the goods on me on all the . . . I did to the government."

Michael says it's going to take a "lot of planning" to "blow up this government."

He and his admittedly radical "family" chorused that "there's only two good men in Congress and they're both from Indiana—Jacobs and Bayh." (Congressman Andrew Jacobs, Jr., and Senator Birch E. Bayh.)

On the 1972 presidential election, they'd like a ticket of Senator Edmund Muskie and Alaska's Walter Hickel, deposed by President Nixon as secretary of the interior.

Puffing on a pipe, 21-year-old Donald Gray of Washington, D.C., says he came to Raintree because he was tired of the "hassle of the city and I'd never seen a chicken."

He explained the Viet Cong flag outside thusly:

"A lot of good guys have died for that flag."

He thinks the "kids" are the ones to overthrow the government.

All cops are "sadists," in his opinion. He's burned his draft card. He'd like the chance to burn the Selective Service headquarters.

"If it takes violence, then that's what's going to happen," he declares with no hesitation.

The one who called himself "Wizard" said he was with activist Leslie Bacon in Washington the day of the Capitol bombing.

"Leslie didn't do nothing," he said.

They all worship Angela Davis because of her leadership and, besides, says Gray—"she's a cool looking chick."

The "Wizard" says LSD is good for "meditating, psychic experiences and it's groovy."

Gray says it's simple to "float through a keyhole when you drop acid."

The "Wizard" says he was arrested in Washington for "doing nothing."

"I was boppin' down the street and upended a couple of Volkswagens—that's all," he giggled while jumping on the broken down couch.

As far as Canada is concerned, the 12 tribesmen aren't worried.

"Larry's got too much pull for the pigs," they say.

All the while, the curly-haired little daughter of Karen played with the bugs on the floor and occasionally hugged an old blue baby blanket—a secure and cuddly bit of warmth for babies through all generations and eras.

Back in town, Brown County Clerk Miller Thixton regards Canada's hippies as "wasting away their youth."

"I thought they'd go away after a while, but they haven't," he says.

The Recorder, Mrs. Pat McCormick, blames her own community for the residency of the revolutionaries.

"They just came in a couple of years ago and no one did anything to stop them. Maybe since their chief has been arrested they'll fold up their tents and steal away."

But, she doesn't sound very hopeful.

Across the street from the courthouse, Mrs. Jewell Culver, who says she's the only Federal food stamp caseworker in the county, says the Canada clan regularly obtains food stamps.

She won't say how many or for how much. Federal regulations, you know.

"If they qualify, based on income and the number in the family, they get stamps," she says.

She explains "they have chosen this way of life and low income and are entitled to benefits."

"There's nothing in our book of regulations about political philosophies," she declares.

Mrs. McCormick and others are not so charitable.

When one of the women came to town with her baby, "naked as a jaybird" on her hip, the town was aghast.

"They better never come in here that way," Mrs. McCormick warns.

Out on the courthouse square an old man rocked in a chair, talked of the horse-and-buggy days, and just shook his head sadly.

PROF. ROBERT LEKACHMAN'S TESTIMONY BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON THE ISSUE OF REVENUE SHARING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Prof. Robert Lekachman, leading economist and economic analyst teaching at the State University of New York at Stony Brook, testified on June 15, 1971, before the House Ways and Means Committee. The subject of his testimony was revenue sharing.

During the course of this testimony, Professor Lekachman expressed the view that—

> General revenue sharing is an extraordinarily bad solution to grave problems of state and local finance.

He went on to say that—

> The problem of the moment scarcely seems to be the disposal of federal budgetary surpluses . . . the most significant priority is rather restoration of sound momentum to categorical grant programs"; the hope is that Congress will "move toward federal financing of such national dilemmas as welfare. . . .

Professor Lekachman also observed:

> Federal social programs, it is worth reiterating, developed because states and localities demonstrated their inability to cope with the intricate and the interlocked necessities of a complex, continental society. The complexity of the issues has not diminished and the ability of the states and the localities to resolve them has not increased. Accordingly evidence is lacking that a shift from federal to local control will increase either the equity or the efficiency with which tax resources are expended.

Professor Lekachman ended his testimony by stating:

> I urge this Committee and the Congress in the strongest possible terms to reject both general and special revenue sharing.

I commend Professor Lekachman's testimony to my colleagues:

STATEMENT TO THE HOUSE WAYS AND MEANS COMMITTEE BY ROBERT LEKACHMAN

Mr. Chairman and Committee members, I am grateful for this opportunity to voice my opinion of revenue sharing.

I can put that opinion succintly: general revenue sharing is an extraordinarily bad solution to grave problems of state and local finance. Special revenue sharing is far worse.

I start with general revenue sharing. In 1964 when my distinguished professional colleagues Walter Heller and Joseph Pechman floated their version of general revenue sharing during those halycon Great Society days which preceded Viet Nam escalation, their concern was not only with state and local fiscal requirements but even more with the danger that the series of full employment budget surpluses which they glimpsed just over the horizon, would tempt Congress into repeated bouts of general tax reduction. Since in their view what was much more urgently needed was a rectification of the imbalance between private and public spending in favor of the latter, they hit upon revenue sharing as a politically viable means of channeling expanding federal revenues in the direction of state and local public services.

The occasion for this somewhat ancient history is the clear distinction that it facilitates between 1964 and 1971. Unhappily in this year there is neither the presence nor the immediate prospect of full employment or any variety of budget surplus, conventional, full employment, or national income accounting. Indeed seldom has a rich country felt so pressed by imperative military, social, and environmental needs. Typical of the condition has been the necessity encountered by the Congress to widen the normal gap between authorizations and appropriations. Last summer's study by the Advisory Commission on Intergovernmental Relations of 169 programs with fixed dollar authorizations, concluded that appropriations were approximately 80 percent of authorizations in 1966 but only 65 per cent in 1970. In the words of the Report,

"The widest gap occurred in programs of the Department of Health, Education and Welfare. It reflects authorizations for a massive infusion of funds for human resources over a five-year period in the midsixties at the same time that taxes were cut and commitments in Viet Nam escalated."

Education has been particularly hard hit. Its appropriations declined from 60.48 per cent of authorizations in 1968, to 42.29 per cent in 1969, 31.27 per cent in 1970, and 36.65 per cent in 1971. The fiscal 1972 outlook is at least equally grim.

In short the problem of the moment scarcely seems to be the disposal of federal budgetary surpluses. From one point of view (which I share), the most significant priority is rather the restoration of sound momentum to categorical grant programs. These are the programs which have embodied such national objectives as maximum employment (a pledge of the Employment Act of 1946), "a decent home and a suitable living environment for every American family" (a promise made by the Housing Act of 1949 and recently restated by the President), unconditional war against poverty (a commitment made in the Economic Opportunity Act of 1964), as well as still later Congressional health, manpower, and envrionmental aspirations. Nor have we yet fulfilled the century-old pledge, of which Mr. Justice Potter Stewart reminded his countrymen in his historic majority opinion in Jones vs Alfred Mayer Company, to eradicate the remaining "badges and incidents of slavery."

Categorical grants can be simplified and regrouped. Nor are they at best, however liberally funded, complete solutions to the special difficulties which American history and American federal arrangements have imposed upon the industrial states and the major northern cities. As far as they go, nevertheless, they constitute an appropriate recognition of the national scale of most American problems. Thus Title 1 of the Elementary and Secondary Education Act, despite defects and errors of administration, retains as a sovereign virtue, an enlightened identification of the special educational needs of the children of poor families as a matter of particular national concern. The hot water in which community action and legal services experiments perennially are immersed, is in its way a testimonial to the energies released by these programs and the novel interests represented by them.

I express the hope that Congress will, as priorities are reassessed and revenues rechanneled, move toward federal financing of such national dilemmas as welfare, a project on which, I am aware, this Committee has been closely engaged. States can be assisted and stimulated toward appropriate fiscal efforts by devices such as deduction of some substantial proportion of state income taxes from federal income tax liabilities. And the cities can be helped in ways which maintain appropirate federal responsibility for the setting of national standards and the prudent disbursement of federal tax receipts. For the cities there is promise in urban banks chartered to lend them money at subsidized interest rates and in the proposal to grant 15–25¢ for each welfare dollar as an aid to the services provided to nontaxpaying resident. A liberal program of public service employment would be a boon of great price to the cities as well as the remainder of the society.

Federal social programs, it is worth reiterating, developed because states and localities demonstrated their inability to cope with the intricate and the interlocked necessities of a complex, continental society. The complexity of the issues has not diminished and the ability of the states and the localities to resolve them has not increased. Accordingly evidence is lacking that a shift from federal to local control will increase either the equity or the efficiency with which tax resources are expended.

II

In brief, this is the case against general revenue sharing. Anyone impressed by the lengthy agenda of unsettled public issues and the long shopping list of deferred social expenditures, will be likely to share my conclusion that in the years just ahead, revenue sharing menaces the collective efforts required to grapple with contemporary needs. For it is a competitor of enormous political appeal for the very sums required to fund existing categorical grant programs. Once enacted it will be a still more formidable barrier to the enactment of additional programs required by the public interest.

At the outset, I characterized special revenue sharing as potentially still more disastrous than its big brother. I can now say why I hold this view, still more briefly.

Special revenue openly dismantles or implicitly repeals by threatened financial inanition much of the legislation enacted by Congress during the last two Democratic Administrations. I am aware that, as the President phrased it in his March 8 message on Special Revenue Sharing for Urban Community Development, special revenue sharing does not require that any "program currently funded by categorical grants . . . be discontinued." Nevertheless, communities could, as the message specifically concedes, proceed, for example, to "dismantle their Model Cities projects." And as I interpret the message on special revenue sharing in education, communities could readily divert Title 1 funds away from poverty areas toward more affluent districts.

Mr. Nixon cites as a criticism of present federal categorical grant procedures that "some of these Federal programs require local communities to work through semi-autonomous local officials—often bypassing the elected local leaders." There are abundant reasons of history and experience for such "bypassing." Is it not sadly plain that the national attempt to diminish inequality of treatment based on invidious distinctions of color, economic status, and sex is very often impeded by local officials who represent those who gain from such discriminations rather than those who chafe under them? Should a national promise to offer effective legal representation to the poor be thwarted at will by a governor or mayor who, rightly or wrongly, identifies his constituency only among the affluent?

The cumbersome federal bureaucracy deplored by the President would no doubt benefit from simplification. The passion for managerial improvement, a special hobby of conservative presidents, should not obscure the fact that much bureaucratic caution and "red tape" derives from faithful efforts to carry out Congressional mandates. Not every local government approximates acceptable standards of either efficiency or financial probity. Not every school district, north or south, will spend, without federal oversight, federal educational grants in ways which are faithful to the Congressional desire to assist the poor and promote the integration of the races.

Thus it is, that whatever may be this Administration's intent, the effects of special revenue sharing will be to divert funds from poorer to more prosperous areas, blunt all efforts of the past or future to rehabilitate the large cities, diminish the equity with which federal grants in aid to education are distributed, seriously impair the national aim of racial equality, and remove the federal presence from the side of the poor and the powerless.

It is always within Congressional power to repeal or amend legislation which time and shifting sentiment adjudge defective or redundant. But the honesty of the political process is ill-served by such proposals as special revenue sharing which make substantive alterations in existing programs in the guise of administrative reform. When conservative voices cry, "Power to the People," even the naive must wonder who the people in question are.

In sum, if general revenue sharing is a disaster, special revenue sharing is a potential catastrophe. National problems are not miraculously wisked away simply because their handling is shifted to political units which have demonstrated their incapacity to deal with them. In the sacred name of local control Americans should not retreat from solemn national purposes. Nor should they delude themselves that complicated questions permit of simplistic answers.

I urge this Committee and the Congress in the strongest possible terms to reject both general and special revenue sharing.

MILITARY RETIREMENT PAY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, as a sponsor in this Congress and the last to remove the inequities in the present method of computation for military retirements, I am pleased that some forward motion is now apparent. I commend the President for this action.

Many retired members of the military services suffered a serious loss in their earned compensation when Congress suspended the direct relationship between retired pay and current active duty rates of pay in 1958.

Retirees now draw different rates depending upon the date on which they retired—with the lowest rate for the oldest group of retirees and the highest for the youngest. This is unjust because these men and women entered upon their military careers at a time when the law provided for a direct relationship between retirement and current pay scales—and anticipated and were led to believe that this relationship would be maintained. But it has not been.

This means that a master sergeant who retired before 1963 has a retirement of less than $300 a month, while one who retired after April 15, 1970, has a retirement of more than $400.

This kind of disparity is especially tough on disabled retirees who cannot boost their incomes through full- or part-time work.

Progress is now being made, however, on recomputation of retirement benefits. At the request of the White House, various military oriented organizations met in March at the White House and, as a result a Special Inter-Agency Committee has been established to study military retired benefits.

The committee hopes to report on recomputation July 1 and on military disability retirement on October 1.

There is considerable hope among military retirees that these reports will produce action. I hope so.

As a partial review of the problems and issues, here is material prepared by the Retired Officers Association and Retired Enlisted Association for joint presentation to the committee:

MILITARY RETIREMENT PAY

Q. How should regular retirement benefits be initially computed and subsequently adjusted?

A. Military retired pay should be more liberal than civil service annuities.

Life in the military service is arduous and demanding. It has its moments—and sometimes its months and years—of extreme dangers. Hours of duty will frequently be long and are almost always unpredictable. There is no overtime pay. Moves to new posts of duty come all to often. There is a time proven adage among Service families that "three moves are equal to one fire." Hardship tours are accepted as "part of the game." Separations from wife and family are frequent and sometimes lengthy.

By any measure, it is more difficult than the life of other government workers. One must question then if mere "comparability" of pay and retirement benefits for members of the military forces with civil service workers will attract adequate numbers of qualified people to support an "all volunteer force" or even one in which there is only a small percentage of drafted members.

From Civil War days until 1940, except for the war years 1917–1918, we had an all volunteer force made up of poorly paid but dedicated people, whose principle financial reward was their accrual of an excellent retirement system.

With the curtailment of the favorable retirement system in 1958, it became necessary to embark upon larger and larger active duty pay raises in an attempt to reach "comparability" with other governmental jobs and with private industry.

Assuming that there is to be "comparability" of military pay with other governmental pay, we recommend that the retirement system be more liberal, in partial compensation for the more difficult life led by the person in the military service, and for the fact that in retirement, unlike the Civil Service worker, he continues to be subject to recall to active service, to the actions of Courts Martial, and to various types of restrictions upon his employment and his compensation.

Precisely what formula should be used for the future is a matter more within the cognizance of the Department of Defense than in our two organizations. Whatever formula is adopted should protect the rights of individuals already in the system. If that criteria is met, any reasonable system providing "comparability" with Civil Service workers plus some special consideration for the more difficult life of the military retiree and for his continuing obligations should be satisfactory.

Q. How should disability retirement benefits be coordinated with the Veterans Administration and Social Security disability benefits?

A. Persons in the active service or now retired should have the right to elect retirement under the current military disability retirement system, or to be compensated at the standard 2½% of base pay per year of active service and additionally be eligible to receive compensation for disability as rated by the Veterans Administration. There should be no reduction of either annuity by reason or qualifying for benefits under the Social Security system.

Retired pay for years of service, military or civilian, is deferred compensation earned during the years of active employment. In addition, in the case of military retired pay, there is the factor that the individual has continuing obligations to his service and restrictions on his employment. Retired pay based upon years of service in no way compensates the individual for physical disabilities he has incurred. Therefore, he should be entitled to receive his earned military retired pay based upon his years of service, together with any compensation for disability for which he may qualify from the Veterans Administration or the Social Security Administration.

Currently a military retiree who is entitled to compensation from the Veterans Administration, must waive so much of his retired pay as is equal to the amount of his compensation. However, individuals who have retired under other governmental retirement plans, may not only count the time spent in the active military services for the purpose of determining eligibility for retirement and for establishing their retired annuity rates, but, properly, they may also receve compensation for disabilities incurred as the result of the same service.

In accordance with current provisions of law set forth in Title 38, United States Code, Section 3104 prohibiting "duplication of benefits," a veteran who is entitled to disability retired pay is precluded from receiving compensation for disabilities or disease he may have suffered during his service, except to the extent that such retirement pay is waived. Under this rule, military retired pay is treated as a "benefit" and thereby operates to bar concurrent receipt of a VA pension or compensation.

As stated earlier, we maintain that military retired pay is a separate and distinct entitlement and is in no way related to pension or compensation. Each annuity was established for a specific and totally different purpose.

Military retired pay based upon length of service, is earned compensation comparable in all respects to retirement annuities offered in private, professional, industrial, and other Federal, state, or municipal government retirement plans. An individual who has chosen the military service as a career has just as much right to the total compensation promised him when he enters the service as does an individual who has chosen a different career. If it is right for the majority of qualified veterans to receive compensation from the Veterans Administration for a service-connected disability concurrently with retirement annuities, it is also right for all qualified veterans to be so entitled, regardless of the source of the annuity. There is no similar prohibition against the concurrent payment of VA disability compensation and retirement benefits from other sources, such as Federal, State, and City Civil Service Commissions, Social Security, an other public and private retirement plans.

Social Security benefits should be treated as a separate matter, as it is under current law. There is no reason why this benefit should be reduced by the amount of disability retired pay drawn by a military retiree, or vice versa since he has paid separately for the Social Security coverage by means of the deductions from his pay.

Q. How should payment to survivors of active duty and retired personnel be calculated and coordinated with the Veterans Administration and Social Security benefits?

A. (1) A new program of benefits should be established for the survivors of retirees similar to those proposed in 1970 by the Pike Subcommittee and now incorporated in H.R. 984, 92nd Congress. However, we recommend some rather minor but important modifications, set out below.

(2) Dependency and Indemnity Compensation rates for the widows of active duty personnel and of retirees dying of service-connected causes should again be directly linked to active duty pay, so that there will be an automatic escalation in the annuity whenever there is a pay raise for the active forces.

(3) Benefits provided for widows under the Social Security system have been paid for separately by the active duty or retired mem-

ber of the forces, in exactly the same manner and to the same degree as in the case of any other covered worker. The widow should therefore receive the full Social Security benefit to which she is entitled without foregoing any of her other benefits, as indicated in (1) and (2) above.

(1) A new program of benefits for the widows of retirees is badly needed. The Retired Serviceman's Family Protection Plan, because of its many defects, including its high cost, simply is not doing the job for which it was designed.

As a result, many widows are left in difficult financial straits. In quite a few cases, widows—and apparently their late husbands—think that she will get at least a portion of the husband's retired pay. The widow realizes the bitter truth when it is too late for her husband to help her.

The only benefit for which widows of retirees who die of nonservice-connected causes may qualify is for the pension paid by the Veterans Administration to the destitute widows of all veterans, that is those with an income of less than $2300.

We believe that a contributory program generally along the lines of the one now available to Civil Service workers should be adopted.

Such a program was proposed in 1970 by the Pike Subcommittee of the House Committee on Armed Services. It is incorporated in H.R. 984 of the 92nd Congress. We endorse H.R. 984 with the following reservations:

First, there should be no reduction in the widows benefit under the new program when she becomes eligible for a Social Security annuity. Her husband has paid his full share of Social Security taxes during his service career and it is completely unfair to deny him or his survivor the benefits to which he or she have thereby become entitled.

Second, the program should be designed so that if all eligible beneficiaries die prior to the death of the participant, his payments would cease. It makes no sense to require a man with no eligible beneficiary to continue to pay. This was one of the major flaws in the RSFPP program, but at least there was an option to pay a slightly higher cost and have the payments terminate upon the beneficiaries death. Eventually that option was made automatic for all new participants.

There should also be a provision permitting him to re-enter the program if he later remarries, by paying an amount equal to the payments he would have made in the interim period.

Third, we oppose the attachment of retired pay in satisfaction of a judgment in favor of a wife, former wife, or children. We believe that such a provision is discriminatory, in that other Federal pay is not attachable, and would set a precedent for attachment of military pay for other purposes. Finally, we think it is not germane to this particular bill. If provision is to be made for attachment of government retired pay it should be considered separately and in a bill applicable to all government retirees.

(2) The Dependency and Indemnity Compensation Act enacted in 1957 has provided a reasonable annuity for the widows of active duty personnel and of retirees who have died of a service connected cause. It provided a base amount of money for all beneficiaries of $112 a month, later raised to $120, plus 12% of the base pay to which the individual would have been entitled had he been alive. This took into consideration the length of service and the rank attained by the individual.

It provided for automatic escalation of the annuity whenever active duty pay was raised, following the recomputation principle which was previously applied to retired pay.

In the 91st Congress action was taken to eliminate the automatic escalation principle and statutory rates were established for the various ranks. Substantial raises were given to widows of the lower ranks but there were no increases for the widows of more senior people with long service.

We urge the Committee to recommend a return to the system of providing a base amount for all ranks, plus 12% of the base pay to which the individual would have been entitled if he were alive. We recommend that the base amount be $150.

Q. What changes in payments to those already retired are needed to meet the test of equity desired by the President?

A. The system of basing military retired pay on active duty rates should be restored for those who earned that benefit by entering the service prior to June 1, 1958.

The essence of equity is fairness and justice. The United States government has not dealt in a fair and just manner with its military retirees as regards their retired pay.

From 1861 until 1958—with one short break from 1922 until 1926—the law clearly provided and custom dictated that retired pay would be computed as a percentage of the rates being paid to the active duty forces and be recomputed each time those rates were changed.

Since that principle was followed throughout the entire period 1861–1958 (except as indicated above) persons entering the service during that time had every right to expect that the law and the custom would be fully carried out and that their retired pay would be adjusted to keep pace with that paid to the active duty force.

Yet in 1958, the recomputation principle was precipitously suspended by Congress, to be repealed in 1963, with no provision to protect the equitable rights of those already retired or committed to a service career.

To its shame, the Department of Defense has been willing to see this injustice continued, and has even recommended against enactment of corrective legislative proposals introduced by a growing number of members of Congress.

This, in spite of the fact that it is customary to provide a "savings clause" or "grandfathers clause" to protect the rights of persons already in the system. For instance, when legislation was enacted denying Cadets at the Military Academy and Midshipmen at the Naval Academy credit for their time at the Academy for pay and retirement purposes, the new provision was made effective as to the next entering class and the benefit continued for all persons in previous classes. Likewise, when Congress in 1963 withdrew the previous authority for an additional ten percent retired pay for certain enlisted members of the Coast Guard, they made the new law applicable only to individuals entering the service after the effective date of the law and the entitlement was continued for all persons already retired or then in a career status in the active service.

But that same year there was no comparable savings provision for those entitled to recomputation.

The Cabinet Committee on Federal Staff Retirement Systems, in its 1966 Report, recommended adoption of a Federal Retirement Policy providing that:

"Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change."

Apparently, though, Defense has felt that that policy should not be applied to military retirees.

In his "Open Letter to Retired Military Personnel" of July 11, 1970, Secretary Laird, while stating that "military retirees should be treated more fairly," said, "the introduction of this change may even become a model for other government retirement systems."

This statement is entirely fallacious and without merit. All that our organizations ask is that an earned benefit be restored, not that a new benefit be established. Therefore, no precedent is established to grant this particular benefit to other groups. If indeed any precedent is being established it is that the government of the United States makes good on its guarantees of benefits to the people who serve it.

Fairness and justice demand that the earned benefit of recomputation of retired pay be restored immediately to all persons whose active service commenced prior to 1 June 1958 and who are now retired or who will retire in the future, so that their pay will continue to be directly related to future changes in the active duty rates.

SENATE—*Monday, June 21, 1971*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has safely brought us to the beginning of another week, accept the dedication of our lives which we offer in service to this Nation. Take from us all that is unworthy—the narrow view, the provincial outlook, the callous attitude—that we may work with pure motives and holy purposes. So fill Thy servants in the ministry of public affairs with an abiding sense of Thy presence that they may have strength and wisdom beyond themselves.

O Lord, who has made and preserved us a nation, keep the people of this land in the unity of the spirit and the bonds of peace, in love of Thee and in faithfulness to Thy commandments, to the end that all men may have opportunity for a full life.

And to Thee shall be all glory and praise. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 18, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 152.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the four bills which will now be before us this morning—S. 26, S. 27, S. 29, and S. 30—were all unanimously and favorably reported by the Senate Interior Committee. They were all passed unanimously by the Senate in the 91st Congress. No action was taken by the House Interior Committee, and all of the bills died with adjournment.

This session, the House Parks and Recreation Subcommittee has already held hearings on House counterparts of three of these bills—on June 14—and hearings of the other identical House bill—H.R. 8214—it is hoped will be held sometime in July. So there is every reason to believe that final action can be taken on all four of them before the summer is out.

May I describe each bill very briefly.

CANYONLANDS NATIONAL PARK

S. 26 would expand the boundaries of Canyonlands National Park to add four additional tracts totaling approximately 79,610 acres. This would provide an expanded national park of 337,258 acres. At the time Canyonlands National Park was established in 1964 I recognized that its boundaries did not encompass all of the unique and magnificent scenery in the area which was of national park caliber, and I explained to the committee that we were leaving out areas of great scientific and historic interest. Under the pressures that existed, we deferred taking more acreage until it was clear that such was needed to protect the scenic values of the park. Under S. 26 we will bring into the park some of the most spectacular areas which border it so they can be protected by the National Park Service from vandalism or desecration, and the country can enjoy them as a national park.

Some of the residents of the area around Canyonlands feel that we should not expand the boundaries of Canyonlands National Park until more roads and facilities are built and the present park is made more usable for the public. I understand their disappointment that development has not proceeded at a faster rate. But the Vietnam war has put a vast drain on our financial resources. Plans for Canyonlands National Park have been delayed. There is every reason to believe that development will proceed at a much more rapid rate as soon as we can devote more of our Federal budget to our domestic needs. But, in any event, we must not delay any longer placing these areas of great beauty, of striking formations, of scientific and historic and geologic wonders under the protection of the National Park Service so they will remain in their pristine state, for enjoyment by the public. As quickly as possible we must provide access to them.

GLEN CANYON RECREATION AREA

S. 27 would afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area which is presently administered by the National Park Service in cooperation with the Bureal of Reclamation under an Executive order. This will assure continued existence and development of this great water-based recreation facility.

As proposed in the bill, the Glen Canyon Recreation Area would embrace a territory of approximately 1,154,638 acres of land and water in Utah and Arizona surrounding the Colorado River and Lake Powell, which has been formed by the Glen Canyon Dam. This is less than the present acreage, although some new acreage would be added through extension of the boundaries northward in Utah to embrace some of the land immediately west of Canyonlands National Park, and some additional acreage in the Escalante River drainage.

Since the bill was introduced, developments have occurred which indicate that two tracts adjacent to the waters of Lake Powell which are excluded in S. 27 from the boundaries of the recreation area can now be left in. I am referring to Sit Down Bench and Warm Creek 7,836 and 4,946 acres respectively, which have been under consideration as sites for the development of large coal-fired, steam-power generating stations and related facilities. Alternate sites have been chosen for Kaiparowits so these two pieces are back within the boundaries of the recreation area. The new recreation area acreage as proposed by the amended version of S. 27 will be 1,167,410 acres.

The bill requires the Secretaries of Transportation and the Interior, in consultation with other Federal agencies, with the States of Utah and Arizona, to conduct a study of proposed road alinements, including ingress and egress to the area, and to report to the Congress within 2 years their findings and recommendations. This is to assure satisfactory road corridors within the recreation area, and connections with roads outside. This same requirement has been added to the national park bills.

The bill proposes a study of the Escalante drainage as proposed wilderness, and an area is added in the Escalante drainage.

CAPITOL REEF NATIONAL PARK—ARCHES NATIONAL PARK

S. 29 and S. 30 would establish Capitol Reef National Park and Arches National Park in the south central and southeastern part of Utah.

Both of these areas are now national monuments. Their boundaries were considerably expanded in January 1969 by a proclamation issued by President Johnson. The President suggested that these monuments were worthy of national park status at that time. But this, of course, will require an act of Congress.

In both instances, areas were included in the expanded monuments by the Johnson proclamation on which there may be recoverable minerals and areas on which grazing permits are not now valid.

S. 29 and S. 30 would establish national parks at both Capitol Reef and Arches which make best use of the land involved. They would protect within the borders of a national park the remarkable scenic and geologic wonders of the area, and leave outside those boundaries the lands best suited for grazing or mineral exploration. These boundaries have been set after months of consultation with people who live in the area, and lengthy study.

Capitol Reef National Park, as established under S. 29, would consist of 242,472 acres, as opposed to the present national monument which encompasses 254,242 acres. It includes the most readily understandable monocline in the United States—the Waterpocket Fold.

The Arches National Park—S. 30—would be located in the heart of the famed redrock country of southeastern Utah and it embraces a fantastic concentration of natural stone arches, window spires, and pinnacles. To date, nearly 90 arches have been discovered.

There is one other matter I should mention here this morning. The Senate Interior Committee has pending before it a series of wilderness proposals recently transmitted to Congress by President Nixon. Two of the proposals embrace parts of the present Capitol Reef National Monument and the present Arches National Monument. I have proposed, Mr. President, that these two proposals be laid aside until after the boundaries of the new Capitol Reef National Park and Arches National Park are established. We can then discuss them in terms of the overall acreage in the parks, and in their desirability in relation to the entire park. Most certainly we will want to preserve some parts of both these magnificent areas in their pristine state so that people who come to see them years hence can find them in much the same state as they are today. All four bills provide for an updated wilderness study and a report to the Congress within 2 years.

Mr. MANSFIELD. Mr. President, all I can say at the beginning of the calendar today, is that I would refer to this session as the Utah session.

CANYONLANDS NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, after line 20, insert the following new section:

SEC. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

And on page 3, after line 13, add the following new section:

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the first section of the Act of September 12, 1964 (78 Stat. 934), is revised to read:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map. Canyonlands National Park, Utah,' numbered 164–91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

Sec. 2. Section 2 of the Act of September 12, 1964 (78 Stat. 934) is amended as follows:

(1) delete the words 'described in section 1 hereof or" which appear after the word "area" in the first sentence;

(2) insert the words "or any amendment thereto" after the word "Act" in the third sentence; and

(3) insert the words "or any amendment thereto" after the word "Act" in the fifth sentence.

Sec. 3. Section 3 of the 1964 Act is amended as follows: insert the words "or any amendment thereto" after the word "Act".

Sec. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–155), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 26 is to extend the boundaries of the Canyonlands National Park to include certain superlative areas that were omitted when the measure establishing the park was enacted in 1964. In recent years, there has developed a growing awareness of the tremendous recreational potential of the canyon country of southeastern Utah. Fulfillment of this potential requires the enlargement of the boundaries of Canyonlands National Park as provided by this bill if several additional desirable attributes of a national park are to be attained. As visitation increases, it is also important that these additional areas be brought under the protection and management of the National Park Service.

BACKGROUND

The present park contains approximately 257,640 acres. S. 26 would add four additional tracts which, except for 80 acres, are public lands totaling approximately 79,618 acres. The total area for the expanded park would be 337,258 acres.

Three of these parcels adjoin Canyonlands and one is located a few miles to the west of the present national park. The largest of the tracts is The Maze, which lies directly to the west of the park and north of the Glen Canyon National Recreation Area. It embraces a rugged labyrinth of canyons and eroded geological formations, some of which it is probable that no living man has ever seen.

The other three tracts are:

(1) approximately 10,032 acres which adjoin the southeast corner of Canyonlands, and includes part of the famed Lavender Canyon.

(2) 23,025 acres along the north boundary of Canyonlands which includes the remainder of the highly scenic Taylor Canyon, and some areas needed primarily for administrative purposes, and

(3) 3,178 acres known as Horseshoe Canyon, which is located 7 miles west of the northwest corner of Canyonlands and which contains some of the finest galleries of prehistoric pictographs in the country.

All of the areas added by S. 26 contain unique features and natural phenomena which are of national significance. They should be protected in an undisturbed state and the most desirable and effective way to provide such protection is to incorporate them into the national park.

The Committee did not adopt the Department's recommendation that Dead Horse State Park be included within the proposed boundaries. The State of Utah has no desire to donate Dead Horse State Park at this time. Senator Moss feels the inclusion would be wise since it would allow the area to be administered as a whole, and would provide added economic benefits to the State of Utah, but in deference to the desires of the State, and of a number of individual citizens, he has declined to press for this addition in S. 26.

Several amendments to include additional areas were suggested by interested proponents of the Park including the Sierra Club. The Committee feels that the inclusion of these areas should be postponed until further study is made, including study of the Dead Horse State Park.

The recommendations of the National Park Service that a tract of 1,920 acres immediately adjacent to the southwest boundary of the park be added was not accepted by the Committee because testimony indicated that there are possible tar sands deposits located on this area, and these deposits could not be developed if the acreage was included within the boundaries of a national park. It is proposed in another bill (S. 27) that this area be included within the Glen Canyon National Recreation Area, where mineral exploration and development is permissible, under careful supervision to protect scenic and recreation values. The Committee deems exclusion of this tract to be in the best interests of the State of Utah and the general public.

COMMITTEE AMENDMENT

The Committee amended the bill to provide that the Secretaries of Interior and Transportation, in consultation with other Federal Departments involved, and the State of Utah, shall conduct a study of proposed road alignments within and adjacent to Canyonlands National Park, with a report to be sent to Congress within two years after date of this Act. Particular attention is to be given to connection of roads of ingress and egress planned by the state. It is an obligation of the Federal government to cooperate with the states in assuring accessibility for the average American to our National Parks to enjoy our great scenic heritage, such as exists in this wild and beautiful section of Utah.

The committee records its intention that in this fragile eroded land, road standards will prevail with express provisions on grade and alignment to conform as closely as possible with the existent terrain. Also in the construction process every effort will be made to create as little disturbance as possible of any of the natural features or of wildlife.

The addition of the new tracts to Canyonlands National Park has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. The board had previously recommended national park status for most of the lands involved in S. 26 when it recommended the adoption of the earlier proposal to establish Canyonlands National Park.

The Committee has been advised that the citizens of Southern Utah have expressed concern over the lack of road development in the national park, and they have had serious reservations about adding additional acreage until firm assurances were made that the development program would be pushed to promote increased tourist travel.

In the State of Utah as a whole, where approximately 70 percent of the land is in Federal ownership, the citizens are understandably reluctant to have acreage removed from multiple-use status unless benefits to the local economy from tourism will accrue from the Department of Interior's development programs.

The bill retains the provision in existing law for acquisition of non-Federal lands within the new areas by exchange.

As in the case with certain primitive regions in Glen Canyon National Recreation Area, it is recommended that the Secretary of the Interior report to Congress within 2 years on the areas in Canyonlands National Park which are suitable for wilderness designation. The Maze and the Fins, the Land of Standing Rocks, and the Doll House are all spectacularly scenic, and so unusual in the variety of their formations, they will add greatly to the attractiveness of the park. These areas lend themselves ideally for preservation as natural regions.

NEED

Some 33,400 people are now visiting Canyonlands annually. Roads are being built into areas of the park formerly accessible by only Jeep or horseback, and campsites and trails are being extended and improved. More and more people are coming into the area each year, and are fanning out into remote areas both within and outside of the park boundaries.

Before Canyonlands National Park was established, there was considerable vandalism of both geological formations and Indian artifacts. It is important that we act now to bring under the protection of the Park Service the best of the areas still outside the park so they cannot be defaced by thoughtless treatment.

NEW TRACTS

For the purpose of better understanding and definition, the tracts of land to be added to Canyonlands National Park are described as follows:

1. *Horseshoe Canyon.*—This tract of approximately 3,178 acres is located about 7 miles west of the northwest corner of Canyonlands National Park and contains a scenic portion of Horseshoe Canyon. Within the area are located several groups of nationally significant prehistoric pictographs which should be preserved and, at the same time, made available for public benefit and enjoyment. All of the tract is Federal land administered by the Secretary of the Interior through the Bureau of Land Management and State school sections which will be exchanged for similar Federal acreage.

2. *The Maze.*—The tract contains approximately 49,233 acres and is located west of the Colorado River below its junction with the Green River. The tract includes the brightly colored, intricately eroded, and spectacularly scenic geologic features known as the Maze, the Land of Standing Rocks, and Ernie's Country. As a protected primitive area accessible only by jeep, foot, and horseback, the area has high potential for providing inspirational and spiritual refreshment to the visiting public. The tract contains 4,478 acres of State-owned land which the Department proposes to acquire by exchange. The remaining acreage is Federal land administered by the Secretary through the Bureau of Land Management.

3. *The North Side.*—This tract of approximately 17,175 acres lies along the north boundary of Canyonlands National Park. The tract includes the remainder of highly scenic Taylor Canyon which is now only partially within the national park. It also includes portions of Shafer Canyon, and the White Rim which are needed primarily for administrative purposes and to meet development needs. In addition it would permit development of overlooks at Taylor and Shafer Canyons. Within the tract are 1,603 acres of State land, and no private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

4. *Lavender Canyon.*—This tract of approximately 11,952 acres adjoins the southeast corner of Canyonlands National Park and contains the upper portion of Lavender Canyon and an important section of Upper Salt Creek Canyon. Both canyons are highly scenic and contain numerous prehistoric Indian ruins and several natural arches. Within the tract are 1,278 acres of State land and 80 acres of private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

COST

All but 80 acres of the lands that have been proposed for inclusion within the park are either in Federal ownership or owned by the State. Land acquisition costs for the 80 acres of private lands are estimated at approximately $9,200.

Some principal developments for the proposed additions include an access road and foot trails, overlooks, visitor contact shelter, interpretive exhibits and pictograph protection at Horseshoe Canyon. At the Maze, a campground, ranger station, employee residence, utility systems, roads and trails, pictograph protection and interpretive devices; circulation roads, an overlook, trails, and interpretive devices in the North Side tract; and jeep trails, and interpretive markers for Lavender Canyon. Developments proposed for the additions are estimated to cost $5,102,900 with increased annual operating costs of $114,172 by the fifth year of operation.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 26.

GLEN CANYON NATIONAL RECREATION AREA, ARIZONA AND UTAH

The Senate proceeded to consider the bill (S. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, in line 10, strike out the words "Arizona Utah GLC 91001" and insert in lieu thereof "Arizona-Utah-GLC 91004";

At the end of line 11, strike out "May 1970" and insert in lieu thereof "June 1971";

On page 2, after "Interior." strike out the following language: "When the Secretary of the Interior finds that two tracts of land adjacent to the boundary of the national recreation area at Sit Down Bench and Warm Creek, comprising seven thousand eight hundred and thirty-six acres and four thousand nine hundred and forty-six acres, respectively, are not needed or used for powersite development or related facilities, he may add the lands to the area by publication of a notice in the Federal Register, and from time to time he may make other boundary revisions in the same manner, but the" and insert "The";

In line 13, after the word "exceed" strike out "one million one hundred and sixty-seven thousand four hundred and twenty" and insert in lieu thereof "one million two hundred eighty-five thousand three hundred and ten";

After line 21, strike out the following language:

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the national recreation area, and in exchange therefor he may convey to the grantor of such property and federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

On page 3, in line 9, strike out "(c)" and insert in lieu thereof "(b)";

On page 5, in line 8, after the word "State", strike out the following language: "laws: *Provided,* That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment."

And insert in lieu thereof: "laws, except that the Secretary may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game commission."

On page 6, after line 20, insert the following new section:

SEC. 8. The Secretary of the Interior shall conduct a study of the Escalante River Drainage encompassed within the boundaries of the Glen Canyon National Recreation Area as set forth in this bill to determine the suitability of any part of such drainage to be designated as wilderness, and shall report to Congress within two years of the date of this Act.

And on page 7, in line 4, after "SEC." strike out "8" and insert in lieu thereof "9"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area," numbered Arizona-Utah-GLC 91004, and dated June 1971, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The total acreage of the national recreation area may not exceed one million two hundred eighty-five thousand three hundred and ten acres.

SEC. 2. (a) Within the boundaries of the national recreation area, the Secretary of the Interior may acquire land and interests in land by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by a State, political subdivision thereof, or an Indian tribe may be acquired only with the concurrence of the owner.

(b) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B".

SEC. 3. (a) The lands within the national recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary of the Interior shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this Act.

(b) All receipts derived from permits and leases issued on lands in the national recreation area under the Mineral Leasing Act of Februray 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

SEC. 4. The Secretary of the Interior shall administer, protect, and develop the Glen Canyon National Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however*, That nothing in this Act shall affect or interfere with the authority of the Secretary of the Interior granted by Public Law 485, Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws, except that the Secretary may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game commission. Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Arizona under other provisions fo State laws with respect to hunting and fishing.

SEC. 6. The Secretary of the Interior shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the Glen Canyon National Recreation Area, if he finds that such easements and right-of-way would not have significant adverse effects on the administration of the national recreation area pursuant to this Act.

SEC. 7. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the States of Arizona and Utah, shall conduct a study of proposed road alinements within and adjacent to the Glen Canyon National Recreation Area. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 8. The Secretary of the Interior shall conduct a study of the Escalante River Drainage encompassed within the boundaries of the Glen Canyon National Recreation Area as set forth in this bill to determine the suitability of any part of such drainage to be designated as wilderness, and shall report to Congress within two years of the date of this Act.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–156), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of S. 27 is to afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive order.

BACKGROUND

The Glen Canyon National Recreation Area proposed in this bill, as amended, would embrace a territory of approximately 1,285,310 acres of land and water. Although the principal use of the area would be recreational—mineral exploration and development, grazing and hunting would be permitted, subject to regulations by the Secretary of the Interior to protect scenic, scientific, and historic values.

The rough and beautiful canyon country of the Colorado Plateau has been known to various Indian tribes for at least 2,000 years. Sporadically used in the early centuries of the Christian era, it was most heavily used for farming from 900 to 1000 A.D. These people departed the Glen Canyon area in the 13th century after a prolonged drought. The many ruins found in the region are relics of the ancient settlements.

Archeological excavations in the district have disclosed a large variety of stone and bone tools, baskets, pottery, and other artifacts.

The name "Glen Canyon" was given to a long stretch of the Colorado River by John Wesley Powell, who led exploratory trips through the area in 1869 and 1871. He mapped the region and named many of the features.

The Navahos, whose reservation adjoins Glen Canyon on the south, are newcomers compared to the Hopi and Rio Grande Pueblo peoples. Actually, the Navaho did not migrate into the canyon until the middle part of the 19th century.

Glen Canyon and Lake Powell are principal features of the Colorado River storage project. The concrete arch dam stores water in Lake Powell to meet downstream commitments, and permits retention of some water in upstream valleys. Controlled release of water through the giant turbines of the powerplant generate great amounts of hydroelectric power for use by cities and industries throughout the West. Revenue from the sale of this power will repay the cost of the dam and will help meet the costs of other reclamation projects elsewhere.

DESCRIPTION OF AREA

The new boundaries of the proposed Glen Canyon National Recreation Area in S. 27, as introduced, follow in many respects those set by administrative action, although there is one major addition. A sweep of land to the north is brought into the recreation area to provide a buffer zone for the Maze, and allow the National Park Service to supervise the overlook area of Canyonlands National Park, and to develop appropriate campsites, hiking trails, and other access to the west side of the park. Since the rivers through the national park completely isolate the eastern and western sides of the park, the approach from the west must be protected and developed.

COMMITTEE AMENDMENTS

The committee approved amendments which make the following additional changes in the boundaries of the Glen Canyon National Recreation Area:

Two tracts known as Sit Down Bench and Warm Creek were excluded in the bill as introduced because they were potential location sites for coal-fired electric generation plants then in the planning stage. In recent hearings before the Interior Committee on location of the powerplant, proponents testified that the power companies no longer desired use of either Sit Down Bench or Warm Creek sites because an alternate site, Nipple Bench, farther back from the lake and some distance from the proposed boundaries of the recreation area has been chosen. Therefore, these areas can be included in the recreation area, and section I is amended accordingly.

The committee does not accept the proposal of the Department of the Interior to exclude 1,920 acres from the recreation area immediately adjacent to the southwest boundary of Canyonlands National Park. This area is known to contain tar sands deposits and therefore the committee concluded it properly belongs in the recreation area where mineral exploration and development may be conducted if energy demands make such development economically feasible and desirable.

However, the Department's recommendation that 3,520 acres of the proposed recreation area which embrace the southernmost part of the Waterpocket Fold remain a part of the proposed Capitol Reef National Park is accepted, and these acres are, therefore, excluded from the Glen Canyon National Recreation Area. The prime purpose in creating Capitol Reef National Park is to protect and display the most unusual monocline in the United States—the Waterpocket Fold—and it is therefore desirable that the full length of this striking geologic formation be included within the boundaries of that national park.

The committee amended the bill so that the boundaries of the recreation area will be extended to include additional drainage areas of the Escalante River Basin. The bill as introduced extended the recreation area to cover part of the Escalante Basin. The suggested amendment adds other notable scenic and wilderness-type tracts and would include the Escalante River Basin upstream to a point about halfway between its Boulder Creek and Sand Creek tributaries. Since the bill directs the National Park Service to conduct a study of the Escalante region to see if it is suitable for inclusion in the wilderness system, the committee believes that the study should also include the supplementary acres added by this amendment.

The new boundaries described comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area" numbered Arizona-Utah GLC 91,004 and dated June 1971. The bill is amended on page 1 to reflect this change in citation.

The committee accepts the Interior Department's revision of language in section 2 of the bill relating to the manner in which the Secretary may acquire property for exchange within the recreation area. The language in section 5(b) of the act of July 15, 1968, establishes guidelines for exchange which apply to all units of the national park system.

The committee also accepts the Department's revision of language in section 5 of the bill which relates to hunting. The Department recommended that standard language be used, and since this language is essentially in accord with language in the bill as introduced, the committee believes that in the interest of conformity the standard language should prevail.

This new language provides that the Secretary shall permit hunting, fishing, and trapping in accordance with Federal and State laws, except that the Secretary may designate zones where all of these activities may be curtailed for public safety, and that except in emergencies, the State fish and game commissioner must be consulted in all action taken.

The Department recommended that section 6 of the bill be deleted because it requires the Secretary of the Interior to grant easements in rights-of-way on a nondiscriminatory basis across the recreation area "if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the national recreation area pursuant to this act."

The committee believes this language is necessary to require the Secretary to determine what area may be traversed to accommodate necessary transmission lines, roads, pipelines, and related facilities. The Glen Canyon National Recreation Area will swing in an arc from east central Utah to the Arizona border, and if utility crossings are unreasonably delayed or prohibited, severe economic damage may result to Utah and the surrounding States. The language in the bill states that the Secretary has an obligation to work out acceptable routes across the area. Consideration must be given to underground installation and transmissions arrangements. As much as possible, corridors for these services must be selected to avoid scenic degradation and environmental pollution.

The committee added a new section to the bill (section 8) providing that the Secretary of the Interior, utilizing the services of the National Park Service, the Bureau of Land Management, and other interested agencies, shall conduct a study of the Escalante River drainage encompassed within the boundaries of the Glen Canyon National Recreation area as set forth in this bill, to determine whether any part of this wild and beautiful section of the country should be designated as wilderness. The report shall be made to Congress within 2 years of date of this act.

The Escalante is a contrast of the mammoth and the minute, of open expanse and hidden glens—and endless horizons of Fortymile Bench, complemented by walls 18 inches apart and hundreds of feet high. It appears worthy of inclusion in the wilderness system.

It is expected that the U.S. Geological Survey will continue and keep up to date its examination of lands within the recreation area for mineral classification.

OTHER PROVISIONS OF BILL

The bill provides that a study be made by the Department of the Interior and Department of Transportation, together with the highway departments of the States of Utah and Arizona to determine what roads should be built within the recreation area to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State.

This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act. There is a dearth of roads at the present time and suitable access must be provided. The State of Utah particularly has been greatly concerned lest the Department of the Interior delay building roads in areas under its jurisdiction. At one point Utah expressed opposition to the bill unless specific road corridors were designated in the legislation. The State has now expressed its approval of road study provision with the understanding that the State will participate in the study and that definite provision will be made for adequate roadbuilding.

It is the opinion of the committee that suitable roads must be built throughout the recreation area at the earliest possible time. Reports indicate that on Memorial Day, 1971, the recreation area was so inundated with visitors that parking space was nonexistent, and boatramps were crowded well beyond capacity. Radio broadcasts were used to discourage people from coming. This indicates the pressing need for more roads and more access to the lake and other parts of the recreation area.

Inquiries have been received from counties and the State of Utah regarding the designation and availability of sections of land for private use to construct commercial and residential structures, and so forth. The types of structures and use would all have to be approved by the Department and would be subject to planning and zoning restrictions. Such a provision would necessitate an indepth study by the Department and a subsequent report made to the Congress on the impact involved.

It is noted that Lake Powell was created by the building of Glen Canyon Dam, and that the Bureau of Reclamation continues to hold responsibility for operation of the dam including regulation of waterflow and transmission of power generated there. It is suggested that the role of the Bureau in the management of the recreation area be noted on public signs where appropriate.

NEED

In 1970, 907,500 people visited Glen Canyon and enjoyed the numerous facilities offered by the recreation area. It is expected that by 1975, over 1½ million people will be visiting Glen Canyon Recreation Area annually.

This is a 14-percent increase and similar increases are anticipated over the next several years. People from such areas as Los Angeles, Phoenix, Salt Lake City, and Denver, have found the recreation area exceedingly attractive, especially during the summer months.

Lake Powell, with a surface of 256 square miles, has, as indicated, already become a recreation magnet, attracting over 700,000 visitors annually. About one-fourth of the park service development program is complete, and as the program progresses, and more of the shoreline is made accessible, the area will become even more popular.

Enactment of this bill will establish the national recreation area by law and assure its continued existence and development.

It will also reiterate permissible multiple use within the recreation area. It will assure continued right to remove both leasable and nonleasable minerals. Under existing law the Secretary has authority to grant easements for power transmission lines and pipelines under regulations to prevent adverse effects on the recreation area. Navaho mineral rights and Indian rights to use certain lands are also protected.

COST

The cost of acquiring the 160 acres of private lands within the national recreation area is estimated at $175,000, based on 1967 appraisals. Since authority already exists under section 8 of the Colorado River Storage Project Act (70 Stat. 105, 110) for land acquisition, and for development and operation of recreation facilities, no additional development or operating costs are attributed to this legislation.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 27.

CAPITOL REEF NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, in line 9, strike out "(a)";

After line 16 strike out:

(b) In exercising his authority to acquire such lands or interests therein by exchange, the Secretary may accept title to any non-Federal lands located within any such areas described under the first section of this Act and convey to the grantor of such lands or interests any federally owned lands under the jurisdiction of the Secretary within the State of Utah. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the value of the land exchanged.

On page 5, after line 13, add the following new language:

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reef National Park as established by this Act, and submit recommendations to Congress.

After line 17, add the following new section:

Sec. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

And on page 6, in line 7, strike out "6" and insert in lieu thereof "7", so as to make the bill read:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area, if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this Act.

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reed National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–157), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

The purpose of S. 29, which is sponsored by Senator Moss, of Utah, is to give national park status to a unique, scenically spectacular, and geologically and historically rich area in Utah. Substantially all of the lands in the proposed park area are public lands, and are a part of a larger area already being administered by the National Park Service as the Capitol Reef National Monument under proclamations issued by Presidents Franklin D. Roosevelt, Dwight D. Eisenhower, and Lyndon B. Johnson.

The committee amendment provides for a total park area of 241,671 acres, which is some 12,570 acres less than the present monument area. With respect to the tracts presently in the monument but excluded from the park by the bill, the committee finds that the highest and best use of such lands will be for other than national park purposes. These tracts have potential for economic development so gravely needed by the State of Utah, where more than two-thirds of the land is federally owned. National park status, generally speaking, precludes other uses.

PROVISIONS OF BILL

The park area is described by reference to a map on file in the Department of the Interior, No. 158–91,002 dated January 1971. With the establishment of the park, the administratively created monument is abolished.

Section 2 of the bill sets forth authorization for acquisition of lands for the park. The committee accepts the recommendation of the Interior Department that the general authority for land exchanges contained in the act of July 15, 1968, be substituted for the specific authority provided in the bill and subsection 2(b) is deleted.

Section 3 of the bill provides for a 25-year phaseout period for those holding grazing permits on areas to be included in the national park. An extension beyond the 25-year period is granted to the present holder of a permit during his lifetime and during the lifetime of his heir successor or assignee if such is a member of the immediate family. The committee rejected the Department of Interior's recommendation that the phaseout period be reduced to 10 years. The committee believes that the provisions of the bill are reasonable in view of the bitter controversy raised by residents of the area who own grazing rights, and in view of the fact also that the number of rights affected is very limited.

Section 4 protects existing rights to established sheep and cattle trails and stock watering places. The committee rejected the amendment proposed by the Department which would empower the Secretary to regulate the use and designate the driveway for the herds. This amendment could nullify the rights already in existence, and which have been established for a number of years.

The committee accepts the recommendation of the Department of the Interior that 3,520 acres which are included in both the proposed Capitol Reef National Park and in the proposed Glen Canyon National Recreation Area be allocated to the National Park. These acres contain the southernmost part of the worlds' most unusual monocline, known as the Waterpocket Fold, and since the principal purpose in establishing Capitol Reef National Park is to protect and display this monocline in its full length, it is desirable that it be included within the boundaries of the park.

The committee rejects the Department's recommendation that the boundary line on the southeastern part of the park be adjusted to follow section lines rather than the rim of the escarpment as provided in the bill. The committee believes that utilizing natural boundaries or escarpments is preferable to using section lines.

Other boundary changes suggested by the Departments are minor. The only one of significance is that the area known as Bentonite Hills on the northeast boundary of the park be added. The Department offered little information as to why this addition should be made, so the committee rejected it, believing that the boundaries on the map described in the bill are suitable and desirable for Capitol Reef National Park.

The Department recommended that subsection 5(c) of the bill be deleted because it requires the Secretary of the Interior to grant easements in rights-of-way across the recreation area "if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this act."

The committee believes the language in subsection 5(c) is necessary to require the Secretary to determine what area may be traversed to accommodate necessary transmission lines, roads, pipelines and related facilities. The Capitol Reef National Park runs north to south in South Central Utah, and if utility crossings are unreasonably delayed or prohibited, severe economic damage may result to Utah. By approval of this language in the bill, the committee intends to state in the law that the secretary has an obligation to work out acceptable routes across the area. Consideration must be given to underground installation and transmission arrangements. As much as possible corridors for these services must be selected to avoid scenic degradation and environmental pollution.

COMMITTEE AMENDMENTS

The bill is amended to provide that a study made by the Department of the Interior and Department of Transportation, together with the Utah State Highway Department to determine what roads should be built within the national park to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State. This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act.

The committee rejected as inappropriate an amendment recommended by the Interior Department regarding administration of wilderness areas heretofore designated within the Capitol Reef National Monument. The wilderness designation for the monument, now pending before the committee, is based on the boundaries of the monument before the 1969 expansion. The committee amended the bill to require a new wilderness study based on the new boundaries of the national park.

COST

Since virtually all of the land in the park area is already publicly owned, land acquisition costs will be minimal. However, the bill contains an authorization for appropriation of sums necessary to develop, maintain and operate the park, but it is anticipated that enactment of the bill will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

DESCRIPTION OF AREA

As mentioned above, the Capitol Reef area has unique attributes qualifying it for national park status in the judgment of the Park Service and its advisers, and that of the committee, the members of which have conducted on-the-spot inspections. As described by George Hartzog, Director of the National Park Service, at the committee's May 28, 1970, hearing in Washington:

It is a spectacular area containing numerous cliffs, pinnacles, spires, and brilliantly colored rock layers. Its primary geological feature is a section of the Waterpocket Fold, a great doubling up of the earth's surface.

The area is equally rich in historical significance, for here prehistoric Indians lived approximately 1,200 years ago and left many petroglyphs carved into the smooth cliff walls. Many Indian artifacts and relics from this period are on display at the visitor center. More recent history is also recorded on the cliff walls at Capitol Reef by the persons who traversed this part of Utah between 1850 and 1875 and carved their names and dates of passage en route.

Present day developments at Capitol Reef include a visitor center, modern campground, and several miles of self-guiding trails. The visitor may spend many hours discovering for himself the marvels of the highly colored, eroded cliffs; the Hickman Natural Bridge whose 133-foot span is 72 feet high; Cohab Canyon; Capitol Gorge, with 1,000-foot walls 16 feet apart; and many other geological wonders.

COMMITTEE RECOMMENDATIONS

The Senate Committee on Interior and Insular Affairs unanimously recommends prompt enactment of S. 29, as amended, to give national park status to the unique, spectacular, and historically significant Capitol Reef Area. As stated, costs will not exceed the amounts that would normally be required for the existing monument, and the amended bill will permit development of needed natural resources as well as protecting existing rights and equities.

ARCHES NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 30) to establish the Arches National Park in the State of Utah which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, in line 9, strike out "(a)";

And beginning with line 17, strike out

(b) In exercising his authority to acquire such lands or interests therein by exchange, the Secretary of the Interior may accept title to any non-Federal lands located within any such areas described under the first section of this Act and convey to the grantor of such lands or interests any federally owned lands under the jurisdiction of the Secretary within the State of Utah. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the value of the land exchanged.

On page 5, after line 4, insert the following new language:

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

After line 8, add the following new section:

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

And in line 23, strike out "6" and insert in lieu thereof "7"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered 138-91,002, and dated January 1971, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any poliical subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the Arches National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Arches National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with that State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92158), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

S. 30 is sponsored by Senator Frank E. Moss of Utah. Its purpose is to establish the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership. The area is a part of a larger area of 82,953 acres now administered as the Arches National Monument under Presidential proclamation.

The bill protects existing uses respecting the trailing and watering of livestock.

PROVISIONS OF BILL

The park boundaries are described by reference to an official map (138-91-002) dated January 1971, on file in the Department of the Interior, rather than by reference to the monument boundaries. The monument lands not included in the park are primarily valuable for grazing, or are known to contain potash deposits of probable commercial value. No private lands would be added to the park by this proposal.

With the establishment of the park, the existing national monument, as such, is abolished. The monument lands not made a part of the park will be administered by the Department of the Interior as public lands and subject to economic use and development under regulation.

The committee rejected the recommendation of the Interior Department for a boundary change which would have reduced the total acreage by 160 acres, since no information was offered to support the reduction.

Section 2 of the bill sets forth authorization for acquisition of lands for the park. The committee accepts the recommendation of the Interior Department that the general authority for land exchanges contained in the act of July 15, 1968, be substituted for the special authority provided in the bill and subsection 2(b) is deleted.

Section 3 of the bill provides for a 25-year phaseout period for those holding grazing permits on areas to be included in the national park. An extension beyond the 25-year period is granted to the present holder of a permit during his lifetime and during the lifetime of his heir successor or assignee if such person is a member of the immediate family. The committee rejects the Department of Interior's recommendation that the phaseout period be reduced to 10 years. The committee believes that these provisions of the bill are reasonable in view of the controversy raised by residents of the area who own grazing rights, and in view of the fact also that the number of rights affected is very limited.

Section 4 protects existing rights to established sheep and cattle trails and stock watering places. The committee rejects the amendment proposed by the Department which would empower the Secretary to regulate the use and designate the driveway for the herds. This amendment might nullify the rights already in existence, and which have been established for a number of years.

COMMITTEE AMENDMENTS

This bill is amended to provide that a study be made by the Department of the Interior and Department of Transportation, together with the Utah State Highway Department to determine what roads should be built within the national park to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State. This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act.

The committee rejected as inappropriate an amendment recommended by the Interior Department regarding administration of wilderness areas designated within the Arches National Monument. The wilderness designation for the monument, now pending before the committee, is based on the boundaries of the monument before the 1969 expansion. The committee amended the bill to require a new wilderness study based on the new boundaries of the national park.

COST

As stated, establishment of the Arches National Park will not add any privately owned lands to the area now administered as the Arches National Monument. The Director of the National Park Service testified to the committee that the park would not require expenditures of any substantial magnitude over those required for the monument.

DESCRIPTION OF AREA

Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. There, sandstone towers, sweeping coves, balanced rocks, spires, pinnacles, and other spectacular forms resulting from the combined action of running water, wind, rain, frost, and sun form a setting in which the arches are a majestic culmination.

The rock in which the arches have formed was deposited as sand about 150 million years ago, during the Jurassic period. This 300-foot layer, called the Entrada sandstone, is believed to have been laid down mainly by wind. In time it was buried by new layers, and hardened into rock.

The rock was then uplifted, twisted, and severely cracked several times. Later, after erosion had stripped away the overlying layers, the Entrada sandstone was exposed to weathering, and the formation of arches began. Water entering cracks in the sandstone dissolved some of the cementing material, and running water and wind removed the loose sand. Cracks were widened into narrow canyons separated by fins. More rapid weathering of softer areas in some of these vertical walls resulted in undercutting. The quarrying by water and frost persisted, perforating the fins, enlarging the perforations, and smoothing their contours until large, graceful arches were formed. Some arches have been left isolated by erosion of surrounding fins. The visitor can see all stages in their development and decay in the proposed park area, where nearly 90 arches have been discovered to date.

Present facilities at Arches include a visitor center and modern campground for tents and trailers in Devil's Garden. In the summer, campfire talks are given nightly at the campground amphitheater and guided trips are scheduled regularly. For the more independent visitor, there are hiking trails to some of the more spectacular spots in the monument. There is an abundance of wildlife and desert plants, as well, to add to the enjoyment of the visitor to this area.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs unanimously recommends prompt action on this measure to add an area that is small in size but highly qualified to be a part of our magnificent national park system. There will be no significant increase in budgetary requirements since no privately owned lands are being added. At the same time, the measure takes cognizance of the need for power and other development in Utah where more than two-thirds of the lands are federally owned.

BILL PASSED OVER

S. 161, a bill for the relief of the West Fargo Pioneer, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF CERTAIN INDIVIDUALS AND ORGANIZATIONS

The Senate proceeded to consider the bill (S. 113) for the relief of certain individuals and organizations which had been reported from the Committee on the Judiciary with an amendment on page 2, at the end of line 3, strike out "$267.97" and insert in lieu thereof "$256.89", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Milford R. Graham, publisher of the Devils Lake Daily Journal, and Joseph R. Walter, postmaster at Devils Lake, North Dakota, are relieved of liability to the United States in the amount of $3,351.61, representing postage due on copies of such journal which were mailed during the period from July 1967 through July 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

Sec. 2. The Velva Lutheran Parish, of Velva, North Dakota, and Mrs. Ruth O. Cavanaugh and Richard G. Miller, postmasters at Velva, North Dakota, are relieved of liability to the United States in the amount of $256.89, representing postage due on copies of the publication "Christ in Our Home" which were mailed by such parish during the period from January 1963 through June 27, 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

Sec. 3. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to any person or organization named in the first section and section 2 of this Act, the sum of any amounts withheld or received from such persons or organizations on account of the indebtednesses relieved by this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-174), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill, as amended, is to relieve certain claimants of liability (representing mistakes and accountability for postage due) to the United States.

STATEMENT

The facts of the case as contained in the report of the General Counsel of the Post Office Department to the chairman of the committee, dated May 27, 1971, are as follows:

This measure, by section one, would relieve Milford R. Graham, publisher of the Devils Lake Daily Journal, Devils Lake, N. Dak., and Joseph R. Walter, postmaster at Devils Lake, of liability to the United States in the amount of $3,351.61, representing postage due on mailings of the Journal during the period July 1967 through July 1969.

Under section 2 of the bill, the Velva Lutheran Parish of Velva, N. Dak., and Mrs

Ruth O. Cavanaugh and Richard G. Miller, postmasters at Velva, would be relieved of liability to the United States in the amount of $261.97, representing postage due on mailings of the publication "Christ in Our Home" during the period January 1963 through June 27, 1969.

We have examined the files covering both cases presented. With regard to the Devils Lake Daily Journal, the indebtedness arose due to an underpayment of postage which occurred because an advertising supplement was included in certain mailings of the Journal at the second-class rate of postage. Since the supplement was produced as a separate and independent advertising piece, it was not permissible in copies of the publication mailed at the second-class rate. The applicable third-class rates should have been assessed and paid for the supplement. Had the advertising been specifically prepared for inclusion in the Journal, it would have been "germane" to the publication (39 U.S.C. 4366) and acceptable at second-class rates. Since it was not so prepared the publication is liable for a postage deficiency in the amount stated in the bill.

Turning to the second publication, "Christ in Our Home," the file reveals that mailings of this publication were made during the stated period at bulk third-class rates. However, since this publication had second-class entry at Minneapolis, where it was published by the Augsburg Publishing House, the mailings by the Velva Lutheran Parish were chargeable for higher postage at this second-class transient rate (39 U.S.C. 4362). The postage deficiency is as stated in the bill.

After studying the files in both cases presented, the Department is satisfied that honest mistakes in computing postage were made in each case, and we therefore have no objection to the enactment of relief legislation for the postmasters involved. As to the publications involved, there is no doubt that legally each is liable for the amount of its postage deficiency. On the other hand, it is also clear that the publications relied in good faith on postage computations made by postal personnel. In light of these circumstances, the Department would have no objection to the enactment of S. 113.

In connection with the proposed relief for the Velva Lutheran Parish, correspondence in the file refers to the parish as being the "Oak Valley Lutheran Church." The committee may wish to clarify this feature, should the bill be favorably considered. Also, in terms of the postmaster accountability aspect of this case, the file discloses that of the total deficiency of $267.97, $11.08 represents a deficiency related to a mailing on July 29, 1969, at a time when officer-in-charge Mildred C. Payne was administering the post office at Velva. The postmasters named in the bill are not accountable for this particular deficiency. In the interest of accuracy it would seem that the bill should be appropriately amended to reflect this feature of the case.

In agreement with the views of the Department, the committee recommends favorably the bill as amended.

MR. AND MRS. ARVEL GLINZ

The bill (S. 415) for the relief of Mr. and Mrs. Arvel Glinz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Arvel Glinz of Eldridge, North Dakota, the sum of $3,521.26, in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the said Mr. and Mrs. Arvel Glinz from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been bought by the said Mr. and Mrs. Arvel Glinz at a judicial sale which was held to satisfy tax leins of the United States: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on acount of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–160), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay to Mr. and Mrs. Arvel Glinz the sum of $3,521.26 in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the claimants from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been brought by the claimants at a judicial sale which was held to satisfy tax liens of the United States.

STATEMENT

In 1958 the Federal Government filed a suit against Fay Heasley to collect Federal income taxes of approximately $200,000 by foreclosing tax liens against a large farm owned by Mr. Heasley. In this suit, a judgment was entered for the Government, and Mr. Anderberg was appointed receiver by the Federal district court at Fargo, N. Dak., for the purpose of selling this farm at a judicial sale. Mr. Heasley's farm was sold by the receiver to the highest bidder, who was Mr. Arvel Glinz. The Federal district court in Fargo, N. Dak., confirmed this sale and the Court of Appeals for the Eighth Circuit upheld the sale to Mr. Glinz.

Thereafter, Mr. Fay Heasley initiated a series of suits in State and Federal courts which were repetitious and were designed to harass and embarrass Mr. Glinz in his purchase of the farm. Many of these suits were initially directed solely against Mr. Glinz in an effort to deprive him of his purchase. Such suits necessarily occasioned legal expense to Mr. Glinz, but such legal expense was private in nature as it was for the purpose of proving title in himself. Eventually, the Government, or a Government employee, was named a defendant in all of the suits. Whenever both the Government and Mr. Glinz appeared as codefendants in one of these suits, the Government undertook to defend the suit, to the mutual benefit of the United States and Mr. Glinz, thereby relieving Mr. Glinz of any additional expense. However, the Government did not and could not pay those expenses incurred by Mr. Glinz in the hiring of his personal attorney as that attorney only represented and advised Mr. Glinz.

In a letter to the Honorable Quentin N. Burdick, the Assistant Attorney General stated as follows:

It is these legal fees which Mr. Glinz incurred for his private benefit which are subject of the private bill proposed by Mr. Anderberg. It is self-evident, from the foregoing factual summary, that such private legal expenses cannot be paid by the Government. It should be pointed out that the Department of Justice has, in the past, been quick to intervene and assume the burden of any litigation in such matters where it could justifiably do so in the interest of protecting purchasers at Government tax foreclosures sales.

A copy of the letter of the Assistant Attorney General is attached hereto and made a part hereof. Also attached is a letter from Henry W. Anderberg to Senator Burdick which sets forth further facts in relation to this matter. The Anderberg letter also relates quite a number of court proceedings that are involved in this matter. These proceedings indicate the harassment to Mr. Glinz by Mr. Heasley. This situation is further documented by a letter which is hereto attached from Mr. Robert Vogel to Mr. Anderberg. Mr. Vogel being the U.S. attorney for the District of North Dakota from 1954 to 1969. A further letter to Senator Burdick from Herman Weiss who was counsel for the receiver, Mr. H. W. Anderberg, is also attached hereto and made a part hereof. A letter from the Department of the Treasury which defers to the Department of Justice as to the merits of this matter is also attached.

A review of the foregoing shows that Mr. Glinz bought this property at a judicial sale by the U.S. Government when the Government sold the Heasley property in order to recover owed income taxes. Therefore, the Government was the primary seller of the land and insofar as this matter is concerned was an interested party from the very beginning.

The committee agrees with the statement of the Assistant Attorney General that legally no reimbursement can be made for the expenses incurred by Mr. Glinz and the file further shows that when able to do so the Government did enter the suit and carry the burden from that time on.

The committe believes that even though the Government is not legally liable for the expenses incurred by Mr. Glinz that in an equitable and moral way a liability does exist. The harassment that Mr. Glinz was subjected to arising out of the Government judicial sale is of course neither the Government's fault nor Mr. Glinz' fault. However, Mr. Glinz had to bear the burden of this harassment.

It appears to the committee that this condition of the facts makes the bill one which should be the subject of congressional relief and that the Government should aid Mr. Glinz in this respect. Had the Government been able to intervene in the first instance, the Government would have assumed the liability incurred by Mr. Glinz. The committee, therefore, believes that the proposed legislation is meritorious and recommends favorable consideration of S. 415.

NATIONAL MOON WALK DAY

The joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1971, as "National Moon Walk Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–161), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

STATEMENT

On July 20, 1969, Neil A. Armstrong became the first man to walk on the moon. This amazing feat will go down in history as a landmark in scientific and technological achievement, and certainly all Americans feel a special pride that we did it first.

This achievement is particularly notable when we realize that the American space program began in 1958, after the Russians launched their first sputnik. In a little over a decade, through the concentrated efforts of our Nation's scientific and technical community, this country sent the first man to the moon.

The people of Florida have always taken a special interest and pride in the space effort. By the spring of 1971, some 24 manned launches involving 50 astronauts had taken place at the Kennedy Space Center. Floridians in Brevard County will be holding an International Moon Walk Festival this year from July 16 through July 26 to commemorate the events of 1969. By setting aside a day of national observance for the first moon walk, all Americans would be encouraged to share this spirit.

There have been, and will continue to be, other such landmarks in the history of man's exploration of the universe. But there will surely never be any more dramatic testament to the greatness of the human race.

History has borne out the fact that great national events have served to unify our people in a spirit of pride and accomplishment. At a time when some would seek to find fault with this country, and to encourage disruption and protest, it would be pertinent and timely to celebrate this reminder of American greatness.

Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 101 without amendment.

YOUTH APPRECIATION WEEK

The joint resolution (H.J. Res. 556) providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–162), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to designate the 7-day period beginning on the second Monday of November 1971 as "Youth Appreciation Week."

STATEMENT

The vast majority of the youth of our Nation today are constructive responsive citizens, vitally concerned with the present and the future, willing and desirous to act in service and to the benefit of all mankind.

All too often the actions and the achievements are overlooked by the adult community in the hurried pace of today.

The designation of "Youth Appreciation Week" would bring about greater understanding between our generations and will call attention to the greater and constructive endeavors and the responsible characteristics of our people.

Accordingly the committee recommends favorable consideration of House Joint Resolution 556 without amendment.

WILLIAM D. PENDER

The bill (S. 248) for the relief of William D. Pender was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–163), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to pay to William D. Pender the sum of $3,602.69 for the loss of his household goods and personal effects.

STATEMENT

This committee approved and the Senate passed similar legislation for this claimant in both the 90th and 91st Congresses, but the legislation was not approved by the House of Representatives.

The Department of the Army, which approves the bill, set forth the facts of the case as follows:

"This bill would authorize and direct the Secretary of the Treasury to pay $6,292.40 to Mr. Pender for his claims against the United States for the loss of his household goods and personal effects which he abandoned in Fairbanks, Alaska, after being incorrectly informed by Army personnel that such property could not be stored or shipped at the expense of the United States pursuant to his transfer from Fort Greely, Alaska, to Fort Belvoir, Va.

"The Department of the Army has no objection to the bill if amended as suggested in this report.

"Official records disclose that on September 5, 1962, Mr. William D. Pender, a resident of Alaska, received notification that he had been selected for an appointment as a nuclear powerplant operator at the Fort Greely Nuclear Powerplant. He reported to duty on the next day and worked at Fort Greely until September 20, 1962, when he began preparing for his departure to Fort Belvoir, Va., for a 48-week course pertaining to the operation of nuclear powerplants. He states that he was told by administrative personnel on Friday, September 21, 1962, that his goods could not be stored at Government expense over 90 days or shipped to Fort Belvoir. It is not clear when Mr. Pender was finally told that he could not store or ship his goods at Government expense but his travel orders, dated September 6, 1962, limited him and his wife to 400 pounds of hold baggage. He and his wife left by plane to the Fort Belvoir area on September 22, 1962, after disposing of most of their household goods to the Salvation Army because of prohibitive rates of commercial storage in Alaska. The only property not disposed of consisted of four boxes of clothes stored commercially, a box of tools stored with a neighbor, and a table and a record player stored with Mr. Pender's sister. The travel orders, dated September 6, 1962, were erroneous and were amended on November 6, 1962, to include shipment of Mr. Pender's household goods, but no administrative means were available to compensate him for his loss. Mr. Pender returned to Alaska following completion of the course of Fort Belvoir.

"The Department of the Army does not oppose a bill of this nature when a civilian employee has sustained financial loss resulting from an erroneous administrative determination as to travel allowances. The travel orders, dated September 6, 1962, were clearly erroneous in restricting Mr. and Mrs. Pender to 400 pounds of hold baggage pursuant to a permanent change of station. The amount provided for in the bill represents replacement value as indicated by prices in the Sears & Roebuck catalog of all of the property disposed of by Mr. Pender when he departed Alaska for Fort Belvoir. A more reasonable means of reimbursement, however, would appear to be the estimated depreciated value of the disposed of property which is the method of reimbursement normally used when a claim is filed against the United States for loss of property pursuant to a permanent change of station. In an interview held in Alaska with Mr. Pender on April 18, 1966, Army personnel attempted to make an estimate of the depreciated value of Mr. Pender's property. Mr. Pender, however, could not recall with any precision the acquisition dates of many of the items. As some items were accumulated over a 12-year period, the most reasonable evaluation of all of the property would appear to be on the basis of a mean period of 6 years for depreciation, an estimated value of $4,527.69. This figure, however, should be further reduced to $3,602.69 because of Mr. Pender's action upon his departure for Fort Belvoir in entrusting to his neighbor a box of tools which were never returned and in carelessly disposing of other small items of substantial value, such as a rifle, a shotgun, and a tape recorder, which could have been stored commercially or entrusted to his sister.

"In a letter, dated March 28, 1966, to the Department of the Army, Mr. Pender stated that his financial situation was marginal and his living costs were extremely high because he lives in an isolated area of Alaska. In an earlier letter to a Member of Congress, Mr. Pender stated that he was $5,000 in debt and that the financial hardship of replacing his household goods had caused that indebtedness. In view of these equitable considerations, the Department of the Army has no objection to the bill if amended as suggested in this report.

"The cost of this bill, if enacted as introduced, will be $6,292.40. If enacted as suggested in this report, the cost will be $3,602.69."

The committee believes that the bill is meritorious and recommends it favorably.

FREDERICK E. KEEHN

The bill (S. 654) for the relief of Frederick E. Keehn was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frederick E. Keehn, of Wasco, Oregon, is relieved of all liability for repayment to the United States of the sum of $496.30 representing the amount of an overpayment he received from the United States, as the result of administrative error in determining the number of days of unused leave for which he was entitled to be paid upon his discharge from the United States Navy on October 30, 1968. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full cerdit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Frederick E. Keehn, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–164), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 654 is to relieve former ComTic Frederick Edwin Keehn, U.S. Navy, [redacted] of all liability for repayment to the United States the sum of $496.30, representing the amount of an overpayment as a result of an administrative error in determining the number of days of unused leave for which he was entitled to be paid upon discharge on October 30, 1968.

STATEMENT

Mr. Keehn first enlisted in the U.S. Navy on September 27, 1955, and was discharged on December 15, 1958. He reenlisted on December 16, 1958, and was discharged on November 1, 1964. In both instances, his leave records were closed upon discharge and he was paid for all leave accrued to his credit. He last reenlisted on November 2, 1964, and served until honorably discharged on October 30, 1968, at which time he was paid for 60 days' accrued leave, when he actually had only 25 days' leave to his credit.

The Department of the Navy interposes no objection to the enactment of S. 654, because the crediting of the excess leave was due to an administrative error at the time of Mr. Keehn's discharge.

On these facts, the committee has considered that relief is appropriate. Accordingly, it is recommended that the bill be favorably considered.

BILL PASSED OVER

S. 504, a bill for the relief of John Borbridge, Jr., was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ROBERT F. CHEATWOOD, WALTER R. COTTOM, KENNETH GREENE, KENNETH L. MARCH, ERNEST LEVY, AND ESTATE OF CHARLES J. HILER

The bill (H.R. 1890) for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–165), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the following amounts to the individuals and estate named:

Robert F. Cheatwood	$117.71
Walter R. Cottom	131.21
Kenneth Greene	117.71
Kenneth L. March	117.71
Ernest Levy	99.71
Estate of Charles J. Hiler	131.21

in full settlement of their claims against the United States for per diem payments for Army Reserve active duty training performed at Reading, Pa., while on detached duty from the Indiantown Gap Military Reservation, Annville, Pa., from April 19, 1966, to April 28, 1966.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"The Department of the Army in a report on an earlier bill in the 91st Congress indicated it would have no objection to the enactment of a bill embodying the provisions now contained in the bill, H.R. 1890.

"The persons named in the bill were ordered to the Indiantown Gap Military Reservation as members of an Army Reserve unit for annual Reserve training. This particular Reserve unit reported to that reservation for weekly drills throughout the year. Upon reporting for active duty training, these reservists were ordered to temporary duty at Reading, Pa., for the period of their active duty. Since no quarters or messing facilities were available at Reading, Pa., upon the completion of their training, the reservists submitted requisitions for reimbursement for expenses. These were denied. The bill, H.R. 1890, therefore, provides for the payment of the amounts that would have been paid each reservist had the claims been acted upon favorably by the Army.

"The report of the Department of the Army outlined in greater detail the circumstances briefly outlined above. That report states that the records of the Army establish that the persons named in the bill were members of the 2153d Corps, Augmentation Unit, Indiantown Gap Military Reservation, Annville, Pa. By letter orders TW (G) 03–5 (UN), dated March 2, 1966, the assigned members of the unit were ordered to their home base at Indiantown Gap Military Reservation for active duty for training for 13 days, April 17 through April 29, 1966. This was their home base for monthly drills as well as annual training. After their arrival at Indiantown Gap on April 17, 1966, by letter orders (AS) 04–122, dated April 11, 1966, the named individuals were ordered to temporary duty within the Reading, Pa., area for the period April 19 through April 28, 1966. The orders instructed each reservist to submit a final voucher for reimbursement within 10 days after completion of travel. The distance between the two locations is 33 miles. No quarters, mess facilities, or transportation were available or provided in the Reading area. Each man paid his own expenses. When they returned home, vouchers were submitted for reimbursement in accordance with their orders.

"Joint Travel Regulations for the Uniformed Services, chapter 4, part E, paragraph M 4203(3), "Monetary Allowance in Lieu of Transportation," provides for the payment of 5 cents a mile each way between two duty stations, and paragraph M 4205(5), "Rates of Per Diem," provides for a per diem rate of $16 a day. The claims were denied under the provisions of chapter 4, part D, paragraph M 6001, of the cited regulations, supra, entitled "Active Duty Training With Pay." It provides, in pertinent part, as follows:

"'Upon call (or order) to or relief from active duty for training with pay, including travel required in connection with qualifying examinations upon call (or order) to active duty for training with pay, members of the reserve components will be entitled to travel and transportation allowances prescribed in chapter 4, part D, except that when travel incident to call to or release from active duty of temporary duty travel occur on the same day, the member will be entitled to the travel and transportation allowances prescribed in chapter 4, part E or F, as appropriate, for all of the travel from the place from which ordered to active duty to first duty station, and from last station to the place from which ordered to active duty. *Per diem allowances are not payable for any period a member is at his training duty station,* except on the day of arrival and departure therefrom * * *.'" [Emphasis added.]

"The U.S. Army Finance Center, Indianapolis, Inc., denied the claim and cited a decision of the Comptroller General (No. B–148049, 41 Comp. Gen. 726, May 3, 1962). That decision refers to paragraph M 6001 (heretofore quoted) and states:

"'Where members of Reserve components of the uniformed services are ordered to active duty for training for periods of short duration and after reporting to the *training station* are ordered to *another location* where practically the entire duty must in fact be considered 'away from their designated posts of duty' for entitlement to per diem.'" [Emphasis added.]

"In concluding that these individuals have an equitable claim for reimbursement as provided in the bill, the Army recognized that these reservists were required to incur unexpected expenses which would not have been incurred at Indiantown Gap. For this reason, the Army concluded that it would be equitable for the Government to bear this expense. In this connection, the Army report stated:

" 'In applying the last-cited language, the Finance Center considered Indiantown Gap to be the 'training station' and Reading to be 'another location,' and it was concluded that the men, while at the latter site, were not away from their 'designated posts of duty.' Mess, housing, and other facilities of the 'training station' were not available at Reading, and, as a direct result of their service, the claimants were required to incur unexpected expenses that would not have been incurred at Indiantown Gap. Accordingly it is equitable that the Government bear these expenses.' "

"The figures now stated in the bill are set forth in the Army report. That report explains that the sum is computed so that the sum represents the travel expenses and per diem which would have been paid to each claimant on the basis of travel of 66 miles at 5 cents a mile and 9¾ days of duty at the rate of $16 a day. Against this amount is offset amounts paid to each individual on September 19, 1966, for rations, housing, and mileage.

"In view of the considerations outlined in the report of the Department of the Army and deferred to in this report, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends favorable consideration.

PHILIP C. RILEY AND DONALD F. LANE

The bill (H.R. 2011) for the relief of Philip C. Riley and Donald F. Lane was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–166), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation, is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability Philip C. Riley and Donald F. Lane, for the loss resulting from a burglary at the Wakefield, Mass., Post Office on the night of June 19 and 20, 1968.

STATEMENT

The facts of the case as contained in House Report 91–71 are as follows:

"The Post Office Department, in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 2011. In that report, the Department indicated that it would favor enactment of a bill providing such relief. As is stated in the bill, the liability of the two postal clerks named in the bill resulted from losses due to a burglary which occurred either during the late evening of June 19 or early morning of June 20, 1968.

"An investigation by the Post Office Department disclosed that after their tour of duty ended on June 19, 1968, clerks Philip C. Riley and Donald F. Lane stored full sheets of postage as well as coils and books of stamps and funds in locked window pedestal cabinets, although ample space was available in the walk-in vault provided by the Department for the protection of such items. The window pedestal cabinets were pried open and the contents stolen on the night of the burglary.

"The Department, in its report, stated that Postal regulations (Postal Manual, parts 321.21 and 442.231) require that stamp stock and funds be given the best possible protection and that fixed credits must be stored in a safe or vault after an employee's tour of duty has ended.

"In view of the foregoing, the Department determined that clerks Riley and Lane were negligent and liable for the sums of $2,569.04 and $1,315.51, respectively, for losses arising from the burglary.

"Clerks Philip C. Riley and Donald F. Lane have at least 15 and 23 years experience, respectively, as window clerks with assigned fixed credits. Therefore, the Department assumed that each clerk would be familiar with the requirement that the accountable paper had to be placed in the available vault at the end of the tour of duty.

"Under existing law, the Department has no alternative but to charge losses of this character to the postmaster or other employees whose negligence contributed to the loss. The Department stated that it recognizes that this practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is actually capricious and unequal in its application. This is illustrated by this case in which the liability of the clerks varies from $2,569.04 to $1,315.51 although their fault was the same. Other equitable considerations likewise cannot be evaluated under current law.

"In recommending the language as is now provided in H.R. 2011, the Department stated that it believed some relief should be granted these employees. In this connection, the Department stated in its report:

" 'We believe some relief should be granted to these employees. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved.'

"The committee agrees that the language recommended by the Post Office Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employees. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future, provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendations of the Department, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

BILL PASSED OVER

H.R. 2036, an act for the relief of Miss Linda Ortega, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

MARION OWEN

The bill (H.R. 2047) for the relief of Marion Owen was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–168), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability Marion Owen, for loss resulting from a burglary at the Lansdowne Station of the East St. Louis Post Office on April 1, 1967.

STATEMENT

The facts of the case as contained in House Report 92–72 are as follows:

The Post Office Department in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 2047.

As is noted in the bill, the liability of the postmaster named in the bill resulted from losses due to a burglary on April 1, 1967. On that date, burglars entered the Lansdowne Classified Station of the East St. Louis, Ill., post office, "peeled" the safe and stole a total of $4,789.08, representing the contents of the fixed credit drawers of the superintendent and three clerks, and the main stamp stock of the station which was contained in an upper compartment of the safe. The safe contained a burglar resistant chest but this was not used by the superintendent to store his main stamp stock which totaled $2,213.50.

It was determined that the burglar resistant chest could have held all of the main stamp stock in addition to the blank money orders. Therefore, had the chest been locked and filled to capacity in accordance with postal instructions, the loss of $2,213.50 in main stamp stock might not have occurred.

The Post Office investigator determined that the postmaster had not issued instructions requiring the burglar resistant chest to be used to maximum capacity, and that all branches and stations of the East Saint Louis Post Office used chests for blank money orders only. Since it is the responsibility of the postmasters to keep supervisors informed regarding financial operations and application of required safeguards at the various postal units, and since the chest was not properly used, he was negligent in performing the duties of his position.

Inasmuch as there was negligence in that part of the stamp stock was not accorded maximum available protection pursuant to postal regulations, the Department and the General Accounting Office are without authority to allow the postmaster credit for loss of $2,213.50 in main stamp stock. It was on this basis that the postmaster was held to be liable for $2,213.50.

In this case, the Post Office Department recognized that some relief should be granted in this case for the reason that the burglary occurred prior to the issuance of Postal Bulletin No. 20646, dated May 30, 1968, which clarified for postmasters the correct order of priority for the protection of accountable postal funds and paper. Prior to the issuance of this bulletin, most postmasters considered blank money orders to be items of the greatest intrinsic value requiring maximum protection accorded by postal regulations (Postal Manual, part 442.221).

In the 91st Congress the committee considered the bill, H.R. 15865 which would have had the effect of relieving Marion Owen of the full amount of the $2,213.50 loss resulting from the 1967 burglary. The Post Office report on that bill recognized that the circumstances of the case were such that some relief was merited, but indicated that it would prefer that the bill be amended to authorize the Postmaster General to relieve the employee on such terms and in an amount as he might deem just. The committee agreed and reported the bill with an amendment granting the Postmaster General this authority. The present bill, H.R. 2047, contains the same language as was contained in the committee amendment in the 91st Congress. This language has the advantage of permitting a fair resolution of the matter in that the relief granted can take into consideration the entire situation including the existence of any negligence.

The committee agrees that the language recommended by the Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government, and the interest of the employee. In this connection it can be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief in section 2601 of revised title 39 of the United States Code. It is recommended that the amended bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

COMDR. ALBERT G. BERRY, JR.

The bill (H.R. 2132) for the relief of Comdr. Albert G. Berry, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an except from the report (No. 92–169), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the payment of an amount to be certified by the Comptroller General to Comdr. Albert G. Berry, Jr., U.S. Naval Reserve, retired, of Coronado, Calif., in full settlement of his claims against the United States for loss of active duty pay and allowances during the period beginning February 25, 1941, and ending January 31, 1947, arising from failure to credit him (for longevity purposes) with service as a midshipman at the U.S. Naval Academy.

STATEMENT

The facts of the case as contained in House Report 92–74 are as follows:

The Department of the Navy in its report to the committee on the bill stated that it would have no objection to the bill.

The period Commander Berry served as a midshipman at the Naval Academy from July 6, 1910, to June 5, 1914, is creditable in the computation of his retired pay by virtue of the provisions of the act of March 4, 1913, now codified in section 6116 of title 10, United States Code. The report of the Department of the Navy makes reference to the Joint Service Pay Act of June 10, 1922, the Pay Readjustment Act of 1942, and the Career Compensation Act of 1949, which also contain provisions concerning the credit of midshipman service during this period. The effect of these provisions was that commissioned officers of the Navy who retired after July 1, 1922, were not entitled to include Naval Academy midshipman service performed under appointments made prior to March 4, 1913, in the computation of basic pay unless they had been in service on June 30, 1922. Commander Berry was in service as a commissioned officer in the Regular Navy on that date. At this point, it is pertinent to outline the service performed by Commander Berry which ultimately entitled him to the payment of retired pay.

Commander Berry served as a midshipman at the Naval Academy from July 6, 1910, to June 5, 1914, and as a commissioned officer in the Regular Navy from June 6, 1914, to February 15, 1926, when he resigned from the Navy. He was appointed a commissioned officer in the Naval Reserve on April 6, 1926, and resigned therefrom effective March 23, 1933. During this period of Reserve service he performed active duty for training during the period April 9, 1926, to May 8, 1926, May 29, 1926 to June 13, 1926, and May 10, 1928, to May 19, 1928. He was again appointed a commissioned officer in the Naval Reserve on January 3, 1941, performed active duty for training from February 11, 1941, to February 24, 1941, entered on full-time active duty on February 25, 1941, and served continuously on active duty until February 1, 1947, when he was transferred to the Naval Reserve retired list upon his own application under authority contained in section 6 of the act of February 21, 1946, 34 U.S.C. 410b (voluntary retirement after completion of more than 20 years of active service, including active duty for training, of which at least 10 years was service as a commissioned officer). Section 7 of the act of February 21, 1946, (34 U.S.C. 410c), provided that an officer who is retired under the provisions of section 6 of that act was entitled to retired pay computed at the rate of 2½ percent of his basic pay at the time of retirement, multipled by the total years of service credited to him for the purpose of computing his active duty basic pay and, further, in determining the multiplier a part of a year that is 6 months or more counts as a whole year while a part of a year that is less than 6 months is disregarded.

The difficulties in this case and the aspect of the matter which in the opinion of the committee justifies legislative relief is that Commander Berry was able to establish his right to include midshipman's service in the computation of his retired pay only after extended efforts which included litigation in the Court of Claims. Apparently, he was originally unable to secure the credit due to the fact that the Comptroller General took the position that the right to credit midshipman service for basic pay purposes was lost to any officer who, after June 30, 1922, resigned his commission and subsequently after a break in service accepted a new commission in the Navy or Naval Reserve. This Comptroller General ruling was in effect at the time of Commander Berry's retirement in 1947. Thus, although he had a total of 28 years, 7 months, 26 days of service, including his midshipman service of 3 years, 11 months (which would have provided retired pay at the rate of 2½ percent of basic pay by 29 (72½) his retired pay was based on total service (not including midshipman service) of 24 years, 8 months, 26 days, resulting in entitlement to retired pay computed at the rate of 2½ percent of basic pay by 25 (62½).

Subsequent to his retirement Commander Berry filed a petition in the Court of Claims (*a*) for certain active duty pay and allowances for service performed prior to his retirement, and (*b*) the difference between the retired pay actually received by him beginning February 1, 1947, computed on the basis of 62½ percent of basic pay at time of retirement pursuant to the provisions of sections 6 and 7 of the act of February 21, 1946, and retired pay computed on the basis of 75 percent of his basic pay at time of retirement under the provisions of paragraph 4 of section 15 of the Pay Readjustment Act of 1942 (which provided that certain officers of the Armed Forces who served on active duty prior to November 12, 1942, would, upon retirement, be entitled to retired pay computed at the rate of 75 percent of basic pay). The Court of Claims allowed him the active duty pay and allowances he had claimed, but denied him his claim for increased retired pay (*Albert G. Berry, Jr.* v. *United States*, Ct. Cl. No. 49288, decided Oct. 7, 1952.)

In March 1959, Commander Berry petitioned the Court of Claims for increased retired pay (72½ percent of basic pay vice 62½ percent) based on the inclusion of his midshipman service as service creditable for pay purposes and on October 13, 1961, a decision was rendered by the court allowing him the increase beginning March 1, 1953. (The Court of Claims may grant retroactive benefits for a period of only 6 years from date of filing of a petition.)

Subsequent to October 13, 1961, Commander Berry filed a claim with the Comptroller General for increased retired pay (72½ percent vice 62½ percent) for the period February 1, 1947, to February 28, 1953. On February 7, 1962, he was paid the increased retired pay for the period October 8, 1952, to February 28, 1953. Since the first Court of Claims decision in his case was rendered on October 7, 1952, and covered a period back to February 1, 1947, the Comptroller General disallowed his claim for increased retired pay prior to October 8, 1952, on the basis of the holding in the case of *Heiser* v. *Woodruff, et al.*, 327 U.S. 726. In that case the Supreme Court held that in general a judgment is res judicata not only as to all matters litigated and decided but also to all relevant issues which could have been, but were not, raised and litigated in the suit.

In the 90th Congress, Private Law 90–151, 81 Stat. 1034, was enacted based on this history. That law provided Commander Berry the difference in the retired pay he received for the period February 1, 1947, through October 7, 1952 (62½ percent of basic pay) and the retired pay he would have received (72½ percent of basic pay) had his midshipman service been properly credited to him originally for retired pay purposes.

As is reflected in the Navy report on the earlier bill H.R. 2757 (H. Rept. 416, 90th Cong., first sess.), it was assumed that only retired pay was involved in the matter. As the bill passed the House on August 15, 1967, the bill would have provided for a computation of the amount of "pay and allowances" denied Commander Berry for failure to properly credit him for his midshipman service. However, relying on the Navy report, the Senate amended the bill on October 16, 1967, to limit the reimbursement to "retired pay," and the House agreed to the Senate amendment on November 7, 1967. It now appears that Commander Berry's claim actually included a claim for losses of the active duty pay referred to in the present bill H.R. 10233. The Navy has indicated that its earlier report was incomplete in explaining this aspect of the matter and stated it has no objection to relief. It is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

WILLIAM E. CARROLL

The bill (H.R. 2835) for the relief of William E. Carroll, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–170), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability William E. Carroll, for the loss resulting from a burglary at the parcel post station of the Milford, Conn., Post Office on or about April 4, 1968.

STATEMENT

The facts of the case as contained in House Report 92-87 are as follows:

The Post Office Department in its report to the committee on a bill in the 91st Congress recommended relief in the form now provided in H.R. 2835, and stated that it would favor enactment of a bill in that form.

As is stated in the bill, the liability of the postal employees resulted from losses due to a burglary during the night of April 4, 1968, at the parcel post station of the Milford, Conn., Post Office.

An investigation by the Department disclosed that four fixed credit drawers and two compartments in the peeled safe had been jimmied open by the burglars. The burglar resistant chest, in which only money order blanks and registeries were stored, had not been locked. Had stamp stock assigned to Superintendent Carroll been placed in the burglar resistant chest and locked in accordance with postal regulations, it apparently is assumed that the loss would not have occurred.

The Post Office report stated that postal regulations (Postal Manual, pts. 321.21 and 442.22) require that stamp stock and funds be given the best possible protection and that fixed credits be stored in a safe or vault after an employee's tour of duty has ended.

In view of the regulations, the Post Office Department determined that Superintendent Carroll was negligent and liable for the amount of the stamp stock loss of $2,518.22.

In its report, the Post Office Department stated that under existing law, the Department has no alternative but to charge losses of this character to the postmaster and/or other employees whose negligence contributed to the loss. The Department admitted that this practice is not in accord with current viewpoints on enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is actually capricious and unequal in its application. Accordingly, the Department stated it believed some relief should be granted to employees in cases of this kind. It stated that consideration should also be given to the fact that the employee was negligent. For the foregoing reason, the Department concluded the bill in the 91st Congress should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do, is authorized to relieve the employee named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved.

The committee agrees that the language recommended by the Post Office Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employee. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendation of the Department, it is recommended that the bill H.R. 2835 be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

SGT. JOHN E. BOURGEOIS

The bill (H.R. 3748) for the relief of Sgt. John E. Bourgeois was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-171), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Sgt. John E. Bourgeois, U.S. Marine Corps, retired, of Pineville, La., of liability to the United States in the amount of $251.45 for overpayments of pay and allowances paid to him through no fault of his own by the U.S. Marine Corps while he was on active duty. The bill would authorize the payment of any amounts paid or withheld by reason of the liability.

STATEMENT

In its favorable report the Committee on the Judiciary of the House of Representatives said:

The Department of the Navy in its report to the committee on a similar bill in the 91st Congress indicated that it would support the bill's enactment. The Comptroller General in his report questioned relief. Sergeant Bourgeois was severely wounded in action in Vietnam on February 28, 1967. His injuries included fragmentation wounds to the lower abdomen, right arm and left leg, and amputation of the left arm above the elbow. Sergeant Bourgeois was treated at the Station Hospital in Danang and medically evacuated to the USS *Repose*. He was then air evacuated to the U.S. Air Force Hospital, Clark Air Force Base, Philippines, and finally air evacuated to the U.S. Naval Hospital, Pensacola, Fla. Sergeant Bourgeois injuries were determined to be 80 percent disabling and he was retired for physical disability on February 29, 1968.

At the time of his retirement Sergeant Bourgeois was paid in the amount of $517.39. This represented $446.55 for 39 days' unused leave and $70.84 for pay and allowances accrued to the date of retirement. However, it was discovered that an allotment of $20 per month had been paid on Sergeant Bourgeois' behalf for 12 months from March 1966 through February 1967 without a corresponding reduction in his pay. Additionally, at the time of retirement Sergeant Bourgeois had 38 days' unused leave but was paid for 39 days, an overpayment of $11.45. This latter overpayment, coupled with the $240 allotment overpayment, gives rise to Sergeant Bourgeois' debt to the United States in the amount of $251.45.

In its report the Navy stated that its investigation had disclosed no indication that the overpayment in this case was the result of any fault or negligence on the part of Sergeant Bourgeois. The Navy expressly stated that, on the contrary, it appears that the overpayment resulted solely from administrative error on the part of disbursing personnel in failing to note a reduction in his pay for allotments made in Sergeant Bourgeois' behalf. The committee is impressed by the fact that during at least a portion of the period in which the overpayments were made, Sergeant Bourgeois was in a combat environment. Under such conditions, it would not be unusual for a service member to be unfamiliar with each transaction concerning his pay. As is also noted by the Navy, the amount of $20 a month would probably not be such a significant figure that an error would be readily detected. The committee agrees that for these reasons, it is understandable that Sergeant Bourgeois did not discover the error in his pay.

There is another factor in this situation that the committee feels bears upon the question of equitable relief. The Navy notes that Public Law 90-616 authorized the head of an executive agency or the Comptroller General to waive the claims of civilian employees of the Federal Government who have been overpaid where the claim would be against equity and good conscience and not in the best interest of the United States. The Navy notes that the case of Sergeant Bourgeois appears to be an analogous situation involving overpayment of military pay. A public bill of the 91st Congress, H.R. 13582, was reported by this committee and passed the House in that Congress. The Navy refers to this bill which would have provided for equal treatment of military personnel, however, that bill was not acted upon in the Senate.

In view of the facts and circumstances outlined above and in the report of the Department of the Navy, it is recommended that the amended bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

ROBERT L. STEVENSON

The bill (H.R. 4327) for the relief of Robert L. Stevenson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-172), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve in whole or in part, from liability Robert L. Stevenson, a postal carrier of Shawnee Mission, Kans., for the loss resulting from the robbery on November 4, 1968, of a postal truck assigned to him.

STATEMENT

The facts of the case as contained in House Report 92-78 are as follows:

The Post Office Department in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 4327.

As is stated in the bill, the liability of the postal employee resulted from losses due to the robbery of a postal truck on November 4, 1968. At approximately 6:30 on that date, Robert L. Stevenson, then a substitute carrier with less than 3 months' experience, parked his mailtruck in a drugstore in Merriam, Kans. He turned off the engine, left the keys in the ignition, left the right-hand (curb-side) door of the vehicle open, and went into the contract branch to pick up the pouch containing the official remittance register and other mail which had been deposited at the branch.

Mr. Stevenson returned to his mailtruck in less than a minute, in time to see it move away from the curb and proceed down the street. He immediately gave chase, at first on foot, and then with the aid of a private citizen in his automobile, but to no avail. When the truck was located by police a short time later it was determined that a Government cash loss of $2,948 had resulted from the theft.

A post office investigation disclosed that Mr. Stevenson failed to follow postal regulations, parts 345.433(a) and 352.81 of the Postal Manual. These regulations require that a postal employee remove the ignition key and lock a vehicle containing mail when it is stopped or parked, unless the opened door or doors are in complete sight and can be reached quickly if a theft is attempted. It is clear from Mr. Stevenson's statement that he did not have the opened door of his vehicle in complete sight throughout the time when he was in the branch collecting mail. Also, he was several feet inside the building and could not reach the vehicle quickly enough to prevent the theft. In its report the Post Office Department stated that there is also reason to believe that Mr. Stevenson had been instructed during the course of the orientation training he had recently received, always to lock his vehicle when he parked on the street and left the vehicle to enter a station or branch.

While the Post Office Department stated it was its view that the above facts demonstrate a clear case of negligence on the part of Mr. Stevenson, it also stated that there are mitigating circumstances. Mr. Stevenson was an inexperienced carrier, with less than 3 months' employment at the time of the theft. He was a short distance away from his vehicle and was gone only for a matter of seconds. In addition, he made every effort possible to stop the thief when he saw the truck moving down the street.

On the basis of the above facts and circumstances, the Department concluded the postal employee was entitled to relief as in accordance with the discretionary authority now provided for in the bill H.R. 4327. In this connection, the Department stated:

"The Department believes, in view of the above facts, that the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employee named on such terms as the Postmaster General deems just and expedient of liability in the whole or in part with respect to the transaction involved."

The committee agrees that the language recommended by the Post Office Department and contained in H.R. 4327 provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employee. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future, provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendation of the Department, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

EMINENT-DOMAIN POOL ALLOTMENTS

The bill (S. 1545) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the second sentence of section 378(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the material preceding the proviso and inserting in lieu thereof the following: "Upon application to the county committee, within three years after the date of such displacement, any owner so displaced shall be entitled to have allotments established for other farms owned by him, taking into consideration the land, labor, and equipment available on such other farms for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity:"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–178), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1545) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

This bill would repeal the existing requirement that allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area."

BACKGROUND

Section 378 of the Agricultural Adjustment Act of 1938 provides that the allotment determined for any commodity for any land from which the owner is displaced because of acquisition of the land for any purpose, other than for the continued production of allotted crops, by any Federal, State or other agency having the right of eminent domain shall be placed in an allotment pool and shall be available only for use in providing allotments for other farms owned by the owners so displaced. Any owner so displaced shall be entitled to have established for other farms owned by him allotments "which are comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity," taking into consideration the land, labor and equipment available for the production of the commodity, crop rotation practices and the soil and other physical factors affecting the production of the commodity. The bill would strike out the language shown in quotation marks. Under existing law and under the bill the acreage used from the pool to establish or increase the allotments for such other farm could not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. This section is applicable to acreage allotments for extra long staple cotton, peanuts, rice, and tobacco, farm base acreage allotments for upland cotton and domestic allotments for wheat. The Department of Agriculture points out that a displaced owner may now elect to transfer his upland cotton base acreage allotment or his extra-long staple cotton allotment under the sale, lease and transfer provisions of section 344a or section 347(f) without being subject to this comparability limitation and that enactment of the bill will provide for uniform treatment.

COST ESTIMATE

The Department of Agriculture advises that the proposed legislation would not require additional funds, and the committee agrees with this estimate.

DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT

The bill (S. 751) to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile was considered, ordered for a third reading, read the third time, and passed, as follows:

S. 751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million nine hundred and twelve thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–180), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would grant congressional consent to the disposal of approximately 18,912,000 carats of industrial diamond crushing bort from the national and supplemental stockpiles and waive the 6 month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of industrial diamond crushing bort from the national and supplemental stockpiles is based on a determination that the quantity of this material is excess to requirements and not because the industrial diamond crushing bort has become obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The industrial diamond crushing bort is excess to stockpile needs. The total inventory of this material in the national and supplemental stockpiles was 42,611,479 carats as of October 31, 1970. The stockpile objectives as of March 4, 1970, is 23,700,000 carats, leaving an excess of 18,911,479 carats. This bill covers disposal of the excess.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses would be disruptive to their normal markets. It was agreed that GSA's annual rate of sales should not exceed 10 percent of domestic and foreign consumption of natural industrial diamond bort. Industry representatives currently estimate that sales should be at a rate of about 600,000 carats for domestic consumption and 1 million carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA offerings could be adjusted upward if there was evidence of increased domestic and foreign consumption. Any revision by GSA in the disposal rates would be preceded by discussion and approval of the industrial diamond working group.

Information on industrial diamond crushing bort

Estimated world production of natural and synthetic crushing bort in 1969 totaled 32,150,000 carats compared with 27 million carats in 1967 and 18 million carats in 1966. There is no domestic production of natural crushing bort. One U.S. firm produced in 1969 approximately 13 million carats of a synthetic diamond crushing bort able to satisfy many of the industrial uses of the natural variety. U.S. imports of natural crushing bort decreased from 9.9 million carats in 1966 (includes U.S. stockpile requirements of 2.2 million carats in 1966), to 5.8 million carats in 1969. Imports of synthetic crushing bort have increased from 1.6 million carats in 1966 to 2.8 million carats in 1969. U.S. consumption of natural, synthetic and reclaimed crushing bort together has increased from 14 million carats in 1966 to 16.1 million carats in 1969. U.S. exports of natural and synthetic crushing bort have increased from 3.5 million carats in 1966 to 8.3 million carats in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material, and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to request received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the crushing bort in the national stockpile and the supplemental stockpile is approximately $2.19 per carat. The present average market value of crushing bort is reported to be from $2.25 to $2.80 per carat.

DISPOSAL OF VEGETABLE TANNIN EXTRACTS

The bill (S. 752) to authorize the disposal of vegetable tannin extracts from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately the following quantities of vegetable tannin extracts: five thousand five hundred and fifteen long tons of chestnut, thirty-five thousand two hundred and eighty-seven long tons of quebracho, and five thousand four hundred and sixty-one long tons of wattle now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States:

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–181), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This proposal is a part of the legislative program of the General Services Administration for 1971. It would grant congressional consent to dispose of approximately 5,515 long tons of chestnut, 35,287 long tons of quebracho, and 5,416 long tons of wattle, now held in the national stockpile. It would further waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of vegetable tannin extracts is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the material is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The following tabulation reflects the total inventories of these materials as of September 30, 1970, as well as the stockpile objectives established January 17, 1969. It is to be noted that the excess materials over and above that covered by this bill are available for sale under the authority of prior legislation.

	Long tons
Chestnut:	
National stockpile	27,519
Stockpile objective	9,500
Total excess	[1]18,019
Quebracho:	
National stockpile	190,926
Stockpile objective	50,600
Total excess	[2]140,326
Wattle:	
National stockpile	35,798
Stockpile objective	9,500
Total excess	[3]26,298

[1] 12,504 remain available for sale by authority of Public Law 89–245.

[2] 105,039 remain available for sale by authority of Public Law 89–245.

[3] 20,837 remain available for sale by authority of Public Law 89–245.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that

methods of disposal, other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Information on vegetable tannin extracts

Chestnut extract and wattle extract are used almost entirely for tanning the heavier type of leather such as sole and belting. About 70 percent of domestic consumption of quebracho extract is used in tanning leather, while about 25 percent is used as an additive in petroleum well drilling muds to control viscosity, and about 5 percent is used for treating boiler water and for metallurgical, pharmaceutical and miscellaneous uses. The United States does not produce any of these tannin extracts.

FISCAL DATA

The average acquisition cost of the vegetable tannin extracts in the national stockpile was $279.19 per long ton for chestnut, $247.41 per long ton for quebracho and $252.02 per long ton for wattle. The current market price for standard commercial types of tannins are estimated to be $255.36 per long ton for chestnut, $268.80 per long ton for quebracho, and $257.60 per long ton for wattle.

DISPOSAL OF THORIUM

The bill (S. 753) to authorize the disposal of thorium from the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and ten short tons (thorium oxide content) of thorium nitrate now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–182), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill is a part of the legislative program of the General Services Administration for 1971. It would grant congressional consent to dispose of approximately 210 short tons (thorium oxide content) of thorium nitrate from the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of thorium nitrate is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the thorium nitrate is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The thorium nitrate to be disposed of is excess to stockpile needs. The total inventory of this material in the supplemental stockpile was 1,832 short tons (thorium oxide equivalent) as of September 30, 1970. The stockpile objective, established January 17, 1969, is 40 short tons, leaving an excess of 1,792 short tons. While this bill would authorize the disposal of only 210 short tons, the remainder, 1,582 short tons, was previously authorized for disposal by Public Law 89–421 of May 11, 1966.

Information on thorium

Thorium is used with tungsten or nickel in electrodes in gas-discharge lamps and in conversion of fissionable uranium. It is also used to make incandescent (Welsbach) type gaslight mantles. Some of its compounds are used in luminous paints, flashlight powders, and with nickel to produce a high temperature alloy.

U.S. production statistics on thorium are company confidential and hence are not published. Imports of thorium ores and concentrates, chiefly monazite, were 504,000 pounds of thorium oxide content in 1969, a decrease of 20,000 pounds from 1968. Of the total imports 59 percent came from Australia, 37 percent from Malaysia, and 4 percent from Hong Kong.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of the thorium nitrate (thorium oxide content) in the supplemental stockpile was $9,003.55 per short ton. The current estimated market price for standard commercial type of thorium nitrate (thorium oxide content), is $8,301 per short ton.

DEPARTMENTAL POSITION

There is set forth below and made a part of this report a letter dated February 2, 1971 from the Assistant Administrator of the General Services Administration, indicating that the executive branch recommends enactment of this measure.

DISPOSAL OF SILICON CARBIDE

The bill (S. 754) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred sixty-six thousand four hundred fifty-three short tons of silicon carbide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No.

92–183), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would grant congressional consent to the disposal of approximately 166,453 short tons of silicon carbide from the national and supplemental stockpiles and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of silicon carbide is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the silicon carbide is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The silicon carbide to be disposed of is excess to stockpile needs. The General Services Administration proposes to make the excess material available for commercial sale over a period of years. The total inventory of this material in the National and Supplemental stockpiles as of September 30, 1970 was 196,453 short tons. The stockpile objective established April 2, 1964 is 30,000 short tons. The total excess is covered by this bill.

Information on silicon carbide

Abrasive grain is processed from crude silicon carbide and is used in the manufacture of grinding wheels, coated sheets, belts, and disks. Silicon carbide is preferred for grinding stone, materials that are hard or brittle or of low tensile strength, such as cast iron, brass, aluminum, and leather. Silicon carbide does not soften or melt at temperatures below 4,550° C. and is used for metallurgical refractory, but is less resistant to molten steel and basic slags. It is not attacked by most acids and is used in the chemical industries.

Canada is the principal producer of this material and accounts for 60 percent of the free world production, with the United States producing 30 percent. Imports during 1969 were 108,400 short tons. Canada supplied 91 percent, Norway, 5 percent, and West Germany, 2 percent.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertisings are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the material in the national stockpile was $176.12 per short ton and in the supplemental stockpile $203.36 per short ton. The current estimated market price is $217 per short ton.

DEPARTMENTAL POSITION

There is set forth below and made a part of this report a letter dated February 2, 1971 from the Assistant Administrator of the General Services Administration, indicating that the executive branch recommends enactment of this measure. It is a part of the legislative program of the General Services Administration for 1971.

DISPOSAL OF SHELLAC

The bill (S. 755) to authorize the disposal of shellac from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million nine hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against available loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–184), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposal is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 2.9 million pounds of shellac from the national stockpile, and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of shellac on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the shellac is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted shellac in the stockpile as of September 30, 1970, was 7,481,589 pounds, and the stockpile objective established March 4, 1970, is 1 million pounds, leaving an excess of 6,481,589 pounds. The difference between the total excess and the proposed disposal was previously authorized for disposal by Public Law 91–324.

Information on shellac

Shellac is used for surface coating; as a binder for abrasives and mica; as an insulator in electric components; and numerous miscellaneous industrial applications. The largest present use is in self-polishing floor and furniture waxes. World production of shellac in 1969 is estimated at 72.5 million pounds produced principally in India and Thailand. India has maintained its position as the leading producer with an estimated 42.5 million pounds, and Thailand in second place with a production rate estimated at 30 million pounds. As a nonproducer of shellac, the United States imported in 1969, 67 percent of its requirements from Thailand, 29 percent from India, and 3 percent from West Germany. U.S. consumption has increased from 21 million pounds in 1966 to approximately 24 million pounds in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2 (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the shellac in the inventory is 50 cents per pound. The current estimated market price for standard commercial shellac ranges from 38 to 42 cents per pound, depending on grade of material.

DISPOSAL OF QUARTZ CRYSTALS

The bill (S. 756) to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and thirty thousand pounds of quartz crystals now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–185), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 330,000 pounds of quartz crystals from the national stockpile and the supplemental stockpile. In addition, it would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of quartz crystals is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the quartz crystals are obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted quartz crystals in the stockpile as of September 30, 1970, was 5,061,632 pounds, and the stockpile objective established January 17, 1969 is 320,000 pounds, leaving an excess of 4,741,632 pounds. The remaining excess above this proposed disposal was previously authorized for disposal.

Information on quartz crystals

Quartz is used in the production of piezoelectric units, optical parts, glass and steel manufacture. There is no U.S. production of natural quartz crystals suitable for electronic and optical purposes. U.S. production of manufactured (artificially cultured) quartz crystals was 125,423 pounds in 1969. Output of manufactured quartz is expected to increase, thus lessening the dependence on imported natural quartz. Total imports were 237,224 pounds in 1969. Brazil is the principal import source of natural quartz. Actual consumption of raw, electronic grade crystals was 246,673 pounds in 1968, and 187,605 pounds in 1969. The U.S. consumption pattern is 74 percent for oscillator plates and the remaining 26 percent for filter and telephone resonator plates, transducer crystal, and miscellaneous items.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

Sec. 2 (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the material in the national stockpile was $12.37 per pound and in the supplemental stockpile, $15.15 per pound. The current estimated market price for standard, commercial type quartz crystals used for piezoelectrical and optical purposes ranges from $2.25 per pound to $50 per pound, depending on size and grade.

DISPOSAL OF IRIDIUM

The bill (S. 757) to authorize the disposal of iridium from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and fifty-six troy ounces of iridium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–186), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

This proposal is a part of the legislative program of the General Service Administration for 1971. It would authorize the disposal of approximately 256 troy ounces of iridium from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of iridium is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the iridium is obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The iridium to be disposed of is excess to stockpile needs. The total inventory in the stockpile as of September 30, 1970, was 17,256 troy ounces and the stockpile objective established April 2, 1964, is 17,000 troy ounces leaving an excess of 256 troy ounces covered by this disposal.

Information on iridium

Iridium, palladium, and platinum are used separately and in combination with each other and with other metals in the electrical field, for electrodes of all kinds, electrical contact points, thermocouples, resistance thermometers, and resistors; in the chemical field for crucibles and other heat and corrosion resistant vessels, cathodes, Spinerettes for rayon, bushings, for production of glass fiber, burner nozzles, and catalysts; in the dental field, for castings, wrought dentures, pins, anchors, and reinforcements; in jewelry and the decorative arts; and in motors and precision instruments. U.S. refinery output was 2,581 troy ounces in 1968 and 2,820 troy ounces in 1969. For consumption, U.S. imports of iridium in 1968 amounted to 9,443 troy ounces and in 1969 amounted to 14,218 troy ounces. The chief source of imports in 1969 were Canada and the United Kingdom.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the iridium in the national stockpile was $177.29 per troy ounce. The current estimated market price for standard, commercial type iridium ranges from $150 to $155 per troy ounce.

DISPOSAL OF MICA

The bill (S. 758) to authorize the disposal of mica from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million four hundred twenty-six thousand twenty-five pounds of muscovite block mica; approximately fifty-one thousand eighty-seven pounds of muscovite film mica; approximately three million one hundred ninety-nine thousand eight hundred seventy-five pounds of muscovite mica splittings; and approximately three hundred fifty thousand pounds of phlogopite mica splittings now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protetcion of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. (a) Disposals of the materials covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–187), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed disposal is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 5,026,987 pounds of mica from the national and supplemental stockpiles and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of mica is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the mica is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The tabulation set forth below reflects the total inventories of the material in the stockpiles.

Mica, Muscovite block, stained and better—Uncommitted Sept. 30, 1970

Inventory:	*Pounds*
National stockpile	7,076,277
Supplemental stockpile	1,952,350
DPA	5,899,772
Total all inventories	14,928,399
Credited to film objective	840,700
Objective (established Mar. 13, 1964)	6,000,000
Total excess	[1] 8,087,699

[1] This plan applies to approximately 1,426,025 pounds of the excess in the national and supplemental stockpiles. The remaining excess of approximately 6,661,674 pounds was authorized for disposal.

Mica, Muscovite film, first and second qualities—Uncommitted Sept. 30, 1970

Inventory:	*Pounds*
National stockpile	1,249,745
Supplemental stockpile	116,556
DPA	102,681
840,700 pounds of block credited as film objective	588,525
Total all inventories	2,057,507
Objective (established Mar. 13, 1964)	2,000,000
Total excess	[2] 57,507

[2] This plan applies to approximately 51,087 pounds of the nonstockpile grade excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,420 pounds was previously authorized for disposal.

Mica, Muscovite splittings—Uncommitted Sept. 30, 1970

Inventory:	*Pounds*
National stockpile	38,641,504
Supplemental stockpile	4,800,782
DPA	0
Total all inventories	43,442,286
Objective (established Jan 17, 1969)	19,000,000
Total excess	[3] 24,442,286

[3] This plan applies to approximately 3,199,875 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 21,242,411 pounds was previously authorized for disposal.

Mica, Phlogopite splittings—Uncommitted Sept. 30, 1970

Inventory:	*Pounds*
National stockpile	2,935,827
Supplemental stockpile	1,921,052
DPA	0
Total all inventories	4,856,879
Objective (established Jan. 17, 1969)	950,000
Total excess	[4] 3,906,879

[4] This plan applies to approximately 350,000 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 3,556,879 was previously authorized for disposal.

Information on mica

Mica is a group name for a number of complex silicate minerals which have a characteristic structure permitting easy separation into thin, tough sheets. It is used in dielectric supporting elements in electron tubes, mica capacitors, as insulation in motors and other electrical apparatus.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of muscovite block, stained and better, in the national stockpile was $2.38 per pound and in the supplemental stockpile was $3.44 per pound. The acquisition cost of muscovite film, first and second qualities, in the national stockpile was $5.27 per pound and in the supplemental stockpile was $9.12 per pound. The acquisition cost of muscovite splittings in the national stockpile was $1.01 per pound and in the supplemental, $1.29 per pound. The average acquisition cost of phlogopite splittings in the national and supplemental stockpiles was $1 per pound. The current estimated market price for standard, commercial type micas range from 10 cents per pound to $20 per pound, depending on color, form, grade, size, thickness, and visual quality.

DEPARTMENTAL DATA

As indicated above, this bill is a part of the legislative program of the General Services Administration for 1971 as is indicated by a letter dated February 2, 1971, from the Assistant Administrator of the General Services Administration which is set forth below and made a part of this report.

DISPOSAL OF METALLURGICAL MANGANESE

The bill (S. 759) to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million four hundred and twenty-four thousand and eight hundred and forty short dry tons (manganese ore equivalent) of metallurgical grade manganese now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–188), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposal is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese from the national stockpile and the supplemental stockpile. In addition, it would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of metallurgical grade manganese is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the metallurgical grade manganese is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The tabulation below reflects the total inventories of the metallurgical grade manganese in the stockpiles and the objective established May 13, 1969, followed by a breakdown of types of manganese in the stockpiles.

Manganese, metallurgical grade

(MANGANESE ORE EQUIVALENT, UNCOMMITTED SEPT. 30, 1970

	Short dry tons
Inventory:	
National stockpile	4,950,670
Supplemental stockpile	4,353,017
DPA	2,783,192
Total all inventories	12,086,879
Objective (established May 13, 1969)	4,000,000
Total excess	81,068,737

This plan applies to approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese in the national and supplemental stockpiles, of which approximately 3,267,859 short dry tons are ore; approximately 576,060 short tons (1,152,120 short tons manganese ore equivalent) are high carbon ferro manganese and approximately 1,944 short tons (4,860 short tons manganese ore equivalent) are electrolytic manganese metal. Additionally, 3,731,884 short dry tons of metallurgical grade manganese ore remain available for disposal under previous authorizations.

Information on metallurgical grade manganese

Metallurgical grade manganese is used in the manufacture of manganese metal ferromanganese, and special manganese alloys, which in turn are used to neutralize the effects of sulfur and to remove oxygen used as an addition to special steels to contribute toughness and resistance to shock and abrasion. U.S. consumption of metallurgical grade manganese ore for 1969 was 2.1 million short tons of which 1,964,535 short tons were imported and only an estimated 6,000 short tons produced domestically. The chief source of imports is Gabon, 28 percent; Brazil, 28 percent; the Republic of South Africa, 12 percent; India, 8 percent; the Congo, 8 percent; Australia, 5 percent; and other countries, 11 percent.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of metallurgical grade manganese ore in the national stockpile was $39.60 per short dry ton and in the supplemental stockpile, $43.09 per short dry ton. The acquisition cost for high carbon ferro manganese in the national stockpile was $189.79 per short ton and in the supplemental stockpile, $186.56 per short ton. The acquisition cost of electrolytic manganese metal in the national stockpile was $520.46 per short ton, and in the supplemental stockpile, $610.52 per short dry ton. The current estimated market price for standard, commercial type material is $28 per short dry ton for ore, $151.30 per short ton for high carbon ferro manganese, and $665.00 per short ton for electrolytic manganese metal.

DISPOSAL OF MANGANESE, BATTERY GRADE, SYNTHETIC DIOXIDE

The bill (S. 760) to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred and five short dry tons of manganese, battery grade, synthetic dioxide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (60 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–189), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,805 short dry tons of manganese, battery grade, synthetic dioxide from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of manganese, battery grade, synthetic dioxide is based on a determination that the quantity of the material in the national stockpile is excess to requirements and not because the manganese, battery grade, synthetic dioxide is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The manganese, battery grade, synthetic dioxide to be disposed of is excess to stockpile needs, and GSA proposes to make the excess available for commercial sale over a period of years. The total inventory of uncommitted material as of September 30, 1970, was 21,679 short dry tons. The stockpile objective established March 27, 1969, is 1,900 short dry tons, leaving an excess of 19,779 short dry tons. Of this excess, 3,403 short dry tons remain available from OEP authority of March 4, 1966, and 11,571 short dry tons remain available from Public Law 89–726. The remaining 4,805 short dry tons is covered by this disposal.

Information on manganese, battery grade, synthetic dioxide

Synthetic manganese is used primarily in the manufacture of dry cells for batteries for military use. For such use, it is mixed with natural ore. It is also used in special types of commercial battery cells, such as in hearing aids. For battery use a minimum of 85 percent manganese dioxide is required. U.S. production of synthetic manganese dioxide has been increasing in recent years, rising from about 9,000 short tons in 1966 to an estimated output of 12,000 short tons in 1969. Domestic production results from processing manganese ores from Ghana, Gabon and Mexico. Imports of synthetic manganese dioxide, chiefly from Japan, rose from 888 short tons in 1966 to 2,393 short tons in 1968, but fell back to 1,778 short tons in 1969. Apparent domestic consumption has increased from about 10,000 short tons in 1966 to an estimated 14,000 short tons in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the manganese, battery grade, synthetic dioxide in the national stockpile was $145.52 per short dry ton. The current estimated market price for standard, commercial type manganese, battery grade, synthetic dioxide is $490 per short dry ton.

DISPOSAL OF DIAMOND TOOLS

The bill (S. 761) to authorize the disposal of diamond tools from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-four thousand one hundred seventy-eight diamond tools now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–190), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 64,178 pieces of diamond tools from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of diamond tools is based on a determination that the quantity of the material in the national stockpile is excess to requirements since there is currently no stockpile objective for this material and not because the diamond tools are obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted diamond tools as of September 30, 1970, was 64,178 pieces and there is no stockpile objective, leaving an excess of 64,178 pieces which is covered by this proposal.

Information on diamond tools

Diamond tools are used for cutting or grinding very hard substances. There are no published statistics pertaining to production or consumption of diamond tools.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by his act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the diamond tools in the national stockpile was $15.82 per piece. The current estimated market value of the tools is $12 per piece.

DISPOSAL OF CHROMIUM METAL

The bill (S. 762) to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand two hundred thirty eight short tons of chromium metal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–191), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,238 short tons of chromium metal from the national stockpile and supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of chromium metal is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the chromium metal is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted chromium metal as of September 30, 1970, was 8,013 short tons. The stockpile objective as established March 4, 1970, is 3,775 short tons, leaving an excess of 4,238 short tons which is covered by this disposal.

The committee is aware of the fact that the amount of the chromium metal which would be released for sale by this bill exceeds the present annual U.S. consumption rate and that the domestic market is currently in a depressed state. The committee expects the General Services Administration to take these facts fully into account in making its plans for disposal of this material, especially in light of the statutory provisions designed to prevent disruption of normal markets.

Information on chromium metal

Chromium metal, which is hard and brittle, is used in the production of both ferrous and nonferrous alloys. These alloys are used for products requiring such qualities as electrical resistance, ability to withstand high temperatures, of corrosion resistance. It is also used in alloys for nonferrous metal cutting tools, chromium bronzes, hard-facing materials, welding electrode tips, and high-strength aluminum alloys. Production statistics on chromium metal are considered company confidential information and are not published. U.S. consumption was about 5,000 short tons in 1969. Imports of chromium metal amounted to 1,366 short tons (gross weight) in 1968 and 1,491 short tons (gross weight) in 1969. Of the total imports in 1969, 68 percent came from the United Kingdom (including materials received via Canada) with the bulk of the remainder originating in Japan.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the chromium metal in the national and supplemental stockpiles was $2,200 per short ton. The current estimated market price for standard, commercial type chromium metal is $2,300 per short ton.

DISPOSAL OF ANTIMONY

The bill (S. 765) to authorize the disposal of antimony from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately six thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–195), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 6,000 short tons of antimony from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of antimony is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the antimony is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material in the national and supplemental stockpiles as of October 31, 1970, was 46,746 short tons. The stockpile objective established April 8, 1970, is 40,700 short tons.

Information on antimony

Alloys containing antimony expand on cooling and thus produce fine details of a mold. Its chief uses in metals are for lead hardening, solder, battery plates, cable coverings, type metal, and to impart hardness and a smooth surface to soft-metal alloys such as babbitt bearings. Nonmetallic products are ceramic enamels, paints and lacquers, etc. In 1969 United States production from all sources amounted to about 75 percent of the total consumption. Principal import sources for metal are Yugoslavia, United Kingdom, Belgium, and Mexico and for ore, Mexico, Republic of South Africa, and Bolivia.

Method of disposal

Section 2 of the bill which sets forth the method of disposal of this material reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of antimony metal in the national stockpile was $695.46 per short ton and in the supplemental stockpile, $596.32 per short ton. The current market value is estimated to be $2,067.49 per short ton.

DISPOSAL OF ZINC

The bill (S. 766) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five hundred and fifteen thousand two hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–194), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the disposal of approximately 515,200 short tons of zinc from the national stockpile and the supplemental stockpile, which material the Director of the Office of Emergency Preparedness has determined is excess to stockpile requirements. It would also waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of the quantity of zinc covered by this bill is based on a determination that is excess to stockpile requirements and not because it is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The total inventory of zinc in the Government stockpiles is 1,119,985 short tons. The stockpile objective, established December 3, 1969, is 560,000 short tons leaving an excess of 559,985 short tons. While this bill would authorize the disposal of only 515,200 short tons, the balance is available for disposal under authority granted in Public Law 89–9 and Public Law 89–322.

Information on zinc

Zinc, alloyed with copper to form brass, is one of the most workable and generally useful alloys. Its electrolytic chemical properties make it useful in batteries. Its electrogalvanic properties make it useful in protecting steel and iron from corrosion. As die castings, it forms the basis of many automotive parts, some of which are chrome or nickel plated for decorative trim. It is also used in forming dies.

Principal zinc producing countries are Australia, Canada, Japan, Mexico, Peru, U.S.S.R., and the United States.

Method of disposal

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the zinc in the national and supplemental stockpiles is $278.69 per short ton of metal. The present market value of this zinc is $300 per short ton of metal or 15 cents per pound.

DISPOSAL OF RARE-EARTH MATERIALS

The bill (S. 767) to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eight thousand two hundred and thirty-three short tons (rare-earth oxides content) of rare-earth materials now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68

Stat. 456, as amended by 73 Stat, 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–193), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 8,233 short dry tons of rare-earth materials from the national stockpile and the supplemental stockpile, and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of rare-earth materials is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess of stockpile needs. The total inventory of material as of October 31, 1970, was 13,339 short dry tons and there is no stockpile objective since rare-earth materials were removed from the list of strategic and critical materials on March 4, 1970. The remaining 5,106 short dry tons above the amount proposed in this disposal is available under authority of Public Law 90–152.

Information on rare-earth materials

The largest uses of rare-earth materials are in cracking crystals in petroleum refining and in polishing compounds in the glass industry. The United States produces half of the world's rare-earth oxides in concentrates and is the main market for rare-earth products. Data on domestic production is withheld as individual company confidential information. Imports for consumption were estimated at 4,206 short tons of monalite concentrates in 1969. Industrial consumption of rare-earth oxides was an estimated 8,820 short tons in 1969. The major producers outside the United States are Australia, India, Malaysia, and Brazil.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

"SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) the material is to be transferred to an agency of the United States;

"(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

FISCAL DATA

The average acquisition cost (rare-earth oxides content) of rare-earth materials in the national and supplemental stockpiles was $805.88 per short dry ton. The current market value ranges from $45 to $700 per short ton for individual rare-earth materials.

DISPOSAL OF CHEMICAL GRADE CHROMITE

The bill (S. 768) to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and twenty-four thousand five hundred short dry tons of chemical grade chromite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States:

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–192), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 324,500 short dry tons of chemical grade chromite from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of chemical grade chromite is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the chemical grade chromite is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of his material by waiving the statutory requirement for a 6-month period after notice of the proposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 1,053,960 short dry tons. The stockpile objective established May 13, 1969, is 260,000 short dry tons leaving an excess of 793,960 short dry tons. Of the total excess, 469,460 short dry tons remain available for sale under authority granted by Public Law 89–247.

Information on chemical grade chromite

Chrome materials are used in a wide variety of applications, such as metal protection (plating and anadizing), manufacture of pigments for paint, tannning of leather, chemical and textile industies, and in industrial applications where resistance to wear, corrosion and heat is important (engines, marine equipment, and military items). United States does not produce chemical grade chromtie and obtains its entire supply from the Republic of South Africa. U.S. consumption of chemical grade chromite in 1969 increased 4 percent over that of 1968.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

"SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) the material is to be transferred to an agency of the United States;

"(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

FISCAL DATA

The average acquisition cost of the chemical grade chromite in the national and supplemental stockpiles was $19.81 per short dry ton. The present market value of this material is $26.00 per short dry ton.

DISPOSAL OF INDUSTRIAL DIAMOND STONES

The bill (S. 769) to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million nine hundred and sixty-one thousand carats of industrial diamond stones now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposal of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–196), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the disposal of approximately 4,961,000 carats of industrial diamond stones from the national stockpile and the supplemental stockpile. The Director of the Office of Emergency Preparedness has determined that this quantity is excess to stockpile needs.

It would also waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional approval is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of the industrial diamond stones covered by this bill is based on a determination that it is excess to stockpile requirements and not because it is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of the industrial diamond stones by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The industrial diamond stones covered by this bill are surplus to stockpile requirements.

The total inventory of industrial diamond stones in the national and supplemental stockpiles of of Octiber 31, 1970, was 25,230,386 carats. The stockpile objective established December 3, 1969, is 20 million carats, leaving an excess of 5,230,386 carats. In addition to the amount authorized for disposal by this bill, approximately 269,650 carats remain available for disposal under authority granted in Public Law 89–723.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excess could disrupt both domestic and foreign markets. It was agreed that sales by GSA should not exceed 10 percent of the domestic and foreign consumption of that particular type of the industrial diamond materials being offered from the Government excesses. Industry representatives currently estimate that sales should be at a rate of about 90,000 carats for domestic consumption and 150,000 carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA sales offerings could be adjusted upward if there was evidence of increased domestic or foreign consumption. Any revision made by GSA in the disposal offering rate would be preceded by discussion and approval of the industrial diamond working group.

Information on industrial diamond stones

The two principal uses of industrial diamond stones are in drilling bits and diamond tools, chiefly in grinding wheels. Other uses are in grit tools, wire drawing dies and phonograph needles.

Africa is the only important source of industrial diamonds, the Congo being the principal producer. Minor amounts come from Brazil, Venezuela, and Guyana.

Method of disposal

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the industrial diamond stones in the national and supplemental stockpile was $11.13 per carat. The present market value is about $3 to $55 per carat.

DISPOSAL OF COLUMBIUM

The bill (S. 770) to authorize the disposal of columbium from the national stockpile and the supplemental stockpile, was considered, ordered to be engressed for a third reading, read the third time, and passed, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million ten thousand seven hundred and sixteen pounds (Cb content) of columbium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–19), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 5,010,716 pounds of (Cb content) columbium from the national stockpile and the supplemental stockpile and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of columbium is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the columbium is obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 9,299,029 pounds. The stockpile objective established March 27, 1964, is 1,176,000 pounds, leaving an excess not previously authorized for disposal of 5,010,716 pounds.

Information on columbium

The primary use of columbium is in steel alloys. It also has many new applications in the high temperature field. The United States does not produce columbium. Import sources during 1969 were Brazil, Nigeria, Canada and a small percentage from various other countries. Estimated consumption in the United States during 1969 was 2,918,000 lbs. of columbium metal contained in concentrates.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of columbium concentrates in the national and supplemental stockpiles was $3.97 per pound of contained columbium. The current estimated market price for standard, commercial type columbium concentrates ranges from $1.65 to $1.73 per pound of contained columbium. The average acquisition cost of columbium carbide powder, columbium oxide powder, and ferro-columbium in the national stockpile was $10.14 per pound, $7.85 per pound, and $4.35 per pound respectively. The current estimated market prices for these forms are respectively, $14, $2.60, and $5.78 per pound of contained columbium for standard, commercial type material.

DISPOSAL OF SELENIUM

The bill (S. 771) to authorize the disposal of selenium from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred and seventy-five thousand pounds of selenium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–198), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 475,000 pounds of selenium from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of selenium is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials on March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of February 28, 1970, was 474,774 pounds and there is no stockpile objective since selenium was removed from the list of strategic and critical materials on March 4, 1970.

Information on selenium

Selenium is used in the manufacture of rectifiers, photo-electric cells and exposure meters, cathode ray tubes, photo-synthesized goods and xerography, in stainless steels, in glass making, in paints and rubber, and in the manufacture of biologicals, cortisone, and niacin, in lubricants and other petroleum products. Primary production of selenium in the United States in 1969 was 1,229,000 pounds. Imports for consumption increased from 286,000 pounds in 1966 to 546,000 pounds in 1969. Apparent consumption and exports in 1969 were 1,957,000 pounds. Of the total imports for 1969, 98 percent came from Canada and the remainder from Japan and West Germany.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of selenium in the national and supplemental stockpiles was $5.78 per pound. The present estimated market value of this material is $8 per pound.

DISPOSAL OF CELESTITE

The bill (S. 772) to authorize the disposal of celestite from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand two hundred and seventy short dry tons of celestite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–199), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 12,270 short dry tons of celestite from the national and supplemental stockpiles and waive the 6-month waiting period normally required befor such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolete for use in time of war.

The proposed disposal of celestite is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials on June 8, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of October 31, 1970, was 25,849 short dry tons and there is no stockpile objective since celestite was removed from the list of strategic and critical materials on June 8, 1970. Approximately 13,580 short dry tons nonstockpile grade remain that was previously authorized for disposal by House Concurrent Resolution 473, 87th Congress, agreed to June 21, 1962.

Information on celestite

Celestite is used as the principal source of strontium in the production of strontium chemicals. Strontium or strontium compounds are used in pyrotechnics, such as tracer bullets, distress signal rockets and flares, fireworks, and in ceramics, depilatories, some alloys, greases, luminous paint, plastics, and rubber filler. A greatly increased usage of strontium carbonate in the manufacture of television picture tubes is now occurring because this material provides a better radiation shield than the barium carbonate now used. There is no domestic production of strontium minerals. Free world production of strontium minerals in 1969 was estimated at approximately 30,265 short tons, a significant increase over previous years. U.S. imports in 1969 were 27,803 short tons, of which 77 percent came from Mexico and the remainder from the United Kingdom and Spain.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of celestite in the national stockpile was $48.67 per short dry ton and in the supplemental stockpile was $43.91 per short dry ton. The present estimated market value of the celestite is $33.40 per short dry ton for stockpile grade and about $20 per short dry ton for nonstockpile grade.

DISPOSAL OF VANADIUM

The bill (S. 774) to authorize the disposal of vanadium from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand two hundred short tons of vanadium (V content) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–200), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 1,200 short tons of vanadium (V content) from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of vanadium (V content) is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the vanadium is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material as of October 31, 1970, was 3,306 short tons. The stockpile objective established March 4, 1970, is 540 short tons, leaving an excess of 2,766 short tons. The balance between the disposal proposed and the excess remains available for sale under authority granted by Public Law 89–424.

Information on vanadium

Approximately 95 percent of all vanadium consumed by the steel industry in the manufacture of high strength structural steels, tool steels, wear resistant cast iron and related products, and in combination with other alloying materials such as nickel, aluminum, boron and manganese. Production of ferro-vanadium in 1969 is estimated at 11,550,000 pounds. U.S. exports of ferro-vanadium increased from 440,000 pounds in 1965 to 556,000 pounds in 1968 and are estimated at 1,288,000 pounds in 1969. Consumption of ferro-vanadium in 1965 increased from 9,022,000 pounds (contained vanadium) to 9,424,000 pounds in 1968 and is estimated at 10,386,000 pounds in 1969. Imports of ferro-vanadium totaled 898,000 pounds in 1969, compared with 1,252,000 pounds in 1968. Major import sources are Austria, West Germany, Belgium, Sweden, and United Kingdom.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the ferrovanadium (V content) in the national stockpile was $4,798 per short ton. The present estimated market value of the ferrovanadium is $8,240 per short ton (V content).

DISPOSAL OF MAGNESIUM

The bill (S. 775) to authorize the disposal of magnesium from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventy-eight thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(b) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized programs objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–201), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 78,000 short tons of magnesium from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of magnesium is based on a determination that the quantity of this material in the national stockpile is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material as of October 31, 1970, was 99,954 short tons and there is no stockpile objective since magnesium was removed from the list of strategic and critical materials on March 4, 1970. In addition to the 78,000 short tons to be disposed of under this proposal, 21,954 short tons remain available for disposal under Public Law 90–604 and Public Law 91–321.

Information on magnesium

Magnesium is used in aircraft, chiefly in structural forms and sheet, in alloys of iron, zinc, and aluminum, in castings, forgings, and extrusions, and in other metallurgical processes. U.S. production of primary magnesium was 99,886 short tons in 1969. The demand is increasing at a very substantial rate due to commercial uses. Increased production is planned but a tight supply situation may exist for the next several years. Consumption of magnesium in the United States in 1969 was 95,057 short tons, of which 3,515 tons was imported. Major import sources are Canada, United Kingdom, and West Germany.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the magnesium in the national stockpile was $726 per short ton. The present market value is about $733 per short ton.

DISPOSAL OF ABACA

The bill (S. 776) to authorize the disposal of abaca from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twenty-five million pounds of abaca now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–242), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 25 million pounds of abaca from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of abaca is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because abaca is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. Likewise, under National Stockpile Special Instructions issued by the Office of Emergency Preparedness, this material is overaged for retention in the stockpile. The total inventory of this material as of October 31, 1970, was 77,212,042 pounds. The stockpile objective established April 8, 1970, is 25 million pounds, leaving an excess of 52,212,042 pounds. The balance remains available for sale under authority granted by Public Law 89–279.

Information on abaca

Abaca fiber (Manila hemp) is the strongest of the vegetable fibers, soft but resilient, fungus resistant, not deteriorated by salt water, and not stiff when wet. It is a most valuable fiber for marine cordage, guy ropes, and construction uses. The Philippines account for approximately 95 percent of world production of abaca. Philippine production, as well as exports, has been declining because of growing competition from synthetic cordage fibers, such as nylon polypropylene and terylene. U.S. consumption has dropped from 85 million pounds during 1968 to 75 million pounds in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the abaca in the national stockpile was $0.25 per pound. The present estimated average market value of this material is $0.24 per pound.

DISPOSAL OF SISAL

The bill (S. 777) to authorize the disposal of sisal from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds of sisal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–203), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 100 million pounds of sisal from the national stockpile and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of sisal is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the sisal is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of sisal in the national stockpile on October 31, 1970, was 199,550,253 pounds and the stockpile objective established April 8, 1970, is 100 million pounds, leaving an excess of 99,550,253 pounds. Under National Stockpile Special Instructions issued by the Office of Emergency Preparedness, this material is overaged for retention in the stockpiles.

Information on sisal

Sisal fibers, though not as long or as strong as abaca, can be substituted for abaca in many uses, and the major ones in addition to rope are for baler, binder and wrapping twine, upholstery and padding, wire rope centers and reinforcement for paper and plastics. The United States does not produce sisal and over the past year world production has dropped from approximately 1.275 billion pounds in 1969 to 1.250 billion pounds in 1970. Brazilian production has been increasing, however, challenging Tanzania for the lead. In order to prevent price erosion, major sisal producing nations have agreed to cut production. Major import sources are Brazil, Tanzania, and Haiti.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the sisal in the national stockpile was $0.135 per pound. The present estimated average market value of this material is $0.087 per pound.

DISPOSAL OF KYANITE-MULLITE

The bill (S. 778) to authorize the disposal of kyanite-mullite from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred twenty short dry tons of kyanite-mullite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–204), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,820 short dry tons of kyanite-mullite from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials from the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of kyanite-millite is based on a determination that the quantity of this material in the national stockpile is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of October 31, 1970, was 4,820 short dry tons, and there is no stockpile objective since kyanite-mullite was removed from the list of strategic and critical materials on March 4, 1970.

Information on kyanite-mullite

Kyanite is a natural silicate of aluminum, which is important to the refractories industry. Mullite of any desired purity is produced synthetically. Kyanite-mullite is used in glass melting furnaces, for melting high-copper brasses, and some steels and alloys, the manufacture of ceramics, glass, high-quality porcelain, etc. The United States produces kyanite and synthetic mullite production statistics on kyanite are considered company confidential information. Output of synthetic mullite was 48,588 short tons in 1969. Apparent consumption of kyanite-mullite for the period of 1965 through 1969 was more than 10,000 short tons per year. Imports of kyanite decreased to 2,088 short tons in 1969. India accounted for half of the imports in 1969, and other suppliers were Republic of South Africa, Canada, and Mozambique. Exports amounted to 10,200 short tons in 1965, and increased to 19.696 short tons in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the kyanite-mullite in the national stockpile was $86.45 per short dry ton. The present estimated market value of this material ranges from $75 per short dry ton for natural Indian kyanite to $132 per short ton for electrically fused synthetic mullite.

DISPOSAL OF AMOSITE ASBESTOS

The Senate proceeded to consider the bill (S. 763) to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile, which had been reported from the Committee on Armed Services with an amendment on page 1, in line 4, strike out "eleven thousand two hundred and thirty-nine" and insert in lieu thereof "thirty-two thousand eight hundred and thirty-nine so as to make the bill read:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-two thousand eight hundred and thirty-nine short tons of amosite asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–205), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENT

After the bill was submitted, the Office of Emergency Preparedness revised the stockpile objective for this material downward from 40,000 short tons to 18,400 short tons, resulting in an increase of 21,600 short tons of the material that is excess to stockpile needs. The amendment will permit the disposal of the entire amount that is now excess.

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 32,839 short tons of amosite asbestos from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of amosite asbestos is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the amosite asbestos is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted material as of January 31, 1970, was 60,444 short tons. The stockpile objective established February 9, 1971, is 18,400 short tons, leaving an excess of 42,044 short tons. Of the excess, 9,205 short tons remain available for disposal from a previous authorization, the remainder being covered by this disposal.

Information on amosite asbestos

The principal use of amosite asbestos is as a thermal insulating material. It is characterized by long, coarse, resilient fibers, difficult to spin, and is felted for use on steam boilers and machinery and molded for pipe coverings on ships of the Navy, Coast Guard and Maritime Commission. No substitute materials of equal cost have comparable physical, chemical and insulating qualities for the same weight per unit of insulating surface. There is no production of amosite asbestos in the U.S. Domestic consumption in 1969 amounted to 14,619 short tons. U.S. imports in 1969 were 15,000 short tons. The Republic of South Africa supplied virtually all amosite asbestos imports to the United States in 1969 and is the only known commercial source of this material.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

Sec. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the amosite asbestos in the national stockpile was $225.35 per short ton and in the supplemental stockpile, $249.79 per short ton. The current estimated market price for standard commercial type amosite asbestos is $211.80. Stockpile material may or may not be of the same quality or grade as the material quoted above.

AMENDMENT OF THE RAILROAD RETIREMENT ACT TO PROVIDE AN INCREASE IN ANNUITIES

The Senate proceeded to consider the bill (H.R. 6444) to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, in line 2, after the word "section" insert "5";

On page 4, in line 13, strike out "December 31, 1971" and insert in lieu thereof "June 30, 1972";

In line 21, strike out "December 31, 1971" and insert in lieu thereof "June 30, 1972";

On page 5, at the end of line 11, strike out "1972" and insert in lieu thereof "1973";

At the end of line 12, strike out "1972" and insert in lieu thereof "1973";

At the beginning of line 14, strike out "1972" and insert in lieu thereof "1973"; and

After line 17, add the following new language:

(c) Section 6 of Public Law 91–377 is amended by striking out "June 30, 1972" each time that date appears and inserting in lieu thereof "June 30, 1973".

Mr. CRANSTON. Mr. President, as chairman of the Subcommittee on Railroad Retirement of the Labor and Public Welfare Committee, and as the author of the Senate version of this measure, S. 1304, it is a great pleasure to urge Senators to support this measure in the same unanimous spirit that has characterized its consideration in subcommittee and full committee. For the information of my colleagues, I would like to explain the bill, H.R. 6444, which amends the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities.

The bill, as amended, was unanimously reported by the Subcommittee on Railroad Retirement to the full committee, and the Committee on Labor and Public Welfare has unanimously reported it to the Senate with the recommendation that it pass.

The bill as reported would: first, provide a temporary 10-percent increase in railroad retirement benefits retroactive to January 1, 1971; second, extend by 1 year, from July 1, 1971, to June 30, 1972, the date by which the Commission on Railroad Retirement must submit its report to Congress and the President; and third, terminate the proposed 10-percent increase and the present temporary 15-percent increase on June 30, 1973, 1 year after the Commission has made its report and recommendations.

BENEFIT INCREASE

In recent years, benefit increases in social security and railroad retirement have been linked, with a comparable railroad retirement increase following closely behind each social security increase. This 10-percent increase contained in H.R. 6444 is necessary and desirable in order to keep pace with the recent 10-percent increase in social security benefits containd in Public Law 92–5, approved by the President on March 17, 1971, and made retroactive to January 1, 1971.

The railroad retirement system is an extremely important income maintenance program to the 980,000 current beneficiaries, and to the approximately 620,000 active railroad men and women who are now contributing to the system and are relying on its future stability at such time as they will qualify for benefits.

In my own State of California, there are some 68,000 railroad pensioners, and approximately 42,000 active railroad employees.

I am acutely aware of the needs of our retired citizens—who have already contributed their productive lives to the economic strength of this Nation—to be able to live with dignity and with reasonable assurance of an adequate retirement income in their later years.

The need to increase the benefits of railroad retirees is based upon the continually rising cost of living. This inflation has had perhaps its greatest impact on retired persons living on fixed incomes. Congress already has recognized the compelling need to provide a measure of relief from inflationary pressures for social security retirees, and equitable treatment requires a comparable increase for railroad retirees.

The proposed 10-percent increase would apply to all railroad retirement annuities and pensions except those already increased by operation of the so-called social security guarantee provision of the railroad retirement program. This provision establishes a floor under the benefit structure and assures that railroad workers and their survivors receive at least 110 percent of what they would be entitled to had they been covered under the social security system. Thus, the recent social security increase in Public Law 92–5 had the effect of increasing by 10 percent the railroad retirement benefits of approximately 281,000, or 29 percent of current railroad retirement beneficiaries. The remaining 722,000 who make up 71 percent of the beneficiaries must await the enactment of this legislation for comparable treatment. These pensioners are generally those whose entitlement is based upon longer career service in the industry.

COMMISSION ON RAILROAD RETIREMENT

The need to increase railroad retirement benefits to keep pace with the rising cost of living is great, but such increases place a potentially serious strain on a retirement system facing substantial problems. Perhaps the most serious problem has been the steadily declining level of employment in the railroad industry. Railroad employment has declined from approximately 1½ million full-time employees in 1947 to about 620,000 employees today.

The latest actuarial report on the railroad retirement system indicated that it is operating at a deficit, but there is sharp controversy over the validity of the actuarial assumptions made in this determination. In addition, serious questions have been raised concerning the investment policy of the fund—which is limited to Government securities—and whether the investment policy should be changed to obtain more favorable interest rates than are currently being paid.

In view of the serious nature of these problems and the lack of adequate information on which to base long-term solutions, Congress established an independent Commission on Railroad Retirement last year in Public Law 91–377, approved August 12, 1970. The Commission was charged to conduct a thorough study of the railroad retirement system and to make such recommendations to the Congress and the President as might be necessary to provide adequate levels of benefits on an actuarially sound basis. In addition, the Commission is directed to inquire into specific areas, including the level of benefits, the possibility of changes in the financing system, and the desirability of partial or complete merger of the railroad retirement system with social security.

It was intended in the original legislation that the Commission have a year to conduct the study and make its recommendations by July 1, 1971, with Congress thereafter having a year to study the recommendations and to take necessary legislative action prior to the expiration of the temporary 15-percent increase in benefits provided in the same law, scheduled to terminate on June 30, 1972.

However, the organization of the Commission was delayed and it did not meet until January 20, 1971. The Commission realized that it would be impossible to conduct the thorough study anticipated by Congress by July 1, 1971, and requested that its reporting date be extended for a full year. The administration strongly supports the extension of the Commission's life.

The task of the Commission is too important to expect satisfactory completion without sufficient time for a full study, and therefore the committee amended the bill to give the Commission the full year's extension it requested, rather than the 6-month's extension contained in the bill as passed by the other body.

TERMINATION DATE OF TEMPORARY INCREASES

The reason the increase in this bill is made temporary in nature is that the added costs, when combined with the costs of the 15-percent increase enacted last year, would impose a serious potential drain upon the railroad retirement system. If the increases were made permanent and no additional financing were provided, it is estimated that the railroad retirement fund—which contained approximately $4.1 billion as of May 1, 1971—would be exhausted in 20 years.

Railroad employees are now contributing 9.95 percent on the first $650 of each month's pay to the retirement program, and the wage base will increase to $750 in January 1972. Along with the social security tax rate increase the railroad retirement tax rate will increase to 10.4 percent in January 1973. Each employee's contribution is matched by his employer. It is clear that these sources of financing are already seriously strained.

A better answer is needed, and Congress expects the Commission to provide such alternatives for consideration. Thus, the solution to the financing issue must await the Commission's report on June 30, 1972.

Along with the extension of the Commission's reporting date, the committee amended H.R. 6444 to extend the termination date of the 10-percent increase to June 30, 1973, rather than June 30, 1972. Last year's 15-percent increase is scheduled to terminate June 30, 1972, and the committee amendments propose that that increase be extended to June 30, 1973.

This schedule will provide Congress a full year to consider the recommendations of the Commission—as was originally contemplated when it was established—before the temporary increases expire. Realistically, the termination date sets a deadline for congressional action, and in all likelihood the increases will be made permanent along with legislation to correct the railroad retirement system's long-term financial situation.

EXPEDITIOUS CONSIDERATION OF PROPOSED INCREASE

Mr. President, I would like to mention the expeditious consideration which this measure has received. The 10-percent increase in social security benefits was signed by the President on March 17, 1971. Immediately thereafter, I introduced S. 1304 to provide the same increase for railroad retirees. The other body held hearings on the proposed increase on March 30, 1971, and passed H.R. 6444 on April 28, 1971.

H.R. 6444 was received by the Senate on April 29, and hearings were held on May 13 before the Subcommittee on Railroad Retirement, which I chair, of the Labor and Public Welfare Committee. The subcommittee reported the bill, with amendments, to the full committee on May 21, and the full committee ordered it reported with these amendments to the Senate on June 16. The report was filed on June 17, and the Senate is considering it today at the earliest possible time, and will, I hope, act upon it favorably.

In view of the serious problems faced by the railroad retirement system which required thorough consideration, I feel that our action on this measure has been expeditious but not precipitous, and I wish to thank the ranking minority member of the Railroad Retirement Subcommittee, the Senator from Pennsylvania (Mr. Schweiker), and all members of the Subcommittee for their excellent cooperation and assistance on this bill. The members of the Committee on Labor and Public Welfare, so ably led by the distinguished Senator from New Jersey (Mr. Williams), are also due praise for their thorough study and prompt action on H.R. 6444.

Mr. President, I would like to take this opportunity also to recognize the assistance and cooperation of the distinguished Senator from Vermont (Mr. Prouty), with whom I have the pleasure of serving on the Labor and Public Welfare Committee.

One of the bills considered at the hearings on the proposed 10-percent increase, S. 1473, was authored by Mr. Prouty. His sponsorship of this measure is another of a long line of initiatives which demonstrate his great concern for retired citizens, whether they depend on the railroad retirement system for some other program.

Senator Prouty's bill differed from the measure reported primarily in a provision to assist those railroad retirees who also receive veterans' pensions. In testimony at the hearings and in discussion in the full committee, he indicated his great concern for those receiving veterans' pensions and his desire that the impact of the proposed increase to reduce some of their veterans' benefits be taken into consideration. I share that concern.

In discussions, we concluded that although his proposal to assist these veterans deserves the most careful study and consideration, the potential jurisdictional problems in dealing with a provision more directly within the jurisdiction of the new Veterans' Affairs Committee and the effect of exempting railroad retirement and not social security and civil service benefit increases might create some delay in the prompt enactment of the railroad retirement increase.

A bill with a provision similar to that in Senator Prouty's bill is now pending before the Veterans' Affairs Committee. That bill is S. 1597, sponsored by the distinguished chairman of the Veterans' Affairs Committee (Mr. Hartke) and the ranking minority member of that committee, the distinguished Senator from South Carolina (Mr. Thurmond).

As a member of the Veterans' Affairs Committee, I will join with Senator Prouty to urge the prompt consideration of S. 1597 by the Subcommittee on Compensation and Pensions, headed by the distinguished Senator from Georgia (Mr. Talmadge).

I wish to thank the distinguished Senator from Vermont (Mr. Prouty) for his cooperation in facilitating the Senate's consideration of H.R. 6444 and avoiding any potential delay in this and the other body.

CONCLUSION

Mr. President, in closing, I wish to urge Senators to join me in support of this measure today.

It is my hope that the other body will give the most serious consideration to the Senate amendments, and come to the same conclusion that led to our amendments—that the Commission on Railroad Retirement must be given adequate time to study and make recommendations to insure that the railroad retirement system will continue to provide an adequate level of benefits on an actuarially sound basis.

The unanimous agreement of the experts who testified at our hearings established the need for the extension of the life of the commission, and the administration has strongly urged the extension both in its report on the bill and in testimony at the hearings.

If the other body will agree to the Senate amendments, the measure can be sent to the President and the checks containing this increase retroactive to January 1, 1971, can be on their way to the deserving beneficiaries in a very short time.

Mr. President, I ask unanimous consent that there be printed in the Record pertinent excerpts from the report on the bill, Senate Report No. 92–206, on H.R. 6444, as amended.

There being no objection, the material was ordered to be printed in the Record, as follows:

PRINCIPAL PURPOSE OF BILL

As passed by the House, the bill would:

(1) provide a temporary 10-percent increase in railroad retirement benefits retroactive to January 1, 1971;

(2) extend by six-months, from July 1, 1971, to December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President; and

(3) terminate the temporary increase on June 30, 1972, the same date of expiration as the temporary 15-percent increase enacted in 1970.

The Committee amendments would:

(1) extend by one year, to June 30, 1972, rather than six months, the date by which the Commission must submit its report; and

(2) terminate the proposed 10-percent increase and the present 15-percent increase on June 30, 1973, one year after the Commission reports.

The reason the increase in the bill is temporary in nature is that the added costs (estimated at $118 million a year if the increase were permanent) when added to the costs of the 15-percent increase enacted last year (estimated at $147 million per year on a permanent basis) will impose a serious potential drain upon the railroad retirement system requiring further congressional consideration of the financing of the system, after receiving the recommendations of the Commission.

* * * * *

Enactment of Public Law 92–5 on March 17, 1971, had a substantial impact on the financial condition of the program and provided benefit increases to roughly one-third of the railroad retirement beneficiaries. Enactment of H.R. 6444 would provide corresponding increases to the other two-thirds of the railroad retirement beneficiaries. Exhibit A below shows the numbers of beneficiaries affected by Public Law 92–5 and those who will be affected by enactment of this bill. It also shows the average increases in benefit amounts and the total additional benefit outlays which the railroad retirement program would have for calendar year 1971 as a result of each of these bills.

EXHIBIT A.—EFFECTS OF PUBLIC LAW 92-5 AND H.R. 6444 ON RAILROAD RETIREMENT BENEFIT PAYMENTS IN CALENDAR YEAR 1971

Item	Total	Retired employees	Wives	Aged widows	Other survivors
Number receiving increase for January 1971 (thousands)[1]	[2][3]979	444	[2]212	276	51
By virtue of Public Law 92-5	[2]281	30	[2]31.	172	48
By virtue of H.R. 6444	[2][3]722	414	[2]205	104	3
Average amount of increase:[4]					
By virtue of Public Law 92-5		$19	$8	$12	$11
By virtue of H.R. 6444		19	9	7	6
Additional benefits accruing in 1971 (millions)[5]	$170				
By virtue of Public Law 92-5	42	$7	$3	$26	$6
By virtue of H.R. 6444	128	97	22	9	(6)

[1] Excludes annuities withheld or pending.

[2] Figures include about 24,000 wives who will receive increases as a result of both bills. Duplications excluded from effects of both bills combined.

[3] Total excludes 4,000 duplication for female annuitants who also receive spouses' or aged widows' benefits.

[4] For individuals receiving increase.

[5] Includes allowances for new accessions and reinstatements.

[6] Less than $500,000.

* * * * *

Exhibit B indicates the effects of Public Law 92-5 and also those of this bill on the actuarial condition of the railroad retirement program.

EXHIBIT B.—EFFECTS ON THE RAILROAD RETIREMENT SYSTEM OF PUBLIC LAW 92-5 AND H.R. 6444

	Level annual amounts in millions if 15 and 10 percent increases are—	
	Temporary	Permanent
Actuarial deficiency of railroad retirement program as of Dec. 31, 1970	$43.0	$147.0
Effects of social security legislation of Public Law 92-5:		
Additional railroad retirement tax collection	84.8	84.8
Additional railroad retirement benefit payments	−78.5	−81.5
Additional gains from financial interchange	+41.8	+41.8
Net reduction in actuarial deficiency	+48.1	+45.1
Actuarial deficiency or surplus as of Dec. 31, 1970 after recognizing social security legislation of Public Law 92-5	[1]5.1	[2]101.9
Additional benefits due to 10 percent increase in H.R. 6444	[3]15.0	117.6
Additional benefits due to extending 15 percent increase to June 30, 1973	[4]6.7	--------
Actuarial deficiency as of Dec. 31, 1970 after both Public Law 92-5 and H.R. 6444	[2]16.6	[2]219.5

[1] Surplus.

[2] Deficiency.

[3] The total outlays for the 2½ years from Jan. 1, 1971 through June 30, 1973 will be $324,000,000 and the figure in the table is the interest which the account will lose because this money will have been paid.

[4] Extending the 15 percent increase of Public Law 91-377 through June 30, 1973 will require an additional expenditure of $144,000,000 in fiscal year 1973 and the figure in the table is the interest which the account will lose because this money will have been paid.

In summary, if the bill as reported is enacted, the actuarial deficiency of the railroad retirement program will be less than $17 million per year, and this is considered within the limits of actuarial tolerance.

* * * * *

COSTS

The estimated cost of the additional benefits which would be provided by the bill as amended is $193 million during fiscal year 1972. This includes $62 million for the payment of the 10-percent increase retroactively to January 1, 1971 through June 30, 1971. During fiscal year 1973, the estimated cost would total $275 million: $131 million for the 10-percent increase, and $144 million for the one-year extension of the 15-percent increase.

The Committee estimate is based upon the Railroad Retirement Board's estimate that the 10-percent increase will require additional benefit outlays of $324 million for the 2½ years from January 1, 1971, through June 30, 1973. The Board estimates that extending the expiration date of the 15-percent increase from June 30, 1972, to June 30, 1973, will require an additional outlay of $144 million.

The bill would entail no expenditures beyond fiscal year 1973.

Mr. BEALL. Mr. President, as a member of the Railroad Retirement Subcommittee, I support H.R. 6444, which provides for a 10-percent increase in railroad retirement benefits retroactive to January 1 of this year.

Throughout the history of the railroad retirement system, railroad retirement benefits and social security benefits have been increased in comparable percentages. Earlier this year the Congress enacted legislation providing for a 10-percent increase in social security benefits, also retroactive to January 1, 1971. Elementary equity demands that the Congress now extend similar treatment to our railroad retirees.

Railroad retirees, like social security recipients and others living on fixed incomes, are having difficulties coping with the rising cost of living. They badly need this increase. There are many railroad retirees in my State. Many have written to me, and I have talked personally to a number of them about the importance of this increase to them and the urgency for early action by the Congress on the increase.

I also support the extension for the deadline of the Commission on Railroad Retirement's report. This Commission, created by Public Law 91-377, had a mandate to make a complete study of the railroad retirement system with a purpose of recommending to the Congress changes that are needed in the present railroad retirement system in order to provide adequate benefit levels on a sound actuarial basis.

In summary, this measure is one that is greatly needed, and I, therefore, hope that a resolution of the differences between the measure the Senate is passing today and the bill passed earlier by the House will occur quickly so that the increase in benefits will be reflected in the retirees' pension at the earliest possible date.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COUNTY COMMITTEES

The Senate proceeded to consider the bill (S. 1670) to amend the Soil Conservation and Domestic Allotment Act, as amended, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, after line 8, strike out the following:

(2) by deleting the words "elect annually" in the seventh sentence, and inserting in lieu thereof the words "each three years, beginning with the first election held after the effective date of this Act, elect".

On page 2, in line 3, strike out "(3)" and insert in lieu thereof "(2)";

In line 10, strike out "(4)" and insert in lieu thereof "(3)";

In line 11, strike out "(5)" and insert in lieu thereof "(4)";

In line 12, strike out "(6)" and insert in lieu thereof "(5)";

In line 17, strike out "(7)" and insert in lieu thereof "(6)";

In line 22, strike out "(8)" and insert in lieu thereof "(7)";

On page 3, in line 19, after the period, insert the following new language:

The Secretary shall by regulation make such provision as may be necessary to assure that at least one member of each consolidated county committee is elected from among the farmers in each of the counties included in whole or in part in the consolidated county area, including provision for additional members if the consolidated county area includes parts of more than three counties.

And on page 4, in line 6, strike out "(9)" and insert in lieu thereof "(8)"; so as to make the bill read:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), as amended, is amended as follows:

(1) by deleting the period at the end of the sixth sentence and inserting "except areas designated by the Secretary as a consolidated county area."

(2) by amending the eighth sentence to read as follows: "The members of the local committees shall meet annually in a county convention, or consolidated county convention, and nominate and elect a county committee, or consolidated county committee, which shall consist of three members who are farmers in the county, or consolidated county area."

(3) by deleting the twelfth sentence,

(4) by deleting the thirteenth sentence.

(5) by amending the fourteenth sentence to read as follows: "County agricultural extension agents in a county, or consolidated county area, shall be ex officio members of the county committee, or consolidated county committee."

(6) by amending the sixteenth sentence to read as follows: "In any county, or consolidated county area, in which there is only one local committee, the local committee shall be the county committee, or consolidated county committee."

(7) by inserting the following after the sixteenth sentence: "The Secretary may designate a consolidated county area consisting of more than one county or parts of counties, which shall be served by a consolidated county committee, where the Sec-

retary determines that establishment of such consolidated county area will result in a more efficient and economical operation. A consolidated county committee shall have within its area the same power and jurisdiction as a county committee has in its county. When a consolidated county area is established or changed by the Secretary, a consolidated county committee shall be elected to serve the consolidated county area. The terms of office of incumbent county committeemen serving such area shall expire when the consolidated county committee is elected. At the first consolidated county convention held after the Secretary establishes or changes a consolidated county area, one member shall be elected for a term of one year; one member shall be elected for a term of two years; and one member shall be elected for a term of three years. Thereafter, each member of a consolidated county committee shall be elected for a term of three years. The Secretary shall by regulation make such provision as may be necessary to assure that at least one member of each consolidated county committee is elected from among the farmers in each of the counties included in whole or in part in the consolidated county area, including provision for additional members if the consolidated county area includes parts of more than three counties. No member of a consolidated county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the establishment of the consolidated county area)."

(8) by amending the nineteenth sentence to read as follows: "The ex officio members of the county, consolidated county, and State committees shall be in addition to the number of members of such committee hereinbefore specified."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-207), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would amend section 8(b) of the Soil Conservation and Domestic Allotment Act, which provides for the election of county and community committees to—

(1) Permit the Secretary of Agriculture to consolidate counties or parts of counties for administrative purposes where such consolidation will result in a more efficient and economical operation; and

(2) Eliminate provision for secretaries for county and community committees.

When a consolidated county area is established, a new consolidated county committee would be elected to replace the county committee then serving. The Secretary would be required to make such provision as might be necessary to assure that at least one farmer from each county would be elected to the consolidated county committee. The Secretary would be expected in all cases to consult with the State committee before designating a consolidated county area.

COMMITTEE AMENDMENTS

The Committee amendments would—

(1) Maintain the present practice of annual elections for community committeemen, and

(2) Require the Secretary to provide, by regulation, for the election of at least one consolidated county committee member from each of the counties in the consolidated area.

The committee felt that triennial election of community committeemen might result in the entrenchment of members who might favor their own interest, and that continued annual election of community committee members would be best for the program. The committee also felt that since the farmers in different counties might have different interests, the differing interests might be best represented by requiring that at least one consolidated county committee member be elected from each county.

FLORE LEKANOF

The bill (S. 47) for the relief of Flore Lekanof was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (a)(1) of section 5723 of title 5, United States Code, or any regulations promulgated thereunder, the Secretary of the Interior is authorized to receive, consider, determine, and approve any claim filed under such section, within six months after the date of enactment of this Act, by Flore Lekanof, of the District of Columbia, for reimbursement of expenses incurred by him in moving from Anchorage, Alaska, to the District of Columbia, for the purpose of accepting civilian employment with the Department of the Interior, the said Flore Lekanof having been assured by Government officials prior to his accepting such employment that the provisions for reimbursement for travel and moving expenses of new appointees, authorized by such section, would apply to that employment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-208), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that, notwithstanding the provisions of subsection (a)(1) of section 5723 of title 5, United States Code, or any regulations promulgated thereunder, the Secretary of the Interior is authorized to receive, consider, determine, and approve any claim filed under such section, within 6 months after the date of enactment of this Act, by Flore Lekanof, of the District of Columbia, for reimbursement of expenses incurred by him in moving from Anchorage, Alaska, to the District of Columbia, for the purpose of accepting civilian employment with the Department of the Interior.

STATEMENT

The Civil Service Commission has advised this committee that it has no objection to favorable consideration of S. 47.

Records of the Civil Service Commission disclosure that Mr. Lekanof was hired by the Department of the Interior for the position of Deputy Director of Community Services in the Bureau of Indian Affairs. Mr. Lekanof was told by administrative personnel that since his position was in a manpower shortage category he was eligible for reimbursement for the expenses involved in moving him and his family from Anchorage, Alaska, to Washington, D.C. Travel orders were subsequently issued authorizing such expenses and he was required to sign an employment agreement. When he later submitted a claim of reimbursement, however, Mr. Lekanof was informed that his position was not in a manpower shortage category and that his claim for reimbursement could not be allowed.

On December 22, 1970, the authorized certifying officer for the Bureau of Indian Affairs requested a decision on Mr. Lekanof's claim from the Comptroller General. On February 26, 1971, in decision No. B-171592, the Assistant Comptroller General ruled that since the United States was not bound by the unauthorized acts of its officers and employees, the fact that Mr. Lekanof was informed that his expenses would be paid did not constitute any basis for allowance of his claim.

In its report to this committee, the Civil Service Commission stated in part as follows: accepted the position of Deputy Director of Community Services he did so with the belief that he would be reimbursed for his moving expenses as stated in his travel orders. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require Mr. Lekanof to bear the full cost of the move under these circumstances would impose an unfair and unnecessary burden on him."

The Department of the Interior, in reporting to this committee on the merits of this bill, takes the position that because this claimant acted on the erroneous advice of Interior Department officials on whom he could be reasonably expected to rely on matters of this nature, this Department recommends that this legislation be enacted.

The committee is in agreement with the views expressed by the Civil Service Commission and the Department of the Interior that this legislation should be favorably considered. Accordingly, the committee recommends favorable consideration of S. 47 without amendment.

KYUNG JO MIN AND KYUNG SOOK MIN

The bill (S. 108) for the relief of Kyung Jo Min and Kyung Sook Min was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Kyung Jo Min and Kyung Sook Min by Mr. and Mrs. Marvin Buck, citizens of the United States. The natural brothers and sisters of the said Kyung Jo Min and Kyung Sook Min shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-209), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of two alien children to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved.

MANUELA C. BONITO

The bill (S. 119) for the relief of Manuela C. Bonito was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Manuela C. Bonito shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–210), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Manuela C. Bonito. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

PARK JUNG OK

The bill (S. 1489) for the relief of Park Jung Ok was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1489

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Park Jung Ok by Mr. and Mrs. Harold David, citizens of the United States. The natural brothers and sisters of the said Park Jung Ok shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–211), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of an alien child to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved.

LEONARDA BUENAVENTURA OCARIZA AND LUCILA B. OCARIZA

The bill S. 1759 for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza, shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of that Act shall not be applicable in these cases.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–212), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve second preference status in behalf of the widow and child of a lawful permanent resident of the United States.

FOO YING YEE

The Senate proceeded to consider the bill S. 60 for the relief of Foo Ying Yee which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212(a)(19) of the Immigration and Nationality Act, Foo Ying Yee may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–213), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who has attempted to obtain a passport by misrepresentation in behalf of the son of a lawful permanent resident of the United States. The bill has been amended to correct an error in drafting.

MARIA DE LOURDES MOITOSO MOTA

The Senate proceeded to consider the bill (S. 361) for the relief of Maria de Lourdes Moitoso Mota which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Maria de Lourdes Moitoso Mota shall be held and considered to be within the purview of section 203(a)(2) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–214), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second preference status. The bill has been amended in accordance with established precedents.

NG KWOK KWEN

The Senate proceeded to consider the bill (S. 59) for the relief of Ng Kwok Kwen which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212(a)(19) of the Immigration and Nationality Act, Kwok Kwen Ng may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of Kwok Kwen Ng."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–215), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with a prior passport application in behalf of Kwok Kwen Ng. The bill has been amended to correct errors in drafting.

FUNG YUT MA

The Senate proceeded to consider the bill (S. 624) for the relief of Fung Yut Ma, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the beginning of line 5, strike out "Fung Yut Ma (Mar)" and insert "Fung Yut Ma, also known as Ma Yut Fung"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (19) of section 212(a) of the Immigration and Nationality Act, Fung Yut Ma, also known as Ma Yut Fung, may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to the grounds for exclusion under such paragraph known to the Secretary of State or the

Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

A bill for the relief of Fung Yut Ma, also known as Ma Yut Fung.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-216), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with his application for a visa in behalf of Fung Yut Ma, also known as Ma Yut Fung. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to correct the beneficiary's name.

CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, ET CETERA

The bill (H.R. 1729) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-217), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill is to give the consent of Congress to consider the land, acquired by the United States as a result of the Convention Between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land.

STATEMENT

H.R. 1729, passed by the House of Representatives, is identical to S. 730 introduced in the Senate by Hon. John G. Tower and Hon. Lloyd M. Bentsen.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

H.R. 1729, the bill reported herein, declares as a geographic part of the State of Texas a 193-acre tract adjacent to the territory of that State. The bill also cedes civil and criminal jurisdiction over this tract to the State of Texas. The tract was acquired by the United States by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, and ratified with the consent of the U.S. Senate on December 20, 1963. The convention became effective on January 23, 1964, upon exchange of the instruments of ratification.

The convention settled a boundary dispute which had disturbed relations for almost 100 years. Under the terms of the convention, the two Governments relocated at Rio Grande in the vicinity of El Paso, Tex. The centerline of the relocated river channel became the international boundary. In the relocation of the river, the United States received from Mexico a 193-acre tract adjacent to El Paso. This land borders no State except the State of Texas and its only other boundary is its international border with Mexico. The land involved is privately owned.

The measure reported herein seeks to eliminate any ambiguity concerning the status of civil and criminal jurisdiction over this tract. The State of Texas already has recognized the necessity of clarifying this status and, according to the sponsor of the legislation, Hon. Richard C. White, legislative action has been taken by the Texas State Legislature to accept the area in question as a geographical part of the State of Texas under its civil and criminal jurisdiction.

In the 91st Congress a similar bill, H.R. 8539, passed the House of Representatives on December 7, 1970.

The Department of State, the Department of Justice, and the Department of the Interior express no opposition to the enactment of this measure. Accordingly, the committee favorably recommends enactment of H.R. 1729.

The Committee on the Judiciary believes the bill is meritorious and recommends it favorably.

GHEORGHE JUCU AND AURELIA JUCU

The bill (H.R. 3929) for the relief of Gheorghe Jucu and Aurelia Jucu was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-218), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Gheorghe Jucu and Aurelia Jucu to file petitions for naturalization notwithstanding the fact they are persons whose naturalization is prohibited for a period of 10 years subsequent to termination of membership in a proscribed organization under the provisions of section 313 of the Immigration and Nationality Act.

EXTENSION OF PROVISIONS FOR THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

The Senate proceeded to consider the bill (S. 1732) to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1971".

REHABILITATIVE SERVICES

SEC. 2. (a) Section 112 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking out "60 per centum" and inserting in lieu thereof "75 per centum".

(b) Section 113(a) of such Act is amended by inserting "or by a nonprofit private agency or organization," after "other public agency or combination thereof," the first time it appears in such section.

AUTHORIZATION

SEC. 3. Section 402 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking the word "and" before "$75,000,000" and by inserting before the period a comma and the following: "and $75,000,000 for the fiscal year ending June 30, 1972".

COORDINATION

SEC. 4. Section 407 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"(a) There shall be established an Interdepartmental Council whose function shall be to coordinate all Federal juvenile delinquency programs.

"(b) The Council shall be composed of the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of such other agencies as the President shall designate.

"(c) The Chairman of the Council shall be appointed by the President, and its first meeting shall occur not later than thirty days after the enactment of this legislation.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 408(4) of this title."

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall be effective with respect to appropriations for the fiscal year beginning on July 1, 1971.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

A bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

Mr. MANSFIELD. Mr. President, for the record, I submit a statement on this measure prepared by the Senator from Indiana (Mr. BAYH). I ask that it be printed at this point in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD as follows:

EXTENSION OF THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. BAYH. Mr. President, juvenile crime has risen to unprecedented heights in this country. During the last decade, there has been 148% increase in juvenile crime, with the 10–17 year old group accounting for 48% of the arrests for major serious crimes. The fact there is 75% recidivism for persons under age 21 is evidence of the need for a new approach to this problem. There is every indication that the rate of juvenile delinquency will continue to rise unless we take immediate and effective action to meet this crisis situation.

As Chairman of the Subcommittee to Investigate Juvenile Delinquency, I plan to have the Subcommittee make an intensive study of the situation during the next several months to determine just what is necessary to provide effective Federal leadership to assist the States in meeting this serious social problem.

Although the Juvenile Delinquency Prevention and Control Act of 1968 has been underfunded, I am nevertheless urging passage of S. 1732, which provides for a one-year extension of this program. This will provide an opportunity for the Department of Health, Education, and Welfare to show its intent and capability in this field.

A number of factors have influenced my thinking in support of this extension.

The Department of Health, Education, and Welfare and the Department of Justice have agreed to work closely together to coordinate all present efforts to combat juvenile delinquency. In addition, the Secretary of HEW has initiated a study of all programs within the Department regarding juvenile delinquency in order to develop better coordination and linkage between the programs concerned. As an initial step in this direction, the Secretary has appointed the Commissioner of the Youth Development and Delinquency Prevention Administration as his manager to coordinate juvenile delinquency-related activities within the Department.

If the Act is extended, as it should be, the YDDPA in the Department of Health, Education, and Welfare will focus its efforts on the improvement on the juvenile justice system through the funding of programs and the dispensing of technical assistance to divert young people from the juvenile court and juvenile correctional facilities. Alternatives to the traditional judicial and correctional procedures must be sought, particularly for those youngsters who are arrested for noncriminal offenses such as, truancy, running away from home, curfew and loitering, who today all too often end up in a traditional training school which only furthers their knowledge of crime, rather than help them.

There is ample evidence in the Subcommittee's record that the juvenile justice system alone cannot meet the problem of delinquency. Unless we can, through prevention and rehabilitation projects, extend and strengthen the capacity of our socially deprived and handicapped youth, we will fail to make any effective impact in combatting delinquency. Thus, it is vitally important to draw on the funds and expertise of the Department of Health, Education and Welfare to effect change for the better.

It is also extremely important that the program for supporting preventive and rehabilitative services outside of the traditional juvenile justice system be adequately funded. If we support services in the traditional juvenile justice field and neglect those outside of the field, the natural result will be to draw more children into the traditional system—a system which has already demonstrated its inability to correct and which, as indicated previously, may even aggravate the problem it was originally designed to alleviate.

I believe that through the intensive work of this Subcommittee during the next few months we can come up with a legislative program which will provide an effective base for Federal leadership in this field.

However, in the interim there is a need for the provisions of the 1968 Act, and I urge its extension through the enactment of S. 1732.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–220), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The committee bill is designed to extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1971, and to strengthen its operation by making the Federal share of funding for juvenile rehabilitation projects uniform for all activities in title I of the act and consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968, by authorizing grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies and by providing adequate fiscal authorization.

The extension will serve two purposes. It will allow the Congress to complete its overview of the program administered by the Department of Health, Education, and Welfare under the act, to identify the reasons for failure of the act to fulfill its original mandate, and to formulate ways in which to improve the effectiveness of the act in combatting juvenile delinquency. This 1-year extension will also indicate to the administrators of the act that their performance is being evaluated.

The other amendments will enable the administrators of the act to provide a balanced program of preventive and rehabilitative services, and will insure formal coordination among Federal agencies responsible for juvenile delinquency prevention and control through an interdepartmental council. Further extension of the act cannot be justified unless the Department of Health, Education, and Welfare shows a marked improvement in its efforts to provide national leadership and coordination in dealing with the problems of juvenile delinquency.

In view of the need to expedite consideration of the proposed extension of the act, the committee will consider the amendments to the Federal Juvenile Delinquency Act in title 18, which sets forth the procedures for handling juveniles in the U.S. district courts, stricken from this bill, to be considered as a separate bill at a later date.

BACKGROUND

The Juvenile Delinquency Prevention and Control Act was enacted by Congress in 1968 to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement, and other agencies which deal with juveniles, and was to encompass a wide range of preventive and rehabilitative services to delinquent and predelinquent youth. The act also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for comprehensive planning, development of improved techniques and information services in the field of juvenile delinquency. The act strongly emphasized the importance of the community-based approach in prevention, rehabilitation, and training programs.

The report accompanying the act clearly sets forth the congressional intent that the act be administered as part of an integrated network of antipoverty, antislum, and youth programs. The report states that the legislation should not be just another categorical program that is administered in relative isolation from much larger efforts such as the community action program, model cities, and the Manpower Development and Training Act. Moreover, the committee amendment requires effective coordination with Justice Department programs in the delinquency area. Thus, the legislation intended that the programs administered under the act serve to coordinate all Government efforts in the area of juvenile delinquency and to provide national leadership in developing new approaches to the problems of juvenile crime.

Unfortunately, this promise has not been fulfilled. The annual report of the Youth Development and Delinquency Prevention Administration released in March 1971, acknowledges that the administration of the Juvenile Delinquency Prevention Control Act has largely been a failure. The report concludes that there is:

"Little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention * * *. The present array of programs demonstrates the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency."

The agency charged with the administration of the act has conceded its own failure to implement the goals set forth by Congress. Therefore, the act's lack of any significant success lies, to a great extent, not in the conception and design of the act, but rather, in its inadequate administration. Only a small proportion of the amounts authorized by Congress has ever been appropriated. Even more significant is that the Department of Health, Education, and Welfare, charged with the responsibility of administering the act, has failed to request anywhere the full authorization for each fiscal year.

NEED FOR LEGISLATION

The problem of juvenile crime in this country has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent.

Despite all the efforts being made to curtail delinquency, the recidivism rate for offenders under the age of 20 is 74 percent. While children between the ages of 10 to 17 make up only 16 percent of the national population, they account for more than 48 percent of all arrests for major serious crimes. This was the largest percentage of any age group in the entire country.

Juvenile crime takes an enormous toll each year. Last year alone, the material cost was more than $4 billion. Even more costly was the immeasurable losses in human terms by both the victims of juvenile crimes and by juveniles themselves. The intangible effects in terms of public fear and private despair are even greater.

In response to the growing crisis of juvenile crime, Congress enacted the Juvenile Delinquency Prevention and Control Act in 1968. The act provided a sound structure for a coordinated Federal approach; its relative ineffectiveness in its 3 years of operation has been a result of weakness in administration rather than of faulty conception.

The Secretary of Health, Education, and Welfare and the Attorney General apparently acknowledged their failure to coordinate the Federal effort directed at the problem of juvenile delinquency. Consequently, they have agreed that HEW will concentrate its efforts on children who are outside or who have been diverted from the traditional juvenile justice system and LEAA will focus its efforts on programs administered by the traditional juvenile justice system. It is intended that such a realinement of emphasis will avoid past duplication and facilitate a coordinated Federal response to the problem.

In addition a structured coordinating mechanism is provided for by one of these amendments. It would establish an interdepartmental council consisting of representatives of Federal agencies involved in the area of juvenile delinquency. The council will meet on a regular basis to review the efforts of the various agencies in combating juvenile delinquency and make certain the overall Federal effort is coordinated and efficient.

Congress has a responsibility to see that the act is made to work as it was intended, and to take whatever steps are necessary to insure that it operates successfully in the future. By extending the act for 1 year, Congress will be able to review carefully the operation of the act, assess the roles of HEW and LEAA, and make whatever changes appear necessary to insure its effectiveness. Extension of the act beyond the 1-year period will depend on actual performance rather than on mere good intentions.

EXPANSION OF AGRICULTURAL EXPORTS

The bill (H.R. 1161) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–219), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION

The purpose of H.R. 1161 is to remove a restriction in present law which prevents the American wine industry from participating in export promotion activities under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83–480, as amended).

Section 402 of Public Law 480 specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program. This provision has been construed by the U.S. Department of Agriculture not only to prohibit alcoholic beverages from being eligible for concessional sales and donations under the act, but also as prohibiting the display or advertising of American wines at overseas trade fairs and market promotion activities sponsored by the Department.

This bill would merely remove the restriction on foreign market promotion activities for domestic wine. Under the bill, wine as well as all other alcoholic beverages would continue to be ineligible for title I concessional sales (either for dollars or for foreign currency) and for donation programs under title II of the act.

NEED FOR LEGISLATION

The committee feels that the expansion of all agricultural exports is clearly in the national interest. The development of new foreign markets for American wine would improve the U.S. balance of trade and balance-of-payments position, create new jobs and employment opportunities within the United States and permit U.S. farmers to produce for an expanded market.

The committee also feels that unless the domestic wine industry is able to display and promote its products at trade fairs and other foreign market development events, it will be seriously and unnecessarily handicapped in its efforts to capture new and greater markets throughout the world.

It should also be noted that prior to the 1966 amendments to section 402 of Public Law 480, the present restrictions on cooperative market promotion activities were not in effect.

PREVIOUS SENATE ACTION

Last year, on December 9, 1970, an identical bill, H.R. 14169, was reported favorably by the Senate Committee on Agriculture and Forestry.

On December 17, 1970, H.R. 14169 passed the Senate with a non-germane amendment relating to land-grant colleges being established in Guam and the Virgin Islands. Due to the lateness of the action of the Senate, a conference was not held.

H.R. 1161 is identical to H.R. 14169 as introduced and passed in the House of Representatives in the 91st Congress, and reported by the Senate Committee on Agriculture and Forestry.

DEFINITION OF "DOMESTIC WINE"

The House Agriculture Committee's report on the bill indicates that (1) the term "domestic wine" as used in this bill shall mean wine prepared from grapes and all other fruits, as well as from other agricultural or horticultural plants, such as, for example, berries and peaches; (2) such products as sparkling burgundy, champagne, and brandy would be within the purview of the phrase "domestic wine"; and (3) other alcoholic beverages, such as, for example, whisky or beer would not be included within the definition of the term "domestic wine."

The Senate Committee on Agriculture and Forestry agrees with that intent.

COST ESTIMATE

It is the estimate of the committee that the enactment of H.R. 1161 would not materially increase Government costs in the current or 5 subsequent fiscal years. This is consistent with the estimate contained in the report from the Department of Agriculture which is attached hereto.

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "STUDY MISSION TO CENTRAL AND EAST AFRICA" AS A SENATE DOCUMENT

The Senate proceeded to consider the resolution (S. Res. 129) to authorize the printing of a Senate document of a report entitled "Study Mission to Central and East Africa", which had been reported from the Committee on Rules and Administration with an amendment in line 4, after the word "that", strike out "twenty" and insert "eleven"; so as to make the resolution read:

Resolved, That there be printed, as a Senate document, a report entitled "Study Mission to Central and East Africa", submitted by Senator Gale W. McGee to the Senate Committee on Appropriations and that eleven thousand additional copies be printed for the use of that committee.

The amendment was agreed to.

The resolution, as amended was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–221), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 129 as referred would provide (1) that there be printed as a Senate document the report entitled "Study Mission to Central and East Africa," submitted by Senator Gale W. McGee to the Senate Committee on Appropriations; and (2) that there be printed 20,000 additional copies of such document for the use of that committee.

The Committee on Rules and Administration has amended Senate Resolution 129 by reducing the number of additional copies from 20,000 to 11,000, the maximum obtainable under the statutory $1,200 limitation on simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$863
11,000 additional copies, at $109 per thousand	1,199
Total estimated cost, S. Res. 129	2,062

AUTHORIZATION FOR THE COMMITTEE ON VETERANS' AFFAIRS TO EMPLOY ADDITIONAL CLERICAL ASSISTANTS—MOTION TO RECONSIDER ENTERED

The Senate proceeded to consider the resolution (S. Res. 100) authorizing the Committee on Veterans' Affairs to employ additional clerical assistants which had been reported from the Committee on Rules and Administration with amendments in line 2, after the word "authorized", strike out "until otherwise provided by law" and insert "through February 29, 1972"; and in line 3, after the word "employ", strike out "five" and insert "three"; so as to make the resolution read:

Resolved, That the Committee on Veterans' Affairs is authorized, through February 29, 1972, to employ three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–222), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 100, as referred, would authorize the Committee on Veterans' Affairs, until otherwise provided by law, to employ five additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriations Act, 1968, as amended.

Pursuant to section 202 of the Legislative Reorganization Act of 1946, as amended, each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint as a permanent staff not more than six professional staff members and not more than six clerical assistants. The five additional clerical assistants which Senate Resolution 100 would authorize, would increase the permanent clerical staff of the Committee on Veterans' Affairs to eleven.

The Committee on Rules and Administration has amended Senate Resolution 100(1) by reducing the additional clerical assistants for the Committee on Veterans' Affairs from five to three, and (2) to provide that such additional clerical assistants shall be temporary (through February 29, 1972), rather than permanent.

Justification for the proposed increase in clerical staff is expressed in letters addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Vance Hartke, chairman of the Committee on Veterans' Affairs, which letters are as follows:

U.S. Senate,
Committee on Veterans' Affairs,
Washington, D.C., April 21, 1971.

Hon. B. Everett Jordan,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Committee on Veterans' Affairs has reported Senate Resolution 100, requesting authorization to employ additional clerical assistants and the resolution is now pending before your committee. This request was made in order to supplement the staff of the committee, which by reason of its activities and character, is called upon to respond to the interests and needs of a veteran population of over 27 million.

This newly constituted committee must be responsive to almost 48 percent of the Nation's population, either directly to the veteran, and to his surviving dependents or indirectly to the veterans' family members.

The Veterans' Affairs Committee's areas of legislative concern and responsibility are: veterans' measures generally, pensions, life insurance, compensation, vocational rehabilitation and education, hospitals, soldiers and sailors civil relief, readjustment and national cemeteries. These extremely important veterans' matters generate masses of inquiries and communications from veterans and persons vitally concerned in pending and proposed legislation affecting them.

The committee or its subcommittees will be conducting hearings and investigations on extremely important questions and issues concerning the quality and quantity of benefits, care and treatment, economic ills and the readjustment and education of veterans of all wars and the returning Vietnam veteran. One such urgent matter is the proposed reduction of hospital beds in Veterans' Administration facilities.

The magnitude of these areas of concern requires expansion of the committee's capacity, to function effectively and efficiently. The committee clerical staff as presently constituted consists of a chief clerk, assistant chief clerk and technical advisor, office manager, fiscal clerk, bills and records clerk and minority secretary. There is no staff available to fulfill the stenographic and typing requirements of the committee. These additional funds are requested in order that the committee's responsibility to the Senate may be met and to assure that our Nation's veterans receive the consideration they so greatly deserve.

Sincerely,

Vance Hartke,
Chairman.

Mr. ELLENDER subsequently said: Mr. President, I am aware that the Senate had before it for consideration this morning Calendar Order No. 216, Senate Resolution 100, a resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants. I wish to move to reconsider the action by which the resolution was agreed to.

The Committee on Veterans' Affairs, a standing committee of the Senate, has, under the rules, six professional and six clerical members of its staff. I understand that the committee is not organized yet. Nevertheless, it has asked for three more clericals. I think that we ought to look into that request a little further.

As I stated in the early part of the year, this committee was created to take over some of the work of the Committee on Labor and Public Welfare and the Committee on Banking, Housing and Urban Affairs. It strikes me that we ought to have looked into the request a little further before the resolution was agreed to. Therefore, I enter a motion to reconsider.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The motion will be entered.

SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 109) authorizing special supplementary expenditures by the Committee on Banking, Housing and Urban Affairs for an inquiry and investigation pertaining to the securities industry, which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments, and from the Committee on Rules and Administration, with amendments.

The amendments of the Committee on Banking, Housing and Urban Affairs are as follows:

On page 2, line 10, after the word "from", strike out "such date" and insert "the date this resolution is agreed to"; in line 12, after the word "exceed", strike out $333,240" and insert "the sum of $257,400"; and in line 15, after the word "United", strike out "States and such committee having been unable to offer an annual authorization resolution within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1916 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study. Of such $333,240, not to exceed $33,240 may be expended for the procurement of individual consultants or organizations thereof." and insert "States. Such sum is in addition to the amount specified in section 2 of Senate Resolution 29, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution.

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 12, after the word "of", strike out "$257,400" and insert "$166,700"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $166,700 to examine, investigate, and make a complete study of any and all matters pertaining to the securities industry and the securities markets of the United States. Such sum is in addition to the amount specified in section 2 of Senate Resolution 29, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution.

Sec. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–223), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 109 as referred would authorize the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $257,400 to examine, investigate, and make a complete study of any and all matters pertaining to the securities industry and the securities markets of the United States. These funds would be in addition to the $330,000 authorized for use by that committee by section 2 of Senate Resolution 29, agreed to March 1, 1971.

The Committee on Rules and Administration has further amended Senate Resolution 109 by reducing the requested amount from $257,400 to $166,700, a reduction of $90,700.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 109 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution this year:

"Such sum * * * was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures by, the study to be undertaken pursuant to this resolution."

Additional information relative to the purposes of Senate Resolution 109 is contained in a letter addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator John Sparkman, chairman of the Committee on Banking, Housing and Urban Affairs, which letter (with accompanying budget) is as follows:

U.S. Senate, Committee on
Banking, Housing and Urban Affairs,
Washington, D.C., April 28, 1971.

Hon. B. Everett Jordan,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am requesting your committee's consideration of the resolution unanimously reported from the Committee on Banking, Housing and Urban Affairs to authorize additional expenditures to carry out an in-depth study and investigation of the problems and issues pertaining to the securities industry and the securities markets of the United States.

The committee through its Securities Subcommittee will undertake a thorough study of the financial structure of our Nation's securities industry and the adequacy of the self-regulatory scheme under which that industry is regulated.

Included in the study will be the topics of minimum capital requirements for broker-dealers, the withdrawal of capital by partners in brokerage firms with little or no notice, the public ownership of broker-dealers, the Stock Exchange commission rate structure, institutional membership on the New York Stock Exchange, free credit balances held by the broker-dealers, and the hypothecation of customers' securities and the question of automation in the securities industry.

Also to be included is the unique regulatory scheme under which the securities industry currently operates. Under this scheme primary jurisdiction in the areas of capital rules, broker-dealer inspections, Stock Exchange membership, commission rates, and in many cases the antifraud sections of the Securities Exchange Act are vested in various industry self-regulatory bodies such as the New York Stock Exchange and the National Association of Securities Dealers with Securities and Exchange Commission oversight.

During hearings held by the Securities Subcommittee prior to the passage of Public Law 91–598, it was found that the New York Stock Exchange in particular had been most lax in fulfilling its self-regulatory obligations and that the SEC had not provided sufficient governmental oversight. Therefore, the subcommittee intends to examine the entire self-regulatory framework of the industry in depth.

In making its study the subcommittee will attempt to develop a comprehensive program along with legislative recommendations which will update our Securities Acts to meet the needs of the coming decade.

The committee's request for additional funds was not submitted within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1946 because the committee was unable to form its objectives and goals within the prescribed time.

At the committee's organizational meeting on February 9, 1971, it was agreed that the Securities Subcommittee of which Senator Harrison A. Williams, Jr., of New Jersey is chairman would conduct a study of the securities industry. During the ensuing period of time, specific functions, goals, and objectives were established for the subcommittee. Members of the committee staff worked together with Senator Williams and myself to determine the scope of the study and its objectives. On April 27, 1971, the full committee agreed to the enclosed budget request for additional funds.

As you know, the staff of the Senate Committee on Banking, Housing and Urban Affairs is one of the smaller staffs of any standing committee of the Senate. Therefore, the committee determined that additional staff assistance would be needed for the ambitious role of the Securities Subcommittee study. In addition, the Securities Acts, the securities industry, and its regulatory scheme are extremely complex.

In order to undertake the study the committee plans to hire nine full-time staff members, all of whom would have particular expertise in the field of securities. I would expect that these staff members would come from the academic community, from the securities industry and from the Securities and Exchange Commission. The committee does not wish to build up a highly paid professional staff on a permanent basis and would therefore only request the employment of these additional staff members for the duration of the study.

It is the intention of the committee to seek out for employment on this basis the best talent and the most expert advice that is available in the field of securities. Hopefully the committee will be able to engage the services of people who have done creative and productive thinking concerning the best methods to solve the problems which now beset the securities industry.

Total administration expenses in the committee budget are $35,590. Of this amount the largest single item is $8,500 for reimbursement payments to agencies. It was thought that at some point the committee would wish to engage the services of an experienced employee of the General Accounting Office to analyze various accounting and bookkeeping procedures used in the securities industry. Of course, it would be necessary to reimburse the General Accounting Office for the extended use of such an employee.

It is the objective of the committee to conduct a thorough study and investigation of the securities industry. Hopefully, the gathering of data, hearings and intensive staff analysis can point to solutions to some of the problems now besetting that industry and our Nation's securities market. Also, it is hoped that the committee's experiences will enable it to make meaningful recommendations to the Congress. It is expected that many of these recommendations will take the form of proposed legislation.

With every good wish, I am,

Sincerely,

JOHN SPARKMAN,
Chairman.

Mr. MANSFIELD subsequently said: Mr. President, during consideration of the call of the calendar today, the Senate passed Senate Resolution 109. The amendments to Senate Resolution 109 were considered en bloc. There was one place in the resolution where there was an amendment to an amendment.

In order to clarify the action of the Senate, I ask unanimous consent that the amendment to substitute $166,700 for the figure $257,400 be the prevailing figure rather than that which was adopted by the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. For the information of the Senate, and with the consent of the Senate, if the opportunity arises later in the day, it is the hope of the joint leadership to proceed to the consideration of Calendar No. 218, H.R. 8825, and if it is not possible today, at the latest, hopefully, tomorrow evening.

WHAT IS A MONTANAN?

Mr. MANSFIELD. Mr. President, the people of Montana are extremely proud of the Big Sky Country and, occasionally, a fine statement about what Montana means comes to my attention. Just recently, I received a copy of Norma Beatty Ashby's essay, "What Is A Montanan?" Mrs. Ashby is active in Montana's television industry and journalism and has captured in words what the Treasure State really means to its residents.

I ask unanimous consent to have this essay printed in the RECORD at the conclusion of my remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT IS A MONTANAN?

(By Norma Beatty Ashby)

What is a Montanan? You might say he's a special breed of man.
He's stubbornly honest. He's sincere. He's generous.
A Montanan is on an oasis removed from the drastic social problems of our time. And yet the Montanan cares about these problems.
A Montanan is unimpressed with pretense.
He's a proud man who resents outsiders telling him how to run things.
But he enjoys showing his state to visitors.
A Montanan is one of the friendliest men you'll ever meet.
He's a family man.
He's a sportsman. A fisherman, a hunter, a skier, a swimmer, a golfer, a backpacker.
A Montanan delights in exploring this big country he calls home.
You'll find him on the most remote mountain peak, on the lake, the stream, and on the prairie.
A Montanan knows the land. The joy of planting crops and seeing their successful yield.
He knows livestock and the satisfaction that comes with a good price at market.
The elements have not been kind to the Montanan. The strong winds, the long winters, the hot scorching sun have brought lines to his face and gray to his hair too soon.
And yet they have not daunted his appreciation for the seasons.
A Montanan enjoys animals. He has an enormous variety of them within the boundaries of his state, from chipmunks and squirrels and marmots to moose and elk and deer and grizzly bear.
He is an historian who is fascinated with his state's heritage.
A Montanan is a writer, a poet, an artist, an architect, a musician, a sculptor, a potter, who is inspired by his environment to create beauty.
A Montanan is a character who has a funny story to tell.
He is a soldier, a sailor, a marine, an airman who is willing to serve his country whenever he's called.
A Montanan is a young person eager to have his say.
He is a businessman who realizes his profits might be bigger someplace else but prefers his way of life in Montana to finding riches elsewhere.
For the Montanan knows wealth is not measured in gold and silver but in peace with his Creator and harmony with his fellow man.
The true Montanan believes that along with the state's mountains, sky, streams, forests, minerals, air and wildlife, the human beings who live there with him have the potential to become Montana's greatest natural resource.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Alaska (Mr. GRAVEL) is now recognized for not to exceed 15 minutes.

Mr. GRAVEL. Mr. President, I ask unanimous consent to vacate that order.

The PRESIDENT pro tempore. Is there objection?

Mr. MANSFIELD. Mr. President, what was the request?

The PRESIDENT pro tempore. To vacate the previous order recognizing the Senator from Alaska for 15 minutes.

Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 15 minutes.

REPORT ON THE MEETING OF THE INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, in deference to the views of the leadership, I shall do my best to shorten my remarks.

Mr. MANSFIELD. No; the Senator should use his full 15 minutes.

Mr. JAVITS. Mr. President, I have asked for this time this morning because the Senate designated me as its observer at the 56th Annual Conference of the International Labor Organization; and, while I could not be there more than 2 days, I did have my assistant, Mr. Eugene Mittleman, minority counsel of the Labor and Public Welfare Committee, there; and I deeply believe, Mr. President, between him and myself, we have a very good rundown on the situation.

While in Geneva, I had the opportunity to meet with Mr. Wilfred Jenks, the Director-General of the ILO, and with the tripartite U.S. delegation. The chief U.S. Government delegates are Assistant Secretary of State Samuel De Palma and Deputy Under Secretary of Labor George Hildebrand; the U.S. worker delegate is Rudolph Faupl; the U.S. employer delegate is Edwin Nielan. These delegates, and their advisers, are distinguished Americans, highly competent to represent the United States at this difficult juncture in our relationship with the ILO.

Mr. President, this is a matter of high importance, for this reason: Notwithstanding an effort here, the Senate denied the payment of dues which were legitimately due from the United States to the ILO last fall. I myself handled the amendment on the floor, so I am intimately familiar with it. The result was very considerable embarrassment to the United States and the world, but the Senate, and apparently the House of Representatives as well, felt that the grievances which we had against the ILO operation were so profound that we really had to indicate our displeasure in the way which I have stated.

My own opinion is that it was an unwise method by which to indicate our displeasure, but nonetheless, it was done, and I had to cope, when I was there, with an accomplished fact rather than a theory.

Most responsible opinion, including those who oppose the payment of dues, is that we should pay our dues and not withdraw from the ILO. Great nations cannot engage in these maneuvers. You either get out and do not pay your dues or you stay in and fight like a tiger, and I recommend the latter. The purpose of my report is to indicate that it can be done effectively, and I hope very much that it will be done effectively.

Our problems with the ILO have been much discussed in the past year, and clearly we are now at the crossroads concerning our relationship with the organization. Our decision to cut off funds from the ILO last year has already had a serious impact on the organization. Any further withholding of our dues would force permanent cutbacks in ILO operations, with the most serious ramifications, especially in the developing countries of the world. It is my judgment that if we continue to withhold our dues the ILO would simply contract its operations, assume we were out, and its whole character would take on a very serious Communist-oriented quality, which I think would be very deleterious to the whole desire of the United States for greater freedom in the world.

There has been some talk about our serving a notice of withdrawal in order to give them notice that we will get out unless they behave. This is playing "dog in the manger," and I do not think it is the right way to do it, either.

In this report, I shall attempt to analyze the difficulties which have arisen for the United States in the ILO and explain why I believe we should pay our dues and fight like tigers, as I have said, within the ILO to solve our problems—the problems are real; I would not beg that question for a minute—rather than to withdraw from the ILO.

Some of our complaints are very well founded and need to be remedied. But many of them have sprung from the inescapable facts of modern international life—we have great competition in the world—and the rest are attributable to our own failure to devote sufficient time, energy, and resources to matters of concern to us within the ILO.

Most of our difficulties with the ILO stem from the apparent willingness of the members of the ILO and the International Labor Office—the Office functions as the Secretariat of the ILO under the Director-General—to make certain concessions to the Soviet Union and other Communist nations on questions which the United States, or at least some members of our delegation, believe involve matters of basic principle. It is alleged that in far too many cases a "double standard" has been applied within the ILO whenever the activities of Communist countries have been questioned; that too often the Office or the members of the organization have either looked the other way where the Communists are concerned, or have bowed to direct pressure from the Soviet Union and its Eastern European satellites.

THE APPOINTMENT OF A RUSSIAN AS AN ASSISTANT DIRECTOR-GENERAL

The episode which precipitated the current controversy was the appointment by Mr. Jenks, just after his election as the new Director-General, of a Soviet national, Pavel Astapenko, as one of the five Assistant Director-Generals on the third tier of the Office hierarchy—there are three Deputy Director-Generals above the Assistants. The appointment was made in response to U.S.S.R. insistence and against the known position of the United States. This was a bad error in judgment on Mr. Jenks' part, and I questioned him sharply about it.

Prior to the Astapenko appointment, the U.S.S.R. had long complained about the absence of any citizen of a Communist nation from the top levels of the Office hierarchy, and the appointment of such a person as one of the Assistant Director-Generals was a simmering issue in the ILO for a number of years. The United States has always opposed such an appointment, and prior to his election Mr. Jenks was informed by the United States that the appointment of a Soviet citizen as an Assistant Director-General would be a matter of the most serious concern to the United States.

Mr. Jenks was elected as Director-General in May 1970, after the resignation of David Morse, the distinguished American who served as Director-General of the ILO for over 20 years. U.S. support was critical to his election; he won by only two votes.

Despite this history, in June 1970 Mr. Jenks simply informed the U.S. delegation that he had already decided to appoint Mr. Astapenko as an Assistant Director-General and invited the United States to submit names of qualified candidates for appointment to another Assistant Director-General post. For obvious reasons, we did not accept this offer; indeed, we were so shocked by Mr. Jenks' action in appointing Mr. Astapenko under these circumstances without even consulting us that we began to reconsider our whole relationship with the ILO. The immediate result was the refusal by Congress to appropriate funds to pay our ILO dues for the last half of 1970.

Insofar as the merits of the Astapenko appointment are concerned, there is a reasonable argument to be made that at least one citizen of a Communist country should be included among the top officers of the ILO; for example, they hold similar positions in other specialized U.N. agencies. Undoubtedly the U.S.S.R. felt as strongly about the appointment, from their point of view, as we did from ours; indeed, many observers believe that the appointment was inevitable, given the merits of the Soviet argument, and the certainty that sooner or later the U.S.S.R. and her allies would withdraw from the ILO if the appointment was not made. Thus, Mr. Jenks may well have believed that to delay the appointment was merely to postpone the inevitable, and that he was better off to get the matter over and done with at the outset of his term of office. That is, in fact, the impression he conveyed to me during our meeting. Certainly there is no evidence to suggest that Mr. Jenks acted out of any ideological convictions in favor of the U.S.S.R. or against the United States.

Regardless of Mr. Jenks' motives, however, there is no escaping the fact that the timing of the appointment, and Mr. Jenks' failure to consult the United States about it—rather than merely inform us—constituted almost a deliberate affront to the United States. Even more important, it evidenced a serious misapprehension on his part of the depth of U.S. dissatisfaction with the trend of events in the ILO in recent years. In that connection, it deserves emphasis that the dispute over the Astapenko appointment is really only a surface issue. All other things being equal, we probably would not have opposed the appointment of a Soviet citizen to a high post within the Office; and the current dispute over the Astapenko appointment should not be permitted to obscure the underlying reasons for our disenchantment with the ILO. If our legitimate complaints can be resolved satisfactorily, and I believe many of them can be, then our rightful disaffection over the Astapenko appointment should not prevent us from continuing as a member of the ILO, and paying our dues. To these other complaints I now turn.

THE USE OF THE ILO AS A FORUM FOR ANTI-U.S. PROPAGANDA

The most nettlesome problem for the United States in the ILO in recent years has been that the Office and the members of the ILO have permitted ILO meetings to be used as forums for anti-American diatribes on subjects wholly irrelevant to the business of the ILO. We, of course, have replied in kind to these attacks, but that is not the main point. For the use of the ILO as a forum for propaganda subverts its whole purpose and, on occasion, has seriously disrupted its normal work; yet despite our repeated protests, until last year the rule for debate at the ILO conferences seemed to be "anything goes." During many recent annual conferences dozens of anti-American tirades were heard during debate in plenary sessions and in discussions in working committees.

We must, of course, expect a certain amount of polemics in any international organization, particularly one such as the ILO which deals with sensitive economic and social issues. Indeed, freedom of speech is essential to the proper function of international organizations like the ILO.

It is clear, however, that the anti-American harangues delivered by various delegates from Communist nations in recent years at ILO meetings have exceeded all legitimate bounds of debate on the issues with which the ILO is concerned. We should and do recognize the right of other nations to argue about the issues of concern to the ILO, even if that involves criticism of the United States; but we are not bound to acquiesce to efforts to subvert the worthy purposes of the ILO by turning it into a vehicle for spreading anti-American propaganda.

The responsibility for limiting debate in the ILO rests primarily with the officers of the conferences and the committees, who are elected by the delegates, but employees of the International Labor Office, which furnishes the key staff assistance to the officers, also play an influential role in controlling debate. Until last year, neither the officers of the conference nor the employees of the Office evidenced any real concern over attempts by delegates from the U.S.S.R. and her allies to turn ILO meetings into propaganda forums.

Fortunately, during the past year this policy seems to have changed. At the maritime and metal trades conferences last fall the chairman's gavel finally began to fall to cut off irrelevant polemics. Also, the official memorandum for the current annual conference, prepared by the Office, emphasizes the need to limit debate to issues on the Conference agenda and in the Director-General's report. The same point was made at the outset of the current conference by Mr. Simeon Olujimi Koku, the chairman of the governing body, and by the Director-General in his report. So far these admonitions appear to have been heeded in the current Conference.

A related problem, on which progress also seems to have been made, is the occasional inclusion in ILO periodicals of articles amounting to Soviet propaganda. Particularly egregious was the publication of an article in the International Labor Review entitled "Lenin and Social Progress" which holds up the revolution of the proletariat as the best road to social progress. The American delegation has strongly protested this misuse of ILO publications and has been assured that in the future their editorial content will be much more carefully scrutinized by the Office to insure that no propaganda is included.

THE EROSION OF TRIPARTISM

The ILO is unique among international organizations in that it has a tripartite structure: governments, workers, and employers participate and vote—independently—in all aspects of ILO deliberations. This basic concept of tripartism is one of the great strengths of the ILO, and it is the focal point for many of the questions which have been raised concerning the treatment of the Communists within and by the ILO.

The heart of the tripartite principle in the ILO is the independence of the employer and worker groups from government control. Under the ILO, member governments appoint employer and worker delegates selected by the most representative organizations of employers and workers, respectively, in each country. Thereafter the employer and worker delegates have the right and are expected to act and vote independently of their governments.

The tripartite principle is reflected fully in the ILO conference structure. Each group—government, employer, and worker, is organized autonomously at the various Conferences held by the ILO. In each conference committee the three groups are represented equally, by delegates selected by each group acting autonomously. Each group also elects its own officers. Similarly, the governing body of the ILO, analagous to a board of directors, consists of 24 government delegates, 12 employer delegates, and 12 worker delegates, elected by their own groups, respectively.

Believing as we do in America in full freedom of association and independence for employers and trade unions, from our point of view the ILO concept of tripartism is wholly consistent with the fundamental political and economic principles upon which we operate; accordingly we have, since joining the ILO in 1934, always sought to maintain the tripartite principle, and have resisted attempts to weaken it.

The Soviet Union, and its satellites in Eastern Europe, on the other hand, do not operate on the tripartite system—under communism there are no employers independent of the government and the party; nor do Communist trade unions enjoy the independence and autonomy taken for granted in America and most other non-Communist countries.

This lack of true freedom of association within the Communist countries raises two critical issues within the ILO. The first is whether the ILO should apply its own Freedom of Association Convention—No. 87—to the Soviet Union, which has ratified it; the second is the status which should be accorded to worker and employer delegates to the ILO from Communist countries if they are merely agents of their governments.

APPLICATION OF THE FREEDOM OF ASSOCIATION CONVENTION TO THE SOVIET UNION

The Freedom of Association Convention is generally regarded as one of the most important of all the ILO Conventions. Its key provision is article 2, which provides:

> Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

In 1962 and in previous years the Committee of Experts on the Application of ILO Conventions and Recommendations, an independent quasi-judicial body which investigates and reports on the extent to which ILO Conventions have been complied with, specifically reported the Soviet Union to be in violation of the Convention. Among other things, the Committee of Experts found that provisions of the Soviet labor code which require unions to register with the Soviet All-Union Central Council of Trade Unions violated the provisions of the convention which guarantee workers and employers the right to form organizations of their own choosing, without the need for previous authorization.

Normally, in the case of a serious violation of an important ILO Convention found by the Independent Committee of Experts, the matter is taken up by the ILO Conference Committee on the Application of Conventions and Recommendations, and if the Conference committee is not satisfied that appropriate steps have been taken to bring the offending nation into compliance, the name of the offending nation is included on a special list of nations not in compliance with conventions. Other steps may follow.

In the case of the Soviet Union, in 1962 and previous years, although the Conference committee did file reports approving the reports of the Committee of Experts, which were adopted by the full ILO conference in plenary session, the Communists, by filibustering the question in committee, blocked action to include the U.S.S.R. on the list of serious violators of ILO Conventions. In 1962, after several years of acrimonious, but inconclusive debate, the employer and worker delegates on the Conference committee agreed, apparently at the suggestion of the office, simply to drop the matter, at least until some change occurred in law or practice in the U.S.S.R. Since it was obviously futile to press the issue, the American delegation had to go along, and there the matter has stood since 1962.

There is, however, a reasonable likelihood that this important issue will be reopened in the near future. This year, the Committee of Experts has reviewed its earlier findings in the light of the enactment of a new Soviet labor code. The committee found that nothing in the new code is sufficient to alter its previous conclusion that the Freedom of Association Convention is not being observed in the Soviet Union.

THE STATUS OF COMMUNIST WORKER AND EMPLOYER DELEGATES

When the U.S.S.R. and other Communist states were readmitted to the ILO in 1954, issues immediately arose concerning the recognition of Communist "worker" and "employer" delegates by their non-Communist counterparts. The non-Communist employer delegates simply refused to recognize employer delegates from Communist countries as true employers, rather than mere agents of their respective governments. Initially, this policy was carried to the point of excluding Communist "employer" delegates from any assignments to ILO conference committees where, as in our Congress, much of the real work is done.

Communist worker delegates also had difficulty finding acceptance by their non-Communist counterparts. They were not excluded from committees, the way the Communist employer delegates were, but for years not a single Communist worker delegate was elected to serve as one of the 12 worker members of the governing body.

Communist government delegates have naturally experienced less difficulty in being fully accepted, but for many years no Communist government delegate was elected as president—presiding officer—of the annual conference or as the worker or employer vice president of an annual conference. The president is usually a government delegate and by custom is selected from a specific geographic area on a rotation basis; there are three vice presidents; workers, employer, and government.

All of this has gradually changed during the past 10 years, sometimes with the consent of the American delegates directly involved, but sometimes over their objection.

Thus, through a series of compromise arrangements the non-Communist employers—with at least tacit American consent—have agreed to allocate two seats to Communist employer delegates on most of the conference committees. Similarly the inability of the Communists to win election to the presidency of the ILO annual conference or to the worker or employer vice presidency, led to the custom of selecting a Communist as the government vice president. In 1966, however, this tradition was shattered when a Communist government delegate was elected to the presidency of the annual conference by one vote over a Dutch candidate, resulting in the walkout of the American worker delegation. It has been alleged that the office helped swing the election to the Communists, but the crucial factor seems to have been the opposition of many African delegates to any Dutch candidate because of another matter completely unrelated to the ILO.

Also in 1966, for the first time a Communist worker delegate—U.S.S.R.—was elected by his colleagues to serve on the governing body; he was reelected in 1969. Our worker delegate opposed his candidacy. To this day no Communist employer delegate has been elected to the governing body.

This increasing recognition of Communist worker delegates is partially attributable to a change in the membership of the ILO, parallel to that which has occurred in other U.N. agencies, which has given a greater voice to the developing countries, many of which are neutralist in the East-West struggle. It also reflects a change in attitude by many free trade unions toward Communist unions which has led them to seek greater detente with the Communists through exchanges, et cetera. This change in attitude is not shared by our AFL–CIO, which has now withdrawn from the International Confederation of Free Trade Unions, at least partially over this issue. Needless to say, this withdrawal has not made it any easier for us to marshal support for our positions in the ILO.

THE FUTURE OF TRIPARTISM AND THE AMERICAN ROLE IN THE ILO

It is apparent from the foregoing that significant changes have taken place in the ILO since the readmission of the Soviet Union in 1954. One cannot help but understand the frustration of our American delegation as it has witnessed the enhancement of the status and influence of the Communists in an organization whose basic principles are directed against any form of totalitarianism.

Yet, we must also place some of these changes in their proper perspective. The ILO should not be used as a forum for anti-American propaganda, and its Conventions should be applied to Communists and non-Communists alike. But neither can the ILO be expected to serve as some kind of bastion of anti-Communism. Having granted full membership to the Soviet Union and other Communist nations—with U.S. acquiescence—clearly the ILO cannot expect them to accept an inferior status within the organization.

Communist trade unions are not free, and the managers of factories in Communist nations do not have comparable independence to private employers in non-Communist countries, but they perform functions which are in many ways similar to their non-Communist counterparts. Many of the arguments raised against Communist employer delegates could also be raised against employers from non-Communist countries with many socialized enterprises, yet the credentials of such employers have never been questioned. Thus, the participation of Communist "employer" and worker representatives on a "functional basis" is not necessarily totally irreconcilable with the proper functioning of the ILO. Indeed, there may be significant value in exposing such representatives to the reality of tripartism in other areas of the world.

It bears emphasis, in this connection, that aside from the propaganda during debate, which as I have indicated must be stopped, the Communists seem to have had no success whatever in insinuating their ideology into the substantive work of the ILO. No Convention or Recommendation adopted by the ILO bears a Communist stamp, and none of the ILO's numerous technical assistance or manpower training projects have ever been criticized on ideological grounds.

Furthermore, despite their success in blocking full action on the issue of Soviet noncompliance with the Freedom of Association Convention, there is no question but that the Convention and other key ILO conventions dealing with trade union rights and free collective bargaining have been the source of considerable embarrassment for the Communists. The Report of the Independent Committee of Experts speaks for itself.

Certainly, it is better for us to have the Communists in the ILO, where we can raise hob with them about the injustices to the workers and the fact that their status is completely state-regulated, rather than to have them outside, where they can pretend to be a workers' government, without being exposed in front of the whole world, including the Communist nations, and perhaps get away with it.

The same is true of the employer delegates. Obviously, there are no employers in the Communist countries. All employers are state operatives. So it is kind of a fiction to admit them to the employers' deliberations. But there we have the same thing. Do we expose them in the world forum, where all nations, including the African and Asian nations—so many brand new—can see what is going on and gradually learn the facts of international life, or do we let them engage in their propaganda free of the glare of the cynicism and the inquiry of the free world's delegates and let them get away with the pretension, the fraud, that they are really the workers' friend?

Unquestionably, we would have preferred the ILO to have faced the issue of freedom of association squarely, as it in fact has done in the case of violations of the same basic convention by Spain and Greece. But it is also important to note that the United States bears part of the responsibility for what has occurred. Thus, we have not ratified the Freedom of Association Convention ourselves, which puts us in an awkward position to complain about its violation by another nation, and makes it impossible for us to lodge an official complaint with the governing body.

Moreover, our delegates have not pursued vigorously the procedures available to them under article 26 of the ILO Constitution to raise the question of Soviet noncompliance with the convention in the governing body. Under article 26, any delegate may file a complaint with the governing body of the ILO alleging noncompliance with an ILO convention by a nation bound by it, even though his own country has not ratified it. Upon the filing of the complaint, the governing body may establish a commission of inquiry to investigate the alleged violation—this was done in the case of Greece and Spain. A finding of a violation by such a commission is considered the ultimate sanction which can be imposed by the ILO, and the decision of such a commission is appealable to the International Court of Justice.

Under these circumstances, it is extremely difficult to blame the office for what has occurred. The most the office seems to have done is what the leadership of the Senate often does on matters of great controversy on which no definitive action is possible—suggest they be put aside so that other important matters can be taken up. We cannot expect the office to do our work for us in the ILO on devisive issues; it is up to us to devote the time and energy necessary to marshal the votes on critical questions.

This is really the heart of the matter insofar as many of our complaints about the ILO are concerned. The fact is that we have not taken the ILO seriously enough over the years and, as a result, have not devoted to it the kind of time, effort, and resources which would enable us to match the Communists. Our delegations to ILO conferences have been composed of able and dedicated men and women, but they have frequently lacked essential backup support, coordination, and clearly defined objectives.

The administration, I am pleased to note, has acknowledged these shortcomings on our own part. Its own recently issued "backgrounder" states, among other things:

> In the heat of indignation about U.S. grievances, it has been easy to disregard some very real faults of our own, deficiencies that must account in part of the problem itself: the lack of enough funds to support adequate and well-balanced U.S. delegations; lack of a consistent and firm strategy on behalf of U.S. interests in ILO over the years; and a failure of the participating government agencies and private organizations to accord consistently high priority to the U.S. involvement in the Organization.
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> In this context, then, the basic question for the U.S. is whether it wishes to pay the price necessary for achieving an acceptable internal equilibrium within the International Labor Organization. The price involved for the U.S. is basically not one of money. Rather it concerns the amount of effort and resources we are prepared to devote to achieve a balance of forces within ILO, the degree to which we are prepared to be forthcoming toward new programs, and the extent to which we are prepared to seek a necessary accommodation with both the East Bloc and the detenteminded West Europeans—an accommodation consistent with the Constitution of the ILO.

The administration is not implying, and neither am I, that if the United States tries a little harder, we will always get our way in the ILO. If the ILO is to be maximally effective it must be universal, and that means that it cannot afford to drive either the United States or the Communist countries out. Some compromises are therefore inevitable, but they need not necessarily involve such violations of the basic principles in which we believe as to make it impossible for us, in conscience, to remain a member of the ILO.

For whatever problems we may have with the ILO today—and I do not want to minimize them—the organization itself is far from being Communist dominated. Indeed, its whole orientation is in many ways completely antithetical to the basic tenets of communism.

Thus, its overriding purpose is to promote progress without revolution by bringing together governments, workers, and employers in an effort to establish, through international law, a means of helping workers throughout the world obtain social and economic justice. As the Director-General states in his current annual report, the function of the ILO is to provide through dialog "a rational alternative to violence in coping with the present frustrations of society." This is the antithesis of Communist doctrine, which holds that revolution is the only method of achieving these ends. This is of the most supreme importance.

The very notion of tripartism, that is, of cooperation among workers, employers, and governments, is a continuing refutation of the inevitability of the class struggle. Whatever gains the Communists have made within the ILO, the principle of tripartism is still the heart and soul of the ILO in the eyes of the overwhelming majority of its members. I witnessed this myself at the opening of the current Conference when, for the first time, an employer was elected President of the Conference, over the objections of Communist delegates who argued that only a government delegate should serve as President. The speeches made on that occasion demonstrate the profound importance tripartism continues to have within the ILO, and I ask unanimous consent that a portion of the provisional record of the opening day of the current ILO Conference be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

THE IMPORTANCE OF THE ILO TO THE WORLD

Mr. JAVITS. Mr. President, the importance of the ILO to the rest of the world is not generally appreciated in the United States. The fact is, as the administration backgrounder notes:

> Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with lengthy experience, much expertise, and a going worldwide organization.

The ILO has made a major effort on technical assistance for the developing countries—not only to raise standards of living but also to lay a basic infrastructure of skills necessary for the industrialization of those countries. Hundreds of the ILO's vocational training and management development projects throughout the developing world have greatly improved the capacity of these countries to build up their industry and agriculture for development.

The ILO has also recently embarked on the world employment program with the full support of the U.S. Government, to attempt to raise levels of employment and thereby to remove one of the basic causes of social unrest in these countries. Many developing countries place major, or even sole, reliance on the ILO for these projects; any cutback in ILO activities would have the severest repercussions in the developing world.

The ILO's influence in the developing countries has not, as far as I am aware, in any way served to enhance Communist influence in these countries. It has, on the contrary, aimed to lay the basis for greater political and social stability by strengthening labor ministries, by helping in the education of trade unions and trade union leaders, by promoting and supporting the growth of free trade unions and collective bargaining. It has thus helped to create a favorable climate in many countries for investment.

In addition to its manpower projects, the ILO's 134 conventions and 142 recommendations have had demonstrable effects on legislation in both developed and developing countries in such diverse areas as human rights, labor administration, minimum wages, occupational health and safety, and social security. While the results of these minimum standards cannot be precisely measured, there has been an impressive improvement in workers' living standards, and the ILO has played a major role in keeping narrower the gap—already very troublesome—between countries with high living standards and high labor costs and those with low labor costs.

This is one area in particular to which the United State might devote a great deal more effort, given the current controversy over our foreign trade policy. It may well be possible for the ILO, working in conjunction with GATT, OECD, and UNCTAD to develop a body of minimum international fair labor standards to serve as a foundation for judging whether or not there is unfair competition from a given exporter nation.

We have already recognized the validity of this approach in the maritime industry by ratifying some of the ILO maritime conventions. These are the only ILO Conventions we have acted on. In my judgment, we ought to reassess our policy toward ratifying ILO Conventions and that is one of the initiatives that, as a member of both the Foreign Relations and Labor Committees, I intend to undertake. But whether or not we ratify any additional ILO Conventions, there is much that we can do to encourage the ILO to move strongly into the field of minimum standards. I was extremely pleased to find that this is a subject in which the Director-General of the ILO is most interested.

THE PRESENT U.S. POLICY TOWARD THE ILO

The administration has pointed out four very cogent reasons why we should not withdraw from the ILO at this time, as follows:

First. Withdrawal by the United States would leave the Soviet Union as the dominant power in the organization, affording it significant opportunity to exploit the ILO as a means of enlarging its own influence—at the sacrifice of the ILO's badly needed technical work around the world. The United States should not hand the U.S.S.R. this advantage but rather should stay in the organization and work to make it adhere to its constitutional objectives.

Second. U.S. withdrawal would work against President Nixon's objective of shifting more of U.S. aid and technical assistance to the international agencies. Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with great experience, much expertise, and a going worldwide organization.

Third. If the United States withdraws from the ILO, we are very unlikely to gain either friendship or understanding abroad. Instead the United States would be condemned for attacking an organization of service to working people everywhere, for resorting to cold war politics, for returning to naive isolationism or for acting from pure spite. If the object of foreign policy is to maintain or even increase a nation's influence abroad in directions that it desires, it makes little sense to take an action that clearly would decrease that influence.

Fourth. U.S. withdrawal from the ILO could well threaten our eventual participation in the whole UN system. The United States has various complaints against other organizations. If it withdraws from one, then the way will become open for those who want to get us out to press for quitting them as well. Is it to the interest of the United States and particularly its foreign policy, to initiate a course of action toward ILO that carries so great an additional risk?

Clearly, our withdrawal from the ILO would have drastic consequences for us and for the ILO, and hence we should not withdraw unless and until we are absolutely convinced that no other alternatives exist. As I have tried to show above, we have certainly not reached that stage at this point. We have much to gain from staying within the ILO, and at the very least, we should not leave without making a real effort to solve our problems within the organization.

It also has been suggested that we remain in the ILO but continue to withhold our dues until we are convinced that the trend of recent events in the ILO leading to the enhancement of Communist status and influence has been reversed. Whatever advantages this tactic may have gained for us during the past year—and there have been some important improvements—it is clear that we stand to lose a lot more than we have to gain if we continue to withhold our dues any longer. This was the unanimous view of the members of the U.S. delegation with whom I spoke while in Geneva.

Our refusal to appropriate the funds has already had a substantial impact upon the operations of the ILO, but so far most of it has been absorbed by administrative belt-tightening. If our funds are withheld much longer, projects already underway will have to be terminated and key personnel employed by the ILO would have to be laid off. The ill will which would surely be generated by these events would undoubtedly more than wipe out whatever grudging respect we may have earned within the Organization by our protest action last year in refusing the last half of our 1970 dues.

I have already indicated some of the important changes which have occurred during the past year, particularly in limiting propaganda. Equally important has been the general change in attitude toward the United States by the members of the ILO reported to me by the U.S. delegation—we are no longer taken for granted, and there is genuine fear that we will withdraw from the ILO and of the consequences that would ensue. We would be unwise indeed if we permitted this new respect to turn to bitterness.

Finally, we have a binding international obligation to pay our dues to the ILO. For years we have been criticizing the U.S.S.R. in the U.N. for failing to pay their assessments for peacekeeping obligations. Our action with respect to the ILO undercuts our position on this issue in the U.N.

Thus, in my judgment, there are compelling reasons why we should not withdraw from the ILO at this time, and why we should honor our current and past dues obligations. We should, however, exercise continuing scrutiny of events within the ILO, and we should intensify our own efforts within the organization.

In that connection, I recommend that we require an annual report to the Congress on the ILO by the entire U.S. delegation. Such a requirement will serve to emphasize our concern over the course of events in the ILO, by giving our worker and management delegates as well as our Government delegation a chance to express themselves and thus encouraging a close legislative oversight by the Congress over the ILO.

Mr. President, I deeply believe that we should not withdraw from the ILO. We should pay our dues and fight our battles within the ILO. I believe we can win them. I believe the ILO is a unique forum available to us to demonstrate to the world what freedom means and what communism does not mean because there is no other area where we face the Communists directly on as sensitive an issue as what happens to workers. I feel very strongly that we should not forego this opportunity by, as it were, distorting the situation for ourselves through the rather niggling attitude of not paying our dues.

For all these reasons, Mr. President, I shall do my utmost to help to get us to see that the right path is to pay our dues, as I said when I began, and to fight like tigers to see that the potential of the ILO is fully realized.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD at the conclusion of my remarks: a portion of the provisional record of the opening session of the current ILO conference on June 2, 1971, an article in the June 12, 1971, edition of the AFL–CIO News relating to the election of an employer delegate as president of the conference over the objection of the Communists, and an article in the June 1971 issue of the International Operating Engineer on the recent World Congress on the Prevention of Occupational Risks, of which the ILO was one of the chief sponsors, which demonstrates the manner in which it promotes international cooperation in the important area of occupational health and safety.

The PRESIDENT pro tempore. Without objection, so ordered.

EXHIBIT 1

INTERNATIONAL LABOUR CONFERENCE: PROVISIONAL RECORD

(Fifty-sixth session, Geneva, first sitting
Wednesday, 2 June, 1971, 10 a.m.)

Presidents: Mr. Koku, Chairman of the Governing Body of the International Labour Office, and Mr. Waline

OPENING OF THE SESSION

Mr. KOKU (*Chairman of the Governing Body of the International Labour Office*)—On behalf of the Governing Body of the International Labour Office, I have the honour to declare open the 56th Session of the International Labour Conference.

I should like to welcome the ministers attending this session, especially those attending the Conference for the first time. The impressive number of ministers present is an eloquent testimony to the vitality and continuing relevance of our Organisation in seeking acceptable solutions to the social and economic problems of the world today. I should also like to accord a warm welcome to all the representatives and to the observers of the United Nations, the specialised agencies and the non-governmental organisations who have reassured the ILO of their continued interest in its activities by their presence in this hall today. I have pleasure in greeting the representatives of the Republic and Canton of Geneva who are honouring this inaugural sitting of the Conference with their presence.

Before proceeding to present the agenda of this session, I should like, with your permission, to draw attention to major areas of ILO activities and achievements in the past year. The last twelve months witnessed a further consolidation of ILO principles and practices, in spite of the grave financial difficulties with which the Organisation has had to grapple. The tripartite structure which gives strength, confidence and vitality to the Organisation was evident in many meetings held during the year.

The 55th (Maritime) Session of the Conference, held in October 1970 against a background of rapid change in the maritime industry, can confidently be described as the greatest event of the past twelve months. Marking a half century of achievement in ILO work for seafarers, the Maritime Conference adopted two Conventions and six Recommendations without any opposition or abstentions and thus considerably enriched the International Seafarers' Code. The Conference has been generally acknowledged as the most successful maritime session ever held since the first session in Genoa in 1920.

A month before the Maritime Conference, the 14th Session of the Asian Advisory Committee of the ILO was held in Bandung, Indonesia, in September 1970. That Committee adopted conclusions covering the whole range of ILO activities in relation to the most pressing problems now facing Asia, and laid down guidelines for the Asian Manpower Plan. The Ninth Session of the Metal Trades Committee held in January 1971 considered, within the framework of a particular industry, some newly topical subjects with which the ILO can be expected to be increasingly concerned, namely multinational corporations and evaluation of the working environment, in addition to the problems of adjustment, income maintenance and training.

In addition to these meetings there were other smaller meetings which are worth mentioning, particularly the First Session of the Joint Committee on the Public Service, an entirely new form of ILO machinery, which was held in March-April of this year; the May 1971 Meeting of Consultants on Workers' Education, which was intended to strengthen the Workers' Education Programme and whose fundamental purpose is, in the words of the Director-General when he declared the meeting open, to "convert the freedom of the human spirit from the privilege of the few into the birthright of all"; and, lastly, in January there was the Meeting of Experts on Fiscal Policy for Employment Promotion, the report of which is currently receiving the active consideration of the Governing Body. It is significant that all these meetings have been held despite the financial crisis which has had some impact on the programming of meetings during the past year. I am, however, happy to report that all meetings postponed from 1970 have been held in the first half of 1971, with the exception of the Sixth Session of the Plantations Committee, which is scheduled to be held from 20 September to 1 October 1971.

The ILO is a dynamic institution which adapts itself positively to changes in economic and social conditions. It nevertheless believes in the high efficiency value of continuity and that it is possible to secure continuity without sacrificing its dynamic character. In conformity with this principle of continuity, other ILO activities during the period under review covered its basic preoccupations of which standard-setting, development of human resources and social institutions, and the improvement of conditions of work and life constitute important components. In standard-setting, about 140 new ratifications of international labour Conventions have been registered from all parts of the world since June 1970. It is particularly noteworthy that a very important instrument adopted in June 1970—the Minimum Wage Fixing Convention (No. 131)—has already secured the number of ratifications required to bring it into force. The Committee of Experts on the Application of Conventions and Recommendations has continued, with its usual efficiency and vigour, to exercise the required surveillance over the application of ratified Conventions. The Committee devoted particular attention to the review of the working of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), as part of the ILO's contribution to this year's celebration of the International Year for Action to Combat Racism and Racial Discrimination.

The operational programmes of the ILO have continued to expand with unabated momentum. The main emphasis is still on human resources development. ILO missions in the field of employment and manpower planning continued to increase, reflecting the positive response of governments to the preoccupations and requirements necessary for the implementation of the World Employment Programme.

As reflected in Part 2 of the Report of the Director-General on the activities of the ILO during 1970, further steps were taken to implement the policy of decentralisation which has been pursued for a number of years. Regional departments have been established in the regions concerned under a regional director with the same status and authority as a chief of department at headquarters. Furthermore, responsibility for the programming and management of technical co-operation activities is being progressively transferred to the regions, beginning with Asia on 1 January 1971, when twenty professional-grade officials were transferred from headquarters to Bangkok.

The past year has also witnessed increased preoccupation with the more careful planning and evaluation of programmes by the ILO. Evidence of this increased preoccupation is illustrated by the first long-term programme of ILO activities considered by the Governing Body in May 1970, followed in November 1970 by the adoption of long-term programmes of industrial activities.

The first in-depth review of the occupational safety and health programme was conducted by the Governing Body at its February-March 1970 Session and will be followed by an ad hoc meeting designed to make recommendations to the Governing Body on the safety and health programme. It is important to emphasise the fact that the programme of industrial activities which the Governing Body adopted in November 1970 was designed to ensure greater continuity in the tripartite consideration of labour problems which are of special concern to particular industries. The International Institute for Labour Studies and the International Centre for Advanced Technical and Vocational Training at Turin continued to function in support of ILO objectives. The Turin Centre, in particular, now has a financial basis on which it can operate on an efficient and economic scale.

This brief review of ILO activities during 1970 will no doubt suffice to underscore the growing vitality of the Organisation and the continued dedication of the Director-General and his staff to ensure that the objectives and fundamental principles of the ILO are attained and sustained in the interests of all the members of the Organisation.

At this point I should like to make some brief comments on the agenda of this Conference. To start with, I would refer to Part 1 of the Director-General's Report entitled *Freedom by Dialogue* in which he, in his characteristically forthright manner, analyses the social problems attendant upon economic development and indicates the contribution which the ILO has made to social progress and the attainment of social justice in the perplexingly turbulent world of today. In the Report, the Director-General also directs the minds of delegates to problems relating to the more equal enjoyment of the fruits of economic progress, problems associated with "the graver inequalities" arising from the imbalance in development between rural and urban areas and those associated with the incidence of racial discrimination, the treatment of foreign workers and discrimination against women at work. The Report lays considerable emphasis on the problems confronting the young and the old in the fast-changing society of today and, having surveyed the relationship between technical progress and human values, concludes by emphasising the importance of rational dialogue as the only alternative to violence in coping with the present frustrations of society.

The Director-General poses the following questions which, I consider, require highlighting at the very outset of our deliberations. He asks: "How relevant is what we are doing and what we can do to what we should do and what we must do as we enter the Second United Nations Development Decade at the opening of the second half-century of the ILO? What is our contribution to personal freedom? What is our contribution to economic growth? What is our contribution to social justice? And what is our contribution to the synthesis without which none of these is complete and all are precarious?" It is on these important matters that the Conference is called upon to deliberate and to provide guidelines by which the Director-General can formulate effective programmes of future ILO action in these matters. I sincerely hope that the Conference will address itself to these substantial matters in a pragmatic and efficient manner and that delegates will strive to make contributions which will help to accelerate the solution of these problems throughout the world.

The Conference will be called upon to examine and approve the programme and budget proposals for the biennium 1972–73. No doubt the financial difficulties with which the Organisation has been confronted since last year will influence delegates in their consideration of this item. These discussions, I dare say, must be guided by what is best for the continuance and invigoration of our Organisation. Abstract political speculations and controversy cannot form a useful part of the consideration of this delicate matter and I would strongly appeal to delegates to confine their remarks purely to the financial aspect during the examination of this subject by the Finance Committee which the Conference will undoubtedly establish. This is the proper forum for the discussion at the Conference of our financial problems.

The Conference will also be called upon to examine outstanding problems of the structure of our Organisation in the light of the report on the Governing Body's further efforts to find solutions to them. For this purpose also the Conference will, I hope, establish a committee to undertake the reappraisal of these problems. In the expectation that this whole matter will be discussed in the Committee on Structure, I would dare to hope that these controversial issues will be kept out of the discussion of the Director-General's Report at the plenary sittings of this Conference.

As usual, the Conference will devote particular attention to questions arising from the application of Conventions and Recommendations, upon which the Committee of Experts has submitted a report to the Conference. In addition to this report, the Conference will have an opportunity of examining the summary of reports received from a number of governments in response to a request by the Governing Body for information on the position of the law and practice of the countries concerned with regard to the provisions of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and its supplementary Recommendation. Delegates will also have the opportunity to discuss the special report on *apartheid* submitted in accordance with the Declaration adopted by the Conference in 1964.

The technical items on the agenda of the Conference this year are relatively smaller in number, namely the World Employment Programme; protection and facilities afforded to workers' representatives in the undertaking; and protection against hazards arising from benzene.

The World Employment Programme is the fourth item on the agenda of this year's Conference. Two years ago, on the occasion of the fiftieth anniversary of the Organisation, this programme was launched following a rich and thought-provoking debate at the Conference. This showed that the problem of unemployment and underemployment had become one of the major concerns of our tripartite membership—governments, employers and workers—because of the growing human misery they entail, and the political and social instability they breed.

As the report before this year's session of the Conference shows, and indeed as we anticipated two years ago, the situation has become worse rather than better. The millions of young people who, under the pressure of unrelenting demographic growth, flock every year to the employment market, are encountering increasing difficulties in finding satisfactory and gainful work. Hopeless stagnation in the countryside continues to drive the rural masses to the cities, often to a life of destitution in the shanty towns, which is a far cry from the expectations that led them there. And while modernisation takes place in industry and in agriculture, bringing new hope to those who benefit from it, we must learn to master its blacklash effects, which may deprive thousands of artisans, small farmers or agricultural workers of their livelihood in the traditional sector.

So the picture is grim; but it is not hopeless. In the two years since the inception of the World Employment Programme, we have learned a great deal. More and more countries have become aware of their problems and are trying to tackle them. Employment objectives are now included in most of the new development plans. But we have also learnt that there are no easy solutions. The causes of our ills go to the roots of our societies and economies and radical action at that level is needed to change the conditions which are responsible for the implacable growth of enforced idleness. This was brought to the fore in a forceful manner in the report of the inter-agency mission which the ILO sent last year to Colombia to advise the Government on the action needed to absorb its present unemployed labour force in the coming years.

The World Employment Programme therefore implies energetic, carefully planned action by every country confronted by unemployment and by a rapidly growing labour force. But it requires more than government action; it needs the support and participation of the populations and, in particular, the involvement of those groups most directly concerned—the employers and the workers. Moreover, it is truly an international programme, for the solution of the problems depends in no small part on international solidarity, in particular through more liberal trade and aid policies. It will involve, with the ILO playing the role of catalyst, the cooperation of the whole family of international organisations.

It is on the lines of this future action that the Conference will be asked to give guidance to our membership and to the Organisation itself so that, in this Second Development Decade which is just opening, true progress may be made towards the objective of full, productive employment as a precondition for the attainment of greater social justice and rising living standards.

The fifth item on the agenda concerns the protection and facilities afforded to workers' representatives in the undertaking. This matter is to be discussed for the second time with a view to the adoption of a recommendation. It is a subject of the highest topicality today in view of the renewed recognition that it is essential to deal in an effective manner with problems arising at the level of the workplace. This renewed recognition of the critical role of labour-management relations in the undertaking is being reflected in many countries, both industrialised and developing, where discussions and legislative and other action, taken under joint agreements, between labour and management have aimed at reinforcing the procedures and establishing the institutions that can make for a valid and viable dialogue between the parties at this level.

Thus it is in a very real sense timely that the International Labour Conference should be dealing now with the question of protection and facilities for workers' representatives in the undertaking, with measures to ensure, by appropriate means, that such representatives can carry out their functions without fear of reprisals, and that they are afforded such facilities as will enable them to carry out these functions in a meaningful way. For such measures are the essential foundations for promoting an enduring climate of mutual respect and comprehension at the workplace, which in turn is a prerequisite for a sound industrial relations system and for social and economic progress.

The sixth and last item on our agenda is protection against hazards arising from benzene. This matter is submitted to the Conference for a single discussion. The problems associated with the protection of workers' health against hazards arising from industrial processes constitute one of the earliest preoccupations of the ILO in its standard-setting work. As far back as 1921, the Organisation adopted the White Lead (Painting) Convention, and as recently as 1967 it considered matters related to the maximum permissible weight to be carried by a worker; in the light of that consideration, the ILO adopted both a Convention and a Recommendation on the subject. Benzene is one of the substances most widely used in industrial processes as well as one of the most dangerous. The Conference is therefore called upon to examine the text of the proposed convention and of the proposed recommendations concerning standards of safety and protection which should be afforded to workers engaged in the use of this dangerous substance.

The last twelve months have been a particularly eventful and difficult period in the history of our Organisation. The Governing Body has had to deal with delicate and daunting problems of finance and structure and I am particularly delighted to observe that, despite these grave difficulties, the corporate existence and continuance of our Organisation have been assured and perhaps strengthened. That has been due in a large measure to the restraint, objectively and sincerity which the members of the Governing Body have brought to bear upon their consideration of these problems. In concluding my statement today, may I be forgiven for repeating my earlier appeal to all of you to eschew the attractions of sterile political debates and controversy, which have nothing to offer to the procurement of an early and satisfactory solution of our immediate and vital problems. The ILO is not a political assembly; it is a social institution established solely for the promotion of those lofty objectives set out in our Constitution and reaffirmed in the Declaration of Philadelphia. These objectives have no political content or characteristics; they are related solely to the attainment of better conditions of work and life for the toiling masses the world over and to the provision of adequate employment opportunities for the growing millions of young people throughout the world who are haunted by the lengthening shadows of unemployment, poverty and personal degradation. These should be our main preoccupations during this Conference. To the extent that you lend a helping hand by your contributions in finding practical solutions to the practical problems of unemployment, freedom of association and the hazards of dangerous chemicals in industrial production which, together with the other social and economic evils, constitute what the Director-General has described in his Report as "the graver inequalities" of our time and which tend to make the life of the working man nasty, brutish and short, to that extent will you have justified the sacred trust placed in you as a delegate to this Conference. Let us then proceed to the consideration of the matters on our agenda with a resolute determination to sustain the solid achievements of the ILO over the past fifty years, particularly in the last twelve months, by the formulation of practical recommendations and answers to the challenging questions postulated in our relentless search for freedom from want, unemployment, injustice, hardship and privation through the unique opportunities and facilities which this Conference offers for a tripartite discussion between representatives of the governments, employers and workers of the world meeting on an equal basis.

I wish you successful and fruitful deliberations.

ELECTION OF THE PRESIDENT

Mr. Koku (*Chairman of the Governing Body of the International Labour Office*)—The next item on the agenda of this opening ceremony is the election of the President of the International Labour Conference. Are there any nominations?

Interpretation from French: Mr. Bergenström (*Employers' delegate, Sweden*)—On behalf of the very large majority of the Employers' delegates to this session of the Conference, I have the pleasure and the honour—and I should like to say also that I am proud—to present the candidature of a member of our Employers' group as President of this session of the Conference. You are all aware to whom I am referring: it is Mr. Pierre Waline.

We realise that, if the traditional system of rotation had been followed, we would today be electing a European Government representative as President of this session of the Conference. In this respect we express our gratitude to all the governments which have informed us that they would support the candidature of Pierre Waline.

In nominating Mr. Waline, a member of our Employers' group, to serve as President of this Conference, we wish to stress the essential importance which my colleagues and I—and the Workers' group, I am certain, will not contradict this—attach to the tripartite structure of our Organisation. We should therefore be happy and grateful if the whole of the Government group, by supporting the candidature we propose would, as it did two years ago in electing as President the late Jean Möri, the candidate of the Workers' group, give further support to this characteristic feature of our Organisation which can never be overstated because it is a warranty of its efficiency. But it is not only, of course, in order to stress the tripartism of our Organisation that the Employers today nominate their candidate for the Presidency of the Conference. It is also, and even primarily, to propose a candidate of outstanding qualities for this high position.

Pierre Waline may be presented either with a great number of words or with few words, and I have preferred the second approach because he would not forgive me if I were to list his numerous qualities here, and especially because everyone who knows the International Labour Organisation is also familiar with the person of Mr. Pierre Waline. Mr. Waline has devoted to the International Labour Organisation so many years of his career that the life of the Organisation and that of Pierre Waline are intimately linked. I myself have had the privilege to sit on the Employers' group of the Governing Body and in the Conference under the chairmanship of Pierre Waline for seventeen years, and probably the quality which impressed us most was his profound confidence in the fundamental ideals of the ILO. The improvement of the lot of the workers throughout the world through the establishment of social justice, brought about by loyal collaboration between employers, workers and governments is not a matter of empty words for Pierre Waline, and his activity, stretching over nearly half a century within the International Labour Organisation, as an employer, is constantly marked by his efforts to attain this ideal. This fundamental quality of Pierre Waline is in no way surprising in the person of a French employer and, in honouring Pierre Waline today, as I hope you all will, we the Employers' group should like also to pay tribute to the employers of his country and to remind you of one in particular, whose portrait we see at the entrance to the headquarters of the ILO, namely, Daniel Le Grand, an enlightened French industrialist of the last century who, well before 1919, pioneered the improvement of workers' conditions through the establishment of fair international labour standards.

As this 56th Session of the International Labour Conference opens, I ask you to give your unanimous support to the nomination of Mr. Pierre Waline, French Employers' delegate, as President of this session.

Mr. Morris (*Workers' delegate, Canada*)—it gives me great pleasure to support the nomination of Mr. Waline for the Presidency of this 56th Session of the International Labour Conference.

I hardly need to underline the merits of Mr. Waline who is so well-known and respected by all those who have regularly attended the International Labour Conference. I do not think I shall have to be corrected if I say that Mr. Waline is the most senior delegate in this hall for, as has been pointed out by the previous speaker, he has served the ILO as a delegate to the Conference and as a member of the Governing Body since 1922, a span which virtually covers the history of the ILO itself. In that period he has made an outstanding contribution to the work of our Organisation, of which he has been in fact a most loyal servant.

We Workers, although not always seeing eye to eye with Mr. Waline in his capacity as Employers' representative, have come to value him as an opponent, a friend and a man of integrity. Moreover, we are glad to give our support to a representative from the other non-governmental group, following the election of our late friend Jean Möri to the Presidency of the 53rd Session. As Mr. Waline himself said on that historic occasion, the election of a non-governmental representative to the presidential chair demonstrates the originality of our Organisation, and by electing Mr. Waline we shall prove again our attachment to the essential features of the ILO.

Mr. Morgan. (*Government delegate, United Kingdom*)—On behalf of the Government of the United Kingdom I wish to support the candidature of Mr. Waline, who was for many years the Employer Vice-Chairman of the Governing Body and the spokesman and Vice-Chairman of the Employers' group in the Conference. My Government supports this candidature on the grounds that it is a personal candidature and an exceptional one.

(*The speaker continues in French.*) It is not only as United Kingdom Government representative that I support the nomination of Pierre Waline. The nomination also has my warm personal support. I have already said that my Government has given the proposal its support as a personal and exceptional case. That is the pure truth. Pierre Waline is an exceptional man. I have known him for twenty-three years at this Conference and also in the Governing Body of the ILO. His qualities of wisdom, courage and humanity and his understanding of labour matters, which is not confined to his own country, are quite exceptional. I have long admired these qualities of Pierre Waline and shall continue to do so.

That is why the support I now give is an honour which makes me extremely happy.

Interpretation from French: Mr. Sandos (*Workers' delegate, Central African Republic*)—I wish to place on record the position of the Workers' delegates of the World Confederation of Labour group with regard to Mr. Waline's candidature for the Presidency of the 56th Session of the Conference.

Mr. Waline's activity within the International Labour Organisation is well known and is appreciated by all delegates. Mr. Waline was often opposed to our ideas and proposals but he was always a courteous opponent, open to dialogue, accepting the existence of the trade union movement and recognising in the Workers' delegates genuine interlocutors. In addition, Mr. Waline participated to an increasingly important extent in the ILO's activities—to such an extent that he became one of the most outstanding figures within the Organization.

Accordingly, we give our support to Mr. Waline's candidature for the Presidency of the 56th Session of the Conference. However, we wish also to stress the fact that our support is due not only to the personal qualities and merits of Mr. Waline but also, and above all, to the fact that the Conference, by electing a representative of the Employers' group to the Presidency of the Conference two years after electing a representative of the Workers' group, is embarking upon a course which I consider perfectly normal and legitimate and in harmony with the spirit of the composition of the ILO. It is also at the level of the Presidency of the Conference that the tripartite character of the Organisation must be expressed and from this point of view the elections of Mr. Möri in 1969 and of Mr. Waline in 1971 appear to us to constitute welcome precedents. It is in that spirit that our group accepts and supports the candidature of Mr. Waline.

Interpretation from Russian: Mr. Gorochkine (*Government delegate, USSR*)—Our Conference is about to begin its work, and it is dealing with one of the most important questions, namely the election of the President of the session, which is a matter of no little importance in ensuring the success of the Conference.

On behalf of the group of socialist countries, the Government delegations of the Byelorussian Soviet Socialist Republic, the People's Republic of Bulgaria, the Hungarian People's Republic, the Mongolian People's Republic, the People's Republic of Poland, the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, the Czechoslovak Socialist Republic, I am obliged to state from this rostrum our decisive disagreement with the practice which is now being introduced into this Organisation, namely that of proposing and electing as President a person who is not a representative of the Government group.

The founders of this Organisation were States headed by governments, and it is the governments that have to bear the responsibility for financing and conducting the work of this Organisation. Moreover, as provided for by the Constitution, it is the governments which nominate the non-governmental representatives, in agreement with the most representative employers' and workers' organisations.

For fifty years it has been the practice for the Conference to be presided over by a Government representative, and this is not by accident. This I have already stated previously. We made an exception in 1969 to mark the fiftieth anniversary of the Organisation. At that time, speaking on behalf of the Government group, a Government delegate said that this decision had been taken in the light of the exceptional circumstances, and I would stress the word "exceptional". We supported the candidature of the late Mr. Möri on the occasion of the fiftieth anniversary in view of the fact that this Organisation was established on behalf of the workers and to protect their interests. Therefore we considered it logical for the President of that session marking the fiftieth anniversary of the Organisation to be a representative of the workers. But now there is an attempt to make these exceptional circumstances the rule.

That is why on behalf of the Governments I have already mentioned, I wish to express our strong protest against the nomination and election of an Employers' representative, namely Mr. Waline, as President of the Conference.

We are also concerned about other considerations which are no secret to anybody. On many of the social problems which are under discussion by this Organisation, the Employers' group in its overwhelming majority occupies a conservative position. The equality of rights of all the delegations at the Conference must be respected, but in fact there continues to be discrimination within the Employers' group in regard to granting equal rights to the representatives of socialist undertakings.

Those are, then, the reasons why we are unable to accept the practice which it is now being attempted to legalise, and we are therefore unable to support the election of Mr. Waline as President of this session.

Interpretation from Bulgarian: Mrs. Peeva (*Employers' delegate, Bulgaria*)—The name of Mr. Pierre Waline has been put forward as President of the 56th Session of the Conference. We know Mr. Waline and we respect him. He is the head of the Employers' delegation of a great country, France. For many years the was also the leader of the Employers' group at the Conference as well as in the Governing Body, and it is on this account that I am obliged, on behalf of the directors of the socialist undertakings, to make some observations with regard to the nomination of Mr. Waline.

In the last twenty-five years enormous changes have taken place in the world. The economies of the socialist countries, headed by the Soviet Union, have been expanding at a very rapid rate. Moreover, a number of developing countries have chosen to follow the methods of development of the socialist countries and every year the role of state organisations is increasing. This trend is supported by statistical data which I do not intend to quote. For many years voices have been heard from this rostrum, from all three of the groups of the Organisation, criticising the present structure of the Organisation, which hinders its progress, and seeking modifications which would bring it into line with the present-day situation.

One of the most important questions, concerning which a decision has not yet been taken, relates to the participation of the Employers' delegates from the socialist countries in the work of the Organisation. In developing economies, the heads of socialist undertaking have a major part to play but, nevertheless, here at the Conference, their representatives are the victims of discrimination. Until 1969 the Employers' group did not even allow us to participate in the work of the Conference Committee without the appeals Board having given a ruling on the problem, and up to the present the Employers' delegates of the socialist countries have not been elected as members of the executive organs of the Conference or of the Governing Body. I think therefore that it is legitimate to ask what Mr. Waline did in this respect and how he helped the Organisation to emerge from this completely abnormal situation.

In my view—and I speak on behalf of the directors of socialist undertakings—Mr. Waline lacked the power and the desire to open the path for the Organisation towards genuine progress. The Conference entrusted him with certain responsibilities but unfortunately he did little to put an end to the inadmissible discrimination which is practised against the heads of socialist undertakings at the General Conference, although he could have taken action in this respect. I think that people should be judged by their actions. Despite our sincere respect for the personal qualities and experience of Mr. Waline, we are unable to support his nomination as President of the 56th Session of the Conference at a time when the heads of the socialist undertakings continue to find themselves discriminated against and in an unequal position as compared with the other Employers' delegates.

Interpretation from German: Mr. Timmer (*Workers' delegate, Hungary*)—I am not in a position to support the proposal that Mr. Pierre Waline be elected President of the Conference. I have nothing against him personally, but as a matter of principle I do not agree that the highest office in the Conference should be occupied by an Employers' representative. Our Organisation was established to protect the interests of the workers. Accordingly, it would be improper for an employer to occupy the office of President. This is a very important question of principle and of practice. It would be desirable that the delegates when making their decision should have regard to what I have said. For the reasons I have given, I do not support the nomination.

Interprètation from Spanish: Mr. Lechuga Hevia (*Government delegate, Cuba*)—I shall be brief I wish to place on record my delegation's view that a member of the Employers' group should not be elected President of the Conference.

As has already been said, the International Labour Organisation was established essentially to defend the interests of the workers and, leaving aside the personality of the candidate, we think it would be harmful for the work of the Conference to have a member of the Employers' group as President. Furthermore, it is a custom, a tradition, as we all know, that the Government group provides the President of the Conference.

An exception was made in 1969 because of the fiftieth anniversary of the Organisation, and, symbolically, a worker was then elected. This year it has been and is being, claimed that a member of the Employers' group can be elected. This would start a system which would certainly lead to rotation in the Presidency between the groups. We think that that would be harmful to the work of this Organisation. For these reasons we wish to place on record the foregoing opinion of the Government delegation of Cuba.

Interpretation from French: Mr. Pacuraru (*Government delegate, Rumania*)—The Rumanian delegation wishes to reaffirm what it has already stated to the Government group of the Conference, namely that the post of President of the Conference would be entrusted to a Government representative, in accordance with standing practice. When similar circumstances arose at the 53rd Session of the Conference, the election of the President from outside the Government group took place on the basis of an arrangement which excluded the creation of any precedent and any change in the established practice.

The Rumanian delegation now has to note that this arrangement is not being followed. It urges that in the future the Conference should scrupulously follow the practice of electing the President solely from among the Government representatives on the basis of respect for the principle of geographical rotation.

The personality of Mr. Pierre Waline is very well known and appreciated by my delegation; nevertheless, the difficulties involved in the representation of the Employers from the socialist countries in the Organisation and in their participation in the work of the Organisation on a basis of equality makes us insist upon full respect for the principles I have outlined, so that my Government is unable to support the candidacy in question.

Mr. Abate (*Employers' delegate, Ethiopia*)—I take this rostrum to add my support for the election of Mr. Pierre Waline as President of the 56th Session of the International Labour Conference, and to express the hope that this assembly of distinguished representatives of governments, employers and workers will unanimously agree to this election.

During the more than fifty years of its existence the ILO has been served loyally, faithfully and ardently by few men. Of them, there are very few left amongst us today, but Pierre Waline is one. If the ILO has survived as a unique organisation, if it has overcome its numerous difficulties, if it has stood the test of time and emerged into the present era when its services for social justice and peace are echoed throughout the world, it is due to the relentless efforts of men like Pierre Waline, men whose vision of a better world has never been dimmed, men whose life has been and is dedicated to making this a better world, men who have never despaired, men who have laboured long and hard and held fast, men whom the ILO can call, if it can so call any man, its unsung heroes, men to whom the ILO and its Members owe a debt. Pierre Waline is one such man. He has served the ILO as an employer, and as his many colleagues amongst the Government and Workers' representatives will testify, his overriding concern has always been the strengthening of tripartism, for which he has long fought, and, through it, the improvement of the lot of the working man, which he himself was.

In electing Pierre Waline to the supreme post of President, this distinguished gathering will be paying a tribute not only to him and to some like him who have been staunch supporters and active servants of this Organisation but also to the tripartite structure of the ILO, the structure that sets it in a class of is own amongst international organisations.

The tripartite structure of the ILO is unique. Throughout the years of the Organisation's existence it has been the task of individuals like Pierre Waline to transform declarations and principles into everyday realities—realities that reach beyond this magnificent edifice and leave their impact and imprint on social and economic matters in the more than 120 member States.

Pierre Waline is 77 years young; he has been associated with the ILO and its work for over 45 of his 77 years. This is a record that can be paralleled but certainly not surpassed. What more fitting tribute, therefore, can we pay than to bestow upon him this honour of electing him President of the 56th Session of the International Labour Conference? Surely this cannot be too much to ask.

Interpretation from French: Mr. Louet (*Workers' delegate, France*)—I wished very much to speak after my friend, Joe Morris, who spoke on behalf of the Workers' group, because of the feelings of esteem which I personally have for Mr. Waline, despite his status of an employer. To introduce him would be to insult him. Who of the many generations which have succeeded each other at the Conference have not known him by reputation at least? Who, on meeting him, has not appreciated his warm heart, his human warmth, so easily communicated? Knowing his modesty and his discretion I shall spare him further praise which might sound pompous and even throw doubt on my sincerity of purpose.

Despite, or perhaps because of his disagreements with him, Léon Jouhaux held him in high esteem on account of his loyalty and open-mindedness. Mr. Waline has always shown himself to be deeply human, understanding and ready to discuss. I shall not forget the touching sincerity of his words when, as one of the first speakers, he came to support the election of our late friend, Jean Möri, as President of the fiftieth anniversary session.

It is only right that we should now elect Mr. Waline President of this session of the Conference. In doing so we shall be fulfilling an obligation toward someone who has constantly devoted himself to the cause of the ILO with competence and with faithfulness to its principles, a faithfulness which he has demonstrated in particular by expressing his attachment to tripartism and freedom of association.

I therefore warmly support the election of Mr. Waline.

Mr. Zaidi (*Workers' delegate, Malaysia*)—I shall be very, very brief indeed. In fact, it is hardly necessary for me to speak because the Chairman of the Workers' Group, Brother Morris, has already spoken and expressed very adequately the views of the Workers' group. But I felt that on this occasion there is a principle rather than a personality involved. One must not take the easy way but must speak out and say what one really believes.

I come from Malaysia, where we adhere very strongly to the tripartite system. That means that the workers, the employers and the Government must have an equal say, equal participation and equal association in all undertakings connected with all three groups. Therefore I find—because we in Malaysia have very many friends from socialist countries—it very regrettable indeed that controversy on this principle has been introduced in this forum.

I am not going to speak about Mr. Waline, whom I have known for nine years, but whom some have known almost all their lives, so that it is not for me to speak. This is not the point. The point is that here the Employers' group has nominated a representative and some doubts have been expressed, not so much as to his ability to hold this high office, but because he comes from the Employers' group and it is on that point only that I should like to register my own views and those of the millions of workers in my country: we strongly support the idea that everything that goes on in the ILO, from the Presidency to the Chairmanship of the Governing Body and the membership of its various committees, must be shared and shared equally among the three groups which comprise it. That is all I wanted to say.

Mr. Nzo-Ekhah-Nghaki (*Government delegate, Cameroon*)—I take this opportunity to use this forum to express our support for the candidature of Mr. Waline for the Presidency of the Conference. The life of Mr. Waline, which has been so ably presented to us, speaks for itself and assures us all of his capability. The long list of attainments and achievements which has been read out to us, and which is not even exhaustive, is positive proof that the intellectual qualities, the integrity and the sense of responsibility of the man on whom we want to confer the Presidency of this Conference are beyond question.

As the representative of a Government, I subscribe to the view that as a matter of principle the Presidency of our Conference ought to be assumed, as has been the tradition, by delegates representing member States. But the exception in favour of Mr. Waline as a person and Mr. Waline as a representative of the Employers' group, would appear to me to have the same validity as the first exception we made to the principle in this tripartite Organisation.

If I asked to be included among the supporters, therefore, it was to stress an important aspect of the qualities which Mr. Waline has—I mean Mr. Waline the man, the sociable, friendly, humane and understanding Mr. Waline. The permanent contacts and cordial relationship which Mr. Waline has always maintained with us from Africa and with most of you at this Conference, demonstrate a quality in him which is a prime necessity for the President of a conference such as this and, particularly, at a time such as this.

But above all, we support Mr. Waline as candidate of the Employers' group. By our support, a large majority of us from the developing countries wish to express our appreciation to the Employers' group as a whole for their constructive attitude towards the problems of our developing countries. Here in the ILO, as back home in our respective countries, the role and attitude of employers in determining, fixing and improving the conditions of life and work for our peoples, has in most cases been constructive and helpful. We welcome this occasion, therefore, to express our gratitude, by supporting Mr. Waline, for this positive attitude of employers' groups and employers' associations towards the particular problems of our developing economies. We would also like it to be a reminder to them of our hopes and expectations for the future, particularly in an Africa in which the problems of industrial relations and the conditions of life and work are beginning to take precedence over political preoccupations.

Interpretation from Spanish: Mr. Vintimilla (*Minister of Social Welfare and Labour, Ecuador*)—With regard to the candidature of Mr. Pierre Waline as President of the Conference, the majority of the Government delegations of the Latin American countries are unanimous in maintaining their traditional view that the Presidency of the Conference should be filed only by Government delegates in rotation by regions. The fact that, exceptionally, a worker was elected President two years ago should in no way shake this principle or the traditions of the Organisation. The right of Latin America to have the Presidency at the appropriate time according to the geographical rotation system—namely, in 1972—cannot and must not be affected.

Interpretation from Spanish: Mr. Lacasa (*Employers' delegate, Spain*)—As a newcomer to the Organization, I wish first of all to pay tribute to a great veteran. Speaking on behalf of the various groups, many delegates have already referred to the merits of Mr. Pierre Waline. I believe that organisations are nothing without the persons who run them and give them life. Regulations and principles of social justice as a basis for world peace could not be enforced unless, year after year, the people who come to the Conference devote their efforts and personal convictions to noble universal causes.

We have heard two points of view concerning principles and persons. We have heard of governments and tripartism in connection with rotation. We believe that there should also be a rotation between the ages, between the young and between the old. I should like to put myself between the two although time is passing.

I believe that Mr. Pierre Waline will serve tripartism because despite his age he has an admirable youthfulness of mind. He has been coming here for very many years and moreover represents a country which has a long tradition of service in the cause of peace through social justice. This is why my country, Spain, is convinced—and not merely for reasons of European principles, nor for considerations of geography or of friendship—that Mr. Pierre Waline, as President of this 56th Session of the International Labour Conference, will render further service to universal peace, social justice and the cause, not of governments, workers or employers, but of all mankind.

Interpretation from Spanish: Mr. Yllanes Ramos (*Employers' delegate, Mexico*)—I have asked for the floor in order to support the nomination of Mr. Waline and because of certain objections which have been put forward.

I should like to analyze those objections quite calmly. First, mention has been made of Mr. Waline's personal qualities, because when thinking of the President of the Conference we have also to consider the qualities of the man. Nearly all of the speakers have praised Mr. Waline, except for some who, availing themselves of their right to express opinions, have objected because of his attitude towards certain delegates. The fact is that Mr. Waline, although criticized, is put forward as an individual with his own personality, ideas and character.

We do not all agree. Indeed it is a good thing that we should not, because an organisation in which all agree on everything would be a poor thing. Truth is reached through dialogue, as the Director-General maintains in his Report.

Another argument that has been much discussed is one of the principle, and I should like to bring this matter down to earth. Is there any constitutional impediment to the election of a non-Government delegate to the Chair? We have heard of the election of Mr. Jean Möri of the Workers' group. At that time there was no constitutional impediment either, but there was a long tradition whereby the President of the Conference was sought among the Government ranks, which I think is a good general rule. It is good that Presidents should only in exceptional circumstances come from the Employers' or Workers' groups since in this Organisation, where we are on an equal footing and where the employers' and workers' delegates represent their countries equally, it is only right that we should give consideration to the member States and that, as a rule, a Government representative should be considered for this post.

However in exceptional cases—and I am sure that from all you have heard there can be no disagreement that this is indeed an exceptional case—we may well consider the candidature of an Employers' delegate, just as we did that of Jean Möri.

After attending the Conference for so many years, I do not expect there will be another Worker President or another Employer President—although nothing is impossible. Government delegates will continue to be elected and years may pass before such an exceptional situation recurs. There is no need for any apprehension. Pierre Waline will be an excellent President, as he showed when he was Vice-President. He is a well-balanced man who will ensure impartiality in discussions and compliance with the Constitution and the Standing Orders. He is therefore an honest candidate and we hope you will decide freely to support him.

We came here to discuss and express our opinion; ours is that Pierre Waline is a good candidate.

Mr. Koku (*Chairman of the Governing Body of the International Labour Office*)—The name of Mr. Pierre Waline, Employers' delegate of France, has been proposed and seconded for election to the Presidency of this session. As there are no other nominations—and due note will be taken of the objections and observations expressed, all of which will be recorded—may I take it that Mr. Waline is elected President of the 56th Session of the Conference? I declare Mr. Waline elected President of the 56th Session of the International Labour Conference, and I invite him to take the Chair.

(*Mr. Waline, Employers' delegate, France, is elected President and takes the Chair.*)

PRESIDENTIAL ADDRESS

Interpretation from French: The President—You have given me very great satisfaction, for your decision far exceeds the scope of my own person and recognises the role and responsibility incumbent on the authentic representatives of employers at this Conference and in the ILO as a whole.

I thank all of you for the signal honour and I must express particular gratitude to my colleagues in the Employers' group who put my name forward for election—particularly their spokesman, my dear friend, Gullmar Bergenstrom—and also my friends Abate, Lacasa and Fernando Yllanes Ramos, I also thank my friends in the Workers' group who gave their support to the proposal—Chairman Morris and Messrs. Sandos and Zaidi, and my dear compatriot, Roger Louet. I wish to express my gratitude to the Government representatives who, as they did in 1969, gracefully accepted this derogation from their customary system of rotation.

I would particularly like to thank the Minister of Labour and Social Welfare of Cameroon, Mr. Nzo-Ekhah-Nghaki, and I would add that I was pleasantly surprised and very much touched by the fact that Mr. Morgan should have been kind enough to associate fraternally in his speech my mother tongue and his own.

I have listened with close attention to the speeches of Mr. Gorochkine, Mrs. Peeva, Mr. Timmer, Mr. Lechuga and Mr. Pacuraru. As I understand them, their reservations relate not to my person, but to the role which I have played as Chairman of the Employers' group. In the discharge of my functions as President of the Conference, I shall seeek not to disappoint anyone and, above all, not to give anyone the feeling that he is not being treated on a footing of complete equality during the Conference.

The pride and joy which you have caused me are, however, tinged with sadness. A few minutes ago I saw in my mind's eye Jean Mori moving up to the rostrum, as he would have done, I am sure, to speak words of encouragement as friendly as those with which, two years ago, I supported his own nomination. I still find it strange not to see among you that kind of honourable man who for eight years was the universally respected Chairman of the Workers' Group.

Like the Director-General, my friend Wilfred Jenks, I am one of those whose memories go furthest back—indeed, they embrace almost the whole history of the Organisation. Thus for me Jean Möri stands on a level with other great figures of the past and, just as he mentioned his predecessors who would certainly have been worthy of this presidential chair, I may be permitted to attribute much of the honour you have done me to those who stood at the head of the Employers' group before it was my turn. Jules Carlier, Hans-Christian Oersted, and Sir John Forbes Watson, each in his time and in his manner, brought to our common task a contribution to which I can bear witness and which was welcomed by the outstanding men by whom the ILO has always had the good fortune to be led. Since I refer to the former directors of the Office, I cannot but recall the essential role played by the man who was the true founder and moving spirit of the ILO, my compatriot Albert Thomas, for whom after so many years I still feel sincere admiration.

When I compare the Conferences of recent years with those at which I had the example of such masters before my eyes, I am struck by the fact that, while remaining itself, this great annual assembly of increasingly numerous tripartite delegations has found the way to adjust its machinery to new tasks. This year's agenda provides an example, whether one judges by the nature of the items it includes or by the methods chosen to handle them. The distinguished Chairman of the Governing Body, Mr. Koku, has given an excellent review of the contents of the agenda, so I shall only make a few observations about it.

Protection against hazards arising from benzene is a further link in that chain of international acts which goes back to the Conferences held long before 1919, at Berne, in this same country which still provides us each year with the setting for our efforts to protect the health and indeed the lives of the workers. Having been examined by a committee of experts and being found to be urgent, this question has seemed appropriate for treatment here in a single discussion.

We have no new instruments on conditions of work to draft or to adopt, but then our 134 Conventions and 142 Recommendations already cover almost the whole field of labour law. In addition, you will have two opportunities to review the results or the imperfections of past achievements—as you examine the reports of governments on the application of Conventions and Recommendations and in the discussion of the Director-General's own Report, which, though in my opinion it is not sufficiently used as a handle for real debate, gives each of us a chance to put questions and to reply to those of others.

Furthermore, the chapter of the International Labour Code dealing with labour-management relations and written mainly since the Second World War will be enriched by the instrument now proposed on the protection of workers' representatives in the undertaking which you are to finalise after the first discussion a year ago.

But it is another item on the agenda which will, I believe, indicate the real effectiveness of our Organisation when faced with problems a great deal more complex than most of those relating to protection of the workers by law, which were the main object of our work for so many years—I mean the general discussion on the World Employment Programme, which has been rightly said to involve concerted action by the ILO with the other international organisations and with member States.

That debate will certainly throw light on two increasingly striking features of the world today: on the one hand, the awareness of some nations of the delay in their economic development, due to natural or historical causes, and felt in any case to be unjust. For twenty years, in response to the generous call first made to us by David Morse, we have sought to apply remedies or palliatives by expanding our operational programmes. But we know very well that there will be no true solution of the problem without international solidarity on a scale very much exceeding that of our own means. This is the reason why we must proclaim the need for such solidarity, while persevering in our own specific tasks.

On the other hand, technical progress, which is increasingly rapid and brings evident advantages to all mankind, may turn out to be a threat to job security and to satisfactory management. Hence the need for more or less constant co-operation between governments, heads of undertakings and workers' representatives in each country and at the international level, so as to prevent or attenuate the depressions and sufferings which may prove to be the price of progress.

These two characteristics of our age bring us at this time face to face with the responsibilities of which His Holiness Pope Paul VI reminded us two years ago when he told the Conference: "It is man that you must protect . . . man, swept along by the irresistible current of his inventions and, as it were, stunned by the growing contrast between the prodigious increase of the goods at his disposal and their distribution, which may easily be unjust, between men and between peoples."

To play our part in such a campaign for the defense of human beings we, compared with other organisations, have the advantage of our tripartite Constitution which was conceived by transcendent intellects like that of Edward Phelan and which has, I think we can say been justified by half a century of experience. This year again one of the items on our agenda gives you an opportunity to reflect on the structure of this Organisation with the object of making it still more effective. I will not presume to prejudge your conclusions, but would merely offer you in closing a few reflections which sum up a modest philosophy of my long participation in the work of the ILO.

Institutions are, I believe, largely what men make of them. At international meetings, even more than elsewhere, we should all seek to understand better the position and the arguments of the other party or parties and to explain our own to them as frankly as we can. In the present century how can one fail to recognise that, above national, sectional or private selfishness, we are becoming more and more interdependent, one with another? For me in any case the ILO will have been a school of constant education where I have had the good fortune to understand more fully my colleagues from other countries, and perhaps my own compatriots too, and where I have felt that solidarity including us all is not only a duty but a source of mutual advantage. The hope I formulate as our work begins is that it may proceed in the light of that dual conception.

(*The Conference adjourned at 11:45 a.m.*)

EXHIBIT 2

[From the AFL–CIO News, June 12, 1971]

ILO AFFIRMS TRIPARTITE PRINCIPLE IN ELECTING EMPLOYER PRESIDENT

GENEVA—The 56th conference of the International Labor Organization elected as its president Pierre Waline, a French employer, with the warm endorsement of the worker delegates.

Brushing aside the "strong protest" registered by Ivan V. Goroshkin, a Soviet deputy labor minister, the conference proclaimed Waline president without a formal vote at the opening of the three-week session.

Goroshkin had rushed to the rostrum in Geneva's Palace of Nations to object in the name of eight Communist countries to the selection of a non-government delegate to fill the presidency. The Soviet representative made clear that in objecting to Waline's election he was registering Moscow's disapproval of the autonomy enjoyed by the worker and employer delegates. This autonomy had resulted in "discrimination" against the Communist representatives, he complained.

Commenting later on the election, U.S. Worker Delegate Rudolph Faupl said he warmly endorsed the conference's choice of the French employer because "it rightly honors a man who has devoted nearly 50 years of service to the fundamental principles and ideals of the ILO."

"But I also welcome it," the leader of the AFL–CIO delegation continued, "because in electing a non-governmental delegate over the vehement Communist objections, the conference reinforced the ILO's tripartism by confirming that the presidency is not the monopoly of any one group."

The Communist delegations received a blunt warning at the conference's start to refrain from wasting its time by indulging in vain propaganda speeches.

"The ILO is not a political assembly," S. O. Koku, Nigerian labor ministry official, recalled when opening the session as chairman of the ILO Governing Body.

Calling for the shunning of all "sterile political debates and controversy," the Nigerian official said that the ILO objectives of "better conditions of work and life for the toiling masses of the world" could not be advanced by such tactics.

Earlier, the Governing Body had approved a plan to expand its own membership without altering the basic structure that insures independent representation to trade unions and employers as well as governments.

The executive body's 35 to 8 vote, with 5 abstentions or absentees, in favor of submitting the plan to the conference was a defeat for the Soviet Union.

Moscow was spearheading a drive to change the ILO rules that reserves 10 of the 28 government seats on the Government Body for the most industrialized of the agency's member nations. The Soviet Union hoped to win support for its so-far unsuccessful campaign to reshape the ILO to its liking by getting more of its allies elected by the conference to the Governing Body.

Joseph Morris of the Canadian Labor Congress, leader of the worker members of the executive forum, angrily denounced the Soviet campaign.

Throughout the Communist speeches calling for changes in the ILO structure "runs the threat of reductions in the right of the groups to make decisions within the framework of their responsibilities to meet the need and aspirations of working people," Morris charged.

Under the plan being forwarded to the 1973 conference, the Governing Body's membership would be increased to 56 by adding four government seats and giving two additional seats to both workers and employers, thereby increasing the totals of these two groups to 14 each.

At the request of the workers' group, the Governing Body placed on the agenda of the conference the questions of the prevention of occupational cancer and of paid educational leaves for workers.

Faupl, Machinists' international representative, headed a seven-man AFL–CIO team to the conference. Serving as advisers to the U.S. worker delegate are S. Frank Raftery, president of the Painters; Thomas E. Murphy, president of the Bricklayers; Charles West, vice president of the Machinists; Miles Stanley, president of the West Virginia AFL–CIO; Edward Hickey, labor attorney; and Bert Seidman, director of the AFL–CIO Dept. of Social Security.

[From the International Operating Engineer, June 1971]

GLOBAL CONGRESS MAPS WAR AGAINST JOB ACCIDENTS

General President Hunter P. Wharton participated in a global review of accident prevention and industrial safety last month at the triennial session of the World Congress on the Prevention of Occupational Risks. The week-long sessions were held in Vienna, Austria, May 10–15.

The chief movers in the safety congress were the International Labor Organization and the International Social Security Association.

Heading the American representation and appearing as a speaker during the congress was Assistant Secretary of Labor George Guenther.

The congress was attended by more than 3,000 delegates from 58 countries. All shades of ideological opinion were represented ranging from the far left of Communism to some of the most rigid of the right-wing oriented nations. The prime concern of all countries regardless of their political persuasions, was that of improving safety in the work places and preventing accidents.

One of the most comprehensive presentations made to the congress was that of Dr. Luigi Parmeggiani of the International Labor Organization. He spoke on "Recent Developments and Future Prospects in the Prevention of Occupational Accidents and Diseases." His paper, a highly comprehensive one with a number of charts on deaths and accidents was made available in booklet form to the delegates.

A highlight of the conference was the presentation of a series of reports bearing on various phases of accident prevention:

"Accident Prevention in Industry"—Henry G. Lamb, U.S.A.;

"Prevention of Transport Accidents with Relation to Ports and Harbors"—J. P. Chapon, France;

"Accident Prevention in Agriculture"—N. N. Savitsky, U.S.S.R.;

"Accident Prevention in Forestry"—Rudolf Meyr, Austria, and "Promotion of Work Safety"—Anders Warnfeldt, Sweden.

Considerable emphasis was given to accident prevention in forestry and agriculture. Field trips outside Vienna were arranged for the delegates wishing to explore these subjects in work situations.

One of the principal reports made was given by Dr. O. Messer, Director of Economic and Social Affairs of the Council of Europe. He spoke for the Council and outlined the recent and current work of the European organization.

Among the specific areas of action and progress reported on by Dr. Messer were:

Safety principles governing safe loads, brakes, ropes, lifting drums, cabs access to electrical equipment in various types of cranes and motor vehicle hoists;

Safety instructions for rigidly guided lifts on temporary building sites;

Measures designed to prevent falls in construction work;

Safety in the use of tannery machinery;

Safety in construction and use of basket centrifugal separators;

Chemical safety;

Value of "Yellow Book" guidance in dangerous substances use;

Recommendations in use of power presses, sawing and plastics work;

Studies of asbestos and mineral dust and codes of respirators.

GUENTHER SPEAKS

Speaking for the U.S., Mr. Guenther outlined the new Occupational Safety and Health Act and explained its basic purposes and told how these would be achieved through administration and enforcement.

Speakers from a number of the delegate countries spoke on aspects of accident prevention of particular concern to their workers. Reports and pamphlets were made available in various languages to the delegates.

Exhibits of various types of safety gear and equipment proved educational to the congress visitors.

The American Embassy and its personnel took an active interest in the congress and sought through its good offices to enable the visiting delegates to make the most effective use of their time in behalf of the congress' aims while in Vienna.

The next congress will be held in Dublin, Ireland.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, because of unusual circumstances, will the Senator from Iowa yield to me for not to exceed a minute and a half, with the time not to be taken out of his time?

Mr. HUGHES. I am happy to yield to the Senator from Montana.

REFERRAL OF TITLES 7 AND 8 OF H.R. 7736 TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on H.R. 7736, an act to amend the Public Health Service Act, extending for 1 year student loan scholarships, the provisions of titles 7 and 8 of such act be referred to the Committee on Government Operations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President——

Mr. MANSFIELD. Let me finish first, please—so that the Chair will not put the question right now—and at the conclusion of the hearings on that committee, that it be referred to the Hughes subcommittee of the Committee on Labor and Public Welfare, for a period of 30 days.

Mr. JAVITS. Mr. President, reserving the right to object, I am the ranking member of this committee and I really know nothing about this.

In the first place, referral to a subcommittee is quite improper. It has got to be referred to the full Committee on Labor and Public Welfare.

Mr. MANSFIELD. I do not want to take up the time of the Senator from Iowa further. I will have further conversations with the Senator.

Mr. JAVITS. I will let it go through——

Mr. MANSFIELD. I will talk to the Senator from Iowa about it.

Mr. MANSFIELD subsequently said: Mr. President, earlier today I presented a unanimous consent request which caused some questions. I am delighted that the questions were raised at that time, because the bill I had reference to happened to be the wrong bill in question.

Now, I understand that the bill in question, S. 2097, has been introduced by the distinguished Senator from Illinois (Mr. PERCY) and perhaps others, and perhaps has been referred to the Committee on Government Operations, where it should go, under the jurisdictional authority of the Senate.

After talking with interested Senators on this matter, and with their approval, to the best of my knowledge, I ask unanimous consent that when the Committee on Government Operations has completed action on S. 2097, it be referred to the Committee on Labor and Public Welfare, with the proviso that it will be reported out not later than 30 days hence.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S NEW EMERGENCY DRUG PROGRAM

Mr. HUGHES. Mr. President, on Thursday of last week, President Nixon announced his new crash drug-control program, wisely recognizing the national crisis to which a number of us in the Congress have been calling attention for the past 2 years.

As I said at the time, the President is to be commended for his official designation of the drug abuse epidemic as having "assumed the dimension of a national emergency." He is to be commended for dealing with both civilian and military drug abuse, rather than just concentrating on the armed services where the flashpoint of concern centers at this time.

He is to be especially commended that the new program gives more attention to "the reclamation of the drug user himself" than previous administration proposals, which generally concentrated on trying to cut off the supply of dangerous, illicit drugs, and gave only secondary attention to trying to control the demand for them. The new program includes a number of features which the Labor and Public Welfare Committee and its drug abuse subcommittee has stressed in proposed legislation over the past 2 years and which the administration has previously opposed. Much of this was contained in S. 3562, which I introduced with the Senator from New York (Mr. JAVITS) as cosponsor in March 1970, and which twice passed the Senate.

The President is to be commended, also, for placing a man of excellent credentials, Dr. Jerome Jaffe, to head what he calls the interim Special Action Office on Drug Abuse Prevention.

I will fully support efforts to bring the attention of Congress to bear on the President's proposals immediately and to enact the necessary legislation.

In the meantime, I believe there are some important questions that need to be raised about the new program relating to possible omissions and areas that may require strengthening. Considering the urgency of the matter at hand, I believe these points should be made at once so that the new program can be implemented effectively and without delay.

My first question is: What does the President's new program propose to do about alcoholism—in both the armed services and our civilian society?

The blunt fact is that alcohol is the most widely abused dangerous drug in our society. Alcohol abuse causes many times more deaths, human misery and economic loss than overuse of any other dangerous drug. Our staff investigation of drug use in the armed services indicates that there is at least as much alcoholism in the armed services as in civilian life—and very likely a lot more. It is a chemical addiction, the same as heroin addiction.

What if the serviceman's killing addiction is to alcohol rather than to heroin or cocaine? The new program is unclear as to whether or not the alcoholic will receive the same treatment, rehabilitation and amnesty as the drug addict. Apart from considerations of humanity and equity, testimony in recent hearings of our subcommittee on drug abuse in the armed services indicate that alcoholism is a much more dangerous threat to our national security than has been generally noted.

I am also concerned about what the new program will do to control alcohol abuse and dependence in our civilian society. As you know, the most comprehensive and far-reaching national alcoholism bill in our history was enacted by the Congress with virtually no opposition and signed into law by the President on last New Year's Eve.

This new law was widely hailed by medical groups, professional associations, and civic organizations throughout America as bringing new hope in a problem area, termed by the Government's No. 1 physician "our No. 1 national health problem."

But soon thereafter the lights went out as it became apparent that the administration had no intentions of seeing the major provisions of the new law either funded or implemented. In the face of administration opposition, requests for supplemental appropriations to get the major provisions of the new law in operation on even a token basis were rejected.

So this is why it is necessary to ask the question now—what are the administration's intentions with regard to controlling alcohol abuse in both civilian and military sectors? A national drug abuse control program that does not control alcoholism would be like a chronic disease program that left our heart disease.

There is indeed a need for overall planning and coordination of national drug abuse control, emanating from the White House. It should be noted that Dr. Jaffe's authority, as outlined, will relate to matters of treatment, rehabilitation, and education. But overall authority, well qualified and visible, should cover law enforcement—the Department of Justice—the military—the Department of Defense—and the Civil Service Commission as well as the departments the President has suggested.

Without this overall direction, we do not have, in point of fact, a coordinated, comprehensive national drug control effort.

It should be pointed out that the President has proposed a temporary solution to what, I am convinced, is a long-range problem. The drug abuse problem cannot be solved by a temporary approach to be conducted in the short span of 3 or even 5 years.

As the President recognized, and as my subcommittee has demonstrated during the past year, there is a major problem relating to men in uniform who are presently addicted with time yet to serve and with the estimated 50,000 addicts among our present veteran population. Title V of S. 3562 had set out a comprehensive program to alleviate this problem, part of which was enacted by the Senate through the amendment that I offered to the Military Selective Service Act, along with the cosponsorship of the Senator from New York (Mr. JAVITS), on June 9, 1971. I will strongly support all efforts to strengthen the provisions already passed by the Senate.

The President's message unfortunately failed to recognize the tremendous need for further research with respect to drug abuse and drug dependence in this country. Present knowledge simply does not permit us to solve this problem in the short span of 3 years that the President contemplates. It must be a continuing effort. I will therefore push for expanded research efforts in this field.

I would like to quote a few excerpts from a statement recently made by Dr. Herbert A. Raskin, of Southfield, Mich., chairman of the American Medical Association's Committee on Alcoholism and Drug Dependence, in expressing general support for the President's new "national offensive" against drug addiction.

Dr. Raskin points out that "already enacted pieces of legislation set up the potential for making great strides toward meeting with the community problem."

Dr. Raskin states:

> What is essential at this point is for both the Administration and Congress to adequately fund all of these efforts so that significant action can begin.
>
> We agree very strongly with everything the President said, but we should also recognize that what he is saying is nothing new, that we are all very well aware of the significance of the problem, and that we know in great part what action is required.
>
> To date, however, inadequate funding has prevented not only the Federal government but State and local governments from implementing adequate facilities and services. If these programs were adequately funded, we would have a running start in meeting these problems.

Dr. Raskin also said the President forgot to add a fifth front in his war on drugs—the need for increased research.

He said:

> We need not only research into problems of drug abuse and dependence itself but continuing research into mental illness and social pathology. We must examine the interrelation between these factors and drug abuse and dependence.

Dr. Raskin also warned that alcoholism remains one of the primary drug abuse and drug dependent problems.

He said:

> Let's not forget that alcoholism is a drug problem.

In his message about his new drug program, the President implied that the drug control efforts of the administration would be further along if Congress had not dragged its feet. This is a misconception that needs to be corrected.

If the treatment-oriented features of the President's new program are right—as I believe they are—then it should be noted that it was the Congress, and particularly the Senate and its Labor and Public Welfare Committee, that were working in this direction in the past 2 years against the opposition of the administration whose view was overwhelmingly dominated by the Justice Department viewpoint.

The President is able to move to add $105 million to the present drug treatment and rehabilitation appropriations and to add $50 million to our law enforcement efforts, because the Congress has already authorized those amounts—and more—to be spent on the drug program.

A limited review of the Senate's record in the drug and alcohol areas will illustrate in more detail what I mean:

In May 1969, the Senate responded to the growing drug problem by creating the Senate Subcommittee on Alcoholism and Narcotics, which I have had the privilege to chair. That committee has been actively studying and recommending legislation in the drug and alcohol abuse and dependence areas for over 2 years.

On March 24, 1970, the administration testified before our subcommittee in opposition to S. 3562, legislation which I introduced on a bipartisan basis, with support from a number of my colleagues, which would have pulled together existing authorities in the drug prevention, treatment, and rehabilitation areas into one coordinated effort administered by a National Institute on Drug Abuse and Drug Dependence. When the Comprehensive Drug Abuse Prevention and Control Act came up on the Senate floor, the substance of S. 3562 was added as an amendment to that act. The amendment was sponsored by the entire Labor and Public Welfare Committee, acting bipartisanly. The administration opposed the amendment. It passed in spite of that opposition.

Lacking administration support, however, it was lost in conference. After the conference, the Senate, determined to show its commitment to the concepts contained in the legislation, again passed the amendment, this time in the form of a separate bill, by a rollcall vote of 86 to 0.

During that same period last year, the administration opposed an amendment proposed by the Senator from Missouri (Mr. EAGLETON), which would have attempted to place more stringent controls on amphetamines—the stimulant drugs which are used to make "speed." Over half of these pills presently go into nonmedical channels. They have only a minimal medical use. That amendment also passed the Senate. Without administration support, it too was substantially lost in conference.

On August 27, 1970, the administration testified in our subcommittee against the Drug Abuse Education Act of 1970. That legislation, which was passed in spite of administration opposition—and, I should add, funded over administration objection—authorized $58 million in school and community drug abuse education programs and projects during fiscal 1970–72.

Nor did the administration support Senate amendments to the Economic Opportunity Act which provided authority for the development of community drug and alcoholism programs. The amendments authorized $20 million for drug programs and $25 million for alcoholism programs for fiscal 1970 and 1971. The authorizing legislation was fully funded over administration objection.

Similarly, the administration could never bring itself to support the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act which was passed unanimously by the Senate, with no significant opposition by the House, and was signed into law on December 31 of last year. The bill was signed apparently only with great reluctance, and although it authorized $70 million for fiscal 1971, and $100 million for fiscal 1972, the administration has refused to request funds for the act's implementation for either year.

On April 20, 1971, the Subcommittee on Alcoholism and Narcotics, after a year-long investigation of the problem of drugs in the military, issued a series of recommendations for action. No satisfactory response to the recommendations has ever been received by us from the Department of Defense. Consequently on June 9, the Senate, by a vote of 76 to 0, passed a far-reaching amendment to the draft bill which would obligate the armed services to locate drug and alcohol dependent individuals, to encourage them to seek treatment and rehabilitation services, and to provide such services to them. This was only a first step in this area, but it constitutes a far broader proposal than the administration has at least thus far announced.

On June 9 the Senate also passed an additional amendment to the draft bill which, in effect, was a mandate to the President to act to stem the international flow of heroin and other narcotic drugs—it required the President to report to the Congress every 90 days the steps which our Government is taking in this area.

There are other actions which I could refer to, Mr. President, but I believe my point is clear; the Congress has been far ahead of the executive branch in this critical area.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I want to tell the Senator from Iowa that, as the ranking minority member of the subcommittee, I think he has put his finger on something of the most critical importance.

Mr. President, I like the idea of consolidation, too. However, consolidation has to be helpful and meaningful in order to be useful. This is not a matter of first impression. The committee knows a great deal about it. The President appointed a commission, on which the Senator from Iowa and I served, to deal with the whole drug program.

We have a habit in this country of continuing to do something that we were doing yesterday and thinking that we are doing something different. I have this impression now.

Mr. President, the President of the United States is my President and I am all for him. He is doing good things in this matter. I think, however, that we ought to keep the record clear. I think that the committee should not be shunted aside, because we have a good idea, also.

Mr. President, I agree with the Senator from Iowa. I hope very much that we will do this fully and equally—pari passu, as we lawyers say. This matter is too important a new effort to leave it to a new agency and forget about everything that has been done.

Mr. HUGHES. I wish to thank the distinguished Senator from New York for his statement and also for his ongoing contributions and cooperation. There has been a continuous bipartisan effort on behalf of the entire committee in 2 years of solid work, the structure of which I have basically set out this morning in my statement.

I thank the Senator for his continuous support.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

VIETNAM—A THREE-PHASE WITHDRAWAL AND POW RELEASE TO BE PROPOSED

Mr. MANSFIELD. Mr. President, the Attorney General has posed a legal challenge to the publication of the documents on Vietnam. In so doing, he has raised the most fundamental of constitutional questions having to do with the first amendment. I have my own views as to the validity of that challenge. However, in keeping with a long-standing practice, I will refrain from expressing them while the matter is in the courts. In any event, the challenge to the press does not arise from the Government as a whole, and it certainly does not arise from the Senate at this time. The dispute is between the executive branch and the public's chief medium of uncontrolled information about that branch which is the press.

Whatever the outcome, the authenticity of the documents already published is not in question. These documents are sufficient in themselves to raise the gravest concern about the manner in which the foreign and military policies of this Government are made and carried out. The published documents confirm to us what has been suspected for some time. It is that this Nation has been bound to a course in Vietnam and elsewhere by one branch of the Government—the executive branch—with virtually no participation of the Congress. The Congress has been asked to stand behind the President's judgments in security situations; and, virtually to the last Member, we have done so. We have been asked to provide the funds and the authority to raise the military manpower for this enterprise in Southeast Asia. At the outset, we did so and, on the whole, we still are doing so.

The documents also tell us that politics have had little or nothing at all to do with the evolution of the Vietnamese involvement. The elements of the gathering tragedy were added piece by piece through administrations of both parties and the continuity has been provided by the permanent bureaucracy of the executive branch. In short, we have arrived at where we are in Vietnam not by party-processes but by governmental processes. We have arrived at this point by the flaws which are in-built in the federal system as it now operates in matters of foreign and defense policy.

The documents show with unmistakable clarity that party politics had nothing to do with the descent into the morass of Vietnam. Party politics has nothing to do with it, now, as we struggle for footholds on the slippery banks of withdrawal from this tragic experience.

That is why I find it most regrettable that the sniffing for political profit has been apparent over the weekend. The injection of party considerations at this point can only serve to multiply the errors of the past and compound the tragedy. I do not believe that the people of this Nation will thank those who in the name of the political game add to the travails of extrication.

It would be my hope, therefore, that at least within the Senate, we will restrain any impulses of this kind. On the whole we have avoided them through the years. It may help to avoid them now, before the political blood boils, if we ask ourselves:

Who was so clairvoyant as to oppose the involvement in Vietnam at the outset? Who was prepared to speak out against it 15 years ago? Ten years ago? Five? What member of this Senate, on either side of the aisle? Which Member of the House in all those years? What President of the United States? The current Chief Executive? The former President? Any former President? The Secretary of State? The Secretary of Defense? Former Secretaries of State or Defense? Republicans? Democrats? Who, Mr. President, who?

I do not believe that the people of the Nation will be impressed by a search through these documents for political scrapegoats. Nor will they, do I believe, forgive a political sideshow which will detract from the effort to end the war in Vietnam.

That is the ball—to end the war—and I fear for the Nation if we do not keep our eye on it.

Documents aside and politics aside that is the first concern of the Senate. We need to try to do what we can to speed up the process of withdrawal which has dragged on for more than 2 years with thousands more casualties accumulating during that time. A week ago, it was suggested that the executive branch take an initiative in an appropriate negotiating forum and seek an immediate ceasefire on the basis of:

First, providing for a series of phased and rapid U.S. withdrawals in return for a series of phased releases of prisoners of war; and

Second, a coupling of the final release of all U.S. prisoners with the final withdrawal of all U.S. forces by a specific date in the near future.

It is my intention, Mr. President, to offer soon a spell-out of this proposal which will permit a registration of Senate sentiment on this approach. At that time, I will suggest a three-phase withdrawal, and a three-phase release of prisoners of war, at intervals of 60 days per phase, beginning with the proclamation of a cease-fire. If something of the sort could be achieved, a prompt end to further casualties and continued enlargement of the list of prisoners of war might reasonably be expected. At the same time, it might be possible to complete the total withdrawal and the complete release of prisoners in 9 months.

I do not know whether this approach will prove any more effective than others which have been put forward by Members of the Senate. I do know that the publication of the documents underscores the responsibility of the Senate and the Congress to seek ways and means to go beyond winding down the war. The truth of the matter is that we have long since been at the end of the spring.

PUBLICATION OF DOCUMENTS ON VIETNAM

Mr. ALLEN. Mr. President, as long as this country has friends like the New York Times and Washington Post, it does not need any enemies.

While I do not in any way approve or condone the actions of the Johnson administration that have been revealed by these disclosures, I believe these newspapers have done our country a disservice in revealing the contents of these stolen classified documents.

Since those involved are now out of Government, what good has been accomplished?

This action has handed our Communist enemies a readymade propaganda weapon, and they are using it; it widens the credibility gap existing between the people and their Government; it helps undermine public confidence in all government; and it hampers our efforts in peace negotiations.

These disclosures should have been left to the objective historian years hence in writing the history of the Indochina war.

Mr. President, the Nashville Banner published an editorial entitled "Top Secret Documents Not 'News Fit To Print,'" on June 18, 1971, which touches on this most important subject.

The editorial states in part:

> By the New York Times' interpretation, "All the news that's fit to print"—its proud slogan—apparently embraces classified documents, whose fitness for publication the Times presumes to determine for itself, in total contravention of any law or rule prevailing on that.

The editorial concludes by stating:

> It is significant, surely, that of "press" opinion hearing on the incident, and extolling it, none quoted in the roundup of world comment speaks in greater praise than did Hanoi Radio and Pravda, of Moscow, the Soviet Communist Party newspaper. Said the Hanoi commentator, the publication "helps the Americans and the people of the world see more clearly the cruel policy of aggression and the deceitful tricks of the American imperialists."
>
> To Pravda, by its headlines, the "aggressors" have been exposed, and the Horrendous crime of the United States" is authenticated.
>
> It is a sad day in American journalism when any newspaper evaluates chiefly by its prejudices in deciding all the news that is fit to print.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD:

Top Secret Documents Not "News Fit To Print"

By the New York Times' interpretation, "All the news that's fit to print"—its proud slogan—apparently embraces classified documents, whose fitness for publication the Times presumes to determine itself, in total contravention of any law or rule prevailing on that.

So it was that "somebody" leaked to it the secret papers in question—which were supposed to be under lock and key, because they bore on sensitive matter—and the newspaper launched the publication of them with a flourish. The somebody who breached those rules was violating the espionage law, and is subject to prosecution and penalty. But the newspaper which is not ordinarily case-hardened in trespass, but given to discretion and aware of the standards of responsibility, lent itself to and became the instrument of an outrageous act, perpetrated in full knowledge of what it was doing.

The documents thus aired to the world could enable the enemy to break our codes and expose to that enemy our military strategy. Hardly can it be disputed that the incident has embarrassed us with every foreign government, and, as Secretary of State William Rogers has pointed out, has cast a shadow over any prospect that other nations—even our closest friends—will reveal to our authorities anything in confidence again.

It is equally outrageous that the development—and pointedly the papers involved in it—were in direct and studied smear of former President Lyndon B. Johnson. The authors of this study, which was ordered by then-Defense Secretary Robert S. McNamara—made it that with a deliberateness that shows; a fact debunking the claims that it is simply a chapter of events rightfully belonging to public view on the ground of the people's right to know.

As one who witnessed and knew President Johnson's heart-rending tasks of hard decision, in bearing the awesome responsibilities of that office, former Vice President Hubert H. Humphrey has bitterly denounced the incident of this publication. Mr. Johnson he says has been maligned by it, and subjected to a campaign of untruth.

There are newspaper obligations respecting information to which the public is entitled—and the duty to resist any attempted gag-rule, where the material involved is not of a genuinely classified nature, in war-time, or grave national emergency, nor tend to give aid and comfort to the enemy.

All those were questions, certainly, which the Times should have weighed most carefully—and it is difficult to see how these making the decision could have weighed them and arrived at the determination they reached.

It is significant, surely, that of "press" opinion bearing on the incident, and extolling it, none quoted in the roundup of world comment speaks in greater praise than did Hanoi Radio and Pravda, of Moscow, the Soviet Communist Party newspaper. Said the Hanoi commentator, the publication "helps the Americans and the people of the world see more clearly the cruel policy of aggression and the deceitful tricks of the American imperialists."

To Pravda, by its headlines, the "aggressors" have been exposed, and the "Horrendous crime of the United States" is authenticated.

It is a sad day in American journalism when any newspaper evaluates chiefly by its prejudices in decided all the news that is fit to print.

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for not to exceed 10 minutes and that the unfinished business be laid before the Senate at the conclusion thereof.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, if other Members of the Senate are through, I would like to be recognized in the morning hour.

Mr. MANSFIELD. Mr. President, the morning hour has been concluded; has it not?

The PRESIDING OFFICER. The time for transaction of routine morning business has been extended for a period of 10 minutes.

The Chair recognizes the Senator from New York.

THE NEW YORK TIMES ARTICLES

Mr. JAVITS. Mr. President, various views have been voiced today on the articles that have appeared in the New York Times and Washington Post.

I ask unanimous consent to include in the RECORD at the conclusion of my remarks, the opinion of Judge Murray Gurfein, of the U.S. District Court for the Southern District of New York on this case.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, of course, this case is pending in the courts; therefore it is improper—I am certainly lawyer enough to know that—to comment on it in this or any other forum. I do, however, feel that when the reports made by the press are assailed in terms of desirability of such disclosure as public policy, that is another matter.

We cannot hope to avoid the caustic criticism of the Communist press. If they cannot make it on anything that is legitimately based, they will fabricate it from something to make it on. They will find us to be "imperialists" or "aggressors" no matter what we print or do not print, in my judgment.

But the important thing we have to bear in mind is the long-standing struggle with the Executive right here in Congress involving very seriously the foreign policy of the country, in which we are trying to remove the power of the Executive by stamping anything "secret" to keep the American people from knowing about it. This is a heavy responsibility, and a very grave one.

I think the Senator from Montana (Mr. MANSFIELD) is absolutely right in saying that we cannot draw wild conclusions from what is revealed, but we have always prided ourselves on the fact that a free people is kept strong if they know everything it is possible to know; even if it is stretched, they become stronger by knowing rather than become weakened. I say today that by having the informed support of our people, we are stronger and make fewer mistakes.

As I deeply feel the Vietnam war is one of the greatest blunders we have ever made as a Government, I feel the earliest possible furnishing of information on that subject will aid materially in the very objective which the majority leader spoke about so feelingly, which is to get out of Vietnam at the earliest possible time consistent with the future security of our country and its destiny.

So I cannot allow to stand criticism of these papers on public policy grounds. On the law, the courts will take care of it. On the issue of public policy, I am for the right to know as against the right not to know.

EXHIBIT 1

Text of Gurfein Opinion Upholding the Times and Kaufman Order Extending Ban

On June 12, June 13, and June 14, 1971, the New York Times published summaries and portions of the text of two documents—certain volumes from a 1968 Pentagon study relating to Vietnam and a summary of a 1965 Defense Department study relating to the Tonkin Gulf incident. The United States sues to enjoin the Times from "further dissemination, disclosure or divulgence" of materials contained in the 1968 study of the decision-making process with respect to Vietnam and the summary of the 1965 Tonkin Gulf study. In its application for a temporary restraining order the United States also asked the Court to order The Times to furnish the Court all the documents involved so that they could be impounded pending a determination. On June 15 upon the argument of the order to show cause the Court entered a temporary restraining order against The New York Times in substance preventing the further publication until a determination by the Court upon the merits of the Government's application for a preliminary injunction. The Court at that time, in the absence of any evidence, refused to require the documents to be impounded.

The Government contends that the documents still unpublished and the information in the possession of The Times involves a serious breach of the security of the United States and that the further publication will cause "irreparable injury to the national defense."

The articles involved material that has been classified as Top-Secret and Secret, although the Government concedes that these classifications are related to volumes rather than individual documents and that included within the volumes may be documents which should not be classified in such high categories. The documents involved are a 47 volume study entitled "History of United States Decision-Making Process on Vietnam Policy" and a document entitled "The Command and Control Study of the Tonkin Gulf Incident Done by the Defense Department's Weapons System Evaluation Group in 1965." There is no question that the documents are in the possession of The Times.

The issue of fact with respect to national security was resolved in the following manner. In view of the claim of the Government that testimony in support of its claim that publication of the documents would involve a serious security danger would in itself be dangerous the Court determined that under the "Secrets of State" doctrine an in camera proceeding should be held at which only the attorneys for each side, witnesses for the Government and two designated representatives of The New York Times would be present. It was believed that this would enable the Government to present its case forcefully and without restraint so that the accommodation of the national security interest with the rights of a free press could be determined with no holds barred. It was with reluctance that the Court granted a hearing from which the public was excluded, but it seemed that there was no other way to serve the needs of justice. My finding with respect to the testimony on security will be adverted to below.

1. This case is one of first impression. In the researches of both counsel and of the Court nobody has been able to find a case remotely resembling this one where a claim is made that national security permits a prior restraint on the publication of a newspaper. The Times in affidavits has indicated a number of situations in which classified information has been "leaked" to the press without adverse governmental or judicial action. It cites news stories and the memoirs of public officials who have used (shortly after the events) classified material in explaining their versions of the decision making process. They point out that no action has ever been taken against any such publication of "leaks." The Government on the other hand points out that there has never been an attempt to publish such a massive compilation of documents which is probably unique in the history of "leaks." The Vietnam study had been authorized by Secretary of Defense McNamara, continued under Secretary Clifford and finally delivered to the present Secretary of Defense Laird. The White House was not given a copy. The work was done by a group of historians, including certain persons on contract with the Government. It is actually called a "history." The documents in the Vietnam study relate to the period from 1945 to early 1968. There is no reference to any material subsequent to that date. The Tonkin Gulf incident analysis was prepared in 1965, six years ago. The Times contends that the material is historical and that the circumstance that it involves the decision making procedures of the Government is no different from the descriptions that have emerged in the writings of diarists and memoirists. The Government on the other hand contends that by reference to the totality of the studies an enemy might learn something about United States methods which he does not know, that references to past relationships with foreign governments might affect the conduct of our relations in the future and that the duty of public officials to advise their superiors frankly and freely in the decision-making process would be impeded if it was believed that newspapers could with impunity publish such private information. These are indeed troublesome questions.

This case, in the judgment of the Court, was brought by the Government in absolute good faith to protect its security and not as a means of suppressing dissident or contrary political opinion. The issue is narrower—as to whether and to what degree the alleged "chill" the right of newspapers to publish. That the attempt by the Government to restrain The Times is not an act of attempted precensorship as such is also made clear by the historic nature of the documents themselves. It has been publicly stated that the present Administration had adopted a new policy with respect to Vietnam. Prior policy must, therefore, be considered as history rather than as an assertion of present policy the implementation of which could be seriously damaged by the publication of these documents.

2. The Times contends that the Government has no inherent power to seek injunction against publication and that power of the Court to grant such an injunction can be derived only from a statute. The Government has asserted a statutory authority for the injunction, namely, the Act of June 25, 1948, c. 645, 62 Stat. 736; Sept. 23, 1950, c. 1024, Tit. I, Sec. 18, 64 Stat. 1003 (18 U.S.C. 793). The Government contends moreover, that it has an inherent right to protect itself in its vital functions and that hence an injunction will lie even in the absence of a specific statute.

There seems little doubt that the Government may ask a Federal District Court for injunctive relief even in the absence of a specific statute authorizing such relief.

The Supreme Court has held that "(o)ur decisions have established the general rule that the United States may sue to protect its interests. . . . This rule is not necessarily inapplicable when the particular governmental interest sought to be protected is expressed in a statute carrying criminal penalties for its violation." *Wyandotte Co. vs. U.S.*, 389 U.S. 191, 201–2 (1967).

In recent times the United States has obtained an injunction against the State of Alabama from enforcing the miscegenation laws of that State, *U.S. vs. Brittain*, 319 F. Supp. 1058, 1061. The United States has been held entitled to restrain a collection of a tax because "the interest of the national government in the proper implementation of its policies and programs involving the national defense such as to vest in it the "non-statutory right to maintain this action." *U.S. vs. Arlington County*, 326 F. 2d, 929, 932–33 (4th Cir. 1964). Recently in *U.S. vs. Brand Jewelers, Inc.*, 318 F. Supp. 1293, 1299, a decision by Judge Frankel of this Court collects the authorities illustrating the various situations in which the classic case of *In re Debs*, 158 U.S. 564 (1895) has been cited. Accordingly, even in the absence of statute the Government's inherent right to protect itself from breaches of security is clear.

That however, is only the threshhold question. Assuming the right of the United States and, indeed, its duty in this case to attempt to restrain the further publication of these documents, the Government claims and the Times denies that there is any statute which proscribes such publication. The argument requires an analysis of the various sections (792–799) contained in Chapter 37 of Title 18 of the U.S. Criminal Code entitled "Espionage and Censorship." The statute seems to be divided into two parts. The first, which for lack of a better term may be considered simple espionage, and the second, the publication of information. The Government relies upon Section 793. There are two subsections concerning which the question of interpretation has arisen. Subsection (d) deals with persons with lawful possession. . . . "whoever lawfully having possession of any document, writing, code book, etc. . . . relating to the national defense or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation . . ." It seems clear that neither The Times nor the Government now claim that subsection (d) applies, since it is fairly obvious that "lawful" possession means the possession of Government officials or others who have authorized possession of the documents. The Government, however, relies on subsection (e) which reads as follows:

"(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information to the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or"

"PUBLICATION" IS NOT MENTIONED

It will be noted that the word "publication" does not appear in this section. The Government contends that the word "communicates" covers the publication by a newspaper of the material interdicted by the subsection. A careful reading of the section would indicate that this is truly an espionage section where what is prohibited is the secret or clandestine communication to a person not entitled to receive it where the possessor has reason to believe that it may be used to the injury of the United States or the advantage of any foreign nation. This conclusion is fortified by the circumstance that in other sections of Chapter 37 there is specific reference to publication. The distinction is sharply made in Section 794 entitled "Gathering or Delivering Defense Information to Aid Foreign Government." Subsection (a) deals with peace-time communication of documents, writings, code books, etc. relating to national defense. It does not use the word "publication." Subsection (b) on the other hand which deals with "in time of war" does punish anyone who "publishes" specific information "with respect to the movement, numbers, description, condition or disposition of any of the Armed Forces, ships, aircraft or war materials of the United States or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy. . . ."

Similarly, in Section 797, one who publishes photographs, sketches, etc. of vital military and naval installations or equipment is subject to punishment. And finally, in Section 798 which deals with "Disclosure of Classified Information" there is a specific prohibition against one who "publishes" any classified information. This classified information is limited to the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for crytographic or communication intelligence purposes; or the communication intelligence activities of the United States or any foreign government; or obtained by the processes of communications of any foreign government, knowing the same to have been obtained by such processes.

The Government does not contend, nor do the facts indicate, that the publication of the documents in question would disclose the types of classified information specially prohibited by the Congress. Aside from the internal evidence of the language in the various sections as indicating that newspapers were not intended by Congress to come within the purview of Section 793, there is Congressional history to support the conclusion. Section 793 derives from the original espionage act of 1917 (Act of June 15, 1917, Chap. 30, Title I, Sections 1, 2, 4, 6, 40 Stat. 217, 218, 219). At that time there was proposed in H.R. 291 a provision that ["during any national emergency resulting from a war to which the United States is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy."] This provision for prior restraint on publication for security reasons limited to wartime or threat of war was voted down by the Congress. In the debate Senator Ashhurst in a scholarly speech stated the problem as follows:

"Freedom of the press means simply, solely, and only the right to be free from a precensorship, the right to be free from the restraints of a censor. In other words, under the Constitution as amended by Amendment No. 1, 'freedom of the press' means nothing except that the citizen is guaranteed that he may publish whatever he sees fit and not be subjected to pains and penalties because he did not consult the censor before doing so."*

NOTES CONGRESSIONAL REFUSAL

It would appear, therefore, that Congress recognizing the Constitutional problems of the First Amendment with respect to free press, refused to include a form of precensorship even in wartime.

In 1957 the report of the United States Commission on Government Security, in urging further safeguards against publication of matters affecting national security, recognized that "any statute designed to correct this difficulty must necessarily minimize constitutional objections by maintaining the proper balance between the guarantee of the First Amendment, on one hand, and required measures to establish a needed safeguard against any real danger to our national security." Report of the United States Commission on Government Security 619–20 (1957).

Senator Cotton, a sponsor of the bill, recognized in debate that "it should be made crystal clear that at the present time penalties for disclosure of secret information can only be applied against those employed by the Government. The recommendation extended such control over those outside the Government." The bill proposed was never passed. The significance lies, however, in the awareness by the Congress of the problems of prior restraint and its determination to reject them except in the limited cases involved in Section 794 and Section 798 involving codes, communication intelligence, and the like.

The injunction sought by the Government must, therefore, rest upon the premise that in the absence of statutory authority there is inherent power in the Executive to protect the national security. It was conceded at the argument that there is Constitutional power to restrain serious security breaches vitally affecting the interests of the Nation. This Court does not doubt the right of the Government to injunctive relief against a newspaper that is about to publish information or documents absolutely vital to current national security. But it does not find that to be the case here. Nor does this Court have to pass on the delicate question of the power of the President in the absence of legislation to protect the functioning of his prerogatives—the conduct of foreign relations, the right to impartial advice and military security, for the responsibility of which the Executive is charged against private citizens who are not government officials. For I am constrained to find as a fact that the in camera proceedings at which representatives of the Department of State, Department of Defense and the Joint Chiefs of Staff testified, did not convince this Court that the publication of these historical documents would seriously breach the national security. It is true, of course, that any breach of security will cause the jitters in the security agencies themselves and indeed in foreign governments who deal with us. But to sustain a preliminary injunction the Government would have to establish not only irreparable injury, but also the probability of success in the litigation itself. It is true that the Court has not been able to read through the many volumes of documents in the history of Vietnam, but it did give the Government an opportunity to pinpoint what it believed to be vital breaches to our national security of sufficient impact to contravert the right of a free press. Without revealing the content of the testimony, suffice it to say that no cogent reasons were advanced as to why these documents except in the general framework of embarrassment previously mentioned, would vitally affect the security of the Nation. In the light of such a finding the inquiry must end. If the statute (18 U.S.C. 793) were applicable (which I must assume as an alternative so that this decision may be reviewed by an appellate court) it is doubtful that it could be applied to the activities of The New York Times. For it would be necessary to find as an element of the violation a willful belief that the information to be published "could be used to the injury of the United States or to the advantage of any foreign nation." That this is an essential element of the offense is clear. Gorin v. U.S., 312 U.S. 19 (1941).

I find that there is no reasonable likelihood of the Government successfully proving that the action of the Times were not in good faith, here irreparable injury to the Government. This has been an effort on the part of The Times to vindicate the right of the public to know. It is not a case involving an intent to communicate vital secrets for the benefit of a foreign government or to the detriment of the United States.

3. As a general matter we start with the proposition that prior restraint on publication is unconstitutional. Near v. Minnesota, 283 U.S. (1931). As the Supreme Court observed in Grosjean v. American Press Co. Inc., 297 U.S. 233:

"The predominant purpose of the . . . (First Amendment) was to preserve an untrammeled press a vital source of public information. The newspapers, magazines and other journals of the country, it is safe to say, have shed, and continue to shed, more light on the public and business affairs of the nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern."

Yet the free press provision of the First Amendment is not absolute. Near v. Minnesota, supra. In the Near case the Court said that "no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing of transports or the number or location of troops. The illustration accent how limited is the field of security protection in the context of the compelling force of First Amendment right. The First Amendment concept of a "free press" must be read in the light of the struggle of free men against prior restraint of publication. From the time of Blackstone it was a tenet of the founding fathers that precensorship was the primary evil to be dealt with in the First Amendment. Fortunately upon the facts adduced in this case there is no sharp clash such as might have appeared between the vital security interest of the Nation and the compelling Constitutional doctrine against prior restraint. If there is some embarrassment to the Government in security aspects as remote as the general embarrassment that flow from any security breach we must learn to live with it. The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obtinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know. In this case there has been no attempt by the Government at political suppression. There has been no attempt to stifle criticism. Yet in the last analysis it is not merely the opinion of the editorial writer, or of the columnist which is protected by the First Amendment. It is the free flow of information so that the public will be informed about the Government and its actions.

These are troubled times. There is no greater safety valve for discontent and cynicism about the affairs of Government than freedom of expression in any form. This has been the genius of our institutions through our history. It has been the credo of all our Presidents. It is one of the marked traits of our national life that distinguish us from other nations under different forms of government.

For the reasons given the Court will not continue the restraining order which expires today and will deny the application of the Government for a preliminary injunction. The temporary restraining order will continue, however, until such time during the day as the Government may seek a stay from a Judge of the Court of Appeals for the Second Circuit.

The foregoing shall constitute the Court's findings of fact and conclusions of law under Rule 52(a) of the Federal Rules of Civil Procedure.

So ordered.

(s) M. I. GURFEIN,
S. S. D. J.

Dated: June 19, 1971.

Appearances

Whitney North Seymour, Jr., United States Attorney for the Southern District of New York. Attorney for Plaintiff United States of America.

By: Michael D. Hess, Joseph D. Danas, Daniel Riesel, Michael I. Saltzman, Milton Sherman, Howard S. Sussman, Assistant United States Attorneys, United States Courthouse, New York, N.Y. 10007.

Cahill, Gordon, Sonnett, Reindel & Ohl, attorneys for defendant, New York Company.

By: Alexander M. Bickel, Floyd Abrams, William E. Hegart, of counsel, 80 Pine Street, New York, N.Y. 10005.

Amici Curiae: American Civil Liberties Union, New York Civil Liberties Union.

By: Norman Dorson, Melvin L. Wulf, Osmond K. Fraenkel, Burt Neuborne.

National Emergency Civil Liberties Committee.

By: Victor Rabinowitz, Kristin Booth Glen.

JUDGE KAUFMAN'S ORDER

The Government has moved for a stay pending appeal from an order of the District Court denying a preliminary injunction and I have heard brief oral argument.

A serious question has been presented concerning the right of the Government to restrain prior to publication certain information and reproductions of specific documents relating to the past conduct of hostilities in Vietnam. It is apparent that Judge Gurfein has been and this could will be presented with factual, statutory, and constitutional questions of immediate practical moment and involving fundamental rights guaranteed by the First Amendment of the Constitution.

It appears likely that unless the status quo is maintained for a further brief period, the jurisdiction of this court over this proceeding will, in practical effect, be defeated.

The ultimate disposition of this appeal must be made by a panel of at least three judges. For the purpose of preserving the jurisdiction of this court in this matter, it is necessary that I, sitting as a single judge of this multi-judge court, do not by my sole action permit this case to become moot before other members of this court have had an opportunity to pass on this application or to consider the issues raised. Institutional considerations compel my action.

Therefore, and emphatically intending to intimate no views as to the merits of the Government's appeal nor as to whether I would have granted a temporary restraining order in the first instance, I am required to extend the temporary restraining order issued by Judge Gurfein dated June 15, 1971, until a full panel of this court can meet to consider this application. A panel will convene in regular session on Monday morning.

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*The First Amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress or grievances."

Accordingly, I extend the temporary restraining order until this application is presented to and passed upon by a full panel of this court. In any event, this extension will expire on June 21 at 12 noon. So ordered.

(S) Irving R. Kaufman,
U.S.C.J.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore today signed the enrolled joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who sufferred damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, as one who is opposed to the extension of the draft and as one who will oppose the present bill, nevertheless, not as a Senator from the State of Montana, but as the majority leader and in line with my responsibilities, I send to the desk a cloture motion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read the motion, as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mike Mansfield, Hugh Scott, John C. Stennis, Bob Packwood, Gale McGee, Robert Griffin, Robt. Taft, Jr., Wm. B. Saxbe.

Joseph M. Montoya, Peter H. Dominick, Henry Bellmon, Charles Percy, Marlow W. Cook, Henry M. Jackson, Hubert H. Humphrey, John Tower.

Edward W. Brooke, James B. Pearson, Lowell Weicker, Robert Dole, Frank E. Moss, Clifford P. Hansen, Gordon Allott, Barry Goldwater, Jennings Randolph.

BIG CITIES INTEGRATED LEAST

The PRESIDING OFFICER. Is there further morning business?

Mr. ALLEN. Mr. President, a detailed survey recently released by the Department of HEW shows that the Southern States are making much more progress in school desegregation than are other States in the Union. This fact had been well established long before this survey was released.

The unfairness of the dictates of HEW, the Justice Department, and the Supreme Court in allowing segregation to continue in areas outside the South while requiring immediate desegregation in the South is well illustrated by this survey.

If a segregated school education is inferior to an integrated one in the South, why is it not inferior in the North? The de jure and de facto distinctions are illogical and will not stand the test of time and of changing conditions, North and South.

I ask unanimous consent that a Washington Star article of June 18, 1971, be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, I would like to make particular reference to two paragraphs in this article. The first relates that in Chicago, for example, more than 45 percent of its 317,000 black students attend all-black schools, while only 3 percent of blacks are in integrated schools having 50 percent or more whites. Nearly half of all black students in St. Louis are in totally segregated schools and only 2.5 percent are in schools with a white majority.

What then is the situation in the South? Among Southern States, the best integrated is North Carolina, with 54 percent of its black students in majority white schools, as against only 3 percent in Chicago and 2.5 percent in St. Louis. The very worst from the standpoint of desegregation, according to the article, is Mississippi.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 3 minutes.

Mr. ALLEN. One minute is sufficient.

Mr. BYRD of West Virginia. Mr. President, if the majority leader will withhold that request, if the Chair will recognize me, I shall yield to the Senator from Alabama.

I ask unanimous consent that the period for morning business be extended for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama may proceed.

Mr. ALLEN. I thank the distinguished Senator from West Virginia for yielding me additional time.

The worst, according to the article, is Mississippi, which is the only State with a majority—50.8 percent—black enrollment statewide, and it has 26.4 percent of its black students in predominantly white schools, as against only 3 percent in Chicago and 2.5 percent in St. Louis.

Mr. President, I submit and I truly believe that the people of the South, black and white, will solve their school problems and solve the matter of desegregation of our schools long before this matter is solved in the areas outside the South. We are seeking, in good faith, to comply with the dictates of the Supreme Court, even though they have established a dual system for desegregation of the public schools—one system in the North and another system in the South.

Our people are law-abiding people, and we will solve this problem, working together with the black and white parents and schoolchildren. We will solve the problem before it is solved outside the South. The migration of blacks continues from the South to the North, and this problem will have to be coped with by sections outside the South before many years have passed. The distinction of de jure and de facto is just a legal fiction, and it cannot stand the test of time. Somewhere along the line, desegregation is going to have to be provided in the North just as it has been ordered in the South.

Mr. President, I yield the floor.

Exhibit I

[From the Evening Star, June 18, 1971]

Big Cities Integrated Least

(By John Mathews)

The largest cities, particularly those in the North, rank among the most rigidly segregated school systems in the nation, according to a detailed survey released today by the Department of Health, Education and Welfare.

In Chicago, for example, more than 45 percent of its 317,000 black students attend all-black schools, while only 3 percent of blacks are in integrated schools having 50 percent more whites. Nearly half of all black students in St. Louis are in totally segregated schools and only 2½ percent are in schools with a white majority.

By contrast, the national survey showed that deep South cities like Birmingham and Atlanta have more racial integration in their schools, although some cities like Memphis are on a par with the North.

Birmingham has nearly doubled the percentage of black students in majority white schools in the last two years to nearly 16 percent, while reducing the percentage in all black schools from 85 percent to 34 percent.

Atlanta has over six percent of its black students in integrated schools and also 34 percent in all black schools.

Preliminary results of the HEW survey, released in January, had shown that the 11 Southern states made more progress in school desegregation in the last two years, and were better integrated, than 32 Northern and Western states.

Final corrected figures released today showed that the Southern states more than doubled the percentage of black students in 50 percent or more majority white schools from 18 to 39 percent. In the same period, fall 1968 to fall 1970, the Northern and Western states stayed at the same level of about 28 percent of their black students in schools that have a white majority.

In numbers the figures mean that 756,000 more of the nation's 6.7 million black students are now in predominantly white schools, with 690,000 of this increase taking place during accelerated school desegregation in the South.

The South still lags behind the North in eliminating the number and percentage of its students still in totally (all black) segregated schools. About 14 percent of the South's black children are in all black schools, compared to 12 percent of the North's.

Among Southern states, the best integrated is North Carolina with 54 percent of its black students in majority white schools. The worst is Mississippi—which is the only state with a majority, 50.8 percent, black enrollment state-wide, and has 26.4 percent of its black students in predominantly white schools.

Six states outside the South, however, are not as well integrated as Mississippi. The states are Illinois with only 14 percent of its black students in predominantly white schools; Missouri, 20 percent; California, just below 26 percent; Michigan, 19 percent; Wisconsin, 23 percent and Pennsylvania, 26.3 percent.

Maryland, counted as a border state in the survey, is considerably less well desegregated than Virginia, which is listed with the 11 Southern states. Forty-one percent of Virginia's black students are in predominantly white schools, compared to 33 percent of Maryland's, while 26 percent of Maryland's black students are in all-black schools contrasted to only 10 percent of Virginia's.

With nearly 95 percent of its students black, the city of Washington is unique among the nation's 100 largest school systems, 17 of them with black majorities. Only 1.2 percent of the District's black students are in the handful of mostly white schools.

Among Washington suburbs, both Montgomery and Fairfax counties say their small numbers of black students are all in predominantly white schools.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Transfer of Funds by NASA

A letter from the Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, on the proposed transfer of $987,000 of Construction of Facilities funds from the Kennedy Space Center to the Langley Research Center with accompanying papers; to the Committee on Aeronautical and Space Sciences.

Proposed Amendment of the District of Columbia Unemployment Compensation Act

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to amend the District of Columbia Unemployment Compensation Act, and for other purposes" with accompanying papers; to the Committee on the District of Columbia.

Proposed Amendment to the International Security Assistance Act of 1971

A letter from the Assistant Secretary of State submitting a proposed amendment to the International Security Assistance Act of 1971 (with accompanying papers); to the Committee on Foreign Relations.

Reports by the Immigration and Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which the Service has approved (with accompanying reports); to the Committee on the Judiciary.

Annual Report of the National Society of the Daughters of the American Revolution

A letter from the Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual report of the Society of the Daughters of the American Revolution for the year ended 1 March 1969 (with accompanying report); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 1206. A bill to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of offices of the members of the Foreign Claims Settlement Commission of the United States, (Rept. No. 92–225); and

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired) (Rept. No. 92–226).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, without amendment:

S. 137. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land (Rept. No. 92–227).

By Mr. MANSFIELD, for Mr. Burdick, from the Committee on Interior and Insular Affairs, without amendment:

S. 414. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 92–228).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with additional amendments, together with supplemental and additional views:

S. 382. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes (Rept. No. 92–229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 2099. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL (for himself, Mr. Tunney, and Mr. Weicker):

S. 2100. A bill to authorize the acquisition of certain real property in square 724 in the District of Columbia and to construct on such square garage facilities for use of the U.S. Senate and for other purposes. Referred to the Committee on Public Works.

By Mr. FONG:

S. 2101. A bill for the relief of Juanito Segismundo;

S. 2102. A bill for the relief of Nina Raas;

S. 2103. A bill for the relief of Vilaketi Bloomfield; and

S. 2104. A bill for the relief of Hermogenes Lacuesta Rana. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2105. A bill to establish a Prices and Incomes Commission. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HOLLINGS:

S. 2106. A bill to provide that each piece of mail matter cancelled by the Postal Service shall include certain information as part of the cancellation. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. Allott, Mr. Brooke, Mr. Beall, Mr. Bayh, Mr. Buckley, Mr. Church, Mr. Case, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Hatfield, Mr. Inouye, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Packwood, Mr. Percy, Mr. Scott, Mr. Stevens, Mr. Montoya, Mr. Tunney, Mr. Thurmond, Mr. Taft, and Mr. Williams):

S. 2107. A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses. Referred to the Committee on Rules and Administration.

By Mr. CRANSTON:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HRUSKA (for himself and Mr. McClellan):

S. 2109. A bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 2099. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. MANSFIELD. Mr. President, today, my distinguished colleague, Senator Metcalf, and I offer a Senate companion bill to H.R. 8290, recently introduced by our able colleague in the House of Representatives, Congressman Melcher. We offer this legislation at a time when the agricultural sector of our economy is suffering badly from the present national inflationary trend.

Agricultural costs have gone up and the prices derived have not. Inflation, as well as our trade policy, which seeks volume in an effort to reverse the dollar flow, has ill-affected the farm producers' profits. An effort must be made to reverse this trend. An effective way of working to achieve this goal is through higher price support loans for the basic grain ingredients of our food products.

As a result of our adopted farm set-aside program, we have 10 to 11 million more crop acres under plant in 1971 than in 1970. If our 1971 production level is achieved, we will produce more Federal grains this year than the market for use during the year can absorb. The result will be a substantial increase in our reserve stocks. A Federal grain price break as a result of our agricultural abundance will result in disastrously low price levels. The legislation offered today is designed to put the price support loans on wheat and Federal grains up 25 precent in any year that the crop is expected to add to reserves or carryover stocks. When adopted, it would become effective with this year's crops, which, as we have said, represents substantial increases in acres of planted crops.

By Mr. MATHIAS:

S. 2105. A bill to establish a Prices and Incomes Commission. Referred to the Committee on Banking, Housing, and Urban Affairs.

AN INCOMES AND PRICES POLICY IS NEEDED NOW

Mr. MATHIAS. Mr. President, as you will know, our Nation since 1965 has been caught in the midst of an inflationary period which has exceeded all previous periods of inflation since the end of World War II. For many, we have entered a dangerous economic period.

Some observers have taken comfort by the marked improvement of the Consumer Price Index—CPI—during the first 4 months of this year. It has risen at an annual rate of 2.8 percent—seasonally adjusted—compared to a 5.5-percent rise during 1970. Nevertheless, upon closer study of other economic indicators, we find that the near-term outlook for inflation is not nearly as promising as the recent performance of the CPI would lead us to believe.

The GNP price deflator during the first quarter of this year, for example, increased by the highly inflationary rate of 5.4 percent—a rate which exceeds all annual gains in prices recorded by the deflator during the current inflationary period. Wholesale prices—measured in terms of the wholesale price index—have risen by an annual rate of 5.3 percent during the first 4 months of this year—a percentage which exceeds all year-to-year rises experienced since the beginning of this inflationary period.

On top of these alarming developments we also find the following inflationary conditions:

First. Interest rates, after several months of sharp decline, are apparently on the rise again.

Second. 4.8 million workers, or 45 percent of all workers covered by major contracts, will be involved in wage negotiations during the course of this year. Most of the remaining 55 percent will be getting deferred wage increases in 1971 averaging 7.8 percent, which is well above the 5.6 percent average recorded during 1970.

Third. State and local taxes have risen and will continue to rise sharply due to an intensive rise in citizen demand for new and improved public services and from the costs of past inflation.

Fourth. And, the cost of housing, due to escalating costs of construction, high interest loans, and a chronic shortage of new and used housing, has risen and will continue to rise substantially in the foreseeable future.

Given these factors we must conclude, I believe, that there is every indication to believe that inflation will continue to be a serious problem through the remaining months of 1971 and probably into 1972.

In making this observation, it is important to emphasize the fact that this is a problem which was largely inherited from the Johnson administration. As you will recall, Government policymakers during most of the period of the Vietnam escalation—June 1965 through mid-1968—took the position that the economy could provide both guns and butter without the Government having to place any major new fiscal restrictions on the economy. In retrospect, we know that this was a costly decision—a decision which is largely responsible for our inflationary period.

Upon assuming office in early 1969, the Nixon administration realized that all levels of governments would have to go through a period of uncomfortable "belt-tightening" if the Nation were to make any meaningful strides toward winning the battle against inflation and bringing our economy back into balance. The administration realized from the outset that it could not turn the corner on inflation overnight.

The Nation in 1970 felt the full impact of the administration's restrictive economic policies. Though these actions unfortunately forced a higher than expected rise in unemployment, they did succeed in eliminating some of the demand-pull inflationary pressures in the economy. Unfortunately, these efforts to date have not succeeded in dampening effectively all of the cost-push inflationary pressures.

To date, the administration has held the view that cost-push pressures will be overcome by appropriate adjustments in monetary and fiscal policies. However, there is a growing body of opinion that the Government must without delay play a more active and direct role in influencing decisions relating to wages and prices in the private sector. It is true that the Government in recent months has attempted on a selective basis to influence pricing policies in the petroleum and steel industries and to counter excessive wage demands in construction. I believe, however, that the time has come where we need a positive, sophisticated, and predictable policy relating to wages and prices.

Mr. President, as you well know, there are many in Congress who believe that we should counter inflationary pressures by the imposition of a temporary freeze on wages and prices; the Congress this past year has given the President such enabling authority. However, in my view, this approach to wage price control should be used only as a last resort. Such controls can serve only to suppress the symptoms of the disease, not provide a lasting cure.

A declaration of national economic policy is desperately needed. Such a policy would serve notice on both labor and management that the Government means business in its fight against inflation. It would put the burden of proof concerning a change in wages and prices on the shoulders of labor and management. A wage increase in Detroit affects the value of the housewife's dollar in Baltimore. We can no longer afford to operate our economy in a way which disregards the national interest to the benefit of one locality or one industry. Like the air we breathe, money and economic pressures have little regard to political boundaries.

Over the past year a number of policy suggestions along these lines have been made by a broad spectrum of economic interests, including, for example, Fortune magazine, Business Week, the Joint Economic Committee of the Congress, the Committee for Economic Development, R. Heath Larry, vice president, United States Steel Corp., Leonard Woodcock, president of the United Auto Workers, and Arthur Burns, the distinguished Chairman of the Federal Reserve Board.

In an editorial published in May of last year, Fortune magazine made the cautious observation that—

> We don't like the idea of wage and price guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the working of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

In November of last year, the Committee for Economic Development, the highly respected advisory body to business and Government policymakers, issued a policy statement of its Research and Policy Committee, which concluded that—

> . . . while appropriately stabilizing fiscal and monetary policies are clearly essential for the containment of inflation, it seems doubtful that these policies *alone* can fully succeed in reconciling price stability and high employment. There are strong indications that an important share of the continuing upward pressures on prices stems from cost-push elements and longer-term structural factors that are not readily influenced by changes in aggregate demand.

The Committee on Economic Development study group believes that immediate steps can be taken by Government policymakers to counter the present destabilizing influence in our economy. Specifically, it concludes:

> The adoption of voluntary *wage-price or "incomes" policies* in our view constitutes the most promising approach to the problem at this time. Such policies are directed only at firms and labor groups with some market discretion, and are particularly concerned with dealing with 'cost-push' when there is no excess in total demand. They should not be confined to the manufacturing sector but can extend to other important areas where some leeway in wage or price setting exists, including industries which are not predominantly unionized. Under such policies, the government or a government-sponsored group defines the wage and price behavior that is conducive to or consistent with over-all price stability; seeks to enlist the voluntary cooperation of business and labor in exercising the needed restraint; and calls the public's attention to significant instances of excessively inflationary behavior.
>
> Since the wage-price policies described are based on voluntary cooperation, they involve far less extensive and detailed intervention in economic decision-making processes than direct controls. Those who favor such voluntary policies regard them as a means of avoiding eventual imposition of compulsory wage and price restraint, rather than as a step in this direction.

Likewise, Federal Reserve Board Chairman Arthur Burns, in a major policy address made in December of last year, took the position that—

> In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now.

Accordingly he recommended that—

> It would be desirable to supplement monetary and fiscal polices with an *income policy* in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity and prices. (Italics added).

I strongly believe that the Congress should consider passing a bill calling on the Government to adopt a meaningful policy relating to prices and incomes.

Mr. President, to further this objective, I am now introducing legislation which can become a working model for the establishment of such a policy.

The bill would authorize the establishment of a Prices and Incomes Commission composed of three economists appointed by the President with the advice and consent of the Senate chosen from among those who are outstanding and distinguished in their field. The Commission would conduct a continuing and extensive review of wage and price movements in the economy and will be required to report promptly to the President and to the Congress any price and/or wage developments which it believes would have an undue inflationary impact on the economy.

This bill creates an "economic intelligence unit" in the Government which will enable the Government to make sound and sophisticated decisions regarding the operation and economic policy of our Nation. Its task will be both educational and advisory.

Although the inflation alerts issued by the Council of Economic Advisers over the past year have highlighted inflation trouble spots in such industries as transportation, wood products, steel, petroleum, meat products, and construction, we still have no coordinated program in the Government which possesses the research and analytical capacity to study extensively on an ongoing basis economic conditions in all of our Nation's key industries.

In the interest of assuring that the Commission will be able to make its decisions in the most objective and nonpolitical manner, such a research body should be independent of any existing Government agency and responsible only to the "economic truth." This would not mean, however, that it should compete with ongoing economic surveys and analyses conducted by such agencies as the Departments of Labor, Treasury, and Commerce and the Council of Economic Advisers. Such a research task force, composed of highly trained and skilled analysts in the fields of labor, industrial organization, and corporation finance, would be concerned primarily with maintaining an up-to-date analysis of conditions relating to prices and wages in all industries and facets of our economy which set the pattern for wages, prices, and productivity throughout our economy.

The bill would enable the Government to have the type of information that will be needed to blow the whistle on those areas of industrial activity which administer wage and price policies in a manner inconsistent with a national anti-inflation policy. For too long the Government and the American public have operated in a vacuum concerning wages and prices.

An uninformed electorate and an unsophisticated Government in the area of national economy spells only trouble—trouble which can be easily remedied. An informed public opinion coupled with careful management of our Nation's monetary and fiscal affairs will serve as the most potent countervailing force in our war against inflation in the months ahead.

We must realize that the adoption of an incomes policy means that governments at all levels, and particularly at the Federal level, must strive to keep their financial houses in better order if an incomes policy is to work effectively in moderating inflationary forces. And, of course, a spirit of codetermination will have to be achieved between the public and private sectors if we are going to get the job done and bring the economy back into an acceptable balance.

The careful management of monetary and fiscal policies supplemented by an incomes policy that is coordinated by an independent and essentially nonpolitical Prices and Incomes Commission, will, I believe, provide the elements needed to promote such an economic environment in the months ahead.

This legislation and the establishment of an incomes and prices national policy is indeed timely in light of the hopeful and contemplated conversion of our economic structure from a war time economy to a domestic oriented one. Such a transition must be guided by sound economic judgment.

Inflation is the most inequitable tax in our economic system. It weakens the competitive structure of our free market economy both at home and abroad. It is truly a cancer which must be cured.

The legislation which I am introducing I firmly believe will make a significant contribution to the problem. It reflects a decade of thought and deliberation with many of the leading economists. Specifically, it reflects the analysis and study of the Canadian experience which has a somewhat similar commission. In this regard, I want to publicly thank Dr. John Young, Chairman of that Commission, for his most useful and thoughtful assistance, the Embassy of Canada for its cooperation.

Mr. President, I ask unanimous consent that the full text of my bill and accompanying articles and statements pertinent to the subject of my remarks be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2105

A bill to establish a Prices and Incomes Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT: MEMBERS

SECTION 1. (a) There is established a Prices and Incomes Commission (hereafter referred to as the "Commission") which shall consist of three members to be appointed by the President by and with the advice and consent of the Senate as follows—

Three economists who shall be chosen from among those who are outstanding and distinguished in their field and shall be chosen from among persons who represent the interests of the public generally, one of whom shall be designated by the President at the time of his appointment to serve as Chairman of the Commission.

(b) The term of office of each member shall be two years. A member appointed to serve an unexpired term shall serve for the remainder of such term.

DUTIES

SEC. 2. (a) The Commission, in an effort to stabilize wages and prices, encourage increases in productivity and provide for a healthy and well-balanced economy, shall conduct a continuing review of the wages and prices in the economy. Whenever it determines that there has occurred, or is impending, in any industry a significant adjustment in the price of goods or services (including wages or salaries), it shall promptly report its findings to the President and to the Congress, and cause to be published such information concerning the adjustment as it deems appropriate to provide a sound basis for an informed public opinion with respect thereto.

(b) In addition to any reports made to the President and to the Congress under subsection (a), the Commission shall submit quarterly reports to the President and to the Congress with respect to its operations under this Act. The Commission shall include any report submitted by it to the President and to the Congress such recommendations for legislative or administrative action as it deems appropriate.

(c) At the end of its first two years of operation, the Commission shall report to the Congress and to the President as to its progress and responsiveness under this Act.

POWERS

SEC. 3. (a) The Commission is authorized to—

(1) make expenditures;

(2) hold hearings, subpoena witnesses, make investigations and administer oaths;

(3) take testimony orally or by deposition;

(4) appoint and fix the compensation of such personnel as may be necessary; and

(5) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(b) The Commission is authorized to request, and each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and urged to furnish to the Commission such information, services, and facilities as the Commission deems necessary to carry out its duties.

MEETINGS

SEC. 4. The Commission shall hold regular quarterly meetings and shall hold other meetings at the call of the Chairman. A majority of the Commission shall constitute a quorum for the transaction of business. Any vacancy in the Commission shall not affect its duties or powers.

ADMINISTRATIVE

SEC. 5. (a) Each member of the Commission who is an officer or employee of the United States Government shall serve without compensation in addition to that received for his services as such an officer or employee. Each member of the Commission who is not otherwise employed by the United States Government shall receive $100 to $200 per day (including traveltime) during such time as he is actually engaged in the performance of his duties as a member of the Commission. Each member of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

(b) The Commission is authorized to appoint and prescribe the duties of the Director of the Commission. The Director shall be paid at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332, of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act for an initial period of two years.

[From Business Week, Dec. 1970]

AN INCOMES POLICY TO GUIDE A PROGRAM OF EXPANSION

The Nixon Administration's economic policy is in the midst of a major overhaul. For better or worse, the President and his advisers have decided that they must give the economy more stimulation even though inflation is not yet under control.

In principle, this is a welcome move. The Administration's original game plan, which called for holding down business by tough monetary and fiscal policies until inflation began to abate, was a sound strategy. It has proved a costly one for the nation, however, not just in terms of unemployment but also in terms of lost production, sales and profits. All policy must change as conditions change, and the time has come for the Administration to shift the emphasis.

In practice, the switch to stimulative policies involves some serious risks. If business and labor take it as an invitation to start another roaring round of price-wage escalation, the country will not get the "vigorous but orderly expansion" that President Nixon described in his speech last week to the National Assn. of Manufacturers. It will get another feverish boom, a catastrophic inflation, and then, inevitably, a bust that would make the 1969–70 recession look like a garden party.

The Administration must keep this threat in mind as it moves onto the expansionary course it now is charting. In addition to more fiscal and monetary stimulation, the new policy must include precautions to keep rising demand from translating automatically into rising prices.

This means, for one thing, that the Administration should not try to rush the economy back to full employment levels in a single bound. The present situation reflects the results of a year of slow growth (1969) and a year of no real growth at all (1970). To go from our present unemployment rate of 5.8% to about 4% in 1972, which apparently is what the Council of Economic Advisers would like to do, would mean hitting an 8% growth rate in 1971. That is too much for an economy to take when an inflation virus already is in its system.

Even with a more modest growth target, the Administration cannot take it for granted that inflation will accommodatingly die a natural death. As fiscal and monetary policies relax, the President must be prepared to strengthen and expand his present rudimentary apparatus for exerting direct pressure on wage and price decisions. At this point, he no longer can avoid setting up some form of incomes policy.

Chairman Arthur F. Burns, of the Federal Reserve Board, a wise old veteran of the economic policy-making wars, sketched the outlines of an incomes policy in a speech he made this week (page 14). And while politicians flinched, he put his finger on the central point: the cost push of rising wages.

"The inflation that we are still experiencing," said Burns, "is no longer due to excess demand. It rests on the upward push of costs—mainly, sharply rising wage rates."

Burns suggests the establishment of a wage-price review board with authority to make recommendations in important wage and price cases. This makes sense, and so do some of his other recommendations, including amendment of the Employment Act of 1946 to recognize price stability as a goal of national policy.

In the final analysis, though, specific measures will be less important than the Administration's determination and its willingness to act. This is the missing ingredient that the President must supply as his policy swings from repression to expansion.

[From Fortune magazine, May 1970]

A CASE FOR GUIDEPOSTS

Warily and reluctantly, Fortune has come to the conclusion that the federal government should set up voluntary wage-price guideposts, something like those of the early 1960's. We don't *like* the idea of guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the workings of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

This is easier said than done, to be sure. There is not even a generally accepted label for such a policy, much less a blueprint. But under one label or another, a good many people are advocating reconsideration of guideposts. Walter Heller, who as chairman of the Council of Economic Advisers helped set up the original guideposts in 1962, speaks of the present need for "ground rules." Arthur Okun, chairman of the council during the last year of the Johnson Administration, calls for a "speed limit." J. Dewey Daane, a governor of the Federal Reserve Board, urges adoption of some form of "incomes policy." Other advocates have taken up the somewhat yogurty term "moral suasion." In Congress, most of the Democratic members of the Joint Economic Committee have put their names to a report urging that the Council of Economic Advisers publish "specific quantitative standards . . . such that voluntary compliance by business and labor will contribute to the restoration of greater price stability."

TOO LITTLE CHIPPING

The Administration, however, has so far sturdily adhered to the position Richard Nixon took at his first press conference as President. "I do not go along," he said, "with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines." Labor leaders and business managers, he added, "much as they might personally want to do what is in the best interest of the nation, have to be guided by the interests of the organization that they represent."

Strong support for the Administration's stand has come from a number of outside economists, including the University of Chicago's formidable Milton Friedman. Trying to re-establish guideposts, Friedman says, would be like "replaying a cracked record." That sort of policy, he argues, represents an effort to shift to labor leaders and businessmen the blame for inflation brought on by government. "Inflation is made by Washington and in Washington and nowhere else."

There is much to be said, certainly, for letting wages and prices—within a framework of appropriate fiscal and monetary policies—work themselves out in the market. That invisible hand, arithmetic though it sometimes seems, is not dead. But once again we are confronted with unsatisfactory results: unemployment up, housing depressed, profits squeezed, yet consumer prices still rising unpleasantly fast.

The underlying difficulty, as the article beginning on page 152 details, is that in the U.S. economy the trade-off between inflation and unemployment is worsened by numerous wages, oil-import quotas, and the building trades' monopolistic control of the labor supply, to mention only a few. As a result, full employment is attended by unacceptably rapid inflation, and efforts to stabilize prices by reducing demand tend to produce unacceptably high unemployment. In the quarter-century since the passage of the Employment Act, both Democratic and Republican administrations have notably failed to make sustained efforts to improve the trade-off by chipping away at the rigidities. We urge the Nixon Administration to chip away energetically. But this task, unfortunately, promises rather little in the way of swift results.

To a great extent the arguments currently advanced against guideposts appear to be directed against what happened after the original guideposts collapsed in 1966. During 1966–68, in a time of surging excess demand, the Johnson Administration pursued recklessly inflationary policies and tried to "jawbone" business into moderating the inevitably inflationary consequences. It was like bailing a badly leaking boat with a demitasse spoon.

But economic conditions and policies are now very different. Fiscal and monetary restraint have pretty much choked off demand inflation. The present inflation is mainly a lingering cost-push hangover, kept going by inflationary psychology rather than by underlying economic realities. Unions with contracts coming up for negotiation are demanding not only catch-up increases this year but stay-ahead increases in subsequent years. Wage increases that allow for future inflation tend, of course, to perpetuate inflation.

Under these circumstances, as Walter Heller maintains, some updated version of guideposts might help to "hasten the translation of less demand-pull pressure into less cost-push pressure." The existence of guideposts—public standards with the moral authority of the national government behind them—would provide support for those who are being pushed into inflationary courses despite their better judgment, and perhaps have some deterrent effect on those who are doing the pushing.

The working out of new guideposts would certainly involve the Council of Economic Advisers, but it would be well if the council left actual case-by-case applications to some new office created for that purpose. This need not be a very big outfit, and its only sanctions should be exposure to public scrutiny.

AUTOMATIC SHRINKAGE

Some of those who advocate a return to guideposts, by one name or another, urge that this time the government establish the rules only after consultation with representatives of labor and business. This seems a sound idea. In the meantime, after discussions with a number of economists who have thought about these matters, we offer some tentative suggestions.

Formulation of reasonable guideposts is much harder now than it was in 1962. The lags and grievances created by past inflation, and the expectations of continued inflation, make it impossible just to reinstate the 1962–66 guidepost principle that wage increases should not exceed productivity gains. But any formulation has to start with productivity, for it is from increasing output per worker that labor's gains in real income flow. The long-term trend rate of annual productivity gains in the U.S. is about 3 percent, and this is the figure to use.

A wage guidepost for inflationary times should be so constructed that it (1) makes some allowance for inflation, (2) contributes to curbing inflation, (3) automatically shrinks as inflation recedes, and (4) comes down to the basic productivity rate when price stability is restored. One formula for meeting these criteria is to take the 3 percent rate of productivity gain and add one-half of the preceding year's inflation in consumer prices.

ALLOWING FOR UPCREEP

That word "inflation," in this context, needs a bit of defining. During the first half of the 1960's, with wages advancing moderately and the wholesale price index virtually stable, the consumer price index nevertheless crept upward by somewhat more than 1 percent a year, partly because service wages tend to advance faster than industrial wages. It must be assumed that, until much else in the economy changes, an annual rise of 1 percent in consumer prices is as close as we can come to price stability. To allow for the upcreep, we define inflation, for guidepost purposes, as one percentage point less than the year's percentage increase in the consumer price index. Last year the rise came to about 6 percent, and inflation, so defined, was 5 percent. Adding half of this to the 3 percent productivity base yields a current wage guidepost of 5.5 percent—meaning that this year's labor contracts should provide for increases in compensation (wages plus fringes) no greater than 5.5 percent a year.

Under such a formula, obviously, the guidepost level would move downward as inflation subsided. If the consumer price index rose only 1 percent in a year, the wage guidepost the following year would come to 3 percent, matching that long-term rate of increase in productivity.

Organized labor would be exceedingly reluctant, of course, to accept any such formula right now, and there would have to be some bait. For one thing, contracts would probably have to provide for reopening, or for some automatic increase, if the inflation rate failed to drop below specified levels in subsequent years. Also, the agreed-upon rate of increase in compensation, say 5.5 percent, would hold over the life of the contract even if the rate of inflation went down. So in return for moderating his demand for a highly inflationary wage increase in a three-year contract, the worker would get a chance of significant gains in *real* wages next year and the year after if inflation recedes.

The corresponding price guideline should (1) permit some adjustment of prices to reflect increases and costs, (2) contribute to disinflation, and (3) help make the wage guidepost acceptable to labor by giving up a quid pro quo. Under almost any formulation of a price guidepost appropriate to 1970, an employer whose employees accepted a "guidepost" contract would absorb out of profits some fraction of the resulting increase in unit labor costs. Price increases, that is, would not fully reflect cost increases.

With profits already pinched, business would doubtless find this aspect of the guideposts highly objectionable. But acceptance of an additional cut into profits can be looked upon as a temporary price business has to pay for labor's cooperation in moving back toward price stability. And the last several years, with their burdensome borrowing costs, steeply rising labor costs, and stagnant profits, have once again abundantly demonstrated how valuable price stability is to business.

HOPE FOR REDUNDANCE

Fortune, as we have noted, advocates wage and price guideposts with some reservations and misgivings. For one thing, guideposts cannot be expected to have large effects upon wages and prices in the whole economy. In practice, guideposts mainly apply to large unions and large industrial corporations. This reach leaves out a lot of the U.S. economy, including some of the sectors that contribute most troublesomely to inflation—notably medical care and construction. What's more, it must be emphasized again that guideposts are not intended to substitute for appropriate fiscal and monetary policies or for structural reform of the economy. An economist who can be considered an advocate of a guidepost policy observed some time ago: "In a highly flexible, perfectly competitive economy, there would be no place for guideposts . . ." We agree, and we look forward to enough progress in that direction to render guideposts redundant.

Still, with so much inflationary bias in the economy, it would be well to give them another try. Guideposts may be a "cracked record," but the inflation-or-unemployment quandary is a cracked record too, and it makes a very unpleasant noise.

THE BASIS FOR LASTING PROSPERITY

(Address by Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, in the Pepperdine College Great Issues Series, at the Beverly Hilton Hotel, Los Angeles, Calif.)

Nearly three years ago, in a talk here in Los Angeles, I pointed out that once an economy becomes engulfed by inflation, economic policy makers no longer have any good choices. To regain a lasting prosperity, a nation must have the good sense and fortitude to come to grips with inflation. There is, however, no painless way of getting rid of the injustices, inefficiency, and international complications that normally accompany an inflation.

Events of the past several years have lent poignancy to these simple truths. Recent experience has demonstrated once again that the transition from an overheated economy to an economy of stable markets is a difficult process. Elimination of excess demand was an essential first step to the restoration of stability, but this step has brought with it a period of sluggish economic activity, slow income growth, and rising unemployment. And while we have made some progress in moderating the rate of inflation, our people are still seeing the real value of their wages and savings eroded by rising prices.

The struggle to bring inflationary forces under control, and to return our labor and capital resources to reasonably full employment, is still going on. I am convinced, however, that corrective adjustments in the private sector over the past twelve to eighteen months are creating, in conjunction with governmental stabilization policies, the foundation on which a prolonged and stable prosperity can be constructed.

A cardinal fact about the current economic situation, and one that promises well for our nation's future, is that the imprudent policies and practices pursued by the business and financial community during the latter half of the 1960's are being replaced by more sober and realistic economic judgments. In my remarks to you today, I want first to review some of the key developments that lead me to this conclusion. Then I shall turn to the tasks that must still be faced in order to enhance the prospects for an early resumption of growth in production and employment in an environment of reasonably stable prices.

The current inflation got under way in 1964. Perhaps the best single barometer of the extent to which it served to distort economic decisions and undermine the stability of the economy is found in the behavior of financial markets during the late 1960's. In 1968, well over 3 billion shares of stock exchanged hands on the New York Stock Exchange—about two and one-half times the volume of five years earlier. The prices of many stocks shot upward with little reference to actual or potential earnings. During the two years 1967 and 1968, the average price of a share of stock listed on the New York Exchange rose 40 per cent, while earnings of the listed companies rose only 12 per cent. On the American Exchange the average share price rose during the same two years more than 140 per cent on an earnings base that increased just 7 per cent.

A major source of the speculative ardor came from some parts of the mutual fund industry. Long-term investment in stocks of companies with proven earnings records became an outmoded concept for the new breed of "go-go" funds. The "smart money" was to go into issues of technologically oriented firms—no matter how they were meeting the test of profitability, or into the corporate conglomerates—no matter how eccentric their character.

This mood of speculative exuberance strongly reinforced the upsurge of corporate mergers which occurred during the middle years of the 1960's. No doubt many of these mergers could be justified on grounds of efficiency. But the financial history of mergers—including some of the great conglomerates—suggests that many businessmen became so preoccupied with acquiring new companies and promoting the conglomerate image that they lost sight of the primary business objective of seeking larger profits through improved technology, marketing, and management. When talented corporate executives devote their finest hours to arranging speculative maneuvers, the productivity of their businesses inevitably suffers and so too does the nation's productivity.

These speculative excesses had to end, and it is fortunate that they ended before bringing disaster to our nation. Equity values are now being appraised more realistically than a year or two ago. Investors are now more attentive to high quality stocks. Indeed, many of them have discovered or rediscovered that even bonds and time deposits are a fit use of their funds. Not a few of those responsible for the frantic search for "performance stocks" have shifted to other activities or joined the ranks of the unemployed; so also have numbers of security analysts and stock brokers. With speculation giving way to longer-term investment, the stock market is now channeling risk capital to business firms more efficiently.

A searching reappraisal of the economic philosophy of mergers is also underway. Merger activity has slowed materially since mid-1969. To some degree this is a response to the growing concern in governmental circles over the dangers that may inhere in large concentrations of economic power. But it stems mainly from the fact that businessmen are recognizing that time and energy can usually be spent more productively in searching for ways to increase the economic efficiency of their firm than in a scramble for corporate acquisitions.

Businessmen are also reconsidering the wisdom of financial practices that distorted their balance sheets during the late 1960's. In the manufacturing sector, the ratio of debt to equity—which had been approximately stable during the previous decade—began rising in 1964 and was half again as large by 1970. Liquid asset holdings of corporate businesses were trimmed to the bone. On the average, the ratio of prime liquid assets to current liabilities fell by nearly half during those six years. In permititng such a drastic decline in liquidity, many of our corporations openly courted trouble.

Perhaps the most ominous source of instability produced by these financial practices was the huge expansion of the commercial paper market. The volume of commercial paper issued by nonfinancial businesses increased eightfold between the end of 1964 and mid-1970, as an increasing number of firms—some of them with questionable credit standings—began to tap this market. The hazards inherent in the spreading reliance on commercial paper were taken much too lightly. After all, the relations between the buyer and seller of commercial paper are by their very nature distant and impersonal—unlike the close working relationship that normally develops between a bank and its business customers. The buyer—typically an industrial enterprise—rarely has the facilities or the experience to carry out a full investigation of the risks attaching to commercial paper. Moreover, the buyer regards his investment as temporary—to be withdrawn when cash is needed or when questions arise about the quality of the paper. The issuer, therefore, faces considerable uncertainty as to the amount of his maturing obligations that may be renewed on any given day. The risks facing the individual issuer and buyer inevitably pose a problem also for the nation's financial system, since the difficulties experienced by any large issuer of commercial paper may quickly spread to others.

These familiar truths were lost sight of in the inflationary aura of the late 1960's. It took the development of last summer, when the threat of financial crisis hung for a time over the commercial paper market, to remind the business community that time-honored principles of sound finance are still relevant.

As a result of that experience and the testing of financial markets generally during the past two years, corporate financial policies are now more constructive than in the recent past. This year, new stock issues have continued at a high level—even in the face of unreceptive markets—as corporations have sought to stem the rise in debt-equity ratios. Of late, borrowing by corporations has been concentrated in long-term debt issues, and their rate of accumulation of liquid assets has risen. Liquidity positions of industrial and commercial firms are thus improving, though it will take some time yet to rectify fully the mistakes of the past.

These efforts to restore sound business finances are not without costs to the nation. For example, long-term interest rates, while below their peaks at the end of last year or last spring, are still at unusually high levels because of this year's extraordinary volume of new capital issues. But there can be no doubt that substantial adjustments in the financial practices of our nation's businesses were essential if the basis for a lasting and stable prosperity was to be re-established.

By and large, our major financial institutions conducted themselves with prudence during the years when lax practices were spreading in financial markets. There were, however, some individual instiutions that overextended loan commitments relative to their resources, others that reduced liquidity positions to unduly low levels, still others that permitted a gradual deterioration in the quality of loan portfolios, and even a few that used funds of depositors to speculate in long-term municipal securities. Fortunately, such institutions were distinctly in the minority. When the chips were down, our major financial instiutions proved to be strong and resilient. And they are stronger today. As monetary policy has eased, the liquidity of commercial banks has been increasing. Even so, loan applications are being screened with greater care. The emphasis on investment quality has also increased at other financial institutions, as is evidenced by the recent wide spread between the yields of high and lower grade bonds.

These corrective adjustments in private financial practices have materially improved the prospects for maintaining order and stability in financial markets. But no less important to the establishment of a solid base for a stable and lasting prosperity have been the developments this year in the management of the industrial and commercial aspects of business enterprise.

During the latter half of the 1960's, business profit margins came under severe pressure. The ratio of profits after taxes to income originating in corporations had experienced a prolonged rise during the period of price stability in the early 1960's. But this vital ratio declined rather steadily from the last quarter of 1965 and this year reached its lowest point of the entire postwar period.

Until the autumn of 1969 or thereabouts, the decline in profit margins was widely ignored. This is one of the great perils of inflation. Underlying economic developments tend to be masked by rising prices and the state of euphoria that comes to pervade the business community. Though profit margins were falling and the cost of external funds was rising to astonishing levels, the upward surge of investment in business fixed capital continued. True, much of this investment was undertaken in the interest of economizing on labor costs. Simultaneously, however, serious efforts to bring operating costs under control became more and more rare, labor hoarding developed on a large scale, huge wage increases were granted with little resistance, and some business investments were taken in the expectation that inflationary developments would one way or another validate almost any business judgment. While the toll in economic efficiency taken by these loose managerial practices cannot be measured with precision, some notion of its significance can be gained by observing changes in the growth rate of productivity.

From 1947 through 1966, the average rate of advance in output per manhour in the private sector of the economy was about 3 per cent per year. In 1967, the rate of advance slowed to under 2 per cent, and gains in productivity ceased altogether from about the middle of 1968 through the first quarter of this year. The loss of output and the erosion of savings that resulted from this slowdown in productivity growth are frightfully high.

The elimination of excess demand, which the government's anti-inflationary policies brought about, is now forcing business firms to mend their ways. Decisions with regard to production and investment are no longer being made on the assumption that price advances will rectify all but the most imprudent business judgments. In the present environment of intense competition in product markets, business firms are weighing carefully the expected rate of return on capital outlays and the costs of financing. The rate of investment in plant and equipment has therefore flattened out, and advance indicators suggest that business fixed investment will remain moderate in 1971.

Business attitudes toward cost controls have of late also changed dramatically. A cost-cutting process that is more widespread and more intense than at any time in the postwar period is now underway in the business world. Advertising expenditures are being curtailed, unprofitable lines of production discontinued, less efficient offices closed, and research and development expenditures critically reappraised. Layers of superfluous executive and supervisory personnel that were built up over a long period of lax managerial practices are being eliminated. Reductions in employment have occurred among all classes of workers—blue collar, white collar, and professional workers alike. Indeed, employment of so-called non-production workers in manufacturing has shown a decline since March that is unparalleled in the postwar period.

Because of these vigorous efforts to cut costs, the growth of productivity has resumed, after two years of stagnation. In the second quarter of this year, output per manhour in the private nonfarm economy rose at a 4 per cent annual rate, and the rate advanced to 5 per cent in the third quarter. These productivity gains have served as a sharp brake on the rise in unit labor costs, despite continued rapid increases in wage rates.

In my judgment, these widespread changes in business and financial practices are evidence that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decision in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

Let me invite your attention next to the role that government policies have played this year in fostering these and related adjustments in private policies and practices.

The fundamental objective of monetary and fiscal policies this year has been to maintain a climate in which inflationary pressures would continue to moderate, while providing sufficient stimulus to guard against cumulative weakness in economic activity. Inflationary expectations of businessmen and consumers had to be dampened; the American people had to be convinced that the government had no intention of letting inflation run rampant. But it was equally important to follow policies that would help to cushion declines in industrial production stemming from cutbacks in defense and reduced output of business equipment, and to set the economy on a course that would release the latent forces of expansion in our homebuilding industry and in state and local government construction. I believe we have found this middle course for both fiscal and monetary policy.

A substantial reduction in the degree of fiscal restraint has been accomplished this year with the phasing out of the income tax surcharge and the increase in social security benefits. These sources of stimulus provided support for consumer disposable incomes and spending at a time when manufacturing employment was declining and the length of the work-week was being cut back.

I do not like, but I also am not deeply troubled, by the deficit in the Federal budget during the current fiscal year. If the deficit had originated in a new explosion of governmental spending, I would fear its inflationary consequences. This, however, is not the present case. The deficit in fiscal 1971—though it will prove appreciably larger than originally anticipated—reflects in very large part in the shortfall of revenues that has accompanied the recent sluggishness of economic activity. The Federal budget is thus cushioning the slowdown in the economy without releasing a new inflationary wave. The President's determination to keep spending under control is heartening, particularly his plea last July for a rigid legislative ceiling on expenditures that would apply to both the Executive and the Congress. However, pressures for much larger spending in fiscal 1972 are mounting and pose a threat to present fiscal policy.

Monetary policy this year has also demonstrated, I believe, that it could find a middle course between the policy of extreme restraint followed in 1969 and the policies of aggressive ease pursued in some earlier years. Interest rates have come down, and liquidity positions of banks, other financial institutions, and nonfinancial businesses have been rebuilt—though not by amounts that threaten a reemergence of excess aggregate demand. A more tranquil atmosphere now prevails in financial markets. Market participants have come to realize that temporary stresses and strains in financial markets could be alleviated without resort to excessive rates of monetary expansion. Growth of the money supply thus far this year—averaging about a 5½ per cent annual rate—has been rather high by historical standards. This is not, however, an excessive rate for a period in which precautionary demands for liquidity have at times been quite strong.

The precautionary demands for liquidity that were in evidence earlier in 1970 reflected to a large degree the business and financial uncertainties on which I have already commented. It was the clear duty of the nation's central bank to accommodate such demands. Of particular importance were the actions of the Federal Reserve in connection with the commercial paper market last June. This market, following the announcement on Sunday, June 21, of the Penn Central's petition for relief under the Bankruptcy Act, posed a serious threat to financial stability. The firm in question had large amounts of maturing commercial paper that could not be renewed, and it could not obtain credit elsewhere. The danger existed that a wave of fear would pass through the financial community, engulf other issuers of commercial paper, and cast doubt on a wide range of other securities.

By Monday, June 22—the first business day following announcement of the bankruptcy petition—the Federal Reserve had already taken the virtually unprecedented step of advising the larger banks across the country that the discount window would be available to help the banks meet unusual borrowing requirements of firms that could not roll over their maturing commercial paper. In addition, the Board of Governors reviewed its regulations governing ceiling rates of interests on certificates of deposit, and on June 23 announced a suspension of ceilings in the maturity range in which most large certificates of deposits are sold. This action gave banks the freedom to bid for funds in the market and make loans available to necessitous borrowers.

As a result of these prompt actions, a sigh of relief passed through the financial and business communities. The actions, in themselves, did not provide automatic solutions to the many problems that arose in the ensuing days and weeks. But the financial community was reassured that the Federal Reserve understood the seriousness of the situation, and that it would stand ready to use its intellectual and financial resources, as well as its instruments of monetary policy, to assist the financial markets through any period of stress. Confidence was thus bolstered, with the country's large banks playing their part by mobilizing available funds to meet the needs of sound borrowers caught temporarily in a liquidity squeeze.

The role that confidence plays as a cornerstone of the foundation for prosperity cannot, I think, be overstressed. Much has been done over recent months by private businesses and by the government to strengthen this foundation. If we ask what tasks still lie ahead, the answer I believe must be: full restoration of confidence among consumers and businessmen that inflationary pressures will continue to moderate, while the awaited recovery in production and employment becomes a reality.

The implications of this answer for the general course of monetary and fiscal policies over the near term seem to me clear. The thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment. But we must be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies. Past experience indicates that efforts to regain our full output potential overnight would almost surely be self-defeating. The improvements in productivity that we have struggled so hard to achieve would be lost if we found ourselves engulfed once again in the inflationary excesses that inevitably occur in an overheated economy.

As I look back on the latter years of the 1960's, and consider the havoc wrought by the inflation of that period, I am convinced that we as a people need to assign greater prominence to the goal of price stability in the hierarchy of stabilization objectives. I have recommended on earlier occasions that the Employment Act of 1946 be amended to include explicit reference to the objective of general price stability. Such a change in that law will not, of course, assure better economic policies. But it would call the nation's attention dramatically to the vital role of reasonable price stability in the maintenance of our national economic health.

At the present time, governmental efforts to achieve price stability continue to be thwarted by the continuance of wage increases substantially in excess of productivity gains. Unfortunately, the corrective adjustments in wage settlements that are needed to bring inflationary forces under control have yet to occur. The inflation that we are still experiencing is no longer due to excess demand. It rests rather on the upward push of costs—mainly, sharply rising wage rates.

Wage increases have not moderated. The average rate of increase of labor compensation per hour has been about 7 per cent this year—roughly the same as last year. Moreover, wage costs under new collective bargaining contracts have actually been accelerating despite the rise in unemployment. In the third quarter of this year, major collective bargaining agreements called for annual increase in wage rates averaging 10 per cent over the life of the contract. Negotiated settlements in the construction industry during the same three months provided for wage increases averaging 16 per cent over the life of the contract, and 22 per cent in the first year of the contract. Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper, and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue.

I fully understand the frustration of workers who have seen inflation erode the real value of past wage increases. But it is clearly in the interest of labor to recognize that economic recovery as well as the battle against inflation will be impeded by wage settlements that greatly exceed probable productivity gains.

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases. As the experience of our neighbors to the north indicates, inflationary wage settlements may continue for extended periods even in the face of rising unemployment. In Canada, unemployment has been moving up since early 1966. New wage settlements in major industries, however, averaged in the 7 to 8 per cent range until the spring of 1969, then rose still further. This year, with unemployment moving above 6½ per cent, negotiated settlements have been in the 8 to 9 per cent range.

Many of our citizens, including some respected labor leaders, are troubled by the failure of collective bargaining settlements in the United States to respond to the anti-inflationary measures adopted to date. They have come to the conclusion, as I have, that it would be desirable to supplement our monetary and fiscal policies with an incomes policy, in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity, and prices.

To make significant progress in slowing the rise in wages and prices, we should consider the scope of an incomes policy quite broadly. The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce upward pressures on costs and prices.

The additional anti-inflationary measures announced by the President last Friday will make a constructive contribution to that end. The actions to increase the supply of oil will dampen the mounting cost of fuels, and the recommendations made by the President to improve the structure of collective bargaining in the construction industry strike at the heart of a serious source of our current inflationary problem.

I would hope that every citizen will support the President's stern warning to business and labor to exercise restraint in pricing and wage demands. A full measure of success in the effort to restore our nation's economic health is, I believe, within our grasp, once we as a people demonstrate a greater concern for the public interest in our private decisions.

If further steps should prove necessary to reduce upward pressures on costs and prices, numerous other measures might be taken to improve the functioning of our markets. For example, liberalization of import quotas on oil and other commodities would serve this purpose. So also would a more vigorous enforcement of the anti-trust laws, or an expansion of Federal training programs to increase the supply of skilled workers where wages are rising with exceptional rapidity, or the creation on a nation-wide scale of local productivity councils to seek ways of increasing efficiency, or a more aggressive pace in establishing computerized job banks, or the liberalization of depreciation allowances to stimulate plant modernization, or suspension of the Davis-Bacon Act to help restore order in the construction trades, or modification of the minimum wage laws in the interest of improving job opportunities for teenagers, or the establishment of national building codes to break down barriers to the adoption of modern production techniques in the construction industry, or compulsory arbitration of labor disputes in industries that vitally involve the public interest, and so on. We might bring under an incomes policy, also, the establishment of a high-level Price and Wage Review Board which, while lacking enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

Such additional measures as may be required can, of course, be determined best by the President and the Congress. What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and that the classical remedies may not work well enough or fast enough in this case. Monetary and fiscal policies can readily cope with inflation alone or with recession alone; but, within the limits of our national patience, they cannot by themselves now be counted on to restore full employment, without at the same time releasing a new wave of inflation. We therefore need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future.

In the past two years we have come a long way, I believe, towards the creation of a foundation for a lasting and stable prosperity. Confidence has been restored in financial markets. Businesses have turned away from the imprudent practices of the past. Productivity gains have resumed. Our balance of trade has improved. The stage has been set for a recovery in production and employment—a recovery in which our needs for housing and public construction can be more fully met.

To make this foundation firm, however, we must find ways to bring an end to the pressures of costs on prices. There are no easy choices open to us to accomplish this objective. But that, as I indicated at the outset, is the tough legacy of inflation.

[From the New York Times, Jan. 27, 1971]

A Wage-Price Review Board Is Recommended by Woodcock

(By Philip Shabecoff)

Washington, Jan. 26.—Leonard Woodcock, the president of the United Automobile Workers, suggested today the creation of a wage-price review board to cope with inflation.

Mr. Woodcock said that companies and unions with "dominant" positions in their industry should be required to appear before such a board to justify inflationary increases in wages.

However, this board would not have legal power to enforce wage and price rollbacks but would bring the "weight of public opinion to bear," Mr. Woodcock said.

At a breakfast meeting with reporters, the union leader said he was opposed to regulated wages and prices, "whether by jawboning or by guidelines."

He said that wage regulations would be easy to impose but that it would be hard to administer price controls.

He said he was "unimpressed by the little tableau of Bethlehem Steel and United States Steel" and implied that the recent large steel increase announced by Bethlehem Steel that was cut in half to match United States Steel's lower increase was not spontaneous.

Mr. Woodcock also asserted that "there is no question that the wage increases in the construction industry are excessive."

He said that outside electricians called in to work on construction projects in U.A.W. plants sometimes made $2 to $3 an hour more than electricians who were members of the U.A.W. "and sometimes our workers are more skilled than the others."

In testimony before the Joint Economic Committee of Congress later in the day, he said that earnings of unionized blue collar workers had grown less than any other segments of the working force during the Nixon Administration.

The Nixon Administration, he said, is "aiming at the wrong targets" when it refers to contract settlements by big unions as the cause of inflation.

As part of a thick report on problems caused by what he described as the Administration's erratic economic policy," Mr. Woodcock detailed the U.A.W. plan for a price-wage review board.

A consumer council would be empowered to initiate hearings before the board aimed at reducing excessive price increases in industries that administer prices, such as the automobile industry. Unions would be required to participate in the hearings if wage increases were a factor, but the focus of the plan would be on price increases.

[From U.S. News & World Report, Feb. 8, 1971]

How To Control Inflation: A Three-Stage Formula

(By R. Heath Larry)

Surely during the last several months, there have been more words written and said about inflation, its causes and cures, than at any time within contemporary history. And you will by no means have heard the last word. I am sure of that.

There is a sense of desperation in the air, which can give rise to ill-considered and dangerous actions.

The question before us is whether a democracy predicated upon a free-market economy can really cope with the problem. I still believe it can—but certainly the months immediately ahead will be a critical test of both our will and our capacity to help it do so.

In its efforts to develop future policy choices, one hopes that the Administration will pay careful attention to what negated the impact of its past policy choices. And the crux of its analysis, it seems to me, must inevitably center upon the question as to why collectively bargained rates have continued to go out through the roof.

After all, wage trends within the nonunionized sector had, in fact, already begun to respond to reduced job opportunities and lower profits. But not so in the unionized sector. Why was this so?

Perhaps it could be argued that the planned slowdown in the economy was administered too cautiously, allowing for too much expectation that the treatment was only temporary, or that the increasing prevalence of three-year agreements augmented the time lag for reaction, or that declining corporate liquidity affected the willingness—perhaps even the capacity of employers to suffer long cash-draining strikes in an effort to break the pattern of excessive wage increases, or that strikers themselves were increasingly liquid, so to speak, because of their access to various benefits while striking.

But, however one looks at it, the factor which emerged as really controlling was today's union bargaining structure—a structure whose orientation is candidly and strongly counter-market—and whose capacity clearly emerged as strong enough to ignore labor-market influences—and to ignore declines in productivity and industrial profitability as well—if it so chooses.

When one looks at the record and notes that in every year but two out of the last 20, unit-labor costs in the U.S. have increased, and that recently the rate of increase in labor costs per man-hour in manufacturing has been more than double the long-term average rate of gain in output per man-hour, it is clear that something is dead wrong in the power balance reflected in contemporary collective bargaining as a whole.

It can be said categorically that a continuation of the wage trends of the recent past is a luxury this nation simply cannot afford. For if these trends spread broadly across the manufacturing segment, one of our nation's economic problems—which is already serious—can become a nightmare. Let me spell out what I mean:

Manufactured goods now constitute close to 60 per cent of all world trade—up from only about 40 per cent of the total 20 years ago.

But the U.S. share of the world's export of manufactures has dropped during that period from above 28 per cent to just under 20 per cent. Over the same time span, our imports of manufactures have increased about 8½ times, while our exports of them have increased only 3½ times.

And while labor cost may not be the only factor contributing to this picture, it is far and away the most important one. We cannot afford to ignore the fact that in the period 1965 through 1969, Japan, Germany, France, the Netherlands, Sweden, Italy, Canada—and even the United Kingdom—all surpassed us in terms of annual rate of improvement in output per man-hour. Recently, wage increases have accelerated abroad. Nevertheless, we are not only still plagued by a wide, continuing, and in too many cases an expanding difference between our wage rates and those of competing nations, but our rate of rise in unit-labor costs in the period just mentioned exceeded all but Canada's.

No wonder our balance of trade in recent years has been anything but healthy. Those who see dangers in increasing protectionism in the U.S. had better see, as even more important, the danger in the decreasing competitiveness of the industrial economy of the U.S.

The fact is that unless American industries can soon hope for an improvement in their comparative unit-labor-cost picture, we as a nation will have no choice but to modify our trade policy in a direction more supportive of domestic industry and of the domestic economy than has been the case for many years.

While on the subject of foreign competition, let me touch briefly upon the frequently heard suggestion that keeping our trade doors open may be an important key to restraining our current inflation.

It is most important to realize that today only about one fourth of our work force is in manufacturing. About two thirds of it is in what are broadly termed the service industries. Thus, the great majority of the American work force is in employment where no direct connection with foreign competition is yet felt with sufficient sensitivity for it to be influential.

The record will show that the really big wage increases in the last several years did not begin to break out first in manufacturing. Rather it was in construction, followed by the transportation and service industries and in public employment—where wide-open gates to foreign products made with cheaper labor have not yet appeared to represent any effective leverage for holding down either wages or prices.

The problem we now face is that, internal union politics being what they are, the pressure to try to keep up with the wage parade thus started could begin to outweigh import pressures, even where the impact of the latter has been quite obvious.

Thus, the principal effect of increasing pressures from lower-wage foreign competition may very well be only to make it increasingly difficult for the employers who face it to acquire the capital necessary for improving their competitive efficiency. That's no way to slow inflation. To do so, we will need all the improved productivity we can get.

The President recognized this by appointing a National Commission on Productivity, of which I have the honor to be a member. Moreover, the President had earlier created a Task Force on Business Taxation, which recently recommended a 40 per cent cut in guideline lives of machinery and equipment in order to encourage productivity-boosting capital spending. While the President recently moved very modestly along these lines, I would hope that the full recommendation of the task force can soon become a reality.

IMPROVED PRODUCTIVITY WON'T SOLVE PROBLEM

But improved productivity alone won't solve our problem. Even if our nation's productivity trend line could miraculously be improved by 50 per cent, the relief afforded today's wage-push inflation problem would be minute—because unless the recent rate of first-year increases in labor contracts were significantly curbed, that rate would still be from double to quadruple even the improved rate of productivity increase.

Where, then, does the solution lie?

John Kenneth Galbraith is always interesting, no matter what other reactions one may have about him. In a letter published in "The Washington Post" the day before the President's address of December 4, Mr. Galbraith argued the futility of further reliance upon monetary and fiscal management in the following words:

"The Administration must not suppose that quarterway measures—jawboning, voluntary guidelines, inflation alerts, levitation, incantation or massive public prayer—will work. It must break the structure of inflationary expectations with a freeze and then work out a permanent and enforced system of wage and price controls wherever strong unions set wages and strong corporations set prices."

He did say "permanent" and he did say "enforced." And his reason was his belief that managing an economy by monetary and fiscal policy is not possible in the face of either union or corporate power which precludes reasonable responsiveness of the market to such management.

I reject his assumption about corporate pricing power, as you might expect me to do. But, frankly, if it existed to the extent he suggests, profit rates would surely not have declined to the extent they have. Affected, to be sure, by the constraints of cost pressures, prices are nevertheless still basically responsive to market forces—even if not always as mercurially as in an auction market. The problem lies in the fact that union wages have shown no responsiveness whatever.

One may not always agree with Mr. Galbraith, but I believe his views serve well to point up our dilemma.

UNION BARGAINING VERSUS CONTROLS

Our choice may in truth lie somewhere between revising the union bargaining structure to help it become more responsive to market forces, on the one hand—or, on the other, embracing permanent and enforceable controls. Past union views about the first approach need scarcely be recalled. But is the latter what unions really want?

Either a restructuring of bargaining or an embracing of permanent controls is, of course, likely to require new, difficult and controversial legislation, and thus neither seems likely to occur quickly. Meanwhile, "Rome is burning." For if the wage trends of the last year continue to flow unabated through the entire economy, it is not at all unlikely that the recent squeeze on unemployment and profits will have been only a miniversion of things to come. It is of extreme importance, therefore, that extraordinary efforts be made promptly to bring about a better voluntary response from the existing structure.

We clearly need something different from what we now have. The recent so-called "market oriented" incomes policy, as evidenced by recent governmental comments, proposals and actions concerning the oil and construction industries—and perhaps the steel industry has now been included—serves the purpose of drawing attention to the problem of inflation. However, it seems bound to become not only inadequate and discriminatory, but unfair as well. The Government will soon run out of market protections which it can withdraw or threaten to withdraw. Moreover, I feel sure it must recognize the unfairness of pointing fingers at so-called "sinners" in the absence of even a broad definition of what constitutes "sin"—and only at selected sinners, at that.

Meanwhile, is there any other way which can help bring inflation under control—without greater risk to our market economy? I would like to venture the thought that a three-pronged approach such as the following might be helpful:

The first element would be for Government to devote itself far more assiduously than it has to date to the task of trying to inspire what might be called a kind of universal sense of national mission in support of the urgency of subduing inflation.

This will not be easy. The average U.S. citizen has never experienced the consequences of runaway inflation such as Germany and some other countries have had. He is not greatly impressed with allegations, however true they might be, that inflation creates inequities and distortions within the economy which impair its future progress. In short, today's average citizen may still feel it less in his self-interest for him to support anti-inflationary actions than to support actions which may help him to keep pace with or try to get ahead of inflation.

If there is any hope of changing this view and of getting him more on the team than he is now—although all of us must play supporting roles—the lead role will have to be played by Government, and with a drama and an emphasis exceeding anything it has shown thus far. To be sure, Government deserves credit for now having made a start toward achieving the necessary understanding; but to some, its efforts still seem ambivalent. For example, what compelling sense of urgency for supporting the fight is engendered in John Doe, union member, when he reads in the President's address a statement that "the worst inflation is over"—coupled with a pledge to move on toward full employment?

Government doesn't have to go so far as to continue the politically unpopular posture of threatening to induce further unemployment as an inflation-suppressing device. But might not the average employe's sense of urgency become much sharper if, for example, Government made it abundantly clear to him that escalating wage costs are sapping the strength of his country in world markets and that Government efforts to counter unemployment, however sincere and purposeful, are bound to be ineffective until that trend is reversed?

Somehow, I feel that American workers still would like to be on a winning team—and that this kind of candor might help inspire a sense of mission to want to play the kind of game required to win.

WHY GOVERNMENT SHOULD SET STANDARDS

Second, beyond attempting to inspire a sense of mission, Government may have to develop—or cause to be developed—some kind of reasoned definition as to what kind of conduct by wages and other incomes is needed in the national interest at this time and why.

Changing the trend of a wage pattern will never be easy. In political instrumentalities like unions, where the tendency for leadership to respond to demands of their power base is almost irresistible, some crutches may prove helpful—perhaps even unavoidable.

By advocating the need for definition, I am not suggesting either a simplistic guideline number or a hit-the-visible miss-the-rest enforcement approach, such as we had, for example, in the early and mid-'60s. We are much too far into the current wage spiral to expect that publicizing the number representing the average annual gain in output per man-hour will, all by itself, be a purposeful exercise.

The kind of definition I am groping for might be thought of perhaps as a kind of enlargement upon, or detailing of, the sense of mission. It should not reflect something whose nonenforcement would mean loss of face to the Government. Rather, it should be conceived in such terms that nonadherence could mean a real sense of felt guilt in recognition of how such nonadherence could lead to a loss of more than just face—to us all.

Thus the definition might have many facets—and might need unusual origins. It should not be sought at the expense of compromising what we need with what might be "salable." One of the major purposes of seeking the definition would be to help make "salable" what may not be now. Thus the definition should take account of such things as: (a) the need for the nation to grow more competitive in world markets; (b) the degree to which slow growth in real gross national product—and monetary commitments to social benefits, the ecology and defense—may now restrict the potential for average improvements in current living standards in dollar terms, and (c) the fact that if profits of investors do not keep pace with the cost of living at least as much as do wages, the private capital which supports the jobs of employe claimants will not be there.

Perhaps the definition should emerge from Government sponsorship—but not by Government edict. It might result from a forum encouraged by Government—one perhaps like the Commission on Productivity—in any event, one specifically assigned the task of achieving such definition out of a frank exchange among union, industry, academic and governmental authorities.

MEETING "OUR BREAD-AND-BUTTER NEEDS"

The point is that we badly need a means by which to seek a broader consensus on what wage responses will best meet the national need, and thus, in turn, our bread-and-butter needs.

If the response still emerging piecemeal from the picket lines is as intolerable as some of us believe it to be, other means simply must be sought to condition it. The need for an alternate road to consensus is confirmed, I feel, by actions of several high-placed labor leaders who have been heard recently to advocate experimenting with the concept of voluntary arbitration.

While we are dealing with what is essentially an economic problem, its solution may be essentially political. The background must be laid publicly so that forward-looking leadership can be exercised. We cannot continue to have union memberships rejecting their leaders' settlements, government employees flouting the law, or a real union telling Congress what it will or will not accept. Unless what men are asked to do can be shown as both fair and necessary, there may well result a kind of industrial anarchy, whether compliance is sought on a voluntary or compulsory basis.

Now, third and finally, the needed voluntary response is not likely to emerge without some very strong motivation. It could be provided if Government will add one further dimension, and that is, if it will use its own strong voice to point out very forthrightly the dilemma we face—and pull no punches whatever. Government needs to say clearly and forcefully that if, within existing power structures, voluntarism and free markets cannot be made adequately to serve the national interest, either the power structures will have to be modified or we will be forced to give up the concept of the free-market economy for the stultifying structure of a controlled economy.

AT STAKE: FREE LABOR, FREE MARKETS

To be required to accept controls in any but an all-out period of total war suggests not only the end of free labor and free bargaining, but perhaps also of free capital markets and of democracy as we have known it, as well.

As Winston Churchill once said, "The feel of the hangman's noose around the neck is a powerful stimulant to thought."

If both the urgency—and the options—are made plain to all our citizens and we are thus stimulated to embrace sensible alternatives, I have a strong hope that our free economy can move forward—unhampered by either an imposed squeeze or an imposed freeze.

[From the National Journal, Dec. 26, 1970]

Economic Report/Nixon Feeling Pressures To Adopt Incomes Policy

(By John M. Pearce)

Because of his reluctance to put firm pressure on industry and unions, President Nixon is being "jawboned" steadily toward more dramatic action to slow the rise of prices and wages.

Mr. Nixon's plans to weaken the power of construction unions and roll back recent oil price increases—announced Dec. 4 and, in the case of oil prices, implemented Dec. 22 by import quota increases of 100,000 barrels a day—softened the criticism inside the Administration. But they had little effect on outside calls for more and stiffer actions.

While most of the pressure on Mr. Nixon comes from Democratic politicians and economists who were associated with past Democratic Administrations, one of the most specific proposals so far has come from Arthur F. Burns. The 66-year-old chairman of the

Federal Reserve Board, who was until a year ago the most prominent member of the Nixon economic team, suggested, among other initiatives, a wage-price review board.

And a detailed plan for a punitive income tax on corporations that agree to wage settlements above government-set guidelines has been submitted by Yale University professor Henry C. Wallich, who also is senior adviser to outgoing Treasury Secretary David M. Kennedy, and Sidney Weintraub, chairman of the economics department at the University of Waterloo, Ont., Canada. Weintraub is on leave from the University of Pennsylvania.

The other proposals range virtually along the entire gamut of possibilities, from guidelines for wage and price increases (such as the "guideposts" begun in 1962 during John F. Kennedy's Administration) to full, though temporary, wage-price freezes.

All call for some type of "incomes policy," a term usually applied to any government effort to change the way the national income pie is divided.

With the exception of John Kenneth Galbraith's judgment that the "new economics" has collapsed under the weight of big companies and big labor and that it must be succeeded by some system of permanent wage and price controls, pressure for formal controls has been conspicuously sparse.

Despite the rejection so far of formal federal guidelines, the issue remains very much under consideration.

"We know we are fallible," said Hendrik S. Houthakker, 45, a member of the Council of Economic Advisers. "If it turns out we are dead wrong and prices go up more strongly than ever, the Administration might well change its tune. We go by results."

GOVERNMENT ADVISERS

Mr. Nixon's new pressure against the higher oil prices and his decision to try to strengthen builders in contract bargaining were the boldest efforts of his Administration to influence prices and wages.

The efforts, outlined in a Dec. 4 speech to the National Association of Manufacturers in New York, reflected conflicting pressures from his principal economic advisers—the Council of Economic Advisers, especially chairman Paul W. McCracken and member Herbert Stein, both 54; and George P. Shultz, 50, director of the six-month-old Office of Management and Budget.

CEA: McCracken has said several times, most recently at a news conference Dec. 1, that he has "never been particularly allergic to jawboning, if by that one means the process by which one tries to make clear developments in the economy that have relevance to public policy."

Stein's position is less clear. He said in a *National Journal* interview that he has an open mind about incomes policies; but he indicated he thought of them only as a device for speeding up economic corrections, which must be brought about mainly by fiscal (budget) policy, as set by the President and Congress, and monetary policy, as set by the Federal Reserve System.

Shultz: Shultz could not be reached directly, but several fellow government economists offered their interpretations of his position. Most of them said he is becoming or has become the President's premier adviser on economic matters.

As a former dean of the University of Chicago graduate school of business, Shultz is closely associated with the "Chicago school" of minimum government interference with the economy and heavy reliance on monetary policy.

Several groups—One senior Administration official, who asked that he not be identified, confirmed that there are several schools of thought on incomes policies within Mr. Nixon's official family.

"I don't know if you would call them groups," he said. "Sometimes the group is one.

"I think Stein and Shultz would rather do nothing, but they see the political pressures. There are others, like Arthur Burns, that would want to set up a wage-price board."

Another government economist, who also asked anonymity, said the President gives considerable weight to the views of Shultz, McCracken and Burns. But, he said, "I would guess that Shultz is number one at this point. I have to add 'at this point,' because that varies."

Burns' remoteness—He said Burns has adopted "a more remote relationship" with Mr. Nixon since leaving his Cabinet-level job as counselor to the President.

But, this economist said, if Burns "makes a judgment on what's happening to the economy—I'm not saying a recommendation on economic policy—I think the President would give that considerable weight, because he's found Arthur's judgment on those matters quite good in the past."

Shultz' proximity—A member of the staff in Shultz' own agency, OMB, called his chief "obviously a heavyweight adviser to the President."

He and others consider it very important that Shultz' office in the West Wing of the White House is close to the President's.

"It takes Shultz maybe 13 seconds to get to the oval room (Mr. Nixon's principal office) if he doesn't use the elevator. None of the other economic advisers could get there in less than five minutes," the staff man said.

When Shultz was Secretary of Labor (1969–70), he spoke out often on economic matters, rejecting time after time the suggestion that the Administration install some sort of incomes policy.

He has not commented publicly since July, when OMB was formed, but a remark he made last February before the Joint Economic Committee of Congress is typical. He rejected guidelines, saying they "did not work in this country, and they have been tried in nearly all the democratic countries of the world and haven't worked anywhere."

Troika activity—He was not then a member of the "troika"—the economic policy group consisting of the chairman of the CEA, the secretary of the treasury and the director of the Budget Bureau (now OMB)—but since he became head of OMB, he has been active in troika affairs.

One Treasury Department official said Shultz lately "has assumed a very important role and is full exercising his role in the troika."

He said that because Treasury Secretary Kennedy "was not such a strong and forceful personality" in troika deliberations, much of the responsibility fell to McCracken, Stein and, more recently, Shultz.

Shultz, he said, "carries a great deal of weight because that's how he got picked. The President trusts him. Kennedy: Kennedy's role in economic planning and policy making has been unclear for some time, and the question became moot when Mr. Nixon announced recently that he will be succeeded next year by John B. Connally, a Democrat, and former Texas Governor (1963–69) and Secretary of the Navy (1961).

But Kennedy's influence—and that of Treasury—was illustrated by the way the CEA's second "inflation alert" was cleared by high Administration officials on Nov. 27, a Friday. It was released the following Tuesday Dec. 1.

Houthakker, the CEA member charged with early development of the alert, said in an interview that it was sent for clearance to three officials: Shultz, Labor Secretary James D. Hodgson, 56, and Commerce Secretary Maurice H. Stans, 62.

It was not sent to Kennedy, Houthakker said, because "Treasury doesn't really have a major responsibility in this area."

Burns. Although Fed Chairman Burns made it clear last May he thought some type of income policy short of wage and price controls—might hasten reductions in price inflation, he got very specific in a Los Angeles speech Dec. 7.

"We are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and the classical remedies may not work well enough or fast enough in this case," Burns said. Among the possible steps he suggested was establishment of a high-level price and wage review board" with the power to investigate, advise and recommend on wage and price changes.

Because of his background as a Presidential adviser and his reputation as an economist, Burns is a frequent visitor in the President's office. The substance of his discussions with Mr. Nixon is a carefully guarded secret, however.

In public, Burns has said that he agrees with the way Mr. Nixon is trying to wrest the economy from its double problems of inflation and unemployment.

However, one Fed official said, "He certainly wasn't speaking for Richard Nixon" when he said in Los Angeles, "We need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future."

The guideline would be imposed only on wage increases. Weintraub and Wallich said that the certain knowledge that too-large wage increases would bring higher income taxes would stiffen management's back at the bargaining table.

Prices would remain under control, Wallich said, because business would find its production costs rising less rapidly. In addition, he said, "an increase in the income tax is very hard to shift, certainly in the short run."

Weintraub said he had considered several possibilities for beefing up the government's efforts to control inflation, and "this seems to be the most innocuous, in the sense of least interference and least bureaucracy." He said the plan "is surely not anti-union compared to any other recommendation, and above all it is not antilabor."

Treasury Under Secretary Charls E. Walker, 47, confirmed that Weintraub, who was on Walker's Ph. D. examination committee at the University of Pennsylvania in 1955, had approached him about the plan and that is was being studied.

"We're going to examine it, but that gives no prejudice one way or the other as to what we might come out with," he said.

Roosa. One of the strongest and most detailed suggestions for a new incomes policy came from Robert V. Roosa, former under secretary of the treasury for monetary affairs (1961–64).

In testimony before the House Banking and Currency Committee on June 17 and again in a *National Journal* interview, Roosa called for a three-step plan to curb the upward spirals of prices and unemployment:

a temporary freeze on all wages, prices, rents and dividends;

an incomes policy worked out among government officials and key interest groups with which all would agree they could live;

a 1970 version of the Temporary National Economic Committee of the late 1930's, with authority to reexamine the nation's entire price and wage structure.

Roosa said he doubts voluntary freezes would work, because "very large wage increases" since his June 17 proposal had locked-in disparities.

"Wherever you try to put a brake on this, there are going to be at least half of the affected people who claim that they haven't caught up yet," he said. "So it may well be that if this is going to be halted it will require a compulsory freeze for an indefinite period—no more than six months, hopefully less."

After that, he said, the options would include "at the one extreme, the Wallich and Weintraub idea of a tax on the profits of firms who exceed some indicated guidepost figure, to, at the other, compulsory arbitration, which, at least for some industries, Burns mentioned in his speech.

WEIDENBAUM. Internal pressures for some version of incomes policy first broke into the open last summer, when Murray L. Weidenbaum, 43, assistant secretary of the treasury told a congressional subcommittee, "I think the time has come to give some serious consideration to some form of incomes policy."

Maurice Mann, an assistant director of the Office of Management and Budget, later added his voice to Weidenbaum's.

Mann has since left government to become executive vice president of a Philadelphia bank; Weidenbaum has turned his attention to seuring congressional passage of his pet project, a plan to share federal revenues with cities and states.

CONGRESS

Mr. Nixon has been under pressure from Congress for a year, but the pressure has intensified since the CEA put out its second "inflation alert" Dec. 1 and the President made his economic address to the manufacturers' association Dec. 4.

Legislation: Congressional Democrats armed Mr. Nixon with two laws allowing him to clamp controls on credit and "stabilize," or freeze, wages, prices, salaries and rents. He has said repeatedly he does not want the authority and will not use it. The two laws are:

The Credit Control Act (83 Stat 376), passed a year ago, giving the President permanent authority to trigger credit controls which would then be administered by the Federal Reserve Board. HUD Secretary George Romney last May 11 advocated using credit controls to aid housing.

The Economic Stabilization Act (84 Stat. 799), part of the Defense Production Act passed last August, giving the President authority to stabilize wages, prices, salaries and rents. He could freeze them across the board or selectively at any level back to where they were May 25.

The wage-price freeze authority is to expire next Feb. 28, but the House Banking and Currency Committee has approved a bill (H.R. 19828) extending it to the end of March, to enable the new Congress to make up its own mind about the need for this kind of authority.

Democrats: The Democratic leadership in both the House and Senate urged Mr. Nixon on Dec. 3, the day before his speech to the manufacturers' association, to freeze wages and prices for 30 to 60 days so that guidelines for voluntary restraint could be drawn up.

Senate Majority Leader Mike Mansfield, House Speaker John W. McCormack and House Majority Leader Carl Albert held a joint news conference to call for the temporary freeze to permit the government to work out guidelines with industry, unions and other groups.

Sen. William Proxmire, D.-Wis., this month suggested that Mr. Nixon call upon labor and business leaders to determine what would be fair wage and price increases, and then impose guidelines to produce them. He said guidelines would be a workable alternative to rigid controls, which he said would be difficult to administer during a war which lacks wide public support.

Economists' paper: The three economists who chaired the CEA during the Kennedy and Johnson Administration reported in September, after a study for the Senate Democratic Policy Committee, that a "cooperative wage-price policy," enlisting the support of both business and labor, is the "missing link of economic policy."

The report, prepared by Walter Heller (1961–64), Arthur M. Okun (1968–69) and Gardner Ackley (1964–68), suggested that the Administration begin a "prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment."

Mr. Nixon's own advisers have publicly endorsed a goal of more expansion in an effort to restore "full employment"—by definition, a situation in which the unemployment rate is 4 per cent or less—by July 1972.

ECONOMIST PRESSURE

Advice from economists outside government is almost universally in favor of stronger action; disagreement is on tactics rather than strategy.

O'Leary: A plan similar to Burns' Los Angeles proposal has been advanced by James L. O'Leary, executive vice president and economist for the U.S. Trust Co. of New York.

"I think Mr. Nixon should go to what I would regard as being the absolute minimum he ought to do, and that is to appoint what Arthur Burns called a wage-price review board, or what I was calling a wage-price stabilization board," O'Leary told National Journal.

"I don't know exactly what Burns has in mind, but what I have in mind is a board that would have representation from labor, management and the general public," he said.

O'Leary advocated a board with its own staff and the authority to involve itself in negotiations in major industries and important disputes involving municipal services, such as public transportation.

Weintraub-Wallich: One plan Treasury is considering was developed independently by Weintraub and Wallich. They proposed that the government decide what wage level is inflationary, set a guideline, then penalize companies whose total wages increase more than that during a year.

The penalty would be added to an offending company's income tax.

Wallich said in an interview the guidepost could not be the long-term gain in productivity—the 3.2-per cent limit on wages and prices set during the Kennedy Administration—nor productivity plus the increase in the cost of living, for "then you validate the going rate of inflation."

Instead, Wallich recommended productivity plus half the current rate of inflation.

GALBRAITH. The most pessimistic view and the most extreme suggestion comes from Galbraith, former ambassador to India (1961–63) and a Harvard University economics professor now teaching at Cambridge University in England.

Speaking to the Fabian Society in November, Galbraith declared the "new economics" dead.

What killed it, he said, is the immense power of trade unions and large corporations, which makes it possible for them to override any adjustments in the economy government may try to make.

He said the only way to deal with the situation is to establish a new system of permanent price and wage controls covering at least the strongest unions and companies.

INTEREST GROUPS

Interest groups are as close to unanimity as the economists in their calls for stronger Presidential action, although there is a wide range of motives.

Business Council: One of the most telling dissents from Mr. Nixon's economic game plan came three weeks before the November election from the Business Council, a group of 190 top corporate executives who meet every six months at Hot Springs, Va., to analyze government economic policy.

During an Oct. 17 panel discussion on the economy attended by several prominent government officials, including McCracken, the council agreed that present Administration policies could not stop inflation.

The panel discussion was closed to reporters—all Business Council sessions are closed—but it was summarized later by Fred J. Borch, 60, chairman of General Electric Co. and then chairman of the council. He has been succeeded by William M. Batten, chairman of J. C. Penney Co.

Reflecting five weeks later on the Business Council's decision to make its dissent public a day before its leaders met with the President, Borch said:

"I don't think we had much choice on that. It was the consensus of industrial corporations."

During an interview in his New York office Nov. 24, Borch said the council's position was "a little sensationalized by the press." The position, he said, had two major points:

There was "complete agreement that the Administration's monetary and fiscal policies are sound."

"As a secondary element," the government did not seem to understand that the inevitable labor cost increases of the next three years (most of which are frozen into contracts) are significant in terms of price stability.

At the news conference Oct. 17, Borch said the council panel thought the Administration "should explore other things rather than rely purely on monetary and fiscal restraints," the classical devices it has relied upon to stop the inflation.

However, Borch said, the council wanted no part of formal guidelines or wage and price controls. "The negatives were much clearer than the positives on this," he added.

Martin: A call for sterner action came from an unexpected direction Nov. 5, when William McChesney Martin Jr., Burns' predecessor as chairman of the Fed, urged the Administration to adopt an incomes policy.

Guidelines would put the government's sanction behind labor and management officials who try to resist inflationary increases, Martin said at a news conference after a speech to the Metropolitan Washington Board of Trade. He said, "I've had both labor and business people say to me, 'Why doesn't someone say what a reasonable level is?' "

Martin would not place the entire burden on the government, however. "I think it is necessary for businesses, bankers and individuals to show more restraint than they've been doing. We can't rely on fiscal and monetary policy alone."

CED: The Committee for Economic Development, a study group consisting mainly of prominent businessmen and former businessmen, recommended Nov. 23 that the government set up a three-man board on prices and incomes to develop "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups."

The CED said the board should make public reports when increases deviate "substantially from such broad norms."

It urged that new wage-price policies not be rejected simply because their value cannot be proven in advance. The CED recommendation said:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high unemployment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high unemployment."

Labor: The reaction of organized labor to talk of formal controls has been lukewarm.

AFL-CIO President George Meany, 76, told a news conference Nov. 9:

"We don't advocate controls. However, if (Mr. Nixon) feels that the situation calls for it, we'll go along, provided it's equality of sacrifice on the part of all—not just wage and price controls—but wage and price controls and controls on all sorts of income, so that everybody would make a contribution to the solution of this problem."

The AFL-CIO's chief economist, research director Nathaniel Goldfinger, has judged the Nixon game plan a total failure.

"We think it's disastrous. It created recession and rising unemployment," he said in an interview.

International pressures: The economic staff of the Organization for Economic Cooperation and Development issued a report in Paris last month urging a concerted international attack on inflation and advocating a mixture of policies to combat it.

Among them was an incomes policy, so far resisted by the Nixon Administration in any stern form, and active manpower and antitrust policies, both of which were suggested by Burns in his Los Angeles speech.

OUTLOOK

Mr. Nixon and his advisers say they are dedicated to following expansionary economic policies to restore the economy's growth and bring unemployment down to the "full employment" level of about 4 per cent.

On the day Mr. Nixon told the manufacturers' association the Administration wanted to bring unemployment down, the unemployment rate was 5.8 per cent, the highest in seven years. Other indicators showed industrial production declined in November for the fourth consecutive month, although its decline of .7 per cent was less precipitous than its October decline of 2.1 per cent. Recovery: Mr. Nixon outlined to the manufacturers three trends that he said should counteract the gloomy economic statistics:

Budget policy already has become expansionary. The fiscal 1972 budget, which must be submitted to Congress in January, will be balanced on a "full employment" basis; that is, it will be in balance if the government spends no more than it would take in if the economy were operating at capacity.

Fed Chairman Burns has assured the President that the Fed will "provide fully for the increasing monetary needs of the economy." Burns did not confirm the pledge in his speech in Los Angeles. The Fed so far is committed publicly only to a growth rate in the money supply (currency in circulation plus checking accounts in banks) of 5 per cent a year.

Interest rates are coming down as a result of "easier credit policies and curbing of inflationary psychology."

Stein: CEA member Stein told the Investment Bankers Association in a speech Dec. 3 that both fiscal policy and the money supply will have to expand more than they did during 1970 if the economy is to rise to its potential output in two years.

"To get the economy up to its potential in two years would require an increase of real output of about 12.5 per cent, or a little over 6 per cent a year," he had said Oct. 28.

"Even with reasonable success in reducing the inflation rate, one might perhaps count on average price increases of 3 per cent a year during this period—more at first and less at the end. This would mean average increases in the money value of Gross National Product of 9 per cent a year."

Stein's estimate of 3-per cent average price increases over the next two years is something that still must be achieved, since the Consumer Price Index rose at an annual rate of 4.2 per cent during July, August and September. In comparison, however, the rate for the final six months of 1969 was 5.9 per cent.

Next steps: Economists Roosa and O'Leary told *National Journal* that Mr. Nixon will have to move to a still stronger incomes policy if he is to realize his goals of full employment and diminishing inflation before the 1972 election campaign.

"I would think that within a rather limited period of time, we will see them move into something like this wage-price review board," O'Leary said. "I think that's the next big thing."

Roosa said he did not see how the President could avoid stronger economic policies.

"Barring a miracle," Roosa said, "the President is going to have unemployment above 6 per cent pretty soon, headed toward seven. In the face of that, and with a wish to try to check inflation, and at the same time being required to do an awful lot to stimulate the economy to stop that unemployment from rising, he's going to have to compromise by at least introducing some more direct form of compulsory fact-finding."

A government economist, who asked not to be identified by name, said he thought the odds were in favor of Mr. Nixon's moving further.

The NAM speech, he said, proved that the President is willing to take what action he thinks is necessary—althought he said nobody in government now believes direct controls or wage-price freezes are necessary.

By Mr. HOLLINGS:

S. 2106. A bill to provide that each piece of mail matter canceled by the Postal Service shall include certain information as part of the cancellation. Referred to the Committee on Post Office and Civil Service.

Mr. HOLLINGS. Mr. President, I send to the desk for appropriate reference a bill to amend title 39 of the United States Code to provide by law for the proper cancellation of mail matter.

There is no existing law requiring cancellation, and in the past 2 years since the present postal administration took office, an increasing number of small towns have lost their identity as a post office because mail is picked up, taken to a central postal facility and postmarked there. Most of the mail in a nearby metropolitan area, for instance, bears the postmark "Northern Virginia" which, of course, refers to nothing other than a geographic area.

A good many people have contacted members of the Committee on Post Office and Civil Service expressing their opposition to this change. During the conference between the House and Senate on the Postal Reorganization Act last year, the conferees considered inserting a provision of this sort in the bill but decided not to do so at that time.

And so I am today introducing legislation to insure that the historical practice of a meaningful postmark will be continued.

By Mr. JAVITS (for himself, Mr. Allott, Mr. Brooke, Mr. Beall, Mr. Bayh, Mr. Buckley, Mr. Church, Mr. Case, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Hatfield, Mr. Inouye, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Packwood, Mr. Percy, Mr. Scott, Mr. Stevens, Mr. Montoya, Mr. Tunney, Mr. Thurmond, Mr. Taft, and Mr. Williams):

S. 2107. A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses. Referred to the Committee on Rules and Administration.

USE OF TELEPHONE AND TELEGRAPH ALLOWANCES FOR STATIONERY EXPENSES

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the Record the bill I am introducing today, on behalf of 25 cosponsors, so that, as part of this Record, Senators may be informed that we are going to try to deal with this very difficult situation.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2107

A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the request of a Senator or the President of the Senate, and subject to rules and regulations prescribed by the Committee on Rules and Administration, any or all of the funds made available out of the contingent fund of the Senate for official telephone and telegraph expenses of that Senator or the President, which the Senator or President determines he will not need for such expenses, shall be transferred to the revolving fund established by the second paragraph under the heading "Contingent Expenses of the Senate" in chapter XI of the Third Supplemental Appropriation Act, 1957, and shall be considered an additional stationery allowance of the Senator or the President making the request. Any amount so transferred shall be available to that Senator or the President in the same manner and under the same conditions as the stationery allowance is made available.

By Mr. CRANSTON:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, and alcohol or drug abuse disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today the proposed Drug and Alcohol Treatment and Rehabilitation Act of 1971.

I will discuss the bill in greater detail tomorrow, but by way of introduction today, I do want to emphasize that it is my hope that this bill will point the way toward the Government's assuming and carrying out in the next year and thereafter responsibility for the treatment and rehabilitation of the almost 100,000 veteran drug addicts, especially those returning servicemen from Indochina, and the enormous number of veteran alcoholics—probably at least 2 million—in this country.

Mr. President, I ask unanimous consent that at this point in the Record the section-by-section analysis of S. 2108 be printed, followed by the full text of the bill.

There being no objection, the analysis and bill were ordered to be printed in the Record, as follows:

Section-by-Section Analysis of Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971

Section 1. Declares the title of the bill as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971".

Section 2. Subsection (a). Amends the definition of "disability" under chapter 17 of title 38, United States Code, for purposes of hospital, domiciliary, and medical care, to include "alcoholism and drug dependence" and also to include "impairment of function (including by alcohol or drug abuse)". The definition, as amended, would read: "the term 'disability' means a disease (including alcoholism and drug dependence), injury or other physical or mental defect or impairment of function (including by alcohol or drug abuse)".

Subsection (b). Adds a basic definition of "veteran" for purposes of eligibility for chapter 17 hospital, domiciliary and medical care to supercede the basic title 38 definition in section 101(2). The amendment would make veterans with undesirable or bad conduct discharges generally eligible for VA care under chapter 17 and also would make eligible for this care a veteran with a dishonorable discharge, or with an undesirable or bad conduct discharge which falls within one of the bars to benefit categories set forth in section 3103(a) of title 38—those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status, which discharge the Administrator determines is a product of any disability incurred during service.

Subsections (c), (d) and (e). Amend clauses (5), (6), and (7) of section 601 of title 38 to include "rehabilitative services" as part of the definition of, respectively, "hospital care", "medical services", and "domiciliary care" for purposes of chapter 17.

Subsection (f). Amends section 601 to add a comprehensive definition of "rehabilitative services" as follows:

"(8) The term 'rehabilitative services' includes such services as professional counselling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or outpatient basis, over a protracted period as may be necessary to assist the individual disabled veteran to achieve maximum utilization of his potential and to return, as soon and as completely as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

Section 3. Subsection (a). Amends section 602 of title 38, which presently establishes a presumption of service-connection for active psychoses arising within two years of discharge, so as to extend the presumptive period to three years and cover "neuroses" and "personality or character disorders" as well.

Subsections (b) and (c). Relate to changes in the catch line of section 602.

Section 4. Subsection (a). Inserts a new section 612A in chapter 17 of title 38 for special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities for any veteran regardless of the nature of his discharge or the provisions of section 3103(a), discussed *supra* under section 2(b).

Subsection (a) of the new section. Directs the Administrator of Veterans Affairs to furnish the most comprehensive treatment and rehabilitative services for such disabilities of new veteran, regardless of the nature of his discharge or of any determination of service-connection. The treatment and rehabilitation would be provided in VA facilities or other Government facilities (Public Health Service or Department of Defense, for example). When Federal facilities are not available, the Administrator would be required to contract with community facilities with special priority, wherever feasible, for community-based multiple modality treatment programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitation under the new section.

The treatment and rehabilitation to be provided are to be as comprehensive as possible, including "medical examination, diagnosis and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counselling (including appropriate referral for legal assistance), vocational and educational guidance, and crisis intervention." The places of treatment would be hospitals, domiciliaries, outpatient clinics, and half-way houses (including store-front facilities located in areas where larger numbers of eligible veterans reside).

Subsection (b) of the new section. Directs the Administrator to use all available resources in an outreach effort aimed at attracting into treatment addicted veterans eligible for treatment and rehabilitation under the new section. It also authorizes the Administrator to enter into personal services contracts or employ directly former addict veterans to work as counselors in treatment and rehabilitation programs. The Administrator would be authorized to do so without regard to the classification laws and regulations of the Civil Service, which often impede obtaining the services of former addicts who may have criminal records, less than honorable discharge, or generally not be inclined toward success on written Civil Service tests.

Subsection (c) of the new section. Establishes an entitlement to the full benefits of the vocational rehabilitation program under chapter 31 of title 38 for veterans accepting treatment and rehabilitation under the new section but only for so long as the veteran continues to receive such treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered.

Under the vocational rehabilitation program in chapter 31, the Veterans Administration provides comprehensive educational and vocational counselling and related services, as well as the total cost of training and education plus a subsistence allowance of, for example, $135 for veterans with no dependents taking full-time training.

The goal of the vocational rehabilitation program is to restore employability to veterans with service-connected disabilities from World War II or the Korean conflict or other veterans rated as 30 percent for disability compensation purposes (chapter 11). The Administrator is authorized to arrange for training facilities for vocational rehabilitation trainees in all the following ways: by employing additional experts and personnel; by utilizing and extending VA facilities and those of any other Federal or joint Federal-State agency; by contracting with public or private institutions or establishments for additional suitable facilities; and by cooperating with and utilizing other governmental and state employment agencies for job referral and placement.

Through the vocational rehabilitation program the addict veteran receiving treatment and rehabilitation under the new section 612A would also receive for a maximum of 36 months all necessary counselling, training and education and a subsistence allowance during the period of treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered. Participation in the program through the new section would not affect any other rights and interests of the veteran under title 38.

Subsection (d) of the new section. Directs that a veteran with less than an honorable discharge who has received treatment and rehabilitation under the new section and, who the Administrator finds, has been successfully recovered for at least one year after his discharge from the rehabilitation program will be deemed as a matter of law to have been discharged from the Armed Forces under honorable conditions for the purpose of establishing eligibility for all title 38 Veterans Administration benefits.

Subsection (e) of the new section. Requires the Administrator to offer alternative modalities of treatment under the section to each veteran depending upon his individual needs.

Subsection (f) of the new section. Requires that funds for the VA treatment and rehabilitation program for alcoholism, drug dependence, or alcohol or drug abuse disabilities be set forth in a line item in the VA budget estimate.

Subsection (g) of the new section. Provides for transfer, subject to reimbursement to the VA, to VA hospitals of active military, naval or air servicemen during their tours of duty for treatment pursuant to the new section under terms agreed upon between the Administrator and the Service Secretaries.

Subsection (h) of the new section. Requires the Administrator to make periodic progress reports to the appropriate "Service" Secretary on treatment of servicemen transferred to the VA under subsection (g) of the new section and to return such servicemen to the appropriate Secretary when the serviceman refuses to cooperate or treatment would otherwise be of no further benefit.

Section 5. Amends section 1502(a) in chapter 31 of title 38, "Vocational Rehabilitation," to cross reference the eligibility of veterans receiving treatment and rehabilitation under the new section 612A in chapter 17 of title 38.

S. 2108

A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971".

Sec. 2. (a) Section 601(1) of title 38, United States Code. is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease", and by inserting a comma and "or impairment of function (including impairment caused by alcohol or drug abuse)" immediately after "defect".

(b) Section 601 of such title is further amend by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) of such section a new paragraph (2) as follows:

"(2) The term 'veteran' means (except as otherwise provided in section 612A of this title) a person who served in the active military, naval, or air service, and who was discharged or released therefrom with another than honorable discharge or with any discharge (notwithstanding the provisions of section 3103(a) of this title) which the Administrator, after notice and opportunity for a hearing, determines in accordance with such regulations as he shall prescribe was the product of a disability incurred in such service."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601(7) of such title (as redesignated by subsection (b) of this section) is amended by striking out "and treatment" and inserting in lieu thereof a comma and the following: "treatment, and rehabilitative services".

(e) Paragraph (8) of section 601 of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services, and such other intensive, skilled services applied, on an inpatient or outpatient basis, over a protracted period as may be necessary to assist any disabled veteran to achieve his maximum potential and to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

SEC. 3. (a) Section 602 of title 38, United States Code, is amended by—

(1) striking out "active psychosis" and inserting in lieu thereof "psychosis, neurosis, or personality or character disorder"; and

(2) striking out "two years" both times it appears therein and inserting "three years".

(b) The catch line of section 602 of such title is amended to read as follows:

"§ 602. Presumption relating to certain disabilities".

(c) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"602. Presumption relating to psychosis."

and inserting in lieu thereof

"602. Presumption relating to certain disabilities.".

Sec. 4. (a) Chapter 17 of title 38, United States Code, is amended by adding immediately after section 612 the following new section:

"§ 612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities

"(a) Notwithstanding any other provision of this title, and regardless of the nature of a veteran's discharge or release from active, military, naval, or air service, the Administrator shall furnish such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this section collectively referred to as 'treatment and rehabilitative services') as he finds to be reasonably necessary for an alcoholism, drug dependence, or alcohol or drug abuse disability of any veteran. Such treatment and rehabilitative services shall (1) include medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), vocational and educational guidance; and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, and halfway house facilities (including storefront facilities located in areas where large numbers of veterans eligible for care and services under this section reside) over which the Administrator has direct and exclusive jurisdiction and in other Government or public or private facilities for which the Administrator contracts. In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities, the Administrator shall, wherever feasible, give priority to community-based multiple modality treatment and rehabilitation programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this section.

"(b) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans eligible for treatment and rehabilitative services under this section. To carry out the preceding sentence and to provide counselors for the treatment and rehabilitation programs, the Administrator is authorized to contract for the services of or employ former addict veterans without regard to those provisions of title 5, United States Code, relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) Any veterans accepting treatment and rehabilitative services under this section shall, for as long as he continues to receive such treatment and services and for up to one year after his discharge from the treatment and rehabilitation program as recovered, be entitled, without regard to any other rights or interests under this title, to all the vocational rehabilitation benefits provided in chapter 31 of this title for a period not exceeding four years.

"(d) If the Administrator finds that any veterans who was discharged under conditions other than honorable has received treatment and rehabilitative services under this section, has successfully completed the treatment and rehabilitation program prescribed by the Administrator, and thereafter has been recovered, for a period of one year or more, from the disability for which he received such treatment and rehabilitative services, such veteran shall be deemed to have been discharged under honorable conditions for the purpose of eligibility for any benefits under this title.

"(e) In providing treatment and rehabilitative services under this section to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran depending upon the individual needs of such veteran.

"(f) For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this section during such fiscal year for the treatment and rehabilitation of eligible veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

"(g) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence or alcohol or drug abuse condition, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 686), be transferred to any Veterans' Administration facility and provided treatment and rehabilitative services under this section.

"(h) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when his alcohol or drug condition is stabilized, or upon certification that (1) the member refuses to cooperate with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to the member."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding

"612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities"

immediately after

"612. Eligibility for medical treatment".

SEC. 5. Section 1502(a) of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) Every veteran who is in need of vocational rehabilitation on account of a disability for which he is receiving treatment under section 612A of this title under the conditions set forth in subsection (b) of that section shall be furnished such vocational rehabilitation as may be prescribed by the Administrator."

By Mr. HRUSKA (for himself and Mr. McClellan):

S. 2109. A bill to increase the limit on dues for United States membership in the International Criminal Police Organization. Referred to the Committee on the Judiciary.

INCREASE IN U.S. DUES FOR INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

Mr. HRUSKA. Mr. President, it is with great pleasure that I join the Senator from Arkansas (Mr. McClellan) in introducing a bill to authorize an increase in the dues paid by the United States for the International Criminal Police Organization—Interpol. The bill would raise the ceiling on dues from $28,500 to $49,000 and would also provide the payment of outstanding Interpol dues balance of $20,170 for the calendar year 1970.

A companion measure (H.R. 9223) was introduced in the House on June 17. The introductory remarks on that bill included a descriptive statement of Interpol, its makeup, its purposes, the nature of the U.S. participation and the benefits we derive from our membership—Congressional Record, June 17, 1971, p. 20603.

As a followup to those excellent comments, I would like to discuss the activities of Interpol Washington during the first three quarters of fiscal year 1971. During this time period, Interpol Washington, processed 1,581 cases, of which 321 originated in the United States, the balance of 1,260 cases were foreign originated requests for information or investigation within the United States.

Based on the rate of increase of cases processed during this period compared to the same period of fiscal year 1970, it is projected that the total cases processed for 1971 will be close to 1,800 cases, representing an increase of 39 percent over total cases for 1970. Of those 1,800 cases, it is estimated that approximately 45 percent will be U.S. originated, compared to 32 percent for 1970. This has been accomplished with no increase in staff.

As was the case in the previous fiscal year, the increases in the total number of cases processed and in the number of U.S. originated cases are attributed to the greater awareness of available Interpol services on the part of U.S. law enforcement personnel at the Federal, State, and local levels.

In October 1970, Assistant Secretary of the Treasury Rossides, one of three vice presidents of Interpol, attended the 38th annual meeting of Interpol held in Brussels, Belgium. As chairman of the U.S. delegation, he introduced five substantive resolutions on curbing drug abuse, all of which were adopted. In addition, the U.S. delegation was instrumental in drafting a resolution concerning unlawful acts against international civil aviation. This resolution was adopted unanimously.

An example of a case which exemplified Interpol cooperation occurred on May 26 of this year when Interpol Damascus notified Interpol Washington of a suspected shipment of narcotics aboard a non U.S.-flag aircraft originating in Damascus and destined for Hollywood, Calif. On the basis of this intelligence, the Bureau of Customs seized over 200 pounds of hashish in Hollywood on June 3.

In March of this year, Interpol Washington was contacted by Interpol Teheran requesting investigation of an Iranian national in the United States suspected of having knowledge of the theft of a Koran from a museum in Teheran. The investigation determined that the Koran was, in fact, brought into the United States in December 1969 without being declared to the Bureau of Customs. Because of this illegal entry, the book was seized in San Francisco on April 15, just 2 days prior to its being scheduled for auction. The Koran, which is considered priceless by the Iranian Government, was returned to the Ambassador of Iran on June 3.

Utilizing the worldwide facilities of Interpol, the Los Angeles district attorney's office in February was successful in convicting an individual for the murder of a Los Angeles resident. The murder occurred in southern Switzerland and the corpus delecti was never recovered. The murderer received life imprisonment. In a letter of appreciation to the chief, Interpol Washington, the district attorney stated that the conviction of the murderer would not have been possible without the assistance of Interpol.

Mr. President, these are just three selected examples from the Interpol files which illustrate how effective this group is in the pursuit of worldwide law enforcement. In order to permit future actions of this type, it is my hope that the Senate will favorably consider this request for increased funding.

At this point in the Record I ask unanimous consent to have printed in the Record the letter of transmittal from the Secretary of the Treasury and the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

The Secretary of the Treasury,
Washington, June 15, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization."

Under existing law, the Act of June 10, 1938, (22 U.S.C. 263a), there is a ceiling of $28,500 per annum on the total dues to be paid for the membership of the United States in the International Criminal Police Organization (Interpol). As the agency designated to represent the United States in the International Criminal Police Organization, the Treasury Department has been responsible for the payment of Interpol membership dues and has obtained annual appropriations for that purpose. Because the dues have been increased, the Treasury Department recommends that the ceiling be increased from $28,500 to $49,000 and the payment of the outstanding balance of $20,170 for calendar year 1970 be authorized.

Congress amended the Interpol enabling act in 1967 to increase the then existing limitation on United States dues payments from $25,000 to $28,500 a year. Since that time, however, expenses have risen appreciably and at the annual conference held in 1969 in Mexico City the General Assembly of Interpol approved a new budget increase which raised the United States membership dues to the equivalent of $48,670 a year starting in calendar year 1970. The amount of dues payable by member countries is reconsidered every three years by the General Assembly of Interpol. The United States share represents only about 6% of the total amount of dues payable and is equivalent to the individual shares to be paid by each of the following members: France, Germany, United Kingdom, and Italy. Adequate safeguards are provided through congressional consideration of the annual appropriation request for the amount of such dues.

The Department believes that participation in Interpol is far more valuable to the United States than the amount of the annual dues. Such membership makes this country part of a productive information and communications system relating to criminals. This is valuable not only because of the data it regularly provides about offenders, but also because of the knowledge it imparts about developing trends in international crime and police science.

On June 25, 1970, the Department submitted legislation on the matter to the President of the Senate, which was referred to the Committee on the Judiciary on June 29, 1970. However, no action was taken on the measure and the Department as a result has been unable to pay the membership dues for the calendar year 1970 in full because of the present statutory limit. Consequently, section 2 of the draft bill would authorize the payment of the balance of the dues remaining unpaid for 1970 and authorize appropriations for that purpose.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,
John B. Connally.

Comparative Type Showing Changes Which Would Be Made in Existing Law by Proposed Bill

Changes in existing law made by the proposed bill are shown as follows (existing law proposed to be omitted is enclosed by quotation marks; new matter is in italic):

Act of June 10, 1938, as amended (22 U.S.C. 263a)

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed "$28,500" *$49,000* per annum.

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 10, 1938, as amended (22 U.S.C. 263a), is further amended by deleting "28,500" and inserting in lieu thereof "$49,000".

Sec. 2. The Secretary of the Treasury is authorized to pay to the International Criminal Police Organization the unpaid balance of the dues for the calendar year 1970. There is authorized to be appropriated not to exceed $20,170 to carry out the provisions of this section.

INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, I ask unanimous consent that a corrected version of my remarks of June 17, 1971, on the introduction of my Intergovernmental Revenue Adjustment Act of 1971, plus accompanying tables and the text of the bill be printed in the Record at this point. The title of the bill was also incorrectly printed as "International Revenue Adjustment Act of 1971," instead of Intergovernmental Revenue Adjustment Act of 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, today I am introducing legislation on a matter of longstanding concern to me. My advocacy of the principle of revenue sharing goes back to my first congressional campaign in 1966 and has continued to the present. During the last session of Congress I introduced H.R. 13353, the House version of a bill proposed in this Chamber by the distinguished Senator from Maine (Mr. Muskie) and former Senator Goodell of New York. This revenue-sharing plan was largely the result of excellent staff work by the Advisory

Commission on Intergovernmental Relations.

I am generally gratified by the discussion and controversy which have been generated by the revenue-sharing proposals of President Nixon and those of others. I feel this way because to some extent this debate has been a wide-ranging one, highlighting a number of problems which go to the heart of our federal system. We in the Congress and the public at large have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing social problems they must face in this era of change and adjustment; and are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost? This last question is one of particular interest to me.

President Nixon's domestic program clearly addresses itself to all three of these issues. I wish to commend the President and express my approval of the general intentions of his general revenue sharing, special revenue sharing, and executive reorganization bills. The reforms which they propose need not divide us on partisan or ideological grounds. Regardless of the number of functions one would ideally assign to goverment, most of us would like to see those currently performed by it handled in the most efficient fashion possible. Revenue sharing has received support from both the present Republican and the past Democratic administration. Similarly, we have seen numerous bills on this topic introduced into Congress by prominent Members of both parties.

I endorse the overall intent of the administration's revenue-sharing bill, S. 680, which I was privileged to cosponsor. I believe, however, that it may be strengthened in several areas.

For example, I think we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the Central Government. It would be preferable I think to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operation are also constructive goals we should strive for through this legislation. If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be eliminated. If one really believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of government which spends revenues should under normal circumstances be the same one which must justify their collection to the people.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think for example, that we can continue the tendency of the present system of categorical grants to redistribute revenues away from the higher income urban States of the East and Middle West to the lower income rural States of the South and West. Charts 1, 2, and 3 which I am introducing into the RECORD, at the conclusion of my remarks, provide support for these contentions. I do not intend here to reject all Federal programs which redistribute resources among States. I simply argue that if we currently face an urban crisis, we should put more Federal money into the States with the large center cities.

In an effort to provide stronger general revenue-sharing legislation in these areas, I am submitting a bill which I believe more fully meets the great challenges faced by our federal system today. This bill has two basic purposes: First, to funnel significant amounts of money to those areas where it is most needed, our urban centers; and, second, to encourage States and local governmental units to improve their own tax-raising capabilities in order to enable them to shoulder more of the burden of governmental services.

The first element of my proposal, like the administration bill, would allocate 1.3 percent of total taxable income reported on Federal individual income tax returns for use by State and local governments. This would amount to about $5 billion during the first year and would reflect changes in the Federal personal income tax collections in future years. Under title I of my bill, the Secretary of the Treasury would for a period of 5 years turn over to each State the portion of the total revenue-sharing fund which was derived from that State. The States, in turn, would be required to pass through certain amounts of these funds directly to specified metropolitan areas, thereby guaranteeing that the money is quickly directed to where the need lies.

The bill has a built-in termination date; the general revenue-sharing feature of the legislation ends in 5 years, with the amount of money available to the States and local governments cut in half in the fifth and final year.

There are two reasons for including a closeout day in the bill. First, it puts the States and local governments on notice that they will not have available an endless Federal Government program for providing revenues to them for local use; second, it gives them both the time and the means for revising local taxing structures so that they will be able to assume the burden of providing local government services themselves by the end of the 5-year period.

At the same time the general revenue-sharing feature of the bill is being phased out, a tax credit feature will take effect. Under this provision of the bill, a taxpayer may elect to take as a credit against his Federal income tax payment 40 percent of certain local and State income taxes which he has paid. It is hoped that this provision will stimulate the States and local governments to improve their revenue-gathering efforts, thereby retaining the principle that the governmental unit which has the power to spend tax money should have the responsibility for raising it.

As I stated earlier, revenues in the amount of approximately $5 billion a year would be made available to the States under title I. The States would be limited in the use of these new revenues only by the requirements of passing a portion of them on to certain metropolitan areas; of making use of reasonable fiscal and accounting procedures; of providing reports and other information regarding their use; of following a nondiscriminatory policy; and of enforcing fiscal, accounting, and reporting standards on their political subdivisions. The number of strings attached to these funds have been kept at a minimum so as to encourage State and local governments to determine their own priorities and use these funds accordingly.

To further encourage initiative at the non-Federal level, the bill permits States to avoid the pass-through requirements contained in the bill by devising alternatives which meet with the approval of cities whose shares are guaranteed.

I should emphasize that not all the funds allotted to the States will be automatically passed through to designated metropolitan areas. Each State will retain a sizable portion of the funds for its own use after required amounts are made available to the larger cities.

The pass-through provision of the bill would apply to all cities with populations of 50,000 or more. Those of 50,000 or more would receive revenues at least equal to that city's percentage of the State's population. Cities of 75,000 population or larger which are located in standard metropolitan areas of 500,000 or more would be entitled to a share at least equal to 1.25 times that city's percentage of the State's population. Thus, the larger metropolitan cities, where the need is greatest, would receive a higher percentage of the automatically allocated revenues. While distribution solely on the basis of population would improve the lot of the center cities, it is quite likely that without the multiplier provided in this bill they would not receive aid in proportion to their fiscal difficulties.

Under my plan, New York City would receive approximately $329,000,000 as compared to $189,000,000 under the administration bill. Los Angeles would receive about $99.2 million rather than $34.7 million. Chicago almost $135,000,000 rather than $47.6 million, Boston nearly $33,000,000 as opposed to $10.7 million, and Atlanta close to $11,000,000 rather than $7.6 million. One can go down the list of large center cities appearing in chart 4 and find that almost all of them obtain similar advantages from the revenue-sharing provisions of the Intergovernmental Revenue Adjustment Act as compared to the administration's proposal.

My intention here is not to argue that no one except the Governors of populous urban States and the mayors of big cities are having trouble making ends meet. For instance, there can be no question that some of the most serious problems of poverty, unemployment, pollution, and lack of social services exist in our rural areas. Nevertheless, the statistics so painstakingly collected by the Advisory Commission on Intergovernmental Relations for their reports "Fiscal Balance in the American Federal System" and "Urban and Rural America: Policies for Future Growth" and by the National Commission on Urban Problems for its final report, persuade me that center cities do need special attention under any revenue-sharing system.

Chart 5 lists some of the specific reasons why the fiscal problems of our larger center cities are of a disproportionate magnitude, especially compared to their surrounding suburbs. Loss of tax base, tax rates which are relatively burdensome at present, diseconomies of scale, the costs of providing services to nonresidents, and the public expenses resulting from the presence of "high cost" citizens and serious social problems are among these factors contributing to the fiscal crisis in the larger center cities.

Smaller cities; suburbs, and rural areas could expect a share of new revenues to be allotted to them by the States if the bill I am offering were to become law. To some extent the presently operating system of categorical grants redistributes money away from the wealthy urban States to the lower income rural States, as chart 1 points out. Similarly, chart 3, taken from the special analyses of the 1972 budget, shows that the populous Northeastern and Middle Western States now receive absolutely less Federal aid per capita than do the States of other regions. These categorical grants according to the Advisory Commission on Intergovernmental Relations, are also less readily available for activities upon which the larger cities spend greater amounts of money. Thus, by favoring urban States and metropolitan cities, this bill could be said to be, among other things, compensating for the impact of the present aid system. The list of States which would be "gainers" as a result of the mode of distribution which it provides appear on chart 2. Such great urban States as New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Ohio, and Illinois are among these.

While we may need to provide temporary relief to States and localities through designating Federal revenues for their use, a true revitalization of decentralized government will come only when these State and local governments modernize their financial and governmental structures. If they were to take serious steps in this direction, they could then undertake on their own many of the services demanded by their citizens which are now handled in Washington.

According to a report issued by the Advisory Commission on Integovernmental Relations in 1969, only 18 percent of State tax collections and hardly any local collections were derived from individual income taxes. The income tax is not only more equitable or progressive than the other modes of State and local taxation in the distribution of its burden on the taxpayer, but it is "elastic" in that its yield expands as our economy and need for public service grow.

In an attempt to strengthen the fiscal base of American federalism, I am proposing in title II of this bill that taxpayers, as an alternative to the present deduction for State and local taxes, be allowed a 40-percent credit on income taxes paid to State and local governments. Many of the elements of title II were found in H.R. 13353, the Advisory Commission on Intergovernmental Relation's bill, which I introduced into the House last session. In order to discourage the continued use of inelastic State and local taxes, an income tax to be credited against one's Federal tax bill would have to allow the minimal personal deductions provided in the Internal Revenue Code of 1954.

The 40-percent credit would allow the average taxpayer considerably more Federal tax relief than the present deduction. It would also be available to all, rather than just those who itemized their returns. High-income taxpayers could still avail themselves of the current deductions if it offered them more relief. It is assumed that State and local legislators could more easily justify the use of personal income taxes to their citizens if these citizens could credit part of these taxes against their Federal tax bills. Not only would States and localities thus modernize their tax structures, but they would also come in for a larger share of all governmental revenues.

Title II of the bill, which provides the partial tax credit, would apply to taxable years beginning after December 31, 1975. Since the general revenue-sharing portion of the bill is not phased out until the end of fiscal 1977—or June 30, 1977—there would be an overlap of these two features of 1½ years. It should be remembered, however, that in the fifth and final year of the general revenue-sharing portion of the bill, the percentage of Federal revenues allocated will be one-half that in effect during the first 4 years.

In other words, the bill provides that during fiscal years 1973, 1974, 1975 and 1976, 1.3 percent of total taxable income reported on Federal personal income tax returns would be available for general revenue sharing. For fiscal year 1977, the percentage would be cut to .65 percent But by that time, the 40-percent tax credit would have, become effective, thereby permitting a lessening of dependence on the Federal grant at the same time the States and localities are able to take advantage of the tax break the Federal credit affords their citizens.

Assuming such credits had become law in 1970, the ACIR estimates that after 3 years approximately $7.2 billion would be gained at the non-Federal level, while the National Government would suffer a loss of about $5.1 billion.

A further incentive to improve the revenue-gathering procedures of States and localities is provided by title III of the bill. This title authorizes the Treasury Department to enter into negotiations with the chief executive officer of any State or political subdivision to have a certain percentage of the Federal income tax collected without charge by the Internal Revenue Service and turned over to the local or State government. Since the tax-collecting machinery of the Federal Government is considered to be more efficient than many State or local tax-collecting agencies, it would thus be used to buttress the independence of those governments which are closer to the people. This title might also lead to considerable savings on the part of State and local governments.

Besides attending to the needs of a vigorous federal system and helping to meet the current crisis in our cities, this bill, like that of the President, would indirectly contribute to the reform of the system of Federal categorical grants. By expanding the revenue capacity of States, cities, and counties, and by providing temporary block grants to them, the role of encumbered categorical grants from Washington would decline.

As a result, we might hope that to some extent the disadvantages of this form of intergovernmental aid would be avoided. The informational difficulties faced by the users of aid, the effect of matching requirements on State and local priorities; and the often irrational patterns of distribution are among the deficiencies of the present domestic aid system which are of special concern to me.

Even after enactment of revenue-sharing and tax credits for State-local income taxes, a vast array of categorical grants would still exist. There are certain needs which are best met by national programs of this sort. As a consequence, we should continue to give attention to various other grant reforms such as, grant consolidation, joint funding simplification; improvements in informational services available to grant users; and the strengthening of grant review, oversight, and financial management.

The growing interest in some form of revenue-sharing, executive reorganization, and grant reforms results from a feeling on the part of many that we should stand back and take a look at the relationships between governmental structure and policy. Often we have acted as though there is no interrelationship between the two. We have legislated social goals and assumed that they would be automatically reached with no bad side effects. Yet, the current state of our governmental machinery has a great deal to do with whether and how these goals are met. Perhaps we can make adjustments in current practices which will allow us to preserve our old values of decentralized government while at the same time better executing the new tasks we have given to our governments.

Mr. President, I ask unanimous consent that the text of the Intergovernmental Revenue Adjustment Act of 1971 and the tables to which I have referred be printed at this point in the RECORD.

There being no objection, the bill and tables were ordered to be printed in the RECORD, as follows:

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATION BILL, AND PRESENT AID SYSTEM[1]

State and region	S. 2080 share[2]	Percent of United States	Administration share[3]	Percent of United States	Ratio of percent of Federal aid to percent of Federal taxes[4]
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	100/100=1
New England	351,800,000	7.016	266,000,000	5.320	[5] 1.150
Maine	17,900,000	.358	23,000,000	.460	1.200
New Hampshire	17,100,000	.342	15,000,000	.300	.880
Vermont	8,400,000	.219	12,000,000	.240	2.240
Massachusetts	164,500,000	3.290	136,000,000	2.720	.830
Rhode Island	24,800,000	.495	21,000,000	.420	.970
Connecticut	119,100,000	2.382	59,000,000	1.180	.521
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	[5] .995
New York	612,200,000	12.245	534,000,000	10.680	.842
New Jersey	225,700,000	4.514	154,000,000	3.080	.510
Pennsylvania	298,800,000	5.977	246,000,000	4.920	.790
Delaware	17,400,000	.349	13,500,000	.270	.602
Maryland	120,600,000	2.412	92,500,000	1.850	.610
District of Columbia	22,600,000	.452	23,000,000	.460	2.640
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	[5] .755
Michigan	247,000,000	4.940	229,000,000	4.580	.752
Ohio	284,800,000	5.695	212,500,000	4.250	.690
Indiana	123,900,000	2.478	116,000,000	2.320	.740
Illinois	358,800,000	7.176	220,000,000	4.400	.719
Wisconsin	97,600,000	1.952	124,500,000	2.490	.873
Plains	331,800,000	6.636	411,000,000	8.022	[5] 1.448
Minnesota	78,200,000	1.564	107,500,000	2.150	1.182
Iowa	56,200,000	1.123	74,500,000	1.490	1.005
Missouri	105,800,000	2.117	96,500,000	1.930	.959
North Dakota	7,900,000	.158	20,500,000	.410	2.400
South Dakota	9,200,000	.185	19,000,000	.380	2.500
Nebraska	28,000,000	.560	39,000,000	.780	1.100
Kansas	46,500,000	.930	54,000,000	1.080	1.040
Southeast	$758,100,000	15.160	$1,044,000,000	20.880	[5] 1.586
Virginia	99,300,000	1.986	104,500,000	2.090	.940
West Virginia	29,500,000	.590	41,500,000	.830	2.100
Kentucky	50,200,000	1.003	78,000,000	1.560	2.110
Tennessee	70,200,000	1.403	87,000,000	1.740	1.300
North Carolina	83,000,000	1.661	113,500,000	2.270	1.110
South Carolina	37,400,000	.748	56,500,000	1.130	1.300
Georgia	81,000,000	1.621	107,500,000	2.150	1.402
Florida	146,000,000	2.921	167,500,000	3.350	.750
Alabama	50,000,000	1.000	82,000,000	1.640	1.900
Mississippi	24,500,000	.490	61,500,000	1.230	2.400
Louisiana	62,000,000	1.240	101,500,000	2.030	1.800
Arkansas	25,000,000	.500	43,000,000	.860	2.140
Southwest	329,900,000	6.598	390,000,000	7.800	[5] 1.901
Oklahoma	43,800,000	.875	63,500,000	1.270	2.100
Texas	237,900,000	4.758	243,000,000	4.860	.963
New Mexico	15,500,000	.310	32,000,000	.640	3.100
Arizona	32,700,000	.654	51,500,000	1.030	1.500
Rocky Mountain	92,000,000	1.840	139,000,000	2.780	[5] 2.200
Montana	10,800,000	.217	19,000,000	.380	2.300
Idaho	11,200,000	.223	20,000,000	.400	1.710
Wyoming	6,600,000	.131	11,500,000	.230	3.400
Colorado	46,200,000	.925	60,000,000	1.200	1.400
Utah	17,200,000	.345	28,500,000	.570	2.300
Far West	700,900,000	14.018	753,000,000	15.060	[5] 1.802
Washington	90,400,000	1.807	92,000,000	1.840	1.020
Oregon	45,700,000	.914	57,000,000	1.140	1.400
Nevada	15,800,000	.315	14,000,000	.280	1.200
California	549,000,000	10.981	590,000,000	11.800	1.300
Alaska	6,800,000	.137	8,500,000	.170	4.230
Hawaii	19,000,000	.379	23,500,000	.470	1.741

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.

[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.

[3] Based on population and revenue effort.

[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for calendar year 1968.

[5] Average.

CHART 2.—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S. 2080) than under population-revenue-effort formula (administration)*[1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.

Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.

Great Lakes: Michigan, Ohio, Indiana, Illinois.

Plains: Missouri.

Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969[1]

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
New England	1,173	101.93	17.9
Mideast	4,113	97.01	15.2
Great Lakes	2,989	74.92	14.0
Plains	1,511	93.40	17.0
Southeast	4,530	107.21	22.8
Southwest	1,714	116.33	21.2
Rocky Mountain	665	136.30	23.3
Far West	3,043	115.25	14.9
United States	20,287	100.47	17.4

[1] Found in Special Analyses of the 1972 Budget, p. 240.

[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan[2]
Alabama: Birmingham	$5,437,500	$3,531,004
Arizona: Phoenix	13,364,875	6,360,085
California:		
Anaheim	5,490,000	1,390,130
Garden Grove	4,117,500	530,287
Los Angeles	99,261,250	34,721,456
Riverside	4,792,500	962,580
Sacramento	8,921,250	3,179,135
San Bernardino	3,431,250	1,127,197
San Diego	24,018,750	6,382,633
San Francisco	24,705,000	23,954,657
San Jose	15,783,750	3,452,094
Santa Ana	5,490,000	967,647
Colorado: Denver	13,686,750	10,527,896
Connecticut: Hartford	7,741,500	2,322,391
Delaware: Wilmington	3,197,250	1,823,650
District of Columbia	28,250,000	22,915,149
Florida:		
Fort Lauderdale	3,832,500	1,981,867
Hollywood	2,920,000	968,786
Jacksonville	14,235,000	2,859,870
Miami	8,937,500	4,617,813
St. Petersburg	5,837,500	4,276,375
Tampa	7,482,500	3,981,297
Georgia: Atlanta	10,935,000	7,647,341
Hawaii: Honolulu	9,975,000	4,917,712
Illinois: Chicago	134,998,500	47,601,259
Indiana:		
Gary	5,265,750	1,848,739
Hammond	3,407,250	1,045,054
Indianapolis	22,302,000	5,612,259
Kentucky: Louisville	7,028,000	8,661,641
Louisiana: New Orlenas	12,710,000	9,907,090
Maryland: Baltimore	34,974,000	14,285,058
Massachusetts:		
Boston	32,907,500	10,700,523
Springfield	5,963,125	2,191,749
Michigan:		
Detroit	$46,621,250	$24,901,847
Grand Rapids	7,101,250	2,215,551
Minnesota:		
Minneapolis	11,143,500	5,143,400
St. Paul	7,917,750	3,734,244
Missouri:		
Kansas City	14,283,000	9,114,435
St. Louis	17,721,600	15,120,157
Nebraska: Omaha	8,190,000	3,459,983
New Jersey:		
Clifton	3,103,375	1,000,362
Jersey City	10,156,500	4,246,309
Newark	14,952,625	7,551,318
Paterson	5,642,500	1,928,007
North Carolina: Winston-Salem	2,697,500	1,036,046
New York:		
Albany	4,821,075	1,101,900
Buffalo	19,896,500	5,846,479
New York City	329,057,500	189,348,578
Rochester	12,244,000	3,341,859
Syracuse	5,356,750	2,338,845
Schenectady	3,290,575	571,380
Ohio:		
Akron	10,093,000	4,421,170
Cincinnati	15,664,000	13,508,542
Cleveland	25,276,000	11,227,393
Columbus	18,156,000	5,225,749
Dayton	8,188,000	4,124,377
Youngstown	4,984,000	1,547,709
Oklahoma: Oklahoma City	7,165,000	4,554,222
Oregon: Portland	10,625,250	7,928,286
Pennsylvania:		
Allentown	3,361,500	940,735
Philadelphia	60,252,500	39,781,536
Pittsburgh	16,434,000	7,433,529
Rhode Island: Providence	5,828,000	2,243,861
Tennessee:		
Memphis	13,952,250	5,408,621
Nashville-Davidson	10,003,500	5,732,847

Footnotes at end of table.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN—Continued

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan[2]
Texas:		
Dallas	22,005,750	10,557,412
Fort Worth	10,408,125	4,658,714
Houston	36,577,125	12,953,581
San Antonio	17,247,750	4,685,184
Utah: Salt Lake City	3,547,500	2,547,835
Virginia:		
Norfolk	8,192,250	3,805,469
Portsmouth	2,979,000	1,055,155
Richmond	6,702,750	3,510,825
Washington: Seattle	17,628,000	8,820,093
Wisconsin: Milwaukee	19,764,000	7,942,274
Total for United States	5,000,000,000	5,000,000,000

[1] Calculated from the Advance Reports 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970: statistics made available by the Advisory Commission on Intergovernmental Relations.

[2] From Department of the Treasury, General Revenue Sharing, February 1971.

CHART 5.—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.

2. Tax rates which are already more burdensome than elsewhere.

3. Relatively greater expenses in areas not aided by Federal and state governments.

4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.

5. Necessity of providing services for nonresident, often non-taxpaying, commuters.

6. Increasing proportions of "high cost" citizens—the poor, aged, etc.

7. Social conditions which lead to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

HART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

[Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these tax payments]

[In billions of dollars]

Hypothetical conditions	1st year, 1970				2d year, 1971				3d year, 1972			
	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain
		Total	Due to credit			Total	Due to credit			Total	Due to credit	
1. No change in present law (deduction of State-local income tax payments)	8.5	1.9			10.0	2.2			12.0	2.6		
2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections)[2]	9.4	3.1	1.2 (1.1)	0.9	11.5	3.8	1.6 (1.5)	1.5	15.0	5.0	2.4 (2.2)	3.0
3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections)[3]	10.6	4.5	2.6 (2.5)	2.1	14.0	5.9	3.7 (3.5)	4.0	19.2	8.1	5.5 (5.1)	7.2
4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections)[4]	13.6	6.9	5.0 (4.7)	5.1	20.0	10.2	8.0 (7.4)	10.0	30.0	15.3	12.7 (11.7)	18.0

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-percent credit—42 percent; 50-percent credit—51 percent.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

S. 2080

A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Revenue Adjustment Act of 1971."

TITLE I—SHARING OF FEDERAL TAX REVENUE DEFINITIONS

SEC. 101. As used in this title, the term—

(1) "Secretary" means the Secretary of the Treasury or his delegate;

(2) "Fund" means the fund established under section 102; and

(3) "State" means each of the United States and the District of Columbia.

ESTABLISHMENT OF FUND

SEC. 102. (a) There is established in the Treasury of the United States a special fund for the purpose of carrying out the provisions of this title. The Fund shall consist of amounts appropriated to it by subsection (b).

(b) There is appropriated to the Fund, for the following fiscal years, out of any money in the Treasury not otherwise appropriated—

(1) for each of the fiscal years beginning July 1, 1972, July 1, 1973, July 1, 1974, and July 1, 1975, an amount equal to 1.3 percent of the total taxable income reported on Federal income tax returns filed by individuals for the latest calendar year for which published statistical data are available; and

(2) for the fiscal year beginning July 1, 1976, an amount equal to 0.65 percent of such taxable income.

(c) Commencing with the fiscal year beginning July 1, 1972, the Secretary shall determine, on or before the first day of each fiscal year for which appropriations are made by subsection (b), the amount appropriated to the Fund by such subsection for that fiscal year, and shall transfer, from time to time, to the Fund from money in the Treasury not otherwise appropriated, amounts necessary to enable him to make payments to States under section 103.

PAYMENTS TO THE STATES

SEC. 103. (a) Upon application, each eligible State shall be entitled to payments out of the Fund during the fiscal year beginning July 1, 1972, and each of the four following fiscal years, equal to an amount which bears the same proportion to the total amount appropriated and transferred to the Fund for such fiscal year as the income taxes collected from individuals who are residents of that State bears to the income taxes collected from all individuals in the United States for the latest calendar year for which published statistical data are available. Data from the same calendar year shall be used for ll States to which payments are made during any fiscal year.

(b) For purposes of determining the amounts payable to each State—

(1) an individual who resided in more than one State during a calendar year shall be considered to have been a resident of the State in which he resided the greatest amount of time during that calendar year, and

(2) an individual who was employed for more than six months in any calendar year in a State other than the State in which he resides shall be considered to have been a resident of the State in which he was so employed with respect to half of his taxable income and a resident of the State in which he resided with respect to half of his taxable income.

ELIGIBILITY FOR PAYMENT

SEC. 104. In order to be eligible to receive payments under this title a State must agree—

(1) to make payments to incorporated municipalities located within the State in accordance with the provisions of section 105, and to use the remainder of any payments received under this title for governmental purposes;

(2) to use such fiscal and accounting procedures as the Secretary shall prescribe in order to assure proper accounting for payments received by the States, and political subdivisions within the State, and proper disbursement of amounts to which certain incorporated municipalities are entitled;

(3) to provide to the Secretary or his delegate and the Comptroller General or his dele-

gate, on reasonable notice, access to, and the right to examine, any books, documents, records, or other data of the State and political subdivisions thereof that he may reasonably require for the purpose of reviewing compliance with this title; and

(4) to make such reports to the Secretary as he may reasonably require.

PAYMENTS TO INCORPORATED MUNICIPALITIES

SEC. 105. (a) Each incorporated municipality of a State, which has a population of at least 50,000 persons is entitled, upon application, to receive a portion of the amount received by such State as payments under this title. In order to be eligible to receive a portion of the amounts received by such State, the incorporated municipality must agree—

(1) to use amounts it receives under this section for governmental purposes;

(2) to use such fiscal and accounting procedures as such State shall prescribe;

(3) to provide access to the Secretary or his delegate, and to the Comptroller General or his delegate, or the appropriate State officer, to any books, documents, records, or other data that he may reasonably require for the purpose of reviewing compliance with the requirements of this title; and

(4) to make such reports to the appropriate State officer or to the Secretary as may be required in connection with this title.

(b) Each such incorporated municipality is entitled to receive a portion of the amount of each payment received by the State in which it is located at least equal to the percentage of the population of the State which is made up by the population of that political subdivision. Each incorporated municipality which has a population of at least 75,000 and is located in a Standard Metropolitan Area of at least 500,000 is entitled to receive a portion of the amount of each payment received by the State in which it is located at least equal to the percentage of the population of the State which is made up by the population of that incorporated municipality multiplied by 1.25. After approving an incorporated municipality's application for funds under this section, the State shall transfer to an incorporated municipality the amount to which that incorporated municipality is entitled as it becomes available to the State, or within 30 days thereafter.

(c) The formula set forth in subsection (b) shall not apply to any political subdivision which, through its legislative body, enters into an agreement with the State in which it is located for a different method of determining the amount to which it is entitled.

NONDISCRIMINATION

SEC. 106. (a) No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title on the ground of his sex, race, color, or national origin.

(b)(1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or any regulation issued to carry out subsection (a), he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted or (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(2) Whenever the Secretary determines that a political subdivision receiving funds under the provisions of section 104 has failed to comply with subsection (a) or any regulation issued to carry out subsection (a), he shall notify the Governor of the State in which the political subdivision is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted or (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provision of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

POWERS OF THE SECRETARY

SEC. 107. (a) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section.

(b) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any requirement of this title, the Secretary shall notify the Governor that further payments under this title will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments to such State under this title.

(c) Determinations of the Secretary under sections 102 and 103 shall be final.

(d) The Secretary is authorized to issue such regulations as may be necessary in order to carry out the provisions of this title.

JUDICIAL REVIEW

SEC. 108. (a) Any State which receives notice under section 107 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceeding on which he based his action as provided in section 2112 of title 28 United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 40 as 41; and (2) by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for the taxable year, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) State and local income taxes.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Change of election.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) Adjustments on payment of accrued taxes.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the credit for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(c) Cross References.—

"(1) for deductions of State and local income taxes, see sections 164 and 275.

"(2) for right of each partner to make election under this section, see section 703(b)."

(b) Disallowance of Deduction.—Section 275(a) of such Code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 40 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

SEC. 202. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.
"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph "and"; and

(3) by adding after subparagraph (c) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

(d) Section 703 of such Code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a)(2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraphs (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164 (a) with respect to State and local income taxes;" and (3) by amending subsection (b) to read as follows:

"(b) Elections of the Partnership.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 40 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of the United States), and any election under section 615 (relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures), shall be made by each partner separately."

REPORT BY THE SECRETARY

SEC. 203. Three years after this title has been in effect, the Secretary shall report to the Congress on the operation of the provisions of this title. This report shall include estimates of the amount of Federal revenue foregone and of the amount of additional State and local revenue derived from the provisions of this title. This report may also contain any recommendations on the part of the Secretary for additional legislation.

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall apply to taxable years beginning after December 31, 1975.

TITLE III—COLLECTION OF STATE AND LOCAL INCOME TAXES BY INTERNAL REVENUE SERVICE

AUTHORITY TO ENTER INTO AGREEMENTS

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. COLLECTION OF STATE AND LOCAL INCOME TAXES

"(a) COLLECTION OF TAXES.—The Secretary or his delegate is authorized to enter into an agreement with the chief executive officer of any State or political subdivision thereof under which officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, will, to the extent and in the manner provided in the agreement, collect the income tax imposed under the law of such State or political subdivision, and otherwise administer and enforce such law, if—

"(1) the State income tax is assessed as a percentage of the tax imposed by chapter 1 of this title, and

"(2) the income tax of the political subdivision is assessed as a percentage of the tax imposed by chapter 1 of this title, or as a percentage of a State income tax which is so assessed.

"(b) REGULATIONS.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such chapter is amended by adding at the end thereof the following:

"SEC. 7515. COLLECTION OF STATE AND LOCAL INCOME TAXES.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1245

At the request of Mr. Moss, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1245, relating to the preservation of historical and archeological data.

S. 1408

At the request of Mr. MUSKIE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1408, a bill to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1461

At the request of Mr. MCGOVERN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1461, the truth in advertising bill.

S. 1442, S. 1443, S. 1444, AND S. 1445

At the request of Mr. Moss, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to S. 1442, a bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 1443, a bill to eliminate the survivorship reduction during periods of nonmarriage and retired employees and members, and for other purposes; S. 1444, to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

SENATE JOINT RESOLUTION 108

At the request of Mr. CRANSTON, the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT: 208, 209, 210, AND 211

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON. Mr. President, the Selective Service System is inequitable and unjust. It discriminates against the minorities in this Nation, it disrupts the lives of our young and it serves to perpetuate our tragic involvement in Indochina.

The Senate has been considering this legislation for over a month and we have adopted some important reforms, notably the large increase in basic pay for our servicemen. This was a significant accomplishment but many inequities continue to exist in the law.

Our goal must be to abolish this undemocratic and compulsory system and create an all-volunteer structure. While moving toward this important goal, however, there are many changes which we should make in the current system. I am proposing four amendments today, which, if enacted, will help reform and revise many unjust provisions of the draft.

The purpose of this study would be to provide the most effective use of our manpower—and womanpower—while we continue to move toward an all-volunteer military.

One of the major arguments that we are making in favor of a volunteer military is that we must increase incentives and inducements so that the military will attract talented, trained, and educated men and women. We therefore must study and recommend ways of upgrading and improving the status of women in the military for this reason as well as in the interests of equity and women's rights.

Mr. President, each amendment I am introducing is necessary to revise and reform the draft to make its procedures fair and equitable. They deserve the serious consideration of this body.

The first amendment deals with the administration of tests to be taken by State directors of Selective Service, members of local boards and appeal boards and clerks of local boards. There are major administrative problems with the draft and we must take steps to reform these procedures so that while we still have the draft it can be fairly and adequately administered.

In testimony before the House Armed Services Committee, William Sessions representing the Justice Department indicated that effective prosecution of draft cases is nearly impossible because of the myriad procedural and other legal errors inevitably committed by local boards. U.S. Attorney James Browning of Oakland referred to the current situation as a procedural morass that finds the system drowning in its own errors.

In California, for example, a local board chairman subpenaed in a draft prosecution case was unable to identify various classifications, including the 1–SC category which relates to temporary student deferments and induction postponements. This is a relatively common classification.

To alter this situation we must, at the very least, insure that those who serve on draft boards have a full working knowledge of the rules and regulations of the Selective Service System. Thus the amendment provides that State directors, members of local and appeal boards, and clerks of boards would be required to take a test administered by the Civil Service Commission.

The test would encompass the basic sections of the law as it relates to selective service and would include other pertinent material. State directors would be required to receive a score of at least 75 percent; the members of local and appeal boards as well as clerks would be required to receive at least a 65-percent score.

In our society ignorance of the law is no excuse for its violation. Nor should ignorance of the law be an excuse for the miscarriage of justice. We must not allow our youth to bear an additional burden of possibly unfair, inadequate, or unjust hearings by their local boards. The lives of these men may be at stake, and we must provide them with at least minimal procedural guarantees.

The second amendment I am introducing calls for a more equitable mix on the draft boards. Although Director Tarr has made an admirable attempt to get more minority and ethnic representation on the local boards these efforts have not been totally successful to date.

For example, although nationally blacks make up about 11 percent of local boards, many, many boards, even in virtually all black neighborhoods, do not have any black members. The situation is similar for Mexican-Americans, American Indians, Puerto Ricans, and some religious groups.

It would be difficult and impracticable to insist that all local boards fully and completely reflect the exact nature of the community. Yet there are currently so many inequities in the present composition of many boards that we must make a major attempt to correct this situation.

The draft boards in effect act as judges and juries when considering the case of a young man and his classification. It is unfair to confront a black or a Puerto Rican or a member of another minority group with a local board that is all white or all upper middle class or even all Christian. A young black with an eighth grade education would probably find it difficult and confusing to adequately communicate his feelings to an all white, upper middle class board. Or take a young Jewish man who is trying to communicate his religious feelings about his application for a conscientious objector status to an all Christian board. There are intangible problems of communication and understanding inherent in such situations. We must at the very least, try to break down some of the communication barriers that now exist and afford a young man the kind of compassion and understanding he deserves. The amendment provides that, insofar as is possible, local boards reflect the racial, economic, and ethnic composition of their community.

The third amendment I am introducing deals with a matter which was discussed on the floor when we were considering pay raises for our servicemen—the problem of inadequate and substandard housing. Although there was a good deal of discussion on the question of housing for our servicemen adequate information is not available on the current and future needs of housing for our men both at home and overseas.

I propose that the Department of Defense undertake a long-range study to determine the future housing needs of our men. Whether we move toward an all volunteer military or not we must be able to provide decent housing both on and off base for our men. The study would also encompass reports of discrimination both at home and overseas. For example, in a CBS documentary in January reports were made of discrimination against black servicemen in Germany when they attempted to find adequate off-base housing. The study should investigate these and similar incidents and recommend ways of ameliorating such conditions. I should also quote from a fact sheet which the Department of Defense distributed concerning housing in Germany. DOD states that—

> The Department of Defense has long recognized that there is not enough housing at fair rental cost for all military members in Germany.

It is indeed shocking that American servicemen should be subjected to living in inadequate housing, and we must take firm steps to alleviate such conditions.

Finally, the fourth amendment I am introducing deals with the status of women in the military. There is currently very little information available about this subject. As with most other professional careers in our society, however, it appears that women do not occupy the higher levels of the military hierarchy. Most of the women in the military are nurses or have clerical positions. With all the women who do serve there are only two who have the rank of general.

We must reexamine the role of women in the military with an eye toward bettering her position and eliminating the discrimination which she confronts. We must, for example, determine statistically exactly what roles women currently occupy and how these roles compare with the roles of men. Additional comparisons must be made concerning the overall effectiveness of the performance of men and women in their respective jobs and the policy of promotion and pay for men and women. In addition the study should recommend other areas where women can be utilized effectively. I am sure that women can be trained to take over professional and technical jobs now occupied by men. This would then free the men for other occupations which physically might be too difficult for women.

As with most other sectors in this country we have been reluctant to deal with the real question of true equality of opportunity for women as well as equal pay for equal work. From the evidence that exists we must make the assumption—which the study will refute or document—that the military is yet another segment of the country which discriminates against women in this manner.

The study should also look into the role of women in the military in other societies. Women, for example, occupy a far different role in Israel than they do in the United States.

I must make clear, however, that I am not advocating the drafting of women.

I am not, for that matter advocating the continued drafting of men either.

I am opposed to the concept of conscription which is antithetical to a democracy.

I am deeply convinced that we must institute an all-volunteer Armed Force.

AMENDMENT NO. 212

(Ordered to be printed and to lie on the table.)

Mr. **CHILES**. Mr. President, there is today no concerted effort on the part of the administration or the Congress to deal directly with the unique problems of returning Vietnam veterans regarding their education at the junior college or university level. On many college campuses throughout the United States, aside from a minimal handling of GI bill paperwork through the registrar's office which deals with veterans already enrolled or soon to be enrolled, little attention is given to the veterans who have a high school diploma or the equivalent GED, but falls short on one or another of the standard admission criteria.

In addition, these local offices on college campuses have no authority to deal directly with the Veterans' Administration. The only function this office now serves is one of answering questions and attempting to direct student veterans with specific problems to the proper office or agency for assistance.

One million Vietnam veterans per year are being separated and tossed into a job market that already exceeds 6 percent in unemployment. Unemployment among white Vietnam veterans with a high school education is 25 percent higher than white nonveterans in a similar age group. Among high school educated black veterans, the unemployment rate is 50 percent higher than similar age black nonveterans.

There is a great need for a central coordinating agency on our college campuses for academic advisement, campus orientation, career guidance, counseling, financial assistance, and the processing of requests for veterans educational and hospitalization benefits. This can be achieved by first, the employment of a full-time veterans' advisory and assistance officer to counsel veterans on all matters of noneducational and educational related problems, and second, the creation of a special program at the universities for Vietnam veterans who have a high school diploma or the equivalent but who have an academic deficiency which prevents them from qualifying for entrance under standard entrance criteria, to allow them to enroll in a participating institution on a 1-year probationary basis.

This amendment gives the Administrator of Veterans' Affairs the authorization to make grants to any participating institution of higher learning, including junior colleges, to finance the employment of a qualified veterans' advisory and assistance officer, and authorizes the Secretary of Health, Education, and Welfare to carry out on a trial basis a special program for Vietnam veterans with educational deficiencies with participating institutions.

It is fully realized that not every veteran wants, needs, or could successfully earn a college degree. But it is also felt that there is a need for this type of program to enable Vietnam veterans who could not otherwise enroll under the university's restricted ceiling on admissions, an opportunity to compete, perform, and prove themselves to be college-level material. Such a program would not have the general effect of lowering standards of the university because admission is of a provisional nature. Nor would the program be costly, except for administration costs, for veteran educational allowances are now provided under the GI bill.

The passage of this amendment would serve the dual purpose of placing on a University campus a central coordinating office to serve the entire spectrum of veteran problems, both educational and noneducational, and give the veteran with certain academic deficiencies who has a high school diploma or the equivalent, a 1-year opportunity to meet standard admission requirements of a university.

AMENDMENT NO. 213

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN, for himself, Mr. SAXBE, and Mr. SCHWEIKER, submitted an amendment intended to be proposed by them, jointly, to H.R. 6531, supra.

AMENDMENT NO. 214

(Ordered to be printed and to lie on the table.)

Mr. MANSFIELD, for himself and Mr. SCHWEIKER, submitted an amendment intended to be proposed by them, jointly, to H.R. 6531, supra.

AMENDMENT NO. 215

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to H.R. 6531, supra.

NOISE CONTROL ACT OF 1971—AMENDMENT

AMENDMENT NO. 216

(Ordered to be printed and referred, jointly, to the Committees on Commerce and Public Works.)

Mr. HATFIELD, for himself, Mr. HART, and Mr. CRANSTON, submitted an amendment intended to be proposed to the bill (S. 1016, to control the generation and transmission of noise detrimental to the human environment, and for other purposes.

Mr. HART. Mr. President, the evidence is accumulating that yet another form of pollution has reached serious levels. I refer to noise. Noise is more than a nuisance: Excessive noise, I am told, is a serious hazard to us physically, mentally, and economically. Too much noise can result in temporary, or even permanent, damage to our hearing. Nighttime noise disturbs sleep, while noisy places of work reduce the efficiency of workers. Noise can also influence property values as anyone who lives on the perimeter of an airport or foundry can tell you.

Congress took a major step last year when it created the Office of Noise Abatement and Control in the Environmental Protection Agency. S. 1016, the Noise Control Act of 1971 proposed by the administration, is a further important step in controlling this problem. The President is to be commended for his efforts to bring the seriousness of this problem to the attention of the public and for his commitment to promote an environment which is free from noise that jeopardizes the health and welfare of the citizens of this Nation.

As I join with the distinguished Senators from Oregon (Mr. HATFIELD) and California (Mr. CRANSTON), to introduce several amendments to S. 1016, I think we should pay tribute to our colleague in the House of Representatives, the distinguished Congressman from New York (Mr. RYAN), who has long been a leader in this field. We thank him for the considerable guidance he has given us in developing our thoughts on noise pollution and its control.

The amendments to S. 1016 which we offer today are, we believe, in harmony with the stated goal of that bill. The amendments requiring the Administrator of the Environmental Protection Agency to set certain noise emission standards within a specified time are designed merely to help him implement the original intent of the law. The addition of a citizens suit provision similar to that in the Clean Air Act amendments passed last year is meant to provide an additional vehicle for the enforcement of noise standards. The citizen will be further benefited, it is hoped, by the requirement that products used in and around the home have labels telling the actual level of noise generation. Thus the consumer will be able to choose products on the basis of their noise generation characteristics as well as price, color, and so forth.

Mr. President, the time has arrived to take positive action toward controlling undesirable noise. The administration has come forward with a very useful proposal. The House began hearings on that proposal and several others last week. The Environment Subcommittee of the Senate Committee on Commerce is scheduled next week to begin consideration of S. 1016 and the amendments introduced today. Let us hope that the momentum of our present efforts will not be lost, but will result in the swift passage of legislation necessary to protect the citizens of this Nation from the hazards of excessive noise.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 173

At the request of Mr. STEVENSON, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Amendment No. 173 intended to be proposed to H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement announcing opening hearings by the Subcommittee on Parks and Recreation on June 28, 1971, beginning at 10 a.m.

The PRESIDING OFFICER. There being no objection the statement was ordered to be printed in the RECORD, as follows:

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

S. 489 (Percy et al.)—To authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois.

S. 1475 (Stennis)—To authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo."

S. 539 (Mondale)—Directs the Secretary of the Interior to revise a certain lease between the United States Government and members of the Merritt family made in August 1938 so as to include as additional lessees thereon the names of two children of Glen J. Merritt, one of the donors of land situated within the Isle Royale National Park in Lake Superior.

ADDITIONAL STATEMENTS

PUBLICATION OF STOLEN TOP SECRET PAPERS

Mr. HANSEN. Mr. President, when President Nixon took office, he found a Nation divided against itself, bitter about too long a war, distrusting its leadership.

Abroad, he found a world increasingly sharing the distrust of his fellow citizens, wondering how long America could maintain its leadership with the internal suspicions and hostilities they saw in our country. In 2½ years, not all of this has changed. There are still reservations both at home and abroad about our country. But progress has been made—substantial progress.

At the very least, we are much more united than we have ever been in our effort to bring peace in Indochina. And we have been able, as a result, to hold out our hand elsewhere in the world—at the

SALT talks, in the Middle East, in Eastern Europe, and in Latin America—to forge new relationships and make advances which were thought impossible only a few years ago.

Mr. President, as individuals and as a Nation, the progress toward international peace we have made is precious. That is one of the main reasons I strongly feel the New York Times' publication of stolen top secret documents related to the Vietnam war is ethically and even morally wrong. Publication of these documents—distorted and incomplete as they are reported to be—could delay peace in Indochina, rekindle the fires of suspicion and bitterness here at home and lead to new distrusts in our country by the leaders of the world.

Some already have tried to point out what value publication of these documents could have for the Republican Party and President Nixon in next year's elections. None of the disclosures concern a Republican administration. All of them concern Democratic administrations many of whose members are still active politically. And that administration has been attacked by one of the most important Democratic newspapers in the country.

But, Mr. President, no partisan political advantage could have equal standing with the steps toward peace we have made in the last few years. To take political advantage of these documents would be bad for the country. Already we have seen the effect of these documents on the Paris peace talks. Our adversaries have cited them in support of their position that the United States is the aggressor in Indochina. The hand of the hard liners in Russia and China has been strengthened against those who would encourage Hanoi to an early peace.

The publication of these documents has set back the Paris peace talks and delayed the possibility of an early settlement in Indochina.

The impact of these documents will be felt elsewhere in the world, too. Those who would portray us as an imperialistic, warmongering people now have printed material from the largest U.S. newspaper—even if it is biased and incomplete to back up their charges.

Foreign leaders, knowing that their words may appear on the front pages of at least one of our major newspapers will have doubts about talking confidentially with our diplomats and perhaps even our President. The reputations of public servants still in positions of authority have been damaged, maybe to the point of rendering them ineffective in carrying out their duties. The costs of having these documents published now are many. They will be felt for a long time.

Nobody is more interested than I in having the truth about Vietnam disclosed—fully and completely.

But stolen, incomplete, secret documents printed in news pages is not the way to report the facts.

What the Times has published does not constitute the full truth about our involvement. It adds nothing constructive. All it can do is to rekindle the hostilities, at home and abroad, which have made the path to peace so difficult.

I hope that those in public leadership, both governmental and otherwise, will seek to repair the damage that has already been done. I hope we can discourage a recurrence of this type of thing.

Our immediate attention now must be focused on the safety of our Nation—the very physical safety of our prisoners and fighting men in Vietnam.

RELIEF OF OVERCROWDED METROPOLITAN CENTERS

Mr. McCLELLAN. Mr. President, on January 25, 1971, I introduced S. 10, a bill to revitalize rural America and to reverse the migratory trend of our population into the already overcrowded and compacted metropolitan centers.

As of now, some 43 Senators have joined me in cosponsoring this measure, and I am particularly delighted that among the cosponsors are not only Senators who represent the rural States, but also Senators who represent States in which large metropolitan centers are located and States where there is heavy concentration of population.

Bipartisan support for S. 10 is growing. This is not a partisan measure. There is an ever-increasing realization that something must be done to alleviate the distress in our overcrowded and compacted areas, and to develop and revitalize the vast, untapped human and physical resources in the rural sections of our Nation.

S. 10 is designed to achieve a better balanced population and economic growth, thus creating a more healthy environment for all of our people.

Mr. President, I am especially pleased and gratified that on June 17 the Washington Evening Star, by its editorial entitled "Unjamming the Population," endorsed S. 10 and urged its passage. After reviewing briefly the conditions that now prevail and pointing out that this measure would provide relief, the editorial further states:

> The bill should be passed now, not only to benefit the poorer regions, but also to help the metropolitan areas solve their environmental and population problems.

Mr. President, the bill will do just that, and I hope we will be able to get favorable action on it at this session of Congress. I believe the editorial to which I referred is of interest to every Member of this body; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Unjamming the Population

Will Rogers once joked that Congress might help the poor state of Oklahoma by giving it a seaport. That was on the order of those cracker-barrel quips about such and such being as likely as someone flying to the moon. What a pity that Will wasn't down in eastern Oklahoma the other day when President Nixon dedicated the seaport.

Thanks to the Arkansas River Navigation System, which rivals the St. Lawrence Seaway, Tulsa will now be receiving vessels from across the oceans. Port facilities are being developed there, and at Little Rock and other cities downstream, and the industrial expansion prospect is bright. The series of 17 locks and dams on the Arkansas River was the largest civil works project ever carried out by the Army Corps of Engineers, costing $1.2 billion. Some have doubted the wisdom of that outlay, and the proof or disproof may not be seen for many years.

But the President, in dedicating the 440-mile waterway, touched on what may prove to be its redemption: It could be an important factor in the redistribution of population which the country so desperately needs. Ninety percent of the people in America are packed onto about two percent of the land. Unremitting growth is almost a catastrophe in many congested urban sectors, while vast interior areas are underpopulated and still declining. "This region," Mr. Nixon said, "can become a new magnet for people seeking the good life, so that we begin to see a reversal of the . . . migration from rural America to urban America."

A more emphatic national policy to stem that migration is needed, and of course the only effective means is to shift more of the production complex to the less populous places. The waterway will help to do that, but other actions are necessary to cover a broader spectrum. Senator McClellan has offered legislation through which the federal government would provide strong incentives for location of industries in underdeveloped areas. The Arkansan now has 41 cosponsors, including some senators with large Eastern urban constituencies. The bill should be passed, not only to benefit the poorer regions, but also to help the metropolitan areas solve their environmental and population problems.

And the Nixon administration could give immediate assistance by turning loose the money which Congress has appropriated for construction of water and sewer systems in small towns. Applications from communities are piled high, but almost half the money appropriated for this fiscal year hasn't been released by the administration. These projects are essential if rural America is to be made attractive enough to hold its citizenry.

PROMOTION OF HEALTH CARE UNDER FREE ENTERPRISE SYSTEM

Mr. FANNIN. Mr. President, we hear much talk these days about America's nonsystem of health care. There is an attempt to create the attitude in our country that the only way to improve health care is through the Government.

Those who are promoting their pet schemes toward socialized medicine have ignored the innovative and forward-looking developments in health care.

America is blessed with men of vision and determination to create a best possible health care system in the most desirable way—that is under the free enterprise system.

The June issue of the Kiwanis magazine contains an article about one of these dedicated men—Mr. Steven M. Morris, of Phoenix, Ariz.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point so that Senators may see one example of the energy and imagination that is being applied to solving health-care problems without excessive Government interference.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

New Leaders in the Health Care Field

(By Richard Gosswiller)

Last summer in Arizona's Grand Canyon a lumberjack let his chain saw get away from him. When a doctor summoned from the twenty-bed Grand Canyon hospital took one look at his badly sliced stomach and exposed intestines, he said, "I can't do much for him except hold down the bleeding. We've got to get him to Phoenix."

A phone call was made and within an hour a plane operated by the Samaritan Health Service took off from Phoenix airport. Just four hours after the accident the lumberjack lay in a fully-equipped Phoenix operating room awaiting the ministrations of a surgeon. As a result, the lumberjack lived and today is back working at his saw, presumably with greater concentration. But the man might not have lived had not a doctor been available at Grand Canyon and had not air transport been available for emergency care. Both these services were provided by an organization that operates hospitals the way any large business chain operates its branches—with one eye on today's realities and another on future possibilities.

Within three short years Samaritan Health Service has given American medicine an object lesson in service. It has joined together a group of more or less marginal small hospitals under the wing of a larger one and provided a sound financial structure for all. It has improved the training of personnel for all hospitals in its system. It has begun to control costs. It has created a unique executive staff. It has made it possible for every patient in its system—from Indians on the Navajo reservation to Phoenix dowagers—to receive medical care in the best facilities the system can offer. And finally, it has found a way to bring patients to those facilities speedily and, say SHS executives, at lower cost than was possible in the past.

All this has not gone unnoticed throughout the rest of the nation. Visitors arrive almost daily to tour the posh Samaritan Health Service Offices near downtown Phoenix. Last year Steven M. Morris, the guiding force behind SHS and its president, was named president-elect of the American Hospital Association. And recently, the AHA made public a plan for organized health care on a national scale that uses as its operational units systems of hospitals very similar to the one Steve Morris has put together.

It's too soon, of course, to know whether Samaritan Health Service will be a prototype for a new deal in health care, but there seems no question now that a drastic change from the haphazard, disorganized, laissez faire method of administering health care in the U.S. is in the wind. Between 1948 and 1968 health care costs for individuals rose from $7.5 billion to more than $60 billion. Hospital costs in the past decade have doubled; physicians' fees have risen by a third. The shortage of doctors and hospital beds in non-urban areas has been called a national scandal. All the while, of course, the quality of health care has improved. New techniques, new equipment, new drugs mean that a man's chance of survival—if he can get to them—is infinitely better than at any time in the past.

But many people aren't getting the medical care they need when they need it. As a result, the U.S. has the fifteenth highest mortality rate among civilized nations, and the country's longevity rate is only seventeenth for men and tenth for women. Small wonder, then, that men like Walter J. McNerney, president of the Blue Cross Association, are stating emphatically that health care "is not a privilege but the right of every citizen." Even the Nixon Administration has embraced "the avowed aim of fostering development of non-profit, prepaid group medical practice(s)," a radical slap indeed at America's traditional fee-for-service bedside manner. In short, change of some sort seems imminent, and, say critics, if it doesn't come via the private sector, it will come from the government.

The problems of health care today are rooted in a system that is not a system. Most of the nation's 250,000 practicing physicians work independently of one another, just as they do most of the nation's 8500 hospitals. What's more, both physicians and hospitals tend to locate in well-to-do population centers. (When Watts blew up, officials suddenly noted that no hospital existed for that community of 200,000 people.) And even in the cities, getting from one doctor's office to another can be an all-day job for a woman without a car.

While hospitals are scarce in many communities (last year Congress passed a $2.8 billion hospital construction bill over a presidential veto—and without a dissenting vote) duplication of facilities is rife in others. Raymond L. Tate, now at Northwest Hospital, Glendale, Arizona, saw duplication firsthand as administrator for seven years of Bannock Memorial Hospital in Pocatello, Idaho. "Our town had two hospitals, but only room for one," he says. "Nevertheless, when the question of remodeling the other hospital in town or merging it with ours came up, the medical staff of the other hospital led a fund drive for $300,000. With the help of the mother hospital and the Hill-Burton bill, $1.6 million was spent on that old hospital—not long after we had spent $1.25 million on ours. Interestingly enough, now that they're stuck with two 150 bed hospitals people in Pocatello are saying they should have built one 250 bed hospital or remodeled Bannock because it was newer. This type of thing is happening throughout the state and the country."

Waste also crops up in the field of equipping hospitals. "Hospitals play keep up with the Joneses," say Steve Morris. "Every large town has too many pediatric and maternity wards, even though they lose money. If your hospital buys a linear accelerator for a half million dollars, then the hospital across the street thinks it needs one. And you both may use it half an hour a day. Medical staffs put pressure on hospitals to buy a lot of equipment that either goes out of date very rapidly or is never utilized. But if you had to run a hospital on a profit basis you couldn't do things that way."

If hospitals operate in a nonbusinesslike way, it's because until recently they were rarely designed to do otherwise. Robert Crichton, a graduate of Harvard Medical School and author of "The Andromeda Strain," put it succinctly when he wrote in *Atlantic* recently, "The American medical system in its full spectrum, from the private specialist's office to the municipal hospital wards, has never been able to structure the kind of competitive situation which encourages and rewards economies. Nor has American medicine tried." But, of course, physicians have never classified themselves as accountants, and while many have influenced the ways hospitals are run, rarely have they been trained to administrate. Also, it goes without saying that faced with the choice of being ministered to by a good physician who puts cost secondary and a poor physician who puts cost foremost, most of us would choose the former without hesitation. Physicians worry—and rightly so—that the eager bookkeeper may, in his zealous desire to shave costs, shave the quality of medicine as well.

Still, the possibility of providing good medical care at reasonable costs cannot be discounted out of hand. The fact is that over the past forty years a movement has existed—gradual though it has been—aimed at an economical as well as efficient administration of hospitals. Today, even as costs skyrocket, the synthesis of this movement is at last taking shape—in the form of hospital corporation executives such as Steven M. Morris.

Back in 1930 the American College of Hospital Administrators was formed for the purpose of setting standards of competency and education for hospital administrators and for research in hospital administration. In effect, the ACHA constituted competition for some of the traditional authority of the physician hospital head.

For many years, however, the game was lopsided. Administrators, it is true, "ran" the hospitals, but generally at the pleasure of physician staffs, a situation due in part to the nature of hospital operation. Since the beginning, hospitals have operated on a cost-plus basis. Whatever is spent by the hospital to provide its services—plus an additional 5 percent to 7 percent "profit"—is returned by the community or insurance or government or somebody. This method is still in use today. Whatever a Blue Cross-Blue Shield accredited hospital spends on Blue Cross-Blue Shield patients, providing such expenditures are genuine, must under contract be paid by Blue Cross-Blue Shield. Thus, physicians have lacked incentive to keep costs down, and administrators have lacked incentive to challenge the physicians.

But today, with costs spiraling and the hand of government looming ominously on the horizon, even physicians recognize that something must be done. That something has begun with an increase in size and sophistication of the hospital system and a consequent rise of the hospital administrator as an influential force both in the philosophy and practice of health care. A striking example, of course, is the privately-owned, profit-oriented hospital chain, several of which are today thriving. But non-profit hospital groups also are appearing on the scene—one in Greenville, South Carolina, another in Minneapolis, a third in Houston. And recently in Illinois the Lutheran hospitals centralized their operations. To lead these groups, men of unusual talents are needed—men like Steve Morris of Phoenix.

Morris looks younger than his 42 years. His face, tanned and creased by the desert sun, gives forth a wry smile now and then, but otherwise betrays little emotion. Morris listens well, talks even better, knows what he wants and where he's going, and refuses to be rushed. Like other executives at his level, he has the capacity for attracting intelligent and productive men around him.

Morris was born in Denmark, Arkansas, in 1928. He served in the army during the Korean War and later received his bachelor's degree at Southwestern University in Georgetown, Texas. He joined Phoenix's largest hospital, Good Samaritan, as administrative resident while working for his Master of Hospital Administration degree at Washington University in St. Louis. From there, it was a double-time march up the Good Samaritan ladder: administrative assistant in 1954, assistant administrator in 1956, administrator in 1960, and president in 1966—at the ripe old age of 38. During this period Morris did not neglect community activities, including membership in the Kiwanis Club of Phoenix, which he served as president in 1966.

Nor did he neglect a plan for the future, which he describes this way: "At Good Sam we found that small hospitals were having increasing problems with personnel recruitment and financing—both operating and capital. So I started building what I call a corporate approach to hospital management structure in 1966, the year I became president." Morris knew where to go for the men he wanted—to industry. He recruited a director of personnel education with fifteen years experience and work already under way toward a PhD in personnel management. He found a Californian who specialized in financial planning for industry. He named as vice-president for public relations a man who had been with Blue Cross for twenty years and in industry before that. "Before long," he says, "it became recognized that Good Sam could help other hospitals in the state."

That recognition came formally from Southside Hospital in Mesa, Arizona, 20 miles from Phoenix. Southside had financial troubles. Located in an older building, it would soon need to be remodeled or face condemnation. But Southside didn't have money for remodeling, so it tried to raise money through a bond issue. The plan was to build a new hospital to serve jointly the communities of Tempe and Mesa, but while voters in Tempe, most of them young suburbanites, approved the bond issue, voters in Mesa, where retirees resent any added burden to their fixed incomes, defeated it.

Merger was then suggested, since big, prestigious Good Samaritan could get the financial backing needed to build the new hospital. But the merger posed an apparent threat to Southside physicians. Dr. Willis Sanderson, anesthesiologist and former chief of staff of Southside, described the problem to me.

"Mesa is a small community," he said, "and our physicians were worried at first that our abilities and talents would be overshadowed by Good Samaritan. Over the years we Mesa doctors have felt that Phoenix doctors regarded us as country folk who could contribute the basic elements of fairly decent medicine but who lacked sophistication. We feared as physicians that we might be completely at the mercy of Good Samaritan Hospital if a merger took place, that Good Samaritan would dictate to us very strictly the way we practice medicine, and some surgeons even feared that Good Samaritan would direct how surgery be performed at Southside. We were assured by Steve Morris himself that this would not occur, that our hospital would retain its autonomy, that the merger would not suddenly bestow upon a Good Samaritan surgeon or physician privileges at Southside or vice versa. As a result, our physicians voted 100 percent in favor of the merger. No one abstained and no one offered a counter proposal. And the promises made by Good Samaritan have been kept."

In June 1968 the merger took place and construction on a new hospital to be called Desert Samaritan, is now underway. But no sooner had Southside joined God Samaritan than along came Maryvale, a small hospital on the west side of Phoenix with it own financial problems. Good Samaritan bought Maryvale outright, and soon afterward formed the Samaritan Health Service, a corporation that exists for the purpose of administering all of the hospitals under its aegis. Steve Morris became president of that corporation. Since Maryvale, seven other hospitals have joined Samaritan Health Service, either through merger or through a leasing arrangement that retains ownership in the community but grants operational control to SHS.

The eagerness with which these small hospitals flocked to the shelter of Samaritan Health Service, and the speed with which the deals were consummated—nine hospitals in two years—is eloquent testimony to the need. Yet Steve Morris is not scurrying about seeking other hospitals to join his group. "All of our hospitals have come to us—we haven't approached them," he says. "In fact, we've turned down two hospitals because we weren't satisfied that a total commitment to the idea existed in those communities. Nor do we intend to accept hospitals outside Arizona. Six of our hospitals are from 90 to 250 miles outside Phoenix, but all of them are within the trade area of Phoenix. We are a local health care system, and I think this is the way health care systems will develop in this country."

Steve Morris' initial goal was to improve health care by operating his hospitals on a businesslike basis and avoiding waste and duplication. This he has done by consolidating facilities and centralizing such basic operations as purchasing, food service, personnel trainning, and data processing. Some of these changes came easily. When one hospital needs staff help on a temporary basis, another can provide it. Nurses receive ongoing training at Good Samaritan Hospital of a type and sophistication the smaller hospitals couldn't approach. Other changes, however, require time. Presently in the works is a large new facility planned to handle food service, laundry, purchasing, and data processing for the Phoenix area hospitals, plus providing a print shop and a laboratory for the entire system. "We expect a $1 million saving from this facility alone," says Morris.

So far the personnel of the merged hospitals seem well pleased with the new system. Raymond Tate, administrator of Northwest Hospital, says, "This hospital was six months in arrears in accounts payable. We needed to physically upgrade services—a new X-ray room and machines, remodeled emergency and recovery rooms and lab. All this has been done through the merger, but beyond it there has been a change in *esprit de corps* of the medical staff and their viewpoint toward the hospital. We have been able to attract a pathologist on a part-time basis. Before that we had to send all of our tissues out. And this has greatly increased the confidence of the medical staff in the lab work ordered for the patients here. Now we also have a physician on 24-hour duty. I think this approach is the salvation of our voluntary system. I firmly believe that."

Opposition to Samaritan Health Service—even from physicians—has been remarkably scattered, considering the scope of the enterprise and considering that it has fostered the prominence of a nonphysican in the medical care field. Nevertheless, some sharp things have been said and written about one apparently vulnerable spot—SHS's lush, new corporate headquarters, complete with paneled offices and Muzak. And Dr. William Helme, a Phoenix neurosurgeon and president of the Maricopa County Medical Society, has raised doubts about the savings that the Samaritan Health Service has allegedly achieved. (Steve Morris says that while the cost of health care in Arizona increased by 12 percent during 1969, Samaritan Health Service held it to 8 percent within the system.) "One cannot help yearning to see impartial documentation of all the savings accomplished by merger," writes Dr. Helme in the Maricopa County Medical Society's monthly publication *Round-Up,* "particularly since the charges at the biggest merged hospital, Good Samaritan, are still not less than at the nonmerged hospitals and are frequently higher. It will indeed take a larger and more expensive public relations department to persuade the patient that his money is being handled with care under such circumstances."

But if Dr. Helme is not persuaded that Samaritan Health Service is making progress, there are many who are, in particular the Samaritan Health Service board of trustees—twenty-four prominent business and professional men from the community and four physicians from hospitals that are merged with or owned by Samaritan Health Service. Not only has the board supported Steve Morris in his hospital acquisition program, it has permitted Samaritan Health Service to operate in ways customary in business but generally forbidden to nonprofit hospitals—risking capital, for example, on undertakings that may or may not prove economically feasible.

One of these undertakings is Air Evac, the flying service for patients, doctors, and Samaritan Health Service personnel. Air Evac utilizes two small but fast propeller-driven aircraft to bring emergency cases in Phoenix and to carry doctors and other personnel out of Phoenix to outlying hospitals. Plans are now underway to link Air Evac with major airlines to provide for the routine transportation of patients out of Arizona to anywhere in the world—or vice versa.

For patients who need to travel long distances rapidly, such as the injured lumberjack mentioned earlier, Air Evac is an unmitigated blessing—and an economical one. Dr. James L. Schamadan, head of Air Evac for Samaritan Health Service, claims that to transport a patient by ground ambulance in Arizona costs $32 plus $1 a mile, whereas to transport him by Air Evac with a registered, specially-trained nurse in attendance costs him 86 cents a nautical mile—point to point. "Take a person who's going 300 miles, or even 100 miles, which is not terribly unusual out here in the West," says Dr. Schamadan. "This could be a significant savings, if not in money certainly in time. And how about safety? Would you rather be in the back end of a careening ambulance on the highway today or in an airplane?"

But what of the cost to Samaritan Health Service? Dr. Schamadan claims that during the first nine months of 1970 Air Evac cost $109,000 while bringing in $66,000 in revenue, for a loss of $43,000. But part of this loss, he says, is recovered through use of the aircraft to transport Samaritan Health Service personnel and machinery in lieu of paying for automobile travel. "Anyway," adds Schamadan, "we're still experimenting. We estimated a three year loss on Air Evac, and at the end of the second year we're coming in somewhat under our projected loss figures."

The final report on Samaritan Health Service is yet to be written, but it will be. Steve Morris has a two-year demonstration grant of $200,000 from the Department of Health, Education, and Welfare "to demonstrate four things: our effectiveness in cost containment and comprehensiveness of care, quality, and accessibility." He is confident that Samaritan Health Service will make a good showing in each of these areas, and so apparently is his board. "Our primary goal is to provide adequate health care to this entire area," says board chairman Harold L. Divelbess, an attorney. "It seems to be fairly obvious that we are on the right track."

Morris' confidence in his method of dispensing health care appears to be shared by many of his peers. Last fall a committee of physicians and hospital administrators (including Morris) met under the auspices of the American Hospital Association and drafted a national health insurance plan called Ameriplan. The basis of Ameriplan is a proposed network of Health Care Corporations of which Samaritan Health Service could easily become one. Likewise, the Nixon Administration's national health insurance bill recommends what it calls Health Maintainance Organizations to provide health care. SHS may have been a prototype for this concept as well.

Both Ameriplan and the Nixon bill would take health care one step farther than Samaritan Health Service has dared to go. Both advocate prepaid medical care, a system of enabling people to make monthly payments for health care and receive treatment without further cost. Steve Morris, a strong supporter of prepaid medical care, hoped to introduce the concept at Good Samaritan Hospital, but facing opposition by physicians he has abandoned the plan. Nevertheless, the struggle over prepayment has only begun, and as the debate over national health insurance accelerates, it could become the hottest issue of them all.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1971

Mr. HOLLINGS. Mr. President, I was pleased to cosponsor S. 2074, introduced by Senator Magnuson, to promote the safety and protect the environmental quality of ports, harbors, waterfront areas, and the navigable waters of the United States.

The sources of pollution of our coastal waters and the world's oceans include those originating on land, those from activities such as offshore oil drilling, and ocean dumping of hazardous substances. Another important source is ships. We know well the problems created by the *Torrey Canyon* and the *American Eagle* oil spills. International activity has been initiated to solve problems of intervention on the high seas in cases of oil pollution casualties and the civil liabilities for oil pollution damage. International conventions on those subjects are now before the Senate for its advice and consent to ratification.

However, previous efforts have concentrated on action after the pollution casualty has occurred. What is needed now is action to prevent casualties. And that is what Senator MAGNUSON's bill is designed to accomplish. It is a tough bill, that goes to the root of the problems—construction, maintenance, and operation of tankers and other vessels carrying certain liquid cargoes in bulk, and regulation of the movement of all vessels and placement of structures in navigable waters of the United States. These are essential actions that we must take, particularly in the face of the rapidly increasing amount of ocean transport of liquid cargoes in bulk.

At the same time, it is important that other countries join us in applying equally stringent regulations on construction, maintenance, and operation of vessels, and on their movement in international commerce. The problems are of international magnitude. And while strong domestic legislation such as the Magnuson bill will contribute enormously to their solution, the problems cannot be solved unilaterally by the United States. International agreement is essential, and I urge that immediate steps be taken by the United States to strengthen our efforts to reach agreement in IMCO on these important problems. And to strengthen our international negotiations, I urge passage of the Magnuson bill and swift establishment of its enforcement, particularly in those areas—such as vessel traffic control systems—where we are lagging behind other countries.

INCREASED CONGRESSIONAL CONTROL OVER CIA

Mr. CASE. Mr. President, much has been said lately about the efforts of Congress to reassert and redefine its authority in the field of foreign policy. For myself, I am scarcely at all interested in this as an exercise in congressional self-aggrandizement. I am very much interested in it as a means of forcing our Government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

In a moment I shall mention briefly several measures I shall soon be proposing to allow Congress to exercise increased control over certain Central Intelligence Agency—CIA—and Defense Department programs.

My purpose is to place some outside control on what has been the freewheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars.

To be perfectly honest, our system has gotten out of whack, and it is time to restore a better balance.

The Constitution does not give the President authority to declare a secret war, and I do not accept that there are any precedents in our history which would permit him now to do so.

Moreover, our recent history in Southeast Asia shows that wars approved by simply a handful of Presidential advisers may well be not only unconstitutional, but relatively unsuccessful, too.

Like most Americans, I was shocked by the cynical manipulation of our political processes revealed in the New York Times' account of the McNamara study on the origins of the Vietnam war. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side—some apparently with the aim of provoking retaliation against us and our allies. This approach has no place in our open society.

I do not want to get into an extended postmortem on Vietnam, however. Our primary task should not be to engage in recriminations or assign blame, but to bring the war to an end. That is why, last year and earlier this week, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The Vietnam war, at least during the last several years, has been waged essentially in the open. The same cannot be said for the war in neighboring Laos. A top American diplomat was quoted recently by the Washington Star saying:

> What we are doing here in Laos is totally inconsistent with our kind of society. We are fighting a war by covert means and an open society cannot tolerate that.

I agree with this diplomat's appraisal and consequently I have done everything I can to bring the facts on the war in Laos before the American public.

For example, I stated several weeks ago that there apparently was an agreement between the U.S. and Thai Governments for the financing and support through CIA of thousands of Thai troops in Laos. Only when the administration became aware of my speech did the Senate receive any kind of explanation of what was going on. And the explanation was incomplete and partially inaccurate despite its secret classification which prevented it from being made known to the public.

Even today, the Government tries to maintain a thick veil of secrecy over some of its programs in Laos. Every so often news trickles out in driblets as an energetic newspaperman digs out a story or a government official leaks out a revelation.

But essentially, we are only told things after they have somehow gotten into the public realm, despite the $350-odd million in taxpayers' funds which are being spent annually in Laos, to say nothing of the estimated $2 billion annual cost of U.S. air activity over Laos.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And the U.S. Government agency assigned to carrying out the administrations' policies such as the running of the 30,000 man Secret Army—Armée Clandestine—and the funding of Thai troops has usually been the CIA.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish CIA.

So I come to my three proposals to limit the Executive's authority to wage a secret war. These are not all-inclusive, but they are an attempt to get at the questions of the circumvention of congressional intent and the hiring of mercenaries. The specific proposals are:

First, a bill to extend the limitations which now apply to the use by the Defense Department of its funds overseas to all U.S. Government agencies, including CIA. This would prevent the circumvention of congressional intent in the funding of activities such as the Thai troops in Laos through CIA rather than through more open Government agencies. It would also eliminate the possiblity that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using CIA personnel.

Second, a bill to prohibit the funding by any U.S. Government agency of military operations by any country outside its borders without specific congressional authorization. This would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia. It would not affect the present programs for U.S. payments to Koreans, Thais, and Filipinos in Vietnam, since Congress has specifically voted money for these troops. My bill would, however, require the administration to inform the Congress, on a confidential basis, if necessary, of the details of any agreements with foreign governments to finance their military operations abroad. I would hope this would prevent our Government from offering lavish inducements to foreign governments in return for the use of their troops. As you may remember, it was revealed last year that the U.S. Government in some cases had been secretly paying Koreans and Thais in Vietnam higher levels of combat pay than were being paid to American troops fighting in the same country.

Third, a bill to extend existing limitations on the use by the Defense Department of surplus military materiel to all Government agencies. I make this proposal because of reports I have received of the relatively unrestricted use of surplus materiel by CIA. I have no means of verifying these reports, but if they are untrue, my bill would not interfere with any existing Government programs.

The three proposals I have outlined would serve to plug some loopholes in the law. Of course they would by no means close them all. The Executive can find ways to skirt almost any prohibition if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

Our country was founded on the principles of democracy, and the essence of a democracy is the participation of the people and their representatives in the decisions which affect their very national existence.

THE PENTAGON DOCUMENTS

Mr. McGOVERN. For the benefit of Congress and the public, I have been endeavoring to place in the CONGRESSIONAL RECORD the newspaper summaries and published documents from the Pentagon study of the Indochina war.

On Saturday, June 19, the Washington Post published the second in its series on the documents, relating to the bombing halts which were designed to "crack the enemy's resistance to negotiations." The plan appears to have been to increase the pressure and then relax it alternately. The plan failed, mainly because it was based on the concept of bringing about negotiations through force.

Mr. President, I ask unanimous consent that the Washington Post article, by Murray Marder, and relating to the Pentagon documents, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIET STUDY SAYS BOMBING LULL PRESSURE MOVE

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965–1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement, either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the adviser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas deB. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk, as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

". . . You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . .

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change planned) and in SVN" (South Vietnam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in The Washington Post Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that:

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

The document then quotes Rusk on what he, and President Johnson and other officials often said publicly and privately:

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war . . ."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965, South Vietnam's troops were in real danger of outright Communist defeat, as American officials publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocates combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam "and perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe . . ."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.'" Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting."

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President on Nov. 30, 1965 stated:

"It is my belief that there should be a three-or four-week pause . . . in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North.

'The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and, second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet.' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danger was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unacompanied by real concessions by the VC, made it politically costly for us to terminate the Pause."

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in Washington to resist the pressures from the 'peace-movement' in the United States were not so sure.

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measure which would, even monentarily, reduce the pressure on North Vietnam." Gen. William C. Westmoreland was then U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time.

"The Secretary . . . believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement.

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area.

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.'"

The review states than on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once."

"In fact," McNaughton worte, "it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time." The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage for another pause, perhaps late in 1966, which might be more 'productive.'"

According to the Pentagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began." The reviewer cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations, the unnamed analyst's assessment of it was that it "amounted . . . to the contention that just as the United States could not afford to initiate a bombing pause that might fail to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965–66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents show that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNaughton was examining the overall situation and suggesting some major changes in U.S. policy.

McNaughton said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone" while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNaughton, "pacification is stalled despite efforts and hopes." Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNaughton, "is to avoid humiliation." McNaughton's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNaughton said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNaughton was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNaughton wrote. "It took us almost a year to make the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNaughton acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material . . ."

The report states that McNamara did not commit himself to a "compromise" solution and, "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Vietnam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNaughton."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology and George Kistiakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major breakthrough to peace," the analysis say, Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense, President Johnson did so, and banked his hopes instead on the peace table.

SOVIET DEPORTATIONS OF LITHUANIANS IN 1940–41

Mr. FANNIN. Mr. President, the Second World War spelled tragedy to the peoples of Europe. They have suffered, endured privations and faced hardships throughout the war. But some peoples suffered more than others, and others are still suffering today from its tragic consequences. The Lithuanians were among the first victims of that war, and unfortunately their suffering is not over yet.

These sturdy and stouthearted people, justly proud of their distinct individuality and undaunted spirit of freedom, had regained their independence at the end of the First World War, and were enjoying their richly deserved freedom in their historic homeland under their chosen form of democratic government. For two decades they worked hard in making their country a safe haven for themselves, and they were perfectly content with their lot. But the Second World War ushered in a period of misery and misfortune which has become part of their unenviable lot for more than three decades.

Early in the war the Soviet Government took advantage of the weakness and helplessness of these people and imposed its despotic system upon them. First the government of the country was forced to sign a mutual assistance pact with the Soviet Union; then the Lithuanians were compelled to allow Russian garrisons to be stationed in the country; and finally, in June of 1940 the Red army attacked and occupied it. By this time the people were robbed of their freedom and independence, and had become prisoners of the Red army. Meanwhile Soviet agents had instituted a reign of terror. Lithuanians by the tens of thousands were arrested, imprisoned, and then deported to distant parts of the Soviet Union. The terror continued until the Red army was forced out of the country by the Nazis in late June of 1941. In mid-June, however, just before their eviction, Soviet authorities had intensified their reign of terror, and in 1 night alone, on June 13–14, many tens of thousands of innocent people were deported. All told, during the first stage of their occupation Soviet authorities had deported many thousands of people whose sad fate is not accounted for to this day.

It is sad and tragic that while we solemnly observe the anniversary of this event this week, the survivors of that tragedy still suffer in their homeland under Soviet totalitarian tyranny. We pay homage to the memory of those who have died for their righteous cause, and pray for the freedom of those who still suffer in Lithuania.

ENVIRONMENTAL MATTERS ON THE STATE LEVEL

Mr. McCLELLAN. Mr. President, in the March 1971, issue of the Arkansas Lawyer, Associate Prof. George P. Smith II, of the University of Arkansas Law School, published an article detailing actions taken by Arkansans to date to improve the environment of Arkansas.

In addition, Professor Smith made a number of recommendations as to actions which should be taken by State and Federal legislatures. Although I do not agree with all of Professor Smith's recommendations, I do believe that the article is illustrative of the interest in environmental matters on the State level in all States. This is particularly relevant in the light of proposed legislation which I have introduced, S. 907, on which 2 days of hearings have been held in the Senate Judiciary Committee.

Mr. President, the States, and State environmental groups, are anxious to play as large a role as they possibly can in improving the ecology of their respective areas. The Senate may well have a chance in the near future to accord them their proper role in our Nation's environmental efforts. Professor Smith's article is interesting and informative reading for all who have expressed an interest in preserving and improving one's environment. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ECOLOGICAL PERSPECTIVE FOR ARKANSAS

(By George P. Smith, II)

From its territorial declaration in 1819, until its subsequent statehood in 1836 and down to the present day, Arkansas has enjoyed a good balanced, healthy environment. As it seeks to develop its industrial capabilities, however, great care must be exerted to ensure a proper balance between economic development and the preservation and conservation of the vast abundance of natural resources within the state. New, tighter legislative controls must be structured if an ecological equilibrium is to be maintained.

The pollution of a stream of water—a lake, a river, even a pond—is a grave offense against the public health of all citizens within the state. At present, the maximum penalty for each and every offense of water pollution is a classification of the act of pollution as a misdemeanor and the subsequent levy of a fine of $200.00.[1]

Mr. S. Ladd Davies, Director of the Arkansas Pollution Control Commission, while acknowledging the fact that such a penalty would not obviously damage most polluters, nonetheless maintains adverse publicity associated with such a violation would serve as a compensatory factor. This later point is indeed rather dubious.

In order to bring itself more in line with stream preservation practices in other states, and particularly with the 1899 Federal Refuses Act,[2] which sets penalties for violating the Act of not more than $2,500.00 nor less than $500.00 for each day of violation or imprisonment for not less than 30 days nor more than 1 year, or both a fine and imprisonment,[3] Arkansas must introduce a similar statutory scale. Such an upgrading of penalties by the Legislature would underscore its commitment to provide for the citizens of the state, a clean, healthy and an aesthetically pleasing environment.

The Arkansas legislature has chosen to define pollution as, "such contamination or other alteration of the physical, chemical or biological properties, of any waters of the state, or such discharge of any liquid, gaseous or solid substance in any waters of the state was, will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock wild animals, birds, fish or other aquatic life."[4] A less cumbersome and more direct definition of water pollution would be that it is any man made alterations of the quality of waters that appreciably impairs its usefulness for a particular purpose.[5]

A current survey of water pollution

See footnotes at end of article.

revealed that 29 per cent of all stream miles in the Southern plain states were polluted.[6] Two percent of the miles in the White River in Arkansas were found to be polluted; 2 per cent of the Middle Missisippi River from Cairo, Illinois, to Telena, Arkansas, was polluted; 1 per cent of the waters in the Lower Mississippi River from Helena, Arkansas, to Natchez were polluted.[7] The Arkansas River was polluted 10 per cent while the Lower Missouri River and the Kansas River were found to be 90 per cent polluted.[8] No percentage of pollution was recorded for the Ouachita River in Louisiana and Arkansas.[9]

In reporting the fact that mercury was found in significant amount in the waters of at least 17 states, the Arkansas Gazette recorded the fact that similar mercury deposits were being found in the Arkansas River and continued by observing that raw sewage was also being discharged into the River at the confluence of Fourche Creek.[10] The report continued by noting that the city of Little Rock had dumped treated sewage into Fourche for some time and that some residential areas outside the city limits dumped untreated or raw sewage into it.[11]

An estimated 71 billion dollars will have to be expended during the next five years nationally in order to repay the debt to Nature that has been incurred through the years; 54 billions to clean up the waters; 13 billions to combat unclean air and 4 billions to improve methods of disposing solid wastes.[12] Air pollution alone costs each American $65.00 a year.[13] By 1975, new proposed automobile emission standards will be in effect and will drastically curtail the more than 91 million tons of toxic gases spewed annually into the atmosphere by automobiles.[14]

It is well to remember that development of natural resources is basically wealth-generating. However, in some cases, resource development is an extractive process involving an exhaustible supply. Water is, however, renewable and, therefore, the benefits of the development are virtually perpetual if the supply is properly conserved, developed, and used. Prudent conservation practices are compatible with and, indeed, essential to water development.

For those industries which bear the Herculean task of correcting their individual processes in order to preserve the ecology, state tax incentives (i.e., tax credits, property tax exemptions, sales and use tax exemptions) to encourage a strong fight against pollution must be granted.[15] In some cases, an industry may be forced to spend millions of dollars over several years in order to correct pollution imbalance. Similarly, some businesses expend large sums of money every year to prevent and/or contain pollution. In both cases, appropriate tax relief should be seriously considered.

The National Congress on Optimum Population and Environment recently expressed its belief that manufacturers' financial responsibility for pollution control be absorbed in the cost of the products produced. This is certainly a valid proposal since the tenor of public demand for greater manufacturing perfection and development in product marketability alone, places a heavy responsibility on industry to meet this demand if a business profit is to be realized and the public is to be satisfied.

Working in close co-operation with municipalities within the state, the Arkansas State Pollution Control Commission should seek to develop—in all such communities where practical—local control boards which would administer local air and water pollution programs. As presently structured, it becomes increasingly difficult—because in large part of budgetary restrictions—for the State Pollution Control Commission to operate as efficiently as it would prefer throughout the State. Since multiple pollution problems arise in nearly all communities within the State, it would appear logical to let the burden and responsibility for resolving these problems rest with them.

The establishment of a State Department of Ecology, along the lines of a similar department created in New York, should receive serious consideration by the Legislature. Such a Department is needed in order to coordinate the various activities of some 13 or more commissions engaged in ecological matters.[17] Under this proposal, the commissions would become offices or divisions under the State Department of Ecology—retaining as such, their staff functions, but transferring their managerial line duties to the Department of Ecology. Appointment to the various offices or divisions would be made in the same manner as such appointments are presently done for the boards and commissions.

The State Plant Board should be encouraged to remove from the public market all economic poisons (i.e., insecticides, pesticides, etc.) which pose an immediate threat to the public health. At the same time, it should be developing efforts to stress the use of natural parasites over continued spraying in order to thereby curb the threat of pollution. Herbicides, insecticides and other pesticides pose a serious pollution problem. This is due to the fact that residues run off in streams and ponds, build up in ground water and are often transported by air currents.[18]

Arkansas should follow the bold pathway charted by the State of Michigan in passing an Environmental Protection Law for its citizens.[19] Under such a law—already being considered by Colorado, New York, Massachusetts, Pennsylvania, Tennessee and the United States Congress—any private citizen may sue against a public nuisance on behalf of the general public, whether or not the nuisance affects him personally. Under such a law, the courts are no longer required to defer to governmental actions. Thus, all citizens are given a new legal right to raise environmental issues. Any individual can challenge lax state agencies as well as polluting industries. Finally, the burden of proof is on the defendant to show that the alleged pollution in unavoidable.

Absent a detailed Environmental Bill of Rights engrafted on the Arkansas Constitution assuring for all citizens a right to a clean, healthy and aesthetically pleasing environment, a law comparable to the Michigan Environmental Protection Act is vitally needed to safeguard the interests of all Arkansas.[20]

Unquestionably, the most pressing and significant problem presented to the continued development of a workable ecological perspective for Arkansas is the need for the preservation of the Buffalo River as a National River and cessation of construction of the Gillham Dam Project on the Cossatot River.[21]

Anyone who has been afforded the opportunity to float the Buffalo River or to enjoy its other pleasures, carries with him a deep sense of dedication and affection: dedication to the legislative cause sponsored by Senators J. W. Fulbright and John L. McClellan and Congressman John Paul Hammerschmidt in the United States Congress to create a national river along 128 miles of the scenic Buffalo and an affection for, and appreciation of, this vast natural resource in the state. The development—to be administered by the National Park Service—would embrace some 103,000 acres.

This project to make the Buffalo a national river was first formally introduced by Senators Fulbright and McClellan January 30, 1967, with a companion bill being introduced in the House by Congressman Hammerschmidt March 9, 1967.[22] Despite rather concerted efforts to press for consideration of the Bill, it has lanquished in Committee. Even if development funds are lacking for the project, authorization of the Buffalo as a National River must proceed with dispatch.

The Buffalo is an invaluable asset in the national conservation picture as well. It should be preserved as a national park-type area for basically the same reasons that the giant California redwoods should not be cut in order to make lumber and the Grand Canyon should not be dammed so that local economic designs may be complemented. As a National River, the Buffalo would greatly aid the economy of the area by providing a new kind of outdoor preserve and recreational area. Of course, the ultimate beneficiaries of the Buffalo development are the citizens of Arkansas. On a larger dimension, however, the whole of society benefits by the preservation of a national ecological equilibrium.

The dwindling national treasury of free flowing Ouachita Mountain streams is nearly bankrupt. With the completion of the Gillham Dam project and its two sister projects—the Queen and Dierks Dams on the nearby but considerably small Rolling Fork and Saline Rivers anticipated in June 1973—the demise of the free flowing stream will be recorded with deep regret by conservationists.

The Dam project will not produce hydro electric power; its purposes are flood control and water supply. The project will inundate or otherwise modify 152.5 miles of stream fisheries in Little River—212.4 miles of streams directly tributary to Little River and over 41 miles of additional tributaries within proposed reservoir sites. The streams affected are of particular importance to sportsmen over a wide area in Oklahoma, Arkansas and adjoining states. Fishing resources will be greatly threatened. More important, is the destruction of the aesthetic beauty of the area—a beauty that man is slowly beginning to appreciate and indeed, treasure as his daily working environment becomes more dreadfully polluted.

Public hearings were never held in regard to the Gillham Dam project. This rather shocking fact alone should be sufficient reason for Congress to authorize a restudy of the water development plans for the Cossatot River and a suspension of the project, itself, until the Department of Interior can complete its study of the problems here and thorough public hearings may be conducted. Four organizations—the Environment Defense Fund, the Arkansas Audubon Society, the Ozark Society and the Arkansas Ecology Center—have sought judicial assistance by filing a suit requesting the restudy of the project and the suspension of work on the dam.

CONCLUSIONS

In order for Arkansas to remain in the vanguard of the movement for ecological preservation, it must reassess, and thereby reshape, certain present legal attitudes. The right to a clean, healthy and aesthetically pleasing environment should be a fundamental right guaranteed to all. The legislature must provide the courts with guidelines for judicial decision making in this area through new, responsive legislation and thereby ensure the health of the citizens of the State.

The pioneer work of the Ozark Society to conserve the natural resources of the State should be recognized and indeed applauded by all. The establishment of the Arkansas Ecology Center and the Society for Environmental Stabilization are healthy indicators that the citizens are truly concerned with preserving an ecological perspective.

Efforts to educate the public to the present crisis in the environment cannot be totally accomplished by groups of this nature, however. The primary task comes at the public education level. As a direct first step toward resolving the problem area, courses in Conservation of Natural Resources at elementary,

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Footnotes at end of article.

secondary and college levels should be required.

The preservation of the Buffalo River and the Cossatot should be of central importance and, indeed, a primary environmental enhancement goal.

If Arkansas is to remain a land of opportunity, a balance must be sought between continued expansion of the industrial base and the preservation of an ecological balance. Tax incentives should be structured for those state industries who attempt to consciously meet the problem of pollution by pursuing corrective procedures.

All Arkansans must have air to breathe which is not filled with drifting poisons, water to drink which is free from pollution, and food to eat which is not super-saturated with toxic pesticides. Man is one of nature's animals—the last link in the chain of food consumption. What is poison for nature's goose is certainly manifold poison for the human gander.

FOOTNOTES

[1] Ark. Stat. Ann. 35–407 (Repl. 1962.)

In a telephone conversation with the Arkansas Pollution Control Commission, September 8, 1970, it was learned that a penalty of $250.00 was usually meted out against those who polluted the waters of the State. There are few reported cases of violation when such fines were assessed, however. The $250.00 arose from apparently administrative practice.

[2] 33 U.S.C. 407 (1964).

The Federal Act specifically prohibits anyone—corporations, etc.—from throwing, discharging or depositing any refuse matter of any kind or any type from a vessel or shore based building into the nation's navigable rivers, lakes, streams and other navigable bodies of water or any tributary to such waters unless he has first obtained a permit to do so. The Act applies to inland waters.

[3] 33 U.S.C. 411 (1964).

[4] Ark. Stat. Ann. 82–1962 (Repl. 1969).

[5] 3 B. Gindler, Water and Water Rights: Water Pollution and Quality Controls 5 (1967).

See generally, Ohrenschall & Imhoff, "Water Law's Double Environment: How Water Law Doctrines Impede the Attainment of Environmental Enhancement Goals," 2 Land & Water L. Rev. 259 (1970); R. Revelle, H. Landsberg (eds.), America's Changing Environment (1970).

[6] U.S. News & World Report, August 17, 1970, p. 42.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Arkansas Gazette, August 13, 1970, pp. 22 at, cols. 1, 2.

[11] Ibid.

[12] U.S. News & World Report, August 17, 1970, at p. 38.

[13] Id., p. 40.

[14] Ibid.

[15] See generally, McNulty, "State Tax Incentives to Fight Pollution," 56 A.B.A.J. 747 (1970); Ayres, "Air Pollution in Cities," 9 Natural Resources J. 1, 20 (1969).

Some authors, to the contrary, have suggested an effluent tax scale for meeting the problem. Under such a tax producers would pay to the government—as a surrogate for the public—in proportion to the quantity of residuals dispersed in the environment. Ayres, supra, at 19.

[16] Trial Magazine, June-July, 1970 at 7.

This Congress also recommended the establishment of a national environmental defense corps as an alternative to military service.

[17] State Board of Health, Arkansas Planning Commission; Industrial Development Board; Arkansas Pollution Control Commission; State Committee on Stream Preservation; Game and Fish Commission; State Forestry Commission; Oil and Gas Commission; Soil and Water Conservation Commission; State Park, Recreation and Travel Commission; White River District Commission; Arkansas Waterway Commission; State Plant Board.

[18] "Animal Waste and Sediment Are Top Agricultural Pollutants in Arkansas," Arkansas Farmer 4 (September, 1970).

[19] Public Act No. 127, effective October 1, 1970. Mich. Comp. Laws Ann 691.1201—691.1207.

[20] See also generally Miller & Borchers, "Private Lawsuits and Air Pollution Control," 56 A.B.A.J. 465 (1970).

[20] See generally, "Current Conservation Problems in Arkansas," 1 Ozark Society Bulletin 6 (Summer, 1967, No. 2); "Stream Preservation in Arkansas," Report of the State Committee on Stream Preservation, 1969.

Section 12, Article 11 (General Provisions) of the Proposed Arkansas Constitution of 1970 provides:

(a) It is the policy of the State that its natural beauty and resources be conserved and developed. The General Assembly shall enact such laws as may be required for the conservation, development, management, and use of the natural beauty and resources of the State, with due regard for the general welfare of its citizens, and the right of private property.

(b) The General Assembly shall be the guardian and conservator of the water resources of the State, which shall be reserved for the present and future needs of the State and its people. The vested right of the State in its interstate water resources is hereby declared, and such right shall never be surrendered in perpetuity, nor otherwise except by law.

(c) The General Assembly shall provide for protection against environmental pollution.

This Section was never in any of the other State Constitutions and is, therefore, completely new. Subsection (a) states the broad principle of conservation and development of the State's natural beauty and resources, and directs the General Assembly to pass appropriate legislation to further this principle.

Subsection (b) sets forth again the board principles of conservation of water resources and declares the State's right to use its interstate water resources. These water resources may be contracted away only by statute for a limited period of time. Subsection (c) is self-explanatory.

[21] See generally, "Fierce Controversy Surrounds Proposal to Dam Last Wild Stream in Ouachitas," Arkansas Gazette, September 13, 1970; Jack, "Crisis on the Cossatot," Ozark Society Bulletin 4 (Winter, 1969–70, No. 1); "Conservation Bill of Rights," 3 Ozark Society Bulletin 11 (Summer, 1969, No. 3); "The Buffalo: A Fight to the Death," Pine Bluff Commercial, August 18, 1965.

[22] Senate Bill 704; House Bill 7020.

MARYLAND'S WELCOME FARMS PROGRAM

Mr. MATHIAS. Mr President, many of us often feel trapped by the hustle and bustle of city and suburban life. It is indeed welcome to have an opportunity to return, even if briefly, to the countryside in which the vast majority of city dwellers have their ancestral roots.

Next Sunday, the Maryland Farm-City Committee will sponsor a "Welcome Farms Program," in which 24 farms in various parts of the State will be holding open house for visitors.

I am pleased that the Washington Post called attention to this program in its editions of Sunday, June 20, and I take this opportunity, in turn, to call the attention of the Senate to this occasion.

I ask unanimous consent that the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWENTY-FOUR MARYLAND FARMS TO WELCOME VISITORS NEXT WEEKEND

(By Barbara Guinn)

Remember when a visit to grandmother's farm meant touching a new baby calf, helping grandfather with the milking, picking sun-ripened strawberries for supper? Most of us who have these memories no longer have relatives with old fashioned farms—or farms of any sort, for that matter.

If you're looking for a place to view modern agriculture in action, there are 24 Maryland farms where visitors will be welcome next Sunday afternoon, June 27, from 1 to 5 p.m. under a "Welcome Farms Program" sponsored by the Maryland Farm-City Committee.

Animals and crops that may be seen during this fifth annual open house include dairy and beef cattle, sheep, horses, hogs, French hybrid grapes, tobacco, grain and nursery stock.

Beall Bros. Inc., near Hyattstown in Frederick County, one of the largest dairy operations not only in Maryland but in the nation, is taking part in the program. The entire operation is conducted by one family—five brothers and their six sons, John Beall, who is president of this 2,000-acre enterprise that produces 2,000 gallons of milk a day, says that visitors may watch the Holstein cows being milked in shifts, touch the baby calves, and see acres and acres of knee-high corn destined for the three enormous shiny silos.

The Beall's 160-year-old farmhouse overlooks a shady lawn where you are welcome to picnic.

Directions: take Interstate 70S north toward Frederick, exiting at Hyattstown, approximately 22 miles from the Washington Beltway. When you leave 70S, stay on 109 for a short distance to Hyattstown. At the stop sign, turn left and proceed until you reach Maryland 75. Turn right and follow 75 for approximately 1½ miles, watching for the huge farm with three gigantic silos on your right. The turnoff into the farm is to your right and will be marked by a sign.

Details concerning the other farms participating in this event and directions to reach them may be obtained by phoning the following county agents: Baltimore County, G. Richard Curran at Cockeysville, 666–1022; Cecil County, Raymond G. Mueller at Elkton, 398–3200; Frederick County, Allen B. Bryant at Frederick, 663–8300; Hardford County, Lynn T. Warman at Bel Air, TE 8–6000, Ext. 255; Howard County, Jack Corbett in Ellicott City, 465–5000, Ext. 293; Montgomery County, Robert D. Raver in Gaithersburg, 948–6740; Prince George's County, John J. Lancaster, in Upper Marlboro, 627–5626; Washington County, Richard Schukraft at Hagerstown, 739–0466—or contact Roy D. Porter, coordinator of special agricultural programs for the University of Maryland Extension Service at 454–3712 (College Park.)

At many of these farms, milk, iced tea and home-made cookies will be served by local farm organizations.

Although the Welcome Farms Program is limited to next Sunday afternoon, there are a number of nearby farmers growing pick-your-own crops who welcome visitors throughout the growing season.

Right now, strawberries are available. Remember the wonderful aroma of ripe strawberries as you pluck them from their hiding places under a mass of green leaves? Whether or not you've experienced this fun before, you can pick gorgeous berries now and most every day for the next two weeks at George Darrow's farm only 10 minutes from the Beltway near Glendale, Md.

Darrow's fruits are superb—and justly so, for he is recognized as one of the world's leading authorities on growing fruit. His operation covers over 20 acres at the edge of a woods and several varieties are available including Red Chief, Midway, Sun Rise, Earlidawn, Armore and Guardian. The berries are marvelous to eat "as is," for freezing, or you can make them into preserves to savor with your breakfast toast. The cost for the fruit is usually about half of what one would pay in a market.

Bring your own containers—several large firm cardboard boxes, even roast pans or pails (it's best not to crush the berries by piling too many on top of each other.) Plastic bags and containers are not recommended. You'll be charged only for the actual weight of what you pick—not the container. And, the sun-warmed berries you sample are free!

The entire family will enjoy this—wear gardening type clothes and comfortable old shoes. Bring along something cold to drink in case you get thirsty. Portable restroom facilities are available.

George Darrow will probably be in the fields or on hand to greet you—he's a spry 82 with a marvelous sense of humor and a twinkle in his eye.

Picking starts at 8 a.m. and continues as long as ripe berries are available. Be sure to call 390-6611 and a recording will tell you if the fields are open and what type of berries are available.

Directions: to reach Darrow Bros. Strawberry Farm, take Exit 29 from the Washington Beltway and go north on the Baltimore-Washington Expressway for only one-half mile and exit to route 193 heading east past the main exit of NASA. Follow 193, which is also known as Glendale Road, after it narrows from four to two lanes. Cross the railroad tracks and go approximately one mile until you see signs, directing you to the fields that are open.

THE UNITED STATES SHOULD BRING U.N. TO CONSIDER RIGHTS OF BALTIC STATES

Mr. PROXMIRE. Mr. President, 31 years ago this month Soviet Russia overran the Baltic States of Lithuania, Estonia, and Latvia, imposing its authoritarian brand of government on these nations.

The peoples of these three nations are still unable to speak for themselves.

In 1965 and 1966, the House and Senate both spoke decisively to this question. House Concurrent Resolution 416 of the 89th Congress was adopted 298 to 0 in the House and was unanimously agreed to by this body.

The concurrent resolution urges the President to bring before international forums—including the United Nations—the deprivation of rights of the peoples of Estonia, Latvia, and Lithuania.

Mr. President, I urge President Nixon, Secretary of State Rogers, Ambassador Bush, and other members of the administration to see to it that the intent and spirit of the concurrent resolution is upheld.

I ask unanimous consent that the concurrent resolution be printed in the Record.

There being no objection, the concurrent resolution (H. Con. Res. 416) was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary of the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlements of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PROTECTION OF PRODUCERS' INCOMES

Mr. McGOVERN. Mr. President, I ask unanimous consent that the text of S. 2093, a bill I introduced on June 17 to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains, be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Section 107(a) of the Agriculture Act of 1949, as amended, is further amended by striking the period at the end, inserting a semicolon, and adding: "Provided further, that whenever the Secretary of Agriculture announces a wheat adjustment program which will result in an addition to reserve stocks, the minimum loan level available to producers during that crop year shall be increased by at least 25 per cent."

Sec. 2. Section 105 of the Agriculture Act of 1949, as amended, is further amended by substituting a semicolon for the period at the end of the sentence in (a)(1) and adding "whenever the Secretary of Agriculture announces a feed grain adjustment program which will result in an addition to reserve stocks, the minimum loan rates available to producers during that crop year shall be increased by at least 25 per cent."

Sec. 3. The amendments contained in this Act shall be effective in relation to crops harvested in 1971.

TIME MAGAZINE APPRAISAL OF VIETNAM

Mr. MOSS. Mr. President, into the torrent of discussion about winding down the war in Vietnam has come a calm, dispassionate appraisal of America's stake and status in the war today, and of the choices still open to us as we end it.

The discussion, entitled "Coming to Terms With Vietnam," appeared in Time magazine and is well worth a few minutes of anybody's reading time.

Perhaps I am particularly impressed with this appraisal, because it makes some of the points I have been trying to make. And then through a careful review of past events and history—"a sort of Vietnam autobiography"—it expands upon them to provide a fresh perspective on the history we are writing today.

I have long stood for bringing American troops out of Vietnam just as rapidly as possible. I rejoice that now, in June 1971, half our troops are out. But I find it difficult to reconcile the 250,000 men still there with the statement Richard Nixon made 3 years ago in March of 1968:

> It is essential that we end this war and end it quickly.

Surely 3 years is long enough.

I find myself in agreement with Time on America's reasons for going into the war, and our reasons for coming out now.

I agree furthermore that the quickest way to liberate U.S. prisoners of war is to end the war. History teaches us that POW's are released when the fighting stops—when peace comes.

The article poses some of the questions we must put to ourselves individually and as a whole.

How can each of us reconcile our early views on the war—and come to terms with ourselves?

How can the executive branch break free from the past—from vested error. It "needs the possibility of being wrong."

How can future Vietnams be prevented?

How can America keep from becoming so embittered from its tragic experience that we simply do not withdraw within ourselves, and abdicate our responsibility as a world power?

Mr. President, now is the time to seek answers to these questions; now is the time we can still make some choices on Vietnam.

I commend the Time article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Coming to Terms With Vietnam

There are still important choices to be made about Viet Nam. The U.S. is halfway out of the war, and the further troop withdrawals that the President has announced will see us two-thirds of the way out by the end of this year. But it is still far from clear just how we are going to come the rest of the way out. *Can* we come all the way out? When? And do we come out in ways that make it possible to live with the result?

There are also choices to be made regarding how Americans think about what they have been through in Viet Nam. These are choices that could be quite critical for the future of the country for a good many years to come. There are things that we as a nation can reasonably ask the President and Congress to do, or stop doing, now.

We must all begin by recapturing some sense of astonishment that the U.S. is still engaged in this war. Very few people can say any longer just when the U.S. did begin fighting in Viet Nam. It could be dated all the way back to the death of the first American soldier there in 1961; in the next year or two, about 250 Americans were killed while serving as military advisers. There are college seniors graduating this week who, if they began paying some attention to the news when they were, say, 14 years old, have never known a time when the U.S. was not fighting in Viet Nam.

The major intervention began on Feb. 7, 1965, with the first U.S. bombing of the North, followed in early March by the first U.S. ground-combat units going ashore near Danang. Surely nobody then in the White House, the Pentagon or Congress could have imagined that the commitment would grow to more than half a million men and the cost, at its peak, to nearly $30 billion a year; that more than six years later there would still be a quarter of a million Americans there; that in the first week of June 1971 the total of American dead would increase from 45,183 to 45,231. Richard Nixon could not have foreseen this when, while campaigning in New Hampshire in March 1968, he said, "It is essential that we end this war, and end it quickly." That was more than three years ago and, as matters have turned out, the U.S. was then less than halfway through the war. We must try to stay astonished by this. President Nixon, in his present statements about Viet Nam, ought to put more stress on the sheer staggering length of the war, because so much else flows from that.

About a year ago, an editorial in Life advocated a fixed date for total withdrawal of U.S. forces from Viet Nam; the end of 1971, then 18 months away, was proposed. That date has now drawn too close to be practical, but a deadline of April 1, 1972, or July 1, could be met. This is not too different, of course, from what may be inferred from various statements by the President and members of his Administration, which suggest that virtually all U.S. ground troops will be out some time in the second half of 1972. So far, however, the President stoutly refuses to commit himself publicly to a final date or to specify what residual forces might be left behind. The impression—but it cannot be pinned down—is that the U.S. ground-combat role will end late this year, but that U.S. air-combat operations and logistical support could continue a year or two longer, with up to 100,000 Americans still involved in Southeast Asia. The President's desire to hold back one or two cards for bargaining vis-à-vis North Viet Nam is understandable, but no longer worth what it costs in the U.S. or in South Viet Nam.

In South Viet Nam there are important elections coming up—in August for the Lower House of the National Assembly, in October for the presidency (see The World). The South Vietnamese candidates and voters are entitled to a clear understanding of what is now quite fuzzy: the limitations on the future U.S. role in South Viet Nam. There begins to be a good deal of evidence that the South Vietnamese do more on their own behalf when the U.S. does less. For better or worse, however, they should now have to plan on the Americans being gone, instead of assuming, because U.S. leaders never quite say otherwise, that our presence can always be prolonged. It would be good to get this out in the open before the South Vietnamese elections; to postpone the news is to export a bit of our own credibility gap.

Senator Adlai Stevenson III of Illinois has proposed that a commission from the Congress go to Viet Nam to make sure that the American Embassy is neutral in the coming elections. This would surely be seen as a sign that the Congress was neutral against President Thieu. His regime has severe corruption problems, and he has thrown some of his most prominent political opponents, not necessarily Communists, into jail. But his government is fairly effective and has shown remarkable staying power. It is not up to the U.S. to try to "dump" Thieu.

There is an election coming up in the U.S. too. As between President Nixon and the various Democratic candidates and warmers-up, it is hard to say who would be helped and who hurt by a clear presidential commitment this summer that we will be out by next summer. But the U.S. would be helped in many ways by having such a resolve finally understood, and the general quality of next year's presidential campaign would certainly be improved. We would give both Viet Nams, North and South, far less opportunity to interfere in our election.

Coming out of Viet Nam means removing all American combat and support forces—land, sea and air—from South Viet Nam, and ending air operations, carrier-based or Thailand-based, over Viet Nam, Laos, Cambodia. The U.S. should continue supply military equipment to South Viet Nam, as it does to twelve other countries, and could maintain a small military advisory group there, perhaps a few thousand men. It is true that this leaves the North Vietnamese with no need to negotiate to get us out. Over the years, however, they have shown very little interest in negotiating no matter what we did, whether we bombed them, stopped bombing, put troops in, took troops out.

The U.S. must regain control of its own policy. Many thoughtful Americans are honestly doubtful that a non-Communist South can survive after we go, and at least a few Americans will apparently be disappointed if it does. Actually, there are grounds for thinking that the South has a fighting chance, but it is also clear that the U.S. can no longer stay indefinitely to protect or improve that chance. It really is up to the Vietnamese.

Way back in 1966, Republican Senator George Aiken of Vermont suggested that the U.S. should claim victory and come home. We may well have accomplished more in South Viet Nam than in our present mood we give ourselves credit for. The point is, we have now done what we could. President Nixon should stress more often that America has made an enormous effort, far beyond anything that could have been considered a diplomatic or moral contract with South Viet Nam. He should also emphasize America's willingness to contribute generously to the postwar economic development of Viet Nam, North as well as South, and all of battered Indochina. Nixon, and President Johnson before him, have been strangely reluctant to make this a major theme. We do not need to flagellate ourselves—as various church groups, student organizations and so on have suggested—by calling such aid "reparations." But economic assistance surely is a duty as well as an opportunity to give an affirmative cast to U.S. policy in Southeast Asia.

There are particular people who should be very much on our minds and consciences. We owe special honor and comfort to the families of the Americans who gave their lives in Viet Nam, and we owe a special scorn to any politicians who might seek to exploit their sorrow. We owe far better medical care to the Viet Nam wounded than they are getting in many of our hospitals. We must, of course, bring home our prisoners from North Viet Nam, though it may not help to treat this as a condition for, instead of a consequence of, peace. We may need to prepare some kind of asylum opportunities for individual South Vietnamese who may feel that they have to leave when the last American troops leave. Meanwhile, it is reckless for American officials to raise the specter of a bloodbath. That could be an argument for staying in Viet Nam forever.

We are not talking here about deserting an ally, and we are certainly not talking about the defeat of the U.S. We are discussing one specific and important failure: despite a tremendous effort, we were not able to project American power into a very complicated little country 8,000 miles from San Diego in such a way that a non-Communist government was certain to prevail. We are having to settle for a possibility that it will prevail.

Was our mistake to try at all? Or was it the way we went about it? For my own part, I happen still to think that the U.S. was right to try in 1965 to prevent the forcible takeover of South Viet Nam by Communism, and that such a takeover would have happened if we had not moved in as we did. I would say now, though I did not see it then, that we went on in 1966 and 1967 to expand the U.S. effort far out of proportion to our original purposes, and that this enlarged commitment then began to take on a life of its own and even to work against our original purposes. It took me the better part of those two years to begin to see that. I wish I had been wiser sooner.

I mention my own record not because it is important in itself but to suggest a kind of Viet Nam autobiography that many of us carry around, whether we like it or not. Government officials, journalists, academics, business executives, clergymen, student leaders, military men—all the Americans who have spoken out about Viet Nam need some perspective today on their own earlier views. Some will conclude that they were right all along, and perhaps some were. But if the country is to come to terms with the Viet Nam experience, the process must begin with a good many individuals studying and acknowledging their own errors.

Such a process could help arrest any wave of national bitterness and recrimination. The President should do more to prepare the public for an ambiguous or even painful outcome in Viet Nam. This would be good immunization against the "right-wing backlash" that the White House professes to fear.

There are those who worry about a new "stab in the back" legend—an American equivalent of the Nazi notion that the German army really was winning World War I but was betrayed by the softness of the home front. But it would be surprising if such an unpopular war as Viet Nam, in such a cloudy cause, could spawn similar postwar legends. It would take an absolutely brilliant demagogue to get much mileage from the question: Who lost Viet Nam?

There was a left-wing rumor that had a few days of life earlier this spring. A story was printed about stupendous petroleum possibilities in the waters off South Viet Nam. One could almost hear a great cry of "Aha!" rise up from all those people who have known all along that the Viet Nam War must be a plot of American capitalists. The great oil bonanza was soon deflated; among other things, a wire service had made a mistake in a figure, and 4,000,000 bbl. had become 400 million. Except to the farthest-out, craziest left, U.S. business really is not a satisfactory Viet Nam villain; it is not easy to name many American corporations that have been getting much good out of the war, and it is easy to show that corporate profits and the whole economy have been hurt. The sophisticated Marxist comment about U.S. business and Viet Nam would perhaps be that the ruling class is not always bright.

Our Viet Nam policy was not the work of any lobby. It has not been deeply influenced by Republican or Democratic partisanship and certainly has not been a vehicle for individual careerism. It has been quite "pure" executive policy, conceived and carried out by honorable and able men; indeed, some very brilliant men have had a hand in it, Yet in many respects it has been badly bungled under three Presidents of two parties.

One of the ways a stable individual recovers from a frustrating or wounding experience is by telling himself that at least he learned something from it. As a nation there is plenty we might learn from Viet Nam.

One lesson, surely, is that Viet Nam has been and still is too much a President's war, first Johnson's and now Nixon's. A democracy does not fight at its best that way. Senator John Stennis of Mississippi, chairman of the Armed Services Committee, has proposed legislation that would not apply to Viet Nam but thereafter: permitting the President to send troops into battle without a declaration of war only to repel an attack against the U.S. or to protect Americans abroad. These troops would have to be withdrawn within 30 days unless Congress approved the action. Senator Jacob Javits of New York had already put forth a similar bill. Some such legislation is very much in the national interest. There is no question that the President needs sweeping powers to deal with one of those 15-minute thermonuclear decisions that he, and we, pray that he will never have to face. But Viet Nam has been about as far from the midnight showdown as anything that could be invented: each major decision in the whole long, agonizing process has been studied for days, weeks, sometimes months, within the Executive Branch. There would have been plenty of time for full collaboration with Congress at every step of the way.

It is very difficult—practically impossible, fortunately—to visualize another place in the world where another Viet Nam could develop, where conditions of enough complexity could sustain such a baffling and inconclusive war over so many years. But it is not impossible to imagine other local and limited wars with American involvement. The warmaking responsibility should be shared by the President and the Congress, not only because the founding fathers so clearly intended it but because this is a decision that needs the benefit of collective wisdom and collective accountability. And if the decision is for war, then the war will be, better understood and better prosecuted.

The Executive Branch of the Government urgently needs some possibility somehow of being wrong. That is, it needs arrangements that would allow men to change their minds. In March of 1968, Lyndon Johnson finally came to a momentous shift in Viet Nam policy: the decision to level off U.S. troop strength, to stop bombing the North, to pursue negotiating possibilities more actively. In short, the beginning of de-escalation. But it had taken the enemy's *Tet* offensive of January and February, Senator Eugene McCarthy's stunning showing in the New Hampshire primary in March, and the entrance to Robert Kennedy into the presidential campaign to bring about this policy shift.

We keep learning of important figures in the Johnson Administration who are now said to have been increasingly skeptical about the Viet Nam policy in 1966 and 1967. In those years the President and his men apparently found no way to stand at a distance and periodically re-examine Viet Nam policy with open minds. It is conceivable that some day we will learn of men within the present Administration who in 1970 and 1971 also had the feeling that there was no way to break free of vested interest in past error. The question is whether there is some political mechanism that can operate in between presidential-election years to provide a tough internal review of Executive policy.

If Richard Nixon is re-elected, he might tackle this question in his second term. He has shown a very strong interest in the organization of the presidency and the flow of work and responsibility within the Executive Branch. Some of his critics treat this as a trivial preoccupation with mechanics, but that is a quite mistaken view. Management instruments, in government as well as corporate life, can have highly creative consequences.

Still within the Executive Branch, there are important questions to be asked about the effectiveness of our intelligence operations and our ability to draw policy conclusions from intelligence information. It is extraordinary how often our side was wrong about what the North Vietnamese and Viet Cong could and would do. We have consistently underestimated their military capability—especially their ability to adjust to our moves—and we have overestimated their interest in negotiating. We possess tons of captured enemy documents. We have interrogated thousands of prisoners and flown thousands of reconnaissance sorties. Our South Vietnamese allies presumably have agents on the ground in North Viet Nam. Yet the enemy has repeatedly surprised us.

There are some other questions to be asked, in due course, about the quality of the U.S. military strategy and performance in Viet Nam. We are up against the most experienced guerrilla fighters in the world, but we tried to force much of the South Vietnamese military effort into conventional U.S. military forms. The whole Kennedy-McNamara-Johnson doctrine of slowly stepping up the levels of force was a failure. The enemy was always able to adapt and respond. The fantastic complexity of the U.S. command structure, the mystifying extra layer at Pearl Harbor, the tremendous logistical and bureaucratic component in our forces in Viet Nam—all of these deserve rigorous review. So do the American doctrines of airpower.

There is one large lesson not to be drawn from Viet Nam. Some cynic has said that Viet Nam has given war a bad name, and it sometimes seems as though Viet Nam has also given foreign policy a bad name. Thomas Hughes, the new president of the Carnegie Endowment for International Peace, deplores "the flight from foreign policy." Surely it would be the greatest of all tragedies of Viet Nam if it so soured or embittered us that we tried to draw back in on ourselves. The U.S. cannot escape the consequences of American power even if it wanted to, but just to try could be costly and dangerous.

President Nixon obviously remains a world-minded man. He is pursuing some very skillful diplomacy, both patient and imaginative, in regard to the Middle East, China and the Soviet Union. He was proud last month (and rightly so) to be able to announce the possibility of an anti-ballistic missile, agreement with the Russians, and he is plainly pleased and intrgued by the opening in our relations with China. And this brings us to the final irony of our Viet Nam War, now in its seventh year. We first became involved in Viet Nam to contain China, and our contain-China policy first developed in the days when China and Russia seemed to be a monolithic Communist bloc. If it is now safe for us to trade with China and safe to negotiate an ABM agreement with Russia, it would be safe, at last, to bring our soldiers home from Viet nam.

INDIVIDUAL RESPONSIBILITY, NUREMBERG, AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention holds individuals responsible for acts of genocide. Article IV of the Convention states:

> Persons commiting genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

There is no other party that can be held responsible for this heinous crime. Individuals kill. Individuals main. Individuals destroy.

How can a government be tried and convicted of any crime? Individuals merely use officialdom as an alibi for their illegal acts. This was demonstrated again and again at Nuremberg. Many defendants claimed innocence because they had only acted on orders. They gassed; they tortured; they followed orders.

In an article published in the New York Times of May 28, 1971, Bruno V. Bitker reviewed the development of the Nuremberg principles of individual responsibility. Mr. Bitker, a Milwaukee attorney who has compiled a long and distinguished career, has long been in the forefront of the fight for human rights. He is a charter member of the World Peace Through Law Center in Geneva.

Mr. President, I strongly urge the Senate to heed Mr. Bitker's words by ratifying the Genocide Convention. I ask unanimous consent that Mr. Bitker's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nuremberg Has Not Failed—Yet

(By Bruno V. Bitker)

Milwaukee.—Burke Marshall's positive assertion "that the Nuremberg experiment has failed" may be an understandable reaction of revulsion against the Mylai incident and frustration at the Calley verdict. But to dismiss the principles of Nuremberg because of these feelings is to invite a reversion to what, in the early years of this century, were regarded as acceptable legal doctrines concerning war.

Essentially these doctrines were that a sovereign nation could use war at any time as an extension of its foreign policy without any restraint; whatever the heads of state or the military leaders did in furtherance of national policies were "acts of state" making the individual actors immune from personal accountability and finally, obedience to orders of a superior relieved an individual of responsibility.

Whatever doubts may have existed as to applicable international law prior to World War II were resolved through the adoption of the Nuremberg principles. Crimes against peace, war crimes and crimes against humanity were thereby recognized as crimes under international law. This disposed of the claim that as an act of state the crime was excusable. Nuremberg also provided that if the accused was the head of state, or a responsible government official, he was not thereby free from personal responsibility. Further, said Nuremberg, the "fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible for him."

In 1946, while the Nuremberg case was in process, the United States Supreme Court recognized the doctrine of individual responsibility in the Yamashita decision. It held the Japanese general responsible for atrocities upon civilians by soldiers under his command even though he may not have ordered or known of the acts. Two justices, Murphy and Rutledge, dissented because they considered the trial unfair. Aware of the significance of the Yamashita decision, Justice Murphy felt compelled to comment as to the personal responsibility doctrine, that under the Court's opinion "no one in a position of command in the army, from sergeant to general, can escape those implications."

The Calley verdict evokes reactions of all sorts. It makes for strange alliances based on entirely conflicting reasons. But none of them would justify abandoning the great advance in international law flowing from Nuremberg. The point in history has not been reached where it can be said that "the Nuremberg experiment has failed." Indeed, the Calley case itself has not run its course. We may yet witness verdicts against others with more brass than a lieutenant's single bar.

It was asserted at the time of the Nuremberg trials by a small but respectable minority that the prosecution was a flagrant example of "ex post facto" liability, and that the whole proceeding was unjust because only sovereign states and not individuals were recognized in international law. If these objections had any validity then certainly they do not now.

In the manner in which international law historically develops, the Nuremberg principles may now be considered imbedded into that general classification. As for the United States, it is committed to Nuremberg by its support of the London agreement and the charter creating the Nuremberg Tribunal, and by its participation in the trials in Germany and in Tokyo.

Whether we are prepared to face the consequences of the concept of personal responsibility, and the other principles, may become major issues before the American people. If we refuse to follow the logical steps wherever in good sense they lead, then, and only then, can we say that Nuremberg has failed.

LITHUANIAN INDEPENDENCE

Mr. HRUSKA. Mr. President, last week marked the 31st anniversary of the enslavement of the Baltic States by the forces of communism. It was on June 15, 1940, that the Russian military juggernaut bathed the peace-loving nations of Lithuania, Latvia, and Estonia in the blood of their valiant defenders.

Thereafter dissenters against the Soviet tyranny were executed summarily or shipped to prison camps in Siberia. During the turbulent war and early postwar years of the 1940's, hundreds of thousands of these once-free people were torn from their homelands to serve their Russian masters.

In a short time, during the week of July 18–24, we will be observing Captive Nations Week. We will endeavor then to bring to the attention of the world the sad plight of the growing number of nations which have fallen victim to Communist tyranny.

The list grows longer, as Dr. Lev E. Dobriansky of Georgetown University notes in the summer issue of the Ukrainian Quarterly:

Country, people, and year of Communist domination

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Ideal-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolia	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Yugoslavia (Serbs, Croats, Slovenians, etc.)	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

After listing those ill-fated nations, Dr. Dobriansky appropriately asks:

> Who's next?
>
> South Vietnam? Algeria? Cambodia? Israel? Laos? Tanzania? Bolivia? Thailand? Egypt? Guatemala? Chile?

Indeed, it is important that we ask ourselves that very question: Who is going to be next?

We should also ask ourselves another question: Are we contributing to the downfall of another free nation? Are our actions helping to drive into the dark folds of communism another freedom-loving people?

These questions are very pertinent to all our considerations which touch upon Southeast Asia. The Vietnam struggle certainly cannot be separated from the captive nations picture.

American troops were sent to Vietnam in the beginning to protect that nation from falling to the Communist forces. President Nixon is now bringing the war to a conclusion, and in such a way that will allow the South Vietnamese the best possible opportunity to preserve their freedom.

Anyone who undermines these efforts—and that unmistakably would be the net result of any proposal to withdraw our troops arbitrarily and immediately—must face the fact that he is potentially contributing directly to the lengthening list of captive nations.

We all want to end the war as soon as possible, but those who would end it by consigning one or two or three more countries in Southeast Asia to communism must bear the burden of their actions. No matter what their reasons or motivation, those who destroy President Nixon's Vietnamization program are driving more free people into the camp of communism.

Memories are all too short, Mr. President. Many who in the past have supported the efforts of freedom-loving people to remain free now appear to be little concerned by the Communist plan of world conquest.

These Americans, I fear, have forgotten the seriousness of the threat—not just to European and Asian nations, but to those in the Western Hemisphere as well. They may forget we have the seeds of Western Hemisphere communism fermenting in Cuba—only a few miles from our own shores.

Among our Nation's writers, those who chronicle the events of the day and draw conclusions which affect the thinking of so many millions of citizens, far too many have forgotten the sad facts of history.

That is why it is gratifying, Mr. President, to see the anniversary of the enslavement of the Baltic States memorialized by a writer who has not forgotten its significance. I refer to that eminent Washington columnist, Walter Trohan.

Noting that "the loss of one man's freedom to tyranny steals from each one of us a bit of our freedom," Mr. Trohan reminds us with graphic example and unimpeachable logic that the men of the Kremlin have not deviated in any way from their plan of world conquest.

He observes that descendants of the 21 nations which have been enslaved by Russia realize so much more acutely than most Americans that Russia has not retreated from its long-range goal. These Americans, many of whom have close relatives still suffering under the oppression of communism, continue the fight for freedom for all nations.

It is good to see Mr. Trohan state the problem so clearly. His comment is a welcome reminder that some of our eminent national journalists at least are keeping the question of our relationship with communism in a proper historical perspective. It is unfortunate there are not more.

Mr. Trohan is a veteran on the Washington news-gathering scene. His memory certainly would seem to be more sensitive and acute than those of some of his colleagues. Therefore, I commend his article to you, Mr. President.

I ask unanimous consent that the text of his column in the Chicago Tribune on Monday, June 15, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD DOMINATION STILL RED GOAL

(By Walter Trohan)

WASHINGTON, June 13.—The loss of one man's freedom to tyranny steals from each one of us a bit of our freedom; the loss of one man's life to tyranny robs us of a bit of our precious lives.

Yet so many millions have been enslaved and so many millions have died resisting aggression or the cruelty of aggressors, that we have grown callous and forget that each enslavement and each death diminishes some of what we hold most dear.

Thirty-one years ago, freedom shrieked when the greedy maw of Communism gobbled up Estonia, Latvia and Lithuania at a single gulp. Millions of these three countries died in resisting Soviet planes, tanks and artillery. Others died in prison camps or were starved.

The world was so full of the sounds of moans of the dying, the cries of the wounded, the screams of the tortured and the tramp of marching conquerors that the shrieks of freedom were not as compelling as they might have been.

However, there were those who turned deaf ears to the rape of the three nations because the marauding Russians were allies. These persons had high hopes Russia might become surfeited by conquests and reform to become a force for freedom and justice.

But this was not to be. At the end of the war Russia forged a mighty bastion of captive nations, including East Germany, Poland, Czechoslovakia, Hungary, Bulgaria and Romania.

In so doing, the masters of the Kremlin borrowed from the czars they professed to hate in replacing the old imperialism of anointed despots with Communist imperialism, no less terrible for the conquered.

Russia is not a single nation by any means, but one cemented by the blood of many peoples over many centuries, including the

Ukrainians, the Byelorussians, the Armenians, the Georgians and, more recently the people of Outer Mongolia.

Some among these have dreamed of independence and nationhood for centuries, even as have the Irish, the Israeli and many in the nations of Africa. The arrival of the emerging nations has been applauded, but little or almost nothing has been done to advance the freedom of the captives of czarism and Communism.

Descendants of the peoples of the captive nations in America remember and hold observances of the various days of shame and outrage in the Kremlin calendar. These people are the better Americans for these observances because they strive to free us of our fearful responsibility for silence or acquiescence in the various crimes. They do not seek to return to the lands of their fathers for power or profit, but would transmit the freedom and justice they delighted in finding here to their kinfolk abroad.

They are aware more than most Americans that Russia hasn't changed its purpose, which is domination of the world. The peoples of some 21 captive and enslaved nations know this as well and must remain silent under Communist guns even tho their dead cry out for vengeance.

Not all the sins against freedom are chargeable to Communist Russia, Communist China, Communist Yugoslavia or the Communist satellites. Some are chargeable to emerging nations, including the recent action of Congolese President Joseph Mobuto in closing Lovanium University and forcing the induction of its 3,000 students into the army after a battle between students and the military on its campus.

Some might applaud this action as a prompt end to protest. But we who protest the right of protest and the rights of individuals in general see some loss of our freedom in such despotism and in the punishment of the innocent along with the guilty.

COMMENTS BY SENATOR ALLOTT ON THE NEW YORK TIMES

Mr. **ALLOTT**. Mr. President, there has been considerable confusion in the debate about the action of the Times in publishing classified documents relating to the origins of the American involvement in South Vietnam. Much of this confusion has been fostered by the Times.

The Times' justification for its action has been both lame and self-serving. It has consisted of the claim that publication of the classified documents at this time does not jeopardize national security. This argument deliberately misses the point. The point at issue between the American people and the Times is so obvious, so clear, so unambiguous that not even the Times editors could miss it unless they contrived to do so.

The point is that the Times has neither the right nor the duty to decide which documents should be classified in which way.

That the Times received, and published stolen documents testifies to the political fanaticism which now grips that once great paper. That the Times now tries to justify this action testifies to the arrogance of that paper. The Times quite simply believes that it has no duty to obey the law.

The relevant law is the Espionage Law, title 18, United States Code, section 793. Publication of top secret information is illegal. The Times can understand that. But the Times has chosen to display contempt for the law.

It should be noted that the Times and its agents may well be charged with the receipt of stolen property, and with conspiracy to obtain, analyze, and publish classified documents relating to the national defense. In the latter instance, each person involved in the conspiracy, be he an agent of the Times or Defense Department or an intermediary between the two, is chargeable with the crime. In fact, the reading of plainly marked "Top Secret" documents by agents of the Times and other as yet unknown accomplices is criminal offense in and of itself. Certainly, to my knowledge, there is no one employed by the Times holding a security clearance which would authorize receipt or examination of top secret information. Those responsible for these articles must be well aware that they do not enjoy first amendment protection of freedom of the press in this instance under the U.S. Constitution. The Constitution has never protected the unauthorized disclosure of classified information relating to the national defense.

In displaying contempt for the law the Times is also displaying contempt for the representative Government that passes laws. It is displaying contempt for the American people who elect the Government that passes the law. And it is displaying contempt for the interests of the American people which the laws are designed to serve.

It is interesting to speculate about Times' motives for publishing the stolen document. Did the Times risk publication of top secret Pentagon documents in the sincere belief that they would contribute to a better understanding of the war and America's involvement, or was it simply a dramatic attempt by the Times to further its own editorial commitment against the war?

Was it the Times' intention to enlighten public understanding of the war knowing full well that its disclosures would cause untold damage to our allies and to America's international relations? Were the articles' contribution to public debate over the war in the Times' view worth the destructive implications of disclosing personal private communications between heads of State? Surely the Times understands enough about world affairs to appreciate the importance of trust among world leaders in international diplomacy. It has succeeded in causing a breach of that trust, a feat which will have serious consequences for our Government's future conduct of foreign policy.

The real motive of the Times is not hard to decipher.

The timing of the publication of these stolen documents demonstrated the Times' redolent contempt for both Houses of Congress. It is perfectly clear that the Times timed publication to closely precede the votes on amendments to end the war.

The publication was part of a carefully orchestrated campaign to spread distrust, confusion, and hysteria. The Times knows full well that the amendments it advocates cannot indeed, did not—withstand calm scrutiny. So the Times set out to destroy the atmosphere of calm deliberation. Fortunately, the atmosphere of reason in the Congress is more durable than the Times imagined.

Congress is calm and orderly while the Times is frantic and duplicitous.

The Times has given birth to a delicious irony.

The pages of the Times these days are soggy with righteous indignation. The Times is busy excoriating public officials, past and present, for various imagined immoralities. But the only clearly immoral act involved in this whole dispute has been committed by the Times. The Times stands before us flouting the law and lecturing the rest of us on good citizenship.

The Times would just be comical and pathetic if its behavior were not such a corrupting example. The climate prevailing in this Nation makes it an especially bad time for conspicuous men and institutions to be arrogantly setting themselves above the law.

Mr. President, I have not chosen to address myself to the question of how the Times' action jeopardizes the American program of withdrawal from Vietnam.

It is appalling to think that the Times would fail to consider that any inspiration for the enemy to stall and be obstinate at the negotiating table means further unconscionable delays in the release of our prisoners of war. There can be no disagreement that these articles do not improve the chances for such a negotiated settlement.

The foregoing questions do not even consider the very practical side of the issues at stake. Did the Times consider the advantage derived by Hanoi in gaining insights into America's intelligence and communications capability? The articles published by the Times will surely furnish our actual and potential enemies with numerous pieces to their jig-saw puzzle in coping with this Nation's military capability.

We are faced with a challenge to the fundamental integrity of the Government. If the security of the policy formulation process cannot be protected particularly as it relates to the conduct of military operations, this Nation will be unable to survive in our dangerous world of international conflict.

The New York Times has violated the laws of the country, has breached the trust of our Nation's leaders in their dealings with foreign governments, and has by its actions, jeopardized the chances for an early end to America's involvement in the Vietnam war. It is doubtless the most tragic demonstration of public irresponsibility we have seen in recent years and likely will have very damaging and far-reaching consequences for our country.

Let us not allow the Times to distract attention from the inescapable implication of the deed. If the Times' action is allowed to go unpunished, then this kind of behavior becomes acceptable. And if this behavior becomes acceptable, then this Government will be without a classification system for sensitive information.

The Times is arguing that anyone who comes into possession of any document—no matter how sensitive, no matter how the document is obtained—has a right to publish that information.

The Times is asserting that anyone in possession of any document has a right to give that document whatever classification he chooses. Thus with one fell swoop the Times is trying to repeal the established Government classification procedures. In addition, the Times is attempting to repeal the espionage law.

Well, I have a bit of unpleasant news for the Times. The Times does not make or repeal the laws of this land. The Times is not entitled to violate those laws which it finds inconvenient to obey. The Times does not have a right to violate the law when it finds it profitable to do so.

Finally, Mr. President, in order that all Senators can consider the depth of hypocrisy involved in the Times' current moral posturing, I ask unanimous consent to have printed in the Record the column by Stewart Alsop, published in Newsweek of June 28, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Breach of Security

(By Stewart Alsop)

Washington.—It is interesting—and rather wryly amusing—to juxtapose a couple of editorials that have appeared in The New York Times. One appeared on June 16 after a Federal judge ordered the Times to suspend publication of the top-secret Pentagon studies of the U.S. role in Vietnam.

The Times called this "an unprecedented example of censorship," which indeed it is. But then, the verbatim publication of great masses of top-secret papers is also unprecedented.

"What was the reason that impelled The Times to publish this material in the first place?" the Times asks rhetorically. "The basic reason is, as we stated in our original reply to Mr. Mitchell, that we believe 'that it is in the interest of the people of this country to be informed' . . ." The editorial continues on that lofty note: "We publish the documents and related running account not to prove any debater's point . . . but to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government . . ."

The other editorial, which was even more righteously outraged, appeared in the Times some years ago. It was entitled "Breach of Security," and it denounced an article "purporting to tell what went on in the executive committee of the National Security Council . . . The secrecy of one of the highest organs of the United States has been seriously breached."

"M'CARTHY TECHNIQUE"

"What kind of advice can the President expect to get under such circumstances?" the Times asked, again rhetorically. "How can there be any real freedom of discussion or of dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique? . . . The various positions of the members of the NSC taken during deliberation must remain secret . . . The integrity of the National Security Council, and of the advice received by the President, is at stake."

The article that inspired the Times to this burst of righteous indignation was a Saturday Evening Post piece on the Cuban missile crisis by Charles Bartlett and this writer. It too was an attempt "to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government." Although the Times, fortunately, could not know it at the time, the article had been read in advance (and rather badly edited) by no less an authority on national security than the President of the United States. It contained no word from any NSC paper, or from any other secret document.

REASONS—AND REASONS

The writers' reasons for writing the article were perhaps less lofty than those claimed by the Times in its recent editorial. They included a desire to do a good reportorial job (the account was later confirmed in detail in Robert Kennedy's book on the Cuban crisis). They even included a desire to make a bit of money. But like most reporters, we also believed that "it is in the interest of the people of this country to be informed . . ."

No doubt a desire to inform the people was a major reason for the Times's decision to publish the secret papers. But (to adopt the Times's own rhetorical style) might there not have been other reasons too? Does it not matter a great deal to the Times who does the informing? Is it not the Times's criterion that if the Times does the informing, that is in the national interest, and if somebody else does it, that is "a breach of security"?

And is the Times really indifferent to whether or not the information, which it is "in the interest of the people of this country" to publish, supports the views of the Times? The article that so enraged the Times pictured the late Adlai Stevenson, then a major Times icon, in a somewhat dubious light, and that perhaps had something to do with the rage. The Times has long passionately supported the cause that the leaking of the Pentagon papers was obviously intended to serve.

The purloined papers printed by the Times were first offered to Sen. George McGovern and Rep. Paul McCloskey, the leading doves in the Senate and House. Obviously, the purpose of the leak was to prove that this country became involved in Vietnam by a process of stealthy deception; and that therefore the United States should withdraw forthwith, leaving the South Vietnamese to their fate.

In fact, the documents do not really prove what they are intended to prove. Allowing for the need for contingency planning, and allowing also for Lyndon Johnson's well-known passion for concealment, there is less deception of the public in the documents than self-deception.

There is the ancient American illusion that wars can be won cleanly in the air, rather than bloodily on the ground, of course. But the basic self-deception was the illusion that, if the United States could only find the right combination of sticks and carrots, the Vietnamese Communists would (in Robert McNamara's phrase) "move to a settlement by negotiation." The unswerving goal of the Communists, then and now, was and is the imposition of Communist rule on all former French Indochina. There is no stick short of "bombing them back to the stone age," and no carrot short of turning Saigon over to their tender mercies, that will divert them from that goal.

No American President who was also an honorable and humane man could hit them with that stick, or offer them that carrot. Yet the illusion that the North Vietnamese are capable of "reasonable" compromise is amazingly persistent, especially among liberal Democrats—its most recent manifestation is the "Clifford Plan," strongly supported by the Times.

NONSENSE

Despite its ineffable self-righteousness, the Times is certainly a great paper, though not as great as when it had the Herald Tribune to Worry about. Moreover, anyone who has been around Washington for some time knows that a lot of governmental nonsense has been perpetrated in the name of "security." Most reasonably diligent reporters, including this one, have been investigated by the government for publishing information the government found it inconvenient to have published.

Yet surely there is a problem of security worth worrying about when "the various positions of the members of the NSC," as well as National Intelligence Estimates and secret coded messages from foreign governments, are reproduced verbatim in great quantities. Indeed, the Times series, by the Times's own standards, is the most serious "breach of security" in modern history. Yet those who wait for the Times to denounce this particular breach will have a long wait.

THE PENTAGON PAPERS

Mr. BENNETT. Mr. President, the cases pending before the U.S. courts in New York and Washington involving the New York Times, the Washington Post, and the Federal Government on the issue of publishing the Vietnam study papers are of great historical significance.

As I review the situation, there are two questions. First, what are the rights of the press to publish documents of this kind, and second, what are the rights of the U.S. Government to protect itself in certain aspects of its foreign policy which cannot or should not be made public. On balance I believe the Federal Government should win the court decisions. I, in no way, advocate censorship or an abridgement of the great freedoms the press holds under our Constitution; however, I do not believe that question is at issue. Anyone who has studied foreign policy knows there are certain things which must remain confidential. There are debates, position papers and recommendations which by their very nature are not public and cannot be public.

We find from time to time, even in this body, that we must go into executive session and we know from experience there are times and places when our committee deliberations are also held in private. Government should operate as freely as possible but it cannot and must not be forced always to operate in a glass house.

The Nixon administration at this time is conducting some very important and some very delicate negotiations throughout the world.

The United States is attempting to find a peaceful solution to a very complex and bitter rivalry in the Middle East. President Nixon is attempting with all of the resources at the command of the executive branch to negotiate an agreement at the SALT talks for the reduction of armaments. We are negotiating in Paris, albeit unsuccessfully, for an end to the war in Vietnam. These and other aspects of our foreign policy will be jeopardized if foreign governments know that top-secret papers and discussions in the United States and with the United States are no longer secure. They will hesitate to make proposals to this Government. Acceptable and workable solutions to these foreign policy problems will be more difficult to achieve and will possibly be delayed or eliminated. It is asking too much to allow the newspapers in question to publish these documents when they have been leaked to the press in violation of the laws of the United States. Our security laws, written by the Congress, preclude the very underhanded process by which the newspapers have acquired the documents, and to allow their publication under those circumstances would, in my view, be condoning a violation of the law. If it is necessary to review American involvement in Vietnam, it should be done by an investigation of the Congress and not in violation of current security laws through the press. I certainly hope the appellate courts find for the Government, not because I believe the Government is attempting to hide the facts, but because to allow the publication of the newspaper accounts would only do an injustice to American foreign policy, our position throughout the world, and the security laws of the United States.

OFCC FORM MAY COST INDUSTRY $75 MILLION

Mr. ERVIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER) and the Senator from Arizona (Mr. FANNIN), I would like to make the following statement:

On June 28, the Office of Management and Budget will conduct a hearing of sorts, in the form of a panel discussion, on "Form A" which has been devised by the Office of Federal Contract Compliance of the Labor Department. Businessmen who have Federal contracts of $50,000 or more and at least 50 employees will be required to file form A annually on their affirmative action minority hiring programs. If this "hearing" proceeds, as I think it will, OMB will approve form A, and another arbitrary intrusion by the Federal bureaucracy will be forced upon the Nation's businessmen who contract with the Federal Government.

I have received reliable information to the effect that it will cost businessmen in the neighborhood of $1,000 to complete the detailed form A for each of their facilities. The Labor Department, I understand, estimates that about 75,000 "establishments" will be affected—meaning that the total annual cost to industry will be about $75 million. I regard this estimate as extremely conservative, and I would not be suprised if the actual cost is many times this amount.

In essence, form A will require each contractor to submit detailed statistical information for each of his establishments—listing such information as the totals and percentages of minority employees on each project, a listing of the results of tests given employees during the reporting period, a review of all job applications for the period, with the reasons each applicant was not given a job, and several other types of information that will require an unjustified amount of time to gather and prepare.

Mr. President, I fail to see why this new, detailed form will be necessary to assure successful affirmative action programs on each Federal project. It is excessive in detail, and the volume of information required will result in an enormous increase of paper work.

Many Federal contractors have already invested heavily in methods of keeping track of their affirmative efforts to hire qualified minority employees, and many of these programs will be made obsolete by form A. The costs of preparing the form will detract from the efforts of companies which have made substantial efforts at minority employment.

I have always believed that each individual in this great Nation should have every opportunity commensurate with his skills and qualifications. Race, sex, creed, color, or national origin should not be used arbitrarily in determining the qualifications of employees—and this means no quotas or other means of administering preferential treatment to any person on account of his or her race, sex, creed, color, or national origin. The Civil Rights Act of 1964 was designed to make the Government and employers colorblind, not conscious of the race of job applicants.

I have consistently opposed all forms of Government intervention in the area of minority hiring, and I am just as firmly opposed to OFCC's form A. There are alternatives available to administer affirmative action programs, means which will not require the unjustified amounts of work which will be generated by form A.

American business deserves more trust and confidence than is reflected by the bureaucrats' invention of form A. Affirmative action works—and more minority employees are, in fact, being hired as the result of good faith efforts by businessmen—without the stringent requirements of form A.

Mr. President, on behalf of Senators TOWER and FANNIN, I call upon OMB and the Labor Department not to enslave Federal contractors with form A. The costs can better be applied in reduced expenditures for Federal projects or in the creation of more and better jobs for the very workers form A would be designed to help.

At best, I predict that form A—if finally adopted and forced upon the contractors—will result primarily in additional bureaucrats being required to handle the increased paperwork.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM PROVIDES CONSTRUCTIVE RECORD

Mr. RANDOLPH. Mr. President, I have stood before Senators many times in the past to discuss the importance, significance, and impact of the Appalachian regional development program and to bring to them important information on the record of the Appalachian Regional Commission.

This unique and innovative Federal-State-local governmental partnership has been a valuable tool to the economic and social development, not only in my own State of West Virginia, but for the entire 13-State Appalachian region. The Commission came into being in 1965 when the problems of Appalachia were massive and a dulled sense of hope prevailed. The nature of Appalachia—its physical isolation, a largely one-industry economy, inadequate capital—left it without the resources in which to build a sound economy. The Appalachian effort, through the regional commission's worthy efforts, is geared to help the States and communities marshal their resources, supplementing them with Federal assistance, and developing a sound infrastructure as the beginning of the long climb to prosperity.

The Appalachian program was never intended as an antipoverty program in the sense of that conducted by the Office of Economic Opportunity. Rather the effort has been designed to stimulate the development of a diversified economic structure capable of a self-sustaining pattern of growth. A statistical review of accomplishments throughout the 13-State Appalachian region is impressive.

More than 508 miles of the Appalachian development highways have been completed; 380 miles are under construction, engineering and right-of-way progress is being conducted on 991 miles and location studies have begun on 627 miles of the system. The 2,500-mile system is designed to supplement and complement the Federal Interstate System and to open the long isolated sections of the Appalachian region to the major markets of the East and Midwest.

The Appalachian commission has approved 312 vocational and technical training centers with more than one-half already in operation. The impact on the region has been profound. In 1965, only 20 percent of the regional manpower needs were being met by our vocational and technical schools. Today, more than 40 percent of our needs are being served by the new vocational and technical system.

Throughout the region improvements are being made to health services. In selected sections where health problems are dire, comprehensive networks of health services are being developed. Fifty-one new health services were inaugurated in fiscal 1970. I have reason to believe that some of our health programs are among the finest in the country.

The Appalachian Housing Fund, approved by the Senate in 1967, has helped to initiate $100 million in construction of low- and moderate-income housing, representing more than 7,071 units.

Work has been completed on 28 mine-reclamation projects, including 16 mine-fire extinguishment projects, six mine-subsidence projects, and six surface reclamation projects. Another 16 are underway and there are 13 additional projects awaiting contract. Also, communities with potential for growth are improving their public facilities.

Under section 214 supplemental grants program and other sections of the program the commission has approved—233 health facilities; 157 higher education facilities; 185 water pollution control facilities; 85 libraries; 49 airports; 37 grants for school equipment; 71 other public improvements.

These accomplishments represent a valid response by the participating State and local jurisdictions to the opportunities afforded by the Appalachian Act.

But, this numerical review of the program does not indicate the primary impact of the Appalachian program. It does not on its face record the new sense of hope and optimism which these improvements have brought to many areas of the region. It does not record the enormously improved capacity of the State and local governments—particularly through the development district programs—to respond to the needs and concerns of people.

Development districts are the building block of the Appalachian program. They bridge local and State programs in much the same way as the Appalachian regional commission provides a bridge between Federal and State governments. The commission represents genuine partnership between the National Government and the Appalachian States. But in developing the physical, economic, and human resources of Appalachia, it was necessary to develop strong local partners.

The Appalachian States and the Federal Government through the vehicle of the Appalachian commission set about encouraging the formation of multicounty development districts through which the local citizens and their elected leaders could present their views and plans to the States and the commission. Thus, the local citizenry, the people of Appalachia, have a major voice in shaping the development of the area. And in several instances, local people have planned and designed beyond the confines of even State boundaries. Several of the local development or health council districts serve people in more than one State.

Most of the region's 63 development districts are already operational. Each local development district is governed by a board of directors composed largely of locally elected county or city officials. Mayors, county judges, city council members, and aldermanic chairmen as well as local business, financial, and other civic leaders serve on these boards of directors. As a usual rule, the boards hire executive directors and staffs to carry out board policy and to oversee the day-to-day operations of the district.

We find, then, the concerted effort of the leadership of counties and cities within a district working toward the solution of common, regionwide problems. Under their policy guidance a staff develops areawide plans to seek out and to utilize those programs—Federal, State, local, and private—which will increase the rate of economic growth of the area. That same staff seeks to encourage mutual cooperation between different government jurisdictions in the area, thus leading to coordinated programs across political boundaries.

As I have suggested previously, much of the work of local development districts has been directed toward the economic development of a particular part of Appalachia. Oftentimes this was required as the first order of business. But as localities have progressed, the scope of activities by local districts has also broadened.

Many districts are now involved in planning for the development of human-resource potentials in their areas. Such activities as child development programs, comprehensive health planning, education, and manpower are examples of this type planning.

Underpinning this broadened scope of activities is the realization by all of us, the Congress, the Appalachian commission, the States, and the local citizens, that human development is what the Appalachian experiment is really all about. While it is absolutely critical that the economic health of Appalachia be assured, it is equally important that the children of Appalachia be reared in healthy homes, attend schools adequately staffed and equipped for their needs, so that they become not burdens on our already overworked welfare system, but instead become full and productive members of our society. It is essential that they become complete persons in every way, able to earn a respectable living, able to enjoy the fruits of modern technology, and able to cope with the tensions that same technology has produced. It is to these questions that the districts have addressed themselves.

Important as these activities which I have enumerated are, they stand second to what is the major accomplishment of the local development districts. These districts on the whole have been able to achieve a major degree of coordination not only between governmental levels, but also between different governmental programs emanating from a variety of sources.

A major reason why such a level of coordination has come about is the nature of the Appalachian commission itself. Around a common table sit representatives of the region's Governors and the President's representative, the Federal cochairman. Together they set policy for their region; together they share ideas for the betterment of their respective States. Oftentimes they do not agree on precisely what policy is best for the region, but after sometimes lengthy debate they achieve consensus. The beneficiaries are the people of Appalachia, whom the Senate sought to help when we passed the Appalachia Act of 1965 and when we amended it in 1967 and 1969. The Applachian region, largely through State and district efforts, is rapidly becoming tied together in a network of mutual cooperation that the entire Nation would do well to note and to emulate.

It is, then, at the local level, that level where government is closest to its people, that real progress can be seen. These districts through the efforts of their boards and staffs have succeeded in having locally elected officials work together toward the solution of common problems. These districts have attempted to make some sense out of the hodge-podge delivery system of Federal categorical grant programs. In many instances they have succeeded admirably.

At the local level where differences often arise the district boards have served as forums for the airing and the reconciliation of these differences. From this type endeavor a spirit of cooperation has arisen which extends beyond local boundaries and local interests. An example of this was the decision to build an industrial park in the Appalachian portion of a particular State. Three counties and a city jointly planned and funded and, through a subsidiary council, jointly control this industrial park even though it is physically located in only one of the participating jurisdictions. In one Appalachian State a comprehensive effort toward regionwide law enforcement planning had been undertaken with some assistance from the Law Enforcement Assistance Administration of the Department of Justice.

These districts have come to perform a unique role in our ever-changing Federal system. They and the men who staff and direct them are, first, movers in our system. They get jobs done, get action started at the local level. Second, they are the fixers in our system.

They channel scarce resources where those resources will bring the greatest benefit, not just for persons within a particular political jurisdiction, but for all people in a wider area. And, third, these districts are the new "brokers" in the federal system bringing together local, State, and national interests, demands, resources, and leaders in a single common effort. And in our federal system that single common effort has remained unchanged throughout the years of this Republic. We are determined to take steps to insure that the people of this country have the opportunity to have a large degree of determination in the making of those decisions which affect their daily lives. These districts have made the local voice heard in State capitals and around the Appalachian commission's table. Their experience is one from which the entire country may benefit.

In addition to concentrating on transportation, public improvements, and local government, the Appalachian Commission has embarked on a youth leadership development program designed to introduce the young people of the region to Appalachia's problems and other opportunities for solving them. The commission seeks to encourage some of the region's concerned youth to stay in Appalachia and to help plan and build a better future. Hitherto, little emphasis was placed on involvement of mature Appalachian youth in making a contribution to the development of their home region. Together with a lack of emphasis on youth involvement, a significant portion of the Appalachian region's out-migration consisted of the more talented and energetic young people. This drain on the young talent of Appalachia is serious; studies show that 52 percent of the persons who leave Appalachia are between 18 and 34 years of age.

The youth leadership program was established by the commission:

To assess the nature of the impending crisis in leadership in Appalachia, statistically define the problem, and help the States and development districts create public awareness of the need for more young people to become educated and trained as future leaders of the region.

To enlist the public and private institutions of the region, particularly the schools, to more effectively meet their responsibilities in the development of new leadership.

To work with various service and voluntary associations to promote more active participation by talented citizens in developing the region. Also, to work with businesses and other groups to stimulate youth employment.

To create among the young people of Appalachia a pride in its past, an awareness of the region's considerable future potential, an understanding of its problems, and a commitment to stay in the region and help build a better future.

The goal of the project is to assist the student in realizing that he can cause things to happen rather than have them happen to him. The project also gives the student an opportunity to see how today's leaders fulfill their leadership roles.

Several thousand Appalachian young people have been involved in youth council activities, youth involvement seminars, day-care programs, youth opportunity camps, and many other development projects initiated with Appalachian Commission support.

During the summer of 1970, more than 400 Appalachian young people were enrolled with commission assistance to work as interns with various public agencies. Other summer programs involved the youth of the region in youth council activities, services, day-care programs, and youth opportunity camps.

A sampling of some of the 1970 programs conducted with commission assistance:

In West Virginia, 15 youth opportunity camps were established for 2,300 underprivileged children aged 9 to 14.—25 student nurses worked with 45 Alice Lloyd college students to help improve the medical services in the isolated hollows around Pippa Passes, Ky.

In Pennsylvania, 130 college students worked as summer interns for seven local development districts, assisting local government units with a variety of tasks.

In North Carolina, the State Internship Office arranged for over 200 summer internships with public agencies. Utilizing the resources of a number of local colleges and universities, the internship program made use of the "service-learning" concept to provide benefits to students, colleges and the larger community.

Mr. President, I make no pretense that the Appalachian regional development program and the Appalachian regional commission has reached all of its initial goals of achieving the development of a sound, diversified, and self-sustaining economy for the region. But, as I have discussed now, and many times in the past, there has been sound progress. The growth of innovative, social, and governmental structures is so encouraging that its continuation, with your support, is fully justified.

NEW DIRECTIONS IN AGING IN 1971?

Mr. MUSKIE. Mr. President, 2 weeks ago the National Council of Senior Citizens conducted their 10th annual convention.

More than 2,000 delegates attended the Washington conference, and actively participated in formulating national legislation goals for the elderly.

One of the keynote speakers at the convention was Senator FRANK CHURCH, the able and dedicated chairman of the Committee on Aging. Senator CHURCH presented an excellent, well-reasoned statement, worthy of the attention of the elderly, experts in the field of aging, and lawmakers.

Mr. President, I commend this speech to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN AGING IN 1971?

(An address by Hon. FRANK CHURCH)

Thank you, Nelson Cruikshank.

One of the big satisfactions about being here today is that I am on the same platform with a man who has been so effective for so many good causes over so many years.

Nelson is one of those people who are supposed to be retired. But—even though his work with AFL-CIO, and with government agencies before that, kept him busy—perhaps he sometimes thinks that his *real* work began with his so-called retirement.

And is he good at that work.

I've been Chairman of the Senate Special Committee on Aging only for the past few months, but I've already worked with Nelson on several occasions.

And, as a member of the Senate Special Committee on Aging over the last decade, I've had a good view of Nelson and his predecessors at work. They are men that you can be proud of. They are men I have been proud to work with.

I mentioned just now that I've been with the Committee for ten years.

And I was a charter member of that Committee, which means that the Committee—like the National Council of Senior Citizens—is celebrating a significant anniversary in 1971.

We could send birthday cards to each other, I suppose.

But frankly, there's something better than birthday cards in the mailboxes of 27 million Americans this year.

It is a Social Security check which is 10 percent higher than it was last month.

And, later this month, it will be another check that will equal the 10 percent increase for the months since January.

You of NCSC helped make that 10 percent possible. The Senate Committee on Aging played its part, too. I think we can say that our report on the "Economics of Aging" told the story—as no other Congressional unit has done—of the barebones existence endured not only by the one in four older Americans who live in poverty, but the millions more who are just above that arbitrary statistical level.

But, even though we can take some satisfaction from the latest Social Security increase.

And even though we can look upon the accomplishments of the past ten years: Medicare, the Older Americans Act, some progress in housing for the elderly, pilot community service programs, and others.

We know that some of the biggest jobs still lie before us.

We have to face hard facts:

We live in a nation where older Americans are more than twice as likely to be poor as younger people.

We live in a nation where—even with the new ten percent Social Security increase—Social Security benefits for the typical retired worker average only about $1,560 a year, or nearly $300 below the poverty threshold.

We live in a nation where the older person has an average medical bill of $791; and we know that Medicare pays only about 43 percent of all medical costs of the elderly.

We live in a nation where more than 2 million elderly persons live on welfare payments averaging about seventy-six dollars a month.

And we live in a nation where, at the start of 1971, there was good reason for foreboding about Federal policy toward older Americans.

A White House Conference on Aging, to be held in November 1971, appeared in January to be stalled or at least way behind schedule.

And, if you will remember, no Social Security bill had emerged in 1970, despite great exertions within Congress. And the Administration seemed willing to accept far less in the way of benefit increases and other reforms than did members of Congress.

The Administration on Aging—the Federal agency created almost six years ago to be communications center and prodder on programs for the elderly—seemed to be fading from view.

Its budget request was actually below the paltry amounts appropriated the year before. Its programs were being stripped from it, one by one. It seemed to be a stepchild agency, diminished in statute and in visibility by reorganizations which ignored Congressional intent.

And there were other causes for concern, including the Administration's refusal to use $10 million appropriated at the insistence of Congress for a direct loan program of housing for the elderly.

That's the way things looked in January.

Since then, a few heartening things have happened. The first, of course, is the House Ways and Means Committee bill to improve Social Security and welfare. In spite of some shortcomings and possibly harmful provisions, H.R. 1 could become a landmark law in the social history of this nation. I'll have more to say about that later.

A second welcome development was the 10 percent Social Security increase I mentioned earlier. I'm happy that there was no threat of a Presidential veto this time, but there was some grumbling about financing.

In fact, the President seemed to be participating in a shotgun wedding, and he was the groom.

There was a third significant development, which was especially heartening to me and to Senator Tom Eagleton of Missouri.

Senator Eagleton, as you may know, is the new Chairman of the Subcommittee on Aging of the Committee on Labor and Public Welfare. That subcommittee is a legislative unit. Unlike the Committee on Aging—which is a fact-finding arm of the Senate—the Eagleton subcommittee can consider bills and report them to the floor. I might add that Senator Eagleton is also a member of my Committee.

When we heard, at the start of the year, that the Administration on Aging was in such trouble, we decided that we would conduct joint hearings.

We wanted to know why, during a White House Conference year, AoA funds were to be reduced, not increased.

We wanted to know why the NCSC and other organizations in the field of aging had lost confidence in the AoA and its ability to fulfill its mission.

And we wanted to know more about complaints that the White House Conference on Aging was bogged down and apparently unduly influenced by political considerations.

For three days in March we heard the complaints. Nelson Cruikshank and Bill Hutton, I might add, were at the peak of their form. There was no doubt where they stood: they want the AoA to be effective, not pathetic. They want the White House Conference on Aging to look honestly at the problems because they want action, not empty statements of policy.

Our hearing record was like a boiling kettle with a lid rattling around on top. And so on April 27 we invited the Secretary of

Health, Education, and Welfare to visit us and to take a peek at what was cooking.

Instead of lifting the lid, however, he decided to turn down the gas.

He announced that the proposed cutbacks in the AoA budget would be rescinded.

Instead of asking for only $29.5 million, he would ask instead for $39.5 million. I might add, however, that this is less than 38 percent of the amount authorized by the Congress.

But at least it was better than a cutback.

In addition, the Secretary has named a former Health, Education, and Welfare Secretary, Arthur Flemming, to work full-time on directing the White House Conference. I understand that the former Secretary has in turn begun to assemble his own staff on a crash basis.

And Secretary Richardson also announced at the hearing that he would reconsider the HEW policy which would withdraw all funding for several promising nutrition programs.

These actions suggest that the Administration has finally realized that it had thoroughly aroused members of both parties in Congress about its apparent lack of concern in important matters affecting our 20 million persons of 65 years of age and over, and millions more near retirement age.

Belated as the Administration's new policies are, they are welcome.

But they are not yet adequate.

I am convinced, for example, that the Administration on Aging has been downgraded to the point of ineffectiveness.

For that reason, the Committee on Aging will soon receive recommendations from an Advisory Council I have named to consider means of strengthening the AoA or replacing it. And I am happy to say that Nelson Cruikshank has agreed to serve on that Council, as have about 20 others, including several prominent Republicans.

Frankly, I hope that the Council will challenge the Executive Branch into producing its own recommendations for a beefed-up AoA, and I hope that this recommendation will be made *before* the White House Conference. An Administration position on this issue—even if it is a tentative position—should help the conferees grapple more effectively with a very important question, and that is: if not the AoA, what?

Thus far, I've talked about limited progress on a few scattered fronts. It is a victory when a threat is averted, such as the AoA cutbacks. It is a victory when Congress insists that Social Security benefits stay at least neck-and-neck with the cost-of-living. But these victories are limited; they simply keep us in the race. What is needed in 1971 are historic advances for the elderly.

After all, we are devoting precious little of our national wealth to older Americans, when all is said and done.

Just consider: one and a half month's cost of the war in Indochina would fully fund the Older Americans Act through the end of the century.

Last year we spent $27 million more in foreign military assistance for Greece than we did for programs under the Older Americans.

The Pentagon probably spends close to $40 million for publicity. Yet, only $32 million was appropriated for all the programs under the Older Americans Act last year: about $1.60 per senior citizen.

In the face of all this, the Administration likes to claim that it is spending billions upon the elderly. To reach that startling conclusion, the Administration relies heavily upon Social Security and Medicare payments, *including* the premiums that people pay for Part B of Medicare. Yes, the premiums come out of your pocket. And in other years, you and your employers contributed to the Social Security trust fund.

How on earth can the Administration justify such distortions? You are not fooled by them. But others might be. I think that we should be on the watch for any misleading statements that might tend to pit one generation against the other.

We are all in the same boat: the United States of America. You—many of you—are grandparents. You want what is wholesome and right for your children and your grandchildren. Your legislative program makes this quite clear. You want a nation in which *all* Americans of *all* ages can live with dignity and security, and with hope of fulfillment *throughout* life.

For all these reasons—despite the problems and limited victories I've already described—I'd like to close today by expressing the hope, almost a conviction, that 1971 could be the most significant year in the field of aging since passage of the Social Security bill more than 35 years ago.

Yes, it could be even more significant that 1965, the year in which we passed Medicare.

It could become the year in which our nation decides to eliminate poverty among older Americans.

As Chairman of the Senate Committee on Aging, I gave my plan earlier this year for reaching that goal.

I say it is a national scandal when one out of every four persons 65 and older lives in poverty.

And it was inexcusable that from 1968 to 1969 200,000 older persons were actually added to the poverty rolls.

We have the capacity to end this condition. We also have a proposal—my comprehensive Social Security-Welfare reform measure—to make this goal a reality.

Briefly, this bill would utilize the Social Security system as the umbrella for lifting large numbers of elderly out of poverty. This would be achieved principally in these three ways:

(1) Benefit increases for all Social Security recipients, weighted to provide larger raises for those who need them the most—persons who now receive low benefits because of low lifetime earnings.

(2) A $120 minimum monthly benefit for persons with at least 20 years of covered employment.

(3) Automatic adjustments to protect the aged from inflation.

Additionally, S. 1645 would establish a new income supplement program to bridge the poverty gap when an aged individual's income falls below this threshold.

Several of these provisions, I am pleased to say, have been incorporated in H.R. 1, the landmark bill recently reported by the House Ways and Means Committee. You have already heard at this convention from the chairman of that committee, Wilbur Mills; you know what a monumental achievement H.R. 1 could be.

Impressive as it is, however, the bill can be improved, in ways which, I am sure, you have already discussed. For that reason I join the National Council of Senior Citizens, former Health, Education, and Welfare Secretary Wilbur Cohen, and others in urging passage of this bill in the House, and some major changes for the better in the Senate.

If amended and passed, H.R. 1 could end the welfare stigma once and for all among older Americans.

It could, at last, end poverty among people in retirement.

It could, if changed considerably, lead to stronger and better Medicare.

In any one year, these accomplishments alone would be significant.

But I think that 1971 can also be the year in which a genuine national senior service corps could be established. The goal of matching up idle talents among the elderly to pressing service needs could be reached.

Your Senior Aides project has clearly demonstrated the value and importance of community service employment—not only for the elderly participants but also for the communities being served. The fact that you have seven applicants for each position available is more than ample evidence for me that the Senior Aides program is a striking success.

Now, I believe that we should promptly enact legislation—such as the Older American Community Service Employment Act—to convert these pilot projects into permanent, on-going national programs. As a sponsor of this legislation, I consider it one of my top legislative priorities.

There are other encouraging developments: there is strong support in the House of Representatives, for example, for a House Committee on Aging. Believe me, it would help the Senate Committee on Aging if it had a counterpart in the House. When it comes to support for measures sponsored or supported by members of our Committee, we need two Houses, not one, to get the job done.

Yes, there are many good reasons for hoping that 1971 can be a memorable year in the field of aging.

But I think that the single most important basis for that hope is simply that 1971 is the year of the White House Conference on Aging.

Now, please understand me.

The mere fact that we are holding a conference won't mean much, if it is a half-hearted effort.

In fact, the National Council of Senior Citizens has found it necessary to become a watchdog over all preparations for that conference. The Senate Committee on Aging has already conducted hearings on preparations for that conference, and thus far we have received more assurances than real reassurance. We will continue to ask questions, right up to the opening day of that conference. And if necessary, those questions will be blunt and even embarrassing to the Administration.

In addition, the Senate Committee on Aging will make reports and recommendations well in advance of the White House Conference on Aging on several vital issues, such as: deterioration of Medicare and Medicaid services to the elderly; unique problems of elderly members of minority groups; the slow pace of Federal housing programs for the aged, when compared with need; the role that the model cities program can play in assisting the elderly; and the problems facing the aged in rural areas.

If we can continue to exert pressure, we can help shape a conference which will be worthy the goals set by Congress when we passed the legislation which resulted in the call for that conference.

The dynamics of aging in this Nation are far too vigorous to be channeled into a timid or inconsequential conference.

Elderly delegates will not stand for such a conference. The Committee on Aging will not be satisfied with such a conference. Now it appears that the Administration realizes that it, too, runs a grave risk if it attempts to settle for less.

1971 can and should be a productive year for older Americans, and the White House Conference must be more than a recitation of problems that we already know exist. It must provide a forum for coming to grips with the real issues and challenges affecting an aging society.

And I pledge to you, today, my commitment to that goal.

COURT REJECTS JUSTICE DEPARTMENT DOMESTIC SECURITY WIRETAPPING

Mr. ERVIN. Mr. President, the U.S. Supreme Court has scheduled for argument in the next term a case which touches upon one of the fundamental constitutional rights of American citizens, the right to be secure "against unreasonable searches and seizures" under the fourth amendment. The case to which I refer involves the controversial issue of the constitutionality of the asserted Presidential power to authorize wiretapping and electronic surveillance in domestic security matters without judicial sanction or review and without legislative authorization from Congress.

It is my understanding that arguments in the case of United States against U.S. District Court for the Eastern District of Michigan, Southern Division and Hon. Damon J. Keith will be heard next fall. This case is before the Supreme Court by virtue of a petition for writ of certiorari to the U.S. Court of Appeals for the Sixth Circuit. On April 8, 1971, the Sixth Circuit Court, in an opinion written by Judge George C. Edwards, denied the U.S. Government's petition for a writ of mandamus to compel District Court Judge Damon J. Keith to vacate his order directing the Government to make full disclosure to the defendant in a criminal proceeding of his monitored conversations. The defendant in this case, Lawrence R. Plamondon, has been charged with violation of sections 371 and 1361 of title 18 of the United States Code, conspiracy to destroy and the actual destruction of Government property exceeding $100 in value.

In the course of pretrial proceedings, Judge Keith granted the defendant's motion for an order requiring the Government to disclose information procured as a result of electronic surveillance of the defendant. Judge Keith ordered disclosure on the grounds that the Government's failure to obtain a court warrant authorizing the surveillance violated the defendant's right to be protected against "unreasonable searches and seizures" pursuant to the fourth amendment.

In its brief opposing the defendant's motion, the Government stated that the electronic surveillance being challenged was "expressly authorized by the Attorney General of the United States to protect the Nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the Government." The Government argued that the President possesses an inherent constitutional power to authorize such surveillance without judicial approval when he determines that it is necessary in the interest of domestic security. It asserted:

> The question whether it is appropriate to utilize electronic surveillance to gather intelligence information concerning the activities and plans of such organizations, in order to protect the nation against the possible danger which they present, is one that properly comes within the competence of the executive and not the judicial branch.

The Government's publicly stated rationale for adopting this position is its belief that our society is threatened as seriously by "domestic" subversion as by foreign subversives. In order to protect against what the President determines is a threat to the Nation's security from within, he is to be armed with an inherent power to wiretap and survey without any judicial or legislative sanction. The usual requirements of the fourth amendment—proof of probable cause, issuance of a warrant restricting the nature, manner, and duration of the surveillance, and subsequent reporting to the court of surveillance results—are to be excused whenever the President determines that a threat to the national security exists. The administration asserts that only the Executive can be trusted to decide whether or not circumstances exist which can be fairly characterized as posing a threat to the national security. Once the Executive determines that a threat to the national security justifies warrantless surveillance, no other constitutional or political unit of our Government, including the Congress and the courts, shall have power to review that decision.

In denying the Government's petition for a writ of mandamus, the Court of Appeals for the Sixth Circuit concurred with Judge Keith's rejection of the Government's assertion of an inherent presidential power to authorize surveillance without judicial sanction in domestic security cases. Judge Edwards wrote:

> We hold that in dealing with the threat of domestic subversion, the Executive Branch of our government, including the Attorney General and the law enforcement agents of the United States, is subject to the limitations of the Fourth Amendment to the Constitution when undertaking searches and seizures for oral communications by wire.

Judge Edwards emphasizes in his opinion "the historic role of the Judiciary" in preserving constitutional freedoms in periods of crisis. As he correctly observes:

> That which has distinguished the United States of America in the history of the world has been its constitutional protection of individual liberty. It is this which has created the wonderful diversity of this great country and its many varied opportunities. It is this which has created Justice Holmes' free market-place of ideas from which have come our most signal advances in scientific and technological achievement and in social progress. Beyond doubt the First Amendment is the cornerstone of American freedom. The Fourth Amendment stands as guardian of the First.

Judge Edwards' opinion is based expressly upon the language of the Constitution:

> The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand.

In addition, Judge Edwards has illuminated the meaning of the fourth amendment by reexamining the circumstances which prompted its adoption as part of the Bill of Rights.

> An additional difficulty with the inherent power argument in the context of this case is that the Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.
>
> It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign.

While the Supreme Court has decided a number of cases in which it has had occasion to apply fourth amendment standards to the Government's use of wiretapping and electronic surveillance in criminal proceedings, it has not yet confronted squarely the present administration's assertion of power to authorize warrantless surveillance in domestic security cases. In Katz against United States, 389 U.S. 347 (1967), the Supreme Court expressly deferred a decision on this issue. At the present time, there are several other cases pending in the Federal courts in which the Government has asserted the President's power to authorize warrantless surveillance in domestic security matters. Very different results have been reached in these cases at the District Court and Court of Appeals levels. Whatever decision the Supreme Court ultimately reaches in disposing of the Government's appeal from the Sixth Circuit holding, that decision will surely have tremendous significance for the meaning of the fourth amendment.

Mr. President, I believe that the opinion of Judge Edwards in the Sixth Circuit case thoughtfully sets forth the important constitutional issues raised by the Government's assertion of an unreviewable Executive power to place American citizens under surveillance when it determines such surveillance is in the interest of domestic security. Therefore, I ask unanimous consent that his opinion in the case of United States against U.S. District Court for the Eastern District of Michigan, Southern Division, and Honorable Damon J. Keith be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[U.S. COURT OF APPEALS, FOR THE SIXTH CIRCUIT, No. 71–1105]

UNITED STATES OF AMERICA, *Petitioner* v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION AND HONORABLE DAMON J. KEITH, *Respondent*

ON PETITION FOR WRIT OF MANDAMUS

(Decided and Filed April 8, 1971)

Before: PHILIPS, Chief Judge, WEICK and EDWARDS, Circuit Judges.

EDWARDS, *Circuit Judge*. At issue in this case is the power of the Attorney General of the United States as agent of the President to authorize wiretapping in internal security matters without judicial sanction.

This case has importance far beyond its facts or the litigants concerned.

If decided in favor of the government, the citizens of these United States lose the protection of an independent judicial review of the cause and reasonableness of secret recordation by federal law enforcement of thoughts and expressions which had been uttered in privacy. If it is decided in favor of the respondent, it may prejudice an important criminal prosecution. And more important, of course, in all future surveillances undertaken in internal security matters, it may add at least some dimension of risk of exposure of federal investigatorial intentions.

The background of this case is the pending trial in the United States District Court for the Eastern District of Michigan in Detroit of three young men for conspiracy to destroy government property in Ann Arbor, Michigan, in violation of 18 U.S.C. § 371 (1964). One of them named Plamondon was also charged with destruction of government property in a value exceeding $100, in violation of 18 U.S.C. § 1361 (1964). The particular case before us is a petition for writ of mandamus filed originally in this court by the United States to compel the District Judge who is presiding at the Detroit trial to vacate an order directing the United States to "make full disclosure to defendant Plamondon of his monitored conversations."

STATEMENT OF FACTS

For purposes of this case, we accept the statement of facts from the petition filed by the United States:

"On December 7, 1969, defendants in the court below were indicted by a Federal Grand Jury for destruction of Government property in violation of 18 U.S.C. 1361. In the course of the pre-trial proceedings, defendants filed a motion for disclosure of certain electronic surveillance information. That motion was granted by respondent, and petitioner has been ordered by respondent to disclose the information sought. Respondent's Order is the subject of this petition.

"On October 5, 1970, defendants filed a 'Motion for Disclosure of Electronic or other Surveillance, For a Pretrial Hearing To Suppress Evidence and to Dismiss the Indictment.' . . .

"On December 18, 1970, petitioner filed, in response, an opposition to defendants' motion. By way of affidavit of the Attorney General of the United States, John N. Mitchell, which was attached to petitioner's opposition, petitioner acknowledged that one of the defendants, Lawrence Robert "Pun" Plamondon had participated in conversations which were overheard by government agents.[1] The logs of these surveillances were given to respondent in the form of a sealed exhibit for respondent's *in camera* inspection only and are available to this Court on those terms as well.

"Oral argument was had before respondent on January 16, 1971; on January 25, 1971, respondent, holding that the surveillance was illegal, granted defendants' motion and ordered petitioner to disclose the information sought. Respondent then granted petitioner a 48-hour stay which was, in turn, extended to and including February 9, 1971, to afford petitioner an opportunity to present this matter to this Court."

To this statement of facts the United States also attached the affidavit of Attorney General Mitchell—the full context of which follows:

"John N. Mitchell being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overhead by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

This court stayed the order of the District Court pending hearing and final disposition of the petition for writ of mandamus.

From the above-quoted statement of facts, it appears that the exact question this court must answer is:

Where the Attorney General determines that certain wiretaps are "necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the government," does his authorization render such wiretaps lawful without judicial review?

THE MANDAMUS QUESTION

Preliminary to answering this question, there is a challenge to our jurisdiction. It is claimed that mandamus is not an appropriate form of action in which to review the question just posed in the context of the instant case. It is clear that the District Court order under attack is a pretrial order, interlocutory in nature, and hence, not appealable under 28 U.S.C. § 1291 (1964) which conveys appellate power to this court to review only "final" orders of the District Courts. *Cogen* v. *United States*, 278 U.S. 221 (1929). Nor is the order here under attack subject to appeal under 28 U.S.C. § 1292 (1964), which grants appellate power to this court in certain limited classes of interlocutory orders, nor under 18 U.S.C. § 3731 (Supp. V, 1965–69), which deals specifically with criminal appeals.[2]

It is, of course, the general rule that mandamus may not be substituted for appeal. *Roche* v. *Evaporated Milk Ass'n.*, 319 U.S. 21, 30–31 (1943); *Bankers Life & Casualty Co.* v. *Holland*, 346 U.S. 379, 382 (1953); *Black* v. *Boyd*, 248 F.2d 156, 159 (6th Cir. 1957); *Hoffa* v. *Gray*, 323 F.2d 178, 179 (6th Cir.), *cert. denied*, 375 U.S. 907 (1963); *University National Stockholder's Protective Comm., Inc.* v. *University National Life Ins. Co.*, 328 F.2d 425, 426 (6th Cir.), *cert. denied*, 377 U.S. 933 (1964).

Petitioner United States, however, points to the All Writs Statute (28 U.S.C. § 1651 (1964)) as source of this court's power to grant the writ prayed for and argues that this is an extraordinary case wherein the respondent has entered an illegal order which if allowed to stand, "would result in grave and irreparable harm to legitimate Governmental interests."

Concerning the use of mandamus in "exceptional cases," this court has said:

"It is settled that although sparingly used, the power to issue a writ of mandamus exists and will be exercised by the court when in its discretion the exceptional circumstances of the case require its use. Its use in such exceptional cases, however, does not mean that the All Writs Statute grants the appellate court a general power to supervise the administration of justice in the district court and to review any otherwise unappealable order." *Black* v. *Boyd*, 248 F.2d 156, 159–60 (6th Cir. 1957).

See also Ex parte United States, 287 U.S. 241 (1932); *LaBuy* v. *Howes Leather Co.*, 352 U.S. 249 (1957); *Will* v. *United States*, 389 U.S. 90, 95–98 (1967).

In this last case, Justice Black in a concurring opinion said:

"I agree that mandamus is an extraordinary remedy which should not be issued except in extraordinary circumstances. And I also realize that the granting of mandamus may bring about the review of a case as would an appeal. Yet this does not deprive a court of its power to issue the writ. Where there are extraordinary circumstances, mandamus may be used to review an interlocutory order which is by no means 'final' and thus appealable under federal statutes." *Will* v. *United States*, *supra* at 108.

From what has already been said, it is obvious that we agree that this is in all respects an extraordinary case. Great issues are at stake for all parties concerned. Further, the government asserts the illegality of the order, that it represents an abuse of the District Judge's discretion, and claims that it will have the effect of forcing the government to dismiss the prosecution of one defendant.

If this were not enough to occasion our deciding this case on the merits rather than on procedural grounds, it also clearly appears that the issue posed here is a basic issue which has never been decided at the appellate level by any court. It has been decided favorably to the government's position by two District Courts and adversely to the government by two others.[3] The Courts of Appeals have the power to review by mandamus "an issue of first impression," *Schlagenhauf* v. *Holder*, 379 U.S. 104, 110 (1964), involving a "basic and undecided problem." *Id.* at 110.

We hold that this court has jurisdiction to decide this petition.

THE FOURTH AMENDMENT

The District Judge in issuing the disclosure order relied upon the Fourth Amendment to the Constitution of the United States, which provides:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend. IV.

In a series of cases, the United States Supreme Court has held that electronic surveillance and recordation by wiretap is a search and seizure governed by the Fourth Amendment. *Silverman* v. *United States*, 365 U.S. 505 (1961); *Katz* v. *United States*, 389 U.S. 347 (1967); *Alderman* v. *United States*, 394 U.S. 165 (1969); *Giordano* v. *United States*, 394 U.S. 310 (1969); *Taglianetti* v. *United States*, 394 U.S. 316 (1969).

The basic holding of these cases is set forth in the *Katz* case by Mr. Justice Stewart:

"The Government urges that, because its agents relied upon the decisions in *Olmstead* and *Goldman*, and because they did no more here than they might properly have done with prior judicial sanction, we should retroactively validate their conduct. That we cannot do. It is apparent that the agents in this case acted with restraint. Yet the inescapable fact is that this restraint was imposed by the agents themselves, not by a judicial officer. They were not required, before commencing the search, to present their estimate of probable cause for detached scrutiny by a neutral magistrate. They were not compelled, during the conduct of the search itself, to observe precise limits established in advance by a specific court order. Nor were they directed, after the search had been completed, to notify the authorizing magistrate in detail of all that had been seized.

See footnotes at end of article.

In the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end. Searches conducted without warrants have been held unlawful 'notwithstanding facts unquestionably showing probable cause,' *Agnello* v. *United States*, 269 U.S. 20, 33, for the Constitution requires 'that the deliberate, impartial judgment of a judicial officer . . . be interposed between the citizen and the police . . .' *Wong Sun* v. *United States*, 371 U.S. 471, 481–482. 'Over and again this Court has emphasized that the mandate of the [Fourth] Amendment requires adherence to judicial processes,' *United States* v. *Jeffers*, 342 U.S. 48, 51, and that searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment[4]—subject only to a few specifically established and well-delineated exceptions.[5]

"It is difficult to imagine how any of those exceptions could ever apply to the sort of search and seizure involved in this case. Even electronic surveillance substantially contemporaneous with an individual's arrest could hardly be deemed an 'incident' of that arrest.[6] Nor could the use of electronic surveillance without prior authorization be justified on grounds of 'hot pursuit.'[7] And, of course, the very nature of electronic surveillance precludes its use pursuant to the suspect's consent."[8] *Katz* v. *United States*, 389 U.S. 347, 356–58 (1967). (Footnotes in quotation.)

These cases and the requirement of judicial review just quoted represent settled law which the government does not dispute as generally applicable. It is, as we have noted, however, the government's position that in "national security" cases the President of the United States, in his capacity as Chief Executive, has unique powers of the "sovereign" which serve to exempt him and his agents from the judicial review restrictions of the Fourth Amendment.

THE PRESIDENTIAL POWER

The sweep of the assertion of the Presidential power is both eloquent and breathtaking. In the memorandum of law filed with its petition, the government asserts:

"The President, in his dual role as Commander-in-Chief of the armed forces and Chief Executive, possesses another serious power and responsibility—that of safeguarding the security of the nation against those who would subvert the Government by unlawful means. *This power is the historical power of the sovereign to preserve itself.*" (Emphasis added.)

In a supplemental memorandum, the claim is somewhat broadened:

"The power at issue in this case is the inherent power of the President to safeguard the security of the nation."

We find in the government's brief no suggestion of limitations on such power, nor, indeed, any recognition that the sovereign power of this nation is by Constitution distributed among three coordinate branches of government.

While the government briefs do not identify them, there are important constitutional grants of power to the President of the United States. We find these express powers of the President of the United States set forth in the Constitution which are arguably relevant to this case:

"The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows . . ." U.S. Const. art. II, § 1.

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, § 2.

". . . he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States." U.S. Const. art II. § 3.

No express grant of power to the President to make searches and seizures without regard to the Fourth Amendment may be found in these constitutional provisions. As we have noted, the government cites no constitutional language to support its position, but it does cite some case law.

Decision of six of the cases relied upon is based upon the war powers or foreign relations of the presidency—*Chicago & Southern Air Lines, Inc.* v. *Waterman Steamship Corp.*, 333 U.S. 103, 109 (1948); *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 319–20 (1936); *Cafeteria Workers* v. *McElroy*, 367 U.S. 886, 890 (1961); *Oetjen* v. *Central Leather Co.*, 246 U.S. 297 (1918); *United States* v. *Pink*, 315 U.S. 203 (1942); *Totten* v. *United States*, 92 U.S. 105 (1875). None of these cases are criminal cases. None of them involve the Fourth Amendment. None of them involved wiretapping. These cases we deem totally inapplicable to the instant case where the Attorney General has certified that we deal with a domestic security problem.

Generally concerning presidential power in domestic affairs the government cites two other civil cases. *In re Debs*, 158 U.S. 564 (1895); *Marbury* v. *Madison*, 1 Cranch (5 U.S.), 137 (1803).

The *Debs* case was a petition for writ of habeas corpus. It dealt with contempt of court sentences meted out by a federal court for violation of an injunction issued during the Pullman Car strike of 1894. The opinion upheld the jurisdiction of the court which issued the injunction and entered the contempt sentences.[9] The opinion does contain dictum which described broad powers on the part of "the national government" to employ force to "brush away" obstructions to interstate commerce and to the mails. The instant case has no relation to interstate commerce or the United States mails. And the *Debs* case can hardly be read as authority for ignoring judicial processes.

As to *Marbury* v. *Madison*, *supra*, the government's citation seems to us to be questionable from its point of view. The case does deal with presidential power vis-a-vis the Constitution. But it is also Chief Justice Marshall's ringing affirmation of the supremacy of the Constitution over all three branches of government and of the authority and obligation of the Supreme Court of the United States to make binding interpretations of that document. We shall quote from Justice Marshall's language in the last section of this opinion.

As for *in re Neagle*, 135 U.S. 1 (1890), we thank the government for calling to our attention this fascinating story of the problems of the judiciary in an earlier day. But the holding that the President has a right under Article II, § 3 to appoint a Deputy Marshal to protect the threatened life of a Supreme Court Justice is hardly precedent for this case.

The government also cites *Abel* v. *United States*, 362 U.S. 217 (1960). This case involved a prosecution for espionage against the most important foreign spy known to the American public in the Twentieth Century. He was an alien and, hence, subject to statutory regulations providing for administrative procedures for deportation for violations of the laws and regulations of the United States. He was arrested by warrant, which the opinion of the Court found to have been lawfully issued by a lawfully authorized magistrate, and the materials seized at the time of his arrest were held legally admissible as incident to that arrest. *Cf. Chimel* v. *California*, 395 U.S. 752 (1969). Although there were issues in this case which divided the Court 5–4, it cannot appropriately be cited as precedent for seizure without warrant of wiretap materials in domestic security problems.

Finally, the government relies upon the fact that there are certain established exceptions to the requirement of a prior judicial warrant for a search. *See Chambers* v. *Maroney*, 399 U.S. 342 (1970); *Terry* v. *Ohio*, 392 U.S. 1 (1968); *Warden* v. *Hayden*, 387 U.S. 294 (1967); *Schmerber* v. *California*, 384 U.S. 757 (1966). None of these cases, however, were wiretap cases. All involved emergency situations which were held to prevent obtaining or excuse absence of a prior warrant. And in all instances there was submission of evidence for subsequent judicial review.

The point at which the claim of broad inherent power of the presidency in domestic affairs actually came to decision is found in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). There President Truman's seizure of the steel mills to avoid a nationwide steel strike was defended as within his inherent power as Chief Executive charged with seeing that the laws are "faithfully executed." The Supreme Court squarely rejected the inherent power doctrine in an opinion by Mr. Justice Black, from which we quote the controlling language:

"It is clear that if the President had authority to issue the order he did, it must be found in some provision of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that 'The executive power shall be vested in a President . . .'; that 'he shall take Care that the Laws be faithfully executed'; and that he 'shall be Commander in Chief of the Army and Navy of the United States.'

"The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities.

"Nor can the seizure order be sustained because of the several constitutional provi-

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See footnotes at end of article.

sions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Contitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States. . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'

"The President's order does not direct that congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize the taking of private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.'

"The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." *Youngstown Sheet & Tube Co.* v. *Sawyer, supra* at 587–89.

The *Youngstown* case, of course, had nothing to do with wiretaps. But it is the authoritative case dealing with the inherent powers of the Presidency—a doctrine which is strongly relied upon by the government in this case.

THE WIRETAP ISSUE IN THE SUPREME COURT

Historically there have been four positions stated on the legality of wiretapping or the admissibility of evidence derived therefrom.

1. In its first encounter with the problem, the United States Supreme Court simply decided that since there was no trespass involved in the wiretap there concerned, it was therefore not a search and seizure and the Fourth Amendment did not apply to it. *Olmstead* v. *United States,* 277 U.S. 438 (1928); *Goldman* v. *United States,* 316 U.S. 129 (1942).

2. In *Olmstead* Justice Brandeis in dissent (joined by Justice Holmes, who called wiretapping a "dirty business") staked out a position which has many adherents today. This position is that wiretapping represented an unfair invasion of privacy which the government should not undertake under any circumstance.

3. The third position, one which the Supreme Court came to gradually,[10] is now the dominant one in our law and best expressed in *Katz* v. *United States,* 389 U.S. 347 (1967). The Supreme Court now clearly regards the protection of the Fourth Amendment to be one afforded to the right of privacy rather than to property. In *Katz* and its progeny (discussed and cited above) the Supreme Court specifically held that wiretapping which did not invade property rights was nonetheless governed by the restrictions of the Fourth Amendment.

4. The fourth position is the one just set forth in the preceding section of this opinion wherein the Attorney General and his representatives claim special powers for the presidency and for law enforcement officials acting with the authorization of the Attorney General to wiretap in "national security cases." The argument for this power is best exemplified by articles by former Attorney General Brownell and former Deputy Attorney General Rogers. Brownell, *The Public Security and Wire Tapping,* 39 Cornell L.Q. 195 (1954); Rogers, *The Case for Wire Tapping,* 63 Yale L.J. 792 (1954). This position is also explicated in memoranda exchanged between three former Presidents of the United States and their Attorney General commanding or authorizing them to make greater or lesser use of this asserted Presidential power. *See* Appendix A.

It appears to us that this fourth position could (and perhaps should) be further subdivided as between foreign and domestic applications. (Note that the American Bar Association has recently adopted a similar position. ABA Standards for Electronic Surveillance, 8 Crim. L. Rep. 3097 (Feb. 17, 1971); ABA Delegates Approve Electronic Eavesdropping Standards, *Reports and Proposals,* 8 Crim. L. Rep. 2371 (Feb. 17, 1971)). But it is clear that in neither event has the specific power thus asserted ever been the subject of adjudication in the United States Supreme Court. In fact, in footnote 23 in the *Katz* case, Mr. Justice Stewart, writing for the Court, expressly reserved decision thereon:

"23. Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving national security is a question not presented by this case." *Katz* v. *United States supra* at 358 n. 23.

Even more recently in a foreign intelligence wiretap context, the Supreme Court had this issue presented on application for writ of certiorari. It denied the writ as applied to this issue. *United States* v. *Clay,* 430 F.2d 165 (5th Cir. 1970), *cert granted,* limited to question 4, 39 U.S.L.W. 3297 (U.S. Jan. 11, 1971) (No. 783).

From what has been said, it is clear that as far as the Appellate Courts are concerned, we write upon a clean slate.

CONGRESSIONAL ACTION

The wiretap problem has also been the subject of great concern in the Legislative Branch of government. Early in the history of the wiretap controversy, and with little debate, Congress enacted § 605, which says in part:

"no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; . . ." 47 U.S.C. § 605 (Supp. V, 1965–69).

Section 605 played some role in the development of the Supreme Court case law. But its language (forbidding interception *and* divulgence is describing the offense) failed to establish a decisive policy. Private wiretappers, many of them criminal, had every interest in not divulging. And successive Attorneys General took the statute as a license to wiretap so long as their agents did not divulge. See Brownell, *The Public Security and Wire Tapping,* 39 Cornell L.Q. 195 (1954); Rogers, *The Case for Wire Tapping,* 63 Yale L.J. 792 (1954).

The Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C. § 2510 et seq. (Supp. V, 1965–69), was, however, a very different matter. It followed the Supreme Court decision in *Katz* v. *United States, supra,* in point of time. In many respects it followed *Katz* in content.

For our purposes the important sections of the bill are those which set out search warrant application procedures, those which allow an emergency exception from those procedures for 48 hours, and those which indicate that Congress was not seeking to restrict whatever constitutional power the President possessed in this field.

"(1) The Attorney General, or any Assistant Attorney General specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

"(a) any offense punishable by death or by imprisonment for more than one year under sections 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), or under the following chapters of this title: chapter 37 (relating to espionage), chapter 105 (relating to sabotage), chapter 115 (relating to treason), or chapter 102 (relating to riots);

"(b) a violation of section 186 or section 501(c) of title 29, United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves murder, kidnapping, robbery, or extortion, and which is punishable under this title;

"(c) any offense which is punishable under the following sections of this title: section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (Presidential assassinations, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), or section 2314 and 2315 (interstate transportation of stolen property);

"(d) any offense involving counterfeiting punishable under section 471, 472, or 473 of this title;

"(e) any offense involving bankruptcy fraud or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or

"(g) any conspiracy to commit any of the foregoing offenses." 18 U.S.C. § 2516 (1) (a–g) (Supp. V. 1965–69).

See footnotes at end of article.

"(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

"(a) an emergency situation exists with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained, and

"(b) there are grounds upon which an order could be entered under this chapter to authorize such interception,

may intercept such wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (d) of this section on the person named in the application." 18 U.S.C. § 2518(7) (Supp. V, 1965–69).

"(3) Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." 18 U.S.C. § 2511(3) (Supp. V, 1965–69).

Without now passing specifically upon any of the more controversial aspects of this legislation, we view the wiretap provisions of the Omnibus Crime Bill as a general recognition by Congress that the Fourth Amendment does mandate judicial review of proposed searches and seizures of oral communications by wire. In addition, in § 2518(7) (a) Congress provided a statutory remedy for the exact sort of "national Security" problem which is presented by this case. It is obvious, however, that the Attorney General chose not to employ it.

While the government appears to rely heavily upon 18 U.S.C. § 2511(3), the language chosen by Congress, "Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President . . ." is not the language used for a grant of power. On the contrary, it was in our opinion clearly designed to place Congress in a completely neutral position in the very controversy with which this case is concerned.

HOLDING

During more difficult times for the Republic than these, Benjamin Franklin said:

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."[11]

It is the historic role of the Judiciary to see that in periods of crisis, when the challenge to constitutional freedoms is the greatest, the Constitution of the United States remains the supreme law of our land. No one proclaimed this message with more force than did one of the first and one of the greatest Chief Justices of the United States. In *Marbury* v. *Madison*, 1 Cranch (5 U.S.) 137 (1803), Chief Justice Marshall spoke on constitutional supremacy:

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.

* * * * *

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void.

"This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society." *Marbury* v. *Madison, supra* at 68–69.

In the same opinion Chief Justice Marshall outlined the function of the courts in interpreting the Constitution:

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the constitution: if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law: the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply.

"Those then who controvert the principle that the constitution is to be considered, in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

"This doctrine would subvert the very foundation of all written constitutions." *Marbury* v. *Madison, supra* at 70.

The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand. It is clear to us that Congress in the Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C. § 2510 et seq. (Supp. V, 1965–69), refrained from attempting to convey to the President any power which he did not already possess.

Essentially, the government rests its case upon the inherent powers of the President as Chief of State to defend the existence of the State. We have already shown that this very claim was rejected by the Supreme Court in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), and we shall not repeat its holding here.

An additional difficulty with the inherent power argument in the context of this case is that the Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.

It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign.

The argument for unrestricted employment of Presidential power to wiretap is basically an argument *in terrorem*. It suggests that constitutional government is too weak to survive in a difficult world and urges worried judges and worried citizens to return to acceptance of the security of "sovereign" power. We are earnestly urged to believe that the awesome power sought for the Attorney General will always be used with discretion.

Obviously, even in very recent days, as we shall see, this has not always been the case. And the history of English-speaking peoples (to say nothing of others) is replete with answers. *See e.g., Entick* v. *Carrington*, 19 How. St. Tr. 1029 (1765). In *Marcus* v. *Search Warrant*, 367 U.S. 717 (1961), the opinion for the United States Supreme Court summarized the long history of the English striving for freedom of expression and press and noted:

"Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power." *Marcus* v. *Search Warrant, supra* at 724.

The Court also pointed out that as early as the 1760's Lord Camden had denounced a "'discretionary power given to messengers to search wherever their suspicions may chance to fall. If such a power is truly invested in a secretary of state, and he can delegate this power, it certainly may affect the person and property of every man in this kingdom, and is totally subversive of the liberty of the subject.' Id., 1167 [*Wilkes* v. *Wood*, 19 How. St. Tr. 1153]." *Marcus* v. *Search Warrant, supra* at 729.

The Court's opinion concluded:

"This history was, of course, part of the intellectual matrix within which our own constitutional fabric was shaped. The Bill of Rights was fashioned against the background of knowledge that unrestricted power of search and seizure could also be an instrument for stifling liberty of expression. For the serious hazard of suppression of innocent expression inhered in the discretion confided in the officers authorized to exercise the power." Id. at 729.

That which has distinguished the United States of America in the history of the world has been its constitutional protection of individual liberty. It is this which has created the wonderful diversity of this great country and its many and varied opportunities. It is this which has created Justice Holmes' free market-place of ideas from which have come our most signal advances in scientific and technological achievement and in social progress. Beyond doubt the First Amendment is

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See footnotes at end of article.

the cornerstone of American freedom. The Fourth Amendment stands as guardian of the First.

Of course, it should be noted that the Fourth Amendment's judicial review requirements do not prohibit the President from defending the existence of the state. Nor does the Fourth Amendment require that law enforcement officials be deprived of electronic surveillance. What the Fourth Amendment does is to establish the method they must follow.

If, as the government asserts, following that method poses security problems (because an indiscrete or corruptible judge or court employee might betray the proposed investigation), then surely the answer is to take steps to refine the method and eliminate the problems. No one could be in better position to help the courts accomplish this goal than the Attorney General.

If there be a need for increased security in the presentation of certain applications for search warrants in the federal court, these are administrative problems amenable to solution through the Chief Justice of the United States and the United States Judicial Conference and its affiliated judicial organizations. The inclination of the judiciary to meet the practical problems of enforcement in this area is evidenced in the specific holding of this court and the United States Supreme Court in *United States* v. *Osborn,* 350 F.2d 497 (6th Cir. 1965), *aff'd,* 385 U.S. 323 (1966), and in the dictum in *Katz* v. *United States,* 389 U.S. 347 (1967), upon which the search warrant terms of the Omnibus Crime Control & Safe Streets Act § 2516 were largely based. Congress clearly conceived situations so delicate that, for example, the Attorney General might seek his warrant for a search from the Chief Judge of the appropriate United States Court of Appeals. 18 U.S.C. § 2510 (Supp. V, 1965–69). So do we. But what we cannot conceive is that in the midst of the turmoil of the persent day, the courts of the United States should suspend an important principle of the Constitution. The very nature of our government requires us to defend our nation with the tools which a free society has created and proclaimed and which, indeed, are justification for its existence.

We hold that in dealing with the threat of domestic subversion, the Executive Branch of our government, including the Attorney General and the law enforcement agents of the United States, is subject to the limitations of the Fourth Amendment to the Constitution when undertaking searches and seizures for oral communications by wire.

We seek to be equally explicit about what we do not decide in this case:

(1) We do not decide what the President of the United States can or cannot lawfully do under his constitutional powers as Commander-in-Chief of the Army and Navy to defend this country from attack, espionage or sabotage by forces or agents of a foreign power. As we have noted, the certificate filed by the Attorney General in this case makes no reference to and claims no reliance upon any such authority.

(2) We do not decide whether or not there were facts available to the Attorney General in this case which might have constituted probable cause for issuance of a prior warrant for the wiretaps under 18 U.S.C. § 2516 (Supp. V, 1965–69), or a subsequent warrant (within 48 hours) as provided for by 18 U.S.C. § 2518(7) (Supp. V, 1965–69). This record indicates plainly that no such applications were made. Indeed, this record is devoid of any showing that any presentation of information under oath was ever made before, or any probable cause findings were ever entered by any administrative official—let alone any judge.

In our view, the *Clay* case (*United States* v. *Clay,* 430 F. 2d 165 (5th Cir. 1970), *cert. granted,* limited to question 4, 39 U.S.L.W. 3297 (U.S. Jan. 11, 1971) (No. 783)) cannot appropriately be read as authority for warrantless wiretaps in domestic security cases. In that case the government did not contest the illegality of four separate domestic wiretaps made under the same inherent powers relied on in this case. The transcripts of defendant Clay's intercepted conversations were turned over to him by the Department of Justice. In one such instance the illegal wiretap was upon the telephone of the Rev. Martin Luther King, Jr. One wonders, if the inherent powers of the Presidency were broad enough to authorize the wiretaps in the first instance, how these wiretaps became concededly unconstitutional in court.

As to the "fifth" wiretap disclosed in the *Clay* case, the Attorney General's certificate said that it was "for the purpose of gathering foreign intelligence information." The Fifth Circuit did squarely hold that such foreign intelligence surveillance without judicial warrant was not a constitutional violation. This was the second issue on which certiorari was sought from the Supreme Court, but, as we have noted, the Supreme Court refused certiorari on this issue while granting certiorari on another unrelated matter.

In the case before us, however, the Attorney General's certificate makes clear that the wiretaps involved were thought to be warranted by domestic security problems. We have noted the special constitutional powers of the Presidency in foreign affairs which the Fifth Circuit thought justified his "gathering foreign intelligence information" without judicial warrant. Without passing on that issue, we reiterate that we have found no such specific constitutional authority to disregard the Fourth Amendment in domestic security cases like this one.

The last issue argued (this one by the government) concerns the order of disclosure of the overheard conversations. In effect the government contends that even though the District Judge found the interceptions to have been illegal, he should have determined *in camera* that they were not relevant to this case, and hence, not subject to disclosure. This very issue has been recently decided by the United States Supreme Court in *Alderman* v. *United States,* 394 U.S. 165 (1969). In this case the opinion of the Court said:

"An apparently innocent phrase, a chance remark, a reference to what appears to be a neutral person or event, the identity of a caller or the individual on the other end of a telephone, or even the manner of speaking or using words may have special significance to one who knows the more intimate facts of an accused's life. And yet that information may be wholly colorless and devoid of meaning to one less well acquainted with all relevant circumstances. Unavoidably, this is a matter of judgment, but in our view the task is too complex, and the margin for error too great, to rely wholly on the *in camera* judgment of the trial court to identify those records which might have contributed to the Government's case.

"[I]f the hearings are to be more than a formality and petitioners not left entirely to reliance on government testimony, there should be turned over to them the records of those overheard conversations which the Government was not entitled to use in building its case against them." *Alderman* v. *United States, supra* at 182–83 (Footnotes omitted.)

In a subsequent but closely related case, the Supreme Court applied *Alderman* as giving the District Court *in camera* the right and duty to screen government files for the illegally intercepted conversations of a defendant and held unanimously:

"Here the defendant was entitled to see a transcript of his own conversations and nothing else. He had no right to rummage in government files." *Taglianetti* v. *United States,* 394 U.S. 316, 317 (1968).

Thus the Supreme Court held that all illegally intercepted conversations of a defendant must be made available to him, but that the District Judge may *in camera* ascertain which transcripts are covered by this ruling. Of course, in this case we have no problem concerning standing. The government concedes that Plamondon's own voice was intercepted and recorded and the District Judge and this court have held the interception to have been illegal.

We cannot agree with the dissent that Justice Stewart's concurring opinion in *United States* v. *Giordano,* 394 U.S. 310, 313–15 (1969), in any way weakened the disclosure requirement of *Alderman.* The full text of Justice Stewart's opinion makes it clear that the "preliminary determination" with which he was concerned was whether or not "any of the surveillance *did* violate the Fourth Amendment." This determination Justice Stewart held could be made by *in camera* inspection—as has been done in this case both by the District Judge and this court.

We believe that the Supreme Court has held that a defendant whose personal conversations have been illegally recorded is entitled to transcripts of the illegally recorded material without regard to whether a judge on inspection *in camera* might or might not be able to find relevancy. Nonetheless, we have considered remand of this case to the District Judge for an expression on the relevancy issue so as to have a complete appellate record. On inspection of the sealed exhibit in this case, however, we cannot (and we do not believe the District Judge could) ascertain with any certainty whether or not the government had derived prosecutorial benefits from this illegal search to which benefits defendant would have the right to object at trial under the doctrine of "the fruit of the poisonous tree." *Nardone* v. *United States,* 308 U.S. 338, 341 (1939); *Wong Sun* v. *United States,* 371 U.S. 471 (1963).

The dissent in this case makes this comment upon the sealed exhibit:

"The sealed exhibit, which contained only a few pages, was examined more than once by the members of this panel. The monitored conversations took place *subsequent* to the bombing and *after* the conspiracy alleged in the indictment had terminated. They did not relate in any way either to the conspiracy or to the substantive offense charged in the indictment, and would not be relevant or admissible at the trial; nor did they lead to any relevant and admissible evidence."

If this paragraph be read as carefully as it has been written, we have no reason to disagree. With all respect, however, we think two other facts need to be added before conclusions are drawn. First, the illegal interceptions occurred well before the indictments in this case, were returned, and thus they could have been employed in the investigation which led to the indictments. Second, we have no way of knowing whether or not the government's investigation was materially aided by associations or leads developed from these conversations, regardless of whether or not the statement providing the lead appears on its face to be "admissible at the trial."

These considerations, of course, primarily affect this trial. Far more important, however, is the fact that disclosure may well prove to be the only effective protection against illegal wiretapping available to defend the Fourth Amendment rights of the American public.

For these reasons, we hold that the District Judge properly found that the conversations of defendant Plamondon were illegally intercepted, and we cannot hold that his disclosure order (as interpreted below) is an abuse of judicial discretion.

In perhaps an excess of caution, we note that we read the District Judge's disclosure order as limited solely to the transcripts and dates of defendant Plamondon's illegally intercepted telephone conversations. *See Taglianetti* v. *United States, supra.*[12]

The petition for writ of mandamus is denied.

FOOTNOTES

"[1] It is important to note at this point that although he was overheard, defendant Plamondon was not the object of the surveillance. This distinction apparently went unnoticed by respondent for he stated in his decision ordering disclosure that the Attorney General 'had authorized and deemed necessary the wire tapping of certain of defendant Plamondon's conversations.' . . .

"The sealed exhibit submitted to the court below will quickly demonstrate that defendant Plamondon was not the object of the surveillance, and petitioner respectfully refers this Court's attention to that exhibit and the additional sealed exhibit being made available to the Court for the grounds and objectives of the Attorney General's authorization." (Footnote in quotation.)

[2] The amendment to 18 U.S.C. § 3731, approved January 2, 1971, is by its terms inapplicable to this case. Pub. L. No. 91–644, § 14 (Jan. 2, 1971).

[3] *United States* v. *Dellinger, et al.*, Criminal No. 69–180 (U.S.D.C. N.D. Ill. E.D.) decided February 20, 1970; *United States* v. *O'Neal*, Criminal No. KC–CR. 1204 (U.S.D.C.D. Kansas) decided September 1, 1970; *United States* v. *Smith*, Criminal No. 4277 (U.S.D.C. C.D. California) decided January 6, 1971; and the instant case, respectively.

"[4] See, *e. g., Jones* v. *United States*, 357 U.S. 493, 497–499; *Rios* v. *United States*, 364 U.S. 253, 261; *Chapman* v. *United States*, 365 U.S. 610, 613–615; *Stoner* v. *California*, 376 U.S. 483, 486–487.

"[5] See, *e. g., Carroll* v. *United States*, 267 U.S. 132, 153, 156; *McDonald* v. *United States*, 335 U.S. 451, 454–456; *Brinegar* v. *United States*, 338 U.S. 160, 174–177; *Cooper* v. *California*, 386 U.S. 58; *Warden* v. *Hayden*, 387 U.S. 294, 298–300.

"[6] In *Agnello* v. *United States*, 269 U.S. 20, 30, the Court stated:

'The right without a search warrant contemporaneously to search persons lawfully arrested while committing crime and to search the place where the arrest is made in order to find and seize things connected with the crime as its fruits or as the means by which it was committed, as well as weapons and other things to effect an escape from custody, is not to be doubted.' Whatever one's view of 'the long-standing practice of searching for other proofs of guilt within the control of the accused found upon arrest,' *United States* v. *Rabinowitz*, 339 U.S. 56, 61; cf. *id.*, at 71–79 (dissenting opinion of Mr. Justice Frankfurter), the concept of an 'incidential' search cannot readily be extended to include surreptitious surveillance of an individual either immediately before, or immediately after, his arrest.

"[7] Although '[t]he Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others,' *Warden* v. *Hayden*, 387 U.S. 294, 298–299, there seems little likelihood that electronic surveillance would be a realistic possibility in a situation so fraught with urgency.

"[8] A search to which an individual consents meets Fourth Amendment requirements, *Zap* v. *United States*, 328 U.S. 624, but of course 'the usefulness of electronic surveillance depends on lack of notice to the suspect.' *Lopez* v. *United States*, 373 U.S. 427, 463 (dissenting opinion of Mr. JUSTICE BRENNAN)."

[9] But see Norris-LaGuardia [Anti-Injunction] Act, 29 U.S.C. §§ 101–15 (1964).

[10] *Silverman* v. *United States*, 365 U.S. 505 (1961); *Mapp* v. *Ohio*, 367 U.S. 643 (1961); *Wong Sun* v. *United States*, 371 U.S. 471 (1963); *Osborn* v. *United States*, 385 U.S. 323 (1966); *Warden* v. *Hayden*, 387 U.S. 294 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967); *Katz* v. *United States*, 389 U.S. 347 (1967).

[11] *Historical Review of Pennsylvania* cited in J. BARTLETT, BARTLETT'S FAMILIAR QUOTATIONS 227 (C. Morley & L. Everett ed. 1951).

[12] In the unlikely event that this interpretation of the District Judge's order proves erroneous, the government may seek relief from any broader order by filing a motion under Rule 40, FED. R. APP. P.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. BYRD of Virginia). The time for the transaction of routine morning business having expired, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 127, offered by the Senator from Oregon (Mr. HATFIELD), on which there will be a time limitation of 1 hour of debate, to be equally divided between the Senator from Oregon (Mr. HATFIELD) and the Senator from Mississippi (Mr. STENNIS). The yeas and nays have been ordered.

Who yields time?

Mr. STENNIS. Mr. President, I have agreed to yield 10 minutes to the Senator from Alaska.

Mr. HATFIELD. Mr. President, I have agreed to yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

Mr. GRAVEL. I thank my colleagues.

Mr. President, the cloture motion has been filed, just a few minutes ago.

Mr. President, many other men, in many other times, have stood in this Chamber to make seemingly simple statements about seemingly complex matters.

There is always the inclination to associate at these times, the simple with the simplistic, or the simply stated with the simple minded.

When life is at stake, freedom challenged, and conscience shaken, must not the simple, the plain, the ordinary voice of decency become our mood? Must not commonsense become the manner, the very mode of our debate?

I think it must—I hope it will.

We are debating—and some of us pledge to debate as long as need be—the disposition of human lives.

Let those who will, or those who must, say that we are debaing the privileges of power, or the responsibilities of great men and not so great men.

Let those who will, or those who must, say that we are debating diplomacies or that we are debating tactics and strategies—that we are at play on the old, great chessboard of statesmanship.

Let those who will, or those who must, pile their arguments high and weight them with all the pomp and all the power of every grand political argument ever offered in this Chamber.

The truth is that we are talking about nothing less than life; life itself and the means of life.

This is not a debate about the privileges of the state and its leaders. This debate is about the rights of the individual.

We talk of the rights and responsibilities of the state in many areas. We daily support the state as it moves into the everyday lives of all of our people. And we hope daily that this movement helps and not hurts the individual.

The power of the state to draft is the power to destroy human life. To draft is also, as we have learned all too bitterly, the power for a President to wage war—to wage an undeclared war—an accidental war.

The power to declare war was so fatal that the founders of this country hoped to reserve it to the people themselves by making acts of war depend upon acts of consent by the individual representatives of the people.

How far we have traveled as a sovereign state. A state acting more and more like a sovereign every day—the despotic sovereignty from which our forebears fled to this new and hopeful land.

What manner of circumstance has brought us full circle in history to cause our youth to now flee this land today?

Given a ready pool of manpower, a pool filled and refilled by the power of peacetime conscription, the state has been able to make and is making war in Indochina, without the people's consent or even their enthusiasm; indeed against their will.

Given a ready pool of lives, a pool seemingly inexhaustible and so far virtually unquestioned, the United States Government has moved its armed might throughout the world without the consent of, or even consultation with the Congress, much less the American people.

This Government uses its power to strike suddenly, here and there, implementing policies if known and understood by the American people would convulse their moral sensibilities.

At home, we have seen a generation of lives poured willy-nilly into that pool of military demand. While older men have talked peace, young men have been pressed to practice war or to practice for war.

What circumstances of history has caused this Nation to mutilate the minds and bodies of its young—to brutalize the moral perceptions of its people?

Can there be justification?

Only a justification that will haunt us all. That will nag at our souls. A terrible justification facing us like a forgotten sin.

The justification for the draft in peacetime finds its source in the unfounded ideological fear that we will lose the freedom and greatness that our ancestors were blessed to find.

The manipulation of this unfortunate fear has permitted the state to develop violent plans and actions that have no other way of gaining support.

Those plans and actions shrouded in secrecy, mired in mistakes and misunderstandings, have been unable to come forward into the light of a free society for approval.

No. Those plans have had to rely upon the sheer force of the draft to haul off to service young Americans whom we the leadership have not dared to face with responsible argument.

What sort of Government policy must take its support at gun point? What sort of freedom is it that must protect itself by denying freedom and threatening imprisonment? What sort of justice is it that must be served by the admission of numerous injustices?

Some answer these questions with the cry of "national security." Others with the reasoned rhetoric of the need for sufficiency for a proper defense posture against the plans of world domination by an obvious conspiracy of the monolithic system of world communism.

Why is it that the leadership of this proud land cannot take its case for defense to the people directly and openly? Is that not the ideological point upon which we differentiate ourselves from those we choose to call enemies?

Where is there virtue, freedom, justice, or for that matter security in a system that rests its defense upon force, upon sheer brute force, upon the involuntary servitude toward whose abolition this land was supposed to be a beacon?

A nation in peacetime employing the draft is the practitioner of involuntary servitude.

What can we, the older, who have power, tell to the young, whose life we spend, that he is fitted to serve, perhaps to die, but that he is incapable of understanding our purposes and thus untrustworthy in freedom, fit only to be herded off by shepherds far wiser?

A cloture petition has been filed today. A group of Senators have said debate has continued long enough. They are ready to decide whether the law that forces young men to fight old men's wars should be renewed.

"We have had enough time to debate the issue," they say.

But we have not had enough time, because the majority of the Senate is, at this moment, unwilling to let this bad law die.

We have not had enough time for the overwhelming majority of the American people to convince their elected representatives that they want the war to end; that they want American fighting men out of Vietnam.

Will there be a sufficient number of Senators willing to say that they have fully and adequately debated, reflected, and reviewed a law which will require possibly hundreds of thousands of young Americans to give up their freedom and risk death for a cause most Americans have rejected?

Will there be a sufficient number of Senators prepared to say, after a few weeks' debate, for most of which time this Chamber was virtually empty, that they have fully discussed the continuation of a war which is tearing our Nation apart—tearing us apart emotionally, politically, economically, and morally?

We have spent sufficient time on these issues only if the votes are to be determined by pressures and influences that go beyond the merits of the issues themselves.

No man's political position can compare to the actual life of another man. In the balance of justice, is there a Senator who will step forward and say that his office is worth a human life?

Is there a man here who will step forward and name the life so lightly valued that it should be traded away for political advantage or for political dogma?

Is there some man in this chamber who, defending the draft, will pick a boy from his own home town and offer him to be risked because of the demands of party regularity or of political planning, or of political imagery, or of political pressure?

We hear that the draft will end—some day.

We are asked to be patient until that day comes.

Can we ask the young who are drafted to be patient? Can we ask the lives uprooted to calmly resettle? Can we ask that the lives lost be forgotten?

How can we define or defend such patience?

If I knew as surely as the rising of the sun that the draft would end next week, I would fight today as hard as I could to end it this moment.

I would not want upon my conscience the life of the last young man forced to serve and to die because we could not or would not move just a little faster.

What is the comfort of our pace compared to the lives and freedom of those young men?

What of the young men who would voluntarily serve? Are not those lives as precious? Of course they are.

So long as I am privileged to stand upon this floor, I shall fight so that the risks our young men take will be worthy of the voluntary support of free men.

Risks that will do honor to their service.

Risks that will be in the defense of freedom and never, never, never in the defense of questionable causes, corrupt regimes, back-door diplomacy, or matters secret and far removed from the defense of freedom.

Of course the lives of the young who volunteer are precious. That is the point. That is the crux of this argument.

Lives are too precious—all lives—to waste in ways which do not have sufficient purpose and clarity as to rally men to their service. No purpose or clarity is demanded when the state can simply pluck young men at random in peacetime to prosecute mischievous policy abroad.

If a nation of 200 million people in peacetime cannot produce a sufficient percentage of young men with patriotic resolve to volunteer for its defense, then—maybe just then—that government prosecuting that defense policy at home and abroad does not have the support of its people.

The check offered by this direct ascension of the people in the most important matter of defense has been denied this Republic for more than two decades.

The loss of this check in our system of checks and balances, has permitted the Executive to wage an undeclared war in a foreign land, thereby usurping the legislative power to declare and wage war.

The abrogation of this check assented to in evolutionary degrees by all elements of our system of representative government is the root cause of this once proud Nation being mired down in the muck of Indochina.

In the name of defense and under a policy of containment this state conscripted its young to become the scourge of Asians who unfortunately, have sufficient quarrels of their own.

Let the defense of this Nation rest upon the consent of the governed and not upon the whims of its leaders, and we shall never again see that defense dishonored.

In truth how can a people espousing a system of representative government ever gage its defense except by the willingness of the people defending it to defend it?

Our Nation met that test in 1776.

What sort of freedom are we supposed to have 200 years later that cannot or will not risk a similar test?

How else do we honor those who have died than by assuring that no one else ever will die in the vain service of a cause which they themselves neither formed nor fully understood.

Keep the draft and we keep the very shield behind which so many, so long have been able to dodge the responsibilities of peace.

Extend the draft and we delay the day of reckoning and responsibility. But only delay it.

Revise the draft and we simply juggle ultimate responsibility to hide from it.

Only rarely do we have such a clear-cut issue to discuss and decide in this Chamber or anywhere else in our political life.

Surely we have all suffered sufficiently the political realities, the career consistences, the intellectual stupidities and the legislative comities—while people die at the gracious whim of our decision.

We have dodged and ducked enough. We have heard honorable men tell us that the draft is wrong. We have heard hope for its end. We have heard promises for its end. We have heard dates for its end. We have heard time and time again why it must end.

Now we must hear that it will end.

There is, I know, one man more than any other who tells us either directly or indirectly that it cannot end here and now. He is the President.

Many a Member who knows that the draft is wrong must defer to the President's right to say that it is necessary.

Many a conscience that knows the draft is wrong must suffer it just a bit more because the President says, in effect, that the convenience of the Commander in Chief must come a step ahead of conscience.

There are many here who have dared much and who have risked much to defend the right of debate in this Chamber in the face of the most strenuous Presidential opposition. Will they defend it now?

On what more solid ground have men

ever stood in this Senate than the ground upon which we now debate to defend the lives of Americans, the freedom of Americans, and the need of America's Government to move more responsibly in the world.

That is the ground pulled out from under this debate by this cloture petition.

Let there be no mistake as to what is at hand in this filibuster—in this desire for extended debate.

Thomas Jefferson spoke of the rights and responsibilities of majorities and minorities in his manual, the touchstone, of this Nation's legislative procedure since its inception. On the first page of Jefferson's manual.

The majority can defend itself with its numbers. The minority has only the rules—tools of representative government.

Ours is the rule of law and not the rule of men. Laws are made by majorities. A minority has the right under our system and truly the moral obligation to defend itself against the errors of majorities.

This can be done with time—time for knowledge and wisdom and resolve to permeate this land so that the people may more forcefully press their desires on the wayward leadership of this country.

This filibuster is not undertaken to thwart the will of the American people but to reaffirm it. The people are against the draft and against the war.

There have been previous filibusters but certainly none with greater issue.

Life and freedom are at issue. War and peace are at issue here.

The power to conscript is the power to deny our youth their freedom.

The power to conscript is the power to make war. This power should remain with the Congress.

The United States of America is a nation that took root in the division of power between equal branches of Government.

Let the draft end and lift this cursed system of forced conscription which daily washes away the foundation of our Republic.

Let the draft end and once more the lives of our young men will be our most precious coin and not some commodity in surplus to be spent recklessly under the cover of conscription.

Let the draft end and simply ask the Commander in Chief to speak of America's cause in terms that free men will not reject.

Let the draft end and you do not comfort enemies, you simply serve notice upon the entire world that, henceforth, American is prepared to trust in freedom explicitly.

Who of us who loves freedom can really suggest that trust in freedom is the weakling's way in this world?

We speak of peace. Most Americans live their lives hoping and praying for peace. The draft speaks of war.

We speak of peace with strength. The draft speaks of war and it shrieks to the world of a weakness so great that men must be forced to serve rather than be free to choose.

All we are asked to do here is to let one law die—for us all.

If we continue debate, some men will not be forced to go to war.

If we continue debate, more men will be spared the loss of their freedom.

If we continue debate the people can work their will on the Congress.

If we continue debate the President will no longer have a blank check from Congress on which to fill out the manpower requirements for any policy he chooses.

If we continue debate the President will be restrained from continuing indefinitely our involvement in Vietnam.

I ask every Senator to join me in voting against cloture.

I ask every Senator to join me in continuing debate for as long as a need for debate continues.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, if the Senator from Oregon will yield to me briefly, I ask unanimous consent, in view of the fact that the able Senator from Oregon (Mr. HATFIELD) has three amendments coming along back to back, that he be allowed to have Mr. Frank Cook, a member of his staff on the floor during the rollcall votes on the three amendments.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

AMENDMENT NO. 127

Mr. HATFIELD. Mr. President, as I call up my amendment No. 127, I would like to make it clear that there are three essential parts to it.

The Secretary of Defense shall provide for and report back to Congress within 3 months after enactment of the act. First, a salary schedule of pay on an annual basis, as this amendment visualizes the situation, would clearly set forth an annual pay base for military personnel combining what is present basic pay along with present allowances for quarters and subsistence; second, it would provide for cash contributions to a retirement system—similar to the civil service retirement system—for military personnel. Within the new structures, the Secretary would take into account the amount lost by switching from payment in kind, as in the case of quarters and subsistence, as well as any losses in taxes.

Let me emphasize that these are areas in which the report of the First Quadrennial Review of Military Compensation, commonly referred to as the Hubbell report, of November 1, 1967, and the Gates Commission were in close agreement.

"Military pay today," to quote the Gates Commission, "is a conglomerate of current and future pay and benefits that are difficult to enumerate and even more difficult to measure and evaluate."

This is because military pay lacks visibility, is inequitable, is inefficient as a source of attractng men to the armed services, and is a constant source of controversy.

Those are the reasons for introducing the amendment today. A great deal of military pay is in kind. This has particularly little value to the new recruit; nor is it of value to a first-term serviceman who is trying to decide whether or not to reenlist.

Neither the Defense Department study report nor the Gates Commission found noncash pay very attractive in helping to attract or retain new personnel. This was because they found such compensation is not very visible.

While in the civilian economy, in-kind payment might have tax advantages, this is not the case in the military because the Government is both the payer of cash compensation and the recipient of whatever is collected in taxes.

There are some special situations which warrant pay in kind—for instance, at remote bases where housing and other services are not easily available.

The essential question is not whether housing, dental care, education, or increases in basic pay are desirable. The essential question in the amendment is which is the most effective form of compensation.

Cash payment has an inherent advantage because it allows each individual to choose how he or she wants to spend what has been earned. When he is paid in kind, however, or in noncash form, the value of what he receives is often less to him than to the Government.

Consequently, both the Hubbell report and the Gates Commission recommended combining quarters, subsistence, and basic pay into a salary structure. Military retirement benefits are budgeted out of current funds each year.

Consequently, servicemen have never acquired vested retirement rights except those which, after one having served 19½ years, is long enough to be eligible for retirement.

Therefore, this system has very negative effects. The retirement system is of little value to anyone who does not wish to make a career of the Armed Forces. A man who has 10 or more years of service stands to lose too much by retiring. So he is virtually forced by his economic circumstances to remain in the military until retirement age. Also, a man could retire at age 37 after 20 years of service—in effect, retiring early from the military and joining the civilian economy—and receive both military retirement and civilian compensation.

Consequently, the Gates Commission recommended what the Hubbell group advocated 2 years previously—increasing military pay sufficiently to enable military personnel to pay 6½ of their salaries annually to their retirement account without any loss in net income; the introduction of partial vesting after 5 years of service; reduction in the retirement income available in the years prior to the normal retirement age; and insuring that there would be no loss to those who entered the service under the old system.

The pending amendment does not specify the exact parameters of the salary or retirement systems. Rather, it gives the Secretary flexibility in determining what he, in concert with his advisers, both civilian and military, deem best for both a new salary and retirement system. Nor would it cost the taxpayer more money. To the contrary, the taxpayer would probably save money in the long run due to increased effectiveness of the dollars being expended.

Again, this issue is not one of a volunteer military or a draft. It is a question of equity and efficiency in the payment of our military personnel and in providing them with a fair and equitable retirement system.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, the personnel matter as a whole is a very complicated matter under any circumstances in our military system. The personnel pay and allowances is one of the most difficult and complicated problems within the personnel problem.

Mr. President, this is not a new subject. This plan was recommended as early as 1947 by the Hook Commission—the plan to put the military on a salary basis.

I was appointed chairman of the subcommittee that handled the military pay increase bill in 1958. The plan was urged in the House and Senate at that time and was rejected. The 1958 subcommittee in the Senate had a basic survey made by the University of Michigan. After 2 years of study, they recommended against this contributory retirement by the military and said that it would not save any money.

Mr. President, we had this Hubbell study in 1967. It included a great deal of the pending amendment and successive amendments to be offered today. It never did get by the White House.

Mr. President, many Presidents—not just the few named by me—have been attracted to this new system of pay on a salary basis for the military. It looks good on paper. However, when they got into it and found how involved it was, how complicated it was, how much adjustment it was necessary to make, and a number of other things about it, they never recommended it.

No President in modern times has recommended it. The Hook Commission under President Truman, perhaps, got along better with this than did any of the rest of them. However, President Truman never did recommend it.

So, Mr. President, I seldom ever mention here on any amendment what the House might do or what their attitude might be. That is none of our business.

I think, though at this stage of the debate when we have had all of these amendments already, that as a practical matter we might as well say that the House will not even begin to consider looking at this change in the salary system, which is a matter that arose from an amendment on the Senate floor.

Mr. President, we might as well be frank about it. I say to the Senate we are wasting time as far as expecting this matter to become law. Even if we do agree to a change in the entire system of military compensation, it is not going to happen without some kind of support from the President and some kind of support from the House Armed Services Committee based on hearings. And I do not think it will be done without some kind of consideration and recommendation from the Senate Committee on Armed Services.

With great deference I say, as a fact of life, in my opinion, the House will not even begin to consider this amendment, much less adopt any substantial part.

Already we have put into the bill that is pending now $2.8 billion in extra pay—$2.8 billion in extra pay. Of that amount $1 billion was recommended by the Bureau of the Budget and by the President, and was in the budget, so to speak, for 1972. Incidentally, that budget was $11 billion out of balance when it was submitted in January 1970, and some estimates now are that it will be $22 billion out of balance a week from Wednesday when the fiscal year ends.

In any event, in addition to that they put in $1.8 billion extra the other day and the 1973 budget already has an estimate, and that was not recommended by the Bureau of the Budget. As I said, $22 billion is estimated already for each of the two budgets.

That is a whale of a background for an amendment from the floor proposing a shift in the entire system. As I said, it will require $1 billion additional if we are going to shift over to the other system.

In following that up, it will be found that the quarters allowance made now is nontaxable, but if they are to be placed on a salary basis and the military person required to pay taxes on it, there would have to be an increase in salary sufficient to pay the amount that will be withheld. So even though $1 billion of that would come back there would have to be an increase in the appropriation of $1 billion to start it off.

Here is another factor. If we are going to have this retirement system for the military, and I rather like the general idea, and I used to advocate it to a degree, we have to pay our part of that contribution, and the Government would start off $115 billion in the hole, or, in other words, the Government would start off with $115 billion worth of accrued liability.

If we are going to be strictly honest about it, we would have to appropriate $115 billion as the Government's contribution as a starting point. Of course, that is impossible to do in 1 year, but if it were to be done in 5 years, which is certainly a reasonable time, there would have to be $24 billion a year, which is unthinkable.

If this military system is going to be placed on a basis comparable to civil service retirement I am told it would cost about 23 percent—not the 14 percent but about 23 percent—which would mean a contribution of about 11.5 percent that the military man would have to put up. If it is ever realized it would be only after a very fine study by competent people and then there would be the big job of trying to get it into legislative form.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

Therefore, Mr. President, I say if we want to jump off into the unknown and get a system that never has been made to work, a system that does not have the recommendation of a President and does not have the recommendation of the President now, then agree to this amendment and get this 90-day study and whatever comes in 90 days would be a 90-day wonder; it would not be anything except a monstrosity. I would judge it would take 1 to 2 years at the very least before anything could be worked out and we would not be able to get anything that military personnel would back without a cost of many billions of dollars. I think already we have taken a rather sizable bite in salary increases and that we had better let well enough alone.

Mr. President, in summary, as I have already indicated this amendment would direct the establishment of a system providing for cash contributions to a retirement system similar to that we now have for Federal civil servants. This matter is appealing on its face and frankly the concept of a person contributing toward the cost of his own retirement has had some appeal to me over the years, but I have learned that this is not a simple matter. Presumably the concept would be that there would be a fully funded system under which the individual military person and the Government would make contributions in order to provide a fund to pay up the later cost of retirement.

In view of the enormous cost of the military retirement system there is grave doubt as to whether it is realistic to expect Congress to establish a fully funded contributory system.

Mr. President, on June 30, 1971, the estimated unpaid or accrued liability of the military retirement system will be $115.3 billion. Let me explain what this means.

This is the amount of money which the Congress would have to appropriate immediately and place in a fund earning 3½-percent interest in order to pay out at some future date the military retirement cost liabilities which have been built up as of June 30.

The amount of money which will actually be paid out, Mr. President, by the Government will be at least double the $115 billion. The 3½-percent interest, however, would earn the extra amount during the period before pay out.

In other words, for a retirement fund to have any meaning $115 billion must be appropriated in order that the fund may start even and I must say here, Mr. President, that the fund would not stay sound very long because even the $115 billion does not take into account any future pay raises for the active force or cost-of-living increases for the retired group.

The next point, Mr. President, is that the required contributions would be quite high. It has been estimated that for a military contributory system the required total contribution would be about 23 percent of basic pay. This would mean about 11½ percent of a person's basic pay if the individual were to contribute half. This compares to roughly 14 percent of the so-called normal cost for the Civil Service System.

I point this out, Mr. President, in order to show the enormous complexity of dealing with this problem.

Mr. President, I hope the Senate overwhelmingly rejects the amendment.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, with all due respect I think we have the interesting example again of arguments being used against this amendment which I consider totally fallacious, and without any foundation for the simple reason that we would not be jumping off into the unkown.

The Senator from Mississippi himself indicated this matter goes back to 1947. As far as the argument that it is a complicated system, we now have a complicated system. The Hubbell report, which I referred to earlier, called for modernizing military pay. I wish Senators would bother to read that report.

This proposal would streamline and modernize the pay system, which is so terribly complicated. All the amendment would do would be to ask for a study to determine its total application as it would exist in the military.

Again, Mr. President, we are shutting off information; we do not want information; we want to be in the dark. Somehow, we are happy to be in the dark. Either we do not want information or if it is asked for it must be given to someone other than Members of Congress. As in the case of the New York Times and the Washington Post in the Federal courts in both New York and Washington we have a good example today of Congress failing to demand information.

This amendment is not of that import but it is another example of Congress saying, "Do not confuse us with the facts; do not give us information; we do not want to know." It is ridiculous to put ourselves in this posture.

We had a study in 1958, as well, and a study by the Hubbell Commission, and a study by the Gates Commission.

Interestingly, the Senator from Mississippi uses the argument that the presidents have not recommended this. What about article I, section 8 of the Constitution? One of the great problems we have in the relationship between the executive and the legislative branches of Government is that the legislative has created a void by lack of leadership and the executive over the years, particularly since the New Deal, has filled that void. Instead of the legislative branch initiating legislation, as it should, it has waited for the President to recommend legislation, and if the President does not think about it, we do not want to disturb our process.

I do not consider that because the President has not recommended something I have to wait for that great and glorious day when a President decides when he wants something. I think I have a responsibility as a Senator to initiate legislation.

I have heard other arguments in connection with the present bill. The arguments go like this: "Those fine admirals and generals have recommended this; after all, they know best; those fine people in the Pentagon recommended and, therefore, we should accept it." This report comes from the Pentagon and from those fine generals and fine admirals.

Admiral Hubbell was the chairman of this particular study. So, on the one hand, we use arguments against a proposal because the fine admirals and generals and leaders in the Pentagon recommend against it, and here today, when we have a proposal here that has the support of those gentlemen, we are told that we cannot take the recommendations of the generals and admirals; the President and the executive recommend against it. I do not accept those arguments against this amendment.

I would like to know where these figures are coming from. These studies do not show any figures like $1 billion or $115 billion. I would like to see those figures. These reports do not show it.

This is not jumping off into the unknown. We have good data and good statistics, unemotional and clearly stated postures for this proposal. Therefore, I reject the argument that this is unknown or is a monstrosity. I suppose I am a little sensitive because I was one of the "90-day wonders" in World War II. I think some good things came out of that. They participated in action in World War II in all theaters of the war.

So, based on the information that has already been acquired, this proposal is more than just a monstrosity. Here again we are seeing scare tactics used rather than arguments on the merits of the amendment. I hope the Senate will adopt the amendment.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

In this retirement area now, I want to point out that the President has directed an interagency committee, chaired by the Assistant Secretary of Defense Roger T. Kelley, along with Veterans' Administrator Johnson, Civil Service Chairman Hampton, and Assistant Director James Schlesinger of the Office of Management and Budget, to look into the present military retirement system.

Enactment of this amendment would tend to confuse the efforts that are being made and will be made by that committee.

You can say all you want to about this retirement system, but I have never heard of one that was quite as liberal and quite as fine as the one the military has right now. I think a great many of them do not want to make the change unless along with that change will come a great number of things that will increase their emoluments. Generally speaking, that was true of the Hubbell report. There were several Hubbell reports, but it was certainly not limited to the retirement system.

I have referred already to the $2 billion that this new system would require in Government payments. We would increase the Department of Defense budget cost by an additional $2 billion, on top of the $2.8 billion which we have already authorized, making a total of $4.8 billion; but it is doubtful that the serviceman would really gain anything from this additional $2 billion.

Mr. President, I rest my argument upon the fact that this matter is so involved and so complicated and so far-reaching. The military cannot agree on it among themselves unless we have a great number of additions. The President does not make recommendations, and this is a matter in which we have a right to look to the Executive for a system involving billions of dollars and millions of people, with the backlog of liability already accrued of $115 billion.

Mr. President, I ask unanimous consent that a table showing unpaid or accrued liability of the military retirement system be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Unpaid or accrued liability, military retirement system

[In billions]

June 30, 1949	$12.6
June 30, 1953	21.9
June 30, 1958	34.3
June 30, 1963	48.2
June 30, 1964	56.1
June 30, 1965	59.4
June 30, 1966	66.6
June 30, 1967	70.4
June 30, 1968	77.2
June 30, 1969	85.2
June 30, 1970	103.4
June 30, 1971 (est.)	115.3

Mr. STENNIS. I do not believe there is any sound reason at all why we should jump here just because something was said about it in the Gates Commission report, which is the most recent matter on the subject; that we just cut loose and call for a study and report within 90 days. We would get back a conglomeration of matters in 90 days that we would not be able to do anything about constructively, in my opinion, but there would be much pressure to pass it, especially if there were a number of additional benefits provided.

Mr. President, I yield the floor. Of course, when the Senator from Oregon finishes, I shall be willing to yield back the remainder of the time.

Mr. HATFIELD. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes. The Senator from Mississippi has 3 minutes.

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

I just want to emphasize again that this proposal does not carry with it one single penny of appropriation. It does not commit the Senate to any kind of system whatsoever. This amendment, purely and simply, asks, and only asks, that the Pentagon give us information and data on which to make a judgment upon this subject, which I am sure cannot escape the Armed Services Committee of the Senate, because I am sure that as that committee gives its leadership to the various problems facing the military, it is going to have to address this problem among others.

I hope Congress will see fit to ask for the information which this amendment requires. It does not carry with it any commitment to one penny of money. It carries with it only a requirement for information. I hope the Senate is not closed to the possibility of receiving information upon a subject on which it will have to make a decision some time in the future.

Mr. President, I am ready to yield back the rest of my time.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

This amendment requires the enactment of a salary system and a contributory retirement system which would replace the pay and allowances system that is currently used by the Armed Forces. It also requires the Secretary of Defense to submit to the Congress the new structure no later than 90 days after enactment.

I urge the defeat of this amendment for reasons which I will now explain.

Enactment of this amendment and installation of a salary system in the armed services would be a sweeping change to the pay structure that is currently in effect. The problems have been a subject of study within the Department of Defense and the administration for many years. As early as 1947, the Hook Commission suggested the possibility that this kind of system be used. The most recent group recommending a salary system has been the so-called Hubbell Study which resulted from the first quadrennial review of military compensation in 1967.

In spite of this long period of study and careful consideration, the administration has yet to recommend this change as a concrete proposal to the Congress. There are many reasons for this, because in spite of the ostensible attractiveness of the salary concept, it is a system that is extremely expensive to move to at this time, and would be of no greater economic benefit to the serviceman. It is simply a change in the structure of pay and the system we use to pay our people, and although it seems to simplify a complex system, the facts of the matter are that it does not.

Let me explain further. To change from one system to another system there are certain conversions costs. These conversion costs would require an increase in the defense budget of some $2 billion and yet would not contribute to any serviceman's improved economic situation.

The basic reason for these high conversion costs would be to insure, as the amendment calls for, that no one loses take-home pay. About a billion dollars is required to fund the so-called tax advantage alone, which results from the fact that quarters and subsistence allowances are tax free. In other words, under the current system a serviceman is given a certain amount of money to cover his quarters and subsistence costs. This money is in the form of an allowance and is thereby tax free and constitutes 100 percent take-home pay. Now if we were to convert to a salary system, we would have to increase the amount of money we are currently paying this serviceman to insure that he still has the same amount of take-home pay that he had before the conversion. This is even further complicated when you realize that a serviceman in one particular pay grade and longevity step drawing a certain allowance will have a different tax advantage than another serviceman in the same status because of the number of his dependents. This one small example gives you some indication of the difficulty and added budget expense of making this conversion. And remember, we would be doing this with no economic improvement to the individual member.

About another billion dollars would be required to increase the member's pay so that he can make a contribution to the retirement system and still not lose take-home pay. Again, there is no economic improvement for the individual serviceman. Now in this retirement area I would add that the President has directed an interagency committee, chaired by the Assistant Secretary of Defense—Manpower and Reserve Affairs—Roger T. Kelley along with Veterans' Administrator Johnson, Civil Service Chairman Hampton, and Assistant Director James Schlesinger of the Office of Management and Budget, to thoroughly look into the present military retirement system. Enactment of this amendment would tend to confuse the efforts that are being made and will be made by that committee.

The tax advantage and retirement contribution are not the only elements that must be considered in making a transition to a salary system. All elements of military compensation including commissaries and exchanges, medical care, as well as the variety of special pays and bonuses for specific jobs and skills must also be considered. For example, the first quadrennial review recommended that the commissaries and exchanges be required to go on a self-supporting basis if the armed services change to a salary system.

Under the present system there are several hundreds of thousands of servicemen who receive many items in-kind and not in cash. For example, all of those living in a barracks do not pay for their room but receive this as an in-kind compensation. Those eating in mess halls also receive this subsistence without having to pay for it directly. To convert to a salary system will require an elaborate system of charges and accounting, together with an unknown number of additional administrative personnel, to determine what the appropriate charge for a barracks bunk or a private room or whatever should be, charge the service member for it, and collect the money. The same would be true for all food services where we would be setting up completely new systems to charge and account for meals furnished to servicemen.

As a result of all this in addition to the $2 billion added budget cost, for which the serviceman receives no improvement economically, we would be requiring additional millions of dollars to be spent in accounting systems and additional personnel to run these accounting systems. These are only some of the technical problems involved, but let's get back to the basic issue.

If we enact this amendment we would increase the DOD budget cost by an additional $2 billion on top of the $2.8 billion which we have already authorized, making a total of $4.8 billion but the serviceman would gain literally nothing. We could perhaps say that we have changed the military pay and allowances system to a salary system so that our servicemen would be paid in the same manner as civilians, but I think the average serviceman would shrug his shoulders and say "so what?" We will not be giving him any more money to spend for his personal needs and the needs of his family.

The Senate has provided a very real economic improvement in military compensation. We have passed a pay package that amounts to approximately $2.8 billion and that package is $1.8 billion higher than the administration requested. As you know, I was opposed to increasing this amount at this time and would have preferred the phased approach of the President's program; but I accept the will of the Senate. However, I think it would be the height of folly to add another $2 billion this already substantial increase with no economic improvement whatsoever.

If Members of the Senate are interested in reviewing a program which would convert the pay and allowances system to a salary system—this can be accomplished without the passage of this amendment. But to pass this amendment and expect the Secretary of Defense to develop a satisfactory program within 90 days is not realistic. As I have explained, conversion to a salary system is a complex, difficult, and expensive procedure. The Senate should have the opportunity to thoroughly review any proposal which is submitted and should not set a deadline that would be difficult, if not impossible, to meet.

Mr. President, I yield back the rest of my time.

Mr. HATFIELD. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington, (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that the Senator from California (Mr. TUNNEY), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. TUNNEY) would each vote "yea".

On this vote, the Senator from Minnesota (Mr. HUMPHREY) is paired with the

Senator from Washington (Mr. Jackson). If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Washington would vote "nay."

Mr. COTTON. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senators from Ohio (Mr. Taft and Mr. Saxbe), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Thurmond) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Idaho (Mr. Jordan), the Senator from Vermont (Mr. Prouty) and the Senator from Maine (Mrs. Smith) are detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from South Dakota (Mr. Mundt), the Senator from Pennsylvania (Mr. Scott), the Senator from Maine (Mrs. Smith), and the Senator from Ohio (Mr. Taft) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Carolina would vote "nay".

The result was announced—yeas 25, nays 43, as follows:

[No. 106 Leg.]

YEAS—25

Case
Church
Cook
Cranston
Fulbright
Gravel
Hart
Hatfield
Hughes
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Ribicoff
Schweiker
Symington

NAYS—43

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Hruska
Javits
Jordan, N.C.
Magnuson
McClellan
McIntyre
Miller
Moss
Randolph
Roth
Spong
Stennis
Talmadge
Tower
Young

NOT VOTING—32

Baker
Bayh
Bellmon
Brooke
Buckley
Burdick
Ellender
Goldwater
Griffin
Harris
Hartke
Humphrey
Inouye
Jackson
Jordan, Idaho
Kennedy
Long
Mundt
Pastore
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Stevens
Stevenson
Taft
Thurmond
Tunney
Weicker
Williams

So Mr. Hatfield's amendment (No. 127) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 7736) to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, in which it requested the concurrence of the Senate.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 130

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate Amendment No. 130, which will be stated.

The legislative clerk read as follows:

On page 40, between lines 5 and 6, insert the following:

"Sec. 206. Section 310(a) of title 37, United States Code, is amended by striking out '$65' and inserting in lieu thereof '$200.'

"Sec. 207. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

" '§310a. Special pay: duty in a combat zone

" '(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

" '(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

" '(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

" '(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

" '(e) As used in this section the term "combat zone" means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat.' "

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combate zone."

On page 40 line 6, strike out "Sec. 206" and insert in lieu thereof "Sec. 208".

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I send to the desk some perfecting amendments to my Amendment No. 130, and ask that it be modified to be a substitute.

The legislative clerk read the modification as follows:

On page 1 of such amendment, strike out line 1 and insert in lieu thereof the following:

"On page 38, beginning with line 6, strike out all down through line 6 on page 39, and insert in lieu thereof the following:".

On page 1, line 2, strike out "Sec. 206" and insert in lieu thereof "Sec. 203".

On page 1, line 5, strike out "Sec. 207" and insert in lieu thereof "Sec. 204".

On page 2, strike out lines 22 and 23, and insert in lieu thereof the following:

"On page 39, line 7, strike out 'Sec. 204' and insert in lieu thereof 'Sec. 205'.

"On page 39, lines 19, strike out 'Sec. 205' and insert in lieu thereof 'Sec. 206'.

"On page 40, line 6, strike out 'Sec. 206' and insert in lieu thereof 'Sec. 207'.

On page 40, beginning with the comma after the word "enactment" strike out all down through line 10, and insert in lieu thereof a period."

The PRESIDING OFFICER (Mr. Hughes). Is there objection to the modification of the Senator from Oregon? Hearing none, the amendment is so modified.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. Mr. President, this amendment seeks to increase hostile fire pay to $200—from its present $65, and

To substitute this for the $6,000 combat enlistment bonus recommended by the Senate Armed Services Committee.

Presently, everyone in a combat zone receives $65 per month in addition to his normal pay.

However, not everyone in a combat zone, in fact very few, are constantly exposed to hostile fire.

A man should be adequately paid for the risks that he takes.

And while you cannot put a price on a human life, an effort should be made to compensate a man for the risks he is taking.

The Gates Commission recommended this increase not as an added incentive to enlist in combat specialties, because shortages in these areas was not deemed a problem by the Defense Department while the report was being formulated.

This recommendation is based on equity alone, by trying to compensate a man for exposing himself to the threat of physical harm and death.

The Senate Armed Services Committee recommended a $6,000 combat enlistment bonus.

This, however, would not accomplish the end which I seek to remedy.

And it is also not needed in light of the 300-percent combat enlistment increases in the past 2 months which was announced by the Army.

This increase, I might add, was the result of internal policy changed within the Defense Department, not increases in pay or other financial enticements.

Why should we give a man an additional $6,000 to enlist in a combat unit to go serve in Europe when there is not a threat at all?

With a maximum shortfall of approximately 24,000 combat enlistments for fiscal year 1972 without any pay increases, let alone the reduction of combat personnel in Vietnam or possible cutbacks in NATO or other areas, the $6,000 combat enlistment bonus is not needed.

But $200 per month additional pay for a man risking his life and limb in combat is reasonable from the standpoint of equity alone—if anything it is too small a price.

Using the $200 hostile fire pay instead of the $6,000 combat enlistment bonus would bring potentially great savings; if the enlistment bonuses were used to bring in the needed combat troops anticipated for the upcoming fiscal year, the expenditure could be at least $144 million.

If the hostile fire pay were instituted, the expenditure would be significantly less—unless we were to become involved in hostilities in some part of the world or an escalation were to occur in Vietnam—the additional cost for the first 3 months of the fiscal year would be $43.5 million.

According to statements from the Defense Department and the Administration the United States' combat role in Southeast Asia will be virtually nonexistent after this summer.

Therefore, we can expect little if any money being paid for hostile fire pay contemplated in this amendment.

The savings, consequently, which would emanate from substituting the $200 hostile fire pay for the $6,000 combat enlistment bonus, would be over $100 million for fiscal year 1972.

Mr. President, during the past few days, in various amendments which have been proposed where they have not carried with them requests for any money but only for a study or a proposal to be presented by the military, we have had arguments made that such proposals would cost billions of dollars.

I would like to emphasize to the chairman of the committee today that this amendment could potentially save $100 million, at the same time that we would provide equity for young men in hostile areas under hostile fire with an increase in pay from $65 to $200 a month.

Let me also emphasize that a man who wants to reenlist and go to Europe and render service in Germany or elsewhere can get the $6,000 but he could not get the $200 we are requesting in this amendment for hostile fire pay because he would not be in such an area or circumstance.

My proposal would save money and would be more equitable by providing this kind of pay to a young man under hostile fire. I think that is the least we can do for the men who risk their lives under such circumstances.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER.** The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this is a rather delicate matter. It is not a simple one. We already have a sound basis, one that has been tried and works. To the contrary, the proposed system was tried during the Korean War and did not work.

In Vietnam at the present time, whether our men carry a rifle or not, it is assumed that they are in a combat zone. That is literally true because one never knows where an attack or hostilities will break out. A man can be sitting in his tent, or in his barracks, having an after dinner chat with a friend, and rockets will come zooming in and 12 men will be killed. That has been going on for years. So, in order to meet this matter as a practical proposition, all of South Vietnam was declared to be a combat zone, and every soldier over there is receiving the additional $65 per month in pay. That is present law. Where men have been sent beyond South Vietnam, that, of course, applies with equal force to them.

In addition, those serving there have their Federal income taxes not deferred but waived during that period of service. I have all the figures showing how that works and how we are providing these monetary incentives to our military personnel whom we require to serve in Vietnam.

For example, a private would receive $5,066 in regular military compensation if he were stationed in Vietnam, compared to the same private who would receive $3,803 if stationed in the continental United States.

I think these figures are figures under present law and of course we have already increased that amount in this bill when it becomes law.

But back to present law, a sergeant in Vietnam would receive $8,806 in regular military compensation as compared to the sergeant in the continental United States who would receive $6,915.

This is caused by the current payment of hostile fire pay and the special tax exemption he receives while serving in Vietnam. We had this special plan enacted during the Korean war. As I say, it is similar to the one used in the Korean war. At that time the law provided that personnel receive combat pay based on the amount of exposure to the enemy, which is precisely what this amendment proposes.

We can just see offhand what problems that provision created and will create again, too. This program in Korea, after only 7 months, was deemed a total failure. The reason it was a failure is because it was almost totally impossible to administer.

The degree of exposure to combat is difficult to determine. The Vietnam war is a perfect example, as I have already indicated, of this fact. Areas which under previous type combat operations would commonly be considered safe, in many cases are as dangerous as a military fire zone. A combat exposure role and a combat area are unpredictable and changeable. An amendment such as this amendment proposes would create gross inequities, even more so than in Korea where there was far more of a battleline, a battle area, and a hostile fire area.

Mr. President, I think that the timing of the amendment is defective. I do not mean that the Senator is defective. However, the timing with reference to the war is wrong. We know that the number of personnel is decreasing and that combat, even though it has not stopped, has lessened.

I think that the Members of the Senate have unanimously and very clearly indicated their desire to reduce and eliminate the American combat role in Vietnam.

I think this is an amendment which would increase the pay of the personnel in these combat roles, whatever that means. It just seems that at this stage it is inadvisable and inappropriate to authorize the payment of money to a group of people who are becoming smaller in numbers each day and hopefully will be eliminated in the near future.

Mr. President, I think there is only one additional point that I wish to make at this time. We have in the bill now, and it has already been passed upon here by the Senate, I think, by a vote of 3-to-1, the provision for the so-called bonus pay.

Mr. President, that is a philosophical question in part. There was a very respectful difference of opinion on it. However, since that vote we have moved even farther in the direction of the so-called Volunteer Army concept. The bonus pay is to induce a man or help to induce him to sign up for a combat company, one which carries rifles, or the artillery or the tanks up front. In fact, he might have to go to Europe first. That is a typical example. We have to send him somewhere. That is to get volunteers to go into these companies and be trained and ready to go.

We might not like the idea much philosophically. However, I thought from the beginning that to a degree that attracts some rugged characters. Many of them have qualities in them that make them fine soldiers. We do not have to pay them $5,000 to begin with. That is based upon so much a year. It could go up as much as $6,000. He must prove his merit and must prove his worth.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The **PRESIDING OFFICER.** The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, he would have to prove that he is adaptable to that kind of training, that he is responsive, that he has the ability to develop the bone and the muscle required. I want them to require more of that of all members of the military.

As far as I am concerned, this is not just putting $5,000 or $6,000 in the pot and saying, "Here is a bonus." It will not work that way, and it should not work that way. By direct vote, the Senate has firmed up on an experimental basis a rather firm position to the effect that the great majority of the Members of the Senate want them to be given that training. I think as a whole, based on our experience in Korea and based on what we are doing in the winding down of this war, that we had better leave well enough alone. It is a delicate subject. The amendment would be almost impossible of application in this war and in the manner in which it is fought.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, can the Senator tell me the difference in pay between what a private soldier receives in South Vietnam and what he receives in the United States or in other areas?

Mr. STENNIS. Mr. President, a private first class would receive $5,066 in regular military compensation if he were stationed in Vietnam, compared to the same private in the continental United States, who would receive $3,803.

A sergeant in Vietnam would receive $8,806 in regular military compensation compared to a sergeant in the continental United States who would receive $6,915. That is in the present law. These increases, I think, would be added to that amount.

Mr. COOPER. Mr. President, there has been an informative debate on practically all of the amendment. On this amendment, I believe, and I speak with all respect to my friend, the Senator from Oregon—that when troops are in a combat zone, particularly in an area like Vietnam, it is pretty hard to distinguish between the dangers they face. There would be more sustained danger to those engaged for long periods of time. Yet, from the experience of many serving in past wars in combat areas, and in this war one distinction should be made.

They should be paid more and they are. I may be wrong philosophically, but somehow I do not like the idea very much of telling a member of the forces: "If you go up a little farther and get into the fighting and risk getting killed or wounded, you will be paid more money."

I may be wrong. In the Army or in any branch of the service everyone should be treated equally. This may not always be true. However, the men must feel, at least, that they are being treated equally. I think that they should get more pay in Vietnam. However, I am not prepared to make the distinction in pay between men in Vietnam, that the Senator's amendment proposes.

Mr. STENNIS. Mr. President, I agree with the Senator on the last point. It does not sound well to say, "Come up further, and I will give you more pay."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, may I say that I share the sentiments of the Senator from Kentucky. The concept of hostile fire might be intended to cover booby traps and things like that. But I think we know there are dangers inherent in the service in Saigon that can be very great. I am disturbed by that, but I think the Senator from Oregon has a point when he talks about the combat unit bonus. He makes the point that the combat unit bonus may lay a foundation for inequity as between signing up and serving in a combat unit—the comparative security of, let us say, Western Europe, and being a member of a combat unit in a theater of operations, such as South Vietnam.

I wonder if the Senator has any comment on that because I think it is a point and I hope the Senator from Oregon emphasizes this point. I have the feeling there is some inequity here and I would like to have the comment of the Senator from Mississippi on that point.

Mr. STENNIS. Mr. President, I say to the Senator from Iowa that as I see it the combat pay or hostile fire pay is an effort to do justice because of this general overall added obligation, and it would apply ordinarily to combat areas, but over there, it is so broad we apply it across the board; whereas the bonus for enlistment is altogether another system. This is the beginning of a new system to try to induce men to come in and go directly to these combat units. In a way they are giving up a chance to land in some other unit, at least a part of a chance. They are surrendering something.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. If they make good and stay in the service with a good record year after year that bonus is paid only on those conditions rather than across the board.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I appreciate the point made by the Senator from Iowa because, I wish to emphasize, that same person need not even be in Western Europe; he could be in the United States because if he has a combat MOS he is eligible for that $6,000. He need not be outside the continental United States.

I was interested in listening to the Senator from Mississippi arguing against the amendment because it was a new idea, and yet the $6,000 bonus, combat enlistment bonus, is something that has been added to this bill at this time; so it is new.

I would say already we have established a base for recognizing differences in pay for those actually in combat and those not in combat by having the $65 a month. All we are doing is seeking to raise that amount to $200 a month. We cannot put a dollar value on human life, but it is not a new thing.

I respond to the Senator from Kentucky by saying that it is not a new approach to have recognized that there are those near the front in action and those who are not. I recall that in World War II we had special pay in the Navy for submarine service and other types of service; we had overseas pay as distinguished from those who were within the continental limits of the United States. We had that basic difference of pay at that time and we have it even now. We have combat pay now and, as I have said, we are only seeking to raise the amount from $65 to $200.

With respect to South Vietnam, the Secretary of Defense may declare all of South Vietnam an area for hostile pay because of the guerrilla type of warfare being waged there, which is different from the type warfare we had in World War II and World War I. The whole area might be called a hostile pay area but it would cost us less money if we declared it all than to declare the combat enlistment bonus which was recommended by the Committee on Armed Services.

I wish to emphasize that there has been within the past 3 months a 300-percent increase in combat enlistments without bonus and pay increase which is included in this bill. Consequently, we can see that these actions are already underway and we need not have a further incentive of $6,000.

I do not argue that we will get more volunteers for the front. The point is that anyone in that position should be given a differential in pay in recognition of the fact he is in a different situation than if he stayed in Western Europe and able to go to Switzerland to ski for a long weekend. It is different from activity that is a threat to a man's well-being or his life. With respect to the man in Saigon on R. & R. we have seen the action taking place there, for instance, in bars where people are bombed and lose their lives. We have lost over 5,000 soldiers in Vietnam in other than hostile action.

We are only arguing on behalf of equity in raising it from $65 to $200 a month. I do not think the amount is exorbitant. It is only recognizing the differential we have already because we have a long record of having pay differentials in the branches of the services. I have already mentioned the pay differentials with respect to submarines and Naval Air.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 2 minutes.

Mr. President, the best figures I can get on the bill as now written show that a private first class in combat, in the hostile pay area, would get about $6,900, but I cannot be exact on that amount. I want it understood I am not giving an exact figure; that is a calculation.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. What would that same man get under the $6,000 reenlistment bonus proposed by the Committee on Armed Services?

Mr. STENNIS. If he enlisted for the 6 years he would get $1,000 extra; that would be about $12,000—no, it would not be $12,000. He gets around $7,000. I am talking about a regular private first class under the bill as now written. If he went into this infantry company to start with, or the artillery unit, waiving all chances to get somewhere else, that is why he is paid the bonus. He is paid the bonus for going in for that purpose and that purpose alone and never having a chance to serve in any other company or unit. That is why it stands on its own feet.

With respect to the point about paying all of them over there this fund the Senator proposes that it would not cost any more than this so-called bonus, I have a calculation by my able aide that we would have to get down to about 25,000 men in Vietnam before that would be true. That is the calculation.

Mr. President, I wish to return to my main point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

We now have a workable system that, as a whole, the men themselves are rather well satisfied with. It works and they understand it. Some of them are in very remote areas part of the time, as far as hostilities are concerned, but they get this money in these hostile areas and their taxes are waived.

The war is being wound down and I think we can rest on this system rather than to go into one that causes confusion, discontent, disappointment, and sometimes bitter rancor of the very worst type, as was true in Korea.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

I just would like to draw one further distinction, because I think the Senator from Mississippi made a very fine point on my side of the issue when he mentioned the amount of money involved. I would also point out that that amount of money involved would be close to $8,000 for the combat enlistment bonus, plus the fact that we could have a situation with one man fighting in a foxhole next to another man, in which one man would be getting $6,000 and the other man not getting the $6,000. Under my proposal both the draftee and the volunteer would receive the same pay because their lives would be of equal value.

Mr. STENNIS. I think I failed to make clear that the $6,000 is not paid per year. The highest total amount given would be for 6 years. The enlistee would be paid $1,000 per year only upon satisfactory performance. That is the system, and it is a different proposal.

Mr. KENNEDY. Mr. President, I rise in support of amendment No. 130 offered by the distinguished Senator from Oregon. The amendment, as modified, does two things:

First, it raises the pay for men actually bearing the risks of death in combat. For those young men who actually must face hostile fire, the $65 a month increment now in effect would be raised under this amendment to $200 a month—without discriminating between those young men who are volunteers and those who are drafted. In this way, Congress is simply acting to provide to those who face the greatest risks, the greatest recompensation, and it treats equally all who face this risk.

Second, it removes a glaring inequity in the current bill which places the Congress in the position of endorsing bounties for service in the military. The amendment, as modified, deletes section 3098(a) and thereby removes what I continue to believe is the most morally repugnant section of this bill—the $6,000 combat enlistment bonus.

It is my deep conviction that adoption of this provision will produce frictions and discords within the Nation that we can only now imagine. This provision is a blood bonus—a monetary lure to induce poor young men to sign up for combat service.

It is a bounty as described in section 8 of the military Selective Service law of 1967. "No bounty may be paid to induce any person to be inducted into an armed force."

As to its legality, the only question is whether the words "induce any person to be inducted into an armed force" also apply to those who enlist as a result of a monetary inducement.

Although it is unclear whether section 8 actually outlaws the combat enlistment bonus now contemplated in the bill—there can be no doubt that it violates the spirit of the law.

That provision in the bill has been in the law since 1918 when the first post-Civil War draft was enacted. And it stemmed from a close perusal of the disorders which followed enaction of the Civil War draft.

It was the bounty and substitute provisions of that earlier act which were blamed for the bloody riots among the immigrant sections of New York in July 1863. The results then were 500 dead and more than 1,000 wounded.

The poor had understood what the bounty meant. It means "poor men to fight a rich man's war." And they revolted.

Although the current provision does not explicitly provide for paid substitutes its effect is nevertheless the same. For it does the following: It provides up to $6,000 to pay a young man to sign up for combat duty. The number of young men who sign up on that basis thereby reduces the number of men who have to be obtained to meet combat needs by other means, such as the draft. Since the draft more than any other method of obtaining manpower spreads the burden through the wealthier levels of our society, the effect of the enlistment bonus is to reduce the number of those more affluent young men who will have to be selected.

And so by indirect means, the combat enlistment bonus produces the same results as the Civil War substitute. It provides for poor men to take the places of the more advantaged in the frontlines.

Some may wonder who will accept a $6,000 combat enlistment bonus? It surely will not be the sons of the middle class and surely not the sons of the wealthy. Their futures are secure, They have the potential for earnings far above $3,000 or $6,000. And they know that the bonus carries with it the threat of death, the threat of losing a limb. They know and they will not go.

Who then will be drawn by the enlistment bonus? The Labor Department and Census Bureau have the unpleasant answers.

The Nation's poor now number 25.5 million persons, an increase of 1.2 million over 1969. There are 17.5 million whites, 7.7 blacks. One in ten white Americans live in poverty, one in three black Americans also are poor.

It will be towards them the combat enlistment will be aimed. Army recruiters can move into the ghettoes and Apalachias of the Nation. If each Senator could think of the poorest section of his State and then imagine a recruiter standing there with a checkbook in one hand and an Army enlistment form in the other, then perhaps he can imagine the results of this proposal.

Or the recruiter may follow the Labor Department statistics. Each month, when a new major employment area is added to the list of areas with substantial unemployment, the recruiter will find a new target for his bounty.

For someone from another country may not be restrained in his comments, it would appear that the administration's on-the-spot response to rising unemployment and to continued poverty is the combat enlistment bonus.

It should be evident that there is a basic difference between the combat enlistment bonus and the provision for hostile fire pay. The first is offered to a civilian, to induce him to join the combat divisions of the Armed Forces. Its inequities are many. First, it would place the heaviest burden on the poor. Second, because it is planned to limit it to the Army, it discriminates against the Marines, the Navy, and the Air Force. Third, a volunteer in the trench outside Danang who had received the bonus would be getting several thousand dollars more a year than his fox-hole buddy who was drafted and faces the same threat.

The hostile fire pay on the other hand is designed to simply provide some greater compensation to those who actually undergo the greatest exposure to death and dismemberment.

The provision now proposed to increase hostile fire pay from $65 to $200 a month also attempts to provide a much greater semblance of equity by limiting the higher amount to those who are constantly exposed to hostile fire. There would be no limitation on the current $65 a month pay increment given to those in a combat zone. But for those who are constantly on the firing line, another $135 a month would be paid to compensate them for the greater risks they are forced to endure.

This provision also does not discriminate between Army, Navy, Air Force and Marines. All servicemen who are under regular fire, as determined by the secretary of defense, would be eligible for the additional pay.

Nor does this measure discriminate against draftees. It makes no difference if a man were drafted or volunteered. If he is forced to face hostile fire, he qualifies for the additional monthly pay. This avoids the situation of the combat-enlistment bonus where a draftee and a volunteer could, I repeat could, be in the same foxhole with one drawing several thousnad dollars more a year than the other.

Therefore, I would strongly urge the Senate to pass this measure because it provides equality to those who face the greatest risks—those who actually face hostile fire—and avoids the inequities of the bounty system of the combat enlistment bonus.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from California (Mr. TUNNEY) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

Mr. COTTON. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Ohio (Mr. TAFT and Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Carolina would vote "nay".

The result was announced—yeas 27, nays 47, as follows:

[No. 107 Leg.]

YEAS—27

Beall
Boggs
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Cranston
Eagleton
Fulbright
Gravel
Hart
Hatfield
Hughes
Kennedy
Mansfield
McGovern
Miller
Mondale
Muskie
Nelson
Percy
Prouty
Proxmire
Ribicoff
Roth
Spong
Symington

NAYS—47

Aiken
Allen
Allott
Anderson
Bennett
Bentsen
Bible
Brock
Cannon
Case
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Packwood
Pearson
Randolph
Schweiker
Smith
Stennis
Talmadge
Tower
Young

NOT VOTING—26

Baker
Bayh
Bellmon
Brooke
Buckley
Burdick
Goldwater
Griffin
Harris
Hartke
Humphrey
Inouye
Jackson
Mundt
Pastore
Pell
Saxbe
Scott
Sparkman
Stevens
Stevenson
Taft
Thurmond
Tunney
Weicker
Williams

So Mr. HATFIELD's amendment (No. 130) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMINICK and Mr. ALLOTT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

WITHDRAWAL OF AMENDMENTS

Mr. RANDOLPH and Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HATFIELD. Mr. President, I ask unanimous consent to withdraw Amendments 131 and 134.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 147

The PRESIDING OFFICER (Mr. BROCK). Under the previous unanimous-consent agreement, the Chair now lays before the Senate amendment No. 147 of the Senator from Alaska (Mr. GRAVEL).

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on Amendment No. 147.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, in view of the fact that there is a lapse in the agreement reached on Friday last, I should like at this time to offer an amendment on my own behalf. I send it to the desk and ask that it be stated.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. My attention was distracted momentarily. How many amendments did the Senator from Oregon withdraw?

The PRESIDING OFFICER. The Senator from Oregon withdrew two amendments.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Montana.

The legislative clerk read as follows:

At the end of the bill add a new title as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 501. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Publicly proclaiming a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Enter into negotiations with the Government of North Vietnam for an immediate cease fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date publicly proclaimed by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment?

Mr. STENNIS. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending order before the Senate?

The PRESIDING OFFICER. Under the agreement, Amendment No. 145, by the Senator from Massachusetts (Mr. KENNEDY) would come down. The Senator from Montana has asked unanimous consent for consideration of the amendment just read. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, the Senator from Montana gave me a copy of the amendment a few minutes before he sent it to the desk. I have not read all of it as yet. We have a unanimous-consent agreement to take up a certain number of amendments today, and we have disposed of three, I believe, and two have been withdrawn. The other is an amendment by the Senator from Massachusetts.

Reserving the right to object, Mr. President, the amendment of the Senator from Massachusetts—I do not have the number——

The PRESIDING OFFICER. It is No. 145.

Mr. STENNIS. That would be the next order of business, would it not?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, if I may be heard, it was my understanding that the distinguished Senator from Massachusetts indicated that he did not want his amendment to be called up until 3:30 p.m. In the meantime, we would have had two other Hatfield amendments.

So far as my amendment is concerned, the explanation is very, very simple. Anybody who has had a fourth grade education can understand it, and it is a matter on which I am willing to consider a time limitation of 10 or 20 minutes and face up to the issue and have it voted up or down. I want to speed the consideration of this bill. I want to do what I thought we had agreed to do with the Senator from Massachusetts; and if I cannot do it now, I will have to do it after he gets through with his amendment.

Mr. KENNEDY. Mr. President, if it is a question of yielding the time, I would be more than glad to yield part of the time or gladly follow the amendment of the distinguished majority leader. It would in no way inconvenience the consideration of my amendment.

Mr. STENNIS. Mr. President, reserving the right to object, under the circumstances, with an amendment I have not read, I would be very foolish to agree to quick consideration of it, with a little "quickie" vote run in here, ahead of other amendments to which we had all solemnly agreed last week. I do not know who is absent today or who may be present——

Mr. MANSFIELD. If the Senator will yield, I do not know and I do not care. The amendment will have to speak for itself, and it will be brought up at some time or other. After all, it is so simple that anybody could understand it in less than 2 minutes.

Mr. STENNIS. Reserving the right to object—if I may proceed for one moment—I do not know who is absent; but certainly there should be some kind of notice, more than a few minutes, in a matter on which we already have voted four times and is as far reaching as this amendment.

I am not making any excuses for objecting. It is my duty to object, and I do object, in the name of orderly procedure, if for no other reason.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator will yield to me—whoever has the floor—is it against the rules for a Senator to offer an amendment at any time to any bill?

The PRESIDING OFFICER. An amendment can be offered at any time an amendment is in order, but we are presently working under a unanimous-consent agreement.

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that I may be allowed to follow the distinguished Senator from Massachusetts (Mr. Kennedy) when his amendment is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I will offer the amendment at that time.

(The following colloquy, which occurred later in the day, is printed at this point in the Record by unanimous consent:)

Mr. MANSFIELD subsequently said: Mr. President, on the amendment which I offered to the Senate some few minutes ago, I ask that on page 2, the first line, the words "enter into" be stricken, and that the word "negotiations" be changed to "negotiate."

There has been no unanimous-consent agreement on this. However, I believe I have that right as a Senator.

Mr. GRIFFIN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, a motion is not necessary.

Mr. MANSFIELD. Mr. President, I wish the Chair would read the second section as changed.

The PRESIDING OFFICER. Is the Senator from Montana asking unanimous consent to modify his amendment?

Mr. MANSFIELD. No; I am just changing it and modifying my amendment.

Would the Chair have the clerk read it?

The PRESIDING OFFICER. The second section will be stated.

The assistant legislative clerk read as follows:

(2) Negotiate with the government of North Vietnam for an immediate ceasefire by all parties to the hostilities in Indochina.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this amendment be printed in the Record after the remarks I made this morning relevant to my suggestion that I would do what I have done, have it printed in the Record in full.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

H.R. 6531

At the end of the bill add a new title as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

Sec. 501. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Publicly proclaiming a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date publicly proclaimed by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. MANSFIELD. Mr. President, in view of the fact that the Gravel amendment No. 147 is not to be acted on until tomorrow, I ask unanimous consent that the amendment offered by the distinguished Senator from Pennsylvania (Mr. Schweiker) and myself, just read in part, be made the pending business at that time.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, to say that I am surprised at the objection is understating my feelings on this matter. However, for the information of the Senate, after all the time limitation amendments agreed to have been disposed of—and that would end with the Gravel amendment No. 126—it will be the intention of the Senator from Montana to call up the amendment which is at the desk and which will be printed in the Record.

That might be tomorrow. It might be Wednesday. At the latest, I would assume that it would be Wednesday, with or without cloture.

I believe in that respect that I am following the wishes of those who in good faith entered into these unanimous-consent agreements, and it was not my purpose to interfere with the consideration of any other amendment or substitute, except that when the opportunity arose, as when the distinguished Senator from Oregon (Mr. Hatfield) withdrew his two amendments which were to be considered on a time limitation, I thought it was at least reasonable to make that request at the present time.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 147 of the Senator from Alaska (Mr. Gravel).

(This marks the end of the colloquy which occurred later in the day and which, by unanimous consent was ordered printed at this point in the Record.)

Mr. RANDOLPH. Mr. President, is it in order to make a unanimous-consent request?

The PRESIDING OFFICER. The Chair will have to lay before the Senate the Kennedy amendment, before the request is in order.

Mr. RANDOLPH. I attempted to be recognized earlier, and I thought the Chair had recognized me. Is that not true?

The PRESIDING OFFICER. The Chair intended to recognize the Senator from West Virginia until the majority leader requested the floor. In accordance with the procedure, the Chair recognized the majority leader.

Mr. RANDOLPH. When will I be recognized?

AMENDMENT NO. 145

The PRESIDING OFFICER (Mr. HUGHES). The clerk will state the Kennedy amendment.

The assistant legislative clerk read as follows:

On page 41, strike out lines 1 through 4, and insert in lieu thereof: "Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code."

The PRESIDING OFFICER. Does the Senator from Massachusetts now yield to the Senator from West Virginia (Mr. RANDOLPH)?

Mr. KENNEDY. In just one moment, Mr. President, I will, but now I would like to ask unanimous consent to modify the amendment. I send the modification to the desk and ask that it be modified.

The PRESIDING OFFICER. The clerk will state the modification.

Mr. KENNEDY. Mr. President, the chairman of the Armed Services Committee has been given a copy of the modification, and I will go into it in some detail in my statement but would like to ask unanimous consent at this time that the amendment be modified in the way I have indicated.

Mr. DOMINICK. Mr. President, reserving the right to object, a parliamentary inquiry—have we had the yeas and nays ordered on this amendment?

Mr. KENNEDY. We have not.

The PRESIDING OFFICER. The yeas and nays have not been ordered. The Senate is working under a time limit agreement.

Mr. DOMINICK. Mr. President, do I correctly understand that we do not need unanimous consent in order to modify your own amendment?

Mr. BYRD of West Virginia. Yes, because there is the agreement to——

The PRESIDING OFFICER. The Chair is informed that it is necessary to have a unanimous-consent request made before, because of the agreement on a time limitation which has been worked out on a specific amendment.

Mr. DOMINICK. And a time limitation includes modifying your own amendment without unanimous consent request?

The PRESIDING OFFICER. When we have reached a specific time agreed on relative to a specific amendment, with the time limitation agreed to, that is an action taken by the Senate and does therefore require a unanimous-consent agreement to modify an amendment, under those circumstances.

Mr. DOMINICK. Mr. President, I am not trying to be difficult, because I think this is a pretty good amendment which the Senator from Massachusetts (Mr. KENNEDY) has, but what I am trying to do is to get the rule straightened out.

Under what rule is it provided we should have a unanimous-consent agreement as to time, if this presents one from modifying his own amendment?

The PRESIDING OFFICER. The Chair is informed that a Senator loses the right to modify his amendment after the Senate takes action on an amendment and a request for a time limitation for Senate action on the amendment, thereby relinquishing the right to modify it without unanimous-consent request.

The clerk will state the modification.

The assistant legislative clerk proceeded to read the modification.

Mr. KENNEDY. Mr. President, I ask that further reading of the modification be dispensed with and I will explain it in some detail in my statement here.

The PRESIDING OFFICER. Without objection, further reading of the modification will be dispensed with; and, without objection, the modification will be printed in the RECORD as requested.

The text of the modification is as follows:

On page 41, strike out lines 1 through 4, and insert in lieu thereof:

Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code.

Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding quarter thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

Mr. KENNEDY. Mr. President, I ask unanimous consent to add the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Illinois (Mr. STEVENSON) as cosponsors of my amendment No. 145, as modified.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if there is no objection, I will be happy to yield now to the Senator from West Virginia (Mr. RANDOLPH) and then I will get to the explanation of the amendment and the modification.

The PRESIDING OFFICER. Is there objection to the distinguished Senator from Massachusetts modifying his amendment? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, I yield to the Senator from West Virginia and then I shall propose a quorum call.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, there is pending at the desk a cloture motion which was filed early today.

I ask unanimous consent to affix my signature to that cloture motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time to be equally charged against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield myself whatever time I require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, there are essentially two elements to this amendment. First, it would establish that the Congress, as called for by the Constitution, shall determine the annual size of the Armed Forces. In that regard, it removes the Presidential escape clause that was appended to the committee's establishment of force level ceilings for each of the armed services. In so doing, it makes certain that if the President, in the absence of a national emergency, wants to remove the ceiling, he must come back to the Congress for approval.

Second, it specifically provides for emergency situations in which the President must respond quickly. My amendment states that the ceilings are absolute except that they do not affect the ability of the President to utilize the Ready Reserve as authorized by the Congress in section 673 of title 10, United States Code. Under this provision, the President may declare a national emergency and for that purpose call up the Reserves. The provision authorizes activating some 1 million Reserves for up to 2 years and prescribing their utilization. It is to this latter point that the modification concerns itself. Every 3 months the President should report to Congress how the Reserves should be utilized.

Mr. President, I feel this amendment carries with it the concept endorsed by the Senate in passing my amendment No. 75 which established a no-lift ceiling on the number of draftees who could be inducted in any year. That amendment was premised on the need for Congress to reassert control over the means of raising the Armed Forces.

The amendment now before the Senate seeks to reemphasize that the constitutional division of powers gave to the legislative branch the responsibility for establishing the size of the Armed Forces. Under the present committee bill, Congress once again would turn over to the

President the final authority for establishing the size of the Armed Forces. It would establish the following ceilings on the average active duty personnel strength:

First. The Army, 974,309;

Second. The Navy, 613,619;

Third. The Marine Corps, 209,846; and

Fourth. The Air Force, 755,635.

But then it provides that if the President determines that those ceilings should be lifted for national security reasons, he may do so.

Thus, the ultimate determination of the size of the Armed Forces is left to Presidential discretion.

My amendment would delete the clause permitting the President to unilaterally decide whether or not to lift the congressionally mandated ceiling. Removal of that clause retains to the Congress the final responsibility for lifting that ceiling.

We now have the history of our past involvement in Vietnam open to us. Not only are the basic facts of the steady escalation of our involvement over the past 7 years apparent to all, but now through the publication of the Vietnam history documents, we are becoming aware too late of how that involvement was orchestrated by the executive branch.

We have been bystanders as the number of draftees soared, as the size of the Armed Forces rose, and as the number of American deaths passed 45,000.

We have been bystanders, permitted only to receive those documents and those reports that would support the foreign policy decisions already concluded by the Executive.

We have been bystanders as congressional influence in the design and execution of American foreign policy dissolved.

From a Nation in which the executive and legislative branches were authorized to share in the direction of foreign policy, we have become a Nation in which the legislative branch learns of new foreign adventures only after they have occurred, and even then, only those facts that the Executive wishes for us to know.

If we are to learn from history, then we must recognize that these events do not constitute a precedent of executive control over foreign policy and military affairs.

I would repeat the statement of the distinguished chairman of the Senate Armed Services Committee on May 11, in which he cautioned the Senate about such a conclusion.

The chairman stated—

> It has sometimes been argued that the Constitutional balance in the war powers is a dead letter because of the erosion in Congressional prerogatives over the years. I do not believe this is true, not by any means . . . it does not follow that just because there have been some cases of significant U.S. force commitments without Congressional approval, that this has been desirable or should continue. These incidents do not constitute binding precedents. They have not made law, and this practice is most certainly not in concordance with the constitution . . .

Past congressional willingness to permit the President to determine the size of the Armed Forces also is not in keeping with article 1, section 8, of the Constitution which provides:

> The Congress shall have power to . . . raise and support armies . . . to provide and maintain a navy . . . to make rules for the Government and regulation of the land and naval forces.

Constitutional Scholar Edward S. Corwin stated:

> The clauses of the Constitution which give Congress authority to raise and support armies, to provide and maintain a navy and so forth, were . . . inserted . . . to designate the Department of Government which should exercise such powers.

Thus, the Congress and not the President was given sole power for determining the size and the method of recruiting the Armed Forces.

The failure to limit the size of the Armed Forces and the failure to effectively prevent the unrestricted expansion of those forces has provided the executive branch with a virtual free hand in developing its foreign policy plans without congressional review.

This year, there has been a strong beginning in reasserting congressional responsibility to closely examine the administration's request for military manpower. The Senate Armed Services Committee should be commended for its decision to reduce the ultimate size of the Armed Forces below the Defense Department request. In the action, the committee altered the pattern of the past and hopefully set a precedent for future investigations and reviews over the DOD rationales for their projections of manpower needs.

My amendment seeks to underscore the committee's action by stipulating that the congressional limitations are not to be exceeded without congressional action.

But in addition, there must be a recognition that while the rule must be congressional decisionmaking, exceptions at times of national emergencies must be permitted.

For that purpose, my amendment specifically establishes the power of the President to call up the Reserves in times of national emergencies.

The Berlin crisis, the Cuban missile crisis are but two of the recent examples when the fast-paced course of events presented the President with the need for emergency responses. In those situations, the President turned to the Reserves, and in those situations, future Presidents should turn to the Reserves.

Congress recognized this need in 1953 with passage of legislation authorizing the President to call up the Reserves when he concluded that the Nation faced a national emergency.

Secretary Laird recently has endorsed the use of Reserves in an emergency situation.

Thus, in a memorandum to the Joint Chiefs of Staff and the service secretaries, he stated:

> Guard and reserve units and individuals of the selected reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

His statement on the Defense budget reflected a recognition that the draft was an ineffective response in emergency situations. Thus, he said:

> The National Guard and reserves will take on increasing responsibilities and will be used initially to augment active forces should the need arise, reversing the past policy of relying primarily on the draft.

This undoubtedly took note of the time lag of some 6 months between inductions and the availability of combat-ready forces—a time period much longer than would be necessary to bring Reserve forces to a similar battle-ready condition.

I believe that the concept of a Reserve force which can respond quickly to national emergencies is in keeping with our historic reliance on the citizen-soldier. But again, it is only in the case of a national emergency which prevents careful consultation with the Congress on the question of raising the manpower ceiling on the Armed Forces.

My amendment establishes that the only instance in which the Armed Forces ceiling can be lifted without congressional action is in the case of a national emergency. This removes the escape clause permitted by the Committee language but does not deny the President the ability to respond to emergencies.

In order to keep the Congress apprised of the utilization of the Reserves, I have included a reporting provision to the amendment which simply provides information to the Congress at intervals of 3 months following the activation of the Reserves.

Ultimately, there is a check on the President's use of the Reserves contained in the annual appropriations and authorization process. But in between those annual reviews, it seems advisable for the Congress to have some more regular information about the deployment and mission of the Reserves.

In this way, I believe my amendment carries out the objective of reasserting congressional responsibility for the size and method of raising the Armed Forces.

It does so in a way which avoids any restriction on the President's ability to respond to a national emergency. At the same time, it accords to the Reserves, as the Defense Department recommends, a central role in the emergency reinforcement of the active forces. Finally, it provides for the President to report to Congress on the use of those Reserves at 3-month intervals.

Mr. President, the foregoing is a summation of the amendment which has been introduced and modified. I would be glad to respond to questions that Senators may have.

Mr. STENNIS. Mr. President, I shall make a statement in a few minutes on my time but I do want to say to the Senator that he certainly has worked on this manpower problem. He had a proposal to place a limitation on the inductees under the Selective Service Act. I have been benefited from time to time by consultations with the Senator from Massachusetts and with other Senators, also.

I have made a special analysis of his amendment and I want to make a statement and give some background, if the Senator has completed his remarks.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I call attention to the bill as reported by the Committee on Armed Services. I refer to page 40 beginning with title III on line 11, which states—

> Title III—Active Duty Strength Levels for Fiscal Year 1972.

I point out that setting force levels for the regular services is an annual task.

As a matter of background, in the consideration of the bill I proposed a ceiling on the number of inductees that could be inducted for fiscal years 1972 and 1973 at a level of 150,000. Frankly, that was above the estimate then made by the Department of Defense as to what they might probably need. I think it should be above.

Nevertheless I expected that figure to be vigorously attacked on the floor of the Senate and that an amendment would be offered substantially reducing that number. That is what I expected, as did other members of the committee.

Returning to page 40 of the bill, there is also a ceiling on active duty strength levels, but for fiscal year 1972 only. I proposed a reduction of those levels—what amounted to an in-strength reduction of 100,000 distributed among the Army, Navy, and Air Force. I expected amendments on the floor of the Senate which would probably substantially reduce that number but as things have developed there have been no amendments to set the number of inductees lower than the number in the bill, except an amendment I offered myself which made a slight adjustment. That level was agreed to. The Senator from Ohio proposed a further reduction and that amendment failed. Since the bill has been reported, that level has been settled.

Returning to page 40, line 11 of the bill, there has been no effort at all to further reduce these levels for the Army, Navy, and Air Force beyond what we did in committee.

The Senator's amendment raises the question to make clear that the Reserves can be called and that that would be permitted even though it might run over these levels. I think it is a very good point. I think the Reserves should be called when needed. I advocated that during the stepped-up stages of the war in Vietnam. I advocated that the Reserves should be called instead of a greater number of Regulars.

I have been a strong supporter of Reserves. The President has the authority now to call up as many as 1 million men from what we call the Ready Reserves. We have some very fine units in the Reserves. The total cost of what we put into the Reserves and the National Guard is over $3 billion a year.

It should be very clear here that Reserve callups are not precluded by the force levels of the regular active duty strength levels.

I think the President has the authority under the present law to declare a Presidential emergency. That rests solely with him. He does not have to consult with anyone. It is a long tradition that if the President is going to call up Reserves there should be a reason given and publicly stated, and I am sure that any President that is going to call up the Reserves would readily agree to that principle.

I think we have agreed on the numbers in these groups. So that it may be clear we can call up strengths of up to 1 million men in addition to the figures on 18-, 19-, and 20-year-olds. This being on a 1-year basis I think that is enough. It clears up the situation. I would object to any more restrictive language.

As a matter of fact, I never did think of these terms as precluding the calling up of the Reserves. Spelling it out in the bill makes it clear.

I am glad under those circumstances, if the Senator would modify the little addendum he had in here, to accept the amendment. I refer to the modification calling for a report in 60 or 90 days. If the Senator would make that 6 months I think it would be an acceptable amendment. I refer to the language, "Beginning with the fiscal year quarter immediately following the quarter in which first unit or units are added to active service."

I think 90 days might be rather limited and be interpreted as a restriction that is too severe.

I want to make clear if this amendment is adopted—and I hope the Senator will make the modification I referred to—that would be a firming up in clear language and develop these strength levels for calendar year 1972.

I shall support the amendment in its present form, modified by providing 6 months, but I would not be able to support any further adoption of these figures here.

I would like the Senator to respond on my time, and I yield myself 5 more minutes.

Mr. KENNEDY. Mr. President, I feel that the whole thrust of the amendment is in line with the statements of the chairman of the Armed Services Committee of the constitutional role of the Congress in the area of raising and supporting the Armed Forces. Obviously, I am much heartened by his comments and his indication of support for that aspect of the amendment.

The Senator drew attention to the modification of the amendment, to require the reporting back to the Congress on how the Reserves are being utilized every 90 days. The Senator has suggested that the period be extended to 6 months. I think that is a reasonable suggestion. Congress would receive full reports on the utilization of the Reserves called to active duty every 6 months.

I shall be glad to modify the amendment in this way as suggested by the Senator from Mississippi.

At this time I ask unanimous consent to modify my amendment by adding, after the word "the" on the third line of the modification on page 1, the word "second", so it would be "second fiscal year".

Then, on the sixth line, following the word "succeeding" strike out the word "quarter" and insert "6 months".

With the consent of the chairman of the Armed Services Committee, I believe that would follow the recommendation he made. I ask unanimous consent to modify my amendment in that way.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object—it is not my purpose to object—I wonder, in view of the shortness of this amendment as it is now constituted, if we can have the clerk read the amendment.

The PRESIDING OFFICER. The clerk will read the amendment as presently modified.

The assistant legislative clerk read the modified amendment.

> On page 41, strike out lines 1 through 4, and insert in lieu thereof: "Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code".
>
> At the end of such amendment add the following:
>
> "Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding 6 months thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate".

Mr. KENNEDY. Mr. President, I am prepared to yield back my time.

I understand the Senator from Oregon (Mr. PACKWOOD) wanted to make a comment. I will be glad to yield to him such time as he may need.

Mr. GRAVEL. Mr. President, I would like to address an inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the Senator from Oregon 5 minutes.

Mr. PACKWOOD. Mr. President, might I first ask the Senator from Mississippi to clarify this matter so I may understand what we have before us?

Under the bill as presently amended, and if we adopt this amendment, we have a ceiling on troops which the President cannot go above without authority of Congress, and we have a ceiling on enlistees above which the President may not go without authority of Congress, and his only discretion is on the Reserves, as to which, under the amendment, he must report to Congress every 6 months on what he has activated. Is that correct?

Mr. STENNIS. Yes; that is correct. The Senator said limitation on enlistees. As the bill reads, would it not be limitation on those on active duty?

Mr. PACKWOOD. Yes. I think we agreed on the enlistees a week or so ago. We are not interested in that here in this amendment, but we have put a ceiling on those.

Mr. STENNIS. As the Senator knows, there are those who are enlistees. Those who go in through the draft we call inductees. The Senator recalls that we put a ceiling on those.

Mr. PACKWOOD. Yes. I will call them inductees.

Mr. STENNIS. There is a ceiling on the Reserves under present law. There is a ceiling on the number the President may call up from the Reserves and National Guard.

Mr. PACKWOOD. But the only ceiling he may go beyond is in the Reserves. We have limited the President as to inductees and those who are volunteers. Is that correct?

Mr. STENNIS. Yes; we have limitations on inductees and also a limitation on the active duty force levels. Some of them are inductees counted the second time, so to speak, or the men who volunteer.

Mr. PACKWOOD. I think we are moving in the right direction at last in Congress as to what should be our obligation in terms of fixing force levels. For years prior to the 1940's the force levels were determined by Congress, not by the President, and he could not go above those levels without the authority of Congress. In the last 2 or 3 years we have given him authority to induct them in numbers which it was in his sole prerogative to determine.

I think today, by the Kennedy amendment and previous amendments, we have gone a long step toward redressing the imbalance between the President and the Congress as to what numbers of force levels we should have. I congratulate the Senator from Massachusetts and I commend the Senator from Mississippi for agreeing to this position of having Congress take a responsibility for determining how many people we are going to have in the active military force.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. COOPER. As I understood the effect of the amendment of the Senator from Massachusetts, it would maintain the active duty forces at the level stated in the committee bill. Is that correct?

Mr. STENNIS. That is correct.

Mr. COOPER. It would deny the authority which now enables the President to raise force levels. The amendment provides that if it should be desirable to raise the forces level, the President would declare an emergency to call up the Ready Reserve. Is that correct?

Mr. STENNIS. He can still raise the levels, but only through calling the Reserves, and his authority is up to 1 million if he declares a presidential emergency, to which Congress does not have to agree.

Mr. President, I yield myself 5 minutes.

I think the Senator from Oregon stated correctly that Congress has been setting these force levels, in effect, through appropriations.

The amount of money appropriated was based on terms of the manpower.

I wish to restate that this matter of personnel levels is something I am interested in, and have been interested in and have tried to move into more and more since I became chairman of the committee. The committee has also been interested; I do not mean just myself personally, but our committee has attempted to move into this field more and more.

This is something that cannot be done overnight, but I think good headway has been made, these principles have been established, and I think good will come from it. These figures are very reasonable indeed as to inductees, active duty strengths, and also the Reserves. I do not look upon this as a compromise at all; as the Senator from Oregon pointed out, it is getting an adjustment of these levels, since they have become fixed, and showing they are satisfactory to the Senate, getting them fixed as far as the Senate is concerned at these levels, and I am most grateful to all members of the committee who have worked on the matter, and that includes a number of the members, as well as others who are not on the committee but who have worked on the problem.

I hope the amendment, as modified, will be agreed to. To that end, I yield back the remainder of my time.

Mr. KENNEDY. Did the Senator from Alaska have a question?

Mr. GRAVEL. I wish to pose a question to the Senator from Mississippi, if I may.

Mr. KENNEDY. I yield to the Senator 5 minutes.

Mr. GRAVEL. As to the portion that was stricken by the amendment of the Senator from Massachusetts, the first 3 lines on page 41, I am happy that is stricken. I think it should be stricken.

But I ask the Senator from Mississippi, is this not a departure from what existed in prior years? Did we not last year establish a ceiling level of 3,385,000 troops, with no proviso whatsoever that the President could exceed that number?

Mr. STENNIS. No, this is the first time that these figures have ever been in this bill, except as to Reserve Forces. We have set, now, for several years, the Reserve Forces' numerical strength, but that was in the procurement bill.

Mr. GRAVEL. Then perhaps I am in error, but I have a document from the Library of Congress——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. I have a document from the Library of Congress, which I shall place in the RECORD—I have sent to my office for it—which states that the ceiling level as a result of the Korean war was established at 5 million troops, without any way for the President to alter that ceiling other than coming back to Congress.

The first change that took place was last year, when the ceiling level was brought down from 5 million to 3,385,000. The only other change is the ceiling level of today; but the substantial difference is, of course, the escape clause, which has been taken out now by the amendment of the Senator from Massachusetts.

What I am trying to ascertain is, was the committee plowing new ground here in what I would consider to be an erosion of congressional prerogatives?

Mr. STENNIS. Well, I will answer the question this way: The Selective Service Act of 1951 was renewed with the same provision every 4 years, and it is in the present law, which will expire at the end of this month. But that 5-million ceiling that the Senator has mentioned related to the power of induction, that when the level of forces got to 5 million, that terminated the induction authority. This bill is the first time that numerical strength levels have been brought into a bill of this kind. We have had it for the Reserves, but not for the Regulars.

Subject to all this, the amount of money in appropriation bills each year set the level for the manpower for that fiscal year. That is a general level; and that is the way it has been handled heretofore.

Mr. GRAVEL. But that manpower level in the military authorization bill was not exceedable by the President unless he came back to Congress; is that not the Senator's interpretation?

Mr. STENNIS. This 5-million manpower level?

Mr. GRAVEL. No, the 3,385,000 passed last year.

Mr. STENNIS. No, that could be exceeded. That just happened to be the level of strength, I suppose, for the year, is what the Senator is talking about. It was approximately that.

Mr. GRAVEL. But is it the contention of the Senator from Mississippi that prior to this date, and prior to today, the President could exceed those force levels?

Mr. STENNIS. Well, I remember when that level was set. I had forgotten about it. But the 5-million figure has been unrealistic, because we did not go beyond about 3.8 million in the Korean war, and it came back down, and we have not gone above that, or up to that level.

Mr. GRAVEL. But I think my colleague is missing the point of my question, which is that this new section added to this bill was really totally new ground with respect to the relationship between Congress and the President as to the authority to set force levels. Up to this date, and including today, the President cannot exceed the force levels under any condition; he must come back to Congress. But the language of the bill before us permitted the President, if he declares a national emergency to exist, to exceed that level, and that part has now been corrected by the Senator from Massachusetts.

I am just trying to keep in mind and get straight this matter of the legislative history on this subject.

Mr. STENNIS. Well, this language on page 41, it is true, was broader than the language that will be in the amendment if it is adopted. But the main thing about this language on page 41, after all, was the Reserves. They did not have to be Reserves; and now the amendment offered by the Senator will require this excess to be Reserves, up to a million, and they cannot be anything else except Reserves.

Mr. GRAVEL. Again, and I do not wish to belabor the point, I am not speaking of the Reserves, I am speaking of total force levels of this country. The broad language here on page 41 has not been a part of our law during the entire history of this country, up to now. This was the point—and I commend the Senator from Massachusetts for seizing upon it—because this would truly have been a blank check given to the President for force levels, that he has never had and does not have today.

Mr. STENNIS. Well, up to 5 million men it is very clear that he had that authority.

Mr. GRAVEL. But that force level was changed to 3,385,000 last year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield 5 additional minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I do not wish to make the point any further than it has already been made. I thank my colleague from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. Has the Senator already made his modification? Did that go in the RECORD?

Mr. KENNEDY. Yes. I understand legislative counsel has worked on it, and has some further modifications to establish what we have agreed on, but I understand that our modification would do it. I understand the Senator's staff also had a recommendation, but I am glad to live with the language as modified, rather than change it further.

I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

Mr. GRAVEL subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD, along with the colloquy with the distinguished Senator from Mississippi (Mr. STENNIS) concerning amendment No. 145 of the Senator from Massachusetts (Mr. KENNEDY), regarding the authority of the President and the various past authorities, a communication that I have just received from the Library of Congress on this subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REGULATING THE SIZE OF THE ARMED FORCE UNDER SELECTIVE SERVICE LAW

Attempts to regulate active duty strengths and inductions into the armed forces were well established prior to World War II. In 1916 the Congress provided for the maintenance of a Regular Army at the authorized strength of one hundred seventy-five thousand men, exclusive of the Philippine Scouts, enlisted men of the Signal Corps, and unassigned recruits.[1] In order to prepare for World War I Congress, on May 18, 1917, amended the 1916 act to empower the President to exceed the 1916 ceilings, to call to service all members of the National Guard, and to raise, by conscription if necessary, up to 500,000 men for the armed forces.[2] Before the end of the first World War, Congress, through the passage of several measures, had suspended all limitations on enlistment and had temporarily increased the President's authority to procure as much manpower as he deemed necessary.[3]

CRS–2

Between the two World Wars the Selective Service law lapsed, but in 1940 a new measure was enacted, known as the Selective Training and Service Act.[4] Once again Congress limited (to 900,000) the number of men who could be inducted or trained in peacetime.[5] The 1940 legislation instituted an even more stringent provision:

> Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States including the Philippine Island.[6]

Section 6 further stated:

> The President shall have authority to induct into the land and naval forces of the United States under this Act no greater number of men than the Congress shall hereafter make specific appropriation for from time to time.[7]

Shortly thereafter, in November 1940, the President declared a period of national emergency which lasted until October 31, 1946.[8] On December 13, 1941, after war had been declared, Section 3(e) was suspended "during the existence of any war in which the United States is engaged and during the six months immediately following the termination of any such war." [9]

CRS–3

After World War II President Truman proposed that the Act be permitted to expire on March 31, 1947.[10] At the same time the armed forces under went rapid demobilization. Where as in 1945 active duty personnel had been at an all-time high of 12,124,418,[11] by June 1947, their number was reduced to 1,582,999.[12] It is during this time period that the United States depended entirely on enlistments for maintaining the posture of the armed services.

The pressure of events soon changed matters once more. As the Cold War developed in 1947 and 1948. President Truman reversed himself and called for the restoration of conscription. Congress was at first opposed relying on the U.S. monopoly in nuclear weapons.[13] However, in February 1948 the fall of Czechoslovakia (and the Cold War generally) induced a new sense of alarm in this country and Europe. Congress now reviewed the need for peacetime conscription and passed the Selective Service Act of 1948. Active duty military personnel was down to 1,445,910 by June 30, 1948.[14] While granting the President the authority to induct men during peacetime, Congress maintained control over the size of the armed forces. Section 2 of the law set the following ceilings for active-duty personnel strengths: Army, 837,000; Navy, 666,000; and Air Force, 502,000.[15] These ceilings were higher than current strength levels. Should the President need more manpower, he would have to prevail upon the Congress to increase the ceilings.

The outbreak of the Korean War compelled the President to do just that. His first task was to seek a release from the personnel ceilings of the 1948 legislation. On August 3, 1950, the law was amended to suspend the ceilings for all three services.[16] The suspension of this particular provision has remained in effect since 1950.[17]

CRS–5

At the same time Congress imposed a five million personnel ceiling during the period of suspension.

> Sec. 2. The active-duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of five million persons at any time during the period of suspension prescribed in the first section of this Act.[18]

However, the 1970 Armed Forces Appropriation Authorization revised

Section 2 once again:

> Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.[19]

The intent of the original Section 2 of the Military Selective Service Act had been substantially altered. While Congress had traditionally required the President to justify increased manpower prior to authorization of levels (above those stated in the law) with the 1970 revision the President was empowered to raise the manpower ceiling without prior Congressional authorization.

CRS–6

The proposed Selective Service law of 1971 also reinstitutes a limitation on active duty strengths in compliance with the 1971 Armed Forces Appropriation Authorization, which reads in part as follows:

> Sec. 509. Section 412 of Public Law 86–149, as amended, is amended by adding at the end thereof a new subsection as follows: '(d) (1) Beginning with the fiscal year which begins July 1, 1971, and for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the average active duty personnel strength of such component for such fiscal year has been authorized by law . . .' [20]

While retaining the suspension of Section 2 of the Selective Service law of 1948, Section 13 of the proposed Selective Service bill (H.R. 6531) will set the size of the armed forces to accord with the provision of the 1970 Authorization bill "except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination." [21]

FOOTNOTES

[1] See Background of Selective Service, Selective Service System, Washington, D.C., 1957, vol. 1, 1957: 204. Act of Congress, June 3, 1916. Public Law No. 85. "An act for making further and more effectual provision for the national defense, and for other purposes." Section 2.

[2] Ibid. Act of Congress, May 18, 1917. Public Law No. 12. "An act to authorize the President to increase temporarily the Military Establishment of the United States." pp. 266–267.

[3] Ibid. Act of Congress, May 16, 1918. Public Law No. 29. See also, Act of Congress, May 20, 1918. Public Law No. 30. pp. 279–281.

[4] See: U.S. Congress. House Document. The Selective Service Act as Amended. (Compiled by Gilman G. Udell, Superintendent) Public Law 783, 76th Congress. Approved September 16, 1940. "To provide for the common defense by increasing the personnel of the Armed Forces of the United States and providing for its training."

[5] Ibid. Section 3(b), p. 20.

[6] Ibid. p. 21.

[7] Ibid. p. 24.

[8] R. Little, op. cit., p. 40.

[9] Public Law 338—77th Congress, p. 39.

[10] Public Law 26—80th Congress.

[11] Department of Defense. OASD (Comptroller). Directorate for Information Operations. Selected Manpower Statistics. April 15, 1971. Washington, D.C., 1971: 19.

[12] Ibid.

[13] Roger W. Little. Selective Service and American Society. New York, Russell Sage Foundation, 1969: 42.

[14] Selected Manpower Statistics, op. cit., p. 19.

[15] Public Law 759. 80th Congress. Approved on June 24, 1948. Section 2.

[16] U.S. Congress. House. Committee on Armed Services. Military Selective Service Act of 1967, with analysis. Includes a brief description of the Selective Service System, December 1, 1967. 90th Congress, 1st session. Washington, D.C. Govt. Print. Off., 1967: 5626.

[17] 10 U.S. Code 3201. Act Aug. 3, 1950, ch. 537, 64 Stat. 408, as amended June 19, 1951, ch. 144, title I, Section 3, 65 Stat. 88; March 15, 1954, ch. 79, 68 Stat. 27; Pub. L. 85–63, June 27, 1957, 71 Stat. 208; Pub. L. 86–4, Section 2, Mar. 23, 1959, 73 Stat. 13; Pub. L. 88–2, Section 2, March 28, 1963, 77 Stat. 4; Pub. L. 90–40, Section 2, June 30, 1967, 81 Stat. 105; Pub. L. 91–121, title IV, Section 406, Nov. 19, 1969, 83 Stat. 207, provided:

"That provisions of law imposing restrictions on the authorized personel strength of any component of the Armed Forces, including sections 102, 202, 213, and 302 of the Women's Armed Services Integration Act of 1948 (62 Stat. 357, 363, 369, and 371), section 2, title I of the Selective Service Act of 1948 (62 Stat. 605), as amended section 2 of the Act of April 18, 1946 (60 Stat. 92), and sections 102 and 202 of the Act of July 10, 1950 (64 Stat. 322 and 323), are hereby suspended until July 1, 1971."

[18] Ibid.

[19] Public Law 91–121. 91st Congress, 1st session. November 19, 1969. pp. 3–4. See also: Title 10, Section 3201.

[20] Public Law 91–441. October 7, 1970. p. 9. See Title 10. Section 3201.

[21] See Section 13 in the House Bill as reported. U.S. Congress. House. Report No. 92–82. Committee on Armed Services. Amending the Military Selective Service Act of 1967; To Increase Military Pay; To Authorize Military Active Duty Strengths for Fiscal Year 1972; and for other purposes. March 25, 1971. To Accompany H.R. 6531. Washington, D.C., 1971: 141.

The PRESIDING OFFICER (Mr. Brock). All remaining time having been yielded back, the question recurs on the amendment of the Senator from Massachusetts (Mr. Kennedy), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that the Senator from California (Mr. Tunney) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Rhode Island (Mr. Pastore), and the Senator from California (Mr. Tunney) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), the Senators from Ohio (Mr. Taft and Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from South Dakota (Mr. Mundt), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thurmond) and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 108 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Smith
Spong
Stennis
Stevens
Stevenson
Talmadge
Tower
Williams
Young

NAYS—0

NOT VOTING—21

Baker
Bayh
Bellmon
Buckley
Burdick
Goldwater
Harris
Hartke
Humphrey
Inouye
Jackson
Mundt
Pastore
Saxbe
Scott
Sparkman
Symington
Taft
Thurmond
Tunney
Weicker

So Mr. Kennedy's amendment (No. 145), as modified, was agreed to.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, the major question confronting the Senate in its consideration of the Selective Service Act of 1971 is whether to continue the present draft system or to abolish it and rely upon a volunteer army for our military manpower needs in the future. This is an extraordinarily complex decision. It involves some of the most basic social and political questions a nation must face, as well as the myriad issues of military requirements and cost.

One of those questions that we must face is the issue of individual conscience and the values of individual freedom and liberty, upon which our free system of Government and all our historic traditions are founded. Those values reflect a respect for the individual which should restrain the Government, whenever possible, from forcing an individual to perform an act which is abhorrent to his conscience.

On the other hand, our society also values social equality and responsibility: the obligation of an individual in a free society to share the burdens of that society equally, without regard to social status or income. One such burden is national defense. It is a burden which, I would hope, will grow increasingly lighter. But when our Nation faces military manpower needs during a period of war or national emergency, a free society based on the principle of social equality cannot permit the more affluent to escape the obligation of service simply because they are affluent while the poor—without viable alternatives—serve.

I believe that no military manpower plan offered to the Senate this year satisfactorily meets the competing goals of military need, maximum personal freedom, minimal costs, and equality of military service. But no system can satisfy these somewhat mutually exclusive goals. So our task must be to fashion a system that balances these competing goals in the best way.

THE DRAFT VERSUS VOLUNTEER ARMY

After careful study, I believe that the best way to strike such a balance is to reform our draft system, especially with additional financial incentives so that draft calls can approach zero during times of peace. I believe this is the best way to move toward a system for fulfilling our military manpower needs in peacetime without large draft calls, while providing the necessary manpower and a random distribution of the burdens of fighting a war for times of crisis. Moreover, our servicemen should be provided adequate compensation during their service.

We are now in a transitional stage: We are slowly, too slowly, emerging from a massive combat commitment; we are redefining the scope of our commitments around the globe, and we are reevaluating the need for the draft system to meet those requirements. I do not think at this time we can predict just what the best form for meeting these needs will eventually be. Nor do I think that we should hastily jump toward solutions that may not be satisfactory 5 years hence.

Therefore, I think it best for us now to make substantial increases in military pay to see if we can lower draft calls. If this experiment proves successful, we may be able to fashion a peacetime draft system which will satisfy our manpower requirements with no draft calls at all.

Not only do I believe that an extension of the draft is, with modifications to approach zero draft calls, the more prudent course, but also I believe fundamental values of our society demand the continuation of the basic elements of the draft for times of war or emergency.

First, and most important is the question of what means a society uses to select those young men who will fight and perhaps die in a war. We will be asking these men to take risks in exposing themselves to the greatest sacrifice any society can demand. What are the most just means of selecting these young men during war in a democratic society? When all is weighed, I think there can be only one answer: That all the young men in that society, rich and poor, majority and minority, must be presented with an equal risk of undergoing the danger of those sacrifices. I see no other fair way of distributing this potential for death, since all men cannot serve in battle.

The proposed alternative to a draft system is a volunteer army. The major inducement for service in such an army must be economic, whether volunteering is for pay, training, education, or escape. There are disputes over which group in our society would volunteer under such a system—middle class, lower-middle class, urban black, rural white, and so on; but essentially it makes no difference, for whoever does volunteer will do so because he finds the incentives in the Army better than those in private life.

Such a system allows the more affluent members of society to avoid the obligations of defending that society during times of crisis. It was followed in the Civil War when wealthier young men could avoid the draft by buying a substitute for something like $300. I think, over a century later, with a greater appreciation for the demands of equal protection, we must reject such a method of selection during wartime.

I am deeply troubled by the fact that the draft currently operates to compel some young men to fight in a war which they consider wrong.

But the dilemma—and the tragedy—is that abolishing the draft does not eliminate for them this compulsion. It merely lifts it selectively—from those who have sufficient economic status and opportunity to resist the incentives offered by the military. The people who would fight are those whose opportunities in the private marketplace are so limited that they are attracted to "volunteer" for military service and, perhaps, to fight in a war which they consider wrong or senseless.

To call people "volunteers" does not give them true free choice. The fact is, the economic system which shuts off real opportunity—and real choice—operates as a compulsion to military service just as surely as an induction order.

The debate over the draft has been inextricably enmeshed with the concern for setting limits over the power that a President has to commit our Nation to war. I feel that we have committed too much human and economic treasure in Vietnam without formally facing the democratic procedures for declaring war. Then, after being committed, we have found it difficult to reverse that decision through our normal procedures of Government.

We must search for ways of changing our procedures to insure that a commitment like Vietnam is not made by a President alone. We must restore balance to our system by insuring that the Congress and an informed citizenry also participate in the decision to go to war.

This concern has reinforced my belief that the draft is the best system during periods of war, for only the draft imposes the greatest cost of the war—military service—uniformly throughout the country. A volunteer army would impose the burden of service upon those least likely to protest politically and upon those least likely to do so effectively, even if they wanted to do so. Through increased military appropriations, a process which is easily accomplished because of the committee structure of the Congress, a President can easily escalate a conflict using a volunteer army without confronting those political forces in our Nation which would be best able to oppose such escalation. We would reduce citizen impact on foreign policy.

In contrast, the draft system imposes service upon all, and if a President increases military manpower commitments, he must face the task of convincing all segments of society that such an increase is necessary for the public good.

Finally, I believe that a volunteer army during war might be prohibitively expensive. Our society cannot afford to spend billions of dollars for the primary purpose of avoiding military induction during times of war for those who would rather not serve this Nation's defense. We have too many other urgent priorities to which we must devote our precious resources—including the development of economic opportunity for those who now find such opportunity only in military service.

For all of these reasons, I have decided to support a continuation of the draft system for use during times of war or national emergency.

LIMITING THE PRESIDENT'S POWER

In addition to supporting the draft during wartime to assure that the President must convince all segments of our society of the need for our participation in foreign combat, I supported two other amendments to the draft bill which would help reassert congressional authority in foreign affairs.

Senator KENNEDY offered an amendment to the draft bill that would prohibit the President from inducting more than 130,000 men next year without special congressional authorization. It passed the Senate. This amendment will go a long way toward preventing a President from making a major military commitment without the consent of Congress. I supported the amendment wholeheartedly and the successful efforts to eliminate the exceptions to the limit that were added to it in committee.

Furthermore, I supported the amendment of Senator SCHWEIKER to limit the extension of the Selective Service System to 1 year. The best way to limit any Presidential reliance on the draft as an automatic source of combat troops is to make it renewable each year. Each year it would be subject to congressional amendment and each year draft authority would lapse unless Congress took the positive step of renewing it. This would force the President to consult more with the Congress before embarking upon extensive foreign military commitments. Unfortunately, this amendment was defeated by six votes.

I believe all of this—the uniform burden of the draft, the limitation upon the number of men who could be drafted each year, and the yearly renewal of draft authority—is one important way that Congress can exercise its proper share of control over our conduct of foreign and military policy.

THE WAR AND THE DRAFT

Some people argue that the elimination of the draft is a way to end the Vietnam war. I disagree. First, with decreasing manpower requirements in Vietnam and increasing appropriations for military pay, it is possible the conduct of the war could be continued without the draft system. Perhaps the way the war is conducted will be altered, but the war will not be ended. Just as important, the way we wind down the war in Vietnam is absolutely crucial. I believe that we should set a date certain for withdrawal of all military personnel in Vietnam, for this is the best way to assure that our prisoners-of-war are released and to avoid the prospect of a residual force remaining in Vietnam for the indefinite future.

Therefore, I voted for the amendment to the draft bill that will require the withdrawal of our military personnel from Indochina by December 31, 1971.

DRAFT REFORM

Those of us who ask for the extension of the draft have an obligation to make certain that the system of random selection operates in a fair and equitable manner. Today, the Selective Service System is neither fair nor equitable. Some steps in that direction have been taken in the past few years. But we must do much more.

Draft policy and draft calls must be made uniform. Draft boards must be made more responsive and representative of the areas they administer. Student deferments should be eliminated. Registrants should be given the right to counsel and to present witnesses before draft boards. Judicial review of a reasonable nature must be provided to insure that the administrative actions of the Selective Service are neither arbitrary, illegal or unconstitutional. And the draft should not be used as a punishment for legal dissent. All these reforms must be implemented if we are to continue the draft system.

Finally, the coercive nature of a military Selective Service System would be less objectionable if we could find a way to provide a workable system of alternative national service. But such a system of alternative national service presents many practical difficulties.

If we broaden the choice of service, we must broaden it for all Americans. We should not permit the educated to escape military service, dooming the poor—

black and white—to its limited opportunities.

Alternative national service should be as open as military service. And its tasks should be no less taxing. Its aims should not be subject to question. It should not create a haven for draft dodgers, a program providing for 2 or 3 years of fun, or a series of makework projects.

We have seen the successes of the Peace Corps, the Teachers Corps, VISTA, and some of the other community action programs in the public and private sector. We have seen how young people will respond to the opportunity to mix their idealism and humanistic vision with their responsibility to serve their Nation.

I hope formulas can be found to provide for these service options while maintaining necessary military manpower.

Next year, and the years after, we must continue to modify our draft system so that it can better reconcile the value of equality with the desire for maximum individual freedom. Our ultimate goal must be—as a nation—to conduct a foreign policy which brings peace to the world and makes any draft calls unnecessary and obsolete.

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970; and

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

PUBLIC HEALTH SERVICE ACT TEMPORARILY HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill, H.R. 7736, to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, received today from the House of Representatives be temporarily held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, in view of the arrangement entered into, and with the approval of the distinguished Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that the pending amendment be laid aside temporarily and, as was indicated to the Senate earlier today, the Senate return to the consideration of Calendar Order No. 218, H.R. 8825, an act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The bill will be stated by title. The assistant legislative clerk read as follows:

A bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished majority leader if that would interfere in any way with the unanimous-consent agreement that at 9:20 a.m. tomorrow, amendment No. 147 by the distinguished Senator from Alaska (Mr. GRAVEL) to the Selective Service Act become the pending business?

Mr. MANSFIELD. Not in the least.

Mr. ALLEN. In other words, this would not go beyond 9:20 tomorrow morning.

Mr. MANSFIELD. That is correct. And we hope to finish it tonight. Then the Gravel amendment will become the pending business at 9:20, and hopefully we will vote on it at 10:20 or before.

Mr. STENNIS. Mr. President, reserving the right to object, and I shall not object, the majority leader does not contemplate any more amendments on the Selective Service Act today.

Mr. MANSFIELD. The Senator is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST THAT 5-MINUTE WARNING ON ROLLCALL VOTES BE ADHERED TO

Mr. SYMINGTON. Mr. President, I would have the RECORD show I was in my office when the five bells rang on the previous rollcall vote. I then came to the Chamber. The 5-minute rule was not adhered to. The result of the rollcall vote was 79-to-0, so it was not too important; but if we are going to have rules we ought to observe them and not change them at discretion.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. METCALF. Mr. President, the 5-minute rule is sometimes not adhered to.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senator may proceed.

Mr. METCALF. Mr. President, sometimes the 5-minute period is shortened because we tend to shrug off the rule and say, "All Senators who are interested have voted."

If we have the 5-minute rule, the 5-minute rule should be strictly adhered to so that those of us who are in our offices can depend on a 5-minute period in which to answer the rollcall vote.

Mr. SYMINGTON. We ought to live up to these rules or discard them. I came over here with about a minute to spare under the 5-minute rule.

Mr. METCALF. Mr. President, I have been in the process of considering the legislation on congressional reorganization. Some of the problems we are concerned with concern the very problem raised by the Senator from Missouri.

I asked the staff about the 5-minute rule. Some members of the staff said, "Well, sometimes we shut off the lights and proceed to the final rollcall vote before the 5 minutes have actually elapsed."

It would seem to me that once the lights have gone on and the bells have rung, we should have exactly 5 minutes—no more, maybe, but no less—to appear and answer to the rollcall vote.

Mr. SYMINGTON. Is the Senator stating that the staff admitted the 5-minute rule is violated at the discretion of the staff?

Mr. METCALF. Mr. President, I do not know. I have been informed by the staff that the 5 minutes have not actually elapsed at times before the Senate proceeds to the conclusion of the rollcall vote.

Mr. BYRD of West Virginia. Mr. President, may I say on behalf of the leadership that it is not the intention of the leadership at any time—Mr. President, let us get order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease conversations on the floor.

Mr. BYRD of West Virginia. Mr. President, on one occasion last week a Senator arrived too late for the rollcall. He felt that he had left his office in ample time after the 5-minute bell had rung to reach the Chamber. He missed the vote. The same situation obtained today in the case of the Senator from Missouri (Mr. SYMINGTON).

I wish to make it clear, however, that it is not the intention of the leadership—and I am sure the majority leader will say the same when he is in the Chamber—that the 5-minute period is ever shortened by even one second, because it is the rule that when the 5-minute bell rings Senators are to be assured that they have exactly 5 minutes to reach the Chamber thereafter. So if the time did not run the full 5 minutes, it was not by any understanding of the leadership. It could only have been an error at the desk.

I am sure if the clerk at the desk were permitted to speak for himself, he would state that he always runs that clock for 5 minutes after the last bell rings. That is the way it is supposed to be. If he makes an error—and, of course, it can happen—the record should show that the leadership does not enter into any understanding that the 5 minutes may be shortened. Otherwise, if the rule were allowed to be eroded in that manner, Senators could not have any assurance whatever that there would be 5 minutes remaining once the bell had rung.

I am sorry this situation has arisen and I would just hope that the clerks at the desk would make very, very sure in the future when the 5-minute bells are rung that 5 minutes actually remain, before the vote is announced.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SYMINGTON. Mr. President, I thank the majority whip for his courtesy and the nature of his statement.

In this case the 5 minutes was not adhered to. I passed the senior Senator from Washington in the subway, and asked, "Is there enough time? He said, "Yes."

Mr. BYRD of West Virginia. May I say it is now and always has been my purpose to observe the rules and to observe them to the letter, and I do what I can to promote that effort.

I certainly want to assure the Senator I am going to do everything I can to make doubly sure that the rule is strictly adhered to in the future.

I had the same situation the other day in coming from my office. I am sorry to impose on the time of the Senate, but this matter has come up.

I knew by my watch when the 5-minute bell rang. When I reached the door, the doors were being held open waiting for me. I thought by my watch I had a half minute remaining. But I could have been mistaken.

I simply want to emphasize there is no intention on the part of the leadership to have any rule violated when Senators are counting on those rules to be enforced.

I shall be even more on notice and more alerted to this matter in the future because it arose last week, it arose today, and I am going to make it a point to do the best I can to be sure Senators hereafter are assured of that 5 minutes—no more, no less.

Mr. SYMINGTON. I thank the Senator. I might add that I left my office shortly after the 5-minute bell and my secretary called the cloakroom to say I was on the way.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. I appreciate the predicament my friend is in. I am thankful for the 5-minute warning. It is something we were not accustomed to. It is not the fault of the Whip that it does not work every time.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ALLOTT. Mr. President, I wish to congratulate the Senator from Missouri. He is lucky to have a bell in his office that rings. About 3 weeks ago I attempted to get the bell on my clock fixed. They came up and fixed it and the lights started going on in various places. Now, when the bell rights it looks like the Fourth of July on the wall. Now, the buzzer does not buzz.

I want to congratulate the Senator for having a bell that rings. Perhaps with help I can get mine fixed so I can do more than guess.

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HOLLINGS. Mr. President, if Senators will turn their attention to H.R. 8825, the legislative branch appropriation bill, on behalf of the committee I present the following statement and then I will try to answer any questions Senators may have.

The legislative branch appropriation bill for fiscal year 1972, which is now before the Senate, recommends appropriations in the amount of $532,297,749.

This bill provides funds for the various operations and activities of the U.S. Senate, the House of Representatives, Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, General Accounting Office, and the Cost Accounting Standards Board.

The increase recommended by the committee over the House bill of $82,398,144 is almost all attributable to the fact that the House of Representatives does not, under the customary procedure, consider the Senate items, and over $79.5 million of this increase relates to Senate items and those items relating to the Senate under the Architect of the Capitol.

When these Senate funds are eliminated from the increase, the bill is only $2,691,000 over the House bill, and $1,711,000 of this sum relates to the Library of Congress and $980,000 is for the General Accounting Office.

The bill as reported to the Senate is $89,393,430 over the appropriations for fiscal year 1971.

Most of this increase results from inclusion in the bill of $71,090,000 for construction of the Library of Congress James Madison Memorial Building, pay increase and related costs, and the transfer into this bill of funds in excess of $7 million, which have heretofore been included in the appropriation bill for the Office of Education.

The report is before each Member, and beginning on page 26 is a tabulation which gives a complete comparison for each item in the bill.

I will confine my remarks to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have at any time.

In order to promote efficiency in connection with the disbursement of funds, several of the appropriations have been consolidated, which results in no increase in the amounts recommended.

These matters are described in detail on pages 3, 4, 6, and 7 of the report.

The committee considered a request from the Secretary of the Senate to authorize the Secretary to revise titles and adjust per annum salary rates with fiscal year aggregates.

This is a function which has been handled for many years by the Subcommittee on Legislative Branch Appropriations upon recommendations from the Secretary of the Senate.

The committee felt that the existing procedure was adequate and has denied the request of the Secretary for this change.

However, the 12 title changes which the Secretary felt should be made as a matter of administrative practice have been recommended by the committee in the form of an amendment in the bill.

The title changes are enumerated beginning on page 4 of the report.

Under the Office of the Sergeant at Arms and Doorkeeper, the committee has included funds in the bill and authority to employ 164 additional nonpatronage, career police. With these additional officers, there will be a Senate complement of 431. The House of Representatives recently authorized 214 additional police, which will result in a House detail totaling 569, for a grand total for the Capitol Police of 1,000 officers.

The Senate will recall that in the second supplemental appropriation bill in May, the Senate approved overtime pay for police, retroactive to March 1, 1971. This Senate amendment was deleted in the conference committee inasmuch as the House Administration Committee was at that time considering a measure to provide overtime pay. The measure from the House Administration Committee passed the House of Representatives and provided time-and-a-half pay, but is limited to the officers financed from appropriations to the House of Representatives. Thus, it was necessary for the committee to include in the bill language which will authorize identical overtime payments, retroactive to March 1, 1971, for those officers financed from appropriations to the Senate.

At this time, I might refer to the Plaza Hotel facility. With these additional police and with the cramped conditions existing at the present time, the Capitol Police Force must have adequate space.

The Committee on Rules and Administration of the Senate has studied this matter and has approved the use by the Capitol Police Force of the first, second, third, and fourth floor of the seven-story structure in the Plaza Hotel complex, and the first floor of the three-story structure in that complex. The Senate robertyper machines and other Senate personnel will use the balance of the space that is to be retained in the Plaza Hotel facility. The sum of $75,500 will be used for remodeling and repair work. An additional $98,500 will be used for elevator operation, cleaning, and maintaining the areas, and $50,200 is required for furniture and furnishings. There are to be available 68 rooms in the Plaza Hotel facility, including a police locker room, rollcall room, conference room, and offices.

I wish to point out that the appropriation recommended for "Inquiries and Investigations" has risen to $11,310,655.

It was necessary for the committee to increase the sum to this amount in view of the fact that Senate resolutions agreed to for the 92d Congress, first session, exceed $12.5 million.

The committee considered a proposal which would permit the application of official telephone and telegraph allowances for the purchase of official stationery when one account is exhausted and the other account has an excess. This proposal was found to be unworkable and was not approved by the committee.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. HOLLINGS. Is it on this particular point?

Mr. CHILES. Yes; it is on this point.

Mr. HOLLINGS. I am glad to yield.

Mr. CHILES. Will the Senator state the reason why the committee would not allow any excess money in the telegraph or telephone account to be transferred to the stationery account by those who do not use up their postage account?

Mr. HOLLINGS. It seems to me this is the type of problem that comes up yearly. It was studied in its entirety 2 years ago by a subcommittee within the committee, the Steering Committee, and the Policy Committees, on both sides of the aisle. Specifically, the telephone and telegraph allowance is on a calendar year basis, and the stationery appropriation is on the fiscal year basis. It would cause confusion to try to transfer one to the other. If there was need for additional stationery allowance, it was thought best to allow an increase. We allowed an addition of $400 for the stationery allowance, increasing the amount from $3,600 to $4,000 for those Senators from the six States with the largest population, which included California, New York, Pennsylvania, Illinois, Ohio, and Texas.

Mr. CHILES. My State does not happen to be one of those.

Mr. HOLLINGS. And neither is mine.

Mr. CHILES. Now we have a strike in the telegraph company, and yet we cannot use our telegraph allowance, but none could be shifted to the telephone account. It seems to me ridiculous to say to a Senator, who is a grown man, that he is not going to be allowed to shift funds to his postage allowance, if that is where he wants it, but he is going to be handicapped so that he has to use telegrams. The same thing with the telephone account. I happened to be in a position where it took me 3 or 4 months to get a WATS line. In the time it took me to get the WATS line I had to use over half of my minutes in the telephone account. On the day they put in the WATS line, they automatically charged me with half of my minutes. So I am in a position where no one in my office can make a long-distance call on the WATS line because we have used up our time. Yet we are stacked up in the telegraph account. It looks to me as if it is great for the telegraph company, and it almost makes one compelled to use a telegraph when it would be more convenient to use the telephone.

For the life of me, I cannot understand why in this modern day, when we have computers, we cannot allow a Senator to decide whether he wants to use the telephone, telegraph, or write a letter; why he is not given an x number of dollars allowed for this purpose and allowed to use the money available to him in the way he wants to use it.

Mr. HOLLINGS. In response to the Senator, let me say that this matter of allowances was considered both in the subcommittee and in the full Appropriations Committee. Not only did the Senator from Florida mention that, but the Senator from Texas (Mr. BENTSEN) mentioned the same thing. I brought it up on my own volition, because I ended up with the same experience, with a lot of telegraph money left and very little telephone money.

Mr. ELLENDER. Let me say to the Senator that the transfer of funds from telephone to telegraph accounts and vice versa may be made under existing regulations at the close of a calendar year.

Mr. CHILES. That can be done now?

Mr. ELLENDER. Yes.

Mr. CHILES. I am glad to have that information.

Mr. ELLENDER. But not as to stationery. Transfers may be made between telephone and telegram.

Mr. CHILES. I thank the Senator for that information, because my office was told it could not be transferred from telegraph to telephone, so I am delighted to get that information.

Mr. ELLENDER. Did the Senator get that information in writing?

Mr. CHILES. We called to see if we could make the transfer.

Mr. ELLENDER. That is in the rules and regulations issued by the Committee on Rules and Administration.

Mr. HOLLINGS. Of course, the frank mail privilege is apportioned to Senators from States based on population.

In addition, the appropriation for "Miscellaneous Items" has been increased by $33,730 and language has been included in the bill to authorize each Senator to select and be furnished either the United States Code Annotated and pocket parts or the Federal Code Annotated and pocket parts in lieu of the United States Code, now authorized.

The continuing annual cost is estimated at $11,000.

The Committee recommends language in the bill providing for the consolidation of the two transportation reimbursement authorizations for Senatorial offices—a conversion from the trip basis to a dollar allowance basis, and an expanded authorization to cover intrastate travel in certain cases.

This is where we do give discretion to the "grown-up" man in the U.S. Senate.

The present law authorizes reimbursement of transportation expenses for the nearest usual route between Washington and one point in the Senator's State at 12 round trips for each Senator per year and eight trips for staff, except for Senators from States with a population of 10 million or more, in which event the staff trips total 10 per year.

It has been found from experience that it is not realistic to expect Senators or staff traveling to States on official business to restrict their travel to one place in the State.

As a result, vouchers submitted require excessive review to determine the amount which can be paid of the total expense incurred.

This change is therefore recommended to reduce the administrative problems involved in auditing and to provide a greater latitude to Senators in allocating the trips by merging the two allowances.

No additional funds have been included in the bill for this purpose.

Mr. CHILES. I am delighted to hear that change has been made. It rather gives me hope, in spite of the fact that I, through long study, have gone into that previously, it was still something we had not allowed grown men to do, in spite of all the bookkeeping and everything else. I am delighted to hear the Senator's statement.

Mr. HOLLINGS. I thank the Senator.

The committee has included in the bill the amount of $1,209,000 to proceed with the proposed restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. The Senate Commission on Art and Antiquities has urged that the work now proceed to restore the two Chambers to the condition in which they existed and were furnished when last occupied in 1859 and 1860, respectively, by the U.S. Senate and the U.S. Supreme Court. It was the view of the committee that the restoration of the two Chambers would serve to stimulate public interest in the formative phases of the Nation's history; would enhance the Capitol as a major repository of the national heritage of the people of the United States; and would add to the edification and pleasure of the thousands of visitors who visit the Capitol each year.

Under the appropriation for the Senate Office Buildings, the committee has included an additional $228,500 for the employment of 28 additional employees. During this past spring, the buildings at 127 and 129 C Streets have been opened for use as a Senate facility. There are 114 rooms available in this area. As an example of the problem, the upholstering shop now has a 5-month backlog—so the committee has recommended the employment of two upholsterer helpers. The broadening of the duties in the electrical shop has created a need for additional assistance in this area, and the committee has approved the employment of one electrician and one electrician's helper. This same situation occurs in the cabinet-making shop, sheet metal working shop, plumbing shop, the paint shop, and there is also a requirement for additional positions approved by the committee.

Funds and language have also been included under the head, "Senate Office Buildings," on the recommendation of the Committee on Rules and Administration, which will provide for transferring certain restaurant management personnel and miscellaneous maintenance items to the appropriation, "Senate Office Buildings." This will result in smaller sums being made available to the restaurants from the appropriation, "Miscellaneous Items."

The committee has concurred with the House and recommends the full amount of the budget estimate of $71,090,000 for the Library of Congress James Madison Memorial Building.

The committee also recommends an increase over the House bill in the amount of $1,711,000 for the Library of

Congress. These funds are all related to the Legislative Reorganization Act of 1970 which was enacted last year. Members will find, beginning on page 18 of the report, the new areas of responsibility assigned the Congressional Research Service as a result of the Legislative Reorganization Act of last year. In order to implement this act, the CRS requested 209 additional positions. The House Appropriations Committee provided funds for 37, which as was pointed out on the House floor, represented approximately a 10-percent increase in the normal workload during the past year. On the House floor, the number was increased from 37 to 52. It was the view of the committee that this was insufficient and, consequently, funds have been provided by the committee for an additional 85 employees, which will provide 137 new positions for the CRS. Although this does not allow the full amount requested in the budget estimate, it will give the CRS an opportunity to begin its operations under the new act. The additional increases listed in the report with respect to the Library of Congress are all related to the impact of these new employees for the CRS.

The committee has approved $38 million for Printing and Binding operations of the Government Printing Office, and $14,445,900 for the Office of the Superintendent of Documents.

For the General Accounting Office, the Committee recommends an appropriation of $87,598,000 to permit the GAO to fulfill its responsibilities to the Congress as provided by law. The sum recommended is an increase of $980,000 over the House allowance, and with these funds, the GAO is authorized the additional 177 positions requested—an increase of 84 over the House allowance of 93. As the report points out, testimony before the committee makes it abundantly clear that the responsibilities of the Office have greatly increased as a result of recently enacted legislation. Included in the committee hearings is a listing of such acts, among which is the Legislative Reorganization Act of 1970.

Mr. President, that about completes my statement. I want to publicly thank the distinguished chairman of our committee, the Senator from Louisiana, for his cooperation and attendance at the hearings and his assistance and counsel on this bill, and also, of course, the distinguished senior Senator from New Hampshire (Mr. COTTON), who stuck with me throughout the hearings and is completely familiar with the subject, having worked for years on this legislative subcommittee.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

At the top of page 2, insert:

"SENATE"

On page 2, after line 1, insert:

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,777,495.

On page 2, after line 8, insert:

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

On page 2, after line 13, insert:

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized; which shall be paid from this appropriation without regard to the below limitations, as follows:

On page 2, after line 19, insert:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $414,510.

On page 2, after line 21, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $50,514.

On page 2, after line 23, insert:

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $198,276.

At the top of page 3, insert:

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $101,352.

On page 3, after line 3, insert:

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,696.

On page 3, after line 5, insert:

OFFICE OF THE SECRETARY

For office of the Secretary, $2,107,812, including $81,672 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided,* That effective July 1, 1971, the Secretary may appoint and fix the compensation of an assistant printing clerk at not to exceed $19,680 per annum, a clerk (office of printing clerk) at not to exceed $11,070 per annum, a delivery clerk (office of printing clerk) at not to exceed $8,364 per annum, a secretary to the Curator at not to exceed $12,546 per annum, an assistant secretary of the Senate in lieu of a chief clerk at not to exceed the per annum rate of compensation currently specified for the chief clerk and all laws, rules, resolutions, and orders referring to the chief clerk of the Senate shall be deemed to refer to the assistant secretary of the Senate; a registration clerk at not to exceed $17,466 per annum in lieu of a bill clerk at not to exceed such rate; a bill clerk at not to exceed $12,546 per annum in lieu of an assistant bill clerk at not to exceed such rate; an assistant bill clerk at not to exceed $8,856 per annum in lieu of an assistant chief messenger at not to exceed such rate; a senior reference assistant at not to exceed $16,974 per annum in lieu of an assistant librarian at not to exceed such rate; a senior reference assistant at not to exceed $12,546 per annum in lieu of an assistant legislative analyst at not to exceed such rate; an assistant librarian at not to eceed $12,054 per annum in lieu of a secretary in the library at not to exceed such rate; a secretary in the library, an assistant indexer, and five reference assistants at not to exceed $10,086 per annum each in lieu of seven reference assistance at not to exceed $10,086 per annum each; a chief indexer at not to exceed $14,760 per annum in lieu of a legislative analyst at not to exceed such rate; a staff assistant, official reporters at not to exceed $17,466 per annum in lieu of a clerk at not to exceed such rate; and a custodial assistant, document room at not to exceed $8,610 per annum in lieu of an assistant chief messenger at not to exceed such rate.

On page 4, after line 16, insert:

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,535,472, including hereunder, effective July 1, 1971 and thereafter, the positions authorized on a continuing basis by Senate Resolution 66, agreed to February 17, 1949, Senate Resolution 342, agreed to July 28, 1958, Senate Resolution 355, agreed to August 18, 1958, Senate Resolution 30, agreed to February 2, 1959, Senate Resolution 247, agreed to February 7, 1962, Senate Resolution 253, agreed to February 10, 1964, Senate Resolution 14, agreed to February 8, 1965, Senate Resolution 224, agreed to April 20, 1966, Senate Resolution 74, agreed to February 20, 1967 and Senate Resolution 66, agreed to February 17, 1969.

On page 5, after line 5, insert:

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $143,418.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $143,418.

On page 5, after line 12, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $31,349,994.

On page 5, after line 16, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,064,948: *Provided,* That effective July 1, 1971, the Sergeant at Arms may employ a driver-messenger at not to exceed $11,316 per annum in lieu of a truckdriver at not to exceed $10,578, four additional driver-messengers, one for the Vice President, one for the President pro tempore, one for the Majority Leader, and one for the Minority Leader, at not to exceed $11,316 per annum each, one additional automatic typewriter repairman at not to exceed $11,316 per annum, three additional lieutenants, police force at not to exceed $14,760 per annum each, nine additional sergeants, police force at not to exceed $12,300 per annum each, eight plainclothesmen, police force at not to exceed $10,086 per annum each in lieu of six plainclothesmen at not to exceed $9,840 per annum each, six K–9 officers, police force at not to exceed $10,086 per annum each, twelve technicians, police force at not to exceed $10,086 per annum each, one hundred thirty-two additional privates, police force at not to exceed $9,348 per annum each, and the per annum compensation of the programer, service department may be fixed at not to exceed $19,434 in lieu of $18,450.

On page 6, after line 13, insert:

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $241,572.

On page 6, after line 17, insert:

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $460,885.

On page 6, after line 21, insert:

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For the salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $294,605 for each such Committee; in all, $589,210.

At the top of page 7, insert:

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

On page 7, after line 8, insert:

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $496,770 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,310,655.

On page 7, after line 15, insert:

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.17 per hour per person, $57,320.

On page 7, after line 19, insert:

MISCELLANEOUS ITEMS

For miscellaneous items $5,356,972, including $497,000 for payment to the Architect of the Capitol in accordance with Section 4 of Public Law 87–82, approved July 6, 1961.

On page 7, after line 23, insert:

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $320; and for air mail and special delivery stamps for the Office of the Secretary, $410; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355: Provided, That the maximum allowance per capita of $1,056 is increased to $1,215 for the fiscal year 1972 and thereafter: *Provided further*, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional $305 each fiscal year; in all, $138,425.

On page 8, after line 9, insert:

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $368,400; and for stationary for committees and officers of the Senate, $15,200; in all, $383,600; *Provided*, That, effective with the fiscal year 1972 and thereafter, the allowance for stationery for each Senator from States having a population of ten million or more inhabitants shall be at the rate of $4,000 per annum.

On page 8, after line 17, insert:

ADMINISTRATIVE PROVISIONS

Effective July 1, 1971, the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out that first portion thereof, down through "fiscal year, and the," and inserting in lieu thereof the following:

"The contingent fund of the Senate is hereby made available for reimbursement of actual transportation expenses incurred by each Senator in traveling on official business, and such expenses incurred by employees in that Senator's office in making round trips on official business, by the nearest usual route, between Washingon, District of Columbia, and the home State of the Senator involved, or within that State during such travel. The total amount of such expenses for which each Senator and the employees in his office may be reimbursed in any fiscal year shall not exceed a sum equal to forty times (in the case of a Senator from a State having a population of less than ten million inhabitants), or forty-four times (in the case of a Senator from a State having a population of ten million or more inhabitants), fourteen cents per mile for the number of miles certified by the Senator as the distance between Washington, District of Columbia, and the place of his residence in his home State, if such distance is less than 375 miles; thirteen cents per mile, if such certified distance is 375 miles or more but less than 750 miles; twelve cents per mile, if such certified distance is 750 miles or more but less than 1,000 miles; eleven cents per mile, if such certified distance is 1,000 miles or more but less than 1,750 miles; ten cents per mile, if such certified distance is 1,750 miles or more but less than 2,250 miles; nine cents per mile, if such certified distance is 2,250 miles or more but less than 2,500 miles; eight cents per mile, if such certified distance is 2,500 miles or more but less than 3,000 miles; or seven cents per mile, if such certified distance is 3,000 miles or more. In any fiscal year in which a Senator does not occupy the office of Senator for the entire fiscal year, the total amount of such expenses for which that Senator and the employees in his office may be reimbursed shall not exceed the greater of (1) the amount determined under the preceding sentence times that fraction which has as its numerator the number of months (counting the portion of any month as a month) during that fiscal year the Senator has occupied such office and has as its denominator the number 12, or (2) 50 percent of the amount determined under the preceding sentence. Reimbursement for such expenses by employees of the Senator shall be made only upon vouchers approved by the Senator containing a certification by such Senator that the round trip was performed in line of official duty. No payment shall be made to a newly appointed employee to travel to his place of employment. Reimbursement under this paragraph shall be in addition to reimbursement for official travel which is otherwise authorized pursuant to law.

"The".

In the case of round trips made by employees in a Senator's office, the amendment made by this paragraph shall apply only with respect to such round trips commencing on or after July 1, 1971, except that a round trip commenced but not completed prior to such date and for which reimbursement may not be charged to amounts made available for such round trips for fiscal year 1971 may be charged to amounts made available under such amendment during fiscal year 1972.

Effective July 1, 1971, the second paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is repealed.

In lieu of the volumes of the Code of Laws of the United States, and the supplements thereto, supplied a Senator under section 212 of title 1, United States Code, the Secretary of the Senate is authorized and directed to supply to a Senator upon written request of, and as specified by, that Senator—

(1) one copy of each of the volumes of the United States Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume, each annual pocket part, and each pamphlet supplementing each such pocket part to the United States Code Annotated; or

(2) one copy of each of the volumes of the Federal Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume and each pocket supplement to the Federal Code Annotated.

A senator is entitled to make a written request under this paragraph and be supplied such volumes, pocket parts, and supplements the first time he takes office as a Senator and each time thereafter he takes office as a Senator after a period of time during which he has not been a Senator. In submitting such written request, the Senator shall certify that the volumes, pocket parts, or supplements he is to be supplied are to be for his exclusive, personal use. A Senator holding office on the date of enactment of this Act shall be entitled to file a written request and receive the volumes, pocket parts and supplements, as the case may be, referred to in this paragraph if such request is filed within 60 days after the date of enactment of this Act. Expenses incurred under this authorization shall be paid from the contingent fund of the Senate.

Section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961 (40 U.S.C. 174j–4), is amended by striking out the last sentence and inserting in lieu thereof the following new sentences: "Any amounts appropriated for fiscal year 1972 and thereafter from the Treasury of the United States specifically for such restaurants as a 'Contingent Expense of the Senate' item for the particular fiscal year involved shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under special deposit account."

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who has performed or performs duty in addition to the number of hours of his regularly scheduled tour of duty during any period on or after March 1, 1971, with respect to which the Capitol Police Board determined or determines that emergency conditions existed or exist, shall be paid compensation for each such additional hour of duty, in lieu of compensatory time off, at a rate equal to his hourly rate of compensation in the case of captains, lieutenants, and special officers, and at a rate equal to one and one-half times his hourly rate of compensation for other members of such force referred to herein. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Such compensation due officers and members shall be paid by the Secretary, upon certification of such additional hours of duty by the Chief of the Capitol Police as approved by the Sergeant at Arms of the Senate, from funds available in the Senate appropriation

"Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified herein.

On page 23, line 21, after the word "Board", strike out "$134,000" and insert "$232,400".

On page 26, after line 21, strike out:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $328,000; *Provided*, That none of these funds shall be used to employ more than twenty-four personnel.

On page 27, after line 17, insert:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide service, $328,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four individuals, of which number twelve individuals may hereafter be appointed by the Sergeant at Arms of the Senate at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on Rules and Administration of the Senate, and twelve individuals may hereafter be appointed by the Sergeant at Arms of the House of Representatives at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on House Administration of the House of Representatives.

On page 29, at the end of line 24, strike out "$2,479,200" and insert in lieu thereof "$2,506,700";

On page 30, after line 3, insert the following new language:

RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers. $1,209,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968.

On page 31, after line 3, insert the following new language:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,294 each, from and after January 10, 1971; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,692,000: *Provided*, That, any buildings in Squares 724 and 725, acquired under authority of Public Law 91–145 and Public Law 91–382, occupied by the Senate and/or the Capitol Police, shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)) and the Act of July 31, 1946, as amended (40 U.S.C. 193a–193m, 212a, and 212b): *Provided further*, That, hereafter, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales): *Provided further*, That annual and sick leave balances of such personnel, as of the date of enactment of this provision, shall be credited to the leave accounts of such personnel, subject to the provisions of 5 U.S.C. 6304, upon their transfer to this appropriation and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

For an additional amount for "Extension of Additional Senate Office Building Site", $31,500 to be expended for the purposes authorized under this heading in the Act of August 18, 1970, Public Law 91–382 (84 Stat. 819).

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $83,600.

On page 34, in line 13, strike out "$1,134,000" and insert in lieu thereof "$1,202,000";

On page 36, in line 7, strike out "$33,408,000" and insert "$33,661,000";

In line 22, strike out "$6,800,000" and insert in lieu thereof "$8,155,000";

On page 37, at the end of line 18, strike out "$962,000" and insert in lieu thereof "$995,000".

On page 38, in line 21, strike out "$435,000" and insert in lieu thereof "$505,000";

On page 39, in line 8, strike out "ten" and insert in lieu thereof "fifteen";

And on page 44, in line 6, strike out "$86,618,000" and insert in lieu thereof "$87,598,000".

Mr. COTTON. Mr. President, I shall not take the time of the Senate, other than to compliment the distinguished Senator from South Carolina, not only for his work on this measure but for the extreme fairness that he has displayed and the chairman has displayed on each question that has arisen.

I, too, wish to note the fact that the distinguished chairman of the full committee, the Senator from Louisiana, and the ranking minority member of the full committee, the Senator from North Dakota, gave this measure their close attention.

As compared with other appropriations in Government, I think we can honestly say that each item has received more scrutiny, perhaps, than the individual items in any other appropriation bill that comes before us. The committee was profoundly conscious of the fact that these items represent what is necessary for the working of the Senate and for the convenience of each Senator, to give him the necessary tools with which to work. We were aware of the fact that we could not possibly give every Member of Congress and every Senator everything that might be desired, but I think that we arrived at a fair decision, and that this measure represents the considered opinion of the entire subcommittee. There is no dissension among us. We all endorse the bill, because we worked on it and have given it our very best judgment.

I congratulate the Senator from South Carolina for the fine work he has done in bringing in this bill.

Mr. HOLLINGS. I thank the distinguished Senator from New Hampshire. I agree with his statement as to the Senator from North Dakota, who was with us all the time, and we appreciated his wonderful help.

Mr. President, the Senator from Florida (Mr. CHILES) would like to offer an amendment, relating to the transfer of telephone and telegraph accounts, allowing Senators to transfer. Upon inquiry, he has determined from the Comptroller that that is only allowed at the end of the calendar year and is not allowed in the discretion of the Senator, to be transferred at the time of need, from one item of telegraph, for example, to the telephone account. The chairman of the committee has pointed it out as an understanding, and I think we can clarify any misunderstanding by including it in the amendment of the Senator from Florida.

Mr. CHILES. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 23, insert the following:

Provided, That nothing herein shall prohibit the free transfer between the telephone and telegraph accounts at any time.

Mr. CHILES. Mr. President, this simply allows a Senator to make that free transfer and not to be handicapped by only being able to make it at the end of the calendar year.

Mr. COTTON. If this amendment is going to be adopted, we should also take out of the bill the $400 extra that was put in.

Mr. HOLLINGS. The $400 extra was an insufficiency, really, in the stationery account itself.

Mr. CHILES. This does not go to stationery.

Mr. ELLENDER. This does not go to stationery. It goes only to the telephone and telegraph allowances.

Mr. COTTON. Does this amendment permit the transfer to stationery?

Mr. HOLLINGS. No. That was really the confusion. The one was on the calendar year, and the other was on the fiscal year, and that was not allowed.

Mr. President, unless there is objection, I would be glad to accept the amendment of the Senator from Florida, on behalf of the chairman and other members of the committee.

Mr. ALLOTT. Mr. President, will the Senator withhold for a moment?

Mr. HOLLINGS. Yes.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I want to be sure that I understand the meaning of this amendment.

This simply means that there is a free transfer between the telephone account and the telegraph account, not between these accounts and any other accounts?

Mr. HOLLINGS. That is correct.

For the legislative history—and this is what our distinguished chairman counseled the Senator from Florida—that was permissible at the present time. Upon inquiry, the Senator from Florida learned from the Comptroller that that is allowed only at the end of the calendar year. To clarify a misunderstanding, it is just that transfer, and we thought we would put in writing what was understood.

Mr. ALLOTT. I have no objection.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I have discussed with the distinguished Senator who is managing the bill a provision in the committee report which deals with a very vexing problem for the large States, and that is the problem of transferring as between accounts—it is on page 8, at the top of the page, just before the new title—the question of applying excess official telephone and telegraph allowances for the charges on official stationery. My office has been out of that particular account basis, if my memory is correct, for a minimum of 4 months, and I have personally paid it.

My economics, I might tell the Senate, are bad enough. In all the years I have been in the House and the Senate—and I have been in the House and the Senate for 23 years—I have never received a penny of my salary, and I still do not. The economics are made even more impossible by the acute difficulty of even earning a living at the practice of law, which is seemingly becoming more impossible every day. So this is a very real problem to people such as myself.

But I am satisfied, after talking with Senator Hollings, that for the moment the committee has done what it can in accepting the amendment of the Senator from Florida (Mr. Chiles), which permits a transfer between telegraph and telephone and in adding for States such as my own some $400 on the stationery allowance. With almost a third of the membership of the Senate, whom we have as cosponsors, feeling as we do, I am very hopeful that we can work this out; and I do not wish to stand in the way of the bill at this time.

Mr. HOLLINGS. I thank the Senator.

Mr. President, unless there is further comment, I am prepared to vote on the amendment of the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question, Shall it pass?

The bill (H.R. 8825) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Brock) appointed Mr. Hollings, Mr. Ellender, Mr. Inouye, Mr. Cotton, Mr. Brooke, and Mr. Young conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, there will be no further votes today.

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, JUNE 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11:30 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, following the remarks of the distinguished senior Senator from Virginia (Mr. Byrd), on Wednesday next, that there be a period for the transaction of routine morning business, with statements limited to 3 minutes therein, the period not to extend beyond 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, could we know what the Senator is providing for tomorrow, inasmuch as I have an interest in that.

Mr. BYRD of West Virginia. Mr. President, I think I can help the Senator in just a moment.

TIME FOR DEBATE TO BEGIN ON MOTION TO INVOKE CLOTURE ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at 12 o'clock noon on Wednesday, June 23, 1971, the 1 hour under the rule, for debate on the motion to invoke cloture, begin to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time, during that 1-hour period, be equally divided and controlled by the distinguished manager of the bill, the Senator from Mississippi (Mr. Stennis) and the distinguished junior Senator from Alaska (Mr. Gravel).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call today.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST FARGO PIONEER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 156, S. 161.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk proceeded to read as follows:

S. 161, a bill for the relief of the West Fargo Pioneer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 1, at the beginning of line 4, strike out "is" and insert the following new language "and Dale C. Nesemeier are";

At the end of line 5, strike out "$1,674.07" and insert in lieu thereof "$995.38";

And in line 6, after the word "due", strike out "on sample copies of the West Fargo Pioneer mailed during the period from January 1969, through September 1969, and additional postage due"; so as to make the bill read:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the West Fargo Pioneer of West Fargo, North Dakota, and Dale C. Nesemeier are relieved of all liability for payment to the United States of the sum of $995.38, representing additional postage due on a publication entitled "The Mirror" included as a supplement to the West Fargo Pioneer and mailed during the period from March 1969, through April 1970, such postage being due as the result of the assessment of postage at incorrect rates by officials of the Post Office Department.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the West Fargo Pioneer the sum of any amount received on account of the postage deficiency referred to in the first section of this Act.

(b) No more than ten percent of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the West Fargo Pioneer and Dale C. Nesemeier".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. There will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 9:20 a.m.

At 9:20 a.m., the Senate will proceed to the consideration of amendment No. 147 of the Senator from Alaska (Mr. GRAVEL), with a time limitation thereon of 1 hour.

The yeas and nays having been ordered, a rollcall vote will occur on that amendment at approximately 10:20 a.m.

Upon disposition of the Gravel amendment No. 147, the Senate will proceed to consider amendment No. 172 of the Senator from New York (Mr. JAVITS), with a time limitation thereon of 1 hour.

Following disposition of the JAVITS amendment No. 172—at 12 o'clock noon to be exact—the Chair will lay before the Senate the Cook-Stevens amendment No. 165, with a time limitation thereon of 4 hours.

The vote on amendment No. 165 will occur at 4 o'clock p.m. This will undoubtedly be a rollcall vote, although the yeas and nays have not been ordered on the amendment.

Upon disposition of the Cook-Stevens amendment No. 165, the Senate will proceed to the consideration of amendment No. 173, by the Senator from Illinois (Mr. STEVENSON), with a time limitation thereon of 2 hours.

Upon disposition of the Stevenson amendment No. 173, the Senate will proceed to the consideration of amendment No. 126 by the Senator from Alaska (Mr. GRAVEL), with a time limitation thereon of 1 hour.

It is my understanding, following the action of the Senate tomorrow on the Gravel amendment No. 126, that the distinguished majority leader will call up his amendment which has been referred to a number of times today.

Thus, Senators are on notice that several rollcall votes are expected tomorrow.

Mr. GRIFFIN. Mr. President, if the distinguished Senator from West Virginia will yield, there is no unanimous-consent request made, however, in connection with the possible calling up of the distinguished majority leader's amendment on tomorrow, is there? We expect that he will do it at that time; is that not correct?

Mr. BYRD of West Virginia. Mr. President, the able Senator is correct. It is anticipated that the distinguished majority leader will do that. There is no unanimous-consent request so far.

Mr. GRIFFIN. I ask that question because there was an agreement but no unanimous-consent request proposed, so there is no reason for me to protect Senators.

Mr. BYRD of West Virginia. Precisely. The Senator is correct. It is the intention of the distinguished majority leader to call up his amendment, once the Senate has disposed of all amendments on which time limitations have been entered into and which have been scheduled for tomorrow. At that point, of course, unanimous consent would not be necessary for him in order to call up his amendment, if he can get recognition, and I think it is his plan to do so.

WAIVER OF THE RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—in view of the fact that a time sequence has been agreed to with respect to the amendments enumerated in the program and time limitations thereon have been agreed to—that the Pastore rule of germaneness be waived throughout the day on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned, until tomorrow, Tuesday, June 22, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1971:

DEPARTMENT OF THE TREASURY

Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue, vice Randolph W. Thrower, resigned.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Collins, Thomas J. Jr. [redacted]
Smith, Frank H. Jr. [redacted]

To be major

Harston, Alfred L., [redacted]
Mills, Richard L., [redacted]
Pace, Johnny L. [redacted]
Schneider, Wyatt L., [redacted]
Smith, John W., [redacted]
Wilson, Otis G., [redacted]
Wynne, Thomas L., [redacted]

MEDICAL CORPS

To be major

Wilson, Chester, [redacted]

ARMY NURSE CORPS

To be major

Narbuth, Benjamin L. [redacted]

To be captain

Alexander, John B., [redacted]
Anderschat, Richard W., [redacted]
Beasley, Lonnie S., Jr., [redacted]
Bolin, Daniel H., [redacted]
Breed, Rolla M., [redacted]
Chiaramonte, William V., [redacted]
Cosand, Charles L., Jr., [redacted]
Cramer, Edward J., Jr. [redacted]
Davis, Walker B., Jr., [redacted]
Dennis, Ronald L., [redacted]
Dobbins, Raymond H., [redacted]
Dubay, Donald A., [redacted]
Duval, Aaron D., [redacted]
Earley, Michael W., [redacted]
Faulk, Albert W., Jr., [redacted]
Feuerborn, Thomas L., [redacted]
Foley, Dennis R., [redacted]
Fritts, Richard O., [redacted]
Gaines, Rodney R., [redacted]
Gass, James M., [redacted]
Halverson, Robert L., [redacted]
Hyder, Charles F., [redacted]
Kelley, Michael P., [redacted]
Lassetter, Gary W., [redacted]
Lawrence, Roy G., Jr., [redacted]
Madden, Franklin M., [redacted]
Mathewson, Robert W., [redacted]
Nelson, Grant O., [redacted]
O'Neal, Bobby G., [redacted]
O'Sullivan, Peter C., [redacted]
Pavulak, Paul E., [redacted]
Rinaldo, Richard J., [redacted]
Smith, Houston W., [redacted]
Tanner, Warren M., [redacted]
Thorne, James R., [redacted]
Vasey, Dennis P., [redacted]
Young, Robert H., [redacted]

WOMEN'S ARMY CORPS

To be captain

Baetcke, Dorothy A., [redacted]
Harris, Betty J., [redacted]

DENTAL CORPS

To be captain

Johnson, Richard L., [redacted]

VETERINARY CORPS

To be captain

Heil, James R., [redacted]

MEDICAL SERVICE CORPS

To be captain

English, Lamont B., [redacted]
Faulk, Charles W., Jr., [redacted]
Higbee, James W., [redacted]
Hoffman, Wynn R., [redacted]
May, Ronald L., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be captain

Martin, Mary E., [redacted]
Sundstrom, Carl, [redacted]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, Sections 3284 and 3298:

To be first lieutenant

Ackerman, Arthur W., [redacted]
Adamczyk, Richard D., [redacted]
Adams, James R., [redacted]
Adams, Maurice D., [redacted]
Adams, Robert A., [redacted]
Adams, Ronald K., [redacted]
Ader, Steven W., [redacted]

Adkins, Charles P., [redacted].
Ahders, Arnold W., [redacted].
Aker, Alan B., [redacted].
Albertazzi, Robert [redacted].
Alexander, Daniel E., [redacted].
Alexander Robert M., [redacted].
Alexander, William, [redacted].
Allen, Andrew B., Jr., [redacted].
Allen, Darrel G., [redacted].
Allen, Rand L., [redacted].
Allen, Richard G. [redacted].
Allgood, John C., [redacted].
Ambrose, Anthony, [redacted].
Ammons, James D., [redacted].
Amox, Ronald L., [redacted].
Anderson, Edward M., [redacted].
Anderson, Frederick, [redacted].
Anderson, Glenn B., [redacted].
Anderson, James F., [redacted].
Anderson, John L. [redacted].
Anderson, Jon C., [redacted].
Anderson, Monte R., [redacted].
Anderson, Perry H., [redacted].
Anderson, Robert D., [redacted].
Andrews, Donald L., Jr., [redacted].
Annon, Michael C., [redacted].
Antonitis, John E., III [redacted].
Aquino, Michael A., [redacted].
Argentieri, Joseph P., Jr. [redacted].
Armstrong, John H. [redacted].
Artale, Vincent C., Jr. [redacted].
Arterberry, Joe F. [redacted].
Aseron, Douglas R., [redacted].
Atkinson, James D., III. [redacted].
Audrain, Erin F., Jr. [redacted].
Austin, Gene P. [redacted].
Babitz, Gregory M., [redacted].
Bachman, William A., [redacted].
Baerman, Vincent P. [redacted].
Bagby, Buford R., [redacted].
Bailey, Thomas L., [redacted].
Baird, James T. [redacted].
Baker, Jon F., [redacted].
Baker, Larry C., [redacted].
Baker, Larry E., [redacted].
Baker, Robert M., [redacted].
Baker, Russell J., II [redacted].
Baker, Sidney F., Jr. [redacted].
Baldwin, Alan R., [redacted].
Balliett, Timothy D. [redacted].
Balog, Robert J., [redacted].
Bangasser, Hugh F. [redacted].
Banks, Floyd T., Jr. [redacted].
Barbeau, Raymond A. [redacted].
Barnes, Gerald W., [redacted].
Barnes, Thomas A., Jr. [redacted].
Barnett, Mark L. [redacted].
Barter, Donald B. [redacted].
Battaglia, Paul [redacted].
Baumer, Richard E. [redacted].
Baylor, Peter N., [redacted].
Beahm, Robert H. [redacted].
Beals, Bruce S., [redacted].
Beaman, David E., [redacted].
Beaudette, Edward H. [redacted].
Beaulieu, Rowland R. [redacted].
Beck, Richard C., [redacted].
Becker, Dean B., III, [redacted].
Beckley, Stewart D., [redacted].
Beckwith, Charles E. [redacted].
Beer, Jan D., [redacted].
Beierschmitt, Thomas A. [redacted].
Beiner, Allen H., [redacted].
Belasco, Marvin S., [redacted].
Bell, Nathan J., IV. [redacted].
Bender, Alfred J., III [redacted].
Benefield, Michael, [redacted].
Benson, John O. [redacted].
Bernat, Valent P., Jr. [redacted].
Besanceney, Charles, [redacted].
Bevans, Jim M., III, [redacted].
Billingsley, Michael L. [redacted].
Birger, Larry D., [redacted].
Biskey, Alan D., [redacted].
Black, Frederick H. [redacted].
Black, James A., [redacted].
Blackwood William, [redacted].
Blair, William R. [redacted].
Blevins, John M., [redacted].
Bodenhamer, James D. [redacted].
Bodenhorn, Philip G. [redacted].
Bonasso, Russell P., [redacted].
Bond, Richard J. [redacted].
Bonifazio, Jack C., [redacted].
Bonvillain, Frank B. [redacted].
Borey, Donald E., [redacted].
Borowski, Paul D., [redacted].
Boston, Thomas D. [redacted].
Botelho, Michael J. [redacted].
Botwright, John S. [redacted].
Bowers, Larry E., [redacted].
Bowers, Richard E. [redacted].
Bowland, Warren F. [redacted].
Bowler, Arthur J., Jr. [redacted].
Bowling, Martin L., Jr. [redacted].
Bowman, Stephen L. [redacted].
Brace, Robert A., II [redacted].
Bradley, Grover C., Jr. [redacted].
Brady, William H., Jr. [redacted].
Braun, Gerald J. [redacted].
Braun, John E., Jr. [redacted].
Bray, Kenneth A. [redacted].
Brennan, Michael J. [redacted].
Bressler, Michael A., [redacted].
Brewer, Robert S., Jr. [redacted].
Broderick, Charles, [redacted].
Brooke, Richard A., [redacted].
Brooks, Bruce S., [redacted].
Brooks, Carlton P. [redacted].
Brooks, Charles R., [redacted].
Brown, Bruce H., [redacted].
Brown, Felix M., [redacted].
Brown, George L., [redacted].
Brown, George P., [redacted].
Brown, Robert F. [redacted].
Brown, Thomas L. [redacted].
Brown, Timothy W. [redacted].
Brown, William M., [redacted].
Brownfield, Albert, [redacted].
Bruce, Michael E., [redacted].
Brumfield, James E. [redacted].
Brunner, Donald J. [redacted].
Buch, Stephen H. [redacted].
Buchholz, Douglas, [redacted].
Buckley, Jerry L., [redacted].
Buckley, John A., III [redacted].
Buening, Edward H., Jr. [redacted].
Bunnell, Danny R. [redacted].
Burdette, Frederick [redacted].
Burdick, James R. [redacted].
Burke, William T., [redacted].
Burnette, Thomas N. [redacted].
Burrell, Clarence A., [redacted].
Burrell, Dennis M., [redacted].
Burton, James M. [redacted].
Burwell, Stanley A., [redacted].
Bush, James E., [redacted].
Bush, Morgan M., Jr. [redacted].
Bussa, John J. [redacted].
Bussell, Jerry L., [redacted].
Butler, Young F. [redacted].
Byrd, Bronson F. [redacted].
Byrnes, Michael T., [redacted].
Calabro, John A., Jr. [redacted].
Caldwell, Steven J. [redacted].
Calhoun, Dayton, III [redacted].
Camp, Gregory C., [redacted].
Campbell, John M. [redacted].
Campbell, William N., [redacted].
Canda, Francis E. [redacted].
Canella, Charles J. [redacted].
Carl, David L., [redacted].
Carleton, Ardenne S. [redacted].
Carlson, John A. [redacted].
Carlson, Richard G. [redacted].
Carman, James W. [redacted].
Carraway, David W., [redacted].
Carrigan, Horace M., [redacted].
Carroll, Daniel F. [redacted].
Carroll, James P. [redacted].
Carroll, William J. [redacted].
Carson, Craig S., [redacted].
Casassa, Edward B., Jr. [redacted].
Casey, Robert F., [redacted].
Cassell, Charles R. [redacted].
Castoria, Edward S. [redacted].
Catron, Alan D., [redacted].
Cecil, Robert R., [redacted].
Cerne, Autone C., [redacted].
Cerrone, Michael J. [redacted].
Chamberlain, Edward [redacted].
Chamberlin, Paul F. [redacted].
Chambers, Edwin H., Jr. [redacted].
Chapla, John D. [redacted].
Chapuran, Frank J., Jr. [redacted].
Charpiot, Frederic [redacted].
Chase, Charles T. [redacted].
Chiccehitto, Ronald [redacted].
Chicoine, Gary S., [redacted].
Childers, Stephen D. [redacted].
Chisam, Phillip M., [redacted].
Choban, Gregory G. [redacted].
Christensen, George [redacted].
Chun, Carl W. S., [redacted].
Ciarletto, John A. [redacted].
Cima, James P., [redacted].
Cinquino, Joseph M., [redacted].
Clappier, David J. [redacted].
Clarizio, Dominick, [redacted].
Clark, David R., [redacted].
Clark, James F., [redacted].
Clark, John K., Jr. [redacted].
Clark, Michael D., [redacted].
Clarke, Robert B. [redacted].
Claxton, James D. [redacted].
Clayton, Michael S., [redacted].
Clemens, Roger L., [redacted].
Clemm, David H., [redacted].
Clemmons, Reginal G. [redacted].
Clevenger, Brian L. [redacted].
Cliff, Richard G., [redacted].
Cloman, James F. [redacted].
Clyde, Harry M., III, [redacted].
Cobb, Jerald M., [redacted].
Cobey, Elwood A., [redacted].
Cochran, John H.. Jr. [redacted].
Cohen, Michael A., [redacted].
Coleman, Ronald L. [redacted].
Coley, Thomas E., Jr. [redacted].
Comeau, Ronald J. [redacted].
Conatser, Edwin W. [redacted].
Conroy, Henry S., [redacted].
Constantine, Edward [redacted].
Cooch, Francis A., IV [redacted].
Coogler, Arthur C., Jr. [redacted].
Cook, Bryan T., [redacted].
Cooper, Brian P. [redacted].
Cooper, Frederick D., [redacted].
Cooper, Louis, [redacted].
Cooper, Walter R., [redacted].
Copley, John B., [redacted].
Coppedge, Warren F. [redacted].
Coppit, George L., Jr. [redacted].
Corcoran, Andrew W., [redacted].
Corey, Jon M., [redacted].
Coverstone, James M. [redacted].
Covington, Johnnie [redacted].
Cowperthwaite, Neil, [redacted].
Cox, John R., [redacted].
Cox, Joseph T., [redacted].
Craig, James D., [redacted].
Cramer, William B., [redacted].
Craven, William J. [redacted].
Crecelius, Allan M., [redacted].
Creeden, Joseph V., Jr. [redacted].
Creighton, Francis [redacted].
Crenshaw, John C. [redacted].
Crist, Paul H., [redacted].
Cross, Billy H., [redacted].
Crow, Patrick F. [redacted].
Crowder, Scott P. [redacted].
Crowe, Myles J., [redacted].
Cruden, John C. [redacted].
Crupper, Gordon, Jr. [redacted].
Cucullu, Gordon C., II [redacted].
Cullen, John F. [redacted].
Cummings, Douglas M., [redacted].
Cunningham, David F. [redacted].
Cunningham, Jesse M. [redacted].
Curl, Walton W., [redacted].
Curran, Patrick M. [redacted].
Cutting, Edward B., Jr. [redacted].
Cvirko, William, [redacted].
Dalessandro, Ralph [redacted].
Dallen, John A., Jr. [redacted].
Dance, Robert L., [redacted].
Dandorph, Kenneth M. [redacted].
Dandrea, Richard E. [redacted].
Dantone, Joseph D. [redacted].
Darby, Brooks L., [redacted].
Darmody, Donald J. [redacted].
Daugherty, Darrel W. [redacted].
Davidson, Van M., Jr. [redacted].

Davis, Allen, II, [redacted].
Davis, Donald C., [redacted].
Davis, John F., [redacted].
Davis, William E., [redacted].
Day, Kenneth M., [redacted].
De Elaquiere, Joseph A., Jr., [redacted].
De Coursey, Paul A., [redacted].
De Guire, Michael A., [redacted].
Decker, James G., [redacted].
Delia, Francis S., [redacted].
Delong, Frank W. III, [redacted].
Demory, Clarence D., [redacted].
Des Jardien, Richard [redacted].
Devlin, Bernard R., [redacted].
Di Benedetto, Michael, Jr. [redacted].
Dickerson, William, [redacted].
Dickson, James M., Jr., [redacted].
Dickson, Joseph D., [redacted].
Diehl, Larry C., [redacted].
Diercks, James E., [redacted].
Dillon, Gerald F., [redacted].
Dixon, Roy Lynn, [redacted].
Dodge, Charles T., [redacted].
Dodson, John A., [redacted].
Dodson, Jonathan B. [redacted].
Dolan, Michael J. III, [redacted].
Dolan, Raymond J., [redacted].
Dollar, Douglas G., [redacted].
Donahue, Daniel J. [redacted].
Donaldson, Steven L., [redacted].
Dooley, Joseph M., [redacted].
Douglas, John W., Jr., [redacted].
Dowdney, Stephen P., [redacted].
Dreesen, Alan D., [redacted].
Dreger, William H., [redacted].
Drewry, Guy H., III, [redacted].
Drumgoole, Michael, [redacted].
Drummond, David I., [redacted].
Duff, William P., [redacted].
Duke, Robert E., Jr., [redacted].
Dukes, Dan K., III, [redacted].
Dull, Andrew L., [redacted].
Dunbar, Layton G. [redacted].
Dunklin, Gerald W. [redacted].
Durham, Orin A., Jr. [redacted].
Durkan, Joseph D. [redacted].
Duty, John S. [redacted].
Dyer, William B., Jr., [redacted].
Dykes, George O., Jr., [redacted].
Dykes, Roy K., Jr., [redacted].
Eak, Gerald J., [redacted].
Eastman, Thomas G., [redacted].
Easton, William G., Jr., [redacted].
Eatherly, Jerry W., [redacted].
Eber, Arthur G., [redacted].
Eckhardt, George S. [redacted].
Eckmann, William R., [redacted].
Edelman, Mark A., [redacted].
Eder, John W., Jr., [redacted].
Edgar, Gerald N., II, [redacted].
Edmondson, Earl R., Jr., [redacted].
Edwards, George H., [redacted].
Edwards, James W., Jr., [redacted].
Egan, Francis E., [redacted].
Egidio, Carmine A., [redacted].
Einbinder, Michael, [redacted].
Elam, John R., [redacted].
Elam, Robert L., [redacted].
Ellenberger, Barry, [redacted].
Ellerman, Donald R., [redacted].
Ellicott, Michael A., [redacted].
Ellis, Randolph W., [redacted].
Enix, Phillip W., [redacted].
Erion, Bruce F., [redacted].
Euart, John F., Jr. [redacted].
Eustice, Abe L., Jr., [redacted].
Evans, James H., [redacted].
Everett, Surry P., [redacted].
Fabrey, Robert H., II, [redacted].
Fahey, Thomas K., [redacted].
Faircloth, Clifford, [redacted].
Fairman, Roy M., [redacted].
Fallon, Thomas P., III [redacted].
Farmer, James R., [redacted].
Farrenkopf, Robert [redacted].
Farrugia, Victor R., [redacted].
Faulkenberry, Victor D. [redacted].
Fay, Michael J., [redacted].
Feher, Ronald D., [redacted].
Feild, Frank E., [redacted].
Fejfar, Richard A., [redacted].
Fellows, Michael H., [redacted].
Ferezan, Daniel M., [redacted].
Fernandi, Joachim S. [redacted].
Fetterman, Richard [redacted].
Fieldman, Leslie M., [redacted].
Fields, Kenneth L., [redacted].
Fisher, Michael J., [redacted].
Fitter, James P., [redacted].
Flanagan, Michael H., [redacted].
Flanigan, Richard C., [redacted].
Flavin, William J., [redacted].
Fleming, John R., Jr. [redacted].
Fletcher, John E., [redacted].
Flickinger, Dennis [redacted].
Flocke, Robert A., [redacted].
Florance, Jared E., [redacted].
Flowers, Chipman L., [redacted].
Flowers, Ernest, Jr., [redacted].
Flynn, James F., Jr. [redacted].
Flynn, Richard J., [redacted].
Ford, Curtis M., [redacted].
Ford, David P., [redacted].
Ford, Don C., [redacted].
Ford, Grover M., [redacted].
Fordham, Malcolm W., [redacted].
Forrestall, John L., [redacted].
Foster, John P., [redacted].
Fourqurean, James E. [redacted].
Fowler, Joseph C., Jr., [redacted].
Fowler, Leonard T., [redacted].
Farley, Ralph R., [redacted].
Frame, Charles L., [redacted].
Francis, James H., III, [redacted].
Franklin, Gary A., [redacted].
Franks, Robert G., [redacted].
Fravel, George H., [redacted].
Frinak, John C., [redacted].
Fronckowiak, Michael, [redacted].
Frushour, Stephen J. [redacted].
Fry, James L., [redacted].
Fryer, George E., Jr., [redacted].
Fuhrman, Russell L., [redacted].
Fulbruge, Charles R., [redacted].
Fuller, Harold W., [redacted].
Fuller, Wayne R., Jr. [redacted].
Fulton, Larry S., [redacted].
Funderburk, Charles [redacted].
Gaddis, Walter D., Jr., [redacted].
Gaffney, John J., [redacted].
Gahagen, Dennis L., [redacted].
Galak, Robert C., [redacted].
Gale, Bruce R., [redacted].
Galehouse, Lawrence, [redacted].
Gallagher, Peter J., [redacted].
Gallivan, James J., [redacted].
Gantner, Charles J. [redacted].
Garbutt, Dale B., [redacted].
Garcia, Victor F., [redacted].
Gardepe, William M., [redacted].
Gardes, George A., Jr., [redacted].
Gardner, Jon S., [redacted].
Garges, Frederick C., [redacted].
Garin, Paul V., III, [redacted].
Garozzo, Louis F., [redacted].
Garrett, Terry L., [redacted].
Garrison, James E., III, [redacted].
Garten, Jeffrey E., [redacted].
Garza, Reuben R., [redacted].
Gates, Richard E., [redacted].
Gatlin, Jesse C., III [redacted].
Gerard, David W., [redacted].
Gerhards, William F., [redacted].
Gerke, Jack E., [redacted].
Germann, George E., [redacted].
Gesele, Eugene C., [redacted].
Giasson, Charles B., [redacted].
Gibbs, Gary L., [redacted].
Gilbert, Bartow B., Jr., [redacted].
Gilbert, Richard E., [redacted].
Gile, Greg L., [redacted].
Giles, Harold R., Jr., [redacted].
Gilhooly, William P., [redacted].
Gilhuly, Michael J., [redacted].
Gillham, John P., [redacted].
Gilliard, Richard P., [redacted].
Gilmore, David H., [redacted].
Ginn, William T., Jr., [redacted].
Glisan, Gary B., [redacted].
Godwin, Carroll M., [redacted].
Goldsby, Boyd D., [redacted].
Gong, Richard D., [redacted].
Gonzalez, Cipriano, [redacted].
Gonzalez, John J. [redacted].
Goodell, Richard R., [redacted].
Gooding, Daniel E., [redacted].
Goodwin, Albert C., [redacted].
Gordon, James C., [redacted].
Gorecki, Michael E., [redacted].
Goss, Roger W., [redacted].
Gottlieb, Norman P., [redacted].
Grabowski, William, [redacted].
Gracon, Gary R., [redacted].
Graham, John A., III [redacted].
Grant, Gary E., [redacted].
Gray, Clarence E., Jr., [redacted].
Gray, Everette E., [redacted].
Greeby, Gordon T., Jr., [redacted].
Green, Charles A., [redacted].
Green, Paul H., [redacted].
Green, Thomas A., [redacted].
Greenberg, James L., [redacted].
Gregor, Henry F., [redacted].
Greinke, William P., [redacted].
Gresh, Gary L., [redacted].
Grice, John P., Jr., [redacted].
Griffin, Leon R., II, [redacted].
Griffin, William T., [redacted].
Griffith, Stanley E., [redacted].
Grigg, Paul B., [redacted].
Grisby, James R., [redacted].
Grimes, Richard P., [redacted].
Grimsley, James A., III [redacted].
Griscom, Frank N., III, [redacted].
Grisdale, Ernest E., [redacted].
Gross, Charles E., Jr., [redacted].
Gross, Donald E., Jr., [redacted].
Grotegut, Neil W., [redacted].
Grygiel, Michael L., [redacted].
Gryniewicz, Joseph, [redacted].
Guignon, Joseph G. [redacted].
Guinn, John W., III [redacted].
Guptill, Stephen A., [redacted].
Guy, James L., Jr., [redacted].
Haag, David E., [redacted].
Haggray, Calvin L., [redacted].
Hahn, David D., [redacted].
Halcomb, Darrell, [redacted].
Hall, Donald G., [redacted].
Hall, Robert W., [redacted].
Halstead, Gary W., [redacted].
Hamilton, James N., [redacted].
Hammond, Edward D., [redacted].
Handley, Phillip W., [redacted].
Hansen, Dale W., [redacted].
Hansen, James W., [redacted].
Hansen, Louis J., [redacted].
Hansen, Mark P., [redacted].
Hansen, Stephen G., [redacted].
Hanson, Ernest R., [redacted].
Hanson, Peter B., [redacted].
Harbor, John D., [redacted].
Harding, Richard M., [redacted].
Hardy, Peter M., [redacted].
Hargis, James V., [redacted].
Harmeling, John T., Jr. [redacted].
Harper, Howard F., [redacted].
Harper, Ronald P., [redacted].
Harper, Stephen J., [redacted].
Harpin, Paul H., [redacted].
Harrelson, Keith B., [redacted].
Harris, Charles W., III, [redacted].
Harris, Donald J., [redacted].
Harris, Edward M., [redacted].
Harris, Richard, [redacted].
Hart, John M., Jr., [redacted].
Hart, Lawrence T., [redacted].
Hart, Michael R., [redacted].
Harter, James M., [redacted].
Hartley, Donn L., [redacted].
Hatcher, David M., [redacted].
Hathaway, John G., [redacted].
Haven, Kendall F., [redacted].
Hawkins, Charles F., [redacted].
Hawthorne, Richard [redacted].
Hayes, Robert L., [redacted].
Hazel, Crosby E., [redacted].
Heckman, George J., [redacted].
Hedley, John C., [redacted].
Heil, Benjamin F., Jr. [redacted].
Heim, Randall E., [redacted].
Heisel, John E., [redacted].
Heller, Edward J., [redacted].
Henderson, John H., [redacted].
Henderson, Robert H., [redacted].
Hendrickson, Timothy P., [redacted].

Hendrickson, William A. III, [redacted].
Henglein, William G., [redacted].
Henne, Charles A., II, [redacted].
Hennig, Thomas O., [redacted].
Henningsen, Kim J. [redacted].
Henry, James M., [redacted].
Hensler, Robert M., [redacted].
Hensley, Edward L., [redacted].
Hergenrether, Dennis J. [redacted].
Herman, Stephen M. [redacted].
Hess, James M., [redacted].
Hewitt, Glen M., [redacted].
Hibbard, Robert S., [redacted].
Higgins, William J., [redacted].
Hightower, Steven C., [redacted].
Hill, Charles R., [redacted].
Hilsher, Francis E. [redacted].
Hinkelman, Darrel D., [redacted].
Hinton, James F. [redacted].
Hiroshige, James Y., [redacted].
Hiter, Thomas Y., [redacted].
Hittner, Barry G. [redacted].
Hoag, John R., [redacted].
Hoffman, Charles F., [redacted].
Hoffman, Jeffrey J., [redacted].
Hoisington, Donald, [redacted].
Holder, Claude E., [redacted].
Holder, Larry G., [redacted].
Holderness, Jerome, [redacted].
Holk, Richard P., [redacted].
Holland, Terence C., [redacted].
Hollingsworth, William S. [redacted].
Hollywood, John H., [redacted].
Honsa, George L. A., [redacted].
Hopke, John R., Jr., [redacted].
Hopping, Kenneth H. [redacted].
Horgan, Daniel E., [redacted].
Horn, John B., [redacted].
Horne, Kelso C., Jr., [redacted].
Horton, James D., [redacted].
Hoshibata, Calvin Y., [redacted].
Hostetler, Harold R., [redacted].
Hostler, Dorsey D., [redacted].
Houck, Russell J., [redacted].
House, Jeffrey L., [redacted].
House, Randolph W., [redacted].
Howard, Hugh E., II, [redacted].
Hruska, James M., [redacted].
Hubbard, Robert W., [redacted].
Hubbard, William D., [redacted].
Hudson, David E., [redacted].
Hudson, William J., [redacted].
Hughes, Neil D., [redacted].
Hughes, Patrick M., [redacted].
Hughs, Lawrence M., [redacted].
Huling, William W., [redacted].
Hull, Scott W., [redacted].
Hulse, Melvin A., [redacted].
Hunt, Robert D., [redacted].
Hurchanik, Richard, [redacted].
Hutchinson, Charles [redacted].
Hutchinson, William [redacted].
Hutson, Thomas M., II, [redacted].
Indereitzen, Robert [redacted].
Ingram, Walter C., [redacted].
Irby, Charles C., Jr., [redacted].
Irish, Richard W., [redacted].
Irvin, William R., [redacted].
Jack, Harrison U., [redacted].
Jacobs, Gilbert A., [redacted].
Jacobs, Riley A., Jr., [redacted].
Jacobs, Rolly W., [redacted].
James, Charles R., Jr. [redacted].
James, Larry G., [redacted].
Jasiak, Michael C., [redacted].
Jasper, Gail W., [redacted].
Javorski, Joseph J. [redacted].
Jeffress, Walton M., [redacted].
Jeffries, William C., [redacted].
Jennings, David L., [redacted].
Jennings, James J. [redacted].
Jensen, Carl E., [redacted].
Jensen, Carl L., [redacted].
Jensen, John L. [redacted].
Jerome, David L., [redacted].
Jetland, Robert T. [redacted].
Jewell, Thomas K., [redacted].
Jhin, Philipp [redacted].
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Tardy, John C. [redacted].
Tarvin, Lee T., [redacted].
Taylor, Daniel R., Jr. [redacted].
Taylor, David L., [redacted].
Taylor, John R. [redacted].
Taylor, William D. [redacted].
Teasley, Allen V., [redacted].
Thal, Edmund A. [redacted].
Tharp, Jerry L [redacted].
Thiessen, Gerald R. [redacted].
Thomas, Eric E., [redacted].
Thomas, Harry O. [redacted].
Thomas, James B., III, [redacted].
Thomassy, John E. [redacted].
Thome, James J. [redacted].
Thompson, Eugene E. [redacted].
Thompson, Paul M. [redacted].
Thompson, Thomas J. [redacted].
Thornton, Robert E. [redacted].
Throckmorton, John [redacted].
Thuss, Michael F., [redacted].
Thygerson, William [redacted].
Tijerina, Gilbert [redacted].
Tildon, Ralph B., Jr. [redacted].
Tillery, George G., Jr. [redacted].
Tilley, Ben R., [redacted].
Tilley, Gary, [redacted].
Timboe, Harold L. [redacted].
Timmons, John B. [redacted].
Tobin, John W. [redacted].
Toczylowski, Henry [redacted].
Toffler, Patrick A., [redacted].
Tomlinson, William [redacted].
Toole, Michael T., [redacted].
Toraasson, John D. [redacted].
Torres, Arthur F. [redacted].
Trabbic, Steven C. [redacted].
Tracy, Lawrence D., [redacted].
Trauner, Theodore J. [redacted].
Traver, Robert L. [redacted].
Trinidad, Felix F. [redacted].
Trollinger, Michael, [redacted].
Trudo, Robert F. [redacted].
Tsakopulos, William, [redacted].
Tschudi, Robert L. [redacted].
Tuccillo, Ralph R. [redacted].
Tucker, Frederic L. [redacted].
Tucker, Gary C., [redacted].
Tulloch, Walter S. [redacted].
Tweedt, Carl B., [redacted].
Uhler, Robert D. [redacted].
Unangst, Gregory J. [redacted].
Upton, Robert L., [redacted].
Utermahlen, Charles [redacted].
Valle, Roberto, Jr. [redacted].
Van Horn, Larry J. [redacted].
Vann, Robert M., Jr. [redacted].
Varga, Stephen G. [redacted].
Varo, Gregory O., [redacted].
Vaughn, Jack A. [redacted].
Vehlow, Charles A., [redacted].
Veidt, Robert T. [redacted].
Venator, Rex M., [redacted].
Vennum, Michael D. [redacted].
Viale, Charles, [redacted].
Vickers, Wilford S., [redacted].
Vigent, James G. [redacted].
Vince, Steven W., [redacted].
Vinton, Raymond S. [redacted].
Vitters, Alan G., [redacted].
Volk, Karl W., III, [redacted].
Vollrath, Thomas L. [redacted].
Von Loewenfeldt, Carl G., [redacted].
Wagner, Edward J., Jr., [redacted].
Wagner, Harold W., Jr., [redacted].
Wagner, Sheldon F., Jr. [redacted].
Wagstaff, Hubert T. [redacted].
Walko, Dennis P. [redacted].
Wallace, John K., III, [redacted].
Wallace, Peter P. [redacted].
Wallace, Stewart W. [redacted].
Wallin, Leonard A., II [redacted].
Walsh, James F. [redacted].
Walsh, John P., Jr. [redacted].
Walton, George R. [redacted].
Wantuck, Donald F., [redacted].
Wantuck, Thomas A. [redacted].

Ward, Michael C., [redacted]
Wardega, Francis J., [redacted]
Warncke, Ronald M., [redacted]
Watson, Albert J., [redacted]
Way, Robert E., [redacted]
Weber, Richard A., [redacted]
Weeks, B. Gerald, [redacted]
Weger, Carl J., [redacted]
Weller, Albert J., [redacted]
Wells, Michael C., [redacted]
Westerlund, John S., [redacted]
Westlake, Leighton, [redacted]
Whidby, Paul P., [redacted]
Whipple, Thomas O., [redacted]
White, David R., [redacted]
White, Eugene J., Jr., [redacted]
White, Stephen, [redacted]
Whitley, Milton A., Jr., [redacted]
Whitman, John W., [redacted]
Whitmore, Harry L., [redacted]
Wiedenbeck, Richard, [redacted]
Wignall, Robert A., [redacted]
Wilcox, Jeffrey D., [redacted]
Wildrick, John T., [redacted]
Wilhite, Harold L., Jr., [redacted]
Wilker, Grant R., [redacted]
Wilks, Riggs L., Jr., [redacted]
Williams, Charles D., [redacted]
Williams, Charles H., [redacted]
Williams, Gary S., [redacted]
Williams, George K., [redacted]
Williams, James O., Jr., [redacted]
Williams, John N., [redacted]
Williams, John R., [redacted]
Williams, Lewis R., Jr., [redacted]
Williams, William E., [redacted]
Willis, John T., [redacted]
Wilson, Errol D., [redacted]
Wilson, Robert C., Jr., [redacted]
Wilson, Thomas G., [redacted]
Winford, Benny F., [redacted]
Wing, John B., [redacted]
Winsor, Stephen A., [redacted]
Winter, Daniel J., [redacted]
Winters, James M., [redacted]
Wintrich, Frederick, [redacted]
Witherspoon, Richard H., [redacted]
Witschonke, Carl F., [redacted]
Witwer, Randall K., [redacted]
Woessner, Carl F., Jr., [redacted]
Wohlers, Everett T., [redacted]
Wolfe, John C., [redacted]
Wolfe, John E., [redacted]
Wong, Terrence K. H., [redacted]
Wood, Morris W., [redacted]
Wood, William V., [redacted]
Woodward, John C., III, [redacted]
Woody, Carl E., [redacted]
Woolever, Ronald J., [redacted]
Woolshlager, John, [redacted]
Wooten, Marvin Jr., [redacted]
Worthen, James K., [redacted]
Wright, Fred J., [redacted]
Wright, Leslie R., [redacted]
Wright, Less P., [redacted]
Wright, Richard K., [redacted]
Wright, Sumner C., [redacted]
Wunderly, Curtis W., [redacted]
Wyman, Samuel D., III, [redacted]
Yacka, John D., [redacted]
Yager, Harold E., [redacted]
Yasukawa, Ronald N., [redacted]
Yearwood, John F., [redacted]
Yoshitani, Tay, [redacted]
Yoshizumi, Gary R., [redacted]
Young, David A., [redacted]
Young, Nathaniel L., [redacted]
Young, Stephen L., [redacted]
Younts, James O., III, [redacted]
Zakrzewski, Stephen, [redacted]
Zapata, Jenaro A., [redacted]
Zehrer, David G., [redacted]
Zepko, John J., [redacted]
Ziegler, David A., [redacted]
Zimmerman, James B., [redacted]
Zimmerman, Loren D., [redacted]
Zinser, Roy F., Jr., [redacted]
Ziomek, Robert L., [redacted]
Zitnick, Charles L., [redacted]
Zola, Ronald G., [redacted]
Zophy F. Gordon, II, [redacted]
Zucker, David C., [redacted]

WOMEN'S ARMY CORPS

To be first lieutenant

Madison, Amy J., [redacted]
Whitt, Sandra S., [redacted]

MEDICAL SERVICE CORPS

To be first lieutenant

Albus, Robert A., [redacted]
Ball, Robert M., [redacted]
Baxley, John B., Jr., [redacted]
Bland, Edward C., Jr., [redacted]
Brink, Gary S., [redacted]
Burdick, Douglas B., [redacted]
Busby, Lonnie L., [redacted]
Carpenter, Timothy, [redacted]
Carter, Oscar E., III, [redacted]
Chaney, Bobby F., [redacted]
Childs, Thomas R., [redacted]
Dale, Glyndon A., [redacted]
Damron, Thomas C., [redacted]
Dorfman, William I., [redacted]
Drake, Robert E., Jr., [redacted]
Dyer, Charles E., II, [redacted]
Elmore, James H., Jr., [redacted]
Forshey, David L., [redacted]
Gora, Robert R., [redacted]
Gregg, David E., [redacted]
Hauck, Kenneth W., [redacted]
Henry, Joseph R., [redacted]
Hetrick, Andrew J., [redacted]
Howard, James T., [redacted]
Howe, Gaylon L., Jr., [redacted]
Jackson, Walter F., [redacted]
King, Alan F., [redacted]
Lamster, Richard D., [redacted]
Leatherberry, Roy J., [redacted]
Lennox, Thomas J., [redacted]
Lindsey, Richard H., [redacted]
Mackey, Bobby C., [redacted]
Martin, James A., Jr., [redacted]
McManus, Albert T., [redacted]
McMullen, William, [redacted]
Mendoza, Edward M., [redacted]
Miller, Roy D., [redacted]
Moore, Thomas M., [redacted]
Morrison, James G., [redacted]
Nance, Frank W., [redacted]
Normile, James P., III, [redacted]
Olejnik, Kenneth R., [redacted]
Pope, John R., [redacted]
Popov, Dan, [redacted]
Reamey, Herbert K., III, [redacted]
Rothwell, Daniel M., [redacted]
Schweitzer, George, [redacted]
Singh, Alvin R., [redacted]
Stevens, Charles G., [redacted]
Stone, Samuel E., [redacted]
Vybiral, Thomas J., [redacted]
Waters, Keith H., [redacted]
Williams, Michael D., [redacted]
Willis, Clarence R., [redacted]
Winkel, Craig A., [redacted]
Withrow, Gene, [redacted]
Zych, Kenneth A., [redacted]

ARMY NURSE CORPS

Bertrand, Philip O., [redacted]
Clark, Charles P., [redacted]
Drain, Cecil B., [redacted]
Evans, John M., Jr., [redacted]
Fiser, James R., [redacted]
Gordon, Allen F., [redacted]
Miles, Ann L., [redacted]
Olson, Thomas J., [redacted]
Synakowski, Ralph G., [redacted]

HOUSE OF REPRESENTATIVES—*Monday, June 21, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If ye love Me, keep My commandments.—John 14: 15.

Eternal God, our Father, from whom cometh life, breath, and all things, quicken in us all that is good, true, and beautiful that with clear consciences, clean hands, and creative ideals we may endeavor to measure up to the principles of our faith and in its spirit to lead our Nation to the heights of justice and peace.

Bless our people and give them grace to walk in Thy ways that this Republic may ever be a democratic nation, flying the flag of freedom, and seeking the good of all men: through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 120. Concurrent resolution to authorize the printing of a Veterans' Benefits Calculator.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 5257. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children; and

H. Con. Res. 206. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5257) entitled "An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ELLENDER, Mr. ALLEN, Mr. HUMPHREY, Mr. MILLER, Mr. AIKEN, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes;

S.J. Res. 111. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

S. Con. Res. 30. Concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill for fiscal year 1972.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL AND REPORT

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute.)

Mr. ROONEY of New York. Mr. Speaker, I want to announce that the report on this bill and the bill itself are available right now and may be obtained in the office of the Committee on Appropriations.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to advise Members that the program for this coming Thursday has been changed as follows:

We will consider the State, Justice, Commerce, and Judiciary appropriations bill for fiscal year 1972 on Thursday rather than the Treasury-Postal Service bill, as previously announced.

We would anticipate the Treasury-Postal Service bill will be programed for next week.

JOINT COMMITTEE TO STUDY COURSE OF INVOLVEMENT IN WAR IN VIETNAM

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, the American people know next to nothing about the history of this country's war policies in Southeast Asia. The publication of the McNamara papers, long suppressed under the label "top secret," has left the public startled and confused. Some contend the study reveals a kind of Machiavellian duplicity in Government. Others contend the study is merely an outline of contingency plans—an outline that calls for cool and sober analysis, and not for a sudden exposé on the front pages of our newspapers. What are we to believe, Mr. Speaker? Without the facts—without even a rudimentary knowledge of the key policy decisions that led us into Vietnam—we cannot even begin to make a rational and responsible judgment.

We need to clear the air. We need a thorough and searching examination of the history of this country's involvement in Southeast Asia.

Today I am introducing a resolution to achieve that goal. Calling for the establishment of a joint House-Senate committee empowered to subpena witnesses, my resolution would unearth the facts so long hidden away in classified files. It would make the public aware of just what decisions cost us more than 50,000 American lives and the squandering of more than $250 billion.

The Congress has a right—indeed, a responsibility—to carry out such an investigation.

The press cannot do it. Certainly, the people themselves cannot. It is up to us—the elected Representatives of the people—to clear away the secrecy and deception that has veiled most policy decisions in Southeast Asia.

What is at stake here is the very integrity of American Government.

Public trust in that integrity hinges on disclosure of the facts.

Only then can the McNamara study be put into perspective.

RACIST HOSEA WILLIAMS

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, racist Hosea Williams came into our town for a "demonstration" last Saturday in conjunction with a list of demands in behalf of 13 dismissed black policemen from the Columbus, Ga., Police Department. That night, 19 "clearly arsonist-set" fires occurred. Among them was a schoolbuilding and Ogletree's grocery, which personifies the tragic misdirection of Saturday's lawlessness. There is not to be found in Columbus, Ga., or in the State of Georgia, or in the United States of America, or on the earth, any finer people than the Ogletrees. They deal with their fellow man in a spirit of fairplay and kindliness. When attacks like this occur, it shows how demented are the attackers.

May I compliment the excellence of the police department of Columbus, Ga., the black and the white who are presently on the force because they do their job as men of good will and good citizens.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after next Wednesday, June 23, to consider a joint resolution making continuing appropriations for the fiscal year beginning July 1, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to ask the distinguished gentleman from Texas, the chairman of the committee, whether it is his intention that this will be the usual continuing resolution?

Mr. MAHON. It is my hope that we may have what we would call the general and usual continuing resolution. I would suggest that it extend through perhaps August 6, when the House is scheduled for a summer recess.

Mr. BOW. And I assume there will be no new obligations or appropriations above last year.

Mr. MAHON. Generally speaking, that would be the objective. As the gentleman from Ohio knows, he will work with the committee in determining the exact nature of the continuing resolution, and we will be looking forward to a standard type of continuing resolution.

Mr. BOW. I had understood that from the gentleman when he conferred with me on the continuing resolution.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the distinguished ranking minority member of the committee yielding to me.

I must say that I was aware of the necessity for this continuing resolution for appropriations beyond this fiscal year end. The distinguished chairman had, at another committee hearing this morning, said to me that it would be necessary, so I am not unprepared. But I am a little bit worried with the general nature of his statement. I would like to ask a specific question and receive an answer yes or no. Will there be increased assumption of authorization by the legislative committees in the continuing resolution, or will there be appropriations over and above the appropriations of last year unless the work has already been completed by the Congress?

Mr. MAHON. Well, the procedure for establishing the amount that would be available for expenditure would be the same as in previous years. It would be based upon the budget or based upon the lowest figure in a bill that passed the House or on the lesser of the two if the bill had passed the House and the Senate but had not become law.

It would be the lowest of those figures. It would be a standard-type resolution. There is no disposition here to do something radically different or something spectacular in connection with this matter. We are trying to buy time in order to continue the orderly functioning of the Government and speed up the process of appropriations in the House leading to the legislative and appropriation bills going to the President for his approval.

Mr. HALL. If the gentleman will yield further, the escape clause in the distinguished gentleman's statement right there is "the budget," not the House or the other body's past action or last year's appropriation, whichever might be the lesser. It could conceivably be and I hope for the weal and woe of the Nation and for the benefit of fiscal balance some day that we might even appropriate less than the budget calls for.

Does the gentleman mean this continuing resolution might accept a budgetary projection of the executive branch and under this authority by unanimous consent appropriate up to the budget whether we have authorized such action or not?

Mr. MAHON. If last year is more than the budget, the continuing resolution will provide for the lower figure. I would say the continuing resolution would be subject to amendment, as the gentleman well knows.

Mr. HALL. I appreciate the gentleman's explanation. The further point is we are being asked to grant unanimous consent to bring this up at any time, without even seeing a copy of the resolution in advance. I might ask the gentleman when it would be available.

Mr. MAHON. We would hope to have it Wednesday. The samples of the previous continuing resolutions, after which this will be patterned, are available this morning, but it has not actually been drafted.

Mr. HALL. But if this unanimous-consent request is granted, we will have an opportunity to see the continuing resolution on Wednesday. And the gentleman expects to call it up when?

Mr. MAHON. On Wednesday.

Mr. HALL. On the same day?

Mr. MAHON. No. On Wednesday it will be available, and on Thursday we would probably undertake to bring it up.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I shall not object, the distinguished chairman of the Appropriations Committee said that this request is necessary in the interest of the orderly procedure of Government.

Very frankly, would the gentleman not agree with me that the most orderly thing the Congress could do, would be to see that all the appropriation bills be enacted before July 1, 1971, the beginning of the new fiscal year?

Mr. MAHON. Of course, I agree that the most orderly thing to do would be for the House and the Senate to clear all of the annual appropriation bills to the President prior to July 1. This has not been possible for a variety of reasons, but we are now in position to move several of the fiscal 1972 bills to the other body. We expect to have half of the 1972 appropriation bills through the House before July 1 and we have high hopes that in July, the House can pass the remaining appropriation bills for the year.

I might add that the House has thus far sent two of the fiscal 1972 bills to the Senate—the education appropriation bill and the legislative appropriation bill. The Senate has passed one of those bills and is scheduled to pass the other one today, so that the Senate is right up with our schedule. I have high hopes that the Senate committee, and the Senate, will move the bills expeditiously once they are received from the House.

Mr. SAYLOR. Mr. Speaker, I thank the distinguished chairman for that statement and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Friday, June 18, I was absent from the House. Had I been present, I would have voted as follows:

On rollcall No. 147, House Resolution 434, to authorize additional investigative authority to the Committee on Education and Labor, I would have voted "yea." I am pleased that this bill passed by a vote of 183 to 119.

On rollcall No. 148, H.R. 7736, to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of the Public Health Service Act, I would have voted "yea." I am pleased that this bill passed by a vote of 229 to 0.

I was not in Washington on Friday, June 18, because I was in the U.S. District Court of the Southern District of New York seeking leave to intervene in support of the New York Times. As I am sure our colleagues know, the U.S. Government has sought to prohibit the publishing of certain Pentagon papers by the New York Times. The U.S. district court has refused to issue a permanent injunction against the Times; however, Judge Kaufman of the Second Circuit Court has issued a temporary restraining order against the Times, and arguments on the issuance of a preliminary injunction will be heard before the full appellate court.

It seems certain that this case will not be settled until it reaches the Supreme Court, and I hope at that time that the rights protected under the first amendment will survive this latest censorship challenge.

BLACK CAUCUS FUNDRAISING DRIVE A SUCCESS

(Mr. BURTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, over the last weekend a number of us were privileged to witness a most historic event. Our colleagues in the Congress who have formed among themselves an organization called the black caucus held a fundraising function that attracted men and women from all over the country—men and women who were concerned and determined that the caucus be strengthened by providing them with needed funds for staffing and other vital purposes.

This dinner attracted something in the order of some 3,000 people. It had a good number of notable entertainers and political figures of the black communities from every section of the land. I think it fair to state that the black caucus is and will continue to be an increasingly effective instrument in the fight to advance the cause not only of the black communities, but of the poor generally. Truly, the idea of a viable black caucus is an idea whose time has obviously come.

CONGRESSMAN STRATTON CALLS PUBLICATION OF TOP SECRET PENTAGON STORY ON VIETNAM AN UN-AMERICAN ACTION

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, as one of the Members of the House who have followed the Vietnam war closely, I want to express here today to my colleagues in the House, as I did over the weekend in my own district, my considered views on the current case of the purloined secret documents being published in the New York Times and the Washington Post.

In my judgment this action is un-American in the very literal sense of that word, that is, it can only damage our country at a time of war and give massive aid and comfort to the enemy.

The one thing that seems to have been forgotten is that this country is still at war today, the third most costly war in our history. It hasn't been formally declared as a war, but it is war nonetheless.

And in that war, we are presently engaged in three very important and very delicate tasks; to bring home safely some 200,000 American troops still in South Vietnam; to win the prompt release of some 500 prisoners of war; and, third, to bring this war to a prompt and honorable end.

The publication of these documents, and the attendant denigration of American leaders both past and present, can obviously only complicate and possibly jeopardize all three of these objectives. As such it could hardly be more damaging to the national interest.

Mr. Speaker, if these newspapers want to attack or degrade President Johnson and his associates that is their constitutional right. But let them wait until our Vietnam involvement is over.

After all, the effort to prove that President Roosevelt had personally contrived the Japanese attack on Pearl Harbor did not erupt into a formal congressional investigation until after the end of World War II.

CONGRESSMAN RONCALIO CALLS FOR MORE EQUITABLE DISTRIBUTION OF FEDERAL PAYROLLS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, in calling for a moratorium on the construction of Federal office buildings in the Greater Washington area, I have repeatedly stressed the necessity for a more equitable distribution of Federal payrolls as a stimulus to the economies of nonmetropolitan areas.

I am therefore very pleased to note for the RECORD, the recent testimony of North Dakota Gov. William L. Guy before the Rural Development Subcommittee of the other body.

As this month's issue of the Basin Electric Report indicates, Governor Guy emphasized population maldistribution as the root cause of so many seemingly separate social and economic ills of the Nation.

I would especially note the following quotation from the report on Governor Guy's testimony:

> The federal government itself is the greatest factor in maldistribution and shift of population. Such practices as locating defense industries and government-financed university research departments in already heavily populated areas creates compounded problems as satellite industries further congest these areas.

This is a theme which deserves the full attention of the Congress, particularly in view of the President's proposals on governmental reorganization. If the representatives of the beleaguered urban centers and the representatives of the nonmetropolitan areas can recognize a common cause in a more healthy and humane distribution of population, the reorganization of the Federal Government will be accompanied by a concerted effort to relocate more installations in communities which could not only absorb growth, but would welcome it.

I would hope that the counsel of Governor Guy will be kept in mind when the House is next asked to approve another Federal office building for the overcrowded National Capital.

PHILADELPHIA PLAN IMPOSED ON ATLANTA, GA.

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, an announcement by the Department of Labor over the weekend is going to deprive some workers in Atlanta, Ga., of their jobs. We in Atlanta have had imposed on us by the Nixon administration the so-called Philadelphia plan. This plan will require that the racial makeup of the skilled blue collar workers employed by contractors—who have any Federal jobs—be based not on ability but on a set racial balance established by the Labor Department.

Mr. Speaker, it is not estimated that there will be an increase in the employment rolls of the construction industry sufficient to assure that all of the workers now employed who are white, will be able to keep their jobs when racial balance is required by the Nixon administration's decree.

It is a sad day when we see a movement of totalitarianism, such as this, creeping into our Government and a man denied his own job because he is white and there are too many whites employed by his employer to meet the requirements of racial balance decreed by the administration.

Some have suggested that I should not speak out on this matter because I am a member of the Republican Party and what I say will only draw more attention to what is being done.

To these I say, when the administration is engaged in reverse discrimination then I intend to expose it as best I can.

I am elected to serve the people of Georgia in Washington and not to serve the interest of Washington in Georgia.

It is my hope that I will be able to get the administration to adopt a fair nonracial nondiscrimination program and to drop the idea of forced racial balance among skilled workers.

After all, if the Government can force racial balance among skilled workers then it can force balance in all areas—bankers, lawyers, CPA, and so forth. Is it fair to single out blue collar workers alone even if they do not have the political power of bankers, and so forth?

PENTAGON REPORT

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, there have been several Members of this body who have demanded that the controversial report of the Pentagon during the Kennedy-Johnson administrations be released not only to this body, but to the press.

Back a few weeks ago, the House Committee on Internal Security was attempting to search and find the financing of some of those who threatened to destroy our Government and our system. A court order denied bank deposit information to the Congress. I do not recall any of those same Members who are now demanding to know more about our own security and threats to our own security demanding to get the information released about the financing of those who threaten our country.

It seems rather strange to me that some place different standards and rules for those who want to threaten the security of this country, but will protect the rights of secrecy for those who threaten the future of this very Government of ours.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the first bill on the Consent Calendar.

CALIFORNIA PEACH ADVERTISING UNDER FEDERAL MARKETING ORDERS

The Clerk called the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to again ask the Members of the House in support of this bill requiring unanimous consent, why it is that the Federal Government should contribute anything to the cost of a marketing order which would favor the promotion of segmented areas or products such as California peaches and for an answer to that question, I yield to my distinguished friend, the gentleman from California, author of the bill.

Mr. SISK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's question. There, of course, is no cost to the taxpayers regarding the promotion of or the carrying out of the promotion or advertising that might occur under the bill.

There is as always normally an estimated cost regarding referendums. It is entirely possible that there would be no need for a separate referendum as I am sure my colleague, the gentleman from Missouri knows—you cannot amend a marketing order without the vote of the farmers. Very often they do revise or amend these orders and, therefore, a referendum is necessary.

The Department estimates a one-time cost if a separate referendum had to be held, to be $7,500. And it would be only a one-time cost and would not occur year after year.

Mr. HALL. In other words, Mr. Speaker, as I understand my distinguished colleague from California, this is purely administrative cost to the Department of Agriculture, which generally is assumed by the Government if a referendum is necessary?

Mr. SISK. The gentleman is exactly correct.

Mr. HALL. If such a referendum were necessary in the case of California peach producers who are covered under this marketing order, would they vote individually as growers, or would they assign their vote to their cooperatives?

Mr. SISK. It is my understanding that in most cases, under the present order, the individual growers would vote. However, under the procedures they are permitted, if they are in cooperatives, to permit the co-ops to cast their votes.

Mr. HALL. But presumably there would be some action indicating to the cooperatives that they had delegated that authority? Otherwise, they would be called upon individually to vote if they produced a certain amount of peaches?

Mr. SISK. That is exactly correct. As the gentleman knows, it requires a two-thirds vote to maintain a marketing order.

Mr. HALL. Mr. Speaker, in view of the gentleman's answers, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 4263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6) (I) of the Agricultural Adjustment Act (as re-enacted by the Agricultural Marketing Agreement Act of 1937, and as subsequently amended (7 U.S.C. 608c(6) (I)), is hereby amended by inserting "California-grown peaches," immediately after "applicable to cherries".

With the following committee amendments:

Page 1, line 7, after the word "peaches" insert a comma; and

Page 1, line 8, strike the word "cherries"." and insert in lieu thereof the words "almonds,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE AND LOCAL LAW ENFORCEMENT IN NATIONAL FORESTS

The Clerk called the bill (H.R. 3146) to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, inasmuch as it exceeds the agreed criteria of the objectors.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RELIEF FROM EFFECTS OF THE EMERGENCY POSTAL SITUATION IN PATENT AND TRADEMARK CASES

The Clerk called the bill (S. 645) to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to inquire as to whether there has been any specific patent involved herein, or any known short list of patents that were not received in the accustomed timely fashion, because of the "postal incident" in March of 1907? I presume that refers to the strike, is that correct?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. It does come about as a result of the postal strike. There are no claims that have been described as about to have been filed, but the Secretary of Commerce did feel that, because there are approximately 4,000 patent applications and 1,200 trademark applications that could potentially be affected, this was desirable legislation. But the committee has not been informed of any particular application or any particular claim that might qualify under this bill.

Mr. HALL. I thank the gentleman.

Mr. Speaker, while my friend is on his feet, may I also ask if in his opinion there does lie in the Committee on the Judiciary the proper jurisdiction for handling this type of reference; namely, S. 645?

Mr. KASTENMEIER. Mr. Speaker, if my friend will further yield, I would say yes, indeed. Subcommittee No. 3 of the Judiciary Committee has handled in the past matters affecting patents and trademarks, and copyrights. While it also does affect for that purpose the postal laws, the laws themselves that are amended are indeed patent laws. Accordingly, their jurisdiction is in the Judiciary Committee.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's forthright answer. I am prone to agree with him. But the point I am trying to make is this, in the opinion of the distinguished gentleman, hereafter will all matters pertaining to the new U.S. Postal Service or the Postal Service as it will be after July 1 of this year be referred to this and/or other committees rather than the House Committee on Post Office and Civil Service?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I am glad to yield.

Mr. KASTENMEIER. I cannot answer that question. I would assume the Committee on Post Office and Civil Service has appropriate jurisdiction where the postal laws are directly involved, certainly in a general case.

Mr. HALL. Based on that bill we passed, I think that is a very dangerous assumption, I would say to my friend.

Mr. KASTENMEIER. That is, I must say to my friend, outside of my jurisdiction, and certainly the scope of this bill. It is beyond my competence to reply.

Mr. HALL. Mr. Speaker, the gentleman has adequately answered my question so far as reference to this bill is concerned, and certainly so far as any specific patent involvement is concerned. I see no objection to the bill.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) A patent or trademark application shall be considered as having been filed in the United States Patent Office on the date that it would have been received by the Patent Office except for the delay caused by the emergency situation affecting the postal service which began on March 18, 1970, and ended on or about March 30, 1970, if a claim is made for the benefit of an earlier date in accordance with subsections (b) and (c) of this section. Patents issued with earlier filing dates afforded by this section shall not be effective as prior art under subsection 102(e) of title 35 of the United States Code as of such earlier filing dates.

(b) No patent or trademark application, patent, or trademark registration shall be entitled to an earlier filing date under this section unless a verified statement by the applicant or owner of record claiming the filing date to which the application is believed to be entitled is filed in the Patent Office within six months after enactment of this Act. Such statement shall be maintained in the file of the application in the Patent Office and shall be referred to in the patent or trademark registration when practicable.

(c) When a statement filed under subsection (b) of this section appears unreasonable or defective on its face, or when the filing date of the patent or trademark application, patent, or trademark registration is called into question or is material in any inter partes proceeding in the Patent Office or any proceeding in the courts, the applicant or owner of such application, patent, or trademark registration may be required to present evidence establishing the filing date to which the application is entitled. The filing date to which the application is entitled shall be determined on the basis of such evidence and any evidence introduced by an opposing party. The evidence shall be presented as directed by the Commissioner of Patents in proceedings in the Patent Office or as directed by the courts in proceedings in the courts.

SEC. 2. (a) Except for the filing of a patent or trademark application, if any action is taken or any fee is paid in the United States Patent Office later than the end of a time period specified in the statutes set forth in subsection (b) of this section for taking such action or paying such fee, and no provision exists in law for excusing such delay, the delay may be excused if it is determined that it was caused by the emergency situation affecting postal service which began on March 18, 1970 and ended on or about March 30, 1970. Relief under this section must be requested by a verified statement filed in the Patent Office by the patent or trademark applicant or owner within six months after enactment of this Act.

(b) This section is applicable to title 35, United States Code, "Patents"; the Trademark Act of 1946, ch. 540, 60 Stat. 427, as amended; the Atomic Energy Act of 1954, Public Law 83–703, 68 Stat. 919, as amended; and the National Aeronautics and Space Act, Public Law 85–568, 72 Stat. 426 (1958), as amended. In cases involving the Atomic Energy Act of 1954 or the National Aeronautics and Space Act, determinations of relief shall be made by a Board of Patent Interferences. In other cases determinations shall be made by the Commissioner of Patents.

SEC. 3. The Commissioner of Patents may establish regulations for administering this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIORITY FOR INVENTORS' CERTIFICATES

The Clerk called the bill (H.R. 5237) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, inasmuch as this bill deals specifically with a type of patent known as an inventor's certificate, I should like to interrogate the gentleman from Wisconsin with regard to this particular bill.

Do we have a similar provision under our law for an inventor's certificate in the United States?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I will say to the gentleman we have not. The United States uses exclusively applications for patents. The patent is the system followed here historically. The inventor's certificate is common to a series of Eastern European nations, but no others that I know of.

Mr. JOHNSON of Pennsylvania. A further inquiry, Mr. Speaker. As I understand it, in these Eastern European countries behind the Iron Curtain, inasmuch as patents, escheat to the crown or the dictatorial government, they do not bother to give patents, but give an inventor's certificate.

That is what this bill seeks to follow in the United States, to give credence, as it were, as if it were a patent; is that right?

Mr. KASTENMEIER. For the purposes of filing only, it is pursuant to the Stockholm convention, which is the equivalent of a treaty we have entered into. I would say the answer to the gentleman's question is "Yes."

Mr. JOHNSON of Pennsylvania. Does the gentleman know whether in the countries behind the Iron Curtain an American citizen can file a patent in those countries and get patent protection? Is it a two-way street, does the gentleman know?

Mr. KASTENMEIER. The committee is informed that a foreign or an American applicant in those countries may file for either a patent or an inventor's certificate, and that is the criterion of this particular bill; namely, it is a matter of patent or inventor's certificate. If they had an inventor's certificate only they would have qualified under the Stockholm Convention.

So I would say to the gentleman an American applicant may so file. This is one of the reasons why the Department of Commerce, the Department of State, the National Association of Manufacturers, the American Patent Law Association, and many other groups concerned with this are wholeheartedly in approval of this bill.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, with the assurance to the House that American patent holders have the same privileges in countries behind the Iron Curtain as we give them over here, if that is actually the fact, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 5237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents" is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing."

SEC. 2. Subsection 102(d) of title 35 of the United States Code is amended to read as follows:

"(d) The invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or".

SEC. 3. (a) Section 1 of this Act shall take effect on the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) Section 2 of this Act shall take effect six months from the date when Articles 1–12 of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, come into force with respect to the United States and shall apply to applications thereafter filed in the United States.

With the following committee amendment:

On page 2, line 7, strike out "The" and insert in lieu thereof "the".

The commitee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RONCALIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 340, nays 8, not voting 85, as follows:

[Roll No. 149]

YEAS—340

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Devine
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Mikva
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Montgomery
Moorhead
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Konski
O'Neill
Passman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
Ryan
Sarbanes
Saylor
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Watts
Whalen
White

Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—8

Buchanan
Dingell
Garmatz
McClure
Miller, Ohio
Rarick
Scherle
Schmitz

NOT VOTING—85

Anderson, Tenn.
Arends
Ashbrook
Badillo
Barrett
Biaggi
Bingham
Blatnik
Bow
Bray
Brown, Ohio
Camp
Chisholm
Clay
Cotter
Danielson
Davis, Wis.
Dennis
Dent
Dickinson
Diggs
Donohue
Dorn
Dow
Dowdy
Downing
Edmondson
Edwards, La.
Erlenborn
Eshleman
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Fuqua
Gallagher
Gettys
Gibbons
Grover
Hagan
Halpern
Hanna
Hastings
Hunt
Jones, Tenn.
Keith
Lent
Long, La.
McCulloch
McEwen
McKinney
Mathias, Calif.
Mathis, Ga.
Melcher
Metcalfe
Miller, Calif.
Mills, Md.
Mollohan
Monagan
Morgan
Moss
Murphy, N.Y.
Nix
O'Hara
Patman
Pepper
Purcell
Rangel
Riegle
Rodino
Roy
Runnels
St Germain
Sandman
Satterfield
Schneebeli
Seiberling
Spence
Steele
Stuckey
Taylor
Vigorito
Ware
Whalley
Wydler
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Gerald R. Ford.
Mr. Barrett with Mr. Arends.
Mr. Morgan with Mr. Bow.
Mr. Miller of California, with Mr. Steele.
Mr. Rodino with Mr. Sandman.
Mr. St Germain with Mr. McEwen.
Mr. Fuqua with Mr. Ashbrook.
Mr. Edmondson with Mr. Davis of Wisconsin.
Mr. Donohue with Mr. Bray.
Mr. Cotter with Mr. Halpern.
Mr. Biaggi with Mr. Hastings.
Mr. Taylor with Mr. McKinney.
Mr. Monagan with Mr. Hunt.
Mr. Moss with Mr. Frelinghuysen.
Mr. Murphy of New York, with Mr. Wydler.
Mr. Nix with Mr. Roy.
Mr. Jones of Tennessee with Mr. Erlenborn.
Mr. Hanna with Mr. Fulton of Pennsylvania.
Mr. Anderson of Tennessee with Mr. Dickinson.
Mr. O'Hara with Mr. Metcalf.
Mr. Danielson with Mr. Whalley.
Mr. Pepper with Mr. Lent.
Mr. Gallagher with Mr. Rangel.
Mr. Vigorito with Mr. Diggs.
Mrs. Chisholm with Mr. Blatnik.
Mr. Stuckey with Mr. Spence.
Mr. Melcher with Mr. Mathias.
Mr. Mollohan with Mr. Camp.
Mr. Purcell with Mr. Schneebeli.
Mr. Gettys with Mr. Dennis.
Mr. Runnels with Mr. Grover.
Mr. Dow with Mr. Badillo.
Mr. Dorn with Mr. Ware.
Mr. Downing with Mr. Keith.
Mr. Dowdy with Mr. Brown of Ohio.
Mr. Mathis with Mr. Eshleman.
Mr. Bingham with Mr. Riegle.
Mr. Edwards of Louisiana with Mr. Mills of Maryland.
Mr. Gibbons with Mr. Hagan.
Mr. Yatron with Mr. Long of Louisiana.

Mr. SCHMITZ changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REREFERENCE OF EXECUTIVE COMMUNICATION NO. 740

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of Executive Communication No. 740 and that the communication be referred to the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection

CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

CURTAILING MAILING OF CERTAIN ARTICLES

The Clerk called the bill (H.R. 8548) to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone conversant with this bill, which seems to be within the purview of the Committee on Post Office and Civil Service, how it found its way to the Committee on the Judiciary.

Mr. FLOWERS. Will the gentleman yield?

Mr. GROSS. I am glad to yield to my good friend.

Mr. FLOWERS. In responding to the gentleman's question, I think it involves the criminal statutes of the United States and the jurisdiction of the courts of the United States. Therefore it found its way to the Committee on the Judiciary.

This measure, if I might state further to the gentleman, did pass the House under unanimous consent last year in exactly this same form.

Mr. GROSS. I have no particular objection to the purport of the bill, but I am still not satisfied that it is not legislation that should have been handled by the Committee on Post Office and Civil Service. The gentleman says that it was sent to the Judiciary Committee for what reason?

Mr. FLOWERS. It amends title 18 of the United States Code, which is a criminal statute. It confers jurisdiction on the U.S. district court for the granting of injunctive relief upon application by the Government in cases that are specified herein, and that is within the jurisdiction of the Committee on the Judiciary.

Mr. GROSS. Are not other laws passed by the Committee on Post Office and Civil Service that provide for injunctive relief?

Mr. FLOWERS. Will the gentleman yield further?

Mr. GROSS. Of course.

Mr. FLOWERS. The gentleman is on the Committee on Post Office and Civil Service and I am on the Committee on the Judiciary. I am not as aware of the jurisdiction of his committee as I am of the Committee on the Judiciary. However, I would say that the provisions of title 18, which is a criminal statute, and which confers jurisdiction on the U.S. district court, is within the jurisdiction of the Committee on the Judiciary. There is certainly no intent here on the part of the Judiciary Committee to invade the province of another committee of this House.

Mr. Speaker, the bill, H.R. 8548, would amend section 1716 of title 18, United States Code, which bars injurious articles from the mails, by making the present first seven paragraphs of section 1716, subsections (a) through (g), and by adding a new subsection (h) declaring advertising, promotional, or sales matter soliciting or inducing the mailing of anything declared nonmailable by section 1716 to be likewise nonmailable unless accompanied by wrapping or packaging instructions in accord with regulations promulgated by the Postmaster General. Section 2 of the bill would add a new subsection (g) to section 3001 of title 39, United States Code, to confer jurisdiction on a district court, including the district court of the Virgin Islands and the district court of Guam, for actions to enjoin violations of section 1716 of title 18, United States Code.

The bill H.R. 8548 was introduced in accordance with the recommendations of the Post Office Department which recommends its enactment. The Department urged that the amendments provided in this bill be enacted in order to make it possible to curtail the mailing of articles which present a hazard to postal employees or mail processing machines.

A similar bill was considered by the committee in the 91st Congress and was the subject of a hearing on April 22, 1970. The witness appearing in behalf of the Post Office Department stated that as a result of sales promotion techniques such as contests, premium offers, and the like, enveloped mail containing undetected metal and plastic articles such as bottle caps, jar tops, can lids, opening strips, and similiar items enter the mail stream and find their way into the mail processing machines of the postal service, causing serious damage to this expensive equipment. It was also pointed out that these articles present a physical danger to post office employees because pieces of metal or plastic may be projected with considerable force from the processing machines. Studies were conducted by the Department over a 2-year period to determine causes of delays or hindrances in the processing of letter mail. These studies included both observations of both manual and high-speed machine operations in the Department. The studies showed that problems concerning injurious articles start at the familiar corner mailbox. Mail collectors have cut their hands on sharp objects as they reach in to remove mail from collection boxes. Before mail can be processed by machines it must be examined to remove oversize and nonmachineable mail. At this stage mail sacks are emptied onto conveyor belts, and employees spread the mail with their hands and must feel the mail for lumps or overly thick items. Obviously there is a danger that they will cut their hands on sharp items.

In addition to the criminal penalities as provided in section 1716 of title 18, the bill gives an added means of controlling the problem by authorizing the Post Office to secure injunctions. Section 2 of the bill would enable the Postmaster General, through the Attorney General, to bring suit against persons or organizations to enjoin mailings in violation of section 1716 of title 18. This provision affords the Department the alternative means of stopping the introduction into the mails of the matter described above, as well as other articles proscribed by section 1716 by the use of injunction proceedings.

In view of the recommendations of the Department in the executive communication and the considerations outlined in this report, it is recommended that the bill be considered favorably

Mr. GROSS. As I previously stated, I think the intent of the legislation is good. I am not going to pursue the issue further, but I hope we will not continue to get legislation from the Committee on the Judiciary that seems to me to invade the jurisdiction of the Committee on Post Office and Civil Service.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLURE. Mr. Speaker, reserving the right to object, and I shall not object, I want to concur in everything that the gentleman from Iowa (Mr. GROSS) said. It seems to me that this matter should have been properly referred to the authorizing committee rather than to the Committee on the Judiciary, which really knows nothing about what is or is not mailable within the mails within the context of this statute.

I shall not object at this time, but if any similar legislation comes before the House in the future of a similar purport that comes from the Committee on the Judiciary, I shall object.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1716 of title 18, United States Code, is amended (1) by designating the first through seventh paragraphs thereof as subsections (a) through (g), respectively; and (2) by inserting immediately above the penal provisions in such section the following new subsection:

"(h) Any advertising, promotional, or sales matter which solicits or induces the mailing of anything declared nonmailable by this section is likewise nonmailable unless such matter contains wrapping or packaging instructions which are in accord with regulations promulgated by the Postal Service."

SEC. 2. Section 3001 of title 39, United States Code, as enacted by the Postal Reorganization Act (P.L. 91-375), is amended by adding at the end thereof the following new subsection:

"(g) The district courts, together with the District Court of the Virgin Islands and the District Court of Guam, shall have jurisdiction, upon cause shown, to enjoin violations of section 1716 of title 18."

SEC. 3. The amendments made by this Act shall become effective at the beginning of the third calendar month following the date of enactment of this Act or on the date section 3001 of title 39, United States Code, becomes effective pursuant to section 15(a) of Public Law 91-375, whichever is the later.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO BROADEN AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO SETTLE CERTAIN ADMIRALTY CLAIMS ADMINISTRATIVELY

The Clerk called the bill (H.R. 8549) to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 8549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) The section heading for section 4802 and section 4802(a) are amended to read as follows:

"§ 4802. Admiralty claims against the United States

"(a) The Secretary of the Army may settle or compromise an admiralty claim against the United States for—

"(1) damage caused by a vessel of, or in the service of, the Department of the Army or by other property under the jurisdiction of the Department of the Army;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Army or to other property under the jurisdiction of the Department of the Army; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Army or by property under the jurisdiction of the Department of the Army."

(2) Chapter 451 is amended by striking out the following item in the analysis:

"§ 4802. Damage by United States vessels; towage and salvage of United States vessels."

and inserting the following item in place thereof:

"4802. Admiralty claims against the United States."

(3) The text of section 4804 is amended to read as follows:

"(a) The Secretary of the Army may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Army. Amounts received under this section shall be covered into the Treasury.

"(b) In any case where the amount to be received by the United States is not more than $10,000, the Secretary of the Army may delegate his authority under subsection (a) to any person designated by him."

(4) The text of section 7365 is amended to read as follows: "The Secretary of the Navy, or his designee, may consider, ascertain, adjust, determine, compromise, or settle and receive payment of any claim by the United States for salvage services rendered by the Department of the Navy."

(5) Section 7622(a) is amended to read as follows:

"(a) The Secretary of the Navy may settle, or compromise, and pay in an amount not more than $1,000,000 an admiralty claim against the United States for—

"(1) damage caused by a vessel in the naval service or by other property under the jurisdiction of the Department of the Navy;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel in the naval service or to other property under the jurisdiction of the Department of the Navy; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Navy or by property under the jurisdiction of the Department of the Navy."

(6) The section heading for section 9802, and section 9802(a) are amended to read as follows:

"§ 9802. Admiralty claims against the United States

"(a) The Secretary of the Air Force may settle or compromise an admiralty claim against the United States for—

"(1) damage caused by a vessel of, or in the service of, the Department of the Air Force or by other property under the jurisdiction of the Department of the Air Force;

"(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Air Force or to other property under the jurisdiction of the Department of the Air Force; or

"(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Air Force or by property under the jurisdiction of the Department of the Air Force.

(7) Chapter 951 is amended by striking out the following item in the analysis:

"9802. Damage by United States vessels; towage and salvage of United States vessels."

and inserting the following item in place thereof:

"9802. Admiralty claims against the United States."

(8) The text of section 9804 is amended to read as follows:

"(a) The Secretary of the Air Force may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Air Force. Amounts received under this section shall be covered into the Treasury.

"(b) In any case where the amount to be received by the United States is not more than $10,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person designated by him."

SEC. 2. (a) The section heading for section 646, and section 646, title 14, United States Code, are revised to read as follows:

"§ 646. Admiralty claims against the United States

"(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than $100,000, an admiralty claim against the United States for—

"(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

"(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

"(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

"(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

"(c) If a claim under this section is settled or compromised for more than $100,000, the Secretary shall certify it to Congress."

(b) Chapter 17 or title 14, United States Code, is amended by striking out the following item in the analysis:

"646. Claims for damages occasioned by vessels."

and inserting the following item in place thereof:

"646. Admiralty claims against the United States."

SEC. 3. Section 9 of the Act of March 9, 1920, chapter 9, as amended (41 Stat. 527, as amended; 46 U.S.C. 749) is amended by striking out the words "having control of the possession or operation of any merchant vessel."

Mr. FLOWERS. Mr. Speaker, H.R. 8549 provides for amendments to statutes providing for administrative settlement of admiralty claims and salvage claims. Its provisions are based on the recommendations of the Department of the Navy in an executive communication.

The amendments to sections in title 10, title 14 add language making it possible to settle admiralty claims within the full range of admiralty jurisdiction now provided in the Federal courts by adding authority to settle claims for damage caused by property of a department in addition to the present authority to settle claims for damage caused by vessels. Provision would also be made for settlement of claims for damage caused by maritime torts of an employee of a department. In line with the amendments to titles 10 and 14, the bill would also amend the Suits in Admiralty Act so that the administrative settlement authority of that act can be exercised by departments which do not have control of the possession or operation of merchant vessels. In 1960, the Suits in Admiralty Act was amended to clarify admiralty jurisdiction as to suits against the United States; however, parallel amendments were made to the sections providing for administrative settlement prior to suit. Basically, this bill makes those parallel amendments.

The bill amends three sections of title 10, sections 4802, 7622, and section 646 of title 14, to permit the Secretaries concerned to settle claims for salvage and towage of property other than vessels. The authority as to claims relating to vessels now exists, this bill merely adds the same authority as to property other than vessels.

The bill makes similar amendments to sections 4804, 7365, and 9804 of title 10, concerning claims by the United States against other persons for salvage services. The sections now cover claims for salvage services to vessels and the amendments would add authority for the United States to settle its claims for salvage service to property other than vessels. The Army and Air Force Secretaries are given the authority to delegate the authority to settle these claims up to $10,000.

The Army and Air Force settlement sections would be amended to delete present wording to the effect that the settlement authority of the military Secretary is under the direction of the Secretary of Defense. The Secretary of Defense has this authority without this provision.

Claims based on damages caused by departmental agents or by property of a department fall within the admiralty jurisdiction of the Federal courts and suit is permitted in such cases under the Suits in Admiralty Act (46 U.S.C. 741–752); however, the settlement authority found in sections 4802 and 9802 of title 10 is limited to claims for "damage caused by a vessel of, or in the service of" the Army in the case of section 4802 or the Air Force under section 9802. Section 7622 concerns the Navy and the settlement authority under that section is limited to claims for damage caused by a vessel in the naval service. Section 646 of title 14 concerning the Coast Guard is similarly limited. These sections are included in titles 10 and 14 to provide the authority for the expeditious settlement of admiralty claims. As outlined above, the bill would amend these sections to permit the settlement of admiralty claims based on damage caused by property other than vessels.

Settlements under the authority of these sections provide a means of avoiding unnecessary litigation. Settlement of this type also provides a means of eliminating unnecessary delay and expense to both the injured party and the Government. As was stated in the committee report, the executive communication notes that the present law is deficient in that it is not possible to settle all claims that are presently cognizable under the Suits in Admiralty Act. In 1960, the Suits in Admiralty Act was amended to clarify the jurisdiction of the district courts in these very situations. The 1960 amendment, added by the act of September 13, 1960 (Public Law 86–770, sec. 3, 74 Stat. 912), amended section 2 of the Suits in Admiralty Act (46 U.S.C. 742) by providing that actions can be brought against the United States or a corporation owned by the United States in instances where a proceeding in admiralty could be maintained "if a private person or property were involved."

This jurisdiction, therefore, extends to the full range of admiralty cases which might have been maintained had a private person or property been involved rather than the Government or its agents and employees or property. The legislative history of the 1960 amendment serves to emphasize this point. The Senate report—Senate Report 1894, 86th Congress, second session—which accompanied H.R. 5396, which was enacted as Public Law 86–770, noted that, while the original Suits in Admiralty Act provided for an action against the United States in cases where an admiralty proceeding might have been maintained if privately owned vessels or cargo had been involved, it did not mention private persons and property generally. The report pointed out that litigants had difficulty in determining their rights to bring actions against the United States because of uncertainty and obscurity in the language of the law defining the jurisdiction of the courts. Accordingly, the Senate committee recommended the amendment to section 2 of the Suits in Admiralty Act and stated concerning the revised language:

> It restates in brief and simple language the now existing exclusive jurisdiction conferred on the district courts, both on their admiralty and law sides, over cases against the United States which could be sued on in admiralty if private vessels, persons, or property were involved.

Whereas, this amendment was made to section 2 of the Suits in Admiralty Act, parallel amendments were not made to sections 4802, 7622, and 9802 of title 10 nor section 646 of title 14 so as to provide for the same authority for settlement of admiralty claims by the military departments and the Coast Guard within the statutory monetary limits fixed in those sections.

With the amendments to the three sections 4802, 7622, and 9802 of title 10, and section 646 of title 14 recommended by the Navy, it will also be possible to settle or compromise admiralty claims against the United States for damage caused by property other than vessels. Several examples will serve to illustrate the nature of these claims. Damage to private vessels could be caused by the improper handling of pier fenders or camels alongside a military pier, or by such fenders or camels while floating free in a slip or harbor after breaking loose from their moorings. A claim might result from damage attributable to Government structures surrounded by navigable waters such as artificial islands or structures which might not be lighted or properly lighted. Damage caused by negligent operation of airplanes, helicopters, and drones on navigable waters also could be included as examples of property whose use could give rise to claims. Finally the committee has been advised that it is possible that lost or sunken ordinance could cause damage to fishermen's nets or vessels and give rise to claims which could be considered under the language added by the bill.

The bill would also provide for amendments to the four sections permitting the settlement of admiralty claims for damage caused by maritime torts committed by departmental agents or employees. For example, Navy civil service personnel are employed to pilot commercial ships into and out of some harbors, as well as berthing and unberthing commercial ships at Navy installations. Should the negligence of such a pilot cause damage to the commercial ship it could not be settled under the present provisions of section 7622, but with the amendments added by this bill such a claim could be considered and settled. Another example of damage by personnel would be damage caused to a commercial ship by negligence of civil service longshoremen. Damage could also be caused to private property or a person by negligence of Government personnel operating on or from a structure which is not a vessel such as a platform for scientific observation and research or ocean data acquisition equipment. Personnel could also cause damage to a commercial ship in the operation of a gantry or shoreside operated crane or train.

As amended by the bill, sections 4802 (a)(3), 7622(a)(3), and 9802(a)(3), of title 10, and section 646(a)(3) of title 14, all provide for settlement authority as to damage caused by a maritime tort of a department's agent or attributable to "property under the jurisdiction of" a military department. For example, this provision is intended to provide for the authority to settle claims based on damage to property caused by the improper packaging or marking of Navy cargo. It would also cover a case where an unseaworthy cargo container or package permitted a longshoreman to fall through an outer covering and injure himself.

Of course, the examples outlined above do not cover all the factual situations which could produce potential litigation and claims which could be settled under the amendments added by the bill. They are merely intended to provide an indication of the types of claims which would be included in the scope of the proposed provisions. They also serve to emphasize the fact that there is serious deficiency in the existing provisions of the law and therefore that there is practical need for the amendments contained in this bill.

As I have noted, section 3 of the bill concerns parallel amendments to section 646 of title 14 concerning the Coast Guard as those proposed for sections 4802, 7622 and 9802 in title 10 concerning the military departments. The amendment to section 646 of title 14 follows the form of those contained in the bill with reference to the Army, Navy, and Air Force. It also provides that the limitation on claims authority in section 646 of title 14 be raised from $25,000 to the more realistic sum of $100,000.

As I have stated, the bill provides for amendments to section 4804 and 9804 authorizing the Secretaries of the Army or the Air Force to delegate his authority to settle claims of the United States for salvage service performed by his department when the amount to be received is less than $10,000. This is accomplished by designating the present language of the sections, as amended, as subsection (a) and by adding a new subsection (b) granting authority to the respective Secretaries to delegate this authority in this manner. The executive communication observes that the Secretary of the Navy presently has the authority to designate another person to settle this type of a claim. Since the Secretary of the Army and the Secretary of the Air Force do not have the statutory authority to delegate this settlement function, the amendments to the two sections will grant this authority as defined in the amendment.

The proposed legislation would also delete from the affected Army and Air Force settlement provisions the present wording to the effect that the settlement authority of the Secretary concerned is under the direction of the Secretary of Defense. The Secretary of Defense has this authority without specific provision in these sections. Elimination of the wording, therefore, does not lessen the authority of the Secretary of Defense. There is no such wording in the Department of the Navy provisions, and in practice the Departments of the Army, Navy, and Air Force coordinate their admiralty policies.

The executive communication commented upon the cost and budget implications of the amendments provided in this bill. While the additional authority for administrative settlement will result in increased settlement of administrative claims which will, of course, be reflected in increased costs to the department concerned, the Navy pointed out that any such increase in settlement costs will be more than offset in total costs to the Government by savings in cost of litigation and payment of judgment amounts. As has been noted in the committee report, one of the purposes of provision for administrative determination of admiralty claims at an initial stage, is to provide the Government and the parties involved the opportunity to settle admiralty matters prior to litigation and thereby avoid the costs and added expenses of protracted court proceedings. There is a clearly defined need for the amendments provided in this bill and it is recommended that the bill be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Clerk called the bill (S. 1538) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

Mr. HALL. Mr. Speaker, inasmuch as this bill is listed under suspensions on the Suspension Calendar, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING AN ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE UNITED STATES

The Clerk called the bill (H.R. 8699) to provide an Administrative Assistant to the Chief Justice of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object and inasmuch as this is obviously a questionable procedure and needs debate it would be my intention to ask that it be put over. Furthermore, it involves a recurring cost that may well eventually amount to a greater amount than that ordinarily considered under the criteria agreed to by the committee's own objectors of the House.

I would be glad to yield to anyone who would like to comment upon this matter but otherwise I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ACCOUNTING PROCEDURE FOR THE DISTRICT OF COLUMBIA

The Clerk called the bill (H.R. 8712) to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof", approved June 29, 1966, so as to include within its coverage the government of the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and I hope I do not have to object, but there is nothing in the report relative to the estimated cost which will be authorized by this procedure.

It is my understanding that the legislation may bring about a savings. However, there is nothing in the report that says that the original cost, whatever it may be, will not have to come out of the U.S. Treasury.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. RANDALL. H.R. 8712 comes from the subcommittee of which I am the chairman. It is identical to a measure which passed back in 1966 and which applied to all branches of the Federal Government except the District of Columbia. It had general application. It was passed in the 89th Congress. The purpose of H.R. 8712 today is to enlarge this same accounting procedure to include the District of Columbia——

Mr. ASPINALL. Will the gentleman answer my question?

Mr. RANDALL. I was trying to. There would be no cost. On the other hand there will be a saving of money to the District of Columbia. Instead of costing anything this is an economy measure which will result in a saving.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. HOLIFIELD. At the top of page 6 of the report it says:

Pursuant to House Rule XIII, Clause 7, the Committee estimates that there will be no additional cost incurred in carrying out the premises of this bill.

The bill would amend Public Law 89-473, 80 Stat. 221, 31 U.S.C. 628(a), and in a letter which I sent to objectors I made the statement that it would neither enlarge nor be the purpose for which an appropriation may be expended. It is a matter of adjustment of accountability.

Mr. ASPINALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, further reserving the right to object, I would have been glad to simply ask this question for information only on the other gentleman's time; but may I simply ask, in view of the statement made in the report in the bottom paragraph on page 1, whether or not it is intended that there may be a transfer of funds between appropriations available to different departments and agencies of the municipal government of the District of Columbia, to the point where we lose oversight and surveillance and the power of the purse over said funds?

Mr. HOLIFIELD. My answer to that would be "No." I might point out to the gentleman that on page 2, the first indented paragraph it says:

> As an example, a consolidated order for equipment for all departments of the government of the District of Columbia could be charged initially to the District's Department of General Services, subject to later accounting adjustments.

This same bill is being used in all the States. The States are using it and finding it beneficial. It was asked for by the administration that we extend this to the District of Columbia from the standpoint of efficiency in funding these different accounts, many of them very small accounts, and bookkeeping adjustments would be made later in the year.

Mr. HALL. Mr. Speaker, further reserving the right to object, I appreciate the statement of the distinguished chairman of the Committee on Government Operations, and I believe it is right, but inasmuch as there have been some statements made and the report is not clear, unless one balances one paragraph against another; I want to be sure we will not lose our legislative oversight before the District of Columbia becomes a municipality or, indeed has State or Commonwealth status like the other 50 do, where it can handle its own obligations.

For example, I would ask the distinguished gentleman who chairs the committee, and even the joint committee on atomic energy, that since he is in the habit of reviewing by line item various appropriations, does this language means that down at the Municipal Courthouse of the District of Columbia they could, under a General Services Administration appropriation for any given year, without coming back here for "reprogramming," or without authorization or appropriation or line item basis, transfer funds between different agencies or subbranches operating on various obligation and spending authorities, as long as they settled up on a "bookkeeping basis" at the end of the year?

Mr. HOLIFIELD. I feel sure this is in accord with the statute that makes the money available on a line item basis that they are called upon to make, and this is what the Comptroller General stated in his letter in the next to the last indented paragraph on page 4:

> We believe the authority contained in Public Law 89-473 can facilitate the accounting and payrolling for common service types of activities and that savings can be realized through the establishment of joint service activities and the elimination of duplicate activities that might have been maintained within an agency. We see no reason why the District of Columbia would not benefit from the provisions of Public Law 89-473 equally as well as the Federal Government. We believe also that making its provisions available to the District of Columbia would encourage it to develop more effective management and accounting techniques so that the authority granted will produce the maximum benefits possible.
>
> Accordingly, we recommend that H.R. 3644 be favorably considered.

Mr. HALL. Mr. Speaker, the Comptroller General testified this morning before the Joint Committee on Congressional Operations in exactly the same sense.

As I understand the distinguished chairman, we are allowing this transfer only after funds have been appropriated to the municipality by Congress on the line item basis; is that correct?

Mr. HOLIFIELD. That is correct, and any transfer of the funds would be in relation to the final accountability in line with the authorization of the line item issue.

Mr. HALL. And the gentleman's committee would review this the following year, and be assured that this was done in accordance with the correct accounting and bookkeeping processes?

Mr. HOLIFIELD. I think we can assume that possibility without any trouble.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman, my colleague from Missouri.

Mr. RANDALL. Mr. Speaker, I simply want to emphasize that H.R. 8712, neither enlarges nor contracts in the slightest the appropriation process. It could not possibly increase or decrease an appropriation.

Now I think I should inform my esteemed colleague, the gentleman from Missouri (Mr. HALL) that this identical kind of bill on accounting procedure passed the House late in the 91st Congress, but died in the Senate in the year-end rush. I should also advise my colleague from Missouri, and also the membership of the House that this bill was requested by the District of Columbia Office of Revenue and Finance. They came before our subcommittee and made a strong case for savings to be accomplished by this bill. Not only would there be savings in terms of bookkeeping costs, and avoidance of multiple billing but also by one department buying several identical items of purchase for itself and other departments—there would be a savings because of the discount enjoyed from larger purchases at one time.

There is no way that the passage of this bill can impair the oversight of appropriations. It just does not change one way or the other, up or down or in any way modify the appropriation process. The department making the payment would check with the department to be charged to ascertain there was an unused appropriation by that department to satisfy subsequent payment. Actually this is a bookkeeping or accounting procedure to save money and cannot modify appropriations.

Mr. HALL. My beloved colleague from Missouri's semantics in explanation is much more convincing than the prose as written in the report in the bottom paragraph on page 1, and I accept it.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. HORTON. Mr. Speaker, as a minority member of the committee that reported this bill to the House without objection, I favor the passage of H.R. 8712 by the House.

H.R. 8712 would extend the provisions of Public Law 89-473, now applicable only to Federal departments and agencies, to the District of Columbia. Enactment of this amendment would permit the District of Columbia government to pay for products and services chargeable to several appropriations with one voucher on one of such appropriations with accounting adjustments being made subsequently, but within the same fiscal year, and between the respective appropriations so that each bears its true share of the cost.

As such, this amendment will facilitate prompt payment of bills and will aid in distribution of payroll costs for an activity chargeable to more than one appropriation.

After hearing testimony from Federal Government and District of Columbia officials a subcommittee of the Government Operations Committee unanimously approved H.R. 8712 because it will offer an improvement to the efficiency and economy of the operations of the District of Columbia by authorizing the flexibility in accounting procedures which other departments and agencies of the Federal Government currently enjoy.

My colleagues and I on the Government Operations Committee support this measure and do so in the hope that its passage will contribute to more effective and efficient Government operations.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof", approved June 29, 1966 (80 Stat. 221; 31 U.S.C. 628a), is amended by striking out "Government" and inserting in lieu thereof "Federal Government or the government of the District of Columbia".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. FLOWERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1538) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Clerk read as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes, approved July 4, 1966 (80 Stat. 261), as amended, is further amended by striking "$373,000" and inserting in lieu thereof "$670,000".

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FLOWERS. Mr. Speaker, I shall be very brief. The bill (S. 1538) as the number indicates has already been passed by the other body and would increase the authorization for fiscal year 1971 for the American Revolution Bicentennial Commission from the figure of $373,000 to $670,000.

The bill was introduced as recommended in an executive communication, and, as amended by the Senate, authorizes the amount approved by the House and the Senate in the second supplemental appropriation bill, which was H.R. 8190/Public Law 92–18 May 25 past. The sum of money authorized in the bill is needed to meet the expenses of the Commission in connection with the acceleration of effort in fiscal year 1971 implementing the planning of the development stage of the bicentennial observance.

These plans include commencement of the bicentennial era in the first week of July 1971 which, of course, is only some 2 weeks hence.

Mr. Speaker, as I have stated, the bill S. 1538 was introduced in accordance with the recommendations of an executive communication from the American Revolution Bicentennial Commission. The purpose of the bill is to increase the authorization for appropriations for the American Revolution Bicentennial Commission for fiscal year 1971 from $373,000 to $670,000.

As was outlined in the statement accompanying the executive communication, the increase in the authorization is necessary to support supplemental appropriation requests which the President has transmitted to the Congress for the current 1971 fiscal year. The increased authorization and appropriation are made necessary by a considered decision to accelerate implementation of the Commission's July 4, 1970, recommendations for a nationwide bicentennial program, as endorsed by the President on September 11, 1970, during the present fiscal year and to cover obligatory pay increases. This will enable the Commission to reach and assist in a limited fashion, State and local communities, groups and associations such as professional associations, service organizations, patriotic groups and historical and heritage societies, in their initial planning of commemorative programs. The increase in funding will be used primarily for staff and related costs to accomplish these objectives.

The bill, S. 1538, was originally introduced providing for an increase in the authorization to $675,000. The bill was amended in the Senate to reduce the amount authorized by this bill, $297,000. This was done so that the additional amount authorized by this bill, $297,000 is equal to the amount approved by the House and Senate in the bill H.R. 8190 providing for supplemental appropriations for the fiscal year ending June 30, 1971—Public Law 92–18. As to the American Revolution Bicentennial Commission, the bill H.R. 8190 appropriated $267,000 for activity and planning for the bicentennial and $30,000 for increased pay and related costs for fiscal 1971. This latter item was included along with similar items to provide funds to the various departments and governmental agencies for expenditures for increased pay costs resulting from Federal comparability pay raises as required by Public Law 91–231 and 91–656 which adjusted the salary rates of civilian statutory salary systems to achieve comparability with rates paid for similar work in private industry—House Report 92–178, 82d Congress, first session, page 54. The regular 1971 appropriations did not allow for these costs.

The American Revolution Bicentennial Commission dates back to July 4, 1966, when it was established under provisions of Public Law 89–491—80 Stat. 259. The statute placed on the Commission the responsibility of planning, encouraging, developing, and coordinating the commemoration during the bicentennial era.

Broadly representative of both the Government and private citizens, the Commission has 35 members. Four are Members of the Senate who are appointed by the President of the Senate, and four are Members of the House of Representatives appointed by the Speaker of the House. Also as members are the Secretary of State, the Attorney General of the United States, the Secretaries of the Interior, Defense, Commerce, Transportation, Health, Education, and Welfare, and Housing and Urban Development, the Librarian of Congress, Secretary of the Smithsonian Institution, Archivist of the United States, and Chairman of the Federal Council on the Arts and Humanities.

Seventeen members are appointed by the President from private life, one of whom is designated by the President to serve as Chairman of the Commission.

Central to the effective discharge of its responsibilities in the development by the Commission of a national plan of commemorative activities throughout the Nation. This is to be in the nature of a report to the President to be transmitted to the Congress recommending activities and observances during the bicentennial era which are appropriate to the bicentennial.

In connection with its consideration of the bill S. 1538, the committee has considered the testimony presented on April 1, 1971, before the Subcommittee on Department of the Interior and Related Agencies of the House Committee on Appropriations. The testimony establishes the fact that the Commission has had to accelerate its efforts in fiscal year 1971 in order to implement the planned development stage of the bicentennial observance which will get underway in fiscal year 1972. As was observed in the Senate report on the bill S. 1538, the primary role of the Commission is to serve as a catalyst in assisting and coordinating State and local bicentennial commissions and with appropriate groups and organizations throughout the country. It was stated that the major part of any funding of such programs will be borne at the local level. The Commission has formulated an action plan to launch the bicentennial era during the first week of July 1971. It was determined that in order to be effective the necessary nationwide grassroots planning would have to begin this year. The supplemental funds authorized by this bill and already approved in the appropriation bill are needed in connection with the preparation and planning now going on for the initial development phase of the bicentennial observance which will begin in July.

The committee carefully considered the facts set forth in the statement accompanying the executive communication and concluded that the Commission has established a firm basis for the authorization provided in this bill. It is recommended that the bill be considered favorably.

Mr. Speaker, there were questions in my own mind when I first considered this legislation and I am sure there might be questions in the minds of other Members. This Commission got through almost the entire fiscal year with the sum of $373,000, and here we are with some week or 10 days left in this fiscal year, and there is an authorization request here for an additional figure. What does that money entail? What is that money for? First, $30,000 of this figure is for pay raises that were written into the law when we raised the pay of the civil service and the executive branch some time back.

Additionally, $267,000 is needed as stated for the accelerated activities of the Bicentennial Commission and for the necessary expense and obligation of funds authorized by this bill and which can be done here in the waning days of June 1971 with the passage of this legislation.

Mr. Speaker, I am convinced that this would be an orderly development in our planning for the American Revolution bicentennial celebration, and I would urge the House to suspend the rules and pass this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, is the gentleman saying that the Commission can properly spend $297,000 minus the $30,000, for salary increases in 10 days or at the rate some of $29,000 a day?

Mr. FLOWERS. To respond to the question of the gentleman from Iowa. I had the same question in my mind, and I asked it of the members of the Commission, and also inquired into the background in the evidence before the Appropriations Subcommittee. It appears that the figures are reasonable for what they are planning to do, what they intend to obligate the funds for.

Mr. GROSS. Is the gentleman saying that they have obligated the money?

Mr. FLOWERS. They have not obligated the money and cannot obligate the money until it is authorized by the Congress. The item was written into the second supplemental appropriations bill, and they cannot obligate it until it is authorized by the Congress.

The regional offices would be set up in such places as Boston, Chicago, Philadelphia, San Francisco, and Atlanta. They would also use part of the funds to develop necessary programs out in the field to accelerate headquarter expansion, that is, the physical renting of office space in these regional office areas and in States that have already set up commissions to go along with the National Commission. Cost projections and other studies and surveys would also be involved. The money has already been appropriated, but language in the appropriation measure made its use contingent on an authorization bill being passed as well.

Mr. GROSS. If the gentleman will yield further, I am sure that this Bicentennial Commission is going to go on, but I just do not understand how, having spent $300,000 and some-odd up to this point, in this fiscal year, the Commission can possibly spend another $297,000 in the 10 days until the end of the current fiscal year.

If you are trying to authorize in this bill money to be spent next year, in fiscal 1972, you ought to say so. The bill does provide for 1972. But if this money is to be spent in 1972, the bill ought to say so.

Mr. FLOWERS. To reply to the gentleman from Iowa, this is fiscal 1971 spending. I had the same questions and I satisfied myself that this would be orderly spending of money. Of course, I can say to the gentleman that this measure did not originate with the Judiciary Committee. It originated with an Executive order from the President of the United States, and in his judgment he wanted to accelerate the planning and the early operation of the Bicentennial Commission, and that is how the matter got before the Judiciary Committee and is now before the House.

Mr. GROSS. I appreciate the origin of the request for this authorization. But I am not as impressed, perhaps, as I should be with the source. I do not always agree with the administration. I try to agree to the best of my ability. But I do not see how this administration or any other figures, that it can spend $297,000 in 10 days for this purpose. Perhaps I just do not understand the workings——

Mr. FLOWERS. I might say I wish that might be all we would spend in a given 10-day period.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. Maybe we can spend less than that in 10 days by voting this down. That might be one way of doing it in less than 10 days. What would happen if this bill does not succeed in the House?

Mr. FLOWERS. I would say the money that has been appropriated could not be spent. What this bill proposes to accomplish could not be accomplished or would be put off until another year.

Mr. CONYERS. It would have to go along about at the same rate it has been going along, would it not?

Mr. FLOWERS. I would think so. Of course, we cannot stop the passage of history; 1976 is a year we are anticipating coming along in 5 years. That is the year we want to celebrate, and that is what we want to get ready for.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from New York.

Mr. SMITH of New York. I thank the gentleman for yielding. I understand that this was an Executive decision to accelerate the work of the Bicentennial Commission.

Consequently, in line with that, hearings were held before the Appropriations Subcommittee. The supplemental appropriation for this additional $297,000 was passed by the House, subject of course to the authorization.

In pursuance of the Executive decision to accelerate the program in order that the Commission might get to the localities—cities, States, and counties—which are going to have a part, and really the major part, of the bicentennial celebration, they have made contingent design contracts, hoping to be able to accelerate this with a supplemental appropriation, which has been made subject to the authorization. But the activity in speeding up and accelerating this has been done on a contingent basis, hoping that there would be funding for this accelerated addition of $297,000.

Mr. FLOWERS. I might comment further that the only activity now taking place in connection with this is that they have more or less drafted people from other executive departments to do this on an accelerated, speed-up basis. This further authorization to expenditure would be orderly procedure in planning for the bicentennial celebration.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the distinguished gentleman from Missouri.

Mr. HALL. I rise in order to try to clear up this dilemma. It is apparent that this money could not be wisely expended in the only 9 days remaining, even if by some miracle the bill could become law by midnight tonight.

As I understand it, the gentleman is saying that in the last supplemental appropriation bill there were funds for this purpose contingent upon this authorization being passed, not knocked out on a point of order based on appropriating without legislation; and predicated further on that action there have been obligations made and funds allocated to the States or contracts to the counties or municipalities participating, in order to set up the functions of the bicentennial commission in advance. By acting on this authorization today, and if it becomes law, by taking the identical words from the other body in S. 1538, that will, on becoming law, trigger the previous supplemental appropriation, and the funds will then simply be disbursed to whom they have been obligated. Is that a fair statement?

Mr. FLOWERS. The gentleman has stated it well.

I would go back and comment further, if I might. Sometime in the fall of last year, when the projections for this started around the executive branch, is when this all began. Recommendations were presented to the Appropriation Subcommittee in the early spring of this year, and passed in the second supplemental appropriation bill.

Mr. HALL. If the gentleman will yield further, of course the executive branch knows that we are a legislative body and that we legislate before operating, or we authorize before appropriating.

Mr. FLOWERS. Yes.

Mr. HALL. Regardless of the erstwhileness of the request that came to the gentleman or the committee, I simply want to submit to the Members that we are doing this thing in reverse. If we continue to appropriate without authorizing legislation we are upsetting the very basis of representative government in a Republic, and we are upsetting the very basis of the Reorganization Act of 1949 as well as the one of 1970.

I would stipulate that if we continue in this vein of spending before we authorize and spending before we receive, then we obviate the definition of Ways and Means and this Nation as a limited Republic under a Constitution will not be here to celebrate a tricentennial because it will be much more fiscally bankrupt than we are financially and morally, now.

Mr. FLOWERS. I would agree with the gentleman's comment, but I do not believe this is the place to prove the point, on a bill like this.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I am glad to have the clarification that there has been an obligation of funds in the absence of authorization. That is the point I want to make.

Mr. FLOWERS. It cannot go legally before any authorization.

Mr. GROSS. I thought plans had already been made to set up various offices all over the country.

Mr. FLOWERS. The plans have been made, but funds have not yet been obligated.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman.

Mr. CONYERS. Was the gentleman from Missouri's explanation correct?

Mr. FLOWERS. I would say the gentleman from Missouri explained it very well.

Mr. CONYERS. Thank you.

Mr. SMITH of New York. Mr. Speaker, I merely rise in support of this bill and urge the House to suspend the rules and pass the bill S. 1538.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House suspend the rules and pass the bill S. 1538.

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 24, not voting 73, as follows:

[Roll No. 150]

YEAS—336

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Derwinski
Dingell
Dowdy
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruth
Ryan
Sandman
Sarbanes
Saylor
Schneebeli
Schwengel
Scott
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—24

Anderson, Calif.
Andrews, N. Dak.
Burke, Fla.
Chisholm
Collins, Ill.
Collins, Tex.
Conyers
Daniel, Va.
Dellums
Gross
Haley
Hall
Hawkins
Mazzoli
Miller, Ohio
Scherle
Scheuer
Schmitz
Sebelius
Snyder
Stokes
Wilson, Charles H.
Wolff
Zion

NOT VOTING—73

Anderson, Tenn.
Arends
Ashbrook
Badillo
Barrett
Biaggi
Bingham
Blatnik
Bray
Brown, Ohio
Cabell
Camp
Chappell
Clay
Danielson
Davis, Wis.
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Edmondson
Edwards, La.
Erlenborn
Eshleman
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Pa.
Fuqua
Gallagher
Gettys
Gibbons
Grover
Halpern
Hanna
Hunt
Jones, Tenn.
Leggett
Lent
Long, La.
McCulloch
McDade
McEwen
Mathias, Calif.
Mathis, Ga.
Michel
Mills, Md.
Mollohan
Monagan
Moss
Murphy, N.Y.
Patman
Pepper
Purcell
Rangel
Riegle
Rodino
Roy
Runnels
Ruppe
St Germain
Satterfield
Seiberling
Stuckey
Taylor
Vigorito
Whalley
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Gerald R. Ford.
Mr. Blatnik with Mr. Arends.
Mr. Fuqua with Mr. Ashbrook.
Mr. Gettys with Mr. Bray.
Mr. Danielson with Mr. Fulton of Pennsylvania.
Mr. Anderson of Tennessee with Mr. McEwen.
Mr. Barrett with Mr. Hunt.
Mr. Biaggi with Mr. Grover.
Mr. Hanna with Mr. Mathias of California.
Mr. Jones of Tennessee with Mr. Brown of Ohio.
Mr. Stuckey with Mr. Mills of Maryland.
Mr. Taylor with Mr. Davis of Wisconsin.
Mr. Purcell with Mr. Dennis.
Mr. Rodino with Mr. Wydler.
Mr. Runnels with Mr. Halpern.
Mr. St Germain with Mr. Dickinson.
Mr. Satterfield with Mr. Michel.
Mr. Edmondson with Mr. Erlenborn.
Mr. Donohue with Mr. Lent.
Mr. Leggett with Mr. McDale.
Mr. Mathis of Georgia with Mr. Eshleman.
Mr. Vigorito with Mr. Riegle.
Mr. Moss with Mr. Ruppe.
Mr. Gibbons with Mr. Whalley.
Mr. Edwards of Louisiana with Mr. Camp.
Mr. Long of Louisiana with Mr. Devine.
Mr. Dow with Mr. Roy.
Mr. Seiberling with Mr. Badillo.
Mr. Gallagher with Mr. Murphy of New York.
Mr. Bingham with Mr. Clay.
Mr. Mollohan with Mr. Cabell.
Mr. Monagan with Mr. Frelinghuysen.
Mr. Downing with Mr. Chappell.
Mr. Fraser with Mr. Diggs.
Mr. Dorn with Mr. Pepper.
Mr. Patman with Mr. Rangel.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STATE AND LOCAL LAW ENFORCEMENT IN NATIONAL FORESTS

Mr. SISK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3146) to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

The Clerk read as follows:

H.R. 3146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, in connection with the administration and regulation of the use and occupancy of the national forests and national grasslands, is authorized to cooperate with any State or political subdivision thereof, on lands which are within or part of any unit of the national forest system, in the enforcement or supervision of the laws or ordinances of a State or subdivision thereof. Such cooperation may include the reimbursement of a State or its subdivision for expenditures incurred in connection with activities on national forest system lands. This Act shall not deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction, within or on lands which are a part of the national forest system.

The SPEAKER. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. SISK. Mr. Speaker, the purpose, simply stated, of H.R. 3146 is to authorize the Secretary of Agriculture to cooperate with any State or political subdivision thereof in the enforcement of State or local laws on lands of the national forest system. Such cooperation could include reimbursement to a State or its subdivision for expenditures incurred in connection with activities on national forest system lands.

Mr. Speaker, this need comes about from the fact there is an increasing use of the national forest system. A great number of people today are visiting our national forests. The problems of law enforcement and the protection of visitors to these areas is becoming almost an impossible burden on local law enforcement officers.

This would provide for the Secretary of Agriculture to approve cooperative agreements, and they would then compensate the local subdivisions, counties, or State police officers in the enforcement of the law and would relieve the necessity for the creation of a Federal police force, which I am certain none of us want.

It is felt that this is the most economical way to handle the situation.

Therefore, Mr. Speaker, I urge the enactment of this legislation.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. All counties cannot take care of all these forest parks. The only way that they could keep law enforcement in these areas would be to set up police officers for all these parks. I think this is the best way to take care of law enforcement in these parks and I favor the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. Is this confined to small counties?

Mr. BELCHER. No; it applies to any county.

Mr. GROSS. To any county large or small?

Mr. BELCHER. Yes; but there are not very many large counties located near our forest parks.

Mr. GROSS. And does the cost to the Federal Government go from $4.7 million in 1972 to $9,446,000 in fiscal 1976?

Mr. BELCHER. I think that is correct.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from California.

Mr. SISK. Yes. Of course, I might say to my good friend, the gentleman from Iowa (Mr. GROSS), the costs are outlined in the report of the Department at the top of page 5 thereof. These, of course, are estimated costs.

There is not any question but what there will be an increase in the number of people going into national forests which, of course, will determine pretty much the cost involved. I think it would be difficult to pinpoint that cost exactly.

As the gentleman knows, daily, we have tens of millions of man-days in the national forests, people coming from the cities, and this is increasing at a very rapid rate.

The costs are calculated over the period of the next 5 years.

Mr. GROSS. And this is only in our national forests; is that correct?

Mr. BELCHER. That is right. The thing that brought about this need were riots in these forests when the people went in there—you might say the hippies went in there—and vandalized and destroyed properties. The smaller counties could not take care of the law enforcement and we did not have police officers in the national parks or national forests. So, when they needed law enforcement, the Secretary of Agriculture made a contract with the local enforcement officials in order to take care of that situation.

Mr. GROSS. I thank the gentleman from Oklahoma for yielding, and for his explanation.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 3146, a bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules and regulations within the national forest system.

This proposal would meet a very pressing need for improved law enforcement on our national forest lands. As the representative of a California district that includes nearly 13 million acres of national forests, all of 10 national forests and parts of four others, I am well acquainted with this difficulty.

In the last several years there has been considerable hue and cry about the issue of law and order. In fact, Mr. Speaker, in my 1971 legislative poll, the results of which were just tabulated, people of California, whom I represent, expressed that the problem of law and order is the most serious of any which this Nation faces today. All of us, I am sure, understand the need for proper law enforcement. And I am sure we are all aware of the well-recognized and longstanding governmental responsibilities in this area. H.R. 3146 would fulfill an unmet Federal responsibility for maintaining law and order.

It would meet a recurring problem which the State and local governments cannot adequately handle and which they should not be expected to handle without Federal support.

National forest lands are being used more and more intensively. During holidays and weekends these lands are often virtually innundated by tourists who come to take advantage of the recreational, scenic, and other assets of these forests.

The sheer number of people trying to enjoy these areas created a temporary law enforcement problem in itself, and other factors sometimes add to that problem. Even during periods of normal use, however, there still is an increasing strain on the ability of the State and local law enforcement agencies to provide adequate coverage.

Too frequently local governments find that only a very minimal amount of tourist dollars can be translated into general tax revenues.

In California, for example, local sales taxes include an exemption for grocery items, for which much of the tourist dollar is spent.

Other sources of revenue, such as the 25 percent of national forest receipts are earmarked for special purposes, largely roads and schools. In short, because national forest lands are not included on local property tax rolls, there is little offsetting compensation to local government for the costs of general government operations such as law enforcement.

Last year there were more than 29 million visitor days on national forest lands in the Second Congressional District alone. In other words the equivalent of 29 million persons spent 1 day apiece on national forest land. The point is this: there was intensive usage of nontaxable land and there were considerable problems for State and local governments that had to meet the expensive costs of adequate law enforcement.

Some examples:

Alpine County has a population of just 484. Yet last year, the national forest lands which comprise almost all of the county, was visited by the equivalent of 1,113,000 tourists for a single day.

The equivalent of more than 3,900,000 1-day tourists visited Mono County, which has a population of 4,016. As many as 9,000 persons came to a single area of that county, Mammoth Lake, during peak winter weekends.

Nearly 1,230,000 visitor-days of use were recorded on the national forests of Sierra County, population 2,365.

At Pinecrest, Tuolumne County, as many as 16,000 persons have flocked to an area with a permanent population of only 2,500. Similar problems have been recorded at Bass Lake in Madera County and at Shasta Lake in Shasta County, and for that matter all through the Second Congressional District.

The county government ends up by paying the salary overtime, food expenses, car expenses, to name but a few.

These situations are repeated over and over again throughout the national forest areas. It is important to emphasize that 80 to 90 percent of the land in several of these counties is owned by the Federal Government and therefore is exempt from local property tax rolls.

Mr. Speaker, the people are going to visit these recreation areas. There is no doubt about it and visitations increase steadily and rapidly from year to year. Someone must provide for the protection of these visitors, for the protection of their property, and for the protection of Federal property. This is a function of law enforcement.

Forest rangers are not cut out to be policemen and should not be doing the work done by regular law-enforcement officers. Since the State and local governments are straining now to provide what service they can, the Forest Service has to try to bridge the gap. It is forced to expand Federal encroachment on a responsibility that the State and local governments want to shoulder, but cannot because of limited funds.

These problems could be met by merely increasing the Federal law-enforcement role. But there is a better way—a way which would recognize the fact that law enforcement is primarily a State and local responsibility. H.R. 3146 recognizes the State and local prerogatives for legislating and enforcing basic criminal and civil laws. This legislation is consistent with the sense of Congress and administration as stated in Public Law 90-351:

> Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.
>
> It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance.

Therefore, I believe the proposal we have before us today offers a much more realistic and reasonable solution to the problem, one which is compatible with our basic philosophy of local, State and Federal governmental relations. In H.R. 3146, the Secretary of Agriculture would be authorized to reimburse State and local governments for law enforcement expenses incurred on National Forest System lands. The bill would in no way interfere with the rights of the State and local governments to exercise civil and criminal jurisdiction. What it would do is give the State and local law enforcement agencies the funds they desperately need to provide the service and protection the public deserves and should have on National Forest System lands.

Chief Edward P. Cliff has written me:

> The Forest Service exercise "proprietorial interest only" jurisdiction on virtually the entire National Forest System. Under this type of jurisdiction, the civil and criminal laws of a State apply to acts committed on the National Forests.

Forest Service officers are trained in investigation and assist prosecution of cases under State laws. They have cooperated with State and local law enforcement officers. But nevertheless there is a recognized law enforcement problem, especially during periods of intensive use. The State and local governments bear the brunt of the responsibility for providing extra officers and equipment. They need help, and they deserve it.

I believe, Mr. Speaker, there is adequate precedent for this approach within the U.S. Forest Service for this approach. I cite to you the outstanding program of State and private forest cooperation which, with a minimal amount of money, achieve substantial benefits in the field of insect and disease control, fire prevention and suppression, flood control, and so forth.

In conclusion, I urge my colleagues to give favorable consideration of the bill H.R. 3146.

Thank you.

The SPEAKER. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill H.R. 3146.

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 360, nays 2, not voting 70, as follows:

[Roll No. 151]

YEAS—360

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Derwinski
Devine
Diggs
Dingell
Dorn
Dowdy
Drinan
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Ryan
Terry

NOT VOTING—70

Anderson, Tenn.
Arends
Ashbrook
Badillo
Barrett
Biaggi
Bingham
Blatnik
Bray
Brown, Ohio
Chisholm
Clay
Conyers
Danielson
Davis, Wis.
Dellums
Dennis
Dent
Dickinson
Donohue
Dow
Downing
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Ford, Gerald R.
Fulton, Pa.
Fuqua
Gallagher
Gettys
Gibbons
Grover
Halpern
Hanna
Hawkins
Hébert
Hunt
Jones, Tenn.
Leggett
Lent
Long, La.
McCulloch
McEwen
Mathias, Calif.
Mathis, Ga.
Mills, Md.
Mollohan
Monagan
Moss
Patman
Purcell
Riegle
Rodino
Roy
Runnels
St Germain
Satterfield
Seiberling
Stratton
Stuckey
Taylor
Vigorito
Whalley
Wilson, Bob
Wilson, Charles H.
Wright
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Gerald R. Ford.

Mr. Blatnik with Mr. Arends.

Mr. Fuqua with Mr. Ashbrook.

Mr. Gettys with Mr. Bray.

Mr. Danielson with Mr. Fulton of Pennsylvania.

Mr. Anderson of Tennessee with Mr. McEwen.

Mr. Barrett with Mr. Hunt.

Mr. Biaggi with Mr. Grover.

Mr. Hanna with Mr. Mathias of California.

Mr. Jones of Tennessee with Mr. Brown of Ohio.

Mr. Stuckey with Mr. Mills of Maryland.

Mr. Taylor with Mr. Davis of Wisconsin.

Mr. Purcell with Mr. Dennis.

Mr. Rodino with Mr. Wydler.

Mr. Runnels with Mr. Halpern.

Mr. St Germain with Mr. Dickinson.

Mr. Satterfield with Mr. Wright.

Mr. Edmondson with Mr. Erlenborn.

Mr. Donohue with Mr. Lent.

Mr. Leggett with Mr. Stratton.

Mr. Mathis of Georgia with Mr. Eshleman.

Mr. Vigorito with Mr. Riegle.

Mr. Moss with Mr. Bob Wilson.

Mr. Gibbons with Mr. Whalley.

Mr. Edwards of Louisiana with Mr. Charles H. Wilson.

Mr. Long, Louisiana with Mr. Hébert.

Mr. Dow with Mr. Roy.

Mr. Seiberling with Mr. Badillo.

Mr. Gallagher with Mr. Hawkins.
Mr. Bingham with Mr. Clay.
Mr. Mollohan with Mrs. Chisholm.
Mr. Monagan with Mr. Conyers.
Mr. Downing with Mr. Eckhardt.
Mr. Edwards of California with Mr. Dellums.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TO EXTEND THE CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7586) to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-speaking People, to authorize appropriations for 2 additional years.

The Clerk read as follows:

H.R. 7586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes", approved December 30, 1969 (42 U.S.C. 4310), is amended by striking out "and 1971" and inserting in lieu thereof ", 1971, 1972, and 1973".

The SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, I know the House is impatient to move along with the work of the House today, so I will try to be as brief as I possibly can.

Mr. Speaker, H.R. 7586 will authorize appropriations for fiscal years 1972 and 1973 for the Cabinet Committee on Opportunities for Spanish-Speaking People. The Cabinet Committee was created by statute in the 91st Congress at which time it was given a duration of 5 years, but the specific authorization for appropriations extended only for fiscal years 1970 and 1971. Hence, it is necessary that this authorizing legislation be enacted if the Cabinet Committee is to be eligible to receive appropriated funds after June 30.

This bill has been approved by the Office of Management and Budget and the President's budget contains a request of $860,000 for the Cabinet Committee for fiscal year 1972.

The Cabinet Committee on Opportunities for Spanish-Speaking People was created to help "assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons."

According to testimony there are more than 10 million persons in the United States who are in the Spanish-speaking category.

The committee is composed of the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Housing and Urban Development; the Secretary of the Treasury; the Attorney General; the Director of the Office of Economic Opportunity; the Administrator of the Small Business Administration; the Commissioner of the Equal Employment Opportunity Commission most concerned with the Spanish-speaking and Spanish-surnamed Americans; and the Chairman of the Civil Service Commission. The Chairman of the Cabinet Committee serves full time and is appointed by the President "from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish-speaking." At this time there is a vacancy in the office of Chairman. He receives compensation at executive level V—$36,000 per year.

The specific functions of the Cabinet Committee are:

First, to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second, to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

The Cabinet Committee may consult with and obtain information and assistance—including personnel—from other Federal departments and agencies. An Advisory Council was to be established under the law but this has not yet been set up.

During our hearings we were advised by the Executive Director of the Cabinet Committee that there were currently 43 staff members employed and this was expected to increase to 45 in fiscal year 1972. Assignments of the staff have been divided into the following major divisions: Manpower, migrant affairs, housing, education, economic development and intergovernmental affairs.

Mr. Speaker, I think the decision to create this Cabinet Committee was a wise one and I will not repeat today the arguments then made. It is sufficient to say that the Committee represents the response of our Government to the problems of a significant segment of our population.

It is true the Committee has had organizational problems and presently is without a chairman. Congressman FRANK HORTON and I have written to the President asking him to make this appointment as soon as possible so the vital work of the Cabinet Committee can go forward in the most effective manner. I dare say, however, we can hardly point to any new agency that started off smoothly. There always seems to be a shakedown period. For the Cabinet Committee, I believe the shakedown period is nearly over and it should sail in calmer waters.

I hope the bill will be passed by an overwhelming vote.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. GROSS. What is the number of the present staff?

Mr. HOLIFIELD. Forty-three and two more are contemplated.

Mr. GROSS. What was the money request on this?

Mr. HOLIFIELD. $860,000. The cost will be $860,000 a year for this year and next fiscal year.

Mr. GROSS. I thought that in the next 2 fiscal years the cost would be about $1,700,000.

Mr. HOLIFIELD. That is right. It is $860,000 for the coming fiscal year, and $850,000 for the second year, making it over $1,700,000.

Mr. GROSS. At least it is limited for 2 years?

Mr. HOLIFIELD. That is right.

We were requested to make it for a 3-year period, and we decided we had better make it for 2 years, and then take a look after the 2 years to see if it deserves to be extended.

Mr. GROSS. And the gentleman says they are going to increase the staff by how many?

Mr. HOLIFIELD. By two people, increasing the staff from 43 to 45.

Mr. GROSS. And the cost goes up?

Mr. HOLIFIELD. Yes, mostly because of the statutory increase in wages.

Mr. GROSS. I guess there is no way to stop the hiring of wet nurses by this Government, so I yield to the inevitable, and thank the gentleman for yielding to me.

Mr. HOLIFIELD. I thank the gentleman from Iowa for his cooperation.

Mr. HORTON. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the need for the Cabinet Committee on Opportunities for Spanish-Speaking People is as great now as it was 2 years ago when it was first authorized.

As the Members may read in the report on this bill, the Cabinet committee has had several successes in spite of the difficulties encountered during its first years of existence. We feel that many of the present problems of the Cabinet committee would disappear if the President were to appoint a chairman to the Cabinet committee, a post which has been vacant for 6 months. I joined with the chairman in sending a letter to the President expressing our hope and expectations that this appointment would be made soon.

It is necessary that we pass this bill now if the Cabinet committee is to continue operating after June 30, 1971. The minority members of the Government Operations Committee unanimously supported this bill to authorize appropriations for 2 additional years for the Cabinet committee, and I urge all Members of the House to do so.

I believe it would be useful to the Members to have the benefit of the analysis made by the Cabinet committee of the circumstances of the Spanish speaking in America today. This material is taken from a draft of the annual report of the Cabinet committee; its release has been approved by the executive director of that committee. The full annual report should be released within the next month.

The material follows:

FROM A DRAFT OF THE ANNUAL REPORT OF THE CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

A realistic estimate of the number of Spanish-speaking citizens of the United States, including the Commonwealth of Puerto Rico, approximates 15 million. This total ranks the United States in fifth position among the nations of the world having Spanish-speaking populations. Only Mexico, Spain, Argentina and Colombia surpass the United States in total number of Spanish-speaking citizens, whereas the United States outranks the 15 remaining nations of the world having heavy Spanish speaking populations, including Peru, Venezuela and Chile.

Within the United States, however, this segment of the population makes up the Nation's second largest minority, and as a minority it has received a considerable share of societal neglect and indifference. The social well-being of any group in a society is guaged by how it measures up in overall income, employment, health, and educational achievement. In the key categories of income, employment and educational levels, the Spanish-speaking population of the United States is clearly a disadvantaged minority. It ranks at the bottom of the scale, absolutely last. Figures published by the U.S. Bureau of the Census in February 1971* show the following:

Spanish origin family income was on the average $5600 annually, about 70 per cent of that of other families.

Spanish origin persons had an unemployment rate of 6%, about 1.7 times the unemployment rate of all other persons in the labor force.

Spanish origin workers were less likely to hold white-collar jobs than the remaining employed population.

Educational level of Spanish origin persons 35 years old or older was 8.5 years compared to the national median of 12.0 years in the same age group.

In the 25 to 34 years of age category, Spanish origin persons registered an educational level of 11.7 years as compared to the national median of 12.6 years.

Spanish origin persons are the only ethnic group to register educational attainment below the 12.0 years high school level.

The makeup of this disadvantaged minority is a diverse amalgam of Mexican, Puerto Rican, Cuban and other Spanish derivation. They share the commonality of language and a distinctive cultural heritage. An actual count of this segment of the population has never been undertaken. However, the Cabinet Committee was instrumental in having the Census Bureau, for the first time in 1969, identify and accumulate data on the Spanish-speaking people as a separate ethnic entity. In the latest 1970 census, a sample survey method was utilized to project a population estimate for this group. The use of Spanish surnames as a basis for statistical data, although recognizably the best possible method, was not a complete count, and thus resulted in greatly understating the total population figure. Cabinet Committee investigation reveals a total of approximately 12 million Spanish-speaking in the continental United States complemented by the 2.8 million located in Puerto Rico proper. Spanish-speaking citizens can now be found in every state. The largest single group are Mexican Americans, comprising over 60% of the total. They are concentrated in the five southwestern states of Arizona, California, Colorado, New Mexico and Texas. However, sizable concentrations are now located in the states of Washington, Illinois, Indiana, Wisconsin, Kansas, Ohio and Utah, with the city of Chicago showing a particularly high concentration. The Puerto Rican population is the second largest group of Spanish-speaking Americans. Their locale extends from coast to coast and particularly heavy concentrations are located in the cities of New York, Philadelphia, Newark, Hoboken, Jersey City, Chicago, Los Angeles and the state of Florida.

Cubans are the third largest single entity, now numbering in excess of 500,000. Miami and New York are the cities with the largest concentrations of this group with Philadelphia and New Orleans also showing sizable elements. A growing number of immigrants from other Latin American countries are also settling in the United States. They number in excess of 1.5 million and they are concentrated along the East Coast. An estimated 75,000 live in the Washington, D.C., metropolitan area. While a sizable proportion of the Spanish-speaking population are, like most Americans, descendants of immigrants or immigrants themselves, it contains within its numbers the largest native minority of this Country. The first Spanish settlers arrived in the Southwest in 1540 well before the Pilgrims, and began settlements that evolved into the significant Spanish-speaking population found in the southwestern region of the United States.

For the Spanish-speaking people of the United States, there has been a conspicuous exclusion from the socio-economic mainstream, stemming in part from their distinctive bicultural, bilingual characteristics. Of any single ethnic group, they remain the least "Americanized," resisting in some measure the complete acculturation and assimilation embraced by other ethnic groups. They simply have not been willing to abandon their cultural and linguistic heritage. The persistence of the Spanish language within this group is a remarkable phenomenon without contemporary parallel in the United States.

But the problems of a minority group are not necessarily inherent to that minority group. One must recognize that invariably there is a failure in societal institutions to relate effectively to members of a minority group and to remove societal obstructions to achievement. A group may be considered disadvantaged if society at large has acted by omission or commission to hinder a disproportionate number of its members in the development of their individual abilities. There is considerable evidence that American societal institutions have acted in such a manner towards Spanish-speaking Americans. It was to remedy such a situation that the Cabinet Committee on Opportunities for the Spanish Speaking was created on December 30, 1969 as a successor to the Inter Agency Committee on Mexican Affairs. Its mandate and name was changed to encompass all Spanish-speaking Americans: Mexican Americans, Puerto Rican, Cubans, etc. The bill establishing the Committee gave it a 5 year life span. In addition to the Chairman, who is appointed by the President, Committee Members include:

Secretary of Agriculture.

Secretary of Commerce.

Secretary of Labor.

Secretary of Health, Education, and Welfare.

Secretary of Housing and Urban Development.

Secretary of the Treasury.

Attorney General.

Director of the Office of Economic Opportunity.

Administrator of the Small Business Administration.

Commissioner of the Equal Employment Opportunity Commission.

Chairman of the Civil Service Commission.

This 12 member committee is required to meet four times a year to review the problems of the Spanish-speaking and the progress which has been made towards meeting them.

The Committee has sought to advocate equal employment opportunities for the Spanish-speaking in the Federal government, equitable distribution of federal services, programs and funds to meet the needs of the Spanish-speaking and the provision of technical assistance in program areas designed to meet the unique needs of the Spanish-speaking.

The Spanish-speaking citizen of this Country is not merely a problem to be solved. He represents a human resource and a specialized talent. Instead of considering his language characteristic a barrier and impediment to success, it can represent an asset to be advantageously utilized. He merely asks for the opportunity to reach his own potential in a pluralistic society. The Cabinet Committee is resolved to assist the Spanish-speaking citizen of this Country, not only to achieve socio-economic parity, but also to achieve his full potential. Attainment of parity is not necessarily the upper limit of a group's achievement. It seems possible and likely that the Spanish-speaking people of this Country may exceed the norm. In any case, an expenditure of effort to alleviate their present plight represents an investment that will certainly engender great dividends for this Country in the future.

Mr. McCLORY. Mr. Speaker, I wish to add my support to a bill, H.R. 7586, to extend the provisions of the Cabinet Committee on Opportunities for Spanish-Speaking People, in order that additional appropriations may be made to support this program.

In my 12th Congressional District of Illinois, there are many thousands of Spanish-speaking Americans—including Americans from Puerto Rico, Mexican Americans, as well as from other parts of Latin America and from Spain.

Mr. Speaker, in meeting the needs of these American citizens, assistance is required to provide training and job opportunities and to assist in securing education and housing, and to encourage the economic development of these loyal Americans.

Mr. Speaker, it was my privilege Friday evening to serve as the keynoter at the Illinois State convention of the American GI Forum of the United States.

This group of Illinois veterans—principally of Mexican-American backgrounds—consists of some 300 members of the Lake County Chapter of the GI Forum and more than a thousand members of the State of Illinois who met in Waukegan for their annual State convention.

Mr. Speaker, in our efforts to recognize the dedication of these fine citizens, we should also be mindful of their problems—all of which appear to be the primary concern of the Cabinet Committee on Opportunities for Spanish-Speaking People. Accordingly, it is consistent with their aims and the policy of our administration to continue the authority for funding this agency.

Mr. Speaker, I urge my colleagues to support H R. 7586 with the further expectation that adequate appropriations will be made to fund this essential activity in behalf of the Spanish-speaking people of our Nation.

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*Population Characteristics, Persons of Spanish Origin in the United States: November 1969, U.S. Bureau of the Census, Series P-20, No. 213, February 1971.

Mr. BADILLO. Mr. Speaker, I rise to express my deep concern over the manner in which the Cabinet Committee on Opportunities for Spanish-Speaking People has failed miserably to fulfill the lofty goals and objectives which were announced when it was first established in 1969.

We were told that the Cabinet Committee was created to help assure that Federal programs reach all Mexican Americans, Puerto Ricans, Cubans, and other Spanish-speaking and Spanish-surnamed Americans. Speaking for Puerto Ricans, both those on the island and on the mainland, the CCOS has done virtually nothing to assist us in receiving our full and fair share of Federal aid and to be treated on the same basis as other American citizens. As I have noted in the past, the hard facts and statistics prove that Puerto Rican Americans frequently fail to benefit from numerous urgently needed assistance programs in housing, education, welfare, and other critical areas. Although exact figures are not available, it is well known that Puerto Ricans have a higher unemployment rate than blacks; a lower median income; and a greater percentage of school dropouts. More than 60 percent of Puerto Rican students on the mainland never finish high school. Where was the Cabinet Committee and what did it do to assist the 1.5 million Puerto Ricans on the mainland? For that matter, of the 43 staff members employed by the Cabinet Committee, how many are Puerto Rican? Frankly, Mr. Speaker, the Cabinet Committee has done so little for the Puerto Ricans that most of us are not even aware of its existence.

However, in discussing the work of the Committee with some of my Mexican-American colleagues and Cuban acquaintances, I find that it has done almost as little for them as it has for Puerto Ricans. Spanish-speaking Americans continue to be treated as second-class citizens and we have been prevented, by one device or another, from fully participating in the U.S. social, economic, and political life. Spanish-speaking Americans, whether we be Puerto Rican, Mexican American, or Cuban, have special and unique problems and needs and I, for one, have not seen any meaningful or significant movement on the part of the Cabinet Committee to help effect solutions to these problems or responses to our needs.

Perhaps one of the primary reasons that the Cabinet Committee has not been effective is due to the apparent lack of support on the part of the current administration. Why, for example, has the President failed to appoint a chairman, even though this position has been vacant for some 6 months? Is there any truth to the rumor that the President intends to abolish the Cabinet Committee entirely and appoint one person to be responsible for dealing with Spanish-speaking Americans? This attitude is simply another example of the administration's callous disregard for the plight and needs of Spanish-speaking Americans and its inability to grapple with the problems of poverty, deprivation and disease with which we are faced. Is there any meaningful commitment on the part of this administration to assist Mexican Americans, Cubans, Puerto Ricans, and other Spanish-speaking citizens? An answer to this question can be found in the very few Spanish-speaking Americans currently employed by the seven Cabinet departments and the four agencies comprising the Cabinet Committee.

Mr. Speaker, although my remarks have not been complimentary, I do feel there is a definite place and need for the Cabinet Committee. With dynamic, capable, and energetic leadership and with the full moral, legal, and financial support of the administration, the Cabinet Committee could have the potential of being a vehicle through which Spanish-speaking Americans can achieve our rightful place in this country and receive the guidance and assistance to which we are entitled. Furthermore, the CCOS could serve as a central repository for complete information and data on Spanish-speaking Americans, something which does not currently exist and for which there is a pressing need. With some muscle and much-needed fortitude the Cabinet Committee could become the advocate for Spanish-speaking Americans in a multitude of areas—housing, employment, education, consumer protection, civil liberties, and so on.

It is perfectly clear, however, that before the Cabinet Committee can effectively undertake the tasks for which it was created, it must both get its own house in order and must achieve the full backing and active support of this administration. There is obviously going to have to be a considerable amount of changed priorities and thinking on the part of Mr. Nixon and his advisers. Up to this point the pleas for aid and understanding by Spanish-speaking Americans have been met with nothing more than vague, meaningless promises and inaction. This intolerable situation cannot be permitted to continue and a properly administered and directed Cabinet Committee could assist us in bringing about essential and long-overdue reforms. A first step in this direction would be for the President to immediately appoint a chairman of the Cabinet Committee and to invite him to sit on the Domestic Council.

Mr. Speaker, I intend to support H.R. 7586 in the hope that the problems of which I spoke earlier will cease and that the Cabinet Committee will rededicate itself to those principles upon which it was founded. Positive action must replace complacency and results must replace lipservice. The Federal Government must immediately begin to address itself to the needs of the Spanish-speaking Americans and I am hopeful the Cabinet Committee will be in the forefront of this important effort.

The SPEAKER. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill H.R. 7586.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATURAL GAS PIPELINE SAFETY ACT AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674 (a)) is amended by striking out "two years" and inserting in lieu thereof "four years".

SEC. 2. The first sentence of section 5(c) (1) of such Act (49 U.S.C. 1674(c)(1)) is amended to read as follows: "If an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of all funds appropriated pursuant to section 15 for grants-in-aid for State safety programs up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section during the following calendar year.".

SEC. 3. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

The SPEAKER. Is a second demanded?

Mr. HALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this legislation—insofar as I know—is noncontroversial and its purposes are simple. First, it would extend from August 12, 1970, until August 12, 1972, the time during which States may qualify to enforce Federal safety standards established pursuant to the Natural Gas Pipeline Safety Act of 1968. In order to qualify, present law requires the States to enact, within 2 years after the enactment of the act of 1968, laws authorizing the State enforcement agencies to impose injunctive and monetary sanctions. Seventeen States and the District of Columbia have not done so and the extension of time until August 12, 1972, should give them sufficient time to qualify.

The second purpose is to make it

mandatory upon the Secretary of Transportation to pay to the States grants-in-aid of up to 50 percent of the cost of State safety programs. Present law merely authorizes such payments, and the funds appropriated for such grants-in-aid during the current budget year were ordered impounded by the Office of Management and Budget.

The purpose of the amendment is to make clear the congressional intent that funds appropriated by the Congress for the purpose of inducing the States to enforce federally established natural gas pipeline safety standards should be expended for that purpose.

The third purpose is to authorize for an additional period of 3 years the appropriation of funds to enforce the Natural Gas Pipeline Safety Act of 1968. The amounts authorized would be as follows: Fiscal year ending June 30, 1972, $3,000,000; fiscal year ending June 30, 1973, $3,800,000; fiscal year ending June 30, 1974, $5,000,000.

In conclusion, let me say that in enacting the 1968 act, Congress sought to establish a viable Federal-State partnership to carry out a national program to strengthen gas pipeline safety. Some questions may arise in the future with regard to the adequacy of this program and our committee is going to keep close watch on the execution of this program.

The committee was unanimous in reporting this legislation and I trust that the House will follow our recommendations and adopt this legislation.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, in 1968 the Congress enacted the Natural Gas Pipeline Safety Act. The purpose of that legislation was to improve pipeline safety requirements and the enforcement of those requirements through strengthened State programs. In many instances, this meant the passage of new or stronger laws by States if they were to participate. The law contemplated a certification by the Federal Government of State programs which met certain standards as to transmission lines and distribution lines located within the boundaries of the respective States.

At the time of passage of the basic legislation it was expected that all States could attain this goal and pass the necessary legislation by August 1970. When the time came, it was apparent that, although most of the States were making as much progress in this direction as possible, some would not be ready in time.

One of the purposes of this bill is to extend that time to August 1972. As the bill came to us, it would have made the extension merely to August of this year, 1971, and the State commissioners involved felt that the last of the States could be in line by that time. It is still possible that they might, and, if so, the certification process can go forward, but it seemed more practical to the committee to make the deadline far enough ahead to forestall any necessity of further action here.

Any program such as this has its growing pains because of the necessity for so much coordination between States and the Federal Government, and also between Government and the private sector. Regulations for the Federal portion of the activity were published in 1970 and this was a big job because of the technical nature of the problems involved. Up to now the office responsible for this task in the Department of Transportation has acquired only 28 people. Properly qualified people are not plentiful and recruiting is constantly going forward.

The bulk of safety problems in pipeline operations occurs at the local level. Old distribution lines in city systems account for most of the accidents.

Since this was constructed as a Federal-State system of enforcement, it was clearly intended that the Federal Government would follow through with some continuing assistance to the States in their efforts to create and carry out good enforcement programs. The language written into the statute was discretionary, but all statements of intention on the part of Federal officials and all statements by the Congress pointed toward financial assistance for States. The problem is national and the solution is a national need. For example, if you are traveling through a State and stop to buy food for your family, you should have some assurance that there are standards and enforcement of those standards which will minimize the possibility of a distribution line explosion while you are there. I use this example only because exactly that kind of unnecessary catastrophe has occurred in the past.

Upon having hearings on this bill we found that although Congress had authorized money for support of State programs and had further appropriated a modest one-half million dollars for it, the funds had been embargoed and those administering the program had nothing to offer but advice. For this reason, the present bill as reported from the committee contains a section which now requires the Secretary to help the State programs with up to 50 percent of enforcement costs from the funds provided for that purpose. It is only through this device that we can feel confident that the act will accomplish its purpose.

The bill as it came to the Congress would have provided authorizations for such sums as may be necessary from here forward. It has not been the policy of the Commerce Committee to let vital safety programs drift away in this fashion. The very fact that we found some significant deviation from the performance expected by Congress thus far prompted us to keep a hand in the future operations. Therefore, the bill before us contains authorizations for 3 years as in the past.

With limited experience to draw from but the best advice we could obtain, the committee has determined that the sum of $3 million should be sufficient in fiscal year 1972 to cover administration of the program and support for the States. The next 2 years, based on the same estimates, should run $3.8 and $5 million.

Failure to carry out vigorously and completely the intention of the Natural Gas Pipeline Safety Act could and no doubt would result in more disastrous explosions with large losses of life and property. It should be unnecessary to describe the terrible results of such explosions which usually occur in the most thickly populated areas. Each one is a composite of individual tragedies. This legislation must be used to the fullest to prevent such occurences. This bill should keep the effort on the track, and I recommend its passage.

Mr. STAGGERS. I thank the gentleman from Illinois.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Texas.

Mr. ROBERTS. I thank the distinguished gentleman for yielding.

Mr. Speaker, there is nothing in the bill which would give additional authority to make it possible to implement one of the rules that was suggested downtown. That is, if you had a butane tank and had a trailer for it and had 10 connections to one butane tank, those would be classified as a natural gas pipeline. This has been proposed in the Federal Register. There is nothing in this bill that could give additional authority along that line, is there?

Mr. STAGGERS. No; there is no such additional authority given.

Mr. ROBERTS. Does that strike the gentleman as being rather inconsistent with present law?

Mr. STAGGERS. I do not know. If somebody sets up a system large enough to entail that kind of thing, I am sure that would be gone into in hearings conducted by the Department.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman explain briefly why it is necessary to go from $3 to $5 million? I notice that it is $3 million for the next fiscal year and $5 million in fiscal 1974. That is a pretty substantial increase for administrative costs.

Mr. STAGGERS. I would agree with the gentleman. The reason for that increase is that it is hoped all the rest of the States will be in on the program at that time, and then there would be need for the additional money.

Mr. GROSS. How many States are now involved?

Mr. STAGGERS. The authorization was for $4 million for this year and we cut it back to $3 million for fiscal 1972. When the other States join in the program, we will need more money, whether it would ever go above that amount or not, but it was suggested that we would need $5 million for the year 1975. When this legislation came to us it was an open-end authorization. We limited the authorizations for the next 3 fiscal years.

Mr. GROSS. Could the gentleman say how many States are now involved?

Mr. STAGGERS. Thirty-three States and Puerto Rico have qualified. Seventeen more and the District of Columbia have to qualify in order to have full coverage.

Mr. GROSS. Does the gentleman anticipate that the cost of administering the program when the 17 States join will be in proportion to the cost for the 33 States already in? The increase in proposed expenditure is almost double.

Mr. STAGGERS. An open-end authorization was requested, and we went back and said we could not have an open-end authorization. We asked them to justify the amounts they would need. Those are the amounts they gave us.

Mr. GROSS. I am glad it is not an open-end authorization, and I compliment the committee for that. But I think it is still a substantial and unnecessary increase. I hope the Appropriations Committee will cut it down.

Mr. HALL. Mr. Speaker, let the RECORD show that I demanded a second, in lieu of others who might or might not be present, simply to request and/or give opportunity to the distinguished chairman to explain the purpose of this bill. I am perfectly willing to yield any time under the suspension of the rules procedure, to any Member who would like to be heard.

I have investigated the report, and studied it thoroughly, and concur generally with the statements both of the chairman and of the ranking minority Member. I certainly concur with those of the gentleman from Iowa insofar as the excessive authorization in years ahead is concerned.

Knowing the forlorn but possibilities of the appropriations process, and in the ever lingering hope it may be under that which is budgeted or under that which is authorized I see no point in taking any additional time. Therefore, Mr. Speaker, I reserve the remainder of my time.

The Speaker. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 5065, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION AND AMENDMENT OF CHILD NUTRITION ACT AND NATIONAL SCHOOL LUNCH ACT

Mr. PUCINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9098) to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act.

The Clerk read as follows:

H.R. 9098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for the fiscal year 1972 not to exceed $25,000,000, and for each succeeding fiscal year such sums as may be necessary, to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 2. Section 4(c) of such Act (42 U.S.C. 1773(c)) is amended to read as follows:

"DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency to assist in financing the cost of providing breakfasts to children attending schools selected for participation. Disbursement to schools shall be made at such rates per meal as the Secretary shall prescribe based on the type and cost of the meals provided. Such cost per meal shall be based on the cost of food used, including transportation and storage costs, and the costs of labor used in preparation of the meals."

SEC. 3. Section 4(d) of such Act (42 U.S.C. 1773(d)) is amended to read as follows:

"SELECTION OF SCHOOLS FOR PARTICIPATION

"(d) In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of the children attending."

SEC. 4. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.".

The SPEAKER. Is a second demanded?

Mr. RUTH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PUCINSKI. Mr. Speaker, H.R. 9098 extends two child-feeding programs which have clearly demonstrated their success in improving the nutrition and health of young children. The first program is the school breakfast program which provides meals to almost 555,000 children daily in more than 6,000 participating schools.

The bill before us recognizes the tremendous success which this program has achieved in the 5 years of its existence and extends it for fiscal 1972 at an authorization of $25 million and for each succeeding year at such sums as may be necessary. The bill also adds a new criterion for the selection of schools—those where poor dietary practices exist. This expansion of the scope of the program is meant to include children of working mothers who frequently leave home too early to assure that their children eat adequate breakfasts.

The second program which the bill extends is the special food service program for children in day-care and other service institutions. This program, which serves almost 400,000 children daily in its peak month of operation with a yearly total of 100 million meals being served, is extended for fiscal 1972 and 1973 at $32 million. The program has had tremendous success in more and more communities where it is becoming an intrinsic component of many summer recreation programs.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I rise in support of H.R. 9098. It is of the utmost importance that we pass this legislation and the related appropriations bills immediately.

As the newspapers of the last few days have indicated, there is a crisis throughout the country in the feeding of children in summer recreation programs, Headstart centers and regular day-care centers. H.R. 9098, if supported with adequate appropriations and humane administration, can meet that crisis.

As documentation of the crisis facing our cities and states in meeting the food needs of tens of thousands of children from low-income neighborhoods, I would like to quote from two articles appearing in the Washington Post of June 17 and 18.

The article of the 17th, entitled "Cities Lose U.S. Funds for Summer Lunches," stated:

> The Agriculture Department has informed big cities throughout the country that they will not receive expected funds to feed hundreds of thousands of poor children this summer.

Officials at the Department of Agriculture were quoted as saying that 11 cities alone have planned programs for 425,000 children at a Federal cost of $11 million, while only $4.7 million is available nationally to fund summer programs. Thus, only about 40 percent of the children in these 11 cities alone would receive assistance. The unmet need in other major cities and poor rural areas has not been fully documented. Richard Lyng, Assistant Secretary of Agriculture, acknowledged in an interview that the needed funds were not available and that, moreover, Department officials had improperly promised such funds to the cities. It is clear that these broken promises will mean empty stomachs for thousands of children in America.

As examples of the magnitude of the broken promises, the Post cited what the cutback announcement means to a number of big cities. Baltimore planned to start feeding 40,000 children today at a cost of $1 million for the summer. They have just been informed that the Department has allocated only $265,000 to all of Maryland for summer and year-round programs. Chicago planned to start feeding 60,000 children June 28 at a total Federal cost of $1.2 million. They now find that they will be allotted less than one-sixth of this amount. Los Angeles hoped to feed 200,000 children with $5 million in Federal aid. They now find that all of California—the whole State—will only be allotted $863,000.

The city of Cleveland has requested $364,000 to feed over 14,000 children between June 21 and August 15. Case Western Reserve in my area has a request in for $24,500 to feed 800 between June 21 and July 30 and a consortium of other service groups has requested $21,953 to feed about 400 children. The Chicago regional office of the Department of Agriculture has had to turn down all these requests for my city. There is no money available for the Cleveland area. It has all been committed.

Newspaper reports indicated that the difficulty arose "because USDA officials badly underestimated funds needed to fulfill Federal obligations on the year-round feeding program that ends June 30, and failed to consider its pledges for new funds starting July 1."

It was also indicated that the other body passed stopgap legislation providing funds to feed hundreds of thousands of poor children this summer—but that the Department of Agriculture might not spend the money. In other words, the Department intends to let this nutrition need go unmet. It appears to be willing to let these children go through the summer without adequate lunches—the meal which in many cases is the only nutritious meal that these children get during the summer months.

It is clear from newspaper reports that the Department of Agriculture has been guilty of badly misleading local governments as to the amount of money that was available for these programs. But even worse, when it became evident that the program was enthusiastically received and that plans were being made to feed more needy children than last summer, the Department failed to move to meet the extra need.

The Department is guilty of callous disregard of the hunger needs of the people. It should welcome this opportunity to provide nutrition for those who cannot afford it, but instead of caring for these children, the Department is concentrating its resources for the farm industry. It is hard to believe that this is the Department of Agriculture of a President who pledged in 1969 "to put an end to hunger in America itself for all time." The President further said:

> I not only accept the responsibility, I claim the responsibility.

The other Chamber has given the President the authority to meet the hunger needs of children this summer. The bill before us today and the Department of Agriculture appropriation bill coming before the House Wednesday will enable this Chamber to give the President the authority he needs to meet the special school lunch needs facing our cities this summer.

H.R. 9098 provides for a 2-year extension of section 13 of the School Lunch Act, of which I was the original author and which passed this Chamber 3 years ago under the able guidance of the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Illinois (Mr. PUCINSKI). This 2-year extension carries with it a $32 million a year authorization, and lightens the burden on local sponsors by allowing in-kind services to be counted as part of the local contribution.

The Senate bill passed Friday authorizes an expenditure of up to $300 million to meet the needs of children for school lunches this summer. The administration has been requesting $20.7 million for section 13 for fiscal year 1972—the same amount as in fiscal year 1971. Yet as the figures indicate, an additional $25 million would be needed just to meet the needs of the cities for this summer's programs.

Obviously, the authorization level being provided by H.R. 9098 is short of what is needed. It is my hope, Mr. Speaker, that the conferees on this bill will agree to an additional authorization so that all the children who need to be fed this summer are fed.

The Department of Agriculture encouraged States and localities to apply for section 13 assistance. Now the cities and States are left with programs starting this week—but with no Federal assistance.

Section 13 of the School Lunch Act is needed as an emergency piece of legislation to meet this summer's needs.

In the 3 short years of its existence, it has compiled an excellent record of success.

In fiscal year 1970, $7,258,000 out of an authorization of $32 million was appropriated. This relatively small appropriation did a fantastic job in providing 50.2 million meals which were served to approximately 230,000 children during the summer of 1969, and to nearly 92,000 children on a year-round basis. The program operated at an average cost of about 40 cents per day per child.

In the fiscal year just ending, it is estimated that the provisions of Public Law 90–302 assisted almost half a million children with each child receiving approximately two meals a day—or about a million meals a day under the provisions of this program. This was accomplished with an estimated appropriation of $20,775,000.

The program has been a distinct success.

Last summer, Mayor Daly of Chicago announced a Summer Reach Out program in his city working through 370 intercity summer program sites. Each site, on the average, served 200 per day. Because of the provisions of Public Law 90–302, lunches were served for young people between the ages of 10 to 21 years old who were registered as regular participants in programs of education, recreation, and culture. This program played a vital part in helping finance the programs which were necessary to keep our youth involved and off the streets.

This story of success under this law can be repeated in city after city.

Here in Washington, D.C., the program provided well-balanced meals to about 41,340 inner-city children each day last summer under a program called the "Mayor's Summer Feeding program," which lasted from June 22 until August 28. Because of this program thousands of youths were provided nutritious meals in an educational and recreational setting which would otherwise have been impossible. Because of the flexibility provided by the Public Law 90–302, meals can be served either in a cafeteria or, as in Washington, 11,000 meals per day were delivered to predetermined area sites, such as playgrounds, to serve those children who could not otherwise get to a school cafeteria. The city's school officials stated that the program showed excellent progress toward reaching all of the city's needy children with a lunch during the summer months when they did not otherwise have a noon meal available.

Last summer, Baltimore operated a special food service program for children under the auspices of the Department of Health, the Bureau of Recreation, and the Midtown Churches Association. This program was able to reach 30,470 children daily with a well-balanced lunch which many of them would not otherwise have had.

In Memphis, Tenn., a consortium of local churches, universities, and a tri-state council of Girl Scouts was able to prepare a project which fed 20,320 needy children during most of the summer.

In Detroit, during the summer of 1970, a special food service program for children was able to reach 22,340 children daily due to the efforts of the program's eight sponsors. These sponsors included the city of Detroit, Detroit churches, and service groups active in community affairs. The total number of children reached with U.S. Department of Agriculture funded meals in Detroit last summer is especially remarkable when one considers the fact that the figure represented more than 75 percent of the entire statewide Michigan daily participation in the special food service program for children.

In my own city of Cleveland, 107,210,000 lunches were served to children during the months of June, July, and August. This does not count snacks and breakfasts administered by some of the 58 agencies and service groups involved.

Again, it is obvious that this program is a vital asset to cities in this time of intense municipal financial distress.

The question might occur, is this program still needed?

During the original debate on the bill in 1968, I pointed out that there were, at that time, some 640,000 summer and full-time Headstart children in need of a food program. Although the functions of Headstart are being transferred from the Office of Economic Opportunity to the Department of Health, Education, and Welfare, and although the President's budget in this area is dropping from $346 million in this fiscal year to $230 million in the coming fiscal year, there is no doubt in my mind that the need for this vital program for the educationally disadvantaged will continue. Figures supplied to me indicate that there were 208,700 of children in summer Headstart programs last year and 262,900 number of children in full year Headstart programs this year. Projections for next year are again 208,700 summer Headstart children, and 262,900 year-round Headstart children. These children will have to be fed outside of the normal school system.

In addition, I would like to comment on the work of my committee, the Ways and Means Committee, which has been working for 4 solid months on H.R. 1, the Social Security, Medicare, and Welfare Amendments of 1971. Under H.R. 1, we are planning 875,000 child-care slots: 291,000 of these children would be preschool-age youngsters and 584,000 would be school-age children. The cost of this child-care maintenance program is estimated to run $750 million per year and to expand rapidly in the next few years. These children, in addition to the Headstart children, will need to be fed. They will need the full funding and full implementation of the special school lunch program.

It is absolutely essential that we take every opportunity to provide nourishing, well-balanced meals at school, through school breakfast programs and school lunch programs. In addition, we must meet the need of nonschool settings and of the summer months through adequate funding of the special school lunch program of section 13. Only in this way can we help supplement the budgets of the low-income and welfare families and thus help to break the cycle of poverty and recurrent malnutrition.

Mr. Speaker, I am heartily in support of this proposal. I should like to ask the gentleman from Illinois what the prospects are for getting the funding which are going to be required to support this program; I have been very gravely disappointed by the administration oversight of the important need for adequately funding and carrying through the objectives of this program as set forth in this legislation.

As the gentleman knows, we have passed legislation to allot additional funds out section 32 funds. As far as I know, on enactment of this legislation the chances are very good for the funding of this program.

Mr. VANIK. The communities are including nutrition support in their programs, and I hope the adoption of this legislation will be followed by a proper funding of these programs.

Mr. PUCINSKI. Mr. Speaker, I have no further requests for time.

Mr. Speaker, the success of these two programs is shown by the unanimous vote by which H.R. 9098 was reported from the Committee on Education and Labor. And I would urge the House to likewise show its support by suspending the rules and passing H.R. 9098.

Mr. PERKINS. Mr. Speaker, I urge my colleagues to support the passage of H.R. 9098. This measure was ordered reported favorably by the House Education and Labor Committee without a dissenting vote.

The bill extends a portion of the National School Lunch Act which is due to expire on June 30 of this year. The bill would also extend the authorization for the school breakfast program contained in the Child Nutrition Act. With respect to the school breakfast program, the authorization would be at the fiscal year 1971 authorization level of $25,000,000 with no ceiling on the authorized appropriation for the following fiscal years. The authorization for the special food service programs under section 13 of the National School Lunch Act would be extended for only 2 years with a ceiling of $32,000,000 for each of those years. This is the level of funding presently authorized for fiscal year 1971 under section 13 of the National School Lunch Act.

The school breakfast program was first authorized in the Child Nutrition Act in 1966. The Congress extended it in 1968. Mr. Speaker, this program was conceived and developed in the face of growing evidence that millions of children were attending school hungry—hungry because families lacked the income to furnish children a breakfast. The evidence disclosed to the Congress at that time clearly illustrated that malnutrition and the undernourishment of children impeded their educational progress. Hunger was just another of the several impediments to the disadvantaged child's being able to successfully enter into a learning situation in the classroom. The success of the breakfast program has been demonstrated time and time again in testimony provided the committee in hearings conducted by it when the program was extended in 1968 and in hearings conducted currently by the General Subcommittee on Education. At this point in the record I would like to insert the U.S. Department of Agriculture's distribution of school breakfast funds totaling $12,000,000 for the fiscal year 1971:

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE—CHILD FEEDING PROGRAM, SCHOOL BREAKFAST—APPORTIONMENT OF FUNDS, BY STATE, FISCAL YEAR 1971

State	Basic apportionment sec. 4(b)(1) (1)	Remainder apportionment sec. 4(b)(2) (2)	Total apportionment (cols. 1 + 2) (3)	State agency (4)	Regional official [1] (5)
Alabama	$50,000	$308,058	$358,058	$350,709	$7,349
Alaska	50,000	10,601	60,601	60,601	
Arizona	50,000	82,742	132,742	132,742	
Arkansas	50,000	173,646	223,646	218,908	4,738
California	50,000	352,190	402,190	402,190	
Colorado	50,000	101,624	151,624	144,113	7,511
Connecticut	50,000	82,755	132,755	132,755	
Delaware	50,000	25,083	75,083	74,566	517
District of Columbia	50,000	14,547	64,547	64,547	
Florida	50,000	358,964	408,964	408,964	
Georgia	50,000	416,563	466,563	466,563	
Guam	15,000	9,092	24,092	24,092	
Hawaii	50,000	57,972	107,792	101,524	6,268
Idaho	50,000	43,003	93,003	90,625	2,378
Illinois	50,000	269,009	319,009	319,009	
Indiana	50,000	221,298	271,298	271,298	
Iowa	50,000	173,628	223,628	200,001	23,627
Kansas	50,000	109,036	159,036	159,036	
Kentucky	50,000	267,262	317,262	317,262	
Louisiana	50,000	380,436	430,436	430,436	
Maine	50,000	53,149	103,149	93,182	9,967
Maryland	50,000	123,602	173,602	169,291	4,311
Massachusetts	50,000	221,802	271,802	271,802	
Michigan	50,000	232,881	282,881	261,895	20,986
Minnesota	50,000	218,167	268,167	240,266	27,901
Mississippi	50,000	256,614	306,614	306,614	
Missouri	50,000	232,519	282,519	282,519	
Montana	50,000	28,796	78,796	74,556	4,240
Nebraska	50,000	74,284	124,284	108,225	16,059
Nevada	$50,000	$8,364	$58,364	$58,037	$327
New Hampshire	50,000	30,676	80,676	80,676	
New Jersey	50,000	128,761	178,761	160,225	18,536
New Mexico	50,000	71,370	121,370	121,370	
New York	50,000	606,566	656,566	656,566	
North Carolina	50,000	442,422	492,422	492,422	
North Dakota	50,000	46,469	96,469	86,867	9,602
Ohio	50,000	375,387	425,387	389,076	36,711
Oklahoma	50,000	128,566	178,566	178,566	
Oregon	50,000	83,075	133,075	133,075	
Pennsylvania	50,000	365,911	415,911	372,382	43,529
Puerto Rico	50,000	248,429	298,429	298,429	
Rhode Island	50,000	17,438	67,438	67,438	
Samoa, American	15,000	5,315	20,315	20,315	
South Carolina	50,000	279,150	329,150	326,432	2,718
South Dakota	50,000	37,711	87,711	87,711	
Tennessee	50,000	285,877	335,877	331,135	4,742
Texas	50,000	478,335	528,335	512,758	15,577
Utah	50,000	85,188	135,188	135,188	
Vermont	50,000	16,937	66,937	66,937	
Virginia	50,000	276,872	326,872	322,863	4,009
Virgin Islands	15,000	9,788	24,788	24,788	
Washington	50,000	120,156	170,156	167,022	3,314
West Virginia	50,000	113,886	163,886	160,874	3,012
Wisconsin	50,000	177,881	227,811	190,213	37,598
Wyoming	50,000	15,397	65,397	65,397	
Total	2,645,000	9,355,000	12,000,000	11,685,053	314,947

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[1] Nonprofit private schools disbursement effected in accordance with sec. 10 of National School Lunch Act as amended exclusive of the matching provision.

Mr. Speaker, the school breakfast program has demonstrated its need in the 5 years of its operation. It is now time for the Congress to provide local participating schools and the State departments of education which administer the program assurance that it will receive continued congressional support.

The committee bill would also allow State educational agencies to give schools cash payments for the full cost of their breakfast programs. In so doing, however, the committee has stressed and I want to emphasize at this point that the State agencies are expected to make determinations based on objective criteria of the financial ability of each local school district to pay for the program. If a needy school district can clearly demonstrate that it does not have sufficient financial resources to pay for a part of the cost of the program, then the State agency will be expected to provide the full assistance under the program. Mr. Speaker, our objective here is to assure that the needs of hungry children will be met in spite of the lack of local financial resources to mount an effective feeding program.

The committee has given only a 2-year extension, that is, until June 30, 1973, of the special food service program presently authorized by section 13 of the National School Lunch Act. At this point, I would like to insert in the RECORD a table showing the allocations of the $12,000,000 appropriated for the fiscal year 1971 under the authorization contained in section 13:

CHILD FEEDING PROGRAM—NONSCHOOL FOOD PROGRAM (SEC. 13) (SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN)

APPORTIONMENT OF FUNDS, BY STATE, FISCAL YEAR 1971

State	Number of children age 3–17 [1] (1)	Percent of total (2)	Basic apportionment (3)	Remainder apportionment (4)	Total apportionment [2] (5)
Alabama	409, 550	4. 30109	$50, 000	$396, 130	$446, 130
Alaska	9, 905	0, 10402	50, 000	9, 580	59, 580
Arizona	77, 830	0. 81737	50, 000	75, 280	125, 280
Arkansas	252, 668	2. 65352	50, 000	244, 389	294, 389
California	434, 911	4. 56743	50, 000	420, 660	470, 660
Colorado	71, 078	0. 74646	50, 000	68, 749	118, 749
Connecticut	44, 383	0. 46580	50, 000	42, 900	92, 900
Delaware	15, 480	0. 16257	50, 000	14, 973	64, 973
District of Columbia	33, 284	0. 34955	50, 000	32, 194	82, 194
Florida	304, 867	3. 20171	50, 000	294, 878	344, 878
Georgia	446, 698	4. 69122	50, 000	432, 061	482, 061
Hawaii	20, 282	0. 21300	50, 000	19, 617	69, 617
Idaho	28, 430	0. 29857	50, 000	27, 498	77, 498
Illinois	308, 546	3. 24035	50, 000	298, 436	348, 436
Indiana	159, 003	1. 66985	50, 000	153, 793	203, 793
Iowa	143, 377	1. 50574	50, 000	138, 679	188, 679
Kansas	87, 222	0. 91601	50, 000	84, 365	134, 365
Kentucky	329, 049	3. 45567	50, 000	318, 267	368, 267
Louisiana	367, 056	3. 85482	50, 000	355, 029	405, 029
Maine	44, 914	0. 47169	50, 000	43, 443	93, 443
Maryland	117, 096	1. 22975	50, 000	113, 259	163, 259
Massachusetts	106, 136	1. 11464	50, 000	102, 658	152, 658
Michigan	256, 707	2. 69594	50, 000	248, 296	298, 296
Minnesota	156, 916	1. 64793	50, 000	151, 774	201, 774
Mississippi	398, 440	4. 18442	50, 000	385, 385	435, 385
Missouri	243, 290	2. 55503	50, 000	235, 318	285, 318
Montana	29, 840	0. 31338	50, 000	28, 862	78, 862
Nebraska	75, 110	0. 78880	50, 000	72, 648	122, 648
Nevada	6, 728	0. 07066	50, 000	6, 508	56, 508
New Hampshire	14, 792	0. 15535	50, 000	14, 308	64, 308
New Jersey	126, 634	1. 32991	50, 000	122, 485	172, 485
New Mexico	75, 073	0. 78842	50, 000	72, 614	122, 614
New York	447, 983	4. 70472	50, 000	433, 305	483, 305
North Carolina	569, 980	5. 98593	50, 000	551, 304	601, 304
North Dakota	47, 216	0. 49586	50, 000	45, 669	95, 696
Ohio	310, 006	3. 25568	50, 000	299, 848	349, 848
Oklahoma	164, 483	1. 72740	50, 000	159, 094	209, 094
Oregon	50, 146	0. 52663	50, 000	48, 503	98, 503
Pennsylvania	383, 793	4. 03059	50, 000	371, 217	421, 217
Rhode Island	26, 512	0. 27843	50, 000	25, 643	75, 643
South Carolina	348, 111	3. 65586	50, 000	336, 705	386, 705
South Dakota	56, 377	0. 59207	50, 000	54, 530	104, 530
Tennessee	392, 739	4. 12454	50, 000	379, 870	429, 870
Texas	771, 356	8. 10078	50, 000	746, 082	796, 082
Utah	25, 963	0. 27266	50, 000	25, 112	75, 112
Vermont	18, 222	0. 19137	50, 000	17, 625	67, 625
Virginia	320, 227	3. 36302	50, 000	309, 734	359, 734
Washington	74, 831	0. 78588	50, 000	72, 380	122, 380
West Virginia	176, 943	1. 85826	50, 000	171, 146	221, 146
Wisconsin	130, 254	1. 36793	50, 000	125, 986	175, 968
Wyoming	11, 591	0. 12173	50, 000	11, 211	61, 211
U.S. total	9, 521, 998	100. 00000	2, 550, 000	9, 210, 000	11, 760, 000
Outlying areas:					
Guam	25, 207	2. 27722		5, 465	5, 465
Puerto Rico	1, 023, 800	92. 49096		221, 978	221, 978
Virgin Islands	11, 675	1. 05473		2, 532	2, 532
Samoa, American	9, 837	0. 88868		2, 133	2, 133
Trust Territory	36, 400	3. 28841		7, 892	7, 892
Total	1, 106, 919	100. 00000		240, 000	240, 000
Grand total	10, 628, 917		2, 550, 000	9, 450, 000	12, 000, 000

[1] The 50 States and the District of Columbia data represent the number of children age 3–17 in families with incomes under $3,000 from Department of Health, Education and Welfare (1960). The outlying area data represent total population age 3–17 furnished by the Department of Commerce.

[2] Two percent of the total funds made available to the outlying areas. A basic apportionment of $50,000 made to the 50 States and the District of Columbia, and the remainder distributed by the percent in column 2.

In 1968 the Congress amended the National School Lunch Act so as to initiate this pilot program to provide meals for children in day-care centers, settlement houses, recreation centers, and other child-care agencies which serve children in areas from which poor economic conditions exist and in areas where concentrations of children with working mothers exist. As the table that I have previously inserted indicates $12,000,000 was appropriated in 1971, considerably under the $32,000,000 authorized for that year. During the fiscal year 1971 it is estimated that as many as 400,000 children will benefit daily in the peak month of its operation. At this point, Mr. Speaker, I would like to commend the ranking member of the committee, Mr. AL QUIE, the gentleman from Minnesota; the chairman of the General Subcommittee on Education, the gentleman from Illinois (Mr. PUCINSKI); and the members on both sides of the aisle of the subcommittee and the full committee who have participated diligently in the hearings conducted on this legislation and in the subcommittee and full committee legislative sessions so that this much-needed legislation could be brought to the floor today. I urge my colleagues to join with us in giving this legislation the kind of support that the House gave to H.R. 5257 earlier this session when it voted 331 to 0 in favorable floor action.

The SPEAKER. The question is on the motion of the gentleman from Illinois (Mr. PUCINSKI) that the House suspend the rules and pass the bill H.R. 9098.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TO AMEND THE NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5257) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children, with Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That the Secretary of Agriculture is authorized to use during the period ending June 30, 1972 funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) in such amounts as may be appropriate in addition to any other funds available for that purpose to carry out the provisions of the National School Lunch Act.

SEC. 2. (a) Section 4(a) of the Child Nutrition Act of 1966, as amended, is amended by striking out "for the fiscal year 1971" and inserting in lieu thereof "for each of the fiscal years 1971 and 1972".

(b) Section 13(a)(1) of the National School Lunch Act, as amended, is amended by striking out "three fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971," and inserting in lieu thereof "four fiscal years ending June 30, 1969, June 30, 1970, June 30, 1971, and June 30, 1972,".

SEC. 3. Section 4(d) of the Child Nutrition Act of 1966 is amended by striking out "80 per centum" and inserting "100 per centum".

SEC. 4. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading "In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies," and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SEC. 5. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972, not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

Amend the title so as to read: "An Act to extend the school breakfast and special food programs."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, I would propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, does the privilege involved by the unanimous-consent request now before the House relate at all to the immediate past action wherein the rules were suspended and the bill H.R. 9098 was passed?

The SPEAKER. That is a matter of the substantive content of the legislation. The gentleman might ask the gentleman from Kentucky if that is true.

Mr. PERKINS. Will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. PERKINS. Let me say to my distinguished colleague from Missouri that I propose to take up in conference the original text of House bill H.R. 5257 that passed the House unanimously on May 17, as well as the text of H.R. 9098 as the House has unanimously passed today—in one conference on H.R. 5257.

Mr. HALL. Mr. Speaker, further reserving the right to object, I would again inquire, either as a parliamentary inquiry or of any of the chairmen or cochairmen of the House Committee on Education and Labor as to whether or not the portent of the present unanimous-consent request has anything at all to do with H.R. 9098 on which action has just been completed under suspension of the rules and which title says: to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act. That question could be answered either yes or no.

Mr. PERKINS. Yes.

Mr. HALL. But it does not have anything to do with the merits of the question.

Mr. PERKINS. H.R. 5257, as it passed the House, dealt only with section 32 funds. The Senate amendment to it dealt also with matters covered by the House in H.R. 9098. The amendment that I propose to the Senate amendment to H.R. 5257 is word for word the same language as contained in H.R. 5257 as it passed the House by a vote of 331 to 0 on May 17, 1971, together with precise language of H.R. 9098 which passed the House today under suspension of the rules.

I am asking the House to proceed in this fashion in order to assure that the Senate has an opportunity to concur or disagree on both H.R. 5257 and H.R. 9098 and, if disagreeing, when it goes to conference with the Senate on H.R. 5257, the House will also have before the conference the House position as reflected in H.R. 9098.

Mr. PUCINSKI. Will the gentleman yield?

Mr. HALL. I am glad to yield to anyone who can shed light on my question.

Mr. PUCINSKI. The gentleman will find, first of all, as the chairman has already stated, that the answer is "Yes." The purpose of this procedure is merely to permit us to go to conference to work this out.

Mr. HALL. Are you going to conference on the——

Mr. PUCINSKI. On the bill just passed under suspension of the rules.

Mr. HALL. In other words, you then intended to attach this consideration to H.R. 9098 by amendment or by striking out all after the enacting clause and substituting the words in the other bill in order to go to conference?

Mr. PUCINSKI. That is correct.

Mr. HALL. So why was it not done under suspension of the rules with an amendment instead of this unusual procedure?

Mr. PUCINSKI. The Senate just passed this bill. This is the problem as I stated earlier. This is why we are trying to go to conference because many of these programs expire in just a few days.

As has been stated I am sure other Members have been receiving inquiries such as we have received from all over the country where school districts have already planned these programs for the summer and are now wondering whether they are going to have a program. Therefore, we want to go to conference as quickly as possible in order to get this legislation passed.

Mr. HALL. I strongly recommend, Mr. Speaker, that the next time we simply bring out a bill under a suspension of the rules with an amendment. An amendment could have been added very simply.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Probably the reason why this is not combined or because it was not put together under a suspension of the rules is the fact that the other action came during the latter part of last week, on Friday or Saturday or Sunday or some day.

Mr. PUCINSKI. Friday.

Mr. GROSS. And, we are getting a little ramrodding legislation here. That is probably the story. But I think the gentleman has the answer now that it is "Yes" to the question of whether this whole ball of wax now goes to conference in the same package.

Mr. HALL. I appreciate the gentleman's explanation. As usual he speaks the language I can understand.

Mr. Speaker, I will simply say that this is a most unusual procedure. As I said in the beginning this procedure is without merit with reference to this bill and the action of the other body.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to conour in the Senate amendment to the text of the bill, with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"SEC. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $50,000,000, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) The Secretary is authorized to utilize the funds made available under this section for the purpose of making grants to State educational agencies demonstrating a need for additional funds and for the purpose of making reimbursements to schools and service institutions under agreement with the Department of Agriculture for the operation of child food service programs.

"(c) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended."

SEC. 2. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for the fiscal year 1972 not to exceed $25,000,000, and for each succeeding fiscal year such sums as may be necessary, to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 3. Section 4(c) of such Act (42 U.S.C. 1773(c)) is amended to read as follows:

"DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency to assist in financing the cost of providing breakfasts to children attending schools selected for participation. Disbursement to schools shall be made at such rates per meal as the Secretary shall prescribe based on the type and cost of the meals provided. Such costs per meal shall be based on the cost of food used including transportation and storage costs, and the costs of labor used in preparation of the meals."

SEC. 4. Section 4(d) of such Act (42 U.S.C. 1773(d)) is amended to read as follows:

"SELECTION OF SCHOOLS FOR PARTICIPATION

"(d) In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of the children attending."

SEC. 5. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.".

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

APPOINTMENT OF CONFEREES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to the Senate amendments to H.R. 5257 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, PUCINSKI, WILLIAM D. FORD, QUIE, and BELL.

JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT AMENDMENTS OF 1971

Mr. PUCINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6247) to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years, as amended.

The Clerk read as follows:

H.R. 6247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1971".

REHABILITATIVE SERVICES

SEC. 2. (a) Section 112 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking out "60 per centum" and inserting in lieu thereof "75 per centum".

(b) Section 113(a) of such Act is amended by inserting "or by a nonprofit private agency or organization," after "other public agency or combination thereof," the first time it appears in such section.

AUTHORIZATION

SEC. 3. Section 402 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking out the word "and" before "$75,000,000," and by inserting before the period a comma and the following: "and $75,000,000 for the fiscal year ending June 30, 1972".

COORDINATION

SEC. 4. (a) Section 407 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"COORDINATION

"SEC. 407. (a) There is hereby established an Interdepartmental Council on Juvenile Delinquency (hereinafter referred to as the "Council") whose function shall be to coordinate all Federal juvenile delinquency programs.

"(b) The Council shall be composed of the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of such other agencies as they shall designate.

"(c) The Chairman of the Council shall be elected by the members of that body at their first meeting which shall occur not later than thirty days after the enactment of the Juvenile Delinquency Prevention and Control Act Amendments of 1971.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 408(4) of this Act."

(b) The first sentence of section 408 is amended by striking out "who are consulted and".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall be effective as of July 1, 1971.

The SPEAKER. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PUCINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass H.R. 6247, the Juvenile Delinquency Act Amendments of 1971.

It is common knowledge that our society is plagued by a recent increase in crime, but it is not so well known that much of this increase stems from juvenile crime. From 1960 to 1968 the increase of arrests of youngsters under 18 was almost double the increase in adult arrests. Furthermore, during the entire past decade the arrest rate for persons under 18 increased four times faster than the growth rate of that age group in the general population. But most disturbing of all is the increase in juvenile arrests for violent crimes—an increase of 148 percent during the last decade with the result that by 1969 almost half of all arrests for serious crimes involved persons under 18 years of age.

The purpose of the bill before us today is to help stem this tide of crime by redirecting the Juvenile Delinquency Act toward the prevention of juvenile crime. The bill before us extends that act for 1 year with the understanding that the Department of Health, Education, and Welfare will use this year to refocus the program toward prevention.

The other two purposes of the bill are to assist in coordinating all Federal juvenile delinquency programs through the creation of an inter-departmental council and to simplify the administration of the program by modifying the matching requirements and expanding the contracting authority.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on this side support this bill, and the amendments have been agreed to, so we have no objection to the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman from Illinois (Mr. PUCINSKI) whether the $75 million that is authorized here includes payments of $40 a week to elementary school pupils to attend remedial summer classes in reading and mathematics?

Mr. PUCINSKI. The gentleman from Iowa correctly states that this bill does authorize $75 million in expenditures. As far as answering the second part of the gentleman's question, that I believe would have to be included under the Elementary and Secondary Education Act. I am not aware that there is any such provision in this bill, only under those circumstances where perhaps a program like that could be proven to prevent juvenile crime, but this is pretty much left to the local communities to work out the local program.

I believe the main thrust of the answer to the gentleman's question would be covered under title I of the Elementary and Secondary Education Act.

Mr. GROSS. The gentleman speaks of crime, but the bill cites juvenile delinquency prevention and control. It does not say anything about crime.

Mr. PUCINSKI. If the gentleman from Iowa will read the basic law that we passed here in 1968, he will find that the Juvenile Delinquency Prevention Act does carry out a very workable program for not only reducing crime, but also giving some aid to those youngsters who have been under criminal justices, so they might be rehabilitated. The act, and now the law, does provide those programs. This is merely an extension of that act.

Mr. GROSS. I recently read in the local papers that there were some 14,700 births in the District of Columbia last year, and that some half of those births were illegitimate, and also that the District of Columbia is going to provide free contraceptives. Further it was stated that some 900 of those illegitimate births were by girls 16 years of age or younger.

Is this bill going to provide for free contraceptives in the District of Columbia and elsewhere?

Mr. PUCINSKI. I am unaware of any programs under this particular legislation for that purpose, and I am not aware of any applications under this program for that purpose.

Mr. GROSS. I thank the gentleman.

Mr. PUCINSKI. Mr. Speaker, I firmly believe that the most effective method of controlling crime in America is through a comprehensive early prevention program of juvenile crime. This bill is meant to assist in finding the best means possible to fulfilling that objective.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I suggest that the most progress could be made by cleaning out the juveniles in the Department of Health, Education, and Welfare.

Mr. PERKINS. Mr. Speaker, H.R. 6247 was reported unanimously by the Committee on Education and Labor. It extends for 1 additional year the Juvenile Delinquency Prevention and Control Act of 1968.

The 1968 act is designed to provide support to State and local units of government in the establishment of projects and programs for rehabilitation and preventive services as well as improving practices and techniques for dealing with juveniles. After 3 years of operation, we have a record of administration of this program that is replete with inaction, delay, and a total lack of enthusiasm. This may be partly explainable by the areas of overlap with the more popular Omnibus Crime Control and Safe Streets Act, but shows extreme shortsightedness in selecting the methods for facing the problem.

The hearings by the General Subcommittee on Education establish a record that the Department of Health, Education, and Welfare has consistently underestimated the prevention aspect of the act. Only one-third of the meager appropriation went into prevention programs when the best expert advice we can obtain indicates the most efficient use of the funds as well as the most humane treatment of the juveniles results from prevention oriented activities.

The committee, therefore, requests only a 1-year extension of the Juvenile Delinquency Prevention and Control Act in the hope that the steps already taken by Secretary Richardson and Attorney General Mitchell to coordinate the Federal activities will continue and will be successful. The committee also feels that a strong deliberate move in the area of prevention through research, experimentation and a greater understanding rather than further emphasis on arrest and incarceration will result from this cooperation. We must develop new ways to deal with this pressing national problem and this act, administered with the proper focus, will be an important tool in that process.

Mr. Speaker, I include a table pertinent to this subject at this point:

Fiscal year 1971:	
Authorization	$75,000,000
Appropriation	15,000,000
Fiscal year 1972:	
Proposed authorization	75,000,000
Budget request	10,000,000

Mr. BELL. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois that the House suspend the rules and pass the bill H.R. 6247, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1732) to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes, a similar Senate bill to H.R. 6247 that was just passed under suspension of the rules.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I shall not have to object, is the money figure the same in this bill?

Mr. PERKINS. The money figure is the same.

Mr. GROSS. Where is the difference?

Mr. PERKINS. There is only one difference.

The President appoints the Council under the Senate bill, whereas the Secretary of Health, Education, and Welfare and the Attorney General agree and formulate the Council under the House-passed bill.

Mr. GROSS. Which does the gentleman prefer?

Mr. PERKINS. I think that to let the President appoint the Council is preferable.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PUCINSKI. We had originally intended to suggest here that we accept this very minor change, but in view of the colloquy had with reference to the previous legislation which was read by the gentleman from Missouri and the gentleman from Iowa, we decided to abandon that strategy and we will go to conference. So this one change will have to be resolved in conference, in deference to the admonition that the gentleman gave us on the last bill.

Mr. GROSS. I am glad to hear that the gentlemen on the other side of the aisle have seen the light.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BELL. Mr. Speaker, on this side we prefer the selection by the President.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1732

An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1971".

REHABILITATIVE SERVICES

SEC. 2. (a) Section 112 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking out "60 per centum" and inserting in lieu thereof "75 per centum",

(b) Section 113(a) of such Act is amended by inserting "or by a nonprofit private agency or organization," after "other public agency or combination thereof," the first time it appears in such section.

AUTHORIZATION

SEC. 3. Section 402 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking the word "and" before "$75,000,000" and by inserting before the period a comma and the following: "and $75,000,000 for the fiscal year ending June 30, 1972".

COORDINATION

SEC. 4. Section 407 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"(a) There shall be established an Interdepartmental Council whose function shall be to coordinate all Federal juvenile delinquency programs.

"(b) The Council shall be composed of the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of such other agencies as the President shall designate.

"(c) The Chairman of the Council shall be appointed by the President, and its first meeting shall occur not later than thirty days after the enactment of this legislation.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 408(4) of this title."

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall be effective with respect to appropriations for the fiscal year beginning on July 1, 1971.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6247) was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SOCIAL SECURITY AMENDMENTS OF 1971

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 487

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the old-age, survivors, and disability insurance program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill and such substitute shall also be considered as having been read for amendment. No other amendment to the bill, and no amendment to the committee amendment in the nature of a substitute, shall be in order except amendments offered by direction of the Committee on Ways and Means, but any such amendments shall not be subject to amendment: *Provided however,* That one motion to strike out all of title IV of the committee amendment in the nature of a substitute, beginning on page 559, line 1, through page 633, line 3, of the reported bill may be considered. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 487 provides a modified closed rule with 8 hours of general debate for consideration of H.R. 1, Social Security Amendments of 1971. No amendments to the bill shall be in order except those offered at the direction of the Committee on Ways and Means and all points of order are waived against the bill because of failure to comply with the Ramseyer rule and because the original Social Security Act contained appropriations. The rule also provides that it shall be in order to move to strike title IV of the committee amendment and a separate vote may be had thereon.

H.R. 1, as reported, is a very long and complex piece of legislation. It would make a number of changes in the provisions of the Social Security Act relating to the old-age, survivors, and disability insurance program, the hospital and medical insurance program, the medical assistance program and the child welfare program. In addition, the bill would provide for a basic restructuring of the national welfare system by replacing the four existing federally aided public assistance programs by new Federal programs for needy families and for needy aged, blind, or disabled persons. The bill also would modify the provisions of the Internal Revenue Code relating to the retirement income credit and reductions for child care.

Since the rule provides for 8 hours of debate, there should be ample time for the bill to be adequately explained and debated and, therefore, Mr. Speaker, I move that the resolution be adopted in order that the bill may be considered.

I yield to the distinguished gentleman from California.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, House Resolution 487 sets forth the conditions under which H.R. 1, the Social Security Act Amendments of 1971, will be considered. It provides for 8 hours of general debate under a closed rule. No amendments can be offered to the bill except by the Committee on Ways and Means. Any amendments offered by the committee shall not be subject to amendment. The committee bill is made in order as an amendment in the nature of a substitute, inasmuch as the original text of the bill was stricken and new language written therein. This is also restricted from amendment, except amendments offered by the Ways and Means Committee.

All points of order are waived because the Ramseyer rule has not been complied with, and because the Revenue Code and the Social Security Act would be open for amendment if points of order were not waived. The rule also provides for one motion to strike out all of title IV of the committee amendment in the nature of a substitute, beginning on page 559, line 1, through page 633, line 3.

Mr. Speaker, I am certain that all Members realize that many changes were made in the Rules of the House by the Reorganization Act passed last year. One of the changes has to do with a motion to strike. I wish to particularly mention this so that the Members will realize that only certain debate will be permitted when this motion to strike is offered.

Mr. Speaker, I will not be Chairman during the Committee debate, nor am I the Parliamentarian. I wish to present my opinion of the procedure. If I am wrong, Mr. Speaker, I would be pleased to yield to you or anyone else for correction as I do not intend to misinform the Members. I do, however, think that the following comments are correct.

Under the rules of the House, clause 5 of rule XXIII:

> When general debate is closed by order of the House, any Member shall be allowed 5 minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak 5 minutes in opposition to it, and there shall be no further debate thereon . . .

Thus the procedure for consideration of H.R. 1 will be as follows:

First, after general debate is closed, the Chair will inquire if there are any committee amendments. If so, they will be disposed of first;

Second, if there are no committee amendments, the chair will state that a motion to strike title IV of H.R. 1 is in order;

Third, when such an amendment is offered, the provisions of clause 5 of rule XXIII come into play and the Member offering the amendment to strike title IV will be recognized for 5 minutes. At the end of 5 minutes, the first Member to gain recognition in opposition to the amendment may speak for 5 minutes. No member may gain time by the usual devise of "striking the last word"—because no amendment may be offered to the motion to strike.

The vote will then occur on the motion to strike, which I assume will be recorded tellers. This procedure has been used once before when H.R. 4690, the bill to increase the debt ceiling, was considered on March 3, 1971. The Chair ruled in accordance with the above explanation, as set forth on page 4880 of the Congressional Record. I would appreciate it if those present would explain the procedure to those who are interested and not present, so that no one will later feel that they were unfairly cut off from debate. The Members must present their arguments for their position as to striking title IV or not, during the 8 hours of general debate.

Since the time when the rule was granted, I have received a letter dated June 18, signed by 16 Members, stating that they intended to vote down the previous question on the rule which, if accomplished, will permit an amendment to be offered to the rule which will make the provisions of H.R. 9156 in order as a substitute for title IV of H.R. 1. Amendments could also be offered to the substitute.

I wish that someone had mentioned this to me during the week or 10 days that efforts were being made to make title IV subject to a motion to strike. No one discussed it with me, and accordingly, in order to obtain the rule which is now being presented, I agreed to support the same. Accordingly, I will keep my word, and vote for the previous question. I am not, however, suggesting to any other Member how he or she should vote.

H.R. 1 may well be one of the most far-reaching, all-encompassing legislative proposals that this 92d Congress will consider. Articles I and II cover changes in the social security programs and the medicaid and medicare programs. Titles III, IV, and V deal with welfare assistance programs including both the adult categories fund—disabled and blind—as well as the complete restructuring of the present aid to dependent children program.

The purpose of title I of the bill is to amend existing law in a number of instances, all aimed at liberalizing the benefits provided to all classes of beneficiaries under the Social Security Act.

An across-the-board increase of 5 percent in cash benefits is provided for all beneficiaries, payable beginning in June of 1972. Approximately 27,400,000 persons will receive increased cash payments at a cost of $2,100 million in the first year. This will increase the minimum cash benefit for an individual from $70.40 per month to $74, and the average individual's monthly benefit will increase from $133 to $141 a month, while the increase for couples is estimated to increase from $222 to $234.

The bill also provides for an automatic benefit increase in any year that the Consumer Price Index increases by at least 3 percent provided that no legislation to increase benefits has been enacted or has become effective in that same year. If the automatic cash benefit increase provisions are activated, the tax wage base and tax rate will also be automatically increased to meet the added costs, and the amount of earnings exempted under the retirement test would also be increased.

H.R. 1 liberalizes the amount of cash earnings a retired beneficiary may earn in a year without suffering any reduction in his benefits. The present maximum of $1,680 per year is increased to $2,000. When earnings above that figure are received each $2 in earnings will result in a $1 reduction of benefits—but not a dollar-for-dollar reduction as is possible under current law.

Title II of the bill deals with two existing programs—medicare and medicaid. It liberalizes eligibility requirements to permit some 1,500,000 additional persons to qualify for medical benefits, and in a number of instances, seeks to tighten up administration of the programs and impose modest and limited cost-sharing on program beneficiaries to insure continued fiscal soundness.

Under the bill, medicare coverage will be substantially broadened to include all persons entitled to disability benefits under both the social security and railroad retirement programs, after they have been disabled for a period of 2 years. This additional coverage beginning in July 1972, will provide medicare benefits for an estimated 1,500,000 disabled persons at a cost of $1,850,000,000 in the first year.

Also made eligible for medical benefits for the first time are those persons over 65 who are not eligible to enroll in medicare. They may now enroll in the supplemental medical insurance program at the same cost paid by medicare beneficiaries who choose this additional coverage—$31 per month. This cost per month will be increased in the future only in the event of a general increase in cash benefits for the enrolleees.

The bill seeks to discourage prolonged stays in medical institutions by reducing Federal benefits after an initial period to insure that those who can be discharged will be, so that those in greater need can be admitted. Under the bill, Federal matching funds to the several States for payment of institutional care will be reduced: First, by one-third after the first 60 days of care in a TB or general hospital; second, by one-third after the first 60 days in a skilled nursing home; and third, by one-third after 90 days in a mental hospital, which may be extended for an additional 30 days if the State shows that the patient will benefit therapeutically from the additional period.

Title III of the bill deals with assistance to the aged, the blind and the disabled, the adult categories as they are known. Under present law these are administered by the several States, each of which may set its own benefit level and its own eligibility standards. Currently, there are 54 State programs—and the Federal Government is assisting in the funding of each. Benefit levels, for a couple with no income, range from a low of $97 per month up to $350. The adult assistance categories—characterized as they are by relative stability in numbers of beneficiaries—are prime targets for reform aiming at national standards of eligibility and efficient administration to insure maximum benefit from the funding available.

Thus, the bill, effective July 1, 1972, repeals the three existing programs of assistance to the aged, blind, and disabled and replaces them with one new program, federally administered and financed. National standards of eligibility, benefit levels, and permissible income levels are established by the bill. It is estimated that in the first year of the new program 6,200,000 aged, blind, and disabled persons will be eligible for benefits. By 1975, when the ultimate benefit level is reached, it is estimated that 7,100,000 beneficiaries would be eligible to receive $5,400,000,000 in benefits under the new Federal assistance program.

Persons eligible for such assistance are those over 65, those who are blind or who are disabled. Definitions of "blind" and "disabled" are those currently used in the Social Security Act. Disabled children under the age of 21 would also be eligible to receive benefits.

Title IV deals with the most serious problem confronting our current welfare assistance program—Aid to Families with Dependent Children—AFDC. To say that the system is a disaster which is growing worse each year is to say only what is obvious. The present system penalizes very low wage earners, driving them off the payroll and onto the relief roll, where it encourages them to remain. It tends to break up families and to produce—as it already has—whole generations of citizens who have never known any other life and are devoid of any drive toward self-advancement. To add to the problem, the eligibility requirements and benefit levels are set by the States. Benefits for a family of four range from a low of $97 per month to over $300. There is, thus, a built-in gravitation to the high-benefit States. The numbers on the welfare rolls are increasing alarmingly.

During the period 1960–1969 the AFDC rolls increased by 4,400,000 persons, a 147-percent increase; the total cost of the program nationally increased from about $1 billion to about $3,500,000,000. It was during 1970, however, that the situation became completely out of hand. Expenditures in January 1971, reached $482,423,000—for 1 month—a 40.5-percent increase over January 1970. The number of AFDC recipients rose from 7,501,000 in January 1970 to 9,773,000 in January 1971, an increase of 2,272,000 in 1 year.

Families with at least one member who is employable will be enrolled in the Opportunities for Families program, administered by the Department of Labor. Those families in which there is no employable member, as that term is defined, will be enrolled in the family assistance plan, administered by the Department of Health Education, and Welfare. It is estimated that some 4,670,000 families, totalling 19,400,000 persons, will be eligible for assistance under these two new programs. Many of those are now employed at very low wages rather than actually unemployed. These will be eligible only for partial support assistance.

Families enrolled in both programs will be eligible for Federal benefit payments based upon criteria set forth in H.R. 1—criteria which is identical for both programs. Benefits would be payable at a rate of $800 per year for the first two members, $400 for the next three, $300 for the next two, and $200 for all others. This will provide a payment of $2,400 per year to a family of four with no income. The maximum Federal payment, for a family of eight or more persons with no income, would be $3,600. Benefits would be reduced as a family's income increases; when a family of four earns $4,320 per year, it would no longer qualify for Federal benefit payments.

The Federal cost under the current law is approximately $9,400,000,000. H.R. 1 would increase this figure, in the first year, to an estimated $14,800,000,000—or an increase in Federal costs of $5,400,000,000.

Mr. Speaker, for the information of the Members from California, I wish to state that as of now, it has been impossible to determine the definite impact that H.R. 1 may have on California. As soon as H.R. 1 and the report were available, copies were sent to Governor Reagan. However, time has not been sufficient to permit a thorough analysis as to what H.R. 1 will do so far as California is concerned.

Under date of June 11, Governor Reagan advised me that an analysis of H.R. 1 was very much more difficult than they thought that it would be. Probably due to the fact that HEW is apparently basing their California impact assessment on some assumptions we cannot accept. Further, that perhaps if the bill cannot be held up until all States have had a chance to analyze it fully, then title IV should be removed for separate consideration.

Last Friday, June 18, I advised the Governor that this bill would be considered today and requested information as to its effect on California. Later that afternoon I was advised as follows:

> I am very sorry to learn that your efforts to get the states enough time to project the impact of H.R. 1 on their welfare programs were not successful.
>
> As of now, it appears that H.R. 1 contains so many options and undefined secretarial discretionary powers that a hard fiscal analysis and human impact definition will take considerably more time than we thought it would.
>
> Therefore, I am notifying our delegation and others who have inquired that I support any attempt to strike Title IV from H.R. 1 so that it can be considered separately on its own merits, hopefully after sufficient time is allowed for all the states to form their opinions and inform their delegations.
>
> All we know now for sure is that, under any combination of options, net cost savings to California under the "hold harmless" clause will in no way equal or exceed the total impact on California's federal taxpayers resulting from a program cost increase of $5 billion. Californians pay in excess of 10 percent of the cost of any federal program. Thus, H.R. 1 has an immediate built-in cost to them of over $500 million.

Mr. Speaker, I shall continue to support the basic merits of any legislation designed to assist our senior citizens, the disabled, the blind, the infirm. On the other hand, it is my intention to do everything within my power to bring about reform of the welfare program—to assure that every able-bodied individual provide for himself and his dependents through job opportunities and work-training where needed. The present system must be restructured on a more equitable basis for all citizens. I do not believe that the States have had sufficient time to study the effects of title IV of H.R. 1 on them. If it will help, I am certain that they will support it. But they need more time because it is so extensive. It should be considered separately. Accordingly, I intend to vote to strike title IV.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 10 minutes to the distinguished gentleman, the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, I approach this bill with the greatest seriousness and the most misgivings I think of any bill that has come before this body in my time in this House. I think it is more serious than even the occasion when I was called upon to cast my vote to declare war. I think it is the most momentous thing that we will have voted on during our tenure of office here.

Mr. Speaker, why do I say that? Because, in my judgment, Mr. Speaker, we have reached the forks of the road. We either are going to continue down the path that has made this country the envy of the world under the free enterprise system, under the individual initiative system, under the type of government that our forefathers set up for us, or travel the other fork of the road of political expediency.

Mr. Speaker, I am not going to discuss the rule at this point in debate because I think it has been amply covered. But I want to get back to the importance of the thing that we are about to do here on the welfare question. Now, why do I say that? Because in this bill you have, broadly speaking—and there are other titles—but, broadly speaking, two divisions of legislation.

One is social security—and I shall not discuss that because the time would not permit it even if I were knowledgeable enough to discuss it, but I do know, and I am knowledgeable enough, in my own opinion, to know that if we do not follow that road that we started out on then we are going to take the other one. Some people deny it, but I think every one must agree that it is a guaranteed annual income.

This year under this bill there is $2,400 guaranteed to a family of four. I say to the gentleman from Illinois (Mr. DERWINSKI), when that bill gets over to the other body, the more liberal body, it will come out at $3,000 or $3,500. Maybe under the able leadership of the distinguished gentleman from Arkansas, my good friend, a man for whom I have great admiration and personal affection, Mr. MILLS, he may be able to get some kind of a compromise, but that will be toward the end of the year. Next year we have not only a congressional election, but a Presidential election, and, oh, I can see the boys out on the stump now. It is going to be a contest between the candidates for Congress, and I am not sure it is not going to be a contest between the presidential candidates, as to who can promise more to the people. Who is willing to make it $5,000? Who is willing to make it $10,000? This thing can only go in one direction, and that is go up. I honestly believe that in the next decade it well might be $10,000.

Did you ever see a bill enacted by the Congress passing out gratuities to the people that stopped at what we started with? It goes up and up and up. The other major provision of this bill, social security, is a good example. It too is going far beyond its original concept.

Yes, I can see, once we embark upon this thing, I can see you when you are speaking at that picnic, or in that union chamber, or wherever it is, and this constituent comes up to you and he says, "Well, you gave us a little guaranteed income here of $3,000," or $3,500, whatever it winds up to be. "Why, Mr. Congressman, you are drawing $42,500 a year, and yet you are unwilling to let us have $5,000," or $10,000. How are you going to answer that? You have been through it with other legislation. I say it is a dangerous road to start out on because you can never, never stop it.

Of course it is fundamental. It is hackneyed to say that those of us who are old fashioned enough believe that the people have got to support the Government, the Government cannot support the people. Oh, that is so trite it should not be necessary to mention it. But that is the road that you are going to embark upon, the road whereby the Government begins to support the people.

History tells us that the Roman Senators in order to incur favor with the electorate, with the people at home, started out giving them free baths. But we passed that a long time ago. We are giving them free breakfasts and free lunches, and so many other benefits at the expense of the taxpayers.

But now we are going to guarantee them everything—a living wage, a living existence. If I had any assurance, if my good friend, the gentleman from Arkansas, could just convince me as he told me when he was up before my committee that he was going to convince me—if he could just convince me that we would stop at $2,400—maybe so. But he knows and I know that we are not going to stop there.

Now, my friend, those who support this philosophy of government are going to tell you that the present welfare system is bad—that it is a rotten mess. I agree with that right now. It has gotten out of hand. But are we going to start off on a different road, as a panacea for that—where we can never stop?

Yes, once we start on that, there is turning back. This is the main thrust of my argument.

I am sure that this distinguished Committee on Ways and Means can come up with a different and a better answer to the present welfare system. But if they cannot, as bad as it is, I would rather have that than have what we are asked to take in this bill.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 additional minutes to the gentleman.

Mr. COLMER. I thank my colleague.

I just want to discuss the rule for a moment. This rule simply provides that you will have one motion, and one motion alone. One amendment is all that can be offered unless the Committee on Ways and Means sees fit to offer a committee amendment. I doubt that that will be an amendment of any substance. And if they do offer one, it is usually a kind of housekeeping proposition—a technical amendment.

Mr. Speaker, I want to compliment my committee and on the modified rule it reported because it has historically been true, ever since I have been in the Congress, that the bills that come out of the Ways and Means Committee are under a closed rule. My views on that are, of course, well known to those who might be interested—I do not like closed rules. But we worked out here the best rule we thought we were capable of getting, and having sustained on this floor, and that was to give the Members of this House an opportunity to say whether they wanted to embark upon this dangerous road or whether they wanted to strike that provision out of the bill.

I think we did a pretty good job in that we at least got the camel's nose under the closed rule tent, and you do have an opportunity to vote as you see fit on the guaranteed income provision. You can take it or leave it.

This time when you go back home you do not have to tell your constituents that you were gagged and you could not vote. For here you do have the option to vote upon this one question.

Incidentally, I am advised by the Parliamentarian that under the rules of the House we will have only one speech of 5 minutes for the amendment and 5 minutes against it, so that those of you who want to discuss this phase of the legislation will have to get your time during the 8 hours granted to the Ways and Means Committee for general debate.

Mr. Speaker, let me reiterate, if I may: I am not the wisest man in this Congress. No one knows that better than I do. But this is most serious, and I trust that the House will so regard it.

The distinguished and able gentleman from Oregon, a member of the Ways and Means Committee, will at the appropriate time offer the motion to strike this dangerous guaranteed income title, title IV from the bill.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend, the gentleman from Alabama.

Mr. ANDREWS of Alabama. I do not know whether this point should be considered or not, but my information is that the first year's cost of this new so-called guaranteed income will add $5 billion to the cost of welfare. The gentleman in the well knows the Nation owes about $400 billion. The Treasury statement of the 15th of June of this year shows that in the first 11½ months of this year we were running a deficit at $30 billion. There will be a bill on the floor of the House on Friday from our Appropriations Committee with an appropriation for the Treasury Department, and in that bill is a line item of $21.150 billion just for the interest on the national debt.

I think those frightening figures should be taken into consideration when you consider adding another $5 billion to the welfare program.

Mr. COLMER. I thank my friend for his contribution.

Finally, Mr. Speaker, permit me to urge the Members of this House to support the Ullman amendment. Surely good judgment, a sense of fiscal responsibility, love of country, and the desire to perpetuate our system of free enterprise and the fruits of individual effort should and will outweigh political expediency. In my considered opinion if this guaranteed income provision is written into law we will have taken the final step toward a socialistic state.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI)

Mr. DERWINSKI. Mr. Speaker, the distinguished chairman of the Rules Committee devoted most of his commentary to the bill before us, but I would rather discuss the rule. First, may I say that any criticism I might make of the rule is not intended to reflect on the problems the committee had, nor do I wish to reflect on the usual astuteness in handling legislative matters that the gentleman from Arkansas, the chairman of the Ways and Means Committee, generally displays. I wish to remind the Members that a little over a week ago we faced an interesting vote on the sugar bill rule, which for reasons completely different than the issue before us, it was deemed necessary to protect that bill by a closed rule.

A little over a year ago I was involved in the debate and amendments on the House floor on postal reform. It was deemed at that time that an open rule should be permitted. The Members had an opportunity to aid or stymie the cause of postal reform. The argument was never made, as I think it well could have been made, that reform of the Postal Service should not be entrusted to the 410 Members who did not serve on the proper committee.

We are told that unless we are members of the Ways and Means Committee we just do not understand the welfare problem. This might be so in relation to some of the technical bills that the committee reports, but it is not so in relation to welfare, since most of us, having been businessmen, State legislators, or lawyers before reaching the Congress, are familiar with the welfare problems at least in our home communities and States. To claim that there is a difference when you are a Member on the Ways and Means Committee looking at welfare reform in contrast to the viewpoint of a normal Member does not hold water. I would think, in this case at least, modifying the closed rule would be in order.

I do not propose that we have a completely open rule. I do propose that we substantially modify the rule as it would apply to title IV so that meaningful alternatives to that welfare section could be provided.

First, in chatting with a few of the Members, I find that they have all been receiving letters and telegrams from their mayors and Governors taking quite a variety of approaches for or against this bill.

Some of the Governors are saying, "Please vote through this reform bill; it will save my State budget." Other Governors are writing in, "Just a minute; I am not sure what you are doing to it; hold on a minute."

The same confusion applies with respect to letters from mayors.

Nobody really knows what we are doing with this legislation, and least of all the people spending the money should it be passed.

We also have a time problem with the other body. Driving in this morning I listened with great interest to a news report which stated the Senate would not consider this measure until early in 1972. So there really is not any reason this afternoon, as I see it, to "gag" the Members after 8 hours of debate. This sounds rather liberal, but what is 8 hours of discussion when no one is allowed to offer amendments after the completed debate? Under the rule as provided, Members have been told by the gentleman from California (Mr. SMITH) and by the gentleman from Mississippi (Mr. COLMER) there will be actually 10 minutes of debate on the key vote, on the only vote allowed, which will be to strike title IV.

This is not debate. The 8 hours will be an exchange of press releases between Members. Any questions, if they are not answered, will not be reflected in any meaningful vote.

I would suggest that the logical thing to do is to vote down the previous question, to open up title IV to proper amendments, and to let the House in the truest sense of a legislative body try to work its will on this program, which is vital to every one of us. Every one of us is as knowledgeable as our beloved colleagues on the Ways and Means Committee. I should certainly think that above all else they would appreciate the help of 410 other Members representing citizens, welfare recipients, taxpayers, in our districts.

I certainly hope that at the proper time we shall vote down the previous question.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. Of course, they are bound to take more time on this bill over in the other body because there are more presidential candidates over there.

Mr. DERWINSKI. I was not aware the gentleman from Iowa had entered the list.

Mr. GROSS. Oh, no.

Mr. DERWINSKI. That was not the gentleman's point?

Mr. GROSS. I am just pointing out why more time will be taken over there on the bill. It will be delayed. The gentleman says it probably will not be considered until 1972 over there, which gives them time to prepare their campaign speeches.

Mr. DERWINSKI. The point I was attempting to make was we need not act with haste this afternoon and tomorrow. We could easily work on this bill all week, and take all the time that a revised rule would give us for proper admendments.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I find myself in a somewhat painful position, being obliged to disagree with my good friend the gentleman from Illinois (Mr. DERWINSKI) because I come to the well this afternoon to urge the Members of this House to vote for the previous question and to adopt the rule.

I say this even though I sympathize very deeply with the frustration which the gentleman and many Members of this body feel.

Indeed, I take this time primarily to explain why it is I have arrived at this position today, even though in the Rules Committee I did offer a substitute, as I believe many Members know, to the motion which was offered to permit merely a vote on title IV, the family assistance program portion of the bill.

It was my wish and my desire that H.R. 1 be an instrument of fiscal relief for our States in fiscal year 1972. It seemed to me as the bill emerged from the committee it was not really going to achieve that desirable purpose.

I took exception, for one thing, to the use of calendar year 1971 as the base year for the hold harmless clause as it refers to the States. I would have preferred, as I believe the chairman of the committee knows, as I told when he appeared before the Committee on Rules, that they use the fiscal year 1971 or the calendar year 1970, which would have meant something rather substantial in the way of fiscal relief to the States.

It seems to me that in the provisions of the bill as they relate to medicaid that those things might well have been deferred in view of the fact that this committee is going to undertake a review of the whole medicare and medicaid problem. But by limiting reimbursement to the States to 105 percent when it comes to skilled nursing home care and intermediate care again it will cost my particular State some money, because those costs are rising more than 5 percent a year, at the rate of something like 13 to 15 percent a year.

So I offered a substitute in the Committee on Rules that would open up partially titles II, IV, and V. However, I cannot go along with those this afternoon who are suggesting that we ought to vote down the previous question and adopt a substitute rule which would open up completely title IV.

And now I wish to reply to my very dear and distinguished friend, and there is no man in this House for whom I feel greater affection and respect than the distinguished chairman of my Committee on Rules, the gentleman from Mississippi (Mr. COLMER). He referred to the path that has led our country to the point where it is the envy of the world.

Much as I agree with that, I am constrained to call your attention to the fact that that same pathway has led us to the point where in our morning paper we read that welfare rolls literally doubled since the President made his initial proposal for welfare reform in August of 1969.

Mr. Speaker, as I studied the hearings before the Committee on Ways and Means and was made aware of the 36-percent increase in costs in 1970 and the 32-percent increase in caseloads I was appalled. It seems to me that when the gentleman from Alabama (Mr. ANDREWS) warns this House of an immediate increase in costs to the Federal Government if we adopt this welfare reform program, he is overlooking one very important thing; namely, that increase in costs is taking place right now and will continue to occur unless we do the kind of thing that the Committee on Rules is asking us to do in title IV of this bill.

The tragic thing to me was to read that we have literally witnessed a tripling of the number of children living in families without fathers in our country in just the last few years. This is what is truly destructive, it seems to me, of our national morale and of the fabric of our country. That is what, more than anything else, dictates to me the necessity for legislating the kind of reform the committee is asking us for in title IV of this bill.

So, despite some of the changes we might want to make and that, very frankly, I hope are going to be made when this bill reaches the other body, I cannot believe that there is the kind—and now I speak to the gentleman from Illinois (Mr. DERWINSKI)—I cannot believe that there is the kind of consensus in this body which would favor the adoption of the Ullman substitute or the adoption of the Curtis bill, so-called, as a substitute to the committee bill. It seems to me that what you would have happen on the floor of the House tomorrow or the next day would be a voting down of these substitutes and possibly a voting down of the whole family assistance program with consequences that we would not like to see.

So, Mr. Speaker, I would urge the Members of this House this afternoon to consider very carefully the position that they would put themselves in by voting down the previous question. I would ask them to vote for the previous question and adopt the rule so that we can get on with the business of reforming the welfare program of this country.

Mr. RANDALL. Mr. Speaker, as we start down the road to consider H.R. 1, once again we run head on into the same adamant and determined stand by the House Committee on Ways and Means that somehow they must always enjoy the privilege of a closed rule.

As I have consistently done in the past, I intend once again to oppose the closed rule today. Moreover, if the opportunity is presented, I intend to vote against the previous question, not simply to be negative or dilatory, but because if the previous question is not ordered, it will then be in order to amend the rule. In any event, a vote against the previous question will give us all an opportunity to be on record as opposing the gag rule even though the previous question should be ordered, and a closed rule later adopted on a voice vote.

As always, the Committee on Ways and Means seeks to justify their request for a closed rule because they contend the right to amend would open up every provision of the Internal Revenue Code. Surely they are not serious because as long as we have a Parliamentarian to rule upon whether or not a provision is germane, repeated points of order could be raised by the committee to amendments which are either frivolous in nature or not germane to the provisions of H.R. 1.

Another reason cited in favor of the closed rule which we hear so frequently in conversation with members of the Ways and Means Committee is the answer they give by way of a rhetorical question, "You would not want to be working on this bill until the 4th of July, would you?" This kind of an answer convinces me that when the chairman and the members of the Committee on Ways and Means cannot find a logical reason to justify a closed rule, they are willing to use an emotional reason.

Maybe it would be a good thing if we did devote a week or more to H.R. 1. Perhaps spend 2 or 3 days in a row, and then allow for some time to digest the debate. After that we could start over again for another 2 or 3 days. Such a suggestion is not unreasonable if you take the time to look at H.R. 1. If you do find it contains 687 pages, and the accompanying report contains 386 pages.

There is so much contained in H.R. 1 that a Member of the House who is not a member of the Ways and Means Committee should be entitled to a little more than 8 hours to learn as much as he can about such a costly and far-reaching measure. One, not on the Committee on Ways and Means should have the opportunity to question members of the committee in open debate on the floor of the House. Then he should certainly be accorded the right of amendment.

Mr. Speaker, not long ago there seemed to be rather general rejoicing about H.R. 1 that the Rules Committee had passed out what was described as a "modified closed rule." For awhile the reaction was that at long last the Rules Committee had relented and had really denied the request for a closed rule. But even the wordsmiths, if they are going to be fair, know that when they coined the words a "modified closed rule" were engaged in a kind of deception. The word "modified" should be stricken and simply call it a closed rule. The reason that this is true is that they have given us but one little narrow choice and that is to strike out title IV.

The announced objects of H.R. 1 was to reform the welfare pattern in the United States. But once again it is the same old story that the membership of the Ways and Means Committee know best, and the rest of us could not possibly be possessed of any meritorious or worthwhile contribution by way of amendment.

The best way to legislate would be to permit all members to offer their contributions to improve legislation before the Congress. Only through such a procedure could each member fully represent his constituents. Today we face once again the old argument that no bill involving revenues can be improved on the floor of the House. That argument can successfully be demolished by a procedure we follow in another very sensitive area of legislation, that of appropriations bills which are always considered under open rules to permit all members to voice their opinions and to offer meritorious amendments.

If this gag rule is adopted today the membership of this House must accept or reject the will of 25 members of the Ways and Means Committee.

Assume the closed rule is forced upon us and H.R. 1 is passed. It will then be sent to the other body where all 100 Members will have a voice in the future course of H.R. 1.

Last year on the welfare reform bill the other body adopted so many amendments it was impossible for the conference committee to iron out the differences within the time limitation of the 91st Congress.

Yes, the time has come for the membership of this body to stand up for itself. We must reject this closed or gag rule. Welfare reform is needed. It can be accomplished if only the opportunity is available to make the corrective amendments which are required to make H.R. 1 an acceptable piece of legislation.

Mr. YOUNG of Texas. Mr. Chairman, I move the previous question in the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 200, nays 172, answered "present" 2, not voting 59, as follows:

[Roll No. 152]

YEAS—200

Abbitt
Abernethy
Adams
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Belcher
Bell
Bergland
Betts
Biester
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Brotzman
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Clark
Collier
Colmer
Conable
Conte
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dingell
Dorn
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Forsythe
Frelinghuysen
Frenzel
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Hagan
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Hillis
Holifield
Howard
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kluczynski
Kuykendall
Kyros
Landrum
Link
Lloyd
Lujan
McClory
McCormack
McDade
McFall
McKay
Macdonald, Mass.
Mailliard
Mann
Martin
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Rees
Rhodes
Robison, N.Y.
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Sandman
Schneebeli
Schwengel
Shipley
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Vanik
Veysey
Ware
Watts
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—172

Abourezk
Abzug
Addabbo
Anderson, Calif.
Archer
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Bennett
Bevill
Blackburn
Brinkley
Broomfield
Brown, Mich.
Burke, Fla.
Caffery
Camp
Casey, Tex.
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conyers
Coughlin
Crane
Culver
Dellums
Denholm
Devine
Diggs
Drinan
Duncan
du Pont
Edwards, Ala.
Esch
Evans, Colo.
Flynt
Ford, William D.
Fountain
Fraser
Frey
Fulton, Pa.
Goldwater
Gonzalez
Goodling
Green, Pa.
Gross
Gubser
Gude
Haley
Hall
Hamilton
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Helstoski
Henderson
Hicks, Wash.
Hogan
Horton
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Jonas
Jones, N.C.
Kastenmeier
Keating
Kemp
King
Koch
Kyl
Landgrebe
Latta
Leggett
Lennon
Long, Md.
McCloskey
McClure
McCollister
McDonald, Mich.
McKevitt
McKinney
McMillan
Madden
Mahon
Mazzoli
Metcalfe
Michel
Miller, Ohio
Mink
Minshall
Mitchell
Mizell
Moorhead
Mosher
Myers
Nichols
Nix
Passman
Pickle
Pike
Poage
Powell
Price, Tex.
Quie
Randall
Rangel
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Roberts
Robinson, Va.
Roe
Rogers
Rosenthal
Rousselot
Roybal
Ruth
Ryan
Sarbanes
Saylor
Scherle
Scheuer
Schmitz
Scott
Sebelius
Shoup
Shriver
Sikes
Smith, Iowa
Snyder
Spence
Steiger, Ariz.
Stokes
Stuckey
Symington
Talcott
Teague, Tex.
Terry
Thompson, Ga.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Whalen
White
Whitehurst
Winn
Wolff
Wylie
Wyman
Young, Fla.
Zion

ANSWERED "PRESENT"—2

Derwinski
Morse

NOT VOTING—59

Anderson, Tenn.
Arends
Ashbrook
Badillo
Barrett
Biaggi
Bingham
Blatnik
Bray
Brown, Ohio
Broyhill, N.C.
Danielson
Davis, Wis.
Dennis
Dent
Dickinson
Donohue
Dow
Dowdy
Downing
Edmondson
Edwards, La.
Erlenborn
Eshleman
Ford, Gerald R.
Fuqua
Gallagher
Gettys
Gibbons
Grover
Halpern
Hanna
Hébert
Hunt
Jones, Tenn.
Lent
Long, La.
McCulloch
McEwen
Mathias, Calif.
Mathis, Ga.
Mills, Md.
Mollohan
Moss
Patman
Purcell
Riegle
Rodino
Roy
Runnels
St Germain
Satterfield
Seiberling
Stratton
Taylor
Vigorito
Whalley
Wilson, Charles H.
Wydler

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Moss against.

Mr. Satterfield for, with Mr. St Germain against.

Mr. Gerald R. Ford for, with Mr. Morse against.

Mr. Arends for, with Mr. Derwinski against.

Mr. Edmondson for, with Mr. Taylor against.

Mr. Erlenborn for, with Mr. Hunt against.

Mr. Barrett for, with Mr. Riegle against.

Mr. Donohue for, with Mr. Ashbrook against.

Mr. Anderson of Tennessee for, with Mr. Dickinson against.

Mr. Brown of Ohio for, with Mr. Hébert against.

Mr. Stratton for, with Mr. Bingham against.

Mr. Charles H. Wilson for, with Mr. Hanna against.

Mr. Davis of Wisconsin for, with Mr. Badillo against.

Until further notice:

Mr. Blatnik with Mr. Bray.

Mr. Biaggi with Mr. Grover.

Mr. Jones of Tennessee with Mr. Mathias of California.

Mr. Vigorito with Mr. Lent.

Mr. Danielson with Mr. Eshleman.

Mr. Fuqua with Mr. Broyhill of North Carolina.

Mr. Gettys with Mr. Dennis.

Mr. Purcell with Mr. Whalley.

Mr. Dent with Mr. Halpern.

Mr. Downing with Mr. McEwen.

Mr. Gallagher with Mr. Wydler.

Mr. Mathis of Georgia, with Mr. Mills of Maryland.

Mr. Patman with Mr. Mollohan.

Mr. Dowdy with Mr. Dow.

Mr. Gibbons with Mr. Long of Louisiana.

Mr. Runnels with Mr. Roy.

Messrs. HAYS and LONG of Maryland changed their votes from "yea" to "nay."

Mr. BELCHER changed his vote from "nay" to "yea."

Mr. MORSE. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. GERALD R. FORD). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. DERWINSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. ARENDS). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1, with Mr. Dingell in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. Mills) will be recognized for 4 hours, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 4 hours.

The Chair recognizes the gentleman from Arkansas (Mr. Mills).

Mr. MILLS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, H.R. 1, in my opinion, is a monumental bill. Not only is it a monumental bill, but I think there is more confusion outside of the Congress, and I dare say some within the Congress, about it than any bill that I remember having anything to do with in the more than 30 years that I have been in Congress.

I have looked over the analyses of the bill which have been made by the American Conservative Union, the Chamber of Commerce, which again, in this instance, took a position before the bill had been reported, and the National Welfare Rights Organization.

When you can get the National Welfare Rights Organization and the American Conservative Union together in the same bed, there must be some confusion somewhere. One of them says that we have gone down the road of socialism in this bill and that we are providing for an annual guaranteed income. The other organization says we have not done enough.

If we went the route of the National Welfare Rights Organization and had brought a bill to the House that had a basic floor of support, for a family of four without any income, of $6,500, we would have been asking the House to approve a measure that would add not less than $70 billion to the present cost of welfare—$70 billion.

Mr. Chairman, this bill contains more amendments to the Social Security Act than any bill I can remember the Committee on Ways and Means having reported during the time I have been on the committee.

Let me just tell you, it contains 43 separate amendments to the provisions of the act relating to the social security cash benefit program; 58 amendments to medicare and medicaid. The social security amendments alone in the bill are equivalent in cost to a 19-percent across-the-board increase in benefits, according to the estimates of the staff of the Committee on Ways and Means, or 21 percent according to a former Secretary of Health, Education, and Welfare, who is quite an authority himself. One of the most illustrious of them says—and I am talking of Secretaries—who has had about as much experience in this field as anyone else—that he considers this to be the most important set of amendments to the Social Security Act, since the act was created, back in the days of President Roosevelt.

Now, important as all of these amendments are to the social security cash benefit program and to medicare and to medicaid, apparently the crux of the argument relates to title IV.

Mr. Chairman, I want to talk, therefore, about title IV, and if I may have permission, I will extend my remarks in the Record in explanation of amendments to these other three parts of the bill that I have mentioned.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

Mr. MILLS. Mr. Chairman, I would like to explain what the major welfare problems are and the solutions to these problems, which are contained in title IV, which is, under the rule, open to one motion to strike.

The Committee on Ways and Means has been looking at this subject matter now for 2 years. You will recall that last year we reported to you a bill proposing some fundamental changes in welfare, trying to restructure it and to redirect it. You will recall that the bill passed the House by a substantial margin, but it was not reported by the Finance Committee, although it was discussed in the Senate itself. We have worked endlessly, hour after hour, again this year.

I want to report that we had in our committee this year perhaps the highest level of attendance, and interest, on the part of the committee members that I can recall on any subject matter that we have had in the Committee on Ways and Means. Every single member of the committee has made a contribution not only to the other titles of the bill but to this title which is in controversy. I feel a great pride and a great degree of honor just to have worked with the members of this very fine group and I take as much pride in the final product of our primary efforts, in title IV of H.R. 1, as I have taken in any bill that I have ever had the privilege of having my name affixed to—mark that down—there is no doubt in my mind about it.

The present program would be your preference, I assume, if you vote to strike the provisions of H.R. 1. That is the only way I can figure it out, because for the life of me, I do not know how we can come back any time soon or even within this Congress with any other approach to the restructuring and reforming of the welfare system, than that which we have in this present bill. So I must take it then, that those of you who would vote to strike title IV from the bill, feel that this present chaotic mess, as it is characterized by people in welfare as well as by people who pay the cost of it, is preferable to what we have in the bill.

Now we have looked at this present program. I cannot find much good in it to bring to your attention. I can find a whole lot of fault in it. Let me tell you just a few things that we found, as we looked into the 54 separate jurisdictions which handle that which we call the welfare program:

First. We found a lack of—and actually I should say—a large and growing lack of confidence on the part of the taxpaying public that assistance goes only to those who need it and does not go to those who are indolent or ineligible.

Second. We found understandable bitterness from those who must depend for help upon a system that in too many cases extracts self-respect as the price of its benefits.

Third. We found hopelessness from those who have been trapped in a life on the dole. Talk about guaranteed income—guaranteed income in the form of a dole to remain in idleness, the very worst thing that anybody could conceive to do to a poor human being who is there largely because of lack of training, lack of inspiration, or lack of something else.

Fourth. We found contempt from those who all too easily obtained undeserved benefits from an antiquated, unstable, and lax welfare bureaucracy.

I had during the course of the executive sessions of the committee this year the most startling information I think I have ever had presented to me about the ease with which one can get on welfare and the difficulty that an individual had in getting off. He found himself in some financial straits after having been a candidate for Congress in the 1970 election.

Now, we can understand a person getting into some financial difficulty after running a political campaign. His wife suggested that possibly they might apply for welfare temporarily. He had no job. He had a wife and three or four children.

He went to the welfare office and the next day he was on. He advised me that nothing particularly was asked him about any assets, or much of anything else, just that he owed some money, just that he had no job, just that at that particular time he had no income.

That is the type of lax welfare bureaucracy that exists and is handling our program in some of the 54 jurisdictions—not in all, but in some.

Fifth. We found a crazy-quilt pattern of benefits and eligibility requirements that makes little sense in a highly industrialized and a highly mobile society.

Sixth. We found incentives for more and more welfare, and less and less work. But the most serious thing of all we found was that there is very definite incentive for family disintegration.

The effects of these factors can be measured by the geometrically increasing costs and caseloads in the 1960's. From the beginning of 1960 to the end of 1969 the AFDC rolls were increased by 4.4 million people, a 147-percent increase. The total cost of the program more than tripled, from $1 billion in 1960 to about $3.5 billion at the close of the decade of the 1960's.

If the situation in welfare was alarming and in a state of crisis at the beginning of January 1970, the AFDC program is now completely, totally, out of control. The January 1971 expenditures for aid to families with dependent children were—and I am talking about for the month of January 1971—were $482,423,000. That represents a 40.5-percent increase from January of 1969, just 1 year.

The number of AFDC recipients rose from 7.5 million in January 1970, to 9,773,000 in January 1971—2¼ million people on AFDC in just 1 year. That is an increase of almost one-third in just that 1 year.

There were over 10 million people on the AFDC rolls by March 1971 and the numbers of those on the rolls continued to climb in April and May.

All of you read a most disheartening report on the front page of the Washington Post this morning written by one of the very fine writers for the Los Angeles Times, Vincent J. Burke, who has made quite a study of this matter of welfare and where it possibly is taking us.

Also I call your attention, if you have not read it, to a very scholarly statement on the editorial page, also of the Washington Post, this morning by the Secretary of Health, Education, and Welfare, one of the very able leaders within the present administration. I believe it is interesting to know that not only this Secretary of Health, Education, and Welfare but also every living former Secretary of Health, Education, and Welfare supports the bill that comes from the Ways and Means Committee by a vote of 22 to 3 and that it has the unlimited and unqualified support of the President of the United States with respect to every facet contained in it.

The basis for all of this? Do my colleagues feel that I am wrong in saying that immediate and far-reaching attention is needed in the solution of a most serious problem?

Now, attempts to patch up the present system or to close this loophole or that loophole simply will not work. We have tried it in 1962, 1965, and 1967. It simply will not work, but will lead us to nothing but further disillusionment and recrimination.

The legislation which we are recommending is clearly needed now. This I want my friends on this side to hear. It is clearly needed now to prevent the collapse of a very basic function of government, in my opinion; namely, assisting its poorer citizens to a better life.

Look what is happening, look what has threatened to happen, in most of the legislative bodies of our States with respect to these ever-increasing costs and the possibility of ever-increasing cuts in State benefits established by members of State legislatures.

The bill which we are recommending, I think, is clearly needed now not only to prevent the collapse of this very basic governmental function but also because the bill would establish entirely new programs to carry out this basic function of government in a modern 20th-century way.

The new bill which we recommend, H.R. 1, title IV, will have the following main elements:

First. Let us get this. The separation of needy families on the rolls and in the future who come on the rolls into two groups. The gentleman from Oregon, who will present some views of his own later on, had this as the cornerstone of his bill and in his thinking. We have taken his idea of separating these people into two groups; those with an employable adult in the family—that is, including families where the father is working full time, for low wages, even—and those without an eligible adult. And in each instance we provide appropriate help tailored to meet the need of each group, which is something badly missing within this hodgepodge of mess that we have today.

Second. We have incentives and requirements for work, for training, and for rehabilitation.

Third. We have a heavy investment in this bill in training, rehabilitation, job placement for poor families with expanded child care, manpower training, the use of all the programs that have been so carefully worked out and developed by the Committee on Education and Labor. We have public service employment and we have intensified monetarily our efforts with respect to family planning services.

Fourth. Uniform requirements for eligibility for cash assistance, susceptible of effective uniform administration, with specific limitations and with specific requirements.

Fifth. As a support for the entire program, an efficient, modern, national administrative mechanism designed to assure that only those who are eligible will receive benefits, while avoiding the unproductive redtape and delay that so many of our most needy citizens have encountered in their efforts in the past to obtain help.

SEPARATION OF POOR FAMILIES INTO TWO GROUPS

Let me talk a little bit about this business of separating these people into two groups.

All eligible families, as I have said, would be divided, under the bill by law, into two groups under separate programs tailored to meet each particular group's needs and requirements.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 10 additional minutes.

Families with an adult available for employment under the terms of the bill would be enrolled in the opportunities for families program that would be administered not by the Department of Health, Education, and Welfare, not by welfare, but by the Department of Labor—the Labor Department. The Secretary of Labor will be furnished the necessary authority and funds to enable him to carry out his responsibility to help families into rehabilitation but, and more important, into self-support and self-respect. All other families, including those where an adult is incapacitated or where there is no other qualified employable adult within the family, would be enrolled in the family assistance plan which the President initially recommended and which was the principal part of the plan in the bill that we passed last year.

The Secretary of Health, Education, and Welfare would be responsible for this program, including arrangements for vocational rehabilitation service to all of the incapacitated family members under his jurisdiction.

How does this group break down? About 2.6 million families—I am not talking about recipients now but 2.6 million families—would enter in the opportunities for families program and about 1.4 million families would be in the family assistance plan in the first full year of its operation.

Under present law the low-income family headed by the father is not eligible for AFDC if he is working full time and in 26 States even if he is unemployed. The family headed by a female—and this is quite a contradiction—is eligible whether she is working full time, part time, or not at all. This anomaly is not only inequitable on its face, but it leads to severe economic pressures for a father to leave his family and go elsewhere. He finds himself in the untenable position of being able to assure that his wife and children are properly fed and clothed only if he leaves them. Think of it. Only if he leaves them. It is not unlikely that this situation is related to the fact that female-headed families are increasing three times faster than the population generally—think of it—three times faster than in the population generally. These incentives are, of course, exactly contrary to what I and I think the majority certainly of my own Ways and Means Committee believe to be in good public policy. I am sure that the House would agree with me that any program that puts an incentive upon a father to walk away and leave his family and his children in order to assure that they get something to eat is not a program that has in it equity or good public policy.

Clearly, Mr. Chairman, the incentives should be in the direction of keeping the father with his family in order that he too may have the opportunity of supporting them.

Since male-headed families may be brought under the new program, proper incentives and controls should be introduced into the system and an eventual reduction in the rate of family break-up can surely be expected to result.

INCENTIVES AND REQUIREMENTS FOR WORK, TRAINING, AND REHABILITATION

The new plan would substitute specific rules to determine who must register for work or training; whereas, at the present time we have a haphazard system of the existing law under which each State decides who is appropriate for referral to registration.

Under the bill any member of an eligible family who did not meet specific criteria would be considered available for employment and would have to register with the Secretary of Labor for work or training. Any person who would not register or take work or training as required would subject his family to a penalty of $800 per year in reduction in benefits. Every person taking training would receive at least $30 per month as an additional incentive to stay in the training program. Thus, the monetary difference between refusing or taking training would be $1,160 a year. We think that is some inducement to keep people in training and at work when work is provided.

Now, the same penalties and the determinations would apply to people, of course, who are offered vocational rehabilitation services.

As an incentive for work the bill says we will forget for purposes of these benefits and not consider this amount of earned income—$720 a year, plus an additional one-third of all one earns in excess of that $720.

INCREASED INVESTMENT IN MANPOWER TRAINING, REHABILITATION, CHILD CARE, PUBLIC SERVICE EMPLOYMENT, AND FAMILY PLANNING SERVICES

Now, this new approach to welfare in using a variety of means to get people into work and self-support will be of great benefit.

We are taking the opportunity of injecting into this program new concepts and new ideas, all of which are supposed to induce people to get out and help themselves.

What is this program best described as being? A program of the Government to help this individual to help himself. Compare that concept, if you will, with the existing program of welfare where in one State we now have the fourth generation in the same family living just as the first generation did without any responsibility whatsoever, except to go get a check or to open a letter with a check in it. Think of it.

Now, in order to induce these people to participate, we have done more than merely stimulating their desires by making money available to them.

This program is one of the most far-reaching programs in rendering services that are required when people are called upon to undertake to help themselves.

Next, Mr. Chairman, let us talk about the parts of the programs. The gentleman from Alabama (Mr. ANDREWS) raised a question about the cost and I want to break it down for the gentleman. Remember, in total, this is a $5.5 billion program about which we are talking.

Now let us look at child care. The bill provides $700 million for services, not cash payments to these people, but child care services that must be available if a mother with small children is required to work or take training. She will not be required to do either one, and walk off and leave her children without knowing that they are in somebody's care. But we have to pay a lot for that—$700 million plus $50 million for construction of facilities if necessary. That is the equivalent of more than 875,000 child-care slots.

Another facet of the programs is public service employment for 200,000 jobs—call them whatever you want to, projects that have to be developed by some level of the government or some nonprofit institution. Public service jobs, $800 million.

That is a billion and a half already. That is how much is required to make certain that there are 200,000 jobs slots for these people.

Manpower training and placement activities, $540 million, which is equivalent to 412,000 slots in addition to the 187,000 now authorized. This includes 75,000 slots for upgrading the jobs of those now working in low-pay jobs.

Then there are others—$100 million or more for some additional services such as minor medical services, transportation need, and so on.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I do not wish to go much further, but allow me to yield myself another 10 additional minutes.

HELP FOR THE POOREST OF THE POOR

Mr. Chairman, title IV of the bill goes a long way in reducing the disparity that presently exists in welfare standards among the 54 jurisdictions that now determine those standards. Today, there are 22 States in which a family of four with no other income receives less—and in many of them, far less—than $2,400 a year assistance. Payments for a family of four in one State are only $60 a month, and most of them are black. Under title IV no such family would receive less than $2,400 a year.

Now, I have not heard of a single Member who suggests that a really destitute family of four should be able to get by on less than $2,400 a year to buy the essentials of life, no matter where in this country that family happens to live.

Title IV concentrates on bringing help to the poorest of the poor, bringing the lowest payment levels up to the minimum Federal standard.

HELP FOR CHILDREN

We are thinking in terms, Mr. Chairman, of bettering the lives of children. Now we have about 7 percent of the total child population of the United States subjected—yes, I say subjected—to that type of life that one must have under the present welfare system. Think of it, 7 percent. But do you know that in the next 5 years the Department estimates on the basis of our existing programs that there will be close to 15 percent of your total child population on welfare? Now, that is doubling the rate of children under the program and more than doubling the cost. But the cost is not what is bothering me. What bothers me is the constant increase in the number of children in the United States that we are allowing to be subjected to the welfare way of life.

What is it doing to these children?

Is it strengthening their incentive? Is it giving them a greater incentive and a greater inducement? To me it is just doing the reverse—it is destroying that innate native-born fiber that they come to this earth with.

Is that the kind of population we want to continue to encourage to grow? Not me—I want to create a situation wherein welfare is nothing more than a short stopping terminal place in the life of people who become unfortunate enough to need it. But not a continuation of life, for the remainder of their days here—and for their children—and for their grandchildren. Nobody ever gets anywhere in the world through somebody giving him something all the time. The only way in the world that these people will ever get out of this vicious cycle is for us to do what we have been doing since the beginning of this great Republic, since the beginning of this great Nation of ours. By lending the hand of those who have—either individually or through the Government—downward to grasp the hand of the fellow below. By giving that fellow the strength and the financial help he needs to pull him up to help himself to a greater life and to a more abundant life and to know that dignity that comes, as all of us know, at the end of the day when we feel that we have rendered a service to our people, to our country, and to our God.

As I said, we have been very much aware in our deliberations of the fact that we are dealing in this bill with the welfare and care of millions and millions of America's children. We have included many provisions in title IV of the bill designed to protect children and promote their well-being in addition to the basic provisions which give more money to poor families with children.

Title IV has provisions requiring the administrators of the programs to notify the proper authorities when possible abuse or neglect of children is found.

Title IV has a provision which permits schoolchildren to keep their earnings from their afterschool jobs. This will see to it that poor children will receive the rewards from their work which children in more fortunate families receive.

Title IV has a provision which will cover families where the only children are those between age 18 and 22 attending school full time. This provision is needed to help children in poor families to secure a good education.

Title IV contains a provision which will disregard one-third of an absent father's support payments so that the child will be better off from those payments.

ADMINISTRATIVE ARRANGEMENTS AND SAFEGUARDS

The committee has become convinced that the major key to the success of a program to assist the poor of the Nation is an effective, efficient administrative mechanism which has both the confidence of the taxpaying public and the respect and cooperation of those who apply for its benefits. We have, therefore, directed a great deal of attention both to the specific provisions in the bill which would create such an administrative mechanism and to working out with the Secretary of Labor and the Secretary of Health, Education, and Welfare the system of administration which will characterize the proposed program in its day-to-day operations.

We believe that maintaining the integrity of the program requires that eligibility for benefits under this program must be established by suitable and convincing evidentiary materials, such as birth certificates. There will be no simple declaration process. Moreover, continuing eligibility must be shown by timely income reporting with failure to do so resulting in suspension of benefits and specific dollar penalties. Social security and income tax records would be used to verify the accuracy of earnings reports and to avoid duplicate payments. A requirement for reapplication every 2 years emphasizes our intent that receipt of benefits should be a temporary status and not a way of life.

The bill also provides that a father or mother who deserts his or her family will be responsible to the Federal Government for every penny paid to the family. If the debt cannot be collected in any other way, the Government will withhold all Federal payments of any sort to the deserting parent until the debt is paid. In addition, the bill would make it a Federal crime for an individual to cross a State line in order to escape the financial responsibility to support his family.

IMMEDIATE STEPS TO CORRECT PRESENT PROGRAM

The bill would make the new programs effective just as soon as it is possible to put them into operation. That date is July 1, 1972, for the families covered under the present program and January 1, 1973, for families with a fully employed father. However, we are well aware that the present program is in dire need of immediate stopgap measures even during that short period of time. Therefore, the bill contains several provisions to deal with certain problems in the present program. These changes would support the efforts of several of the States which have come to see that prompt action is needed at that level of government.

SUMMARY OF FAMILY PROGRAMS

Every possible step will be taken under the new programs to assure that only those eligible for the benefits will get them. We are convinced, both on the basis of specific studies and on the testimony of witnesses before the committee, that there are many thousands of people now on the AFDC rolls who do not belong there. There is evidence that there are people on welfare who do not report their earnings. There is evidence that fathers have only seemed to have separated from their families, while actually remaining a part of the family, and providing support to the family which the welfare office never learns about. Under the provisions of the bill, such practices would be eliminated.

ASSISTANCE TO THE AGED, BLIND, AND DISABLED

The problems which we found with the family welfare programs exist, but to a much lesser degree, in the three separate programs we have now which provide assistance to the aged, the blind, and the disabled. These adult assistance programs, however—characterized as they are by smaller numbers of people and more nearly static beneficiary rolls—may be more susceptible to rapid and efficient reform than the family programs. Contributory social insurance and other sources of income—private pensions, annuities, and other income from assets—are sufficient to keep the total income of the majority of the aged, blind, and disabled from falling below the poverty line. It is our belief that, to the extent possible, contributory social insurance should continue to be relied on as the basic means of replacing earnings that have been lost as a result of old age, disability, or blindness. But some people who because of age, disability, or blindness are not able to support themselves through work, may receive relatively small social security benefits. Contributory social insurance, therefore, must be complemented by an effective assistance program.

The committee, therefore, proposes a new assistance program for needy aged, blind, and disabled people, administered and financed by the Federal Government. Thus, the bill would repeal the existing title I—old-age assistance—title X—aid to the blind—and title XIV—aid to the permanently and totally disabled—of the Social Security Act. In place of these titles, the bill would substitute a new title XX creating a single national program to provide cash assistance to the needy aged, blind and disabled. Under the new Federal program, uniform eligibility requirements and uniform benefit payments would replace the multiplicity of requirements and benefit payments under the existing State-operated programs. The new program has been designed with a view toward providing:

First, an income source for the aged, blind, and disabled whose income and resources are below a specified level;

Second, incentives and opportunities for those able to work or to be rehabilitated that will enable them to escape from their dependent situations; and

Third, an efficient and economical method of providing this assistance through the Social Security Administration.

The benefit standards will be $130 for a single person and $195 for a married couple beginning July 1, 1972. On July 1, 1973, the single person standard would go up to $140 and the couple standard to $200. On July 1, 1974, the standard for a single person would go up to $150.

FINANCING ASSISTANCE

I would like to detail for the Members the fiscal impact of the assistance programs in the bill. In the first year of the new assistance programs, $5.5 billion more in Federal money would be spent than would be spent under present law. Of these new costs, $1.6 billion represents fiscal relief for State and local governments and, therefore, fiscal relief for State and local taxpayers. The direct increased cost of these programs to the taxpayer is actually, therefore, $3.9 billion. Of this $3.9 billion, $1.5 billion, or 38 percent, represents additional income for aged, blind, and disabled needy people. Another $1.7 billion, or 44 percent, of the $3.9 billion represents an increased investment in assisting poor families to become economically independent. This additional money will purchase increased amounts of child care, job training, public service jobs, family planning services, and supportive services for families taking training or work. Thus, $0.7 billion, or about one-fifth of the $3.9 billion, represents additional income for low-income families, primarily poor families where the father is working full time at low wages.

I wanted to bring out these figures very clearly so that the Members of the House can see directly the fiscal effects of the public assistance provisions in H.R. 1.

Incidentally, Mr. Chairman, I should point out to the Members that these figures I have presented would not apply if title IV is removed from the bill. With title IV, all States would save funds in fiscal year 1973. Without title IV, States would have increased costs in fiscal year 1973 and all but one or two States would have their savings substantially reduced. The amount of fiscal relief taking all the States together would disappear. Some States would save some money, others would lose money—the losses would exceed the gains by about $100 million.

As I indicated in opening my statement, Mr. Chairman, the provisions of the bill in addition to those relating to the proposed new assistance programs are important enough by themselves to be called landmark legislation.

Since I have used so much time discussing the assistance provisions, I will mention only the highlights concerning the remaining provisions of the bill and request unanimous consent to have inserted in the RECORD at the end of my remarks a summary of all of the major provisions of the bill.

SOCIAL SECURITY CASH BENEFITS

The bill has many provisions affecting cash social security benefits which the committee believes are most urgently needed. The bill would provide social security beneficiaries with a 5-percent increase in benefits beginning with payments for June 1972 and a guarantee that future inflationary changes in the prices of goods and services will not erode the purchasing power of their benefits. In addition, the bill would provide substantial improvements in other cash provisions of the law. The more important of these are:

First. The annual amount of earnings people can have without affecting benefits will be increased from $1,680 to $2,000.

Second. Benefits to widows who get benefits at age 65 or later will be increased from 8½ percent to 100 percent of the husband's benefit.

Third. A special minimum benefit to help the long-term lowpaid worker will be provided.

Fourth. The age upon which benefits are computed for men would be reduced from age 65 to 62, the age which is now used for women.

Fifth. People who delay retirement beyond age 65 would get higher benefits.

Sixth. The waiting period in disability would be decreased from 6 to 5 months.

Seventh. The earnings of a married couple could be combined if it was to their advantage.

MEDICARE AND MEDICAID PROVISIONS

The bill provides for several major changes in the medicare program which will directly affect the protection afforded beneficiaries.

Medicare coverage would be broadened to include about 1.5 million persons entitled to disability benefits under the social security and railroad retirement programs, after they have been entitled to disability benefits for at least 2 years.

Medicare hospital insurance would be made available, on a voluntary basis, to about 300,000 aged people who are not now insured for such protection. Those who enroll would pay the full cost for this protection—$31 a month at the beginning.

Benefits would be payable for physical therapy services furnished by a qualified independently practicing physical therapist.

Coverage would be extended to hospital, physician, and ambulance services furnished to beneficiaries living in border areas of the United States who require care in a foreign hospital that is closer to the beneficiary's residence than a U.S. hospital.

The lifetime reserve of hospital days for all beneficiaries would be increased from 60 to 120 days.

The bill also includes a number of provisions designed to increase the operating effectiveness of the medicare and medicaid programs.

In addition, the bill includes several other medicare provisions which, taken as a whole, provide incentives to limit program costs. Thus, the medicare part B deductible, currently $50 a year, would be increased to $60 in 1972; coinsurance equal to one-eighth of the hospital deductible—now $60—would be applied beginning with the 31st day and continuing through the 60th day; the Secretary would be authorized to require a premium, related to income, for the medically indigent under a State medicaid program; families eligible for cash assistance would be required to pay a deductible under medicaid up to one-third of the family's earnings above $720; and disincentives would be provided to discourage prolonged stays in institutions.

In order to minimize the financial burden that the part B premium may come to represent in the future, the bill provides that the premium will be frozen at the July 1971 level of $5.60 and will be increased in the future only as cash benefits are raised.

INCOME TAX CHANGES

The income tax changes in the bill are closely associated with the social security and welfare provisions. One of the income tax changes liberalizes the deduction for child-care expenses where there is a working mother. This will be of primary benefit to those in the relatively low income levels and is in line with other provisions of this bill which provide for child-care services and encourage those receiving welfare payments to obtain employment.

The second income tax change also is closely associated with the social security provisions. Social security benefit payments, upon receipt by the individual, are free of income tax, and in the past Congress has considered it appropriate to also exempt from income tax a comparable amount of income received by the elderly to the extent they do not receive social security payments. However, the provision—the retirement income credit—in existing law which is designed to achieve this result has not been updated with the changes in the social security payments in recent years. Moreover, the provision has proved to be so complex in operation that many who should be eligible for the retirement income credit have not used it. We have revised the retirement income credit of present law to significantly raise the levels of income on which the credit is based and also to substantially simplify the method of computing the credit.

CONCLUSION

Mr. Chairman, as I said at the opening of my statement, H.R. 1 is a monumental bill. It is a sound, workable bill that deserves the support of every Member of this body. I urge its passage in its entirety and without qualification or reservation of any kind.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. CONYERS. I am very much interested in knowing how it is that you intend through the proposed legislation to make the stop on the welfare a short one rather than a way of life? That is to say, what is there in the bill that is going to create the kind of economic situation where those on welfare can get off it?

Mr. MILLS of Arkansas. The billions of dollars that we have in the bill that will help those who need the help to help themselves through training.

Mr. CONYERS. Training for what?

Mr. MILLS of Arkansas. Training for jobs.

Mr. CONYERS. What jobs?

Mr. MILLS of Arkansas. For jobs that are available.

Mr. CONYERS. We know that it is a fact, may I say to my distinguished chairman, that in Detroit 26 percent of the working people are out of work.

Mr. MILLS of Arkansas. I understand.

Mr. CONYERS. Not to mention people on welfare who are out of work.

Mr. MILLS of Arkansas. I understand that the gentleman has a very difficult situation in Detroit. And there are similar areas elsewhere also, I will say to my friend. I think my colleague knows that the only way you can help anybody is to try to help him to help himself. That is what we have done in this bill.

Now because we have the rate of employment that we presently have, we undertake in the first year the creation of 200,000 jobs. There are other jobs in programs that have been passed by the Congress, as reported from the Committee on Education and Labor, which will also be available here. But we are making these jobs available—as many as we can make available in the first year. And if it is necessary, we will make other jobs available at public expense. We are not going to let these people go down through training to the end of the road and then suffer that humiliating experience and disappointment of work not being there for them. But we are going to expect them to take that job that is there, and if they do not, they are going to be penalized in the process.

I think my friend wants them to have work just as much as I do. I have never talked to anybody on welfare in my State who has not said to me, "Congressman, the greatest thing that you can do for me is to give me some opportunity through training and work to help myself to help my family." And we have done it in my State in many instances and the success has been surprising. When you train these people and give them that opportunity to go to work in a hospital or in a nursing home or anywhere else where their training qualifies them to work they will take the work. And we have done it at about a cost of about $40 a month in many instances for 5 or 6 months in Little Rock. It can be done—we have demonstrated it. We have demonstrated it in other cities. And since it can be done, why do we quibble about these points? Why do we not just get started with the job? That is the important thing—get it on the track and get underway. If it will not work, we can come back and provide some other types of incentives. Because incentives have to be present for anybody and everybody. If they have lost that incentive for training through being on the dole, as some tend to do, we need to give them additional incentives.

Mr. CONYERS. Mr. Chairman, will the distinguished chairman yield?

Mr. MILLS of Arkansas. I am glad to yield to my friend from Michigan.

Mr. CONYERS. I take it, Mr. Chairman, that you are well aware, of course, that of the millions of American citizens who are on welfare, a great percentage of them are unable to work no matter how much work is provided.

Mr. MILLS of Arkansas. We understand that. Anybody who is not qualified to work will not be offered work. Let me make it clear. If in Detroit the condition remains as it is today, we are not going to throw the type of person to whom the gentleman refers off of this program—until he is provided with a job and refuses to take that job. If there is no job available, this bill would not change his circumstance, because there is nothing to which the Secretary of Labor could assign him or refer him.

If the man needs training, it is well if he would take training, even though there may not be an immediate job, because at the time he would get through with his training we would hope there would be jobs. But if there are not, and the mayor of Detroit needs to do work on any facility of the city or the Government wants to do something, all it has to do is to set up a project, and we fund that project by providing him with the manpower to do that work.

Some way or other we must assist these people, to encourage and to inculcate in them work habits, if they have been without work habits for a long period of time.

Mr. CONYERS. Of course, that is the implication that I most, in fairness to the chairman, resent.

Mr. MILLS of Arkansas. In what way?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS of Arkansas. I yield myself 2 additional minutes. I do not understand what the gentleman is saying. Do you mean to tell me that a fellow who is a third generation of a family on welfare, his mother or father did not work, his grandfather and grandmother did not work, and they all were on welfare, could have very much work habit?

Mr. CONYERS. I am not sure if I can tell you that there would be insistence on work if made available to him, and that is precisely the point that bothers me.

Mr. MILLS of Arkansas. That is the point that bothers me. That is why this bill will see to it that there is work. I think my friend makes a very serious mistake if he feels that people on welfare do not want to change. I know, of course, my friend Dr. Wiley does not, however. I know he does not.

I want to get people to work. But just between us, I am sick and tired of his arguments. He made a lengthy analysis of this bill and argues against the bill. He is accurate—and I am talking about complete accuracy—in very few of those arguments. I have gone over them in detail. Five of them are not even in relation to title IV, but have to do with medicaid and medicare.

There are several of his points about title IV that get down to a question of judgment: Should it be $2,400 or $6,500? Those are matters of judgment and fiscal responsibility, I might add.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself an additional 2 minutes so that I may yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding. I have listened very intently to the distinguished chairman of the committee, because I did have many doubts about the advisability of the program the gentleman recommends. There is one area which the gentleman did not cover, and I would like to ask a question in that regard. Who under the program will determine the eligibility for assistance? I wondered what would happen to the great bureaucracy that has been developed on the State level.

Mr. MILLS of Arkansas. There will be functions the State will be called upon to perform, primarily those so-called social services. But the eligibility is determined by Federal law, the entire cash program, the training program, work program—all of that is financed and administered entirely by the Federal Government.

The payment is a Federal payment in its entirety in these amounts which are in the bill.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 3 additional minutes.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Missouri.

Mr. ICHORD. They will be Federal employees. It is impossible to lay down statutes or even regulations governing each specific case as to whether an individual would be eligible. Somewhere along the line some judgment or discretion is going to have to be used.

Mr. MILLS of Arkansas. That is true.

The question will arise: Is this individual incapacitated? That is a medical question. The individual will be sent to a doctor to examine him, who will determine if he has such incapacity as not to be defined as an employable adult within the household. In most States the vocational rehabilitation agency will make determinations of disability just as they do in the social security program.

If it is a question of being 65 years of age, we say that person will not have to be referred.

If the person is needed in the home because of temporary or permanent illness or incapacity of another member, we will not require that person, so long as that condition prevails, to go out to work or training.

Mr. ICHORD. That judgment will be made by Federal officials?

Mr. MILLS of Arkansas. All these will be Federal official decisions.

We are told that with regard to the adult program, which will become the jurisdiction of the Social Security Administration, relatively little additional personnel will be needed by Social Security nationwide to handle that program. They tell us in the Department of Labor and in HEW that they will administer these two programs of opportunities for families and the family assistance program with anywhere from 15 to 25 percent fewer numbers than presently administer the same programs at the State and county levels.

Mr. ICHORD. What about the 200,000 public service jobs, which I believe is a good feature of the bill? Will they be established by the States? What role will the State have in respect to the public service jobs?

Mr. MILLS of Arkansas. The project job will be approved by the Department of Labor. The mayor of the city within the gentleman's district could say, "We have some land we would like to develop and to make into a city park," for example. He would then get in touch with the proper people under the Secretary of Labor. The Secretary of Labor would look to see whether or not that project meets the requirements of the bill. If it did he would approve the work by so many people who have been requested to work on that project.

The Federal Government would pay their salaries while doing it, just like the Federal Government paid the salaries of people who worked on WPA in the gentleman's youth.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Chairman, before the Rules Committee the other day you said you would be happy to explain the bill to the Members, which you are doing. In view of that fact, we sent a whip notice out urging Members to be on the floor, saying the gentleman would be available to answer all questions. I wish the gentleman would take more time.

Mr. MILLS of Arkansas. I assure my friend I will not refuse to yield to any Member who wants me to yield.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 2 additional minutes.

Mr. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Illinois.

Mr. COLLINS of Illinois. In instances where States are paying more than $2,400 for a family of four, is there any provision in this bill to guarantee that in those States people will maintain the same amount?

Mr. MILLS of Arkansas. There is nothing that mandates the State to do that. But let me call to the attention of my friend from Illinois the fact that there is nothing in existing law that mandates the State to maintain next year the benefit the State sets this year. There is nothing in the existing law that mandates the State against reducing those benefits.

But there is a savings for all States in this bill. Even if the State wants its benefits to be maintained, if the State will turn over the administration of the program to us we will pay the benefit that that State has in effect plus the amount that that individual would get on top of that from the food stamp program; therefore, we would pay a higher cash benefit without the State of Illinois or any other State ever having to be out more in the future than that State spends for all of its programs of welfare in the calendar year 1971.

I was very anxious that we do this, because it seems only fair to the States. I am glad that you have brought this point up. It is only fair to the States.

If we administer the program, it will work and people move off faster than they move on, but if it does not work that way, however, the States should not then be responsible for the increased costs inflicted on them by a program which is federally administered.

My friend, the gentleman from Wisconsin, offered a motion in the committee to provide for this whole harmless provision involving about 19 States that have these higher levels of benefits than we are providing here.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 5 additional minutes.

Let me go on just to answer this question.

I have been up there in your State. I had an invitation that I accepted to speak to a joint session of your legislature. I never met a more intelligent group of men, a group of men that I felt were any more interested in the problems of human beings than I met with out there. Your State has done a good job compared to all of the States in proportion to what all of the States have done in trying to take care of the problems of the poor. I cannot conceive of the members that I faced that day in your legislature moving backward from where they have voluntarily gone to in this level of benefits. I think my friend from Illinois would share that view with me.

Mr. COLLINS of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. COLLINS of Illinois. May I ask for this further clarification by posing an example. Let us say that in the State of Illinois a family of four receives $2,800. Under this proposed legislation then the ceiling would be $2,400?

Mr. MILLS of Arkansas. No. The floor.

Mr. COLLINS of Illinois. Pardon me. The floor would be $2,400. Then, what would this bill provide for the persons who are receiving $2,800?

Mr. MILLS of Arkansas. There is no mandate, as I say, to maintain that $2,800. But let me show you what an inducement there is to maintain it. Today your State is putting up, let us say, $1,400—50-50. Of that $2,800 the Federal Government is putting up $1,400. However, here we are going to say to the State of Illinois that we will continue to maintain your benefit of $2,800 and we will put up $2,400 and, in order to maintain that $2,800, in place of putting into it $1,400, your State merely has to put into that case $400, and there you have the $2,800. The State can save $1,000 in that case, you see, because we have raised our ante from $1,400 to $2,400.

Now, if my friend will look on page 216 of the report, you will find a table there which sets forth the so-called State savings. These savings are after assumptions that the present levels of benefits will be maintained plus the cash equivalent to what is being received by these people through the food stamp plan. So the cash benefit payment for this family would be higher than the $2,800. But, as you know, under the bill, those who receive the cash benefits are not eligible for the food stamp, also. We have bought out the food stamps, so we do not need to have both going to the same family.

Mr. WHITE. Mr. Chairman, will the chairman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Texas.

Mr. WHITE. I thank the chairman of the Committee on Ways and Means very much.

In addition to moving these applicants into public service jobs, I would be most interested in seeing them also moved into private industry or even possibly into a WPA-type job if no private industry or public service jobs were available.

Mr. MILLS of Arkansas. I will say to the gentleman from Texas that we will have to cross that road later. We hope to be able to create 200,000 jobs, or as many jobs as we can create in the first year and if the situation does not improve, in the next year your committee would be perfectly willing to hear suggestions from Members of Congress and others outside of the Congress as to how we possibly could proceed to get these people into the type jobs which the gentleman describes, if there are no private jobs available. Private jobs, however, are what we want them to have.

Mr. WHITE. Mr. Chairman, if the gentleman will yield further, the committee did consider the future possibility of this?

Mr. MILLS of Arkansas. We do not know how long we will have to run it. We wanted to start with 200,000 jobs because that is about as many as you can create and successfully administer in the first year. But if the situation worsens, then, perhaps, that figure would be greater, but we do not believe that to be the case at the present time.

I think we are trying to do a monumental service in their interest and in their behalf.

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Chairman, I want to compliment you on a very forceful and direct statement this afternoon.

I am wondering whether or not in your studies and evaluations and your efforts to reform this very complex problem what were some of the specific causes that precipitated the existing deplorable situation that we face today. Was it the fault of the local governments or lack of action on their part?

Mr. MILLS of Arkansas. No; I do not want to place this at the feet of the local and State people. I think in most instances these people who administer the program will say that, "We are told from Washington what to do and how to do it." I do not want to get into that, but you do have a situation wherein there is far more knowledge today in all areas of the United States—there is more knowledge being made available to people about what benefits are available within the States.

There is some degree of migration from one State to another where there are higher benefits in one State than the other. But there is no single matter that you can point to as the overall or major cause of this. However, let me tell the gentleman what I think is one of the factors that has contributed to this as much as anything else. Before 1965, the Congress participated with the States to the extent of $32 per child per month in the support of that child. Then everything above that was put into that child's assistance was at State expense. However, when we passed medicare and medicaid, we allowed the States to elect to use the medicaid formula for all welfare programs and the States immediately went to that formula. In other words, this was an opportunity for them to get their money back and get still more money from the Federal Government. Many changed from the formula then existing into the 50-50 formula, but it made it possible through their many programs to obtain this additional Federal money to establish levels of benefits that were higher, perhaps, than they maintained previously. The higher you get your benefit in many States the more people you make eligible for your program. So, it is a combination of matters which has brought it about. But the situation is at the point now where it is breaking the States and local governments and, if we do not reverse the trend, we will break the Federal Government.

Mr. DENHOLM. Could the gentleman tell me how many are on the welfare program at this time and what the estimate is as to the number that will be on it after the inauguration of this program as provided for under this bill?

Mr. MILLS of Arkansas. There is a very interesting article on the front page of the Washington Post this morning that says that the number of children and adults in March—AFDC beneficiaries—totaled 10,166,000. You add to that about 3 million adults who are on the program and you have a total of about 13 million recipients. That represents an increase in AFDC in the month of February of 224,000 nationwide, which means that it was going up into the neighborhood of 275,000, 280,000 or 285,000 in each of the 2 months of the last quarter.

So this thing has not stopped. It is not going to stop under the present arrangement, and it is going to become an ever-increasing burden. It is estimated in fiscal year 1972 that the total cost of all welfare including medicaid, to all levels of the Government in the President's budget will be in excess of $20 billion. In 1969 fiscal year it was $10 billion.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, it has been my understanding that more would qualify to be on welfare under this bill than under existing law. Is that correct?

Mr. MILLS of Arkansas. We do not know where they come from in the first place, on welfare. But they do come from the working poor. Any time the benefits paid in a State are greater than a man can earn in the way of income after taxes he is going to quit work and go on welfare, or at least most of them.

The CHAIRMAN. The time of the gentleman has again expired.

The gentleman from Arkansas has consumed 56 minutes.

Mr. MILLS of Arkansas. Mr. Chairman, I do not intend to take more than 1 hour total time, so I will yield myself the remaining 4 minutes.

In further reply to the gentleman from Missouri, let me tell the gentleman that there is nothing fair—and I hope my friend, the gentleman from Wisconsin (Mr. BYRNES) will speak more on this tomorrow—but there is nothing fair about creating a situation where there is greater inducement for a person to be on welfare than having him continue to work. If you do not make arrangements to pay these people to continue to work, in 5 years most of them will be on this AFDC program. That is where we are getting them now. They are coming from jobs. They have not just suddenly been born, they are coming from jobs. They are not coming from charity, from agencies set up by the private sector to take care of the people, they are coming from jobs. Now, how can you say you are going to supplement the income of a person who is on welfare to go out and work without doing the same thing for a neighbor who is continuing to work? We would be doing an awful injustice in closing our door to these needs. So we do not know how many more will come on. And, if they do, then they have got to take training.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, I note the use of the term "father," and I assume that has to be a working father in the home?

Mr. MILLS of Arkansas. Certainly.

Mr. HUNGATE. It would not necessarily have to be a husband, or would it be a husband?

Mr. MILLS of Arkansas. It could be the husband, yes.

Mr. HUNGATE. Let us assume it is not.

Mr. MILLS of Arkansas. You mean the father is a common-law father?

Mr. HUNGATE. That is the situation to which I refer, which might be in violation of a State law.

Mr. MILLS of Arkansas. How is he treated in the State of Missouri?

Mr. HUNGATE. Not very well.

Mr. MILLS of Arkansas. In my State he has the responsibility that he would have incurred had he married the woman.

Mr. HUNGATE. The point to which I am trying to speak is that he lived in the home under a common-law arrangement, but we do not recognize that any more, officially, and that would mean that they would be entitled to less payment in that home.

As I understand the bill, if we use the term "father," if he is willing to work then the legitimacy or illegitimacy of the offspring will not be relevant. In this case they have lived together for 15 years, and have had that many children.

Mr. MILLS of Arkansas. Please do not get me into this little technical point. Let me point out to the gentleman that we are going to take care of them under this bill as a family. Whatever he makes is going to be taken into consideration when you determine the family needs, not take him out of it. If he is in that family and is not working, then all I have to say is that father is going to have to go to work, he is going to have to take training, and if there is a job available he is going to have to go to work, and he is going to have to support the children.

Mr. HUNGATE. If he is willing to work, his lack of marital status will not defeat the purpose.

Mr. MILLS of Arkansas. No, sir, because he has a commitment in that family.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, the gentleman has made reference to the public service employment bill voted out by the Committee on Education and Labor, which is now in conference with the Senate.

One of the bases of the controversy within the committee, and now between the committee and the Senate committee, is whether a nonprofit, private agency such as the Community Action Agency would be an eligible applicant for a contract for public service employment.

Now, my question has two parts:

First, in referring to the 200,000 jobs contained in the bill which the gentleman has described, and a provision which I heartily applaud, what kind of coordination would there be between this public employment of 200,000 jobs, and the 150,000 jobs that are provided for in the bill which this House approved 2 weeks ago?

And second, under the definition of H.R. 1, would a community action agency as a private nonprofit agency, be an eligible applicant for contracts?

Mr. MILLS of Arkansas. The answer to the second question is "yes, if the project was one which met all the conditions of the bill and was a true work and training program, not a project to find more people to go on welfare or get medicaid." And the answer to your first question is complete coordination, because your job program goes to the Labor Department just as does our job program. We have a provision within this bill for the establishment of an Assistant Secretary who will have complete charge of this Opportunities for Families program and he is charged with the responsibility of seeing to it that all possible facilities of the agency are used in the promotion of this program.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman from Arkansas yield himself another minute, since we are discussing this?

Mr. MILLS of Arkansas. I cannot yield myself more than an hour, so, Mr. Chairman, I will ask unanimous consent to proceed for 5 additional minutes, only for the purpose of answering questions.

The CHAIRMAN. To whom shall the time be charged?

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. MILLS).

The CHAIRMAN. The gentleman from Arkansas (Mr. MILLS) is recognized for 5 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I wish my colleague would follow me on this, because I think there may be some misunderstanding about this. As to the public service jobs, that is of a little different nature than the jobs created under the legislation passed by the House. These are more in the nature of training jobs, and we only pay wages or salary at 100 percent for the first year. And if the same individual is working in this job the second year, then the Federal Government would only assume the responsibility of 75 percent of the cost, and the next year only 50 percent. The idea being that there should be a turnover. This is for training these people and not to continue working for the public service organization, but be available in the general labor market.

Mr. MILLS of Arkansas. By that time the gentleman is saying that we hope the man will become sufficiently trained, where he is worth retaining on the job, that the city or the other level of government will want to keep him.

Mr. BYRNES of Wisconsin. I think that is important, Mr. Chairman, and that is the reason I want to point that out since the gentlewoman raised this point, that there is a distinction in the type of job we are creating here in these 200,000 jobs. That is supposed to be for these particular people, people who basically need work or training in addition to a job.

Mr. MILLS of Arkansas. The point I am trying to make, and I think the gentleman from Wisconsin (Mr. BYRNES), will agree with this, is that the programs the gentlewoman's committee envisions in their bill can be used for the purpose of putting these people to work.

Mr. BYRNES of Wisconsin. There is no question about that.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield.

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. MITCHELL. I know the hour is late, but would the gentleman from Arkansas state whether the various Governors of the States have acknowledged their willingness to convert what had been food stamps into cash supplements?

For example, as Governor Reagan has or my own Governor of the State of Maryland and the Governor of New York—have Governors given any indication at all as to their willingness to convert the former food stamp allotments into cash supplements.

Mr. MILLS of Arkansas. I have talked to a number of Governors—and without naming them specifically, which I do not like to do—but they have told me that on the basis of what we have done their legislatures and the Governors would maintain these benefit levels and take it to such a point as to extend the benefits to replace the loss of food stamps.

I talked personally with your Governor about this program, on one occasion, and your Governor, I think, will tell you himself that he is for the program.

Mr. MITCHELL. Yes; I know—not necessarily me, but everyone realizes that.

Mr. MILLS of Arkansas. But he has told you, has he not?

Mr. MITCHELL. Yes.

But could the gentleman give me some indication percentagewise as to the number of Governors who have so indicated that kind of positive and affirmative response?

Mr. MILLS of Arkansas. I have not talked to anything like enough of them, because there have been occasions when—may I ask my colleague, the gentleman from Wisconsin (Mr. BYRNES), how many there might have been at one time—probably 10 or 11 or 12—and they were all interested in us absorbing more and more of the cost of welfare on the ground that it was the mushrooming the cost of the welfare that has been one of the things that is bringing the State government to the edge of bankruptcy. They were going with us on a program that did fix their costs and terminate this continuing year-by-year increase—which this bill does.

Mr. MITCHELL. I thank the gentleman.

Mr. MILLS of Arkansas. I do not think there is any problem in your State to maintain levels of benefits.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from South Dakota.

Mr. ABOUREZK. Section 2173 makes it optional for the Secretary of Health, Education, and Welfare and the Secretary of Labor to contract for the administration. As I read the section, there is no mandate. Does the gentleman know whether the Department of Health, Education, and Welfare will administer the program in all 50 States?

Mr. MILLS of Arkansas. No; we do not know yet how many States will turn over administration of the supplementary payments to the Federal Government. We have an inducement in the bill to get all our Governors to agree to let us administer the program, but if some Governor says, "I am not going to let you administer the program; I am going to stay with State administration," then that would be the result. But we would not be holding his State harmless with respect to additional costs either. We would not be telling him, "We will maintain your level of benefits without your incurring any additional costs." If he will contract with us, we will pay all the costs of administration. I think that is sufficient inducement to every Governor to turn over the program in his State for the cash welfare program.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I ask unanimous consent that I may yield myself an additional 5 minutes in order to answer questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. MILLS of Arkansas. I yield further to the gentleman from South Dakota.

Mr. ABOUREZK. I thank the gentleman. If a State decides to go with this program, would the Federal Government absolutely administer, or would it be possible for them to contract it?

Mr. MILLS of Arkansas. No; the Federal Government would administer both the opportunities for family program and the family assistance program—Labor the first and HEW the second.

Mr. ABOUREZK. And there is no alternative there?

Mr. MILLS of Arkansas. No, not after the first year, when the States could administer the programs under contracts with the Federal agencies.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentlewoman from New York.

Mrs. ABZUG. As I understand the bill, there is a provision for mothers of children age 3 or over to take job training or employment.

Mr. MILLS of Arkansas. That is after 2 years. For the first 2 years she would not be required to register if her youngest child was under age 6. We would drop to age 3 in the last 3 years of the program.

Mrs. ABZUG. Can the gentleman tell me whether there are any protections written into the bill with respect to the availability of day-care facilities.

Mr. MILLS of Arkansas. Yes, she will not be required to take any job training or employment in cases where her child is not adequately cared for. If she has a mother living with her, she can leave the child with her mother if she wants to. But if a child-care center is required, and none is available to her, then she would not be required to take any training or go to work until there was a child-care center provided.

Mrs. ABZUG. Can the gentleman tell me the provision of the bill which states that adequate child-care facilities will be available under those conditions? I have not been able to find it.

Mr. MILLS of Arkansas. That is the point I make. There is nothing in the bill that says that we will have adequate child-care facilities. We are estimating what will be necessary in the first year to provide child-care facilities for those that we will be putting into training or into work. It is simply an estimate. If there is not enough, of course, we can adjust the provision later on. We think it will be enough, because we think it will include everyone that we could possibly get into training for work.

Mrs. ABZUG. One further question. Where did the gentleman obtain the figures for the bill as it now stands?

Mr. MILLS of Arkansas. These are estimates made by departmental people and by us as to how many child-care slots we need if we have the capacity to train as many people. You see, the relationship is between the two.

Mrs. ABZUG. What is the number in the bill?

Mr. MILLS of Arkansas. I have the figure somewhere. I yield to the gentleman from New York (Mr. CAREY) to supply that figure.

Mr. CAREY of New York. It is 875,000.

Mr. MILLS of Arkansas. It is 875,000, sure. And the cost would be how much?

Mr. CAREY of New York. It is $700 million.

Mr. MILLS of Arkansas. That is correct; $700 million.

Mr. CAREY of New York. There is an additional $50 million for modification and construction money.

Mr. MILLS of Arkansas. That is correct, but that does not go into slots. If that is not enough, we will have to get more later on, because we are determined to put these people to work. That is the whole purpose of the bill.

Let me close, if there are no further questions, by apologizing, first, for trespassing on the time of my friends. It is the first time since I have been a Member of Congress that I have been down here for more than an hour. I did tell the Rules Committee I would yield for any and all questions. Tomorrow, when we get into the question of striking IV, I will have more to say about title IV for a limited period of time.

I do thank you. I do not care what your views are, I do not care what political philosophy you have. I believe I can assure you that this bill is a step in the right direction.

There is very little difference, frankly, within the committee. My good friend from Oregon will tell you his thinking tomorrow. We will yield to him to describe the proposal he had discussed in the committee. But under the rule you have adopted, his proposal cannot be offered now as a substitute for what is in the committee bill.

The question tomorrow will be whether you want the present system or a new approach, title IV of the bill. If title IV is better—and it is far better—vote "no" on the motion to strike. If you believe that this welfare mess is a mess, as I am convinced it is, let me assure you you should not strike title IV from the bill.

I believe it is a great improvement, a great improvement, and that within a 5-year period it will produce a program of less cost by far than will be the cost of the present welfare program. If you do not believe that, talk to your Governor.

I include the following:

SUMMARY OF PROVISIONS OF H.R. 1—THE "SOCIAL SECURITY AMENDMENTS OF 1971" AS REPORTED TO THE HOUSE OF REPRESENTATIVES ON MAY 26, 1971 (HOUSE REPORT NO. 92-231)

I. PROVISIONS RELATING TO THE SOCIAL SECURITY CASH BENEFITS PROGRAM

Five-percent increase in social security benefits.—Social security benefits would be increased by 5 percent. The minimum benefit would be increased from $70.40 to $74.00 a month. The average old-age insurance benefit payable for the effective month would rise from an estimated $133 to $141 a month and the average benefit for aged couples would increase from an estimated $222 to $234 a month. Special benefits for persons age 72 and over who are not insured for regular benefits would be increased from $48.30 to $50.80 for individuals and from $72.50 to $76.20 for couples.

Effective date.—Benefits payable for June 1972.

Number of people affected and dollar payments.—27.4 million beneficiaries would become entitled to higher payments and 16,000 people would be made newly eligible. About $2.1 billion in additional benefits would be paid in the first full year.

Automatic increase in benefits, the contribution and benefit base, and in the earnings test

(*a*) Increases in benefits:

Social security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had neither been enacted nor become effective in the previous year.

(*b*) Increases in contribution and benefit base:

In any year in which an automatic benefit increase becomes effective, the social security contribution and benefit base would be automatically increased according to the rise in average wages covered under the social security program (if wage levels had gone up sufficiently).

(*c*) Change in earnings test:

In any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased in the same manner as the contribution and benefit base is increased—according to the rise in average wages covered by the program.

Effective date.—First possible increase effective for January 1974.

Special minimum primary insurance amounts

A special minimum benefit would be provided for people who worked for 15 or more years under social security. The benefit would be equal to $5 multiplied by the number of years of coverage the person has under the social security program, up to a maximum of 30 years. The highest minimum benefit under this provision would be $150 for a person who had 30 or more years of coverage. The special minimum would not be raised under the automatic benefit increase provisions.

Effective date.—January 1972.

Number of people affected and dollar payments.—300,000 people would get increased benefits on the effective date and $30 million in additional benefits would be paid in the first full year.

Increased widow's and widower's insurance benefits

A widow (or widower), including those already on the rolls, would be entitled to a benefit equal to 100 percent of the amount her deceased husband would be receiving if he were still living. Benefits applied for before age 65 would be reduced according to the widow's age at the time of application.

Effective date.—January 1972.

Number of people affected and dollar payments.—3.4 million people would receive increased benefits on the effective date, and $764 million in additional benefits would be paid in the first full year.

Increased benefits for those who delay retirement beyond age 65

A worker's old-age benefit would be increased by 1 percent for each year (one-twelfth of 1 percent for each month) in which the worker between ages 65 and 72 does not receive benefits because he is working after age 65. No increased benefit would be paid under the provision to the worker's dependents or survivors.

Effective date.—Prospective only for computations and recomputations after 1971 based on earnings after 1970.

Number of people affected and dollar payments.—400,000 people would receive increased benefits, and $11 million in additional benefits would be paid, in the first full year.

Age-62 computation point for men

Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. Under the bill, these differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women.

The new provision would become effective over a 3-year transition period. The number of years used in computing benefits for men would be reduced in three steps. Men who reach age 62 in 1972 would have only years up to age 64 taken into account; men who reach age 62 in 1973 would have only years up to age 63 taken into account; men reaching age 62 in 1974 or later would have only years up to age 62 taken into account in determining average earnings. The number of quarters of coverage needed for insured status for men would also be reduced in three steps, with the first step in the reduction effective for January 1972 and subsequent reductions in 1973 and 1974.

Effective date.—Prospective only, in 3 annual steps, becoming fully effective for men reaching 62 in 1974 and after.

Dollar payments.—$6 million in additional benefits would be paid in the first full year.

Additional dropout years

One additional year of low earnings—in addition to the 5 years provided under present law—for each 15 years of covered work could be dropped in computing the average monthly wage on which benefit amounts are based.

Effective date.—Benefits payable on the basis of the earnings of people who reach age 62 or die after 1971 or whose first month of entitlement to disability insurance benefits is after December 1971.

Dollar payments.—$17 million in additional benefits would be paid in the first full year.

Election to receive actuarially reduced benefits in one category not to be applicable to certain benefits in other categories

Under present law, when a person receives a benefit in one benefit category that is reduced because it is taken before age 65, and also receives another benefit in a different benefit category beginning with the same month or a later month, the second benefit is generally reduced to reflect the reduction in the first benefit. For example, when a woman applies for a retirement benefit prior to age 65, it is reduced under the actuarial reduction formula; if she applies for a spouse's benefit at age 65 or later, it is reduced to take account of the fact that she took her retirement benefit early. The bill would eliminate the actuarial reduction of the spouse's benefit in such cases. The same rule would apply to men entitled to dependent husbands' benefits.

Effective date.—The sixth month following the month of enactment.

Number of people affected and dollar payments.—100,000 people would receive increased benefits on the effective date, and $20 million in additional benefits would be paid in the first full year.

Computation of benefits based on combined earnings

A working married couple each of whom had at least 20 years of covered earnings under the program after marriage could have their earnings for each year combined up to the maximum amount of taxable earnings for that year. If they elected to have their earnings combined, each member would receive a benefit equal to 75 percent of the benefit based on their combined earnings. Payments to the surviving spouse based on the combined earnings would continue at the 75-percent rate. Dependents' and other survivors' benefits would not be affected. The provision would be an alternative to present law and would apply only if higher payments would result.

Effective date.—Prospective only for people who attain age 62 in or after January 1972.

Dollar payments.—$11 million in additional benefits would be paid in the first full year.

Liberalization of the retirement test

The amount that a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year would be increased from the present $1,680 to $2,000. Under present law, benefits are reduced by $1 for each $2 of earnings between $1680 and $2880 and for each $1 of earnings above $2880. The bill would provide for a $1 reduction for each $2 of all earnings above $2000; there would be no $1-for-$1 reduction as under present law. Also, in the year in which a person attains age 72 his earnings in and after the month in which he attains age 72 would not be included, as under present law, in determining his total earnings for the year.

Effective date.—Taxable years ending after 1971.

Number of people affected and dollar payments.—In the first full year, 700,000 people would receive increased payments and 390,000 people who get no payments under present law could get some payments. Additional benefits amounting to $484 million would be paid in the first full year.

Reduced benefits for widowers at age 60

Widowers under age 62 could be paid reduced benefits (on the same basis as widows under present law) starting as early as age 60.

Effective date.—January 1972.

Childhood disability benefits

Childhood disability benefits would be paid to the disabled child of an insured retired, deceased, or disabled worker, if the disability began before age 22, rather than before 18 as under present law. In addition, a person who was entitled to childhood disability benefits could become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated.

Effective date.—January 1972.

Number of people affected and dollar payments.—13,000 additional people would become immediately eligible for benefits on the effective date, and $14 million in additional benefits would be paid in the first full year.

Continuation of student's benefits through end of semester

Payment of benefits to a child attending school would continue through the end of the semester or quarter in which the student (including a student in a vocational school) attains age 22 (rather than the month before he attains age 22) if he has not received, or completed the requirements for, a bachelor's degree from a college or university.

Effective date.—January 1972.

Number of people affected and dollar payments.—55,000 students would have their benefits continued beyond age 22, and $16 million in additional benefits would be paid, in the first full year.

Benefit-eligibility requirements for a child adopted by an old-age or disability insurance beneficiary

The provisions of present law relating to eligibility requirements for child's benefits in the case of adoption by old-age and disability insurance beneficiaries would be modified to make the requirements uniform in both cases. A child adopted after a retired or disabled worker becomes entitled to benefits would be eligible for child's benefits based on the worker's earnings if the child is the natural child or stepchild of the worker or if (1) the adoption was decreed by a court of competent jurisdiction within the United States, (2) the child lived with the worker in the United States for the year before the worker became disabled or entitled to an old-age or disability insurance benefit, (3) the child received at least one-half of his support from the worker for that year, and (4) the child was under age 18 at the time he began living with the worker.

Effective date.—January 1968.

Nontermination of child's benefits by reason of adoption

A child's benefit would no longer stop when the child is adopted.

Effective date.—Month of enactment.

Elimination of the support requirements for divorced women

Under present law, benefits are payable to a divorced wife age 62 or older and a divorced widow age 60 or older if her marriage lasted 20 years before the divorce, and to a surviving divorced mother. In order to qualify for any of these benefits a divorced woman is required to show that: (1) she was receiving at least one-half of her support from her former husband, (2) she was receiving substantial contributions from her former husband pursuant to a written agreement, or (3) there was a court order in effect providing for substantial contributions to her support by her former husband. The bill would eliminate these support requirements for divorced wives, divorced widows, and surviving divorced mothers.

Effective date.—January 1972.

Number of people affected and dollar payments.—10,000 additional women would become immediately eligible for benefits on the effective date, and $18 million in additional benefits would be paid in the first full year.

Waiver of duration-of-marriage requirement in case of remarriage

The duration-of-marriage requirement in present law for entitlement to benefits as a worker's widow, widower, or stepchild—that is, the period of not less than nine months immediately prior to the day on which the worker died that is now required (except where death was accidental or in the line of duty in the uniformed service, in which case the period is three months)—would be waived in cases where the worker and his spouse were previously married, divorced, and remarried, if they were married at the time of the worker's death and if the duration-of-marriage requirement would have been met at the time of the divorce had the worker died then.

Effective date.—January 1972.

Disability insured status for individuals who are blind

Under present law, to be insured for disability insurance benefits a worker must be fully insured and meet a test of substantial recent covered work (generally 20 quarters of coverage in the period of 40 calendar quarters preceding disablement). The bill would eliminate the test of recent attachment to covered work for blind people; thus a blind person would be insured for disability benefits if he is fully insured—that is, he has as many quarters of coverage as the number of calendar years that elapsed after 1950 (or the year he reached age 21, if later) and up to the year in which he became disabled.

Effective date.—January 1972.

Number of people affected and dollar payments.—30,000 additional people would become immediately eligible for benefits on the effective date, and $29 million in additional benefits would be paid in the first full year.

Wage credits for members of the uniformed services

Present law provides for a social security noncontributory wage credit of up to $300 in addition to contributory credit for basic pay, for each calendar quarter of military service after 1967. Under the bill, the additional noncontributory wage credits would also be provided for service during the period January 1957 (when military service came under contributory social security coverage) through December 1967.

Effective date.—January 1, 1972.

Number of people affected and dollar payments.—130,000 additional people would receive larger benefits on the effective date, and $39 million in additional benefits would be paid in the first full year.

Reduction in waiting period for disability benefits

The present 6-month period throughout which a person must be disabled before he can be paid disability benefits would be reduced by one month (to 5 months).

Effective date.—January 1972.

Number of people affected and dollar payments.—950,000 people would receive increased benefits, and $105 million in additional benefits would be paid in the first full year.

Disability insurance benefits applications filed after death

Disability insurance benefits (and dependents' benefits based on a worker's entitlement to disability benefits) would be paid to the disabled worker's survivors if an application for benefits is filed within 3 months after the worker's death, or within 3 months after enactment of this provision.

Effective date.—For deaths occurring after 1969.

Disability benefits affected by the receipt of workmen's compensation

Under the presesnt law, social security disability benefits must be reduced when workmen's compensation is also payable if the combined payments exceed 80 percent of the worker's average current earnings before disablement. Average current earnings for this purpose can be computed on two different bases and the larger amount will be used. The bill adds a third alternative base, under which a worker's average current earnings can be based on the one year of his highest earnings in a period consisting of the year of disablement and the five preceding years.

Effective date.—January 1972.

Number of people affected and dollar payments.—65,000 people would receive increased benefits on the effective date, and $4 million in additional benefits would be paid in the first full year.

Optional determination of self-employment earnings

Self-employed persons could elect to report for social security purposes two-thirds of their gross income from nonfarm self-employment, but not more than $1,600. (This optional method of reporting is similar to the option available under present law for farm self-employment.) A regularity of coverage requirement would have to be met and the option could be used only five times by any individual.

Effective date.—Taxable years beginning after 1971.

Payments by an employer to the survivor or estate of a former employee

Amounts earned by an employee which are paid after the year of his death to his survivors or his estate would be excluded from coverage. Under present law, such wages are covered and social security taxes must be paid on these wages but the wages cannot be used to determine eligibility for or the amount of social security benefits.

Effective date.—January 1972.

Coverage of members of religious orders who are under a vow of poverty

Social security coverage would be made available to members of religious orders who have taken a vow of poverty, if the order makes an irrevocable election to cover these members as employees of the order.

Effective date.—Upon enactment.

Self-employment income of certain individuals living temporarily outside the United States

Under present law, a U.S. citizen who retains his residence in the United States but who is present in a foreign country or countries for approximately 17 months out of 18 consecutive months, must exclude the first $20,000 of his earned income in computing his taxable income for social security and income tax purposes. The bill would provide that U.S. citizens who are self-employed outside the U.S. and who retain their residence in the United States would not exclude the first $20,000 of earned income for social security purposes and would compute their earnings from self-employment for social security purposes in the same way as those who are self-employed in the U.S.

Effective date.—Taxable years beginning after 1971.

Penalty for furnishing false information to obtain a social security number

Provides criminal penalties when an individual furnishes false information in applying for a social security number with intent to deceive the Secretary as to his true identity.

Trust fund expenditures for rehabilitation services

Provides an increase in the amount of social security trust fund monies that may be used to pay for the costs of rehabilitating social security disability beneficiaries. The amount would be increased from 1 percent of the previous year's disability benefits (as under present law) to 1¼ percent for fiscal year 1972 and to 1½ percent for fiscal year 1973 and subsequent years.

Dollar payments.—Additional payments for the cost of vocational rehabilitation services would amount to $17 million in the first full year.

Other OASDI amendments

Other changes relate to social security coverage of policemen and firemen in Idaho, public hospital employees in New Mexico, Federal Home Loan Bank employees, employees of the Government of Guam, and students employed by certain nonprofit organizations; retroactive payments for certain disabled people; social security benefits for a child entitled on the earnings record of more than one worker; benefits for certain dependent grandchildren; recomputation of benefits to survivors of a deceased worker who was entitled to both social security and railroad retirement benefits; authorization for the Managing Trustee of the social security trust funds to accept money gifts or bequests; and preserving the amount of a family's benefit when the worker's benefit is increased.

II. PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

A. Eligibility and payment for benefits

Extending health insurance protection to disabled beneficiaries

Health insurance protection under title XVIII would be extended to persons entitled to monthly cash benefits under the social security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years.

Effective date.—July 1972.

Number of people affected and dollar payments.—About 1.5 million disabled social security and railroad beneficiaries would be eligible for both hospital benefits and physician coverage under medicare. About $1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

Hospital insurance for the uninsured

People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Those who enroll would pay the full cost of the protection—$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over.

Effective date.—January 1972.

Amount of supplementary medical insurance premium

The supplementary medical insurance premium will be determined as under present law for months through June 1972 ($5.30 through June 1971 and $5.60 from July 1971 through June 1972.) Thereafter, the Secretary of Health, Education, and Welfare would, as under present law, determine and promulgate for each year a monthly enrollee premium for both aged and disabled. However, the enrollee premiums would be increased only in the event of the enactment of legislation providing for a general benefit increase or in the event of an automatic general benefit increase. In any given year, the premium would rise by no more than the percentage by which cash benefits had been increased across the board in the interval since the premium was last increased. The premium amount paid by the beneficiary would never exceed one-half of total program costs.

Effective date.—July 1972.

Change in supplementary medical insurance deductible

The Medicare part B deductible, currently $50 per year, would be increased to $60.

Effective date.—January 1972.

Coinsurance under hospital insurance and the lifetime reserve

Coinsurance equal to one-eighth of the inpatient hospital deductible would be imposed for each day of inpatient hospital coverage during a benefit period beginning with the 31st day and continuing through the 60th day. This amount is now $7.50, but would increase as the inpatient hospital deductible increases (as hospital costs rise). (Coinsurance for the 61st through the 90th day would remain equal to one-fourth of the inpatient hospital deductible.) The lifetime reserve, under which the beneficiary pays one-half of the hospital deductible, would be increased from 60 days to 120 days.

Effective date.—Hospital stays beginning after 1971.

Automatic enrollment for supplementary medical insurance

People entitled to hospital insurance benefits would be automatically enrolled and covered for supplementary medical insurance benefits unless they indicate they do not want to be enrolled for such coverage.

Effective date.—January 1972.

Incentives for comprehensive care under medicaid

Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time, disincentives would be provided to discourage prolonged stays in institutions. Specifically, there would be—

(1) an increase of 25 percent (up to maximum of 95 percent) in the Federal Medicaid matching percentage to States under contract with HMO's or other comprehensive health care facilities;

(2) a decrease in the Federal medical assistance percentage by one-third after the first 60 days of care in a general or TB hospital;

(3) a reduction in the Federal percentage by one-third after the first 60 days of care in a skilled nursing home unless the State establishes that it has an effective utilization review program;

(4) a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after 275 additional days of such care during an individual's lifetime except that the 90-day period may be extended for an additional 30 days if a doctor certifies that the patient will benefit therapeutically from such an additional period of hospitalization; and

(5) authority for the Secretary to compute a reasonable cost differential for reimbursement between skilled nursing homes and intermediate care facilities.

Effective date.—July 1, 1971, except that the reasonable cost differential provision would be effective January 1, 1972.

Cost-sharing under medicaid

The Secretary of Health, Education, and Welfare would be able to require the payment of a premium, related to income, for those eligible as medically indigent (noncash recipients) under a State medicaid program. In addition, states would be permitted to impose a nominal cost sharing with respect to cash recipients, but applying only to services not required to be provided under the State program. States could apply copayment provisions to the medically indigent which are not related to income.

Effective date.—July 1, 1972.

Determination of payments under medicaid

Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above $720 (after deducting the earnings of school children and any costs of required child care) less the difference between the medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State medicaid standard would be eligible for medicaid assistance.

Effective date.—July 1, 1972.

Relationship between medicare and Federal employees benefits

Effective with January 1, 1975, no payment would be made under medicare for the same services covered under a Federal employees health benefits plan, unless in the meantime the Secretary of Health, Education, and Welfare certifies that such plan or the Federal employees health benefits program has been modified to make available coverage supplementary to medicare benefits and that Federal employees and retirees age 65 and over will continue to have the benefit of a contribution toward their health insurance premiums from either the Government or the individual plan.

Effective date.—January 1975.

Medicare benefits for people living near United States border

Medicare beneficiaries living in border areas of the United States would be entitled to covered inpatient hospital care outside the United States if the hospital they use is closer to their residence than a comparable United States hospital and if it has been accredited by a hospital approval program with standards comparable to medicare standards. Coverage would also be extended in these cases to physicians' and ambulance services furnished in conjunction with covered foreign hospital care.

Effective date.—January 1972.

B. Improvements in operating effectiveness

Limitation on Federal participation for capital expenditures

Reimbursement amounts to providers of health services and health maintenance organizations under the medicare, medicaid, and maternal and child health programs for capital costs, such as depreciation and interest, would not be made with respect to large capital expenditures which are inconsistent with State or local health facility plans. States would be required to establish procedures by which a facility or organization proposing a capital expenditure may appeal a decision by a planning agency.

Effective date.—July 1972 (or earlier if requested by a State).

Experiments and Demonstration Projects in Prospective Reimbursement and Incentives for economy

The Secretary of Health, Education, and Welfare would be required to develop experiments and demonstration projects designed to test various methods of making payment to providers of services on a prospective basis under the medicare, medicaid, and maternal and child health programs. In addition, the Secretary would be authorized to conduct experiments with methods of payment or reimbursement designed to increase efficiency and economy (including payment for services furnished by organizations providing comprehensive, mental, or ambulatory health care services); with areawide or communitywide peer review, utilization review, and medical review mechanisms; and with performance incentives for intermediaries and carriers.

Effective date.—Enactment.

Limits on Cost recognized as Reasonable

The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are found necessary to the efficient delivery of needed health services (except in the case of an admission by a physician who has a financial interest in the facility).

Effective date.—July 1972.

Limits on Prevailing Charge Levels

Physicians' charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limited by providing: (a) that after December 31, 1970, medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the calendar year elapsing prior to the start of the fiscal year; (b) that for fiscal year 1973 and thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicians and in earnings levels; and (c) that for medical supplies, equipment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lowest levels at which such supplies, equipment, and services are widely available in a locality. The existing Health Insurance Benefits Advisory Council is to conduct a study of the methods of reimbursement of physicians' fees under medicare and report to the Congress not later than July 1, 1972.

Effective date.—(See provision.)

Limits on skilled nursing home and intermediate care facility costs

The average per diem costs for skilled nursing homes and intermediate care facilities countable for Federal financial participation under medicaid would be limited to 105 percent of such costs for the same quarter of the preceding year. Increases resulting from higher labor costs due to minimum wage legislation would not count in computing the cost figure.

Effective date.—January 1, 1972.

Payments to health maintenance organizations

Medicare beneficiaries could choose to have all covered care, except emergency services, provided by a health maintenance organization (a prepaid group health or other capitation plan). The Department of Health, Education, and Welfare would contract with such organization, and would reimburse them on a monthly per capita basis at a rate equivalent to 95 percent of the estimated per capita costs of medicare beneficiaries in the area who are not enrolled in such organizations. Profits accruing to the organization, beyond its retention rate for nonmedicare members, would be passed on to the medicare enrollees in the form of expanded benefits.

Effective date.—January 1972.

Payments for services of teaching physicians

Medicare would pay for the services of teaching physicians on the basis of reasonable costs, rather than fee-for-service charges, unless a bona fide private patient relationship had been established or the hospital had, in the 2-year period ending in 1967, and substantially, customarily charged all patients and collected from at least 50 percent of patients on a fee-for-service basis. Medicare payments would also be authorized on a cost basis for services provided to hospitals by the staff of certain medical schools.

Effective date.—Accounting periods beginning after June 30, 1971.

Advance approval of extended care and home health services under medicare

The Secretary of Health, Education, and Welfare would be authorized to establish minimum periods of time (by medical condition) after hospitalization during which a patient would be presumed, for payment purposes, to require extended care level of services in an extended care facility. The attending physician would certify to the condition and related need for the services. A similar provision would apply to post-hospital home health services.

Effective date.—January 1972.

Termination of payments to suppliers of services who abuse the medicare or medicaid programs

The Secretary of Health, Education, and Welfare would be given authority to terminate payment for services rendered by a supplier of health and medical services found to be guilty of program abuses. Program review teams would be established to furnish the Secretary professional advice in carrying out this authority.

Effective date.—Enactment.

Elimination of requirement that States have comprehensive medicaid programs

The existing requirement that States have comprehensive medicaid programs by 1977 would be repealed.

Effective date.—Enactment.

Reductions in care and services under medicaid

The states would be permitted to eliminate or reduce the scope and extent of health services which are optional under the Federal medicaid statute, e.g., outpatient drugs, eyeglasses and dental care. States would have to provide the same dollar amounts for their required health services.

Effective date.—Enactment.

State determinations of reasonable hospital costs under medicaid

States would be allowed to develop methods and standards for reimbursing the reasonable cost of inpatient hospital services. Such costs could not exceed medicare rates.

Effective date.—July 1, 1972, or earlier if a State plan so provides.

Government payment no higher than charges

Payments for institutional services under the medicare, medicaid, and maternal and child health programs could not be higher than the charges regularly made for these services.

Effective date.—July 1971.

Institutional planning under medicare

Health institutions under the medicare program would be required to have a written plan reflecting an operating budget and a capital expenditure budget.

Effective date.—Sixth month following month of enactment.

Federal matching for automated medicaid systems

Federal matching for the cost of designing, developing, and installing mechanized claims processing and information retrieval systems would be set at 90 percent and 75 percent for operation of such systems.

Effectve date.—July 1, 1971.

Prohibition of reassignments

Medicare (part B) and medicaid payments to anyone other than a patient, his physician, or other person providing the service, would be prohibited, unless the physician (or, in the case of medicaid, another type of practitioner) is required as a condition of his employment to turn over his fees to his employer or unless there is a contractual arrangement between the physician and the facility in which the services were provided under which the facility bills for all such services.

Effective date.—Enactment date for medicare; July 1, 1972 (or earlier at the option of the State) for medicaid.

Institutional utilization review under medicaid

The same utilization review committees now reviewing medicare cases in hospitals and nursing homes would be required to review medicaid cases in institutions utilized by medicare.

Stopping payment where hospital admission not necessary under medicare

If the utilization review committee of a hospital or extended care facility, in its sample review of admissions, finds a case where institutionalization is no longer necessary, payment would be cut off after 3 days. This provision parallels the provision in present law under which long-stay cases are cut off after 3 days when the utilization review committee determines that institutionalization is no longer required.

Effective date.—Third month following the month of enactment.

Use of health agencies in medicaid

State medicaid programs would be required—

(1) To establish and implement plans, prepared by the State health agency, or other appropriate State medical agency, for the professional review of care provided to medicaid recipients, and

(2) Provide that the State medical agency which licenses health institutions shall perform that function for medicaid.

Effective date.—July 1, 1972.

Medicaid and comprehensive health care programs

A state medicaid plan would not be out of compliance if it arranged for medicaid care through a comprehensive health plan in one or more areas which provided more services than are generally provided under the State's medicaid plan.

Effective date.—Enactment.

Program for determining qualifications for certain health care personnel

The Secretary of Health, Education, and Welfare would be required to develop and employ proficiency examinations to determine whether health care personnel, not otherwise meeting specific formal criteria now included in medicare regulations, have sufficient training, experience, and professional competence to be considered qualified personnel for purposes of the medicare and medicaid program.

Effective date.—Enactment.

Penalty for fraudulent acts under medicare and medicaid

Present penalty provisions relating to the making of a false statement or representation of a material fact in any application for medicare payments would be broadened to include the soliciting, offering, or acceptance of kickbacks or bribes, including the rebating of a portion of a fee or a charge for a patient referral, by providers of health care services. The penalty for such acts would be imprisonment up to one year, a fine of $10,000, or both. Similar penalty provisions would apply under medicaid.

Anyone who knowingly and willfully makes, or induces the making of, a false statement of material fact with respect to the conditions and operation of a health care facility or home health agency in order to secure medicare or medicaid certification of the facility or agency, would be guilty of a misdemeanor punishable by up to 6 months' imprisonment, a fine of not more than $2,000, or both.

Effective date.—Enactment.

C. Miscellaneous and technical provisions

Physical therapy and other therapy services under medicare

Under medicare's supplementary medical insurance program, up to $100 per calendar year of physical therapy services furnished by a licensed therapist in his office or the patient's home under a physician's plan would be included in covered charges. Hospitals and extended care facilities could provide physical therapy services under part B to inpatients who have exhausted their days of hospital insurance coverage. Where physical therapy and other ancillary services are furnished by a provider of services, or by others under arrangements with the provider, medicare reimbursement to the provider would in all cases be based on a reasonable salary payment for the services.

Effective date.—January, 1972.

Coverage of supplies related to colostomies

Medicare coverage would be provided for colostomy bags and supplies directly related to colostomy care.

Effective date.—Enactment.

Ptosis bars

Coverage would be provided under part B of medicare for ptosis bar devices required for the care of individuals suffering from paralysis or atrophy of the eyelid muscle.

Effective date.—Enactment.

Intermediate care facilities under medicaid

The provisions for optional coverage of intermediate care facilities would be moved from title XI of the Act (here it applies, by reference to the cash assistance titles) to the XIX as an optional service. Services in a public institution for the mentally retarded could qualify if the primary purpose is to provide health or rehabilitation services and if the patient is receiving active treatment.

Effective date.—January 1, 1972.

Coverage prior to application under medicaid

States would be required to provide medicaid coverage for care and services furnished in or after the third month prior to the application of an eligible person.

Effective date.—July 1, 1972.

Certification of hospitalization for dental care

A dentist would be authorized to certify the necessity for hospitalization to protect the health of a medicare patient who is hospitalized for a noncovered dental procedure.

Effective date.—Third month after month of enactment.

Grace period for paying medical premium

Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

Effective date.—Enactment.

Extension of time for filing medicare claims

The time limit for filing supplementary medical insurance claims would be extended where the medicare beneficiary's delay is due to administrative error.

Effective date.—Enactment.

Waiver of enrollment period requirements where administrative error is involved

Relief would be provided where administrative error has prejudiced an individual's right to enroll in medicare's supplementary medical insurance program.

Effective date.—July 1966.

Three-year limitation on medicare enrollment dropped

Eligible beneficiaries would be permitted to enroll under medicare's supplementary medical insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program.

Effective date.—Enactment.

Waiver of medicare overpayment

Where incorrect medicare payments were made to a deceased beneficiary, the liability of survivors for repayment could be waived if the survivors were without fault in incurring the overpayment.

Effective date.—Enactment.

Medicare fair hearings

Fair hearings, held by medicare carriers in response to disagreements over amounts paid under supplementary medical insurance, would be conducted only where the amount in controversy is $100 or more.

Effective date.—Enactment.

Collection of medicare premium by the railroad reitrement board

Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his railroad retirement benefit in all cases. The Railroad Retirement Board is given authority to choose the carrier for part B benefits for its beneficiaries.

Effective date.—Applicable to premiums becoming due after the fourth month following the month of enactment.

Prosthetic lenses furnished by optometrists

The definition of physician, for purposes of the medicare program, would be amended to include a licensed doctor of optometry, but only with respect to establishing the medical necessity of prosthetic lenses (which are already covered under the program).

Effective date.—Enactment.

Social Services Requirement in Extended Care Facilities

The present requirement for social services in extended care facilities under medicare would be removed.

Effective date.—Enactment.

Refund of Excess Premiums

In the event of the death of a medicare beneficiary, any hospital or medical insurance premiums paid for any month after the month of his death will be refunded to his estate or to a survivor.

Effective date.—Enactment.

Waiver of Requirement for Skilled Nursing Homes in Rural Areas

The requirement that skilled nursing homes under medicaid have at least one full-time registered nurse on the staff would be waived for up to one year at a time over a five-year period where the skilled nursing home is in a rural area and certain other conditions are met.

Effective date.—Enactment.

Exemption of Christian Scientist Sanatoriums From Certain Requirements Under Medicaid

Christian Scientist sanatoriums under medicaid would be exempted from provisions in the bill which require certain health-related functions or conditions.

Effective date.—Enactment

Requirements for Nursing Home Administrators

States would be permitted to provide under medicaid for a permanent waiver of a nursing home administrator who had been such an administrator for more than 3 years before the time the basic provision became effective (July 1970).

Effective date.—Enactment.

Termination of Nursing Home Administration Advisory Council

The National Advisory Council on Nursing Home Administrations under medicaid would be terminated.

Effective date.—Thirty days after enactment.

Increase in limit on payments to Puerto Rico for medicaid

The present limit of $20 million on the annual Federal payment for medicaid would be raised to $30 million. The present matching rate of 50 percent would be retained.

Effective date.—Fiscal year 1972.

Provider reimbursement review board under medicare

Providers of services, under certain circumstances, would be permitted to appeal to a review board (established by the Secretary specifically to conduct such reviews) from a decision of the fiscal intermediary concerning the amount of program reimbursement, if the amount in controversy is at least $10,000.

Chiropractors' Services

The Secretary of Health, Education, and Welfare would conduct a study of the desirability of covering chiropractors' services under medicare, utilizing the experiments and experience under the medicaid program. A report on the study, including the experience of other programs paying for chiropractors' services, would be submitted to the Congress within 2 years after enactment of the bill.

Effective date.—Enactment.

Extension of title V to American Samoa and the Trust Territory of the Pacific

The crippled children and maternal and child health provisions of title V of the Act would be extended to American Samoa and the Trust Territory of the Pacific.

Effective date.—Fiscal years beginning after June 30, 1971.

Financing OASDHI

In order to finance the changes in the OASDHI program as amended by the bill, the limit on taxable earnings would be increased to $10,200 effective January 1972 and the following schedule of OASDI and HI tax rates would be provided:

SOCIAL SECURITY TAX RATES AND MAXIMUM ANNUAL SOCIAL SECURITY TAXES FOR EMPLOYEES, EMPLOYERS, AND SELF-EMPLOYED

	Employees and employers, each				Self-employed			
	OASDI, percent	HI, percent	Total, percent	Maximum tax	OASDI, percent	HI, percent	Total percent	Maximum tax
Present law:								
1971 [1]	4.6	0.6	5.2	$405.60	6.9	0.6	7.5	$585.00
1972 [2]	4.6	.6	5.2	468.00	6.9	.6	7.5	675.00
1973–75 [2]	5.0	.65	5.65	508.50	7.0	.65	7.65	688.50
1976–79 [2]	5.15	.7	5.85	526.50	7.0	.6	7.7	693.00
1980–86 [2]	5.15	.8	5.95	535.50	7.0	.8	7.8	702.00
1987 and after [2]	5.15	.9	6.05	544.50	7.0	.9	7.9	711.00
H.R. 1 (excluding effect of the automatic adjustment provisions):								
1971 [1]	4.6	.6	5.2	405.60	6.9	.6	7.5	585.00
1972 [3]	4.2	1.2	5.4	550.80	6.3	1.2	7.5	765.00
1975–76 [3]	5.0	1.2	6.2	632.40	7.0	1.2	8.2	836.40
1977 and after [3]	6.1	1.3	7.4	754.80	7.0	1.3	8.3	846.60

[1] Tax rates apply to annual earnings up to $7,800.
[2] Tax rates apply to annual earnings up to $9,000.
[3] Tax rates apply to annual earnings up to $10,200.

III. PROVISIONS RELATING TO ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

The existing Federal-State programs of aid to the aged, blind, and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65 or are blind or disabled and would be established by a new Title XX of the Social Security Act. The program would be administered by the Social Security Administration through its present administrative framework and facilities.

The eligibility requirements and other

legislative elements of the new program are as follows:

Eligibility for and amount of benefits

Individuals or couples could be eligible for assistance when their monthly income is less than the amount of the full monthly payment.

Full monthly benefits for a single individual would be $130 for fiscal year 1973; $140 for fiscal year 1974, and $150 thereafter. Full monthly benefits for an individual with an eligible spouse would be $195 for fiscal year 1973, and $200 for fiscal year 1974 and thereafter. Benefits would not be paid for any full month the individual is outside the U.S.

The Secretary would establish the circumstances under which gross income from a trade or business, including farming, is large enough to preclude eligibility (net income notwithstanding). In addition, people who are in certain public institutions, or in hospitals or nursing homes getting medicaid funds, would be eligible for benefits of up to $25 a month. People who fail to apply for annuities, pensions, workmen's compensation, and other such payments to which they may be entitled would not be eligible.

Definition of income

In determining an individual's eligibility and the amount of his benefits, both his earned and unearned income would have to be taken into consideration. The definition of earned income would follow generally the definition of earnings used in applying the earnings limitation of the social security program. Unearned income would mean all other forms of income, among which are benefits from other public and private programs, prizes and awards, proceeds of life insurance not needed for expenses of last illness and burial (with a maximum of $1,500), gifts, support, inheritances, rents, dividends, interest, and so forth. For people who live as members of another person's household, the value of their room and board would be deemed to be 33⅓ percent of the full monthly payment.

The following items would be excluded from income:

1. Earnings of a student regularly attending school, with reasonable limits.

2. Irregular earned income of an individual of $30 or less in a quarter and irregular unearned income of $60 or less in a quarter.

3. The first $85 of earnings per month and one-half above that for the blind and disabled (plus work expenses for the blind). The first $60 of earnings per month and one-third above that for the aged.

4. The tuition part of scholarships and fellowships.

5. Home produce.

6. One-third of child-support payments from an absent parent.

7. Foster care payments for a child placed in the household by a child-placement agency.

8. Assistance based on need received from certain public or private agencies.

9. Vocational rehabilitation allowances.

Exclusions from resources

Individuals or couples cannot be eligible for payments if they have resources in excess of $1,500. The following items would be excluded from resources:

1. The home to the extent that its value does not exceed a reasonable amount.

2. Household goods and personal effects not in excess of a reasonable amount.

3. Other property which is essential to the individual's support (within reasonable value limitations).

4. Life insurance policies (if their total face value is $1,500 or less).

Other insurance policies would be counted only to the extent of their cash surrender value.

The Secretary would prescribe periods of time and manners in which excess property must be disposed of in order that it not be included as resources.

Meaning of terms

An eligible individual must be a resident of the United States, Puerto Rico, the Virgin Islands, or Guam and a citizen or an alien admitted for permanent residence, and be aged, blind, or disabled.

Aged individual: One 65 years of age or older.

Blind individual: An individual who has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or equivalent impairment in the fields of vision.

Disabled individual: An individual who is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which is expected to last, or has lasted, for 12 months or can be expected to end in death. (This definition is now used for social security disability benefits.)

Eligible spouse: An aged, blind, or disabled individual who is the husband or wife of an individual who is aged, blind, or disabled.

Child: An unmarried person who is not the head of a household and who is either under the age of 18, or under the age of 22 and attending school regularly.

Determination of marital relationship: Appropriate State law will apply except that, if two people were determined to be married for purposes of receiving social security cash benefits, they will be considered to be married, and two persons holding themselves out as married in the community in which they live would be considered married for purposes of this program.

Income and resources of a spouse living with an eligible individual will be taken into account in determining the benefit amount of the individual, whether or not the income and resources are available to him. Income and resources of a parent may count as income of a disabled or blind child.

Rehabilitation services

Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

Optional State supplementation

A State which provides for a State supplement to the Federal payment could agree to have the Federal Government make the supplemental payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments, the State would pay all of such costs.

States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill.

The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

Payments and procedures

Benefits could be paid monthly, or otherwise, as determined by the Secretary of Health, Education, and Welfare. Benefits could be paid to an individual, an eligible spouse, partly to each, or to another interested party on behalf of the individual. The Secretary could determine ranges of incomes to which a single benefit amount may be applied.

Cash advances of up to $100 could be paid if an applicant appears to meet all the eligibility requirements and is faced with a financial emergency. Applicants apparently eligible for benefits on the basis of disability could be paid benefits for up to three months while their disability claim was in process.

The Secretary may arrange for adjustment and recovery in the event of overpayments or underpayments, and could waive overpayments to achieve equity and avoid penalizing people who were without fault.

People who are, or claim to be, eligible for benefits and who disagree with determinations of the Secretary, could obtain hearings if they request them within 30 days. Final determinations would be subject to judicial review in Federal district courts, but the Secretary's decisions as to any fact would be conclusive and not subject to review by the courts.

The right of any person to any future benefit would not be transferable or assignable, and no money payable under the program would be subject to execution, levy, attachment, garnishment, or other legal process.

If an individual fails to report events and changes relevant to his eligibility without good cause, benefits which may be payable to the individual would be terminated or reduced.

The heads of other Federal agencies would be required to provide such information as the Secretary of HEW needs to determine eligibility for benefits.

Penalties for fraud

A penalty of up to $1,000 or up to one year imprisonment, or both, would be provided in case of fraud under the program.

Administration

The Secretary of HEW may make administrative and other arrangements as necessary to carry out the purposes of the program and the States could enter into agreements to administer the Federal benefits during a transitional period.

Evaluation and research

The Secretary of HEW would continually evaluate the program, including its effectiveness in achieving its goals and its impact on related programs. He could conduct research and contract for independent evaluations of the program. Up to $5 million a year would be appropriated to carry out the evaluation and research. Annual reports to the President and the Congress on the operation and administration of the program would be required.

IV. PROVISIONS RELATING TO FAMILY PROGRAMS

The present program of aid to families with dependent children (AFDC) would be repealed effective July 1, 1972, and two new totally Federal programs would take effect on that day. The new programs would be adopted for a period of five years (through fiscal year 1977) in order to give Congress an opportunity to review their operation before continuing them in subsequent years. The new programs would be established by a new Title XXI in the Social Security Act. A description of the two new programs follows:

Families in which at least one person is employable would be enrolled in the Opportunities for Families Program, administered by the Department of Labor. Families with no employable person would be enrolled in the Family Assistance Plan administered by the Department of Health, Education, and Welfare.

A—Opportunities for Families program

Registration for employment and training

Every member of a family who is found to be available for work by the Secretary of Health, Education, and Welfare would be required to register for manpower services, training and employment.

An individual would be considered available for work unless such person—

(1) Is unable to work or be trained because of illness, incapacity, or age;

(2) Is a mother or other relative caring for a child under age 6 (age 3 beginning July 1974);

(3) Is the mother or other female caretaker of a child, if the father or another adult male relative is in the home and is registered.

(4) Is a child under the age of 16 (or a student up to age 22);

(5) Is needed in the home on a continuous basis because of illness or incapacity of another family member.

Nevertheless, any person (except one who is ill, incapacitated, or aged) who would be exempted from registering by the above provisions could voluntarily register.

Every person who registered (other than a volunteer) would be required to participate in manpower services or training and to accept available employment. An individual could not be required to accept employment however—

(1) If the position offered is vacant due to a strike, lockout, or other labor dispute;

(2) If the wages and other employment conditions are contrary to those prescribed by applicable Federal, State, or local law, or less favorable than those prevailing for similar work in the locality, or the wages are less than an hourly rate of ¾ of the highest Federal minimum wage ($1.20 per hour under present law);

(3) If membership in a company union or non-membership in a bona fide union is required;

(4) If he has demonstrated the capacity to obtain work that would better enable him to achieve self-sufficiency, and such work is available.

Child care and other supportive services

The Secretary of Labor directly or by using child care projects under the jurisdiction of the Department of Health, Education, and Welfare, would provide for child care services for registrants who require them in order to accept or continue to participate in manpower services, training, employment, or vocational rehabilitation.

The Secretary of Labor would be authorized funds to provide child care by grant or contract. Families receiving such services might also be required to pay all or part of the costs involved.

Health, vocational rehabilitation, family planning, counseling, social, and other supportive services (including physical examinations and minor medical services) would also be made available by the Secretary of Labor to registrants as needed.

Operation of manpower services, training and employment programs

The Secretary of Labor would develop an employability plan designed to prepare recipients to be self-supporting. The Secretary would then provide the necessary service, training, counseling, testing, coaching, program orientation, job training, and followup services to assist the registrant in securing employment, retaining employment, and obtaining opportunities for advancement.

Provision would also be made for voluntary relocation assistance to enable a registrant and his family to be self-supporting.

Public service employment programs would also be used to provide needed jobs. Public service projects would be related to the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facility and similar activities. The Secretary of Labor would establish these programs through grants or by contract with public or nonprofit agencies or organizations. The law would provide safeguards for workers on such jobs and wages could not be less than the higher of the prevailing or applicable minimum wage or the Federal minimum wage.

Federal participation in the costs of an individual's participation in a public service employment program would be 100 percent for the first year of his employment, 75 percent for the second year, and 50 percent for the third.

States and their subdivisions that receive Federal grants would be required to provide the Secretary of Labor with up-to-date listings of job vacancies. The Secretary would also agree with certain Federal agencies to establish annual or other goals for employment of members of families receiving assistance.

Allowances of individuals participating in training

An incentive allowance of $30 per month would be paid to each registrant who participates in manpower training (States would have the option of providing an additional allowance of up to $30). Necessary costs for transportation and similar expenses would also be paid.

Utilization of other programs

The Secretary of Labor would be required to integrate this program as needed with all other manpower training programs involving all sectors of the economy and all levels of government.

Rehabilitation services for incapacitated family members

Family members who are incapacited would be referred to the state vocational rehabilitation service. A quarterly review of their incapacities would usually be made.

Each such incapacitated individual would be required to accept rehabilitation services that are made available to him, and an allowance of $30 would be paid him while he receives such services. (States would have the option of providing an additional allowance of up to $30.) Necessary costs for transportation and similar expenses would also be paid.

Evaluation and research; reports

The Secretary of Labor would be authorized to conduct research and demonstrations of the program and directed to make annual evaluation reports to the President and the Congress. An appropriation of $10,000,000 would be authorized for these purposes.

B—Family assistance plan

Payments of benefits

All eligible families with no member available for employment would be enrolled and paid benefits by the Secretary of Health, Education, and Welfare.

Rehabiltation services and child care for incapacitated family members

Family members who are unemployable because of incapacity would be referred to State vocational rehabilitation agencies for services. A quarterly review of their incapacities would usually be made. Such persons would be required to accept services made available, and would be paid a $30 per month incentive allowance plus transportation and other related costs. (States would have the option of providing an additional allowance of up to $30.)

Child care services would also be provided if needed to enable individuals to take vocational rehabilitation services.

Evaluation and research; reports

The Secretary of Health, Education, and Welfare would be authorized to conduct research and demonstrations of the family assistance plan and directed to make annual evaluation reports to the President and the Congress. An appropriation of $10,000,000 would be authorized for this purpose.

C—Determination of benefits

Uniform determinations

Both Secretaries would be required to apply the same interpretations and applications of fact to arrive at uniform determinations of eligibility and assistance payment amounts under the two family programs.

Eligibility for and amount of benefits

Family benefits would be computed at the rate of $800 per year for the first two members, $400 for the next three members, $300 for the next two members and $200 for the next member. This would provide $2,400 for a family of four, and the maximum amount which any family could receive would be $3,600. A family would not be eligible if it had countable resources in excess of $1,500.

If any member of the family fails to register, take required employment or training, or accept vocational rehabilitation services, the family benefits would be reduced by $800 per year.

Benefits would be determined on the basis of the family's income for the current quarter and the three preceding quarters.

After a family has been paid benefits for 24 consecutive months, a new application would be required which would be processed as if it were a new application.

The Secretary could determine that a family is not eligible if it has very large gross income from a trade or business.

Families would have to apply for all other benefits available to them in order to be eligible.

Definition of income

Earned income would follow generally the definition of earnings used in applying the earnings limitation of the social security program. Unearned income means all other forms of income among which are benefits from other public and private programs, prizes and awards, proceeds of life insurance not needed for last illness and burial (with a maximum of $1,500), gifts, support, inheritances, grants, dividends, interest and so forth.

The following items would be excluded from the income of a family:

1. Earnings of a student regularly attending school, with limits set by the Secretary.
2. Irregular earned income of an individual of $30 or less in a quarter and irregular unearned income of $60 or less in a quarter.
3. Earned income used to pay the cost of child care under a schedule prescribed by the Secretary.
4. The first $720 per year of other earned income plus one-third of the remainder.
5. Assistance based on need received from public or private agencies, except veterans' pensions.
6. Training allowances.
7. The tuition part of scholarships and fellowships.
8. Home produce.
9. One-third of child support and alimony.
10. Foster care payments for a child placed in the family by a child placement agency.

The total of the exclusions under (1), (2), and (3) above could not exceed $2,000 for a family of four rising by $200 for each additional member to an overall maximum of $3,000.

Exclusions from resources

A family cannot be eligible for payments if it has resources in excess of $1,500. In determining what is included in the $1,500 amount, the following items are excluded:

1. The home to the extent that its value does not exceed a reasonable amount.
2. Household goods and personal effects not in excess of a reasonable amount.
3. Other property which is essential to the family's self-support.

An insurance policy would be counted only to the extent of its cash surrender value except that if the total face value of all such policies with respect to an individual is $1,500 or less, no cash surrender value will be counted.

The Secretary would prescribe periods of time, and manners in which, property must be disposed of in order that it would not be included as resources.

Meaning of family and child

A family would be defined as two or more related people living together in the United

States where at least one of the members is a citizen or a lawfully admitted alien and where at least one of them is a child dependent on someone else in the family.

No family will be eligible if the head of the household is an undergraduate or graduate student regularly attending a college or university. Benefits would not be payable to an individual for any month in which he is outside the United States.

The term "child" means an unmarried person who is not the head of the household, and who is either under the age of 18 or under the age of 22 if attending school regularly.

Appropriate State law would be used in determining relationships.

The income and resources of an adult (other than a parent or the spouse of a parent) living with the family but not contributing to the family would be disregarded.

If an individual takes benefits under adult assistance, he could not be eligible for family benefits.

Optional State supplementation

If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal Government make the supplementary payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill.

The Federal Government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

D—Procedural and general provisions

Payments and procedures

The Secretary would be permitted to pay the benefits at such times as best carry out the purposes of the title and could make payments to a person other than a member of the family or to an agency where he finds inability to manage funds. The Secretary's decision would be subject to hearing and review.

The family benefits could not be paid to an individual who failed to register, or take work, training or vocational rehabilitation.

Cash advances of $100 or less could be paid if an applicant appears to meet all the eligibility requirements and is faced with a financial emergency.

The Secretary may arrange for adjustment and recovery in the event of overpayments or underpayments, with a view toward equity and avoiding penalizing people who were without fault.

People who are, or claim to be, eligible for assistance payments, and who disagree with determinations of the Secretary, could obtain hearings if they request them within 30 days. Final determinations would be subject to judicial review in Federal district courts, but the Secretary's decisions as to any fact would be conclusive and not subject to review by the courts. The Secretary would also be given authority to appoint qualified people to serve as hearing examiners without their having to meet the specific standards prescribed under the Administrative Procedure Act for hearing examiners.

The right of any person to any future benefit would not be transferable or assignable, and no money payable under this title would be subject to execution, levy, attachment, garnishment, or other legal process.

In addition, the Secretary would establish necessary rules and regulations dealing with proofs and evidence, and the method of taking and furnishing the same, in order to establish the right to benefits.

Each family would be required to submit a report of income within 30 days after the end of a quarter and benefits would be cut off if the report was not filed. If a family failed, without good cause, to report income or changes in circumstances as required by the Secretary, it would be subject to a penalty of $25 the first time, $50 the second time and $100 for later times.

The head of any Federal agency would be required to provide such information as the Secretary of HEW needs to determine eligibility for benefits under this title.

Penalties for fraud

A penalty of $1,000 or 1 year imprisonment, or both, would be provided in the case of fraud under the program.

Administration

Both the Secretary of Health, Education, and Welfare and the Secretary of Labor could perform their functions directly, through other Federal agencies, or by contract. An additional Assistant Secretary is authorized in the Department of Labor to head up the new program in that Department.

Child care

The Secretaries of Labor and Health, Education, and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families Program and the Family Assistance Plan who need such day care in order to participate in training, employment, or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of Health, Education, and Welfare, these would be utilized.

Insofar as possible, arrangements would be made for after school care with local educational agencies. All day care would be subject to standards developed by the Secretary of Health, Education, and Welfare, with the concurrence of the Secretary of Labor. Both Secretaries would have authority to make grants and contracts for payment of up to 100 percent of the cost of care. The Secretary of Health, Education, and Welfare would have total responsibility for construction of facilities. $700 million would be authorized for the provision of child care services in the first fiscal year, and such sums as Congress may appropriate in subsequent years. In addition, $50 million would be authorized for construction and renovation of child care facilities for each fiscal year.

Obligations of parents

A deserting parent would be obligated to the United States for the amount of any Federal payments made to his family less any amount that he actually contributes by court order or otherwise to the family.

Any parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of $1,000, imprisonment for 1 year, or both.

The Secretary would report to appropriate officials cases of child neglect or abuse which came to his attention while administering the program.

Local committees to evaluate program

Local advisory committees would be set up throughout the country, with a minimum of one in each State, which would evaluate and report on the effectiveness of the elements of the program designed to help people become self supporting. Each committee would be composed of representatives from labor, business, and the public, as well as public officials not directly involved in the administration of the programs.

V. OTHER RELATED ASSISTANCE PROVISIONS

ADOPTION AND FOSTER CARE SERVICES UNDER CHILD WELFARE

Authorizations of $150 million for fiscal year 1972 and higher amounts for subsequent years would be provided for payments to the States to support foster care and related services.

PROVISIONS RELATED TO NEW ASSISTANCE PROGRAMS

Effective date for adult assistance and family programs

Major changes made in the assistance programs would be effective July 1, 1972. The child care provisions would become effective upon enactment of the bill. The amendments which provide benefits to families where the father and mother are both present, neither is incapacitated, and the father is not unemployed (the "working poor") would become effective January 1, 1973.

Prohibition against participation in food stamp program by recipients of payments under family and adult assistance programs

The bill would amend the Food stamp Act of 1964 by providing that families and adults eligible for benefits under the assistance programs in this bill would be excluded from participation in the food stamp program.

Special provisions for Puerto Rico, the Virgin Islands, and Guam

There would be special provisions for Puerto Rico, the Virgin Islands, and Guam. The amounts used in the family assistance plan and the aid to the aged, blind, and disabled (other than the $720 amount of annual earnings to be disregarded and the $30 per month incentive allowances) would be adjusted by the ratio of the per capita income of each of these jurisdictions to the per capita income of the lowest of the 50 States

Determination of medicaid eligibility

The Secretary would be able to enter into agreements with States under which the Secretary would determine eligibility for medicaid both for those eligible for Federal payments and the medically needy in cases where the State covered the medically needy. The State would pay half of the Secretary's additional administrative costs arising from carrying out the agreement.

Effective date.—July 1, 1972.

Transitional administration of public assistance

The Secretary of Health, Education, and Welfare could enter into agreements with States under which a State would administer the Federal assistance program for a period of up to one year from the beginning of the program.

Limitations on increases in State welfare expenditures

States would be guaranteed that, if they make payments supplementary to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971, to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The value of food stamps would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

Limitation on Federal expenditures for social services

The Federal Government would continue to provide 75 percent matching funds to the States for child care and family planning services on an open-end appropriation basis. Federal matching for other specified social services would be limited to the amounts appropriated by the Congress.

PUBLIC ASSISTANCE AMENDMENTS EFFECTIVE IMMEDIATELY

Additional remedies for State noncompliance with provisions of assistance titles

The Secretary would be able to require States to make payments to people who did not receive all money due them because the State failed to comply with a Federal requirement.

The Secretary could require a State which is in noncompliance with a Federal requirement to set up a timetable and method for assuring compliance, or could request the Attorney General to bring suit to enforce the Federal requirements.

Effective date.—Enactment.

Statewideness not required for services

A State would be permitted to furnish social services in one area of a State without being required to furnish such services in all geographic areas of the State.

Effective date.—Enactment.

Optional modification in disregarding income under AFDC

States would be permitted, between enactment and July 1, 1972, to modify their present AFDC programs so as to substitute the earnings disregard provisions in the family assistance provisions (cost of child care, plus $720, plus one-third of the remainder) for provisions of present law (the first $30 and one-third of the remainder after which actual work expenses are deducted).

A State could also apply the maximum dollar limits in the family programs on child care and student earnings ($2,000 for a family of four rising to $3,000 for a family of nine or more) to its present AFDC program.

Effective date.—Enactment.

Individual programs for family services not required

States would no longer be required to prepare a separate plan of services for each individual who is eligible for AFDC.

Effective date.—July 1, 1972, or earlier if the State so chooses.

Enforcement of support orders

States would be required to secure support for a spouse of a parent from the other parent (of children receiving assistance payments) where he has deserted or abandoned his spouse, utilizing reciprocal arrangements with other States to obtain or enforce court orders for support.

Effective date.—July 1, 1972, or earlier, if the State plan so provides.

Separation of social services and cash assistance payments

Each State would be required to submit a proposal to the Secretary by January 1, 1972 providing for the administrative separation of handling eligibility for cash payments and the provision of social services by July 1, 1972.

Increase in Federal matching to States for costs of establishing paternity and collecting child support payments

Federal matching would be increased from 50 percent to 75 percent for State costs incurred in establishing the paternity of AFDC children and locating and collecting support from their absent parents.

Effective date.—Enactment.

Vendor payments for special needs

States would be permitted to provide for non-recurring items of special need by means of vendor payments.

Increase in Federal matching—WIN program

Effective immediately, the Federal matching under the WIN program would be increased from 80 to 90 percent. This provision expires June 30, 1972.

VI. PROVISIONS FOR TAX CHANGES (OTHER THAN PAYROLL TAXES)

Child care deduction

Under present law, a child care deduction of $600 per child, but not more than $900, is available for child care expenses in certain cases. Generally, this amount is available in the case of such expenses incurred by a widow or widower or certain other married couples with an incapacitated spouse and also in the case of married couples with incomes of not over $6,000.

The new provision retains the basic child care provision of present law but increases from $6,000 to $12,000 the income a married couple may have and still be eligible for this deduction. In addition, the amount of child care expenses which may be deducted is increased from $600 for the first child to $750, and to $1,125 for two children, and to $1,500 for three or more children. These changes are effective with respect to taxable years beginning on or after January 1, 1972.

Retirement income credit

Under present law, a retirement income credit of up to $1,524 multiplied by 15 percent ($229) is allowed for single persons age 65 or over having "retirement income"—that is, income from pensions, dividends, interest, rents or other passive income sources. However, this credit is available only if the individual had ten prior years of earned income above $600. The income eligible for this credit is reduced, however, by social security, railroad retirement or other tax-exempt pension income. It is also reduced by 50 percent of earnings over $1,200 and 100 percent of earnings over $1,700. (This earnings limitation, however, does not apply to those age 72 and over.) For married couples a credit equal to one and one-half times the credit referred to above is generally available under present law. However, in some cases where both can qualify for the credit a credit of up to twice that referred to above is available.

In addition, under present law, the retirement income credit determined substantially as indicated above is available for retirement income received from governmental units where the individual is under age 65, except that the credit is reduced on a dollar-for-dollar basis for earnings above $900 (between age 62 and 65 the earnings test described above applies).

The committee has adopted a substitute retirement income credit which is both more liberal and also will be easier to compute on the return form. This credit for a single person will be based upon $2,500 instead of $1,524. It will not be necessary for the individual involved to have "retirement income" as he is required to have under present law or 10 years of prior earnings of $600 or more. However, as under present law, the $2,500 will be reduced for social security, a railroad retirement and other tax-exempt pension income. Also, as under present law, it will be reduced for earned income above a specified level (if the individual is under age 72). However, the amount will only be reduced for 50 percent of earnings above $2,000 instead of 50 percent of earnings above $1,200 plus 100 percent of earnings above $1,700.

As under present law, the amount derived in this manner is multiplied by 15 percent in order to obtain the credit (the new figure gives a maximum credit of $375).

For a married couple, both over age 65, the retirement income credit is to be based upon $3,750 instead of the $2,500 applicable to a single person. Otherwise the credit is to be computed in the same manner indicated above except on the basis of the combined experience of the husband and wife.

For those below age 65 receiving Government pension income the $2,500 also becomes applicable but, as under present law, only with respect to Government pension income. The earnings test for these persons is raised from $900 to $1,000 if under age 62 but for those above that age, the $2,000 earnings test applies.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, why should we come in at 11 o'clock tomorrow?

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. As my friend from Iowa knows, I always try to accommodate the Members. As the gentleman can see, we have some 7 hours of debate remaining. I am under instruction from the leadership to dispose of this bill tomorrow.

If we can come in at 11 o'clock, though I cannot give the gentleman assurance I have a good feeling that we could get through by 6 o'clock tomorrow afternoon with our vote. I do not like ever to hold the House in session beyond 6 o'clock for a record vote, and we will have a record vote on the passage of the bill, at least, tomorrow.

I would hope the gentleman would let us come in at 11 o'clock under those circumstances.

We have three appropriation bills, do we not, to consider this week, behind this bill?

Mr. BOGGS. Two this week. One on Wednesday and one on Thursday.

Mr. MILLS of Arkansas. I do not want to carry over until Wednesday, if I can possibly avoid it. I made a commitment to the Speaker that we would dispose of this bill in 2 days.

Mr. GROSS. Of course the distinguished majority leader and the gentleman from Arkansas well know when we come in at 11 o'clock in the morning it usually busts up committee meetings and therefore slows down the input of legislation from the committees. But I assume that has all been carefully gone over and that everything is lovely and the goose hangs high so far as legislation coming to the floor is concerned. I hope so.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INCREASES IN THE NUMBER OF WELFARE RECIPIENTS THROUGHOUT THE COUNTRY

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial.)

Mr. ROBERTS. Mr. Speaker, almost every day the news media is reporting increases in the number of welfare recipients throughout the country. Just today we have read the announcement by HEW that there has been a 50 percent—3½ million people—addition just since the President called for welfare reform in August 1969.

After a thorough investigation of welfare cases before the courts in Dallas County, Dick West, editorial director of the Dallas News brought to light some shocking examples of abuse of the present welfare system which appeared in his June 13 column.

These examples are not unique to Dallas. In fact some of the States have the same situations multiplied many times over. Therefore, before we begin consideration of H.R. 1 today, I want to urge my colleagues to study the points brought out by this perceptive reporter:

In Junior High and on Welfare

(By Dick West)

What follows in this column is the result of 15 weekends of study and personal investigation into the welfare racket—specifically, Aid for Dependent Children (AFDC) which has become the major abuse all over the country.

We spent those Saturdays and parts of Sundays in Justice of the Peace Bill Richburg's court.

The welfare story comes out in peace bond hearings. This is an example: A man leaves his wife and four children and moves in with his girl friend, who's on welfare. The family he leaves then must go on welfare.

He and his new girl friend have a ball—at taxpayers' expense. The two of them live on her welfare check, with his personal income as gravy.

But before long they start fighting—then she goes to Richburg to have him put under a peace bond, because he has threatened to kill her or has beaten her up.

In her anger, she then tells how she has been supporting him on her welfare money. Chances are, he may be carrying his new girl friend and her children as deductions on his income tax.

In the meantime, the wife and children he left are on welfare and a new boy friend finds it out and moves in with her.

When one of these men is asked by Judge Richburg why he doesn't support the family he left, often this is the reply: "I ain't going to give her money long as she's on welfare."

Seven out of 10 cases showing up in Richburg's court involves blacks. In many cases, the man who leaves his family for a new girl friend on welfare leaves his job, too, because he has a new living at taxpayers' expense.

If this abuse could be eliminated, it has been estimated that the families who really deserve help could get twice as much as they are getting now and the cost of the whole program would be reduced.

The AFDC scandals make Sharpstown look like peanuts—yet those who screamed about this case in the Legislature are curiously silent about welfare.

In the cases that follow, the numbers denote the peace bond jacket. Details were taken personally as the complaining party stood before the judge, or were taken from sworn affidavits in the personal file of Ann Wilson, the judge's secretary. Names and addresses can be obtained on the peace bond papers.

Terms like "colored male" are used because that is the phraseology in the peace bond jacket.

Case No. 76974: Colored male left wife and two children in California but is now married to a Dallas woman who has some children by another man. Now he's left the Dallas woman to live with new girl friend on Park Row who has two children but doesn't know who their father is. He makes $125 a week; woman he left is on welfare, new girl friend is on welfare, wife in California is on welfare.

Case No. 76534: Colored female says husband beats her, knifes her, won't work. She has eight children, receives $236 a month in welfare. Husband says she gets $270, that he keeps the children, that she stays gone three weeks at a time "but shows now and then" to bring him $20 for food.

Civil case 1476: Colored female quit good job at Texas Instruments, left husband who makes $144 a week, took mortgaged furniture and went to a housing project where she pays only $30 a month for 2-bedroom apartment. She now draws $179 a month in welfare, claims five children to get the $179, but husband contends he supports two of them. She left and went on welfare a year ago. When she left her husband for a "new life" their combined incomes were $900 a month.

Sworn affidavit: Colored female is not married, attends Rusk Junior High and has a child nine months old by an 18-year-old boy, also in school. She lives with a guardian and gets $68 a month.

Case 75618: Colored female, 27, gets $190 a month in welfare, has had five children in six years. She says her husband makes $190 a week. She got on welfare when they separated, but they went back together and she stayed on it. For a while, they had combined income of $900 a month, counting welfare.

Case 76809: White male 29, got divorce last December, agreed to pay $50 a week child support, claims he's paid it. They went back together a while, then broke up again in April. He claims he's paid nearly all the bills in this period but that she continued to draw $170 a month in welfare. He was told she got another $63 for an apartment, plus food commodities.

There are scores more like these—including the colored female in Pennsylvania who was getting $235 a month in welfare for six children—all illegitimate—and had a boy friend making $200 a week who carried her and the kids on his income tax. She testified she had six wigs and bought him two pairs of alligator shoes at $125 each with welfare money. She came to Richburg when he pulled a pistol on her in a fight and made the children get down on their knees and kiss his feet.

Nobody wants innocent children to go hungry. That's the difficult part of this racket: The children are the pawns.

But the whole story is a snowballing affair—more and more going on welfare every day, even quitting good jobs so they can loaf and have new affairs.

Richburg's lectures to these people about "irresponsibility" have cut down on the flow and must have saved the taxpayers hundreds of thousands in this one JP court.

The flow of shocking cases has decreased a little.

But widespread investigation would do more than anything else to curb the racket; that, plus indictments.

To repeat, in cases cited above details came in peace bond hearings before the judge or in sworn affidavits. If these details prove to be untrue or exaggerated, then those giving testimony lied.

But if the taxpaying public could have heard what we heard on 15 Saturdays, there would really be a massive adverse reaction.

HEARINGS ON U.S. GOVERNMENT INFORMATION POLICIES AND PRACTICES

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee will begin a most important and timely series of hearings on U.S. Government information policies and practices, beginning Wednesday morning June 23.

The leadoff witness dealing with the broad constitutional aspects of the freedom of information issue will be former Supreme Court Justice Arthur Goldberg. Other witnesses on Wednesday will include Prof. Joseph Bishop of the Yale University Law School and the Honorable Lee White, former special counsel to President Kennedy and later Chairman of the Federal Power Commission.

I also announce to the House that pursuant to this investigation, I have requested on behalf of the subcommittee and the Congress as a whole, a full and complete set of all volumes making up the so-called "history of the decision-making process in Vietnam." A copy of my letter to Secretary of Defense Laird in this regard will be included in the RECORD at the conclusion of my remarks.

Mr. Speaker, the constitutional right of the legislative branch to receive documents, reports, and others types of classified as well as unclassified information from the executive, must be constantly exercised if we are to fulfill our duties as elected representatives of the American people. Many Members have become increasingly alarmed by the manifestations of erosion of public confidence in Government at all levels, triggered in part by violent attacks on the news and broadcasting media by top administration officials. These attacks have been accompanied by both subtle and heavy-handed restrictions by the executive on the free flow of information to the Congress and to the public through the mass media. Examples include the current New York Times and Washington Post cases and the refusal to provide congressional committees with vitally needed documents on Vietnam.

All Members are fully conscious of the important need for safeguarding vital defense security. Congress has enacted many laws to deal with this defense requirement and such laws have been fully implemented by Executive orders and regulations to govern the handling, dissemination, use, and periodic declassification of such information.

Fine constitutional as well as operational lines have been drawn between the national security requirements, on the one hand, and the need for an informed electorate, on the other, in the exercise of a free press under the first amendment. Our hearings will explore every facet of this complex constitutional issue, for background purposes as well as the administrative and legislative details of Government information procedures.

We welcome statements or testimony from our colleagues in the House and Senate on this vital subject of concern to us all, and have reserved one complete day for witnesses from the legislative branch. The subcommittee would particularly like to have suggestions from our colleagues as to how present government information problems in security classification cases can be more adequately handled in the public interest. We will explore both the need for additional legislation and the ways in which present security classification machinery in the executive branch could be improved.

Mr. Speaker, during the more than 15 years of distinguished leadership and service by my predecessor as chairman—the gentleman from California (Mr. Moss)—this subcommittee has diligently exercised both its legislative and investigative authority in the freedom of information field. Investigative work by this subcommittee during the 1950's resulted in the release of significant amounts of information by the executive branch to the Congress—information valuable in the discharge of our constitutional responsibilities. Other information, often withheld by a reluctant bureaucrat to avoid embarrassment, was released to the press after subcommittee prodding. Over the years, thousands of pieces of information have been pryed loose by subcommittee efforts against bureaucratic redtape for Members of Congress, news reporters, broadcasters, scholars, and the average citizen. The subcommittee has in effect, served as a government information ombudsman for many years—long before that term came into common usage.

Subsequent work of the subcommittee led to vast improvements in the administrative machinery dealing with classified security material and in the periodic downgrading of such information. Amendments by President Kennedy to Executive Order 10501 and his issuance of Executive Order 10964 in 1961 had been recommended by reports of the subcommittee. In addition to the impact of these actions in advancing the "right to know," they saved many millions of taxpayers' dollars in the cost of handling, storing, classifying, and use of sensitive documents by the executive branch.

Mr. Speaker, 12 years of solid investigative achievement were climaxed by the enactment of the Freedom of Information Act—5 U.S.C. 522—which became effective on July 4, 1967. The legislation advanced by our subcommittee and the Government Operations Committee has helped to open the doors of the bureaucracy to permit the greater freedom of access to nonexempt types of information in countless numbers of cases over the past 4 years.

We are proud of the fact that this subcommittee has been equally diligent and persistent in fulfilling its Government information mandate during the 9 years it has functioned with Republicans in the White House and the 8 years when Democrats controlled the executive branch. In word and deed—in operations and investigations—we are truly bipartisan in the exercise of our freedom of information duties and responsibilities to the House and to the public as a whole.

Mr. Speaker, I include at this point in the RECORD the documents previously mentioned and also insert the correspondence between then Chairman Moss of this subcommittee and President Nixon early in 1969. These letters describe the policies of Presidents Kennedy and Johnson, limiting "Executive privilege" invocation and sets forth the present administration's pledge to continue such narrow limitation. Our subcommittee will also explore during the forthcoming hearings the extent to which the Nixon administration has carried out the intent of the President's memorandum of April 7, 1969, to the heads of executive departments and agencies, which established a procedure to govern compliance with congressional demands for information.

The documents follow:

JUNE 18, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: This is to request formally that you furnish this Subcommittee, not later than close of business, Tuesday, June 22, 1971, with a full and complete set of all volumes making up the "history of the decisionmaking process in Vietnam."

These documents are required for Subcommittee use in connection with the forthcoming hearings on U.S. government information policies and practices, scheduled to begin at 10 A.M., Wednesday, June 23, 1971. For your information, I am enclosing a copy of the Committee news release describing the scope and purposes of these hearings.

I am also enclosing the exchange of correspondence between President Nixon and Congressman John E. Moss, then Chairman of this Subcommittee, which sets forth the President's official policy and implementing *Memorandum for the Heads of Executive Departments and Agencies* governing procedures to govern compliance with Congressional demands for information. Under these procedures, the Subcommittee is clearly entitled to receive the above captioned document, since the President has not invoked "Executive privilege" with respect to this document.

Please make certain that the copy furnished to the Subcommittee contains the original physical markings, designations, notations, group classification, and similar classification information required in the applicable Department of Defense instructions for "Security Classification of Official Information."

With best regards,
Sincerely,
WILLIAM S. MOORHEAD,
Chairman.

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS
Washington, D.C., January 28, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by President John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Roosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

". . . this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to do so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 2, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to ensuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes.

Sincerely,

RICHARD NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a procedure to govern compliance with congressional demands for information)

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest. This Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney general through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

HUBERT HUMPHREY AND THE SECRET PENTAGON REPORT

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, many people are finding it hard to believe that Senator HUBERT HUMPHREY as Vice President of the United States was not aware of the various behind-the-scenes events leading to the escalation of the Vietnam war. Mr. HUMPHREY has denied any knowledge of the very damaging disclosures by the New York Times this week obtained from a top secret Pentagon report dealing with the early stages of the war. Suspicions surrounding HUMPHREY's "shock" and "surprise" are especially widespread among those who view his public innocence in the light of his unannounced bid for a second try at the Presidency. Said Senator HUMPHREY when interviewed this week on the CBS Morning News:

> I was as shocked and surprised as any other citizen. It makes you wonder how those decisions were made.

There is little doubt in the minds of most HUMPHREY-watchers that Senator HUMPHREY in his public pronouncements of this week, is engaging in more of the very same public evasiveness and deception revealed by the report about the Johnson-Humphrey administration. His innocence is unconvincing and few Americans accept his explanation. To believe that the Vice President of the United States, a man just a heartbeat away from the Presidency, was unaware of the behind-the-scenes evolution of the most important single preoccupation of the Johnson-Humphrey administration, is more than most people can imagine. If Mr. HUMPHREY is leveling in this instance, and most believe that he is not, then he must be, by implication, criticizing Lyndon Johnson for failing to discharge one of the most basic responsibilities of the Office of the President. In either event his statements are distressing to most Americans.

Senator HUMPHREY has been running hard for the Presidency and obviously sees nothing but bad news in the series of articles run by the New York Times. Senator HUMPHREY's disclaimers come at a time when the entire Nation and the world await judicial determination as to future publication of articles by the Times. Perhaps he knows something that the public does not. There just might be some indication of Senator HUMPHREY's behind-the-scenes role in getting America involved in the Vietnam conflict in the unpublished articles.

Unconvincingly Senator HUMPHREY remarked, "You sort of wonder if we're getting all the information." It is clear that the Senator either knew that he was supposed to hush up the escalation of the war in 1965, or was incredibly naive in not asking his boss for a briefing in the matter; 1965 was the year that America's troop strength in South Vietnam jumped from a mere 17,000 to 185,000 men. Senator HUMPHREY fails to state publicly whether or not he ever bothered to ask President Johnson what his policy was in Southeast Asia and what his basis was for that policy. It is clear that Senator HUMPHREY is still refusing to stand foresquare before the American people with the truth.

Furthermore, one wonders about Senator HUMPHREY's failure to publicly discuss the issue in its most basic terms during his unsuccessful bid for the Presidency in 1968. Instead of presenting the Johnson-Humphrey administration's true basis for escalating the action in Southeast Asia, the Vice President chose instead to evade the war issue and to publicly support Lyndon Johnson. He never complained that he was not being informed of the policy decisions during the crucial years from 1964 to 1968, nor that he was not fully aware of his administration's justification for proceeding the way it did.

Certainly it is not too much for the American people to expect that their Vice President should insist on keeping fully abreast of matters involving grave issues of war and peace. The cost of the Vietnam war in lives and treasures should have been sufficient justification for Mr. HUMPHREY to act more responsibly. Perhaps if he had taken the time and insisted on full access to matters relating to the war, America might not have made so many of the tragic errors that it did during the Johnson-Humphrey years. For Senator HUMPHREY to state before the American people, particularly those who have lost fathers, sons and brothers in the war, that he was not aware of the behind-the-scenes activities preceding each escalation of the war is a travesty indeed. The American people no longer will tolerate such deception, and it is apparent that Mr. HUMPHREY will be called upon to fully explain himself as a result of the New York Times disclosure.

It would behoove the American people to challenge Senator HUMPHREY on this issue. He is actively seeking his party's nomination for the Presidency. If he earns that nomination, then he should be called upon to state his role in escalating America's involvement in the Vietnam war, and to explain his utterly unbelievable assertions of this week that he was unaware of what was going on around him. The Democratic Party has much soul-searching to do in this matter. The Office of the Presidency is no longer a place for secretive and deceptive conduct. The war in Vietnam bears witness to the tragic results flowing from such practices.

Senator HUMPHREY owes an obligation to the American people to publicly explain himself. The people have entrusted him with serious responsibilities as Vice President and U.S. Senator. They deserve more than misleading innocence and deception.

USDA BOOSTING SOYBEAN SHIPMENTS TO GULF PORTS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I want to commend the Department of Agriculture for filing its withdrawal this morning from a rail freight rate case pending in the U.S. district court at Dallas. This action is in keeping with the Nixon administration's program of increasing farm exports in many ways including facilitating the less costly movement of midwestern soybeans to gulf ports.

The Department had previously intervened in the suit hoping to obtain lower freight rates for shipments to Corpus Christi equalizing them with reduced rates already in effect to Galveston and Houston. This was a matter of great importance to Iowa soybean farmers whose ability to ship to gulf ports for export had been greatly enhanced by an earlier ICC decision authorizing lower rates to the latter two ports. We wanted to be very sure that departmental intervention would not endanger these advantageous rates already in effect.

During the past months two Assistant Secretaries—Lyng and Palmby—have repeatedly assured me they had no intention of jeopardizing the existing reduced rates and would take whatever steps were necessary to prevent any adverse effect on Iowa soybean shipments. At my suggestion and that of Senator MILLER, Assistant Secretary Lyng and other Department officers went to Des Moines on June 4 to discuss the situation with Governor Ray, officials of grain organizations, farmers, and railroad representatives. It became evident at this meeting and subsequently that the Rock Island Railroad would cancel the existing lower rates to Galveston and Houston if ordered by the court to apply them to Corpus Christi. The Department has therefore withdrawn from the case in order not to jeopardize the reduced rates already being utilized so effectively to move Midwest soybeans to port.

Today's action by the Department is indeed good news for Iowa farmers. It marks a continuation of the administration's vigorous promotion of soybean exports which has already helped strengthen the market. The remarkable rise of soybean exports to an alltime high in 1970 and the accompanying rise in mid-June prices are shown in the following table:

	Total exports (million bushels)	Mid-June market price (No. 2 soybeans in central Iowa)
Calendar year:		
1967	266.6	$2.67
1968	286.8	2.52
1969	311.2	2.49
1970	435.0	2.56
1971		[1] 3.02

[1] Today.

RESOLUTION OF INQUIRY

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I rise to inform my colleagues of the introduction of a privileged resolution of inquiry which asks the President to provide to the Members of this House the complete text of the 1968 Vietnam Task Force report entitled "United States-Vietnam Relationships 1945–1967." I and my cosponsors, Mr. MCCLOSKEY, Mr. RIEGLE, Mr. HALPERN, Mr. HARRINGTON, Mr. DELLUMS, Mr. BADILLO, Mr. HECHLER, Mr. STOKES, Mr. RYAN, and Mr. ADDABBO believe that it is absolutely essential that each Member receive this information as quickly as is humanly possible.

I do not think that it would in order at this time for me to comment upon the controversy regarding the publication of portions of this document in the public press. That question is presently before the courts, and it is for them to determine whether the information contained in the report may be published in the newspapers; some Congressmen, including myself, are intervening in those proceedings.

But making this study available to Members of Congress is a different matter entirely.

Under our Constitution, the Congress has a responsibility in the making of foreign and military policy which is as important as that of the President. Like the people, the Congress has relied upon the public statements of administrations over the past 20 years in formulating its position regarding American involvement in Southeast Asia. We relied upon this information not because we felt ourselves entitled to no more, but because we thought that it was the truth.

We have a right to expect that our administrations will be frank and honest with us, so that we may properly fulfill our responsibilities.

If our administration weaves a sordid tale of double-dealing and deceit, we must know that too, in order that we may consider whether we wish to change our position in light of the true situation. The possibility that in reading this document we may discover that lies have been deliberately disseminated by our Nation or its allies makes it all the more imperative that we obtain and study it as soon as we can, for to do any less is to abdicate our constitutional duty.

If adopted, this privileged item should guarantee that we receive the information to which we are entitled. It must be reported out of committee within 7 legislative days and then voted on immediately by the House. The administration would have 15 days after its adoption in which to respond, with its report going first to the Speaker and then to the House as a whole.

This resolution draws upon over 100 years of precedent, the most recent example of which is Representative John Lodge's 1950 resolution seeking information from the Department of State on the question of Formosa.

Mr. Speaker, having access to this information will be of inestimable value in helping the Congress to fulfill its responsibility as a partner in the formulation of military and foreign policy. I urge the adoption of this resolution.

THE SHARPSTOWN FOLLIES—ACT II

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 hour.

Mr. GONZALEZ. Mr. Speaker, it is extraordinary that the Department of Justice has arranged not to bring Frank Sharp to trial. After all, Mr. Sharp is named as the principal wheeler and dealer in one of the most spectacular scandals in the history of the Nation. Losses of millions of dollars have been attributed to the machinations of this man; he has been accused of enriching various State officials in Texas; he has been accused of systematically looting companies; and the folding of his bank, the Sharpstown State Bank, revealed practices that are shocking even to the most hardened observer. And yet the Department of Justice declines to bring him to trial, and instead has arranged for him to enter a plea of guilty to a more or less technical violation of law, and to be fined $5,000. So Mr. Sharp will never be tried for most of the offenses he is accused of, at least in any criminal charge.

The actions of the Department of Justice were handled at the highest level. The Deputy Attorney General himself, Mr. Kleindienst—who is in line to become Attorney General when his boss leaves to resume full-time politicking—pulled the strings.

The normal course of events would have the Assistant Attorney General responsible for making these decisions. But the Assistant Attorney General, it is said, has disqualified himself from the case, because he had prior acquaintance with Mr. Sharp.

The truth is that Mr. Kleindienst arranged the deal with Sharp to protect his immediate subordinate, Wilson. It may well be that in this case the prosecutor may be guilty of some of the crimes he is charging others with committing.

By not prosecuting Sharp vigorously, the Department of Justice apparently hopes to keep the public from ever learning the relationship that its own Assistant Attorney General had with Sharp.

Moreover, by going after indictments and convictions of Texas officials who had dealings with Sharp or in his companies, the Department apparently hopes to convince everyone that it is thoroughly cleaning house. They seem to hope that in all the excitement of the forthcoming indictments, no one will notice that the biggest fish got away.

It may be that the Assistant Attorney General and his bosses do not want too much to be known of the fact that the then member of the Texas State Banking Commission, Will Wilson, voted with great enthusiasm to create the Sharpstown State Bank, in which Frank Sharp was principal stockholder, as he remained until the bank collapsed early this year in the midst of spectacular scandal.

Wilson voted to create the Sharpstown Bank in 1960. After that he did legal work for Frank Sharp. It was Wilson who helped Sharp acquire 518,000 shares of the National Bankers Life Insurance Co. in June 1968. In this transaction Wilson handled negotiations for Sharp. It was this same National Bankers Life stock that subsequently was apparently used in various frauds and schemes attributed to Sharp and his friends, during which the stock of the company went from $9 a share to $29 a share; it sells today for about $3 a share. It is possible that Will Wilson was a stockholder in this same National Bankers Life Insurance Co.; he probably was, in view of his role in the transfer of the company from one group to another. It is likely too, that Wilson traded in this stock; he might even have had good reason to know that his friend and client was not exactly playing by the rules of the game. Could it be that the Department of Justice wants to conceal all this? Certainly the best way to accomplish that is to come to a deal with Sharp, so that no one need ever know about the dealings their own Will Wilson had with him.

Mr. Wilson, as a private attorney, handled one of the biggest deals ever made by Frank Sharp, the very deal that enabled him to enter into spectacular stock manipulations later on. I can only wonder whether he has negotiated yet another deal for his erstwhile client—this time to escape criminal prosecution for deals Mr. Wilson helped make possible in the first place.

One thing is clear: the Department of Justice has made a deal with Frank Sharp, and he is safe now from criminal culpability.

This deal was made without the knowledge or consent of the Securities and Exchange Commission, which investigated the matter originally. The otherwise zealous local U.S. attorney in Houston said that he had not contacted SEC about the plea bargaining because the SEC representatives were antagonistic toward Sharp. What else could they be? So what? Of course, only a few hours after the SEC expressed shock and dismay over the fantastic bargain struck between Sharp and the U.S. attorney, and the prosecutor in his turn criticized the SEC staff, Kleindeinst saw to it that all sides denied anybody had said anything. So officially, everybody is happy, but in fact the SEC is aghast at the action of the Department of Justice in handling this case.

Now why did the Department of Justice make this deal with Sharp?

It seems that Mr. Sharp is to be given immunity in exchange for his help in securing indictments and convictions of a number of Texas officials he dealt with. In other words, it looks as if the Federal Government wants to hang those who might have been corrupted, but let the corrupter go free.

The Government is going to tell us that it would be impossible to get indictments against these officials without the help of Mr. Sharp. The truth is that they could have proceeded without his help, and without this malodorous deal. They need Mr. Sharp, but not for these prosecutions. They need his silence to protect their own Assistant Attorney General.

The truth may never be known about Sharp and all his dealings. If that happens it will be at the instance and motion of the Department of Justice itself, through decisions made at the highest level in that Department.

In a few days, the Department will announce that it has secured indictments against a number of high State officials in Texas for their dealings in stocks manipulated by Frank Sharp. They will not announce that they will not try to enter criminal prosecution of Sharp himself. Their dragnet has a hole that lets the big fish get away—and the hole was put there by the Department of Justice itself, not in the interest of justice, but in the interest of protecting its own heirarchy from exposure.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

With so much to be thankful for here in the United States, let us today express our appreciation for those farsighted Members of the Congress who, 54 years ago, created the farm credit system. Today, this system is the annual source of over $12 billion in loans to farmers and their cooperatives to produce food and fiber for every American and for millions of people around the world. The system is one of the most enlightened, progressive creations in American agriculture and is a model for dozens of underdeveloped countries who send their officials here for farm credit system training. A network of farmer-owned banks and associations, the system has been the stalwart friend of the farmer through the bleakest and best years of American agriculture. It provides a unique way of channeling money to the farmer, without costing the American taxpayer a single cent. And let us take pride in the farmer-owners of this great system, who 2 years ago finished paying back to the U.S. Government every dollar of Federal "seed money." This kind of frugality and financial responsibility is what made America great. The system began right here in the House and is today an American self-help success story.

THE PENTAGON PAPERS

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, there are a number of very fundamental issues in the cases of the United States against the New York Times and the United States against the Washington Post to which I feel compelled to address myself.

It almost does not matter that the actions involve the so-called Pentagon papers, the history of the origin and development of the Indochina war. It would be the same if it were preliminary census figures for the 10th Congressional District of Massachusetts.

What is basically at stake is the right of a free people to know the actions of a government they have chosen to represent them. That is the very touchstone of our national philosophy and creed.

As Thomas Jefferson wrote:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

If the people's power in our form of government is absolute, so then is their right to all possible information on which to base an exercise of that power.

So the first and foremost issue, Mr. Speaker, is the right of the people to full information.

The second, of course, is freedom of which is unequivocally assured by the very words of the first amendment which states in plain language:

> Congress shall make NO law . . . abridging the freedom of speech or of the press . . .

That attaches very directly to the first issue, because how can the people be informed by whispering and a captive press? Their power is then less than absolute, their capacity for self-government diminished, and the primary motives of this country's founding are betrayed.

Beyond that, the people are just as fully entitled to know completely their past so as to be able to act with intelligence and power on their future. Full information extends to precedents as well as to options, to history as well as to destiny. The avoidance of repeating past mistakes is the requirement of present and future wisdom.

And then finally, the substance of the issue itself, the Pentagon papers. Two courts have already ruled that their publication in no way constitutes an infringement on or a threat to the security of the United States. The Government claims that they do.

We have given ourselves over, under the rule of law, to our courts. We await their decision.

In the meantime, I commend both the New York Times and the Washington Post for journalistic courage and conscientiousness. They have demonstrated both before, as well as a sense of responsibility toward the public good. They are not so endowed, but they are true representatives of a free people.

So all, Mr. Speaker, is not lost.

CONGRATULATIONS TO THE SYRACUSE HERALD JOURNAL AND POST STANDARD

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. TERRY) is recognized for 1 minute.

Mr. TERRY. Mr. Speaker, yesterday, it was my pleasure to join with local and State leaders of New York in saluting the Herald Journal and Post Standard, the daily newspapers of Onondaga County and Central New York, at the official dedication of their magnificent new plant on Clinton Square in downtown Syracuse.

The Herald and Post reach over 200,000 readers daily and provide an incisive analysis of the day's happenings. It is important to remember that in a period when our news comes packaged in slick, 30-second spots on a television or radio broadcast, that it still takes the thorough, probing examination of a newspaper analysis to provide the public with the necessary background to form intelligent opinions on the fast-breaking issues of today.

We have just completed a decade during which a large number of major dailies closed their doors. It is a tribute to the leadership and staff of the Herald Journal and the Post, that they have begun the 1970's with a new facility which is an optimistic launching pad for continued service to the Central New York area.

Stephen Rogers, president of the Herald Co., and publisher of the papers, William Cotter, editor of the Herald Journal, J. Leonard Gorman, editor of the Post Standard; city editors, Edward Sabine and Ollie Sheremeta; editorial chiefs, Harold Addington and William Cole; night editor, Mario Rossi and Sunday editor, Phil Hoffman; Gus Bliven, Bob Haggert, Maurice Lee, and Brohmann Roth, reporters, who have provided thousands of lines of news, all deserve the thanks of their readership for their continued leadership in the journalism field. A special note of recognition is warmly made of the contribution to the effectiveness of the newspapers by Joe Ganley, who daily covers our offices in Washington.

The role of the newspaper in this country has been one of leadership. The Herald and Post this past winter met this role when they urged the public to support the efforts of the Central New York delegation to the State legislature in their efforts to hold the line on taxes. Without their leadership and accurate analysis of the events in Albany, it is doubtful that the goals of the delegation could have been accomplished.

There are few monuments to the history of this country of greater importance than a free and objective press. It is a pleasure to extend congratulations to the Syracuse Herald Journal, Herald-American and Post Standard on their continued role of providing news and analysis to its ever increasing readership.

UNANIMOUS DISAPPROVAL OF KENNECOTT-PEABODY MERGER BY FEDERAL TRADE COMMISSION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, during the past decade the rapid pace of the merger movement has carried us well into the era of superconcentration in American industry. Back in 1962 in a report entitled "Mergers and Superconcentration," I warned of this development, pointing out that—

> America is at the crossroads. It must face up to the alternative paths lying ahead. Will it follow the road to monopoly and ever-increasing concentration of economic power? Or will it take the other alternative—the hard and rocky road to a restoration of competitive free enterprise, with the preservation of the American ideals of opportunities for small, locally oriented, companies to enter business and thrive and grow?

A report on corporate mergers prepared by the Bureau of Economics of the Federal Trade Commission, released in 1969, confirmed my fears. That report stated:

> In unprecedented fashion the current merger movement is centralizing and consolidating corporate control and decision-making among a relatively few vast companies. By the end of 1968, the 200 largest industrial corporations controlled over 60 percent of the total assets held by all manufacturing corporations. This concentration of economic resources represents a substantial increase over previous levels that have earlier prompted major concern on the part of the United States Congress. Specifically, the share of manufacturing assets held by the 100 largest corporations in 1968 was greater than the share of manufacturing assets held by the 200 largest corporations in 1950, the year Congress enacted the Celler-Kefauver amendment to Section 7 of the Clayton Act. The 200 largest manufacturing corporations in 1968 controlled a share of assets equal to that held by the 1,000 largest in 1941, when the Temporary National Economic Committee submitted to Congress its Final Report and Recommendations on an *Investigation of Concentrations of Economic Power*.

It is well known, of course, that industrial mergers have more and more taken on the form of conglomerates, yet a number of key cases brought under the Celler-Kefauver Act demonstrate that conglomerate mergers can be attacked under the antitrust laws. In other words, several cases brought by the Federal Trade Commission and the Antitrust Division have clearly established that the law is not merely applicable to the classic horizontal or vertical mergers.

PROBING DEEP BELOW THE SURFACE, FTC'S STAFF DEVELOPED EVIDENCE THAT THE MERGER OF KENNECOTT COPPER CO. AND PEABODY COAL CO. SUBSTANTIALLY LESSENED COMPETITION IN THE COAL INDUSTRY IN VIOLATION OF THE CELLER-KEFAUVER ACT

In an opinion written by Commissioner Everette MacIntyre, the Federal Trade Commission has ruled unanimously that the acquisition of Peabody Coal Co. by Kennecott Corp. violated the Celler-Kefauver Act—section 7 of the amended Clayton Act. Kennecott is the largest producer of copper in the United States. Peabody is the Nation's largest coal company. On the surface it would appear that the merger of these two industrial giants was a pure conglomerate merger, where it would be difficult to demonstrate that competition would be injured in any particular market. However, the FTC probed deep below the surface and found that Kennecott was, in fact, a significant competitive factor in Peabody's industry, the coal industry.

The FTC is to be congratulated on the excellence of its staff work in bringing the critical facts to light and the probity of the Commission's decision, which clears up many ambiguities in the interpretation of the antimerger law and provides guidance as to the direction merger policy should proceed. Commissioner MacIntyre's thorough and well reasoned opinion rests on a number of significant findings:

First. Documentary evidence in the form of interoffice memos showed that top officials of Kennecott, prior to its acquisition of Peabody, planned to become a major factor in the coal industry in competition with other large national coal companies and took affirmative steps to enter the industry. Peabody's management considered Kennecott's actions as a threat to its own plans and took several defensive steps to ward off Kennecott's entry into the coal industry. Indeed, the documents present a textbook example of how potential competition operates in the real world.

Second. The Commission concluded, therefore, that Kennecott not only was a substantial potential entrant into the coal industry, but that the effect of its initial thrusts into the coal business and Peabody's responses designed to deter Kennecott from proceeding with its plans established Kennecott as an actual competitor.

Third. Commissioner MacIntyre's exposition of the concept of potential competition brings deep insights into that dimension of competition as a regulatory force in the marketplace and the way in which it serves as an important check on monopoly prices. Citing the reasoning of prominent economists ranging from Adam Smith to a growing body of contemporaries such as Prof. Joe Bain, as well as a number of Sherman Act cases going back to the original Standard Oil case and coming forward to the recent section 7 cases of El Paso, Penn Olin, Procter & Gamble, and Continental Can, Commissioner MacIntyre observes:

> The importance of potential competition, as the concept was developed by cooperation between economists and lawyers, in an industry which is already highly concentrated is twofold: (1) If the oligopolists raise their prices too high, the potential entrant is induced to enter. Such entry would expand the supply of the particular product which would force prices downward. (2) The mere possibility of actual entry may be sufficient to restrain those in the market to hold their prices just below the point at which entry would be induced. When a potential entrant does enter the industry through a substantial merger, not only is new competition not added, but a significant competitive influence is eliminated which was exerted by the potential entrant while remaining at the edge of the market. [Footnotes omitted.]

Fourth. The elimination of potential competition is applicable not only in markets which have reached the status of tight oligopolies but also in loose oligopolies where "the industry is on the way to becoming highly concentrated," under the incipiency doctrine of section 7. To "act only in those cases in which a tight oligopoly has become an established fact would obviously thwart the intent of Congress and the purpose of section 7 which requires the Commission to make a prediction of the merger's future impact on competition." Concentration in the coal industry was found to be on the increase and entry barriers were high and becoming more formidable. The Commission concluded that—

> The substitution of Kennecott, with its vast resources as the leading company in the copper industry and its existing relationships with the utility companies, tends unduly to increase barriers to the entry of new competition and to deprive smaller coal companies of an equal opportunity to compete in the sale of coal.

Fifth. Commissioner MacIntyre also considered that the entrenchment of leading firms was of particular relevance to the Kennecott-Peabody merger, stating:

> The record shows that Kennecott anticipates the generation of an enormous cash surplus from its copper operations in the coming years, and it will be inappropriate to reinvest this surplus in the copper business. It is reasonable to predict that this excess will be used to expand Peabody's position in the coal industry. With this deep pocket of funds and other resources, Kennecott-Peabody will be able to bid for and acquire coal reserves, finance massive mining developments, and aggressively compete for long-term utility supply contracts from a virtually unprecedented financial position. This situation clearly warrants concern that Peabody's dominance of the coal industry will be entrenched and enhanced as a result of the acquisition challenged in this proceeding.

Sixth. Congressional policy as expressed in section 7 will be best served if merger activity is channeled toward smaller firms, and whether a firm concedes that it would enter by way of a small acquisition "the toehold principle nevertheless applies."

Commissioner MacIntyre concludes that—

> The record is clear that not only did Kennecott intend to enter the coal industry but also that it had the capacity to become a substantial competitor once it had entered. Instead of entering the industry by way of internal expansion or by toehold acquisition however, Kennecott chose to acquire the leading company. While Kennecott was able to enter the industry and thus add substantial competition, it eliminated this competition by acquiring Peabody. Moreover, concentration on a regional level where the effect of the acquisition would be most keenly felt is extremely high. The elimination of a substantial potential entrant is therefore likely to have a deleterious effect on overall competition.

The Commission is to be congratulated on its enlightened efforts to apply the Celler-Kefauver Act vigorously in the cause of bringing a restraint on the trend toward superconcentration.

The full text of the FTC opinion on the Kennecott-Peabody merger follows:

IN THE MATTER OF KENNECOTT COPPER CORP., A CORPORATION—DOCKET NO. 8765

United States of America, before Federal Trade Commission.

Commissioners: Miles W. Kirkpatrick, Chairman; Paul Rand Dixon; Everette MacIntyre; Mary Gardiner Jones; David S. Dennison, Jr.

FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER

The Federal Trade Commission issued its complaint in this matter on August 5, 1968, charging respondent with violation of Section 7 of the amended Clayton Act (15 U.S.C. section 18) as a result of its acquisition of Peabody Coal Company. Hearings were held before an examiner, and testimony and other evidence in support of and in opposition to the allegations of the complaint were received into the record. In an initial decision filed March 9, 1970, the examiner dismissed the complaint on the ground that the record failed to support the allegations contained therein.

The Commission, having considered the entire record, the appeal of counsel supporting the complaint and respondent's answer thereto, and having determined that the conclusions contained in the initial decision are in error, all findings of the examiner inconsistent with the Commission's findings and opinion are hereby vacated. The Commission now makes the following findings and conclusions of fact and law, and order.

FINDINGS OF FACT

I. The companies involved

1. Respondent Kennecott Copper Corporation ("Kennecott") is a corporation organized and existing under the laws of the State of New York, with its executive offices located at 161 East 42d Street, New York, New York 10017 (Answer p. 2). Kennecott, which also produces a number of other products, is the largest producer of copper in the United States (Answer p. 2). During 1966, Kennecott had sales of about $739.7 million with net income of about $125.4 million (Answer p. 3). Among United States industrial corporations listed in "Fortune's 500" for 1966, Kennecott ranked 55th in terms of assets and 111th in terms of sales (CX 188, p. 6). At all has been engaged in "commerce" within the meaning of the Clayton Act (Answer p. 8).

2. Kennecott is primarily engaged in the production of copper, an industry characterized by fluctuations of sales and profits as well as uncertainty due to political conditions in developing nations in which much of the world's copper is mined. Moreover, the copper-ore content of the deposits presently being mined is steadily diminishing. Kennecott is engaged in an extractive business with declining assets and mounting reserves of cash (Tr. 6304).

3. As of July 15, 1966, Kennecott "had available in cash or securities approximately $150 million; up to $75 million net from the sale of Kaiser stock could be anticipated; its additional cash flow during the next 11 years was then estimated at $467 million; and this made a total of approximately $700 million whose productive investment had to be planned" for the coming 11 years (CX 2–N). "Productive investment" was to be accomplished by diversification of Kennecott's business operations (RX 236, 237 A–B). As part of the diversification program in June 1965. Kennecott acquired the property of Knight-Ideal Coal Company ("Knight-Ideal") located in Carbon County, Utah, for $735,000 (CX 70) consisting of a mine and coal reserves capable of producing up to an estimated 1,165,000 tons annually (CX 61). The existing mine on the property at the time was producing 185,000 tons annually.

4. Prior to March 29, 1968, Peabody Coal Company ("Peabody") was a corporation organized and existing under the laws of the State of Illinois, with its principal office and place of business located at 301 North Memorial Drive, St. Louis, Missouri (Answer p. 9). Peabody was the leading coal producer in the United States (Answer p. 9). In 1966, its sales amounted to about $234 million, its net income to about $26.3 million, and its assets were $315.6 million (Answer p. 11). Among United States industrial corporations listed in "Fortune's 500" for 1966, Peabody ranked 186th in terms of assets and 317th in terms of sales (CX 188, p. 14).

5. Peabody operated approximately 37 wholly owned domestic mines in the States of Alabama, Colorado, Illinois, Indiana, Kentucky, Missouri, Ohio, and Oklahoma, with additional operations planned for Arizona (Answer p. 10). As of mid-1967, Peabody owned, leased, or held under option more than 5.5 billion tons of proved recoverable coal reserves located in 14 states—Alabama, Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, and Wyoming (Answer p. 10). In addition, Peabody owned, leased, had under option or otherwise controlled substantial acreage in the West known to contain large amounts of coal but which had not been fully explored or tested for mineability (Answer p. 10; CX 162–T).

6. In 1967, Peabody produced 59.4 million tons of coal (RX 170–A). The second largest coal company, Consolidation Coal Company ("Consolidation Coal") produced 56.5 million tons and the third ranking company, Island Creek Coal Co. ("Island Creek) produced 25.9 million or less than half of Peabody's production (RX 170–A).

7. Between 1955 and 1964, Peabody's sales of coal grew from about 19 million to almost 60 million tons, a rise of approximately 41 million tons (Tr. 3665). This increase accounted for about 45 percent of the nation's total expansion of coal production (Finding 19, *intra*).

II. The acquisition

8. Beginning in March 1966, contacts were made between Kennecott and Peabody officials relating to a proposed acquisition of Peabody by Kennecott and on July 19, 1966, an agreement was executed which provided for the acquisition of Peabody's assets by Kennecott at a price which was to yield $47.50 in cash for each share of Peabody common stock outstanding. At the time of the agree-

ment the stock had a market value of less than $30 a share (Tr. 3674). The acquisition was consummated on March 29, 1968 for $285 million in cash (Answer p. 16).

III. The relevant product market

9. Coal is generally classified as bituminous, sub-bituminous, anthracite, and lignite. In 1967, about 550 million tons of bituminous and sub-bituminous, 12 million tons of anthracite, and about 3½ million tons of lignite coal were produced in the United States (Tr. 4107). The relevant product market, as found by the examiner (I.D. 13), consists of bituminous, sub-bituminous and lignite coal, hereinafter referred to as "coal," which constitute the overwhelming portion of total domestic coal production.

10. Between 1947 and 1960, domestic coal consumption has steadily declined. Railroads, once a major user which accounted for 25 percent of total consumption began to substitute diesel fuel for coal; and the share of retail and miscellaneous users which represented another 23 percent, had fallen by 1960 to less than 5 percent of total coal consumption. Industrial consumption has experienced a similar though not as extensive decrease (Tr. 3928; RX 148). However, in 1960, a turnabout came when coal consumption began to rise due to the growing needs of electric utilities. Since 1960, the major portion of coal produced, about 70 percent, has been consumed by electric utilities (Tr. 3940–43; RX 150).

11. As a source of energy, coal competes with natural gas, oil, hydropower and nuclear power because in most areas of the country the coal industry has been able to offer coal at prices below those of the other fuels and hence has shared in the growth of electrical generating capacity (Tr. 3932, 3997–4038). Thus, in 1947, coal consumed by utilities amounted to 86 million tons, in 1957, to 157.4 million tons, and in 1967, to 271.8 million tons (RX 147–A). Coal usage has grown over the years, although coal has not increased its relative share of the overall energy market at the same rate as other sources of energy. For example, coal usage for production of electricity is expected to reach 750 million tons by the year 2,000 (Tr. 4522–25; RX 189). Whether a market or a submarket, it is clear that coal is a product relevant to the measurement of the effect of the acquisition involved in this case.

IV. The relevant geographic market

12. The area within which coal may be marketed depends upon a variety of factors including the location and size of the coal reserves, the availability of suitable transportation, the quality of the coal, the location of water supply and, more recently, the problem of air pollution (Tr. 3981–83). Since transportation cost of coal is high relative to the value of coal, the distance it can economically be shipped is limited (Tr. 3983). Hence, with a few exceptions (Tr. 4632), coal sales from a particular mine tend to be confined to the geographic area of its production.

13. Although only a few companies have national distribution, the leading coal firms which have strategically located mines nevertheless compete with each other throughout the United States for the sale of coal. For example, both Peabody and Consolidation bid on a contract, ultimately awarded to Peabody, calling for the delivery during a period of 35 years of a minimum of 117 million tons of coal beginning in 1970 to a new power station at Davis Dam, Nevada (CX 152; Tr. 5318). Peabody, Consolidation Coal, and others are competing for the sale of coal to Utah Power & Light Company in Utah (Tr. 2966–67). Peabody and Consolidation also competed for the sale of coal to Montana Power & Light Company in Montana (Tr. 3638). Peabody, Consolidation, North American Coal as well as United States Steel Corporation and others competed for sales to Minnesota Power & Light Company in Minnesota (Tr. 4604–09). The increasing demand for coal by utilities in these and other Western states will require coal in quantities up to 105 million tons annually by 1980 (Tr. 4457–58). Large national companies can be expected to compete for these sales.

14. Prior to Kennecott's purchase of Knight-Ideal, Peabody had become aware of Kennecott's plans and in response thereto, among other things, considered for the purpose of forestalling the purchase (a) an offer to supply Kennecott's coal requirements for its power plants in Utah and Nevada which provide the power for Kennecott's copper mining operations in the two states or (b) an offer to enter into a joint venture with Kennecott to operate a coal mine (CX 53–B). While Kennecott was holding an option to the Knight-Ideal property, it competed with Peabody, Consolidation Coal and others for the sale of coal to Utah Power & Light Company referred to in Finding 13, *supra*. After the Knight-Ideal purchase by Kennecott, Peabody in fact attempted to dissuade Kennecott from opening a mine on the Knight-Ideal property by making two formal offers to Kennecott to supply the latter's coal requirements (CX 54, 55). Peabody recognized the importance of keeping additional competition out of the industry (CX 52, 53).

15. Kennecott, prior to its acquisition of Peabody, planned to become a national producer of coal in competition with other large national coal companies. It was aiming for annual sales of $100 to $200 million which would have made it the third or fourth largest producer in the United States (CX 84–B, see also Finding 31, *infra*). Mr. J. C. Kinnear, General Manager of Kennecott's Western Mining Division stated that—

Kennecott can organize to produce commercial coal as efficiently and cheaply as the present national major producers, and with the Knight-Ideal property as a base, can become a significant competitor for coal business in the intermountain and northwest United States * * * (CX 63–K).

Mr. C. D. Michaelson, Kennecott's Vice-President envisioned Kennecott as a national producer and was interested "in a comprehensive study of the coal potential in the entire West and possibly in the entire United States" (CX 19).

16. Based on these facts, it is found that the United States as a whole is an appropriate geographic area in which to test the effect of the acquisition.

V. The changing structure of the coal industry

17. Members of the coal industry are known as affiliated operating groups or producers. Each group or producer includes parent and its subsidiary corporations which together constitute a single decision-making entity (Tr. 4053–55).

18. Total domestic coal production rose from about 392 million tons in 1954 to about 553 million tons in 1967, an increase of about 161 million tons or 41 percent (RX 167 attached as Table I). During this period, and since 1947, around 70 producers or operating groups produced annually more than one million tons. In 1967, there were 68 such producers (RX 168). However, between 1947 and 1967, the combined share of the 68 producers in total domestic coal production grew from 48 percent to 70 percent (RX 168, 169). While in 1947, the 33 largest producers controlled 37 percent of the coal market, by 1967, and despite a greatly expanding market between 1960 and 1967, five producers alone controlled 32 percent, with Peabody and Consolidation Coal accounting for 21 percent (RX 170).

TABLE 1.—U.S. COAL[1] PRODUCTION, TONNAGE AND PERCENTAGE DISTRIBUTION BY SIZE OF MINE, 1947–1967

[Million tons]

Year	Class 1—500,000 tons and over		Class 2—200,000 to 500,000 tons		Class 3—100,000 to 200,000 tons		Class 4—50,000 to 100,000 tons		Class 5—10,000 to 50,000 tons		Class 6—Less than 10,000 tons		
	Production	Percent of total	Production	Percent of total	Production	Percent of total	Production	Percent of total	Production	Percent of total	Production	Percent of total	Total Production
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1947	262	41.5	155	24.6	88	14.0	50	8.0	60	9.4	16	2.5	631
1948	228	38.0	154	25.6	83	13.8	55	9.1	61	10.2	20	3.3	600
1949	128	29.3	120	27.3	70	16.1	48	10.9	50	11.4	22	5.0	438
1950	185	35.9	140	27.1	72	14.0	44	8.6	53	10.2	22	4.2	516
1951	226	42.4	136	25.4	65	12.2	43	8.0	47	8.8	17	3.2	534
1952	189	40.5	122	26.2	60	12.9	38	8.1	42	9.0	15	3.3	467
1953	203	44.4	121	26.4	50	10.9	33	7.2	36	8.0	14	3.1	457
1954	173	44.1	99	25.3	41	10.5	29	7.5	36	9.1	14	3.5	392
1955	220	47.4	105	22.5	47	10.1	33	7.2	40	8.7	19	4.1	465
1956	243	48.6	104	20.8	51	10.2	34	6.8	46	9.3	21	4.3	501
1957	239	48.5	105	21.3	45	9.0	33	6.7	52	10.5	20	4.0	493
1958	188	45.8	87	21.1	42	10.1	28	6.9	47	11.4	19	4.7	410
1959	205	49.9	79	19.2	37	9.0	27	6.6	43	10.4	20	4.9	412
1960	205	49.3	81	19.5	37	9.0	28	6.7	44	10.6	20	4.9	416
1961	203	50.4	73	18.1	34	8.4	30	7.5	46	11.3	17	4.3	403
1962	214	50.6	76	18.1	36	8.5	29	6.8	48	11.5	19	4.5	422
1963	243	52.9	77	16.8	36	7.8	34	7.4	50	10.9	19	4.2	459
1964	267	54.9	74	15.2	38	7.7	36	7.8	53	10.8	18	3.6	487
1965	293	57.2	72	14.0	39	7.7	38	7.5	54	10.6	15	3.0	512
1966	309	57.9	70	13.1	45	8.5	41	7.7	55	10.3	13	2.5	534
1967	327	59.1	77	13.9	52	9.4	38	6.8	49	8.9	10	1.8	553

[1] Coverage includes bituminous, sub-bituminous and lignite, as in Bureau of Mines statistics.

Source: U.S. Bureau of Mines, Minerals Yearbook, 1948–66, (e.g., table 12, p. 630, vol. I–II, 1966). U.S. Bureau of Mines, Mineral Industry Surveys, "Coal—Bituminous and Lignite in 1967," Feb. 14, 1969, Weekly Coal Report No. 2683, supplement, table 14, p. 23.

19. Peabody's own growth is significant. Between 1955 and 1964, Peabody increased its sales from 19 million tons to 60 million tons, a rise of 41 million tons (Tr. 3665). Total domestic production during this period expanded by 88 million tons of which Peabody accounted for 45 percent. In 1965, Peabody accounted for 91 percent of the total domestic increase in coal production (CX 183; RX 170; see also Table II).

TABLE II

	Production (millions of tons)	Percent of total
1954 [1]		
1. Pittsburgh Consolidation Group	22.9	
2. United States Steel	22.7	
3. Sinclair Southern	8.3	
4. Eastern Gas & Fuel	8.1	
Top 4	62.0	15.8
5. Island Creek-Pond Creek	8.1	
6. Bethlehem Steel	8.1	
7. Truax-Traer	7.2	
8. Peabody	7.0	
Top 8	92.4	23.6
Total, all companies	392.0	100.0
1966 [1]		
1. Peabody	54.0	
2. Consolidation	51.4	
3. Island Creek	23.7	
4. United States Steel	18.0	
Top 4	147.1	27.6
5. Pittston	15.5	
6. General Dynamics	13.6	
7. Eastern Associated	12.1	
8. Bethlehem Steel	11.2	
Top 8	199.5	37.4
Total, all companies	533.9	100.0
1967 [2]		
1. Peabody (Kennecott)	59.4	
2. Consolidation (Continental Oil)	56.5	
3. Island Creek (Occidental Petroleum)	25.9	
4. Pittston	19.7	
Top 4	161.5	29.2
5. United States Steel	19.0	
6. United Electric and Freeman (General Dynamics)	14.1	
7. Bethlehem Mines (Bethlehem Steel)	12.6	
8. Eastern Associated (Eastern Gas & Fuel)	12.3	
Top 8	219.5	39.7
Total, all companies	552.6	100.0

[1] From CX 183.

[2] From RX 170. The parent company, if any, is indicated in parentheses. The figures have been rounded.

20. In terms of production of the 4 and 8 largest firms, the record shows as follows: The combined share of the top 4 producers rose from 15.8 percent in 1954 to 29.2 percent in 1967. During the same period, the top 8 companies increased their share from 23.6 percent to 39.7 percent. While between 1954 and 1967, the market expanded by about 41 percent, the top 4 companies grew by about 161 percent and the top 8 companies by about 108 percent. In terms of total market expansion, the 4 largest companies accounted for about 62 percent of the increase. The comparable figure for the top 8 is about 79 percent, leaving only 21 percent of the market increase to be shared by all other companies. There is thus a trend toward rising concentration in the coal industry which, unless halted in its incipiency, may bring about very high concentration—in that industry—in the foreseeable future.

21. On a regional basis, concentration is more pronounced as exemplified by production figures for some Western States. In Montana 1 firm, the Knife River Coal Co., accounted for 82 percent of the State's total production in 1967 (RX 175–D). In New Mexico, the Utah Construction & Mining Co. accounted for 70 percent of the State's 1967 production; the top 3 firms, Utah Construction & Mining Co., Kaiser Steel Corp. and Pittsburgh & Midway Mining Co., accounted for 99 percent (RX 175–E). In Wyoming, the largest firm, Pacific Power & Light Co., produced 39 percent of the State's 1967 output, and the top 4 firms accounted for 80 percent of the total (RX 175–G). In Colorado, 4 firms produced more than 50 percent of the 1967 output (RX 175–A). In Utah, 40 percent of the State's total output was produced by 2 companies, Kaiser Steel Corp. and U.S. Steel, for their own use. Of the remaining output, the 2 largest producers, North American Coal Corp. and United States Fuel Co., accounted for over 50 percent and the 4 largest for 71 percent (RX 175–F).

22. In addition to the national trend toward concentration and the existing high levels of concentration in regional or local areas as described in Findings 18–20, the record contains evidence that barriers to entry are high. The demand for coal by utilities and the increase in size of generating plants require assemblage of much larger coal reserves and operation of much larger mines (Tr. 4037–38; 4572–77). Fifteen years ago, a generating unit of 200 to 300 megawatts would have been considered large. Today, units of 4 to 5 times in size are being designed, and even larger units are contemplated for the future (Tr. 4576–78; 1598–99). The necessity of operating large mines requires the use of correspondingly large, sophisticated mining equipment which results in substantially greater capital requirements for the operation of a successful coal business (Tr. 3367; 3622–23; 4016–17; 4020–21; 4259). The cost of some of this equipment is so high that in order to recover its cost during its useful life it must be operated on a continuous basis. The depreciation of large mining machinery involves so much money that it is generally run 24 hours a day, 7 days a week (Tr. 3367; 4002). For example, depreciation on a large strip shovel at Peabody's River King mine is about $1 million a year, or $2.00 a minute (Tr. 3367). In addition, an entrant must hold adequate coal reserves to fill high-volume, long-term contracts and have access to the necessary transportation facilities. Thus, capital requirements are so great as to constitute a formidable barrier to entry into the coal business.

VI. Kennecott as a potential entrant

23. In its desire to diversify for the purpose of obtaining maximum utilization of its actual and anticipated financial reserves, Kennecott considered a number of industries. Its efforts initially focused on the oil industry as evidenced by a report entitled "Investigation of Entry into Oil Industry," (CX 11) dated July 6, 1964. The report is a study of possible oil-company acquisitions and begins with a section headed "Outlook for Kennecott" in which reference is made to those industries which have been considered at various times for the purpose of diversification. One of the industries discussed is the coal industry. The report noted that "[c]oal mining has possibilities and should continue to receive attention, however its return on sales is much lower than is Kennecott's and its return on investment has been less, although there has been some recent improvement. We are studying a western coal mining operation, having as a base captive use of coal at our mining properties" (C– 11, Record 8351). The study was authored by Mr. Gordon Fisher, an experienced oil man, who had been hired on November 1, 1963, as an assistant to Kennecott's President, Mr. Frank Milliken, for the purpose of analyzing the oil industry and its potential for Kennecott (Tr. 4654). Indeed, Mr. Milliken collaborated closely with Mr. Fisher in drafting certain portions of the report because in his capacity as President he wanted to be able to advise the Board of Directors as to management's thoughts on the subject of diversification (Tr. 6318; Tr. 4662).

24. With respect to the "Investigation of Oil Industry", Mr. Milliken testified as follows (Tr. 6318–20):

Q. Did you participate in the drafting of the first three pages?

A. Yes, a chap that worked for me by the name of Gordon Fisher prepared the bulk of this document and he and I worked together, somehow, on these first three pages. He made an original draft and I reviewed it.

Q. Now, sir, I call your attention to Page 3, paragraph 3, which reads: "Coal mining has possibilities and should continue to receive attention, however, its return on sales is much less than is Kennecott's and its return on investment has been less, although there has been some recent improvement. We are studying a western coal mining operation, having as a base captive use of coal at our mining properties."

Would you tell me, sir, what you meant by those statements, sir?

A. Well, we had a number of industries in mind that might serve for diversification purposes for Kennecott: oil, coal, aluminum, fertilizers, those kinds of industries that seem to meet, let's say, the standards that we talked about earlier. I think in this write up, we say or talk about aluminum, metals, and we mention coal and fertilizers in that same context. All I meant by the first sentence in Item 3, is that we are aware of coal as a possibility for diversification. As far as the second sentence is concerned, as I have indicated, I knew that in the west they were concerned about acquiring coal to help in their fuel situation at the Utah operation. I felt that this might come up to the Board some time, that the Utah Copper Division wanted to buy some reserve in relation to their problem and the Board should know this, so that, you know, they would not be surprised at the time.

Q. At this time, sir, was there any consideration given to diversification into coal?

A. Only to the extent that I have indicated here. Because in the back of our minds, like the other industries, once they had met the criteria that we had established—but there was no active work going on toward it at this time.

25. Prior to the date of the report (July 6, 1964), Kennecott had at various other times pondered entering the coal industry. On April 16, 1963, Mr. C. D. Michaelson, Vice-President of Kennecott wrote to Mr. J. C. Kinnear, General Manager of Kennecott's Western Mining Division the following letter (CX 14):

"When you were in New York, we discussed the advisability of conducting a study on the possibility of coal operations in the West. You should start this investigation immediately, if you have not already done so.

"I would suggest as a preliminary that perhaps you might consult Paul Shields on the possibilities of coal development in the West. If he has any good ideas, then you might probably want to investigate them either through Shields or through some other competent person in the field.

"I would think that your investigation should be along the line of a coal mine with a pit head power plant of the general style of the Four Corners operation of Utah Construction. However, I would not rule out the possibility of special coals such as metallurgical or coals that could be delivered to a market at a price superior to other mines."

(The Four Corners operation of the Utah Construction Company is the largest coal mine west of the Mississippi River and when full production is reached it will have the highest output of any coal mine in the United States (Tr. 1215–16).) Mr. Kinnear replied to this letter on July 25, 1963 suggesting that the most prudent method of entering the coal business would be to acquire Utah coal property which not only would be a source to supply captive requirements but would provide Kennecott with a base load to develop experience in the business (CX 20). He also suggested that the property could be used as a springboard to negotiate long-term outside sales commitments as well as permit Kennecott to expand into other areas by acquiring additional properties to satisfy the coal demand of markets that may be developed. The Western Mining Division periodically reported to Kennecott's management concerning the progress it was making in its consideration of acquiring coal properties (CX 20, 21, 25, 29, 47, 63, 64, 86, 90).

26. From correspondence between officials of Kennecott's Western Mining Division and Kennecott's top management in New York, it appears that the latter directed the Western Mining Division to broaden the scope of its study of the coal industry to include the feasibility not only of providing Kennecott's western coal requirements but also of entering the coal industry on a national or even worldwide scale. For example, on October 4, 1963, Mr. Kinnear reported to Mr. Michaelson as follows (CX 24):

"My letter report of July 25, 1963 covering the feasibility of an initial Kennecott coal operation in the Carbon County, Utah area was to comply with our understanding of your original request for a feasibility study on 'coal operations in the West.' Acting on your further and recent comments to increase the scope to include national and possibly international markets, we are now outlining the alternate ways to proceed with the study on this vastly increased basis. Our recommendations will be forwarded to you next week."

On October 22, 1963, Mr. Kinnear again wrote to Mr. Michaelson:

"This letter responds to your phone call request that the preliminary feasibility study for a Kennecott coal operation be expanded in scope to cover the national coal market and perhaps worldwide coal markets as well." (CX 25 A–B)

In a communication to Mr. Michaelson dated November 1, 1963, Mr. Kinnear stated (CX 26):

"In my letter of October 22nd to you, I summarized WMD thinking on a Utah coal operation to supply the Utah and Nevada divisions plus outside sales in the intermountain area and further west, and additionally outlined alternate approaches for determining or acquiring national and/or international coal markets for Kennecott. I would appreciate receiving your comments on this letter or being given the opportunity to discuss the matter with you before taking further action leading toward a Kennecott coal operation in the west or on a broader scale."

Another Kinnear-Michaelson exchange dated January 3, 1964, contains the following summary (CX 29 A–B):

"In my letter of October 22, 1963 to you I outlined the results of our preliminary feasibility study for a Kennecott coal operation in Utah, recommended starting such an operation to supply an initial outside market and the Utah and Nevada Divisions, and suggested alternate methods of ascertaining if a wider coal marketing potential should exist for Kennecott."

27. In the course of its considerations, Kennecott's interest in the coal industry centered on Knight-Ideal in Carbon County, Utah, where this company had its coal reserves (CX 32–36). Kennecott's Western Mining Division, in its recommendation to purchase Knight-Ideal, proposed sales of coal to major commercial users. It suggested the creation of a coal mining subsidiary, with the necessary managerial personnel, including a sales representative, "to take over the operation, build outside sales volume, and construct and operate an efficient new coal mine on the property" (CX 63–L, 64–B). Mr. Kinnear stated that (CX 63–K):

"Kennecott can organize to produce commercial coal as efficiently and cheaply as the present national major producers, and with the Knight-Ideal property as a base, can become a significant competitor for coal business in the intermountain and northwest United States."

Kennecott subsequently obtained an option to acquire Knight-Ideal (CX 44 A–J). It is manifest from contemporaneous documents covering the period of Kennecott's first interest in the coal industry in 1963 to the eventual purchase of Knight-Ideal in 1965 that Kennecott's goal was two-fold:

(1) Secure a captive source of coal supply for the power requirements of its Utah and Nevada mining operations and (2) produce and sell coal on a commercial basis. For example, the "Preliminary Economic Evaluation" recommending the purchase of Knight-Idea states (CX 61–H):

"This is the first phase of an overall feasibility study of the benefits to be derived to Kennecott through entering the coal business, not only to supply the Corporation's western operation's captive requirements for coal, but also to aggressively seek particularly to supply the requirements of western power companies and other major consumers."

28. The report also contemplated that the mine located on the Knight-Ideal property be closed after then existing contracts were completed since it only produced about 185,000 tons of coal annually, less than half of Kennecott's own requirements, entirely apart from the mine's inability to supply any quantities for outside sales. It states that (CX 61, p. 17):

"The mining plan calls for an new mine portal to be constructed in Pace Canyon at an approximate elevation of 7,000 ft. in the southwest corner of the property."

Similarly, correspondence during July 1964 between officials of the Western Mining Division and the President of Kennecott specifically and repeatedly refers to the opening of a new mine and did not at any time contemplate continued operation of the old mine (CX 37, 38, 39). A new mine was to be opened at a new location (CX 61–G, 63–64, 67–G). The proposed purchase agreement included a provision to the effect that the existing mine be closed immediately (CX 66–E).

29. Kennecott's Board of Directors approved "the proposed purchase of the coal deposits and other real estate . . . on the terms and conditions as described" and authorized the corporate officers "to carry out such purchase, and in that connection, to sign any and all documents and take all further action, including the formation of a subsidiary corporation to hold and operate this property, as they deem necessary or desirable." At the same time the Board approved a request for authorization of an initial expenditure of $6,244,000 for development of a new mine (CX 66 A–B). The purchase agreement was executed on June 21, 1965 (CX 68 A–I). Title to the property was transferred to Kennecott on July 21, 1965 (CX 79, 82).

30. Subsequent to the acquisition of Knight-Ideal, Kennecott engaged the services of a coal consultant to advise the company as to whether it should purchase additional coal reserves or acquire coal companies rather than reserves (CX 81–A). The memorandum discussing employment of a consultant also states that "the acquisition of companies would make for faster progress." Meanwhile, Kennecott, through its Western Mining Division, submitted a bid on federal coal leases involving 1,375 acres in central Utah which were being offered by the U.S. Bureau of Land Management (CX 91–A). The bid was unsuccessful. During the period before and after the Knight-Ideal acquisition, but prior to the Peabody acquisition, Kennecott was actively interested in acquiring additional coal reserves (CX 34–36, 39–40, 45–47–C, 49–B, 51–C, 61–G, 83–B, 87 A–B, 90–93, 96–97). The Heiner-McKinnan properties adjacent to Knight-Ideal were considered (CX 45 A–B, 46 A–B, 47 A–C). An offer looking toward an option to purchase one-half of these properties was made but rejected (CX 83–B, 87–A), and the one-half interest was later sold to Island Creek Coal Co. (CX 90–A, 91–A). The Western Mining Division also requested authority to negotiate an option to purchase 1550 acres of coal lands owned by Premium Coal Company (CX 90–B). On December 10, 1965, six months after the Knight-Ideal acquisition, a request for supplemental appropriation of funds to explore a large coal field in Sevier County, Utah, was approved by Kennecott (CX 92–A).

31. It was anticipated that Kennecott would enter the coal industry to become a major factor, attaining eventually annual sales ranging from $100 million to $200 million (CX 84–B). To this end, during the period following the Knight-Ideal purchase and prior to the Peabody acquisition, Kennecott was actively engaged in search for a coal executive. In September 1965, Kennecott retained the management consulting firm of Booz, Allen & Hamilton, Inc. "to undertake a search for a senior executive to lead (Kennecott) into the coal business" (CX 84–B). The person Kennecott had in mind should be chief executive of an operating subsidiary of a coal producer and should "have the drive to develop and guide a significant new enterprise within the coal industry" and should be capable of "identifying and developing new properties." He would be responsible "for building a new coal business on the soundest possible basis, whether it be through the acquisition of a significant company, the acquisition and merging of small companies, or the acquisition and development of coal properties" (CX 84–D, F).

32. During the period Kennecott was pondering the purchase of Knight-Ideal, Peabody considered several defensive steps to ward off Kennecott's entry into the coal industry. Mr. Hugh B. Lee, Jr., Vice-President and General Sales Manager of Peabody on June 7, 1965 noted that:

"The head start gained by Peabody in Utah is threatened by recent action and indicated action by Island Creek and Kennecott. Island Creek has acquired the Heiner properties and obviously plans to develop them. On June 3rd, Western Mining Division of Kennecott sent a recommendation to their top management that the Knight-Ideal properties (2500 acres—50,000,000 tons) be acquired and a modern mine be installed to serve Kennecott operations (450,000 to 700,000 tons annually) plus aggressively seeking outside sales to utilities and industries. An investment (including spur from D&RGW main line) of about $5,000,000 is contemplated. Michaelson, Chief Engineer Western Division, sees this as as possible step toward major diversification by Kennecott through subsequent acquisition of coal properties in the East or Midwest. Art Macke's report on the Knight-Ideal mine (200,000 tons annually) estimated a mine cost of $2.70 per ton for washed coal. (Company Union—UMWA scale, but favorable labor conditions, and 10–15¢ welfare). If Kennecott chooses to acquire Knight-Ideal and put in a modern mine (decision by June 21st), we have the following alternatives:

"1. Ignore Kennecott and proceed with our own decisions and action.

"2. Promptly make offer to Kennecott for their coal requirements (perhaps coupled with offer of restricted sublease of part of Huntington Corp. property to satisfy Kennecott's desire for defensive position) that is attractive enough to dissuade them from acquiring or operating Knight-Ideal.

"3. Offer to enter into joint venture with Kennecott (Peabody to operate with fee) to put in modern mine in Huntington Canyon or Knight-Ideal area. (Michaelson is receptive).

"4. Abandon thought of Peabody operation in Utah, place Nevada Power commitment at Kennecott's new mine and function as limited or exclusive sales agent for the proposed mine." (CX 53)

Peabody, in addition to recognizing Kennecott's intent to secure a captive coal supply source, was acutely aware of, and viewed Kennecott as a potential entrant into the coal industry. It attempted to dissuade Kennecott from entering the coal industry, be it for the purpose of obtaining its own captive requirements or of becoming a full-fledged, major member of the industry. Mr. Lee, Peabody's Vice-President and General Manager, "has called on [S.D.] Michaelson four times in the last six weeks and has been frank to state that Peabody does not want Kennecott in the coal business for either its captive requirements or outside sales." (Kinnear letter of March 5, 1965 to Michaelson, CX 51–D.) Further evidence of Peabody's concern is an intercompany memorandum by Mr. Lee that Mr. S. D. Michaelson, Chief Engineer of the Western Mining Division was "convinced a captive coal mine operation that could lead to outside commercial sales would be a desirable diversification along with an assurance of long term favorable fuel costs" (RX 9–A).

33. We find that, in light of its intentions, capabilities, financial resources, and proximity to the coal industry, as well as the fact that it was recognized as such by Peabody, the leading industry member, Kennecott was a most likely entrant into the coal industry.

VII. Other potential entrants

34. Dr. Fox, the respondent's expert economic witness testified that in his opinion there are dozens of other potential entrants into the coal industry (Tr. 6177–79). However, there is no record evidence with respect to these potential entrants, and the record does not show to what extent these unidentified potential entrants have the financial resources to build a substantial coal business, and, if they had the intention to enter the coal industry, how and when they planned to enter. No other potential entrant was identified which was as likely a potential entrant as Kennecott.

VIII. Ownership of reserves by non-coal companies

35. The record contains evidence of the possession of coal reserves by firms other than members of the coal industry. There are oil companies, natural gas companies, electric utilities, and railroads (Tr. 6169). Electric utilities and railroads are not considered likely potential entrants (Tr. 6176–77). With respect to oil and natural gas companies, the record demonstrates that their primary interest in acquiring coal reserves lies in converting coal into synthetic fuels, and that liquefaction and gasification rather than the sale of coal is their target (Tr. 6171–73). Liquefaction refers to the process of converting coal into oil for producing oil-related products such as gasoline, and gasification refers to the process of converting coal into gas (Tr. 3348–49). The basic technology of coal conversion and the expertise needed for refining and distributing the resulting synthetic fuels are unrelated to the coal business in its present form (Tr. 6171–73). Liquefaction of coal is likely to become a commercial reality during the 1970's and gasification on a commercial basis is expected to occur shortly thereafter (Tr. 4069, 4074, 5751).

IX. The effects of the acquisition on competition

36. Kennecott intended to become a significant competitor in the coal industry, one way or another (CX 63–K). It also planned to become a national producer in competition with nationwide coal companies on a scale large enough to have made it the third or fourth ranking producer in the United States (CX 84–B). When as the result of the acquisition of Knight-Ideal Kennecott's intentions to enter the coal industry became known, Peabody, the largest coal company in the United States, immediately pondered ways and means designed to deter Kennecott from entering the industry (CX 53). As the result of its acquisition of Peabody, Kennecott removed itself as a substantial potential competitive force. Whatever salutary effect on competition Kennecott exerted at the edge of the market was lost when it substituted itself for the largest company in the industry. Kennecott's action must be viewed against the background of high entry barriers and a rising trend towards concentration in the coal industry at the national level, notwithstanding the steadily growing demand for coal. Based on all the facts hereinbefore detailed, it is found that the acquisition may substantially lessen competition in the coal industry.

CONCLUSIONS

1. The Commission has jurisdiction of the subject of this proceeding and of respondent Kennecott Copper Corporation ("Kennecott")

2. On or about March 29, 1968, Kennecott acquired the business and substantially all of the assets of Peabody Coal Company ("Peabody").

3. At all times relevant to this proceeding, Kennecott and Peabody were engaged in commerce within the meaning of the Clayton Act.

4. For purposes of assessing the legality of the acquisition under Section 7 of the amended Clayton Act, the appropriate line of commerce is the production and sale of coal.

5. The relevant geographic market within which to test the competitive effect of the acquisition is the United States as a whole.

6. Prior to its acquisition of Peabody, Kennecott had already acquired the Knight-Ideal Coal Co. and was a potential entrant in a more substantial way into the coal industry.

7. Section 7 of the amended Clayton Act prohibits any merger or corporate acquisition where the effect in any line of commerce in any section of the country may be substantially to lessen competition or tend to create a monopoly.

8. The effect of the acquisition of Peabody by Kennecott may substantially lessen competition in the production and sale of coal in the United States in violation of Section 7 of the amended Clayton Act.

9. Total divestiture of the acquired assets is both necessary and appropriate to remedy the probable anticompetitive effects of the unlawful acquisition.

FINAL ORDER

I

It is ordered that Kennecott Copper Corporation, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, trade names, trademarks and good will, acquired by Kennecott Copper Corporation, as a result of the acquisition of the assets and business of Peabody Coal Company, together with all additions and improvements thereto, of whatever description, so as to restore Peabody as a going concern and effective competitor in the mining, production and sale of coal.

II

It is further ordered that none of the assets, properties, rights or privileges, described in paragraph I of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of or under the control or direction of, respondent or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Kennecott Copper Corporation, or to any purchaser who is not approved in advance by the Federal Trade Commission.

III

It is further ordered that if respondent divests the assets, properties, rights and privileges, described in paragraph I of this order, to a new corporation or corporations, the stock of each of which is wholly owned by Kennecott Copper Corporation, and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of Kennecott Copper Corporation, in proportion to their holdings of Kennecott Copper Corporation's stock, then paragraph II of this order shall be inapplicable, and the following paragraphs IV and V shall take force and effect in its stead.

IV

It is further ordered that no person who is an officer, director or executive employee of Kennecott Copper Corporation, or who owns or controls, directly or indirectly, more than one (1) percent of the stock of the Kennecott Copper Corporation, shall be an officer, director or executive employee of any new corporation or corporations described in paragraph III, or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph III.

V

It is further ordered that any person who must sell or dispose of a stock interest in Kennecott Copper Corporation, or the new corporation or corporations, described in paragraph III of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Kennecott Copper Corporation.

VI

It is further ordered that pending divestiture, respondent shall not make any changes in the corporate structure, business operations, or in any plants, machinery, buildings, equipment or other property of whatever description of Peabody Coal Company other than those changes made in the ordinary course of business.

VII

It is further ordered that respondent shall for a period of ten (10) years from the date of service of this order, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the share capital of any corporation engaged in the mining, production or sale of coal in the United States, or capital assets pertaining to such mining, production or sale of coal.

VIII

It is further ordered that as used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

IX

It is further ordered that respondent shall periodically, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until divestiture is effected, submit to the Federal Trade Commission a detailed written report of its actions, plans, and progress, in complying with the provisions of this order, and fulfilling its objectives.

X

It is further ordered that respondent's request for continued *in camera* treatment of documents identified as CX 163, CX 164 A–H, and CX 154 V–Z7 be, and it hereby is, granted.

XI

It is further ordered that the documents identified as CX 11, CX 124 A-N, CX 125 A-C, CX 196 A-H, and RX 186 be, and they hereby are, a part of the public record.

XII

It is further ordered that respondent's request for reconsideration of its motion of December 31, 1968 that Commissioner Jones withdraw from participation in this proceeding, or, in the alternative, that the Commission determine that Commissioner Jones be disqualified from such participation be, and it hereby is, denied.

By the Commission.

CHARLES A. TOBIN,
Secretary.

IN THE MATTER OF KENNECOTT COPPER CORP., A CORPORATION—DOCKET NO. 8765

United States of America before Federal Trade Commission.

Commissioners: Miles W. Kirkpatrick, Chairman; Paul Rand Dixon; Everette MacIntyre; Mary Gardiner Jones; David S. Dennison, Jr.

OPINION OF THE COMMISSION

By Commissioner MacIntyre:

Introduction

On August 5, 1968, the Commission issued its complaint herein charging that the acquisition of the Peabody Coal Company by Kennecott Copper violated Section 7 of the Clayton Act (15 U.S.C. § 18). The complaint alleged that the effect of the acquisition "may be to lessen competition substantially or to tend to create a monopoly" in the production and sale of coal. After extensive hearings, the hearing examiner, on March 9, 1970, dismissed the complaint. The case is before us on appeal of complaint counsel. Complaint counsel allege numerous errors in the examiner's findings of fact and in his conclusions based on these facts.

No controversy exists as to many of the relevant facts. The examiner's findings are incorporated and adopted except where they are inconsistent with the attachment Findings of Fact. The principal disputes center around the conclusions, inferences and legal conclusions to be drawn from these facts.

The industry

Since 1947 and up to 1960 the coal industry was plagued by steadily declining consumption. The turnabout began in 1960 when the soaring demand for electricity in turn stimulated the demand for coal for generation of electricity. Coal production increased from a low of 392 million tons in 1954, to 553 million tons in 1967. Consumption of coal by electric utilities rose from 86 million tons in 1947 to 272 million tons in 1967 when 70 percent of coal produced was used by electric utilities. By the year 2,000 it is expected that coal consumption by electric utilities will reach 755 million tons (Fdgs. 17–21).

Notwithstanding the ever growing demand for, and the concomitant expansion of production of, coal, the industry is experiencing a steady trend toward rising concentration. In 1947, there were 68 firms producing more than one million tons of coal annually. In 1947, their share of the domestic coal production amounted to 48 percent; by 1967, it reached 70 percent. During the period 1954 to 1967, the top four companies increased their share of production from 15.8 percent to 29.2 percent. While during the same period the market expanded by 40.9 percent, the share of the top four companies grew by 160.5 percent. Further, the top four firms accounted for 62 percent of the total market expansion (Fdg. 20). This trend, unless halted, foreshadows ominous developments in the coal industry, with production and sale of coal concentrating in fewer and fewer hands. Cf. *United States* v. *Von's Grocery Co.,* 384 U.S. 270, 273, 274, 276–77 (1966).

On a regional basis concentration tends to be far more pronounced as evidenced by production figures for some Western States (Fdg. 21).

Peabody and Kennecott

At the time Peabody was acquired by Kennecott it was the largest coal producer in the United States with 1967 production of 59 million tons. In this context, Peabody's growth rate is significant. Between 1955 and 1967, its sales rose by 41 million tons, from 19 million tons to 60 million tons. This increase constituted 45 percent of the nation's total increase. In 1965 Peabody accounted for 91 percent of the domestic expansion of coal production. (Fdg. 19).

Kennecott Copper is the nation's largest copper producer with 1966 sales of about $739 million. In 1966 Kennecott was the 55th largest firm in terms of assets and the 111th largest in terms of sales (Fdg. 1).

The Relevant Product Market

A threshold dispute exists as to the relevant product market. Complaint counsel urge that the pertinent line of commerce consists of bituminous and sub-bituminous coal. Respondent on the other hand, urges that the line of commerce should not be limited to coal but should encompass competing fuels in an "energy market" or a "boiler market," or, since 70 percent of the coal production is used for generation of electric energy, an electric utility market (I.D. 13). The examiner found, and we agree, that in light of the record evidence the relevant product market should be bituminous, sub-bituminous and lignite coal (I.D. 13–17).

Nevertheless, the examiner concluded that "[c]oal is produced and sold in competition with other fuels, and this interfuel competition is another factor that minimizes the competitive significance of the elimination of a single potential competitor in coal" (I.D. 206).

Coal, in our view, is clearly a relevant product market for antitrust purposes, separate and distinct from other fuels, by virtue of the fact that coal has unique characteristics which are commercially significant and a technology obviously different from such power sources as gas or nuclear energy.

The Commission had occasion to rule on the same issue in similar circumstances in the *American Brake Shoe* case. On this point the Commission held as follows ([1967–1970 Transfer Binder] Trade Reg. Rep. ¶ 18,339

"Finally, Brake Shoe's challenge to the examiner's line of commerce finding on the sintered metal submarket, grounded on the contention that it is barred by evidence of interchangeability, cannot be reconciled with the applicable precedents for:

'. . . The issue under § 7 is whether there is a reasonable probability of substantial lessening of competition. There can be a substantial lessening of competition with respect to a product whether or not there are reasonably interchangeable substitutes.' [Footnote omitted.]

As the Third Circuit recently noted [*General Foods Corp.* v. *Federal Trade Commission,* 386 F. 2d 936, 940 (1967)]:

'. . . The fact that different products may in some sense be competitive with each other is not sufficient to place them in the same market if by themselves they constitute distinct product lines. *United States* v. *Aluminum Co. of America* (Alcoa-Rome Cable) 377 U.S. 271 . . . (1964). Nor does the availability of substitute products compel the conclusion that they belong in the same relevant market. *United States* v. *E. I. DuPont De Nemours & Co.,* 353 U.S. 586 . . . (1957) *Reynolds Metals Co.* v. *Federal Trade Commission* . . . .' [Footnote omitted.]

"The market for § 7 purposes consists of 'the product and probably its close substitutes, but does not embrace all products as to which there is a significant cross-elasticity of demand, or which are in a sense broad substitutes even though the existence of substitutes is among the factors which determine the extent of a firm's market power.' [Footnote omitted.] The Supreme Court has established that although the outer boundaries of a product market may be determined by reasonable interchangeability between substitute products, this does not preclude the existence of well defined submarkets valid for antitrust purposes within the confines of the broader markets." [Footnote omitted.]

"The boundaries of the submarket may be determined by reference to a number of practical indicia, including industry and public recognition of the submarket as a separate economic entity, the product's peculiar characteristics and uses, unique production facilities, distinct customers, distinct prices, sensitivity to price changes and specalized vendors. [Footnote omitted.] Such a submarket may exist though only some of these criteria enumerated by the Supreme Court are applicable in the particular case. [Footnote omitted.] The sintered metal friction materials market by virtue of its unique technology and production facilities, a distinct price structure, and the products' peculiar uses and characteristics constitute a market economically significant and meaningful in terms of trade reality. [Footnote omitted.] The effect of the acquisition may properly be assessed within its confines."

We believe the examiner's conclusion unduly overstates the extent and effect of interfuel competition. Whatever interfuel competition may exist, it did not prevent rapid exapnsion of coal production resulting from the demand of electric utilities for electric generating purposes. As stated earlier, consumption of coal by electric utilities rose from 86 million tons in 1947 to 272 million tons in 1967, and is expected to reach 755 million tons by the year 2,000. Demand for coal by electric utilities has almost doubled in every decade. In 1967, 70 percent of the coal produced was consumed by utilities, and coal accounted for 55 percent of electricity generated in the United States (Fdg. 11). In view of these figures we cannot agree that interfuel competition has minimized the significance of the acquisition which should be tested in the product market hereinbefore defined.

The Relevant Geographic Market

The complaint charges that the acquisition may lessen competition substantially in the coal business "in Utah, the Mountain Region, and the United States and relevant portions thereof" (Complaint p. 6). Complaint counsel subsequently alleged the existence of an additional geographic market—the "area west of the Mississippi" or "the West."

Before analyzing the examiner's ruling on this issue, it is necessary to outline briefly the manner in which coal is marketed. The area in which coal may be marketed depends upon a variety of factors including the location and size of coal reserves, the availability of coal reserves, the quality of the coal, the location of water reserves and the availability of suitable transportation. Since transportation costs of coal are high relative to its value and the distance coal can be economically shipped is limited, coal marketing tends to be confined to the geographic area of its production (Fdg. 12).

The examiner made similar findings (I.D. 171). He concluded, however, that the "record fails to establish that the revelant geographic market—the area of effective competition—appropriate for testing the competitive effects of the acquisition is either Utah, the Mountain Region, the area west of the Mississippi or the United States" (I.D. 205). He therefore found that complaint counsel had failed to establish any relevant geographic market.

We disagree. We believe that the record supports a finding that the nation as a whole constitutes a relevant geographic market. Although, in view of high transportation costs, the distance over which coal is being shipped is limited, the large coal companies nevertheless compete with each other throughout the United States. For example, Peabody and Consolidation Coal competed for the sale of coal in Nevada; Peabody, Consolidation Coal and others competed for the sale of coal in Utah; Peabody and Consolidation Coal competed for the sale of coal in Montana; and Peabody, Consolidation Coal, North American Coal, United States Steel Corporation and others competed for the sale of coal in Minnesota (Fdg. 13). Moreover, Kennecott intended to become a substantial nationwide producer with $100 to $200 million in annual coal sales which would have made it the third or fourth ranking producer in the United States and would have brought it into direct competition with other large producers such as Peabody, Consolidation Coal and Island Creek (Fdg. 30).

In dismissing the complaint for failure to prove a relevant geographic market within which to assess the impact of the acquisition, the examiner did not take into account authoritative case law. In *United States* v. *Pabst Brewing Company*, 384 U.S. 546 (1966), the Supreme Court held that it is not incumbent upon the Government to establish a relevant geographic market "in the same way the *corpus delicti* must be proved to establish a crime." Nor does the law require that a geographic market area be defined "by metes and bounds as a surveyor would lay off a plot of ground." The Court noted that the Government must "prove no more than there has been a merger between two corporations engaged in commerce and that the effect of the merger may be to substantially lessen competition or tend to create a monopoly *'in any section of the country.'*" Hence "the language of the statute requires merely the Government prove the merger has substantial anticompetitive effect somewhere in the United States." The Court states that "the failure of the Government to prove by an army of expert witnesses what constitutes a relevant 'economic' or 'geographic' market is not an adequate ground on which to dismiss a § 7 case." 348 U.S. at 549. Lastly, the Court laid down this key guideline (384 U.S. at 549–50; emphasis added):

"Proof of the section of the country where the anticompetitive effect exists is entirely *subsidiary* to the crucial question in this and every § 7 case which is whether a merger may substantially lessen competition anywhere in the United States."

In light of all the circumstances as detailed in our findings and in this opinion as well as in light of the Supreme Court's holding in *Pabst Brewing*, we conclude that the United States as a whole is the proper geographic market in which to determine the effect of the acquisition.

Kennecott as a Potential Entrant

The record leaves little doubt that Kennecott was a substantial potential entrant into the coal industry. In fact we feel that the record goes further and clearly indicates that Kennecott was an actual competitor. The record shows that Kennecott had an interest in the coal industry that dates back to early 1963 (Fdg. 23) when Kennecott was beginning to plan the productive investment of almost $1 billion of cash which it expected to generate by 1980 (Fdg. 3). Kennecott's interest in coal was twofold: (1) Secure a captive source of coal supply for the power requirements of its own Utah and Nevada operations; and (2) produce and sell coal on a commercial basis (Fdg. 26). It anticipated entry into the coal industry as a major factor attaining eventual annual sales of $100 to $200 million which would make it the third or fourth ranking member in the industry (Fdg. 30).

The primary responsibility for evaluating entry into the coal business and for effectuating any decisions with respect thereto was assigned to Kennecott's Western Mining Division, then headed by Mr. J. C. Kinnear as General Manager. Communications between him and Mr. C. D. Michaelson, Kennecott's Vice-President, show that Kennecott was strongly interested in a national if not international coal operation (Fdg. 26). Initially, Kennecott focused its attention on coal in the West and specifically in Utah. Kennecott, however, expressed more than an interest in and intention to entering the coal industry. It first took a number of steps to actually implement its intention. It purchased the coal reserves of the Knight-Ideal Coal Company (Fdg. 26), hired a coal consulting firm (Fdg. 29), approved funds for the exploration of coal fields (Fdg. 29), and employed a management consulting firm to find a senior coal executive who could lead Kennecott into the coal industry (Fdg. 30).

The record is also clear that Peabody, the leading firm in the industry, treated Kennecott as more than a potential entrant. It took a decided step to deter Kennecott from proceeding further on its charted course of entry into the coal industry (Fdg. 32).

We have carefully reviewed respondent's contentions with respect to the issue of potential entry and find them without merit. Specifically, respondent argues that in all likelihood it would not have entered the coal business had it not acquired Peabody. Even if we were to assume, which we do not, that such was the case, that fact would not affect the determination that Kennecott was a potential entrant nor would it bear upon the issue of whether or not the acquisition is in violation of Section 7. The validity of a challenged acquisition does not hinge upon a respondent's claim that the only way it was willing to enter a particular industry was by acquiring the largest company in that industry. As outlined in the following section, the impact of potential competition must be evaluated in light of the state of competition in an industry whose members may or may not know the precise manner of entry by a potential competitor.

The Concept of Potential Competition

The rationale behind the concept of potential competition, in simplest terms, is that the excess of effective demand over supply of a given commodity will in time increase production within the industry as well as attract outsiders to enter the industry, with the result that supply will be raised to the point where the price per unit approaches the marginal unit cost.[2] Adam Smith in 1776 observed:

"When by an increase in the effectual demand, the market price of some particular commodity happens to rise a good deal above the natural price, those who employ their stocks in supplying that market are generally careful to conceal this change. If it was commonly known, their great profit would tempt so many new rivals to employ their stock in the same way, that, the effectual demand being fully supplied, the market price would soon be reduced to the natural price, and perhaps for some time even below it."[3]

While the idea of potential competition as being an important check on monopoly prices had become common ground among economists, it was C. Wilcox's exposition in Competition and Monopoly in American Industry which gave the concept relatively wide circulation:

"Potential competition, either as a supplement to actual competition on as a substitute for it, may restrain producers from overcharging those to whom they sell or underpaying those from whom they buy. * * * Potential competition, insofar as the threat survives, may compensate in part for the imperfection characteristic of actual competition in the great majority of competitive markets."[4]

The concept was first reflected in monopoly cases and later in merger cases. In *United States* v. *Standard Oil Co.*,[5] defendants contended, in answer to a monopoly charge under Section 1 of the Sherman Act, that the oil companies involved were not actual competitors and that therefore the contracts for the control of the stock of these companies did not restrain competition. The Court, however, held that they were clearly "natural and potential competitors" and defendant's control of the stock of the companies prevented them from becoming actual competitors.[6] In *American Tobacco Co.* v. *United States*,[7] the Supreme Court based its decision, finding a violation of Section 2 of the Sherman Act, in part upon the exclusion of potential competition, although the Court had no occasion to articulate the concept of potential competition in terms of market-structure analysis.[8] The Supreme Court has ultimately used the concept in merger cases to determine the legality of acquisitions in which the acquiring firm was a potential competitor of the acquired firm. *United States* v. *El Paso Gas Co.*, 376 U.S. 651, 659–61 (1964); *United States* v. *Penn Olin Chemical Co.*, 378 U.S. 158, 173–74 (1964); *Federal Trade Commission* v. *Procter & Gamble*, 386 U.S. 568, 580–81; cf. *United States* v. *Continental Can Co.*, 378 U.S. 441, 458, 464, 465–66 (1964).

The importance of potential competition, as the concept was developed by cooperation between economists and lawyers,[9] in an industry which is already highly concentrated is twofold: (1) If the oligopolists raise their prices too high, the potential entrant is induced to enter. Such entry would expand the supply of the particular product which would force prices downward. (2) The mere possibility of actual entry may be sufficient to restrain those in the market to hold their prices just below the point at which entry would be induced.[10] When a potential entrant does enter the industry through a substantial merger, not only is new competition not added, but a significant competitive influence is eliminated which was exerted by the potential entrant while remaining at the edge of the market.

Once having recognized the importance of potential competition, the question then arises under what conditions does the elimination of a potential competitor have the effect proscribed by Section 7 of the Clayton Act? As a general rule, a violation of Section 7 has been found in those circumstances in which the acquired firm is a leading factor in a tight oligopoly. A tight oligopoly has been defined as an industry having a "very small number (eight or fewer) firms supplying 50 percent of the market, with the largest firm having a 20 percent or higher share . . . ."[11] These circumstances, however, are not solely determinative whether an acquisition may constitute a violation of Section 7.

In the instant proceeding, while on a national level the industry may be considered a loose oligopoly,[12] two additional factors must be considered. First, as demonstrated in our findings, the growth of the leading firms compared with the growth of the coal industry as a whole, strongly indicates that the industry is on the way to becoming highly concentrated. The Commission cannot stay its hand until the industry has in fact been transformed into a tight oligopoly. Second, barriers to entry are high and are becoming more formidable (Fdg. 22). This development is described in Respondent's Answering Brief before the Commission in these words:

"Increased mechanization and the employment of large, more productive and more expensive equipment have been accompanied by an increase in the scale of mining operations. Large mines are best able to take advantage of mechanization, particularly the employment of efficient and extremely expensive equipment.

See footnotes at end of article.

"Large mines are also necessary for the utilization of the lower cost methods of transportation. For example, a unit train is practicable only in the movement of substantial tonnages, justifying the dedication of locomotives and a sufficient number of coal cars to shuttle between mine and consumer [Record citations omitted].

"The significant increase in the size of electric generating plants that has occurred in the last twenty years has made the assembling of much larger coal reserves and the operation of much larger mines an absolute necessity for coal companies to compete successfully with suppliers of other fuels." (p. 31–32)

THE EFFECT OF THE ACQUISITION

In amending Section 7 in 1950, the basic concern of Congress was with forestalling the emergency of concentrated industries. As explained by the Supreme Court in *Brown Shoe Co.* v. *United States*, 370 U.S. 294, at 317–18 (1962):

". . . it is apparent that a keystone in the erection of a barrier to what Congress saw was the rising tide of economic concentration, was its provision of authority for arresting mergers at a time when the trend to a lessening of competition in a line of commerce was still in its incipiency. Congress saw the process of concentration in American business as a dynamic force; it sought to assure the Federal Trade Commission and the courts the power to brake this force at its outset and before it gathered momentum." [Footnote omitted].

The Court applied in *Brown Shoe* the principle of arresting mergers while the trend toward concentration was still in its incipiency, in light of the following background data: The top 24 manufacturers produced about 35 percent of the nation's shoes. 370 U.S. at 300. Here, the top 8 firms in 1967 accounted for almost 40 percent of total domestic coal production (Findings of Fact, Table II).

Plainly, the examiner seems to have labored under the misapprehension that, as a practical matter, the Commission can act only in those cases in which a tight oligopoly had become an accomplished fact. Such a rationale would obviously thwart the intent of Congress and the purpose of Section 7 which requires the Commission to make a prediction of the merger's future impact on competition.

Another significant factor should be taken into account. In the present case one of the nation's 200 largest firms acquired the leading producer in an industry that is well on its way to becoming tightly oligopolistic. In weighing the validity of mergers of the instant type, the President's Council of Economic Advisors included in the 1970 Economic Report of the President the following guidelines (at 96):

"The Department of Justice has announced that it intends generally to adhere to its 1968 guidelines, but that it probably will oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries, or any mergers by one of the top 200 manufacturers with any leading producer in any concentrated industry. This program is based upon recent decisions of the Supreme Court condemning mergers that eliminate significant potential competition, entrench leading firms in concentrated markets, substantially increase the power of large firms to engage in reciprocity, or further a trend of mergers that would lessen competition."

Concern with the entrenchment of leading firms is particularly relevant in the present case. The record shows that Kennecott anticipates the generation of an enormous cash surplus from its copper operations in the coming years, and it will be inappropriate to reinvest this surplus in the copper business (Fdgs. 2, 3). It is reasonable to predict that this excess cash will be used to expand Peabody's position in the coal industry. With this deep pocket of funds and other resources, Kennecott-Peabody will be able to bid for and acquire coal reserves, finance massive mining developments, and aggressively compete for long-term utility supply contracts from a virtually unprecedented financial position. This situation clearly warrants concern that Peabody's dominance of the coal industry will be entrenched and enhanced as a result of the acquisition challenged in this proceeding.

Moreover, since owing to high transportation costs the distance over which coal is shipped is limited, consumers of coal are confronted in given areas with concentration ratios more akin to those found in some individual states which are much higher than the concentration ratios at the national level (Fdg. 21). Thus, the concentration data at the national level generally tend to understate the degree of concentration in a given local market.[13] For example, in Montana, one firm accounted for 82 percent of the state's total production in 1967; in New Mexico, one company accounted for 70 percent of the state's 1967 production. In Wyoming, one firm produced 39 percent and in Colorado four firms produced more than 50 percent of the 1967 output. In Utah 40 percent of the state's total output was produced by two companies for their own use (Fdg. 21). While it is not suggested that state boundaries should be used in the instant case to define a local market, these concentration data nevertheless are indicative of the type of structure existing in local markets, even though such markets may cross state boundaries.

These figures, together with the shipping barriers of coal indicate that the local markets, in which the utilities as well as other consumers, purchase their coal are highly concentrated.

In light of the demonstrated trend toward high concentration and the formidable barriers to entry in the coal industry, it is imperative to preserve potential competition as a check upon the economic behavior of the members of the coal industry. As a result of the acquisition of Peabody, Kennecott was removed as a substantial competitor who exerted a restraining influence while it was implementing its plans to enter the market. We thus conclude that Kennecott's acquisition of Peabody may have the requisite adverse effect on competition so as to constitute a violation of Section 7. Our conclusion is buttressed by the fact that, notwithstanding respondent's contentions to the contrary, Peabody, the leader in the industry, recognized Kennecott as a potential and actual competitor. While Kennecott was in the process of entering into the coal industry Peabody sought to keep Kennecott out of the coal industry. We can think of no more convincing evidence of not only industry recognition of a potential and actual competitor than industry's dramatic reaction when it appeared that the potential and actual competitor was on the verge of becoming a more substantial actual competitor. The salutory effects which Kennecott's entry into the coal industry would have had, as well as its impact by "sitting at the edge of the market," were completely nullified by its decision to substitute itself for the leading company in the industry.

As we recently stated in *The Bendix Corporation*, 3 Trade Reg. Rep. ¶ 19,288, at 21,443 (FTC 1970):

"With the growing concentration of American markets, and the growing mobility of business investments, the crucial role of 'potential competition' as a regulation of economic behavior has been recognized. Not only is actual new entry an essential source of new competition, the potential for which must be preserved, but the mere threat of new entry by firms waiting at the edge of a concentrated, relatively uncompetitive market may be an important support for competition in that market. Thus, Section 7 clearly applies not only to mergers that substantially raise the barriers to new entry . . . but to mergers which, by eliminating potential competitors and entrants, have the likely effect of substantially lessening competition in the relevant market."

The identical *ratio decidendi* controls in the instant case. Kennecott's acquisition of Peabody, in an industry with an alarming trend toward concentration and high entry barriers, has the likely effect of substantially lessening competition in the relevant market.

The "Toehold" Theory

In his initial decision the examiner insisted that the case turns on the question whether or not Kennecott was a potential entrant *de novo*. Thus, the examiner states:

"The record leaves no doubt that from 1963 until it acquired Peabody, Kennecott was a potential entrant into the production and sale of coal. But the record fails to establish that Kennecott was likely to enter de novo—by the acquisition of coal reserves and the development of an organization for producing and selling coal—rather than by the acquisition of an existing coal company." (I.D. 187)

His decision on this point conflicts directly with our recent decision in the *Bendix* case. We reached precisely the opposite conclusion in that (*supra* at 21,445):

"The examiner's analysis of the potential competition problem-focusing exclusively on the probability of Bendix's entry by internal expansion and neglecting the likelihood of entry by merger other than with Fram—was unduly narrow and must be rejected, because it rests upon a misconception of the basic purpose and policy of Section 7. Various forms of merger entry other than through acquisition of a leading company—for example, a 'toehold' acquisition of a small company capable of expansion into a substantial competitive force—may be as economically desirable and beneficial to competition as internal expansion into a relevant market and must be considered in assessing the potential competition of the acquiring firm which has been eliminated as a result of the challenged merger."

This approach is consistent with the congressional intent,[14] as well as court and Commission decisions concerning a Section 7 enforcement policy. In the words of the Supreme Court in *Brown Shoe* v. *United States*, *supra*, 370 U.S. at 319:

". . . at the same time that it sought to create an effective tool for preventing all mergers having demonstrable anticompetitive effects, Congress recognized the stimulation to competition that might flow from particular mergers. When concern as to the Act's breadth was expressed, supporters of the amendments indicated that it would not impede, for example, a merger between two small companies to enable the combination to compete more effectively with larger corporations dominating the relevant market, nor a merger between a corporation which is financially healthy and a failing one which no longer can be a vital competitive factor in the market." [Footnote omitted.]

In *United States* v. *Wilson Sporting Goods Co.*, 288 F. Supp. 543, 563 (N.D. Ill. 1968), the court observed:

"If instead [Wilson] entered by buying one of the small companies in the field, 'it would have the effect of increasing the strength of a small company at the expense of the leading companies, and that would be more procompetitive.'" [Footnote omitted.]

The Commission itself has followed this approach. "Congressional policy as expressed in Section 7 will be best served in this industry if merger activity is channeled toward the smaller firms."[15]

Indeed, the antitrust goal established at a high level of government is to discourage substantial acquisitions and to channel merger activities into directions that would increase competition. Council of Econ. Adv.

Footnotes at end of article.

Ann. Rep. in 1969 Economic Report of the President (1969) at 108:

"* * * Mergers could have a healthy impact on concentration if acquiring firms of very large size were barred from purchasing the leading firms in other concentrated industries. The major route for entry into a concentrated industry by a very large firm then would be to build new capacity or to buy an existing smaller firm. When a very large firm buys a small firm in a concentrated industry, it has the resources to expand that firm's capacity and to try to increase its share of the market. Such a merger can infuse new vigor and ideas in that market."

This rationale is not limited to industries already highly concentrated but, in light of the incipiency concept underlying Section 7, applies with equal force to industries heading toward high concentration.[16]

Applying these principles to the instant proceeding we believe the examiner erred in his insistence that a finding of illegality depends on Kennecott being a potential entrant by internal expansion. The form of entry is clearly not a determinative factor. Respondent admits that it was a potential entrant by acquisition. While it does not concede that it would have entered by way of a small acquisition, the toehold principle nevertheless applies. With 68 producers in the industry in 1967, there obviously were smaller firms than Peabody which could have been considered as viable acquisition candidates.

Thus, it is our view that Kennecott could have entered the coal industry by way of acquisition of a small company rather than the industry leader. As we have said in *Bendix, supra* at 21,449:

". . . if Bendix had been allowed to make such an entry, it would have become an actual competitor of Fram, just as Fram would have become an actual competitor of Bendix. That potential rivalry between a leading firm and a significant, well financed, resourceful, and likely new entrant by toehold acquisition was frustrated and extinguished by Bendix's merger with Fram. In the most fundamental and basic sense, the merger eliminated direct—indeed one could say horizontal—competition between Fram and Bendix. And this competition is no less substantial and significant for antitrust purposes because it was potential rather than actual."

It should be added here that Kennecott had undertaken, but subsequently abandoned, actual steps to enter the coal industry in a significant way in favor of acquiring Peabody. This is all the more disconcerting since Kennecott, with its huge financial resources (estimated to amount to almost $1 billion by 1980), could have expanded the operations of a small company to attain, as originally contemplated by Kennecott, sales between $100 to $200 million per annum, making the small company the third or fourth ranking coal producer in the United States. As a result of the Kennecott-Peabody union not only a new competitive force was thereby lost but momentum was added to the alarming trend toward high concentration in the coal industry.

SUMMARY AND CONCLUSIONS

Our review of the record persuades us that the time to act in order to protect competition in the coal industry is now, before that competition becomes non-existent. As detailed hereinbefore, we do not believe the Commission must wait until an industry has become engulfed in oligopoly's stranglehold before it can intercede. Nor was such the intention of Congress. Here, we are dealing with an industry which, although not yet highly concentrated is evidencing an alarming trend toward becoming so. The most desirable way in which this trend could be halted, or even reversed would be in the form of new entry by a company capable of becoming a meaningful competitor in the industry. At least one such company existed—Kennecott. The record is clear that not only did Kennecott intend to enter the coal industry but also that it had the capacity to become a substantial competitor once it had entered. Instead of entering the industry by way of internal expansion or by toehold acquisition however, Kennecott chose to acquire the leading company. While Kennecott was able to enter the industry and thus add substantial competition, it eliminated this competition by acquiring Peabody. Moreover, concentration on a regional level where the effect of the acquisition would be most keenly felt is extremely high. The elimination of a substantial potential entrant is therefore likely to have a deleterious effect on overall competition.

We might add that here Kennecott had undertaken actual steps to enter the coal industry in a significant way which were abandoned in favor of its acquisition of Peabody. Whatever intention or chance of adding a new competitive force was thereby lost along with the attendant and very real risk of accelerating the already alarming trend towards concentration in the coal industry. We conclude that the effect of the acquisition may be substantially to lessen competition in the coal industry in violation of Section 7. An appropriate order will issue. In our view, an appropriate order here should provide not only for divestiture but also a ban for a period often (10) years on future acquisitions unless approved by the Commission. Heretofore we have taken such action where, as here, it is in the public interest and in furtherance of public policy.

In Camera Exhibits

During the course of this proceeding respondent requested *in camera* treatment of a number of exhibits identified as CX 11, CX 124 A-N, CX 125 A-C, CX 154 A-Z7, CX 163, CX 164 A-H, CX 196 A-E and RX 186. The examiner, after according *in camera* status to these exhibits on an interim basis, denied continued *in camera* treatment of these documents in his initial decision. On April 3, 1970, respondent filed a motion to review the hearing examiner's decision denying continued *in camera* treatment for the eight documentary exhibits. Action thereon was deferred by the Commission pending its review of complaint counsel's appeal on the merits.

In its motion of April 3, 1970, respondent has abandoned its request for continued *in camera* treatment of all but three documents, CX 163, CX 164 A-H, and the exhibit portions of CX 154, designated 154 V-Z7. The following reason is assigned by respondent to warrant continued *in camera* treatment of these documents:

"They were prepared specially for use in connection with the Peabody acquisition . . . [and] contain highly confidential business information and closely guarded secret data, which are not disclosed outside the company (except to involved institutions), and even within the company are confined to specific personnel. The disclosure of the data in these three reports . . . would cause very serious and irreparable injury to respondent and its competitive position. Moreover, there is no countervailing reason why this information should be disclosed to the public or to competitors." (April 3, 1970 motion, pp. 5-6)

Based upon a review of these documents, we have determined to grant respondent's request for continued *in camera* treatment of CX 163, CX 164 A-H, and CX 154 V-Z7. The remaining documents designated CX 11, CX 124 A-N, CX 125 A-C, CX 196 A-H, and RX 186 will become part of the public record.

Motion To Disqualify Commissioner Jones

In their Answering Brief (at p. 19), respondent requests reconsideration of its motion that Commissioner Jones withdraw from participation in this proceeding, or, in the alternative, that the Commission determine that Commissioner Jones be disqualified from such participation. Respondent's original motion, dated December 31, 1968, was denied by Commission order of June 13, 1969. Since that time no new facts have come to our attention which would cause us to change our position in this matter. The situation is in the same posture as it was when we dealt with it the first time. Respondent's request for reconsideration will therefore be denied. Moreover, the Commission has traditionally and consistently viewed requests for disqualification as a matter primarily to be determined by the individual Commissioner concerned, leaving it within the exercise of that member's sound and responsible discretion. This is only proper and consistent with the law and no basis for departing therefrom has been demonstrated in the instant proceeding.

FOOTNOTES

[1] *Aff'd.* with slight modification, *Abex Corp.* v. *Federal Trade Commission,* 420 F. 2d 928 (6th Cir. 1970), *cert. denied,* 400 U.S. 865.

[2] Bain, Price Theory, Chapters 5 and 6 (1952); and Industrial Organization, at 286 (1959).

[3] Smith, The Wealth of Nations (The Modern Library, New York) 60. See also J. A. Hobson, The Evolution of Modern Capitalism, at 165 (1894); J. B. and J. M. Clark, The Control of Trusts, 25-27 (reprinted 1914); J. M. Clark, *Toward a Concept of Workable Competition* in American Economic Review, June 1940; F. W. Taussig, Principles of Economics, at 433 (1st ed. 1911); Joan Robinson, Economics of Imperfect Competition, at 81 (1932); B. W. Knight, Economic Principles in Practice, at 221 (rev. ed. 1942).

[4] TNEC Monograph No. 21, at 7-8 (1940).

[5] 173 F.2d 177, 186 (C.C.E.D. Mo. 1909), *aff'd.* 221 U.S. 1 (1911).

[6] See Loescher, *A Sherman Act Precedent for the Application of Antitrust Legislation to Conglomerate Mergers: Standard Oil, 1911,* in Markham and Papanek, Industrial Organization and Economic Development, at 185-6 (1970).

[7] 328 U.S. 781, 797, 809 (1946).

[8] In early Federal Trade Commission cases involving false and misleading advertisements, actual and potential competition were acknowledged to be essential ingredients of competition. *Hofeller* v. *Federal Trade Commission,* 82 F.2d 647, 650 (7th Cir. 1936), *cert. denied,* 299 U.S. 557; *Federal Trade Commission* v. *Real Products Corp.,* 90 F.2d 617, 619 (2d Cir. 1937); *Electro Thermo Co.* v. *Federal Trade Commission,* 91 F.2d 477, 480 (9th Cir. 1937); *Justine Haynes & Co.* v. *Federal Trade Commission,* 105 F.2d 988, 989 (2d Cir. 1939), *cert. denied,* 308 U.S. 616; *Dr. W. B. Caldwell, Inc.* v. *Federal Trade Commission,* 111 F.2d 889, 890-91 (7th Cir. 1940); *Raladam Co.* v. *Federal Trade Commission,* 123 F.2d 34, 36 (6th Cir. 1941). While not articulated in the decisions, the cases demonstrate that protection of both the consumer and competitor, including potential competition are the twin goals of antitrust enforcement policy. As the Supreme Court held in *Federal Trade Commission* v. *Raladam Co.,* "it is obvious that the word competition imparts the existence of present or potential competitors . . ." 283 U.S. 643, 649 (1931).

[9] *United States* v. *Philadelphia Nat. Bank,* 374 U.S. 321, 363 (1963).

[10] Bain, *supra,* Industrial Organization, at 243. See also, Brodley, *Oligopoly Power under the Sherman and Clayton Acts From Economic Theory to Legal Policy,* 19 Stan. L. Rev. 285, 289-93, 354 (1967); Turner, *The Scope of Antitrust and Other Economic Regulatory Policies,* 82 Harv. L. Rev. 1207, 1225 (1969).

[11] Kaysen & Turner, Antitrust Policy, at 72 (1959).

[12] A loose oligopoly is "a small number (less than twenty) of firms supplying 75 percent of the market, with no one supplying more than 10-15 percent and a fringe of smaller firms supplying the rest." Ibid.

[13] See Mueller "Structure of the Petroleum

Industry and Its Relation to Oil Shale and Other Energy Sources," report presented before the Senate Antitrust Subcommittee on May 5, 1967 (Economic Papers 1966–69, FTC, Staff Report, at 190, emphasis added):

"Although the 20 large petroleum firms account for a large percentage of all segments of the domestic industry, the petroleum industry is not as concentrated as many other basic industries . . . But *it should be remembered that most of the statistics on concentration in the petroleum industry are on a national basis and these generally understate the degree of concentration in local or regional markets. . . .*"

[14] "Obviously, those mergers which enable small companies to compete more effectively with giant corporations generally do not reduce competition but rather intensify it." 96 Cong. Rec. 16436 (1950).

[15] *Beatrice Foods Co.*, FTC Docket 6653, issued April 26, 1965 (CCH 1965–1967 Transfer Binder) Trade Reg. Rep. § 17,244 at 22,-332; order modified, *Beatrice Foods Co* v. *F.T.C.*, 1967 Trade Cases § 72,124 (9th Cir.). See also, Turner, *Conglomerate Mergers and Section 7 of the Clayton Act,* 78 Harv. L. Rev. 1313 (1965); McLaren, *Antitrust and the Securities Industry*, 11 B. C. Ind. & Com. L. Rev. 187, 191 (1970). For repeated statements to this effect by Assistant Attorney General McLaren, Antitrust Division, Dept. of Justice, see 5 Trade Reg. Rep. § 50.244 at 55,500 (March 27, 1969); 403 BNA Antitrust & Trade Reg. Rep. at —2 (April 1, 1969); 412 BNA id. at —2 (June 3, 1969); 5 Trade Reg. Rep. § 50,259 at 50,544 (October 8, 1969); similar views are found in Campbell & Shepherd, *Leading-Firm Conglomerate Mergers,* 13 Antitrust Bull. 1361, 1371 (1968); see also, Narver, *Supply Space and Horizontality in Firms and Mergers*, 44 St. John's L. Rev. 317, 319 n. 9 (spec. ed. 1970).

[16] We heralded this view in our *Bendix* decision, supra at 21,445–46: "We think it clear that Congress was concerned in Section 7 with the preservation of new and potential competition in any form: that new entry, if beneficial and procompetitive, is to be encouraged regardless of its form, and that a merger with a leading firm, especially in a concentrated industry, which eliminates the likelihood of such desirable entry through a toehold acquisition is embraced within the prohibitions of the statute."

A MORATORIUM ON NEW STREAM CHANNELIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, last week I brought to the attention of the House that national environmental organizations, State fish and game agencies, and the Department of the Interior, which has responsibilities for the protection of our fish and wildlife resources, are all gravely concerned that channelization is destroying America's streams and wetlands and seriously polluting the Nation's waterways.

These groups have made a strong argument that all stream channelization projects should be halted to enable indepth study and review of the environmental effects of channelization. They have recommended that none of the nearly $45 million which the Department of Agriculture plans to spend for stream channelization works in fiscal 1972 be used for that purpose.

When the House considers the Agriculture Department's appropriations bill, H.R. 9270, this coming Wednesday, June 23, an amendment will be offered to prevent the use of funds for new stream channelization projects during fiscal year 1972. The amendment would affect about $20 million of the $45 million. Thus, the amendment would achieve the objective desired by so many of the critics of stream channelization—a temporary moratorium on new channelization works of the Department of Agriculture. This moratorium will provide needed time for the States to review the environmental effects and to insure that each project is in the public interest. It would insure that the 20,000 more miles of streams the Department of Agricultue plans to channelize would not be done without this moratorium by review and reevaluation.

The amendment does, though, fall short of what the environmentalists would have desired. It will not affect channelization in any project any part of which is now in the project construction stage. The Soil Conservation Service has explained this term in its budget request before the Subcommittee on Appropriations—part 3, page 511, 1972—as follows:

> The project construction stage begins with the execution of the first project agreement or contract for construction of works of improvement.

We are not attempting to upset arrangements in projects which are already underway.

The moratorium will be just a continuation of the one recently self-imposed by the Department of Agriculture in its Watershed Memorandum 108. Under it, the Department is making a categorization of all its outstanding projects, on the basis of their environmental impact. By July 1, 1971, the results of the initial categorization of projects under this newly instituted environmental review will be available to the Department's policymakers and the public for evaluation and comment. A temporary moratorium is a most appropriate way to provide the necessary time for a searching review and analysis of the Department's categorization of projects.

The amendment will also enable the States to weed out those unstarted projects which, in the overall interest of the State, would be environmentally detrimental. Many projects were planned several years ago, when adverse environmental effects of channelization were not clearly understood.

The Water Resources Council could proceed at once to carry out its plan, announced at our subcommittee's hearings on channelization, to do a full indepth study of the effects of stream channelization.

The overwhelming majority of evidence to date supports the conclusion that stream channelization seriously damages and pollutes thousands of miles of our Nation's streams, increases downstream flooding, silts up our waterways, lowers around water levels, destroys fish and wildlife habitat, and damages our Nation's hardwood timber resources. It will ultimately cost the Treasury over $325 million.

At this time, I insert the text of our amendment and copies of two pages—511 and 512—from hearings of the House Subcommittee on Appropriations, part 3, on the fiscal year 1972 Agriculture appropriations bill:

> Funds appropriated by this Act shall not be used for engineering and construction of any stream channelization measure under any program administered by the Department of Agriculture, unless that measure is in a project any part of which was in the project construction stage prior to July 1, 1971.

STATUS OF PUBLIC LAW 566 WATERSHED PROJECTS

Watershed work plans are prepared by sponsoring local organizations with the Department's assistance or with their own resources—After the work plans have been approved by the Department or the Congress as suitable for federal participation, technical and financial assistance can be provided for installation of works of improvement specified in the work plans. Projects involving an estimated federal contribution in excess of $250,000 for construction, or construction of any single structure having a capacity in excess of 2,500 acre feet, require congressional committee approval.

Engineering services and assistance with land treatment are furnished on approved projects before they are advanced to the actual construction stage. During this stage, surveys and investigations are made and detailed designs, specifications, and engineering cost estimates are prepared for construction of structural measures. Areas are delineated where sponsors need to obtain land rights, easements and rights-of-way. Technical assistance is furnished to land owners and operators to accelerate planning and application of needed conservation land treatment measures in the watershed.

The project construction stage begins with the execution of the first project agreement or contract for construction of works of improvement. Under a project agreement, the sponsoring local organization agrees to construct a segment of the project which may consist of an individual or interrelated group of structures. The project agreement obligates the government and the sponsoring local organization to share the construction costs as agreed to in the work plan. Engineering and other services are provided for the preparation of contracts and inspection of construction.

When the local organization does the contracting, payments are made to them as the work progresses in accordance with the terms of the project agreement. When the local organization requests the SCS to do the contracting for works of improvement, the SCS makes payments directly to the contractor as the work progresses. This includes both amounts financed from federal funds and contributions received from local organizations for their share of construction costs. Technical assistance in planning and installing conservation land treatment measures is continued as agreed upon in the watershed work plan.

In fiscal year 1970, 64 projects were approved for operations which brought to 1,001 the total number of projects approved as of June 30, 1970. Two-hundred and thirty-eight of these projects were completed prior to 1970. Of the 763 projects in operations in 1970, 223 were receiving preconstruction land treatment and engineering services and 429 were in construction at the end of the year. Thirty-eight of the latter were new construction starts in 1970. Thirty-five projects were completed in 1970, which brought the total number completed to 273 as of June 30, 1970. Land treatment assistance was continued on 18 projects on which construction had been completed prior to 1970. Fifty-eight of the approved projects did not require federal funds during the fiscal year 1970 because of project inactivity, approval late in the fiscal year, or having no work scheduled for that year.

PROJECTED PUBLIC LAW 566 PROJECT ACTIVITY AND OBLIGATIONS

The following tabulation shows the status of Public Law 566 projects by stage of assistance and amounts obligated or estimated to be obligated. The table also shows minor obligations for project evaluation studies, advances for future water supply, and balances remaining in the undistributed equipment account which have not been distributed to projects.

[Amounts in thousands]

	1970 actual		1971 estimate		1972 estimate	
	Number	Amount	Number	Amount	Number	Amount
1. Projects approved for operations and estimated cost of completion:						
(a) Uncompleted projects at beginning of year	699	$627,336	728	$678,138	738	$719,263
(b) Projects approved during year	64	116,820	65	118,600	65	118,600
Total	763	744,156	793	796,738	803	837,863
2. Status of projects and amounts obligated:						
(a) Project not requiring funds	58		60		63	
(b) Projects receiving preconstruction land treatment and engineering services	223	4,757	212	4,752	218	4,796
(c) Projects moved into construction stage during year	38	13,176	70	15,400	60	13,200
(d) Prior year projects continuing construction and land treatment	391	47,430	371	56,204	382	56,017
(e) Projects with construction completed continuing land treatment	18	148	25	250	25	250
(f) Projects completed during year	35	$533	55	$869	55	$869
Total projects	763	66,044	793	77,475	803	75,132
3. Obligations not included above:						
(a) Advances for future water supply		5		190		190
(b) Project evaluation studies		[1] 56		25		25
(c) Undistributed equipment account		−32		25		25
Total		66,073		77,715		75,372
4. Uncompleted projects (cumulative) at end of year:						
(a) Obligations to date	728	446,137	738	490,684	748	519,190
(b) Estimated cost of completion	728	678,138	738	719,263	748	762,731
5. Projects completed (cumulative) and total cost	273	131,072	328	164,000	383	210,650
6. Total projects approved (cumulative) and total cost	1,001	1,302,050	1,066	1,420,650	1,131	1,539,250
7. Obligations (cumulative):						
Projects		577,209		654,684		729,816
Other		1,264		1,504		1,744
Total		578,473		656,188		731,560

[1] Includes $8,660 for Institute of Tropical Forestry.

STRUGGLE OF THE SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, earlier this month on the 10th and 15th of June, I informed my colleagues of the continuous harassment I encountered during my trip to the Soviet Union. Since the purpose of my journey was to gain a firsthand knowledge of the persecution suffered by Soviet Jews, the conversations I had with members of the Russian Jewish community are of paramount importance in documenting the real story of that persecution. Today, I would like to recount for you some of these harrowing, yet informative conversations.

Before I actually begin, it must be explained that none of my "discussions" were conducted by word of mouth. Every room I entered was electronically bugged. If any of the people to whom I spoke should be overheard expressing complaints about persecution, they would soon be arrested. Therefore, speech was impossible. Similarly, we could not use pencil and paper, for fear that the secret police would break in and confiscate our writing, as evidence of "anti-Soviet activities."

The problem was solved with the use of a simple child's toy—a "magic" erasable slate. This device enabled us to communicate without leaving any traces that could be picked up either by hidden bugs or marauding government agents.

Many of these talks took place inside one of Moscow's few synagogues. During the course of one such discussion, I asked a man whether as a Jew he experienced any persecution at the hands of the Soviet Government. He replied "No." I then asked him if he wished to immigrate to Israel. Again he answered "No." But throughout his negative replies, this man continually nodded his head affirmatively—indicating that "Yes, I am being persecuted," and "Yes, I do want to escape to Israel, but I am afraid that even the synagogue is bugged, and that I would be arrested if my true sentiments were ever made known."

I also spoke to another young man, later in the afternoon, just before Mincha—afternoon prayers—was to begin. He was answering my questions in low, hushed whispers when suddenly he stopped speaking. He then pointed to another man who had just entered the building. My companion made a covert thumbs-down gesture—signaling to me that this newcomer was a man who could not be trusted. Even among his fellow worshippers he suspected spies and government agents.

"Why," you may wonder, "Is this anti-Semitic harassment so widespread and vicious? What could the Soviets possibly hope to gain my maliciously badgering each and every community of Jews?"

Recent developments, such as the kangaroo court trials in Riga and Kishinew, have made the answer to these questions painfully clear.

The purpose of this harassment is to intimidate the Jews of Russia so that they will no longer proclaim their desire for a Jewish life and culture. So that they will no longer proclaim a free, independent identity as Jews. So that they will no longer proclaim their intention to leave the oppression of Russia for their homeland in Israel.

Throughout my trip I did not see very many optimistic or encouraging sights. However, I am happy and especially proud to tell you that despite the trials, despite the jail sentences, despite the spying and bugs, the Jews I met in the Soviet Union are neither cowed nor intimidated. Rather, as has happened throughout the history of the Jewish people, the Russian perversion of justice have only strengthened our will. The Soviet Jews are reinforced in their determination to press on for their rights, no matter what the cost.

I returned from the Soviet Union with poignant evidence of this determination. With me I brought a petition, signed by a dozen Jewish mothers from Moscow and Leningrad. The petition was addressed to the leaders of the Soviet Government. In it, the mothers were requesting that their children be allowed to emigrate to Israel. In return, the mothers themselves would remain behind, as hostages in Russia.

Any parent, any human being, can appreciate the tremendous sacrifice involved in this brave act. These 12 women stand prepared to send away their children, perhaps never to be seen again, so that these children, and their children after them will be able to live as free men and women—as Jews.

In recent weeks, the Soviet Government has made some concessions. A handful of Jews, a few thousand, have been allowed to go, there are hundreds who have had applications to emigrate refused. There are still tens of thousands, perhaps even hundreds of thousands of Russian Jews who are being held captive in the Soviet Union. To make the plight of these prospective emigrants even more desperate, the Jew who makes application to leave Russia is immediately discriminated against. Often, he is fired from his job, or at least demoted. His children are not permitted to advance in the school system; his family is subject to taunts and harassment.

Near the end of my journey, I met with one such family. They had applied for a visa to Israel more than a year ago. They have still heard nothing from the Soviet Government.

The father was an electrical engineer, the mother, a physicist. Both had been fired from their jobs immediately after their application was submitted. For more than 12 months, neither of them had been permitted to earn a single ruble. Their children had been denied entrance into a university.

When I entered their tiny one-room flat, I was shocked into speechlessness. The conditions under which this family was being forced to live would have put to shame some of our worst slums.

There was no furniture in the room—everything had been sold during the previous year to pay for food and rent. There was nothing left to sell.

My first instinct was to offer them any money I had with me, just to enable them to survive. Yet they refused to accept anything.

"We are already dead," they told me. They realized that their application for visas would never be approved. That they were condemned to live out the rest of their lives hounded by Russian anti-Semitism.

Yet even in this dismal situation, their spirit was not broken. "We have only one thing to request of you," they said, "to tell the world what is happening here. Not to spend 1 day without telling someone about how the Jews of Russia are still fighting for their freedom. So that someday our children, or perhaps even their children, will be able to freely and proudly exhibit their Jewish faith."

That is why, Mr. Speaker, I am taking the time to let my colleagues know the full details of my experiences in the Soviet Union. To fulfill my pledge to that courageous Russian couple. And to ask my fellow-concerned Representatives to make a similar pledge. Not to spend 1 day without telling someone, in speech or in writing, about the struggle of the Soviet Jews. So that some day these valiant fighters for freedom will be able to openly and proudly practice their Jewish faith.

STORM CLOUDS OVER PANAMA

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, as I have predicted on a number of occasions in the Congress, the situation at Panama is verging toward another crisis. In an illuminating page 1 story from Panama City, the June 17, 1971, issue of the Wall Street Journal gives details of Isthmian developments that are well understood by U.S. citizens in the Canal Zone but which have been generally ignored by the mass news media in the United States. They are storm clouds over Panama.

Some of the highlights of the newsstory are here summarized:

First. Diplomatic discussions will start in Washington between the United States and Panama in June 1971 for the replacement of basic Panama Canal treaties.

Second. The military government of Panama controls its provisional president and his puppet cabinet.

Third. Opposition to the government is silenced by jailing, exile, and fear of personal violence.

Fourth. Political parties and the National Assembly have been banned.

Fifth. An organized campaign of hostility toward the United States has been started.

Sixth. Violence against the United States comparable to that of January 1964 may be in store if the United States balks in ceding sovereignty over the Canal Zone to Panama.

Seventh. Six daily newspapers in Panama are run under publishers appointed by the government.

Eighth. Leftists appointed to high government positions include Romulo Escobar Bethancourt, who is known to have been a Marxist.

Ninth. Important Panamanians seek intervention by the United States.

Tenth. Asserts that except for a "handful of Congressmen who charge that the Soviet shadow is beginning to reach across the Panama Canal," U.S. officials oppose intervention.

Eleventh. States that Panama, largely because of the Panama Canal, has a per capita income of $625, making Panama the third or fourth highest per capita income country in all of Latin America.

As regards the banning of the National Assembly of Panama, information believed to be reliable is to the effect that the recently constructed National Assembly building is being converted into a permanent office building for use by the Panamanian Government. This clearly indicates the intention of the military government to remain in power indefinitely.

In connection with the implication that only a "handful of Congressmen" are concerned with the Panama Canal question this is simply not true. After an extensive debate on raising the Panama flag in the Canal Zone, the House of Representatives voted against it by 381 to 12. At present, more than 60 Members of the House have introduced or cosponsored identical resolutions opposing any cession of U.S. treaty-based rights, power, or authority either to Panama or any international organization. For those who think the opposition in the Congress is bluff they can wait and see, for the overwhelming mass of our people are opposed to any surrender at Panama regardless of the supine attitude and silence of high officials of our Government.

In order that the Congress and the Nation at large may have the information contained in the indicated newsstory, I quote it as part of my remarks:

PUZZLE IN PANAMA—TORRIJOS BRINGS CALM, PROSPERITY TO NATION AT EXPENSE OF FREEDOM

(By James C. Tanner)

PANAMA CITY.—Over lunch of chicken and rice in the sprawling white headquarters of the National Guard, Brig. Gen. Omar Torrijas, the nation's dictator, tells this story: While visiting peasants recently, he tried to explain his agrarian-reform plan. But they talked and talked and wouldn't let him get a word in. Finally, he exploded, "For Pete's sake, who's the dictator here?"

Actually there's no doubt who the dictator of Panama is. The only doubt is the direction in which this country may be headed under the 42-year-old strong man. The U.S. is concerned, of course, because of key U.S. military bases here and the strategic Panama Canal.

That U.S. stake in Panama will come under scrutiny this month, when the U.S. and Panama begin negotiations in Washington covering controversial treaties in effect since 1903. The talks will concern replacing these pacts with new ones governing the operation of the bases and the canal.

Aided by a heavy flow of U.S. financing, Gen. Torrijos has brought a goodly measure of prosperity and what he calls "social peace" to this volatile S-shaped isthmus since the National Guard took over in a bloodless coup in late 1968.

The general, supported by the powerful paramilitary guard he commands, controls Panama's provisional president and a puppet cabinet. For the moment, at least, he has silenced all opposition by jailing or driving into exile major foes and by abolishing the national assembly, banning political parties and muzzling the press.

But now Gen. Torrijos is setting out on a bold new course to build popular support and possibly to put new pressure on the U.S. as the treaty negotiations approach. He openly admires the leftist military regimes of Peru and Bolivia, and he is beginning to steer his government to the left also.

Observers see in the trends ominous hints of an anti-U.S. campaign designed to wring new concessions from Washington regarding the 50-mile-long canal, which splits Panama geographically and psychologically. For the coming talks, Gen. Torrijos handpicked the three negotiators, whom he describes as "the new intellectual aristocrats" of Panama. Some Americans here fear that major demonstrations against the U.S. will follow, perhaps leading to mob violence and riots similar to those that began in 1964.

A PROBLEM OF JURISDICTION

Gen. Torrijos agrees that there may be violence. But he says this will occur only if the U.S. again balks on the hot issues of jurisdiction over the 10-mile-wide canal zone and of Panama's share of the waterway's growing revenues. The U.S. has repeatedly refused Panamanian demands to give up its control of the zone and to increase the flat royalty of $1,930,000 that Washington pays annually to Panama.

Gen. Torrijos insists, however, that he has been making sweeping changes among top governmental officials not because he wants to pressure the U.S. but because he is looking to the poor of Panama for the power base he lacks. With some success he is wooing peasants, workers and students. At the same time he has decreed stiff new taxes and other measures equally distasteful to the oligarchy—the wealthy families who traditionally have owned most of Panama's resources and, until the National Guard assumed power, its politics.

In the process, some known Marxists are finding work in key government agencies, and critics of the government contend they are being encouraged to do so by the leftists Gen. Torrijos named to top government posts. Indeed, the Moscow-leaning Communist Party in Panama is operating openly although all political parties and politicking are outlawed by the Torrijos government. (But a Peking-oriented Communist group has been smashed by the National Guard.)

MAJOR CAUSES FOR CONCERN

It was a recent cabinet shakeup by Gen. Torrijos, however, that is causing the most concern among businessmen, who worry that the backgrounds of some of the new ministers are a clear indication of the government's leftist push.

Most of the new ministers term themselves pragmatic nationalists. "I believe in a social reordering that will bring justice," says Jose Guillermo Aizpu, the new finance minister. "If it's necessary to call that socialistic, then I may be a little bit to the left."

Even some of the dictator's most avid supporters have been saddened by his appointments of Juan Materno Vasquez to the prime post of minister of government and justice and of Romulo Escobar Bethancourt as rector of the University of Panama. Vasquez is a brilliant but controversial jurist known to have been a Marxist, and Escobar is an extreme leftist who numbered among his friends Cuba's late Che Guevara.

Both are former classmates of Gen. Torrijos, who praises their political expertise and staunchly defends them. "As an adolescent one gets to be an anarchist by virtue of social injustice," the dictator says. "But if after reaching 30 he still follows that line, he is a fool."

Gen. Torrijos firmly declares: "Those who oppose us brand us Communists. But the humble classes of people who make up nine-tenths of our population are more concerned with the intentions of the government than its origin." Then he adds, "The first rule of government is not to fall."

Following this rule, the dictator stumps the interior by helicopter to increase his popularity among peasants and workingmen. To keep the oligarchy in hand, he exercises an old tactic of dictators—fear.

Even if criticism of the government weren't a crime—and it is—there wouldn't be any place to voice it. The six daily newspapers are run by publishers appointed by the government. All political meetings are banned. Former politicians are afraid even to be seen talking with a foreign newsman. Through an intermediary a meeting is arranged with a former president. But on the way to the site the reporter is taken on a twisting path through back streets so that anyone following will be thrown off the trail.

Many Panamanians insist that their phones are tapped and complain of harassment by the government. It is well-known that the government has built a network of informants. The investigative arm of the National Guard openly appeals for additional informers. In a series of newspaper ads, it urged that "suspicious persons" and "important information" regarding "security of the country" be reported to the Guard.

Government spokesmen insist that no political prisoners are being held. Other sources maintain that at least 200 are in Panama's jails. Just after the 1968 coup, there were an estimated 1,600.

"WELL-TRAINED, LEAN AND MEAN"

But plotting against the government continues despite arrests and other harsh restrictions imposed by the Guardsmen, whom one U.S. military analyst describes as "well-trained, lean and mean." One recent plan to topple Gen. Torrijos was postponed at the last moment. But many Panamanians opposed to the dictator say any change in government depends largely on the U.S.

Some are bitter because the U.S. hasn't at least choked off funds that help the general stay in power. And a former holder of a high Panamanian political post says the U.S. is "morally obligated to intervene."

Except for a handful of Congressmen who charge that the Soviet shadow is beginning to reach across the Panama Canal, U.S. officials generally disagree with the theory that Washington should intervene. These officials note that President Nixon's approach is to deal with governments as they are.

Because of the restraints against politicking and criticism, there apparently isn't anyone closer than Miami who has a chance of overthrowing Gen. Torrijos. The most likely prospect is Arnulfo Arias, the legally elected president of Panama.

BATTING AVERAGE: THREE FOR THREE

Mr. Arias is perhaps the most popular and controversial political figure ever to emerge in Panama. A former wealthy plantation owner and Harvard-trained surgeon, he has always drawn strong support among the nation's poor. But some in the oligarchy scorn him, and the National guard has always fought him. He has been elected president three times, only to be ousted by the Guard on each occasion. The last time he served as president for only 11 days. Now nearing 70, Mr. Arias lives in exile in Miami.

Mr. Torrijos, a major in a province garrison at the time, surfaced as one of the instigators of the October 1968 Guard revolt against President Arias. Subsequently, Mr. Torrijos emerged as the leader. In December 1969 while the general was on a trip to Mexico, a group of colonels in the Guard staged a countercoup—brief and unsuccessful. Gen. Torrijos hustled back to Panama, marching triumphantly into the capital just in time to intercept telegrams intended for his would-be successors.

Moving to strengthen his politicial base, Gen. Torrijos appointed as provisional president Demetrio B. Lakas, a Panama contractor and trusted friend. Speaking in a Texas accent after seven years spent in that state, President Lakas bridles at talk that the general now is turning to the left. "I will never follow a Communist," the president declares, "but I will follow a man with social sensibility."

A suggestion of this "social sensibility" came a year ago. In a letter to Sen. Edward Kennedy, Gen. Torrijos predicted the emergence of "a new type of military" in Latin America "convinced of the value of peaceful changes that promote the replacement of old structures."

EXCEDRIN HEADACHE—LATIN STYLE

Today Gen. Torrijos doesn't give any indication he plans to restore constitutional government any time soon. "One thing proved in the Americas," he says, "is that the parliamentary systems and political parties are obsolete museum figures." He contends that "every country has to look for its own brand of aspirin to cure its own headaches."

Indications that the general was setting out on a deliberate course to cross the U.S. began appearing months ago. First, he refused to renew an agreement on U.S. use of the Rio Hato air base, from which Americans now have withdrawn. Then he told the Peace Corps to go home. And he recently announced that Japan was interested in bidding on construction of a new sea-level canal across Panama, a waterway that many authorities believe will soon be needed to handle incerasingly larger ships.

Whatever his differences with the U.S. Gen. Torrijos is getting some plus marks at home. His government attracts bright young men with advanced degrees from U.S. universities who are pleased at the social challenges and the lack of bureaucratic red tape. To get laws passed, all they have to do is persuade the general to issue a decree. "Technicians and intellectuals disappear from the political arena when a government is dangerous. Here there is a remigration of brains," says Hernan F. Porras, the minister of commerce and industries.

The streets of the capital are free of garbage—long a political issue—and the gross national product of Panama has reached $1 billion and grows in real terms at a rate of 4 to 5 a year. Per-capita annual income approaches $625, ranking third or fourth in Latin America.

THE ROLE OF THE CANAL

The canal is a big contributor. In payrolls and purchases, it adds about $160 million a year to the Panamanian economy. The U.S. has lent Panama $100 million in the past 10 years, much of it since Gen. Torrijos has taken power.

How much of the prosperity is due to government pump-priming isn't known. It has borrowed heavily from abroad, and some observers suggest that Panama may be nearing a credit crunch. "What happens when the money runs out?" one observer asks.

The government, however, is beginning a push for tourists and is trying to attract more foreign investments. A wave of such investments is coming in from South America, Europe and Japan, and U.S. companies have already invested $1 billion here.

"For peace and prosperity we are giving up certain intangibles, like freedom of speech and the other political rights," a Panamanian businessman says. "How soon we get to the point where the sacrifice of intangibles no longer is equal to the tangibles we have gained is the big question."

HOUSE PASSES BILL EXTENDING STUDENT LOAN AND SCHOLARSHIP PROVISIONS

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, on June 17 the House passed H.R. 7736, to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of the Public Health Service Act.

Although it was necessary for me to be away from the proceedings of the House at the time, I am most pleased to see that this bill was passed. I consider this program essential and had I been present, I would have been recorded as voting "Yea."

PROPOSED FARM CREDIT ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. BURLISON) is recognized for 15 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, I am pleased to announce today my cosponsoring of the proposed Farm Credit Act of 1971. Hearings on the proposed legislation will begin on July 12 before the House Committee on Agriculture.

The need for borrowed capital continues to grow at an expanding rate among the rural communities of America.

The Farm Credit System over the years has been the primary and sometimes sole source of financial aid to rural citizens. The System has evolved from a series of laws passed by the Congress, beginning in 1916. The precautionary limitations incorporated at that time are now inhibiting the extension of the amount and types of credit, and the flexibility needed by the modern farm community.

The bill which I am cosponsoring will modernize the Farm Credit System, while maintaining those parts which have proven workable and beneficial to the American farmer. Because of numerous statutes which have established the various branches of the Farm Credit System, an extremely complex set of laws has to be administered. The result has been unwarranted differences in eligibilities and credit standards within the System.

A critical appraisal of the Farm Credit System was made by the Commission on Agricultural Credit, established by the System's Farm Credit Board to evaluate the credit needs of the farming community in the 1970's. This board of 27 national farm leaders, representing the various sectors of the farm community, made an in-depth examination of the authorities, processes, and services of the entire farm credit system. Their report suggested various goals and recommendations for improvement, the majority of which have been incorporated into this bill.

One new area of credit extension recommended will be in the field of rural residence financing. The Federal land banks and intermediate credit banks will be authorized to make loans in this area for the building, buying, improving, and repairing of nonfarm rural homes. This provision will allow the Farm Credit System to contribute in a new way to rural development. This service will fill a gap between areas served by saving and loan associations and the areas served by subsidized credit for public housing and the Farmer's Home Administration low-income borrowers' loans.

This bill will also provide for the financing of farm-related services such as custom spraying, pruning, and harvesting. Short- and long-term loans will be available through the intermediate credit banks and the Federal land banks, respectively, encouraging development of services essential to modern profitable farming.

Federal loan banks, intermediate credit banks, and production credit associations will be permitted to participate in loans with other entities of the same kind in their own branch. Likewise, they may participate in loss-sharing plans. This new proposal also authorizes the mergers of districts, and like entities within a district.

Land banks and production credit associations will be permitted to increase their stock investment requirement to 10 percent for additional capitalization, thereby expanding credit availability.

Permission will be granted to the Federal land banks and intermediate credit banks to own and lease necessary facilities and equipment as needed by eligible borrowers, enabling farmers to have use of infrequently used, but valuable and expensive machines and buildings.

The two banks will be permitted to issue different classes of stock including nonvoting stock and participation certificates to nonfarmer rural borrowers. Accompanying differences in voting and dividend rights would result. The expressed purpose is to extend the scope of the banks' service in rural areas with minimum dilution of rights of existing owners.

The issuance of systemwide bank notes, bonds, debentures and other obligations will be permitted and encouraged for ease of transaction and uniformity within the system.

Under this proposal each of the several institutions is given authority to merge with like institutions when necessary or appropriate to accomplish their objectives in an economical way.

In addition, each division of the system may participate with other commercial and nonfarm financial institutions in meeting the credit needs of our farmers.

For the Federal land bank specifically, this bill would remove the restriction which limits loans to 65 percent of the farm's appraised value, thus creating a greater flexibility in mortgage lending. This step will place more of the new loan responsibility on the bank, and will undoubtedly be important to young farmers as they seek adequate financing for their new enterprises.

Sound security other than first mortgage on real estate would be acceptable in certain situations, thereby making credit available for long term credit needs. Much needed flexibility would be provided when the farmer has clear repayment capacity and additional collateral to supplement rural real estate.

One added benefit to the farmer will be the provision for flexible interest rates agreements which reflect significant shifts in money cost during the life of the loan. This would permit long term lending without penalty for inflationary and deflationary changes.

Lending authority will also be broadened to permit the making of continued commitments for credit to borrowers with adequate security and the extension of other financial assistance of a similar nature.

New authorizations for the intermediate banks include the right to purchase stock in, or contribute to, the surplus of Production Credit Association, thus making additional funds available for credit use.

A second important provision is the extension of maturity limitation on intermediate credit bank loans from 5 to 7 years.

Banks for cooperatives will be allowed to increase the maximum ratio of authorized debentures or similar obligations to the net worth of the cooperative from the present 8 to 1 limit to 20 to 1. This would bring banks for cooperation in line with the other branches of the Federal Credit System and greatly extend credit availability to qualifying cooperatives.

In another effort to extend credit to a wider range of the rural community eligible cooperatives would need to have only two-thirds of their membership composed of farmers, producers, or harvesters of acquatic products. Eligibility would also be extended to fishery cooperatives.

It should be noted that my bill does not extend the operation of the Federal Farm Credit System to financially related services, as has been proposed by some. Examples of such services that have given are estate planning and recordkeeping. I feel that such an extension would be carrying the system too far. Estate planning and recordkeeping are functions equally essential for business and professional people. There is nothing about those services which are peculiar to farmers. These are fields more appropriately left to our conventional lending institutions. Furthermore, I believe that if we take our Federal Farm Credit System so far afield, there will be an irresistable demand from the public to terminate the preferential tax status enjoyed by our Federal Farm Credit System. I am in accord with the administration on this point and subscribe to the statement of Under Secretary of Agriculture Phil Campbell made before the Senate Committee on Agriculture and Forestry's Subcommittee on Agricultural Credit on May 20, 1971:

> The Administration has reservations about the possible imbalances in the competitive relationships between private lenders and the Farm Credit System which could result from the Farm Credit System entering into new fields of lending and services while maintaining current tax exemptions.

I am convinced that the next decade will be a crucial time for funding the lending operations of the farm credit banks. Both political and economic factors promise a degree of competition by borrowers in the money and capital markets heretofore unknown to the Farm Credit System. In the past 10 years the debt of the Farm Credit System has tripled. The total of all securities outstanding was less than $10 million in 1960, but now is nearly $40 million. This trend is expected to continue. To meet this need, the Farm Credit System must be modernized and made more responsive to the American farming community which it is designed to serve. Therefore, Mr. Speaker, I urge the careful study of this important bill, for its success will have a great impact on the well being of rural communities in the decade ahead.

A NEW PROPOSAL TO AID CALIFORNIA EARTHQUAKE VICTIMS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 10 minutes.

Mr. CORMAN. Mr. Speaker, reports estimate $270 million worth of private property damage as a result of the earthquake in Southern California last February. With public property costs included, the destructiveness of this earthquake ranks it among the costliest disasters in the Nation's history. Despite the relatively low loss of life and the limited number of collapsed structures, this was indeed a catastrophe to those in the affected area.

The aid that has been provided by Government agencies and private groups has been greatly appreciated by those families who suffered the consequences of the disaster. I do not want to minimize the importance of the efforts that have been made to assist those who experienced personal injury and property damage. However, the emergency programs which have been in effect do not provide enough assistance to some of the families.

A relatively small number of people are still facing the biggest crisis resulting from the earthquake—how to pay for necessary repairs of homes where damage runs into the tens of thousands of dollars, or how to pay the costs of a new home, and at the same time continue to make monthly mortgage payments that existed before the earthquake on homes that are now destroyed or severely damaged.

Last April I introduced several disaster relief bills, and I promised that I would continue to explore all possibilities, take all feasible approaches and investigate all existing programs in order to deal adequately with the aftermath of the catastrophic earthquake. Today I am introducing another vital part of the comprehensive package of legislation that I promised and that I think is necessary to assist the people of Southern California as they attempt to recover from the consequences of the February disaster.

The bill I am introducing today will provide additional relief to those families in the Los Angeles area who experienced total destruction or substantial damage to their homes and who are unable to meet the increased costs it will require to repair or replace their homes. My bill, if enacted, authorizes the President to use his authority under the existing SBA homeowners program in the Disaster Act of 1970 to provide additional relief by increasing the $2,500 forgiveness advantage to that amount which will insure that the SBA loans acquired to pay for repairs or rebuilding plus existing mortgages will not exceed the monthly payments families were making on their homes before the earthquake. For those who had no outstanding mortgage obligations before the earthquake, my act provides that the forgiveness advantage be increased to the amount necessary to reduce monthly payments on SBA loans for repair or replacement of damaged homes to no more than one-fourth of the homeowners monthly net income. In both cases the bill provides for a maximum increase in the forgiveness advantage of $15,000 for any one home.

I have already stated that many who experienced the earthquake have received substantial assistance and most have received sufficient aid through existing programs to restore their homes and lives to normal. However, there are still a few families who face a future of monthly payments that they simply cannot afford. The purpose of my bill is to help these individuals provide suitable homes for themselves and their children, and at the same time help to hold the monthly financial obligations on their homes to the level they were before the earthquake.

Early in its history this Government decided it was proper and necessary to use the collective resources of the country to assist individual victims of disasters.

Mr. Speaker, I include in the RECORD, following this statement, a list of congressional acts which provided such assistance beginning as early as 1863 with $200,000 for "relief of persons damaged by Indian depredations in Minnesota" and as recent as the $55 million provided in 1964 as a result of the Alaskan earthquake. This Congress has also felt the responsibility of aiding victims of disasters in other countries.

Congress has traditionally, and I believe correctly, defined one of its responsibilities to be that of providing assistance to those who cannot on their own recover from personal injury or property damage resulting from a major national disaster over which they had virtually no control. This Congress will be fulfilling one of its most honorable duties if it acts favorably upon this legislation and thereby comes to the assistance of those people in southern California who experienced the most severe damage to their property in the February earthquake. At this time I submit a copy of my bill for inclusion in the RECORD:

DISASTER RELIEF—CONGRESSIONAL ACTS PROVIDING FUNDS FOR RELIEF OF SPECIFIC DISASTERS

1863—Relief of persons damaged by Indian depradations in Minnesota [12 Stat 652], $200,000.

1867—Purchase of seeds for distribution in Southern States [15 Stat 28], $50,000.

1874—Mississippi River Basin flood sufferers [18 Stat 45], $190,000.

1882:

Mississippi River Basin flood, rations for destitute sufferers [22 Stat 378], $100,000.

Mississippi River Basin flood, food for destitute sufferers [22 Stat 379], $250,000.

1884—Ohio River Basin floods. Purchase and distribution of subsistence stores, clothing, etc. [23 Stat 267, 23 Stat 268], $300,000, $200,000.

1897:

For purchase, transportation, and distribution of subsistence stores for destitute persons in mining regions of Alaska [30 Stat 226], $200,000.

Floods in Mississippi River Basin and Red River of the North [30 Stat 219], $200,000.

1906—Relief for sufferers of San Francisco earthquake and fire [34 Stat 827, 828], $2,500,000.

1908—Cyclones in States of Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas and Tennessee. Relief of suffers [35 Stat 572], $250,000.

1912:

To reimburse Revenue Center Service for expenditures incurred in relief of sufferers from volcano eruption at Kodiak, Alaska [37 Stat 597], $30,000.

Mississippi and Ohio River Valleys. Flood sufferers [37 Stat 633], $1,239,179.

1913—To reimburse War Department for expenditures on sufferers from floods, tornadoes and conflagrations in the Mississippi and Ohio River Basins. Peach Tree Alabama, and Nebraska [38 Stat 215], $654,448.

To reimburse War Department for expenditures on behalf of flood sufferers in the States of Ohio and Indiana, in the Ohio and Mississippi River and tributaries [38 Stat 216], $130,940.

1914—Relief of sufferers from conflagration in Salem, Massachusetts [38 Stat 687], $200,000.

1916—Relief of sufferers from hurricane and floods in North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee and Mississippi [39 Stat 434–5] [39 Stat 534] added West Virginia, $540,000.

1928—Hurricane, Puerto Rico, for rehabilitation of agriculture, to build schools, purchase seeds, etc. [45 Stat 1967], $2,000,000; [46 Stat 57], $3,000,000.

1929—Storms and floods in Southeastern State [45 Stat 1635], $6,000,000.

1930—Droughts and floods. Loans for seeds, fertilizer, etc [46 Stat 1032], $45,000,000; [46 Stat 1160] additional funds, $2,000,000.

1939—First Deficiency Appropriation Act. New England Hurricane. For rehabilitation and reestablishment of forestry resources of New England [53 Stat 513, 514] $5,000,000; [53 Stat 631] added New York, limited funds to $60,000.

1943—Second Deficiency Appropriation Act. Funds to Secretary of Agriculture for assistance to farmers whose property was destroyed or damaged by floods in 1943 [57 Stat 542], $15,000,000.

1944—Grants to farmers whose property was damaged or destroyed by floods or windstorms in 1944 [58 Stat 224], $3,000,000.

1948—Floods in Oregon and Washington. For emergency housing in the Portland, Oregon-Vancouver, Washington area displaced by flood [62 Stat 356], $10,000,000.

1951—To provide housing relief following flood in Missouri-Kansas-Oklahoma [65 Stat 173], none.

1955—Settlement of claims arising from Texas City, Texas explosion [69 Stat 707], none.

1956—For relief of the town of Freeport, Maine [70 Stat 989], $2,500.

1957—For relief of drought stricken areas [71 Stat 526], none.

1964—Reconstruction of areas damaged by Alaskan earthquate [78 Stat 505], $55,650,000.

1965—Assistance to States of California, Oregon, Washington, Nevada, and Idaho suffering from flooding [79 Stat 131], $70,000,000.

(Additional for construction, repair and reconstruction of forest roads and trails), $38,000,000.

Supplemental Appropriation Act. For sufferers of hurricanes in southeastern States [79 Stat 1152], $35,000,000.

Southeastern Hurricane Disaster Relief Act of 1965 [79 Stat 339], $70,000,000.

1966—Supplemental Appropriation Act. For relief of the Pacific Northwest floods [80 Stat 142], $65,000,000.

Reimbursement for Public Roads expenditures in Pacific Northwest [83 Stat. 458], $24,949,709.

1967—For reimbursement of Federal Highway Administration expenditures under Pacific Northwest Disaster Relief Act [81 Stat 316], $14,008,661.

H.R. 9293

A bill to authorize increases in the forgiveness advantage contained in section 231(1)(A) and section 232(1)(A) of the Disaster Relief Act of 1970 to provide additional relief for total destruction of, or substantial damage to, homes as a result of the earthquakes in California in 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the case of total destruction or substantial property damage to homes resulting from earthquakes in California in February of 1971, the President, to the extent such loss or damage is not compensated for by insurance or otherwise, is authorized to increase the $2,500 forgiveness advantage contained in section 231 (1)(A) and section 232(1)(A) of the Disaster Relief Act of 1970 to the amount necessary to insure that persons (A) who are the legal owners of such homes immediately prior to such earthquakes, (B) who will repair, rehabilitate, or replace such homes, and (C) who qualify for assistance for such homes under section 231 of the Disaster Relief Act of 1970, will have, with respect to loans acquired for the repair, rehabilitation, or replacement of their homes—

(1) monthly payments no larger than the level of the payments on destroyed or damaged homes before the disaster, or

(2) in those cases where the homeowner had no outstanding mortgage obligations prior to the earthquake, monthly payments not in excess of one-fourth of the owner's monthly net income.

(b) An increase in the existing $2,500 forgiveness advantage of section 231(1)(A) and section (1)(A) of the Disaster Relief Act of 1970—

(1) shall not exceed $15,000 in the case of any one home,

(2) shall not exceed $30,000 in the case of any one individual homeowner, and

(3) shall be subject to such other terms and conditions as the President or the Administrator, the Small Business Administration, determines necessary to carry out the intent of this Act and protect the interest of the United States.

SEC. 2. There is authorized to be appropriated to the President such sums as may be necessary to carry out this Act.

THE MOST PRECIOUS FREEDOM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, no man has done more in this generation to bring to light the need to protect the freedom of the individual guaranteed by our Constitution than Senator SAM J. ERVIN, Jr. The hearings conducted by the Senator as chairman of the Subcommittee on Constitutional Rights have made an enormous contribution in pointing out how the privacy of the individual is now being violated.

I testified before Senator ERVIN's subcommittee on my bill, H.R. 854, as amended, which would do the following:

First, notify the individual that such a record exists;

Second, notify the individual of all transfers of such information;

Third, disclose information from such records only with the consent of the individual or when legally required;

Fourth, maintain a record of all persons inspecting such records; and

Fifth, permit the individual to inspect his records, make copies of them, and supplement them.

Exception to the disclosure rule would be made in the case of records that are required by Executive order to be withheld in the interest of national security and for purposes of criminal prosecution. The President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons.

I was gratified when H.R. 854 was introduced on the Senate side by Senator BIRCH BAYH, a member of Senator ERVIN's subcommittee.

In this morning's New York Times, there appears on the Op Ed page a column written by the senior Senator from North Carolina (Mr. ERVIN) on the subject of protecting the individual from abuses by Government, I bring that article to the attention of this House:

THE MOST PRECIOUS FREEDOM

(By SAM J. ERVIN, JR.)

WASHINGTON.—There are some holding power of government who heed false prophets. They have forgotten that the most precious freedom secured to the individual by our Constitution is the privacy of his mind, the freedom of his thought and the sanctity of his conscience.

They have forgotten what Oliver Wendell Holmes so wisely stated, that "if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate."

They have forgotten the reverence which is due the principle on which our Constitution is based, namely, that man is a rational being, endowed by the Creator with the faculties for making rational decisions about his own destiny.

They would sacrifice these principles to the ends of government for short-term purposes.

I have no quarrel with the right of these individuals to hold these views. But I am alarmed to see them applied to government programs which may do violence to constitutional principles.

There have been a number of such programs with which I take issue. These are predicated on the theory that if government officials can only acquire sufficient information in advance on individuals, then they can predict and control behavior. So they seek to learn about how they think; how they behave in their personal lives; how they cut their hair; what they read; what their conduct and attitudes are in sexual matters; how they relate to their parents; what they dream about, and many other details.

These officials say, for example, that they have the inherent power to investigate by wiretapping in national security cases, and that this now applies to domestic security. I do not believe they should have that right. They should have to get a warrant from a court authorizing the seizure of a person's phone conversations just as, under the Fourth Amendment to the Constitution, they have to get a warrant for any other search and seizure.

No one man and no one executive department should have the absolute power to order government spying on how people use their right of free speech. This is what we mean by a government of laws and not of men.

The Senate Subcommittee on Constitutional Rights recently learned that military agents were sent across the country with notebooks, cameras and tape recorders. They were told to take note of the behavior and politics of Americans who were active on subjects of concern to the Administration. They entered churches, universities and meeting-places. They conducted surveillance over political party gatherings as easily as they did over the demonstrations of welfare mothers.

The Defense Department undertook to keep these files full of irrelevant information despite the guarantee of the Constitution protecting Americans in the exercise of their First Amendment rights. They did this despite the obvious truth that the very existence of such files would make people fearful about exercising their constitutional rights.

An interviewer asked me the other day how I would go about protecting the security of the country if I suddenly were placed in charge of it.

While I would strongly hope I would never be placed in such a difficult job, I told her one of the first things I would do is assure that when a government inquiry was made on a person, that first, it be necessary and relevant; secondly, that it be done by trained, professional investigators who understand human nature and the society we live in. Thirdly, I would issue regulations and work for laws which take account of the fact that people are sometimes darn fools; that they can say silly, foolish, passionate or harsh things without the slightest intent of acting on their words.

Next, I would try to spread a gospel of my own. That is my belief that while the Recording Angel drops a tear occasionally to wash out the record of our human iniquities, there is no compassion to be found in computers. Nor is it to be found in all the new instruments for measuring man which the behavioral sciences and the new technology hold out to us.

Finally, I would try to assure that the power of making inquiries which could decide a person's job prospects or his reputation rested with people who understood that political activity at every level has always been the life blood of our democracy.

LAST OF THE REUTHERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in 1937, when I was a child finishing the eighth grade, I recall how excited I was by the ferment that was taking place in the ranks of unorganized labor and in particular the great organization campaign then in progress among automobile workers in Detroit. I can't really recall when it was that I first knew the name Reuther but it was either that year or the next when I entered high school. And from that time until the present, the name Reuther has been synonymous with the best in unionism.

Since coming to Congress in January of 1969, I have had the pleasure, indeed the privilege, of meeting both Walter Reuther and Victor Reuther. I met Walter Reuther for the first time on a platform in Charleston, S.C., when he spoke to perhaps 500 black hospital workers engaged in unionizing. Walter Reuther was there to extend the UAW's help with cash for strike benefits. When he spoke and talked of the history of unionization. I was deeply moved as I looked out on this audience of black faces who were given hope by this man who had fought so many battles for the oppressed in this country.

I have had the pleasure and again the privilege of meeting Victor Reuther on a number of occasions when we could talk in a quiet way on the needs of this country. And here I stress not the needs merely of union members but of the entire country. He is one of the intellectual giants in this country. Walter Reuther is dead and his brother Victor Reuther is getting ready to retire. These two men are among the greatest of our country's leaders.

In today's New York Times on the Op Ed page, there appears an article by A. H. Raskin, an assistant editor of the editorial page of the Times which I should like to bring to the attention of our colleagues.

The article follows:

[From the New York Times, June 21, 1971]

LAST OF THE REUTHERS

(By A. H. Raskin)

WASHINGTON.—Legs stretched out in front of a bright orange chair, scraggly gray beard mantling cheeks and chin, pipe gone dead in his hand, it was easier to picture him as an English curate than as a fiery improviser of sit-down strike strategy when the first great battle to unionize General Motors was won nearly 35 years ago.

Victor last of the Reuthers, was getting ready to retire, and all truculence was gone as he looked through the rear-view mirror at the peaks and potholes in the rocky road over which he and his brothers, Walter and Roy, had helped pilot the United Automobile Workers—from embattled infancy to its present pinnacle as the world's biggest mass-production union.

This was the man at the microphone of the union sound truck when it drove up to the Fisher Body plant in Flint, Mich., on Jan. 11, 1937, to become a mobile command center for efforts to deliver food to strikers locked inside the giant factory. When pleas for labor solidarity failed to move the police, a flying squad of pickets did. They swept through the blue line to bring the food to the sitdowners.

The police counterattacked with tear gas and buckshot, only to be stopped by a barrage of heavy steel auto door hinges flung from catapults the strikers had fashioned out of iron pipe and inner tubes. Through the hours of battle, a cordon of unionists kept the Reuther sound truck from being silenced. "We wanted peace. General Motors chose war. Give it to them," came the shouted exhortation. Finally, in what has gone down in labor history as "The Battle of the Running Bulls," a high-powered icy jet from the plant's fire hose routed the police.

And this was the same Victor Reuther who had just finished changing a light bulb in the living room of his Detroit home on May 24, 1949, when a shotgun blast fired through a window by a still unidentified thug destroyed his right eye. Thirteen months earlier an identical attack had crippled the right arm of brother Walter, a disability he carried until his death in a plane crash last year.

But, sitting the other day in his tranquil office as director of the U.A.W.'s international affairs department, Victor Reuther had no wish to rehash the old struggles. There was too much he wanted to say about the new tasks for labor in seeking to end the disenchantment of American youth with unions and society alike and in forging durable alliances with overseas unions to meet the challenge of multinational corporations whose resources exceed those of many governments.

"The unions have much to contribute to youth, who are full of idealism but terribly lacking in practicality," Mr. Reuther said. "Cynicism and frustration are inescapable if you set ultimate goals and thus deny yourself the pleasure of discernible day-to-day progress toward changes that are attainable. . . . A wedding of youth's idealism and labor's pragmatic experience would create the kind of coalition we need for effective political action within the system."

If the stress on gradualism sounded strange from one who repeatedly over the years found himself accused by employers and even other union chiefs of pursuing "pie in the sky" programs, Mr. Reuther had a ready explanation. He and his brothers never let their early adherence to socialism blind them to the need for doing the hard staff work required to test the practicality of their objectives and then following up with intensive education to weld strong rank-and-file support.

He is under no delusion that students will rally to the union banner without much more willingness by labor to correct its own shortcomings—the "blank check" most of its leaders have given to the Vietnam war and a general stand-pattism that has put many labor policy-setters "to the right of the Chamber of Commerce."

There is nothing new about these Reuther criticisms. They are essentially the complaints that led Walter to pull the auto union out of the A.F.L.-C.I.O. three years ago. But Victor puts them forward now without rancor and querulousness. Absent, too, is the old tendency to roll out the shibboleths of class welfare when he talks about enhancing labor's global bargaining power with General Motors, Ford and other corporate titans.

He acknowledges that it is romantic nonsense to think in terms of worldwide strikes to bring the mastodons of industry to their knees. He learned long ago that they are not mindless mastodons, and he recognizes that it will be at least a decade before anything approaching global parity in wages and employe benefits comes into view. But the speed with which West German unionists warned that they would not handle transferred work when Henry Ford 2d hinted at a shift of operations during the long strike in Ford's British plants earlier this spring encourages confidence in his mind that common contract dates and the "harmonization" of wage goals on an international basis are in prospect.

Perhaps the oddest thing is to be reminded that this veteran of the assaults on the stanchest bastions of antiunionism is still six months away from his sixtieth birthday. As he contemplates departure after the U.A.W. convention next April, he cautions those insistent on over-swift change, "The world wasn't made overnight; it won't be remade overnight either."

FLEXIBILITY IN COST LIMITS FOR SECTIONS 235 AND 236 FEDERALLY ASSISTED HOUSING CONSTRUCTION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill today that will provide a step toward relieving the low-income housing shortage in many of our cities. The bill directs the Secretary of Housing and Urban Development to establish limitations on construction costs for sections 235 and 236 federally sponsored housing by determining "prototype" construction costs for different parts of the country. Cost limitations for construction under these two programs would be no more than 10 percent of the prototype cost for the area in which the dwelling unit is to be built.

Under present law there is a single nationwide ceiling on allowable construction costs in these low income housing programs; this national ceiling is too low for some parts of the country where construction costs are high, and consequently these areas are not able to use the Federal program.

The prototype cost for each given area will be determined annually by the Secretary on the basis of his estimate of cost for constructing dwelling units of various sizes suitable for occupancy for persons assisted under sections 235 and 236, plus his determination of a reasonable allowance for the cost of land and site improvement. Furthermore, the bill encourages an emphasis on durability, efficient maintenance, and good design. And, the Secretary is directed to take into account extra costs that may be incurred in construction in some parts of the area—such as special transportation costs, high-risk insurance premiums, and special security provisions.

The prototype method of establishing construction cost limitations is now used in the federally assisted low-rent public housing program. By linking mortgage limitations to local construction costs, we insure the prudent use of the Federal dollar in all parts of the country through the construction of sound dwelling units that in the long run will be economical to manage and comfortable for their occupants.

Like many cities, New York is far behind in meeting the demand for housing; in fact we are falling further behind. Last year there was a net loss of 5,070 housing units in the city while 135,000 families are on the waiting list for public housing.

Today's housing crisis necessitates both this provision for local construction cost adjustments and added Federal funds to encourage and support local housing construction. The President has recommended that $175 million in funds be made available for the section 235 program and another $175 for the section 236 program. The authorization for each is $200 million and it is imperative that this Congress fully fund this program.

H.R. 9260

A bill to amend title II of the National Housing Act to limit the amount of any mortgage insured under section 235 or 236 of such Act to not more than 10 percent above the amount established as the prototype cost of the property for the area where such property is located

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding at the end thereof the following new section:

"LIMITATION ON SECTIONS 235 AND 236 MORTGAGE AMOUNTS

"SEC. 244. (a) The Secretary shall not, under sections 235(i), 235(j), or 236(j), insure a mortgage covering property in any area which exceeds (for that part of the property attributable to dwelling use) the appropriate prototype cost for that area by more than 10 per centum.

"(b) Prototype costs shall be determined at least annually by the Secretary on the basis of (1) his estimate of the construction costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons assisted under sections 235 and 236, and (2) his determination of reasonable allowances for the cost of land and site improvements. The Secretary in determining an area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment, and extra costs incurred in construction in some parts of the area. Further, in the development of such prototypes, emphasis shall be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

"(c) As used in this section, the term 'construction costs' means those cost items which are normally reflected in the amount of a home mortgage or multifamily mortgage insured under section 235 or section 236, except the costs of land and site improvements."

SEC. 2. (a) Section 235(i)(3)(B) of the National Housing Act is amended to read as follows:

"(B) have a principal obligation not exceeding the maximum amount permitted under section 244; and".

(b) Section 235(j)(2)(B) of such Act is amended to read as follows:

"(B) be in a principal amount not exceeding the maximum amount permitted under section 244 plus the estimated cost of any rehabilitation;".

(c) Section 236(j) of such Act is amended—

(1) by striking out "not exceeding the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which" in the second sentence of paragraph (3) and inserting in lieu thereof the following: "not exceeding the maximum amount permitted under section 244 or the maximum mortgage amount on which"; and

(2) by redesignating subparagraphs (B)

and (C) of paragraph (4) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) of such paragraphs the following new subparagraph:

"(B) be in a principal amount not exceeding the maximum amount permitted under section 244;".

THE NEED AND POTENTIAL OF THE F–14

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record.)

Mr. SIKES. Mr. Speaker, in keeping close watch on current military developments, we are sometimes inundated—and confused—with information on one of the Navy's major programs, the F–14 air superiority fighter. There are some who have appeared unclear about the differences and improvements of the F–14A when compared to our 1950 vintage F–4 Phantom. I do not criticize the Phantom for it has truly served our Nation, and others, in the defense of freedom—rather I would point to the need and the potential of the F–14. Since 1969, when we first approved funds for the F–14, the Navy has repeatedly stated that they cannot accomplish the tasks and meet the threat they face with a stable of fighters whose growth potential is virtually exhausted. The F–111B could not meet the requirements and the Congress approved its cancellation. We also recognized the essentiality of a follow-on for the aging F–4 when we approved the F–14.

The single most important fact to be understood in any comparisons between the F–14A and the F–4 is that the F–14A, with its versatile weapons suit of Phoenix, Sparrow, Sidewinder, and Internal Cannon, will provide a margin of superiority over known enemy threats. The F–4, regardless of its record, no longer does so.

Present and future threat fighters have increased range, improved avionics and all aspect air-to-air missiles. Various delivery modes of air-to-surface and surface-to-surface cruise missiles pose significant defense problems. Soviet and satellite countries possess superior numerical fighter inventories, especially during the initial phase of any hostilities.

One Russian plane we have heard much about since it appeared recently in Cairo is the Foxbat. The Foxbat represents a revolutionary breakthrough in fighter design technology and trends, which can be countered by the F–14 aircraft but by no U.S. plane now in inventory. The Foxbat is limited in terms of low altitude maneuverability, but it is optimized for very high altitude and high speed flight. It is not believed to possess a standoff or close-in weapons system matching that of the F–14 in terms of search and detection range, weapons versatility, multishot capability, and missile launch envelope. Assuming that the Foxbat will elect to remain in its optimum environment and use its radar lookdown and missile standoff capabilities, only the F–14 Phoenix can combat this threat. The F–14A with its high rate of acceleration, a 45 percent improvement over F–4, and maneuvering capability can react readily to achieve a launch condition outside that of the retaliatory capability of the Foxbat. The Phoenix launch envelope is far less critical to achieve than the exacting aircraft tracking conditions required for deployment of Sparrow and Sidewinder missiles, which are the only weapons for the F–4. If the Foxbat elects to press for a close-in engagement, the F–14 will have the maneuverability and weapon mix to counter it in the classical air superiority fighter role. Aside from propulsion, airframe, and weapon system individual features, one of the salient attributes of the F–14, will be the total integration of aircrew functions into its composite weapon system to achieve maximum task efficiency. The crew's ability to readily convert to another weapons delivery mode, use of alternate sensors and weapons—Sparrow, Sidewinder, and Internal Gun—and data link vectoring assistance, exceeds the option capability of any other fighter aircraft.

Simply stated, the F–14A is intended to provide air superiority maneuverability which exceeds enemy fighters—the F–4 does not. The F–14A will possess in Phoenix the standoff range and multiple-shot capability to reduce numerical odds prior to close-in engagement—the F–4 does not. The F–14A will possess large search volume with high probability of detection at long range and attack—with Phoenix—capability required to counter the cruise missile threat—the F–4 does not. The F–14A has the capability to escort attack aircraft to 500-mile radius, retaining combat fuel and without aerial refueling—the F–4 does not.

The F–4 has about reached the limit of modernization and improvement. When compared to the F–4J, the Navy's latest version, the F–14A is projected to offer decided advantages in such important areas as combat radium, combat rate of climb, acceleration, roll rate, energy maneuverability, air defense search time, radar range, missile launch range with Phoenix, and greater launch range with Sparrow.

In addition, the F–14A can launch from the carrier using basic engine power with no wind while the F–4J requires 16 to 32 knots of wind for afterburner and basic engine, respectively. The F–14A recovers nicely with no wind while the F–4j requires at least 16 knots of wind. Landing approach speeds are lower for the F–14. These additional highly desirable characteristics are competitive with the A–6 aircraft which has achieved an outstanding carrier safety record of over 55,000 accident-free landings.

In summary, the F–14A is designed to provide a very impressive aircraft with outstanding capabilities designed to meet Soviet challenges which are superior to the F–4. The F–14 program was planned to minimize the risk of a new engine and fire control system developments. Both engine and system are exceeding specifications by significant amounts. An interesting point is that the F–14B will be even better.

It would appear that the Navy is on the right track. They developed the highly successful F–4. Now they are again preparing to provide us with a measure of superiority in its successor, the F–14. The program should have our support. The Navy should be allowed to get on with it.

THE RAID ON QUEBEC TERRACE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the American Rifleman and the Washington Post, two publications which normally are as far apart as the poles in their viewpoints, agree on the tragedy which occurred on Quebec Terrace when ATFD investigators broke into a home and shot down an innocent young man with no justification. The investigators were not in uniform, they showed no identification, and apparently they had not even obtained the necessary warrants for a search of the home in question.

This is an inexcusable occurrence and a shocking indictment of ATFD procedures under the Gun Control Act of 1968. I submit both articles for the Record:

[From the American Rifleman, June 10, 1971]

GUN LAW ENFORCERS SHOOT SURPRISED CITIZEN, CLAIM SELF-DEFENSE

While taking a bath in his first-floor apartment in a Washington, D.C., suburb on the night of June 7, NRA Life Member Kenyon F. Ballew, 27, heard a commotion in his home. He stepped out of the bathroom, nude, to find his scantily-clad wife confronted by armed men who had crashed through the apartment door.

"Kenny, Kenny, they're breaking in, where's a gun?" the wife called out.

What ensued is the subject of somewhat differing accounts. Mrs. Saraluise Ballew tells one. Spokesmen for the Alcohol, Tobacco and Firearms Division of the IRS and local police tell others. Ballew can tell nothing. As this is written, he lies in the intensive care section of the Washington Sanitarium and Hospital critically wounded by a bullet in the head.

No matter what the outcome may be, Ballew can be certain of a sad niche in history. That night, he became the first American citizen shot down by enforcers of the 1968 Federal Gun Control Act.

Ballew, naked and dripping from his bath, armed himself with a replica of a .44 Walker Colt blackpowder cap-and-ball revolver of 1847 pattern. Confronting him was the vanguard of a raiding party numbering somewhere between 11 (ATFD version) and 24 (police version) armed enforcement officers.

Spokesmen for the law officers claimed Ballew fired first, getting off one shot that hit nobody. Between five (ATFD version) and seven (police version) shots were fired. Mrs. Ballew denied that her husband fired first. One spokesman said Ballew was hit by an ATFD bullet. Another said both groups were firing and that the actual shooter has not been determined. A third source said the police did not shoot "even once."

The raiding party acted on information that Ballew possessed loaded or live grenades, which are illegal under Title 2 of the 1968 Gun Control Act. The information, the ATFD said, came to Montgomery County police in Ballew's home area from "at least three sources," all unnamed. The ATFD said the local police then asked their assistance.

As it turned out, Ballew had four inert or empty grenades which apparently violated no law whatsoever. Nor did the young Washington newspaper pressroom worker, Boy Scout leader, and former Air Force military policeman have any record of crime conviction. The ATFD said he was arrested in 1970 on a Montgomery County police charge of carrying a concealed weapon, but that the charge was dropped without trial on a technicality.

A spokesman for the Montgomery County police made no reference to the 1970 charge but asserted after the raid that Ballew had violated "several laws" requiring safety precautions in the storage of tracer ammunition and bulk powder. The ATFD, however, said Ballew had only two pounds of black-powder and two pounds of shotgun powder—well below the storage limit—plus large quantities of cartridges and shotgun shells for his eight firearms using fixed ammunition.

Mrs. Ballew, mother of two small children by a previous marriage, gave the following account while at her husband's bedside in the hospital:

Ballew is a black-powder and shotgun shooter with a collector-shooter enthusiasm for firearms. His collection included a dummy practice grenade given him by a friendly National Guardsman when he was 15.

On the night of the raid, Mrs. Ballew heard a pounding or knocking on an outside door of their apartment and shouts of "Open up! Open up!" The rest of the words were indistinguishable amid the noise.

The door crashed open, and men entered. The first was bearded, wearing a yellow sweatshirt and carrying a handgun. Behind him came a man in a striped shirt. At that point she saw no uniformed officers, and did not notice any badges.

Ballew emerged, dripping from his bath, and picked up the replica cap-and-ball. He stepped into the living room of his home.

"Both guns went off at the same time," her husband's and another.

Ballew slumped to the floor, bleeding from the head.

"Get the police—murder!" Mrs. Ballew screamed.

"We are the police," one of the raiding party replied.

(According to the ATFD version, Mrs. Ballew snatched up a .36 cap-and-ball replica revolver, but was persuaded to put it down.)

Clad only in panties, which she had put on after taking a bath just before her husband, she was "shoved out" into the hall and not allowed near her husband.

Finally handed a dress, she was handcuffed and placed in a police car.

She was shown a search warrant for "occupant"—no name given—of the Ballew apartment on a charge of possessing hand grenades.

Taken to the police station, she was held for several hours before being allowed to go to her critically wounded husband in the hospital. En route, a uniformed officer told her that there apparently had been some error made, but "these things do happen."

"If they had come in wearing uniforms," she said, "there wouldn't have been any shooting. I was sure someone was breaking in when I saw these two men dressed like hippies."

The official AFTD version is as follows:

Search warrant in hand, the investigators and police "knocked on the door and identified themselves through the closed door as Federal investigators." They "yelled twice," so loudly that others in the apartment neighborhood heard them.

Then "the Montgomery County police chose to break the door down."

All who entered wore badges clipped to their suit pockets.

Ballew met them "with a handgun in his right hand."

The officers were trying to convince him not to fire when he did fire one shot.

Both ATFD invesitgators and police fired back.

Prior to raiding the Ballew apartment, the officers hammered on the door of the apartment above with a search warrant also directed only to the "occupant." In this instance, the occupant proved to be 10-year-old Miriam Murphy, who was baby-sitting with a baby. The child said her mother told her not to open the door for anyone, but she finally heard someone shouting "police" and decided to take a chance and open the door. The officers searched the apartment, found nothing and left. Mrs. Josephine R. Murphy, Miriam's mother, said she returned to find the floor strewn with clothes and a big dent in the door where the officers had beat on it.

The search warrants were signed by ATFD Special Investigator Marcus J. Davis. Also participating in the raids were ATFD Special Investigators Louis E. Pace, L. D. Callas, Donald R. Sloan and possibly others. An ATFD spokesmen said three or four investigators were involved. A police spokesman said "a dozen."

Maryland's top Federal prosecutor, U.S. District Attorney George Beall, a brother of U.S. Senator J. Glenn Beall (Md.), praised the ATFD investigators. "From our point of view," Beall was quoted, "they did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong." He added that their performance was "a letter-perfect execution of their search warrants with the exception of the unfortunate incident that occurred."

Afterward, the investigators found two pounds of black powder and two pounds of bulk smokeless powder; "One baseball-type plastic-body hand grenade, one canister grenade, one hand grenade canister, one military hand grenade fragmentation type." The return did not indicate whether they were inert or live, but an ATFD spokesman said they contained no powder or bursting charges.

They also found "remnants of sawed-off barrels and stocks"—but no firearms of illegal length or with parts sawed off. ("The search is continuing according to one account.)

In addition, they found a large quantity of firearms and ammunition, and most of the arms were "fully loaded." Among these were 13 boxes of 20-ga. shotshells, 14 of 12-ga., and one of 16-ga. magnum, and many M1, .30-'06, .45, .357, and other cartridges.

Ballew's collection consisted of 14 black-powder arms and eight cartridge arms: nine cap-and-ball replica revolvers, three flintlock replica pistols, two cap-and-ball rifles, one cal. .22 semi-automatic pistol, an M1 carbine, two .22 rifles, a 20-ga. over-and-under, a 12-ga. double, a 12-ga. pump, and a military rifle with bayonet.

The Montgomery County police, at last report, were holding all of Ballew's firearms. A police spokesman admitted that they were taken without a search warrant but explained that they had to be held because Ballew was subject to a Maryland State charge of "aggravated assault with intent to commit murder."

[From the Washington Post, June 12, 1971]

THE RAID ON QUEBEC TERRACE

Anyone who collects pistols, rifles, knives, hatchets and spears in his home must assume all sorts of risks, including the strong possibility that such a collection may raise suspicions and fears on the part of visitors or neighbors. Once this happens, there is the further likelihood that someone will turn in a nervous report to the authorities, who react pretty vigorously these days to any tips about alleged caches of weapons.

That may have been what prompted a raid last Monday evening on the two-bedroom apartment of Mr. and Mrs. Kenyon F. Ballew, at 1014 Quebec Terrace, Silver Spring; but it certainly does not fully explain the bizarre set of incidents that resulted in an exchange of gunfire and the shooting in the head of Mr. Ballew. In fact, the story as far as we have been able to make it out suggests strongly that the authorities owe the public a complete explanation of their policies and procedures in conducting raids of this sort.

To review what has been learned about the case, it seems to have started with information from a "confidential reliable source," as reported to a Prince Georges County detective. According to Internal Revenue Service agent Marcus J. Davis, the source alleged to the detective that Mr. Ballew had been seen "playing with several hand grenades" in the rear of the apartment building. In addition, said Mr. Davis, a Montgomery County policeman told him that another unidentified source had seen "a quantity of firearms" in the Ballew apartment. Police also reported having received one telephone call a week reporting that guns were being fired in the vicinity of the building—though the authorities had never caught anyone.

A third unidentified source living in the vicinity also had told police that "one day the police would receive a false criminal report" from Quebec Terrace and that if and when they responded, they would "be shot" according to an affidavit filed with U.S. Magistrate F. Archie Meatyard. However, this affidavit contained no information linking Ballew to the reported discharging of weapons nor to any alleged ambush plan.

Then there was a second affidavit involving an apartment one floor above the Ballew apartment. Mr. Davis stated a belief that unregistered hand grenades were also "being concealed" there, and that a "confidential reliable source" had told the same Prince George's detective that a James Russell Thomas, allegedly living there, had tried to sell the source three sawed-off shotguns.

These tips, reports and allegations apparently were enough to satisfy Mr. Meatyard, who issued search warrants. In the case of the upstairs apartment, IRS has said that it was searched—and that nothing was found and no arrests were made.

But in the Ballew case, a raid was ordered, with two policemen at the front of the raiding party, dressed in casual clothes and sporting mustaches and beards. The authorities' story is that they broke into the apartment because Mr. Ballew refused to grant them entry and that they fired only after he shot at them.

The story told by Mrs. Ballew is that her husband was in the bathtub when she heard a "violent beating" at the door. She says that she was clad only in underpants as she asked, "Who is it?" rather than immediately opening the door. The response was "unintelligle" shouts and banging, with demands to "open up," Mrs. Ballew says, adding that she then ran to the bedroom and grabbed a pistol from a collection hanging on the walls.

Mr. Ballew grabbed an antique "cap and ball" pistol, his wife says, and at the sight of the bearded men in the living room, one with a gun, she concluded that they were "racketeers" or "hippies." The exchange of gunfire ensued.

Did it have to come to all this?

Legitimate fears on the part of other people about a large collection of firearms are one thing; but the apparent fears of a couple confronted by invaders in scruffy clothing are just as understandable. Police claim that the raiders identified themselves, and that the two officers in question were dressed that way because of the nature of their assignments. Besides, they say, the men wore black armbands with the insignia of the county police. This fails to explain why plainclothesmen were used in a raid—an extremely dangerous policy.

Much more needs to be known about the reliability and specificity of the information on which the warrants were issued and the raids conducted. In one apartment, a search produced nothing, and in the other, an admittedly offbeat and potentially dangerous collection of weapons, and a totally ransacked apartment. What are the charges—if any—that required such vigorous actions? What did police recover? Is it true that there were no "live" grenades found? What about this "Mr. Thomas"?

From a strictly legal standpoint, this raid may have been faultless. Given the go-getem atmosphere encouraged by top national authorities recently, it may even have seemed an effective, not to say vital, enterprise, under the circumstances. But one needs to know a lot more about those circumstances. As things stand, the impression is that of an amateurish and tragic response to a set of vague and insubstantial allegations by irresponsible tipsters.

THE WELFARE REFORM BILL

(Mr. BURTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURTON. Mr. Speaker, I intend to oppose the motion to strike title IV of the Social Security Act when it comes before the House tomorrow.

The following communications should be of interest to my colleagues:

The League of Women Voters
of the United States,
June 17, 1971.

Hon. Phillip Burton,
House of Representatives,
Washington, D.C.

Dear Mr. Burton: The League of Women Voters of the United States urges you to vote *for passage* of the "Social Security Amendments Act of 1971"—H.R. 1—as proposed by the House Ways and Means Committee.

"Under the proposed Rule for H.R. 1, a motion to strike Title IV would be in order at the end of floor debate. We urge you to vote *against* such a motion, or any move to recommit with instructions to delete or weaken welfare reform provisions.

Sincerely yours,
Mrs. Bruce B. Benson,
President.

The University of Michigan,
School of Education,
Ann Arbor, Mich., June 18, 1971.

Hon. Philip Burton,
House of Representatives,
Washington, D.C.

Dear Phil: After all the hard work you and I have put in on the welfare reform legislation, I urgently and sincerely hope you will vote for H.R. 1 and title four. I am sure the Senate will consider the Ribicoff amendments and I will do everything I can to obtain constructive amendments in the Senate and to work with you and others to this end.

Sincerely,
Wilbur J. Cohen, *Dean.*

American Federation of Labor and
Congress of Industrial Organizations,
Washington, D.C., June 17, 1971.

Hon. Philip Burton,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Burton: The House of Representatives on June 21 and 22 will consider H.R. 1.

The Bill contains many substantial improvements for retirees; it extends health insurance under medicare to the totally disabled; but the central issue is—reform of the nation's welfare program.

The rule granted by the Rules Committee permits an up or down vote on Title IV—the provisions relating to Family Programs.

We urge passage of H.R. 1 as reported. We believe there are some defects in Title IV. However, the Title should be supported as a necessary first step toward uniform eligibility and Federal financing and administration of welfare. We will urge the Senate to make improvements.

Welfare reform is long overdue. We urge, therefore, that H.R. 1 be kept intact.

Sincerely yours,
Andrew J. Biemiller,
Director, Department of Legislation.

[Telegram]

Hon. Charles Diggs,
Chairman, Congressional Black Caucus, The House of Representatives, Washington, D.C.
Hon. Phillip Burton,
Chairman, Democrat Study Group, The House of Representatives, Washington, D.C.:

Though we find the Welfare Bill presently before the House inadequate in that it does not allow for the continuation of present level benefits, the $2,400.00 support level is by far not enough, and the job training requirements for working mothers are too harsh, we consider other aspects of the Bill as being deservant of our support.

We urge you and your group to support the Bill in its present form, in that we believe it is a first step in the right direction. A step which we believe will assist in stemming the tide of migration from rural areas to urban centers. A result which will be more beneficial in lessening the pressures on larger cities than any amount of money that could be realistically hoped for in any Welfare Legislation.

James E. Clyburn,
Assistant to the Governor for Human Resource Development.
James L. Felder,
South Carolina House of Representatives.
Herbert U. Fielding,
South Carolina House of Representatives.
I. S. Leevey Johnson,
South Carolina House of Representatives.

The University of Michigan,
School of Education,
Ann Arbor, Mich., June 19, 1971.

Hon. Phillip Burton,
House of Representatives,
Washington, D.C.

Dear Mr. Burton: On behalf of former Secretaries of the Department of Health, Education, and Welfare, I am writing to urge your favorable vote on H.R. 1, the Social Security Act Amendments of 1971.

We are particularly concerned about those provisions of the bill designed to reform the Nation's welfare system. We believe that Title IV of H.R. 1 is an important step toward fulfilling our national commitment on behalf of the unfortunate of our communities, and that it does so in a way that will help the poor help themselves to achieve economic independence. This legislation will lead to a more equitable and efficient administration of the welfare system. It is essential, therefore, that Title IV remain a part of H.R. 1.

We are convinced, too, that delay in enactment can only result in disaster. The need is immediate. While we do not all agree with every provision, passage of H.R. 1 is essential at this time. Without reform, there is no end in sight to rising caseloads and costs, no fiscal relief for over-burdened State and local government, and no chance to escape from poverty for the many thousands of citizens who live in deprivation and degradation.

H.R. 1 is a realistic approach to the solution of one of our most urgent social problems. I am joined by Mrs. Oveta Culp Hobby, Mr. Marion B. Folsom, Dr. Arthur S. Flemming, Senator Abraham A. Ribicoff, Dr. John W. Gardner, and Mr. Robert H. Finch in soliciting your support for prompt passage of this vital legislation. We urge that you vote against the motion to strike Title IV, and for the passage of H.R. 1.

Sincerely,
Wilbur J. Cohen.

IN JUNIOR HIGH AND ON WELFARE

(Mr. CABELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CABELL. Mr. Speaker, since this body will be concerned for the next 2 days with H.R. 1, a bill to overhaul our present preposterous welfare machinery, I think that a recent Sunday feature article on this subject published in the Dallas Morning News will be of interest to you.

This article, written by Mr. Dick West, editorial director of that publication, spotlights the blatant abuses of our welfare system as evidenced in only one court for a few days but are repeated thousands of times over every day throughout the land.

I hope that all Members will read this short but shocking exposure of what is happening to our tax dollars.

The article follows:

In Junior High and on Welfare

(By Dick West)

What follows in this column is the result of 15 weekends of study and personal investigation into the welfare racket—specifically, Aid for Dependent Children (AFDC) which has become the major abuse all over the country.

We spent those Saturdays and parts of Sundays in Justice of the Peace Bill Richburg's court.

The welfare story comes out in peace bond hearings. This is an example: A man leaves his wife and four children and moves in with his girl friend, who's on welfare. The family he leaves then must go on welfare.

He and his new girl friend have a ball—at taxpayers' expense. The two of them live on her welfare check, with his personal income as gravy.

But before long they start fighting—then she goes to Richburg to have him put under a peace bond, because he has threatened to kill her or has beaten her up.

In her anger, she then tells how she has been supporting him on her welfare money. Chances are, he may be carrying his new girl friend and her children as deductions on his income tax.

In the meantime, the wife and children he left are on welfare and a new boy friend finds it out and moves in with her.

When one of these men is asked by Judge Richburg why he doesn't support the family he left, often this is the reply: "I ain't going to give her money long as she's on welfare."

Seven out of 10 cases showing up in Richburg's court involve blacks. In many cases, the man who leaves his family for a new girl friend on welfare leaves his job, too, because he has a new living at taxpayers' expense.

If this abuse could be eliminated, it has been estimated that the families who really deserve help could get twice as much as they are getting now and the cost of the whole program would be reduced.

The AFDC scandals make Sharpstown look like peanuts—yet those who screamed about this case in the Legislature are curiously silent about welfare.

In the cases that follow, the numbers denote the peace bond jacket. Details were taken personally as the complaining party stood before the judge, or were taken from sworn affidavits in the personal file of Ann Wilson, the judge's secretary. Names and addresses can be obtained on the peace bond papers.

Terms like "colored male" are used because that is the phraseology in the peace bond jacket.

Case No. 76974: Colored male left wife and two children in California but is now married to a Dallas woman who has some children by another man. Now he's left the Dallas woman to live with new girl friend on Park Row who has two children but doesn't know who their father is. He makes $125 a week; woman he left is on welfare, new girl friend is on welfare, wife in California is on welfare.

Case No. 76534: Colored female says husband beats her, knifes her, won't work. She has eight children, receives $236 a month in welfare. Husband says she gets $270, that he keeps the children, that she stays gone three weeks at a time "but shows now and then" to bring him $20 for food.

Civil Case 1476: Colored female quit good job at Texas Instruments, left husband who makes $144 a week, took mortgaged furniture and went to a housing project where she pays only $30 a month for 2-bedroom apartment. She now draws $179 a month in welfare, claims five children to get the $179, but husband contends he supports two of them. She left and went on welfare a year ago. When she left her husbnd for a "new life" their combined incomes were $900 a month.

Sworn affidavit: Colored female is not married, attends Rusk Junior High and has a child nine months old by an 18-year-old boy, also in school. She lives with a guardian and gets $68 a month.

Case 75618: Colored female, 27, gets $190 a month in welfare, has had five children in six years. She says her husband makes $190 a week. She got on welfare when they separated, but they went back together and she stayed on it. For a while, they had combined income of $900 a month, counting welfare.

Case 76809: White male 29, got divorce last December, agreed to pay $50 a week child support, claims he's paid it. They went back together a while, then broke up again in April. He claims he's paid nearly all the bills in this period but that she continued to draw $170 a month in welfare. He was told she got another $63 for an apartment, plus food commodities.

There are scores more like these—including the colored female in Pennsylvania who was getting $235 a month in welfare for six children—all illegitimate—and had a boy friend making $200 a week who carried her and the kids on his income tax. She testified she had six wigs and bought him two pairs of alligator shoes at $125 each with welfare money. She came to Richburg when he pulled a pistol on her in a fight and made the children get down on their knees and kiss his feet.

Nobody wants innocent children to go hungry. That's the difficult part of this racket: The children are the pawns.

But the whole story is a snowballing affair—more and more going on welfare every day, even quitting good jobs so they can loaf and have new affairs.

Richburg's lectures to these people about "irresponsibility" have cut down on the flow and must have saved the taxpayers hundreds of thousands in this one JP court.

The flow of shocking cases has decreased a little.

But widespread investigation would do more than anything else to curb the racket; that, plus indictments.

To repeat, in cases cited about details came in peace bond hearings before the judge or in sworn affidavits. If these details prove to be untrue or exaggerated, then those giving testimony lied.

But if the taxpaying public could have heard what we heard on 15 Saturdays, there would really be a massive adverse reaction.

EXPLANATION OF VOTES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last Friday, June 18, 1971, I had to be out of town on official business. I had long standing commitments which had been made before the announcement that June 18 would be a legislative day.

Had I been present I would have voted "nay" on rollcall No. 147, which authorized additional investigative authority to the Committee on Education and Labor. I regret that it passed, by a vote of 183–119.

Had I been present I would have voted "yea" on rollcall No. 148, by which vote the House passed H.R. 7736, which extended for 1 year the student loan and scholarship provisions of titles VII and VIII of the Public Health Service Act. The purpose of this bill was to provide an appropriation authorization for existing student loan programs and also continue the scholarship program for fiscal year 1972. This bill will make possible orderly planning by schools of the health professions. It is regrettable that the major new legislation which is coming in this area is not ready so that it can be acted on now, but it is not. Given that situation, passage of this legislation is necessary. I am pleased that it passed by a vote of 299–0.

CHILD NUTRITION ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, 7 years ago the Congress declared it to be the policy of the United States "to eliminate the paradox of poverty in the midst of plenty." Yet today millions of Americans still suffer from hunger and malnutrition.

That hunger and undernourishment should exist at all in a society as rich as ours is unconscionable. But what is even less justifiable is the failure of Government adequately to respond to the plight of countless Americans who are dependent upon the Government for aid and relief.

It is for that reason that I have introduced legislation (H.R. 8815) to amend the Child Nutrition Act of 1966 to make permanent the school breakfast program, which is due to expire on June 30 of this year, and to provide $75 million for the operation of that program in fiscal year 1972. This legislation was introduced in the Senate by the distinguished chairman of the Senate Select Committee on Nutrition and Human Needs, Senator McGovern, and the Senator from the State of Minnesota, Senator Humphrey.

The school breakfast program is essential to our efforts to eradicate hunger from the face of America. This program was first authorized by the Child Nutrition Act of 1966 and then renewed in 1968. The program is designed to provide funds to the States to institute and maintain breakfast programs in schools, especially in those which draw attendance from areas in which poor economic conditions exist and in which a substantial proportion of the children enrolled must travel long distances daily. The school breakfast program, which has an appropriation of $12 million for this fiscal year 1971, provides breakfasts to almost 555,000 children daily in more than 6,000 participating schools.

Senator McGovern has stated:

> The importance of this program, Mr. President, cannot be understated. The issue before us is more than just poverty. The issue before us is the involuntary hunger and malnutrition of innocent children. A child can do nothing to guarantee that there is food on his table, but when that food is absent we know that the physical and social after-effects are both immeasurable and irreparable . . .
>
> The school breakfast program is one of several fronts in our struggle to end hunger in America. It is a front which deserves our special attention because it is aimed specifically at the children for whom we can do a great deal to make what is presently a bleak future a far brighter one.

Today the House has before it H.R. 9098, as reported by the Committee on Education and Labor, to extend and amend certain provisions of the Child Nutrition Act and the National School Lunch Act.

Although it contains a woefully inadequate authorization for funding in fiscal year 1972, it accomplishes several important objectives which are embodied in my own legislation. First, this legislation would make the school breakfast program permanent. Second, it would allow full Federal payment for the cost of providing breakfasts, allow prepayment of the cost, and include labor costs as part of the cost per meal. And third, it would include a new criterion for the selection of the first schools to be allowed to participate in the program. This new criterion would include those schools in which there is a special need for improving the nutrition and dietary practices of the children attending.

H.R. 9098 authorizes $25 million for fiscal year 1972, compared with $75 million in my bill, and such sums as may be necessary for each succeeding fiscal year.

It is high time for hunger to be eradicated from the face of America for once and for all. The school breakfast program has had a significant effect in alleviating the scourge of hunger and malnutrition. This program must be continued and expanded. We owe it to our children—and to the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Taylor (at the request of Mr. Fountain), for today through July 1, on account of illness.

Mr. Satterfield (at the request of Mr. Daniel of Virginia), for today, on account of official business.

Mr. Dent (at the request of Mr. Boggs) for June 21 and the balance of the week, on account of illness.

Mr. Roy (at the request of Mr. Boggs), for today, on account of death in family.

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Bray (at the request of Mr. Gerald R. Ford), on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey) and to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 60 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. TERRY, for 1 minute, today.

(The following Members (at the request of Mr. McKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. PATMAN, for 20 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. FLOOD, for 10 minutes today.

Mr. STUCKEY, for 10 minutes, today.

Mr. BURLISON of Missouri, for 15 minutes, today.

Mr. CORMAN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HECHLER of West Virginia in three instances.

Mr. HAYS, and to include extraneous material.

Mr. MADDEN and to revise and extend his remarks.

Mr. HOLIFIELD to extend his remarks in the Extensions of Remarks of the RECORD.

Mr. JOHNSON of California, immediately prior to the passage of H.R. 3146 today.

Mr. SISK, immediately prior to the passage of H.R. 3146 today.

Mr. McMILLAN, and to include extraneous material.

Mr. RANDALL to revise and extend his remarks prior to the vote on H.R. 8712 on Consent Calendar and prior to the vote on the previous question on H.R. 1.

Mr. COLMER to revise and extend his remarks made today.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous matter:)

Mr. RHODES in five instances.

Mr. BURKE of Florida.

Mr. FINDLEY.

Mr. QUIE.

Mr. DUNCAN in two instances.

Mr. MORSE.

Mr. ESCH.

Mr. MINSHALL in three instances.

Mr. WYMAN in two instances.

Mr. ANDERSON of Illinois.

Mr. MILLER of Ohio.

Mr. CRANE in five instances.

Mr. BAKER.

Mr. HARSHA.

Mr. McCLOSKEY.

Mr. KEATING.

Mr. HOSMER.

(The following Members (at the request of Mr. McKAY) and to include extraneous matter:)

Mrs. GRASSO in two instances.

Mrs. HICKS of Massachusetts in two instances.

Mr. MURPHY of New York in two instances.

Mr. KARTH in two instances.

Mr. JOHNSON of California in two instances.

Mr. HAMILTON.

Mr. ADDABBO.

Mr. NEDZI in two instances.

Mr. BYRNE of Pennsylvania.

Mr. HATHAWAY in two instances.

Mr. ASHLEY.

Mr. BRADEMAS.

Mrs. ABZUG in two instances.

Mr. WILLIAM D. FORD in two instances.

Mr. FRASER in two instances.

Mr. HARRINGTON in two instances.

Mr. CORMAN.

Mr. HAGAN in two instances.

Mr. RODINO in two instances.

Mr. BRASCO.

Mr. JACOBS in two instances.

Mr. DINGELL in two instances.

Mr. O'HARA in two instances.

Mr. FISHER in three instances.

Mr. DORN in two instances.

Mr. RYAN in three instances.

Mr. BURKE of Massachusetts.

Mr. HICKS of Washington in two instances.

SENATE JOINT AND CONCURRENT RESOLUTIONS REFERRED

A joint and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 111. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

S. Con. Res. 30. Concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document; to the Committee on House Administratiton.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 617. A joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 22, 1971 at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

877. A communication from the President of the United States transmitting an amendment to the budget for fiscal year 1972 to combat the drug abuse problem (H. Doc. No. 92–133); to the Committee of Appropriations and ordered to be printed.

878. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination in docket No. 342–D, *The Senate Nation of Indians, Plaintiff*, v. *The United States of America*, Defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

879. A letter from the Attorney General, transmitting his report consenting to an interstate compact to conserve oil and gas, pursuant to section 2 of Public Law 91–158; to the Committee on Interstate and Foreign Commerce.

880. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report of the Administrative Office of the U.S. Courts for the fiscal year 1970, together with the reports of the annual and special meetings of the Judicial Conference of the United States, pursuant to section 604(a)(4) of title 28 of the United States Code; to the Committee on the Judiciary.

881. A letter from the Regional Solicitor, Tulsa Region, Department of the Interior transmitting a copy of the Decision On Appeal in the matter of the heirship determination of Victoire Gonvil Pappan, pursuant to Private Law 90–318; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9093. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes (Rept. No. 92–296). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROONEY of New York: Committee on Appropriations. H.R. 9272. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–297). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 2087. A bill for the relief of Park Ok Soo and Noh Mi Ok; with an amendment (Rept. No. 92–291). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on the Judiciary. H.R. 2107. A bill for the relief of Jose Bettencourt de Simas (Rept. No. 92–292). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 2803. A bill for the relief of In Kyong Yi; with an amendment (Rept. No. 92–293). Referred to the Committee of the Whole House.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 3539. A bill for the relief of Min Kyung Sook and Min Kyung Jo; with amendments (Rept. No. 92–294). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 6108. A bill for the relief of Mrs. Carmen Prado (Rept. No. 92–295). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROONEY of New York:

H.R. 9272. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BOLAND:

H.R. 9273. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 9274. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

By Mr. CABELL:

H.R. 9275. A bill to authorize the District of Columbia Council to change the amount of certain fees and other charges; to the Committee on the District of Columbia.

By Mr. CORMAN:

H.R. 9276. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HARVEY:

H.R. 9277. A bill to limit the amount of contributions in Federal elections and to provide for more stringent reporting requirements in such elections; to the Committee on House Administration.

H.R. 9278. A bill to provide for a limited Federal income tax credit for political contributions; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 9279. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly to private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 9280. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 9281. A bill to amend the Agricultural Act of 1956 to allow for the donation of certain surplus commodities by the Commodity Credit Corporation to State and local penal institutions, and for other puropses; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 9282. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

By Mr. MOORHEAD (for himself, Mr. Broomfield, Mr. Hamilton, Mr. Moss, Mr. Wolff, Mr. Halpern, Mr. Addabbo, Mr. Eilberg, Mr. Schwengel, Mr. Vigorito, Mr. Yatron, Mr. Hosmer, Mr. Cotter, and Mr. Coughlin):

H.R. 9283. A bill to amend the Foreign Assistance Act of 1961 to authorize the President to expend certain foreign currencies for the purpose of providing U.S. financial assistance in the reopening of the Suez Canal, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois (for himself, Mrs. Sullivan, Mr. Gray, Mr. Clay, Mr. Symington, Mr. Hungate, Mr. Shipley, and Mr. Ichord):

H.R. 9284. A bill to authorize the Secretary of the Interior to enlarge the Jefferson National Expansion Memorial National Historic Site, and for other purposes; to the Committee on House Administration.

By Mr. PRICE of Illinois (for himself, Mr. Holifield, and Mr. Hosmer) (by request):

H.R. 9285. A bill to amend section 182 of the Atomic Energy Act of 1954, as amended, and for other puropses; to the Joint Committee on Atomic Energy.

H.R. 9286. A bill to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a site authorization from the Atomic Energy Commission and to provide for a public hearing to be held in proceedings for site authorizations, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. QUILLEN:

H.R. 9287. A bill to amend title II of the Social Security Act to increase widow's insurance benefits to 100 percent of the insured individual's primary insurance amount, and to provide that such benefits shall be payable at age 50, without actuarial reduction and without regard to disability, in the case of a widow who is otherwise qualified therefor; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 9288. A bill to establish a special action office for drug abuse prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 9289. A bill to amend the Communications Satellite Act of 1962 and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 9290. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 9291. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 9292. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. CORMAN (for himself and Mr. Goldwater):

H.R. 9293. A bill to authorize increases in the forgiveness advantage contained in section 231(1)(A) and section 232(1)(A) of the Disaster Relief Act of 1970 to provide additional relief for total destruction of, or substantial damage to, homes as a result of the earthquakes in California in 1971; to the Committee on Public Works.

By Mr. LINK (for himself and Mr. Andrews of North Dakota):

H.R. 9294. A bill to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe; to the Committee on Interior and Insular Affairs.

By Mr. LUJAN:

H.R. 9295. A bill to provide for advance approval of extended care and home health coverage under the medicare program; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 9296. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FISH:

H.J. Res. 729. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. HALPERN:

H.J. Res. 730. Joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H.J. Res. 731. Joint resolution urging the United Nations to establish "World Prayer for Peace Day" and urging all nations to participate in a joint effort to effect an end to amend hostilities; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.J. Res. 732. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. POFF (for himself, Mr. Abbitt, Mr. Broyhill of Virginia, Mr. Daniel of Virginia, Mr. Downing, Mr. Robinson of Virginia, Mr. Satterfield, Mr. Scott, Mr. Wampler, and Mr. Whitehurst):

H.J. Res. 733. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia; to the Committee on the Judiciary.

By Mr. MIZELL:

H.J. Res. 734. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. BOLAND:

H. Con. Res. 342. Concurrent resolution to create a select joint committee to conduct an investigation and study into the reasons for, and the course of, the U.S. involvement in the war in Vietnam; to the Committee on Rules.

By Mr. PETTIS:

H. Con. Res. 343. Concurrent resolution providing that all American military forces be withdrawn from Southeast Asia by the date certain of June 30, 1972, as long as the safe, orderly release of all American prisoners of war has been effected; to the Committee on Foreign Affairs.

By Mr. STEELE:

H. Con. Res. 344. Concurrent resolution expressing the sense of Congress that the elimination of narcotics and drug abuse is a national crusade to be accomplished by 1976 and that sufficient funds be appropriated necessary for a program of narcotics and drug abuse research; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG (for herself, Mr. McCloskey, Mr. Addabbo, Mr. Badillo, Mr. Dellums, Mr. Halpern, Mr. Harrington, Mr. Riegle, Mr. Ryan, Mr. Stokes, and Mr. Hechler of West Virginia):

H. Res. 489. Resolution requesting the President to furnish the text of the study entitled "United States-Viet Nam Relationships, 1945–1967"; to the Committee on Armed Services.

By Mrs. ABZUG (for herself, Mr. Hawkins, Mr. Koch, Mr. Burton, Mr. Waldie, Mrs. Mink, Mr. Edwards of California, Mr. Mitchell, Mrs. Chisholm, Mr. Scheuer, Mr. Begich, Mr. Adams, Mr. Bergland, Mr. Link, and Mr. Abourezk):

H. Res. 490. Resolution requesting the President to furnish the text of the study entitled "United States-Viet Nam Relationships, 1945–1967"; to the Committee on Armed Services.

By Mrs. ABZUG (for herself, Mr. Addabbo, Mr. Badillo, Mr. Dellums, Mr. Halpern, Mr. Harrington, Mr. Riegle, Mr. Ryan, Mr. Stokes, Mr. Hawkins, Mr. Koch, Mrs. Chisholm, Mr. Scheuer, Mrs. Mink, Mr. Begich, Mr. Bergland, Mr. Link, and Mr. Abourezk):

H. Res. 491. Resolution requesting the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency to furnish the text of the study entitled "United States-Viet Nam Relationships, 1945–1967" and other relevant information regarding the U.S. involvement in Southeast Asia; to the Committee on Armed Services.

By Mr. McCLOSKEY:

H. Res. 492. Resolution directing the Secretary of State to furnish to the House certain information respecting U.S. operations in Laos; to the Committee on Foreign Affairs.

H. Res. 493. Resolution directing the Secretary of State to furnish to the House certain information respecting the Phoenix program; to the Committee on Foreign Affairs.

H. Res. 494. Resolution directing the Secretary of State to furnish to the House the report "United States-Viet Nam Relationships, 1945–1967"; to the Committee on Foreign Affairs.

H. Res. 495. Resolution directing the Secretary of State to furnish to the House certain information respecting bombing operations in northern Laos; to the Committee on Foreign Affairs.

By Mr. RARICK (for himself, Mr. DERWINSKI, and Mr. SCHMITZ):

H. Res. 496. Resolution creating a select committee to conduct an investigation into all crimes against humanity perpetrated by Communists or under Communist direction, and to express the sense of Congress that a monument be erected as a suitable memorial to all victims of Communist actions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

216. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to issuing a commemorative stamp honoring Spanish War veterans, which was referred to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII,

88. The SPEAKER presented a petition of the Council of the City of New York, N.Y., relative to treatment of Soviet Jews by the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

CHINN HO, NOTED PUBLISHER AND BUSINESS LEADER, URGES INTERNATIONAL EFFORT TO SECURE WORLD PEACE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. RANDOLPH. Mr. President, an editorial published recently in the Huntington, W. Va., Herald-Dispatch declared that:

> The vastness of today's America, stretching northward to Alaska and eastward to Hawaii, is a preachment against parochialism and reminder that the nation's modern interests are nearly as sensitive to an event in the Far East as to a situation in the more familiar setting of Western Europe . . .

Then the editorial, entitled "World Advised To Think of 'Unmistakable Events'," quoted from an address by the chairman of the board of the Huntington Publishing Co., Chinn Ho, who traveled from his home in Honolulu to Helsinki, Finland, to address the International Press Institute on June 7. Mr. Ho, a noted business leader, told the international journalists that:

> Communication and commerce can rise above the restrictions of diplomatic protocol—can overcome the stiffness of the present formal international relations. . . . The pressures of change force adjustments that need not and should not be forced. . . . We have long since reached the day that the "unthinkables of the past" should not be permitted to continue as "unthinkables."
>
> Consider how much farther we would all be down the road of fruitful living if man had accepted in the past and would accept now the "mandate of change."

The timely editorial next highlighted that portion of Mr. Ho's address in which he enumerated for his distinguished audience of international journalists these "unthinkable" landmark events of the last century:

> 1—The American Civil War, which thrust upon the world's scene the proposition that "all men are created equal," and which motivated the U.S. to "look west;"
>
> 2—The Russian Revolution, "which projected into the world picture the proposition that equality applies to economics of human kind as well as to race. World revulsion finally gave way to acknowledgment and acceptance."
>
> 3—The Great Depression, which compelled the sick U.S. economic system to modify, adjust and re-evaluate. The right of "oppressive economic control" could never again be held paramount to human needs;
>
> 4—Germany's Invasion of Russia, the strategic error which ended the threat that totalitarian government could "emerge victorious over those who would seek to control their own destinies;"
>
> 5—The Hiroshima Bomb, "a crisis in which the average man played no part and had no decision, but one that once committed would hang like a ghostly specter over the world;"
>
> 6—The Defeat of Winston Churchill, which demonstrated that "victory in war was not enough. Victory for the individual in his struggle for a better life became paramount;"
>
> 7—The Communist Victory in China, "which will probably be the most important event of the last 100 years in terms of its effect on the future of the world";
>
> 8—The U.S. Supreme Court Desegregation Decision of 1954, which provided the basic ingredients for change that is still under way;
>
> 9—U.S. Project Against the War in Vietnam—a movement at first unpopular which is now strong, significant and growing;
>
> 10—Fidel Castro's Revolt in Cuba, which "at first popular, then very unpopular, is now being accepted."

The editorial accurately suggested that perhaps Mr. Ho's 10 "turning points in history" are as significant for what is omitted as for the landmark events he selected, and then it asked:

> Did Winston Churchill's defeat by the Labor Party in 1945 have greater impact on men's institutions and aspirations than the two world wars? It's at least a provocative idea—a challenge to journalists who are the historians of the present—and a reminder of the rule that profound social changes seldom occur during wartime. Perhaps the changes now occurring as a result of the burgeoning anti-emotionalism are the exceptions that tend to verify that rule.

Noting that thoughtful men everywhere will take inspiration, as well as gain enlightenment, from Mr. Ho's international message, the editorial quoted in conclusion from it:

> The time is now that the nations of the world must seek to find peace through serving each other's wants—intellectually and economically. A major responsibility in the successful accomplishment of this rests with you, the newspaper people of the world. Do not treat lightly this heavy, heavy responsibility. Help mankind to think those things that were unthinkable in the past.

Mr. President, the Huntington Herald-Dispatch, a morning newspaper, and the Huntington Advertiser, an afternoon newspaper, and the Sunday Herald-Advertiser were recently acquired by Chinn Ho when he and associates purchased the Huntington Publishing Co. I have known Mr. Ho for a substantial number of years as a successful businessman and newspaper publisher especially well informed on world affairs. Those of us in West Virginia who have known him have confidence that, as chairman of the board of the Huntington Publishing Co., Mr. Ho will constantly strive to give the readers of the Huntington newspapers high-quality journalistic media and will provide the community with a continuing sound business enterprise. When John L. Foy was named publisher and general manager, the Huntington newspapers were assured of experienced and capable operational leadership.

DISTRICT OF COLUMBIA ENVIRONMENT—SECOND-CLASS EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, an interesting confession of the inadequacy of the District school system to prepare its youth for full citizenship appeared recently in the Washington Post, the progressive conscience of the District. Hugh J. Scott, superintendent of the District of Columbia school system, was forced to revise his policies in an attempt to bring the performance level of the students in the city schools closer to the national averages.

At present, the Post confesses, the average gain of the students in the District of Columbia schools is about three-fourths of the national rate. This would mean that the average eighth-grade student in the District schools is equivalent to the average sixth-grade student on a national basis.

But, and this is even more shocking,

these facts mean that the average high school graduate of the District of Columbia school system has the educational ability of the average ninth-grade student nationwide. This comparison is based on relative scores on standardized tests administered nationwide.

This means that the average 18- or 19-year-old in the District, who has completed his schooling, has the educational ability or training of a 15-year-old, yet, this 18-year-old will soon have the right to vote. The educational system in our Nation's Capital is not preparing our children for their role as responsible citizens.

Recently I testified before the District of Columbia Committee on House Concurrent Resolution 172, a resolution I offered making it the sense of Congress that Members of Congress and Federal employees who worked in the District should send their children to the District schools. The only opposition to the bill came from the two black members of the District Committee. They seemed more concerned with increased taxes and child-care nurseries than with upgrading the educational level of the children in the District.

This seems very strange. The District schools are over 91 percent black and the students are falling far below the national average, yet the only two members of the District Committee that opposed my bill were black—and one of them was the nonvoting delegate from the District.

The trend evident in the public schools of our Nation's Capital suggests a dangerous future for the public school systems of all our cities. What is occurring in the District of Columbia schools must also be occurring in our other large city school systems; as the black population of the cities increases the quality of education falls as the educational funding spirals higher and higher.

The conclusion is evident—forced total integration of our public school system signals the doom of public education in America. Why else did the House see fit to pass today H.R. 434, a bill authorizing funds for the Education and Labor Committee to visit and study the school systems of such nations as the Union of Soviet Socialist Republics, Ethiopia, and Kenya?

I insert the columns from the June 5 edition of the Washington Post and the June 18 Chicago Tribune at this point:

SCHOOL CHIEF EASES PUPIL PLAN STAND

(By Lawrence Feinberg)

Washington School Supt. Hugh J. Scott, under pressure from the school board, yesterday dropped much of his opposition to key parts of the Clark reading mobilization plan.

In a series of written proposals, Scott told the board his goal for next year is that city students stop falling further behind the national norms and that they make one month's progress, as measured by standardized tests, for each month in school.

Presently, the average gain here is about three-fourths the national rate.

The plan developed by psychologist Kenneth B. Clark and endorsed by the board last year proposed bringing average scores here up to national norms within one year, a goal Scott resisted as "unrealistic."

The new proposal is thus a compromise, but goes further than Scott had agreed to before.

In addition to this compromise, Scott said yesterday that he wanted to continue nearly full ability mixing in elementary school classrooms next year, give standardized tests to all students, and end automatic promotions regardless of achievement, starting next June, at grades three, six and nine.

The superintendent had also been hesitant earlier on these points.

Because Washington students are now so far behind, Scott's goal of month-to-month normal achievement would not bring the system up to national norms, the goal suggested by Clark.

But if it were accomplished, city students would be doing much better than in the past. By eighth grade, the average reading achievement in D.C. is now equivalent to sixth-grade standards nationwide.

Previously, Scott had said it was "simplistic" to establish any definite achievement goal, but board members had pressed him to set a target by which they and the public could judge progress in the school system.

In letters sent yesterday, the board announced eight community hearings on Scott's proposals in different parts of the city between June 21 and 28. The board is expected to take final action on the proposals in mid-July, about one year after it adopted the Clark reading plan.

Although Scott's recommendations moved close to Clark's yesterday in several important areas, the superintendent made no mention of Clark's proposal to pay teachers partly according to the achievement gains of their students.

As he said last month, Scott indicated that instead of using incentives to get results as Clark proposed—with few specific directions—he would give clear instructions to teachers on how their classrooms should be organized.

(Later yesterday the board instructed Scott to develop a plan to base teacher pay at least in part on student gains, as part of its plan to comply with U.S. Judge J. Skelly Wright's recent spending equalization order.)

Scott also proposed setting up an inspection system to see that his suggestions for a "model classroom" is in fact being followed. As Clark recommended, Scott's classroom model places heavy emphasis on the basic skills of reading and mathematics.

On grouping, Scott asked for nearly a full mixture of students of all ability levels in every classroom in grades one through six. His proposal does not discuss grouping in the junior high schools, although the Clark plan provided for full mixing through ninth grade.

Last month Scott proposed a system of narrow ability grouping with no more than one year's spread of achievement in each classroom. After this drew criticism from board members, Scott suggested that each room contain about two-thirds of the range in any grade.

His proposal yesterday gives each room about five-sixths of the range, producing, for example, a spread of about four years in achievement in some sixth grade classrooms.

Last month, Scott said he agreed with Clark's insistence that there be definite standards for promotion from grade to grade, but when questioned by the board he said it would be "unrealistic" to enforce them next year.

Yesterday, however, Scott said he wanted to apply "minimum standards," which he did not spell out, next June in grades three, six and nine.

In response to criticism by the board, Scott said he wants to continue giving standardized tests to all students in grades one through nine as proposed by Clark. In May, the superintendent had said these tests, which compare the achievement of Washington students with those around the country, should be phased out.

He said then that they should be replaced by special tests, based only on Washington's curriculum, but yesterday Scott said that both the standardized and special tests should be given.

[From the Chicago (Ill.) Tribune, June 18, 1971]

WHAT'S WRONG WITH OUR SCHOOLS?

Once again, Chicago's school system has flunked its most important test, this time even more dismally than before. Test scores released by the Board of Education, and based on the 1969–70 season, show that Chicago's public school children remain far behind national standards and that 8th graders have dropped even farther behind the preceding year in reading and arithmetic, the two subjects most widely tested.

The record shows up worse still when you consider that Chicago's 1st graders score slightly above the national norm in learning ability. This score is based on a sort of IQ test given five months after admission. It means that the Chicago schools are receiving material at least as good as the national norm at the input end, and turning out products that are inferior and falling behind every year.

And this, in turn, rules out the familiar excuse that Chicago's schools are handicapped by the family backgrounds of children from the urban ghettos. Certainly the background of big-city public school children is likely to be inferior, on the average, to that of children in private or suburban schools. But this doesn't explain why Chicago's schools are doing a steadily worse job with the material they have.

We are now told that $10 million would have to be spent on a training program to teach teachers to teach pupils to read. Supt. James F. Redmond says this training has proved successful experimentally but that the money simply isn't available. He is right. And besides, why should the taxpayers have to spend $10 million to train teachers to do what they were presumably trained to do in order to qualify under a teacher certification system so rigid [and obviously misdirected] that some of the best educators in the country couldn't qualify under it?

And why should the School Board have to pour out more overtime pay for the training of teachers whose union regularly insists, every time a wage contract ends, that higher salaries are necessary in order to improve the quality of teaching? Chicago's teachers are now among the highest paid in the country, but where is the improved quality?

The shocking fact is that the higher the wages go, the more the quality of teaching has deteriorated. This may not prove a cause-and-effect relationship, but it certainly suggests that the teachers, through their union, have done very little to improve matters. The union seems to devote most of its attention to preserving seniority privileges which enable experienced teachers to move out of schools which they don't like [and which are often most likely to need their experience] as fast as possible.

Something is clearly rotten in the Chicago schools, and money alone isn't going to cure it. The remedy may lie in teacher education, teacher certification, and teacher attitude. It may lie elsewhere as well. But the School Board and the union are going to have to come up with some answers that will work, because Chicago can't tolerate any further deterioration of its schools.

DETERIORATING POSITION OF THE UNITED STATES IN INTERNATIONAL MONEY MARKETS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal recently published an excerpt from an address by Gaylord A. Freeman, Jr., chairman of the First National Bank of Chicago and a member of the President's Commission on International Trade and Investment Policy.

The reprinted section of the address, which was delivered before the 24th Annual Conference of Bank Correspondents, concerns the deteriorating position of the United States in international money markets.

Mr. Nelson makes the sound point that West Germany and other friendly foreign nations have shown great patience in not demanding gold for their dollars. But he questions whether we can expect their patience to last indefinitely.

It is obvious that the dollar is declining in value. And until the Government embarks on a sound financial policy—until it sets its fiscal house in order—this decline will continue.

I ask unanimous consent that the text of the excerpt from Mr. Freeman's address, captioned "Can We Make Our Chips Good?" be printed in the Extensions of Remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CAN WE MAKE OUR CHIPS GOOD?

(NOTE.—The following, which appeared in the Wall Street Journal, is an excerpt from a speech by Gaylord A. Freeman, Jr., chairman of the First National Bank of Chicago and a member of the President's Commission on International Trade and Investment Policy, as presented before the 24th Annual Conference of Bank Correspondents.)

Our country's position is a little like mine would be if I invited four or five of you in to play poker and got out the cigar box full of chips and sold you each $10 worth. If I lost hand after hand for perhaps 20 hands and continually reached into the box to replenish my own pile of chips, you might begin to wonder whether I would have the cash to redeem all of the chips piling up on the table. Then, after an hour or two of this, if I said that I could no longer redeem all of the chips and asked you not to cash any in, but to just keep on playing, you, as a friend, might say, "Okay—for a while." But as the hour grew later and I continued to lose every hand and constantly put more chips on the table, the time would come when you would say, "We aren't going to play any more unless you can make those chips good—or at least begin to bring some more money into the game."

As you know, our country has (with only two exceptions) had a balance of payments deficits in every year since 1950. That is, we have lost 18 hands in the Big Game between nations and have just continued to issue more dollars. At first we were not greatly distressed. As the world's banker, our nation—perhaps like your bank—recognized that we could not escape borrowing short and lending long, thus incurring a degree of illiquidity.

But the analogy is not all that good, for our country's long-term assets are not government assets, but private assets. Privately owned factories abroad are not available for the payment of foreign-held claims for which foreign central banks can ask the U.S. government to pay in gold.

As the deficit continued, the problem became more aggravated. We will have another balance of payments deficit this year—and again will finance it by issuing more dollar claims—more chips.

Since we can't redeem all of those foreign-held dollar claims, we have, since early in the 1960's, asked Germany and our other foreign friends not to ask for gold for their dollars, but to wait a while. They have waited and waited and waited. Meanwhile, our position has deteriorated every year.

Our time is running out.

MILLIONS FOR SUBSIDIES, PENNIES FOR SAFETY AND HEALTH

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. O'HARA. Mr. Speaker, last year the Congress enacted the Occupational Safety and Health Act. As is the custom of this administration with programs of which it does not in fact approve, but which it cannot afford politically to oppose directly, the administration is seeking to render the Daniels Act meaningless by requesting ridiculously inadequate appropriations.

Occupational accidents and illness cost the Nation something like $20 billion per year. The Nixon administration, while perfectly willing to request hundreds of millions in subsidies for industries which have fallen prey to economic or managerial accidents and illness, has only asked one-fourth of 1 percent of that for the activities of two Cabinet departments in this area. The administration has requested $50 million to underwrite a program which involves an expansion of the inspector staff, a major effort to begin development of up-to-date safety and health standards, a major research program, and a major State grant program. Obviously this figure is inadequate. Obviously, those who submitted the request know it is inadequate, and are content to have it so.

Last Friday, my friend, Jack Beidler, legislative director of the United Automobile Workers appeared before the Appropriations Subcommittee chaired by the distinguished gentleman from Pennsylvania (Mr. FLOOD), and requested a tripling of the administration request. On Tuesday, June 15, the subcommittee heard from two other friends of mine, Mr. Ken Peterson, speaking for the AFL-CIO, and from Jerome Gordon, executive vice president of Haldi Associates, and director of a definitive study on occupational safety reporting and statistics. The recommendations of these organizations and individuals differ in detail, but all three have one thing in common.

These spokesmen for the working people the Daniels Act was passed to protect, and this expert on the actual incidence of occupational accidents, assess the real need far more realistically than does the administration. The request by Mr. Gordon—for a "counter-budget" of $2.2 billion over the next 5 years—is perhaps the most realistic in terms of what it will take to do the job. The estimates by the AFL-CIO and the UAW are more modest ones, and given an administration which knows, to use an old phrase, the "cost of everything and the value of nothing," their recommendations may be more in keeping with what we can expect to see spent. But certainly the thrust of all three statements points up the inadequacy of the administration's request.

I hope, Mr. Speaker, that the distinguished members of the Committee on Appropriations will give careful consideration to the views of those who are interested in protecting the working man.

I include, Mr. Speaker, the prepared statements of Mr. Peterson, Mr. Beidler, and Mr. Gordon in the RECORD at this point:

STATEMENT OF KENNETH PETERSON, LEGISLATIVE REPRESENTATIVE AFL-CIO

JUNE 15, 1971.

Mr. Chairman, on behalf of the AFL-CIO, I wish to express our appreciation for the opportunity to testify on appropriations for the Department of Labor, Health, Education and Welfare and related agencies.

Our concern about the Department of Labor, we believe, is self-evident. Our interest in Health, Education and Welfare is a continuing one and is rooted in the basic reason for our being an organization of working men and women.

With your permission, Mr. Chairman, I shall file a supplemental statement that will be more detailed than this statement. I will cite specific recommendations and the logic behind these requests.

We urge that you and the members of this subcommittee find these recommendations acceptable.

LABOR-HEW APPROPRIATIONS FOR FISCAL YEAR 1972

Occupational safety and health

The AFL-CIO regards as of highest importance the need for adequate funding for the Departments of Labor and of Health, Education, and Welfare, to implement the programs under the Occupational Safety and Health Act of 1970.

The Congress has stated that the goal of this Act is "to assure as far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

Organized labor worked long and hard to help achieve this Act and the programs which it contains. Millions of workers exposed to every kind of occupational safety and health hazard, have awaited enactment and the effective date of the Act with high expectations that now they see the beginnings of a vigorous and effective program that will lessen the shadows of death, injury and illness that hang over America's millions of workplaces.

Their expectations must be brought close to realization by adequate financial resources to carry out the strong preventive and remedial programs which the Congress wrought in building and passing PL. 91-596.

Mr. Chairman, every year more than 14,000 workers die, 2.6 million are disabled from job incurred injuries. Probably half a million workers are incapacitated, and hundreds die from occupational illnesses.

The investment in preventive programs to reduce this grim and mounting toll is small in proportion to its gains which can be achieved, gains that can be measured by added dollars in production, in steady wages and salaries, and reduction of the costs of workmen's compensation, and equally important but more difficult to assess, the human gains that are reflected in workers' lives, and the welfare and solidarity of their families.

Organized labor most urgently requests this subcommittee, therefore, to consider the following proposals with respect to appropriations under the Occupational Safety and Health Act for Fiscal Year 1972.

I. Department of Labor

The Department of Labor's proposed budget of $25.3 million for fiscal 1972 is woefully inadequate to implement meaningfully the Occupational Safety and Health Act.

With 4.1 million American workplaces

covered by this Act, we recommend that at least 1,000 safety officers and appropriate Departmental personnel be acquired during fiscal year 1972.

Only with a force of this size can a compliance program be started which will give this Act some meaning to the millions of American workers who have for so long been exposed to every kind of safety and health hazard on the job. They have every right to regard this Act as the beginning of a new day in their working lives, and not to expect that they will have to wait for years before they begin to benefit from it.

The additional costs of placing 1,000 inspectors in the field over fiscal year 1972 would not exceed an additional $10 million. There should also be additional funds provided for personnel engaged in the training program. There are 6,000 applicants already for these kinds of positions. Thus, there is no shortage of manpower capable of performing these duties. Such a program includes not only preparation of safety officers for the field, but carrying out the Secretary's statutory responsibilities to develop and carry out training programs for employees and management personnel so that they can better work together in reducing accidents and injuries in their own work environments, and thus promote the goals of the Act as established by the Congress.

Increasing the capability of the federal government to carry out its responsibilities is clearly needed now, particularly in view of the fact that the various states will not for some time be able to amend their statutes in order to submit plans to the Secretary for assumption of federal jurisdiction of some or all occupational safety and health areas, as provided in Sec. 18(b) of PL 91–596.

The legislatures of 32 states will not meet again until next year, although a few are still in session. Those of 18 other states will not convene until 1973. Even with regard to those meeting next January, no concrete assumptions can be made as to what course of action they will take in amending their statutes in areas that would be required to meet the criteria of the Act, or providing the necessary appropriations and training manpower to satisfy the Secretary that such a plan, if submitted, meet the tests of the Act.

These are the hard facts which lead inescapably to the conclusion that the first priority of implementing this Act should be that of rapidly building up the capability of the Department of Labor to carry out its major responsibilities and not diverting scarce resources on high pressure campaigns to sell the states on participation.

It was the general failure through the years of the states to protect worker safety and health when they had the chance that led to adoption of PL 81–596. They must fully demonstrate a changed attitude reflected by laws and programs at least as effective as those of the federal government as provided by the Act. In the meantime Congress should make sure that the Department of Labor is given the necessary resources to fully meet its responsibilities to protect the health and safety of 57 million covered workers with a strong beginning in fiscal year 1972.

II. Department of Health, Education, and Welfare

We urge that the $8 million additional money authorized for the newly created Institute for Occupational Safety and Health for FY 1972, be approved by this subcommittee. The Institute has a vital role to play under the Act, with major responsibilities in the fields of research, demonstrations, training, development of criteria, and recommended standards, and monitoring, measurement, and publishing and maintaining a list of toxic materials used or found in America's workplaces. It is also necessary to provide the funds to establish its physical location.

Health hazards in America's workplaces are increasing, as new processes, new chemicals and physical agents are being developed and placed in use at a rate of over 600 a year. This fact, together with the need to develop criteria and standards over many of known occupational health hazards, makes the operations of the Institute a major key to successful prosecution of this Act.

III. Occupational Safety and Health Review Commission

The three-member Occupational Safety and Health Review Commission has been given the responsibility under PL 91–596 to adjudicate all contested citations for violations of the Act.

The effective operation of this Commission is therefore a major key to effective enforcement.

We wish to call attention to the fact that under the Coal Mine Safety Act, a statute of limited scope in terms of both workers and establishments covered, more than 900 contested enforcement actions are being received each week by the Department of the Interior's Bureau of Mines.

The Occupational Safety and Health Act of 1970 covers 4.1 million establishments and 57 million workers—a coverage enormously larger than that of the Coal Mine Safety Act.

It can reasonably be expected therefore, that the volume of contested citations that will face the Occupational Safety and Health Review Commission will very quickly surpass by a large factor the enforcement matters dealing with Coal Mine Safety regulation.

If the resources of the Commission are not made adequate to this expected case load, it could very well be the bottleneck of the total enforcement program under the Act.

The Fiscal year 1972 budget authorization of $300,000 for the activities of the Commission is inadequate. We urge that it be at least doubled in order to acquire the necessary number of hearing examiners and backup personnel required to assure swift and orderly adjudication of the inevitable file of contested citations during the year.

Mr. Chairman, the AFL–CIO Executive Council in its policy statement on Occupational Safety and Health, stated that "For the first time in the history of the Republic, the federal government can now begin to undertake a broad and progressive program to make the workplaces of America safe and healthful.

We earnestly request your subcommittee to aid in this humanitarian attempt by voting the necessary appropirations to make this Act work.

SUPPLEMENTAL STATEMENT OF KENNETH PETERSON

WORKMEN'S COMPENSATION ACTIVITIES OF THE DEPARTMENT OF LABOR

JUNE 15, 1971.

Occupational safety and health was formerly a responsibility of the Workplace Standards Administration of the Department of Labor, and in particular, of the Bureau of Labor Standards. The workmen's compensation responsibilities of the Bureau have now been reassigned to the newly established Employment Standards Administration, and its responsibilities for workmen's compensation activities within the Department have been increased substantially.

Employment Standards Administration

In prior years, the Bureau of Labor Standards devoted substantial resources—approximately $600,000 in fiscal year 1971—to assisting the states improve their workmen's compensation programs. In fiscal year 1971, activity related to workmen's compensation assumed increased importance within the Department and required a supplemental appropriation of $148,000. Implementation of some of the workmen's compensation provisions of the Coal Mine Health and Safety Act of 1969 (PL 91–173) was primarily responsible for this development.

This act requires the Department of Labor to give much greater attention to state workmen's compensation programs than it has in the past. In addition, PL 91–596, the Occupational Safety and Health Act of 1970 will place additional demands on the Department in terms of workmen's compensation issues during this fiscal year. Section 27 of PL 91–596 specifically authorizes and directs every agency and Department of the Government to assist in implementing the workmen's compensation provisions of this law. The Department of Labor will surely be involved in this activity.

In view of the workmen's compensation activities we are certain the Employment Standards Administration will be called upon to undertake, we are shocked at the fiscal year 1972 budget request. The budget request would merely fund workmen's compensation activity at the 1971 level prior to the supplemental appropriation. We can only assume the Department intends to shut its eyes to the needs of the injured workers and their families.

The AFL–CIO has repeatedly urged the Department of Labor to undertake greater responsibility in terms of assisting the states in their efforts to improve workmen's compensation programs. The Congress has recognized this need, and it has, in the Coal Mine Safety Act and the Occupational Safety and Health Act, placed greater workmen's compensation responsibilities within the Department. The states, in the fiscal year ahead, will need substantial technical assistance from the Department. The 1971 budget provided only the funds needed to maintain a modest effort at assisting the states. In 1972, since the demands for workmen's compensation assistance at the state level will be much greater, we urge you to increase the budget request for this activity to at least $1,000,000 to permit some improvement over the 1971 effort.

Bureau of Employees' Compensation

We are also disturbed by what appears to us in this budget as a down-grading of the Bureau of Employees' Compensation. This Bureau administers, in an excellent manner, some of the better workmen's compensation programs in the nation—the Federal Employees' Compensation Act (FECA), the Longshoremen's and Harbor Workers' Act and others. The Bureau has been given additional responsibility under the Coal Mine Health and Safety Act.

The Bureau, during the fiscal year ahead, will be required to develop a program to assume the present responsibilities of the Department of Health, Education and Welfare related to the Coal Mine Health and Safety Act. At the present time the Social Security Administration is receiving claims for black lung compensation at the rate of 3,000 a week. The Bureau should begin this year to develop the staff and procedures to assume this increased workload in an orderly fashion.

In addition, the Bureau must also undertake much more activity in fiscal year 1972 related to state workmen's compensation laws. The failure of state laws to meet the requirements of the Coal Mine Health and Safety Act or the regulations promulgated under it by the Secretary of Labor will add substantially to the workload of the Bureau. The Bureau budget request represents an increase of 16 percent above 1971. Much of this increase will be utilized in the payment of increased benefits. This budget request will permit little increased workmen's compensation activity to be undertaken by the Bureau. The budget request should be increased by an amount that would permit it to do more than simply make benefit payments. An increase of 1.0 or 1.5 percent in this budget request would enable the Bureau to staff and maintain a genuinely effective program in fiscal 1972.

The Bureau must process claims, adjudicate controverted cases, police insurance carriers, employers, and the medical profession.

It must review insurance policies, investigate accidents, and enforce safety measures. In addition, it must constantly review every aspect in the operation of far-reaching workmen's compensation programs that have an impact upon American workers all over the world. We hope you will increase the budget request for the Bureau of Employees' Compensation activities by at least $2,000,000 to permit the Bureau to properly carry out its functions.

WORKPLACE STANDARD ADMINISTRATION

Improving and protecting wages of the nation's workers

Over 50% of the Workplace Standards Administration Budget represents the budget of the previously independent Wage and Hour Administration. This portion of the budget, we believe, is particularly important since it is responsible not only for assuring that some 46 million non-supervisory workers are paid proper minimum wage, equal pay, and overtime amounts but also since it administers such important pieces of legislation as the age discrimination in the Employment Act, Service Contract Act, the Davis-Bacon and related Acts, the Contract Work Hours and the Safety Standards Act, the Walsh-Healey Public Contracts Act, and the Garnishment Provisions of the Consumer Credit Protection Act.

Employee complaints of employer violations continue to mount. Because of a lack of adequate staffing, some 8,500 complaints were back-logged in the beginning of 1971. In addition to the 22 positions that the Department has requested for equal pay enforcement and wage garnishment, we propose that the total staff be increased by 10% so that the thousands of workers currently underpaid will receive their due. The current expenditures of approximately $25 million, more than pays off in the recovery of approximately $95 million found due workers in back wages. The large majority of workers who are directly aided by enforcement efforts may be classified as working poor.

Bureau of Labor statistics

A number of program items providing for increases in the BLS budget receive our whole-hearted support. However, there are a number of items that are questionable in our estimation. Work to improve statistics on the construction industry is a desirable move as we feel many of the prescriptions made today for this industry are not based on solid fact. We have long called for increased frequency in the studies dealing with labor and material requirements for major types of construction. Also we support the work on developing more comprehensive data on prices of construction materials. We believe that there may be some misallocation of emphasis within this area, as we believe the above two items should receive the greatest attention.

The additional funds for the revision of the Consumer Price Index is an item that no one can oppose. However, we feel that the Bureau is not carrying out its responsibilities in this area. The bureau has succumbed to pressures by the Office of Management and Budget in changing from an annual survey of consumer expenditures to a quarterly survey. Last year the BLS requested approximately $1.5 million to revise the Consumer Price Index by conducting two Consumer Expenditures Surveys. Now suddenly it has switched its proposal. Instead of two annual Consumer Expenditures Surveys, covering the year 1971 and 1972, the BLS would conduct five quarterly surveys providing data only for the year 1972. It assumes that 1972, by itself, will be a representative year to be used as a basis for Consumer Price Index and the City Worker's Family Budget. Also this change from the traditional methods followed in the 1940, 1950 and 1960 revisions raises a number of technical problems. The new proposed method will provide less detail than the traditional method, and also fails to give any checks in terms of the change in a family's assets over the period of a year. This change in methodology raised the cost of the expenditure survey by approximately 20 percent.

We are also gravely concerned with the additional delay that this quarterly method will bring to the revision of the Consumer Price Index. The Bureau estimates that this change will delay the revision by some 12 to 24 months, meaning that until approximately 1979, we will be dependent upon the Consumer Expenditures Survey of 1960–61, as the basis for the City Workers Family Budget.

We oppose the change in methodology and resultant delay of the index revision process and urge the committee to direct the Bureau to proceed on the basis that the funds were initially allocated to the Bureau and under the same time table.

BUDGET TESTIMONY DEPARTMENT OF LABOR

Unemployment Compensation

Ex-Servicemen and Federal Employees

The federal government has extended the protection of the nation's unemployment insurance program to members of the United States armed services since 1944. Originally, the protection for separated members of the armed forces was furnished through the Servicemen's Readjustment Act of 1944. In 1958, this protection was made a permanent part of the Social Security Act.

Workers employed by the federal government have been protected by unemployment insurance since 1955 through the Unemployment Compensation Program for Federal Employees.

The 1972 budget request for these programs, $274,500,000, is far too modest. The 1971 budget request for these programs was underestimated by approximately $100,000,000. The AFL–CIO was appalled by the lack of funds for these programs revealed in the budget request proposed for separate transmittal. Lack of these funds will deprive jobless ex-servicemen and jobless federal workers of the basic protection unemployment insurance is designed to furnish.

During the past year, employment opportunities for ex-servicemen, former federal workers, and workers in private industry have steadily declined. National unemployment in excess of 6.0 percent is a reality with which every jobless worker must contend.

Longer periods of unemployment for increasing members of jobless workers are reflected in every index related to unemployment insurance. At this time, insured unemployment among ex-servicemen is more than 100 percent greater than it was in 1970. Insured unemployment among former federal workers is 50 percent higher than it was in 1970. The duration of joblessness for all job seekers has been increasing noticeably throughout the nation. State legislatures are seeking a stop-gap solution to this aspect of unemployment through enactment of extended unemployment compensation benefit programs.

This budget request fails to properly assess the labor market condition which will confront ex-service personnel upon their separation from the armed forces. The budget also reflects this unjustified optimism in the request related to federal workers.

We urge you to provide at least an additional $100,000,000 to properly fund these programs in fiscal 1972. The Congress established these programs to protect ex-servicemen and federal employees against the extreme ravages of unemployment. We hope this Committee will enable the Department of Labor to effectively meet this goal. The additional funds we are requesting are essential if jobless ex-servicemen and jobless federal workers are to be permitted to maintain their homes and families while seeking employment during fiscal year 1972.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION

Unemployment Insurance Services

Since 1935, this nation's unemployment compensation program has provided a wage replacement income to millions of working men and women in periods of temporary unemployment. The program has also contributed to the stability of the nation's economy and has helped to moderate economic recession. During the latter 1960's the program contributed more than $2.0 billion annually to the nation's economy. This contribution increased by 75 percent in 1970 to $3.7 billion.

The program is performing an essential service for the nation at this very moment, approximately 3 million workers have been receiving the protection of the program every week this year. Monthly benefit payments in 1971 are 30 percent higher than comparable months in 1970. We hope the Committee will scrutinize this budget request closely and substantially improve upon it. The budget request before the Committee is woefully inadequate for the efficient operation of the unemployment insurance service at this critical period.

The nation's unemployment rate has soared to the highest level in ten years. We fear this situation will get worse before any hope for improvement can be entertained. The Congress, in 1970, concerned about the trends in the economy, enacted legislation to strengthen and improve the unemployment compensation program.

This legislation is being implemented daily at the state level. We feel it is essential this effort be continued without interruption. This budget will not permit the needed maintenance of effort unless it is improved.

The 1972 budget request would provide for a modest increase in personnel at the state level. This request is based upon the assumptions of a reduced workload for the unemployment insurance service. The budget request for fiscal year 1972 anticipates:

A decline in initial claims;

A decline in weeks claimed;

A decline in contested claims;

A decline in the number of appeals, and

A decline in the number of weeks compensated under both state and federal unemployment compensation programs. The AFL–CIO sincerely hopes unemployment levels will decline to the point at which these expectations become a reality. However, these expectations do not, in our opinion, reflect the increased demands placed upon the program due to the changes being enacted at the state level during 1971.

Every state legislature meeting in 1971 has enacted legislation which will increase the demands placed upon state unemployment insurance agences in fiscal year 1972. We urge you to increase this budget request substantially to enable the state agencies to properly meet the heavy demands they will encounter.

The budget estimates for federal participation in the adminstration of the unemployment insurance service should be increased. The Employment Security Amendments of 1970 require extensive changes in every aspect of the program. The Unemployment Insurance Service will be called upon to assist the states in implementing the required changes. Extensions of coverage will have an impact on approximately 1 million employers and 5 million workers. The extension of coverage to new employers involves a workload increase, in terms of employer coverage only, 10 times greater than in any recent year. This is merely one example of the increased demands which will be placed upon the state programs. However, the total budget request permit only an 8.0 percent increase in state personnel.

The implementation of the increase in the taxable wage base and the extension of the reimbursment method of financing to all nonprofit employers and public employers will place great demands upon the service.

The Department has been directed by the Congress in Public Law 91-373 to establish a continuing and comprehensive research program. The proposed budget should be increased in order that more than token compliance with this directive can be initiated.

In addition, Congress has authorized appropriations for training of unemployment compensation personnel. Programs of this nature are needed throughout the system. However, unless this budget request is substantially increased to provide additional funds for this activity very few training opportunties will be made available to federal and state unemployment compensation personnel. In just one area of the program—appeals—training of current personnel presents serious problems for the Department.

Excessive delays in processing contested claims have resulted in court decisions that have required changes in state procedures. The decisions and pending cases before the courts have also required the Department to examine closely its administration of this aspect of the program. The Department's review of appeals procedures has revealed a serious need for improvement.

It is essential that funds for a substantial increase in personnel be provided if this aspect of the program is to be improved. Jobless workers need unemployment compensation benefits when they are without employment. Unnecessary and lengthy delays in the appeals procedures of state programs are depriving jobless workers of their benefits for as much as seven weeks while they wait for a hearing on their claim. These practices are defeating the purposes for which Congress established the unemployment compensation program.

We urge the Committee to provide additional funds in this budget to make certain needed personnel can be recruited by the Department to improve this part of the program. We also urge you to make certain adequate funds are available to the Department for training this personnel.

Appropriations

Women's Bureau

We ask that the appropriations request for the Women's Bureau, totalling $1,326,000 for the fiscal year 1972, be approved in full and increased if at all possible.

Issues concerning the status of women are commanding national attention, but too often the problems facing working women in the lowest economic brackets are lost in the shuffle. The struggle over "equality" should not obscure the need for minimum wage coverage, protection against excessive hours of work, the maintenance of decent conditions of employment, the expansion of child care facilities, and other fundamental needs of working class women.

Traditionally, the Women's Bureau has spoken in behalf of these concerns, but with decreasing effectiveness. In particular, funds should be made available to the Bureau for the purpose of direct, rather than secondhand, research on the needs and problems of low-income working women.

Manpower budget—Fiscal year 1972

The FY budgetary allocations for manpower training program within the purview of the Labor Department are structured to conform to the Administration's manpower revenue sharing proposal. This is the block grant system which we categorically reject. It represents an almost complete abdication of federal responsibility in the manpower field and jeopardizes such national programs as the Job Corps, Mainstream, etc.

While the budget proposes some overall increases in manpower expenditures for FY 1972, there will be no significant expansion in manpower programs. With unemployment at the present level the major need for the coming year is in the area of job creation in the public sector.

The Administration's budget proposal cannot be expected to provide the funding necessary to create even a modest number of public service jobs except at the expense of other manpower programs. Substantial appropriations for public service jobs are needed now, if any reduction is to be made on the number of unemployment workers.

Social Security Administration

The Social Security Administration's budget for 1972 reflects the continuing growth and expansion of the social security program. In total, benefits under social security programs under present law are estimated at $43.4 billion for 1972 and represent an increase of almost $2.5 billion over 1971. The increase in old-age, survivors, and disability benefits is due primarily to increases in the number of aged persons in the population, in the proportion of the aged who are insured, and in the average monthly benefits as the general earnings level continues to rise. The increase in Medicare benefits is a result of increases in the size of the covered population and in the utilization and cost of covered services.

For salaries and expenses, the Social Security Administration has requested $1,101 million, an increase in its limitation to spend from the social security trust funds of about $72.2 million over 1971. Of this total increase, $25 million is for restoring the contingency reserve which is being used in 1971 to fund unbudgeted needs. The remaining increase of $47.2 million results from:

1. A 4.8 percent increase in the volume of work to be handled by the Social Security Administration. State agencies and health insurance intermediaries at a cost of $22.5 million.

2. Built-in salary increases for employees of the Social Security Administration and increases in prices and wages paid by State agencies and intermediaries, amounting to $27.7 million; and

3. Other changes which net out to a reduction of $3 million.

Administrative expenses for the social security program continue at a low level and administrative cost ratios compare very favorably with comparable expenses under private insurance.

The appropriation for Special Benefits for Disabled Coal Miners is for benefit payments and administrative expenses for implementation of title IV of the Federal Coal Mine Health and Safety Act of 1969, enacted on December 30, 1969. The 1972 budget request of $643.5 million cover obligations for fiscal years 1971 and 1972 as well as obligations for 1970 which were not fully funded in that year. This new program turned out to have a much greater impact than originally anticipated (current claims estimates through fiscal year 1972 are 45 percent higher than earlier estimates) and progress at first was not as rapid as SSA would have liked it to be because of the heavy concentration of the workload in a few states where most of the district offices are small and because policy and operating problems were extensive and time consuming. However, claims processing has increased rapidly and the SSA expects to make decisions on practically all of the initial backlog of claims before the end of fiscal year 1971. There are expected to be a large volume of reconsiderations and appeals from these initial decisions; most of this work will take place in fiscal year 1972.

The social security program directly affects the well-being of practically all of the American people. We urge that adequate funds be provided this program to properly service the millions of Americans dependent on it for their income.

Rehabilitation Services Administration

Many of our members and their families have been helped directly from the services that are available in communities as a result of this State-Federal program. It helps people who are disabled to return to work, or to qualify for work status in the case of people so disabled that they have difficulty in finding and keeping suitable work. Organized labor supports the budget for this program because it helps people to help themselves, and it more than pays its own way in terms of the national economy. Rehabilitation programs should not be supported primarily for the monetary gain to society, but Congress should know that it can help our economy, both monetarily and productively, as it appropriates money to rehabilitate the disabled.

In 1970, a total of 266,975 disabled people were restored to employment. This is an increase of more than 10 percent over the previous year. Prospects are even better for this present year, with estimates going to 288,000. The people who are helped go into the skilled trades, the professions and agriculture. They will add about 250 million man-hours of work each year to the nation's productive efforts. They will increase their annual earning rate to about $863 million compared to pre-rehabilitation rate of about $195 million. In any one year about three-fourths of the people rehabilitated and placed in jobs were not working at the time they were accepted for service. Others were in marginal or otherwise unsatisfactory employment.

We hope that the funds this program needs will be appropriated in full so that the successes and breakthroughs that have been made in care for the disabled can be extended to ever increasing numbers of people eligible and waiting for help. We are especially anxious to see that Federal grants to States be kept to the highest possible level with assurance of Federal funds to match all the money the States can and wish to spend of their own money for this purpose.

Labor has a special interest in seeing that resources are made available for work evaluation and work adjustment services. Although Congress authorized appropriations of $50, $75 and $100 million for the three years ending in 1971, and extended this authorization of $100 million for another year through 1972, this work has not been funded. In our opinion, this work should be highly, if not fully, funded in order to continue the manpower development thrust which both political parties have agreed is most important to our national welfare.

The great importance of putting people to work in suitable employment and helping them to stay employed as productive members of society requires that high priority be given to the budget requests for this program.

At the present time there is the equivalent of two full time people working in Central operations in all aspects of the Medicaid nursing home program. We feel that any program that spends as much of the federal dollar as the Medicaid program does for nursing home care should have more direction from Central operations. We note that the President's budget asks for a cutback in appropriations for central operations of Social and Rehabilitation Services. We feel strongly that the federal money allocated for the care of those who must seek medical care in a nursing home must have strong federal leadership to eliminate the abuses in the operation of nursing homes.

Administration of Aging

The AFL-CIO is gravely concerned about the lack of adequate funding for AOA programs—programs which are of vital concern to our 20 million senior citizens and others affected by problems related to aging.

The Administration on Aging, the agency that was created by the Older Americans Act, has always been under-financed and understaffed. As a result, the law has never been fully implemented. The Administration originally recommended a 10 percent reduction in AOA funding. The original recommendation was to reduce the overall $32 million for fiscal 1971 to $28.5 million in fiscal 1972. These latter figures did not include the $1.65 million appropriated to meet expenses for the White House Conference on Aging in fiscal 1971. No funds were recommended for Conference expenses for fiscal '72.

In a recent statement to the Senate Special Committee on Aging, the Secretary of Health, Education and Welfare announced the intention of the Administration to amend the AOA budget request so that Community Project grants and the Foster Grandparents Program will continue at the current fiscal year funding. In addition, he stated that the Administration will request that funds for research and development and training be restored to the fiscal year 1971 level. However, when account is taken of the rapidly increased costs during the last fiscal year, this actually means a reduction in funding for these programs.

AOA programs are vitally important to our elderly population. For example, the RSVP program was designed to provide new opportunities for needed community services for persons 60 and older. Leading experts in the field of aging have estimated that perhaps one million older Americans would be willing to volunteer their services in their communities—a large reservoir of talent which is still largely untapped.

The Foster Grandparent program has enabled low-income persons 60 and over to provide supportive services for disadvantaged young children. Unlike RSVP participants, these individuals are paid wages for their services to disadvantaged young children. The evidence is abundant and compelling from the elderly participants, individuals served, and community leaders that this program is working well.

These kinds of programs are essential to raise a substantial number of the aged poor out of poverty or to give them a sense of participation in something that is important and at the same time help to resolve serious social problems. We urge a 25 percent increase in appropriations so that these programs not only will be maintained at present levels but will be able to expand. We urge a realistic financial commitment responsive to the growing needs of a growing elderly population.

Public Assistance and Social Services Appropriations

In 1967 the Congress recognized the need to provide the states with the means with which to supply services to assist in the reduction of poverty and social problems. These services include extension of day care programs, homemaker services, legal services, family counseling, money management and consumer education, referrals and preparation for education and employment, protective service for abused and neglected children, family planning, health, foster care arrangements for the aged and infirm, securing support from deserting fathers, counseling for unmarried mothers and many others.

Just as these programs are beginning to take effect, the Administration has decided to severely cut Federal funding for them. The argument is that they are unable to measure the value of the services. Their attempt to curtail spending for services in last year's appropriation was defeated in both Houses of Congress. The outcry from the governors, local public officials, educators and welfare directors when the Senate Appropriations Subcommittee tentatively approved a 115% limitation, would indicate that those closer to the problems disagree with the Administration's assessment of the need for these services.

We contend that if the Administration is unable to measure the effects of programs which could be funded under Title IV A of the Social Security Act, it is because in only a few areas have there been any in operation for any length of time. A good example of the use of the services money under Title IV is here in Washington, D.C. With the combined efforts of community organizations, the District government, labor unions, sympathetic Congressmen, and paid consultants, it took 18 months to get the 25% matching local share and to qualify under the rigid requirements for obtaining the Federal share to provide a half dozen day care centers. The Administration pays lip service to the need for more day care centers to free mothers to take jobs, but at the same time they are attempting to reduce drastically the one source of Federal money for such services.

We urge the Congress to recognize the increasing need for services to assist in reduction of poverty and not to eliminate the source of Federal financing of such services.

In addition to the Administration's decision that services that are of no measurable value they also seem to have arbitrarily decided that social workers have no place in our society. They have cut by more than half the grant money available to universities for the training of social workers; and plan to eliminate such money altogether in next year's budget.

At a time when the need to offer training, education, counseling, protective services for children and other services is at its greatest for an ever increasing number of people, the money to train people to perform these services should be increased, not eliminated.

Health Services and Mental Health Administration

All Americans should have access to comprehensive health services. This policy is the explicit goal of the Comprehensive Health Planning Act of 1966 (P.L. 89–749). Several barriers stand in the path of this goal. Three of the most important barriers are (1) the lack of needed health facilities, especially outpatient facilities; (2) the need for more health manpower; and most importantly, (3) the need for organization and rationalization of the health delivery system.

All of these points were brought out in the President's message to Congress on February 18, 1971. These were the first three points of his six point program. In his statement, the president said:

"In recent years, a new method for delivering health services has achieved growing respect. This new approach has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed service for a fixed contract fee which is paid in advance by all subscribers."

The President further stated in introducing his second point under the heading of Meeting the Special Needs of Scarcity Areas:

"Americans who live in remote rural areas or in urban poverty neighborhoods often have special difficulty obtaining adequate medical care. On the average, there is now one doctor for every 630 persons in America. But in over one-third of our counties, the number of doctors per capita is less than one-third that high. In over 130 counties, comprising over eight percent of our land area, there are no private doctors at all—and the number of such counties is growing."

Under the heading of Meeting the Personnel Needs of our Growing Medical System the President stated:

"Our proposals for encouraging HMO's and for serving scarcity areas will help us use medical manpower more effectively. But it is important that we *produce* more health professionals and that we educate more of them to perform critically needed services."

We think that the President has pointed out three critical areas of concern that need immediate attention. Proper funding is needed to carry out these laudable goals. Unfortunately, the budget does not reflect these stated goals.

The Health Services and Mental Health Administration is a very important part of the national effort to implement these goals to improve the health of the American people. The AFL–CIO strongly supports full funding of the programs that HSMHA administers. The improvement of our capacity to deliver health care and the organization of the delivery system to fully meet the medical needs of the American public are a particular concern of ours. Appropriations to meet these goals need to be increased.

We feel the following programs should have priority for the 1972 fiscal year:

(1) Mental Health;

(2) Health Services Research and Development;

(3) Comprehensive Health Planning and Services:

(a) Project grants for the development of health services;

(b) Migrant health programs;

(4) Maternal and Child Health;

(5) Regional Medical Programs;

(6) Public Health Hospitals;

(7) National Institutes of Health: (a) Health Manpower.

National Institute of Mental Health

We are most concerned about the failure to follow through on the country's long overdue obligation to provide comprehensive community-based services for America's mentally ill and their families. The President's 1972 Budget Allowance provides only $15 million more for the staffing of community mental health centers than was appropriated for the current fiscal year. This figure is totally unrealistic, and, in fact, will not even provide funds for staffing grants that have previously been approved. The token increase, especially in view of the increased costs brought about by inflation, represents an abdication of the previous commitment to provide these badly needed services and is directly contrary to both professional judgment and the intent of Congress. These sums will permit the development of only a handful, at the most, of badly needed services in poverty areas, rural as well as urban. In addition, almost as though to drive the last nail into the coffin of the community mental health centers program, *no funds at all* are provided for the construction of new facilities.

Trained personnel, both professional and paraprofessional, are urgently needed to provide treatment and preventive services in community mental health centers, in State hospitals, in psychiatric services of general hospitals, in alcoholism clinics, and in drug abuse and narcotic addiction programs. The President's proposal in the "Manpower Development" area, however, would reduce the NIMH funds for these purposes by slightly over $3 million. Because of this reduction and the inflation of the last four years, the proposed NIMH budget for training ($113 million) will provide for the training of approximately one-third fewer psychiatrists, clinical psychologists, psychiatric social workers, psychiatric nurses and paraprofessional mental health workers than were trained in 1969. The current level of support for mental health training is rapidly eroding the significant, but incomplete, gains that were made during the late 1950's and the early 1960's in overcoming the severe shortage of persons trained to work in the mental health field.

Despite the explicit action of the last Congress in enacting comprehensive legislation to deal with the drug abuse and narcotic addiction problems, the 1972 Budget Allowance provides for an increase in this area which is only slightly more than the added costs due to inflation. The 1972 Budget will not permit the initiation of any new community-based drug abuse and narcotic addiction treatment programs. This clearly is not the way to deal with these major problems—in the ghetto as well as in the suburbs.

The 91st Congress also enacted important legislation dealing with alcoholism. The

Budget Allowance for fiscal year 1972, however, provides for less than $8 million for new State and community alcoholism programs. This is in stark contrast to the $95 million authorized by Congress at its last session. Alcoholism affects a minimum of six million Americans. At a time when there is finally national recognition that something can and must be done about this major medical-social problem, only a very minor effort in this critical area is called for in the President's Budget proposals.

We feel the minimum increases required over the President's Budget in these four areas should be as follows:

1. Community Mental Health Centers:	
a. Construction	$45,000,000
b. Staffing	$65,000,000
2. Manpower Development	$43,700,000
3. Alcoholism and Narcotic Addiction	$184,000,000

We urge the Committee to insure that the NIMH budget for the coming fiscal year more nearly meets the nation's needs. Surely, the nation can do more, not less, for its mentally ill.

Health Services Research and Development

The National Center for Health Services Research and Development plays a very important role in developing and testing the HMO's that the President has stated are so important to the reorganization of the health care delivery system. Because of the very important role this agency is playing, it only logically follows that increased appropriations are going to be necessary to carry out this Presidential mandate. The increase of $4,000,000 over the 1971 F.Y. budget is inadequate to carry out these increased responsibilities.

The Center is currently working with the development and evaluation of 15 HMO's. In order to properly support this activity, we ask the Committee to fully fund this program as authorized under the Public Health Service Act, Title III, Section 304.

In order to place this request of $82,000,000 in the proper perspective, consider the costs of developing a Statewide medical information system. No such systems presently exist. The few successful sub-systems that exist, along with the well-recognized need for improved information handling in medicine, argue strongly for continued support for experimental medical information systems. A Statewide information system will cost from $35 to $50 million to build and at least $3 million a year to operate. In order to build a much needed system in each State, nearly $2 billion in funds would be necessary. But only $61,484,000 is asked for in the budget for programs such as this and other much-needed applied research.

Comprehensive health planning

Comprehensive Health Planning is recognized as one of the ways to bring about a better utilization of health resources. While we support this concept we are disappointed that consumers have not been able to play a significant role in health planning in most of the States. We especially feel that with the increased attention that is being paid today to the need for training, for public health services and for reorganizing the health care delivery system that full funding to the authorized limit of Section 314(c), (d) and especially (e) should be appropriated. These three programs authorize the expenditure of $290,000,000 for F.Y. 1972 to upgrade the much needed health care facilities and train the personnel to bring good health care to areas that desperately need it.

For migratory health services some $18,056,000 has been budgeted for grants and direct operations. Because of the value of this program to the more than one million men, women and children who are migrant workers, this program should be broadened to include as many of these people as possible. The budget request provides enough funds to provide services to 470,000. In order to broaden this program to cover a larger portion of these migratory workers and their families, $25 million should be appropriated.

Maternal and child health

The United States ranks 13th among industrial nations in infant mortality. Health care for mothers and infants of the poor is much below the average for the country as a whole. Most of the women who are poor have no prenatal care. Because of these conditions we ask the Committee to fully fund the Maternal and Child Health program. The President has asked for a total of $235,435,000 for these programs. We recommend that the Committee give consideration to appropriating $325,000,000 for the Maternal and Child Health program to help bring better medical care to crippled and retarded children included in this program.

Regional medical program

This program promotes the development of cooperative arrangements between medical schools, teaching hospitals and other health institutions to improve care and to eliminate duplication of facilities and equipment in the treatment of such dread dseases as heart, cancer, stroke and kidney disease. Because of an unobligated balance of $34,500,000 carried over from fiscal 1971, the budget only calls for an appropriation of $52,456,000. RMP will therefore have available for its program in fiscal 1972 a total of about $87 million. This is a substantial cut from the amount appropriated last year. We suggest that funds available for obligations in fiscal 1972 should be equal to last year's appropriation. This would amount to an appropriation of about $72 million for the coming fiscal year.

Medical facilities construction

As we earlier stated, we support the Administration on the need to develop HMO's. We feel very strongly that this is a step in the right direction. But when we look at the budget, we see a reduction of over $111,000,000 in construction grants in the 1972 budget for the Hill-Burton program. The development of HMO's is going to depend largely on the amount of funds appropriated for construction grants, especially those allotted for ambulatory facilities to provide comprehensive health care services on a prepaid basis. The necessity for a grant program as opposed to a guarantee program for a facility that is in the developmental stage seems obvious. The proposed loan guarantees cannot replace the grant for developing HMO's because of the substantial start-up costs involved in such programs. We therefore ask the Committee to increase the amount budgeted for fiscal 1972 for the Hill-Burton program to the full amount authorized by Congress, or about $400 million.

Public Health Service hospitals

We have been quite concerned over the attempts of the Administration to close down the Public Health Service Hospitals. The Public Health Service Hospitals need to be modernized, not abolished. The AFL–CIO urges the Committee to increase the appropriations over what is asked for in the budget by $71,369,000 to a total of $146,000,000. $36,000,000 of this should be appropriated to modernize and upgrade the Public Health Service Hospitals, $10,000,000 for a study to enable the Public Health Service to find the best possible way that these facilities could be of optimal use to the total community and $100,000,000 for operating expenses for the hospitals and clinics.

Although we realize that the medical care system that is operated by the Veterans' Administration is outside this Committee's jurisdiction, we would like to add a comment about them because it has been proposed that Public Health Service Hospital patients could be cared for in Veterans' Administration Hospitals. The VA hospitals are seriously understaffed and overcrowded and cannot even serve the veterans properly not to speak of adding an additional burden on them by having to serve the patients of the Public Health Service Hospitals.

These existing Public Health Service Hospitals would make excellent demonstration HMO's. One of the things that the President has been emphasizing is pluralism. These hospitals would make excellent yardsticks to measure the effectiveness of privately sponsored HMO's as compared to a publicly operated HMO.

National Institutes of Health

The need for research is great today. In examining the amounts budgeted to the vast majority of the programs of the National Institutes of Health, we see that programs are being cut back when appropriations should be increased. In the cases of those programs that have been budgeted close to the level of last year's appropriaitons, it is, in effect, a curtailment of these programs when one considers increased salaries and other costs. We call on the Committee to substantially increase appropriations for these programs of the National Institutes of Health. We recommend an increase over the Administration budget of $200 million. As we are not experts in the field of medical research, we offer no specific recommendations as to how the appropriation for NIH should be allocated between the different Institutes.

The need for medical research to conquer dread diseases goes without question. Of even more vital importance today is the need for manpower to bring the fruits of this research to the consumer. Increased appropriations to those institutions that are developing this much-needed manpower is in our opinion a must.

We particularly want to call to the attention of the Committee our concern for the budget for the Bureau of Health Manpower. The need for additional personnel in the medical field is something all authorities now recognize. We note that organized medicine now recognizes the need for more physicians and accepts federal funding as a means of increasing the supply of physicians. For the last several years a high proportion of those applying for acceptance to American medical schools have been turned down. It has been estimated that as high as 75 percent of those turned down were eminently qualified to be physicians. It isn't a question of not having interested and qualified applicants but a question of financial resources to expand our capacity to increase the supply of physicians and other health manpower.

While the capitation grant of $6,000 per graduating student that the President has suggested as the basis of funding medical education is a new approach to the institutional support of our medical schools, it does not increase the amount of money available for such support.

Two programs that have been operating in the past have given medical schools, in effect, the same $6,000 for each student during the four years he spends in medical school. Title VII, Part E, Section 770–774, does this in two ways. One is based on the number of students and the other is an institutional grant. Together these add up to $1,500 per student per year or $6,000 per graduate. In view of the significant inroads that inflation has made in the budgets of these schools, we suggest that the Committeee give serious consideration to significant increases in institutional support. We support full appropriations to the level authorized in the Health Manpower Act; namely, $570,000,000.

Deserving students from low and middle-income groups are effectively shut out from training institutions in the health care field by reducing appropriations for scholarships and student loans. The vehicle of administering student loans is particularly important because of the antipathy many minorities and low-income groups have against private lending institutions. We believe that full funding of loans and scholarships administered by the learning institutions would be a better source of funds for these students. Therefore, we request that $60,000,000 in direct loans and $29,000,000 for scholarships be appropriated by the Committee. In contrast, the President's budget asks for $22,027,000 for direct loans, nearly $3,000,000 less than appropriated in F.Y. 1971, and only $15.5 million for scholarships, the same as for fiscal 1971.

Institutional support for nurses training is important to assure a better supply of one of the most important resources of health care that has been in short supply for many years. Many nurses training institutions have closed their doors because they had insufficient financial support. Bold steps are needed to give these institutions adequate support. We urge the Committee to appropriate $295,000,000 for this institutional support. The President's budget only calls for $9.6 million for student loans, a reduction of $7.5 million from fiscal 1971. Scholarships are budgeted at $17 million and traineeships at $11.5 million. We recommend $25 million for loans, $25 million for scholarships, and $20 million for traineeships.

Institutional support for schools of public health in the 1972 budget remains the same as for the 1971 budget in spite of inflation. The amount requested for public health traineeships is also the same as last year. In view of the great emphasis that the Administration has placed on air and water pollution control, it seems somewhat of a paradox not to support more trained manpower in public health. We recommend the budget be increased $17 million for institutional support and $7.6 million for traineeships.

In order to achieve the goal of making health services accessible to all Americans, we need more physicians and we need more allied health professionals such as physician assistants, dental assistants and pediatric nurses in order to utilize physician time more effectively and efficiently. The President's budget asks for $10 million for institutional support and only $3,750,000 for traineeships. Nothing is requested for the construction of schools for the allied health professions. We recommend $20 million for institutional support, $6.5 million for traineeships and $30 million for construction.

OEO appropriations

The proposed budget for OEO for Fiscal Year 1972 is totally inadequate to effectively carry out the programs and functions for which it is responsible. In the face of a report from the Census Bureau that 1.2 million persons were added to those counted as poor in 1970, up 5 percent from 1969 (a not unanticipated statistic), the OEO budget reflects a disregard for proven programs which can effectively help the poor.

The proposed OEO budget would cut the Community Action allocation by more than 6 percent, and increase the local share contribution from 20 percent to 25 percent. This increase in the local share contribution is hardly justified by the relatively small savings that will result to OEO. And in view of the Administration's professed concern for making additional funds available to local communities through its revenue sharing proposals, it is understandable only as a means of reducing the number and effectiveness of the Community Action Program.

The net effect of the increase will, in many communities, result in less money for the local CAP agency, which, in turn, will mean reductions in staff for some CAP-supported agencies and the closing down of others. This, coming at a time of high unemployment in the nation as a whole, with almost double the national unemployment rate in the poverty areas where local CAPs function, would serve only to heighten the frustration of those who are forced to live in the ghettos.

The Legal Services program is maintained at its present budget level. This program which had the general support of the legal profession and has been of service to thousands who would have had no one to represent them in the civil courts, deserves to be strengthened and expanded. Legislation has been introduced into the Congress by the Administration and others that would restructure the Legal Services program by insulating it within a public service corporation. Regardless of whatever is taken on these legislative proposals, solely on the basis of its excellent record of supplying a basic service in helping the poor get a fair shake within our judicial system, the Legal Services program deserves a substantially expanded budget.

In the area of nutrition, while there has been substantial expansion in the availability of food stamps and commodities, as well as some upgrading of these programs, there is no room for complacency about the elimination of hunger in our land.

Private studies by reputable citizens suggest that hunger is still very much with us. In view of the rising rate of unemployment and a concommitant increase in the number of poor people, the decision by the Administration not to request funds for Fiscal Year 1972 for the Emergency Food and Medical Services, is a gross disservice to all poor people. This program was intended to fill gaps in the Food Stamps and Commodities program at the local level, to provide facilitative services and to encourage reform of local practices. These objectives and needs are still valid and the OEO should request adequate funds for Fiscal Year 1972 to continue and expand this program. This is hardly the time to start retrenching this program for ultimate phase-out.

VISTA has been a useful program which has provided an avenue for young people to work with the poor toward achieving useful social and economic goals. The Administration has indicated that it plans to merge VISTA with the Peace Corps. What the ultimate fate of VISTA will be is not clear at this time. But the record that VISTA has written warrants a substantial budgetary increase not the proposed cut of almost 9 percent for Fiscal Year 1972. Further, VISTA deserves to be continued as an independent program within OEO.

It seems quite clear from the submissions of the Administration to the Congress on revenue sharing that the reqeust for a simple two-year extension of the Economic Opportunity Act of 1964 is merely a holding operation. Under the Administration's revenue sharing proposals, OEO will disappear as the spearhead of a federal anti-poverty effort, and its various programs will be absorbed by old-line federal agencies where their impact and visibility will be lost.

While OEO was never intended to be the sale, or even the major anti-poverty vehicle in the federal drive against poverty, it was intended to be the voice of the poor within the federal establishment calling attention to the needs of those in our society who, for whatever reason, have not shared in the opportunity to attain the base minimum of economic and social stability. To diffuse the leadership role that OEO has played in helping poor people toward a better life would be callous indifference to their needs. OEO's Fiscal Year 1972 budgetary requests seem to assume that OEO as an independent agency is finished.

The Congress, in the final analysis, will determine whether or not revenue sharing is to become the policy of the government. Until that decision is finally made, we in the AFL–CIO would hope that your Committee will recognize the need for full and adequate funding for all OEO programs.

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

The President's Committee on Employment of the Handicapped is requesting $726,000 for fiscal year 1972—an increase of a mere $20,000 over the 1971 figure of $706,000.

This entire increase is earmarked for such mandatory expenditures as salary increases under the recent Federal Pay Act, ingrade promotions and similar items the President's Committee is obligated to meet.

The $20,000 increase cannot possibly be used for new programs or new activities. In other words, the fiscal year 1972 budget request permits the President's Committee to do little more than tread water, to stay in the same place, to hold its own.

The President's Committee needs more money for fiscal year 1972. The AFL–CIO urges an additional appropriation of $25,000. These additional funds are necessary to hire an additional field executive. This will enable the President's Committee to work more closely with Governors' Committees on Employment of the Handicapped in all the States of the Union in efforts to improve their operations.

An additional field executive, responsible for improving the effectiveness of Governors' Committees throughout the country can make a considerable contribution to improving the total climate of America in behalf of the handicapped. He would work with several States, helping establish and maintain local Committees on Employment of the Handicapped; encouraging State funds for operating expenses and for full time executive secretaries to Governors' Committees; helping design State programs eliminating architectural and transportation barriers; and working with State and local committees in mobilizing all State organizations and agencies into greater service to the handicapped.

In short, a few dollars allotted to the President's Committee will pay off in countless millions of dollars worth of voluntary service to handicapped people who need rehabilitation and employment. All this is a bargain for a modest $25,000 increase in the President's Committee's appropriation. We hope the Congress agrees.

STATEMENT OF JACK BEIDLER, LEGISLATIVE DIRECTOR, UAW

JUNE, 11, 1971.

The UAW strongly supports a much larger level of funding for the Occupational Health and Safety Act of 1970. The present level of $25 million for DOL and the $26 million for HEW is, in our judgment, a nickles and dimes approach which can only tragically delay the goal of a safer and healthier workplace for the 57 million workers covered by the law.

There is no federal legislation today which more directly affects the daily lives of all working Americans than does Public Law 91–596, but until Congress adequately appropriates money to carry out the authorized responsibilities of this law, the words in the law will become nothing but harmless bits of parchment.

The U.S. Department of Labor completed this year a $250,000 study on working conditions which shows that on a scale of 19 sources of job discontent the number two irritant of 1,500 workers sampled is "health and safety hazards." Other related working conditions which scored high in the survey made by the University of Michigan Research Center were "unpleasant working conditions," "inconvenient or excessive hours," "work-related illness and injury," and "occupational handicaps." This study covered a sample of all people in the workforce, including highly paid professionals, white collar workers and blue collar workers.

There are 80 million working Americans today out of a population over 200 million. They provide the muscle and backbone for the other two-thirds of the nation. Is it asking too much of the Congress that the wellbeing of the working Americans be given the same urgency that we give the disabled, the young, the poor, the elderly, and the very ill?

We do not think for a moment that Congress can suddenly by voting large sums of money deal with the health and safety of working Americans.

Dr. Jerome Gordon who is scheduled to appear before you next Tuesday has prepared a safety counterbudget which calls for a national outlay of $2.2 billion during the next five years. The pending DOL and HEW budgets for PL 91–596 come to roughly $1 spent each year for covered workers. The Gordon counterbudget calls for a level of spending $4.22 for Fiscal '72 rising to a spending level of $10.27 for Fiscal '76 taking into account the expected covered employment in 1976 of 63.1 million workers.

We regard this approach as a more realistic way to tackle the serious health and safety problems of working Americans. Some 25 million injuries occurred last year and an untold number of occupational illnesses were acquired on the job. Dust, noise, fumes, untested chemicals, extremes of heat and cold, radiation—these are but suggestions of the hazards to which millions of workers are daily exposed.

A Public Health Service study of the Chicago area found in 1968 that 45 percent of some 1 million workers in a six-county area were exposed to serious and urgent health hazards. Workers in manufacturing, as might be expected, were exposed to an even greater degree of hazards.

The Institute of Occupational Safety and Health has the potential in program and manpower to deal with these problems. DOL's Occupational Safety and Health Administration likewise has excellent programs on the drawing boards. But both HEW and DOL are engaging in fiscal timidity by requesting pennies when we need dollars instead.

Specifically we ask that the House subcommittee triple the request of Labor/HEW so that more money for safety inspectors will be available, more research can be conducted into the causes and prevention of occupational illnesses, and more training programs can be made available to both management and labor representatives.

It has been estimated that $20 billion annually is lost because of accidents, deaths, illnesses, and other preventable impediments to production. We may never reach perfection so that all of these manpower losses are prevented, but in terms of cost-benefit ratios we can surely narrow the gap so that with stronger federal outlays the annual national loss of $20 billion is lessened.

The federal law encourages a stronger commitment by the states and we are for this. The purpose of the law was to correct the shortcomings of the states and to raise a national standard of excellence for workplace safety and health. But the states today are not encouraged to put their best foot forward with the insignificant money available now. It is our understanding that $80 million is now requested from the 50 states, yet only a fraction of the DOL budget request for Fiscal '72 can possibly be allocated to fulfill these state requests.

We appreciate the fact that this committee's responsibility is to trim and monitor the sometimes exorbitant requests of the federal agencies. But we emphatically state that money spent to improve and lengthen the lives of working Americans is money which is both morally sound and will repay the nation many times over.

We speak here not only for our own membership of 1.4 million workers, but for the millions more who have no union voice. Over half of the covered workers are not union members. There are 4.1 million workplaces which Congress has placed under the protection of the law. If the DOL projection of 1,000 inspectors during Fiscal '72 is reached—and we doubt that it can—only 250,000 inspections could be made under the best of circumstances leaving no time for administrative paperwork.

We in the UAW have gladly worked for the downtrodden, the helpless, and the weak. We are here today asking something for ourselves and for our fellow workers. Only by tripling the level of spending—or a total of $150 million for the combined Labor/HEW job safety and health budgets—can Congress begin to meet its responsibilities.

Even this would amount to only $3 spent per worker and falls short of the projections in the Gordon Counterbudget. But it would mean an inspection staff of 3,000, training funds sufficient to meet the growing needs of both management and union personnel, and the kind of research money which HEW needs to carry out its responsibility under the law.

STATEMENT OF JEROME B. GORDON, EXECUTIVE VICE PRESIDENT, HALDI ASSOCIATES, INC.

JUNE 15, 1971.

INTRODUCTION

On April 28, 1971, the Occupational Safety and Health Act of 1970 went into effect with less than $11 Million in appropriated funds to implement it. Both the House and Senate Labor Committees and the Nixon Administration were caught completely unprepared with strong fiscal counter-proposals with which to present to both the House Appropriations and Senate Finance Committees. As a result, the programs at both H.E.W. and Labor, as well as those in the states are crippled and workers are unprotected.

In order that all parties concerned might be better prepared for the current appropriations hearings on the Act for Fiscal Year 1972, I have prepared a five year program budget to meet the basic goals of the Act: protecting those on the job and cleaning up the nation's industrial environment. The proposed budget is motivated by the following facts unearthed during the tumultuous debates that led to the Act's passage:

15,000 lives lost on the job;

Half a million workers disabled by occupational diseases;

25 million serious injuries sustained by American workers annually;

16 million workers with serious hearing loss resulting from the ravages of industrial noise; and

8 to 10 million workers with no protection under the law.

If we can resolve to spend $40 Billion to reach the moon; $1.1 Billion annually to clean up our rivers and streams, then we can spend $2.2 Billion to clean up the nation's workplaces and cease the unseemly toll of human lives and misery.

Program budget objectives

To assure clean and healthful workplaces for all workers covered under PL 91–596 by 1976;

To enforce PL 91–596 through a unified national system of federal and state compliance and technical assistance;

To accelerate development of federal standards for effective enforcement of PL 91–596;

To monitor and determine the extent of hazards in the nation's industrial environment and the health status of workers on the job;

To acquire basic knowledge about the hazards of the work environment and translate it into systems and devices for combatting and correcting them;

To develop the basic human resources through the nation's universities, research centers, industrial and labor organizations to man occupational safety and health programs; and

To procure the pre-requisite facilities, systems and devices to protect the worker on the job.

The budget in brief

To meet the primary objective of assuring clean and healthful workplaces for all workers by 1976 will require the cumulative expenditure of over $2.2 Billion dollars over the next five fiscal years. The breakdown by major program is as follows:

[Dollar amounts in millions of constant dollars]

Program	Cumulative 5-year spending	Percent distribution
Standards development	$116	5.2
Compliance and technical assistance	838	37.9
Hazard and health surveillance	60	2.7
Research and development	344	15.6
Resource development	119	5.4
Procurement	733	33.2
Total	2,210	100.0

Slightly less than two-fifths (37.6 per cent or $833 Million) of the budget is allocated to mandated state programs and projects requiring 100 per cent federal funding. The U.S. Departments of Labor and Health, Education and Welfare receive, respectively, 24.4 per cent or $536.0 Millions and 37.6 per cent or $841.0 Millions over the five year budget period.

At its peak, fiscal year 1976, an average of over $10.27 per worker would be expended to provide program services for an estimated 63.1 million covered by the Act.

Almost half of the cost of the proposed program ($980 Millions) could be financed through the establishment of a 5% levy on employer workmen's compensation premiums. The yield would be earmarked for application to the complete support of national, regional and state compliance and technical assistance and related program operations. This simple, yet equitable system of taxation is already used by such states as Michigan and Oklahoma in funding occupational safety and health programs. To adopt this useful measure for the nation would require an amendment of PL 91–596.

Among some of the applications of the proposed budget among major programs are:

Production of an estimated backlog of over 20,000 new and revised occupational safety and health standards required by the Act;

Establishment of a unified national occupational safety and health service comprised of a federal and state compliance and technical assistance field force of over 17,000 specialists in safety engineering, industrial hygiene, industrial medicine and other disciplines;

Construction of a national network of regional occupational safety and health laboratories;

Providing institutional grants to implement training for production of professional and technical manpower to man the program in both government and industry;

Establishing training programs for the development of "in-plant monitoring" personnel;

Conduct of an annual national survey of worker health; and

Funding systems development competitions for the design, construction and operation of less hazardous industrial processes, machinery, chemicals and facilities.

Tables 1 and 2 display the time phasing and relative distribution of the cost of the program over the next five fiscal years. Table 3 depicts the relative federal and state shares of the program budget. Table 4 contains the estimated annual yield from the proposed 5% levy on workmen's compensation premiums.

Program details

The following is a description of the major activities and outputs of each program category.

Standard development

Development and production of an estimated backlog of 10–12,000 new and revised job "system" safety standards;

Development and production of an estimated backlog of 8–10,000 occupational health standards and Threshold Limit Values (TLVs); and

Initiating and Completing the activities of the mandated National Workmen's Compensation Commission to establish a uniform national system.

Compliance and technical assistance

Creation of up to 7,000 national and regional field force positions; and

Creation and funding of up to 10,000 state field force positions.

Hazard and health surveillance

Expansion and Operation of the National Survey of Work Injury by the U.S.B.L.S. and co-operating states; and

Expansion and funding of the National Occupational Safety and Health Hazards Survey of in plant conditions by U.S. H.E.W. and co-operating states, and

Creation and funding of a National Survey of Worker Health to be operated by U.S. H.E.W.

Research and development

Establishment and funding of the basic program of the National Institute of Occupational Safety and Health (N.I.O.S.H.) mandated by the Act; and

Establishment and funding of a contract and grant program of Basic Research and Systems Development to acquire basic knowledge and hardware for controlling and abating job safety and health hazards.

Resource development

Creation of a continuing program of institutional grants for the production of industrial hygienists, safety engineers, industrial physicians and for conversion of underemployed aerospace industry professionals to these disciplines; and

Creation of a continuing program of grants and contracts for training of in-plant monitoring personnel.

Procurement

Construction of up to 40 regional and satellite occupational safety and health laboratories;

Procurement of work hazard detection and monitoring devices and systems; and

System procurement of less hazardous industrial machinery, processes, chemicals and facilities.

$2.2 Billion is a cheap investment in the best form of preventive health care—eliminating the health hazards and diseases that daily ravage 80 million workingmen and women each year. How can we do less than this over the next five years, when the cost of not controlling the workplace environment is over $20 Billions each year.

TABLE 1.—A 5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH

[In millions of constant dollars]

Program	Fiscal year— 1972	1973	1974	1975	1976
Standards development	$14.00	$26.00	$30.00	$24.00	$22.00
Compliance and technical assistance	98.00	131.00	168.00	203.00	238.00
Hazard and health surveillance	6.00	9.00	15.00	15.00	15.00
Research and development	41.00	54.00	68.00	83.00	98.00
Resource development	7.00	14.00	28.00	35.00	35.00
Procurement	70.00	100.00	138.00	185.00	240.00
Total	236.00	334.00	447.00	545.00	648.00
Cost per worker	4.22	5.77	7.51	8.89	10.27
Covered employment (in millions)	56	57.8	59.5	61.3	63.1

TABLE 2.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH

[In percent distribution]

Program	Fiscal year— 1972	1973	1974	1975	1976
Standards development	5.9	7.8	6.7	4.4	3.4
Compliance and technical assistance	41.5	39.2	37.6	37.2	36.8
Hazard and health surveillance	2.5	2.7	3.4	2.8	2.3
Research and development	17.4	16.2	15.2	15.2	15.3
Resource development	3.0	4.2	6.3	6.4	5.4
Procurement	29.7	29.9	30.8	34.0	36.8
Total	100.0	100.0	100.0	100.0	100.0

TABLE 3.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH—FEDERAL/STATE SHARES

[In percent distribution]

Federal	Fiscal year— 1972	1973	1974	1975	1976
U.S. HEW	42.8	40.3	37.6	36.5	36.6
U.S. dollars	22.5	23.2	24.4	24.8	25.2
Total	65.3	63.5	62.0	61.3	61.8
State	34.7	36.5	38.0	38.7	38.2
Total	100.0	100.0	100.0	100.0	100.0

TABLE 4.—ESTIMATED YIELD FROM 5 PERCENT TAX ON WORKMEN'S COMPENSATION PREMIUMS

Fiscal year	Estimated National Workmen's Compensation premiums (in billions)	Tax yield (in millions)
1972	$3.2	$160
1973	3.5	175
1974	3.9	195
1975	4.3	215
1976	4.7	235

WHO REVEALED CLASSIFIED INFORMATION?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of June 17 contains an excellent editorial concerning the controversy surrounding the Vietnam war study which has served as the basis for articles in the New York Times and the Washington Post.

The editorial makes the important point—which I raised in a speech on the floor of the Senate last week—that whatever the justification for the top secret classification of the study, or lack of justification, the fact remains that some person or persons illegally revealed classified information.

It is the duty of the Department of Defense to determine who is responsible for this disclosure. The person or persons responsible should be prosecuted. How do we know what other top secret documents have been stolen?

I ask unanimous consent that the text of the editorial entitled "Top Secret?" be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

TOP SECRET?

Whatever the ultimate effect of publication of the Pentagon's war study, its unauthorized release to the New York Times raises some profoundly disturbing questions about the security of all highly sensitive government information.

Events may validate the newspaper's argument that publication of the report will not endanger "the life of a single American soldier" or threaten "the security of our country or the peace of the world." But this is irrelevant here. The point is that a report bearing a "top secret" label has been clandestinely and illegally transmitted to the Times for release in effect to the whole wide world.

"Unless the Defense Department makes known just how this document was stolen, and by whom," Virginia Sen. Harry F. Byrd Jr. has observed, "it will forfeit additional confidence in the effectiveness and forthrightness of the Department of Defense."

One unnamed federal official, quoted in the Washington Post, declared that "If this doesn't get tracked down, then nothing is safe."

These two statements go to the heart of the matter: Apparently someone trusted enough to have access to "top secret" information is guilty of extreme disloyalty or of gross negligence.

Possibly, as Sen. Byrd noted, the report should not have been classified "top secret." After all, the federal government has been known to put such a label on information that could have been safely released. Still, when the Defense Department officially designates something "top secret," no individual employe has the right to veto that decision simply because he disagrees with it. If each clerk, administrative assistant or under secretary could ignore departmental policy and decide for himself how information should be classified, nothing, as the anonymous Washington official observed, would be safe.

Conceivably, the report was released by someone outside the government, for the report, despite its "top secret" label was rather loosely handled. Of the fifteen legitimate" copies distributed, six are in the Pentagon, one is in the White House, two are in the State Department, one is in the LBJ library in Austin, Tex., two are with the Rand Corp., and one is with former Defense Secretary Clark M. Clifford. If all "top secret" information is so liberally distributed, it's a wonder that the world doesn't know everything about this nation's supposedly confidential affairs.

No matter how useful—or how harmful—publication of the report might prove to be, its illegal release demonstrates the need for vast improvements to the government's system of guarding sensitive information. National security may not be at stake in this instance, but it could be in others.

TO HEAL AND TO BUILD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. JOHNSON of California. Mr. Speaker, Historian James McGregor Burns titled his book on the programs of President Lyndon Baines Johnson "To Heal and To Build," taking these words from the comments made by President Johnson in Chicago, April 1, 1968, when he said:

> Sometimes I have been called a seeker of "consensus"—more often in criticism than

in praise. And I have never denied it. Because to heal and to build in support of something worthy is, I believe, a noble task. In the region of the country where I have spent my life, where brother was once divided against brother, this lesson has been burned deep into my memory.

Certainly the administration of President Johnson was one in which a tremendous amount of energy was devoted to the domestic problems of our Nation. Many, many fine programs in the field of education, civil rights, science, manpower training, public works, and elimination of poverty were placed on the statute books as a result of the joint efforts of the legislative and executive branches of Government during those important years.

Because of President Johnson's extreme interest in the educational fields which I am sure go back to his early days as a schoolteacher it is most fitting that a library should be dedicated in his honor. Libraries are especially fine educational tools because they provide for the growth and development of ones mind throughout his lifetime. Many years ago, the theme of a National Library Week was "Something For Everyone" and I think this expresses extremely well the true meaning of any library. In our libraries we can find the inspiration and the knowledge to achieve the goal of "To Heal and To Build."

The Lyndon Baines Johnson Library on the University of Texas campus is an institution for all the people, not only of this Nation but of the world. For here will be encouraged the study of our American governmental system which reflects the most wonderful form of government yet devised by man.

Mrs. Johnson and I were privileged and honored to participate in this dedication—and I should also say, to join in the fine Texas barbecue which followed—and to join the rest of the Nation in paying our respects to a truly human person, one who exemplified by his life's work the concern and dedication to individual welfare and rights of man.

In making these comments I would like to end with those made at the beginning of the formal ceremony. The invocation given by the Rev. Billy Graham at the dedication, Saturday morning, May 22, expresses, I am sure, the thoughts of a grateful Nation for the services of this man:

God of our fathers, by whose grace this nation was founded, and by whose providence we have survived, we ask You to bless all of us who have gathered here today to dedicate this Library and School honoring Lyndon Baines Johnson. We are grateful that he and his wife chose to give the best years of their lives in public service. We thank Thee that we live in a nation where it is possible for a boy to go from a Texas farm to the highest office that his country could bestow. Grant that from the studies made in this building, we may learn the lessons that only history can teach us, and that future leaders of America may profit from them as they guide our nation in its search for justice and peace. Help us to recognize that the fear of the Lord is the beginning of wisdom. Help us as a person to understand once again our spiritual heritage and the necessity for full dependence on God, as we face the crisis of today and tomorrow, for we ask it in the name of Jesus Christ, our Lord. Amen.

A CHARGE TO GRADUATES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. RANDOLPH. Mr. President, over the past few weeks thousands of commencement speakers have delivered millions of words to young graduates poised on the threshold of their adult careers. There has been a verbal ocean of advice, exhortation, condemnation, and adulation poured on the heads of young men and women. Many commencement speakers seek applause by praising the obscene antics of a handful of radicals; others rightly applaud the vast majority of students who do not shout, curse, befoul, and bomb campuses. Still other speakers universally condemn all youth for seeking change, while some apologetically plead for students' forgiveness for leaving them the mess of an anguished earth.

Out of this plethora of postulations has come a clear, concise statement of fact that sets the whole subject in proper perspective. It is a commencement address by Dr. Eric A. Walker, former president of Penn State University, which has been reprinted in the Allegheny Airwaves magazine. I commend the reading of Dr. Walker's "A Charge to Graduates" to Senators, and hope that his message will impel future commencement speakers to weigh its contents. In the belief that this significant summary of the generational exchange deserves a wider audience, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A CHARGE TO GRADUATES

(An address by Eric A. Walker, Ph.D., to the graduating class of Penn State University during his recent tenure as president)

This ceremony marks the completion of an important phase of your life. It is an occasion in which all who knew you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to say we have made a mess of things and you, the younger ones, are the hope of mankind. I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right, I will reintroduce you to representatives of some of the most remarkable people ever to walk the earth. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed.

These—your parents and grandparents—are the people who within just five decades 1919–1969 have by their work increased your life expectancy by approximately 50 per cent—who, while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

They are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts nor by tearing down or belittling. You may and can do it by hard work, humility, hope, and faith in mankind. Try it.

Goodby and good luck to all of you.

POWER FOR THE PEOPLE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HOLIFIELD. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I attach thereto an editorial from the Los Angeles Times under date of June 13, 1971.

Mr. Speaker, there is a growing awareness of the potential energy crisis in our Nation. There is also a growing understanding of the inseparable problem of the use of additional energy for the purpose of solving our pollution problems. The Times editorial is timely and factual.

The editorial referred to follows:

POWER FOR THE PEOPLE

America's economy and standard of living depend on energy, and consumption of energy has been increasing faster than our ability to produce new sources. Use of electrical power alone, on which industry and most home comforts depend, has been doubling every 10 years. "Power to the people" is not only a political slogan but a requisite of our life-style.

We are demanding not only more energy

but cleaner energy. Right now the two goals are in conflict. Nearly all electricity is produced by the burning of fossil fuels—coal primarily, then natural gas and to a lesser extent oil. Gas is an ideal fuel. It burns cleanly and can be transported long distances easily and relatively cheaply. But natural gas is also the energy source in shortest supply. The burden for production of electric power thus falls heavily on coal and oil.

Both usually have a high sulfur content, which means that when they are burned toxic compounds are released into the air, millions of tons of them a year. These sulfur oxides affect health. The public outcry to curb them has been growing, but so has use of power produced by combustion of the fuels from which they come. Hence the conflict: between environmental values on one hand and, on the other, the rising demand for the comforts, conveniences and material products that depend on energy consumption.

A voluntary reduction in energy consumption simply is unrealistic. The need is to develop new sources of energy and to improve existing ones. Both needs can be met, though one result inevitably will be higher costs to consumers.

In his recent message on energy, Mr. Nixon asked for an expansion of federal programs in a number of areas to boost cleaner energy production. Special emphasis was placed on development of a new generation of nuclear reactors, called liquid metal fast breeder reactors. Nuclear power plants currently provide about 2% of the nation's electricity. By 1980, says Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, it will be 25%, and perhaps 40% by 2000. But there are problems first to be overcome.

One is a shortage of high-grade uranium that is used in existing reactors. A virtue of the breeder reactor is that it actually creates more usable fuel than it consumes; it also will provide power more efficiently. A second problem is the fear and possibility of deadly accidents in nuclear power plants.

A nuclear reactor cannot explode, like a bomb. It could conceivably malfunction in ways that might release radioactive materials. Stringent and constantly upgraded safety standards set by the AEC are intended to prevent this possibility, though there is no such thing as foolproof safety, in nuclear plants or indeed any industry. The point is that continuing demands for energy will mean greater reliance on nuclear energy, and that reliance will carry with it some risks, slight perhaps but real.

The first breeder reactor won't be ready before 1980. Until then and for a long time after then, fossil fuels will be our chief sources of energy. Mr. Nixon wants more federal support for programs to clean up these fuels.

One program is to develop techniques for taking sulfur out of the gases discharged by power plants. The Environmental Protection Agency thinks technology can be available in just a few years that will remove 80–90% of emitted sulfur. This would permit continued use of more readily available high-sulfur fuels.

A second program is aimed at turning coal into clean, burnable gas. The nation's coal reserves are estimated at between 800 billion and 1 trillion tons; conversion of coal to gas could result in a 600-year supply of the cleaner fuel. The technology for gasification is far enough along so that the Administration thinks a commercial plant could be operating by 1980.

We can indeed have adequate and cleaner energy, then. But we will have to pay for it and we will have to accept some risks. In the meantime, our energy demands will go on and so will environmental pollution. It is a penalty of our prosperity, but a penalty that by sound investment can be lessened considerably.

REVENUE SHARING—VIEWS OF HON. WALTHER B. FIDLER, VIRGINIA HOUSE OF DELEGATES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 21, 1971

Mr. BYRD of Virginia. Mr. President, one of the most able members of the Virginia Legislature is the Honorable Walther B. Fidler. Mr. Fidler of Warsaw, Va., represents the northern neck of Virginia; namely, the counties of Northumberland, Westmoreland, Richmond, and Lancaster, in the Virginia House of Delegates.

Mr. Fidler is independent minded in his political thinking. His record in the legislature is one of a thoughtful, dedicated official, devoted to the solid principles of government upon which our Nation was built.

Under date of June 9, Mr. Fidler wrote me giving his analysis of President Nixon's proposals on the sharing of Federal funds with the representative States.

While I myself have not made a firm decision regarding the various revenue-sharing proposals before Congress, I found Mr. Fidler's letter to be most interesting.

I feel that his analysis should be brought to the attention of Congress. I have received his permission to make public his letter.

I ask unanimous consent that Mr. Fidler's letter and my comments thereon be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
HOUSE OF DELEGATES,
Richmond, June 9, 1971.

Senator Harry F. Byrd, Jr.,
U.S. Senator from Virginia,
Senate Office Building, Washington, D.C.

DEAR HARRY: I have spent some time trying to analyze the President's proposal for revenue sharing of federal funds with the respective states.

I have concluded that it will be a bad proposition for the federal government and even worse for the states for the following reasons:

1. The federal government has no funds to share with the states and can enter into additional sharing only through further deficits or increasing the federal income tax.

2. The statements that these funds will flow to the states without restrictions attached are false. Restrictions most certainly will attach based on all prior experience.

3. Within five (5) years after these funds begin to flow to the states, they will find themselves unable to prepare any state budget without first looking to Washington as a major source of funds. The states will become totally dependent on the federal government and will soon become impotent vassels of the federal establishment.

4. Under this proposal, the taxes will be raised by one governmental authority and spent by another making it virtually impossible for the citizens to exercise any control over either taxes or spending.

5. This proposal to me is a snare and a delusion, it will remove government further from the people, will vastly increase the power of the federal government and will reduce the independence and effectiveness of state governments drastically, reducing them to mere provinces in a new national scheme.

The proper solution, in my judgment, is to reduce federal taxes and permit the states to levy sufficient taxes in lieu thereof to render the services needed on a state level. In this way, we will get more for our money and most of all, the citizens will have some degree of control over what funds are raised and what they are spent for.

These are my views and I surely hope you will oppose the Revenue Sharing Proposal now before the Congress.

Sincerely,

WALTHER B. FIDLER.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MURPHY of New York. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and glorious anniversaries during the second part of this month. First, the Baltic States were overrun by the Soviets 31 years ago, and second, 30 years ago Lithuanians were successful in their revolt against the Soviet Union. Finally, the Baltic peoples have lost more than one-fourth of their population during these 31 years of Soviet terror and occupation.

I insert at the end of my remarks House Concurrent Resolution 416 which was unanimously passed by the House and Senate. I urge the President of the United States to implement this legislation by bringing the Baltic States' question before the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia and Estonia.

I also insert the essay entitled "Self-Determination of the Baltic Peoples" at the end of my remarks in the RECORD for the information of my colleagues and the American public.

I commend the Lithuanian American Community of the United States of America, Inc., and all of those who have fought so valiantly for the freedom of these countries from the domination of the Soviet Union, and I pledge to support them in the future as I have in the past.

The material follows:

SELF-DETERMINATION OF THE BALTIC PEOPLES—RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peaceloving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundeds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, the committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

IS 13 PERCENT A MAJORITY?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. SIKES. Mr. Speaker, I am pleased to present for reprinting in the Extensions of Remarks of the RECORD an excellent editorial from the pen of Pete Ballas, a retired Air Force colonel and now publisher of the Fort Walton Beach Advertiser. The editorial is entitled, "Is 13 Percent a Majority?" It is interesting and worthwhile reading and follows:

IS 13 PERCENT A MAJORITY?

(By Pete Ballas)

The answer is "yes", according to the recent Fort Walton Beach election. Mathematics and statistics be damned, this is the "tote-board" figure at the last local expression "by-the-people" of their democratic preference.

In the late 1770's, France's able young political writer, Baron De Toqueville was enchanted with the new concept of Democracy as typified by the rising young Nation, the United States of America. Having fought for, and won the right to decide its government, issues, and representatives, Americans passed the milestone where there was "Taxation-without-representation" by the tyrannical George of England.

De Toqueville stated that "Americans deserve the type of government they get, because only they have the right to change it", or control it.

The concept of American Government is based on a republican form of democracy where the governing is done by elected representatives, with consent of the governed. It is based on "majority rule with protection of minority rights".

But is 13% a majority? 26% of the local voters bothered to vote. Results were close enough to be determined only after absentee votes were counted. Three-fourths of the electorate "couldn't care less".

Is it fair to the candidates to leave elections to the will of one-out-of-eight? Do they have a clear mandate of the desires of the electorate? Would the results have been the same if an actual majority made the decision?

The answer to the first two questions above is an unqualified "no". We may never know the answer to the last question.

Fortunately both incumbents and challengers for the recent municipal election are "good-men-and-true", so there are no dire consequences for the city. Actually, as long as the electorate "doesn't care", we are lucky to have candidates and incumbents who "do care."

But heed this. The same electoral process for which we fought so hard to attain and preserve, can be the method of legal loss-of-freedom, if we don't care.

In our super-liberally interpreted court decisions, militant minorities, dissidents, near-traitors, anti-Americans, misdirected pacifists, ne'er-do-wells, and even Communists' rights are not only protected, but at many times non-caring majority views are ignored. Only an enlightened voting majority electorate can protect majority rights.

Turn your eyes to the south—In Chile, a near-democratic nation, a "minority" government has taken over. In this case, the Allende government is Communist. Property, foreign investments, capital, and money are being taken-over by the government, in the "name-of-the-people". This happened by a zealous minority assuring that their numbers voted as a "bloc", and opposition forces were set against each other by effective propaganda.

It could happen here. Wake Up America.

THE RULE OF LAW: PRINCIPLE AND PRACTICE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. NEDZI. Mr. Speaker, my good friend, Leon S. Cohan, who has served 11 distinguished years as the deputy attorney general of Michigan, recently delivered a keenly analytical and thoughtful address to the Eastern Michigan Law Enforcement Group meeting at Harbor Beach, Mich. Mr. Cohan's remarks deserve our careful attention.

Under leave to extend my remarks in the RECORD, Mr. Cohan's speech follows:

SPEECH BY LEON S. COHAN

All around us these days we find evidence of what might be called the New Nostalgia. We look back to the days of the 1920s, '30s, and '40s with affection and with an apparent yearning for the simplicity and security of an earlier time.

Even the impact of the Great Depression and the Second World War is blurred by the passage of time. In those three decades there were only the "Good Guys" and the "Bad Guys," and the "Good Guys" always won.

We yearn so much for those times that mementoes of those years are bringing very high prices. Just try to buy one of the original Mickey Mouse watches, or an early Doc Savage magazine, or a recording of "Jack Armstrong, the All-American Boy."

Of course, this surge of nostalgia tells us as much, or even more, about our time as it does about those so-called "days of yesteryear." The complexity of today, our tensions, our strife, and our violence, weary our senses and sap our energy. We turn to those happy memories of earlier years for solace and reassurance.

There is an ancient Chinese curse which states: "May you live in interesting times." Well, we are apparently living under that curse now. And while we can indulge ourselves in the luxury of occasional nostalgia, we find it necessary to live with the reality of today's troubled world.

The question to which I would like to address myself today is whether our approach to the law, and in such observances as we have recently had for Law Day, indicates an awareness of the realities; or whether it has become an exercise in nostalgia as beguiling but as meaningless as a Mickey Mouse watch.

The answer to that question lies, of course, in our attitude toward the law, and our real allegiance to it. There is very little question of our professed support for the Rule of Law. Any opinion poll taken in this room or almost anywhere else in the United States, will find close to universal support for the principle. But the gap between principle and practice in regard to this issue is probably the most critical problem facing our nation today.

In this regard, it is my belief that there is greater disrespect for the law by more segments of our society than at any time in our history. Before you agree with me in that assessment, you may want to know that it is also my judgment that this disrespect is current among the affluent as well as the disadvantaged, the old as well as the young, the white as well as the black, and even the so-called "establishment" as well as those who are alienated. It takes different forms, of course, but its corrosive effect on the Rule of Law in our nation is just as severe.

It is always easier to see that disrespect in others than in ourselves. The suburbanite sees it in the ghetto-dwelling welfare cheat, but fails to see it in his own efforts to cheat on his income tax. The unemployed worker sees it in the consumer frauds perpetrated by the neighborhood businessman, but does not see it when he throws a brick through that businessman's store window.

What we have forgotten, or perhaps never learned, is that the Rule of Law must be related to each individual's own economic, social, and political status. So that while it is certainly a rejection of that concept for the jobless slum dweller to loot and burn a neighborhood store, it is also a rejection for the businessman, who owns that store to cheat on his income tax. In other words, the businessman has no need to loot, he has enough. The slum dweller does not have to cheat on his income tax, he has little or no income. But both within their terms of reference are chipping away at the doctrine of the Rule of Law to which we all claim devotion.

And there are many other examples of this erosion of the Rule of Law.

We see it in the inner city when the rabble rouser screams out his defiance of the authority of the police, and we see it in the suburb when the politician thunders his defiance of the authority of the Supreme Court.

We see it at the factory gate when the worker plunks down 25 cents for a chance on the numbers, and we see it in the executive suite when his boss shells out $25 for a football pool ticket. By the way, organized crime gets its cut from both bets to carry on its activities of murder, narcotic sales, and prostitution.

We see it in the purse snatcher who makes off with $10, and in the business fraud who separates consumers from tens of thousands of dollars.

Now, I do not cite these examples to make excuses for one side or the other—neither the poor man nor the rich man can properly point to the actions of the other to justify his own violations of the law.

But it seems that we almost invariably seek to blame others—individuals, groups, or institutions—for our troubles. But we are looking in the wrong direction. It is in ourselves that we must find the answers to these questions. Judge Learned Hand, one of the greatest judges our nation has produced, reminds us that "we should not rest our hopes too much upon constitutions, upon laws and upon courts . . . Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, nor court can save it . . ."

It is our own responsibility, ladies and gentlemen; none other than our own. And we must carefully judge the consequences of everything we say and do to determine their effect on this precious cornerstone of our democracy—this Rule of Law.

What can be said about our devotion to that concept when on the one hand we call for special treatment for a man who has been duly convicted in a trial, where his rights were punctiliously protected, of the murder of more than a score of human beings; while on the other hand we adopt a law in the nation's capital for the preventative detention in prison of others who have not yet even been tried for much less grievous offenses.

It is precisely in situations such as these that our allegiance to the law is most critically tested. When the results of legal action do not conform with our own interests, biases, and judgments, we reach the confrontation which is central to our nation's crisis of confidence in the law.

But it is ultimately in our response to the problem of crime that these tensions and conflicts come into the sharpest focus. Crime begets fear, and fear breeds panic. When panic reigns, we hear calls for quick and easy answers to achieve what is called "Law and Order."

At this point, many express a willingness to sacrifice their freedom and to use the law as a bludgeon, a repressive force that stifles the individual.

Is it really *this* voice that speaks for America? This land that has bred men and women of genius and generosity who have conquered some of the most perplexing problems facing mankind; this nation that has developed leaders who have summoned the best in us to heal the most grievous wounds that have ever been suffered by a people—are we to turn to the tactics of terror utilized by the despotic regimes of the right and of the left which we have condemned so fervently for so many years?

We cannot turn our back on our freedoms. Hard-headed, clear-thinking Americans have the ability to find rational and legal means to curb crime by modernizing our crime-fighting machinery, by giving dignity and status to our law enforcement community, by revamping our antiquated judicial machinery, and by working to eliminate the causes of crime.

Freedom and order can survive side by side.

A former Attorney General of the United States, Ramsey Clark, said:

"There is no conflict between liberty and safety. We will have both, or neither. You cannot purchase security at the price of freedom, because freedom is essential to human dignity and crime flows from acts that demean the individual. We can enlarge both liberty and safety if we turn from repressiveness, recognize the causes of crime and move constructively."

But our loyalty to this system of laws will be challenged continuously by our own biases. What does the liberal say when the Supreme Court of the United States reverses the trend of recent years and limits, rather than expands, the rights of the accused in criminal cases? And what does the conservative say when that same Court rules unanimously that busing to achieve integration in the public schools is perfectly legal?

These are decisions by our nation's highest court, rendered by men who have the constitutional responsibility and power to do so. Do we urge defiance of their judgments because we disagree with them and because they may even be against our own interests; or do we urge compliance, even though voicing disagreement?

We reach the crux of the problem of our belief in the law when we seek to apply it to our adversaries. The just rights of others, even those whose interests are inimical to our own, should be as jealously guarded by each of us as our own. For those rights are so carefully interwoven that a tear in one part of the fabric of freedom can affect us all.

The story is told of Pastor Martin Niemoeller, a Protestant minister in Germany in the 1930s. When the Nazis used illegal means to attack the Communists, Pastor Niemoeller was a little uneasy, but he was not a Communist and he did nothing. When they attacked the Socialists, he was uncomfortable, but he was not a Socialist and did nothing. Then the Nazis attacked the Jews, the schools, and the press; but he was not directly affected and he did nothing. Finally, they attacked the church. Pastor Niemoeller was a churchman. He tried to do something, but it was too late.

Pastor Niemoeller's tragedy must not become ours. Our nation has too much at stake. For the hard truth is that the law will survive only as long as we believe in it and support it even when it goes contrary to our wishes. The test of our maturity as a democracy will be how we cope with these times of trouble, not the halcyon days with which we are beguiled by our nostalgia.

Our devotion to the law, then, challenges us more than it comforts us. Are we tough enough to apply the principles we profess with an even hand to foe as well as friend? Are we strong enough to fight for the primacy of the law at a time when lawlessness is a cult to some and an obsession to others?

One of John Kennedy's favorite quotations was from the Italian poet, Dante, who said:

"The hottest places in hell are reserved for those who remain neutral in a time of moral crisis."

And so in this time of moral crisis, all of us are called upon to make a difficult choice. Upon it will depend the future of our nation. Our history gives us solace and encouragement, but it is upon ourselves today that we must ultimately depend. And it is the Rule of Law for one and for all that we must choose if we are to survive. And once we have made that choice, such observances as Law Day will become the most American holiday of all.

DECLASSIFY AND RELEASE THE VIETNAM PENTAGON REPORT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. KEATING. Mr. Speaker, today I am urging President Nixon to declassify and release the 7,000-page Vietnam Pentagon report to the American public. The doubts, fears, and total disillusionment of American citizens demand strict candor in releasing the entire text of this report.

At this point in time, any breach of national security is, at most, minimal. Three extensive articles by the New York Times and two articles by the Washington Post have already been published. Under these circumstances, the benefit of complete knowledge of these documents overrides any potential harm relating to security matters. As elected officials, we in Congress and the executive branch must do everything possible to give the people a renewed faith in the credibility of Government. Withholding this information only works to confirm the belief of the public that the Government is trying to conceal its mistakes.

I, therefore, urge the administration to make the entire 2.5-million-word report available for review, inspection, and publication for the general public. This would include all forms of the mass media.

Failure to release the complete report creates two problems. Selective editing by only two newspapers of the 47-volume report cannot give the American public a complete view of what the report says.

Second, the circumstances under which the report was developed needs clarification. It is my understanding that some 30 to 40 Government officials took part in writing these papers under Secretary McNamara and President Johnson. The mere fact that 30 to 40 Pentagon bureaucrats took part in writing this report presents a strong case for complete and open scrutiny by other Government officials and the American public.

There is a precedent for the immediate declassification of war-related documents. In 1955 the then Secretary of State, John Foster Dulles, leaked the Yalta Papers to the New York Times. There was such an uproar from the other media that Mr. Dulles immediately declassified the treaty papers and made them available to all members of the press.

It is my understanding that the National Archives, the Government agency which retains official Federal documents, is now declassifying World War II secret documents. It will be several years before the Archives completes this project and then begins declassifying other war-related documents including the Korean conflict.

Under the present system, the Archives only gets to declassify the material that the Pentagon or other Federal agencies deem acceptable. It is my understanding that the three detailed copies of the documents in question were delivered to the Archives. One copy was sent to the L. B. J. Library in Austin, another one is being retained by the Archives for the Kennedy Library and a third, partial copy, was sent by Secretary McNamara to the Archives. This copy was returned by the Archives to Mr. McNamara.

A legitimate question arises over the entire classification procedure and I urge the President, the Secretary of Defense, and the Secretary of State to have a thorough investigation into the entire classification and declassification process. I request a complete report on the classification of war-related documents to be given to the Congress by this administration as soon as practical.

Other proposals for creation of a security review release board may do nothing more than set up another bureaucratic level for arbitrary actions which are contrary to the great public interest.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the Nation's economy:

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

The nation's rebound from the economic setback of 1970 is the slowest and most sluggish of any recovery since World War II.

As we approach mid-year, 6.2 percent of the labor force is unemployed, and the prospects for substantial improvement by the end of the year are not encouraging—unless more muscle is put into the forces of recovery.

So far this year, industrial production has moved up by only 2.8 percent, and the increase in the real Gross National Product (GNP), the total of all goods and services produced, has been only 1.7 percent. In previous post-war recoveries, production has increased at an annual rate of 6 to 10 percent, and the real GNP has increased by 2 to 5 percent each year.

Some progress has been made against inflation, however. It appears the inflation rate will be reduced from the 5½ percent registered last year to perhaps 4½ percent this year.

It appears, then, that 1971 will be a year of moderate economic accomplishments. It will not measure up to the predictions of the President at the beginning of the year. His target of a total of $1,065 billion in goods and services (GNP) looks more unlikely each day. The non-government forecasters' target of $1,050 billion seems much more probable.

There will be about a 7½ percent increase in our economic growth. Employment will not go down very much from the present 6 percent level. Because of rising productivity, inflation will continue to subside slightly, despite increases in wages and in wholesale and industrial prices.

The social price of a slow recovery is very great. There has been an alarming increase in poverty in the United States. For ten years, 1959–1969, the number of people living in poverty declined. But in 1970, the total increased by 1.2 million, to 25.5 million people. The major reason—unemployment increases.

Many economists are saying that a combination of tax cuts and accelerated government spending is necessary to put people back to work, and to start the economy growing again. They would depend upon a vigorous incomes policy to dampen inflation.

Others oppose the incomes policy and argue that the present expansionary fiscal and monetary policies are sufficient. They point out that there already is a tremendous fiscal stimulus from the huge budget deficits created by a combination of the expense of Southeast Asia and the "full employment" concept of government spending. The budget deficit for the year ending will be $26.5 billion and the prospect for the new fiscal year, ending June 30, 1972, is for a deficiency of larger dimensions—$28.7 billion.

In the face of these massive government expenditures, and the very sharp increases in our money supply, they stress the likelihood of inflation is rising again.

So at one end of the economic spectrum, there are economists counseling action to prod the economy with more personal income tax cuts, better unemployment programs and more Federal assistance to states and local governments. At the other end, economists counsel patience, saying that our economy is gathering strength, and that it does not need any new stimulus. Even among the President's top economic advisors there appears to be a split.

As usual, there is a wide variety of opinion among the experts on what ails the economy and what should be done for it.

THE ULTIMATE RESPONSIBILITY RESTS WITH US

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HATHAWAY. Mr. Speaker, in an article published in yesterday's New York Times, the eminent journalist James Reston suggests that the present conflict between America's Fourth Estate and the U.S. Government is but a symbol of a larger, more serious problem—the relationship between the executive and legislative branches of our Government and the serious threat that relationship poses to the integrity of government's democratic, constitutional foundations.

The only way to solve the press against the Government problem, he recommends, is to attack the more fundamental intragovernment conflict at its roots, to attempt to restore the shambles of the executive-legislative branch relationship, to reassert constitutionality assigned congressional prerogatives, to encourage the erosion of executive branch mistrust of popularly elected representatives of the people and the lack of faith in the people themselves which that mistrust mirrors.

Reston suggests, and I endorse his basic suggestion, that Congress, not the press, has the ultimate reponsibility for effecting these changes. The Congress, he says:

> Has the power of subpoena. It can bring in legally the men who wrote the Pentagon Papers, if they want to come, without subjecting them to criminal penalties. It can hear testimony in private about secret codes and sensitive diplomatic exchanges with other nations—that is to say it can do all these useful things, which are part of its duty.

Legislation will soon be introduced in this body by my good friend and distinguished colleague from Massachusetts (Mr. Harrington) to create a Joint Select Committee on Freedom of Information, whose function it would be to—

> Conduct a full and complete investigation and study as to whether the policies and procedures followed by the agencies, departments, and instrumentalities of the Federal Government, with respect to the classification and dissemination of information, are adequate to ensure the free flow of information that is necessary for the intelligent and responsible exercise of constitutional rights, duties, and powers by Members of the Congress, the Congress, and the people of the United States.

The proposal has a worthy purpose, for, as Mr Harrington says:

> It is obviously in the interest of the people of this country and the Congress to be informed and it is a fundamental responsibility of the news media to so inform the American people as long as such information does not endanger national security. Clearly there are times when access to documents should be limited, but the Congress should know if present practices are indeed justified.

But our obligation to the Constitution, to ourselves, and to the public we have been chosen to represent goes beyond an assurance that the policies and practices involved in the classification and dissemination of information by the executive agencies strike the necessary delicate balance between the congressional and popular need to know and the interests of national security.

We must also learn and analyze the facts detailed in the Pentagon papers with respect to our prolonged involvement in Southeast Asia, which facts these policies and practices caused to be concealed from the people and their Congress. Consider, in this regard, C. L. Sulzberger's Sunday Times article, which notes the idiocy of "steps against press publication of classified documents while Government officials are permitted to rush into print with memoirs quoting secret papers." Says Mr. Sulzberger:

> Trunkloads of highly classified documents have been removed from official files in recent years by American officials planning to write about them. It is ridiculous to even consider press violations of security when a free hand is allowed the officials who themselves make the policy of secrecy.

Proposals are emerging in the Congress for the creation of special committees to study the Pentagon papers and to assess their meaning and possible ramifications. Such a study is necessary. But the proposals I have reviewed to this point call for the establishment of such a panel in one or the other of the Houses of Congress. I believe that the Congress should present a unified front on this essential issue. The crippled relationship between the executive and legislative branches should not be compounded by an uncoordinated and fragmented attempt to mend that relationship. Our effort must be a joint effort and it must be undertaken now.

Mr. Speaker, I enclose for the attention of my colleagues both the Reston and the Sulzberger articles:

Back to the Congress

(By James Reston)

("A cantankerous press, an obstinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression."—U.S. District Judge M. L. Gurfein in U.S.A. vs. The New York Times.)

The press is still riding the tide of tradition in the courts against the rising power of the Presidency, but even when it prevails in its conflicts with the White House, its power is limited.

It can expose but cannot correct error. It can oppose executive power and on great issues find the judiciary on the side of free dissent, but even when it wins in court, it is no substitute for the Congress as an effective instrument of investigation. It is "suffered" but not followed. Accordingly, a very strong case has now been made for a thorough Congressional investigation of the war, going far deeper and far beyond anything the press has been able to do. The integrity of the Government, the judgment and even the honor of many officials are at issue. The cost has been appalling and confusion over how it all happened and where it is all leading remains. In short, the issues are too important to be evaded any longer, or to be left to the Department of Justice and the press.

It was only when Secretary of Defense Laird refused to decontaminate and declassify the documents for the Foreign Relations Committee that men who had worked on the papers and reporters who had heard about them set out to expose the blunders and the cover-up.

This conflict between the Government and the press is only a symbol of a much larger and more serious problem. There has always been a certain amount of deception between the executive and legislative branches, but it has been much worse under President Johnson and Nixon and suspicion grows on itself. For years now, we have not had that feeling of honest differences openly faced and plainly discussed which is essential even in adversary proceedings. Almost everybody in Washington is looking for the other motive or the dirty trick.

This case has done more to revive the muckraker tradition of the American press than anything since the days of Lincoln Steffens. The evidence already published demonstrates the capacity of the President to expand this war, deceive the public and intimidate even the most intelligent of men in the civil service, the Cabinet and the White House staff, but by disclosing the evidence, the press cannot cure the problem.

What it can do and has done in this case is to get the facts of the Pentagon Papers to the official representatives of the people, and they will have to take it from here. They are better able than the press to discriminate between documents that may really do damage to the security or diplomatic relations of the nation and documents which expose the blunders of officials or the errors in the decision-making process.

All the documents in the Pentagon Papers are marked "top secret"—the documents that cover military maneuvers long ago, the documents that cover sensitive diplomatic problems that still exist, and the documents that expose the most calculated deception by the President and the most arrogant misjudgement by his staff.

The press cannot sort all this out. It is a blunt but limited instrument of democracy. For example, when The Times got the Pentagon Papers, it could not do what it normally does—double-check its facts, go to the men mentioned in the papers for their side of the story—it could not do this in advance without inviting legal action and blocking the facts it was trying to disclose.

But the Congress can deal with these important distinctions. It has the power of subpoena. It can bring in legally the men who wrote the Pentagon Papers, if they want to come, without subjecting them to criminal penalties. It can hear testimony in private about secret codes and sensitive diplomatic exchanges with other nations—that is to say, it can do all these useful things, which are part of its duty, if it has the facts and a decent and fair relationship with the White House and the Cabinet.

This, however, is precisely the problem. There is no such relationship today. The political game, as it is now played in Washington, is like a football game without boundaries, rules or officials. All the men in the press box can do is report the shambles. Who elected The New York Times to get into the game? some people ask, and the answer is nobody but the men who wrote the First Amendment to the Constitution.

The reporters—in the Pentagon case a handsome, pugnacious Irishman named Neil Sheehan of The Times, half cop, half idealist, respected by the men who knew him best, hated and villified by his subjects in the Pentagon and the war hawks in the press—have liberated the Government's own official Vietnam indictment of itself. But they cannot do much more than that.

The facts have to be shifted and analyzed much more carefully than the press can do, and this is now a job for the Congress or for some outside commission of respected and experienced citizens.

Secrecy Against Security

(By C. L. Sulzberger)

Pont-Sainte-Maxence, France.—One blazing difference between free government and government by restraint comes in their contrasting views of the press. Authoritarian regimes insist on deciding themselves what is proper for the people to know.

Lenin wrote: "Just as the army cannot fight without arms, so the party cannot carry out its ideological mission without that efficient and powerful weapon, the press . . . We cannot put the press into unreliable hands."

There has never been a press problem in the Soviet Union, Lee Hills, when president of the American Society of Newspaper Editors, observed several years ago: "Manipulation of the news is the Soviet way of manipulating people, and this manipulation of human beings is the biggest difference between Communism and our system."

Free government accepts the principle of press freedom but seeks to insure that such freedom doesn't impinge upon national security. This has produced legal restrictions which never quite seem to work.

Articles 99 and 100 of the West German Penal Code ban publication of information deemed prejudicial to "the interest of the Federal Republic," a vague concept already successfully challenged by one magazine The French Penal Code (Article 78) prohibits disclosure of "military information which has not been made public by the competent authority and whose disclosure is manifestly of a nature to prejudice national defense."

The French have been rather successful in making this stick and one consequence has been periodic complaints about government interference with the information media. The British Official Secrets Act (comprising three separate laws of 1911, 1920 and 1939) bans information "prejudicial to the safety or interests of the state" and publication or even retention of an official document by anyone who "has no right to retain it."

But the British have had trouble reconciling law and liberty. Long before the secrets legislation, William Howard Russell of The

Times of London horrified the Government when he wrote of the "incompetency, lethargy, aristocratic hauteur, official indifference, favor, routine, perverseness and stupidity" on the Crimean battlefront.

The concept of official secrets was grossly misused when the whole world knew the story of King Edward VIII's impending abdication but Englishmen had to glean what they could from foreign reports. This year The London Sunday Telegraph won an action brought against it by the Government for publishing a classified report that manifestly should not have been classified. The British law is both too broad in its application and too feeble in its authority.

For its part, the United States tried twice (1798 and 1918) to legislate against security infringements as "sedition." The first short-lived effort banned "scandalous and malicious writing or writings against the Government." The second, enacted under Wilson during World War I, aimed at Socialists and pacifists—and also failed.

In 1788 James Madison warned against "gradual and silent encroachments" against liberties, including that of the press. Every President since Hoover—except Eisenhower—had sharp disputes with that institution. The Kennedy, Johnson and Nixon Administrations sought in various ways to manage the news as (quoting a Pentagon official) "part of the arsenal of weaponry."

This is the philosophical, legal and political background to the specific argument between The New York Times and the Government over publication of classified reports. It is a sour note that the U.S. legal structure is so confused that Federal action must be pressed under the espionage law.

Once I asked Eisenhower whether he thought an official secrets act desirable and he indignantly rejected the idea, saying he would never muffle the press. This might not necessarily be the case with a well-drafted statute providing for impartial referees who could be consulted by private and public media but the implied dangers are frightening.

Certainly there is risk in the absence of some such machinery, as demonstrated during World War II when a newspaper disclosed that the U.S.A. had broken the Japanese naval code. But there is also risk in even contemplating legal blockage of leaks if such blockage can ever be used to accomplish "gradual and silent encroachments."

Moreover it is ridiculous to consider steps against press publication of classified documents while Government officials are permitted to rush into print with memoirs quoting secret papers. The spate of books following President Kennedy's death, to say nothing of Lyndon Johnson's forthcoming recollections, are notable examples.

Trunkloads of highly classified documents have been removed from official files in recent years by American officials planning to write about them. It is ridiculous to even consider press violations of security when a free hand is allowed the officials who themselves make the policy of secrecy.

KILDAY HALL DEDICATED TO MEMORY OF THE LATE GREAT CONGRESMAN PAUL J. KILDAY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. FISHER. Mr. Speaker, on June 18 ceremonies were held at Brooks Air Force Base in San Antonio, at which a new building was dedicated to the memory of the late Paul J. Kilday. The structure will be known as Kilday Hall.

Many Members of the House remember Paul Kilday. Elected to the 76th Congress, he was reelected 11 times and resigned in 1961 to accept a Presidential appointment as judge of the U.S. Court of Military Appeals. He had served, with great distinction, on the Military Affairs Committee and the retitled Committee on Armed Services from 1939 to 1961. For 10 years he was a member of the Joint Committee on Atomic Energy.

It will be recalled that Mr. Kilday participated in a groundbreaking ceremony for the USAF School of Aviation Medicine at Brooks AFB on May 10, 1957, and that he was a chief sponsor of the legislation which made that project a reality. That facility, which has grown tremendously, is today preeminent in its field and in its contributions to the advancement of medical science.

The dedication ceremony for Kilday Hall was attended by a number of former commanders of that base, many others in the medical profession, and a large number of local citizens. The spotlight was, of course, upon the widow, Mrs. Kilday, along with the two daughters and their families—Mr. and Mrs. George Malzone, and Mr. and Mrs. Fred Drogula and their three children, Jennifer, Cynthia, and Fred Kilday.

The ceremony, held in Kilday Hall, was presided over by Brig. Gen. George E. Schafer, Commander, Aerospace Medical Division. The invocation was given by Chaplain Cyrill M. Stolarik. The plague was unveiled by Mrs. Kilday, assisted by Col. Evan R. Goltra, Commander, USAF School of Aerospace Medicine.

It was my pleasure to deliver the dedicatory address, which follows:

Dedication of Kilday Hall

I feel highly honored to participate in this dedication ceremony, honoring the memory of my good friend and former colleague, the late Paul Kilday, who for 24 years represented—with great distinction—Bexar County in the Congress.

I call attention to the presence here today of the former Chairman of the House Armed Services Committee, the Honorable Dewey Short, a contemporary of Paul's, and one of the latter's close personal friends. Also in attendance is another of Mr. Kilday's personal friends, District Judge Ed Gossett of Dallas, and Mrs. Gossett. Judge Gossett, a distinguished lawyer and jurist, served a number of years in the Congress with Paul.

Congressman F. Edward Hébert, the present chairman of the House Armed Services Committee, and also a former colleague and close friend of Paul's, would be here except for important legislation in the House which requires his presence. He sends his greetings and appreciation for the occasion. He, too, held Mr. Kilday in the highest esteem, and was a party to many of his legislative accomplishments.

It is most appropriate that this building here at Brooke Army Medical Center be named the Kilday Hall. It will serve as a lasting memorial to the memory of this great statesman and lawmaker.

Paul was one of the most active and influential members of the House Armed Services Committee. He was undoubtedly one of the best informed men in the nation on military matters, and the imprint of his vast expertise in this field is reflected in most of the important military legislation which was enacted during his tenure. In that respect he was the most effective legislator I have known during my 29 years in the House.

Among other things, he was author of the following landmark legislative enactments:

The Career Compensation Act of 1949.

The Army Organization Act of 1950.

The Air Force Organization Act of 1951.

Amendments to the Army-Navy Nurses Act.

Amendments to the Officer Personnel Act.

All pay increases affecting the Armed Forces from 1949 to 1961.

Of particular interest to the Medical Center, he was author of the Army, Navy, Air Force Medical and Dental Procurement Act of 1956.

He authored many retirement and promotion laws, and many laws affecting the various Service academies.

He was author of the Contingency Option Act, which later became the Retired Serviceman's Family Protection Plan.

I recall that the late illustrious Speaker of the House, Sam Rayburn, once said that Paul could make very simple and understandable the most difficult and intricate measures presented on the floor of the House.

Those who served in the House with Paul will recall that during the heat of debate he never lost his temper, was always cool and deliberate. His sense of humor was never absent. When he rose to speak those in cloakrooms would flock to the floor to listen. While he was cool and restrained, and always dealt from the top of the deck, he was a vigorous adversary in support of a proposition he considered to be right and valid.

It will be recalled that when Paul retired from the House he became a member of the Court of Military Appeals, member after member of the House stood in the well to express their regret that he was leaving the House and to commend him for his outstanding record.

It was most appropriate that Mr. Kilday be named to that court. He had played a most important role in the enactment of the Uniform Code of Military Justice, and he was very directly instrumental in the first review of the Articles of War and the Articles of Government for the Navy. His appointment to the Nation's highest court on military appeals was widely acclaimed.

In attendance here today, to pay honor to Paul's memory, are a number of his associates on that tribunal.

I could, of course, go on at length in recalling the legislative achievements of this remarkable man. Legislating is not a one-man job, however. In all of these achievements he worked hand-in-hand with the great Carl Vinson, long-time Chairman of the committee; with Dewey Short, who is here with us today, and with the late and lamented L. Mendell Rivers, all of whom were towers of strength in many battles to maintain a powerful military establishment. Books could be written about the accomplishments of each of them. They were truly great Americans—every one of them.

To me Paul was a close personal friend. It was he who had a hand in having me placed on the Armed Services Committee to fill a Texas vacancy on that committee when Lyndon Johnson was elected to the Senate 23 years ago.

Above all, Paul Kilday was devoted to the welfare of every man in uniform, from the private to the general. I dare say Paul had more personal friends among the military than any other individual who served during his time in the Congress.

Let me conclude by saying this: If Paul were alive today he would view with understandable concern the anti-military sentiment which has erupted in this country in right recent years, which, if not abated, can seriously endanger the Nation's security. Paul was a great patriot who never compromised or equivocated when the Nation's security was involved.

San Antonio, Texas, and the entire Nation owes an everlasting debt of gratitude to the monumental services rendered by Paul Kilday during his fruitful two and one half decades in the United States Congress.

PITTSBURGH WOMAN ADVANCES "RESOURCES" IDEA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MOORHEAD. Mr. Speaker, we are all aware of one of today's great social dilemmas—unemployment of our highly trained and skilled engineers and scientists—caused in large part by a lesser need for the tools of aerospace and defense as we wind down the war in Southeast Asia.

While those of us who have been directing our energies toward ending the war and redirecting our national priorities are hopeful about this, the unemployment side effect is drastic. What can be done?

One of my constituents in Pittsburgh, Miss Helen Golob, has brought an excellent editorial from the May issue of Industrial Research to my attention. It suggests the merger of our unemployed experts and unused research facilities to concentrate on solving some immediate social problems in our local areas. I include the article at this point in the Record for the attention of my colleagues:

Using Wasted Resources

Two of the Nation's great wastes—unemployed scientists and engineers and unoccupied technical facilities—can be brought together to help solve immediate social problems and benefit local areas.

Estimates now place technical unemployment at 75,000 and higher. This valuable—but wasting—source of manpower, could be combined with some of the nation's unused research facilities to seek solutions to our urban and environmental problems. The combination could provide significant regional economic benefits in the form of immediate employment and subsequent new industry.

Let's have the National Academy of Science and the National Academy of Engineering, in concert with others, draw up an extensive list of urban and environmental problems that need to be solved—now! Not large-scale problems, such as better mass transportation, but immediate projects that eventually could build into the large-scale solutions—long-life materials for catalytic exhaust converters in cars, better coagulants for sewage treatment, or self-contained oil tanker bilge-cleaning systems.

Select a group of unemployed scientists and engineers who have the capability to direct (3- to 6-man) research teams. Large numbers of such project leaders or managers are available in the unemployed labor pool. These managers, with assistance, would select their research teams from the expanding and interdisciplinary list of unemployed scientists and engineers. Assignments in hand, the teams then would utilize unoccupied space, perhaps at research parks, to attack their urban or environmental problems.

The overall occupancy rate of the nation's research parks is 37%. Part of this low rate, of course, represents unbuilt facilities (land space available) but in many cases fully built and equipped facilities are unused and available. Technology Square in Cambridge, Mass., recently 100% occupied now is down to 50%.

Most technical unemployment is concentrated geographically in high-technology areas, such as California and Massachusetts, where for the same reason there is a high concentration of research parks. California, for example, leads the nation with 17 research parks and Massachusetts is second with seven. This match of men and facilities would reduce relocation.

Both federal and state governments already have authorized funds that could be applied to the proposed use of men and facilities. Now we can direct these funds toward a program that would ensure the benefits of increased employment, re-occupancy of existing facilities, local economic gains, and new solutions to social problems.

PROVIDE FREE LONG-DISTANCE TELEPHONE SERVICE FOR PATIENTS IN VA HOSPITALS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining a bipartisan coalition of my colleagues in introducing legislation that provides for free long-distance telephone service for patients in Veterans' Administration hospitals throughout the country.

Under this proposal hospitalized veterans would be allowed to use the existing lines of the Federal Telecommunications System—FTS—for calling their families—their wives, their children, and their parents.

I am sure my colleagues are aware that the FTS is an interlocking communications system provided by the General Services Administration for Government agencies within the United States and its possessions. This service is now in use in Veterans' Administration hospitals, but presently can be used only by authorized personnel.

The bill which I am cosponsoring would make the FTS lines available to the hospitalized veterans after regular business hours. This would in no way interfere with Government business since the FTS lines would not be available to the veterans during the hours in which Government business is conducted.

There are thousands of wounded and disabled veterans in the Nation's 166 VA hospitals. This service could be of great benefit in my own congressional district to the approximately 7,000 veterans treated annually in the VA hospital in Allen Park, Mich. The beneficiaries of this service would include veterans of World War I, World War II, the Korean war, and the war in Southeast Asia. I can think of nothing more reassuring to these men than to be able to enjoy free access to telephone which would enable them to speak frequently with their families.

By making this service available to our veterans, Congress can demonstrate its appreciation for the sacrifices which these men have made for the American people. I would hope that my colleagues will give this bill their prompt and favorable attention.

For the benefit of my colleagues, I am including the text of this resolution in the Record:

A Resolution

Whereas the total number of veterans hospitals, psychiatric and general, numbers one hundred and sixty-six, and the total capacity is one hundred thousand; and

Whereas the Federal telecommunications system now in effect in the Veterans' Administration hospitals is for authorized personnel use only; and

Whereas our veterans of World Wars I and II and the Korean and Vietnam conflicts must use public telephones to contact their families and loved ones: Now, therefore, be it resolved, That—

(1) the policy of the Veterans' Administration Regulation 204.02, regarding the Federal telecommunications system as an official telephone, be changed and that a new regulation include the provision that all patients shall have public use of the Federal telecommunications system to contact their families and loved ones;

(2) the number of Federal telecommunications system telephones be determined by a ratio table, stating the capacity of each hospital and the number of telephones to be installed per capacity; and resolved further, That—

(3) the time when the F.T.S. telephones can be used publicly by our veterans, be designated at the end of the ordinary business day, or to be determined by the Veterans' Administration; and resolved further, That—

(4) the number of Federal telecommunication system telephones installed in each Veterans' Administration hospital shall meet the standards proposed by the Veterans' Administration regarding length of service, mental capacity of patient (psychiatric hospitals), and so forth.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TRIBUTE TO WRIGHT PATMAN ON THE 35TH ANNIVERSARY OF THE SIGNING OF THE ROBINSON-PATMAN ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DINGELL. Mr. Speaker, 35 years ago today, President Franklin Delano Roosevelt signed the Robinson-Patman Act, which is recognized as one of the prime protections for the small businessman. The Robinson-Patman Act was passed by Congress to assure the right of the individual small businessman to enter the marketplace as a competitor, hopefully to survive there, and to have a fair chance while encountering competition and the other buffeting forces inherent in a free enterprise economy.

As many will recall, this legislation was guided through the House of Representatives by our colleague from the First District of Texas, the Hon. WRIGHT PATMAN, who today serves as chairman of the Banking and Currency Committee. Almost from the day he set foot in the House, Mr. Patman went to work in an attempt to shore up the regulatory and statutory protections for small business.

Despite the Sherman Act of 1890, and the Clayton Act of 1914, small business was still being discriminated against and thousands were being put out of business by unfair practices. The Robinson-Patman Act was pushed through the Congress to close these loopholes in the antitrust laws, and to assure to the small businessman of this Nation the right and opportunity to compete fairly and not to be subjected to the abusive use of market power through the price discriminations of large competing concerns holding substantial amounts of economic power. The legislation dealt with five major areas of discriminatory price policy which had been plaguing small business:

First. Price discounts for big purchases which are available only to big buyers or which exceed the actual differences in cost of manufacture, sale, and delivery.

Second. Special commissions or other payments by sellers to favored buyers.

Third. Payments for advertising or promotion which are not available on fair terms to competing retailers, regardless of their size.

Fourth. Services or facilities furnished on terms which prevent competing retailers from sharing fairly in the benefits.

Fifth. Secret rebates or other concessions to favored buyers.

The Robinson-Patman Act has frequently been characterized as the Magna Carta for small business, and Congress has repeatedly announced, since the passage of the act, its determination to promote, aid, and assist small business enterprise in this country. This manifestation of congressional intent is evidenced by the overwhelming support of the majority of the members of both political parties.

As the first chairman of the House Select Committee on Small Business and a Member for 30 years, Mr. PATMAN has always been a champion of small business. He has sponsored many pieces of important small business legislation, and I think the House should pause today to commend the gentleman from Texas on the anniversary of the signing of the Robinson-Patman Act. It stands as a recognition of congressional concern for small business and as a major accomplishment in the long legislative career of Mr. PATMAN.

A RESOLUTION ADVOCATING THE RESTORATION OF BUDGET CUTS IN THE VETERANS' ADMINISTRATION MEDICAL SERVICE BUDGET

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Vincent F. Scarcelli, chief clerk of the House of Representatives, Commonwealth of Pennsylvania, has advised me House Resolution No. 51, advocating the restoration of budget cuts in the Veterans' Administration medical service budget, has been adopted by the house in Harrisburg. I am in hearty concurrence with the sentiment expressed in the resolution and want to call this important resolution to the attention of my colleagues. It is impossible for me to understand why a proposal to cut these funds is recommended at the very time we need more medical service—and better medical service—to take care of our veterans returning from Vietnam. These men have served our country ably and bravely—with great sacrifice—and the very least we can do is to provide them with excellent medical care.

HOUSE RESOLUTION No. 51

The office of management and budget has recommended a cut in the Veterans Administration medical services budget. If the recommendations are approved, the budget cut would result in a nationwide loss of more than eight thousand hospital beds of which one hundred twenty-two would be in the Pittsburgh area, one hundred eleven in the Philadelphia area, sixty-seven in Lebanon, fifty-three in Butler, twenty-four in Wilkes-Barre and thirteen in the Altoona Veterans Hospital. In addition a reduction of fifty beds is anticipated in the Wilmington Veterans Hospital and seventy-four in the Martinsburg (West Virginia) Veterans Hospital, both of which serve substantial numbers of Pennsylvania Veterans.

The cut in budget is a matter of great concern to Pennsylvanians because it would result in loss of hospital beds to deserving and need veterans who require hospital care and many servicemen would be deprived of adequate hospital care; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to restore budget cuts in the Veterans Administration medical service budget in so far as they relate to result in the loss of hospital beds in veterans' hospitals; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

THE JAPANESE CONCEPT OF FREE TRADE

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAYS. Mr. Speaker, last week you heard me make some remarks about the kind of treatment our manufacturers get at the hands of the Japanese Government. Japan has asked us to be fair—has asked us not to raise the walls of protectionism. Let us take a look at the record of the Japanese Government with respect to fair trade—let us look at how Japan builds walls of protectionism for its industry.

Mr. Speaker, I include the following letter which illustrates the Japanese concept of free trade to be inserted into the RECORD:

THE TIMKEN CO.,
Canton, Ohio, June 11, 1971.

Hon. WAYNE L. HAYS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HAYS: It was at this time last year that we had the pleasure of meeting with you at the Madison Hotel. We presented to you the very serious matter of the business practices of our Japanese competition. As you are well aware, this continues to be one of the most pressing problems facing our country today. Accordingly, we believe it is essential to keep you informed of the current effects of the unfair trade practices of the Japanese upon our Company and what steps have been or could be taken to counteract such practices.

The dumping practices of the Japanese have shown some very interesting results since we filed our anti-dumping complaint, notice of which appeared in the Federal Register of December 1, 1969. Subsequent to our presentation of last year, the Treasury Department issued a tentative determination of no sales at less than fair value, which appeared in the Federal Register of January 9, 1971. We appealed the finding on March 10, 1971, at a hearing before the Treasury Department and submitted evidence to support our position that the Japanese have been and continue to dump tapered roller bearings in the United States. The Treasury Department is still in the process of reviewing our presentation and evidence. The results to which I refer relate to the imports of Japanese tapered roller bearings into the United States during this period.

During the year 1970, when the anti-dumping investigation was being conducted, the imports of Japanese tapered roller bearings into the United States declined by 13.3% from the previous year, 1969. Imports of other types of roller bearings and ball bearings increased by 8.5% during this same period. Since the announcement by the Treasury Department of their tentative determination on January 9, 1971, imports of Japanese tapered roller bearings for the first quarter of 1971 have increased by 47.5% over the same period last year.

Another of our major concerns with the trade practices of the Japanese is the bounties or grants provided by the Japanese government to subsidize exports, especially at a time when Japan is building a large surplus in foreign exchange. These incentives have been recently extended for another three-year period to 1974. According to the May 13, 1971 edition of the Japanese newspaper, *Asahi Evening News,* the Japanese government has been providing the equivalent of $200,000,000 in various exemptions and tax preferences for exporters. Such subsidies continue to violate the U.S. Countervailing Duty Statutes.

Bearings have been removed from the Japanese Automatic Import Quota system (AIQ) and have been placed under the Automatic Approval (AA) system. However, on two subsequent trips to Japan, we have not yet been able to gain any substantial increase in our sales to Japan. We believe that we can be competitive in price with Japanese-made bearings used in automobiles that are exported to the United States. These bearings imported into Japan under bond for assembly into automobiles to be exported to the United States would be exempt from Japan's import duty, and the U.S. dutiable value of the imported automobile would be reduced by the value of the U.S.-made bearings, resulting in a savings of U.S. import duty. We presented this proposal to major Japanese automobile companies and received a reply from one of them that they would have to have an "opinion" from MITI (Ministry of International Trade and Industry). We confronted MITI and they denied such a requirement existed, but they would not state that they would give a favorable response if asked. The other automobile manufacturers stated that they had such long-established relationships with the Japanese bearing manufacturers that it would be very difficult ever to purchase bearings from a foreign company. These cases serve to illustrate the government-business relationships that exist in Japan and also that "free trade" does not, in fact, exist in Japan.

Evidence of the threat to our industry is illustrated by the current status of the miniature precision ball bearing segment of the anti-friction bearing industry as summarized in the attached news release. New Hampshire Ball Bearings, Inc., is one of the three companies remaining in the miniature precision field which included ten companies approximately ten years ago. The one plant they are closing equals one-third of the U.S. productive capacity, which emphasizes the plight of the industry. The Japanese have acquired a major share of this business. The Office of Emergency Preparedness recently denied relief to this industry which is vital to the defense of the United States. No missile, spacecraft, aircraft, ship, tank or similar equipment can operate without miniature precision ball bearings. In the past, the majority of these bearings has been supplied by the Japanese. The status of the miniature precision ball bearing industry has deteriorated to the extent that it is very doubtful the Defense Department's declining purchases can sustain it.

International trade and its effects on the U.S. balance of payments, foreign exchange reserve and related matters is one of the most pressing problems facing the country today. The most rational solution, or the initial step for such a solution, has to be a change in the attitude and practices of the Japanese. They must assume the responsibility that goes with being one of the world's major economic powers. For example, the Yen must be revalued upward to a realistic figure which, of course, the Japanese are opposed to because it again is another unfair advantage they are unwilling to correct.

If a rational solution to this problem is not achieved, the ever increasing loss of jobs to the Japanese, aided by rapidly rising U.S. wage costs, will force a solution that may only increase the severity of the problem.

Sincerely,
H. E. Markley,
President.

[News release]

New Hampshire Closes Laconia Plant 10 Days After DOD "Buy American" Directive

APPROXIMATELY 33 PERCENT OF U.S. PRODUCTION CAPACITY LOST AS A RESULT OF IMPORTS

R. H. Cherwin, President of New Hampshire Ball Bearings, Inc., Peterborough, New Hampshire, today announced the closing of his Laconia miniature ball bearing plant effective May 1, 1971. The plant was the most modern ball bearing plant of this type in the world, and manufactured approximately 33% of the miniature bearings produced in the United States for contractors to NASA, USAF, Navy, Army, and Atomic Energy Commission.

Mr. Cherwin stated, "The fact that this action was becoming urgently necessary had been constantly brought to the attention of the U.S. Government over the last 2½ years. Increasing imports principally from one manufacturer in Japan, NMB, had threatened the continued operation of this plant well before the effects of decline in the Aerospace and Defense industries had been felt. This was documented in the "National Security" case we filed with the OEP in January 1969."

Commenting further he stated, "The action of DOD last week though definitely constructive is too little and too late as far as the U.S. miniature ball bearing industry is concerned, as is evidenced by this plant closing. Furthermore, the non-recognition of the basic problem here—Japanese imports—by the Government gives us no incentive to maintain this critical defense mobilization facility."

The bearing company President added that all work now being done at the Laconia Division will be transferred to the Peterborough facility, where ample capacity exists.

NO ONE TO PESTER HIM

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BRADEMAS. Mr. Speaker, the National Foundation for the Arts and Humanities through the National Endowment for the Arts and the National Endowment for the Humanities plays a vital role in the life of this Nation. Federal money given through the endowments is not intended to supplant private philanthropy or the role of the box office in financing the arts in America, but rather, plays a vital role at the margin of the treasurer's books.

By adding a small extra measure of money at the financial margin, the endowments, in fact, add to artistic freedom and the breadth of America's achievements in the arts and humanities.

Mr. Speaker, a recent address by Michael Straight, the distinguished deputy chairman of the National Endownment for the Arts, speaks eloquently of the value of the Endowments in American life. I insert Mr. Straight's keynote address to the 1971 annual meeting of the National Music Council in the Record at this point:

No One To Pester Him

(Keynote Address, Annual Meeting of National Music Council, by Michael Straight, Deputy Chairman, National Endowment for the Arts, New York City, June 3, 1971)

We meet today as men and women whose lives have been enriched by music.

We do not hold ourselves apart from our Nation. We believe that the experience of playing great music, or of hearing it played, can and will enrich the lives of most Americans.

We know, from our reading of the past, that music, great music, must be supported if it is to endure. We know that in music, as in all art, there is a close and a continuing relationship between patronage and performance. Great art is sustained and strengthened by great patronage. Poor patronage discourages and diminishes art. We grant, of course, that a few great men of genius were born in poverty and raised in poverty; that they worked in poverty and died in poverty; and that, nonetheless, because their spirits were indomitable, they were able to surmount their circumstances and to bequeath to the world, creations which today are part of our priceless heritage. Yet, we remember Haydn's words of gentle reproach to the city of Prague, for its neglect of Mozart. Failing support, he wrote, "the story of great men of genius is a sad one, and gives succeeding generations little encouragement for further endeavor."

Haydn was one who surmounted his circumstances, and who mastered his inmost feelings of doubt, bordering on despair (those who doubt it need only listen to his Thirty Ninth Symphony). His astounding achievements were made possible, in part, by the support which he was given by Nicholas Esterhazy:

"My Prince, had been satisfied with all of my works . . . Being the head of an orchestra, I was able to venture . . . There was no one to pester me . . . therefore I had to become original. . . ."

For me, Haydn's comment embodies in a few lines, the three essential qualities that are demanded of the patron:

Discernment: the ability to identify talent, in its lifetime;

Restraint: the recognition that the artist, in Haydn's words, must not be "pestered"; and

A Command of Resources: to grant to the artist the time and the scale that his work requires.

The Esterhazys, whatever their motivations may have been, met these three standards. They made Haydn *kapelmeister* at 32; they entrusted to him an orchestra of the highest renown. They gave him a schedule of performances that would have felled lesser men, but in his own, creative work, they did not pester him. Over many centuries they and their counterparts in the aristocracy, the court and the Church, gained the discernment, the taste, the wisdom, the patience, and the wealth that made great patronage possible. Toward the close of the nineteenth century their counterparts appeared in Boston, New York, Philadelphia and San Francisco. But by then the banquet was almost over.

THE QUALITIES OF GREAT PATRONAGE

Granted that patronage is still essential to the arts, the question now is: can the people, acting through their elected representatives, develop the qualities that great patronage of the arts demands?

The National Council on the Arts, and fifty five councils in the States and the Special Jurisdictions are today proceeding on the assumption that the answer to that question is *yes*. They may well be proven wrong. Six years—the span of their existence—is, of course, too short a time to permit a definitive answer to be given. But, on two of the three standards which I suggest as measures, the evidence that we have gathered so far, is to me, encouraging.

Our first standard is *discernment*. We will, I'm sure, grant that the United States Government cannot, like the Esterhazys, act in a manner that is personal, arbitrary and at times, capricous. It must look for some measure of consensus. It does this by enlisting, as its advisors, the wisest, the most talented, the best qualified men and women in the nation. (And here, I must mention my own keen sense of reassurance and of relief when, in October, 1969, I asked the President of the National Music Council, Dr. Peter Mennin, to serve as Chairman of the new music panel that we were organizing, and he said *yes*.) The Government then asks these men and women, to whom its funds, allocated for support of each art form, should be given. They work from their own knowledge and experience, and only in the rarest instances is their advice not accepted by the National Council on the Arts, and by the Chairman.

Needless to say, it is easier, within an art form such as music, to assess the relative merits of performing as against creative artists. And, it is easier to measure merit in some art forms than in others in which mastery of technique counts for less. Given these handicaps, the record of five years is promising. There has been little if any pressure from the Congress upon the selection process; there has been little if any inclination, on the part of the panels, to settle for the safe and the mediocre; there have been few if any signs of the emergence, through public patronage, of an official style, a new Academy in the arts. Many of our great painters and playwrights of the Fifties were men and women who were supported and given full freedom to experiment in the Thirties, under the arts programs of the New Deal. Dr. Mennin, I think, would hold that there is every reason to hope and to believe that the nation in the Eighties will hold in high renown many of the unknown young men and women who are receiving Endowment grants this year.

Our second standard in measuring patronage, is *Restraint*. Here the Congress showed foresight and wisdom in writing into the Arts and Humanities Act of 1965 a section forbidding the National Endowment to exercise any "direction, supervision or control over the policy determination, personnel or curriculum, or the administration or operation of any school . . . institution, organization or association." We are, in Haydn's phrase, forbidden to pester. And, to the best of my knowledge, no one has charged us thus far with that misdemeanor. The National Endowment for the Arts as of June 1971, has made almost 3,000 grants or contracts. The only criticism that I can recall, was when I wrote a very friendly and almost apologetic letter to 120 recipients of National Endowment fellowships for painting and sculpture, to inquire how they had made use of the taxpayers' money, and whether they felt that the program was worthwhile. In response, one of the Fellows did return my letter with a message scrawled across it in large, red letters: *Stop writing, send more money!*

Our third quality, essential to great patronage of the arts, is *A Command of Resources* sufficient to grant to the artist the time and the scale that his work requires. For the present, and for the foreseeable future, this is present, and for the foreseeable future, this is, plainly, the central standard by which the National Endowment for the Arts, and the Arts, and the state councils, will be judged.

Two years ago, in June 1969, Dr. Walter Anderson, Director of Music Programs for the National Endowment, spoke to this annual meeting of the National Music Council. He reviewed the support given to individual musicians by the National Endowment; he stated that grants would be made, on a pilot program basis, to five symphony orchestras, for innovative projects. He ended with the hope that support for the arts would become a high priority "in our time." As a man of high integrity, and a realist, Dr. Anderson could say no more than that. Yet more had to be said. Senator Jacob Javits, one of the founders of the Arts Endowment, noted that it was receiving less than one hundredth of one percent of the national budget. Yet, he added, "Outside the great cultural centers of our country there is a parched musical expanse, watered but infrequently by touring artists . . . and dotted with an insufficient number of musical oases." August Heckscher in his address to the Council, remarked that he knew of no performing arts organization in New York that was "not in trouble, or on the threshold of trouble." He added that, at the beginning of the Sixties, many people had looked forward to a decade of rapid expansion in the arts and in the support which they would be given by government. He voiced his disappointment that the hoped-for expansion had not taken place.

Certainly, in the Summer of 1969, there were sound reasons for anxiety and for concern. The costs of our performing arts organizations were mounting; their private patronage was plainly overburdened, but deficits were multiplying; at the same time the appropriations for the federal agency charged with responsibility for the arts were, apparently, in a state of stagnation. Congress had appropriated $7,757,000 for the fiscal year that was ending; that was less than the sum appropriated two years before. Of this total, $861,000, or about 13 percent of the amount allocated for programs had been assigned to music.

At this level of funding, the Government of the United States simply could not meet the third measure of the great patron of the arts. In addition, the Endowment in June 1969 was apparently without leadership. Mr. Stevens' term in office as Chairman had expired in the Spring. His successor had not been named; a fact which the National Music Council noted, in a resolution sent to the President.

June, 1969, was perhaps a low point in the history of the Endowment. Soon after, Miss Hanks was named by the President to be Mr. Stevens' successor. Long before her nomination was confirmed by the Senate she had come to two conclusions: first, that a higher level of total funding was essential if the Endowment was to come to grips with the central and urgent problems confronting the arts, and second, that, within the many programs of the Endowment, music deserved increased support.

THE PRESIDENT AND OUR ARTISTS

Two questions then, remained to be resolved in the Autumn of 1969: would the President, pressed as he was by the necessities of financial stringency, support a substantial increase in funding for the Endowment, and, would a projected expansion in federal support for the arts be expressive of the will and the determination of our artists themselves and of those who cherish the arts?

The first of these questions was answered on December 10, 1969, when the President sent to the Congress his Special Message, in which he asked the Congress to double the funding provided for the Arts and the Humanities Endowments in the Fiscal Year 1971.

An early indication of the response to the second question was provided in November when the representatives of 77 leading symphony orchestras met in New York to consider and to act upon their orchestras financial plight. They concluded that the uncovered losses of their orchestras in the 1970–71 season would be $8.5 million. They called unanimously for governmental assistance and promised to do what they could to make it possible. They set out, in the months that followed, to alert audiences in every section of the nation to the need for increased public funding for the arts. And, the audiences responded in ways that the elected representatives of the Nation understand.

In the Fiscal Year 1971, the Endowment was able to make grants amounting to $3,870,000 to music programs. Twenty-five major symphony orchestras were given grants ranging from $15,500 to $250,000; 39 metropolitan orchestras received assistance ranging from $5,000 to $60,900; 9 opera companies were given grants ranging from $10,000 to $100,000; and 51 grants amounting to $50,000 were given in support of jazz.

In Fiscal 1972, if the Congress sustains the President in his plea for full funding of $30 million for each of the Arts and the Humanities Endowments, the opera and the jazz programs will be greatly expanded, and the program in support of symphony orchestras will again be substantially increased.

We are, once again, in motion. But judging by the third quality of patronage, we have a long way to go. The grants which the Endowment can provide to great national resources, such as the Cleveland Orchestra, are still marginal in their struggle to survive. Other important institutions, such as the Metropolitan Opera Company are just beginning to examine the possibilities and the responsibilities which accompany public support. Beyond the performing arts institutions are the training institutions whose financial straits are well known to all of us, and without whom the future of great music in this Nation would be dim.

WHEN NEEDS OUTRUN RESOURCES

When needs outrun resources, every would-be patron of the arts, private and public, is faced with a cruel dilemma: is it better to share among all worthy arts organizations the funds which are available; or is the responsible course to ensure the future of the few outstanding and irreplaceable groups, and to allow the others to fend for themselves?

The private patron is rarely confronted by this choice any longer, save in the case of a few, very wealthy and very generous individuals. The federal government, in its turn, has not yet had to make choices as difficult as those which may confront it in the future. Nor is it well suited to make the kinds of decisions which great patrons of the arts made in the past. In this nation, immense as we are, diverse as we are, suspicious as we are of the powers of government, and hostile as we are to the whole concept of elites, the tendency may always be to distribute widely, what patronage we have, rather than concentrating it upon a core of extraordinary talent. One factor which is likely to reinforce this trend is the reluctance of the government, even with the assistance of its advisory panels, to make aesthetic choices in an area as fluid as subjective, and as complicated as the arts. Yet, if the gap widens between the essential needs of arts organizations, and the resources available to meet those needs, then the choices will be made, consciously, or by default.

Believing this as I do, let me close by emphasizing three points that relate to the future:

First, public patronage cannot and should not, in the foreseeable future, take the place of private patronage; but, if the two, acting together are to cover the gap between the developing needs of the arts and their earnings, then the sums available to the public sector for patronage will need to be increased. Hopefully, these sums will be spent in employing rather than in supporting artists, but, in one way or another, great patronage will be the partner of great art.

Second, in presenting their case to the Congress and the Nation, the arts will, like other embattled partisans, hang together, or separately. We have, in the past, heard more than one segment of the arts community announce that it will stand for six months or a year and then, if greatly increased funds are not forthcoming for its members, it will go it alone. That way lies disaster, even for the most powerful of arts organizations. For the pressures upon the Congress are immense and unrelenting, and so one segment of the arts today is strong enough to overcome those pressures on its own.

Third and last, even if we work together, we who want to strengthen the arts, cannot win a role for the artists of America that they are not prepared to claim for themselves. We cannot insist that the taxpayers of all the Nation give increasing support to our symphony orchestras, if the members of those orchestras are preoccupied with security and indifferent to growth. We cannot help the artist to regain the place he once held, as an integral, and a leading member of society, if the artist clings to his status as an outsider, working within his protected enclave, for himself, and a few friends. The purpose of art is communication; the role of great art is to communicate great truths, to great numbers of people. Independent as art is, and free from restraint as it must be, it belongs in the mainstream of American life, turbulent, muddy, polluted as the mainstream is today. For art is a means by which society cleanses itself, as well as a consolation or a reward.

FIRMNESS URGED ON CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. CRANE. Mr. Speaker, at this time when our China policy is allegedly undergoing a "reassessment" it is essential that we not break faith with our allies on Taiwan or with the 750 million people of China who today suffer under a cruel tyranny.

There are those who urge recognition of Communist China, and others who say that Communist China should be admitted into the United Nations. They forget, as commentator John Chancellor recently pointed out, that—

> China still holds American prisoners . . . China is a dangerous nuclear power . . . China is a country drenched in anti-American propaganda . . . China is an unpredictable, thermo-nuclear, dangerous country.

Mr. Chancellor asked the question, "How do you make friends with such a country?" His answer: "Carefully."

Recently the Committee of One Million Against the Admission of Communist China to the United Nations wrote an open letter to President Nixon which appeared as an advertisement in the Washington Post of June 21, 1971.

Signed by its able chairman, Dr. Walter Judd, the letter tells President Nixon that—

> Whether Communist China will be admitted into the United Nations this fall, or not, depends on you.

The letter states that—

> Your firmness, at this time as in the past, will reaffirm our nation's commitment to the principles embodied in the United Nations Charter.

Those principles, we must remember, do not include rewarding aggression.

I wish to share this important open letter with my colleagues, and place it in the RECORD at this time:

WHAT IS MORE "IMPORTANT" TO THE FUTURE OF THE UNITED NATIONS THAN THE "QUESTION" OF COMMUNIST CHINA?

AN OPEN LETTER TO PRESIDENT RICHARD NIXON

DEAR MR. PRESIDENT: Whether Communist China will be admitted into the United Nations this fall, or not, depends on you.

Your firmness, at this time as in the past, will reaffirm our nation's commitment to the *principles* embodied in the United Nations Charter.

You must strongly support those principles of freedom, of peace, of justice which Communist rulers in Peking so callously ignore! You must go farther than merely directing a token U.S. vote of opposition when this matter comes to the floor of the General Assembly—as it will.

A RESOLUTE COURSE

Your insistence, now as in the past, that admission of Communist China into the United Nations must be regarded as an *"important question,"* will alert all concerned that we intend to follow principle—not expediency.

And yet even political expediency would seem to indicate that you state—in the strongest terms—your present conviction that the United States cannot reward international belligerency, aggression, or hostility.

RED CHINA TODAY

Only two weeks after the much-heralded visit of our table tennis team to mainland China, the Chinese Communists were crying, "Peoples of the world, unite to crush American aggressors and their running dogs!"

Did that visit signify that Red China is at last abandoning its plans for producing a Communist world by promoting subversion within other countries?

Did it mean that Red China is modifying its bitter hostility toward the United States?

Did it show that Red China has changed its decades-long policies of aggression and repression, *which you yourself so rightly condemned in 1968?*

WHAT'S CHANGED SINCE 1968?

In April of 1968, you declared, "I would not recognize Red China now, and I would not agree to admitting it to the United Nations, and I wouldn't go along with those well-intentioned people that said, 'Trade with them,' because that may change them. Because doing it would only encourage them, the hard-liners in Peking and the hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-Communist elements in Free Asia that are now just beginning to develop their own confidence."

And in September of 1968, you said, "Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition of Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course . . .

"For the short run, then, this means a policy of firm restraint, of no reward, of a creative counter-pressure designed to persuade Peking that its interest can be served only by accepting the basic rules of international civility . . ."

That was in 1968; those statements were enthusiastically endorsed by most responsible Americans who recognized how serious was the question of giving legitimacy to the Communist dictatorship in Peking as representative of the Chinese people.

Today, what is the official Red Chinese line?

"Resolutely oppose American imperialistic support for Israeli aggression against the Arab countries."

"Support the American people against the American government's aggressive policy."

And on May 5, Peking accused the U.S. government of "hostility to the Chinese people" and of "brazen interference" in their affairs.

Just where is the "thaw"?

What has happened to change the firm and realistic appraisals you announced in 1968?

RED CHINA IN THE UNITED NATIONS?

It has been asserted that the U.S. is "stubbornly keeping Red China out of the U.N." The truth, as you know, is that Peking is stubbornly keeping itself out, by refusing to qualify for membership according to the conditions laid down in the U.N. Charter . . . by refusing to accept the "basic rules of international civility" you set forth as essential—in 1968.

Again, it is said that the 750 million Chinese people are entitled to be represented in the U.N. Of course. And they will be a constructive force for peace there . . . when represented by a government of their own choosing, rather than by the self-selected, self-perpetuating tyranny in Peking that you so aptly characterized as "hard-liners"—in 1968.

We are told that we cannot ignore Red China, or pretend it doesn't exist. Of course not. It is just because we are aware of Red China's existence, and the threat it constitutes to world order and peace, that we urge it not be admitted to the U.N. until it is willing to bring its policies into accord with the requirements of the U.N. Charter. That is the "policy of firm restraint, of no reward, of a creative counterpressure" you declared—in 1968.

It is asked, "How can we deal with Red China if it is not in the U.N.?" The answer, as everyone knows, is, "In the same way we deal with West Germany, which also is not a U.N. member, having been kept out by the Soviet Union." The only thing necessary for normal relations with any government is that it be willing to act responsibly . . . in accordance with the principles of the U.N. Charter, as West Germany does. Red China still refuses that role.

A CONSTRUCTIVE APPROACH

Your Commission for the Observance of the 25th Anniversary of the United Nations, headed by Henry Cabot Lodge, was widely quoted recently as recommending that Communist China be brought into the United Nations.

As you know, that was not what the Commission recommended. What it did recommend was ". . . that the U.S. seek agreement as early as practicable whereby the People's Republic of China might accept the principles of the U.N. Charter and be represented in the Organization."

THE COMMITTEE OF ONE MILLION AGREES

What your Commission recommends is exactly the long-standing position of our Committee of One Million.

We cannot believe it is progress toward lasting world peace to downgrade the standards of the U.N. Charter to the levels demonstrated by an outlaw government. What is needed is patient insistence that Communist China change its policy of international aggression and subversion to meet the Charter's standards. What incentive would there be for it to improve its conduct, once it already had the benefits of U.N. membership?

The Committee of One Million believes the United States must not:

Abandon 750 million Chinese people on the mainland to Mao's cruel tyranny;

Consign the Republic of China on Taiwan to the same fate;

Force our other Asian allies into acceptance of Red China on its terms;

Discredit the U.S. around the world as a nation unwilling or unable to keep its pledged word;

Turn the U.N. into an agency which our enemies can increasingly use to prevent—not make—real peace in the world.

A SOUND U.S. POLICY

Irresponsible demands for the admission of Red China into the United Nations have risen to a din before now. Always before, such demands have been stopped by our insistence that the question of their admission be considered an "important question" under the rules governing U.N. debate.

And rightly so, for what more important question than this is likely to come before the United Nations?

Knowing this, you must make it clear to all, through public and private diplomatic channels, that the United States *will not settle for anything less* than the question of admission—sure to come up again this fall—be discussed as an "important question."

"IMPORTANT QUESTION" THE KEY

In the last analysis, your insistence that admission of Communist China into the United Nations must be regarded as an "important question" will be the key factor in the outcome of the General Assembly's vote.

It follows, therefore, that if you consent to that question's coming to the floor of the General Assembly under the rules governing routine procedural matters, you will have given your tacit approval to the aims and ends of our country's and the U.N.'s avowed enemies!

Is it likely that *those you would delight* by such a course can be won over by this action to become your supporters on other issues?

Is it not more likely that *those you would dismay* will be lost?

A QUESTION OF PRINCIPLE

We hope you will agree in our analysis today, Mr. President, as you did in 1968. We hope you will retain the successful U.S. policy of the last 22 years (maintained by five American presidents, including yourself) of no diplomatic recognition and no admission to the U.N. of the present Communist dictatorship in China.

We hope you will act promptly to end worldwide speculation by announcing that the U.S. will insist that the matter of admission of Red China into the U.N. must be considered as an "important question."

Sincerely,

WALTER H. JUDD,
Chairman, Committee of One Million.

Committee of One Million (Against the Admission of Communist China to the United Nations), 1735 DeSales Street, N.W., Suite 500, Washington, D.C. (202) 783-9448.

Lee Edwards, Secretary; Dr. William H. Roberts, Treasurer.

A CROSS-SECTION OF CURRENT OPINION REGARDING COMMUNIST CHINA

Vice-President Agnew: "Thus, when his opinion was sought by Nixon in the National Security Council the other day about playing diplomatic ping-pong with Communist China, he said he was against it. He thought it would be a cheap propaganda victory for Peking and said so . . . He thinks the Chinese Communists are a menace and he's not about to change this opinion for a couple of ping-pong games and a few tentative smiles." James Reston, *Evening Star*, April 21, 1971.

Chicago Daily News: "This small beginning does not and should not signal a grand rush to climb in bed with the rulers of the People's Republic. Nor does it mean that the United States should do an about-face in the United Nations and abandon Nationalist China while welcoming the People's Republic. The issues that divide the United States and Red China still far outweigh any that would tend to bring them together."

Crosby S. Noyes: "The essence of that responsibility, as it has been seen by a succession of American governments since 1949, has been to contain the expansion of militant communism throughout Asia.

"The threat was no pipe-dream of overstimulated American cold warriors. With the single exception of Pakistan, every country on China's borders has felt the pressure of Chinese expansionism and so have many others which are not immediate neighbors. Except for the intervention of American power, it is quite certain that the map of Asia would look very different today than it does."

Smith Hempstone: "It is a pity no editor thought to ask Mr. Nixon if he would make the progress of the thaw between Peking and Washington conditional on the immediate release of Communist China's American prisoners, two of whom have been rotting in Mao's jails for nearly nineteen years. For if the President of the United States does not care about the fate of these men, who are in prison because of their service to this country, nobody else will."

Tenzing Gyatso, the 14th Dalai Lama of Tibet, who lives in exile in India, on Feb. 10, 1971, in the New York Times: "The Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed on such flimsy, trumped-up charges as: harboring subversive designs against the regime, possessing religious objects or collaborating and helping 'reactionary elements.'"

Miami Herald: "A constructive relationship with the world community requires the world good citizenship which Peking has yet to demonstrate by word and deed. Until it does, there will be no reason to thrust reputability upon it."

Washington Daily News (Scripps-Howard Newspapers): "If the Reds have indeed decided on a change of course the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a "thaw in Red China as well as here."

Holmes Alexander: "But the politics of the matter are that the China policy has alienated many old friends of Richard Nixon and not made him any new ones who will stick when the going gets rough."

Anthony Harrigan (columnist, and executive vice president of the Southern States Industrial Council): "It is undesirable for the Nixon Administration to appease Red China or seek an accommodation. Continued U.S. firmness—and non-recognition—makes sense in terms of both the security needs to the United States and the interest of world peace."

John Chancellor: "It is an illustration of the crazy world in which we live, that Mr. Nixon can keep troops on patrol in Vietnam, where they are shot at with Chinese guns and ammunition, and at the same time talk about the normalization of relations with the people who make and supply the weapons and the bullets.

"China still holds American prisoners, not many, but people held in a detention which flaunts international law.

"China is a dangerous nuclear power. Not fully developed but potentially alarming.

"China is a country drenched in anti-American propaganda.

". . . China is an unpredictable, thermonuclear, dangerous country.

"How do you make friends with such a country? Very carefully."

Richard Wilson: ". . . there is no doubt at all of what Peking propagandists have in mind . . .

"Peking could quite conceivably get by smiles and friendly gestures from a gullible 'American people' what it has not been able to get from four succeeding presidential administrations—a rapid and complete exit from a strong sphere of influence in Eastern Asia and the Western Pacific."

New York Daily News: "All this does not mean that Mao Tse-tung has changed his spots. He and his regime still are branded as aggressors by the United Nations. Communists the world over still are bent on ruining the United States sooner or later."

San Diego Union: "Nor can the U.S. government and the American people afford to forget that the emissaries Red China is sending to world capitals—and would send to the United Nations—are not ping-pong players. They are representatives of a regime that bases its claim of sovereignty on terrorism, violence and oppression, a regime that has declared itself opposed to the very existence of the United States of America."

Newark News: "But the ultimate test of whether Peking desires decent relations with the United States would be if it were to close down its Maoist-inspired schools for insurrectionists, terrorists, and political saboteurs."

Ralph De Toledano: "To admit Red China to the United Nations is to proclaim its charter, already tattered, is less than a scrap of paper. It rewards belligerence and military aggression and it punishes a member, Nationalist China, whose only crime is that she has abided by the international laws prescribed by the U.N."

TRIBUTE TO JAMES A. FARLEY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MURPHY of New York. Mr. Speaker, I request permission to insert in the RECORD two articles concerning my good friend, Jim Farley. He has been a loyal Democrat who has given outstanding service to his party and his country for as long as I can remember and he deserves the warm praise and admiration of his fellow Americans.

JIM FARLEY—PHENOMENAL IRISH TITAN

(By Elaine Shepard)

PART I

James Aloysius Farley, former boxing commissioner, Postmaster General, and politician extraordinaire, is alert and ramrod straight. Never drank. Never smoked. Never needed a psychiatrist to tell him right from wrong—has always found it possible to afford the luxury of integrity. He has legendary recall, the largest acquaintance of any man in the country, has had a half dozen audiences with Pope Paul, three or four with Pope John, and countless talks with Pope Pius XII. Around the globe he has met nobodies and nabobs of every conceivable order, even Mussolini.

GREAT MEMORY

I can attest to his phenomenal memory. At "No, No, Nanette," he sat with his granddaughter Joan in third row center. When Ruby Keeler started kicking up her heels in a show-stopping routine, 83-year-old Jim leaned forward and adjusted his glasses. I sat behind him with my mother who was enjoying her 79th birthday anniversary. At intermission I touched Jim's elbow.

1962 IN BEIRUT

"Say," he began, "did you know that fellow died in a plane crash?" He was referring to a 1962 dinner party in Beirut where we'd both been guests of honor. I hadn't seen Jim since. Our Lebanese host, Emile Bustani, chairman of the largest industrial enterprise in the Middle East, had died shortly after in a tragic air accident.

"When in doubt call Jim. He's an absolute delight. A reporter's dream. Covers all fields. He'll supply the name you're searching for, reproduce the scene, tell you something new about the subject. He's a two-legged encyclopedia on politics, sports, life in general, and *made* a 'little man named FDR,'" Bob Considine or most any newsman will tell you.

LOYAL SECRETARY

Greeting guests in his office, Jim rises from his chair, making easy work of it. There is little structural fatigue except visually. At the 1948 Democratic convention a flying placard hit him in the eye. His secretary, Claudia Wallace, eats her lunch in half an hour, then watches a favorite soap opera "As the World Turns." Jim humors her because she's been with him since the 1932 convention. "Now don't mention her age," he gallantly admonishes. "She can turn out as much accurate work as anyone around here," maning Coca-Cola Export Corp. of which Mr. Farley is chairman of the board.

He lost his beloved wife in 1955. An old Irish custom, he still refers to her with a comma after her name. "Bess, God bless her." His personal convictions: "After my church, my family, and my country, the party comes next." It was Jim who broke down a great deal of prejudice against Roman Catholic politicians.

FDR JEALOUS

FDR eventually became jealous of Jim's popularity and the gap yawned unbridgeable between them, but Farley was instrumental in changing the course of this nation by finding, bringing to the front, building up, presenting, promoting, and electing Roosevelt. In turn (cheer or grind your teeth), FDR introduced today's guidelines—Social Security, more liberal laws, welfare for sick and needy, civil rights. There have been many extensions but the late President initiated the original trends.

Two titans. A political drummer and a head of state. Jim not only put FDR in the White House but built up one of the most brilliantly efficient party organizations this country has ever known. FDR's elaborate political maneuverings and Farley's meteoric rise to political genius of the Democratic Party developed the two most controversial political figures of the time.

POST WAR MISTAKE

It is not always evil that shocks. It is the unexpected. "When Roosevelt violated the rules of the game I lost faith in him. In 1937 and 1938 it was shattered." Jim was morally opposed to FDR's seeking a third term, something that George Washington had declined. "And a man in better mental health would have performed differently at Teheran and Yalta, would not have divided Germany so ineptly, and left slave states in Europe. A healthy president would have realized the horrible consequences. Churchill once told me that he sought permission for Montgomery to stop the Russians. Our government would not go along. We had the bomb at the time and the Prime Minister said if he had his way he'd go back and blow up the bloody b——s. It was a miserable mistake after World War II bringing home the troops, letting the Russians take over."

He thinks FDR saved the capitalistic system, "but his place in history would be more secure if he had not gone for the third and fourth terms. Now he's been dead since 1945 and there are no monuments. A bust, I think, in the Justice Department. They've named so many schools after JFK they had to cut it out in Massachusetts. It was getting ridiculously confusing at interscholastic meets."

Farley feels no real bitterness. He knows that malice is a little self-destruct device inside that is ticking away more rapidly than nature intended. But his Bess minded the slights to her husband. Only twice did he make cruises on the Presidential yacht *Potomac,* both political occasions.

WAITING FOR GODOT

As for meaningful invitations to the White House, this man who never went to college but has 25 honorary degrees, who has the manners of nineteenth century into which he was born, and twenty-first century visions, might as well have waited for Godot.

"Never was I invited to spend the night in the historic mansion."

JIM FARLEY: AN IRISH SELF-STARTER

(By Elaine Shepard)

PART II

"A lot of stiffs come on the scene and never meet a reporter. You could call up Jim Farley night or day," claims the newspaper corps who have covered Big Jim since the thirties when he put dramatic FDR over the top. What a difference one good advisor can make.

On the walls of Jim's skyscraper New York Coca-Cola Export office hang photos of Princes of the Church—"of all persons I have met in some degree of intimacy, the greatest is His Holiness, Pope Pius XII. Simple dignity. breadth of intellect, devout humility, made him a beacon of light in a sorely troubled world"—prime ministers—Australia's Sir Robert Menzies has a classic flow of thought in public or private that beats anything I ever heard"—military elite—"General MacArthur was perhaps our greatest soldier"—Presidents—"You don't hear LBJ criticizing Nixon. Too much respect for the office."

HAMMERLOCK ON HISTORY

There are kings, athletic greats, his three children, grandchildren, assorted hot shots of industry, and a leakproof friend and favorite, Vice President John "Cactus Jack" Garner. It is a fascinating 40-year panorama of a man who had a hammerlock on history. He was the pole that held the Party tent up. All structures of society still orbit around him. His uncomplicated Irish face seems to say: "Navigate by your own special compass; the truth can make you strong."

John Lindsay? "Most inept mayor New York ever had." Agnew? "He's certainly not afraid to talk out." (For spherical Democrat Farley, that's tantamount to approval.) Ted Kennedy? "I take him at his word that under no circumstances will he be a candidate." Then Jim softens that a little. "He's young. Plenty of time." Jim is at his anecdotal best telling the famous British Embassy garden party story about Veep Garner's whacking King George on the back at a story punchline. "The looks on the faces of astounded Britishers was memorable."

Jim signs everything in the familiar green ink. His paternal ancestors migrated from Castletown, County Meath, Ireland. They and his maternal grandmother sailed to America in 1847. "The pitiful wages Irish got make today's welfare standards look like a Roman feast. They've won their standing with sweat and tears, their American citizenship with blood. Irish-descended Americans are second to none, from the Revolution to the Fighting 69th—17 Kellys and 16 Murphys alone won the Congressional Medal of Honor. Check it.

"What kept the Irish together was the Roman Catholic Church. It was their shield. Politics was their sword. Suffering gave these warm-hearted people great understanding. They knew what unemployment, in all its horror, means. It is much more than hunger and other privations. It is a humiliation of the spirit."

WARNED ABOUT RUSSIA

Farley was in Poland and Germany days before War II erupted. Polish leaders told him: "An alliance with Russia would be 'walking into a bear's mouth to escape a wolf.'" August, 1939 he talked alone with Pope Pius XII, who by prayer and diplomacy tried to avoid the coming catastrophe. "Then the Holy Father astonished me by posing a third term question. 'Will the President run again?' I told him no one had ever done so within our party system. It would be breaking an unwritten law.

"The Pope laughed quietly and said, 'You know, I am the first Italian Papal Secretary to be elected Pope.' I have often thought that on that day he was a far better political prohet than I."

Always critical of Joe Kennedy, U.S. ambassador to England, FDR told Farley, "He writes me the silliest messages I've ever received. Joe has been taken in by the British government and the royal family." FDR caved in to co-existing, appeasing, cooperating with Russia, else they might get "suspicious."

FDR AND THE WAR

In July 1941 Farley visited FDR's former vice president, John Garner, in Uvalde, Tex. "Roosevelt's going for a fourth term," Garner predicted. "No other way to explain his actions. He'll get us into the war by the back door rather than go through Congress. I'm concerned about the future of the country and the huge debt piling up."

Later, Secretary of State Cordell Hull became deeply disturbed over the Morgenthau plan which would destroy Germany and put Europe out of economic balance. In January, 1944, General Eisenhower secretly flew from London to Washington to protest vigorously the plans for postwar division of Germany that left Berlin isolated inside Soviet-occupied territory. FDR, chin all the way out in Dutch stubbornness, replied to Ike: "I can handle Uncle Joe" (U.S. News & World Report, April 26, 1971, page 70). That the ailing Roosevelt was no match for Stalin is the understatement of the century.

RIFT WITH FDR

Suave FDR, the father-image, also was a grudge-nurser. Not fevered by the fame dream. but determined to make a gesture of dissent to FDR's third term ambitions, Farley threw his hat in the ring. The President gave Jim a shot in the tail feathers via a planted story about a "stalking horse for the Pope." It wounded Jim deeply. Their rift was one of America's resounding thunderclaps. It is to the late Joe Kennedy, Jr.'s credit that he stuck gamely by Farley at the 1940 convention.

After FDR was elected in '40 and yet again in '44, he, Eleanor, and scores of ambitious men who had done a lobotomy on their consciences by encouraging the President to remain in office, tirelessly pleaded with Jim to actively get back on the team. "You're the most popular man in the Party." His principles were unbudgeable. "History will deliver its judgment when all the testimony is in." Jim Farley stands at mountain height, but he was never taller than when deciding to get out of the parade of a leader with a broken baton.

Farley's loyal Party contributions were never lost on President Johnson. At the 1964 Atlantic City convention he sent former Texas Governor Price Daniel to help Jim fetch his clothes at the Fremor Hotel, then they all flew on Air Force One back to Washington. For a self-starter of humble origins who grew up to do it all twice, it was a small coronation.

"First time I ever slept in the White House," Jim remembers. "LBJ put me up in Lincoln's bedroom."

TRUTH IN FOOD LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ROSENTHAL. Mr. Speaker, I have introduced legislation to require that all ingredients be printed, in order of their predominance, on the labels of all food products.

The Truth in Food Labeling Act, H.R. 8670, aims to protect the consumer's right to know what he is buying and eating.

The urgency of this bill is poignantly shown in a letter I received today from Mr. and Mrs. Dean Gordon of Bowie, Md. Their 5-year-old son, Michael, is one of thousands of children with severe dietary allergy problems which are seriously complicated by the present poor state of food labeling practices.

Michael's parents have virtually no way of knowing what foods are safe for him to eat because they have virtually no way of knowing what a package may contain. Michael is able to eat fresh tomatoes and those his mother canned at home, but he developed an allergic reaction to commercially canned tomatoes which came labeled as only tomatoes and water. Later investigation revealed the presence of additional ascorbic acid, or vitamin C, as a preservative. Because canned tomatoes are covered by a standard of identity approved by the Food and Drug Administration, there was no requirement for the producer to tell Michael's mother or any other consumer about the presence of the additional vitamin C by putting it on the label.

Because some canned tomatoes contain additional vitamin C and others do not, and because this varies from time to time, depending on the producer, there is no way for consumers to know for sure. Hence, Michael and others like him "would have to be denied any commercially canned tomatoes," his mother reports. "Without proper labeling there is no other possible method of positive protection."

I am inserting the letter from Michael's parents in the RECORD because I feel their message should be read by everyone.

There are millions of persons, not just children, who must have their diets managed for various reasons, such as allergies, control of cholesterol and religious beliefs.

This legislation is especially vital for them, but it is also important to everyone else. It is part of the consumer's fundamental right to know what he is eating.

The letter follows:

Hon. BENJAMIN S. ROSENTHAL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. ROSENTHAL: Your Truth in Food Labeling bill is of direct consequence to our son Michael because his diet is severely restricted due to allergy problems and must be closely managed.

Any mother of a child who has demonstrated an allergic reaction to specific foods or food additives should have the capability as well as the right to protect her child from unnecessary and repeated exposure, no matter how innocently intended, to the proved allergen(s). The trial and error method of testing a new food for dietary compatibility by eating that food every day for ten days is the only guaranteed method, but it is effective only when the number of unknowns involved can be controlled. Without strict labeling of all contents in a packaged food, each and every brand of a food has to be tested just as does each food itself.

An example of one of the problems that we have had to solve will illustrate the kind of difficulty that we must face daily. Canned tomatoes, a staple item in many American homes, was probably the first food to introduce us to the inadequacy of labeling.

In the summer of 1967, Michael at age two demonstrated his ability to eat raw tomatoes that were from our garden. Thanks to an abundant yield, many tomatoes were canned that year, and Michael was able to ingest these through the winter without special limitation. When the supply of home canned tomatoes ran out, commercially canned ones were substituted. Within about 15 minutes from the time he ate some of these, Michael developed a rash over his face. The label on the can listed the contents to be only tomatoes and water. Michael's reaction indicated that either our earlier findings with raw and home-canned tomatoes were incomplete or that there was something else in the commercially-canned product.

There was no instant awareness on our part as to the cause of Michael's rash. The recounting of our actions was slow and tedious but generally led us to suspect the purchased tomatoes. A phone call was made to the FDA, and the problem was explained to a very nice lady. She wrote down many details and promised to do some investigation for us. Later she called to inform us that the tomatoes could have contained ascorbic acid, or vitamin C, as a preservative. (Additional vitamin C was then and is now a specific allergen to Michael.) When the lady was asked why ascorbic acid was not listed on the label, she said that if a company files a "Standardization Report with the FDA, it may add ascorbic acid as a preservative without listing the fact on the label. When asked which companies had filed reports, the response was, "that varies from time to time." That statement was translated in our family to mean that Michael would have to be denied any commercially canned tomatoes. In some or perhaps even many cases this denial may be unwarranted, but without proper labeling there is no other possible method of positive protection.

Through Michael's experiences we have also learned that the words "vegetable oil" on a label are of little value to one who is allergic to corn. The vegetable could be soybean, safflower, sunflower, corn, or any combination of these. We have found a product labeled "soybean oil" to be acceptable.

For the many children like Michael who are allergic to milk, sherbet is the only passable substitute for ice cream. But each dairy or packer has to be called to find out if it is putting non-fat dry milk in its sherbet. An identical problem has to be faced for bread, mayonaisse, peanut butter, and numerous other products.

The Standard of Identity defined in a Standardization Report is extremely technical and is not intended to be of any use to the consumer. Instead, the Report provides business with license to operate under government approval to satisfy its own needs first, government needs possibly as second, and consumer needs last and only when these needs happen to be compatible with what business has offered.

Many people are allergic, and many people are chronically ill. People who have cystic fibrosis, or phenyleketonuria, or diabetes, or cardiac disease, or kidney disease—just to name a few of the more well known maladies—must know what additives are in the processed foods they are eating just to maintain a survival without unnecessary and needless sickness.

Part 125.3 of the FDA regulations specifies that if a food purports to be or is represented for special dietary use then the added vitamin content must be listed on the label. From this one might conclude that if a food processor wants just to sell tomatoes, for example, and is not purporting them for special diets, then the added vitamin content need not be listed. Thus, it is the processor's intent that is regulated and not necessarily his labeling.

On page 249 of Cooper's Nutrition in Health and Disease is the statement, "If a standard of identity has been established for a food, the list of ingredients does not have to be on the label except for a statement of the presence of artificial flavoring and coloring or chemical preservatives, if added." Either additional vitamin C is or is not a chemical preservative. If it or anything else is added to a food, we feel it should be listed on the label.

Part 125.8 of the FDA regulations refers to "hypoallergenic" foods. All that section means is that if a product is advertised as hypoallergenic, its contents must be listed on its label. Many people mistakenly think that hypoallergenic means safe for people with allergies. This is simply not true. For example, powdered Mull-Soy formula manufactured by The Borden Company bears the word hypoallergenic on its label. Two years ago artificial vitamins were added to this formula and it became unsafe for Michael to consume. Fortunately for us, The Borden Company has been providing us with stocks from their earlier process.

If we can be of further assistance, please let us know. This is long overdue and most necessary legislation. Attached are excerpts from some annual family Christmas letters which may help to give you a chronology of Michael's history and types of allergy related dietary problems we have had.

Sincerely,

Mr. and Mrs. DEAN GORDON.

EXCERPT FROM ANNUAL LETTERS TO FRIENDS

CHRISTMAS 1966

At 14 months, Mike continues to show a quiet, relaxed temperament . . . He walked at nine months and has been into everything since. He's still a blue-eyed blonde and is 33 inches tall and weighs about 25 pounds. He's still allergic to milk, artificial vitamins, and most starches but continues to grow and gain with his Mull-Soy formula, meats, vegetables, and fruits.

CHRISTMAS 1967

Mike is a very tall two year old, almost 39 inches tall. He is still on soybean formula and a limited diet, and he does very well when we follow it. He was hospitalized twice this year—in January with a bad bout of diarreha which eventually caused him to dehydrate and again in February for a minor and planned operation. In both instances Mike came through fine while we suffered the usual parental concern.

CHRISTMAS 1968

Mike is now 42 inches tall; he's lean and lanky but a very fast runner . . . We have been adding new foods to Mike's diet. As long as we keep away from milk products, artificial preservatives, artifical vitamins, chocolate, citric acid, and a few other things he is fine. Compared with last year, we can see that he is much more tolerant of frequent indulgences in things on the "sometimes" list, such as lollipops because of the citric acid. Compared with times past, we can almost say that he can eat anything.

CHRISTMAS 1969

Mike is already 44 inches tall and is still lean and lanky. His diet is still quiet limited but, since he is growing well and staying healthy, we can't complain. The doctors did prescribe daily medication since last March because Mike's nose just never did stop running. They also suggested that we take a vacation up north somewhere to see if that would help. In July we went to northern Wisconsin—ten miles from the Michigan border—with Grandma and Grandpa Paska and spent a week swimming and fishing. We took Mike off his pills as an experiment and he was fine. Half way back to Kenosha, however, the sneezing and runny nose began so we put him back on the pills again.

THE SECRET PENTAGON DOCUMENTS ON THE WAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HARRINGTON. Mr. Speaker, the documents first published by the New York Times and the articles later published in the Washington Post sadly raise serious questions about the credibility of our leaders. Before, many of us may have disagreed with them about their conclusions and their interpretation of events, but never did we suspect the coordinated policy of duplicity which marked the governmental policy on Vietnam.

Although the Vietnam study ended in 1968, the Nixon administration is currently engaged in an unprecedented attempt to censor the two newspapers on the grounds that the reports jeopardize national security. As I said several times last week, only through full disclosure is there any hope of insuring that future policy decisions will not lead us into the pit that we have discovered in Vietnam. The New York Times and the Washington Post, by printing the documents and supporting articles, have raised the questions on Vietnam which needed to be asked. But more than that, they have demonstrated the value of what can be learned when the shroud of secrecy is removed from Government documents which bear "Top Secret" stamps merely to protect the embarrassing mistakes of those who were wrong, 4, 5, and 6 years ago.

When these papers become available, as I believe they must, I hope the veneer from past policy will be lifted to expose it for the folly it was. I hope that we will have learned where this country lost track of its goals so we will never again use our power to prop up petty dictatorships out of some misguided fear of communism. I hope that we have learned so more Americans will never have to die for lost causes which from the beginning never deserved our support.

At this point, I would like to insert articles from the Washington Post and Time magazine relating to the documents for the benefit of my colleagues:

[From Time magazine, June 28, 1971]

PENTAGON PAPERS: THE SECRET WAR

(To see the conflict and our part in it as a tragedy without villains, war crimes without criminals, lies without liars, espouses and promulgates a view of process, roles and motives that is not only grossly mistaken but which underwrites deceits that have served a succession of Presidents.—DANIEL ELLSBERG.)

The issues were momentous, the situation unprecedented. The most massive leak of secret documents in U.S. history had suddenly exposed the sensitive inner processes whereby the Johnson Administration had abruptly escalated the nation's most unpopular—and unsuccessful—war. The Nixon Government, battling stubbornly to withdraw from that war at its own deliberate pace, took the historic step of seeking to suppress articles before publication, and threatened criminal action against the nation's most eminent newspaper.

The dramatic collision between the Nixon Administration and first the New York *Times*, then the Washington *Post*, raised in a new and spectacular form the unresolved constitutional questions about the Government's right to keep its planning papers secret and the conflicting right of a free press to inform the public how its Government has functioned (*see story page 17*). Yet, even more fundamental, the legal battle focused national attention on the records that the Government was fighting so fiercely to protect. Those records afforded a rare insight into how high officials make decisions affecting the lives of millions as well as the fate of nations. The view, however constricted or incomplete, was deeply disconcerting. The records revealed a dismaying degree of miscalculation, bureaucratic arrogance and deception. The revelations severely damaged the reputations of some officials, enhanced those of a few, and so angered Senate Majority Leader Mike Mansfield—a long-patient Democrat whose own party was hurt most—that he promised to conduct a Senate investigation of Government decision making.

The sensational affair began quietly with the dull thud of the 486-page Sunday New York *Times* arriving on doorsteps and in newsrooms. A dry Page One headline—"Vietnam Archive: Pentagon Study Traces Three Decades of Growing U.S. Involvement"—was followed by six pages of deliberately low-key prose and column after gray column of official cables, memorandums and position papers. The mass of material seemed to repel readers and even other newsmen. Nearly a day went by before the networks and wire services took note. The first White House reaction was to refrain from comment so as not to give the series any greater "exposure." But when Attorney General John Mitchell charged that the *Times*'s disclosures would cause "irreparable injury to the defense of the United States" and obtained a temporary restraining order to stop the series after three installments, worldwide attention was inevitably assured.

A STUDY IGNORED

The *Times* had obviously turned up a big story (see Press). Daniel Ellsberg, a former Pentagon analyst and superhawk-turned-superdove, apparently had felt so concerned about his involvement in the Viet Nam tragedy that he had somehow conveyed about 40 volumes of an extraordinary Pentagon history of the war to the newspaper. Included were 4,000 pages of documents, 3,000 pages of analysis and 2.5 million words—all classified as secret, top secret or top secret-sensitive.

The study was begun in 1967 by Secretary of Defense Robert McNamara, who had become disillusioned by the futility of the war and wanted future historians to be able to determine what had gone wrong. For more than a year, 35 researchers, including Ellsberg, Rand Corporation experts, civilians and uniformed Pentagon personnel, worked out of an office adjoining McNamara's. With his backing, they were able to obtain Pentagon documents dating back to arguments within the Truman Administration on whether the U.S. should help the French in their vain effort to put down Communist-led Viet Minh up-risings in Viet Nam. The work was carried up to mid-1968, when it was delivered to McNamara's successor, Clark Clifford, who says he never took the time to read it. One of the scholars called in early to help guide the project was Harvard's Henry Kissinger, who is now President Nixon's national security adviser and chief White House strategist on the war. Yet the study was so completely ignored that until last week even he had not examined it.

By early 1964, the U.S. was supporting and directing a number of covert operations: air strikes over Laos by CIA-hired civilian pilots and by Thai flyers, South Vietnamese harassment raids (Operation 34A) along the North Viet Nam coast, and U–2 reconnaissance flights over the North. Announced U.S. retaliatory air strikes against the North started in August 1964. A sustained air campaign (Rolling Thunder) was ordered to assault the North in February, 1965. The first U.S. ground troops landed in force in South Viet Nam during the spring of 1965. By the end of the year 184,000 U.S. troops had been deployed in the South.

THE CAST OF CHARACTERS

Each step seems to have been taken almost in desperation because the preceding step had failed to check the crumbling of the South Vietnamese government and its troops—and despite frequently expressed doubts that the next move would be much more effective. Yet the bureaucracy, the Pentagon papers indicate, always demanded new options; each option was to apply more force. Each tightening of the screw created a position that must be defended; once committed, the military pressure must be maintained. A pause, it was argued, would reveal lack of resolve, embolden the Communists and further demoralize the South Vietnamese. Almost no one said: "Wait—where are we going? Should we turn back?"

As the documents bared the planning process, they also demolished any lingering faith that the nation's weightiest decisions are made by deliberative men, calmly examining all the implications of a policy and then carefully laying out their reasoning in depth. The proliferation of papers, the cabled requests for clarification, the briskness of language but not of logic, convey an impression of harassed men, thinking and writing too quickly and sometimes being mystified at the enemy's refusal to conform to official projections.

Ambassador to Saigon Maxwell Taylor, a former Chairman of the Joint Chiefs of Staff, candidly declared in November 1964: "We still find no plausible explanation of the continued strength of the Viet Cong if our data on the Viet Cong losses are even approximately correct. Not only do the Viet Cong units have the recuperative powers of the Phoenix, but they have an amazing ability to maintain morale." The experienced Taylor sounded downright naive when, on assuming his post in Saigon, he advised the JCS: "No sophisticated psychological approach is necessary to attract the country people to the GVN [Government of Viet Nam, Saigon] at this time. The assurance of a reasonably secure life is all that is necessary." That assurance was at the core of the conflict—and has still not been wholly achieved.

Yet the articulate Taylor, who read French and German newspapers at breakfast, could make prophetic sense. Reporters remember him rejecting the idea of U.S. ground troops in South Viet Nam put to him for the hundredth time: "No, that was what the French did. The last thing we want is American boys from Maine and Georgia running through the jungles shooting at friend and enemy alike because they can't tell the difference."

Beneath the patina of the published papers, other images form from those turbulent days. Early on, there was the alert, trim Secretary of Defense Robert McNamara sitting at his huge Pershing desk, the believer of 1963, the man who thought it could be done and who kept saying "Things are getting better." Then, gray and pinched in 1967, trying to explain why he had become the first to turn publicly against the war. There was his tall, taut Assistant Secretary, John McNaughton, now dead, sweeping confident eyes across the map of the world and talking fast, very fast. Speaking ever so precisely of the potential of yet another of Saigon's revolving governments, the coatless Assistant Secretary of State William Bundy stretched out on his leather couch. Brooding over all loomed the peaked profile of Lyndon Johnson, secretive, holding his options open until the final moment, seemingly unwilling even to confide in himself what he would do next.

ALLEGIANCE DOMINOES

That it lacked the minutes of Johnson's mind was only one of the serious weaknesses in the Pentagon study. The papers were gathered mainly at the Pentagon by researchers who were given full cooperation but had to specify what they wanted to see; they could not browse freely through files of the Joint Chiefs. There were no minutes of National Security Council meetings or transcriptions of telephone calls. The *Times* was able to print only about 5% of the documents in its possession, and critics would certainly wonder if its long antiwar perspective had influenced, however unconsciously, its selection. Nonetheless, publication of the papers opened a wide window on what had been the largely invisible world of policymaking.

One vista revealed a U.S. Government far less interested in negotiations on either Laos or Viet Nam than its public stance indicated. In fact, the U.S. sought ways to avert international pressure for talks. It continually withheld from the American people a full disclosure of its increasing military moves against North Viet Nam, but often briefed Hanoi, Peking and Moscow on precisely what it intended. Moreover, the documents, while showing a stubborn allegiance to the domino theory of Viet Nam's critical significance despite CIA doubts, also reveal a shifting rationale for the massive U.S. commitment.

The most surprising specific disclosures of the *Times*'s papers include:

War aims

Both publicly and in a National Security memorandum in March 1964, President Johnson insisted that the central U.S. aim was to secure an "independent, non-Communist South Viet Nam." McNamara used identical wording in a memo to L.B.J. the same month, but fuzzed the goal by adding the far broader view of Viet Nam as a "test case of U.S. capacity to help a nation meet a Communist war of liberation . . . not only in Asia, but in the rest of the world." Then, in January 1965, McNamara penciled his approval on a statement by his assistant, McNaughton, that the real U.S. goal was "not to help friend, but to contain China." A month later, McNaughton, demonstrating the McNamara team's fondness for figures, put the U.S. aims in a far different order: "70%—to avoid a humiliating U.S. defeat. 20%—to keep SVN (South Viet Nam) territory from Chinese hands. 10%—to permit the people of SVN to enjoy a better, freer way of life. Also—to emerge from crisis without unacceptable taint from methods used." That was hardly an idealistic statement of U.S. purposes.

Pessimism about Saigon

While higher officials sought to knock down persistent reports by newsmen in Saigon that the war was going badly, McNaughton in a memo on Nov. 6, 1964, offered a firm evaluation and prediction: "The situation in South Viet Nam is deteriorating. Unless new actions are taken, the new government will probably be unstable and ineffectual and the VC will probably continue to extend their hold over the population and territory. It can be expected that, soon (6 months? two years?), (a) government officials at all levels will adjust their behavior to an eventual VC takeover, (b) defections of significant military forces will take place, (c) whole integrated regions of the country will be totally denied to the GVN, (d) neutral and/or left-wing elements will enter the government, (e) a popular front regime will emerge which will invite the U.S. out, and (f) fundamental concessions to the VC and accommodations to [Hanoi] will put South Viet Nam behind the Curtain." Generally, officials put a carefully cheerful face on matters and berated the U.S. press for its position while privately agreeing.

Concealment of air strikes

The documents reveal that, in Operation Barrel Roll, the CIA was regularly using U.S. civilian pilots flying U.S. planes to make air strikes along infiltration routes in Laos early in 1964. In December, this campaign was stepped up to semiweekly attacks by regular U.S. Air Force and Navy flyers, but the National Security Council ordered: "There would be no public operations statements about armed reconnaissance [a euphemism for operations in which pilots are allowed to attack any target they find rather than limited to assigned targets] in Laos unless a plane were lost. In such an event the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian Government."

Concealment at Tonkin

The North Vietnamese PT-boat attacks on the U.S. destroyer *Maddox* in the Gulf of Tonkin in August 1964 were among the most pivotal and controversial events of the war—and the Johnson Administration clearly deceived the public about them. U.S. officials claimed to be unaware that South Vietnamese naval units had been covertly operating in the area shortly before the *Maddox* was fired upon. McNamara was asked at a press conference on Aug. 5, 1964: "Have there been any incidents that you know of involving the South Vietnamese vessels and the North Vietnamese?" His reply: "No, none that I know of." Yet the secret Pentagon study declares that "at midnight on July 30, South Vietnamese naval commandos under General Westmoreland's command staged an amphibious raid on the North Vietnamese islands of Hon Me and Hon Ngu in the Gulf of Tonkin. Apparently [the North Vietnamese boats that attacked the *Maddox*] had mistaken *Maddox* for a South Vietnamese escort vessel." The rapidity of U.S. air reprisals—within twelve hours of Washington's receipt of the news—argued that the U.S. had been positioned to strike as soon as attacked.

Concealment about troops

Similarly, when U.S. Marine battalions in South Viet Nam were authorized for the first time to take offensive action, Johnson directed that "premature publicity be avoided by all possible precautions" and that steps be taken to "minimize any appearance of sudden changes in policy." The whole question of introducing ground troops into South Viet Nam was so cloaked and confusing that Ambassador Taylor cabled Secretary of State Dean Rusk: "I badly need a clarification of our purposes and objectives." Taylor was especially angry at the fact that though he had sharply opposed the introduction of more U.S. troops into the area, his ostensible subordinate, General William Westmoreland, had been assigned an airborne brigade without Taylor's knowledge.

Ordering Allies Around

Throughout the papers, U.S. officials indicate that the various Saigon governments, the non-Communist Laotian Prime Minister Souvanna Phouma, other U.S. allies and even the U.S. Congress were too often regarded as entities to be manipulated in order to accomplish U.S. foreign policy aims. Administration officials framed a Tonkin Gulf-style resolution long before the PT-boat attacks but failed to ask Congress for concurrence on what they were doing in Viet Nam. The State Department's Bundy writes of how Canada's J. Blair Seaborn, a member of the International Control Commission in Viet Nam, could be "revved up" to carry secret messages to Hanoi. McNaughton described the Saigon government as being "in such a deep funk it may throw in the sponge."

The most abrasive treatment of an ally was Taylor's schoolmaster scolding of a group of young South Vietnamese generals, including Nguyen Cao Ky and Nguyen Van Thieu, after they had dismissed the civilian High National Council. Said Taylor: "Do all of you understand English? I told you all clearly at General Westmoreland's dinner we Americans were tired of coups. Apparently I wasted my words. Now you have made a real mess. We cannot carry you forever if you do things like this." Taylor's irritation seemed justified, but, as General Nguyen Khanh said last week. "He was convoking me as if he were MacArthur on occupation in Japan."

Provocation plans

Although the option apparently was never exercised, secret documents indicate that U.S. planners were seriously considering provoking the North Vietnamese into attacking U.S. units so that an open retaliatory air attack could be made against the North, a key escalation of the conflict. The step would be a prelude to sustained air strikes against the North. A Pentagon "Plan of Action for South Viet Nam," drafted by McNaughton in September 1964, proposed actions that "should be likely at some point to provoke a military response [and] the provoked response should be likely to provide good ground for us to escalate if we wished." He suggested that the downing of any U.S. reconnaissance plane over the north by U–2 aircraft would be an appropriate incident.

When the *Times* was enjoined from publishing any more of its series, the Washington *Post* began carrying its own summary of the papers—up through L.B.J.'s sudden decision to seek negotiations in 1968—until it, too, was enjoined. The *Post* carefully refrained from reprinting the classified documents, but paraphrased or quoted briefly from them. The papers, it reported, absolved the U.S. of any complicity in preventing elections throughout North and South Viet Nam in 1955, despite a Geneva agreement calling for them. According to the study, it was South Vietnamese President Ngo Dinh Diem who, fearing a Communist victory, blocked the election.

The *Post* articles indicate that divisions emerged, mainly between the State and Defense departments, about the desirability of declaring halts in the U.S. bombing of the North—but each approached the idea cynically. When a temporary halt was agreed upon in March 1968, the State Department promptly advised all U.S. embassies that it did not really expect Hanoi to make any reciprocal response and thus the enemy would "free our hand after a short period"; meanwhile the planes could be used to bomb Laos. The Defense Department's McNaughton saw bombing pauses as useful "ratchets," placating public opinion and freeing the U.S. to bomb a notch harder after Hanoi had failed to respond.

One of the first breaks in the official hardline thinking occurred in 1966, when the imaginative McNaughton advocated a "lowering of sights from victory to compromise." He warned that this might "unhinge" Saigon and give the North "the smell of blood," and that it would require careful preparation to get in position for compromise. "We should not expect the enemy's molasses to pour any faster than ours. And we should tip the pitchers now if we want them to pour a year from now." McNamara raised the possibility of compromise with Johnson, but did not urge it, and Johnson chose to unleash more Rolling Thunder. The papers also reveal that Johnson authorized serious consideration, including consultation with academic scientists, of the idea of creating an electronic and manned "fence" that would cut the infiltration trails across South Viet Nam's northern border. The proposal was abandoned as impractical.

One of the unresolvable controversies that the study raises is whether or not President Johnson had already decided to initiate a U.S. air campaign against North Viet Nam when he was insisting in his 1964 re-election campaign against Barry Goldwater that "we seek no wider war." The documents leave no doubt that Johnson was being strongly urged by his subordinates to authorize such strikes on more than a tit-for-tat reprisal basis and that aircraft had been positioned to do so since before the Tonkin clash. Johnson flatly denies that he made such a decision before the election. Goldwater, who was sharply criticized for urging such attacks, claims he knew of the plans but did not raise the issue during the campaigns because he felt that he would not be believed if Johnson denied their existence.

The records bear out Johnson's claim that he rejected several requests to authorize retaliatory strikes after the election, finally yielded only when a devastating Viet Cong raid on Pleiku airfield in February 1965 destroyed or damaged numerous U.S. planes. "Mr. President, this is a momentous decision," Secretary of State Dean Rusk told Johnson at the time, and Johnson agrees that it was. He approved Rolling Thunder's sustained air attacks a month later.

WINNERS AND LOSERS

Johnson emerges from the Pentagon history with added credibility problems. Although he is portrayed as a restraining influence on his more military-minded advisers—and he did move more slowly than many of them wished—he eventually adopted most of their escalation options. He, too, vastly underrated the tenacity of the Communists, and continued to employ massive airpower even after his own experts had discovered that it might actually be strengthening the North's determination to resist Badly buffeted by events and advisers, Johnson was both commendably hesitant and condemnably conniving. As usual, he both infuriates and elicits sympathy.

Also tarnished was the man who courageously initiated the study, Secretary McNamara. His bloodless passion for systems management did not permit him to grasp the matters of spirit and motivation that technology could not conquer—until the human price had far exceeded the value of the attainable ends. Too much a proponent of the Defense and State Department plans that reached him, McGeorge Bundy failed to perform his role of giving the President a wide and honest range of choices. His brother Bill, like McNaughton, comes across as too cute and manipulation-minded for his own—and the nation's—good. The two men spun elaborate and dangerous scenarios that frequently underestimated North Vietnamese strengths.

Characteristically, the quiet Secretary of State appears too seldom in the papers to be either hurt or helped—although his reluctance to put every hasty thought on paper now looks wise. The Joint Chiefs played their usual strong, if myopic role, continually urging sterner measures, but not with any overblown certainty of victory.

THE CIA WAS RIGHT

The one Government agency that emerged from the Viet Nam debacle with its honor largely intact was the CIA. Its director in the years of escalation was John McCone, a conservative Republican who believed the U.S. had to try for a knockout blow in Viet Nam or get out. He argued constantly against the consensus policy of gradual escalation.

Shaken by McCone's vigorous dissent, Johnson submitted a searching question to the CIA: Would the rest of Southeast Asia fall into Communist hands if South Viet Nam and Laos did? The reply took issue with the conventional application of the domino theory. "With the possible exception of Cambodia," said the CIA, "it is likely that no nation in the area would quickly succumb to Communism." The spread of Communism would not be "inexorable."

McCone kept badgering the President. On a flight to New York with Johnson in late 1964, he argued that limited bombing of North Viet Nam would be ineffective. "They'll turn their collars up around their ears, pull in their necks and ride it out." Finally, in April 1965, he put his thoughts on a paper circulated among top-level Government officials. The memo predicted events with uncanny accuracy. The bombing strikes had not demoralized the North Vietnamese, McCone argued. "If anything, the strikes to date have hardened their attitude. With the passage of each day and each week, we can expect increasing pressure to stop the bombing. Therefore time will run against us in this operation and I think the North Vietnamese are counting on this. We can expect requirements for an ever-increasing commitment of U.S. personnel without materially improving the chances of victory. We will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty extricating ourselves."

In a sense, McCone and the CIA were only doing what they were paid $600 million a year to do: provide accurate information to guide American policymakers. Allowed to go its own way, largely immune to the pressures that cause other agencies to oversell policies, the CIA takes pride in its detachment. When he once briefed McNamara, the late respected operations chief, Desmond FitzGerald, expressed doubt that the data reflected the actual situation. "Why?" demanded McNamara. "It's just a feeling," replied FitzGerald. McNamara gave him a stony stare and later ordered: "Don't ever let that man in here again."

Equally prescient and independent was Under Secretary of State George Ball. Unswayed by the technocrats around him, he kept warning respectfully that their course was wrong. His memo to President Johnson on July 1, 1965, took account of souls, and French history, as well as weapons. It concluded: "No one can assure you that we can beat the Viet Cong or even force them to the conference table on our terms, no matter how many hundred thousand white, foreign [U.S.] troops we deploy. Once we deploy substantial numbers of troops in combat, it will become a war between the U.S. and a large part of the population of South Viet Nam. U.S. troops will begin to take heavy casualties in a war they are ill-equipped to fight in a noncooperative if not downright hostile countryside. Once we suffer large casualties, we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot—without national humiliation—stop short of achieving our objectives. I think humiliation would be more likely—even after we have paid terrible costs."

CONGRESSIONAL OUTRAGE

The revelations of the Pentagon papers angered war critics on Capitol Hill, who claimed vindication for their long-held feeling that Congress had been misled by the Executive Branch. "These documents," fumed Idaho Democrat Frank Church, "secure Johnson's position as a liar." Declared Maryland Republican Charles Mathias: "I am outraged—but I'm worn down with outrage." Yet the Congress made no immediate move to grasp control of the war from the Nixon Administration.

The Senate promptly defeated the McGovern-Hatfield amendment to cut off all funds for the war by the end of this year. The vote was 55 to 42, a margin only six votes smaller than that on a similar motion last year. A compromise to set the deadline at next June 1 also failed, 52 to 44. The House easily rejected (254–158) the Nedzi-Whalen amendment, which would have cut off military procurement funds for Viet Nam by Dec. 31. The Pentagon study revealed "a humilitation of Congress," agreed Michigan Democrat Lucien Nedzi, "but it simply hasn't filtered down yet." Vermont's Republican Senator George Aiken contended that the Congress had grown all too accustomed to its inferior role. "For a long time, the Executive Branch has tended to regard Congress as a foreign enemy—to be told as little as possible," he charged.

NO DIVERTING DEBATE

Whether the papers will have any impact on next year's presidential campaign seems to hinge partly on the outcome of the legal contest now under way and on what the rest of the papers reveal. With the documents beginning to circulate, more disclosures seem inevitable as other publications probe the wars' secret history. Certainly Hubert Humphrey's tentative candidacy for the presidency has been weakened. Although his aides insist he so persistently opposed Johnson's war policies that he was finally excluded from planning sessions, Humphrey cannot completely sever his ties with L.B.J. in the public mind.

What lessons can be lifted from all of those pages of secret papers? The most instructive revelation may be how little faith the leaders had in those they led—a classic case of the arrogance of the powerful. The deceptions and misrepresentations stemmed from a conviction that the public would not face up to the harsh realities of Viet Nam. Even within the Government, sound intelligence estimates were often rudely ignored if they failed to fit policy preconceptions. There was a self-deception that if the U.S. unfailingly demonstrated its determination to perservere, Hanoi would buckle. But the North Vietnamese always knew that the struggle was ultimate for them, peripheral for the U.S.

Partly because they held secrecy so dear, the Johnson officials rarely had to face publicly those questions that Bill Bundy described as "disagreeable," and thus they never had to think through the tough answers. Although complete candor is not always possible, policies that must stand the test of grueling public debate tend to be better policies, as Harvard's John Kenneth Galbraith argued last week. Through it all, there seemed to be no time for quiet contemplation. Exhausted men concentrated on immediate means rather than eventual ends. A poignant example of this thinking was recalled by TIME Correspondent Jess Cook. In the spring of 1967, after a long and fruitless retrospective interview, he asked McNamara: "Isn't there anything you regret at all about how the war was conducted?" There was a long pause. "Yes," replied the weary Secretary. "There is one thing. We should have been able to come up with a better technique for population control."

POINTERS FROM HISTORY

The man who directed the Pentagon study, Brookings Historian Leslie Gelb, recently declared in a *Foreign Policy* article that the question is not "Why did the system fail?" but "Why did it work so tragically well?" The men who had decided that Viet Nam must not fall into Communist hands—"and almost all of our leaders since 1949 shared this conviction"—dominated the decisions. The paradox and tragedy of Viet Nam, argues Gelb, was that "most of our leaders and their critics did see that Viet Nam was a quagmire, but did not see that the real stakes—who shall govern Viet Nam—were not negotiable. What were legitimate compromises from Washington's point of view were matters of life and death to the Vietnamese."

How can this kind of thinking be changed? Gelb contends that a President must demand much more of his security advisers; they must probe more deeply into what really is in the national interest. The President must also take the risk of "re-educating the public and congressional opinion about Communism." If Nixon and his predecessors, it now seems clear, had not spoken so often about the need for "victory" and the humiliation of "defeat," and had more coolly assessed the real stakes—as well as the terrible price—in Viet Nam, there would be less trauma over withdrawal and countless lives might have been saved.

LEARNING FROM THE PAST

Has the Nixon Administration learned any such lessons? How much different is the Nixon Administration's decision-making process? There have been qualitative changes. Nixon is a more orderly, more disciplined and less instinctive thinker than Johnson. He would rather read than talk; he probably demands and gets better briefs. Henry Kissinger is a more brilliant thinker than Walt Rostow or McGeorge Bundy. Under Nixon, there have been efforts to elicit a more systematic range of views from federal agencies, but whether they get any closer to the top man is doubtful. There is no convincing indication that the psychology and life-or-death motivation of the enemy is any clearer to Nixon officials, and fears of a U.S. "defeat" still unduly haunt the White House. The exaggerated claims of success in Laos and Cambodia carry hints of continuing attempts at deception. But Nixon is of course disengaging, however slowly, and that is in itself proof of a new realism.

Last week the Administration seemed more intent on proving that, as one White House source put it, the New York *Times* "has taken stolen goods and printed them." As for the war, a high Administration official argued that "when the records of this Administration are stolen, they will show that we made monumental efforts to end the war. But the question is whether it is possible to end the war when everybody is kicking and shoving you to surrender." Conceding that this Administration, too, has lost credibility with its critics, the official declared: "Ultimately we can disarm our critics only by our performance. All we can do is prove by deeds that we meant what we said."

That is fair enough. Whether Daniel Ellsberg has advanced the end of the war by his transmission of the stolen documents remains doubtful. But his larger purpose may yet be served. If the Government and the public come to understand the atmosphere, the pressures, the false and strained hopes, and the futile decisions that pervade the whole secret history of Viet Nam, the wrong decisions may not be made again—or at least not so easily.

THE LEGAL BATTLE OVER CENSORSHIP

The confrontation was historic. For the first time in U.S. history, the Government had gone to court to suppress publication of a major article in a major newspaper. In so doing, the Nixon Administration revived that ancient antithesis of a free press, the long discredited practice of "prior restraint." For its part, the Government claimed that never before had a newspaper published top-secret information that would endanger the national interest.

The drama began last Monday night after the New York *Times* had already published two installments of its massive report. After researching what action he could take, Attorney General John Mitchell finally sent a telegram to the paper, citing a provision in the espionage law that carries a possible ten-year sentence or $10,000 fine for any one convicted of willingly disclosing secret defense information that could jeopardize the safety of the country. The Justice Department chose not to file criminal charges because its main concern was to prevent publication of the documents. Instead, Mitchell asked the paper to stop printing the report and return all the material in order to avoid "irreparable injury" to the U.S.

THE PROBLEM OF PROOF

When the *Times* refused to comply, Assistant Attorney General Robert Mardian began the Government's legal attack by seeking a temporary restraining order—the prelude to a permanent injunction—in Manhattan's federal court. By chance, the case went before a recent Nixon appointee, U.S. District Judge Murray I. Gurfein, who was serving his first day on the bench. Last Tuesday the new judge issued the restraining order and set a Friday hearing to consider the injunction. Meanwhile, the Government showed concern about its key legal problem: how to prove the alleged injury. It asked Judge Gurfein to order the *Times* to turn over its "stolen documents" for examination. Though Gurfein barred any such "fishing expedition," the paper provided a list of the documents in its possession.

When the hearing (much of it *in camera*) began on Friday, a new development complicated the case. The Washington *Post* started to publish its own version of the Pentagon report. It did not print the classified memos verbatim as the *Times* had done, but it quoted liberally from them. The story also went out to the 345 client newspapers that subscribe to the Combined Los Angeles *Times*-Washington *Post* news service. In addition, both the A.P. and U.P.I. picked up the story for the benefit of hundreds of other papers.

During the Manhattan hearing, Yale Law Professor Alexander Bickel, representing the *Times,* suggested that the *Post's* move had mooted the case against his client. As he saw it, the injunction was now academic and the *Times* itself had become the injured party. "The readers of the New York *Times* alone in this country are being deprived of the story," Bickel argued. That became even more evident when U.S. District Judge Gerhard Gesell in Washington rejected the Government's request for a temporary injunction against the *Post*. Lacking clear proof that the pre-1968 report was damaging to current national security, Gesell refused to give the Government the right "to impose a prior restraint on publication of essentially historical data." The Government's only remedy, he said, was to bring criminal charges against the paper after it published the material. He also warned the *Post* that it was in "jeopardy of criminal prosecution."

Some five hours later, a three-judge appeals court reversed Judge Gesell's ruling. By a vote of 2 to 1, the higher court halted further *Post* disclosures pending a full hearing in which the Government must prove the need for a permanent injunction. Meanwhile in Manhattan, the Government failed to prove that need to Judge Garfein's satisfaction. Denying the injunction against the *Times,* Gurfein reported that Friday's secret hearing had produced no evidence of damaging data. "Without revealing the content of the testimony," he wrote, "suffice it to say that no cogent reasons were advanced as to why these documents, except in the general framework of embarrassment, would vitally affect the security of the nation." But the *Times* was still blocked from publishing the report until the U.S. Court of Appeals ruled on the case the following Monday. The U.S. Supreme Court may well have the final say on the subject.

If the Government ultimately prevails, it could compromise the basic principle of a free press. As far back as 1644, John Milton fought against prior restraint in *Areopagitica,* his famous protest to Parliament "for the Liberty of Unlicenced Printing." Hard-won democratic tradition insists that a free press is vital to an informed electorate: Anglo-American law has generally rejected any Government right to license a newspaper or censor its publication for any reason. William Blackstone, the great 18th century English jurist, stated the basic proposition: "The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publication, and not in freedom from censure for criminal matters when published. Every free man has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

ARTILLERY OF THE PRESS

This principle was embodied in the First Amendment, which shields virtually all free speech and printed matter. Jefferson, a target of bruising journalistic attacks, spoke ruefully of "the artillery of the press." But like most Presidents since, he recoiled from censorship and cheered the demise of the infamous Sedition Act, which had enabled the Government to jail critical newspaper editors. In various wars the Government has often tried to penalize a newspaper for something it has published—but only after the article appeared, not before. In 1931 the Supreme Court reinforced that principle in the case of *Near* v. *Minnesota.* Under a Minnesota statute, the state government shut down a scandal sheet that had printed articles lambasting official graft. The Supreme Court declared the law unconstitutional. Calling the closure "the essence of censorship," Chief Justice Charles Evans Hughes wrote: "That the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraints in dealing with official misconduct.

In the case of the New York *Times* and the Washington *Post,* the Government claims that it is simply trying to recover "stolen" documents that are vital to American security. It is the issue of security that colors the case and sets it apart from earlier prececents. In their more feverish moments, Government officials have argued that disclosure of the documents will enable the Communists to break American codes. They would only have to compare the deciphered cables in the *Times* with the coded U.S. messages they have on file for the same day. They might then acquire enough information to break up any number of secret U.S. missions and capture the agents. But experts tend to doubt this particular nightmare. Modern cryptography, they feel, is so sophisticated that enemies would face an all but insuperable task in trying to learn anything from the scattered documents in the *Times.*

Other Government objections are more solidly based. A certain amount of privacy is necessary both in dealings between agencies in Washington and in diplomatic negotiations with other nations. Officials may be less likely to be candid even in private if they are afraid that their remarks will be published. Many more will adopt Dean Rusk's practice of communicating orally and putting very little in writing. Says longtime Public Servant Averell Harriman: "If governments can't have private papers kept in confidence, I don't know how you can do business in government."

But the Government's case is weakened by the fact that it has removed so much information from the public eye in recent years. In the name of national security, it has often classified material that simply embarrasses it. Historians, for example, are not allowed access to State Department records of any event that occurred less than 25 years ago. A court of Appeals decision last year upheld the right of the U.S. Army to prevent a reputable historian from examining files on the forced repatriation of Soviet prisoners after World War II.

ARBITRARY SILENCE AND LEAKS

Meanwhile, bureaucrats freely use secret information to suit their own purposes; the U.S. Government almost runs on calculated leaks. Many important state papers, classified as secret, have been passed surreptitiously to favored members of the press. The Yalta Conference papers were one example, the Gaither report on national defense another. Just last week, a Defense Department study on the dovish side was leaked to the Washington *Post*. It revealed that the multiple warheads on the Soviet SS-9 intercontinental missile lack the accuracy to destroy U.S. ICBMs in a surprise attack. Once they leave Government service, innumerable officials bring out memoirs bristling with once-classified material intended to put the author in the best possible light.

No less than any other American institution, the press has a responsibility to consider the national interest when it covers the news. But it is also true that a free press is a vital part of the national interest. This is especially true of the U.S.: unlike Britain's Parliament, Congress does not have an automatic right to question members of the Executive Branch, who wield increasing power over the lives of Americans. Such scrutiny falls to the press, which must be unhindered in its honest endeavor to seek out the truth. This pursuit surely outranks the squeamishness and even the reputations of public officials—unless it can be proved beyond cavil that the national interest is seriously endangered. And that takes a lot of proving.

Three Principals Defend Themselves

General Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, was the U.S. Ambassador to South Viet Nam during the period of initial troop buildups covered by the Pentagon papers. In an interview with Time Correspondent Frank McCulloch last week, he noted: "We—all of us—are up against a very fundamental issue here, and there seems to be little chance at this moment that we will approach it rationally." The issue, as Taylor sees it, is simply how much undigested information can be made public in a complex and dangerous world; in other words, what is the proper role of a free press *v.* the role of the government in a free society?

But is not publication that is apt to offend some sensibilities—even large ones—part of the price of maintaining a truly open society? "We have never paid it before. To my knowledge, this is the first time in history that a government's right to carry on some of its business outside the public eye has, in effect, been challenged."

Taylor does not recall the exact chronology of decisions that led to U.S. takeover of the prime combat role in Viet Nam. "Those decisions," he says, "were all reached in Washington. But I was reluctant to concur in them." At the time Taylor argued that at some indeterminate point, perhaps when the number of U.S. troops reached between 100,000 and 125,000, a "Plimsoll line" would be reached: for every American soldier invested, a Vietnamese soldier would be lost. The war-weary Vietnamese, as the then ambassador saw it, would be only too glad to hand over the fighting to the Americans.

Was there any deliberate deception? "No. One of the problems here is exactly what is meant. In the practice of foreign policy, a President owes a good deal to certain elements of Congress—the leadership—in the way of openness. But the President does not by any means owe that to all of Congress."

Nor does Taylor think that L.B.J. was guilty of duplicity with regard to the bombing of the North. He points out that the issue is one of timing. If the President indeed made the decision to bomb the North before the 1964 election, Taylor admits, then he is guilty because he clearly said in that campaign that he had been urged by others to bomb but had refused. Yet, Taylor says, even after the election Johnson was still rejecting recommendations for bombing, so "it seems highly unfair to accuse him of having made up his mind before the election but putting it off for political reasons."

Lyndon Johnson, of course, is the principal figure in the published articles. He feels strongly that the documents do not tell the true story because they are mostly contingency plans, some of which neither he nor Secretary of State Dean Rusk ever heard of. In 1964 Johnson sincerely hoped to be able to negotiate his way out of a major war in Viet Nam. At one point, he told his advisers not to come to him with any plans to escalate this war unless they carried with them a joint congressional resolution.

The former President is particularly sensitive to charges that he misled the people about U.S. involvement in the Asian ground war. His position is that at the time he vowed not to send American boys to do the fighting that Asians should do for themselves. With some casuistry, Johnson believes he fulfilled this pledge, since there were thousands of South Vietnamese under arms—and still the situation was critical—before the major U.S. troop buildup began. The U.S. only did what the Asians could not do for themselves.

In retrospect, Johnson thinks his greatest mistake was waiting too long—18 months in office—before putting more men in, for by then Viet Nam was almost lost. Another mistake, he feels, was failing to institute censorship—not to cover up mistakes, but to prevent the enemy from knowing what the U.S. was going to do next. As for trying to hide the troop buildup, L.B.J.'s rationale is that he was trying to avoid inflaming hawk sentiment in the U.S. and to avoid goading Hanoi into calling on the Communist Chinese for help.

Contrary to rumor, intimates say that Johnson does not plan to rewrite his memoirs because of the articles; rather, he believes that all of the material on Viet Nam in the book will successfully parry their implications.

The man responsible for the newspapers' series, in one sense, is Robert McNamara, who ordered the Pentagon study while he was Secretary of Defense. McNamara is said to hope that the entire report will be declassified soon for use in libraries and archives, but feels the sensational way in which the documents were released is tragic.

He is known to believe that if the more delicate messages between allies come out, there will be enormous embarrassment and distrust of the U.S. in a number of countries that jeopardized their diplomatic credibility to aid the U.S. Even more serious is the likelihood that young people are now just not going to believe in the Government, in their institutions, and in their history.

Yet McNamara is credited with the most pragmatic view of the incident: now that the documents are out, the country should forget about the man who leaked them and get on with the task of learning from the Pentagon papers.

Man With the Monkey Wrench

(If I could find the proper forum, I would be willing to risk 20 years in jail. I must expose the duplicity of the Government.)

Daniel Ellsberg, 40, one of the authors of the documents he has made public, is a nervous, intense and brilliant man. He is seen by his associates as possessing the mind of a Niels Bohr and the soul of a tortured Dostoevsky hero. As a former Pentagon colleague put it: "Dan would have been an excellent Jesuit in another time. He has a perfect logical mind and an unbending sense of morality." Ellsberg was for a time one of those faceless bureaucrats who sit at the fulcrum of decisionmaking and are privy to the most guarded information. Yet he has a marked capacity for excess. One friend says that his reversal from a pro-war to an unequivocal antiwar position is completely in character. "That's the kind of guy Dan is. He's sensitive and passionate, as well as being immensely intelligent. When he was a hawk, he wanted to be up along the DMZ fighting. When he became a dove, he became an active dove."

Born in Chicago, he graduated from Harvard *summa cum laude* in 1952. During his junior year, he was editor of the *Advocate*, the school's literary magazine, a rare post for an economics major. As a senior, he served on the *Crimson*, stayed on at Harvard to win his master's and eventually a Ph. D. His thesis on the nature of the decision-making process, titled *Risk, Ambiguity and Decision*, was so complicated and so incisive that he became an overnight star in the rapidly developing field of systems analysis. Ellsberg joined the Rand Corp., where he became the protege of Henry Rowen, currently the corporation's president.

The critical step in Ellsberg's career came in 1965, when he went to the Pentagon as a special assistant to John McNaughton, then Assistant Secretary of Defense for International Security Affairs. He landed the job because of McNaughton's role in nuclear issues, such as the test-ban treaty. As a former professor put it: "Ellsberg just got drawn into Viet Nam, the same way McNaughton did, the same way all of us did." He became so drawn in that he seriously wanted to re-enter the Marine Corps, in which he had done a stint as an officer. He once gloomily said: "If I went back into the corps, they'd never give me a company anyway. Once they learned that I wrote speeches for McNaughton and Robert McNamara, they'd have me writing speeches for some general." He consoled himself by inserting such stridently militant phrases into McNaughton's and McNamara's speeches as "The only way to think the Viet Cong is to think of the Mafia."

Ellsberg did finally get to Viet Nam—as a member of Major General Edward Lansdale's senior liaison office of elite intelligence agents. Later he was put in charge of evaluating the new pacification program for the U.S. embassy. In this sensitive post, Ellsberg traveled all over Viet Nam, had access to the highest civilian officials and saw the ugliest face of the war: the corruption, manipulation and terrorism on both sides. He must have also seen more than his share of civilian casualties, for it was the Vietnamese victims that eventually came to plague his conscience. Still, while he was serving his tour with Lansdale and the U.S. embassy, his only reservations about the war revolved around its conduct. Otherwise, as he wrote in the class notes for his 15th Harvard reunion, his role as a combat observer compensated for "a somewhat unfulfilled career as a Marine platoon leader and company commander during peacetime."

When he wrote that, Ellsberg was laid up in Bangkok with a severe case of hepatitis. He felt that "the alternatives before me are to stay on with the Government in Viet Nam or to return home to research and consult: a choice between the engine room and the belly of the whale." The hepatitis helped him to make up his mind, and Ellsberg returned to the Rand Corp. in 1967, working basically out of the Santa Monica, Calif., office. He kept all of his top-level security clearances and remained active as a Government consultant. Ellsberg worked with Henry Kissinger—his former teacher—to smooth the transition from the Johnson to the Nixon Administration, and has said that he drew up the options for a Nixon Viet Nam policy. According to Ellsberg, Kissinger adopted all of his proposals almost verbatim except one: a fixed withdrawal date.

Soon Ellsberg, who seemed set for a brilliant Government career, was beginning to feel the lash of collective guilt. Even before the *Tet* offensive in 1968, he began to voice his doubts about the war; his initial attack came during a gathering of intellectuals in Bermuda under the sponsorship of the Carnegie Endowment. As the war dragged on, his sense of personal guilt heightened and his torment deepened. His conflict had developed to a point that even Kissinger was reluctant to include Ellsberg in the Nixon planning group.

Ellsberg disconcerted Rand officials by organizing a group of five associates to write a sulfurous letter to the New York *Times* and the Washington *Post* denouncing the war. He also wrote a scathing piece for the *New York Review of Books* on Nixon and the Laos incursion. He began to see not only himself but everyone who did not demonstrate actively against the war as a "war criminal." He seemed obsessed, and his friends found it impossible to get him to talk of other topics; many were put off when he called them "good Germans" for not protesting against the war.

By the spring of 1970, he realized that his views were becoming an embarrassment to Rand, so he resigned and accepted a fellowship at M.I.T., aiming to write a book on Viet Nam. He remarried (he has two teen-age children by a previous marriage) and settled down in Cambridge, Mass. But Ellsberg could not keep his singular mind off the war. He had the support of his wife Patricia, a Radcliffe graduate and daughter of Toy Manufacturer Louis Marx, a Nixon supporter.

By week's end, Ellsberg had not emerged from underground. He disappeared Wednesday afternoon from his house near Harvard Square. When he does come back into public view, no one is quite sure just what will happen to him. As one friend notes: "If the Government decides to prosecute him, it's going to be one helluva trial because he's really a very impressive figure. I think he'd like a platform like that."

In a sense, Ellsberg symbolizes the national torment that the brutal, seemingly interminable war has created. He grew to believe that the war would not end in the foreseeable future unless a massive monkey wrench was thrown into what, in his view, was a perpetual-motion machine. The documents were the wrench. Ellsberg had earlier offered them to Senator George McGovern, who decided not to make them public.

In a broad sense, Ellsberg is but the latest in a series of Government elitists—McNaughton, McNamara, Clark Clifford—who have turned away from the war they once so fervently supported. He himself is particularly scornful of the war's apologists, such as Arthur Schlesinger and Richard Goodwin. Ellsberg has put it this way: "My role in the war was as a participant, along with a lot of other people, in a conspiracy to commit a number of war crimes, including, I believe, aggressive war." He especially takes issue with Schlesinger's view that Vietnam resulted from a series of small decisions and that it is unfair to seek out guilty men. "The only trouble with that account of our decision making," he said, "is that it's totally wrong for every Viet Nam decision of the last 20 years."

[From the Washington Post, June 13, 1971]

Documents Reveal U.S. Effort in 1954 To Delay Viet Election—I

(By Mr. Chalmers M. Roberts)

The Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

But the following year it was South Vietnamese President Ngo Dinh Diem, far more than the American government, who was responsible for the elections' not taking place. Diem flatly refused even to discuss the elections with the Communist regime in Hanoi.

These are among the facts emerging from sections of the Pentagon study on the origins of the Vietnam war, made available to The Washington Post.

The chief architect of the American policy of opposition to elections, as was well known at the time, was President Eisenhower's Secretary of State, John Foster Dulles. But it was Eisenhower who had insisted on allied support if he were to ask Congress for authority to use American military force to save the French army in Indochina in early 1954. The United States did not get that allied support.

The origin of the idea of holding an election in divided Vietnam, called for in the Geneva accords of 1954, remains obscure. But there is nothing obscure about Dulles' attitude.

In July of 1954, he sent a cable to various American diplomats then struggling with the problem. It said in part:

". . . Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after ceasefire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees."

Dulles went on to call attention to a joint statement by President Eisenhower and British Prime Minister Churchill in June, especially that part which spoke of achieving "unity through free elections supervised by the UN."

Later in July, shortly before issuance in Geneva of the "final declaration" of the long conference, a declaration that included the statement that "general elections shall be held in July 1956," Dulles cabled his unhappiness at the impending outcome.

He sent Walter Bedell Smith, the Under Secretary of State who had returned to the Geneva Conference to limit as much as possible what Dulles foresaw as the disastrous outcome, a cable that said in part:

"While we don't want to take responsibility of imposing our views on the French, I feel particularly concerned about provisions of paragraph 6 which gives the Control Commission constituted as per SECTO 666 authority also to control the general elections. The ink is hardly dry on the Declaration of President Eisenhower and Prime Minister Churchill of June 29 to the effect that 'In the case of nations now divided against their will, we shall continue to seek unity through free elections *supervised by the UN* to insure that they are conducted fairly.' It is rather humiliating to see that Declaration now so quickly go down the drain with our apparent acquiescene."

About a week before the above cable, and after French Premier Pierre Mendes-France had asked that Dulles return to Geneva and before Dulles agreed to send Smith as his stand-in, Dulles cabled some of his unhappiness to Mendes-France via the American Embassy in Paris.

Dulles complained to Mendes-France of "a whittling-away process, each stroke of which may in itself seem unessential, but which cumulatively could produce a result quite different from that envisaged" in a seven-point minimum program, agreed upon by Britain and the United States, that he then was trying to sell France.

He included this paragraph as illustrative of that "whittling-away process."

"Allowing Communist forces to remain in Northern Laos; accepting a Vietnam line of military demarcation considerable south of Donghoi; neutralizing and [one word indistinct] demilitarizing, Laos, Cambodia and Vietnam so as to impair their capacity to maintain stable, noncommunist regimes; accepting elections so early and so ill-prepared and ill-supervised as to risk the loss of the entire area to Communism; accepting international supervision by a body which cannot be effective because it includes a Communist state which has veto power."

In the end the election was called for, but not without considerable argument at Geneva, where the United States worked through the French. But others had the important say.

Chief among these important people were Chou En-lai, then as now Chinese Premier, and V. M. Molotov, the Soviet Union's redoubtable foreign minister.

In June of 1954, American Ambassador to France Douglas Dillon cabled Dulles to report conversations with Jean Chauvel, a key diplomat at the conference. Chauvel reported that Chou had "said that he recognized that there were now two governments in the territory of Vietnam, the Viet Minh Government and the Vietnamese Government. According to Chauvel, this was the first time that Chou had recognized the valid existence of the Vietnamese Government."

As to elections, Dillon reported:

"Regarding the final political settlement, Chou said this should be reached by direct negotiations between the two governments in Vietnam . . . Mendes at this point said that since the war had been going on for 8 years and passions were high, it would take a long time before elections could be held as the people must be given a full opportunity to cool off and calm down. Chou made no objection to this statement by Mendes and did not press for early elections."

On June 19, Smith called on Molotov at his Geneva villa. He filed a long report, with his comment, which included this:

"In private conversations with Mr. Eden and others, Communist delegates, in particular Chou En-lai, had taken an apparently reasonable view on Laos and Cambodia, but that here again, when we came to the point of trying to get open agreement on specific points we were unable to do so. I specifically mentioned Chou En-lai's statements to Eden in which he said that China would have no objections to recognizing the kingdoms of Laos and Cambodia or to these States having forces and arms sufficient to maintain security, or their remaining in French Union so long as they were not used as military bases by the United States. We could not disagree with any of this, although if we kept out the Chinese would have to keep out, and these small states would have to be allowed to join with their neighbors in whatever regional security arrangements would best protect their integrity without constituting a threat to any one else.

"Chou En-lai might be anxious about possibility of U.S. bases in Laos and Cambodia. We wanted on our part to be sure that these countries were not handed over to the Chinese. Molotov said that while he did not know about what attitude Chinese might have on other questions in future, he could assure me that Chinese attitude on this particular question was not at all unreasonable, and that there was nothing in it which would give rise to conflicts. He added, however, that if we continued to take a one-sided view and insist on one-sided solutions, he must 'in all frankness say that this would not succeed.'"

Smith told Molotov that "appearance of 'partition' was repugnant to U.S." and he reported that "in regard to U.S. aversion to partition, he [Molotov] said that this problem could easily be solved by holding elections at once, which would decide 'one way or the other.' "

When Molotov indicated Smith might encourage the French to agree, "I replied," reported Smith "that U.S. was not one of principals to Indochinese dispute and did not cast deciding vote, to which Molotov remarked 'maybe so, but you have veto, that word I hear you use so often.' "

In his "comment," Smith cabled:

"It is probable that initial Soviet tactics were to forestall US intervention in the Delta by some kind of compromise formula involving Hanoi and Haiphong if it appeared that such intervention were imminent. The recent raising of the ante in negotiations here by the Communist side probably reflects an estimate on their part that our intervention is improbable and that they are safe to go ahead there, keeping, of course, a sharp eye out for indications of change in our attitude."

Dulles had fought any partition of Vietnam but Chauvel reported in Geneva in June to U. Alexis Johnson of the American delegation that "there had been conversation between Vietnamese and Viet Minh in which Viet Minh had made it clear that only two alternatives were coalition government or partition."

The same day Dulles cabled that the suggestion then surfacing for a line dividing Vietnam at the "Thakhek-Donghoi line, coupled with rapid Delta deterioration, is leading us to reexamine possible defacto partition Vietnam."

Both Dulles and the Joint Chiefs of Staff had opposed partition and/or elections. In April of 1954 Dulles cabled Dillon in Paris and American Ambassador Winthrop Aldrich in London a summary of what he had told French Ambassador Henri Bonnet on the eve of the Geneva Conference.

In part, it said that "division of Indochina impractical. Quote Mixed Unquote government would be beginning of disaster." Both, he said would lead to a "face-saving formula to cover surrender of French Union forces."

A March memorandum from the Chairman of the Joint Chiefs of Staff, Adm. Arthur Radford, to Secretary of Defense Charles Wilson on the JCS views about the then-impending negotiations said this about "establishment of a coalition government:"

"The acceptance of a settlement based upon the establishment of a coalition government in one or more of the Associated States [Vietnam, Laos and Cambodia] would open the way for the ultimate seizure of control by the Communists under conditions which might preclude timely and effective external assistance in the prevention of such seizure."

In a paragraph about "self-determination through free elections," the JCS said in part:

"The Communists, by virtue of their superior capability in the field of propaganda, could readily pervert the issue as being a choice between national independence and French colonial rule. Furthermore, it would be militarily infeasible to prevent widespread intimidation of voters by Communist partisans. While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs of Staff to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

"Longer term" results of such a loss, said the JCS, "involving the gravest threats to fundamental United States security interests in the Far East and even to the stability and security of Europe could be expected to ensue."

By the time the Geneva Conference opened, as has been known for many years, the United States had actively considered the idea of military intervention. The documents made available to The Washington Post reflect this consideration at many points.

For example, a January, 1954, meeting of the President's Special Committee on Indochina discussed sending various aircraft to the French as well as 200 military mechanics. Deputy Defense Secretary Roger Kyes "questioned" whether sending the men "would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces." State's Undersecretary Smith disagreed, saying "we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worst came to the worst he personally would favor intervention with U.S. air and naval forces—not ground forces."

Kyes said he "felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed."

But there were contrary voices as well. Late in January, Sen. John Stennis (D-Miss.), then a low-ranking member and now chairman of the Armed Services Committee, wrote Secretary Wilson to say that "I have been impressed for some time that we have been steadily moving closer and closer to participation in the war in Indo-China."

He said he did not object to policy thus far but that "it seems to me that we should certainly stop short of sending our troops or airmen to this area, either for participation in the conflict or as instructors. As always, when we send one group, we shall have to send another to protect the first and we shall thus be fully involved in a short time."

The available papers do not include a response from Wilson to the senator.

Earlier that month, President Eisenhower approved the policy statement set at the National Security Council table two days earlier on "United States objectives and courses of action with respect to Southeast Asia." It began with a sweeping statement of "general considerations," one foreshadowed in the Truman administration and to be continued in one form or another, as the documents show, into the Johnson administration.

"1. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

"a. In the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another on the field of battle. The loss of the struggle in Indochina, in addition to its impact in Southeast Asia and in South Asia, would therefore have the most serious repercussions on U.S. and free world interests in Europe and elsewhere.

"b. Such is the interrelation of the countries of the area that effective contraction would be immediately necessary to prevent the loss of any single country from leading to submission to or an alignment with communism by the remaining countries of Southeast Asia and Indonesia. Furthermore, in the event all of Southeast Asia falls under communism, an alignment with communism of India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) could follow progressively. Such widespread alignment would seriously endanger the stability and security of Europe.

"c. Communist control of all of Southeast Asia and Indonesia would threaten the U.S. position in the Pacific offshore island chain and would seriously jeopardize fundamental U.S. security interests in the Far East.

"d. The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia. Furthermore, this area has an important potential as a market for the industrialized countries of the free world.

"e. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism."

While the NSC study stated that "overt Chinese Communist attack on any part of Southeast Asia is less probable than continued Communist efforts to achieve domination through armed rebellion or subversion," the possibility of war with China was explored. It was stated that "in the event the United States participates in the fighting, there is a substantial risk that the Chinese Communists would intervene."

The immediate aim was to help the French by expediting, "and if necessary" increasing aid, to "assist them in:

"a. An aggressive military, political and psychological program, including covert operations, to eliminate organized Viet Minh forces by mid-1955.

"b. Developing indigenous armed forces, including logistical and administrative services, which will eventually be capable of maintaining internal security without assistance from French units."

In the event of Chinese intervention, the NSC concluded, the United Nations should be asked to call on member nations to "take whatever action may be necessary . . . to meet such an aggression." Whether or not the U.N. did act, it was proposed, the United States either under U.N. auspices or in concert with France, Britain and "other friendly governments" should take such steps as interdicting Chinese communication lines "including those in China," and, "if appropriate," also establish a joint "naval blockade of Communist China" and "as desirable and feasible" utilize Chinese Nationalist forces "in military operations in Southeast Asia, Korea, or China proper."

The NSC paper noted that if such actions as those outlined indeed were taken "the United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

Military studies suggested that if the United States were to be involved on the ground "seven U.S. divisions or their equivalent, with appropriate naval and air support, would be required to win a victory in Indochina if the French withdrew and the Chinese Communists did not intervene." These were the words of the "Army position" on one NSC action memorandum.

But President Eisenhower, although he had approved the planning, wanted both Congressional approval and allied participation for any American intervention. An April telegram from Dulles to Dillon reported that "Congressional action would be required. After conference at highest level, I must confirm this position." He added: "US is doing everything possible" to "prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth's participation. Meanwhile US prepared, as has been demonstrated, to do everything short of belligerency."

But Dulles had trouble rounding up allies, especially the British. Dulles reported to Smith on an April 27 talk with Foreign Secretary Anthony Eden in London and found Eden worrying that military intervention would be "a bigger affair than Korea," where hostilities had ended less than a year earlier.

A few days later Dulles summarized his findings, in part, this way:

"UK attitude is one of increasing weakness. British seem to feel that we are disposed to accept present risks of a Chinese war and this, coupled with their fear that we would start using atomic weapons, has badly frightened them."

Dulles confessed to uncertainty by adding that "I do not underestimate the immense difficulty of our finding the right course in this troubled situation. Nor do I mean to imply that this is the moment for a bold or war-like course. I lack here the US political and NSC judgments needed for overall evaluation."

Summary statements in the papers available to The Washington Post do not include any Eisenhower decision not to intervene at any of the several points during 1954 when that was under consideration. The closest thing to a clear definition of the chief executive's thinking is a May memorandum to the Secretary of Defense and the Chairman of the Joint Chiefs by Robert Cutler, the special assistant to the President who handled NSC affairs.

Cutler reported on a meeting in the President's office with only President Eisenhower, Dulles and Cutler present, at which the chief executive approved instructions for Smith, then in Geneva. It was essentially an expression of unhappiness over Eden's proposals, which fell far short of intervention.

Point 3, however, was expressive of the President's frame of mind. It said "The United States will not agree to a 'white man's party' to determine the problems of the Southeast Asian nations."

In the available papers there is no evidence of a post-Geneva American effort to prevent the elections throughout all of Vietnam from taking place.

The Soviets had "proposed June 1955" according to one report from Geneva but they and the Chinese and the North Vietnamese had finally agreed to only 1956. But South Vietnam, which the telegrams make clear had been told almost nothing about the secret Geneva talks although there was a Saigon delegation present, never accepted the Geneva accords, then or to this day.

A summary paper does as part of the Pentagon papers by an unnamed analyst put the outcome this way:

"As the deadline for consultations approached (20 July 1955) Diem was increasingly explicit that he did not consider free elections possible in North Vietnam, and had no intention of consulting with the DRV concerning them. The U.S. did not—as is often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva Accords and his opposition to pre-election consultations were at his own initiative.

"However, the U.S. which had expected elections to be held, and up until May 1955, had fully supported them, shifted its position in the face of Diem's opposition, and of the evidence then accumulated about the oppressive nature of the regime in North Vietnam. 'In essence,' a State Department historical study found, 'our position would be that the whole subject of consultation and elections in Vietnam should be let up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects.'"

On Jan. 19, 1961, President Eisenhower met in the oval room of the White House with President-elect John F. Kennedy. The President said that "Laos is the key to the entire area of Southeast Asia." The President-elect asked "how long it would take to put a U.S. division into Laos."

There was no discussion of Vietnam. That would become the problem for President Kennedy—and President Johnson—and President Nixon.

[From the Washington Post, June 19, 1971]

Viet Study Says Bombing Lull Pressure Move—II

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965–1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the adviser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant, Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas de B. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk, as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

". . . You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . .

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change was planned) and in SVN." (South Vientam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in The Washington Post Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that:

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

The document then quotes Rusk on what he, and President Johnson and other officials often said publicly and privately:

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war . . ."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965. South Vietnam's troops were in real danger of outright Communist defeat, as American officials publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocates combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam and "perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe . . ."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.'" Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that 'any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting.'"

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President of Nov. 30, 1965 stated:

"It is my belief that there should be a three- or four-week pause . . . in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North.

"The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and, second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet,' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danker was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unaccompanied by real concessions by the VC, made it politically costly for us to terminate the Pause.'"

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in Washington to resist the pressures from the 'peace movement' in the United States were not so sure.

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measures which would, even momentarily, reduce the pressure on North Vietnam." Gen. William C. Westmoreland was then U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time.

"The Secretary . . . believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement.

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area.

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.'"

The review states that on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once.

"In fact, McNaughton wrote, 'it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time.'" The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage or another pause, perhaps late in 1966, which might be more 'productive.'"

According to the Pentagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began." The reviewer cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations the unnamed analyst's assessment of it was that it "amounted . . . to the contention that just as the United States could not afford to initiate a bombing pause that might fail to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965–66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents show that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNaughton was examining the overall situation and suggesting some major changes in U.S. policy.

McNaughton said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone," while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNaughton, "pacification is stalled despite efforts and hopes." Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNaughton, "is to avoid humiliation." McNaughton's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNaughton said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNaughton was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNaughton wrote. "It took us almost a year to take the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now, if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNaughton acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material. . . "

The report states that McNamara did not commit himself to a "compromise" solution and "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Vietnam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNaughton."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology, and George Kistiakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major breakthrough to peace," the analysis say. Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense. President Johnson did so, and banked his hopes instead on the peace table.

[From the Washington Post, June 20, 1971]

LBJ Shown as Crafty, But No Liar

(By Bernard D. Nossiter)

A comparison of the Johnson administration's public remarks with the material that has been published from the Pentagon's private study of the Vietnam war discloses a public record marked by half-truths, careful ambiguities, and misleading and deceptive statements rather than flatfooted untruths.

What appears at first glance to be the grossest misstatement in public frequently turns out, on close examination, to contain a phrase or word that saves it from the label "lie."

For example, on April 1, 1965, according to the published documents, Mr. Johnson secretly made a fateful decision, ordering the 3500 Marines in Vietnam to shift from a static defense of the base at Danang to offensive actions. This was the beginning of an offensive combat role for U.S. ground troops.

The first public hint of this change came on June 8 when a State Department spokesman said that "American forces would be available for combat support." The next day, the White House put out a statement asserting:

"There has been no change in the mission of United States ground combat units in Vietnam in recent days or weeks. The President has issued no order of any kind in this regard to Gen. Westmoreland recently or at any other time."

This appears to be the lie direct. But the statement continued:

"The primary mission of these troops is to secure and safeguard important military installations like the airbase at Danang. They have the associated mission of actively patrolling and securing action in and near the area thus safeguarded."

"If help is requested by appropriate Vietnamese commanders, Gen. Westmoreland also has authority within the assigned mission to employ these troops in support of Vietnamese forces faced with aggressive attack. . . ."

Thus, the last two paragraphs, although still avoiding the full truth, soften the impact of the first and patently false paragraph.

Again in late November 1964 the Administration's topmost circle, according to published material, agreed to adopt a "determined action program" aimed at putting pressure on Hanoi and raising South Vietnamese morale. A draft position paper of Nov. 29 charts a two-phase bombing program as a key element in this plan—possible reprisal strikes against North Vietnam and a U.S. readiness to conduct sustained bombing against the North.

At a press conference on Nov. 28, a prescient reporter asked the President:

"Is expansion of the Vietnam war into Laos or North Vietnam a live possibility at this point?"

Mr. Johnson, in a lengthy reply, allowed that his top advisers were then meeting, but in the operative part of his response said:

"I anticipate that there will be no dramatic *announcement* (emphasis added) to come out of these meetings except in the form of your speculation."

This was literally true but substantively misleading. No dramatic *announcement* was made but the meetings all but sealed the dramatic *decision* to launch the two-phase bombing program that began in February.

Administration leaders rarely made outright misstatements about the crucial events in the 20 months up to July 1965 when, as the already published Pentagon documents say, the United States entered into an open-ended commitment and an Asian land war.

Perhaps Defense Secretary Robert S. McNamara came as close as any to complete falsification in his testimony before the Senate Foreign Relations Committee in February, 1968.

The Committee was exploring the origins of the Tonkin Gulf Resolution, the authority on which the Johnson regime relied to enlarge the war. Sen. William Fulbright (D-Ark.), the chairman, was attempting to discover whether the administration had decided well in advance of the August incidents in the Tonkin Gulf to ask Congress for a broad grant of authority. The dialogue went like this:

The Chairman: Mr. Secretary did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNamara: Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it . . . But I can't testify absolutely that I didn't. My memory is not clear on that.

EXECUTIVE COMMITTEE

In fact, the Executive Committee of the National Security Council—which included McNamara—had decided after its meetings on May 24 and 25, 1964 to seek a Congressional resolution (authorizing "all measures") to assist South Vietnam. Thus, McNamara and the others had approved a draft of the Tonkin Gulf resolution nearly ten weeks before the attack on the American destroyers in those waters.

Even here, McNamara's choice of words to the Senate Committee is artful. He says he didn't believe he saw the draft and it is conceivable that he approved the substance without reading all the language. Morever, he tells the committee that his memory isn't clear on the crucial point and he won't "absolutely" deny having seen it.

At the same hearing, Gen. Earle Wheeler, chairman to the Joint Chiefs of Staff, skirted perilously close to untruth. Whether he avoided it is an exercise in higher semantics.

Chairman Fulbright asked Wheeler whether in the period around July 1964 the military had recommended extending the war to the north by bombing or other means.

Gen. Wheeler replied:

"I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence activities (deleted) but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities."

Then, for the record, the Pentagon supplied an insertion:

"We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing."

In fact, published records show, as early as Jan. 22, 1964—six months before the period about which Fulbright was inquiring—the top brass sent McNamara a lengthy memo saying:

"Accordingly, the Joint Chiefs of Staff consider that the United States must make ready to conduct increasingly bolder actions in Southeast Asia to:

". . . h. Conduct aerial bombing of key North Vietnam targets, using U.S. resources under Vietnamese cover, and with the Vietnamese openly assuming responsibility for the actions.

"j. Commit U.S. forces as necessary in direct actions against North Vietnam . . ."

Wheeler was stretching the truth to say the Chiefs harbored "no thought " of extending the war North. On the other hand, he could argue that a proposal "to make ready" northward actions is less than a recommendation and that he equates "thought" with an unqualified proposal.

The gap between public oratory and private belief is strikingly illustrated by Mr. Johnson's State of the Union address on Jan. 4, 1965.

Why are we in Vietnam, The President asked rhetorically.

He answered himself:

"We are there, first, because a friendly nation has asked us for help against the Communist aggression."

But behind closed doors, the American objectives were described quite differently as a memo of Mar. 24, 1965 from John T. McNaughton, Assistant Secretary of Defense for International Security Affairs, illustrates. Writing less than three months after Mr. Johnson spoke, McNaughton begins:

1. U.S. Aims

70 percent—To avoid a humiliating U.S. defeat (to our reputation as guaranator)

20 percent—To keep SVN (and the adjacent) territory from Chinese hands.

10 percent—To premit the people of SVN to enjoy a better, freer way of life.

Also—To emerge from crisis without unacceptable taint from methods used.

Not—To "help a friend," although it would be hard to stay in if asked out.

What follows is a further comparison of differences between public statement and private discussion as disclosed by the Pentagon's secret study of the war's origins in some key areas during the crucial 20 months from December, 1963 through July, 1965. Single parentheses surround language in the documents or supplied by the unidentified Pentagon historian. The brackets embrace language supplied by The Washington Post.

PROGRESS OF THE WAR

In private, these estimates were made:

"The situation is very disturbing . . . the situation has in fact been deteriorating in the countryside since July to a far greater extent than we realized . . ."—McNamara memo to the President, Dec. 21, 1963.

"The situation has unquestionably been growing worse, at least since September . . ." McNamara memo to the President, Mar. 16, 1964.

"In terms of equipment and training, the VC are better armed and led today than ever in the past . . . No indication that the VC are experiencing any difficulty in replacing their losses in men and equipment . . ."—Ambassador Maxwell Taylor's report to the Joint Chiefs, Aug. 10, 1964.

". . . the counter-insurgency program country-wide is bogged down . . . the evidence shows we are playing a losing game in South Vietnam . . ."—Ambassador Taylor's briefing to senior officials, Nov. 27, 1964.

"Highest authority [identified as the President] believes the situation in South Vietnam has been deteriorating . . ."—McNaughton cable to Taylor, Apr. 15, 1965.

But the public was being told these things:

"I am leaving [Saigon] optimistic as to the progress that can be made during the coming year . . ."—McNamara to press, Dec. 20, 1963, one day before he privately wrote the President of a "deteriorating" situation.

"I do not think that the speculation . . . that we are losing the fight in that area, or that things have gone to pot there, are at all justified . . ."—President to press, Feb. 29, 1964.

"Some progress has been made recently" and "compared to a month or two ago, we can look ahead with greater confidence . . ."—McNamara to press at Austin, Nov. 10, 1964.

ATTITUDE ON NEGOTIATIONS

In private, these judgments have been reported as follows:

"There would be the problem of marshalling the case to justify such action (bombing the North), the problem of Communist escalation, and the problem of dealing with the pressures for premature or 'stacked' negotiations . . ."—McNamara to President, March 16, 1964.

"Stall off any 'conference' (Laos or) Vietnam until D-Day [bombing strikes against the North] . . . (D-Day) Call for conference on Vietnam (and go to U.N.) . . . Essential that it be made clear that attacks on the North will continue (i.e. no cease-fire) until (a) terrorism, armed attacks and armed resistance to pacification efforts in the South stop, and (b) communications on the networks out of the North are conducted entirely in uncoded form."—Unused scenario of William Bundy, Assistant Secretary of State, May 23, 1964, as quoted by the Pentagon historian in the already published Pentagon documents.

"We must continue to oppose any Vietnam conference, and must play the prospect of a Laos conference very carefully . . ." William Bundy memo, Aug. 11, 1964.

"Should pressure for negotiations become too formidable to resist and discussion begin before a Communist agreement to comply, it was stressed that the United States should define its negotiating position 'in a way which makes Communist acceptance unlikely.' In this manner it would be 'very likely that the conference would break up rather rapidly,' thus enabling our military pressure to be resumed."—Unidentified Pentagon historian, summarizing options presented to an inner group of the National Security Council, Nov. 24, 1964.

"Moreover, it would be folly to assume that (Premier) Khanh, who is now in a fairly euphoric state as a result of our Gulf of Tonkin action, would do anything other than slump into deepest funk if we sought to persuade him to send GVN (Government of Vietnam) del (delegate) to conf (conference)."

"Intensified pressure for Geneva-type conf . . . would appear to us to be coming almost entirely from those who are opposed to U.S. policy objectives in (Southeast Asia) . . . Under circumstances, we see very little hope that results of such conference would be advantageous to U.S. . . ."—Ambassador Taylor cable to Secretary of State Dean Rusk, Aug. 9, 1964.

The spring, 1965 public statements of the President and his aides "were not 'compromise' terms, but more akin to a 'cease and desist' order that, (North Vietnam/Viet Cong) point of view were tantamount to a demand for their surrender."—Unidentified Pentagon historian.

"And I pledge you here today I will go to any remote corner of the world to meet anyone, any time, to promote freedom and to promote peace."—President Johnson at El Paso, Sept. 25, 1964.

"The United States will never be second in seeking a settlement in Vietnam that is based on an end of Communist aggression. As I have said in every part of the Union, I am ready to go anywhere at any time, and meet with anyone whenever there is promise of progress towards an honorable peace . . ."—President's statement on Vietnam, March 25, 1965.

"The window to peace is still open. We are still ready for unconditional discussion. We will impose no conditions of any kind on any government willing to talk, nor will we accept any. On this basis, we are ready to begin discussion next week, tomorrow or tonight . . . To those governments who doubt our willingness to talk, the answer is simple: Agree to discussion. Come to the meeting room. We will be there."—President's statement, April 17, 1965.

"The bombing is not an end in itself, as we all know. Its purpose is to bring us closer to the final day of peace, and whenever it will serve the interests of peace to do so, we will immediately end it . . . There are those who frequently talk of negotiation and political settlement and that they believe this is the course we should pursue, and so do I. When they talk that way I say, welcome to the club. I want to negotiate. I would much rather talk than fight and I think everyone would. Bring in who you want us to negotiate with. I have searched high and wide and I am a reasonably good cowboy and I can't even rope anybody and bring him in that is willing to talk and reason and settle this thing by negotiation . . ."—President to Congressional committee members on the need for more funds for military purposes in Vietnam and the Dominican Republic, May 4, 1965.

"As I indicated the day after I took over as President, I'd be glad to go anywhere, do anything, see anybody, anytime that offered an hope of peace . . . We will welcome any attempt, as we told them about the Cambodian conference . . ."—President to press, June 17, 1965.

"I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals and our proposals and any proposals of any government whose people may be affected, for we fear the meeting room no more than we fear the battlefield."—President announcing an "almost" immediate increase in U.S. combat forces in Vietnam from 75,000 to 125,000, July 28, 1965.

AMERICAN ROLE IN LAOS

In private, these things were happening and were discussed, according to already published Pentagon documents.

During 1964, American-supplied T-28 fighter-bombers were bombing and strafing Pathet Lao and North Vietnamese troops and targets in Laos near the North Vietnamese border. Some of the T-28s were manned by pilots from a CIA-controlled airline and some by pilots from Thailand. Their operations were controlled by Ambassador to Laos Leonard Unger.

In addition, Navy jets were flying reconnaissance missions over Laos. After two were shot down in June, the Administration provided armed escorts for these flights and, beginning June 9, they struck and continued to strike at Pathet Lao positions.

A State Department memo of Nov. 7, 1964 for Assistant Secretary Bundy describes the operations:

"There are now 27 T–28 . . . aircraft in Laos . . .

(The Pacific Commander in Chief) has taken action in response to Ambassador Unger's request to build this inventory back up to 40 aircraft for which a pilot capability, including Thai, is present, in Laos."

"The T–28's are conducting the following operations:

"1. General harassing operations against Pathet Lao military installations . . . efforts to interdict Routs 7 . . . Tactical support missions . . . Strikes on targets of opportunity . . . Corridor interdiction program . . . plans are underway to hit four additional targets . . . Ambassador Unger has submitted for approval under this program 6 additional targets. . . ."

"(North Vietnam) claims T–28's have violated North Vietnamese airspace and bombed/strafed NVN villages in August 1 and 2 . . . The charges are probably accurate with respect to the first two dates . . ."

The public relations strategy governing the Laos operation was spelled out by the unidentified Pentagon historian's summary of a decision at the National Security Council meeting, Dec. 12, 1964.

It was "agreed that there would be no public operations statement about armed reconnaissance in Laos unless a plane was lost. In such an event, the principals stated, the Government should continue to insist that we were merely escorting reconnaissance flights as requested by the Laotian government."

In public, the President has already been saying what the National Security Council suggested as a cover for the American bombing and strafing in Laos.

"Where the International Control Commission has been kept out, our airmen have been sent to look—and where they are fired on, they are ready to defend themselves. This armed reconnaissance can be ended tomorrow if those who are breaking the peace of Laos will simply keep their agreements. We specifically support full compliance by everyone with the Geneva accords of 1962 (which barred foreign forces in Laos)."—Mr. Johnson to press, June 23, 1964.

"In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos . . . When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon . . ."—Mr. Johnson to Congress, Aug. 5, 1964.

CARRYING WAR TO NORTH

In one sense, the public discussion during 1964 and early 1965 over whether the United States would strike in some form directly against North Vietnam was academic. As the already published parts of the Pentagon study report, the United States had been mounting small scale, clandestine operations in North Vietnam since Feb. 1, 1964.

These attacks—commando raids from the sea, shelling of North Vietnamese coastal installations, parachuting sabotage and psychological warfare teams into North Vietnam—were conducted by South Vietnamese and Chinese Nationalists. But they were directed by the chief of the United States Military Assistance Command in Saigon, first Gen. Paul D. Harkins and then Gen. William Westmoreland.

In his memo to the President of Mar. 16, 1964, McNamara refers to it as "a very modest 'covert' program." The Joint Chiefs of Staff supplied the Defense and State Departments with a monthly schedule of specific, proposed targets for the secret groups.

Several of these operations preceded the attack on the American destroyers, Maddox and Turner Joy, that provided the occasion for Mr. Johnson's Tonkin Gulf resolution. On the night of July 30-Aug. 1, Vietnamese commandos under Gen. Westmoreland's direction struck two North Vietnamese islands. The Maddox was first attacked on Aug. 2. Two more covert assaults against North Vietnam were launched on Aug. 3, and, according to already published documents the Pentagon study, both the American destroyers were warned they were coming. The two U.S. ships were attacked on Aug. 4 and Mr. Johnson then asked Congress for his resolution.

On Aug. 6, McNamara held a press conference that sharply illustrated how public statements differed from private decisions. He was asked:

"Have there been any incidents that you know involving the South Vietnamese vessels and the North Vietnamese."

He answered:

"No. None that I know of, although I think that I should mention to you the South Vietnamese patrol activities that are carried on to prevent in the infiltration of men and material from the North into the South."

McNamara then went into a lengthy description of a South Vietnamese junk patrol, set up with American aid, to guard against infiltration. He acknowledged that these junks might have strayed above the 17th parallel, the boundary between North and South, and, in response to another question, said, "They operate on their own. They are part of the South Vietnamese Navy."

This was the literal truth. The junk patrol, according to knowledgeable former Naval officers, was part of the South Vietnamese Navy, not under American control and McNamara would not likely have any knowledge of its detailed operations.

But in context the original question, inadvertently or otherwise, referred to the covert operations that preceded the attacks on the destroyers. These clandestine raids were under American control and the Defense Department was told of them in advance. Thus, the Secretary answered factually something he was not asked—to avoid a direct answer or misstatement about the crucial matter on which he was asked.

Perhaps the trickiest question in this survey is the extent to which Johnson did or did not mislead the people about his intentions to bomb North Vietnam. The answer depends on a judgment as to precisely when Mr. Johnson and his advisors decided to carry out continuous air strikes against the North.

According to the already published materials, the unidentified Pentagon historian made a determination. He concludes that a consensus of key advisors was reached to bomb North Vietnam as early as September 1964. The historian finds documentary support for his position in the final paragraph of a National Security action memorandum from McGeorge Bundy, Presidential advisor on national security, to Secretaries McNamara and Rusk.

The already published memorandum reviews several Presidential decisions, including one to resume the covert operations temporarily halted by the Tonkin Gulf incidents, and concludes:

"These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken." (emphasis added).

PENTAGON HISTORIAN

The Pentagon historian has equated "larger decisions" with the plans to bomb, something the text does not say. The crucial word is the conditional "if." The historian apparently reads the sentence to mean that the "larger decisions" might be taken even before "the first order of business," strengthening the Saigon government, is completed. But, in any event, the "larger decisions" will be taken.

This, too, is a plausible reading.

But it could be argued with equal plausibility that the "if" is controlling, that the "larger decisions" have not been made but will be should a change in the situation require them.

Again, the unidentified Pentagon historian concludes that the "decision" to bomb was refined on Nov. 28 with the adoption of a plan for a two-phase approach—30 days of infrequent "reprisal" strikes followed by two to six months of sustained bombing.

But the already published "Draft Position Paper on Southeast Asia" of Nov. 29, summarizing the crucial meetings, uses conditional language. It talks of agreeing on a "determined action program" aimed at North Vietnamese activities in both South Vietnam and Laos. Under things to be done in the next 30 days, it speaks flatly of "US armed reconnaissance strikes in Laos" and South Vietnamese "and *possible* U.S. air strikes against the DRV [North Vietnam], as reprisals against any major or spectacular Viet Cong action in the South . . ." [emphasis added]

The "Draft Position Paper" continues:

"Thereafter . . . the U.S. is *prepared*—at a time to be determined—to enter into a second phase program . . . of graduated military pressures directed systematically against the DRV. Such a program *would* consist of progressively more serious air strikes . . ." [emphasis added].

Once again, it could be argued that this paper does not set forth firm conclusions but speaks to possibilities in a subjunctive mode.

Perhaps a close reading of the texts overlooks their context and ignores a bureaucratic affinity for fuzzy language. But the literal reading does raise some questions about the historian's conclusions.

THE DECISION TO BOMB

If the historian is right and the decision to bomb was taken, for all practical purposes, in early September, the President's campaign rhetoric was grossly misleading. Some samples follow:

"There are those who say you ought to go North and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."—Mr. Johnson at the Eufaula, Dam, Oklahoma, Sept. 25, 1964.

"Some of our people—Mr. Nixon, Mr. Rockefeller, Mr. Scranton and Mr. Goldwater—have all, at some time or other, suggested the possible wisdom of going North in Vietnam. Well now, before you start attacking someone and you launch a big offensive, you better give some consideration to how you are going to protect what you have . . . As far as I am concerned, I want to be very cautious and careful, and use it only as a last resort when I start dropping bombs around that are likely to involve American boys in a war in Asia with 700 million Chinese.

"So just for the moment I have not thought we were ready for American boys to do the fighting for Asian boys. What I have been trying to do, with the situation that I found, was to get the boys in Vietnam to do their own fighting with our advice and with our equipment. That is the course we are following. So we are not going North and drop bombs at this stage of the game . . ."—Mr. Johnson in Manchester, N.H., Sept. 28."

In any event, American bombing of North Vietnam began in February and reached its sustained tempo in March of 1965.

The already published portions of the Pentagon study reveal comparatively little about the series of decisions that put American combat forces into a land war on the Asian mainland. As already noted, the Joint Chiefs, as far back as Jan., 1964, were recommending that the United States "make ready" to "commit additional US forces, as necessary, in support of the combat action within South Vietnam" and even "commit US forces as necessary in direct actions against North Vietnam."

By June, McNamara was ordering the Army to ready supplies in Thailand for possible combat operations by an American brigade.

The Marines didn't land until March, 1965, but their change in mission, to go on the offensive, was ordered within four weeks. The already published National Security Action memorandum of April 6 ordering the new mission, contains this language:

"The President desires that with respect to the actions in paragraphs 5 through 7 (dealing with the new Marine offensive mission and an increase in men), premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy . . . The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy.

This explains why the White House, on June 9, tried to blur the revelation made the day before at the State Department, a disclosure that all but gave the Marines' new show away.

THE SPRING OF 1965

In view of the fact that the decision to commit ground combat troops was not made until the spring of 1965, after the initial bombing assaults proved futile, Mr. Johnson's campaign rhetoric might fall under the heading of "bad prophecy" rather than "untruth."

On Oct. 2 in Akron, for example, he said: "But we are not about to send American boys 9 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves."

This was a line he repeated with minor variations throughout the campaign and the record indicates he believed what he said at the time.

By late July, 1965, the President was publicly announcing that the number of troops in Vietnam would be raised to 125,000 and Gen. Westmoreland had been given authority to embark on his "search and destroy" strategy. The Pentagon historian concludes that this "left the U.S. commitment to Vietnam open ended . . . Final acceptance of the desirability of inflicting defeat on the enemy rather than merely denying him victory opened the door to an indeterminate amount of additional force."

Mr. Johnson was asked about the big troop increases at his July 28 press conference. The dialogue went like this:

Question: Mr. President, does the fact that you are sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese operations and using American forces to guard American installations and to act as an emergency backup?

The President: It does not imply any change in policy whatever. It does not imply any change of objective.

IT IS OUR MOVE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ADDABBO. Mr. Speaker, this past week there appeared an editorial I believe would be of interest to all. I insert the Westbury, N.Y., Times June 17, 1971 article:

IT IS OUR MOVE

(Martin E. Weiss, Editor and Publisher)

The credibility gap over the question of whether or not U.S. prisoners held by Hanoi would be released if Washington set a date for withdrawal from South Vietnam has hit a new peak.

At his televised press conference on June 1, President Nixon asserted that no such indication had been given to Ambassador Bruce, head of the American delegation to the Paris peace talks.

Rep. Lester L. Wolff (D., Great Neck), a member of the House Foreign Affairs Committee, emphatically challenges the accuracy of that statement—basing the challenge on his own meeting in April with Senator Vy, deputy chief of the North Vietnamese delegation in Paris.

Mr. Wolff insists that the Hanoi representative said explicitly that were the U.S. to set a "reasonable date" for the total withdrawal of American forces from Vietnam, "arrangements would be made for the release of our men now being held captive."

It would seem that the President should set such a date as a means of testing North Vietnam's sincerity. Should Hanoi renege, Washington can adjust its policy; should it live up to such a commitment, our prisoners of war will be returned.

It is a minor risk for a major goal. We know we're pulling out of Vietnam, Hanoi knows it, and so does the rest of the world.

The administration owes the American public some honest answers; most especially, it owes our men fighting in Vietnam, the prisoners held by Hanoi, and the families of both, an end to their being used as pawns in a bloody game of global chess.

It's our move. Let's make one that will save lives and stop worrying about saving face.

NUTS TO THAT!

Speaking of Vietnam, the current NY Times series detailing a 7,000-page, hitherto secret, report put together during the administration of former President Lyndon Johnson, indicates that the American public has been led down the primrose path since 1964.

The administration is seeking to prevent the NY Times from continuing the series because it may infringe on national security.

Nuts to that! It's about time we knew how, and why, we got so deeply involved.

BEGINNING OF THE END

Speaking further about Vietnam, a "Register For Peace" rally, the largest anti-war demonstration ever held on LI, brought thousands of new voters together last Sunday.

The rally was, in part, political. Rep. Bella Abzug (D, Manhattan) did the cause of peace little good by aiming her remarks at a demand that minorities and middle-income people have a greater share of political power.

However, Rep. Lester L. Wolff (D, Great Neck) set the tone of what the audience had come to hear. "This must," he said, "be the beginning of the end of the war."

Moments later, Rep. Paul McCloskey (R, Calif.), an announced candidate for the GOP Presidential nomination in 1972, said: "We have the capacity to convince the men and women of both houses of Congress to end the war."

Did they believe? Well, some 5,250 signed pledge cards distributed by Citizens for Alternatives Now. The cards read: "I, as a recently-enfranchised voter, hereby pledge to exercise my right to vote only in favor of candidates who (1) insist upon immediate withdrawal of all U.S. personnel from Indochina by a specified date, and (2) insist upon the exercise of congressional authority over decisions affecting war and peace."

Let's hope they're listening at 1600 Pennsylvania Avenue in Washington.

"MAY DAY" IN BOSTON

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, on May 8, 1971, at a banquet in honor of Grande Chef De Gare Herbert G. White, at a Legion post in my congressional district, Mr. George K. Walker, a prominent community member, gave a most informative and up-to-the-date speech which I wish to share with my colleagues at this time:

During the past week we have experienced a relatively new phenomenon which for lack of a better appellation its perpetrators call May Day.

Perhaps the elders among us, the grizzled veterans of World War II recognize "May Day" as the call of a comrade for help. It once was. But today that once honorable phrase has become the howl of the wolf pack leader, voicing his lust for rape, rampage, sabotage, disruption and annihilation of a nebulous enemy whom he calls the establishment.

Thursday morning I stood on the outer perimeter of the John F. Kennedy Building in Boston as the pack circled each access route in an inane and inept effort to bar Federal employees from their work sites. I saw groups of young people prostrate in the approaches to each doorway. At the main entrance helmeted police, visors lowered, held the pack at bay as they maintained a narrow lane through which reporting employees passed in relative safety into the building.

The faces of those who had already penetrated the barrier appeared at the windows. Armed guards patrolled the hallways. The sharp bark of trained police dogs and the occasional siren of a patrol car echoed in the Mall. Surely, I thought, this is not Boston, Massachusetts in the United States of America in the year of our Lord 1971. It smacks too much of Marxist nihilism. Could these placarded and outlandish appearing robots be the young Americans who in a succeeding generation are destined to govern and control our nation? Most certainly there is cause for concern.

I looked again at the milling masses of young demonstrators. My eyes searched their faces. How youthful, almost adolescent, most of them were. So vacant were the expressions of so many.

The Boston scene has been duplicated many times in many places during the past few years. It appears as an endless tide eroding the rocks on which stands our democratic way of life. Assuredly it lacks the spotaneity and verve which characterized the youth of past generations. It shows clearly as a planned and well organized effort to reduce to nothingness all those rights and freedoms guaranteed by the Constitution and zealously guarded by millions of brave men and women who have since contributed so much to preserve our way of life.

Who are the planners of these so called "peaceful" demonstrations? What are their plans? How do they intend to divorce us from the good life all of us cherish?

Before, during and immediately after World War II international communism, using the same tactics it found successful in other countries, attempted to gain control of our government through the so called working class. But every attempt to control American labor unions failed. What appeal could communism furnish, to the working man who owned his own home, drove his own car, sent his kids to college and played golf on week-ends? None. In the late 1940's the planners developed a new four-pronged approach, each of which was aimed at the young. They had given up on us oldtimers.

The old frontal assault which had heretofore characterized communism now appeared as an insidious effort to influence and control education, religion, news media and the film industry.

Through the educational process our young were to be taught to question everything. Question the judgment of your parents, question the laws by which we are governed, question the credibility of your elected leaders, question the very existence of God.

Use a religious appeal to develop the theme of love for your fellow man. Exploit the second commandment to the utmost. Pervert and prostitute the deep meaning of real love into the obscenities that once were hidden in the bordello. Use the morality of God's love for man to bring out the basest instincts in man.

Give the big lie to news developed from government sources. Color the news to paint the wrong picture. Develop news calculated to make headlines.

Convert our greatest media of entertainment, the motion picture, into a bawdy and senseless display of flesh and immorality. Lure the young into sex as a casual thing, a means of self indulgence and pleasure, having no permanence or responsibility. Do away with the mores and morals of countless past generations. Tear down the family as the basic form of government and the chief stabilizing influence on the young.

All these pressures notwithstanding, youth generally held steadfast to the course its heredity and environment had ordained. Some minds were captivated by the idea of a better life and guided by a few poorly educated educators conceived communism as that better way. These we know today as the new left—new in years but still spouting the old Communist Party line. They are the leaders of the New Wolf Pack, the political activists whose howls—strange to say—attract the lambs. They are the 100 odd taken into custody by Boston police on Thursday last.

But what of the others? Those who shuffle listlessly and meaninglessly in these demonstrations? What is their purpose? What are their hopes?

Because the minds of the majority of our young could not be breached by a continuous and insistent preachment of Communism as a new and better way of life, some other method had to be found to break the barrier. That other way already existed—drugs.

In my youth a person addicted to their use was called a dope fiend. He was ostracized by humanity and his addiction created a mental and physical dependence on narcotics. His ability to think clearly or to exercise sound judgment often was totally impaired by his obsession, and because his mind could no longer function, he readily accepted the ideas implanted by others.

There are those who believe that the so-called drug culture appeared on the American scene more or less as the by-product of the natural curiosity and desire to experiment that all youth experiences. I think otherwise.

Marihuana first appeared in our universities where it was often advocated as a booster to create mental expansion and a relief from the tensions of the world. Presumably its users had greater insight and developed a greater power of concentration. But the milder effects of marihuana soon gave way to more powerful chemicals such as LSD and "speed." Finally the heroin, the killer of mind and body, was introduced in the very orderly process of proceeding from the simple to the complex. The very order of introduction should be sufficient manifestation of a well designed plan to fetter youthful minds. In these diabolic chemicals lies the reason for so many vacant looks on the faces of many young demonstrators.

The leaders of the new left preach to these enslaved minds of love of fellowman, freedom and peace. They would have us believe that love and freedom beget peace. They demand instant withdrawal from Indochina in the name of love—their kind of love. And in their lexicon the sacrifices made by so many young Americans in Vietnam are not expressive of love because their definition does not include self-sacrifice for the benefit of someone else. They would have us believe that we entered Asia and remain there for personal gain. We are never right, Communist nations are never wrong.

Our institutions, our government, our way of life benefits the few at the expense of the many. This is the pap on which they nurture our young. And with all this they raise a persistent clamor for peace—peace—peace.

But their real plan does not include peace except as they care to define it. They have excluded the words "honest", "just" and "lasting" from the definition. Their cry for peace is an open sesame to the doors of the remaining free nations of Asia to allow the enslavement of millions of humans at no cost, military or otherwise to a Communist ideology. And these ideas they preach to the drugged minds of some of the youth of our country.

Love, peace and freedom as these wolves really mean them to be can best be defined as destruction and chaos. They are not ready yet to give us the word on the new order—the total elimination of our form of democracy and the immediate introduction of a new order—that of totalitarian communism, a government of the few, by the few and for the few. This they cannot preach while so many of us remain and so long as the vast majority of our young minds refuse to submit to the blandishments of drugs of the fleeting dream of a heaven here on earth. The majority of college and university students, tired of the campus disruptions which interfered with their educations have organized to ban demonstrations from the educational scene. They have taken matters out of the hands of those weak administrators who, lulled into a false sense of security by a few radical faculty members, wrung those hands helplessly while those same radicals in the name of academic freedom preached malice and destruction to those members of the student body foolish enough to listen, and who later urged those students to riot and violence.

There is much to hope for in the future but be not misled. Already we hear the cry of the pack "legalize marihuana." And the lambs who find it a soporific bleat in unison. And the wolf leaders expound on the benefits to be gained and the freedom of man to do as he pleases.

Those of us who once served our country in time of need cannot now relax in the false belief that we are secure. For we exist only so long as our youth are ready, willing and able to assume the burden of constant challenge from the outside as we continue to find, fix, fight and finish the relentless forces of evil which burrow from within. Be not misled that marihuana is harmless. Be not beguiled by the wolves who tout its desirability. Be positive in your rejection of this first step in the enslavement of men's minds.

The fight for real freedom, our kind of freedom, the search for real peace, our kind of peace, demands that we now and forever man the bastions of our real democracy, ever conscious of the perils from within and without and ever vigilant and militant in their defeat.

We do not stand alone. We are not witnessing the death of a great nation. As we weep in sorrow for those who are lost we stir in anger and hatred toward those who would tear down that which we helped build. For we have done much to make our land a better land. And the great majority of our young recognize this.

Eric A. Walker, the president of Pennsylvania University, in his address to a graduating class, enumerated our successes better perhaps than can I. Here is what he told his graduating students in an address which he termed "The Generation Gap."

THE GENERATION GAP

"These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50%—who while cutting the working day by a third, have more than doubled per capita output. These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of. Let us remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had. Because they gave you the best, you are the tallest, healthiest, brightest, and probably best-looking generation to inhabit the land. And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition. These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

"It was the representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights. They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters, where once it was only the dream of a wealthy few. While they have done these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you will perfect these social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era."

Ours has been an era of progress. We have done well and our youth know it. We have made the world a better place in which to live. Under our guidance and the guidance of people like President Walker our young can improve on the foundation we have laid. Let's give them the opportunity. Our chief obligation is to protect them from the ravages of the insanity of communism under its new cloak—the New Left.

A WORKABLE APPROACH TO ACCIDENT REPARATION AND LITIGATION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BRASCO. Mr. Speaker, the New York Law Journal of June 14, 1971, carried an article written by the distinguished State supreme court justice for Kings County, Louis B. Heller.

Justice Heller addresses himself to the problem of automobile accident reparation, and in the event some of my colleagues missed this article, I include it in the CONGRESSIONAL RECORD at this time:

A WORKABLE APPROACH TO ACCIDENT REPARATION AND LITIGATION

(By Louis B. Heller)

(NOTE.—The state Legislature adjourned without acting upon the various no-fault proposals submitted. It is the writer's opinion that this hiatus will benefit the public, the judicial system and the litigants. It will now provide needed time for an objective and dispassionate analysis of the entire mechanism of accident reparations. After many years as a judge and trial lawyer, this writer offers the following proposals:)

The no-fault concept of auto liability insurance, first suggested in 1932, did not receive serious consideration until 1965 as a result of a proposed plan set forth in a book by Professors Keaton and O'Connell entitled "After the crash . . . the need for Legal and Insurance Reform."

In recent years, we have witnessed the growth of the population in this country, particularly in urban centers. In addition, the tremendous increase of high-powered automobiles containing insufficient safety devices, the crowding of many of our highways and a failure of government to control the inept and dangerous driver has resulted in accidents involving approximately 60,000 deaths and 5,000,000 injuries yearly.

This enormous increase in automobile accidents has contributed to a growing cost of automobile liability and collision premium insurance. The rise in the cost of insurance, the deluge of automobile accident claims clogging the court calendars and the costly expense of litigation have produced the Stewart no-fault proposal for automobile insurance (named after former State Insurance Commissioner Richard E. Stewart) as a panacea for the problems of auto liability insurance.

The Stewart plan is meant to satisfy the public and critics for and against reform. However, the plan has met with strong opposition due to the radical nature of many of the proposals. Under this plan the owner of an automobile insures himself and the occupants of his car for certain actual losses sustained in an automobile accident. The injured party receives payment from the insured's carrier and foregoes the right to sue any party involved in the accident. Payment is made to any and all parties injured for certain actual losses regardless of whose fault caused the accident. Actual loss includes and is defined as medical and hospital care, rehabilitation, certain property damage (but not for property damage to automobiles), miscellaneous expenses and net economic loss. This system would eliminate the need to prove the negligence of a defendant and plaintiff's freedom from contributory negligence.

DELAY IN CLAIMS

It is pointed out in support of the no-fault plan that long and costly legal suits which, particularly in urban communities, are not tried or settled for many years, would be eliminated. Proponents of the plan argue that delayed payment of claims is a financial hardship on the accident victim whereas comparatively prompt payment of claims would be made under the proposed plan. Premium costs for auto coverage would be allegedly lower by 56 per cent under the Stewart plan due to savings in legal and administration expenses, savings on overpayment by insurance companies of so-called "nuisance cases" and savings effectuated by payment only for net economic loss. Furthermore, court calendars would be eased, releasing judges for assignment to other matters.

Twenty-three cents out of the premium dollar paid by the assured at the present time is allegedly spent on lawyers and claim investigators; thirty-three cents on insurance company overhead; twenty-one and one-half cents on intangible "pain and suffering" awards, including disfigurements, dismemberments and enucleations; eight cents for economic loss already compensated by other insurance, leaving only fourteen and one-half cents of each premium dollar to cover economic losses for all classes of victims of automobile accidents. Thus, statistics submitted by proponents claim that liability insurance pays only one-sixth of the premium dollar for the economic losses of seriously injured victims. Under the proposed plan it is projected that certain car owners would have an overall average saving of 33 per cent on liability insurance premiums.

In summary, proponents of the no-fault legislation urge that a fundamental change of the present system of automobile liability insurance is needed wherein the legal fault principle is discarded and the vague and indeterminate method of measuring damages, particularly in the area of pain and suffering, is replaced by a streamlined efficient system awarding true economic loss to its victims. This woud purportedly reduce the cost of automobile insurance and thus best serve the interests of the public.

The Stewart proposal is palpably weak, faulty, inadequate and unworkable. Very little independent research was made in drawing the Stewart proposal. Most of the statistics which the plan relies on for its arguments were supplied by the American Insurance Association, a strong supporter of the no-fault plan.

It is to be expected that insurance companies with their powerful legislative lobbies would support such a plan. Great savings to the companies would be affected in not having to pay for pain and suffering and permanent impairment or disfigurement of victims, which undoubtedly is the greatest factor in negligence law suits preventing greater profits for the companies.

"NET ECONOMIC LOSS"

The restriction that recovery may be had only for "net economic loss" is comparable to a Workman's Compensation type of system and is manifestly unfair to victims sustaining personal injuries in automobile accidents. Injured parties would receive no compensation for pain and suffering, facial or other disfigurement, or a possible lifetime of discomfort and mental suffering. In fact, the Stewart plan reduces a human being to nothing more than a unit of economic production. It is repugnant to anyone valuing the worth of the person to ignore what a serious auto accident can do to destroy a victim's life and only compensate the injured person for what is tantamount to his out-of-pocket loss.

The no-fault system encourages careless driving. There is no control over drunken driving, those under the influence of drugs and the habitual violator of traffic rules and regulations. This stems from the fact that regardless of fault, under the Stewart plan the careless or drunken driver, etc., will be compensated. Under our present system the driver and owner of the car at fault must account for lax driving by filing reports of the accident, becoming involved in a law suit, appearing before opposing lawyers in court and being involved in all the ramifications of a legal proceeding. This, to some extent, is a deterrent to careless driving.

The claim that the Stewart proposal would lower premium costs is illusory. What the plan does is redistribute the burden of premium payments in an inequitable fashion. Assuming that automobile liability policy coverage would eliminate protection for property damage, recovery for pain and suffering, recurrent discomfort, limited mobility of the injured party, loss of beauty, permanent scars, etc., then, of course, it may be true that the premium costs would be smaller. Furthermore, an injured person who is covered for benefits from other sources and received payment for his injuries would be precluded from claiming the benefits for the same injuries from his automobile liability insurance company.

However, offsetting any claimed savings on premiums is the fact that under the no-fault plan a car owner with high earnings, a large family and who probably is a wage earner, because he is a higher actuarial risk would pay a higher premium even if he was a careful driver than the young unmarried male without dependents and low earnings. Even though statistics show the latter driver has a higher percentage of accidents actuarial risk as to the number of injured persons and amount of actual economic loss is less.

The Stewart plan rewards the poor rather than the good driver.

Other articles on this subject have already appeared evidencing the fact that under the no-fault plan there would not be a decrease in the number of claims, that few judges would be freed from overcrowded calendars, that the present long-wait court system would be replaced by an equally bad complex rating and adjustment procedure.

FEES AND PREMIUMS

Proponents of the Stewart plan point to the alleged high percentage that attorneys' fees cost in terms of the premium dollar. However, accusations hurled at the legal profession for opposing no-fault insurance merely to protect the attorneys' interest in preserving lucrative legal fee income in automobile negligence cases are unfounded. In our nation, death and injuries due to auto accidents are commonplace and it is estimated that the average person is injured two to three times during his lifetime. Attorneys not only participate in claims and litigation but acquire a singular measure of knowledge in regard to automobile negligence and liability insurance. This expertise aids injured parties to recover the full measure of their damages in terms of suffering, permanent disfigurements and loss of services as well as economic loss.

Being experts in their field, lawyers would be remiss in their duty to the public if they did not take a great interest in any changes in the present system. Where a fair, workable and equitable change is submitted it will be considered and supported by the legal profession.

It would be well to mention that a limited form of no-fault auto liability insurance was enacted in the State of Massachusetts in 1969. This is the only state where such a law exists and although it appeared simple in theory, it was very difficult to put into operation. A recently published article in the New York Law Journal points out many of its potential injustices (Ghiardi and Kircher, "*Automobile Insurace: The Massachusetts Plan,*" N.Y.L.J., March 25-26, 1971).

The usefulness of the Massachusetts experiment is still too new to evaluate and what the ultimate effects of the law will be is speculative. Another recent article (N.Y. L.J., April 26, 1971, p. 1) indicates that so far there has been no reduction in insurance rates. A careful eye should be kept by New York legislators on the results of no-fault insurance in Massachusetts before plunging into a Stewart-type plan, which completely eliminates any possibility for a fair recovery even in the most serious cases.

Before embarking on the radical course suggested by the advocates of "no-fault," I would suggest two changes in the present system which in my view would correct the manifest injustices of the present system and at the same time end the inordinate delays in the legal machinery for disposing of the claims. If these changes do not solve the present problems, there will be time enough to consider such an extereme solution as "no-fault," especially in the form proposed by the Stewart plan, which allows no recovery at all for pain and suffering.

NEW YORK LAW

The New York State rule of contributory negligence which developed in the early part of the 19th Century is an outgrowth of the English common law. It is unnecessary to dwell upon the reasons for the adoption of the rule of contributory negligence in New York State. It has been said that nobody has ever succeeded in justifying the rule of contributory negligence as a policy, and no one ever will. The rule is antiquated, impractical, unfair, unreasonable and has lost its usefulness. In the recently reported case of *Rosman v. Cohn* (N. Y. L. J. May 12, 1971) the New York Court of Appeals, in reviewing the doctrine of contributory negligence, quoted with favor the following passage of Dean Prosser:

" 'The history of the doctrine has been that of a chronic invalid who will not die.' He concluded: 'With the gradual change in social viewpoint, stressing the humanitarian desire to see injuries compensated, the defense of contributory negligence has gradually come to be looked upon with increasing disfavor by the courts, and its rigors have been quite extensively modified' (Prosser, Law of Torts [3d d], p. 428). The theories justifying application of the doctrine were regarded by Prosser as "the antique heritage of an older day' (p. 428)."

Several states, groups and committees have already made proposals and changes and have adopted in its place some form of the comparative negligence rule. In 1963 the committee on reform of the law of the Association of Supreme Court Justices of New York State submitted a report which included a unanimous recommendation that the present contributory negligence rule be abolished and a form of the comparative negligence rule be adopted. However, no conclusive agreement was reached in regard to the precise nature of comparative negligence rule to adopt.

The New York, or slight, negligence rule has been criticized for the harsh results that it produces. The slightest amount of contributory negligence on the part of the plaintiff bars any recovery. Under the New York rule the plaintiff may be 1 per cent at fault in relation to the occurrence and the defendant 99 per cent at fault. Yet the defendant, perhaps with no injuries, no disfigurement, no economic loss, walks away unscathed, whereas the plaintiff, because of his minute contribution of negligence, may have to suffer a lifetime of disfigurement, discomfort, pain, suffering and loss of earnings.

Results as unjust as the foregoing undoubtedly occur in the New York courts, although they are probably infrequent. A jury would have to be sadistic to deprive a plaintiff of a favorable verdict under a situation where it was believed that plaintiff on a weighted scale of fault was guilty of perhaps 1 percent contributory negligence.

On the other hand, maybe many injustices are occurring. No one knows what occurs in the deliberations of a jury leading to its verdict. Juries may strictly construe a judge's charge as to slight negligence as easily as they may discard the charge, either because it is misunderstood or not considered equitable. Until somebody masterminds the answer to the perplexing question of how juries actually come to a decision, we will never know in how many cases a judge's charge that the plaintiff may not recover if he has contributed the slightest amount of negligence is applied in its fullest severity.

Some form of the comparative negligence rule is here espoused. Such a rule would ameliorate the harsh effects of the present New York rule. If a plaintiff is 20 per cent at fault then he should be allowed to recover 80 per cent of the amount he would have recovered had he been free of fault. In some states if plaintiff is 50 per cent or more at fault, then he is completely barred from any recovery, the theory being that defendant, or more realistically speaking, defendant's insurance carrier, shouldn't have to pay for the consequences of an accident which is at least one-half due to the carelessness of the plaintiff. This argument has some merit; however, it has been pointed out that it may be arbitrary to allow a plaintiff who is 49 per cent at fault to recover 51 per cent of his damages, whereas a plaintiff only one percentage point worse is barred from any recovery.

Since I criticized no-fault insurance earlier in this article, perhaps I may offer some sort of compromise with proponents of no-fault insurance by proposing a plan of comparative negligence whereby *any* party may recover his complete damages in proportion to the percentage that he is not at fault. This would throw the burden of compensation in liability cases completely on the insurance companies where it belongs for both would-be injured plaintiffs and counterclaiming defendants could recover for their injuries in a case stemming from a common accident to the extent that the respective parties involved were not at fault. No injured party in an automobile accident would go completely uncompensated unless that party was completely at fault.

An added value of comparative negligence is that it will expedite the settlement of cases. The present rule of contributory negligence introduces an "irrational element" into any attempt to intelligently "value" a case. Under comparative negligence, the risk of an all-or-nothing result would be eliminated for both a plaintiff and the insurance company.

Comparative negligence will also make my second proposal more acceptable to the Bar. This is to eliminate jury trials in negligence cases. Most members of the Bar would be reluctant to accept the possible vagaries of a particular judge as distinguished from those of twelve laymen so long as the all-or-nothing alternatives of the contributory negligence rule continues. Under comparative negligence, this risk would be almost completely gone. A lawyer can be fairly assured that he will not be exposing his client to the unacceptable danger, especially in a serious case, that a particular judge's prejudices will determine the outcome. There will be no all-or-nothing results.

Jury trials result in long delays, congested calendars and excessive costs, among other ills. Hundreds of years of development of the common-law rule relating to trial by jury has made little change in the functions and respective duties of the judge and jury, thus perpetuating various perplexing problems.

The instructions of a judge to a jury relate to the law applicable to the possible findings of facts as presented by all the evidence in the case. The instructions generally are long and involved, stated in language capable of being understood only by lawyers and at times the instructions are inaccurate. It is a matter of conjecture whether charges are fully understood by the jury. Yet, an error in a charge may lead to a reversal on appeal resulting in additional delay and expense to the state, litigants and lawyers.

Jurors come from a mixed bag of the community and are picked by the opposing attorneys to best meet the interests of their respective clients. Numerous times it is evident that verdicts are reached as a result of compromise, sympathy, animus, personalities and other factors beyond comprehension. It is an old and common saying among lawyers that once a jury is locked in the jury room for deliberation you never know what it will do. It is not uncommon in personal injury trials for juries to reach a verdict for the plaintiff though the defendant was not at fault or when the plaintiff was guilty of contributory negligence.

Comparatively speaking, as between verdicts by the jury and those by judges, more of the former are appealed from and more reversed. It is estimated that an average negligence trial costs several thousands of dollars of public funds. Together with the loss of work days by jurors and other economic factors, the present yearly costs in New York are many millions of dollars.

The abrogation of jury trials in negligence cases has long been advocated by many who have made a study of the subject. It is estimated that jury trials take 60 per cent more time than nonjury trials. Although the common belief is that the chances of success of a plaintiff's attorney in negligence cases lies in a trial with a jury, the fact is that a project report would no doubt show that the judges and juries are approximately equal on the question of liability, but juries are somewhat more generous in the amount of money that is awarded to plaintiffs.

The common equalizer is the factor that there are incompetent and incapable jurors giving bad verdicts as well as there are some conservative judges awarding inadequate amounts of money. Inadequate awards that may be given by over-conservative judges is an insufficient reason to continue the use of the jury trial in negligence cases. What is of greater importance in considering the switch to trial by judge is the cost to the public of jury trials, the congestion of the court calendars leading to many inequities to litigants. Witnesses die or disappear, evidence grows stale and, in general, this results in the inability to provide true and fair administration of justice. Furthermore, the abolition of the jury trial and attendant reduction of calendar congestion would free judges for criminal court work for which they are so sorely needed. Changing times demand changing priorities.

We have glorified the jury trial in the past in civil cases as an ancient ideal, not only in our fundamental law but in the minds of the people. The public has been conditioned to look upon a jury trial as an inviolate right.

This may be so in criminal cases but not in civil cases.

There has been clamor for radical changes in our nation. Social and economic upheavals have caused a great strain on the administration of justice in the criminal courts. The criminal calendars are congested and growing worse each day. Inability to provide sufficient judges for criminal trials is truly a denial of liberty to an innocent person incarcerated awaiting trial. The assignment of judges to criminal cases who would be freed from civil cases would greatly help to eliminate this condition.

Times have changed and conditions must be met in order to improve the administration of justice. It is my proposal that the Stewart plan of no-fault insurance be rejected.

I propose that New York adopt a system of comparative negligence wherein all parties may recover all forms of their damages in proportion to the percentage that they are not in fault in causing the particular accident.

Finally, it is my proposal that both the questions of fault and amount of damages be determined in all cases by a judge without a jury.

McGOVERN ON "FACE THE NATION"

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ABOUREZK. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

FACE THE NATION

(As broadcast over the CBS television network and the CBS radio network, Sunday, June 20, 1971—11:30 AM–12:00 Noon EDT. Origination: Washington, D.C.)

Guest: Senator George McGovern, Democrat of South Dakota.

Reporters: George Herman, CBS News; Godfrey Sperling, Jr., Christian Science Monitor; Nelson Benton, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

GEORGE HERMAN. Senator McGovern, you made a strong speech against the Viet Nam war in 1963, but during '64 and '65 you fairly generally endorsed President Johnson's policies, saying that he was not a war hawk but a man of prudence. Have the Viet Nam documents, which have now been published by the New York Times, caused you to re-think those 1965 sentiments at all?

Senator MCGOVERN. Well, I have been opposed to this war ever since September of 1963. I think it's fair to say that President Johnson did convince both the Congress and the American people in 1964 and early '65 that he would not widen the war, that he would reject Senator Goldwater's counsel in favor of the bombing and escalation, and for that reason I backed President Johnson as a man I believed committed to peace in 1964. We learned after the bombing began in 1965 and the escalation took off that that was not the case, and I've been a critic of our policy in Viet Nam consistently ever since then.

ANNOUNCER. From CBS, Washington, Face the Nation, a spontaneous and unrehearsed news interview with the only declared candidate for the Democratic Presidential nomination, Senator George McGovern of South Dakota. Senator McGovern will be questioned by CBS News Correspondent Nelson Benton, Godfrey Sperling, National Political Correspondent for the Christian Science Monitor, and CBS Correspondent George Herman.

HERMAN. Senator McGovern, I take it from your first answer that you feel that what President Johnson told you in '64 and perhaps early '65 convinced you that he was not going to escalate the war. You've since read the documents about the planning the administration was doing at that time to escalate the war. Do you feel that the President was lying to you during that period?

Senator MCGOVERN. I don't think there's any question that the President and the high officials in his administration deliberately deceived the Congress of the United States and the American people at the very time they were ridiculing candidate Goldwater for advocating the bombing of North Viet Nam, and a greater combat role for America forces on the ground. They themselves were planning precisely that kind of an operation. In other words, they were planning to do the very thing that they condemned Mr. Goldwater for advocating publicly.

I think what disturbs me most of all is the way the Congress was misled on the Gulf of Tonkin incident. We were told in replies to questions about whether American vessels were involved in provocative behavior that no such role was played by our vessels, that they were attacked without warning and without provocation on the high seas. Now the truth is that that incident apparently was deliberately provoked by American policy, and the Gulf of Tonkin resolution was written months in advance of its actual presentation to the Congress. That's the kind of deception that I think these documents are now revealing.

SPERLING. Senator, where does it take us if we say that the publication of the Pentagon report was all right, because it was done by responsible newspapers, acting in a responsible way and in the public interest. My question is this, doesn't this line of reasoning open the door to the declassifying of government papers by irresponsible papers, acting irresponsibly, and not in the public interest?

Senator MCGOVERN: Mr. Sperling, I think what it points up is the need for a new approach to the classification of government documents. Perhaps it would be in order at this point for us to establish some new ground rules on the classification of documents. I think, for example, that documents ought to lose their classified status after a certain period of time, perhaps two or three years, and then any document to be reclassified would have to be looked at again by the particular government agency involved. That at least would get around this business of permanently classifying documents of the kind that are now being revealed, which I think most reasonable people will say do not threaten American security.

As Judge Gurfein said, they may be embarrassing to the people that signed their names to those documents, but they don't threaten the lives of any American troops, and I think that's the judgment the New York Times and the Washington Post correctly reached. They were acting within their constitutional rights under the freedom of the press amendment to the Constitution when they made those documents available to the American people. They didn't steal the documents from government files. They were apparently provided by a former government official.

BENTON: Senator McGovern, could I take you back to your reflection of the duplicity that was apparently involved in what two successive Democratic administrations told the press and the public. Does this not, in its political effect, really hamper the chances for your party to have a victory next year?

Senator MCGOVERN. Well, I think the real losers in this operation is government itself because if our Viet Nam policy has been anything at all, mistaken as it has been, it has been a bipartisan policy. I don't know of any decision that was made by the previous administration that was not supported heavily by Mr. Nixon. There were high-ranking Republicans within that administration, so that the worst thing we can do is to begin looking at this war as a Democratic or a Republican war, and it should be noted that it is a Republican administration that has moved for the first time in American history to persuade a court of law that they should deny to a newspaper the right to publish certain materials bearing on the national interest.

So this is a matter that we all have to share in, as Republicans and Democrats. We have been following a policy heavily supported by the leadership of both parties. Those of us who have spoken out did not wait until there was a Republican administration to start our criticism. We were speaking out in the Kennedy administration, in the Johnson administration—we are continuing to speak out—

HERMAN. But, Senator, do you feel that the Nixon administration should have done nothing when it saw a newspaper publishing what are classified documents, that it should simply have stood aside?

Senator MCGOVERN. I think they should have released the documents, instead of trying to hush it up as though the national interest were involved, that is, national security was involved. What is desperately needed in this country today is truthfulness from our government, full information on matters that in no way jeopardize national security. The greatest danger to this country today is not the release of these documents, but the secrecy, the deception, the politics and manipulation, which is undermining the confidence of the American people in both political parties. The Nixon administration could have helped to reduce that damage in confidence to our government by releasing these documents, rather than trying to cover them up.

SPERLING. In this same vein, Senator, was it right for President Johnson and other Democrats too to picture Senator Goldwater as a warmonger in the 1964 election?

Senator MCGOVERN. Well, I think Senator Goldwater was a warmonger in 1964. What was wrong is that the people inside our government were engaged in some fancy warmongering themselves while talking the words of peace, and that's even worse. At least we knew where Senator Goldwater stood. We knew that he was a war hawk. We knew that he wanted to bomb North Viet Nam. We knew he wanted to send more American combat forces to Asia. I think he was wrong, and I think he was a warmonger, but I think the great mistake was that those who criticized him were guilty of a second sin, the sin of hypocrisy, and deception, and that's what is undermining the faith of the American people in their government.

HERMAN. A personal question there—you had made a speech against the Viet Nam War in 1963, as I mentioned. In 1964–65, you personally muted your criticism of the administration. Had President Johnson talked to you? Had President Johnson—I asked you this question before; I'll ask it again—had President Johnson lied to you personally to get you to quiet down?

Senator MCGOVERN. No, he said nothing to me personally, but what he said to the American people publicly and what his officials told the Congress of the United States is that we were not going to escalate this war. He said we seek no wider war; we're not going to send American boys to fight the battles that ought to be fought by Asian boys. He said that the Gulf of Tonkin incident was one that was provoked by an attack on American vessels on the high seas—an unprovoked attack.

Now under those circumstances, I think it would have been asking too much of the

Congress of the United States to assume that the President was lying to us. We might have had some doubts about it, but the assurances were so strong from all the officials that talked to us, that the Congress was inclined to give the administration the benefit of the doubt. Now let me just say on this point that while I disagreed very sharply with Secretary of Defense McNamara during that period, as I have in some of the things that he has said and done since then, I do give him credit for having the courage to order this massive study of how we got involved in Viet Nam. He must have known that it would be embarrassing to him and to those around him, and yet he had the courage to do it. And I think he deserves great credit for ordering that systematic study.

SPERLING. Senator, how about Hubert Humphrey? Was he scared by this report? Your top aide, Ted Van Dyk, on Friday in a news conference used that word and said he was scared.

Senator McGOVERN. Well, I suppose in a sense everyone in the administration in that period was scared, but Mr. Sperling, what we have to avoid at this time in the life of this country is a lot of scapegoating and trying to single out the devils in either the previous administration or in this one. What we ought to recognize is that our basic weakness is that we've been following policies that were not in our national interest. It's the reexamination of policy—the reexamination of the decision-making process—the reexamination of secrecy in government—the reexamination of the assumption of some of our policymakers that they have the right to lie to the American people. Those are the kind of questions that we ought to bring out into the open, not for the purpose of finding one evil man, but to address ourselves to mistaken policy assumptions that are going to bedevil us as a country as long as we continue on the course we've followed since the end of World War II.

I think you'd have to trace the origins of this Viet Nam disaster clear back to 1946 and '47 when we set out on the assumption that we had to send American troops or American military equipment, or do whatever was necessary to combat a communist revolutionist no matter where he showed up and no matter how corrupt the government was that he was revolting against. Those are the kind of assumptions that we need to reexamine, rather than looking for personal devils in recent American history.

BENTON. Senator, you talk of reexamining. What sort of investigation do you suggest so far as the Pentagon papers and what they have revealed thus far concern? We still don't know everything that's in them. Do you suggest a congressional investigation?

Senator McGOVERN. Yes, I think what I would really like to see is a thoughtful, well-staffed—that is, professionally staffed study—of the entire history of our envolvement in Indochina, and I would not point that toward finding a scapegoat. But I would reexamine the policy assumption that took us so deeply into this war. I think it ought to be an investigation under the direction of the Senate Foreign Relations Committee and perhaps the House Committee on Foreign Affairs, that it ought to be staffed in part by good, competent historians, by students of international affairs, by men who could bring a broad perspective to bear on these questions. And its purpose ought to be to develop insight into where we got off the track in American foreign policy.

How did we get to the point where we now invest over half of our federal budget in the weapons of death, in warfare, while neglecting serious sources of national weakness here at home. Those are the kind of questions that I would like to see in a far-ranging investigation.

BENTON. Would you subpoena Lyndon Johnson for such an investigation?

Senator McGOVERN. I'm not interested in subpoenaing President Johnson. I don't think it serves any useful purpose to single him out or to single out any other person. There's enough guilt in this thing to go around for all of us. I can think of things that I wish I had done differently in bringing my criticisms more effectively to bear. I wish I had asked more questions about some of the doubts I had years ago. And I'm not interested in making a devil out of President Johnson or anyone else. Let's try to find out where our country went off the track. How did we get into a situation where 67 per cent of the American people said in a recent poll that they don't think this administration is telling them the truth. And the same people said a year ago that they didn't trust the previous administration. Now those are the kind of things that ought to concern us.

HERMAN. Do you agree—do you, for example—or what is your feeling about Senator Kennedy's remark on the floor of the Senate that President Nixon's timing of events in the Viet Nam War, in ending the Viet Nam War, is dictated by politics of 1972?

Senator McGOVERN. Well, I think there's a certain validity to that. President Nixon told us way back in '68 that he had a plan to end the war and that he would reveal it once the considerations of the '68 campaign were out of the way. We waited for a full year before the outline of that plan was revealed, and it now does seem that it's all pointed in the direction of trying to get our casualties down to an acceptable level by the time Mr. Nixon comes up for reelection in 1972.

HERMAN. The implication was that he was delaying.

Senator McGOVERN. Well, another—another 15 or 16 thousand Americans have died while we've been waiting for this Nixon plan to unfold; sixty-five or seventy thousand terribly wounded and maimed; we've spent another 30 or 40 billion dollars on this war. I think the time has come to recognize that Mr. Nixon ought to be thinking more about the future of this country and less and less about a timetable that's geared to the '72 election campaign.

HERMAN. But do you seriously believe that President Nixon is slowing down or delaying moves towards peace so that they will come right before election day?

Senator McGOVERN. I think his hangup is that he's worried about doing anything that might jeopardize his friend General Thieu in Saigon. He doesn't want to pull American forces out in such a fashion as to jeopardize the future of that regime. Now I—

HERMAN. I still haven't gotten an answer to this particular question that Senator Kennedy posed and that I'm putting to you now, as to whether you think the President is deliberately timing peace in Viet Nam to come for maximum political—

Senator McGOVERN. I don't—I don't have any knowledge of that. What I'm saying to you is that instead of putting the American interest first, he seems to be more concerned about preserving that regime in Saigon than he is removing American forces. Now with some 40 or 50 thousand of those troops over there addicted to heroin, which may be a fate worse than death, I think we ought to get them out of there with all the urgency we can bring to bear on this problem.

But gentlemen, there's one thing that concerns me, not just about this line of questioning here today, but about what is happening to this country, and that's the fact that all of us have become so obsessed with this war that we're overlooking problems here at home that are undermining the strength of this nation. I come from an agricultural state, where the farmers are in deep trouble. They're at the lowest income level they've been since the 1930's. We're driving people out of agricultural America at an unprecedented rate, and I think Mr. Nixon is going to lose the 1972 election partly because he's going to lose the farm belt. While he's preoccupied with Saigon and with the preservation of General Thieu, our agricultural economy is in a near state of collapse. We've got an unemployment rate in this country of almost an unprecedented degree, when we ought to have full employment, when we ought to have men and women working on new housing, new transportation systems, new devices to combat pollution. And those are the things that I think are going to bring about the defeat of this administration in 1972, at a time when they're so preoccupied with the welfare of Saigon that they forget about our problems here in our own society.

SPERLING. Senator, I'd like to move to another area of the world, at least briefly, the Mid-East. It has been said and it has been written that some senators who are doves on Viet Nam are hawks on the Mid-East. Does this apply to you?

Senator McGOVERN. Well, if you say that a senator such as I, who is committed to the preservation of Israel, is a hawk, then I will accept the label. I think the United States has to do whatever we can to make sure that the one free democratic state in the Middle East survives. And if I were President of the United States, I would take whatever steps were necessary to see that Israel survived.

SPERLING. Is the President taking sufficient steps?

McGOVERN. Well, he's doing better there than elsewhere in the world. He has made available jet aircraft and, more important than that, he has pressed for a negotiated settlement involving the government of Israel and the Arab states. And that ought to be the cornerstone of our policy, to press for direct negotiations between these principal countries that sooner or later hold the key to peace in the Middle East, the government of Israel and the Arab states. Any settlement that is worked out there that will last must be negotiated between the principal parties; it can't be imposed from the outside.

BENTON. Senator, I'd like to go back to the Viet Nam issue for a minute. An amendment proposed by you and Senator Hatfield lost in the Senate last week. You talked right after the defeat of that amendment of new strategies. Now there are other set-the-date amendments scheduled this week. Do you think the Senate is finally going to approve some sort of rather mild set-the-date amendment?

Senator McGOVERN. I think over half the Senate favors setting a definite withdrawal date. And we know that 73 per cent of the American people do; they favored the McGovern-Hatfield formula of ending this war before December 31 of this year. But if we can find some other formula, I don't care whose name is on the bill, whether it is Cook, or Stevens or Chiles—I supported Senator Chiles' substitute amendment because I thought he would do better with this modified amendment than Senator Hatfield and I would do. We only picked up two additional votes, but if these other senators can convince me over the next couple of days that they have an amendment that will bring the war to an end, I'm willing to support it no matter whose name is on it.

BENTON. Well, would you support the Cook amendment which I believe allows for nine months, providing the POW question is settled to the satisfaction of—

McGOVERN. Yes, it's not as good as the McGovern-Hatfield amendment and I regret that Senator Cook and Senator Stevens declined to support our amendment last week, but I am not interested in any politicking on this issue, and if their amendment proves to be satisfactory, I'll support it. It does seem to me to be better than the stance we are in today. If I had to vote right now, I'd be inclined to support that as the second best to the McGovern-Hatfield amendment that was defeated last week.

HERMAN. Senator, the Republicans have said that in the election of 1972 Viet Nam will not be an issue. What do you think?

McGOVERN. I think that unemployment will be one of the big issues in 1972, perhaps more important even than Viet Nam.

HERMAN. You are the only announced candidate. Are you gearing your campaign to deal with this problem of economics rather than Viet Nam?

McGOVERN. Absolutely, and I advocate on this program today a full-employment policy for the United States, not rhetoric. I think we ought to convene a conference immediately of the leaders of industry and labor in the communities across this country, not for some more rhetoric, but to spell out an immediate plan to put everybody to work that wants a job in this country. The most wasteful single practice we have today is the presence of five or six million people who can't find jobs. Now we ought to set up three or four major NASA-type agencies, of the kind that helped us get to the moon in ten years, and we ought to have one of those agencies look at the problem of housing and say by the end of this decade everyone is going to live in a decent house. We ought to have one on the problems of transportation in the cities, one on rural development, one on pollution. And if we brought the same kind of commitment to ending those problems that we have brought to reaching the moon, we would have everybody in this country working that wants to work.

We can do that by proper leadership, and we would meet the really critical needs of this country. Those are the programs I'm going to press over the next year and a half.

HERMAN. In the meantime, do you still favor, as you did in a speech fairly recently, at least selective wage and price controls?

McGOVERN. Yes, I would immediately recommend that we go into a six-month wage and price freeze. I think that is long overdue. That will at least break the spiral of inflation in this country. I paid $94 last week to a man who came out to fix my refrigerator. He was there about 20 minutes. Now that's an outrage. The housewife going to the grocery store is paying higher and higher prices for the food that she buys. The same thing is true of all of the things that we buy. We need a program of wage and price controls now for at least the next six months, and then take a look and see whether we ought to keep it in effect.

SPERLING. Senator, there is a heavy coloration of former Kennedy people among your advisors and workers even though there are also, I know, Humphrey and McCarthy people in your camp. My question is this, isn't it going to be awfully difficult for you to disassociate yourself from the opinion that if you should fall short of your goal, your support would go to Senator Kennedy? Particularly if there is a convention deadlock?

HERMAN. We have about two minutes.

McGOVERN. I've made no decision at all about where my support will go, if I don't make the nomination. I intend to stay in this race to the very end. I can tell you this, if Senator Kennedy or anyone else gets that nomination, they are going to have to take it away from me. I'm not yielding to anyone. I was the first announced candidate, I didn't come in to please anyone else, I came in because I felt the nation was in trouble and that my views were views that were more hopeful than the ones that we've been following in recent years, and I intend to stay in this race. Anyone that takes me out will have to beat me. There is not going to be any negotiated deal or any yielding to anyone else. Now it's true that some of the people who once worked for President Kennedy, or Robert Kennedy, are working for me. Most of the people who've been in government as Democrats over the last ten years have been affiliated in one way or another with those two men, but we have other people working for us. The former campaign manager of Senator McCarthy is a co-chairman of my campaign. Ted Van Dyk, who was a key figure all during the time Vice President Humphrey was in office, is now working with us. And we are going to take support from wherever we can get it, but no one of us believes that we are here to serve the interest of some other candidate. We are here to win the nomination, and that's what we are going to do.

HERMAN. We have about 20 seconds left. Very quickly, do the Democrats have enough money to fight each other through the primaries?

McGOVERN. I think we've got enough money to put on a good race and give the voters a fair choice. The question is do we have the integrity and the courage to face the issues before the country. That's what is needed.

HERMAN. Do you?

McGOVERN. I think we do.

HERMAN. Thank you very much, Senator McGovern, for being with us today on Face the Nation.

ANNOUNCER. Today on Face the Nation, Senator George McGovern, Democrat of South Dakota, was interviewed by CBS News Correspondent Nelson Benton, Godfrey Sperling, National Political Correspondent of the Christian Science Monitor, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face the Nation.

VIETNAM AMENDMENTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BURKE of Florida. Mr. Speaker, during the past weeks I received many letters here in Washington requesting that I vote in favor of certain alleged antiwar amendments when they came to the House floor. One of these amendments is the McGovern-Hatfield amendment, which would direct the complete unilateral withdrawal of all American forces from Vietnam by December 31, 1971. On Wednesday, June 16 the McGovern-Hatfield amendment was defeated in the Senate and, therefore, will not come to the House floor for action.

I have also received many letters requesting that I vote in favor of the Nedzi-Whalen amendment to the military procurement bill, which most people erroneously felt directed the President to completely withdraw all American troops from Vietnam by December 31, 1971.

In discussing these amendments, let me state that I never favored the "no win" policy that has been our Nation's position in Vietnam from the beginning. Nor did I approve of President Johnson's escalation of the war.

I can also state that I sympathize whole-heartedly with the idea of ending our involvement in Southeast Asia as quickly as possible. In fact, I do not know of any Congressman who actually favors war or would not like to see the Vietnam conflict come to an end. Unfortunately, to put an end to the war is not as easy as many, who oversimplify the problem, might like all of us to believe.

It goes without saying, that the Congress certainly has the right—and probably the responsibility—to give some direction to our Nation's fundamental policy in Vietnam. Actually, the lone initiative of the Congress thus far was the passing of the Gulf of Tonkin resolution in 1964, which was passed prior to my becoming a Member of Congress. The Gulf of Tonkin resolution has now, however, been repealed, and I voted for its repeal. Yet, the Gulf of Tonkin resolution was the real force that so greatly involved our Nation in the war. But removing us from it now is not quite so simple—short of unconditional surrender.

It would seem essential to me that if we are to consider a resolution of any kind, we must first define the goals of our future military actions in Vietnam before we can consider any precise legislation which sets forth calendar deadlines for withdrawal. Furthermore, it is my belief that calendar deadlines work to our detriment and work against us in negotiating for any settlement. I believe that our goal is the total withdrawal of our military forces at the earliest possible date but also such withdrawal must be coupled with the humanitarian considerations that are also so vitally important.

We must be assured of the safe release of our prisoners of war, asylum and humanitarian care for refugees, as well as insurance for the security of the residents of South Vietnam, who have been engaged with us in the conflict against the Vietcong.

Despite all the rhetoric and talk by some, especially those in the Senate, the Congress has never truly acted in giving any policy directions, but rather it has pounded the drums solely for a unilateral withdrawal policy, which in my opinion has not only been political but it has also helped the enemy. In fact, most so-called antiwar Members of Congress did not even do this until President Nixon began troop withdrawals on his own. I might add, that the policies of the President have never been rejected by the action of Congress, although some have rejected the President's policy of troop withdrawal even more than they did the escalation of our troops into the conflict by President Johnson.

Certainly, there are few who can disagree with the fact that President Nixon's announcement of withdrawal of troops has now become irrevocable. In fact, in so doing he has indirectly announced the planned withdrawal of our troops. Yet in doing so he has still retained the trump card, which is so essential in international negotiations—as sensitive as those necessary if we are to end the Vietnam conflict, with the considerations I have previously mentioned.

Under no circumstances, should the Congress do anything that would limit the authority of the President to take the necessary steps to insure the safe return of, not only our U.S. servicemen, but also those of our servicemen who are held prisoners of war.

Because people are so often misled by emotional pleas, many who wrote requesting that I vote for the Nedzi-Whalen amendment erroneously presumed that the amendment would automatically mean the withdrawal of our troops from Vietnam by December 31, 1971. This was not true.

The Nedzi-Whalen amendment simply would prohibit the use after December 31, 1971, of equipment, authorized in the military appropriations bill, in South Vietnam, North Vietnam, and Cambodia, but the amendment did not prohibit the use of other equipment, nor did it provide for the removal of any military equipment presently in Southeast Asia, or which might be delivered there prior to December 31, 1971.

In fact, many who voted for the amendment questioned whether it was actually very effective. Its sponsors stated that its passage would, however, present a clear mandate by the people to the President that they wanted our troops out of Indochina by a set date, regardless of concessions of any kind by the Communists. I, together, with many of my colleagues in the Congress, questioned the wisdom of setting a date for us to unilaterally withdraw. It is difficult for me to see what is so magical about December 31, 1971, which is the magic date bandied around, and in my opinion sometimes erroneously used by the supporters of both the McGovern-Hatfield and the Nedzi-Whalen amendments. The date December 31, 1971, is important only insofar as it is the date set by the Communists. What is more important, it seems to me, is that we recognize not only our responsibilities, but also we assert a proper policy with regard to our engagement in Vietnam during the interim period from the present to any so-called magic date. Neither of the amendments referred to in any way established an honest policy for the benefit of our Nation, but what they did in effect do, was to mouth the North Vietnamese by setting the exact date which they requested.

To sum it up, despite all the clamor, the Nedzi-Whalen amendment would not have removed our troops from South Vietnam after December 31, 1971. It would not have denied American troops the use of equipment already in Vietnam, nor deny the use of equipment or systems already authorized in previous procurement programs. Furthermore, it did not deny to the President the right to provide military assistance to our allies in Indochina, nor did it prohibit the use by either South Vietnam, Laotian, or Cambodian troops of equipment authorized by the military appropriations bill, which it purported to amend.

The Nedzi-Whalen amendment did not do what its backers said it would, and as I indicated earlier, I feel that the setting of any certain date for the ending of the war by the Congress would aid only the North Vietnamese and the Communists without our Nation receiving any commitment of any kind from them.

The Nedzi-Whalen amendment was defeated in the House by a vote of 256–158. I voted against the amendment.

I feel that it is my responsibility to make my vote known to my constituents, but at the same time I feel it proper to give to you also the problems in deciding which way to vote on controversial issues which truly try the souls of us who are your elected Representatives in the Congress.

NIXON ADMINISTRATION IGNORES THE PLIGHT OF THE SMALL BUSINESSMAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the Nixon administration is now insisting on using taxpayers' money to bail out the Lockheed Corp. The administration's favorte justification for this proposal is that if Lockheed goes bankrupt, thousands of Americans will lose their jobs.

Yet last year, which incidentally was one of the most disastrous years for the American economy in recent history, approximately 10 thousand small businesses were forced into bankruptcy. The result was the loss of many more jobs than would be lost if the Lockheed Corp. were to go bankrupt. Yet the Nixon administration did nothing whatsoever to help the ailing small businesses.

On June 7, Mr. David Brinkley recently pointed this out very clearly in his remarks on the NBC network, and at this point I would like to insert a copy of these remarks into the RECORD for the benefit of my colleagues.

REMARKS ON NBC NETWORK

Lockheed is in financial trouble and maybe should be helped. But if Lockheed were a corner hardware store, Washington would not pay the slightest attention.

The Lockheed Corporation seems to have a great talent for losing money . . . has lost hundreds of millions—and now wants the taxpayers to bail it out . . . to keep it out of bankruptcy. And a Senate committee is having hearings to decide what ought to be done. Lockheed cannot borrow any more money from the banks because it already owes millions . . . the bankers do not see it as a good risk and will not lend any more. So, it's turned to Washington for help.

Whether Lockheed should or should not be bailed out . . . it's an interesting question of public policy . . . and the use of the taxpayers' money. And the question of using tax money to bail out a big business when it's failing . . . when tax money is not used to bail out small business when it's failing. If Lockheed were a corner hardware store, Congress wouldn't give it a second glance. More likely, agents of Internal Revenue would be around demanding the storekeeper pay his taxes before he even pays his employees . . . and if that drives him into bankruptcy, too bad. That happens almost every day . . . and nobody in Washington pays any attention.

Lockheed is, one of the biggest defense contractors . . . and its prime customer is the Pentagon, a tough customer . . . because it often doesn't know what it wants. It orders something . . . like a new airplane . . . and then keeps making changes and adding new features . . . often including features nobody really knows how to build and often including features they don't need but some general or admiral thinks would be nice to have. This kind of work is costly . . . often in the billions . . . and very chancy. The contractor may wind up making huge profits . . . or with huge losses.

Beyond that . . . a defense contractor is a private business in a sense . . . but really semi-public. Often it uses money furnished by the Pentagon . . . machine tools and buildings furnished by the Pentagon . . . and all the contractor furnishes, is the management. But it is argued this is better than outright public ownership . . . because arms plants owned by the Government . . . called arsenals . . . are not famous for efficiency or productivity . . . because they don't even have to try to make a dollar.

And it is argued that places like Lockheed have to be kept in business . . . because they're needed to build military hardware. That they are a national resource that must be preserved.

Maybe so. Also it's argued if Lockheed goes bankrupt, it will mean a loss of jobs for thousands of employees. That also is true. But last year 10 thousand small businesses went bankrupt, costing even more jobs than Lockheed would . . . and the Washington establishment did nothing to help them. David Brinkley, NBC News, Washington.

WHAT AILS THE DOLLAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DUNCAN. Mr. Speaker, a constituent of mine sent a very interesting article from the June issue of Fortune magazine which I wish every Member of this legislative body would read.

Written by Gaylord Freeman, chairman of the First National Bank of Chicago, "What Ails the Dollar" is most "interesting, if painful" said the correspondent.

I include the article as follows:

WHAT AILS THE DOLLAR

BECAUSE OUR PRICES ARE TOO HIGH, FOREIGNERS DON'T USE ENOUGH OF THEIR DOLLARS TO BUY OUR GOODS. THAT'S THE HEART OF THE PROBLEM. THERE ARE NO PAINLESS REMEDIES

(By Gaylord Freeman)

With the wave of European currency revisions in May—the West German mark set afloat, the Swiss franc revalued, and the rest—the first of a probable series of dollar crises has passed. As the Nobel Prize economist Paul Samuelson observed, "It was no economic Pearl Harbor."

So why worry?

Well, because we are doing little or nothing to remedy the underlying ills of the dollar. The crisis represented an acceleration in the movement away from the dollar that has been going on for several years and gaining velocity over the past few months. The temporary respite accorded the dollar by the floating of the mark and the changes in other currencies will only tend to reinforce the conviction of our people that they can devote their attention exclusively to domestic problems. Statements to the effect that the recent disturbance was a German problem expressed a truly disturbing point of view.

The attitude of the Administration appears to be one of relief that the crisis has passed. Instead of undertaking to regain competitive prices for our goods around the world, the Administration apparently intends to continue to stimulate the economy for short-range domestic reasons. The inevitable result will be more rapid increases in our domestic prices and a further worsening in our competitive position in world markets.

THE SURPLUSES OF YORE

If foreigners would use some of their accumulated billions of dollars to buy our goods, that would greatly benefit business and employment in the U.S. But they are not using those dollars to buy our goods, and the consequent glut of dollars has moved into their central banks, swelling the supply of money and credit. The resultant inflationary pressures can thwart foreign countries' own internal economic policies. Foreigners resent this and blame the U.S. for upsetting their economies.

Why is it that they do not use the dollars to buy our goods? Because our goods are too high-priced. It is this reluctance of foreigners to use their dollars to buy our goods—because they are priced too high in relation to goods from other countries—that is the heart of our problem.

Things were not always like that, of course. In years past, the U.S., with its large domestic market, competed very effectively in foreign markets. For most of the past century we consistently had a substantial trade surplus.

We still have a surplus in merchandise trade, though the $2.2 billion of last year was less than half the level during the middle 1960's, before our prices and costs began to move up rapidly. We also have a surplus on our over-all international investment accounts—in 1970 our net foreign investment earnings of $6 billion amounted to $3.5 billion more than our net outflows for new investments. But these surpluses in merchandise trade and investment accounts do not come anywhere near balancing the dollars that flow abroad in the form of economic and military aid to foreign countries, the costs of our military forces overseas, tourist expenditures, and payments for such "invisibles" as foreign shipping and insurance services.

Accordingly, we run a deficit in our over-all balance of payments and we have done so for nineteen out of the last twenty-one years. As a consequence of these repeated deficits in our balance of payments, foreigners have been accumulating additional dollars year after year. These dollar claims held abroad increased from $7 billion in 1950 to $43 billion at the end of 1970.

For the past several years the fact that foreigners were accumulating more dollars than they wanted was obscured. Foreign commercial banks were quite willing to accept dollars because they knew that whenever they wanted to they could take dollars to their central bank and get their own or other currencies at a fixed parity. Besides that, the commercial banks were able to lend out dollars at higher rates than they could lend their own currencies. This was so because, with the supply of funds restricted in the U.S., Americans borrowed a lot of these dollars owned in Europe—so-called Eurodollars.

Last year, however, funds became more available in the U.S., and interest rates went down. Accordingly, Americans have to a great extent repaid their Eurodollar borrowings, and Eurodollar interest rates have dropped, so foreign commercial banks no longer want to hold as many dollars. As a consequence, they channel the dollars to their central banks and obtain other currencies in exchange.

Foreign central banks have been assured since the 1930's, by law, tradition, and repeated U.S. assurances, that the Treasury would buy dollars for gold at a fixed price ($35 per ounce of gold) any time the central bank so desired. In view of our promise, central banks were for many years quite willing to accept dollars. What troubles the central banks now is the one thing that always makes a creditor uneasy—uncertainty as to whether the debtor can pay.

IN A SENSE, INSOLVENT

Over the years, as dollar claims piled up abroad, our gold stock dwindled to the point where it no longer covered the foreign claims against it. As of December, 1970, foreign central banks held $20.1 billion in short-term dollar claims, and the U.S. Government held only $11.1 billion in gold. Other reserve assets available—convertible currencies and drawing rights—amounted to only $3.4 billion. So if the foreign central banks should press for payment, our Treasury would be unable to redeem its obligations as they were presented. In that sense, our nation is insolvent. Only through the forbearance of our creditors, the central banks, do we avoid the humiliation of presentation and confessed inability to pay.

Some economists, while conceding the deterioration in our competitive position, still contend that the other nations have become so dependent upon the dollar as to have little choice in the matter. They may either go on accumulating unwanted dollars or alter their own policies, reducing their own payments surplus (and incidentally reducing our deficit in the process) by appreciating their exchange rates, by reducing their trade barriers to our exports, or perhaps even by assuming a greater portion of the foreign aid and defense expenditures that the U.S. now bears. Economists who share this view argue that we should not be overly concerned about our payments deficit.

I hardly need point out, however, that our creditors are not inclined to blame themselves for our situation. Some feel that they adopted the domestic disciplines required to prevent their own prices from rising and should not now have to pay for our unwillingness to do the same. As a consequence, they are unwilling to revalue their currency upward (and therefore lose exports) just to help us—at least not until we show some willingness to take the steps required to solve our own problem.

WILLING TO PLAY HARDER

What happened? We were rich and powerful and generous and respected, and somehow all of a sudden we find that our credit has deteriorated. We are considered "slow pay," perhaps insolvent, a debtor existing by the sufferance of creditors on whom we were showering our largess just a short time ago.

What has happened is that certain basic advantages the U.S. enjoyed—access to raw materials, a large internal market, adequate capital, and industrious and educated people—have been acquired by other major nations. We have failed to realize, moreover, that these advantages are no longer ours exclusively. But in fact we are now playing the economic game with the same advantages and under the same handicaps as are the Western Europeans and the Japanese. And they appear to be willing to play harder.

There is no quick solution, there is no easy solution, and there is no single solution. Dollars are continuing to accumulate abroad—dollars that are not wanted because they cannot in fact be exchanged either for gold or for goods at competitive prices. Our creditors, the dollar holders, are restive and impatient. And they are beginning to doubt that we will do better in the future.

Under these circumstances the U.S. has three alternatives and only three. We can:

1. Reduce our foreign expenditures by curtailing imports, tourist outlays, foreign aid, military assistance, and the defense of the free world;

2. Reduce our costs and prices in terms of other currencies by adjusting the parity of the dollar downward in relation to other currencies;

3. Reduce our costs and prices in dollars.

It would be appropriate for us to ask other nations for which we have done so much since the end of World War II—particularly West Germany and Japan—to bear a higher proportion of world expenditures for defense and foreign aid. But to expect sudden turnarounds is unrealistic. It is also unrealistic to suppose that once the Vietnam war is over there will be no further tensions, no need to keep U.S. forces stationed in Europe, no need to prop up friends with foreign aid. While some reductions may be achieved in these costs, savings large enough to resolve our over-all payments deficit are not in sight.

We should not attempt to improve our payments position by imposing controls on imports or movements of capital. One of the greatest threats to the continued growth of international trade is the possibility of increased nationalism. Last year the U.S., long a leader in freeing trade, came close to a disastrous decision to impose severe restrictions on imports. Except in respect to products without which we could not survive in a period of war or restricted shipping, we should not give in to pressures for tariffs, nontariff barriers, or negotiated agreements to limit imports from lower-cost producers abroad. Instead, we should reaffirm our commitment to freer trade—insisting, of course, that trade be a two-way street.

There will be inequities, and we should provide adjustment assistance for injured industries and displaced workers—though it is not possible, of course, to make up for the losses entirely. While the gains from trade are broadly distributed in the form of lower prices to consumers and higher wages in the export industries, the costs and dislocations that imports impose upon domestic producers and workers are sometimes quite concentrated. Transfer of these displaced resources to other more productive industries should be assisted. Just as the nation should not have to bear the costs of indefinitely supporting high-cost workers or companies, it does not seem proper that the costs of adjusting to increased imports should fall only upon the displaced workers and companies.

Another mistake we could make would be to adopt stiff controls over U.S. private investment abroad. It lays golden eggs. We already get back more each year in earnings on earlier investments than we send abroad in new investments. Furthermore, it would be a major error for our government to restrict our right to invest abroad while we still have the opportunity. Foreign governments, turning more nationalistic, may restrict that opportunity in the years ahead.

The second alternative, making our prices more competitive by reducing the parity of the dollar in relation to other currencies, would require the cooperation of other nations. Our competitors might not be agreeable to an adjustment of parities that would significantly stimulate our exports and inhibit our imports. If we could achieve agreement, however, we might initiate a new series of parities, either on a broad scale through an international meeting like the Bretton Woods conference in 1944, or more quickly, with far less disruption of trade, through the Group of Ten leading industrial nations.

TO GET BEYOND STOPGAPS

But while this might be a wise course, the benefits would prove to be only temporary if we failed to get on with the third alternative of holding down our dollar costs. If we didn't do that, the reductions in our export prices in relation to other currencies would be gradually offset by continuing domestic inflation. The inflation would be reinforced, moreover, as labor and business sought to increase their wages and profits so they could pay the new higher prices for imports.

Our prices constitute the underlying problem that we must resolve if we are to maintain our position of leadership in the world. Otherwise, any other remedy would be no more than a temporary stopgap. In order to compete in world markets, we must get our costs and prices in line with those of other nations. But we must also insist that the rules of the game be enforced. We must see to it that our competitors do not sell below cost.

Under the General Agreement on Tariffs and Trade, all of the major trading nations have agreed on prohibition of dumping—sale of exports at less than comparable prices in the exporting country, after allowance for differences in taxation, conditions and terms of sale, and other considerations affecting price comparability. Even so, it is striking that over the past decade our principal trading partners have had much more moderate increases in export prices than in their general domestic price indexes. (See chart, page 48.) There may be innocent explanations for the slower rise in export prices. In some instances, very rapid increases in export sales may have held down unit labor costs. Also, indexes of domestic consumer prices typically include a large component of services, and unit labor costs tend to rise more rapidly in services than in production of goods. But a suspicion remains that other nations do in fact hold down their export prices by means of tax credits, low-rate financing, and other forms of assistance.

Our government should explore this matter to ascertain (1) whether the other nations are violating the provisions of GATT, and (2) if not, how we can achieve a more equal competitive position either by adopting similar policies or by inducing other nations to abandon theirs. In this and other aspects of our international relations, the U.S. must adopt a much tougher bargaining attitude than what has appeared to characterize our negotiations since World War II.

THE NARROWING TECHNOLOGICAL LEAD

One way to foster exports without violating the provisions of GATT is to offer tax incentives. Tax incentives are subsidies, and are not generally in the public interest. But in this instance we are asking both labor and management to help the nation achieve price stability and cope with the dollar problem. In these circumstances it would seem appropriate for the government to contribute by subsidizing exports.

The Administration has proposed, and is encouraging Congress to adopt, a program under which a corporation could set up a Domestic International Sales Corporation (DISC) to handle its export business. Tax deferral and other concessions would be granted to the DISC subsidiary. Such concessions are comparable to the special benefits that many foreign governments have granted to their exporters. If I were free to write the measure, I would relate the benefits to *increases* in exports, whereas the current DISC proposal rewards the existing volume of exports. But since DISC would be far preferable to no tax incentives at all, it should be enacted.

Another way to improve our exports is to concentrate on our strength, our technology. We can't sell significantly more low-technology items—textiles, shoes, processed foods, radios. They are available elsewhere at lower cost. The foreign markets that we have kept and expanded are the markets for high-technology products, such as computers and aircraft. But our technological advantages are continually being reduced. Actually, we must run very fast in order just to stand still. Are we prepared to widen our technological lead? Are we even prepared to maintain our present lead?

UNPOPULAR ACCOMPANIMENT

A technological lead lasts only a year or two unless new innovations are continuously developed. Enrollment in our engineering schools has generally leveled off and begun to decline partly because of presently unfavorable job-market opportunities. Our foreign competitors are devoting more and more resources to research and development. Perhaps the U.S. Government should undertake to support research on commercial products.

The most direct way to increase our exports is to hold down the dollar prices of our goods. Ways to do that include: reducing wages, eliminating restrictive labor practices, and reducing profits. None of these commends itself to the people who would suffer therefrom. This crisis does not inspire patriotism. There are few heroes in the war against inflation.

In stating the problem, however, we must be careful not to overstate it. We need not reduce our costs. We merely need to slow the rate of rise. Our competitors' costs are rising too. Our goal should be to restrain our rise in costs so that their costs gradually catch up.

Is this possible? Yes, indeed. In the years 1957 through 1964, our prices rose only 1 percent a year and our unit labor costs went up less rapidly than those of competing nations. And now we are doing it again. It appears that last year and early this year our unit labor costs grew at a more moderate rate than did those of our principal competitors.

The trouble is that slow growth in unit labor costs has been accompanied by high rates of unemployment. From 1957 through 1964, the average rate was 6 percent, a state of affairs sufficiently unpopular that in 1960 John Kennedy could successfully campaign with the promise "to get the country moving again." The restrictive monetary policies that brought about the present degree of stabilization again resulted in a 6 percent unemployment rate. Again that was unacceptable, and so monetary and fiscal policies moved in the direction of ease.

In the desires of the American people, it seems, low unemployment comes ahead of stable prices, and improvement in the balance of payments is near the bottom in the list of priorities. It is not the task of political leadership, however, to cater to the public's emotions. Leadership should inform and influence the public's attitudes so as to foster movement toward goals that are in the public interest.

A TEST AT DESKS AND MACHINES

The lessons of the past suggest that if our price increases are to be held below those of our competitors, several preconditions must be met. The public must be convinced that the problem is sufficiently serious to warrant some sacrifice. The control of inflation must be given a higher priority than it has received in the past. We must develop methods to make stabilization policies more acceptable to the public. More effective use of fiscal policy, for example, might help us to avoid excessively restrictive monetary policy, which drives interest rates so high as to inhibit housing and high-priority municipal projects.

We must also develop measures to alleviate the inequitable burden of unemployment—perhaps including taxes specifically designed to make the employed and the wealthy bear a greater share of the costs of moderating inflation and preserving the value of the dollar. If these measures were combined with others to remove restrictive labor practices and retrain those segments of the labor force now lacking in skills that are in demand, productivity might be significantly enhanced.

And we must be willing to work at least as hard as our competitors abroad. Are we willing to postpone further shortening of the work week until our competitors are down to the same level? Are we willing to work more intensively while we are at our desks or machines? If not, we may have to accept declines in our relative standard of living and our influence in the world.

WILLIAM H. BARTLEY IS NEW INS DIRECTOR AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DULSKI. Mr. Speaker, the Buffalo district of the Immigration and Naturalization Service has a new director effective last Thursday.

He is William H. Bartley, deputy director for the past 6 years, who steps into the big shoes of Col. William J. King, who retired at the end of May.

While working in the shadow of Colonel King, Mr. Bartley has made his mark in our community with the ever-increasing activity along the international border, and his promotion is well deserved.

As part of my remarks, I include an article from the Buffalo Courier Express:

BARTLEY NEW INS DIRECTOR

(By Anne McIlhenney Matthews)

For his 54th birthday Thursday William H. Bartley, deputy district director of the Immigration and Naturalization Service, Buffalo district of the Dept. of Justice, got the job of his former boss. He succeeds Col. William J. King who retired two weeks ago.

The appointment of Bartley as the new chief was announced Thursday in Washington. Meanwhile Bartley has been serving as interim director until the announcement of King's successor, so he won't be moving into a new office or desk. He is extremely efficient and well liked and there was jubilation in the U.S. Courthouse Thursday at the confirmation of his appointment.

Bartley has been in the Buffalo area serving as deputy director for the last six years. He has been in the INS for 31 years. Working for Col. King was not new to him when he was assigned here. When Col. King formed the Criminal Investigation Division for the U.S. Army in London during World War II, he picked Bartley as one of his chief investigators because of his experience in the Immigration Border Patrol.

Bartley was born in Miles City, Mont., June 17, 1917, is married and resides in Amherst. Bartley has a daughter who is married to a career officer in the Air Force, and resides in Los Angeles, Calif., and a son, who is a student at the University of New Mexico at Albuquerque.

Bartley graduated from the University of Montana in June 1940 with a bachelor's degree in business administration. In July 1940, he entered the U.S. Immigration Border Patrol and was assigned to Orville, Wash. He was promoted to immigration inspector in June 1942 and assigned to Eastport, Idaho. He enlisted in the Army July 12, 1943 and served until March 19, 1945.

He was assigned during this time to the Criminal Investigative Division of the Provost Marshal, conducting investigations of major crimes committed in the European Theatre Operations. He served in England, France, Belgium, Luxembourg, Netherlands and Germany.

Bartley returned to the Immigration Service on Nov. 20, 1945, at Eastport, Idaho. On June 26, 1949, he was detailed to Germany in connection with the Displaced Persons Act of 1948, serving in Bremen and Munich. In April, 1951, he was promoted to Investigator in Charge of all Immigration Service investigative activities in Europe.

In January, 1952, he returned to the United States and was assigned to the position of hearing examiner in Blaine, Wash. In June, 1953, he was promoted to investigator in the Chicago office of the Immigration Service.

In January, 1956, he was promoted to regional intelligence officer, Immigration Service, Field Inspection and Security Division, Southeast Region of the United States including the Caribbean, with headquarters in Richmond, Va.

In June, 1963, he was promoted to the position of officer in charge, U.S. Immigration and Naturalization Service, Tokyo, Japan, assigned as attache to the American Embassy. In this position, he had jurisdiction over all immigration activities in Japan, South Korea and Okinawa.

In Sept. 1965, he was reassigned to Buffalo as deputy district director.

SLEEP ON, SLEEP ON, SILENT AMERICAN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HAGAN. Mr. Speaker, I am taking this opportunity of sharing with my colleagues a very interesting and thought-provoking article which I have received from one of my constituents, Mr. O. E. Bright, of Savannah, Ga. This short article cuts deeply into what seems to be happening in America today and is well worth taking the time to read and ponder and take a closer look at ourselves.

The article follows:

SLEEP ON, SLEEP ON, SILENT AMERICAN

Sleep on silent American. Turn your ears away from the dissonant clamor of the mob in the street, the thunder of the artillery shell in a Cambodian jungle, the wail of a starving child. Sleep on, silent American. If the 6:30 p.m. newscast shocks your sensibilities too much, or if tomorrow's headlines frighten you, or if the cover of "Life" makes you sick to your stomach, just don't look.

Sleep on, silent American. Don't worry about the hundreds of thousands of student protestors who are commandeering administration buildings and bombing banks and exalting false gods.

Sleep on, silent American. Say nothing, think nothing, do nothing—and the problems of this nation will vanish away. Sleep on, silent American. Preach the gospel of peace and tell your next door neighbor as he reclines on his patio that the President should end that nasty war in Vietnam and withdraw 100,000 more troops this month, but don't give any thought to those 50,000 men who'll be left in Vietnam to be slaughtered mercilessly.

Sleep on, silent American. Tell your toddler to go to his room and play with his toys, but not to bother you. Your eight-year-old has books and games and a color TV in his room. It's not necessary for you to go into his room to hear his prayers. Let him entertain himself.

Sleep on, silent American. Tell your teenager to go have himself a good time. Throw him the car keys and give him a ten-dollar bill. But don't ask him where he's going. That would be a violation of his privacy and an infringement of his rights.

Don't even question his judgment. Always take his part in a confrontation with the high school principal or the highway patrolman. Never ask for an explanation of how he spends his spare time or who he runs around with or why he stayed out all night.

Don't require him to work and earn his own money. You remember the lean times when you were a boy, and you're going to make sure that your own child never has to do without anything. Protect him from responsibility and hard work and don't force him to make decisions for himself.

Sleep on, silent American. Do not bestir yourself to the polls on election day. Politics is a rotten mess anyway, and you're better off to stay out of it. Don't tire yourself out with any serious thinking. Just listen to the opinions of others and emulate them.

Never be seen with your hand over your heart and resist that nagging urge to put up an American flag on your front lawn.

Continue to applaud nudity in the theater and pornography and filth on the newstands. This is the new morality, haven't you heard?

Stand idly by and watch our system of justice made a mockery. Watch the Supreme Court of our land degenerate into a handful of bitter, bungling old men, who command neither respect nor dignity, yet who still have the authority to tie the hands of law enforcement agencies.

Sleep on, silent American. Go to the golf course on Sunday morning. You've worked hard all week and you deserve a little time off to relax and enjoy yourself.

Of course, on your way to the greens you might drop the kids off at Sunday School and give them a Quarter to drop into the collection plate.

Let peace and tranquility be the quintessence of your summer day. Lie back in the hammock of complacency and inhale the amnesia of indifference.

Sleep on, silent American. You have everything to lose!

DO DAIRYMEN WANT THIS?

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. FINDLEY. Mr. Speaker, the editorial in the June–July issue of Successful Farming, entitled "Do Dairymen Want This?" has a constructive message for all farmers and Members of Congress.

Wayne E. Swegle, the magazine's managing editor, writes about the pressure brought to bear by some of the Nation's dairy groups to obtain the boost in dairy price support announced in late March. Dairy farmers in many marketing areas have been contributing just short of the $100 level, which requires a report, to a political campaign fund developed by several dairy marketing groups.

No one can be critical of farmers contributing as individuals to the political campaign funds of officeseekers, but as Mr. Swegle so well points out, it is completely out of character for farmers to make contributions to a political action fund which is then distributed at the whim of a management team.

Farmers, like all citizens, should and do take part in efforts to elect candidates who they feel will represent them well. To copy the programs of other political contribution groups may, for a brief moment, give some satisfaction. But I suggest the better feeling on the part of the contributor, as well as the recipient, will result when an individual farm family decides to contribute to a candidate of its choice rather than through a group seeking some special consideration. I highly recommend the message of the Successful Farming editorial, which is included as part of my remarks.

The editorial follows:

DO DAIRYMEN WANT THIS?

Just as one gets to feeling good about some promising moves in the field of marketing and bargaining, along comes the report of what leaders of some of the political action funds of the big dairy marketing organizations are doing. Then one doesn't feel so good.

Labor unions, big business, and certain trade groups with large treasuries have splashed their money around Washington and in state capitals for years. They often have gotten their way—even when they were wrong—as a result.

Generally speaking, farmers and farm groups have been immune to this sort of approach. They have gone after legislation (or lack of it) because of what was right, not because of the political muscle they could buy.

Now we have lost our innocence. And I believe something in agriculture died. I feel a little less proud of my profession after reading of the thousands of dollars given in political contributions to members of Congress—much of it when they weren't even running or when they were running with no competition.

POLITICAL CLOUT

Leaders of dairy marketing groups who splashed the money around now are very proud of their newfound political clout, as it's called in Washington.

Now that they have spent their money—or yours if you were a dairyman who contributed up to $99 (to stay under the $100 reporting level)—they can get an hour stating their case to the President of the United States. They can force the Secretary of Agriculture to reverse his position and announce an increase in price supports when he had earlier announced no increase (but no decrease, either).

I cannot share their enthusiasm and pride. I have been in too many countries where bribes and payoffs are the rule, not the exception. Graft rots the core of government—and I really don't think that's what dairymen want.

WISE SPENDING?

And these leaders who now are so happy with what they bought may have to answer to their members—who coughed up the dough—in 2 to 5 years. Here's why: It doesn't take anyone with a very long memory to recall the days of huge dairy surpluses, prices lying on the support level, and dairy farmers going broke.

After the dairy support price was cut, production adjusted more closely to demand, prices rose above the support level and dairy farmers have had some pretty good years. And dairymen have had better public relations with their customers since the government has been less involved in buying surpluses.

Government price support isn't the only factor that makes price. What some farm leaders never seem to learn is that it's the size of the milk check that farmers live on. Most farmers would take a low support and a high price any day in preference to a high support if it then becomes a ceiling on price.

The higher assured dairy support may again encourage a buildup in cow numbers and production—and another round of surpluses with prices lying flat on the support rate.

This was among reasons the big Land O'Lakes' farmers' cooperative came out against an increase in the support price.

DEFENSE

Sure, it feels good to farmers—feeling ignored and frustrated about being unable to fight back against ever-higher taxes and inflation—to gain some political clout.

But if we were going to go to the political clout route, many dairymen may have preferred to see their money go for something which would have really helped farmers in the long run, such as actions to result in an increase in demand, domestically and internationally.

I have never seen a time of good farm prices except when demand was outrunning or threatening to outrun supply. There's a message there.

CAMPAIGN SLUSH FUNDS—A 1972 TEAPOT DOME SCANDAL?

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MADDEN. Mr. Speaker, the American voters are alerted and alarmed over the fabulous millions spent in recent elections and especially the 1968–70 presidential and senatorial elections.

One news media reported approximately $45 million in one presidential campaign and $3 to $5 million in some senatorial elections. Several congressional election campaigns cost $200,000 to $300,000.

One Governor admitted publicly $10 million was the price to buy the Governor's victory in the State of New York.

If the 92d Congress fails to pass legislation restricting the purchasing of public office the future of representative government in the United States is in serious danger; over 3 million of America's youth will demand an opportunity to participate in future elections without combating the power of wealthy special privileged conglomerate's tax loopholes will financed lobbys.

The following article by Roscoe Drummond should be read by all Members of Congress:

CAMPAIGN SPENDING LAW NEEDS TEETH

(By Roscoe Drummond)

WASHINGTON.—The Senate is shaping what began as a tough and useful measure to reduce the skyrocketing costs of political campaigns.

But if something isn't done to strengthen its enforcement the whole thing will be a deception.

It is urgent to cut campaign spending and contributions and to require full and continuous disclosure.

But these desirable provisions will be mere words if the means to enforce them are lacking.

They are lacking in the bill as it is currently being written.

The proposed means for enforcement are anemic, toothless—and perhaps so intended.

The bill which is now before the Senate Rules and Administration Committee looks more like a loophole than a law.

The present provision of the bill would put the responsibility for enforcing it in the hands of the secretary of the Senate and the clerk of the House.

There could hardly be a weaker or worse method.

There are four solid reasons why this is the wrong way to do it:

1. The secretary of the Senate and the clerk of the House are partisan public officials chosen by the majority party in Congress. They are the servants of incumbent senators and congressmen and it is unfair and impractical to ask them to judge those for whom they work.

2. They are inexperienced and unskilled in law enforcement.

3. These congressional officers are not in a position to provide strong enforcement. They haven't adequate staff and wouldn't know how to use it if it was given to them.

4. The new campaign spending act will affect the presidential elections as well as the congressional elections. Officials of the Congress should not be called on to oversee the campaign spending of the presidential and vice-presidential candidates. This would create additional problems of jurisdiction, partisanship and enforceability.

To do it this way seems to be a way to ensure that the act would not be toughly enforced.

If it is not going to be toughly enforced it would be better not to pass it. No law is better than a facade.

There is a way to get effective enforcement. Not one of the numerous studies of how best to control campaign spending has ever proposed that the functionaries of Congress should be assigned this task.

The latest study was made by a 20th Century Fund task force, which unanimously recommended a bipartisan federal elections commission to administer the law.

Thus far most Democratic senators have been supporting soft enforcement of the spending act through congressional functionaries while most Republican senators have been backing tough enforcement through a federal elections commission.

I am not suggesting that Republican senators are more virtuous. Perhaps they just figure they will not be in control of Congress for some years and the advantage of enforcement by congressional functionaries will be on the side of the Democrats.

This simply isn't good enough. Enforcement must be independent and nonpartisan if it is to command public confidence and do the job fairly.

BENEFITS FOR POLICEMEN AND FIREMEN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. KARTH. Mr. Speaker, in the past few months there has been an alarming rise in the number of police and firemen killed in the line of duty. Our reaction is becoming redundant. After each statistic there is a great deal of hand wringing and commenting that something should be done.

Mr. Speaker, I remind my colleagues that something can be done. I refer to H.R. 5235 which would provide death disability benefits for police and firemen killed or injured in the line of duty.

Mr. Speaker, the following letter well illustrates the value and need for passage of this bill. As it is now the family of a police or fireman killed in the line of duty must rely on the benevolence of the community. In the particular case Ramsey County Sheriff Kermit Hedman recounts here, I am proud that the community responded, because Ramsey County is my community. But what will happen after the immediate bills are paid off?

Mr. Speaker, because an officer must often provide for the immediate needs of his family rather than prepare for an unexpected tragedy, and because there is a real need present we should give this bill the earliest possible consideration. I place this letter on the record as a reminder that a policeman's death is more than a statistic, and while good community response is heartwarming, a family needs more than that.

The letter follows:

ST. PAUL, MINN.,
June 16, 1971.

Hon. JOSEPH E. KARTH,
Washington, D.C.

DEAR JOE: I would like to commend you for your efforts on behalf of H.R. 5235 which would provide federal death benefits for policemen killed in the line of duty, as well as firemen. This is a timely Bill. As you know on January 28, one of my deputies, Sgt. Roger Rosengren of North St. Paul was killed in the line of duty at St. Paul-Ramsey Hospital. He left a widow, who had recently undergone open heart surgery, and three small children, who were left in 'not too good' of a financial situation. It was necessary for this department to organize dances, sell tickets, appeal to the news media for funds, etc. We were assisted by several banks, and will probably come up with a total near $20,000. The sad part is that an incident of this type is soon forgotten.

The benefits of H.R. 5235 would have been a great help to this family, to know they would not have to depend on private donations.

I think the morale of a police officer would be more secure and he would be a better officer knowing that each day as he left for his assignment, in case anything should happen, the government would have help for his family.

As an officer with thirty-six years experience, I have seen tragedy strike many times for both police and firemen, and I can assure you that our State Association, and the Metropolitan Sheriffs, of which I am secretary, are very much in favor. We have tried to have a State Bill providing payment to officers' families passed this session but were not successful.

I am sure the citizens of this County will commend you for your actions on this Bill.

KERMIT HEDMAN,
Sheriff, Ramsey County.

THE EAST PAKISTAN REFUGEE PROBLEM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. SIKES. Mr. Speaker, it is to be hoped that a satisfactory degree of calm has been established in the controversy over the East Pakistan refugee problem. There has been altogether too much agitation in the press on this subject, much of it biased and hostile to the established Government of Pakistan. The exodus of the refugees was indeed an unfortunate situation and it is to be hoped that they are now encouraged to return and will be appropriately provided for when they recross the border. There is no better way to bring about a proper understanding between East and West Pakistan. The morning press indicated that India has established troop concentrations along the India-Pakistan border contrary to treaty agreement. There have also been repeated references to a belligerent attitude by India toward her unhappy neighbor. World leaders and the United Nations should accept the responsibility to press for a better understanding between these nations so that India will not in fact be tempted to take advantage of the unfortunate circumstances which have beset Pakistan.

A letter to me and to other Congressmen from the distinguished Ambassador from Pakistan, Mr. Hilaly, and recent comments in the Christian Science Monitor testify to the efforts to bring about a return to normalcy in East Pakistan. I submit both for reprinting in the RECORD.

EMBASSY OF PAKISTAN,
Washington, D.C., June 16, 1971.

Hon. ROBERT L. F. SIKES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN. I wish to draw your attention to the following extracts from a Reuter dispatch from New Delhi this morning.

"A bitter dispute loomed today over the repatriation prospects for nearly six million East Pakistani refugees after Indian Prime Minister Indira Gandhi and a top U.N. official gave contrasting assessments of conditions in East Pakistan. Prince Sadruddin Aga Khan, U.N. High Commissioner for Refugees, told reporters last night that during a recent visit to Dacca he found what appeared to be an improvement in the situation in East Pakistan. The High Commissioner, speaking at Bongaon on the India-Pakistan border about 50 miles northeast of Calcutta, said he had seen reception centers being set up for returning refugees. Reuter correspondent Mackenzie said the Prince appeared optimistic about the future of East Pakistan. . . . Prince Sadruddin, who visited several refugee camps, was asked if he thought the refugees in India could return to East Pakistan. He said he did not see why they should not, in time."

The Government of Pakistan has reported that the exodus of refugees from Pakistan has almost stopped. On the contrary Pakistani nationals who crossed to India are now pouring into East Pakistan in large numbers both through authorized and unauthorized routes. Furthermore, East Pakistan is not only free from cholera at present, but there has been no cholera epidemic in any part of the province during the past six months.

The fact that the situation in East Pakistan is normal is confirmed in the enclosed article which appeared in the Christian Science Monitor this morning.

Yours sincerely,

A. HILALY,
Ambassador.

[From the Christian Science Monitor, June 16, 1971]

EAST PAKISTANI CALM—POLICE TAKE OVER STREET PATROLS AS DIN OF BATTLE FADES

(By A. B. Musa)

DACCA, PAKISTAN.—President Yahya Khan, confident that order has been restored in East Pakistan, is planning a civilian takeover of the embattled area. The first indication of this came recently when the police took over street patrols in Dacca from the Army.

The population of Dacca, which shrank from more than 1 million to 500,000 during the March emergency, is slowly returning. Bazaars are open again, and in some of the busier markets destroyed during the Army operations, shopkeepers have set up improvised stalls.

The responsibility for maintaining order in the country areas also has been given to civilian authorities and the police. Even when there is bomb throwing, attributed to the Mukti Fauz, or "liberation army," it is the police and not the Army or its intelligence branch that does the investigation. The curfew imposed March 26 was lifted June 11.

HARD ON SABOTAGE

The civilian administration is also taking over the main cities of East Pakistan—Chittagong, Khulna, Mymensingh, and Comilla—and the smaller towns. In the villages, also, where Army operations started later than in the cities, village police now guard the bridges and railway tracks. Acts of sabotage and sniping are dealt with severely.

The Army, besides guarding the border with India, has been deployed to repair bridges, culverts, roads, and railway lines damaged or blown up by the Mukti Fauz. Troops are also engaged in relief work in areas devastated by last year's cyclone.

Most of the road links have been fully restored, but the major communication network is still the rivers. Launches and ferries that have been lying idle for months, some of which were capsized by Awami League men, are being restored to service.

PROVINCIAL CONTROLS FORECAST

President Yahya Khan is expected to give some indication of his plans to restore normality in the next two weeks. He is said to be prepared to concede to all provinces, including the east wing, control of all affairs except foreign affairs, defense, currency, foreign trade, and foreign aid. Although political activties are banned, various parties have been suggesting their own formulas. In East Pakistan some 25 of the 167 Awami League members elected to the National Assembly are believed to have indicated their willingness to cooperate with the President. The general amnesty declared by the military government is expected to encourage more to join them.

Many elected members fled to the other side of the border when the Army operations began, and it has been difficult to make contact with them. The military administration has received reports that one or two of them who tried to come back were threatened that they would be shot by the Mukti Fauz.

ROUNDUP EFFORT PUSHED

Some members elected to the national and provincial assembly, who have been in hiding in rural areas, are also expected to surface again. They were not considered staunch Awami League members and are thought to have joined the party chiefly for electoral convenience.

One of those trying to gather these politicians together is Begum Akhtar Sulaiman, daughter of H. S. Suhrawardy, the founder of the Awami League and a former prime minister of Pakistan. She hopes that about 100 National Assembly and 200 of the 300 provincial-assembly members will be willing to cooperate if they receive the necessary assurances. It is felt that if this target is reached, it will be easier for General Yahya Khan to plan for civilian rule.

It is expected that the President will first order by-elections to fill the seats declared vacant. Awami League activities have been forbidden, but the party itself has not been declared illegal. Approved members may even be allowed to work under their old party banner. The President will then submit constitutional proposals for ratification by the National Assembly.

CONSTITUTION DRAFTING

Two veteran constitutionalists are already at work drawing up a new constitution. One of them is Justice A. R. Cornelius, a former chief justice and a law minister, and the other Manzur Quadir, a former attorney general and Ayub Khan's first foreign minister, who was also responsible for drawing up his basic-democracy Constitution in 1962.

It is felt that the establishment of any form of civilian government in East Pakistan will neutralize any claims to legitimacy of those who crossed the Indian border to set up a "Bangla Desh government."

The impact of the Bangla Desh movement is not visibly felt in East Pakistan except among those who tune in to Swadhin Bangla Radio (Radio Free Bengal). The authorities believe these broadcasts are transmitted from Agartala, capital of the Indian state of Tripura.

The general mood was summed up by a Bengali middle-class clerk in Dacca: "We want peace no matter whether it is Bangla Desh or Pakistan," he said.

FBI SEEKING EX-PENTAGON AIDE IN LEAK

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. JACOBS. Mr. Speaker, with all due respect to those who have suggested administration inconsistency in its handling of Otto Otepka's—shall we say—frankness with the American people on the one hand; and the administration's handling of Daniel Ellsberg's frankness on the other, it should be pointed out in all fairness to the administration, that an FBI inquiry concerning Ellsberg does not necessarily imply punishment.

In the Otepka case it mean preliminary work in connection with a rewarding administration appointment to a $36,000 per year "no-show."

Since A. Ernest Fitzgerald was frank about the greatest military secret of them all—the $2,000,000,000 by which Lockheed overcharged the American taxpayers—the most imaginative mind boggles—nay goes on "Tilt" in contemplating the administration's concept of his just reward:

An article which appeared in the Washington Post of June 18, 1971, follows:

FBI SEEKING EX-PENTAGON AIDE IN LEAK

(By Ken W. Clawson)

CAMBRIDGE, MASS.—Two FBI agents tried unsuccessfully today to interview Daniel Ellsberg, 40, a former government economist who was a member of the federal task force that prepared a secret study of the Vietnam war that has been leaked to The New York Times.

The FBI agents left the Ellsberg residence on a shady, tree-lined Cambridge street when no one responded to their knock at the door.

Neither the FBI nor the Justice Department would comment, but it was learned that efforts to find Ellsberg were intensified when he was not available this morning.

Ellsberg was publicly named as the source of the secret documents Wednesday night by a former New York Times reporter, Sidney Zion. On a local New York radio show, Zion identified Ellsberg as the person who leaked the documents and said his information came from "impeccable sources."

The New York Times declined to comment on Zion's allegation.

DOCUMENTS REVEAL U.S. EFFORT IN 1954 TO DELAY VIET ELECTION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. McCLOSKEY. Mr. Speaker, with continuing refusal of the administration to transmit to the Congress for our examination the 1945 to 1967 Defense Task Force Study of United States-Vietnam relationships, we remain limited to what we can read in the newspapers.

I offer for my colleagues consideration the articles on such task force study appearing in the Washington Post last Friday, June 18 and Saturday, June 19:

DOCUMENTS REVEAL U.S. EFFORT IN 1954 TO DELAY VIET ELECTION

(By Chalmers M. Roberts)

The Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

But the following year it was South Vietnamese President Ngo Dinh Diem, far more than the American government, who was responsible for the elections' not taking place. Diem flatly refused even to discuss the elections with the Communist regime in Hanoi.

These are among the facts emerging from sections of the Pentagon study on the origins of the Vietnam war, made available to The Washington Post.

The chief architect of the American policy of opposition to elections, as was well known at the time, was President Eisenhower's Secretary of State, John Foster Dulles. But it was Eisenhower who has insisted on allied support if he were to ask Congress for authority to use American military force to save the French army in Indochina in early 1954. The United States did not get that allied support.

The origin of the idea of holding an election in divided Vietnam, called for in the Geneva accords of 1954, remains obscure. But there is nothing obscure about Dulles' attitude.

In July of 1954, he sent a cable to various American diplomats then struggling with the problem. It said in part:

". . . Thus since undoubtedly true that elections might eventually mean unification Vietnam under Ho Chi Minh this makes it all more important they should be only held as long after cease-fire agreement as possible and in conditions free from intimidation to give democratic elements best chance. We believe important that no date should be set now and especially that no conditions should be accepted by French which would have direct or indirect effect of preventing effective international supervision of agreement ensuring political as well as military guarantees."

Dulles went on to call attention to a joint statement by President Eisenhower and British Prime Minister Churchill in June, especially that part which spoke of achieving "unity through free elections supervised by the UN."

Later in July, shortly before issuance in Geneva of the "final declaration" of the long conference, a declaration that included the statement that "general elections shall be held in July 1956," Dulles cabled his unhappiness at the impending outcome.

He sent Walter Bedell Smith, the Under Secretary of State who had returned to the Geneva Conference to limit as much as possible what Dulles foresaw as the disastrous outcome, a cable that said in part:

"While we don't want to take responsibility of imposing our views on the French, I feel particularly concerned about provisions of paragraph 6 which gives the Control Commission constituted as per SECTO 666 authority also to control the general elections. The ink is hardly dry on the Declaration of President Eisenhower and Prime Minister Churchill of June 29 to the effect that 'In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections *supervised by the UN* to insure that they are conducted fairly.' It is rather humiliating to see that Declaration now so quickly go down the drain with our apparent acquiescence."

About a week before the above cable, and after French Premier Pierre Mendes-France had asked that Dulles return to Geneva and before Dulles agreed to send Smith as his stand-in, Dulles cabled some of his unhappiness to Mendes-France via the American Embassy in Paris.

Dulles complained to Mendes-France of "a whittling-away process, each stroke of which may in itself seem unessential, but which cumulatively could produce a result quite different from that envisaged" in a seven-point minimum program, agreed upon by Britain and the United States, that he then was trying to sell France.

He included this paragraph as illustrative of that "whittling away process."

"Allowing Communist forces to remain in Northern Laos; accepting a Vietnam line of military demarcation considerably south of Donghoi; neutralizing and [one word indistinct] demilitarizing Laos, Cambodia and Vietnam so as to impair their capacity to maintain stable, noncommunist regimes; accepting elections so early and so ill-prepared and ill-supervised as to risk the loss of the entire area to Communism; accepting international supervision by a body which cannot be effective because it includes a Communist state which has veto power."

In the end the election was called for, but not without considerable argument at Geneva, where the United States worked through the French. But others had the important say.

Chief among these important people were Chou En-lai, then as now Chinese Premier, and V. M. Molotov, the Soviet Union's redoubtable foreign minister.

In June of 1954, American Ambassador to France Douglas Dillon cabled Dulles to report conversations with Jean Chauvel, a key diplomat at the conference. Chauvel reported that Chou had "said that he recognized that there were now two governments in the territory of Vietnam, the Viet Minh Government and the Vietnamese Government. According to Chauvel, this was the first time that Chou had recognized the valid existence of the Vietnamese Government."

As to elections, Dillon reported:

"Regarding the final political settlement, Chou said this should be reached by direct negotiations between the two governments in Vietnam . . . Mendes at this point said that since the war had been going on for 8 years and passions were high, it would take a long time before elections could be held as the people must be given a full opportunity to cool off and calm down. Chou made no objection to this statement by Mendes and did not press for early elections."

On June 19, Smith called on Molotov at his Geneva villa. He filed a long report, with his comment, which included this:

"In private conversations with Mr. Eden and others, Communist delegates, in particular Chou En-lai, had taken an apparently reasonable view on Laos and Cambodia, but that here again, when we came to the point of trying to get open agreement on specific points we were unable to do so. I specifically mentioned Chou En-lai's statements to Eden in which he said that China would have no objections to recognizing the kingdoms of Laos and Cambodia or to these States having forces and arms sufficient to maintain security, or their remaining in French Union so long as they were not used as military bases by the United States. We could not disagree with any of this, although if we kept out the Chinese would have to keep out, and these small states would have to be allowed to join with their neighbors in whatever regional security arrangements would best protect their integrity without constituting a threat to any one else.

"Chou En-lai might be anxious about possibility of U.S. bases in Laos and Cambodia. We wanted on our part to be sure that these countries were not handed over to the Chinese. Molotov said that while he did not know about what attitude Chinese might have on other questions in future, he could assure me that Chinese attitude on this particular question was not at all unreasonable, and that there was nothing in it which would give rise to conflicts. He added, however, that if we continued to take a one-sided view and insist on one-sided solutions, he must 'in all frankness say that this would not succeed'."

Smith told Molotov that "appearance of 'partition' was repugnant to U.S." and he reported that "in regard to U.S. aversion to partition, he [Molotov] said that this problem could easily be solved by holding elections at once, which would decide 'one way or the other.'"

When Molotov indicated Smith might encourage the French to agree, "I replied," reported Smith "that US was not one of principals to Indochinese dispute and did not cast deciding vote, to which Molotov remarked 'maybe so, but you have veto, that word I hear you use so often.'"

In his "comment," Smith cabled:

"It is probable that initial Soviet tactics were to forestall US intervention in the Delta by some kind of a compromise formula involving Hanoi and Haiphong if it appeared that such intervention were imminent. The recent raising of the ante in negotiations here by the Communist side probably reflects an estimate on their part that our intervention is improbable and that they are safe to go ahead there, keeping, of course, a sharp eye out for indications of change in our attitude."

Dulles had fought any partition of Vietnam but Chauvel reported in Geneva in June to U. Alexis Johnson of the American delegation that "there had been conversations between Vietnamese and Viet Minh in which Viet Minh had made it clear that only two alternatives were coalition government or partition."

The same day Dulles cabled that the suggestion then surfacing for a line dividing Vietnam at the "Thakhek-Donghoi line, coupled with rapid Delta deterioration, is leading us to reexamine possible defacto partition Vietnam."

Both Dulles and the Joint Chiefs of Staff had opposed partition and/or elections. In April of 1954 Dulles cabled Dillon in Paris and American Ambassador Winthrop Aldrich in London a summary of what he had told French Ambassador Henri Bonnet on the eve of the Geneva Conference.

In part, it said that "division of Indochina impractical. Quote Mixed Unquote government would be beginning of disaster." Both, he said, would lead to a "face-saving formula to cover surrender of French Union forces."

A March memorandum from the Chairman of the Joint Chiefs of Staff, Adm. Arthur Radford, to Secretary of Defense Charles Wilson on the JCS views about the then-impending negotiations said this about "establishment of a coalition government:"

"The acceptance of a settlement based upon the establishment of a coalition government in one or more of the Associated States [Vietnam, Laos and Cambodia] would open the way for the ultimate seizure of control by the Communists under conditions which might preclude timely and effective external assistance in the prevention of such seizure."

In a paragraph about "self-determination through free elections," the JCS said in part:

"The Communists, by virtue of their superior capability in the field of propaganda, could readily pervert the issue as being a choice between national independence and French colonial rule. Furthermore, it would be militarily infeasible to prevent widespread intimidation of voters by Communist partisans. While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs of Staff to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

"Longer term" results of such a loss, said the JCS, "involving the gravest threats to fundamental United States security interests in the Far East and even to the stability and security of Europe could be expected to ensue."

By the time the Geneva Conference opened, as has been known for many years, the United States had actively considered the idea of military intervention. The documents made available to The Washington Post reflect this consideration at many points.

For example, a January, 1954, meeting of the President's Special Committee on Indochina discussed sending various aircraft to the French as well as 260 military mechanics. Deputy Defense Secretary Roger Kyes "questioned" whether sending the men "would not so commit the U.S. to support the French that we must be prepared eventually for complete intervention, including use of U.S. combat forces." State's Undersecretary Smith disagreed, saying "we were sending maintenance forces not ground forces. He felt, however, that the importance of winning in Indochina was so great that if worse came to the worst he personally would favor intervention with U.S. air and naval forces—not ground forces."

Kyes said he "felt this consideration was so important that it should be put to the highest level. The President himself should decide. General Smith agreed."

But there were contrary voices as well. Late in January, Sen. John Stennis (D-Miss.), then a low-ranking member and now chairman of the Armed Services Committee, wrote Secretary Wilson to say that "I have been impressed for some time that we have been steadily moving closer and closer to participation in the war in Indo-China."

He said he did not object to policy thus far but that "it seems to me that we should certainly stop short of sending our troops or airmen to the area, either for participation in the conflict or as instructors. As always, when we send one group, we shall have to send another to protect the first and we shall thus be fully involved in a short time."

The available papers do not include a response from Wilson to the senator.

Earlier that month, President Eisenhower approved the policy statement set at the National Security Council table two days earlier on "United States objectives and courses of action with respect to Southeast Asia." It began with a sweeping statement of "general considerations," one foreshadowed in the Truman administration and to be continued in one form or another, as the documents show, into the Johnson administration.

"1. Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

"a. In the conflict in Indochina, the Communist and non-Communist worlds clearly confront one an other on the field of battle. The loss of the struggle in Indochina, in addition to its impact in Southeast Asia and in South Asia, would therefore have the most serious repercussions on U.S. and free world interests in Europe and elsewhere.

"b. Such is the interrelation of the countries of the area that effective counteraction would be immediately necessary to prevent the loss of any single country from leading to submission to or an alignment with communism by the remaining countries of Southeast Asia and Indonesia. Furthermore, in the event all of Southeast Asia falls under communism, an alignment with communism of India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) could follow progressively. Such widespread alignment would seriously endanger the stability and security of Europe.

"c. Communist control of all of Southeast Asia and Indonesia would threaten the U.S. position in the Pacific offshore island chain and would seriously jeopardize fundamental U.S. security interests in the Far East.

"d. The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important to Malaya, Ceylon and Hong Kong and are of considerable significance to Japan and India, all important areas of free Asia. Furthermore, this area has an important potential as a market for the industrialized countries of the free world.

"e. The loss of Southeast Asia, especially of Malaya and Indonesia, could result in such economic and political pressures in Japan as to make it extremely difficult to prevent Japan's eventual accommodation to communism."

While the NSC study stated that "overt Chinese Communist attack on any part of Southeast Asia is less probable than continued Communist efforts to achieve domination through armed rebellion or subversion," the possibility of war with China was explored. It was stated that "in the event the United States participates in the fighting, there is a substantial risk that the Chinese Communists would intervene."

The immediate aim was to help the French by expediting, "and if necessary" increasing aid, to "assist them in:

"a. An aggressive military, political and psychological program, including covert operations, to eliminate organized Viet Minh forces by mid-1955.

"b. Developing indigenous armed forces, including logistical and administrative services, which will eventually be capable of maintaining internal security without assistance from French units."

In the event of Chinese intervention, the NSC concluded, the United Nations should be asked to call on member nations to "take whatever action may be necessary . . . to meet such an aggression." Whether or not the U.N. did act, it was proposed, the United States either under U.N. auspices or in concert with France, Britain and "other friendly governments" should take such steps as interdicting Chinese communication lines "including those in China," and, "if appropriate," also establish a joint "naval blockade of Communist China and "as desirable and feasible" utilize Chinese Nationalist forces "in military operations in Southeast Asia, Korea, or China proper."

The NSC paper noted that if such actions as those outlined indeed were taken, "the United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

Military studies suggested that if the United States were to be involved on the ground "seven U.S. divisions or their equivalent, with appropriate naval and air support, would be required to win a victory in Indochina if the French withdrew and the Chinese Communists did not intervene." These were the words of the "Army position" on one NSC action memorandum.

But President Eisenhower, although he had approved the planning, wanted both Congressional approval and allied participation for any American intervention. An April telegram from Dulles to Dillon reported that "Congressional action would be required. After conference at highest level, I must confirm this position." He added: "US is doing everything possible" to "prepare public, Congressional and Constitutional basis for united action in Indochina. However, such action is impossible except on coalition basis with active British Commonwealth's participation. Meanwhile US prepared, as has been demonstrated, to do everything short of belligerency."

But Dulles had trouble rounding up allies, especially the British. Dulles reported to Smith on an April 27 talk with Foreign Secretary Anthony Eden in London and found Eden worrying that military intervention would be "a bigger affair than Korea," where hostilities had ended less than a year earlier.

A few days later Dulles summarized his findings, in part, this way:

"UK attitude is one of increasing weakness. British seem to feel that we are disposed to accept present risks of a Chinese war and this, coupled with their fear that we would start using atomic weapons, has badly frightened them."

Dulles confessed to uncertainty by adding that "I do not underestimate the immense difficulty of our finding the right course in this troubled situation. Nor do I mean to imply that this is the moment for a bold or war-like course. I lack here the US political and NSC judgements needed for overall evaluation."

Summary statements in the papers available to The Washington Post do not include any Eisenhower decision not to intervene at any of the several points during 1954 when that was under consideration. The closest thing to a clear definition of the chief executive's thinking is a May memorandum to the Secretary of Defense and the Chairman of the Joint Chiefs by Robert Cutler, the special assistant to the President who handled NSC affairs.

Cutler reported on a meeting in the President's office with only President Eisenhower, Dulles and Cutler present, at which the chief executive approved instructions for Smith, then in Geneva. It was essentially an expression of unhappiness over Eden's proposals, which fell far short of intervention.

Point 3, however, was expressive of the President's frame of mind. It said: "The United States will not agree to a 'white man's party' to determine the problems of the Southeast Asian nations."

In the available papers there is no evidence of a post-Geneva American effort to prevent the elections throughout all of Vietnam from taking place.

The Soviets had "proposed June 1955" according to one report from Geneva but they and the Chinese and the North Vietnamese had finally agreed to July 1956. But South Vietnam, which the telegrams made clear had been told almost nothing about the secret Geneva talks although there was a Saigon delegation present, never accepted the Geneva accords, then or to this day.

A summary paper done as part of the Pentagon papers by an unnamed analyst put the outcome this way:

"As the deadline for consultations approached (20 July 1955) Diem was increasingly explicit that he did not consider free elections possible in North Vietnam, and had no intention of consulting with the DRV concerning them. The U.S. did not—as is often alleged—connive with Diem to ignore the elections. U.S. State Department records indicate that Diem's refusal to be bound by the Geneva Accords and his opposition to pre-election consultations were at his own initiative.

"However, the U.S., which had expected elections to be held, and up until May 1955 had fully supported them, shifted its position in the face of Diem's opposition, and of the evidence then accumulated about the oppressive nature of the regime in North Vietnam. 'In essence,' a State Department historical study found, 'our position would be that the whole subject of consultation and elections in Vietnam should be left up to the Vietnamese themselves and not dictated by external arrangements which one of the parties never accepted and still rejects.' "

On Jan. 19, 1961, President Eisenhower met in the oval room of the White House with President-elect John F. Kennedy. The President said that "Laos is the key to the entire area of Southeast Asia." The President-elect asked "how long it would take to put a U.S. division into Laos."

There was no discussion of Vietnam. That would become the problem for President Kennedy—and President Johnson—and President Nixon.

[From the Washington Post, June 19, 1971]

VIET STUDY SAYS BOMBING LULL PRESSURE MOVE—II

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965–1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement, either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the adviser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant, Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas deB. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

". . . You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . .

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. Ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change planned) and in SVN." (South Vietnam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in The Washington Post Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the U.S.S.R. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that.

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war . . ."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965, South Vietnam's troops were in real danger of outright Communist defeat, as American officials publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocated combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam and "perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe . . ."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.' " Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that 'any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting."

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President of Nov. 30, 1965 stated:

"It is my belief that there should be a three-or four-week pause . . . in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North.

"The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and, second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet.' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danger was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unaccompanied by real concessions by the VC, made it politically costly for us to terminate the Pause."

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in Washington to resist the pressures from the 'peace movement' in the United States were not so sure.

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measures which would even momentarily reduce the pressure on North Vietnam." Gen. William C. Westmoreland was the U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time.

"The Secretary . . . believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement.

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area.

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.' "

The review states that on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once.

"In fact, McNaughton wrote, 'it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time.' " The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage for another pause, perhaps late in 1966, which might be more 'productive.' "

According to the Penagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began." The reviewers cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations, the unnamed analyst's assessment of it was that it "amounted . . . to the contention that just as the United States could not afford to initiate a bombing pause that might fail to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965–66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents shows that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNaughton was examining the overall situation and suggesting some major changes in U.S. policy.

McNaughton said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone" while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNaughton, "pacification is stalled despite efforts and hopes," Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNaughton, "is to avoid humiliation." McNaughton's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNaughton said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNaughton was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNaughton wrote. "It took us almost a year to take the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNaughton acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates, misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material . . ."

The report states that McNamara did not commit himself to a "compromise" solution and, "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Vietnam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNaughton."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology, and George Kistiakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major break-through to peace," the analysis say. Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense. President Johnson did so, and banked his hopes instead on the peace table.

DAY LABORER PROTECTION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. MIKVA. Mr. Speaker, today I am introducing the Day Laborer Protection Act, a bill to protect day laborers from the abuses and exploitation they presently suffer.

The sordid world of the day laborer has kept its anonymity for a long time. To those of us with jobs, it is an alien world with which we have little contact. But go through the rundown commercial area of any major city at about 6 o'clock in the morning. You will find the day laborers waiting in line, hoping to be sent out on a job.

If they are lucky, the temporary help service will get a call from some freight yard asking for four people to help unload railroad cars. The lucky ones who look strong and healthy will be given the name and the address of the caller, and a time card, and will be sent off to work. The unlucky ones wait.

When he gets to the jobsite, after paying his own way there, the day laborer will be told what work needs to be done. Technically he is the employee of the temporary help service, so the man he is working for could not care less about the safety and decency of the working conditions. At the end of the day, his work card will be filled out, and he will go back to the agency to get paid. The return trip is also at his own expense. By the time he gets back to the agency, chances are they will be closed. Perhaps they have arranged to mail him his pay; possibly he will have to come back the next day to collect. More likely, his pay will be waiting for him in a nearby tavern. The bartender is happy to take the time to act as paymaster for the temporary help service. The odds are that some percentage of the wages he pays out will come back to to him in patronage.

Ordinarily the pay will be computed at the minimum wage. Except that it comes out to substantially less than minimum wage when you really look at it.

Suppose the day laborer arrives at the agency at 6 a.m., gets sent out on a job at 8, arrives at the job at 9, works from 9 to 6 with an hour off for lunch—unpaid, of course—and gets back to the agency at 7. From the time he arrived at his employer's place in the morning until the time he gets paid at night, 13 hours have passed. He gets paid for 8.

The Day Laborers Protection Act would make the minimum wage more meaningful by requiring that the worker be paid for traveltime, and for waiting time as well. Each hour spent waiting to be sent out on a job would count as a half hour in computing the hours worked that day. Or, to look at it another way, the hours spent waiting would be paid at one-half the rate paid for work at the jobsite.

The stock in trade of a temporary help service is a ready pool of available manpower. This is the principal product they have to sell to their customers. Yet at present they pay nothing for that raw material which enables them to stay in business.

The need on the agency's part to maintain a pool of available labor is responsible for another abuse, the 90-day clause. This device is used by the agencies to prevent firms from hiring any day laborer on a permanent basis for at least 3 months after he has worked there. In order to get a supply of workers, firms must agree not to offer the day laborers permanent jobs. This is the most vicious, reprehensible abuse of all. It guarantees that people who are for one reason or another shut out by the labor market will stay shut out. This cannot be tolerated. Society has a strong interest in seeing to it that every person who wishes full-time employment finds it. A steady job provides a source of stability and self-respect which many of these people desperately need.

The Day Laborers Protection Act would outlaw 90-day clauses, and would provide a grievance procedure by which informal or tacit continuation of the practice could be challenged.

The bill would also prohibit using day laborers as strikebreakers. It would forbid discrimination in hiring. It would require the agencies to provide workmen's compensation coverage for day laborers who are injured on the job. It would give day laborers the same rights other workers have to organize and bargain collectively.

This bill is directed at the marginal operators who abuse day laborers and who avail themselves of every legal loophole in order to cut costs and increase profits. It is these slave labor shops which will be primarily affected by the legislation. The reputable temporary help services which pay adequate wages and provide adequately for the welfare of their workers will be helped, not hurt, by regulatory legislation such as this. By driving the bad operators out, it will improve the image of the entire industry. By standardizing benefit requirements and minimum responsibilities, it will make it more difficult for the sharp operator to undercut the more reputable agencies.

Undoubtedly there will be those who argue that by imposing requirements of decency, fairness, and nonexploitation on temporary help services we will increase the cost of providing such labor and end up hurting the laborers by reducing the number of jobs.

The same arguments have been heard before in the context of minimum wage laws. To some extent they are correct. Obviously an employer will hire more people if he can get away with paying 50 cents an hour than if he has to pay a decent, living wage. But we decided a long time ago in this country that no man should be entitled to make his living by enslaving another man. We do not try to resolve unemployment problems in the economy by putting people to work for slave wages and in intolerable conditions. A job is not a goal in itself. Maintaining job levels is not a worthwhile goal if those jobs lack basic decency.

It is my hope that this bill will serve as the basis for extensive congressional hearings on the subject of day labor. Such hearings would focus attention and concern on people who have suffered the burden of anonymous degradation for too long.

I am inserting in the RECORD the text of the bill along with a section-by-section analysis:

H.R. 9282. A bill to establish and protect the rights of day laborers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Day Laborer Protection Act of 1971.

SECTION 2. PURPOSES.

It is the purpose of this Act to—

(a) define temporary help services and day laborers;

(b) prohibit doing business as a temporary help service except as licensed by by Secretary of Labor;

(c) authorize the Secretary of Labor to set standards and requirements for licensing temporary help services, and to enforce such standards;

(d) make applicable to day laborers certain benefits in order to protect their health and welfare;

(e) remove obstacles to permanent employment of day laborers, such as restrictive hiring clauses; and

(f) insure fair labor practices in the temporary help service industry.

SEC. 3. DEFINITION.

As used in this Act, a temporary help service shall include any business whose principal function is to maintain and employ a pool of laborers for the purpose of contracting with others to make such manpower available to them on a temporary basis, except as provided in Section 4 of this Act.

SEC. 4. EXCEPTIONS.

(a) This Act shall not apply to temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, and skilled laborers.

(b) This Act shall not apply to temporary help services whose lowest paid employee receives more than $2.50 per hour, as computed in accordance with Section 6(b) of this Act.

SEC. 5. LICENSING AND REGULATION.

It shall be unlawful to operate a temporary help service unless a license is obtained from the Secretary of Labor or his designee.

SEC. 6. MINIMUM STANDARDS.

The Secretary of Labor (hereafter referred to as "the Secretary") is authorized to set standards, to license temporary help services meeting such standards, and to enforce compliance with such standards. No temporary help service shall be licensed unless its employees are provided with coverage and benefits under the following:

(a) the Social Security Act, where applicable;

(b) the Fair Labor Standards Act, regardless of the dollar volume of the temporary help service, provided that for purposes of computing pay under that Act, hourly rate of pay shall be determined by dividing the gross amount paid by the number of hours worked, and the number of hours worked shall include travel time between the job site and the temporary help service, time spent at the job site, and one half the time spent awaiting assignment at the temporary help service prior to being sent to a job site;

(c) the Occupational Safety and Health Act;

(d) an adequate workmen's compensation plan, provided that participation in the workmen's compensation program of the State in which the licensee is located shall be deemed prima facie compliance with this requirement;

(e) the Civil Rights Act of 1964; and

(f) the Labor-Management Relations Act of 1947.

SEC. 7. RESTRICTIONS ON PERMANENT HIRING PROHIBITED.

No temporary help service shall engage in any practice which operates to restrict the right of an employee to accept a permanent position with a client to whom he is referred for temporary work, or to restrict the right of such a client to offer such employment to an employee of a temporary help service.

SEC. 8. STRIKEBREAKING PROHIBITED.

Employees of a temporary help service shall not be employed as strikebreakers where a legitimate labor dispute is in progress.

SEC. 9. REPORT BY SECRETARY—UNEMPLOYMENT INSURANCE.

Within one year of the date of enactment of this Act, the Secretary of Labor shall submit to Congress a report on the implementation of this Act, including his recommendations for extending unemployment insurance benefits to employees of temporary help services.

SEC. 10. ENFORCEMENT—PRIVATE RIGHT OF ACTION.

Violations of the provisions of this Act shall be subject to such penalties and means of enforcement as the Secretary shall provide. In addition, any person injured by a violation of any provision of this Act shall be entitled to bring an action for damages or such other relief as the court deems proper.

SEC. 11. INVESTIGATIONS—KEEPING OF BOOKS AND RECORDS.

(a) The Secretary or his designated representatives may investigate and gather data regarding the conditions and practices of employment in any temporary help service subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act.

(b) Every temporary help service subject to the provisions of this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

SEC. 12. RELATION TO OTHER LAWS.

No provision of this Act or any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing standards or requirements higher than or otherwise not inconsistent with those established under this Act.

SEC. 13. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION-BY-SECTION, ANALYSIS, TO ACCOMPANY BILL TO ESTABLISH AND PROTECT THE RIGHTS OF DAY LABORERS

SECTION 2. PURPOSES

This is perhaps the most important section of the bill. It states the overall objectives of fairness which the legislation seeks to implement. Because fair play is not easily legislated, it is important that it be stated here as a guide for construction of the remainder of the bill.

SECTIONS 3 AND 4. DEFINITIONS AND EXCEPTIONS

The most difficult threshold problem is to avoid overlegislating. The abuses which the bill seeks to remedy are not common to all temporary help services. They exist predominantly in the manual labor field, not in clerical or professional or other white collar "office temporary" areas. Some reasonable classification must be employed which will avoid overregulation while at the same time extending coverage to those portions of the day labor industry where it is needed. Two approaches are employed in Section 4. One exempts certain imprecise but commonly understood classes of employees—"white collar," "secretarial," etc. The other invokes an earnings standard. The arbitrary assumption is made that any agency which pays at least $2.50 per hour (as calculated under Section 6) is not perpetrating the kind of abuses that this bill seeks to remedy.

SECTION 6(B). PORTAL TO PORTAL PAY

The day labor industry claims that it complies strictly with applicable minimum wage laws. Upon closer examinnation it is clear that they often make a mockery of the concept of minimum wage by calculating earnings on the basis of only the hours actually spent on the job site to which the agency sends the employee. This fails to take into account travel time to and from the site to which the employee is assigned and waiting time spent at the agency. The primary service which day labor agencies sell to their customers is a readily available pool of labor. To insure that this resource is maintained, agencies engage in a variety of practices. They restrict the right of customers to permanently hire employees sent to them for temporary work. They advertise "two shifts daily" at certain hours, and may serve coffee in hopes of further attracting people who need temporary employment. Clearly the availability on the premises of manpower which can be made available to a customer on short notice is something of value to the employer, and the employee who makes himself available should be paid for that time. In addition, once he is assigned a job the employee should be entitled to payment for the time and expense incurred while traveling to the job site on the employer's behalf.

SECTIONS 5 AND 6. LICENSING AND REGULATION; MINIMUM STANDARDS

These sections are self-explanatory. They set up minimum standards and authorize the Secretary of Labor to impose additional licensing requirements.

SECTION 7. RESTRICTIONS ON PERMANENT HIRING PROHIBITED

This section is intended to do away with the "90-day clause" which is still a problem in portions of the industry, and even where abandoned as a term of the contract is tacitly understood by the parties. It has been known to operate in two ways. The employee may be required to agree not to seek or to accept permanent employ from a concern to whom he is assigned for temporary work by the agency. Or, the contract between the agency and its customer may include an agreement that no offers of permanent employment will be made to workers temporarily assigned. It is felt that such barriers to permanent employment must be prohibited. It is to the benefit both of the worker and of society generally that permanent employment be made available wherever possible to those who desire it.

SECTION 8. STRIKEBREAKING PROHIBITED

The attempt here is to prevent temporary employees being utilized as strikebreakers. This practice has occurred in the past with some regularity.

SECTION 9. REPORT BY SECRETARY—UNEMPLOYMENT INSURANCE

Providing unemployment insurance in the area of temporary help services is a difficult concept, both in theory and in practice. As a legislative matter, it would involve constitutional difficulties as well, since unemployment insurance is administered by the States.

Nevertheless, the question merits study and it is hoped that the Department of Labor could serve a useful purpose by undertaking such an examination.

SECTION 10. ENFORCEMENT—PRIVATE RIGHT OF ACTION

Several mechanisms of enforcement could be provided. It was felt that the Secretary of Labor would be in a better position than the drafters to determine which one or ones would be most effective. The only qualification of that discretion is the provision in the statute for a private right of action, which is considered to be a useful device for enforcing or preventing violations of the obligations owed to temporary employees under the statute.

SECTION 11. INVESTIGATION—KEEPING OF BOOKS AND RECORDS

A common abuse among marginal temporary help services is their failure to keep accurate, complete records of employment and payment. Frequently no deductions are made from wages for Social Security, or deductions may be made but not paid over to the government. Standardized mandatory record-keeping is a necessary adjunct to enforcement.

APPALLING SQUANDERING OF LIVES AND TREASURE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, over 2 million were injured, and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured and over $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development, and implementation of effective alcohol countermeasures.

On Tuesday, June 29, I plan to introduce new legislation which I feel will be a tremendous encouragement toward eliminating the drinking driver. I am asking my colleagues to join me as cosponsors for this urgently needed legislation.

To emphasize the need for this bill, I would like to point out an article that appeared in the May 16, 1971, edition of the Denver Post. This item deals with the problems a police force faces in identifying the driver who is under the influence of alcohol. This is just one of the areas where comprehensive changes are a necessity if we are to rectify the continuing disaster the problem drinker brings to the highways of the Nation.

I commend this article to my colleagues and I encourage them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety:

IDENTIFYING THE DRINKING DRIVER

(By Herb Stoenner)

(EDITOR'S NOTE.—Arrests for driving under the influence (DUI) of alcohol are rising in the Denver metropolitan area. In April, 385 DUI suspects were picked up by Denver police as a result of new procedures in the department. This is the second in a series of articles on restricting the problem drinker driver.)

"He jammed on the brakes and stopped too fast. . . . I couldn't avoid hitting him," the driver explained to the police officer.

"Probably one of the reasons you couldn't stop is that you've been drinking," said officer Charles Cherry of the Denver Police Department.

In most states, the driver has to break some traffic law before there is a possibility of being apprehended for driving while being intoxicated (DUI). Most implied-consent laws have no provision for making a chemical test until the driver has been arrested.

This is just one of many problems inherent in the new national countermeasures program to keep the problem drinker out of the driver's seat.

The Denver area's share in the pilot program to test 50 or 60 countermeasures to crack down on such drivers is $1,618,000 over a three-year contract. Total funding by the National Highway Traffic Safety Administration (NHTSA) is $18 million. Mrs. Lois Whitley of the Colorado Department of Health is the director of the Denver area project known as the Denver Alcohol Safety Action Project (DASAP). The goals are prevention, identification, treatment and control of the problem drinker-driver.

Some kind of screening test is urgently needed to identify alcoholics who drive. It should be constitutional and permit testing of suspects without requiring that they be charged formally with driving while intoxicated, NHTSA emphasizes.

At present, because of safeguards in the law, even those charged with driving while intoxicated can still avoid taking the test with a possible subsequent loss of license. For instance, a driver can refuse the test until advised by counsel, but by the time his lawyer arrives, it may be too late for valid testing. Colorado offers blood, breath and urine tests but suspects can escape by insisting on a method not available to police at the time. They may also refuse to take the test for medical reasons.

After July 1, the revised Colorado implied-consent law will specify mandatory revocation of a driver's license for six months after a hearing if the suspected driver refuses a chemical test. This revocation is in addition to the time ordered for any other revocation.

Here are some details in screening in the case of the driver involved in the collision mentioned previously.

The driver, seated in the police cruiser, asked the arresting officer for his glasses so that he could read the implied-consent papers that had been given to him for signing. The glasses had been knocked off by the impact and were still on the floor of the car. However, the driver was not permitted to reenter his car because of the circumstances. A companion traffic officer, Joe Ortiz, retrieved the glasses. The car was then towed to the city pound to safeguard it against stripping or theft (the police department is responsible for the car).

The suspect was driven to the police sobriety room for testing as a suspect driving under the influence of liquor. The underlying point is that a suspect in such a case does not re-enter his car and increase the risks.

The implied-consent papers had not been signed in the police cruiser and were presented again in the sobriety room, again with instructions.

The suspect was informed that he was not required to take the tests, but if he didn't, he could lose his driver's license for six months on the word of the arresting officer. He was told that the results of the test could help or hurt his case in court. The suspect agreed to take the test.

First he blew into a balloon device attached to a Breathalyzer, a device about the size of a breadbox. It provides an accurate chemical analysis of the concentration of alcohol in the blood (BAC).

Then the suspect stepped into a black rectangle painted on the floor for a series of physical tests, and the results were recorded on movie film with sound. The officer asked the suspect a series of questions relating to the incident, his health and arresting procedures. Next the suspect bent over to pick up three plastic chips on the floor and handed them to the officer one by one. He then walked a black line on the floor, heel to toe.

In the final test, the suspect threw his head back, closed his eyes, stretched out his arms, then flexed them to touch the tip of his nose with each index finger. Results of these tests are used in court cases.

This suspect tested above the presumptive legal limit of 0.10 per cent BAC by weight, actually at 0.13. Hence, he was placed in a cell at the Police Department for four hours to sober up. Court papers were prepared during this time, and then he was eligible for release on bond.

If this suspect had checked out at less than 0.05 BAC, he would have been released and driven back to the car pound to get his car at no charge. Officers would try to postpone the car pickup on the hunch that the driver would have more drinks then . . . and subsequently be over the BAC limit. Only 2 per cent of the suspects brought in for tests have less than a 0.05 reading.

Because a low BAC coupled with difficulty in walking or speaking usually indicates other involvement, such as use of drugs, many of this 2 per cent are sent to a hospital for further testing.

Here are some statistics reflecting the increase in sobriety testing encompassing four districts of the Denver Police Department. According to the tally sheets for February 1971, examinations using the Breathalyzer and/or movies were given in 115 accident-connected cases, 189 in non-accident connected cases . . . a total of 304. In 1970 the total for February was 104. This represents an increase of 200 cases for February, or a 192 per cent increase. DUI arrests in March 1971 totaled 333 and in April 385.

These figures do not necessarily mean there are more intoxicated drivers.

The lion's share of this increase is the result of new procedures in the Denver Police Department.

Processing of suspects now takes 20 minutes, whereas testing formerly required up to 2½ hours. Officers have more time on the road to pick up suspects, including marginal ones who at one time might have been excused because the officers didn't want to spend long periods in the sobriety room.

The basics of implied consent are simple if you don't drink and drive; they can become a screen with teeth if you drink and drive, are picked up by police or are involved in a collision.

This is the wording of the Colorado implied-consent law under the section title of Driving under the Influence—Implied Consent to Chemical Tests—Penalties: "Any person who drives any motor vehicle upon a public highway in this state shall be deemed to have given his consent to a chemical test of his breath, blood or urine for the purpose of determining the alcoholic content of his blood, if arrested for any misdemeanor offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of, or impaired by, alcohol.

"If such a person requests that the said chemical test be a blood test, then the test shall be of his blood; but if such a person requests that a specimen of his blood not be drawn, then a specimen of his breath or urine shall be obtained and tested, the election to be made by the arresting officer."

Across the states, implied consent lacks any semblance of conformity—and statutory levels of intoxication are vital steps in setting up a program to restrict the problem drinker driver.

Three states and the District of Columbia have no such laws. They are Illinois, Mississippi, and Montana. And there is no presumptive level of intoxication in Texas, New Mexico and Mississippi. Moreover, in 21 states and the District of Columbia the presumptive level is set at 0.15, which is considered far too high by many authorities. The driver with such a blood alcohol level is considered to be 17 times more susceptible to causing an accident than if his body were free of alcohol.

The Colorado statute outlines the presumptive limit in this way. If a person has less than 0.05 BAC by weight, it is presumed that the defendant was not driving under the influence of alcohol and that his ability to drive was not impaired. If a person has between 0.05 and 0.10 BAC, it is presumed that his ability to operate a motor vehicle was impaired, and that this evidence will be considered with other evidence by the courts in determining whether the defendant was driving under the influence of alcohol.

If a person has a BAC of 0.10 or more, it is presumed that he was driving under the influence of alcohol.

The next target in the revision of the Colorado law is the removal of the word "presumptive", according to Cordell Smith, the governor's coordinator of highway safety.

Utah is the only state that has adopted a BAC level of 0.08, which is also the limit prevailing in Britain and Sweden. Colorado's limit is 0.10 per cent BAC. However, this is more restrictive than appears on the surface. The Colorado limit is coupled with an 0.05 impaired driving limit, which is classified as a "misdemeanor." This can add points on the driving record—a real problem for those who already have points for moving violations. One conviction on driving while impaired could mean the loss of a driving license for many.

"We ordinarily think of Utah as having the most stringent law, but Colorado law may be more so because driving with a BAC as low as 0.05 per cent is a misdemeanor in this state," Smith said in an interview. Being drunk while driving is a felony in Colorado.

The countermeasures program in Sweden has often been cited as an example of what can be done to keep the alcoholic driver off the roads. There, such a driver is an "outcast" in society. Summaries indicate that about 10 to 12 per cent of fatally injured drivers have been drinking compared with 50 per cent in the United States.

Under the Swedish law, which took effect in 1932, driving is forbidden if the driver is intoxicated or impaired. Impaired means 0.05 BAC, intoxicated means 0.15 BAC or over. In both cases the driver's license is revoked.

The usual penalty for intoxication is one to two months in jail. A fine of at least 40 times the daily wage is decreed in the case of impairment.

In addition, driving under these circumstances in Sweden can mean bankruptcy. The driver loses the benefits of any insurance due him. The insurance company will pay liability loss, but it can also sue the policy holder to recover such a loss.

Also, the license revocation (mandatory for two years) cannot be terminated without a review by a sobriety committee which can exercise pressure to get the driver to seek medical treatment.

Indeed, in Sweden treatment for alcoholism may be required by the sobriety committee for re-instatement of the driving permit.

In the United States, insurance companies have been urged to determine if insurance policies should exclude protection of a driver guilty of driving when intoxicated, but at the same time protect the innocent victim of an accident. This was among suggestions proposed at the National Highway Safety Seminar in Fredericksburg, Va., in 1969.

The Breathalyzer is the standard for accurate BAC testing in most police stations. There are also blood and urine tests conducted by medical technicians.

A number of quickie indicator tests are also available. In the United States, there is a pocket test consisting of a balloon into which the driver breathes. This is attached to a chemical filter about the size of a cigarette, which by color can indicate the condition of the driver.

Other inexpensive devices are the Alcotest and the Mobat sober meter, about the size of a fountain pen and easily carried by a traffic officer.

In Britain, a driver suspected of being intoxicated can be required by the officer to take the Alcotest on the spot without being charged with DUL. If positive, the driver is taken to the police station for further testing.

Quickie testers available in Colorado are the breath test for alcohol manufactured by Luckey Laboratories, Inc., and the Drink-O-Meter (the same device but more neatly packaged for sale in bars). The legend on the Drink-O-Meter box says: "1 band, legal limit; 2 bands, go by bus, 3 bands, go to bed." Both are small enough to be carried in the pocket, and it should be emphasized that both indicate alcoholic condition only—they have no legal basis.

The DASAP program is providing a more advanced tester known as the gas chromotograph. It's available in the police departments of Denver, Aurora, Commerce City, Arvada, Lakewood and the Arapahoe County sheriffs office.

Also chromotographs have been installed in 14 state patrol offices. In addition, new video equipment has been provided to some police stations to test sobriety more economically.

"One of the plans to make the Breathalyzer more available for on-the-spot testing is to install it in a mobile unit to cruise the streets," said officer Tom Lehman of the Denver Police Department.

Lehman, Elton Davis and Jim Cooley of the Denver department and Pat Sullivan of the Littleton Police Department have just completed an 80-hour comprehensive course on the Breathalyzer at Indiana University in Bloomington.

They said at an interview that the Breathalyzer may be more accurate for testing alcohol content than blood tests. Venous blood could test differently from arterial blood, depending or the time span after drinking, the officers said.

All Breathalyzers now in use have been manufactured by one company and cost $900 each. "But there is a new fully automatic Breathalyzer now in the contract stage," said Davis.

Davis said that one of their instructors, a Swede, informed them that drunk driving laws in Sweden are so harsh that drinkers now flip coins to determine who in their group will remain sober for the evening and do the driving. Sweden is also considering a transit plan whereby drinkers can get home easily without driving. As in the United States, Sweden is experiencing a problem in the glut of alcoholism cases in court and delays in processing them.

A goal of the national countermeasures project is to improve screening devices for rapid testing of blood alcohol. It seeks to develop devices similar to the Alcotest and the Mobat that are easy to use and portable, but which have greater sensitivity. They should have a short testing period (one minute or less) and should be inexpensive.

Such devices would be helpful in restricting the social drinker on the few occasions when the alcohol level exceeds 0.10 per cent. They could be sold in liquor stores, bars and other places so that the social drinker could test himself before driving.

The hazards of depending on portable devices with varying degrees of accuracy are obvious. They are not useful in legal proceedings. Breath from the lungs is blown into a plastic bag and then passes over crystals of potassium dichromate. The time of passage of breath over the crystals must be controlled . . . usually one minute. This changes the color of the crystals from yellow to pale green if there is alcohol in the system. Some of these devices have rings to indicate the level of alcohol concentration.

There are other devices that indicate alcoholic condition. A slide graph permits the individual to estimate blood alcohol level based on his body weight, whisky proof, ounces of alcohol consumed and the time.

Another chart called the Relative Risk of Crash has been published by the Alcohol Safety Countermeasures Program. This is keyed to the number of one-ounce drinks of 86 proof whisky a 160-pound man has within two hours of eating. In this case, 1 through 3 drinks (0 to 0.05 BAC) are not considered to interfere with responsible driving; 4 through 6 drinks (0.05 to .10 BAC) are labeled "risky" when the drinking is combined with driving; 7 through 9 drinks (0.10 to 0.15 BAC) is rated irresponsible for driving; 10 through 12 drinks (0.15 to 0.20 BAC) is believed to be symptomatic of a chronic drinker. A reading of 0.4 is the maximum reading on a Breathalyzer, and at that point the person tested is presumed to be unconscious.

The chart has a major deficiency as a guideline for the drinker. What drinker keeps tabs on the details as he drinks? It also does not account for the young driver whose behavior pattern may differ from that of a seasoned drinker. The young driver is learning to drink and drive at the same time.

What are the possible penalties involved in drinking and driving?

For the first offense for driving under the influence of alcohol, the convicted person shall be imprisoned for not less than one day or more than one year, or fined not less than $100 or more than $1,000, or both. A second conviction for driving under the influence within a five-year period carries a penalty of no fewer than 90 days or more than one year in prison, or a fine of not less than $100 or more than $1,000, or both. The 90-day jail sentence is mandatory on conviction of a second offense.

Convictions for driving while ability is impaired by the consumption of alcohol shall be punished by imprisonment for not more than 90 days, or a fine of not less than $100 or more than $500, or both.

Refusal to submit to a chemical test to determine blood alcohol content carries no court penalties—monetary or jail.

Colorado assesses points to the record of a driver convicted of a moving violation based on the severity of the violation. The accumulation of 12 points within a 12-month period requires a mandatory suspension. For drivers under the age of 21, only 8 points are required for suspension.

Driving under the influence of alcohol carries an assessment of 12 points, which requires the driver to appear for a hearing before an officer of the Motor Vehicle Division. At this time, a decision is made as to the terms of the suspension. The hearing officer may suspend the driving privilege for a maximum of one year, or he may suspend for a shorter period or grant a restricted or probationary license based on the person's past driving record and other information presented at the hearing.

Upon receiving a second conviction of driving under the influence within five years or a third conviction during a life-time, the driver is subject to driver's license revocation for an indefinite period, with a minimum revocation of one year.

Driving while ability is impaired carries on assessment of 8 points. No specific action will be taken toward suspension or revocation unless the points assessed raise the driving record total to 12 or more.

Colorado law allows 18-year-olds to purchase 3.2 per cent beer and sets the legal drinking age at 21 years for all other types of alcoholic beverages. These laws imply that 3.2 per cent beer is not considered a malt liquor.

"Alcohol is a major factor in 56 per cent of fatal accidents involving young people under the age of 18. And they are not legally allowed to drink." Miss Susan Huskisson, a member of a Department of Transportation advisory committee, said in a speech to women's national organizations last January.

The laws prohibit the sale of 3.2 per cent beer between the hours of midnight and 5 a.m. and the sale of malt, vinous or spiritous liquors on election days, Sundays and Christmas, except that on Sundays and Christmas, sale is allowed from midnight to 2 a.m. On other days, sale is allowed between 7 a.m. and 2 a.m. These regulations apply except in the case of extended-hours licenses.

The legal drinking age in the states surrounding Colorado—Wyoming, Kansas, Nebraska, Oklahoma, New Mexico, Arizona and Utah—is 21 years. None of these states has 3.2 beer laws or legalized drinking for 18-year-olds.

All of these states now have implied-consent laws or are in the process of proposing such legislation. Information on the presumptive limits in these states is difficult to obtain. All of the states practice reciprocity to some extent. Serious violations such as DUIs are reported to the motor vehicle department of the violator's home state. In Colorado, these violations are noted on the person's driving record, but no points are assessed and no restraint actions are taken.

CHEMICAL TESTING UPHELD IN 1966

Here are some highlights on the legality of chemical testing for alcohol in the blood.

Indiana adopted the first chemical test laws in 1939, followed by New York in 1941. These developments led in 1944 to the inclusion of similar provisions in the Uniform Vehicle Code. They were keyed to two presumptions: If the weight of alcohol in the blood were 0.15 per cent or more, the person was presumed to be under the influence of alcohol; if the amount were 0.05 per cent or less, the person was presumed not to be under the influence.

This action by the national committee prompted a widespread adoption of chemical test laws.

In the Schmerber Supreme Court case (Schmerber vs. California, 1966), police officers directed a doctor to secure a blood sample for testing even though the driver refused to consent. The court disagreed with all four of Schmerber's contentions, which were that forcing admission to a test against his wishes (1) constituted a denial of due process of law, (2) violated his privilege against self-incrimination, (3) denied his right to counsel, (4) constituted an unreasonable search and seizure.

The court has ruled that there could be circumstances that might compel the court to invoke constitutional safeguards. The withdrawal of blood by a person who is not qualified to do so, the use of excessive or unreasonable force, or administering any test in such a way as to offend the court's sense of justice would appear to constitute such circumstances.

FARM LABOR LEGISLATION

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. QUIE. Mr. Speaker, the efforts to organize farm workers principally in California, have pointed out the need for new labor legislation dealing with this problem. Existing legislation does not cover it, nor does it provide the necessary precedent for the unusual circumstances in agricultural labor. New legislation must be developed.

The chairman of the Education and Labor Committee established a Special Agricultural Labor Subcommittee to consider this problem. Hearings have been initiated.

In the May 1, 1971, the Farmer, an article by Jay Richter comprehensively sets forth the issues and the problems. I commend it to my colleagues:

FARM LABOR'S MOVE TO UNIONIZE

(By Jay Richter)

The Nixon Administration, by now, was scheduled to have sent a bill to Capitol Hill calling for collective bargaining rights for farm workers. Probably the stickiest question raised by the prospect that farm hands will, in time, be "unionized" is this:

Should strikes be allowed at harvest time, thereby threatening the destruction of perishable crops?

An outright prohibition against such strikes has been favored by many farm leaders. But, while they might prefer a seasonal no-strike clause, they have now come to feel they cannot get it. "You can't really hope," said a Farm Bureau spokesman in Washington, "to outlaw the strike."

Yet, Farm Bureau and other farm groups think certain restrictions against seasonal strikes should be—and can be—worked into a farm labor law. What about the Nixon people?

The Administration legislation has been developed by the Labor Department whose Assistant Secretary W. J. Usery, Jr., put the case this way: "When we tackle the question of the seasonal strike, some sort of machinery must be devised giving employers avenues of choice to protect their perishable crops. But it must be devised with alternatives which do not deny use of the strike to the farm worker. That's an essential part of his bargaining enforcement power."

Specifically, the Nixon proposal, as it went to Congress, was to include the following provisions, aimed at protecting both the farmer's perishable crops and his workers' right to strike in the event of a dispute at harvest time:

Right of the farmer to obtain a 30-day delay of the threatened strike, providing he agrees to accept the settlement of an arbitrator in the dispute.

Right of farm workers to strike if they do not agree to the arbitrator's settlement, but only after the 30-day delay.

It's ingenious, but would it work?

This is probably better than a no-strike clause, said the Farm Bureau spokesman, "which would be meaningless, because workers can always 'get sick' or slow down and then you're in more trouble than ever."

What the Farm Bureau would like is an additional provision requiring a union to give a 10-day notice of intention to strike at harvest, even if the farm employer refused to agree to arbitration. "That," he said, "is the best we can hope for."

Should farm workers come under the same cover as industrial workers—that is to say under protection of the National Labor Relations Board (NLRB)? Most farm groups answer an emphatic NO, although the Farmers Union supports the idea.

Farm leaders who are opposed argue that agriculture should have a separate setup with its own National Agricultural Relations Board, because (1) agriculture, unlike industry, deals largely in perishable products, and speed is of the essence in dealing with disputes; (2) much agricultural work is seasonal and the NLRB was not designed to protect a labor force that turns over so fast.

"We cannot wait, in agriculture, on the slow processes of the NLRB," said Farm Bureau's assistant legislative director, Matt Triggs. "There has to be fast action or the crops will be gone. Farm workers need this rapid action, too, just as much as farm owners."

Special protections are needed for agricultural workers, the Farmers Union argues, but says that these can be provided under the NLRB.

Whatever the merits of the opposing arguments, the fact is that farm labor is highly seasonal and "different." Of some 2½ million hired farm workers, USDA figures show about four-fifths are seasonal, most of them teenagers and women who work at harvest time.

There are about 540,000 "regular farm workers"—people who work 150 days or more a year on the farm. Most of them are men, 18 years of age and older.

Families with farm workers have an income of roughly half that of nonfarm families. Farm workers' wages are relatively low, USDA explains, because they have a shorter work year, less formal education and they include many people with low earning ability, such as teenagers.

Again, in the case of the argument about jurisdiction over farm labor matters, the Administration was preparing a compromise approach. Its bill was to be in the form of an amendment to industry's National Labor Relations Act (NLRA), with agriculture brought under the broad umbrella of the NLRB. But a separate farm board within the NLRB would handle farm labor procedures and disputes.

Another issue of great concern in agriculture is the secondary boycott, such as has been carried out at retail stores against grapes and lettuce by Cesar Chavez' United Farm Workers Organizing Committee (UFWOC). Most farm groups are dead-set against the secondary boycott, although Farmers Union backed the action against grapes.

Secondary boycotts, indeed, are illegal in industrial disputes by virtue of amendments to the National Labor Relations Act, declaring them an unfair labor practice. Chavez is able to employ the boycott without penalty only because there is no federal labor law in agriculture that says he can't use it.

This is one of the reasons, said Farm Bureau's Triggs, "that agriculture needs a labor law and I think there will be a lot of support for it in agriculture."

The issue of boycotts is red hot, especially in California, which is Chavez' base. But its effects spread far beyond that state.

"The range of battle is as large as the market itself," said Tom Richardson, farm labor specialist for the California Farm Bureau. "Involved are consumers; farm workers who are being signed over to Cesar Chavez and UFWOC without elections of any kind; farmers who must sign them over at point of bankruptcy when they can't move boycotted crops to market, and all other producers of the boycotted crop—wherever they farm and whether they hire any farm labor or not.

"It makes little difference," Richardson went on, "whether produce destined for the Chicago market comes from California, where a labor dispute may exist—or from the Chicago area, where none exists. If the Chicago market is closed by a boycott, all producers to it suffer alike."

Adoption by Congress of the Nixon Administration bill would automatically rule out use of the secondary boycott in agriculture.

What about the right of farm workers to vote on whether or not they want to join a particular union?

This one, another hot issue, was to be resolved in the Administration bill without equivocation—by provision for a vote, by secret ballot, on the question of union representation.

The Nixon Administration proposals, generally, are expected to be supported by most farm organizations. The Farmers Union, however, will line up behind legislation on the lines of that introduced by Rep. James G. O'Hara, D.-Mich.

O'Hara's bill (H.R. 5010) is generally in line with the goals of Chavez' UFWOC and the AFL-CIO, with which the Chavez group is now linked.

Farm workers' groups in the past have supported legislation that would bring them under the same NLRA rules as those established in industry. Now, however, the labor people want unions of farm workers to be exempted from certain key provisions of that act which come under the heading of "unfair labor practices."

Among the "rights" they want—at least temporarily—is the power to use secondary boycotts.

Such exemptions are necessary, Chavez argues, so farm workers will have time "to develop and grow strong under the life-giving sun of favorable public policy, which affirmatively favors the growth of farm unionism."

Chavez suggests that industrial labor unions would not have progressed to where they are today without, in their early days, having enjoyed some of the rights now denied them. Among these old rights, in addition to the secondary boycott, are (1) the power to picket and strike for recognition by farm employer of a non-certified union, and (2) exemption from "right-to-work" laws now in effect in 19 States, mostly in the south.

Right-to-work laws prohibit the requirement that an employer hire only union labor. A few farm leaders have argued for a national right-to-work provision covering agriculture. But there appears to be no chance this proposal will get serious consideration in Congress. And it was not to be a part of the Administration bill.

The issue of collective bargaining for farm hands obviously stirs emotions and controversy which are not likely to subside until Congress acts. "More and more farm people throughout the nation are seeing that the need for 'ground rules' for farm labor negotiations are essential, and on a federal level," USDA Assistant Secretary Dick Lyng said recently. "Farmers and farm laborers are caught in the crossfire of a battle they are powerless to stop. It's time that the federal government steps in with a farm labor law which will protect the rights of farmers, farm laborers, and consumers."

Any farm labor bill that passes is likely to include only a fraction of the nation's ranches and farms, and less than 50% of farm workers. Its effects, however, would extend beyond the limits suggested by these statistics. Hired hands, whether covered or not, would benefit in the long run because pay and working conditions tend to equalize.

Organization of unions obviously will be easier where the labor supply is tight; more difficult where it is plentiful.

"Just how far unionization of farm labor will spread depends a lot on how satisfied members are with union services," the Doane Agricultural Service has observed. "Workers in high labor fruit and vegetable and specialized crops, produced on large farms dependent on large labor forces, are most susceptible to organization into unions. For these crops, crews of as few as two or three hired men may also come under union representation by a sort of back door entry . . .

"The hired labor force of general crop farms is too thinly distributed," Doane went on, "to be of much interest to union organizers . . . If you operate this type of farm, the best thing you can do to avoid a union confrontation is to pay attention to employee relations . . ."

HHH AND TEDDY AND "CREDIT"

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BAKER. Mr. Speaker, we have had a great deal of rhetoric lately about responsibility for the Viet Nam war and the politics involved. Some of the statements have been so strictly partisan they are bound to evoke a partisan response. When the Junior Senator from Massachusetts blatantly accuses President Nixon of playing politics with the lives of our soldiers in Vietnam, he can expect to have someone call his hand on this type of judgment.

This the Chattanooga News-Free Press has done in an editorial, "HHH and Teddy and 'Credit.'" This editorial deserves to be added to the dialog of the moment. Under leave to extend my remarks, I asked that the editorial appear in the RECORD.

HHH AND TEDDY AND 'CREDIT'

With a record of cheating on a Harvard exam compounded by his peculiar behavior concerning Chappaquiddick and seasoned by his presidential ambitions, the testimony of Sen. Teddy Kennedy isn't automatically reliable. But it is worth noting.

Though Sen. Kennedy was strongly supporting the policies of his brother, President John F. Kennedy, in building up American troop commitments for a no-win war in Vietnam, Sen. Kennedy now finds it politically expedient to shift his field and try to pin blame on President Richard M. Nixon, who is trying to withdraw the United States from the hopeless situation he inherited from Kennedy-Johnson failure.

Joining a motley crew of leftwing troublemakers, Sen. Kennedy accused Mr. Nixon of delaying an end to American Vietnam participation for the purpose of having a timely political plum to offer just before next year's election.

The Republicans, of course, denied it. But more significantly, former Vice President and now Sen. Hubert H. Humphrey, the titular head of the Democratic Party as a result of his being its last presidential candidate, has come forward to defend Mr. Nixon: "I happen to believe the President does want peace. He is proceeding more slowly than I would . . . I'm not accusing the President of being cynical, I'm not accusing the President of being partisan about the war."

This amounted to a rebuke by Sen. Humphrey of Sen. Kennedy. It was also a slick political move on Sen. Humphrey's part. He wants another run for the Presidency, so he drew a line against the Kennedy ambition. At the same time, he claimed he was for moving faster than Mr. Nixon is moving, appealing to the "peaceniks." He dodged the fact that he was a part of the Kennedy-Johnson-Humphrey policy that committed our ground troops heavily while declaring we would not seek to defeat the Communist killers.

We wonder who will want to take "credit" for withdrawal if Southeast Asia falls to the Reds and they murder millions of people who stood against them under our umbrella—only to find our pledge of protection against Communist aggression was worthless.

THE BALTIC STATES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BROOMFIELD. Mr. Speaker, 31 years ago on June 15, 1940, the forces of the Soviet Union overran and seized the nations of Lithuania, Latvia, and Estonia. As a result, these formerly democratic and peace-loving nations have been enslaved by the Communist regime.

We in the United States believe in freedom and self-determination. But for the millions of oppressed people living in those countries these are not realities but dreams. If ever there were people who deserved the highest tributes of mankind, they are the courageous and noble people of the Baltic States. We cannot and should not forget them.

Let us urge our Government and all governments in the free world to renew greater efforts for the restoration of freedom and independence of those freedom-loving people who are looking to us for support that they may, once again, live in peace in their homeland.

I hope all of us will bring the force of world opinion to bear for the restoration of these rights to the Baltic people.

In observing this anniversary, we express our concern and desire of liberty to the descendants in our Nation with assurance that we have not forgotten.

SENATE—*Tuesday, June 22, 1971*

The Senate met at 9 a.m., and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, who knowest each of us better than we know ourselves, grant to all who labor here the unshaken confidence of those whose minds are stayed on Thee. Thou knowest the burdens we bear, the tasks we face, and the problems affecting so many which await solution. Thy grace and wisdom are sufficient for all our need.

Beneath the tedium and the tension help us to know that Thou art at work in the processes of history. Keep us so in tune with Thee, that even amidst the din of debate, the clash of personal interests, and the emotion of conflict there may be kept an abiding sense of Thy presence which lifts us above the temporal scene to sense the eternal destiny toward which all events move. Through strenuous and turbulent hours may our hearts, our minds, our judgments, and our speech be steadied by the knowledge Thou dost lead the Nation, even when we are unaware of Thy providential movement. Help us to serve Thee without flinching from duty, and with honor unsullied, that when evening comes and our work is done, we may have a safe lodging and a holy rest and peace at the last.

In the Redeemer's name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1732) to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

The message also announced that the House had agreed to the Senate amendments to the bill (H.R. 5257) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children, with an amendment.

The message further announced that the House insists upon its amendment to the amendments of the Senate, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. PUCINSKI, Mr. WILLIAM D. FORD, Mr. QUIE, and Mr. BELL were appointed managers of the conference on the part of the House.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 21, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY SELECTIVE SERVICE ACT

QUALIFICATION OF AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all amendments heretofore filed to the pending bill, H.R. 6531, be considered as having been read to qualify under rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Alaska will state it.

Mr. STEVENS. Would the Chair inform me what the effect of the last unanimous-consent agreement is concerning rule XXII, that all amendments be considered as being qualified under rule XXII?

The ACTING PRESIDENT pro tempore. That refers to all amendments being considered as having been read under rule XXII.

Mr. STEVENS. I thank the Chair.

Mr. MANSFIELD. Is the Senator satisfied?

Mr. STEVENS. Yes.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 9:20 a.m. today, with statements therein limited to 3 minutes, before the Chair lays before the Senate the unfinished business.

Is there any morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

AMENDMENT OF THE PUBLIC HEALTH SERVICE ACT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 7736, and I ask unanimous consent that it be considered as having been read twice, and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 7736. An Act to amend the Public Health Service Act to extend for one year the student loan and scholarship provisions of Titles VII and VIII of such Act.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be considered as having been read twice by title and the Senate will now proceed to its immediate consideration.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished senior Senator from Massachusetts (Mr. KENNEDY), I submit an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 4, after line 6, insert the following:

"TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES"

Section 821 (a) of the Public Health Service Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal year ending June 30, 1971 and the next fiscal year."

Mr. BYRD of West Virginia. Mr. President, it is my understanding, having discussed this with the very distinguished assistant Republican leader, that the bill has been cleared on his side of the aisle and that the amendment, likewise, has been cleared.

Mr. KENNEDY. Mr. President, the reason this bill is being brought up today is that existing legislation which makes scholarships and loans available to students of the health professions will expire on June 30. After that date there is no authority to appropriate funds for loans or scholarships to new students or to those not previously assisted under the loan program. Unless we take expeditious action to approve this legislation, there may be serious problems associated with providing federally supported loans and scholarships to approximately 4,100 medical students and 5,000 students enrolled in other health professions.

Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 934, "The Health Professions Education Assistance Amendments of 1971," and S. 1747, "The Nurse Training

Amendments of 1971." These bills meet one of the most severe aspects of the health crisis in America—the severe shortages in health manpower. Chronic shortages of doctors, nurses, and other health personnel are especially aggravated by a severe maldistribution of existing health manpower. We need 50,000 more doctors and 150,000 more nurses than we have. Hundreds of counties and thousands of communities throughout America have no doctor. Countless more have too few to meet the need that exists. Yet each year thousands of qualified applicants are denied admission to medical schools because the schools are too overcrowded to expand. However, these two comprehensive bills will not be considered by the Senate for another week or so. And, since a conference with the other body will be required, it will not be possible to extend these manpower programs before June 30. Therefore, as a stopgap measure, it is essential that we pass H.R. 7736, in order to avoid the disruption that would otherwise occur in these student assistance programs.

In most areas covered by these bills, the lapse would not seriously impede the health manpower situation in this Nation. We can delay construction or initiation of a new program and still avoid lasting harm. But because of the unique time deadlines associated with student loans and scholarships, a lapse of even 1 month beyond the June 30 deadline could be disastrous. Medical schools right now are having to issue acceptances and make commitments of financial aid for the fall term. Similar situations exist, of course, for schools of the other health professions covered by the Public Health Services Act; schools of osteopathy, dentistry, podiatry, pharmacy, optometry, veterinary medicine, and nursing. Without a clear assurance of aid, many students cannot commit themselves to the financial burden required to attend school.

The consequences of this situation are particularly serious because of the extraordinary effort that has been made to increase the matriculation of students from minority and disadvantaged groups—an effort that is almost entirely dependent upon the availability of scholarship and loan assistance.

Currently, Federal grants under the Public Health Service Act's student scholarship program are the source of approximately 50 percent of the scholarship funds available to medical students. Federal funds under the act's student loan program constitute approximately 52 percent of the loan assistance available.

Any significant modification of these programs, or significant delay in their extension thus would have enormous effects. A sharp curtailment of the program would disrupt medical schools' admissions decisions, and would raise an even higher barrier to academically qualified but disadvantaged applicants.

To avoid hampering the distribution of these funds to students and to avoid creating unnecessary hardships for health professions students throughout the country, I urge that this bill be passed by the Senate today, so that the Appropriations Committee can take the necessary steps to provide funds for these programs.

The provisions of the more comprehensive bills will supersede H.R. 7736 when they become effective later this summer.

Mr. President, I now want to briefly describe the one amendment I am offering to the bill. It simply extends for an additional year section 821(a) of the Public Health Services Act in respect to traineeships for nurses. This was inadvertently omitted by the other body and I am assured they will accept this amendment without a conference.

Mr. President, I urge approval of the amendment and the passage of H.R. 7736, as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I urge my colleagues to support the passage of H.R. 7736 as amended, in order to extend for 1 year the health manpower provision, including nursing, student loan and scholarship provisions of the Public Health Service Act. Any significant delay in their extension would have serious detrimental effects on the enrollment of urgently needed medical, dental, nursing, and other health manpower students.

The Committee on Labor and Public Welfare, of which I am ranking minority member, has recently ordered to be reported a health manpower bill, S. 934, and a nursing bill, S. 1747, which would continue with modifications the current program of student loans and scholarships, and include an additional program of guaranteed loans and scholarships as proposed in the bill which I introduced for the administration, S. 1183.

There would be no conflict between the enactment of this bill, H.R. 7736, and the comprehensive legislation on this subject which the committee ordered reported, S. 934 and S. 1747. The comprehensive health manpower and nursing bills are prepared to take into account the enactment of H.R. 7736. If the student loans and scholarship programs were curtailed, it would become a barrier to academically qualified but financially disadvantaged applicants. Schools might not be able to plan for their 1971 entering class in September. Therefore, I urge my colleagues promptly to extend the existing law in order that the student loan and scholarship programs can be continued.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7736) was read the third time and passed.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

(The remarks of Mr. STEVENS when he introduced S. 2110 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

JOHN BORBRIDGE, JR.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 163, S. 504.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 504) for the relief of John Borbridge, Jr.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

The Chair hears none, and it is so ordered.

The Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary with an amendment on page 1, in line 5, strike out "$1,639.61" and insert in lieu thereof "$1,584.61", so as to make the bill read:

S. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Borbridge, Junior, of Anchorage, Alaska, is relieved of all liability for repayment to the United States of the sum of $1,584.61, representing the amount of costs erroneously paid by the United States to move the said John Borbridge, Junior, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, the said John Borbridge, Junior, having made such move to accept a civilian position with the Public Health Service after having been erroneously advised that the Department of Health Education, and Welfare had authority to pay such costs. In the audit and settlement of any accounts in regard to such liability, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John Borbridge, Junior, the sum of any amount received or withheld from him on account of the liability referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 504) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–173), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

An identical bill was approved by this committee and passed by the Senate in the 91st Congress, but no action was taken by the House of Representatives.

The U.S. Civil Service Commission has no objection to the bill as amended.

In its report to the committee on the claim, the Civil Service Commission has said:

The proposed legislation would relieve Mr. Borbridge of all liability for the repayment to the United States of the $1,639.61 erroneously paid by the United States to move him, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, to accept a civilian position with the Public Health Service.

Mr. Borbridge was hired by the Government for the position of native affairs officer with the Alaska Area Native Health Service of the Department of Health, Education, and Welfare at Anchorage, Alaska. The personnel or administrative officer who did the hiring advised Mr. Borbridge that he would be entitled to travel and transportation expenses for himself, his immediate family, and his household goods, and personal effects. Payment was later made by the Government for Mr. Borbridge's expenses incurred in moving from his place of residence in Juneau, Alaska, to his first post of duty in Anchorage, Alaska. Mr. Borbridge was subsequently advised that the payment was made in error and that he would be required to repay the Government.

On February 26, 1969, Mr. Borbridge filed a claim with the Comptroller General for repayment of the transportation expenses. On July 9, 1969, the Comptroller General, in claim No. Z–2379211, ruled that since Mr. Borbridge was not a Federal Government employee when he accepted the position with Public Health Service, and since the position of native affairs officer was not one for which the Civil Service Commission had determined a manpower shortage existed under 5 U.S.C. 5723, Mr. Borbridge was not entitled to payment of travel and transportation expenses to his first post of duty. The Comptroller General further stated that the Government was not bound by the negligence or erroneous acts of its officers or agents and that no authority existed to waive recovery of the erroneous payment.

It is evident that when Mr. Borbridge accepted the position with the Government he did so with the belief that he would incur no expenses in moving his family from their place of residence to his first post of duty. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require him to repay the Government under these circumstances would impose an unfair and unnecessary burden on him.

We have been informally advised by the Department of Health, Education, and Welfare that the proper amount of relief should be $1,584.61 since Mr. Borbridge did not in fact use a $55 authorization for air shipment of personal effects. The Commission would have no objection to the enactment of S. 2834 provided it is amended to grant relief of $1,584.61.

The committee believes that the bill as amended is meritorious and recommends it favorably.

MISS LINDA ORTEGA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 166, H.R. 2036.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2036) for the relief of Miss Linda Ortega.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–167), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Linda Ortega, of Lake Arrowhead, Calif., the sum of $578.40 in full settlement of her claims against the United States arising out of the actions of the U.S. Air Force in failing to provide her with the medical care (in connection with the delivery of her child) to which she was entitled as a recently discharged member of the military service.

STATEMENT

In its favorable report the Committee on the Judiciary of the House of Representatives said:

The Department of the Air Force in its report to the committee on the bill stated that under the circumstances of this case, it would impose no objection to the bill's enactment.

As is outlined in the Air Force report, Miss Ortega had been a private in the Marine Corps. She was honorably discharged from the Marine Corps March 25, 1969. She was pregnant at that time. Military service regulations provide that women discharged for pregnancy are entitled to prenatal care, hospitalization, and postnatal care in connection with that pregnancy; however, this entitlement, under the regulations, is effective only with respect to care at a military service medical facility. The regulations specifically exclude payment by the Government for maternity care from civilian sources in such cases. Wives of military members, on the other hand, are also entitled to payment for maternity care rendered by civilian sources.

After Miss Ortega's discharge, she resided at Lake Arrowhead, Calif. She visited the Air Force dispensary at Norton Air Force Base, San Bernardino, Calif., seeking maternity care and was advised by the "desk help" that maternity patients were referred to civilian doctors. Miss Ortega took this to mean that the Government would pay. In Miss Ortega's words "they didn't give me any other information so I went to my civilian doctor." The baby was born in October 1969, in a civilian hospital. The Norton Dispensary, having no obstetrical capability, would necessarily refer patients requiring such care (usually the wives of military personnel) to civilian sources or to a larger military medical facility.

While the Air Force stated that it was neither able to disprove or verify the facts, it did admit that the routine of the dispensary was such that it would corroborate Miss Ortega's statement. The Air Force has stated that it may be surmised that she reported to the desk of the General Therapy Clinic of the Norton Dispensary and that the clerk on duty assumed that she was a military wife and, therefore, followed the usual practices concerning maternity cases. This would have been to advise Miss Ortega that maternity cases were referred to civilian physicians. This would be a most natural thing to do since the Norton Dispensary had no obstetrical capability. The Air Force report states that after having received this advice, if Miss Ortega had persisted in seeking to pursue the matter further, she probably would have been given the correct information. The committee has concluded that an individual facing the problems that Miss Ortega did would not normally persist in seeking additional advice at this point.

It is relevant to note, as did the Air Force, that Miss Ortega's only alternative to care from civilian sources would have been to travel a considerable distance to secure prenatal and obstetrical care at a regional hospital. The Air Force points out that both the March Air Force Base Regional Hospital and the George Air Force Base Hospital were more than an hour's driving time one way from her home. The Air Force report makes the observation that when it is considered that Miss Ortega was led to believe that the Government would pay her civilian physician and hospital bills, she would then not see any reason to consider traveling to March or George Air Force Base for the maternity care she required.

In indicating that it would have no objection to enactment of the bill, the Air Force suggested that substantiation be furnished concerning the cost of the care as reflected in the bill. The committee has been furnished with copies of doctors and hospital bills totaling $578.40 which is the amount stated in the bill. Accordingly, it is recommended that the bill, amended to include the customary language concerning limitation on attorneys fees, be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2036) was ordered to a third reading, was read the third time, and passed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOANS BY THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator of Rural Electrification submitting, pursuant to law, information regarding the approval of a loan to Western Farmers Electric Cooperative of Anadarko, Okla. (with accompanying papers); to the Committee on Appropriations.

A letter from the Administrator of Rural Electrification submitting, pursuant to law, information regarding the approval of a loan to Big Rivers Rural Electric Cooperative Corp. of Henderson, Ky. (with accompanying papers); to the Committee on Appropriations.

REPORTS ON FINAL DETERMINATION OF CLAIMS OF CERTAIN INDIANS

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination with respect to the claims of the Seneca Nation of Indians (with accompanying report); to the Committee on Appropriations.

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination with respect to the claim of the Cabazon Band of Mission Indians of California (with accompanying report); to the Committee on Appropriations.

PROPOSED AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation to amend the Atomic Energy Act of 1954 to add a requirement that applicants for licenses to construct and operate production or utilization facilities obtain a site authorization from the Commission (with accompanying papers); to the Joint Committee on Atomic Energy.

ANNUAL CONTRIBUTION TO THE INTERNATIONAL BUREAU OF INTELLECTUAL PROPERTY

A letter from the Assistant Secretary of State submitting proposed legislation providing for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, its report entitled "Audit of the Export-Import Bank of the United States—Fiscal Year 1970" (with accompanying report); to the Committee on Government Operations.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General transmitting, pursuant to law, a report concerning the extension and renewal of the Interstate Compact to Conserve Oil and Gas (with accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF THE JUDICIAL CONFERENCE

A letter from the Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, his annual report (with accompanying report); to the Committee on the Judiciary.

AMENDMENT OF THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

A letter from the Attorney General submitting proposed legislation to amend the Narcotic Addict Rehabilitation Act of 1966 to amend the definition of the word "treatment" (with accompanying papers); to the Committee on the Judiciary.

PROPOSED DRUG ABUSE PROCEDURES ACT OF 1971

A letter from the Attorney General submitting proposed legislation entitled "Drug Abuse Procedures Act of 1971" (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate by the Acting President pro tempore (Mr. HOLLINGS) and referred as indicated.

A resolution of the House of Representatives of the State of Florida; to the Committee on Armed Services:

"RESOLUTION NO. 2576

"A House Resolution urging the transfer of the Foreign Technological Division of the United States Air Force to Patrick Air Force Base, Florida

"Whereas, General George S. Brown, Commander of the United States Air Force Systems Command has recommended the transfer of the seventeen hundred-man Foreign Technological Division from Wright-Patterson Air Force Base, in Dayton, Ohio, to Patrick Air Force Base, in Brevard County, Florida, and

"Whereas, the mission of the Foreign Technological Division is the gathering, evaluation, analysis and dissemination of information on the aerospace technological developments of foreign nations in order to avoid surprises to the United States, and

"Whereas, the Foreign Technological Division is presently housed in inadequate temporary facilities at Wright-Patterson Air Force Base, and

"Whereas, the construction of adequate permanent facilities to house the complex instruments and equipment of the Division at Wright-Patterson Air Force Base would require over fifteen million dollars in capital outlay, and

"Whereas, permanent facilities adequate for the Division's purposes are presently being used to less than one-half their capacity at Patrick Air Force Base, and

"Whereas, the transfer of this Division will not only save the taxpayers of this Nation several million dollars in immediate capital outlay expenditures, but also will increase the Division's technological capability through its proximity to the facilities and personnel of other aerospace operations in the immediate Cape Kennedy area, and

"Whereas, the climatic conditions of Central Florida provide superior day-and-night visibility conditions for the Division's optical tracking operations, and

"Whereas, the central Florida community at large is space-oriented affording easy assimilation into the area's community activities and schools for the Division's personnel and families, and

"Whereas, the influx of the personnel and their families will to some extent lessen the economic impact to the State of Florida created by present and projected curtailment of the Nation's space programs, NOW, THEREFORE,

"Be It Resolved by the House of Representatives of the State of Florida:

"That the House of Representatives of the State of Florida welcomes the Foreign Technological Division of the United States Air Force and urges its early transfer to Patrick Air Force Base, Florida.

"Be It Further Resolved that appropriate copies of this resolution be transmitted to President Richard M. Nixon, Vice-President Spiro Agnew, Secretary of Defense, the Honorable Melvin Laird, Secretary of the Air Force, the Honorable Robert Seamans, and all Members of the Florida Congressional Delegation."

A joint resolution of the Legislature of the State of Missouri; to the Committee on the Judiciary:

"RESOLUTION

"Senate committee substitute for Senate Joint Resolution No. 18

"Be it resolved by the Senate, the House of Representatives concurring therein:

"Whereas, at the first session of the Ninety-second Congress of the United States of America, it was resolved by the Senate and the House of Representatives of the United States in Congress assembled, two-thirds of each house concurring therein that the following article be proposed as an amendment to the Constitution of the United States, which, if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress, shall be valid to all intents and purposes as part of the Constitution, viz:

"'ARTICLE —

"'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

"'SEC. 2. The congress shall have power to enforce this article by appropriate legislation.'

"*Therefore, be it resolved*, by the General Assembly of the State of Missouri that the foregoing amendment to the Constitution of the United States of America be and the same is hereby ratified to all intents and purposes as a part of the Constitution of the United States of America;

"*Be it further resolved*, that the Governor of the State of Missouri is hereby requested to forward to the Administrator of General Services, Washington, District of Columbia, to the Secretary of State and to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, an authentic and certified copy of this resolution. The Secretary of the Senate and Chief Clerk of the House of Representatives are hereby instructed to send to the Governor a certified copy of the action of the Senate and the House on this resolution.

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Post Office and Civil Service:

"HOUSE CONCURRENT RESOLUTION NO. 94

"A concurrent resolution memorializing the President of the United States that the United States Post Office issue a commemorative stamp honoring the United States Spanish war veterans

"Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

"Whereas, It was this country's first war for humanity, and the only one hundred percent volunteer army the world has ever known. Twenty thousand volunteers were called and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

"Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

"Whereas, The veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind; and

"Whereas, The issuance of a commemorative postage stamp would be a fitting acknowledgement that this country has not forgotten these men; now therefore be it

"*Resolved by the House of Representatives (the Senate concurring)*, That the Michigan Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and be it further

"*Resolved*, That copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Hart and Griffin, to each member of the Michigan delegation in the House of Representatives, and to the Speaker of the House and the President of the Senate."

"Adopted by the House May 7, 1971.

"Adopted by the Senate May 26, 1971."

A resolution of the Council of the City of New York protesting against the treatment of Jews in the Soviet Union; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Government Operations, without amendment:

H.R. 4848. An act to amend the Act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report (Rept. No. 92–231).

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, with amendments:

S. 432. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes (Rept. No. 92–230).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. STEVENS (for himself, Mr. BELLMON, and Mr. HANSEN):

S. 2110. A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expropriates, naturalizes, or seizes American owned petroleum property without adequate compensation, after January 1, 1971. Referred to the Committee on Commerce.

By Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WEICKER):

S. 2111. A bill to amend the Public Works and Economic Development Act of 1965 to require the use of recycled materials. Referred to the Committee on Public Works.

S. 2112. A bill to amend the Airport and Airway Development Act of 1970 to require the use of recycled materials in projects authorized under this Act; and

S. 2113. A bill to amend the Federal Aviation Act of 1958 to require the use of recycled materials in projects authorized under that Act. Referred to the Committee on Commerce.

S. 2114. A bill to require the use of recycled materials in the administration of laws relating to reclamation;

S. 2115. A bill to require the use of recycled materials in the administration of the National Park Service; and

S. 2116. A bill to amend the Land and Water Conservation Fund Act of 1965 to require the use of recycled materials in projects authorized under that Act. Referred to the Committee on Interior and Insular Affairs.

S. 2117. A bill to amend title 39, United States Code, to require the use of recycled materials in projects. Referred to the Committee on Post Office and Civil Service.

S. 2118. A bill to amend title 38, United States Code, to require the use of recycled materials in projects and programs subject to certain provisions of that title. Referred to the Committee on Veterans' Affairs.

S. 2119. A bill to amend title 23, United States Code, to require the use of recycled materials in projects subject to the provisions of that title. Referred to the Committee on Public Works.

S. 2120. A bill to amend the Department of Agriculture Organic Act of 1944 to require the use of recycled materials in projects authorized under that Act. Referred to the Committee on Agriculture and Forestry.

S. 2121. A bill to amend the Public Buildings Act of 1959 to require the use of recycled materials in projects subject to that Act;

S. 2122. A bill to amend the Appalachian Regional Development Act of 1965 to require the use of recycled materials in projects authorized under that Act; and

S. 2123. A bill to require the use of recycled materials in projects for the construction, repair, and preservation of public works on rivers and harbors for navigation and flood control. Referred to the Committee on Public Works.

By Mr. BENTSEN:

S. 2124. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE (for himself and Mr. THURMOND) (by request):

S. 2125. A bill to amend chapter 19 of title 38 of the United States Code, to extend coverage under Servicemen's Group Life Insurance to cadets and midshipmen at the service academies of the Armed Forces. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. STEVENS):

S. 2126. A bill to amend title 38, United States Code, to authorize the issue of National Service Life Insurance to prisoners of war, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. PEARSON:

S. 2127. A bill authorizing the improvement of certain roads in the vicinity of Perry Reservoir, Kans. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. BELLMON, and Mr. HANSEN):

S. 2110. A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expropriates, naturalizes, or seizes American owned petroleum property without adequate compensation, after January 1, 1971. Referred to the Committee on Commerce.

PROPOSED VENEZUELAN ACTION COULD ALTER UNITED STATES-VENEZUELAN RELATIONSHIPS

Mr. STEVENS. Mr. President, last fall I warned of the problems which would result from action proposed by the Algerian Government to assume control of American oil companies on pretext. I pointed out that my State had large reserves of oil and gas. These reserves have been proven even larger than we expected but the difficulties of obtaining transportation to carry our petroleum and gas resources to the market have been the causes in the delay of the ability of American companies to supply an increasing proportion of the American market with American oil.

We now find that over 20 percent of our current demand is being met by imports from Venezuela. Yet, in a series of very revealing articles in the New York Times it has become apparent that Venezuela is quite near to action which is tantamount to expropriation. The hydrocarbons reversion law, action upon which is almost completed by the Venezuelan Congress, would place complete control of all petroleum resources being developed by American and international oil companies in Venezuela under control of the government.

It is apparent to me that the Venezuelan Government is attempting to take advantage of the increasing demand in this country by seizing the assets of these companies in Venezuela with the thought of changing the economic balance that now exists between supply and demand between our two countries. The attitude that America "needs us more than we need them" is one that will lead to severe difficulty in relationships between our two countries if it is followed by government action which expropriates the investment of American companies by taking control of the assets without compensation.

The one sure result from this action will be an increase in the cost of Venezuelan oil to the United States and an ultimate increase in cost to the consumer. We cannot afford to let that occur.

Mr. President, the United States is indeed faced with energy supply problems over the years ahead and, all things being equal, will probably increase significantly its imports of oil and gas. At the same time, the United States should rapidly develop its own petroleum resources, including those in my State of Alaska, those under the seabed of our continental margin offshore, as well as those in other parts of the country.

In determining its longer range import policy for oil and gas—and increases in those imports will probably occur—it is essential that potential supply countries be those upon which we can rely for both security and continuity of supply and which will accord fair treatment to U.S. investors who have provided the capital and other resources required to develop petroleum resources.

Recent events in Venezuela raise serious questions as to its reliability as a future source of supply and as to the wisdom of our placing substantial reliance upon that country. As I previously stated, it has been reported in the press that the Venezuelan Government is considering two sweeping legislative proposals, each of which might have the effect of nationalizing vast sectors of the U.S.-owned oil and gas industry without paying any compensation.

The first proposal before the Venezuelan Congress is described as an orderly "reversion of assets" upon the expiration of American oil and gas concessions. These concessions do not expire until 1983 at the earliest. Yet, the proposed legislation, which is clearly violative of existing concessions and raises serious questions under the Venezuelan Constitution, would appear to give the Venezuelan State the power to nationalize without payment those concession areas so far exploited. The law might also require U.S. oil companies to contribute a percentage of their assets to a fund for the operation, maintenance, and development of oil and gas properties after the concessions have expired. Furthermore, the proposed legislation appears to give power to the Government to direct the U.S. oil companies as to where, when, how, and to what extent they can develop and use their own concessions. The reversion-of-assets proposals are nothing short of seizure of assets and of management control from these U.S. companies—seizures for which no effective compensation is to be paid and which violate international law.

The second set of proposals before the Venezuelan Congress calls for nationalizing U.S. natural gas properties. These proposals are continued in a series of bills ranging from those which would expropriate flared gas to bills which expropriate all gas. Again, either no compensation or clearly inadequate compensation would be paid for these valuable properties.

It is reported by knowledgeable sources in the press and in our Government that both proposals might soon be enacted, in one form or another, into law. Enactment of the gas nationalization bill might still be a number of weeks or months away; the reversion-of-assets legislation could be enacted within a few weeks or even within a few days.

What prompts the Venezuelans to contemplate such vast and clearly illegal seizures of U.S. owned property? The answer, I believe, is found in the prevalent view in Venezuela and to some extent throughout the world that the United States is helpless and will not object. The Venezuelan Government, which through taxes and other assessments already skims off 80 percent of the return from its U.S. built, funded and operated oil industry, apparently seeks to obtain the remaining returns with little apprehension that its illegal action will be other than rewarded by continued access to the American market.

Venezuelans have been misled by reports of crisis in the United States. They now believe that America is no longer able or willing to protect itself and its best interests. For the immediate future, we still are able. We have the resources available to provide for our energy needs in the short run. If we are willing to develop the vast resources in my State of Alaska and under the coastal seabed and elsewhere, we can provide for our longrun needs as well. Moreover, if we are willing to stand up for our rights now against those supplier countries who think that we are weak and who would illegally deprive us of our properties, we can further assure a supply of fuel to meet our long term needs at reasonable prices and on reason-conditions.

We should not, in the long run or even in the short run, come to rely upon countries for our essential fuels who prove their unreliability by seizing American properties without compensation in violation of their own undertakings and in violation of international law. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizens abroad as well as its own vital interests in secure sources of fuel supplies. We should certainly not allow the U.S. market to continue to be available to those who seize U.S. property abroad.

I introduce a bill which will prohibit the importation of natural gas, or any other petroleum including crude oil, from any nation which has expropriated U.S. owned petroleum property after January 1, 1971, until that nation provides adequate and effective compensation.

Section 3 of the Natural Gas Act is as follows:

> Exportation or importation of natural gas. After six months from June 21, 1938, no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

The proposed bill, which adds a proviso to section 3 of the Natural Gas Act would prohibit the Federal Power Commission from approving an importation from any country which has expropriated American owned property in the petroleum industry of that country. Once such an expropriation or seizure takes place, no importation from the expropriating country could be approved by the Commission until all of the owners of the expropriated property have received adequate and effective compensation. The bill also would prohibit, once such an expropriation without compensation has occurred, the importation under any other law or regulation of any other petroleum, including crude oil or other petroleum products, from the expropriating country.

The bill makes it clear that there is to be no alteration of roles among agencies in the administration of the importation of petroleum. As before, the Oil Import Administration under executive order pursuant to the national security provisions of the Trade Expansion Act would retain its responsibility for the conduct of our oil import program.

Over the years, Venezuela has been a reliable source of supply in time of war and peace, and a close friend of the United States. We hope to continue this mutually beneficial relationship. We ask only that the Venezuelans not take for granted their substantial access to the U.S. petroleum market and that Venezuela treat American investors and American consumers fairly.

I ask unanimous consent that the text of the bill I am introducing today be printed in the Record immediately following my remarks and that a series of articles from the New York Times be printed in the Record immediately following the bill.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 2110

A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expropriates, naturalizes, or seizes American owned petroleum property without adequate compensation, after January 1, 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Natural Gas Act of 1938 (15 U.S.C. 717(b)) is amended by adding at the end thereof the following proviso:

"*Provided*, That no importation shall be approved under this or any other section of this Act and importation of any other petroleum including crude oil or petroleum products shall be prohibited if such import originates in a country which, itself or through an agent or subdivision, after January 1, 1971, has expropriated, nationalized or seized ownership or control of, or has taken other measures which have the effect of expropriating, nationalizing, intervening, or seizing ownership or control of American owned petroleum or petroleum properties within such country, and adequate and effective compensation has not been paid therefor. As used in this proviso, American owned petroleum or petroleum property means any property, right or interest in petroleum or petroleum property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens. Implementation of this proviso insofar as it relates to the prohibition of the importation of crude oil or other petroleum products (except natural gas) shall be carried out according to existing law and regulation."

[From the New York Times, June 19, 1971]

Oil Men Assay Venezuelan Bill

(By William D. Smith)

The international oil industry, still recovering from the buffeting it took from the producing countries in the negotiations in Teheran and Tripoli earlier this year, is in the midst of another crisis.

The locale of the industry's present dilemma is Venezuela. The "domino" theory still has credibility in the international oil business, so events in Caracas could well have ramifications elsewhere in the world.

The eye of the storm is a bill, called the Hydrocarbons Reversion Law, now before the Venezuelan Congress. The measure sets out guidelines for reversion of all oil concessions and properties to the Government during 1983–84. The Congress approved the first reading of the draft of the bill yesterday, and final approval appears almost certain before July 5, Venezuelan Independence Day.

The idea of the concessions' reverting to state ownership in 1983 and 1984 is far from new; it was embodied in the Venezuelan Hydrocarbons Law of 1943. The provisions of the present bill, however, appear to go far beyond simple reversion to Government ownership. They could be construed, according to some sources, as meaning immediate Government control of the companies' operations.

INTANGIBLES, TOO

The bill in its present form calls for all equipment, installations and even intangibles (such as technical data used to exploit concessions) to revert to the state without compensation.

More important, the bill stipulates that the Government may immediately inspect and control the properties to assure that they revert in good working order. Beyond this, repatriation of earnings might be subject to Government control while questions of where and when to drill for additional oil might be taken from the hands of the companies.

In addition, the bill calls for the foreign oil concerns—which include the Creole Petroleum Corporation subsidiary of the Standard Oil Company (New Jersey), the Royal Dutch Shell Group, the Gulf Oil Corporation, Texaco, Inc., and the Mobil Oil Corporation—to post a bond of about $500-million to insure that the properties will be maintained in perfect condition until the day they revert.

Oil properties in Venezuela represent the largest United States investment in South America.

EXTENT OF LAW

The open question at the moment is how strong the final version of the bill will be and how strictly it will be enforced.

Robert N. Dolph, president of Creole, said in an appearance before the Venezuelan Congress that, although his oil company did not object to the basic object of the measure, the "present bill goes far beyond the aim."

In New York last week Venezuela's Ambassador to the United States, Julio Sosa Rodriguez, said the bill was an attempt to set guidelines for an orderly transition of control over the properties as the time for reversion to Government control nears. "Such vast properties cannot just change hands without preparation," he commented.

MATTER OF ASSETS

Central to the problem is the desire of the oil companies to put as little investment as possible into a concession area that they will soon be leaving while taking out as much assets as they can. The Government, of course, has a natural desire to inherit the maximum of assets and potential. In recent years the companies have been repatriating the great bulk of their earnings, with the major exception of desulphurization additions to their refineries.

No matter what happens, it seems highly unlikely that Venezuela will stop being the largest single foreign supplier of oil to the United States. The vast energy appetite of the United States virtually assures at least the intermediate future of this relationship.

In fact, the growing talk of a gap between energy supplies and demand in the United States may have given some impetus to the Venezuelan moves, according to John Lichtblau, head of the Petroleum Industry Research Foundation.

EFFECT ON CONSUMERS

The immediate implications to consumers in the United States do not appear to be of any great magnitude. The most significant is the possibility that the oil companies will pass on the cost of any Government bond to consumers, as they did tax increases by Teheran and Tripoli.

In terms of worldwide implications there may be some cause for concern. The concessions in Iran run out in 1978, although the oil companies have an option to renew—something the companies do not have in Venezuela. The Shah of Iran has already indicated that the renewal clause may not be honored.

Some economists said yesterday that, if Venezuela began to take control before expiration of the concessions, there was little doubt the Shah would be far behind. Countries in which concessions run out even further in the future may follow suit and the worldwide concession system that has been the standard for the international oil industry almost since its beginning will be ended or greatly changed.

BALANCE OF POWER

So the companies, which in Iran and Libya saw the balance of power at least temporarily swing from their hands to those of the producing nations, may also be facing a change in the basic structure of their overseas operations.

Nonetheless, some Wall Street analysts fail to find this a completely bearish possibility. Roger Folk of Equity Research commented, "The oil companies have proven themselves flexible, and I have no doubt they can adjust to changing circumstances."

The stock market, however, showed some doubts yesterday. Jersey Standard fell 1¾ to 76⅛, Mobil dropped 2¾ to 53¾, and Royal Dutch slipped 1⅝ to 43⅛.

For the oil companies, this is a period of sit and wait. "Even if a severe bill is passed, sensible enforcement could make it liveable," an oil man remarked. But he added, "If someone irresponsible is put in charge we are all in for trouble."

Ambassador Sosa commented that, no matter what the ultimate wording of the bill, the Venezuelan Government would guarantee rights and justice for all parties involved.

[From the New York Times, June 18, 1971]

VENEZUELA NEARING TAKEOVER OF OIL OPERATIONS

(By H. J. Maidenberg)

CARACAS, VENEZUELA, June 17.—The Venezuelan Congress, in an unusual display of unity, is rushing legislation that would place all foreign petroleum companies under effective Government control. And when the present concessions expire, starting in 1983, they would revert to the state without compensation to the companies.

The Hydrocarbons Reversion Law, as the measure is termed, is expected to be approved by Congress and signed by President Rafael Caldera in a few days. The bill is not contested by any important political group in Venezuela.

Under the terms of the proposed legislation the operations of foreign oil companies will be under the direction and review of the Government until the concessions expire. For example, the state would have the right to tell the companies where and when to drill to replenish existing reserves.

The foreign oil concerns would be required to place money in a fund created by the Venezuelan central bank to guarantee that the properties would be maintained in perfect condition up to the day they revert to the state. It is estimated that this could cost the companies $500-million to $1-billion, at today's prices, between now and 1983. The monies placed in the special fund would not be deductible from Venezuelan income taxes.

Another important clause in the legislation would consider all properties related to oil production, such as office buildings and even employee bowling alleys to be part of the concession—not just the actual oil fields. This could affect the flow of dividends and other funds normally repatriated by foreign concerns to their home countries.

Intensive efforts by the petroleum industry to soften the law are being hobbled in large part by Washington's apparent disinterest in the fate of the largest single United States investment in Latin American, according to frustrated foreign oil men interviewed here today.

While no value can be placed on Venezuelan petroleum below ground, the replacement value of the wells, pipelines, refineries and other properties is estimated between $5-billion and $10-billion. Over all, the United States direct investment in Latin America is estimated at roughly $13-billion.

Venezuela is one of the world's leading petroleum exporters. About 60 per cent of the 3.7 million barrels pumped each 24 hours is shipped to the northeastern United States. Petroleum also represents 90 per cent of Venezuela's foreign-exchange earnings each year, and it has given this country of 10 million people the highest standard of living in Latin America.

After tax increases earlier this year, the Venezuelan Government receives roughly 80 per cent of the oil industry's income.

Almost all major United States and European oil producers have operations here. The largest producer is the Creole Petroleum Corporation, a subsidiary of the Standard Oil Company (New Jersey). Creole accounts for about 45 per cent of total Venezuelan production.

Passage of the Hydrocarbons Reversion Law, moreover, is expected to pave the way for other pending legislation concerning foreign investments here. These range from cornflakes factories to automobile plants and are valued further at several billion dollars.

Most foreign oil concerns had long expected to lose their properties after the 40-year concessions end starting in 1983. "That is what we agreed to and that is what we expected," one oil executive said today. "What we did not expect was to be placed in a position of becoming janitors of our own companies until the concessions expire.

"A LOYAL SUPPLIER"

"We understand the Venezuelan position. They have been a loyal supplier of petroleum in war and peace and have traditionally been a good host to foreign investors, particularly those from the United States.

"What the Venezuelans, in their present anger at Washington, don't seem to understand, however, is that Washington's attitude of indifference to them is not unique. It is part of their studied indifference to all Latin America nowadays. We get the same treatment up there and often wonder if the policy makers, assuming there is a policy, know where Latin America is."

As for the Venezuelans, President Caldera told his countrymen in a television broadcast last week: "We are tired of trying to seek a fair share of the United States market for our oil. Considering the shortage of energy in North America, they need us more than we need them."

RUNAWAY CONGRESS

Venezuela's President, who is head of the moderate Christian Democratic party, faces a runaway Congress that he does not control.

In any event, the legislation was introduced on March 29 by leftist congressmen outwardly to define the process by which the concessions were to revert to the state in 1983. At the time it was not considered unusual because almost all previous governments had said that the concessions would not be renewed.

Consequently, President Caldera announced he would support the measure. So did almost all other important political figures. The political leaders thought it would also serve to remind Washington of Venezuela's discontent over United States oil import quotas.

Once the political support was obtained, however, a flood of clauses and amendments were inserted and added to the bill by its promoters. The clauses are what is presently considered to be a short step toward outright Government take-over of the foreign oil companies by the industry.

Few oil men here doubt that the measures will pass. The precise day will depend on legal technicalities.

This was confirmed by the secretary general of the Christian Democratic party, Aristiees Beaujon, the other day when he said: "What we are after is to make the law invulnerable to attack and criticism, and therefore we are seeking to clear up some aspects that could fall under the category of dubious legality."

ANTI-U.S. FEELING

Although many Venezuelan leaders privately have voiced doubts about the law, the rising tide of nationalism and anti-Washington sentiment throughout Latin America inhibits open opposition.

One Venezuelan businessman said today: "I received a call from the North American Chamber of Commerce a short while ago. While we were talking, a voice came between us and shouted: 'Yankees, go home.'

"That is unfortunately the sentiments that we are hearing more and more these days in Venezuela. It is unfortunate, but Washington shares a lot of the blame for the growth of anti-Yankee feeling here."

Many people in the foreign business community here believe that, if the Hydrocarbons Reversion Law passes in its present form, many foreigners will indeed be going home.

COMPANIES REMAIN SILENT

The Standard Oil Company (New Jersey), parent company of Creole; the Asiatic Petroleum Company, representing the Royal Dutch Shell Group in New York; the Mobil Oil Corporation; Texaco, Inc., and the Gulf Oil Corporation all declined yesterday to comment on the situation in Venezuela.

[From the New York Times, June 21, 1971]

Oil Men Dread Coming Days in Venezuela

(By H. J. Maidenberg)

Caracas, Venezuela, June 20.—Time was when foreign oil men here looked forward each year to June 24 and July 5, Venezuela's big patriotic holidays. It meant two more days at the beach or golf course. Their only concerns then were the weather and the traffic.

This year, however, stunned foreign oil men dread both dates because President Rafael Caldera hopes to mark either holiday by signing a law that would end foreign control of 98 per cent of Venezuela's petroleum output.

All that the foreign oil companies could hope for this weekend is that the Congress here would not, for political reasons, give the President so timely a gift on either day and thus afford them some more time to try to persuade the lower house to soften the measure, known as the Hydrocarbons Reversion Law.

As it is, the bill passed the Senate unanimously late last week. No political party or leader has voiced opposition to the measure. And Venezuela's Congress is unusual in Latin America in that it dictates its wishes to the executive branch.

The new law, what it means and how it evolved also holds profound importance not only to United States oil producers and consumers but also to owners of several billion dollars in other North American investments in Venezuela. The impact of this legislation in other more unstable and more restless countries of South America can only be imagined.

Measures pertaining to state control over many other sectors of the foreign investment community are waiting in Congress here until the Hydrocarbons Reversion Law is passed.

These include bills that would control the largely foreign-dominated pharmaceuticals, natural gas and accounting firms, to mention a few other industrial and business sectors.

A law "Venezuelizing" the foreign banking community has already been passed.

Returning to the pending legislation, the bill was introduced by left-wing political parties, including Communists, last March 29. On the surface it was meant to define the process by which the bulk of the 40-year oil concessions were to revert to the state, starting in 1983, without compensation.

As such it was no surprise to the foreign oil companies. They have long been told that the concessions would not be renewed. All political parties here to the right of the Communists also did not think the bill unusual.

TIMING IS FACTOR

Some political observers maintain that the bill's supporters had promised President Caldera, head of the Christian Democratic party, that it would help his weak position if he could announce the bill on either June 24 or July 5.

This Thursday marks the sesquicentennial of the Battle of Carabobo in Western Venezuela. It was there that the liberator of much of Spanish South America, Simon Bolivar, led his rebel forces in the decisive battle against the royalists. The victory led to the declaration of independence here on July 5 of that year 1811.

In any event, the bill introduced three months ago was ignored until two weeks ago, when it was reported out of committees in both houses of Congress. To the surprise of the President and most other political leaders, not to mention the foreign oil concerns, the measure had acquired many amendments that would, among other things:

Place the foreign oil companies under state "direction" until the concessions expire. The state would have to grant permission even for moving one piece of equipment from one oilfield site to another. Moreover, the state would have the right to say where and when costly new wells were to be drilled to develop new petroleum reserves.

The foreign oil companies would have to place between $500-million and $1-billion in a special central bank fund to guarantee that the wells, pipelines, refineries and "any properties connected with hydrocarbons" be kept in perfect condition up to the day they revert to the state.

Dividends and other profits normally repatriated by foreign oil companies to their parent concerns would be subject to central bank approval.

OIL MAN COMMENTS

"The proposed law means de facto nationalization and could lend itself to unworkable absurdities in its interpretation," R. N. Dolph, president of the Creole Petroleum Company, told a lower house Committee hearing last Thursday.

Creole, which is 95 per cent owned by the Standard Oil Company (New Jersey), accounts for roughly 45 per cent of petroleum output in Venezuela and also has important refineries and other installations in this country.

Texaco and Gulf, among the many other United States producers here, are second with about 6 per cent each of the total output. Over-all, United States companies accounts for 71 per cent of the 3.7 million barrels produced in Venezuela each 24 hours. The domestic United States output, by way of comparison, is estimated at almost 11 million barrels of 42 gallons each daily.

The largest of the few European producers is the Royal Dutch Shell Group of the Netherlands and Britain. They produce 27 per cent of Venezuela's total output.

Mr. HANSEN. Mr. President, I am happy to join my colleague from Alaska in an effort to stop the indiscriminate confiscation of U.S. business enterprises around the world.

The bill the distinguished Senator from Alaska is introducing would certainly offer some assurance of reciprocity in such cases as a takeover of oil- and gas-producing properties owned principally by U.S. interests without adequate and effective compensation for such properties.

Hopefully, this legislation would stop or slow down the trend, especially by oil- and gas-producing countries, toward outright confiscation of valuable properties once they are developed and profitable.

The latest threat comes from Venezuela, a country with whom the United States has enjoyed good relations and one that has prospered principally from its bountiful oil resources that have been developed over the years by U.S.-owned oil companies through subsidiaries operating in Venezuela.

Only yesterday, a representative of the Venezuelan Government testified before the Senate Finance Committee in asking for a larger quota under the Sugar Act which is now being amended and extended.

In the Venezuelan statement submitted to the committee, it was noted that an American syndicate headed by Chase Manhattan Bank had in March made a 5-year, $100-million loan to the Republic of Venezuela for financing public works projects in that country.

Last August Chase and 17 other banks combined to make a 5-year, $85-million loan to Venezuela.

The statement also emphasized an expansion and modernization of the Venezuelan sugar industry which will increase its mill capacity by 61 percent in 1975. And the U.S. Congress is being implored to buy more Venezuelan sugar as well as their oil. They also propose to sell large amounts of liquefied natural gas to U.S. companies now being produced from U.S. concessions.

Venezuela this year raised the "take" on foreign oil companies to about 80 percent of the profits some $1.7 billion this year from oil.

So, Mr. President, if Venezuela is determined to kill the goose that lays the golden eggs—most of this oil is imported into the United States and Canada—then I believe it is time that we exercised some options of our own.

Peru has already taken over all U.S. oil interests and Bolivia did the same last year and then invited the Russians in to help develop her oil resources.

Chile is now in the process of taking over vast U.S. mining interests that have contributed substantially to her economy for many years.

Algeria not only took over the U.S. companies but also kicked the French out. A large part of France's oil came from Algeria, and France is now protesting an Algerian proposal to sell back to U.S. companies the liquefied natural gas that will be processed from gas produced from expropriated U.S. and French properties.

Mr. President, it is time we served notice on the world that we will no longer take these actions lying down.

I believe we have been rather generous in carrying the major burden of rebuilding the world after World War II and in our foreign assistance programs, the Alliance for Progress for Latin America and our other Government and private assistance programs to developing nations over the world.

We have, in fact, practically spent ourselves into bankruptcy if the complaints we hear from our European trading partners is an indication.

We opened our markets to foreign imports under liberalized trade policies while others attached a different interpretation to the word "reciprocal."

Even our good friends to the north—at least their Prime Minister—has recently complained in Moscow that doing business with the U.S.A. was like sleeping with an elephant. He did not mention the fact that Canada is now enjoying a healthy trade surplus with the United States on account of certain trade agreements and Canadian restrictions on U.S. products that have benefited Canada considerably more than the United States.

Many are still demanding more Venezuelan and Canadian imports of both oil and gas as "secure Western Hemisphere sources."

Mr. President, they may be secure, although I will also question that, but I have serious doubts about the cheapness of either oil or gas when these producing properties are under complete foreign control.

Canada now imports more than half of her own oil requirements and a large part of that comes from Venezuela. When Venezuela tightens up the price screws again, the increases will apply to Canada as well as the United States. And that is the only reason for the small price differential that now exists between U.S. and Canadian crude.

Canadian gas is now higher than the comparable delivered price of U.S. gas.

The proposed deals for Algerian gas delivered to the east coast to three different companies runs about 80 cents per thousand cubic feet compared with present delivered prices of less than 40 cents. The average wellhead price of U.S. gas committed to interstate distributors is less than 20 cents and even if FPC authorizes pending applications for increases would still be far under the comparable delivered price of liquefied natural gas from any foreign country.

So, Mr. President, where is the incentive for the exploration and development of the vast resources of oil and gas still undiscovered in the United States both onshore and offshore and in Alaska? Do we buy this contraband produced from expropriated U.S. developments at more than twice the price of our own product when those who should know—the American Association of Petroleum Geologists, the Potential Gas Committee of the Colorado School of Mines and others—say there are vast undiscovered deposits of both oil and gas in the continental United States, the Outer Continental Shelf, and Alaska—enough if we are willing to spend what it will cost to find it to furnish the United States its needs far into the future.

Even at the costs of developing these resources, the security of sources under U.S. control are, in my opinion, more than worth the effort and by the time they are developed may be even cheaper than either foreign oil or gas.

And I am talking about economic security as well as military security.

Foreign-produced oil and oil products now account for about a fourth of U.S. oil requirements and 10 percent of our energy. To me, that is already too much. Further reliance, unless we get on quickly with an accelerated domestic exploration and development program, could place U.S. industry in a more precarious position.

U.S. resource experts say our excess oil-producing capacity is about gone. There is already a gas shortage. In spite of stepped-up research efforts in nuclear and synthetic fuels research and development, it will be many years before these can make up the continuing increase in demand for oil and gas.

It is time that we faced reality. And it is time that some of our trading partners who threaten to take over U.S. oil, gas, and other mineral industries faced reality. This country still can exercise some choices and options and it is time that it did so. The bill introduced by the Senator from Alaska, which I am cosponsoring, will possibly convince some of our friends in Latin America and elsewhere that you can kick Uncle Sam around until he is forced to protect himself.

By Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WEICKER):

S. 2111. A bill to amend the Public Works and Economic Development Act of 1965 to require the use of recycled materials. Referred to the Committee on Public Works.

S. 2112. A bill to amend the Airport and Airway Development Act of 1970 to require the use of recycled materials in projects authorized under this act; and

S. 2113. A bill to amend the Federal Aviation Act of 1958 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Commerce.

S. 2114. A bill to require the use of recycled materials in the administration of laws relating to reclamation;

S. 2115. A bill to require the use of recycled materials in the administration of the National Park Service; and

S. 2116. A bill to amend the Land and Water Conservation Fund Act of 1965 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Interior and Insular Affairs.

S. 2117. A bill to amend title 39, United States Code, to require the use of recycled materials in projects. Referred to the Committee on Post Office and Civil Service.

S. 2118. A bill to amend title 38, United States Code, to require the use of recycled materials in projects and programs subject to certain provisions of that title. Referred to the Committee on Veterans' Affairs.

S. 2119. A bill to amend title 23, United States Code, to require the use of recycled materials in projects subject to the provisions of that title. Referred to the Committee on Public Works.

S. 2120. A bill to amend the Department of Agriculture Organic Act of 1944 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Agriculture and Forestry.

S. 2121. A bill to amend the Public Buildings Act of 1959 to require the use of recycled materials in projects subject to that act;

S. 2122. A bill to amend the Appalachian Regional Development Act of 1965 to require the use of recycled materials in projects authorized under that act; and

S. 2123. A bill to require the use of recycled materials in projects for the construction, repair, and preservation of public works on rivers and harbors for navigation and flood control. Referred to the Committee on Public Works.

BILLS AND AMENDMENTS TO REQUIRE USE OF RECYCLED MATERIAL IN FEDERAL PROCUREMENT AND CONSTRUCTION

Mr. JAVITS. Mr. President, together with 13 cosponsors, I introduce, for appropriate reference, a series of measures requiring that a reasonable economical percentage of recycled scrap materials be used in Federal construction and procurement programs, which would total some $31.3 billion in fiscal 1972. Cosponsoring these measures with me are Senators HATFIELD, HUMPHREY, KENNEDY, MATHIAS, MCGOVERN, MOSS, PEARSON, PROXMIRE, RANDOLPH, TAFT, TOWER, SCHWEIKER, and WEICKER.

This proposed recycling is based upon my experience with a bill I introduced last year concerning junked automobiles. It is both an ecological measure and a conservation measure, and it will result in a very large requirement by the Federal Government respecting recycling in the different fields.

As there are many fields and many bills which are affected, I am introducing a group of measures which affect the various fields. This proposal represents an extraordinary research job done by Mr. Frank Cummings, my administrative assistant, showing how the different areas in which there is procurement are affected. There are 19 such measures, and the aggregate expected budget outlay affected for 1972, as I have stated, is $31.363,582,000.

Mr. President, we are a nation of consumers, and, too often, of wasters. We use more raw material than anyone else, and unfortunately, we tend to litter our land and pollute our environment with the leftovers.

What we need—indisputably—is to become a nation committed to the reuse and recycling of waste materials.

The Federal Government can lead the way as the Nation's largest consumer and purchaser of materials and goods.

Accordingly, I send to the desk a series of bills and amendments, each amending and authorizing law or amending a bill to extend or amend such a law, and providing that each Federal construction or procurement contract shall contain a clause which would require the use of a reasonable percentage of recycled material, as determined by EPA.

Recently, the President suggested that GSA purchase recycled paper so as to use Federal purchasing power to increase the market and use of recycled material. These bills and amendments are designed to extend the President's idea to a wider range of procurement and construction contracts. By using recycled steel, copper, glass, rubber, and so forth, as well as paper, the Federal Government will have taken a long step toward conserving the limited natural resources of our planet, and will be encouraging similar action in the private sector by setting an example demonstrating the feasibility of recycling, and helping develop the necessary entrepreneurship.

I am introducing multiple bills and amendments, rather than a single bill first, to allow a number of committees and Congress as a whole to consider this important issue, and second, to increase the chance of attention and action on at least some of these measures.

Each of these bills and amendments include provisions which would:

First, direct the agency administering the procurement or construction program to require that all materials purchased pursuant to the authorizing law shall be composed of recycled materials in such percentage as the Administrator of EPA determines to be reasonable and economical—and all contracts, invitations for bids, or purchase orders for procurement or construction of such materials must so provide.

Second, define "recycled material" so as to include consumer scrap—originating from objects previously sold to the consuming public—and "production scrap" originating from the production of goods sold to the consuming public, but to exclude "home scrap" or residue generated from the production of the basic material itself, which is normally recycled by the producer in any event.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the close of my remarks a table showing the estimated budget outlays for each of the bills and amendments which I am introducing.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(See exhibit I.)

Mr. JAVITS. Mr. President, while text of each of these bills and amendments varies slightly according to the law or bill being amended, the operative language of each is identical.

Accordingly, I ask unanimous consent that there be printed in the RECORD the form of the amendment, which is identical, in substance, in each of the bills and amendments which I have just introduced.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

UNIFORM RECYCLING AMENDMENT

SEC. . (a) *Recycling Requirement*. The Secretary (or designation for head of agency administering program) shall require that all materials or other products (i) purchased by the Government in carrying out the provisions of this Act, or (ii) purchased in whole or in part, by the Government or otherwise, with funds appropriated as authorized by this Act, or (iii) purchased by any person contracting with the government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such percentum as is required by order of, and under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to paragraphs (b) and (c) of this Section.

(b) *Determination by Order of the Administrator of Environmental Protection Agency*. Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary (or designation for head of Agency administering program) shall (i) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (ii) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) *Determination by Regulation of the Administrator of the Environmental Protection Agency*. The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in paragraph (b) of this Section, provide by regulation for a particular percentum of recycled material to be included in the procurement or production of a particular product or material.

(d) *Definition of "Recycled Material."* For purposes of this Section, the term "recycled material" shall mean any material, including but not limited to paper, rubber, steel or any other metal or glass, which has previously been used in the production of goods for commerce, and including both "consumer scrap" originating from objects previously sold to the consuming public, and "production scrap" originating from the production of goods sold or to be sold to the consuming public: *Provided*, however, that "recycled material" shall not include "home scrap" or residue generated in the production of the basic material (such as leftover steel in a steel mill).

EXHIBIT 1

	Amends	Estimated budget outlay—fiscal 1972
BILL NO.		
S. 2111	Public Works and Economic Development Act of 1965	$132,000,000
S. 2112	Airport and Airway Development Act of 1970	392,000,000
S. 2113	Federal Aviation Act of 1958	392,000,000
S. 2114	Laws relating to reclamation	264,100,000
S. 2115	Administration of National Park Service	59,500,000
S. 2116	Land and Water Conservation Fund Act of 1965	60,500,000
S. 2117	Title 39., United States Code (postal facilities)	236,100,000
S. 2118	Title 38, United States Code (VA hospitals and construction).	7,500,000
S. 2119	Title 23, United States Code (highways and Forest Service roads).	4,724,700,000
S. 2120	Department of Agriculture Organic Act of 1944	580,000
S. 2121	Public Buildings Act of 1959	216,600,000
S. 2122	Appalachian Regional Development Act of 1965	$3,225,000,000
S. 2123	Public works projects on rivers and harbors for navigation and flood control.	945,000,000
AMENDMENT NO.		
No. 218	H.R. 8687 to authorize appropriations for military procurement.	13,943,000,000
No. 219	S. 958 to authorize appropriations to AEC	217,000,000
No. 220	S. 1012 to amend Federal Water Pollution Control Act	15,000,000
No. 221	S. 1013 to amend sec. 8 of the Federal Water Pollution Control Act.	2,000,000,000
No. 222	S. 1531 to authorize construction at military installations	2,171,500,000
No. 223	H.R. 7109 to authorize appropriations to NASA	2,753,500,000
Total		31,363,580,000

By Mr. BENTSEN:

S. 2124. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration, for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency. Referred to the Committee on Veterans' Affairs.

SERVICEMEN'S, VETERANS', AND EX-SERVICEMEN'S DRUG TREATMENT AND REHABILITATION ACT OF 1971

Mr. BENTSEN. Mr. President, I introduce for appropriate reference the Servicemen's, Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971. A similar measure, H.R. 9265, has been introduced in the House by my colleague from Texas, Mr. TEAGUE.

Recent stories out of Saigon offer compelling evidence that a drug epidemic is sweeping through our armed service personnel stationed there. Estimates are that up to 15 percent of the GI's in Vietnam or recently returned from Southeast Asia have become heroin addicts—a tragic and frightening statistic.

Mr. President, heroin is easily accessible in Vietnam: it is sold in the cities, particularly in the so-called "Scag Alley" area of Saigon: it is also peddled inexpensively in the outlying villages and hamlets by peasants of varying ages.

To the American servicemen, bored and frustrated by a war that is winding down, it offers an inexpensive release from his tensions. The plight of these men reminds us that the danger of a war is not completely vitiated by a diminishing combat role. New tensions arise, withdrawal symptoms, so to speak, of our withdrawal from Southeast Asia.

I have been pleased to see the President, in recent days, announce a new drug program for GI's, which stresses examination and rehabilitation. That is all to the good. Yet I believe we, in the Congress, have a responsibility to broaden the goals of the President's program to include comprehensive treatment and rehabilitation for all who are or who have served in our Armed Forces. I do not believe we can be content merely to focus our efforts on the men who will be leaving Vietnam in the future or who are still on active duty.

For that reason, Mr. President, I am today introducing comprehensive legislation on which will be directed to the needs of all servicemen, veterans, and ex-servicemen. It is aimed at extending the authority of the Veterans' Administration to give care, treatment, and rehabilitation to all personnel who are now, or who have been affiliated, with the military. This, I believe, constitutes the most humane and effective approach to the problem.

Please note, Mr. President, that my bill is broad enough to establish the procedures for coordination between the Armed Forces and the Veterans' Administration. As you know, the Hughes amendment which has been adopted is directed more specifically at the servicemen. Thus, this legislation becomes even more important in its coordinating function, and in providing for the care necessary for ex-servicemen.

Note also that it is not the intent of this legislation to provide any "rights" for addicted servicemen. There should be no additional "rights" for one who has violated the law, but there must be an attack on the problem. This attack is a public service approach, and takes the necessary action to meet the needs of not just the addicted veteran, but principally the needs of the community at large.

Specifically, Mr. President, my bill provides for a full range of treatment—including educational, social, psychological, corrective, and preventive counseling, guidance, training, and other rehabilitative services—to any member of the armed services determined by the Secretary of any branch of the service to have a drug abuse or drug dependency condition. These men may be transferred to any suitable drug addiction treatment and rehabilitation facility or program administered by the Veterans' Administration.

In addition, any ex-serviceman or veteran addicted to the use of narcotics, may be ordered by a district court to be placed in the custody of the Administrator of the Veterans' Administration, who, after determining the individual addiction, may assign him to a veteran's rehabilitation facility for the same treatment as that received by the active duty serviceman.

Through these procedures, Mr. President, we direct our efforts, not only to those who have recently come under the influence of toxic drugs, but also to those who, for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these men, physicians tell us, have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

This bill, in short, provides another possible treatment program for all who have been affiliated with the military at one time in their lives. It opens another door to treatment and to rehabilitation, and it establishes a pattern of responsibility which allows the Veterans' Administration, the agency most responsible for the welfare of our armed services, to provide the care necessary for the rehabilitation of military men and women.

Mr. President, because of the urgency of the drug problem, I hope this bill will be enacted at the earliest possible date.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. STEVENS):

S. 2126. A bill to amend title 38, United States Code, to authorize the issuance of National Service Life Insurance to prisoners of war, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I am today introducing a bill for myself and Senator THURMOND making available an additional $10,000 of National Service Life Insurance to prisoners of war.

Prisoners of war, internees and hostages have been a tragic consequence of warmaking throughout history. They have been the subject of many agreements between military commanders and nations from informal understandings on the battlefield to international accords such as the Geneva Convention.

The major concern in the past has been with the prisoner of war only while he was interned; the question now is how to bring him home safely and how to ease his family's suffering until that time.

Last year, Congress moved to broaden our policy regarding aid to POW's by authorizing educational assistance and home loan benefits to their families. The Defense Department over the past few years has also moved to extend assistance to families of Vietnam POW's through housing and pay allowances. This bill carries this policy one step further by making $10,000 additional National Service Life Insurance policies available to American POW's of the Vietnam period.

Concerning the Vietnam era, the most reliable information we have indicates there are over 1,600 American servicemen reported missing in Southeast Asia. Of this number, some 460 men are now considered to be prisoners of war. The economic hardship which their absence brings upon their families is added to by the uncertainty which lingers as to their status. More than 2,600 primary and secondary next of kin along with thousands of children and other close relatives have endured this tragic state of uncertainty.

The families of those interned in POW camps should be given the comfort of knowing that this extra insurance coverage is available now. We should not wait until some return or others are reported dead. These men are eligible for service disabled veterans' insurance if they return disabled, and the regular servicemen's group life insurance. But, this Nation owes them more than just "regular" or disabled coverage. These men are giving years out of their lives. These are the years that their families spent in desperate hope that they will return. It is my hope that this bill will in some small measure, make these years of desperate worry and the possible tragedy of death somehow easier.

We owe this same debt to the nearly 150,000 men who have been POW's in World War II and the Korean conflict. My bill also proposes to recognize the hardship they, too, suffered by opening to them the chance to apply for this insurance. The veterans' programs of this country have set a model for the world in showing that we care for our men not only while they make headlines in war or as prisoners, but as members of our society who deserve our thanks and support over the whole range of their problems. This bill will strengthen that commitment and show our servicemen and their families that their sacrifice is not forgotten and their hardships not ignored.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF POW INSURANCE BILL

Section I of the bill would authorize the issuance of National Service Life Insurance to prisoners of war who have been discharged from the active military and naval service under other than dishonorable conditions, and who while in such service were held as prisoners of war for ninety (90) days or more by specified governments during World War II, the Korean Conflict or the Vietnam era, including persons who were detained or interned by the People's Republic of China or other hostile forces during such period. An application and payment of premiums would be required, but the insurance would be issued without proof of good health. If a former prisoner of war was shown by evidence satisfactory to the Administrator of the Veterans Administration to have been mentally incompetent during any part of the one year period during which application could have been filed for the one year after removal of such disability whichever is the earlier date.

Section 1 (b) of the bill provides that the insurance issued thereunder shall be on the same terms and conditions as standard policies of National Service Life Insurance with certain specified exceptions. The exceptions are as follows:

(1) five year level premium term insurance may not be issued,

(2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table,

(3) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table,

(4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949,

(5) all calculations in connection with insurance issued under this section shall be based on interest at the rate of 3½ percentum per annum,

(6) waiver of premiums pursuant to section 712 of this title shall not be denied on the ground that the insured's disability became total before the effective date of his insurance,

(7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable,

(8) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis and

(9) all premiums and other collections on insurance granted under this section and any total disability income provision attached

thereto shall be credited directly to a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability income provision attached thereto shall be made from that fund.

Appropriations to the revolving fund are authorized.

Section 1(c). This section authorizes the Administrator to set aside out of the revolving fund such sums that are required to meet the liabilities under the insurance which authorizes the Secretary of the Treasury to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. These obligations will have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market rate yield on a specified formula set forth in the section.

Section 1(d) of the bill would automatically insure any person other than a person referred to in Section 107, title 38, United States Code, who is held as a prisoner of war for ninety (90) days or more by the Government of North Korea, the Government of Vietnam or the Viet Cong forces during the Vietnam era or who is detailed or interned by the People's Republic of China during such era. The prisoner of war shall be deemed to have applied and to have been granted $10,000 National Service Life Insurance. The insurance would be effective at the date of their capture whether such date was before or after the date of the enactment of the bill, notwithstanding any other provision of law, including those limitations in sections 703 and 741 of title 38, United States Code which limits the maximum amount of U.S. life insurance and National Service Life Insurance that may be carried by any one person at one time to $10,000. The insurance granted under this section would remain in force and premiums thereon would be waived during the period such person was held as a prisoner of war or was so interned or detained, and for 6 months thereafter. The insurance would cease and terminate at the end of such 6 month period unless within that period the prisoners of war or within 6 months after the date of enactment of the bill, the prisoner of war made application for a continuation of all or part of the insurance and yet pay premiums thereon or submitted evidence or entitlement of waiver of premiums. Insurance under this section which matured prior to application would be payable to the limited class or classes of beneficiaries and in accordance with the terms and conditions of 38 U.S.C. 722(b) (2) (3). In general, the permitting classes of benefits are the widow, widower, child or children, parent or parents of the insured who lasted for that relationship. No application for insurance payments by the beneficiary would be valid unless filed in the Veterans Administration within 2 years after the date of death of the insured, and the relationship of the applicant would have to be proved as of the date of the death of the insuranced by evidence satisfactory to the Administrator of the Veterans Administration. Persons who are mentally and legally incompetent at the time the right to apply for death benefits expires would have given one year after the removal of such disability within which to apply for benefits.

By Mr. PEARSON:

S. 2127. A bill authorizing the improvement of certain roads in the vicinity of Perry Reservoir, Kans. Referred to the Committee on Public Works.

Mr. PEARSON. Mr. President, the bill I introduce today is intended to provide the U.S. Army Corps of Engineers with authority to improve the surfaces of three roads leading to the Perry Reservoir in Jefferson County, Kans. This Federal reservoir, opened to the public on August 15, 1970, is located within easy driving distance of greater Kansas City, Topeka, Lawrence, Atchison, and Leavenworth, Kans., and St. Joseph, Mo. It ranks first in the number of visitors among all the lakes in the Kansas City district of the corps and has twice as many visitors as the second ranking reservoir.

This past Memorial Day weekend brought 132,000 visitors to Perry Lake, bringing the total number of visitors for the first 5 months of 1971 to over 1 million. Because of the scenic shoreline created by high rock formations, the proximity to population centers, all the well-preserved rural and farming communities in the immediate area, this is one of the most attractive recreation areas in our State. Over 3 million visitors are expected at the lake in 1971, and the following table sets forth visitation counts for this year through the month of May:

January	25,000
February	53,000
March	133,000
April	222,000
May	567,000
Total	1,000,000

The Federal Government, acting through the Corps, has exhausted its legislative authority to improve roads leading from main highways. This is documented by a letter from Col. R. L. Anderson, Kansas City District Engineer, to the Governor of Kansas, dated September 17, 1969. A copy of that letter is submitted for the RECORD. Without the prospect of Federal relief, an impossible burden of road maintenance falls on local government. Jefferson County is a relatively poor county and one which does not have an industrial tax base from which tax resources can be raised. The county in fiscal year 1971 secured from all sources $585,281 for road works, a sum far from sufficient for keeping 903 miles of county highway, as well as bridges, in a safe and usable condition. In order to get additional funds from the State of Kansas for secondary roads, the county must match whatever funds the State provides. Because public tolerance and tax lid legislation preclude raising property taxes to provide more funds, the county is faced very simply with a situation it cannot handle.

With this fiscal situation, Mr. President, we find that the heavy volume of traffic bringing families from the States of Missouri, Nebraska, and Kansas to the Perry Lake area for long summer weekends has already turned the surfaces of approach roads into blinding dust clouds and a hazard to safe driving, not to mention an inconvenience for residents who live along these roads. Drivers must often use their car lights in broad daylight in order to see where they are going. Because traffic is slowed by this dust, congestion is created on main highways leading to the reservoir. Traffic on these access roads exceeds 200 to 300 cars per day, although they are really "country roads" designed to handle only 6 to 10 cars per day. Simply keeping them repaired and keeping the dust from polluting the shore area and farm houses near the lake is more than the resources of the county can handle.

The reservoir has taken 39,000 acres out of cultivation and off the tax rolls, yet it has brought to the county enormous new problems of law enforcement, solid waste disposal, water and sewer services, as well as road maintenance. This burden may, after some years, Mr. President, be lifted by the improvement of property in the county and the increase of income and tax base. But this bright future does nothing to alleviate the conditions of the present, particularly when the Federal authority to help the county maintain safe roads is exhausted. Therefore, in order to provide the relief needed, I seek by legislation to provide the authority necessary for the Corps of Engineers to undertake the following improvements:

Improve alignment, grade and pave with a plant-mix bituminous surface approximately three miles on F.A.S. Route 1280 from United States Route 24 to intersect F.A.S. Route 328 one mile east of Perry Dam.

Grade and pave with a plant-mix bituminous surface approximately six miles on F.A.S. Route 1938 beginning where the pavement ends on the north side of Delaware State Park at the Southeast Corner of Section 23, Township 10 South, Range 17 East, and running North and West to Kansas Route 92 at the Northeast Corner of Section 34, Township 9 South, Range 17 East.

Pave with a plant-mix bituminous surface approximately eight miles on F.A.S. Route 1327 from Kansas State Route 92 to Kansas State Routes 4 and 16.

With these specific directions, the bill I am introducing authorizes appropriations as may be necessary so that the Corps of Engineers can carry out these road improvements, in accordance with Kansas secondary road standards. If there were any other way to improve these roads, Mr. President, so that they will stand up under present traffic conditions, this legislation would not be required. But in fact, in the absence of Federal action, these roads will deteriorate to a point where they can serve neither visitors to the reservoir nor residents of the county, and they will become a serious safety hazard and a blight on the natural environment.

I believe the authority sought by this bill is supported by the careful documentation of traffic and road conditions in the county by its Board of Commissioners, and I would note that the Governor of Kansas, by letter of August 25, 1969, to Colonel Anderson, made specific mention of the Perry Reservoir as one of the Federal reservoir projects where the local road system was most in need of improvement, having been left in its original condition for the most part by the constructing agency. Because the reservoir—its many other benefits notwithstanding—has brought this burden to the county, there is an obligation to cooperate to the fullest extent with local and State authorities in solving the problems created by this project. The flood control benefits of the reservoir lie primarily with cities such as Lawrence and Kansas City on the main stem of the Kansas River, and not with the local communities at the reservoir site. Yet it is these communities who must find a way to pay the cost of maintaining safe roads so that their neighbors from miles away can enjoy a weekend of fishing, swimming, or boating. In my judgment, Mr. President, this effort to obtain Federal relief has strong equity on its side, and I submit this bill with that concept in mind, for its consideration and passage by the Senate.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1379

At the request of Mr. Jordan of Idaho, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1379, the forest volunteers bill.

S. 1747

At the request of Mr. Kennedy, the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 1747, the "Nurse Training Amendments of 1971."

S. 2097

At the request of Mr. Percy, the Senator from Michigan (Mr. Griffin), the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Dole), the Senator from Idaho (Mr. Jordan), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 2097, establishing a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

SENATE JOINT RESOLUTION 62

At the request of Mr. Griffin, the Senator from Alabama (Mr. Sparkman) was added as a cosponsor of Senate Joint Resolution 62, to authorize display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 102

At the request of Mr. Brock, the Senator from Kansas (Mr. Dole), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), and the Senator from Colorado (Mr. Allott) were added as cosponsors of Senate Joint Resolution 102, to authorize the President to designate the period from October 12 through 19 of each year as National Patriotic Education Week.

SENATE RESOLUTION 142—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A STUDY ENTITLED "THE HUMAN COST OF SOVIET COMMUNISM"

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND submitted the following resolution:

S. Res. 142

Resolved, That there be printed as a Senate document the study entitled "The Human Cost of Soviet Communism", prepared by Robert Conquest at the request of the late Senator Thomas J. Dodd for the Internal Security Subcommittee of the Senate Committee on the Judiciary, and that there be printed ten thousand additional copies of such document for the use of that committee.

THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 217

(Ordered to be printed and to lie on the table.)

Mr. PASTORE (for himself, Mr. Mansfield and Mr. Young), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 224

(Ordered to be printed and to lie on the table.)

THE RIGHTS OF CONSCIENTIOUS OBJECTORS

Mr. CRANSTON. Mr. President, on behalf of the Senator from Pennsylvania (Mr. Schweiker) and myself, I am pleased to submit an amendment to H.R. 6531 concerning the rights of conscientious objectors.

As many as 6,000 men, including 1,500 to 2,000 Californians, may be facing imprisonment, because of a recent Supreme Court decision—Ehlert against United States—which held that conscientious objectors may be denied consideration of their claims to exemption from military service unless they file their claims before they are ordered to report for induction into the Armed Forces.

Yet each month about 10,000 men apply for a CO status. Several hundred of these men file their claim after they are ordered to report for induction. They do so often, because they misunderstand the regulations applicable to a CO status. Many of them think, for example, that they cannot claim a CO status until they report for induction.

To ask these men to report for induction and then have their case heard by military boards, is, I believe unfair and unjust. We should afford them the same rights that are provided to those who claim a conscientious objector status prior to induction. We must not penalize them, and prejudge and prejudice their claims, simply because they apply for CO status after receiving an induction order.

It is important to look to congressional precedent on this issue.

In 1967, the House Armed Services Committee proposed an amendment to the CO provision of the draft bill which would have required induction of all conscientious objectors into the Armed Forces and their subsequent furlough into civilian work if they were opposed to noncombatant training and service. This proposal was rejected on the floor of the House when it was pointed out that Quakers, Mennonites, Brethren, and others sincerely opposed to noncombatant and combatant service would be forced to refuse induction under military authority. Thus the present language of section 6(j) was an amendment offered by Congressman Mendel Rivers in order to insure the continued exemption of conscientious objectors from induction if they were opposed to noncombatant military service. It is the basic intent of that language that I seek to have reaffirmed by the Senate.

Congress has long respected the right of conscientious objection to military service.

This is a crucial concept which my amendment seeks to clarify; and, in the interests of justice, the Senate should agree to this amendment.

AMENDMENT NO. 225

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. Javits, and Mr. Baker) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

AMENDMENT NO. 227

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (H.R. 6531), supra.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 218

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty components and of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 219

(Ordered to be printed and referred to the Joint Committee on Atomc Energy.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker), submitted an amendment intended to be proposed by them, jointly, to the bill (S. 958) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

RECYCLING AMENDMENT TO THE WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 220

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1012) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

RECYCLING AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 221

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1013) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 222

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1531) to authorize certain construction at military installations, and for other purposes.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 223

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Schweiker, and Mr. Weicker) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 7109) authorizing appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 226

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. SCHWEIKER. Mr. President, until very recently our educational establishment in the United States tended to treat vocational education as a "second-class citizen." Our high schools, for example, have tended to steer students into college preparatory or general courses when many of them would have benefited more from a job-related course of study. The fact is that only three out of every 10 students in high school today will attend college. One-third of those who enter college will not graduate. This means eight out of 10 high school students today should be getting some type of occupational training—yet only two out of those eight are getting it.

In 1968, while I was serving in the House, I joined as one of the original cosponsors of the landmark Vocational Education Act of 1968. That act authorized a major Federal effort to strengthen vocational education. Vocational education, then, finally was on the education "map" where it had long belonged but had not been seen.

Since coming to the Senate, I have been privileged to serve on the Subcommittee on Education of the Committee on Labor and Public Welfare. From this vantage point I have seen vocational education, or "career education" as it is currently called, continue its uphill battle for recognition. There is still a great deal to be done in the yearly education appropriations process, and within the structure of the Office of Education, to afford due recognition to this important educational area, career education.

The amendment I offer today is another step in that direction. In the education amendments of 1971, S. 659, now pending before the Subcommittee on Education, there is established a National Institute of Education designed to improve American education through research and development. I feel it is essential that this institute devote itself to the needs of career education along with other types of education. My amendment to the institute provisions of S. 659 insures that this National Institute of Education will not overlook the special problems of career education, as many general education programs have done in the past.

Specifically, wherever the bill speaks of "education" or "educational research" in the institute, my amendment would add the words, "including career education" or "including career educational research."

Mr. President, I look forward to having my amendment included in the National Institute of Education legislation contained in S. 659. I feel it will make perfectly clear that Congress wants career education to be a full-fledged component of Federal efforts to upgrade the education of every American child.

I ask unanimous consent that the text of the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 287, line 18, insert the following: after the word "education" a comma and the words "including career education,"

On page 289, line 4, insert after the word "research" a comma and the words "including career educational research,"

On page 289, line 12, insert after the word "research" a comma and the words "including career educational research,"

On page 290, line 22, insert after the word "opportunities" a comma and the words "including those in career education,"

On page 291, line 3, insert after the word "education" a comma and the words "including career education,"

On page 291, line 4, insert after the word "policies," the words "including career educational policies,"

On page 291, line 5, insert after the word "research" a comma and the words "including career educational research,"

On page 291, line 9, insert after the word "policies," the words "including career education policies,"

On page 291, line 11, insert after the word "education" a comma and the words "including career education,"

On page 291, line 23, insert after the word "research" a comma and the words "including career educational research,"

On page 291, line 24, insert after the word "research" a comma and the words "including career educational research,"

On page 291, line 25, insert after the word "research" a comma and the words "including career educational research,"

On page 292, line 11, insert after the word "education" a comma and the words "including career education,".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 154

At the request of Mr. Kennedy, the Senator from California (Mr. Cranston) was added as a cosponsor of amendment No. 154, intended to be proposed to S. 2007, the Economic Opportunity Amendments of 1971.

AMENDMENT NO. 198

At the request of Mr. Kennedy, the Senator from Maine (Mr. Muskie) and the Senator from New Jersey (Mr. Case) were added as cosponsors of amendment No. 198 intended to be proposed to H.R. 8866, the Sugar Act Amendments of 1971.

AMENDMENT NO. 209

At the request of Mr. Cranston, the Senator from New Mexico (Mr. Montoya) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of amendment No. 209 intended to be proposed to H.R. 6531, the Military Selective Service Act.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years, vice Fred C. Sink, resigned

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, June 29, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF RESCHEDULING OF HEARINGS ON LAND-USE, PLANNING, AND MANAGEMENT PROGRAMS

Mr. SPARKMAN. Mr. President, on June 14 I announced that the Subcommittee on Housing and Urban Affairs would hold 3 days of hearings—June 28, 29, and 30, on land-use, planning, and management programs. It has now become necessary to reschedule these hearings.

Therefore, I should like to announce

that the hearings will now be held on July 12, 13, and 14. Specifically the hearings will relate to:

First. Senate Joint Resolution 52—To increase the authorization for section 701 planning grants and open-space land grants;

Second. Title II of S. 1618—State and local planning and management programs;

Third. Progress of the President's Domestic Council in developing a national urban growth policy as required by title VII of the Housing Act of 1970; and

Fourth. Other legislative proposals involving land-use planning.

The hearings will be held in room 5302, New Senate Office Building, and will begin at 10 a.m. each day.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, June 29, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Aldon J. Anderson, of Utah, to be U.S. district judge, district of Utah, vice A. Sherman Christensen, retiring.

Robert E. DeMascio, of Michigan, to be U.S. district judge, Eastern District of Michigan, vice Theodore Levin, deceased.

Edward R. Neaher, of New York, to be U.S. district judge, Eastern District of New York, vice Joseph C. Zavatt, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

ADDITIONAL STATEMENTS

MILTON R. YOUNG GENERATING STATION DEDICATED BY MINNKOTA POWER COOPERATIVE

Mr. AIKEN. Mr. President, it is with genuine pleasure that I bring to the attention of the Senate a richly deserved honor which has been bestowed upon one of the ablest Members of this body and my good friend, Senator Milton R. Young, of North Dakota.

The Minnkota Power Cooperative, which serves 50,000 rural consumers in North Dakota and Minnesota held a banquet in Bismarck on June 8 in honor of Milt Young.

The next day they dedicated the Milton R. Young Generating Station.

It was a great day not only for Milt Young, but for rural electric cooperatives in all parts of the Nation.

It was largely through the efforts of Senator Young that this 234,550-kilowatt generating plant was built, and it is now producing power at less than 3 mills at the bus bar.

Mr. President, I ask unanimous consent that the remarks of Mr. Andrew L. Freeman, manager of the Minnkota Cooperative, at the banquet in Bismarck on June 8, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Andrew L. Freeman

The purpose of our meeting here tonight is to honor a man who has been a devoted friend to the rural electric program of this nation. More than that, he has served his state and the nation with distinction and honor. We are very pleased to have him here this evening as our honored guest.

Senator Milton R. Young is no stranger to the folks associated with or interested in the rural electric program. His efforts in behalf of it are many and his interest in it and the contributions which he has made to it are recognized everywhere in rural America. To those of us who make up Minnkota he is especially well known.

Senator Young's interest in the rural electric program goes back to its very beginning. In 1939 when the rural electric cooperatives were struggling to get its start, Milton R. Young was then a Senator in the North Dakota Legislature.

Today every cooperative in North Dakota and those in our neighboring states who enjoy the low cost power which North Dakota helps provide is a direct benefactor of the work that Senator Young and others did in developing and enacting legislation intended to aid the rural electric program establish itself in North Dakota.

However, our story for tonight more properly begins in 1964 when we went to talk to him about our growing need for power.

We had already experienced a turn-down on a previous loan application made in the name of Lignite Electric to cover the needs of Minnkota, Central and Dakotas Electric.

With this discouraging experience fresh in our memory we were naturally somewhat dubious of our chances of ever getting a loan. However, we had learned our lesson well and gained some valuable experience. We found we had some friends in the Upper Mississippi Valley Power Pool who were willing to help us. Our own loads were continuing to grow and in the meantime we had acquired the sole rights to a very valuable asset consisting of 16,000 acres, containing 175 million tons of coal.

We also found an experienced North Dakota based coal company looking for an opportunity to do some business—a company with thirty years of experience and know-how—a company with whom we had done business with for many years. It was this company, Baukol-Noonan, who took a look at our coal lands and came through with a major breakthrough in the price of coal which did much to encourage us.

It was at this time that we went to Senator Young. We told him of our need for power.

We expressed concern over the possible loss of a great opportunity to provide our twelve member cooperatives with a large block of power that could be delivered into our system at a cost lower than that of the hydro power from Garrison Dam.

We told him of the very unique arrangement that we had worked out in which we could borrow generating capacity from our neighbors now and pay it back later. We told him of the profitable markets which we had found for the off-peak power our generating plant could produce.

We explained how under our plan we would link ourselves with the large load centers of Duluth and Minneapolis and how this would eventually open up the market for the sale of large quantities of lignite power and pave the way for a link-up with Canadian hydro power.

We asked him for an opportunity to explain and show him these things in detail using some large curves and graphs which we had developed so he could see for himself what a good plan we had.

Senator Young replied that this wouldn't be necessary. He said that he was prepared to take our word for it and that he would support us.

We insisted that he see it, for we told him that once we applied for the loan there would be no end to the help that we would ask him for, and we wanted to be sure that he not only understood our plan but realized that it was worth fighting for.

Out of this brief meeting came the offer of Senator Young to sponsor a luncheon in the Capitol at which time we were given the opportunity to explain our plan in detail to all the Senators and Representatives of North Dakota and Minnesota.

The story of our loan is a well known one. It was announced July 12, 1966 as a $56,162,689 loan. It contained money for the generating plant you will see tomorrow, plus a good many miles of high voltage transmission line and numerous system improvements.

No one knows any better than we do the struggle we went through and the difficulties which we encountered. No one knows any better than we do the numerous and great contributions which Senator Young made.

We had told Senator Young that our chances for a loan without his help were slim. We believed that when we said it. We know it now, for Senator Young did on several occasions render help to Administrator Norman Clapp when it was desperately needed and when he could get it from no one else.

It was with this background and with this knowledge that the Board of Directors of Minnkota Power Cooperative were asked to name the new plant after Senator Milton R. Young.

They were told that there were a good many reasons why this should be done and among them would be the following:

First and foremost, he is an honorable man. He is also a farmer and a man of the soil.

Throughout his entire political life, he has been concerned with the problems of rural America and particularly the well being of the farmer. He stands out like no other man in the United States Senate as the one who knows and understands the farmers' problems.

As a North Dakota State Senator prior to the time he became our United States Senator, he worked for the adoption of the rural electric act in North Dakota, which made rural electrification possible in North Dakota. He was also a leader in the drive to get the 2% Gross Income Tax Law for rural electric cooperatives.

It is this law which has saved the rural electric farm families millions of dollars and contributed much to making North Dakota one of the states whose rural areas are virtually covered by REA lines.

Senator Young has served in the United States Senate since 1945. Only recently he was reelected to a new 6 year term by one of the largest majorities ever accorded a candidate in North Dakota, regardless of party. This indicates the high regard in which he is held by the people of North Dakota.

He is Mr. Republican in Washington and is a first ranking member of the minority party on the powerful Appropriations Committee of the United States Senate.

He is the third ranking member of the minority party on the Committee of Agriculture and Forestry.

He is the No. 2 Republican in the United States Senate.

Senator Young is the leading spokesman for agriculture in the Congress and few are considered to be his equal when it comes to knowledge of farm problems and the effects of proposed legislation on them.

He also serves as a member of the Senate Committee which deals with the highly secretive work of the C.I.A. This indicates the great confidence and respect and regard in which Senator Young is held by his colleagues and the Presidents under which he has served.

President Nixon has on numerous occasions publicly stated his high regard for Senator Young and as a result he is a frequent visitor at the White House.

Our Board of Directors were also aware of the fact that his record in behalf of REA national legislation is outstanding. The National Rural Electric Cooperative Association rates him as having voted favorably on 70% of the subjects which they favored.

During his period in office, REA has appropriated money for 4 large power plants in North Dakota, including our own Center unit.

He has effectively worked in behalf of Garrison Dam, along with his other colleagues from North Dakota.

He has also helped and worked with numerous rural electric cooperatives in North Dakota to secure for them many of the missile, radar and air base electric loads in North Dakota, which they now serve.

For the last three years, he has been successful in getting REA appropriations substantially increased. He has done this same thing several times previously over the years when funds were short.

He has worked in cooperation with other Senators to free funds when the Bureau of the Budget sought to tie them up.

He was singularly instrumental in getting restrictive language removed from a Senate memo intended to regulate REA appropriations. This came at a very critical time and it proved to be a key factor that led to the approval of our loan.

He has worked for the construction of key Bureau of Reclamation transmission lines, as well as elimination of some of them whenever it was shown they were to have a detrimental effect on the rural electric coops.

The Board of Directors in considering this recommendation had to take into consideration the fact that rural electric cooperatives everywhere and Minnkota in particular, are indebted to a great many men for the help which they have given.

This would have to include others like Senator Mondale from Minnesota, Senator Burdick, Rollie Redlin, Odin Langen, Congressman Blatnik, and Congressman Mark Andrews, who also gave us great help. Then there were the many directors, managers, the key personnel and employees of the Rural Electrification Administration and countless others which gave us help and support when it was badly needed.

However, it could only be said that as great as these contributions may have been, none could match the many and great contributions of Senator Young.

After due consideration the Board decided that if they were ever to recognize and honor a man for his work in behalf of Minnkota, his great assistance to the national rural electric program, they could think of no one more appropriate, no one more deserving than Senator Young and no more appropriate time than now to do it.

So on January 7, 1969 the Board of Directors unanimously voted to designate our new power plant at Center to be the Milton R. Young Station of Minnkota Power Cooperative.

Tonight we are gathered here to honor you, Senator Young, and express our thank you for help that you have given us and the many other rural electric cooperatives of our nation. It is indeed fitting and proper that we do, for you have truly labored and worked for all of us.

Our banquet this evening is intended to be a happy occasion for all of us. However, it is also a solemn one in that it marks the dedication of the Milton R. Young generating station which has now become the heart and core of Minnkota.

It would therefore seem appropriate and proper that we pause briefly to reflect on a few of the many good things that have happened to us during the long time that we have been in business. Truly we have had more than our share of successes, for many fine things have happened to make Minnkota a most successful operation.

Among these good things would have to be our good fortune to have had Mr. Edman, a remarkable man of character and ability, as our president these past thirty-one years, only to be succeeded by another man of excellent reputation and a record of dedicated service, Mr. Lee.

As I look back in review I cannot help but recall many of the fine directors who have served on the Minnkota Board, the cooperation that we have had from the member cooperatives, my fellow managers, the friends we have made in the utility business, and the many fine and talented young men and women that make up our organization. I know that we have indeed been both fortunate and blessed.

In looking back I also see the fine transmission system that we have built, our communication system, our dispatching center and office building, the wonderful interconnections that we have made, the 175 million tons of coal in reserve, our own lake, and the wonderful operating record that we are compiling with our new cyclone type boiler.

Then there are things like the 56 million dollar loan, our friendship with Tom Toomey of Sanderson & Porter, who did so much to help us get the cyclone type boiler, our Canadian interconnection, the procurement of key staff people, and many others that come to mind.

In doing so it is easy to think that these great benefits have come to us because of planning, our superior skills and know-how, or because we are just plain lucky.

Over the years the Minnkota folks have worked real hard at the job of rural electrification. They have taken their job real seriously. They have dedicated themselves to the production of low cost power and good service. However, there are some of us who recognize that our success involves something more than our work or our enthusiasm or the luck that has come our way. For those of you who don't know what that something is, it might be well for you to recall the remarks of a great American speaking many years ago.

What President Abraham Lincoln said back in 1861 may well apply to us today as we count our blessings. He was asking how did we as a nation come into possession of all this vast wealth of the earth. He asked—did we acquire it through our own human wisdom, foresight, energy, ability and power?

In answering his own question, he said: "We find ourselves in the peaceful possession of the fairest portion of the earth, as regards to fertility of the soil, extent of territory, and salubrity of climate. We find ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or the establishment of them."

On another occasion he said, "It is the duty of nations, as well as man, to own their dependence upon the overruling power of God—and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history that those nations only are blessed whose God is the Lord." He went on to say, "We have been the recipients of the choicest blessings of heaven. We have been preserved, these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown; but we have forgotten God! We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts that these blessings were produced by some superior wisdom and virtue of our own."

President Lincoln saw a nation who had gone off and forgotten God. He saw a nation drunk with a success not due to its own efforts, a nation taking all the credit and glory to itself.

This great President called upon his nation to acknowledge their sins and come to God in prayer and fasting. The fate of the nation hung in the balance as he issued that proclamation. But God heard and answered that great national prayer offensive—and the nation was then preserved.

Today the threat of our nation's well being is a thousand times more seriously hanging in the balance. But unfortunately today we do not have a people or a President or a Congress who would consider such an action as an appropriate one to use.

Let us not make such a mistake here at Minnkota. Instead let us publicly acknowledge that many of these wonderful things that have happened to us have come with help from God. Some of us know that this 56 million dollar loan came only with God's help. It was not what some men thought would happen. When it did they were dumbfounded. It was to them both unbelievable and unexplainable. It was like some miracle had happened.

But why should God honor us for in the main we were not and are not obedient to His Word. It is a question that some of us in charge of Minnkota may well ponder. The best that can be said for us is that we have had and still have some directors, and some employees, and their wives, but not many, who go to God in daily prayer, seeking His help and guidance, asking forgiveness for mistakes which have been made, who tithe their income, and who ask God daily for increased understanding of His Word and the ability to obey His will.

In behalf of those people in our organization, let me say it is their behalf that our success has come from hard work on the part of our people and with God's help, despite our weak and inadequate efforts to be obedient to His commands. So on this occasion which we have set aside to honor you—Senator Young—may the record also show that a portion of this program was used to acknowledge the help Almighty God gave us and to thank Him for the help which we believe He has so generously given Minnkota these past thirty-one years through people like yourself and others.

We hope that for you, Senator Young, this banquet and program tonight and tomorrow's visit to the plant which bears your name, will in some small way convey to you Minnkota's way of saying thank you for service rendered rural electric cooperatives everywhere, and to Minnkota in particular.

OUTSTANDING SERVICE OF RABBI DAVID BERENT AS VOLUNTEER, UNPAID CHAPLAIN AT VETERANS HOSPITAL, TOGUS, MAINE

Mrs. SMITH. Mr. President, one of Maine's most outstanding citizens, Rabbi David Berent, has rendered an outstanding service to his country as the volunteer, unpaid chaplain to the patients of Jewish faith at the veterans' hospital in Togus, Maine, for an extended period of time of 30 years.

This is but one of the many exemplary contributions that Rabbi Berent has made to the well-being of his Nation, his State, veterans, and his fellow citizens of Maine.

I wish to commend him most highly. He has written a most informative and valuable account of the role of a chaplain at a Veterans' Administration hospital. I recommend it for reading by all Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

CHAPLAIN DAVID BERENT

During WWII, four chaplains—Catholic, Protestant and Jewish—on a sinking transport, gave up their life-belts, sacrificing their lives that others might survive.

While the chaplain in a VA hospital is not required to make the Supreme Sacrifice, his many acts of service and helpfulness in the interests of the patients—irrespective of race, religion, or color—often demand a maximum of his mental and physical resources.

The Veterans Hospital at Togus, Maine, where this writer is privileged to serve as chaplain to patients of the Jewish faith, can accommodate 879 male patients, divided up into 519 psychiatric, 300 medical and surgical, and 60 Nursing Home Care Units.

Every chaplain in this hospital regards his religious duties as paramount to any other service he may be called upon to render, yet there is so close a relationship between the religious and the secular activities that it becomes difficult to distinguish where one begins and the other ends.

It is not easy to convey in cold print the sense of exaltation experienced by the chaplain in a VA hospital when he succeeds in some measure in bringing surcease to the troubled mind of a patient. This is no simple accomplishment, and requires the combined teamwork of the doctor, the nurse, the chaplain, and One who plays the most potent role of all: God. No matter how capable are the human elements that have participated in bringing balm and comfort to a patient, their work would be fruitless and vain if the spirit of God were not recognized as the fountainhead of the efforts involved.

The contribution of the Jewish chaplain to the care of the patient in VA hospitals can be of great value. However, he must first try to understand the very nature of illness itself, both physical and mental in order to be capable of the greatest possible service.

It has been pointed out by Chaplain Russell L. Dicks of Wesley Memorial Hospital, Chicago, that medical science by itself does not have all the answers to the question of why we become sick. Religio-philosophy, on the other hand, sheds some rays of light on this subject by its observation that we become subject to illness, both physical and mental, because of our inability to understand ourselves, how to face life with its manifold complications and how to overcome our emotions of fear, guilt and loneliness.

A distinguished psychologist, Doctor Morton Seidenfeld of New York, in addressing a conference of Jewish chaplains, sponsored by the National Jewish Welfare Board, declared that the veteran who finds himself in a VA hospital is no different from the patient in a general hospital for civilians in this respect: His first concern is the fear of what will happen to him while he is in the hospital. Often he has no way of knowing the true diagnosis of his illness nor the physician's prognosis because he feels that the truth will be withheld from him by the doctors. The patient also doubts the sincerity of the usual optimism manifested by his family, all of which contribute to his bewilderment. His reasoning may take this form: "Of course, the doctors will tell me that I will soon be well and have no cause for worry. The members of my family, with all good intentions for my well-being will certainly not disclose the true nature of my illness or how serious it may be. The doctor certainly gave them a complete report of my condition, but how much will they tell me? They would like to keep me in good spirits by withholding the knowledge of the real state of my illness." Thus the worried and bewildered patient reasons. The only person, then, towards whom he most often turns in his dilemma is his chaplain, whom he believes and trusts to give him encouragement.

Here, then, is a field where the chaplain's ministry can be most helpful. He can help the patient's recovery by being a friend and counselor, as well as spiritual guide. Indeed, there are many occasions when the chaplain patiently listens to an outpouring of the many problems which trouble the hospitalized veteran who is in many cases far removed from his home and friends. What is most appreciated here is a willing, attentive and sympathetic ear. Often a word of counsel will guide the patient through what seemed to be an insurmountable problem to a logical solution. Of course, such situations may require many visits with the patient. He must learn to trust his new friend and surrender his fears by giving him his full confidence. The reward of these repeated visits and patience is the profound satisfaction that comes with the knowledge of having brought a measure of comfort and ease to a troubled mind.

The patient in a VA hospital is forced to adjust himself to his surroundings more rapidly than the civilian patient. He may be more aggressive in asserting his rights, thereby making more demands than does the civilian patient. He may even feel that his illness is the fault of his government and therefore does not evaluate *what is best for him* and what the physicians are trying to do for his well-being. The chaplain's first duty, then, is to learn as much about the patient as possible in order to orient the patient to his surroundings and to help in whatever therapy the doctors prescribe. He can become a real influence for good and be of great help to the patient when he works with the senior medical officer in gathering all the information possible about the patient before meeting him for the first time. He can, and usually does, bring the patient a measure of hope and courage to help establish motivation for living by making him understand that life can have meaning for him and that the future holds promise. The chaplain can also help arouse a security feeling in the patient by bringing him as close to reality as possible. It goes without saying that the chaplain is ever mindful of the limits prescribed by the physician in his ministering to the patient. In no case does he invade the domain of the psychiatrist or the physician. It is rather a matter of each complementing the other for the benefit of the patient.

One of the great emotional disturbances that a patient experiences is when he is told that he must undergo surgery. Surgery has been described as a matter of mechanics; the surgeon thinks of himself as a mechanic; the neuro-surgeon as a super-electrician; the endocrinologist as one who controls atomic power; the orthopedic surgeon as a carpenter; the urologist as a plumber, etc. This may all be a mechanical process for the surgeon but to the patient an operation is a profound spiritual experience for he must exercise a challenging faith. First, faith in God and in His healing power, Who works through the healing forces of nature to bring about his recovery and faith in the skill of the surgeon. Here the chaplain's opportunities are limitless. A religious talk with the patient wherein the great therapeutic values of complete faith in the Great Healer is stressed. Prayers are offered by the chaplain from the JWB Prayer-book and extemporaneously invoking Divine aid. The patient, too, is encouraged to pray. The mystic quality of prayers in Hebrew such as the R'FUENU, the 21st Psalm and others often produce a calmness which cause doctors here to express deep satisfaction as it helps produce the desired cooperation required from the patient. We should not underestimate the value of such religious experiences. In conversations with physicians and surgeons over a period of years, the writer found complete agreement among the medical men that a deep religious faith held by the patient was often the deciding factor in his recovery even when the prognosis was negative. Conversely, physicians have found that often a preliminary examination of a patient's heart and lungs, and finding them in good condition, a successful operation was performed, yet the patient did not recover. It is possible that what was lacking here was the will to live, that the patient no longer had any interest in life or did not want to face life. The chaplain can here be of tremendous service if he can stimulate proper thinking in the patient by enlarging and encouraging religious faith.

SERVICES RENDERED BY THE NATIONAL JEWISH WELFARE BOARD

At the point it is appropriate to discuss the importance of the National Jewish Welfare Board as an agency which has maintained exceedingly high standards of helpful service to patients in our hospital at Togus, as well as in the other VA hospitals throughout the country.

The JWB is the sponsoring agency for Jewish chaplains for the Armed Services and for all VA hospitals. The Commission on Jewish Chaplaincy the JWB has a committee of rabbis representing the Orthodox, Reform and Conservative schools. This Committee grants the government required Ecclesiastical Endorsement to the chaplain who satisfies the Committee as to his education, personal fitness and experience. The fact that he may be of the Orthodox, Reform of Conservative persuasion has no bearing so far as the CJC of the JWB is concerned.

The efforts expended by the JWB on behalf of the Jewish patients are limitless. With the aid of the chaplain, who is the personal representative of the JWB, countless types of services are at the disposal of the patients. The following are but a few of these services which promote the comfort and well-being of the patients.

1. *Helping to Maintain Patient's Religious Practices.*

Whether the patient is of Orthodox, Reform or Conservative division of Judaism, every effort is made to minister to his religious needs. Some patients, for instance, request T'fillin, (Phylactceries) talesim, (prayershawls) mezuzahs, Jewish books or Kosher food. Every effort is made to obtain these materials and distribute them to the patients.

Within the province of religious services may be mentioned Services for the Sabbath, Rosh Hashanah, Yom Kippur, Passover, Shevuos and Succos, Chanukah and Purim. In many cases, largely because of the patient's mental condition, it is impracticable to organize a minyan, making it necessary to cater to the individual needs of each patient by conducting some form of private service for him. Since the writer is on service as a part-time chaplain and has a regular pulpit in Lewiston, a distance of thirty-seven miles from Togus, it became expedient to improvise a service for the Holy Days when a Jewish member of the medical staff officiates. Prayer books are distributed to the patients before the Holy Days and a Discussion Group meets to study the meaning and the observances of the festival. Whenever possible, small groups meet for an informal discussion of Jewish customs and ceremonies.

One of the most interesting activities which is proving to be most helpful to the patient, both mental and general, is group singing. The group learns to sing many liturgical hymns such as the En Kolohenu, Adon Olam, Yigdal, Sholom Alechem and some English hymns. The response of the patients is most encouraging and they look forward to these sessions with eager anticipation. They also listen to recordings of Jewish music supplied by the CJC of the JWB and recordings of Jewish music on a tape-recorder, supplied by the writer. The efficacy of music as a form of therapy will be discussed in a future article. Hebrew instruction is given to several patients and Bible study is part of the program of activities at Togus. Should any of the patients desire to observe the ritual of Yahrtseit, memorial services for their parents, the chaplain then arranges for a service when Kaddish is recited and a Yahrtseit candle is furnished for the ceremony connected with this rite.

2. *Creating and Maintaining Contacts with Patients' Families.*

The patients presenting the most complex problems to a chaplain are those who are friendless or whose contacts with their relatives have been temporarily severed. On the other hand, the chaplain finds his task of creating hope and a spirit of optimism immeasurably enhanced when the patient knows that his relatives or friends have not forgotten him. Therefore, one of the principal duties of this chaplain is to see that the patients' relatives are awakened to their duty of communicating with the patients. This objective is comparatively easy of accomplishment, because in the majority of cases neglect of the patient is due to thoughtlessness rather than deliberate indifferences. Often a personal visit to the home of the patient's family achieves the desired result. Once the chaplain obtains a definite promise that the patient's kin will send him letters regularly, that promise is usually kept. In the event that a lapse in the correspondence occurs, a letter addressed to them from the chaplain or a telephone call brings about renewed regularity in letter writing. Further products of this contact between patient and his relatives are occasional gifts and, if the hospital is not too far away, a surprise visit, although this is rarer than commonplace.

3. *Supplying the Patients with Matzos and Other Necessities During the Passover Festival.*

The lot of the Jewish patient would be pitiably dreary during the Passover holiday were it not for the work of the JWB. Jewish patients who have been in VA hospitals for a long while begin to look forward to the Passover festivities with eager anticipation. In every VA hospital where there are Jewish patients, evidence of the JWB's thoughtfulness is markedly apparent. Not only are the patients' physical needs satisfied, but in addition their spiritual hunger is also fulfilled. Wherever possible, the chaplain conducts Passover services, and for those patients who are unable to participate in such services, the chaplain does his best to minister in private to the patients' religious yearnings. At Togus we conduct a Model Seder on the eve of Passover when all the traditional rituals are included and the Passover food served on beautifully-decorated tables, with the patients joining in the spirit of the holiday, reciting of parts of the Hagadah, and singing the age-old melodies associated with Passover and the Seder.

THE CHAPLAIN'S VARIOUS DUTIES

It is virtually impossible to indicate in the space of this article the unlimited duties of a chaplain in a VA hospital. Here human nature is seen in its lowest and highest manifestations. No matter how hopeless a case may look, faith in God's curative powers can never be discounted.

The chaplain must ask himself constantly in what way can he be most useful to those who need his services so urgently. For, like Macbeth, the question confronts him:

> Canst thou not minister to a mind diseased,
> Pluck from the memory a rooted sorrow,
> Raze out the written troubles of the brain,
> And with some sweet oblivious antidote
> Cleanse the stuffed bosom of that perilous stuff
> Which weighs upon the heart?

The average Jewish chaplain in a VA hospital stresses foremost the fact that he is a man of God, and that primarily his duties are those associated with the work of a rabbi. But in actual practice, his religious obligations form, comparatively, but a small part of his activities. For his association with the doctors and the hospital staff, and the close esprit de corps which exists, makes possible a spirit of helpfulness which has distinct therapeutic value for the patient. It goes without saying that the cooperation of the Director at Togus has been one of the most helpful assets in the writer's ministry. The Chief of PM&RS is always helpful. The close association between the Jewish Chaplain and the chaplains representing the other faiths cannot be properly evaluated here since the chaplaincy service depends upon mutual help and the pooling of our cumulative experiences for the benefit of the patient. There are frequent conferences among the chaplains in which ideas are exchanged which result in a better understanding of our problems and better to serve.

May I be permitted to relate a few incidents to illustrate some of the ways in which a chaplain is not only helpful to the patient but to the doctors and nurses as well.

Case 1. Patient, for apparently no good reason, took a dislike to attending doctor and nurse. Would not take medication, and openly showed his attitude. After judicious probing, I discovered that patient had developed a persecution complex and had concentrated his fears on the two persons who had been most helpful to him. Friendly and sympathetic interest, together with an appeal to his basic needs, cleared up his mental tension and laid the foundation for this patient's reacceptance of the doctor's and nurse's services.

Case 2. On two or more occasions, patient had tried to end his life, and his condition had rapidly worsened. Medical treatment seemed of no avail, and the patient was sinking into a deep melancholia. An appeal to a higher power than man seemed the only alternative. Fortunately, this patient had participated in religious services, and this gave me an opportunity to get closer to him than ordinarily would be the case. Appealing to his better nature and emphasizing the sacredness of human life and our responsibility to the Creator, his interest in life was revived and he became aware of his surroundings, showing increased daily improvement. Persevering, friendly interest in patient's problems apparently eradicated his suicidal tendencies, and his recovery is steady with the care bestowed on him.

Case 3. Patient was "stormy petrel" of ward. Fought constantly with other patients and violently disagreed with doctors and nurses. Was apparently intractable. Repeatedly spurned my attempts to talk with him. Finally, learned by a chance remark that he was dreadfully lonesome. He had a family but his relatives had stopped writing to him. His tension visibly lessened when I promised him that he would soon hear from his family. To make certain that his people actually would communicate with him, I traveled to a distant city to speak to them. Found that the troubled patient had been estranged from his family previous to his becoming a hospital case. After discussing the situation with them, they showed great concern and promised to write regularly. As a token of their sincerity, they thereupon wrote a letter, also enclosing some money, which they entrusted to me. Upon my return to the hospital, gave letter and money to patient. Reaction seemed quite hopeful. Regular receipt of mail by patient during the past few months has effected considerable improvement in his mental condition and he no longer is a behavior problem.

Case 4. Boredom is an ever-present reason for various manifestations of irregular conduct. This particular patient had limited mental resources and found it difficult to utilize the free time, which hung so heavily on his hands. He would not willingly join any of the activities and programs arranged by the staff of V.A.V. and/or the Department of Medical Rehabilitation (Recreation, etc.). His interest was awakened by frequent conferences, during which we would play simple games, and I would encourage him to unburden himself of his problems, no matter how trivial they were. A sympathetic attitude toward the patient, and his looking forward to my visits, created a revived interest in his surroundings. Soon he began to mingle with the other patients and his boredom is gradually disappearing.

Case 5. Patient who complained of head and bodily pains, which doctor stated were greatly exaggerated, was induced by the chaplain to take an interest in simple stories from the Bible. Such tales as "Joseph and his brothers", "Ruth and Naomi", "Daniel and the Lion's Den", "David and Jonathan", the "Discovery of the baby Moses by Pharaoh's daughter", etc. proved so entertaining that the patient gives these stories his undivided attention, his range of reading matter has increased, his (imaginary) pains have largely disappeared.

COMEDY AND TRAGEDY IN A HOSPITAL

A VA hospital is a place where comedy and tragedy are equally blended. Although a chaplain endeavors to emphasize the lighter side with the purpose of bringing smiles to the faces of the patients, there are times when his heart is made heavy by his inability to alleviate the burdens carried by the various patients. As previously indicated, where most of the patients are mental cases, their actions are largely unpredictable, so the chaplain must be prepared for any eventuality. While a patient's delusions may, on the surface, appear comical or ludicrous, the chaplain must never, by word or sign, give cause for the patient to think that he is not in complete sympathy with him.

While the chaplain is the spiritual leader of the hospital, he must never forget that his duties are manifold; hence, he must develop versatile abilities if he is to render adequate service.

Invariably, if a patient has something real or fancied on his mind he will unburden himself to the chaplain, whose sympathetic attitude lessens the patient's tension and prepares him to reveal the things which are troubling him. It may be that he has an uncontrollable desire to return to his home. This could be easily managed if his mental condition warranted his release. Chaplains in many cases, after consultation with the hospital psychiatrists, have recommended that the patient be sent back to his family. But the procedure involved in discharging a patient from a VA hospital is not simple. It should be realized that the authorities in the hospital take many factors into consideration before deciding to discharge a patient. Assuming that his mental condition warrants returning him to his home, the VA officials want to be fairly certain of the following: (1) Will the patient's family welcome him back, and will they extend to him affection and understanding? (2) Is the environment such that he will adjust himself to the new conditions with a minimum of stress and strain? (3) Are the patient's relatives prepared to help him become rehabilitated? (4) Will it be possible to obtain work for him so that he can be kept occupied? A frequent cause of a patient's return to a VA hospital is his failure to adjust himself economically. Such failure, accompanied by worries, anxieties, and great disappointment, may bring on a recurrence of his condition, causing his return to the hospital.

The chaplain may be an important link in anticipating these adverse possibilities so that they may be prevented. Before a patient is released from the hospital, the chaplain can visit the patient's family, which sometimes necessitates traveling hundreds of miles. If the family does not show sufficient interest in the patient or is reluctant to care for him, it would be doing him a disservice to recommend his release. However, should the patient's relatives indicate that they would provide him with a home and the opportunity to rehabilitate himself, it gives the chaplain an opportunity to tell them of the excellent work done in the hospital and how the patient improves because of the satisfactory care and attention he receives. The family now feeling that the patient will give them a minimum of concern are conditioned psychologically for their role in helping to restore the patient to his place in the community as a normal, self-reliant person.

A VA chaplain often wonders whether he is exemplifying the many duties which devolve on him. His is a sacred responsibility toward a group of men, some of whom are helpless. The chaplain knows that in the sight of God each human soul has a particular destiny, and everything possible must be done to restore a patient to his former status of usefulness. The role of medical treatment in facilitating the recovery of a patient cannot be stressed enough. However, there are times when medical treatment alone is not sufficient, and unless something is done to buoy up the patient's morale, he is likely to sink deeper and deeper into discouragement and melancholia. At this point it is the blessed privilege of the chaplain to be of service in an effort to rejuvenate the patient's spirits. The chaplain has no standard technique, nor can he draw upon scientific procedure in his efforts to help the patient. His is purely a labor of love—the love a chaplain has for his God and his fellow man. The medicine he administers is tenderness, keen understanding, and sympathy. Progress is painfully slow. But imperceptibly, gradually the patient shows a glimmer of hope, then faith in the chaplain's words of comfort and solace. The day comes when the patient begins to show signs of real improvement, and this is the chaplain's moment of exaltation, for through God's intercession he has helped a human soul to break through the fog of mental or physcial illness towards recovery.

PRISON REFORM IS THE KEY TO CRIME CONTROL

Mr. EAGLETON. Mr. President, nowhere are the failures of the criminal justice system in America more apparent than in the area of corrections. From local jails to State penitentiaries, America's correctional institutions are typically overcrowded, ill-designed, without adequate facilities for training and rehabilitation, and staffed by untrained and poorly paid personnel.

An extraordinarily comprehensive and perceptive analysis of our corrections problems is contained in an editorial written by Robert P. Sigmann and published in the Kansas City Star of June 13, 1971. I ask unanimous consent that the text of this editorial be printed in the Record at the conclusion of my remarks.

The Star editorial properly points out that in the whole catalog of failures in corrections—

> Local jails are at the bottom of the pit.

Fortunately, Kansas City and the surrounding areas are undertaking a major effort to upgrade local jail conditions. A new municipal jail for Kansas City has been proposed along with a regional detention unit to serve areas in western Missouri around Kansas City where the construction of new county jail facilities is not economically feasible.

Mr. President, in 1968, while I was Lieutenant Governor of Missouri, I was privileged to serve as chairman of the Governor's Citizens Committee on Delinquency and Crime. As a part of the committee's work, a study was made of local jails in Missouri. On the basis of this report, the committee strongly urged the establishment of a system of regional jails through the State for the detention of accused individuals and the correctional treatment of sentenced offenders.

I am delighted to see that efforts are underway to implement this recommendation in Kansas City. I should point out that a principal leader in the campaign to improve jails in that area is the Honarable Harry Wiggins, judge of the western district of Jackson County, in which Kansas City is located. Judge Wiggins is an extremely dedicated and energetic young man. He is deserving of commendation for his work in the often thankless, sometimes unpopular, but absolutely essential job of improving conditions in correctional institutions.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Kansas City Star, June 13, 1971]

Prison Reform Is the Key in Battle Against Crime

Few people die in prison.

Sooner or later most of the 365,000 inmates now in this nation's prisons and jails will be free—either prepared to re-enter society as useful citizens or maladjusted and ready to again prey on the public.

Unfortunately there are too few in the former category; 80 per cent of all felonies in the United States are committed by repeaters, criminals who have gone uncorrected and fallen into new trouble. Slowly the consequences of this recidivism rate are beginning to permeate the national conscience. In human terms it means that more and more innocent persons will be victims of the entire gamut of illegal acts. It appears that the system is giving up on people who can be salvaged.

The crux of penology, then, is rehabilitation, with education and job training as the top priorities. Put in this context, the corrections programs at the federal, state and local levels are dismal, monumental failures.

Worse than merely being custodial facilities, most penitentiaries and jails are crime educational centers. "Anyone not a criminal will be one when he gets out of jail," warns Norman Carlson, director of the Federal Bureau of Prisons, in making a point often emphasized by practitioners and scholars. Local jails are at the bottom of the pit. A recent national survey turned up no models. Rehabilitation is virtually nonexistent.

Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration (LEAA) in the U.S. Department of Justice, called them, "brutal, filthy, cesspools of crime—institutions which serve to brutalize and embitter men to prevent them from returning to a useful role in society." Velde added: "It's harsh to say, but the truth is that jail personnel are the most uneducated, untrained and poorly paid of all personnel in the criminal justice system—and furthermore, there aren't enough of them."

The LEAA census of 4,037 jails revealed that 86 per cent lacked exercise or recreational facilities; half had no medical space; a fourth no room for visitors, and 1.4 per cent no toilets. Moreover, nearly a fourth of the 98,000 cells are between 51 and 100 years old and 5,416 exceed the century mark. These outmoded and inadequate plants are at the root of many of the homosexual rapes, the violence against convicts and guards, the narcotics traffic and other troubles in jails across the country. The LEAA study also showed that 52 per cent of the 160,000 jail inmates had not been convicted.

A KANSAS CITY JAIL

The quick acceptance in Washington recently of attempts by the Jackson County court to upgrade facilities here dramatizes the eagerness of federal officials to reform local units. A preliminary report made by consultants to the Northwest Law Enforcement Assistance Council recommends a new downtown jail, with all individual cells, to be built on the site of the parking lot behind the courthouse in Kansas City. The project would include subsurface parking, processing facilities on the ground floor and housing on the upper levels with "adequate day space." The structure would be connected to floors with courtrooms nearby.

Additionally, a regional detention unit would be built near the new Kansas City Municipal Correctional Institution. It would have medium to maximum security cells and would share kitchen, laundry and other facilities at the city institution. The project would have space for diagnosis and classification of inmates as part of a rehabilitation program. Federal funding should be pursued to finance these buildings.

Results of rehabilitation in federal and state prisons are barely visible, even though they are allocated much more money than jails. About 95 per cent of the $2 billion spent a year on federal facilities goes for custody. Yet 85 per cent of the inmates do not have a marketable skill. Fewer than 5 per cent have the equivalent of a 12th-grade education. The unemployment rate for former federal prisoners in 1964 was 17 per cent, triple the national average that year.

Burdened by substandard skills, former convicts often find bars to employment because of public attitudes. Laws and license requirements also prevent to limit them from certain jobs, including those offered by the federal government. Velde, appearing before a congressional subcommittee last month, related that a man with a misdemeanor conviction was denied a taxi license. The refusal of a city to hire a former inmate as a tree-trimmer was upheld by a federal court.

FAILURE OF THE STATES

State programs vary, but few states have escaped rioting or other trouble touched off by convicts. In Missouri a former federal prisons official, Fred T. Wilkinson, is credited with improving corrections within financal limitations.

An archaic penitentiary has restricted the effort.

Important legislation in the corrections field in Missouri has been passed in the current session of the General Assembly, however. At the request of Wilkinson a halfway house program was established that will aid inmates in the transition from controlled confinement to freedom.

Another key measure is in the Legislature. It would let the corrections department grant certain prisoners leave to attend funerals, seek employment and visit home unescorted by a guard.

Both houses have passed a bill that will allow the exchange of prisoners, letting Missouri enter into compacts with adjoining states to trade inmates on a one-for-one basis. This would permit prisoners to be confined nearer their homes. During the 1971 session of the Kansas Legislature bills to allow pre-release furloughs for prisoners and conjugal visits at the prison, were introduced, but no significant measures passed. Nevertheless, violence at the Lansing facility, which included self-multilation of prisoners, has subsided.

Correctional institutions share with the other two fields in the criminal justice system—the police and the courts—a need of massive reform. Since criminals spend the bulk of their time after conviction in prison, penal improvement could well have the greatest impact.

Money, important as it is, is the not the whole solution. The concept of what makes a crime is shifting. Being brought into question are such offenses as drunkeness, sexual relations between consenting adults, abortions and drug abuse. These changing attitudes could well affect the correctional field in both counseling services and planning of physical facilities.

The lack of adequate rehabilitation programs, as recidivism illustrates, contributes to the spiraling crime rates. The cycle will be broken only by a concerted emphasis on training and education, not custody. These programs should not be hindered by the comingling of juveniles and first offenders with convicted felons. Prison industries seldom suffice as training for return to community life.

Research in California, New York, Wisconsin and other states shows that inmates who participate in probation, parole, work-release and other community-based programs such as halfway houses are not as likely to commit new crimes. Fewer than one in 20 inmates in a federal work-release program in 1968 failed to meet all the conditions.

Reform does work. But it will take an enlightened public, aware of the potential for change and ready to pay the price, to upgrade the corrections system—and thereby cut the crime rate in the interest of both the criminal and of society.

THE MAN WHO SPOILED PARADISE

Mr. HANSEN. Mr. President, we are besieged these days with proposals to create an ever-growing number of programs to solve the problems of our people. It is easy to lose sight of the fact that programs, themselves, do not necessarily solve problems; it is people who solve problems.

The Los Angeles Times West magazine of January 24, 1971, contains an article on how one man has fought for 16 years to bring a better life to a relatively small tribe of Indians in Arizona. Martin Goodfriend, with Senator PAUL FANNIN, of Arizona, as his ally, has caused a wonderful improvement in the living conditions of the Havasupai Indians.

The article was written by Don Dedera, a well-known former newspaper columnist in Arizona who is now living in California, where he is a free-lance writer.

Mr. President, I ask unanimous consent that this inspiring story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAN WHO SPOILED PARADISE

(By Don Dedera)

If you were Stanley Manakaja, a Havasupai Indian horse packer striving to keep a wife and eight kids on $90 a month at the bottom of the Grand Canyon . . .

Mull that over a moment . . .

Could you ever learn to trust a meddling, Jewish dude, Martin Goodfriend of Santa Monica, California?

Martin Goodfriend? Yes, if you were Stanley Manakaja, you could learn to rely on that man. Even love him, a little.

"You are a strange man, Goodfriend," a tribal chief once told him.

I can't say that James Hilton or Ronald Coleman ever hiked the eight miles down into the bowels of the earth from Hilltop to Supai.

No matter. Certainly if they had, both the writer and actor of Lost Horizon would have equated Supai with Shangri-la. Along with all of us other happy valley fantasists.

First, there was the 65-mile dirt track winding north from U.S. 66 across the plateau and through the cedars. Then, off Grand Canyon rim, the trail through mysterious mountains, opening to an eden of tiny pastures, a paradise of red rock, an oasis of turquoise waters. Removed from the clutter and clatter of civilization. Simple pleasures. Pure environment. And the friendly natives even looked a bit Tibetan.

We whites—tourist, medic, photographer, ranger, anthropologist, auditor, reporter, bureaucrat, missionary, politician—were in ethnocentric agreement. The Havasupai people *had it made*.

Our newspapers, guidebooks and travel films told us so. "Picturesque Supai, the only U.S. Post Office regularly served by pack mule." Our *Arizona Highways* magazine confirmed the image in Kodachrome. "Lovely Bridal Veil Falls, so named for its lace-like cascades." Our government codified the charade into official policy. "What a pity it would be to allow the 20th century to intrude."

Oh, once a blue moon some precocious Boy Scout pursuing his public health merit badge might detect an astronomical bacteria count in the Supai water supply. Or a tenderhearted ranch widow would inveigle the Air Force into dropping a ragbag of discards onto Supai at Christmastime. Or a middle-level civil servant would win a transfer to Kotzebue by decrying Havasupai nutrition. But these squeaks of doubt were drowned in the din of consensus—the Havasupai had so little because they *required* so little. And, well, it was common knowledge that as a race, Indians were on the lazy side, with a hereditary weakness for muscatel, and they wouldn't appreciate anything nice if they had it, anyway. Havasupais uppity enough to challenge the stereotype were crushed by the cavalry a century ago.

I've known Martin Goodfriend a long time; have talked with him often; have read reams of his broadsides; have followed his steps from his West Coast office to the halls of Washington. I've eaten corned beef and sipped bourbon with him; been to his house; met his wife.

And I still have no inkling why *he*, of all others, saw Supai for what it truly was: a geographical ghetto, perhaps America's deepest poverty pocket. Worse, a sort of outdoor museum, stocked with live people, for the amusement and contemplation of folks who lived out on top.

Nothing seemed extraordinary about Goodfriend's background. He fled Poland at age 15 and crossed his promised land to Santa Monica, and bought a jewelry store.

Goodfriend's subsequent success was of a pattern. The honest enterprise of a poor refugee from Europe brought him contentment, comfort and time for civic involvement. Blessed with three children, all achievers, Goodfriend retired early to hiking and photography.

"For me, the American dream came true," he said. "Work hard. Obey the law. Live by the Golden Rule. Here, it was all possible. The nice home. The family. The opportunity for my children."

Was that the catalyst in Goodfriend's character? I don't know. Neither does he. Maybe he is a reincarnated Havasupai god. Or maybe the secret is in his combination; the first naturalized-fiftyish-retired-affluent-curious-gregarious-objective - tenacious - conscientious - business - minded - Jewish-believer-in-the-system ever to hike into Supai.

To this diminutive, citified man, Supai's homes were not quaint. They were hovels of cardboard with leaky roofs and dirt floors. No heat. No plumbing. No privacy.

The school was boarded shut, it being more economical for the government to take the Supai children at age six and ship them off to boarding schools 350 miles away. Parents were lucky to get one brief communication a year.

Food prices at Supai were double those of Beverly Hills.

The richest Havasupai breadwinner had an income of $1,500 a year. So scarce were jobs, wages for the entire tribe of 220 Indians totaled just $833 per month.

Cataract Creek was Supai's bath, laundry, sewer and drinking water supply.

Supai had no road, no clinic, no electricity. Out of government indifference, the one telephone was dead more often than not.

When a government doctor made his monthly trek to Supai, one-fourth of the village's population would be lined up, sick. When the doctor was gone, women bore babies in the snow, as they struggled up the trail toward the nearest hospital, 129 miles away. Infant mortality was triple the national average.

The historic Supai farms lay fallow, with not 50 of 500 arable acres in production. The fences burned to heat huts in winter.

With forage sparse in the narrow canyon, pack horses were being worked until they dropped. The modest tourist industry was grossly mismanaged.

Frequently the village store, sole source of food, was stocked with as few as six items: soft drinks, coffee, dry beans, salt, potatoes, flour. The villagers were slowly starving.

This was America in 1955 and Goodfriend was horrified.

Of his first impressions, Goodfriend has said, "My fellow human beings and my fellow Americans were being deprived of the very rights and privileges that change my own life. There was probably no other Indian reservation, no Appalachian backwater, no slum or skid row anywhere in this nation so lacking as Supai in elementary public services that were provided for 99 percent of us."

Not that Supai's miseries were unknown. The Bureau of Indian Affairs and Public Health Service had spent tens of thousands of dollars studying Supai. The documents moldered in forgotten files, while the price of bread at the Supai store went up.

Goodfriend would not accept the alibis offered by the BIA. Back home in Santa Monica he studied Havasupai history. At the time of white subjugation Supai had "numerous cultivated fields of corn, beans, sunflowers, melons, peaches, apricots and certain kinds of plants used in dyeing and basket making, and usually carefully protected by hedges of wattled willows or fences of cottonwood poles. Everywhere the fields were crossed and re-crossed by a network of irrigating canals and trails." The history quoted is from the narrative of Frank H. Cushing, who made the first anthropological study of the Havasupai in 1882. In winter, the Havasupai hunters roamed the high mesas after game. Their tanned buckskins were prized trade items throughout the Southwest. The Havasupai were described by their conquerors as merry, industrious and hospitable. Clearly, heredity could not be blamed. More likely, benign neglect.

"They don't complain," a BIA spokesman told Goodfriend.

Goodfriend retorted, "No doubt these people have not sought much help. But hunger and illness can make people apathetic. Generations of isolation, poverty and futility can freeze a group into immobility."

So saying, Martin Goodfriend vowed to agitate for a better life for the Havasupai Indians.

Over the next 15 years, Goodfriend hiked in and out of the canyon 30 times. (Now 65, he still churns up to the top in less than three hours.) In all, he has lived most of a year with the Havasupai people. Some visits were as long as three weeks. His white man's stomach rebelled at the Havasupai bean diet, but he shared meals of their baked goods. Communication evolved a brand new language, part Goodfriend's middle European accent and part Havasupai pigeon English. But the lingo worked, and Goodfriend shared the Havasupai sorrows and aspirations as no white man before him. Shyness and suspicion gave way to the kidding give-and-take of friendship.

Never could the Indians understand one Goodfriend routine. Since ham was the easiest holiday meat to pack by mule, Goodfriend for years sent ham dinners down to Supai for the Christian feast. But then as a devout Jew, he would decline to eat any of the meat.

One of his first projects, all alone, was a census. He went door-to-door and compiled an enumeration of ages and sexes and problems. Citing factual evidence, he wrote letters, gained appointments and made speeches. He traveled the equivalent of around the world, at his own expense, telling the Supai story. And for years, not much happened. The bureau, on dead center, humored him. Politicians knew there were no votes at Supai. Behind his back the press dismissed Goodfriend as a "Marty Do-Gooder" who would ruin Utopia. Some members of wilderness conservation societies went so far as to denounce Goodfriend for attempting to import civilization into *their* Grand Canyon.

"That's too goddamn bad for your precious wilderness," Goodfriend snapped in rare anger. "A new house might deface nature, but a cardboard house defaces humans. A hunger pain in the stomach of an Indian child is no less than one in my grandchild.

"Some more efficient way must be found to transport the things that Supai needs. A tramway? A road?

"The doctor could come in more often, and patients would have a way out. Food would be cheaper. Building materials wouldn't have to sell for two prices. The people might afford fuel to heat their homes.

"But every time you mention a road there is a great outcry, out on top: Don't ruin this precious retreat! Don't spoil paradise!

"These are people who spend a few days at Supai. They'd think different if they had to live there all year.

"Well, okay, if that's what we want we shouldn't make the Indians pay for it. Maintaining a community at the end of a mule trail at the bottom of the Grand Canyon is not very practical, and somebody has to pay. The Indians are paying with their lives.

". . . If the housewives of Scottsdale had to stand in line for an hour for the privilege of paying $1.30 a pound for butter and 49 cents for a small loaf of bread, there would be rebellion in the streets."

Wherever he delivered his message, this mild militant, this genteel guerrilla, remained pleasant, polite—and persistent. His style was the permanent smile of a man who had fitted five thousand wedding bands. He refused to be brushed off and out-waited. I recall, with guilt, our first meeting in 1966. He wanted me to expose the Supai mess.

I interrupted, "Mr. Goodfriend, I have just returned from Supai with a six-part series depicting Supai as a lovely Shangri-la, and now you are asking me to write another series saying I was all wrong?"

"Exactly," he said, smiling.

I showed the man the door. "I won't be doing anything more on Supai for at least a year, thank you."

One year later Goodfriend was back. Still smiling. "About those stories you said you might be writing . . ."

In the mid-1960s resistance began to crumble on all of Goodfriend's fronts. It would be an exaggeration to imply that Goodfriend caused it all. Those were the imperialist years of the war on poverty, and legions of federal Samaritans marched on Supai. Many looked, saw and departed. Goodfriend remained, noisily arguing that five-figure salaries and massive aid on the far end of the Great Society was producing but a trickle of relief at Supai.

Also at about this time Goodfriend gained a powerful ally in Washington, Senator Paul Fannin, Arizona Republican. Senator Fannin not only endorsed Goodfriend, he pressed for legislative and bureau action for Indian education, health and housing.

Goodfriend found numerous sympathetic workers in the agencies. "Mr. Goodfriend's research regarding the basic economic problems of the Indians is sound," announced the U.S. Forest Service. Smokey's men improved the trail and hilltop camp.

Howard Stricklin, then superintendent of Grand Canyon National Park, acted on many Goodfriend suggestions. He said, "Mr. Goodfriend is a sharp, constant thorn in my side . . . thank God for Mr. Goodfriend."

A bureaucracy surrenders one paper soldier at a time. In the history of the tribe, as late as 1967, never had an area director of the BIA or Public Health Service visited Supai.

Yet that year the BIA area director in Phoenix cautioned his chief, "We must recognize that the possibility of startling and dramatic changes is rather remote. We could do great harm to these people by forcing change on them."

The letter was leaked to Goodfriend, and his rejoinder was devastating: "Someone reading the Phoenix Area Office's seven-page letter might assume that the tribe has no very urgent needs. The letter mentions none. It makes no reference to the abject poverty, the scandalously high food prices, the chronic malnutrition, the housing unfit for humans, the lack of electricity and sewers and even of running water. Does anyone really think that 'we could do great harm to these people' by improving such conditions?"

Frustrated in his appeals to the area director for health in Phoenix, Goodfriend went over his head to an assistant surgeon general in Washington. Goodfriend's delineation of health problems at Supai covered nine single-spaced pages. On the most recent visit by the circuit doctor, Goodfriend wrote, there were 105 patients waiting, half the tribe. Goodfriend concluded, "Conditions in Supai are utterly intolerable from a public health standpoint . . . a disgrace to your department."

Meanwhile, back in Santa Monica, Goodfriend campaigned in the private sector. Promised some federal matching funds, the city raised $5,000 for a Supai Community Center. Supplied the materials, Indian men built the center.

"This is the first time any white man ever did anything for us," a tribal leader told Goodfriend.

Some of Goodfriend's manipulation of the system was unorthodox, but effective. Case in point: How could fresh meats, vegetables and baked goods be delivered on a regular basis? Goodfriend's answer: parcel post.

Goodfriend lobbied in Washington for thrice-weekly mail service. The postmaster at Peach Springs, on U.S. 66, was so pleased with his windfall of stamp sales, he allowed the installation of a food freezer by the tribe. For several years now Supai's perishables have come by mail mule.

Goodfriend's business savvy qualified him for a special task for the tribe. He was asked to improve the store. Goodfriend discovered that suppliers had been gouging the Havasupais for decades. In 1968, for example, the Indians had paid a Kingman fuel dealer $1,323 for their butane, which another dealer was willing to sell for $371. Goodfriend had the tribe switch suppliers. He went all the way to Phoenix to sign up competitive food wholesalers, and contracted for weekly delivery of produce from St. George, Utah.

These days, when Martin Goodfriend strolls Supai's lanes, he looks upon improvements which, in total, are a revolution.

Supai has a safe water system, with pipes to all 50 families, and every home with at least a sink.

No old home is without an adequate new outhouse.

Five new ranch-style houses have been finished by local men. Eight are under construction. Fifteen more are authorized.

A medical aide lives fulltime at Supai.

The old unreliable government telephone line has been taken over by an efficient private company.

The Community Center houses a library (another gift from Santa Monica), a recreation hall for dances, movies and church services and a community action office.

Three grades of school are taught, plus Head Start, with attendance at 98 percent annually. A cafeteria is being built. The P.T.A. is active.

Whereas before Goodfriend, the Indians were obliged to travel to Flagstaff to register and vote, Supai citizens now have their own precinct. In their first election, 1968, the village turned out 100 percent of its registered voters. Not surprisingly, last November Supai delivered a resounding majority for Senator Fannin.

A BIA social worker visits Supai frequently. Surplus food reaches families on state welfare.

The tribe has hired an adult educator. Volunteers, some from a Mormon church mission, assist the tribe in bookkeeping, farming and home education.

New construction has provided Supai men with work at decent wages. The tourist industry is humming, and a few packers are making as much as $2,500 a year.

Electricity is on the way, Lower-level BIA men virtually hijacked two generators when they became surplus on the Navajo reservation. Once power reaches Supai this year, houses will have electric lights, stoves, refrigerators and heaters. A tramway for lowering supplies will also be feasible.

Before Goodfriend, the lawman at Supai was an employee of the BIA. Now the law west of Cataract Creek is Daniel Kaska, an Indian hired by the tribe. The judge is Mrs. Robert Sinyella, who admits she gained her legal credentials by watching *Divorce Court* on television for six months. Mrs. Sinyella's popularity lies in her impartiality. Recently she fined her own husband $100 for overdrinking.

Goodfriend credits Phoenix attorney Royal D. Marks for winning a $1,240,000 claim against the federal government in behalf of Havasupai people in 1969. The settlement, for lands taken from the tribe by the government, gives the Havasupai tribal council its first grubstake for meeting some of Supai's needs.

When Goodfriend returned recently from another hike to Supai, he brought out recorded interviews for me to hear. The tapes ran several hours.

A mother, preparing a meal at a new stove in a new home, talked of a future for her children. The judge complained about her jail, unsafe for her prisoners. The tribal chairman was upset because Supai children were influenced to mischief in boarding schools. An elderly woman said prices at the store were "too high, too high."

The tapes droned on through Supai's chronic deficiencies, but with a difference—the people were speaking up in their own behalf.

We were seated three floors above Santa Monica Boulevard in the office Goodfriend calls his "factory." None of the spartan furnishings match. One wall has a copy of the *U.S. Constitution*. Opposite is a wall of Goodfriend photography. Goodfriend was in one of his casual sports outfits, and he wore a watch with a broken expansion link. He leaned back from his scarred wood desk and rambled on about his favorite topic.

"Food prices are brutal. Inflation has wiped out our improvements. Butter is $1.24, canned pop 30 cents, hamburger 88 cents.

"A new clinic is needed. The old place is a *dump*, a terrible example.

"There remains that vicious system of

tearing young children away from their parents. The family structure suffers.

"Summer recreation remains little or nothing. But it's better than in 1966, when the government spent $6,000 on a steel fence to lock the kids out of their only playground!

"Ultimately, the question is what is the future of the Havasupai even if most of their needs are met. That seems to be their decision to make. I've tried to encourage the Havasupai people to be themselves in terms of culture and religion.

"I don't need any credit. Give the credit to my friends and neighbors in Santa Monica. Keith Monroe, the writer, put my thoughts into English. So many others gave so much.

"Credit the people in the agencies. I put the heat on them for 15 years, and I don't think I have one enemy. I found that most of these good people welcome citizen support.

"We can't ignore our government, then complain when it fails.

"With all that has been accomplished, I believe the Havasupai people are beginning to manage their own affairs. Maybe they'll start fighting their own battles."

I asked Goodfriend if he was thinking of retiring again.

He flashed that old grim, "not altogether," he said, "but I think I can relax a little."

The American dream was still good for Martin Goodfriend. Given enough stimulation, the system could be made to work, even for Stanley Manakaja, an Indian horse packer with eight kids at the bottom of the Grand Canyon.

HUMAN RIGHTS IS A TRADITIONAL AMERICAN CONCERN

Mr. PROXMIRE. Mr. President, a quest for human rights led to the founding of this Nation. Political and religious persecution drove our forefathers to cross the Atlantic and to establish new societies.

These societies joined together to protect the rights of their citizens. Our Revolution resulted from Great Britain's encroachment upon our human rights.

Since then America has reaffirmed again and again its support of human rights both at home and abroad. Mr. Richard Maass, chairman of the Foreign Affairs Committee of the American Jewish Committee, testified on this subject before the Foreign Relations Subcommittee on Human Rights.

The Senate should review America's traditional concern with human rights throughout the world. And it should reaffirm our tradition by ratifying the human rights conventions.

Mr. President, I ask unanimous consent that an excerpt from Mr. Maass' testimony be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS

Throughout our history, the United States has considered human rights in other countries to be a matter of our deepest interest and consonant with the profound commitment to the heritage of freedom which has nourished us. Examples abound of our Government's humanitarian intervention in behalf of oppressed religious and ethnic minorities in other lands.

The United States has also intervened on behalf of oppressed religious minorities of the Ottoman Empire in 1840; in Morocco in 1863; in Rumania in 1872; and in Poland in 1918–19.

Illustrative of this commitment was the action taken by President William Taft in 1911 in abrogating a trade treaty with czarist Russia because of the latter's discriminatory practices directed against Jews. Distinguished Senators and Representatives, together with prominent civic and religious leaders, were then active in expressing the conscience of the American public and providing the President's initiative with vigorous support. It is appropriate to recall that, at that time, an American Jewish leader, Jacob H. Schiff, commented that the day would come when the equality of all religions in treaties between states would become an international truism.

America's historic commitment to the protection of human rights found further expression in the efforts of President Taft in 1913 to obtain guarantees for minority rights in the peace treaties that followed the Balkan wars. President Woodrow Wilson urged a similar course in the peace treaties of 1919 involving Central and East European countries.

No doubt it was this distinctive humanitarian character of American tradition in foreign affairs that enabled American statesmen to be the first to recognize during World War II that the ultimate consequence of internal suppression of freedom was external aggression and, therefore, that peace and human rights are necessarily and inextricably linked together.

RELATIONSHIP OF HUMAN RIGHTS TO TREATY-MAKING POWERS

If the relevance of human rights to American foreign relations is clear, so is its relationship to the treatymaking power. It is frequently forgotten that the United States was a party in the 19th century to numerous treaties regulating the slave trade. During the Hoover administration, the United States ratified the important League of Nations Convention on Slavery. And the Roosevelt administration ratified a convention on the nationality of women. Further, the United States ratified the United Nations Charter, which had as one of its central concerns the protection of human rights and fundamental freedoms, as stated in articles 55 and 56 of the Charter.

Some critics of human rights treaties, disregarding the above precedents, argue that their subject matter is outside the traditional scope of the treaty-making power and is, therefore, improper. It is difficult to tell whether, with this argument, these critics are offering a constitutional or a policy objection. In either case, in advancing such an objection, they lean heavily on the authority of the late John Foster Dulles and cite his well-known April 1953 statement before a subcommittee of the Senate Judiciary Committee in opposition to the then pending Bricker amendment. This statement is so fundamental an authority for the critics that one particular sentence from it—generally overlooked—demands quotation. Secretary Dulles said:

"By 'traditional' I do not mean to imply that the boundary between international and domestic concerns is rigid and fixed for all time."

Thus, even while Mr. Dulles was deferring to the views of those who at that time opposed the ratification of any human rights convention—surely, in part at least, to ward off the pressures from the Bricker amendment supporters—he was careful to qualify his position in a precise manner.

Three years earlier a statement by Mr. Dulles, reproduced on page 240 of the record of the 1950 Genocide Subcommittee hearings, concluded with the observation beginning with:

"There are many people who do not want to have international conventions which will effectively regulate human conduct in relation to human rights—"

And ending with these words—

but to abandon this goal would involve substituting pious words for an effective result.

It is this view, rather than his later view, which constituted the expression of American aspirations in the international field and which corresponded to the traditional commitments to the advancement of human rights made by our Government over many decades.

It was appropriate and in keeping with American political and legal tradition that the United States should champion the rule of law in international relations; for, as the previous section has shown, the concept of the inalienable rights of man was part of the very fabric of American internal and external policy.

HUMAN RIGHTS GUARANTEES ARE TRADITIONALLY IN INTERNATIONAL TREATIES

For centuries, it has been the custom and tradition among nations to include human rights guarantees in international treaties and agreements, It was in the late 17th century that human rights was made an integral part of the international treaty process. The Treaty of Westphalia in 1648, which concluded the Thirty Years War, established for the Germanies the principle that there should be equality of rights for both the Roman Catholic and Protestant religions. The same century saw peace treaties in which Protestant princes assured the rights of their Roman Catholic subjects. The Treaty of Breda in 1667 was one example.

In the Treaty of Kuchuk Kainardji, Turkey undertook vis-a-vis Russia to protect the Christian religion and its churches.

The Congress of Vienna of 1815 provided for the free exercise of religion, for equality, irrespective of religion, in various cantons of Switzerland and for the equality of the Christian religion in Germany. The Congress also put into treaty form specific provisions assuring the civic rights of Jews in the various German states.

The Congress of Berlin in 1878 provided for guarantees of religious rights in Turkey and the newly independent countries of the Balkans—Montenegro, Serbia, Rumania, and Greece. The 19th century was also marked by a number of international treaties barring the slave trade. The Congress of Vienna, or more precisely the Peace Treaty of Paris, carried the initial ban, while the Declaration of Verona reiterated the commitment. A Berlin conference in 1885 and a Brussels conference of 1890 formulated detailed treaty arrangements for the suppression of the slave trade. It is significant, in this connection, to note that in the Treaty of Washington in 1862, between the United States and Great Britain, the United States agreed to a provision enabling a foreign power to visit and search U.S. ships suspected of engaging in the slave trade.

Human rights was a major focus of the peace treaties with Central and East European countries following World War I. With the League of Nations as guarantor, these treaties—which involved Albania, Austria, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Rumania, Yugoslavia, the Baltic States, and Iraq—assured the full protection of life and liberty to all inhabitants without regard to birth, nationality, language, race, or religion, and stipulated that all inhabitants were entitled to the free exercise, whether public or private, of any creed, religion, or belief. In addition, special provisions of the treaties guaranteed the ethnic and religious minorities of these countries their cultural and linguistic and religious rights.

Our own Government was a leading force in the establishment in 1919 of the International Labor Organization, a principal purpose of which was development of standards in labor and welfare fields through international conventions.

Thus, by the time the United Nations was established, a wide and extensive tradition of the utilization of international treaties for protecting human rights had grown up.

POPULATION FALLACIES

Mr. PACKWOOD. Mr. President, from time to time we hear comments from sometimes responsible quarters which seem to indicate that population growth is no longer a problem for the United States. Maybe for the rest of the world, but not for us. The statement is made, for example, that our birth rate is now declining, or that our overall growth rate is at an all time low, or that because of more effective and widely used contraception, we are not having the "baby boom" which is the natural prerequisite to population growth. Furthermore, it is asserted, due to the ZPG influence, couples today just do not want that many children, and are voluntarily choosing to have fewer, or else adopt.

In the face of such a serious problem as our continuing, unrelenting upward spiral of population in this country, this sort of statement is always disturbing to read, to say the very least. If the American public is to face this problem squarely and honestly, it must be provided with facts. Distortions and misrepresentations accomplish nothing, and only serve to postpone the day when there is a full understanding of the nature of our population problem, our alternative courses of action, and the tradeoffs involved in continued growth versus stabilization.

The New York Times in an editorial published June 17, addressed itself to the problem of population growth and made a sincere effort to clarify some of the mistaken notions and myths which seem to surround the entire population issue. So that Senators may have the benefit of this editorial, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Can America Grow Up?

In 1950, there were 151 million Americans. Today, there are 208 million. By the year 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, if present growth patterns persist, the population of the United States will double in the last half of the twentieth century.

Citing those statistics, Senator Cranston of California and 26 other Senators have introduced a joint resolution putting Congress on record in favor of zero population growth. The fact that the co-sponsors come from both parties and across the political spectrum from Barry Goldwater to George McGovern is positive proof that the population issue has moved to the forefront of public concern.

There are several misunderstandings concerning this country's population problem. There is the belief that the introduction of the birth control pill and the wider availability of abortion are rapidly reducing the birth rate. It is true that the birth rate which stood at 25 live births per thousand in 1957 declined during the subsequent decade. But that decline leveled off in the last two years. Last year, it was approximately eighteen per thousand or nearly twice the death rate. As we noted yesterday, multiple births are rising because of increased use of hormones to combat infertility, and in other respects as well there is nothing less than a scientific revolution going on at the present time in the field of human reproduction.

Women in their twenties produce the most children. This country is beginning to have a rising number of women in that age bracket. These young women and their husbands are the babies born during the population boom of the late nineteen-forties and early nineteen-fifties.

A second myth is that excessive childbearing is primarily a phenomenon of the least-educated, low-income elements in society. It is true that this group has proportionately more children. But seven out of every ten children are born to middle- and upper-income families. In other words, even if the poor began to have children at the same rate as the society as a whole, this country would still have a rapidly rising population.

Yet a third mistaken belief is that if every American family began immediately to have just two children, the problem would be solved. Because of the post-World War II population boom, even the two-child family would mean continued population growth until the year 2037, when America's population would level off at 277 million, more than one-third greater than it is now.

The joint resolution introduced in the Senate proposes no drastic remedies. It urges stabilizing the population by voluntary means consistent with human rights and individual conscience. Its objective is to provide a declaration of natural policy as well as a positive context in which the necessary attitudes, policies and research can evolve.

If zero population growth is to be achieved, many popular attitudes and expectations will have to change. For three centuries, Americans dwelling in a nearly empty, richly endowed continent developed a cult of growth. Small towns dreamed that the railroad would bring growth or that new industry would boom land values. The "booster" became an American stereotype and unending growth a national obsession. But now Americans have to develop the self-discipline to prevent an overcrowded and impoverished society. The question is no longer whether America will grow but whether Americans can grow up.

CONDITIONS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, in light of recent revelations made public in today's New York Times that military equipment is being sold to the Government of Pakistan by the United States in spite of an announced embargo on such sales, I would like to relate to the Senate the conversation that I had with a medical doctor—who will remain nameless to protect his family still in the eastern wing—who escaped from the eastern wing on June 15. Enjoying the relative safety of an internship in a hospital in the United States, this young doctor returned to his homeland, crossing the border from India in early April. He relates the following account:

> Everywhere is the same picture. The troops seek out students, young people capable of fighting, and girls. They are detaining and killing the young people capable of fighting, and raping the girls. The Hindus have already evacuated the towns and villages. Those that have not fled have been killed.
>
> After having pacified the towns, the Punjabi troops are now ransacking the villages. They reach the villages traveling on the same armed personnel carriers that are now being loaded on boats in New York. Those villages that cannot be reached by roads are reached by boats. Unfortunately, again our government has assisted in those efforts by making available $1,000,000 for additional charter agreements for boats.
>
> Everywhere you go you can see dead bodies. Villages have been burned and ransacked. Children are maimed. Girls raped, their breasts cut off. Cholera victims lie helpless because doctors have escaped and pharmacies have been ransacked. The Red Cross is only effective within Dacca and Chittagong. The food supply is deficient and the people are not allowed to plant their crops within one and half miles of the road (for security reasons). People no longer come to the small markets. If they seek food they go to the cities. They travel by day for fear of what may happen at night. The spectre of famine hangs over the land.

I have been told that the following areas have been burned. I would suggest that any international inspection team look at the following areas: First, Ramchandrapur, P.S. Bancharampur, Dt. Comilla; second, the entire subdivision of Munshiagang; third, Jinjira and Keraniganj—suburb of Dacca; fourth, Jagadishpur, near Itakhola P.S. Madhabpur, subdivision: Habiganj, Dt. Sylhet.

Further, the champion leader of the Bengal Regiment, Shafikern Rahman, who was undergoing physical therapy in Dacca Combined Military Hospital, was severely beaten in the hospital and selected for execution. He escaped and is now residing in Bedal Deb, 85 Airport Colony, Agartala, Tripura, India.

Mr. President, the Washington Post, in an editorial published on Sunday, June 20, 1971, stated that:

> India's suggestion that international aid to Pakistan be suspended "until a political solution acceptable to the people of East Bengal is found" is offensive in its reference to East Pakistan as "East Bengal" but otherwise apt. It is unthinkable that donors would want to underwrite a minority military government's cruel war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight.

Mr. President, this is precisely the Saxbe-Church amendment to the Foreign Assistance Act. I believe that it is the only way possible that our Government can and should react to this terrible situation. Mr. President, I ask unanimous consent to have printed in the Record both my amendment and the Washington Post editorial. I further relate to the Senate that we have approximately 20 cosponsors for this amendment, most of them within the last week, and would appreciate more.

There being no objection, the amendment and editorial were ordered to be printed in the Record, as follows:

Amendment No. 159

At the end of the bill add the following new section:

Sec. . All military and economic assistance, and all sales of military equipment and weapons, whether for cash, credit, or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, will be immediately suspended and no commitments or expenditures, including the provision of debt relief, shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan: *Provided, however,* That these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

[From the Washington Post, June 20, 1971]

India and Pakistan

India's suggestion that international aid to Pakistan be suspended "until a political solution acceptable to the people of East Bengal is found" is offensive in its reference to East

Pakistan as "East Bengal" but otherwise apt. It is unthinkable that donors would want to underwrite a minority military government's cruel war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight. Moreover, strictly from the technical standard of whether Pakistan in its disrupted condition can spend aid funds efficiently, it hardly can qualify.

The State Department says that "normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation." If this means anything, it is that "normalcy" is a condition for further American participation in Pakistani development. "Peaceful political accommodation" is a vague formula but its thrust is clear enough: the East Pakistani elements previously organized in the Awami League, the party that won national elections and then was destroyed by the West Pakistani army, must be allowed to reorganize and to receive an appropriate measure of autonomy from the military leadership in the West. Fortunately, there are no overriding "strategic" considerations which would impel the United States to resume aid before this process gets under way.

At first, the suffering of Bengalis and Hindus in East Pakistan made the Pakistani civil war an intense emotional issue in India, and not just cause for gloating at Pakistani's distress. Later, the strains placed on India by the estimated five million or more Pakistani refugees who poured across the border became extreme. The government in Delhi has not been above pouring some rhetorical oil on troubled waters. But the important point is that Delhi has received the refugees with much compassion and resourcefulness. It has kept an exceedingly explosive situation, not of its making, from getting worse. India is entirely justified in insisting that the international community not only help it more in caring for the refugees but join it in urging Pakistan to take them back.

In all, India's performance during the crisis on the subcontinent ought to be carefully noted by the aid-to-India consortium about to meet in Paris. The contrast with Pakistan is striking. The one is a military regime oppressing its citizens and unable to advance economic development. The other is a democracy trying, however imperfectly, to help its people.

WORLD COURT RULING ON SOUTH-WEST AFRICA

Mr. BAYH. Mr. President, yesterday the World Court ruled by a vote of 13 to 2 that the Union of South Africa had violated its mandate to administer the territory of South-West Africa, also known as Namibia. The Court stated that South Africa "is under an obligation to withdraw its administration immediately and thus put an end to its occupation of the territory." The Vorster government immediately asserted that it had absolutely no intention of doing so.

The South African Government continues to obstinately ignore the growing judgment of the world community. Its negative reaction reinforced widespread doubt about the sincerity and intent of its recent statements favoring a dialog with black Africa.

Furthermore, its continued intransigence reinforces arguments for suspending the sugar quota which we now grant it and redistributing that quota to other sugar-producing nations, including those of black Africa. As amendments to write such a suspension into law has been introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY), and I am proud to be a cosponsor of it.

Mr. President, I ask unanimous consent to have printed in the RECORD an article describing the World Court's action, published in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD COURT RULES AGAINST SOUTH AFRICA

THE HAGUE, NETHERLANDS.—The world court today said South Africa has violated the mandate under which it administers South-West Africa and should immediately surrender the former German colony.

The court's ruling, a 13-2 decision, with a British and a French judge voting in opposition, was a legal opinion to back up a U.N. Security Council resolution that the republic's mandate, granted by the now defunct League of Nations 50 years ago, should be revoked and that the territory now should be administered by a U.N. commission.

The opinion carries no legal weight, but it was considered an important element of international pressure on South Africa.

However, the court's ruling was expected to have no immediate effect on South Africa's control of the sparsely populated, mineral-rich territory which has about 500,000 Africans and 73,000 white settlers.

In Pretoria, Prime Minister John Vorster said South Africa had no hesitation in rejecting the world court ruling.

"An advisory opinion by its very nature has no binding force and in the present case is totally unconvincing," he said in a nationwide radio broadcast.

"It is our duty to administer South-West Africa so as to promote the well-being and progress of its inhabitants," he said.

"We have guided and administered the peoples of South-West Africa for more than half a century in a manner which has earned their full-hearted confidence. We have set them on the way of peace, prosperity and self-determination and we do not intend to fail that trust."

South Africa has disputed the right of the United Nations to make such a decision and has continued to run the territory, an area larger than France.

It was South Africa's refusal to comply with the U.N. decision which led to the Security Council asking the International Court of Justice for a legal ruling.

This ruling, given today, was:

"The continued presence of South Africa in Namibia (the United Nations' new name for the territory) being illegal, South Africa is under an obligation to withdraw its administration immediately and thus put an end to its occupation of the territory."

To enforce its ruling, the court, also by a majority vote, called for an economic boycott on South African trade deals made on behalf of the mandated territory and asked for the withdrawal of diplomatic representatives whose appointment there had been approved by South Africa.

THE SUPERNURSE

Mr. KENNEDY. Mr. President, one of the most serious aspects of our current health crisis is the shortage of medical personnel. The fact is that the United States is short 50,000 doctors and 150,000 nurses. Many doctors do not take new patients because they are overworked already. One of the most urgently needed steps to cope with this health manpower crisis is to encourage the training of paramedical personnel. By developing health professionals such as pediatric assistants, paramedical aides, family health workers, and other categories of personnel, physicians can be freed for more urgent needs. The overall effect of an expanded corps of medical assistants will be more comprehensive health care for everyone.

The March issue of McCall's magazine contains an article written by Mr. Leonard Gross titled "The Supernurse," which focuses on a developing trend—the training of nurses to assume duties formerly performed by doctors. This trend is most advanced in the field of pediatrics, but the implications for all health care are evident. In the McCall's article, Mr. Gross describes the case of Dr. Lewis Day, who hired Miss Rosemarie Egli after she had completed a special course of training at the Department of Pediatrics at the University of Colorado in the pioneer program developed by Dr. Henry Silver. As a result, Dr. Day now treats 50 percent more children than he formerly was able to treat.

Last month, our Senate Health Subcommittee visited the University of Colorado Medical Center in Denver. I had the opportunity to meet Dr. Silver, and to hear first hand the extraordinary success of his program.

Mr. Gross cites other successful experiments with pediatric nurse practitioners. Also cited is the recent program at the University of Kansas, where nurses have been delegated responsibilities with a group of elderly women patients that were previously handled by physicians. Mr. Gross reports that although there were some initial complaints by the patients, the program is now working well.

Although it is estimated that our Nation has a shortage of 150,000 practicing nurses, Mr. Gross notes that there are currently 285,000 trained nurses in the United States who do not practice. Since 65 percent of the nurses who do practice are married, medical authorities deduce that marriage is not the reason most nurses quit. Frustration, boredom, low status, and low pay are much more likely reasons. These are the very things which the new programs for nurses are intended to cure.

There has been some resistance from both doctors and nurses to these new programs, but it is clear that this new flexibility developing within our health care system is a hopeful development.

I ask unanimous consent that the article entitled "The Supernurse," published in the March issue of McCall's magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPERNURSE

To All My Patients:

Starting February 1 you will notice some changes in the way in which you receive your pediatric care from me. Miss Rosemarie Egli, a pediatric nurse-practioner, will be working closely with me performing certain routine procedures formerly done by me.

Miss Egli has recently completed a special course of training in the Department of Pediatrics at the University of Colorado. Minor problems which might possibly be managed over the telephone are well within her skill to manage. She will be available for such problems through the office telephone—Lewis R. Day, M.D.

The quiet tone of that letter from a Colorado doctor mutes what is quite possibly the most explosive and decisive struggle ever to occur in American medicine. All across the United States, in experiments proliferating so rapidly that month-old figures are obsolete, pioneering doctors and educators are training nurses to practice what borders on medicine.

The fact is that the United States is short 50,000 doctors, more by far than existing medical schools can comfortably produce. There is neither money nor time to wait for new medical schools and their graduates. New *ideas* about health care are required.

"Medicine has not changed its way of delivering health care in fifty years," says Dr. Day. "The medical industry just doesn't have anybody between the president and the typewriter pusher."

When Dr. Day began his practice in suburban Wheat Ridge, Colorado (near Denver), colleagues warned him that the population was unsophisticated and wouldn't pay for a specialist. Within three years he had more business than he could handle and a memory he would never shake.

Late one day, near exhaustion, he caught himself in a harrowing clinical error. "Right then and there I decided that I ought not to practice medicine when my skill was affected. It took me six months to recover. I decided that I had to cut down on my load. How? Increase prices? People just think you're a better doctor. They keep right on coming. The only way to do it is just to tell people you won't take care of them. So I put a notice in the phone book: 'By Referral Only.' "

But refusing patients bothered him. He tried working with another doctor, but he is a "loner," by his own admission, and the arrangement didn't work.

In January, 1966, after ten years of refusing patients, Dr. Day attended a meeting of Colorado's Academy of Pediatrics at which Dr. Henry K. Silver, then president of the academy, suggested that nurses could be trained to give care to children who were not at that time receiving *any*. "I thought about it for six months," Dr. Day recalls. "Then I wrote Dr. Silver asking why it couldn't be applied to private practice. Pediatricians are trained to run on a racetrack. They're using a three-hundred-fifty horsepower engine to do what, lots of the time, a fifty-horsepower engine could do. Isn't it more efficient to have two engines?"

Soon thereafter, Rosemarie Egli arrived, a tall, sweet-faced nurse with no taste for notoriety. She became, in all likelihood, this country's first private pediatric nurse-practitioner.

Almost immediately Miss Egli proved to Dr. Day that much of what he'd been doing for so many years could be done just as well by a "sub-doctor." Yet his psychological adjustment was nothing compared to hers.

"I wept, and he listened," she reflected several weeks ago. "My interpretation was that I wasn't needed, wanted, or contributing." What had happened was that some patients refused to talk to her. Some left for other doctors. And some of the other doctors accused Dr. Day of "unfair competition" and of reducing the quality of medicine. "I didn't like it," Miss Egli said. "Everybody was watching me." She smiled. "We're doing fine now."

It was time for her to see a patient, eleven-week-old Stephanie Johnson. With the examination went a running patter:

"Does she move a lot? She can't communicate with words, but she's communicating with her body. She's got a cold; you might try a humidifier. Does she sleep on her tummy? Try to put her on her tummy. It will help her cold. Try not to take her out shopping or to church. . . ."

Then Miss Egli administered an oral polio vaccine to Stephanie and readied a baby shot. "You pick her up as soon as I'm through, so she realizes that when the world's really mean, mothers are around."

In went the needle. Stephanie puckered, angered, and sobbed her rage. Her mother picked her up. Miss Egli chuckled sympathetically. "Tell her we're sorry," she said.

Three years after Rosemarie Egli joined his office, Dr. Day's patients reflected these findings: 94 percent were satisfied with the care they received; 57 percent stated that the joint care was better than the care they had received from a physician alone; more than 90 percent considered the association of doctor and nurse-practitioner to be "a desirable and inevitable trend in the private practice of medicine."

Dr. Day's time with each patient has been cut from twenty minutes to between five and ten minutes. Since Miss Egli's arrival, he has accepted a steady supply of new patients—he can treat 50 percent more children now. Office turnover has risen from twenty to thirty-five patients a day. "Every day she walks out that door," he says, "I thank her for what she's doing for me."

Accompanying this trend toward the nurse-practitioner is all the fervor and anguish that precedes every major social move. The new "supernurses" are, by turns, hailed as saviors of a medical system that cannot cope with modern demands, and damned as "second-rate doctors" by those medical professionals who feel threatened by any thought of innovation and change.

At least four major social issues could be affected by the outcome of this struggle.

For doctors, the issue is nothing less than the continued existence of fee-for-service medicine. Many believe that an enlarged role for nurses is the essential basic reform that must be undertaken to forestall the advent of socialized medicine in this country.

For nurses, the issue is whether they can break away at last from obsolete and stifling traditions that have wasted millions of health-care hours and contributed greatly, in the view of experts, to this country's grave—and artificial—shortage of nurses. We have 700,000 practicing nurses in the U.S., an estimated 150,000 short of the need. Yet we have some 285,000 trained nurses who *do not* practice. Since 65 percent of the nurses who do practice are married, medical authorities deduce that marriage is not the reason most quit. Frustration, boredom, low status, and low pay are much more likely reasons—every one of which the new programs for nurses is intended to cure.

For you and me, the issue is, conceivably, a vastly improved brand of health service that should, among other benefits, repersonalize medical care. According to Dr. Dorothy A. Mereness, dean of the school of nursing at the University of Pennsylvania: "The use of the well-prepared nurse in the extended role of the physician's assistant might reestablish the time-honored and still-needed practices of visiting patients in their homes; of responding to night calls; of delivering mothers at home; of improving the care of well children, and of focusing attention upon the family as a unit of care. . . ."

The fourth major social issue is arguably the catalyst of the other three. The burgeoning movement to enlarge the role of nurses is the most dignified illustration available today of substantive change in how men view women and how women view themselves.

By almost any yardstick, American medicine has shown a consistent bias against women. Only 9 percent of American doctors are women, compared to 24 percent in Great Britain and 65 percent in the Soviet Union. Whatever other factors may account for this disproportion, one factor has surely been male chauvinism. A seven-year study of medical schools and their administrators by Dr. Harold I. Kaplan, a psychiatrist at New York Medical College, uncovered a widely held view that women were emotionally unsuited to be doctors.

But it is the doctor-nurse relationship that suffers most from scrutiny.

"The nurses have been hospital wives," says Dr. Eileen Jacobi, executive director of the American Nurses' Association, which has created "intellectual passivity" and "a flattering, if often ambivalent, emotional subservience to physicians." And doctors, to some of their critics, have paraded as "the last of the autocrats."

It is within this classic social stew that the new ingredient of the super-nurse must be savored.

The more resourceful and independent nurses—particularly public-health nurses—have always cared for patients beyond customary norms. The more enlightened doctors have always trained their nurses to assume responsibilities as broad as they could handle. But what is happening today differs significantly from these exceptions.

Doctors seem increasingly willing to accept nurses' findings to a degree that was unimaginable only a decade ago. They now permit nurses to give well-child care, to identify and appraise acute and chronic illness and to manage minor problems and emergencies. Care is taken to use such words as "appraise," "assess," "observe," and "judge." But all these words, in reality, are euphemisms for "diagnose."

One of the biggest dividends of the new willingness to enlarge the nurse's role is to put medical care where it has never been before. In one such experiment, the University of New Mexico Medical School has created what it describes as "something less than a doctor but something more than a nurse," and placed her in her native hamlet. The hamlet, Estancia, contains some 2,000 persons who have never before had resident medical care of any kind. The nurse received an intensive four-month training course before going to her post. Once there, she had a direct telephone line to the medical school. Residents or interns from the University Hospital make twice-weekly visits to the outpost, and the entire hospital serves as a backup resource.

The nationwide effort to expand nurses' roles is only one part of a larger movement to find help for harried physicians, but many well-placed doctors consider nurses the most important component of that movement.

In January, 1970, the executive vice president of the American Medical Association, Dr. E. B. Howard, tucked a single sentence into a speech in Boston that elevated the nurse-enrichment program to major national status. "It is the conviction of many in the AMA," he said, "that with only modest additional training, one hundred thousand nurses could become associated with physicians in such a way as to expand markedly the physician's ability to serve his patients." Within a week, the AMA's board of trustees had adopted the idea as policy.

Yet the nursing profession has not been so quick to accept the plan. In fact, Dr. Howard's statement provoked an outraged retort from the American Nurses' Association. "We strongly object to this unilateral action," the ANA president declared, "by the AMA that they would attempt to meet the physicians' shortage by compounding the shortage of nurses." Other nursing professionals viewed the scheme as a means of skimming the cream of nursing away from the profession. Since then, with few exceptions, nursing educators and administrators have maintained a suspicious, and at times hostile, stance toward the move. They make a distinction between "caring" and "curing"; nurses, they say, can only give "care."

Yet doctors and nurses in the enrichment programs scoff at such distinctions. "We do use some of the tools a doctor uses," nurse Loretta Ford of Boulder, Colorado, admits. "So does a mechanic." They argue that by extending and dignifying the nurse's role, they can not only improve the quality of medical care but also, by making nursing more attractive, lure more young women into it—and perhaps, in time, into medicine as well.

Advocates of the new program argue that many of today's distinctions between what a doctor does and what a nurse can do are indulgences: the demand for medical care is too vast. Between 1958 and 1968, spending for health increased from $23 billion to $54 billion. There are more services available, there is more money to pay for them, and there is a deeper awareness that they must be shared with those who cannot pay. Should the country turn to a comprehensive national health-insurance program, as many expect, American medicine as organized today would not be geared for the job.

Since Dr. Lewis Day's experiment with supernurse Rosemarie Egli, other doctors have followed suit. And with few exceptions, results elsewhere have been as good. In Greeley, Colorado, after two pediatricians, Donald Cook and John Cooper, brought nurse-practitioner Joan Carvajal into their program; the telephone calls they themselves had to answer dropped from fifty a day to ten; their time on the phone, commensurately, dropped from two-and-a-half hours to a half hour. In 1968, they took care of 8,700 office visits, all they could handle. In 1969, with Mrs. Carvajal aboard, they were able to treat 24 percent more patients in the office, a total of 10,800. Preliminary figures for 1970 indicate a 15-percent rise over 1969. "I don't have to spend time on, 'This week we'll feed carrots, and next week we'll feed squash.'" Dr. Cook says. "To me it makes a lot more sense to have a woman tell another woman how to feed a baby." What kinds of things is he able to do that he couldn't do before? Dr. Cook smiles. "Be president of the symphony board, for one. And spend more time with the problem patient."

Another two-man pediatrician team reported an 18.8-percent increase in the number of patients seen after they'd been joined by a pediatric nurse-practitioner and an increase in gross charges of $16,000.

Because the University of Colorado Medical Center program begun by Dr. Silver was the pioneer, it is also the most widely studied. Perhaps the most important study is one comparing the independent judgments of nurse-practitioners with those of doctors. Nurses' judgments were corroborated by physicians in 82 per cent of 280 conditions reported. There was some disagreement on 17 percent of the judgments, but the disagreement was not considered significant, since in every instance the nurse properly assessed the severity of the illness. In only two cases—less than one percent of the total—was the difference in judgment significant.

After forty-eight pediatric nurse-practitioners had completed his course, Dr. Silver reported his findings to the American Academy of Pediatrics: "Pediatric nurse-practitioners can care for approximately three-fourths of children coming to a health station. They can give almost total care to well children, and can evaluate and manage a majority of the sick and injured children seen in an office setting." His recommendation: "The training of twenty nurses a year at each of one hundred pediatric centers would result in doubling the quantity of new professional-level health care that becomes available to children each year from the total number of general practitioners and pediatricians who go out into practice."

But perhaps the most impressive endorsement of all was gathered informally by a medical sociologist who had done a doctoral thesis on the program. At a party in Boulder one evening, Robert Hunter, an associate professor of sociology, overheard one woman raving to another about the benefits and satisfactions of breast-feeding her new baby. She'd been encouraged to try, following a half-hour visit at the hospital with her doctor's pediatric nurse-practitioner. "I never dared ask the doctor," the woman said. Hunter then introduced himself, explained his interest—and learned, to his astonishment, that the baby was her fourth.

Stories of better communication between the supernurses and patients too awed by the doctor to confide in him are as numerous as the programs themselves. A report on a nurse midwifery program begun in 1965 at the University of Utah College of Nursing describes how the skepticism that greeted the project at the outset has given way to acceptance. One reason: "The nurse midwife, whose field of practice and area of concern is inherently more restricted medically than that of the physician, is thereby freed to lavish attention on the very areas the physician is likely to leave untouched—the intimate womanly details—and patients appreciate this."

At the University of Kansas, an attempt to delegate care to nurses that had previously been given by doctors produced numerous complaints at the outset. By year's end, the patients, a group of older women, had accepted the nurse as the primary source of care. They stopped complaining, kept their appointments, and called less and less on clinic physicians. Many of the women actually shifted their preference from the doctor to the nurse for services previously performed by the doctor.

If student-doctor opinion is any indication, this tendency will only be reinforced. "When we think of a health team, we do not necessarily assume that the M.D. will be the leader," a spokesman for the Student American Medical Association declares. "The M.D. is trained to be a health technician. His knowledge in other areas—sex, psychology, human relations, economics—is almost nonexistent." The young doctors' association sees the day when care will be administered by a health team composed of a psychologist, a dentist, a pharmacist, and other specialists—as well as a doctor and nurse. "We think that the leader will come out of that group naturally," the spokesman goes on. "It may be the M.D., or the pharmacist, or the psychologist—or the nurse."

Some medical visionaries see the day when doctors and nurses will be educated together in those courses where their functions join. Internships, they believe, should be training periods for medical teams—including nurses—not just for doctors alone. They simply will not buy the argument that nurses will be dispensing second-rate medicine. Dr. Jean French, who helped start a program in family-health care for nurses at the University of California, declares, "In areas of their responsibility, they will be as competent as physicians. They won't go beyond their competence—and they will know enough to know what their limitations are." Where the nurses cannot care for the sick directly, they will be able to direct patients through the "maze of our health-care system" to be certain they receive needed care.

The tide is strong for change, and younger nurses appear eager to ride it. "There's a difference between where nursing leaders and educators say the profession is and where it really is," says Ann Smith, who was one of Dr. Silver's first students and is now a nursing professor.

Where the nurses appear to be is where, at long last, they can act with fullness toward patients.

As Dr. Silver puts it: "Too often, nurses have been assistants to physicians. Our program helps them to be associates to physicians. Doctors could probably train nurses in their offices. But how many would? And they couldn't give their nurses certificates. A nurse can't go to another city and sell a doctor's office training. If this girl is skilled, she should get a certificate. She should get credit, and she should be able to say, 'I am now one of the best-trained nurses in the world.' The facts I teach her are important, but not as important as the fact that she changes her concept of herself."

S. 2108, THE DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Mr. CRANSTON. Mr. President, yesterday I introduced S. 2108, the proposed Drug and Alcohol Treatment and Rehabilitation Act of 1971. It is my hope that introduction of this bill will point the way toward the Government's assuming and carrying out in the next year and thereafter responsibility for the treatment and rehabilitation of the almost 100,000 veteran drug addicts, especially those returning servicemen from Indochina, and the enormous number of veteran alcoholics—probably at least 2 million—in this country.

The immediate focus of this bill is the Vietnam era drug addict or drug abuser. We have all read in recent months of the rapidly escalating drug addiction and abuse which now threatens far greater destruction of the lives and welfare of our servicemen, veterans and their families than the war in Indochina itself.

This epidemic of drug addition among our returning veterans has been highlighted by hearings last Congress and this Congress by the Subcommittee on Alcoholism and Narcotics, on which I serve under the outstanding leadership of Chairman HAROLD HUGHES, of the Labor and Public Welfare Committee.

Senator HUGHES, more than any other American, has stirred our national conscience about the scourge of drug addiction and abuse which is sweeping our country like an infectious disease.

Thus, it has been a great privilege for me to join my good friend Senator HUGHES in conducting joint hearings of his subcommittee and the Health and Hospitals Subcommittee, which I chair and on which he also serves, of the Veterans' Affairs Committee, to explore the problem of veterans drug addiction.

We opened these hearings this past Tuesday, June 15, and heard from a panel of Vietnam and Korean conflict former addict veterans; the directors of a community-based drug rehabilitation program in Sacramento, Calif.—the Aquarian Effort—Dr. Sidney Cohen, clinical professor of psychiatry, the Neuropsychiatric Institute, University of California at Los Angeles, and former Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health in Health, Education, and Welfare; Dr. George Solomon, associate professor of psychiatry, Stanford University School of Medicine, and formerly chief of the Stanford Psychiatric Service at the Palto Alto VA Hospital; and representatives of AMVETS, the Disabled American Veterans, and the Veterans of Foreign Wars.

Mr. President, tomorrow, June 23, we will convene at 9 a.m., in room G–308, New Senate Office Building, to receive testimony from the Administrator of Veterans' Affairs, Donald E. Johnson; the Administrator of the Health Services and Mental Health Administration, Health, Education, and Welfare, Dr. Vernon E. Wilson, accompanied by the Director of the National Institute of Mental Health, Dr. Bertram S. Brown; and the executive director of the American Civil Liberties

Union, Aryeh Neier, at 1:30 p.m. we will reconvene to hear the distinguished Senator from Texas (Mr. Bentsen); the commissioner of the city of New York, Graham S. Finney; and representatives of the American Legion, the Paralyzed Veterans of America, and the American Veterans Committee.

At last week's hearing there was general agreement among the witnesses that the Veterans' Administration drug treatment program requires very substantial expansion; that the VA needs authority to treat all addicted veterans, regardless of the nature of their discharges or findings of service-connection for their addiction; that comprehensive services should be provided with particular emphasis on vocational and educational training; and that major reliance should be placed on relationships with local treatment facilities, especially community-based programs, rather than the VA attempting to do the enormous job itself within VA facilities. The bill I introduce today would accomplish many of these purposes as well as a number of other valuable aims.

The principal focus of the measure is to provide the most comprehensive treatment and rehabilitation for all addicted veterans regardless of the nature of their discharges or findings of service-connection for their addiction. Right now, under present VA law and regulation, a veteran who has received an honorable discharge but was "hooked" during service, without actual or official notice being taken of his addiction, can qualify for care. But a veteran who made a mistake and was discovered received, until very recently with the inception of limited amnesty programs, a less than honorable discharge and usually has been, thereby, made ineligible for treatment. This sort of disparity makes no sense whatsoever.

Mr. President, at this point in my remarks, I ask unanimous consent that a section-by-section analysis of S. 2108 be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis of S. 2108—Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971

Section 1. Declares the title of the bill as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971".

Section 2. Subsection (*a*). Amends the definition of "disability" under chapter 17 of title 38, United States Code, for purposes of hospital, domiciliary, and medical care, to include "alcoholism and drug dependence" and also to include "impairment of function (including by alcohol or drug abuse)". The definition, as amended, would read: "the term 'disability' means a disease (including alcoholism and drug dependence), injury or other physical or mental defect or impairment of function (including by alcohol or drug abuse)".

Subsection (*b*). Adds a basic definition of "veteran" for purposes of eligibility for chapter 17 hospital, domiciliary and medical care to supercede the basic title 38 definition in section 101(2). The amendment would make veterans with undesirable or bad conduct discharges generally eligible for VA care under chapter 17 and also would make eligible for this care a veteran with a dishonorable discharge, or with an undesirable or bad conduct discharge which falls within one of the bars to benefit categories set forth in section 3103(a) of title 38—those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status—which discharge the Administrator determines is a product of any disability incurred during service.

Subsections (*c*), (*d*) *and* (*e*). Amend present clauses (5), (6), and (7) of section 601 of title 38 (redesignated as clauses (6), (7) and (8) by subsection (a) of the bill) to include "rehabilitative services" as part of the definition of, respectively, "hospital care", "medical services", and "domiciliary care" for purposes of chapter 17.

Subsection (*f*). Amends section 601 to add a comprehensive definition of "rehabilitative services" as follows:

"(8) The term 'rehabilitative services' includes such services as professional counselling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or outpatient basis, over a protracted period as may be necessary to assist the individual disabled veteran to achieve maximum utilization of his potential and to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

Section 3. Subsection (*a*). Amends section 602 of title 38, which presently establishes a presumption of service-connection for active psychoses arising within two years of discharge, so as to extend the presumptive period to three years and cover "neuroses" and "personality or character disorders" as well.

Subsections (*b*) *and* (*c*). Relate to changes in the catch line of section 602.

Section 4. Subsection (*a*). Inserts a new section 612A in chapter 17 of title 38 for special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities for any veteran regardless of the nature of his discharge or the provisions of section 3103(a), discussed *supra* under section 2(b).

Subsection (*a*) *of the new section.* Directs the Administrator of Veterans Affairs to furnish the most comprehensive treatment and rehabilitative services for such disabilities of any veteran, regardless of the nature of his discharge or of any determination of service-connection. The treatment and rehabilitation would be provided in VA facilities or other Government facilities (Public Health Service or Department of Defense, for example). When Federal facilities are not available, the Administrator would be required to contract with community facilities with special priority, wherever feasible, for community-based multiple modality treatment programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitation under the new section.

The treatment and rehabilitation to be provided are to be as comprehensive as possible, including "medical examination, diagnosis and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counselling (including appropriate referral for legal assistance), vocational and educational guidance, and crisis intervention." The places of treatment would be hospitals, domiciliaries, outpatient clinics, and half-way houses (including store-front facilities located in areas where large numbers of eligible veterans reside).

Subsection (*b*) *of the new section.* Directs the Administrators to use all available resources in an outreach effort aimed at attracting into treatment addicted veterans eligible for treatment and rehabilitation under the new section. It also authorizes the Administrator to enter into personal services contracts or employ directly former addict veterans to work as counselors in treatment and rehabilitation programs. The Administrator would be authorized to do so without regard to the classification laws and regulations of the Civil Service, which often impede obtaining the services of former addicts who may have criminal records, less than honorable discharges, or generally not be inclined toward success on written Civil Service tests.

Subsection (*c*) *of the new section.* Establishes an entitlement to the full benefits of the vocational rehabilitation program under chapter 31 of title 38 for veterans accepting treatment and rehabilitation under the new section but only for so long as the veteran continues to receive such treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered.

Under the vocational rehabilitation program in chapter 31, the Veterans Administration provides comprehensive educational and vocational counselling and related services, as well as the total cost of training and education plus a subsistence allowance of, for example, $135 for a veteran with no dependents taking full-time training. The goal of the vocational rehabilitation program is to restore employability to veterans with service-connected disabilities from World War II or the Korean conflict or other veterans rated as 30 percent for disability compensation purposes (chapter 11). The Administrator is authorized to arrange for training facilities for vocational rehabilitation trainees in all the following ways: by employing additional experts and personnel; by utilizing and extending VA facilities and those of any other Federal or joint Federal-State agency; by contracting with public or private institutions or establishments for additional suitable facilities; and by cooperating with and utilizing other governmental and state employment agencies for job referral and placement.

Through the vocational rehabilitation program the addict veteran receiving treatment and rehabilitation under the new section 612A would also receive for a maximum of 36 months all necessary counselling, training and education and a subsistence allowance during the period of treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered. Participation in the program through the new section would not affect any other rights and interests of the veteran under title 38.

Subsection (*d*) *of the new section.* Directs that a veteran with less than an honorable discharge who has received treatment and rehabilitation under the new section and, who the Administrator finds, has been successfully recovered for at least one year after his discharge from the rehabilitation program will be deemed as a matter of law to have been discharged from the Armed Forces under honorable conditions for the purpose of establishing eligibility for all title 38 Veterans Administration benefits.

Subsection (*e*) of the new section. Requires the Administrator to offer alternative modalities of treatment under the section to each veteran depending upon his individual needs.

Subsection (*f*) *of the new section.* Requires that funds for the VA treatment and rehabilitation program for alcoholism, drug dependence, or alcohol or drug abuse disabilities be set forth in a lien item in the VA budget estimate.

Subsection (*g*) *of the new section.* Provides for transfer, subject to reimbursement to the VA, to VA hospitals of active military, naval, or air servicemen during their tours of duty for treatment pursuant to the new section under terms agreed upon between the Administrator and the Service Secretaries.

Subsection (h) of the new section. Requires the Administrator to make periodic progress reports to the appropriate Service Secretary on treatment of servicemen transferred to the VA under subsection (g) of the section and to return such servicemen to the appropriate Secretary when the servicemen refuses to cooperate or treatment would otherwise be of no further benefit.

Subsection (b). Amends the table of sections in chapter 17 to add the catch line of the new section 612A.

Section 5. Amends section 1502(a) in chapter 31 of title 38, "Vocational Rehabilitation," to cross reference the eligibility of veterans receiving treatment and rehabilitation under the new section 612A in chapter 17 of title 38.

COVERAGE OF TREATMENT FOR ALCOHOLISM AND ALCOHOL ABUSE

Mr. CRANSTON. Mr. President, under S. 2108, I have included treatment and rehabilitation for alcoholism and alcohol abuse, as well as treatment and rehabilitation for drug addiction and abuse, for a number of reasons.

First, according to data I have gathered from visits to individual VA hospitals, alcohol abuse, although far less publicized than drug abuse, is a significant problem for returning servicemen.

Second, alcoholism continues to be the most prevalent, largely untreated disease in this country. According to Senator Hughes' estimates, alcoholism afflicts some 9 to 12 million Americans, touches the lives of about four times that number through family relationships, and is responsible for more than 25,000 highway deaths a year. Yet, despite Senator Hughes' yoeman efforts in securing enactment last Congress of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act—Public Law 91-616—authorizing appropriation of $300 million over the next 3 years, the administration requested no funds to implement this act in the current fiscal year 1971, or in the coming fiscal year 1972. Thus, we are not doing what must be done to wage the war to combat alcoholism in our land. I believe that the Veterans' Administration can be instrumental in leading the way to the kind of massive effort that is needed.

Third, alcoholism has always been a special responsibility of the Veterans' Administration. The VA estimates that about one in eight of current VA hospital patients suffer from alcohol-related disabilities, and alcohol-related disorders treated in VA hospitals doubled between 1965 and 1969. The VA has been a pioneer in alcohol treatment and rehabilitation, albeit on far too modest a scale. As Senator Hughes' hearings have demonstrated, alcoholism traditionally has been especially prevalent in the military and the attitudes of the uniformed services toward alcoholism have been medieval. Only recently have the services reluctantly acknowledged that alcoholism is indeed a disease.

With proper funding the VA is probably the best equipped single medical entity in our Nation to make a massive assault on the pervasive disease of alcoholism. Under this bill, treatment and rehabilitation for veterans suffering from that disease would be required in VA facilities or through contracts with other public facilities or private programs.

INCLUSION OF COMPREHENSIVE VOCATIONAL REHABILITATION

Another major feature of the bill is that a comprehensive vocational rehabilitation program, under chapter 31 of title 38 of the United States Code, is made an integral part of the addict's treatment and rehabilitation. All competent authorities agree that successful rehabilitation must include a full program of vocational and educational counseling, training and education, job or education placement, and some provision for the addict's subsistence while undergoing treatment and rehabilitation. All this would be carried out as part of the vocational rehabilitation program for addicts, as described in detail in the section-by-section analysis I have already inserted into the Record. If the veteran dropped out of the rehabilitation program or returned to drugs after discharge from the program, he would lose his eligibility for chapter 31 benefits.

As a corollary of this provision, the bill also provides that a veteran with less than an honorable discharge who is discharged from a rehabilitation program as recovered and who continues to be "clean" of drugs or alcohol abuse for a year thereafter will be deemed, as a matter of law, to have been honorably discharged from the service for the purpose of eligibility for all VA benefits.

COMMUNITY-BASED TREATMENT PROGRAMS

In terms of the type of treatment, S. 2108 emphasizes a comprehensive program offering multiple treatment modalities. It also stresses the VA contracting with community-based programs—like the aquarian effort—using former addict counselors and authorizes the Administrator in his own programs to hire these former addict veterans as counselors without regard to the civil service classification laws or regulations.

ALTERNATIVE TREATMENT CHOICE FOR THE VETERAN

The bill requires that the Administrator offer each individual veteran alternative treatment modalities depending on his particular needs. This would preclude automatically placing every veteran in, for example, methadone maintenance programs. I think it is terribly important to remember in this connection that the Federal Food and Drug Administration still considers methadone maintenance to be experimental and that since most addict veterans became addicted in, rather than before, service, competent medical authorities have told us they have a far better chance to recover without drug maintenance or dependence than the unfortunate street "junkie." This is particularly so because the veteran has a chance to leave the military, foreign environment where he became addicted. It would be a tragedy to perpetuate drug addiction for 50,000 to 60,000 young veteran addicts through a maintenance program without an individual medical judgment that a full recovery is not possible for a particular veteran.

BUDGET LINE ITEM

The bill also requires that the President's annual budget include a separate line item for the treatment and rehabilitation program for alcoholism, drug dependence, and alcohol or drug abuse disabilities to be carried out under the new program in the bill. It has been my observation that without such itemization in the budget a particular program will run a serious risk of being drained of funds in order to meet emergency patient care needs—which should, of course, be fully funded, but too often have not been, in the first place. An excellent example of this tendency within the VA is the health personnel education and training program—for which I will propose a similar budget itemization in another bill to be introduced this week.

I also wish to urge the Administrators of Veterans' Affairs to fill one of the three vacant positions of Assistant Chief Medical Director—ACMD—in the VA Department of Medicine and Surgery as an ACMD for drug and alcohol treatment and rehabilitation programs.

Mr. President, there are several provisions in the bill that do not relate solely to drug addiction or alcoholism that I wish to describe at this point.

NEW ELIGIBILITY FOR VA MEDICAL CARE

The bill adds a new basic veterans eligibility provision for VA hospital, domiciliary and medical care. Under the new standard, generally every veteran except one with a dishonorable discharge—imposed only by courts-martial—would be eligible for full VA medical care services—including outpatient care. Even as to dishonorable discharges, the bill proposes to permit medical care eligibility if the administration determines that the dishonorable discharge—or certain undesirable or bad conduct discharges—was the product of a disability incurred in service; for example, a psychiatric condition leading to kleptomania.

Present law in title 38 of the United States Code—through the language "discharged or released—under conditions other than dishonorable" (38 U.S.C. § 101 (2))—limits veterans benefits to those who received either honorable or general discharges. As to veterans with undesirable or bad conduct discharges, the Veterans' Administration, Labor Department, or other agency administering the benefit is presently empowered to make an adjudication that the conditions surrounding the discharge were not "dishonorable" and thereby grant eligibility for VA benefits—VA manual, chapter 14.

However, in the case of discharges involving alcoholism or drug abuse, or repeated AWOL's, almost invariably it ends in determination of ineligibility. In any event, even if a favorable determination results, it comes many, many months after the need for care arises.

I hasten to note that a good portion of such delays in adjudication are due to incredible slowness on the part of the armed services in producing military medical records needed for the VA adjudication process. But, regardless of whose fault these delays are, my point is that the delays themselves often render the adjudication process oppressive.

Under the standard proposed in the bill, the only cases that would still require adjudication—other than certain dishonorable discharges where a "product" relationship were alleged—would be undesirable or bad conduct discharge cases where there was a suggestion of application of one of the absolute bars to benefits set forth in section 3103(a) of title 38, United States Code, which S. 2108 does not propose to change—namely, those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status.

I am proposing this departure from present eligibility requirements, first, because I have long believed present strictures are unenlightened, inhumane, and counterproductive for society, particularly in denying wounded veterans care for their service-incurred disabilities because of some deficiency in their discharges. Second, as I have already noted, the adjudication process is often excessively protected and burdensome for both the veteran and the VA. Third, given the modifications almost everyone—the President in his June 17 omnibus drug control message, Chairman TEAGUE of the House Veterans Affairs Committee in H.R. 9264 introduced on June 18, and leaders of veterans organizations—seems to feel are necessary in eligibility requirements in order to provide VA drug addiction treatment for veterans regardless of the nature of their discharges, I am unable to find any moral or logical basis for distinguishing between the case of a veteran with an undesirable discharge and an amputated leg needing VA treatment, on the one hand, and another veteran with the same type of discharge and drug addiction, on the other.

Both classes of veterans need help—medical care for their disabilities and assistance in readjusting to civilian life. The Nation, as well as they, will benefit greatly by offering them as much assistance as possible toward becoming productive, tax-paying, self-respecting citizens.

DEFINITION OF REHABILITATIVE SERVICES

In another provision, a basic definition of "rehabilitative services" is added to chapter 17. This definition would apply to all veterans receiving chapter 17 care, as well as those under the new section 612A. It is almost incredible that there is no definition, let alone any mention, of rehabilitative services, in all of chapter 17 at present.

TREATMENT FOR NEUROSES AND PERSONALITY DISORDERS

Finally, the bill would amend the presumptive period for service connection for certain psychiatric disabilities now applying only to active psychosis arising within 2 years of active duty discharge. Under the bill, neuroses and personality or character disorders as well as psychosis, arising within 3 years of discharge would also be presumed to be service connected.

Section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82–239 in 1951. The House-passed bill—H.R. 320—had included a 3-year period for active psychosis and the Senate reduced it to 2 years—Senate Report No. 749, 82d Congress, first session, 1951.

Very substantial testimony at our oversight hearings on medical care for Vietnam veterans last Congress and again at our joint drug addiction hearings this past Tuesday has demonstrated to my satisfaction that the psychiatric casualties of the Indochina war are—as a result of multiplicity of factors—turning up many months and even years after discharge and often tend to be suffering from lower grade psychiatric disturbances. Under S. 2108 veterans with these conditions would be eligible for full outpatient care in the same way as treatment for a service-connected disability, which is generally the most effective and productive method of care.

In view of this, I believe that the same justification underlying the original provision for active psychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indochina war. The purpose and rationale of section 602 were described in the House and Senate Committee reports as follows:

> The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact cause of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to the contrary. . . . (H.R. Rept. No. 239, 82d Cong., 1st Sess. 2 (1951)).
>
> It is generally recognized that the disease of psychoses is not only an individual problem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . (S. Rept. No. 749, 82d Cong., 1st Sess. 2 (1951)).

APPROPRIATIONS FOR VA DRUG AND ALCOHOL TREATMENT PROGRAMS

Mr. President, before closing, I want to address myself to the question of appropriations to carry out any drug addiction programs. I spoke to this in my opening statement at our June 15 joint hearings on Veterans' Drug Addiction as follows:

> According to Senator Hughes, the veterans addict population may total 80,000 to 90,000 by the end of fiscal 1972. Most of the afflicted veterans have returned to this country over the last several years and have received no care or attention from the VA. So this is really not a new problem we focus on today. Yet the government's response so far has been to open five VA Drug Dependents Units around the country. And these were opened only in 1971.
>
> Given the devastating extent of the drug addiction problem among veterans, it is shocking to me that right now the VA is treating only 219 in- and out-patients for drug addiction at these five centers, with 116 veterans now on the waiting lists at these new facilities alone.
>
> In the face of this, the VA originally planned in its FY 1972 budget to open up 13 new centers by June 30, 1972, for a total of 18 centers. These 18 new units originally slated for next fiscal year are funded in the budget with only $3.2 million additional. This is only about $175,000 per unit. Actual experience with the five units already indicates this figure is far too low. Units operated for a full fiscal year require about $540,000 in the first year and $480,000 thereafter with about 35 staff members for each unit's in- and out-patient programs.
>
> By contrast, the VA's plans, after meat-axing by the Office of Management and Budget, allow for less than half the necessary funds and one-third the necessary staff in order to run an effective drug abuse treatment program with adequate follow-up and the requisite individual care. For fiscal year 1973 the VA initially projected opening 12 more of these drug dependence units for a total of 30 in operation by June 30, 1973.
>
> But, as the Hughes Subcommittee turned up the heat on the military drug abuse problem, some of the flames apparently began igniting these VA plans. Now, VA representatives say they will accelerate their plans and make all of these 30 centers operational by the end of fiscal year 1972. They also seem to be talking about opening an additional 30 centers by mid-1973.
>
> I understand that each of these projected centers is to be capable of treating 200 addicts annually for a total agency-wide capacity during the next fiscal year of 6,000 veteran addicts, less than 7 percent of the estimated total number of veteran addicts requiring treatment and rehabilitation.
>
> The VA, the Congress, and all of us in the country can and must do better than that. We cannot rely on community facilities in the private sector to take up this enormous slack. These local facilities are already severely overburdened and are far too few with far too little funding support from the federal government, or local or state governments for that matter.
>
> At a minimum, it seems to me that we must double the new VA estimate and have 60 units operational by this time next year, with a capacity to treat 12,000 addicted veterans annually. To do this job properly will require a minimum of $28 million more than is budgeted. And then untold millions will still be needed to provide care in community facilities under contract with the V.A. I pledge myself—together with Senator Hughes and my good friend "Tiger" Teague, Chairman of the House Veterans Affairs Committee—to do all we can to convince the Appropriations Committees in each House and the full Congress that all necessary funds must be made available immediately for these programs. . . .
>
> It is no longer a sufficient answer to deny a governmental responsibility for the man who incurred drug addiction during service by saying he willfully subjected himself to addiction. Nor is it any longer satisfactory to try to exclude from any treatment a man who happens to receive a less than honorable discharge because he engaged in criminal activity to support his habit during service.
>
> And it is equally unacceptable to have to twist and stretch the statutory eligibility requirements in order to bootleg out-patient care when that is appropriate or to hospitalize men not needing hospital care.
>
> The Congress must marshall the necessary resources and enact the necessary laws to confront this problem head-on with compassion, firmness, conviction and the sense of urgency that its enormous dimension demands.

In his June 17, 1971, omnibus drug control message, the President partially met the need for drug addiction funding I outlined on June 15. Of the $155 million he requested in that message, he called for "$14 million to permit immediate initiation of this program to make the facilities of the Veterans' Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharges from service. This money would be used to assist in the immediate development and replacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting."

If this $14 million is spent to staff clinics at desirable levels, only about half of the 60 clinics I believe we need operational in fiscal year 1972 would be opened.

We must add to the $28 million needed for drug dependence treatment centers about $16 million more to open 20 new alcohol treatment units in fiscal year 1972. This would give us an annual treatment capacity for alcoholism of about 3,000 beds treating 24,000 patients—about double the present VA capacity.

I plan to testify in detail on the need for funding drug and alcohol treatment units on June 29 before the Senator PASTORE's Appropriations Subcommittee which handle the VA budget.

Mr. President, I plan to expedite consideration of S. 2108 in the Veterans' Affairs Committee's Health and Hospitals Subcommittee and to question the administration witnesses as to its general provisions at our joint hearings on June 23.

Mr. President, I ask unanimous consent that, for the convenience of Senators, the text of S. 2108 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemled, That this Act may be cited as the "Veterans Drug and Alcohol Treatment and Rhabilitation Act of 1971".

SEC. 2. (a) Section 601 (1) of title 38, United States Code, is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease", and by inserting a comma and "or impairment of function (including impairment caused by alcohol or drug abuse)" immediately after "defect".

(b) Section 601 of such title is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) of such section a new paragraph (2) as follows:

"(2) The term 'veteran' means (except as otherwise provided in section 612A of this title) a person who served in the active military, naval, or air service, and who was discharged or released therefrom with an other than honorable discharge or with any discharge (notwithstanding the provisions of section 3103 (a) of this title) which the Administrator, after notice and opportunity for a hearing, determines in accordance with such regulations as he shall prescribe was the product of a disability incurred in such service."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601 (7) of such title (as redesignated by subsection (b) of this section) is amended by striking out "and treatment" and inserting in lieu thereof a comma and the following: "treatment, and rehabilitative services".

(e) Paragraph (8) of section 601 of such title (as redsignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services, and such other intensive skilled services applied on an inpatient or out-patient basis, over a protracted period as may be necessary to assist any disabled veteran to achieve his maximum potential and to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

SEC. 3. (a) Section 602 of title 38, United States Code, is amended by—

(1) striking out "captive phychosis" and inserting in lieu thereof "psychosis, neurosis, or personality or character disorder"; and

(2) striking out "two years" both times it appears therein and inserting "three years".

(b) The catch line of section 602 of such title is amended to read as follows:

"§ 602. Presumption relating to certain disabilities".

(c) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"602. Presumption relating to psychosis.".

and inserting in lieu thereof

"602. Presumption relating to certain disabilities."

SEC. 4. (a) Chapter 17 of title 38, United States Code, is amended by adding immediately after section 612 the following new section:

"§ 612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities

"(a) Notwithstanding any other provision of this title, and regardless of the nature of a veteran's discharge or release from active, military, naval, or air service, the Administrator shall furnish such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this section collectively referred to as 'treatment and rehabilitative services') as he finds to be reasonably necessary for an alcoholism, drug dependence, or alcohol or drug abuse disability of any veteran. Such treatment and rehabilitative services shall (1) include medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), vocational and educational guidance, and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, halfway house facilities (including store-front facilities located in areas where large numbers of veterans eligible for care and services under this section reside) over which the Administrator has direct and exclusive jurisdiction and in other Government or public or private facilities for which the Administrator contracts. In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities, the Administrator shall, wherever feasible, give priority to community-based multiple modality treatment and rehabilitation programs utilizing former addict counselors and stressing out-reach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this section.

"(b) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans eligible for treatment and rehabilitative services under this section. To carry out the preceding sentence and to provide counselors for the treatment and rehabilitation programs, the Administrator is authorized to contract for the services of or employ former addict veterans without regard to those provisions of title 5, United States Code, relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) Any veteran accepting treatment and rehabilitative services under this section shall, for as long as he continues to receive such treatment and services and for up to one year after his discharge from the treatment and rehabilitation program as recovered, be entitled, without regard to any other rights or interests under this title, to all the vocational rehabilitation benefits provided in chapter 31 of this title for a period not exceeding four years.

"(d) If the Administrator finds that any veteran who was discharged under conditions other than honorable has received treatment and rehabilitative services under this section, has successfully completed the treatment and rehabilitation program prescribed by the Administrator, and thereafter has been recovered, for a period of one year or more, from the disabality for which he received such treatment and rehabilitative services, such veteran shall be deemed to have been discharged under honorable conditions for the purpose of eligibility for any benefits under this title.

"(e) In providing treatment and rehabilitative services under this section to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran depending upon the individual needs of such veteran.

"(f) For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this section during such fiscal year for the treatment and rehabilitation of eligible veterans sufferring from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

"(g) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence, or alcohol or drug abuse condition, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 686), be transferred to any Vetterans' Administration facility and provided treatment and rehabilitative services under this section.

"(h) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when his alcohol or drug condition is stabilized, or upon certification that (1) the member refuses to cooperate with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to the member."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding

"612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities"

immediately after

"612. Eligibility for medical treatment".

SEC. 5. Section 1502(a) of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) Every veteran who is in need of vocational rehabilitation on account of a disability for which he is receiving treatment under section 612A of this title under the conditions set forth in subsection (b) of that section shall be furnished such vocational rehabilitation as may be prescribed by the Administrator."

QUIET FALLS ACROSS THE PLAINS

Mr. McGOVERN. Mr. President, Life magazine of June 25 has depicted with considerable success the pallor covering rural America. This article tells the tragic story of the decline of a once thriving community in my State, Vienna, S. Dak. Just as moving and every bit as tragic is the account of a Vienna area farmer, Elwood Jorgensen. After years of hard and fruitful toil. Mr. Jorgensen sold his farm for a profit of $506, his only reward for 21 years on his farm.

The article illustrates the folly of low farm prices. There is no one cure-all for ills facing rural America, but the basic ailment is low farm prices. Every time seven family farms close, one main-street business also closes its doors. The result of this low farm price policy over the years has been the migration of millions of persons from our farms and rural communities to overcrowded cities.

I applaud Life magazine and others who have focused attention on the problems of rural America and our farmers; I believe that now is the time for action.

Last week, I introduced a bill, S. 2093, which would protect producers' incomes when rebuilding reserve stocks of wheat and feed grains. This bill does not do all I would like, since it is handicapped by the administration's disastrous low-price, high-volume policy. However, I think the time has come for us to offer legislation which will improve what is, at best, a bad farm program.

I also invite the attention of this body to the article in the June 25 Life magazine. Because it so aptly describes the plight of rural America and the farmer, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUIET FALLS ACROSS THE PLAINS—MIDWESTERNERS LEAVE THEIR FARMS, TOWNS, AND A WAY OF LIFE

Home to Elwood Jorgensen was always Vienna, S. Dak. Now, with $506 to show for 21 years of bone-cracking work as a farmer, he has sold out and joined the migration of country people to the city. Last week he was working part-time as a painter in Pierre. This week he is in Rapid City unloading construction material and hoping for something else when that ends. He would rather be back home in Vienna, but there is no work.

At midmorning a flag outside the post office is the only hint of life along Vienna's Main Street. From time to time a pickup truck stops in front of the corner bank or a farm wife goes into Milo Nelson's store for a loaf of bread. Later in the afternoon farmers and townspeople will gather at Arnie Hanson's bar to sip Grain Belt beer, play pinochle and watch TV.

Across the table-flat plains, from North Dakota to Texas, the lights are going out. Small towns are shriveling and dying, farmhouses stand abandoned and stark, sun-bleached momentos of an era lost in a sea of prairie grass. The rural life anchored on little farmer's towns, which only 50 years ago dominated the American heartland, has come quietly to the edge of extinction.

Once a living covenant between a man and his land, farming is now sheer hard business, where sentiment about the past has little place. The economics of narrow profit margins and staggering mechanization costs have been forcing farmers either to extend their stakes or to get out, yielding up their failures at auction-block prices to more successful neighbors. As farms become larger and farm families fewer, the crossroads communities that served them, like Vienna, S. Dak., flounder and die from disuse. Once so numerous that almost every farmer was within an hour's horse-and-wagon haul of one, such towns sprang up less than 100 years ago around grain elevators and early railheads. Their decline was signaled by the automobile and sealed by the supermarket.

What began as gradual migration from rural areas after World War I has become a general exodus today. Ten years ago there were 15 million people living on farms. Figures from the 1970 census, just now being analyzed in detail, are expected to show that fewer than ten million of them are left. Almost every state has some rural counties with net losses. Most severely hit of all, however, are the broad wheatlands of the upper Midwest where farmers like Elwood Jorgensen are no longer able to eke out a decent living, even from a half section of good land. Scale and efficiency have carried the day against many family farms. Often with hope, usually with regret, thousands of rural Americans are moving weekly toward the cities and a whole new set of problems, abandoning the country's outback.

THE TRAINS DON'T OFTEN STOP HERE ANYMORE

Two railroad lines intersect at Vienna They brought the town into existence in 1887, and seemed to assure that it would always be on the map. When automobiles began draining Vienna's trade away to nearby cities, four gas stations appeared. Now three of those are abandoned. Two trains each day still go through but never stop at the tiny station. And on some maps the dot that was Vienna has already disappeared.

Hans Bossen moved to Vienna in 1930 to open a blacksmith shop. Now it is called a machine shop and although Bossen will not admit that it is closed, it is hardly ever open. With the help of his wife Clara, he has plenty of time to clean up the leaves in the yard.

Once Vienna had four grain elevators, a stockyard, three saloons, two doctors, a lumberyard, a flour mill, a blacksmith shop, a newspaper, four churches, an apothecary, a theater and two hotels—each with its own horsedrawn hack to meet the trains.

The Vienna Grain Co. still does business shipping wheat, oats and barley from the one remaining elevator that is the dying town's economic soul. And enough worshipers show up on Sundays to keep Bethlehem Lutheran Church open. But the modest glory of Vienna is gone. Even the two-story brick schoolhouse, pride of the town when it was opened in 1914, has been boarded up and plastered with no trespassing signs by a man who bought it for just $811 as winter storage space for bees.

Omer Alce and Milo Nelson, each too proud to give in to the other, go on operating meagerly stocked grocery stores on opposite sides of Main Street, dividing the town's bread-and-milk trade while supermarkets 30 miles away draw the big weekly shopping business. Harry Kannegieter, who manages two branches of the Citizens State Bank, has cut his time at the Vienna office to two days a week. Everything else that once made a busy Main Street is gone. Most of the buildings have burned to the ground; a few stand vacant and boarded up. Even the shade trees planted by Vienna's founders, which made it look like an oasis on the prairie, are starting to die. And the few trains that whistle through stop only by prearrangement when a shipment of grain is ready.

The 1970 census showed Vienna's population officially down to 119 from 191 in 1960. But after six funerals this spring alone, the actual number has dropped to 103. Of those who are left, the average age is over 65.

HOW THE LAND IS EMPTYING

The migration away from rural areas of the nation in the 1960s resulted in net population losses for three states—North Dakota, South Dakota and West Virginia. Five farm states in the upper Midwest showed declines in 316 counties (out of a total of 417) and reported a combined net gain of only 2.3% compared to 13.3% nationwide. For most of the losing counties the dismal returns from the 1970 census are a continuation of a trend that began 20, 30 or even 50 years ago.

What is new is that the drain now has reached the point where thousands of towns and villages, most of them between the Mississippi River and the Rocky Mountains, no longer function as economic units. For the aged clinging to these towns, who cannot afford to leave and would have no place to go if they could, there are few stores, no doctors and often not even a neighborly café for a cup of coffee. If they are too old to drive or cannot afford a car, there is not even a way for them to get to the nearest city.

Depopulation does not necessarily mean decreasing prosperity. Nebraska has shown steady increases in real per capita income in 91 of its 93 counties even though 67 of them were losing people. It is the successful, after all, who can afford to stay on the farm. In 15 years the size of the average Nebraska farm has jumped from 474 to 659 acres.

While people in urban areas search for a more bucolic life farther and farther from the cities, turning what used to be crop and grazing lands into new suburbs, they are replaced in the cities by farmers' sons and daughters and sometimes even by the farmer himself. Since 1920, when the country's population was evenly divided between rural and urban, more than 40 million Americans have moved from farm to nonfarm areas. The flight from the land is led by young people, mainly recent high school and college graduates between 17 and 22. When they vanish with their diplomas aboard buses marked Minneapolis or Denver or Omaha, they take with them country habits and values that make them strong candidates for city jobs. Many employers say that "kids from the sticks" work harder and stay on the job longer with fewer complaints. But surprisingly many hope to return to rural areas when they are ready to raise families.

Adults giving up farm life have a tougher time. Willing but unskilled for urban work, they often wind up with menial, low-paying jobs. Compared to the young, their shock of adjustment is generally far more profound.

AFTER YEARS OF TRYING, A FARMER GIVES UP

Even before there was Vienna, there was a Jorgensen place. Hans Jorgensen, speaking hardly a word of English, arrived to stake his quarter-section homestead in 1880. Thirty years later his son Andrew started farming a dusty mile due west of town. That place is where Elwood Jorgensen was born 51 years ago, right in the farmhouse, and where he spent his boyhood years helping his father to coax a crop during the Dirty Thirties. By 1950, after a stint in the army and a few years working at a nearby dairy, Jorgensen had saved enough money to buy some used equipment from an uncle and start farming himself. Buying his own land was out of the question—prices had already hit $70 an acre and were rising fact. But after a few good years as a tenant he hoped to be able to buy a quarter section. In the meantime he would work another man's land and turn over a third of each harvest to his landlord.

The dream of owning his own farm was a long time dying for Elwood Jorgensen. For 21 years he plowed and planted and harvested. Two sons and a daughter were his only labor supply. Three times what looked to be good money-making harvests were wiped out by ten-minute hailstorms late in the summer. Year by year the need to work his land with new and better machines—tractors, plows, combines—pushed Jorgensen's revolving farm loan higher. By the time his kids had grown and, like so many others, left, their help was no longer essential. Modern equipment let him farm 320 acres alone in less time than it used to take four of them. But over the years the price of flax had dropped from $8.30 a bushel to $2.44; rye fell from $3.40 to 93¢ and wheat from $2.50 to $1.57. To make his expensive new equipment pay off, he had to have more land, more volume. Already owing the bank nearly $15,000, with land at a premium, there was no answer.

In 1963 doctors discovered that Jorgensen's wife Evelyn had cancer. Five years later, after five expensive operations, she died. A farm is no place for a man alone. Jorgensen and Carolyn Donley had gone to school together, and her husband had died in an auto accident a year before Evelyn. They were married. It was a new beginning, and suddenly Jorgensen found himself able to look beyond the farm and Vienna. In his last few years on the farm, he averaged a net income of less than $1,200. In 21 years he never had to pay income tax because he never earned enough. The next time the landlord complained, after the 1970 harvest, that his share of the crops was too small, Jorgensen made the hardest decision of his life—to quit. He would stay through the winter, but then he would post his auction notices, sell out what he had to the highest bidders (next page) and set out to try something new, with whatever was left after paying off the bank.

This spring, their possessions reduced to what they could carry in a half dozen trips from their front porch to the pickup truck, Elwood and Carolyn Jorgensen and a collie named Buffy squeezed into the cab of the pickup and left the last Jorgensen place.

A DUST STORM BLEW UP JUST IN TIME TO COST ELWOOD JORGENSEN $3,000

Auction day dawned bright and dry, a bad sign in farm territory where there had been no rain all spring. The bidding started first on the Jorgensens' furniture. In all, they hoped to get $18,000—enough to pay off a $14,860 farm loan and have money left to put down on a nearby cafe and filling station where they could also live. The hired auctioneer Ole Hall coaxed the bids up by painful dimes and quarters. But the lack of rain had local farmers worried about a dry year and the bids stayed low.

As the auction moved into a pasture where Jorgensen had assembled his equipment, a hard wind from the north brought a dust storm. He insists this cost him at least $3,000 in reduced bids. By the time the auctioneers reached the stock pens, Jorgensen had given up hopes for the cafe and filling station. In the end the bank got its money, but after paying the auctioneers, the Jorgensens had only $506 left to start a new life.

TIME TO FORGET THINGS THAT WERE LOVED

While Elwood and Buffy take a last walk round the north quarter, Carolyn, beside the crib she slept in as a baby, stares at reflections in a coffee cup and says good-bye to her home.

THE CRISIS IN RURAL HEALTH CARE IN AMERICA

Mr. BAYH. Mr. President, there is a massive health care crisis in this country. Nowhere is this crisis more acute than in our rural areas. Indeed, the health care available to rural Americans is often no better than that available to citizens of the least developed nations of the world. And for too many rural Americans—particularly the rural poor—even inadequate health care simply does not exist at all.

The lack of decent health care for rural Americans is a shameful fact of life in this affluent Nation of ours. And the already deficient state of our rural health care system is deteriorating at a dangerous rate.

The problem stems primarily from this country's alarming shortage of physicians and other health personnel. Because most health professionals tend to locate in or around urban population centers, this shortage is expecially acute in rural areas.

Rural areas suffer as well from this country's intense maldistribution of medical resources. Simply put, this means that the average rural citizen has less than half the access to physicians, dentists, nurses, hospital beds, and other vital health resources as compared with the average citizen living anywhere else. This lack of access to health care personnel and facilities means that large numbers of rural Americans do not get the kind of primary care which is essential for the maintenance of good health and the prevention of more serious illness. It means that rural health resources cannot deal fully with serious illnesses when they do occur. And it means that emergency health services—literally a matter of life and death—are largely unavailable in rural areas.

Not only is there a serious shortage of medical care available for rural people, but rural physicians serve far wider areas than their urban counterparts. This means that for many rural people, going to the doctor means a substantial amount of travelling, taking up valuable time and involving extra expenses. For the aged, and the poor, and others for whom traveling is a problem without convenient public transportation, this can be a real obstacle to regular medical attention.

This problem of distance is even more important when serious illnesses are involved. Patients who are critically ill must often be transported many miles to larger towns and cities to receive proper care, because rural general practitioners and small, rural hospitals simply cannot deal with many more serious health problems.

The shortage of medical resources, and the distance rural people must travel to obtain medical care have their most serious effect on situations requiring emergency treatment. Mr. President, farming is not an occupation without its hazards. Rural areas suffer the highest rate of work-related injuries in the Nation. More than three-quarters of a million farm people are disabled every year; the accident fatality rate for farming is higher than for any other occupation save mining and heavy construction.

And the fact is that many of these deaths could have been avoided, if there were adequate emergency health services available in rural areas. Studies have shown that those injured in rural areas have only one-fourth the chance of survival as compared to urban accident victims, even though their injuries were often less serious. Mr. President, people are dying in the rural parts of our Nation—not because of fatal injuries—but because of a fatal lack of care.

The growing distress of our rural health care system falls especially heavily upon the aged, who make up an increasingly large proportion of the rural population. Aside from the difficulties involving transportation to distant medical facilities, the isolation of many rural areas makes its difficult and extremely costly to provide elderly people with the kind of home care they so often need. The elderly have special needs for specialist care and continuing care for chronic diseases. Yet their resources are generally fewer, and the kind of care they need is largely unavailable in most rural areas. Our rural health care system, Mr. President, is becoming, unfortunately, less and less able to provide for the needs of the aging rural citizen, denying to elderly citizens the opportunities they deserve, to live out their lives without constant fear of illness for which treatment is not available.

For the rural poor, the situation can only be described as desperate. For too many poor people, in rural areas, medical care, because it is too costly, and because it is often not readily available, is viewed as a last resort. And at this point medical care becomes even more costly, and usually less effective. The heavy burden of providing health care to poor families falls not only upon the patient and his family, but upon his community as well, which must provide for those who cannot bear the costs alone.

THE PHYSICIAN SHORTAGE

The key to the rural health care crisis is the physician shortage. The number of physicians in rural practice is declining steadily in relation to the rural population. Small towns all across the Nation are having an extremely difficult time recruiting new physicians, and the rural general practitioner, long the mainstay of rural health care, is a vanishing breed. A high proportion of these dedicated physicians are over 50 years old, and they are not being replaced in anywhere near adequate numbers; less than 5 percent of medical school graduates in recent years enter general practice, and most of these establish their practices in urban areas.

The fact that for generations primary responsibility for the health care of rural America rested upon the shoulders of the country doctor has had serious effects upon the quality of care now available for people who live in small towns and on the farm.

Mr. President, there can never be a substitute for the kind of care provided by thousands of country doctors. Those of us who grew up in the farm country know well indeed the dedication and devotion of these selfless men. In all seasons and at all hours—from birth to final illness—they treated generations of

Americans in a personal manner too rarely found among today's practitioners. They were a family's friend as well as a family's physician. And not a few of these wonderful men took home a few chickens, or half a hog, or a few bushels of corn from families who just did not have any other means to pay the fee.

But today, because of the nationwide physician shortage, and the special scarcity of physicians in rural areas, the country doctor is overworked, overextended, and because of the great demands of his practice, unable to keep pace with the unprecedented advances constantly being made in the medical sciences.

Additionally, the rural general practitioner, because he is often the only physician for great distances, is called upon to undertake treatment and perform procedures that would ordinarily be performed by a specialist with more particularized training. And because of the growing sophistication of medical techniques, rural general practitioners must increasingly refer patients to specialists in distant towns and cities for the necessary care.

Because of the shortage of health care personnel, hospitals in small, rural towns often cannot provide the quality of care that they ought to. Small hospitals in rural areas do the best they can, and provide vital services for their communities. But they are less able to maintain the kinds of facilities and staff that larger urban hospitals maintain, and they are less likely to be able to meet the kinds of standards that are required for accreditation.

There is not enough health care available for rural America, and the quality of care being offered is not high enough. The sad conclusion must be, Mr. President, that rural America's great need for quality health care is simply not being met.

HEALTH SECURITY

Mr. President, this is the year in which literally dozens of bills dealing with the Nation's health care problems have been introduced in Congress. There is a heightened sense of awareness of the massive health care problems facing this Nation. And there is a greater sense of resolve to do something about them.

To my mind there can be no more important step toward providing quality medical care to all Americans than the passage of the National Health Security Act of 1971, S. 3, which I am proud to cosponsor. This act is one of the most important pieces of legislation ever to be introduced into the Congress, and great credit must be given Senator EDWARD KENNEDY, who introduced the bill in the Senate, and to Congresswoman MARTHA GRIFFITHS, who sponsored the bill in the House of Representatives. Their leadership has been invaluable in the fight to provide comprehensive national health insurance for all Americans. This act will provide for the first time a national, organized approach to the delivery of health care for all Americans. Enactment of health security will provide complete coverage of all health care expenses for all the people of this country, rich and poor alike, whether they live in the cities, in small towns, or on the farm.

This is an especially crucial piece of legislation for those who live in rural areas. While we know that the cost of living is lower outside of urban areas—items such as food and housing are significantly less expensive in rural areas—medical costs, the fastest rising item on the Consumer Price Index, are rising as fast in rural areas as elsewhere.

The employer-provided health insurance that covers millions of working Americans does not cover most agricultural workers, and self-employed farmers. And for those in rural areas who work in factories and industrial plants—often young people trying to support a family—the coverage is often inadequate. In today's depressed economy, where layoffs are frequent and of long duration, these rural industrial workers are often left with no coverage whatever.

Health security would insure that no matter what the employment picture, and no matter what a person's resources are, his full health care needs would be covered. For people living in rural areas where incomes are generally lower, this act is of vital importance.

Mr. President, the Health Security Act will insure that all Americans will be afforded quality health care—as is their right—without regard to their financial abilities. It is now up to the Congress to move rapidly toward this worthy goal by passing this historic legislation.

PROPOSALS FOR IMPROVING RURAL HEALTH CARE

What we need now is comprehensive planning for the effective delivery of quality health care to rural Americans. And we need to insure the rapid and complete implementation of the best methods suggested to achieve that goal.

The problem of rural health care must be dealt with on two fronts. The first is the manpower shortage. The second is the present inadequacy of methods of delivering health care to the rural population.

With regard to manpower, we must dramatically increase the numbers of doctors, nurses, technicians, therapists, and other allied health care personnel. We must increase our support of medical and nursing schools, as well as other institutions training health care personnel. We need to encourage greater utilization of paramedical personnel, and encourage the more than 30,000 military corpsmen who are discharged each year to put their valuable training to use in careers in civilian health care. And we must provide genuine incentives and encouragement for health personnel at all levels to settle and practice in rural areas.

Of course, the special health manpower needs of rural America can only be met as part of a solution to the health manpower needs of the Nation as a whole. This country faces a dangerous shortage of health personnel. It is imperative that we find ways to increase the output of medical schools, nursing schools, and other institutions which train health professionals. It is a matter of serious concern that, in the midst of this acute shortage of health personnel, medical schools all over the country are actually facing bankruptcy, nursing schools are cutting back on the number of students they can accept, and students in the health professions find it difficult to secure financial aid to pursue their studies.

The sad fact is that the Nixon administration, while expressing concern over the health care crisis, continues to cut back on funds for medical research and for assistance to medical and nursing schools. If the health manpower shortage is to be alleviated—and it must be alleviated—the administration must do more than just talk about it.

We need also to develop and implement new methods of delivering health care to the rural population. Present models of rural health care are clearly inadequate. Using techniques learned in experiments being carried on around the country, experience derived from our medical efforts in Vietnam, and in the space program, we can significantly increase the effectiveness and quality of health care offered to rural America.

In the days when rural health care was the country doctor, what are known as the horse and buggy days, the model of rural health care most frequently found was the solo practitioner caring for as many people as he could who lived within a fairly close distance to his office. Today, however, with improved transportation, a physician 25 miles away is actually closer to his patients than he was 50 years ago living 5 miles away. Greater numbers of patients, from a wider area can come to the physician's office than ever before. The physician shortage makes it imperative that patients come to the doctor, unless absolutely impossible, rather than the doctor traveling all over the landscape looking after his patients.

What must be encouraged are group practices of physicians centrally located in well equipped clinics, and satellite clinics in the outlying areas staffed by paramedical personnel who can handle the initial, routine matters. There are several models of this sort of practice presently in operation in several States. But they all share this one fundamental feature: it is the physician's skills which are most valuable and most scarce, and these must be utilized with optimum efficiency and effectiveness. It is fruitless, Mr. President, to insist that each patient have the individual care of a physician for every ailment. That would be fine—but we must realize that there are not enough doctors. There never were—and it is unlikely that there ever will be. What we need to do is get decent care to everyone, not good care to some, and no care at all to most. The kind of health care delivery system which I have briefly sketched out above can be adapted to many different types of areas and situations. It offers the best chance to share our existing and developing health care resources with as many people as we can, and at the same time delivering a higher level of care than is presently being offered.

A lot of the effectiveness of the centrally located group—or individual—practice and surrounding satellite clinics depends upon the kind of access people can have to the facility. Not everyone has a car, and in an emergency situation, automobile travel may not be feasible.

Medical transportation capabilities must be developed which can serve the special needs of the rural situation.

Some rural health care delivery experiments provide mini-bus service, and all involve well equipped ambulances and highly trained crews. Some of the more ambitious models envision the use of helicopter evacuation for emergency cases, utilizing the sophisticated techniques learned by the Medical Corps in Vietnam. In rural areas, where great distances must often be traveled to reach medical care, swift and comprehensive transportation facilities must be available or the value of the medical service will be substantially diminished.

OUR GOALS AS A NATION

Mr. President, I have tried briefly to outline here the serious health care needs of rural Americans. And I have tried to indicate what I feel we can and should do toward meeting those needs. I believe that we must be guided by two firm principles when we deal with the health of our citizens. The first is that all citizens should get the health care they need, regardless of where they live, regardless of their age, regardless of their color, and regardless of their ability to pay. Second, the quality of health care which we provide must be the highest possible. And the quality should not diminish for those who live outside of our cities, or in the ghetto, or who are old, or who are poor.

I realize that these goals will be difficult to achieve. I realize that we will not achieve them overnight. But we have the means, and we have the energy, and we have the creative capacity within us as a nation to begin to provide the kind of health care for all our citizens that we would hope for ourselves. I do not believe there is any higher priority for this Nation—for our sake, and for the sake of our children—in this decade than providing for rural Americans—for all Americans—the kind of health care that we know the American health professionals can deliver.

U.S. POLICY TOWARD PAKISTAN

Mr. KENNEDY. Mr. President, the American people and Congress have been misled again—this time on the question of U.S. policy toward Pakistan.

Since very early in April, I have been assured repeatedly—in private conversations and official correspondence—that our Government was not supplying arms to Pakistan. I know that other Senators have had similar assurances. In a letter to me on April 20, for example, the State Department said:

> Since we placed an overall embargo on map assistance to Pakistan in 1965, we have supplied no lethal end-items of military equipment to Pakistan, Last October we announced a one-time exception to sell to Pakistan a limited quantity of lethal arms. Nothing has been delivered following this decision nor is anything in the pipeline under this decision. Technical talks on this subject have not been held during the past 6 weeks. The matter is being kept under review.
>
> In addition, we have a modest program of cash and credit sales to Pakistan of nonlethal military end-items as well as some spare parts and ammunition. We have been informed by the Department of Defense that none of these items has been provided to the Pakistan Government or its agencies since the outbreak of fighting in East Pakistan March 25–26, and nothing is presently scheduled for such delivery.

Now we learn from press reports, Mr. President, that a Pakistani ship, the *Padma*, sailed last night from New York to Karachi with American military supplies sold to Pakistan under the Foreign Military Sales Act. Apparently this is not the first violation of officially stated policy, and, according to some sources, it is not to be the last.

Whether it is doubletalk, incompetence, or both, the shipment of U.S. arms to Pakistan is a violation of policy. And even worse, it will continue to fuel military actions which have already been the primary cause of over 6 million refugees and countless civilian dead. Last Friday, I expressed, again, my dismay over our Government's silence and apparent indifference over the actions of the heavily American supplied Pakistan Army toward the people of East Bengal. Today we find it is not just silence and indifference, but a degree of complicity, which is unconscionable.

But saddest of all, Mr. President, is the fact that our great Nation is more efficient in moving military hardware than in arranging humanitarian relief. A ship left last night laden with military goods for Pakistan, while very urgently needed relief operations—in both East Pakistan and India—lie in a morass of procrastination and redtape.

When will we begin to attach the same degree of priority—the same sense of urgency—in moving food to aid the victims of war that we apparently attach to the guns that create those victims?

And, more importantly, when will we begin to attach priority to concerted diplomatic initiatives to restrain the forces that generate conflict resulting in such massive human tragedy?

Mr. President, if Congress can no longer believe the word of the executive branch—if their promises and assurances are so easily violated by their own actions—then we must reluctantly conclude that Congress must write those promises and assurances into law, which cannot be so easily violated.

DOUBLE STANDARD IN CIVIL RIGHTS LEGISLATION

Mr. TOWER. Mr. President, I have spoken oftentimes in the Senate concerning the dual standard that is imposed against the South when it comes to applying the civil rights laws of the Nation. Recently, we in the Senate have agreed to the Stennis amendment to the Emergency School Desegregation Act which had as its primary function the desire to end the double standard in the field of school desegregation. In the last few days, the Department of Health, Education, and Welfare has released the latest figures concerning school desegregation which shows northern schools more segregated than those in the South. Such figures point up one more reason for doing away with such an unsupportable dual standard.

The Dallas Times Herald of June 9 published an editorial criticizing the double standard in the Federal civil rights policy. I think that it would be helpful to Senators to read the editorial, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DOUBLE STANDARD

> A single unifying assumption underlies several cases which the gentlemen of the federal bench have recently adjudged.
>
> One case pertains to legislative districts in Mississippi, another to legislative districts in Indiana, still another to school construction in Dallas. The assumption that unites them? It is that conscious and calculated racial discrimination scarcely needs objective proving when the alleged offense is committed to the south of Mason-Dixon.
>
> There's nothing new in this, of course. One recalls the recent U.S. Supreme Court decision demanding racial balance in Southern, but not Northern schools.
>
> The latest court cases, however, illumine even more splendidly the agonizing distance which the double standard can be pushed.
>
> In the Mississippi case, the high court found that Hinds County (Jackson) may not have multi-member legislative districts, because such districts do not accord Negroes equal representation. Yet a few days later, in the Indiana case, the court said that multi-member districts are quite all right in Indianapolis.
>
> Why one rule for Mississippi, another for Indiana? Why, in effect because discrimination may be presumed in once-segregationist Mississippi. The court finds that "ghetto" candidates in Indianapolis have no federal right to election. But in Jackson, it is otherwise. Because black candidates do not win, the court must intervene.
>
> The consider, if you will, last week's federal appeals court ruling that Dallas Federal Judge William M. Taylor must reconsider an injunction to halt school construction, pending the imposition of a new plan whereby local schools achieve better racial balance.
>
> The contention that desegregation takes precedence over the fulfillment of of construction contracts is sufficiently absurd. Worse, though, is the appeals court's assumption that the Dallas school board, through its construction policy, may be conniving at the perpetuation of dual schools.
>
> Whence the assumption? Well, Texas once had legal segregation, you know; therefore, the board may be trying to maintain the dual school system by building schools in thoroughly white and thoroughly black neighborhoods.
>
> The appeals court gets away with such shabby logic because the Supreme Court has said there are two different kinds of segregation—de jure (resulting from law and found only in the South) and de facto (resulting from housing patterns and found only in the North). The one is illegal; the other isn't—at least so far.
>
> This is the sheerest sophistry. De jure segregation is dead and buried. But the court declines to admit that the South, like the North, could have de facto segregation, notwithstanding that Southerners—white and black alike—are as capable of making personal choices as are other Americans.
>
> It is sophistry, we say; and sophistry makes for bad law. More unfortunate still, it sometimes makes for two laws. As all too painfully, Southerners are becoming aware.

DISASTER RELIEF FOR DROUGHT-STRICKEN SOUTHWEST

Mr. BAYH. Mr. President, the terrible drought which has afflicted the southwestern section of the United States for the last year or so has caused sizable losses to many ranchers and farmers and has seriously affected the economy of the whole area. The magnitude and severity of this tragic catastrophe would appear to justify in all respects a declaration of major disaster by the President of the United States which would extend to these afflicted counties the full benefits of the 1970 Disaster Relief Act.

In many respects the situation is beginning to resemble the terrible Dust Bowl conditions of the 1930's. Shortage of rainfall has caused wheat and cotton lands to burn up, pasture lands to be almost completely nonproductive, and cattle and other livestock to become weak and emaciated or in many cases to die. Ranchers have been forced to purchase and bring in feed from long distances at high cost. Herds have been sold off in large quantities at losing prices. Wheat, cotton, and other crops are being harvested with a fraction of former yields. At the same time the costs of those engaged in agricultural production have continued to spiral upward with no relief in sight. Many farmers have been forced out of business or are on the edge of bankruptcy.

Surely these dire circumstances require that the National Government should do everything possible to help alleviate the economic and personal consequences of this disaster. For many years Congress has sought ways to minimize financial losses and hardships which always follow in the wake of catastrophic acts of nature. My experience gained as the chief sponsor of proposed legislation which resulted in the Disaster Relief Act of 1966, 1969, and 1970, as well as from numerous public hearings conducted by the Senate Public Works Committee or its subcommittees, has convinced me that this Nation is committed to a policy of bringing Federal assistance promptly and effectively to the unfortunate victims of natural disasters.

It is my understanding that the Governors of at least three States—New Mexico, Oklahoma, and Texas—according to law, have requested the President to exercise his authority to declare portions of their States to be major disaster areas because of the drought. For reasons which which are not clear, the President has as yet taken no such action. In the belief that his refusal to make such a declaration is contrary to the purposes of the law and is a misreading of the seriousness of the problem, I urge the President to reassess his refusal in light of the severity of the drought and to make these areas eligible for the full benefits intended by Congress.

Only limited steps have been taken to date to assist the drought-striken Southwest An experimental program designed to increase precipitation by "cloud seeding" has been supported. Also, the Department of Agriculture under its own disaster powers has made some 2,100 emergency loans totaling more than $18 million to help farmers and ranchers continue their operations. These short-term loans, which are "repayable over the shortest period consistent with estimated ability," may be used to pay not more than 1 year's interest on debts secured by liens on essential equipment and for reasonable amounts as depreciation on such equipment. While they can also be for payments on not more than 1 year's interest on a borrower's essential farm and ranch real estate, these funds are not available to refinance such debts. Finally, the administration has extended certain emergency loans of the Farmers Home Administration so that repayment can now be made over periods up to 5 years instead of the previous 1-year repayment policy. These and other partial measures, such as regular farm ownership and operating loans will doubtless be of some help, but much more should and could be done.

It seems clear that the intent of Congress in the Disaster Relief Act of 1970 was to provide assistance for many different kinds of major disasters, including droughts. No distinction was made between the numerous types of catastrophes listed by the act which would be eligible for aid under the law. Section 102 of the act specifically states that a major disaster means any "hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance" and in which the Governor of a State has certified need for help. Obviously the key is the finding by the President that Federal assistance is needed.

Damage caused by droughts may not be as intense, instantaneous or as horrifying as the physical destruction often resulting from hurricane, tornadoes, or earthquakes. Nevertheless, those whose property has been destroyed or whose livelihood has been deprived by many continuous months of total dry weather may have incurred losses equal in amount to the victims of other more dramatic kinds of disasters. It is small consolation for a farmer who is confronted by foreclosure or a greatly reduced standard of living, while looking at his parched fields and his dead livestock, to realize that his house may still stand or his land may not be washed away.

The 1970 Disaster Relief Act is a comprehensive measure which was designed to broaden Federal authority and to provide new programs of assistance to disaster victims. The President was for the first time given authority to use all Federal resources to help avert or lessen the effects of a major disaster which he determines to be imminent. I am pleased to note that some predisaster assistance under this provision was extended to Texas and Oklahoma on April 14 and to New Mexico on May 21.

But the new law includes several benefits which cannot be made available unless the President makes a formal declaration of major disaster. Let me briefly list a few of these. Farmers Home Administration and Small Business Administration disaster loans at advantageous interest rates could be made for which repayment of as much as $2,500 of that portion of the principal above $500 could be cancelled. Mortgage or rental payments could be made without charge to individuals or families who, because of hardship imposed by the disaster, have received notice of eviction from their residence as the result of foreclosure of a mortgage, termination of a lease, or cancellation of a contract for sale. Temporary housing could be provided, if necessary, for any disaster victims without rental charges for up to 12 months. Food coupons and surplus commodities could be made available to low-income householders, and unemployment assistance payments could be made to those individuals not employed because of the disaster who are not eligible for regular State unemployment compensation programs.

Additional types of assistance to local government and large employers were authorized by the act. Grants could be made to any local government which might suffer a substantial loss of property tax revenues because of lower property valuations caused by losses in a major disaster. Federal agencies could waive procedural conditions in administering any grant-in-aid program which might otherwise preclude the giving of assistance if a disaster makes it impossible to meet those conditions. In areas where a major source of employment is no longer in operation because of a disaster, SBA and FHA loans without limit to size could be made to enable those employers to resume operations and to restore economic viability to the disaster area.

It is difficult for me to understand why there has been any hesitancy on the part of the administration to declare a major disaster in the sections of the Southwest which have been so long blighted by drought. But it may reflect the lack of concern for the farmer that has characterized this administration—an administration that has let parity fall to 69 percent—an administration that seeks to abolish the Department of Agriculture. Yet surely this administration recognizes its lack of concern for the farmer is causing great hardship—unjustified hardship—in the drought areas of the Southwest. And, surely even if every section of the Disaster Relief Act of 1970 would not apply as completely to these victims as they did to those of Hurricane Camille or the San Fernando earthquake, they should not be penalized by having denied to them the remedies and resources Congress intended to extend to major disaster sufferers throughout the United States.

In order that there may be a better comprehension of the terrible economic plight caused by this drought, Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. Leroy F. Aarons and published in the Washington Post of Sunday, June 13.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DUST BOWL AGAIN

(By Leroy F. Aarons)

(NOTE—More than 12 months ago the most dreaded of agricultural plagues—drought—moved over the Southwest from central to west Texas to southwestern Oklahoma, up into the Oklahoma panhandle, and into parts of New Mexico and Arizona. Like an inversion it hung—and continues to hang—over the area, burning up wheat, cotton and grazing land, setting all-time records for shortage of rainfall and forcing farmers and cattlemen out of business. Not as long yet as the six-year Dust Bowl of the 1930s or the drought of the '50s, it is more intense. Farmers are accustomed to surviving disasters of nature; yet, with fixed incomes and inflation trapping them in an ever-tightening cost-price squeeze, they watch the drought with special despair. There is the smell of finality in the torpid air. This is a report from two of the hardest-hit drought areas: the San Antonio, Tex., cattle country and the wheat and cotton growing region of Altus, Okla.)

San Antonio.—The old Union Stockyard was hopping. One after another, ranchers backed gooseneck trailers or pickups into the bins and unloaded their cattle: brown, glum-faced Herefords, ferocious-looking black Angus, gaunt, bony Brahmans.

Leather-skinned cowboys, oblivious to the rich, pungent smell of cow dung, checked the brands, slapped them on the rump with whips or canes and forced them through the first of several gates, into the maze of cattleways that lead to the auction room. There they would be sold to customers from as far away as Washington state, eager to buy skinny cows cheap, fatten and re-sell them later.

Some of the cows looked weak and thin, the glaze of malnutrition making their eyeballs glisten. Others were average. Very few had the fleshy shiny-coated glow one remembered from a thousand movie cattle drives.

"They're lookin' sorry," said the old-timer. "Too skinny. One day I saw them pull in with nine in the wagon that should have held about five. Two of them were dead. One had to be condemned. They just couldn't get her up. They had to drag 'em out of the trailer. One they had to roll out end over end."

From all over drought-stricken south-central and southwest Texas the cattle come by the record thousands. Ranchers, unable to coax grass or grain out of the parched land, were forced to buy and haul in feed and hay—some from as far away as New Mexico and Colorado—to keep their herds alive.

But, eventually, the cost of feed began to outweigh the potential value of their animals. Many cattle died of malnutrition. Rather than lose their herds entirely, ranchers decided to sell. First they pulled young calves from their mothers—partly to spare the highly valuable breeding stock—and sold them.

Then, as things got worse and still no rain, they sold their mother herds, and finally the bulls. Hundreds of smaller ranchers simply sold out altogether and went to look for jobs in the city. Thus, today's auction would see a run of nearly 5,000 cattle, the second largest of the year and 2,000 more than last year at the same time. Total cattle sales at Union this year are up more than 40 per cent.

"What hurts me," said Asa (Ace) Fuller, a brand checker at the stockyard, "is that I see these men come here, they usually walk in here and kick the cows in the ———. But now you see 'em pat 'em on the hip and you see the old lady back there cryin' and you know this was one they intended to keep."

"THEY SICK OF WASHINGTON"

Ace Fuller is 31 years old, weighs 330 pounds and once played football in Canada. He is full of the frustrated indignation of a man who is a victim of some form of injustice, yet doesn't really know whom to blame. His vocal anger reflects the quieter frustration of his fellow ranchers.

"We got a bunch of government ——— won't do anything for us," said Fuller, whose outfit was "uniform of the day" in these parts—the straw summer Stetson, western shirt, jeans and high, pointed-toe boots. "They send some ——— from Washington in an airplane. He just damn sure didn't look at Wilson County or Florence County where there's really trouble. People like as how they sick of Washington.

"It's real bad. Even if it does rain now, the young tender grass won't grow. It's too hot. It's going to be 100 degrees from now on. The farmer and rancher is fed up. Ever since Arkansas when Eisenhower was in there, people been fed up.

"When I see these people in the big cities, they getting help. But these farmers, who are working their butts off, they not gettin' nothing'. I went through the drought of the '50s, I saw my daddy plant corn and it wouldn't come up. But this is worse. When I see some of these people I know all my life, just pat 'em like this, they're pattin' 'em good-bye. I tell you, I get so damn mad sometimes I want to spit fire."

On April 21, in response to the pleas and pressure of Texas and Oklahoma congressmen and governors, Agriculture Secretary Clifford Hardin made a personal visit to the drought country. In San Antonio his "tour" of the stricken areas is universally remembered as a "farce." Hardin, they say, spent 30 minutes in a helicopter, 15 of them taxiing and the other 15 making a cursory flight over some of the less ravaged countryside.

When the copter set down, Hardin said Texas and Oklahoma were "major disaster areas" but added that he would not seek such a designation from the President, that actions already taken offered all the aid available.

Angered by Hardin's snub, Texas Gov. Preston Smith, a Democrat, issued a statement saying that "we in Texas are not satisfied that the government had done enough . . . It has become apparent to us that no one in Washington—1,500 miles away from the drought—can see or feel the problems as we have seen and felt them."

Thus the sides were drawn for a political dispute that could hurt Mr. Nixon in Texas and other hard-hit southwestern states in 1972. The government has offered a wide range of assistance in the drought—including some grain at reduced prices, aid in paying for shipping of hay, and emergency loans from the Farmers Home Administration.

But the farmers say they need to sign a "pauper's oath" to get the first two and can only get an FHA loan when they can show all other sources have failed and they were totally desperate. This procedure is undignified, they feel. They want the drought country declared a major disaster area by the President, which would, among other things, make farmers eligible for forgiveness on loans up to $2,500.

But Mr. Nixon has thus far remained silent.

Nature has declared a scorched-earth policy. Driving southeast from San Antonio on Route 87 toward La Vernia, one can see some of the driest country of the drought. Row after row of farm tract, bare of grass, hay, milo, or anything, sit baking in the 100-degree sun, cracking and chapping under the intense heat. The heat rises in vapors in the distance, making power lines seem to waver like TV test patterns. Occasionally an irrigated field comes into view, its verdant cheerfulness startling against its dull brown surroundings.

Above, puny clouds hover like tiny bursts of ack-ack. (Air Force planes have been out trying to coax rain by seeding some of the clouds—with little success.)

"We've had some bad dust storms down here," said Ed Talk. "This is sandy country all right. You can see where the sand has piled up along the fences. But it's not as bad as in the '30s, mostly 'cause of better farming methods. Surface soil is now plowed under so the hardier substance is on top, and land that's not being used is planted with a cover crop, like alfalfa. Still, it can blow up pretty heavy."

Ed Talk is a handsome, softspoken rancher of 47, who owns about 500 acres of land near La Vernia and had 150 head of cattle when the drought started. Now he has none.

"This is the worst drought I've ever seen We have had about three inches of rain in the last year; this, in an area that usually gets 28 to 30 inches. I've been in the cattle business all my life. In the '50s it would at least rain periodically and you did grow a little something. I held on through the '50s, but this time I sold out. The feed bill was gettin' too high. Eventually you'll feed up to the price of your animal. It don't take long at $1.50 a bale of hay.

"They eat from a quarter to a half bushel a day. Plus you got to give 'em protein besides that. I finally sold out at $50 a head less than normal. A good fat cow will bring around $200. I sold mine for $150. It cost me in all about $6,000, not to mention the lost investment in planting. We planted grass, but nothing came up."

When and if the rains come, Talk will have to borrow money to replace his herd. Since so many cattle are going out of state, the price is certain to be extremely high. This will be reflected in the price of cattle to be sold next year, and ultimately in the cost to the consumer.

How come more farmers don't use irrigation, he was asked.

"It's so dad-blamed expensive. You need a cash crop, like tomatoes or alfalfa, to afford it. It costs about $10,000 for the pump and the rig, and you need two men to keep moving the pipes around. Then, butane for the pump costs 26 cents to 30 cents a gallon, and it takes about 500 gallons every four days. We finally did irrigate from 150 to 175 acres, just to sell the hay and keep us goin'."

Altus, Okla.—From the air, the tracts of farmland around Altus look like a carpet of linoleum in earth colors: rusted red for the clay country; brooding black, rich in minerals, deep, winey purple for Tifton loam, a mixture of clay and sand; and beige for the sandy soil.

Except for an occasional greensward, denoting irrigation, the terrain is depressingly void of crop growth. Suddenly, on a bare spot of the beige-colored soil, one notices that someone had plowed three huge letters, designed to be seen from the air. The letters spelled D R Y.

There is lots of sun, lots of wind, very little rain, and almost no wheat at all. Wheat harvest had just ended, and old George Holder, who runs the Bunge grain elevator, one of the largest in the area, had the grim facts:

"On the average we exceed 300,000 bushels. Last year we took in a little over 200,000. This year we got 10,000. That's a disaster, or as close to it as you can get." Holder, 60, brought a slender hand to his chin. He had been running grain elevators for 25 years. "I would guess that not more than 2 per cent of the acreage was harvested. Some of it just died in the field some was pastured out. I was farming back in the '30s, and I never seen it this bad."

The wheat statistics are only part of the story. The drought in this area—southwestern Oklahoma, just over the border from Texas, roughly at the center of a triangle formed by Oklahoma City, Wichita Falls, Tex., and Amarillo, Tex.—began here nearly 18 months ago.

Farmers who planted cotton in the spring of 1970 got an inferior crop (although those on irrigated land did better). The fall wheat planting failed to come up during the winter. Farmers use the winter wheat for grazing land for cattle, but there was nothing to graze. The spring wheat, as Holder said, was almost a total disaster.

Now, farmers are nearing the ultimate deadline for planting cotton (any later would expose maturing cotton to frost) and still there is no rain. What's more, Lake Altus, which is used to irrigate 50,000 acres of farm land as well as supply drinking needs, is down so low that water officials refuse to release it for irrigation.

There have been scattered spots of rain, but not enough to dampen the earth, let alone provide crucial subsurface moisture. Altus rainfall records show 1970 with 10.2 inches, the lowest rainfall in the town's drought continues much longer it could mean total tragedy.

AN ECONOMIC BREAKDOWN

Already the economic pinch has been felt. Altus itself, a pleasant, sleepy Bible-belt town of 23,000, is being buoyed up economically by Altus Air Force Base. But neighboring farm towns like Mangum—where two auto dealerships and one farm implement dealer closed their doors in recent weeks—and Hollis are going into decline. An Oklahoma employment official predicts that "ultimately an almost complete breakdown will occur in the (22-county) area's economy, causing exceptionally high levels of unemployment, poverty and extensive out-migration."

For the farmer, the drought is the final straw in a cycle of near-poverty that seems to intensify with every year. Dependent on one-year, short-range loans from banks or farm credit associations to pay for increasingly expensive machinery, plant crops, buy cattle and pay everyday living expenses, the average farmer manages to squeak through in a good year with perhaps a modest profit.

This year, with almost zero income, the farmers are unable to pay off their loans, not to mention the interest. Sympathetic agencies are trying to tide them over for another year—largely on the basis of land collateral—but some of the marginal farmers have already declared bankruptcy or sold out.

"We're facing 50 sellouts by the first of the year," said Duane Houck, vice president of the Altus Protective Credit Association, a farmers' cooperative which loans short-term money to more than 600 farmers at 7 per cent interest. "Another 130 will have to find some kind of long-term financing in order to survive. This year is going to separate the men from the boys. And you have to understand something, too. You don't recover from a thing like this in one year. With this kind of a setback, it takes the profits of three to five years to come back.

"This is the worst situation we've ever had," he said, "due to the fixed costs in your operation, and living costs are up, while income is down. If it wasn't for the land equities, the farmer couldn't stay. This is the kind of thing I think the general public doesn't recognize, the kind of situation the farmer is in . . ."

The Red River winds thirstily through the farm countryside past Elmer and Hess, south of Altus, like a rivulet pretending to be a mighty river. Its banks on either side are bleached and cakey in the relentless sun.

This is historic country. A hundred years ago Texas cowboys drove their Longhorn cattle across the river at Doan's Crossing, on their way north through Oklahoma to Dodge City, where they got $30 a head for cattle worth $2 a head back in Texas. Ten million they drove across Oklahoma between 1866 and 1890, great cattle drives that depleted the Longhorns and almost made them extinct.

Lester Briscoe's family lived and worked this land for 70 years. He is still working it, although in the last 30 years the small, neighborly farms have given way to larger and larger tracts as people drifted away to the cities.

But Lester Briscoe stuck it out. He remembers the Dust Bowl, when the storms were so great and so dark "that you could be standing at the First National Bank in Altus and not be able to see the courthouse across the street. They would last about two days, just a continual blast and roar outside, blowin' around the eaves and the corners of the house.

"One day the dust was blowin' so bad the school bus couldn't make its rounds. It got so dark like it was night."

They were rough times. The dust was bad now, but not like then. But a person could survive, living off whatever crops came up getting milk from a goat, keeping a turkey or two. Somehow there was always plenty to eat.

But the matter of survival—at least as a farmer—was a much more urgent question now. Briscoe, a handsome, husky man of 54 with large strong hands and closely-cut white hair, farms 800 acres altogether. Last year he planted 155 acres of cotton and harvested only six bales off 45 acres. He planted 420 acres of wheat and harvested 67. He planted 70 acres of milo, which was a complete loss.

He invested about $8,000 for 40 head of cattle. He still has them, but if it doesn't rain, they'll have to go.

In 1970 he carried over a $10,000 loan from the Product Credit Association, and borrowed $15,000 more to operate in 1971. He has made no payments so far on any of it.

Now, with the farmer's incredible optimism, he is planting 145 acres of cotton, waiting for rain. If it rains hard, he'll increase to 400 acres. "If it doesn't rain in 10 days, the whole thing's out."

He is discontented and angry, not only because of the drought but because of the financial vise in which he believes the farmer has been placed. He blames the Nixon administration, just as in the early '30s his favorite villain was Herbert Hoover.

"In 1936 you could buy a John Deere tractor for $2,000 for the tractor, the planter and the cultivator," he recalled, sitting with his wife, Pauline, in the bare living room of a farmhouse his son rents near his property, "and you got $1.20 a bushel of wheat. Thirty-five years later that tractor and equipment costs you $10,000 plus, and you get $1.25 a bushel of wheat—a nickel more!

"Yet, the President and the senators and all the congressmen have doubled their wages while ours has stayed the same the last 35 years. Now, I don't get it."

Of course, government price supports add roughly 11 cents a bushel to that price, but Briscoe feels this is not nearly enough to reflect the enormous inflationary spiral of the last three decades.

"I tell ya, I'd trade seats with just about anyone right now. If I could walk out and say 'here it is boys, come and get it,' that's what I'd tell 'em." He shook his head. "I don't know, in all my life here I never seen it get so dry that wheat would completely die. This'll wind me up this year if it doesn't go to rain—the weather, the prices, or something. What'll I do? Maybe sell tractors. I don't know what I'll do. This is the only thing I know."

The dust storms of the '30s taught everyone a lesson. They happened because the land had been brutally torn up and overworked by farmers ignorant of conservation measures. When the drought came the loosened soil, turned dry, was easily picked up by the rushing wind and transported hundreds of miles through the air like a black rain.

Out of the Dust Bowl was born the Soil Conservation Service and a new consciousness of the proper uses of land. Techniques were devised to prevent water from running off crop lands, eroding soil and filling waterways with minerals. Rotated planting was emphasized, with the purpose of giving overused land a chance to recuperate, to hold its moisture and to yield better crops.

Much was done, with the help of the Bureau of Reclamation and the Army Corps of Engineers, to provide dams and reservoirs for irrigation and drinking water.

By the time the seven-year drought of the 1950s came, farmers were better prepared. But the great drought of 1970–71 has demonstrated that the arid regions of the Southwest are still unable to cope with major emergencies.

All over the stricken areas of Texas and Oklahoma reservoirs, like Lake Altus, are giving out; irrigation supplies are rapidly being depleted and the water tables dropping dangerously. At San Angelo, Tex., as far back as March, the primary reservoir was already dry and reserves were diminishing.

Clearly, local water projects are insufficient in extended periods of intense drought. The answer is a statewide, comprehensive water plan, as in California, which would utilize surpluses in one part of a state to supply needy areas elsewhere. But these proposals are expensive; they have been rejected by the public in the past—as in Texas, where a multibillion-dollar water plan was turned down in a referendum two years ago.

Now, a similar, extremely ambitious plan estimated to cost $4.25 billion is being proposed for Oklahoma. It would assure towns like Altus that never again would farmers have to fear the blight of drought.

Yet, every advance has its price. To pump water from lush eastern Oklahoma to the arid west would require enormous electric power, more than all the power generated in the state at present. This opens the way to all kinds of ecological questions which other, more advanced states are grappling with now.

To the beleagured farmer and rancher, these issues are distant and exotic. They must cope with the here-and-now realities of impending disaster.

In Altus, their ears are turned to the ground—where Barry Shive, the local gravedigger, revealed recently that he dug nearly six feet before reaching moisture. When you are thinking about planting cotton, that's just another piece of bad news.

SECRETARY CONNALLY AND MAYOR LUGAR TESTIFY FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, the Government Operations Committee today held, at the call of its chairman, the distinguished senior Senator from Arkansas (Mr. McClellan), a session to hear further overview testimony on the President's four executive reorganization proposals, S. 1430–33. We were privileged to have Treasury Secretary John Connally and Indianapolis' Mayor Richard G. Lugar testify for the bills. The statements of both men were brief. Both excelled in responding to questions by the chairman, Senator Ribicoff, Senator Metcalf, Senator Roth, and myself. Secretary Connally and Mayor Lugar, men of exceptional ability and background, each very persuasively explained the need for these bills from the point of view of his unique experience in Government.

When transcripts of the hearing are available I will, with the permission of the chairman and both witnesses, introduce the particularly relevant portions of these excellent discussions into the Record. I think the testimony of these men demonstrated conclusively why the reorganization is necessary and desirable and why we should get to work to implement it as soon as possible.

I ask unanimous consent that the brief prepared statements of both Secretary Connally and Mayor Lugar be printed in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Remarks of the Honorable John B. Connally

Mr. Chairman and Members of this distinguished Committee: You have heard from George Shultz, Director of the Office of Management and Budget; Roy Ash, President of

Litton Industries and Chairman of the President's Council on Executive Organization; Ben Heineman, President of Northwest Industries; Joseph Califano, former Assistant to President Johnson; John Gardner, former Secretary of Health, Education and Welfare, and Charles Shultz, former Director of the Budget Bureau.

They talked in considerable detail about reorganization of the executive department in discussing S. 1430, S. 1431, S. 1432, and S. 1433, and they explained them eloquently. I would not do this Committee a great service by repeating the arguments they have already made so persuasively.

The thrust of their arguments and our hopes for this legislation can be summarized as follows:

First, for the Congress itself:

You will have fewer departments to deal with,

Each can be held more accountable to the Congress,

Each can be more easily evaluated, and

You revest power in the Cabinet Secretaries.

By doing that, you take away the necessity for a growing staff of arbitrators and policymakers in the White House.

You can deal with an Executive Branch whose functions are easy to grasp and thus serve your constituents better.

Second, for the Executive Branch: This reorganization would permit the President to deal with fewer people.

It would reduce the load on the President and the Executive Office by forcing decisions back to the departmental level.

It would facilitate trade-offs in the use of resources.

It would permit the dismantling of scores of clumsy interagency committees.

It would create a real federal field organization and put it in the hands of capable regional administrators.

It would improve the quality of advice to the President on both proposed programs and existing programs.

It would give Cabinet officers the necessary staff and the power to make their departments respond.

Third, hopefully, the American citizen will:

Have a renewed faith that Government is is able to deliver on its promises; and

Begin to believe that his voice is heard and his needs are met in a more effective manner.

Now, what are the disadvantages? It temporarily interrupts the triple alliance among special interests, middle-level bureaucrats and a few Members of Congress. Regrettable as this is, it is no reason not to adopt this program.

This program should have been enacted ten years ago. But when it is passed, we must realize that it is no cure-all for all time. In fact, I think each decade will require similar action by the Executive and Legislative Branches of this Government. No sooner will your work be finished than you will have to prepare yourself to begin again.

TESTIMONY OF THE HONORABLE RICHARD G. LUGAR

The President of the United States has proposed a Department of Community Development as a part of a general Departmental Reorganization Program. My support for this proposal is based on personal experience as Mayor of the City of Indianapolis, President of the National League of Cities, Vice Chairman of the Advisory Commission on Intergovernmental Relations, and as a citizen who admires constructive attempts to make government more credible and accountable to each citizen. The reform of federalism in the United States is fraught with discouragement because debate on organization attracts few advocates interested in the details of organization but does attract opponents who are well prepared to defend specific vested interests and to rally specific categorical constituencies.

The proposed Department of Community Development is extremely important to the vitality of urban areas in this country. The last policymaking Congress of Cities was held in December of 1970 prior to the President's State of the Union Address in January 1971, and subsequent message of March 25, 1971, on departmental reorganization. Therefore, I asked the Executive Committee of the National League of Cities to consider an interim policy stance at a special called meeting of that Committee in Philadelphia on June 14, 1971. After a summary briefing of the issues involved and their importances to cities, the Executive Committee voted to support organization of a new Department of Community Development.

We believe that the President of the United States should have the privilege of reorganizing his Cabinet provided that the level of services provided to cities does not diminish. The National League of Cities also wished to record the hope that in reorganizing the Department of Transportation, equal weight be accorded to the problems of urban mass and public transportation along with highway planning, construction, and safety programs.

Obviously, the departments of government which affect community development should be grouped together. The Ash Council Report recommended that present programs of federal development aid to States and local governments should be consolidated in a single department. The grouping suggested in the proposed Department of Community Development is eminently sensible and would be extraordinarily helpful to every State and local government.

I have included as an appendix to this testimony an article written for the AIP Newsletter of November, 1970, by Donald L. Spaid of the Indianapolis Department of Metropolitan Development which describes funding by HUD, DOT, HEW, OEO, and the Department of Justice to carry on 70 planning job activities in a joint and integrated planning effort in Indianapolis, alone, during the coming year. Another attached article from the May, 1971, issue of HUD Challenge indicates that an estimated $500,000 may be saved over a three-year-period through coordination of Federal agency planning efforts in Indianapolis. [These attachments are not included in the Congressional Record].

Without belaboring the obvious, the government of Indianapolis has been working with many sympathetic Federal governmental agencies to coordinate Federal planning efforts, at least, in one city. Specifically, we have obviated the need to make 16 separate planning applications and to coordinate either locally or regionally 16 planning organizations thus saving several man years of work and the consequent $500,000 over a three-year-period. We are suggesting, strongly, that if Federal community development work can be coordinated in one city, it ought to be coordinated at the top and thus be of assistance to every city.

Local governments are not equipped to deal either with a myriad of Federal community development agencies nor to coordinate Federal efforts within a given locality. Many Federal efforts remain unknown to local officials. Failure to adopt the new Department of Community Development proposal is to insure the perpetuation of wasteful duplication and chaotic discouragement which Federal programs engender in their current organizational format. Worse still, the failure to see housing programs, highway, and urban mass transit programs, water and sewer grants, urban and rural inter-relationships, and insurance programs which cover all of the above as one whole cloth has resulted in further fragmentation of geographical and functional responses to hapless citizens who can find no one responsible but who suffer and who will be heard. The haphazard and shoddy governmental planning responses of the past are no longer humorous but border upon tragic irony. A strong case can be made that much of the often described crisis of the cities is a result of well-meaning but substantially ill-coordinated categorical grant responses of the past.

In Indianapolis, we have been making a valiant attempt to effect a strong measure of governmental and political unity through state legislation and local administration. With the active cooperation of farsighted Federal administrators, we are trying to reorganize even the Federal government within our city in its relationships to us. Common sense would dictate that Federal reorganization on a city-by-city basis is laborious and unlikely, but metropolitan and regional planning without a consolidated Federal Department of Community Development is virtually impossible without a repetition of the Indianapolis experience in hundreds of individual cases.

The Presidential messages outline well the elements of accountability, balanced growth, and timely response to technological change which the new Department could foster. My testimony will not repeat the findings of reference papers introduced previously. The status quo is indefensible, but even the indefensible survives if a good alternative is unavailable. A good alternative is available and the Congress will do much to restore faith in the entire Federal system of government by prompt consideration and adoption of the proposal for a Department of Community Development.

MODERN IMPROVEMENTS IN HOSPITAL CARE

Mr. KENNEDY. Mr. President, a part of the crisis in the American health care system is the high cost of hospital care. Improving hospital efficiency would raise the quality of health care available to the patient and lower the cost of the care. A recent article in the March 1 issue of Medical Economics, entitled "The High-Technology Hospital: Better Care, Lower Cost," written by Mr. Stanley Ferber, examines some of the newest innovations in hospital care which are improving quality and lowering cost.

St. Elizabeth Community Health Center, in Lincoln, Nebr., called on the services of Mr. Gordon A. Friesen, head of a Washington, D.C., consulting firm that bears his name. A fundamental concept of Mr. Friesen is making better use of nurses by cutting down or eliminating their nonnursing duties. Traditional nursing stations are eliminated and teams of nurses are assigned to different sections of the floor. A compact nursing alcove in each patient's room contains the patient's chart, medications, and supplies. A doctor may read the patient's chart without disturbing the patient, or even entering the room. Nurses are saved many trips to supply centers and medication areas. A recent study showed that a patient in one hospital had 185 interruptions in 24 hours. The nursing alcove would help eliminate many of these unnecessary disturbances.

An integrated communications system provides better surveillance of the patient's condition and faster communication between the patients and the doctors and nurses. Doctors and nurses have pocket pagers which alert hospital personnel to any situation which demands their attention. Automatic monitoring equipment at the patient's bedside watches respiration, temperature, or other vital signs, and pages the nurse when a danger point is reached.

At St. Elizabeth's, supplies are distributed from a centralized storeroom on a monorail system that goes to every floor at least once every 24 hours. Prepackaged frozen meals are delivered to each floor where they are heated in microwave ovens and served at convenient times.

Equally important, these automated systems do not produce neglect of the patients. Rather, nurses find that they have more personal contact with the patients, now that they have less paperwork to do and less tracking down of supplies and medications.

Longrun expenses of automated equipment will be less expensive than present hospital systems. Immediate benefits are better patient care and distribution of supplies. Doctors and nurses are encouraged to assume more of a role in hospital planning. More active involvement by doctors and nurses in dealing with hospital services will speed technological improvements.

I believe that Mr. Ferber's article is extremely valuable in making known the improvements in hospital care which are currently available. I ask unanimous consent that the article, entitled "The High-Technology Hospital; Better Care, Lower Cost," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The High-Technology Hospital: Better Care, Lower Cost

(By Stanley Ferber)

Since patients and the public tend to blame doctors for health-care inflation, are physicians doing as much as they might to keep hospital costs from zooming faster than other elements of medical care? An internationally renowned and often-controversial authority on hospital operation believes that doctors *can* do more—by abandoning indifference to technological advances ("It isn't our affair") and adopting less of a defeatist attitude ("Lay administrators and governing boards make the decisions, and there's nothing we can do about it").

Gordon A. Friesen, head of the Washington, D.C., consulting firm that bears his name, puts it this way: "No single group can be blamed for the fact that we're trying to practice 20th-century medicine in 19th-century facilities. Or that there's been practically no progress in the last 50 years to design and run hospitals to make them more comfortable and convenient for patients and less expensive for those who pay the bills. But progress would come if doctors as well as nurses and hospital directors assumed a more positive role in getting things done differently."

Friesen maintains that physicians can and should be more active in pressing for innovations going beyond new diagnostic and treatment facilities. About six years ago, he described in these pages a number of developments his firm perfected to run hospitals more efficiently and less expensively. (See "Who Says Hospitals Can't Cut Costs?" Medical Economics, Feb. 8, 1965.) Systems incorporating those developments have been installed in a number of hospitals since then, sometimes with a certain amount of resistance by attending physicians. "People who favor a change tend to be quiet about it, while those who dislike it are outspoken," Friesen says. "So now and then a vocal minority on medical staffs has objected to a departure from tradition because of its impact on a particular way things have been done—without realizing that improving the over-all hospital environment would improve the general level of care, at lower cost."

The consultant says that a growing body of evidence shows satisfaction among doctors and other health professionals, as well as patients, in hospitals where the innovations have gone into effect. This has been so even when they've been added at existing hospitals—Friesen and other consultants realize that all obsolete hospitals can't be replaced overnight. But the most convincing picture of heightened efficiency and lowered cost is presented when many features of the new systems are interrelated in a new hospital. One of the most recent examples embodying Friesen's concepts is St. Elizabeth Community Health Center in Lincoln, Neb. Here are highlights cited by St. Elizabeth personnel and by Friesen to demonstrate the advantages of some of the major concepts:

Abolishing nursing stations. A prime Friesen concept is making better use of nurses by cutting down or eliminating their nonnursing duties. In calling for hospitals to do away with traditional nursing stations, the consultant says: "Let's get the nurse back where she belongs, at the patient's bedside. Nursing stations serve little purpose except for prestige. That is, the longer a nurse sits at a nursing station, the higher her prestige." Instead, he advocates dividing sections of patients' floors into zones, with teams of nurses in each zone.

Functional changes tie in with this plan. One of these is constructing a compact nursing alcove in each patient room. Another is the Nurserver—a kind of double-door locker built into the alcove wall in each room. Supply technicians thus can load fresh supplies into one section and take away the used ones from the corridor side without entering the room. This means less disturbing of the patient by people coming in and out of the room. Under the traditional system, Friesen cites a study showing that a patient in one hospital had 185 interruptions in 24 hours.

"Now, it's mainly the professionals and not nonprofessionals who come to the patient's bedside," observes Sister Mary Antonette, the administrator at St. Elizabeth. Stuart P. Erickson, the hospital's director of public relations, adds: "Fewer disturbances mean more rest and relaxation for the patients, which should be a factor in speeding recovery. We're confident that this will eventually mean a shorter average patient-stay."

The system, Friesen declares, also frees nurses "from the usual merry-go-round from nursing stations to supply centers to charting and medication areas." He mentions other studies showing that the system can increase nurses' patient-care time by as much as 107 per cent, doing away with at least 50 per cent of nonproductive "walking time" devoted to distributing supplies. More effective use of nurses may even indicate that the nursing shortage is illusory, he says.

Where doctors have balked at this kind of change, the main bone of contention seems to center around keeping patients' charts in the Nurserver instead of at a central station. Friesen explains: "Some doctors prefer to be connected with the nursing station when they phone for information about a patient. They say this saves time, but it really doesn't. We find that the doctor usually doesn't want to talk to just any nurse. He wants the one who's specifically caring for his patient. It would take just as long or longer to locate her and get her to the station to discuss the chart as it does for her to go to the room after being alerted by pocket pager, get the chart from the Nurserver, and talk to him from the nursing alcove."

Friesen also argues that the change is more efficient for physicians themselves. "At most hospitals, a doctor comes in to make rounds and goes to the central charting area where he reviews five or six charts at once," he points out. "He may get some details confused when he goes from there to the various patients' rooms. With the new system, he goes straight to each patients' room, looks at the chart in the Nurserver, and has everything fresh in his mind before he sees every patient. He may even consult a chart there without the patient's knowing he is there."

Integrating the communications system. "Walkie-talkie" equipment now in use in many hospitals can be effectively expanded to tie in with the concept of team nurses in assigned zones, Friesen contends. These nurses have pocket pagers by which patients can summon them. But Friesen goes one step further by tying in the pagers with automatic devices that monitor patients' conditions. "The patient may need a nurse's attention without knowing he does," the consultant says. "Otherwise, the nurse is like a sentry who doesn't take action until the enemy has already attacked." His solution: Plug automatic monitoring equipment at the bedside into the intercom system. When a danger point in respiration or temperature or other vital sign is reached, the equipment registers the same kind of call as when the patient pushes a button himself.

On the theory that the improvements he advocates can be most effective when interlinked, Friesen ties in the nurses' communication system with what he terms an administrative control center. All messages go through the center and are coordinated there. A message from a doctor or a patient can be immediately relayed to a nurse. A nurse who needs some supplies apart from the routine ones kept in the Nurserver doesn't have to go to another floor to get them: She calls the control center, and a technician is instructed to obtain and deliver what she needs.

"The administrative control center system is great," says Sandra Ahlin, an R.N. at St. Elizabeth. "I should know, because I was a head nurse under the old system. Then it was run, answer a call, run back, write up requisitions—paper work and more paper work. Now if I need something, I just report it to the control center, and it comes along on the next cart. I can function more like a nurse and less like an aide—I have nearly twice as much time for patients.

That reaction is seconded by a G.P. who works primarily in the emergency room at St. Elizabeth: "In the old days, if a patient wanted a nurse and the nurse was busy, the patient just waited. Now every patient-call is answered immediately by the control center and the nurse is in the room one, two, three."

Mechanizing and automating distribution of supplies. In the new hospitals Friesen has helped design, drugs and other supplies are loaded into carts that move around on a monorail. At least once every 24 hours, the supply carts make the rounds. There's also emergency provision for immediate delivery of supplies whose need wasn't anticipated. Orders are placed via the electronic communications network.

What of the fear that mechanization will dehumanize patient care? This, Friesen says, is a mistaken notion: "These machines and gadgets, when properly used, make it possible for the patient to see the nurse's smiling face more often, not less often. It makes sense to put on a production line everything the doctor and nurse need, when they need it, and where they need it—just so long as we don't put the patients on a production line." In light of the present shortage of hospital labor and spiraling wages, he adds: "It's a lot better to convey supplies automatically than to rely entirely on little men pushing carts around. We're running out of little men."

Even food preparation and distribution can be automated, according to Friesen. His solution is to prepare, prepackage, and freeze meals. They're then delivered to a patient floor and can be heated and served at convenient times. He points out that many doctors say gripes about food are among the chief complaints of their hospitalized patients, yet the physicians feel nothing can be done about it. "We *can* do something about it," Friesen maintains. "If the airlines are able to serve palatable meals miles up in the sky, we can find ways to do it on the ground."

At St. Elizabeth as in other hospitals utilizing the Friesen "ready-foods" system, galleys on each patient floor have microwave ovens for speedy heating. Says Charles Beyer, the food service director: "We don't have the mealtime rush you see at most hospitals, with food carts clattering up and down three or four hours a day. We have food available all the time, for whenever a patient wants it, for special diets, for late or early feeding when necessary."

Converting all rooms to single occupancy. Wasteful use of space is a chief reason for costly hospital operation, Friesen maintains. He says that the present national average of less than 85 per cent occupancy could be brought much closer to 100 per cent if hospitals had only one patient in each room. This would eliminate the drawback of having to keep some beds empty because patients have to be segregated by sex, because they have highly infectious diseases or because they're psychotic, or in the last stages of a terminal illness.

One way Friesen's firm has solved this problem is through the development of movable walls, or area dividers, which can easily be folded away when not in use. They're said to be as acoustically efficient as a fixed plaster wall. Movable walls provide flexibility in making patient accommodations larger or smaller, the consultant says, as when a hospital finds that there is a need to create an intensive-care unit.

Combining OB and O.R. facilities. Additional flexibility is obtained by converting obstetrical and surgical departments into a single department. Operating rooms and delivery rooms are contiguous in some new hospitals; Friesen, however, calls for combining them—partially, he says, to eliminate waste of OB facilities as the birth rate continues to decline. Resistance, in this case, seems to him another manifestation of doctors' wishing to cling to former hospital prerogatives and working methods.

"Surgeons are used to having the surgical department take care of their instruments; obstetricians likewise want the OB department to handle delivery instruments," Friesen says. "With all instruments and other supplies kept in a central depot and delivered when needed, separate handling is no longer necessary. Similarly, there's no valid reason why the facilities for both departments have to be kept apart." A St. Elizabeth attending comments: "This should have been done everywhere, a long time ago."

Can it be demonstrated that the advances Friesen advocates significantly reduce costs? "There's no doubt about it," he says, "even though it's hard to prove, because we're often comparing different things. We do know that hospitals that have been built with the improvements we perfected cost no more to construct than conventional ones."

"An automated monorail system is expensive in itself, but not so when you consider that it's a single system replacing several systems," Friesen continues. "We have to go more deeply into evaluating the cost of new facilities compared to the cost of those they supplant. For instance, many hospitals have gone overboard in using disposables. There's no doubt that they are cheaper than reusable supplies that are processed inefficiently. But disposables are *more* expensive than supplies and equipment reprocessed by properly automated methods. The one big saving we can cite is in the all-important area of labor cost. The national average for nonprofessional hospital workers is more than 2.5 per patient. In hospitals using the new techniques and devices, we've brought this down as low as 1.5."

Sister Mary Antonette concurs: "We have no doubt that the systems incorporated into this hospital will more than pay for themselves in the long run."

Getting physicians into the act has proved its worth, according to the St. Elizabeth administrator. She says: "Doctors on the staff have suggested changes, and these have all been for the better. Now they see that their patients are getting a better kind of professional care than they've ever received anywhere else."

A similar statement comes from Anthony J. Monaco, administrator of another institution incorporating many of Friesen's technological concepts—Berwick Hospital in Berwick, Pa. "All the modern aids in the world are no good if doctors resent them, nurses resist them, and employes don't know how to use them," Monaco says. "We developed cooperation by discussing every new idea with doctors at the planning stage and by consulting them on how these ideas would work best without interfering with physicians' prerogatives. This helped sharpen ideas, with the result that our per-diem costs and ratio of personnel to patients are lower than the national averages. At the same time, our hours of nursing care per day are higher."

What can doctors do to help speed changes? Friesen urges them to give up the misconception that they can't influence what happens at their hospitals. "When a new hospital is to be built or additions made to an existing one," he says, "the medical staff should become involved in the early stages of planning. Physicians should form committees to evaluate what's being proposed and compare it with what's been done elsewhere. They should feel free to criticize and suggest; they shouldn't be made to feel that the hospital administration is shoving changes down their throats, and by the same token, they shouldn't leave everything up to the administration to settle."

PROTECTION OF CONFIDENTIALITY

Mr. McGEE. Mr. President, the Washington Evening Star of today, Tuesday, June 22, contains a column by Orr Kelly which is worth reflection on the part of the American people and the Senate.

The column, entitled "It Depends on Whose Secret It Is," points to a contradiction which some members of the news media apparently have chosen to overlook—that of protecting confidentiality. As the news media recognize this as a fundamental right and vital to its interests, this same sense of confidentiality is most important in conducting the diplomatic affairs of Government, especially on extremely sensitive levels.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT DEPENDS ON WHOSE SECRET IT IS

(By Orr Kelly)

The New York Times' own internal security problems provide a perfect example of the reason government officials are so disturbed about the publication of excerpts from the Vietnam archives.

Like the government in its dealings with other countries, the newspaper had two essentially different security problems.

The first and most obvious one was to keep secret for some three months the fact that it had a large portion of the massive Pentagon study while it studied the papers, wrote its report and prepared to publish.

In this regard, security was, if not perfect, at least completely adequate. The paper achieved its purpose of keeping its secret long enough so that it was the first to break the story and to begin printing excerpts from the archives.

This is the same kind of security the government tries to maintain all the time. It is time-sensitive security—vitally important in advance of an operation, but hardly sensitive at all after a certain time has passed. The most recent example was the embargo-on-an-embargo imposed while troops were moved into position before the South Vietnamese foray into Laos earlier this year.

The second kind of security problem the Times had was to protect its sources. Just as the Times felt it a duty to print what the government considered secret, there were a lot of other reporters—and the government itself—eager to find out the secret of who leaked the archives to the Times.

Protecting the source, as it seems to have turned out, has proved to be a much more difficult task than simply preserving secrecy on the whole enterprise until the first story appeared.

And yet, protection of a source is one of the newsman's most fundamental and vital duties. If people cannot talk to him in absolute confidence that their identity will not be revealed, he may well find that no one worthwhile will talk to him at all.

The government has this same kind of problem, especially in its relations with other countries. If government leaders cannot talk to each other in confidence, the tendency is not to talk at all—and there already is ample evidence that there is too little open, honest communication between governments.

In view of this obvious parallel between the newsman's responsibility to protect his sources and a government's obligation to protect its communications with other countries, the near-unanimous agreement among the nation's editorial writers that the publication of the documents has done no harm is hard to understand.

The Times itself said it would not have made the decision to publish the report "if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world."

The Des Moines Register said the documents were wrongly classified top secret and that their publication "could in no way aid an enemy" and the Miami News said it could "find no information whatever in the reports that might endanger the nation's current security."

This judgment, that no harm will be done by publication of documents the government considers secret, is quite different from the conclusion that the public's right to know overrides the harm that might be done—and the failure to make this distinction has been at least as shocking to some Pentagon officials as anything else connected with the disclosures.

And this failure to understand each other's position could turn out to be one of the most unfortunate aspects of this whole affair if it provokes an intensified—and probably unreasonable—effort on the part of the government to plug security leaks and a corresponding eagerness on the part of the press to print, verbatim, anything it can lay its hands on.

FREEDOM TRAIL

Mr. KENNEDY. Mr. President, in this hectic and crowded day and time, it is comforting to know that Americans have not lost their sense of pride in this Nation's rich heritage and its glorious past.

As we prepare for America's bicentennial celebration, our thoughts will turn more and more to Jamestown and Plymouth; to Philadelphia and Boston—to the men who first planted the seeds of liberty and nurtured their growth.

Boston, at once a cultural, intellectual, technological, as well as historical city, has taken steps to protect, preserve, and promote the public interest in the places where our greatest patriots met, worked, and lived.

The Advertising Club of Boston and the Greater Boston Chamber of Commerce in 1951 created the Freedom Trail—a well marked, 2-mile path encompassing the major points of historical interest in Boston.

The Freedom Trail was an immediate success, and today more than 1 million people each year follow the neat red, white, and blue signs to Paul Revere's House, Old North Church, Faneuil Hall, or any of the other 15 landmarks. And just off the trail visitors are directed to additional points of interest like the Bunker Hill Monument, the U.S.S. *Constitution*, or Copp's Hill Burying Ground.

This trail is a significant incentive toward inculcating in our youth and citizens from all parts of this Nation a sense of the color and the courage of our past.

Massachusetts and Boston are justly proud of this handsome and meaningful commemoration, as I am sure is the Nation. And as the Freedom Trail prepares to celebrate its 20th anniversary I know that Senators will want to join me in commending and congratulating all those responsible for its inception and continuance.

ADMINISTRATION GNP FORECAST IN TROUBLE

Mr. PROXMIRE. Mr. President, the staff of the Joint Economic Committee, particularly Mrs. Courtenay Slater and Mr. Loughlin McHugh, have prepared for me, as chairman of the committee, a memorandum entitled "The Economic Outlook." I was so impressed with its detail and information that I believe it should be shared with the public.

It is a factual, objective analysis of a number of indicators—GNP; output, including industrial production, housing, construction, and investment; demand indicators, including retail sales, total auto sales, and consumer sentiment; and income and employment figures.

The one overwhelming conclusion that I draw from these objective figures is that the administration's forecast of a $1,065 GNP for this year is far from becoming a reality.

It appears that the growth of real output in the second quarter may well be less than 4.5 to 5 percent. If this is true, as numerous press reports indicate, it is a powerful case for additional stimulus to the economy through the right kind of fiscal policies.

I ask unanimous consent that the staff report, entitled "Economic Outlook," and an article in last Sunday's Washington Post, written by Hobart Rowen, commenting on disappointing leaked estimate for the second quarter GNP, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ECONOMIC OUTLOOK

I. SUMMARY OF RECENT GNP FORECASTS

Recent private forecasts suggest a 2nd quarter GNP increase of between $20.5 and $26.0 billion. Estimates of the annual rate of growth of real output range from 3.6 to 7.1 percent. 7.1 percent would match the first quarter and would be encouraging, whereas 3.6 percent would be dismally unsatisfactory. Second quarter forecasts are $13 to $19 billion below what would be needed to reach $1065 for the year.

Three forecasts are summarized below:

	GNP (billion dollars)		Growth of real output (annual rate)	Price increase (GNP deflator, annual rate)
	Current dollars	Constant dollars		
3d quarter 1970 (actual)	985.5	727.4	1.4	4.9
4th quarter 1970 (actual)	989.9	720.3	−3.9	5.9
1st quarter 1971 (actual)	1,020.7	732.7	7.1	5.6
2d quarter 1971 (forecast):				
DRI [1]	1,046.0	745.3	7.1	3.0
Wharton [2]	1,043.6	741.5	5.4	4.4
St. Louis Federal [3]	1,042.0	739.2	3.6	4.9
1970—actual	976.5	724.1	−.4	5.3
1971—forecast:				
DRI [1]	1,050.0	743.6	2.7	4.7
Wharton [2]	1,050.8	743.1	2.6	4.8
St. Louis Federal [3]	1,053.9	743.1	2.6	5.2

[1] Data Resources, Inc. forecast of May 17. A more recent DRI forecast of the 2d quarter estimates a GNP of only $1,041,100,000,000 real growth rate of 4.8 percent, and an inflation rate of 3.4 percent.

[2] Wharton School, University of Pennsylvania, DRI version, May 25, 1971.

[3] Assumes 6 percent rate of growth of the money supply.

II. OUTPUT INDICATORS

The industrial production index has risen in each of the past three months, but is still well below the July 1969 peak. Production of durables remains below the pre-auto strike level of August 1970. Non-auto industrial production rose at an annual rate of about 4.7 percent over the six months from November to May.

INDUSTRIAL PRODUCTION INDEX (1967=100)

	Total	Manufacturing	Durables (including autos)	Nondurables
July 1969 (peak)	110.4	110.0	109.2	111.1
August 1970 (preauto strike)	106.8	105.0	101.8	109.3
November 1970 (low point)	102.2	99.6	92.5	109.1
April 1971	105.1	102.6	96.2	111.3
May 1971	105.8	103.4	97.0	111.9

Housing starts held up well in May, but rising interest rates could have an adverse effect during the remainder of the year. Even if a 2 million start year should materialize (which would be conceivable if credit remained abundant and interest rates did not rise), the additional stimulus to the economy would be only moderate. Housing starts in the most recent 6 month period were 50 percent above the year earlier period. Another jump anywhere near this magnitude is clearly not to be expected.

PRIVATE HOUSING STARTS

[Thousands, seasonal adjusted annual rate]

	Actual	DRI forecast	Illustrative pattern to average 2 million starts in 1971
1970:			
1st quarter	1,252		
2d quarter	1,286		
3d quarter	1,512		
4th quarter	1,768		
1971:			
1st quarter	1,813		1,810
2d quarter	[1] 1,915	1,801	1,933
3d quarter		1,794	2,066
4th quarter		1,829	2,200

[1] April-May average.

Private non-residential construction spending advanced in January, but has declined slightly since. (April is latest month available.) Public construction spending has also declined since January.

CONSTRUCTION EXPENDITURE

[In billions of dollars, seasonally adjusted, annual rate]

	Total	Residential	Private nonresidential	Public
December 1970	99.1	33.3	33.6	32.2
January 1971	100.0	34.4	35.5	30.1
February 1971	102.6	35.6	35.2	31.7
March 1971	102.2	36.9	35.3	30.0
April 1971	104.5	38.1	35.6	30.8

Investment plans were revised downward in the SEC-OBE April-May survey. The new estimates show plant and equipment expenditures declining in real terms during the remainder of the year.

EXPENDITURES FOR NEW PLANT AND EQUIPMENT

[Dollars in billions, seasonal adjusted annual rate]

	Current dollars	Adjusted for price increase [1]
1970:		
I	78.22	78.22
II	80.22	79.34
III	81.88	79.74
IV	78.63	75.08
1971:		
I	79.32	75.06
II (expected)	82.38	76.99
III (expected)	82.83	76.41
IV (expected)	82.74	75.39

[1] Joint Economic Committee staff estimate. Expenditure in 1st quarter 1970 prices.

III. DEMAND INDICATORS

Retail sales rose about 6 percent in real terms from November to April, but declined in May according to the preliminary estimate.

DEFLATED INDEX OF RETAIL SALES[1] (1967=100)

	Total	Durable	Non-durable
April 1970	103.7	101.7	105.0
November 1970	100.4	87.5	106.4
March 1971	106.3	105.9	106.6
April 1971	106.9	106.9	107.0
May 1971	105.5	103.0	106.7

[1] Computed by staff of the Joint Economic Committee.

During the first 4 months of 1971, sales of domestically produced autos were at an annual rate below that of 1969, even though these 4 months included a "catch-up" from the auto strike. Only if 9.9 million domestically produced cars were sold in 1971 would 1970–71 sales average out to the 1969 level. So far, sales of domestic cars are running at a rate of only 8.4 million.

AUTO SALES

[In millions]

	Total	Domestic
1969	9.6	8.5
1970	8.4	7.1
1971: Average of 1st 4 months at seasonally adjusted annual rate	10.0	8.4

Consumer sentiment as reported in the latest University of Michigan survey shows some improvement, but the survey team referred to it as "reduced pessimism rather than increased optimism." Their index of consumer sentiment was at 81.6 (Feb. 1966=100). This compares to 78.2 in February and 75.4 last November.

IV. INCOME AND EMPLOYMENT

Personal income gains so far this year have been moderate. The first 5 months of 1971 averaged 5¾ percent above the year earlier period. For comparison, personal income grew 7 percent in 1970 (a recession year) and 9.4 percent in 1968 (a boom year). The $6 billion increase in May was equal to the average monthly gain so far for this year—again, only moderate.

PERSONAL INCOME

[In billions of dollars, seasonally adjusted annual rate]

	Total	Increase over previous month
December 1970	817.5	4.9
January 1971	827.4	9.9
February	830.4	3.0
March	836.8	6.4
April	841.4	4.6
May	847.4	6.0

Employment increased in April and May, offsetting the February and March declines. However, employment gains did not keep pace with labor force gains and unemployment has risen slightly for the past four months. If it were not for "discouraged workers" leaving the labor force and, hence, not being counted as unemployed, unemployment would have averaged considerably higher so far this year. An estimate of the hypothetical "true" rate is shown below. By this estimate, unemployment was at a high point in March and has since declined, but is still over 6½ percent.

UNEMPLOYMENT RATES

	Published rate	Hypothetical rate[1]
January	6.0	6.0
February	5.8	6.6
March	6.0	6.8
April	6.1	6.7
May	6.2	6.6

[1] Estimates prepared by Dr. Alfred Tella and published in the Washington Post.

Other labor market indicators continue to look weak. Average weekly hours worked (seasonally adjusted) have fluctuated between 36.9 and 37.1 ever since October (37.0 in May). The number of long-term unemployed and the average duration of joblessness both rose further in May.

Particularly disturbing is the large number of young people now entering the summer job market. The number of 16 to 24 year olds in the civilian labor force is expected to increase by 4 million between April and July (Labor Department estimate, not seasonally adjusted).

[From the Washington Post, June 20, 1971]

LAGGING ECONOMY PUSHES NIXON INTO MOVE ON GREATER FISCAL THRUST

(By Hobart Rowen)

Sooner or later, the Nixon administration will have to confess that the economy is not enjoying a robust recovery, despite the syrupy platitudes dished out regularly by Assistant Commerce Secretary Harold Passer.

It hasn't been published until now, but the preliminary "flash" estimate for the second quarter Gross National Product gain is a disappointing $20.4 billion, a sharp drop from the overly touted $31 billion GNP rate gain in the first quarter.

More than ever, this shows that the Nixon administration was excessively optimistic at the start of the year on economic prospects, even though there has been an extraordinary growth in the nation's supply of money.

Having based its predictions for a good recovery in part on the assurance of the Office of Management and Budget that a liberal infusion of monetary ease could do the job, the Nixon administration now faces the need to accept the prescription of its Democratic predecessors: cut taxes and take care of growing unemployment, especially among Vietnam veterans.

It will be difficult for Mr. Nixon to veto Democratic proposals calling for creation of public service jobs with unemployment at 6.2 per cent and threatening to go higher.

One bright sign has been the stock market, which had been booming over its 1970 low point. The administration had been touting the market as an "advance indicator"—a sign that general recovery was on the way. But some officials now wonder whether the market didn't get too far ahead of the economy.

Here is a measure of how far the administration missed its guesses: Given the extent of the growth of the money supply so far in the second quarter (peaking at 16 per cent for May), the controversial "model" of the economy developed by OMB assistant Arthur Laffer calls for a GNP gain of about $44 billion.

That, of course, is more than twice as much as the economy actually grew.

It tends to show that expansion of the money supply is a simplistic and incomplete answer to determining what the economy will do: The Federal Reserve can decide on a target for money supply growth. That target may or may not be met (and this year, it is clear that things got out of the Fed's control). But then, there is no assurance that the holders of money (companies and individuals) will spend the money.

If they are uncertain about the future, they may save instead of spend. And with unemployment high, interest rates still going up, the government itself pronouncing inflation a problem yet to be solved and the dollar under attack in world money markets, uncertainty about the future has prevailed.

Consumers—the essential ingredient in a real recovery—have been hesitant. "They will keep on saving money at (current) high rates until they're sure of their jobs," said former Economic Council Chairman Art Okun, "and they won't be sure of their jobs until they start spending money."

As for business, plans for new investment spending are actually at a minus level (after accounting for inflation). And with actual factory operating rates so far below capacity, it's little surprise.

An important policymaker at the Federal Reserve moans that "the old rules aren't working." By that he means that wages and prices aren't responding to the recession: Unemployment has been generated, but prices aren't responding to the recession. wages.

All of the steps taken in 1970 to slow down the economy didn't cure inflation—nor, apparently, have they set the stage for a recovery.

Meanwhile, there is a new and serious trouble on the horizon: A steel strike for higher wages will probably get under way at the end of June, and the word from Pittsburgh is that three smaller steel companies may find themselves—like Lockheed—begging for government bail-outs if there is a sizeable wage settlement.

Making the allowable discounts for industry propaganda, the situation in steel, never noted for efficiency, seems to be serious.

For these and other reasons, the Council of Economic Advisers, under Paul W. McCracken, is taking the leadership within the Nixon administration in laying the groundwork for a new program of stimulus built around accelerated personal income tax cuts.

McCracken plays down the worries of the monetarists that a new inflationary "explosion" is likely because of the excessive growth of the money supply so far this year. He recognizes the risk of inflation but finds the unemployment rate moving toward unacceptable peaks.

But within Nixon's "Troika" of top economic advisers, McCracken so far is playing a lone hand. OMB Director George Shultz and Treasury Secretary John B. Connally say they are not ready to shift policy. However, now that the Fed, under Chairman Arthur F. Burns, has started to tighten up on money, Shultz and Connally in due course may be forced to follow the McCracken lead.

DAVIS-BACON ACT

Mr. WILLIAMS. Mr. President, on February 23, 1971, the President issued a proclamation suspending the labor standards provisions of the Davis-Bacon Act as they apply to Federal construction and federally assisted construction. The suspension remained in effect until March 29 when the President reinstated the requirements of that act.

Mr. President, I ask unanimous consent that the text of these Presidential documents be printed in the RECORD at this point in my remarks.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[Federal Construction Projects, Proclamation 4031, February 23, 1971]

PROCLAIMING THE SUSPENSION OF THE DAVIS-BACON ACT OF MARCH 3, 1931

Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a), provides:

". . . every contract in excess of $2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union, or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there . . .";

Various other acts provide for the payment of wages, with these provisions dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

The Nation is now confronted by a set of conditions involving the construction industry which, taken together, create an emergency situation:

—Construction industry collective bargaining settlements are excessive and show no signs of decelerating.

—Increased unemployment and more frequent and longer work stoppages in the construction industry have accompanied the excessive and accelerating wage demands and settlements in the construction industry.

—The excessive and accelerating wage settlements in the construction industry have affected collective bargaining in other industries, thus contributing to inflation in the overall economy.

—This combination of factors in the construction industry has threatened the basic economic stability of the construction industry and thus the Nation's economy.

—Construction industry employers and employee representatives have been unable voluntarily to agree upon any arrangement which would ameliorate these conditions.

—The Federal Government is planning to expand its direct and financially-assisted construction, in part to reduce unemployment in the construction industry and in the national economy.

—The Federal Government anticipates that a larger portion of total resources will be devoted to construction activity as the economy expands.

—The Davis-Bacon Act and other acts dependent upon it frequently require contractors working on federally involved projects to pay the high negotiated wage settlements to mechanics and laborers, thereby sanctioning and spreading the high rates and thus inducing further acceleration contributing to the threat to the Nation's economy.

Section 6 of the Davis-Bacon Act provides:

"In the event of a national emergency the President is authorized to suspend the provisions of this Act."

Whereas I find that a national emergency exists within the meaning of section 6 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a).

Now, Therefore, I, Richard Nixon, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or subsequent to the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

And I do hereby suspend until otherwise provided the provisions of any Executive Order, proclamation, rule, regulation or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

In Witness Whereof, I have hereunto set my hand this twenty-third day of February in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

[Filed with the Office of the Federal Register, 11:17 a.m., February 24, 1971]

STATEMENT BY THE PRESIDENT UPON SUSPENDING PROVISIONS OF THE DAVIS-BACON ACT, FEBRUARY 23, 1971

I am today suspending the provisions of the Davis-Bacon Act which require contractors working on Federal construction projects to pay certain prescribed wage rates to their workers. In my judgment, the operation of this law at a time when construction wages and prices are skyrocketing only gives Federal endorsement and encouragement to severe inflationary pressures.

The action I have taken today is based on the principle that Government programs which contribute to excessive wage and price increases must be modified or rescinded in periods of inflation. This was the principle I applied to industry in the case of recent excessive increases in steel and oil prices. This is the principle. I am applying to organized labor in the construction emergency.

This decision suspends a special provision of law which has applied uniquely to the construction industry since 1931. It puts the construction industry on the same footing with other industries that now sell products to the Government. For under the Davis-Bacon Act, wage rates on Federal projects have been artificially set by this law rather than by customary market forces. Frequently, they have been set to match the highest wages paid on private projects. This means that many of the most inflationary local wage settlements in the construction industry have automatically been sanctioned and spread through Government contracts.

The Davis-Bacon Act was originally passed in 1931 to ease extremely severe downward pressures on wages in the construction industry. I believe, however, that this preferential arrangement does not serve the best interests of either the construction industry or the American public at a time when wages are under severe upward pressures. I am therefore using the authority which the law gives to the President to suspend this provision. The proclamation I am issuing today also suspends the wage determination provision of more than 50 other Federal laws relating to federally-involved construction which incorporate the Davis-Bacon Act. I am calling upon States and other governmental bodies with similar statutes to take similar action.

This action is the most appropriate of the actions which are available to me at this time. Nevertheless, I make this decision most reluctantly. It has been my hope that the problem of excessive and inflationary wage settlements in the construction industry could be met without such measures. Yet on several occasions over the past 2 years I have also made it clear that I would take whatever further steps were necessary if the inflationary pattern did not end.

That pattern has not ended. In fact, inflation in the construction industry has grown worse. In 1970, the average contract settlement in the building trades called for a first year wage increase of 18.3 percent. On the other hand, the average increase for the first year of new contracts in manufacturing industries was 8.1 percent—a striking contrast. And in the last two quarters of 1970, wage settlements in the construction industry went even further out of control; new contract settlements in the last 6 months of the year called for nearly a 22 percent average first year increase.

While some might wish to blame management or labor unions for this inflationary syndrome, we must recognize that, in fact, they are its victims. I have met with construction contractors and labor leaders on a number of occasions—including a meeting last month. I know that many of them have been doing their best to find an answer to this situation. It is evident now, however, that decisive Government action is needed to protect the public interest while labor and management continue their efforts to attack the causes of this problem.

Those causes are deep and complex. They are rooted in the way the construction industry is organized—and particularly in the highly fragmented nature of its collective bargaining process. A craft-by-craft, city-by-city negotiating pattern makes competition between local unions for higher wages particularly intense. It makes strikes on particular projects more likely since alternative work is often available nearby. One out of every three wage negotiations in the building trades now produces a work stoppage. When these and other structural factors are combined with a law like the Davis-Bacon Act which, in effect, requires employers to pass on to the Government the cost of high local settlements, then the inflationary problem becomes even more acute.

The results of this inflationary situation are felt in every part of our society. As construction costs go up, so does the price for buying or renting new homes and apartments. Because the entire economy is affected by rising construction costs, other prices are driven up also. The taxpayer bears a particularly heavy burden since the Government spends so much for construction. The Federal Government alone plans to spend some $13 billion for construction in fiscal year 1972. A good part of this spending will come from the defense budget—which means that inflation in the construction industry can make it harder adequately to fund programs which are vital to our national security.

All levels of government together account for almost one-third of total construction expenditures. It is crucial, I believe, that taxpayers get their moneys worth for all this spending and that it not be used to accommodate—and further accelerate—inflationary pressures.

But the person who is hurt most by this pattern of inflation is the construction worker himself. For as the cost of building increases, the rate of building is slowed—and the result is fewer jobs for the workingman. The rate of unemployment in the construction trades last year was substantially higher than in any other major industry and double the national average. It stood at 11.2 percent this past January. Moreover, those workers who do find jobs also find that as costs rise and the number of projects declines, they are working fewer hours.

The average worker in the building trades is therefore caught in a vicious cycle. His rate of pay goes up but often his overall income does not, since his opportunities to work have gone down. As a result, he is inclined to demand an even higher hourly wage which can have the effect, in turn, of further reducing available employment. By curbing inflation in the construction industry, we hope to break this cycle, expand employment, and improve the overall position of the construction worker.

During the past 2 years, this administration has taken a number of steps to help the construction industry. We have made considerable progress in bringing down the cost of money. We have worked to stabilize the cost of materials and to increase productivity. We are planning to expand Federal construction programs—especially in housing—and we are making additional efforts to assist private construction.

We are now on the threshold of a new economic expansion. That expansion must be a genuine expansion, one that is measured by rising purchasing power and not by an accelerating cost of living; by more new homes and apartments, and not by ever-accelerating rents and housing prices; by more new public facilities urgently needed to combat pollution and meet other pressing social needs. We are counting on the construction industry to make a significant contribution to our expanding economy. We have great confidence in the potential of the construction industry and we want this potential to be fully realized.

But the construction industry cannot realize its potential—and it cannot make its full contribution to the stable growth of our entire economy—unless it can overcome its present handicaps of chronic instability, frequent strikes, and excessive wages increases. Insofar as the Government is a party to these conditions—as it is under the Davis-Bacon Act—it can serve both the public and the industry best by correcting that situation.

I have suspended the Davis-Bacon Act because of emergency conditions in the construction industry. The purposes of the Davis-Bacon Act can once again be realized when construction contractors and labor unions work out solutions to the problems which have created the emergency.

In the final analysis, those who are directly involved in the construction industry must assume the leadership in finding answers to these complex problems. Construction contractors and labor leaders will have the full cooperation of this administration as they strive to carry out this crucial responsibility.

Statement by the President, March 29, 1971

I have today signed an Executive Order establishing a Cooperative Mechanism for the Stabilization of Wages and Prices in the Construction Industry.

The operation and success of the order will rest largely on the determined effort, the practical wisdom, and the mutual understanding of labor and management in an industry whose future is now being undermined by its own excesses.

Wage increases negotiated last year in the construction industry were more than twice those of factory wage increases in the same period. These increases—along with other distortions in the economy of the industry—were reflected in the rising costs of construction, including the costs of home building to hard-pressed families and the costs of defense and other government construction projects to the hard-pressed taxpayer. But at the same time that wages and prices in the construction industry were soaring, unemployment in the industry rose to a level which is nearly double the national average.

The leaders of the construction industry—from both labor and management—are aware that unless this trend is countered disaster lies ahead. There is a limit to what those who pay for construction can afford. Continued excesses can lead only to less building, to continued unemployment and to further distortions in the practices of the industry and in the economy of the nation.

I am confident, however, that if sensible restraint is practiced the construction industry can look forward to a bright and prosperous future. Accordingly, the Federal government has taken the initiative in what is essentially a corrective enterprise. Contractors and labor leaders have indicated their willingness to cooperate with the government in fair measures to achieve greater wage and price stability.

I am therefore today reinstating the Davis-Bacon Act, which I suspended on February 23, 1971, and I am substituting a system of constraints to which I expect all parties will subscribe.

The Executive Order delegates to the Secretary of Labor, the responsibility to appoint a tripartite industry committee of twelve members, which—with the assistance of joint craft disputes boards established by contractor associations and international unions—will review all collective bargaining agreements negotiated in the construction industry after the date of this order.

The boards and the committee will determine whether future negotiated wage agreements fall within certain criteria established in the Executive Order. Agreements that violate the criteria shall be disregarded in making wage determinations under the Davis-Bacon Act for Federal and Federally assisted construction. In addition, all Federal departments and agencies shall review their construction plans in this light.

The Executive Order also establishes a committee on construction to develop criteria for determining the acceptable level for prices in construction contracts as well as the acceptable level for compensations including bonuses and stock options that are not subject to the terms of a collective bargaining agreement. The members of this committee shall be appointed by the Secretary of Housing and Urban Development.

The causes of the inflationary wage and price pattern in the construction industry are extremely complex. They are related in part to the highly fragmented way in which the industry and its bargaining processes are organized. A full solution to this problem will come only through patient, persistent efforts to change these fundamental conditions. Meanwhile, however, the action I have taken today will provide a framework within which management, labor and government can work together in limiting the dangerous consequences of continued wage and price inflation in the construction industry. All Americans have a stake in its success.

A Proclamation by the President of the United States of America, March 29, 1971

Whereas, the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and the provisions of all other acts, Executive Orders, proclamations, rules, regulations or other directives providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, were suspended until otherwise provided by Proclamation No. 4031 of February 23, 1971; and

Whereas, I have today issued Executive Order No. 11588;

Now, therefore, I, Richard Nixon, President of the United States of America, do by this Proclamation revoke Proclamation No. 4031 of February 23, 1971, as to all construction contracts for which solicitations for bids or proposals are issued after the date of this Proclamation, whether direct federal construction or federally assisted construction subject to the previous Proclamation No. 4031.

In witness whereof, I have hereunto set my hand this 29th day of March in the year of our Lord nineteen hundred and seventy-one and of the Independence of the United States of America the one-hundred ninety-fifth.

Executive Order Providing for the Stabilization of Wages and Prices in the Construction Industry, March 29, 1971

Whereas, the stabilization of wages and prices in the construction industry is essential to the maintenance of a strong national economy; and

Whereas, wages and prices in the construction industry have tended in recent years to increase at a rate greater than that for the economy as a whole; and

Whereas, the Congress has expressed its concern over the unrestrained rise in wages and prices through the enactment of the Economic Stabilization Act of 1970 (84 Stat. 799 as amended); and

Whereas, it was necessary to suspend the prevailing rate provisions of the Davis-Bacon Act in order to assist in alleviating the inflationary spiral of wages and prices in the construction industry, which suspension is no longer required due to the establishment of an equitable stabilization plan under this order; and

Whereas, the national leaders of labor and management in the construction industry have indicated, since the suspension of the Davis-Bacon Act, that under such an order they will participate with the Government in fair measures to achieve greater wage and price stability; but are unable to agree on any voluntary arrangement; and

Whereas, stabilization of wages and prices is most effectively achieved when accompanied by positive action of labor and management; and

Whereas, this order is required to establish an arrangement for the application of general criteria by an operating structure with a minimum of Government involvement and sanctions within which labor and management may act to effectuate the stabilization of wages and prices consistent with and in furtherance of effective collective bargaining in the industry.

Now, therefore, by virtue of the authority vested in me by the Economic Stabilization Act of 1970 (84 Stat. 799 as amended) and as President of the United States, it is ordered as follows:

Section 1(a). A Construction Industry Stabilization Committee (hereinafter referred to as "Committee") is hereby established to assure generally conformance of any increase in any wage or salary in the construction industry to the provisions of this order.

(b) The Committee shall be composed of twelve members appointed by the Secretary of Labor and selected as follows: four of the members shall be representative of labor organizations in the construction industry; four of the members shall be representative of employers in the construction industry; and four of the members shall be representative of the public. The Secretary of Labor shall appoint one of the public members as chairman of the committee.

Section 2. Associations of contractors and national and international unions shall jointly establish craft dispute board (hereinafter referred to as "boards") to determine whether wages and salaries are acceptable in accordance with the criteria established in section 6. Each board shall be composed of appropriate labor and management representatives.

Section 3(a). It shall be the responsibility of each board, in relation to the craft or branch over which it has jurisdiction, to provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes involving wages and salaries and to promptly examine every collective bargaining agreement negotiated on or after the date of this order and to determine, in accordance with the criteria established in section 6, whether wage and salary increases in the agreement are acceptable and may thus be approved. The board shall make determinations within a reasonable time and shall notify the parties and the Committee of action taken. When it is determined by the board that a wage or salary increase is not acceptable, the board shall also notify the Secretary of Labor.

(b) Each board shall also have the authority to examine collective bargaining agreements negotiated prior to the date of this order which contain wage or salary increases scheduled to take effect on or after such date to determine whether any increase is unreasonably inconsistent with the criteria established in section 6.

Section 4(a). Upon receipt of a notification by a board that it has found a wage or salary increase acceptable, the Committee shall have fifteen days in which to determine whether it will assume jurisdiction over the matter. If the Committee does not determine within that time, and so notify the parties and the board, that it will assume jurisdiction, the board's determination will be deemed final and the increase may take effect. If the Committee determines that it will assume jurisdiction it shall be a violation of this order to implement the increase unless and until the Committee affirms the board's initial determination. The Committee shall notify the parties, the board and the Secretary of Labor of its final action.

(b) The Committee is also authorized, upon its own motion, if a board has not yet reported or an appropriate board has not been established, to review any proposed wage or salary increase to determine its acceptability.

(c) Unless and until an increase in wage or salary has been approved in accordance with the provisions of sections 4(a) and 4 of this order, it shall be a violation of this order to put such a wage or salary increase into effect.

Section 5. Upon a determination by a board or the Committee that a proposed wage or salary increase is not acceptable and certification of that determination by the Secretary of Labor, the following actions shall be taken:

(a) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including state statutes or laws requiring similar wage standards, the Secretary of Labor and all states shall not take into consideration any wage or salary increase in excess of that found to be acceptable in making determination under that act and related statutes.

(b) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Secretary of Labor:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Secretary of Labor to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Secretary of Labor and shall, on the basis of such review, determine whether such contracts can be awarded or continue.

(c) The Committee and the boards shall make public their determinations, specifying the craft and area affected and the wages or salaries deemed unacceptable.

(d) Any other action authorized by law to carry out the purposes and policy of this order shall be available to the Secretary of Labor to assure the stabilization of wages and prices in the construction industry.

Section 6. The following criteria shall be applied in determining whether any wage or salary increase is acceptable:

(a) Acceptable economic adjustments in labor contracts negotiated on or after the date of this order will be those normally considered supportable by productivity improvement and cost of living trends, but not in excess of the average of the median increases in wages and benefits over the life of the contract negotiated in major construction settlements in the period 1961 to 1968.

(b) Equity adjustments in labor contracts negotiated on or after the date of this order may, where carefully identified, be considered over the life of the contract to restore traditional relationships among crafts in a single locality and within the same craft in surrounding localities.

Section 7. The parties to a labor contract negotiated in the construction industry shall promptly submit that contract to the appropriate board or boards. Where there is no appropriate board to consider the acceptability of a proposed wage or salary increase, the affected national or international union, and the affected association of contractors shall promptly submit that contract to the Committee.

Section 8. The Interagency Committee on construction (hereinafter referred to as "Interagency Committee"), is hereby established to develop criteria for the determination of acceptable prices in construction contracts as well as criteria for acceptable compensation, including bonuses, stock options and the like. Officers and employees of Federal departments and agencies shall be designated to serve as members of the Interagency Committee by the Secretary of Housing and Urban Development who shall also designate its chairman. The Interagency Committee shall consult with the Secretary of Labor, with major Government procurement agencies and with the Committee in developing such criteria and concerning the application of such criteria. Until criteria have been developed and applied and prices and compensation are determined to be unacceptable, prices, and compensation shall not be deemed in violation of this order.

Section 9. In the conduct of every Federal or federally assisted construction project or program the affected Federal agency shall assure the conformance of such project or program with the criteria established in Section 8.

Section 10. The Committee and the Interagency Committee, subject to approval by the Secretary of Labor, and the Secretary of Labor are authorized to issue such rules and regulations as may be necessary to provide for the expeditious and effective conduct of their responsibilities under this order and to effecutate its purposes. Such authority of the Committee under this section shall include the authority to issue such rules and regulations as may be necessary to assure the effective operation of any board which may be established under this order, and to provide for the resolution of impasses within any board.

Section 11(a). The term "construction" shall mean, for the purpose of this order (1) all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition; (2) the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in section 5.2 (g) of Part 5, Title 29 of the Code of Federal Regulations.

(b) The term "wage or salary" shall mean, for the purpose of this order, all wage or salary rate schedules and economic benefits established pursuant to a collective bargaining agreement in the construction industry.

Section 12(a). Expenses of the Committee and the Interagency Committee shall be paid from such appropriations to the Department of Labor and other Federal agencies as may be made available therefor.

(b) All departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee and the Intragency Committee in order that they may carry out their responsibilities under this order.

Section 13. There shall be periodic examination of the effectiveness of this order to determine whether further measures will be required to effectuate a stabilization of wages and prices in the construction industry.

Section 14. This Order shall be effective immediately.

Mr. WILLIAMS. Mr. President, during the interim, Government contracting agencies took many different measures to respond to the President's decision. In some instances the contracting agency went ahead with the awarding of contracts already solicited. In some cases, the agencies resolicited bids made prior to the suspension of Davis-Bacon for purposes of deleting the Davis-Bacon provisions from the solicitations. The period between February 23 and March 29 appears to have been a period of turmoil in Government construction contract procedures.

After the reinstatement of the Davis-Bacon provisions, I learned that the Government's construction contract procedures were in no less of a turmoil than during the period of suspension. Many contracting agencies apparently took it upon themselves not to reinstate the Davis-Bacon provisions in solicitations that had been made during the period of suspension.

This led the Secretary of Labor, after consultation with the President, to issue a memorandum—Memorandum No. 94—setting forth the President's view that—

> In the case of contracts not yet entered into as a result of the solicitation of bids or proposals during the period when Proclamation 4031 was effective, each agency should, if it can do so legally and without undue hardship, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

The chairman of the General Labor Subcommittee of the House of Representatives, Mr. Dent, and I jointly wrote to the heads of nine contracting agencies on June 7, 1971, requesting reports by June 15, 1971, on the status of projects, first, on which contracts have not yet been awarded; second, on which solicitations or resolicitations were made during February 23–March 29, 1971, the period during which the Davis-Bacon Act was suspended; and third, for which the agency is not resoliciting for purposes of including the Davis-Bacon provisions. I ask unanimous consent that the text of our letter and a list of those executive agencies to which it was sent be printed in the Record at this point in my remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

June 7, 1971.

Hon. John A. Volpe,
Secretary of Transportation, Department of Transportation, Washington, D.C.

Dear Mr. Secretary: On April 27, 1971, the Secretary of Labor issued Memorandum #94 stating, in part:

> The President has asked me to explain that in the case of contracts not yet entered into as a result of the solicitation of bids or proposals during the period when Proclamation 4031 was effective, each agency should, if it can do so legally and without undue hardship, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

As Chairmen of the Senate and House Subcommittees with legislative jurisdiction over the Davis-Bacon provisions, we have been advised that some contracts have been awarded without the Davis-Bacon provisions even though resolicitation could have been made legally and without undue hardship.

It is important that concerned members of the Senate and the House of Representatives be informed of the steps you are taking to implement the President's decision. Therefore, please provide us with a list of those projects: (a) on which contracts have not yet been awarded; (b) on which solicitations or resolicitations were made during February 23–March 29, 1971, the period during which the Davis-Bacon Act was suspended; and (c) for which you are not resoliciting for purposes of including the Davis-Bacon provisions.

We would also appreciate being informed of your reasons for not resoliciting those bids or proposals.

This information should be provided no later than June 15, 1971.

If you have any questions, please do not hesitate to contact the staff of our respective Subcommittees at 225-3674 (Senate Subcommittee on Labor) or 225-5331 (House General Labor Subcommittee).

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, U.S. Senate.
JOHN H. DENT,
Chairman, General Labor Subcommittee, U.S. House of Representatives.

Mr. WILLIAMS. Mr. President, pursuant to that request, I have received five responses to date. At this point I will not comment on the substance of the responses, although they warrant comment. I merely wish to bring them to the attention of the Senate at the earliest possible time. I ask unanimous consent that these responses from the Department of Defense, the Department of Transportation, the National Aeronautics and Space Administration, the Department of Agriculture, and the General Services Administration be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1971.
Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary of Defense has asked me to respond to your letter of June 7, 1971, requesting a list of those projects: (a) on which contracts have not yet been awarded; (b) on which solicitations or resolicitations were made during February 23-March 29, 1971, the period during which the Davis-Bacon Act was suspended; and (c) for which we are not resoliciting for purposes of including the Davis-Bacon provisions.

You also asked to be informed of our reasons for not resoliciting those bids or proposals.

We do not have the information which you have requested immediately on hand. However, we have asked the Military Departments to obtain and furnish that information to us on an expedited basis. Many contracting activities are involved, and all must be queried in order to develop the full picture. We shall furnish you the information promptly upon receipt.

You may be interested to know that the Secretary of Labor, by letter dated May 13, 1971, has directed to us a number of questions pertaining to Department of Defense contracts affected by the suspension of the Davis-Bacon Act. A copy of that letter is attached, together with copies of the information which we are furnishing in response to it. Information in addition to that enclosed is expected to be forthcoming from the Department of the Army, and we will furnish it to you as soon as it is received.

We can and have, in a number of cases since the President's reinstatement of the Davis-Bacon Act requirements, reinstated Davis-Bacon provisions in solicitations outstanding. We have not done this in all construction procurements, however. The reasons why it was not done can best be explained by reviewing the pertinent facts and sequence of events.

As you know, the President issued a Proclamation suspending the Davis-Bacon Act on February 23, 1971. To implement the Proclamation, the Assistant Secretary of Defense (Installations and Logistics) issued instructions to the Military Departments directing that no contracts be awarded with Davis-Bacon provisions.

On 29 March 1971, the President issued a Proclamation partially revoking his prior suspension of the Davis-Bacon Act. The reinstatement applied to all construction contracts for which solicitations for bids or proposals were issued after the date of the second Proclamation. This second Proclamation did not revoke the initial suspension insofar as it affected solicitations which had been issued on or before 29 March.

It would have been possible, of course, to resolicit procurements outstanding as of 29 March. Since such resolicitations would have followed the date of the reinstatement, they would properly have included Davis-Bacon provisions. In effect, therefore, it was left to the discretion of contracting agencies whether they would resolicit such procurements so as to make applicable the provisions of the Act.

Following the 29 March Proclamation, the Assistant Secretary of Defense (I&L) after consulting with the Military Departments, and based on their recommendations, issued implementing guidance essentially as follows:

(a) Solicitations issued after March 29, 1971 will be subject to the Davis-Bacon Act. Solicitations issued after March 29, 1971 without the Davis-Bacon Act requirements shall be modified to include these requirements.

(b) Solicitations issued after February 23, 1971, but before March 30, 1971, shall not contain the Davis-Bacon Act provisions.

(c) Amendments after March 29, 1971 to contracts involving new work outside the scope of such contracts shall contain a provision making Davis-Bacon Act requirements applicable to the new work.

Thereafter, by memorandum dated 29 April to all Federal contracting agencies, the Secretary of Labor urged that they effect a reinstatement of Davis-Bacon Act provisions in contracts not yet awarded, if such could be accomplished legally and without undue hardship. As a result, the Acting Assistant Secretary of Defense (I&L) on 7 May, issued further guidance to the Military Departments which instructed them to reissue the solicitations in question, except, among other things, where bids had already been opened. It was felt that to do otherwise would be too disruptive to construction programs already under way, many of which had already been delayed once due to the suspension.

We have had continuing correspondence with the Secretary of Labor on this matter. You may be interested to know that, on 24 May, the previous guidance to the Military Departments was further revised as follows:

". . . to insure that the maximum number of construction projects not yet under contract are accomplished using Davis-Bacon provisions, each construction contract should be considered on a case by case basis, and where there is a question as to whether undue hardship exists and consequently whether resolicitation would be appropriate, such question should be resolved in favor of resolicitation."

There have been many facets to the complex problem of reconciling the legitimate interests involved. However, we think it apparent from the record that we have done and are doing all we can to give Davis-Bacon Act provisions the broadest possible application in those construction projects affected by the suspension, while at the same time attempting to minimize disruption of the procurement process, avoid undue hardship on bidders, and meet the construction requirements of the Department of Defense.

A copy of this letter to you is being furnished directly to Chairman Dent, General Labor Subcommittee of the House of Representatives.

Sincerely,

J. M. MALLOY,
Deputy Assistant Secretary of Defense (Procurement).

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 15, 1971.
Hon. HARRISON A. WILLIAMS, Jr.
Chairman,
Subcommittee on Labor,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This replies to the letter dated June 7, 1971, from you and the Chairman of the General Labor Subcommittee of the House of Representatives concerning the implementation of the President's decision on reinstatement of the Davis-Bacon Act provisions. The Department of Transportation has no projects: (a) on which contracts have not yet been awarded; (b) on which solicitations or resolicitations were made during February 23-March 29, 1971, the period during with the Davis-Bacon Act was suspended; and (c) for which resolicitation is not being made for the purpose of including the Davis-Bacon provisions.

Sincerely,

JOHN VOLPE.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., June 15, 1971.
Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Subcommittee on Labor,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of June 7, 1971, regarding Memorandum No. 94 issued by the Secretary of Labor on April 27, 1971. In particular, you requested that we advise you as to the steps we have taken to implement that Memorandum. You also requested that we furnish you a list of those projects on which contracts have not been awarded, and on which solicitations or resolicitations were made during the period of suspension of the Davis-Bacon Act, and for which we are not resoliciting to include the Davis-Bacon Act provisions.

In Memorandum No. 94, the Secretary of Labor issued instruction regarding contracts not yet entered into for which bids or proposals were solicited during the period when the suspension of the Davis-Bacon Act was in effect (February 23 to March 29, 1971, inclusive), and which, accordingly, would not contain the Davis-Bacon Act provisions. Specifically, the Secretary advised that with respect to such solicitations, each agency should, if it could do so legally, and without undue hardship, take such action to accomplish a resolictation of bids or proposals as is authorized under governing procurement laws and regulations and which would be most appropriate to effect a reinstatement of the application of the Davis-Bacon Act provisions to the proposed contract work.

Promptly upon receipt of the Secretary's Memorandum, we issued implementing instructions to our field installations. Those instructions directed the amendment of all affected outstanding solicitations issued during the suspension period to include the Davis-Bacon Act provisions in (1) negotiated procurements, and (2) in advertisel procurements where bids had not been opened, unless the cognizant procurement officer determined, in writing, for each procurement, that such action would create undue hardship. Those instructions further directed that the term "undue hardship" would not be construed to mean mere inconvenience, but would include situations where contracts were required to be placed immediately.

With respect to your request for a list of affected projects, a survey of our installations discloses no NASA procurements within the purview of the criteria set forth in your letter.

If we can be of further assistance to you or the Subcommittee, please do not hesitate to call on us.

An identical response is being submitted to the Chairman, General Labor Subcommittee, House of Representatives.

Sincerely,

James C. Fletcher,
Administrator.

Department of Agriculture,
Washington, D.C., June 16, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Williams: Secretary Hardin has asked me to report to you concerning the request of June 7, 1971, signed by you and Congressman John H. Dent on the current status of solicitations or resolicitations for bids on Department of Agriculture construction contracts which were issued between February 23 and March 29, 1971—the period during which the Davis-Bacon Act was suspended.

The four agencies within the Department which let construction contracts subject to the provisions of the Davis-Bacon Act have been surveyed and have reported that there are no contracts remaining to be awarded from bid invitations issued during the suspension period.

Only two of the four agencies issued construction bid solicitations during that period and none of those invitations were resolicited. The reason for this was that the early advice received from the General Services Administration was explicit in pointing out that those solicitations issued during the suspension period were not to be subject to the Davis-Bacon Act provisions (see paragraph 2 of enclosed wire from Robert L. Kunzig, Administrator, General Services Administration). All of the contract awards from those invitations were made by the time the Department of Labor issued the clarification memorandum of April 27, 1971, mentioned in your letter.

All USDA construction invitations issued on or after March 30, 1971, have either been resolicited or amended to include the applicable Davis-Bacon Act provisions.

Sincerely,

Charles L. Grant,
Acting Assistant Secretary for Administration.

March 31, 1971.

General Services Administration:

This telegram supplements my messages to you of 2-25 and 3-15-71 regarding the Davis-Bacon Act. On 3-29-71 the President issued a proclamation which revoked proclamation No. 4031 of 2-23-71 ". . . As to all construction contracts for which solicitations for bids or proposals are issued after the date of this proclamation, whether direct federal construction or federally assisted construction subject to the previous proclamation No. 4031." Agencies shall give effect to the revocation of the suspension as follows:

1. Solicitations issued on and after 3-30-71 shall comply with the requirements of the Davis-Bacon Act and with the provisions of subpart 1-12.4 and the use requirements for the April 1965 edition of standard form 19-A as set forth in the federal procurement regulations.

2. Solicitations issued on or before 3-29-71 but on or after 2-23-71 continue to be subject to the suspension of the Davis-Bacon Act requirements and should reflect the revised labor standards provisions prescribed by my message to you of 3-15-71.

3. Solicitations issued on or after 3-30-71 which do not include Davis-Bacon Act provisions should be amended prior to award consistent with paragraph 1 of this message.

4. Where new work is added to a contract which was entered into during the suspension of the Davis-Bacon Act requirements and the new work is outside the scope of the existing contract, the new work should be handled in accordance with paragraph 1 of this message.

Robert L. Kunzig,
Administrator.

General Services Administration,
Washington, D.C., June 17, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Williams: In reply to your letter of June 7, signed jointly by you and Congressman Dent, we are enclosing a list of construction projects which did not contain Davis-Bacon provisions at the time of their solicitation and which we are planning to award without resoliciting for the purpose of including them.

In determining to proceed with the award of the above contracts, several factors were weighed: (a) the President's Proclamation of March 29, stating that the reinstatement of the provisions would apply only to solicitations invited after that date; (b) Department of Labor Memorandum No. 94 reflecting the President's desire that the provisions be reinstated wherever it could be done legally and without undue hardship; (c) the hardship already experienced by contractors when bids were rejected after opening as a result of the President's Proclamation of February 23; (d) the detrimental effect on Federal programs of a delay in the competion of the facilities involved; and (e) the conflict with other national priorities (viz. Sec. 8a, Small Business contracting, inflation control, etc.) which rejection of bids and resolicitation would entail.

By way of background, pursuant to the Presidential Proclamation of February 23, this agency rejected bids opened on 77 projects. In a few special cases, contracts were awarded on the basis of negotiations with the bidders and several other projects were deferred or canceled for a variety of reasons. Forty-two of these contracts were readvertised (without Davis-Bacon provisions) between February 23 and March 29. Sixteen others were readvertised after March 29 and, therefore, included the provisions. These actions, apart from exerting a large administrative burden on our regional offices, caused considerable consternation among all the contractors, especially those whose otherwise acceptable low bids were rejected. They also resulted in delays of 2-3 months in the start of construction of the projects involved. In several instances, firms whose bids had to be rejected sought the assistance of their Congressional representatives and of the Comptroller General of the United States to protest that action. In the light of the foregoing, we were pleased to find that the provisions of the Presidential Proclamation of March 29 were to apply only to solicitations invited after that date and did not contemplate the rejection of bids already opened but not accepted.

It is noteworthy that Department of Labor Memorandum No. 94 did not require the reinstatement of Davis-Bacon provisions in contracts already solicited, where such action would result in undue hardship. Four of the contracts on the enclosed list are being awarded under Section 8a of the Small Business Act and represent months of effort to direct a significant portion of our construction dollars to minority contractors. Five of the projects had already been resolicited in accordance with the February 23 Proclamation. To have required a third round of bidding on the same projects would have subjected this agency and the Federal Government to severe criticism. Three of the projects are Social Security Administration District Offices being constructed for the Department of Health, Education and Welfare, which is most anxious that these facilities become operational as soon as possible. Most of the others are small repair and improvement projects which must be done during appropriate seasons or which have been scheduled as part of GSA's continuing maintenance program for Federal buildings.

We feel strongly that any resolicitation after bids have been exposed has a negative effect on the competitive bidding system, in that it can result in the refusal of Government contractors to bid, thus limiting competition. It is pertinent to note that the Federal procurement Regulations (FPR 1-2.404-1) state that "Preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation." Further, most of the firms whose bids would have to be rejected are small business firms, whom we have been encouraging to bid on Federal projects.

We wish to point out that the Davis-Bacon provisions have been included in the contract awarded on June 14, for $69,383,000, for the construction of the Federal Bureau of Investigation Building superstructure (Phase II). This was accomplished by issuing an amendment to the bidding documents prior to bid opening in response to Department of Labor Memorandum No. 94. The provisions will also be included in the contract for the Howard University Teaching Hospital (estimated cost—$31,000,000). Initial bids were rejected as they exceeded available funds, and when proposals were resolicited from the interested bidders, the Davis-Bacon provisions were added to the contract requirements.

In summary, we believe that our decision to award the 29 contracts on the enclosed list without reinstating the Davis-Bacon provisions represents a proper solution of the conflicting priorities involved and is in accordance with Department of Labor Memorandum No. 94.

Sincerely,

Wm. Saunders,
Acting Administrator.

GSA Projects Scheduled To Be Awarded, on or After June 15, 1971, Without Davis-Bacon Act Provisions

Franklin, NH U.S. Post Office, Wood Platform.

Boston, MA Post Office Garage, Replace floor, install Diesel Tank.

Philadelphia, PA 2255-18th Street, Modernization, interior & exterior painting.

Roanoke, Virginia Post Office and Courthouse, Fire Protection Improvements.

Washington, DC Forrestal Building, Elect. Metering Equipment.

Parkersburg, WV, Boiler Safety.

Alderson, WV U.S. Post Office, Fuel Conversion.

Augusta, GA U.S. Post Office and Courthouse, Interior & Exterior Painting.

Bradenton, FL Federal Building, Painting, Boiler General Repair.

Charleston, SC Federal Building, Airconditioning Repair—HW System.

Corinth, MS U.S. Post Office, Painting & Repair.

Cross City, FL U.S. Post Office, Heating System.

Duluth, GA GSA Warehouse, Downspout Repair.

Elizabeth City, NC U.S. Post Office & Courthouse Conversion.

Fitzgerald, GA Federal Building. Painting & Replace Roof.

Gastonia, NC District Office, Social Security Administration.

Gulfport, MS District Office, Social Security Administration.

Louisville, GA U.S. Post Office & Agriculture, Painting and Pointing.

Opp, AL U.S. Post Office, Pointing, Painting & General Repairs.

Orlando, FL U.S. Post Office & Courthouse, Airconditioning Repair, Painting, Roof Replacement.

Ridgeland, SC U.S. Post Office & Federal Bldg., Painting, Roofing and General Repairs.

Rutherfordton, NC U.S. Post Office, General Repairs.

Winchester, TN U.S. Post Office & Courthouse, Painting, General Repair, Grounds.

Greenville, MI U.S. Post Office, Airconditioning & Painting.

Kansas City, MO 1500 E. Bannister, Standby Generator Building.

Topeka, KS District Office, Social Security Administration.

Redding, CA U.S. Post Office, Roofing & Related Repairs.

Pomona, CA U.S. Fost Office, Exterior Painting.

Riverside, CA U.S. Post Office, Exterior Painting.

U.S. Department of Labor,
Washington, D.C., May 13, 1971.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: The Department of Labor was requested by the Office of Management and Budget to establish means by which the impact on construction wages and costs of the suspension of the Davis-Bacon Act could be measured.

Even though the suspension has now been withdrawn, OMB still desires that an analysis be performed so that we can learn as much as possible about the industry's early response to the suspension.

One means would be an analysis of the results of readvertising and rebidding on contracts where bids had been received but awards had not been made prior to the suspension on February 23, 1971.

On February 25, 1971 GSA set forth policies with respect to bids on proposals which involve the Davis-Bacon Act. Agencies were directed to "cancel invitations for bids where bids have been opened but awards have not been made and resolicit bids or offers as appropriate after deletion of all Davis-Bacon requirements". I request that your agency provide the following data to Mr. John Cheston, Director Office of Evaluation, Office of the Assistant Secretary for Policy Evaluation and Research by May 28.

1. For each project which involved a readvertisement subsequent to the GSA directive, (February 25, 1971) and prior to the revocation of the suspension (March 29, 1971) for all prime contractors and where applicable, their principal sub-contractors.

A. the types of construction involved: commercial, residential high rise, residential multi-family (garden apartments), single family, highway, or heavy construction

B. location of the project by county and city (also designate if metropolitan areas, central city, non-metropolitan area)

C. the dates of advertisement, receipt of bids and the dates of the readvertisements and receipt of bids

D. a list of all bidders and rebidders, and the amount of their bids and rebids (include amounts for all new bidders under the readvertisement)

E. wherever possible, a designation of bidder as to union and non-union composition of their workforce, based on the knowledge of your field staff

F. wherever possible, a description of bidders who bid under the readvertisement who do not customarily bid on similar projects

2. The views of regional and local agency personnel of the impact of the suspension of Davis-Bacon in their locality or region, including any documentation they could provide supporting such views.

Your assistance in this matter will be important to our efforts to more effectively administer the Davis-Bacon Act.

Sincerely,

J. D. Hodgson,
Secretary of Labor.

MINORITY HIRING PROGRAMS

Mr. HRUSKA. Mr. President, I subscribe completely and wholeheartedly to the view expressed yesterday by the Senator from North Carolina (Mr. Ervin) for himself, the Senator from Arizona (Mr. Fannin) and the Senator from Texas (Mr. Tower) that every individual in the United States should have equal employment opportunities regardless of race, sex, creed, color, or national origin. See Congressional Record, June 21, 1971, page 21014. This is an idea that I have supported ever since I came to this body and one which I continue to support.

In pursuit of this goal there are many legitimate steps that the Federal Government can and should take. Some of these will place a necessary burden on the private sector—the onerous nature of which is outweighed by the benefits conferred.

However, it is my judgment that the requirements which would be imposed on Federal contractors by the proposed form A or the "contractor's self-analysis and evaluation form" as it is formally titled, devised by the Office of Federal Contract Compliance of the Department of Labor, go far beyond what is necessary. It imposes an unfair, costly and too detailed burden on those to whom it is directed. Its sweep is too inclusive. All businessmen who have Federal contracts of $50,000 or more or at least 50 employees will be required to file annually a detailed report on their affirmative actions minority hiring programs.

Without question the Federal Government has a right and a responsibility to obtain such information as is needed to insure equal employment opportunities for all our citizens. It is my belief that this proposed form goes far beyond this duty. If the Government has reason to believe that a firm is not complying with the law in this area, then it would seem reasonable and proper for questions such as those contained in proposed form A to be asked and answered. But to require these detailed responses from every contractor for every Federal contract appears to this observer to be going beyond what is justified under the circumstances.

My hope is that the rationale behind this project and the form itself will be reconsidered by the Department of Labor and the Office of Management and Budget. With some additional work and thought on this problem, I am hopeful that an effective and yet not unduly burdensome solution can be found.

MASON-DIXON COUNCIL OF BOY SCOUTS TAKES THE LEAD ON "KEEP AMERICA BEAUTIFUL DAY"

Mr. MATHIAS. Mr. President, 913 tons of trash is an enormous collection of litter and junk. This was the harvest of Keep America Beautiful Day, a massive 1-day cleanup campaign mobilized by the Mason-Dixon Council of the Boy Scouts of America on June 5 in Washington County, Md., and neighboring Franklin and Adams Counties, Pa.

Keep America Beautiful Day is an excellent example of community cooperation in cleaning up the environment. Under the leadership of the Mason-Dixon Council, youth, adults, community groups, corporations, public agencies, and the mass media were enlisted in this comprehensive cleanup drive. The results were certainly impressive: 130 specific sites cleaned, 307 miles of roadside and riverbanks cleared of junk, plus an additional 187 acres of empty lots and parkland cleaned. Some 46,600 pounds of scrap metals were recovered and sold for recycling, along with large quantities of cans and glass suitable for recycling.

Even more constructive than the material results of this 1 day was the spirit of community involvement generated in the course of planning and carrying out this massive operation. More than 7,600 volunteers, including at least 6,378 youths and 1,231 adults, participated in Keep America Beautiful Day. Through the efforts of the mass media, citizens throughout the three-county target area were made aware of the dimensions of the solid-waste problem and the effectiveness of citizen action.

Keep America Beautiful Day was not an isolated event. Rather, it was one phase of the Mason-Dixon Council's overall program for Operation SOAR—Save Our American Resources—a national Boy Scouts conservation program. The attack on solid wastes, dramatized on June 5, is going to be continued through the summer in the Antietam watershed, with each participating Scout making a solid waste inventory of 208 acres of land.

Mr. President, the efforts of the Mason-Dixon Council and all who participated in Keep America Beautiful Day deserve wide attention and applause. I ask unanimous consent to have printed in the Record a report on this important volunteer effort, written by Donald R. Frush, chairman of Project SOAR, and relevant news articles.

There being no objection, the items were ordered to be printed in the Record, as follows:

Mason-Dixon Council,
Boy Scouts of America.
June 7, 1971.

Mr. Merle Elliott,
President, Mason-Dixon Council, Boy Scouts of America, Hagerstown, Md.

Dear Merle: By any standard, Keep America Beautiful Day (KAB) on June 5, 1971 was a success. The public response was overwhelming as a result of timely news reporting and advertising. The cleanup efforts of Boy Scouts, Members of the 1007 Maintenance

Company, U.S. Army Reserve, and other community groups (see Annex E) vividly demonstrated the need to clean up and wisely use our American resources. As denoted by the amount of litter and junk collected, these people discovered for themselves and pointed out to others the magnitude of the problem as it now exists and what the long-range effects will be if the situation is not alleviated.

KAB Day was the day designated to draw public attention to Project S.O.A.R. (Save Our American Resources) a national conservation program of the Boy Scouts of America. Locally, we have initiated the inventory of the Antietam Watershed in a three-county area—Washington County, Md., Franklin and Adams County, Pa. Phase I of SOAR consisted of map development and included planning the methods of conducting the inventory and collation of the data. Phase II is the inventory and was launched with the Council Camporee on April 30, May 1 & 2, 1971 at Raven Rock Campground. It was designed to bring the problems of solid waste to the attention of the Scoutmasters. Then KAB Day alerted the public to the existing and potential dangers of solid waste. This phase of SOAR is scheduled for completion by the end of August 1971. The three counties have been divided into quadrangles; each Boy Scout will inventory 208 acres of land, or 1/24 of a quadrangle, the total area includes 125,000 acres.

Keep America Beautiful Day was the means by which the public was informed as to the size of the problem. Many organizations volunteered their services and the committee drew up a comprehensive plan for all those involved. Groups volunteered help in picking up junk, others contributed communications equipment, trucks, heavy machines and provided the means to tell our story to the public. At the day's end, 6378 young people had taken part and an additional 1231 adults joined the operation. These people represented many different organizations. (See Annexes)

Local contractors, the U.S. Army, and other interested citizens gave dump trucks, front-end loaders, fork lifts, and pick-up trucks. Some groups supplied their own vehicles, but whenever someone needed help to dispose of the trash, trucks were dispatched from a central point to satisfy their needs. More than 171 trucks were involved in the three-county area, but this figure does not even include the safety equipment, state police, and communications network that was established. Automobile dealers in the area provided courtesy cars for visiting dignitaries and members of the news media. Two individuals volunteered their airplanes for the day, and Fairchild Industries donated a helicopter and pilot. These men took visitors on site inspections and gave an overall picture of the mammoth operation that was developing on the ground.

The communications system and a local radio station—WHAG, are especially worthy of note. At Boy Scout Headquarters the Hagerstown Civil Defense Unit established a communications center and broadcast messages to and from the 47 radio communicators in Washington County, 10 in Fulton County and 27 communicators in Franklin County. With the aid of these people who were on the scene at the numerous sites, it was possible to shuttle equipment and people to nearby sites, thus utilizing the manpower and vehicles to their maximum advantage.

WHAG stationed a mobile unit at the Boy Scout Headquarters and broadcast interviews throughout the day. In this way, the media gave live coverage of Keep America Beautiful Day and told our story to the public. Based on these interviews many concerned citizens contacted Boy Scout Headquarters and asked how they could help. Area news media were also instrumental in giving publicity and support to KAB Day.

Throughout the day many people visited the "Command Post" at the Boy Scout Service Center, and were taken for helicopter and airplane rides so they could see for themselves the efforts that were being made. A buffet luncheon was served by Mr. Arthur Katz for those people in attendance. (See Annex F)

In summary, there were 130 sites cleaned. Included were 39 sites in Franklin County, 11 sites in Fulton County and 80 sites in Washington County. The volunteers cleaned 307 miles of roadside and riverbanks, plus an additional 187 acres of empty lots and park land. There were 183 dump truck loads delivered to the landfill areas where the refuse was separated and prepared for further shipment to recycling plants. In addition, 21 junked automobiles were collected and the total amount of litters and junk amounted to 913 tons. Scrap metals sold to Maryland Metals, Inc., amounted to 46,600 pounds, the weight report of recycled cans and glass will be made available when received.

With a 913 ton yield in but one day, it was amply demonstrated that a huge problem does exist. By showing just how large the problem is and the enthusiasm that was generated, we tried to point out the beginning of the program to keep people aware of the litter problem and make them conscious before that next piece of litter hits the ground.

The economics of solid waste recycling was dramatically demonstrated through the income produced by delivery of reclaimable items to the reclamation industry.

I have included a roster of the KAB committee and urge you to thank them by informing their employers of their efforts to make this program a success.

Sincerely,

DONALD R. FRUSH,
Chairman, S.O.A.R.

S.O.A.R.—K.A.B.

ANNEX A—ORGANIZATIONS SUPPLYING EQUIPMENT FOR KEEP AMERICA BEAUTIFUL DAY, JUNE 5, 1971

Antietam Motors.
Bester-Long, Inc.
City of Hagerstown Street Department.
Victor Ditto.
Fairchild—Republic Division.
J. B. Ferguson & Co.
Edward Henson.
C. William Hetzer, Inc.
Hoffman Chevrolet.
Letterkenny Defense Depot.
Maietta Trucking Contractors.
Massey Ford.
John H. Merrbaugh.
National Park Service.
Pennsylvania Glass Sand.
Plummer Construction Co.
Potomac Edison.
United States Army Reserve—1007th Maintenance Co. (LE).
Warrenfeltz Tree Experts.
Washington County Roads Department.

ANNEX B—ORGANIZATIONS CONTRIBUTING ADVERTISING FOR KEEP AMERICA BEAUTIFUL DAY, JUNE 5, 1971

Beer Wholesalers of Washington County—donated to advertising fund plus addition of KAB announcement to their normal radio spots.

Cavetown Planning Mill Co.—donation to advertising fund.

Coca-Cola Bottlers, Hagerstown—displayed special KAB Day signs on their trucks.

Fairchild Republic Division, Hagerstown—donation to advertising fund.

Mack Trucks, Inc.—donation to advertising fund.

Massey Ford—insertion of KAB and SOAR Logo throughout classified section of newspaper.

North American Rod & Gun Club—donation to advertising fund.

Potomac Edison Co. (Allegheny Power System)—donated design for posters and printed special KAB Day stationery.

Thomas Pangborn Lodge, Fraternal Order of Police—donation to advertising fund.

ANNEX C—PUBLICITY ASSISTANCE

The Herald-Mail Co.—ran several editorials to appeal for help from community organizations. Bernie Hayden of the Morning Herald and Arnold Platou of the Daily Mail wrote several news stories explaining the project and calling for volunteers.

WAYZ Radio, Waynesboro, Pennsylvania—contributed many radio spots as a public service gesture.

WARK Radio Hagerstown, Maryland—contributed many radio spots as a public service gesture.

WEEO Radio, Waynesboro, Pennsylvania—contributed many radio spots as a public service gesture.

WHAG Radio, Hagerstown, Maryland—waged their own public service campaign for our project. Contributed hundreds of spots during the days leading up to June 5. Gary Portness and his mobile staff spent the entire day on June 5 interviewing KAB personnel and dignitaries at KAB HQ on Crestwood Drive.

WHAG–TV, Hagerstown, Maryland—interviewed SOAR Chairman Donald Frush and KAB committee member David Harp for that station's twice-daily newscasts. Gave the project more than ten minutes air time.

WJEJ Radio, Hagerstown, Maryland—contributed many radio spots and aired a special half-hour show on SOAR and KAB Day.

WKSL Radio, Greencastle, Pennsylvania—contributed many radio spots as a public service gesture.

WCST Radio, Berkley Springs, West Virginia—contributed many radio spots as a public service gesture.

ANNEX D—THE KEEP AMERICA BEAUTIFUL DAY COMMITTEE

Position, name, employer

Chairman, Howard R. Thomas, U.S. Army Area Maintenance Supply Shop, Greencastle, Pennsylvania.

Co-Chairman, David W. Harp, Herald-Mail Co.

Pennsylvania Coordinator, Harold C. Martin, Fairchild-Republic Division.

Equipment and Recycling, Larry Seavolt, John Conrad, Potomac Edison, City of Hagerstown.

Safety, Calvin Frush, Potomac Edison.

Radio Communications, Eugene V. Schenk, Mack Trucks.

Publicity, William McKenny, Fairchild-Republic Division.

S.O.A.R., Donald R. Frush.

Community Involvement, M. Kenneth Long, Jr., Wagaman, Wagaman, & Meyers.

ANNEX E—PARTICIPATING COMMUNITY ORGANIZATIONS

Chewsville E.U.B. Church.
Chewsville Lions Club.
CLEAN-Hagerstown Junior College.
District 9 Association.
Downsville Christian Church.
First Christian Church.
4-H Clubs of Brownsville.
4-H Clubs of Maugansville.
Girl Scouts, Brownies, and Cadets.
Hagerstown Boys Club.
Hagerstown Girls Club.
Leitersburg Fire Company.
Ornithological Society of Washington County.
St. Maria Goretti High School Students.

United States Army Reserve—1007th Maintenance Co. (LE).

Washington County Civil Defense Rescue Squad.

Church of the Holy Trinity, United Church of Christ.

[From the Hagerstown (Md.) Morning Herald, June 7, 1971]

Volunteers Clear 900 Tons of Trash From Area Counties

The Hagerstown area is missing 900 tons of trash today because 7,500 people spent Saturday clearing junk from roadways, fields and towns in Washington County and Franklin and Fulton counties in Pennsylvania in a "Keep America Beautiful" project.

During the Boy Scout sponsored cleanup, area scouts, Army reservists, clubs and individuals pitched in to collect trash and haul it away from 89 pickup sites in Washington County and 41 sites in Pennsylvania, according to David W. Harp, spokesman for the organizers.

"We picked up 21 junked autos, cleared 307 miles of roadway and streams and 170 acres of empty lots and park land," Harp said. Loaded dump trucks made 193 trips to the Washington County landfill near the Greencastle-Williamsport Pike, he said.

Harp said more than 100 persons concentrated their efforts in the Pen Mar·Park area around the Appalachian Trail. Another 60 persons continued to pick up trash there Sunday.

"We hauled away truckloads of junk," Harp said. "This was one of the worst places we could find. It's a real prostitution of what the trail actually stands for. People shouldn't have to walk along there and dodge old refrigerators and rusty cars."

The Hagerstown Boys' Club and several Girl Scout troops collected trash in downtown Hagerstown, he added.

The tons of glass and cans collected will be taken today to Baltimore to be recycled. Harp said. The junk autos and other salvagable metals will be bought by Maryland Metals in Hagerstown "so we'll realize some profits," he added.

Saturday's activities are part of a two-year Save Our American Resources drive. By the end of August, area Boy Scouts should have completed the survey of the Antietam Creek in Adam and Franklin counties in Pennsylvania and Washington County, Harp said.

"We want to find out where the water pollution is and what's causing it," Harp said. Once the survey results are compiled, the scouts will go back to the landowners to offer their help in correcting the pollution problems, he said.

The many groups helping in Saturday's drive included: the 1007th Army Reserve Maintenance Co. in Hagerstown, Letterkenny Army Depot near Chambersburg, Boy Scouts, Girl Scouts, the Boys' Club, the Ornithological Society of Washington County, First Christian Church, of Hagerstown, Chewsville Lions Club, Chewsville EUB Church, Downsville Christian Church, 4-H clubs in Maugansville and Brownsville, Leitersburg Fire Co. and Washington County Civil Defense Rescue Service.

Besides the Washington County Roads Department, and the City of Hagerstown, several area firms donated equipment or financial support. They included: the J. B. Ferguson Co., Plummer Construction inc., C. William Hetzer Inc., Victor Ditto Co., Bester-Long Inc., John Merbaugh, Maietta Trucking Contractors, Fairchild Industries Inc., Mack Trucks Inc., Pennsylvania Sand and Glass Co., Edward Henson Contractor, Potomac Edison Co., the National Park Service, Massey Ford Inc., Antietam Motors Inc., Hoffman Chevrolet Inc., Warrenfeltz Tree Experts, North American Rod and Gun Club, the Beer Wholesalers of Washington County, Cavetown Planing Mill Co. and Thomas Pangborn Lodge of the Fraternal Order of Police.

[From the Daily Mail, May 19, 1971]

Pollution Seen From Air: Thousands Asked To Aid County Cleanup June 5

(By Arnold S. Platou)

The idea is to keep America beautiful.

That's why several hundred bulldozers and trucks, radios and helicopters for communication and first aid and an army of 10,000 volunteers are being readied for an all-out assault on pollution.

Zero hour is early June 5 when Keep America Beautiful Day begins. Sponsored by the Mason-Dixon Council Scouts but planned to encompass every resident in Washington, Fulton and Franklin Counties, the mass local project has been dubbed by national scout leaders, "the most ambitious in the nation."

"We're trying to get people to clean up in their own areas," explained David Harp, community actions chairman for the local KAB Day. "Even if everybody just went out and cleaned up 100 yards in front of their house, the day would be a tremendous success," he said.

Harp said the 4,500 Scouts of the Mason-Dixon Council have already pledged their support. "But we're trying to stress public service for everyone," he added.

The KAB organizer said several church groups, youth fellowships, high school organizations and state, county and city groups have promised cleanup equipment and manpower for the June 5 effort.

Volunteers will clear streams, plant trees, remove junk autos and pick up trash—"in other words," said Harp, "we want to remove all signs of what I call visible pollution."

Harp said KAB, part of the Scout's two-year Save Our American Resources program, is going to emphasize recycling the trash. He noted as much as possible of the glass, metal and paper that is collected will be sent to recycling plants.

To pinpoint the pollution problems the group hopes to wipe out, Harp and Bill McKenny, another KAB organizer, recently took me on a helicopter tour of the area.

We lifted off from Fairchild shortly after 1 p.m. and headed southeast over several North End homes and the Longmeadow Shopping Center.

When we neared Security, we sat 200 feet above the Aantietam Creek—a stream that runs north and south through the council area and is the gathering point for waters in the Antietam watershed.

"Pollution has caused the temperature of the stream to rise," noted Harp, as he pointed to the muddy brown calm of the water below. Several fallen trees and brush cluttered the water.

Those are natural dams which slow the water flow and allow it to absorb the sun's heat, he explained. "This encourages pollution," he observed.

"We want to plant trees and shrubs along the banks to keep the soil from eroding into the water," he said.

As we followed the stream, twisting and turning as the water looped and curved like a fancy Christmas ribbon, there seemed nothing but farmland around. Here and there, pockets of litter and junk autos gleamed up at us.

"A lot of these farmers just have their own dumps," Harp noted. "We want a response from the landowners—everybody has to help—but we want the landowners to realize the cleanup is for their good."

Harp said anybody can call the area Scout office, 739-1211, and "we'll send trucks and volunteers out to pick up your junk cars and trash. We're working on a 50-50 basis, you help us and we'll help you."

Many of the stream banks below were barren of any plant cover and on some, the marks of erosion were evident.

Harp said planting trees and other ground cover would stop this. But he continued, they've got to get the landowner's agreement before any planting can be done.

Each such landowner in the council is being contacted, Harp said, and asked to sign a conservation agreement which certifies his interest in a conservation project for his land.

As we moved northward up the creek toward Leitersburg, Harp pointed out more of the same stream and trash problems. Crossing into Pennsylvania near Waynesboro, Harp and the other KAB volunteer, McKenny, explained why the stream pollution problems seemed to lessen.

"There's not much industry around Waynesboro, like there is at Security," McKenny noted. I recalled the whole banks of trash I'd seen near the industrial plants at Security.

Here, though, the stream banks looked clean and a fisherman below waved to us.

Our pilot moved a control and the copter slid sideways and we headed cross-country back to Fairchild. I took more note now of the farmlands below—acres and acres of ground plowed as though someone had penciled in straight lines.

Blankets of green and brown fields alternated and were sliced by pale blue-gray roads. The altimeter ticked at 50 feet and we settled sideways again toward a landing at Fairchild.

"Well Dave, bet you didn't realize what a big job is ahead," said McKenny.

"Yeah, it's not going to happen overnight," Harp replied.

REPLY TO THE PRESIDENT'S ADDRESS TO THE AMERICAN MEDICAL ASSOCIATION

Mr. KENNEDY. Mr. President, in his address today to the annual Convention of the American Medical Association in Atlantic City, President Nixon made a number of references to S. 3, the Health Security Act, the national health insurance legislation that I have introduced in the Senate with the distinguished Senator from Kentucky (Mr. Cooper), the distinguished Senator from Ohio (Mr. Saxbe), and the strong bipartisan support of 22 other Senators.

President Nixon's criticisms of the program, especially on the issues of cost and Federal control, are wide of the mark on several counts.

I think the American people see the cost issue raised by the President for what it is—a "scare tactic" being used by the administration to divert attention from the real issue.

The President left out a very important point. Unlike any other social program, the cost of the Health Security Act is not new money. Americans will still be paying the same $77 billion for health care in 1974, whether we have the Health Security Act or not. The real question is: Are we going to continue to pour our dollars into the ineffective system we know today, or are we going to spend these funds in a system that gives us full value for our money and closes the gap between promise and performance in modern health care?

And 1974 is only the beginning. By 1980, the Health Security Act will actually be saving us billions of dollars through cost control—dollars that will be wasted if we adopt the ineffective plan recommended by the administration, with its multiplicity of separate and unequal programs, its deductibles and coinsurance, and its billion-dollar windfall for private health insurance—a plan which even the AMA has rejected, and which the President wisely chose to ignore in his address in Atlantic City.

Nor can any accurate argument be made that the Health Security Act will lead to total Federal domination of the medical system in America. The Health Security Act does nothing of the sort. It means Federal financing, but it also means new and better forms of private organization and private delivery of health care, with private doctors and private hospitals free to practice the medicine of which they are really capable.

Only through national health insurance can we end the real health bureaucracy we face today—the wasteful, backward, and inefficient bureaucracy of the private health insurance industry, for whom every private claim is a threat to corporate profit and under whom the people have never had an effective voice.

The real danger to American health does not come from the proponents of the Health Security Act. It comes from those who say the health crisis can be met by dabbling with modest patches and minor reforms, of the sort which we have tried for decades in the past and which have always failed. If we do not take the steps which we have to take today, we know the crisis will get worse. If we do nothing once again, then we will in fact be laying the groundwork for the very danger the President seeks most to avoid—a complete Federal takeover of a moribund health system later in the decade, because we failed to meet the challenge today.

Wherever our Senate Health Subcommittee has traveled across America in recent weeks, we have met people concerned with the high cost and low quality of health care. I have seen the health crisis firsthand, and I am confident that the people know its depth.

The President's defense of the status quo will, I believe, be rejected by the American people. At a time—

When medical bills have soared;

When doctors' house calls have become a thing of the past;

When the voice of the consumer is ignored;

When profits from health policies have helped to build new skyscrapers for insurance companies in every major city in the country; and

When organized medicine has opposed every major health reform for a generation—

The people realize the need, and are ready for the comprehensive reform proposed by the Health Security Act.

MAY DAY RIOTS REVIEWED: POLICE UPHOLD CONGRESSIONAL MANDATE

Mr. GOLDWATER. Mr. President, last month an unruly and unlawful mob attempted to totally disrupt the functions of the Federal Government in the Nation's Capital. I use the term "unlawful" on purpose because that is exactly what the disorder was.

It was a calculated, long-planned effort meant to stop governmental activities. It was the kind of mass, incited disruption which Congress had at the front of its mind only 3 years ago when it enacted a major new antiriot law specifically aimed at disorders which interfere with the Government's business. In fact, the law is officially cited as the Civil Obedience Act of 1968.

The very large mass demonstrations and marches which had occurred in Washington, D.C., in the mid-1960's had led to a mood of concern among several Members of Congress who foresaw the possible abuse of legitimate protest by radical and anarchist groups who pay heed to no laws of civilization except their own warped credo of chaos. I might remind Senators that in 1968 the Senate approved this significant new statute without a single objection, which indicates the strength of feeling then existing about the need to preserve free travel on the streets and open access to Government buildings.

If I may read from this law briefly, Mr. President, it will be crystal clear that Congress has sought to use the full scope of its powers to prohibit mass disorders of the very kind which were perpetrated in Washington last month. The statute, which added a whole new chapter to the Federal Criminal Code on "Civil Disorders," reads as follows:

> Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his officials duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—
>
> Shall be fined not more than $10,000 or imprisoned not more than five years, or both. (18 U.S.C. 231 (a) (3).)

The statute goes on to define the term "federally protected function" as including:

> Any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States, or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. (18 U.S.C. 232(3).)

Finally, the terms "fireman" and "law enforcement officer" are defined as expressly including employees and officers of the District of Columbia. (18 U.S.C. 232 (6) and (7)).

In light of this provision, which is something the liberal press does not seem to care about or want to think about, the actions of street mobs in the May fracas can be seen in an entirely different and nasty color. It becomes evident that all those who were engaged in willfully attempting to shut down the Government by blocking the streets and bridges and jamming the Federal office buildings in Washington were committing a criminal act of the first magnitude—indeed a felony offense. It further becomes apparent that the men of the Washington police force were not merely performing one more instance of routine law and order, but were upholding the mandate of a congressional enactment squarely aimed against disruption of Federal activities.

Considering this dimension of the Mayday mob scene, I find it almost incomprehensible to see recurring reports about charges manufactured by groups such as the American Civil Liberties Union maligning the effective and excellent job of preserving order which the police performed. It was the responsibility of the law enforcement officers to keep the avenues of traffic open. It was their duty to make certain the entrances of Federal buildings remained open and that the U.S. mails could be freely delivered. In other words, the District of Columbia police were duty-bound to enforce the 1968 directive by Congress banning such anti-government disruptions.

Even so, Mr. President, we occasionally hear the same hackneyed defenses raised in behalf of the antiwar demonstrators. They are referred to as open-minded students eager to hold rational dialogs. They are claimed to be mostly innocent onlookers or peaceful protesters in the tradition of Thoreau and Martin Luther King. It is glibly charged the arrests were illegal and those detained were held too long or without adequate accommodations.

Well, Mr. President, I want to say right here and now that each of these claims is baseless. The truth is that the police averted a serious threat to the operations of the Government under dangerous circumstances and with the highest degree of poise and civility. The truth is 39 policemen were injured by demonstrators. The truth is the rioters rolled boulders into streets, threw bottles at passing motorists, slashed at drivers with wooden poles, overturned cars, disabled buses, halted a firetruck on its way to putting out a fire, and committed numerous other acts of outright hooliganism.

The truth is all these inherently unlawful activities were part and parcel of a larger scheme planned as early as June 1970 for the purpose of shutting down the Government. They are disruptive actions planned by organized groups led by people who had met repeatedly with Vietcong and North Vietnamese leaders.

Mr. President, the real truth about the Mayday disorders has been honestly and eloquently discussed by Richard Kleindienst, who is Deputy Attorney General of the United States. Mr. Kleindienst has exposed all the fabrications which liberal news columnists have wrung their hands about and has done so with detailed, precise facts to back up his rejoinder.

Mr. President, I believe this important message deserves close study by each Member of Congress; and I ask unanimous consent that the address by Richard Kleindienst, entitled "May Day Fable and May Day Fact," be printed in the Record, where it can be read in context and in full.

There being no objection, the address was ordered to be printed in the Record, as follows:

"MAY DAY FABLE AND MAY DAY FACT"

(By Richard G. Kleindienst)

One month ago today, a large-scale coordinated effort was made to stop the Federal Government from functioning in Washington, D.C. It was the first time this had been attempted by an organized mob in the history of the United States.

Certainly there have been numerous mass demonstrations in the nation's capital. In 1894 Jacob Coxey led 20,000 unemployed from the Midwest to Washington. In 1932 World War I veterans marched on Washington to demand payment in full of their military bonuses. In the 1960s several very large demonstrations were staged in Washington for civil rights and antiwar objectives. Again, in the third week of April 1971, antiwar protest marches and demonstrations were held in Washington. But all of these were staged to dramatize popular support for certain causes, not to interfere with Governmental processes.

The May 3 action was openly planned and executed to stop the Government. It was met firmly and decisively by the highly competent Washington, D.C., metropolitan police, who were also thoroughly conscious of the liberties and rights of the public. And they not only kept the city functioning normally, but did so without giving the mob the opportunity to make claims of police brutality.

They won the thanks and commendation not only of the President of the United States, but also of the vast majority of members of Congress who commented on the event. The attempt to stop the Government had failed, and it failed in a way that reflected credit on the law enforcement officers and cast discredit on the disrupters.

In view of the alarming spread of violent mob actions in recent years, it is my hope and expectation that this event is an historic turning point, and that the rule of the anarchistic mob will not prevail in this country.

Despite all this, we have come to expect that voices will be raised in justification of such mobs and in criticism of efforts to maintain peace and order. The Washington case is no exception. The debris left by the disrupters was still being swept from the streets when the chorus of complaints began. Out of these complaints has come a fictitious Mayday in Washington—a Mayday that never happened. Napoleon cynically observed that "History is a fable agreed upon," but those of us who saw the reality of Mayday can never agree to the fable that has been created. We cannot live with history that is a fable. I want to separate for you the fable and the fact in Washington, D.C. on May 3, 1971.

Fable No. One—that the Mayday action was a spontaneous outburst of antiwar opposition—that its participants were harmless demonstrators merely trying to get the Government's attention. I quote from the *New York Times* of May 12, 1971: "In fact, the Mayday demonstrators were mostly feckless and leaderless."

Fact No. One. The Mayday disruption—and I am speaking from public sources freely open to all—was planned as early as June 1970, when its leaders met in a Strategy Action Conference in Milwaukee. In the summer the plans were pushed along in a meeting at Berkeley, California. An organization known as the National Coalition Against War, Racism and Repression was formed, and approved the concept of shutting down Washington, D.C. Later the name of this organization was changed to the People's Coalition for Peace and Justice—familiar to us as the group which organized the Mayday event. Leaders of the organization went around the country speaking to students and inviting them to come to Washington and shut down the Government by blocking the streets and bridges of the capital.

Now, since immediate abandonment of South Vietnam by the United States would obviously benefit the Viet Cong and the North Vietnam regime, a natural question has been whether the People's Coalition for Peace and Justice was in any way connected with those foreign adversary interests.

Leaders of the People's Coalition for Peace and Justice have met repeatedly with representatives of the Viet Cong in conferences at Stockholm. A leader of the PCPJ has met twice with the North Vietnam delegation at the Paris Peace talks. Late in 1970 leaders of the movement went to Hanoi and negotiated a so-called "People's Peace Treaty" with North Vietnamese students. And during Mayday week the banners waved by the disrupters were those of the forces fighting against American soldiers overseas. Other lawbreakers pulled down American flags at the Washington monument.

Returning to the plans made for Mayday, a Student and Youth Conference on a People's Peace, meeting last February 7 at Ann Arbor, Michigan, approved the Mayday disruption and sent out a call for support. Meanwhile, headquarters for the Mayday effort had been established in Washington, and participants were recruited all over the country with a propaganda movie and leaflets. Orientation sessions for regional leaders were held in Washington early in April. A 24-page Mayday Tactical Manual was printed and distributed through the coalition's regional offices. It gave detailed descriptions of the key bridges and traffic circles leading into the central city, and explicit instructions on how to block them.

It also made some clear statements of purpose. These included the intent to engage in "disruptive actions in major Government centers, primarily Washington, D.C., (creating the spectre of social chaos) . . ." Again I quote, "The objective is to close down the Federal Government sections of Washington, D.C., by blocking traffic arteries during the early morning rush hours of May 3 and 4." And again, "If the Government won't stop the war, we'll stop the Government."

Make no mistake, this was a calculated attempt by organized disrupters, led by people who had met repeatedly with Viet Cong and North Vietnamese leaders. It was not a group of frolicking picnickers, as some Washington columnists have tried to make out. This was a deadly serious program to halt the U.S. Government, and a force of 20,000 had been mobilized to do just that.

Fable No. Two—that the police mostly arrested innocent bystanders and office workers trying to get to their jobs. A newspaper advertisement by the American Civil Liberties Union states, "We say categorically that the majority of those arrested were not committing any offense whatever, and the Government knew it when they swept them up and knows it now."

Fact No. Two. Out of about 7,500 arrests that had to be made on Mayday to keep the mob from taking over Washington, there were probably a few lawful arrests of persons who turned out to be innocent, but these are certainly the exception rather than the rule. A great many cases have since been dismissed because it had not been possible at the time of arrest to preserve evidence. But that is not the same as saying that these persons have been tried and acquitted. On Mayday the police were arresting disrupters who were breaking District of Columbia laws, and the offenders knew it when they were arrested and they knew it then.

Let's look at a few figures now available from the arrest processing. Out of 12,000 arrested from May 3 to May 5, the arrest records of nearly 8,300 have so far been reviewed for place of residence. Only 11 percent were from the District of Columbia, and a substantial majority of these gave various temporary addresses. It might be claimed that most of those arrested were commuters from neighboring Maryland or Virginia, but the fact is that those two states together accounted for only a small proportion of those arrested. Several other states contributed more of those arrested than did Maryland and Virginia, although one would think that the proximity of these two states to the capital would yield a larger proportion of disrupters. The large majority who came from other states could not by any stretch of the imagination be called commuters trying to get to work, but maybe the American Civil Liberties Union will tell us that they were all tourists who just happened to be on the streets and bridges at 6 o'clock in the morning.

The truth is that eye-witnesses tell a completely different story from the ACLU fable. Says the *Washington Post,* "Our observations on the streets at the time and from the films made that day don't bear out the assertion that most of those arrested were innocent, even though it is true that the government lacks the evidence now to prove they were guilty." The legality of an arrest hinges on the circumstances reasonably known to the arresting officer, not on proof beyond a reasonable doubt.

Fable No. Three—that the activists were not really doing anything that would justify the arrest of more than 7,000 people on May 3. One of the few senators critical of the police, Senator Kennedy of Massachusetts, referred to the Mayday week's activities as "civil disobedience in the American tradition of Thoreau and Martin Luther King." The New York Times said of the participants, "They did not generally taunt the police; they tried to engage in friendly dialogue with them, they did not resist arrest. Incidents of violence against property were comparatively few and well within the power of the police to contain."

Fact No. Three. Approximately 20,000 disrupters tried their best to carry out their announced intention of paralyzing Washington and stopping the Government. They did this by widespread and unremitting acts of violence. The minute-by-minute police log of May 3 and numerous on-the-spot photographs of the incidents show conclusively that the disrupters endangered people by rolling boulders into streets, laying metal pipes across roadbeds, stringing barbed wire and ropes across streets, setting fire to trash cans, spreading nails on roads, throwing rocks and bottles at passing motorists, removing manhole covers, slashing at motorists with wooden poles.

They destroyed property by smashing windows, slashing tires, overturning cars, pushing parked vehicles into traffic lanes, ripping down signs and traffic markers. On one occasion they stopped a fire truck trying to get to a fire and took away its ladders to use in blocking traffic. On another occasion they pushed an automobile trailer down a steep hill, completely destroying the trailer and spilling its contents over the street. On still another occasion they cleared a path through the underbrush on a steep hill overlooking a boulevard; they held a truck in place at the top with steel cables, then cut the cables so the truck plummeted down into the street.

They blocked police emergency vehicles, turned on fire hydrants, disabled city buses and commuters' autos, abandoned cars on bridge approaches and in tunnels, and dumped all manner of trash into the streets. They stoned and beat policemen and tried to prevent their making arrests. The total count of policemen they injured by the end of Mayday week now stands at 39.

To compare this vicious and wanton mob attack on Washington with the civil disobedience of Thoreau and Martin Luther King is to insult the memory of those men who stood for peaceful, nonviolent protest.

And in view of the enormity of this attack and of the necessity of arresting more than 12,000 persons within three days, it is a testimony to the professional discipline and restraint of the Washington police that not one shot was fired, and so far as I know, no serious injuries of disrupters have been reported.

Fable No. Four—that the police acted illegally—that they suspended the Constitution. At the President's press conference earlier this week a reporter stated that the defendants "are not being released on the grounds that guilt isn't proved. They are being released on the grounds that they weren't properly arrested." This charge refers principally to a period from 6:45 a.m. to 2:10 p.m. on May 3 in which the use of Field Arrest Forms was suspended.

Fact No. Four. The validity of the arrests was *not* challenged by the Court, which dismissed cases for lack of evidence, *not* for improper arrests. There is no requirement in the Constitution or in the D.C. law for the use of Field Arrest Forms. Such forms had been previously adopted as an administrative procedure. Their use could be and was suspended during emergency situations at the discretion of the Chief of Police. The reason for doing so for seven hours and 25 minutes on May 3 was that the offenses of thousands of disrupters bent on destroying the processes of Government were coming so fast that there was no time for officers to fill out the forms.

To do so at that time would have immobilized them in the performance of their duty to prevent the disruption of the nation's capital. This is not an excuse for violating lawful processes, because the arrests made without the forms were perfectly legal. But, according to the critics, the police should have turned their backs on a rampaging mob in order to busy themselves as clerks with procedural forms.

It so happened that the sheer volume of arrests forced upon the police made it very difficult for arresting officers later to link up defendants with specific offenses. But this was not due to any calculated scheme on the part of the police, as charged by their critics. On the contrary, it was caused by the calculated scheme of the lawbreakers to disrupt all the processes of Government, including the police.

That the courts did not consider these arrests illegal is shown by the statement of the Chief Judge of the Superior Court of the District of Columbia: "The fact is that thousands of persons were arrested under circumstances which in many instances would not permit the gathering of evidence. This court has no criticism of that procedure."

Fable No. Five—that those arrested were detained for a long period of time to keep them from going back on the streets and creating more disturbances. A spokesman of the ACLU wrote: "There is not a shred of evidence that there was any intention of releasing them until after the crisis had passed . . ."

Fact No. Five. The record shows that the police processed the defendants as fast as physically possible in the face of the massive enforcement problem forced upon them. and that undue delays were caused mainly by the defendants themselves—including hundreds who refused to identify themselves.

Let's look at the figures as far as they are available from data processing that has not been finished. Of about 7,500 arrested on May 3, most were given the opportunity, beginning on the same day, to be released by posting collateral of $10 each. By noon of the following day, about 4,700, or more than 60 percent, were released. That same Monday, 400 persons were presented by the police in court and released on bail. Of the remaining 2,400, approximately 1,000 were released after submitting to court-ordered photographing and fingerprinting. About 600 were released without even that requirement, so that by Tuesday night only about 500 persons who refused to be processed remained in custody. They were released the next day, May 5. The other 300 or so persons were either charged with more serious offenses or were juveniles and processed in a separate manner.

All were given the opportunity to be released within hours after their arrests. The vast majority was released within less than one day, only about 500 remained in custody after a day-and-a-half, and because of their refusal to be processed were released the following day, having been in custody for up to two-and-a-half days.

I am not supporting two-and-a-half days or one-and-a-half days as a proper time for defendants to be held without being charged, but I do say that under the conditions deliberately imposed by the organized disrupters, the police did a remarkably fast job of processing those arrested—faster than the law itself required under the circumstances. The real cause of any delay was the determination of the disrupters to shut down the services of the city, including the processes of justice. As their Mayday Tactical Manual said, "It greatly enhances our tactical position if the jails and detention facilities are filled with demonstrators. And the mid-April issue of the *Quicksilver Times*, which was also used beforehand to instruct the disrupters, told them: "Many people are choosing to post no bail in Washington, since it is expected that tens of thousands of arrests will take place and the judicial system can be effectively paralyzed if people stay in jail."

The critics who charge that due process of law was inadequate do not talk about the fact that masses of people came with the express purpose of overwhelming those legal processes. This is a little like a skyjacker forcing a pilot to fly to Cuba and then complaining because the plane ran out of gas on the way.

Moreover, those eager to get back on the streets for more disruptions were certainly accommodated. A preliminary review of disruption-type arrests over a two-week period shows approximately 630 persons were arrested two and even three times.

Fable No. Six—that the police held the defendants incommunicado under beastly conditions without basic facilities. The American Civil Liberties Union said they were "illegally penned into detention centers without shelter, adequate food or sanitary facilities or medical attention, without the chance to notify their families or call a lawyer."

Fact No. Six. Contrary to the claims, the defendants did have telephones available, though they had to stand in line for them. They did have rest room facilities available, though they had to stand in line for them. Attorneys could and did contact them. They were given lunch by 2:00 in the afternoon on May 3, and were not without meals thereafter. They were given blankets, though not as early as they would have liked.

Extensive press reports of the scene did not record any degree of suffering. On the contrary, they recorded a kind of festival marked by singing, chanting and dancing.

RFK Stadium and the Washington Coliseum are not claimed as ideal jails, but the charges of inhuman treatment were fabricated in order to find something on which to fault the police. The fact is that the activists came to Washington to disrupt the Government services, and then they complained that those services were inadequate. They came planning to be arrested by the thousands, and then complained when the jail facilities were overtaxed.

The truth is that those who leaped forward to cry "foul" when the Washington police did their duty would have found something to complain about no matter how Mayday was handled. The truth is that the police foiled an attempt to stop the Government with a minimum exercise of authority. Any less authority would have risked letting the mob rule the national capital.

So as in Aesop's fable of the fox and the sour grapes, the critics have nothing left but to carp at the police department and create a fable about its conduct. They have not come up with one reasonable suggestion as to how *they* would have handled the situation.

And in their eagerness to fault the police these sidewalk superintendents make some revealing omissions. They find no fault with the disrupters for trafficking with those who are shooting at our soldiers in Vietnam. They are not expressing shock and indignation that 20,000 lawbreakers would try to stop the Government. They are not appalled that a mob would make life unsafe for hours at a time at key points on the streets of Washington, and would injure 39 policemen. Instead it was the police, according to the Washington chairman of the ACLU, "who were the cause of the most of the wrong."

This, I submit, is a fable that far outdoes Aesop or Hans Christian Andersen. Even Napoleon never dreamed such history could be fabricated, much less agreed upon. I further submit that the Washington police proved that a serious attempt to stop the Government of the United States could be blocked without impairing Constitutional rights, and without giving the disrupters new grievances on which to feed. Finally, I submit that if these facts triumph over the fable that has been invented, there is hope that the first attempt of an organized mob to stop the United States Government will also be the last.

ADVISORY COMMISSION RECOMMENDS NATIONAL DOMESTIC DEVELOPMENT BANK APPROACH

Mr. HUMPHREY. Mr. President, the Advisory Commission on Intergovernmental Relations has just published a study titled "Federal Approaches To Aid State and Local Capital Financing."

This study recognizes the tremendous need for public facility construction. It notes that spending for such construction is currently $30 billion and will reach $40 or $50 billion by 1975.

It describes three methods which might be taken to assist local governments in meeting their public development demands: reducing cost of State and local borrowing; increasing the certainty of Federal participation in financing of projects; and encouraging State financial participation in federally aided local capital projects whose benefits extend beyond local jurisdictional boundaries.

As part of its recommendations, the ACIR advocated though in a more restricted form, a Federal subsidized lending authority along the lines of the National Domestic Development Bank which I proposed and introduced on May 26, 1971.

At the time of introduction, I said that the National Domestic Development Bank would "provide a new source of capital funds and technical assistance for cities and towns across the Nation to undertake a wide range of vitally needed public projects."

I am delighted that the Commission has gone on record for such a lending bank.

I would only hope that the Congress and the executive branch will see the urgency that makes a new approach to the financing of public facilities imperative.

Mr. President, I ask unanimous consent that an article from Appalachia, entitled "Federal Approaches To Help State and Localities Finance Construction of Public Facilities," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL APPROACHES TO HELP STATES AND LOCALITIES FINANCE CONSTRUCTION OF PUBLIC FACILITIES

(By L. R. Gabler)

(NOTE—L. R. Gabler is a senior analyst with the Advisory Commission on Intergovernment Relations (ACIR), an intergovernmental commission created by Congress in 1960. Recognizing that the United States has many problems which will not be solved unless all levels of government work together to find the solutions, and recognizing also that many more such problems are on the national horizon, ACIR was given a Congressional mandate to encourage discussion and study of the problems, preferably while they are still in their early stages. The following article summarizes the findings of such a study.)

State and local needs for public facilities have increased dramatically since the postwar period. And the end is not in sight. In 1965, state and local governments spent $20 billion building bridges, highways, schools, hospitals, sewage and solid waste disposal systems, public buildings and other types of capital projects needed to meet their citizens' needs. At present they are spending $30 billion annually, and by 1975 the total is expected to hit $40 or $50 billion.

Traditionally the states and localities have found the necessary financing in taxes and user charges (which, as any toll-weary cross-country traveler knows, are particularly important in highway and bridge construction), federal and state financing (which is available only for certain types of projects), and the municipal bond market (which furnishes between one-half and two-thirds of the total capital requirement). The term "municipal bond," incidentally, covers not only securities issued by towns and cities, but also those issued by counties, states and special-purpose entities such as sanitary authorities.

But these three sources simply may not furnish enough capital at reasonable interest rates, particularly in periods of tight money and budget contraction. In their current financial crisis, states and localities have increasingly turned to the federal government for help. The most obvious way to fill the funding gap is, of course, simply to make more federal money available. Congress is now studying many ways of doing this, including the Administration's revenue-sharing proposals.

To determine other ways the federal government can help, ACIR conducted a study published under the title, "Federal Approaches to Aid and Local Capital Financing." The study describes three specific steps which might be taken:

Reducing and stabilizing the costs of state and local borrowing

Increasing the certainty of federal participation in the financing of state-local projects

Encouraging state financial participation in federally aided local capital projects whose benefits extend beyond local jurisdictional boundaries.

This article describes each of these three methods in detail and concludes with a description of programs in three states which have taken the initiative in meeting state and local financing problems—New York, North Carolina and Vermont.

REDUCTION AND STABILIZATION OF STATE AND LOCAL BORROWING COSTS

The year 1969 may long be remembered as the year of upheaval in the market for state and local bonds, primarily because of the precipitous departure of commercial banks from the market. Commercial bank purchases of municipal bonds—or "munis," as they are known in financial circles—fell from $9.0 billion in 1967 and $8.7 billion in 1968 to about $1.4 billion in 1969. However, 1969 should also go down as the year of constructive development of ideas by which states and localities can meet their capital financial requirements. The special vulnerability of the state and local bond market to tight money policies reemphasized the necessity of reducing and stabilizing the interest rates paid by the state-local sector. The key question therefore became:

What mechanisms can be created to broaden the access of state and local governments to the capital markets, thereby relieving pressures on an already overburdened municipal bond market?

It is this question which will be discussed in the following section of this article.

FACTORS AFFECTING THE GROWTH OF STATE AND LOCAL BOND ISSUES

At the end of 1946, state and local governments had some $15.6 billion in interest-bearing securities outstanding; by mid-1970, this amount had risen to the $140 billion level, just under nine times the postwar level. Several factors largely associated with the economic growth and change of the nation itself, have spurred this increased volume of state-local bond issues.

The postwar advance in prices. It simply costs more to build the same public facility today than it did in 1946, even if allowance is made for the fact that later facilities are apt to incorporate improved materials and ideas. Construction costs have risen rapidly—at more than twice the rate of increase of the general consumer price index.

The growth and redistribution of population. The nation's population has grown by more than 40 percent since 1946, and rates of growth for the school-age and auto-owning population—two groups with obvious needs for capital facilities—have been even more dramatic. Since this population growth has been coupled with the relentless movement from rural to the more densely populated and therefore more expensive urban centers, states and localities have been forced to expand their public facilities.

Increased availability of federal grants-in-aid and loans to state and local governments. Federal aid for construction of capital facilities has grown each year during the 1960s; for fiscal 1971 it is estimated at $8.1 billion in grants and $337 million in loans. This federal aid is vital as a stimulus to the construction of many needed public facilities that might otherwise not be built. But it does not reduce the demands for state and local funding. On the contrary, since most federal programs provide only a portion of the necessary financing and requires state and local contributions to own up the total such programs usually generate additional demands for funding at the state and local level.

Increased use of federal debt service grants. In many types of programs (such as mass transportation, pollution control and public housing), a special type of grant, known as the debt service grant, is used in place of the more traditional federal lump sum payments. In the debt service type of grant, the federal government pays its portions in yearly installments of equal amounts over the life of the debt issue, thereby avoiding an immediate large dollar outlay and a consequent increase in the federal debt. However, construction costs cannot normally be paid on the installment basis, but are usually due for payment during or immediately after completion of the project. This means that the state or locality must have the total funding available very early in the game. And this in turn means that, under the debt service type of federal grant, the states and localities are forced to raise immediately not only their share of total project costs but also the unpaid portion of the total federal share. As the annual federal installments are received during the years that follow, this latter portion of the debt can be retired. However, federal appropriations may change as the years go by, and states and localities may be left holding the bag if continued funding for their project is not voted by Congress. Even if this does not happen, during the entire life of the debt issue the state or locality must continue to pay interest charges on the unpaid portion of the debt, and interest charges on a large debt can be sizable.

Sensitivity to changes in interest rates. Since state and local bond issues are in stiff competition for the investor's dollar, they are particularly sensitive to changes in the interest rate. Any changes in national monetary policy which affect interest rates—for example, Federal Reserve Board policies aimed at dampening inflation—will therefore have a direct and marked effect on state and local financing. While anti-inflationary monetary policies are frequently defended as a general control whose effects are intended to be spread over the various sectors of the economy, experience shows that certain sectors—state and local governments, housing and small business—are most directly and strongly affected.

In addition, many students of the investment market have concluded that changes in the interest rate affect not only the interest that state and local officials must pay for borrowed money, but also their expectation of what the future source of interest rates may be—and that it is this latter effect which may be the most important. Thus a given interest rate may at one point in time cause a postponement or cancellation of a bond offering if the rate was not anticipated; the same rate at a subsequent date may have no effect at all if it was expected and if the local officials have adjusted their financial plans. According to this view then, it is the difference between the actual and expected rate of interest—not the actual rate itself—that is crucial.

FACTORS AFFECTING THE INVESTOR'S DECISION TO PURCHASE MUNICIPAL BONDS

When states and localities turn to the municipal bond market to raise their long-term capital, they both literally and figuratively capitalize on the tax-exempt status of their bond issues. As any taxpayer knows, a dollar of tax-exempt interest income is clearly more valuable than a dollar of taxable income; how much more valuable depends on the marginal tax rate to which the holder is subject. For example, an individual in the 50 percent federal income tax bracket would consider a 7 percent state or local tax-exempt issue to be the equivalent of a 14 percent taxable bond issue, since after federal income taxes are deducted the net yield from the two alternatives is the same. Since this tax differential is undoubtedly the major factor influencing most investment in municipal bonds, there is also no doubt that the tax-exempt status of these bonds results in a significantly lower interest cost to the issuing government than would be the case if such securities were taxable on the same basis as other income. (Whether or not municipal bonds are subject to state income taxes—which varies from state to state—also affects an investor's decision to buy.)

Because the value of tax exemption increases with the marginal tax bracket, the municipal bond market attracts a rather small group of investors—mainly high-tax-bracket individuals and commercial banks. This heavy reliance on only two investor groups subjects the market for tax-exempts to relatively wider swings than other security markets and makes municipal bonds especially vulnerable to restrictive Federal Reserve monetary policies. As discussed earlier, the wholesale departure of the commercial banks from the municipal bond market in 1969 amply demonstrates this sensitivity of the municipal bond market to tight monetary policies. Nor can it be forgotten that commercial banks are in business to make loans—not to buy municipal bonds—and that they therefore normally enter the municipal market only when other lending opportunities are less attractive in terms of net return and risk.

Institutional and individual decisions to purchase municipal bonds are responsive not only to current tax rates but to various other influences as well. Anticipated changes in tax rates and the the advantages of alternative tax shelters (such as capital gains income, depreciation and depletion allowances, which can also be used to reduce potential income taxes) must also be weighed.

Another significant factor affecting investment in municipal bonds is the trend of the national economy. So long as prices continue to rise or are thought likely to increase, investment in fixed-income securities such as municipal bonds will be unattractive, because investors feel that the real purchasing power of their investment will be eroded by the time the securities are sold or redeemed. The tendency for prices to creep or gallop upwards has had the effect of making stocks, particularly growth stocks, a more favored investment since both individuals and institutional investors tend to consider them a better hedge against inflation. As a result, public retirement funds, corporate pension funds and life insurance companies are now investing larger portions of their funds in stocks rather than munis.

The impact of inflation on the municipal bond market has therefore been to emphasize even more strongly the dominant role of the conservative investor whose objective is to take advantage of the tax-exempt feature of munis, to preserve his wealth rather than to enhance it. Over the long run, this probably means that there will be a relative contraction in the supply of funds for municipals, since the amount of capital coming from these wealth-conserving investors will probably be less than that coming from aggressive estate builders. Certainly this contraction means that the municipal bond market is made even more vulnerable to shifts in investment preference.

RECOMMENDATIONS FOR REDUCING AND STABILIZING BORROWING COSTS

In the future, states and localities will increasingly turn to the municipal bond market to raise their long-term capital financing. However, because of the sporadic behavior of commercial banks and the relatively small number of wealth-conserving, high-tax-bracket individuals, the competition for funds—both within the municipal bond market and among long-term securities markets as well—seems bound to intensify. The dismal 1969 municipal bond market experience emphasized the necessity for instituting remedial procedures to reduce and stabilize the interest costs paid by state and local governments. To do this, ACIR has recommended three basic measures:

1. As a necessary first step, there must be strong support—governmental and private—for an effective anti-inflationary policy. This will serve to restore investor confidence in all fixed-income securities, not just municipal bonds, and will increase the flow of savings to the nation's long-term credit markets.

2. To reduce the financial pressures on state and local governments, the federal government should finance its share of state and local projects through lump sum payments rather than debt service grants.

3. As an experimental method of easing pressures on the tax-exempt market, a federally subsidized authority should be established for the purpose of lending funds to jurisdictions which are building federally aided waste facilities, but are unable to borrow their share of the funding at reasonable rates of interest.

In this pilot project, the financial operation of the proposed lending authority would be relatively simple. It would issue its own taxable bonds and lend these funds to state and local governments at preferential rates of interest, the differential to be made up by Congressional appropriations. Besides furnishing the states and localities with needed funds at lower interest rates, this authority would also make the municipal bonds more attractive to investors. By packaging a large number of small bond issues from small jurisdictions, the authority can overcome the fact that many investors are ignorant about the financial strength of these small communities, and hence are wary of buying their securities. Bonds issued and backed by the authority will also obtain a higher rating on the national bond market and will therefore be more successful in attracting the attention of potential investors. (In order to guide investors, municipal bonds are given ratings by Moody's Investors Service and Standard & Poor's Corporation, two prominent investment advisory service firms. These ratings, which range from triple-A down to C, are based on the degree of risk involved in holding the issue to maturity.)

As an alternative source of funds—one that would supplement rather than supplant the regular tax-exempt bond offerings—this mechanism should also help narrow the community-to-community variations in interest rates that show up most dramatically when money is tight.

In making these three recommendations, ACIR emphasized that they were predicated on the assumption that the tax-exempt status of state and local bonds, as reaffirmed by the Tax Reform Act of 1969, would continue to be the policy of the federal government. Indeed, proposals to reduce and stabilize state-local borrowing costs cannot be fully effective unless the federal government makes it clear to the investment community that it will not rock the boat on this matter.

INCREASING THE CERTAINTY OF FEDERAL PARTICIPATION IN STATE AND LOCAL PROJECTS

State and local officials would obviously be aided in planning their long-term public facilities if they knew well in advance the amount of federal aid they could count on. Yet such financial planning is often blighted by the uncertainty surrounding the flow of federal grants. Under the current annual federal budgetary process, appropriation action is increasingly tardy; furthermore, individual program appropriations often bear little relationship to the authorization figures spelled out in the substantive legislation. As federal aid moves into the brick and mortar field, it tends to take on a sporadic character. It can expand quickly and then level off as expenditure outlays are adjusted to meet changes in both the national economy and national program priorities.

There are two sets of needs here, and they are often mutually exclusive. On one hand, state and local officials need to know for certain how much federal money they can count on. On the other, federal officials have a natural desire for budgetary flexibility. Each new Congress and every new administration is, after all, entitled to set its own spending priorities. In addition, the President must have the power to speed up or slow down expenditures as a means of countering economic fluctuations. The key policy question therefore becomes:

If we are to meet state and local demands for greater certainty about federal financial help, how far can and should Congress go in restricting the President and appropriations committees in the exercise of their traditional budgetary prerogatives?

ACIR has recommended a three-pronged attack on this issue.

(1) Congress should establish and follow a specific timetable for processing annual authorizations and for acting on annual appropriations bills. There is a demonstrable need to overhaul the budget and appropriations procedures of the largest single dispenser of funds in the nation. Under the present situation, with federal appropriations lagging far behind authorizations, federal agencies are frequently forced to operate far into the new fiscal year on the basis of what is called a "continuing resolution"—a device that ordinarily permits the agencies to obligate funds at a level no greater than that authorized for the previous year, and sometimes even lower. As a result, during the early months of the new fiscal year federal administrators are often in the dark as far as their ultimate program funding is concerned.

State and local administrators of federally aided programs are even more in the dark because they are less likely to be privy to Congressional intentions or to know what the potential impact upon particular projects will be. Needless to say, it is extremely difficult for these administrators to plan and budget for operating and capital programs when they don't know the magnitude of one of their major revenue sources. School systems are particularly vulnerable since they have to contract with teachers far in advance of the school year and are often faced with either sudden curtailment or sudden expansion of their programs when they are finally advised, late in the year, as to the exact amount of federal aid to expect. A further complication is that since school districts are required to set property tax levies early in the year, these often turn out to be too low or too high, depending on subsequent Congressional action.

(2) When it is decided that the federal government should economize in order to combat inflation, federal funds for state and local facilities should not bear the brunt of the contraction. Rather, the President, in cooperation with the Governors, should determine national priorities—and then translate these priorities into a statement of what kinds of construction projects the nation can best afford to cut if there is a financial squeeze. When such a squeeze comes, the states should be empowered to take voluntary action to absorb their share of the contraction.

This recommendation incorporates three major ideas:

(a) the ineffectiveness of state and local project contraction as an effective method of stemming inflation.

(b) the necessity for joint state-federal determination of national priorities.

(c) the advantages of giving states the right to take voluntary action in case of a federal budget squeeze. Let us discuss the three ideas separately.

The ineffectiveness of project contraction. For a number of practical reasons, when the federal government attempts to fight inflation by cutting back on construction of state and local facilites, the anti-inflationary impact may be too little and too late. In the first place, while it is relatively easy to cut back on capital facilities projects while those projects are still in the planning stages but not yet under construction, it is far more difficult—and certainly more wasteful—to stem expenditures when projects are already under way. Second, because of the time lags involved, it is conceivable that by the time a cutback order is finally translated into reduced expenditures, the economic situation may well have been reversed so that "go" rather than "stop" signals ought to be flashed. Finally, it is inherently impractical to attempt to alter the spending decisions of 50 states and some 80,000 municipalities, counties, townships, school districts and special-purpose authorities.

The need to agree on national priorities. The paragraph above indicates that cutting back on state and local projects may not be a very effective way to fight inflation. But even if it were, should the state-local sector always be expected to be the first to bend the knee and bow the head when inflation threatens? It is indeed a remarkable commentary on our national priorities when Las Vegas casino operators can move ahead on their building programs while states and localities must cut back on school and hospital construction. ACIR recommends that we as a nation should avoid this kind of shortsighted action by having the President and the Governors examine together the question of national priorities, and then determine together what these priorities should be. The priorities can then be translated into guidelines which tell all levels of government what kinds of projects should be cut when the federal purse strings must be tightened, and which describe how this cutting can most intelligently be planned and encouraged.

Advantages of voluntary action. Once national priorities have been agreed upon and guidelines established by the President and the Governors, a stringent anti-inflationary federal budget may still require that some state and local project construction be halted or postponed. ACIR recommends that in this situation the states should be given an opportunity to take voluntary action in carrying out the contraction. Given information as to how great its total cut in federal funds will be, each state, working closely with its localities, can best determine which projects can be delayed and which eliminated, remembering always that national priorities must be honored in making these decisions. ACIR feels that since, under its recommendation, the Governors themselves would have a hand in determining what the national priorities should be, they will be all the more anxious to make their state and local decisions fit the grand design.

(3) All legislation dealing with appropriations for major public facility grants programs should be required to include a specific advance spending plan. Under this requirement, known as multi-year advance budgeting, the specific time frame covered by the advance budget might be as little as two years or as much as five years. Once the advance budget plan is ratified by Congress for a specific construction program, it would be difficult to make capricious changes in funding levels for the years encompassed. Although the President and Congress would still have the option of making changes in prior commitments, political pressures would necessarily limit such alterations to those that could be justified by major shifts in program emphasis or by sharply altered economic circumstances. Ordinarily such subsequent reviews by the President and appropriations committees would be limited to requesting and justifying any additional funds that are needed over and above those previously approved in the original legislation. This proposal steers a middle course between the great uncertainties generated by the present annual budgetary systems and the rigidities inherent in establishing long-term financing by substantive legislation. The responsibility for making specific advance spending commitments would remain in the hands of the President, the appropriations committees and, ultimately, the entire Congress, where it properly belongs. But state and local officials would be given a fairly substantial degree of assurance that the promised federal dollars would be forthcoming.

Action on these three recommendations—timely appropriations legislation, federal-state cooperation when contracting expenditures to combat the business cycle and multi-year advance budgeting—should provide state and local officials with far more predictable federal fiscal aid while at the same time safeguarding the legitimate needs of the President and Congress for budgetary flexibility.

ENCOURAGING STATE FINANCIAL PARTICIPATION IN FEDERALLY AIDED CAPITAL PROJECTS

Closely related to the problems discussed above is the question of what the federal government can do to encourage the states to help finance local public facilities, particularly those which are financed partially with federal funds and which furnish benefits that extend beyond local boundaries.

Two significant questions are raised:

(1) Should the federal government provide a financial incentive to encourage states to assume part of the responsibility for funding such local projects?

(2) In order to encourage state and localities to construct certain types of high-priority public facilities as rapidly as possible, should Congress commit the federal government to reimbursing those governments that prefinance the federal share of project costs? This action would remove some of the financial disadvantages of debt service grants discussed earlier in the article.

The ACIR study answer a resounding "Yes" to both of these questions, which will assume increasing policy significance as the federal government steps up its aid for important new kinds of public facility programs.

FINANCIAL INCENTIVE FOR STATE PARTICIPATION

With regard to the first question, the ACIR study found that since community growth and development know no jurisdictional boundaries, many projects are "local" in only the most limited sense of the word. Towns and cities, counties and even states are interdependent in programs such as environmental control, urban mass transport and airport development. Thus, if a given project of more than local benefit, it should not be viewed strictly as a local-federal endeavor; the states should also become financially involved.

State support would mean more than just added dollars for local projects. Perhaps even more important, this kind of support indicates that the state is genuinely committed to the project; this kind of state commitment in turn means that both federal and local governments will be encouraged to set up a stable and continuing flow of funds, thus assuring the fiscal health of the project.

Experience with the water pollution control program has shown that states can be induced to put some of their funds into local projects of this type if their participation is rewarded by an increase in the federal share of the total cost. Given the fiscal ability, those states with the most urgent needs will make significant contributions to a national effort by taking the lead in implementing a national policy. If the federal government is to provide a true overall incentive for state participation, however, it must increase its total dollar grants nationwide, as well as its matching share for those states that put up the required nonfederal portion otherwise the higher federal share for approved projects would simply leave less for other projects—a robbing of Peter to pay Paul.

PREFINANCING AUTHORITY

The inducement of a higher federal share becomes even more attractive when it is coupled with prefinancing authority, the second question posed earlier in this part of the article. In the Clean Waters Restoration Act of 1966. Congress authorized prefinancing of the federal share of the costs of constructing sewage treatment facilities; several states took advantage of this prefinancing authority, despite the fact that they were not given unconditional assurance that the funds they advanced would ever be forthcoming. Many states are not willing to take this kind of gamble, however, and this brings us to the crux of the matter: the imperative need to give the states unconditional assurance that the funds they advance will be reimbursed by the federal government, and reimbursed on schedule. Prefinancing arrangements do, of course, require certain safeguards. Without them, some states or localities might overextend themselves, others might gobble up all available federal funds, and unlimited prefinancing authority could virtually prevent federal reassessment of program needs. The safeguards necessary to prevent such abuses should be built into the legislation.

CONCLUSION

Like any other problem areas, points of friction that are tolerable when the magnitudes involved are small become severely exacerbated when the magnitudes grow. This is the case with the financing of state and local capital outlays, where the growth has been substantial and the pains increasingly obvious. The municipal bond market and direct federal aid will undoubtedly remain the basic sources of funds for capital improvements projects. But the remedial procedures described in the ACIR study can also play an important role if they are adopted, correcting points of friction and lubricating the financial machinery required to help states and localities build the facilities they need.

NEW BATTLES AT ANTIETAM AND GETTYSBURG

Mr. MATHIAS. Mr. President, although the battles of Antietam and Gettysburg occurred more than a century ago, the fight to preserve these historic battlefields is still being waged today. Recently, in fact, the conflicts between protection and development at these two national parks has intensified, arousing nationwide interest and concern.

The imminent possibility of housing developments in the heart of the Antietam National Battlefield dramatizes the importance of my bill, S. 1525, which is cosponsored by Senators Beall, Hatfield, and Stennis. The bill is now being reviewed by the Department of the Interior as well as by State and local officials, interested citizens, and conservation and historical organizations. I have urged my good friend, Secretary Morton, to expedite the departmental report on S. 1525 so that Congressional hearings may be held without delay.

One extensive and very interesting report on the current situation at Antietam and nearby Gettysburg is Robert J. Dunphy's article, "New Fighting Reported at Gettysburg and Antietam—A Dispatch from the Field," which was published in the Travel Section of the New York Times on May 30. Despite the current threats to its serenity, Mr. Dunphy notes, Antietam in particular is "still green and uncluttered" and "a quiet place," and both battlefields "manage as of now to retain the power to stir the human soul."

The Nation cannot afford to lose the inspirational force of these two battlefields, nor can we afford to let such a crucial chapter in our history be bulldozed past recognition. I am pleased that the Antietam legislation has stimulated public discussion over the best way to preserve and protect this vital area, and intend to work closely with all concerned to secure the passage of constructive legislation this year.

I ask unanimous consent that Mr. Dunphy's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 30, 1971]

NEW FIGHTING REPORTED AT GETTYSBURG AND ANTIETAM—A DISPATCH FROM THE FIELD

(By Robert J. Dunphy)

GETTYSBURG, PA.—Every time another garish hamburger joint or fried chicken place or motel or gas station opens up on the perimeter of Gettysburg National Military Park, it seems as though Americans are not so much consecrating the tragic sacrifice of the 51,000 men in Blue and Gray who fell here as they are cashing in on it.

At least that's the view of National Park Service officials, many historians, Civil War buffs, concerned tourists and other Americans—all of whom are likely to feel particularly incensed about it all tomorrow on Memorial Day since that day was originally set aside as a legal holiday to honor the Civil War dead.

Indeed, things have reached the point where the Park Service, the people's custodian of the nation's battlefields, has now declared a virtual state of siege here at Gettysburg and nearby Antietam—sounding the alarm not merely against honky-tonk Southern fried chicken emporia and the like, but against land sharks and real estate developers who are planning housing developments on top of or so close to the battle sites that visitors will soon get nothing more than a "clothesline view of history."

The conflict of interests being tested at the Second Battle of Gettysburg and the Second Battle of Antietam is dramtically represented in the person of one Williamsport, Md., stockbroker who happens to be a prominent member of the local Washington County Historical Society and also happens to own an 11-acre tract of land that figured importantly in the battle of Antietam. A motel chain recently was reported to have offered him $85,000 for this land that he purchased a dozen years ago for $18,000, and while the stockbroker did not sell he evidently felt so sorely tempted and guilt-ridden that he offered to resign from the Historical Society. His resignation was not accepted, but he may yet sell.

Whatever may happen in this particular instance, the battlefields face a host of commercial encroachments, already under way or in the planning stage. Already, Gettysburg has an auto graveyard on its southern flank, is bisected by a busy highway emblazoned with flashy signs plugging such enterprises as the Home Sweet Home Motel, the Prince of Peace Museum, and sundry souvenir shops. Antietam, just down the road a piece, is still farmland, spared the clutter of commercialism for the moment, but is in the clutches of land speculators.

Despite all this, and regardless of what the future may hold, Gettysburg and Antietam manage as of now to retain their power to stir the human soul. Tourists by the thousands pour into Gettysburg, marching across the open fields where Confederate Gen. George Pickett led his ill-fated charge on July 3, 1863, treading the area where Lincoln delivered his Gettysburg Address on Nov. 19 of that same year, and journeying to Antietam, just across the Mason-Dixon Line in Maryland, where the bloodiest single day's fighting of the Civil War took place on Sept. 17, 1862.

"I can't walk down Antietam's Bloody Lane without shuddering. I am repelled at the bloodshed, but being there, I feel I am part of American history," I was told by James V. Murfin, author of "The Gleam of Bayonets," the definitive work on the Battle of Antietam, and one of a number of historians I asked for advice on how to best appreciate the battlefields of the Civil War. (More of that later.)

While acknowledging the still-powerful spell of Antietam, George B. Hartzog, Jr., the director of the National Park Service, declared that its problems and those of Gettysburg typify those faced by beleaguered battlefields across the country. Among others he mentions are Chalmette National Historical Park, where an aluminum plant dominates the site of the Battle of New Orleans in the War of 1812; Virginia's Fredericksburg National Military Park, where land developers threaten to build a high-density housing project, and battlefield areas in Richmond and Petersburg, Va., hemmed in by urban sprawl. Even the spot near Fredericksburg where Confederate Gen. James Longstreet had the bad luck to be wounded by his own men in the Battle of the Wilderness is now part of a golf course—the 13th hole, appropriately enough.

Of all the beleaguered sites, however, Gettysburg and Antietam are in what Park Service officials describe as the most immediate danger. Some of the excesses committed here by the interlopers would curl the hair on "yon gray head" of Barbara Frietchie, the redoubtable displayer of the Stars and Stripes who lived almost within flag-waving distance of these parts in Frederick, Md. Here at Gettysburg, for example, one motel advertises that its guests "eat and sleep right on the battlefield," and a large Ford dealership operates within sight of the Eternal Light Peace Memorial, where the Blue and Gray opened their fateful three-day struggle in July 1863. And now there is concern about a Gettysburg tower—a 300-foot-high $1-million observation post from which tourists (for $1 a head) would get a panoramic view of the battlefield supplemented by a taped, filmed and live explanation of the conflict. A Maryland man wants to build the tower, the purists and the Park Service are bitterly opposed.

GROUND HAS BEEN BROKEN

A dreamer and a man of action, 41-year-old Thomas R. Ottenstein, of Silver Spring, maintains that his 300-foot tower, scheduled to open next spring, will do "the best job yet of interpreting the great battle." Early this month, shortly after breaking ground for his National Gettysburg Battlefield Tower—on private property across from the Park Visitors Center—Ottenstein absented himself from Gettysburg to avoid being served with a nuisance complaint filed against him in Adams County.

And even as contractors began borings on the site, the anti-Ottenstein forces were stepping up their attack. First off, the newly formed nonprofit Defenders of the Gettysburg National Military Park, Inc., came to the fore and said it was seeking funds to engage one of the nation's top environmental lawyers, Victor J. Yannacone jr., in its campaign to halt the construction. Then Martin J. Merta, spokesman and coordinator of environmental litigation for the Yannacone office, declared that he had visited Gettysburg for the purpose of preparing a lawsuit against Ottenstein "to protect a national natural historic site against further degradation."

Yannacone told me in a telephone interview: "This will be a test case for the entire National Park system. The case will raise the single fundamental issue of whether the national parks, as unique national historical resource treasures, can dictate the use of property outside their boundaries. We will attempt to show that the tower will cause serious, permanent and irreparable damage to the park vistas."

One leader of the anti-tower faction is Neil W. Beach, chairman of the biology department at Gettysburg College; he calls it Ottenstein's Obsession—"the more resistant you become, the more determined he becomes."

But Ottenstein has at least one ally in Gettysburg's Mayor, William G. Weaver. "I see no objection to the tower personally," Weaver says. "It's not an erector-set tower. It's a good-looking affair. The town is divided somewhat. We see a lot of things come and go. Look at that one block out there—the strip. The tower would attract a lot of visitors and we get 10 cents on every $1 admission."

At 300 feet, "Ottenstein's Obsession" is no Eiffel Tower (1,038 feet), but it seems to have everybody in a high dudgeon. Ironically, it's the latest of a long line of observation towers erected on the battlefield. One of five 75-foot towers put up by the Government at the turn of the century overlooks President Eisenhower's farm, which is now part of the National Park system. Visitors who climb the tower to view the battlefield usually do an about-face and zero-in on the Eisenhower farm instead. The fact that Mrs. Eisenhower still lives on the premises prompted one overzealous reader of the Gettysburg Times to suggest in the letters-to-the-editor column that a "Mamie's legion" be formed to save Gettysburg from the invaders.

Ottenstein himself calls his tower "a classroom in the sky" but Park Service Director Hartzog calls it "an environmental insult." And so the fighting goes.

Bad as the situation is at Gettysburg, the future looks even worse at Antietam, the field where some 23,000 Union and Confederate soldiers were killed or wounded in roughly 10 hours of fighting. Farms on the battlefield are up for sale.

M'CLELLAN'S HEADQUARTERS

On one of these stands the Pry House, headquarters of Maj. Gen. George B. McClellan, the commander of the Army of the Potomac, and not far away is the presumed site of a field hospital in which Clara Barton, who later founded the American Red Cross, attended the wounded. In addition, there are at least four other areas on or near the battlefield where landowners have mapped plans for housing developments, motels or restaurants. This in a landscape dotted with stone monuments and Civil War cannon, with the quiet town of Sharpsburg nearby (the Confederates always called Antietam the Battle of Sharpsburg) and on all sides rolling farmland.

For generations the land has been farmed by the same families, but now all that is changing. The old people are dying off, the young have long since left for the bright lights of the cities, and now the real estate developers and motel men are moving in with tempting offers to buy the land and cash in on the growth of tourism.

Even the most conscientious landowners show signs of weakening as the developers press their offers, and Park Service officials grow ever more fearful as they point out that there are no zoining regulations in Maryland's Washington County—or in Gettysburg, for that matter—and so nothing could prevent a buyer from erecting a roller coaster on the perimeter of the small portion of the over-all battlefield that is presently owned by the Government.

The interest in Antietam and its surrounding Great Valley area did not spring up overnight. Most of it stems from the opening about two years ago of Interstate Highways 70 and 81, which connect with the Pennsylvania Turnpike to the north and provide, among other things, a high-speed corridor through western Maryland for motorists traveling between Washington, D.C., and the Midwest. In addition to generating more tourists, these roadways have led to the increasing urbanization of this essentially rural area, bringing Antietam, as park officials say, "under the gun."

When they speak of Antietam's being "under the gun," they are alluding to such men as William Phillips, a Sharpsburg real estate agent, who is representing Air Forces Col. Gale H. Lyon, as an owner, and Richard Lowman, as a developer, in the sale of 21 three-acre "farmette estates," collectively called Burnside Manor, in the area where Confederate Gen. A. P. Hill turned the tide of battle and saved Robert E. Lee's Army of Northern Virginia from a complete rout.

"We're getting a lot of protests from historical societies who feel that we ought to protect the battlefield," Phillips says. "The mistake people make is that they believe this part of the battlefield belongs to the Government. It belongs to anybody who wants to buy it. The National Park Service has been dickering with us, but they're absolutely ridiculous in their pricing. After all, I have my duty to my clients."

THE "PERFECT LOCATION"

Phillips waxes ecstatic over Burnside Manor and its "perfect location"—on the highest point of the battlefield, overlooking strategic Burnside Bridge across Antietam Creek (now polluted from sources outside the park area) with the Blue Ridge Mountains in the background. "Why Union General [Brig. Gen. Isaac] Rodman, one of the six generals who lost their lives at Antietam, was killed on this very land, and there are monuments on the property that are sure to wind up in somebody's back yard," Phillips says delightedly.

Few visitors realize that the national battlefields embrace only a small portion of the actual battle scene. Citing this, Phillips was quoted by a friend as having said that in the end he might wind up as the hero of Antietam—the Paul Revere who alerted the Park Service to the dangers it faces from developers.

One argument that developers like Phillips put forth in defense of their moves at Antietam is that aside from the park Visitors Center, there are few facilities to accommodate the throngs of tourists. Says Phillips: "The nearest motel to Antietam is in Hagerstown, 12 miles away, and there's no place in the town of Sharpsburg where a person can buy a cup of coffee."

One landowner who is being constantly besieged by motel interests is Richard K. Hershey, the Williamsport, Md., stockbroker mentioned earlier. Asked how long he thought he might be able to hold out, Hershey told me:

"Five years from now, who knows. . . .At the moment, there is no problem, no danger of my selling. I want to work with the Park Service any way I can. I have no interest in selling or building at the moment, and I definitely won't sell to a small-home builder." As for a motel, "I wouldn't consider a cheap motel but only one built under the auspices of or with the approval of the Park Service."

Even so, Hershey has been accused by at least one Park Service official of being willing to sell out "to make a buck" and he resents it.

"I feel I've been made a scapegoat," he said. "I offered to resign from the Historical Society because of 'conflict of interest' and the possibility of putting the society in an embarrassing position, but my request was turned down. I have lived in Washington County all my life and I oppose very definitely any commercial development of the battlefield. The small homes going up in the area are disgraceful and I am interested in holding off and waiting for the Government to come up with a solution."

BILL IN CONGRESS

Both the Burnside Manor site, comprising 69 acres, and the 11-acre site owned by Hershey would be purchased by the Park Service if a bill now before Congress authorizing the expansion of the battlefield to 3,400 acres wins approval. In addition to authorizing the purchase of lands where actual Civil War fighting took place, the legislation, with its $2.6 million in funds and machinery for condemnation proceedings, if necessary, would also provide for the establishment of a 1,600-acre "environmental protection area," or buffer zone, around the battlefield to keep motels and garish tourist attractions at arm's length. This would mean that many of the farms adjacent to the present publicly owned 790-acre Antietam National Battlefield Site and Cemetery would be purchased by the National Park Service.

The Antietam bill was introduced in the Senate by J. Glenn Beall Jr. and Charles McC. Mathias, Republicans of Maryland, and Mark Hatfield, Republican of Oregon, and an identical measure was offered in the House by Goodloe Byron, Democrat of Maryland.

Says Senator Beall: "Action is necessary immediately to conserve this site."

While the bill's sponsors have expressed optimism over its chances of passage this year, others are not so hopeful. Similar bills are proposed every year and they get nowhere. Moreover, as one Park Service official gloomily puts it, the Spirit of '76 prevails in Congress as America's bicentennial approaches, and the Civil War is taking a back seat to the Revolutionary War.

FIGHTING BACK

Nevertheless, the passage of legislation similar to the Antietam measure is the best hope the Park Service has of effectively waging its campaign against invaders in all parts of the country, and the agency is constantly lobbying at local and national levels to get lawmakers to enlarge one or another park or appropriate more money for additional land purchases.

"This process may take months or even years," an agency spokesman told me, "and, in the meantime, the land could be lost to us. The quickest way we can get things done is to go to the National Park Foundation and get them to purchase the endangered area and let Congress buy it back from the foundation when legislation is finally passed."

The Washington-based foundation, a nonprofit organization, serves essentially as a channel for private donations of land and money to the Park Service, but as one observer noted, it has "a tremendous amount of clout—and no small amount of loot."

Robert Garvey, the organization's assistant secretary and chief spokesman, said, "Our purpose is to rally private citizen support for parks in the National Park System. We do this mainly by accepting and using gifts, and our land transactions in behalf of the Park Service have totaled about $10-million since we were set up by Congressional action in 1968.

"We've bought about a dozen pieces of property at Gettysburg in the past few years to keep it out of the hands of developers, and we are right on top of the situation at Antietam. The Government can't do anything within less than 30 days; our role is important because we can act overnight."

In carrying on the fight at Antietam and Gettysburg, the Park Service does not hesitate to use one of its favorite contemporary battle cries—the phrase "open space" Declares Park Service Director Hartzog: "Commercial development of historic lands is an insult to the heritage of our nation. Further, this insult goes beyond the historical values which are endangered to an environmental insult to a nation which is now struggling to preserve the open spaces which are fast disappearing in modern America. In the populous East, Civil War and Revolutionary battlefields represent a last hope of preserving open spaces in and near our great urban population centers."

"I think it is of considerable importance that the major battlefields be preserved as historic shrines," Bruce Catton, the Pulitzer Prize-winning Civil War historian, told me. "No one can hope to understand the America of today without giving some study and attention to the Civil War. And it seems to me necessary to preserve as many as possible of these battlefields . . . so that people can visit them, absorb the atmosphere, and thereby increase their understanding of what happened.

"One of the biggest threats to all of this is the work of the real estate developers at Antietam and Gettysburg. I don't think we are so hard up for living space that we need to cover these sites with endless rows of ranch-style cottages, and I think we will lose something valuable if that sort of development goes on unchecked. Needless to say, I intensely dislike 'the Coney Island atmosphere' that prevails in so many places around the Gettysburg field."

BENEATH THE OPEN SKY

Yet, of course, one can get away from the "Coney Island" atmosphere. There can be no more meaningful way of understanding Gettysburg or Antietam than by simply standing in silence under the open sky—without the aid of gadgets or gimmickry—on the field where 75,000 men rushed to their deaths in the most tragic chapter of our history. The best way to intensify the experience—to relive the horror and heroism—is to read about the Civil War first and then go to the battle areas. "After reading about Antietam, for instance," says Civil War historian James Murfin, "you'll find that nothing means so much as standing on the actual site. I met an old man several years ago who had a brick that he said had been dug up on the spot and sold as a souvenir the day after the battle. It had a line of discoloration running through the center—a red line, which he said proved that the earth had run with blood."

Until quite recently sharp-eyed and sharp-toed tourists could "kick up" bullets all along Sunken Road, which cuts into the Hagerstown Pike at a point roughly a half-mile south of the park Visitors Center. Today, however, you are more likely to "kick up" a Ph.D. candidate re-fighting the battle.

"A battlefield can evoke the strongest personal feelings, but they depend on the individual and the cluster of recollections he brings to the scene," says historian Henry Steele Commager, reached by telephone at Amherst College. "A hill is a hill, but if you view it through the eyes of history or through the eyes of love it becomes something else. Cemetery Hill at Gettysburg becomes more than just a hill when viewed through the eyes of history—it comes to life. Beauty is in the eye of the beholder, and so is history.

Cemetery Hill, where Union troops repelled a fierce Confederate attack on the second day of the battle, stands in the center of Gettysburg National Cemetery today, just a few hundred yards northeast of the Visitors Center. The Soldiers National Monument marks the spot where Lincoln delivered his Gettysburg Address four months after the battle.

T. Harry Williams, author of "Lincoln and His Generals," remarks that when he visits a battlefield he tries to envision what it was like during the battle.

ENVISIONING THE SNIPERS

"At Gettysburg, I walk over the terrain and try to put myself in the position of the men who fought there. At Devil's Den, for example, I try to imagine Confederate sharpshooters sighting down the barrels of their rifles, picking off Union troops entrenched on Little Round Top."

Today's visitor can still see the huge granite boulders known as Devil's Den where the Confederate snipers holed up. Just above the site is Little Round Top, about two miles directly south of the Visitors Center. On foot, the visitor can reach the area by walking almost directly along the line of Pickett's Charge.

Historian James I. Robertson of Virginia Polytechnic Institute, author of "The Stonewall Brigade," advises anyone planning a visit to Gettysburg to read "Gettysburg, A Study in Command," by Edwin Coddington, published just after the author's death last year. Another historian, Bell I. Wiley of Atlanta's Emory University, author of "The Life of Billy Yank" and "The Life of Johnny Reb," the common soldiers of the Civil War, recommends "High Tide at Gettysburg" by Glenn Tucker before a visit to the battlefield.

"I don't know which is better," he says, "to read a book or stand on the battlefield. For a complete understanding you simply have to do both. I think the battlefields help convey the feeling of tragedy—at Gettysburg, for instance, I was always under the impression that Pickett charged up a steep slope, but then you see that it's almost level and you can understand the terrible vulnerability of those 15,000 men facing such tremendous musket fire at close range.

"You cannot deny a people their past, and the battlefields retain part of that. The Civil War was a watershed in American history; we were molded into a nation by that conflict, and it is important that we remember it."

Antietam "is being increasingly recognized by historians as the real turning point in the Civil War," says W. Dean McClanahan, superintendent of the battlefield site. "The battle has been overshadowed by Gettysburg, because of Lincoln's speech there, but the fact that Lincoln used the victory at Antietam to issue the Emancipation Proclamation five days later has given the battle greater relevance today."

Few physical evidences of the terrible clash at arms remain today. Visitors can walk along Bloody Lane, originally Sunken Road, where bodies were piled five deep during the engagement; the Dunkard Church has been restored in the area where some of the day's thickest fighting took place, and Burnside Bridge occupies a pastoral setting that might have been painted by Constable.

WHERE THE STRUGGLE COMMENCED

The visitor can stand in front of the Dunkard Church, directly across the Hagerstown Pike from the park Visitors Center, and take in the entire area where the Battle of Antietam commenced at dawn on Sept. 17, 1862.

Frank Vandiver, author of "Mighty Stonewall," recounts how he had done just this in researching his book on Maj. Gen. Thomas J. Jackson, better known to history as Stonewall Jackson, whose three divisions formed a line east and west in front of the church.

"Through a process of 'osmosis'—a mixture of imagination and mysticism—I could almost see [Maj. Gen Joseph] Hooker's I Corps emerge from the North Woods (now open farmland to the north) and descend on the Confederates in the cornfield, off on the left."

Hooker had seen the reflection of sunlight from the Confederate bayonets projecting above the corn in the field. At close range the Union guns raked the field with canister and shell, "cutting every stalk of corn in the greater part of the field as closely as it could have been done with a knife," Hooker wrote. "The slain lay in rows precisely as they had stood in their ranks a few minutes before."

The Confederates who survived headed for the West Woods, which at that time stood behind the Dunkard Church. Many were shot attempting to climb the fence bordering Hagerstown Pike and lay spread-eagled across the fence or piled up on either side.

"Their ghosts are still there," Vandiver says. "You get a kind of fourth-dimensional effect in the quiet of dawn at Antietam, a second battlefield superimposed over the present one—with troops all around. You get a sense of the terrible rage of the battle."

For those vistors who arrive after dawn, which is likely to be the majority, the best way to start the day at Antietam is to begin at the Vistors Center for an on-the-spot orientation, go through the museum and then pick up the self-guided auto tour (hardy visitors may walk but it's an eight-mile hike). At least some walking, however, is advisable. Antietam today is not only still green and uncluttered but, unlike Gettysburg, where tape recorders shatter the stillness and scoutmasters shepherd their flocks with blaring bullhorns, it is also a quiet place. One can let one's imagination soar here.

The best—and cheapest—way to see Gettysburg is to drive up to the park Visitors Center, view the orientation film (free), take in the Cyclorama if you must (50 cents and dull), pick up a free pamphlet guide in the lobby and then stroll outside and go next door to the Gettysburg National Museum (Home of the Electric Map).

A commercial attraction that billed itself as "the most visited battlefield museum in the world," it has just been acquired by the National Park Service for \$2,350,000. It will continue to be operated by the former owners, the Rosensteel family of Gettysburg, until October, 1973, at which time it will probably be leased out as a concession by the Park Service.

THE THREE-DAY BATTLE RECOUNTED

The museum's electric map (admission \$1 for adults, 50 cents for children over 10) recounts, with the aid of sound track and lights, the three-day battle, concluding with Pickett's Charge, in which 15,000 Confederate troops tried and failed to storm the Union lines, ending Robert E. Lee's dreams of invading the North.

Following this briefing, the visitors can repair to the battlefield, hire a guide, if he wishes, rent a cassette tape that will give him tour guidance by car or on foot (\$3 and \$4). Gettysburg has 70 licensed guides, who will escort you on a complete tour of the battlefield (\$7 per car for a two-hour tour), outlining en route all troop movements and details of the battle.

On a busy summer day as many as 50,000 visitors have been known to pour across the site, according to Thomas J. Harrison, chief of resources management at the park. This development in all probability would have displeased Robert E. Lee, who opposed the whole idea of establishing a national battlefield park since he felt it would open old wounds. He was wrong about that, but the rush of tourists and the quest for their dollars has opened a lot of new wounds in the continuing second battle of Gettysburg.

VETERANS UNEMPLOYMENT STATISTICS

Mr. HUMPHREY. Mr. President, on May 17 I sent a letter to the Secretary of the Department of Labor questioning why there was no regular reporting of unemployment statistics of veterans of the Vietnam era.

I indicated that the absence of such figures from regular disclosures on unemployment clouded the picture of the job market.

I have since received a reply from Labor Commissioner Geoffrey H. Moore indicating it will be the policy of the Department of Labor to regularly publish data on employment and unemployment of veterans.

The first data was published in the May edition of Employment and Earnings. However, no regular press release to the media was made on the unemployment statistics.

Mr. Moore indicated there currently is a plan to issue the data in the regular press release on employment.

I ask unanimous consent that there be printed in the RECORD the text of Mr. Moore's letter; a portion of an introductory article on the unemployment of Vietnam era war veterans, written by Miss Elizabeth Waldman, an economist in the Division of Labor Force Studies, Office of Manpower and Employment Statistics, and my original letter to the Secretary.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 2, 1971.

Hon. HUBERT H. HUMPHREY,
United States Senate
Washington, D.C.

DEAR SENATOR HUMPHREY: The Secretary has asked me to reply to your letter of May 17 relating to unemployment data on veterans of the Vietnam Era.

We share your concern about the employment situation of veterans and have taken steps to publish figures on a regular basis. We recently concluded arrangements with the Veterans Administration to take over the responsibility for publishing the data on employment and unemployment of veterans. These figures appear on pages 5 to 10 of the enclosed May 1971 issue of Employment and Earnings.

The data will continue to be published on a regular basis in Employment and Earnings. In addition, we plan to issue the data in the regular press release on employment each quarter or in a separate release. We do not intend to issue the unemployment figures for veterans of the Vietnam Era on a monthly basis because numbers of that size are subject to fairly large sampling variability owing to the small size of the sample. Changes from month to month, even though of apparently considerable amount, may not be statistically significant and may be misinterpreted. The question of reliability of the changes applies to decreases in unemployment rates as well as increases. When the population of veterans of the Vietnam Era reaches a considerably larger number, the question of publishing figures on their employment status on a monthly basis will be reconsidered.

Sincerely yours,
GEOFFREY H. MOORE,
Commissioner.

UNEMPLOYMENT OF VIETNAM ERA WAR VETERANS

(By Elizabeth Waldman)

Regular publication of data on the employment status of Vietnam Era war veterans—that is, men who served in the Armed Forces at any time after August 4, 1964—begins with this issue of *Employment and Earnings* and will continue on a quarterly basis. Information on veterans is based on estimates of the veteran population provided by the Veterans Administration (VA) and upon data obtained for the Bureau of Labor Statistics (BLS) and the VA by the Bureau of the Census as part of the Current Population Survey (CPS). The labor force concepts and sampling variability for the veterans data, therefore, are the same as those for the CPS.

Veteran status is defined by the dates of service in the U.S. Armed Forces. A *war* veteran is defined as follows: *Vietnam Era*—served after August 4, 1964; *Korean Conflict*—served at any time between June 27, 1950 and January 31, 1955; *World War II*—served any time from September 16, 1940 to July 25, 1947; *World War I*—served any time between April 6, 1917 and November 11, 1918. A *post-Korean-peacetime* veteran served in the Armed Forces between February 1, 1955 and August 4, 1964, inclusive. A *nonveteran* never served in the Armed Forces or served only in peacetime prior to June 27, 1950.

The number of Vietnam Era war veterans under age 30 in the civilian labor force increased by about 525,000 over the year to an average of 3.5 million in the first quarter of 1971. Most of these veterans were employed, but their unemployment rose sharply, especially in the increasingly loose labor market of the last few months of 1970 and early 1971. Nearly 375,000 veterans, on average, were jobless in the first quarter of 1971, an increase of 175,000 over the year.

The unemployment rate (not seasonally adjusted) for veterans in the age group 20 to 29 averaged 10.8 percent in the first quarter of 1971, compared with 7.9 percent in the preceding quarter, and 6.8 percent a year ago. Comparable unemployment rates for nonveterans in this age group were 8.4, 6.8, and 5.5 percent, respectively. Although the rate for the nonveterans began to rise earlier in 1970 (third quarter) than for veterans, it has remained significantly lower.

The rate for young veterans (20–24) has been considerably higher than the rate for men 25 to 29 and it increased by a greater amount over the year. The rate for the younger veterans rose by 5.5 percentage points to 14.6 percent in the first quarter while that for the 25 to 29 year old veterans rose by 3.0 percentage points to 7.2 percent. Over the same period the rate for young nonveterans rose by 3.5 percentage points to 10.8 percent. The higher unemployment rate for the veterans reflected not only the usual labor market problems that keep the rates of young adults above those of the older workers but also some elements that effect all workers. Young jobseeking Vietnam veterans and nonveterans have in common such factors as inexperience, shopping around for suitable full-time jobs, or trying to find part-time jobs while attending school. But since the latter part of 1970, Vietnam veterans found themselves leaving military service as jobs grew increasingly harder to find. The plight of the growing proportions of young, newly separated GI's shows up even more clearly as the over-the-year rise in their unemployment rate was greater than that for every other group of men by age and veteran status.

The unemployment situation of Vietnam veterans of Negro and other minority races, compared with white veterans, may be discussed only in general terms, because the unemployment data for them are based on very small sample numbers and are subject to large sampling errors. Nonetheless, the unemployment rate for Vietnam veterans of Negro and other minority races has been higher since mid-1970 than for white veterans, although the amount of difference cannot be estimated precisely.

May 17, 1971.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the Department of Labor does not now have a practice of regularly releasing and identifying unemployment figures for Vietnam era veterans in its monthly reports.

The absence each month of unemployment statistics among veterans does not give the country a true picture of the job situation.

Members of your Department have told my staff that the first Labor Department report on Vietnam war veterans was made by the Bureau of Labor Statistics last November.

Since then the number of unemployed veterans and the percentage of veterans unemployed has risen sharply.

I believe it would be a benefit to the country to know in detail the number of veterans who have served their country well but who are unable to get jobs.

It seems to me that omissions of this type from regular monthly briefings or statements on the unemployment situation in this country tend to cloud a vital dimension of the job market.

I would hope that an improvement in this situation will occur.

Sincerely,

HUBERT H. HUMPHREY.

REAR ADM. ALLEN G. QUYNN, U.S. NAVY, RETIRED

Mr. MATHIAS. Mr. President, the men who made the United States the mightiest sea power the world has ever known, who built and sailed the biggest fleet in history, and who succeeded in converting the disaster at Pearl Harbor into the victory in Tokyo Bay were not all swashbuckling, flamboyant sailors of fiction and legend. Most of them were conscientious, hard-working, unassuming, courageous and persistent. Such a man was Rear Adm. Allen G. Quynn, who died in Frederick, Md., on the evening of June 17.

Admiral Quynn graduated from the Naval Academy in 1915, so he was a part of the Navy in both World Wars, and during the bitterest defeats and the greatest triumphs. Although his service in World War I and on the China Station had made his name a household word in our community, I did not personally get to know him well until he was a commodore and Chief of Staff to the Commander, Service Force, Pacific Fleet. His consideration and kindness to me on the occasions that our paths crossed during World War II in the Pacific Theater illustrated not only his personal courtesy, but the quality of leadership which recognizes the importance of example.

In the days after his retirement from the Navy, Admiral Quynn well illustrated how that quality should be employed at home as well as at sea by assuming responsibility for many community activities in Maryland. His community is grateful to him and he will be much missed.

CALIFORNIA RURAL INDIAN HEALTH PROJECT MEETS THE HEALTH NEEDS OF RURAL INDIANS

Mr. CRANSTON. Mr. President, I invite the attention of the Senate to the tremendous progress that has been made by the California rural Indian health project, an innovative program established to meet the critical health needs of disadvantaged rural Indians in California. The success of the project thus far indicates that it may well be a viable prototype for meeting the health needs of Indians in other States.

In the 1950's, Federal responsibility for Indian health programs in California was terminated. It was believed that health needs would be adequately served by existing local health programs throughout the State. However, it soon became apparent that a serious problem of coordination accompanied the termination of Federal services. Neither Indians nor departmental personnel were certain which agency had jurisdiction and responsibility to provide specific services. The subsequent inaction contributed to the deterioration of Indian health in the State. Moreover, the many Indians in rural areas were isolated socially as well as geographically from community health resources.

In an attempt to meet these problems, the Bureau of Maternal and Child Health of the California State Department of Public Health initiated a demonstration project in 1967 specifically directed toward the improvement of Indian health. Nine rural Indian health projects were selected for this pilot program.

In January 1970, the Department of Health, Education, and Welfare reestablished the eligibility of California Indians to participate in Federal Indian health programs.

The nine original rural Indian health project areas were geographically spread across the State, extending from Humbolt to San Diego Counties. The Federal funds contracted to the State Department of Public Health were subcontracted to the nine project areas through the tribal councils or local Indian health boards. Indians of the various regions set the priorities of their local programs and hired their own staff. Due to the small amount of money available, local projects focused primarily on community organization, health education, transportation services, and assistance in establishing eligibility for medical, medicare, and other benefits. The effort concentrated heavily on volunteer assistance. Although no funds were available for direct medical services, project staffs were instrumental in saving several lives and in obtaining volunteer medical and dental assistance. Through the projects, volunteer assistance was also marshaled to build dental and medical clinics on some reservations.

Today the projects number 15 and services have been expanded into service areas covering some 32 counties with an Indian population of approximately 30,000.

These 15 projects have formed an Indian health board, comprised entirely of Indians, with two delegates from each project. This board was recently awarded a grant by the Donner Foundation to assist them in assuming the responsibility for providing health services to all rural Indians in California.

More recently, the Indian Health Service, of the U.S. Public Health Service, formalized funding for the California Rural Indian Health Board and recognized the board as the State agency for rural Indian health. Today the California Rural Indian Health Board holds an unprecedented position as the only all-

Indian body administering a statewide program in the Nation. This is indeed an important and challenging role.

The realization of this unique program has been through the efforts of many people. Instrumental in the endeavor have been Dr. Emery Johnson and the staff of the Indian Health Service for their support and assistance; the staff of the Bureau of Maternal and Child Health of the California State Department of Public Health, who have been persistent in their efforts to develop a creative rural health program based on maximum participation of Indians themselves; and, of course, the Indian people of California, especially the members of the California Rural Indian Health Board, who have assumed the responsibility for a rural Indian health program in a State of the size and complexity of California.

Mr. President, I believe the California rural Indian health project has made great strides in the improvement of health services available to rural Indians, and it has done so with only a small Federal grant—at an annual level of $750,000 for the entire 15 local projects. I hope that in the near future the California rural Indian health project can count on a substantial increase in Federal funding in order to provide critically needed comprehensive health services to rural Indians throughout California.

DEDICATION OF RCA SEMICONDUCTOR PLANT IN LIEGE, BELGIUM

Mr. MATHIAS. Mr. President, on May 17, Robert W. Sarnoff, chairman and president of RCA Corp., delivered an important address at the dedication of the RCA semiconductor plant in Liege, Belgium. With welcome clarity, Mr. Sarnoff set forth the situation of the multinational corporation and its growing importance, not only to our own economy, but to a healthy trade and economic picture throughout the world. I commend Mr. Sarnoff's speech to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Robert W. Sarnoff, Chairman and President, RCA Corp., at Dedication of RCA Semiconductor Plant, Liege, Belgium, May 17, 1971

As a staunch believer in multinational business, I am honored to take part in this dedication of RCA's first electronics manufacturing plant in Belgium and its first in the European Economic Community.

Europe holds a special fascination for those of us who viewed its agony after World War II. Today, its rebuilt cities and its pulsating economy reflect the simple fact that man's urge to create can overcome his capacity to destroy. Not many years ago, a leading economist said that if the United States economy sneezed, Europe went to bed with pneumonia; today, Europe casually says "God bless you."

The vigor of the new Europe is nowhere more evident than in Belgium. This ancient center of civilization has become a magnet for foreign investment and a sophisticated leader of international business and finance. It has also, as the administrative home of the Common Market, become a symbol of the most ambitious effort ever made to achieve enduring international economic cooperation.

For these compelling reasons, Belgium was RCA's first choice when we elected to manufacture in the Common Market for our growing number of European customers. And of possible sites within the country, Liege offered most to a technology-based industry. Its alert and energetic populace includes a formidable reserve of technical manpower. It has outstanding resources of culture and learning, including a world-renowned university with an eminent engineering faculty.

We were also attracted by the courtesy and consideration of your national and provincial government officials. We are particularly indebted to Monsieur Cools, the Vice Prime Minister and Minister of Economic Affairs; Monsieur Delmotte, the Minister and Secretary of State for Regional Economy, and Governor Clerdent. All of us in RCA deeply appreciate their help as well as the cooperation and hospitality we have encountered everywhere.

This is not RCA's first manufacturing operation outside the United States, but it is pivotal to our hopes of continued multinational growth. The electronics market in Europe is surging ahead. We hold a strong position in this market with silicon power transistors and other semiconductor devices, which are used in a wide range of electronic equipment from television sets to computers. Until now, we have met European demand with solid-state devices manufactured in the United States. But it has become increasingly apparent, in this intensely competitive business, that we can do a better job of servicing European customers with a European facility.

In its brief production life, this modern plant is meeting our highest expectations. Initially, it is serving as a major supplier of silicon power products for the European market. Later it will export to other markets, including the United States. As all its resources come into play, it will be a developmental source of new technology for the electronics markets of the world.

RCA's move here reflects the changing character of the global economy. With increasing vigor, business is probing across national boundaries to seek new opportunities in regional and global markets.

In itself, this is not new. Industrial management has always sought to operate wherever opportunities beckoned in materials, labor, and access to markets. But the magnitude of business expansion today dwarfs the past, and the reason is the global reach of new communications technology.

Within the last decade, the barriers of time and distance have been penetrated by new wideband electronic highways that carry a world-wide flow of information. Business entrepreneurs in Liege now deal with New York or Tokyo as they deal with Brussels. As the electronic highways have lengthened, multinationalism has become more than a new word in the dictionary; it has become the motive force behind global economic expansion.

Today, the business volume of all multinational corporations, including both exports and local sales, exceeds the gross national product of every country except the United States and the Soviet Union. The output from foreign subsidiaries of multinational corporations is greater in dollar value than the total of all exports by any major nation. I believe statisticians will soon have to include a new category—Gross Multinational Product—among their basic indices of economic performance.

Unfortunately, multinationalism suffers from a poor image. To the superficially informed, it suggests an American industrial octopus, its tentacles searching for profits around the globe. It is true, of course, that the growth of American multinational firms has been a dominant fact of the past decade. But it is also true, if less well known, that European enterprise is heavily committed abroad, with its foreign direct investments escalating daily. In proportion to gross national product, the total multinational investment of companies based in the EEC countries and Great Britain rivals that of American concerns.

European corporations have operated successfully in the United States for many years. Few Americans realize when they buy gas from Shell, chocolate from Nestle or toothpaste from Unilever that part of their dollars flow abroad. In all likelihood, the flow will increase because a position in the American market represents a desirable goal to a growing list of European concerns. Several facts encourage this multinational thrust:

The American domestic market represents half the purchasing power of the non-Communist world. It offers the greatest opportunity anywhere for profitable new ventures.

The integration of the European economy is building a strong base for expansion into new markets.

European enterprise as a whole has gained new confidence and capability in management and marketing. It can compete on an equal footing anywhere, including the United States.

Finally, the economic resurgence of Europe has generated new capital resources, including dollar reserves, for investment abroad.

I expect European multinational growth in the United States to advance during the 1970's at a rate approaching American industrial growth in Europe in the 1960's. Perhaps Mr. Servan-Schreiber will then visit the United States and author a new best seller: "The European Challenge."

As this trend continues, economic activity and technical progress will accelerate on both sides of the Atlantic. A new springboard will be created for further advances on every continent and in every nation, including those now remote from the mainstream of economic development.

I view multinational business as the spearhead of an irreversible drive toward a true world economy. It seeks the most efficient use of resources on a global scale. It encourages economic integration, generates new capital resources, and fosters the spread of useful technology and management know-how.

Only the historic recalcitrance of nationalism stands in its way. In many nations, foreign-based companies are hobbled by discriminatory measures. The methods may be sophisticated or crude, but the purpose is the same: to prevent foreign influence in the national economy. The cost to the people of the world, in terms of stunted economic development is incalculable.

There is an imperative need today for all governments, whatever their political coloration, to cooperate in setting ground rules for the orderly advance of multinationalism. The challenge is global, and it cannot be met without the participation of both state-controlled and free-enterprise economies. Indeed, the precedent for cooperation already exists in successful joint ventures between Western European companies, Russia and others in the Communist world.

The ground rules of multinationalism should be designed to create a climate of continuity and consistency for businesses everywhere. They should seek to harmonize diverse national laws and regulations that deal with income taxation, mergers, pricing, anti-trust policies, fair labor practices, and other problem areas.

They should also erect safeguards against misuse of power by any multinational corporation. In effect, this means internationalizing the principles of business regulation now in force domestically in many countries. For the less developed countries in particular, this insistence by law on multinational good citizenship could go far toward removing their deeply ingrained suspicion of foreign companies.

An existing international body, such as the Organization for Economic Cooperation and Development, could take the initiative to establish the new ground rules. The timing is appropriate. Communications have become global. Technology is now universal in application and effect. Universal organization and management of the world's technological resources should logically follow.

A change of such magnitude, of course, will not come easily. Skeptics of multinationalism argue that it cannot succeed without a restructuring of the entire political and social order. I would remind them of the experience of Alexander Graham Bell when he sought financing for his telephone. He demonstrated the new device to the American financial genius, J. P. Morgan, and he drew this response:

"Mr. Bell," Mr. Morgan said, "after careful consideration of your invention, while it is a very interesting novelty, we have come to the conclusion that it has no commercial possibilities."

Like the telephone, multinational business is more than a very interesting novelty. It is an inventive concept that can lift the nations of the world to new plateaus of economic development for the benefit of all their peoples.

I hope this new RCA semiconductor plant in Liege will strengthen the concept of multinationalism—just as it is strengthened by the operations in America of such fine Belgium firms as Solvay Chemicals, Bekaert Steel Wire and Balteau Electronics. We are proud to be linked through this plant with a great nation, a great economic community and a great concept for the future.

CITIES TO EXPLODE IN POOR COUNTRIES

Mr. HUMPHREY. Mr. President, population continues to increase in almost every country in the world. Imbalance in the geographic distribution of these populations within each country also persists. In the United States 73 percent of our Nation's entire population now lives on just 2 percent of the land—and the trend toward further concentration of our population in just a few cities near our coastlines continues.

This same phenomenon, Mr. President, is occurring in other countries—especially among the poorer nations, who are least equipped to meet the needs of rural-to-urban migration. The seriousness of this problem, as it relates to some of the poorer countries, is documented in an article appearing in the June 21, 1971, issue of the Washington Post by Henry Owen.

Unless some action is taken soon, Mr. President, to check these rural-to-urban migrations in these countries and establish a sound balance between their rural and urban areas, most of these countries will be ravaged by disorder. Their cities will become human sinks of misery, poverty, and despair. These countries must adopt policies and programs now to encourage more dispersed population settlement patterns. They need only look to the United States to see how the failure to act now will create problems for them later. And obviously, they have fewer resources to waste in making such adjustments than we do.

I ask unanimous consent that Mr. Owen's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITIES TO EXPLODE IN POOR COUNTRIES

(By Henry Owen)

The most important American event of the 1950s was only dimly perceived at the time: The rapid break-up of traditional patterns of Southern agriculture, which caused large numbers of poor people to move to the cities—setting the stage for urban and racial crises of the late 1960s. We failed to understand what was happening when there was still time to do something about it—i.e., before urban problems blew up in our face.

Don't look now, but the same thing is now happening in the developing countries, and we're in danger again of missing the point. Population growth, wage distortions, and other changes are causing large numbers of people to leave farming areas for overcrowded cities. Unemployment in these cities, already high, soars further. These urban immigrants get a good look at how the other half lives, via TV and direct exposure; they want to make sure that their children have a chance to share this affluence. If it becomes clear that this isn't going to happen, they react the way you or I would; they get mad. Resulting urban violence could make the U.S. ghetto explosions of the late 1960s look mild by comparison. The British editor Alastair Burnett has summed it up:

"Calcutta may have 15 million people if life does not break down entirely in this decade; Buenos Aires may have 10 million; Cairo 6 million. And if the pace of industrial growth is not fast enough—and it is certainly not now—then it will be prudent to expect serious and bloody attempts at revolution there. What we are seeing from urban guerrillas in Latin America is only, I suspect, a beginning. It is the gloomiest prospect of all in this decade."

Over the very long term, two trends could mitigate the problem: Family planning—which is beginning to take hold in a number of developing countries—should reduce population growth. And the flow of people out of agriculture will gradually slow down, as the farming population gets down to bedrock, much as it has in the developed world. The trick is to get from here to there; the remainder of this century will be a period of maximum danger.

To surmount that danger, the developing countries will have to achieve very high rates of growth—as well as undertake internal economic reforms. In some countries—Korea and Taiwan—these rates of growth have been achieved. This success has hinged on outside help. In most cases, that help was provided bilaterally, by the United States. In the coming decade it will have to be provided multilaterally, by the international community as a whole.

There are some signs that this may happen: The annual level of multi-lateral lending to developing countries has risen from $900 million ten years ago to $3.2 billion in 1970. The regional development banks—particularly in Asia and Latin America—have stepped up their lending. The World Bank Group—to which we must look for leadership in this multilateral effort—is expected to double its previous five year level of lending in 1969–73; and mounting exciting innovations in tackling such emerging problems as population and unemployment.

If this multilateral aid effort can go forward, and *if* performance in the developing countries continues to improve, Mr. Burnett's nightmare may not come to pass.

These are two big if's; one of them, at least, hinges on the United States. The administration has asked this session of the Congress to provide soft loan funds for three multilateral aid instruments: the International Development Association (which is the key part of the World Bank Group), the Inter-American Development Bank, and the Asian Development Bank. The administration can make good arguments in support of these requests. Multilateral aid is part and parcel of a foreign policy which seeks both to generate greater effort by others and to lower the U.S. profile. And it's good business: Each dollar of U.S. aid generates more than a dollar of aid from other donors; of the $16 billion of multilateral financing provided over the last decade. A good deal will hinge on whether the administration makes these arguments forcefully and at a high level; cabinet officers will need to put the political, as well as economic, case for action to the Congress.

The amounts involved are not all that large—about $320 million annually for three years for IDA, a slightly larger annual sum for the Inter-American Bank for each of the next two years, and 100 million spread over three years for the Asian Development Bank. The risk is that its provision will be delayed—in which case IDA and eventually the Inter-American Bank will, quite literally, run out of money; or that the amount will be cut—in which case the international agreements which oblige other countries also to contribute large amounts will come unstuck; or that limiting amendments will be enacted which could make the money unusable.

If IDA and other multilateral aid institutions falter, the new phase of multilateral development aid, which had seemed off to a promising start, will grind to a halt. But the flow of poor people to the cities won't. So the possibilities for large explosions in the great cities of the developing world will mount, as will that world's drift toward extremism and disorder, with ugly racial overtones. If this happens, a lot of us will be wondering a decade hence why we didn't do something about it in time—just as we now wonder why we didn't do something about the growing migration to U.S. cities a decade ago. This is a good time to remember Bismarck's remark that wise men learn from experience, while fools have to repeat it.

BALTIMORE—THE PORT THAT BUILT A CITY

Mr. MATHIAS. Mr. President, Baltimore has long been known as the Port that Built a City. As one of the world's leading seaports, Baltimore plays a vital role in the continuing growth and development of Maryland, and of America's marine industry.

Now, with the foresight which has long characterized this port and Maryland's maritime industry, Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, has released an extremely perceptive analysis of Baltimore's role in domestic and world shipping. It provides a clear and comprehensive view of both the past and the future of one of the world's greatest ports. I ask unanimous consent that Mrs. Bentley's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MRS. HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, BEFORE THE MARYLAND HISTORICAL SOCIETY, BALTIMORE, MD., MARCH 21, 1971

Ladies and gentlemen: There are two things I enjoy more than anything in this world. The first is traveling; and the second is coming home. When President Nixon nominated me as Chairman of the Federal Maritime Commission he gave me ample opportunity to do the first. Today you have given me the best reason anyone could think of for doing the second.

For Baltimore is more than just a home to me. It's the place where I began my career as a maritime reporter and the base from which I have operated for most of my adult life. Yet it's also an adopted home for me—I came here originally from Nevada—and I can tell you that no matter how far away you go, Baltimore is a good place to come back to.

This is Baltimore, harmonizing, as it were, in tune with the season, moving with the tide and keeping abreast of the changing directions of 20th Century America, blending the old with the new in a world of constant turmoil, in a society existing in a perpetual state of flux.

For Baltimore is changing: its character, its appearance, its outlook. My home is to the north of the city, and as I drove downtown today I became increasingly aware of the many physical changes that have occurred in Baltimore, particularly in recent months and years. For one thing, the Maryland Historical Society is no longer cramped into its former headquarters down the street. You have this fine, new building to exhibit your collections, for the enjoyment of the public and for the benefit of scholars.

Farther into the city is the Charles Center development, with its modern office buildings and ultramodern Morris Mechanic Theatre. And then, of course, there's the Inner Harbor Redevelopment Project, with plans for offices, apartments, theaters, hotels, marinas, and a multitude of shops and boutiques, places to go, things to see.

Baltimore is no longer the World War II town of the forties, as I first knew it, but a diversified, thriving metropolis at the heart of the Eastern Seaboard, a 20th Century center of culture and learning, of commerce and industry. True, Baltimore's experiencing growing pains—and at times the pains have been very sharp—but it's doing its best to channel expansion in the right directions—and it's succeeding. The one-time Liberty and Victory Ship capital of the war years has come a long way.

An àrea where Baltimore's greatest change—possibly its most significant, and certainly its least noticed—has taken place, is the port. Commerce that once centered on Pratt Street and along the Inner Harbor has moved to modern, new marine terminals, such as Dundalk and the old passenger terminals of Light Street have gone the way of the bay steamers, down the pages of history, locked forever in memories, never to be heard from again.

Development is the order of the day in this Port That Built a City, but this time the process is reciprocal. Just as the city is expanding, so too is the port; and as the port is improved, the economy of the city—and state as well—is simultaneously enriched.

The value of Baltimore's foreign commerce during 1970 has been tentatviely set at $2.6 billion, with import and export tonnages totaling over 31 million—an impressive record—third in foreign tonnage for 1970. And when you consider the business and industry thriving on this mass movement and the countless numbers of jobs it creates, the figure becomes even more impressive. Who knows how many truck drivers, trainmen, dock workers, seamen, ship chandlers, steamship agents, freight forwarders, tugboat operators, line handlers, and all sorts of support personnel—maritime and otherwise—owe their livelihoods to the port? The number extends well into the thousands.

But what of the average citizen, the man or woman not connected with the maritime industry? This persons profits as well, because a Maryland economy made healthy by a leading world seaport is thus able to provide for the state's several million inhabitants such benefits as improved social services, parks and recreational facilities, cultural activities, modern transportation, and a multitude of advantages most of us have become accustomed to taking for granted.

Much of what we have in this state we owe to the port. And in order to make certain that we continue to enjoy the benefits of such prosperity, port interests have been taking steps to insure that the maritime industry in Baltimore will continue to flourish. To this end, massive development and expansion have been under way for some time, and large sums of money are being invested.

In the decade of the sixties, some $50 million in public funds were expended on port facilities in Baltimore excluding such major projects as channel improvements and private waterfront industrial development. In the first six years of the seventies, some 70 additional millions will be spent.

The Maryland Port Authority alone is spending approximately $87 million on a 10-year port improvement plan, with more than $8 million of that sum being spent during the current fiscal year. In fiscal 1972 the Port Authority plans to invest some $24 million more.

The money is going into new piers for containerization and break bulk cargo, for new development in such areas as the south side of Locust Point and possibly Hawkins Point, and to continue the expansion at Dundalk Marine Terminal, the former municipal airport which has become one of the most spectacular port successes in the United States.

When the Port Authority took over Harbor Field from the city just 11 years ago, there were skeptics who predicted that one white elephant was merely being turned into another, that the ambitious project would never bear fruit. We know today that they couldn't have been further wrong: the expansive marine terminal leads the world in the importation of automobiles—some 275,000 having moved through during 1970—and was instrumental in placing Baltimore second among the East Coast ports last year in container shipments.

There was a period during the initial days of the container revolution when it appeared that Baltimore was going to be left far behind in the new era. And it was particularly during that period that Baltimore was grateful to the activities of Rukert Marine Terminals, headed by Captain W. G. N. Rukert, who had attracted diversified cargoes to this port by offering many specialized services and Captain Rukert, who is here today and is the dean of our port, deserves much credit for the personal investment he has made in the port over the years—and his continuing interest.

New York, of course, heads the list of U.S. container ports, but Baltimore finished a strong second, with well over a million containerized tons handled during the decade's initial 12-month period. The ports of Hampton Roads were a distant third, with just over 870,000 tons in containers.

Philadelphia, the remaining member of the four top U.S. ports, was far out of the picture, having entered the decade with no container operations other than those combined with break bulk carriers. Only within the last year, in fact, did that city get its first full container service: Hapag-Lloyd, shipping between Philadephia and Northern European harbors.

But the Pennsylvania port is rapidly making up for its slow start in this revolutionary mode of shipping, with three new container terminals in the planning and construction stage, and the Delaware River's initial container berths newly operative.

These first container berths are at Philadelphia's Packer Avenue Marine Terminal, which is being enlarged by 43 acres to provide full containership handling capabilities and increased storage capacity. Future plans at Packer Avenue call for construction of two additional marginal berths equipped with a large container crane, and a slip berth for roll-on/roll-off cargo.

Philadelphia's newest facility is the Tioga Marine Terminal complex, which went into partial operation last year and is designed to handle unitized, break bulk and roll-on/roll-off cargoes as well as containers. The facility is similar in concept to Baltimore's Dundalk Marine Terminal, which also is capable of handling a variety of cargoes and is equipped with a roll-on/roll-off platform for ships with stern-door loading and unloading capability.

In the way of supporting facilities for container operations, Dundalk has had a 65,000-square-foot consolidation shed in service since 1969, and the Port Authority just recently let contracts for two similar structures which will give the terminal a total of 195,000 square feet of enclosed container-packing space by the middle of 1972. The Tioga facility has one 300,000-square-foot transit shed and 52 acres for storage. Its two slip berths are equipped with a single container crane, and the terminal has about 70 acres of paved backup area. The slip berth at the downstream end of the property is suitable for bulk handling, including lumber, and for roll-on/roll-off activities.

Philadelphia's third major terminal is to be located on 123 acres at the mouth of the Schuylkill River. But this is currently still in the planning stage, with nothing concrete at the present time.

Baltimore also has plans for another major container center—at Locust Point. Last summer, the Port Authority acquired 50 acres of land and 92 acres of riparian rights on the north and south sides of the point, stretching from Port Covington to Fort McHenry. Eleven of the 50 acres are to be used for storage and backup at the existing Locust Point Marine Terminal. But the state agency has earmarked more than $13 million for a redevelopment project on the south side, adjacent to the Western Maryland Railway's Port Covington facility. The new terminal will emphasize containerization, providing three marginal quay-type berths in addition to two finger piers, one of which is currently being operated by United Fruit Company for the importation of bananas. Acquisition of the $3 million Locust Point property, long considered a prime area for port expansion, had been under negotiation for over four years.

Yet publicly-financed facilities are not the only ones responsible for Baltimore's massive container tonnage during 1970. Better than a third of the shipments were accounted for by Sea-Land Service, Inc., the pioneer container carrier which operates its own terminal in the Canton area of the port built by the Canton Railroad for Sea-Land. In fact, it was Sea-Land's more than 400,000 tons of container cargo, added to the Dundalk total of 692.452, that put Baltimore over the million-ton mark last year.

But Sea-Land has not centered its operations in Baltimore. Far from it. The line is headquartered at Elizabeth, New Jersey, in the Port of New York complex, where it handles the bulk of its United States shipments; and recently it began direct weekly sailings to Northern Europe from Hampton Roads. Using four ships and working a 28-day term, Sea-Land is calling each Sunday at Portsmouth Marine Terminal as its last U.S. port of call on the service.

Until about a year ago, Sea-Land did not go to the Virginia ports at all. Thus this new European service underscores the line's desire to expand in the Hampton Roads area, where it also provides direct service between Portsmouth and the Mediterranean, including Spain, France and Italy.

At present, Portsmouth has two berths devoted to containership handling. But because both are of the marginal quay-type variety, they are also used for break bulk and straight bulk cargoes. Located in the Pinners Point sector of the Hampton Roads complex, the Portsmouth container operation is on a 125-acre tract equipped with a container crane, heavy-lift gantrys, transit shed, covered warehouses and hard-paved open surfaces. Because there is ample space—including another 375 undeveloped acres—the terminal rarely has to stack containers, and even then, only two high.

Space also presents little problem here at Baltimore, with containers at Dundalk rarely piled more than two high. Such stacking at the Baltimore terminal is accomplished by five large straddle carriers specially designed for containers.

Just as Dundalk was formely a municipal airport, the container facility at Norfolk—Norfolk International Terminals—used to be an Army base. The first phase of the container development there started in 1967 with the rebuilding of 750 feet of marginal berthing space, installation of a 30-ton rail-mounted crane, and in the summer of 1969, the addition of a second, 50-ton crane to serve the terminal's second container berth—which was then opened in February 1970. And four rail-mounted straddle cranes big enough to span a stack of containers three tiers high and five wide, were installed during the first half of last year.

Phase Two of the Norfolk development plan calls for construction of an additional 3250 linear feet of marginal berthing space service by an appropriate number of cranes, and the ability to handle another five vessels. Looking to the future, the Norfolk terminal operators are considering the use of computers for the purpose of developing an accurate picture of exact lengths of time required for freight consignments of individual shippers to move through the port's facilities.

But if the Virginia state legislature doesn't start appropriating some massive sums of money for container development at its ports, Norfolk and its adjoining Hampton Roads sisters are going to lose out in this all-important race. Already Baltimore has the jump on both Norfolk and Portsmouth, and Newport News isn't even in the running. In addition, Baltimore is taking good advantage of its inland location—the Maryland port is up to 200 miles closer to the industrial Midwest than any other East Coast port. But Hampton Roads is closer to the sea, some nine hours steaming time nearer New York. And when you add the extra hours it takes a ship to come up Chesapeake Bay in rough weather, and fog, the Virginia time advantage becomes even more pronounced.

Yet Hampton Roads' biggest hangup is consolidation—not of containers, but of the various port areas themselves. If Norfolk, Portsmouth and Newport News ever wise up and join forces instead of fighting each other like they've been doing in recent decades, they could give Baltimore and New York and all the other would-be contenders on the East Coast a real run for their container money. Such a consolidation effort has been under way now for some time, and these rival ports would be well advised to keep close tabs on the outcome.

In the area of cruise business, Norfolk last month put into operation a newly refurbished passenger terminal which it hopes will attract additional cruise vessels to the Virginia port. Some $30,000 was spent to remodel the former Army Port of Embarkation pier to accommodate cruise-goers, with future upgrading to include escalators and other facilities if regular service becomes a reality.

At Baltimore, where eight Caribbean cruises and the first transatlantic crossing since the war years are under way and on tap this month and next, passenger facilities have been nonexistent since the heyday of the Chesapeake Bay packets ended some two decades ago. But—off the record—there's talk of a new terminal possibly being built here in the not too distant future, perhaps in the Dundalk or Locust Point area. Matter of fact, there's a spot at Locust Point that would be just right for such a passenger facility.

But that's speculation at this juncture, particularly in view of the problematic future of the entire passenger industry in this country, an industry which saw the last of the American-flag cruise vessels on the East Coast—the S.S. Santa Rosa—recently laid up for lack of ability to compete with the foreign lines.

There's still some U.S.-flag cruise business on the West Coast, but it won't be long before that disappears too. In the meantime, the European operators seem to be doing pretty well, and no less than three cruise ships from as many different countries will call at Dundalk terminal before the end of April.

But back to containerization. At Dundalk, container improvements have been going on almost constantly since the terminal handled its first box more than three years ago. Increasing containerized tonnages at the Baltimore facility—from 77,455 tons in 1968, to 229,948 in 1969, to the record million-ton-plus figure in 1970—have necessitated the addition of two more bridge-type container cranes currently under construction, and the signing of contracts for four similar Japanese-built models, to be operative before the end of 1972. Not counting the huge Paceco at Sea-Land's terminal, the port will thus have seven giant container cranes in public use in about a year and a half. Total cost of these units is well over $7 million, and when fully operational, they will afford Baltimore container handling capabilities unequaled on the U.S. side of the North Atlantic, with the exception of New York.

Lately, however, it appears that the American ports are not the ones most likely to present the biggest challenge to New York and Baltimore for the lead in the container race, but the Canadian ports of Halifax and, possibly, St. John's.

These two areas, in fact, threaten all the U.S. North Atlantic ports by virtue of ocean freight rates to the U.K. and continental Europe that are $20 to $30 a ton cheaper for general cargo, and the advantage of a heavily subsidized rail system. Canadian railroads, for instance, are able to offer container unit train rates to Windsor, Ontario, and thence via Detroit to the American heartland, far below the Plan II piggyback rates now applicable between our own North Atlantic ports and the Midwest. And if and when the English seaport of Falmouth comes into being, the Halifax advantage will likely become even more pronounced.

As the capital of Nova Scotia, Halifax is already well advanced commercially, as is St. John's, the capital of Newfoundland. I submit, therefore, that the real threat to the container existence, not only of Baltimore, but of all the East Coast American ports as well, lies in these emerging Canadian maritime centers.

At present, Halifax presents the major threat, though St. John's cannot be discounted as a factor in the future.

So what are we in the United States to do? Sit back as we have in the past and let the foreign interests take over? Acknowledge defeat without a fight? Certainly not! There are many things we can do. We can make every effort to remain technologically ahead of the competition. Barring that, we upon finding that our shippers or ports are discriminated against by the shipments can make such adjustments in rates or changes in order to remove such discrimination. We can take a bit more pride, too, in the services offered by our American ports instead of favoring the foreign operators because they're able to undercut our costs. And if all else fails, we can begin to look foreign competition in the eye for what it is—undercutting of our strength—and react accordingly.

Shippers in other nations don't run immediately to the competition; and if they do so at all, it's only when the savings are overwhelming. So why should we? Or, to be more precise—why *do* we? Ladies and gentlemen: I don't have the answer to that question. If I did, I'd be able to tell you why the American merchant marine finds itself in the deplorable state it's in today.

But that's a whole other story. Nonetheless, I can tell you that where the Canadian ports are concerned, we had better wake up and do something before it's too late. Because if we don't, we're going to find ports like Halifax and St. John's not only laying claim to cargo we've always thought was ours, but taking it away from us and keeping it as well.

Once a shipping pattern is established, it's hard to break. So what we've got to do is prevent Canada from capitalizing on our weaknesses by eliminating those weaknesses beforehand. In effect, we've got to shut the door on the Canadians before they can shut it on us.

Of course, we still cannot be sure exactly how the container picture is going to shape up. Whether in the final analysis there will be true "leader ports" and "feeder ports" as many industry observers predict remains to be seen. But it stands to reason that the ports with the best facilities, lowest rates, and fastest turnarounds will get the lion's share of the business. And the others just might fall by the wayside.

For the name of the game in the merchant marine of the 1970's is speed. And economy. Keeping the cargoes moving, and the ships moving as well. That's what containerization is all about. If you can't get one big box on and off a ship faster and more economically than a bunch of little boxes, then what good is it?

And if you can't get the massive, new container carriers in and out of port in a fraction of the time it takes to turn a smaller ship around, then they're not much good either. To this end, the new vessels are getting progressively bigger and (hopefully) better than their predecessors, spending more of their time at sea carrying cargo from one port to another, and fewer days—or hours, in the case of the fastest ships—loading and discharging.

Yet containerships are not the latest innovations on the maritime scene: they have been upstaged by the LASH ships, or barge carriers, if you will. LASH stands for lighter-aboard-ship, and the concept involves a huge vessel that comes into a port area—without berthing, if possible—discharges some of its barges in a protected harbor, and then goes on to its next port of call to repeat the process. The barges either propel themselves or are towed to a pier where they are then loaded or unloaded, and wait for the mother ship to return to pick them up.

The concept has many distinct advantages, notably the fast turnaround of the ship, and the relative ease and efficiency of the handling operation. Moreover, berthing space for the huge vessel is not required—in the concept's ideal operation—thus the potential for a lessening of harbor congestion in busy port areas.

There are only four such vessels in existence at the present time, and unfortunately none of these operates under the ideal conditions envisioned in the original concept. The world's first LASH ship, the Acadia Forest, carries mostly paper and seems to be making out pretty well—under foreign registry. But the second, the Prudential-Grace Line's Lash Italia, has been beset with labor problems and is just now beginning to move ahead, hopefully at full steam.

The remaining LASH vessels are not yet operational, and construction is planned or under way on eight more of the Lash Italia variety. In addition, Lykes Brothers Steamship Company, of New Orleans, has three ships of a similar design, designated as Seabarge Carriers, or Seabees, on order and being built in Quincy, Massachusetts. The Seabees differ from the LASH vessels most noticeably in that their barges are to be self-propelled, and will be handled by means of a stern elevator instead of being lifted in and out of the water by shipboard crane. Maybe by the time these are completed, the problems confronting the LASH will have been long resolved.

Which concept will prove more desirable is indeterminate at this point. What is important, is getting the ships finished and into operation. It's ironic, isn't it? that this nation of ours, which invented the container and the barge ship, is the one benefiting from these advances the least, because this country has so encumbered itself with a variety of difficulties stemming from the deplorable American tradition of entangling all things good in a web of red tape, both through labor agreements and legislation. And as we dawdle and vacillate and spend long hours attempting to defeat ourselves, the rest of the world reaps the benefits of our labors.

You might even say that the container and barge ship are backfiring on America, for though both are capable of producing untold benefits in all areas of shipping, it is the foreign countries that are reaping the biggest rewards, not the United States. We have invented for the world the means by which nations can move their goods quickly and easily, and most countries are taking advantage of the situation. Only here, in our U.S. ports, do we become our own worst enemy.

For what is the advantage of fast turnaround if you can't get anyone to put the cargo on your ship? And what is the sense of having a container to carry a lot of small items direct from origin to destination if it's going to be torn down and restuffed at each stop along the line? And what's the good of building efficient new vessels if you don't have crews who will sail them? The rush of technology in this industry, in this country, can only bear fruit when labor and management resolve to put their differences aside and work together for the common good.

As is so evident, the rapid development of containerships, the further dislocation of conventional vessels in some key ocean trades, the arrival of the barge carriers and mini-containerships on the rivers, and the consequent impact on established port operations, are elements vital to the future content of waterfront labor negotiations.

Baltimore has been fortunate in this area. Our port has a long history of good labor-management relations. And the longshore force in Baltimore is considered among the best in the country. Local dock workers have a reputation for honesty and efficiency, and are known to be more careful and dependable than their counterparts in most other port areas. We are indeed fortunate in this regard.

But looking good because others look bad is not enough. If Baltimore is to remain a leading world port, its longshoremen must continue to strive for excellence; they must maintain their high productivity level. They must not go the way of the New York dockers, for example, many of whom are content to receive pay under guaranteed annual wage agreements even though they might not work all the hours they're supposed to.

Another vital factor involving Baltimore's position as a leading seaport is the ability of its channels to handle the massive new vessels currently in operation, as well as those on the drawing boards. Container and LASH ships are measuring well over 800 feet in length, with displacements approaching 50,000 tons. And the Doctor Lykes, the first Seabarge vessel, now about halfway finished, will be the world's largest dry cargo ship, at 875 feet and a displacement tonnage of 50,900.

Tankers, of course, are even bigger, what with the Japanese turning them out in the 300,000-deadweight-ton range and planning to build some as heavy as 500,000 tons. The largest of these will never come to Baltimore but we do have bulk carriers in the 75-to-100,000-ton range serving the port.

And recently Bethlehem Steel Corporation revealed design specifications for construction of a new type ship called an OBO, which the firm plans to build at some future date here at Sparrows Point.

The OBO is a new variation of an old concept. Its name is an acronym drawn from the words ore, bulk and oil, the three types of cargo the vessel can handle on consecutive voyages in a triangular service. A number of OBO's are already operating in world trade, most of them constructed in Japan, but none has yet been built in American yards or registered under the U.S.-flag.

The Sparrows Point designs are for vessels in the 77-to-80,000-deadweight-ton class, ships which certainly should be able to call at Baltimore. But at least one yard has applied for subsidy to build what might be termed super OBO's of some 165,000 tons, and who is to say that even larger units might not be forthcoming in the future?

If the Port of Baltimore is to remain competitive in the container, barge-carrying, supertanker age, it must have the capability of handling these larger, modern vessels. Our marine terminals are meeting the challenge, but they cannot do the job alone. The ships can't be worked here unless they can get here. And the massive vessels that are the wave of the future won't be able to come to Baltimore unless and until we widen and deepen our access facilities.

One of Baltimore's great advantages is its dual routes to the sea, via the Virginia Capes and the Chesapeake & Delaware Canal. The canal, as you know, is being widened and deepened under a $104 million U.S. Army Corps of Engineers project. The improvements are better than 80 percent complete, but all will go for naught unless the project is carried out to conclusion. Various stumbling blocks have been thrown in the way of this important endeavor, designed to extend the canal's depth from 27 to 35 feet, and until the work is finished, the controlling depth will remain at 27 feet.

The future of the main shipping channel is even more in doubt. Currently 42 feet deep throughout, the channel is to be dredged to 50 feet and widened from its present 600 to 1,000 feet. The project will comprise some 35 miles of channel, including a 20-mile stretch from the Chesapeake Bay Bridge to Baltimore.

Authorization for funding of the five-to-seven-year undertaking is included in the $600 million Omnibus Rivers and Harbors Act of 1970, recently approved by Congress and signed by President Nixon. Under this bill Baltimore stands to receive $40 million to begin work on the channel, with more funds promised later on to finish what will eventually become a $100 million project.

Like the C. & D. Canal, the work on the channel will not bear fruit until fully completed, because the shallowest depth will always remain the controlling factor. Thus a 50-foot channel 99 percent complete won't be any better than the present 42-foot channel until the work is 100 percent finished.

And once the project gets under way, Baltimore will have to begin thinking about deepening the channels in the Northwest Branch of the Patapsco, into areas such as Dundalk and Canton and Locust Point, where controlling depths currently vary from about 34 to 40 feet.

Port interests had also better keep watch to be sure the funding for the channel project doesn't get bogged down in further congressional maneuverings. Authorization for a program is one thing, but actually getting the money for it is quite another. And Baltimore doesn't have George Fallon as Chairman of the House Committee on Public Works to count on anymore to help get the funds appropriated.

In the final analysis, however, Baltimore seems to be doing a pretty fair job of keeping in step with the changing maritime picture. Its terminals and facilities are being kept up-to-date, and it's spending the money necessary to expand and modernize for the future. The port appears well prepared for any contingency.

Back in Colonial days two communities that were situated near the head of Patapsco River withered and died on the vine before the third, and present Baltimore, was founded in 1729. These two predecessors to the east of the existing city failed because they were unable to change with the times. Modern Baltimore has succeeded and prospered because of its capacity for staying ahead of the times.

And in this fast-moving world of the seventies, where the competition is cutthroat—and the inability to keep pace could likely be fatal—that's no mean achievement.

AIRPORTS IMPORTANT TO SMALL TOWN DEVELOPMENT

Mr. HUMPHREY. Mr. President, the availability of airport facilities to communities today is essential to their growth and development. Such facilities are also essential to maintaining many community services. Industry will seldom locate in a community that cannot be reached by air. When you have an airport, replacement parts needed by industry or by a community to restore an important service can be provided in the time required.

Construction of small town airports hopefully will be accelerated as a result of last year's passage of the airport aid development program, our Nation's first major Federal effort to help airport construction. It provides up to $280 million a year in matching funds to local communities for construction or improving airports. Under this program, the Federal Aviation Administration can make a grant up to 50 percent of the cost of such construction or improvements. Only 12 grants have been made by FAA under this program since last summer. There seems to be some evidence, Mr. President, that many small communities find it difficult to acquire help under this program, because the requirements for application are either too complex or the airport facility requirements are too expensive.

As chairman of the newly established Subcommittee on Rural Development, I am vitally interested in this program.

As our subcommittee proceeds with its investigations and hearings we will want to look at this program in particular.

An excellent article covering this program and the importance of airports to small town development was published in the New York Times of June 20, 1971.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Towns Building Airports to Lure Jobs

(By Robert Lindsey)

La Crosse, Kan., June 19.—Just outside of town here, there is a rectangular-shaped, 23-acre parcel of land cloaked by a thick mantle of wild prairie grass. It looks no different from the flat, green and monotonous Kansas plains that roll endlessly on all sides.

But to the 1,708 residents of LaCrosse, the land is something special: it represents future jobs, factories, a hope of keeping their children at home after they grow up and of keeping their town alive. It is the site for LaCrosse's new airport.

At a time when angry citizens' groups in New York, Boston and many other big cities are fighting new airport projects, people in scores of small towns such as LaCrosse are raising taxes and even making voluntary contributions to raise money for new airports that they hope will help their communities catch the eye of an industry looking for a place to put a new plant.

"What we're trying to do is hold on to our young people," said Glen O. Humburg, who owns Humburg's Hardware on Main Street here.

"We raise and educate 'em and then send 'em off to the cities," he said. "They don't come back because there's nothing for them to do here, we've got to get industry in here. About the first thing industry asks for is an airport. So we're going to provide one."

The story is similar elsewhere.

In a remote corner of northern New Mexico, the Jicarilla Apache Indians are building an airport that the tribal council hopes will bolster the tribe's poor economy.

Murdo, a hamlet of 800 in central South Dakota, is putting in a landing strip not only to lure industry but also to help ease its isolation. It is a town with a hospital, but no doctors. Now there is no way for doctors to fly into town.

In Franklin, N.C., a tiny hill town of Appalachia where the per capita income is less than $2,000, a $670,000 airport is being built by Macon County expressly to entice industry.

"We put it in for our future, what we hope will be our future growth," said the Macon County Manager, Ronald Winecoff. "This is a poor county and we need jobs."

Transportation experts expect the growing boom in construction of airports in smaller towns to be accelerated by the passage last year of the Airport Aid Development Program, the nation's first major Federal effort to help airport construction. It will provide up to $280 million a year in one-half matching grants to local communities for building or improving airports.

Some of the new airports, such as the one planned in LaCrosse, are only simple old strips bulldozed out of a valley or prairie. Others are more costly ribbons of concrete or asphalt.

For most, the common denominator is a conviction by town leaders, argued over at meetings of the town council, the Rotary Club, and Chamber of Commerce, that they need an airport to "stay modern."

PRIVATE PLANE ACCESS

Few have any hope of ever attracting airline service. Airlines are reducing service to small towns. But this trend has only increased the need of some isolated communities to have access by private planes.

With falling populations, few if any job opportunities, and civic futures that look bleak, many of the towns where airports are being built have an almost mystical reverence for the word "industry."

At most of these places, technological change over the years in agriculture or mining have wiped out jobs that once supported the communities. The towns look at the year-round payroll of a factory to keep them going.

Town leaders are told that most of today's larger corporations use small jets or other aircraft to shuttle their executives around the country and to move cargo and, therefore, prefer not to build plants where there are no airports. As a result, the towns are building airports at a fast clip.

From 1965 to 1970, the number of public airports in the United States increased almost 20 per cent—from 3,236 to 3,973. Ohio and Texas, for example, each added more than 50 airports during the five years.

Last year alone more than 70 new airports were built in the country, many in small towns. The Federal Aviation Administration forecasts that about 100 new airports will be built each year through 1981, stimulated by passage last year of the new Federal airport construction aid program.

DREAMS COME TRUE

New airports have helped some towns realize their dreams.

For example, at Booneville, Ark., a town of 3,239, the Wolverine Toy Company just opened a new plant employing 400 people. When the company chose Booneville, it said the town's new airport was one of the prime factors that sold it on the town.

In Mountain City, Tenn., Burlington Industries built a textile plant employing 400 persons after the city of 1,478 residents agreed to build an airport.

In Shenandoah, Iowa; Oceola, Ark.; Mountain City, Mo.; and many other towns, officials boast that airports helped them land an industry.

But there are other places where the story has been different.

Bloomfield, Iowa, for example, put in a $125,000 airport and is still waiting to lure a major plant. Indians of the Zuni Pueblo Tribe built an airport in hopes that it would speed development of an industrial park they had constructed on pueblo land near Black Rock, N.M. There has been no influx of new plants.

"I don't think the airport alone will do it," said Mr. Winecoff, the North Carolina county manager. "We've got other problems, such as water supply and sewers. But an airport's almost a must. A lot of companies just won't look at your town if they can't fly there to look it over."

A TYPICAL EFFORT

LaCrosse is in many ways typical of the towns that are building airports to help reverse an economic slide.

It has a small downtown section whose Main Street, paved in brick, looks like countless other Main Streets in America. Off Main, there are several blocks of attractive tree-lined streets with small frame houses, most of them many years old.

The local economy is based on wheat and cattle. LaCrosse is the economic center and governmental seat of Rush County, whose population, now 5,100, fell 17 per cent during the 1960's.

"In the past 40 years we've lost almost half of our population, and 90 percent of 'em have come off the farms," said Mr. Humburg, the hardware store owner, who is chairman of the Industrial Development Corporation set up by the town to attract industry two and one-half years ago.

The residents at that time voted to raise money through property taxes for a program to lure industry. So far, about $6,000 has been raised. Most of it went to a consultant who has given the town some advice on how to attract industry, but there are no results yet.

LaCrosse has one factory—the Flame Engineering Company, which makes agricultural equipment and employs nine persons. The town is planning to build a bigger building for the company at its expense, "as insurance to keep them here," according to a city official.

FARM PEOPLE PRAISED

"We've talked to a few companies about coming here, but they say they want to be close to Kansas City," Mr. Humburg said. "We ask 'em, 'Why do you prefer the cities?'

"We tell them that we've got good, hard working people here, who are used to putting in a day's work for a day's pay. People who are raised on farms are used to getting a job done. They don't get up like some of the Easterners and say, 'I don't feel good today,' or, the weather's bad today so I won't work.' "

Robert Hamilton, an officer of the Farmers and Merchants Bank and chairman of the Chamber of Commerce Airport Committee, estimated that the airport would cost about $60,000. The Industrial Development Corporation will pay part of the cost. City and county workers will do some of the construction work.

LaCrosse could seek a Federal Aviation Administration grant of 50 per cent of the cost under the airport aid program enacted last year. The F.A.A. has approved grants for 12 new airports under this program since last summer.

But, like many other small towns, LaCrosse decided the procedures were too complex and resulted in higher costs.

"There's too much red tape involved," Mr. Hamilton said. "They want fancy lighting and require things we don't need and can't afford."

In Ohio, according to state officials, new county airports built under the Federal program have cost three times as much as ones built with local funds. The aeronautics director of Tennessee commented recently: "The red tape involved in the Federal aid program is the biggest deterrent to our airport construction program."

LaCrosse hopes to get the airport under construction by late summer.

"With an airport," Mr. Hamilton said, "we can still have the advantages of a small town and be within 12 hours of almost any service you can name. If we need a special doctor, or something goes wrong with the X-ray machine at the hospital or the city water plant and you need a part, you can get it in a hurry."

There is an airport with daily airline service 28 miles away at Hays, Kan., but the officials here are determined to have their own airport.

Thomas Yeradi, the City Manager, explained why:

"Small towns all over this part of the country are dying out. Not all of the ones that are left are going to survive, but I think the ones that do will have to have an airport, just like they needed a railroad in the old days."

A VOTE AGAINST CLOTURE

Mr. HART. Mr. President, tomorrow the Senate will vote on a motion to invoke cloture on the draft bill. As Senators know, I have in the past often expressed my firm view that after full debate the Senate should be permitted to vote on an issue and let the majority will prevail. Indeed, I have participated in efforts to change the Senate rules to permit a majority to invoke cloture.

In all but the most compelling circumstances I have followed this principle of letting the Senate vote, and I still believe in it today. But no principle is absolute, and there can be instances where competing issues of principle are more imperative. Many suggest that such an instance is presented by the efforts to prevent cloture on the draft bill because of its intrinsic relation to the continuation of the war in Vietnam.

For tomorrow's vote, however, it does not seem necessary, to me at any rate, to resolve that question, for the simple reason that, at this point, the continuation of debate cannot fairly be characterized as a filibuster. It should be emphasized that in the past many efforts to defeat cloture have come even on such preliminary issues as a motion to take up a particular bill or nomination. In other situations, debate had evolved into repetition of arguments fully explored and sometimes resort had been made to essentially extraneous matter.

The present debate, on the contrary, continues to explore new issues and provide an opportunity to present additional amendments. Recent revelations in the press about the history of our tragic involvement in Vietnam may also give rise to further arguments and proposals. On such a momentous issue, premature cutoff of debate is unreasonable. No one properly can characterize the vigorous legislative process of the past few days, under the able direction of the distinguished Senator from Mississippi (Mr. STENNIS), as a filibuster, whatever labels are offered in the media. Future events must wait their turn for evaluation at the proper time. But tomorrow, I will vote against cloture.

THE CITADEL COMMENCEMENT

Mr. HOLLINGS. Mr. President, one of the most distinguished commencement addresses that I have seen this, or any, year was recently delivered at the Citadel in my home State of South Carolina. It combines an informed sense of the American past with a keen appreciation of the needs of the American present. In an era too prone to charge and countercharge, to polarization and extremism, this talk reminds us of the heritage which held America together since the inception of the Republic. It is a heritage of the middle ground—a middle ground, to use the words of the speaker, "of love of country, love of God, loyalty to family and community, and a willingness to put service above self." It is a heritage of pride in the accomplishments of the past, and also a heritage of realizing wrong roads taken and wrong decisions made. When the realization of failure comes, the object is not to hurl stones at the past, but to light a candle toward a better future.

To attempt a brief paraphrase of this inspiring talk is to do both the speech and its author injustice. It speaks more eloquently without introduction. The speaker is an alumnus of the Citadel who is today president of the Miami Herald Publishing Co. His name is Alvah Chapman, and I know that many of my colleagues here are acquainted with Mr. Chapman. We are in his debt for a fine speech which deserves the largest possible audience.

Mr. President, I ask unanimous consent that the text of Mr. Chapman's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CITADEL COMMENCEMENT—1971

The Citadel can pay no higher honor to one of its sons than to invite him to be its commencement speaker. With the sincere appreciation of that invitation comes to me also an acute sense of responsibility that our few minutes here this morning be worthy of that occasion.

Graduation brings with it the greatest variety of emotions—

Foremost, of course, is the emotion of *Pride*—the pride that your parents and loved ones feel for you as you receive your degree.

Here in abundance is the emotion of *Love* shown in the beaming smiles of mother and dad, and for quite a few of you, in the adoring smiles of girlfriends, some of whom will be Citadel brides before the sun sets today.

For all the alumni here—especially your fathers—there is a special emotion of *happiness* in seeing each of you experience—for the first time—an accolade that is above a "B.S.," above an "A.B," above cum laude, namely, the singular distinction of becoming "a Citadel man."

And, of course, there are the emotions of *excitement* and *joy* shared with you by all in this audience.

For one alumnus, a graduate of a class more than 25 years ago and who—although present in the audience—shall remain discreetly unnamed—graduation brought the emotion of *deliverance*. For upon receiving his Citadel diploma, 134 *unwalked* "punishment tours" were forever stricken from the record book.

Whatever *your* emotion of this moment, it is a high point in your life *and in mine*. For each person in this audience the opportunity of sharing this day with you is a treasured privilege.

29 years ago I started the same journey that you start this morning. As I sought sources of guidance for you, may I recall Will Allen Dromgoole's poem entitled *"The Bridge Builder."* He tells how an alumnus might be helpful on your journey.

An old man traveling a lone highway,
Came at the evening cold and gray,
To a chasm vast, deep and wide,
Through which has flowing a sullen tide,
The old man crossed in the twilight dim,
The sullen stream held no fears for him;
But he turned when safe on the other side,
And builded a bridge to span the tide,

"Old man," cried a fellow pilgrim near,
"You're wasting your time in building here,
Your journey will end with the closing day;
You never again will pass this way,
You have crossed the chasm deep and wide,
Why build you this bridge at eventide?"

The builder lifted his old gray head,
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way,
This stream, which has been as naught to me,
To that fair-haired youth may pitfall be,
He, too, must cross in the twilight dim,
Good friend, I am building this bridge for him."

Therefore, in that spirit let me build for you, the Class of 1971, three bridges that will help you cross the chasms "Deep and wide."

The first is the bridge of *Confidence* in yourself.

You who will soon walk this stage and leave it as Citadel men are a privileged few. Privileged because you are well trained. Privileged because you have had the benefit—yes, the *benefit*—of rigid discipline. And privileged because you have had exposure to a system of honor.

There are colleges awarding degrees in the next few weeks where the dollar cost of education is much higher, but there is no institution awarding a degree in 1971 where the *value received* is any greater than that which is yours when you leave The Citadel.

The educational quality of The Citadel has served its alumni well. All over this nation men in the professions, men in business, men in the military service attest to the quality and thoroughness of The Citadel's training.

From those grim days as a freshman with your chin pulled in, your shoulders squared back and your chest out, to the much happier days as a senior, leadership opportunities have come your way that would be rarely possible in another institution.

From my own Citadel class (1942), men like General George Seignious—on the platform with me this morning—(and who has been nominated by the President for his third star); John C. West, the present Governor of South Carolina; Ernest F. Hollings, United States Senator from South Carolina; and many others—are using the discipline and leadership acquired at The Citadel to the benefit of their nation. The record of The Citadel's alumni is eloquent testimony to the priceless value of a Citadel diploma.

And certainly The Citadel's honor core and your ability to live under it for four years sets you apart from the young men of today.

And so, my young friends of The Citadel '71, walk proudly on the bridge of confidence. You are well trained, you are well disciplined, you have a sense of honor. Take with you a sense of mission and a sense of destiny, for the world and the nation need you badly. Walk tall in the confidence that as a Citadel man you have much to offer.

Come we now to the second bridge—the bridge of patriotic devotion. After 20% of your life in the environs of The Citadel, patriotism, loyalty to our nation, its heritage, its institutions, and its future will come naturally to you. I commend to you strongly a sense of patriotic devotion to our country. When the drums roll and the trumpets blare, these words quicken your pulse—

"O beautiful, for patriot's dream
That sees beyond the years
Thine alabaster cities gleam
Undimmed by human tears . . ."

But in 1971, those words don't "tell it like it is." Our cities do not gleam. The nation into which you step is today shedding many tears.

It is no surprise to you, of course, that all is not right with America, and it is apparent even to the casual observer that our nation is becoming polarized as never before in its 195 years of history.

On the one side are screaming, bearded anarchists who would dynamite our public buildings and destroy our institutions, but who are totally and completely vague when asked to describe their substitute. On the other side there are those who would condemn and jail almost any citizen with long hair and unusual dress or appearance.

At another extreme there are militant blacks on a rampage of murder and violence in our major cities, the likes of which our nation has never seen; and opposite them stand far too many righteous-appearing whites who would oppose any meaningful social and economic progress on the part of the black man.

At another pole stand those who want peace now, and will throw a brick through your windshield if you don't agree with them. Standing opposite them are those who say the answer to Viet Nam is to atomize Hanoi.

In another corner stand some—but not all—lords of the Labor movement, with unconscionable wage demands that feed the fires of inflation, an inflation which steals the bread and retirement pensions of the hardy, thrifty citizens whose labor built America.

Standing opposite them are some—but not all—businessmen who resist paying a fair and reasonable wage—while at the same time wasting their company's money riding around in expensive private jet airplanes.

It is a true picture and not a very pretty one.

But let me describe two missions in which you, the Class of '71, can unite with all patriots young and old.

The first mission concerns that great middle ground that has held this nation together for 195 years and which has been seriously eroded. A challenge for you, the men of '71, and a challenge for all of us who love this Nation, is to strengthen that great middle ground that binds us together as a nation—that great middle ground of love of country, love of God, loyalty to family and community, and a willingness to put service above self. These are principles and attributes which are deeply embedded in men of The Citadel and which are desperately needed by a polarized nation that needs to reunite on that great middle ground that binds black and white, young and old, labor and management, conservative and liberal, into common cause.

That second mission of national importance is to re-learn a history lesson.

The record of the United States of America in service to others is a proud one. What we did in helping to rebuild a world shattered from World War II, helping our late enemies as well as our allies, is unparalleled in the annals of human and national generosity. But patriotism and love of country does not demand that we be blind to some errors of judgment by some men who have directed our national policy.

In a year or so that tragic chapter in American history—Viet Nam—will be over.

And a blessed day that will be for all Americans young or old.

The tragedy of Viet Nam, a quest on which we entered with the noblest and most altruistic motives, fast became a quagmire from which our President is manfully trying to extricate us. To say we should not have been there serves no purpose on this day.

The policy error that led to Viet Nam occurred not in 1960, but in 1951.

For in Korea—in 1951—the United States entered a war without a declaration by Congress, which under our Constitution (Article 1, Section 8) has the sole power to declare war.

In Korea for the first time in American history we sent our sons to die while we did "business as usual" at home.

Viet Nam was a further consequence of what I believe historians will label as our greatest national mistake of the Twentieth Century.

This is not to say that Korea or Viet Nam were wrong per se, but in my opinion we were wrong to conduct a war in either case without a clear statement of national interest and a declaration of war by the Congress, which may—or may not—have been forthcoming under the circumstances that existed at that time.

The founders of our Nation knew that a divided nation cannot successfully conduct a war—our Constitution was wisely conceived in this regard.

If our national interest is at stake and Congress declares war, then it should be a war for every American—with service on the home front, price and wage controls, higher taxes, rationing and a total commitment of the Nation.

Both the Roman and British empires learned the folly of fighting in the hinterlands while leading the gay life at home. But they learned this lesson too late.

May I ask your aid in helping America to re-learn this lesson this time. It is a mission on which young and old can unite in common purpose.

America cannot operate as a divided nation with some of its sons at war and the rest of this nation at peace.

Nothing, of course, should take away from the President the right to defend this land from a sneak attack. Our armed forces retaliated as best they could, but quickly, in Pearl Harbor; but within a week the Congress had acted and a united nation successfully put down the tyranny of Hitler and Japan in much less time than we have been embroiled in Viet Nam.

And so, men of 1971, march firmly over the bridge of patriotic devotion. Serve your country when it calls and love it at all times, but more importantly when peace does come, let your voices be heard in peacetime so that the near fatal errors in judgment of the '50's will not again take us to the brink of national disaster.

And one final bridge to tread on our journey this morning. That is the bridge of faith. Across the parade field, over the entrance of the cadet chapel—as you know—are the words, "Remember Now Thy Creator in the Days of Thy Youth."

As you march across this platform in a few moments, your youth will be left behind. You will be a Citadel man; and I suggest that you change those words carved in stone to: "Remember Thy Creator in the Days of Thy Life" and embed them in the inner recesses of your mind and heart.

Without faith, I wouldn't have the courage to stand here and make this commencement speech considering the problems that beset our Nation: problems such as racial strife, drugs, pornography, lack of morals, greed and selfishness. Those problems cannot be solved by man alone. As the Bible says, "Unless the Lord buildeth the house, they labor in vain."

Writer Lynn Harold Hough, in his 1941 book, "The Christian Criticism of Life," tells us of the funeral of Louis XIV, which was held in Notre Dame in Paris:

". . . the cathedral was decorated with utmost lavishness. In attendance was as distinguished a gathering of nobility and royalty as perchance ever assembled there. The body of the king was arrayed in rich adornment as if death itself could not rob that royal form of its majestic grandeur. The preacher ascended the pulpit, and the sophisticated men of nobility and power who had come from far and wide awaited a great eulogy which such an occasion demanded, but instead they heard something else, something that must have chilled even as it startled them, for the preacher spoke four words that shocked his hearers. The truth does shock, and these were words of truth. Said he: 'Only God is great.'"

Christ said it long ago: "Thine is the kingdom and the power and the glory."

Guide your life in the basic fundamental that only God is great, and you will cross the raging torrent on the strong, sure bridge of faith.

Our nation was founded under God and only in recent years, when we turned away from God and turned to the easy morality and the worship of materialistic success, have we gotten ourselves into serious trouble.

But be not dismayed, America is learning, America is recoiling from the easy morality. Only three weeks ago I met for breakfast with 120 Miamians, the top business and civic leaders of our community. They were there in response to an invitation to form a weekly prayer group modeled on the Congressional prayer breakfasts attended regularly by a substantial number of our Senators and Representatives. They were there in the full recognition of the fact that man does not live by bread alone.

"There followeth after me today
A youth whose feet must pass this way,
This stream, which has been as naught to me,
To that fair-haired youth may pitfall be.
He, too, must cross in the twlight dim,
Good friend, I am building this bridge for him."

Looking back from 29 years down the road, my young friends, I say to you that you should walk tall and straight and honorable over the bridge of confidence because from The Citadel you have gained much. You are a Citadel man, and as in the parable of the talents, "to whom much is given is much expected."

The bridge of patriotic devotion will take you across a chasm vast and deep and wide. You will, I trust, help to widen the great middle ground of American life and to re-learn a history lesson that a divided nation should never go to war.

And whether it be in the morning sun or the twilight dim, the bridge of faith will be steady and sure underfoot.

Good friends, Citadel men of '71, these bridges are built for you.

Thank you!

EFFECTS OF EXCESSIVE NOISE ON AMERICAN HOUSEHOLD

Mr. HATFIELD. Mr. President, yesterday's Washington Evening Star contained an alarming article describing the detrimental effects of excessive noise upon the American household. Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin, contends that the noise level in our homes has now risen to the point where it is interfering with our family life and psychological well-being. The article adds to the already conclusive evidence pointing to the need for legislation in this area. In light of the hearings scheduled to begin Monday, June 28, on the Noise Control Act of 1971 (S. 1016) I invite the attention of Senators to "The Din of Noise Hits Home" and ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, June 21, 1971]

The Din Hits Home

(By Bruce Ingersoll)

Madison, Wis.—Noise may be breaking up families, driving spouses out of the house and widening the generation gap.

In this era, when there's a power tool and appliance for every domestic task, Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin, says he believes that any idea that the home is a place of peace and quiet has vanished.

Another long-cherished belief—that husbands and wives communicate, that parents and children sit down and talk together—is being shattered by stereophonic sound and television sets, he says.

In tape-recording sounds in 17 Madison homes, Westman discovered that members of these families spent, on the average, only 20 minutes a week talking to one another.

"This included very simple command-and-response communications between parents and children," he said.

Westman is not about to pronounce the art of conversation dead, but it certainly isn't practiced in the U.S. home as often as one may think. Noise—usually defined as unwanted sound—undoubtedly interferes with communications and frustrates conversation, he said.

"Togetherness at the supper table is hampered by household noises and by the general tenseness fanned by the daylong din," Westman continued. Hearing is involuntary, he said; although our bodies can adapt amazingly to noise surroundings, adjustment exacts a toll.

"We don't understand that noise makes us less efficient, less effective and more tense," he said. "Instead, we scapegoat. We take our tensions out on each other. Mothers yell at the youngsters. Parents bicker."

Work-weary husbands, he said, are coming home to bedlam and to spouses who are showing the "tired-mother syndrome."

"Tired" mothers have all the symptoms of combat fatigue, he said. Having undergone a noise bombardment all day—running the vacuum cleaner, quelling quarrelsome kids, using the electric mixer—they are short-fused, depressed, done-in. Their heads throb, their stomachs churn.

Having an extremely active child around doesn't make a housewife's day any easier, added Westman, who is director of the University of Wisconsin Medical School's child psychiatry unit. Such a child, he said, is easily distracted, flounders in school and can be touched off by the slightest noise. One child in 10 is like this, he said.

"Noise spurs the child into obnoxious behavior," Westman explained. "He makes aggravating noises. This provokes the mother. She cracks down. The end result—a vicious circle of mutual annoyance."

Westman said the problem is that mothers feel "overwhelmed" but don't know quite why. It's the racket—a factor that only psychiatrists and a handful of environmental designers have taken proper note of, he added.

With the proliferation of household appliances in the last decade, the average U.S. kitchen can be as noisy as a boiler room, he maintained.

The garbage disposal, electric mixer, high-speed blender, vent fan on the range, knife sharpener and wall exhaust fan all can create more than 70 decibels—enough to constrict arteries and raises blood pressure, creating stress.

The whir of the blender and the wall fan's roar is loud enough (90 decibels) to make a housewife visibly blanch and her pupils dilate. At this noise level, the adrenalin gland works overtime. Muscles are tensed and nervous energy is squandered, university researchers said.

It is no coincidence that more accidents occur in the kitchen than anywhere else in the home, they said. Noise, Westman stressed, impairs efficiency and makes for carelessness.

"Appliance manufacturers have found that noisy devices sell better because they sound powerful," one researcher said. The public must be alerted to the hazards of noise so as to create a consumer demand for quiet appliances, he maintains.

ANTI-AMERICANISM

Mr. HRUSKA. Mr. President, we can all agree that we have some very serious problems in our country today. We are all trying to solve them in the best way we know.

It is strongly suggested that we would solve them much more readily without the continued harassment by a small minority of anti-American Americans who apparently believe the way to encourage progress is to malign our Nation and everything about it.

Those who villify the United States, those who carry Vietcong flags, those who mock our own flag have a sadly warped sense of values and an abysmal ignorance of history. If there is any constructive motive behind their actions, they would do well to rethink their attitudes. Most of us would agree, I am sure, that such an exercise might redirect their energies to more useful channels.

In our haste to solve our problems, we must not forget that we have come further and accomplished more in a shorter time than any other nation in the history of the world. This phenomenal growth and success can be attributed directly to our system built upon individual freedom, a system which is unique throughout the world.

It is the height of folly to decry such a successful system, and to disparage the Nation it has produced, simply because we feel we should be solving our problems more rapidly.

Certainly we have the poor. Can anyone name a nation which does not? Would anyone seriously attempt to equate the state of poverty in this country with poverty in Asia?

Certainly our system of justice has flaws. But they pale into insignificance alongside the totalitarian systems of Russia and its sister nations.

It should also be noted that we still do not have to restrict our citizens bodily from trying to defect to Communist countries. On the other hand, the flow of defectors and refugees to the United States continues unabated.

Is there any question that we would have millions of refugees in America if they were given an opportunity to leave their Communist countries and enter the United States?

It seems incomprehensible that any rational person could really believe living is better in Russia than in America. Our national patience is growing increasingly short with those who in their naivete imply that this is the situation.

An indication of the temper of the country is seen in a recent editorial in the Indianapolis Star and the Arizona Republic.

The editorial notes:

> It is unbelievable that so small a minority of Americans could create such a terrible atmosphere.

It continues:

> It is so much more peaceful here, and safer, than any place else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.
>
> Stop this anti-American rot. Because if you don't, America's youth will be consumed by the stench of this hypocritical rhetoric.

This comment should be studied thoughtfully by all Americans, Mr. President. I ask unanimous consent that the editorial, published on May 23, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Stop It, Anti-Americans!

Stop it, you anti-Americans! Stop criticizing everything and everybody and every motive and every action except your own. Stop constantly sniping at your government. What in the world is the matter with you? You have the most wonderful nation on earth, a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. Yet here you are, applauding the very people who degrade and mock America, who tell you how selfish and corrupt Americans are.

Your own eyes and your own common sense should tell you that in no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

For the past couple of years you have allowed a small handful of hypocritical critics to flagellate us and our government.

Be realistic, America. Where is your sense of proportion? We aren't a debased or rotten nation. We have our share of criminal misfits, but most of us are pretty decent people—hard-working, law-abiding, God-fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors, too.

But this anti-Americanism is corrupting our national soul. It's having a harmful effect on our children, who are beginning to believe it. This false picture is making it easier for the haters, the doomsayers and the malcontents, those with the biggest mouths and the smallest consciences, to mislead and confuse us. It is twisting our values, making it difficult for our children to know right from wrong.

Thousands of American boys have been killed in Vietnam by being trapped in Viet Cong villages where men, women and children were paraded as villagers, when actually they were armed with Viet Cong cocktails, bombs and what have you. Our boys were trying to be decent to the villagers and suddenly they found themselves completely surrounded by the whole village, armed to the teeth. But the poor bleeding hearts in America, these anti-American so-called patriots, instead of having any sympathy for our boys, who of course had to fight back, felt sorry for the old men and children who got hurt in the mix-up. Of course they would get hurt in that kind of a mess. We had a lot of boys killed in that action. The anti-Americans had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, by the Viet Cong. This is war, make no mistake about it, but these anti-American loudmouths seem to believe we have no right to wage it in our own defense.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn't have been prisoners of war if they had had enough sense not to enlist for a useless and barbaric war. Well, the facts are they didn't enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about face and blamed the whole thing on President Johnson. And now they are blaming the war on President Nixon, who didn't have a single thing to do with starting this war. But the very men who are loudest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved, are the very ones who really helped start the whole mess. This is the worst display of national hypocrisy we have ever witnessed in this country.

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere in this country. If it were not for the loudmouths the world would not know anything about what is going on here, because it is so much more peaceful here, and safer, than anyplace else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.

Stop this anti-American rot. Because if you don't, America's youth will be consumed by the stench of this hypocritical rhetoric.

Stop it, America, before it is too late!

ADDRESS BY SENATOR BENNETT BEFORE MEDICAL SOCIETY EXECUTIVES

Mr. GRIFFIN. Mr. President, last Friday the distinguished senior Senator from Utah (Mr. Bennett), who is the ranking minority member of the Committee on Finance, delivered an important address before the American Association of Medical Society Executives in Hershey, Pa.

Senator Bennett discussed his professional standards review organization amendment and emphasized most strongly why the amendment should be adopted. I ask unanimous consent that the text of the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SPEECH BY THE HONORABLE WALLACE F. BENNETT

It is certainly a pleasure to visit with you here in Hershey. I'm pleased to be able to discuss with you my Professional Standard Review Organization Amendment.

Copies of the Senate Report language describing the amendment in detail are available here, so I won't occupy your time with a chapter and verse description of my amendment. Rather, I would like to indicate the principal motivating factors behind PSRO and the considerations involved in its key provisions.

It is important to understand that the genesis of my PSRO proposal was the American Medical Association's Professional Review Organization—PRO—recommendation of last year. The AMA's proposal was a very valuable one. It gave us a basic concept but at the same time left us with some fundamental policy questions. After reviewing a substantial body of testimony and after considering and discussing the matter carefully, the decision was made to significantly broaden the proposed review responsibilities and make them more comprehensive. Such changes, along with others, were deemed necessary so that the PSRO proposal could withstand the most careful public and *legislative* scrutiny with regard to its ability to effectively serve and protect legitimate public interests. All of this was done with great care so as to avoid strangulation with red tape.

To my mind, PRO constituted an expression of recognition and concern on the part of organized medicine, of a pressing need for expanded medical review activity, and you are to be commended for that concern. To try to respond to it, my Professional Standards Review Organization legislation seeks to reach AMA's PRO objectives, but adds substantially expanded responsibilities, and additional necessary and appropriate public interest safeguards.

We would be kidding each other if we were to deny that many Americans are suspicious of all private, professional and industrial organizations, including organized medicine. Any approach to review which delegated responsibility to privately organized medicine without real—as opposed to apparent—safeguards, would, in my opinion, be unacceptable to both Congress and the public at this point in time.

The Professional Standards Review Organization approach, to my mind, provides an opportunity for medicine to earn organizationally the kind of trust which most doctors have earned individually.

Before outlining for you the process which led to my introduction of the PSRO amendment, it might be helpful to explain where the PSRO legislation is at this point in time as well as the prospects for passage.

You will recall that my amendment was approved by the Committee on Finance last year, after I worked with HEW, many doctors, and the committee staffs, and had modified it to meet all but one of the significant formal concerns of the American Medical Association. We successfully withstood a challenge to the amendment on the Senate floor, when it was kept in the Social Security bill by an overwhelming vote of 48 to 18. The amendment was then formally approved by the full Senate as part of the Social Security Amendments of 1970. Due to a legislative logjam at the end of the last session, time ran out before the necessary conference could be arranged with the House of Representatives to work out differences in the two versions of the Social Security bill, and the whole bill, including PSRO, died at adjournment.

H.R. 1, the Social Security Amendments of 1971, as reported out by the Committee on Ways and Means, authorizes PSRO on a demonstration basis. I did not believe that PSRO can function effectively on a demonstration basis because the leverage contained in a mandatory program—"either you do it and do it right, or someone else will have the review responsibility"—is lost in a permissive and optional demonstration project.

Accordingly, I plan to reintroduce the Professional Standards Review amendment in the near future. This introduction has been delayed because I wanted to provide as much time and opportunity as possible for the submission of additional constructive comments and criticism by interested organizations and individuals. In view of its approval by the Committee on Finance and the full Senate last year, as well as formal support now given to the PSRO proposal by the President and the Department of Health, Education, and Welfare, I have every hope that the amendment will become law this year. But that is not the end of the road. When PSRO becomes law, the hard work to assure successful and effective implementation will begin. And, it will take hard work and hard-nosed administration to fulfill the promise of PSRO.

It is interesting to note that HEW is having second thoughts about PSRO. They have not abandoned the basic idea, but rather they are now talking about giving the Secretary of Health, Education, and Welfare the option of selecting an alternative PSRO organization in a given area—even if a fully-qualified physician-sponsored mechanism was available in that same area.

This approach could thwart the effort to give the medical profession the opportunity to monitor itself wherever it was willing and capable of doing so. I think the Secretary's discretion should be applied to determining whether a proposed PSRO sponsored by physicians is available and has the potential capacity and willingness to do a good job. Assuming those conditions are present, I don't think he should have discretion to select another type of organization—say an insurance company—over that of the physicians.

I will certainly do everything in my power to encourage the Department to return to the position we worked out together last year; namely, that priority must be given in every case and in every area to designation, as the PSRO, of an organization representing a substantial proportion of practitioners, always giving such an organization the chance to show that it is willing to undertake the effort and meets the necessary requirements. As far as I am concerned, to do less, would seriously impair our offer to organized medicine; that is, "If you are willing and capable of undertaking necessary comprehensive review in accordance with our conditions, we in turn will give your profession the opportunity and resources to monitor itself."

Let me give you some of the history of the PSRO amendment. During the past several years, I have become increasingly involved with health care issues in general and peer review in particular through my service as ranking minority member on the Committee on Finance, which has legislative responsibility for the major Federal health care financing programs, Medicare and Medicaid. Additionally, I participated as a member of the Finance Committee's ad hoc Subcommittee on Medicare and Medicaid.

Last year, the Subcommittee held a series of hearings in order to evaluate the operations of the Medicare and Medicaid programs. Those hearings were in addition to extensive work on Medicare and Medicaid by the Committee and its staff during 1968 and 1969.

As a result of those hearings we became fully aware of the magnitude of the problems confronting Medicare and Medicaid. After taking testimony from many witnesses and after reviewing many confidential audit reports, we came to know how severe and pervasive those problems were. During the course of the hearings, it became increasingly obvious that some organized mechanisms had to be developed to assure proper utilization and quality control.

The Subcommittee became convinced that, in general, present utilization review activities are just not adequate; in fact, they are characteristically ineffective. Present review activities are fragmented, retrospective, and incomplete. Numerous witnesses testified that a significant proportion of the health services provided under Medicare and Medicaid were in excess of those which would be found medically necessary.

In view of the high costs of hospital and nursing home care, and the costs of medical services and procedures, the economic impact of this overutilization becomes extremely significant. I think we Senators would have your sympathy if you knew that we will have to vote this year another $240 billion in Social Security taxes simply to cover the Medicare Hospital Plan's deficit over the next 25 years. This will be on top of an enormous increase in Medicare taxes which we had to provide in 1968. All of us, I feel, believe that enough is enough and that it is time to take the bull by the horns.

Of course, in addition to economic impact, the Subcommittee was concerned about the effects of unnecessary or avoidable care and treatment upon the health of the elderly and the poor. Unnecessary hospitalization and unnecessary surgery and medical service put the economic benefit of the provider above the well being of the patient. All of this also places additional serious strain upon scarce personnel and facilities.

This, then, was the background from which the Professional Standards Review Organization amendment emerged.

Work on the PSRO amendment began immediately following the extensive series of hearings in the Spring of 1970 which had convinced me that Medicare and Medicaid needed a new approach to utilization and quality control.

The representatives of the AMA came to me with their proposal for a peer review mechanism. As I have indicated, the AMA's work provided the nucleus for the development of the PSRO amendment.

Responding to the same shortcomings of the Medicare program which had kindled my interest in a physician-oriented solution—PSRO—the Department of Health, Education, and Welfare submitted and the House of Representatives approved a provision to install a mechanism for utilization and quality control operated by the Government. Under the provision—which is also included in H.R. 1—the Secretary would appoint program review teams in each state to review health care services.

When Congress passed Medicare and Medicaid in 1965, we instituted a system of Government health care financing patterned in good part after private insurance plans, and we placed many buffers between government and medicine. This seemed appropriate to me, because I do not believe that government should become involved with the details of day-to-day medical practice if appropriate non-governmental alternatives are available. The provision in the House bill seems to me to abandon this principle and involve direct governmental intervention in medical practice.

I was then—and I remain—convinced that the Government and its agents do not have the capacity to effectively and appropriately audit medical care provided under the federal programs. Aside from the question of whether Government *could* effectively audit the need for and the quality of medical services, I had doubts as to whether Government *should* perform those functions. It seemed to me that the key to making a review system workable and acceptable was the practicing physician.

The idea of using provider, practitioner, and patient profiles was incorporated because of the present existence and growing capacity of those review tools and their successful use in medical society-sponsored foundations in California and elsewhere. Emphasis in the amendment upon basing institutional care review related to length-of-stay norms also grew out of the successful experience in the use of that type of yardstick by many agencies including the California foundations, individual hospitals, and other third-party payment programs. As you know, data on hospital utilization related to age and diagnosis, incorporating the actual experience of more than 55 million hospital admissions, have been developed and are maintained on a current basis by the Commission on Professional and Hospital Activities.

After months of effort the amendment was ready to be introduced. It was offered well in advance of the Senate's formal consideration of the Social Security bill. I introduced the amendment early so that all parties in the health care field could give it careful and constructive consideration.

Obviously the amendment, if enacted, would have major impact upon medical practice. It was expected that interested organizations would use the opportunity provided by this early introduction to evaluate the proposal and then offer their comments and suggestions, either privately to me, or publically in testimony before the Finance Committee last fall. Indeed, that is exactly what occurred.

During our deliberations, both before and during the executive session on the Bennett Amendment, we received and reviewed many ideas and pertinent testimony from a variety of concerned individuals and organizations. Conceding the validity of some of the recommendations we made some important modifications in the original text of the amendment to get it into the form in which it was finally approved by the Committee and ultimately, the full Senate.

Among the important changes was increased emphasis upon the continuing use of existing in-house institutional utilization review mechanisms, which could be accepted if their performance was judged to be satisfactory by the PSRO. Another change resulted in a modification of the prior approval requirement for elective hospital admissions so as to limit the requirement of prior approval to those diagnoses, practitioners, or institutions where, on the basis of past performance, the PSRO believed prior approval necessary to adequately control utilization and the protection of the patients.

The Committee expected that PSRO's should not indiscriminately accept hospitals' in-house review or avoid requiring prior approval with respect to elective admissions. Indiscriminate and blanket acceptance by a PSRO of in-house hospital review would probably be reflected in overall poor performance results by that PSRO.

Common sense and realistic evaluation should be the PSRO approach in determining the effectiveness of in-house review, hospital-by-hospital. Of course, by this means, hospitals with inadequate internal review should be encouraged to upgrade their activities to the point where such review could be accepted by the PSRO.

The only remaining formal objection of the American Medical Association to the Professional Standards Review amendment is that it does not mandate operation of the program through State Medical Societies. In all candor, there is very little possibility of the Congress handing over PSRO or any legal process to any privately constituted groups. State and county medical societies are not written into the Bennett Amendment—but they are by no means written out.

County medical societies or groupings of county societies and State societies—particularly in smaller States—would in many cases be the logical sparkplugs and sponsors of separate PSRO organizations.

The emphasis throughout the PSRO amendment is establishment of review organizations of proper size at local—not State levels.

Medical societies are involved in varying degrees with the whole gamut of physician concern—including the matter of payments. Sometimes, they are even indirectly involved in political questions! The PSRO on the other hand has a much narrower sphere of direct operating interest: namely, the appropriateness and quality of medical care. The matter of payments will remain the concern of the carriers and intermediaries.

The responsibilities of the PSRO organization are strictly those which, to my mind, involve non-negotiable professional medical judgement.

By non-negotiable, I mean, for example, that the medical necessity of surgery is not an item of bargaining between and third-party payer and doctors. The question of the necessity of surgery is strictly one of medical judgment. But, the amount to be paid for that surgery by a third-party can legitimately be discussed and negotiated by physicians and non-physicians. PSROs should not be involved with the amount of payment for a given service but rather its necessity. And, obviously, Government cannot hand over a book of signed checks drawn on the Treasury and ask the payees to fill in the amounts!

Also, as you know, again in varying degree, medical societies do not include all practicing physicians as members. A PSRO, in contrast, must be absolutely open to all practicing physicians without membership or dues requirements whatsoever. Conceivably, there is also the possibility that if PSRO responsibilities were vested in a medical society it could use that power as leverage to implicitly or explicitly coerce non-members.

The Chief of Anesthesiology of a very large medical group on the West Coast posed the problem rather succinctly in a recent letter to the Executive Director of the medical group. He said:

"As for myself, I know that I will never accept any review of my practice by the County Medical Society. They have been too overt in their prejudice against me personally by not permitting me to become a member for eight years. We must not simply accept these government rulings, which place considerable power in the hands of organizations which for years have fought us in so many ways. They are still full of prejudices toward us, and often try to damage us in the eyes of the public by derogatory remarks and letters about our physicians and our organization."

You and I know that the type of situation described by the good doctor has occurred. I seriously doubt that it occurs to any serious extent today—but it is possible—and it would be intolerable in any organization to which the Federal Government delegated review responsibility. A PSRO, independent of any privately run medical society, would help minimize unfortunate memories and possibilities.

Additionally, a separate legal structure for the PSROs also permits extension of malpractice exemption in clear fashion and affords generally clear-cut legal relationships which might be blurred and a problem if merged with medical societies overall operations.

Finally, as you know, there are a few State Medical Societies—fortunately very few—which have expressed virtually total opposition to any Federally-required review.

Recently, a question has been raised concerning the tax-exempt status of PSROs—particularly where the organization also undertakes review work for private insurers.

I had not thought there would be any issue concerning the tax-exempt status of PSROs and, therefore, did not make provision for it in my amendment. Since the matter has been raised, however, I am exploring the situation with the Treasury Department to determine whether their understanding is the same as mine—namely, that tax exemption is appropriate for PSROs under present tax law inasmuch as they are non-profit and established for a social welfare purpose.

We are not naive. While we hope PSROs will function effectively everywhere—and are providing the basis for them to do so—as a practical matter there might be sections of the country where the PSRO approach had already been prejudged and condemned out-of-hand by certain medical societies. Other societies—such as the Pennsylvania Medical Society—have strongly endorsed and expressed firm support for the Professional Standards Review Organization objectives and structure.

The key to making a PSRO work effectively will be the degree of motivation and sincerity of the physicians and medical organization in each area. The stakes are too high and public concern and scrutiny too great for anyone to delude himself that a pro forma PSRO operation will be acceptable. I certainly hope that some medical organizations will not make the mistake of regarding PSRO as a means of getting the Government and the public off their backs by virtue of a minimum of effort and a maximum of appearance. It is too late in the day for that. Substance not form will be the test of a PSRO. Performance and professionalism will be the criteria of judgment.

May I say that I have long supported the various efforts of organized medicine to shape public policy toward health care. The Professional Standards Review amendment is, to my mind, consistent with the best interests of both organized medicine and individual practitioners. I believe it represents the best hope for keeping fee-for-service medicine viable and responsible through professional medical monitoring. It is a truly conservative effort which builds upon the strengths of the present system at the same time it provides that system with a mechanism for correcting weaknesses.

I think that physicians and their organizations recognize and will find that the PSRO approach represents the most effective mechanism devised, thus far, to acknowledge and responsibly meet the legitimate interests of the medical profession and the public.

Obviously, in the years ahead, governmentally-financed health care will expand in terms of population coverage. Effective Professional Standards Review Organizations could be available to monitor that care rather than have government do it. With PSROs functioning properly, government's role in expanded programs, could essentially be limited to financing.

Without any desire to conjure up spectres or to raise devils with respect to what might be ahead in terms of review of medical care—in the absence of the PSRO program—I earnestly suggest that you consider the alternatives—just as I have. Eventually they all boil down to direct government control—using non-medical personnel. We both hope that kind of program need never come.

Thank you again for giving me this opportunity to visit with you.

A PROFILE STUDY OF DISSENTERS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a paper entitled "Vietnam Veterans Against the War: A Profile Study of the Dissenters," written by Hamid Mowlana and Paul H. Geffert.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS AGAINST THE WAR: A PROFILE STUDY OF THE DISSENTERS

(By Hamid Mowlana and Paul H. Geffert)

(NOTE.—Dr. Mowlana is Professor and Director of the International Communication Program at The American University in Washington, D.C. He is both on the faculty of the School of International Service and the Department of Communication. Dr. Geffert plans on starting his doctoral studies this fall at the University of Minnesota. He received his M.A. in 1970 from the American University.

(This survey was conducted by the authors independently of any organization or institution and had no sponsors or support financially or otherwise from any source.)

The arrival of the Vietnam Veterans Against the War in Washington prompted many comments from politicians, political observers, and the American people themselves. The men who experienced war focused the attention of the nation on themselves and their cause during their week of demonstrations, lobbying, and guerrilla theatre. Much was said, and will be said, about their impact on politics and society at large. Their actions and their speeches were carefully recorded. What was missing, however, from these observations was an examination of the nature of the anti-war Vietnam Veteran himself, his background, and his opinions and attitudes.

We intended to throw light upon the anti-war Veteran as a person, and as a group, examining his socio-economic background, his sources of information about the world in general and specifically the Asian war.

This survey was undertaken on April 23, 1971 among the veterans encamped on the Mall in Washington. The encampment had about 1,000 veterans. The total number of veterans who came to Washington was estimated at about 2,300. The other veterans stayed elsewhere in homes, congressional offices, and in truck and trailer campers. Some 200 survey questionnaires were distributed randomly but only 172 forms were returned and tallied. All of the survey forms were filled in by veterans who had served in Vietnam.

If we could create a composite demonstrator, one characterized by those qualities which the majority of Vietnam Veterans at the demonstration possessed, our survey shows that he was a Northeastern United States urban dweller, between the ages of 21 and 25. He had finished high school and had some college education, and was at present either unemployed or a college student. The average anti-war Veteran, according to our survey, was a many sided individual who did not easily fit into preconceived categories which many find associated with the peace movement. His world outlook and political opinion changed drastically from a moderately conservative to a liberal one during his tenure in the service. He attributed his personal contact with the Vietnamese people and his fellow GI's as the two major sources of information which led to his change of opinion and attitude about the war.

While a majority of the demonstrators before their entrance into the service made their homes in the Northeast, a substantial minority were from the Midwest. These two groups, together, accounted for nearly 80 percent of the anti-war Veterans in Washington. Few came from the western states and fewer from the South.

The religious affiliation of the demonstrators provides an interesting dichotomy. The two largest groups responding were Catholics and agnostics. Here, on the one hand, we find a large percentage of demonstrators with rather strictly traditional church-oriented beliefs. On the other hand, a great many veterans were doubters and challengers of faith. Few, however, fully rejected religious beliefs through atheism. Especially noticable, but for a lack of representation, were the Jewish veterans. Only 2.9 percent of our sample were Jewish, a group often associated with liberal movements in the United States in recent years.

Approximately one half of the demonstrators came from families with occupations in industrial labor. Professional fields accounted for about one third of the demonstrators' family backgrounds. Only 2.2 percent of the men came from agricultural families.

When we examined what the veteran himself was doing prior to entering the service we discovered over 43 percent of them had just completed high school or college. Some 22 percent of the respondents were drafted while in college. The remainder were working—the overwhelming majority in industrial labor positions.

Almost one in five veterans (21.8 percent) said that he is actively employed at the present time in such professions as sales, teaching, labor, and agricultural. Over 41 percent identified themselves as students enrolled in colleges, while 36.8 percent said they were unemployed.

The survey showed that two out of three men had enlisted for the military service, rather than being drafted. The political views of the veterans prior to entrance into the service may in part account for this. We found that only slightly less than one fourth of the men had, at the time of their entry in the service, already determined that there was no justification for the United States' presence in Vietnam. It is also interesting to note that almost one half of our respondents stated that they had no strong feeling about the United States' intervention or non-intervention in Vietnam when they entered the Service. And over one fourth felt that the United States was justified in being in Vietnam. It is thus recognizable that enlistments would be high among this group.

We asked the veterans to identify the direction of their political persuasion prior to entering the service. More than 90 percent of them were evenly divided among "conservative", "moderate", and "liberal" with only less than ten percent identifying themselves as "radical". But when we asked them how they could identify themselves with the current social, economic, and political thinking in the United States at the present, we found a drastic shift in their political outlook. Forty-eight percent identified themselves as "radical", 18.5 percent as "extremely radical", with 26 percent classifying themselves as either "liberal" or "moderately liberal" and only five percent being either "moderate" or "conservative". Thus 64 percent of the men who at the time of their entry into the service saw themselves as moderates and liberals, now formed a little more than 25 percent of the survey with the remaining respondents leaning toward either "radical" or "extreme radical" categories.

Recognizing that these terms connote different things to different people, we make no attempt to examine these claims or the possible actions which might result from these self-categorized radicals. The important thing for this study is the shift of opinion and attitude. In the men, previously characterized as moderates, has developed an attitude by which nearly half of the veterans now accept their position vis-a-vis the political, economic, and social status of the United States as radical. In fact, nearly one fifth classified themselves as extremely radical.

There is no doubt that among the veterans there was a decided shift in opinion and attitude. Examining this change, we find that 80 percent of the veterans experienced a change in view of our involvement in Vietnam after they left the United States. A small number of men (16.5 percent) experienced their attitude change following their return to the United States. But a great majority, 41.1 percent of the veterans interviewed, said that they changed their view drastically during their *first three months* of service in Vietnam.

We asked our respondents to rank the sources of information which in their opinion determined their attitude about the war in Vietnam. We found personal contact with Vietnam and Vietnamese peoples as the primary source of information for their attitude change.

The second source of information was, again, personal contact, this time with other Americans and GI's serving in Vietnam. We found ranking immediately below personal involvement was the print media: newspapers, books, magazines. At the bottom of the list of information sources were: contact with non-Americans other than Vietnamese, and films and movies. Thus, physical contact with war, according to our survey, was the primary source of information in determining the veterans attitude about the war.

We also asked the veterans to rank the media they used most while they were stationed in Vietnam. The two primary sources of information were the Army's newspapers and broadcasts, followed closely by U.S. magazines and the Veterans' hometown newspapers. Other information sources in order of importance as listed by the veterans included: foreign newspapers and magazines, films and movies, North Vietnamese broadcasts, South Vietnamese newspapers and broadcasts, and other international broadcasts.

It is interesting to note that the respondents listed the North Vietnamese and other international broadcasts as one of their least used sources of information. This may indicate that the respondents were not as exposed to enemy mass propaganda as one would have expected.

APPENDIX

[In percent]

Age of the veterans:	
20 and under	4.4
21 to 25	74.7
25 to 29	19.7
30 and above	1.2
Total	100.0
Education:	
Did not finish high school	6.6
High school graduate	19.9
Some college	55.8
College student	17.7
Total	100.0
Spent most of his time before the service:	
Northeast	54.1
Midwest	23.2
Southwest	3.9
West	5.5
Deep South	5.0
Border States	2.8
Outside United States	5.5
Total	100.0
Marital status:	
Single	83.0
Married	9.5
Divorced	7.5
Total	100.0

Veteran's family occupation:

Professional	29.4
Managerial and sales	15.6
Agricultural	2.2
Education	3.9
Labor	48.9
Total	100.0

Type of work before entering service:

Just completed school or college	43.1
Drafted while in education	22.1
Professional work	4.4
Agricutural work	.6
Managerial and sales	5.5
Teaching	1.1
Labor	23.2
Total	100.0

Present occupation:

Student	41.1
Managerial and sales	2.3
Labor	5.7
Teaching	4.0
Professional	8.0
Not working	36.8
Agricultural	1.8
Total	100.0

Religion:

Catholic	24.7
Protestant	11.4
Jewish	2.9
Agnostic	23.0
Atheist	11.0
Other	27.0
Total	100.0

Opinion toward U.S. involvement in Vietnam when entering the service:

United States was justified in being there	28.5
No strong feeling about our intervention or nonintervention	47.5
United States was not justified in being there	24.0
Total	100.0

Entered the services:

Drafted	34.3
Enlisted	65.7
Total	100.0

Political identity before the service:

Conservative	29.5
Moderate	29.5
Liberal	34.0
Radical	7.0
Total	100.0

When did you begin to see a drastic change in your views about U.S. involvement in Vietnam?:

1st entered service, still in United States	21.7
During 1st 3 months in Vietnam	41.1
Toward end of service in Vietnam	20.6
Upon returning to the United States	16.6
Total	100.0

Ranking by importance the sources of information used in determining attitudes about the war in Vietnam:

1—Personal contact with Vietnam and the Vietnamese.

2—Personal contact with GI's and Americans in Vietnam.

3—Magazines.

4—Newspapers.

5—Books.

6—Television.

7—Radio.

8—Contact with their political and religious leaders.

9—Contact with non-American people (other than Vietnamese).

10—Films and movies.

Ranking by importance the sources of information used while in Vietnam:

1—Army newspaper.

2—Armed Forces Broadcasting.

3—U.S. Magazines.

4—Hometown newspapers.

5—Other than hometown and Army newspapers.

6—Foreign newspapers and magazines.

7—Films and Movies.

8—North Vietnam Broadcasts.

9—South Vietnam Broadcasts.

10—Other international Broadcasts.

Political identity in relation to the current social, economic, and political thinking in the U.S.:

Strongly conservative	0.6
Moderately conservative	1.8
Just moderate	3.0
Liberal	18.7
Moderately liberal	8.6
Radical	48.8
Extremely radical	18.5
Total	100.0

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. The hour of 9:20 a.m. having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

> A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 147, offered by the Senator from Alaska (Mr. GRAVEL), on which there will be a time limitation of 1 hour of debate, to be equally divided between the Senator from Alaska (Mr. GRAVEL) and the Senator from Mississippi (Mr. STENNIS).

Who yields time?

Mr. GRAVEL. Mr. President, I yield myself such time as I may require to make my presentation.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, there is a gross inequity in the United States Code relating to retirement pay received by retired officers of Regular components of the Armed Forces who are now employed by the Federal Government in a civilian capacity.

To illustrate this inequity, let me cite the following example:

Two men hold basically identical positions within the Federal Government, and their salaries are commensurate. Also, each man has a 20-year background with the Armed Forces. The only difference between them is that one man served his time as an officer of the Regular Forces, and the other as an officer in the Reserves. Assuming they both left the service with the same time in rank, they should both receive the same retirement pay.

However, this is not the same. Because a man retires from active duty and chooses to continue working in the service of his country as a civilian, he must take a cut in his retirement pay. The man retired from Reserves does not suffer this cut and is, therefore, drawing full retirement pay along with his full salary.

My amendment to the Selective Service Act would rectify this situation. The proposed amendment would authorize retired officers of the Regular components of the uniformed services, who accept appointments in the Federal or District of Columbia civilian service, to receive all of their military retired pay during their tenure as Federal employees. A reduced amount is now required by section 5532, title 5, United States Code. A similar measure has been introduced in the House by the distinguished Representative from Hawaii (Mr. MATSUNAGA).

Presently, a retired Regular officer, while employed as a civilian in the Government, may receive the first $2,492.02 of his retired pay plus 50 percent of any amount in excess of that figure. Of course, whenever his retirement pay is increased, the basic amount of the exemption is increased by a like percentage. As I stated earlier, retired Reserve officers, retired enlisted members, and Regular officers retired because of certain combat-connected disabilities are not similarly restricted. My proposed amendment would eliminate restrictions on retired Regular officers as well.

On February 1, 1965, the Cabinet Committee on Federal Staff Retirement Systems was convened by the President. The Committee's report, issued in 1966, recognized the inconsistency and inequity of the retirement pay system of retired Regular officers who chose to continue working for the Government in a civilian capacity. It makes particular reference to the fact that the military system—

> Requires its Regular officers, but not its Reserves or enlisted personnel to forfeit a portion of their retirement pay, but not their salary, if they accept civilian employment in the Federal service, but not if they work for other employers.

The report also emphasized that—

> Such difference importantly affects efforts to assure uniformity and equity in treatment of various categories of workers.

On April 1 of this year the General Counsel of the Department of Defense, Mr. J. Fred Buzhardt, wrote to Mr. THADDEUS J. DULSKI, chairman of the House Committee on Post Office and Civil Service, conveying the Defense Department's position. He stated:

> It is the view of the Department of Defense that when circumstances of military service and retirement are the same, treatment in matters such as limitations on retired pay should also be the same. In this connection, it is pointed out that the proposal of the Civil Service Commission which culminated in the enactment of the Dual Compensation Act of 1964 did not differentiate between Regular and Reserve officers. Under the Executive Department proposal, all retired military personnel whose condition of service and retirement were the same would have been subject to similar restrictions in the amount of retired pay which they could receive. However, the Congress elected to exempt from the compensation restriction all enlisted members and Reserve officers. In light of the congressional action to exempt Reserve of-

ficers and all enlisted men from the restrictions on receipt of retired pay when employed by the Federal Government, logic and equity dictate similar treatment of Regular officers.

The following statistics reinforce such a conclusion:

As of June 30, 1970, approximately 775,666 former military members were on the retired rolls.

About 87.3 percent were enlisted members or Reserve officers and these individuals are not subject to the compensation limitations prescribed by title 5 United States Code 5532.

Only the remaining 12.7 percent are Regular officers and therefore subject to the compensation restriction unless exempted because of combat-incurred disability.

Approximately 3,800 Regular retired officers now work for the Federal Government. The fiscal year 1972 cost estimate for equalization covering the 3,800 is about $8 million, according to the Defense Department.

However, if restrictions were lifted undoubtedly many more retired Regular officers would like to work for the Federal Government, increasing the overall cost somewhat.

Considering what is lost to the Government in the way of experience, dedication, and proven executive and technical ability, this would seem a small price to pay.

And the cost would be no more than if all the jobs were filled by civilians, or retired Reserve officers.

All we do through this inequity is extract a heavy tax from those who have faithfully served in the uniform of the United States.

Basically, a retiring Regular officer is faced with seeking employment with the Government with a resultant loss of some of his retirement pay, or he may seek employment elsewhere in society and keep 100 percent of his retirement benefits.

Because of this, our Government loses some of its finest potential civil servants.

Certainly their experience in the Armed Forces qualifies them for positions of responsibility within the civilian Government. They must not be penalized for their decision to continue serving the people of the United States. To retain this inequity would be totally out of keeping with the spirit of the volunteer army to which so many Members of this body, and to which the Executive, are committed.

I therefore respectfully urge adoption of this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Assistant Secretary of Defense addressed to the chairman of the Committee on Armed Services dated June 11, 1971, indicating approval by the Department of Defense of the subject matter of my amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 11, 1971.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Defense on Amendment No. 147 to H.R. 6531.

Amendment No. 147 to H.R. 6531 would repeal section 5532 of title 5 United States Code which imposes a compensation restriction on the retired pay of Regular officers who accept Federal civilian employment. Under present law a Regular officer who accepts Federal civilian employment must forfeit 50% of any retired pay to which he may be entitled which is in excess of $2,604.16 annually. Reserve officers and enlisted personnel retired under identical circumstances are not so restricted and can receive their full retired pay and the pay of any Federal civilian office which they may hold.

The Department of Defense favors repeal of section 5532 and therefore supports Amendment No. 147 to H.R. 6531. However, it is our view that concurrent with repeal of section 5532 certain unwarranted dual credit of military service for military retired pay and civil service retired pay should be eliminated.

Under section 8332c of title 5, United States Code, dual credit of military service for both military and civil service retirement purposes is expressly barred except under two conditions. First, dual credit for active military service is specifically authorized for those whose military retirement is under the Reserve retirement laws. Second, in case of any person whose military retirement was based on a disability incurred in combat with an enemy of the United States or was caused by an instrument of war in line of duty during wartime, the member's active military service may be credited for both military retired pay and civil service retirement purposes. While there is no legislative history it is assumed that when Congress enacted this latter provision it was anticipated that the beneficiaries would be junior officers whose careers were prematurely terminated because of their combat-incurred disability. While this is probably the usual case, it is possible that this provision could apply to an individual who has completed all, or a substantial part of a full active duty career, and then be retired by reason of a disability which falls within the exception set forth above. In such cases, the service member could accept Federal civilian employment and, after completing the required 5 years of Federal civilian service, credit all of his active military service toward civil service retirement while concurrently receiving military retired pay computed on the basis of that military service. It is the view of the Department of Defense that this result is not desirable, or within the original intent of Congress when enacting the legislation in question. Similarly, in the case of Reservists, dual credit for active military service for both Civil Service retirement and Reserve retirement under Chapter 67 of title 10, is considered unwarranted.

While the Department of Defense believes that some special provisions are warranted for those who become disabled from combat or as the result of instruments of war such credit should be limited to some reasonable length of service. Accordingly, the attached proposed substitute for Amendment No. 147 would limit dual credit for active military service to a maximum of 5 years and restrict that credit to persons retired for combat-incurred disabilities. The proposed limitation would not apply to any person who was retired from civil service before the enactment of the proposed legislation.

Further, a savings clause is proposed to permit Reservists retired under Chapter 67 of title 10 to receive dual credit for active service performed prior to the effective date of the proposed legislation.

It is estimated that the amount of retired pay forfeited by Regular officers employed by the Federal government in FY 1970 as the result of the Dual Compensation Act was approximately $8 million. Although the retired pay appropriation estimates are based among other things on the average retired pay of persons on the retired rolls, it is expected that the costs associated with the enactment of the proposed substitute for Amendment No. 147 could be absorbed within available appropriations.

Sincerely,

ROGER T. KELLEY.

Enclosure, Draft bill.

DEPARTMENT OF DEFENSE RECOMMENDED SUBSTITUTE FOR AMENDMENT NO. 147 TO H.R. 6531

On page 40, between lines 5 and 6, insert the following new section:

"SEC. 206. (1) Section 5532 of title 5, United States Code, is repealed. Section 5531 of title 5, United States Code, is amended by striking out 'sections 5532 and' and inserting in lieu thereof 'section'."

(2) Section 8332(c) of title 5, United States Code, is amended to read as follows:

"(c) Except as provided by subsection (d) of this section, an employee or Member shall be allowed credit for periods of military service before the date of the separation on which title to an annuity is based. However, if an employee or Member is awarded retired pay on account of military service, his military service may not be credited unless the retired pay is awarded on account of a service-connected disability—

"(1) incurred in combat with an enemy of the United States; or

"(2) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 301 of title 38.

An employee may not be credited with more than five years of military service under the preceding sentence."

(3) Clause (2) of this section applies to a person who becomes entitled to an annuity under chapter 83 of title 5, United States Code, on or after the date of enactment of this title. However, such a person who is awarded retired pay under chapter 67 of title 10, United States Code, shall be allowed credit under chapter 83 of title 5 for his "military service," as defined in section 8331 (13) of title 5, before the date of enactment of this title, so that "military service," as so defined, that was performed before that date remains creditable for the purposes of chapter 83 of title 5 even though the person is also entitled to retired pay under chapter 67 of title 10 based wholly or partly on the same "military service."

On page 40, line 6, strike out "206" and insert in lieu thereof "207."

Mr. GRAVEL. Mr. President, I merely add to my prepared remarks that the cost involved here would be approximately $8 million, as stated earlier, but there is sufficient slack within the present Defense budget, according to Defense sources, to absorb this cost with no additional appropriation.

Mr. President, the amendment would bring equity in this situation and I respectfully urge the adoption of the amendment.

Mr. President, I yield the floor at this time to await the argument of opponents of my amendment.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

PROCEDURE ON CONSIDERATION OF CERTAIN AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged against the time of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield me 30 seconds?

Mr. STENNIS. Yes. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, with the exception of those amendments which are scheduled for today, any time agreements on other amendments previously entered into be rescinded if the motion to invoke cloture tomorrow is adopted, and only in that event.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not expect to object—what amendments does the Senator refer to?

Mr. BYRD of West Virginia. There are certain amendments on which the Senate has entered into time agreements that have not been scheduled up to this point, and if the cloture motion were invoked, it would create a problem if we still had time agreements on those amendments. If the cloture motion is not invoked, the time agreements still stand.

Mr. STENNIS. Mr. President, I do not object.

Mr. GRAVEL. Mr. President, reserving the right to object, may I inquire what would be the impact on the rules or procedures if this request were not granted and cloture were invoked? What would be the impact on amendments with time limitations? What is involved? I do not understand.

Mr. BYRD of West Virginia. I think it would just create a problem for which I suppose there is no precedent, because, under the rule, if cloture is invoked, each Senator has, in all, only one hour during which he can speak on amendments, motions, appeals, et cetera, and no Senator can yield his hour to another Senator without unanimous consent being granted.

Therefore, in the event the cloture were invoked and all the time, say, of the Senator from Mississippi and the Senator from Alaska were utilized, no other Senator could yield time to either of those Senators without unanimous consent.

If an amendment were called up on which there was 1 hour or 2 hours of time by previous agreement, no Senator could speak thereon unless time were yielded. Objection could be made to the yielding of time. Consequently, the Senate would have to just spin its wheels, I suppose, on a quorum call for an hour or for 2 hours—whatever the case may be.

Mr. GRAVEL. Mr. President, I withdraw any objection. The majority whip is performing a service. Quite a dilemma could be created, but I think it does underscore the fact that if cloture were invoked, Members of this body who have amendments and who have agreed to time limitations would have their rights abrogated. So I thank the Senator for making his request.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield myself 7 minutes, or so much thereof as I may use.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Mr. President, if we may have the attention of the membership present, this is a very important matter. With all deference to the author of the amendment, it is a matter which rests within the primary jurisdiction of the Committee on Post Office and Civil Service, and does not belong to the Committee on Armed Services. It does not belong on this bill, of course, but under the rules of the Senate, it is eligible to be offered.

I do urge the Senate, though, to reject the amendment, especially under the conditions which I have related. It would repeal those sections of title 5 which, as codified, represent the Dual Compensation Act of 1964. That act relates to the rules under which regular retired officers may be employed in a civilian status in the Federal Government.

If I may have the Chair's attention, I believe the Chair would be interested in this. Basically, the civil service retired employees cannot get jobs with the Federal Government. They are not usually eligible. They surrender their tenure when they come into the retirement plan.

There was an old law going back to 1894 relating to the prohibition of employing regular retired officers, in a Federal civilian status to which a few exceptions were made. Let me say that military personnel have a retirement system which in some ways is more generous than the civil service retirement plan. They do not contribute to it. But, as a concession to them, certain exceptions have been made, and the final one was that they were permitted to be employed as civilians by the Federal Government, but they would have to waive a part of their retirement benefits under the present law passed in 1964.

They retain the first $2,600 of their annual retired pay plus one-half of the remainder.

That is in the nature of a concession within itself. But this amendment would repeal that requirement to yield anything. That is what the amendment would do, just wipe it out, and they would be wholly free to be employed by the Federal Government, draw their full salary, and draw their full retirement.

The retired civil servant, on the other hand, even if reemployed is not permitted to retain any of his retired pay. He must waive it all.

Here is another angle to it, that makes it more difficult, in a way: Military men who are not Regular officers, but Reserve officers, who serve enough time to retire and draw their retirement pay, are not subject to this limitation at all. They can be employed by the Federal Government now, and draw their full retirement pay and full salary. That is a distinction and a difference too, and that was worked out, I guess, in some kind of compromise arrangement. I do not know exactly how it evolved.

But as I say, this matter of retirement pay is one over which the Civil Service Committee of the Senate has jurisdiction, with reference to anyone drawing pay even though in retirement. I would hope that whatever the Senate may want to do about the subject matter on the merits, we would at least let the matter come through channels, so that we may have the benefit of the counsel and advice of the Post Office and Civil Service Committee, and that of the Civil Service Commission.

Basically, the provisions permit regular officers to retain approximately the first $2,600 of their retired pay—plus one-half of the remainder, and they also receive whatever civilian salary accompanies their grade. In addition, the 1964 act requires a waiting period of some 180 days before these officers can be reemployed as civilians within the Department of Defense.

There are reasons for that. It has evolved through the years. The act, of course, also involves some waivers to these rules, but these are of rather limited application.

As a matter of background, it is my understanding that this 1964 legislation was, in fact, a liberalization of the rules as they existed at that time regarding regular officers. There was on the books what was known as the Dual Employment Act of 1894, which in fact prohibited employment of regular officers, with certain exceptions. In addition, there was what was known as the Dual Compensation Act of 1933, which limited the combined military and civilian compensation to $10,000 a year, even if the officers came under one of the exceptions of the 1894 act.

I point these matters out to show the long background and the complexity of the problems we are attempting to deal with on this floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

As I say, Mr. President, I hesitate to use in argument here what I believe the situation would be in conference, but his debate is in its seventh week. There have been scores of amendments offered and voted on. Subject matter like this the House conferees will not even begin to talk about, in my judgment. They will not even begin to talk about it. They have their strict rules over there with reference to the jurisdiction of their committees, and in my humble opinion, they are just not going to move into this problem field until the matter, on the House side, is passed on by their Committee on Civil Service.

So as a practical matter, I think that should be brought up and brought out.

Mr. President, I yield back whatever time I have not used of the time I yielded to myself, and I yield the floor, with the expectation that the chairman of the Post Office and Civil Service Committee of the Senate will be here and speak against this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAVEL. Mr. President, did the Senator from Mississippi yield back all his time?

Mr. STENNIS. No, I just yielded back the unused part of the part I had yielded myself.

Mr. GRAVEL. Is my understanding correct that the Senator from Wyoming (Mr. McGEE) will be here to speak against the amendment?

Mr. STENNIS. That is my understanding, from his staff member who is here in the Chamber.

Mr. GRAVEL. Mr. President, I yield myself whatever time I may require to respond to the statement of the Senator from Mississippi.

I contend that this matter is just as germane here as anywhere else, even more so. We are talking about military retirement. This is a bill that deals with military pay. A part of pay is the retirement privilege. A person who contracts with the Government to receive retirement, and then, upon retirement, because he chooses to work for the Federal Government, is penalized while his associate who served equally with him for the same period of time as a Reserve officer is not similarly penalized, is being treated unfairly.

I find it difficult to accept the arguments of my distinguished colleague from Mississippi when he says that the House of Representatives will not accept this proposal, or that the committee will not accept it. Representative MATSUNAGA has offered a similar proposal on the other side, and he is a member of the House Armed Services Committee, so this is something the House is in the process of addressing.

I wish this body would not always act on the basis of hearsay as to the possibilities of what may or may not be acceptable to the House of Representatives. I would hope we would make our determinations upon the merits alone; and in this particular case I believe the merits are overpowering. To pass the buck to another committee, to another House, or to another individual, to my mind, demeans the prerogatives that we ourselves hold. I hope the Senate will act accordingly.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the position taken by the distinguished chairman of the Committee on Armed Services. I am not a member of that committee, and certainly I am not an expert on the issue raised by this amendment. But I do know that the amendment is not germane to the draft bill before us.

The matter of retirement pay and the circumstances when it can be paid is an extremely complex and complicated matter—one that certainly ought not to be presented to the Senate for a vote without careful hearings and consideration. It seems to me that the appropriate witnesses from the administration, for example, should have an opportunity to appear and testify, and also that witnesses from associations of retired officer organizations should have the opportunity to appear and present testimony on a question such as this.

I recognize that there has been a good deal of criticism in the past about the kinds of jobs and under what circumstances retired military officers should be employed after leaving the military service. Such questions ought not to be taken lightly and passed upon without careful deliberations.

As we move toward the vote on cloture tomorrow, I believe there ought to be a tendency in the Senate to confine serious consideration to those amendments that are actually germane to the draft bill.

This is not a germane issue.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. If I have any time remaining.

Mr. STENNIS. We have to save time.

Mr. GRAVEL. I will yield on my time, for a question.

If there is an issue of germaneness, I would hope that it could be made and that we could strike the amendment on that ground. If the issue is one of holding hearings, it has not been the will of the committee to entertain this subject, because there is a predisposition against solving this problem in the Armed Services Committee.

If the issue is a question about what the administration thinks, I give the Senator a letter from the Department of Defense endorsing this amendment, endorsing the concept. So hearings will not produce any more than has been produced right here. The Department of Defense thinks this amendment is just and equitable. Perhaps the Senator might know of something else that might be brought out in the hearings.

Mr. GRIFFIN. It would still be my position that this is not the orderly and proper way to take up a question such as this and deal with it on the floor of the Senate.

Mr. STENNIS. If the Senator will yield to me, I yield him 2 minutes.

I am not surprised that they endorse the amendment, not at all. But if a civil service retired man would go to the military and want a job in a uniform, and it could be a job for which he qualified, they would laugh in his face and tell him he was not qualified even for employment on active duty.

So there is a justice to this matter, after all. We do not have a perfect rule. Some of the finest men I know are penalized here, in their retirement, when they come to work for the Government. But they have a free choice.

What incentive would there be for a colonel to continue in the military if, after reaching 25 to 30 years of service, he could retire, draw his full military pay, and go into a GS-15 or something like that, and draw his full amount of civilian pay? What would become of the Army, the Navy, the Air Force, the Marine Corps, under such conditions? It would be an act of self-destruction, to a degree.

Mr. GRIFFIN. I would not want to try to answer the question, and I do not think the Senate should try to answer the question, under the circumstances with which we are confronted here this morning.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. 14 minutes.

Mr. GRAVEL. Mr. President, I shall address myself to the question on my time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. GRAVEL. Obviously, there is no way in which we can legislate the changing of ages. The people who go into the military go in at a young age and pursue a career. I want to underscore the simple fact that it is inequitable that we can have a reserve officer who serves in the military, then goes into the Government and gets full pay; whereas a regular officer, a man who chooses, as a young man, to make a career of the military, does not get the same treatment. What kind of equity is that? It really befuddles me.

When we say that the same officer can get a job with Lockheed and keep his full retirement, and Lockheed gets the benefit of his wisdom, that is fine. But we cannot get him on civil service rolls and pay him civil service wages. But he can go to Lockheed and get $50,000 or $100,000 and still get his retirement. I do not understand that kind of logic. It just underscores the fact that the present law prevents any benefit accruing to the Government.

Mr. STENNIS. Mr. President, I urge the Senate to reject amendment No. 147 which would repeal those sections of title 10 which, as codified, represent the Dual Compensation Act of 1964. I would cite the following factors:

First. The Dual Compensation Act of 1964 relates to the rules under which regular retired officers may be employed in a civilian status in the Federal Government. Basically these provisions permit regular officers to retain approximately the first $2,600 of their retired pay plus one-half of the remainder and, of course, receive whatever civilian salary accompanies their grade. The act also authorizes some waivers to these rules.

As a matter of background, it is my understanding that this 1964 legislation was in fact a liberalization of the rules as they existed at that time regarding regular officers. There was on the books what was known as the Dual Employment Act of 1894 which in fact prohibited the employment of regular officers with certain exceptions. In addition, there was what was known as the Dual Compensation Act of 1933 which limited the combined military and civilian compensation to $10,000 per year even if the officers came under one of the exceptions of the 1894 act.

I point these matters out to show the long background and the complexity of the problem which we are attempting to deal with on this floor amendment.

Second. This is a matter wholly within the jurisdiction of the Post Office and Civil Service Committee since it deals with limitations on civil service employment. I submit it is not in good practice or procedure to legislate on an armed services bill with regard to a subject matter wholly within the jurisdiction of another committee.

I point out in this regard that even if this amendment were to pass, the House committee having jurisdiction—that is the House Post Office and Civil Service Committee—would, of course, not even be a part of the conference. On this basis alone, in the interest of orderly procedure, this amendment should be rejected since neither the House nor Senate committees having jurisdiction would have had the opportunity to deal with this as a committee legislative matter.

Mr. President, I am glad to yield to the Senator from Wyoming, who is the chairman of our valued Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, as the chairman of the Committee on Post Office and Civil Service, I rise to oppose the amendment of the distinguished Senator from Alaska, which would repeal those provisions of title 5, United States Code, relating to the employment of retired officers of the armed services in civilian positions in the U.S. Government.

There is quite a bit of legislative history involved in dual compensation, and I believe that it would be inappropriate for the Senate to bypass the normal committee procedure by adopting a floor amendment, which is not germane to this legislation in any real sense of the word, to repeal policies previously established by the Congress after long and careful study and decisionmaking.

The policy imposing restriction upon the employment of retired regular officers in civilian positions was established first in the Dual Office Act of 1894. It was revised over a period of many years, including the Dual Compensation Act of 1916, the Economy Act of 1932, and, finally, the very comprehensive Dual Compensation Act of 1964, which, in addition to establishing a new policy, repealed more than 50 statutes then on the books, as well as more than 200 highly complex decisions by the General Accounting Office.

From the time that a modern revision of the dual compensation laws was proposed in the executive branch until Congress finally agreed upon a new law in 1964 was more than 9 years, and that law has remained unchanged since its enactment. We on the Committee of Post Office and Civil Service believe that no change should be made in the policy unless public hearings have been held and the committee which has jurisdiction over this subject has recommended a decision to the Senate.

We recognize that there are certain apparent inequities in the present system. Reserve officers do not suffer the salary limitations that regular officers are required to take. Veterans' retention preference is denied for most of those who retire on a military pension based on 20 or more years of service. But all of these policies are policies which were carefully constructed by the House and Senate Committees on Post Office and Civil Service to balance what may be best described as fiercely competitive viewpoints held by those who, on the one hand, would impose no restrictions and, on the other hand, those who would forever bar a retired serviceman from holding any civilian office.

Today, the law prescribes that a retired regular officer who accepts a civilian appointment must take a reduction in his military retirement pay while so employed. Basically, he receives the first $2,604 of his retirement pay, plus 50 percent of any amount in excess of $2,604. Thus, a retired colonel with 30 years' service receives $10,700 retired military pay plus his civilian salary. Under the Senator's amendment, he would receive $18,900 plus his salary, which if he were a G–15, would give him a total Government paycheck of more than $43,000 a year.

There is a built-in escalator clause in the act so that the basic amount will be periodically adjusted in accordance with the Consumer Price Index. He receives all of his civilian salary. For the purposes of retention preference, a veteran is not considered a preference eligible if his retirement is based on 20 or more years' service, or his disability retirement from the service was based on an injury incurred as a direct result of combat. Thus, civilian employees of the Government, including veterans of the World Wars or the Korean or Vietnam conflicts, will not suffer an automatic disadvantage because of a recently-hired 30-year retired officer or enlisted man who is receiving a military pension in addition to his civilian salary.

To some, these discriminations may seem unreasonable. But to the more than 2 million career employees in our civil service, about half of whom are veterans entitled to preference for wartime service, they are a reasonable protection against unwarranted hirings of retired military persons seeking a second career in the Federal civil service.

If these restrictions did not exist, there is considerable evidence, based on our committee studies in 1963 and 1966, that a great many retired colonels, generals, captains, and admirals would be selected for key positions in the Defense Department, thus depriving thousands of career civilian employees of opportunities for advancement and promotion. Under present law, the President is authorized to make exceptions to the general rule in extremely unusual cases. I believe this is adequate authority to handle emergency cases of employment.

I hope that my colleagues will agree with me that, although some changes in the Dual Compensation Act might possibly be worthy of consideration at this time, bypassing the established procedures of the Senate is the wrong way to do it. I ask that the amendment be defeated.

Mr. President, the legislative history of this issue is a very long one, indeed. It has been a matter of trying not only to legislate but also to try to achieve equity. It goes back a great many years in this body, and rather than detail all that history, I will simply touch on some of its highlights.

From time to time, as we have sought a modern personnel program that would be fair to all parties concerned, we have sought to restrict the dual compensation practice.

The Senator from Alaska has well pointed out what may be even yet a continuing inequity as between Reserve officers and the regular officers.

The point really is that it required long hearings and negotiations with our colleagues on the other side of the Hill, in the House, which resulted ultimately in the best compromise that the House and the Senate could bring together to arrive at this legislation.

Our real objection to an amendment on the floor of the Senate in a bill in which this is not germane at all, is that we are bypassing the legislative committee that has not neglected this question, but has devoted a great many hours to it. In the light of the record of the Committee on Post Office and Civil Service in this matter, we feel that it would be better procedure if the Senator from Alaska would make his proposal to the committee, so that we might hold hearings again on it, if necessary, in the interest of updating it or correcting any inequities that may still exist.

The best judgment of many men went into the writing of this legislation; and for us to do this now, with a single sweep of the brush, at 9:30 to 10:30 on this Tuesday morning, is no way to legislate in a matter that has required the greatest care and deliberation on the part of the appropriate legislative committees here.

The nub of it still remains, aside from the substantive issues about which there was a great deal of give and take in our hearings, in our committee markup, and with the Members of the House.

Each of those, in turn, I would think, would recommend that we not bypass that legislative procedure. I would say, with all due respect to my friend, the Senator from Alaska, that this committee would be most interested in having his proposal or proposals on this matter, and we could examine it once more, in the interest of catching up with the times, if in our judgment this is required. I ask whether he would be interested in doing that.

Mr. GRAVEL. Mr. President, I would be happy to do it if I thought it would solve anything. But I see no reason why we cannot, as the Senator phrases it, have the collective wisdom of the Senate today, at 10 a.m. or 10:20, and that would be sufficient. We will not be bypassing any legislative procedure. It is a simple issue. It is inequitable.

The Senator has stated that there have been hearings. What have the hearings produced? What is so complex about this issue that we should have additional hearings?

Mr. McGEE. The complexity is that there was a difference of judgment in terms of testimony that was submitted and that, in the light of the step forward that we made in the 1964 legislation, it may indeed require some additional testimony. But there are other pros on this question besides the Senator from Alaska and the Senator from Wyoming. As I say, if the Senator from Wyoming had had his way, this would be clear sailing from the very first. But we all learn that there is other wisdom around that needs to be brought to bear on it. We have collected that wisdom and the result of that process assesses the available evidence that a committee procedure is necessary. As chairman of that committee, I would have to indicate again to my good friend from Alaska that I think this is bypassing proper committee procedure on this question, and I object to it on that ground.

Mr. GRAVEL. Certainly my colleague is entitled to object to it. Do I correctly understand that my colleague is a member of the Armed Services Committee also?

Mr. McGEE. No. I thank the Senator for that compliment. I am on the Committee on Foreign Relations and on the Committee on Appropriations, but I could not make it on the Armed Services Committee.

Mr. GRAVEL. Of course, there is a committee procedure, but there is also a procedure which supersedes the committee procedure, and that is the collective deliberation of this body and the collective decision of this body.

Mr. McGEE. Without hearings.

Mr. GRAVEL. We have had hearings on this subject. I submit that the subject is so simple that any Member of this body can read it in 2 minutes and know the issue, and in the third minute know how inequitable the present situation is.

Talk to me about hearings or committee action but let us address ourselves to the simple fact. Why is it that a reserve officer serves 20 years and gets out and works for the Government at full pay but a regular Army officer serves 20 years and gets out but has to work for half pay? That is wrong. That wrong can be corrected today. It is that simple.

Mr. STENNIS. Mr. President, will the Senator from Alaska yield to me?

Mr. GRAVEL. I am happy to yield to the Senator from Mississippi for a question.

Mr. STENNIS. I can tell the Senator why that distinction is in the law, because the reserve officer has no absolute tenure whatsoever. He is subject to being let out at any time, without cause. It was not contemplated originally that reserve officers would be retained for a career and be a part of the retirement system, but he does get the benefit of it for the years if he remains on an active duty to the point of retirement.

So there is no tenure, no standing, in that respect, although many of these men, of course, are as good as we can find anywhere. That is the distinction that is made in the retirement plan and is a good basis for it.

Mr. McGEE. Until 1964 they could not work at all for the Government. This was one of the compromises worked out that seemed the fairest that the committee as a whole could come up with.

Mr. GRAVEL. In 1964 we should at least have had the wisdom to begin to employ these people and not just throw away their expertise, which does not mean that we cannot have that wisdom today to take the next step forward. We penalize or drive these people into private industry when the Government could get them at a much cheaper price. In fact, we pay dearly. I am sure that the regular officer goes to the Rand Co. or to Lockheed or many other companies of that kind who will pay him a higher salary. But the corporation performs services for the Government, so the taxpayer pays the inflated wage.

When we speak of dual compensation, a person enlists in the service and receives a lower pay than he could get in civilian life all those years because of retirement. He has a contractual obligation there for 20 years. If this is a devious plan of the Government to get him not 20 years, but 30 years, it is a serious misdeed we do those people who have chosen to make a professional career of the military. They are under a contractual obligation when they get out, and they should receive full retirement and not have some hanky-panky performed on them by the Government in order to get them at a cheaper price. That is not the way to do business. That is not equitable.

Mr. McGEE. The Senator from Alaska believes that not to be equitable. The Senator from Mississippi believes it to be equitable. This makes the point that concerns the Post Office and Civil Service Committee, that there is genuine disagreement in terms of where equity lies and the kind of disagreement at high level with men of expertise that requires we deliberate on this with hearings with all those involved, including members of the Civil Service Commission themselves.

We believe that this insures the approach to real equity rather than to the equity as I see it, or as the Senator from Alaska sees it, or as the Senator from Mississippi sees it. It interweaves in the role of public servant, not in the committee, because it has precedent-setting attributes that should be weighed down the road ahead. I think that, again, it would not be wise legislation to amend from the floor a matter that has received, and is continuing to receive, the consideration of the appropriate committee of this body in trying to determine where best solutions lie.

Mr. GRAVEL. I would add that I see no gain in deferring this subject to internecine warfare between the Civil Service Commission and the committee. I think that is where the subject would be relegated. The inequity is visible here for all to see. It can be corrected by all very rapidly.

I yield the floor.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). On whose time?

Mr. STENNIS. Mr. President, I have a few minutes left, do I not?

Mr. GRAVEL. I am prepared to yield back the remainder of my time

The PRESIDING OFFICER. Does the Senator from Alaska withhold his request for the call of a quorum?

Mr. GRAVEL. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The Senator from Mississippi has 3 minutes remaining.

Mr. STENNIS. Mr. President, let me say with emphasis that the distinction between a Reserve and a Regular officer is that the Reserve officer has no tenure, no certainty, he can be ousted on very short notice.

I thank the Chair and I yield back the remainder of my time.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time previously allotted to the manager of the bill and which he yielded back be restored to him so that he can in turn yield to the distinguished Senator from Rhode Island.

Mr. STENNIS. Mr. President, how much time do I have remaining?

Mr. PASTORE. Mr. President, I only need 2 minutes.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 217

Mr. PASTORE. Mr. President, I send to the desk an amendment and ask that it be printed.

The essence of the amendment is that it be declared to be the sense of the Congress that all U.S. military forces should be withdrawn from Indochina not later than July 4, 1972. The Senator from Montana (Mr. MANSFIELD) and the Senator from North Dakota (Mr. YOUNG), have joined me in the amendment.

I want to make it clear at this time that should the Mansfield amendment or the Cook amendment be agreed to this afternoon, I shall not press this amendment. However, in the event they are defeated, I shall.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 147

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield whatever time I have remaining for a quorum call.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virignia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 147, offered by the Senator from

Alaska (Mr. Gravel). All time for debate on the amendment has expired. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Mondale), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Jersey (Mr. Case) is absent on official business.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Tennessee (Mr. Baker), the Senator from Delaware (Mr. Boggs) and the Senator from Vermont (Mr. Prouty) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

On this vote, the Senator from New Jersey (Mr. Case) is paired with the Senator from Pennsylvania (Mr. Scott). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 28, nays 60, as follows:

[No. 109 Leg.]

YEAS—28

Bentsen
Bible
Cannon
Chiles
Cook
Cranston
Goldwater
Gravel
Harris
Hart
Hartke
Hughes
Jordan, N.C.
Kennedy
Mansfield
Mathias
McGovern
Moss
Nelson
Pell
Proxmire
Ribicoff
Spong
Stevens
Stevenson
Thurmond
Tunney
Weicker

NAYS—60

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, Idaho
Long
Magnuson
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Muskie
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Schweiker
Smith
Sparkman
Stennis
Symington
Taft
Talmadge
Tower
Young

NOT VOTING—12

Baker
Bayh
Boggs
Case
Humphrey
Jackson
Mondale
Mundt
Prouty
Saxbe
Scott
Williams

So Mr. Gravel's amendment (No. 147) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 172

The PRESIDING OFFICER. In accordance with the previous order, the Chair now lays before the Senate the amendment (No. 172) offered by the Senator from New York (Mr. Javits), which the clerk will state.

Mr. JAVITS. Mr. President, I send to the desk a modified version of the amendment.

Mr. STENNIS. Mr. President, may we have quiet? I do not expect much order, but I ask that we may have quiet, so that the Senator may be heard.

The PRESIDING OFFICER. The Senate will be in order.

The clerk will state the proposed modification.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> Sec. 302. Nothing in this or any other Act shall be deemed to constitute an authorization for conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8 of the Constitution unless specifically authorized.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hearing none, the amendment is so modified.

Under the previous order, debate on the amendment is limited to 1 hour, to be equally divided between the Senator from New York and the Senator from Mississippi.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

I ask unanimous consent that Mr. Lakeland and Mr. Cummings of my staff, whom I require to assist me in this matter, be permitted to be present in the Chamber for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Can the Senator state at this point whether or not it is his intention to have a rollcall vote?

Mr. JAVITS. That depends on my colloquy with the Senator from Mississippi (Mr. Stennis). We may wish a rollcall vote, and we may not. This is a very broad question. As I explained to Senator Stennis, I felt perhaps our discussion could give us enlightenment as to whether to proceed with the matter now, or whether not to proceed with it at all.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do I correctly understand that the so-called Pastore rule has been waived for the day?

The PRESIDING OFFICER. The rule of germaneness has been waived for today, inasmuch as all debate is under limited time.

Mr. JAVITS. Mr. President, this is an amendment which was brought on by court decisions. What the amendment tries to do is to negative the court opinion that, either by passing the draft or military appropriations bills, Congress has given the President an authority, in conducting the war in Vietnam, over, above, or beyond whatever he otherwise has.

Let us remember, as it stands now, the President says he is depending upon his authority as Commander in Chief to liquidate a war which he found when he took office. He justifies his authority for everything, including Cambodia and Laos, on that ground. Nonetheless, Mr. President, we must also bear in mind that we have terminated the Gulf of Tonkin resolution. That resolution, however it may have been arrived at, whatever may have been the debate here, whatever may have been the representations made to the Senate at the time it was passed, was enacted and did give a broad mandate of authority to the President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

Now that the Tonkin Gulf resolution is off the books, the question is, What is the constitutional power of the President in respect to conducting the Vietnam war?

This question has been tested in two cases, one in the Circuit Court of Appeals for the Second Circuit, the other in the U.S. District Court for the District of Massachusetts.

The difficulty which we have been put into by these court decisions, Mr. President, is that they turned on the following issue: The issue was whether or not this was a political question, so that the court would refuse jurisdiction.

The court said the method by which Congress would give the President the authority to act in respect of the Vietnam war was political, and it would not deal with it. But the court said whether or not Congress gave the President authority was a legal question, and it would deal with that.

The court decision found an implied authority given by the Congress to the President from the fact that Congress had extended the selective service law, and had appropriated the money to carry out military operations in Southeast Asia.

The opinion has already been put in the Record. It is well known. It was the subject of a very distinguished colloquy between Senator Stennis and Senator Fulbright. Senator Stennis said then quite properly—I thoroughly agree with him, and I think it is worth quoting—

> When you vote for a bill, there are a lot of ingredients in it; and for the court to single out that this vote is an endorsement of the war, it seems to me misses the mark and is too broad by any standard.

Then Senator Stennis said that he thought the lower courts were wrong—that is, the Circuit Court of Appeals and the District Court—about the decision they made that this was implied authorization.

The difficulty is that the decisions stand. Whether or not they are followed in other circuits, whether or not the U.S. Supreme Court takes the same view, there are the decisions. For many of us, it is a question of real conscience. Probably, considering his own attitude on the war powers and his own very distinguished bill, Senator STENNIS, himself, may be disquieted by it.

I thought that we could in some way insure ourselves against the misuse of what we in all good faith will legislate. I am going to vote for the draft bill, as the Senator from Mississippi knows; but I do not want any implication, when I vote for it, of the kind which is specified by the court decisions referred to.

I have no desire even to see this matter contested, because there is danger in that. It may be that if I should have a roll call vote now upon this question and it should be rejected—for any one of 30 reasons. The implication would then be that we have confirmed the court opinion and it could very well be a real barrier to passage of this bill in the minds of many Senators who are acting in good faith and are perfectly willing to have a draft bill but who are not prepared to vote to authorize a continuation of the Vietnam war.

This question has been discussed by others. I know that other Senators are deeply interested in it. Senator STENNIS has had a very distinguished colloquy with Senator FULBRIGHT. I know that Senator STENNIS feels strongly about it.

I thought it was worthwhile to present an amendment, to couch it in terms which to me would deal with a situation entirely negative in its consequences, and to see just how Senators felt about it and how the manager of the bill felt about it. As I have said, it may be that, at a later date, those decisions will be approved or overturned by other or higher courts.

In view of the implications which can be drawn from rejection of such an amendment as the one I have introduced, as well as from the statement with respect to its approval, I felt that it was a proper subject to bring up in a crystallized way. That is, by actually submitting an amendment. Let us at least see what the feelings is about it in the Senate.

Mr. President, I know that the Senator from Mississippi has given me a most sympathetic hearing, and I will await with very great interest his expression of his view.

I reserve the remainder of my time.

Mr. STENNIS. I yield myself 8 minutes, or so much thereof as I may use.

Mr. President, I commend the Senator from New York for the substance as well as the tone of the remarks he has made with respect to this amendment. Frankly, it is a matter that has troubled me from the beginning.

In the colloquy with the Senator from Arkansas, when the matter originally rose, I had a very strong hope that the amendment would not have to be voted on. Further thought on that subject has strengthened that position and feeling; I have fully made up my mind that my duty is to oppose it, on the whole, and I am prepared to do that, to the best of my ability, although I do not have a formal speech. I wish I did have one that was worked out formally and complete.

One reason why I would not want the amendment to come to a vote—and this is with great deference to the author—is that there is no way to word an amendment of this type without leaving confusion of a different kind, because this would move in on the Constitution. With great deference to the court, I do not think any court, unless it is the Supreme Court of the United States, can change the Constitution by merely a conclusion, especially one that just goes to one point that was in many bills, such as the Selective Service Act and the appropriation bills that had already been passed.

I do not think Congress can change the Constitution of the United States by implication, by merely adopting an amendment or passing a resolution of this type, as part of a massive bill that covers many fields and many purposes. The subject of the authorization for the war in Vietnam would be just one among those many fields, and I mention some others for illustration. This bill pertains to the manpower supply for our nuclear missiles that are stationed at home, for our carriers at sea, for our Polaris submarines at sea, for our bombers and our fighter planes, and for all the rest of our military weapons and activities. So certainly only a percentage—a relatively small percentage—of all the massive things I have mentioned pertains to the war in Vietnam. There are other foreign policies we have to maintain with a potential force besides the problem in Southeast Asia.

The amendment reads, "Nothing in this act or any other act," and that pertains to an appropriation bill. They are as broad as the world and as high as the sky in the government operations and activities they cover.

So I think it would be unfortunate for us to try now to refute a court—and it is not the highest court in the land—as to the question of a war authorization. I do not think we are called on to refute them. With great deference, I think that, as a whole, they erred, that they reached the wrong conclusion, and put the cart before the horse, if I may express it that way, or magnified the question they were deciding into one affecting the entire Selective Service Act.

The Selective Service Act has been on the books since 1948, it has just been reenacted every 4 years—once during the war, of course. But it was essentially the same law, just renewed. It had been in effect since 1948, before we ever had one man in Indochina much less the forces there now. So I would, with great deference, say that they went overboard and gave it too much significance and merely by implication said that the war was authorized by those acts. I made a distinction here the other day regarding the Gulf of Tonkin resolution, when I said it was passed more or less casually but if it had been a declaration of war it would have shaken the dome of the Capitol and aroused this Nation to the utmost. So we are not passing an authorization for war, past, present, or immediate. We are not appropriating primarily for war. We are appropriating for our national defense, for the security of 205 million Americans here at home. The amendment is unnecessary. I would oppose the amendment on that ground and would respectfully urge that it compounds the situation and brings in honest confusion.

I feel certain in my mind that we cannot change the Constitution in that way. We do not want to flirt with the warmaking powers and responsibilities of Congress, but we have to act on this Selective Service bill. We disapprove of the war, and some totally disapprove of the war, but we cannot just stand dumb or numb and let the world go by. We have got to act on the legislation. We have to act on appropriation bills. We have done that for years and we will be doing it for many years to come.

The Senator from New York has expressed himself so well, even though I oppose the amendment, that it seems to me our thinking is rather much together and perhaps the thinking of this body is rather much together.

If we had to go to the final wire, I would be compelled vigorously to oppose the amendment for the reasons I have given, but if the Senator would think that this makes the record and for the time being he could withdraw the amendment, I would applaud him for a wholesome public act. It does not derogate or take away one bit from his position or anyone else's, as I see it, about the court's decision.

Mr. President, I yield now to the distinguished Senator from New York.

Mr. JAVITS. I do not want to use any of the Senator's time.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I have listened to the Senator from Mississippi with the greatest care. I realize, and I hope that the courts will realize, the position into which they have placed us all. If we read the Court opinion, it is as bad for the affirmative as it is bad for the negative, and if there are going to be implications from adopting something, then there will be implications from rejecting something. So that the Senator is right when he says that this is a problem of great responsibility.

In order to help us, I am going to ask the Senator the following, and I hope he will understand the sense in which I ask it.

Mr. President, I feel we should not, at this time, press it upon this measure.

As I read the colloquy which the Senator from Mississippi had with the Senator from Arkansas (Mr. FULBRIGHT), it really does not exactly meet the point, as he phrased the question. I think it is important to see whether the legislative history could be made crystal clear that no implication can or should be read into the passage of the Selective Service Act which could represent an implied congressional authorization of the Vietnam war.

The colloquy had 2 parts. One was the view of the Senator from Mississippi that—

> Because this is a manpower bill for all our forces, as the Senator knows, we are not proceeding with anything except the rendering of services particularly in this sudden transition unless we could pass the bill.

That is one quote. The other is, in response to a question from the Senator from Arkansas (Mr. FULBRIGHT)—

> Is that the equivalent of the Senator's saying the Court was wrong in the way it interpreted the matter?
>
> Mr. STENNIS. With all deference, yes.

Neither of these deals directly with the point, though certainly it is clear what the Senator has in mind. Therefore, in the hope that perhaps it might be possible to do without such an amendment as I have described, I would like to ask the Senator this question:

Is there anything in this act, if it becomes law, which may be deemed to constitute an authorization for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8 of the Constitution?

Mr. STENNIS. I can certainly say to the Senator that, in my estimation, and as I interpret the Constitution, there are no provisions in the bill that would authorize the war in Vietnam as provided in article I, section 8 of the Constitution.

Mr. JAVITS. Would the Senator let me——

Mr. STENNIS. May I add this—I think that so far as the bill is concerned, we are not trying directly to authorize or to terminate that war, not yet.

Mr. JAVITS. Or to imply any authority which has not been otherwise given?

Mr. STENNIS. No. I think it does not imply any additional authority. Now it carries with it the manpower that will be used in Vietnam in connection with the war. There is no doubt about that. And the money bill that follows, presumably in the future, some of that money will be used for the war, as the Senator already knows. But there is no grant authority in the bill. So far as the war is concerned, we are not doing any more than we are compelled to do, as I see it, to keep up our military forces.

Mr. JAVITS. Mr. President, if I might explain to the Senator, I believe we are entitled to a precise answer on the question of legislative intent, at least that much. I appreciate the public policy implications which are involved. And I have stated them very frankly myself and have stated my grave concern about deciding whether to press for a vote. However, I think, with all my respect and affection for the Senator from Mississippi, that we are entitled to a flat answer to the question whether there is anything in this act which shall be deemed to constitute an authorization for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress and pursuant to the decision of the courts which draw such implications from the passage of a Selective Service Act.

If the answer of the Senator from Mississippi to that categoric inquiry would be no, then at least we would have the answer of the manager of the bill on record to the effect that this measure when passed should not be taken by implication to give such authority.

I appeal to the Senator on that question and would be glad to phrase the question with him. I think the question is important, not that any of us brought it up or imported it. If I had written this opinion as a lawyer, I think I would have rejected that concept. I agree with the Senator from Mississippi. I think the courts were wrong. They are very distinguished judges. Their record is superb. However, I do not think we can stretch the doctrine of implication that broadly. I would submit to the Senator, in the common interest, a bill which does not take us beyond the point which we believe it takes us, it is at least necessary to have a categoric answer that the legislative intent of this bill cannot be stretched to that point by implication. That is why I phrased the question as I did.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, I think, as I have said, that it is a common question, and I think that at least to that extent people who feel as I do deserve to have an answer.

Mr. STENNIS. Mr. President, would the Senator restate the question he just asked?

Mr. JAVITS. Mr. President, I asked the Senator from Mississippi, as the manager of the bill: Is there anything in this act which could be deemed to constitute an authorization by the Congress for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8, of the Constitution?

Mr. STENNIS. Mr. President, according to the interpretation of the Senator from Mississippi on article I, section 8, I do not think there is anything in the bill that would authorize the conduct of the war in Southeast Asia.

I think further that anything the Senator from Mississippi would say could not change the court decision. I will say respectfully, that I think the court decision is in error in its conclusions. However, I have to confine my opinion as to the bill to my interpretation here of article I, section 8, of the Constitution.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, could the Senator go further and say that it is not the intent of this measure by implication to give any authorization of the kind I have described?

Mr. STENNIS. Mr. President, I certainly know of no intent that the Senator from Mississippi has to give any additional authorization for the conduct of that war. That is about as far as I can go. The President has his position. My position is that we are already in it, and we have got to support it. We want to conclude it as quickly as we can. That is still my personal opinion. However, there is no grant of authority in this bill according to my interpretation of it or my intent, as far as the bill goes, to grant any additional authority.

Mr. JAVITS. When the Senator speaks of his intent, is the Senator speaking as the manager of the bill or as an individual Senator?

Mr. STENNIS. I speak as an individual Senator, of course. I am placed in the position of being the manager of the bill. I cannot speak for every Senator that is on the committee. However, I am in this position as I say, and I speak as manager of the bill to that extent, yes.

Mr. JAVITS. Mr. President, I believe this is a matter of high responsibility, and I do think we could be more precise than we have yet been in this colloquy.

Mr. STENNIS. Mr. President, if the Senator will yield there, I am not trying to avoid the Senator's question. I am just being careful in stating my position as I see it.

Mr. JAVITS. Mr. President, I know the Senator is doing the best he can in answering in accordance with his conscience. As I have said, I believe that this colloquy is at least an endeavor to button up whatever can be buttoned up in respect to this measure.

I do not believe it would be fair to have the Senate vote on this particular amendment without further consideration and debate. As I say, I am not entirely satisfied that we have done the best we can with this answer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 7 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself such time as I require.

Mr. President, I believe we can do better with this than we have done. The bill is by no means locked up, even if we do have cloture. Amendments may still be offered. I believe that many Members of the Senate should examine this question now that we have an amendment that is specific and the colloquy with respect to it, which I presume is the best the Senator from Mississippi feels he can offer. I would consider very seriously at this time not pressing the amendment to give us all a chance to think about the matter, especially the negative implications of presenting it, because one never knows the result of a vote. We can then finally decide before the bill is finally locked up and we have third reading whether the amendment is still necessary.

In the meantime, Mr. President, I ask unanimous consent that there be a quorum call——

Mr. STENNIS. Mr. President, will the Senator withhold his suggestion for just a moment.

Mr. JAVITS. Mr. President, I withhold my suggestion of the absence of a quorum.

Mr. STENNIS. Mr. President, let me ask the Senator this question with reference to the withdrawal of the amendment, to which I do not object. I think it is commendable of the Senator. There is no implication here about the forthcoming cloture vote. I am in the unenviable position of having to help effect cloture. I would not want this amendment to be tied in in any way so as to prevent cloture from being had.

We could vote on the amendment today, if the Senator wants to. So, if the Senator would advise now that there is no implication and that he or any of his friends do not want to try to hold off cloture in order to get this amendment.

Mr. JAVITS. Mr. President, I do not know that I will support cloture myself. The only reason I mention cloture is because cloture does not mean that we cannot amend. I gather that the Senator from Missouri wanted a little time to talk with the Senator from Mississippi.

Mr. STENNIS. Time-wise, I think the amendment can be brought to a conclusion now; but it would be possible, even if cloture should be imposed, to bring it up even under the cloture application.

Mr. JAVITS. Yes.

Mr. STENNIS. I would not object to that.

Mr. President, I suggest the absence of a quorum, with the time to be charged to my side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 16 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 5 minutes and I yield to the Senator from Missouri for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. I thank the Senator. I would like to address this question to the Senator from Mississippi.

Some people may interpret the Court's ruling regarding Orlando against Laird and Berk against Laird as suggesting that whenever the Congress appropriates money or authorizes the draft, those appropriations and those young men can be used in any way the President sees fit. I assume from the thrust of the Stennis war powers proposal, Senate Joint Resolution 95, that the Senator rejects this concept.

Mr. STENNIS. Yes; that is correct. Of course, the Senator is referring now to Senate Joint Resolution 95, introduced by me on May 11 of this year. A provision in that resolution expressly excepts all activities connected with the present war in Indochina. The resolution to which I have referred also provides in section 3, beginning on page 2, the following:

> SEC. 3. The President is authorized to use the Armed Forces of the United States in armed conflict pursuant to a declaration of war or other specific statutory authority, but authority to use the Armed Forces of the United States in armed conflict shall not be inferred from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes the use of such forces in armed conflict.

That section speaks for itself. I want to keep the record clear that that is a prospective proposal which excepts the war in Indochina for several reasons. That provision, of course, has no bearing on the court decision we have been referring to.

Mr. EAGLETON. I thank the Senator.

Mr. STENNIS. But if enacted into law it would be firm law on the subject.

Mr. EAGLETON. I would like to ask the Senator an additional question.

I assume the Senator from Mississippi does not regard this bill, which provides for the conscription of young men to serve in the Armed Forces to provide for the national defense, as authority for the President to use them in any other way than the Constitution states. For instance, if young men are sent into Indochina war, does not Congress have to authorize such hostilities in accordance with the Constitution?

Mr. STENNIS. My answer to that question is yes. Yes, that is correct.

As outlined in the resolution I have offered, Senate Joint Resolution 95, there are certain provisions therein with reference to sudden attack or the imminence of a nuclear attack, or for the protection of our own citizens, including the military, whose lives may be in jeopardy in places beyond our own borders.

So subject to those exceptions, which I think we have to expect as being part of the times in which we live, the answer to the question is yes. The Senator's question excepts the hostilities in Indochina.

Mr. EAGLETON. I thank the Senator. I would like to add in conclusion in the few minutes that have been allotted, I think this colloquy raises a very, very important point—the previous exchange between the Senator from New York (Mr. JAVITS) and the Senator from Mississippi (Mr. STENNIS), and now my question to the Senator from Mississippi—in that all three Senators mentioned, Senators JAVITS, STENNIS, and EAGLETON, have put in resolutions relating to warmaking and war powers. I think this colloquy today on this amendment has an important bearing on that question. It points up, and I think all Senators would agree, it prepares us for a better delineation and a better marking of the warmaking authority between the Executive and Congress.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I would like to make clear this point with respect to the colloquy on the floor of the Senate. With interruptions, and the spontaneity of things, we do not always have a chance to make as clear or as deliberate a comment or an answer as we might otherwise. I mention that because we are dealing with such a delicate subject. The courts, much less others, look to colloquies to try to summarize total policy matters.

Another thing I wish to point out is a sentence near the end of the decision in the case of Orlando against Laird, where the Court said:

> The form which congressional authorization should take is one of policy, committed to the discretion of the Congress and outside the power and competency of the Judiciary, because there are no intelligible and objectively manageable standards by which to judge such actions.

Mr. President, I wanted to read that sentence from the decision because there can be wrong conclusions. This is what, in law, is ordinarily called a political question—not meaning stump politics but a political question as distinguished from a judicial question.

I think that is about as complete as we could make the record here.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I believe we all certainly agree that this is a matter of such delicacy, involving a responsibility beyond that of an individual Senator, that it is prudent on this record not to press the amendment at this time. I reserve the right, based upon a reading and consideration of the whole record and any other amendment which may be offered to this bill, to urge this or some other revised version of the amendment on some other occasion before the time for consideration of amendments is up.

I withdraw the amendment.

The PRESIDING OFFICER. Is there objection to withdrawing the amendment?

Mr. STENNIS. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, is unanimous consent required to withdraw the amendment?

The PRESIDING OFFICER. When the Senate has taken some action on the amendment, unanimous consent is required to withdraw the amendment.

Without objection, the amendment is withdrawn.

Mr. STENNIS. Mr. President, before I yield the time back, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, has the amendment by the distinguished Senator from New York been withdrawn?

The PRESIDING OFFICER. Yes, the amendment has been withdrawn.

Mr. STENNIS. Mr. President, the Pastore rule of germaneness having been waived throughout the day, I yield 1 minute to the Senator from Georgia (Mr. TALMADGE) and ask unanimous consent that his remarks come at the end of this colloquy.

The PRESIDING OFFICER. Without objection, it so ordered.

EXTENSION AND AMENDMENT OF CHILD NUTRITION ACT AND NATIONAL SCHOOL LUNCH ACT

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (H.R. 5257).

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 5257) entitled "An Act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children."

Mr. TALMADGE. Mr. President, I move that the Senate disagree to the House amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. TALMADGE, Mr. ELLENDER, Mr. ALLEN, Mr. HUMPHREY, Mr. MILLER, Mr. AIKEN, and Mr. CURTIS conferees on the part of the Senate.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 12 o'clock noon today.

There being no objection, at 11:32 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12 noon, when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

AMENDMENT NO. 165

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Under the previous agreement, the Chair now lays before the Senate amendment No. 165 of the Senator from Kentucky (Mr. COOK) which the clerk will state.

The assistant legislative clerk read the amendment as follows:

SEC. 302. (a) (1) It is hereby declared to be the policy of the United States to terminate all involvement of the United States Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all United States military forces and equipment from South Vietnam, Laos, and Cambodia.

(2) Subject to the provisions of subsection (b) of this section, no funds authorized or appropriated under this or any other law may be expended after nine months from the date of enactment of this section to support the deployment of United States Armed Forces in, or the conduct of United States military operations in or over, South Vietnam, Laos, Cambodia, or North Vietnam.

(b) If, after the expiration of sixty days following the date of enactment of this section, the President has been unable to obtain a firm commitment from the North Vietnamese Government for the release of all United States personnel held captive by that Government and by forces allied with that Government, he shall promptly report such fact to the Congress in writing, and on and after the fifteenth day following the date on which such report is received by the Congress the provisions of subsection (a) of this section shall have no further force and effect unless the Congress provides for an extension of such provisions as hereinafter provided. Within fifteen days after receiving a report from the President under this subsection, the Congress may determine under the following procedures whether the provisions of subsection (a) of this section shall be continued in effect notwithstanding the President's report:

(1) any bill or resolution providing that subsection (a) of this section shall continue in effect notwithstanding the report of the President, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays; and

(2) any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

(c) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of Armed Forces of the United States, or

(3) provide assistance as specified by the Congress to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Under the previous agreement, time on this amendment is limited to 4 hours, to be equally divided, with the vote to occur on amendment No. 165 at 4 o'clock p.m. today.

Who yields time?

Mr. COOK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 15 minutes.

Mr. COOK. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. MANSFIELD. Will the distinguished Senator do me the honor of placing my name as a cosponsor on his amendment?

Mr. COOK. I will be very happy to do so. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. EAGLETON. I thank the Senator from Kentucky very much.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Iowa (Mr. HUGHES) be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during further consideration of amendment No. 165, and including the time during the rollcall vote or votes thereon, the Senator from Missouri (Mr. EAGLETON), a cosponsor, be permitted to have his staff member, Stephen Vossmeyer, on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask unanimous consent that my legislative assistant, Mr. David Huber, have the privilege of the floor.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I will not object, just that we may have a clear understanding, does the Senator—who is a chief sponsor—wish his staff member to be on the floor also during the rollcall vote or votes on the amendment?

Mr. COOK. Yes.

Mr. BYRD of West Virginia. I have no objection.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

Mr. COOK. Mr. President, I rise today to ask for Senate approval of amendment No. 165, a measure introduced by myself, Senator STEVENS, Senator EAGLETON, and Senator HARTKE.

Very simply, the amendment states that it is the policy of the United States to terminate our military involvement in Indochina and to withdraw all of our military forces and our equipment used for military purposes from this region within a period of 9 months from the date of enactment of H.R. 6531, the Selective Service Act. Further, it prohibits the expenditure of funds after this date for the deployment of our Armed Forces military operations in—or over—South Vietnam, Laos, Cambodia, or North Vietnam.

Equally important, if a firm commitment to release our prisoners of war is not reached with the North Vietnamese and their allies within 60 days after the date of enactment of H.R. 6531, the date of U.S. withdrawal and cessation of all military operations is canceled.

The amendment further provides that should the President be unable to obtain such a commitment in this period, he shall promptly report this fact to the Congress in writing, and 15 days after the report the date of U.S. withdrawal and cessation of U.S. military operations shall be canceled unless the Congress should provide otherwise.

It also supplies a mechanism whereby the Congress may expeditiously consider the President's report and provide for an extension of the withdrawal date. Upon the petition of one-third of the Members of the House or the Senate, the bill or resolution extending the date shall be reported to the floor from the appropriate committee within 1 day of introduction unless otherwise determined by a yea-or-nay vote. Within another 3 days, unless otherwise determined by a vote, the bill or resolution must be considered and voted on.

Lastly, the President's authority to provide for a safe withdrawal of our forces, the protection of those who might be endangered by our withdrawal, and other assistance to the nations of Indochina as specified by the Congress is not affected by any provision in this amendment. The President will retain his flexibility in these vital areas.

Now, Mr. President, it has been stated that this amendment does not in any way aid or assist the President. I might say to you, Mr. President, that this is where those of us who support the amendment totally and completely disagree. I refer to remarks made, first of all, by the Secretary of Defense, the Honorable Melvin Laird who, on a CBS interview on March 16, 1971, was quoted as saying as follows:

> We will maintain a U.S. presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner, either in Laos, Cambodia, South Vietnam, or in North Vietnam. We will maintain a presence in South Vietnam until this POW question is resolved.

On that same day, the Secretary of State, the Honorable William Rogers, was asked the following questions and he made the following answers:

"Are the prisoners the only reason we would be leaving troops there?"

The answer of the Secretary of State on that occasion was "Yes."

The next question was:

"So, if the prisoners are released or the North Vietnamese agree to release them, will we get out?"

And the answer of the Secretary of State on March 16 was "Yes."

Now, Mr. President, to further show the significance of the amendment in its aid and assistance to the President, to the Secretary of Defense, and to the Secretary of State, in solving the one question left in their minds—the question of the safe return of POW's I refer back to the President's message to the United Nations and to a radio and television speech on November 3, 1969. I quote from the President on that occasion:

> In this speech on May 14, he set forth our peace proposals in great detail.

He went on to say:

> We have offered the complete withdrawal of all outside forces within one year.

He then said:

> We have proposed a cease-fire under international supervision.

He then said:

> We have offered free elections under international supervision with the communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the election.

Now, Mr. President, we see that in May 1969, the United States had 514,500 American servicemen in South Vietnam and at that time we had a standing offer to withdraw all our forces within 1 year. We also offered to allow the Communists to be a viable political force in a free election. We now know that the Vietnamization has advanced to such a point that item 2, the participation of the Communists in free elections in South Vietnam, need not even be considered.

I refer again to the November 3 speech of the President when he said:

> My fellow Americans, I am sure you recognize from what I have said that what we really only have are two choices open to us, if we want to end this war. First, I can order an immediate and precipitate withdrawal of all Americans from Vietnam without the real effects of that action or we could persist in our search for a just peace through a negotiated settlement, if possible, or through continued implementation of our plan of Vietnamization, if necessary a plan to withdraw all our forces from Vietnam on a schedule in accordance with the program as the South Vietnamese become strong enough to defend their own freedom.

Said the President on that occasion:

> I have chosen the second course. So the choices we can count on are two, negotiations or Vietnamization.

Mr. President, on April 12, 1971, the President reported to the Nation on Southeast Asia. On that occasion he said, "Consequently tonight I can report that Vietnamization has succeeded." Later in the same speech he went on further to say that it is time for Hanoi to end the barbaric use of our prisoners of war for negotiations and to join us in a humane act that will free their men as well as ours.

In the same April speech, we will recall that the President announced an increase in the rate of withdrawal and reported that the withdrawal started in June 1969, with 25,000 men; in September 1969, another 40,000 men; in December 1969, another 50,000 men; and in April 1970, another 150,000 men.

"By the first of next month," said the President, "May 1, we will have brought home more than 265,000 Americans, almost half of the troops in Vietnam when I took office."

Later in the speech he said that between May 1 and December 1 of this year 100,000 more Americans will be brought home from South Vietnam, and this will bring the total number of American troops withdrawn from South Vietnam to 365,000.

Mr. President, this represents two-thirds of all the troops in South Vietnam from the 1969 high. It had the approval of the South Vietnamese Government. This will leave on December 1, 175,000 American troops remaining.

Let us look for a moment, Mr. President, if we may, at the history of the entire South Vietnam situation and our part in it.

From 1945 to 1951 the United States aid to France totaled $3.5 billion. Without this, the French position would have been totally untenable in Indochina.

By 1951, the United States was paying about 40 percent of the cost of the Indochina war.

In 1954 it is estimated that the U.S. economic and technical assistance amounted to $763 million, and the military aid totaled almost $2 billion. This added up to almost 80 percent of the total cost of the French in their operations in Indochina.

From 1955 to 1961 the U.S. military aid averaged $200 million a year.

By 1963, South Vietnam ranked first in military assistance, and it was third in economic assistance, following India and Pakistan. Overall the United States has invested $120 billion in South Vietnam. We have invested enough, therefore, when we get an agreement on our POW's, let us leave. This amendment emphatically backs the President in our withdrawal and says to North Vietnam: "We give you 60 days in which to solve the problems of the POW's and come to an absolute commitment with this country on a release of all our prisoners of war. If you do not, then all holds are barred, as the saying goes. If you do come to this agreement, we will totally withdraw."

We now say that the less than 250,000 troops can be removed in the period of 9 months. In view of the President's U.N. speech that 541,000 troops could be removed in 12 months, the 9-month period is entirely feasible.

Mr. President, it was said to me not too long ago that this would hamper the President in his negotiations. To the contrary, we feel that it would say to the President of the United States, "Mr. President, we back you completely on the statements you have repeatedly made as to the release of our prisoners of war and the time necessary to withdraw all our troops."

It will say to the administration, "We back what the Secretary of State has said."

It will say to the administration and to the North Vietnamese, "We back what the Secretary of Defense has said and has repeated over and over and over again, that the real problem is the prisoner-of-war question."

"If this could be resolved," said Mr. Laird, "we would be through in Southeast Asia."

Said the Secretary of State, "Yes. That is why we were there. If it could be resolved, yes, we would no longer be there."

So, I can only say this is the import of the amendment. This amendment puts the onus of the solution of this problem not on the President of the United States, but on the North Vietnamese where it should be.

This is a put-up amendment to the North Vietnamese. We say to the North

Vietnamese in the amendment "We will give you a 60-day period in which to come to a conclusion with us about what will be done in respect to the prisoners of war. And if this is, in fact, concluded within that 60 days, the U.S. military forces will be out within a period of 9 months."

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. COOK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from South Carolina.

Mr. President, if the Chair will indulge me a moment, I ask unanimous consent that we may have a brief quorum call, the time to be equally divided between both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. STENNIS. Mr. President, it may be charged to my time.

Mr. COOK. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. The time has to be charged.

Mr. STENNIS. Mr. President, I ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 6 minutes.

Mr. THURMOND. Mr. President, the pending amendment No. 165, offered by the distinguished Senator from Kentucky (Mr. Cook) is another attempt to deny the President of the United States his constitutional power to command and control the disposition of U.S. military forces in war zones.

This amendment, like the McGovern-Hatfield and other similar amendments, implies that President Richard Nixon will not keep his word and disengage U.S. forces from Vietnam on a speedy but safe schedule.

President Nixon has kept his promises regarding the reduction of U.S. troops in Vietnam. In fact, he has accelerated withdrawal of American forces faster than his original timetable.

The Senate must realize that no one man in the world would gain more politically and otherwise through a speedy disengagement than would President Nixon. His plan as Commander in Chief is a reasonable one. It is calculated to preserve the freedom of South Vietnam, a freedom for which thousands of American soldiers have given their limbs and lives to preserve.

This amendment and others like it strike at the Government's right to govern. They amount to making the Senate a command post and a peace conference all at the same time.

The Cook amendment would set a fixed withdrawal date 9 months from enactment of this bill. It allows only 3 months more than the McGovern-Hatfield amendment in the way of withdrawal time. Total withdrawal by the United States in that period would be chaotic. It is logistically impossible.

Other points which the Senate must bear in mind would include:

First. The administration must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance support through a military advisory mission of some sort.

Second. Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense. This amendment would preclude this vital aspect of our efforts to obtain a just and lasting peace in Indochina.

Third. Providing the number and quality of leaders and skilled personnel for the South Vietnamese requires time. Sophisticated skills must be taught so that the Vietnamese can operate and maintain the equipment we have provided them.

Further, the amendment allows 60 days for an agreement for the release of American prisoners of war. Failing this, the President is required to come back to his command post and peace conference here in the Congress for further instructions.

Mr. President, the Senate is destroying in the eyes of the world the respect and admiration in which our Government was once held. The Senate is trying to take over the constitutional powers of the President as Commander in Chief.

Fortunately, the Congress is too wise to use its real power in connection with this war; the power of the purse string. It would rather second guess the President on withdrawal timetables.

This circus in the Senate has greatly weakened, if not completely destroyed the efforts of the President to win the release of our POW's and to effect a smooth disengagement from South Vietnam.

How can the President deal effectively in these delicate matters when since May 6 withdrawal amendment after withdrawal amendment has been piled on the draft extension bill? The Congress has spoken many times on the question of U.S. policies in South Vietnam. The President fully understands the desirability for a rapid end to U.S. involvement in this war.

On the other hand, the President realizes that such a disengagement can proceed safely at only a certain speed. If some of the advice being offered in this Chamber were accepted by the President, the bloodbath in Indochina would be a tragedy far beyond imagination at this time.

Mr. President, I urge the Senate to express its confidence in the President to continue his policy of a gradual and safe disengagement in Vietnam by rejecting the pending amendment.

(The following proceedings occurred during the course of Mr. Thurmond's address and are printed at this point in the Record by unanimous consent.)

Mr. GRIFFIN. Mr. President, will the Senator yield for one-half minute?

Mr. THURMOND. I am pleased to yield to the Senator from Michigan.

Mr. GRIFFIN. I thank the Senator.

Mr. President, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER (Mr. McIntyre). They have not been ordered.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

Mr. EAGLETON. Mr. President, reserving the right to object, can an objection be raised to a request for the yeas and nays?

The PRESIDING OFFICER. No.

Is there a sufficient second? There is not a sufficient second.

Mr. STEVENS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, I yield to the Senator from Alaska.

Mr. GRIFFIN. Mr. President, will the Senator yield to me first for one-half minute?

Mr. THURMOND. Mr. President, I would like to be able to yield to the Senator from Michigan, but I had already yielded to the Senator from Alaska.

Mr. STEVENS. Mr. President, the sponsors of this amendment have made representations to Senators who have suggested language changes that we would not ask for the yeas and nays until they have an opportunity to give us that language.

I urge the acting minority leader not to ask for the yeas and nays at this time in order to give us a chance to live up to the commitment we have made.

We had a series of negotiations this morning and we are trying to show our flexibility. We could have asked for the yeas and nays at any time and we are doing this to live up to our representations and not to cut off anyone. We made commitments based on language they are discussing.

I urge that this courtesy be accorded. We will ask for the yeas and nays shortly if they do not produce the language. I ask that the Senator recognize our position.

Mr. GRIFFIN. We are trying to respect the Senator's wishes, but we are having a policy luncheon and it would be a great convenience to Senators to know if the yeas and nays will be requested. It is very difficult.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 minute?

Mr. THURMOND. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I think the request made by the distinguished Senator is most reasonable. I had no idea, as a matter of fact, that this was in the offing.

I am certain the acting minority leader would not have made the request he did if he had been aware of the situation.

Mr. GRIFFIN. The Senator is correct. I am glad to cooperate within reasonable limits.

Mr. MANSFIELD. Because there will be a yea-and-nay vote. There is no question about it. The Senator can tell the Senators at the Republican conference.

The PRESIDING OFFICER. The Senator from Alaska should be informed it will take unanimous consent to modify the amendment because a time certain has been agreed to on the vote.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, how much time is remaining? I want it understood that the time used just now was not charged to me.

The PRESIDING OFFICER. The Senator has 4 minutes remaining. The time was charged against the Senator from Mississippi.

(This marks the end of the colloquy which took place during Mr. THURMOND'S address.)

Mr. BAYH. Mr. President, I rise to support the amendment introduced by the distinguished Senator from Kentucky (Mr. COOK) and the distinguished Senator from Alaska (Mr. STEVENS).

America's continued involvement in Vietnam has diverted our energies and resources from critical needs here at home. It has seared our moral conscience. It has torn our country apart. For the first time since the War Between the States we stand in danger of becoming a house divided, a Nation polarized into different societies—each with its separate ideology and world view. Americans of all ages—but particularly the young—grow embittered, cynical about every tradition, every value and about the prospects for rational change.

Our prolonged involvement in Vietnam has even seriously affected the reliability and morale of our fighting forces. With more than 10 percent of our soldiers in Vietnam using hard narcotics and with frequent "fragging" incidents, the U.S. Army itself needs an end to this most corrosive experience.

The only way for us to restore faith in ourselves and in our institutions is to end that involvement. And the only way left to end that involvement, to get our prisoners home safely, and hopefully, to negotiate and end to the fighting is for Congress to set a date for American withdrawal.

In recent days there have been a number of reports suggesting that the North Vietnamese and the Vietcong might make an agreement to release our prisoners in return for withdrawal of all our troops. North Vietnamese officials have stated explicitly that the pisoner release would be tied solely to withdrawal and "to no other questions." They have stated publicly that once an agreement is reached and our troops are withdrawing, hostilities between their forces and ours will cease.

It is high time we put these indications, these pronouncements, to the test. It is time to name a date and call on the other side to agree to a prisoner release.

It seems logical that, with more than 200,000 Americans still in Vietnam, Hanoi would regard it to be in their interest to make and carry out an agreement on POW release and U.S. withdrawal now. But as the legislation currently before the Senate provides, if such an agreement were not reached we would not be bound to our part of the arrangements.

The announcement of an end to American involvement in Vietnam would be a clear signal to both Hanoi and Saigon—

To Hanoi it would signal the abandonment of the search for military victory whether by Americanization or Vietnamization and create an incentive for the return of prisoners. It would prove that what Hanoi has said it does not believe is true—we are going to get out of Vietnam and we are serious about negotiations.

To Saigon it would signal that we no longer were committed to propping up the Thieu regime. To that Government and the people of South Vietnam, many of whom do not now believe the United States actually will withdraw, such an announcement would be a clear advance notice. It might force Thieu to seriously consider negotiating a compromise. It would encourage Vietnamese to begin the task of finding the accommodations among themselves so that they might have the chance to live together in the same country.

Furthermore, the South Vietnamese presidential election is scheduled for this October. Most important to the chance that that election might be a truly free expression of the popular will would be Vietnamese awareness that our dominating presence—heretofore the decisive element in their internal politics—was now definitely coming to an end.

Finally, to both Hanoi and Saigon the fixing of a date certain would signal our intention to end the war, thus setting in motion an adjustment to the reality of a Southeast Asia without American combat power. It is that reality alone that can lead to a political settlement and only a political settlement can lead to peace.

What troubles me deeply now is that the longer we wait to set a date, the more difficult an agreement for withdrawal and prisoners exchange may become. The kind of agreement the evidence shows we can have today, we may not be able to negotiate 6 months or a year from now. Taken together our delays and our gradual withdrawals have already lost us too much time and leverage. It is in part at least because of this concern that I am voting for and urging the passage of the Cook-Stevens amendment.

I believe that more rapid withdrawal—by the end of this year—would be both possible and preferable. It is for that reason that I supported the Hatfield-McGovern amendment. I do not think any useful purpose will be served by postponing our departure from December 1971 to March or April of 1972. But, while I personally would favor an earlier end date, I am firmly convinced that the overriding consideration before us is the setting a date for our final withdrawal—and setting it now.

If there is one thing already evident from the "Pentagon papers" affair it is that in the past some of our elected leaders, however highly motivated, misled the American people as to the direction they expected our policy in Vietnam to take and left unclear the course they intended to pursue partly, perhaps, because they themselves were uncertain. If those articles prove anything at all it is that on an issue of transcendant importance the direction in which our Government is moving must be clear in its own mind and clearly understood by the American people. Only if the purpose and prognosis of that policy is clear can it command the kind of broad and sustained support which is essential.

I believe the purpose and prognosis of our current Vietnam policy must now be clearly spelled out. No one has the right to play a shell game with the American people about whether or when the loss of young American lives will be brought to an end.

It would have been far more preferable if the President had set a date long ago, making it dependent upon return of our own prisoners and, perhaps, at that earlier time, on other conditions as well. But he did not. It would be much better if he would set such a date today, contingent on the return of our men. But he has made it clear that he will not. Because he has not negotiated a settlement, because he has made it plain that he will not set a final date—despite the manifest desire of the American people to end the war—the responsibility has devolved upon us to set that date—and to set it now.

It is for these reasons, Mr. President, that I will vote for Cook-Stevens amendment to end the war.

SENATOR RANDOLPH OPPOSES COOK AMENDMENT BUT ANNOUNCES SUPPORT FOR MANSFIELD PROPOSAL

Mr. RANDOLPH. Mr. President, at the time the McGovern-Hatfield amendment was the pending business, I stated:

> We should not be absolutely rigid in fixing all withdrawal conditions by law, thereby removing from the President vital flexibility and the exercise of options in closing out our involvement in Vietnam, and in obtaining the liberation and return of American prisoners of war.

I voted against the McGovern-Hatfield amendment and against the Chiles amendment because I believed them to impose the conditions of rigidity by law which I oppose.

Mr. President, the provisions of the pending amendment by Senators COOK, EAGLETON, HARTKE, and STEVENS are preferred by me over those of the prior McGovern-Hatfield and Chiles amendments.

But I continue to be against rigidly fixing all withdrawal conditions by law, which the pending amendment does in a manner generally similar to the predecessor amendments against which I voted.

So, I will vote "No" on the pending amendment.

But, Mr. President, I announce that I will vote for the Mansfield amendment which the senior Senator from Montana offered yesterday to add a title V to the Military Selective Service Act. When it is officially before us as the pending business, I will vote "aye" on the Mansfield amendment.

I am in agreement with the majority leader's proposal which would have Congress declare it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment of the proposed Mansfield amendment. And I am in agreement with and especially emphasize my support of the proviso in the amendment that withdrawal stipulation be subject to the release of all prisoners of war by the Government of North Vietnam and its allies.

The Mansfield amendment would add the sense of Congress admonition that the President be urged and requested to implement the expressed policy by initiating immediately the following actions, to which I wholeheartedly subscribe as being sound policy and to which I believe the President should react affirmatively:

Publicly proclaim a final date for the withdrawal from Indochina, but such date to be not later than 9 months after the date of enactment of the Mansfield amendment, contingent on the release of American prisoners.

Enter into negotiations with the Government of North Vietnam and its allies for an immediate cease-fire by all parties to the hostilities in Indochina.

And negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces in Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of the remaining American prisoners of war concurrent with the withdrawal of all remaining military forces of the United States by not later than the date publicly proclaimed by the President, or by such earlier date as may be agreed on by the negotiating parties.

Mr. President, I believe that Congress and the President of the United States should work together for the total end of the Indochina war and for the repatriation of American prisoners within the framework of such an amendment as that being chiefly sponsored by the senior Senator from Montana, the majority leader. I will support it in the belief that it will enable Congress to declare a policy as a basis for withdrawing from Indochina, and for the President to react to it without being totally straitjacketed in the implementation of the policy declared.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8825) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes," had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDREWS of Alabama, Mr. CASEY, Mr. EVANS of Colorado, Mr. HATHAWAY, Mr. ROUSH, Mr. MAHON, Mr. BOW, Mr. CEDERBERG, Mr. RHODES, and Mr. WYATT were appointed managers of the conference on the part of the House.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield 5 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, first I wish to correct my own amendment to H.R. 6531 which is at the desk.

On line 6, page 2, after (1) eliminate the words "publicly proclaiming" and substitute "establishing."

The PRESIDING OFFICER. The Senator has the right to so modify his amendment.

Mr. MANSFIELD. Mr. President, I listened with interest to the Senator from South Carolina talking about a blood bath. It just happens that this morning I received the latest figures from the Department of Defense which indicates just how much of a blood bath has occurred as far as this country and its citizens and soldiers are concerned.

As of June 12, 1971, 300,123 Americans have been wounded. As of June 12, 1971, 54,871 Americans are dead. The total casualties up to June 12, 1971, amount to 354,994 Americans.

That, I submit to the Senate, is a blood bath in its own right, and a blood bath which is long overdue for consideration and conclusion.

Mr. President, in a short time, the Senate will be voting on the Cook-Stevens-Hartke-Eagleton amendment. It is my intention to vote for this proposition; and I am delighted to cosponsor the amendment. I do so because the amendment would make clear that the Senate desires an end to the involvement in Vietnam. Moreover, it would underscore the point by providing for a cutoff of funds within 9 months of enactment. As I read it, only a Presidential finding that the North Vietnamese are unwilling to release the U.S. prisoners of war would forestall the fund cutoff. As one Senator, I am ready to join in voting for Cook-Stevens-Hartke-Eagleton.

In the event Cook-Stevens-Hartke-Eagleton is adopted, the Senate would be on record on the question of Vietnamese withdrawal, especially as it relates to the question of the prisoners of war. Insofar as I am concerned, it would then be my intention not—I repeat, not—to call up the amendment which I introduced yesterday and which provides for phased withdrawals of U.S. forces and phased releases of prisoners. Passage of Cook-Stevens-Hartke-Eagleton would have given voice to the intent of my amendment and, for all practical purposes, superceded it.

However, I think we have to face the fact that a Senate, which has rejected the Hatfield-McGovern amendment, may also find difficulty with the provision for a cutoff of appropriations which is provided in Cook-Stevens-Hartke-Eagleton. In its wisdom, the Senate may also reject Cook-Stevens-Hartke-Eagleton. In that event, the amendment which I offered yesterday may possibly be a closer reflection of the present sentiments of the Senate. The proposed amendment is in the nature of a statement of policy which, if enacted and signed by the President, would set forth a common position for the Government of the United States. The position would include: First, immediate negotiations with North Vietnam for a ceasefire; and, second, negotiation of a withdrawal of U.S. forces from Vietnam in planned stages which would be coincidental with phased releases of prisoners of war, culminating in total withdrawal of forces and total release of prisoners in 9 months. In sum, the two proposals go together.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. My own procedural position in this situation should be clear. It is, in short, that I am for Cook-Stevens-Hartke-Eagleton now. I will vote for it and withdraw my amendment if Cook-Stevens-Hartke-Eagleton is adopted by the Senate. It is my intention to press my amendment later only in the event that Cook-Stevens-Hartke-Eagleton is not acceptable to the Senate at this time.

Mr. COOK. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, will the Senator from Kentucky yield me 10 minutes?

Mr. COOK. Mr. President, I yield 10 minutes to the Senator from Indiana.

THERE IS STILL TIME

Mr. HARTKE. Mr. President, 2 days ago we celebrated Father's Day in this Nation—a day which honors the state of parenthood. As a father of seven, I know the joy and the sorrow, the pride and the suffering, that children can bring. I have watched them across the gulf of years and pathos that inevitably divide a father from his children.

And on that day of celebration, I could not help but think of those fathers who are not as fortunate as I.

I am speaking of the fathers of over 50,000 American war dead in Vietnam—and the thousands more who have had sons returned to them minus a limb or an eye or possibly sanity itself.

And for what—to perpetuate a deadly folly and a willful blindness to decency—a folly and a blindness of leaders more concerned with geopolitical abstractions than with the national ideals they had sworn to uphold—leaders more concerned with their own place in history than with America's.

Is it not now obvious to everyone that the President's so-called plan to end the war is purely a plan to continue the war by subterfuge and deception? Does anyone not know that he intends, in fact, to prolong the war indefinitely, substituting Asian conscripts for Americans in the deeply cynical expectation that lower casualty figures are all that the American people care about in our Indochina policy?

But a war financed entirely by America and made tactically feasible only by American air power is an American war. And if some people in Government do not understand that reality, I can assure them that the people who elected them do.

And the people know, too, the price we have paid—and must continue to pay for a war without hope—without purpose—without end.

The President's policy may have succeeded in stopping this war from being a hemorrhage for America. But it is still a running wound. And there is no hope—no hope whatsoever—that the wound will ever, under this policy, be healed. Instead, the infection which it carries will continue to grow—to spread—to become more virulent every day, until we are consumed by it.

I do not know how to say it more strongly: Vietnam is a disease from which we may not recover. We are dying of Vietnam—and the physician tells us that must not take the only available antidote to its poison because the cure for us may be noxious to military adventurers and war profiteers in Saigon.

The poison of Vietnam is deep inside us. We are dying of it. The cruelest evidence of its power to kill is not the 50,000 military caskets but the living dead among our veterans and our children—the dope addicts roaming the streets of our cities. Vietnam has done this to them—and to us—and the tentacles of its poison have now spread into every community and into every school.

I tell you we are dying of Vietnam. Just as surely as we have given the death stroke to Laos, Cambodia and Vietnam, we have written our own death sentence as a free and democratic society. We must commute that sentence while there is still time.

Mr. President, on August 7, 1964, the Congress passed the Gulf of Tonkin resolution formally committing this country to military involvement in Indochina. Now, nearly 7 years later the time has come for the Congress to once again assert its voice in the determination of American military policy in Southeast Asia.

For a decade now the Indochina war has been a defilement of our ideals and a perversion of our historic role as a beacon of hope to the peoples of the world. It has caused us to turn away our attention from vital domestic needs and to become increasingly immune to the sight of death and destruction. We have been torn apart by this tragic war and our wounds will not heal for decades.

Today, we have the opportunity to right a grievous wrong by withdrawing funds for American military operations in Indochina 9 months from the date the President signs this bill. Millions throughout the world are awaiting our decision.

Will we perpetuate a deadly folly which has only brought us grief and shame. Or will we rely on our greatness and resilience by announcing to the world that we have honored our commitments to the South Vietnamese—we have given them the very best of our youth—and now it is time to bring them home.

Public opinion demands an early end to the war, but I do not suggest that we rely on the polls in casting our votes today. The call of reason and conscience tells us that the time for total withdrawal has come.

There are those who say that the war can be ended by negotiations rather than by congressional action such as we contemplate today. I do not agree. For the fact is there is absolutely no hope for any serious negotiations to begin unless and until the United States fixes a date for total withdrawal of its forces.

In early April I had long discussions in Paris with all four parties to the peace talks and with other highly knowledgeable Europeans and Americans. If there is one conclusion that I drew with absolute certainty from those conversations, it is that there will be no serious negotiations in the absence of a formal American Declaration of Intent to withdraw all our forces from Indochina by a date certain. Such a declaration would lead to serious negotiations on major points of contention and may yield other very desirable results as well.

These include, first, an immediate cease-fire between Communist forces and ours, thereby bringing an end at last to the killing of Americans and of most Asians, as well.

Second, discussions would begin at once—that very day if we wished—on arrangements for the safe withdrawal of our forces and speedy return of our prisoners of war.

The attitude of the administration on this question has been most dismaying. I have complete certainty that the President shares with all Americans deep concern for the fate of American prisoners and those who are missing in action. But I am afraid that his present policies condemn those men to continued obscurity.

Recently, the White House lent its support to a $25 million worldwide advertising campaign sponsored by the national advertising council to urge international inspection of prisoner-of-war camps. This is a tragic diversion of public attention and an effort to inject politics into the prisoner-of-war issue. It is time that public officials stopped making use of the prisoners for their own narrow ends. The American people deserve to know that the fastest way we can get our prisoners released is by declaring a date certain for our withdrawal from Indochina.

The amendment before us today provides the best possible opportunity to end the long suffering of loved ones. From my own conversations in Paris as well as numerous reports in the news media, I am convinced that we will not get action from the other side on our prisoners until we make an unequivocal commitment to withdraw our forces from Indochina.

In this connection let me emphasize that both North Vietnam and the Vietcong made it as clear as they possibly could—short of offering me a signed contract—that they have no interest whatever in keeping our prisoners a day longer than is necessary. Any implication by the President to the contrary is grossly and cruelly deceptive.

A variety of arguments have been advanced against the idea of total withdrawal by a date certain. Some contend that a withdrawal of U.S. forces by the end of this year would bring about the fall of the present regime in South Vietnam. After years of shedding American blood and billions of dollars from American taxpayers, it is time that the South Vietnamese made their own political decisions.

Years of involvement by the United States in their affairs have made the South Vietnamese dependent on us politically as well as militarily. With the presidential elections taking place on October 3, our adoption of the amendment before us today will serve notice on the people of South Vietnam that the time has come for them to assume full responsibility for their country's future.

The present policy of the administration comes close to being the worst of all likely alternatives. It offers nothing but a continuation of the killing into the indefinite future. How long can we Americans continue to countenance a policy of mass slaughter of predominantly uninvolved noncombatant people in the nations of Indochina? For we must never forget that so long as the war goes on, it will do so at our instigation. With or without American troops, our air power will continue to devastate that land creating additional civilian casualties by the tens of thousands and refugees by the hundreds of thousands.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **HARTKE**. Mr. President, I ask for 2 more minutes.

Mr. **COOK**. I yield the Senator 2 additional minutes.

Mr. **HARTKE**. Let there be no mistake about it. This plan which the President calls Vietnamization is in fact a plan to continue the war indefinitely using South Vietnamese conscripts to carry out the Nixon program for American domination of Southeast Asia. It is an attempt, in other words, to win a military victory.

The time has come to say that victory is not only unattainable, it is unworthy of winning, for it would be a victory—not for freedom—but for colonialism. Do we really imagine that the judgment of God and of history will go lighter with us because we have merely taken our own troops out of the line of fire?

I deeply believe that the struggle to end this war is a struggle for America's soul. And I cannot help remembering the words of the old testament:

> The sins of the fathers shall be visited

> upon the children even unto the fourth and fifth generations.

If we today remain passive as evils of such magnitude continue to be carried out in the name of America, we shall condemn ourselves and our posterity to a frightful judgment.

We cannot pretend that we were unaware of the suffering we have permitted our arms to inflict on the innocent, nor can we rationalize the death and destruction we have wrought in the name of freedom and democracy. We know better. For if there is one thing which this war has done it is to reveal the truth as we have never known it before: No longer are we willing to accept myth as reality; no longer are we willing to accept pretense as a guide for policy.

Mr. President, today we can restore the integrity of America's will. Today we can commute the sentence of death and mutilation and exile that has been passed on thousands of our own sons and tens of thousands of Asian men and women and children. Let there be no misunderstanding—today we can end this unwanted war and bring all of our boys home.

For the sake of all who have died and all who are yet condemned to die, I urge my colleagues to join me in support of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. I yield myself 10 minutes.

Mr. President, we are back where we were the other day, when, after a very fine debate on the Hatfield-McGovern amendment, for which we set aside, I believe, at least a week, the Senate indicated its will by the vote on the Chiles modified amendment, which was a new version that came in near the last. Now we are back to substantially the same subject matter, after 7 weeks of debate on this bill.

It is all right for us to be thorough and exhaustive, but I do not believe that we are helping our side in this Indochina situation by going over and over the same thing, the same proposals, almost, and then, when we dispose of this one today, we may have another one, and who knows how many more? I simply do not believe, as I say, that that helps our side. I think it probably hurts our side, in spite of the very fine good faith of those who sponsor these resolutions.

Mr. President, whether intended or not, let no one say that this is not an attack upon the President of the United States and his handling of this unfortunate war. Of course it is a restriction. Of course it is a barrier. And of course it partly—almost totally in some ways—ties his hands. Of course it makes him the underdog in his efforts to negotiate with our enemies, and it certainly lowers his stature—I am talking about the Chief Executive, now, and not the man named Nixon—even with our friends, our direct allies, and our diplomatic sympathizers.

Of course it is noticed—and I speak with all deference here—by our adversaries, that this resolution came primarily from two of the members of the President's party. This is not a partisan matter. We do not look upon it as partisan. But other people, our enemies also look upon this thing. They are measuring now where the President is going to be left when this debate is over. Our enemies look upon where these resolutions are coming from, and I am telling you right now, it trims the position of our Chief Executive down greatly, in size and in influence.

Mr. STEVENS. Mr. President, will the Senator yield at that point? I am happy to ask the Senator from Kentucky to take my inquiry on his time, if the Senator prefers.

Mr. STENNIS. I yield briefly for a question, under the rules of the Senate.

Mr. STEVENS. I ask the Senator, in view of his comments that this reflects on the President, if he has examined the impact of this amendment from the point of view of placing the question of the prisoners of war first in the negotiations, and making the time limit entirely conditioned upon a firm commitment to release those prisoners.

As I understand it—and as the Senator has said, I have been one of the President's most firm supporters in this body——

Mr. STENNIS. That is right.

Mr. STEVENS. As I see it, we are supporting the President's purpose and trying to get the Senate and the House of Representatives to say they agree with the President that if the North Vietnamese will release our prisoners of war, then we will withdraw within a time certain.

How is that reflecting upon the Office of the Chief Executive, if we arm him with this power?

Mr. STENNIS. Yes, Mr. President, the President wants to be "armed" in this way, I am sure. The word is just the contrary, totally contrary to what the Senator has suggested.

He is out front, He is our Chief Executive. I am not arguing for him. I am not interested in Richard Nixon as an individual, any more than I am interested in the Senator from Alaska, of course. But he is the chosen Chief Executive of this Nation, so known around the world and so interpreted, under our form of government, by our adversaries and those allied with them.

Of course, powerful nations are allied with North Vietnam. They know our system of government. They know where the opposition to his position is coming from They notice it, I mean. The proponents of this proposal are not strengthening him in the eyes of those with whom he has to deal. They are weakening him, and that is why he is so vitally concerned and interested about this.

This is a matter of national prestige and national power and the future of our country for years to come.

Mention has been made about what this amendment would do. On page 2, line 7, it reads:

> If, after the expiration of sixty days following the date of enactment of this section, the President has been unable to obtain a firm commitment from the North Vietnamese Government for the release of all United States personnel held captive. . . .

What is a firm commitment? What is a firm commitment by the Comunist nations we have been fighting? What does "firm commitment" mean in any kind of language, regardless of whom we are dealing with? Who is the judge of it? What is a firm commitment? Does that mean a commitment to leave, a commitment to give the prisoners to us after we are completely gone and after we have promised not to give South Vietnam any economic aid, not even give them any advice, no kind of support whatever, but just leave them there to wither and die on the vine as a nation? What is a firm commitment?

We are walking around in the dark and are in danger of going over an abyss. I do not believe the Senate will adopt an amendment such as this.

I raise the question: What is a firm commitment? When will the commitment have to be carried out? What discretion is the President going to have in accepting a firm commitment? He will not be in a position to make any demands if this amendment becomes part of the law.

How could a President of the United States sign a bill that has a provision such as this? We are already at war, unfortunately. Men are dying every day, unfortunately. It is not a question of arguing about his power to be there, how he got there, or anything else. I was here when these men went. They are there, and they are carrying the flag of the United States. How are we going to help the situation by limiting the only man, under our Constitution, who can be the Nation's representative?

Another thing, Mr. President—this amendment would cut off the funds. It refers to cutting off the money after a certain day. Every Senator is capable of making up his own mind, and I have no counsel or advice to give, especially. But I think a man has to think a long, long time before he announces in advance, "Your money is going to be cut off. We are not going to let you turn a wheel after a certain date."

We are trying to determine now—not knowing what may develop—a time when no money will be available. Well, it might be said that we could come back and make that money available, with the machinery here. But once a date is announced on which the money is going to be cut off, the Government's hands are tied behind its back, and the President's hands are tied behind his back. He cannot originate money, appropriate funds He can veto, but he cannot originate the authority nor the money.

I will say right now that in the eyes of our enemy, if there could be a capitulation just short of abject surrender, whoever put this amendment together has almost approached finality in capitulating, and I think already has found a way to do so, so far as leaving the President with any effective authority to proceed is concerned.

My position in this matter is and has been this: Keep the responsibility where it belongs. Keep the responsibility on the President of the United States. He is the man, under our system, who is selected. That is well known. When we tamper with his power, we show signs of weakness, and that is well known by our adversary. So keep the responsibility on the President of the United States. This President even asked that that be done. That was part of his platform. He ran on that ticket, so to speak, and said to the American people, in frankness and candor, "I have a plan, and I am going to end the war."

That is the substance of what he said.

The **PRESIDING OFFICER**. The 10 minutes of the Senator have expired.

Mr. **STENNIS**. I yield myself 3 additional minutes.

Let us not give the President a readymade excuse.

Before I said that, I should have reiterated what I have said here many times. I believe he is trying. I know something about the problems. If I did not have any confidence in him, in his ability, in his endurance—he is not a weaseling man; he has shown tremendous courage several times in connection with this war—and if I did not believe he was doubling every effort and pulling with all the power he has everywhere, through ordinary channels and through extraordinary channels, I would not be standing in this position on this amendment. But I am satisfied that he is doing this. I do not believe that the fact that he cannot do it as soon as he had hoped is his fault. For almost a year now, he has been fired at consistently from this floor—Hurry up. Hurry up. Do this; do that. Do not do this; do not do that.

Mr. President, sometimes we can serve best by just giving more time. I do not know of any date that is in his mind. I do not know that he has any. But I think he would be a very poor President if he would announce a date in advance, without any kind of headway or assurances or commitments.

I think it is time for us now to draw a halt here on ourselves, unless we have something that is more effective and more practical and a better substitute for what is being done than the President's plan and his activities and his operations. I think it is time not to withhold the money but to withhold our amendments for a while.

I am hopeful in this calendar year, 1971, to bring something definite, something better, and an end point of some kind that is favorable. But that is my hope and that is my idea. I am not speaking for the President, of course, and I do not know everything he has in mind. But as this debate has gone on, I believe the idea has developed fuller and fuller that an amendment of some kind on the floor is not the best way to try to get out. It is the worst way.

I hope we will have a resounding vote against this amendment, and that we then will proceed to the passage of this bill.

I yield the floor.

The **PRESIDING OFFICER**. Who yields time?

Mr. **COOK**. How much time does the Senator from Missouri want?

Mr. **EAGLETON**. Seven minutes.

Mr. **COOK**. I yield 7 minutes to the Senator.

Mr. **EAGLETON**. Mr. President, the pending amendment—the so-called Cook Stevens-Eagleton-Hartke amendment—is based on two very important beliefs. In the words of the original Cook-Stevens amendment those beliefs are:

> That the government of the United States has honorably fulfilled its commitment to the people of South Vietnam; and
>
> That the remaining objective of the government of the United States is the release of its prisoners of war.

In all honesty, these beliefs apparently do not comport with those of the President. He has stated that we have not yet given South Vietnam a reasonable chance to survive. And while recognizing that prisoners of war are important, he still believes that buying more time for the Thieu government in South Vietnam should be the paramount objective of American policy.

This amendment will not buy time for Thieu, but it will buy life for many young Americans in Vietnam or on their way there. It will cut the time that U.S. prisoners of war remain in prison.

This amendment will break the negotiating deadlock in Paris between the U.S. Government, which refuses to set a firm withdrawal date before the North Vietnamese agree to release our prisoners, and the North Vietnamese, who demand a firm date for our total withdrawal before they will arrange for such a release.

Several weeks ago the North Vietnamese appear to have taken two significant steps which make this amendment even more important.

First, they apparently unlinked the military and political aspects of a Vietnam settlement, as indicated in the following exchange between Chalmers Roberts of the Washington Post and Xuan Thuy, the chief North Vietnamese negotiator:

> Q. (Roberts) You have repeatedly referred to "two crucial questions" involved in settling the Vietnam problem, the military and the political questions, and have said they are "inseparable." (Xuan Thuy made this statement again at the June 3rd Paris meeting.) The political question has been posed as removing the Thieu-Ky regime from office and the formation of a coalition government. Is this political issue also a condition for prisoner release?
>
> A. (Thuy) *The question of the release of prisoners is related only to the military question. This shows our flexibility. It should have been linked to the political question.* (Emphasis supplied.)
>
> Q. But what does "inseparable" mean then?
>
> A. If we speak of the whole question of Vietnam, of the settlement of the war, of ending U.S. aggression, then the military and political questions should be linked. But if a reasonable date is set the question of prisoners may be settled.

Further, this amendment similarly unlinks the military from the political question on our side by making total U.S. withdrawal contingent only on the release of U.S. prisoners of war—not on the indefinite survival of the Thieu government.

Second, the North Vietnamese have changed their language when discussing the release of our prisoners of war. In the past Thuy has promised that discussions on the release of prisoners "may" begin or that the prisoner question "may be settled" when we agree to a withdrawal date. Roberts pursued this point during the interview.

> Q. Why do you say "may" and not "will"?
>
> A. *Yes, you can put it down "will be settled." From now on it is "will."* (Emphasis supplied.)
>
> Q. You know, Mr. Nixon has said you have offered only to discuss prisoner release.
>
> A. Nixon is unwilling to withdraw. Therefore he tries to use one pretext and another. Nixon's allegation about discussing and not settling is because he is unwilling to settle. He wants to split hairs.

Mr. President, amendment 165 tests the good faith of the North Vietnamese. It requires that, within 2 months from the date of enactment, the date the United States signs the bill, the North Vietnamese make a firm commitment to release American POW's. If they fail to do so, the President is required to report to Congress and the final withdrawal date will be automatically canceled in 15 days unless Congress, by a majority vote, decides otherwise.

Under the McGovern-Hatfield amendment, which I cosponsored and voted for, the final withdrawal deadline would have been extended—but not canceled—if the North Vietnamese refused to make adequate arrangements for the release of our prisoners. Only by a majority vote could Congress have revoked the final deadline in the McGovern-Hatfield amendment.

I recognize that some Senators may be reluctant to leave the determination of whether the North Vietnamese have given a firm commitment to the President. I repeat that I still favor the McGovern-Hatfield approach.

But I believe amendment 165 provides adequate safeguards.

I have little doubt that if the North Vietnamese sincerely attempt to make arrangements for the release of our POW's they can do so in a way that will make any negative Presidential determination hard to sustain. For instance, North Vietnam could offer a plan for proportional repatriation—the release of prisoners commensurate with the decrease of U.S. men and activity in Vietnam. Or they could release approximately one-third of our prisoners when an initial agreement is reached; one-third when half of our remaining troops are withdrawn; and the last one-third when the American withdrawal is complete. Or perhaps an arrangement could be made for our prisoners to be interned in another Communist country more cordial toward the United States—such as Rumania—until the American withdrawal from Indochina is complete.

After all, the American people and the international press will be following such efforts intently and Congress will be the final judge.

In summary, amendment 165:

Recognizes that the Government of the United States has honorably fulfilled its commitment to the people of South Vietnam;

Makes clear that the remaining objective of the Government of the United States is the release of its prisoners of war;

Breaks the negotiating deadlock by meeting the North Vietnamese demand that the United States set a firm, final, and fixed date for withdrawal;

Puts the North Vietnamese willingness to release our POW's to the test;

Gives the President a fail-safe—an automatic "out"—if the North Vietnamese are unwilling to release our POW's; and

Provides the mechanism by which Congress is the final judge.

Mr. DOLE. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. DOLE. Mr. President, some of us are more reluctant to leave that determination up to the North Vietnamese, than is the Senator from Missouri.

Mr. EAGLETON. The pending amendment, if I may say so, in response to the Senator from Kansas, gives complete discretion—complete, unfettered discretion to the President of the United States, without tying his hands one iota. It gives him a complete range of latitude in terms of negotiation as to whether, within 60 days, he has received a satisfactory, final settlement—a firm commitment—insofar as our prisoners of war are concerned.

If the President has any reservations whatsoever, if he says, "We have called those fellows on the telephone and they will not accept our collect telephone calls. We have sent them cables and they are returned 'No addressee found'. We have sent emissaries to knock on the door and they will not even answer a knock on the door. We have talked to them but we cannot get anything out of them." If the President, under any set of facts like that, returns to Congress within 60 days and says, "Men and women of Congress, we have been unable to achieve any kind of firm commitment," then all bets are off and under the wording of amendment No. 165, it is automatically canceled and of no force or effect.

Mr. DOLE. Could the Senator from Missouri define "firm commitment" to the Senator from Kansas——

Mr. EAGLETON. A firm commitment?

Mr. DOLE. As would apply to the Hanoi government.

Mr. EAGLETON. A firm commitment would be giving complete discretion to the President of the United States, Richard Milhous Nixon, insofar as what he deems to be a firm commitment is concerned. He could recommend a whole range of possibilities. There could be agreement for a graduated release of the prisoners, a third in 2 months, another third 2 months thereafter, and the other third in the next 2 months after that. There could be internment of the prisoners in another nation, hypothetically perhaps Rumania, during the process of withdrawal. This could encompass a whole range of possibilities including, perhaps, the placement of Red Cross officials or other officials of the United Nations, and so forth, in terms of custody or guardianship of the prisoners during the withdrawal process.

The main thrust of amendment No. 165 is to give the President of the United States the maximum flexibility, the maximum latitude in negotiating the release of our prisoners of war. We do not want to tie his hands. This amendment says, "Mr. President, on this negotiation of the prisoner-of-war issue, we believe that you will be a good negotiator. We know you will be sincerely motivated. We know that you are greatly interested in the prisoners of war. We know that you are interested in the activities of Senator DOLE of Kansas who often speaks for the release of the prisoners of war. We know that you have listened to the wives of the prisoners of war who want these men back. We know that you have heard from the wives who have said, "Get us out of Vietnam and our husbands will be returned home."

We believe in you, Mr. President. We know that by giving you maximum negotiating flexibility, you will come up with a firm commitment. Only if you believe in it will you recommend an agreement to Congress. We the sponsors of this amendment, Senators COOK, STEVENS, EAGLETON, HARTKE, MANSFIELD, SCHWEIKER, and HUGHES, believe that you would not come to Congress with a phony argument. We believe that you have the capability as a good negotiator to come in with an agreement which you fully believe in.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from Missouri has expired.

Mr. COOK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 12 minutes.

Mr. DOLE. Mr. President, I thank the Senator from Missouri for yielding on his time to respond to my questions. Perhaps after a brief statement, we can pursue his points further. The Senator from Missouri just said the President is a good negotiator. I do not know why we do not want to let him do the negotiating. I do not know why we want to deny him that opportunity.

Some of the wording of the amendment sounds like wording from the Hatfield-McGovern amendment. Much of the wording of the amendment sponsored by the Senator from Kentucky (Mr. COOK), the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. HARTKE), and the Senator from Missouri (Mr. EAGLETON) comes from the Hatfield-McGovern amendment.

This is a cutoff amendment. It comes from the Hatfield-McGovern amendment. It contains the same language. The amendment puts the 60 days in front instead of behind insofar as the prisoners of war are concerned.

I am speaking now as a Senator from Kansas and in no other capacity, and as I said in the debate last December with the distinguished majority leader, it ought to be the President's prerogative to set a date.

The distinguished majority leader said at that time:

> I agree. If the Senator will recall, in my remarks I did not state that a final date for withdrawal should be made publicly. I agreed that it should be the President's prerogative, and I thought I had worded it in such a way that while questions could be raised, the intent was clear.

That was in December 1970, less than 6 months ago. I realize the right each of us has to change his mind. I also realize that is the intent of some Senators somehow to vote to have a no confidence vote in the President. Perhaps it will not come tomorrow. Perhaps it will be next week or next month. If that is what the Senate wants to do, to have a vote of no confidence in President Nixon, I hope that those who want do so will not succeed.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. STEVENS. Mr. President, this will be a vote of no confidence if you and the people who are in the position you are in make it so. Many of us who will vote for the amendment support the President and have supported the President a great many more times than many of those who are criticizing the amendment.

Unfortunately, I have tried to call the attention of my friend to the fact that this is a statement which substantiates the President's position and puts Congress in a position of saying that the settlement of the prisoner-of-war question is foremost in the minds of all Americans.

If that question is not solved, we set no date. If it is solved, we set a date. That does not seem to me to be contrary to the President's position.

I respectfully urge the Senator as he addresses this question to keep in mind that he is liable to need us again. Some of us are liable to be needed again. And if you put the brand of traitor upon us because we reach the conclusion that the South Vietnamese have 1,100,000 people under arms, 4 million in PSDF; another 550,000 in the home guard and they can defend themselves and we can bring our men home, I say to the Senator from Kansas that he should be careful. Some of us have long memories.

I urge the Senator to think again as he makes these statements about who is and who is not supporting the President.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Alaska. I am not referring to anyone as being a traitor, as the Senator from Alaska volunteered. Let me say to the Senator that I have been rather active in the prisoner-of-war matter for a long time, and not on any partisan basis, for it is not a partisan matter. I think I have been as much concerned about American prisoners of war and Americans missing in action as any other Senator. I think we have a right to discuss this without any personal inference, and that right remains, even though some may not like it. But I ask the Senator from Alaska if he can point out any difference between this amendment and the Hatfield-McGovern amendment. They both would set a deadline.

I heard on the CBS Morning News information to the effect that the Senate would vote tonight on the deadline amendment, the amendment offered by the Senator from Kentucky, the Senator from Alaska, the Senator from Indiana, and the Senator from Missouri.

It may not be only this Senator who makes this interpretation, but I can tell the Senator what this amounts to is a vote of no confidence to the President.

I am referring to what has already

been said by the press. If we want to do that, that is fine, let us say so.

But let me discuss that question and the prisoners of war. According to the Senator, that seems to be the sole objective that remains. No longer should we be concerned about other objectives in South Vietnam, in the view of the Senator from Alaska and many other Senators.

There has been much discussion in recent days about the war. There has been much discussion about whom we should fault for the war in Southeast Asia. I supported President Nixon, and I am not ashamed. I am proud of it. I supported President Johnson, and I am not ashamed of it. I am proud of it. Perhaps I should not have done so. Maybe I was deceived; however, there comes a time when we must rely on our President.

I believe President Nixon is negotiating. I see this amendment as a signal to the enemy that we are not serious, that we are going to set a date and in 9 months will be out, even if the President should find in the allowed 60 days that he cannot obtain any commitment.

I hope that someone who sponsors this amendment will sometime today define what a firm commitment is, who determines what it is, what the Senate thinks it is.

If the President should say in 60 days that the North Vietnamese have not made a firm commitment, are we going to quarrel with him? We ought to know in advance. He should know in advance.

Mr. President, I say with all sincerity that since the initiation of the Paris talks in January 1969, our Government—and I am certain it was so before then under President Johnson—has consistently placed American prisoners of war and Americans missing in action issue on top of the matters to be settled.

We have repeatedly raised in Paris and elsewhere the question of adherence to the provisions of the Geneva Conventions Relative to Prisoners of War and pointed out that such adherence was necessary under the terms of international law. We have had no response from the North Vietnamese.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. DOLE. When I finish, I will yield.

Mr. President, as I have said before on the floor, that humanitarian, legally sound position has been totally ignored by the North Vietnamese. They repeatedly say,

> Withdraw all American troops by a certain date; remove the top officials from the South Vietnamese Government.

In that same interview they say, "We want some economic aid." They expect other things to happen. What will be their next demand?

They say they will discuss the release of prisoners of war, not that they will release them.

This amendment says that there shall be a firm commitment on the release of prisoners.

I happen to have faith in the President. And I happen to believe the President is undertaking negotiations. I am certain that negotiations are going on concerning the release of prisoners of war and those missing in action. I think that that everyone knows there must be negotiations.

Perhaps the Senator from Alaska can answer this question. If his amendment should be adopted and if a firm commitment should be reached, would the North Vietnamese be expected to release 339, 400, or 1,631 American prisoners?

As the Senator knows, the North Vietnamese acknowledge, as I recall, having only 339 prisoners of war in North Vietnam, 19 in South Vietnam, and one in Laos. We do not know for certain how many missing in action there are.

We do know that there are some 90 prisoners of war that have not been acknowledged by the North Vietnamese.

If we are concerned about the Americans missing in action and the American prisoners of war, can the Senator tell me how many there are? Are we willing to accept any figure they give us—339, 429, or what figure should we have?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. DOLE. I shall yield when I finish.

Mr. President, we have been able, through great efforts of Members of this body from both parties and the efforts of private individuals, wives, mothers, and children, to muster a great deal of public sentiment and American opinion for the prisoners of war and those missing in action. This sentiment had some impact on the North Vietnamese, but those prisoners are still held captive. I do not know how many there are; I do not know what figure to use.

They said in 1968 that if we would just stop the bombing they would be willing to negotiate a peace settlement. Where are we today? Are we closer to peace? Have any prisoners been released? Perhaps there have been one or two, but how many prisoners do they have?

We have been talking in Paris for 2 years. I believe Ambassador Bruce best summed it up when he said:

> We have made it abundantly clear that we are prepared to negotiate an agreed timetable for complete withdrawals as part of an overall settlement. What that agreed timetable should be is a matter for negotiation. The settlement must also encompass resolution of the question of North Vietnamese troop withdrawals from South Vietnam, Cambodia, and Laos as well as U.S. troop withdrawals from South Vietnam.

Mr. President, I think, and I say with all respect to my colleages that we are all concerned about the prisoners. The Communists are fully aware of their many opportunities to show "good faith" in regard to the POW–MIA issue. In October 1970, President Nixon proposed the immediate and unconditional release of all prisoners of war held by both sides. On December 10, 1970, the United States-South Vietnam delegation repeated this proposal in even more specific language. The proposal offered to release 8,200 North Vietnamese POW's held in camps operated by South Vietnam in exchange for the release of the POW's held by the Communists, which, although the number is unknown due to their refusal to identify them, we assume is no more than 800. This is a 10-to-1 ratio, as generous a prisoner release proposal as history has ever known.

The PRESIDING OFFICER. The Senator's 12 minutes have expired.

Mr. DOLE. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 additional minutes.

Mr. DOLE. When the exchange proposal was rejected, the President then suggested that all prisoners be detained in a neutral country until such time as an agreement on the issue be reached. This proposal gained no response either. The Communists have not displayed one shred of evidence to lead any reasonable person to assume that they have any humanitarian consideration for the prisoners and their families. Some may dismiss this as typical of the pain and sorrow of a war we should never have entered. It is true that war is hell; no one, least of all the men who fight and often die in wars, could deny that.

I have before me the Evening Star. The headline states "Secret War Started in 1961." We all have doubts about the war but the fact is we are there and the fact is that President Nixon is getting us out. No one likes war; no one can deny that.

I ask Senators to put themselves in the position of the families, mothers, wives, or children of missing men. They are in a complete state of limbo; they have been in that state for 4, 5, or 6 years, and have not even been allowed the opportunity to know of their loved ones' captivity or death and to adjust their lives accordingly. To me that is unspeakably cruel, even for war.

The fault is not ours. The fault is not President Nixon's, it is not President Johnson's, and it is not President Kennedy's. The fault rests with the North Vietnamese.

The reason we had the Geneva accords on prisoners in the first instance—and they were signed by the North Vietnamese—was that throughout history, even in war, it has been recognized that we had to adhere to some rules of humanity. Even in the long, bitter, emotional struggle between Israel and the Arab states, both sides have respected the laws with respect to prisoners of war.

At this point, the United States clearly has two alternatives in regard to the POW–MIA issue:

First, either to continue to demand, both through official channels and through the pressure of world public opinion, that Hanoi live up to the Geneva Conventions most importantly by accounting for the prisoners via a neutral international organization such as the International Red Cross; or,

Second, to bow to their blackmail demands and set a date for complete unconditional withdrawal and hope that they will then keep their promise of talking about the 339 prisoners that they admit are holding.

But this Senator is not willing to write off 500 or 600 or 700 or 1,000 prisoners.

These are some of the aspects of this amendment the public should be aware of before they ask us to pass judgment on it.

We now have had 11 versions of the McGovern-Hatfield amendment. This is the 11th version. The provisions of that amendment have been changed 11 times to date, but still some want to impose a definite date on our President.

I have been in Congress for 11 years, and we have never adjourned on any agreed date; however, we would impose a specific date on the President.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, in considering the first course of action in regard to our prisoners, it is only fair to point out that we are dealing with an enemy who has shown no conscience about the humane treatment of prisoners or the need to abide by an agreement which they signed. Therefore, we must assume that all the humanitarian considerations in the world from whatever source would fall on deaf ears. It has been proven, however, that they do respond to public pressure for propaganda reasons. For 6 years fewer than 100 men were allowed to write a total of 600 letters. Hanoi had no qualms about holding men for all those years without allowing them to notify their families that they were alive. As soon as the American public became aware of the situation and public pressure and indignation began to build, Hanoi responded by allowing more than 200 additional men to write more than 3,000 additional letters in 18 months. Obviously, they were not ready to allow world indignation to destroy all their years of propaganda. We feel their response was in reaction to public pressure. It certainly was not a sufficient response but it was a start. It is believed by many who have been active on behalf of the prisoners and missing men that as more Americans and eventually people throughout the world display their concern, Hanoi would be forced into greater response.

The second alternative is one with which our country has had some experience. In our eagerness for peace in Korea, which was not as long, frustrating or agonizing a war as Vietnam, we negotiated peace without accounting for 389 men who had been known to be prisoners, and for 18 years, our country has been trying to obtain an accounting of these men. Should we now trust a government which has displayed so little respect for truth or human feelings that they would display a propaganda picture of Capt. Wilmer N. Grubb to illustrate how well prisoners were being treated and now 5 years later release a list which states that he died before the picture was released? On this same list which Hanoi has recently released, Lt. Commander Cameron, who was lost in 1967, is carried as having died in November 1970. Several months before November 1970 Hanoi released a list on which there was no mention of Lt. Commander Cameron; they apparently failed to remember that he was being held a prisoner.

Mr. President, I say it is not to 339 prisoners but to all 1,500 or 1,600 of them that we have an obligation in Congress. The President has an obligation. I have said many times if the North Vietnamese would do what the President suggested last October and join in an immediate cease-fire we could resolve questions that now haunt Congress and the President.

I appreciate the efforts of those who want to help the President and those who sincerely want to help the President, but what has President Nixon done? Look at the record.

I say the greatest single achievement of his administration is the winding down of the war in Southeast Asia. I say it everywhere I go, not because he is a Republican and I am a Republican, but because I supported Democratic Presidents and now a Republican President in this effort.

I say to my friends who in good faith offer this measure to help the President that we must rely on the Commander in Chief.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. DOLE. I hope we approach this amendment in that spirit. I reserve my right as a Senator from Kansas, and a junior Senator from Kansas, to analyze the amendment, to find fault with the amendment, without being castigated by my colleagues who feel a personal affront. I say it is the same as the McGovern-Hatfield amendment, except for subsection (a)(1)(b). The amendment even goes farther because it states:

> It is hereby declared to be the policy of the United States . . .

I am not certain we can do that, but it is said we can.

The amendment goes on to state that we will withdraw within a period not to exceed 9 months, our military forces and equipment from South Vietnam, Laos, and Cambodia.

What we would do is foreclose achieving away the objective that we have already paid for in blood and money, and the deaths of 50,000 men.

The objective under President Kennedy, President Johnson, and President Nixon has been to give the South Vietnamees a reasonable opportunity for self-determination, but under this amendment that would be gone. We would take out the men and equipment and focus on the American prisoners of war. It is a very emotional issue. I am deeply involved with it. But I have faith in the President. I have faith he is reaching some accord.

It is my opinion this amendment will do nothing to aid the President; it will hamper the President, and I say that with all sincerity.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to ask my friend one question before seeking the floor in my own right.

The PRESIDING OFFICER. The 2 minutes of the Senator from Kansas have expired.

Mr. STEVENS. I will ask the question on my own time.

Mr. COOK. Mr. President, I yield 10 minutes to the Senator from Alaska.

Mr. STEVENS. I ask in all sincerity one question of my friend from Kansas and that is: Do we not seek in Paris a commitment? Is that not what Ambassador Bruce has been seeking? In the SALT talks have we not sought a commitment?

Suddenly, when we use the word "commitment" in the broadest sense of Presidential interpretation, it is looked upon as inhibiting the President's power. What difference is there in our wording "a firm commitment" from the North Vietnamese Government for the release of all U.S. personnel held captive by that Government?

Mr. DOLE. There is a very basic difference. What is said in this resolution is that we have to make the President do it, that he will not do it unless we force him into it.

Let me quote from the National League of Families:

> We do not want the prisoners to be the only reason why we remain in Vietnam, nor do we want them to be the only reason why we leave.

That is the gist of the message from a wife whose husband has been missing 4½ years. She has children. She is concerned about her husband more than we are. She is also concerned about many other things.

Mr. COOK. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. COOK. I would like to repeat what I quoted from what Secretary Laird said on March 16:

> We will maintain a U.S. presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner, either in Laos, Cambodia, South Vietnam or in North Vietnam, so, we will maintain a presence in South Vietnam until this POW question is resolved.

On that same day Secretary Rogers was asked the following questions and made the following answers:

> Are the prisoners the only reason we would be leaving troops there?
>
> Yes.
>
> So if the prisoners are released or the North Vietnamese agree to release them, we will get out?
>
> Yes.

I just give those quotations in reply to the distinguished Senator from Kansas.

Mr. DOLE. They made all those statements without any resolutions by the Senate.

Mr. STEVENS. I believe the President has been able to accomplish a great deal with our help, as a matter of fact. Those of us who originally put in the Cook-Stevens resolution several months ago were seeking a way to cut through the problems that are involved in the negotiations and trying to pick out the one single issue that could unite the American Congress and the American people behind the President, and that issue, as far as I am concerned, must be the prisoners-of-war issue. They sit over there and our people say, "If you release our prisoners, we will talk about when we go home." The North Vietnamese say, "If you go home, we will then talk about releasing your prisoners of war."

We tried to find a way to have a common ground, to seek a commitment by the Senate in this regard, that would agree in this area with the conclusions of the Secretary of Defense, in which we say we will set the policy of the United States—and I think Congress has a role in setting the policy over there. I wish people would stop calling this a war. It is no war. No Congress has declared it a war. It is a conflict overseas involving our troops. Time and again I have supported the President on the Vietnam policy.

I visited Vietnam twice. I went there once with the Senator from Oklahoma (Mr. BELLMON). We were guarded over there every minute. I point out that now there is relative security in Vietnam almost everywhere. They have 1,100,000 armed people there. They have 550,000 people in the home guard. They have 4 million people in the people's self defense force, 1,300,000 have automatic rifles in their homes, incidentally. We do not give that privilege to our own citizens.

One wonders about the assertions about whether the government can survive. They have 1,300,000 people with automatic rifles in their homes. If they can survive with that situation, I do not know that our leaving will make any difference if they have the ability to defend themselves. The President has said Vietnamization has worked. That was my conclusion and is my premise in cosponsoring this amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. STEVENS. When I finish. [Laughter in the public galleries.]

Mr. COOK. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks the foreign policy statement I made in July 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, in every single statement I pointed out what President Nixon had done and that I was proud of what he had done as President. I am still proud of it. The only thing I am trying to say is that I have reached the conclusion—I think many people have reached the conclusion—that it is time for the South Vietnamese to go it alone, and, if we get our men back, we can leave that place with honor. I think we can leave it with honor and they can defend themselves if they have the will to defend themselves.

What the Senator is saying is that he wants us to guarantee them to have the will to defend themselves. It is like telling one's children how to fight. One buys them all the things to make them strong and then he says, "I do not want you to go out on the street because the kid up the hill is going to beat the devil out of you." Some time we have to trust the people of Vietnam. We trusted them when they went into Cambodia. I defended that. We trusted them when they went into Laos. I defended that.

If there is a solution to the prisoners of war agreement, some of us are prepared to say that 9 months' time—based upon extremely good advice by those in Government, I might say—is a significant period of time in which to do this. It is 9 months from the time of the enactment of the bill.

Let me point out what it says in subsection (c):

> Nothing in this section shall be construed to affect the authority of the President to:
>
> (1) provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia.

Mr. DOLE. Mr. President, will the Senator yield for a brief question?

Mr. STEVENS. In just a second. That is the authority the President decided to use in Cambodia to protect the safety of the troops in Southeast Asia. We are not limiting that.

> (2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of Armed Forces of the United States.

The President could set up enclaves—which were suggested by some—to protect those people, if he so decided.

> (3) provide assistance as specified by the Congress to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

That means he can give them any kind of assistance, military or economic, that Congress provides in any other law.

To me, what is there to do other than to say we are committed, the Nation is committed, to withdraw from Indochina if we can get our prisoners of war out of the hands of the enemy? I think that is the significant issue left—to become committed to a complete withdrawal contingent upon a firm commitment to release our prisoners.

I will yield to my friend in a moment, but I will say to my friend, if we do not do this, the time is going to come, if we continue withdrawal—and I see them as they come home every week; I see the men coming through from Vietnam in increasing numbers—when we get down to the final question: Do we leave a residual force because we still have prisoners of war? At that time the Senator is going to wish he had supported this amendment, because it would put Congress on record as saying there will be a force in Southeast Asia so long as we have those prisoners of war there. That is my interpretation of the amendment.

I am glad to yield to my friend.

EXHIBIT 1

U.S. FOREIGN POLICY

(By TED STEVENS, U.S. Senator)

When I went back to Washington, this is what I found.

We were involved in a war that apparently we couldn't get out of.

We were involved in so-called peace negotiations at Paris where we bickered for months on the size and shape of the conference table.

In nine short years, we had become so deeply mired down in Southeast Asia that it seemed utterly impossible to find our way back to the road to peace. Our commitment had risen from a few hundred airplane mechanics and gunnery instructors in 1960 to over a half-million Americans.

Battle casualties were running high—the killed, the maimed, the injured and the missing.

What had been described in 1964 as "that dirty little war" in Vietnam had grown to be that huge, impossibly dirty war.

Promises that had been made that American boys would not be sent to fight Asian boys' battles had long been forgotten. The President in 1965 determined to increase our support for South Vietnamese, and I, as a member of the Alaska Legislature, in 1965, had urged a united front to support the President. At that time, there were less than 30,000 troops in South Viet Nam. By 1969, there were over 530,000 troops in Viet Nam and almost everyone believed we were overcommitted and should find an honorable way to disengage.

But Southeast Asia's jungles were not the only deeply troubled spot in the world of January, 1969.

The Six Days' War of 1967 in the Middle East had dragged out for over a year and a half. There was constant fighting, constant blood-letting. And there was an ever-increasing danger that the Middle East would, in fact, turn into the Armageddon of prophecy.

There was a real danger of head-on confrontation between the world's two mighty nuclear powers—the Soviet Union and the United States.

Chances of peace in the Middle East seemed hopeless. The chances of real, all-consuming war seemed very real.

In Europe the alliance so carefully founded and nurtured under President Eisenhower during the fifties was on the verge of collapse.

America was forced to maintain some 350,000 fully equipped and trained in the field at all times.

The Soviet Union had just flexed its muscles in Czechoslovakia.

In Africa a dreadful civil war raged in Nigeria—a war that threatened to spill over into other African countries. And it was a war that had brought into place the subversive influences of the Chinese Communists and the overt interference of the Soviet Union with arms and munitions.

Unrest in Africa threatened to become upheaval. And the United States was the target for much of the increased bitterness. Too many promises had been made—and broken—to far too many African nations and their leaders.

In Latin America, too, hopes were fading fast. The Alliance for Progress appeared to lead less toward progress than toward chaos. Its benefits had found their way into a few pockets; the misery it was supposed to ease was being compounded. Revolution, political takeovers, military uprisings, and guerrilla warfare all flourished. Cuba was providing the leadership and the funnel for weapons to a vast area of South America.

Nowhere in the world was there a stable peace, and in many places there was little hope of peace where conflict persisted. Men of goodwill were being inundated by the flood of violent invective.

At his inaugural, President Nixon urged Americans to lower their voices because, he said, nobody could understand what you were saying if you screamed.

Almost at once the President broke precedent and announced, he, personally, was going to Europe. He did not raise any issues. He made no promises. He placed no blame. He said he was merely going to Europe to see, to hear, and to understand.

The task was that of assuring our oldest and closest allies in London and Paris that American foreign policy was indeed on a new course. The task was that of reassuring the peoples of western Europe that our goals of freedom and peace throughout the world had not been abandoned.

He talked with Wilson in London and the erratic and irascible de Gaulle in Paris.

I believe the President's trip reaffirmed America's position as a more silent partner in Europe's affairs. He regained the confidence of both the leaders and the people.

He did it quietly.

When old friendships had been re-established and old alliances reconfirmed, we started on a new course. Both Congress and the Executive moved quietly to meet the most immediate and the most dangerous problem facing the Nation: Viet Nam.

On a bi-partisan basis, we sought a new approach. We reached a major premise. It was agreed that the basic problem was one the South Vietnamese themselves had to solve. If there are to be peace in South Viet Nam, they must arrange that peace. It could not be imposed on them. If the South Vietnamese people were to be protected against outside aggression, that protection must be provided by the Vietnamese themselves. In short, we agreed to support a policy of Vietnamization.

When the President announced this policy to the American people in the spring of 1969, there were no promises which could not be fulfilled. He simply said that if this policy worked he would start bringing American troops back home.

American troops started home, at first in small numbers, then in a growing current that has become a strong tide. Americans have been coming home from Viet Nam at a rate of 10,000 men a month. To date, 115,000 men have come back, and Congress provided that our Armed Forces must be reduced by the number of troops withdrawn from Viet Nam. The tide will continue to swell as the South Vietnamese resume more and more of the business of protecting themselves.

Objective foreign news correspondents report that the NLF has been beaten. The South Vietnamese government controls most of the countryside. The few Cong that are left are hated and despised. The only enemy left in Viet Nam today are the troops from the North.

The program of Vietnamization is working, and it will work well if we continue to support it. Our forces are being withdrawn. And they are being withdrawn with a minimum of danger to those who are left.

As you know, I went to Viet Nam with Senator Bellmon last year. While there, I saw how our combat troops are deployed. They form the nucleus, mainly, of defense positions—thousands of positions—in which the majority of the troops are South Vietnamese. To pull our troops out before they are replaced would mean losing the defensive positions for which our troops fought and died. These positions can be held by the South Vietnamese after we leave.

Regarding the Middle East, it is too early to be optimistic. It may be too early even to be heartened by what is developing. But, as of now, there is a truce in the Middle East. As of now there are hopes that Israel and the Arab nations will remain at the conference table, talking and not fighting. Only a few months ago this seemed a far-fetched hope, something beyond the realm of reality, but to be sought regardless.

Now there is hope. Not peace, it is true. But a truce that could, just possibly, lead to peace. And it has been accomplished without loud noise or frenetic activity. And I think it occurred because the Senate told the President we would support commitments to keep the peace if an accord was reached.

In Europe, the Germans and the Russians have signed a major treaty, the first step toward an easing of tensions that have existed since World War II and have been heightened by the Cold War.

Britain and France are talking with each other, not shouting at each other. There seems now a real chance that the British might be able to enter the Common Market, strengthening both the British economy and the Market itself.

Among the first major moves in 1969 was the assignment of Governor Nelson Rockefeller of New York to a mission south of the border. The Governor, long an expert on Latin American affairs, made thorough, detailed studies of problems that confront us and the people of that continent.

Again, without fanfare and without a flood of press releases, the Congress and the Executive have developed a policy which makes sense.

Money being spent in South America is being channeled into the kinds of projects that will bring long-range results—education, nutrition, development of basic industries and transportation.

Perhaps the most significant development in our world-wide search for peace has been the Strategic Arms Limitation Talks.

Two years ago the United States and the Soviet Union were engaged in a frantic arms race, spending billions of dollars on devastating weapons. Both the Russians and the Americans wanted to stop, but no one seemed able to apply the brakes.

As of now, the second phase of the SALT program has ended, with the third phase to begin this fall in Helsinki.

The groundwork has been laid for producing concrete arms limitation proposals. The discussions have been friendly and productive. They haven't produced headlines but promise to produce results. I pray that they do.

Bolstering our position in Vienna and Helsinki has been the antiballistic missile program. This program has been more than merely protection for the United States; it has provided, as well, a solid bargaining point at the conference table.

It has been 19 months since I took my oath of office. It has been my consistent position that, while we disengage from South Viet Nam, we must do all we can to support and assure the safety of our troops in that area.

After the Cooper-Church amendment was modified to assure that the President, as Commander-in-Chief of our Armed Forces, has the power to take action to protect the lives of our troops in South Viet Nam, I supported this amendment because I feel members of Congress must, consistent with our Constitutional role, share the responsibility for decisions regarding the utilization of American Armed Forces on foreign soil.

In short, while I believe Congress must reassert its Constitutional authority, I have supported the President's Vietnamization policy because I believe he has outlined an honorable and workable plan to disengage this nation from the conflict in Southeast Asia. While you may agree or disagree with portions or all of this Vietnamization policy, I know that all Alaskans, along with all Americans, share the desire for peace. I hope this mutual desire will be the bond that will reunite our nation.

In a further effort to reunite this nation and assert the sharing of responsibility between the Executive and Legislative branches, I supported Senate Resolution 85.

This "national commitment" resolution pertains to the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States. It is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

In the last 19 months, the American people have moved closer to peace than they have been in a decade. During that period, our defense expenditures, as a portion of the budget, have reached a twenty-year low.

Our draft calls are at the lowest they've been since 1966.

Our battle casualties in Viet Nam have reached a four-year low.

Our Armed Forces have been cut by a half-million people.

Our Nation—and the world—are once again back on the road toward eventual peace.

And it has been done quietly, without shouting and without flourish. It has been done by a bi-partisan group of Senators, of which I am one, who do not want any further wars. We want this country to be strong enough to keep the peace. But, more importantly, we want this country to be humble enough to admit its mistakes.

We do not want any more U-2 incidents and we do not want to become involved in the commitment of combat troops to foreign soil without full compliance with the Constitution.

This is the record. I am proud of it. It is a record which gives reason to hope for peace.

Mr. DOLE. To get back to the amendment—and that is what we are debating——

Mr. STEVENS. That is what I was reading from.

Mr. DOLE. It is not identical with the Hatfield-McGovern amendment?

Mr. STEVENS. It is not identical with the Hatfield-McGovern amendment. I voted against that amendment.

Mr. DOLE. The paragraph the Senator just cited is identical with the Hatfield-McGovern amendment; is it not?

Mr. STEVENS. No; they are different.

Mr. DOLE. How are they different?

Mr. STEVENS. The changes were made in conferences with the Senator from Kentucky and the Senator from Missouri. I do not recall the precise changes, but we have made some changes.

Mr. DOLE. The language providing for safety, asylum, and assistance is the same.

Mr. STEVENS. The same principle is involved.

Mr. DOLE. There is a cutoff section in the Hatfield-McGovern amendment.

Mr. STEVENS. There is no arbitrary date, because we cannot tell how long it will take. The Hatfield-McGovern amendment did not make an advance commitment on the release of prisoners of war. It did not say that if an agreement on the prisoners of war was not reached by a specified time the agreement was off.

Mr. DOLE. How many prisoners of war are contemplated in the amendment?

Mr. STEVENS. I will be glad to tell the Senator. My friend and I occupied the floor in July 1970, when we talked about the prisoners of war. Congressional research indicates that 1,630 men are missing in action in Southeast Asia and 430 of those are believed to be captured. The Department of Defense Armed Services Public Affairs says that, as of June 5, 465 were captured or interned, 51 returned, and 17 died in captivity.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. May I have 5 minutes more?

Mr. COOK. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. They also say 291 died while missing, 101 were returned, and 1,027 they list as currently missing.

The Congressional Quarterly research says that the total captured are 463 and the total missing are 1,007.

Let me tell my friend that as far as I am concerned, it is about a brigade. We are missing about a brigade. If they were in the highlands instead of captured, does the Senator have any concept that we would leave?

The Senator seems to think the amendment endorses the proposal of saying we will leave without an agreement. He just does not look at the part that says if there is a commitment to release our prisoners of war, then in 9 months we will be out.

Mr. DOLE. But, speaking of the prisoners, how many do the Communists say they have? It is a very vital point. Since we are spending so much time discussing this issue, let us clarify what they say. If we are going to accept their demand for a fixed withdrawal date, are we going to accept their number on the prisoners?

Mr. STEVENS. Let me say to my friend most respectively that I do not think we are accepting any demand from anybody. What we are trying to do is find a common ground. If we can negotiate with them in the SALT talks, if we can seek—as I think we can seek—a new rapport with the Chinese people, why can we not seek agreement with these people?

We are negotiating all over the world with Communists. We are negotiating with the Russians, we are negotiating with the Rumanians, we are negotiating with the North Vietnamese in Paris, and we are negotiating with Chinese. What is the difference with this one?

We have got to get down to the point, somehow or other, where the Senator from Kansas trusts the President. I trust him. We say that if the President can get a commitment, we do not tell him what that commitment has to be, but if the President can get a commitment, Congress stands behind the concept that we are willing to withdraw within 9 months.

Mr. DOLE. Let me read what the Senator from Missouri says the amendment does. He says it "breaks the negotiating deadlock by meeting the North Vietnamese demand that the United States set a firm, final, and fixed date for withdrawal."

Mr. STEVENS. Mr. President, this reminds me of my father, now deceased, who lived in Oklahoma. When I went down there to see him, he used to have to a call a friend to bring him over a little refreshment, so that we could enjoy the time.

I asked him why we could not buy liquor at stores in Oklahoma.

He said, "It is because the prohibitionists and the bootleggers always get together."

I am not sure which one I am and which one the Senator from Missouri is, in the opinion of the Senator from Kansas, but we have formed a coalition, and I am doing it according to my point of view, the Senator from Missouri is doing it in support of his point of view, the Senator from Indiana is doing it in support of his point of view, and the Senator from Kentucky does not agree wholeheartedly with the rest of us on this matter, either.

But we are doing one thing together; saying that if the President can get the prisoners-of-war issue settled, Congress agrees that we ought to withdraw in 9 months. That is my point of view, and I say it is a very simple thing.

It has been stated that we are weakening Presidential power. I do not quite understand that concept, from people who vote daily to limit what the President can do in terms of expenditure of funds, or to override what the President says in terms of the amount of money we can afford, for example, to increase the pay of our military services. I sat here last fall and missed my vacation with my family because we were arguing over the President's welfare bill, which I supported, but many Senators on this side of the aisle did not.

I do not quite see how it suddenly becomes a reflection on the President for us to seek to sustain his position as we understand it.

This is the message I hope the Senator is getting: Some of us want to be involved in terms of trying to sustain the President. Just because the Senator says we are against the President does not change my opinion that I am supporting the President. The President has stated——

Mr. DOLE. Will the Senator yield at that point?

Mr. STEVENS. I am happy to yield.

Mr. DOLE. Can the Senator from Alaska tell me how this helps the President?

Mr. STEVENS. It helps the President because it announces in advance the policy of the United States that if the North Vietnamese will agree to the release of our prisoners, this country is prepared to make a commitment to withdraw in 9 months from the date of enactment of this bill.

I think that helps the President, because if the North Vietnamese do not agree, then it helps the President because the day may come when he will need support to keep troops in South Vietnam if there are still prisoners of war there, and I will be there to help him at that time, if that happens.

But I remind my friend that this would be a commitment of Congress, of the Senate in particular to the view that the prisoner-of-war issue is related and definitely linked to total withdrawal.

That is what the President has been saying, and I think the Senator from Kentucky has adequately quoted his comments concerning that issue.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. Does the Senator wish further time?

Mr. STEVENS. No; I shall take time later. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 10 minutes.

We have listened on many occasions to speeches about avoiding conflicts with the President. I wish to say at this time, with all due deference to my distinguished colleague, the senior Senator from Indiana, that many of the remarks that he made in his statement on this floor I totally and completely disagreed with.

For instance, contrary to his position, I totally and completely agree with the view that the President of the United States has done a phenomenal job in telling the American people exactly what the facts are with regard to Southeast Asia. He is also the only President who has wthdrawn U.S. troops from South Vietnam. I would remind my colleague that on December 28, 1968, there were 535,500 men in South Vietnam. On June 17, 1971, there were 244,900, which means that 290,000 have been brought home by President Nixon.

I would remind my colleagues that from December 28, 1968, when there were 535,500 men in Vietnam, until, under the present schedule, on December 1, 1971, there will be 175,000, the President of the United States will have fulfilled his commitment to disengage and will have withdrawn 360,500.

But, Mr. President, I am a little bit disturbed when I hear the comments made by the distinguished Senator from South Carolina that logistically it is impossible to remove some 200,000 men in 9 months. If an agreement is reached in 60 days on the disposal of the prisoner-of-war situation, the President said in 1969, when there were 541,500 men there, that we have made a firm commitment that we could withdraw all of our troops in 1 year, and all of the troops of every other nation allied with us. If over half a million can be withdrawn in 12 months, surely it is possible to withdraw 175,000 or less in 9 months.

So I think it comes as a rather strange remark that logistically this is impossible.

I would also have to say, Mr. President, that when we talk about no confidence in the President, I have stood beside the Senator from Alaska, the Senator from Kansas, the Senator from Pennsylvania, and the majority of those on this side with my President on Hatfield-McGovern and on all of the other amendments that dealt with this issue. My amendment is different. It is not only logistically possible but it is predicated on previous statements of the President, the Secretary of State, and the Secretary of Defense. However, we must not wait too long before we implement these statements.

In the month of May 6 through June 3, we sent home 16,200 men. The month before that, we brought home 17,700 men. It does not take the enemy very long to figure out how soon we are going to be down such a residual force, which we are practically down to now, that we can make almost no demands on the North Vietnamese, either on the question of prisoners of war or any other issue.

I reject the premise that this is another Hatfield-McGovern amendment, because there was no 60-day provision in the Hatfield-McGovern amendment. It offered a withdrawal date, but that date was not automatically canceled if an agreement on POW's was not reached as is the case with the Cook, Stevens, Eagleton amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. COOK. I am delighted to yield.

Mr. DOLE. Just to keep the record clear, as I recall, the Hatfield-McGovern amendment did say that if, after 60 days, they still hold our prisoners, it could be scrapped, but theirs is on the end and this one is on the front. That is the difference between the two, as I see it.

Mr. COOK. They had no caveat. The deadline was established anyway. This amendment establishes no deadline unless those agreements are made, with respect to a firm commitment.

Let us turn to the phrase "firm commitment." I think, with all respect to the junior Senator from Kansas, that it is rather amazing that we sit around here, when a resolution is introduced, and try to water it down enough and get enough flimsy-flamsy words in it so that it means nothing, and there is no authority anywhere around the horn by which it can be interpreted any way other than the way somebody wants to interpret it, and anybody else can disagree with it. To me, "firm commitment" means in the context of giving authority to the President of the United States for the widest latitude he can exercise in determining what constitutes a firm commitment for the American people in relation to the question of prisoners of war.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. DOLE. The Senator is saying, in effect, that the President has in mind a veto of this bill.

Mr. COOK. I think he absolutely does.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. COOK. I yield for a question. We are under controlled time, I might say to the Senator.

Mr. PROUTY. Basically, it will be a question.

Mr. COOK. All right.

Mr. PROUTY. First, I should like to refer to one paragraph of a letter I received from the distinguished Senator from Kentucky and the other cosponsors of the amendment:

> If, at the end of two months the President has not obtained "a firm commitment from the North Vietnamese Government for the release of all United States personnel held captive," the President would be required to submit a detailed report to Congress and the fixed date would automatically be cancelled.

Mr. COOK. That is correct.

Mr. PROUTY. That is what I thought the amendment was.

Mr. COOK. That is correct.

Mr. PROUTY. It goes much further, does it not? It is not canceled, because Congress has 15 days to override that cancellation if it so desires. Is that correct?

Mr. COOK. I might say to the Senator that Congress can do that, anyway. This language merely expedites any congressional action. If the Senator wishes to take that language out, I am not sure that I would have any serious objection. But I think we ought to understand and realize the power and authority of Congress to act, in any event.

I might say to the distinguished Senator that this, in effect, helps the President. It also helps him to the extent that if negotiations cannot be concluded in 60 days, but if in fact there is a possibility for such a negotiation, he can come back and ask for additional time, and it will be given to him, without all the delays and all the buildup of parliamentary problems that ensue upon any piece of legislation that comes before Congress. So, in fact, we wrote this in to aid and assist the President, as well as the Congress.

Mr. PROUTY. I read from line 15, page 2, of the amendment:

> The provisions of subsection (a) of this section shall have no further force and effect—

That is at the expiration of the 60 days—

> unless—

I underscore that—

> the Congress provides for an extension of such provisions as hereinafter provided.

What are the provisions?

> (1) any bill or resolution providing that subsection (a) of this section shall continue in effect notwithstanding the report of the President, shall if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays;

Will the Senator say that that is a complete departure from our customary procedure?

Mr. COOK. It is not anywhere nearly as bad as the Reorganization Act that Congress imposed upon itself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. I should like to point out to the Senator from Vermont that we took this provision from Senate Joint Resolution 95, the war powers resolution, introduced by the distinguished Senator who is the manager of the bill.

If the Senator will look at page 3 of that bill, this is a section that was set up to protect against the arbitrary use of the rules to prevent action by Congress on a matter of importance such as this. If it bothers anyone too much, I am sure I would be happy to take it out; because, as the Senator from Kentucky has said, it is in there to protect the situation, so that we are sure that if the President says in the report he submits after 15 days following the expiration of the 60-day period, "We were very close to getting an amendment, and we would like to have you reaffirm the policy of the United States in this regard," or whatever he asks us to do, we could do it very quickly, without any procedural problems.

By the same token, as the Senator has pointed out, if there are those who disagree with the President and they can get one-third of the membership of each body to introduce a bill, they, too, would have access to the floor to have a determination of whether there is an agreement in Congress with regard to what happened in terms of negotiations concerning the prisoners of war.

It is a protective amendment. It is a procedural device to assist both sides to get an early determination. I am sure that this is what the Senator wished when he put it in his war powers resolution, and I think it is a very good device.

Incidentally, Congress could at any time, even after this amendment is adopted, if the Hatfield-McGovern people could get sufficient support for their amendment, set a date. We cannot bind Congress not to act again.

The Senator should realize that we are very amenable to a change that might make the amendment more acceptable to the Senator.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. COOK. At this stage of the game, I may say to the Senator that our time is running short, and the manager of the bill has a great deal of time remaining.

Mr. President, do I have any time remaining under my 5 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes remaining of the 5.

Mr. COOK. I yield for a question, within the 2 minutes.

Mr. PROUTY. It seems to me a very bad precedent to have the running of the war on such tenuous procedures as mere cosponsorship of a bill giving to that bill privileged status as pending business on the Senate floor and then having Congress overriding the negotiations it would have instructed the President to carry out.

I should like to refer to section 2, page 3, but I will not transgress on the Senator's time. I think this is a dangerous precedent.

Mr. President, it seems to me that amendment No. 165 is a sincere attempt by its proponents to arrive at an acceptable solution to this very great problem with which we have grappled for so many days.

As I have done with all of the other proposals relating to prisoners of war and withdrawal from Indochina, I have examined its particular provisions with considerable care.

Mr. President, it was my understanding that this amendment required a firm commitment from the North Vietnamese Government for release of prisoners in order to require the withdrawal deadline to remain in effect.

Mr. President, I have read the amendment very carefully and have discussed it with several of my colleagues and other persons fully acquainted both with our military situation and with the parliamentary implications of this amendment.

It is my understanding now and I think the language of the amendment clearly shows that the Congress through a complex system of procedures can still require the stated time limit for withdrawal from Indochina even though the President has been unable to obtain a firm commitment for release of prisoners.

Mr. President, the first and very unfortunate consequence of these provisions seems to me to be that Congress, through cosponsoring resolutions and voting through yeas and nays, would, in effect, be sitting in judgment on the President while he is negotiating, and be sitting as a constant and permanent threat of veto on that negotiation. In my judgment, this would greatly hamper the orderly process of negotiation and would not be of any assistance at all to American prisoners of war.

A second criticism which I find with the pending amendment is also related to the procedures established in it for making permanent the withdrawal date, even though prisoner release negotiations have not resulted in a commitment. This criticism specifically goes to what amounts to a change in the rules of procedure of the Senate, where the simple expedient of cosponsoring bills and resolutions is sufficient to force the substance of those bills and resolutions to become the pending business of the Senate. I cannot imagine, Mr. President, that this could be a change of any value at all. I can envision it only as a very bad precedent for us to be responsible for establishing.

Mr. President, I have been informed that the procedures set out in this bill for having the Congress, in effect, continuing the absolute date for withdrawal, has been taken from, and is identical with, language in the War Powers Act. I have understood, also, that that language was authored by the present chairman of the Armed Services Committee. I have been informed, and I think the chairman will agree, that the situation involved under the War Powers Act was entirely different from the pending one, and that the concept involved there was not similar. I have also understood that the present distinguished chairman of the Armed Services Committee has indicated that he does not consider it applicable to these circumstances.

Turning to the specifics involved with this procedure, I am not at all sure that the idea of cosponsoring legislation deserves the credence and attention which of late it has come to enjoy. As often as not, a bill or resolution can be amended to become quite a different thing from that which one recognized when he cosponsored it.

After all is said and done, cosponsorship of a resolution or a bill to accomplish any purpose whatsoever should not be reason enough to permit the substance of that bill or resolution to take absolute precedence over every other matter which could be appropriately before the Senate.

Mr. President, I am very much concerned, as, of course, are all of our colleagues, for the prisoners-of-war held by the North Vietnamese Government and its allied forces. I am concerned, also, that the first opportunity for our prisoners of war to be reunited with their families be arranged as quickly as possible. I happen to be firmly convinced that the future of the prisoners and their families can best be looked after through the negotiation process which this administration continues to make.

The pending amendment I examined as closely as I could and I found that it does not do what I at first thought it might. Even if the proposed withdrawal date were irrevocably canceled if the President was unable to negotiate a commitment, this amendment would, in my own personal assessment of it, have been found wanting.

I found it necessary to speak at this time, because I wanted to make my position clear and to demonstrate that I had examined the matter and found that it lacks the "absolute character" which had first been indicated to me.

Mr. President, as I said before, we all want very much to have our prisoners assured of release and adequately taken care of. I am concerned that we should have done with these various efforts which we continue to consider on the Senate floor. I do not think we are helping either the cause of the prisoners or the negotiations.

It has seemed to me that, over the years, statements made by various Members of Congress and others in our country have led the North Vietnamese to the conclusion that we as a nation are so divided on this issue that we cannot, perhaps, effectively deal with it.

Indeed, serious reservations about this matter have been expressed, both among our colleagues and among sources close to the administration.

Mr. President, it is my feeling that any action at this point similar to what we are debating would do much to jeopardize, if not destroy, any efforts at all toward negotiation.

Mr. **MILLER**. Mr. President, will the Senator yield?

Mr. **COOK**. At this time, it is not called a war, because it is not declared.

I can only say to the Senator from Vermont that I should like him to find, after this body almost unanimously—and I think did unanimously—overturned the Gulf of Tonkin Resolution some time ago, on what basis there is any present form today, under the statutes, for the operation of our present involvement in Southeast Asia, and to find how we would have a conclusion that would be presented to Congress for its acceptance, unless language of this kind or some other kind becomes law, particularly with relation to the question of the POW's.

I yield the floor. I do not think I have any time remaining.

Mr. **MILLER**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **MILLER**. How much time remains on each side?

The **PRESIDING OFFICER**. The Senator from Mississippi has 77 minutes, and the Senator from Kentucky has 45 minutes.

Mr. **MILLER**. Will the Senator yield a minute or 2, so that I could make a point?

Mr. **COOK**. I yield 2 minutes to the Senator.

Mr. **MILLER**. I thank the Senator.

I do believe that the Senator from Vermont has made a cogent observation. I must say that the concept of an automatic cancellation of this bill if there is no firm commitment within 60 days has a great amount of appeal. I would suggest, however, that instead of just abolishing the language which provides for the action by Congress, by which the Senator from Vermont is troubled—and I might add by which I am troubled—it might be better not just to say that after 60 days, if there is no firm commitment, forget about the whole thing; and, instead of doing that, to provide for a mere 60-day extension of the 9-month period for which the bill provides.

Now, I think basically what we are concerned about here is not the action of the President but the North Vietnamese. If the North Vietnamese saw that they could just delay in negotiating a firm commitment for 30 days or 60 days, the operative language of the bill would be extended another 30 or 60 days, which would transfer the incentive to negotiating a firm commitment to the President.

It would be my suggestion that, instead of dropping the language the Senator from Vermont is concerned about, we provide for an automatic extension of the time period in the amount of the time beyond the first 60 days in which no agreement or firm commitment is reached. That is the point I wanted to make with my colleagues.

Mr. **COOK**. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 8712. An act to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the government of the District of Colulmbia; and

H.R. 9098. An act to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; and

H.R. 9098. An act to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act; to the Committee on Agriculture and Forestry.

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; to the Committee on Commerce.

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; and

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

H.R. 7586. An act to amend the Act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years; to the Committee on Government Operations.

H.R. 8712. An act to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau of office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau of office thereof," approved June 29, 1966, so as to include within its coverage the government of the District of Columbia; to the Committee on the District of Columbia.

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes; to the Committee on Post Office and Civil Service.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967, to increase military pay, to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER (Mr. TAFT). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, reference has been made by the Senator from Alaska, in a very fine way, to the language providing for procedural matters. He pointed out that similar language was contained in a resolution I had introduced with reference to a declaration of war. There is a similarity in the language, that is correct. The language in the resolution I introduced on May 11, 1971, was put in there to provide a means to meet a situation such as a Pearl Harbor attack. I have heard arguments made here for many years that a declaration of war was not practical any more, because of communications, that times have changed and weapons have changed, and that since the devastating attack in 1941 on Pearl Harbor we have entered the nuclear age. So we made an outright exception there for the need for a declaration of war in case of the probable imminence of a nuclear attack, or a sudden attack of some kind, and so forth, that the President thought possibly might come.

I remember that the attack on Pearl Harbor occurred on a Sunday, and a declaration of war was forthcoming the next day, on a Monday. But should there be an occasion where there was a delay, or opposition, or getting entangled in parliamentary procedures, particularly the Senate rules, there was a way quickly to meet that situation.

I imagine that the Senator from Alaska had something in mind along that line, too. I did not get to hear all of his statement.

Mr. STEVENS. If the Senator would yield, I would be happy to——

Mr. STENNIS. I am glad to yield briefly to the distinguished Senator from Alaska.

Mr. STEVENS. The question of that provision was not of my origin but is one that I believe I understand, taking the rationale of the war powers resolution, which I think is very good. It was thought that two contingencies might arise.

One, the President might come back and say that we did not reach a conclusion, but the 9 months' provision would be good if we had a little more time to negotiate, whereas to extend this thing not 60 days or 30 days, or whatever it might be, and if the President comes back and says, "If Congress would demonstrate the position of the United States and support my position in this manner, I think we can succeed," that could get to the floor without any problem and no procedure would be involved.

Two, it might be that the President would come back and say, "I have been unable to obtain a commitment. Our people have been unable to negotiate and get a commitment that we can rely on," so there might be people on the floor who would indicate they would like to have the question of withdrawal on the floor again. Mind you, Mr. President, that time limitation would have expired then—the 9 months would have expired before that 15-day period runs; but within the 15-day period the President would report and say, "We are unable to get a commitment," so that there might be people here on the floor, in either House, who would like to have it back on the floor again in its own right, without procedural barriers, and that provision would protect them also. We have lifted the provision seeking the concept of fairness for both sides and I believe it would work, although I cannot speak for the other cosponsors. For myself, it would make no difference, if it bothers anyone, if it came out then, but I believe we could take it out if it bothers anyone. I hope the Senator understands that question. It is a procedural, protective device which comes about after the time limitation has expired. Further, it would never come into effect if agreement was made and there was no report made by the President. On the other hand, if it ever comes into effect, the time limitation has expired by the terms of this amendment.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes to suggest to the Senator that this is the reverse of the situation in the resolution I introduced, giving Congress a way quickly to respond to an emergency. Here we have a situation where the matter has failed. The President has been restricted and restrained, and all of that, and still we are going to keep subsection (a). The President would not know where he was.

Mr. STEVENS. I fail to understand the Senator's comment with respect to that. It does not restrain the President in this amendment.

Mr. STENNIS. The 9 months do. It cuts off the money. That is certainly a restraint.

Mr. STEVENS. Only if he gets an agreement on the prisoners of war. If he does not get an agreement, it is not effective at all.

Mr. STENNIS. Well, my point is this: That when he comes back to Congress, as I understand it, after this time has expired, we have a provision in here that subsection (a) will no longer be in effect. That is where the reference is about the withdrawal, and so forth; but the President would not know where he was until he came back, and all this operation here was gone through to see whether Congress was going to sustain him or not. All of this time he was negotiating, trying to get an agreement, he would have this uncertain field of operations within which to work and, as I see it, he would be that much more hindered.

Mr. EAGLETON. Mr. President, will the Senator from Mississippi yield? Could I have 3 minutes of the time of the Senator from Kentucky (Mr. COOK) so as to respond to the Senator from Mississippi?

Mr. STENNIS. We will come back to that after a while. I have promised the Senator from Nebraska (Mr. CURTIS) that I would yield to him. He has been waiting here some time.

Mr. EAGLETON. If the Senator would yield, because this is a vital point that goes to the heart of the matter. I participated in the drafting of that very section to which the Senator has made reference.

Mr. STENNIS. Mr. President, I yield 5 minutes, in accordance with my promise, to the distinguished Senator from Nebraska (Mr. CURTIS).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, the proposal before us is essentially no different from several of the other proposals which have been voted upon, including the principal McGovern-Hatfield amendment. Regardless of the language and the details, it is based on the same principles as the McGovern-Hatfield amendment.

I deeply respect the individuals who believe in that approach. I respect the opinions of the people of Nebraska who believe that some approach like this one here, on the McGovern-Hatfield amendment, would hasten the end of our involvement in Indochina.

I might leave this thought with the Senator. If Congress by passing an amendment or a resolution or a law can change the minds and hearts of the aggressors and make it possible for this war to come to an end, why did we not do it 4, 5, or 6 years ago?

If there is no issue involved concerning the security and future of the United States, why delay? Why pass an act that says, "Nine months from now, we are going to do something or other." Why should we not support the program that is bringing our boys home? More than half of the combat forces have been withdrawn from Vietnam. Very shortly we will have two-thirds of them returned home.

That system is working. Does anyone doubt the sincerity of the President and his desire and efforts to have our prisoners released? Yet this amendment says, "If the President is unable to bring that about, certain procedures shall be set in motion."

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. CURTIS. I will be happy to yield in a little while.

Mr. President, it is the opinion of the Senator now speaking that the decisions that have prevented the return of our prisoners have not been made by the present President of the United States nor by any past President of the United States.

Those decisions have been made by the enemy. The decisions not to observe the international law and the existing treaties with regard to the treatment of prisoners have not been made by any American official. They have been made by the enemy.

Does anyone doubt who will be responsible for the decisions concerning the return of the prisoners in the future? Of course, those decisions will be made by the enemy.

We should permit the head of this Government to operate so that objectives can be worked upon from every possible angle.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. DOLE. Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 2 minutes.

Mr. CURTIS. Mr. President, we should not put the head of this Government in a straitjacket and say, "This is the procedure. Follow this procedure." That procedure is totally untried. The procedure that is now being followed is not untried. It is working. It has been successful. It is bringing boys back this month. It brought them back last month. It will bring them back next month.

We are asked today in effect to transfer the direction of these efforts from the present authority to 535 people—435 Members of the House of Representatives and 100 Members of the Senate.

I would like to see this war end. I would be the happiest person in the world if it would end today. One casualty is too many. But the proponents of these amendments—and the amendments are all based on the same philosophy—are offering us an untried course as a substitute for a course of action that is lessening our involvement in Indochina and bringing our boys home.

There are many other things that might be said about this. Certainly it is signaling all of our actions to the enemy. It is charting a course that is hard and fixed by law.

I agree with the objective, but I disagree with the manner in which it would be carried out.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. COOK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, we have been talking about the authority of Congress and whether Congress has the authority to do this.

I would like to refer to article I, section 8 of the Constitution of the United States because the constitutional language is quite emphatic in stating that there is a distribution of power to the executive and the legislative with regard to military matters.

The executive power of the Commander in Chief is balanced by the language in article I, section 8, which gives Congress basic and substantial authority over military matters. These are of prime importance. They refer to the power to declare war, the power to raise and support armies.

I think this is a very important point: the power to raise and support armies. That is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than 2 years."

No other power of the Congress is restricted in this matter. Read the Constitution of the United States. The restriction, interestingly, does not apply to the provision giving Congress the power to provide and maintain a Navy.

The 2-year restriction necessarily means that Congress was supposed to exercise surveillance over the Army in operations and, inevitably, over the President's stewardship in his capacity as Commander in Chief.

Congress, for instance, would not be able at the commencement of a President's term to appropriate funds for the Army for the duration of his term of office. Nor could one Congress bind another Congress to appropriate funds for the support of the Army.

If this measure does not go into effect until September or October, and the 9 months run from that time, we run into the end of the fiscal year. We run into the fact that appropriations must be made again for the military. So, when we say that funds will be cut off, we are merely saying that another budget bill must come up for the military.

We sit here and somehow or other, as the Senator from Nebraska has said, this is not done. The Senator asked why we have not done this before. Heaven only knows. I do not know why we have not acted in this matter. I can only say that I read a book the other day entitled "The United States in Vietnam." I wish to read one paragraph which I think is extremely important and will then yield.

The distinguished Chief of Staff, Gen. Matthew Ridgway, convinced President Eisenhower not to get deeply involved with combat troops in Indochina. When he wrote his memoirs he said:

> . . . When the day comes for me to face my Maker and account for my actions, the thing I would be most humbly proud of was the fact that I fought against, and perhaps contributed to preventing, the carrying out of some harebrained tactical schemes which would have cost the lives of some thousands of men. To that list of tragic accidents that fortunately never happened I would add the Indochina intervention.

Unfortunately, that never came to pass. Unfortunately for General Ridgway he never got to realize the effect of it.

Mr. STEVENS. Mr. President, I want to make sure the record is clear. I agree with the Senator from Mississippi (Mr. STENNIS) about his interpretation of that section of the bill, as relates to his war power amendment. We recognized there is a different issue involved in respect of the emergency measure and procedural advice, and we have sought to solve the problem. It was the procedural matter we referred to.

Mr. STENNIS. Mr. President, I fully appreciate the spirit of the explanation. It is very fine.

Mr. STEVENS. Mr. President, I would like to go back to what we were talking about when we referred to preserving the viability of the Government of South Vietnam. The thing we agree upon is that they have the ability to defend themselves and the record is clear they do.

Mr. President, I ask unanimous consent to have printed in the RECORD a historical summary of U.S. troop strengths worldwide, and South Vietnamese troop strengths, along with my observations and conclusions as a result of my trip to Southeast Asia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TROOP STRENGTHS, WORLDWIDE

	Total active duty military personnel	Total number selective service inductees on active duty	Percentage of selective service inductees
Fiscal year:			
1960	2,476,435	175,919	7.1
1961	2,483,771	126,549	5.1
1962	2,807,819	189,252	6.7
1963	2,699,677	198,269	7.3
1964	2,687,409	205,265	7.6
1965	2,655,389	233,973	8.8
1966	3,094,058	[1] 414,922	13.4
1967	3,376,880	[2] 564,477	16.7
1968	3,547,902	[3] 555,258	15.6
1969	3,460,162	[4] 495,332	14.3
1970	3,066,294	[5] 384,063	12.5

[1] 1966: Army, 395,292; Navy, 2,501; Marines, 17,129.

[2] 1967: Army, 546,264; Navy, 2,470; Marines, 15,743.

[3] 1968: Army, 549,603; Navy, 38; Marines, 5,617.

[4] 1969: Army, 480,478; Navy, 9; Marines, 14,845.

[5] 1970: Army, 368,965; Navy, 1; Marines, 15,097.

CRS-2

U.S. troop strengths, Vietnam		South Vietnamese troop strengths	
Calendar year	Number	Fiscal year	Number[1]
1960	900		
1961	3,200	1961	338,000
1962	11,300	1962	467,000
1963	16,300	1963	525,000
1964	23,300	1964	559,500
1965	184,300	1965	679,000
1966	385,300	1966	671,000
1967	485,600	1967	799,000
1968	536,100	1968	998,000
1969	475,200	1969	1,148,000
1970	[3] 334,600	1970	1,100,000

[1] Total strengths for the Army of the Republic of Vietnam (ARVN) include the Regional Forces and Popular Forces, although no breakdown for these two is available.

[2] In February 1968, after the Tet offensive, the voluntary People's Self-Defense Forces were created to serve protective functions and gather intelligence in the hamlet areas. Present strength is estimated at one-third of a million, a figure that is not incorporated into the total army strengths.

[3] As of the end of calendar 1970, the percentage of Selective Service inductees serving in Vietnam was estimated at 25 percent.

Source: Directorate for Defense Information, Assistant Secretary of Defense, Public Affairs.

STATEMENT BY MR. STEVENS, JULY 14, 1969

OBSERVATIONS AND CONCLUSIONS

The rapid growth of the volunteer, nonregular, defense forces—PSDF, RF, and PF—in South Vietnam has enabled the regular Army and Air Force of Vietnam to become more mobile and to replace our American combat forces. This long, guerrilla war had sapped the confidence of South Vietnam. But, according to South Vietnamese leaders, the Cambodia and the Laos engagements have started to rebuild that confidence. There are now over 4 million men in the PSDF—it is really a home guard. It is armed with automatic rifles and over 1,300,000 PSDF men have been trained to use automatic weapons. And, another 1.7 million PSDF men have been trained to support combat troops. In addition, the regional forces and popular forces number in excess of 550,000 men. These are similar to our National Guard—on active duty. They also are trained and armed. And, significantly, volunteer, up-paid forces, now bear about four-fifths of the casualties inflicted upon South Vietnamese by North Vietnamese attacks. These volunteers are the people who guard the villages, hamlets, and district capitals. Their casualties come from ambushes and assassinations. But, as the "land to the tiller"—land reform—program evolves, they will truly be guarding their own homes on their own land.

It is the growth of these forces that also gives stability to the Vietnamization program as we withdraw our troops. There is now a minimum reliance on free world forces by South Vietnam, except for air power. Even there we have trained more pilots, have turned over several helicopter squadrons to the South Vietnamese, and are training their maintenance people as fast as possible.

There are now about 45,000 Koreans, 7,000 Australians, 10,000 Thailand troops, and about 400 New Zealanders left in South Vietnam. In addition, the South Vietnamese have now trained 110,000 national police. Using expert people from all those forces, the South Vietnamese now have almost 13,000 men in what they call Key Inner Teams who travel throughout the country training more PSDF, FR, and PF volunteers.

My conclusions from this trip are:

First. Prisoner-of-war question.—I remain convinced that the key to the complete withdrawal of our forces from South Vietnam lies in the prisoner-of-war issue. It is my firm hope that we can convince the North Vietnamese that this is the key to our complete withdrawal. Senator MARLOW COOK, of Kentucky, and I have introduced a resolution to express the sentiment of the Congress that if the North Vietnamese will agree to release our prisoners we will withdraw completely within 9 months. From what I saw on this, my second visit to South Vietnam, we could do this—honorably, safely, and with the knowledge that all our men who survived this war were home.

Second. Vietnamization program.—It is my conclusion that the Vietnamization has worked. South Vietnam should be able to survive the continued attacks from the north without our help. Ground military operations have been assumed, almost completely, by South Vietnamese forces. These operations are now supported by U.S. airpower. The training period for pilots seems to be the greatest reason for delay in Vietnamization of air power.

Third. National commitment.—We have committed our Nation to a withdrawal of our forces and the South Vietnamese know and acknowledge this decision.

Fourth. Safety a must.—Our withdrawal program is being carefully worked out with the safety and security of our troops being the first consideration. Significantly, I was told that not one American has been injured in combat as a result of withdrawal. This, to me, is important. The difference between redeployment based upon Vietnamization and retreat based upon immediate withdrawal without regard to whether the South Vietnamese can hold back the attacking North Vietnamese is the difference between an honorable termination of our assistance to South Vietnam and defeat for all free world forces in South Vietnam.

Fifth. Outlook for Cambodia.—The Khmer Republic — Cambodia — has a reasonable chance to survive. They do not ask for our combat troop support. They do want military aid to equip their volunteers. They are at a crossroad. If they decide to accept more Vietnamese armed assistance, they are insured some degree of security. However, increased Vietnamese participation could cost the Cambodians some loss of control of their own affairs. On the other hand, if they fail to aline closely with these South Vietnamese Forces during the vulnerable expansion and training phase now being experienced by the Cambodian Army, the Communists might defeat Cambodia's newly organized forces and take over the country.

Sixth. Easing of tensions.—The lessening of tensions between China and the United States gives me hope that there is a chance that the Chinese will lessen their support of North Vietnam as we withdraw from South Vietnam. This is only a hope, but one which holds great promise for peace in all Southeast Asia.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Will the Senator from Mississippi yield to me for 5 minutes?

Mr. STENNIS. I am very glad to yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, it is important that we understand just what the amendment would do and what it would not do and what it may or may not be similar to.

As I said to my friends earlier, I find many parallels between their amendment and the so-called McGovern-Hatfield amendment. To make that clear I will first read a section from the McGovern-Hatfield amendment and then a section from the Cook-Stevens-Eagleton-Hartke amendment.

First, I will read section 302 of the McGovern-Hatfield amendment:

> Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina.

I will now read a corresponding section from the Cook-Stevens-Eagleton-Hartke amendment:

> Subject to the provisions of subsection (b) of this section, no funds authorized or appropriated under this or any other law may be expended after nine months from the date of enactment of this section to support the deployment of U.S. Armed Forces in, or the conduct of U.S. military operations in or over, South Vietnam, Laos, Cambodia, or North Vietnam.

Mr. President, the date in the McGovern amendment which I read was December 31, 1971; the date in the Cook amendment which I just read would be March 1972. They are almost identical, The provisions in the so-called Cook-Stevens - Eagleton - Hartke amendment are almost identical to the McGovern-Hatfield amendment.

I say again with all the emphasis I can muster that they are almost identical. This is an amendment to cut off funds. That is what it would do.

Then, the Cook-Stevens amendment follows with a 60-day provision which states that unless there has been a firm commitment determined by the President—I assume the President would determine that in any event, with or without legislation—but if there is no firm commitment that section, in effect, is extended unless Congress takes some action.

That is followed by the other language which the Senator from Alaska read, and concurred with me that it is similar to the Hatfield amendment, with regard to the safety of American forces. It is almost identical.

I say everything in the McGovern-Hatfield amendment is in the Cook-Stevens amendment with the exception that in the Cook-Stevens amendment the POW matter comes before and it comes after in the McGovern-Hatfield amendment.

The Senate is now being asked to vote on the 11th version of the McGovern-Hatfield amendment. We do seek to tie the President's hands in this amendment. Honest men can differ on whether we would help the President or not. I say we would not help the President in this matter. I say it is the 11th version of the McGovern-Hatfield amendment. Mr. President, call it what you will, a rose is still a rose. This is still McGovern-Hatfield.

This amendment refers to a date to cut off funds. That is also true of the McGovern-Hatfield amendment. The situation has been complicated and not made easier for the President. If the President said there is a firm commitment and if one-third of the Members of a House of Congress did not agree with the President, they would come in and say so.

I do not want anyone to misunderstand what we are doing. We would be voting again on the McGovern-Hatfield amendment. If we want to vote again on the McGovern-Hatfield amendment we now have the opportunity to do so. Everything that is in the Cook-Stevens amendment is in the McGovern-Hatfield amendment, except for the 60-day provision on prisoners. Otherwise, they are almost identical.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. STEVENS. Is the Senator saying the Cooper-Church amendment, which the Senator and I voted for, is the same?

Mr. DOLE. Is the Senator going to amend his amendment?

Mr. STEVENS. There have been gestations in which the Senator is seeking to prove something that may be to his detriment.

Mr. DOLE. To respond to the Senator, through his efforts, primarily, we approved the Cooper-Church amendment, and I voted for it because of the great persuasion of the Senator from Alaska. But the gestation has gone the other way on the McGovern-Hatfield amendment. This would complicate it. This is even more complicated than the McGovern-Hatfield amendment which the Senator voted against last year.

Mr. President, I say to Senators that they are essentially the same. There should be no question about it.

Was that the Senator's language I read?

Mr. STEVENS. Mine was just read.

Mr. DOLE. Yes.

Mr. STEVENS. I am very pleased with the language just read. Primarily the same safeguards were built into Cooper-Church last year. I thought the Senator might recognize that.

Mr. DOLE. I tried very hard to recognize the similarity between this language and the language in the Cooper-Church amendment, but there we had a provision to protect the constitutional right of the President.

Mr. COOK. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. COOK. The Senator did not vote against McGovern-Hatfield because of items 1, 2, and 3 in this bill. The Senator did not vote against McGovern-Hatfield because——

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes.

Mr. COOK. The Senator did not vote against McGovern-Hatfield because it provided for safety of the Armed Forces during withdrawal from South Vietnam or because it arranged solemn or other protection for Cambodia, Laos, or others that might be endangered, provide economic assistance in South Vietnam. That was not the basis for the Senator's vote.

Mr. DOLE. The Senator from Kansas voted against the McGovern-Hatfield proposal on two grounds. First, it fixed a date and, second, it cut off funds, the same as the Senator's amendment.

I do not quarrel with the last part of the language but with the cutoff provision and the fixed-date provision. They are the same. We can discuss it all day long, but there is a cutoff provision. That is why I say this is the 11th version of the McGovern-Hatfield amendment. This would tie the President's hands. I do not think we are being very consistent.

The **PRESIDING OFFICER.** Who yields time?

Mr. COOK. Mr. President, I suggest the absence of a quorum, the time to be charged to me.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. COOK. I yield.

Mr. PEARSON. Under this amendment it is provided, as has been said very many times in the debate here, that if after 60 days following the enactment of this amendment, the President has been unable to obtain a firm commitment for the release of prisoners of war, he shall report to Congress, and in 15 days subsection (a) will have no force and effect.

Then it goes on to provide that Congress may take action in one of two ways, which the Senator will pardon me for saying is a very complicated procedural arrangement, with certain conditions precedent, and so forth.

I just wonder why the Senator feels these procedures are essential for Congress to then act to continue the effectiveness of this particular procdure. I think it might be well if the Senator once again explained them.

As I read them, if a bill is introduced and sponsored by one-third of either House, on the next day it becomes the pending business unless there is a yea-and-nay vote to the contrary. Then, if it passes one House, it goes to a committee and has to come out in 3 days, once again, unless there is a record vote against it.

Why is it essential for the Congress to act in this particular case under that kind of procedure?

Mr. COOK. Mr. President, may I say this comes from the war powers bill of the Senator from Mississippi (Mr. STENNIS), which has been introduced. We felt, frankly, that this would be an aid to the President if, in fact, negotiations were going on and, as a result of those negotiations, it might be more than 60 days.

I will say to the Senator from Kansas that I am not wedded to that language, nor do I think that that language is necessary to this amendment.

Mr. PEARSON. Would the Senator resist an amendment to strike out what I have described as very complicated procedures, which are objectionable to some Members?

Mr. COOK. The Senator, speaking only for himself, would say he has no objection.

I yield to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, the Senator from Iowa (Mr. MILLER) has substitute language that he is going to suggest. We objected to the yeas and nays previously to see if we might be able to take that language without getting unanimous consent. I understand from the Parliamentarian that is not correct.

As soon as the Senator from Iowa offers the amendment to make the change, we are prepared to support that amendment.

Mr. PEARSON. Mr. President, I make a parliamentary inquiry. Is it proper now, under the unanimous-consent agreement, for a Member of the Senate to offer an amendment striking language from the pending amendment?

The **PRESIDING OFFICER.** An amendment to the pending amendment is in order.

Mr. PEARSON. Mr. President, a further parliamentary inquiry. What is the time restriction upon that amendment?

The **PRESIDING OFFICER.** The time restriction will be one-half hour.

Mr. PEARSON. That is to be taken out of the existing time?

The **PRESIDING OFFICER.** That is correct.

Mr. COOK. Mr. President, I yield the Senator from Missouri 1 minute. I am about to run out of time.

Mr. EAGLETON. Mr. President, I have been recognized for 1 minute.

I had something to do with the drafting of this particular section of the Cook-Stevens-Eagleton-Hartke amendment. It can be explained very quickly. It came out of the Eagleton and Stennis and Javits war powers resolutions. All incorporate it. Moreover, it would not offend me nor weaken the thrust of the amendment if a period were put after the words "no further force and effect" on page 16 and everything from that period through line 25 on page 2 and everything on line 1 through line 17 on page 3 were stricken. It would not weaken our amendment. The purpose of our amendment would be served. At the appropriate time, I may offer such an amendment.

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I support the amendment of Senators COOK, STEVENS, EAGLETON, and HARTKE. I congratulate by colleague from Kentucky, Senator COOK, and his associates upon their skill and care in drafting the amendment.

I now speak to the argument just made by my good friend, the Senator from Kansas, with respect to the Hatfield-McGovern amendment.

I voted against the Hatfield-McGovern amendment and the substitute offered by the junior Senator from Florida, Senator CHILES. I did so because of the fixing of a specific date for the withdrawal of our forces, which I have believed would prevent any effective negotiations with North Vietnam and the Vietcong upon a peaceful settlement of the war in Indochina, did not assure the release of American prisoners of war and constitutionally, I have some belief that the imposition of a date does touch upon the constitutional powers of the President as Commander in Chief.

I must say in honesty that I have doubt that any legislative enactment, or for that matter, the administration's policy of Vietnamization, will secure the release of American prisoners of war.

The Cook-Stevens-Eagleton-Hartke amendment does provide a date which would be fixed on a day 9 months after enactment of the bill before us. But the date is conditional upon the President receiving a "firm commitment" for the release of U.S. prisoners of war. The President would determine the validity of the commitment, and I assume that he would require their immediate release, or as Senator MANSFIELD has suggested, phased releases concurrent with the withdrawal of U.S. forces.

North Vietnam may respond to this proposal, if it should become law, as it has to other U.S. initiatives, that it is spurious, a trick, a diversion—but in the face of a proposal made by the Congress of the United States, providing for the withdrawal of all U.S. forces, such a response by North Vietnam would itself be spurious and have a hollow ring before world opinion.

The Cook-Stevens proposal, if enacted, if successful, would unlike the Hatfield-McGovern amendment, bring about the release of our American prisoners of war before the withdrawal of our forces, which I believe the American people desire. With the exception of the unresolved issue of U.S. residuary forces, it is consistent with the policy of the President. At this point, I would like to say that it is the President who has completely reversed past Vietnam policy, who is withdrawing U.S. forces, who has kept faithfully his promises on his policy, and he deserves the credit for his action.

As I have said many times, I hope above all else for a peaceful, political settlement for all of Indochina, which would end not only U.S. fighting, but all fighting among the tortured people of that area. Again, it was for this reason that I voted against the Hatfield-McGovern amendment, as it seemed to me that it provided for a summary, quick withdrawal of our forces without opportunity for a political settlement and the ending of all fighting.

I do not contend that the Cook-Stevens amendment would assure full negotiations and a political settlement. But it is possible that even negotiations on prisoners of war could lead into broader negotiations. Further, if the North Vietnamese actually want an end to the war, and are not embarked on a total victory policy—which I believe now they are—the proposal of this amendment that the United States would withdraw its forces, is certainly an inducement to the North Vietnamese for honest negotiations. The passage of this amendment would provide an opportunity to determine the good faith or lack of good faith of North Vietnam.

It is a faithful and humane effort to secure the release of our prisoners of war.

As one who has been, since August 12, 1969, sponsor, with other Members of the Senate, of several legislative proposals to limit the expansion of the war—some unsuccessful, some partly successful—I have come to know that there is no legislative proposal which can receive the approval of all Members of the Senate, nor barely a majority. I have sought to adhere to a position of constitutionality so as not to infringe on the constitutional powers of the President, for some solution which would obtain the withdrawal of all our forces in Indochina—some solution which would induce negotiations for a political settlement and, of course, for the release of our prisoners of war.

My examination of this amendment leaves me with the conviction that it makes an effort toward these ends, that there is nothing wrong with its purposes, that it does not infringe on the authority of the President. It seeks chiefly to secure the release of our prisoners of war and the withdrawal of our forces. These ends are, I believe, the objective and concern of the American people, and I believe the President as well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield me 1 minute?

Mr. COOK. I yield the Senator 1 minute.

Mr. JAVITS. Mr. President, I wish to identify myself with the views of the senior Senator from Kentucky, for precisely the reasons that he has just stated.

I, too, will support the amendment of Senators COOK, STEVENS, EAGLETON, and HARTKE. I believe the Senate must express itself on this issue, that it is an absolutely essential ingredient to get the bone out of the throat of the United States which is Vietnam, and I hope very much the amendment will be agreed to.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Are we at a position where an amendment can be accepted to the amendment, or must we wait until the time has expired?

The PRESIDING OFFICER. An amendment to the amendment is in order, but it requires unanimous consent to modify the amendment.

Mr. PEARSON. Mr. President, will the Senator yield 1 minute for that purpose?

Mr. COOK. I yield.

Mr. PEARSON. Mr. President, I send to the desk an amendment to the amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 16, put a period after "effect," and strike the remainder of page 2 and lines 1 through 17 inclusive on page 3.

The PRESIDING OFFICER. On the amendment to the amendment, the Senator from Kansas has 15 minutes and the Senator from Kentucky has 15 minutes.

Mr. PEARSON. Mr. President, this amendment to the amendment merely strikes out the procedural arrangements whereby section 8 would have no force and effect, and it would permit Congress, then, to act under its existing rules and regulations.

Mr. COOK. May I say, Mr. President, that I have no objection to the amendment, nor do any of the other cosponsors of the amendment.

Mr. PEARSON. Mr. President, I move the adoption of the amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the division of time with reference to this amendment?

The PRESIDING OFFICER. Fifteen minutes to each side, as the Chair was saying.

Mr. STENNIS. Mr. President, I yield——

Mr. COOK. Mr. President, is not the amendment to the amendment presently pending before the Senate? I ask unanimous consent that the amendment be adopted as a modification.

Mr. STENNIS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The question is on agreeing to the amendment of the Senator from Kansas to amendment No. 165. Who yields time?

Mr. PEARSON. Mr. President, I am not prepared to speak at length. I yield myself 1 minute.

I think this amendment is clearly understood by all of those who have been on the floor working on this matter. I would hope that we could move to its immediate consideration, and reach some judgment by the Senate on this amendment. I have 14 minutes which I would be glad to yield back.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is the time chargeable as far as the amendment is concerned? We have a set time for voting at 4 p.m., as I understand.

The PRESIDING OFFICER. Will the Senator restate his inquiry?

Mr. STEVENS. Does the Senator from Kansas have any time allotted to him on his amendment?

Mr. PEARSON. Fifteen minutes.

The PRESIDING OFFICER. Fifteen minutes has been allotted to the Senator from Kansas, and 15 minutes to the Senator from Mississippi.

Mr. STEVENS. Does this come out of the full time allotted and chargeable to either side on amendment No. 165?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I yield the Senator from Colorado 7 minutes.

Mr. ALLOTT. Mr. President, I was among those who objected to the unanimous-consent request that the amendment be adopted, and I hope before I am through, before we get to a vote this afternoon, that I shall have an opportunity to ask some questions about it.

Mr. President, the junior Senator from Kansas (Mr. DOLE) very adequately expressed the situation awhile ago. One of the Senators who spoke a few moments ago said the Senate must express itself upon this issue.

We have expressed ourselves on this issue, I believe, 11 times. And, of course, the classical procedure of weakening and weakening and weakening until finally you get some kind of amendment, no matter how weak, is now being pursued, first with this amendment, then with the Mansfield amendment, then with the Pastore amendment, and then with whatever other amendment may come after that.

First of all, Mr. President, I wish to discuss amendment No. 165 itself. I refer to line 9 on page 2.

What this does is put upon the President the onus of obtaining a firm commitment. How anyone can obtain a firm commitment out of the North Vietnamese and/or the Vietcong I am not aware. I do not think that it is possible. And once you have put a date in any amendment proscribing the activities of the President of the United States, you are not going to see a commitment, and we might as well make up our minds to that.

Second, I raise the question——

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. Whom do we get a firm commitment from? For many years we have gone along with this fairy tale, between the North Vietnamese and the Vietcong, that they are two separate organizations, that they are not entangled together. We have even gone along upon the theory some people have that the National Liberation Front was in itself a separate entity from the Vietcong or the North Vietnamese. Actually, the NLF was set up by North Vietnam in 1961 as a political front for the Vietcong, and that is the situation.

But how do we deal with the Vietcong, who we do not recognize? How is the President going to do it? No one can do it. And how can you be sure you have a firm commitment? By what means do the North Vietnamese or the Vietcong make a firm commitment? By what means do we find out who are the prisoners of war in North Vietnam, and who are the ones in South Vietnam with the Vietcong? By what means do we find out those names? If they give us a list, by what means do we ascertain that those men are actually the men who are in prison?

So a situation is set up here which is not possible of determination by the President or any other man at the present time.

In addition, immediately after that, if the President reports that he is unable to get such a commitment, then, on and after the 15th day following the date on which such report is received by Congress, the provisions of subsection (a) "shall have no further force and effect unless the Congress provides for an extension of such provisions as hereinafter provided."

I must say that I believe that the Senator from Kansas (Mr. PEARSON) is entirely correct in his attitude about the procedures that are set up in this measure.

Mr. President, one other point should be made in this argument. I think anyone who assumes that the sole efforts that have been made to release the prisoners of war have been made over the table in Paris is making a very false and invalid assumption. I think it can be assumed that every diplomatic table has been turned, every diplomatic door has been entered, by which we could possibly effect a release of the prisoners in North Vietnam, and that the Government has pursued every one of these courses. Let us assume that they have—and I think they have. Once this amendment is adopted, with a timetable in it of 9 months and 60 days, it would mean the foregoing of any opportunity of going through any of these doors in the future for the purpose of effecting the release of the prisoners. Once a date is disclosed and set for the Persident, we have closed ourselves out of any bargaining power with the North Vietnamese. This is the crux of the matter. This is the important thing in this matter.

We have talked about POW's for so long that we tend to become impersonalized about it. But when one talks with the mothers, the sisters, the wives, and the children, and when one talks with some of the men who have been POW's there, it becomes very personalized; and we are dealing with individuals.

So we are not just mouthing a phrase, "Get the POW's released." We are talking about getting individuals released and restored to this country.

The Senate has expressed itself on this issue. We have expressed ourselves 11 times. We are now down toward the 1st of July, when the draft ought to be extended.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. ALLOTT. We are now at the end, and the greatest danger this country could face and the greatest mistake the Senate could make would be now to start backtreading upon the numerous—in fact, the 11—decisions we have made in the Senate to stay with the President and his positive program of withdrawal. He is convinced that in this he has the greatest opportunity for the release of the prisoners. I believe that this is the surest and the best way to assure that we will bring those prisoners home.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate be in order, that Senate aides take their chairs and remain seated, and that there be order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. PEARSON. Mr. President, I am pleased to yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. EAGLETON. Mr. President, on behalf of the Senator from Kentucky (Mr. COOK), the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. HARTKE) and myself, I am authorized to announce that we will support the amendment of the Senator from Kansas.

I yield the floor.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed thereby be equally charged against both sides on amendment No. 165.

Mr. EAGLETON. Mr. President, reserving the right to object, the time under the previous quorum call was assigned to the Senator from Mississippi. It is he who desires to confer. Therefore I object to the time being equally charged to both sides.

Mr. BYRD of West Virginia. Mr. President, the time under the control of the Senator from Mississippi on the amendment in the second degree has been consumed.

I, therefore, again ask unanimous consent that the time for a quorum call now be charged against both sides on the basic amendment.

Mr. EAGLETON. Mr. President, reserving the right to object, how much time remains on the basic amendment to the Senator from Kentucky?

The PRESIDING OFFICER. Sixteen minutes remain to the Senator from Kentucky; 24 minutes remain to the Senator from Mississippi.

Mr. EAGLETON. Mr. President, I object. I ask unanimous consent that the time for a quorum call be charged exclusively to the time remaining to the Senator from Mississippi; namely, his 24 minutes.

Mr. BYRD of West Virginia. Mr. President, that request will not require unanimous consent. I suggest the absence of a quorum and on behalf of the manager of the bill, Mr. STENNIS, I ask that the time be charged to the time of the Senator from Mississippi on amendment No. 165.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I call this matter to the special attention of the Senator from Kansas. As I understand the amendment of the Senator from Kansas, starting on page 2, line 16, it would strike out the word "unless" and all the rest of the language thereafter on page 2 down to and including line 17 on page 3.

Mr. PEARSON. The Senator is correct.

Mr. STENNIS. Mr. President, did the Senator ask unanimous consent that the amendment be modified to strike out that language?

Mr. PEARSON. I will so ask.

Mr. STENNIS. There will be no objection from the Senator from Mississippi to a modification to that effect.

Mr. PEARSON. Mr. President, in accordance with the comment of the distinguished Senator from Mississippi, I ask unanimous consent that the amendment to the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. Mr. President, is the amendment to the amendment now agreed to? Has the language aforesaid been stricken?

The PRESIDING OFFICER. The Senator from Missouri is correct.

Mr. STENNIS. Mr. President, I call this matter to the attention of the Senator from Kentucky and the Senator from Alaska. Due to circumstances here and in order that the matter may be handled by a vote, I ask unanimous consent that the time of 4 o'clock previously agreed to as the time to vote on agreeing to the amendment be extended to 5 o'clock.

Mr. EAGLETON. Mr. President, reserving the right to object, may I inquire concerning the time of 4 o'clock that has already been agreed to in the unanimous-consent agreement. The Senator seeks to prolong that time until 5 o'clock and the vote on the Cook-Stevenson and other amendment is to come at that time.

Mr. STENNIS. That is correct.

Mr. EAGLETON. May I inquire of the Senator from Mississippi if amendments to the amendment are to be offered they are to be covered by a 30-minute time limitation, with 15 minutes to each side thereon?

The PRESIDING OFFICER. The Chair would advise the Senator that under the unanimous-consent agreement time on amendments to amendments is to be equally divided.

Mr. EAGLETON. I understand the Senator from Mississippi is trying to abrogate the unanimous-consent agreement for the vote which is scheduled for 4 p.m.

The PRESIDING OFFICER. The request of the Senator from Mississippi is to extend the time.

Mr. EAGLETON. Would the Senator amend his request so that if an amendment to the amendment is offered, that the vote on the amendment to the amendment would not occur before 4 p.m.? My reason for that request is that there are some Senators in transit who have geared their participation in today's endeavor to 4 p.m.

Mr. STENNIS. I adopt that as part of my request.

The PRESIDING OFFICER. Does the Senator ask that the additional hour be equally divided?

Mr. STENNIS. Yes, with controlling time.

Mr. HARTKE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I yield myself 1 minute, and I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I think we have made some improvement in the Cook-Stevens-Eagleton-Hartke amendment. I hope the unanimous-consent request of the Senator from Mississippi is agreed to, because I think the Senator from Mississippi, the chairman of the committee, has other modifications which would add to and not detract from the Cook-Stevens-Eagleton-Hartke amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum with time to be equally charged to both sides.

Mr. BYRD of West Virginia. Mr. President, I object.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to say to the Senate, as manager of the bill I do not have any definite, firm, worked out amendment that I can say I am going to propose. This matter is down to a question of time.

My own request was that the time be moved forward 1 hour. That is all. The time would be divided the same, with time on amendments the same. If I could propose an amendment there would certainly be time to explain it both ways and have a vote on it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. I appeal to every Senator. Everything here is above the table. It is just a matter of trying to get an opportunity to formulate the final phase of an amendment that I hope I can propose.

I hope the Senator withdraws his objection.

Mr. HARTKE. It is not my intention to hold up any amendments, but I have no idea what is in the amendment, the substance of it, or the intentions. I might not object, but until I find out what is intended to be pursued by the Senator from Mississippi I feel there has been an agreement to vote at 4 o'clock and I see no reason not to keep the agreement.

Mr. STENNIS. Mr. President, I agree to the request for a quorum.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator from Kentucky yield to me for 1 minute?

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, I failed to comment on the statement of the senior Senator from Kentucky. I think his remarks are most pertinent, particularly in regard to his statement expressing the hope for further negotiations in Paris.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. I think his remarks are most pertinent, particularly in regard to his statement expressing the hope for further negotiations in Paris in the event this one point agreement could be realized. This has been the express hope of the junior Senator from Kentucky and myself.

I do believe that this is the one ray of hope that exists in Paris—that if we could get one agreement on one point, perhaps the rest of the negotiations in Paris could bring about true peace in Indochina.

As one who has great respect for the Senator from Kentucky, I really thank him for his remarks.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. STEVENS. Mr. President, we see no reason why the time should be continued to be charged to us.

Mr. DOLE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, with reference to subsection (b) on page 2, we have discussed the definition of "firm commitment." If we are concerned, as I know we are, about American prisoners of war and Americans missing in action, it would seem to the Senator from Kansas the better part of wisdom would be to change that language from "firm commitment" to "release," so it would read—"If the President has been unable to obtain from the North Vietnamese Government release" of our prisoners, then, in effect, the rest of the provision is null and void.

We must recognize that the United States has between 1,200 and 1,600 prisoners of war and missing men there. The North Vietnamese say they have only 339. If the North Vietnamese are sincere that these prisoners can be released, we should insist on not just a "firm commitment," but on a release of those prisoners, either by having them repatriated to some neutral country or by having an outright release of them to some U.S. authority.

I would suggest that the amendment by Senators Cook, Stevens, Eagleton, and Hartke be modified to that extent.

If we are truly concerned about the American prisoners of war, if we are truly concerned about Americans missing in action, let us no longer talk about the "commitment" of the North Vietnamese, which I do not think means much. Let us talk about release of those prisoners of war and accounting for those missing in action. That would go a long way toward making this entire amendment palatable, but I am concerned about American prisoners of war and I am concerned about Americans missing in action, whether they be in Laos, Cambodia, North Vietnam, or South Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I yield myself 1 additional minute.

I am concerned that it should be, not a "commitment," but a release of American prisoners.

Let me make it clear, as I tried to make it clear earlier, that the North Vietnamese acknowledge the existence of only 339 American prisoners of war. That is all they will account for. They say they hold 339 in North Vietnam, 19 in South Vietnam, one in Laos. We believe that there are at least 90 POW's that the Communists do not acknowledge. We have reason to believe that there are some 1,200 to 1,600 prisoners of war or missing in action in Indochina.

Rather than have a "firm commitment," I would rather that we require release. If we have a firm commitment to release American prisoners of war and Americans missing in action, as I know it is of everyone in this body, then we should insist that the provision not be effectve if, "the President has been unable to obtain a release from the North Vietnamese Government of all U.S. personnel held captive by that Government and by forces allied with that Government."

To me, that goes to the very heart of the amendment. If this is, in effect, an amendment to release American prisoners of war, let us say so. If it requires only a firm commitment which may be meaningless, if it leaves the option with the North Vietnamese, as far as the junior Senator from Kansas is concerned, it means very little. It brings very little hope to American POW's, Americans missing in action, and their families. If we are truly concerned as we have said time after time, Democrats and Republicans alike—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I yield myself 1 additional minute.

Then I would hope the sponsors of the amendment would agree to that change.

I might ask the Senator from Missouri and the Senator from Kentucky in the 30 seconds I have remaining, if they would agree to such a change if the Senator from Kansas made a request to modify the amendment in that way.

Mr. COOK. Mr. President, I give myself 3 minutes.

Mr. DOLE. I still have 30 seconds.

Mr. COOK. Oh, excuse me.

Mr. DOLE. The Senator from Kansas asks unanimous consent to modify the amendment to strike the words "a firm commitment" and to insert the words "obtain the release."

Mr. COOK. Mr. President. I object.

Mr. EAGELETON. Mr. President, I object.

Mr. President, will the Senator yield me 30 seconds?

Mr. COOK. I am not sure I have the floor.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I yield the floor.

Mr. COOK. Mr. President, I yield myself 5 minutes, and I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, so that it may be clear to the Members of the Senate in the Chamber, it will be necessary for me or the Senator from Indiana or any one of the sponsors to object to the prolongation of the time after 4 o'clock, since we are informed that Senators who had counted on being here at 4 o'clock will be here at 4 o'clock and must depart the city of Washington soon thereafter. Therefore, much as we would like to oblige, we would object to any prolongation of the time.

Mr. COOK. Mr. President, relative to the question of the junior Senator from Kansas, I would only remind him of the earlier colloquy when he said, let us not fool the families of the prisoners of war, let us not make a mockery of the wives and the children, in his dissertation on making this amendment what it was not.

Certainly the greatest hoax that could ever be perpetrated on wives and children and mothers and fathers of prisoners of war would be to say in section (b) that the complete release of these prisoners is to be perfected within 60 days. It would be a travesty on the U.S. Senate. It would be a mockery of the people of the United States.

Therefore, I would have to seriously object to the unanimous consent that has been requested by the Senator from Kansas to impose such a burden on this amendment, and, in fact, to prove and to extend the fact that if that were to occur, this amendment would be meaningless.

I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum, the time to be charged equally——

Mr. MILLER. Mr. President, will the Senator withhold that request?

Mr. EAGLETON. I withhold it.

Mr. MILLER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. On whose time?

Mr. MILLER. On the time of the Senator from Mississippi, if there is no objection.

Mr. EAGLETON. Mr. President, without objection, on the time of the Senator from Mississippi.

Mr. MILLER. Mr. President, I share the concern of the Senator from Kansas about the "firm commitment" language in the pending amendment. I am sure the proponents have the utmost good faith, but at the same time I can see all kinds of mischief that could be raised over this language. A "firm commitment" means what? If we adopted the amendment, Hanoi could state tomorrow that they would be willing to release prisoners of war and they were making a firm commitment to release prisoners of war after all U.S. troops were withdrawn. That is a "firm commitment" that they would proclaim to the world, and it would satisfy the language of this amendment, but it would not satisfy Members of the Senate, I would hope. That is why I think there is a fatal defect in this amendment. There needs to be more than a commitment; there needs to be a release.

I suggest to the Senator from Kentucky that the amendment might be modified to provide something in the nature of a phased release. The Senator from Montana, the distinguished majority leader, has indicated some proposal in that direction.

But just to come out and say "a firm commitment" without more is not going to satisfy the requirement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield the majority leader 1 minute.

Mr. MANSFIELD. Mr. President, since my proposal has been mentioned, first, I ask unanimous consent that the name of the distinguished Senator from Rhode Island (Mr. PASTORE) may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Second, I wish to say that I am in favor of the Cook proposal, which I think is good, which goes to the point, and which should be enacted.

Mr. HUMPHREY. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise to ask unanimous consent for the privilege of being listed as a cosponsor. I commend the Senator from Kentucky and the Senator from Missouri for this very well worked out and thoughtful amendment. May I say that we have exhausted——

The PRESIDING OFFICER. Without objection, the Senator will be listed as a cosponsor.

Mr. HUMPHREY. We have exhausted every possibility of negotiation with the North Vietnamese. It ought to be quite clear by now that the option open to the Government of the United States is a program of accelerated time certain withdrawal, and on the basis of that, Mr. President, to try to negotiate, through the language of this amendment, to a firm commitment, the release of our prisoners of war.

If anyone here can suggest any evidence that we are going to be able to negotiate a better settlement, I would like to hear it. We have been at this business now since 1965, and it is perfectly obvious that the answer to American policy in Vietnam is disengagement, withdrawal, and making a firm commitment on a time certain. This language is reasonable, 9 months after the enactment of this particular legislation, giving the President his options or his out, if perchance the North Vietnamese do not keep their word.

I think this is a reasonable, practical, sensible amendment, and I hope it will be agreed to.

Mr. COOK. Mr. President, I reserve the remainder of my time.

Mr. MILLER. Mr. President, will the Senator from Mississippi yield me 1 minute?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 6 remaining minutes.

Mr. STENNIS. Mr. President, I regret that I cannot yield any time. I wish to propose an amendment.

Mr. President, I yield myself 3 minutes now and call the particular attention of the authors of the amendment to this proposal.

On page 2, if Senators will put the bill before them, I offer an amendment as follows:

> On page 2, line 9, strike out the words "a firm commitment" and on line 10, strike out the word "for".

I offer that as an amendment to the amendment, Mr. President, so as to make the parent amendment read:

> If . . . the President has been unable to obtain from the North Vietnamese Government the release of all United States personnel held captive by that Government and by forces allied with that Government

The PRESIDING OFFICER. The clerk will state the amendment, as modified.

The legislative clerk read as follows:

> On page 2, line 9, strike the words "a firm commitment", and on page 2, line 10 strike the word "for".

Mr. STENNIS. Mr. President, in a spirit of amity—and I ask the Senator from Indiana to pay particular attention to this request—I ask unanimous consent that the time for the final vote be moved forward from 4 o'clock to 5 o'clock.

Mr. EAGLETON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COOK. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. COOK. I object to agreeing to the amendment by unanimous consent, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 4 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

I say to my fellow Senators that, as to this language here about the President being unable to obtain a firm commitment from the North Vietnamese Government for the release, the objective of that, anyone's objective, would seem to me to be not to obtain a commitment, but to obtain the release of the prisoners.

Actually, in this field, that is the only thing that would help, and if they have good faith about it, North Vietnam can make arrangements very rapidly and effect a release, and there would be the answer, there would be the out, there would be the prime objective of this amendment. Then there would be time after that for consideration of other matters.

But with great respect, I think these words "a firm commitment" put the President in a hole that he cannot possibly survive, at a disadvantage he cannot overcome, and it would be disturbing and greatly upsetting to the American people for us to go in and actually legislate vague, uncertain open end words like that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. COOK. Mr. President, I yield myself 1 minute.

If what the distinguished Senator from Mississippi is saying is that the administration is in Paris to negotiate an immediate release of all prisoners of war within 60 days, then we will be there 10 years from now. This is the same objection that I have raised to the request by the Senator from Kansas.

Let us not fool the wives, let us not fool the children, let us not fool the mothers and fathers of prisoners of war by saying that we are going to pass something today that will give the President of the United States no more than 60 days to secure the release of all prisoners of war. We have been fooling around in Southeast Asia since we first helped the French back in the early 40's, and we are still there. All of a sudden, the distinguished Senator from Mississippi has said that the most arduous problem of all must be resolved, and the President must secure release of all prisoners of war within 60 days.

Mr. DOLE. Mr. President, will the Senator yield briefly?

Mr. COOK. I yield for a question.

Mr. DOLE. I think the President is working on the release right now, so it is not a matter of 60 days.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield myself 1 minute. I thought the Senator from Kansas was going to ask a question.

Mr. STEVENS. Mr. President, will the Senator yield for a question?

Mr. COOK. I yield.

Mr. STEVENS. Does the Senator intend to ask for the yeas and nays?

Mr. COOK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOK. Do I have some time remaining of my 1 minute?

The PRESIDING OFFICER. The Senator has 10 seconds remaining.

Mr. COOK. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. And I again reiterate my objection to unanimous consent to the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi has 2 minutes remaining; the Senator from Kentucky has 10 minutes.

Mr. STENNIS. I do not yield any time, Mr. President.

Mr. COOK. Mr. President, I yield myself 2 minutes at this stage.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. COOK. I wind up by saying, Mr. President, that the entire point of raising the prisoner-of-war issue is based on the fact that the President said in his speech to the Nation on April 7, 1971:

> Consequently, I can report that Vietnamization has succeeded.

Therefore, Mr. President, our remaining objective is the release of our prisoners.

I would say again, Mr. President, we have heard the language of the Secretary of State, who made it very plain that this is the reason that we are remaining in Southeast Asia.

He was asked, on March 16, "Are the prisoners the only reason we would be leaving troops there?"

His answer was "Yes."

The next question was, "So if the prisoners are released, or the North Vietnamese agree to release them, will we get out?"

The Secretary of State's answer to that question was "Yes."

In our amendment—unlike previous ones—we have put the 60 days where it belongs. We have given tremendous latitude and discretion to the President of the United States to determine what a firm commitment is. This is what we want to give to the President. We do not want to tie the President's hands. We do not want the President to have to be in a position of having to solve the problem of securing the release of the POW's within 60 days.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. I yield myself 1 additional minute, and I yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. I want, once again, to put a question, so that there will be no doubt about this record.

Lines 8 to 9 read "the President has been unable to obtain a firm commitment from the North Vietnamese Government."

Is it not a fact that the language of this amendment permits the President to define on his terms what is a firm commitment? In other words, the President possesses the discretion and the authority to define what he believes to be a firm commitment, so that the risk of a double deal or the risk of some kind of deception on the part of the North Vietnamese is minimized, because the President has the ultimate decision as to what is a firm commitment.

Mr. COOK. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield to the Senator.

Mr. EAGLETON. Mr. President, I wish to take up the thought of the Senator from Minnesota, and he is precisely correct. He who decides what is a firm commitment is the President of the United States, President Nixon. No strings attached. No things imposed upon him against his will. He decides within 60 days if he has what he wishes, a firm, solid commitment, and he so reports to the Senate within 60 days.

I implore Senators who are in support of the Cook-Stevens-Eagleton-Hartke amendment to vote "no" on the soon to come Stennis amendment. It is an attempt to kill the Cook-Stevens-Eagleton-Hartke amendment.

It would strike from the bill the whole thrust of what we are trying to do; to put the onus on the North Vietnamese to release our prisoners by setting a final date for U.S. withdrawal. We will be saying to the North Vietnamese—

> You said you would agree to talk about the release of prisoners and make an agreement when and if we set a date. The date has been set, and we throw the ball back to you.

The President of the United States decides whether that is a good, solid commitment. I believe as the Senator from Kansas does in the negotiating capabilities of the President. He will be a shrewd negotiator. He will either get a solid, firm commitment or none at all.

Finally, Mr. President, the Senate and the country are witnessing the end of an era in American history regardless of what happens to this particular amendment. Hopefully today, but certainly in the coming weeks or coming months, a new consensus—which has so slowly taken shape during our Vietnam decade—will prevail.

The country is becoming ever more cognizant that, as Max Frankel of the New York Times recently wrote:

> The American commitments to cold and hot war overrode at every stage every conventional consideration of domestic and international law, of the rights of Congress, the requirements of the Constitution, the sensibilities of allies, the fate of individual personalities, the rights of American citizens, and the most elementary standards of truth.

Nearly 10 years ago "hawks" and "doves" returned to our political lexicon during the Cuban missile crisis. These appellations have come to symbolize the divisions that have polarized our people during the past decade.

Today that polarization is on the wane and "hawks" and "doves" are working together to end this war and heal the divisions left in its wake.

This amendment is one example of this new spirit.

Senators from different parties, with different philosophies, perhaps for different reasons, have joined together to say "enough."

"Time," we have been told in the past, "just a little more time and the nightmare will end." But time for Vietnam is not measured in minutes or hours or days or weeks—it is measured in shattered lives and limbs and dreams. The legacy of the time we have bought for Vietnam consists of hate between our citizens and distrust for the institutions of our governance.

Time has run out for the Indochina war. What little was left ran out last week when the "sacred pledges" of five American Presidents were exposed to be unthinking at worst and confused at best.

What had been sold to Americans as a quest for the Holy Grail has been exposed as sham.

Americans are now asking:

Are our sons dying to "contain China" or to illustrate to the world that our leaders are determined to prevail against "wars of national liberation?"

Did the United States rain destruction on large areas of Vietnam and the people that inhabit them to "assist our friends in determining their own future" or was it done to preserve our "national prestige?"

Did America's leaders secretly bet our national future on the gamesmanship of "dominoes" without understanding the rules or our chances of success?

Or have we continued because no American President thought that he could survive politically if he "lost Indochina?"

But there are no answers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 minutes.

Mr. COOK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I believe that the Senator from Kentucky thought he was asking for the yeas and nays on amendment No. 165 a moment ago; whereas, in fact, the yeas and nays have instead been ordered on the amendment in the second degree.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. BYRD of West Virginia. Then, I ask for the yeas and nays on amendment No. 165.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I ask the Chair to take that time out of the Chair's time and not out of my time.

I invite the attention of Senators to page 2, line 8, where they will find the words "the President has been unable to obtain a firm commitment."

What is a firm commitment, and when is the commitment to be delivered? What are the terms? Who is going to supply the guarantee? No one, except the North Vietnamese. When will the delivery be?

My amendment puts it right on the line. It reads:

> The President has been unable to obtain the release of our POW's.

Everyone knows what that means, clear as a bell.

This presents a direct issue, and I hope the amendment will be adopted. It does not affect any other part of this bill.

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator has placed his finger upon the essence of our amendment. We seek a change in that we no longer want a position saying that they must release our prisoners before we will agree to the time limit for withdrawal. We seek to put them together. We set a time limit and say that the time limit is invalid if they do not make a firm commitment.

The objective we seek is as good as the Nuclear Test Ban Treaty, as good as the objectives we seek at the SALT talks, as good as the objectives we seek throughout the world in dealing with the Communists.

Mr. DOLE. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. No; I will not yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 5 minutes.

Mr. COOK. Mr. President, I dislike to reiterate how long we have been in Southeast Asia. But, perhaps for the record it should be recalled that we started supporting the French in 1945, and here we are in 1971, and all of a sudden it is the desire of the distinguished manager of this bill that the President of the United States be given 60 days in which to secure the entire release of all American prisoners of war. I do not know, in terms of the Senator from Kansas, whether that means 1,600 of them, as he said, 342 of them, or 419. But I do know that the proposed amendment is a mockery. I do know that to impose this obligation on the President, and to publicize it throughout the press of the country that this body voted to give the President 60 days to secure the release of all POW's, is a travesty of the first degree.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. COOK. I have only a certain amount of time remaining. I am sorry.

I would remind the Senator from Kansas, who wants me to yield, that when we were discussing the amendment in the first place, he talked about that fact that we should not fool the wives, we should not fool the children, we should not fool the parents. This amendment to my amendment would be the biggest foolish thing the Senate could do. Nothing worse could come out of this body than to tell the American people that we have passed something to move the negotiations along, when in fact what we have passed is for the President to be under a condition to secure the absolute release of all POW's in 60 days.

Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator.

Mr. EAGLETON. Mr. President, may we have order, so that we may hear the Senator from Montana?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TAFT). The Senator will state it.

Mr. MANSFIELD. Does the Senator from Montana correctly understand that the first vote will be on the Stennis amendment, to eliminate the words "a firm commitment" on page 2, line 9, and the word "for" on line 10 of the same page?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that following the disposal of the Stennis amendment, the vote then will be on the Cook-

Stevens-Eagleton-Hartke amendment itself?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. STENNIS. The Senator from Montana understands that I am for the amendment I have submitted.

Mr. MANSFIELD. Yes.

Mr. STENNIS. But I am against the amendment as a whole and will vote against it.

Mr. MANSFIELD. Yes. The Senator has explained it more fully than I could.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HARTKE. Is it true that if the Stennis amendment is adopted, the effect of the Cook-Stevens-Eagleton-Hartke amendment would be destroyed in its entirety?

Mr. COOK. There is no question about it.

In the remaining time I have, I would say that I do not think there is any question that it would kill the effect of the amendment. I do not think there is any question in the minds of those who devised it that it would do that. I think this was the attempt in asking for an extension of 1 hour.

By taking these words out and saying, in effect, that we would secure the release of all U.S. personnel held captive by that government and by forces allied with that government within 60 days, I do not think anyone on this floor, by the farthest stretch of the imagination believes that can be accomplished.

Mr. GRIFFIN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. COOK. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 1 minute.

Mr. COOK. I will use my 1 minute, because I think it is important enough. I think its importance is vested in the words of the distinguished manager of the bill, who said he is for his amendment but is opposed to the Cook-Stevens-Eagleton amendment. As the distinguished Senator from Montana has said, that covers it better than anybody else could cover it. His amendment, in effect, guts the amendment. We have put the 60-day provision, and the automatic cancellation wording and the "firm commitment" language into this amendment in order to present to the Senate a logical, meaningful, and workable compromise that we all may agree on. If in the opinion of the President of the United States we can reach a "firm agreement" then we can proceed to an orderly withdrawal from Southeast Asia. The distinguished Senator from Mississippi would oppose that. However, the idea is coming, and he will sooner or later not be able to stop it.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, for more than a year now, the Senate has endeavored to translate into action its judgment on the war in Southeast Asia. At times it succeeded. At times it failed. There were the variations that resulted in the Cooper-Church amendment of the summer of 1970; the McGovern-Hatfield proposal of the autumn of 1970; the prohibitions imposed against using funds in Indochina written into the appropriations bill later on in the fall of 1970, and the insistence on that strong language when the final version of the laws came back from conference in the winter of 1970. This spring we were again confronted with the issues. Summer is now here and already the Senate has faced a McGovern-Hatfield proposal, a Chiles proposal, and is about to face a Cook-Eagleton-Stevens-Hartke proposal, with a change sought now by the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS).

In my judgment, the Senate has had time to sort out its thoughts; there is no doubt in my mind that the Senate as a whole wishes this Nation to disengage itself from the tragic morass of Southeast Asia. What this war is doing morally and physically to the youth that serve on the battlefields is too well documented. What it is doing to our resources is clear beyond question. And, perhaps most important, what it has done to the moral fiber of our Nation, each one of us senses with ourselves. Each of us, I am sure, has made amply clear our own positions to our constituents back home. But I suggest it is not enough that our positions be made clear to the people. Our constitutional responsibility requires more. Our obligations require that we assume as well the responsibility for helping to determine and even set the policy of this Government on the broad issues of national importance. Ours is a coequal branch and it is patently unfair and unwise that we yield to the President the full obligation to assume the burden of these decisions.

Open contributions by Congress to the Nation's most important decisions can no longer be avoided or neglected. A generation of neglect is enough. The Constitution intended an independent filter by this body in deciding national policy. We are obligated to have a viewpoint. We do have it on this issue. We should insist upon it. We should assert it.

Our failure to do so results at best in the unfortunate—at times, the tragic. The unfolding history of the recent past demonstrates the need for our fuller and more open participation. Too often buck-passing under the "but-the-President-has-all-the-facts" umbrella has been the practice of Congress.

As to the issue before the Senate, I suggest that it is not fair to say: "Let the President work out his own timetable." It is fair neither to him, nor to the people, nor to the Constitution.

In the debate thus far, it has become apparent that the Senate is not yet willing to use the remedy of a precipitous cutoff of funds to end the war. I would hope it could be done so on the basis suggested by the amendment offered by Senators COOK, STEVENS, EAGLETON, and HARTKE. But if the Senate is not ready to use this ultimate remedy in this fashion, then it has a distinct obligation to set forth a national policy for Indochina. That is precisely what is proposed in the amendment I submitted yesterday afternoon.

Last session the Senate initiated the repeal of the Gulf of Tonkin resolution. That resolution had been cited by the previous administration as the functional equivalent of a congressional declaration of war and a justification and endorsement of a policy of escalation in Vietnam. Many of us were aghast at the broad interpretation put on that resolution. Whatever it was—functional or otherwise—it is gone. It is no longer a justification for anything. But with its demise has gone the only expressed Government policy—openly participated in by the Congress—with respect to U.S. involvement in Indochina. There is no longer an expressed policy with regard to that involvement.

The amendment I propose seeks to fill that void; it declares a national policy for Indochina. It is a policy without a threat but it is nevertheless an affirmative statement of policy that, upon enactment and signature by the President, will be a truly governmentalwide policy for Indochina. It fills the gap between the simple sense of the Senate or sense of Congress resolution which attempts only to state what one branch of the Government merely suggests as a wise policy. It provides instead a framework wherein both branches can work together to set the basic policy of this Government. If this amendment does not state what the proper policy should be for our Government, let it be amended to state what the Senate as a whole considers as its best judgment and wisest course on this issue. The House can do the same. But let us not neglect our responsibilities by doing nothing. Nothing may be the most politically safe thing to do, but our constituents did not send us here to remain politically safe.

Should the Senate not be given an opportunity to vote on the Cook-Stevens-Eagleton-Hartke proposal—unencumbered by weakening language—then it will be given an opportunity to vote as a substitute for the policy I propose. It provides as a matter of national policy for the termination of all military operations in Indochina at the earliest practicable date; for the withdrawal of all our forces within 9 months from date of enactment provided a release of all prisoners is accomplished within that time frame and it urges the President to proclaim a date within this time frame to accomplish those ends. With the public commitment for a date certain, a cease-fire should become a reality.

It is apparent now at least that the United States is committed to a total extrication from the Asian mainland. It is the overwhelming sentiment that the withdrawal shall occur as soon as possible. But in the words of the Senator from Florida (Mr. CHILES): "We play possum with the selection of a date—and the war goes on."

The negotiators in Paris play possum, as well. The selection of a date for our withdrawal, in my judgment, will end the stalemate, will effect the return of our fighting men, the return of our prisoners, and hopefully will set the stage for the rebuilding process that is needed for the future of American hope and confidence.

It could be the first step in that building process; it is not much to ask. I hope the Senate chooses to take this step. To this end, if the amendment of the Senator from Mississippi (Mr. STENNIS) is agreed to, I shall offer my amendment No. 214 as a substitute for the amendment of the Senator from Kentucky (Mr. COOK), No. 165.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry. Even though the time has expired in terms of debate, is it in order still to offer other amendments to the amendment?

The PRESIDING OFFICER (Mr. TAFT). It would be in order to offer other amendments to the amendment when the amendment of the Senator from Mississippi is disposed of.

Mr. GRIFFIN. Then I cannot get recognition to offer an amendment to the amendment even though there would not be time for debate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOK. Is the Chair ruling that after the hour of 4 o'clock has passed on the vote that will be taken on the Stennis amendment, and the hour of 4 o'clock under the unanimous-consent agreement has already passed, that there will be time, after that, for amendments on the bill, after the time set has passed for the vote on amendment 165?

The PRESIDING OFFICER. There would be no time to debate. Under the precedents of the Senate, amendments would be in order.

The question is on agreeing to the amendment of the Senator from Mississippi (Mr. STENNIS) to amendment No. 165.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll and Mr. AIKEN voted in the affirmative.

Mr. STENNIS. Mr. President, would the Chair restate the immediate matter that is being voted on?

The PRESIDING OFFICER. The vote will be taken on the amendment to the amendment of——

Mr. BYRD of West Virginia. Mr. President, the rollcall is already in process. The rollcall has been started.

The Senate will be in order.

Mr. MANSFIELD. Start the vote over again.

The legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 48, nays 51, as follows:

[No. 110 Leg.]

YEAS—48

Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannir
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—51

Aiken
Allen
Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NOT VOTING—1

Mundt

So the amendment of Mr. STENNIS to amendment No. 165 was rejected.

Several Senators addressed the Chair.

Mr. ALLEN. Mr. President, having voted in the negative, I move to reconsider the vote by which the amendment was rejected.

Several Senators addressed the Chair.

Mr. HARTKE. Mr. President, I move to lay that motion on the table.

Mr. ALLEN. And I ask for the yeas and nays.

Several Senators addressed the Chair.

Mr. GRIFFIN. The yeas and nays are on the motion to reconsider.

The PRESIDING OFFICER. To table.

Mr. GRIFFIN. No; reconsider.

Mr. MANSFIELD. Mr. President, the motion to table was made by the Senator from Indiana

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Several Senators: Yeas and nays.

Mr. ALLEN. I call for the yeas and nays on that vote.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask most respectfully that the well of the Chamber be cleared of Senators and attachés unless they have business there.

The PRESIDING OFFICER. The well of the Chamber will remain clear.

The question is on agreeing to the motion to table the motion to reconsider.

Mr. EAGLETON. Mr. President, may we have order? We cannot hear the clerk.

The PRESIDING OFFICER. The Senate will be in order.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask that the well be cleared and kept cleared.

The PRESIDING OFFICER. The well will be cleared. Senators will be seated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask that the well be cleared.

The PRESIDING OFFICER (Mr. TAFT). The well will be cleared.

The legislative clerk continued the call of the roll.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask the Chair to keep the well clear and to maintain order in the Senate.

The PRESIDING OFFICER. The well will be kept clear and the Senate will be in order.

The legislative clerk continued and concluded the call of the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 49, nays 50, as follows:

[No. 111 Leg.]

YEAS—49

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NAYS—50

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—1

Mundt

So the motion to lay on the table the motion to reconsider was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Mississippi was rejected.

The Senate will be in order.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, Senators are the worst offenders. Will the Chair make them take their seats and stay there, if it is at all possible?

The PRESIDING OFFICER. The Senate will be in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend until order is restored.

The rollcall was concluded.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 50, nays 49, as follows:

[No. 112 Leg.]

YEAS—50

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—49

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NOT VOTING—1

Mundt

So Mr. ALLEN's motion to reconsider the vote by which Mr. STENNIS' amendment was rejected was agreed to.

The PRESIDING OFFICER (Mr. GAMBRELL). The question now recurs on the amendment of the Senator from Mississippi (Mr. STENNIS) to amendment No. 165.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 50, nays 49, as follows:

[No. 113 Leg.]

YEAS—50

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—49

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Tunney
Williams
Young

NOT VOTING—1

Mundt

So Mr. STENNIS' amendment to amendment No. 165 was agreed to.

AMENDMENT NO. 214

Mr. MANSFIELD. Mr. President, I send to the desk an amendment in the nature of a substitute on behalf of myself and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the distinguished Senator from Rhode Island (Mr. PASTORE), the distinguished Senator from Virginia (Mr. SPONG), the distinguished Senator from West Virginia (Mr RANDOLPH), the distinguished Senator from New Hampshire (Mr. MCINTYRE), the distinguished Senator from Missouri (Mr. EAGLETON), the distinguished Senator from Indiana (Mr. HARTKE), the distinguished Senator from Minnesota (Mr HUMPHREY), and others, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PASTORE. Mr. President, may we have order in the Senate and will Senators please be seated?

The PRESIDING OFFICER. The Senate will be in order.

The amendment was read, as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is there any time available for debating this amendment?

The PRESIDING OFFICER. There is no time for debate.

Mr. GRIFFIN. Are any amendments to the substitute in order?

The PRESIDING OFFICER. Not to the substitute.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is it correct that if this substitute, or amendment in the nature of a substitute, is agreed to, the vote will then recur on the Cook-Stevens amendment, as amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, the Chair has stated there is no time for debate. Would I be in order to ask unanimous consent for an extension of time for debate, to be divided?

Mr. EAGLETON. I object.

Mr. MANSFIELD. No. The Chair should rule.

The PRESIDING OFFICER. The Chair will entertain such a unanimous-consent request.

Mr. STENNIS. Mr. President, I ask unanimous consent that on this substitute, not having been debated, an hour for each side be allowed, to be controlled as usual.

Mr. MANSFIELD. Mr. President, I object. The Stennis amendment was not debated, either, and I think all amendments should be treated alike, and I ask for a vote.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry. According to the logic of this amendment, is it in order for me to ask that I be included in the amendment?

The PRESIDING OFFICER. Without objection, the Senator will be included.

Mr. SCOTT. Mr. President, regular order.

Mr. COOPER. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, I ask unanimous consent that 2 minutes be allotted for the purpose of asking a question of the majority leader to interpret one section of his amendment.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY. Mr. President, regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered, regular order has been called for, and the clerk will call the roll.

The legislative clerk proceeded to call the roll and Mr. AIKEN voted in the affirmative.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The rollcall was resumed.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The clerk will suspend until the Senate is in order. Senators will take their seats.

The clerk will call the roll.

The rollcall was resumed.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order and the galleries are not in order.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, regular order. I would hope the Chair would observe it.

The PRESIDING OFFICER. The rollcall has been ordered.

Mr. BYRD of West Virginia. Mr. President, the rollcall is in process.

Mr. ALLEN. Mr. President, a rollcall is not in process.

Mr. MANSFIELD. Mr. President, the rollcall is in process. Answers have been made to the rollcall. I ask for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The rollcall is in progress.

The clerk will continue to call the roll.

The rollcall was resumed.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

Mr. BYRD of West Virginia. Mr. President, will the Chair be sure to maintain order in the Chamber and in the galleries when the vote is announced?

The PRESIDING OFFICER. Before announcing the vote, the Chair reminds persons in the galleries to maintain order. Demonstrations or indications of approval or disapproval will not be permitted.

The result was announced—yeas 57, nays 42, as follows:

[No. 114 Leg.]

YEAS—57

Aiken
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NAYS—42

Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Long
McGee
Miller
Packwood
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Weicker

NOT VOTING—1

Mundt

So Mr. MANSFIELD'S amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 165, offered by the Senator from Kentucky (Mr. COOK), as amended by the amendment of the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 61, nays 38, as follows:

[No. 115 Leg.]

YEAS—61

Aiken
Anderson
Baker
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NAYS—38

Allen
Allott
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Long
McGee
Miller
Prouty
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Weicker

NOT VOTING—1

Mundt

So Mr. COOK'S amendment, as amended (No. 165), was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

The PRESIDING OFFICER (Mr. SPONG). Pursuant to the previous order, the Chair now lays before the Senate the amendment of the Senator from Illinois (Mr. STEVENSON), amendment No. 173, which will be stated.

The assistant legislative clerk read as follows:

TITLE IV—UNITED STATES INVOLVEMENT IN SOUTH VIETNAMESE ELECTIONS

SEC. 401. The Congress hereby finds and declares that—

(a) A declared purpose of United States military involvement in South Vietnam is to protect the freedom and rights of self-determination of the people of that nation;

(b) The support of the United States for a regime which acquires or retains power through coercive or corrupt means would run counter to the fundamental principles of popular sovereignty;

(c) The 1971 South Vietnamese elections will determine the composition of the South Vietnamese House of Representatives and the identity of the President and the Vice President of South Vietnam and thereby affect directly and substantially the conduct of the war, the rate of American withdrawal, and the prospects for a negotiated settlement;

(d) The goal of self-determination for the people of South Vietnam requires that the United States not only avoid actual support for any candidates or parties but also the appearance of any such support; and

(e) The necessarily close relationship between the United States and the Government of South Vietnam could create a false appearance of support for the reelection of President Thieu or Vice President Ky.

SEC. 402. It is the sense of the Congress—

(a) That the neutrality of the United States in the 1971 South Vietnamese elections be reaffirmed; and

(b) That the President of the United States take all feasible measures to assure that the United States maintains strict neutrality and impartiality with respect to such elections and to assure that no United States support in any form will be provided to any candidate, faction, party, or group in those elections.

SEC. 403. It is the sense of the Congress that no United States troops or other military assistance shall be furnished to any South Vietnamese regime which hereafter acquires, or retains, power through a coup d'etat or any corrupt or coercive means.

SEC. 404. (a) There is established a body to be known as the South Vietnamese Election Commission (hereafter referred to as the "Commission"). The Commission shall have as its purpose the observation and study of United States involvement in the 1971 elections in South Vietnam.

(b) (1) The Commission shall consist of the following ten members:

(A) Five Members of the Senate appointed by the President pro tempore of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party; and

(B) Five Members of the House of Representatives appointed by the Speaker of that House, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) The Commission shall select a Chairman and Vice Chairman from among its members. Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the duties of the Commission, and shall be filled in the same manner as in the case of the original selection.

(c) Personnel, including persons speaking the language of South Vietnam, shall be employed by the Commission as soon as practicable after this title takes effect. Such personnel as may be designated by the Commission shall immediately thereafter be sent to South Vietnam to observe the election campaign and the activities of United States agencies, officials, and citizens and shall remain in that country for such period of time as the Commission considers appropriate.

(d) (1) The Commission shall make its first interim report to the Congress not later than July 15, 1971. The Commission shall thereafter submit regular interim reports to the Congress and shall submit a final report not later than November 30, 1971. Each report shall include such findings, conclusions, and recommendations with respect to the duty imposed upon the Commission and with respect to such other matters as the Commission considers appropriate.

(2) The Commission shall cease to exist thirty days after submission of its final report.

(e) For purposes of this title, the Commission is authorized, in its discretion (1) to make expenditures from the contingent funds of the Senate and the House of Representatives, (2) to hold hearings, (3) to sit and act at any time or place, (4) to employ personnel, (5) to subpena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal Government and other individuals, and (9) to take depositions and other testimony.

(f) Expenses of the Commission under this title, which shall not exceed $450,000, shall be charged equally to the contingent funds of the Senate and the House of Representatives upon vounchers approved by the Chairman of the Commission.

SEC. 405. Nothing in this title shall be construed as creating any commitment of military assistance to any South Vietnamese Government, howsoever that Government comes to power.

Mr. STEVENSON. Mr. President, I ask unanimous consent to modify my amendment. I send to the desk the modifications.

The PRESIDING OFFICER. The modifications will be stated.

The assistant legislative clerk read as follows:

On page 4, line 5, after (C) insert "Supporting". On page 4, line 5, after the word "personnel", strike out all down to and including "of South Vietnam," on line 6—

Mr. DOMINICK. Mr. President, I object.

Mr. MILLER. Mr. President, may we have it read again, please.

Mr. DOMINICK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, is it not possible for the author of the amendment to modify his amendment?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, as I understand it, the unanimous-censent agreement allows for amendments to the Stevenson amendment in the first degree. I would propose such an amendment. Is there any objection to that, procedurally speaking?

The PRESIDING OFFICER. If the Senator is recognized, he may do that.

Mr. JAVITS. Is there no time for amendments to the amendment under the unanimous-consent agreement?

The PRESIDING OFFICER. There is.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

Mr. HUMPHREY. Mr. President, the yeas and nays on what?

The PRESIDING OFFICER. The yeas and nays on the amendment of the Senator from Illinois.

Is there a sufficient second?

The yeas and nays were ordered.

PROGRAM FOR TONIGHT

Mr. GRIFFIN. Mr. President, would the Senator from Illinois yield to me for a moment so that I might inquire of the distinguished majority whip the program for the rest of today?

Mr. STEVENSON. I yield.

Mr. GRIFFIN. I do so inquire of the distinguished majority whip.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Attachés will return to the rear of the Chamber. Senators will go to their seats.

The Senator from West Virginia may proceed.

Mr. BYRD of West Virginia. I thank the Chair for securing order.

In response to the query from the distinguished assistant minority leader, may I state that time on the pending amendment is limited to 2 hours under the previous agreement.

There will be an amendment called up—No. 126, by the Senator from Alaska (Mr. GRAVEL), the time limitation thereon being 1 hour—following the action on the pending amendment.

So there will be action on two amendments yet today under the unanimous-consent agreement.

It is hoped that the distinguished mover of the amendment and the distinguished manager of the bill would be agreeable—if not at this moment, certainly a little later—to yielding back time on the amendment or agreeing to a lesser time than was originally instituted under the agreement.

Mr. GRIFFIN. Mr. President, I thank the Senator from Illinois.

Mr. BYRD of West Virginia. Mr. President, I hope that the cloakrooms will get the word out on both sides of the aisle that two amendments remain to be disposed of today and rollcall votes may occur thereon.

Mr. STEVENSON. Mr. President, I yield the floor so the Senator from New York may offer an amendment.

Mr. JAVITS. Mr. President, I am not yet quite ready.

Mr. STEVENSON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 15 minutes.

Mr. STEVENSON. Mr. President, the pending amendment is cosponsored by Senators HUMPHREY, PACKWOOD, MOSS, GRAVEL, and MATHIAS.

Mr. President, the pending amendment declares a policy of strict U.S. neutrality in the forthcoming South Vietnamese elections. It seeks to implement such a policy and keep the Congress informed through a congressional commission.

Throughout our involvement in Indochina, we have injected ourselves into the internal politics of Vietnam, all the while paying lipservice to the ideal of self-determination.

Chalmers Roberts writes:

In 1954 the Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

The administration lost at the Geneva Conference, but the elections still did not take place.

In 1963, a coup backed by the United States resulted in the ouster and the murder of President Diem. Ambassador Lodge has been quoted as stating that he helped "create the climate" for the coup. Out of the 1963 coup emerged a succession of military governments, all our clients, which continues to this day.

In 1966, one such government, headed by Nguyen Cao Ky, faced a massive uprising of Buddhists in Hue and Da Nang. Despite the fact that the Buddhists were anti-Communist, as well as anti-Ky, we saw fit to transport South Vietnamese troops in American planes from Saigon to Da Nang to put down the Buddhist uprising. A State Department spokesman explained our decision with the following statement:

The United States cooperates with the South Vietnamese Government. One of the fields (of cooperation) is transportation.

During President Thieu's administration, one U.S. agency—CORDS—has conducted political polls for Thieu, while another—USIA—has helped prepare and disseminate government propaganda in apparent violation of the U.S. Information and Exchange Act of 1948.

Scarcely a day passes without more such evidence of U.S. partiality for the Thieu government. This morning's Washington Post had a story about a province chief campaigning for President Thieu in an American plane with an American adviser. In the last paragraph of the story a South Vietnamese soldier assigned to chauffeur an American official was quoted as saying "Well, don't tell (the American official) but 80 percent of us in my militia unit are going to vote for General Minh. We think he's the one who will bring peace."

The pattern of U.S. political involvement makes it easy to understand why the people of South Vietnam have doubts about our impartiality in the forthcoming elections.

But the last chapter in the history of our involvement in South Vietnam has yet to be written. No Member of the Senate wants it said that 10 years of war were crowned with a rigged election and a government of South Vietnam chosen by the United States, not by the people of South Vietnam. After 10 years of war in the name of self-determination, the people of South Vietnam deserve a free choice. Once they exercise that choice and select their own government, we will be in the best possible position to depart swiftly and honorably, our purpose at long last fulfilled.

We deserve to believe that we fought for a decent cause—that our young have fallen and our billions been spent to give the people of South Vietnam something of value.

That chance is now approaching. It will be our last chance. The South Vietnamese elections—for the House of Representatives in August and the Presidency in October—will be the last election during our military involvement.

To its credit, the administration has on several occasions enunciated a policy of impartiality toward those elections. On April 23, Secretary Rogers stated:

> We are going to do everything humanly possible to act in an impartial and fair way so that the people of South Vietnam can express their will.

Only 6 days ago, Mr. Rogers released a memorandum from Ambassador Bunker to all U.S. military and civilian personnel. The memorandum states clearly that:

> U.S. military and civilian personnel must not offer or give support to any candidate or group of candidates, political party or organization.

And that—

> The activities receiving U.S. government support must be clearly government functions as differentiated from political campaign or election activities.

Mr. President, I applaud this strong and clear statement of policy by Ambassador Bunker, and I ask unanimous consent that the full text of Ambassador Bunker's memo be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: All U.S. Military and Civilian Personnel.
From: Ambassador Bunker.
Subject: Viet-Nam Elections.

The Republic of Viet-Nam will be holding a presidential election on October 3 and an election for the Lower House of the National Assembly some weeks prior to that time, probably on August 29. The fact that these elections are being held in the midst of the present war reflects great credit upon the institutions and the people of the Republic of Viet-Nam.

In his recent report to the Congress on foreign policy, President Nixon reaffirmed our objective in Viet-Nam as being to "seek the opportunity for the South Vietnamese people to determine their own political future without outside interference." This statement of U.S. policy requires absolute respect for the free and genuine expression of the Vietnamese people's will. Because of that, we consider it is of the greatest importance that the coming elections be conducted honestly and fairly.

U.S. military and civilian personnel must not offer or give support to any candidate or group of candidates, political party or organization. They must avoid implying by word, deed or acts of presence that the United States supports any individual candidate or group of candidates or political party for elective office. No American-controlled equipment, supplies, transportation or other facilities may be used in behalf of such candidates or in connection with the campaigns and the elections.

Support for Government of Viet-Nam programs will continue through election campaign periods, but this support must be carefully administered so it will not be misconstrued as U.S. Government support for, or opposition to, any individual's bid for election to office. The activities receiving U.S. Government support must be clearly government functions as differentiated from political campaign or election activities.

Mr. STEVENSON. Now that our policy has been announced, it must be implemented, and it must be communicated to the people of South Vietnam. This amendment enables the Congress to cooperate with the President in the implementation and communication of our policy of neutrality.

It is still not too late to fulfill our professed purpose—to let the people of South Vietnam choose their own government. But the elections are fast approaching. And press censorship, political arrest, laws to keep candidates off the ballot—all of these occur not on election day, but months before.

If the Congress wants to assure that the United States is not involved in irregularities of this kind and wants to discourage such irregularities and wants to convince the South Vietnamese that we are committed to a policy of political neutrality in the forthcoming elections, the time to do so is now.

The executive branch recognizes, as I believe the Congress does, that the rate of our withdrawal, the progress of negotiations and the return of U.S. prisoners, the survival of a free and independent country in South Vietnam, to say nothing of our national conscience, all depend upon these elections. Everything depends upon a government capable of existing with South Vietnamese support, instead of continuing American support.

Given a chance, the war weary people of South Vietnam might elect candidates committed to peace, instead of to war.

The point of this amendment is that the choice should be theirs—not ours. Any government supported by the South Vietnamese, instead of by the United States, stands a better chance of surviving without us. Hanoi, which has never had to deal with a majority government in South Vietnam, would be forced to take notice.

Whoever wins the presidential election, the broader his base of popular support, the better able he will be to govern—and to deal with the north.

The United States cannot afford to interfere by supporting—or opposing—any South Vietnamese presidential candidate. And yet the United States is perceived as supporting the reelection of Mr. Thieu.

To some extent the appearance of support has been unavoidable. The United States subsidizes the Armed Forces, the propaganda apparatus, the police and intelligence network of the South Vietnam Government. A close relationship between U.S. officials and the officials of the Thieu government is necessary. The appearance of support for the reelection of Thieu will continue—unless the Congress acts.

Unless the Congress acts, 10 years of war for self-determination may be climaxed by an election in which the United States is perceived as dictating the choice. There is little the executive branch can do about it. Already one presidential candidate, Vice President Ky, refers to Ambassador Bunker as "Governor General" Bunker. The other major presidential candidate, General Minh, calls him the "King."

This amendment creates a bipartisan, 10-member congressional commission to observe and report on U.S. activities which might interfere with free elections in South Vietnam. I emphasize that the commission's mandate is limited to U.S. activities. It does not contemplate U.S. supervision of the way the South Vietnamese conduct themselves during the campaign. Because the commission is not established to make judgments about the overall fairness of the elections, there is no danger that a fraudulent election would be whitewashed.

The commission would be supported by a Vietnamese speaking staff in place in Vietnam at the earliest possible date. Reports will be transmitted to the Congress on July 15 and at regular intervals thereafter.

The amendment also expresses the sense of the Congress that no U.S. troops or military assistance will be furnished to any South Vietnamese regime which acquires or retains power through corrupt or coercive means. It is true that we provide assistance to many totalitarian governments—perhaps too many. But only in South Vietnam have we expended $120 billion and 50,000 young American lives in the name of self-determination. It is also true that it will be difficult to determine, after the fact, whether fraud had a decisive impact on the outcome of the elections. That would be a judgment for the Congress to make when and if the time comes. This provision is designed only to discourage fraud in these elections. I know of no better way of doing that than by putting everyone on notice that we do not intend to help an illegitimate government fight a proxy war.

The Congress can assert its authority by declaring U.S. neutrality. It can help the executive branch implement that policy, and it can keep itself informed about the elections through its own commission in South Vietnam. It can assure the people of South Vietnam that we are in fact neutral and that they really do have at long last a chance to choose their own government.

That is all this amendment seeks to do. It is argued by some that it might legitimize the reelection of Mr. Thieu. It is also argued that, if adopted, it would repudiate him. It does neither. It simply says that we do not support, or oppose, any candidate and that whoever wins will win as the candidate of the Vietnamese people and not the candidates of the American Government.

It has been argued that adoption of the amendment would interfere in the internal politics of South Vietnam. But the amendment is an act of noninterference.

For too long we have been preoccupied with short-term political and military expediencies in South Vietnam. It is past time to put forward a principle. I do not know who would win a fair South Vietnamese election. And I do not know who could best govern and make peace. All I know is that we should try, and that this is our last chance to let the people of South Vietnam choose their own government before we leave. Our own country will rest easier after all its labors for having tried—and perhaps succeeded.

As we withdraw militarily, we can also disengage politically. If we Vietnamize the election, instead of the war, we will at last create a climate for a negotiated settlement and peace.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The assistant legislative clerk read the amendment to the amendment as follows:

> On page 4, line 5, strike out subsection (c) and insert:
>
> "(c) Supporting staff shall be employed by the Commission as soon as practicable after this title takes effect."

Mr. JAVITS. Mr. President, I understand I have 15 minutes.

The PRESIDING OFFICER. There are 10 minutes to a side.

Mr. STENNIS. Mr. President, if the Senator will yield to me, will he restate the amendment?

Mr. JAVITS. Mr. President, first I would like to call the attention of the Parliamentarian to the fact that the unanimous-consent agreement on amendment No. 173 was that amendments to the amendment will be limited to 30 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, I would like to state this to the Senator from Mississippi (Mr. STENNIS), because there may be some confusion as to why I am moving this amendment. Whatever may happen to the amendment of the Senator from Illinois (Mr. STEVENSON)—and I shall be for it—I did think it was desirable and advantageous that we have nothing in it which would indicate an active supervisory role of a congressional commission in Vietnam. However the Congress may decide to proceed, however best it might want to exercise that responsibility, I think it is desirable for us all to avoid—and I think the Senator from Illinois agrees—language which indicates that we are going to be observers on the ground.

That is the reason for my amendment, which the Senator from Illinois is perfectly willing to take, and which I think is desirable.

Mr. STENNIS. Mr. President, will the Senator repeat the amendment?

Mr. JAVITS. The amendment moves to strike out all of subparagraph (c) on page 4, lines 5 to 12 inclusive, and to substitute therefor the words:

> Supporting staff shall be employed by the Commission as soon as practicable after this title takes effect.

Mr. STENNIS. The Senator would strike all of pargraph (c) on page 4?

Mr. JAVITS. That is correct, and the purpose I have stated to my colleague.

Mr. President, I have just been in Vietnam and I reported to the Senate on it. I am sorry that objection was made to making this change in the amendment, because I think it is really absolutely essential to the purposes which the Senator from Illinois (Mr. STEVENSON) seeks to serve, and which I would think all of us would seek to serve.

There is little question about the suspicions and anxieties which are rife in Saigon. One hears all kinds of expositions about the fact that, somehow or other, the U.S. Government, through its Ambassador, favors President Thieu's reelection and is going to do everything possible to help him.

It is my deep belief—and I have had it confirmed in every way that is open to me—that the United States intends to be strictly neutral, and that is the feeling and the conduct of the Ambassador; but to ever convince anybody in Saigon, is a very tough job.

At the same time, we all realize that support by the United States of the Government of South Vietnam is heavily premised upon the concept that there is freedom of choice, as the euphemistic saying goes, by Asian standards at least, for the Vietnamese people.

It will be remembered that last time out we did send Members of the House and the Senate and that President Johnson established an ad hoc commission for Vietnam. They were there for a few days and made observations on the elections which, interestingly, happened to coincide with those of the mass of foreign observers that it was a reasonably fair election by Asian standards. Five million voters cast their votes, which is a very, very respectable showing.

Here is an effort by congressional action at least to show our cognizance of what is going on and some effort to give a report to the Congress which will indicate the nature of the process by which a new president was elected. I think that is desirable and hopeful. No matter how we operate, we at least ought to have the facts as to whether it is a representative government and, if so, to what extent, and as the president has such tremendous power in Vietnam in a nation at war, this is the key function there as far as future U.S. policy is concerned.

So I agree with the Senator from Illinois (Mr. STEVENSON) that we ought to do something to show our cognizance of the problem and to have a reasonably authoritative report to the Congress on this subject.

The only reason why I offered my amendment was to avoid the implication, which I think exists, and I am sure it was unwitting by the Senator from Illinois, in the language which he had in paragraph (c) which referred to personnel, in the language, "including persons speaking the language of South Vietnam."

I have stricken those words in my amendment and then put in a separate sentence.

Then the language in the provision of the Senator from Illinois continues:

> Such personnel as may be designated by the Commission shall immediately thereafter be sent to South Vietnam to observe the election campaign and the activities of United States agencies, officials, and citizens and shall remain in that country for such period of time as the Commission considers appropriate.

That language I have stricken. The reason why I have stricken it is that it would represent another presence in South Vietnam of an official character, other than that of the U.S. Ambassador, and, second, would, in my judgment, charge us with a certain responsibility for what went on there because of the rather activist role of the Commission, which would be highly undesirable.

So, by omitting the language, we leave it to the Commission, which I think has a very balanced form of organization. It will be noted that the Commission suggested by the Senator from Illinois consists of Members of the Senate of both parties and of Members of the House of both parties. It would leave this balanced representation to decide how best it can amass whatever facts it can, either prior to or after the event, that will be helpful to the Congress in its own future policy in judging whether or not it was a reasonably fair election, looking into the electoral law which has been so violently objected to—and I think quite properly—which sets conditions of approval by Members of the National Assembly or by local legislators on the municipal and local level before a man can stand for the presidency, and other practices like the continued imprisonment of President Thieu's principal opponent in the last election, which goes on to this day. All these facts should be looked into.

There has been a great fracas there which has come about with respect to members of the assembly. On one occasion a member of the assembly was arrested in the assembly chamber.

These are all factors which should be taken into consideration without the Commission's being required to actually take the role of sending people over there to look it over on the ground. They might do it, but they would not be obliged to do it, and it would not be formalized in the way in which it was in the resolution. That is the reason why I offered the amendment.

As to the substance of the matter, I think it is highly desirable. The American people deserve that degree of assurance. Congress, in judging its own policies deserves reliable information on the situation such as can be gathered by a group of this character, made up of Members of both Houses and both parties.

I think the Senator from Illinois has offered a very desirable amendment, which I hope the Senate will approve. In any case, whether it approves it or not, I think it would be in much better shape—and the Senator from Illinois agrees—if there were excised that part of the amendment which I seek to have excised.

I hope very much, now that Members of the Senate have heard what I seek to do for practical purposes, that there would not be any objection to this change and that we may go ahead and deal with the substantive issue.

Mr. TOWER. I yield myself 5 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is the amendment offered to the amendment by the Senator from New York in order, in the absence of an unanimous-consent agreement?

The PRESIDING OFFICER. It is in order. The unanimous-consent agreement previously entered into permits amendments to the amendment.

Mr. TOWER. Mr. President, I think this is an extremely unwise amendment. I think it sets a very bad precedent indeed. I think it smacks of American intervention in an election of what we might call a friendly country, and I think it could be a precedent for our country, perhaps, trying to intervene in the electoral processes of other countries that receive military assistance from the United States. There are many such countries.

I think that the fact that this Commission is to be made up of congressional members, specifying three members of the majority party and two members of the minority party, gives it, to me, quite candidly, a pretty good appearance of being a fishing expedition, or perhaps a political forum. I would certainly be loath to see such a commission appointed that had an established, built-in partisan bias to it.

I think perhaps we would be on much firmer ground if we provided for a commission to be appointed by the President, made up of representatives of the public rather than Members of Congress. But even in that event, I think this is a very unwise thing that the Senator from Illinois proposes here, in getting the United States involved in a foreign election. We might as well involve ourselves in elections in Thailand, in Taiwan, or in Korea. Or perhaps in the elections of our Western European allies; we provide them with military assistance in the form of our American forces there.

Also, I think we have to recognize that obviously there are elements in South Vietnam that are friendly to the United States, and there are elements that are somewhat less friendly. I think we should not give the appearance of sending there a commission that might, on the one hand, be accused of whitewashing the Thieu government, in the event it is reelected, or a commission that might be accused of trying to protect American interests in the event the Thieu government is defeated.

Mr. President, I had in mind the proposing of another amendment to the pending amendment. It would provide for a new section 406, that would authorize the commission to determine whether or not there had been any corrupt electoral practices in Cook County, Ill. over the past decade, and perhaps provide for a denial of government aid or direct Federal assistance to Cook County, Ill., or any of its political subdivisions, in the event a determination was made that there had been such corrupt practices.

I hasten to add, Mr. President, that I have my tongue in cheek in suggesting that, but what I am saying is that we have corrupt election practices in this country. They exist in the State of the Senator from Illinois; they exist in my own State. In fact, I can remember, one evening in 1966, my campaign chairman in a south Texas county calling me and saying, "You are doing great in the county."

I said, "I can hardly imagine that. Last time I lost there 20 to 1."

He said, "You are only losing 13 to 1 this time."

We know that corrupt election practices exist in this country. I do not think we can expect a country with the lack of political maturity such as South Vietnam not to have some foibles and weaknesses in its electoral system.

We must remember, not only did the French not develop any native leadership in South Vietnam, they discouraged the development of native leadership. We have been trying to help leadership to develop. There is the suggestion that we did previously intervene in South Vietnam, not in trying to promote an election, but in promoting a coup d'etat which threw out the Diem regime. I would not like to see anything of that kind happen again, and I think the amendment should be firmly rejected.

Mr. STEVENSON. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Very well, I yield 2 minutes to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I would hope that the Senator from Texas would support free, fair elections in Texas, just as we do in Illinois. We have a Voting Rights Act in this country. Congress is on record as promoting free elections in the United States.

The tragedy is that there have not been free elections in Indochina. The Japanese did not permit free elections in South Vietnam; the French did not permit free elections in South Vietnam; and our own Government has not done all that it could to promote free elections in South Vietnam. I say it is time to end that. Surely, there will be irregularities in South Vietnam. All we can do is our best, in this last chance we will have to stay neutral and to give to the people of South Vietnam a chance to choose their own government.

That, I had thought, was our purpose in South Vietnam. I thought it was to insure self-determination and a free choice for the people of South Vietnam.

These are the last elections that will take place in South Vietnam during our military involvement there. It is our last chance to make that purpose good. Besides, I would remind the Senator from Texas that this amendment does not propose that we supervise the conduct of the elections in South Vietnam by the Vietnamese. It is not an act of interference; it is an act of noninterference. The amendment says that we will stay out of their internal political affairs and let them resolve their own differences without interference from the United States. That is what the whole amendment is about. It creates a congressional commission to help implement that policy of neutrality. It is a policy which has been announced by the executive branch of our Government, by the Secretary of State, and also by the American Ambassador in South Vietnam.

All this amendment would do is put Congress on record in support of that same policy and help the executive branch implement that policy.

I agree with the amendment offered by the Senator from New York, and thank him for his contribution to my amendment. I say, in addition, that it is very reassuring to me to have his support. I know of no one who has been more concerned or followed our engagement in South Vietnam more closely, including a very recent trip of his own to South Vietnam. He shares the concern that many of us have, including, I think, the executive branch, as to the importance of the forthcoming elections in South Vietnam, not only to the people of South Vietnam but also to the people of this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask the manager of the bill, Is there any objection to changing the amendment of the Senator from Illinois in this way?

Mr. STENNIS. Mr. President, as I read this paragraph (c) on page 4, these are the employees of a commission that would be sent on in advance, and observe the election campaign and the activities of U.S. agencies, and so forth.

I cannot see any objection to taking that section out. If the Senator from Texas would express himself, I think it would be helpful.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Texas.

Mr. TOWER. I would say that that makes the amendment slightly less odious, and I would agree that the amendment may be so modified.

Mr. STENNIS. I do not object to having a voice vote on the question of striking that.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back his time?

Mr. STENNIS. On the Javits amendment; yes.

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS) to the amendment of the Senator from Illinois (Mr. STEVENSON).

The amendment was agreed to.

Mr. JAVITS. I thank the Senator.

Mr. STENNIS. Mr. President, if it is convenient to the Senator from Illinois, I would like to ask him one or two questions, if I may.

How much time does the Senator from Illinois contemplate the members of this commission would spend in Vietnam, in the course of their duties? I know the Senator cannot be exact, but can he give us some idea about it?

Mr. STEVENSON. It is very difficult

to be exact, but it proposes to create a commission with staff on the ground in South Vietnam as soon as practicable after adoption of the amendment, with a final report to Congress on November 30, 1971.

Mr. STENNIS. What would be the activity of the commission and what would be their duty while they are over there?

Mr. STEVENSON. The purpose of the commission, basically, is to reassure the people of South Vietnam that we are, in fact, neutral. Those reassurances from the executive branch mean nothing, not from an ambassador called "governor-general" by one presidential candidate, not from an ambassador called "the king" by another of the major presidential candidates in South Vietnam.

This would provide a means of assuring the people of South Vietnam and assurances from the elected representatives of the American people in their Congress that, notwithstanding appearances of involvement and appearances of support of the Government in South Vietnam, we are neutral. Its other main purpose would be to keep Congress informed. It is not to interfere; it is not to supervise. It is simply to keep Congress informed about the activities of our agencies in South Vietnam.

For example, I do not know to what extent the candidates for office in the South Vietnamese elections are going to have access to the media in South Vietnam, to the television and radio which are subsidized by the American taxpayers.

It would simply be to keep Congress informed, so that it can better exercise its responsibilities.

Mr. STENNIS. If I may, I should like to ask the Senator another question. I note that on page 5 it is stated that the commission would have authority to procure the temporary services, not in excess of 1 year—intermittent service—of individual consultants or organizations thereof, in the same manner and conditions as a standing committee. Would that contemplate these consultants or the personnel going to Vietnam as observers for the commission?

Mr. STEVENSON. That would have to be up to the commission itself. I have a good deal of confidence in Congress and in the capacity of the leadership to select responsible members of this commission. It would then be up to the members of the commission to perform their duties and responsibilities and to have consultants and staff as they require. It is difficult for me to say what individuals, consultants, or groups they might retain and for what precise purposes.

Mr. STENNIS. The reason why I asked the question is that we have just stricken out paragraph (c). Frankly, it seems to me that activity of this kind by the personnel mentioned would be more timely than by five Senators and five Representatives probing and poking into things over there. I think Members of Congress have a duty here, largely. If we are going to have the commission, I would not object to sending someone over there, but I do not think Members of Congress have much time to be given to an election in Vietnam.

Mr. STEVENSON. If I may respond to the Senator, that is one of the reasons for having a staff. Members of Congress do not have time to spend in Vietnam. The commission itself, the Members of Congress on that commission, would exercise a supervisory role in the main, I suppose, over the activities and the duties of the members of the staff.

Mr. STENNIS. I thank the Senator. If it is convenient to the Senator, I should like to yield myself a few minutes and state my position, when he is ready to yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STEVENSON. I yield the floor.

Mr. STENNIS. Mr. President, I am aware of the very fine motives of the Senator from Illinois and the Senator from Minnesota. Both are experienced men, and they have very high purposes.

On the other hand, I might be much more limited in my outlook by subject matter such as this, and I might be a little too formal sometimes as to how legislation should originate. But it seems to me that we have to stop and remind ourselves every once in a while what the subject matter of the bill before the Senate is. It involves Selective Service, the extension of the power of the President to induct men into our Armed Forces, plus the setting of the manpower levels in the services.

After all—and I speak with great respect to the Senator—this is not a South Vietnam bill. A measure of this kind could originate in a committee that at least knew far more about elections and the planning involved than we do here, on the floor of the Senate, at 6:55 at night, after a long day. I think the matter deserves more formal consideration than this.

Second, with these busy months, one follows another, and the first thing we know, a year has gone by. I do not think Members of Congress ought to extend themselves with matters of this kind, extensive undertakings of this kind, unless there is something more immediate and more demanding and directly connected with legislation. We are here to legislate. I am not complaining about it, but one reason why this debate has gone on now for almost 7 weeks is that we have to wait for someone to get back from somewhere. I think we have gone too far. We ought to be pulling ourselves back into Washington rather than spreading out farther.

This is an important subject. The Senator wants Members of Congress to be over there, watching our governmental agencies. Who is going to be here, watching us? It is out of our sphere, unless there is something more immediate.

So far as going to that country is concerned, that is one of the ways we got into this war, as I see it. We undertook the idea that we are going to guarantee them the right of self-determination, and one thing led to another. Of course, we are going to be accused by the Communists of doing the evil thing, the wrong thing, the malicious thing, and of having the colonialism approach. We cannot avoid that. But now, after all these years, it would appear that we got them to where we did not want them to hold an election, that we were afraid it would not go right. I think it is one of the things we can stay out of.

I suppose the President, as part of his duties, and the agencies of the Government over which we have supervisory control are going to be on the alert. They are going to be accused of wrong motives, but so would we. That is just another argument for sending a part of Congress over there. So I very respectfully suggest that this is something we can stay out of.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG. If we were planning to leave troops there for 2, 4, 5, or 8 more years, I could understand why we would say that we want to supervise their elections, but in view of the fact that even the President by his own declaration to the entire American public, and the Senate's voting here, plan to take troops out and leave the people there to fight their own war, it is not our business to run their elections when we are pulling our troops out and leaving the South Vietnamese to try to defend themselves.

Mr. STENNIS. The Senator from Louisiana makes a fine point there. I am not sore or bitter about it, but we have told the President, "You adopt this amendment. You adopt that amendment. Hurry up—hurry up—get out—get out."

Mr. ALLOTT. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ALLOTT. I am very much concerned about this amendment. Although I do not doubt the spirit in which it is offered, looking on pages 4 and 5, which involve the duties of the Commission as outlined there, does the Senator see anything in those pages that could not be done, for example, under the existing powers of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, or the Government Operations Committee? Any one of these committees certainly has the power to send its members over there to observe this.

One other point. On page 5, it states:

> To hold hearings . . . to sit and act at any time or place . . . to subpena witnesses and documents.

Now, surely this does not mean that they could do this in South Vietnam. If we are going to invent an incursion into another government of this sort, it seems to me that we are asking for far more trouble than we have developed ourselves in the past 5 or 6 years over there.

Mr. STENNIS. I am glad the Senator mentioned that. He makes a good point. I took it that the subpena power would apply only in the United States and not in Vietnam. I ask the Senator from Illinois, Is that not correct?

Mr. STEVENSON. The understanding of the Senator from Mississippi is correct.

Mr. ALLOTT. Could I propound this question to the Senator from Mississippi: With the power to subpena witnesses and documents, that would apply only throughout the United States, would it not? We could not, of course, subpena the documents of the South Vietnamese Government; but if we go over there and subpena documents and witnesses from U.S. personnel, we certainly would put ourselves in substantially that same position, would we not?

Mr. STENNIS. I would ask the Senator from Illinois to respond to that, and we can have an informal debate here.

Mr. STEVENSON. It is true that the services or functions of this intended commission are also performed by other agencies, including the Foreign Relations Committee which has the subpena power; but the subpena powers in this case could not be enforced in the courts of South Vietnam. They could only be enforced against American personnel and in the same way that they are in the case of standing congressional committees and other agencies of the Government which have subpena powers.

Mr. ALLOTT. It occurs to me that if we would appoint such a commission and send it to South Vietnam, whether we tried to subpena witnesses in South Vietnam or documents, I assume that we would not be that foolhardy, although we have been extremely foolhardy there in the past. But if we set ourselves up as a commission in a foreign country to investigate the manner and the way in which they are conducting their elections as a foreign country; on the one hand, we say that we should have nothing to do with that country and yet, on the other hand, we are setting up a commission to say, "We are, in effect, coming over here to see that you run an honest election."

I suggest that we must take one of two tacks here. If there is any greater malicious mischief involved that we could perform in the world, it would consist of the appointment of this commission in doing that.

As I say again, the Committee on Foreign Relations can send people over there. They can send a staff. They did that recently on the Laos situation, without knowledge to most of us. The Armed Services Committee can. The Appropriations Committee can. The Government Operations Committee can. Conceivably other committees could, in order to take a true evaluation from their own viewpoint; but to hold some hearings in another country saying in effect to that country, "We think you are running a dishonest election and therefore we are over here to keep you honest," would be making one of the worst mistakes we could make. We certainly do not believe that the Government of South Vietnam would become a viable country on its own merits at that point.

Mr. STENNIS. I thank the Senator from Colorado.

Mr. President, I do not want to detain the Senate any longer than may be necessary. I am in sympathy with the idea of yielding back the time when we reach the point where there is no one else who is especially interested in speaking.

Mr. DOMINICK. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi for yielding and join him in really solid opposition to the pending amendment.

I think it is worthwhile to specify why, because whenever one is in opposition to an amendment of this kind, it looks as though he is in favor of bad elections and against fair elections and, obviously, this is going to be the interpretation that a number of people will put on it; but, it is important enough so that we have an opportunity at least to put something in the record which will indicate why.

As we look at page 2 of the amendment, section 401, subsection (c), Congress is saying that what happens in the election procedure in South Vietnam will determine the rate of withdrawal of American troops.

Now, Mr. President, who said so?

What possible indication has there been from the President of the United States, or from anyone else, that the rate of withdrawal of American troops would depend upon who is elected in South Vietnam?

Exactly the opposite has been stated, but here Congress is finding as a matter of fact that if we adopt this amendment, the President of the United States is a liar.

I do not believe that he is. He has not been, in any single situation throughout his efforts to withdraw our force from Vietnam. He has fulfilled every commitment he has made to the American people. I think it is an insult. So that is point No. 1.

Point No. 2 is subsection (e), still on page 2 and it states:

> The necessarily close relationship between the United States and the Government of South Vietnam could create a false appearance of support for the reelection of President Thieu or Vice President Ky.

Mr. President, who says they are going to be the only two candidates?

Who is trying to find out that these are the only two candidates that will run?

Who is trying to say that Congress will predetermine who will run in that election?

There are at least three other people already who have been mentioned prominently, and there may be four or five more before they get through. We will not know until after the assembly has been elected, because each individual that wants to run for President must have enough support from the members of the assembly in order to be able to get on the ballot.

Then on page 3 of the amendment, it states that they are going to establish a body to be known as the South Vietnamese Election Commission, whose purpose will be to supervise South Vietnamese elections. If I have ever heard of anything that indicates we are walking right into the middle of an internecine fight within that country which is trying to conduct elections while there is still a war going on, I have never seen anything that would create it more than that particular title, because the membership of the Commission would be created with five Members of the U.S. Senate and five Members of the House of Representatives.

I gather that we do not have any Members who, at the moment, can speak for the South Vietnamese. We have only supporting personnel. I do not know this for a fact, although perhaps I am wrong and maybe the Senator from Illinois speaks Vietnamese. However, I do not. But I would suggest that there are very, very few Members of the U.S. Congress, if any, who do speak Vietnamese.

The PRESIDING OFFICER (Mr. CANNON). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 3 minutes.

Mr. DOMINICK. Mr. President, then I find on page 4 that this Commission, the South Vietnamese Election Commission, not the American Commission on South Vietnamese Elections, but the South Vietnamese Election Commission consisting of five American Senators and five American Representatives, must make their final report by November 30 of this year. If I have any arithmetic left in my mind, that is about 5 months from now, or a little more than that.

Yet, page 5, under subsection (7), gives the Commission the authority in its discretion to hire people long after the first report has been filed.

So, I really have a great deal of difficulty in finding out why $450,000 additional money would be taken from the American taxpayers to create and involve itself in a situation which I think, in my own humble opinion, is patently in violation of the internal affairs of another nation, is patently wrong in wording, and is patently going to create the impression that what we are really over there to do is to see that one or two particular candidates are eliminated from the election.

I think that is just as wrong as anything that I can think of.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I would be glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, we are on controlled time. I want to ask the Senator from Illinois to yield me some time.

Mr. STEVENSON. Mr. President, I would be glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, would the Senator yield me 5 minutes?

Mr. STEVENSON. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 3, strike "United" in line 11 and all of line 12 and insert in lieu thereof the following: "the 1971 elections in South Vietnam with a view to determining the degree to which the requirement set forth in subsection 401(d) above has been satisfied."
>
> On page 4, immediately before line 13 insert the following:

"(d) Such staff and Members of the Commission shall avoid involvement in said 1971 elections in South Vietnam in any manner which contravenes the requirement set forth in subsection 401(d) above."

Renumber the following subsection.

On page 4, line 14, strike "July 15, 1971" and insert in lieu thereof the following: "thirty days following enactment of this title".

On page 4, insert a period after the word "Commission" in line 19 and strike the balance of line 19 and all of line 20.

On page 5, line 8, strike "in excess of one year" and insert in lieu thereof the following: "beyond December 31, 1971".

The PRESIDING OFFICER. There will be 30 minutes time to be equally divided between the mover of the amendment and the manager of the bill. Who yields time?

Mr. MILLER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, the purpose of these amendments is to be helpful to the amendment offered by the Senator from Illinois.

The first goes to page 3, lines 11 and 12. The way the amendment now reads, it implies that the United States would be involved in the 1971 South Vietnamese elections. I do not believe that is the intention of the amendment. I think that the intention is to have the commission observing and studying the 1971 elections with a view to determining the degree to which—and that degree would hopefully be zero—the requirement set forth in subsections 401(d) has been satisfied.

Section 401(d) states the requirement that the United States not only avoid actual support for any candidates or parties, but also the appearance of any such support.

That, I believe, is the proper function of this commission.

Now, over on page 4, I have proposed an additional subsection (d) in the middle of the page to make it clear that the staff of this commission, and indeed the members of the commission themselves, shall not become involved in the elections in South Vietnam in a manner which contravenes this requirement to which I have just referred.

Without such a statement in there, I believe it lays a foundation for someone to say, as has already been said on the floor, that the commission and staff are going to go over there and start telling them how to run their elections. I certainly do not favor that. I believe that by having a prohibition included concerning the staff and the commission members, we can foreclose that.

The next amendment is to change the date from July 15, 1971, for the first interim report to 30 days following enactment of this title. That is because of the time frame included in the bill.

I suggest that the July 15 dateline might be an empty gesture. Thirty days following the enactment of this title, I think, might be a reasonable time for the first interim report.

Then, the amendment on lines 19 and 20 of page 4 gives the commission not only the duty of observing, but also a broad sweeping power to report with respect to such other matters as the commission considers appropriate. I do not believe that we should order such a broad brush for this commission. I think that they will have plenty to do in observing the elections and rendering their reports thereon without giving them further powers.

Finally, on page 5, there is a matter of the employment of temporary services not in excess of 1 year. That does indeed, as the Senator from Colorado (Mr. DOMINICK) just pointed out appear to be a little long. Therefore, since the final report is due on November 30, 1971, I have proposed in my amendment to change the period of time for the employment of temporary services to not extend beyond December 31, 1971.

I can see where for an extra 30 days after the rendition of the final report there might be the requirement for some administrative duties. But I think it well to tie it down rather than to have the 1 year.

As I say, these amendments are offered for the purpose of being helpful to the amendment offered by the Senator from Illinois. I have discussed them with him. I hope he would see fit to accept them. I am happy to yield such time as remains to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the Senator from Iowa for his helpfulness. I am glad to accept the amendments. I certainly have no objection to any of those amendments. I am willing to accept them.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Iowa to the amendment of the Senator from Illinois (putting the question).

The amendments were agreed to.

Mr. THURMOND. Mr. President, I am opposed to the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON) as it represents interference in the election of another nation—in this case, South Vietnam.

While the intent of the Senator offering this amendment is sound, the effect of this amendment will be that the United States intends to supervise and control the election of South Vietnam.

Frankly, I doubt seriously if South Vietnam would permit such supervision. This could result in a break in relations between the two countries.

Under this amendment the winner of the election next October in South Vietnam may be looked upon as the one aided by the U.S. Government. This is not the wish of the Senator from Illinois, but it could be the result of this amendment.

This amendment would also deny the South Vietnamese Government United States support if that Government changes power through some process other than an election. Such a decision should be left in the hands of the executive branch as a matter of foreign policy.

If the Congress disagrees with the decision of the executive branch then it can exercise its power of the purse and deny to the President funds to aid the new government.

Here again, Mr. President, the Congress is making an attempt to deny the President his constitutional powers. I urge rejection of this amendment.

Mr. MONDALE. Mr. President, I want to express my strong support for Senator STEVENSON's amendment to create a congressional commission to help insure that the United States follows a policy of strict neutrality with regard to forthcoming elections in South Vietnam.

In many ways, this amendment goes to the heart of the enormous sacrifice we have made in Southeast Asia.

We have asked young men to give their lives and limbs . . . we have asked the American people to give billions of dollars . . . so that the people of South Vietnam would be free to chart their own course.

We have learned the hard way, of course, that we cannot dictate the politics or change the culture of another people. We cannot give them purpose or unity or values that they are unwilling or unable to accept for themselves.

And I do not believe that this amendment can be a guarantee that the South Vietnamese will exercise a fair and free choice for their government this fall.

But if our sacrifice means anything, surely we have to do all we can to see that the United States does nothing to interfere with that choice.

One of the most repelling ironies of this war has been the heavy hand of American interference in South Vietnamese politics while our men were dying for South Vietnam's independence.

There is no more telling example of that interference than the huge investment of U.S. funds and advisory support in the governmental police apparatus of the Saigon regime—a police force all too frequently used for the arrest and detention, not of Communists, but of nationalist non-Communist opponents of the Thieu-Ky Government.

I find it bitterly symbolic that over a decade in which nearly 50,000 Americans have died in the name of freedom for South Vietnam, the number of political police in that country has increased sixfold from 16,000 to 97,000 in 1971. And with our assistance the number is planned to grow to 147,000 by 1973.

U.S. aid for the police alone has increased 25 percent from 1970, to an estimated $27.3 million in 1971. These are only the unclassified aid figures. We can only assume that covert funds would make that figure much larger.

We are now budgeting six times as much aid for political police in South Vietnam as we are for education.

There is no secret about the function of this U.S.-created police force. Its targets are religious groups, veterans, and students—almost anyone who voices opposition to the war policy of the present regime in Saigon.

Our assistance, however, is not limited to training a force of repression. We have also had a part, as Congressman ANDERSON and others have shown, in the building of the infamous "tiger cages" on Con Son Island. And beyond assistance to a political police force, or building barbaric prisons, our political interference in South Vietnam has been evident in a number of other ways. Perhaps one of the most notable was the tragic Chau case—a member of the General Assembly House of Deputies who was summarily arrested on the very floor of the National Assembly on the basis of a very questionable charge of subversive activities.

While we are examining the secret records of this war, I think we are also entitled to records of all U.S. dealings in the Chau case. The Congress should know what role the CIA played in this affair, how the U.S. embassy and Ambassador Bunker were implicated, and whether the United States was in any way responsible for the totalitarian repression of opposition in South Vietnam's National Assembly.

While we are at it, we might ask as well for the real story behind the Chuyen case—a reported CIA assassination of a South Vietnamese "double agent" whose crime may not have been his service to the Communists, but rather his loyalty to the non-Communist opposition in South Vietnam.

The American people have earned the right to know this sordid history—earned it with our blood and treasure—just as we have earned the right to know how our own Government moved us into this bottomless tragedy to begin with.

As I said at the outset, Mr. President, the Stevenson amendment cannot insure the freedom of South Vietnam's elections. It certainly cannot insure that the tortured people of that country will have at last a government that represents their wishes and responds to their needs.

And this amendment in no way commits the United States to endorse or support the outcome of those elections.

But if our Government practices blatant interference in the politics of South Vietnam, practices secret support and conniving in favor of one faction or another, we will be mocking the death of every American soldier.

I would urge all my colleagues on both sides of the issue of this war—those who believe we should withdraw and those who support the President's course—to come together to back this common policy of noninterference in South Vietnam's election.

This is the very least we can do to retrieve the integrity of the purpose for which so many of our sons have been killed in Southeast Asia.

Mr. HUGHES. Mr. President, recent events have raised severe questions about the credibility of the American Government. The deceptions in earlier years of our involvement in Vietnam which have now been revealed have reinforced our uncertainties about present policy in Indochina.

Now more than ever our people are demanding to know exactly what our Government is doing, so that they may believe what it says.

This amendment regarding the forthcoming Vietnamese elections, offered by the distinguished junior Senator from Illinois, Mr. STEVENSON, will provide a test case of our Governments' veracity.

On April 23 Secretary of State Rogers told newsmen:

> We are working diligently on plans to make sure that we not only are fair and impartial but that we appear to be fair and impartial. Already we have sent out instructions to all concerned to make every effort to stay out of any political activity, not to indicate any support for any particular candidate, and so forth.

The Secretary went on to express the hope that President Thieu's offer to permit observers from other countries will be accepted. This amendment establishes a reasonable method for such observation.

Only through direct observation, bolstered by a staff which can remain in Vietnam over an extended period and speak the local language, can the Congress make informed judgments about American involvement in these supposedly free elections.

We in the Congress have a great stake in these elections and in political developments in Vietnam. This year we have been asked to vote another $12 million or so for the war, plus $2.5 billion in military assistance to Indochina, plus $565 million in economic aid to South Vietnam.

Thus, we are likely to spend an additional $15 billion to give South Vietnam a chance to survive. If a similar program for American domestic renewal were proposed, we would have numerous studies, extensive hearings, and detailed inspections of the developing programs.

We should ask no less from South Vietnam now. We need to know whether our money is going to support or undermine the President's objectives in that Nation.

Past experience shows that the typical whirlwind visit and packaged briefings are insufficient. In 1967 an official U.S. delegation spent only 4 days in Vietnam. Their conclusions about the honesty of the election were not based on a thorough investigation.

In the past four years, we have become even more closely identified with the existing regime, and particularly with President Thieu. That is only natural since we are allied in deadly combat, but it also makes it harder for us to stand aside and let the people of South Vietnam make their own choices for national and local offices.

Our officials have worked with existing South Vietnamese leaders for so long that they may have forgotten the depth of disagreement and opposition among the people out of power. We must not assume that President Thieu, who achieved that office with only 35 percent of the popular vote, truly represents the views of the majority of the people of South Vietnam.

There is abundant evidence that many South Vietnamese are dissatisfied with the current government. One man mentioned as a possible challenger to President Thieu, Gen. Duong Van Minh, said recently:

> The present government, which does not enjoy the trust of the people, though talking about peace, yet in its heart, is afraid of peace.

Another possible candidate, the current Vice President, said last month that—

> Corruption has become . . . an incurable disease.

He called President Thieu "unfaithful, disloyal, and dishonest."

We should not dismiss these statements as mere campaign rhetoric. Rather, we must look behind this smoking invective to see whether there are fires of discontent. If so, we must not permit the current rulers to smother those flames with repression and censorship.

Already the Saigon Government is trying to suppress its political opposition. The runner-up in the 1967 elections is still in prison. Vice President Ky's newspaper has been closed half the time in the past 3 weeks. Saigon's leading opposition newspaper has been seized 141 times in the past 18 months. And we have yet to see whether technicalities will once again be used to deny people from running for office.

It is a shame that our own country cannot stand as an example of a truly free society, with a truly free press. We are on shaky ground if we complain to Saigon about censorship when our own Government is involved in unprecedented actions to restrict freedom of the press.

I oppose this political censorship wherever it occurs. We should make clear our opposition to it in Saigon and reassert our own Constitution in Washington.

In the coming weeks and months we may face other decisions on what kind of support we provide to the current Saigon regime. Although those decisions will probably be made by the President, it is important for the Congress to know what they are, and especially to know the impact they have within South Vietnam.

If our impartiality in the South Vietnamese elections were a simple and easy thing to monitor, this amendment would probably not be necessary. But the fact is that we have done and are doing many things which undermine our professions of neutrality.

Last winter the newspapers reported that we were taking public opinion surveys and providing them to President Thieu. These polls asked pointedly political questions which could have been of use to the President in campaigning. As a result of the disclosures, this practice has reportedly been stopped. The commission established by this amendment could verify this claim.

We are also providing funds to build up the Vietnamese national police force, which will increase by over 20 percent in the next year. Yet recent newspaper reports indicate that this police force is being used to harass the regime's political opponents, develop an intelligence system among the people, and run the sometimes inhumane prison system. These charges need to be examined and American assistance restricted if it is being used to prevent free elections.

Another example of possible U.S. partiality in the forthcoming elections is the series of programs run by the Public Affairs Office of the USIA. The able and distinguished Senator from Idaho, Mr. CHURCH, has studied this problem and recommended ways for preventing our officials from running a massive propaganda campaign which bolsters President Thieu.

But pending enactment of his proposals, we need firsthand knowledge that our information effort in South Vietnam is not being used to undermine free elections. There is reason to fear partiality because the head of our Saigon public affairs office openly admitted to Senator CHURCH last year that his mission was—

> To assist the Vietnamese Government in developing a means of communicating with the electorate and to provide technical and professional advise.

Mr. President, I underline the word "electorate," for it suggests that our information activities are directed toward political results.

These kinds of current activities which have the effect, if not the intention, of strengthening the existing regime in Saigon must be carefully examined and stopped when they jeopardize our professed neutrality in the elections.

The commission proposed by this amendment will not interfere in the internal affairs of South Vietnam. Its function is precisely the opposite—to prevent interference by any part of the U.S. mission. By studying how our funds are spent and whether they serve our declared objective of neutrality, this commission will make a major contribution to better understanding by Congress and the public of the situation in South Vietnam.

I commend the distinguished Senator from Illinois for taking the lead on this important issue and I urge the Senate to adopt this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding.

I ask unanimous consent that during the further consideration of amendment No. 173, the pending amendment, the time be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. CHURCH. Mr. President, would the Senator from Illinois be kind enough to yield me 3 minutes to make an insertion in the RECORD?

Mr. STEVENSON. Mr. President, I yield 3 minutes to the Senator from Idaho.

ARMS TO PAKISTAN REVEALED

Mr. CHURCH. Mr. President, in the New York Times this morning, there is a disturbing report that U.S. military equipment is being shipped to Pakistan in violation of the administration's officially proclaimed ban on such shipments.

I have seen the bills of lading and Air Force delivery listings covering these shipments, and I can personally affirm the accuracy of the Times article.

I have today called upon the President of the United States to direct appropriate U.S. agencies and officials to take prompt action to halt this shipment of military items which still remain within our reach by intercepting and removing them. The Pakistani ship *Padma* left New York harbor this afternoon and is due, I am informed, to dock in Montreal tomorrow.

If the Coast Guard is unable to intercept the *Padma* in American waters, then we should solicit the cooperation of the Canadian Government in recovering these forbidden shipments.

The seriousness of the disclosures by Mr. Tad Szulc of the New York Times cannot be overemphasized. These shipments of arms to the Government of Pakistan are in direct violation of U.S. policy, as declared and defined by the Nixon administration.

In a letter to the chairman of the Senate Foreign Relations Committee on April 23, 1971, the Department of State explicity stated that—

> we have been informed by the Department of Defense that no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan on March 25 and nothing is now scheduled for such delivery.

Mr. Szulc's revelation contradicts the State Department's official statement of American policy, raising new questions about the credibility of this administration.

At this point, Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First. Mr. Szulc's article from the New York Times.

Second. A bill of lading from the National Shipping Corp. of Karachi, sent to the Embassy in Pakistan, dated April 8, 1971, covering shipment of military goods aboard the Pakistani ship *Sunderbans*, which sailed from New York on May 8.

Third. A similar bill of lading, from the same corporation, covering shipments of additional military items on the *Sunderbans*, dated April 16.

Fourth. A copy of the deck receipt from East-West Shipping Agencies, Inc., to the Defense Procurement Division of the Embassy of Pakistan, dated May 21, listing military items received for shipment to Pakistan, apparently on the *Padma*.

Fifth. A copy of a letter I today sent to President Nixon, requesting that he take necessary steps to enforce his declared policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1971]

U.S. MILITARY GOODS SENT TO PAKISTAN DESPITE BAN

(By Tad Szulc)

WASHINGTON, June 21.—A freighter flying the flag of Pakistan was preparing today to sail from New York for Karachi with a cargo of United States military equipment for Pakistan, apparently in violation of the Administration's officially proclaimed ban on such shipments.

Senior State Department officials, in response to inquiries, acknowledged that at least one other ship was now on the way from the United States to Pakistan carrying what they described as "foreign military sales" items.

These items, they indicated, came from excess Defense Department stocks and apparently were shipped as a result of confusion within the Administration as to how the three-month-old ban on shipments of military equipment to Pakistan should be applied.

"There has evidently been some kind of slippage here," an official said.

TO KARACHI IN AUGUST

The Padma, the ship that was preparing to sail from New York, is scheduled to arrive in Karachi in mid-August with a cargo that is said to include eight aircraft, parachutes and hundreds of thousands of pounds of spare parts and accessories for planes and military vehicles.

The Sunderbans, another ship of Pakistani registry, sailed from New York on May 8 with other items of military equipment for Pakistan, including parts for armored personnel carriers, according to the ship's manifesto and the accompanying State Department export license. She is due to arrive in Karachi Wednesday.

All this equipment has been sold to Pakistan by the United States Air Force under provisions of the Foreign Military Sales Act.

After troops of the Pakistani Army, mainly West Pakistanis, were ordered to crush the self-rule movements in East Pakistan last March 25, the State Department announced that all sales of military equipment to Pakistan had been suspended and that the program, initiated in 1967, had been placed "under review."

Today, State Department officials, responding to queries about the sailings of the Padma and the Sunderbans, said that it remained the official policy of the Administration that sales of all types of military equipment to Pakistan were prohibited under the ban imposed shortly after the severe repression of the East Pakistani independence movement began early in the spring. The State Department estimates that at least 200,000 East Pakistanis have died in the subsequent fighting and that about six million refugees have fled to India.

Senior State Department officials said in interviews today that they were not aware of shipments of military equipment to Pakistan after March 25.

They acknowledged that such shipments would constitute a violation of the proclaimed policy.

The State Department officials said they had been informed by the Defense Department that no military equipment under the foreign sales program had been delivered "to the Government of Pakistan or agents of the Government of Pakistan" since March 25.

NO EXPLANATION OFFERED

They said the Defense Department "reaffirmed" this policy today in discussions with the State Department. They could not explain how this Pentagon statement could be reconciled with the fact that, according to the bills of lading submitted to the Pakistani Embassy here, the equipment to be loaded on the Sunderbans was received at the dock in New York on April 23 and the equipment for the Padma on May 21.

A communication from the shippers to Lt. Col. M. Amram Raja at the defense procurement division of the Pakistani Embassy covering the dock receipts for the two ships was sent on May 21.

The Defense Department, asked about the shipments last Saturday and again today, referred all inquiries to the State Department. Officials appeared to be at a loss for an explanation of the shipments.

State Department sources quoted the Defense Department as saying that no sales or deliveries to Pakistan had been authorized since March 25 and that the equipment aboard the two freighters had been purchased prior to the official prohibition.

INQUIRY BY SENATOR CHURCH

But they offered no comment as to why the dockside deliveries and actual shipments had been made after March 25.

The State Department has not yet replied to a letter sent on June 17, by Senator Frank Church, Democrat of Idaho, to Secretary of

State William P. Rogers requesting information about "certain items of military equipment" being shipped to Pakistan under State Department licenses.

Senator Church, who is a member of the Senate Foreign Relations Committee, advised Mr. Rogers that he understood that the State Department had issued License No. 19242 for some of this equipment.

A check of the bills of lading of the cargo aboard the Sunderbans showed that this license covered an item described as "28 skids, parts," weighing 11,895 pounds. No further description of these items was available.

But another license issued by the State Department for the Sunderban's cargo specified "parts and accessories for military vehicles." The Sunderbans carries a total of 21 items, according to the dockside delivery listings, identified on these documents only as cases and cartons of "auto parts and accessories," "skids and parts," "boxes" and "parts."

PLANES AND PARACHUTES LISTED

The dockside delivery listings for the Padma include two entries of "four aircraft" each, 113 parachutes and parts, and auto parts, accessories, skids and "wooden boxes."

An item described as "crates, bundles and parts" is listed as weighing 14,133 pounds.

The program of military sales to Pakistan, begun in 1967, had been running at nearly $10-million a year, according to Robert J. McCloskey, the State Department spokesman. The United States agreed in that year to sell "nonlethal" equipment to both Pakistan and India, lifting in part the embargo placed on military deliveries after the 1965 Indian-Pakistani war.

In October, 1970, the Administration agreed, as an "exception," to sell Pakistan an undisclosed number of F-104 fighter planes, B-57 bombers, and armored personnel carriers. However, the State Department said today that none of this "exception" equipment had been delivered.

But authoritative sources here, who cannot be identified, said that the flow of military equipment to Pakistan from Air Force sales alone had reached $47,944,781 between 1967 and April 30, 1970.

A communication sent on May 28 to the defense procurement division of the Pakistani Embassy by the headquarters of the Air Force accounting and finance center in Denver enclosed a "status report . . . listing all your open foreign military sales cases, showing case value, amounts collected, delivered and undelivered."

The letter—signed by Elaine B. Loventhal, chief foreign military sales branch comptroller at the Denver headquarters—was headed: "USAF statement of military sales transactions and detail delivery listings."

The "status report" noted that previous charges on Pakistani military purchases were $25,679,654.10, that undelivered items totaled $21,730,740.07 and that "cash received to date" was $24,342,782.37.

State Department officials were unable to say precisely what period this report covered.

The Air Force report said, however, that the Pakistani Government had to remit "on or before 31 May, 1971" the sum of $3,376,253.51 for further "total cash requirements."

A notation on the report showed that a check from Pakistan for $404,116.49 had been received "in May, 1971."

Authoritative sources here said that "in all likelihood" additional sales to Pakistan might have been made by the Army and the Navy.

Spokesmen for the East West Shipping Agency, the New York agents for the Padma and the Sunderbans, indicated that the Padma had carried military equipment to Pakistan on a number of recent voyages, most recently delivering it in Karachi on March 22, three days before the troop action in East Pakistan.

The voyage for which the Padma is now preparing is her first to Karachi carrying military equipment since the ban was imposed after March 25. The current trip by the Sunderbans is also her first with such equipment since the ban. But authoritative sources said that other ships with military equipment for Pakistan might have sailed since March 25 from East and West Coast ports.

BILL OF LADING

Forwarding agent—shipper's references: Ref Exp: 63942MVF Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Div.), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: S.S. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York, N.Y.

Mark and numbers: EXP:63942; BAC-1/19, BAF-1/8, BAD-1.

Number of packages: 28.

Description of packages and goods: Skids, parts and accessories for military vehicles (claw screw cam control).

Gross weight in pounds: 11,895.

Dated at New York: 4/8/71.

BILL OF LADING

Forwarding agent—shipper's references: REF EXP: 53950MVP, Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Division), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: SS. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York.

Marks and numbers: EXP: 63950, BAG-1/9, UNI-1/13, BAD-1.

Number of packages: 23.

Description of packages and goods: Pieces (22 skids, 1ctn.), parts and accessories for military vehicles (shaft, screw, mount knob).

Gross weight in pounds: 18,171.

Dated at New York: 4/16/71.

EAST WEST SHIPPING AGENCIES, INC.,
New York, N.Y.

EMBASSY OF PAKISTAN,
Washington, D.C.

Attention: Lt. Col. M. Akram Raja, Attache (D.P.) *Defense Pres. Division*

DEAR SIR: We are pleased to forward copies of dock receipts together with a list covering that merchandise received for the past week, May 21, 1971.

Trusting you find the above in order, we remain,

Very truly yours.
EAST WEST SHIPPING AGENCIES, INC.

UNITED STATES SENATE,
Washington, D.C., June 22, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It has come to my attention that the Pakistan ship *Padma*, that left New York harbor this afternoon bound for Montreal, is carrying a load of United States supplied arms, weapons, and related spare parts which is in violation of our officially proclaimed policy banning all arms and weapons to the Government of Pakistan at this time.

I take the utmost objection at the failure of the United States to prevent these arms from being loaded on the *Padma*. Certainly we should be able to enforce the publicly declared policy of the government.

It is reported that the *Padma* will dock in Montreal before proceeding further. If the Coast Guard is unable to intercept the ship in American waters, then I urge you to solicit the cooperation of the Canadian Government in recovering these forbidden shipments.

I hope you will take prompt and necessary measures to see that American arms are removed from the *Padma*.

Very truly yours,
FRANK CHURCH.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STEVENSON. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the arguments that have been presented here this evening by the opposition to this amendment are the most impressive arguments I have heard for it. I am afraid there is some misunderstanding as to the purpose of the amendment.

The purpose of the amendment is not to interfere with the elections in South Vietnam; it is not to supervise the South Vietnamese; it is not to involve us in South Vietnamese elections or practices.

The purpose of this amendment is stated very succinctly in section 402 where it is stated:

> SEC. 402. It is the sense of the Congress—
>
> (a) That the neutrality of the United States in the 1971 South Vietnamese elections be reaffirmed; and
>
> (b) That the President of the United States take all feasible measures to assure that the United States maintains strict neurality and impartiality with respect to such elections and to assure that no United States support in any form will be provided to any candidate, faction, party, or group in those elections.

Mr. President, that is the entire sum and substance of this particular amendment. We set up some machinery on the part of Congress to see to it that this sense of Congress is actually implemented.

It has been said, and rightly so, that the committees of Congress could do this on their own. In other words, the Committee on Foreign Relations, or the Committee on Government Operations, or the Committee on Appropriations, or the Committee on Armed Services, and I suppose other committees could send congressional observers and individual Members of Congress could come back and make their reports. But the purpose of this amendment is to state unequivocally that we, the people of the United States, through the Representatives of the people in this Congress, want to assure that the power, influence, resources, the equipment, money, and personnel of the United States presence in Vietnam is not used in any way whatsoever to influence the outcome of the elections.

This is a major problem for us because our very presence working in Vietnam, working with the present Government, leaves itself open to the criticism that we are trying to help the incumbent. What we are merely saying to the people of South Vietnam, the people of the United States, and the people of the world is that we do believe in self-determination, but we do not believe the United States should help people determine for themselves by our power, influence, and money, what ought to happen to them.

If we will take a good look at the language, particularly after the amendments offered here and accepted, we find a reasonable, sensible, and constructive proposal.

There has been some argument as to why the names of President Thieu and Vice President Ky were referred to. They were referred to simply because they are the encumbents.

Other points have been made. The power of subpena has been mentioned. Why the power of subpena? It is not to subpena South Vietnamese records or South Vietnamese personnel, but it is the power of the United States to look into activities of its own representatives, that is, representatives of the Government of the United States. We can do this whether this amendment is agreed to or not.

The prime purpose behind this amendment is to formalize in a real and constructive sense our commitment to impartiality. I believe it will do Congress a great honor and service if this amendment is agreed to.

I say with great respect to those who oppose it that I believe it will be found it is not directed as an insult to the President. To the contrary, it reaffirms what has been stated as our national objective and purpose. It places Congress in the role of being only an observer as to the conduct of American personnel in Vietnam in the political process. I do not think it will take an inordinate amount of time for Members of Congress. With an appropriate staff I think this can be done in a reasonable time.

Mr. President, I conclude by saying that the five Members of the Senate will be appointed by the President pro tempore of the Senate. I think we can rely on this distinguished Member of this body to do a good job. The five Members from the House of Representatives will be appointed by the Speaker.

VIETNAMIZATION—IN THE INTERESTS OF THE PEOPLE OF SOUTH VIETNAM, OR FOR THE RE-ELECTION OF PRESIDENT THIEU?

Mr. President, I speak in support of the amendment No. 173 which the Senator from Illinois (Mr. Stevenson) and I and others have introduced. For the past 2 weeks we have been debating the issue of the draft and how American involvement in the war in Indochina can be brought to a speedy end. For the past 2 years we have been debating the nature of that involvement, couched in terms which all too often resembled the tunes of realpolitik.

I regret to say that insufficient attention was given to the needs and concerns of the people of South Vietnam. Through priority analysis and contingency planning, we, and I mean we—all of us here—allowed our policies in Vietnam to stray from America's finest traditions. We forgot to apply the principle long advocated by America's finest statesmen—the principle of true self-determination. It is one thing to strengthen Vietnam for our own interests; it is quite another to strengthen that country for her own behalf.

Vietnamization is a musclebuilding course which the administration tells us is about to come to an end since the South Vietnamese are about to graduate. I find it most reassuring to hear from official quarters that at last, after an all-too-long commitment by the United States, the South Vietnamese will be able to "hack it on their own." I find it less reassuring when full realization is given to the precise meaning of Vietnamization. Aside from the military development, Vietnamization does not touch upon the kind of strength and self-determination which I believe should be the focus of our attention. When the President explains to us the scorecard of his policy, he fails to talk about the social and political fiber of South Vietnam. He skips over what is perhaps the essence of South Vietnam's future as a country—the upcoming elections at all levels of government.

Ambassador Harriman, who through his experience has a great familiarity with the question of Vietnam, describes very well the kind of government we are supporting in South Vietnam. In testimony before the House Foreign Affairs Committee, Ambassador Harriman said:

> In 1967, despite their influence as military and governmental leaders, President Thieu and Vice President Ky received less than thirty-five per cent of the votes cast for civilian candidates who had some sort of peace plank in their platforms. The senatorial elections last August gave further evidence of the desire of the people to end the war. The anti-government and pro-peace Buddhist state headed by Vu Van Mau received the highest number of votes. These elections confirmed that the people of South Vietnam want peace and not a continuation of the war.

What I am suggesting is that because of our enormous influence and experience in Vietnam, we can provide certain inducement for a more rapid achievement of these goals.

The first steps, which are by definition the most elementary, can also be the most consequential. We know that the sheer weight of American presence in Vietnam is a pillar of support for the government in power. But we also know that there are ways to minimize this support, if not eliminate it completely which the administration is making no effort to do. One has only to read the testimony before the Senate Foreign Relations Committee to realize that the U.S. Government is actively supporting the Thieu government.

The Senator from Idaho (Mr. Church) recognized this point and documented his point extremely well when he introduced his bill (S. 1397) to amend the U.S. Information and Educational Exchange Act of 1948 to impose restrictions on information activities outside U.S. Government agencies. Senator Church disclosed the type of activity such as "informal provincial samplings" or polls undertaken by the USIA in Saigon on behalf of the Thieu government. Ambassador Harriman has gone even farther by noting our "unqualified support of the unpopular and repressive Thieu government." Notwithstanding official denials to the contrary, we know this to be true.

I, therefore, have joined with Senator Stevenson in introducing this amendment which, while more comprehensive, is really a logical extension of Senator Church's amendment. It would bind our Government to maintain a position of strict neutrality during all the elections which are scheduled in South Vietnam—the elections of the national lower house in the summer, the presidential elections in the fall, and the elections of the province chiefs and mayors in the winter. A congressional commission would be created to keep the Congress informed about the elections and help implement a policy of neutrality.

Without U.S. assistance and influence the chances for freer elections in South Vietnam would be enhanced. A government elected without the support of the United States would probably be more representative of the people of South Vietnam than the present government; such a government might be more inclined to negotiate a settlement with North Vietnam and the National Liberation Front.

Admittedly, the outcome of such elections is highly speculative. But it is not speculation to assert that the present government is unrepresentative and shows little willingness to negotiate a settlement. U.S. neutrality would not assure a freely elected government, but it would remove the invisible hand which props up the Thieu government. This amendment is both a symbolic and substantive measure designed to guide American policy in a positive direction.

The Stevenson-Humphrey amendment is a first step. It is so easy to take and hopefully, we will all have the courage to take it.

There are other measures which can also be taken. Ambassador Harriman made an excellent suggestion which I would like, Mr. President, to bring to the attention of the Senate:

> Presidential elections will take place in South Vietnam in October, following legislative elections in August. If the people of South Vietnam are given an uninhibited opportunity to express their will, I do not believe that President Thieu would be returned to office. I would expect the election of a candidate dedicated to seeking a compromise peace. There are, however, a number of factors which indicate the unlikeliness of an unmanaged election. Thieu has jailed a number of those opposed to his policies, including the man who came in second in the 1967 presidential election, and even a member of the lower house—in violation of his constitutional immunity and a Supreme Court ruling. Incidentally he has replaced the judge who made this ruling. After his return from Midway, President Thieu announced that he would severely punish all advocates of a compromise government. Newspapers in opposition have been closed down.

The election procedures do not protect against manipulation.

I believe it is important that the Congress take action to subject the fairness of forthcoming elections to careful scrutiny. Observers should be dispatched as soon as possible, for what happens between now and the elections will be more important than what takes place on election days. While the observers should, of course, look for signs of improper use of American influence, they must also be able to report on the activities of Thieu's military and political machine.

The presence of American observers might inhibit efforts to manipulate the elections. If, as I fear, the elections are nonetheless controlled, the committee report would make the American people aware of the facts and dispel any illusion of a popular choice.

The National Committee for a Political Settlement in Vietnam, of which I am a member, has also made some excellent proposals for a policy in Vietnam. I ask, Mr. President, unanimous consent that these proposals be printed at this point in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

THE MORAL IMPERATIVE IS TO STOP ALL THE KILLING AT THE EARLIEST POSSIBLE MOMENT IN ADVANCE OF WHATEVER DATE IS SET FOR AMERICAN WITHDRAWAL

The expanded combat in Indochina shows clearly the risks of "Vietnamization" and its failure as a way of ending the war. Yet, it is not enough just to say "Let's get out. Simply getting out—now, or on a set date, or in the indefinite future—without a political settlement, is still "Vietnamization" of the killing, substituting Vietnamese blood and bodies for those of Americans.

The coming 1971 elections in South Vietnam (Lower House in August, Presidency in October and province chiefs and mayors in the winter), coinciding with the rainy season lull in military activity, offer new opportunities for fresh initiatives to end the fighting and bring the parties to the Indochina war into meaningful negotiations.

With peace the major issue in these elections, the campaign can focus the widespread desire of the South Vietnamese people for peace and a cease-fire, bringing pressures to bear on both Saigon and the National Liberation Front to consider the kinds of accommodations necessary to negotiating a political settlement.

An election cease-fire followed by free and open elections, could be the first step toward bringing the other side into the political process and moving the struggle for power from the military to the political level.

Whether or not this occurs, a broader government emerging from the elections would be in a more favorable position to offer and seek accommodations and agreement. Fair and unimpeded elections would strengthen the independent, unaligned political and religious forces, such as the Buddhists, the trade unions, the liberal Catholics and peace groups.

To stop *all* the killing, and bring home *all* American troops and prisoners of war, the U.S. and its allies should:

Initiate an election year standstill cease-fire in South Vietnam, setting a date when our forces will stop all firing and offensive action, firing only in self defense, urging the other side to reciprocate and establish an atmosphere of peace for the 1971 elections.

Open the 1971 elections to the other side inviting the Provisional Revolutionary Government to participate fully, along with independent non-Communist religious and political forces, such as the Unified Buddhists, in supervising, administering and running candidates in this year's elections, with guarantees against reprisals for political activity. To move the conflict from the military to the political level requires opening the political process to the Communists.

Mixed election commissions, or similar care-taker election arrangements which include the various parties, could help assure full access to the political process by all parties and fair campaign and electoral processes.

Fair and open elections offer the best chance for the development of democracy and a stable peace, requiring both sides to compete for majority support with social programs, rather than imposing their will by force, repression or terror.

Whether or not the Communists agree to participate in these elections, all restrictions on freedom of speech, assembly and the press should be lifted; those imprisoned because of political activity should be released; and U.S. military and civilian personnel must refrain from any partisan aid or activity that would compromise the elections.

Pursue a permanent cease-fire agreement which will include international supervision of the cease-fire and elections, withdrawal of all non-South Vietnamese military forces, release of all prisoners of war and guarantees of no reprisals by either side following the elections and political settlement.

Just as we have refused to take "no" for an answer on the prisoner of war issues, we must undertake a sustained and vigorous diplomatic effort on behalf of the October 7th cease-fire proposals, enlisting the aid of our allies, those of the other side, and the United Nations, to explore openings and induce the warring parties to resume negotiations and consider the accommodations necessary for a peaceful settlement.

Pledge to withdraw all U.S. armed forces from Indochina within six months of the date of the permanent cease-fire agreement.

Offer one billion dollars for aid and reconstruction in Indochina.

Mr. HUMPHREY. Mr. President, quite obviously, these proposals go beyond the Stevenson-Humphrey amendment. But they are worthwhile because they focus attention where it ought to be—on the positive. We have proven how well we can fight, and how well we can defend but we have not demonstrated sufficiently well in the last decade how we can build.

Mr. President, all I am asking today is that we begin the process of construction. We can begin by respecting a policy of strict neutrality during the upcoming elections in South Vietnam.

Mr. President, I hope the amendment is agreed to.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining.

Mr. STEVENSON. I have only 2 minutes remaining. I can give the Senator 1 minute.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PERCY. Mr. President, first of all, I would like to comment that it is a brave man in public life from Cook County, Ill., that would get into the question of honest elections and the regulation of such elections anywhere else, because of the controversy we have in my county and the county of my distinguished colleague every 4 years.

I would like to commend my colleague, however, for his earnest attempt to do everything he can to insure the credibility of elections in South Vietnam.

It is extremely important to that country, it is extremely important to our country, and it is extremely important to the free world that we take every reasonable step that we can to insure the credibility of those elections. We should take whatever steps we can to avoid the implication that could be made that the United States would interfere with those elections. The steps suggested in the amendment are reasonable and prudent. They do not constitute interference. They are, as stated a number of times in this Chamber, an attempt on our part to give every assurance and guarantee that although we are in Vietnam in a military way, we are there only to give the people of South Vietnam the right to have a government of their own free choice.

It is for that reason that I intend to support the amendment of my distinguished colleague and that I commend him on his initiative.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATHIAS. Mr. President, it has been suggested that it would be better evidence of U.S. neutrality in the South Vietnamese election to keep Members of Congress home than to dispatch them as observers in Indochina. There is a certain logic in this, and I would agree if we could also bring home the American troops and bureaucrats now in Vietnam before the date of the South Vietnam elections.

But we are unlikely to do so.

And we are not without experience in our own history of the effect of the presence of a great military organization during an election. These have not been happy experiences. We should not subject other people to them without such mitigation as we can provide.

I have cosponsored this amendment and urge its support.

Mr. STEVENSON. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining.

Mr. STEVENSON. How much time does the Senator from Mississippi have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. Mr. President, I will yield the Senator 3 minutes, if he wishes, after I complete my statement.

Mr. STEVENSON. I thank the Senator.

Mr. STENNIS. Mr. President, I think we have thrashed this matter out well. I do not want to be inhuman about it or try to write off something, but we have all these agencies of the Government over there now—economic aid, military aid, military forces of our own. We talk about hurrying home. We have just resolved to hurry home even further.

I do not believe there is any place over there for 10 Members of Congress as important as their places are here. That may be old fashioned, but I just think our constituents, the people at large, expect us to stay here and look after their affairs and send our representatives, our staff members, our committee staff members, into these other areas and look after them as much as we see fit.

I would like us to retrench a little and get back to the usual things. I believe if we go over there and have the Congress looking into the elections, and so forth and so forth and so forth, the few Vietnamese who will notice us will wonder what those foreigners are doing over there. I think we have overdone this matter. I know the fine motives of the authors and the Senators who are for the amendment, but certainly it should not be on this bill, and not until Congress can consider this general question.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG. It seems to me one of the ways best to let it be known that we are not trying to influence the outcome of the elections over there is to keep Senators and Representatives over here, and not send them over there.

Mr. STENNIS. Mr. President, I found out more about the war and about the conditions over there by sending well prepared, intelligent, and often unidentified staff members. I think our committees can, if they wish, take care of the situation and our role in that way, anyhow. On this bill, at any rate, I think the amendment ought to be defeated, and I hope it will be.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. STENNIS. I yield some time to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Mississippi, and I also want to thank my distinguished colleague from Illinois for his kind words and for his support.

The Secretary of State and the American Ambassador in South Vietnam all recognize the importance of this election. They all recognize the importance of American neutrality in the elections. Why? Because the Government of South Vietnam, if it depends for its support and its existence on the support of the people of South Vietnam instead of on the support of the American Government, will be able to govern and will be able to deal with the North. Then we could withdraw fully and swiftly, having fulfilled our purpose in South Vietnam which, from the beginning, has been stated to be free choice and self-determination for the people of South Vietnam.

Presidential Press Secretary Ziegler has said we must give the people of South Vietnam a chance to determine their own future. They have that chance. They have that chance in the forthcoming election.

At the present time the United States is perceived as not being neutral; it is perceived as supporting only one candidate for President of South Vietnam. All this amendment says is that we are not interfering, we will not interfere, we will not dictate a final choice during the remainder of our military involvement in South Vietnam. All it says is that the Congress will help the President maintain our neutrality so that a war-weary people in South Vietnam can at last choose their own government; and then we can, having fulfilled that purpose, leave—leave swiftly and leave honorably.

I yield back my remaining time.

Mr. STENNIS. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. All time has been yielded back. The yeas and nays having been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished majority leader (Mr. Mansfield). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

On this vote, the Senator from Texas (Mr. Bentsen) is paired with the Senator from Mississippi (Mr. Eastland).

If present and voting, the Senator from Texas would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. Aiken), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater) and the Senator from North Dakota (Mr. Young) are detained on official business.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from South Dakota (Mr. Mundt) and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

The result was announced—yeas 36, nays 46, as follows:

[No. 116 Leg.]

YEAS—36

Beall
Case
Chiles
Church
Cooper
Cranston
Gravel
Griffin
Hart
Hughes
Humphrey
Inouye
Jackson
Javits
Magnuson
Mathias
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Roth
Schweiker
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—46

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Cannon
Cook
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGovern
Montoya
Pearson
Randolph
Smith
Sparkman
Spong
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—17

Aiken
Bayh
Bentsen
Cotton
Eagleton
Eastland
Fulbright
Goldwater
Harris
Kennedy
Mansfield
McGee
Mundt
Ribicoff
Saxbe
Scott
Young

So Mr. Stevenson's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu; and

H.R. 4327. An act for the relief of Robert L. Stevenson.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 126

The **PRESIDING OFFICER**. Under the previous order, the Chair lays before the Senate Amendment No. 126, which will be stated.

The assistant legislative clerk read as follows:

On page 20, line 14, strike out "twenty-six" and insert in lieu thereof "forty-five".

On page 21, line 6, strike out "twenty-six" and insert in lieu thereof "forty-five".

On page 22, strike out the period in line 3, and insert in lieu thereof a comma and the following: "subject to the provisions of the second sentence of section 5(d) of this Act."

On page 23, between lines 2 and 3, insert the following:

"(5) Section 4(a) is further amended by striking out 'twenty-sixth' in the last paragraph and inserting in lieu thereof 'forty-fifth' ".

On page 23, line 3, strike out "(5)" and insert in lieu thereof "(6)".

On page 23, between lines 5 and 6, insert the following:

"(7) Section 4(c) is amended by striking out 'twenty-six' each time it appears therein and inserting in lieu thereof 'forty-fifth' ".

On page 23, line 6, strike out "(6)" and insert in lieu thereof "(8)".

On page 23, line 8, strike out "(7)" and insert in lieu thereof "(9)".

On page 23, between lines 10 and 11, insert the following:

"(10) Section 4(l) (1) is amended by striking out 'thirty-fifth' and inserting in lieu thereof 'forty-fifth'."

(11) The third proviso of section 5(a) is amended by inserting "subject to the second sentence of section 5(d)," immediately after "That".

On page 23, line 11, strike out "(8)" and insert in lieu thereof "(12)".

On page 23, line 20, strike out "(9)" and insert in lieu thereof "(13)".

On page 24, after the period in line 3, insert the following: "Notwithstanding the foregoing sentence or any other provision of this Act, under any method used for selecting persons for induction under this Act a number of persons shall be selected for induction each year from each age group of persons eligible for induction under this Act that bears the same ratio to the total number of persons to be inducted in such year as the number of persons in such age group bears to the total number of persons in all age groups eligible for induction."

On page 25, line 8, strike out the period and insert in lieu thereof a comma and the following: "and the last sentence of such section is amended by striking out "thirty-fifth" and inserting in lieu thereof "forty-fifth".

Renumber paragraphs (11) through (13) as paragraphs (14) through (16), respectively.

On page 25, between lines 12 and 13, insert the following:

"(18) Section 6(c) (2) is amended by striking out '26' in subparagraph (A) and inserting in lieu thereof '45', and by striking out 'twenty-six' in subparagraph (D) and inserting in lieu thereof 'forty-five'."

On page 26, line 14, strike out "thirty-fifth" and insert in lieu thereof "forty-fifth".

On page 26, line 22, strike out the period and insert in lieu thereof a comma and the following: "and by striking out 'thirty-fifth' and inserting in lieu thereof 'forty-fifth'."

Renumber paragraphs (14) through (30) as paragraphs (18) through (35), respectively.

On page 33, between lines 9 and 10, insert the following:

"(36) Section 16(a) is amended by striking out 'twenty-six' and 'twenty-sixth' and inserting in lieu thereof 'forty-five' and 'forty-fifth', respectively".

On page 33, renumber paragraphs (31) and (32) as paragraphs (37) and (38), respectively.

Mr. **STENNIS**. Mr. President, I yield 1 minute to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be reduced from 1 hour to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BYRD** of West Virginia. Mr. President, are we going to have the yeas and nays on this amendment? If so, we ought to try to get them now.

Mr. **GRAVEL**. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. **GRAVEL**. I yield myself as much time as necessary to make my initial presentation.

Mr. President, this is not a very complex issue, and that is why we are able to cut down the amount of time for discussion.

The amendment is to expand the age of those who are drafted until they are 45 years of age. Presently, we draft 19-year-olds, and 19-year-olds alone. I do not think we need the draft, but if we are going to have it, I think we can have an equitable draft.

I am insisting on a rollcall vote because I think there is one principle at play here, a simple one, and it is that, essentially, wars are initiated by older men and are fought by young men. In this Chamber are men who served when they were young and fought. They were fighting the wars of old men. Since this is essentially a Chamber of older men, I think we should face up to it.

In the Second World War, we had the draft until 45 years of age. In the First World War, it was 45 years of age. In the Civil War, it was 45 years of age. In the Revolutionary War, it was 45 years of age. So if we need a draft now, let us at least face up to the problem and say that if it is good for the 19-year-olds, it is good for everybody else.

When we talk about the technical requirements to run our Poseidon submarines and missiles, we can do a great deal for the taxpayer by hauling in the person from the computer room and letting him operate a Minuteman battery. We do not lose; we gain.

Mr. **PELL**. Mr. President, will the Senator yield?

Mr. **GRAVEL**. I yield.

Mr. **PELL**. I think the Senator's idea is excellent. I was particularly struck by the fact that the percentage of those who are veterans who support McGovern-Hatfield is larger in this body than those who oppose it. I think those of us who have been exposed to war generally tend to be more antiwar than those who have not.

Along this line, I want to ask one question: Why limit it to 45? There is useful work that men of all ages can do. I think it should apply to all ages.

Mr. **GRAVEL**. I think the Senator is correct, but I had to rely on historical precedent, and the historical precedent seems to be 45 years of age. I happen to be 41, so when voting for this amendment I will be subjecting myself to some liability.

I have said repeatedly here that if this Nation were at war or under threat of invasion, I would resign my seat to serve. So long as some people feel that we need the draft to defend this country, the least they can do is to establish equity. The reason why we do not do it is that we know it is politically unpalatable.

I can term this as an amendment to sort of fish or cut bait.

I yield the floor.

Mr. **STENNIS**. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER** (Mr. BOGGS). The Senator from Mississippi is recognized for 5 minutes.

Mr. **STENNIS**. This bill is to last for only 2 years but the amendment proposes to raise the age up to 45 years and to make a proportional number of men of various ages, from 18 to 45, subject to call. In the first place, many of these men, 26 to 45, have already been through the mill once. They have already gone through the period of liability and have merged into another stage or state of life. Of course, we know that as a matter of practical fact, the prime age of service is far less than 45 years. I do not know that there is anything sacred about 25, 26, or 27 years of age, but certainly we are not going to get top military service the first time we draft a man on up into his late thirties or early forties.

The disruptive effect on the Nation's economy would be devastating. Men in that age bracket, of course, have already settled or are semisettled. They are bringing up families. They are important trade workers, heads of labor groups, managing small businesses and playing important roles of leadership in some kind of activity in our society and in improving the economy.

Under the pending amendment, all these men would have to be reclassified, those all over 26, at least, then examined and filtered into the channel of being inducted.

I think other overwhelming reasons are so clear and so weighty, as a practical matter, that for a 2-year period we are not going to take those men who have been through the mill already, and increase the age to 45 and reproportion all the calls. What we need are the young fellows who come in here and become technicians and find their slots wherever their talents carry them. We are coming out of a war and not going into one—not right now, anyway.

Mr. **TOWER**. Mr. President, will the Senator from Mississippi yield?

Mr. **STENNIS**. I yield.

Mr. **TOWER**. Mr. President, I do not think my statement can be interpreted as being self-serving, as I am 45 years old, and since I am the only enlisted reservist in the entire Congress, I am probably the oldest bosun's mate, second class, in the entire U.S. Navy.

I, like the Senator from Alaska, in the event of general mobilization, would resign my seat in the Senate and go on active duty if physically able to do so.

But I think the pending amendment is

facetious, really. I think that the Senator from Mississippi has struck the right note when he has noted that the middle management, the professional people of this country, are those in the age bracket that would be encompassed by the amendment of the Senator from Alaska.

I feel reasonably certain that I could be replaced and I could go on active duty in the Navy, but I can think of a lot of other people in sensitive positions, sensitive to our economy and our society, that could not be replaced, who would be in that age bracket.

Any military man will tell you that, for training purposes, it is best to get a man in the service in his earlier years, that after that, he becomes less acceptable to the right kind of military training that will enable him to accept discipline and, indeed, to survive in a combat situation. Discipline is extremely important. It is not done just for the sake of imposing the will of officers on men, but it is done so that a man will be a more effective fighting man, so that he will be able to save his own life in response to discipline, which is an important element of the salvation of a man in a combat situation.

For these reasons, Mr. President, the young are better adapted to this kind of service.

I certainly hope that the amendment of the Senator from Alaska will be rejected.

Mr. GRAVEL. Mr. President, how much time does the Senator from Mississippi have left?

The PRESIDING OFFICER (Mr. BOGGS). The Senator from Alaska has 6 minutes remaining.

Mr. GRAVEL. How much time does the Senator from Mississippi have left?

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes remaining.

Mr. WEICKER. Mr. President, will the Senator from Alaska yield for a question?

Mr. GRAVEL. I yield.

Mr. WEICKER. Since I am within the age bracket encompassed by the pending amendment, I am inclined to support it. However, this also implies that the draft will be extended. Would the Senator from Alaska join this Senator in extension of the draft to see to it that his amendment comes into being, and if so, I am willing to support it

Mr. GRAVEL. If this amendment prevails, and if it is stuck together on the House side, I would be willing to stop my filibustering and would be happy to see this bill pass. The draft has had such a traumatic, cathartic effect on the Nation. We would be a really peaceful nation for a change.

On the point of the Senator from Texas (Mr. TOWER), when he talks about physical condition, let me say that in this nuclear age, we do not need physical conditioning, we need judgment. It is more important for a sergeant who has a nuclear warhead at his fingertips to have some judgment rather than to be able to make 10 laps around the track.

Mr. TOWER. Will the Senator from Alaska yield for a question?

Mr. GRAVEL. But I believe—I yield to the Senator from Texas.

Mr. TOWER. Does the Senator honestly believe that triggering a nuclear weapon is under the control of a sergeant? It is certainly not.

The Senator just said something that I wonder whether he really wants to repeat. Does the Senator really say that he is filibustering? That is a very candid admission.

Mr. GRAVEL. If my colleague wants to get the RECORD out, on May 3, 1971, I announced that I was filibustering, but I have had so much help from my colleagues here that I can only say "thank you."

Mr. TOWER. I find that shocking.

Mr. HART. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I yield.

Mr. HART. I have prepared a statement to go in the RECORD to say that I would vote against cloture tomorrow because I regard this as not being a filibuster. Am I under a misapprehension?

Mr. GRAVEL. Well——

Mr. PASTORE. Mr. President, will the Senator from Mississippi yield to me?

Mr. GRAVEL. I am using my time on this, but I will yield to the Senator some time if the Senator from Mississippi will yield me some on this subject, and I would be very happy to answer the Senator from Michigan. I do not want to use all my time.

Mr. STENNIS. I will be happy to yield 1 minute to the Senator from Alaska and then 1 minute to the Senator from Rhode Island.

Mr. GRAVEL. A filibuster, as we understand it in the old sense was where a person would tie up a bill and concentrate on dilatory tactics, such as reading the Bible, or other books; but in the new sense, such as the filibuster on the SST and the situation in 1964 when the one-man, one-vote bill was filibustered that was on the basis of developing time—that is, time ensued, and the parties got discouraged.

What has happened here is that I announced I felt too strongly about this issue that when it came time, if no one else was prepared to talk, I would attempt to filibuster at that time, until I would be shut off by possible cloture. At this point in time, that has not been necessary to do, because so many amendments have been offered on this issue by those who have felt that they could improve the law with many other amendments before the vote on cloture tomorrow.

I would hope, irrespective of my wish or my view, that we would at least address ourselves to those amendments still before us. Does that answer the question of the Senator from Michigan?

Mr. HART. Had it not been in that fashion, the Senator would have lost a vote.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. Mr. President, I merely want to say, after listening to all these courageous and stalwart men in the 40-year-age bracket, that I am more than ever convinced I shall vote against the pending amendment. [Laughter.]

Mr. GRAVEL. Maybe we could accommodate the Senator and raise the age bracket.

I would call one additional point to the attention of the Senate, that this bill does not place in jeopardy anyone who has already served. It would place in jeopardy those who have not served their service. Very simply, it would add a broader manpower pool, a more technical manpower pool, than we presently have and would distribute the discriminative burden we now place on the 19-year-olds.

Mr CANNON. Mr. President, would the Senator yield for a question.

Mr. GRAVEL. I would be happy to yield to the Senator from Nevada for a question.

Mr. CANNON. Mr. President, the Senator used as one of his precedents for proposing the draft for the 45-year-olds the fact that there was a draft for the 45-year-olds in the Revolutionary War. We did not have a draft during the Revolutionary War.

Mr. GRAVEL. The Senator is correct. We did not have a draft during the Revolutionary War.

Mr. STENNIS. Mr. President, I yield myself 1 minute to say that I think the matter has been well covered before the Senate. I submit it for what I hope will be an unfavorable vote.

Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, the pending amendment would extend the age of liability for the draft from age 26 to age 45. It would also require that Government draft calls take a proportionate number of men from age groups 18 through 45.

This amendment, offered by the distinguished Senator from Alaska (Mr. GRAVEL) is unworkable and unwise.

The thrust of the point being made by the amendment is that older men should fight older men's wars. This might be an interesting phrase for a speech, but it hardly deserves serious consideration as part of this Nation's laws.

There are a number of reasons why it would not work to the best interests of our Nation.

First, the prime age for service is 18 through 26. Men of this age are generally in top physical and mental shape. These attributes are essential to the making of a good combat soldier.

Second, the disruptive effect on the Nation's economy would be harsh if men up to age 45 are drafted. Many men of age 26 and older are fathers, heads of important businesses, important trade workers, and heads of top labor groups. To remove these individuals from their positions of importance would be to rob the Nation of its leadership.

Third, most men over 26 would have to be located, reclassified, and examined before they were available for service. This task would be an overwhelming one for Selective Service in a time when it is reducing draft calls.

Fourth, our current experience shows that we can meet most of our manpower requirements by drafting only to age 26. Only in an all-out-war situation would the Nation be ready to accept the drafting of men up to age 45.

Mr. President, I predict this amendment will be defeated soundly. It is nothing more than a move to make the draft more unpopular and appear to be unfair. I urge the Senate to reject this amendment.

Mr. GRAVEL. Mr. President, I would only say that I want to see the war fought by older men also, rather than just the younger men. I am just trying to distribute the burden.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. PROUTY. Mr. President, may we have the well cleared?

The PRESIDING OFFICER. The Senator is correct. The Senators will please take their seats. The well will be cleared. The clerk will proceed.

The legislative clerk resumed and concluded the rollcall.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. Bentsen), and the Senator from Mississippi (Mr. Eastland) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. Aiken), the Senator from Kentucky (Mr. Cooper), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater) and the Senator from North Dakota (Mr. Young) are detained on official business.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt), and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

The result was announced—yeas 4, nays 74, as follows:

[No. 117 Leg.]

YEAS—4

Gravel
Pell
Proxmire
Weicker

NAYS—74

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Williams

NOT VOTING—22

Aiken
Bayh
Bentsen
Cooper
Cotton
Eagleton
Eastland
Goldwater
Harris
Humphrey
Kennedy
Long
Mansfield
McGee
Moss
Mundt
Ribicoff
Saxbe
Scott
Talmadge
Tunney
Young

So Mr. Gravel's amendment (No. 126) was rejected.

Mr. STENNIS Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, let the record show that I was advised by both sides that all Senators had voted, and only for that reason did I suggest that the tally clerk have the vote announced even though the full 5 minutes had not run.

Mr. STENNIS. Mr. President, I have in my hand a copy of a letter that I addressed today to certain of my colleagues concerning the vote on the cloture motion tomorrow. I ask unanimous consent that a copy of it be included in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee of Armed Services,
Washington, D.C., June 22, 1971.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear John: Tomorrow, contrary to my wishes. I shall cast my first vote for cloture, solely in the interest of our national security. I urge you to vote for this motion on the same basis. Allow me to cite the following.

1. While we may all hope for the success of the volunteer force in two years, there is no substitute for the draft at the present time. This induction authority is the driving force for our military manpower by providing not only the draftees, but the draft-motivated volunteers.

Unless cloture is imposed, thereby permitting this bill to pass, the Senate is confronted with endless weeks of further debate past the July 1 induction expiration date. Without induction authority the manpower input will be insufficient in both numbers and quality to insure the readiness of our Armed Forces.

2. I urge cloture and the bill's passage not because of Vietnam or our position in Europe, but to maintain the degree of military preparedness necessary for this country to protect itself here at home against surprise attack or to meet other unforeseen circumstances. About 47% of all Air Force volunteers are draft-motivated. Moreover, about 20% of a Minuteman missile crew must complete from 11 to 13 months of highly specialized additional training before they can be assigned to this nuclear deterrent. About 42% of all Navy enlistees are draft-motivated. Moreover, more than one-half of an entire Polaris submarine crew requires 50 weeks or more of skilled training before they can be assigned to their jobs. In a word, our Polaris submarines could not be operated without the 42% portion of the crew which constitutes the draft-motivated volunteers. Because of the long periods of training we must have an uninterrupted input of military manpower.

The extension of the induction authority beyond its present expiration date of June 30 is essential to our national security. I therefore urge you to vote for cloture.

Sincerely,

John C. Stennis,
Chairman.

(By unanimous consent, the following routine morning business was transacted:)

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 7960. An act to authorize appropriations for the activities of the National Science Foundation, and for other purposes (Rept. No. 92–232).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 2128. A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. Young):

S. 2129. A bill to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself and Mr. Packwood).

S. 2128. A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, after the recent announcement regarding the official 1970 census, we in Oregon found ourselves in a very unique position. It appears that we were only 235 people away from another congressional seat.

The result of this, in a State such as

Oregon, where the population is growing each year, is that Oregon will be underrepresented until the next census, when Oregon most probably will gain a fifth congressional seat.

Oregon's respected secretary of State, Mr. Clay Myers, summed up the thinking of many people on this issue in an article in the Oregonian. I ask unanimous consent that the article by Mr. Myers appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLAY MYERS SAYS POPULATION JUGGLING SHORTS OREGON

(By Clay Myers, Secretary of State)

The President will soon transmit to the new Congress, a statement showing the whole number of persons in each state. This statement will be used as the basis for reapportioning the seats of the U.S. House of Representatives.

The state populations provided for this purpose by the U.S. Bureau of the Census included allocations of U.S. Armed Forces overseas, other U.S. government overseas personnel and their dependents—population groups, which, in previous censuses, were not included in the "apportionment totals." The decision to incorporate these selected groups of the U.S. overseas population in the "apportionment totals" was based upon consideration of the large numbers in such overseas populations, and upon the realization that many persons overseas at the time of the census are recognized as residents by their "home states" for voting and taxing purposes.

While the decision to incorporate some groups of the U.S. overseas population in the "apportionment population" appears reasonable, it is the purpose of this statment to call attention to the fact that such decision actually, and paradoxically, compounds certain existing inequities in the method by which the "apportionment populations" of the states are determined.

The vast majority of the population is assigned by the Census Bureau to one place or another by common sense observation; yet, the locating, for census purposes, of some part of the population is a less simple matter: students from one state attending school in another, persons on vacation who are away from home and traveling in another state or abroad, and military personnel stationed at an installation which is not in the same state as their "home." To "place" these "special" populations, the Census Bureau has developed a rule of assigning each person to his "usual place of abode" . . . to the place where he is found most of the time, regardless of his place of legal residence.

As an example of the application of this "usual place of abode" rule, a student is counted at the college he attends, while a person on vacation is counted at his "home" address.

It is obvious that this rule—however it may simplify the procedure for census purposes—creates an inequity in determining the population of the states for apportionment purposes. By the "usual place of abode" rule, many persons recognized by one state as residents and taxpayers and voters are actually counted as residents of another state, even though the latter state does not recognize these persons in its election process.

For example, a state with many large military installations (e.g., Georgia, Oklahoma, Texas, California) has included within its "apportionment population" large numbers of persons from other states which it usually does not recognize as residents in its electoral process. On the other hand, a state with only a few small military e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" of persons whom it continues to recognize as residents but who are "credited" to some other states by the Census Bureau's "usual place of abode" rule.

Since the chief purpose for taking a census in the first place is to permit the proper allocation of the U.S. House seats, it is obvious that the Census Bureau's "usual place of abode" rule is frequently at variance with the intent of matching the political strength of a state with the number of its population engaged in its electoral process or, at least, represented by its elected members of the U.S. House.

In early years, the discrepancy between the "apportionment population" of the state determined by the Census Bureau's "usual place of abode" rule and the states "political population" as determined by those recognized as its residents was small and probably did not have an impact on the apportionment of House seats under the various apportionment formulas which the Congress has used from time to time.

However, in the last few decades, the number of students attending colleges not in their home states, the number of servicemen and their dependents stationed at an installation in some state other than the one in which they are legal residents, etc., has grown to very significant numbers.

Unquestionably, the apportionment of the House resulting from the 1970 Census has been affected by the use of the "usual place of abode" rule. No other U.S. Census has ever been taken at a time of such great numbers in military service.

For example, if that portion of the large military population stationed in Oklahoma, but not recognized by that state as legal residents, were subtracted from its "apportionment (i.e., 'usual place of abode') population" and the same were done for Oregon—a state which includes few "non-legal residents" in its "apportionment population"—then Oklahoma would, under the current apportionment method, lose one House seat and Oregon would gain one. Thus, the use of the "usual place of abode" rule by the Census Bureau has, in 1970, resulted in the incorrect assignment of at least one House seat.

The 1970 "supplementary" rule, which assigns at least some persons in the U.S. "overseas population" back to their respective "home" state, partly offsets the effect of the "usual place of abode" rule used for the population within the 50 states. However, because many of the states with proportionately large overseas populations are also the same states with large military installations (e.g., Oklahoma), and because many of the states with proportionately small overseas populations are also the states with only small military installations (e.g., Connecticut), the advantage given to some states by the "usual place of abode" rule is actually reinforced by the "overseas allocation" rule. Thus, if the 1970 House apportionment were made on the basis of the same population process (i.e., using the "usual place of abode" population only), then Connecticut would gain one representative and Oklahoma would lose one. As it is, however, Oklahoma benefits from both the "usual place of abode" rule and the "overseas allocation" rule while Connecticut "loses out" under both rules.

The argument is that present procedures of enumerating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to determine state populations most consistent with the objective of Article 1, Section 2 of the Constitution: "equal representation for equal numbers."

Since the early days of the Republic, Congress has wrestled with the problem of translating that section into a mathematical formula that would parcel out the seats of the House on a population basis.

In 1941, the Congress adopted the "method of equal proportions" formula as the best technique. The "method of equal proportions" is considered one fair way of determining the apportionment of House seats. However, the "method of equal proportions" may be at odds with the main thrust of the Supreme Court's recent "one-man, one-vote" decisions.

The point of "one-man, one-vote" is that each vote in any election will have, as near as is practicable, the same absolute value as any other vote cast in another state for a candidate or candidates for Congress, not that each successful candidate for the office represents the same proportion of population.

If it is true that the "one-man, one-vote" decisions are concerned with achieving an absolute equality of voter power by each voter, then it appears that the "method of major fractions" and not the "method of equal proportions" in the valid way of apportioning the House seats. If the "method of major fractions" were applied to the "1970 apportionment populations" of the states, then Oregon and Connecticut would each have one seat more than they are awarded by the "method of equal proportions," while Montana and South Dakota would each have one seat less.

It is apparent that the whole process of counting population for apportionment purposes and the apportionment procedure itself are in profound need of re-examination and change. It may be too late to "do anything" about the apportionment population counts of the 1970 census.

The Census Bureau did not assign back to their "home" or "legal residence" state the person in U.S. military bases, schools, etc. To be consistent, this should be done. A serviceman from Oregon stationed in Vietnam is for the first time counted in Oregon where he votes and pays taxes.

The same serviceman at a California military installation, however, is counted as a California resident.

The military should furnish the state of origin for its personnel. It is then an easy matter to subtract from the total those who are overseas and already counted in each state of origin. The balance can be added back into each state of origin after the total continental military personnel are subtracted from the states where they were counted on U.S. bases.

Before the 1980 census, Congress should undertake a very full examination of the issues raised here and provide the Census Bureau with statutory directions in the matter of "placing" the population. We must develop internally consistent rules for "locating" our growing numbers of "semi-mobile" people in the nation's population, and the rules must be complementary to the purpose of Article 1, Section 2 and Amendment XIV, Article 2 of the Constitution. This matter must be resolved before 1980.

In the meantime a temporary remedy is recommended to correct these serious inequities. The number of seats in the House should be temporarily raised to 437, and the two "extra" seats be awarded to Connecticut and Oregon—the two states which are always on the "losing end" of the population counting procedures and apportionment methods questioned here.

Since it is not clear which states have acquired seats at the expense of Connecticut and Oregon (because different states would lose seats, depending upon which argument or combination of arguments given here is accepted), there would be little justice in simply and arbitrarily re-assigning two of the present 435 seats to those states.

While Congress may be reluctant to enlarge, even temporarily, the size of the House, it has done so for cause in the past (the admissions to statehood of Hawaii and Alaska). Certainly, the present situation is sufficient warrant for Congress to offer exceptional relief to Connecticut and Oregon.

Further, the presence in the House of two "extra" members would serve as a constant reminder to the Congress that a complete overhaul is required in the method of determining the "apportionment population" of the states, and that a thorough re-examination of the apportionment procedure is necessary.

Mr. HATFIELD. Mr. President, my colleague in the House, Mr. Dellenback, has introduced legislation to correct this inequity, H.R. 4106. He has been joined by Mr. Wyatt, Mrs. Grasso, Mr. Steele, and Mr. Cotter. Today, my colleague from Oregon, Mr. Packwood, joins me in introducing the identical bill to H.R. 4106.

The Oregon Legislature reviewed this situation during its recent session, and I ask unanimous consent that House Joint Memorial 4 appear in the Record at this point in my remarks.

There being no objection, the joint memorial was ordered to be printed in the Record, as follows:

House Joint Memorial 4

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled

We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas it is apparent that the process of counting population and the apportionment procedures for seas in the House of Representatives of the United States are in profound need of reexamination which must be undertaken before the 1980 census perpetuates the present inequity; and

Whereas one of the primary purposes of the federal decennial census is to assure the proper allocation of congressional seats; and

Whereas the census figures on which the 1970 congressional reapportionment will be based allow the inclusion of mobile populations, such as students and military personnel, in the state in which they were found when the census was taken notwithstanding the fact that that state may deny to them the right to participate in its election processes; and

Whereas rules of the Census Bureau for assigning residency, although authorized by law, are not consistent with the objective of equal representation for equal numbers; and

Whereas even the validity of the method by which congressional seats are apportioned after the census is taken may be questioned under recent "one-man, one-vote" decisions of the United States Supreme Court; and

Whereas it is unclear which states have acquired seats at the expense of the two states, Oregon and Connecticut, most obviously deprived of additional seats under the pending reapportionment; and

Whereas there is precedent for the Congress of the United States to afford exceptional relief to Oregon and Connecticut; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to increase temporarily the size of the membership of the House of Representatives of the United States by two, assigning those seats one each to Oregon and Connecticut.

(2) The Congress of the United States is further memorialized to seek and enact a more consistent and equitable method of computing population and apportioning seats prior to the 1980 federal decennial census.

(3) A copy of this memorial shall be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

Mr. HATFIELD. Mr. President, in conclusion, I ask unanimous consent that a background statement prepared by Mr. Clay Myers appear at the conclusion of these remarks, followed by the testimony by Assistant Secretary of State Jack Thompson before the Oregon Legislature.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Clay Myers

For Your Information: As you know, Oregon fell just 235 persons short of outright entitlement to a fifth congressional seat on the basis of the official 1970 census figures. However, there appear to be several compelling reasons why Oregon—and the State of Connecticut—should, in fact, be granted new seats in Congress.

Under the "major fraction" formula, which was the system used prior to 1941 in allocating seats in Congress, both Oregon and Connecticut would gain one more seat, while South Dakota and Montana would each lose one.

Further, under any apportionment formula that counts Oregonians serving in the military as Oregon residents, Oregon would again be entitled to a fifth seat. Reliable estimates indicate there are more than 10,000 persons who pay taxes in Oregon but who are stationed at bases elsewhere in the continental United States. Such persons could be easily identified.

The enclosed brief makes further detailed arguments supporting our claim for a fifth seat. Taken altogether, it seems to me there is ample reason and justification for petitioning Congress to increase its membership by two seats for the balance of this decade in the interests of fair and equal representation.

Please feel free to contact me at any time should you have any questions on this subject. Meantime, your support can be invaluable in keeping Oregon from being grossly under-represented in Congress for the next 10 years.

House Committee on Elections and Reapportionment

Mr. Chairman, members of the Committee: Mr. Myers has asked me to testify briefly before you this morning in support of House Joint Memorial 4, which, as you know, urges Congress to add one additional seat each to Oregon and Connecticut.

Under the complicated mathematical formula of equal proportions, Oregon fell just 235 persons short of outright entitlement to a fifth congressional seat on the basis of the official 1970 census figures. Those figures are final, and the Secretary of State's office has been informed they are unchangeable.

However, there appear to be several compelling reasons why Oregon—and the State of Connecticut—should, in fact, be granted new seats in Congress.

Under the "major fraction" formula, which was the system used prior to 1941 in allocating seats in Congress, both Oregon and Connecticut would gain one more seat, while South Dakota and Montana would each lose one.

Further, under my apportionment formula that counts Oregonians serving in the military as Oregon residents, Oregon would again be entitled to a fifth seat. Reliable estimates indicate there are more than 10,000 persons who pay taxes in Oregon but who are stationed at bases elsewhere in the continental United States. Such persons could easily be identified.

Never before, since the first nationwide census was taken in 1792, has the United States had so many of its citizens in military service out of their home states. Further, no previous census has even been conducted during wartime, as was the 1970 census. Ironically, if an Oregon resident is serving in the military and stationed in Vietnam, he is counted as an Oregonian in the census. But if that same soldier is stationed in Ft. Ord, California, the 1970 census counted him as a Californian, under the formula that is now being used to apportion congressional seats.

A brief on Oregon's case for a fifth congressional seat has been prepared by the Secretary of State's office, and each of the members of this committee will be given a copy for your study. It makes further detailed arguments supporting our claim for a fifth seat.

Taken altogether, it seems to our office there is ample reason and justification for petitioning Congress to increase its membership by two seats for the balance of this decade in the interests of fair and equal representation. To do otherwise insures that Oregon will, for all practical purposes, be grossly under-represented in Congress for the next 10 years.

If the two seats are not added—and should Congress ignore this Joint Memorial—then Oregon might well have grounds for a suit in federal court on the basis of being deprived of representation under the "one-man, one-vote" apportionment formula.

Case for Oregon's Fifth Seat in Congress

The President will soon transmit to the new Congress, a statement showing the whole number of persons in each state. This statement will be used as the basis for reapportioning the seats of the U.S. House of Representatives (U.S. Code, Title 3, Chap. 1, Section 2a).

The state populations provided for this purpose by the U.S. Bureau of the Census included allocations of U.S. Armed Forces overseas, other U.S. Government overseas personnel and their dependents—population groups which, in previous censuses, were not included in the "apportionment totals." The decision to incorporate these selected groups of the U.S. overseas population in the "apportionment totals" was based upon consideration of the large numbers in such overseas populations, and upon the realization that many persons overseas at the time of the census are recognized as residents by their "home states" for voting and taxing purposes (House Subcommittee on Census and Statistics, 91st Congress, 1st Session, hearing record serial No. 91–8).

While the decision to incorporate some groups of the U.S. overseas population in the "apportionment population" appears reasonable, it is the purpose of this paper to call attention to the fact that such decision actually, and paradoxically, compounds certain existing inequities in the method by which the "apportionment populations" of the states are determined.

The vast majority of the population is assigned by the Census Bureau to one place or another by common sense observation; yet, the locating, for census purposes, of some part of the population is a less simple matter: students from one state attending school in another, persons on vacation who are away from home and traveling in another state or abroad, and military personnel stationed at an installation which is not in the same state as their "home." To "place" these "special" populations, the Census Bureau has developed a rule of assigning each person to his "usual place of abode" . . . to the place where he is found most of the time, *regardless* of his place of legal residence (Bureau of the Census, *1970 Census Users' Guide*, Part 1, p. 73).

As an example of the application of this "usual place of abode" rule, a student is counted at the college he attends, while a person on vacation is counted at his "home" address.

Historically, the "usual place of abode" rule has evolved as *the* criteria for allocating the population of the country among the states (House Subcommittee on Census and Statistics, 91st Congress, 2nd Session, House

Report 91–1314, p. 3 *et seq.*). From 1790, when military personnel were first counted in the states where their installations were located, to 1950, when college students were counted at the place where they were found at least nine months of the year, the "usual place of abode" rule has developed as a pragmatically useful, if not theoretically perfect, way of determining where each person is located by the census.

It is obvious that this rule—however it may simplify the procedure for census purposes—creates an inequity in determining the population of the states for apportionment purposes. By the "usual place of abode" rule, many persons recognized by one state as residents and taxpayers and voters are actually counted as residents of another state, even though the latter state does not recognize these persons in its election process (*Burns* vs. *Richardson,* 384 U.S. 73 (1966)).

For example, a state with many large military installations (e.g., Georgia, Oklahoma, Texas, California) has included within its "apportionment population" large numbers of persons from other states which it usually does not recognize as residents in its electoral process. On the other hand, a state with only a few small military bases (e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" of persons whom it continues to recognize as residents but who are "credited" to some other states by the Census Bureau's "usual place of abode" rule.

Since the chief purpose for taking a census in the first place is to permit the proper allocation of the U.S. House seats (U.S. Constitution, Art. 1, Sec. 2), it is obvious that the Census Bureau's "usual place of abode" rule is frequently at variance with the intent of matching the political strength of a state with the number of its population engaged in its electoral process or, at least, represented by its elected members of the U.S. House.

In early years, the discrepancy between the "apportionment population" of the state determined by the Census Bureau's "usual place of abode" rule and the state's "political population" as determined by those recognized as its residents was small and probably did not have an impact on the apportionment of House seats under the various apportionment formulas which the Congress has used from time to time.

However, in the last few decades, the number of students attending colleges not in their home states, the number of servicemen and their dependents stationed at an installation in some state other other than the one in which they are legal residents, etc., has grown to very significant numbers. Unquestionably, the apportionment of the House resulting from the 1970 Census has been affected by the use of the "usual place of abode" rule.

For example, if that portion of the large military population stationed in Oklahoma, but not recognized by that state as legal residents, were subtracted from its "apportionment (i.e., 'usual place of abode') population" and the same were done for Oregon—a state which includes few "non-legal residents" in its "apportionment population"—then Oklahoma would, under the current apportionment method, lose one House seat and Oregon would gain one (*Congressional Quarterly,* Dec. 4, 1970, p. 2918). Thus, the use of the "usual place of abode" rule by the Census Bureau has, in 1970, resulted in the incorrect assignment of at least one House seat.

The 1970 "supplementary" rule, which assigns at least some persons in the U.S. "overseas population" back to their respective "home" state, partly offsets the effect of the "usual place of abode" rule used for the population within the fifty states. However, because many of the states with proportionately large overseas populations are also the same states with large military installations (e.g., Oklahoma), and because many of the states with proportionately small overseas populations are also the states with only small military installations (e.g., Connecticut), the advantage given to some states by the "usual place of abode" rule is actually reinforced by the "overseas allocation" rule. Thus, if the 1970 House apportionment were made on the basis of the same population counted for the 1960 apportionment process (i.e., using the "usual place of abode" population only), then Connecticut would gain one representative and Oklahoma would lose one (Congressional Quarterly, ibid.). As it is, however, Oklahoma benefits from both the "usual place of abode" rule and the "overseas allocation" rule while Connecticut "loses out" under both rules.

The observations offered here on the Census Bureau's use of the "usual place of abode" and the "overseas allocation" rules admit that such rules may be legal exercises of the Bureau's discretionary authority (*Borough of Bethel Park* v. *Maurice Stans,* U.S. Dist. Court, Western District of Pennsylvania, Civil Actions 70.1049, November 19, 1970).

However, just because such rules may be legally acceptable does not make them either fair or equitable. The argument is that present procedures of enumerating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to determine state populations most consistent with the objective of Article 1, Section 2 of the Constitution: "equal representation for equal numbers" (*Westbury* v. *Sanders,* 376 U.S. 1, 18 (1964)).

Concerning the U.S. Census Bureau's methods for "placing" population, there is one other matter touching upon the apportionment of the U.S. House of Representatives based upon the 1970 Census which requires discussion: the validity of the apportionment formula.

Since the early days of the Republic, Congress has wrestled with the problem of translating Art. 1, Section 2 of the Constitution into a mathematical formula that would parcel out the seats of the House on a population basis (House Subcommittee on Census and Statistics. 91st Congress, 2nd Session, House Report 91–1314, Appendix B).

In 1941, the Congress adopted the "method of equal proportions" formula as the best technique (55 stat. 769, Nov. 15, 1941). The "method of equal proportions" is considered one fair way of determining the apportionment of House seats (National Academy of Sciences Committee on Apportionment, *Annual Report of National Academy of Sciences,* Fiscal Year 1928–29, pp. 20–23). However, the "method of equal proportions" may be at odds with the main thrust of the Supreme Court's recent "one-man, one-vote" decisions (*Baker* v. *Carr* 369 U.S. 186 (1962), *Gray* v. *Sanders* 372 U.S. 368 (1963), *Reynolds* v. *Sims* 377 U.S. 533 (1964), *WMCA* v. *Lomenzo* 377 U.S. 713 (1964), etc.).

The point of "one-man, one-vote" is that each vote in any election will have, as near as is practicable, the same absolute value as any other vote cast in another state for a candidate or candidates for Congress, not that each successful candidate for the office represents the same proportion of population. While these two ways of viewing representation seem to be opposite sides of the same coin, they are, in fact, quite different matters (Prof. E. V. Huntington, "Memorandum on the Method of Equal Proportions," *Congressional Record—Senate,* Vol. 70, pt. 5 (70th Congress, 2nd Session.) pp. 2965–66 (March 2, 1929)).

If it is true that the "one-man, one-vote" decisions are concerned with achieving an absolute equality of voter power by each voter, then it appears that the "method of major fractions" and not the "method of equal proportions" is the valid way of apportioning the House seats. If the "method of major fractions" were applied to the "1970 apportionment populations" of the states, then Oregon and Connecticut would each have one seat more than they are awarded by the "method of equal proportions" while Montana and South Dakota would each have one seat loss.

(Admittedly, this question of the "correct" formula for apportionment is somewhat uncertain. It has been the percentage deviations from some theoretically average district which has been the point of scrutiny in a number of the cases (e.g., *WMCA* v. *Lomenzo*)—which seems to indicate that the "method of equal proportions" has been, by implication, approved by the Court. However, such cases have been concerned with establishing equal districts *within* a state—something it is theoretically possible to achieve. (*Shaw* v. *Adkins,* 202 Ark. 856, 153 SW (2nd 2415). Since it is not possible to have equal districts *among* the states, the question of what is the "most equal" apportionment among states still needs definitive resolution. The point here is simply that if the Court also insists that, in the election of the House, any voter of one state has, to the degree possible, the same absolute individual share of voting power as possessed by a voter in another state, then the "method of equal fractions" is the best expression of "one-man, one-vote" in the apportionment process).

It is apparent that the whole process of counting population for apportionment purposes and the apportionment procedure itself are in profound need of re-examination and change. It may be too late to "do anything" about the apportionment population counts of the 1970 census.

The Census Bureau did not assign back to their "home" or "legal residence" state the persons in U. S. military bases, schools, etc. To be consistent, this should be done. A serviceman from Oregon stationed in Vietnam is for the first time counted in Oregon where he votes and pays taxes. The same serviceman at a California military installation, however, is counted as a California resident.

The military should furnish the state of origin for its personnel. It is then an easy matter to subtract from the total those who are overseas and already counted in each state of origin. The balance can be added back into each state of origin after the total continental military personnel are subtracted from the states where they were counted on U. S. bases.

Before the 1980 census, Congress should undertake a very full examination of the issues raised here and provide the Census Bureau with statutory directions in the matter of "placing" the population. We must develop internally consistent rules for "locating" our growing numbers of "semi-mobile" people in the nation's population, and the rules must be complementary to the purpose of Article 1, Section 2 and Amendment XIV, Article 2 of the Constitution. This matter must be resolved before 1980.

In the meantime, a temporary remedy is recommended to correct these serious inequities. The number of seats in the House should be temporarily raised to 437, and the two "extra" seats be awarded to Connecticut and Oregon—the two states which are *always* on the "losing end" of the population counting procedures and apportionment methods questioned here.

Since it is not clear which states have acquired seats at the expense of Connecticut and Oregon (because different states would lose seats, depending upon which argument or combination of arguments given here is (are accepted), there would be little justice in simply and arbitrarily re-assigning two of the present 435 seats to those states.

While Congress may be reluctant to enlarge, even temporarily, the size of the House, it is done so for cause in the past (the admissions to statehood of Hawaii and Alaska).

Certainly, the present situation is sufficient warrant for Congress to offer exceptional relief to Connecticut and Oregon.

Further, the presence in the House of two "extra" members would serve as a constant reminder to the Congress that a complete overhaul is required in the method of determining the "apportionment population" of the states, and that a thorough re-examination of the apportionment procedure is necessary.

ORDER THAT DEBATE ON MOTION TO INVOKE CLOTURE NOT BEGIN UNIL 12 O'CLOCK NOON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the hour under the rule for debate on the motion to invoke cloture not begin to run tomorrow until 12 o'clock noon.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will covene at 11:30 a.m.

Immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock noon.

At 12 o'clock noon, the 1 hour for debate under rule XXII will begin to run. At the close of the hour, a quorum call is automatic. The leadership urges Senators to report to the floor promptly when that quorum call begins.

Immediately upon the establishment of the presence of a quorum, a rollcall vote under the rule is automatic. Hence, the rollcall vote will occur on the motion to invoke cloture at about 15 minutes after 1 o'clock p.m.

If cloture is not invoked, presumably another cloture motion will be immediately filed, with a vote thereon to occur on Friday.

In the meantime, amendments will continue to be called up and action taken thereon during the remainder of tomorrow afternoon and all day Thursday.

On the other hand, if cloture is invoked on tomorrow, the Military Selective Service Act shall be the unfinished business, to the exclusion of all other business, until disposed of. Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measures, amendments thereto, and motions affecting the same.

Except by unanimous consent, no amendment shall be in order after the vote to bring debate to a close unless such amendment has been qualified under the rule. An amendment not germane shall not be in order.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 23, 1971, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 22, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Reverend Edward G. Latch, D.D., offered the following prayer:

Righteousness exalteth a nation: But sin is a reproach to any people.—Proverbs 14: 34.

Our Heavenly Father, in the opening moment of this session of Congress we stand in reverence before Thee thanking Thee for the leading of Thy spirit in the past and praying that Thou wilt continue to guide us as we face the tasks of this day.

May Thy blessing rest upon our country, upon every citizen, and especially upon this House of Representatives as they live and labor seeking the upward way for a united people.

Grant, we pray Thee, that the power of Thy presence may be upon us as a nation, enabling us to stand among the nations of the world forever faithful to the ideals of truth, justice, and good will.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu;

H.R. 4327. An act for the relief of Robert L. Stevenson; and

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the seven-day period beginning the second Monday in November of 1971.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8825) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. ELLENDER, Mr. INOUYE, Mr. COTTON, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah;

S. 47. An act for the relief of Flore Lekanof;

S. 59. An act for the relief of Kwok Kwen Ng;

S. 60. An act for the relief of Foo Ying Yee;

S. 113. An act for the relief of certain individuals and organizations;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier; and

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz.

EULOGIES TO THE LATE HONORABLE ROBERT J. CORBETT, OF PENNSYLVANIA

Mr. HAYS. Mr. Speaker, may I call to the Members' attention that the closing date for submitting eulogies in the RECORD to the late Representative Robert J. Corbett, of Pennsylvania, has been set for Friday, July 9, 1971. This has been set as the cutoff date for all RECORD insertions that will make up the compendiums of eulogy for this Member of Congress who, but for his untimely passing, would now be serving in the 92d Congress.

APPOINTMENT OF CONFEREES ON H.R. 8825, LEGISLATIVE BRANCH APPROPRIATIONS, 1972

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R.

8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. ANDREWS of Alabama, CASEY of Texas, EVANS of Colorado, HATHAWAY, ROUSH, MAHON, BOW, CEDERBERG, RHODES, and WYATT.

SOCIAL SECURITY AMENDMENTS OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1, with Mr. BOGGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday, the gentleman from Arkansas (Mr. MILLS) had 2 hours and 55 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) had 3 hours and 55 minutes remaining.

Mr. MILLS of Arkansas. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 153]

Alexander
Anderson, Tenn.
Ashbrook
Ashley
Baker
Baring
Bevill
Biaggi
Blatnik
Bray
Byron
Celler
Clark
Clay
Collins, Ill.
Crane
Davis, Wis.
Dent
Dickinson
Donohue
Dow
Edwards, La.
Ford, William D.
Garmatz
Gettys
Goldwater
Gray
Gubser
Hall
Halpern
Hensen, Wash.
Harsha
Hathaway
Holifield
Horton
Jones, Tenn.
Kyros
Long, La.
McCulloch
McDonald, Mich.
Metcalfe
Moss
Murphy, N.Y.
O'Neill
Passman
Patman
Peyser
Podell
Purcell
Railsback
Roy
Roybal
Runnels
Sandman
Scheuer
Stanton, J. William
Stephens
Stratton
Stuckey
Taylor
Vigorito
Williams
Wilson, Bob
Wydler
Young, Fla.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 1, and finding itself without a quorum, he had directed the roll to be called, when 368 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL), a valued Member of the Committee.

Mr. BROYHILL of Virginia. Mr. Chairman, it has been duly noted that H.R. 1 was reported out of the Committee on Ways and Means by a vote of 22 to 3. I hope my colleagues will not get an erroneous impression of that vote, because it is not truly indicative of the attitude of the members of the committee. There were numerous reservations, qualifications, and explanations given when the roll was called on reporting the bill.

Although there were these clear indications of doubt in the minds of some of the committee members on this legislation, I feel, Mr. Chairman, that, after many months of study and hard work, there should not have been any uncertainty.

I was one of the 22 members who voted to report the bill out of committee, yet I do not support the welfare reform provisions. And my reasons may be similar to those of some of the other members who voted the same way.

As has been pointed out by our distinguished chairman, H.R. 1 does contain some very important and worthwhile social security amendments. I was fortunate in being able to get four of my amendments adopted in committee and included in this bill.

I wish to express my great appreciation to our chairman for his cooperation and wish to commend him for his efforts in trying to accommodate all of the members of the committee in order to obtain the maximum support for the legislation.

However, I will at the appropriate time vote to strike title IV, the welfare provisions from the bill.

Mr. Chairman, the issue here today is not whether the present welfare system needs to be replaced, because there is no disagreement, as far as I am aware, that the existing public assistance programs are chaotic, excessively costly, and extremely wasteful. The real question is whether the welfare changes embodied in H.R. 1 provide the reforms which are needed.

I do not think so. I do not think that in order to effect these needed reforms, we have to increase welfare program costs by more than $5 billion. Nor do we have to add more than 10 million people to the welfare rolls.

A lot has been made of the announcement yesterday from the Department of Health, Education, and Welfare to the effect that we had a 50-percent increase in the welfare rolls since 1969. But what do you think this legislation will do so far as increasing the welfare rolls is concerned?

And why do we have to have a guaranteed annual income in this legislation? You can spell it any way you want, but it comes down to just that—a guaranteed annual income. Why do we have to include this, along with other items I have cited, in order to get welfare reform?

I will tell you why. We have to provide all of these things in order to get the votes—so the reasoning goes. The idea was to "sweeten the pot."

But I maintain that we can improve the welfare situation and get the support of this body without such "sweeteners" and without increasing the cost or adding anyone to the welfare rolls.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROYHILL of Virginia. I thank the gentleman.

Now, what about some of these so-called improvements that are hailed as panaceas for all of our welfare ills? Can we be sure that these alleged improvements will remain in the bill when it is considered by the other body? Can we be assured that the provisions of the bill will be enforced as we would like to have them enforced by the executive branch.

Mr. Chairman, I have a great deal of respect and admiration for the President of the United States. I appreciate his honesty and his sincerity and the fact that he wants a true welfare reform bill.

But, I am wondering, Mr. Chairman, whether the people he was delegating to speak for him up here were truly reflecting his views in regard to this legislation.

Let me give you an example of what I am talking about.

When we were considering a 5-percent across-the-board increase in social security benefits in committee, it was vigorously opposed by the administration spokesmen. They suggested that the automatic cost-of-living increase which was already in the bill would more adequately take care of the needs of beneficiaries, both in the immediate and in the distant future.

So every Republican member of the committee voted against the 5-percent increase. However, the increase was included in the bill. And after it became known that the committee had approved it, the President commended the Committee on Ways and Means for taking this action.

Now, Mr. Chairman, you know the President of the United States is not going to "pull the rug" from under his own party members, so it would appear that his spokesmen up on the Hill did not know or understand, and did not accurately reflect the President's views.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield to me at that point?

Mr. BROYHILL of Virginia. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Is the gentleman trying to make the point that there may be some question about the President's support of title IV? If there is, let me disabuse him right off the bat, because it is the heart of the message that the President sent up on welfare. It has been discussed with him many times. I discussed it with him personally and there is certainly no question at all as to the President's understanding of the provisions of title IV of this bill.

If that is the history that the gentleman is repeating here, and if it is intended to show that there is a question about the President's position on title IV, let me tell the gentleman he has not proven his point because it does not square with the actual facts.

Mr. BROYHILL of Virginia. The gentleman may have misunderstood. The point I was trying to make was that some of the President's spokesmen seemed not to be expressing his views at times.

But, Mr. Chairman, here is another example of my main point. An article appeared in the Washington Post on Wednesday, June 16, in which one administration spokesman was quoted. This was Mr. Robert Patricelli, Deputy Under Secretary of the Department of Health, Education, and Welfare, and I would think he was attempting to speak for the President. Here is what he said concerning this bill, and I quote from the Post article:

> "We're for a bill that can survive and get 51 Senate votes," said Patricelli in an interview. "It will be a matter of tactical judgment."

That is all they are apparently concerned about, getting 51 votes and getting it passed by the other body.

Mr. Patricelli also suggested certain changes in the bill, and again I quote from the article:

> Require work only of mothers with children age 6 and older, rather than age 3, and older as provided by the House committee bill.

I am wondering how this can be justified to the millions of working mothers, with children under 6 years of age, who pay taxes which are used to support the welfare mothers, also with children under 6 years of age, who are not required to work because of the ages of their children.

I thought we had worked that out in our committee. I thought we had reached agreement on that matter, but here the administration spokesman is quoted as hoping that the other body will knock it out.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROYHILL of Virginia. Now, here is the next point Mr. Patricelli seems to want to include, according to the article in question:

> Place greater safeguards in the bill's "work requirement" so persons could not be forced to accept work "not suitable to their abilities and circumstances."

Mr. Chairman, what could be more debasing to an individual than to take from the fruits of his neighbor's labor on the basis that the work available for him is unsuitable? I say a man ought to be required to take any work if he is going to go on the dole, paid by the American taxpayer.

I thought this particular problem would be resolved in the legislation, but the administration spokesman apparently wants to get the pertinent language of the bill toned down or removed.

Mr. BYRNES of Wisconsin. Mr. Chairman, if the gentleman will yield, I will put in the RECORD a letter from HEW Under Secretary John Veneman, which clarifies the issues that were presented in that newspaper article.

In the first place, there is a serious question as to whether Mr. Patricelli's statements are accurately recorded and, second, there is a question of whether what was reported as being the views of Mr. Patricelli really were his views. They certainly did not reflect the position taken by the administration. So I am having difficulty knowing what the gentleman's basic point is in bringing these matters up, because there is no question about the position of the administration on this matter. I think the gentleman from Virginia is trying to cloud the issues by using a newspaper report of Mr. Patricelli's statement on the matter.

We have put in the record what the administration's position is, and I will fortify it further, if the gentleman would like, by including in the RECORD, when we get into the House, a letter from Mr. Veneman on this very subject of the article the gentleman is reading.

Mr. BROYHILL of Virginia. I think the gentleman from Wisconsin is helping me to make my point. I say that some of these people, allegedly speaking for the administration, are not accurately reporting the President's views.

For example, here is another goal Mr. Patricelli seems to be seeking, according to the article:

> Forbid States to reimpose one-year State residency requirements to qualify for welfare.

I am hopeful that in this bill the States could reimpose the one-year residency requirement, and that it would be upheld by the courts, but here is one of the spokesmen of the administration who reportedly does not feel the States are to be permitted to do that.

Let me cite just two other examples of alleged welfare "improvements" in H.R. 1.

The Department of Agriculture administers two food distribution programs for the needy. The food stamp program enables recipients to exchange stamps for food at their local groceries. The commodity food program provides for the direct distribution of surplus food.

Present law permits the two programs to operate simultaneously in the same jurisdiction, but states that no one can participate in both.

However, if H.R. 1 should become law as presently written, welfare recipients would be able to benefit from both of these programs, in a sense, while remaining on the welfare cash payment rolls.

The committee bill "cashes-out" food stamps by providing the equivalent in additional money—about $800 for a family of four—and by prohibiting recipients from receiving both cash and the stamps.

But the bill does not, in any way, affect the commodity food program, which would continue and probably accelerate. A welfare recipient would be free to receive his cash payment and participate in this program, too.

So in a very real sense, the recipient could benefit simultaneously from all three programs—food stamps through the cash equivalent, surplus commodities through the continuing distribution program, and cash assistance through regular welfare channels.

Not only does this point up the possibility of real problems in equity, cost, and administration, but it serves to illustrate the susceptibility of the proposed new program to the kinds of ills that have ruined the present system.

Although the commodity food program is now relatively restricted—operating in about 1,000 counties in 34 States for slightly under 4 million beneficiaries—it is likely to grow rapidly to take up the slack from the food stamp cash-out.

If there was any doubt in the committee on this score, it should have been dispelled by a witness from the Agriculture Department.

In one executive session, some committee members, including me, were wondering aloud what would happen to the commodity program if there were a great surge of applications. Would there be enough surplus food to meet a heavy new demand?

The departmental witness gave a clear response. He said:

> I would suspect the Government would probably have a tendency to find enough commodities to go around.

So the inescapable conclusion is that the commodity food program very well could pick up, as far as public welfare is concerned, where the food stamp program leaves off.

Some people have termed the present food stamp program a boondoggle. If it is, then this new program would allow a triple boondoggle.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 additional minutes to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I question another provision, which we have heard would be of great help to the States.

The original concept of this bill, as I understood it, was that we would treat all States alike. I heard my good friend, the gentleman from New York (Mr. CONABLE) say on television this morning that one of the purposes was to treat people from Southern States and poor States more as people in big welfare States are treated. But this bill would not establish true equality of treatment. Disparities would continue; through State supplementary payments, for example.

My concern here is about the so-called "hold harmless" provision.

Before this provision was added in the eleventh hour of committee deliberation, the bill called for the Federal Government to pay the States a certain amount per recipient and per family—and no more.

At this point, the Department of Health, Education and Welfare assured the committee that the States would not lose on this basis, and in fact that most of them would realize substantial savings—totaling about $500 million.

However, the committee adopted the "hold harmless" provision, insuring the States against any added costs resulting from Federal administration of the program.

In my opinion, this not only was a tacit admission that the administration of the program might be ineffective, it also proved to be a dramatic indicator of just how much more the program would cost than some members of the committee, again including me, had been led to believe.

Following adoption of this "hold harmless" provision, estimated State savings suddenly tripled—from a half-billion dollars to more than a billion and a half.

By simple insuring the States against increased expenses required by the program, we added costs totaling $1 billion for the first year of operation alone.

There are other flaws in the program, but I think those two examples demonstrate adequately why I feel compelled to vote to strike the welfare portions from the bill.

Welfare certainly needs reforming, but H.R. 1 is not the best vehicle.

H.R. 1 will, however, do a great deal of good for a great many people once the welfare portions are removed.

It contains many long-needed improvements in the field of social security—improvements which far outweigh what I consider one unfortunate proposal—the 5-percent across-the-board cash benefit increase, which I mentioned earlier and which would come on top of benefit increases totaling 25 percent in just the past 18 months.

It would have been more equitable for beneficiaries and taxpayers alike if the Committee had simply allowed the automatic benefit adjustment provision to go into effect immediately upon enactment. Under this provision, benefits would be increased according to actual increases in the cost-of-living, and would more adequately protect beneficiaries against the ravages of inflation.

But the committee action, approving a 5-percent raise payable more than a year from now, postpones effective operation of the automatic adjustment provision, thus pushing further into the future the time when the determination of benefit increases will be tied to the realities of living costs instead of the uncertainties of politics.

On the plus side, however, the other social security sections of H.R. 1 include worthwhile changes in benefits for widows and other survivors, the disabled, and retirees—along with some medicare and medicaid amendments designed to improve operating efficiency of both programs without curtailing essential services. These changes have been explained already; therefore, it is not necessary for me to elaborate upon them here. Suffice it to say they are good provisions, and deserve this body's full support.

Let me just comment briefly on two recently added items in this bill which I feel are particularly deserving of your attention and support.

These two changes would make more realistic the income tax deduction for child-care expenses and the tax credit for retirement income. I do not feel that either proposal goes as far as it should, but I do believe each represents an important step in the right direction.

Under present law, the deduction for child care expenses is generally available where there is just one employable parent or where the combined earnings of the father and mother do not exceed $6,000, which was the median family income in the United States in 1964, when this provision was last amended.

Obviously, the median income has soared since then, and the change proposed would boost the corresponding amount in the law to $12,000.

The existing law permits a deduction roughly equal to the personal exemption, or $600 for one child and $900 for two or more. The proposal would update these amounts in keeping with new personal exemption levels, or to $750 for one child, $1,125 for two, and $1,500 for three or more. The deductions would apply not only to children but other dependents unable to care for themselves, and they would become effective for calendar year 1972.

The changes should be especially helpful to numerous working wives and widows, as well as to widowers and husbands whose wives have been incapacitated.

The other provision of H.R. 1 which I feel warrants special consideration would bring up to date the income tax credit for retirement income.

This credit under present law is equal to 15 percent of the first $1,524 of retirement income received by an individual or alternatively the first $2,286 of retirement income for couples who file joint returns based on the income of one.

The new credit must be reduced, however, by the amount of social security, railroad retirement, or other exempt pension income received, and the maximum amount of retirement income eligible for the deduction is further reduced—for those under age 72—by one-half of the annual amount of earned income between $1,200 and $1,700 and by the entire amount of earned income over $1,700. To be eligible for the credit, a person must have earned at least $600 a year for 10 prior years.

The committee wisely decided to liberalize this credit inasmuch as it has not been altered in 9 years, during which time the maximum social security primary benefit—to which the credit traditionally has been tied—has risen to $2,500 for a retired worker and $3,750 for a retired worker and spouse.

Consequently, the committee bill would increase the credit base from $1,524 to $2,500 for an individual and from $2,286 to $3,750 for couples.

Although the amount of the credit would continue to be reducible by the amount of social security and other exempt pension payments, the individual year $600 earnings test, and the earnings limitation would be boosted to $2,000 for each spouse and phased-out on a 50-cents-per-dollar basis for income above that sum.

There are other improvements in this provision, but those are the key ones, and I believe they represent a genuine breakthrough in providing tax equity for our elderly citizens.

In conclusion, Mr. Chairman, it is my firm conviction that the social security provisions of H.R. 1, and the two changes I have just discussed, have waited long enough in the wings. They should be brought out now, and speedily enacted into law.

Mr. BYRNES of Wisconsin. Mr. Chairman, I include in the Record at this point the letter of Under Secretary Veneman, with reference to the June 16 article in the Washington Post. Mr. Broyhill referred to this letter in his remarks to the House. The letter follows:

WASHINGTON, D.C.,
June 16, 1971.

Hon. JOHN W. BYRNES,
House of Representatives,
Washington, D.C.

DEAR JOHN: As I indicated to you on the telephone, the article in the Washington Post this morning regarding the Administration's position on H.R. 1 was inaccurately reported. Your understanding of the position taken by the Administration before the Ways and Means Committee is correct.

The article alleged that an HEW official said the Administration would support a move requiring the states to maintain at least their present level of welfare payments. I have been assured that no such statement was made. Furthermore, the Administration does not support such a position.

The hold-harmless provision would assure states that their costs would not exceed their 1971 expenditures if the payment levels did not exceed the current levels plus the value of food stamps. In other words, states have the economic incentive to maintain present levels, but would not be required to do so. Our state savings figures are based upon the assumption that the states would not reduce current benefit levels.

With regard to the other points raised in the Post article, you will recall that we did oppose the imposition of the work requirements on mothers with children three years old or older. We do recognize, however, that this provision would not become effective until 1974.

We also expressed our concern that, in our opinion, the one year state residency requirement would be unconstitutional. The statement that we would ask the Senate to "place greater safeguards in the bill's 'work requirement' so persons could not be forced to accept work 'not suitable' to their abilities and circumstances" is also inaccurately stated. We supported the position taken by the Committee with regard to the work requirements.

I hope that this letter may clarify any confusion that the article may have created. Again, John, my thanks for your continuous cooperation.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon (Mr. Ullman), a valued member of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Chairman, I rise in order to say that the Committee on Ways and Means has spent many months on this legislation and that there is much good in the bill. Our chairman, the gentleman from Arkansas (Mr. Mills), has done a yeoman's job, as usual, in presenting the case for the bill and for title IV. He said this was monumental legislation and, indeed, it is monumental.

The difficulty is that in monumental legislation one can make monumental errors and title IV, believe me, is a monumental error.

Consequently, my motion later in the day, if I am recognized for that purpose, will be to take the action allowable under the rule, and that is to strike title IV. I come before you now to urge my colleagues to support me in striking it from the bill.

What we have in title IV, in the guise of welfare reform, is a Trojan horse, a Trojan horse in the way of a guaranteed annual income in this country. You can call it income maintenance, or income supplement, but it is all the same thing. It is, in principle, a guaranteed annual income.

Once you make the decision to accept that guaranteed annual income, I want to say to my colleagues, you have reached the point of no return. Once you have adopted that principle, then the only question is: Are you guaranteeing enough? And, of course, all of us know the pressures that will build. All of us know that it is not enough, that you can mount a tremendous argument that it is not enough—once you have accepted the principle. So the pressures on you to increase this income are going to build and build and build.

The chairman said that if we adopt the $6,500 base income for a family of four, it would cost the Nation $70 billion. I would like to point out that if you adopt the principle of guaranteed incomes—even at only $2,400 annually—it is not going to be very long before that $2,400 rises to the $6,500 level, because that is the history of this kind of legislation.

Do not buy the argument, I plead to my colleagues, that a negative vote—that is, a vote to strike title IV—is a vote for the present welfare system, because it is not. All of us want welfare reform. So do not buy the argument that the committee will not act, because I want to assure you that the chairman of this committee is one of the most responsible men in the country. I know him well enough to know that if you vote to strike out title IV, the Ways and Means Committee will go back and do the responsible thing, which is to put together the alternative packages available to bring us true welfare reform and to strip it of that Trojan horse, the guaranteed annual income.

A vote against title IV is not a vote for the present welfare system because there is, despite claims to the contrary, a responsible alternative.

I have introduced a bill, H.R. 6004, which has widespread national support, and which does, in fact, give us complete welfare reform; which does, in fact, turn this whole thing around; which does, in fact, offer hope to the poor people of this country that they will be brought back into productive life of this Nation.

Before I talk about my alternative, however, let us look very briefly at what H.R. 1 does. On this first chart, the vertical scale is "Earned income." This is the working poor provision. It also incorporates the welfare provision. But it is, unfortunately, a formula which has been pulled out of a hat without any real basis in experience, an unproven formula that has grown, somehow, of its own initiative. Last year, for example, we had a $1,600 base. Now we have moved up to a $2,400 base. Last year we had $500 per dependent for the first two, and then $300 for the next. Now that has been changed to $800 for the first two members of the family and $400 for the next three, and then $200. The table follows:

EARNED INCOME AND FEDERAL ASSISTANCE BENEFITS FOR FAMILIES OF 2 TO 8—H.R. 1

Earned income	Federal assistance benefits							Earned income
$6,500								$6,500
$6,000						$0	$0	6,000
$5,500					$0	213	413	5,500
$5,000				$0	246	546	746	5,000
$4,500			$0	280	580	880	1,080	4,500
$4,000		$0	213	613	913	1,213	1,413	4,000
$3,500		146	546	946	1,246	1,546	1,746	3,500
$3,000	$0	480	880	1,280	1,580	1,880	2,080	3,000
$2,500	413	813	1,213	1,613	1,913	2,213	2,413	2,500
$2,000	746	1,146	1,546	1,946	2,246	2,546	2,746	2,000
$1,500	1,080	1,480	1,880	2,280	2,580	2,880	3,080	1,500
$1,000	1,413	1,813	2,213	2,613	2,913	3,213	3,413	1,000
$500	1,600	2,000	2,400	2,800	3,100	3,400	3,600	500
$0	1,600	2,000	2,400	2,800	3,100	3,400	3,600	0
Family size	2	3	4	5	6	7	8	

These last figures are what is incorporated on the bottom line of the table. If there is zero income, the annual welfare scale for a family of two is $1,600; then for a family of three, an additional $400, or $2,000 total. A family of four with no earned income would receive $2,400, and on up to a family of eight, where the base is $3,600. This is, I repeat, the base without any earned income.

What we have here is a formula somebody concocted. We would let them keep the first $720, and then tax them two-thirds of everything they make above it.

The result is a table like this, which applies to everybody, all of the working poor in the country. If your income is $2,000 and you have a family of six, you go over to the column of "Numeral 6" with $2,000, and $2,246 is the amount that the Federal Government will pay you. So you would add the $2,000 you are making to the $2,246, and you make a total of $4,246.

Suppose, however, you have an alternative job available, possibly at $3,000, that incorporates a lot of work. Look at the $3,000 column and with a family of six the Federal Government would pay $1,580 for a total of $4,580 as against $4,246 total income on the old job which paid only $2,000.

As you can see, what you will have is a numbers game everybody can play, a numbers game where you can look at the formula to see how much you might earn and then see how much the Government is going to pay you as a matter of guarantee.

You are allowed to have your home, your car, your furniture, and all those kinds of things, plus $1,500 in the bank. So long as your assets are within these limits, so long as you comply with that, and you know how many dependents you have—you may have children or you may have a dependent aunt or uncle or whomever else you can claim—then you can turn to this table and figure out exactly how much the Federal Government is going to pay you.

That is how simple it is.

Another problem with title IV is that the Federal Government is going to send out 4 million checks every month. There will be 4 million family heads who will come under this category, so that Government is going to have to send out 4 million checks.

Remember, however, that these checks are computed on the basis of three variables.

First, there is the income recipients are making. That varies greatly among the working poor. In 1 month they might be making $300, the next month $100, and the next month $400. How in the world will the Federal Government keep up even with that one variable?

The second variable is the family size. A dependent aunt may move in for 1 month and out the next. And that variable must be computed in sending out these checks.

The third variable is assets. One family may save enough to move above the $1,500 allowed in the bank while another family may drop below that level.

The Federal Government is supposed to keep track of all three of those variables and yet send out the check every month.

I say it cannot be done. I say it is totally unadministrable.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield with reference to this chart?

Mr. ULLMAN. I yield briefly to the gentleman from New York.

Mr. CAREY of New York. While the gentleman is on this chart, is it not true that under the present law, as it operated, with payments to those who are working, a family of eight could receive payments up to an income scale of $11,000? Is that correct?

Mr. ULLMAN. Yes; but would the gentleman let me go on?

Mr. CAREY of New York. Under this chart here the maximum they can receive in payment is what?

Mr. ULLMAN. We will go into that on this other chart, and that will explain it.

Mr. CAREY of New York. It is considerably less than $11,000 under H.R. 1, is it not? The cut off figure is less?

Mr. ULLMAN. Not necessarily. But I cannot answer that unless we discuss the State supplemental. If the guaranteed income were all they received, all over the country, that would be it, but it is not.

What we are doing is superimposing this on top of or below a whole hodgepodge of State supplemental payments.

In this second chart there is displayed what would go to a family of two up to eight.

Here you have what the gentleman from New York (Mr. CAREY) referred to. A family of eight can now make $10,000 and still get about $700 from the State of New York. But a family can make $8,900 in the State of New York under this proposal before us, and the Federal Government will put up about $750 even though the total income is almost $9,000.

All of this business about a family of four just begs the issue. If you go down the scale where you are making $3,000 and the Federal Government puts up about $2,200 and the State puts up another $3,300 under title IV of the bill you are voting on.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. Certainly. I am always glad to yield to the chairman of the committee.

Mr. MILLS of Arkansas. Is not the gentleman aware of the fact that in a family of four it means that no one could get more in earnings and payment in a family of four than $4,140 per year and in a family of eight more than $6,000? Where does the gentleman get the $11,000 figures from?

Mr. ULLMAN. The chairman knows that the State supplement is exempt income. The State pays the supplements on top of the break-even point. So what we are doing is contributing to a family making $8,900, and $3,300 of that is State supplement. Nevertheless, that is part of their total income.

Beyond that—and this is the problem beyond that which disturbs me—is the hold harmless provision. This is one of the great difficulties of this bill.

You are dividing the State into three categories. First, you have about a third of the States that are going to drop all welfare altogether and cling to the Federal level. That will be all of the welfare you will get in about one-third of the States. And you can name those States now.

Then you will have about a third of the States starting right off where the hold harmless provision will prevail. New York will be one of those. As soon as the hold harmless provision prevails, all it means is that that State puts up exactly what it put up in calendar year 1971 and no more.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. Let me finish first, please.

Then, above that figure, every new welfare recipient is paid for by 100 percent Federal funds. In other words, if you adopt this bill, in this third category there will be 15 to 20 more States that will immediately come into Federal welfare provisions. New York is one of them. They will kick in the same amount they paid in calendar year 1971, and as their welfare rolls go up every additional dollar of welfare cost at their standard will be paid for by the Federal Government. What that means is the State of New York will pay its 1971 share, yet its caseload will go up, and the Federal Government will pay for every new welfare recipient. The Federal Government will pay every dollar of it in New York. A third of the States are at this level. In New York, above hold harmless, we will pay every dollar up to these levels and, even more shocking, beyond those levels.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. ULLMAN. And, even more shocking, under this bill we have allowed the States to increase their benefits up above this level. Because the Federal base now includes food stamps cash, we have said that the State of New York can increase its benefits. So where an income plus benefits level is about $10,200 with a family of eight, their food stamps would add to that, and the further down you go under the food stamp formula the greater the addition becomes. But we are allowing them even to increase their benefits, and under the hold-harmless provision the Federal Government will take every dollar of those costs to those high levels in the State of New York, whereas in these other States it will not.

A third category of States will be in limbo in between. Your State and my State will probably be in that category where we will not go back to this level immediately and where our costs are below the 1971 levels, so there will not be any hold-harmless provisions.

And, so, all that means in your State—and I know it is true in mine—is that above the Federal payment, the State will have to pay every dollar of benefits until they get clear up the 1971 hold harmless level, and in my State and many other States they cannot make it. Therefore, the result will be to eliminate any current supplements and to drop the Federal level. Another category of States will adopt an option to cash out food stamps as part of their State supplements. The Federal Government, holding the States harmless, will be required to pay all welfare costs above this revised level. In short, one set of States will go completely out of the welfare business with the Federal Government paying everything; in the other set the Federal Government will be paying all costs—including State supplement levels—beyond the 1971 levels.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. CAREY of New York. Based upon the chart which the gentleman is presenting and based upon the figures for the State of New York, first, the beginning figure at the left which shows a figure of $4,300 is currently inaccurate because the State has already reduced its benefit level by the recent action of the legislature to $3,722. So, all of those figures are inaccurate.

Mr. ULLMAN. Except, under the bill, the State of New York will be covered under its 1971 benefit levels and believe me, if the Federal Government picked up the check, you would go back to those levels immediately.

Mr. CAREY of New York. I must respectfully disagree with the gentleman.

Mr. ULLMAN. You can be sure you will go back to these levels.

Mr. CAREY of New York. Mr. Chairman, if the gentleman will yield further, the bill would not permit that——

Mr. ULLMAN. It is my understanding that the welfare levels that were in effect before the reduction is the base from which we are working.

Mr. CAREY of New York. That is not so. It is the current welfare levels of June 1971 which was adopted by the last legislature. The legislature has already acted and the gentleman made the further point that the States will add supplementation or reduce supplementation. I contend that they will do neither one, because if they reduce it, the Federal Government gets a savings. I do not know of any State that wants to produce savings for the Federal Government only.

Mr. ULLMAN. Whether that is true or not, it does not in any way change the amount in the State of New York. Whether that is true or not, New York is going to find its welfare costs above the 1971 levels.

There was testimony before the committee which made very clear that the fact of the matter is the State of New York will be in exactly the same position as it is in in calendar year 1971 and every dollar of welfare will be expended up to these levels. However, if there is a slight drop, that will be more than offset by the increase in benefits up to the amount of the Federal level.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. What is the purpose of the level line on your chart in the family of eight and the family of four? Will the gentleman explain what that line is?

Mr. ULLMAN. This is the equivalent of what we have here in the phaseout.

Mr. MILLS of Arkansas. Is it not a fact that that represents the point above which the Federal Government does not go with respect to any payment helping anybody?

Mr. ULLMAN. That would be true, Mr. Chairman, if you had no State supplement. State supplement is exempt income.

Mr. MILLS of Arkansas. Let me ask the gentleman on that point, is it not a fact that today the State supplement is matched under a formula with the Federal Government, and if the State matches under H.R. 1 you have entirely and totally State money and not another penny of Federal money?

Mr. ULLMAN. But the "hold harmless" clause completely eliminates that argument.

Mr. MILLS of Arkansas. No.

Mr. ULLMAN. We have had testimony in the committee, Mr. Chairman, that the benefit levels that exist today will be maintained under the "hold harmless" clause.

Mr. MILLS of Arkansas. Oh, no. But the "hold harmless" deals only with increases caused by the bill, not by the factions of the State.

Mr. ULLMAN. I hate to disagree with the gentleman, but the "hold harmless" provision merely says if the State level costs go above the 1971 calendar year level, that the Federal Government will then pick up every dollar of additional welfare costs above that.

Mr. MILLS of Arkansas. Only those costs which are attributable to the bill itself, H.R. 1, and not to anything else. That is one of the cornerstones of the bill.

Mr. ULLMAN. Now, Mr. Chairman, we are getting to the real crux of the bill.

Mr. ADAMS. Mr. Chairman, would the gentleman yield on that?

Mr. ULLMAN. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I would ask the gentleman if he is saying that if those States make any savings in their budget for welfare, they will then not qualify for hold harmless, but must pay everything themselves above the minimum levels; is that right?

Mr. ULLMAN. Not exactly.

Let me say this again, and it is very complicated, and I am sorry the chairman did not cover it. I intended to ask him the questions, but his time was short, because I think this should be covered, and I think it should be understood. It is a crucial point.

The hold harmless—and we went up and down the road on this hold harmless—will be used to federalize welfare. My alternative does not federalize welfare, it federalizes the problem. It takes the employable people completely out of welfare and puts them in a separate category where the Government has the full 100-percent responsibility of seeing that they are rehabilitated and employed, and pays them a compensation based on a percentage of average wages. It is a wage-related compensation. That is why in this bill when you say H.R. 1 screens for employability, it is a meaningless distinction, because both the employables and the unemployables are paid exactly the same.

Mr. ADAMS. If the gentleman will yield further, the gentleman's State and my own State, if they spend less on welfare, that is your third category, they have a savings, because this comes in with about a third of them; my understanding from what the gentleman said, then, is that any amount above the Federal benefit must be paid 100 percent by that State. Is that right?

Mr. ULLMAN. Let me go ahead and explain this. A third of the States will drop welfare altogether, and just go on the federal system. A third of the States will be held harmless, in other words, all costs above 100 percent of the 1971 costs will be federalized.

If your State welfare goes above the 1971 costs, then the Federal Government will pay every dollar of benefits up to the 1971 level.

Then the third category, like the State of Oregon——

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 5 additional minutes to the gentleman from Oregon.

Mr. ULLMAN. The third category is like the State of Oregon. Our costs will be below the 1971 level, so the hold harmless will not go into effect. All Oregon gets is this base from the Federal Government. So every dollar of our benefit levels above this must be paid for by the State.

Mr. MIKVA. Mr. Chairman, will the gentleman yield for one additional question?

Mr. ULLMAN. I yield to the gentleman.

Mr. MIKVA. Is it not also correct that if a State currently artificially reduces its costs in the year 1971, by knocking people off the rolls and slowing down the intake, it will then benefit that much more next year under the whole harmless clause because of the difference between this year and next year will be increased? I am not talking of the benefit rolls—I am talking of the caseload

Mr. ULLMAN. I believe the argument is that the caseload is going to be determined by the Federal Government, because the Federal Government determines the qualifications.

But the whole harmless provision says that your State puts in exactly into the kitty the amount that you spent in 1971. Whatever the cost is above that, the Federal Government pays 100 percent, plus the increased benefits on the food stamp cashout.

Mr. MIKVA. I thank the gentleman.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. COLMER. The gentleman has made a very interesting presentation of his cause here and it is really tragic that we do not have more people to hear him. On the other hand, more tragic is that under the rule the gentleman will not have an opportunity to present his amendment here.

Now that brings us to the situation where the only way the gentleman can hope to have his philosophy adopted here as opposed to the committee setup is when the gentleman from Oregon who is now addressing us from the well makes his motion to strike and the House agrees with that motion, then he has an opportunity further to have his motion adopted.

Mr. ULLMAN. As I understand it, I will say to the gentleman, if I am recognized on my motion to strike title IV, then I will have 5 minutes to argue my motion and then thereafter 5 minutes given to the other side and that is all the debate there will be.

Mr. COLMER. That is correct.

Mr. ULLMAN. I think it is most unfortunate and I agree with the gentleman that we have a rule that does not allow full consideration of a viable alternative that has widespread national support.

I will say, I think we are making a terrible mistake. I would hope that in the future we avoid this kind of mistake where we are presenting something of this caliber and scope without at least giving the House membership a chance to vote on an alternative.

Your only opportunity now is to vote down title IV. As I said, I think you must do that in order for the committee to come back with a viable alternative. All I am saying to you here is that we have a viable constructive alternative which will give us welfare reform, which is the right direction to go in rather than taking us down this tragic road of a guaranteed income. And on top of this is the State-by-State hodgepodge of the hold-harmless provision which is really going to create a catastrophe in your State.

Mr. COLMER. Mr. Chairman, will the gentleman yield briefly?

Mr. ULLMAN. I yield to the gentleman.

Mr. COLMER. Mr. Chairman, having said what I have said about this tragic situation as to whether the gentleman would not be able to offer his amendment, I think I should say that we reported out the best rule we could get under the existing circumstances and in view of the previous histories of these matters. I think the gentleman understands that.

Mr. ULLMAN. I thank the gentleman for his consideration, which has always been most kind to me.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield for a question?

Mr. ULLMAN. I yield to the gentleman.

Mr. MILLS of Arkansas. The gentleman also realizes that his proposition was discussed in committee for several days. Would the gentleman enlighten the committee as to the break-even point in his proposition for a family of eight and a family of four?

Mr. ULLMAN. We do not have a break-even point. We do not have any formula of this kind at all.

Mr. MILLS of Arkansas. Then how would it work in your bill—how would this supplement work in your provision to encourage people to work?

Mr. ULLMAN. Let me go into that very briefly.

There will be a new Federal agency provision for rehabilitation and employment and assistance and child care which would establish a major day-care program. You cannot have welfare reform without day care. Over 90 percent of the people on welfare that we are talking about are mothers with children.

Unless you have adequate day-care facilities you cannot even talk about putting them to work, and that is why under the present bill, where you have only tokenism as far as day care is concerned, you simply cannot have adequate welfare reform.

So my program, then, establishes major day care. Each agency will screen every welfare applicant as to employability, if they are employable, and if it is mothers of children, and day care is available, they never go on welfare. They immediately go under the Reach program in a training and rehabilitation status. Their payment is based on a percentage of the average wage in that area. You avoid all the problems of State-by-State welfare, all the complexities of State line inequities, and you apply what is certainly the most reasonable of all compensations, 40 percent of the average wage of the area.

On top of that, the chairman asked me the question about a widow of six getting $3,500 in a State welfare program. Under my program there is day-care available. She is classified employable. So, immediately she goes on the

40 percent of the average wage compensation. Her children are in a day-care program as soon as work is available. Suppose the wage is $2,600. All right. How do you adjust the difference of income from $3,500 to $2,600?

First, we would expect her to cash out her food stamps at her option. That would give her additional cash. Then on top of that, the working poor provision in my bill allows the "working poor" $60 a month work expense allowance—up to the national poverty level.

How is that enforced? The employer or employers submit a statement as to how many days this person worked, and if they worked up to a certain determined number of days—20, possibly, then they get the full $60. If they work only half time, they get $30 a month. This is a manageable working poor program. That allows us to make the transition between the welfare, high welfare levels, and the new Reach concept of employability.

Under my program, there would also be a new 20-percent tax credit to employers for employing Reach people. There is also major public service employment, with the Government being, if need be, the employer of last resort—though private employment will be a priority matter.

Mr. Chairman, I have only a minute left. I have taken altogether too much time. Let me say there is a viable alternative. Let me say this also: You cannot clean up the welfare mess by doubling the number of people on welfare payments, and that is essentially what you are doing if you adopt this bill. You do not bring uniformity into the whole system by holding half the States up at high levels, with the Federal Government paying the high level above the "hold harmless" provision in this bill. That is not the way to bring uniformity into the system.

I say, finally, that once you adopt the basic principle of a sustained guaranteed income, income maintenance, or whatever you want to call it, then every one of you and I are susceptible to the argument that this is not enough. That becomes the only argument, once you adopt the principle, and this basic payment here of $1,600 or $3,600 for welfare that you have in this bill is going to mushroom.

On top of that, if we are paying New York above the "hold harmless" provision those high benefit levels that we are going to pay, with 100 percent Federal dollars, then we can no longer make the argument that we cannot do it for all the States.

So what you are going to do, if you adopt this bill, is to create unending problems for this Nation. I urge you to support the motion to strike title IV from the bill.

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to take this opportunity to affirm my support of H.R. 1, the new social security and welfare bill. This bill includes many important provisions, and I can only hope to mention a few in this short time. To begin with, the bill would create entirely new centralized assistance programs that would cover needy families with an employable member, needy families with no employable members, and needy aged, blind, and disabled adults. The many advantages of Federal administration of the program are obvious, and H.R. 1 provides a practical and comprehensive operating plan carefully tailored to the specific circumstances of those covered under the program. I must express my dissatisfaction with the level of payments under the new programs. I made efforts in the committee to raise these levels and was only partially successful. I would like to have seen at least a $3,000 annual payment for a family of four and Federal participation in the cost of State supplemental payments. I proposed such provisions be added to the bill, but the majority of the committee did not agree. I am convinced, however, that although the bill does not go as far in this regard as I think it should, there is no question in my mind that it is a vast improvement over present law and that the entire bill including title IV should be adopted.

In the area of social security, the bill makes a number of significant changes which will greatly improve the existing program. A few examples are the extension of medicare coverage to social security disability insurance beneficiaries, the increase in benefits for widows and dependent widowers, the special minimum benefits of up to $150 for people who have worked under the program for many years at low earnings, the increased benefits for workers who delay their retirement beyond age 65, and the liberalizations in the method of computing benefits.

One of the most important provisions is the one which provides for automatic adjustments. Under this provision, social security benefits would be increased automatically according to the rise in the cost of living. In addition, the contribution and benefit base—that is, the upper limit on the amount of a worker's annual earnings, on which contributions are paid and which are counted for benefit purposes—and the limit on the amount which a beneficiary can earn and still get all his benefits, would both be automatically increased on the basis of increases in average wages.

Although I am in favor of the bill as it stands, there are a few additional provisions which I think would make H.R. 1 far better. For one thing, today's social security benefit levels are simply inadequate. Although the automatic adjustments will assure that benefits are kept up to date as prices rise, the actual purchasing power of the benefits will not be increased. The 5-percent increase included in the bill is not enough. Too many social security beneficiaries still remain below the poverty level. I favor—and again I proposed in committee—that a 50-percent general benefit increase be provided at this time, so that when the automatic adjustment provisions first become effective in 1974 the benefits, when adjusted to price increases, will provide aged and disabled workers and their families, and for the widows and orphans of deceased workers.

A general benefit increase of 50 percent could be financed without raising social security contribution rates if there were an appropriate contribution from general revenues toward the cost of the social security program—a contribution equal to one-third of the total cost of the program. Such a contribution from general revenues is not unreasonable. Almost one-third of the total cost of the program goes to provide adequate benefit protection for older workers who were already middle aged when the program began or when their jobs were first covered and who, therefore, do not pay as much toward the cost of their protection as do these who work under the program over a full working lifetime. As a result, current and future workers will pay for their own benefits and for a substantial part of the benefits that are paid to people who pay contributions for a small part of their working lifetime. Since the economic well-being of the entire Nation benefits from a social security system which provides full protection for these older workers, the cost of providing this protection should be borne by the entire Nation through general taxation rather than by current and future workers and their employers.

I would also like to call attention to some distinct and much needed improvements in the provision—commonly called the retirement test—under which social security benefits are not paid in full to social security recipients under age 72 who work and earn more than $1,680. Although the changes made do not go as far as I would have liked—I have introduced bills proposing that an individual be permitted to earn an exempt amount of $3,000 a year with no loss of benefits—they do nonetheless substantially improve and liberalize the retirement test. The bill would increase the exempt amount from $1,680 to $2,000; this increase takes into account the increases in wages which have occurred since we last increased the exempt amount in 1968. Another improvement in the bill which I welcome provides that benefits would be reduced by $1 for each $2 of earnings above $2,000—there would be no longer a level at which $1 is deducted for each $1 earned. This improvement should help eliminate the disincentive to earn that exists at some income levels under present law by always assuring that the more a beneficiary works, the more spendable income he will have.

Those who continue to work after age 65 would also benefit by the provision in the bill which would increase a worker's old-age benefits by 1 percent for each year—one-twelth of 1 percent for each month—between the ages of 65 and 72 in which he did not receive social security benefits because of his work.

Mr. Chairman, I have believed for a long time that the social security disability provisions have been too restrictive for people who are blind and that the law should be changed to liberalize the requirements under which the blind can quality for disability benefits. As many of my colleagues know, I have introduced bills which would be even more effective than H.R. 1 for improving protection for the blind, and I will continue to work for these improvements in the future.

H.R. 1 does, however, include a provision that is encouraging to those of us who realize the extent of the employment problems experienced by blind people. Under present law, the blind person must meet a test of recent covered work in order to be insured for disability benefits. This means that usually he must have 5 years of work covered under social security during the 10-year period ending when blindness occurs. I maintain that this is an unrealistic requirement for a sightless individual, who faces formidable obstacles in striving to earn his livelihood. The bill would eliminate for the blind the requirement of recent covered work, so that they could qualify for disability benefits if they are fully insured—that is, if they have as many quarters of coverage as the number of years elapsing after 1950—or the year of attainment of age 21, if later—and up to the year of disability. For example, a 32-year-old person who becomes blind this year would be insured if he has 10 quarters of coverage—about 2½ years. A person becoming blind at an older age also benefits from the change. A person who becomes blind this year at the age of 50 would qualify if he has 20 quarters of coverage—5 years—regardless of when he acquired the 20 quarters. This is certainly more realistic and humane than telling this man that he cannot get disability benefits because his 20 quarters of coverage were not acquired at the right time to make him eligible.

Mr. Chairman, although I am somewhat disappointed with some of the provisions of H.R. 1, it is in my opinion an excellent bill. Its merits outweigh its limitations. I urge my colleagues to vote for the entire bill.

Mr. BARRETT. Mr. Chairman, the bill before us, H.R. 1, may well be one of the most far-reaching, all-encompassing legislative proposals that this 92d Congress will consider. It is a very long, complicated, and complex piece of legislation. The bill as presented to the House at this time, would make a number of changes in the provisions of the Social Security Act relating to the old-age, survivors, and disability insurance program, the hospital and medical insurance program, the medical assistance program, and the child welfare program. In addition, the bill would provide for a basic restructuring of the national welfare system by replacing the four existing federally aided public assistance programs by new Federal programs for needy families and for needy aged, blind, or disabled persons. The bill also would modify the provisions of the Internal Revenue Code relating to the retirement income credit and reductions for child care.

Much of what is in the bill has merit and is worthy of support. There are some provisions, however, which fall short of what should be our goal. The members of the Ways and Means Committee are to be commended for their attempt to liberalize the benefits provided to all classes of beneficiaries under the Social Security Act. The fully federalized program of welfare payments to the needy aged, blind, and disabled, established under a new title XX, also provides higher benefits to recipients and is a step in the right direction.

The across-the-board increase of 5 percent in cash benefits however, as provided in title I, with payments beginning July 1, 1972, is inadequate in light of today's costs and expenses. The bill proposes an increase in the minimum cash benefit for an individual from $70.40 per month to $74. I have long maintained that the minimum primary benefit for an individual should be $100 and have introduced legislation for that purpose. If H.R. 1 is approved by the House, in its present version, I certainly hope that the Senate will increase the minimum primary benefit to $100 per month.

It is unfortunate that there is no comparable increase under title IV of the bill in the benefit level under the aid to families with dependent children program. Title IV does make several positive changes in the welfare system. It provides aid, for the first time, to families with employed fathers. It also raises the payment level for recipients in States which now pay the least. However, it sets as a maximum benefit the figure of $2,400 per year for a family of four. This is a most interesting figure when one considers that the poverty level established by the Department of Labor is $3,720 per year. Further, recipients under the proposed program would be ineligible for food stamps. Frankly, I find great difficulty in reconciling the difference between these two figures. Is the Federal Government going to assume the full responsibility of welfare and then maintain payment level below the poverty line?

I believe that our position on title IV should be a considered one. It would be well to bear in mind the present high rate of unemployment and the headlines of yesterday and today. Yesterday's newspaper headlined the unfortunate news: "Welfare Rolls Up by 50 percent." These figures were contained in a report from the Department of Health, Education, and Welfare that children and parents on federally aided welfare rolls increased by 3,441,000 or 50 percent in less than 2 years. And this morning our Government also informed us that the cost-of-living index rose by 0.6 percent in May, which is further sad commentary on the state of the economy.

Mr. Chairman, I will support the motion to strike title IV of the committee amendment in the nature of a substitute and urge my colleagues to do likewise.

Regardless of the outcome of the vote on that motion however, and even though I believe that the minimum primary benefits for social security as set forth in the bill are insufficient. I will of necessity vote for final passage.

The CHAIRMAN. The gentleman from Oregon (Mr. ULLMAN), has consumed 35 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, H.R. 1 is a comprehensive bill. It includes not only fundamental and sweeping reforms of the present Federal-State-local welfare mess, but recommends significant improvements in the old-age, survivors, and disability insurance program, and the medicare, medicaid, and maternal and child health programs. The bill also includes miscellaneous amendments to the Internal Revenue Code.

The chairman has described these provisions in his usually thorough manner, and I will not go into similar detail. I intend to concentrate my remarks on the welfare reform provisions of this legislation, but before doing so let me briefly comment on what I feel are important amendments included in the other provisions of the bill.

SOCIAL SECURITY PROGRAM

Several significant improvements in the social security program that I have long favored are included in the bill. Although most of the amendments were included in the social security bill that passed the House last year but failed to become law, there are several improvements recommended that were not in that bill.

AUTOMATIC ADJUSTMENT OF BENEFITS

Mr. Chairman, the bill provides that social security benefits will be automatically increased in the future commensurate with increases in the cost of living. Automatic increases would be financed through automatic adjustments in the wage base to reflect increased earnings levels. The retirement test—the amount an individual can earn without losing benefits—would also be automatically adjusted to reflect increased earnings levels. The provision is essentially the same as the one approved by the House last year, except that automatic increases would not go into effect in any year if in the prior year Congress either enacted or made effective a general benefit increase.

The escalator provision corresponds to a proposal I have long favored and that the administration, with my strong support, recommended to the American people. It will avoid the long delays social security beneficiaries have sometimes experienced in the past before Congress enacted increases needed to maintain the purchasing power of social security benefits.

Under the escalator provision I sponsored and the committee initially agreed to, the first cost-of-living increase would in all probability have been payable for January of 1973—about a year and one-half from now. In view of the significant increase in payroll taxes we have recently enacted and are recommending in this bill to cover a 15-percent benefit increase granted last year, a 10-percent benefit increase this year, and structural improvements included in this bill, it seemed appropriate for benefits to be adjusted in the near future on the basis of actual changes in the cost of living and earnings levels that may occur.

Instead the committee approved an additional 5-percent benefit increase—payable next July—before the retirees had even received the checks for the 10-percent benefit increase that we voted earlier this year. While retaining the automatic adjustment provision for future years, the committee action makes it inoperative next year.

I personally feel that this was a mistake. Voting for an increase that is not payable until longer than a year has passed, is a disservice to both our elderly citizens and to those who are paying social security taxes.

INCREASED WIDOW'S BENEFITS

The bill entitles a widow or a widower age 65 to survivor benefits equal to 100 percent of the benefit of their deceased spouse. Under present law, a widow or widower is entitled to only 82.5 percent of their deceased spouse's benefit. The present law assumes a wife can get along on less than her husband would receive if he were the survivor. This assumption is contrary to fact. The committee amendment, in responding to the realities of the situation, would provide substantial assistance to 3.4 million individuals—mostly widows—during the first full year of operation.

This improvement—recommended by the administration—was included in the social security bill that passed the House last year. It has my strong support as an amendment much needed and long overdue.

INCREASE IN RETIREMENT TEST

The bill increases the retirement test—the annual amount that an individual may earn without losing social security benefits—from the present $1,680 to $2,000 per year. Additionally, under no circumstances will a dollar earned reduce benefits by more than 50 cents. Under present law earnings can, when they reach a certain level, reduce benefits by $1 for every dollar earned, leaving an individual—when work expenses are considered—with an economic loss if he continues to work. This amendment brings the retirement test more in line with present earnings levels. It will enable social security beneficiaries who are able and desirous of supplementing their income to have increased latitude to do so without suffering diminution in social security benefits.

INCREASED BENEFITS FOR THOSE WORKING AFTER AGE 65

The bill provides a 1-percent benefit increase for each year that an individual continues to work and not draw benefits after attaining age 65. In the last Congress, I introduced legislation exempting individuals over 65 from the payroll tax since by continuing to work they are declining to draw benefits that would otherwise be payable. Although individuals continuing for to work will ultimately draw benefits for a shorter period, present law continues to impose a payroll tax while providing no increase in benefits reflecting the additional taxes they pay and the shorter period over which they will draw benefits.

In focusing on this inequity, the committee decided to provide an increase in benefits to individuals who continue to work and pay social security taxes after age 65. This amendment, responding in a different way to the same inequity my bill called attention to, is an important improvement in equity for our elderly citizens who continue to work after age 65.

ADDITIONAL SOCIAL SECURITY AMENDMENTS

The bill also includes a series of social security amendments that are designed to improve equity for working couples, to extend to men the benefits of computation rules formerly available only to women, and makes other improvements in the program. Although important improvements in the program, they are generally of a technical nature. Since they are discussed at length in the committee report, I will not go into them here.

COST

Let me again, as I have in the past, emphasize that the benefit increase and program improvements contained in the bill require increases in both the wage base and the tax rates. We simply must give as much attention to the burden we are imposing as to the benefits we are dispensing.

The tax increases we have enacted in recent years and are recommending in this bill make payroll taxes a heavier burden for most taxpayers than the income tax. In 1965, the wage base was $4,800. Under H.R. 1, the wage base next year will be $10,200, an increase of over 100 percent in 7 years. The combined employer-employee tax rate in 1965 was 7.25 percent. Under the rates included in H.R. 1, the combined tax rate will be 10.8 percent next year and in 1977, 14.8 percent.

I believe we have gone about as far as we can or ought to go in imposing payroll tax burdens. Future liberalizations in the program must be weighed very, very carefully against increases in the tax burden that they will require. In view of the regressive nature of the payroll tax when considered apart from a wage-related benefit schedule, future amendments must place a high premium of improving individual equity and strengthening the insurance character of the program.

What I have said in the past bears repeating here with much greater emphasis:

> We simply must remember that the income that a worker can currently devote to future contingencies is limited by his ability to meet the immediate needs of his family. If the cost of social security cuts too deeply into daily living requirements, people will begin to make unfavorable comparisons between current costs and distant benefits. If the time ever comes that current workers are unwilling to bear the cost of providing benefits to current retirees, the social security system will be in real danger and those who will stand to lose most will be the current beneficiaries.

MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

While the committee felt that it was important to enact needed improvements in the operating effectiveness of these health programs, the larger issues of completely restructuring medicaid in the context of a more uniform system was deferred until the committee considers various comprehensive health insurance proposals now pending before us. We recognize the need for remodeling of these programs and expect to undertake this task as the next order of business, when the committee concludes its current consideration of revenue sharing.

While this bill does not provide a remodeling, it does face up to some of the specific problems that were identified last year and this year in the committee's deliberations. The amendments to these programs are designed to improve efficiency, increase operating effectiveness, and remove inequities and abuses in the programs. While most of the provisions were included in the bill that passed the House last year, some of them were developed by the committee this year.

These amendments range from Federal matching for mechanized claims processing and information retrieval systems under medicaid to authority to experiment with alternative medicare reimbursement formulas providing greater incentives for economy and efficiency.

Since these amendments are discussed in detail in our committee report, I will not go into great detail. I should, however, briefly discuss several changes in the medicare program that have been of substantial interest to the members.

We do recommend an important change in coverage under the medicare program, by extending protection to the disabled after they have been receiving social security cash benefits for a period of 2 years. These individuals are probably more in need of health protection and less able to provide it for themselves than any other category of social security beneficiary. I believe the committee amendment meets a real need in a manner consistent with the requirement that costs in the medicare program be carefully controlled.

We have also changed the deductible and premium payment formula under medicare part B and made a change in the coinsurance payment for inpatient hospital benefits under part A.

Under the law, the Secretary of Health, Education, and Welfare must determine each December the amount of the premiums individuals covered under part B must pay in the following fiscal year to cover half the costs of the part B program. The other half of the costs are provided by the Federal Government from general revenues. Part B covers physicians' services—whether rendered in the hospital, the office, or the home—and other medical services. The cost to the elderly of the part B premium has increased from $3 in July of 1966 to $5.60 beginning the first of next month. This increase—nearly 90 percent—reflects the increase in the cost of medical services at a more rapid rate than other items in the economy.

The committee's bill provides substantial relief from increased premium costs in the future for elderly citizens. Under the bill, the premium would be increased in any given year only if social security benefits were raised since the last premium increase. Additionally, the premium increase could not be of any greater percentage than the percent by which social security benefits were increased—whether under the automatic provisions of the bill or by specific congressional action. Since health care costs have been rising faster than other prices in the economy, this provision should be of substantial assistance to the elderly and disabled.

The committee also decided to update the annual deductible attributable to part B. An individual is required to pay the first $50 of medical services incurred under part B in any year. The deductible has not been increased since the program was enacted in 1965, although costs of covered services have increased rapidly. In view of this, and in view of the substantial benefit provided by limiting the growth of premium costs, the committee has updated the $50 deductible to $60.

The committee amended the hospital insurance program—medicare part B—by adding a coinsurance fee of $7.50—one-eighth the average current cost of a day's inpatient care—for each day of hospitalization from the 31st through the 60th days. A coinsurance fee of $15 already is required under existing law from the 61st through the 90th days.

In making this change, the committee noted that present experience indicates 90 percent of medicare beneficiaries do not use more than 30 days of hospital care during a benefit period, and that cost-sharing at an earlier point in a benefit period hopefully would serve to increase the incentive for both beneficiaries and their physicians to make more effective utilization of in-hospital services.

Simultaneously with this action, the committee decided to double the "lifetime reserve" of medicare beneficiaries. Under present law, a beneficiary is covered for 90 days of hospitalization in every "spell of illness" and has access to 60 additional days on a once-in-a-lifetime basis. The committee decision would add another nonrenewable 60 days, thus providing a beneficiary with one-time maximum hospitalization coverage for 210 days, instead of 150 days as under existing law.

I am hopeful that these changes will improve the efficiency of the program and more equitably distribute the cost-sharing features of medicare over our elderly population while providing them with a measure of fiscal relief.

WELFARE REFORM—FAMILY PROGRAMS

Mr. Chairman, the core of the bill consists of welfare reform. It is, of course, also the most controversial part of the bill. Most of the problems are associated with "AFDC"—the aid to families with dependent children program.

I think we agree that the present AFDC program is a mess, and that fundamental reform—based on a completely different philosophy—is imperative. The controversy has unfortunately been aggravated by the circulation of misleading statements about both the present program and the committee bill. It may help to briefly outline the sorry mess the AFDC program is in, to point out the basic defects of the present system that have caused this mess, and to show how the committee bill corrects these basic defects.

PRESENT AFDC PROGRAM

RUNAWAY GROWTH OF THE PRESENT AFDC PROGRAM

Between 1960 and the end of 1969, both the number of families and the number of individuals receiving AFDC more than doubled—from 789,000 to 1.8 million families and from 2.4 million to 7.3 million individuals—while the total costs of cash payments alone more than tripled from $1.1 billion to $4.3 billion a year. During this period, the Federal costs of AFDC payments increased from $656 million to $2.25 billion.

When welfare reform was before the House last summer, I pointed out the dramatic increase in costs and caseloads during the past decade, and emphasized that the deficiencies of the present program would result in continuation of this alarming trend. I regret to inform the House that the year elapsing since we last considered this matter has confirmed my apprehensions. The recently released statistics for March of this year include over 10 million people on AFDC—an increase of over 2½ million individuals in a little over a year. In the fiscal year that will begin in about 2 weeks, it is estimated that AFDC payments will be around $7 billion with the Federal share of the payments representing nearly $4 billion.

I repeat again this year—as I did last year—that unless comprehensive and fundamental welfare reform is enacted, this dismal picture of runaway growth will continue. HEW estimates that under current law the number of people receiving AFDC 5 years from now will approach 15 million individuals at an annual cost of over $9 billion for maintenance payments alone. The present program is going out of sight.

We simply must make an effort to determine what characteristics of the present program are allowing this self-defeating trend to continue, destroying the willingness of the taxpayer to support welfare programs, and dooming recipients to a life of hopeless dependency generation after generation. I think that anyone attempting to analyze this alarming growth trend will find the causes in several features of the present program. Let me briefly discuss them.

AFDC PROVIDES A GUARANTEED ANNUAL INCOME

The present program guarantees the huge and growing number of families on welfare an annual income that in some States exceeds over $4,000 per year for a family of four. In addition, these individuals are entitled to medicaid, and a food stamp bonus providing a tax-free benefits package in excess of $5,000 per year. There is no meaningful requirement in the present AFDC program that any individual take work or training, nor is relief conditioned on any effort the individual makes to help himself become self-sufficient. The philosophy of the program and those administering it is to maintain recipients at a guaranteed level of income, virtually without regard to their ability or willingness to help themselves. The present system is—by any definition I have ever heard advanced—purely and simply a guaranteed annual income.

AFDA IS MAINTENANCE ORIENTED RATHER THAN DEVELOPMENTAL

The present program emphasizes maintaining individuals in their state of dependency by guaranteeing them an annual income rather than attempting to develop the individual's capacities for self-support. The WIN program was aimed at assisting individuals through training and employment opportunities to become self-sufficient. We required welfare administrators to refer individuals in "appropriate" cases to the WIN program for training and employment. Unfortunately, the philosophy of welfare administrations in far too many States and localities—as well as in HEW—has been that it is inappropriate for welfare mothers to work and take training. The ambiguous word "appropriate" left far too much discretion to a maintenance oriented welfare bureaucracy.

In the cases where there was an attempt to make WIN work, efforts have been hampered by the division of responsibility over different levels of government, and between different agencies on the same level of government, by inadequate day-care opportunities, inadequate and dilatory arrangements for the payment of work and training expenses, and inadequate transportation where required. Welfare agencies often fail to cooperate with manpower agencies not only in referring individuals but in providing needed social services to keep an individual in work and training.

AFDC ENCOURAGES FAMILY DISINTEGRATION AND DISCOURAGES WORK

In those States—about half—that do not cover families of unemployed parents, a father must desert his wife and children in order to qualify them for this guaranteed annual income. In other States that do cover unemployed parents, a father can qualify his family either by leaving them or becoming unemployed or employed on a part-time basis. The eligibility criteria—desertion and idleness—are disastrous for the families involved as well as the taxpayers asked to support welfare programs. But in view of the substantial economic incentives the present program provides for welfare over work, the father of a low-income family is virtually required to choose welfare.

The economic incentive for family disintegration and idleness varies from State to State and can be illustrated in several ways.

Let me begin by giving an illustration of my own State of Wisconsin which has an AFDC standard for a family of four of $2,604 per year. This relatively moderate standard, which is quite close to the median for all the States, provides a typical welfare family of a mother and three children $217 per month.

Consider the plight of a father of a family in Wisconsin supporting his wife and three children from a job that pays him $1.50 per hour. His gross income at $1.50 per hour on a monthly basis is $260. After deducting from his gross earnings work expenses—commuting costs, payroll taxes, and special clothes he may need, which are estimated at about $60 per month by the Department of Labor—the individual will have a net income of $200 a month for himself, his wife, and his three children.

His family is not eligible for any assistance under the current AFDC program but if the father deserts his family, they will be eligible for benefits of $217 per month. The family will be $17 ahead in cash income and have one less mouth to feed, one less person to shelter, and one less individual to clothe. This is the substantial economic incentive that exists for welfare over work in a moderate benefit State.

This is the situation in a State with a moderate benefit level. The incentive to choose welfare over work is even greater in higher benefit States—some which pay over $4,000 for a family of four. Let me illustrate this incentive by indicating the hourly wage the father of the family in my example would have to earn in various States to be as well off working as he would be on welfare. In New Jersey the father would have to earn $2.35 per hour; in New York $2.23 per hour; in Michigan $2.09 per hour; in Massachusetts $2.01 per hour; in Illinois $1.93 per hour; in California $1.67 per hour; in Oregon $1.64 per hour; and in my own State of Wisconsin $1.60 per hour.

There are 5½ million people according to the Department of Labor employed full time at wages below the minimum wage of $1.60 per hour. Yet, as I have demonstrated, an individual with a large family must earn far more than this in most States in order to have an economic incentive to take the work route instead of the welfare route. Nearly half of the 2.6 million families on welfare currently reside in States where an individual must earn more than the minimum wage for his family to be as well off with him working as they would be on welfare.

Mr. Chairman, with these economic incentives for family disintegration, is it any wonder that female-headed families are increasing three times faster than the population generally? Is it any wonder that the number of AFDC children whose fathers have absented themselves from their homes have increased from about 200,000 in 1940 and less than a million in 1950 to over 5 million today with the end not in sight? Is it any wonder that the costs and number of recipients are growing in geometric proportions in recent years? We simply cannot continue these kinds of incentives.

AFDC PERMITS PARENTS TO DESERT WITH IMPUNITY

The present AFDC program makes very little effort to locate a deserting father and charge the costs of supporting his family against his earnings. States are required to have a separate organizational unit responsible for establishing paternity and securing support from deserting parents through cooperative arrangements between States and use of the Uniform Reciprocal Enforcement of Support Act. However, the track record for chasing deserting parents is uneven among the various States and localities, with most turning in very poor performances and all capable of doing an infinitely better job. Before we charge the costs of supporting an individual's family against the taxpayers, we must make every effort to require him to discharge his own legal obligations to support his family.

FINANCING OF PRESENT AFDC PROGRAM IS OPEN ENDED

Under present law, the Federal Government participates in the costs of State and locally administered AFDC programs under two different formulae:

The Federal Government pays five-sixths of the first $18 of the average monthly payment to recipients. The Federal Government pays a varying percentage—based on each State's per capita income—for that part of average monthly payments between $18 and $32. The applicable percentage varies from 50 percent to 65 percent. No matching is available for average payment dollars in excess of $32.

Alternatively, the States can elect to use their medicaid reimbursement formula with respect to all of their cash assistance programs. This formula varies between 50 and 83 percent and applies to the total amount paid—there is no $32 limitation. In general, States with higher than average AFDC payments—those with average payments in excess of $32—elect to use the medicaid formula. There are 30 States—including the District of Columbia—presently using this alternative formula, up from about 18 a little over a year and one-half ago.

Under the present program, the States can increase their benefits to relatively high levels knowing that the Federal Government will be at least a 50-percent partner in the increase. Although Congress, if specifically asked to do so, would undoubtedly not agree to benefit levels to a family of four in excess of $4,000, the openended provisions of existing law make them a 50 percent partner in paying benefits this high.

Under the present open-ended provisions, the States simply spend the money and present the bill to the Federal Government, the Federal Government having no alternative but to pay. This is undoubtedly one of the reasons why public assistance payments—one of the "uncontrollables" in the Federal budget—have increased so dramatically in recent years.

PRESENT AFDC PLANS VARY WIDELY AS THE ELIGIBILITY STANDARDS, BENEFITS, AND ADMINISTRATION

State plans currently contains wide variations in the manner in which resources—a person's home, personal effects and other property, as well as its value, are accounted for in determining eligibility. Payment standards vary widely from State to State, ranging from a low for a family of four of $720 in Mississippi, to a high of 4,164 in New Jersey. Some States pay only a percentage of their defined need, while other States pay 100 percent of defined needs.

Only about one-half of the States covers an unemployed parent, while in the other States, a father must leave home to qualify his family for welfare benefits. Some of the States, solely at their own expense, have covered working poor individuals.

Administration is cumbersomely sprawled over every level of government, in some States being administered directly by the States, and other States being administered through units of local government with State supervision. The turnover among case workers is high—about 37 percent nationally. The average cost per case of administration and particularly of social services varies widely from States to States. Some States are making an effort to transfer people from the welfare rolls to the employment rolls, although with inadequate tools, but for the most part very little emphasis is placed on rehabilitation.

This lack of uniformity creates inequities among the States in programs financed to an increasing extent with Federal dollars, and may provide some incentive for migration from lower benefit States to higher benefit States where employment opportunities may be circumscribed and assistance costs much higher.

REFORM OF FAMILY PROGRAMS

That describes the present mess, Mr. Chairman. The AFDC program has simply grown like topsy. It is sprawled cumbersomely over several levels of Government and divided inefficiently between agencies on the same level of Government. No one seems to be in charge. To the extent any philosophy emerges from this chaos, it emphasizes welfare over work, favoring the public dole over an honest day's labor.

What we need is a fresh start, a new beginning, a fundamentally different welfare philosophy. The committee bill provides a new beginning based on a fundamentally different welfare philosophy. Let me describe this new philosophy as I understand it. The family is the basic unit of social organization. The breakdown of the family unit will, in the long run, impose the greatest individual and social costs. Our welfare laws should promote family stability rather than encourage family disintegration. This is the philosophy underlying H.R. 1.

An individual should be encouraged to provide for his family through his personal efforts in the labor market. A guaranteed annual income will weaken rather than strengthen family stability. Welfare reform that attacks the causes rather than ameliorates the symptoms of poverty must insure that the family is part of the economic life of the community. And this means work—a steady job enabling the individual to produce to the best of his capabilities. This is the philosophy underlying H.R. 1.

Gainful employment will be the best individual and family therapy we can provide. A job will occupy the individual's time and energies, enable him to develop work habits, acquire skills, and feel a sense of pride in his own self-sufficiency. It will provide the foundation for upward mobility—both socially and economically. This is the philosophy underlying H.R. 1.

Employment of the parent will increase not only the individual's self-respect but the respect that they receive from their families. Additionally, the children will be daily reminded that there is a correlation between economic well being and individual effort, and that skills, training, work habits, and a proper attitude are valuable assets. This is a lesson that must be communicated if we are to end the cyclical dependency from generation to generation we too often find among welfare families. This is the philosophy underlying H.R. 1.

Let me outline the basic features of the new program through which this new philosophy is implemented.

COVERAGE OF WORKING POOR PROMOTES FAMILY STABILITY AND WORK

In about half the States, the present program does not provide any assistance to the family of a fully employed working father no matter how poor they may be. When an individual in these States earns less from working than his family would receive on welfare, there is a positive incentive for him to qualify his family for welfare by leaving home. In those States that cover unemployed parents, the individual can either leave home or become idle.

These substantial incentives—which I

have described in detail—are destructive of our basic values as a society and counterproductive, transferring individuals supported through gainful employment to the welfare rolls. We must reverse this flow if the present welfare mess is to be brought under control. An indispensable tool in directly attacking these perverse incentives is covering the working poor.

Equity also requires that we cover the working poor. It is simply unfair to say that an individual who is poor although working full time is not entitled to assistance while an individual who does not work at all can receive assistance. Since I believe most fair-minded individuals would agree with this statement, it is difficult to see why anyone is opposing coverage of the working poor.

NEW PROGRAM IS WORK CENTERED

Unlike the present AFDC program, the program is not a guaranteed annual income—a "maintenance" payment an individual receives regardless of his willingness to take work or training. The new program is work centered, with assistance conditioned by an individual's willingness to strive for self-sufficiency through the training and employment opportunities provided.

We do this by clearly separating the employables and the unemployables for the first time in the history of the program. Responsibility for employables is clearly placed on the Secretary of Labor under the opportunities for families program—OFF; the Secretary of Health, Education, and Welfare will be responsible only for the unemployables through the family assistance program—FAP.

Under the bill, able-bodied adults—with the exception of mothers with children under age 6 before 1974, and age 3 thereafter, and wives of a working poor father—would be required to register with the Labor Department for work and training. If a father refuses to register, the mother would be required to do so. Individuals working full time would still be required to register in order to upgrade their skills. Adults not required to register would be encouraged to voluntarily register and the experience of the WIN program indicates that many will do so. Individuals who are excused from registering for work or training because they are incapacitated would be required to take vocational rehabilitation.

Centralizing responsibility for employables in the Department of Labor and clearly spelling out in the law who must register will avoid the "buck passing" that has too often characterized our past efforts. Substantial penalties for failure to comply with the work and training requirements will be promptly enforced. An individual who fails to comply with these requirements subjects his family to an $800 per year reduction in benefits. In the case of a four-person family entitled to $2,400 per year under the bill, this is a reduction of one-third of the family benefits. Additionally, he may lose a $30 per month training allowance so that the difference between taking training and failing to comply may be as high as $1,160 on an annual basis.

The strong and specific requirements are part of a two-pronged approach that also includes incentives. The bill provides that in computing benefits, the first $720 per year—$60 per month—of earnings and one-third of any additional earnings will be disregarded. Any remaining earnings reduce benefit payments dollar for dollar.

This means that if the head of a four-person family earns $200 per month or $2,400 per year, the family will have total income of $3,680. If the individual refused to register for work and training the family would receive only $1,600. The family is over $2,000 better off with the family head taking training or working. This more than 100-percent increase in income is a substantial incentive for the individuals to make every effort to help themselves.

It is expected that during the first full year of operation, 2.6 million families with 13.9 million individuals would be registered in the opportunities for families program under the Secretary of Labor, while 1.4 million families with 5.5 million individuals will be registered in the family assistance plan under the Secretary of Health, Education, and Welfare.

The 1.4 million families with 5.5 million individuals in the HEW administered FAP program are present AFDC beneficiaries who will not be immediately referred to training and employment, primarily because they are female headed families with preschool children.

These 1.4 million families and 5.5 million individuals must be contrasted with the 2.6 million families and 10 million individuals presently on welfare. What we are actually doing is requiring that 1.2 million families with 4.5 million individuals—about 45 percent of those currently on AFDC—look for their support in the labor market rather than through welfare.

Additionally, those not required to register with the Secretary of Labor would have a real incentive to volunteer for the greatly improved work and training under the bill and experience with the WIN program indicates that many could be expected to do so. The bill provides that after 1973, a woman would have to register unless she had children under 3, transferring 400,000 families with 1.2 million individuals from the FAP to the OFF program. Finally, individuals retained in the FAP program by reason of a disability would be referred to vocational rehabilitation services.

NEW PROGRAM EMPHASIZES INDIVIDUAL DEVELOPMENT LEADING TO SELF-SUFFICIENCY RATHER THAN MAINTENANCE PAYMENTS

An Assistance Secretary of Labor is created by the bill and charged with the specific responsibility of moving people from the welfare rolls to the employment rolls. He is provided with a wide array of tools to accomplish this task—increased day care, additional training slots, and necessary supportive services.

The Auerbach study found that the lack of adequate day care was a severe impediment to WIN. We have avoided that pitfall by providing the Secretary of Labor himself with adequate resources to provide day care to those registrants who need it.

During the first full year, an increase of $500 million in child-care funds—a total of $750 million in all—is authorized. This would provide a total of 875,000 day-care slots, 291,000 for preschool children, and 584,000 for afterschool care. This is an increase of 450,000 slots—150,000 for preschool care and 300,000 for afterschool care.

Additionally, by paying for her own child care and deducting the amount incurred from her income included in computing her family benefit, a mother could secure her own day-care arrangements. This will further enlarge the amount of funds available for day care. No woman would be required to take training and employment unless there is adequate day care available for her children.

We greatly improve and substantially augment needed training. The bill provides for an increase in training funds during the first full year of operation from $200 to $500 million—an addition of $300 million. The number of training slots would be increased by 225,000—from the 187,000 slots presently available under the WIN program to 412,000 slots. This would be an addition of 150,000 full-time training slots and 75,000 upgrading training slots.

And we provide the Secretary of Labor with the responsibility and resources to insure that employment and training-related expenses, training allowances, and necessary supportive services are provided. Again, we have placed the tools to do the job where we place the responsibility for results. The Auerbach study showed that delays in the payment of work or training-related expenses—uniforms, transportation, lunch—by the welfare agency often contributed to the individual withdrawing. In some cases, the expense payments were inadequate, intentionally nullifying the intended effect of the $30 per month WIN training incentive from manpower programs. Similarly, supportive services essential to employment—a required medical exam or family counseling—were often not provided by the welfare agency. There will be no passing the buck through fragmented responsibilities for these employment-related services under the committee bill—the Secretary of Labor has both the job and the tools.

Finally, we establish a program of public service jobs leading to employment. The WIN "special work projects" have proven disappointing, in large part again due to fragmented responsibilities and the inability or unwillingness of local government to provide their share of the program costs.

The Secretary of Labor would—through grants or contracts with public or nonprofit private organizations—provide for public service jobs. During the first full year of operation, $800 million is authorized to create 200,000 public service jobs.

We are not providing dead end make work with a governmental employer of last resort. By providing 100 percent of the costs of employing an individual during the first year of his employment, 75 percent during the second year, 50 percent the third year, and nothing thereafter, the Federal Government provides incentives for public service employers to move participants on to regular payrolls.

UNIFORM ELIGIBILITY CRITERIA, BENEFIT STANDARDS, AND ADMINISTRATION

The bill establishes uniform eligibility criteria relating to resources and assets as well as their valuation. A uniform benefit standard is established for the basic Federal payment equal to $2,400 for a family of four. The maximum benefit payment for a family—regardless of size—is $3,600. These benefits reflect the cash-out of food stamps—individuals receiving family assistance will not be eligible for a food stamp bonus.

Uniform rules and a basic Federal payment will substantially narrow the disparities among States and reduce the incentives for migration to the high-cost urban areas of the larger States that pay higher benefits. The present benefit payable to a family of four ranges from $720 per year to $4,164 per year. While disparities will continue to exist due to some States electing to supplement the basic Federal benefit, the $2,400 floor for a family of four substantially ameliorates the problem.

Since the States can save administrative costs by having the Federal Government administer supplemental payments—and must do so to avail themselves of the hold-harmless rule I will discuss in a minute—the Federal Government will administer the new program. By providing for a national administration pursuant to uniform standards, the inefficiencies of the present administrative structure—sprawled cumbersomely across every level of Government with responsibilities hopelessly fragmented—are avoided.

The new administration will not in any case use a simple declaration system. Verifiable evidence of eligibility—similar to that required in the social security program—will be required. Earnings, which will be cross-checked against social security and income tax data, must be promptly reported, and failure to do so will result in substantial penalties. Individuals guilty of fraud may—as in the case of the social security program—be imprisoned for up to 1 year.

We must restore the confidence of the taxpayer in the integrity of our welfare programs. This new administrative structure provides the basis for doing so.

NEW PROGRAM IMPOSES OBLIGATION OF SUPPORT AGAINST DESERTING PARENTS

Under existing law, individuals can desert their families virtually with impunity due to the ineffective enforcement of support by State and local agencies and the difficulties they encounter chasing individuals across State lines.

The new program resolves this problem by imposing an obligation to the United States against the deserting parent for any Federal payment made to his family reduced by the amount of contributions he actually makes for their support. Additionally, any parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of $1,000, imprisonment for 1 year, or both.

WELFARE REFORM—ADULTS

The bill also provides for Federal assumption of a greater portion of the costs of providing assistance to the so-called adult categories—the aged, blind, and disabled. The adult categories have been a more stable group and have not presented the significant problems for Federal, State, and local government that we have encountered in the AFDC program.

However, a review of the program convinced the committee that reforms were possible and desirable in this part of our welfare program. Under the committee's bill, the Federal Government would administer the adult program in accordance with uniform eligibility and benefit standards. An elderly, blind, or disabled individual with no other income would be entitled to $130 per month in fiscal 1973, $140 in fiscal 1974, and $150 in fiscal 1975 and thereafter. The comparable standard for a couple would be $195 in fiscal 1973, and $200 thereafter.

The States could, if they chose, supplement these basic Federal benefits with their own dollars, and contract with the Federal Government to administer these supplemental payments. The Federal Government would bear all of the administrative costs of the program in any case where they administer the State supplementals.

FISCAL RELIEF—STATE SAVINGS AND THE HOLD HARMLESS RULE

For most States, the new Federal floor—financed wholly from Federal funds—provided under the adult and family areas will result in State savings, even though the State supplements these benefits up to their existing benefit standards. This is due to savings in administrative costs and because the proportion of the total benefits that will be paid by the Federal Government under the bill is a greater part of the total benefits that will be paid than the Federal share of benefits paid under current law.

However, some States, if they supplement Federal payment up to their existing benefit standards—adjusted to reflect the food stamp cashout—would lose money under the new plan, either in their adult category, and family category, or both. The committee bill therefore provides that the Federal Government will insure that States supplementing the Federal benefit up to their benefit standard on January 1 of this year—adjusted for the food stamp bonus—will not incur costs under the new program in excess of those costs they incurred in calendar year 1971 for their existing categorical welfare programs. They would, under the bill, be "held harmless" against any growth in payments due to increased numbers coming on the rolls, but not due to any increase they make in their welfare standards.

CONCLUSION

Mr. Chairman, this is a comprehensive and involved bill. I have already consumed more time than I had intended, but I think the issues are extremely important. The real controversy is created by our proposed reform of the existing mess represented by our AFDC program. These reforms are contained in title IV of the bill, and I have tried to clearly indicate how much more preferable the new plan—based on improved administration, centralized responsibility, and programs for developing self-sufficiency—is to the present program.

Let me make it clear that there are no meaningful alternatives to the committee's proposals.

The gentleman from Oregon, whom we all respect and to whom we must give great credit for the time and attention he has given to this program, has recognized some of the fundamental problems that exist. The only trouble is he does not propose a meaningful solution to the problems, since 54 different AFDC plans would continue to exist under his bill.

He does not face up to the problems of the working poor, which result in part from the number of individuals in the household. A single individual with a given level of income may have no problem in making ends meet. But you add onto that single individual the responsibility for caring for four or five additional people, and he does have a real problem. It is impossible in some cases to make ends meet.

This is one of the purposes of welfare. That is why under the present program we do not provide assistance for adults other than the aged, the blind, and the disabled. However, as to any other adults we do not have any Federal assistance program for them. The AFDC program was created and maintained for the welfare of children. This is the program we are having so much trouble with at the present time. The problem from family to family differs, using the same level of income, depending on the size of the family. Yet Mr. ULLMAN's bill makes no differential in the assistance provided unemployable people based on varying family sizes.

I also cannot understand the gentleman from Oregon suggesting that we are setting up a numbers game under the new programs. You have a numbers game today—clearly directed to encouraging family desertions and family breakups. Why? Because by not covering the working poor, we provide an incentive under the existing program for family breakup and idleness.

The gentleman's charts show this. They point out that under today's program, we have a situation where an individual's earnings are less than his family would receive if they were on welfare.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. ULLMAN. The gentleman said, and it was stated here before that the welfare system was encouraged or even mandated more breakups. I think the gentleman will recall that we had a study presented to the committee on this matter which showed that the State of New York that does have an unemployed father program, and in other words where it does not make any difference whether the father is in the home or not in the home, so far as welfare payments are concerned—that the family breakups were greater in New York than it was in other States where they did not have unemployed father programs. Is that not true?

I just do not think you can blame the family breakups on the welfare system because the statistics and the facts just do not back that up. It is a fact of life.

Mr. BYRNES of Wisconsin. I do not believe the New York experience justifies this condition. Additionally I do not know how you can compare New York, frankly, with any other State. I have great difficulty when you look at New

York and try to compare it with the situation in any other State.

Mr. ULLMAN. It is true in almost every State in the Union where they have an unemployed father program.

Mr. BYRNES of Wisconsin. But New York does not have a working poor program comparable to the working poor program—with strong work incentives—established by this bill. They do not have a program insuring an individual working 40 hours a week that his family will be economically better off if he remains with his family and continues to work full time.

Instead they provide a bonus for family disintegration by warning the family they will be economically better off if the father leaves home. The gentleman knows that very little effort is currently being made to trace deserting fathers and charge them with the financial responsibility for supporting their families.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. CAREY of New York. The gentleman has referred to the program in New York. The one thing that we have to keep some kind of control on welfare in New York City, to keep the caseload down, is the working poor program. We actually have 25,000 people going off welfare every month in New York, and you do not hear about that. Where do they go? They go under the working poor program. The work incentive is there.

Mr. BYRNES of Wisconsin. I am not familiar with the situation in every State, but for the most part an individual who is working does not become eligible for supplemental assistance in New York until they have first become eligible for welfare; is that not correct?

Mr. CAREY of New York. That is correct.

Mr. BYRNES of Wisconsin. Once you go on welfare, then you can start drawing checks. Then you can go to work and have a supplemental welfare check. If you never went on welfare, you cannot get any supplementation, except under a very limited and restricted program for the working poor that New York has financed with its own funds.

Mr. CAREY of New York. That is correct. That is a defect in the program.

Mr. BYRNES of Wisconsin. That is one of the defects in the present program, even in States that do cover unemployed parents. You force the individual to go on the welfare roll before he is eligible for assistance. Then if the individual moves into work, they end up better off than if they had not gone on welfare. Everything is stacked toward the idea of trying to encourage people to go onto welfare.

We have got to realize that this element must be eliminated from the system. That is why we establish a program for the working poor that so many of my colleagues have such great difficulty in accepting and understanding. We prepare a system that gives these individuals every encouragement to stay at work and help themselves instead of the present incentive to go on welfare.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. CAREY of New York. I just wish to point out that that has been in effect in the past. You had to go to the Welfare Department to go on the relief roll and then get the supplementation. In a sense, you were going to welfare training to get work. In this bill we do not do that. A person is qualified as employable because the Labor Department so considers him. He is kept working and off the welfare roll. We will save $2,400 by paying $700. Is that how it works?

Mr. BYRNES of Wisconsin. That is exactly the point I am trying to make. I thank the gentleman. That is exactly the difference between the two programs. That is why the present program does not work and why we have a mess. It is why the program we are proposing has real advantages and, as far as I am concerned, is the only program that will succeed. If you strike title IV because it approaches this problem on this basis, all you are going to end up with is the present unfairness, the present encouragement to desertion, the present incentive for people to go onto welfare.

In view of these economic incentives for family disintegration, is it any wonder that female-headed families are increasing three times faster than the population generally?

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. I submit, with all the greatest respect, which I have certainly both for the gentleman in the well and for the distinguished chairman of the Committee on Ways and Means, that is grossly unfair to pitch this debate on the basis of your bill versus the present system, and to at the same time present us with a rule which gives no other alternative. If we had a respectable rule in here we could talk about the present system, and your bill, and Mr. ULLMAN's bill, for instance; or I might get up here to offer an amendment which would accept your bill for a limited period of time and space, in order to see how it would work out. Nobody really knows how it is going to work out, and whether we will get all these extra people off the welfare rolls or not. We have to buy that on faith.

We could have had a rule which would give some alternatives, instead of saying "Take the present system or leave it," or instead of saying, "You have to take our system because it is better to take the present system."

I submit it is an unfair approach.

Mr. BYRNES of Wisconsin. We have examined the alternatives. I have discussed some of the defects of the alternatives presented by the gentleman from Oregon (Mr. ULLMAN). He has done a lot of work, but I believe there are some basic defects in his proposal.

I am suggesting that one of the basic defects is he is unwilling to recognize the problem of the working poor. That is also a problem of other proposals that have been made.

The committee perhaps would look differently on this subject if it were not for the fact that we have been working on this crisis, on this mess, for almost 2 years. In fact, it goes back before that, because we were aware of the outlines of the problem in 1967 when we thought we made corrections to move us in the right direction. The very fact that we left the administration with the work-training provisions, along with the entire program up to the States, that we did not have a national minimum standard, that we did not make structural changes, resulted in our proposals failing.

Not only have we been concerned about those problems for over 2 years, but let me also say to the gentleman that the committee spent practically a full year intensively trying to find avenues to correct this problem.

We held hearings in the fall of 1969. We worked on the problem for the first 2 months of last year, reporting a bill to the House on March 11. That legislation passed the House, but as the gentleman knows, was not passed by the other body. We worked another 5 months this year. We were on this bill continuously from the end of January until the end of May on this legislation.

Let me emphasize to the gentleman—and I am sure the chairman will bear me out—we were receptive to any kind of an alternative. We were looking for and seeking alternatives. All we can say is that the alternatives we did look at were found wanting, so far as satisfying the fundamental things we thought had to be done.

The No. 1 change we must make is to encourage work, and to remove the disincentives to work. We must accomplish this objective if we are going to find a solution to our present problems. As I pointed out, the gentleman from Oregon (Mr. ULLMAN) does not, in my judgment, face up to that particular problem.

Now, the gentleman says that he would be willing to experiment and try this out. Let me suggest to you that that is exactly the attitude this committee is taking. The present law is permanent law. It has no expiration date. It is open ended. All of the legislation has no expiration date.

We replaced aid for dependent children with this new program. But what do we do? We say it shall expire after 5 years. Why? Not because we think the system is not going to work, because we think it will work. I think it will. I think it is our only solution to this crisis. But the expiration date says to the Congress and the country, "Keep looking—keep examining this program and see if there are deficiencies; see if there are some better alternatives, because the entire program will be reviewed from stem to stern 5 years from now. It expires in 5 years and we will either have to extend it then and make whatever corrections are necessary or replace it."

So we really do, quite frankly, try to address ourselves to this limitation of time that the gentleman suggests.

Mr. DENNIS. Why not try a limitation of space, too? Try it out in a limited space.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I do not know how you

could have a program like this and discriminate by putting it into effect in one State while saying to the other 49 States that they cannot have it. I do not know how you can do it, frankly, and I do not think that that is the way to do it. I think what we start out with here—and let me say this in all honesty to the gentleman—is an attempt to restructure the program on the basis of a new philosophy.

The basis of this philosophy is that no one will be better off on welfare than he is working. That is the reverse of the existing programs that make a family better off on welfare than they would be working, while predicating eligibility on desertion and idleness. This is the heart of the problem. Those are the ingredients of the present system that make it fall on its face. This is what makes everybody—welfare recipients, taxpayers, and everyone connected with the present program—so unhappy with the existing mess.

Mr. MYERS. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of Wisconsin. Let me yield to the gentleman.

Mr. MYERS. I thank the gentleman for yielding.

Will not the provision for supplementary income actually encourage employers to pay only the minimum wage and advise their employees to go to welfare to get the rest of their wages?

Mr. BYRNES of Wisconsin. No. As far as I can see, this would not influence an employer's judgment. We are recognizing that we have a social problem in these cases as a result of what the low level of the family income when compared to the size of the family. This is the very fact that the gentleman from Oregon does not recognize. This is not a factor that any employer is in an appropriate position to base a wage scale on. He cannot pay a person with a family of five at a different rate than he pays a worker with only two children, if they are performing essentially similar tasks. I therefore, do not think this will have an impact on the wage market.

Mr. MILLS of Arkansas. Will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the chairman of the committee.

Mr. MILLS of Arkansas. Let me remind the gentleman from Wisconsin that there is a provision within the bill that requires this individual, if he is assigned to a job, to receive the prevailing wage for that work, the minimum wage if it is covered employment under the minimum wage law and, if it is not covered employment, not less than the $1.20 an hour.

There is no way in the world that an employer could put one of these persons doing job A side by side with another person doing job A and make a distinction in the pay of the two individuals.

Mr. BYRNES of Wisconsin. The gentleman from Arkansas is absolutely right. I thought the gentleman was addressing himself to wage levels themselves and expressing concern that employers might refuse to pay wages at a certain level because they would have this group of employees who would have their income supplemented. As regards a specific job an individual would be required to take, the bill does require that the job pay the prevailing wage or the minimum wage if applicable or an individual could refuse to accept it without incurring a penalty.

Mr. MYERS. Mr. Chairman, if the gentleman will yield further, there is no termination provided in the committee bill for this type of payment. It could go on forever, once you start supplementing income. It could last for at least 5 years; could it not? There is no provision to really get this employee or worker into a better job?

Mr. BYRNES of Wisconsin. Oh, yes; the incentive is to keep moving up the income scale, to maintain efforts to improve earnings.

Mr. MYERS. Mr. Chairman, if the gentleman will yield further, if he has that kind of motivation, he could probably not be in this position. But my point is that there is nothing in this bill that encourages this individual to do better.

Mr. BYRNES of Wisconsin. It says that every dollar an individual earns will make him better off economically.

Mr. MYERS. If he had that type of motivation he would not be on welfare anyway.

Mr. BYRNES of Wisconsin. They are on welfare because that is where the present system encourages them to be. Unless you change it, it will continue that way.

Mr. MYERS. There is nothing I see in the bill that would bridge the gulf of the present system.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the chairman of the committee.

Mr. MILLS of Arkansas. In the case of the working person not one member of that category will receive one penny under this bill even if he works 40 hours a week without accepting additional training that is offered to him to upgrade his skills. That is the inducement.

As the gentleman from Wisconsin (Mr. BYRNES) pointed out the other inducement contained in the bill is that he is always better off as a result of the money which he makes.

Mr. BYRNES of Wisconsin. I think this is the most effective incentive. Our entire economic system is predicated on the concept that an individual is to be better off working. That is the philosophy which we have built into this bill, but which is lacking in the present system.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding.

I have some concern on this one point: Under H.R. 1 a man who is classified as a worker would receive a subsidy while he is working. Now, if he did get an increase in salary then, of course, he would lose a certain amount of his subsidy that would be coming from the Government.

Mr. BYRNES of Wisconsin. Not all of it though. He is still going to be better off working.

Mr. MIZELL. Mr. Chairman, if the gentleman will yield further, this is the point I would like to make: Would it not be easier for him to turn to the Congress and say, "Increase the subsidy I am receiving," in order that he would not lose any of his benefits, rather than increasing his productivity and increasing his salary?

Mr. BYRNES of Wisconsin. If he is successful in making additional money he is going to be economically better off, his total income will increase.

No matter what the level of Federal assistance he is receiving, no matter what level of income he receives, if he adds to his income through a better job, he is going to end up with more dollars in his pocket with which to feed and clothe his family.

Mr. MIZELL. Mr. Chairman, if the gentleman will yield further, I think the history of the subsidy programs coming from the Government is that once the people receive that subsidy then, of course, they do not look for alternatives to increase their income but, rather, go back to the source of the subsidy.

Mr. BYRNES of Wisconsin. Mr. Chairman, I would suggest that the gentleman look at the level of the assistance provided in this bill. In the case of a family of four, the cutoff or break-even point is $4,140. There is certainly an incentive for an individual with income below this level to increase his families income, to provide more money for essential living expenses, by increasing his earnings. I do not think that this level of income will make anyone feel complacent. They have a desire for a better life that increased income can bring. Additionally, we have the strong work requirements that make the new program a two-edged sword for moving from welfare to work.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. DELLUMS. The gentleman has argued eloquently in support of section IV of H.R. 1 on the ground that it produces an incentive for the working poor. But is it not true, for example, that 40 percent of the labor force in America who are blue-collar employees earn between $5,000 and $10,000 a year and that these are the people who, in fact, are the working poor to say nothing of the persons earning less than $5,000 a year?

Now to state a specific example, in San Francisco, Calif., given the present inflation and the present cost of living for a family of four that if they are not able to earn a gross income of at least $9,600 a year, their purchasing power is in effect, and that is right now in 1971, at or below the poverty level?

I do not see where this bill, H.R. 1, effectively addresses itself to that question at all. At one level you do provide an incentive for people to get off welfare, but you do not provide an incentive to get them out of poverty and these people are going to continue to live in poverty.

Mr. BYRNES of Wisconsin. We do provide an incentive for people working at wages substantially above the basic benefit level provided in the bill. We do this by permitting an individual to retain—through a one-third earnings disregard in addition to completely disregarding the first $720 per year or $60 per month—a portion of his earnings without commensurate decreases in assistance payments.

That is the case I mentioned. An individual with a wife and two children would continue to receive assistance above the basic $2,400 benefit level until his earnings reached the "break-even point" of $4,140 per year. We provide a substantial monetary incentive for him to continue working.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. DELLUMS. The point I am making is that the present formula does not address itself to the tremendous number of people who, in fact, are the working poor and that while the rhetoric of this bill says that we will get the people off welfare, in fact, they will still stay in poverty.

Mr. BYRNES of Wisconsin. I think I understand the gentleman's point. It is that we should have a much higher benefit level. I think the fundamental question we must ask is: What is reasonable in determining what society can be expected to do in assisting working poor families and families now on welfare? I think our chairman pointed out that a budget of $6,500 for a family of four—which some people have recommended—would cost $70 billion a year. Individuals with incomes of over $10,000 per year would be receiving assistance. This is completely unrealistic. I would think people would recognize that fact and the fact that this bill does make progress toward recognizing the problem of working poor individuals and their families. Some people want to go higher then we have. I can understand that, but, frankly, I think it is impractical. I do not think it would be sound and I do not think it would be wise.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MICHEL. Contrary to the position of many who are not in this Chamber who may have their minds made up, I have come to this Chamber with an open mind. My mind is not made up. But the debate thus far has been very illuminating as between the chairman and the gentleman from Oregon (Mr. ULLMAN) and by yourself.

My concern as a member of the Committee on Appropriations and particularly of the subcommittee that has to fund these activities is a concern about the cost.

A few weeks ago we were in here with a supplemental bill for $47 million to add to the $7 billion that we already have in this current fiscal year, making a total of $9 billion to go with the $7 billion to the States for this program.

We have just heard testimony that for 1972 they say the $9 billion request will be $11.2 billion or something above that. That in itself suggests to me that if we do not do something, the cost continues to rise.

Tomorrow we will have an agricultural appropriation bill here for $2 billion for food stamps, an increase over last year of $1 billion or more. How much more is that going to go?

Question No. 1: There was some suggestion that, by the enactment of this kind of program, we do away with food stamps. If that is true, that is $2 billion we may use in whatever other fashion, and if we do something to ameliorate the problem here, the $2 billion increase this year over last, and the coming year over the next; that is, about $4 billion. Are we in the ball park here so that we can enact this program, do away with food stamps, and admittedly take on some new people who are not now qualified, and still remain in the realm of managing the economy of this country?

I remember the early days of medicare and medicaid. Estimates of costs were made, and it was said that the cost would be doubled. Those statements have been borne out. This is the concern of Members. What will this program ultimately cost?

Mr. BYRNES of Wisconsin. I think the gentleman has raised an extremely good point and a most legitimate one. The gentleman, by the very figures he cites, shows the crisis we are in as far as the present program and its escalation are concerned. And it is not merely a dollar escalation. It is the escalation in the number of people who have become dependent on welfare—on a maintenance check—but in the breakup of families, and the number of children that society has to aid—we see no end to it.

I also should point out that today we have an open end program. The States set the benefit levels, eligibility standards, and administer the program. They call the tune and we pay the fiddler. This bill will impose some uniformity in eligibility and benefit criteria, and in administration. It is not open ended. It provides us with some control over costs and the approach that will be taken.

Mr. MICHEL. I agree.

Mr. BYRNES of Wisconsin. Under the proposed program we can have some reasonable assurance of where we are going and what the cost will be. I do not suggest it will be low. It will cost more in the early stages. But as we get more people working and at contributing to their own support, even though we may still have to provide a supplement, we will see some improvement. This is better than supporting them 100 percent through a maintenance check. I think it will be less costly in the long run. I think this program will be productive for the economy and for benefit of both the welfare recipients and the taxpayers.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the distinguished chairman.

Mr. MILLS of Arkansas. I think the gentleman from Illinois will be interested in knowing that in our own committee we were told by people representing the Government, those who make cost estimates, that the new program will cost less than a continuation of the existing welfare program—not 10 years from now, but within the 5-year period of this bill.

Mr. MICHEL. I think that is an important point to make, because there are those who say that the program will result in a substantial increase. I think that is probably true because it takes a little checkout period. It may be deserving of increased cost at the moment for what we benefit 5 years from now. I am not sure, but I posed the question to get an answer to it.

Mr. BYRNES of Wisconsin. I do not think it can do anything but help. I am convinced, the chairman is convinced, and the members of our committee are convinced that if we permit the present system to continue, the sky is the limit, and there is no knowing where we are going. The proposed legislation is bound to put some control on the situation. We will be moving people in the direction of self-support and away from dependency on government. It cannot help but save the American taxpayer and benefit all of our people, most of all those who are condemned to a life of hopeless depending by the present program.

Mr. Chairman, let me conclude by saying that we simply must make an effort to frankly deal with the problems that we have identified. We do not have a crystal ball, and I am sure that the committee's bill is not perfect. It is a constructive top-to-bottom change in the philosophy, financing, structure, and administration of the existing program. We will be watching it closely to ensure that it works. Let us give it a chance. It is infinitely perferable to the existing program.

Mr. MILLS of Arkansas. Mr. Chairman, I yield as much time as he may require to the distinguished Speaker of the House.

The CHAIRMAN. The distinguished Speaker is recognized for whatever time he may consume.

Mr. ALBERT. Mr. Chairman, first of all may I say so far as I am concerned this bill, in the form in which it has been reported, has my wholehearted support. I believe, whether or not we agree with every detail of the legislation before us, that this will probably be one of the most important, if not the most important, matters that will be considered by this Congress.

It was for that reason that I assigned H.R. 1 to this legislation when the distinguished gentleman from Arkansas introduced his original bill.

Today the House, it seems to me, has an historic opportunity to do something that badly needs to be done. The Social Security and Family Assistance Act Amendments of 1971 are not a cure-all, but they are a giant step. Everyone agrees that our public assistance system is in need of massive overhauling. It discourages the employable poor from attempting to better themselves through built-in financial disincentives. It breaks up families by its man-in-the-house rules. It encourages migration to our congested areas where welfare payments are higher than in the average across the Nation.

Obviously, therefore, the time to redirect the program and its mechanics has come. We ought to support the Committee on Ways and Means, in my opinion.

I hope my colleagues will do so in overwhelming numbers.

This bill is the culmination of many months of hard work by the distinguished Committee on Ways and Means under the leadership of two of the giant legislators of our country, the gentleman from Arkansas (Mr. MILLS) and the gentleman from Wisconsin (Mr. BYRNES).

The bill has the full support of the administration. I have a letter here dated June 21 from the President, which he has authorized me to read to the House. I believe I should share the President's views with Members.

The letter reads as follows:

THE WHITE HOUSE,
Washington, June 21, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On Tuesday, you and your colleagues are scheduled to consider and vote upon H.R. 1, the most important social legislation in thirty-five years. Title IV contains the basic principles of welfare reform I proposed in August, 1969, and also includes provisions effectively meeting the suggestions and criticisms that have emerged during intensive Congressional consideration since then.

If the House of Representatives supports H.R. 1 as reported by the Committee on Ways and Means, the Nation will make dramatic progress toward helping poor families obtain dignity and opportunity through work, training, services, and income support. However, if the House of Representatives rejects Title IV of H.R. 1 or defeats the bill, we will be committed to the perpetuation of a system which is an obsolete and demoralizing failure.

The uncontrollable costs and caseloads of the present system will continue to bankrupt our States. The irrational incentives of that system will continue to destroy the American work ethic and encourage the break-up of families.

There is no political partisanship at issue on these votes. The 22–3 vote of the House Committee on Ways and Means, under the leadership of Chairman Wilbur D. Mills and the ranking Republican, John Byrnes, is clear evidence of that.

I wholeheartedly urge you and your colleagues to act for all Americans and to support H.R. 1 as reported by the Committee. By so doing, you will again demonstrate that representative government can reform our basic social and political institutions to meet the challenges of our constantly changing society.

Sincerely,

RICHARD NIXON.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Michigan, the minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, a little over a year ago, the Members of this body were called upon to make a decision—either to continue the system of public welfare then, and now, in effect, or to replace it with another system, one based on entirely different concepts—a system that sought to move recipients from a condition of dependence to a state of independence.

That we chose the latter course—selection of a system designed to deal with the illness of the public welfare system rather than with its symptoms—was a source of gratification to many of us, Members of Congress and the public at large.

It is unfortunate that the bill on which we acted last year did not become law; and now we are obliged to address ourselves to the same question: Do we continue with the public welfare system now in effect or do we replace it with one that seeks to correct its basic structural defects?

The answer we gave last year is even more urgent now, for our position today in regard to welfare is more precarious than ever.

I strongly commend to your attention an innocuous-appearing booklet entitled "Public Assistance Statistics, March 1971," published by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. If I had the authority, I would make this pamphlet required reading for every Member of Congress and every taxpayer.

Table 7 of this publication gives a State-by-State breakdown of the trend of the program of aid to families with dependent children—AFDC. For my own State of Michigan, it shows that from March 1970 to March 1971 the number of recipients on AFDC increased 48.9 percent, while costs increased 77.8 percent.

If you think Michigan is unique in its dilemma, simply cast an eye down the columns which indicate the percentage change in number of recipients and amount of payments. This will confirm for you something I think we all already know—there are no minus signs; only pluses.

But this is one situation where there is nothing positive about pluses. And there is nothing in the consistency with which they appear—or, for that matter, in the entire history of the public welfare system—which provides any solace for the most hopeful among us.

The reason for this has become glaringly, painfully evident. The system itself is inherently defective and is not subject to tangible repair. It cannot be revived or resuscitated. It must be replaced.

Mr. Speaker, the only practical way we have to replace the present welfare system is to cast our votes today for H.R. 1 with its welfare reform title intact. There are no realistic alternatives that can or will be enacted by this Congress, and the only other course before us is to do nothing about the present welfare mess, which will be very hard for any of us to justify.

President Nixon calls this bill "the most important social legislation in 35 years." I have here a letter which the President wrote me yesterday, which I would like to read in full at this point:

THE WHITE HOUSE,
Washington, D.C., June 21, 1971.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: On Tuesday, you and your colleagues are scheduled to consider and vote upon H.R. 1, the most important social legislation in thirty-five years. Title IV contains the basic principles of welfare reform I proposed in August, 1969, and also includes provisions effectively meeting the suggestions and criticisms that have emerged during intensive Congressional consideration since then.

If the House of Representatives supports H.R. 1 as reported by the Committee on Ways and Means, the Nation will make dramatic progress toward helping poor families obtain dignity and opportunity through work, training, services, and income support. However, if the House of Representatives rejects Title IV of H.R. 1 or defeats the bill, we will be committed to the perpetuation of a system which is an obsolete and demoralizing failure.

The uncontrollable costs and caseloads of the present system will continue to bankrupt our States. The irrational incentives of that system will continue to destroy the American work ethic and encourage the break-up of families.

There is no political partisanship at issue on these votes. The 22–3 vote of the House Committee on Ways and Means, under the leadership of Chairman Wilbur D. Mills and the ranking Republican, John Byrnes, is clear evidence of that.

I wholeheartedly urge you and your colleagues to act for all Americans and to support H.R. 1 as reported by the Committee. By so doing, you will again demonstrate that representative government can reform our basic social and political institutions to meet the challenges of our constantly changing society.

Sincerely,

RICHARD NIXON.

What should a viable public welfare program provide? What common denominator would make for a system fair to taxpayer and recipient alike?

A public welfare system, worthy of its name, should provide help to those in need to the extent they are prepared to help themselves. For those who are employable, this assumes a willingness to accept whatever employment is available, subject to protections—carefully spelled out in legislation—which, for example, define acceptable conditions of work. For those who are capable of working but labor under the misguided impression that the Biblical injunction that man shall work by the sweat of his brow does not apply to them, specified penalties should be invoked.

H.R. 1 provides for just such a welfare system. In addition, this measure's work requirement is bolstered by a provision for public service training employment—200,000 jobs during the program's first full year of operation—in such fields as health, education, environmental protection, and recreation.

The reverse side of the coin—H.R. 1's work incentives—would permit a family to retain the first $720 of annual earnings plus one-third of the remainder. A family would also be able to exclude from income, within specified limitations, the cost of child care.

Recipients engaged in manpower training would receive an incentive allowance of $30 per month in addition to reimbursement for other necessary expenses such as transportation.

These provisions are equitable and just. And they are easily understood. They require recipients who are able to work, to do so, while offering incentives that would make it profitable for them to do so. The aim of this legislation is to interrupt the cycle of poverty so that dependent children may grow up to be independent adults.

The bill we are now considering calls for a drastic realinement of Federal-

State relationships; a realinement designed to end the untenable situation which sees 54 different welfare systems in operation, each with its own eligibility standards, benefit levels, and administrative procedures.

H.R. 1 provides for a basic Federal payment together with a guarantee that States which choose to supplement this payment will not have to exceed their expenditures for calendar year 1971. The 54 systems thus would be replaced by one, with national eligibility standards, a basic Federal payment, and Federal administration—a tangible illustration of the new federalism which holds that each level of government should discharge those functions it does best.

In our consideration of this measure, let there be no mistake on one point: The choice facing us is not H.R. 1 or a substitute reform bill. Nor does the choice really lie between H.R. 1 or nothing. The choice we must make is between H.R. 1 and the present welfare system—a system under which AFDC payments rose 36 percent during calendar year 1970 while the number of recipients rose 32 percent; a system which has imposed intolerable financial burdens on State and local governments; a system about which there is virtually unanimous agreement that it will become progressively worse with no possibility of its getting any better.

It is a system that continues to see State and local governments drift toward disaster at accelerated rates of speed.

You all know that this evaluation of our present welfare system is not rhetoric. There is ample evidence to document the sorry state of affairs in which the effectiveness of a welfare system appears to diminish in direct proportion to the funds expended.

Now, however, we have the opportunity to do more than merely decry an outmoded system over which we have lost control. We can replace it.

The Committee on Ways and Means, in close and fruitful collaboration with members and staff of the administration, addressed itself to the myriad problems with which our present welfare system is plagued—and I emphasize problems, not merely symptoms.

The result is a substantial piece of legislation that deals with every essential issue which bitter experience has demonstrated is important—work requirements and work incentives, training, child care, public service employment, national standards, uniform procedures, program integrity, fiscal protection for the States. It is a measure that each of us should feel free to support, openly and eagerly.

H.R. 1 recognizes the responsibility of government to care for its needy citizens while helping them move toward independence. But it also adopts the philosophy that, to remain eligible, recipients have the responsibility to participate in this process. This dual responsibility is in keeping with the finest traditions of this Nation.

Some people and certain groups seem to insist upon referring to the family assistance plan as a guaranteed annual income. Since this is a very serious misinterpretation of the goals and mechanics of welfare reform let me take this opportunity to review the differences between FAP and a guaranteed annual income.

The family assistance plan is aimed at two large family groups: those who are presently eligible for welfare assistance; and those working poor, whose wages are too low for their families to escape poverty, yet who receive no assistance now. For neither group is the family assistance plan a guaranteed income. But for both groups it is a guaranteed opportunity for large numbers of adults and children to move upward from poverty, into the mainstream of American working life.

Under the present welfare system each State has established need levels for various family sizes and simply makes a cash payment for some portion of that to each family. Because benefit levels and eligibility standards vary widely from State to State, the present system fails to meet the needs of many of the aged, blind, disabled, and mothers with children. The present system provides payments primarily for the unemployed, and has failed to elevate recipients who are potentially independent.

What incentive does a man have to go to work under the present system? Under present law, many of these unemployed parents on welfare are referred for suitable training and employment. But very often, if a man complies with the law and accepts the offered job, his family will be worse off economically than before. His welfare payments stop as soon as he begins working full time even though his wages may produce less total income than before. And in some States, a family of four receives more by being on welfare than it would even if the parent were earning the minimum wage.

Thus, the present system offers a man in such a situation three unhealthy choices; remain unemployed and evade the law; penalize his family financially by complying; or leave his family—or never marry—so they can qualify for permanent welfare.

On the other hand, the family assistance plan substitutes a coherent system for these tragic inequities. It is assistance for families which sets uniform minimum standards for eligibility and benefits. It is a plan which offers work registration, job training, day care for mothers, and vocational rehabilitation. It is a plan for guaranteed opportunity, but with built-in penalties for refusal to accept training or employment. A family head must register to receive benefits; and if he refuses a suitable job or training, his benefits will be cancelled.

This concept actually is less a guaranteed income than the present system because it conditions assistance on individual efforts to work and take training.

The second largest group which the family assistance plan seeks to help are the working poor families. A guaranteed annual income for a working man usually means a universally available fixed payment, regardless of work or need. But for this group also, the family assistance plan differs from a guaranteed income in three important ways:

First, it is not guaranteed. If a man is employed, he must continue. If trained, he must accept an offered job. And if he becomes unemployed, he must accept training or another job. No benefits are payable to an employed individual who refuses to comply.

Second, it is not universal. Its purpose is to break the poverty cycle by changing the parental example from welfare to work. Only families with children can qualify; and only those with less than $1,500 in assets.

Third, it is not a fixed payment. It is a supplement intended only to relieve poverty, so payment varies with the needs of the particular family, up to clear income limits.

It is true that the total number of people eligible for income supplementation will increase under the family assistance plan. But why should work make a family ineligible for assistance in meeting its needs if wages are inadequate to fill them, if indeed they are less than his neighbor's welfare checks? In Michigan for example, a man's wages must be $1.94 per hour before his income for a family of four to exceed corresponding welfare payments. In Massachusetts his income must be $2.16 per hour, in Illinois $1.85, in Wisconsin $1.50, and in New York $2.23. There are 1.6 million intact families headed by males in this situation.

The children of a working poor family can be just as needy as the children in a welfare poor family. Both are vitally important to our Nation's future. Medical studies have shown that malnutrition and lack of medical attention from conception to 6 years of age can reduce a normally born child to the same mental condition as one born with a retarded brain. Should the children of a working man have to run greater risks than the children of an unemployed or absent father?

In the longer run there will be fewer on welfare than if the present system were to continue, because work training will put people back to work. The old system has incentives to go on welfare and stay there: it carries within it the seeds of its own inexorable growth.

One analyst has shown that if the same proportion of those eligible for FAP as are now eligible for AFDC participate, and if job training programs, for those eligible, are only 10 percent successful in the first year and 50 percent successful by 1976, there would then be 700,000 fewer people receiving assistance under the Family Assistance Plan in 1976 than are projected to receive welfare in 1976 under present law.

To stop the gradual erosion of a hillside, a farmer will often cut a lot of soil off at once to change the shape of a hill, improve its drainage, and thereby stop the erosion. The present welfare system encourages the erosion of the basic unit of our civilization—the family. If we fail to take this big cut at reforming the welfare system now by replacing it with the family assistance plan, we will have missed the most significant opportunity to strengthen the structure and values of our free society in many years.

It used to be said of Americans that "The difficult we do immediately; the impossible takes a little longer." We appear to have added to this an additional phrase: "The possible we discuss interminably."

I believe that reasonable people will

agree that we have not lacked for discussion on the issue of the kind of welfare system that will best meet the needs of the 1970's. Welfare reform—meaningful reform—is within our grasp.

H.R. 1, combining, as it does, a philosophy we cherish, with concrete provisions for translating that philosophy into action, deserves our support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman also address to the audience the question of whether they were for a guaranteed annual income?

Mr. GERALD R. FORD. Let me put it in this context: The distinguished gentleman from Wisconsin said in our Republican conference on this issue:

> You now have a guaranteed annual income for idleness. If you pass H.R. 1, you have a guaranteed annual income for work.

I think the latter is preferable.

Mr. Chairman, I reemphasize and reiterate my strong support for H.R. 1, and I hope that when it comes down to a vote on the issue of whether you are going to strike title IV or not we will have an outstanding vote to retain title IV in the bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Ohio (Mr. Betts), a very valuable member of the Committee on Ways and Means.

Mr. BETTS. Mr. Chairman, it would be foolhardy for me to think that I could contribute a great deal to anything that has been offered today. Anyone who has heard the distinguished chairman of our committee, the distinguished ranking minority member, the distinguished Speaker, the distinguished minority leader will not gain very much from what I am going to say. It would be repetitious.

However, Mr. Chairman, there are a few comments I would like to make and to call to the attention of the Members which reflects my own thinking and my own philosophy with reference to this bill in addition to the statements which have been made by the previous speakers.

Mr. Chairman, in the first place, in the complicated society in which we live today it is just about impossible to make a program such as this simple. It is, of necessity, going to have to be complicated, with a lot of facets. Some provisions of the bill are not going to be pleasing to everyone.

Mr. Chairman, if I were to write title IV of this bill, it would not be the same as it is in H.R. 1.

At the same time, in our legislative process sometimes we have to accept those things that we might not wholeheartedly go along with in order to gain those things we want. I think title IV represents the best possible overall program, a program which is the result of the work of the 25 members of the Committee on Ways and Means who have for a long period of time studied this problem.

Now, someone said that if we voted to eliminate title IV that the bill would go back to the Committee on Ways and Means and there would have to be something else offered. I do not think that is true. I say this with the greatest respect for my friend, the gentleman from Oregon (Mr. Ullman). I say further that when we voted on his proposal it was voted down and in its place this proposal was accepted.

Mr. Chairman, I am very sure that if we went back to the committee the proposal of the gentleman from Oregon (Mr. Ullman) would simply not be accepted.

Mr. Chairman, I want to talk a little about some of the objections I have heard to the bill. Let me say first that I have heard a lot of objections but I want to say emphatically, and I think this is the truth, we have heard many objections, but we have heard very, very few alternative constructive suggestions. As a matter of fact, the proposal which was offered by the gentleman from Oregon (Mr. Ullman) is the only constructive proposal that has been suggested in our committee in all of the weeks and months that we have been considering this bill, including last year.

This bill was introduced 5 months ago today, on January 22, 1971. During all of that time, except for the proposal which was offered by the gentleman from Oregon (Mr. Ullman), no alternative proposal was ever even offered until last week, on June 15, the day before the Ways and Means Committee went before the Rules Committee. I am sure under those circumstances no one would take seriously any proposal offered under those circumstances.

I suggest and repeat, Mr. Chairman, what the gentleman from Wisconsin (Mr. Byrnes) said, that after all the months of study and hearings during which we have considered this bill, not one single alternative proposal was offered. This bill represents the thinking of the 23 of the 25 members of the Committee on Ways and Means.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman has said that if title IV were stricken out this afternoon and the measure went back to the Committee on Ways and Means, the committee would again reject the proposal which was offered by the gentleman from Oregon (Mr. Ullman).

Assuming that that is correct, does the gentleman not think that if title IV were stricken and the matter went back to the gentleman's committee, that we might well come out with a rule which permitted the other Members of the House to pass upon the proposal of the gentleman from Oregon?

Mr. BETTS. I do not think so, because this reflects the thinking of the Committee on Ways and Means, which has had many more weeks and months to consider this bill than any Member of the House has. That is the frank statement.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, a few moments ago the gentleman from Illinois (Mr. Michel) tried to obtain some indication of the cost of this measure. I am afraid the gentleman did not get very much information.

Can the gentleman from Ohio now tell us what this program will cost so far as the Federal Government is concerned, under H.R. 1?

Mr. BETTS. I was going to get into that, and I will be glad to do so, and I will answer the question this way:

As I understand it, this bill costs approximately $5 billion in addition to the present program in the first year.

Mr. GROSS. Five billion dollars more?

Mr. BETTS. But that is not the whole story. The whole story is, and I hope everybody reads page 159 of the report—and I am going to discuss it, the Chairman has already discussed it, as has the ranking minority Member, so I would like to discuss it also:

> From the beginning of 1960 to the end of 1969, the AFDC rolls grew by 4.4 million people, a 147 percent increase. The total costs of the program more than tripled from about $1 billion in 1960 to about $3.5 billion at the close of the decade.
>
> If the situation in welfare was alarming and in a state of crisis at the beginning of 1970, the AFDC program is now completely out of control. January 1971 expenditures for aid to families with dependent children were $482,423,000—a 40.5 percent increase over the previous January.

The point I am making is that this bill has built in it more than a possibility, definitely, that it will over the years decrease the welfare rolls. At least that is the hope, and that is more than you have under the present program. All you have under the present program is the assurance of a rampant increase in costs during the next 10 years.

What you have in this bill, even though it may be an increase now, is the assurance that over the years the welfare roll costs will decrease. That is the best I can answer the gentleman. How much it will cost the first year is diversionary.

Mr. GROSS. Now, wait a minute——

Mr. BETTS. Let me finish. The fact that it will cost $5 billion the first year, is not the complete answer; for the complete answer we have to look at it over the years.

So my answer to the gentleman from Iowa is that over the years, regardless of what the cost is in the initial years, the costs will be less than the program is now.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I think the gentleman from Iowa is indicating that we may be trying to hide the facts as far as the money is concerned.

Mr. GROSS. I want to tell the gentleman that I did not ask the question about the cost for any diversionary reason. I want to make that clear.

Mr. BYRNES of Wisconsin. I am suggesting, though, that there is no evidence of an attempt to cover up, or to hide what the proposed costs are. If the gentleman will turn to pages 207 and 208 of the committee report he will find a complete breakdown as far as additional costs under this program are concerned. If this bill passes, exclusive of the costs relating to the old age, survivors, and disability insurance system, which is funded separately through trust funds, the net increased costs to all governments—Federal, State, and local—is $3.9 billion.

If the gentleman will refer to the table on page 208 he will see exactly how this is broken down. The net additional costs to the Federal Government will be $5.5 billion. But we have got to recognize that part of that $5.5 billion is the assumption of part of the costs currently being paid by the States.

So the net governmental cost to all government is $3.9 billion—or about $4 billion.

Mr. BETTS. Mr. Chairman, I just want to repeat what I said—that I think a vote against title IV is simply a vote to continue the program which keeps tripling itself, with no assurance of ever coming down on expenses. A vote for title IV, which, while it might increase spending at the present time, holds the hope and the assurance that over the years the costs will decrease and the rolls will decrease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 additional minutes to the gentleman.

Mr. BETTS. Mr. Chairman, I mentioned the fact that my conservative friends have introduced a bill this week which I think indicates the panic that has existed among the opponents of H.R. 1 to try to find an alternative.

I will stack my voting record with any conservative in the House and I find nothing repulsive about this bill.

One of the objections is the alleged guaranteed annual income. But the present welfare program has a guaranteed annual income because every county welfare office guarantees to every welfare beneficiary in his county that if he does not get *x* amount of money, they will put him on relief. That has to be. You have to have some limit on the amount of relief that people are going to receive. H.R. 1 places a limit of $2,400 on the relief payments to a family of four. To oppose the bill because it contains a guaranteed annual income misses the point. We already have one.

I have been amazed that some Members and some of my conservative friends have objected to the bill because it contains the requirement of "suitable employment." That was taken out. It was taken out last year on a rollcall vote, on a motion made by my friend, the gentleman from Illinois, a member of the Committee on Ways and Means and it remains out. What we substitute for it simply does not come close to any definition of "suitable employment."

So it seems to me every objection that has been made to the bill has been met. In other words, it does not contain a guaranteed annual income. The cost of the bill while it may look frightening at first, in future years you can be assured that it will result in reductions in spending and reductions in the rolls. So however you look at the bill, it represents an honest attempt on the part of the committee to meet every objection.

Practically every letter that I have ever received from my district objecting to the present welfare system is based on the fact that too many people were receiving welfare rather than be required work or be placed on a training and work program. That was stated over and over again on the floor of the House today.

I do not know how we can ever write into any welfare bill a provision which would require employment and manpower training any surer than is in this bill.

I think that if there ever was a time when we have exhausted the points as to what people would want to agree to in a welfare bill, we could agree on these points.

First, the standards of eligibility should be uniform throughout the country so that a citizen eligible for benefits in one State is eligible in all.

Second, a family in which the father is employed at low wages should not be denied assistance and thereby penalized for attempting literally to work himself out of poverty.

Third, the legislation should combine strong work requirements with strong work incentives.

Fourth, it should provide training opportunities to enable beneficiaries to qualify for meaningful employment.

I think anybody would agree that those are aims we would like to have in any welfare bill.

I intend to support title IV of H.R. 1 just as I supported the same basic philosophy of the welfare bill which the House of Representatives passed last year. I urge that when the motion to strike title IV is made by my friend, the gentleman from Oregon (Mr. ULLMAN) that every Member vote against that motion.

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 1 is a lengthy and complicated bill. It contains provisions affecting most of the programs of the Social Security Act, including the social security cash benefits program, the medicare program and the medicaid program.

There is very little question that these provisions of the bill will pass the House. The question we are faced with is whether the provisions contained in title IV of the bill establishing new programs of assistance for needy families will be adopted by the House. My able chairman, the gentleman from Arkansas, has adequately and effectively described the provisions of title IV of the bill and told us of the consequences of our actions should we delete this title from the bill. I can add little to the substance of what he has told us in this regard.

Mr. Speaker, we have lived with the crisis in public welfare for so long that some of us may have become inured to it and even convinced that no matter what action we take, the problems are so overwhelming that they are incapable of being resolved. This is a position of despair. It is the position of those who would strike from the bill those provisions which are designed to tackle these difficult problems. The choice is simple: Our existing chaotic program or the proposed new family programs contained in title IV of the bill.

As the distinguished chairman of the Committee on Ways and Means has stated in 1 year alone, the number of recipients on the AFDC program increased by 32 percent, and the cost of the program increased by over 40 percent. In my own State of Illinois the situation is even worse. From March 1970 to March 1971, the number of recipients in the AFDC program rose by 44.5 percent, while expenditures to support the program rose by 58 percent.

It seems to me the choice is simple: Either we continue down the road we are now on, which can lead to nothing but disaster, and this would be the consequence of deleting title IV from the bill —or we can take a new direction. This new direction is contained in title IV with its provisions for improvements in the administration of the family programs, its improvements relating to work and training requirements, child care and other necessary changes that have to be made in order to make it possible for the heads of families that are now going on welfare to become active participants in the labor force.

Another consideration of the consequence of striking title IV from the bill which should be considered is the effect it would have upon the fiscal relief that the States would experience under the bill. If the hold harmless provision in the bill were left to operate and title IV of the bill were deleted, it would turn the estimated $1.6 billion of State savings from the enactment of the bill into an increase in costs for most States. Again, citing my own State of Illinois as an example, under the hold harmless provision, Illinois would enjoy a savings of $62.1 million in fiscal year 1973 as the bill was reported. By deleting title IV of the bill, however, this savings in State expenditures not only vanishes, but the State of Illinois would experience an increase in costs of $69 million in fiscal year 1973.

Welfare reform is an issue that transcends State lines or regional differences. The problem is national in origin and national in its effect upon the States and its citizens. And it requires a national approach and a national solution. The welfare problem in Illinois is not of our own making, any more than it is in any other State. The difficulties we are experiencing are inherent in the very structure of our outmoded, antiquated welfare system. And they cannot be resolved without a basic, structural reform of that system.

Were we engaged in a business enterprise, there might be some expectation—or, at least, hope—that we are in the midst of a cyclical phenomenon; that, after hitting a peak, caseloads and costs would subside to tolerable levels. I believe we could even accept an admonition that things will get worse before they get better—if, indeed, we could only look forward to their getting better. But the welfare system is not a business; it is not subject to the law of supply and demand or the law of diminishing returns. There is no balance to its balance sheet and only red ink on its income statement. And I venture to say that there is no one in this Chamber who is not resigned to further increased caseloads, increased costs, increased dependency, and increased disillusionment on the part of recipient and taxpayer alike—unless something is done to curb this trend.

We now have for our consideration H.R. 1—a legislative package of amendments to the Social Security Act that includes provisions for welfare reform so desperately needed. I believe everyone here appreciates the conscientious efforts of the Committee on Ways and Means in producing legislation which the committee and the administration could wholeheartedly support. H.R. 1 was designed as a package, debated within the committee as a package, and reported as a package. To split off any of its elements at this point would be equivalent to removing a leg from a chair—it just will not be able to do its job.

It is possible, in this day and age, that many of us have become conditioned to words like "crisis" or "disaster." If that is the case, it is unfortunate, since crisis and disaster are what many States are facing, and I know of no other words to describe it. It is euphemistic to suggest that we are operating a public welfare system when the system is out of control. The welfare system proceeds under its own momentum and, indeed, is accelerating. But we would be deluding ourselves to think of it as "functioning" in the sense that the term is ordinarily employed.

I believe that the people of Illinois—including, incidentally, the more than one-half million receiving AFDC—share with citizens throughout the Nation a profound concern for the skyrocketing caseloads and runaway costs of the welfare system. No one stands to profit from a situation from which only complete and utter chaos can result.

We have had sufficient time to study and deliberate—welfare reform legislation has now been considered by two Congresses. We have had the advantage of committee hearings and executive sessions. And we are as knowledgeable about the need for welfare reform—and the consequences of failing to enact welfare reform legislation—as we have ever been about any measure submitted for our consideration.

H.R. 1 provides a unique opportunity to remedy a situation long neglected. It is a situation that can no longer be ignored and will not disappear of its own accord.

Only the Congress has the authority and the power and the responsibility to take meaningful action to alleviate the crisis in which we find ourselves. We cannot delegate this responsibility; we dare not abdicate it. But we can—and should—act.

Mr. BYRNES of Wisconsin. Mr. Chairman, I ask unanimous consent that following the remarks of the gentleman from Ohio that the gentleman from New York (Mr. PIRNIE), the gentleman from Utah (Mr. LLOYD), the gentleman from Washington (Mr. PELLY), the gentleman from Pennsylvania (Mr. SCHNEEBELI), and the gentleman from Maryland (Mr. HOGAN) may insert their remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PIRNIE. Mr. Chairman, in the rhetoric that frequently embellishes the advocacy of major legislation, the phrase "an idea whose time has come" is often heard. To use that phrase in advancing this important measure is to be guilty of a gross understatement.

Welfare reform is not an idea whose time has come; it is a pressing national need that is long overdue.

Today we have a choice to make. We can continue working with a welfare system that stands as a classic example of how not to do things or we can begin anew with a system molded to our times and geared for the days that lie ahead.

The choice should be clear. We must move forward. All the testimony required to document the need for such action is provided by the admission of governments at all levels that the present welfare system is a failure.

While we recognize that the greatest tragedy of welfare today is the failure of the system to truly meet the needs of those it is designed to assist, we must acknowledge that this human failure is accompanied by financial disaster. Many State and local governments have their backs to the wall and face fiscal ruin if some relief is not forthcoming. Consider this revealing and alarming report from the Department of Health, Education, and Welfare:

> In the past decade the cost of the Aid for Dependent Children (AFDC) program has more than quadrupled. In one year, December 1960 to December 1970, payments rose 45 percent. Nearly half a billion dollars was being spent on AFDC in December 1970. At this rate, the present program will cost about $9 billion by 1975. *Some means of controlling these runaway costs is desperately needed.*

There is an abundance of equally disturbing information about the runaway costs of the current welfare programs, but I do not think it necessary to recite more dramatic examples from what unfortunately is an all-too-familiar script for most Americans. The message is clear: something must be done, and soon. We in the Congress have a responsibility and we must be responsive.

The President deserves praise for accepting the challenge and providing needed leadership for welfare reform. He listed this as one of the six great goals of his administration and he is determined to achieve it, not only for the good of the millions of people involved, but for the good of the country and the dignity of man. The President deserves our praise, his program warrants our support.

There are a host of reasons why this welfare reform proposal has special appeal. In addition to providing relief for our individual States by assuming the full cost of the adult categories—aid for the aged, blind, and disabled—of welfare, this measure establishes uniform eligibility standards and permits a shifting of the heavy costs of administering welfare from the States to the Federal Government.

These adjustments could mean a savings of more than $188 million to New York State during the first full year of operation of the new program. Anyone familiar with the budgetary problems of the Empire State will quickly recognize that this relief will be welcomed.

While the consolidation of programs, the establishment of uniform standards and the fiscal relief for States are plus factors for this bill, the single most attractive provision is that which places emphasis on making it both possible and practical for those who can work to get off of welfare rolls and onto payrolls.

Under the opportunities for families program—which has a meaningful acronym OFF—employable adults must register for and accept work training and jobs or face a loss of a substantial portion of the family's benefit payments. Not only will there be a determined effort to train employable welfare recipients for jobs—something sorely lacking in our present system—but there will be equal determination evidenced in placing these people on jobs.

For years and years a great many Americans have asked the very basic question: Why cannot those employable adults on welfare rolls be matched with existing job vacancies? For years and years no sensible answer was forthcoming. Excuses, yes, but answers, no. This new legislation will bring much needed change.

Additionally, and this also is an adjustment long overdue, a penalty in the form of lost benefits for eligible adults who refuse training or work will be matched by an incentive to accept a job. Under our present system, it is often economically advantageous for a welfare recipient to avoid taking a job because he or she would actually suffer a dollars-and-cents loss because the paycheck would replace the welfare check.

People can talk all day about the moral obligation to earn one's way, but the fact of the matter is that a number of individuals could not see the logic in working for a living when it was possible to remain idle and have nearly the same, incredibly in some cases even more, income.

Now, in addition to facing the loss of benefits for not accepting employment, an employable welfare recipient has the work incentive of being able to retain a portion of his benefits as a supplement to that which might be earned. The first $720 of earned income each year would not be used to reduce the family's benefit nor would one-third of any earned income above $720.

In closing, I would like to restate what I feel to be a most convincing passage from the report of the House Committee on Ways and Means:

> The welfare system in the United States has been moving toward a state of crisis and chaos—to change its direction will be difficult. The purpose of this bill is to effect that change. The committee's bill will establish a new welfare system, based on a sympathetic understanding of the needs of the helpless and the conviction that all those who are capable of participating in the economy of this country should have the opportunity and the responsibility of doing so. It is a system designed to be fair and rational, the kind of system which recipients deserve and taxpayers can respect.

Mr. LLOYD. Mr. Chairman, I am a supporter of welfare reform and work requirements to replace the present American welfare program, which in my opinion is headed out of control to a dead end. I support H.R. 1, and the family assistance plan contained therein.

This welfare reform legislation is opposed, on the one hand, by the Americans for Democratic Action as inadequate to the need. On the other hand, it is opposed by the American Conservation Union and the "Conservative Victory Fund" as excessive and dangerous, and I am warned: "Our organization will make future political decisions accordingly." Many of their members state the bill is a "guaranteed annual income."

I believe the ADA is wrong—because we are not a socialist society, and it is about time we gave more consideration to the self-reliant citizens who must carry the burden of excessive welfare costs. I believe the ACU is wrong because we already have a guaranteed annual payment to eligible persons in all 50 States, and the present system penalizes the job seeker and rewards the breaking up of families. Moreover, the "guarantee" is lost under this reform bill if the able-bodied person refuses to work or accept training for work.

FACTS ABOUT WELFARE AND WELFARE LEGISLATION

The staggeringly large, outdated welfare structure has become a giant hodgepodge of unrelated and sometimes conflicting programs. American welfare today is operating on principles designed 40 years ago as a temporary measure for a special problem. That system is now obsolete.

Cost of the present system is spiraling out of control. Last year, the United States, including the Federal and State payments, spent approximately $14.2 billion on welfare—more than twice the amount spent 5 years ago.

A total of 6.3 percent of all American citizens—13.5 million—are currently receiving benefits. In Los Angeles, the caseload is rising at a rate of 10,000 to 15,000 per month—60 out of each 1,000 American children receive welfare assistance. In 10 years the AFDC volume of cases has more than doubled; its cost has more than tripled. Under the present program, it will rise from today's annual cost of about $5 billion to about $9 billion in 1975. All Americans pay these tax bills.

There is no uniformity in the present welfare system. There are 54 separate sets of rules across the country, differing drastically.

The present system penalizes work. As soon as a welfare recipient accepts even the most menial work, he or she is dropped from the welfare rolls in most States and thus encouraged to be idle.

The present system encourages desertion by the father in most States. A fatherless home without income is automatically eligible for aid to dependent children. Utah is one of the few States where an employed father working less than 30 hours per week may remain in the home without penalty to his children.

The welfare reform legislation will add to the initial cost, but by placing welfare under modern control, and with work requirements, the eventual cost will, in my opinion, be less.

THE PROPOSED NEW WELFARE REFORM PROGRAM

The Federal Government will take over full responsibility from the States for the aged, blind, and disabled.

If they choose, the individual States may supplement the above.

When a family registers for assistance, it will be determined whether the working-age members can work. There are only five exemptions, which are: First, ill, incapacitated or advanced age; second, a mother with a child under 6—under 3 after 1974; third, wife of a husband registered for work; fourth, children under the age of 16, or under 22 if students; and fifth, a person needed in the home for an ill member of the household.

If there are no employable members, the family comes under the category of "family assistance program." All other families come under "opportunities for families program" for job placement, or job training.

Of the 4 million families which will be eligible under the above, 2.6 million will be eligible for work and 1.4 million will be under the "family assistance program." A federally guaranteed payment to eligible families will be made in the amount of $800 to the first two family members; $400 each for the next three; $300 each for the next two, and $200 for one additional member.

Those willing to work will not be penalized. Let us take a typical example of a family of four under the proposed program. Notice that up to an annual income of $4,320, some welfare payments will be granted, although they diminish as earnings rise.

First. A family of four with no income will receive $2,400 annually.

Second. With $1,000 income, the welfare payment will be $2,212, making a total family income of $3,212.

Third. With $2,000 earned income, the family welfare payment will be $1,547, for a total family income of $3,547.

Fourth. With $3,500 earned income, the welfare payment will be reduced to $547, for a total of $4,047.

Fifth. When the family earned income reaches $4,320, the welfare payments cease.

This is an enlightened and encouraging incentive for a family to raise its standard of living, at the same time being assured that the bare necessities of life will be provided in the case of total misfortunate beyond human control.

COSTS

Total initial cost of the new program will be considerably higher than the present cost. First annual costs to the States will be cut from $5.1 to $3.6 billion. The savings to Utah are estimated to be from $1.4 to $3.4 million annually. The expense to the Federal Government will increase from $9.4 to $14.9 billion. Under the new controls, however, I am convinced that within a few years there will be net savings under the new program, under what the present program would eventually cost. Also important: The old dead-end program will be replaced by a program written to meet today's realities. The number of eligibles will increase because the "working poor" will become eligible.

CONCLUSIONS

Presently, 50 percent of all those on welfare in Utah are children.

Today's welfare program nationwide encourages parents to separate and to live in idleness.

Crime among children too often becomes a way of life when there is insufficient money in the home to buy necessities. Stealing, drug addiction, and crimes of violence spread in today's industrial society, and a growing number of our penal institutions are at an explosive stage with conditions of human life beyond the reaches of rehabilitation or human dignity for the inmate, and beyond the reach of compassion from law-our society.

Some welfare recipients are sitting in taverns spending their welfare checks on beer. But 99 percent are not. We must protect ourselves from the indolent by work requirements. We must recognize our responsibility to the rest by offering opportunity, which is of greatest urgency for the children who are growing up in our midst and for whom a law-abiding, useful, and productive life is necessary if we are to avoid the self-destruction of our society .

Mr. PELLY. Mr. Chairman, the comprehensive welfare reform legislation we have before the House provides for a systematic administration of our welfare programs that will move people from the welfare rolls to the employment rolls. It does this by requiring that able-bodied individuals avail themselves of the greatly increased work and training opportunities provided to become self-sufficient and by providing incentives for individuals to be gainfully employed rather than on welfare. This is an approach I support.

This new welfare plan is not a guaranteed annual income, as some have suggested. There are critical differences in concept and in program operation between family assistance and such plans. Under guaranteed income proposals, which I do not support, the Government would allow people to abdicate their responsibilities for self-support by assuring a basic income regardless of whether they are willing to work or not.

Under family assistance, on the contrary, income is not provided, regardless of personal efforts or attitudes. Those who are able to work or to be trained are required to register for and accept training or employment, or lose benefits. Moreover, a guaranteed income by inference would imply the payment by the Government of a set amount of income to everybody. Under H.R. 1, family assistance, however, is neither of these; the amount of the benefit varies in order to encourage work, and the plan is not universal, but restricted to families with children.

Of course, family assistance does establish a nationwide minimum floor, under welfare benefits, but there are now separate income floors in the 50 States and establishing a common minimum does not make the President's proposal a guaranteed income. Separate income floors have caused the welfare applicants to migrate to higher minimum States.

What this legislation accomplishes is welfare reform; not a guaranteed income. The work requirements of this bill place responsibilities on the recipients before they are eligible for any payment. There is no guarantee of income.

I endorse this concept and consider H.R. 1 to be essential reform legislation which has been badly needed.

Mr. SCHNEEBELI. Mr. Chairman, reforming public assistance programs requires complex legislation. H.R. 1 seeks to alleviate the underlying causes of dependency by providing an income floor for all families, by establishing a national system in place of 54 different systems, and by focusing the services necessary to enable recipients to become self supporting. These services include child care, job training and job placement.

It would appear that the proposed family assistance plan, which has been incorporated into H.R. 1, the Social Security Amendments of 1971, must have considerable merit, since it is being severely criticized by both sides of the social and political spectrum; it either goes too far or not far enough, say the critics.

First of all—do we need a change in welfare? The present system is bankrupt, both socially and fiscally. On this point there is general agreement. Our Ways and Means Committee deliberated for many months on possible solutions, and heard much expert testimony. On balance, I believe H.R. 1 is good legislation; it attempts to change welfare to workfare.

As an example of the deteriorating welfare situation, we only have to look at the facts. The present program for assistance to families with dependent children in 1967 covered 4.6 million people and cost $1.5 billion. With its present trend projected to 1977, the program would include 20.3 million people at a cost of $8 billion. This is certainly a most discouraging course and is one that demands attention for immediate change. The trend is particularly significant in urban areas, where the AFDC program is becoming a nightmare of broken families, illegitimate children and general social decay.

Some of the major characteristics of AFDC families, in an analysis of 1969 statistics, point up the following:

First, mother in home in 91 percent of families; father in home in 20 percent; father and mother both present in 18 percent.

Second, 50 percent were white; 46 percent black; 1 percent Indian, and 3 percent unknown.

Third, almost one-third of children are illegitimate; 44 percent of all AFDC families include one or more children born out of wedlock.

Fourth, almost one-third of families involve two or more fathers.

Fifth, average family is one adult and three children.

Sixth, seven out of 10 live in metropolitan areas.

Seventh, the whereabouts of over one-third of AFDC fathers—almost one-half of those absent from the home—is unknown.

Another reason why the Federal Government had to step in, in assuming more responsibility for the future development of families' assistance, lies in the fact that there is a great disparity of payments between the several States, which great difference has resulted in an influx of people into the Northern industrial States and cities from the Southern States and Puerto Rico. One of the reasons for this is quite self-evident when we see that the average AFDC payment per person in October 1970 was $9.75 per individual in Puerto Rico; $12.10 in Mississippi; $77.60 in New York and $72.65 in Massachusetts. It does not take a genius to figure out why there has been this large-scale migration from the smaller paying States to the States with the higher payments. In the legislation of H.R. 1, efforts were made to try to narrow the gap in this broad differential in order to discourage this migration and to even encourage some of the people to return home. The courts compounded the problem of migration when they set aside the 1-year residency rule and also, they negated the State legislation which provided that a person was ineligible for welfare if it could be proved that he moved into the State solely for the purpose of becoming eligible for welfare.

The final figure adopted of $2,400 per year for a family of four including the food stamps seems to be a reasonable compromise between the great differential between the many levels of State welfare payments and it also provides a needed standard for survival, and it is not high enough in most instances to encourage further work avoidance.

Basically, the family assistance plan which is the more debatable part of H.R. 1, provides a dual approach to people requiring assistance. These people would be divided into two categories: First, those who cannot work and who are limited such as the blind, disabled, the aged, which group would be the responsibility of the Department of HEW; and second, the group who are employable and whose jurisdiction would be assumed by the Department of Labor. It is with the second category that problems will mainly arise in deciding the eligibility and guidelines for the people who are employable or who can be trained to handle available work. Our committee spent great time and thought in trying to achieve a reasonable position, but one of the basic thoughts in this final decision was the determination that the laws should "make it difficult to get on the welfare rolls and make it easy to get off."

The bill is so very comprehensive and new in its approach to the family assistance plan concept that it should certainly be subject to considerable review in a year or two, to effect some operating improvements as a result of experience in order to make this assistance more fair and equitable.

The proposals embodied in H.R. 1 would make a number of changes and improvements in the provisions of the Social Security Act relating to the old-age, survivors, and disability insurance program, the hospital and medical insurance program, the medical assistance program and the child welfare program. In addition, and more importantly, the bill would provide for a basic restructuring of the national welfare system by replacing the four existing federally aided public assistance programs by new Federal programs for needy families and for needy aged, blind or disabled persons. The bill also would modify the provisions of the Internal Revenue Code relating to the retirement income credit and deductions for child care.

We have been assured by competent authority that within 4 or 5 years this new family assistance program will cost State and Federal Government less money than our present system and will lead to the elimination of many present inequities. It is recognized that the proposed changes in welfare are very broad and of tremendous future impact in an area affecting well over 20 million people. Consequently, it is stressed that a constant review be effected to check the program and to determine what immediate changes are recommended in this new and novel aproach.

On general balance H.R. 1 should be approved by the Members of the House.

Mr. WATTS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Chairman, I do not want to repeat the things that have already been said in this debate by those in opposition to title IV, the guaranteed annual income. We start with the premise upon which most people agree, and that is that our present welfare system is a mess. That is a description accorded it in a number of statements, and was used by the President of the United States when he first proposed the guaranteed income.

I use that term "guaranteed income" because I think that is exactly what it is. The proponents of this idea prefer other terms but that is the only thing I can make out of it.

We have just heard a colloquy between Members making inquiry as to the cost of the legislation before us. I do not think anyone can tell you the cost of this program. There is not a dollar figure in the authorizing portion of the bill. There is an estimate of $800 million for child-care centers, and other estimates found on page 219 of the report but even the experts disagree. And whatever the estimated cost it is only a downpayment.

Mr. COLMER. Mr. Chairman, I make the point of order that a quorum is not present. The gentleman is making an important statement, and the Members who are going to vote on this matter are entitled to be present.

The CHAIRMAN. The Chair will count.

Sixty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 154]

Alexander
Ashbrook
Ashley
Baker
Blanton
Blatnik
Bolling
Bray
Brown, Mich.
Celler
Chappell
Clancy
Clark
Clay
Collins, Tex.
Conyers
Dellums
Dent
Diggs
Donohue
Dowdy
Eckhardt
Edwards, La.
Findley
Fisher
Fraser
Hébert
Hogan
Holifield
Long, La.
McCulloch
McDonald, Mich.
Meeds
Moorhead
Morse
Moss
Murphy, N.Y.
Nichols
Price, Tex.
Purcell
Railsback
Rarick
Roy
Runnels
Scheuer
Schmitz
Stratton
Stuckey
Taylor
Vigorito
Widnall
Young, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. DINGEL), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 1, and finding itself without a quorum, he had directed the roll to be called, when 381 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BURLESON) and the Chair announces the gentleman from Texas has 8 minutes remaining.

Mr. BURLESON of Texas. Mr. Chairman, the proponents of this legislation, my able and distinguished chairman, the gentleman from Wisconsin (Mr. BYRNES), the ranking minority member of the Committee, the majority leader and the minority leader, have presented this matter in such a way as to say that if we strike title IV of this legislation we will have no welfare reform.

I just do not believe the gentleman from Arkansas and the gentleman from Wisconsin and the leadership on both sides of this House, who talk about the great failures in the present welfare program, will do other than take legislation back to our Ways and Means Committee to do something about it. They are men too responsible to do otherwise. Give us an opportunity to do that. I believe the committee can produce legislation, either in the form proposed before the Ways and Means Committee by the gentleman from Oregon or in some other way.

I have some ideas myself, which I will not try to sell anyone at this time but which will be submitted to the Committee if you reject title IV of the measure before us.

If this thing is so bad—and it is—we are not going to let it go on. The country is not going to let it go on. The cost of welfare is mounting and mounting and mounting, and people are not getting better care; there is unconscionable waste and extravagance, and people taking advantage of all the loopholes. Something is going to have to be done. I repeat, I believe it will be done.

The supporters of this bill, particularly title IV, presents some very beautiful theories. I have been listening to some of the theories on welfare and on welfare reform since 1962. I remember very well, as many of you do, the man-in-the-house controversy several years ago. Now we hear this concept condemned by those who adopted the system. I implore you not to jump from the frying pan into the fire. I believe the gentleman from Wisconsin estimated that 90 percent of the people on welfare rolls are women and children. Are these the people who will be trained to work and given a job under the theory applied to this legislation? It is wishful thinking. These and twice as many more will go on the guaranteed annual income—just where they are now. Is this reform? Will children still not be multiplied, each affording more payments? For some reason or other these people, or a lot of them, are having a lot of children. There must be a man in the house somewhere.

The welfare rolls continue to mount and will continue to do so as long as the system makes it easier to do nothing than work.

There are better alternatives than what is presented in H.R. 1 even if it is just putting some wire around loose joints in the present program. But bringing in something that would be a substitute for what we have now—that would truly take care of people who need to be cared for—is urgent and necessary.

Mr. Chairman, if title IV is stricken you can still vote for 235 pages of social security amendments. You know, you do not get exactly everything just the way you want it, but there are many things in the social security portion of this measure which about all of us can vote for enthusiastically in this bill. The Federal Government takes over old-age pensions and assistance to the blind and the disabled, which in my judgment is proper. There are other improvements which can and should be supported. The elimination of title IV will not affect these changes.

It has been said here today that the guaranteed income philosophy is a change in direction, and it certainly is that. This is one of the most radical changes ever proposed in this Congress.

Yes, other civilizations have tried this approach. The people who paid the taxes finally became common mendicants upon the street. We would call it today selling pencils and apples. Somebody has to produce things in this country. That is a simple economic fact. Somebody has to produce in order to pay these bills. I think there are a lot of people in the country who are getting terribly tired of some of the bills they are having to pay. We can take care of the poor, the aged, and the disabled, yes. I think that the Government very definitely has a mission in that respect. But what is proposed here today and what we are embarking upon if title IV is approved is a mission for which this Government was never designed. If the present program is difficult to administer, just look at this. It is much more complicated, and, more important, is contrary to the system which has made our country great.

Now, Mr. Chairman, it is again appropriate to ask where are the jobs for 80 or 90 percent of the women to be trained to take a job? What job? Just pick up on the weekend any big city newspaper in this country and read the "help wanted" ads. There were 26 pages in the Los Angeles Times just a few weeks ago. These were not all menial jobs. Many of them were skilled jobs. I have seen them in the Chicago Tribune and in the New York Times. Jobs, yes, but apparently no takers. Something is wrong in our country when work is no longer a virtue.

Someone asked a question of a previous speaker—I think it was the gentleman from Indiana (Mr. MYERS), who asked, could people stay on this welfare for 5 years, because that is supposedly the life of this program. My answer to you is, yes, definitely so. There is no reason why they should be taken off and no provision for them to be forcibly taken off. Here again, who will take welfare away from a widow and from her needy children? This program is going to go on and on and on. We are talking about a trial program for a period of 5 years. Well, you know and I know that every election year we are going to come back in here and raise the ante. That is the history of these programs. They only get bigger and more costly.

Some candidiates seeking public office, particularly to this body, is going to be promising in the next election bigger and better programs.

I hope that you will join in supporting the motion which will be offered by the gentleman from Oregon (Mr. ULLMAN) to strike title IV of this bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. COLLIER), a valued member of the Committee on Ways and Means.

Mr. COLLIER. Thank you very much.

Mr. Chairman, I would, indeed, be presumptuous if I felt that at this juncture in the debate on this bill I could add too much to the discussion of a very complex and certainly a far-reaching piece of legislation.

But I would make one point which I think is pertinent insofar as the opponents are concerned, particularly those who are just against this concept of welfare reform.

Let me interject by saying that there are few Members of this House to whom I would have to take a back seat in terms of my record of fiscal conservatism.

In my frequent discussions of this bill with my colleagues and others outside of our committee room I have heard those who have reservations about the program raise the issue of the cost on the one hand, and contend, on the other, that the program would be worse than the present system.

You know, I just do not think that they really believe this. But if it be so, let me pose this question: If we had a national welfare system in effect today which provided a $2,400 Federal base and if we had before us a bill that would provide that the Federal Government pick up one-half of the tab of whatever any State chooses to pay, without limitation, would you vote for such a bill?

Well, that is exactly what you will be doing, in effect, if you vote to strike title IV of this bill.

If, further, you had a provision in the unlimited one-half Federal reimbursement today with food stamps under the program in addition thereto, would you vote for it in preference to providing the floor or the ceiling, as you please, of $2,400? Well, if you would, then I suggest that that is, in effect, what you would be doing if you vote to strike title IV today. If you had a bill pending before you today with no provision for training or subsequent employment or day care, would you vote to drop a program with job registration as a prerequisite for welfare payment? Well, again, I say that is exactly what you will be doing, in effect, if you vote to strike title IV today.

Mr. Chairman, anyone who has reviewed the expenditure figures on welfare throughout the 50 States in the last 10 years cannot help but recognize that continuing in the direction that we are going, it may be too late at sometime in the future to provide the remedy that is embraced in this legislation.

The fact that there will be an initial cost in the overall of about $3.9 billion it seems to me is essential to taking the alternative, an alternative which could be likened to letting a sick patient go for want of surgery until the malignancy got so bad that the patient becomes incurable.

Thus, in the final analysis what I am saying is this: Every basic criticism, every justifiable complaint lodged against the present self-perpetuating welfare system, which is a bottomless pit, is just what the provisions of the bill before us seeks to correct.

I am convinced that there is a remedy to the evils of the present system, and that remedy lies in the provisions of this bill.

Now, how effective it will be in doing the job will depend upon the manner in which the program is administered—and therein comes another of the most vocal objections to the bill which our committee has reported. Indeed, as I said before, the transitory period will be difficult, and it will be costly. To suggest that it would not would insult your intelligence, and that I would never do. But is it not true that any program we adopt in this Congress, no matter how laudable or how meritorious, can hardly offer success without proper administration?

If fear that those who would administer the program will violate its provisions or circumvent the clear intent of the Congress becomes reason to oppose it, then we should oppose virtually every Federal program that requires complex administrative procedures. Or one can select this particular program to attack on the basis of no confidence in the administrative follow-through merely because "public welfare" is not popular—in fact, it is a sort of ugly subject with the rank and file people today.

It stands to reason that if those who are charged with the responsibility of administering the program resort to violating the provisions, it will be a failure. But that is applicable to almost any Federal program. However, at that point we have the jurisdiction and the duty to see that the people who run the program fulfill their responsibility in carrying out the intent of the Congress—and no one can certainly quarrel with the intent to make the program work.

It is the abuses in the program—at present and in the past—that have created such antagonism to public welfare. It seems to me that we have an opportunity to move in the right direction at this time.

We have provided the guidelines and the tools by which we can eliminate many of the problems by taking able-bodied recipients off the welfare rolls, training them, providing jobs including public service work so they can become taxpayers rather than taxeaters.

We have an opportunity today to reduce the disparity between welfare payments among the several States and alleviate the migration of welfare recipients from low-paying States to those States which have a higher welfare benefit—and we provide some tax relief at the State level in the process.

I think we can agree that what we now have is bad. It is very bad, and it can only get worse, as has been the case in the past decade.

If everything we have tried to do in this bill does not work, Congress can always, as it has in certain other programs, revise or amend the law to make it work. At least, it offers some hope along these lines which the present welfare system certainly does not.

Mr. CORMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, in the last session of the Congress I voted against the welfare reform provisions both in committee and in the House.

While I recognized then as I do now that there was then and there is now an urgent need for reform of our welfare laws, I did not feel last year that the legislation we proposed provided adequately for work and work training or gave the States and local governments any real fiscal relief.

The present legislation, especially title IV, in my judgment, of the Social Security Amendments of 1971 make constructive changes in these areas and I believe because of this, this title IV should be retained as a most vital part of H.R. 1.

The difference in last year's and this year's work provisions are extremely significant. Last year, for instance, the responsibility for training and placing persons in jobs was under the administration of the State employment security agencies. These agencies are often more dedicated to getting unemployment beneficiaries off the unemployment compensation rolls than in finding positions for long term jobless welfare recipients.

This legislation here proposes to federalize job placement of the needy with HEW making the determination for work eligibility and the U.S. Department of Labor responsible for work training and job placement.

The emphasis will be on getting persons now on the welfare rolls onto payrolls, a priority I have always felt should come first.

All persons requesting assistance except for the aged, disabled, the blind, children under 16 or in school, and mothers with children under 6, and special cases like the mentally retarded will be required to register for training or to register for work. They will register at the local offices of the U.S. Labor Department. If a head of a family requesting assistance refuses to take training or refuses to take a job, his share of the family payment will be dropped. The purpose of this provision, of course, is to encourage fathers to stay with their families.

The new legislation will make it easier for mothers to work outside the home by providing increased benefits and increased funds for child care centers and child care allowances for parents.

It is the belief of most of us on the Committee on Ways and Means that this training and placement assistance program will do a far better job than the present hodgepodge system of getting all to work who are mentally and physically capable of working.

It is our hope that these structural changes in the welfare system, such as we are proposing, will create conditions that will eventually eliminate the undignified and hopeless Vietnam-like morass in which our city officials and the needy are both trapped—a morass of crime and drug addiction, of public health and civil unrest that endangers lives and leads to skyrocketing city and municipal budgets.

This new legislation also provides direct, immediate, and substantial financial relief to the States and local governments so that they can spend more for better schools and better housing and better health centers and other facilities for maintaining the quality of American life and doing something to remove the ghettos and to try to bring them to a higher economic level. It will do this by eliminating the matching provisions for States.

States will no longer have to match Federal funds. That has been one of the evils of the present system. State legislatures have relied on the Federal Government, saying, "Let us go ahead and vote for it and we will get half of it from Washington." This one provision will save my State of Georgia next year $56 million. It will save California $235 million, New York $188 million, and Mississippi $23 million—revenue sharing that States can really appreciate.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Pennsylvania..

Mr. ROONEY of Pennsylvania. I share the gentleman's great concern about the passage of this legislation. But we hear talk about the fact that mothers will be out of their homes and will be working. How is that situation going to benefit the children? How will it benefit the children of dependent mothers when they do not have the love and affection present in the home? That is my concern with title IV.

Mr. LANDRUM. I can fully appreciate the gentleman's concern. Any thoughtful person, particularly a thoughtful man, would be concerned about a child having a mother's affection. But I would say to the gentleman that if he had studied the present welfare system as I have for the last 3 or 4 years, and especially during the last 6 months, he would, in my judgment, come inevitably to the conclusion to which I have come, that there is little or no opportunity for affection under the present structure. How can we stand for the present program where the mother is living in an undignified welfare-recipient state, producing, as they are producing, fourth-generation children on welfare who have no understanding whatever of the meaning of a mother's affection? How can we argue that such a state should take precedence over a work requirement that gives the mother a chance to work and teach her child to work. This bill will not deny the mother the means to show real affection for her child by helping her with a chance to rear that child in a healthy, wholesome environment—help with the child's education—that is real affection.

We also provide that the child care centers will have professional training. There is no room, in my judgment, if the gentleman will allow me, there just is not room for that apprehension to be a controlling factor.

Mr. ROONEY of Pennsylvania. I respect the gentleman's judgment.

Mr. Chairman, after long and serious consideration, I rise today to ask that my colleagues support H.R. 1 and vote against the motion to strike title IV.

Any reform of public assistance requires complex legislation. Certainly the defects in title IV are obvious. I am particularly concerned with the loss of food stamp eligibility, the forced work provision for mothers with children over 3 years old, and the lack of requirement that States make supplementary payments to welfare recipients whose benefits will be lower under the new bill than under current levels.

On the other hand, without reform there is no end in sight to the rising costs and caseloads, and no fiscal relief for our over-burdened State and local governments. Welfare reform is a national issue and requires a national solution. H.R. 1, by establishing a national system in place of 54 widely divergent systems, by providing an income floor for all families, and by supplying the services necessary to enable recipients to become self-supporting, including child care, job training and job placement, seeks to alleviate the underlying causes of dependency on national support.

The need for immediate and far-reaching reform cannot be denied. The fact that the number of welfare recipients in the AFDC category has risen by 50 percent since August of 1969 is in itself a compelling argument for the institution of sweeping reform. The question before us today, whether or not to delete title IV, is essentially a question of whether to continue the chaotic, unfair and self-defeating program currently in existence, or to approve a program with serious defects, in hope that it will be widely and realistically modified by the Senate. Should title IV be eliminated, all possibility of reform will be delayed for some time to come. Passage of the bill in its present form, despite its serious defects, will at least provide an opportunity for the Senate to correct and revitalize the legislation and make it truly responsive to the needs of our poorer citizens. I strongly feel that this is the only way we can achieve any solution at all to this most urgent national problem.

Mr. LANDRUM. I have no disagreement with the stated conclusion of my friend from Pennsylvania, none whatever. Where I do disagree is that the present system is not allowing the mother the chance to do that. It does not make it possible for the mother to have the opportunity to bestow the affection that the gentleman so well recognizes ought to be present.

Mr. ROONEY of Pennsylvania. I thank the gentleman.

Mr. LANDRUM. The guaranteed income with an established base that we talk about is nothing new. If we will face up to it, gentlemen, we will recognize that we have it now. In Alabama, Georgia, Wisconsin—in all of the States, in all of the 54 different jurisdictions of this welfare morass you have an established base, a fixed base or floor.

Since the inception of the social security system, we have provided some regular assistance to those who are unable to work. The current payment to the needy family of four in the State of Georgia, for instance, is almost exactly the level proposed as a national base. The Georgia base is $2,396, when you add to the $1,596 the $800 allotment for food stamps.

That is only $4 less than we are proposing in this bill.

It is my belief, from careful study, that the equalization of base payments across the country will do much to slow and perhaps halt migration from rural areas to urban areas, which now compounds the welfare costs and problems in our metropolitan regions.

It is of course much less expensive to provide a healthful and stimulating environment in small towns and rural areas than in overcrowded regions. Problems manageable if approached with determination in a low-population area sometimes seem impossible to solve in the junglelike profusion of the metropolis.

Altogether it seems to me clear that it is the time now for the Congress to proceed with this legislation, which should vastly improve the present system—that is, if it can be dignified by calling it a system.

Striking title IV would in my judgment be making the catastrophic mistake of sweeping a dirty problem under a rug that is not big enough to cover the problem.

I listened with great interest to what my delightful friend from Texas (Mr. BURLESON) had to say, and with great interest and concern to what my equally delightful friend from Oregon had to say about this bill. I respect their reasons for disagreeing with my position and for opposing the bill.

One has said that there is no money limitation in the bill. Let me say this: there is none in the present law. Find it and point it out to me, and I will retract the statement. The present system is open end all the way.

But there is a time limitation proposed in this, and it is 5 years. What we are trying to have the Congress say is that the present welfare structure is a shambles. We all know that is true. Aid to families with dependent children is the fastest growing sector of our public cost. If we fail now to take an opportunity for a 5-year trial run change, we will in my judgment place ourselves liable to sharp criticism 5 years from now when our State legislatures begin to tell us what we could have done to stop this.

We are told there are training programs we could institute now which would help to relieve the hidden costs of welfare, such as crime; the hidden costs of welfare, such as the extensive costs in the field of public education; the hidden costs of welfare, such as slum and ghetto housing.

All these things must be taken into account when we ask ourselves, "Can I afford to vote to take title IV out of this legislation and forego an opportunity given me to correct, or to at least change and see whether we correct, one of the worst phases of our whole society?"

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. CORMAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, today I say to you this committee of 25 distinguished Members or at least 24 distinguished Members of the House of Representatives, under the leadership, as the Speaker told you earlier, of two giant legislators, has come forward with a program for training and work requirements that, in my judgment, will do more to eliminate this poverty situation we have talked about since 1964 than anything that has been proposed in the 20 years I have been a Member of this Congress.

Let me say to you again as emphatically and as earnestly and as sincerely as I can that to remove title IV from this bill is, in my judgment, to put the worst problem facing this society today under a rug that simply will not cover it, and you will have to come back here and face it year after year after year with costs under the present structure growing to astronomical proportions.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. CONABLE) a member of the committee.

Mr. CONABLE. Mr. Chairman, as this afternoon has worn on it has been apparent to me not only the core but the central concern of this proposal is title IV. There are many other interesting and important reforms in this bill. I would like to commend them to your attention. I think many of you will be pleased with the long-term effects of these reforms, but this afternoon I am going to limit my remarks to title IV.

It has been said over and over again that everybody is upset with the present system; that it is a mess. I do not disagree with that. It has also been said that the family assistance plan, the title IV proposal, is a time bomb. It may be. I do not believe it is anywhere near as much of a time bomb as letting the present system continue. I think anybody who has studied the present system and its effects not only on the recipients of welfare but on the taxpayers would have to agree with that, also. The reason why the present system has been so bad is because of the disincentives that it contains. We have 90 percent of the American people now on an incentive system, and that system works pretty well. We have reason to be proud of the way our system works. Yet we have 10 percent of the American people, the people who have been less successful economically, on a disincentive system that has so far produced only a repetitive pattern of poverty from which it is very difficult for them to extricate themselves and which is the source of the anxieties leading to this bill.

These disincentives are, first of all, the disincentive to work, which is implicit in a system that does not deal with the problem of the working poor.

If a person is working only part time or if he is working at very low wages, in a substantial part of this country, he is disqualified for welfare. If a person is disqualified for welfare, in other words, he may be penalizing his family if he continues to work for wages less than what he can draw in welfare.

Now, if that is fair, if that is a system that is productive in terms of the incentive that drives the rest of us, then I do not understand the incentive system.

Mr. Chairman, unfortunately, the disincentive to keep the family together is also part of our present system. The family of a man who has low skills, if there are children, may be much better off if he leaves the family, lives on what he can earn himself and leaves the rest to draw welfare.

This kind of disincentive, of course, runs completely counter to what we like to think of as our traditional American values. Under this sort of disincentive system we have had some very unhappy statistics.

Mr. Chairman, it is interesting to note just what has happened since this administration took office under the old welfare system.

In January 1969 under the program of aid for dependent children there were 6,220,000 recipients drawing aid. By March 1971 there were 10,166,000 an increase of 3,946,000 or an increase of 63.4 percent over slightly more than a 2-year period. If that is not a time bomb, I never heard of one.

Another statistic shows that we have gradually moved away from the normal family unit toward the family without a male present. Seventy percent of the families now on aid for dependent children are families without a male technically present, without a father for one reason or another, and that means, of course, that the present system has contributed to a serious problem of preserving the pattern of family life.

Another thing that has happened under our present system is that we have built up a patchwork program of welfare with widely ranging benefits and eligibility standards.

One of our States pays at this point $60 per month for a family of four. Other States pay as high as $350 per month for a family of four.

Mr. Chairman, with this kind of a patchwork system it is small wonder that the poor have achieved undesirable mobility. They have been drawn like a magnet to the high welfare urban centers away from the environment in which they are used to living, into an environment in which they form the basis for the urban blight, social problems, alienation and maladjustment that usually are associated with our cities nowadays.

Mr. Chairman, what does title IV accomplish in the light of these unhappy statistics?

First of all, it does provide for supplementation of the working poor. This has been gone over in great detail. Under title IV, a man will always make more money if he is working than if he is not working.

Let me say that the benefits of less than $2,400 for a family of four in five of our States reflects the disparity between the high and the low welfare States. The floor will introduce greater equity into the system. It should reduce the mobility of our poor. It should permit them to be dealt with in their homes instead of some distant urban center.

This bill also provides effective work and training requirements for the first time.

There has not been much emphasis put on this today because it has not been the concern it was last year. These were effective work and training requirements include a new involvement for the Department of Labor rather than putting reliance on the determination of the availability of work or the suitability of work on the traditional welfare worker whose characteristic in the past has been at times more sympathetic than reflective of good judgment.

There are arguments against title IV, and many of them have been adduced, and I would like to deal with some of them briefly.

First of all, this bill does add between 10 million and 11 million people to the rolls, and that statistic alone is sufficient to scare a lot of the Members of this House. But let me call your attention to the fact that the 10 million people added to the rolls are not being added in the traditional state of idleness; they are the working poor who will be receiving supplementation under title IV. As such we cannot simply view them as being added to the traditional welfare rolls. They are, in other words, people who were ineligible in the past, not because of high income, but only because they were too proud not to quit work and improve their incomes by going on welfare. They are finding the financial incentive to continue to work in this act.

Another argument against this bill has to do with the increased cost, which runs between $5 and $6 billion from the best estimates we have been able to get for the first full year of operation. However, as has been pointed out, the estimate is that the cost of this program will equal the cost of a continuation of the AFDC program by 1976 at the present rate the AFDC program is expanding in cost.

Now, that is a fact we cannot get away from. The increasing cost of AFDC is probably inevitable because the system is so unsound. You will see that such a very serious condition faces us, a long-term condition that we must deal with.

I hope by this process, by the process of putting the incentive in the right place in our welfare system, that we will be able to establish a long-term pattern that will be considerably cheaper than the long-term pattern implicit in the statistics for AFDC.

Another one of the arguments against the title IV program is that it is a guaranteed annual income.

We can argue about the technicalities of it being a guaranteed annual income, but it is a guaranteed annual income to only those who are willing to register for work and training, and that is a condition that is imposed on the guarantee.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, it is not a universal, but is guaranteed only for those who have been covered traditionally by AFDC. It is not available to everyone.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Chairman, I thank the gentleman for yielding. The gentleman is discussing a point upon which I would like to comment. I think it is true that we are straining at words when we associate this bill with the notion that it is a guaranteed annual income. Essentially an income is provided to a person who is able to work and willing to work, and is assigned to training and to a job. Then pay becomes income. Our notion of income in this country is that you work and you get income. The floor of $2,400 for a family of four can hardly be considered as income if that family is not supplemented in some way, because we know that the povery level is much higher than that, so we really cannot say that the family has an income when it has no discretion overall as to what to do with the $2,400. With the $2,400 all they can really do is buy the very bare necessities to stay alive and hope they can better their own lot by getting into the work program so they can get to the earnings level that produces income.

So while there is a floor here under what we might call family assistance it is not income until they really get into the work program that is in this bill. It is only when you get into the work training and labor program that there is a guarantee in this bill, is that correct?

Mr. CONABLE. I thank the gentleman for his contribution in clarification of that phrase "guaranteed annual income". It is perfectly true that we do have in each State some level of income guaranteed without condition and therefore in many cases guaranteed in idleness. This is something that cannot be stressed enough. It is not enough to put a label on this and say that this is guaranteed income and thus evoke the emotional reaction that many people have to such a phrase, without analyzing, as the gentleman has, what we are actually talking about.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman.

Mr. FULTON of Pennsylvania. The gentleman from Oregon (Mr. ULLMAN) said that all the new cases in New York City on welfare will be paid for completely by the Federal Government. Nobody has denied that. Is that true?

Mr. CONABLE. Talking of New York—or any State——

Mr. FULTON of Pennsylvania. I am asking as to New York City.

Mr. CONABLE. Talking of New York or any State, the cost of the increased case load is carried by the Federal Government provided benefits are not increased and provided that the State is willing to turn over the administration of the program to the Federal Government.

Mr. FULTON of Pennsylvania. So that in New York City, every new person getting on welfare in the City of New York will then be paid for by the Federal Government?

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman.

Mr. CAREY of New York. While the gentleman from Pennsylvania has not addressed the question to this Member—coming from New York City, this Member would like to respond as follows:

The hold-harmless and pick-up of the caseload by the Federal Government only obtains where that caseload results from the operation of this legislation where the Federal Government is responsible for the increase in the caseload. How does the Federal Government become responsible for the increased caseload under this bill?

Under the takeover of the administration, the Federal Government determines eligibility. The city of New York has nothing to say about who becomes eligible. Therefore, it is not only responsible but proper to say that if the Federal Government is determining the eligibility for somebody in New York City or Detroit or Pittsburgh or any other part of the country, and the caseload goes up as the result of that eligibility determination by the Federal Government, that the Federal Government should pick up the tab.

Mr. CONABLE. May I answer that? What is happening now, of course, is that the Federal Government is picking up a very substantial part of the tab for the program administered locally in New York City under their eligibility requirements.

Mr. CAREY of New York. Mr. Chairman, if the gentleman will yield further?

Mr. CONABLE. I yield to the gentleman.

Mr. CAREY of New York. There is one further proviso, the Federal Government picks up the cost of the increased caseload if there is an increased cost. But if through the operation of this program people move into employment situations, it is conceivably and fondly to be hoped that the actual cost of the program could go down even though a greater number of people are participating. More people might be better off and the city could be relieved of the expenses and at the same time more people would benefit, but the cost to New York City could not go higher. That is a clear possibility and probability that we hope for under this bill.

Mr. FULTON of Pennsylvania. I thank my colleague very much.

Mr. CONABLE. Since my time is limited, I would like to complete this statement, if I may.

Another criticism of title IV is that $2,400 is not enough for a family of four. That has already been dealt with briefly.

But let me say this. For the first time this bill puts a Federal floor under welfare. We have had no Federal guarantee up to this point and many of our States are below this level. So for the first time, we have a Federal floor. On the other hand the State supplementation can continue at the level it has since most States are getting some fiscal relief, although some of our States because of the fiscal pressure that the present system is putting on them have already decided to cut back on benefits.

The argument is made also that this bill picks up 100 percent of the welfare cost of some States and only a comparatively modest part of the cost of welfare in other States. For instance, as to the State of Arkansas, it was pointed out that 100 percent of the cost of welfare there has been picked up federally while in New York, my own State, only 22 percent of the cost has been picked up. But the total dollar amount of the cost picked up in Arkansas is $19 million. The 22 percent picked up in New York State is $188 million, almost 10 times as much money in total. So it depends on how you are looking at it. Certainly, there is no serious inequity as between Arkansas and New York, if New York is receiving fiscal relief in the amount of $188 million while Arkansas is getting only $19 million, even though the $19 million is the total cost of the Arkansas program.

My colleagues, let me say that there has been a great deal of carping about this program that the Ways and Means Committee has labored so long and finally brought forth. And I know why that is. Welfare is a very visible and unpleasant part of our social structure. We like to believe that in our competitive society everybody is going to win. The taxpayers do not like to work involuntarily for the benefit of those who are not working. There has been a tendency on the part of our local officials to use welfare as a whipping boy, and therefore we are having the finger of shame pointed at our welfare system a great deal.

The easy thing to do, and in many cases the political thing to do, is to keep your head down and say, "I am not going to take any responsibility for this. I am going to be against it." That is what many people are doing here, because they have made up their minds that that is the best political course. But it is an impossible course.

I hope that you will earnestly look at the logic of the proposal that has been submitted by our committee. I hope that you will realize that everything looks yellow to the jaundiced eye, and that if you are willing to strip away some of the rhetoric, some of the labels, some of the formula that is involved in trying to deal with such an unhappy aspect of our society, you will come to the conclusion that what has been recommended is logical and will get us back in control of events, instead of being controlled by events to the extent we have been under the system presently in effect.

We hope that this program has a real chance of success. I cannot promise you that any more than any member of the committee can. But consider the alternatives. Consider the probabilities, and I think you will vote to keep title IV in this bill and to give us a chance to try to work our way out of what has become a very serious problem not only for our poor but also for our taxpayers.

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to H.R. 1, the so-called Welfare Reform Act which is basically a hoax and deceit. Primarily I do so because this bill will compound and administratively confuse and increase the welfare rolls and once again sock the "working poor" taxpayer with an additional tax. The constructive alternative, in my opinion, would be to design a positive phaseout program to remove the Federal Government from its overbungling involvement in welfare which has rapidly proven to be a failure. The present welfare program, which almost all in this body unanimously agree is a mess, is only expanded and intensified by this legislation. Those who claim that it is impossible to phase the Federal Government out of this welfare business are evidentally unable to read in history where Congress has taken steps to remove the Federal Government from given areas of responsibility such as phasing out wars as well as businesses where it did not belong, for example, synthetic rubber plants at the conclusion of World War II. The evidence, to me, appears overwhelming that we should not enact H.R. 1, and my reasons can be summarized as follows:

First. Too few in the Congress today seem to show any concern for the majority of Americans who should really be classified as the "working-poor taxpayer" who will have to carry the tax burden of this welfare idiocy. If the proponents of this bill are correct, and in my opinion once again they are underestimating the true eventual cost as it will require additional funds of $4 to $6 billion in the first year, then it is a misnomer to claim that the States and local government will be sharing certain costs when the money to support this increase will be rung out of the same poor taxpayers throughout the country. Whether it is the Federal internal revenue collector that shakes it out of our individual constitutents or the State tax collector, or the couny tax collector, is of little importance. It is the same dollar confiscated in one way or another to support, unfortunately, many individuals who do not wish to work but have devised all sorts of ingenious schemes to live off the working taxpayer.

Second. According to the city of New York, which has carried on a demonstration program since 1967 and offered monetary work incentives even more generous than those allowed in H.R. 1, this plan will not encourage people to go to work. According to the Wall Street Journal, and various New York City documents, some 200,000 welfare families were offered monetary work incentives to "get off welfare" with allotments that had a beneficial effect greater than those offered in this bill H.R. 1. What were the results? Only 235 families out of the 200,000 included in this program actually worked their way completely off welfare. It is clearly on the record that these income supplements did not work. Now, under this legislation, we are asking an entire nation to accept without proof a similar program.

Third. Federalizing the welfare program, despite the soothing cries of the proponents, will not, in my opinion, solve the problem but compound it. The proponents admit that they will eventually have to add up to 30,000 new employees just to administer this plan. It is my belief that this will merely duplicate the thousands of social workers and employees already working at the county and State level of government and in various private charitable organizations. Most of my colleagues know full well that Federal bureaucracies grow and swell with time and become farther and farther removed from the people they are supposed to serve.

Fourth. Last year the then senior Senator from Delaware, the able and distinguished John Williams, and chairman of the Finance Committee Senator RUSSELL LONG, reviewed the many features now contained in H.R. 1, especially as it relates to the welfare package. Their statements regarding the legislation then known as the family assistance program, much of which is now contained in this bill, I think are significant points to remember:

[From the CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 44478]

> There was never any problem insofar as the Finance Committee was concerned in authorizing and providing money to have a pilot program to provide an honest test for the family assistance plan as well as the alternatives to it. The final and complete failure of the proposal resulted from the fact that the Secretary of Health, Education, and Welfare, speaking for the administration, doggedly insisted that the administration must have the right to trigger this grandiose scheme into full effect, nationwide, after a 1-year trial period, even if a great number of people in Congress had, by that time, concluded that the plan was an utter and complete failure—which it showed every prospect of being.
>
> During the consideration of the plan by the Senate Committee on Finance, the administration changed its plan at least a dozen times, trying to meet criticisms and obvious shortcomings.
>
> The administration proponents of the plan made the full cycle. They tightened up on work requirements and other loose provisions of the bill to attract conservative votes until they ran off liberal supporters, then they loosened up on the tight ends until they ran off conservative supporters.
>
> If one assumes—as most of us do—that a proper welfare plan would remove from the rolls a great number of persons' names who never had any business being there in the first place then that is the one failure of the existing program which the administration never sought to change. Some of us pointed out that individual welfare cheaters are on the rolls in some States as many as five and 10 times. The President's plan provided far better for illegitimate children than it did for children born in wedlock. The plan provided better for people who declined to work than it did for people who did work.
>
> All of these failures of the existing welfare program were thus to be grandfathered in as a part of the grandiose new scheme under the White House proposal.

The comments made by the two gentlemen from the Senate last year point up very candidly the basic similarity of this legislation especially title IV. It will not work. It will not produce the results claimed by its proponents which are that it will encourage people to voluntarily and systematically remove themselves from welfare and become productive working citizens. The proper incentives are not there.

Fifth. The "hold harmless" clause in this legislation leaves many unanswered questions and in effect lets most State governments off the hook by saying that they will not have to spend more for welfare than they did in 1971. So, the future cost of welfare expansion will be absorbed by the Federal taxpayers and some States are apt to lose the incentive to reduce their caseloads. Governor Reagan, in a June 18 memorandum to the Members of the California delegation to Congress, stated:

> Therefore, I am notifying our delegation and others who have inquired that I support any effort to strike Title IV from H.R. 1 so that it can be considered separately on its own merits, hopefully after sufficient time is allowed for all the States to form their opinions and inform their delegations. All we know now for sure is that, under any combination of options, net cost savings to California under the "Hold Harmless" clause will in no way equal or exceed the total impact on California's Federal taxpayers resulting from a program cost increase of $5 billion. Californians pay in excess of 10 percent of the cost on any Federal program. Thus, H.R. 1 has an immediate built-in cost to them of over $500 million.

Sixth. Legislative history would be better served and more precisely defined if we did not today lump welfare concepts together with amendments to the basic social security law. It is my very strong feeling that we do a great disservice to both of these areas by considering them in one package when, in fact, provisions of both should be considered separately.

Seventh. Plans are already underway by the administration to expand this bill in the Senate. Assistant Health, Education, and Welfare Secretary Robert Patricelli has been recorded as stating that—

> The Administration will work to liberalize the bill even further if it gets to the Senate.

My question is, Liberalize it for whom? The something for nothing constituency, or the already oppressed taxpayer and workingman of America.

Mr. CORMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, last Thursday, June 17, 1971, I made a speech in the House of Representatives entitled, "Social Security—Meeting Its Commitments." Today, as we consider H.R. 1, I would like to address my remarks to payroll taxes and the social security system.

In recent weeks, certain newspaper accounts reported that the social security changes proposed this year will raise social security taxes 86 percent.

This is the outer limit computation of social security tax increases based on a comparison between 1971 and 1977. The average worker covered under social security will pay an increase in 1972 of 3.8 percent. By 1977, the average worker's payment will increase by 42 percent over 1972. Furthermore, under present law, the average worker's taxes would have increased 16 percent by 1977.

If the cost of medicare and the medicare tax were disregarded, the social security tax is reduced nearly 9 percent by 1972. The increase in the combined social security tax is due to the sharp rise in costs of hospital insurance and to the extension of hospital insurance to the disabled. The new law provides an added insurance protection by providing medical insurance to the worker who becomes disabled. Except for the hospital insurance factor, social security taxes are lower in 1972, 1973, 1974, and 1976 as follows:

CONTRIBUTION RATES FOR SOCIAL SECURITY CASH BENEFITS PROGRAM

	Present law	H.R. 1	Percentage change
Year:			
1971	4.6		0
1972	4.6	4.2	−8.7
1973	5.0	4.2	−16.0
1974	5.0	4.2	−16.0
1975	5.0	5.0	0
1976	5.15	5.0	−2.9
1977	5.15	6.1	+18.4

It can be seen that H.R. 1 will reduce the tax rates on the cash benefits program through 1976 except for the year 1975, when they are unchanged. Although these rates are scheduled for an 18.4 percent increase in 1977, this is not likely to happen. By 1975, under the schedule of H.R. 1, there will be an annual increase in the trust fund of nearly $13 billion. This will provide the basis for a tax revision downward by that time.

The following table confirms the congressional policy of postponing scheduled tax increases as soon as it becomes clear that these increases will not be needed. The following list shows the various postponements of scheduled increases in social security contribution rates that have occurred over the years.

The 1939 act reduced scheduled rates for 1940–42 from 1.5 percent to 1 percent.

Legislation in the 1940's reduced scheduled rates for 1943–45 from 2 percent to 1 percent, for 1946–48 from 2.5 percent to 1 percent, for 1949 from 3 percent to 1 percent, for 1950–51 from 3 percent to 1.5 percent, and for 1952 and after from 3 percent to 2 percent.

The 1950 act reduced scheduled rates for 1952–53 from 2 percent to 1.5 percent.

The 1965 act reduced scheduled rates for 1966 from 4.125 percent to 3.85 percent, for 1967 from 4.125 percent to 3.9 percent, and for 1968–72 from 4.625 to 4.4 percent.

The 1967 act reduced scheduled rates for 1968 from 3.9 percent to 3.8 percent, for 1969–70 from 4.4 percent to 4.2 percent.

H.R. 1 reduces scheduled rates for 1972

from 4.6 percent to 4.2 percent and for 1973–74 from 5 percent to 4.2 percent.

Federal employees already contribute at substantially higher rates on their retirement programs. While social security rates will be 4.2 percent on the cash benefits program up to a ceiling of $10,200 under H.R. 1, Federal employees pay 7 percent contributions on their entire salaries. Railroad employees and employers contribute almost 9 percent each on their cash benefits program as per the following table which shows the maximum tax:

COMPARISON OF RAILROAD RETIREMENT AND SOCIAL SECURITY CASH BENEFITS CONTRIBUTION RATES AND MAXIMUM ANNUAL AMOUNT OF CONTRIBUTIONS UNDER H.R. 1

	Social security		Railroad retirement	
	Employer-employee each (percent)	Maximum annual EE tax	Employer-employee each (percent)	Maximum annual EE tax
1972-74	4.2	$428.40	8.95	$912.90
1975-76	5.0	510.00	9.75	994.50
1977 on	6.1	622.20	10.85	1,106.70

In most industrialized foreign countries, the employee contribution rate for old age, survivors, and disability insurance is often considerably higher as per the following table:

CONTRIBUTION RATES FOR OLD-AGE, DISABILITY, AND DEATH BENEFITS IN SELECTED COUNTRIES

Country	Rates (percent)	
	Employee	Employer
Argentina	5.0	15
Belgium	5.5	7
Brazil	8.0	8
Canada	4.0	3
France	3.0	5.5
Italy	6.9	13.75
Japan	3.6	3.6
New Zealand	7.5	7.5
Norway	4.0	8.8
West Germany	8.0	8.0

In many cases, the employer tax is even higher than the tax paid by employees. In Italy, for example, the employer's contribution rate reaches 13.75 percent. Thus it can be seen that our trading partners contribute to the social security programs of their countries at generally higher levels.

Those who attack social security speak of social security taxes as if they were just another tax. They disregard the fact that social security contributions are paid for specific insurance coverage—not available to those who are not covered.

The Ways and Means Committee has been criticized for being reluctant to push the wage-base ceiling up as fast as inflation and wages have been increased. Actually, the wage base has been increased seven times since 1950 from $3,000 to $10,200. The increases have roughly matched the increases in wage levels over this period. Under H.R. 1, provisions are included to automatically keep the wage base up to date. While some attack the increase in social security contributions, they completely overlook the fact that taxes have only increased because of the higher wage base which they say has not increased as fast as it should.

Since most employers have no other retirement programs for their employees and since over 70 percent of the 95 million workers have no other work-related pension plans, the social security system has become the primary source of retirement support. If there were no social security program, employers would be under tremendous added pressure and obligation to provide a retirement program as a part of labor contracts. Supplement retirement programs are premised on the social security base. The social security program has therefore provided employers with a basic program of retirement support for their employees. No better alternative program has been suggested.

Mr. CONABLE. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I am quite aware that the committee has spent considerable time on H.R. 1 which we are now considering, and has held extensive hearings extending over a period of several months. We have a bill before us that contains 687 pages. The report is 385 pages long. Frankly, I think it is too large and complex a measure for us to consider in the manner it is being considered today on the floor of the House. Certainly it is too large and too complicated a bill for the Members of the House who do not serve on the committee to understand fully.

However, I have reviewed both the report and the bill. There are a number of provisions that concern me. I am concerned about the concept of a guaranteed income, whether it is called a guaranteed annual wage or not. I am concerned that a family of four would receive a minimum of $2,400. I know there are Members of this House who would like the guaranteed family income to be much larger. However, I believe it lays the foundation for demands to be made each year to increase this floor that we would put under income. I hate to see this Government guarantee any level of income to able-bodied citizens whether they work or not. It seems unfair to the taxpayers who do work for their living.

Mr. Chairman, I notice in table 12 on pages 227 and 228 of the committee report that there are at this time something over 15 million people in this country now receiving welfare payments. If this bill is adopted according to the committee report, there will be more than 25.5 million people receiving welfare. That is an estimated increase of 10.5 million people on the welfare rolls.

The committee report indicates that in my own State of Virginia there are 185,400 persons now receiving welfare. If this measure is adopted, the report indicates that the number will increase to 566,500 people. In other words, the number of welfare recipients in the State of Virginia will be multiplied by a little more than three.

Mr. Chairman, I submit that the people of this country are concerned about welfare. They are concerned that there are too many people receiving welfare checks. I do not believe the people of this country want the number of welfare recipients in Virginia to be multiplied by three. This would mean slightly more than one out of eight Virginians would be receiving welfare checks, and the remainder of the people would be paying for this. In my opinion, the public wants less welfare payments, not more.

Mr. Chairman, I submit that we should have a pilot project. Perhaps we should have a number of pilot projects in different parts of the country to see whether the desire to take people off the welfare rolls and put them on the payroll, as is intended by this bill, will work. Will it work or will more millions acquire a welfare philosophy, a belief that it is easier to be supported by welfare funds than it is to work for a living? I am concerned that more people will acquire that welfare concept and that we will be spending more tax funds from the Federal Treasury on welfare.

Certainly there is no suggestion that this is going to cost less money in the near future.

In conclusion, Mr. Chairman, I believe that we will be spending more money and we will be indoctrinating the people of this country with the welfare concept. Therefore, I cannot support this measure and urge that it be rejected by the House, so that the Committee on Ways and Means can again consider the overall welfare system in this country and report a bill that will reduce the number of people receiving welfare and the costs thereof.

Mr. CORMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, at the outset I want to say that I am in favor of title IV.

Mr. Chairman, I listened yesterday to the distinguished gentleman from Arkansas, the chairman of the Committee on Ways and Means, and I thought he did an excellent job. I have to agree with Mr. MILLS that one of the greatest problems facing our country today is the welfare problem. It is a major problem in every State of the Union.

Mr. Chairman, my State, the Commonwealth of Massachusetts has a budget, at the present time, of almost $2 billion, of which $950 million, or nearly 50 percent of the State budget is currently spent on welfare. Massachusetts can no longer afford to continue to pay this huge amount to welfare recipients.

Now, Mr. Chairman, there are many inequities in this bill. No one can question that fact.

People say to me, "How can you justify the fact that they are suggesting a base of $2,400 a year, when the Department of Labor States that the poverty level for a farm family is $3,200 a year and the poverty level for an urban family is $3,800 per year?"

How can I justify the figure of $2,400? I reply: How can I justify the fact that a person on welfare in Mississippi receives $972 a year? How can I justify the fact that if a person lives in Arizona, he receives $2,076 a year? If one lives in the State of Illinois, $3,408?

In Massachusetts, a family of four which is on aid to dependent children receives $3,960. A family in New Jersey, I believe, receives the highest in the country, $4,164; New York, $3,756; Pennsylvania, $3,612; and Connecticut, $4,020.

Mr. MILLS tells me that under this bill Massachusetts gains about $43 million. Yet the Governor's office tells me the State only receives a gain of $10 million. Let us write into the record Mr. MILLS' figure.

The interesting factor about this bill cannot be overlooked: At the present time, Massachusetts pays $3,960 to a family of four. The Federal Government pays 50 percent of that, which is almost $2,000, or $1,980. Under this bill Massachusetts gains $420.

The State of Illinois pays $3,460 and the Federal Government pays one-half of it, or $1,730. If the State gets $2,400 under the provisions of this bill, Illinois stands to gain $670.

Now, there is nothing in this bill which says that the State of Illinois cannot give more money. The Federal Government is going to give Illinois $2,400. It is up to the State if it wants to augment the $2,400.

There is nothing contained in this bill, as I understand it, which says that one must raise or one must cut. The law remains as it was. That is as it should be, allowing the State to determine the scale. Those States which do not match the minimum requirement must pay $2,400.

The gentleman from Pennsylvania expressed concern over the provision in this bill which causes the mother to be taken away from the family. I do not think the mother will be taken away from the family. The mother will not be required to work unless adequate provisions have been made for the children.

Mr. Chairman, we have one plant in the city of Cambridge that has taken about 60 mothers off the welfare rolls; other mothers who are still on the welfare rolls hope that they, too, can obtain employment at this plant. The mothers who work at this plant bring their children to work with them each morning. The plant provides a nursery teacher and a nurse. At 10 o'clock the mother has a coffee break with her children; at noon she has lunch with her children. At 3:30 she takes her children home and she thinks she is fortunate.

Probably, there is not anything like that plant in the bill, but the idea is contained in the purpose of the bill. The intent is to set up child care centers. In my opinion, child care centers will be established by the enactment of this legislation. This legislation will be a significant step forward in erasing the inequities of welfare which have been manifested so overtly in the past.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CORMAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Chairman, many things about this whole welfare system have bothered me. One, in particular, is the way in which the present welfare system has encouraged the disintegration of our family structure. I want to tell you about an example of a married man who has a family of six children and works in a car wash. Earning a minimum of $2 an hour, he makes $80 a week to support those six children. At the end of the first week he goes in debt. At the end of the second week he goes further in debt. At the end of the first month, and the month after that, he goes further and further in debt. Finally, the father reaches a point of frustration. He leaves the family. Why does he leave, when he loves his wife; why does he leave, when he wants to keep the family together as a unit; why does he leave, when he knows that once the father deserts, the family is destroyed? He abandons the family, because if he leaves his wife, the mother can get $126 a week on welfare. This instance is not unique. It is happening each day in every State of the Union.

Now, I say that this bill does not accomplish all that I want in welfare reform. But I believe we should have a subsidy. I think we should give that man with six children an extra $46. By giving him that extra $46 we save the Government and the taxpayer $80. But more importantly, we make a bigger saving; we give the man his self-respect; we keep the family intact as a whole unit. The family remains in a healthy environment; it does not disintegrate.

Most significantly, there is no crime. Remember, if we keep the family together, we will prevent 50 percent of the crimes in America.

No; subsidies are not in the bill. They should be. But we cannot put everything in the bill on the opening day. That is why I say to you that I think this measure is good legislation in the direction toward substantial welfare reform.

As I looked over the rollcall, I was amazed to see the two groups that voted: The overconservatives, and, let us say, the ultraliberals. One group claiming we were giving too much, and one group saying we were not giving enough.

To the group that says we are giving too much, I say to that group that this is probably the absolute minimum. We cannot justify, in my opinion, $972 to a family of three on welfare in any State. To those who say that we are not giving enough when we pay the $2,400, let me say that this measure is the opening wedge for better legislation. It is an opening wedge which will try to keep families together. It will pay dividends, ladies and gentlemen. I repeat, if we pass this bill, it will pay great dividends when 5 years are past.

This House owes a debt of gratitude to the Ways and Means Committee and its distinguished chairman from Arkansas, Mr. MILLS. Title IV should not be stricken from the bill.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I intend to vote in support of H.R. 1, including title IV.

Our present welfare system does not work well at all. Coverage is nonuniform, incentives are lacking, working requirements are not considered, costs are high and rising, and "welfare immigration" is rampant.

H.R. 1 offers some hope for improvement through incentives, mandatory training, mandatory work, and day care. It also will relieve some State cost obligations.

The present "Federal" system binds the States to a Federal program they may or may not like, and in turn binds the Federal Government to State expenditures it may or may not like. The worst features of the present law are the lack of incentive for welfare recipients to be self-sufficient and the lack of authority to force welfare recipients to work if they are able.

Since we already have a nonuniform guaranteed annual wage under the present system, that concept need not be frightening. The minimums established in H.R. 1 are well below those now paid in most States. Of course there is no guarantee that minimums will not increase in the future, and there should be no such guarantee just as there is none in social security or unemployment compensation.

The cost of H.R. 1 is greater than that of maintaining the present system. We are told that it should be less in the long run. Things do not always work out as predicted, but it seems to me wise to select the alternative which offers a chance to hold down costs in the long run rather than the present system which offers no such opportunities.

H.R. 1 is not an unvarnished blessing, but our choice today is to have it or the present system which I deem totally unacceptable. Under these circumstances I choose H.R. 1.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise today to express my wholehearted support for the honest and extensive efforts being made to reform this country's welfare system.

None of us in this Chamber can take any satisfaction from the present state of the welfare program, and all of us want to see it changed.

The overwhelming and ever-rising costs of welfare, the administrative chaos that characterizes almost every single welfare office in America, the demeaning effects that present welfare efforts have on recipients, the actual encouragement of family separation that is inherent in the present system—all of these and many more reasons tell us plainly that changes in the welfare system are imperative.

Now we are searching for alternatives, and I am delighted to see this kind of search taking place at long last, for nowhere in this Government is there more desperate need for a good alternative, and for fundamental reform, than in the welfare program.

H.R. 1 provides many of the reforms I believe are needed.

Some of the best features of this bill, though not directly related to welfare reform, are those dealing with improvements in social security benefits.

These include:

First, an across-the-board, 5-percent increase in benefits, effective June 1, 1972;

Second, an automatic cost-of-living increase in benefits, provided the consumer price index increases by at least 3 percent a year;

Third, an increase from $1,680 to $2,000 the amount a retired person could earn without losing social security benefits;

Fourth, establishing a new Federal program to provide financial assistance to needy persons who have reached age 65 or are blind or disabled, effective July 1, 1972; and

Fifth, extending medicare protection to social security disability beneficiaries: disabled workers, disabled widows, and disabled dependent widowers between the ages of 50 and 65; people aged 18 and over who receive social security benefits because they became disabled before reaching age 22; and disabled qualified railroad retirement annuitants.

These provisions are good, and it is a terrible thing that they have to be tied together now with other provisions surrounded by so much controversy.

There are other good features of H.R. 1, more closely linked to improving the welfare system.

One of those features is the monthly income floor placed under our blind and otherwise disabled citizens. Separating them from the rest of the welfare morass is certainly a great step forward toward more extensive welfare reform.

I also favor the manpower training and placement provisions included in the bill, to provide training and job opportunities and to improve the skills of those people who are able to work.

The child care services and facilities provided by H.R. 1 would also be great improvements, not only for providing better care for underprivileged children, but also providing employment for many welfare mothers directly, and freeing others to participate in job training and gainful employment.

And H.R. 1 provides a potentially effective means of getting people off welfare rolls, by temporarily placing some of them in public service employment until they can move into permanent, productive jobs in the private sector.

Our emphasis and our goal should always be to stimulate private employment, rather than adding more and more people to the Federal payroll. Massive public employment is not the answer to the national problem of high unemployment, as some have suggested. But if creating public jobs is a partial solution to anything, it is the welfare problem.

I think it is important to have someone in the family going to work, to give people some pride in their way of life, to know they have accomplished something in using their own ability to provide for their families.

The hand up instead of the handout has always been the way we in this country have helped our fellow citizens. But the welfare systems of the past and present have rejected that basic premise, and the result has been to literally kill people's incentive to do any better for themselves.

Evidence of that can be found in the ever-swelling welfare rolls that have brought local and State governments to the brink of bankruptcy.

And while it was certainly not intended to do so, the present welfare program has too often encouraged illegitimacy, family breakups, and immorality. This is a tragic and needless byproduct of our efforts to help those who cannot help themselves.

So we do need welfare reform. No one questions that. And we are so close to having a meaningful and acceptable welfare package.

But how can we justify the American taxpayer's having to subsidize another man's income from private employment, or contribute to public funds that will totally provide that income, when the taxpayer is having a hard enough time making ends meet for his own family?

How can we justify adding more than 10 million more people to the welfare rolls in this country, and call that reform? How can the State of North Carolina increase its welfare load from 248,200 to 821,600—an increase of 300 percent—when welfare costs are already putting a severe strain on government treasuries?

And how can we justify a program that offers no assurance that at some point in time welfare rolls and welfare costs will begin to decrease, rather than continuing in an upward spiral?

And what is to prevent future campaigns to increase the guaranteed annual income with each succeeding session of Congress? In the 91st Congress, the proposal was for an income floor of $1,600 for a family of four. That figure has jumped to $2,400 in the 92d Congress, and already there has been proposed a guaranteed annual income of $5,500. How far will escalation go?

And why should the Government-subsidized employee—or his employer, for that matter—look any further than to the Congress for future income raises?

How can we do all of this, and still say we have passed a welfare reform program? I say it cannot be done that way.

To provide welfare reform that is effective and acceptable to the people who must pay for it, we must get away from the stigma of a guaranteed annual income. We must provide the means of helping people help themselves, giving them the incentive to succeed on their own, to train for a job and be gainfully employed to get away from being a perpetual burden on the taxpayer.

It is a tragedy that the rule governing consideration of this bill does not permit correcting these unacceptable features in what is an otherwise excellent and much needed reform measure.

I will vote to strike title IV, the provision authorizing a guaranteed annual income, from the bill, but I will cast that vote in the sincere and fervent hope that the Ways and Means Committee will report a new but similar bill, excluding the unacceptable provisions I have mentioned but incorporating the reforms I have praised. Such a bill would receive my enthusiastic support.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN), a valued member of the committee.

Mr. CHAMBERLAIN. Mr. Chairman, as we consider H.R. 1, a compendium of health, social security, and welfare measures and one of the most lengthy and complex pieces of legislation ever to come before the Congress, I wish to make a few observations concerning the proposed modification of the welfare system, for it is our success or failure in this crucial area that will determine the actual merit or worthiness of this legislation.

While this bill has generated much controversy there is one point on which there appears to be universal agreement—that is that our present welfare program is a catastrophic failure. Arising essentially during the dark depression days of the 1930's, modern welfare was intended primarily as a temporary backstop to the great many Americans who faced starvation and disaster. However, this temporary expedient has since evolved into a self-perpetuating miscreation that has assigned whole generations of families to a never-ending cycle of dependency while at the same time threatening to drive the Nation to the brink of financial chaos.

Under the present system one can find inequities of all types existing side by side. People have been allowed to get on the rolls through simple declarations of income and resources, others are allowed to stay on the rolls while their circumstances have changed and payments are no longer justifiable, while still others who are truly needy get little or no assistance at all.

Nor do you have to go to the big metropolitan areas to find them. To see the disastrous effects of welfare migrations go to Benton Harbor, Mich., where the number receiving aid to families with dependent children has skyrocketed to where they now make up one-third of the city's entire population, a 100-percent increase in just 2 years.

One of the principal reasons for our welfare mess which allows for such shocking abuses and discrepancies is just plain bad administration of the programs. A recent study by the General Accounting Office to investigate the reasons for the skyrocketing welfare rolls in New York City estimated that in 1969 the city made excess AFDC payments in the amount of $70.9 million, payments which are financed at the rate of 50 percent by the Federal Government.

Or another sad example right from my own home area in Michigan further underlines this fact. There the local welfare department had been issuing replacement checks to individuals who claimed their original assistance checks had been lost, stolen, or missing for various reasons until it had reached a rate of $22,000 per month last August. A crackdown on this abuse involving careful administrative examination of requests for replacement checks has since caused this figure to be reduced from more than $69,000 for the first 5 months of 1970 to a total of only $127 for the same 5-month period this year.

These are not isolated examples. Similiar cases detailing the failures of the present system abound. Every Member must have heard of such instances in his own district. It is this record of past performance in the administration of existing welfare programs that gives me greatest cause for concern over the future prospects of H.R. 1. The Ways and Means Committee has made a serious attempt to correct the long-standing abuses presently associated with welfare, and as Chairman MILLS has said, we have tried to change this to a program that will be "hard to get on and easy to get off."

Whether or not the committee's efforts are successful will depend entirely upon the quality of the administration of the program. Unfortunately, if past experience is to be our guide—the court rulings that remove the deterrents to abuse, the vigorous activities of welfare organizations who appear determined to perpetuate a distinct welfare class, and the efforts of the pie-in-the-sky dogooders who ignore the practical realities of our economic limitations and capabilities—all these will work to derail what might otherwise hold promise in reversing the disastrous welfare debacle that is about to engulf us.

There is no question that welfare reform is needed. But what we need is welfare reform that will get people off the rolls and make them independent and this will require that H.R. 1 be administered with great zeal, intelligence, reason, and caution.

The American taxpayer deserves nothing less and will tolerate nothing less. My thought is well expressed by the words of a sixth district resident, who wrote just last week:

> My husband does service repair work for people on welfare and he sees how much better they live than we do! How long will our government permit the working man to suffer? Perhaps they will wake up when the working man quits working and decides to go on welfare too and "To Hell With Pride"; then it will be too late.

Let us in the Congress serve notice to all appropriate agencies and groups that we are determined to exercise all vigilance necessary to insure that H.R. 1 is administered in a manner that will conform with our stated intent to bring about the genuine reform of our welfare system.

Mr. Chairman, I know of no one who contends that H.R. 1 is a perfect bill that will solve all our problems and who is satisfied with it in all respects. As a matter of fact, the problem we are addressing may well be beyond solution. Nonetheless, the Ways and Means Committee has worked long and with diligence and, in my judgment, has come up with the best reform proposal possible. It has my support and I urge its approval by the House.

Mr. CONABLE. Mr. Chairman, I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, due to the massive cost to the taxpayers and lack of real work incentives, I intend to vote against the establishment of a guaranteed annual income as proposed in title IV of H.R. 1. While I favor the many improvements to the social security system provided for in the other titles of the bill and especially the automatic cost-of-living increase provisions, I will vote to strike title IV from the bill so that I may in good conscience vote for the bill on final passage. As you may know, as a member of the Rules Committee I voted to send the bill to the floor with a special rule providing for a separate vote on this particular title.

Testimony before the Rules Committee by the chairman of the Ways and Means Committee, WILBUR MILLS, revealed the fact that the guaranteed annual income title of the bill would add 10½ million people to the 15 million people presently on welfare. The number of people eligible for welfare in Ohio would jump from the present 523,700 to nearly 928,700—an increase of some 77 percent. Mr. Speaker, the cost of such a program would be staggering. Estimates for fiscal year 1973 reveal a net cost of $11 billion dollars for H.R. 1—$5½ billion for the guaranteed annual income provision and $5½ billion for the social security adjustments.

I doubt very seriously whether the so-called work incentives in the bill will work in actual practice. Under the provisions of the bill, a family of four will be entitled to a payment of $2,400 per year. The head of the house could earn an additional $720 without suffering any reduction in his Government payment. However, if he earned $1,000 he would receive $2,213 from the Government making a combined income of $3,213 or a $93 increase in total income. Should he earn $2,000, he would be eligible for only $1,547 from the Government for a total income of $3,547. In other words, for earning an additional $1,000 he would end up with only $334 more income.

While most people agree that the administration of the present welfare system is enormous and complex, this new welfare proposal would be next to impossible to administer due to the complexities involved in individual payments and the fluctuations from month to month caused by varying earned and unearned income, increased assets, family additions, and so forth. Let us hope that the wage earners of this country will not have to pay for such a costly and wasteful program.

Mr. CONABLE. Mr. Chairman, I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, all over the country, people are saying that the Federal Government has gotten too big. The Washington bureaucracy has arrogated unto itself more and more power. Now the time has come to return power and responsibility to State and local governments, which can be more responsive to State and local needs.

Yet, at the same time, title IV of H.R. 1 would buck this overdue trend and concentrate all the responsibility and power of the welfare program into the Federal Government. Although American sentiment in the matter is clear, we have been asked by the proponents of title IV, the family assistance program, to federalize welfare. I find this amazing.

We have been told many times today and yesterday that the present welfare mess in America is intolerable. I quite agree. But title IV, Mr. Chairman, is not the solution.

Welfare is a mess today because of the meddling and bungling of the Federal bureaucracy with its unmanageable maze of guidelines. Yet we are being asked to reward this bungling by giving this same bureaucracy even more power that rightly should belong to the State and local governments of this Nation.

Although economic conditions vary from State to State and from community to community, we are being asked to establish from our own ivory tower on high a common standard of welfare, which may or may not be relevant to local situations.

Another alarming part of the family assistance program is the cost factor. This bill would raise overall welfare costs by at least $3.9 billion. Administrative costs alone would be escalated by $700 million in the first year.

But even more frightening than these amazing cost overruns is the psychology of title IV. More than any other piece of legislation ever passed by this body, this bill would establish once and for all that the Federal Government owes you a living. Uncle Sam is your keeper, just because you happen to live here.

But if we are to maintain our greatness as a nation, our vigor as a country of people who want to support themselves, should not we instead encourage people to make their own way? A guaranteed annual income, I submit, is not the way to do it.

Look at any newspaper in the country, and you will see many "help wanted" ads. True, these may not be particularly glamorous jobs, but they are jobs which can give a person the dignity of making his own way. These jobs await the willing hand, but a person on a guaranteed annual income may not be so willing.

Of course, we have been told to have faith in this program—that it will be the way to get people off the welfare rolls and onto payrolls. But on something so costly, I would like to have some evidence that it will really do the job. Has any such evidence been offered today? I have been listening to the debate very closely and I have not heard anything like evidence.

The family assistance program is so unlike anything else that has been tried that there is no experience factor by which we can gage its chances for success. There are some experiments going on which could give us some positive indications, but as yet the results have been inconclusive.

Why are we then so hasty in starting so massive and costly a program prior to the completion date of the pilot programs? Could it be that indications have shown that, to the contrary, it will not work? I really do not know, as no one has seen fit to address himself to this point.

In the past few days, my office has been bombarded by letters on H.R. 1—some calling for its defeat and some calling for its passage. Many of the supporters have said, in effect, "I know this bill is far from perfect, but pass it anyway. Then the Senate can pass their version and make it more workable."

Well, Mr. Chairman, I am not yet ready to go along with this House's abdication of its responsibilities to the other body. I believe we are quite capable of getting back to work and developing some kind of workable solution to the welfare mess. The people of America elected us to do this kind of work, not to pass the buck to the other body.

By the same token, I strongly object to the closed rule which prevents this body from really working its will on H.R. 1. I can see quite well where the closed rule may be necessary during consideration of some legislation. But I can see no justification for it in this bill.

In addition, the lumping of major overhauls of social security benefits, medicare, medicaid, aid to the disabled and assistance to the poor into one "take-it-or-leave-it" package is a gross abuse of the closed rule privilege.

Finally, Mr. Chairman, hanging ominously over the deliberations here today is the dark specter of the ever-spiraling national debt and its corollary, ever-rising inflation.

At the end of 11½ months of fiscal year 1971, our Nation has gone $30 billion more into the red. The inevitable result of this massive deficit has been more inflation, as the latest statistics have also plainly and tragically shown.

Yet, by raising the costs of welfare by nearly $4 billion with title IV, we will add that much more to the debt and fires of inflation will be that much hotter. In fact, the $2,400 basic assistance level could be made totally inadequate by the very inflationary effects of this bill. This in turn would raise the cry for us to raise the ante and add that much more to inflation.

Given this debt and inflation picture that is so ominous, can we really afford a program that rewards idleness when jobs await the willing hand? Can we afford to approve a costly program when we do not even know if it will work? Can we afford the intangible cost of generating a psychology of "Uncle Sam is my keeper?"

Mr. Chairman, I submit that we can afford none of these things and I urge each of my colleagues to vote against inclusion of title IV in this bill.

Mr. CORMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, H.R. 1 has been debated on this floor for about 8 hours, and I have listened very attentively to that debate. My decision on title IV of that bill—the family assistance plan—has not been an easy one. Many of the attractive provisions contained in the bill which passed the House last year have been removed or weakened. These and other deficiencies have been pointed out by a number of my constituents and by groups interested in improving the bill.

The debate on this bill has produced an unusual crossing of political and philosophical lines. Among the supporters of the bill are Common Cause, the AFL–CIO, the League of Women Voters, and Mitchell Ginsberg, former administrator of the Human Resources Administration of New York City. In opposition are the National Welfare Rights Organization, the American Conservative Union, the U.S. Chamber of Commerce, and the Americans for Democratic Action.

The supporters are in accord as to why they support the bill. They recognize its deficiencies, and yet they have concluded that the best way to remedy those deficiencies is to pass this bill and to seek to improve it in the House-Senate conference where provisions which the Senate might pass to increase its benefits might prevail. They also realize that if title IV of this bill is not passed, the Senate will have nothing to improve upon. They, and I, would much prefer that, when a conference committee meets on this bill, it be negotiating a compromise between a $2,400 House bill and a hopefully better Senate bill, rather than between a Senate bill and nothing.

The distinguished chairman of the Ways and Means Committee pointed out yesterday that—

> Title IV concentrates on bringing help to the poorest of the poor, bringing the lowest payment levels up to the minimum Federal standard.

Those of us who lament the inadequacy of this bill must acknowledge that it does at least what the chairman suggests: It establishes a minimum benefit level; it substantially aids those who are worse off under the present system; and it becomes the base upon which to build.

Included among those who seek the defeat of title IV are those who oppose the entire concept of welfare. I dismiss their argument, since I believe that we must provide for those who for legitimate reasons cannot work to support themselves.

The more difficult argument to deal with is that made by those who oppose the bill because of its admitted inadequacies. I recognize the bill's deficiences, and I am outlining below those areas of title IV which I feel need special remedial attention.

Those of us who wish to strengthen the bill voted yesterday against the closed rule. If that effort had been successful, amendments from the floor would have been permitted. Unfortunately, we lost that fight by a vote of 200 to 172.

Those who want the bill defeated because of its deficiencies believe that time will ultimately cause pressures to build which will culminate in a better bill next year or the year thereafter. This is a matter of judgment, and, based on my experience in this House, I disagree with that conclusion. I think we need only look at what has happened to the family assistance plan in the year that has passed since it was last approved by the House. I also believe that during the time that a new bill is being formulated, millions of children and their parents who would have received coverage under this bill will needlessly be denied benefits.

In passing this bill and in noting our objections, we are making it clear to our colleagues in the Senate that we do not look upon this bill as adequate, and that we will welcome those amendments and additions to the bill which will strengthen it. It is for that reason that I am today voting for the family assistance plan and offering my suggestions as to the improvements in it which I would welcome and support.

I am pleased that the committee was able to add to the bill a provision which I initiated providing that any person addicted to narcotics who receives welfare as a result of that disability, must undergo treatment. Last month there were an estimated 18,000 persons on welfare in New York City who are drug addicts, and very few are receiving treatment, because of a lack of facilities. Under H.R. 1, the Secretaries of Labor and Health, Education, and Welfare would be required to provide for the monitoring and testing of drug addicts and alcoholics in the Federal benefits program. And most important, the Secretary of Health, Education, and Welfare is required to contract for or provide adequate drug therapy treatment for these people.

I am also pleased that the committee incorporated into H.R. 1 another of my proposals: To raise the income tax deduction allowed for child care. The committee has increased the child care deduction for one child from $600 to $750, for two children from $900 to $1,125, and for three or more children to $1,500. The committee also raised the income limitations from $6,000 to $12,000. Whole I am tions from $600 to $12,000. While I am delighted that these increases were included in H.R. 1 by the committee, I shall continue to press for larger deductions which more closely reflect the actual expenses in caring for a child or dependent. I also support the entire removal of the income limitation now in the bill, since under H.R. 1 it discriminates against families: Married couples are the only ones subject to this test; widows, widowers, and divorcees supporting dependents are not.

I also want to associate myself with the additional views on H.R. 1 included in the committee report and authored by Messrs. CAREY, VANIK, GREEN, and CORMAN. These views cogently point out the weaknesses in the bill, in both the social security and medicare sections, and in title IV.

I would also like to add my own comments on the following sections of title IV:

First. Benefit level: Although the $2,400 represents an increase in benefits for recipients in the poorest States, it does not realistically reflect the amount needed to provide necessities for a family of four and is nearly $1,500 below the Government-defined national poverty level. I favor a complete Federal takeover of the welfare system, with a benefit level reflecting both the standard of need and the varying economic conditions in different parts of the United States.

Second. Employment opportunities: The Columbia Center on Social Welfare Policy and Law pointed out that the opportunities for families section of the bill, in spite of its promise of new jobs, still will not meet the needs of all those who seek and need work. To quote from the center's report on H.R. 1:

> The Administration estimates that there will be 2.6 million families with persons registering for employment services. The bill provides for 412,000 training and job placement slots, 200,000 public service employment slots, and 187,000 slots now in the Work Incentive Program under AFDC. This is a total of 799,000 placements, leaving 1.8 million either employed, placed in vocational rehabilitation or drug treatment, or unplaceable. Only 75,000 slots are budgeted for upgrading the employability of those in low paying jobs. The Committee on Ways and Means offers no estimate of how many unemployed registrants will be available for the 799,000 placement slots.
>
> Public service employment jobs are to be used to place those without jobs or training programs, for a limited time only. Funding is available for such placements for up to 3 years, after which the recipient must be hired as a regular employee of the agency where he is placed, or dropped from the program. § 2114(c).

As the report points out further:

> No work requirement can erase the lack of effective training programs and worthwhile jobs available to the poor.

If we insist that every person who can feasibly do so find a job, we must also be sure that there are available jobs to be found.

Third. Legal and constitutional rights: Recent Supreme Court decisions which established certain rights of welfare recipients are ignored by this bill. Shapiro against Thompson prevented States from establishing arbitrary residency requirements for welfare recipients, yet H.R. 1 reinstates those requirements. Goldberg against Kelly provided that a recipient's benefits must continue while a hearing on eligibility was being conducted. H.R. 1 would cut off a recipient's benefits first, then conduct the hearing. These portions of the bill will encourage actions which have already been ruled unconstitutional and will force recipients to go to court again to have them struck down.

Under H.R. 1, the head of a family who attends college cannot receive benefits. This provision is undoubtedly aimed at the well-publicized college students who have been proudly flaunting the system and applying for welfare and food stamps. However, in attempting to deal with these people, the bill has struck a brutal blow to the thousands on welfare who are attending college in the desperate hope of improving their education and earning capacity. The controlling provision should be rewritten so as to distinguish between those who abuse the system and those who are trying to use it to free themselves from dependency.

I hope that these suggestions will receive the careful attention of the Senate and that we may look forward to their implementation by that body.

Mr. CORMAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I have been waiting patiently all day in order to get a few remarks in the RECORD. I want to say to you first that I do not intend to talk about the technical or monetary aspects of this bill because it is a known fact that the U.S. Congress from time to time is able to find money for all kinds of purposes other than for the conservation and preservation of the most important resource that this Nation has—and that is its families and its children.

Let me speak, if you will, of man's inhumanity to man—man's inhumanity to the man or woman who happens to be poor, disillusioned, and dejected and has been relatively helpless and powerless in this society.

Let me speak of the 70 percent or more of the AFDC families in this country whose male members have been the victims of this society for so long, with unequal opportunities for education, housing and employment. This is precisely the reason we find ourselves here today in this Congress trying to make a decision as to what is going to happen in the future.

If there is an AFDC program and an overall welfare program it is because—and I have not heard this in all of the time I have been sitting in this Chamber anybody making mention of this fact—the reason we are confronted with this problem is because of a society that has not permitted people of a certain ethnic origin primarily to become proud, self-sustaining citizens in this country so that they can be productive. Let us make sure that we get that on the record. One gets the impression here that there is an inordinate number of people who want to get on welfare and who desire nothing else than to get money for nothing.

Let us be truthful about what is happening.

We speak of certain incentives. I want to talk very briefly about these incentives. We are talking of trying to get people off the welfare rolls so that they can make their contribution to this society. Yet, on the other hand, we have no money for these women—women who are acquiring a higher education in order to be able to get off the welfare rolls eventually and be self-sustaining members of this society and to take care of their families.

Where is the incentive in this bill for those women? Because, as I read the bill, and it is a voluminous bill, it means that in many instances all assistance will be lost. Once again these women will be right back on the welfare rolls. It is a vicious cycle.

We are talking about able bodied men going out to secure employment—men who have been getting welfare for quite some time and it is necessary now for them to go out to work.

In the bill there is nothing that says anything about a minimum Federal wage level of at least $1.60 an hour. People are getting up on this floor and saying: Well, they should be glad for anything. That has always been the attitude toward the poor and the deprived in this country—they should be glad for anything.

If we are talking of giving dignity to people in a nation—if we are talking of giving these people an opportunity to make the kind of income where they will not have to go on welfare and not have to be sustained on welfare benefits, why don't we put in the bill, if you will, at least a Federal minimum of $1.60 an hour? Multiply that $1.60 an hour by 40 hours for a week and you will see what they are getting in these times of rising costs and high inflation—only $64.

There is also talk in the bill for child care centers. Of course, we know that we cannot talk about any major welfare proposal unless we do talk about child care centers because of the large AFDC program. But do you know that $2 billion would only take care of 1¼ million children who receive AFDC benefits at $1,600 per year? In this bill, this child care appropriation is merely tokenism. If we are to have a meaningful kind of a program, we have got to come up with the moneys that are very, very necessary to carry on this program.

In conclusion, I just want to say that for a number of years I have known many, many black men who were trained, men who had college degrees and wanted to be self-sustaining supporters of their families. Because of the color of their skin and their high visibility, in the various employment offices of this Nation, they were not able to secure jobs that were commensurate with their education. Yet, all of us say that education is the key. The key to what? I think that we must come out from behind our masks and realize that the reason we have so many black women heading up welfare families in this Nation is due to the fact that their men never had a chance.

Mr. CORMAN. Mr. Chairman, I yield whatever time he may require to the gentleman from Iowa (Mr. CULVER).

Mr. CULVER. Mr. Chairman, before us today we have one of the most important pieces of legislation in a decade: in one bill we are considering a revolutionary reform of the welfare system; a major overhaul of social security; the repeal and reformulation of assistance to the aged, disabled and blind; and a major revamping of medicare and medicaid. But instead of allowing for full and free discussion with an opportunity to reshape and mold these issues as the entire House sees fit, we are constrained under a closed rule with no opportunity for amendment, with no chance to modify those sections we think unwise. Certainly no questions so vital as these should be settled exclusively within a particular committee, so that the other 410 Members of the House have no input but a simple "yea" or "nay."

Particularly disturbing about this procedure is that in this instance a basically sound reform of programs affecting the elderly is laden down with unnecessary restrictions. Iowa's senior citizens have seen how several of these provisions have burdened them personally in just the past week.

Earlier this year Congress enacted a 10-percent social security increase with the intent of lessening the burdens of inflation. However, some States—and Iowa unfortunately was one of them—used this increase as an opportunity to cut other elderly assistance programs, to take the recipients' increase and put it in the State treasury. One example that illustrates the inequity is of Mrs. Birdie Oliphant, a 76-year-old widow from Cedar Rapids in my district, whose $11 increase in social security benefits raised her income just enough so that she no longer was eligible for $60 of State old-age assistance. The net result is a $50 loss. Mrs. Oliphant accurately described the situation when she said:

> If someone can tell me how you can run a house, keep it up, pay groceries, buy all this medicine and pay property taxes on $120 a month, I'd like to know about it.

Mrs. Oliphant's situation is tragic in itself, but to it we must add the similar desperate situations of many of the other 23,000 Iowa senior citizens on old-age assistance. Certainly, this bill should be amended to prohibit a State from cutting old-age assistance benefits when social security payments are raised.

A second amendment that should be made to this bill would cure a quirk in the law that denies Federal old-age assistance to some of those most in need, those in public nursing homes. Iowa's law, modeled after the Federal one, contains a similar unjustifiable prohibition on State aid with the end result that persons in public nursing homes are not eligible for any form of old-age assistance.

This restriction is clearly an antiquated provision left over from the creation of the elderly assistance programs in the 1930's. Its purpose was to avoid using Federal funds to perpetuate the "county poor farm." County nursing homes achieve that purpose by providing a clean, livable environment with attendant medical supervision. It certainly makes sense for the State and Federal governments to extend assistance to public, nonprofit nursing homes, especially when the alternative is, as it is in Dubuque and elsewhere in Iowa, that most the country's impoverished cannot get into the county nursing home. As a result, the needy older persons are being sent as far as 110 miles away to private homes where there is no restriction on public assistance funds. Meanwhile, nearly half the beds in the Dubuque home are empty.

Many other provisions of the basically sound elderly sections in this bill need improvement:

First. The deductible under the supplementary medical insurance for the elderly is raised by 20 percent;

Second. A decrease in Federal matching after the first 60 days of care in a hospital;

Third. A possible reduction in Federal funds after the first 60 days of care in a skilled nursing home.

In most cases, the States will not deny these services to the medically indigent, but will have to assume the costs themselves out of their already overextended assistance funds.

Fourth. Medicare recipients would have to pay more per day the longer they stayed in a nursing home, even though the longer a person is ill, the lower his ability to pay becomes;

Fifth. Services covered by medicaid such as eyeglasses, dental work, and outpatient drugs could be eliminated by a State;

Sixth. The present requirement that nursing homes in rural areas must have at least one full-time registered nurse is dropped;

Seventh. The lack of Federal matching funds for States wishing to pay more in old-age assistance than the Federal floor;

Eighth. Instructions to the Secretary of Health, Education, and Welfare to develop cost differentials between various types of institutions instead of between the type of care offered patients.

Mr. Speaker, each of these limitations in the bill require at least full discussion and debate in the House before they are enacted. Some may think such provisions are necessary, but I feel that given the chance, the House would reject them in favor of more equitable treatment for the Nation's elderly.

Mr. CORMAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman and Members of the Committee, I rise at this time to indicate my support for title IV of the bill and for the bill. I wish to pay my respects to the members of this committee on which I have been serving for the last 7 months, and especially to the chairman, without whose draftsmanship and craftsmanship we would not have before us this very extensive vehicle for social improvement, social improvement of the most needy citizens in the United States, no matter where they may be found.

So much attention has been given to the alleged inadequacies of the bill on the one hand by those who oppose it for one reason, and the alleged excesses of the bill by those who oppose it for another that we tend to lose sight, I think, of the tremendous effort made to cope with so many problems at one time, whether it be the aged, the blind the disabled or those in deep need of the family assistance program.

I would not be here endorsing this bill or speaking in favor of it if I did not have a wholehearted and sincere conviction that this program, no matter how you may criticize it, is eminently superior in almost every regard to the present system. I admire so much my colleague from New York, the distinguished gentlewoman from the adjoining district, for her very devout commitment to humanity and man's humanity to man. But I have to ask her and ask my other colleagues who have joined with her in the hope that they can do something for the black people why it is essential that you reject title IV, continue to bind yourselves to the archaic, antiquated, ineffective white man's welfare system that was handed down to the poor of this country back in the 1930's, before you had a voice, before you could speak for yourself. I discard as absolutely useless the present system. It has dissatisfied nearly everyone in it. It has turned the taxpayers of the country against people who are not their enemies, people who are suffering. We must get rid of the present system.

I labored zealously on the Education and Labor Committee and tried to find reasons for the causes of poverty and ways to relieve the symptoms through education. We passed the Elementary and Secondary Education Act. I remember those days. There was considerable doubt that we had found the right vehicle. Some people thought the time for Federal aid to education had come but that we did not have a perfect program and we should wait for one. There was questions from others about going too far in Federal subvention to our schools.

But we had confidence in the committee. In 1965 we passed that legislation. Few dissenting voices today are raised against that legislation because we continued to improve it. In this program as in education we must begin somewhere. Certainly we cannot condone continued existence of the present system.

It has outlived its usefulness. It is not reaching the mark, and it is costing too much for what it does achieve. It does not satisfy anyone.

What has the committee done? The committee has sought advice from every source possible. The committee has put together a package. I wish I had time to point out all of the things in the package.

I did a constructive thing, I believe, when I put in the committee report those parts of the bill which I believe need improvement, as specified along with the views of others who joined me in signing supplementary views. Those views are constructive, and despite these imperfections, on balance I support this title IV.

I think that every Member of the House should be concerned with this program, and every member of this committee should be deeply concerned with this program. We ought to point out alternatives if we are not satisfied in major or minor part with this bill.

If a Member does not like the committee bill, or especially a Member does not like title IV, he should advance an alternative at the risk of being recorded as content with the present system.

I believe the record will show that before our committee, aside from this proposal, which was worked on and prepared by the entire committee, and which was passed out of that committee by an overwhelming margin, with only three votes against it, aside from this solution there was little else to consider. Where are the other solutions which we would substitute for title IV? The Gentleman from Oregon (Mr. ULLMAN) made a manificent contribution in analyzing this problem, but his solution goes only part way and does nothing for those presently on AFDC. It only deals with the labor categories of eligibility.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CORMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CAREY of New York. Mr. Chairman, I have a bill before the committee which would call for the eventual taking over of the entire welfare system. The gentleman from Minnesota (Mr. FRASER) has a similar proposal.

Where are the other plans that would be a substitute for this plan? One cannot beat something with nothing. All those who object to this plan should be asked, "Where is the comprehensive alternative you would have us vote for?" We have only this or the present system.

There are many details in this bill which have escaped attention. There are very needful reforms in this bill which would go down the drain if we should reject title IV.

The gentleman from New York (Mr. KOCH) and I labored long, and I believe effectively, to put into this program, into the welfare program, the first Federal instrumentality to deal with narcotics. Narcotics is a serious problem in New York City, as is welfare, because there are so many people on welfare who are there because they cannot work, because they are addicted to drugs or alcohol. In this program for the first time we would bind the Federal Government to examine this problem, to provide some feasible kind of narcotics and alcoholic service and if they are addicted to provide rehabilitation service. That was never had in a Federal welfare program before, but it is there today. If you reject title IV, you reject that.

No big city representative should reject any attempt to cope with the drug and alcohol problem. That is what they would do if they vote against title IV.

There is a cardinal principle we have been striving for in the liberal area, in the reform area, and that is to try to have the Federal Government agree, above all, that the welfare program is a Federal responsibility. That is a cardinal principle we have tried to establish. It is not a stepping stone; it is a milestone.

This bill says the Federal Government is going to move in and establish the first uniform standards of eligibility, which we have not had. It means the Federal Government is going to step in and set a floor—certainly not a floor that is going to guarantee any kind of sustained enjoyment of life, but a floor that is going to take about 11 million people out of misery. If you kill title IV, you sentence those 11 million people to continued misery, wherever they may be found, because you deprive them of the essential sustenance of the $2,400, versus the $900 or less payment now in effect. I am not going to abandon those people and I urge you to consider their status before we vote.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CAREY of New York. These are the alternatives. Reject this program and you reject the principle of Federal responsibility. In effect, you leave millions of people in the misery in which they are found today. That cannot be a responsible vote.

As the distinguished majority whip said, those who oppose this program from one side or another are curiously divided. We must not let the poor suffer as a result of an irreconcilable division between those who think we are too generous and those who believe we are too parsimonious.

How do we reconcile the differences? Let us enact title IV in this House. Let us move title IV forward. Let us move the entire bill. Let the other body work its will. Let this become a democratic process. Do not "shortstop" it by saying, "If we contrive to kill title IV then the Congress may come up with a really good alternative in place of title IV."

Where is the alternative? No plan has been submitted to our committee. We have asked if there is the author of a bill in this committee today that is better than this bill, if he be present let him come forth now and give his alternative to title IV. It is not before us. You cannot ask the country to accept nothing simply because you are not satisfied with every detail of a 600-page bill. This bill will go forward in the direction of equitable treatment for more people than any piece of legislation it has been my privilege to support since I have been here.

I hope you will not reject it. This is a decent and constructive effort to begin to reverse the process of indignity and debilitating dependency which has been the result of the failure of the present program. This alternative that we bring to you today is the best that our minds could contrive. It could be improved, and other minds will seek to do so. But if we turn our backs on it and say no, title IV does not satisfy us in every particular and therefore we will let it go down the drain and we will stay with the present system, then I remind you that the State legislatures will not. A vote to reject title IV is an endorsement, I say to my friends of a liberal persuasion, of the action of your State legislatures who will be free to reduce this program and to reduce the sustenance of the people in the future who are involved in this program. If you do not want to do this, then vote for Title IV.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CAREY of New York. I am reminded of a Ciceronian quotation which I would quote to you today. Marcus Cicero said that—

> There were those who would rather be wrong with Plato than be right with the Pythagoreans.

I do not claim the members of the Committee on Ways and Means are Pythagoreans, but we think we are right. We have worked hard to be right. If you would rather be wrong and independent, then vote to stick with the present unfair system, but you must remember that you will be leaving millions of dependent people in greater misery.

This program, which goes in the direction of dignity, at least gives them a chance to work. If you vote for this, we have the alternative to build a better program and help those who are not able to help themselves. That is what this program does and I urge you to give the program a vote to give the poor a chance.

(Mr. BRASCO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BRASCO. Mr. Chairman, today the House has an opportunity to advance America down the road toward a vital goal, reform of our welfare system. Everywhere across the Nation, welfare emerges as a problem whose solution cannot be evaded or delayed any longer. We have no more time.

Millions of poor Americans are emerging from the shadows, seeking relief. Private charities long ago failed to meet this challenge. Local resources have long since dried up. State budgets are visibly cracking under the burden of these poor people and their needs. Only Federal intervention, in the form of welfare reform, can and will begin to stem the tide and cope with our problem. That is the decision we must make today.

There are those who sincerely subscribe to the 19th century view of welfare. It is their belief that there is something wrong with anyone who must seek public relief. With all due respect, I say they are utterly wrong. Most of the people on welfare today are innocent victims of the structures of an ever-changing industrial society. Many of them are citizens who have always been eligible for and in need of such aid, yet have never before known how to seek it. Now such information is available to them, and they seek to avail themselves of it. No one can blame them for this.

Society burdens them heavily. Most are dependent children and those utterly unable to work. A nation of 210 million people naturally has a goodly number of such citizens. Public assistance prevents them from starving. Without such help, their plight would make us the scandal of the world's developed nations. Further, a good many are able to get on their feet as a result of such assistance. And it is well to bear in mind the fact that fluctuations in our economy have pushed a good many Americans over the borderline of poverty to a point where they must seek such help.

Presently, our welfare system and its

rules are the most tangled hodgepodge imaginable. They have become a nightmare for recipients, administrators, communities, and lawmakers. Uniform eligibility and administration are vital. Federal financing is imperative. None of these factors are negotiable. Each must be enacted. The measure we are to vote on today will do just that. The bill encourages recipients to work. It provides relief to State and local structures which have been carrying this growing burden up to now. The local taxpayer would find some fiscal relief through adoption of such a measure. It can be said that even though the bill in its present form leaves much to be desired, it is a foundation. Upon such a floor, we can bring into being further reforms in the future.

We would obtain a federally guaranteed income floor, which, although far below many estimates of what is required, would at least make a beginning toward reform. Millions of people presently barely existing in a good many States would have their benefits upgraded.

Mr. Chairman, this bill presents many Members with a cruel dilemma. It pains me to have to differ in this vote with many of my good friends here. Yet it is patently obvious that we must alleviate suffering, upgrade the lives of many of our fellow citizens, standardize many different programs, and ease the agony of many States, counties, and cities. In particular, my home city of New York and home State of New York demand Federal assumption of much of this load. For all these reasons, I support this first major step to unravel this situation.

Finally, it is vital to bring to the fore the most compelling reason. Just as some people require public assistance, so Government must consider the well-being of the rest of the people. The average middle-class homeowner and renter is presently carrying the heaviest part of the welfare financing load. Inflation is eating these people up alive. They have protested in vain up until now. Their State and local authorities have struggled valiantly. As of today, they have no further strength left with which to fight the battle. The average taxpayer has little capital left with which to finance the growing welfare burden. It is impossible to wring further contributions from these working people. The situation leaves us no choice than to accept an imperfect measure.

Mr. MILLS of Arkansas. Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, there are two aspects of this very massive, complex legislation that concern me, and I should like to comment on them briefly.

The first concerns the procedures for handling part B of medicare. Earlier this year I discovered that the Department of HEW had inaugurated certain administrative changes in the implementation of the physicians' services portion of medicare which produced the net result of shortchanging our senior citizens who have enrolled under this program. Under the law those enrollees are entitled to receive and have expected to receive from the medicare program 80 percent of the costs of their doctors' bills, following the deduction of the initial $50 deductible feature per year.

Instead, as a result of administrative actions, I discovered that enrollees in most cases are now receiving only 50 percent of these bills, instead of 80 percent.

I submitted to the Ways and Means Committee earlier this year a program for correcting these inequities and for notifying all medicare enrollees in the future and in advance as to just how much of their doctors' bills they could expect medicare to pick up. Unfortunately, the committee did not act favorably on my plan. Instead this bill actually increases the amount which medicare enrollees must pay for their medical expenses, through a much larger deductible feature.

In fact, Mr. Chairman, this action in this bill by the committee makes it clear that the hope which was held out in 1965 that medicare would meet all the hospital and medical needs of our senior citizens has simply not materialized. Indeed, I am advised that under this new bill, H.R. 1, our senior citizens will be paying more money for their medical expenses than they had to pay 6 years ago before the medicare program was ever enacted into law.

Incidentally, Mr. Chairman, it might be instructive for us to realize, in connection with other provisions of this same bill, that although we told our people 6 years ago that we had a legislative program that would pay all their medical bills for them, they are worse off today than they were before that "free" medical program was enacted.

The only bright spot, Mr. Chairman, is that the committee bill does contain a provision directing that a survey of these doctors' bills under the medicare program be conducted, with a report to be submitted to Congress, by July 1972.

This action was taken, as I understand it, in response to my proposals on this subject. I am hopeful that the results of this survey will confirm what I have already reported about the need to bring the reality of part B of medicare into line with the expected and advertised performance of that program. Maybe we can get some action in 1972 or 1973.

The other aspect of this bill that gives me great concern, Mr. Chairman, is title IV, which institutes the so-called family assistance plan or the welfare reform proposal, and which in actual fact institutes the guaranteed annual income in the United States for the first time.

Of course, I fully recognize that there are grave deficiencies in our present welfare program, and some very substantial changes need to be made. But I have serious doubts as to whether title IV is the best answer to our problems. And even more, I am disturbed that this proposal is being put before us on a take-it-or-leave-it basis, without any opportunity for the House to work its will on this very vital legislation and to consider various alternatives before making a final determination.

The thing that disturbs me most about title IV is that what is billed as a "reform" of welfare, what is designed to end the mounting costs of welfare, and what, we are led to believe, will also cut the steadily mounting welfare rolls, actually will increase our welfare costs by 100 percent, or an additional $10 billion, and will also increase, not decrease, the number of people on welfare, also by 100 percent or another 10 million persons.

Surely we must wonder whether increasing costs and welfare rolls in this way is really the best way to reduce both of them.

I believe the proposal offered by the gentleman from Oregon (Mr. ULLMAN) and contained in H.R. 6004, offers a much more suitable alternative to title IV. The Ullman proposal would establish a genuine "work-fare" program. Instead of inaugurating an open-ended program of a guaranteed annual income, with its unfathomable costs, it would concentrate on finding jobs for all the people under the poverty level who can work, and then putting them into these jobs. This is much more than title IV of H.R. 1 would do.

In addition, the Ullman program also sets up a detailed system for providing day care training for children of those below the poverty level. This, too, is not really done in H.R. 1, although lip service is paid to the concept. Yet adequate day care is vital to give mothers who desire to work the opportunity to work; and it is equally vital in getting the children themselves out of the vicious cycle of poverty by providing more effective care and training.

Therefore, Mr. Chairman, I shall support the motion to strike title IV from H.R. 1 because I believe this House ought to have a chance to consider welfare reform separately, and because I believe we ought to have a chance to support proposals like the Ullman bill in preference to title IV.

I well remember, several years ago, when the idea of a guaranteed annual income was first proposed, that the late, brilliant junior Senator from our State of New York, Senator ROBERT F. KENNEDY, said that he opposed such a guaranteed annual income, and said instead that he believed we ought to seek to create jobs and job opportunities for our Nation's poor. I agree with him. This is the road we really ought to go, and for that reason shall vote to strike title IV and hope we can substitute the Ullman proposal.

If that motion is not successful, then I shall support H.R. 1 and shall vote to send it on to the Senate. Because the many improvements in social security which are admittedly contained elsewhere in H.R. 1 should be enacted, I believe, and I would not want them delayed merely because of my strong reservations on the wisdom of title IV.

Mr. MILLS of Arkansas. Mr. Chairman, I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I would like to ask the distinguished chairman of the Committee on Ways and Means about the effects of the so-called hold-harmless provision in the bill as it affects cities. Am I correct in understanding that the hold-harmless provision will apply to cities?

Mr. MILLS of Arkansas. Mr. Chairman, let me assure the gentleman from New York City that the hold-harmless provision would most definitely apply to the cities in those cases where cities are now involved in financing welfare costs. As the gentleman knows, welfare costs in New York City are paid one-half by the Federal Government, one-quarter by the State government, and one-quarter by the city of New York. Therefore, any savings to the State of New York due to the hold-harmless provision would be shared between the State and the cities and counties of New York State. I would estimate that, out of the total savings of $188 million for New York State in fiscal year 1973, New York City would receive about $70 million in fiscal relief. New York City's share is large because the bulk of welfare recipients are there. These savings would be even larger in later years—rising to about $126 million in fiscal year 1977.

Mr. KOCH. Mr. Chairman, I very much appreciate that statement by the manager of the bill because I wanted the citizens of New York to understand that there is substantial fiscal relief for the city of New York in the public assistance provisions of H.R. 1.

Mr. MILLS of Arkansas. Mr. Chairman, let me assure the gentleman from New York that the hold-harmless provision would most definitely apply to the cities in those cases where cities are now involved in financing welfare costs.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Chairman, I commend the gentleman and the Ways and Means Committee for including in the bill a provision extending the medicare program to cover persons who are disabled. I would like to inquire, however, concerning the effect of this provision on beneficiaries of the black lung program.

Mr. MILLS of Arkansas. Mr. Chairman, under the provisions of the bill to which the gentleman from West Virginia refers, those persons who are black lung beneficiaries and also entitled to social security disability benefits would be entitled to the protection of the medicare program after they have been drawing disability insurance benefits for 2 years. The committee limited medicare coverage to social security and railroad retirement disability beneficiaries for jurisdictional reasons—the committee has legislative jurisdiction over these two groups so far as the medicare program is concerned. It does not have jurisdiction over the legislation authorizing black lung payments or other existing legislation providing for payment of benefits to disabled individuals. Of course, it is necessary that an individual be insured under the social security or railroad retirement system in order to be eligible for medicare protection under existing law, except for the older persons who were blanketed under the program when it was enacted. In this regard, disabled persons are treated in the same manner as aged persons.

Mr. MILLS of Arkansas. Mr. Chairman, a few moments ago the gentleman from Indiana (Mr. BRADEMAS) obtained unanimous consent to revise and extend his remarks, but we overlooked the fact that our colloquy could not be extended in the RECORD under the rules. Therefore, Mr. Chairman, I am going to ask to read the questions which the gentleman from Indiana (Mr. BRADEMAS) would have asked of me so that it may be in the RECORD and my responses to those questions.

Mr. BRADEMAS. Mr. Chairman, I should like to take the liberty at this point in the debate of raising a question with the distinguished chairman of the Committee on Ways and Means. Yesterday, the Select Education Subcommittee, which I have the honor to chair, of the Committee on Education and Labor, unanimously and favorably reported H.R. 6748, the comprehensive child development bill. This bill would substantially expand the availability of child development programs, including quality day care programs for children in the United States.

Mr. MILLS of Arkansas. Mr. Chairman, I have been watching that legislation with great interest. It affords a fine example of cooperation between committees to assure that legislation developed by different committees dealing with different aspects of the same problem supplements rather than duplicates or overlaps. Would the gentleman from Indiana agree that the legislation his subcommittee has reported would in no way restrict the child care efforts under H.R. 1?

Mr. BRADEMAS. Mr. Chairman, the gentleman is correct. Indeed, the bill we have reported to the full Education and Labor Committee would extend and make more effective those provisions of H.R. 1 which relate to child services and would not in any way restrict them. To the extent that more and better child care facilities and child development programs are provided under H.R. 6748, not only more child services but better developmental services will be available to the many children with whom your committee is concerned in the bill under consideration today. The legislation which we have been writing in our subcommittee is directed not only toward providing a place where children are looked after while a mother works or is otherwise unable to care for them, but our bill emphasizes the development of children and the additional services required for their development.

Mr. MILLS of Arkansas. Would the bill to which the gentleman from Indiana refers in any way restrict the Departments of Labor and Health, Education, and Welfare in obtaining the child care services necessary to meet the requirements of their programs?

Mr. BRADEMAS. Not in any way. I am sure that these Departments will want to use the best quality care they can obtain and such care will hopefully be provided in the facilities and child development programs authorized by our bill. However, there is nothing in our bill that would restrict the use or provision of other facilities when programs are not available under the Child Development Act, or when the capacity or location of facilities cannot meet the needs of children. We should, of course, seek wherever possible, to prevent the needless duplication of programs.

Mr. MILLS of Arkansas. That is certainly in accord with the intent of H.R. 1. We want high quality care used whenever possible and hope there is enough of it available for every child who needs it. However, we have an overriding need to use high quality care, wherever it can be found, to assure that mothers can receive training and placement in jobs.

Mr. BRADEMAS. The objectives of the two bills are wholly consistent and complementary. I thank the gentleman.

Mr. MILLS of Arkansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. I thank the chairman for yielding to me at this point for the purpose of clarifying a matter which arose in the district which it is my honor to represent.

Mr. Chairman, last week a hospital in my district wrote me relative to an overpayment which the Social Security Administration insisted they had made to the hospital thus resulting in the hospital failing to bill the patient for enough. The patient was hospitalized in 1968, at which time the overpayment by Social Security occurred. However, it was not until 1971, nearly 3 years thereafter, that the Social Security Administration made demand on the hospital for the alleged overpayment. By this time the patient had died and administration on his estate had been closed, and there was no one to pay the amount which Social Security had originally accepted as its obligation.

The amount of funds involved was not large, and through the efforts of your efficient staff on the Ways and Means Committee, this matter was settled.

However, the main point is still unanswered. That point is: How does a hospital or a patient ever know that he has actually closed his account? The Social Security Administration demands that a hospital submit its claim within 1 year from the date the patient is released by the hospital, and if this claim is not submitted within 1 year the hospital will lose whatever additional funds to which it might be entitled. On the other hand, the Government can and does wait 3, 4, or 5 years to insist that payments which were mutually accepted and approved are still due the agency.

I am not talking about fraud or cases where the hospital purposely submitted an excessive claim. What I am referring to is where a hospital submits a claim and through no fault of its own is overpaid. It seems to me that the Social Security Administration should also be required to make their request for refund of the overpayment within 1 year's time.

Mr. MILLS of Arkansas. Certainly, I agree with my friend from Texas that it would be desirable and good policy for the medicare program administrators to adjust all the mistakes they have made within a year after they have been made. This is particularly so where the Government itself or its agent has made the mistake, as it did in the case of the hospital at Temple, Tex.

Mr. POAGE. I thank the gentleman.

Mr. CORMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 1. The Committee on Ways and Means and its very able chairman have spent a great deal of time and effort in shaping this bill, which surely must be considered a landmark piece of legislation in the field of welfare.

The bill provides important new benefits under social security, as well as a basic reform of the welfare system. Both are long overdue, and both have my strong support.

But the bill also contains, in my opinion, some very serious defects which cannot go unmentioned.

The most obvious of these are in title IV, the family assistance program proposal. First is the bill's failure to assure all welfare recipients at least the same level of benefits as they are now receiving. When President Nixon first introduced welfare reform 2 years ago, he made a pledge to America's poor that "in no cases would anyone's present level of benefits be lowered." Under H.R. 1, that pledge has been broken, as have so many other pledges to the poor, and I am hopeful that the Senate will correct this very grave deficiency.

There are other changes which I would like to see in title IV, including an increase in the minimum income to the poverty level, less rigid work requirements, better job protection and a guaranteed minimum wage. I regret that the House does not have an opportunity to amend this bill on the floor, so such improvement will have to be left to the Senate.

A defect which has received much less public attention, but which in the long run is going to mean financial hardships for the majority of lower and middle income working Americans, is the increase in the payroll tax and wage base to finance social security.

Under H.R. 1, the wage base will be increased from the present $7,800 to $10,200 by January 1, 1972, and the rate will jump over the next 6 years from the present 10.4 percent to 14.8 percent.

We operate under the common and erroneous assumption that the Social Security System is exactly like an insurance system: You pay in a certain percentage of your wages over the years, and get back a corresponding stipend upon retirement.

That, of course, is not true. The total benefits a retiree receives bear little resemblance to the total contributions he has paid in. And furthermore, with a floor under benefits, there are many who qualify to receive minimum benefits regardless of their past contributions.

As the Brookings Institution study on "Setting National Priorities—The 1972 Budget" points out, the Social Security System is "more a nearly universal system of pensions for retired and disabled workers and their survivors than an insurance system."

A second common misconception about the Social Security System is that the American worker and his employer pay equal parts of the payroll tax—under current law 5.2 percent each. Recent studies indicate, however, that the entire payroll tax really falls on wages. According to the Brookings study, "most economists agree that wages would be higher by approximately the amount of the employer's contribution if no such contribution were on the books." Therefore, under present law, the worker who earns under the taxable wage base is paying 10.4 percent of his earnings in payroll tax—not 5.2 percent.

The result, of course, is that the low- and middle-income wage earners bear the greatest proportion of the burden for supporting the social security program. And as the payroll tax increases—now to a total of 14.8 percent—these workers will be forced to pay an even more disproportionate share of their income to support others who earn more and contribute less, or who contribute nothing at all.

Under H.R. 1, for example, a factory worker who earns $200 a week is going to pay 86 percent more in payroll taxes in the next 6 years.

In fact, as early as 1973, the payroll tax payments for a one-earner family of four will be greater than the income tax payments for earnings up to $9,850, according to the Brookings study.

And as payroll taxes rise according to schedule, and as income tax rates fall in accordance with the Tax Reform Act of 1969, the low- and middle-income earners will be shouldering proportionately even more of the tax burden. As the rich reap the benefits of the tax cut, the lower and middle-income earners will be paying so much more in payroll taxes over the next few years that their supposed gain from the tax reform act will be substantially wiped out.

For a country that prides itself on a progressive tax system, we have been blind to the regressive nature of the social security payroll tax.

I would suggest that in considering this progressive bill today, we also consider a more progressive way of assuming the costs of social security benefits.

Several proposals have been made, including:

Reform of the payroll tax to take the burden off low-wage earners. This could be done by refunding the payroll taxes paid by the poor, by introducing personal exemptions into the payroll tax or be used to finance some or all of this part against income taxes.

Shift more of the burden of paying for social security onto general revenues. At present low income workers receive greater benefits relative to their past contributions than do higher income workers, whose earnings are at the taxable wage ceiling. General revenues could be used to finance some or all of this part of the social security system.

These proposals are outlined in the Brookings study which I urge all my colleagues to read and consider.

Because of the time it will take to develop legislation to correct this situation, I do not suggest we hold up approving the bill now before us. I only suggest that we must do something to make the financing of our social security-welfare system more equitable, and less a hardship for lower and middle income Americans.

Mr. CORMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman and members of the committee, the gentleman from Oklahoma (Mr. STEED) advised me yesterday as follows:

> Do not make the mistake of listening to the distinguished Chairman of the Committee on Ways and Means, or you might change your vote.

I did make that mistake. I studied this bill almost all of last night, and the greater part of the morning, and I rise today in support of H.R. 1.

Mr. Chairman, one of the greatest challenges facing the American people and their elected representatives is the question of how to solve the welfare mess. If our Federal and State governments do not come up with programs that will break the welfare cycle and find ways to take people off the welfare rolls and put them on the payrolls, this society may well be devoured by a monster which was created to help and protect those in need, but now has turned on us all.

The present welfare program is an absolute failure, and if we fail to say so, we are only deceiving ourselves. The present program has operated to destroy self-respect; it has contributed to the migration of the illiterate and the untrained from the rural areas to the urban areas following some illusive dream which quickly turns into a nightmare of filth, despair, and hopelessly dependency; it has given birth to a welfare generation, bringing into being thousands of innocent children who deserve to share in the fruits of this society, but will know little joy in life and have almost no chance of really becoming a part of the American dream.

Ladies and gentlemen, we cannot stand silently by and watch this "welfare cycle" eat away like a cancer at the very structure of our society and create unnecessary suffering. There is no greater problem facing the American people, and they have intrusted us with the awesome responsibility of finding constructive solutions and alternatives. The magnitude and the seriousness of the problem becomes very clear when we focus in on what happened in the AFDC program in the 1-year period from January 1, 1970, to December 31, 1970. During that short period the AFDC rolls increased 32.1 percent while the expenditures increased 36 percent. In the last 2 years the number of people receiving AFDC has more than doubled—from 4 million on AFDC rolls 2 years ago to 10 million people on the AFDC rolls today. We do not have to be a mathematical genius to project that we will be facing the prospects of adding 3 or 4 million people to these rolls each year if the system is not changed. There is no question that the present program has promoted welfare as a way of life—a miserable way of life for those on welfare and a dangerous way of life for those who must be concerned with paying the soaring costs involved in the present program.

H.R. 1, in my opinion, contains many deficiencies. It certainly is not a perfect bill. I feel very strongly that the committee should have placed more emphasis on "work training" which would result in actual employment as was recommended by the gentleman from Oregon (Mr. ULLMAN). In addition, I would have preferred a program which would have moved more of the responsibility for the administration of the program back to the local units of government, rather than centering the administration of the program in the Federal Government.

Mr. Chairman, in the 11 years I have served in this House, I have seen the Federal Government increase its jurisdiction over the life and affairs of the individual by what I would consider a conservative estimate of over 1,000 percent. I am also convinced that the frustration over the lack of the ability of the Federal Government to solve the problems confronting our society has increased by roughly the same percentage and the people do have good reason for their loss of confidence in the ability of the Federal Government to solve their problems. The reasons behind this movement of governmental power and direction toward Washington, and the factors which have influenced this trend toward centralization, are too numerous and complicated to enumerate at this present time. However, let me say that we must consider the sad fact that we have lost control in Congress of many of our Federal programs. Perhaps, this loss of control is due in part to the built-in bureaucracy and in part to the gigantic growth of many of these programs. It is much simpler and more accurate to say there are just too many programs—too many areas of Federal responsibility. It is humanly impossible for any Member of Congress, regardless of his ability and dedication, to be informed properly on all the issues upon which he has the responsibility of voting.

At this point, I dare say there is no Member of this House, with the exception of a few members of the Committee on Ways and Means, which is completely familiar with the complexities of H.R. 1. In view of this confusion, is it any wonder that the American Conservative Union and the National Committee on Welfare Rights have gotten into the same bed to oppose this bill? Is it any wonder that the radicals in the streets are shouting "power to the people," while reasonable and conservative minds are asking that governmental power be moved closer to the people from which government derives its right to govern and in whose interest government must rule? If we are going to solve the problems in a nation as diverse as ours, we must find a way of moving problem solving and decision-making back to the local units of government. This is why I support the concepts behind revenue sharing although I share the same opposition to the specific programs proposed by the administration as does the distinguished chairman of the Ways and Means Committee. This is also why I have great concern about whether the objectives sought by the gentleman from Arkansas in H.R. 1 will be attained.

Let me be frank to admit that I am concerned whether or not the bureaucrats in HEW and the Department of Labor can effectively and efficiently administer the program established by H.R. 1. However, I would observe that for all practical intents and purposes, the bureaucrats in HEW are already in control of the present mess. At the present time, State administrators can only act as HEW directs them. I know this from experience. To my great dismay, I discovered several years ago as a young State legislator that I could not correct a deficiency in the Missouri welfare program by State legislation, because some insignificant bureaucrat had ruled that the proposed law did not conform to the rules and regulations of HEW. Although the proposed State legislation did not conflict with the laws passed by this body, it did conflict with the rules and regulations of HEW. The deplorable state of the present programs has resulted in large measure from a division of authority and responsibility which does exist at the present time. Under the present setup, administration is stultified and constructive change has been stymied.

H.R. 1 has the virtue of placing the authority and responsibility in the same governmental agencies, and it will leave the States free to devise and administer programs that can possibly achieve the goal which we all desire—restoring people to a useful and productive role in society and reducing the welfare rolls to a bare minimum. With the hope that H.R. 1 will be successfully administered and we are successful in achieving that goal, I cast my vote for this measure.

Mr. CORMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and member of the committee, as a new member of the House Committee on Ways and Means, I think I can say without reservation that our distinguished chairman and every single member of the committee has worked and honestly tried to come up with something in the way of welfare reform that would serve the needs of this country under today's conditions.

I say this not only for my distinguished chairman and every single member of the committee, but I think it needs to be said as well that the administration has been truly interested in welfare reform. Secretary Veneman and his people spent day in and day out with the committee and the social security people, Mr. Ball, the Commissioner and his people spent day in and day out trying to arrive at something that would be better than what we have now.

They recognize, and I believe every man and woman in the U.S. Congress, and I believe every human being who is cognizant of what is happening to welfare in this country believes that we need welfare reform.

Mr. Chairman, I am not here this afternoon to say to you as some do that this proposal, as embodied in H.R. 1, does not constitute welfare reform—because it does. It has many good features that I think will improve what we are doing in certain respects.

But there is a serious question about a certain aspect of it. It is this aspect which raises serious questions that concern me and this is what I want to talk to you about.

In the six terms that I have been here in the House of Representatives, I have seen welfare proposal after welfare proposal presented to us for our consideration. Such proposals for example as the poverty program. In each and every case, these proposals have been held out as panaceas for the problem. I was very much interested this afternoon as my distinguished friend from Georgia (Mr. LANDRUM) stood right here in this well and talked about this being a panacea. My thoughts went back to 1964 when the same gentleman stood in this well and made the same claim in almost the same words as to the future of the poverty program. It would reduce the need for welfare he said. He was wrong then and he is wrong now.

Now, some years later, we can judge the degree of success or failure of the poverty program. I do not know what you can conclude, but my conclusion is that it is a dismal, miserable failure and we have financed a revolution in this country with the money appropriated for the poverty program.

This program as proposed in H.R. 1 has two new family assistance programs that are worthy of us thinking about. One of them is that where there is an employable member of the family, it is to be administered by the Department of Labor and the other provides where there is no employable person in the family, this family assistance program is to be administered by the Department of Health, Education, and Welfare.

People talk about it from the standpoint of the cost. What we are doing is expensive. What we are going to do at the very outset is going to be much more expensive. It is subject to anybody's conjecture as the program develops, what the cost of the program is going to be. But we are going to increase the cost to the Federal Government from the present cost of $9.4 billion a year to an estimated $14.8 billion the first year. I do not know how good these projected figures are, but I would ask you to recall the words of the distinguished majority whip a few moments earlier here when he said that this was an opening wedge and that this would only be a starting point to do better and bigger things. What would the cost be if the minimum guarantee was raised from $2,400 to $6,500? How could we survive?

Let us talk about the numbers of people involved. If you will look at the report, you will find some inconsistencies with some other releases and tables that have been provided from time to time. But roughly speaking, we have about 15,025,000 people under the present welfare system participating as recipients or beneficiaries. It is projected that we will initially have under H.R. 1 something like 25,503,000 people when H.R. 1 becomes law, and they will be the beneficiaries for the first year of the program. These are horseback estimates to a point. How accurate they are nobody knows. But there is some basis for them. If they are in error, I do not want you to blame HEW entirely because they told us in committee that these were the figures provided by the States themselves.

So where any error in this respect does exist, the error will have originated with the States.

My point is exactly this, and I think time will prove me right. If we add more than 10 million people initially to these welfare rolls, if we put one person out of eight in the United States immediately on welfare, what is there in the track record of the Department of Health, Education, and Welfare and the Department of Labor to make you believe that those Departments will be able to train and find jobs for all these additional people, much less just the 15 million people we presently have on the welfare rolls?

Well, I say there is no reason to believe that they will or can. I am not questioning the desire of the administration. I am not questioning the desire of the Secretaries of Health, Education, and Welfare and the Secretaries of Labor to want to do these things. But I am saying to you that this task will be so big that they do not have the capability and they do not have the personnnel to put into the field to do this job. They will not and cannot do the job.

My real criticism of this proposal is that there are no work requirements. Last year the word "suitable" was included as a prerequisite, requiring somebody to take a job. If you will open your bill to page 560 and start reading, you will find that there are many exceptions and there are no real work requirements in this bill either. If you will look at page 562 and just read the language that appears on that page, you will find out where this program is going to fail. Beginning with line 1 it says:

> "(c)(1) Every individual who is registered as required by subsection (a) shall participate in manpower services or training, and accept and continue to participate in employment in which he is able to engage, except where good cause exists.

And, my friends, when you leave these decisions to the determination of officials in the Department of Health, Education, and Welfare and officials of the Department of Labor in the field, people are not going to be put to work. The use of the words "good cause" is as bad as the word "suitable" in my opinion. The loophole is too big. Social workers will abuse it.

I am pretty close to being able to vote for this bill if it really had work requirements. I offered this amendment in committee, and if before the conference is over this work requirement can be established, I think I can vote for this bill. The amendment which, I think, really needs to be added to the bill is simply this: Language that states—

> Any individual enjoying welfare benefits or participating in these benefits who gets a bona fide job offer which pays a Federal, State, or local minimum wage and turns it down is automatically off welfare unless he has a doctor's certificate—

Not a social worker's certificate—

> that he is physically not qualified to work, he is a minor, or he has reached the retirement age.

Then you will put people to work, and only then will you put people to work. We should quit the doubletalk and make people work where jobs are available.

I would leave you, my friends, with just one additional thought. You have seen that while the States have been administering welfare, State election after State election, and gubernatorial election after gubernatorial election where there was one primary issue: Who is going to add the most money to welfare benefits? If the Federal Government begins this program, every congressional election every 2 years from now on will have as its primary issue, "How much are you willing to raise this minimum benefit base from $2,400 upward?" How many of you Members think that this ought to be the basis of congressional campaigns in the future? If you will review, if this bill is not changed, the results at the end of 5 years, you will find that this is no panacea either and we will be further down the drain than we are today. I hope I am wrong because there will be no pleasure in saying, "I told you so." It will not work without work requirements.

Mr. CORMAN. Mr. Chairman, I should like to call attention to the Members that if I divide up the time I have remaining among the people who have requested time it amounts to 3 minutes each, so I will be limited to that unless there are Members who will be kind enough to yield.

Mr. Chairman, I yield to the gentleman from Connecticut for a unanimous-consent request.

(Mr. COTTER asked and was given permission to revise and extend his remarks.)

Mr. COTTER. Mr. Chairman, I rise in support of H.R. 1, the Social Security and Welfare Reform Act of 1971.

I will support title IV, the welfare reform section of this massive and complex bill.

I have given this bill the most serious consideration since it affects over one-fourth of our population, over 50 million citizens. This bill affects those citizens who are most vulnerable to fluctuations in the economy: the elderly and the poor. For these reasons my decisions required the most detailed thought and analysis.

Let me share with you my thoughts on title IV since this is the only section on which the House will vote separately. In this title, two new programs—family assistance plan—FAP—and opportunities for families—OFF—will replace the aid for dependent children—AFDC. Briefly, the FAP program will be assistance for those families which have no adult member who is able to work. This program will be administered by HEW. OFF will be assistance for families who have a member who can work or who is eligible for job training. This program will be administered by the Department of Labor. In each of these new programs there is a Federal floor for a family of four of $2,400.

Before I go into an analysis of the many aspects of this title, I wish to explain my view of welfare. There is much talk today of welfare as a right—something required by our Government. I reject this notion. Welfare is a service, but a necessary service. I think those who would argue that welfare—usually combined with some dollar level—is a right, create very real problems for a widely based acceptance of this Federal and State and local service. This is not to say that persons who receive welfare assistance do not have rights. Within the guideline established by the Federal, State, and local government, the welfare recipient must be treated fairly.

Having stated that welfare is not an intrinsic right, I do believe that Government has an obligation to assist our less fortunate citizens and it is my belief that the most equitable means to provide this service is to have full Federal assumption of the welfare burden.

It is for this reason that I introduced legislation (H.R. 5947) that would have accomplished this goal of full Federal assumption of welfare for this is truly a national problem. My bill also provided an incentive for the States to maintain present benefit levels by providing a supplementary Federal participation of 30 percent for those States whose benefits exceed $2,400—the so-called people hold-harmless provision. The States would have to pay 70 percent over the $2,400 but while the welfare families were receiving the same benefits, the State governments would be receiving additional tax relief it so urgently needs.

I am hopeful that the Senate version will contain these two features: A requirement that welfare families will not get less than they now receive; and that the Federal Government will share in the cost over $2,400 to maintain benefits. This provision would assist many States, like my own of Connecticut which has been enlighted in providing more realistic welfare benefits than many other States. This provision should be an interim step to full Federal takeover. It concerns me that States who have attempted to assist the poor might look upon H.R. 1 as a means to retreat from their original position.

Still, H.R. 1 provides an advance over

the existing system. Some will argue that it encourages lower benefits, even in high-benefit States. I would suggest to these people that they look at the New York experience and what is proposed to Connecticut—a 10-percent reduction in benefits, This I suggest will be the wave of the future. The recent report of a 50-percent increase in AFDC recipients in the last 2 years reinforces this position. The States will not indefinitely expand their welfare budgets to accept new applicants and maintain benefits. The present experience suggests they will expand the welfare rolls but lower the benefits. It is for this reason that H.R. 1 with its $2,400 Federal floor is an advantage over the existing matching system of AFDC. Admittedly the $2,400 is inadequate in many areas, but I believe that the hold-harmless feature—States will have to pay no more than they paid in fiscal year 1971 even with expanding welfare rolls—presents an added incentive to State responsibility to the welfare recipient.

As I mentioned before, I would like to see provisions in the bill that require the welfare family to be "held harmless"; that is, they would not lose benefits under FAP-OFF. This could be done by requiring States to maintain benefits and providing a 70/30 sharing formula plus a State "hold harmless." I hope that when the bill returns from the Senate we will be able to vote on such a feature.

The question of State and Federal cost and benefit levels have raised the most concern in this debate. I have stated my position on these issues. It is not a perfect bill, but it represents a beginning.

Let me now turn to other areas of concern. There is in the welfare section, a cost-of-living feature. Given our yearly inflation rate—approximately 6 percent—this bill would freeze payment levels to what the State decides in 1971. This seems very harsh. I believe that there should be a feature in this bill requiring yearly congressional and administrative review to assure that benefit levels are reasonable. I would favor the inclusion of a cost-of-living formula based on the Federal share.

There are some serious charges raised against the work sections in the welfare section. I believe that the American people want those on welfare who are capable of working or accepting job training to do so. I believe that those on welfare desire to break out of the poverty cycle. Although I realize the vast majority of citizens on welfare are children and thus are unable to work or be trained—the figures are between 50,000 and 200,000 of the 9 million on AFDC—those that are able should be required to do so.

There is one section in the work requirement feature that I have the most serious reservations about. In the committee bill, mothers in fatherless homes with children over 3 will have to accept work or job training. I believe that the family unit is the building block of our society, and that young children require the physical presence of a parental figure in their home at all times. I believe that there should be provision for continuing the parent in the home.

Another aspect of the bill causes serious concern. Although the bill provides for day care for children whose parents are required to take jobs or training, I have the most serious reservation that within the time specified in the bill that highly qualified day-care centers can be erected and staffed. I believe that there should be a gradual phase-in of the work and job requirements to allow the establishment of the highest quality day-care centers. These centers should be subject to the strictest control and regulation to assure that the child is given every opportunity to develop his potential. I reject the notion that these day-care centers are to be custodial service. They should be required to have a strong educational function.

These are some of my concerns on the welfare section of the bill. I will vote for this section, because I believe the current program has failed both the recipient and the expectations of those who are required to support it. This title is not perfect, but, I submit, it represents a beginning.

SOCIAL SECURITY AND MEDICARE

I support the 5-percent increase of the social security benefits, and I am glad that the bill provides for automatic cost of living increases. I suggested similar provisions in legislation that I introduced early in this session.

I am concerned, however, over some aspects of the medicare section. I heartily approve the extension of medicare part B coverage to all persons who reach 65. It is important that our elderly citizens have the opportunity to purchase health insurance at a reasonable cost. I am less satisfied with the increase in the deductible for medicare part B from $50 to $60 and the new requirement of a coinsurance payment of $7.50 after the first 30 days instead of after the first 60 days as presently in effect. I do not believe that medicare benefits should be lowered but that there should be reform of the health delivery system to cut costs. It is for this reason that I introduced a health plan to accomplish these goals. To be quite frank, I do not think that the piecemeal approach taken in this bill on the health problem will serve to correct the existing situation. There needs to be a total overhaul of our health delivery system.

In conclusion, Mr. Chairman, the complex bill represents a new approach to the welfare services. Some provisions, I believe, are valid; others less so. I do not believe the Congress or the executive branch will wash its hands of these problems if a bill is enacted into law. The complex human problem of the welfare services do not lend themselves to a single legislative package.

I am sure that Congress will have to consider many of these same problems again trying to strengthen the weakness that become obvious with experience. On the whole I feel this new approach must be tried.

This bill should be strengthened but this is a necessary first step. Therefore I will support H.R. 1.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Montana (Mr. Melcher) for a unanimous consent request.

Mr. MELCHER. Mr. Chairman, the removal of food stamps as part of the payments for welfare families and other welfare recipients, in my judgment, is a serious step in the wrong direction. H.R. 1, nevertheless, prohibits the use of food stamps as a means of providing the important sustenance of life to those on welfare. The purposes of the food stamps program are to end hunger and provide adequate nutrition for every American. There is substantial doubt in my mind that substituting cash for the value of the stamps will result in ending hunger and supplying adequate nutrition for those on welfare. Many individuals and families who are bogged down in high rents or a number of monthly payments for clothes and household items, may very well neglect proper nutrition for themselves and their families. All America will be better served when hunger is ended and nutrition is adequate for every citizen. I believe that the food stamp program is our best means of attaining that goal.

Even though I have serious objections to removal of food stamps from the bill, I find other features in the bill that are vital and needed at this time to reform the welfare program. For that reason I do support the bill, and I trust that the Senate, when they hold hearings on it, will restore use of food stamps in arriving at amounts of payments for welfare recipients.

Mr. CORMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred eleven Members are present, a quorum.

The gentleman from Maryland is recognized for 3 minutes.

Mr. MITCHELL. Thank, you, Mr. Chairman.

On last Friday I had an opportunity to get into the Record my major criticisms against H.R. 1 which I fully delineated in a 1-hour presentation to this honorable body.

I have long been a critic of the present welfare system, I have long been an advocate of effective reform, and I have long been for some type of guaranteed annual income to families. I wish today that I could vote for a welfare reform bill, but H.R. 1, which is before this body, is not a welfare reform bill. It purports to be, but in actuality it is not.

I believe the essential weakness of this title IV comes from the motivation for it. That motivation was to look at the fiscal plight of the States and cities—and that is important, but in terms of H.R. 1 the needs of human beings become secondary or tertiary insofar as my reading of the bill leads me to believe is concerned. The matter of a decent standard of living for human beings has been left out in terms of this approach.

The most tragic part about H.R. 1, about the "H.R. 1 episode" as it will become known in history, is that once again this honorable body is going to the American public claiming significant and practical reform legislation in the same manner that this honorable body has gone before the American public time and time again claiming the same thing, only for the citizen to find out later that these "significant reforms" were merely legislative charades.

I for one will no longer be a part of the deception practiced against the American public. I cannot and I will not support reform legislation that does not reform, remedial legislation that does not remedy anything, and legislation that does not get to the core of the social welfare problems of this country.

The most amazing thing to me is that speaker after speaker favoring this title IV has come down in this well to say that they recognize the inequities of title IV. Those same men who recognize the inequities of title IV are then calling upon the Members of this honorable body to vote for the inequities that they recognize.

I do not know what kind of perverted logic is involved here, but I will not be a part of it. We are voting in strange coalitions and strange alliances today, but the situation demands this. I think the issue is so important that we can no longer play this kind of deceptive game, not only with welfare recipients but also with the American public in general. Therefore, I will vigorously support the motion to strike title IV, and I hope that many, many of my colleagues will join with me on this.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman.

Mr. CONYERS. What is the gentleman going to do on the final passage of the bill?

Mr. MITCHELL. In the event that title IV is still in it on final passage, then I will vote against the entire bill.

I have heard the arguments about work incentives under the current welfare law. There is work incentive in the present law. Recipients may retain the first $30 earned each month and one-third of the balance earned. The important thing to remember under current law is that work expenses are excluded. Under H.R. 1 they would not be and thus the $720 may in the long run pan out to be less of an incentive than is provided under current law.

This body recently approved a Federal minimum wage of $1.60 per hour and yet this same body through some perverted sense of logic will, if it passes H.R. 1, force persons to work at a wage less than the Federal minimum.

I could go on and on in terms of contradictions explicitly and implicitly setforth in H.R. 1 but that would be a waste of your time, because many Members are aware of the series of contradictions.

It is important to note that the area not yet specifically addressed by proponents of this legislation deals with the legal rights of recipients. There are those callous and cruel persons who take the attitude that if a person receives public assistance he loses in effect most of his legal rights. This appears to be the position of H.R. 1 in terms of legal rights. This legislation would deny a recipient from utilizing free legal assistance in a claim before welfare administrators. This bill is woefully lacking in measures to safeguard a claimant's right of appeal. This bill, H.R. 1, makes it mandatory for the Federal Government to impose residency requirements when such requirements are on their face violative of recent Supreme Court decisions.

Mr. CORMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman and my colleagues, as most of you know, I represent the central Harlem community which historically has suffered a lack of training opportunities and a lack of job opportunities since long before I was born in that community.

However, this bill that relates to the problems of the mothers that have children seems to me to be a blatant appeal to those who would like to believe that all poor people are on welfare because they want to chisel. I say that because if any one bill can present this type of opportunity to poor welfare recipients, I certainly hope before this august body ends this session, they would take this same opportunity to help many poor people who are anxious to work and looking for the opportunity.

It is strange that so many good things have been merged into one bill where the needs of different groups have merged and yet some particular different table of needs has been drawn out by the committee when this bill has been reported.

My wife has been a social worker all of her adult life dealing primarily with the problems of the aged. I discussed with her the fact that this bill presents twice as much income for two aged people as it would for a mother and three infant children. She could not explain to my satisfaction why this would be done unless the reason be outside of her scope of knowledge, and that reason, of course, would be political.

Mr. Chairman, I suggest that if we are sincere in attempting to reach the poor people, then certainly we should have a bill before us today that would encourage all of the States to join in and assume their moral responsibility to help the needy of this country. It seems to me to be a pretty shallow and pretty weak argument to say that because five States of this great Union have not seen fit to meet their economic and moral responsibilities to their needy, then we who come from States that do have a higher responsibility above the $2,400 limit for a family of four—that we should encourage these States to give less rather than to give more.

For these reasons I believe it is almost unfair to ask a new Congressman and, indeed, even an older Congressman to have to strike out increased assistance to our disabled, aged, and blind only because our Congress has been blinded to the needs of our poor children who stand before us today powerless to defend themselves.

Mr. CORMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman and colleagues, we have heard several hours of debate on H.R. 1 and specifically section IV which has been referred to as the welfare reform bill.

I rise this afternoon in opposition to H.R. 1 with the inclusion of title IV as it is written.

I believe deeply that there is nothing inherently wrong about a person who is poor, but there is something inherently evil in a society that continues to perpetuate poverty in this country—particularly in a nation with a gross national product of nearly $1 trillion, but where millions of people feel the pangs every day of poverty and hunger and disease in this country. It is our responsibility as the people's branch of the Government to address and effectively deal with the human misery that is all too real in this Nation today. However, H.R. 1 is not an effective response to the welfare problem of the country. This bill is repressive, inept, ineffectual and expedient. It does not come to grips with the millions of poor people who are locked out of the economic wealth of this Nation as a result of many factors. I hasten to add that the factors to which I allude are ones over which most of the poor have no control. The proposed figure of $2,400 per year for a family of four is a feeble and ludicrous response to the plight of the poor given the economic realities of today. We must establish a base below which no person should be required to live, and that base must reflect economic realities and human dignity.

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-nine Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 155]

Abourezk
Ashbrook
Badillo
Baker
Blatnik
Bray
Clark
Clay
de la Garza
Dent
Diggs
Donohue
Edwards, La.
Ford,
William D.
Fraser
Gray
Grover
Hébert
Holifield
Long, La.
Lujan
McCulloch
Minshall
Moss
Podell
Purcell
Rees
Reid, N.Y.
Roy
Runnels
St Germain
Sandman
Scheuer
Staggers
Taylor
Tiernan

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 1, and finding itself without a quorum, he had directed the roll to be called, when 397 Members responded to their names, a quorum, and be submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the Chair had recognized the gentleman from California (Mr. DELLUMS) and the Chair now again recognizes the gentleman from California (Mr. DELLUMS).

The Chair advises the gentleman that he has 1½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, before the quorum call, I rose in opposition to H.R. 1, with the inclusion of title IV as written. To continue, I consider this legislation at best expedient, because it attempts to communicate to the poor, and those who would help the poor, an illusion under the guise of welfare reform, that we are giving something to people who desperately need it in this country. At the same time, we are attempting to communicate to those who would oppose any real help to the poor, by virtue of the repressive measures in title IV, that too many of us continue to cling tenaciously to the absurd notion that the poor have always, therefore, shall always be among us. In title IV, we are communicating a punitive view of and approach to the poor.

I would suggest, however, that we have a principled and moral obligation to eradicate poverty and hunger in this country. This will not be done by H.R. 1.

The Department of Labor statistics have indicated that the level of decency in this country for a family of four is $6,500 a year. When one places those figures in juxtaposition with the proposal advanced by H.R. 1, title IV—then the question is who is kidding whom? In the San Francisco Bay area, a family of four must earn a gross income of at least $9,600 per year, or that family's purchasing power is at or below the poverty level. Now then, when one places this situation in juxtaposition with the proposed "assistance" to the working poor advanced by H.R. 1, title IV—again the question is, Who is kidding whom?

I would suggest to this body that now we have the responsibility to understand that we can no longer afford the luxury in this Congress of expedient liberal legislation. We have to finally address ourselves to the basic causes of hunger, disease, and poverty which gives rise to frustration in this country.

One of the critical issues today is the lack of equity in the distribution of wealth not only to the 15 percent of people in this country who are desperately poor, but to the 40 percent of the people in this country who are in America's labor market who earn between $5,000 and $10,000 a year—working for the privilege of being poor.

Mr. CORMAN. Mr. Chairman I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

(By unanimous consent, at the request of Mr. CONYERS, his time was allotted to Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding additional time. To continue, this group has a right to economic assistance in this country.

In this bill we are giving them the illusion that we are helping them with some tax money. Yet, they need more resources to function in a society where inflation and the war has caused the cost of living to go up in an extraordinary fashion. We must strike down such legislation, designed to give people the illusion that we are solving their problems when, in fact, we are not. And this bill, H.R. 1, does not deal with any of these critical issues. If we are going to talk about guaranteed annual income, let us talk about the decency level as defined by the Department of Labor as an adequate income in this country.

Most economists suggest that full employment is not very viable in America. If that is true, how are we going to get the income into people's hands who are not able to work for one of a variety of reasons, and how are we going to supplement the inadequate incomes of many workers trapped in menial jobs paying poverty wages?

If there is need for guaranteed annual income, and I believe there is, this Congress might as well deal with it now in 1971—and H.R. 1 is no effective response to this question.

Mr. Chairman, I hope the Members of the House will vote to exclude title IV from this bill, and if it is included, I hope all my colleagues will help me in striking down this legislation and defeat it on the floor on the principle that we must begin to face the human problems of the day with honesty, forthrightness, and integrity, and not with deception and expediency.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I, of course, agree with the sentiments the gentleman has voiced so expertly. I am hoping that other Members who may be torn as many of us were by what we are about to do that in case title IV remains in this bill, we will see, as the gentleman from California has pointed out so ably, that perhaps the time has come for us to rethink some of the liberal notions of welfare reform, which is what has gotten us into this present dilemma.

The gentleman from California may recall our esteemed chairman of the committee that brought this bill forward yesterday talking at length about how terrible the welfare situation is in America. Well, I submit to you that we all sat in this body while that welfare situation became so terrible. As a matter of fact, some of us perhaps were architects of that liberal notion of welfarism that has brought us to this present dilemma. Perhaps now would be the time for us to be honestly facing the question and beginning to vote against the entire bill if title IV remains in the bill.

Mr. DELLUMS. I concur with the gentleman.

Mr. CONABLE. Mr. Chairman, I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, the welfare reform bill which we are considering today is aimed at dealing with a vital problem in our society, that of the ever increasing number of Americans who are now on the welfare rolls and are being, in effect, subsidized by those Americans who work.

No one doubts that the welfare system of today has been a great failure precisely because it has been based upon the assumption that citizens have a "right" to welfare and have no corresponding obligation, if they are able, to seek and accept employment.

While those who defend the thesis that citizens do, in fact, have such a "right" to welfare often proclaim their own humaneness and concern for those citizens who have found it either necessary or beneficial to avail themselves of welfare dollars, the fact remains that welfare has merely placed such citizens on a "dole" and has made them wards of the state. In no sense, has it helped them to lead meaningful and independent lives.

Those who somehow believe that placing people on a "dole" is the answer to the problems of our poor, black, and other minority group members are showing an attitude which can only be described as patronizing. In fact, our welfare system of the past has been precisely this: patronizing.

Consider for a moment the criticism leveled at welfare by one eloquent black spokesman, Malcolm X. In his "Autobiography" he wrote:

> If . . . (they) wanted more to do, they could work on the roots of such ghetto evils as the little children out in the streets at midnight with apartment keys around their necks to let themselves in, and their mothers and fathers drunk, drug addicts, thieves, and prostitutes. Or . . . (they) could light some fires under Northern city halls, unions, and major industries to give more jobs to Negroes to remove so many of them from the relief and welfare rolls, which created laziness, and which deteriorated the ghettoes into steadily worse places for humans to live . . . one thing the white man never can give the black man is self-respect. The black man never can become independent and recognized as a human being who is truly equal with other human beings until he has what they have, and until he is doing for himself what others are doing for themselves.

The same attitude toward the patronizing nature of our welfare system was expressed by Bayard Rustin, director of the A. Philip Randolph Institute in New York. He said that the welfare-state philosophy inherent in our recent war on poverty and in other concepts of placing people on a "dole" is an "immoral bag of tricks" amounting to a new form of slavery. He stated:

> The problem for Negroes, Puerto Ricans, and poor whites . . . is that America has no commitment to turn muscle power into skills.

Given a welfare system of this kind, one in which hundreds of thousands of new names appear on the rolls and few, if any, of the old names leave the rolls, it is clear that reform is needed.

Yet, the bill we consider today compounds the evils of the current system, and makes them far worse. The family assistance plan as now written would add 14 million men, women, and children to the 12 million currently receiving aid to families with dependent children. It would cost a minimum of $5.5 billion in new Federal welfare spending a year, and more probably $10 billion. In fact, Chairman Russell Long of the Senate Finance Committee has estimated that if the principle of FAP is ever enacted, expenditures will quickly climb to $100 billion a year.

In addition, the proposed plan would place the working poor on a Government "dole" as well as those without jobs. Commenting upon this aspect of the plan the American Conservative Union noted:

> This is a particularly grave danger light of a seldom-remarked but provable fact: the incredible upward mobility of the American working poor, and the virtual disappearance of this group within a few years should present trends continue.

The American Conservative Union continues:

> Consider the following facts: the poverty threshold for a non-farm family of four is $3,553 in 1968 dollars. By this inflation-adjusted government standard, there were 39.5 million poor Americans in 1959, according to a 1970 Census Bureau survey. Put another way, in 1959 poor people accounted for 22.4 per cent of all Americans. By 1968, the figure was 12.8 per cent. Assuming the economy expands somewhat less in the coming decade than it did in the last, by 1977 no more than 15 million Americans—and conceivably as few as 12 million—will be poor. The 1959 figure of 22.4 per cent will in all likelihood have declined to between 5 and 8 per cent, in a period of only 18 years.

It makes little sense to enter the area with a crisis program, calling for income supplements to the working poor in an effort to solve a problem that seems to be solving itself.

It has been estimated by economist Henry Hazlitt that the FAP program, if enacted, will cost each individual taxpayer as much as $275. He noted that the plan will cost at least $10 billion in the first year and that the money will have to come from the average taxpayer through still more taxes or through still more inflation. And, after all of this, we will have solved none of the things which are wrong with our current welfare system. We will only have compounded them grievously.

Far better than the FAP approach, and keeping with the Nixon administration's general philosophy of returning authority to the States, would be a plan to return the whole problem to the States where it belongs.

A new bill which will do precisely that has been introduced. It would return all Federal money committed to welfare to the States and let a State administer its own welfare program. Under this bill, proposed by Senator Carl Curtis and Representative John Duncan, the Federal guaranteed annual income plan would be eliminated and the States would once again assume an important role in designing relief programs. As Human Events pointed out in its lead editorial for this week:

> Most important, the HEW bureaucracy would be dismantled as well as the scores of regulations that have been driving welfare costs upward over the past decade.

I wish at this point to insert the Human Events editorial from its issue of June 26, 1971:

Congress Should Consider New Welfare Reform Plan

The House faces a showdown on the Nixon-Mills Family Assistance Plan (FAP) this week—perhaps as early as Tuesday—and the fate of the country could be determined by the outcome. Under the chairmanship of Rep. William Colmer (D.-Miss.), the House Rules Committee has, happily, separated FAP from Social Security, thus making it much easier for the congressmen to turn it down. But the odds are still in favor of the strange coalition of forces pushing FAP.

If it chooses to pass this bill, the House will be doing the nation a great disservice and possibly irreparable harm. The enactment of FAP can only strengthen the heavy, heavy hand of the federal bureaucracy and encourage the Great Leap Forward toward socialism.

The cost—at least $5 billion more in federal welfare spending to start with—will undoubtedly soar far above this figure. FAP will plunge this nation—already about to rack up an outlandish inflationary deficit—into further red ink. The number of people on welfare will double or triple and the work ethic instilled in many of the poor will be destroyed.

FAP could also become a central engine for the destruction of existing U.S. military forces. With the monstrous outlays that will be needed to keep this white elephant afloat, the military budget will undoubtedly face another massive squeeze of funds, a squeeze even more severe than the one from which it is currently suffering without FAP on the books.

Aside from all these objections, this legislative atrocity is a nifty gimmick for demagogues. With the adoption of a guaranteed annual income plan—and make no mistake, this *is* such a plan, Administration propaganda to the contrary—the politicians will be having a field day outbidding each other to get a chunk of the "poor" vote. Indeed, they already are making such a pitch, including the politicians within the Administration.

Riponer Robert Patricelli, the HEW under secretary who has done his level best to saddle the country with this albatros, has already encouraged the rabble-rousing National Welfare Rights Organization to believe the Administration is prepared to escalate the costs of the FAP plan now before the House. Patricelli stressed he wanted no changes just before the House vote, for he apparently believes the House would not vote for anything more costly at this time.

But when it gets to the Senate, he suggested FAP could be loosened up to please the appetites of the members of the more liberal upper chamber. In debating NWRO director George Wiley before some 300 HEW employes last week, Patricelli said he would favor any bill "that can survive and get 51 Senate votes." In order to see it "survive," Patricelli said he and the Administration would support a move requiring states to maintain at least their present level of welfare payments. They would also favor Senate changes to forbid states to reimpose one-year state residency requirements to qualify for welfare and to relax the work requirements so that welfare recipients would only have to take "suitable" jobs.

Thus the Administration has shown itself quite capable of prostituting itself on this crucial issue which will affect millions of American lives.

Via Patricelli, it is now known that the White House doesn't care a fig about the type of proposal that is passed so long as the President can wave it around next year as a "triumph" for welfare reform. Since the expensive consequences of this measure won't be felt until a few years hence, the taxpayer will presumably not get angry at the Republicans until the 1972 election is neatly out of the way.

While the Administration is pressing for this monstrosity, there is, in fact, a rather attractive alternative to the Nixon-Mills bill. This new measure, introduced in the Senate by Carl Curtis (R.-Neb.) and in the House by John Duncan (R.-Tenn.), would, in effect, return all federal money committed to welfare to the states and let a state administer its own welfare program. Former Sen. John Williams (R.-Del.), the man who torpedoed the FAP plan in 1970, has endorsed the bill as a sound substitute for the FAP plan.

Curtis, a member of the important Finance Committee, should be able to swing a number of senators behind his program. Over in the House, Representatives Philip Crane, Barry Goldwater, Jr., William Scherle, Bill Archer, Del Clawson and others have cosponsored the measure and have sent a special letter to their colleagues urging them to support what is, in effect, a special revenue sharing program for welfare.

Under the Curtis-Duncan bill, the federal guaranteed annual income plan would be eliminated and the states would once again assume an important role in designing relief programs. Most important, the HEW bureaucracy would be dismantled as well as the scores of regulations that have been driving welfare costs upward over the past decade.

Lt. Gov. Ed Reinecke of California, who is an expert on welfare problems, recently stated that—contrary to liberal mythology—the major reasons for skyrocketing welfare costs have been liberal court decisions, HEW regulations and federal controls over welfare in general. The Curtis-Duncan bill would meet these objections head on. After defeating FAP, the Congress, we submit, should turn to the Curtis-Duncan approach if it wants to truly reform the welfare mess.

The Curtis-Duncan bill is in general agreement with the revenue-sharing philosophy enunciated by the Nixon administration. It is, in fact, an example of special revenue sharing, returning authority and jurisdiction to the States and away from the Federal Government. FAP, in almost every respect, contradicts the philosophy which President Nixon has repeatedly said he intended to bring to the Nation.

At this point I would like to insert a brief comparison which has been made of the two bills, S. 2037—H.R. 9156—Curtis-Duncan bill—and H.R. 1—Mills bill—FAP:

Curtis-Duncan Bill (S. 2037—H.R. 9156)

1. Eliminates the guaranteed annual income.
2. Dismantles H.E.W. bureaucracy; returns to the states responsibility for designing and administering welfare programs.
3. Mandates state residency requirements.
4. Estimated cost comparable to present expenditures, but provides mechanism for reducing welfare costs while increasing benefits to the truly needy.
5. Provides mechanism for decreasing welfare caseloads.
6. Restores the concept of "federalism" by returning the "flow of power" to the states.
7. Carries out the Administration's proposals for special revenue sharing.
8. Permits flexibility for each state to de-

sign programs suitable to the economic, geographical and social needs of its people.

9. Would aid states which impose work requirements and establish job training programs.

10. Permits new low-income family assistance programs at the discretion of the states.

Mills Bill (H.R. 1)

1. Provides a guaranteed annual income of $2,400 a year for a family of four.
2. Enlarges the H.E.W. bureaucracy by "federalizing" all welfare programs.
3. Eliminates residency requirements.
4. More than doubles the current expenditures for welfare.
5. Nearly doubles the number of people eligible for welfare.
6. Undermines the concept of "federalism", at the expense of the states, by concentrating both the administration and financing of all welfare programs in Washington.
7. Is diametrically opposed to the concept of revenue sharing and is so costly it endangers passage of any other revenue sharing bill.
8. Imposes standard, uniform programs and regulations in all areas without regard for differing problems and needs.
9. Requires able-bodied to work only if paid ¾ of the Federal minimum wage; provides job-training and other employment incentive programs administered through the U.S. Department of Labor.
10. Establishes a uniform and costly program of family assistance to the working poor.

The FAP bill takes the radical step of putting the working poor—those who are proud not to be on welfare—on the dole. It initiates the concept of a guaranteed annual income for all citizens. While it speaks of work incentives, the fact is that there has been a "must work" requirement in the aid to families of dependent children since 1967, and it has never been enforced. In addition, there would be no check whatever to determine if the recipient was spending his money wisely. Each person would be completely free to spend the taxpayers' money at his own pleasure—for television, automobiles, or whatever. This plan does not do what Malcolm X, Bayard Rustin, and other black leaders have wisely recognized as being so necessary: It does not help people to help themselves.

By any standard, either that of what will best help the poor to become independent and constructive citizens, or what will best help to restore power and authority to the States, the FAP plan fails.

At this point I wish to share with my colleagues an analysis of the FAP bill prepared by the American Conservative Union:

ANALYSIS OF THE FAP BILL

On behalf of more than 60,000 members of the American Conservative Union, we strongly urge you to vote against the Family Assistance Plan on the House floor.

In general outline, this bill is the one passed last year by the House on a vote of 243 to 155, but killed in the Senate Finance Committee on three separate votes. For several reasons, it would be a grave mistake for the House to repeat its favorable action of fourteen months ago.

For one thing, the scrutiny given this bill by the House Ways and Means Committee, both in the 91st Congress and this one, has left much to be desired. When the House voted for FAP in April 1970, little was known of the failure of previous efforts to get welfare recipients to work, through the 1967 WIN amendments to AFDC and through numerous local experiments including a massive one in New York City. The WIN program provided income supplements to welfare recipients who took a job, and also had a work requirement (though it did not provide money to working poor families not then on welfare). Yet it was precisely during the period when WIN was in effect (1967–71) that the most alarming increase in welfare case loads took place.

In New York City, 200,000 welfare families were offered monetary work incentives to get off welfare *more generous* than those allotted in any version of FAP. In more than two years, exactly 235 families worked their way completely off welfare. At the same time, tens of thousands of new families were being added to the city's welfare rolls. It is clear that income supplements to welfare families whose head of household takes a job have proved no panacea in reducing dependency. Yet the Ways and Means majority report hardly alludes to these discouraging experiences.

Also neglected by Ways and Means were the incredibly low incentives provided in FAP. In many states, particularly those with high levels of state supplements, it would be more profitable for a head of household not to work than to work. These incredible statistics, provided by Health, Education, and Welfare staffers at the request of Sen. John Williams, were not brought out in the Ways and Means hearing of 1969–70. When they were brought out to his attention, Presidential Counselor Daniel D. Moynihan estimated that it would take five years for the Administration and Congress to "rationalize" FAP with other Federal programs in such a way that FAP's incentives would be more than trifling. In the time since then, the Administration has taken only one step—the elimination of Food Stamps—to increase FAP's incentives. But this step may soon be counteracted by passage of the Family Health Insurance Program (FHIP), which is expected to arrange its incentives similarly to those in FAP—thus decreasing FAP's incentives in precisely the same way that such Federal programs as public housing, rent supplements, and Food Stamps now do.

These facts were not generally known when the House voted for FAP in early 1970, and it is understandable that many members supported it as welfare "reform" based on the fragmentary information provided by Ways and Means. No such excuse exists now.

In its conception, FAP is not welfare "reform," but an expansion and institutionalization of the present bankrupt system. In no respect would it be easier, or more profitable, or more likely for dependent families to get off welfare. The one "innovation" in FAP is precisely the one most likely to extend the present welfare morass indefinitely into the future: income supplements to the working poor. This provision, which is especially unneeded when one considers that working-poor families have declined nearly in half in the past decade, would merely bring 14 million Americans into a guaranteed-income structure that has already failed for the 12 million now on welfare.

The eventual cost of this program would be enormous. The Administration estimate of $5.5 billion in additional Federal spending is probably too low by nearly half. But even if this figure is accurate, by creating still another "fiscal constituency" of the Federal Government we guarantee escalating demands and benefit levels in the years ahead. Sen. Russell Long, chairman of the Senate Finance Committee, is probably not far wrong when he estimates the eventual cost at $100 billion a year.

There is still another reason for the House to reverse its vote of 14 months ago: this bill is even worse than the one passed then, in the following respects:

1. The benefit level for a family of four has escalated from $1600 to $2400—an interesting preview of future rises, should this bill be passed.
2. Several types of "unearned" income will be excluded from the Federal calculation, thus increasing benefit levels even further.
3. Thanks to a "hold harmless" clause, no state will have to spend more for welfare than it did in Fiscal 1971. Thus all future costs of welfare expansion will be absorbed by the Federal Government, and the states will lose all incentive to cooperate in reducing their caseloads.
4. The new bill provides for Federal administration of welfare—precisely at the time when the states with the worst problems, including California and New York, are acting resolutely and forcefully to bring this problem under control. It is hard to conceive of any measure better designed to perpetuate, rather than attack, the welfare crisis than total Federalization at this time.

As if these retrogressive steps were not enough, Assistant HEW Secretary Robert Patricelli has announced that the Administration will break its agreement with Ways and Means and liberalize the bill even further if it gets to the Senate. Among the moves Patricelli said the Administration will support are: requiring the states to maintain present benefit levels; Federal percentage supplement of increased state levels; relaxation of the "work requirement" to permit mothers with older children to avoid work; reinstitution of the notorious "suitable work" provision knocked out by overwhelming vote of the House last year; and the forbidding of states to reimpose one-year residency requirements for relief as several have recently done. It is all too clear that the Administration wants an explicit guaranteed annual income for 26 million Americans, and will do its best to get one no matter what the cost.

The fact is that this disastrous bill would expand and institutionalize the present system, rather than "reform" it; that it would take power away from the states precisely when the states are beginning to act vigorously; that it would create a huge and inevitably growing new "fiscal constituency" of 26 million whole or partial Federal dependents whose future demands on the Congress would be enormous; it is clear, in fact, that FAP would be far worse than the present system, bad as that system is.

Defeat of FAP would avert a potential catastrophe; but it would also make possible a Congressional attempt at meaningful reform. Among the ideas that should be carefully considered is the Curtis Amendment, which would apply the principle of special revenue sharing to the field of welfare. In this way, Federal money could be used to facilitate state and local solutions, in which subsidiary forms of government could devise plans appropriate to widely varying local conditions. But consideration of this or any other genuine welfare reform would be rendered impossible by House approval of FAP.

The American Conservative Union urges every member of the House to vote against this mischievous, ill-timed measure. It could be the most important vote you have ever cast, in this or any other session.

Mr. Speaker, I would like to conclude with the following quotation:

> To dole out relief in this way is to administer a narcotic, a subtle destroyer of the

> human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America.

This quotation is taken from the second annual message of President Franklin D. Roosevelt on January 4, 1935.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise to express my strong opposition to the motion to strike title IV from the bill, H.R. 1, as reported by the Ways and Means Committee. I certainly realize that title IV is not without areas in which some important improvements would be in order. But when we consider the colossal breakdown of the current system, when we consider the enormous damage it is doing to the very fabric of our social order, and when we recall that Chairman MILLS yesterday predicted, and I quote, "I do not know how we can come back any time soon or even within this Congress with any other approach to the restructuring and reforming of the welfare system," then I do not see how we have any other choice but to approve and send on to the Senate for speedy action this historic piece of welfare reform legislation.

Mr. Chairman, we have heard repeated more than once in the last 2 days the distressing statistics on the soaring welfare caseloads in this country. Between 1961 and 1970, AFDC rolls grew by 4.4 million persons at a cost to the taxpayers of $2.5 billion per year. The newspapers just yesterday carried stories of a recent HEW study showing that just since August 1969, when the President first proposed the fundamental welfare reform program that I believe has come to fruition in this bill, AFDC loads expanded by 3,441,000, an increase of 50 percent.

I would be the last person to deny that these statistics ought to provide cause for concern and alarm. But in dwelling on these statistics too exclusively, I am afraid we may be overlooking an even more important aspect of the problem. That is the 10 million persons now on the rolls are not merely cases but families—all too many of them broken, dispirited and scattered, not in small part because of the present system.

Therefore, what is really evil about the present system is not only that caseloads are being driven up, as bad as that is in itself, but that families are being driven apart. And I need not remind my colleagues this afternoon of all the deleterious social consequences that flow from that process.

Let me cite just a few indicators of the way the AFDC program functions to undermine family stability. Currently 7 percent of the child population of this country is found in welfare families; if we allow the current system to continue, that number will more than double to 15 percent in just 5 years. Yet does anyone really believe that this Nation can long survive as a body of free and independent citizens, if almost one-seventh of the population is brought up in dependency?

Second, AFDC was originally established as a program for providing cash assistance to destitute widows and mothers whose husbands were incapacitated or otherwise not able to provide for their family. In 1940 almost 80 percent of the families on AFDC represented just these kinds of situations. However, by 1960, less than 40 percent of the families on AFDC were in situations like those envisioned by the framers of the act and over 60 percent represented cases in which the father was absent due to desertion or other similar reasons. In the last decade things deteriorated even further so that in 1967 fully 75 percent of the families on AFDC represented situations in which the father was absent from the home for reasons other than those intended by the framers.

Moreover, the financial disincentives of the current system that encourage families to break up, also serve to discourage AFDC mothers from remarrying or even marrying in the first place. While I do not have the precise statistics at hand, studies show that AFDC mothers marry and remarry at a rate many times lower than the national average. And this is surely understandable. In many cases to remarry would mean loss of eligibility for support and perhaps a considerable loss of net income.

Mr. Chairman, this powerful inducement to family breakup, rather than family formation, is the real evil of the present system; it is this pervasive erosion of the family unit from which stems the spreading disease of crime, narcotics addiction, violence and dependency that afflicts the general cities of our Nation. And so when some of my colleagues complain that the welfare reform bill before us would add 6 million to the relief rolls, I ask them: Will it also add 6 million to the roll of broken families? Will it also add 6 million to the growing army of children and youth in our cities who are thrown into the streets to be socialized by all the worst elements of our society because they lack a home, a family, or a father? Or will it do the opposite? Will it not remove the elements of the current system that have done so much to destroy family stability and responsibility among recipient families? Will it not help low-income families to remain together rather than split apart out of the desire to obtain enough income to live decently? Will it not encourage low-income fathers to remain with their families and provide the example of self-support and independence that is so necessary for healthy growth and maturation of children and youth?

Mr. Chairman, I think the answer to these questions is an unequivocal yes. And if we have to increase the formal number of cases on the assistance rolls in order to decrease the growing number of real broken families, if this is the case, then I say the price is well worth paying.

Mr. Chairman, this leads me to a related point. There has been a strong campaign in recent weeks to panic the taxpayers of this Nation by carelessly bandying about the $5.5 billion price tag that accompanies title IV of this bill. But as the distinguished chairman of the Ways and Means Committee cogently pointed out yesterday, that figure is being used in a totally unconscionable, irresponsible manner. To begin with, $1.6 billion of that sum represents fiscal relief to the States, not a net cost to the taxpayers. And is there any Member of this body whose State is not in desperate need of respite from the mounting cost of public assistance? Governor Ogilvie of my own State put the matter very clearly in a letter to me in which he stated:

> Our State is going broke because of welfare costs. Three years ago the welfare budget was $430 million. This year it is $920 million and for the next fiscal year it will be at least $1.12 billion. H.R. 1 is not a perfect bill. Yet, last year welfare reform died . . . given the welfare crisis in Illinois we must not let that happen again.

Another $1.5 billion represents increased payments for the adult categories, a change that I have not yet heard to be thought objectionable. Finally, of the remaining $2.4 billion, $1.7 billion is intended for programs like child care, public service employment and work experience and training designed to do the very thing these critics of this bill say they want to achieve. So in light of this I must express the view that a great disservice is being done to the cause of welfare reform by those who have so carelessly used these figures.

Mr. Chairman, there is one final aspect of this title on which I would like to comment. That concerns the requirements and incentives for work and job training. It has been charged that this bill would establish a guaranteed annual income and that this would lead to a dangerous erosion of the work ethic upon which our society is based. I have read the bill and simply find no grounds for this charge. The plain clear requirement of the bill is that all able-bodied adults would be required to register for work or training. If they did not, they would lose $800 in benefits plus possibly $320 more in work-training allowances. It seems to me that over $1,100 a year is a pretty strong incentive to work. Moreover, an individual would be able to earn $720 a year plus one-third of anything above that without loss in benefits; so again there is a powerful incentive in this bill for "workfare" rather than "welfare."

Mr. Chairman, the choice before us is at bottom quite simple: Do we want to continue for another year, perhaps even 2 or 3 years, with a system, the dollar costs of which are soaring, and the social costs of which are becoming even more unbearable? Or can we summon the good sense to move ahead with a bill that is admittedly imperfect, but one that promises to begin to fundamentally reform a system that has become a sapping, cancerous blight on the American social order. I certainly hope we have the foresight to choose the latter.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I am impressed with the gentleman's sincerity as he speaks in the well, as I have said many times before. But is it not true that we have other alternatives between continuing on with the present system and adopting this very sorry proposal that is before us now? Is that the only alternative the House of Representatives has?

Mr. ANDERSON of Illinois. My only reply to the distinguished gentleman can be made by quoting again the words of the chairman that he does not know how he could come back soon or within this Congress, within this 92d Congress, with any other approach, and it seems to me the problem is sufficiently severe that we ought not to pass up the opportunity that we have here now to make some change, some improvement in a system which the gentleman has certainly condemned many times as oppressive and inequitable.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Florida, Mr. SIKES, for a unanimous-consent request.

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Chairman, there is no question that we must have reform in the Nation's welfare programs.

Welfare rolls have doubled in the last 2 years, with most of this increase attributable directly to the Aid to Dependent Children program. The tragedy of ADC funding is that much of the money does not reach the needy child. Instead it finds its way into the hands of parents or others, some of whom do not even live in the home with the child which needs help.

But, and again I emphasize, we need welfare reform. I cannot go along with the concept of adding more of the taxpayers money to the present system. That, I fear, is exactly what will be accomplished with the guaranteed annual income plan which is proposed. I know that the administration and the House Committee on Ways and Means feel safeguards can be provided which will insure work programs under the current proposal. I have the utmost respect for the distinguished chairman and members of the committee and I appreciate the effort they have made. But I just do not see how the new proposal will do other than add to welfare rolls. If work is not available—and I do not feel that it will be made available under the present proposal—it is obvious people will be maintaining in idleness. The system will operate to encourage people to take advantage of a guaranteed income. Instead of doubled welfare rolls, we will have them redoubled. And once we adopt the concept of a guaranteed income, the only real question will be how much is enough for each person on welfare.

Despite its much publicized role as reform," what we are asked to consider simply appears to be throwing good money after bad. There is no evidence the welfare program heretofore has contributed to encouraging those out of work to seek work. The contrary is true. If there is now to be a certainty, a guarantee, of income—work or no work—there are not many who will earnestly seek work.

What is needed, if we are truly to have welfare reform, is another look at the effort to develop a functioning work program. We must insure the availability of useful and productive work and require work from the able-bodied who are on welfare. If necessary, we should institute a public works program to create jobs, much as was done in the days of the depression of the 1930's.

Despite the fact this program was much maligned, the fact remains that many thousands of people were given meaningful work. The results are with us today in many areas in the forms of roads, bridges, buildings, and other structures which have withstood the rigors of time. Many are of a quality better than we get today. Even the artwork resulted in contributions which are more and more appreciated. Now, with teaching, training programs, child care, and all of the other activities which have developed since the 1930's, there is no reason for work to be unavailable for all.

No, Mr. Speaker, what is proposed now is not welfare reform. Instead, it is a program which I fear will serve to further lock the welfare recipient into this undignified posture.

Let us not further make matters worse. Instead, let us seek ways to truly help the able bodied on welfare to break out of the bondage of poverty and indignity through sound and helpful work programs.

Mr. CORMAN. Mr. Chairman, I yield to the gentleman from Florida (Mr. PEPPER) for a unanimous-consent request.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD).

Mr. PEPPER. Mr. Chairman, I commend the able chairman and the able members of the Ways and Means Committee for bringing to the floor this bill which I believe to be of immense significance to the country. I hope it will prove to be a good bill; that it will provide a better system of welfare than the one we now have; that it will more adequately meet the needs of the people of this country who have to have public assistance. I believe it will do so and we are assured by the distinguished chairman and members of the Ways and Means Committee that it will. This bill will require those able to work to work before they get welfare benefits under the bill, except, of course, mothers with small children. I have been concerned about whether there would be jobs—decent jobs—for those who would be required to work and I believe want to work. This bill provides 200,000 jobs. The bill provides that the Deparment of Labor would provide decent jobs for all those required to work under this bill before they get benefits. The Department of Labor and other departments and agencies of the Government are obligated to provide training for those not qualified to hold decent jobs to enable them to fill such jobs. I am assured personally by the chairman of the Ways and Means Committee that the Ways and Means Committee is going to follow closely the operation of this bill and the administration of it to see that the intention of the Committee and the Congress is carried out. I am personally assured by the chairman of the Ways and Means Committee that if the Government does not provide an adequate number of decent jobs for the people required to work as a condition of getting benefits under this bill, the Ways and Means Committee will initiate proper legislation to see to it that an adequate number of jobs are provided for the people who are expected to work as a condition of getting benefits under this bill.

There is added provision in this bill for increasing across-the-board social security benefits by 5 percent. That will help. That is not enough. The bill provides some additional benefits for the recipients of medicare; but not enough. But I am assured that the Ways and Means Committee is going to have hearings beginning soon involving the extension of medicare and social security. I hope then we will be able to improve both as they should be improved.

But the great significance of this legislation is not only what it provides but the fact that the Federal Government has taken over the prime responsibility for enacting an adequate and proper welfare system for this country. It will save my State $70 million a year. It will save my county and municipalities in my district money. We will see how it operates and if it does not achieve the objectives which we are seeking, then it will be the duty of the Congress to improve it and perfect it and not that of a hodgepodge of States and other authorities throughout the country.

I believe this legislation is monumental in what it does and in the hope it offers our country in the years ahead. For that reason I have voted against striking title IV, the welfare part of the bill, and I am going to support the bill.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of title IV to H.R. 1, the Welfare Reform Act, not because I feel that it is the complete answer to our problems, but because I feel that we must abandon the old program which created generation after generation of welfare recipients, and I hope that this measure will, instead, establish a program that leads to jobs.

The need for reform is obvious. The costs of welfare are getting out of hand, and are threatening to bankrupt some of our cities and States. From December 1969 to December 1970, welfare costs rose 36 percent. In 1 month—January 1971—payments to welfare families totaled $482.4 million. This represents a 40.5-percent increase over January 1970. And welfare rolls are getting longer and longer. From January 1970 to January 1971, 2½ million additional people became welfare recipients, thus making a total of 9.7 million on welfare.

Mr. Chairman, the present welfare system discriminates against the low-wage earner who is fully employed and attempting to support his family. Thousands of families live on a lower standard than that which is provided for welfare recipients. Instead of rewarding initiative and hard work, the present system, in many cases, encourages a father to abandon his family so that they will be eligible for welfare.

The present welfare system promotes emigration to States and localities with more liberal welfare programs. Penalizing or rewarding families according to State boundary lines or geographical location has little or nothing to do with family needs and, in fact, penalizes the locality for offering benefits which are superior to a neighboring State. California, a State with comparatively high welfare payments, is a case in point. In California, the average family of four on welfare—with no outside income—receives $221 a month, whereas in Mississippi, the average family receives around $50 a month. As a result, a welfare recipient is encouraged to travel to California to take advantage of the higher benefits.

H.R. 1 is designed to correct these deficiencies, place people on payrolls and off welfare rolls, and allow a person to regain his dignity by providing for his family.

First, under H.R. 1, the Federal Government will take over welfare payments, thus consolidating administrative costs, and providing for a uniform payment to those eligible for public assistance. In fact, California governments will save $234.9 million in the first year H.R. 1 is implemented. Chairman of the Los Angeles County Board of Supervisors Warren Dorn has stated that the—

> Preliminary analysis of this bill points to a considerable savings to the Los Angeles County property tax structure, which would amount to an estimated $150 million.

Hopefully, this savings will be passed on to the hard-pressed property owner by a reduction in property taxes.

Second, by providing uniform Federal payments, the needy will not be encouraged to move to States with higher payments. In fact, H.R. 1 permits States to reinstate residence requirements of up to 1 year before a person could be eligible for welfare.

Unlike the present welfare system, H.R. 1 encourages a family to stay together as a unit. And, for the first time, a deserting parent would be obligated to the United States for the amount of any Federal payments made to his family less any amount that he actually contributes by court order or otherwise. In addition, any parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of $1,000, imprisonment for 1 year, or both.

Third, under the programs proposed by H.R. 1, the employables will be separated from unemployables. If a needy family has a member who is capable of working or receiving job training, that family must register with the Department of Labor who will, in turn, train the individual to become a productive member of society. If the potentially employable person refuses to accept available employment, or if he refuses to receive job training, he will not be eligible for public assistance under the program.

On the other hand, if a needy family has no member who is capable of work or receiving training, then the Federal Government will step in and provide a two-member family with an amount of $1,600 a year.

Last, this measure will create 200,000 jobs in public service employment in areas such as pollution control, health care, education, and so on.

Mr. Speaker, I recognize the arguments presented by the opponents of this measure that "payment levels are going to be lower than under current law," that "the forced work requirement is a cruel form of punishment," and I do not agree with all of the points presented by the National Welfare Rights Organization, nor those presented by the Americans for Democratic Action. However, I feel that the welfare reform plan, as written in title IV of H.R. 1, is an important step toward fulfilling our national commitment on behalf of the unfortunate of our communities and that it does so in a way that will help the poor help themselves to achieve economic independence.

Mr. BOLAND. Mr. Chairman, I simply cannot comprehend the rationale behind the effort made here yesterday to throw this bill open to floor amendments. It eludes me entirely. An open rule on H.R. 1—making it vulnerable to amendments from the left and right alike—would mean its piecemeal destruction. Indeed, it would leave the bill multilated beyond recognition. Nor can I understand the movement to strike title IV in toto—to strip away all the welfare reform provisions now sought in the bill. This movement, however lofty its goals and however ardent its advocates, strikes me as nothing less than absurd.

The need for welfare reform is beyond dispute. And the reforms of H.R. 1, although they fall short of the perfection envisioned by their critics, are sound ones still. Neglected for decades, this country's welfare system has grown so chaotic that it is now almost ungovernable. The number of welfare recipients in AFDC alone now approaches a staggering 7 million, an increase of 50 percent—yes, 50 percent—over the past 2 years. Welfare payments vary widely from State to State, county to county, city to city. The South's cruelly small welfare payments are driving thousands of poor families North into our major cities, engulfing ghettoes already teeming with the poor.

Few work incentives exist. Generation after generation is caught up in welfare's vicious cycle, unable to break free. The costs of welfare inch upward year by year at a rapidly accelerating pace, driving some cities to the brink of financial ruin.

Certainly, Mr. Chairman, we must do something.

We must at least begin the reform that our welfare system so plainly and patently demands.

The problem is bewildering—even dizzying. But the reforms sought in H.R. 1's title IV constitute a workmanlike and straightforward approach to it. First, the bill would establish uniform national standards for welfare payments—a minimum of $2,400 yearly for a family of four even if they live in the most desolate county of Mississippi. This provision, needed for decades now, would help stop the migration from countryside to city.

Another significant provision—indeed, perhaps the most significant of all—would encourage working instead of shirking. It demands that all able-bodied welfare recipients—even mothers with children over 6 years of age—must take part in a new job training and placement program. Called Opportunities for Families and administered by the Department of Labor, the program would put hundreds of thousands of people to work. It would break the grip our welfare system now holds on generations of the poor, giving them the simple dignity of helping earn their own incomes. Day-care centers would be provided for the children of working mothers. And as many as 200,000 new Government jobs—meaningful jobs, not make-work jobs—would help answer this new labor force's most pressing needs for employment.

Still other provisions of H.R. 1 would grant welfare assistance to needy families with working fathers—giving such fathers a chance to work themselves out of poverty, instead of luring them into desertion so that their families can go onto the welfare rolls—and would tighten up welfare administration to prevent the malingering and cheating now so commonplace.

This legislation would work, Mr. Speaker.

It must be enacted.

Common Cause, the citizen action group headed by John Gardner, put it bluntly but accurately the other day:

> Despite its serious defects, passage in the House and subsequent correction of the defects in the Senate are the only way we will get any welfare reform at all now.

Welfare costs now reach past $14 billion a year—a sum that is largely an investment in futility. Without reform, the United States and its taxpayers will continue to squander billions on a system that breeds new evils and perpetuates old ones year by year.

The States most burdened by welfare costs—urban States like New York and Massachusetts—are now at the breaking point. My home State, Massachusetts, would save $44 million a year in welfare costs under the Federal assistance provisions of H.R. 1. It would be welcome relief, Mr. Speaker. Indeed, it would meet a need that borders on desperation.

It is time to face up to our responsibilities here in Congress.

The basic provisions of H.R. 1 must become law.

Before yielding, Mr. Chairman, I would like to say a few words about the other titles of this legislation—the ones granting social security benefit increases and liberalizing eligibility requirements.

Inflation has defied solution for years now, driving up the cost of virtually everything sold in the American marketplace. And nowhere has the impact been more harsh than on our elderly. Living on fixed incomes—often far below what the Government terms the "poverty line"—

the elderly are the real "forgotten Americans."

This legislation would provide them with a 3-percent across-the-board increase in benefits, a modest increase, certainly, but one that would be more than welcome. More significant are the provisions broadening eligibility requirements for social security and medicare. And, more significant still, is the yearly automatic cost-of-living increase. It is vitally important. It means that social security benefits will never again lag far behind the cost of living.

With permission, Mr. Chairman, I put in the RECORD a Washington Post editorial and letters from the AFL–CIO, the National League of Women Voters, and the Massachusetts League of Women Voters—all pointing out the urgency of H.R. 1.

Included herewith is the material referred to:

WELFARE: THE VOTE IN THE HOUSE

Since August of 1969 when President Nixon delivered his message calling for far-reaching reform of the nation's welfare program, the number of welfare recipients in the key and controversial AFDC category—families with dependent children—has risen by 50 percent or 3,441,000 persons. The figure was released by HEW on the eve of House consideration of H.R. 1, the administration's welfare reform proposal which has been revised by the House Ways and Means Committee and is now headed for a crucial House vote. Tempting as it is for those who wish to see H.R. 1 passed (as we do) to suggest that it will reverse this trend and substantially reduce the number of persons receiving welfare, such a suggestion would in fact be misleading. However HEW or other advocates of the bill choose to incorporate the unhappy statistic into their argument, its real relevance lies in the fact that so many more persons, notably children, are now subject to the chaotic and unfair and self-defeating terms of current AFDC programs. In that sense we genuinely believe the rise in the number of AFDC recipients since 1969 is a compelling argument for passage of Mr. Nixon's welfare reform.

The bill before the House, as we observed in this space a short while back, has been changed in some important respects from the versions under consideration in Congress last year—and not for the better either. Our principal, but not exclusive, objection is to the fact that unlike all versions of its predecessor, H.R. 1 does not require or sufficiently encourage the states to make supplementary payments to welfare recipients who could be substantially worse off under the terms of H.R. 1—worse off because they live in states now granting a higher combined federal-state payment than the federal payment provided for in the new bill. We were interested to see that this defect appeared to be the prime concern of Common Cause and its chairman, former HEW Secretary John Gardner too, according to a statement that the citizens' group put out:

"The administration has gone along on this retreat even though the President, when he introduced the Family Assistance Act, assured Americans now on welfare that in no cases would anyone's present level of benefits be lowered. Last year's bill protected present welfare families. Under H.R. 1 many families may be worse off than they are now."

We cite the Common Cause position not just because it happens to coincide generally with our own, but also because in the melee of last winter, when proposed welfare reform came under the crossfire from left and right that ultimately killed it for the session, it was that organization which endeavored with such good faith and good sense to work out the terms of a suitable compromise. We cite it, in addition, because the group, having studied the provisions of H.R. 1 and considered strategic goals and tactical possibilities, has reached the same conclusion we have namely, that H.R. 1 should be passed: "Despite its serious defects, passage in the House and subsequent correction of the defects in the Senate are the only way we will get any welfare reform at all now."

We agree with the sentiment and also with Mr. Gardner's assessment of what is so well worth fighting for in the legislation itself:

"The Federal Government will for the first time accept responsibility for financing a minimum level of payment throughout the nation. The Act provides help for the working poor, those fathers and mothers who may work full-time and still not earn enough to bring their families above the poverty line. It offers stronger incentives for those now on welfare rolls to seek training and job opportunities. National standards of eligibility will correct some of the present disparities between one state and another."

Equity and common sense, in our view, require that these important features be built into our public assistance law. In the long term, that is the only wise and practical way to respond to the dismaying news that millions of people have newly found their way onto the futility programs we now regard as "welfare."

THE LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: The League of Women Voters of the United States urges you to vote *for passage* of the "Social Security Amendments Act of 1971"—H.R. 1—as proposed by the House Ways and Means Committee.

Under the proposed Rule for H.R. 1, a motion to strike Title IV would be in order at the end of floor debate. We urge you to vote *against* such a motion, or any move to recommit with instructions to delete or weaken welfare reform provisions.

Sincerely yours,
MRS. BRUCE B. BENSON,
President.

LEAGUE OF WOMEN VOTERS
of MASSACHUSETTS,
Boston, Mass., June 21, 1971.

Hon. EDWARD P. BOLAND,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: The League of Women Voters of Massachusetts strongly urges that you vote against any measure to delete, recommit or water down Title IV of H.R. 1. League members feel strongly that the Federal Government bears a major responsibility for welfare reform and Title IV of H.R. 1 is a beginning. We are planning to work hard for improvements in the bill in the Senate. These improvements include—requiring States to maintain present benefit levels, to provide work programs for mothers with children over age 6, and to improve safeguards of work provisions. The League opposes any one year residency requirements.

To insure passage of minimum Federal welfare reform please vote against any measure to delete, recommit or water down Title IV of H.R. 1.

Yours truly,
MARGARET LYNCH,
Mrs. Charles E. Lynch,
President.
ELEANOR SEARLE,
Mrs. Campbell Searle,
State Welfare Chairman.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 17, 1971.

Hon. EDWARD P. BOLAND,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: The House of Representatives on June 21 and 22 will consider H.R. 1.

The Bill contains many substantial improvements for retirees; it extends health insurance under medicare to the totally disabled; but the central issue is—reform of the nation's welfare program.

The rule granted by the Rules Committee permits an up or down vote on Title IV—the provisions relating to Family Programs.

We urge passage of H.R. 1 as reported. We believe there are some defects in Title IV. However, the Title should be supported as a necessary first step toward uniform eligibility and Federal financing and administration of welfare. We will urge the Senate to make improvements.

Welfare reform is long overdue. We urge, therefore; that H.R. 1 be kept intact.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. MANN. Mr. Chairman, we are mightily engaged today in formulating another policy which will send the people back to work by giving them more welfare. However, I have not quite figured out how we are going to send the "working poor" back to work, or even to better jobs, and it is obvious to me that the designers of this legislation have not figured this out either. So, instead of addressing themselves to this problem, through, for example, programs which would match wages with inflation, it is proposed that we demean them by placing this 10 to 15 million people on the welfare rolls. And, human nature being what it is, their pride and their individuality will eventually succumb to the siren's song of "Everybody else is getting it—why shouldn't I?"

Mr. Chairman, there is another siren's song in this bill, one designed to catch larger game, yea, even the States of this United States. I refer to that recently devised, administration conceived, "king" of all gimmicks, the so-called "hold harmless" clause. Sometimes it seems that this country is on a one-way elevator. It can go up, but it cannot go down, in a gigantic one-way shaft with the American taxpayer paying through the nose. The "hold harmless" clause made an earlier appearance in the administration's revenue-sharing proposal, concerning which it was said—

> The administration recognizes that certain metropolitan cities have received greater assistance under the four predecessor categorical programs than they would receive automatically under the formula distribution. Most cities would receive more Federal development assistance under the formula distribution than they did under the predecessor categorical programs.
>
> In order to protect investments made under those programs and to avoid destroying program momentum, the Administration has made the firm commitment that none of these cities will receive an entitlement from special revenue sharing which is less than the amount they received in the past year under the predecessor programs.

Have I heard right? Are these really the words of an administration which is concerned about rising costs, inflation, and deficit spending? Or has the problem of inflation been superseded by the politics of getting a program accepted?

With respect to welfare, what the hold-harmless clause in H.R. 1 says is that no State will have to pay more in State funds than it is spending on welfare during this year. What it also means is that the Federal Government will furnish the money, 1.1249 billion of it, so that those States which have allowed welfare payments to get out of hand will be able to continue their astronomical payments, while other State taxpayers, whose State governments have been more moderate, will be helping to pay the bill.

Thus the effect of the hold-harmless clause in H.R. 1 will be to destroy the intent of setting up a truly national welfare system. Hold harmless against what, then? I suspect, Mr. Chairman, that it is against the challenge of forging truly new answers to meet old problems; perhaps it is even an attempt to change human nature. I suspect, Mr. Chairman, that the cost of this effort to the American people will soar and soar, and the only thing that will descend will be the spirit and incentive of the best of America's hope for the future, the men and women who will be working to pay the bill.

Time does not permit me to dwell upon all of the evils of this ill-conceived "guaranteed" condition in life promised by our Federal Government. However, I could not rest without expressing my concern about the direction that this bill propels our once independent American citizen, who forged in this wilderness an opportunity for those who were willing to work. For the helpless I stand ready to share. For the have-nots I stand ready to create opportunity. I must sincerely submit that the current bill does not fulfill these objectives.

Mr. HOWARD. Mr. Chairman, I have a feeling of emptiness and frustration as we prepare to vote on H.R. 1 today.

The welfare proposals in the bill, in my opinion, are not very good and I feel quite disappointed knowing that we should instead be voting on welfare legislation which would really be meaningful. But we are not.

Although I am extremely disappointed in this bill, I will vote in favor of final passage and against the motion to strike the family assistance program. I am doing this because I am firmly convinced that this is the best we can possibly do. If we strike title 4 out I do not think we have any chance of coming up with something better separately.

Quite frankly, Mr. Chairman, I do not think the Congress has met its responsibilities in the area of welfare reform. I think one can prove this point by watching the voting today and taking note that both the so-called far left and the so-called far right are voting together. One side wants no welfare legislation at all and the other wants much more than is being offered today.

There is no doubt in my mind that the Congress should take over all welfare payments. It would relieve the cities which are in the worst financial shape of a heavy burden, and it would permit us to make some dramatic improvements in this system which has failed everyone so badly.

A Federal takeover of the welfare system would be a much better answer to solving the problems of our cities and States than revenue sharing.

Mr. Chairman, as bad as the bill we have before us today is, it is still the first time that the Federal Government is seeing to it that there is at least a minimum level of payment throughout the United States. That is not much but it certainly is a step in the right direction. It is a step we must take.

I am aware that some well-intentioned groups want the bill separated in the belief and hope that we can get better legislation. They are completely justified when they express extreme disappointment in the contents of the bill before us today. But I do not agree with them that we should strike out title 4 or defeat the entire bill. If I felt that by doing this we could get a stronger welfare bill, I certainly would do just that. But my judgment tells me it is the bill before us today or nothing.

Mr. McFALL. Mr. Chairman, as the House presently has under consideration H.R. 1, I wish to bring to the attention of my colleagues an editorial that recently appeared in the Modesto Bee in my congressional district. The President now has on his desk for signature, S. 575, a well-thought-out measure designed to generate employment in areas of high unemployment. A noted economist recently defined unemployment as the major economic problem facing the Nation.

Mr. Chairman, I insert the Modesto Bee editorial at this point in the RECORD:

UNEMPLOYMENT, NOT WELFARE, IS MOST PRESSING PROBLEM FOR STATE, NATION

The continuing rise in unemployment, coupled with increased cost of living and inflation, has become the most pressing problem for California and the rest of the nation. Despite all the talk about welfare, that no longer is the No. 1 issue.

The reason is putting people to work at meaningful jobs—or keeping them there—should get first priority. Only in this way can the welfare rolls be stopped from rising.

While politicians have been promising welfare reform for years, talking endlessly about the great tax burden poor people place upon those fortunate enough to be working, the public's attention has been drawn away from the real tragedy—increasing joblessness.

The boost in unemployment is compounding the welfare situation. Latest government figures illustrate the problem. The nation's jobless rate moved back up to 6.2 percent of the U.S. work force in May. Jobless rates rose especially for construction workers and young women.

The unemployment rate for Negroes rose from 10 percent to 10.5 percent, highest in nearly eight years, while for white workers it went from 5.6 percent to 5.7 percent, the highest in nearly 10 years.

The rate for teen-agers edged up from 17.2 per cent to 17.3 per cent just on the eve of summer vacation when more will be seeking jobs.

The most serious part of the picture, however, is the fact more workers are out of a job for longer periods of time. The average duration of joblessness lengthened in May. The number of persons unemployed two or more weeks rose to the highest level since May, 1963.

Obviously, these people are exhausting their own resources, including unemployment insurance, and can turn only to welfare to keep their families from going under.

Paul A. Samuelson of the Massachusetts Institute of Technology and Pierre A. Rinfret of Rinfret-Boston Associates, Inc., recently defined unemployment as the major economic problem facing the country. Congressmen and legislators should take note.

Mr. DERWINSKI. Mr. Chairman, yesterday, along with many other Members, I supported the move to obtain an open rule on this bill so that a substantial effort could be made in the House to properly amend the bill before us. Since the debate yesterday centered primarily on the question of a closed rule versus an open rule, I take the floor at this time to discuss in greater detail the alternative to the family assistance plan which we would have offered had not the gag rule been imposed.

The amendment would have been the Curtis proposal which would apply the Nixon administration's concept of special revenue sharing to all welfare programs and put the States fully in charge of administering them. The bill was first introduced on June 10 by Senator CARL CURTIS, and introduced in the House on June 15 with 16 cosponsors.

It would dismantle the Federal welfare bureaucracy now located within the Department of Health, Education, and Welfare and transfer to the States the responsibility for determining what kind of welfare programs they will have, and the rules to be used in administering them.

The States would have to qualify for Federal grants of money only by putting up some of their own money in the form of matching funds, as they do now.

This bill is designed to return to the States the meaningful control over their welfare programs which Congress contemplated when the initial Federal laws were enacted.

There is no doubt but that the gravest problem facing State administrations today is the ballooning cost of welfare programs.

At the heart of this problem is the fact that the States, under current Federal programs, have little effective choice over the range and requirements which dictate the basic costs.

May I make note that President Nixon has pointed up the need to reverse the flow of power—to get more of the power of Government back into the hands of States and localities?

The Mills plan for federalizing welfare is a solution which goes exactly counter to the very essence of our federal system of government and to the President's fundamental reason for advocating revenue sharing.

Mr. Chairman, it would have provided the House with a reasonable alternative. It is developed entirely out of the President's thinking on special revenue sharing. It provides a way for the power to flow back into the States.

I believe the federalization of welfare as proposed in the Mills plan would render meaningless any further consideration of the entire concept of revenue sharing. The increasing Federal role in welfare through the years has escalated the welfare problem to its present crisis, threatening to bankrupt State governments.

Putting it quite bluntly, the States have been robbed of the authority and power to effectively determine the kind of programs which best fit the needs of their people.

Under HEW regulations, the States must do it Washington's way or there will be no money to do it at all. When this happens it often does not mean just the loss of matching funds for welfare payments. It means the State loses its moneys for programs of aid to the blind and the aged, for child care, for medical and rehabilitation programs.

May I remind the Members that in recent regulation disputes HEW moved to cut off Federal welfare funds to California, Arizona, Nevada, Oklahoma, and Nebraska?

I believe a State should have control over the level of State funds required to support welfare programs. Under the present system it has no such control. The Curtis bill would give the States that control.

Therefore, Mr. Chairman, it is my intention to vote to strike title IV from the bill, and join other Members in urging members of the Ways and Means Committee to bring back a bill consistent with the need for true welfare reform—emphasizing the points I have made here which embodies the principles of State control of welfare and revenue sharing.

Mr. McDONALD of Michigan. Mr. Chairman, I rise today in support of H.R. 1, the welfare reform bill. I do so not only out of my own convictions, but on behalf of the thousands of Michigan residents who overwhelmingly supported welfare reform in my recent questionnaire.

I share with many of my colleagues the thought that the present welfare system is failing the taxpayer. The runaway costs of a system which degrades people, destroys families, and has created a welfare dependency class, can no longer be tolerated. At the rate this program is presently growing, it will soon be too profitable for anyone to work.

There are staggering statistics which prove that we can no longer afford the present system. In 1951, Federal, State, and local government spent $0.6 billion for welfare; by 1961, that figure had escalated to $1.1 billion; and by 1971, to nearly $5 billion. By 1975, it is estimated that this system will cost the taxpayers $9 billion.

But statistics are cold and ruthless, and make no mention of the suffering and heartache of a family which has neither the hope nor the opportunity to get off the welfare rolls. And I am as concerned with alleviating that sort of hopelessness as I am with saving money.

Hope, and opportunity are two key forces which combined to make this country a model for all others to follow. Our free enterprise system of government made it possible for a new nation, filled with hard-working people, to outproduce every nation on earth in just a little more than a century. We opened our doors to the poor and the uneducated, and made them comfortable and literate. We helped them to help themselves, and we gained a position of leadership on this globe that has not yet been challenged.

There was really no magic to achieving that position of leadership. Work equals production equals wealth. There are more than 2.5 million families now on welfare of some sort, most of whom would welcome the opportunity to participate in that formula and become a shareholder in America. H.R. 1 offers them the opportunity to move from the relief rolls to the payrolls.

It begins the transition by offering training in addition to a modicum of financial support. Assistance payments to a family would decline gradually so there always would be an incentive for working recipients to continually increase their earnings.

And the requirement that all employable persons accept the training and work options made available to them is a tremendous benefit to not only the welfare recipient but to the working taxpayer.

It is the fairness of this legislation which also appeals to me. The transitional assistance offered trains people for permanent employment and will not displace regular workers. There is no benefit in splitting a family, and substantial penalties if an employable recipient refuses training or employment.

It is this approach that is so important to making the transition from State-supported to self-supporting. I am not suggesting that this is the final or perfect solution to the welfare problem. But it is a major step forward in offering assistance to the hundreds of thousands of Americans who are merely spectators of the free enterprise system, and want to become participants. We have the opportunity in Congress of passing this bill, and restoring pride and dignity to millions of Americans, or of rejecting this reform and condemning those millions to a way of life that is marginal at best and defies description at its worst.

I intend to support this legislation because it is an improvement over the present system; because it will mean a financial savings to State and local governments, and, most importantly, because it restores to many Americans the honored traditions of hope and opportunity, of self-help, and the chance to reach for a quality of life that up to now has not been available to them.

Mr. JAMES V. STANTON. Mr. Chairman, I would like to address myself to that portion of H.R. 1 which will probably receive the least amount of attention in these discussions—the provisions that deal with social security. Such inattention to social security legislation would be consistent with the past conduct of the Congress, for over the years we in this body have been content merely to praise the program and expand it without thought, rather than to give it a critical examination. I would contend that as a result, we have deceived ourselves and the public as to the nature of the social security program, and the way in which it works. Furthermore, I would contend that this deception has taken place at the expense of both the middle income wage earners, and those citizens who now receive social security benefits.

As a first step in the evaluation of social security, we must ask ourselves, who pays? Who bears the financial burden of this program? The payroll tax that finances social security is a highly regressive one, which results in the middle income wage earner bearing the brunt of this program's costs. The Congress has in the past steadily increased the rate of taxation, and the proposal now before us would over the next few years almost double the tax on the wage earner making $10,000 per year, increasing it from $405 to $755. This figure does not take into account any increases which might come about because of the rise in the cost-of-living provision which is included in the bill.

That portion of the payroll tax which is intended to spread the financial burden more equitably throughout our society, the employer's contribution, actually operates to the further detriment of the wage earner. Studies by the Brookings Institution have shown that the employer would put these funds into the paychecks if he did not have to pay the tax.

Having established that the program is financed mainly by the middle-income wage earner, we must now turn to a broader examination of the nature of the social security system. Since the time of Franklin Roosevelt, it has been argued that this program is and should remain an insurance plan, in which benefits are distributed to the recipients as an earned right, rather than as a welfare payment. Workers pay into the trust fund during their productive years, it is said, and during their retirement they receive back what they have paid in, plus interest. However, the fact is that the program does not operate in this way, but rather each working generation finances the benefits paid to the currently retired. The amount of money contributed by the present beneficiaries in their working years does not now cover the costs of their pensions. Estimates are that the beneficiaries receive in a year and a half or less an amount of money equal to what they paid into the system.

Many of today's retirees reached the retirement age in a few years after their job was covered by social security, and so they had little opportunity to contribute to the fund. Similarly, the standards of eligibility for such groups as the blind and the disabled have been made quite liberal so that maximum coverage could be obtained. H.R. 1 grants further relief to the needy by establishing a new special minimum payment for those who have worked for many years at a low paying job. Thus many have been made eligible for social security benefits not because of the amount that they have contributed to the system, but rather because of the Government's responsibility to meet the needs of those who cannot adequately provide for themselves.

Because social security contributes to the achievement of certain important national goals, such as aid for the aged, survivors, and the disabled, the burden of the financing should fall in some measure upon the population in general, and not solely upon the middle income wage earner. We should now give serious consideration to employing general revenues obtained through the income tax to finance social security. Several proposals for this purpose have been advanced, and the authors of these state that not only will we be able to grant tax relief to middle income families through such a measure, but also we will be able to substantially increase the level of benefits for the retirees. Using general revenues, we could begin to determine the level of benefits according to the needs of the retirees for an adequate standard of living, and end the practice of setting benefits to correspond with the intake obtained from the payroll tax. Equally important is that through such a program we would be granting a measure of tax relief and tax justice to the worker and wage earners who are so very deserving of greater consideration from their Government.

Mr. FULTON of Tennessee. Mr. Chairman, the legislation which we consider today is one of the most important measures reported during my four terms as a member of the House Ways and Means Committee.

To begin, a tremendous amount of credit and appreciation is due our distinguished chairman, the gentleman from Arkansas, for his patience, perseverance, and persistence to bring to the floor a bill which is not only an improvement for the social security program but one which attempts realistically and positively to reform our currently chaotic welfare and public assistance programs.

Portions of this legislation represent more than 2 years of honest and often weary effort. Each member of the Ways and Means Committee has contributed to this effort and each is to be commended.

The social security benefit increases in this legislation are particularly impressive because taken in toto they equal a 19 to 21 percent increase across the board according to the estimates of the committee staff and the Secretary of Health, Education, and Welfare.

As the chairman has reminded us, some consider these to be the most important set of amendments to the Social Security Act since its inception in the 1930's.

I will not attempt to detail these improvements as this already has been done thoroughly by Chairman Mills.

However, I would like to say that I am particularly pleased with certain of these amendments because they help to alleviate some of the greater inequities which I feel have been in the program.

There is the 5 percent benefit increase which is most important. I only regret that it could have not been more.

There is the relaxing of the earnings limitation from the present $1,680 a year to $2,000.

While I firmly believe that this limitation should be removed entirely it was pleasing to see the committee write this increase of nearly 35 percent.

For widows this legislation corrects a longstanding inequity by providing a 100 percent survivorship benefit to replace the current benefit of 82½ percent.

There is a new special minimum benefit to help the long-term low paid worker.

Another provision provides that the age upon which benefits are computed for men will be reduced from age 65 to 62, the age which now is used for women.

Under this bill persons who delay retirement beyond age 65 will receive a higher benefit.

For persons claiming a disability benefit the waiting period is reduced from 6 to 5 months and it is my hope that in the future we will be able to reduce this period to no more than 3 months.

These and many, many more amendments—some 43 in all—are designed to improve the cash benefits program.

There are also some 58 amendments, too numerous to mention one by one, in the medicare and medicaid program also designed to improve and strengthen these services.

Title IV of this bill is particularly important, as important to many as it is controversial to others.

As our chairman has pointed out, title IV is a very conscientious effort to improve the public assistance and welfare programs which today are held in illrepute by recipients as well as the public at large.

Undoubtedly there are sections in this bill which are not to the liking of some, perhaps many, Members of this body. Some changes which have been made in the name of "improvements" may well appear to some as further intensifying the evils which they feel exist in the present system.

However, it should be emphasized that the alternative to the provisions within this section, title IV, is continuation of the present welfare system as it exists today.

This body last year demonstrated its belief in the need for welfare reform by voting similar legislation by a substantial margin. Unfortunately that bill expired for lack of action in the Senate.

Particularly pleasing to me are the realistic work incentives which this bill has included for individuals on welfare. They are designed to provide help in this direction for those who are in a position to avail themselves of training while not penalizing others who are not.

The section of the bill before us today is not going to be satisfactory to everyone. For some it is too strong. For others it is too weak. However, to the vast majority of your committee and, hopefully, to the Members of this body, it is a workable and significant improvement over the chaotic and patchwork welfare program which we find ourselves and its recipients bogged in today.

Mr. Chairman, I support this legislation and respectfully urge its adoption by the House.

Mr. BRINKLEY. Mr. Chairman, two newspaper articles provide perspective to H.R. 1, the so-called welfare reform measure. The first article which follows from the Washington Post gives some insight into the thinking of HEW officials in the Nixon administration concerning the "work suitability" requirement:

[From the Washington Post, June 16, 1971]

Welfare Reform Faces Separate Vote in House

The House Rules Committee sent the welfare-Social Security bill to the House floor yesterday with a provision permitting a separate vote on the welfare reform section.

Complex bills such as this usually go to the House under a rule barring floor amendments. Chairman Wilbur D. Mills (D-Ark.) of the Ways and Means Committee wanted the usual closed rule because the welfare section—opposed by conservatives as too much and by some liberals as too little—is considered vulnerable.

But Mills was confronted with the prospect of the bill being delayed in the Rules Committee for weeks unless he agreed to the request of Rep. William M. Colmer (D-Miss.), Rules Committee chairman, that opponents be given a chance to try to strike the welfare provisions.

Mills apparently decided he had the votes to keep welfare reform in the bill and agreed at a Rules Committee hearing yesterday to the separate vote. Since the entire bill is supported by the administration, a considerable number of Republicans should vote to keep welfare reform in the bill.

The welfare section would set uniform federal welfare payment for the poor—$2,400, a year for a family of four—and would require able-bodied recipients to register for job training and employment.

The bill also provides for a 5 per cent increase in Social Security payments and other improvements in the program.

In a related development, Health, Education and Welfare officials said yesterday that they favor liberalizing the welfare bill in the Senate.

Robert Patricelli, HEW deputy undersecretary, said the administration would support a move requiring states to maintain at least their present level of welfare payments.

But Patricelli stressed that the administration opposes making any changes in the House committee bill on the House floor.

Patricelli's comments came after a debate yesterday before 300 HEW employees at which Patricelli and HEW official John Montgomery called the bill a "reform" while George Wiley, director of the National Welfare Rights Organization, said it represented "repression."

Wiley stressed that the bill does not require states to maintain present benefit levels. As a result, he said, welfare recipients in 46 states might receive less from the new welfare plan than they do now from a combination of welfare and food stamp aid.

During and after the debate, Montgomery and Patricelli acknowledged that the $2,400 federal support level for a four-member family was not sufficient to provide a minimally adequate income.

Both said they would under favorable political circumstances, approve requiring states to maintain present benefit levels. "We're for a bill that can survive and get 51 Senate votes," said Patricelli in an interview. "It will be a matter of tactical judgment."

The HEW officials said they also favor Senate changes to:

Require work only of mothers with children age 6 and older, rather than age 3 and older, as provided by the House committee bill.

Place greater safeguards in the bill's "work requirement" so persons could not be forced to accept work "not suitable" to their abilities and circumstances.

Forbid states to reimpose one-year state residency requirements to qualify for welfare.

The second article from the Evening Star, of Washington, editorializes the thinking of another school of thought. It favors the guaranteed annual income provision and, even before House consideration, advocates at a future date an even larger annual income for those able-bodied persons who do not choose to work. The article follows:

[From The Evening Star, June 21, 1971]

Welfare Reform Test

Congressman Wilbur D. Mills has lost a skirmish which, if worse comes to worst in House voting tomorrow, could mean the loss of the whole welfare reform battle. He has failed to bring the welfare legislation before the full House under the "closed rule," which would have made it an inseparable all-or-nothing package when the roll-calling begins. Instead, there will be a separate vote on whether to retain the Family Assistance Plan or strip it out of the welfare measure produced by Mills' Ways and Means Committee.

The FAP is the innovative lode without which the bill would have no claim to distinction. Mills says he isn't worried about the outcome, and we hope he is justified in that confidence. Some other observers foresee a close vote and possible defeat for the FAP. Conservative forces opposed to the idea of a "guaranteed annual wage" are rallying against the plan. They won a notable victory when the House Rules Committee decided by a four-to-one vote not to accede to Mills on closed-rule voting.

Of course there is much to be said against the concept of closed rule, which allows some outrageous measures to slip through Congress because they are tacked onto virtuous bills. But the intent in this case isn't to reform the workings of Congress—it is to defeat the most important piece of domestic legislation which will be considered this year.

Mills' committee put together a bundle that, for political and other reasons, must be irresistible to most congressmen if taken as a whole. It includes welfare reform, a hefty Social Security benefits hike and improvements in Medicare. It is a shame that it should be split asunder so that a shot can be taken at the heart of the welfare measure, which is the product both of the Nixon administration and some leading Democrats in Congress.

And it is particularly regrettable that there will be only one vote—for or against the FAP as it is envisioned in the Ways and Means-approved bill. There will be no chance to compromise and amend in floor action, even though opinions are sharply divided. To hard-line conservatives, any income maintenance at all is philosophical poison. To many congressional liberals, the $2,400 income floor for a family of four proposed in the welfare bill is so low as to be insulting. So the conservatives are hoping to be joined by enough unsatisfied liberals to put family assistance under the sod.

That would be a strange victorious coalition indeed, and we hope the liberals will not be sucked into it. The proposed income assistance is meager, but there will be opportunities later to raise it if the House approves the legislation at hand. More important, the FAP is the only hope in sight for a chance to straighten out the welfare system which has become a national disaster.

Those criteria are certainly the dimension of an open ended, guaranteed annual income without any genuine, across-the-board work requirements.

Also, proponents of the measure who assert that the Federal takeover will immediately result in a savings to the States equivalent to their normal welfare, base expenditure, err. The "State" is its people, and how could it get relief when its people still foot the bill? Does a rerouting of tax money from the State treasury to the Federal Treasury result in a savings? I think not. The argument of a savings is as ludicrous as the story of a man needing a blood transfusion who, in the absence of a donor, is compelled to give blood from his right arm for transfusion into his left, with a 29-percent loss in the process.

To build the most modern highway possible with a 1-mile "mud puddle" connector, would reduce the efficiency of the highway to the mud puddle.

Here we have at least three mud puddles. The work suitability loophole: the forewarned prospect for annual escalation of guaranteed payments; the deception that the citizen is not paying for it.

Mr. Chairman, I cannot in good conscience support a measure I do not believe to be in the long-range public interest and, therefore, for the reasons outlined above, plan to cast my vote against H.R. 1.

Mr. PODELL. Mr. Chairman, this week, we are called upon to consider one of the most complex bills ever brought before Congress—H.R. 1, the Social Security Amendments of 1971. In its printed version, H.R. 1, also known as the welfare reform bill, is 687 pages long. The very thorough report on H.R. 1 provided by the Committee on Ways and Means is itself 386 pages long.

I will not attempt in this one statement to summarize all of the social security amendments. A task of such herculean proportions would only be a waste of time. For, in just the last 2 weeks, volumes of analysis have been written about the entire welfare reform proposal.

However, as a Representative of one of America's greatest urban centers, I must speak for several thousand Brooklynites who will be directly and vitally affected by this bill. Therefore, I take this occasion to discuss certain provisions of H.R. 1 which are most essential to my constituents.

The first sections of H.R. 1 deal with improvements of the social security system.

Under this bill, all social security benefits are increased by 5 percent as of June 1, 1972.

Perhaps even more important, there will be instituted a system of cost-of-living increases for all benefits.

Such a plan provides that each year the Consumer Price Index increases by we must insure that social security payments will increase by an equal amount.

I wholeheartedly support both of these reforms. If social security is to become an effective means of providing for the aged, the infirm, and the needy, we must insure that Social Security payments will keep up with the ever-rising cost of living. Under the existent setup, social security recipients are forced to live on a Federal assistance scale totally out of step with contemporary wages and prices. The introduction of cost-of-living adjustments is a long desired measure that will provide many Americans with a far more realistic, adequate standard of living.

The social security reforms of H.R. 1 are obviously not very controversial measures. All fairminded legislators have realized that the rate of social security benefits needs updating. The time is long due that we act accordingly.

However, another sector of the welfare reform bill—the family assistance plan—has generated a considerably greater amount of controversy.

FAP, officially designated as title IV of H.R. 1, entails a complete revision of the welfare system.

The existing welfare program, known as aid for dependent children—AFDC—allows each individual State to set its own standards of eligibility for welfare. In addition, each State has the power to establish its own scale of benefits. Thus, eligibility standards and payment rates differ widely from State to State. This inequality places a tremendous burden on the States which are most concerned with solving the problems of the needy. New York, for example, pays $4,314 yearly to each family of four that requires assistance. This amounts to a total of almost $1.5 billion. The Federal Government assumes only 50 percent of the cost of this huge bill. Meanwhile, the taxpayers of New York State must groan under the burden of the remaining $750 per year.

On the other hand, States which completely disregard their needy are aided and abetted by AFDC. Mississippi, which grants only $1,920 yearly for a family of four—less than half of the federally established poverty level—spends under $100 million a year in welfare payments. The Federal Government rewards this negligence by paying a whopping 83 percent of Mississippi's bill, leaving the State government with a tab of only $16.8 million; less than 3 percent of the sum New York must pay.

Such inequality cannot be tolerated. A federally standardized and administered scale of welfare benefits must be established. It is imperative that the National Government assume a greater share of State welfare costs. It is equally urgent that all States are made to adequately provide for their needy.

Perhaps the most positive feature of H.R. 1 is that AFDC is repealed, and in its place are substituted national standards of eligibility and benefit levels.

Under this new proposal, the total welfare budget for New York will be approximately $1.8 billion next year. However, 63.2 percent of that sum will now be subsidized by the Federal Government. The amount of $660 million will remain for the State to pay. When other auxiliary benefits of H.R. 1 are included, New York State will emerge with a savings of over $188 million yearly.

Mr. Chairman, for several years, I have actively supported all of these reforms. The AFDC program has proven to be virtually a complete failure. Rather than providing a means for the needy to better themselves, a vicious cycle has been created in which recipients find themselves unable to become self-sufficient. Work incentives are nil. Families are brutally split apart, since the presence of a father eliminates a family from eligibility for AFDC. The breadwinner who is fully employed, but cannot earn enough to support his family is likewise excluded under AFDC.

FAP makes an attempt to correct these obvious injustices. In addition, FAP provides welcome fiscal relief for the heavily-taxed New Yorker, who until now has had to pay an absurdly disproportionate share of the national welfare budget.

However, Mr. Chairman, it is also necessary to point out that there are several negative features of FAP. Foremost among these is the disgracefully low level at which the benefit rates have been fixed. An amount of $2,400 is provided by the Federal Government to support a family of four. The sum of $3,600 is allowed for a family of eight or more. This sum is $1,600 below the official poverty level of $4,000. It is $4,100 under the $6,500 yearly level indicated by the Department of Labor as the minimum amount needed for a family to subsist at a decent standard of living.

Soon after we consider H.R. 1, Congress will debate H.R. 7257, a bill which replaces the $2,400 yearly rate with the $6,500 figure. I will strongly support this measure, which is essential if we are to provide a decent existence for those on aid, until they are able to become self-supporting.

I would also like to bring to attention of my constituents several "hidden" expenses which New York will incur as a result of the less publicized features of welfare reform.

Included in FAP is a complex program in which at least one able-bodied person—if there is such a person—in each family receiving assistance must register for job training. However, due to certain overly severe mandatory work provisions, all women who are heads of families and have little children over 3 years of age will be forced to register for training. H.R. 1 authorizes only $750 million to build the child care centers necessary for the supervision of these young children. Clearly a far larger sum will be needed to provide for the millions of youngsters affected by this statute. The individual States will be forced to pay all costs over the level prescribed by H.R. 1.

H.R. 1 further authorizes $800 million to provide public service employment for 200,000 welfare recipients who have completed job training. There are 23,503,300 such eligible people, 2,067,200 in New York alone. Again, the individual States will have to pay the price of finding jobs for all those the Federal Government will be unable to employ. In New York this will amount to almost 2 million jobs.

Finally, H.R. 1 authorizes only $540 million to provide job training for over 25 million eligible men and women. This figure is outrageously inadequate. If we are to find meaningful employment for all of the currently eligible welfare recipients, New York State will once again have to foot a huge bill to pay for all the necessary job training.

Unfortunately, H.R. 1 is now before the House under a closed rule. Thus, Congressmen will not have the opportunity to propose amendments to eliminate some of the more inequitable aspects of the bill. Therefore, I am faced with the dilemma of deciding whether or not to vote for a bill which contains several urgently needed measures as well as several highly repugnant features.

Many of my colleagues will vote against the family assistance plan arguing that its inadequacies render the entire bill ineffective. I cannot go along with this reasoning. Despite their shortcomings, H.R. 1, and the family assistance plan are vital steps in the right direction. Therefore, Mr. Chairman, I plan to vote in favor of all titles of H.R. 1 hoping that in the very near future, my colleagues will join me in acting to bring about a totally federalized welfare program, with an adequate minimum income level provided for all individuals and families.

Mr. REUSS. Mr. Chairman, H.R. 1, despite its defects, makes significant improvements in both the social security system and the welfare system. I shall therefore vote to retain title IV—the welfare reform title—and for the bill as a whole.

The major changes in social security made by the bill—a 5-percent across-the-board increase, an increase in the minimum monthly benefit, and a provision for automatic cost-of-living increases—are long overdue. I do have reservations about financing these increases out of the payroll tax, which falls most heavily on low- and moderate-income wage earners. It would be more equitable to pay these increased costs out of general revenues.

Title IV of the bill—the opportunities for families program and family assistance plan—presents us with a hard choice. It establishes the framework for a significantly improved welfare system. It also contains a number of regressive features. I am troubled by the inadequate level of benefits, the omission of a guarantee that no welfare recipient will be worse off under the new system, the meager fiscal relief provided most States, and work requirements that will provide more work for bureaucrats than welfare recipients.

However, on balance I think these deficiencies are outweighed by the reforms made by the bill. Establishing a Federal floor for benefits, along with uniform eligibility rules and Federal administration, takes us a long way toward full Federal responsibility for welfare. In a society as mobile as ours, this is as it should be. Treating welfare as a local or State problem is unfair to the recipients in low benefit States, and unfair to the taxpayers in States which pay high benefits.

There will be an opportunity in the Senate to correct some of the deficiencies in H.R. 1. I hope this can be done and that the bill will come back to us with a reform of the welfare system that is more than just a halting first step.

Mr. ASHLEY. Mr. Chairman, I rise to support title IV, the welfare provisions of H.R. 1.

I must admit that I support title IV with mixed feelings, because—despite the compelling need to reshape our basic welfare system—I believe the legislation would help perpetuate some dangerous myths about who the poor are and because there simply is not enough money in the bill to do the job.

Every study ever done on the subject explodes the myth that the poor do not want to work, that they are able-bodied loafers. The fact is that 15 million of the 25 million poor people in this country are either under 18 or over 65, and 90 percent of the physically able-bodied adults in poor families with children are already working—cleaning bedpans and anything else they are permitted to do in order to scrape out a living and stay off welfare. The real problem is that they simply are not earning enough to bring them above the poverty level.

Clearly what is needed are work opportunities as well as work requirements. With unemployment at 6.2 percent, the jobs that this bill would create just are not enough. If this welfare reform is truly to help people and not to discourage them further, then we will have to provide more jobs and more job-connected training programs.

With respect to the question of the level of payment, $2,400 is just not enough money to support a family of four at the subsistence level—in fact it is some $1,400 below the poverty level in most States. But even more important than the inadequacy of the figure is the fact that the bill fails to require the States to maintain their present benefit level, much less to increase it. This could be very simply remedied by adopting last year's provision requiring the States to maintain the present level and hopefully the Senate will do so.

Despite these serious shortcomings, I feel compelled to vote for the bill because, on balance, I think it helps point us in the right direction.

The present system is collapsing under increasing welfare rolls and the accompanying skyrocketing costs. The chances of these people getting off welfare is limited by three factors. First, in most States, a family cannot receive welfare if there is a man living in the house, thereby forcing many husbands to desert just to give their families a chance to survive. Second, the present system does not cover the working poor, thereby creating economic disincentives and fostering social divisiveness by making it possible for the income of some aid recipients to exceed the income of low earners of the same family size. And, third, the variation in benefit levels from State to State creates obvious inequities and has led to unhealthy skewed migration patterns which have not helped the poor and have hampered the efforts of large cities to deal with the problems of poverty.

The bill before us today would eliminate these serious inequities. It would add 9 million more poor people to the rolls, including 5 million children in working poor families. By aiding the working poor and not requiring the man to be out of the house in order for the family to receive benefits as well as putting a Federal floor under welfare payments, the legislation would encourage family stability and the chance for people to get off welfare.

Moreover, States weighed under by the huge costs of welfare are beginning to roll back benefits. So far, at least 14 States have reduced or soon will reduce their payment levels, including my home State of Ohio; so it is essential that we establish the principle of a minimum payment now, on a basis that offers far greater hope that many current welfare families will have access to suitable job opportunities that in time will lead to self-sufficiency.

While some might question the cost of even this limited Federal effort, it is clear that these costs are far less to the society than the costs of paying for the products of poverty—the criminals, the addicts, and the lifelong dependents.

In short, despite a number of serious reservations, I think title IV will be a first step toward ending the debilitating aspects of the present welfare system.

Mr. MINISH. Mr. Chairman, like most involved, complicated legislation which comes before the House, H.R. 1 is a mixed-bag. Its numerous provisions deal in various, sometimes far-reaching, ways with social security, medicare, medicaid, welfare, and taxes. Some sections of the bill represent great improvements over present law and are clearly deserving of swift enactment. Other parts of the measure simply apply a bandaid where major surgery is called for. Still other provisions illustrate the degree to which compromise is always present in momentous legislation.

Title I of H.R. 1 involves social security. The bill would increase benefits to social security recipients by 5 percent effective in July of 1972. Welcome as this increase will be to our Nation's senior citizens, it is still only a meager amount when measured against the need.

A recent study has disclosed that one of every four Americans 65 years of age and over is forced to live at or below a poverty-level income. This distressing survey, by the Senate Special Committee on Aging, also found that both the number and the proportion of aged poor have been growing in recent years.

The legislation before us does contain an automatic cost-of-living increase provision—a concept which I have long advocated and sponsored legislation to implement. Under the cost-of-living mechanism in H.R. 1, social security beneficiaries would receive a yearly benefit boost equal to the rise in the consumer price index when that index exceeds an annual rate of 3 percent. The provision would take effect only when Congress fails to enact an increase of its own during the same year.

Mr. Chairman, we should keep in mind that an automatic cost-of-living mechanism, while valuable, does not result in a real improvement in social security payments. It merely holds the line for older citizens in an inflationary economy. The enactment of this provision, therefore, should in no way preclude the need for periodic general increases in social security benefits by the Congress.

The cost-of-living mechanism would also apply to the amount of money a person may earn while receiving social security without losing benefits. Additionally, the retirement test is liberalized by H.R. 1 to allow unpenalized earnings of up to $2,000 per year for persons under the age of 72.

Other major changes in the social security law under H.R. 1 include: entitlement of widows and widowers to 100 percent of the amount their decreased spouse would receive if he were living; reduction in the waiting period for disability insurance payments from 6 months to 5 months; a special minimum benefit for persons who have worked under social security for 15 years or more; the right for working married couples to compute their benefits on the basis of combined earning if this method results in higher payments; liberalization of disability requirements for blind persons; and reduction, over a 3-year period, in the computation point for men from age 65 to 62.

Under the medicare section of H.R. 1, coverage would be broadened to include for medicare benefits those persons who are entitled to disability payments from social security providing they have been disabled for at least 2 years. This provision is in line with legislation I have sponsored and is a significant step toward providing all our citizens with health security.

Another important feature of the medicare section of H.R. 1 would prohibit increases in premiums for medicare part B unless there is a parallel increase in social security cash benefits. Moreover, aged persons would be automatically enrolled for supplementary medical insurance unless they indicate they do not desire such coverage. Presently, an individual must sign up for the supplementary insurance program within 3 years of first becoming eligible.

I am disappointed that the committee did not see fit to include the cost of presciption drugs for the elderly under the medicare program. Americans over the age of 65 presently spend three times as much on drugs as younger persons. The health bill in 1969 for the over 65 group averaged $692—two and one-half times that for the 19-to-65 age bracket, yet medicare currently pays less than half the health costs of the elderly.

Among the tax changes in the legislation is one which would increase the allowable child-care deduction from $600 to $750 for the first child and the maximum from $900 to $1,500. Additionally, the income limitation for a couple wishing to claim the deduction would be raised from $6,000 to $12,000. Hopefully, this section is just the first step toward more comprehensive child-care legislation to come later in this Congress.

The bill also modernizes the retirement income credit. The maximum amount for computing the 15-percent credit would increase for a single person from $1,524 to $2,500. In addition, the exempt earnings limitation under the law would be liberalized to correspond to the new retirement test for social security beneficiaries.

Title IV, which deals with reform of our welfare system, is the most controversial portion of the Social Security Amendments of 1971.

Ideally, I favor complete federalization of our welfare system. I initiated legislation to accomplish this objective in May of 1969 and reintroduced the same measure on February 1 of this year.

Under my legislation, aid to families with dependent children—the largest and fastest growing program of public assistance—would be converted to a wholly Federal program, administered by locally based agencies under federally prescribed terms and conditions including national minimum standards. The cost would be fully borne by the Federal Government.

Initially under this plan, the existing State formulas for determining assistance levels would be adopted and applied by the Federal Government. However, in no case may the benefits to any recipient be less than the national average benefit at the time the legislation is enacted. Such an approach will result in a significant lessening of the disparities which currently exist in ADC payments among the various States.

The net effect of this provision will be to maintain the reasonable benefit levels established by many States, including New Jersey, while increasing to a decent level the pitifully low payments which millions now receive in some States. Additionally, a mechanism is provided for periodic review and increases in benefits as dictated by the cost of living.

Welfare expenditures today are becoming an unbearable burden to local and State governments and their hard-pressed taxpayers particularly in urban areas. Nationally the number of ADC recipients has risen from 3,023,000 in 1960 to more than 10 million today. In my own State of New Jersey, ADC beneficiaries have skyrocketed from 72,314 in 1962 to over 400,000 in 1970. Essex County, in which my congressional district is located, has been especially hard hit by rising welfare costs. One-quarter of the State's welfare recipients reside in Essex and the county welfare budget has grown from $3 million in 1958 to approximately $20 million this year.

The legislation before us today would not go nearly as far toward a national welfare system as my measure, but it does represent, nonetheless, a substantial improvement over and a fundamental change in the present chaotic welfare system.

With respect to the adult assistance programs, aid to the aged, blind, and disabled would be replaced by a completely new Federal program in July 1972. Administered by the Social Security Administration, this innovative program would create new benefit levels set at $130 a month for individuals and $195 for a couple, both of which would climb to $150 and $200, respectively, by 1975. States would be permitted, at their own discretion, to make supplemental payments over and above the Federal standard.

Title IV would repeal the present program of aid to families with dependent children and institute two new Federal programs on July 1, 1972. The new programs would be adopted for a period of 5 years in order to give Congress an opportunity to review their operation before continuing them in subsequent years.

Families in which at least one person is employable would be enrolled in the opportunities for families program administered by the Department of Labor. Under this program every person who registers would be required to participate in manpower services or training and to accept available employment. Child care would presumably be provided for registrants in need of this service.

Eligible families with no member available for employment would be enrolled in the family assistance plan administered by the Department of Health, Education, and Welfare.

Eligibility for and the amount of benefits would be identical under both programs. Family benefits would equal $2,400 per year for four persons with no other income. Work incentive earned income exclusions would permit a family of four to earn up to $4,140 per year before losing its Federal supplement completely.

States could supplement Federal payments, but they will receive no assistance from the Federal level for this purpose. This is a serious shortcoming of H.R. 1. If the bill clears the House in its present form, the Senate should surely consider adding a provision calling for Federal funding of a substantial percentage of State supplemental payments.

The work and training provisions of the measure are laudable in their goal of finding employment for welfare recipients. In reality, however, the number of recipients affected by these provisions is small and given the present state of our economy, the number of available jobs may be even smaller.

Savings to the larger, highly industrialized States will be relatively minimal under H.R. 1. New Jersey, for example, will save about $50 million at the most by fiscal year 1973—less than a quarter of its anticipated cost.

On the plus side, H.R. 1 does provide assurance that State welfare costs will not continue their severe escalation. Starting next year, the Federal Government will pick up the tab for additions to the welfare rolls. Thus States may, in general, look forward to stabilization of welfare costs at this year's level.

The bill also is likely to result in Federal administration on welfare and does establish, for the first time, the principle that each American family is entitled to a minimum payment level, albeit a low level.

In summary, Mr. Chairman, I believe the merits of H.R. 1 outweigh its debits. The legislation establishes a base upon which further improvements can be built. I urge passage by this House and very careful consideration by the Senate of the Social Security Amendments of 1971.

Mr. DONOHUE. Mr. Chairman, I wish to record my convictions in favor of H.R. 1 and to register the hope that this pending Social Security Amendments Act of 1971, with the inclusion of title IV, will be approved by the great majority of the Members of the House.

The many and varied provisions of this measure have been very carefully and thoroughly explained by the distinguished chairman of the House Ways and Means Committee and other able committee members of both the majority and minority sides, so there is no need of any additional lengthy and repetitious review.

In summary, this measure is designed to increase social security benefits by 5 percent, provide for automatic adjustment of benefits in the future to reflect cost-of-living increases, wholesomely change and improve medicare and medicaid programs and initiate pioneering reforms in the structure and operation of welfare assistance throughout the country.

Mr. Chairman, there appears to be, and there should only be, little or no disagreement about the titles and provisions in the bill to increase social security payments for those who are suffering the most from ever-rising inflationary costs, to liberalize the retirement test and reduce the eligibility age for men and otherwise strengthen this area of social security impact. While many of us earnestly doubt that this measure goes far enough in providing adequate benefits for those who so desparately need them, we realize that the compromise figures and adjustments in the bill are the best that can be presently accomplished, so we accept them in that reality while we pledge to work for their further improvement in the future.

With respect to our determination on title IV, Mr. Chairman, I think we all ought to be mindful of two basic facts.

The first fact is that the present welfare system is an undoubted tragic failure.

The second fact is that the executive and legislative departments of the Federal Government have the grave responsibility to devise a workable welfare system that will restore human dignity to those who must accept welfare through no fault of their own; that will lessen the burden of welfare on the taxpayer by moving persons, through job incentives and requirements, from welfare rolls to payrolls; and that will preserve and encourage, rather than undermine and destroy, the basic family structure upon which all civilized society depends for continuance.

In making our determination on the imperatively important subject of welfare reform, let us remember, Mr. Chairman, that, under the procedures of our action here, we will be saying, in any rejection, that, in effect, we prefer the present chaotic system to any attempt to improve it.

Let us be mindful that this program and the whole bill was approved, after lengthy hearings and extended study, by our colleagues on the House Ways and Means Committee and by a vote of 22 to 3. And let us emphasize that this family assistance proposal is intended and projected to the poor of this country, not as a handout, but rather as a hand up.

Let us, then, Mr. Chairman, extend such an encouraging hand in conscientious efforts to initiate wholesome, farsighted reform into an admittedly antiquated and collapsing welfare system, while we remain, as is our duty, ever watchful and ready to promptly repair any unexpected weakness, or even to begin repeal review of the whole program, if the administration and congressional anticipations are not quickly and demonstrably realized.

Mr. CLEVELAND. Mr. Chairman, it is regrettable that the Ways and Means Committee has seen fit to join a massive welfare reform proposal to a major set of needed social security amendments, and then bring it before us as one bill. As if this is not bad enough, the error is compounded by the rule obtained by the Ways and Means Committee. This regrettable rule allows the House of Representatives only two votes on this whole complex package of measures. It is shocking that the Ways and Means Committee is so arrogant as to believe it has drafted a bill so perfect that no amendment would be an improvement, or that the House in its wisdom is not able to improve on the bill written in committee.

I plan to vote "yea" on the motion to strike title IV, the whole welfare section of the bill. My reason is that while welfare reform is clearly needed, the expensive approach contained in H.R. 1 has not had any real test. It will cost billions of dollars more than the present welfare programs, which are bad enough, but without any real experience which will indicate success. I believe that we would be wise to put this guaranteed annual income approach to the real test by selecting several areas in which it would be put into full operation. Then, if it performs satisfactorily after a year or two, it should be put into effect nationwide. This is the main reason I opposed the guaranteed annual income proposals last year. It is why the Senate had reservations and never acted on the bill.

There are a number of alternative welfare reform proposals which deserve to be fully considered. They should be considered by the full House and voted on. They should at least be considered.

The present system badly needs reform. But the "reform" should be thought out and tested so that it does not turn out worse than the original system, a result that has all too often occurred in these halls.

If the motion to strike the welfare section succeeds, I will vote "yea" on final passage of the remainder of the bill, because the social security amendments contained therein are needed. Among the provisions most noteworthy are a 5 percent hike in benefits, future automatic cost of living increases in benefits, full benefits for men at age 62, increase in the earnings limit to $2,000 with future automatic cost of living increases, nontermination of a child's benefits because of adoption, and other reforms. These amendments are needed and can stand on their own merits. I am on record last year and in previous years as voting for them. They should be passed.

If the motion to strike the welfare section fails, I plan to vote against the whole package in the belief and conviction that if it is defeated, the social security amendments will be immediately reported out as a separate bill. But I cannot vote for this package of two major bills which comes out of committee under a rule which permits no amendments. An indication of the complexity of the bill is that it is 687 pages long and weighs over 2 pounds.

I would like to be able to vote for the social security amendments. But for the reasons given above, both procedural and on the merits of the welfare proposal, I cannot vote for the bill if it contains title IV. Last year my constituents expressed overwhelming opposition to income subsidies for the working poor. Last fall I ran on my record which clearly spelled out my vote against that proposal. I do not think that in fairness and honesty to my constituents, I can so soon change my clearly stated position, in the absence of any real testing of the concept.

Mr. SISK. Mr. Chairman, as we approach the time when we will be asked to vote on this historic welfare reform legislation, I would like to call to the attention of my colleagues here in the House a letter I recently received from the distinguished director of the Fresno County, California, Department of Public Welfare, Mr. Reed K. Clegg, in which he urges favorable consideration of H.R. 1. Mr. Clegg, who has been director of this large county welfare department for more than 18 years, is a thoroughly professional administrator whose judgments are not colored by political considerations. He is one of the few men I know who is both a conservative and a liberal. Many welfare recipients view him as a conservative, and the board of supervisors, which has controlled the purse strings for welfare, view him as a liberal.

Reed Clegg is one of the outstanding welfare administrators of the State of California. His books and writings on welfare are known to administrators and educators alike, and may be found on the reading lists of some of the most renowned colleges and universities throughout the country. I am satisfied that the insights he has gained as welfare director for almost a decade can be of benefit to all of us, and I am gratified to present his observations on H.R. 1.

County of Fresno,
Department of Public Welfare,
Fresno, Calif., June 7, 1971.

Congressman B. F. Sisk.
House of Representatives,
Washington, D.C.

Dear Congressman Sisk: It is my understanding that HR 1 by Wilbur Mills is now on the floor of the House of Representatives. As the Director of a large California County Welfare Department for more than 18 years I would urge your favorable consideration of this most important welfare reform measure.

Our present welfare system was born in the great depression of the 1930's. It was originally designed as an emergency measure to be replaced by Social Security and other social insurance programs. Over the years it has grown in numbers, expenditures and complications. State legislatures and rule making bodies have added to its complexities by patchwork and piecemeal provisions.

The net result is a vast bureaucratic jungle of rule and regulation which is neither understood nor approved of by those who pay for it, those who benefit from it and those who attempt to administer it.

The program is filled with inequities and inconsistencies. There are vast differences in the manner in which we treat people in the various categories and glaring inequities within the programs themselves.

We treat the aged, blind and disabled on a month-to-month eligibility basis as if they were expected to return to the labor market or to suddenly inherit vast sums of money. Neither of these is likely to happen.

Our grant structures are so complicated that few people understand them. Three different experienced employees can be given the same family situation and arrive at three different amounts of aid for the family. It would be very difficult for me to tell which one is correct. This complicated grant structure is very expensive to administer.

In Fresno County it costs $7.50 to change an aid grant and we are required under the current system to change 40 percent of all grants each month. We need to move to a flat grant structure with reasonable income deductions and provisions for fluctuations in the cost of living.

The welfare system has reared more than three generations of children who are convinced that life consists of sitting in front of the TV set and waiting for the welfare check. We have given them a meagre existence for the present and no hope for a better future.

In my experience, the majority of welfare recipients would prefer work rather than a welfare check. We need to give them the opportunity to experience the dignity and satisfaction of honest and meaningful labor either in the private sector or by the government as the employer of last resort. If we are ever to break the cycle of poverty we must do it by employment and training programs which can serve as worthwhile examples to minor children.

Our present system discriminates against the low wage earner who is fully employed and attempting to support a large family. Thousands of these families live on a lower standard than that which we provide for welfare recipients. We give them little encouragement to remain with their families and try to support them. On the other hand, we give them ample reason to envy the idle welfare recipient.

The present system approaches the problems of the able bodied unemployed person in the same manner as it does the aged or incapacitated adult and the minor child. The employable person who is out of work should be assisted and guided by a branch of government specifically designed to handle the problems of unemployment. Traditionally the Department of Labor performs this function in our governmental structure. Aid to the Unemployed should become the responsibility of this department of government.

The Food Stamp Program is a very expensive program to administer. Later this month our department will complete a detailed and verified study of the administrative costs in the Food Stamp Program. If you wish a copy, I shall be glad to forward one to you. It would seem more logical to add money to the grant, rather than to engender the high costs of providing food stamps. We do not find heavy support for this program among the poor. The grocers on the other hand are enthusiastic about retaining and expanding the program.

With the decision to abolish residence by the Supreme Court and the legal activity in the Federal Courts by Anti-Poverty lawyers, it has become increasingly difficult for states and local units of government to administer welfare programs. This is particularly true in California and the other states which administer the more liberal welfare programs.

The discrepancies in programs among the various states are well known. It would seem that a citizen of this country who is in need should not be disadvantaged merely because of the locality in which he resides. Our present system consciously promotes this inequity.

HR 1 corrects the major inequities and failures in the present welfare system that I have discussed in the preceding paragraphs. It provides for basic and realistic welfare reform.

I recommend your careful consideration of its features.

Respectfully submitted,
Reed K. Clegg,
Director.

Mr. TIERNAN. Mr. Chairman, I rise to express my support for title IV and H.R. 1 as a whole. This decision was not easy to reach because the bill, in my opinion, has several shortcomings.

But Chairman Mills and the Ways and Means Committee are to be congratulated for their work on this legislation. They have put together a phenomenal bill which includes a 5-percent across-the-board social security increase. Title I of the bill also increases benefits for widows to 100 percent, lowers the age limit for men from 65 to 62 over a 3-year period, and increases the amount one can earn and still receive social security from $1,680 to $2,000.

Title II, among other things, allows the uninsured to be eligible for hospital coverage and includes physical therapy under medicaid coverage. There are two provisions in this section of H.R. 1 which do disturb me. The first is the reduction in Federal assistance for those under the care of nursing homes after the first 60 days. This is unrealistic and unnecessary. It is my hope that the Senate will see fit to change this section.

In addition, I question the wisdom of allowing each State to set up a cost formula for medicaid. This will mean that the poor will have to pay more and more of their medical bills in many areas. I fear this will only mean that the children of the poor will receive less, not additional, medical care.

Title III seems to be the least controversial section of the bill. Under this section the aged, blind, and disabled are treated with respect and given benefit increases.

It is title IV which has caused the greatest concern on both ends of the spectrum. There are those who have repeatedly stated that the poor will not benefit from this reform. I plan to vote for title IV, not as a panacea of reform, but rather as a necessary first step. Under this legislation, a floor will be established at $2,400, a beginning for the concept of guaranteeing every American family a minimum income on which to live. Federal takeover of the administration of welfare is the other singlemost important concept provided by this legislation. If we are to have real reform in the future, it must be based on an equalized basis which Federal administration will provide.

I am not without reservation in my support of title IV and I urge that the Senate consider the following objectives in their study of the bill. First and foremost, a base of $2,400 for a family of four is completely inadequate. This is $1,600 below the official poverty level and $4,100 below the level which many claim is the minimum amount a family needs to subsist at a decent level. In addition, I feel it important to include a cost-of-living increase similar to the formula adopted under the social security sections of the bill.

Title IV presently includes a State hold-harmless clause. I strongly urge that a people hold harmless clause be added to the bill. No one should be made to suffer by reform. This clause would provide that no one now receiving welfare would have their present payments decreased. Along this same line, I might note that the welfare reform bill which the House passed last year provided a 30-percent Federal participation in the funds supplemented by the States. This very important incentive is absent from H.R. 1.

One of the major provisions of title IV is "opportunity for families"—OFF—a work incentive program. If unemployment rates continue as present, where are we going to get the jobs for those trained under this section? If we are going to spend millions of dollars to train these individuals and require that they work, then let us guarantee them that jobs will be available. The record of the Department of Labor with the WIN program is not encouraging, and I feel that much more emphasis must be placed on this area.

Mr. Chairman, I also feel that we must provide some protection for those State employees who now administer the welfare programs. In transferring the administration of the programs to Federal control, we should provide for the transfer of State employees to a Federal status without loss of seniority and retirement credits.

In conclusion, let me reiterate that despite the above mentioned misgivings, I am going to vote for the entire bill as reported out by the Ways and Means Committee. To kill this bill or any portion of it is to put off welfare reform for at least another 2 years. In 2 years' time I fear that welfare recipients would be getting less than they would receive under H.R. 1. The States just cannot afford to keep up their present level of payment. It is my understanding that 14 States have already proposed a reduction in welfare payments.

Mr. Chairman, I once again congratulate you for your efforts and I urge my colleagues to join me in voting for this bill.

Mr. HOGAN. Mr. Chairman, I fully concur with those provisions of H.R. 1 which will improve benefits and the administration of the social security and medicare/medicaid programs.

In addition, Mr. Chairman, I fully concur with all the formidable arguments of the distinguished gentleman from Arkansas (Mr. Mills) about the disastrous and chaotic mess which is our present welfare program—aid to families with dependent children. Nevertheless, I cannot agree with the solution offered by the gentleman from Arkansas (Mr. Mills) and his Committee on Ways and Means; that is, the establishment of this particular family assistance plan in lieu of the AFDC program.

Mr. Chairman, my decision to vote against the inclusion of title IV in H.R. 1 has been extremely difficult for me. I have attended briefings with administration officials and with welfare rights organizations. I have listened to the debate in this Chamber. I have conferred with my colleagues and I have reviewed the opinions of my constituents. This I have done with an open mind, truly seeking the most viable and realistic remedy to this country's spiraling and outrageous welfare costs.

In my opinion, neither a continuation of the present AFDC program nor the family assistance plan substitute, truly fit the need.

A continuation of aid to families with dependent children will result in nothing but further increasing costs and continued dependence on the free handout to which welfare recipients have become accustomed. Those individuals who are on the welfare rolls today are in many instances the fourth generation to receive benefits. Is it any wonder that they have little incentive or ability to alter their future?

The statistics on the existing AFDC caseloads are overwhelming. Since the inception of the welfare system in 1935, the cost and caseloads have increased at fantastic rates. In 1950, there was a total cost of approximately $0.54 billion and over 2.2 million recipients. Estimates for 1971 under AFDC are for a cost of at least $4.8 billion with the estimated number of individuals exceeding 7.5 million—approximately 3.7 percent of our population. In a recent briefing session with Secretary of Health, Education, and Welfare Elliot Richardson, he estimated that by 1975, the AFDC program would be costing the American taxpayers $9 billion a year.

Mr. Chairman, the American taxpayer is duly justified in revolting against these kinds of increases, particularly when so much of the increase results from welfare abuses. Interestingly enough, even the individuals on the welfare rolls characterize the present program as a chaotic mess.

During the debate yesterday we heard the very able chairman of the Committee on Ways and Means (Mr. Mills of Arkansas) cite the example of a congressional candidate in the 1970 elections who found himself in financial straits after running his political campaign. His wife suggested that they might apply for welfare temporarily since he had no job and they had three children to support. This ex-candidate thereupon applied for welfare and was put on the rolls. No questions were asked about his assets—about a home, automobiles, stocks, et cetera. Just the fact that he had no job and no income at that particular time was enough to put this individual on the welfare rolls.

Similarly, Mr. Chairman, we have all heard of the numerous cases of high school and college dropouts who have in recent years flocked to the hippie havens of America—San Francisco, Greenwich Village, Washington, D.C., or to the communes of New Mexico, Colorado and California, who live off the welfare dollars provided by the working American. I would like to insert in my remarks at this point a recent article by Haynes Johnson, the Washington Post reporter of contemporary Americana, which describes the life of some young people in Mill Valley, California, who are presently accepting the welfare dole:

[From the Washington Post, May 30, 1971]

Amorality As a Lifestyle—Youth's New Values: No Right or Wrong

(By Haynes Johnson)

Mill Valley, Calif.—Go into the Co-op at Berkeley and you will see students, many from well-to-do homes, cashing in their food stamps for groceries. Go into a restaurant in San Francisco and you will hear young people urging others at their table to get on welfare to have a baby, or an abortion.

Go down to the house-boats at Sausalito across the Bay and you will see hippies trading their food stamps for drugs.

Go a few miles farther into Marin County to Mill Valley and talk to some of the young people working in the small specialty shops and you will encounter more of the same American phenomenon: young people, all with values that set them sharply apart from their parents and, indeed, their older brothers and sisters.

If they are filled with political fervor they will argue, as did the student at Berkeley, that the end justifies the means. Two wrongs can make a right. But more likely than not they are apolitical. They haven't begun to question the rightness or wrongness of their actions.

Pat, 20, is like that. She was working in the back of a small shop in Mill Valley and talking to three other young women about their lives and their values.

"My only desire to get married is that my parents are upset already with the degree of looseness that is in my life that they know about," she said. "They don't know I'm living with my old man (her boy friend)."

She explained that her young man teaches "survival course" to others living the free life, goes to school off and on, occasionally washes dishes for extra funds, and receives a regular amount from his parents. She also gets money from her parents while she is finishing college.

"We do get food stamps," she said. "If John wasn't going to school he could make money, but it doesn't bother me to get the stamps. I feel that the government and the big stores, you know, make enough money so that, well, if we can get it cheaper we should. Maybe it's a rationalization in my mind, but I guess I think they're making it one way so maybe I should get a little break in this way. "I don't know. I haven't thought about it, to be truthful. I'm getting something for less than I would, and it's helping me to meet my needs."

She was asked if she ever thought she might be depriving someone in greater need and with greater responsibilities.

"I haven't even thought about that a lot," she replied, "I mean, I figure, take advantage of what I can."

She reflected a moment, and then said:

"If I thought my getting food stamps would deprive them from getting it, I would stop, but I don't think it will prevent them."

Doris, also a blonde and also living with a student ("he's on the GI bill and he deals in dope, and that's about it") said she never wanted to get married and never wants children.

"If I got pregnant, I'd have an abortion," she said. "Absolutely."

Kathy 21, who was listening quietly, spoke up. "I've been pregnant three times, and I've never had a child, and that speaks for itself," she said. "There's no reason to bring more people into this world."

Doris continued the conversation.

"This is my second old man," she said. "Like I just live with him. The first one lasted a year and a half, and that was it. This one won't last. It's not important. Of course I don't talk to my parents about it, about living with a man or flipping around with occupations. We don't talk about drugs either, except once in a while, and then the conversation always stops. My father's an engineer. Been in the same house for 20 years. I take money from them. It's better they spend it on me than on booze for themselves, so I'll take it. I don't have any qualms."

Margaret, at 26 the oldest and the person with the widest range of experience, had the most clearly defined philosophy.

"The excuse I keep hearing from everyone who takes welfare and the rest is that they're not in tune with the kind of government they want, so if they take stamps or welfare from them it will help to destroy the system sooner," she said. "Laziness is really the answer. We've got to get the answers about what we want to do about society before we go in there and wipe them out."

Margaret also has made the most conscious effort to change the pattern of her life. She was an Eastern debutante, went to a fine private finishing school, studied art, and worked for a magazine in New York City before marrying an advertising man.

Her husband, who had been married and divorced previously, had been working for the advertising agency for nearly 10 years when he was sent to Mexico. At 32, he was earning over $20,000 a year, with the prospect of bigger money ahead. Then he quit.

"He just didn't believe in the things he was pushing," Margaret said, "We took out a bundle from our profit sharing, sold our property in the East, paid off our debts, and for the next six months roamed between here and Mexico. For a couple of months we lived on a remote beach near Acapulco. I would get up with the sun and go to bed with the sun. We never even kept track of time, the months, days or anything. Jeremy wanted to learn how to relax after the 9 to 5 thing. Then last April we came to California, more or less ready to settle down, but not sure for what. The only thing we were sure about was we weren't going back to the advertising agency life."

Now she works in the specialty shop, her husband is a carpenter, and has begun writing music. She says, "we're much happier than we were."

Her parents don't understand her, and they don't approve of how she and her husband are living. The same is true of the others. And they all share another common feeling: nothing in their lives is set yet.

When Margaret was asked if she thinks she will stay in California, she immediately answered:

"Oh, no, I could be moving tomorrow."

She, and the rest, probably will.

If this article is accurate and is typical of the welfare problems throughout the country, then it is readily apparent that the present AFDC program is intolerable and cannot be continued.

On the other hand, Mr. Chairman, I am not satisfied that the family assistance plan is the answer to the problem either. In my judgment, the provisions of title IV of the bill we are considering today represent an entirely new direction in Federal social and economic policy that could very well adversely alter the course of American history.

If we look closely at just three aspects of the legislation before us, I believe there is ample justification for my previous statement that title IV represents a new departure for American social and economic policy.

First, although the language of the legislation circumvents the outright statement of the fact, and regardless of the disclaimers of its proponents, this bill does provide a guaranteed annual income of $2,400 a year for a family of four. The pressures most certainly will build to increase the cash payments under the title IV provision, and we will have invented a massive, new ingredient for inflation at a time when our economy is already badly out of kilter. Also, for the first time in our history we will have opened up the U.S. Treasury to individuals who will be able to file an application and draw on general Federal revenues.

Second, this legislation, in the first full year of operation—fiscal year 1973—would increase the welfare rolls by some 10 million individuals. Paradoxically, and unfortunately, this increase comes about as a result of the very laudable working poor provision of the bill. While I do agree with the reasoning that the working poor must be given incentives to continue working when they could instead receive a higher income by taking welfare payments, I cannot, in good conscience, support a measure which will add 10 million persons to the welfare rolls at a cost of an additional $5.5 billion to the American taxpayer. Mr. Chairman, in all honesty, I do not think I could square a vote for an additional $5.5 billion with my constituents. In recent months, mail from my constituents has included an overwhelming number of complaints against burgeoning welfare costs. In fact, I would estimate that about two-thirds of the communications I receive from my constituents include a note of distress about the welfare system in this country. In view of this, how could I possibly justify a $5.5 billion increased outlay?

Finally, this legislation enlarges the already teaming Health, Education, and Welfare bureaucracy by federalizing all welfare programs. This provision undermines the concept of federalism at the expense of the States, by concentrating both the administration and the financing of all welfare programs in Washington.

Again, I find it paradoxical that the administration can support this measure which would restrict the power of the individual States while, at the same time, the administration is making every effort to secure passage of its revenue-sharing proposals to return the flow of power and funds to the States.

For all of these reasons, Mr. Chairman, I have come to the reluctant decision to cast my vote to strike title IV from H.R. 1. And contrary to the remarks yesterday of the gentleman from Arkansas (Mr. MILLS) that a vote to strike title IV is a vote to retain the present AFDC quagmire, I do not consider it so at all. I think my remarks have indicated that I consider the present program an abysmal failure and that we desperately need welfare reform. I simply am not convinced that the measure before us today achieves that needed reform. Rather, I believe it will simply establish a new and different kind of welfare monstrosity. And not too many years hence I have the feeling that we may be going this way again and asking how welfare costs could get so out of hand.

I believe, Mr. Chairman, that my vote yesterday to defeat the previous question on the rule for H.R. 1 indicates my preference for an alternate route that we should have taken in regard to welfare reform. By voting against the modified closed rule on this bill, I had hoped that we could offer a substitute measure for title IV. I am prepared to lend my support to a bill proposed by the gentleman from Tennessee (Mr. DUNCAN) along with 15 cosponsors in this body which, in my opinion, would provide more effective welfare reform. This alternate legislation would eliminate the guaranteed income and dismantle the HEW bureaucracy by returning to the States the responsibility for designing and administering welfare programs. The estimated cost of the program under this alternative would be comparable to present expenditures; however, it would include a mechanism for reducing welfare costs while increasing benefits to the truly needy.

Because our vote yesterday retained the modified closed rule on H.R. 1, we have missed the opportunity to offer this substitute measure for title IV during consideration of this legislation today. I will, however, cast my vote to strike title IV with the hope that the Committee on Ways and Means will consider this substitute measure in its further deliberations if title IV is defeated here today. Contrary to the sentiments of the distinguished gentleman from Arkansas (Mr. MILLS), I do not believe that the family assistance plan is the only welfare reform alternative available for the consideration of this body.

As much as it troubles me to part with the President on this issue, I will vote to strike title IV.

If the motion to strike title IV fails, I will vote for final passage because there are some good provisions, including the social security and medicare/medicade improvements, in this legislation.

Mr. RARICK. Mr. Chairman, passage of H.R. 1 including the family assistance plan by the House would mark another milestone in the overthrow of our system of government—another major step down the path to a totally controlled environment for the American people, all constructed under the supervision of Federal "moralists." There is no need for the street crowd to get violent if they can win their struggle in the halls of Congress.

The Nixon administration and the Republican Party will certainly earn an ignominious place in history if this bill is passed as written. This is indeed the "New American Revolution." It will be a total commitment of our people to the principles of socialism—an economic doctrine that is just one more step down the road to communism.

If the American people were told the Government was going to take their children as Government wards, the uproar would be deafening. But by concealing the takeaway program under promises of advantages to children and parents and making it sound gratuitous, their leaders and some in the communications media are misinforming the citizenry and telling them this is progress—this is good.

What are day care centers, child care facilities and the prelude to a child advocacy system except conditioning the public to the ultimate acceptance of childnapping of America's children by the State—destruction of the family unit?

Supporters of this bill argue that the recipients under the family assistance plan—the current euphemism for guaranteed annual income—will be required to work. As I understand it, the people will only be required to register as indication of their availability to work. Whether they can be forced to work or denied their dole will depend upon the interpretation placed on the Constitution by the Federal judges then sitting on the Supreme Court.

The idea that the new Federal agency designed to implement the provisions of this section can check to see that these people are actually employed or have sought employment is patently absurd. To do so would require an extraordinary number of employees, which would result in a federally controlled bureaucracy where untold millions would owe their livelihood to the munificence of the Federal Government. Perhaps this is the purpose of this section. It can have no other effect ultimately on the American society.

So long as we pursue a course guided by the principle that we can change a man's environment by giving him money and guaranteeing him a minimum annual income, I can see no future for America other than national socialism.

The Nixon administration apparently thinks that it was given a people's mandate to change all facets of the lives of Americans—the food we eat, the houses we live in, the schools our children attend, the medicine we take, even the air we breathe. Most Americans thought Mr. Nixon's mandate was to uphold the Constitution and keep his campaign pledges.

The Constitution contains no authority that provides that the Federal Government shall force the taxpayers to pay for health services, food, clothing, transportation, housing, legal services, jobs, birth control devices, or even education to citizens. And failure of States to provide these services is no justification for the Federal Government to intervene and preempt the functions of State and local governments. The only guarantee owed by the Federal Government to the States is a republican form of government.

If local and State governments do not provide the services such as health, housing, and education as desired by the citizenry, the answer lies with the people, not the Federal Government. The voters can choose other public officials who will do what the majority desires.

With each passing week it seems we learn of some new scheme proposed by the administration presently in power which would tend to weaken State sovereignty and place more and more controls over lives of the people under the dictates of Federal and regional bureaucrats, commissars, and judges.

This is another major program for a fully controlled environment which can only result in a national Socialist form of government. So-called guarantees to a living without the need to work should infuriate the American people. The ultimate thrust will prove not to help people but rather to control people by a complete change in their system of government, their morals, living patterns, and individual liberties. The American people are being told to sell their birthright for a mess of rhetorical promises.

Anyone should understand that the person who runs the household and sets the home pattern is the man who pays the bills or who accepts the responsibility.

When the Federal Government pays the bills, it will expect to give the orders, prescribe the rules and regulations, and make the final decisions. In other words, the Federal Government will be the man of the house.

Passage of H.R. 1 will accomplish little.

The country will go on. The prices for food and necessities will rise proportionately to the amount of new Federal expenditures, the poor will face the same problems, the rich will get richer, and life will be burdened with more officious intermeddling by bureaucrats and more and more redtape and controls.

And one thing will be certain. With the opening of every new Congress, bills will be introduced to increase the guaranteed annual income and benefits as well as to increase taxes on working people as well as a need to increase the national debt by raising the debt ceiling.

Mr. Chairman, the opinions which I have been receiving from my constituents indicate they are overwhelmingly opposed to H.R. 1, the Social Security Act amendments and family assistance plan legislation which is under consideration by the House. This take-away, giveaway bill is estimated to cost approximately $14.9 billion for fiscal year 1973.

The idea of a family assistance program, a main feature of which is a guaranteed annual income, was first unveiled to the American people in the summer of 1969. Promoted by President Nixon—who had vowed as a candidate a year earlier that he opposed such a scheme—as a welfare reform measure, which would force deadheads to work and would simplify welfare paperwork, the measure was passed by the House of Representatives last year. The Senate failed to pass it.

H.R. 1 now before the House contains, in addition to the guaranteed annual income feature of the earlier bill, numerous changes to the medicare and medicaid programs, and establishes Federal programs of aid to the aged, blind, and disabled, thereby repealing existing Federal-State programs. Also, additional social security benefit increases as well as taxes are tied to the so-called welfare reform measure, making it one big package for Congress to satisfy the poor, the old, the disabled, and the disadvantaged, as well as those who want to take advantage. By including social security benefit increases in H.R. 1, it is calculated by the backers that few lawmakers will have the courage to oppose any bill with a social security benefit.

The family assistance plan, or guaranteed annual income feature, is the most controversial part of H.R. 1. The Federal Government would guarantee an income of $2,400 to a family of four and $3,600 to a family of eight which would qualify. To be eligible, a family must not have countable resources in excess of $1,500. There are several exclusions from the $1,500. For example, the home, household goods, and personal effects to the extent that their value does not exceed a reasonable amount, other property essential to the family's self-support, and the first $720 per year of other earned income plus one-third of the remainder. It has been estimated that not counting income that does not have to be declared, some families will be permitted to earn as much as $6,000 a year and still receive welfare.

The family assistance plan is not likely to keep families together nor prevent illegitimacy. For example, if an unemployed father and mother with six children agree to separate, they become two families eligible for welfare and could then receive $5,200 instead of $3,600 as a one family unit. This is in addition to $3,000 they might earn at part-time jobs.

A main argument of proponents of FAP is that great numbers of families can be removed from welfare rolls through job training and work incentives. Work incentive programs already exist, yet welfare rolls increase instead of decreasing.

In an evaluation program in New York City involving 200,000 families, only 235 actually worked themselves off welfare. Yet welfare was interpreted as a temporary plan to rehabilitate the poor and assist temporarily.

It has been estimated that the numbers on welfare rolls will double or triple if H.R. 1 is passed. It is incredible that President Nixon and leaders of both political parties are pushing for the family assistance plan. The FAP would not only be costly in dollars, but more so in terms of lost work incentive and initiative. It is completely alien to the American way of doing things. It would guarantee a man—whether he works or not—an annual income equal to the amount the Federal Government thinks he should receive. There is no equal opportunity under such a program.

The American and Christian way has been that an able-bodied man work to earn his pay and for responsible citizens and private charities—aided by local and State governments—to voluntarily help those unable to help themselves. Now the Nixon administration promises money without work. And they call it reform—progress. The Romans before their fall gave bread to the masses.

The FAP if passed would make the idle, low-achievers, and irresponsible into a special privileged group. For this reason, H.R. 1 is a milestone in the continued backward trend of our country.

The experiences of other countries with national welfare should serve as a warning to the United States of the dangers of such a course. Sweden, Great Britain, and Uruguay are but three nations that are either bankrupt or are flirting with bankruptcy as a result of state welfare system. Sales taxes today in Britain range from 30 percent on glassware, shoes, and furniture, and 36 percent on cars to 55 percent on cameras and other photo equipment.

Over 40 percent of the total population of Uruguay is supported by the Government. Thirty percent of the potential work force is unemployed. Inflation has increased at a rate in excess of 100 percent per year for the past 5 years. This is mainly caused by deficit spending. The Government simply spends more than it takes in. The routine sounds familiar, printing press—fiat—money. Those who favor deficit spending—the we-owe-it-to-ourselves advocates in our country—would do well to heed the experience of Uruguay and demand rejection of H.R. 1 and other similar unconstitutional legislation. Forty percent of the workers of Uruguay work for the Central Government. More than 50 percent of the total population is over 50 years of age. Young Uruguayans who work must pay such high taxes that they simply move to other countries.

The solution to the welfare mess is to return to the Holy Bible and to the Constitution. By practicing Christian virtues—especially charity—responsible individuals at the grass roots level can take care of many welfare cases. But moreover, borderline welfare users should not be encouraged to quit work and become a taxpayers' burden.

Parents, churches, and schools should return again to teaching people to make provision for their future. Instead of "buy now and pay later," the all-but-forgotten virtue of thrift should be emphasized.

Government assistance to unfortunate citizens who have no place to turn for help should be provided by State and local governments in accordance with the wishes of their people.

If the Nixon administration really wants to return power to the people, it must return revenues to the people or lessen the tax burden. What better and more efficient revenue sharing plan than not taking money from the people in the first place. Allow the States to keep 20 percent, 30 percent or more of the income taxes paid by their citizens to Washington. Think of the money that would be saved—the 35 cents that the bureaucrats hold out of every dollar on its round trip to and from Washington—like taking a blood transfusion from the right arm to the left and losing one-third in the transfer.

Henry Hazlitt writes in his recent book Man Versus the Welfare States, "the only real cure for poverty is production."

A popular bumper sticker says it this way: "I fight poverty—I work."

The Holy Bible in St. Paul's letter to the Ephesians, 5:28, provides us with the Christian answer to the welfare problem:

> Let him that stole steal no more, but rather let him labor, working with his hands the thing which is good, that he may have to give to him that needeth.

My dipping into my pocket to give my money earned by my toil to another is an act of love—the Government's taking it from me to give to another is legalized theft.

Mr. Chairman, I intend to live up to my oath under the Constitution and to cast my vote against H.R. 1.

Mr. MATSUNAGA. No one is satisfied with the present welfare system: not State and local governments, staggering under accelerating caseloads; not taxpayers, convinced that welfare malingerers are skyrocketing tax burdens; certainly not recipients, badgered by bureaucrats and discouraged by the system itself from seeking meaningful employment.

It is my firm belief, Mr. Chairman, that the welfare reform provisions of H.R. 1 represent movement toward coming to grips with this intolerable situation.

Under H.R. 1, there will be uniform national standards of eligibility, to bring a measure of order and sensibility to all of the adult and family category programs.

There will be Federal assumption of responsibility for a minimum income standard for these same programs. For the family of four this would mean a Federal guarantee of $2,400 per year, plus any State supplements.

Also, there will be gradual complete assumption of the cost of administering these programs by the Federal Government.

For State and local governments, there is a guarantee that the Federal Government will assume any State costs above those paid in cash assistance for calendar year 1971.

The Department of Health, Education, and Welfare has estimated that these provisions alone will save States over $1.6 billion. My own State of Hawaii would be saved about $7 million.

Of prime importance also is the inclusion, for the first time, of the "working poor" in the family benefit program. This will not only encourage those not working to seek work; it will also eliminate the strong incentive now afforded fathers to desert their families in order to improve their income. The present setup is incredibly intolerable.

While these are the most important advantages of H.R. 1, they are by no means the only ones. Also included are the following commendable sections:

A 5-percent social security benefit increase, effective next June.

Regular cost-of-living adjustments in social security benefits, a proposal I have introduced myself in the 92d Congress as H.R. 887.

Provision for child care and job training on a greatly expanded scale.

Public service employment for approximately 200,000 public assistance recipients.

While I support, on balance, both H.R. 1 and title IV in particular, certain omissions in the bill make it short of being fully satisfactory.

For one thing, there is no recognition in the bill of the higher costs of living in the noncontiguous States, including Hawaii. This higher cost of living in Hawaii is taken into account by the Office of Economic Opportunity for local poverty programs, by the U.S. Civil Service for all Federal civil service employment in the Island State, and by the Department of Housing and Urban Development for our federally insured mortgages. Because the rule adopted in this body forbids amendments, it is my hope that the Senate will include in its version of the bill an allowance for the historic 20 percent higher cost of living in Hawaii.

I am also disappointed that the bill does not contain a guarantee that no recipient will be worse off under the "reformed" system than at present. I concur in the "hold harmless" provision applied to States, and I hope the other body will extend this provision to people as well.

For all of these omissions, however, there is no doubt in my mind that H.R. 1 represents a significant improvement over the present welfare system. We cannot, Mr. Chairman, permit this opportunity for reform to pass, as it surely will if we eliminate title IV from the pending bill. I urge a "no" vote on the motion to strike title IV, and an "aye" on final passage of H.R. 1.

Mr. RYAN. Mr. Chairman, I must confess to very conflicted concerns regarding title IV of H.R. 1—the title embodying the family assistance plan and the opportunities for families program. On the one hand, this title embodies in legislation the concept of a guaranteed annual income—a step of vital and historic importance. In addition, it brings under the umbrella of Federal responsibility the working poor, a group long—and undeservedly—outside the ambit of welfare. On the other hand, these steps are constricted by provisions whose deficiencies very seriously undercut the validity of the title.

Added to my conflicts regarding title IV is the fact that consideration of a guaranteed annual income marks an action toward which I have been working for a number of years. I introduced, in 1968, the Income Maintenance Act, the first bill in the Congress to provide for a guaranteed annual income. For that action on my part, I must admit that I have received, at least in some quarters, a certain notoriety.

In an attempt to persuade conservative Members of the Congress not to support title IV, the June 5, 1971, issue of the rightwing publication Human Events had devoted some 30 inches of copy to detailing the genesis of the family assistance plan. In so doing, it has ascribed to me, with some accuracy, the seminal role in this legislation. Somehow, via the circuitous reasoning of Human Events, my being the initiator of this legislation supposedly casts aspersion on the family assistance plan. To my way of thinking, this damning by means of faint praise is indeed proof that our efforts have been successful in moving this country forward toward an essential step—enactment of a guaranteed annual income.

In the Human Events article, entitled "Who Created FAP Monster?" it is stated:

> Rep. William F. Ryan (D.-N.Y.), a left-wing liberal who is on the radical fringes of his own party, introduced the first guaranteed income bill ever offered in Congress in May, 1968 . . .
>
> The Ryan legislation proved to be strikingly similar to the bill offered by the Nixon Administration 17 months later. It is similar to the Nixon-Mills bill now rolling through the House. . . .
>
> The House, then, will soon vote on a "welfare reform" measure that was never received very well at the grass roots. Strong public support for it, in fact, has yet to be detected. So odious was the idea of a guaranteed annual income two years ago that even liberal lawmakers shied away from the plan. Thus it is really quite extraordinary that the FAP plan—first put into bill form

> by fringe Democrat William Fitts Ryan—is quite likely to pass the House in the next few weeks and become the law of the land by the year's end.

Human Events is correct in attributing to my endeavors the first legislative presentation of a guaranteed annual income. It misses the mark, however, in ascribing to me the authorship of the family assistance plan, insofar as the onerous provisions, to which I previously alluded and which I presently want to address more fully, are concerned. Those are the products of the administration and of the House Ways and Means Committee, which has reported out H.R. 1, of which title IV is a part. For those I take no responsibility.

The major element which weds my legislation—the Income Maintenance Act—and title IV of H.R. 1 is this: both of them embody a guaranteed annual income. And what I said a year ago April, when H.R. 1's predecessor, H.R. 16311, was before the House, is as urgently true today:

> Let us recognize to begin with that a guaranteed annual income is not a privilege. It should be a right to which every American is entitled. No country as affluent as ours can allow any citizen or his family not to have an adequate diet, not to have adequate housing, and not to have adequate health services and not to have adequate educational opportunity—in short, not to be able to have a life with dignity.
>
> While there may be differences as to the mechanics of implementing an income maintenance system, there should be no dispute as to its need. There can be no dispute that poverty in the midst of this affluent country is insufferable and unconscionable.

The problem today, for many of us, is the mechanics which are embodied in title IV of H.R. 1. On this factor, my Income Maintenance Act and title IV part company. And it is this factor—the mechanics of converting from legislative idea into law a guaranteed annual income—that makes title IV difficult to support.

First of all, let us look at the basic structure of title IV. It establishes two programs. For families in which a member is judged employable and registers for manpower services, training, or employment, benefits are to be paid by the Secretary of Labor under the opportunities for families program. Other eligible families—that is, families in which there is no employable member—will receive benefits from the Secretary of Health, Education, and Welfare under the family assistance program.

At the outset, one thing is very clear. The $2,400 benefit level which title IV sets is inadequate. The Federal Government itself has produced numerous statistics showing that an average family of four needs, at the least, an annual income approaching $6,500. And even this amount—an amount called for by the National Welfare Rights Organization and which I have supported by my sponsorship of H.R. 7257—would not really meet more than minimum needs.

So, one flaw in title IV is inadequate benefit levels.

Another flaw of title IV is that it fails to include within its coverage single people, and couples without children. The needs of these people are no less dire, nor are they any less deserving of adequate Federal response. Thus, title IV is guilty of a severe failure of omission.

A particularly serious failing of title IV is the absence of any provision requiring States which currently have benefit levels in excess of $2,400 to maintain those levels. In fact, in only five States—Mississippi, Alabama, Arkansas, South Carolina, and Louisiana—are benefit levels, combined with food stamps, below $2,400. In the rest of the Nation live 90 percent of welfare recipients. So, the argument can be made that, since H.R. 1 has no requirement that benefit levels in excess of the $2,400 set by title IV be maintained, and since the Federal Government will pay the full $2,400—but no more than that—there will be an inducement for States to lower benefits.

The fact is, of course, that States currently can reduce welfare benefit levels, as has occurred just recently in my own State of New York. The absence of a requirement that States maintain current benefits levels, then, does not change present law. But it does add psychological fodder to those who would cut welfare payments.

Another problem with, title IV is that the hold-harmless provision of the title will act to prevent States from increasing benefits in the future. As the title is written, the Federal Government will guarantee that no State which supplements Federal benefits will have to spend more than it did during calendar 1971. Thus, should welfare rolls increase in 1972, the Federal Government will pick up the added costs. And given the manner in which the administration continues to conduct monetary and economic policies, I fear that we are more likely to see an increase in the number of jobless people forced to go on welfare than a decrease.

The twist in this hold-harmless provision, however, comes in the fact that it will not apply to the amount by which a State raises benefits above 1971 AFDC levels plus the food stamp bonus. Given, the current State of the Nation, it appears unlikely that in the near future States will raise benefit levels, whether or not title IV of H.R. 1 is enacted into law. But, that in no way detracts from the fact that benefit levels are, in every State, inadequate. In most States they are grossly inadequate. Clearly they should be raised. Yet title IV has a built-in disincentive to such raises.

Still another major flaw of title IV lies in the work requirements. Mothers with children 3 years of age or older are to be considered employable under the title. As a consequence, they must register for employment, job training, or rehabilitation services, with the Secretary of Labor determining to which they shall be referred.

This coercive provision is obnoxious. It is premised on the myth that welfare recipients do not want to work—which every survey shows not to be the case—and on the myth that welfare recipients are lazy, and thus have to be forced to work—which again is untrue.

Moreover, it is premised on a perception of reality which is just untrue. There simply are not jobs available, and title IV is, despite some efforts, not going to create them. Were there jobs, and adequate child care facilities for their children, most mothers would be, freely and voluntarily, working.

The mechanics used to implement this work requirement for both women and men similarly are bad. For one thing, a registrant cannot challenge offered employment as unsuitable to his or her particular needs or abilities. Thus, factors of health, safety, prior training, and experience, are given no legislative sanction. Furthermore, while it is specified that the jobs to which recipients are referred must pay a certain minimum, this can be as low as $1.20 an hour—three quarters of the $1.60 Federal minimum wage, which is itself far too low.

Allied with the defect of the forced work requirement is the child care provision. It is not stated in the bill that lack of adequate child care facilities constitutes a basis for refusal to participate in the manpower program, although it is true that the committee report so states. Equally important is the absence of allowance for choice by the mother; she is given no voice in determining what type of child care arrangement shall be used. But most important, and this is an idea to which I return again, is the fact that it is wrong to require mothers who happen to be poor to be separated from their children, if they choose not to be.

While these are the most onerous defects of title IV, my recitation of them by no means exhausts the list. For example, recipients are required to file new applications every 2 years. While this is justified in the committee report as a means to review eligibility and the reasons for dependence of each family, in order to combat long-term reliance on public assistance, the fact is that administrative officials could make periodic reviews of a family's status, rather than requiring a family to go through reapplication procedures.

In addition, the entire family becomes ineligible for benefits if any of its members fail to take all steps necessary to qualify for any "annuity, pension, retirement, or disability benefit." This is a grossly harsh penalty, even more stringent than the penalty for refusal to work, which is reduction of the family's grant in an amount attributable to the refusing person's need.

The bill would permit States to impose a residency requirement of unlimited duration on eligibility for supplementation. Yet the Supreme Court has twice made clear that no such requirement can constitutionally be imposed. See *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); *Gaddis* v. *Wyman*, 304 F. Supp. 717 (S.D.N.Y. 1969), *aff'd per curiam sub nom Wyman* v. *Bowens*, 397 U.S. 49 (1970).

Title IV also sustains discrimination against recipients in Puerto Rico, as well as the Virgin Island and Guam, by providing substantially lower benefits for them.

In addition, title IV denies benefits to any family, the head of which is a regular student at a college or university even though he or she is also employed or in the labor market and studies at a free public institution. This can only militate against upward mobility.

In view of the severe defects in title IV—the inadequate Federal benefit level; the failure to include single individuals and childless couples; the failure to require States to maintain present benefit levels; and the coercive work requirement—I intend to support the amendment to strike this title.

It is unfortunate that the parliamentary situation precludes my being able to offer, or to support, improving amendments. That would be the best way to correct the deficiencies in title IV. Since that course is foreclosed, my vote registers my demand that the title be improved—either by forcing the Ways and Means Committee to bring out a satisfactory bill—or by demonstrating to the Senate, shoud the amendment to strike title IV fail, that it is incumbent upon the Senate to reshape title IV to overcome the criticisms of those of us who advocate an adequate guaranteed annual income program which is not encumbered with harsh and regressive provisions.

Mr. BINGHAM. Mr. Chairman, there are few bills that will come before this Congress which are as important and as controversial as H.R. 1, the Social Security Amendments of 1971. The controversy has centered principally around title IV of the bill, which is known as the family assistance plan.

Many reputable and responsible organizations, such as the Americans for Democratic Action, the New York City Chapter of the National Association of Social Workers, the Community Council of Greater New York, and the New York New Democratic Coalition, have written to urge support for a motion to delete title IV from H.R. 1. Their opposition has focussed on a number of deficiencies in the bill and I agree with most of their criticisms. For example, an income of $2,400 for a family of four, the income guaranteed in title IV, is far from enough. I feel that the requirement that mothers of children over age 6—that age being lowered to age 3 in 1974—register for and accept any available work is unrealistic and may well work a serious hardship on many families, especially if the mothers have to pay for day care for their children. Day care should be made available gratis and part-time work should be made acceptable so that the mother of school-age children would be able to be with the children part of the day. And there are many other objectionable feature.

The question on the family assistance plan, however, boils down to how to get a better bill. Some have suggested that if title IV is defeated, the Senate could insert an improved family assistance plan in their version of the bill. Given the makeup of the Senate Finance Committee, however, it would seem highly unrealistic to expect a more liberal title to emerge from the Senate. Furthermore, Chairman Wilbur Mills of the House Ways and Means Committee has indicated that if title IV is defeated, he does not see how any further bill on this subject could emerge in the present Congress.

Some of those who oppose title IV argue that the family assistance plan actually represents a step backward. I have examined carefully the issues raised by those who oppose the bill and have decided that, on balance, this bill makes important advances that outweigh the negative factors. I agree, for example, that the work requirements in title IV are unnecessarily harsh, but they are less so than the requirements that may be and are now imposed by States. Consider, for example, the requirements that were recently enacted at Governor Rockefeller's request by the New York State Legislature. In New York, a welfare recipient may now be forced to accept any job at no pay in return for his welfare check. I am sure that even those opposed to title IV would regard the New York work requirement as more regressive than the requirement in the bill now before us.

The advances contained in title IV are of key importance and, I repeat, in my judgment, outweigh the negative factors. For the first time, this bill would establish Federal responsibility for the Nation's welfare program. For the first time, there will be established Federal minimum standards which will apply uniformly to welfare recipients in New York, Connecticut, Mississippi, and Alabama. For the first time, the Federal Government will recognize that a minimum income for poor families should be established. These are important "firsts."

We in the Congress should not be intimidated by what State governments might do if title IV becomes law. Theoretically, some States could lower State benefits to a level that would mean a welfare recipient might be receiving less total benefits than he is now receiving. But there is no good reason to believe that they will do this, since they have not taken such harsh steps up to now, though they are free to do so. And there is no doubt that this title will significantly improve the benefits received by poor people in many States, particularly the States of the deep South.

Mr. Chairman, let me say that although I have decided to support title IV for the reasons I have given, I believe the fight to improve on the family assistance plan must begin now. I will work to that end.

I very much hope that the Senate will remove some of the objectionable features of the family assistance plan, and that such improvements will be adopted in conference. Even if this is not done, there will be opportunities to improve the plan in future years. For example, I hope that before 1974, the work requirement for mothers of children from 3 to 6 will be eliminated so that it will not go into effect.

Mr. Chairman, the New York Times today ran an editorial in support of title IV. They seem to have wrestled with many of the same problems I did in considering this title. I am, therefore, placing this editorial in the Extensions of Remarks portion of the Record today.

In the previous discussion, I have focused on title IV of H.R. 1, the family assistance plan, because it is the title that has been the focus of controversy in this bill. H.R. 1 contains, however, five titles and I believe that there is much in the other titles worthy of support.

Title I increases social security benefits by 5 percent effective on June 1, 1971. This title also includes a number of other improvements, many of which I have recommended and sought. These include, in addition to the benefit increase:

First, cost-of-living benefit increases;

Second, increased widow's and widower's benefits;

Third, computation of benefits based upon combined earnings of husband and wife;

Fourth, an increase in the amount of outside earnings allowed a recipient of Social Security benefits;

Fifth, allowing a person who is disabled between ages 18 and 22 to receive a child's benefit; and

Sixth, reduction of the waiting period to receive disability benefits.

Title II of H.R. 1 makes a number of changes in the medicare provisions of the social security law. The first of these, and one that I have urged for a number of years, is a provision that would make disabled persons who are eligible for disability benefits under social security also eligible for coverage under medicare.

Title III establishes a program of assistance for the aged, blind, and disabled. This title would replace existing programs. Title IV is the family assistance plan which I have discussed in detail already. Title V contains various miscellaneous amendments, mostly technical in nature, but one of which increases the amount that may be deducted from personal income taxes for child care expenses and increases the maximum income that may be earned by a family from $6,000 to $12,000 and still be eligible for the tax deduction.

Mr. Chairman, while I support many of these changes, I feel that H.R. 1 does not go far enough in many respects and omits a great many improvements in the social security medicare law which should be made. I am, therefore, today introducing a bill which a number of needed improvements in the social security and medicare program.

First of all, and most importantly, my bill would provide for a 20-percent increase in social security benefits effective January 1, 1972. By contrast, H.R. 1 provides for a mere 5-percent increase effective June 1, 1972. H.R. 1 also contains a provision that permits cost-of-living increases in benefits but only if there was no increase in benefits passed by the Congress during the previous year. By the time the 5-percent increase takes effect, inflation will have made this increase no more than a cost-of-living adjustment and, because the increase will take place in 1972, there will be no further cost-of-living increase permitted until January 1, 1974. We must do more. My bill not only would increase Social Security benefits by 20 percent January 1 but also would provide for cost-of-living adjustments beyond that. These would not be tied to any other increase in benefits enacted by the Congress.

H.R. 1 increases the minimum monthly benefit to $74. I believe that is inadequate and the bill I am introducing today increases the minimum benefit to $120. Furthermore, H.R. 1 justly recognizes that workers who have long years of coverage should have the minimum benefit increased. H.R. 1 therefore provides an alternate means of computing the minimum benefit. It provides that you multiply $5 times the number of years a worker has been covered up to a maximum of 30 years. Thus a worker who has more than 15 years of coverage can increase the minimum benefit to a maximum of $150. It would take him, however, 24 years to even equal the $120 minimum I have urged. Furthermore, the number of covered workers who work for over 20 years and who have such a low level of earnings as to provide them with only the minimum benefit is very small. This provision, therefore, while right in concept, does not go far enough, and as presently written, will only help a very few people. The bill I am introducing provides that the alternative minimum benefit is determined by multiplying $8 times the number of years of coverage up to 25 years. After 15 years of coverage, any worker can improve upon the $120 minimum benefit in the bill, up to a maximum of $200. Thus long years of coverage would truly benefit a worker whose earnings record is low by guaranteeing a minimum social security benefit of $2,400 a year.

The bill I am introducing increases the amount of outside earnings permitted without having to reduce social security benefits. The bill increases the lump-sum death benefit paid to the survivors of a covered worker. The bill increases widow's—and widower's—social security benefits to the full amount of the deceased workers benefits if coverage begins at age 65. Benefits to disabled widows would be payable without regard to age. The bill provides for paying widow's or widower's benefits as early as age 50 if the widow or widower was age 50 or over at the time the worker died and the worker was entitled to benefits at the time of his death.

My bill also provides for increased benefits for an individual who retires later than age 65. The bill amends the disability definition to provide that disability benefits could begin after 3 months, instead of 5 months as provided in H.R. 1 or 6 months as contained in the present law. The bill provides disability coverage to blind people with six quarters or more of coverage. The bill increases, from age 22 to 24, the maximum age a college student can receive a child's benefits. The bill also provides that payments be made out of general revenues to supplement the social security trust fund.

With respect to medicare, my bill provides for the payment of prescription drugs purchased by a medicare beneficiary. The individual would only be required to pay $1 for each prescription. The bill provides for the payment of dental expenses—except teeth cleaning—the cost of prescription eyeglasses, orthopedic shoes and braces, and the services of an optometrist.

Finally, the bill increases, from $350 million to $630 million, the annual authorization for maternal, child health, and crippled children's services. Furthermore, it extends this program for 5 years beyond the current expiration date.

Mr. RANDALL. Mr. Chairman, I shall support H.R. 1 on final passage after our failure to strike title IV. Our lack of success to remove this objectionable title is a disappointment. We are all on record as against the concept of a guaranteed income. A total of 187 Members were against it in the recorded teller vote. Then again I, along with others, stood for a count to try for a rollcall vote on the motion to recommit. Failing in this second attempt, we made a third try by a division vote in the continuing effort to recommit H.R. 1 to the committee. We were in the hope and entertained the belief that if this measure could be recommitted to the committee then a viable, workable alternative such as H.R. 6004 could and likely would subsequently be reported by the committee.

Now we come to the end of the road and there remains only the choice to vote up or down H.R. 1. As I pointed out in my complaint against the so-called modified closed rule, and as I have said elsewhere in this debate, the way we have approached H.R. 1 is not the right way to legislate.

In the first place, H.R. 1 is an all-encompassing bill. It is too big and too inclusive to be properly considered in one debate. As the gentleman from Oregon so appropriately stated, H.R. 1 is so monumental that it should have been brought to the floor of the House in two or more separate bills. It is my thought that a matter so important as welfare should have been considered separate and apart from the matter so important as social security, medicare, and medicaid. In a private conversation with one of our fellow Members in the cloakroom, he summed up the situation most eloquently when he asked the rhetorical question, "Isn't this a lousy way to legislate?" I am sure that most of us would agree that that question would have to be answered in the affirmative.

At this point all that is left is to be for or against H.R. 1 as it is. In the debate we have heard a lot about the welfare mess. It can hardly be denied that under the present welfare system there is no uniformity of eligibility, and that standards and norms vary from State to State. It has been argued that under H.R. 1 there will be some idea of the total cost. In other words, federalization of welfare will at least give us some control nationwide over a problem that has been growing by leaps and bounds and provide some uniformity, rather than continuing under the present system with no telling what may happen in the years ahead. No one has suggested that in the early stages of the administration of H.R. 1 it will be cheaper than the present system. It is contended that if it can be made to work after a shakedown period, then within 5 years the total overall cost of the new program will be less than the total overall cost of welfare today.

In appearances throughout our congressional district I am so frequently asked, what are we doing to improve the welfare system? Long ago I determined that not many of my constituents were for the present welfare approach. I became convinced that there should be some kind of a change. Now at this late point in the debate, all that we have before us is H.R. 1 or a continuation of what has so appropriately been called the welfare mess.

I am convinced there are many deficiencies in H.R. 1. I would prefer that the administration remain in the States under Federal guidelines and restrictions rather than be centralized here in Washington. But I am also convinced that something must be done to try to break the welfare cycle, meaning to get thousands and thousands off the welfare rolls and make an effort to put them on the payrolls. H.R. 1 may do that or may not do it, but it is all we have before us at the present time as a vehicle to make the effort to try to stop such a growing monster which we have come to know and describe as the perennial welfare problem.

At the expense of being repetitive, a summary of H.R. 1 will reveal that it has five titles. Title I deals with the amendments to the social security program. Title II relates to medicare, medicaid, and child health. Title III covers provisions relating to assistance for the aged, blind, and disabled. Title IV is the family assistance program that has been thoroughly discussed, and title V covers related assistance provisions.

Put in proper perspective, I think it would be a fair and reasonable conclusion to state that of the five titles, only one has been the subject of serious attack here on the floor and the other four titles are not only acceptable but welcomed by the majority of the membership. I am not sure whether the count is completely accurate, but as I thumb through the summary I find there are 43 amendments to the Social Security Act, and 58 amendments to medicare and medicaid.

First off, H.R. 1 contains a 5-percent increase in social security benefits. There are special benefits for persons 72 years of age and over who are not insured for regular benefits. There is an automatic increase in social security benefits when the Consumer Price Index increases by at least 3 percent. A widow or widower including those now on the rolls is entitled to a benefit of 100 percent of the amount the deceased spouse would be receiving. Under H.R. 1 men would be eligible for benefits at age 62 the same as women. There would even be reduced benefits available for widowers at age 60, on the same basis as widows under the present law. Remember, all of these things are the Social Security Amendments of 1971 as contained in title I.

One of the most important amendments, in my judgment, contained in H.R. 1 is the liberalization of the amount a beneficiary may earn and still be paid full social security benefits. That would be increased under H.R. 1 from the present $1,680 to $2,000. For a long while I have argued that this is one of the sorely needed social security amendments. This has been the shoe that really pinches. This has been the real drawback and the great impediment to those who find it so difficult to live on their social security, because if they attempt to earn outside income it means a reduction in their social security benefits. There may be some things in H.R. 1 that are hard to swallow, but that one amendment in my opinion is so good and so badly needed that it takes away much of the sting and most of the bitterness from any of the other provisions that may not be so palatable.

Oh, there are many other things in the several titles of H.R. 1 that are worthy of approbation by mention. There is an increased benefit for the blind, and then in title II there are a series of amendments to medicare and medicaid which have long been needed. There is a provision for supplementary medical insurance for the aged and disabled on a yearly basis. As nearly as I can determine, all of these amendments should be acceptable to the entire membership. There is even a provision that in the event of a hardship case the grace period for paying a medicare premium should be extended to 90 days.

For the last two or three Congresses I have introduced a bill which would permit chiropractic services to be included in medicare. In this bill HEW is ordered to conduct a study of the benefits of including chiropractic services in medicare, utilizing the experience gained under the medicaid program.

In title III there are a series of amendments relating to assistance for the aged, blind, and permanently disabled, all of them designed to provide additional financial assistance to needy people who have reached age 65 or who are blind or disabled.

Legislating such a mammoth package as H.R. 1 is not the best way to proceed. No doubt there will be those who, as we come to the end of debate on this bill, will say that they support H.R. 1 reluctantly. After listening to the debate these past 2 days, and after supporting three separate efforts to strike out the most objectionable family assistance program as contained in title IV, now, when we are faced with all of the help and beneficial provisions as contained in titles I, II, and III, the best way I can put it is to conclude that I support H.R. 1 unavoidably.

Mr. HANLEY. Mr. Chairman, I rise in support of H.R. 1, and I will direct my remarks only to that portion of the measure dealing with reform of the public assistance program.

As I see it, Mr. Chairman, a vote in favor of striking the welfare reform provisions of this bill is a vote in favor of the existing welfare mess. I will support the recommendations of the committee for welfare reform even though I have some doubts about certain specific points. Reservations notwithstanding, on balance, I agree with the President that we have here the only viable foundation for public assistance reform. Governor Rockefeller of New York has written to me urging my support for title IV.

There is almost a universal agreement in this country that the present public assistance program is not only unworkable but also out of control. Its costs are escalating with all the speed of a defense contract. It is not remotely achieving any beneficial social purpose. It is causing increasing strain among those who receive help from it and those whose taxes pay for it. My feeling is that H.R. 1 will reform the welfare system and will make it effective in achieving the purpose of public assistance. I believe that the American people have not abandoned their commitment to assist the needy. The great majority of Americans have a basic humanitarian attitude toward their brothers and sisters who are dependent on them for help. The present welfare system is severely testing this humanitarian approach, and this is one chief reason why it must be reformed now.

Mr. Chairman, I believe that meaningful public assistance reform should involve the following principles. First, there should be uniform, nationwide eligibility and benefit standards. In other words, we need a truly national welfare program as opposed to the hodge-podge of programs existing in the 50 States. H.R. 1 provides this.

Second, the basic Federal public assistance benefit, the income floor, should be high enough so that families living in the poorer regions of the country can remain in those regions with a reasonable opportunity to survive. I have always felt that the level of public assistance benefits in some States was designed primarily to force the poor to leave and go elsewhere. The $2,400 floor under the income of the family of four is a tremendous reform in many areas of the country, particularly those where a migration northward to the poor has been a phenomenon for a number of years.

Third, a public assistance reform program must require that able-bodied beneficiaries either work or be trained for work. H.R. 1 achieves this by establishing a requirement that all beneficiaries who are capable of work or training be referred to the Federal Department of Labor. This Department will be responsible for conducting the training and the search for work. Failure to comply means a loss of benefits. The exceptions to the work referral rule are specific and spelled out in the legislation, as they should be. To make the work requirement successful, H.R. 1 authorizes Federal expenditures for the development of good day care centers and programs. The services of these day-care centers would be purchased, and a sliding scale of charges, geared to income, would be set up. In addition to day care, the Department of Labor will develop additional job training programs for the unskilled, including an extensive upgrading program for low wage, unskilled workers.

Let me point out that the establishment of good day care services is essential if the needy mother is to understand that the program is designed to help her, not to punish her and degrade her for being poor and unskilled.

Fourth, in order to make the drive for independent financial status through employment a success, public assistance reform must allow the beneficiary to enjoy a portion of the fruits of his labor. In other words, as wages and income increase, there should be a gradual reduction of the public assistance benefit. There ought to be a reasonable point where the beneficiary turned wage earner is cut off from his dependence on government. The necessity for making use of work incentives must be melded with the necessity to assist people to become self-supporting. And all of this must be done with an eye on the moderate income wage earner who supports his family, does without many things, pays his taxes and supports the public assistance program without the benefit of government help.

Fifth, a reformed public assistance program ought to include aid for the working poor. H.R. 1, by placing a floor under the income of every American family which registers, guarantees that the working poor will receive consideration. In many States today, a family, headed by an unemployed or underemployed male, is ineligible for public assistance, no matter what the circumstances. In such States, the father can be faced with the choice of remaining at home with his family and thereby denying it public assistance, or abandoning the family and thus opening the door for the needed public aid. This is an inhumane and uncivilized choice to present to a man, and I am pleased that the provisions of H.R. 1 will do away with the practice. My feeling is that one of the essential factors in the achievement of an end to generational dependency on welfare is the strengthening of family life among the needy and dependent. Certainly, the least we can do is to stop contributing to the breakup of family life among the poor.

Sixth, a sound reform of the public assistance program should put an end to the increasingly severe tax burden on States and local governments. Rising welfare costs increase local property taxes and require the State to increase their taxes also. I am confident that much of the resentment against welfare in recent years has stemmed from the economic pressure its increased costs have placed on moderate and middle income families. The reform provisions of H.R. 1 will put an end to the constant increases which State and local tax payers have borne for public assistance. The Ways and Means Committee estimates that New York State will realize a savings in welfare expenditures in the amount of $188.4 million under the reform program, even with the assumption that the State will maintain current benefit levels. While this is an important savings to the taxpayers of New York, I must admit that it is not the extensive relief I had hoped for. If H.R. 1 is enacted into law in its present form, I am convinced that Congress must also approve a general revenue sharing program this year to deal with the very critical financial plight of our States and local governments. I had hoped that welfare reform would have accomplished the needed fiscal relief. Apparently, it will not, and this makes the passage of general revenue sharing necessary and desirable.

Seventh, a workable public assistance

reform program must deal with the problem of finding or creating job opportunities for welfare beneficiaries. H.R. 1 recognizes this problem by authorizing the creation of up to 200,000 public service job opportunities which will act as the link between welfare dependency and employment in the private sector.

Mr. Chairman, I commend the Ways and Means Committee for the tremendous amount of time and effort it has put into this bill. I feel that the committee has done an outstanding job in dealing with the great divergent opinions on welfare reform. The bill is a good one, and I hope that it is approved in its entirety by the House.

Mr. ROBINSON of Virginia. Mr. Chairman, it had been my hope to be able to support legislation giving promise of realistic, effective welfare reform.

There is an obvious, urgent national need to replace the present system, which involves tremendous waste, not only of the taxpayers' money but also of the productive resource represented by the able-bodied unemployed.

In the bill before us, there are desirable improvements in training programs for those unemployed who do not have marketable skills. The plight of those mothers who are able and willing to accept employment outside the home, but have not been able to provide for the care of children during the day, is recognized in the bill through the authorization of major new Federal support for day-care centers.

There is a major feature of the bill, however, which I find myself unable to accept. I refer to the minimum benefit provision which, no matter how it may be designated, clearly involves a form of guaranteed family income maintenance which I do not believe to be a wise or proper element of Federal legislation in the area of public assistance.

Such a Federal floor fails to take into account regional variances in accepted subsistence levels. It likewise limits community evaluation of individual cases from a standpoint of evident need, because it imposes arbitrary definitions of need.

Despite the efforts made in the bill to provide incentives for able-bodied individuals to move themselves off the welfare rolls, the fixed figures as to monetary benefits which may be expected by those who qualify cannot help but create a counter acting inducement to accept the status quo—the status of welfare recipient. In these circumstances, it is my expectation to support a motion to strike title IV of the bill in the hope that we may be offered, after reconsideration, a welfare reform package which does not include a rigid floor for dollar benefits—a guarantee of income for the able-bodied unemployed.

I should emhasize that my objections are not directed against the provisions of the bill intended to improve programs of assistance to the aged and the physically handicapped, who are not able to undertake employment.

If the motion to strike title IV does not prevail, it is my expectation to vote against the bill on final passage.

I will do this with great reluctance, because I recognize that the measure before us also contains a number of needed improvements in the social security system.

With all due respect to the distinguished committee which has brought this legislation to the floor, I must state that it would have been highly preferable, from the standpoint of logical consideration of two distinct areas of concern—welfare reform and social security improvement—to have had separate bills reported.

As the bill comes to us under a rule not permitting open amendment of its various elements, it is necessary to vote against social security changes in order to register one's earnest opposition to a feature of the welfare legislation, and it is entirely possible that there are Members facing the reverse dilemma—finding the welfare provisions acceptable, but objecting to aspects of the social security benefit increases and medicare and medicaid changes.

While my reservations are firm in the matter of benefit guarantees in welfare legislation, I continue to hope that opportunity may be presented whereby I might vote in favor of a bill providing for genuine welfare reform and, in addition, a bill which recognizes the need for improvements in the structure of social security, including its associated medical programs.

Mr. WYMAN. Mr. Chairman, it is unfortunate the Ways and Means Committee has combined the highly controversial family assistance plan with legislation providing much-needed social security reforms. Appropriately numbered H.R. 1, the Social Security Amendments of 1971 included a 5-percent benefits increase, with provision for future automatic cost-of-living increases which I first introduced and have long supported; full benefits for men at age 62; and an increase in the earnings limitation to $2,000 with automatic future increases based on the cost of living. I favor these reforms. But added to the necessary modernization of the tried-and-true social security program in this bill is the specter of a massive extension of the country's welfare system masquerading as reform.

The first year cost of the family assistance plan is estimated to be $5 billion, and political experience suggests the probability of phenomenal cost overruns. How many candidates running for public office will be able to resist the pressure to promise and deliver higher and higher outlays in the years ahead?

The Federal budget is strained beyond the break-even point now, and has been for over two decades. The national debt has increased to $430 billion, $30 billion alone in the fiscal year now ending. Next year it is going to cost the taxpayers of this Nation $21.150 billion just to meet the interest payments on our rising debt. With inflation already cutting heavily into household budgets, we are now being asked to go into the red another $5 billion annually for a program that adds millions of persons to welfare rolls—this time on a national level.

Left holding the burdens here are those living on fixed incomes who are caught in the inflation squeeze, and the American taxpayer whose taxes pay the bills for these massive handout programs.

The family assistance plan would add a needless layer of Federal bureaucracy to the existing State and local welfare agencies. The new, Federal agency would be required to calculate benefits and distribute some 4 million checks, each based on three fluctuating variables—earnings, family size, and assets. Past Federal performance would indicate the probability of chaos, fraud, and freebooting is great.

Getting away from practical considerations, the family assistance plan poses a grave philosophical question. FAP is a Trojan horse for a guaranteed annual income for all citizens—whether employed or not. At issue is whether or not the world owes one a living, and whether one must and should work to earn it. I have the gravest reservations about starting the road toward a guaranteed annual income for this country. Nothing is free, someone has to pay the bills and they are enormous.

Proponents of the family assistance plan are basing their support largely on hope it will help the confusion and duplication in welfare. There has been no detailed study, no test, no pilot program. When brought before the House for consideration, the question was allowed but a few minutes debate. Welfare reform is needed but I cannot support broadening and essentially permissive legislation at the expense of truly meaningful welfare reform.

It seems to me what this Nation and the States urgently need in welfare today is a careful pruning of the free riders within programs helping encourage millions to get off welfare, not a program to add millions to the rolls.

Mr. SCHWENGEL. Mr. Chairman, welfare reform is a problem that many of us have talked about for many years. The abuses of welfare became a national scandal. The term, "welfare cycle" became part of our vocabulary.

For all the talk, there was little serious action until August 1969, when President Richard Nixon proposed a welfare reform program that was precedent setting, in some respects revolutionary.

After lengthy hearings and considerable debate within the Congress and across the Nation, a bill has been fashioned by the House Ways and Means Committee. It is based on the proposal President Nixon made almost 2 years ago.

Comprehensive and fundamental welfare reform is the goal of this legislation. Just a glance at what has happened to present welfare programs in the past 10 years is enough to convince anyone that a decisive change in direction is overdue.

Between 1960 and 1969, both the number of families and individuals receiving aid to families with dependent children more than doubled—from 2.4 million to 7.3 million. The total cash cost per year more than tripled—from $1.1 billion to $4.3 billion. The rate of increase for those going on welfare rolls continues to go up.

There now are over 10 million people on AFDC rolls. This is an increase of 2½ million in the last year. The Federal share of the cost for this program has risen $1.75 billion in the last 2 years. Experts tell us that if we continue the present program, in 5 years we would have 15 million individuals on AFDC rolls at a cost of over $9 billion.

This brief glimpse at what has happened to our welfare program very dramatically tells us why it should be changed.

Simply put—it is not working.

For those who claim welfare reform is really a disguise for a guaranted annual income, I can say without qualification, that is what the present program is. In many States that guaranteed annual income can reach $5,000 if fringe benefits such as food stamps and medical care are added.

The present philosophy seems to be aimed at maintaining welfare recipients at a guaranteed level of income without any regard to their ability or willingness to help themselves. There is no doubt that the present program almost guarantees that individuals will become locked into a state of dependency by guaranteeing an annual income rather than attempting to develop the individuals capacity for self-support.

But, to go on—in about half of our States that do not cover families of unemployed parents, a father must leave his wife and children so that they can then qualify for welfare and a guaranteed annual income.

All of this leads to an inescapable conclusion—reform, drastic, incisive and imimmediate is needed.

Of prime importance is establishing a new philosophy to guide our welfare programs.

Present programs have the effect of breaking up the family structure. A new philosophy must be directed toward promoting family stability.

Present programs have spawned the welfare cycle which means we now have second and third generations of welfare families. This type of welfare psychology has eroded one of the basic strengths of our Nation—the notion—the idea—the principle that each individual has a responsibility to do what he can to provide for his family.

A new philosophy which emphasizes the virtues and rewards of steady work is long overdue. As my colleague, JOHN BYRNES, the distinguished ranking Republican on the Ways and Means Committee has stated, there must be a realization that "there is a correlation between economic well-being and individual effort and that skills, training, work habits, and a proper attitude are valuable assets."

And this is what H.R. 1, the famed or infamous welfare reform bill, depending on your point of view, is all about.

It is my own view that history will view it as famed rather than infamous.

It is a deadly serious effort to provide for the poor and the disadvantaged and at the same time trying to make sure they do not stay that way.

The new program is a definite break with the past. One of the most innovative and constructive parts of the program is the separation of welfare recipients into two categories—the employables and unemployables.

The Secretary of Labor will be responsible for the employables. The Secretary of Health, Education, and Welfare will be responsible for the unemployables.

For many years, critics of welfare programs have aimed the guns at what they considered to be the abuses caused by able-bodied people on welfare who refuse to work. The new program makes crystal clear that if such abuses occurred in the past, they will not happen again.

The bill provides that all able-bodied adults who apply for welfare must register with the Department of Labor for work or job training. The only exceptions are for mothers with children under six before 1974 and age three after that as well as the wife of the working poor husband.

The President and the committee should be complimented for fashioning a program that finally is realistically designed to move people off from welfare rolls to payrolls.

The Department of Labor, under the bill, is given the resources necessary to accomplish this objective. More funds for day care centers, additional job training funds, family counseling and other needed services will be available.

Of great importance to this program are the strong penalties for the failure of the unemployable to register for work or training.

Basic reform of the welfare program for the unemployables is also included in the bill.

It is no secret that the problems of some of our urban centers, particularly where welfare benefits are more attractive, have seen a great influx of poor who have moved simply to take advantage of high welfare payments. This sort of artificially stimulated migration has had a devastating effect on many cities and States as they have seen their welfare costs spiral because other States and communities have not met their responsibility to the poor and disadvantaged.

By establishing a uniform eligibility criteria and benefit standard, this abuse of present welfare programs can be eliminated. Today, benefits from a family of four range from $720 per year to $4,164 a year. Under the new bill the benefit floor will be $2,400 with a maximum benefit of $3,600. Of almost equal importance is the stated determination of this administration to make sure that only those who are in need receive assistance. Cross checking with income tax and social security data will eliminate those who are not deserving. Anyone who attempts to defraud the Government risks severe penalties and a prison term of up to 1 year.

I deeply feel that the new welfare program will help restore the confidence of the American people in our Government and its role.

Our people have always felt a deep responsibility to help those who need assistance, who are poor or disadvantaged. The present welfare program has undermined the confidence of the American people in our ability to fulfill this responsibility equitably and efficiently.

I am supporting H.R. 1, and its welfare reform provisions, not because it simply is something different from what we have now, or because of an "anything is better than what we have attitude." Instead, I support this legislation because it truly changes the direction of welfare programs—it establishes a framework where welfare does not have to be a way of life. It puts back into welfare programs some of the basic principles which have made us strong.

It can and will work.

Mr. LENT. Mr. Chairman, because procedural sidestepping prevented a full airing of both the merits and shortcomings of H.R. 1, I would like to make my views clear on both halves of this "Jekyll and Hyde" measure.

I felt it was unfortunate that the House Ways and Means Committee chose to couple a measure as worthy as the social security amendments with legislation which I feel could well become a national albatross, the so-called family assistance plan.

I heartily supported the 5-percent increase in benefits and the automatic cost-of-living increase provision which the social security amendments brought forth. Although I feel there is room for further improvement, I was also pleased to see the earnings limitation boosted to $2,000. All of these provisions will provide our Nation's deserving senior citizens with needed relief from the grips of inflation.

As I welcomed the passage of the social security amendments, I was conversely disturbed with the enactment of the family assistance plan by the Congress.

The first year cost of this untried plan, which has been camouflaged as "welfare reform," is estimated at $5 billion. This is at best a conservative estimate and experience with other Federal assistance programs would seem to bear out that, sooner or later, astronomical cost overruns can be expected.

Further, I am concerned that this legislation is the opening wedge in a guaranteed annual income, the magnitude of which is likely to grow year after year.

I am afraid that very few candidates for public office will be able to shun the pressure to promise higher and higher income floors in each election year.

Make no mistake, I realize that there are a number of people in this Nation who are simply unable to work—many with legitimate handicaps. But the number of able-bodied individuals who choose to accept the Government dole rather than earn a wage has skyrocketed in the last several years and that is the root of the country's dilemma.

A true welfare reform proposal would ensure that many of these people get off the welfare rolls. Yet, the family assistance plan does not shorten the welfare lines—it will, in fact, double them in this Nation. I just cannot believe that the real road to true welfare reform is paved by doubling the number of welfare recipients in this country.

Further, the family assistance plan comes at a time when the country is now

$430 billion in debt. Taxpayers of this Nation are now footing an annual bill of nearly $22 billion for interest payments alone on the national debt.

In the end, it is the American taxpayer who will be saddled with the enormous cost of financing this doubtful program. It seems to me that what is at issue in this bill is whether or not this country owes one a living and whether one must work to earn it.

The family assistance plan has also spawned another layer of Federal bureaucracy to oversee welfare payments. It is estimated that Uncle Sam, as a result of this act, will now be mailing out an additional four million monthly checks. Payments will be dependent on variables such as family earnings, number of children, and family assets. If past experience is any teacher, the result should be untold mixups and overpayment snafus.

Those supporting the family assistance plan are doing so largely on the mythical claim that it will relieve the duplication and present chaotic state of the welfare system. Yet for a program which will cost $5 billion in the first year alone, no studies have been conducted, no pilot programs implemented. It seems that if we are bent on "walking the plank," we should do it a step at a time.

In summary, Mr. Chairman, I fully believe that true welfare reform is urgently needed. But I feel that to opt for this masquerade would be a costly blunder which might eventually rob the Federal dollar of any credence it once had.

It was an unfortunate error to chain this costly and untried family assistance plan to the very worthy and needed social security amendments.

Mr. TEAGUE of Texas. Mr Chairman, I am unalterably opposed to the family assistance plan contained in title IV of H.R. 1. I agree that the existing jumble of welfare programs badly need overhauling and that the needy should be helped. But I am convinced that this bill will expand rather than revise the present welfare mess. A plan which begins so-called welfare reform by doubling the welfare rolls overnight seems to me to come closer to welfare revolution than reform.

In a trillion-dollar-a-year national economy, we now have 14 million people on welfare. This is more than the combined total on welfare and work relief at the height of the depression of the 1930's. The welfare rolls have doubled in this last decade alone, and the cost has shot up from $4.3 billion in 1961 to $16.4 billion in 1971. Under H.R. 1, the relief rolls would again double—this time in 1 year. Twenty-five million people will be on the relief rolls by 1973, at a cost of $23 billion annually to the already overburdened taxpayer.

Mr. Chairman, I feel very strongly that a guaranteed annual income is one of the most dangerous and worst proposals ever to come before this Congress. Under H.R. 1, every family with children is automatically assured of a fixed income computed on the basis of the size of the family. If we pass this bill, we are in effect saying that there is now a right to guaranteed support from the Federal Government. There is a vast difference between this concept and our current welfare laws. If we write into Federal law that a family is entitled to a fixed annual income, I think we will abolish the idea of welfare as an emergency relief and instead sanction it as a fundamental American right. This is contrary to our system of free enterprise and reward based on individual effort.

I am extremely concerned about the precedent H.R. 1 will set and the direction in which it will ultimately lead. Rather than providing a work incentive in the long run, millions of children will grow up with the belief that a Federal annual income is a basic right. Welfare will lose its stigma and become respectable. Millions of workers now employed in the service trades, blue collar workers, domestic, and farm laborers will suddenly be added to the relief rolls. Literally one out of every eight Americans will be on welfare. This bill will have a far-reaching and unpredictable impact on the entire social and economic structure of this country. Any legislation as fundamental as this should be open to amendments which this rule precludes.

Proponents of H.R. 1 justify the massive increase in cost and the number of welfare recipients with the argument that this bill will reduce the welfare rolls in the long run by improving manpower training and providing additional incentives to work. I question whether this will be the actual result, for several reasons.

First, this would be only the first step. With each session of Congress, the demands will increase. Once the door is opened, there will be tremendous pressure for a larger guaranteed income each year. A good example is the FAP program passed by the House last year. The annual income floor in that bill was $1,600; this year the proposed floor has already gone up to $2,400. The tendency is for welfare rolls to go up and not down. Just as welfare costs under the present system have steadily increased, the total package contained in H.R. 1 will increase each year. The difference will be that double the number of people will be included and the annual increase will be proportionately larger.

I also doubt that adding another huge layer to the bureaucracy in order to administer this program will reduce costs in the long run. This bill increases the present cost of administering welfare programs by $700 million but that will be only the beginning. Thousands of new employees will have to be added to the Departments of Labor and Health, Education, and Welfare in order to administer this program. I question whether abuses and fraud can be adequately handled at the Federal level for so many additional people when we already have thousands of unenforced court orders against fathers in behalf of dependent children.

Second, it is doubtful that this bill will get people off welfare and onto the payrolls. The Senate Finance Committee found last year that under the work incentive program—WIN—enacted by Congress in 1964, which also provides a $30 training bonus, plus retained earnings from employment, 25 percent dropped out without good cause. If an eligible breadwinner fails to register, the family allowance is reduced by $800, but the rest of the family benefits would not be cut off. A welfare recipient could not be assigned to available jobs which pay less than $1.20 an hour, and $1.50 an hour if the minimum wage is raised to $2. There is the problem of available jobs in the areas where the need is greatest. Are we going to train a man for a job that does not exist? We also should not forget that according to HEW estimates, of the total 19.4 million people who would be eligible for welfare, only 2.8 million adults are actually employable. This bill, rather than reforming the welfare program, will subject additional millions of the working poor to raised expectations which will then be frustrated in the face of lack of better jobs or the qualifications to fulfill them.

Annual cash payments to FAP families are computed on the basis of $800 a year for the first two members, $400 each for the next three, $300 each for the next two, and $200 for the eighth member, with a minimum of $2,400 for a family of four. Under this system, a wage earner with six children making $5,000 could raise his income to $7,046 with welfare payments, whereas a man with four children, earning the same wage and with identical skills, would receive nothing. In our free enterprise system the rate of pay should be based on the job and not upon the number of members in the family. It seems to me to be unfair to penalize the man who chooses not to have a large family he cannot support.

I am afraid that this system would actually hurt the incentive of many people to improve their economic status through their own initiative. They might feel that the less you work and the more children you have, the more you get. I am for helping the poor but I feel that a vast expansion of the welfare rolls is not the way to do that. Before we enact a bill with such far-reaching effects, we should increase our efforts to remove those already on welfare.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ERLENBORN).

(By unanimous consent, Mr. ERLENBORN was allowed to speak out of order.)

DISSOCIATION FROM THE COMMITTEE PRINT ON INVESTIGATION OF THE HYDEN, KY., COAL MINE DISASTER OF DECEMBER 30, 1970

Mr. ERLENBORN. Mr. Chairman, if my words this afternoon convey an impression that I am angry and indignant, then they will have served part of their purpose. I am angry because the powers of one of the committees of this House have been used to mislead the press and, through its reporters, the people of this country.

A news story by United Press International appeared in Sunday papers throughout the country. Let me put into the record the first and second paragraphs of that story:

> A House subcommittee said yesterday the U.S. Bureau of Mines should have known the Finley Coal Co. mine in Hyden, Kentucky, was dangerous and must bear a "heavy burden of responsibility" for a December 30 blast that killed 38 miners.
>
> The House General Labor Subcommittee, in a 118-page report, said it would hold hearings shortly into the Bureau's general enforcement of the Coal Mine Health and Safety Act.

The UPI story continues for several more paragraphs, but these two suffice for the moment.

I want the record to show that a draft of a proposed report of the General Labor Subcommittee of the Education and Labor Committee said these things about the Finley Coal Co. mine and the U.S. Bureau of Mines—not the members of the subcommittee.

The report which the UPI was persuaded to quote was released without the subcommittee's knowledge. The matters which the story cites as conclusions of the subcommittee were, in fact, not its conclusions at all.

The summary lists 19 points which are covered in part I of the report and it reaches 19 conclusions on these points. These are preceded by a cautionary announcement that they are not intended to serve as a basis for conclusions; but the author immediately proclaims that the subcommittee has made certain judgments. One part of it reads:

> The Subcommittee is of the belief that the technical aspects of the Bureau's post-disaster investigation were carried out efficiently, effectively, and creditably . . . Conversely, the committee is of the opinion that the procedural aspects of the post-disaster investigation left much to be desired.

It is my contention that the subcommittee is not of either opinion because its members have not been canvassed, and no subcommittee consensus has been agreed upon.

The reason for my indignation is that this report, marked a "committee print," was released to the press as though it was the considered judgment of its members, rather than the argument of one man.

We have a great national debate now going on about the people's right to know. I believe that the people do have a right to know; but they also have a right to demand honest legislative reports. They should get reports arrived at by consensus. They should not get opinions slyly foisted upon them as collective judgments.

When our subcommittee is ready to declare its findings about this coal mine tragedy, I want the declaration to be a collective, considered opinion, not a behind-the-back effort by one person to speak for all of us.

The conclusions stated in it were not presented to me, or—as far as I can ascertain—to others on the subcommittee for comment and possible modification before its release. No opportunity was given us to accept or reject the conclusions, in whole or in part.

The report was printed and distributed without our knowledge—at least without my knowledge; and I am the ranking Republican on the subcommittee.

I resent this furtive and high-handed misrepresentation.

I, for one, wish to dissociate myself from the "committee print" dated June 1971, and entitled "Investigation of the Hyden, Ky., Coal Mine Disaster of December 30, 1970."

Mr. CONABLE. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I claim no expertise in the exceedingly difficult and complicated subject which the House is considering this afternoon, and I certainly pay my respects to those who, by virtue of their long work on this subject, are entitled to claim that expertise. Nevertheless, these distinguished gentlemen, in spite of their work and their labors, are not necessarily correct, and I will have to say that at this point in time I remain unconvinced, as a matter of philosophical persuasion, where this bill is concerned.

I have not had the opportunity, Mr. Chairman, that the members of the Committee on Ways and Means have enjoyed to study this bill in great detail. If I had had that opportunity, I suppose it may be possible that I, too, would have concluded that the way to reform welfare is to make public assistance clients out of the self-respecting and heretofore self-supporting working poor. Perhaps I, too, might have concluded that the way to reduce the burden of welfare is to begin by doubling the roll of recipients and adding $4 billion or $5 billion to the cost, without any real assurance that the ultimate result will be to decrease the load rather than to add to it. The number on the rolls in my State, by the committee's own tables will increase under H.R. 1 from 168,000 at present to 355,000 by 1973. It may be that I, too, would have come to accept the fundamental change in American philosophy which, for the first time, formally recognizes a right to a guaranteed minimum income payable out of the Federal Treasury, a proposition which seems to me to be truly the welfare state full blown. Perhaps, Mr. Chairman, I might have come to accept the undoubted fact that the proper level of that guaranteed minimum income payment is to be, from here on, an issue for demagogs, and others, in every political campaign. This is underlined, by the fact that since just last year the figure we are talking about has increased from $1,600 to $2,400, and it was underlined further by some of the debate I have heard this afternoon.

However, as things stand, Mr. Chairman, I am not prepared to accept, as of today, these philosophies. I cannot accept them as coming from the mount simply because a majority of the distinguished members of the Committee on Ways and Means have concluded that they are the revealed truth.

Surely, it seems to me that this House is entitled to work its will on alternate proposals after extended and intelligent debate. Surely the proposals of the gentleman from Oregon (Mr. ULLMAN) which I do not necessarily endorse, are worthy of something more than being a mere intellectual and academic discussion this afternoon. The closed rule, even a slightly modified closed rule, is at best a denial of the essence of the parliamentary process, and in a major bill such as this one, I submit, it becomes a legislative outrage. Mr. ULLMAN's bill, and any number of other specific proposals, could easily have been made in order.

Two years ago when this same matter was under discussion, I stated to the House that in my judgment we were starting down a road which had no turning and which led we knew not where. I remain today of that same opinion still, and I do not wish any part of the responsibility for starting on that journey.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I cannot support the legislation before us today. The so-called welfare reform provisions of this bill insult the very people who are supposed to benefit from it. The poor have been put in a position where it is practically impossible to institute change even in their own lives. They are expected to lift themselves up by their own bootstraps when in fact they do not have boots. The truth of the matter is the poor have become institutionalized in our society. And so, discarded and disregarded by an economy that systematically drains them of the chance to live decent lives, they have come to us to ask for a new and different way to exist in this Nation. Our answer to them is H.R. 1, a bill which is based on the ridiculous underlying assumption that welfare recipients would deny themselves better lives rather than work; that they would deny their children food rather than try to live out the American dream.

And so we still cling to the outmoded liberal notion that if we could somehow light a legislative fire under the seats of 13 million Americans, we could get them off welfare. This, of course, allows us to ignore the fact that growing unemployment is built into our economy and is a byproduct of our present life style, a life style which perpetuates the fictitious notion of the availability of the good life for all. It allows us to ignore the fact that the economic dislocation of workers persists and is growing each year. The elitist atmosphere of this body has made it easy for us to become skilled at evading the fundamental question of the relationship between the inequitable distribution of wealth and the vast poverty which coexist in this country. If there is a welfare scandal it does not concern the wretched poor who are driven to the welfare roles, but more properly concerns the dole we give to the vested interests in a hundred ways.

It is the height of arrogance to repeatedly assert that millions of our people would consciously choose so desperate and hopeless an existence for themselves and their families if a better alternative were available. My vote is against a repressive welfare measure. My vote is against the procedures of this body, and the leaders whose silence indicates their implicit approval to these procedures, procedures which deny the voices of the poor to be heard here today. My vote is against a committee which meets behind closed doors without benefit of public scrutiny to report a bill 687 pages long. My vote is against a rule which only allows this body to vote up or down, without an opportunity to modify or improve provisions of this bill affecting so many millions of our citizens. We have had closed hearings, closed rules and closed minds.

There will be a better day for the poor in America, but that day is not today. My hope is still that Members of this body will legislate based on a wisdom rich with compassion and understanding for all our people.

Mr. CORMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, if I were a poor family in a State tonight that obtained $44 in welfare, I would consider this bill a reform and I would curse the man who voted against it.

If I were a child tonight in a family whose father had had to leave that family so that family could draw welfare, I too would curse the person who voted against this bill.

Of course, I realize that all of us are well aware of the real horror of that old "man in the house" rule. We agreed that that was an immoral choice. But we have ignored other immoral choices. I would like to bring to your attention some of those of the present welfare system.

The present welfare system says to every woman in America, "You may have a child, and you may marry the father or not, but if you choose not to do so the rest of us will support you." Or to a wife, a mother of several children, "You may live with your husband or not, and if you choose not to do so the rest of us will support you."

This bill corrects that. That choice is not going to be offered any more. Those women are going to have an opportunity to work.

Now, I know that there are a lot of people around here who are shedding great tears over the thought of those women leaving those children in day care centers and going to work, but I will believe it, Mr. Chairman, the day I see some bills introduced into the hopper that suggest that every widower remain at home with his children, and the rest of us will support him. Nobody, Mr. Chairman, would be for that.

As a woman who works, I am not for supporting other women who do not work, largely because our society does not offer them a chance to work; does not offer them the training, does not offer them the schooling nor the opportunity. This bill requires that in the first teenage pregnancy of a girl that that girl be permitted to continue in school, or that she be given training. She is to have the first call on day care. This, Mr. Chairman, is a real reform. This will do more to help those families than any other suggestion that has been made.

I would like to say that part of the country obviously believes that all of those who draw welfare are riding around in Cadillacs and wearing mink stoles; the other part believes that everyone on welfare is starving to death. Nobody knows which one is really true, but this bill also offers some hope that in the future we will all speak from exact facts.

In this country now if you give a child at birth some money, and the money is put in the bank, that child has to have a social security number. That is also true if you give the child a bond, or some stock, but it is not true if you draw welfare; then you do not have to have a social security number.

Social Security Administration has been instructed that when you apply for welfare you will get a social security number. Personally, I think you should be given that social security number at birth, that it be placed on your birth certificate, along with that of the parents and that we stop the triple play in social security numbers.

To all of those who say that this bill is no reform I say you do not know the law as it is at present, you do not know all of the mistakes that have been made. This bill gives people a chance who never had a chance.

I think the President is to be commended, and I think the bipartisan effort that brought this bill to the floor is to be commended. I urge you to vote down the motion to strike title IV, and to support the passage of this legislation.

The CHAIRMAN. The time of the gentlewoman from Michigan has expired.

Mr. CORMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I want to go on record in support of the bill, H.R. 1, as submitted to this body by the Committee on Ways and Means.

If I were to cross every "t" and dot every "i" of this bill, I perhaps would change many things. However, the art of politics is known as the art of the possible, and therefore I wish to compliment the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) and the committee for the fine job they have performed. I support this bill 100 percent and urge the adoption of the bill as it was reported by the committee.

Mr. CORMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, one of the most difficult votes I was called upon to cast in the 91st Congress was on H.R. 16311, the family assistance plan, or FAP, because I had decided, after hearing the entire debate on this controversial proposal, that I could not in good conscience support it. As I said then, in the CONGRESSIONAL RECORD, volume 117, part 7, pages 9044–9045:

> I have never pretended, even to myself, that everyone else is wrong and I alone am right because I know that could not happen in the Congress or anywhere else. But I have deep reservations about this bill after hearing the entire debate—reservations so deep about the eventual direction or cost of this program, compared to its anticipated results, that I have reluctantly decided I must vote against it. The fact that it would cost so much, to do so little, and the fact that the cost of doing what would have to be done if the concept of the bill were really to solve anything would be so prohibitive fortify my conclusion.

In view of the widespread support that this far-reaching bill was receiving here in the House last year, and the fact that it was being strongly urged upon us by the President and strongly supported by the Committee on Ways and Means, which includes Members who enjoy the highest degree of respect and esteem among all Members of the House, I added:

> Perhaps other Members have more wisdom, more knowledge of this issue, more confidence in the draftsmanship of this program, and do not suffer the same doubts I feel so strongly. I recall that a lot of Members of Congress could not see the good in the social security bill in 1935, and made a partisan issue of it, and voted against it, and of course were wrong.
>
> On a measure like this bill, one can imagine that a "no" vote, for whatever reason, might stand forever as a monument to one's lack of foresight. Thus, with so many Members ready to accept this bill, I feel somewhat lonely in taking a negative position, but I think the Members here know that I do not cast my vote lightly on any issue or without feeling in my heart that my vote is the right one. On that prayerful basis, I will vote "nay."

REASONS FOR VOTING AGAINST LAST YEAR'S BILL

Mr. Chairman, there were many reasons I cited last year for opposing the Family Assistance Plan—among them, the inadequacy of the benefits in the industrialized areas of the country; the invitation to cheaters and chiselers to file applications for benefits they were not entitled to, but which they would receive until and unless the computer caught up with them; the utter lack of a sufficient program of daycare centers necessary to accomplish the hopeful goal of turning welfare mothers into wage earners; and the demonstrated failure of the States to accept their responsibilities under legislation we passed during the Kennedy and Johnson administrations for work-incentive programs for those on public assistance—indicating that many of the States looked upon the Family Assistance Plan not as a plan for improving services, including rehabilitation and training for those on welfare, but rather as a method for dumping the entire cost of welfare on the Federal Government.

The States which have done very little to establish decent minimum standards for public assistance would have reaped a great advantage from the bill last year, and those which had tried to meet their responsibilities to their poor would have found themselves getting less from the Federal Government and paying more for welfare if they were to maintain their standards.

H.R. 1 "IMPROVES" BENEFITS BY ELIMINATING FOOD STAMPS

This year, in a new bill, H.R. 1, some of these issues have been grappled with but, in my opinion, not solved. This time, however, the main effort at solution seems to have been directed at taking away from the poor in most States the genuine opportunity to eat properly, and giving them instead—if the States will agree to provide the money—cash approximately equivalent to the extra food purchasing power eligible families have been receiving under the food stamp program.

I wonder how many Members of the House believe that a welfare family of four persons, given $800 as part of the welfare benefits, and told that that full amount should be spent for food, because it takes the place of $800 additional food purchasing power under the food stamp program, would actually spend all, or most, of that money for food. Food is the first thing poor people scrimp on when their income is too low to meet what they regard as the necessities of life.

That is the main reason we enacted a food stamp law in 1959—a law which the Eisenhower administration refused to put into effect—and the reason the Kennedy administration instituted its pilot program in 1961 and we passed the Johnson administration Food Stamp Act in 1964. Giving poor people extra money in preference to food stamps will enable them to buy other things but not accomplish the goal of assuring adequate nutrition.

H.R. 1 eliminates the food stamp program for all families which become eligible for the family assistance plan. According to the additional views of the gentleman from Florida (Mr. GIBBONS) in the committee report on H.R. 1, he was the member of the Committee on Ways and Means who proposed killing off what he called the "funny money" of food stamps for welfare families and provide them with an equivalent amount of extra cash instead. It is my understanding that Representative GIBBONS does not have the food stamp program operating anywhere in his congressional district. He may have strong feelings about it, and against it, but I do not think those views are necessarily shared by Members who have joined me over the years in pushing the food stamp program through to enactment and fighting for its survival and expansion and improvement.

1971 FOOD STAMP AMENDMENTS SHOULD BE REPEALED

There is something to be said, of course, for substituting cash for the kind of food stamp program enacted by the Congress late last year and signed into law by President Nixon on January 11, 1971, because the Food Stamp Act as now written is a disaster. But the new amendments to the law have not yet gone into effect, and I hope that it can be repealed before it causes the harm it portends. Nevertheless, the answer is not to do away with the food stamp program but to make it work more humanely and more efficiently—and more effectively—now that Congress has finally provided the necessary funding for a good program.

In a speech in the House on May 13, 1971, page 14917 Mr. Chairman, I described what was wrong with the January 1971 amendments to the Food Stamp Act, and why some of those who have been castigating the Department of Agriculture for its alleged insensitivity to human needs in drafting its proposed regulations under those amendments should look instead at what the Congress did to turn a good law into a disaster.

Instead, the Committee on Ways and Means proposes, as part of the family assistance plan, to eliminate the only real tool we now have to assure that needy parents, paid by the Federal Government and the States to care for their own children, do in fact spend enough of their limited incomes for food to assure proper nutrition for those children. One of the worst scandals about welfare has been the high incidence of neglect of the very children whom the programs were primarily intended to help. The records of the Selective Service System documented this neglect in thousands upon thousands of cases of young men found ineligible for military service because of malnourishment during their formative years, and these were frequently youths who had grown up in families which had been on the aid to dependent children program.

TOO OFTEN FOOD IS A LOW PRIORITY ITEM IN HOUSEHOLD EXPENDITURES

Most of the responsibility for this malnourishment lay in the inadequate levels of welfare payments in many of the States—there is no question about that. There just was not enough money to meet minimum needs. But a lot of it was due to the failure of the adult members of the family to use what limited resources they had with sufficient concern for the children's welfare—the "relief check" could go for anything the adults wanted to buy, and too much of the check often went to cars and television sets and cigarettes and whisky and clothes for the adults, and very little of it went for food for the children.

The food stamp program, with all of its admitted faults, nevertheless changed these priorities, so that families participating in the food stamp program knew they had to spend x amount of their income for food and for nothing but food in order to continue to be eligible for the benefits the food stamp law provides.

So overnight, we had a revolution in the eating habits of the poor covered by this program—instead of handouts of dried beans and powdered eggs and the other surplus commodities, plus a lot of starches, these families began to enjoy fresh meats, fresh vegetables, fresh eggs, fresh milk, and all of the other good basic foods of the American agricultural abundance.

Now, under H.R. 1, we would go back to the old system which left the purchase of food for the children something you buy if you can afford it—not as a high priority item on a very low income.

THE "INDIGNITY" OF USING FOOD STAMPS

There has been a great deal of high-minded nonsense expressed about the "indignity" to poor families of using food stamps for their food purchases. I personally know many fine and decent people who have used the stamps and who do not object to participating in a Federal program which enables them to eat properly. The same grocery checker who accepts and cashes the food stamps for food purchases would now be cashing the welfare check—I mean, the Family Assistance Plan check—and I do not know of many instances in which a family on assistance would hesitate out of a sense of "indignity" to present its welfare check to some one who will cash it for them.

Many people receiving food stamps are not on any form of public assistance, yet they are more than willing to identify themselves to the grocery store checkout clerk as food stamp recipients in order to obtain the extra food the stamps will buy. I think we have to look at this issue from the standpoint of what enables people to meet their living costs rather than how a Member of Congress might think the person feels in asking for help.

I would urge the Members to get out among their constituents who are on the Food Stamp program and ask them how they feel about the stamps.

Mr. Chairman, there are many things in H.R. 1 which I can support. I approve of requiring runaway parents to help support their children; I approve of training the untrained for employment, and then helping them get the jobs for which they have trained; I encourage the idea of encouraging those on welfare to become self-supporting, with whatever programs are necessary to bring about that achievement; I endorse the provisions to increase social security benefits, and to improve services under medicare; I endorse, as far as they go—and they do not go far enough—proposed day care centers which are absolutely essential if mothers of young children are to be able to go to work.

But I cannot support the bill's title IV, and I shall vote to strike it from the bill. This time, I think far more Members of the House will join in such a vote than did last year in voting against H.R. 16311, when the Family Assistance plan bill first was passed by the House only to die in the Senate.

Mr. CORMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, to many, this bill brings important benefits. It grants a substantial increase in social security payments. It liberalizes a number of benefit eligibility requirements. It provides for future adjustments in benefit levels to reflect increases in the cost of living. It also provides some relief—however inadequate—for women wishing to deduct child-care expenses from their tax bill.

I stand in opposition to that part of the bill which is title IV, which would enact two new family programs—opportunities for families—OFF—and the family assistance plan—FAP—in place of the current aid to families with dependent children—AFDC—program.

This portion of the bill represents a giant step backward.

It compels mothers to work without providing for adequate care for their children.

It provides for a basic level of benefits which is barely one-third of the Bureau of Labor Statistics' "Lower Living Standards."

It encourages the States to reduce benefit levels and discourages them from raising benefit levels, even if there are major increases in the cost of living.

It contains distinctions between the family programs and other federally assisted categories which clearly have as their basis a desire to discriminate on the bases of sex and race.

Under the guise of being a reform measure, it will leave many recipients of public assistance—perhaps 90 percent—worse off than they are under the present system.

Women, of course, are the primary victims. Under H.R. 1, they will be forced to undergo training for menial, low-paying jobs. They will be made to accept those jobs no matter how demeaning. And, most important of all, they may well be compelled to leave their children, at home or on the streets, without adequate child care, in order to go to work or to attend training.

Yes, this bill is truly repressive when it comes to women. You may have noticed, for example, that although only 16 percent of present female welfare recipients have finished high school, job "training" under H.R. will not even include basic adult education. You may realize, as the Secretary of Labor has, that the kinds of jobs welfare recipients will be expected to fill will be the low-paying jobs nobody else wants—for women jobs as domestics. And you may have seen, through the process of simple addition, that the money H.R. 1 authorizes for child care—$700 million—would not even begin to meet the need for services for children currently on welfare.

With respect to this last point, yesterday in debate on this measure the gentleman from Arkansas assured me that although no mother would be compelled to work if child care were not available, the amount authorized under the bill would be enough to meet the need. Yet it is my understanding that there are now 1,262,400 children under 5 on welfare. If the estimated cost of child care per child is $1,600—and that is the conservative, administration estimate—then by my calculations the cost of child care for mothers compelled to work under this bill will be more than $2 billion—a far cry from the $700 million the gentleman says will meet the need as he has estimated it. What this says to me is that the proponents of this bill either believe the money will materialize, unathorized, out of the air—or, what is more likely, they simply do not care that thousands of mothers on welfare will be compelled to leave their children hours of each day without adequate care.

The bill provides for a basic income level of $2,400 per year for a family of four, with no requirement that the States supplement this at all. In January 1970, the Bureau of Labor Statistics' "Lower Living Standard" was set at $6,960 for a family of this size, and the 5.9 percent increase in the cost of living since then would bring this figure up to $7,370. States which keep payments at the present level will be protected by the "hold harmless" clause of the bill if their total payments exceed current levels due to caseload increase, but a State which increases its level of benefits for individuals will receive no such protection. This means that for cities such as New York, where the cost of living is rising faster than in the Nation as a whole, there will be an almost insurmountable disincentive to the granting of even cost-of-living increases. This leaves the Congress in the rather hypocritical position of passing a bill which grants cost-of-living increases to those who receive their Federal benefits under the Social Security System while effectively prohibiting the granting of such increases to those who receive their Federal benefits under the two new family programs. Furthermore, it will help people in only the five or six States in the Union whose payment level is now less than $2,400. It will not help the industrial States and it will not help the cities.

In addition, the bill provides for significant differences between payment levels under the family programs and those under the existing categorical programs aid to the aged, blind and disabled. By 1974, for example, an aged, blind or disabled couple will be receiving the same amount—$2,400—as a family for four receiving assistance under one of the family programs. Even allowing for the fact that very young children might require less food than adults, it is inconceivable that a family of four under one program requires that the same amount of money to live as does a family of two which happens to be getting its benefits under another program.

What, then, is the reason for this gross distinction? Mr. Speaker, the fact of the matter is that most of the families which presently receive benefits under the AFDC program, and which will be receiving benefits under the family programs, are families which are headed by women; in addition, far more of these families are black, Puerto Rican and Mexican-American than are those in the aged, blind and disabled programs. This bill not only continues this country's pattern and discrimination against women and other oppressed groups, but actually makes it far worse.

This bill strikes out against poor people, women and children. It helps few people and harms many. It is presented to us as a reform bill, but its thrust is in fact a backward one. I respectfully urge its defeat.

Mr. CORMAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, the great virtue of this legislation is supposed to be that it provides incentive to work.

I submit that this is an illusion. I have some statistics here, taken from official sources.

These figures show that the average retail worker in these United States earns $354 per month, which places him just above the point at which he could get any help from this welfare bill.

If a person—head of a 4-person family—does not work, he gets $200 per month.

The man who works and earns $354 per month is subject to many deductions, before he can compare his net income to the person who collects $200 a month welfare. First, he must pay $56 for work expenses such as expenses for lunches, bus fare, clothing, dues, uniforms, tools, et cetera.

Second, the man who earns his income by working must also deduct $26 per month for taxes and that includes Federal taxes, Maryland State and local taxes, both income tax and social security tax.

He must deduct in addition $48 for health care insurance, physician visits, drugs, dentist, and other expenses that a person gets free when he is on welfare.

Third, the working man must also deduct a very nominal estimate of $5 a month for doing a lot of the things a person on welfare has the leisure to do for himself, like painting his kitchen.

Mr. Chairman, this leaves the average retail worker who works for a living only $19 a month better off than a person who sits home on welfare. That means that the average retail worker gets less than 10 cents an hour for the 200 hours a month that he puts in hard labor and for commuting back and forth to work.

How can we escape the conclusion that millions of people either now, or eventually when the word gets around that work is a sucker's game, will avoid work and move on to welfare. The result is going to be a tremendous increase in taxes, a permit for gathering inflation, and a deep growing resentment on the part of the middle-income workers, who do the work and pay the higher prices and taxes. I oppose the family assistance feature of this bill.

Mr. CORMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I am grateful for being granted this brief moment to make an observation or two. I recall a colleague a few years ago said that it would take him about a minute to clear his throat. At the proper time I shall ask unanimous consent to revise and extend these remarks in order to try to stretch this minute to briefly discuss title IV of H.R. 1.

Mr. Chairman, those Members who were not here before the quorum call a while ago have missed some real gems. One I recall was by the gentleman from Virginia (Mr. SCOTT) who pointed out that the bill contains 687 pages and the report contains 386 pages, for a total of 1073 pages, and that he doubted if there were many Members who had an opportunity yesterday, last night, and today to read all the contents of those two documents. I want to associate myself with his remarks, and make the further comment that this massive, monumental type of bill is not the right or the best way to legislate. All any of us can do under such circumstances is to place our faith in the Committee, and then proceed to do the best we can with our limited staff to research the provisions of the bill, in an effort to determine how this would apply to our own States and to our own districts.

There was another speech on the floor awhile ago which was well worth listening to. The gentleman from Louisiana (Mr. WAGGONNER) predicted that if title IV of H.R. 1 remained a part of the bill, the numbers in this country on welfare would increase from approximately 15 million to 25 million within a very short time.

Mr. Chairman, like so many of my other colleagues, I have not yesterday or today been able to digest all of the contents of the 1,073 pages. There are two pages of the bill that I would make reference to in the time which has been allotted to me. I refer to pages 560 and 561 of H.R. 1 where the language states that any individual shall be considered to be available for employment for the purposes of this title unless he has been determined by the Secretary of Health, Education, and Welfare to be unable to engage in work or training because of illness, incapacity, or advanced age.

The foregoing wording taken from title IV of H.R. 1 sounds something like the old "workfare" of the bill we considered last year on this same subject. Unfortunately, in H.R. 1 the word "suitable" is not to be found, as was true in last year's bill. Some have argued that there are no real work requirements in this bill. Those who support title IV speak rather eloquently to the point that all individuals under the Family Assistance Plan who are considered available for employment will have to work. As I read section 2111, it contains not only a small loophole but a hole big enough to permit almost unlimited evasion of the requirement to be available for work if an applicant is going to draw welfare. The reason I reach this conclusion is that, under this same section, all registrants must be available and ready to work unless the Secretary of Health, Education, and Welfare shall determine that they are unable to engage in work or training because of illness or incapacity. What does this mean? That means that it will not be the Secretary of Health, Education, and Welfare who makes the determination, but it will be some social worker in a subordinate capacity somewhere down the line.

Before I could support title IV of H.R. 1, I would have to be assured that all welfare recipients would have to register for work. Then, if they get a bona fide job offer and turn that offer down, they would be off the welfare rolls unless they can immediately produce a doctor's certificate from a reputable practitioner, that they are unable to engage in work because of illness or incapacity. Then and only then should they be excused from work. A registrant should never be excused by the simple certification of some caseworker who patiently listens to a tale of woe from an able-bodied man, too lazy to work. In such a case, the finding of illness or incapacity may be simply because her caseload was so heavy that to grant the excuse not to work was the simplest and easiest thing to do under the circumstances.

Mr. Chairman, the content of title IV is so unacceptable that I hope it is stricken. However, there are so many provisions in this bill it is difficult for a Member not on the committee to familiarize himself with all of them. I will take the time to point to page 589 of the bill, where is found the only penalty I can locate for refusal to accept or continue to work in order to receive welfare. On page 589 there is a penalty for those who are available for employment but who fail to register to accept manpower training services or accept continuing employment. The penalty is a modest one. The amount of benefits which would be payable would be reduced by $800 per year in the case of each of the first two such family members who either refuse to work, accept manpower training or decline to participate in rehabilitation services. What does such a penalty really mean? Well, it is not much punishment because if you take that $800 from the $2400 guaranteed annual income you are back to the figure of $1600 which was the floor placed under the Family Assistance program in the bill which passed the House last session, over the opposition of many of us.

Mr. Chairman, the tragic thing about H.R. 1 and the rule which brings it to the floor is that it will permit only one motion to strike. However if title IV should be successfully stricken from H.R. 1 there will be no opportunity to offer a viable alternative.

The gentleman from Oregon (Mr. ULLMAN), does have in my judgment a meritorious alternative in his H.R. 6004. He believes with proper reasoning that the only way the work program will ever be made to operate successfully is by the provision of adequate child care. In other words, in order to truly have welfare reform and reduce the number on the rolls there must be a provision for day care. Mothers of young dependent children cannot be expected to accept employment unless there is day care. While H.R. 1 gives lip service to the requirement that welfare recipients are going to have to work, nice sounding phraseology is about the size of it. The provision for day care is tokenism and no more. Along with the gentleman from Oregon, I am inclined to believe that if enforceable provisions can be written requiring manpower training or the acceptance of employment, then the time may come when applicants who have the capacity to work or be trained for work will prefer not to stay on relief.

The present provision for guaranteed income is repugnant to the work ethic which has made our country great. I am not going so far as to suggest that title IV will be impossible to administer. I do believe that it may be the subject of lax administration by HEW and perhaps not much better by the Department of Labor. I cannot buy the argument that if title IV is voted down, there is no other alternative. For that reason, Mr. Chairman, when a motion to strike is offered I urge my colleagues to eliminate title IV from H.R. 1. Then let the Committee on Ways and Means respond with an alternative which we can all support.

Mr. CORMAN. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. BURTON) to close the debate.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I rise in support of title IV, the welfare reform plan.

My strong reservations over many provisions in this proposal are overcome by my conviction that we must keep the door open and allow the process of consideration of this vital issue to be continued.

I support the concept in this bill which establishes Federal responsibility for welfare and establishes a uniform national standard. I support the concept of authorizing benefits to the working poor as well as to the unemployed on a national basis, and I support the effort to extend the day-care benefits to the children of welfare mothers.

However, I am genuinely and deeply concerned over the failure of the committee to protect the rights of welfare recipients. Specifically, I strongly oppose the following provisions:

The absence of any requirement that States supplement the Federal grants threatens that some welfare recipients may be worse off under this bill than under the present system. Although the bill does take the States off the welfare escalator to some degree, since the Federal Government will pay for the additional caseload, the need for financial relief for States which have in the past made the greatest effort on behalf of the poor, such as New York, is not recognized.

The income level of $2,400 for a family of four, paired with the noneligibility of welfare recipients for food stamps, and the lack of a provision accounting for cost-of-living increases, is far below the official poverty level, let alone what would be necessary for a family of four to live decently.

The "family maximum" in the bill means that a family of 12 will get no more benefits than a family of eight.

The stringent work requirements mean that in many cases mothers with preschool children will be forced to accept any job offered them. This should be amended so that mothers would have to accept only "suitable" employment, under suitable circumstances, if appropriate day-care centers were available.

Insufficient funds for day care, a total of about $750,000,000 to make 875,000 slots, thus an average of about $860 per child could mean that day-care facilities will be little more than custodial facilities. In reality, we need to provide 5 million slots, at a cost of about $2,000 per child. Hopefully our child development bill, which has just been reported from our Select Subcommittee on Education to the full Education and Labor Committee will encourage the development of standards and the provision of services which are comprehensive and not merely custodial.

The lack of job protection in the bill and the requirement that welfare recipients accept jobs at three-fourths the minimum wage, as if they were only three-fourths human, threatens to harass welfare recipients and deny them the rights of any citizen of this Nation.

In sum, however, I look on this bill as a mechanism which will open the door to welfare reform, if it is not reform itself.

We in the House must remember that this Congress is bicameral. Although I agree with many who believe that this bill is distasteful and regressive, possibly even repressive, if we kill it, the Senate, for all practical purposes, will be unable to act, and any welfare reform bill will be stalled for an undetermined time. On the other hand, if we pass it, there is a real chance that the other body will significantly improve it, and that the welfare system will then have made at least a few steps forward out of its present ever-growing quagmire.

If, however, the Senate is unable to improve the bill, and the specific provisions I mentioned, or if the conference committee comes back to the House with a bill which is basically equivalent to the one we are considering today, I will have serious reservations about voting for passage of the conference report.

On a different subject, regarding the social security provisions of H.R. 1, I was pleased that the Ways and Means Committee decided to include a 5 percent increase in benefits, effective July 1, 1972; and to help ease the economic squeeze on our senior citizens by authorizing automatic cost-of-living increases, provided the consumer price index climbs by at least 3 percent and no increase was enacted by Congress the previous year. H.R. 1 would also provide proportional increases in the amount of allowable earned income while receiving benefits.

This bill will also entitle a widow or widower to 100 percent of the deceased spouse's benefit, instead of the current 82½ percent; reduce the waiting period for disability payments from 6 months to 5; and allow working married couples the option of having their retirement benefits computed on the basis of their combined earnings if it will result in a higher benefit.

Many of my constituents have contacted me to express strong frustration over the fact that social security contributions are taken out of their salary if they continue to work full time after age 65, yet in effect they are ineligible for the benefits they are paying for. This inequity has been recognized, in part, in H.R. 1 by allowing an increase in benefits for those who delay retirement beyond age 65. As an example—all other considerations aside—a man who elects to not collect benefits until age 72 will receive a 7 percent higher benefit than he would have at age 65.

Under our present social security law, and since the inception of the program, women have had a distinct advantage over men in determining average earnings to base benefits on. Years up to 65 are taken into account in determining average earnings for men, while for women only years up to age 62 apply. This obvious discrimination will be remedied by the bill before us today, by applying the same rules to men as now apply to women.

Although I feel H.R. 1 is a strong step forward in correcting many of the inadequacies and iniquities of the social security law, there is one aspect in which I feel we have failed to make our social security system receptive to the needs of those enrolled. This is in only granting a $320 per year increase in the amount of allowable outside income—from $1,680 to $2,000. This figure is unrealistic and in my opinion acts as a punishment to those still wishing to be a productive member of society.

I have introduced legislation to completely remove this income limitation, as I believe that social security benefits should be treated as the end result of a bought-and-paid-for retirement program. I am hopeful that the Senate will again express its rejection of this figure, as it did last March, by amending H.R. 1 to increase the outside income limitation to a minimum of $2,400.

Mr. BURTON. Mr. Chairman, in my judgment, we will not have in the political lifetime of any one of us a more important decision. What is the welfare program? The welfare program was constructed because at most times in the history of the American society we have not had a job for all of those who want to work; and for those who became unemployed through no fault of their own, we have not had a decent and adequate unemployment insurance system; and for those who are crippled for one reason or another, we have not had an adequate income maintenance or workmen's compensation program. So, the welfare system must fill these gaps.

What hath the Ways and Means Committee wrought?

I, for one, believe that WILBUR MILLS and JOHN BYRNES deserve the everlasting gratitude of every single Member of this House who is concerned and alarmed at the incredible welfare mess that exists in the American Nation today. Does that mean that the job they have done is perfect? Heavens, no. We have heard from some of the most thoughtful Members of this House who have justifiably raised questions about the inadequate level of a $2,400 Federal minimum. In many parts of the country, particularly the big cities, the $2,400 is the Federal commitment, not the end of the road.

The genius of this legislation is that it establishes a Federal commitment as a minimum, and permits each State, if they so desire, to raise or lower—and that is the authority they have today—to raise or lower the benefits, but not below $2,400. Under H.R. 1 the States with a higher cost of living will undoubtedly provide for supplemental payments.

But more importantly than that, this bill fixes political responsibility at the political level where the benefits are either raised or lowered. This bill stops the fiscal shell game. The State legislatures cannot raise the benefits and say, "It really is not our money; it is Federal money." If the State raises the benefits, that State will have to come up with all the money under this bill.

Similarly, if the Federal Congress raises benefits, not as in the past, half of it being State money, if we raise benefits, we have to come up with all the money. What is wrong with that? If we are willing to take the votes and get the credit for raising the benefits, we should share in the responsibility of raising the revenue.

On the other hand, if the State legislatures want to cut, let them stand up and be counted.

Do not accuse us of cutting benefits. H.R. 1, with the committee amendment, does not do this. The monkey will be on the backs of the State legislators. If they believe it is in the public interest to cut or raise benefits, let them do so and accept the good or ill that follows.

I, for one, lament that there is not an income maintenance provision for the recipients. I believe a good many of our colleagues share that concern and view. I know a number of the people on our side, who are voting for the bill, have not lost the determination to restore the Nixon proposal, and the original Mills bill which contained an assurance that the recipients are not hurt by the passage of this legislation. Those who continue to be eligible under the bill should not be hurt by the mere fact that we have rearranged the way in which we change the welfare payment system—and we shall urge and press this suggestion upon our colleagues in the other body.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Michigan.

Mr. CONYERS. Has the gentleman asked his constituents who are on welfare whether they support this bill or not?

Mr. BURTON. No. The bill is about 600 pages long. The committee report is some 450 pages. I have read both three or four times, but I have not sought the opinion of those who did not have an opportunity to read the bill.

Mr. CONYERS. Did the gentleman ask for advice from organizations representing them?

Mr. MILLS of Arkansas. What organizations does the gentleman talk about? What is their representation?

Mr. CONYERS. If there are two, did the gentleman check with them?

Mr. BURTON. No. I am of the political mind that it is my responsibility, without regard for those with whom I find myself in agreement or not, to weigh the facts and to make my decision based on those facts, not to seek an opinion on a highly technical bill from those who may or may not have had an opportunity to study it.

But in connection with the highly technical bill, let me make a few assertions, as I understand this procedure.

Assertion 1 is that this bill provides for increased child care facilities, which we all know is imperative if we are to make the job provisions for working mothers meaningful.

I oppose, and I would hope the Senate would drop out, the work requirement with respect to mothers with young children.

But there is another part of this work provision I have no problem with at all. I personally have no problem with respect to an able-bodied man living in the home. If that family is to qualify for welfare and there is a decent and suitable job open, he ought to take it. That is what I think.

But do Members know what the existing law is? In half of the States of this country today—this is part of this stinking welfare mess—an able-bodied man in the home, looking for work, willing to work, if he stays in the home, causes that family not to get a dime. This man is penalized for staying with his family, with his wife and children. Those days will be gone under this bill. That father need not be driven from the home to get public assistance for his family.

That father, if he is able-bodied, must register to work, and if there is a job—a suitable one, I would hope—open, he will have to take it under the terms and conditions in this bill. That is an enormous improvement over the current irrational and inequitable setup we have in this particular respect.

Mr. Chairman, I would urge one final point. There have been concerns expressed that in some way or another this bill will rob recipients of certain procedural due process rights. I have talked to every member of the staff and to the chairman of the committee, and I have been assured, and I believe, and the bill and the committee report appear to say to me, that the Goldberg against Kelly case and other decisions of the Supreme Court affecting the rights and procedural due process afforded to recipients under the current public assistance law are not disturbed by this legislation, was never intended to be disturbed by this legislation, and such is the fact.

I would appreciate the chairman's opinion on this matter.

Mr. MILLS of Arkansas. Let me respond to the able gentleman in this way. The hearings to which the bill refers would be subject to the Administrative Procedures Act and all the safeguards for a fair and equitable hearing in that act would apply to these hearings. Moreover, where the courts have required, as they have in some cases, that benefits once established cannot be terminated until the final decision has been made, then such rulings would apply also to the procedures under this program.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from New York.

Mr. CAREY of New York. I thank the gentleman for yielding.

The gentleman pointed out that the Administrative Procedure Act does cover the review of benefits under this bill. It has been erroneously contended it did not.

Furthermore, I have heard criticism that there are undue penalties contained in this bill against those who might commit fraud, who would seek to evade responsibility to support their children. The bill carefully states that we are doing nothing more in the enactment of this bill than we have provided in the same provision now contained in the Social Security Act, which has never been objected to by anyone with respect to the Social Security Act. So there are no more penalties in this bill than are presently in the law with respect to those persons; is that correct?

Mr. BURTON. That is my opinion.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well. He has very accurately stated the important parts of this bill. I urge my colleagues to vote against the motion to strike title IV.

Mr. BURTON. I thank the gentlemen.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the distinguished chairman of the committee.

Mr. MILLS of Arkansas. Now, on this "hold harmless" provision, let me make it clear that if the States attempt deliberately to take advantage of this provision by taking action to reduce their expenditures in calendar year 1971, we will urge the other body to take that into account, and I assume the Senate would do that anyway. Then, in the conference on the bill, we can make whatever adjustments in the "hold harmless" provision seem to be called for based on actions the States will have taken by that time.

Mr. Chairman, I want the membership to know how deeply I appreciate the help, all the way through the study of this matter in our committee, of the gentleman, as well as the gentleman's interest and the many, many suggestions he has made, all of which I think were improvements in the bill. He showed concern at all times to do that which was in the best interests of the people on welfare as well as the taxpayers of the country. I think he deserves commendation for the great contribution he has made to the work of our committee.

Also I want to take notice of what I know is the unusual ability the gentleman and his high level of competence in the field he is discussing.

Mr. BURTON. Mr. Chairman, I will quit while I am ahead.

I hope we defeat the motion to strike title IV. I insert at this point in the RECORD letters which I have received from the Undersecretary of Health, Education, and Welfare, and the former Secretary of Health, Education, and Welfare, Wilbur J. Cohen:

THE UNDER SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 22, 1971.

Hon. PHILLIP BURTON,
House of Representatives,
Washington, D.C.

DEAR PHIL: In response to our recent discussion, I would like to clarify our position on the issues you raised:

1. The Administration agrees with the view that payments to recipients should reflect rises in the cost-of-living. We are in accord with the apparent intent of Congress to retain this adjustment control, rather than to write automatic adjustments into the legislation.

2. Concerning the registration requirement for employable mothers, the Administration has expressed its opposition to the reduction of the age level from under age six to under age three.

3. On the issue of third-party payments, I would emphasize that in no place in H.R. 1 are third-party payments mandatory. If the family head refuses to work, and there is no good reason for such refusal, no benefit is payable to him or her and the administrative agency will in all likelihood decide that another family member, relative, or other individual or agency is more likely to provide for the children. Each situation will be judged on its own merits. The objective will be to assure in every way possible that the children are provided for. Likewise, when there are money management problems, payment may be made to a concerned person outside the immediate family. It has been customary in the past to hold hearings where such actions have been contested, and there is no reason to believe that hearings would not be afforded under H.R. 1.

4. With respect to suitability of employment, it is made very clear in the Committee Report that lack of adequate child care is good cause for refusal of work or training. This is only fair, since a mother cannot be expected to work, or enjoy working, unless she is confident her children are receiving good care.

Also, there are protections in the bill against referral to "menial, low-paying jobs". The wage rate would be the *highest* of the applicable Federal, State, or local statutory minimum wage for that work, the *prevailing* wage for similar work in that locality, or $1.20 (three-quarters of the Federal minimum wage) as an absolute floor.

5. As to your concern that H.R. 1 would allow the Secretary to ban certain persons from FAP offices, this fear is completely unfounded. *No one* is barred from Family Assistance offices. Any person of good character can assist claimants in FAP offices. The same rules now used with respect to the representation of claimants for social security benefits will be applied to the family assistance programs. There has been no difficulty noted with the requirements under social security. The provision is designed to *protect* beneficiaries from unqualified legal representation in court which could be quite expensive or ineffective.

6. Similarly, there is no intent to bar recipients from advisory committees. H.R. 1 provides for the establishment of these local advisory committees to study and evaluate the effectiveness of the program. They are to be composed of representatives of labor, business, and the public. Recipients, of course, are in the latter category, and since evaluation of the program clearly requires information and advice from recipients, we can expect recipients to be on most if not all of such committees.

I hope this helps clarify our position. Thank you very much for your continued help and leadership on the issue of welfare reform.

With kind regards,
Sincerely yours,
John G. Veneman,
Under Secretary.

The Under Secretary of Health, Education, and Welfare,
Washington, D.C., June 22, 1971.
Hon. **Phillip Burton,**
House of Representatives,
Washington, D.C.

Dear Phil: I would like to clarify our position on durational residency requirements. As you know, we expressed the view before Ways and Means that the provision of H.R. 1 which would force the Federal government to honor a State-imposed residency requirement for its supplemental payments would be unconstitutional. We provided a General Counsel opinion that such a provision was unconstitutional in light of Shapiro V. Thomson (394 U.S. 618).

With kind regards,
Sincerely yours,
John G. Veneman,
Under Secretary.

The University of Michigan,
School of Education,
Ann Arbor, Mich., June 18, 1971.
Hon. **Phillip Burton,**
House of Representatives,
Washington, D.C.

Dear Phil: After all the hard work you and I have put in on the welfare reform legislation, I urgently and sincerely hope you will vote for H.R. 1 and title four. I am sure the Senate will consider the Ribicoff amendments and I will do everything I can to obtain constructive amendments in the Senate and to work with you and others to this end.

Sincerely.
Wilber J. Cohen,
Dean.

The University of Michigan
School of Education,
Ann Arbor, Mich., June 19, 1971.
Hon. **Phillip Burton,**
House of Representatives,
Washington, D.C.

Dear Mr. Burton: On behalf of former Secretaries of the Department of Health, Education, and Welfare, I am writing to urge your favorable vote on H.R. 1, the Social Security Act Amendments of 1971.

We are particularly concerned about those provisions of the bill designed to reform the Nation's welfare system. We believe that Title IV of H.R. 1 is an important step toward fulfilling our national commitment on behalf of the unfortunate of our communities, and that it does so in a way that will help the poor help themselves to achieve economic independence. This legislation will lead to a more equitable and efficient administration of the welfare system. It is essential, therefore, that Title IV remain a part of H.R. 1.

We are convinced, too, that delay in enactment can only result in disaster. The need is immediate. While we do not all agree with every provision, passage of H.R. 1 is essential at this time. Without reform, there is no end in sight to rising caseloads and costs, no fiscal relief for over-burdened State and local government, and no chance to escape from poverty for the many thousands of citizens who live in deprivation and degradation.

H.R. 1 is a realistic approach to the solution of one of our most urgent social problems. I am joined by Mrs. Oveta Culp Hobby, Mr. Marion B. Folsom, Dr. Arthur S. Flemming, Senator Abraham A. Ribicoff, Dr. John W. Gardner, and Mr. Robert H. Finch in soliciting your support for prompt passage of this vital legislation. We urge that you vote against the motion to strike Title IV, and for the passage of H.R. 1.

Sincerely,
Wilbur J. Cohen.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. MILLS of Arkansas. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. Under the rule, the bill and the committee amendment in the nature of a substitute now printed in the bill are considered as having been read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The committee amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause of H.R. 1 and substitute in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Social Security Amendments of 1971".

TABLE OF CONTENTS

TITLE I—PROVISIONS RELATING TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Sec. 101. Increase in old-age, survivors, and disability insurance benefits, and in benefits for certain individuals age 72 or over.
Sec. 102. Automatic adjustments in benefits, the contribution and benefit base, and the earnings test.
  (a) Adjustments in benefits.
  (b) Adjustments in contribution and benefit base.
  (c) Adjustment in earnings test.
Sec. 103. Special minimum primary insurance amount.
Sec. 104. Increased widow's and widower's insurance benefits.
Sec. 105. Increase of earnings counted for benefit and tax purposes.
Sec. 106. Delayed retirement credit.
Sec. 107. Age-62 computation point for men.
Sec. 108. Additional drop-out years.
Sec. 109. Election to receive actuarially reduced benefits in one category not to be applicable to certain benefits in other categories.
Sec. 110. Computation of benefits based on combined earnings of husband and wife.
Sec. 111. Liberalization of earnings test.
Sec. 112. Exclusion of certain earnings in year of attaining age 72.
Sec. 113. Reduced benefits for widowers at age 60.
Sec. 114. Entitlement to child's insurance benefits based on disability which began between age 18 and 22.
Sec. 115. Continuation of child's benefits through end of semester.
Sec. 116. Child's benefits in case of child entitled on more than one wage record.
Sec. 117. Adoptions by disability and old-age insurance beneficiaries.
Sec. 118. Child's insurance benefits not to be terminated by reason of adoption.
Sec. 119. Benefits for child based on earnings record of grandparent.
Sec. 120. Elimination of support requirement as condition of benefits for divorced and surviving divorced wives.
Sec. 121. Waiver of duration of relationship requirement for widow, widower, or stepchild in case of remarriage to the same individual.
Sec. 122. Reduction from 6 to 5 months of waiting period for disability benefits.
Sec. 123. Elimination of disability insured-status requirement of substantial recent covered work in case of individuals who are blind.
Sec. 124. Applications for disability insurance benefits filed after death of insured individual.
Sec. 125. Workmen's compensation offset for disability insurance beneficiaries.
Sec. 126. Wage credits for members of the uniformed services.
Sec. 127. Optional determination of self-employment earnings.
Sec. 128. Payments by employer to survivor or estate of former employee.
Sec. 129. Coverage for vow-of-poverty members of religious orders.
Sec. 130. Self-employment income of certain individuals temporarily living outside the United States.
Sec. 131. Coverage of Federal Home Loan Bank employees.
Sec. 132. Policemen and firemen in Idaho.
Sec. 133. Coverage of certain hospital employees in New Mexico.
Sec. 134. Coverage of certain employees of the Government of Guam.
Sec. 135. Coverage exclusion of students employed by nonprofit organizations auxiliary to schools, colleges, and universities.
Sec. 136. Penalty for furnishing false information to obtain social security account number.
Sec. 137. Guarantee of no decrease in total family benefits.
Sec. 138. Increase of amounts in trust funds available to pay costs of rehabilitation services.
Sec. 139. Acceptance of money gifts made unconditionally to social security.
Sec. 140. Payment in certain cases of disability insurance benefits with respect to certain periods of disability.
Sec. 141. Recomputation of benefits based on combined railroad and social security earnings.
Sec. 142. Changes in tax schedules.
Sec. 143. Allocation to disability insurance trust fund.

TITLE II—PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

Part A—Eligibility and Payment for Benefits

Sec. 201. Coverage for disability beneficiaries under Medicare.
Sec 202. Hospital insurance benefits for uninsured individuals not eligible under transitional provisions.
Sec. 203. Amount of supplementary medical insurance premium.
Sec. 204. Change in supplementary medical insurance deductible.
Sec. 205. Increase in lifetime reserve days and change in hospital insurance coinsurance amount under Medicare.
Sec. 206. Automatic enrollment for supplementary medical insurance.
Sec. 207. Establishment of incentives for States to emphasize comprehensive health care under Medicaid.
Sec. 208. Cost-sharing under Medicaid.
Sec. 209. Determination of payments under Medicaid.
Sec. 210. Payment under Medicare to individuals covered by Federal employees health benefits program.
Sec. 211. Payment under Medicare for certain inpatient hospital and related physicians' services furnished outside the United States.

PART B—IMPROVEMENTS IN OPERATING EFFECTIVENESS

Sec. 221. Limitation on Federal participation for capital expenditures.
Sec. 222. Report on plan for prospective reimbursement; experiments and demonstration projects to develop incentives for economy in the provision of health services.
Sec. 223. Limitations on coverage of costs under Medicare.
Sec. 224. Limits on prevailing charge levels.
Sec. 225. Limits on payment for skilled nursing home and intermediate care facility services.
Sec. 226. Payments to health maintenance organizations.
Sec. 227. Payment under Medicare for services of physicians rendered at a teaching hospital.
Sec. 228. Advance approval of extended care and home health coverage under Medicare.
Sec. 229. Authority of Secretary to terminate payments to suppliers of services.
Sec. 230. Elimination of requirement that States move toward comprehensive Medicaid programs.
Sec. 231. Reductions in care and services under Medicaid.
Sec. 232. Determination of reasonable cost of inpatient hospital services under Medicaid and under maternal and child health program.
Sec. 233. Amount of payments where customary charges for services furnished are less than reasonable cost.
Sec. 234. Institutional planning under Medicare.
Sec. 235. Payments to States under Medicaid for installation and operation of claims processing and information retrieval systems.
Sec. 236. Prohibition against reassignment of claims to benefits.
Sec. 237. Utilization review requirements for hospitals and skilled nursing homes under Medicaid and under maternal and child health program.
Sec. 238. Notification of unnecessary admission to a hospital or extended care facility under Medicare.
Sec. 239. Use of State health agency to perform certain functions under Medicaid and under maternal and child health programs.
Sec. 240. Relationship between Medicaid and comprehensive health care programs.
Sec. 241. Program for determining qualifications for certain health care personnel.
Sec. 242. Penalties for fraudulent acts and false reporting under Medicare and Medicaid.
Sec. 243. Provides reimbursement review board.

PART C—MISCELLANEOUS AND TECHNICAL PROVISIONS

Sec. 251. Physical therapy services and other therapy services under Medicare.
Sec. 252. Coverage of supplies related to colostomies.
Sec. 253. Coverage of ptosis bars.
Sec. 254. Inclusion under Medicaid of care in intermediate care facilities.
Sec. 255. Coverage prior to application for medical assistance.
Sec. 256. Hospital admissions for dental services under Medicare.
Sec. 257. Extension of grace period for termination of supplementary medical insurance coverage where failure to pay premiums is due to good cause.

Sec. 258. Extension of time for filing claim for supplementary medical insurance benefits where delay is due to administrative error.
Sec. 259. Waiver of enrollment period requirements where individual's rights were prejudiced by administrative error or inaction.
Sec. 260. Elimination of provisions preventing enrollment in supplementary medical insurance program more than three years after first opportunity.
Sec. 261. Waiver of recovery of incorrect payments from survivor who is without fault under Medicare.
Sec. 262. Requirement of minimum amount of claim to establish entitlement to hearing under supplementary medical insurance program.
Sec. 263. Collection of supplementary medical insurance premiums from individuals entitled to both social security and railroad retirement benefits.
Sec. 264. Prosthetic lenses furnished by optometrists under supplementary medical insurance program.
Sec. 265. Provision of medical social services not mandatory for extended care facilities.
Sec. 266. Refund of excess premiums under Medicare.
Sec. 267. Waiver of requirement of registered professional nurses in skilled nursing homes in rural areas under Medicaid.
Sec. 268. Exemption of Christian Science sanitoriums from certain nursing home requirements under Medicaid.
Sec. 269. Requirements for nursing home administrators.
Sec. 270. Termination of National Advisory Council on Nursing Home Administration.
Sec. 271. Increase in limitation on payments to Puerto Rico for medical assistance.
Sec. 272. Extension of title V to American Samoa and the Trust Territory of the Pacific Islands.
Sec. 273. Study of chiropractic coverage.
Sec. 274. Miscellaneous technical and clerical amendments.

TITLE III—ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Sec. 301. Establishment of program.

"TITLE XX—ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

"Sec. 2001. Purpose; appropriations.
"Sec. 2002. Basic eligibility for benefits.

"PART A—DETERMINATION OF BENEFITS

"Sec. 2011. Eligibility for and amount of benefits.
  "(a) Definition of eligible individual.
  "(b) Amount of benefits.
  "(c) Period for determination of benefits.
  "(d) Special limits on gross income.
  "(e) Limitation on eligibility of certain individuals.
  "(f) Suspension of payments to individuals who are outside the United States.
  "(g) Puerto Rico, the Virgin Islands, and Guam.
"Sec. 2012. Income.
  "(a) Meaning of income.
  "(b) Exclusions from income.
"Sec. 2013. Resources.
  "(a) Exclusions from resources.
  "(b) Disposition of resources.
"Sec. 2014. Meaning of terms.
  "(a) Aged, blind, or disabled individual.
  "(b) Eligible spouse.
  "(c) Definition of child.
  "(d) Determination of marital relationships.
  "(e) United States.
  "(f) Income and resources of individuals other than eligible individuals and eligible spouses.
"Sec. 2015. Rehabilitation services for blind and disabled individuals
"Sec. 2016. Optional State supplementation.

"PART B—PROCEDURAL AND GENERAL PROVISIONS

"Sec 2031. Payments and procedures.
  "(a) Payment of benefits.
  "(b) Overpayments and underpayments.
  "(c) Hearings and review.
  "(d) Procedures; prohibition of assignments; representation of claimants.
  "(e) Applications and furnishing of information.
  "(f) Furnishing of information by other agencies.
"Sec. 2032. Penalties for fraud.
"Sec. 2033. Administration.
"Sec. 2034. Evaluation and research; reports."
Sec. 302. Conforming amendments relating to aid to the aged, blind, or disabled.
Sec. 303. Repeal of titles I, X, and XIV of the Social Security Act.
Sec. 304. Provision for disregarding of certain income in determining need for aid to the aged, blind, or disabled for assistance.
Sec. 305. Advances from OASI Trust Fund for administrative expenses.

TITLE IV—FAMILY PROGRAMS

Sec. 401. Establishment of opportunities for families program and family assistance plan.

"TITLE XXI—OPPORTUNITIES FOR FAMILIES PROGRAM AND FAMILY ASSISTANCE PLAN

"Sec. 2101. Purpose; appropriations.
"Sec. 2102. Basic eligibility for benefits.

"PART A—OPPORTUNITIES FOR FAMILIES PROGRAM

"Sec. 2111. Registration of family members for manpower services, training, and employment.
"Sec. 2112. Child care and other supportive services.
"Sec. 2113. Payment of benefits.
"Sec. 2114. Operation of manpower services, training, and employment programs.
"Sec. 2115. Allowances for individuals participating in training.
"Sec. 2116. Utilization of other programs.
"Sec. 2117. Rehabilitation services for incapacitated family members.
"Sec. 2118. Evaluation and research; reports.

"PART B—FAMILY ASSISTANCE PLAN

"Sec. 2131. Payment of benefits.
"Sec. 2132. Rehabilitation services for incapacitated family members.
"Sec. 2133. Child care and other supportive services.
"Sec. 2134. Standards for child care; development of child care facilities.
"Sec. 2135. Evaluation and research; reports.

"PART C—DETERMINATION OF BENEFITS

"Sec. 2151. Determinations; regulations.
"Sec. 2152. Eligibility for and amount of benefits.
  "(a) Definition of eligible family.
  "(b) Amount of benefits.
  "(c) Exclusion of certain family members.
  "(d) Payment of benefits; period for determination of benefits.
  "(e) Biennial reapplication.
  "(f) Special limits on gross income.
  "(g) Certain individuals ineligible.

"(h) Puerto Rico, the Virgin Islands, and Guam.
"Sec. 2153. Income.
"(a) Meaning of income.
"(b) Exclusions from income.
"Sec. 2154. Resources.
"(a) Exclusions from resources.
"(b) Disposition of resources.
"Sec. 2155. Meaning of family and child.
"(a) Meaning of family.
"(b) Meaning of child.
"(c) Determination of family relationships.
"(d) Income and resources of noncontributing individual.
"(e) United States.
"(f) Recipients of assistance for the aged, blind, and disabled ineligible.
"Sec. 2156. Optional State supplementation.

"PART D—PROCEDURE AND GENERAL PROVISIONS

"Sec. 2171. Payments and procedures.
"(a) Payment of benefits.
"(b) Overpayments and underpayments.
"(c) Hearings and review.
"(d) Procedures; prohibition of assignments; representation of claimants.
"(e) Applications and furnishing of information by families.
"(f) Furnishing of information by other agencies.
"Sec. 2172. Penalties for fraud.
"Sec. 2173. Administration.
"Sec. 2174 Advance funding
"Sec. 2175. Obligation of deserting parents.
"Sec. 2176. Penalty for interstate flight to avoid parental responsibilities.
"Sec. 2177. Reports of improper care or custody of children.
"Sec. 2178. Establishment of local committees to evaluate effectiveness of manpower and training programs.
"Sec. 2179. Initial authorization for appropriations for child care services."
Sec. 402. Conforming amendments relating to assistance for needy families with children.

TITLE V—MISCELLANEOUS

PART A—EFFECTIVE DATES AND GENERAL PROVISIONS

Sec. 501. Effective date for titles III and IV.
Sec. 502. Prohibition against participation in food stamp program by recipients of payments under family and adult assistance programs.
Sec. 503. Limitation on fiscal liability of States for optional State supplementation.
Sec. 504. Special provisions for Puerto Rico, the Virgin Islands, and Guam.
Sec. 505. Determination of medicaid eligibility.
Sec. 506. Assistant Secretary of Labor for the Opportunities for Families Program.
Sec. 507. Transitional administrative provisions.
Sec. 508. Child care services for AFDC recipients during transitional period.

PART B—NEW SOCIAL SERVICES PROVISIONS

Sec. 511. Definition of services.
Sec. 512. Authorization and allotment of appropriations for services.
Sec. 513. Adoption, and foster care services under child-welfare services program.
Sec. 514. Conforming amendments to title XVI and part A of title IV of the Social Security Act.

PART C—PUBLIC ASSISTANCE AMENDMENTS EFFECTIVE IMMEDIATELY

Sec. 521. Additional remedies for State noncompliance.
Sec. 522. Statewideness not required for services.
Sec. 523. Optional modification in disregarding of income under State-plans for aid to families with dependent children.
Sec. 524. Individual programs for family services not required.
Sec. 525. Enforcement of support orders against certain spouses of parents of dependent children.
Sec. 526. Separation of social services and cash assistance payments.
Sec. 527. Increase in reimbursement to States for costs of establishing paternity and locating and securing support from parents.
Sec. 528. Reduction of required State share under existing work incentive program.
Sec. 529. Payment under AFDC program for nonrecurring special needs.

PART D—LIBERALIZATION OF INCOME TAX TREATMENT OF CHILD CARE EXPENSES AND RETIREMENT INCOME

Sec. 531. Liberalization of child care deduction.
Sec. 532. Liberalization of retirement income credit.

PART E—MISCELLANEOUS CONFORMING AMENDMENTS

Sec. 541. Conforming amendment to section 228(d).
Sec. 542. Conforming amendments to title XI.
Sec. 543. Conforming amendments to title XVIII.
Sec. 544. Conforming amendments to title XIX.

TITLE I—PROVISIONS RELATING TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS, AND IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 OR OVER

SEC. 101. (a) Section 215(a) of the Social Security Act (as amended by section 105(c) of this Act) is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$70.40	----------	$76	$74.00	$111.00
$16.21	16.84	71.50	$77	78	75.10	112.70
16.85	17.60	73.10	79	80	76.80	115.20
17.61	18.40	74.50	81	81	78.30	117.50
18.41	19.24	75.80	82	83	79.60	119.40
19.25	20.00	77.40	84	85	81.30	122.00
20.01	20.64	78.80	86	87	82.80	124.20
20.65	21.28	80.10	88	89	84.20	126.30
21.29	21.88	81.70	90	90	85.80	128.80
21.89	22.28	83.10	91	92	87.30	131.00
22.29	22.68	84.50	93	94	88.80	133.20
22.69	23.08	85.80	95	96	90.10	135.20
23.09	23.44	87.40	97	97	91.80	137.70
23.45	23.76	88.90	98	99	93.40	140.10
23.77	24.20	90.60	100	101	95.20	142.80
24.21	24.60	91.90	102	102	96.50	144.80
24.61	25.00	93.40	103	104	98.10	147.20
25.01	25.48	95.10	105	106	99.90	149.90
25.49	25.92	96.60	107	107	101.50	152.30
25.93	26.40	98.20	108	109	103.20	154.80
26.41	26.94	99.70	110	113	104.70	157.10
26.95	27.46	101.10	114	118	106.20	159.30
27.47	28.00	102.70	119	122	107.90	161.90
28.01	28.68	104.20	123	127	109.50	164.30
28.69	29.25	105.90	128	132	111.20	166.90
29.26	29.68	107.30	133	136	112.70	169.10
29.69	30.36	108.70	137	141	114.20	171.30
30.37	30.92	110.40	142	146	116.00	174.00
$30.93	$31.36	$111.90	$147	$150	$117.50	$176.30
31.37	32.00	113.30	151	155	119.00	178.50
32.01	32.60	115.00	156	160	120.80	181.20
32.61	33.20	116.40	161	164	112.30	183.50
33.21	33.88	118.00	165	169	123.90	185.90
33.89	34.50	119.50	170	174	125.50	188.30
34.51	35.00	121.00	175	178	127.10	190.70
35.01	35.80	122.60	179	183	128.80	193.20
35.81	36.40	124.00	184	188	130.20	195.30
36.41	37.08	125.70	189	193	132.00	198.10
37.09	37.60	127.20	194	197	133.60	200.40
37.61	38.20	128.60	198	202	135.10	202.70
38.21	39.12	130.30	203	207	136.90	205.40
39.13	39.68	131.80	208	211	138.40	207.60
39.69	40.33	133.10	212	216	139.80	209.70
40.34	41.12	134.80	217	221	141.60	212.40
41.13	41.76	136.30	222	225	143.20	214.80
41.77	42.44	137.90	226	230	144.80	217.30
42.45	43.20	139.40	231	235	146.40	219.60
43.21	43.76	141.10	236	239	148.20	222.30
43.77	44.44	142.50	240	244	149.70	225.60
44.45	44.88	143.90	245	249	151.10	230.20
44.89	45.60	145.60	250	253	152.90	233.90
		147.10	254	258	154.50	238.50
		148.40	259	263	155.90	243.10
		150.10	264	267	157.70	246.80
		151.60	268	272	159.20	251.40
		153.20	273	277	160.90	256.00

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount effective for January 1971)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$154.70	$278	281	$$162.50	$259.70
		156.20	282	286	164.10	264.30
		157.90	287	291	165.80	269.00
		159.20	292	295	167.20	272.60
		160.90	296	300	169.00	277.20
		162.40	301	305	170.60	281.90
		163.80	306	309	172.00	285.60
		165.50	310	314	173.80	290.30
		166.90	315	319	175.30	294.90
		168.30	320	323	176.80	298.60
		170.00	324	328	178.50	303.20
		171.50	329	333	180.10	307.80
		173.20	334	337	181.90	311.50
		174.50	338	342	183.30	316.10
		176.00	343	347	184.80	320.70
		177.70	348	351	186.60	324.40
		179.10	352	356	188.10	329.00
		180.80	357	361	189.90	333.60
		182.20	362	365	191.40	337.30
		183.60	366	370	192.80	341.90
		185.30	371	375	194.60	346.50
		186.80	376	379	196.20	350.30
		188.50	380	384	198.00	354.90
		189.80	385	389	199.30	359.60
		191.30	390	393	200.90	363.20
		193.00	394	398	202.70	367.90
		194.40	399	403	204.20	372.50
		196.10	404	407	206.00	376.20
		197.40	408	412	207.30	380.80
		198.80	413	417	208.80	385.40
		200.20	418	421	210.30	389.10
		201.80	422	426	211.90	393.70
		203.10	427	431	213.30	398.30
		204.50	432	436	214.80	402.90
		206.10	437	440	216.50	404.80
		207.40	441	445	217.80	407.10
		208.80	446	450	219.30	409.40
		210.40	451	454	221.00	411.20
		211.70	455	459	222.30	413.50
		213.10	460	464	223.80	415.80
		214.50	465	468	225.30	417.70
		216.10	469	473	227.00	420.00
		217.40	474	478	228.30	422.40
		218.80	479	482	229.80	424.20
		220.40	483	487	231.50	426.60
		221.70	488	492	232.80	428.90
		223.10	493	496	234.30	430.70
		224.70	497	501	236.00	433.00
		226.00	502	506	237.30	435.33
		227.40	507	510	238.80	437.20
		228.80	511	515	240.30	439.50
		230.30	516	520	241.90	441.80
		231.70	521	524	243.30	443.60
		233.10	525	529	244.80	445.90
		234.70	530	534	246.50	448.20
		236.00	535	538	247.80	450.10
		237.40	539	543	249.30	452.40
		239.00	544	548	251.00	454.70
		240.30	549	553	252.40	457.00
		241.70	554	556	253.80	458.40
		242.90	557	560	255.10	460.30
		244.20	561	563	256.50	461.60
		245.50	564	567	257.80	463.50
		246.80	568	570	259.20	464.90
		$248.00	$571	$574	$260.40	$466.70
		249.30	575	577	261.80	468.10
		250.50	578	581	263.10	469.90
		251.80	582	584	264.40	471.30
		253.00	585	588	265.70	473.20
		254.40	589	591	267.20	474.50
		255.60	592	595	268.40	476.40
		256.90	596	598	269.80	477.80
		258.10	599	602	271.10	479.70
		259.40	603	605	272.40	481.10
		260.60	606	609	273.70	482.80
		262.00	610	612	275.10	484.30
		263.20	613	616	276.40	486.10
		264.50	617	620	277.80	488.00
		265.70	621	623	279.00	489.30
		267.00	624	627	280.40	491.20
		268.20	628	630	281.70	492.90
		269.50	631	634	283.00	495.30
		270.80	635	637	284.40	497.60
		272.10	638	641	285.80	500.10
		273.30	642	644	287.00	502.30
		274.60	645	648	288.40	504.70
		275.80	649	652	289.60	506.90
		276.60	653	656	290.50	508.40
		277.40	657	660	291.30	509.80
		278.40	661	665	292.40	511.60
		279.40	666	670	293.40	513.50
		280.40	671	675	294.50	515.30
		281.40	676	680	295.50	517.20
		282.40	681	685	296.60	519.00
		283.40	686	690	297.60	520.80
		284.40	691	695	298.70	522.60
		285.40	696	700	299.70	524.50
		286.40	701	705	300.80	526.30
		287.40	706	710	301.80	528.20
		288.40	711	715	302.90	530.00
		289.40	716	720	303.90	531.90
		290.40	721	725	305.00	533.70
		291.40	726	730	306.00	535.50
		292.40	731	735	307.10	537.30
		293.40	736	740	308.10	539.20
		294.40	741	745	309.20	541.00
		295.40	746	750	310.20	542.90
		296.40	751	755	311.30	544.70
		297.40	756	760	312.30	546.60
		298.40	761	765	313.40	548.40
		299.40	766	770	314.40	550.20
		300.40	771	775	315.50	552.00
		301.40	776	780	316.50	553.90
		302.40	781	785	317.60	555.70
		303.40	786	790	318.60	557.60
		304.40	791	795	319.70	559.40
		305.40	796	800	320.70	561.30
		306.40	801	805	321.80	563.10
		307.40	806	810	322.80	564.90
		308.40	811	815	323.90	566.70
		309.40	816	820	324.90	568.60
		310.40	821	825	326.00	570.40
		311.40	826	830	327.00	572.30
		312.40	831	835	328.10	574.10
		313.40	836	840	329.10	576.00
		314.40	841	845	330.20	577.80
		315.40	846	850	331.20	579.60".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for May 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for June 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount derived by multiplying the sum of the benefit amounts determined under this title for May 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), by 105 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for June 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for June 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under section (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)."

(d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "May 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to June 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before June 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$50.80", and by striking out "$24.20" and inserting in lieu thereof "$25.40".

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$50.80".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$50.80".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$50.80", and by striking out "$24.20" and inserting in lieu thereof "$25.40".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$25.40".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$50.80".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$25.40".

(h) The amendments made by this section (other than the amendments made by subsection (g)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after May 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after May 1972.

AUTOMATIC ADJUSTMENTS IN BENEFITS, THE CONTRIBUTION AND BENEFIT BASE, AND THE EARNINGS TEST

Adjustments in Benefits

SEC. 102. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1971, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title:

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(ii), in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical mean of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E)) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual under this title (including a primary insurance amount determined under section 202(a)(3), but not including a primary insurance amount determined under subsection (a)(3) of this section), by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1)(B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C)(i) Whenever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter, the Secretary shall within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and column V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A) of paragraph (2). The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised.

The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount on each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts (including those determined under section 202(a)(3), but not including those determined under subsection (a)(3) of this section) on which monthly insurance benefits under this title are based."

(2)(A) Effective January 1, 1973, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(B) Effective January 1, 1973, section 203(a)(2) of such Act (as amended by section 101(b) of this Act) is further amended to read as follows:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1971 shall not be reduced to less than the largest of—

"(A) the amount determined under this subsection without regard to this paragraph,

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after June 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of such benefits for the month before such effective month increased by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10);

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of subparagraph (B) or (C) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

(3)(A) Effective January 1, 1974, section 215(a) of such Act (as amended by section 101(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D))" after "the following table" in paragraph (1)(A); and

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i)(2)(D))" after "effective month of a new table" in paragraph (2). (B) Effective January 1, 1974, section 215(b)(4) of such Act (as amended by section 101(d) of this Act) is further amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2) or (6)."

(C) Effective January 1, 1974, section 215(c) of such Act (as amended by section 101(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1974, sections 227 and 228 of such Act (as amended by section 101(g) of this Act) are further amended by striking out "$50.80" wherever it appears and inserting in lieu thereof "the larger of $50.80 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$25.40" wherever it appears and inserting in lieu thereof "the larger of $25.40 or the amount most recently established in lieu thereof under section 215(i)".

Adjustments in Contribution and Benefit Base

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i)(2)(D)) the contribution and benefit base determined under subsection (b) which shall be effective (unless such increase in benefits is prevented from becoming effective by section 215(i)(2)(E)) with respect to remuneration paid after the calendar year in which such quarter occurs and taxable years beginning after such year.

"(b) The amount of such contribution and benefit base shall be the amount of the contribution and benefit base in effect in the year in which the determination is made or, if larger, the product of—

"(1) the contribution and benefit base which was in effect with respect to remuneration paid in (and taxable years beginning in) the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made, and

"(2) the ratio of (A) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made to (B) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1972 or, if later, the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base in which an increase in the contribution and benefit base was enacted or a determination resulted in such an increase was made under subsection (a),

with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case.

"(c) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'contribution and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1971 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $10,200 or (if applicable) such other amount as may be specified in a law enacted subsequent to the Social Security Amendments of 1971."

Adjustments in Earnings Test

(c) Section 203(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(8)(A) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i)(2)(D)) a new exempt amount which shall be effective (unless such new exempt amount is prevented from becoming effective by subparagraph (C) of this paragraph) with respect to any individual's taxable year which ends with the close of or after the calendar year with the first month of which such benefit increase is effective (or, in the case of an individual who dies during such calendar year, with respect to such individual's taxable year which ends, upon his death, during such year).

"(B) The exempt amount for each month of a particular taxable year shall be whichever of the following is the larger—

"(i) the exempt amount which was in effect with respect to months in the taxable year in which the determination under subparagraph (A) was made, or

"(ii) the product of the exempt amount described in clause (i) and the ratio of (I) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subparagraph (A) was made to (II) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1972 or, if later, the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under section 230(a), with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case. Whenever the Secretary determines that the exempt amount is to be increased in any year under this paragraph, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance no later than August 15 of such year of the estimated amount of such increase, indicating the new exempt amount, the actuarial estimates of the effect of the increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(C) Notwithstanding the determination of a new exempt amount by the Secretary under subparagraph (A) (and notwithstanding any publication thereof under such subparagraph or any notification thereof under the last sentence of subparagraph (B)), such new exempt amount shall not take effect pursuant thereto if during the calendar year in which such determination is made a law increasing the exempt amount or providing a general benefit increase under this title (as defined in section 215(i)(3)) is enacted."

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

Sec. 103. (a) Section 215(a) of the Social Security Act (as amended by section 101(c) of this Act) is further amended—

(1) by striking out "paragraph (2)" in the matter preceding subparagraph (A) of paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by inserting after paragraph (2) the following:

"(3) Such primary insurance amount shall be an amount equal to $5 multiplied by the individual's years of coverage in any case in which such amount is higher than the individual's primary insurance amount as determined under paragraph (1) or (2).

For purposes of paragraph (3), an individual's 'years of coverage' is the number (not exceeding 30) equal to the sum of (i) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him for years after 1936 and before 1951 by $900, plus (ii) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each of which he is credited with wages and self-employment income of not less than 25 percent of the maximum amount which, pursuant to subsection (e), may be counted for such year."

(b) Section 203(a) of such Act (as amended by sections 101(b) and 102(a)(2) of this Act) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) whenever the monthly benefits of such individuals are based on an insured individual's primary insurance amount which is determined under section 215(a)(3) and such primary insurance amount does not appear in column IV of the table in (or deemed to be in) section 215(a), the applicable maximum amount in column V of such table shall be the amount in such column that appears on the line on which the next higher primary insurance amount appears in column IV, or, if larger, the largest amount determined for such persons under this subsection for any month prior to February 1971."

(c) Section 215(a)(2) of such Act (as amended by section 101(c) of this Act) is further amended by striking out "such primary insurance amount shall be" and all that follows and inserting in lieu thereof the following:

"such primary insurance amount shall be—

"(A) the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (whether enacted by another law or deemed to be such table under subsection (i)(2)(D)) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined); or

"(B) an amount equal to the primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount was determined under paragraph (3)."

(d) Section 215(f)(2) of such Act (as amended by section 101(f) of this Act) is further amended by striking out "subsection (a)(1) (A) and (C)" and inserting in lieu thereof "subsections (a)(1) (A) and (C) and (a)(3)".

(e) Whenever an insured individual is entitled to benefits for a month which are based on a primary insurance amount under paragraph (1) or paragraph (3) of section 215(a) of the Social Security Act and for the following month such primary insurance amount is increased or such individual becomes entitled to benefits on a higher primary insurance amount under a different paragraph of such section 215(a), such individual's old-age or disability insurance benefit, beginning with the effective month of the increased primary insurance amount, shall be increased by an amount equal to the difference between the higher primary insurance amount and the primary insurance amount on which such benefit was based for the month prior to such effective month, after the application of section 202(q) of such Act where applicable, to such difference.

(f) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1971 (without regard to when the insured individual became entitled to such benefits or when he died) and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

INCREASED WIDOW'S AND WIDOWER'S INSURANCE BENEFITS

Sec. 104. (a)(1) Section 202(e)(1) of the Social Security Act is amended—

(A) by striking out "82½ percent of" wherever it appears;

(B) by striking out "entitled, after attainment of age 62, to wife's insurance benefits," in subparagraph (C)(i) and inserting in lieu thereof "entitled to wife's insurance benefits,", and by striking out "or" in such subparagraph and inserting in lieu thereof "and (I) has attained age 65 or (II) is not entitled to benefit under subsection (a) (other than under paragraph (3) thereof) or section 223, or"; and

(C) by striking out "age 62" in subparagraph (C)(ii), and in the matter following subparagraph (G), and inserting in lieu thereof in each instance "age 65".

(2) Paragraph (2) of section 202(e) of such Act is amended to read as follows:

"(2)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (B) of this paragraph, such widow's insurance benefit for each month shall be equal to the primary insurance amount of such deceased individual.

"(B) If the deceased individual (on the basis of whose wages and self-employment income a widow or surviving divorced wife is entitled to widow's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widow's insurance benefit of such widow or surviving divorced wife for any month shall, if the amount of the widow's insurance benefit of such widow or surviving divorced wife (as determined under subparagraph (A) and after application of subsection (q)) is greater than—

"(i) the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living; and

"(ii) 82½ percent of the primary insurance amount of such deceased individual;

be reduced to the amount referred to in clause (i), or (if greater) the amount referred to in clause (ii)."

(b)(1) Section 202(f)(1) of such Act is amended—

(A) by striking out "82½ percent of" wherever it appears;

(B) by striking out "died," in subparagraph (C) and inserting in lieu thereof "died, and (I) has attained age 65 or (II) is not entitled to benetfis under subsection (a) or section 223,"; and

(C) by striking out "age 62" in the matter following subparagraph (G) and inserting in lieu thereof "age 65".

(2) Paragraph (3) of section 202(f) of such Act is amended to read as follows:

"(3)(A) Except as provided in subsection (q), paragraph (5) of this subsection, and subparagraph (B) of this paragraph, such widower's insurance benefit for each month shall be equal to the primary insurance amount of his deceased wife.

"(B) If the deceased wife (on the basis of whose wages and self-employment income a widower is entitled to widower's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widower's insurance benefit of such widower for any month shall, if the amount of the widower's insurance benefit of such widower (as determined under subparagraph (A) and after application of subsection (q)) is greater than—

"(i) the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living; and

"(ii) 82½ percent of the primary insurance amount of such deceased wife;

be reduced to the amount referred to in clause (i), or (if greater) the amount referred to in clause (ii)."

(c)(1) The last sentence of section 203(c) of such Act is amended by striking out all that follows the semicolon and inserting in lieu thereof the following: "nor shall any deduction be made under this subsection from any widow's insurance benefits for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or from any widower's insurance benefit for any month in which the widower is entitled and has not attained age 65 (but only if he became so entitled prior to attain age 62)."

(2) Clause (D) of section 203(f)(1) of such

Act is amended to read as follows: "(D) for which such individual is entitled to widow's insurance benefits and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or widower's insurance benefits and has not attained age 65 (but only if he became so entitled prior to attaining age 62), or".

(d) Section 202(k)(3)(A) of such Act is amended by striking out "subsection (q) and" inserting in lieu thereof "subsection (q), subsection (e)(2) or (f)(3), and".

(e)(1) Section 202(q)(1) of such Act is amended to read as follows:

"(1) If the first month for which an individual is entitled to an old-age, wife's, husband's, widow's, or widower's insurance benefit is a month before the month in which such individual attains retirement age, the amount of such benefit for such month and for any subsequent month shall, subject to the succeeding paragraphs of this subsection, be reduced by—

"(A) $\frac{5}{9}$ of 1 percent of such amount if such benefit is an old-age insurance benefit, $\frac{25}{36}$ of 1 percent of such amount if such benefit is a wife's or husband's insurance benefit, or $\frac{19}{40}$ of 1 percent of such amount if such benefit is a widow's or widower's insurance benefit, multiplied by—

"(B)(i) the number of months in the reduction period for such benefit (determined under paragraph (6)(A)), if such benefit is for a month before the month in which such individual attains retirement age, or

"(ii) if less, the number of such months in the adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is (I) for the month in which such individual attains age 62, or (II) for the month in which such individual attains retirement age;

and in the case of a widow or widower whose first month of entitlement to a widow's or widower's insurance benefit is a month before the month in which such widow or widower attains age 60, such benefit, reduced pursuant to the preceding provisions of this paragraph (and before the application of the second sentence of paragraph (8)), shall be further reduced by—

"(C) $\frac{43}{240}$ of 1 percent of the amount of such benefit, multiplied by—

"(D)(i) the number of months in the additional reduction period for such benefit (determined under paragraph (6)(B)), if such benefit is for a month before the month in which such individual attains age 62, or

"(ii) if less, the number of months in the additional adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is for the month in which such individual attains age 62 or any month thereafter."

(2) Section 202(q)(7) of such Act is amended—

(A) by striking out everything that precedes subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection the 'adjusted reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6)(A) for such benefit, and the 'additional adjusted reduction period' for an individual's, widow's, or widower's insurance benefit is the additional reduction period prescribed by paragraph (6)(B) for such benefit, excluding from each such period—"; and

(B) by striking out "attained retirement age" in subparagraph (E) and inserting in lieu thereof "attained age 62, and also for any later month before the month in which he attained retirement age,".

(3) Section 202(q)(9) of such Act is amended to read as follows:

"(9) For purposes of this subsection, the term 'retirement age' means age 65."

(f) Section 202(m) of such Act is amended to read as follows:

"MINIMUM SURVIVOR'S BENEFIT

"(m)(1) In any case in which an individual is entitled to a monthly benefit under this section on the basis of the wage and self-employment income of a deceased individual for any month and no other person is (without the application of subsection (j)(1) entitled to a monthly benefit under this section for such month on the basis of such wages and self-employment income, such individual's benefit amount for such month, prior to reduction under subsection (k)(3), shall be not less than the first amount appearing in column IV of the table in (or deemed to be in) section 215(a), except as provided in paragraph (2).

"(2) In the case of any such individual who is entitled to a monthly benefit under subsection (e) or (f), such individual's benefit amount, after reduction under subsection (g)(1), shall be not less than—

"(A) $70.40, if his first month of entitlement to such benefit is the month in which such individual attains age 62 or a subsequent month, or

"(B) $70.40 reduced under subsection (q)(1) as if retirement age as specified in subsection (q)(6)(A)(ii) were age 62 instead of the age specified in subsection (q)(9), if his first month of entitlement to such benefit is before the month in which he attained age 62.

"(3) In the case of any individual whose benefit amount was computed (or recomputed) under the provisions of paragraph (2) and such individual was entitled to benefits under subsection (e) or (f) for a month prior to any month after 1971 for which a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under section 215(i) becomes effective, the benefit amount of such individual as computed under paragraph (2) without regard to the reduction specified in subparagraph (B) thereof shall be increased by the percentage increase applicable for such benefit increase, prior to the application of subsection (q)(1) pursuant to paragraph (2)(B) and subsection (q)(4)."

(g) In the case of an individual who is entitled to widows or widower's insurance benefits for the month of December 1971 (and whose benefit is not determined under section 202(m) of the Social Security Act), the Secretary shall redetermine the amount of such benefits for months after December 1971 under title II of the Social Security Act as if the amendments made by this section had been in effect for the first month of such individual's entitlement to such benefits.

(h) Where—

(1) two or more persons are entitled to monthly benefits under section 202 of the Social Security Act for December 1971 on the basis of the wages and self-employment income of a deceased individual, and one or more of such persons is so entitled under subsection (e) or (f) of such section 202, and

(2) one or more of such persons is entitled on the basis of such wages and self-employment income to monthly benefits under subsection (e) or (f) of such section 202 (as amended by this section) for January 1972, and

(3) the total of benefits to which all persons are entitled under section 202 of such Act on the basis of such wages and self-employment income for January 1972 is reduced by reason of section 203(a) of such Act, as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

then the amount of the benefit to which each such person referred to in paragraph (1) is entitled for months after December 1971 shall in no case be less after the application of this section and such section 203(a) than the amount it would have been without the application of this section.

(i) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971.

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 105. (a)(1)(A) Section 209(a)(6) of the Social Security Act is amended—

(i) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(ii) by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2)(A) Section 211(b)(1)(F) of such Act is amended—

(i) by inserting "and prior to 1973" after "1971",

(ii) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(iii) by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "$9,000 in the case of a calendar year after 1971" and inserting in lieu thereof "$10,200 in the case of a calendar year after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "$9,000 in the case of a taxable year beginning after 1971" and inserting in lieu thereof "$10,200 in the case of a taxable year beginning after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1972".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $10,200 in the case of any calendar year after 1971 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(b)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended—

(i) by inserting "and before 1973" after "1971",

(ii) by striking out "$9,000" and inserting in lieu thereof "$10,200", and

(iii) by striking out "; or" and inserting in lieu tehreof "; and".

(B) Section 1402(b)1 of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) (A) Section 3121(a) (1) of such Code (relating to definition of wages) is amended by striking out "$9,000" each place it appears and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, section 3121(a) (1) of such Code is amended—

(i) by striking out "$10,200" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)" and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3) (A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code is amended by striking out "the $10,200 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4) (A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$10,200".

(B) Effective with respect to remuneration paid after 1972, section 3125 of such Code is amended by striking out "the $10,200 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c) (1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "after the calendar year 1971";

(B) by striking out "exceed $9,000," and inserting in lieu thereof the following: "exceed $10,200, or (F) during any calendar year after the calendar year 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by striking out "the first $9,000 of such wages received in such calendar year after 1971" and inserting in lieu thereof "the first $10,200 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c) (2) (A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$10,200 for the calendar year 1972, or an amount equal to the contribution and benefit base (as determined under section 230, of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(7) (A) Section 6654(d) (2) (B) (ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$9,000" and inserting in lieu thereof "$10,200".

(B) Effective with respect to taxable years beginning after 1972, section 6654(d) (2) (B) (ii) of such Code is amended by striking out "the excess of $10,200 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The table in section 215(a) of such Act is amended by adding at the end of columns III, IV, and V the following:

"751	755	296.40	518.70
756	760	297.40	520.50
761	765	298.40	522.20
766	770	299.40	524.00
771	775	300.40	525.70
776	780	301.40	527.50
781	785	302.40	529.20
786	790	303.40	531.00
791	795	304.40	532.70
796	800	305.40	534.50
801	805	306.40	536.20
806	810	307.40	538.00
811	815	308.40	539.70
816	820	309.40	541.50
821	825	310.40	543.20
826	830	311.40	545.00
831	835	312.40	546.70
836	840	313.40	548.50
841	845	314.40	550.20
846	850	315.40	552.00".

(d) The amendments made by subsections (a) (1) and (a) (3) (A), and the amendments may by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1971. The amendments made by subsections (a) (2), (a) (3) (B), (b) (1), and (b) (7) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (a) (4) shall apply only with respect to calendar years after 1971. The amendment made by subsection (c) shall apply only with respect to months after December 1971.

DELAYED RETIREMENT CREDIT

SEC. 106. (a) Section 202 of the Social Security Act is amended by adding after subsection (v) thereof the following:

"Increase in Old-Age Insurance Benefit Amounts on Account of Delayed Retirement

"(w) (1) If the first month for which an old-age insurance benefit becomes payable to an individual is not earlier than the month in which such individual attains age 65 (or his benefit payable at such age is not reduced under subsection (q)), the amount of the old-age insurance benefit (other than a benefit based on a primary insurance amount determined under section 215(a) (3)) which is payable without regard to this subsection to such individual shall be increased by—

"(A) 1/12 of 1 percent of such amount, multiplied by

"(B) the number (if any) of the increment months for such individual.

"(2) For purposes of this subsection, the number of increment months for any individual shall be a number equal to the total number of the months—

"(A) which have elapsed after the month before the month in which such individual attained age 65 or (if later) December 1970 and prior to the month in which such individual attained age 72, and

"(B) with respect to which—

"(i) such individual was a fully insured individual (as defined in section 214(a)), and

"(ii) such individual either was not entitled to an old-age insurance benefit or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit.

"(3) For purposes of applying the provisions of paragraph (1), a determination shall be made under paragraph (2) for each year, beginning with 1971, of the total number of an individuals increment months through the year for which the determination is made and the total so determined shall be applicable to such individual's old-age insurance benefits beginning with benefits for January of the year following the year for which such determination is made; except that the total number applicable in the case of an individual who attains age 72 after 1971 shall be determined through the month before the month in which he attains such age and shall be applicable to his old-age insurance benefits beginning with the month in which he attains such age.

"(4) This subsection shall be applied after reduction under section 203(a), and, in the case of a husband and wife whose benefits are determined under section 202(a) (3), shall be applied separately to the benefit of each as so determined."

(b) Paragraph (2) of section 202(a) of such Act (as amended by section 110(a) of this Act) is further amended by inserting "and subsection (w)" after "subsection (q)".

(c) The amendments made by this section shall be applicable with respect to old-age insurance benefits payable under title II of the Social Security Act for months beginning after 1971.

AGE-62 COMPUTATION POINT FOR MEN

SEC. 107. (a) Section 214(a) (1) of the Social Security Act is amended by striking out "before—" and all that follows down through "except" and inserting in lieu thereof the following:

"before the year in which he died or (if earlier) the year in which he attained age 62, except".

(b) Section 215(b) (3) of such Act is amended by striking out "before—" and all that follows down through "For" and inserting in lieu thereof the following:

"before the year in which he died or, if it occurred earlier but after 1960, the year in which he attained age 62. For".

(c) Section 223(a) (2) of such Act is amended—

(1) by striking out "(if a woman) or age 65 (if a man)",

(2) by striking out "in the case of a woman" and inserting in lieu thereof "in the case of an individual", and

(3) by striking out "she" and inserting in lieu thereof "he".

(d) Section 223(c) (1) (A) of such Act is amended by striking out "(if a woman) or age 65 (if a man)".

(e) Section 227(a) of such Act is amended by striking out "so much of paragraph (1) of section 214(a) as follows clause (C)" and inserting in lieu thereof "paragraph (1) of section 214(a)".

(f) Section 227(b) of such Act is amended by striking out "so much of paragraph (1) thereof as follows clause (C)" and inserting in lieu thereof "paragraph (1) thereof".

(g) Sections 209(i) and 216(i) (3) (A), of such Act are amended by striking out "(if a woman) or age 65 (if a man)".

(h) Section 303(g) (1) of the Social Security Amendments of 1960 is amended—

(1) by striking out "Amendments of 1965 and 1967" and inserting in lieu thereof "Amendments of 1965, 1967, 1969, and 1971 (and by Public Law 92–5)"; and

(2) by striking out "Amendments of 1967" wherever it appears and inserting in lieu thereof "Amendments of 1971".

(i) Paragraph (9) of section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended to read as follows:

"(9) any payment (other than vacation or sick pay) made to an employee after the month in which he attains age 62, if such employee did not work for the employer in the period for which such payment is made;".

(j) (1) The amendments made by this section (except the amendment made by subsection (i), and the amendment made by subsection (g) to section 209(i) of the Social Security Act) shall apply only in the case of a man who attains (or would attain) age 62 after December 1973. The amendment made by subsection (i), and the amendment made by subsection (g) to section 209(i) of the Social Security Act, shall apply only with respect to payments after 1973.

(2) In the case of a man who attains age 62 prior to 1974, the number of his elapsed years for purposes of section 215(b)(3) of the Social Security Act shall be equal to (A) the number determined under such section as in effect on January 1, 1971, or (B) if less, the number determined as though he attained age 65 in 1974, except that monthly benefit under title II of the Social Security Act for months prior to 1972 payable on the basis of his wages and self-employment income shall be determined as though this section had not been enacted.

(3)(A) In the case of a man who attains or will attain age 62 in 1972, the figure "65" in sections 214(a)(1), 223(c)(1)(A), 209(i), and 216(i)(3)(A) of the Social Security Act and section 3121(a)(9) of the Internal Revenue Code of 1954 shall be deemed to read "64".

(B) In the case of a man who attains or will attain age 62 in 1973, the figure "65" in sections 214(a)(1), 223(c)(1)(A), 209(i), and 216(i)(3)(A) of the Social Security Act and section 3121(a)(9) of the Internal Revenue Code of 1954 shall be deemed to read "63".

ADDITIONAL DROP-OUT YEARS

SEC. 108. (a) Section 215(b)(2)(A) of the Social Security Act is amended by inserting ", and further reduced by one additional year for each 15 years of coverage of such individual (as determined under the last sentence of subsection (a) without regard to the 30-year limitation contained therein)" immediately after "reduced by five".

(b) The amendment made by subsection (a) shall be effective for purposes of computing or recomputing, effective for months after December 1971, the average monthly wage of an insured individual who was born after January 1, 1910, and

(1) who becomes entitled to benefits under section 202(a) or section 223 of such Act after December 1971;

(2) who dies after December 1971; or

(3) who was entitled to benefits under section 223 of such Act for December 1971.

ELECTION TO RECEIVE ACTUARIALLY REDUCED BENEFITS IN ONE CATEGORY NOT TO BE APPLICABLE TO CERTAIN BENEFITS IN OTHER CATEGORIES

SEC. 109. (a)(1) Sections 202(b)(1)(E) and 202(c)(1)(D) of the Social Security Act are each amended by striking out "old-age or disability insurance benefits based on a primary insurance amount" and inserting in lieu thereof "an old-age or disability insurance benefit".

(2) Section 202(b)(1)(K) of such Act and the matter in section 202(c)(1) of such Act following subparagraph (D) thereof are each amended by striking out "based on a primary insurance amount".

(b)(1) Section 202(q)(3)(A) of such Act is amended by striking out all that follows clause (ii) and inserting in lieu thereof the following: "then (subject to the succeeding paragraphs of this subsection) such wife's, husband's, widow's, or widower's insurance benefit for each month shall be reduced as provided in subparagraph (B), (C), or (D) of this paragraph, in lieu of any reduction under paragraph (1), if the amount of the reduction in such benefit under this paragraph is less than the amount of the reduction in such benefit would be under paragraph (1)."

(2) Section 202(q)(3) of such Act is further amended by striking out subparagraphs (E), (F), and (G).

(c) Section 202(r) of such Act is repealed.

(d)(1) Subject to paragraph (2), subsection (a) of this section and the amendments made thereby shall apply with respect to benefits for months commencing with the sixth month after the month in which this Act is enacted pursuant to applications filed in or after the month in which this Act is enacted.

(2) In the case of an individual who became entitled to benefits under subsection (a) of section 202 or section 223 of such Act for a month prior to the month in which he attains age 65 pursuant to an application filed before the month in which this Act is enacted, and who is so entitled for the fifth month following the month of enactment of this Act, and whose entitlement to benefits under subsection (b) or (c) of such section 202 was prevented by subsection (b)(1)(E) or (c)(1)(D) of such section as in effect prior to the enactment of this Act, the benefits to which such individual is entitled for months after such fifth month shall be redetermined in accordance with subparagraphs (B), (C), (D) of subsection (e)(2) of this section, if, in addition to the application required by paragraph (A) of subsections 202(b)(1) and 202(c)(1), he files a written request for such a redetermination.

(e)(1)(A) Subject to subparagraph (B), subsection (b) of this section and the amendments made thereby shall apply with respect to benefits for months commencing with the sixth month after the month in which this Act is enacted.

(B) Subsection (b) of this section and the amendments made thereby shall apply in the case of an individual whose entitlement to benefits under section 202 of the Social Security Act began (without regard to sections 202(j)(1) and 223(b) of such Act) before the sixth month after the month in which this Act is enacted only if such individual files with the Secretary of Health, Education, and Welfare, in such manner and form as the Secretary shall by regulations prescribe, a written request that such subsection and such amendments apply. In the case of such an individual who is described in paragraph (2)(A)(i) of this subsection, the request for a redetermination under paragraph (2) shall constitute the request required by this subparagraph, and subsection (b) of this section and the amendments made thereby shall apply pursuant to such request with respect to such individual's benefits as redetermined in accordance with paragraph (2)(B)(i) (but only if he does not refuse to accept such redetermination). In the case of any individual with respect to whose benefits subsection (b) of this section and the amendments made thereby may apply only pursuant to a request made under this subparagraph, such subsection and such amendments shall be effective (subject to paragraph (2)(D)) with respect to benefits for months commencing with the sixth month after the month in which this Act is enacted or, if the request required by this subparagraph is not filed before the end of such sixth month, with the second month following the month in which the request is filed.

(C) Subsection (c) of this section shall apply with respect to benefits payable pursuant to applications filed on or after the date of the enactment of this Act.

(2)(A) In any case where an individual—

(i) is entitled, for the fifth month following the month in which this Act is enacted, to a monthly insurance benefit under section 202 of the Social Security Act (I) which was reduced under subsection (q)(3) of such section, and (II) the application for which was deemed (or, except for the fact that an application had been filed, would have been deemed) to have been filed by such individual under subsection (r)(1) or (2) of such section, and

(ii) files a written request for a redetermination under this subsection, on or after the date of the enactment of this Act and in such manner and form as the Secretary of Health, Education, and Welfare shall by regulations prescribe,

the Secretary shall redetermine the amount of such benefit, and the amount of the other benefit (reduced under subsection (q)(1) or (2) of such section) which was taken into account in computing the reduction in such benefit under such subsection (q)(3), in the manner provided in subparagraph (B) of this paragraph.

(B) Upon receiving a written request for the redetermination under this paragraph of a benefit which was reduced under subsection (q)(1), (2), or (3) of section 202 of the Social Security Act (or would have been so reduced except for subsection (b)(1)(E) or (c)(1)(D) of such section 202 as in effect prior to the enactment of this Act) and of the other benefit which was (or would have been) taken into account in computing such reduction, filed by an individual as provided in subsection (d)(2) or subparagraph (A) of this paragraph, the Secretary shall—

(i) determine the highest monthly benefit amount which such individual could receive under the subsections of such section 202 which are involved (or under section 223 of such Act and the subsection of such section 202 which is involved) for the month with which the redetermination is to be effective under subparagraph (D) of this subsection (without regard to sections 202(k), 203(a), and 203(b) through (l) as if—

(I) such individual's application for one of such two benefits had been filed in the month in which it was actually filed or was deemed under subsection (r) of such section 202 to have been filed, and his application for the other such benefit had been filed in a later month, and

(II) the amendments made by this section had been in effect at the time each such application was filed; and

(ii) determine whether the amounts which were actually received by such individual in the form of such benefit or of such two benefits during the period prior to the month with which the redetermination under this paragraph is to be effective were in excess of the amounts which would have been received during such period if the applications for such benefits had actually been filed at the times fixed under clause (i)(I) of this subparagraph, and, if so, the total amount by which benefits otherwise payable to such individual under such section 202 (and section 223) would have to be reduced in order to compensate the Federal Old-Age and Survivors Insurance Trust Fund (and the Federal Disability Insurance Trust Fund) for such excess.

(C) The Secretary shall then notify such individual of the amount of each such benefit as computed in accordance with the amendments made by subsections (a), (b), and (c) of this section and as redetermined in accordance with subparagraph (B)(i) of this paragraph, specifying (i) the amount (B)(ii) of this paragraph, and (ii) the period during which payment of any increase in such individual's benefits resulting from the application of the amendments made by subsections (a), (b), and (c) of this section would under designated circumstances have to be withheld in order to effect the reduction described in subparagraph (B)(ii). Such individual may at any time within thirty days after such notification is mailed to him refuse (in such manner and form as the Secretary shall by regulations prescribe) to accept the redetermination under this paragraph, in which event such redetermination shall not take effect.

(D) Unless the last sentence of subparagraph (C) applies, a redetermination under this paragraph shall be effective (but subject to the reduction described in subparagraph (B)(ii) over the period specified pursuant to clause (ii) of the first sentence of subparagraph (C)) beginning with the sixth month following the month in which this Act is enacted, or, if the request for such redetermination is not filed before the end of such sixth month, with the second month following the month in which the request for such redetermination is filed.

(E) The Secretary, by withholding amounts from benefits otherwise payable to an individual under title II of the Social Security Act as specified in clause (ii) of the first sentence of subparagraph (C) (and in no other manner), shall recover the amounts necessary to compensate the Federal Old-Age and Survivors Insurance Trust Fund (and the Federal Disability Insurance Trust Fund) for the excess (described in subparagraph (B) (ii)) attributable to benefits which were paid such individual and to which a redetermination under this subsection applies.

(f) Where—

(1) two or more persons are entitled on the basis of the wages and self-employment income of an individual (without the application of sections 202(j) (1) and 223(b) of the Social Security Act) to monthly benefits under section 202 of such Act for the month preceding the month with which (A) a redetermination under subsection (e) of this section becomes effective with respect to the benefits of any one of them and (B) such benefits are accordingly increased by reason of the amendments made by subsections (a), (b), and (c) of this section, and

(2) the total of benefits to which all persons are entitled under such section 202 on the basis of such wages and self-employment income for the month with which such redetermination and increase becomes effective is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

then the amount of the benefit to which each of the persons referred to in paragraph (1), other than the person with respect to whose benefits such redetermination and increase is applicable, is entitled for months beginning with the month with which such redetermination and increase becomes effective shall be adjusted, after the application of such section 203(a), to an amount no less than the amount it would have been if such redetermination and increase had not become **effective.**

COMPUTATION OF BENEFITS BASED ON COMBINED EARNINGS OF HUSBAND AND WIFE

SEC. 110. (a) Section 202(a) of the Social Security Act is amended to read as follows:

"(a) (1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)).

"(B) has attained age 62, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65,

shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its application increases the total of the monthly insurance benefits to which such individual and his spouse are entitled for the month in which the provisions of paragraph (3) are met. If the primary insurance amount of an individual or his spouse for any month is determined under paragraph (3), the primary insurance amount of each of them for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If an individual and his spouse—

"(A) each has at least 20 years of coverage (as determined under the last sentence of section 215(a), with years of coverage determined under clause (i) of such sentence being credited for 1950 and consecutive prior years, and without the application of the last sentence of section 215(b) (2) (C)), taking into account only years occurring during the period beginning with the calendar year in which they were married,

"(B) each attained age 62 after 1971,

"(C) each is entitled to benefits under this subsection (or section 223), and

"(D) each has filed an election to have his primary insurance amount determined under this paragraph,

then the primary insurance amount of such individual and the primary insurance amount of such spouse, for purposes of determining the old-age insurance benefit (prior to the application of subsection (w)) or disability insurance benefit of each of them for any month beginning with January 1972 or, if later, the month in which their elections under subparagraph (D) were filed, and ending with the month preceding the month in which either of them dies or they are divorced, shall be equal to 75 percent of the amount (specified in subparagraph (G)) derived by—

"(E) combining the annual wages and self-employment income of such individual and such spouse (including any wages and self-employment income taken into account in a recomputation made under section 215(f)) for each year in which either or both of them had any such wages or self-employment income, up to the maximum amount prescribed in section 215(e) for such year,

"(F) computing (under section 215 (b) and (d)) an average monthly wage on the basis of the wages and self-employment income determined under subparagraph (E) (or, if any wages and self-employment income have been taken into account in a recomputation under section 215(f), recomputing as provided in section 215(a) (1) (A) and (C) as though the year with respect to which such recomputation is made is the last year of the period specified in section 215 (b) (2) (C)), as though all of such wages and self-employment income had been earned or derived by such individual or his spouse, whichever is younger, and

"(G) determining (under section 215(a)) an amount equal to the primary insurance amount which would result from the average monthly wage determined under subparagraph (F).

For purposes of subparagraph (F), if an individual or his spouse is entitled to disability insurance benefits, such individual or spouse shall be deemed to have attained age 62 at the time provided in section 223 (a) (2).

"(4) No benefits payable under subsection (b), (c), (d), (e), (f), (g), (h), or (i) shall be computed on the basis of a primary insurance amount determined under paragraph (3) of this subsection.

"(5) The term 'primary insurance amount' as used in the provisions of this title other than this subsection shall not include a primary insurance amount determined under paragraph (3) unless specifically so indicated.

(b) (1) Section 202(e) (1) (C) (i) of such Act (as amended by section 104(a) (1) (B) of this Act) is further amended by striking out "such individual," and inserting in lieu thereof "such individual or to an old-age or disability insurance benefit determined under subsection (a) (3),".

(2) Section 202(e) (2) of such Act (as amended by section 104(a) (2) of this Act) is further amended—

(A) by striking out "and subparagraph (B) of this paragraph" in subparagraph (A) and inserting in lieu thereof "and subparagraphs (B) and (C) of this paragraph"; and

(B) by adding at the end thereof the following new subparagraph:

"(C) In any case where a widow was entitled for the month preceding the month in which the deceased individual died to an old-age insurance benefit or a disability insurance benefit based on a primary insurance amount determined under section 202(a) (3), such widow's insurance benefit for each month shall be determined only on the basis of the wages and self-employment income of her deceased spouse and, for purposes of subparagraph (B), the old-age or disability insurance benefit of the deceased spouse shall be deemed to be the amount it would have been if it had been determined under subsection (a) (1) or section 223, except that after the application of subparagraphs (A) and (B), and subsection 203(a), such widow's insurance benefit shall be not less than the amount of the old-age or disability insurance benefit to which she would be entitled for such month (based on a primary insurance amount determined under subsection (a) (3)) if such individual had not died, disregarding for this purpose the period beginning with the year after the year of such individual's death and any wages and self-employment income paid to or derived by either of them during such period. This subparagraph shall not apply, in the case of a widow who remarries, with respect to the month in which such remarriage occurs or any subsequent month."

(c) Section 202(f) (3) of such Act (as amended by section 104(b) (2) of this Act) is further amended—

(A) by striking out "and subparagraph (B) of this paragraph" in subparagraph (A) and inserting in lieu thereof "and subparagraphs (B) and (C) of this paragraph"; and

(B) by adding at the end thereof the following new subparagraph:

"(C) In any case where a widower was entitled for the month preceding the month in which the deceased individual died to an old-age insurance benefit or a disability insurance benefit based on a primary insurance amount determined under section 202(a) (3), such widower's insurance benefit for each month shall be determined only on the basis of the wages and self-employment income of his deceased spouse and, for purposes of subparagraph (B), the old-age or disability insurance benefit of the deceased spouse shall be deemed to be the amount it would have been if it had been determined under subsection (a) (1) or section 223, except that after the application of subparagraphs (A) and (B), and subsection 203(a), such widower's insurance benefits shall be not less than the amount of the old-age or disability insurance benefit to which he would be entitled for such month (based on a primary insurance amount determined under subsection (a) (3)) if such individual had not died, disregarding for this purpose the period beginning with the year after the year of such individual's death and any wages and self-employment income paid to or derived by either of them during such period. This subparagraph shall not apply, in the case of a widower who remarries, with respect to the month in which such remarriage occurs or any subsequent month."

(d) Section 203(a) of such act (as amended by sections 101(b), 102(a) (2), and 103(b) of this Act) is further amended by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and by inserting after paragraph (4) the following new paragraph:

"(5) in applying this subsection in any case where the primary insurance amount of the insured individual was determined under section 202(a) (3) and his entitlement under such section has not terminated, the total of monthly benefits to which persons other than such individual may be entitled on the basis of such individual's wages and self-employment income shall be determined as though such individual's primary insurance amount had instead been determined under section 215(a) and without regard to section 202(a) (3)."

(e) (1) Section 215(a) (1) of such Act (as amended by sections 101(c) and 103(a) (1) of this Act) is amended by inserting after "this subsection" in the matter preceding subparagraph (A) the following: "and in section 202 (a) (3)".

(2) Section 215(a) (2) of such Act (as amended by sections 101(c) and 103(c) of this Act) is further amended—

(A) by striking out "or" at the end of subparagraph (A),

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or,", and

(C) by adding at the end thereof the following new subparagraph:

"(C) an amount equal to the primary insurance amount on which such disability insurance benefit is based if such primary insurance amount was determined under section 202(a) (3)."

(3) Section 215(f) (1) of such Act is amended by inserting "(or section 202(a) (3))" after "determined under this section."

(4) The second sentence of section 215 (f) (2) of such Act is amended by inserting before the period at the end thereof the following: ", and, in the case of an individual whose primary insurance amount was determined under section 202(a) (3), as though such amount had instead been determined under subsection (a) of this section and without regard to section 202(a) (3)".

(5) Section 233(a) (2) of such Act (as amended by section 107(c) of this Act) is amended by inserting "(or under section 202 (a) (3)) after "under section 215".

(f) The amendments made by this section shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1971.

LIBERALIZATION OF EARNINGS TEST

SEC. 111. (a) (1) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$166.66⅔ or the exempt amounts as determined under paragraph (8)."

(2) Paragraph (1) (A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "166.66⅔ or the exempt amount as determined under subsection (f) (8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $166.66⅔ or the exempt amount as determined under paragraph (8), multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1971.

EXCLUSION OF CERTAIN EARNINGS IN YEAR OF ATTAINING AGE 72

SEC. 112. (a) The first sentence of section 203(f) (3) of the Social Security Act (as amended by section 111(a) (3) of this Act) is further amended by inserting before the period at the end thereof the following: ", except that, in determining an individual's excess earnings for the taxable year in which he attains age 72, there shall be excluded any earnings of such individual for the month in which he attains such age and any subsequent month (with any net earnings or net loss from self-employment in such year being prorated in an equitable manner under regulations of the Secretary)".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 1971.

REDUCED BENEFITS FOR WIDOWERS AT AGE 60

SEC. 113 (a) Section 202(f) of the Social Security Act (as amended by section 104(b) of this Act) is further amended—

(1) by striking out "age 62" each place it appears in subparagraph (B) of paragraph (1) and in paragraph (6) and inserting in lieu thereof "age 60";

(2) by striking out "or the third month" in the matter following subparagraph (G) in paragraph (1) and inserting in lieu thereof "or, if he became entitled to such benefits before he attained age 60, the third month"; and

(3) by striking out "the age of 62" in paragraph (5) and inserting in lieu thereof "the age of 60".

(b) (1) The last sentence of section 203(c) of such Act (as amended by section 104 (c) (1) of this Act) is further amended by striking out "age 62" and inserting in lieu thereof "age 60".

(2) Clause (D) of section 203(f) (1) of such Act as amended by section 104(c) (2) of this Act, is further amended by striking out "age 62" and inserting in lieu thereof "age 60".

(3) Section 222(b) (1) of such Act is amended by striking out "a widow or surviving divorced wife who has not attained age 60, a widower who has not attained age 62" and inserting in lieu thereof "a widow, widower or surviving divorced wife who has not attained age 60".

(4) Section 222(d) (1) (D) of such Act is amended by striking out "age 62" each place it appears and inserting in lieu thereof "age 60".

(5) Section 225 of such Act is amended by striking out "age 62" and inserting in lieu thereof "age 60".

(c) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971, except that in the case of an individual who was not entitled to a monthly benefit under title II of such Act for December 1971 such amendments shall apply only on the basis of an application filed in or after the month in which this Act is enacted.

ENTITLEMENT TO CHILD'S INSURANCE BENEFITS BASED ON DISABILITY WHICH BEGAN BETWEEN AGE 18 AND 22

SEC. 114. (a) Clause (ii) of section 202(d) (1) (B) of the Social Security Act is amended by striking out "which began before he attained the age of eighteen" and inserting in lieu thereof "which began before he attained the age of 22".

(b) Subparagraphs (F) and (G) of section 202(d) (1) of such Act are amended to read as follows:

"(F) if such child was not under a disability (as so defined) at the time he attained the age of 18, the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22,

but only if he was not under a disability (as so defined) in such earlier month; or

"(G) if such child was under a disability (as so defined) at the time he attained the age of 18, or if he was not under a disability (as so defined) at such time but was under a disability (as so defined) at or prior to the time he attained (or would attain) the age of 22, the third month following the month in which he ceases to be under such disability or (if later) the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22,

but only if he was not under a disability (as so defined) in such earlier month."

(c) Section 202(d) (1) of such Act is further amended by adding at the end thereof the following new sentence: "No payment under this paragraph may be made to a child who would not meet the definition of disability in section 223(d) except for paragraph (1) (B) thereof for any month in which he engages in substantial gainful activity."

(d) Section 202(d) (6) of such Act is amended by striking out "in which he is a full-time student and has not attained the age of 22" and all that follows and inserting in lieu thereof "in which he—

"(A) (i) is a full-time student or is under a disability (as defined in section 223(d)), and (ii) had not attained the age of 22, or

"(B) is under a disability (as so defined) which began before the close of the 84th month following the month in which his most recent entitlement to child's insurance benefits terminated because he ceased to be under such disability,

but only if he has filed application for such reentitlement. Such reentitlement shall end with the month preceding whichever of the following first occurs:

"(C) the first month in which an event specified in paragraph (1) (D) occurs;

"(D) the earlier of (i) the first month during no part of which he is a full-time student or (ii) the month in which he attains the age of 22, but only if he is not under a disability (as so defined) in such earlier month; or

"(E) if he was under a disability (as so defined), the third month following the month in which he ceases to be under such disability or (if later) the earlier of—

"(i) the first month during no part of which he is a full-time student, or

"(ii) the month in which he attains the age of 22."

(e) Section 202(s) of such Act is amended—

(1) by striking out "which began before he attained such age" in paragraph (1); and

(2) by striking out "which began before such child attained the age of 18" in paragraphs (2) and (3).

(f) The amendments made by this section shall apply only with respect to monthly benefits under section 202 of the Social Security Act for months after December 1971 except that in the case of an individual who was not entitled to a monthly benefit under such section 202 for December 1971 such amendments shall apply only in the basis of an application filed after September 30, 1971.

(g) Where—

(1) one or more persons are entitled (without the application of sections 202(j) (1) and 223(b) of the Social Security Act) to monthly benefits under section 202 or 223 of such Act for December 1971 on the basis of the wages and self-employment income of an insured individual, and

(2) one or more persons (not included in paragraph (1)) are entitled to monthly benefits under such section 202 or 223 for January 1972 solely by reason of the amendments made by this section on the basis of such wages and self-employment income, and

(3) the total of benefits to which all persons are entitled under such sections 202 and 223 on the basis of such wages and self-employment income for January 1972 is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

then the amount of the benefit to which each person referred to in paragraph (1) of this subsection is entitled for months after December 1971 shall be adjusted, after the application of such section 203(a), to an amount no less than the amout it would have been if the person or persons referred to in paragraph (2) of this subsection were not entitled to a benefit referred to in such paragraph (2).

CONTINUATION OF CHILD'S BENEFITS THROUGH END OF SEMESTER

SEC. 115. (a) Paragraph (7) of section 202 (d) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(D) A child who attains age 22 at a time when he is a full-time student (as defined in subparagraph (A) of this paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to benefits under this subsection has terminated under paragraph (1) (F) and for purposes of determining his initial entitlement to such benefits under clause (ii) of paragraph (1) (B) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution (as defined in this paragraph) in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time whichever first occurs)."

(b) The amendment made by subsection (a) shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1971.

CHILD'S BENEFITS IN CASE OF CHILD ENTITLED ON MORE THAN ONE WAGE RECORD

SEC. 116. (a) Section 202(k)(2)(A) of the Social Security Act is amended to read as follows:

"(2)(A)(i) Any child who under the preceding provisions of this section is entitled for any month to child's insurance benefits on the wages and self-employment income of more than one insured individual shall, notwithstanding such provisions, be entitled to only one of such child's insurance benefits for such month. Subject to the succeeding provisions of this subparagraph, such child's insurance benefit for such month shall be the largest benefit to which such child could be entitled under subsection (d) (without the application of section 203(a)).

"(ii) If the largest benefit to which such child could be entitled under subsection (d) is based on the wages and self-employment income of an insured individual other than the insured individual who has the greatest primary insurance amount, but payment of such benefit on the basis of such wages and self-employment income would result in a smaller benefit (after the application of section 203(a)) for such month for any other person entitled to benefits based on such wages and self-employment income, such child's insurance benefit for such month shall (subject to clause (iii)) be the benefit based on the wages and self-employment income of the insured individual who has the greatest primary insurance amount.

"(iii) If there are two or more insured individuals (other than the insured individual who has the greatest primary insurance amount) on the basis of whose wages and self-employment income such child could be entitled under subsection (d) to a benefit larger than the benefit based on the wages and self-employment income of the insured individual who has the greatest primary insurance amount, such child's insurance benefit for such month shall be the largest benefit to which such child could be entitled under subsection (d) (without the application of section 203(a)) on the basis of the wages and self-employment income of any of them with respect to whom the provisions of clause (ii) are not applicable, and shall not be the benefit based on the wages and self-employment income of the insured individual who has the greatest primary insurance amount as otherwise specified in clause (ii) unless the provisions of such clause are applicable with respect to all of such insured individuals."

(b) The amendment made by subsection (a) shall apply only with respect to monthly benefits under title II of the Social Security Act for months after December 1971.

ADOPTIONS BY DISABILITY AND OLD-AGE INSURANCE BENEFICIARIES

SEC. 117. (a) Section 202(d) of the Social Security Act is amended by striking out paragraphs (8) and (9) and inserting in lieu thereof the following new paragraph:

"(8) In the case of—

"(A) an individual entitled to old-age insurance benefits (other than an individual referred to in subparagraph (B)), or

"(B) an individual entitled to disability insurance benefits, or an individual entitled to old-age insurance benefits who was entitled to disability insurance benefits for the month preceding the first month for which he was entitled to old-age insurance benefits, a child of such individual adopted after such individual became entitled to such old-age or disability insurance benefits shall be deemed not to meet the requirements of clause (i) or (iii) of paragraph (1)(C) unless such child—

"(C) is the natural child or stepchild of such individual (including such a child who was legally adopted by such individual), or

"(D) (i) was legally adopted by such individual in an adoption decreed by a court of competent jurisdiction within the United States,

"(ii) was living with such individual in the United States and receiving at least one-half of his support from such individual (I) if he is an individual referred to in subparagraph (A), for the year immediately before the month in which such individual became entitled to old-age insurance benefits or, if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits, the month in which such period of disability began, or (II) if he is an individual referred to in subparagraph (B), for the year immediately before the month in which began the period of disability of such individual which still exists at the time of adoption (or, if such child was adopted by such individual after such individual attained age 65, the period of disability of such individual which existed in the month preceding the month in which he attained age 65), or the month in which such individual became entitled to disability insurance benefits, and

"(iii) had not attained the age of 18 before he began living with such individual.

In the case of a child who was born in the one-year period during which such child must have been living with and receiving at least one-half of his support from such individual, such child shall be deemed to meet such requirements for such period if, as of the close of such period, such child has lived with such individual in the United States and received at least one-half of his support from such individual for substantially all of the period which begins on the date of birth of such child."

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1967 on the basis of an application filed in or after the month in which this Act is enacted; except that such amendments shall not apply with respect to benefits for any month before the month in which this Act is enacted unless such application is filed before the close of the sixth month after the month in which this Act is enacted.

CHILD'S INSURANCE BENEFITS NOT TO BE TERMINATED BY REASON OF ADOPTION

SEC. 118. (a) Paragraph (1)(D) of section 202(d) of the Social Security Act is amended by striking out "marries" and all that follows and inserting in lieu thereof "or marries,".

(b) The amendment made by subsection (a) shall apply only with respect to monthly benefits under title II of the Social Security Act for months beginning with the month in which this Act is enacted.

(c) Any child—

(1) whose entitlement to child's insurance benefits under section 202(d) of the Social Security Act was terminated by reason of his adoption, prior to the date of the enactment of this Act, and

(2) who, except for such adoption, would be entitled to child's insurance benefits under such section for a month after the month in which this Act is enacted,

may, upon filing application for child's insurance benefits under the Social Security Act after the date of enactment of this Act, become reentitled to such benefits; except that no child shall, by reason of the enactment of this section, become reentitled to such benefits for any month prior to the month after the month in which this Act is enacted.

BENEFITS FOR CHILD BASED ON EARNINGS RECORD OF GRANDPARENT

SEC. 119. (a) The first sentence of section 216(e) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (1), and

(2) by inserting immediately before the period at the end thereof the following: ", and (3) a person who is the grandchild or stepgrandchild of an individual or his spouse, but only if (A) neither of such person's natural or adoptive parents were living at the time (i) such individual became entitled to old-age insurance benefits or disability insurance benefits or died, or (ii) if such individual had a period of disability which continued until such individual became entitled to old-age insurance benefits or disability insurance benefits, or died, at the time such period of disability began, or (B) such person was legally adopted after the death of such individual by such individual's surviving spouse in an adoption that was decreed by a court of competent jurisdiction within the United States and such person's natural or adopting parent or stepparent was not living in such individual's household and making regular contributions toward such person's support at the time such individual died".

(b) Section 202(d) of such Act (as amended by section 117 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(9)(A) A child who is a child of an individual under clause (3) of the first sentence of section 216(e) and is not a child of such individual under clause (1) or (2) of such first sentence shall be deemed not to be dependent on such individual at the time specified in subparagraph (1)(C) of this subsection unless (i) such child was living with such individual in the United States and receiving at least one-half of his support from such individual (I) for the year immediately before the month in which such individual became entitled to old-age insurance benefits or disability insurance benefits or died, or (II) if such individual had a period of disability which continued until he had become entitled to old-age insurance benefits, or disability insurance benefits, or died, for the year immediately before the month in which such period of disability began, and (ii) the period during which such child was living with such individual began before the child attained age 18.

"(B) In the case of a child who was born in the one-year period during which such child must have been living with and receiving at least one-half of his support from such individual, such child shall be deemed to meet such requirements for such period if, as of the close of such period, such child has lived with such individual in the United States and received at least on-half of his support from such individual for substantially all of the period which begins on the date of such child's birth."

(c) The amendments made by this section shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1971, but only on the basis of applications filed on or after the date of the enactment of this Act.

ELIMINATION OF SUPPORT REQUIREMENT AS CONDITION OF BENEFITS FOR DIVORCED AND SURVIVING DIVORCED WIVES

SEC. 120. (a) Section 202(b)(1) of the Social Security Act (as amended by section 109 (a) of this Act) is further amended—

(1) by adding "and" at the end of subparagraph (C),

(2) by striking out subparagraph (D), and

(3) by redesignating, subparagraphs (E) through (L) as subparagraphs (D) through (K), respectively.

(b)(1) Section 202(e)(1) of such Act (as amended by section 104(a) of this Act) is further amended—

(A) by adding "and" at the end of subparagraph (C),

(B) by striking out subparagraph (D), and

(C) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

(2) Section 202(e)(6) of such Act is amended by striking out "paragraph (1)(G)" and inserting in lieu thereof "paragraph (1)(F)".

(c) Section 202(g)(1)(F) of such Act is amended by striking out clause (i), and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(d) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1971 on the basis of applications filed on or after the date of the enactment of this Act.

(e) Where—

(1) one or more persons are entitled (without the application of sections 202(j)(1) and 223(b) of the Social Security Act) to monthly benefits under section 202 or 223 of such Act for December 1971 on the basis of the wages and self-employment income of an insured individual, and

(2) one or more persons (not included in paragraph (1)) are entitled to monthly benefits under such section 202(g) for a month after December 1971 on the basis of such wages and self-employment income, and

(3) the total of benefits to which all persons are entitled under such section 202 and 223 on the basis of such wages and self-employment income for any month after December 1971 is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced),

then the amount of the benefit to which each person referred to in paragraph (1) of this subsection is entitled beginning with the first month after December 1971 for which any person referred to in paragraph (2) becomes entitled shall be adjusted, after the application of such section 203(a), to an amount no less than the amount it would have been if the person or persons referred to in paragraph (2) of this subsection were not entitled to a benefit referred to in such paragraph (2).

WAIVER OF DURATION-OF-RELATIONSHIP REQUIREMENT FOR WIDOW, WIDOWER, OR STEPCHILD IN CASE OF REMARRIAGE TO THE SAME INDIVIDUAL

SEC. 121. (a) The heading of section 216(k) of the Social Security Act is amended by adding at the end thereof ", or in Case of Remarriage to the Same Individual".

(b) Section 216(k) of such Act is amended by striking out "if his death—" and all that follows and inserting in lieu thereof "if—

"(1) his death—

"(A) is accidental, or

"(B) occurs in line of duty while he is a member of a uniformed service serving on active duty (as defined in section 210(l)(2)),

and he would satisfy such requirement if a three-month period were substituted for the nine-month period, or

"(2)(A) the widow or widower of such individual had been previously married to such individual and subsequently divorced and such requirement would have been satisfied at the time of such divorce if such previous marriage had been terminated by the death of such individual at such time instead of by divorce; or

"(B) the stepchild of such individual had been the stepchild of such individual during a previous marriage of such stepchild's parent to such individual which ended in divorce and such requirement would have been satisfied at the time of such divorce if such previous marriage had been terminated by the death of such individual at such time instaed of by divorce;

except that this subsection shall not apply if the Secretary determines that at the time of the marriage involved the individual could not have reasonably been expected to live for nine months. For purposes of paragraph (1)(A) of this subsection, the death of an individual is accidental if he receives bodily injuries solely through violent, external, and accidental means and, as a direct result of the bodily injuries and independently of all other causes, loses his life not later than three months after the day on which he receives such bodily injuries."

(c) The amendments made by this section shall apply only with respect to benefits payable under title II of the Social Security Act for months after December 1971 on the basis of applications filed in or after the month in which this Act is enacted.

REDUCTION FROM 6 TO 5 MONTHS OF WAITING PERIOD FOR DISABILITY BENEFITS

SEC. 122. (a) Section 223(c)(2) of the Social Security Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five", and

(2) by striking out "eighteenth" each place it appears and inserting in lieu thereof "seventeenth".

(b) Section 202(e)(6) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five",

(2) by striking out "eighteenth" and inserting in lieu thereof "seventeenth", and

(3) by striking out "sixth" and inserting in lieu thereof "fifth".

(c) Section 202(f)(7) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "five",

(2) by striking out "eighteenth" and inserting in lieu thereof "seventeenth", and

(3) by striking out "sixth" and inserting in lieu thereof "fifth".

(d) Section 216(i)(2)(A) of such Act is amended by striking out "6" and inserting in lieu thereof "five".

(e) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, applications for widow's and widower's insurance benefits based on disability under section 202 of such Act, and applications for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for any month before January 1972.

ELIMINATION OF DISABILITY INSURED-STATUS REQUIREMENT OF SUBSTANTIAL RECENT COVERED WORK IN CASE OF INDIVIDUALS WHO ARE BLIND

SEC. 123. (a) The first sentence of section 216(i)(3) of the Social Security Act is amended by striking out all that follows subparagraph (B) and inserting in lieu thereof the following:

"except that the provisions of subparagraph (B) of this paragraph shall not apply in the case of an individual who is blind (within the meaning of 'blindness' as defined in paragraph (1))."

(b) Section 223(c)(1) of such Act is amended by striking out "coverage." in subparagraph (B)(iii) and inserting in lieu thereof "coverage;", and by striking out "For purposes" and inserting in lieu thereof the following:

"except that the provisions of subparagraph (B) of this paragraph shall not apply in the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)). For purposes".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month; or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for months before January 1972.

APPLICATIONS FOR DISABILITY INSURANCE BENEFITS FILED AFTER DEATH OF INSURED INDIVIDUAL

SEC. 124. (a)(1) Section 223(a)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "In the case of a deceased individual, the requirement of subparagraph (C) may be satisfied by an application for benefits filed with respect to such individual within 3 months after the month in which he died."

(2) Section 223(a)(2) of such Act is amended by striking out "he filed his application for disability insurance benefits and was" and inserting in lieu thereof "the application for disability insurance benefits was filed and he was".

(3) The third sentence of section 223(b) of such Act is amended by striking out "if he files such application" and inserting in lieu thereof "if such application is filed".

(4) Section 223(c)(2)(A) of such Act is amended by striking out "who files such application" and inserting in lieu thereof "with respect to whom such application is filed".

(b) Section 216(i)(2)(B) of such Act is amended by adding at the end thereof the following new sentence: "In the case of a deceased individual, the requirement of an application under the preceding sentence may be satisfied by an application for a disability determination filed with respect to such individual within 3 months after the month in which he died."

(c) The amendments made by this section shall apply in the case of deaths occurring after December 31, 1969. For purposes of such amendments (and for purposes of sections 202(j)(1) and 223(b) of the Social Security Act), any application with respect to an individual whose death occurred after December 31, 1969, but before the date of the enactment of this Act which is filed within 3 months in or after the month in which this Act is enacted shall be deemed to have been filed in the month in which such death occurred.

WORKMEN'S COMPENSATION OFFSET FOR DISABILITY INSURANCE BENEFICIARIES

SEC. 125. (a) The next to last sentence of section 224(a) of the Social Security Act is amended—

(1) by striking out "larger" and inserting in lieu thereof "largest",

(2) by striking out "or" before "(B)", and

(3) by inserting before the period at the end thereof the following: ", or (C) one-twelfth of the total of his wages and self-employment income (computed without regard to the limitations specified in sections 209(a) and 211(b)(1)) for the calendar year in which he had the highest such wages and income during the period consisting of the calendar year in which he became disabled (as defined in section 223(d)) and the five years preceding that year".

(b) The last sentence of section 224(a) of such Act is amended by striking out "clause (B)" and inserting in lieu thereof "clauses (B) and (C)".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971.

WAGE CREDITS FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 126. (a) Subsection 229(a) of the Social Security Act is amended—

(1) by striking out "after December 1967" and inserting in lieu thereof "after December 1971";

(2) by striking out "after 1967" and inserting in lieu thereof "after 1956"; and

(3) by striking out all that follows "(in addition to the wages actually paid to him for such service)" and inserting in lieu thereof "of $300."

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971 and with respect to lump-sum death payments under such title in the case of deaths occurring after December 1971 except that, in the case of any individual who is entitled, on the basis of the wages and self-employment income of any individual to whom section 229 of such Act applies, to monthly benefits under title II of such Act for the month in which this Act is enacted, such amendments shall apply (1) only if a written request for a recalculation of such benefits (by reason of such amendments) under the provisions of section 215 (b) and (d) of such Act, as in effect at the time such request is filed, is filed by such individual, or any other individual, entitled to benefits under such title II on the basis of such wages and self-employment income, and (2) only with respect to such benefits for months beginning with whichever of the following is later: January 1972 or the twelfth month before the month in which such request was filed. Recalculations of benefits as required to carry out the provisions of this paragraph shall be made notwithstanding the provisions of section 215(d)(1) of the Social Security Act, and no such recalculation shall be regarded as a recomputation for purposes of section 215(f) of such Act.

OPTIONAL DETERMINATION OF SELF-EMPLOYMENT EARNINGS

SEC. 127. (a)(1) Section 211(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"The preceding sentence and clauses (i) through (iv) of the second preceding sentence shall also apply in the case of any trade or business (other than a trade or business specified in such second preceding sentence) which is carried on by an individual who is self-employed on a regular basis as defined in subsection (g), or by a partnership of which an individual is a member on a regular basis as defined in subsection (g), but only if such individual's net earnings from self-employment in the taxable year (not counting any net earnings derived from a trade or business specified in such second preceding sentence) as determined without regard to this sentence are less than $1,600 and less than 66⅔ percent of the sum (in such taxable year) of such individual's gross income derived from all the trades or businesses carried on by him to which this sentence refers and his distributive share of the income or loss from such trades or businesses carried on by all the partnerships of which he is a member; except that this sentence shall not apply to more than 5 taxable years in the case of any individual, and in no case in which an individual elects to determine the amount of his net earnings from self-employment for a taxable year under the provisions of the two preceding sentences with respect to a trade or business to which the second preceding sentence applies and with respect to a trade or business to which this sentence applies shall such net earnings for such year exceed $1,600."

(2) Section 211 of such Act is amended by adding at the end thereof the following new subsection:

"Regular Basis

"(g) An individual shall be deemed to be self-employed on a regular basis in a taxable year, or to be a member of a partnership on a regular basis in such year, if he had net earnings from self-employment, as defined in the first sentence of subsection (a), of not less than $400 in at least two of the three consecutive taxable years immediately preceding such taxable year from trades or businesses carried on by such individual or such partnership."

(b)(1) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended by adding at the end thereof the following new paragraph:

"The preceding sentence and clauses (i) through (iv) of the second preceding sentence shall also apply in the case of any trade or business (other than a trade or business specified in such second preceding sentence) which is carried on by an individual who is self-employed on a regular basis as defined in subsection (i), or by a partnership of which an individual is a member on a regular basis as defined in subsection (i), but only if such individual's net earnings from self-employment (excluding any net earnings derived from a trade or business specified in such second preceding sentence) as determined without regard to this sentence in the taxable year are less than $1,600 and less than 66⅔ percent of the sum (in such taxable year) of such individual's gross income derived from all the trades or businesses carried on by him to which this sentence refers and his distributive share of the income or loss from such trades or businesses carried on by all the partnerships of which he is a member; except that this sentence shall not apply to more than 5 taxable years in the case of any individual, and in no case in which an individual elects to determine the amount of his net earnings from self-employment for a taxable year under the provisions of the two preceding sentences with respect to a trade or business to which the second preceding sentence applies and with respect to a trade or business to which this sentence applies shall such net earnings for such year exceed $1,600."

(2) Section 1402 of such Code (definitions relating to Self-Employment Contributions Act of 1954) is amended by adding at the end thereof the following new subsection:

"Regular Basis

"(i) An individual shall be deemed to be self-employed on a regular basis in a taxable year, or to be a member of a partnership on a regular basis in such year, if he had net earnings from self-employment, as defined in the first sentence of subsection (a), of not less than $400 in at least two of the three consecutive taxable years immediately preceding such taxable year from trades or businesses carried on by such individual or such partnership."

(c) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1971.

PAYMENTS BY EMPLOYER TO SURVIVOR OR ESTATE OF FORMER EMPLOYEE

SEC. 128. (a) Section 209 of the Social Security Act is amended by striking out "or" at the end of subsection (l), by striking out the period at the end of subsection (m) and inserting in lieu thereof "; or", and by inserting after subsection (m) the following new subsection:

"(n) Any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out "or" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and by inserting after paragraph (13) the following new paragraph:

"(14) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

(c) The amendments made by this section shall apply in the case of any payment made after December 1971.

COVERAGE FOR VOW-OF-POVERTY MEMBERS OF RELIGIOUS ORDERS

SEC. 129. (a)(1) Section 210(a)(8)(A) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following: ", except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under section 3121(a) of the Internal Revenue Code of 1954 is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs".

(2) Section 3121(b)(8)(A) of the Internal Revenue Code of 1954 (relating to definition of employment) is amended by inserting before the semicolon at the end thereof the following: ", except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under subsection (r) is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs".

(b) Section 3121 of such Code (definitions relating to Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) ELECTION OF COVERAGE BY RELIGIOUS ORDERS.—

"(1) CERTIFICATE OF ELECTION BY ORDER.—A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such order, may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) electing to have the insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or such subdivision thereof. Such certificate of election shall provide that—

"(A) such election of coverage by such order or subdivision shall be irrevocable;

"(B) such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision;

"(C) all services performed by a member of such an order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision; and

"(D) the wages of each member, upon which such order or subdivision shall pay the taxes imposed by sections 3101 and 3111, will be determined as provided in subsection (l)(4).

"(2) DEFINITION OF MEMBER.—For purposes of this subsection, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

"(3) EFFECTIVE DATE FOR ELECTION.—(A) A certificate of election of coverage shall be in effect, for purposes of subsection (b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the order or subdivision thereof:

"(i) the first day of the calendar quarter in which the certificate is filed,

"(ii) the first day of the calendar quarter succeeding such quarter, or

"(iii) the first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is filed.

Whenever a date is designated under clause (iii), the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed.

"(B) If a certificate of election filed pursuant to this subsection is effective for one or more calendar quarters prior to the quarter in which such certificate is filed, then—

"(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and

"(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

"(4) COORDINATION WITH COVERAGE OF LAY EMPLOYEES.—Notwithstanding the preceding provisions of this subsection, no certificate of election shall become effective with respect to an order or subdivision thereof, unless—

"(A) if at the time the certificate of election is filed a certificate of waiver of exemption under subsection (k) is in effect with respect to such order or subdivision, such order or subdivision amends such certificate of waiver of exemption (in such form and manner as may be prescribed by regulations made under this chapter) to provide that it may not be revoked, or

"(B) if at the time the certificate of election is filed a certificate of waiver of exemption under such subsection is not in effect with respect to such order or subdivision, such order or subdivision files such certificate of waiver of exemption under the provisions of such subsection except that such certificate of waiver of exemption cannot become effective at a later date than the certificate of election and such certificate of waiver of exemption must specify that such certificate of waiver of exemption may not be revoked. The certificate of waiver of exemption required under this subpargraph shall be filed notwithstanding the provisions of subsection (k)(3)."

(c)(1) Section 209 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"For purposes of this title, in any case where an individual is a member of a religious order (as defined in section 3121(r)(2) of the Internal Revenue Code of 1954) performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) of such Code is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term 'wages' shall, subject to the provisions of subsection (a) of this section, include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month."

(2) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages in certain cases) is amended by adding at the end thereof the following new paragraph:

"(4) SERVICE PERFORMED BY CERTAIN MEMBERS OF RELIGIOUS ORDERS.—For purposes of this chapter, in any case where an individual is a member of a religious order (as defined in subsection (r)(2)) performing service in the exercise of duties required by such order, and an election of coverage under subsection (r) is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term 'wages' shall, subject to the provisions of subsection (a)(1), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month."

SELF-EMPLOYMENT INCOME OF CERTAIN INDIVIDUALS TERPORARILY LIVING OUTSIDE THE UNITED STATES

SEC. 130. (a) Section 211(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (9) the following new paragaph:

"(10) In the case of an individual who has been a resident of the United States during the entire taxable year, the exclusion from gross income provided by section 911(a)(2) of the Internal Revenue Code of 1954 shall not apply."

(b) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) in the case of an individual who has been a resident of the United States during the entire taxable year; the exclusion from gross income provided by section 911(a)(2) shall not apply."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

COVERAGE OF FEDERAL HOME LOAN BANK EMPLOYEES

SEC. 131. (a) The provisions of section 210 (a)(6)(B)(ii) of the Social Security Act and section 3121(b)(6)(B)(ii) of the Internal Revenue Code of 1953, insofar as they relate to service performed in the employ of a Federal home loan bank, shall be effective—

(1) with respect to all service performed in the employ of a Federal home loan bank on and after the first day of the first calendar quarter which begins on or after the date of the enactment of this Act; and

(2) in the case of individuals who are in the employ of a Federal home loan bank on such first day, with respect to any service performed in the employ of a Federal home loan bank after the last day of the sixth calendar year preceding the year in which this Act is enacted; but this paragraph shall be effective only if an amount equal to the taxes imposed by sections 3101 and 3111 of such Code with respect to the services of all such individuals performed in the employ of Federal home loan banks after the last day of the sixth calendar year preceding the year in which this Act is enacted are paid under the provisions of section 3122 of such Code by July 1, 1972, or by such later date as may be provided in an agreement entered into before such date with the Secretary of the Treasury or his delegate for purposes of this paragraph.

(b) Subparagraphs (A)(i) and (B) of section 104(i)(2) of the Social Security Amendments of 1956 are repealed.

POLICEMEN AND FIREMEN IN IDAHO

SEC. 132. Section 218(p)(1) of the Social Security Act is amended by inserting "Idaho," after "Hawaii,".

COVERAGE OF CERTAIN HOSPITAL EMPLOYEES IN NEW MEXICO

SEC. 133. Notwithstanding any provisions of section 218 of the Social Security Act, the Agreement with the State of New Mexico heretofore entered into pursuant to such section may at the option of such State be modified at any time prior to the first day of the fourth month after the month in which this Act is enacted, so as to apply to the services of employees of a hospital which is an integral part of a political subdivision to which an agreement under this section has not been made applicable, as a separate coverage group within the meaning of section 218(b)(5) of such Act, but only if such hospital has prior to 1966 withdrawn from a retirement system which had been applicable to the employees of such hospital.

COVERAGE OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF GUAM

SEC. 134. (a) Section 210(a)(7) of the Social Security Act is amended by striking out "or" at the end of subparagraph (C), by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof ", or", and by adding at the end thereof the following subparagraph:

"(E) service performed in the employ of the Government of Guam (or any instrumentality which is wholly owned by such Government) by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam; except that (i) the provisions of this subparagraph shall not be applicable to services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof, and (ii) for purposes of this subparagraph, clauses (i) and (ii) of subparagraph (C) shall apply;".

(b) Section 3121(b)(7) of the Internal Revenue Code of 1954 is amended by striking out "or" at the end of subparagraph (B), by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", or", and by adding at the end thereof the following new subparagraph:

"(D) service performed in the employ of the Government of Guam (or any instrumentality which is wholly owned by such Government) by an employee properly classified as a temporary or intermittent employee, if such service is not covered by a retirement system established by a law of Guam; except that (i) the provisions of this subparagraph shall not be applicable to services performed by an elected official or a member of the legislature or in a hospital or penal institution by a patient or inmate thereof, and (ii) for purposes of this subparagraph, clauses

(i) and (ii) of subparagraph (B) shall apply;".

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of the enactment of this Act.

COVERAGE EXCLUSION OF STUDENTS EMPLOYED BY NONPROFIT ORGANIZATIONS AUXILIARY TO SCHOOLS, COLLEGES, AND UNIVERSITIES

SEC. 135. (a) (1) Section 210(a) (10) (B) of the Social Security Act is amended to read as follows:

"(B) service performed in the employ of—

"(i) a school, college, or university, or

"(ii) an organization described in section 509(a) (3) of the Internal Revenue Code of 1954 if the organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, unless it is a school, college, or university of a State or a political subdivision thereof and the services in its employ performed by a student referred to in section 218(c) (5) are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218;

if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university;".

(2) Section 3121(b) (10) (B) of the Internal Revenue Code of 1954 is amended to read as follows:

"(B) service performed in the employ of—

"(i) a school, college, or university, or

"(ii) an organization described in section 509(a) (3) if the organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university, unless it is a school, college, or university of a State or a political subdivision thereof and the services performed in its employ by a student referred to in section 218(c) (5) of the Social Security Act are covered under the agreement between the Secretary of Health, Education, and Welfare and such State entered into pursuant to section 218 of such Act;

if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university;".

(b) The amendments made by subsection (a) shall apply to services performed after December 31, 1971.

PENALTY FOR FURNISHING FALSE INFORMATION TO OBTAIN SOCIAL SECURITY ACCOUNT NUMBER

SEC. 136. (a) Section 208 of the Social Security Act is amended by adding "or" after the semicolon at the end of subsection (e), and by inserting after subsection (e) the following new subsection:

"(f) willfully, knowingly, and with intent to deceive the Secretary as to his true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Secretary with respect to any information required by the Secretary in connection with the establishment and maintenance of the records provided for in section 205(c) (2);".

(b) The amendments made by subsection (a) shall apply with respect to information furnished to the Secretary after the date of the enactment of this Act.

GUARANTEE OF NO DECREASE IN TOTAL FAMILY BENEFITS

SEC. 137. (a) Section 203(a) of the Social Security Act (as amended by sections 101(b), 102(a) (2), 103(b), and 110(d) of this Act) is further amended by striking out "or" at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof ", or", and by inserting after paragraph (5) the following new paragraph:

"(6) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total of monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202 (q)) payable on the basis of such wages and self-employment income for such particular month."

(b) In any case in which the provisions of section 1002(b) (2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q) for the first month for which the provisions of such section 1002(b) (2) applied.

INCREASE OF AMOUNTS IN TRUST FUNDS AVAILABLE TO PAY COSTS OF REHABILITATION SERVICES

SEC. 138. The first sentence of section 222 (d) (1) of the Social Security Act (as amended by section 113(b) (4) of this Act) is further amended by striking out "except that the total amount so made available pursuant to this subsection in any fiscal year may not exceed 1 percent of the total of the benefits under section 202(d) for children who have attained age 18 and are under a disability" and inserting in lieu thereof the following: "except that the total amount so made available pursuant to this subsection may not exceed—

"(i) 1 percent in the fiscal year ending June 30, 1971,

"(ii) 1.25 percent in the fiscal year ending June 30, 1972,

"(iii) 1.5 percent in the fiscal year ending June 30, 1973, and thereafter,

of the total of the benefits under section 202(d) for children who have attained age 18 and are under a disability".

ACCEPTANCE OF MONEY GIFTS MADE UNCONDITIONALLY TO SOCIAL SECURITY

SEC. 139. (a) The second sentence of section 201(a) of the Social Security Act is amended by inserting after "in addition," the following: "such gifts and bequests as may be made as provided in subsection (i) (1), and".

(b) The second sentence of section 201(b) of such Act is amended by inserting after "consist of" the following: "such gifts and bequests as may be made as provided in subsection (i) (1), and".

(c) Section 201 of such Act is further amended by adding after subsection (h) the following new subsection:

"(i) (1) The Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to any one or more of such Trust Funds or to the Department of Health, Education, and Welfare, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds.

"(2) Any such gift accepted pursuant to the authority granted in paragraph (1) of this subsection shall be deposited in—

"(A) the specific trust fund designated by the donor, or

"(B) if the donor has not so designated, the Federal Old-Age and Survivors Insurance Trust Fund."

(d) The second sentence of section 1817(a) of such Act is amended by inserting after "consist of" and before "such amounts" the following: "such gifts and bequests as may be made as provided in section 201(i) (1), and".

(e) The second sentence of section 1841(a) of such Act is amended by inserting after "consist of" and before "such amounts" the following: "such gifts and bequests as may be made as provided in section 201(i) (1), and".

(f) The amendments made by this section shall apply with respect to gifts and bequests received after the date of enactment of this Act.

(g) For the purpose of Federal income, estate, and gift taxes, any gift or bequest to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund, or to the Department of Health, Education, and Welfare, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through any of such Funds, which is accepted by the Managing Trustee of such Trust Funds under the authority of section 201(i) of the Social Security Act, shall be considered as a gift or bequest to or for the use of the United States and as made for exclusively public purposes.

PAYMENT IN CERTAIN CASES OF DISABILITY INSURANCE BENEFITS WITH RESPECT TO CERTAIN PERIODS OF DISABILITY

SEC. 140. (a) If an individual would (upon the timely filing of an application for a disability determination under section 216(i) of the Social Security Act and of an application for disability insurance benefits under section 223 of such Act) have been entitled to disability insurance benefits under such section 223 for a period which began after 1959 and ended prior to 1964, such individual shall, upon filing application for disability insurance benefits under such section 223 with respect to such period not later than 6 months after the date of enactment of this section, be entitled, notwithstanding any other provision of title II of the Social Security Act, to receive in a lump sum, as disability insurance benefits payable under section 223, an amount equal to the total amounts of disability insurance benefits which would have been payable to him for such period if he had timely filed such an application for a disability determination and such an application for disability insurance benefits with respect to such period; but only if—

(1) prior to the date of enactment of this section and after the date of enactment of the Social Security Amendments of 1967, such period was determined (under section 216(i)

of the Social Security Act) to be a period of disability as to such individual; and

(2) the application giving rise to the determination (under such section 216(i)) that such period is a period of disability as to such individual would not have been accepted as an application for such a determination except for the provisions of section 216(i)(2)(F).

(b) No payment shall be made to any individual by reason of the provisions of subsection (a) except upon the basis of an application filed after the date of enactment of this section.

RECOMPUTATION OF BENEFITS BASED ON COMBINED RAILROAD AND SOCIAL SECURITY EARNINGS

SEC. 141. (a) Section 215(f) of the Social Security Act is amended—

(1) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following:

"(B) in the case of an individual who died in such year, for monthly benefits beginning with benefits for the month in which he died."; and

(2) by adding at the end the following new paragraph:

"(6) Upon the death after 1967 of an individual entitled to benefits under section 202(a) or section 223, if any person is entitled to monthly benefits or a lump-sum death payment, on the wages and self-employment income of such individual, the Secretary shall recompute the decedent's primary insurance amount, but only if the decendent during his lifetime was paid compensation which was treated under section 205(o) as remuneration for employment."

(b) Section 215(d)(2) of such Act is amended by inserting "or (6)" before the period at the end thereof.

CHANGES IN TAX SCHEDULES

SEC. 142. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1972";

(B) by striking out "and" at the end of paragraph (3); and

(C) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1971, and before January 1, 1975, the tax shall be equal to 6.3 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1974, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(a) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1972, 1973, and 1974, the rate shall be 4.2 percent;

"(5) with respect to wages received during the calendar years 1975 and 1976, the rate shall be 5.0 percent; and

"(6) with respect to wages received after December 31, 1976, the rate shall be 6.1 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1972, 1973, and 1974, the rate shall be 4.2 percent;

"(5) with respect to wages paid during the calendar years 1975 and 1976, the rate shall be 5.0 percent; and

"(6) with respect to wages paid after December 31, 1976, the rate shall be 6.1 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (1) and inserting in lieu thereof "and before January 1, 1972"; and

(B) by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1971, and before January 1, 1977, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year; and

"(3) in the case of any taxable year beginning after December 31, 1976, the tax shall be equal to 1.3 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended—

(A) by striking out "1971, and 1972" in paragraph (1) and inserting in lieu thereof "and 1971"; and

(B) by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1972, 1973, 1974, 1975, and 1976, the rate shall be 1.2 percent; and

"(3) with respect to wages received after December 31, 1976, the rate shall be 1.3 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended—

(A) by striking out "1971, and 1972" in paragraph (1) and inserting in lieu thereof "and 1971"; and

(B) by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1972, 1973, 1974, 1975, and 1976, the rate shall be 1.2 percent; and

"(3) with respect to wages paid after December 31, 1976, the rate shall be 1.3 percent."

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1971. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1971.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 143. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported" and inserting in lieu thereof "1969, and before January 1, 1972, and so reported, (E) 0.90 of 1 per centum of the wages (as so defined) paid after December 31, 1971, and before January 1, 1975, and so reported, (F) 1.05 per centum of the wages (as so defined) paid after December 31, 1974, and before January 1, 1977, and so reported, and (G) 1.25 per centum of the wages (as so defined) paid after December 31, 1976, and so reported,".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1972, (E) 0.675 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1971, and before January 1, 1975, and (F) 0.735 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1974,".

TITLE II—PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

PART A—ELIGIBILITY AND PAYMENT FOR BENEFITS

COVERAGE FOR DISABILITY BENEFICIARIES UNDER MEDICARE

SEC. 201. (a)(1)(A) The heading of title XVIII of the Social Security Act is amended to read as follows:

"TITLE XVIII—HEALTH INSURANCE FOR THE AGED AND DISABLED".

(B) The heading of part A of such title is amended to read as follows:

"PART A—HOSPITAL INSURANCE BENEFITS FOR THE AGED AND DISABLED".

(C) The heading of part B of such title is amended to read as follows:

"PART B—SUPPLEMENTARY MEDICAL INSURANCE BENEFITS FOR THE AGED AND DISABLED".

(2) The text of section 1811 of such Act is amended to read as follows:

"SEC. 1811. The insurance program for which entitlement is established by section 226 provides basic protection against the costs of hospital and related posthospital services in acordance with this part for (1) individuals who are age 65 or over and are entitled to retirement benefits under title II of this Act or under the railroad retirement system and (2) individuals under age 65 who have been entitled for not less than 24 months to benefits under title II of this Act or under the railroad retirement system on the basis of a disability."

(3) Section 1831 of such Act is amended—

(A) by inserting "AND THE DISABLED" after "AGED" in the heading, and

(B) by striking out "individuals 65 years of age or over" and inserting in lieu thereof "aged and disabled individuals".

(b)(1) Section 226(a) of such Act is amended to read as follows:

"(a)(1) Every individual who—

"(A) has attained age 65, and

"(B) is entitled to monthly insurance benefits under section 202 or is a qualified railroad retirement beneficiary,

shall be entitled to hospital insurance benefits under part A of title XVII for each month for which he meets the condition specified in subparagraph (B), beginning with the first month after June 1966 for which he meets the conditions specified in subparagraphs (A) and (B).

"(2) Every individual who—

"(A) has not attained age 65, but

"(B)(i) has been entitled to disability insurance benefits under section 223 for not less than 24 consecutive months, or (ii) has been entitled for not less than 24 consecutive months to child's insurance benefits under section 202(d) by reason of a disability (as defined in section 223(d)) which began before he attained age 22, or (iii) has been entitled for not less than 24 consecutive months to widow's insurance benefits under section 202(e) or widower's insurance benefits under section 202(f) by reason of a disability (as defined in section 223(d)), or (iv) has been for not less than 24 consecutive months a disabled qualified railroad retirement beneficiary, within the meaning of section 22 of the Railroad Retirement Act of 1937, shall be entitled to hospital insurance benefits under part A of title XVIII for each month beginning with the later of (I) July 1972 or (II) the twenty-fifth consecutive month of his entitlement described in subparagraph (B), and ending with the month in which his entitlement described in subparagraph (B) ceases or, if earlier, with the month before the month in which he attains age 65."

(2) Section 226(b) of such Act is amended by striking out "occurred after June 30, 1966, or on or after the first day of the month in which he attains age 65 (whichever is later" and inserting in lieu thereof "occurred (i) after June 30, 1966, or on or after the first day of the month in which he attains age 65, whichever is later, or (ii) if he was entitled to hospital insurance benefits pursuant to paragraph (2) of subsection (a), at a time when he was so entitled".

(3) Section 226(b)(2) of such Act is amended by striking out "an individual shall be deemed entitled to monthly insurance benefits under section 202," and inserting in lieu thereof "an individual shall be deemed entitled to monthly insurance benefits under section 202 or section 223,".

(4) Section 226(c) of such Act is amended by inserting "or section 22" after "section 21" wherever it appears.

(5) Section 226 of such Act is further amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d)(1) For purposes of determining entitlement to hospital insurance benefits under subsection (a)(2) in the case of widows and widowers described in subparagraph (B)(iii) thereof—

"(A) the term 'age 60' in sections 202(e)(1)(B)(ii), 202(e)(5), 202(f)(1)(B)(ii), and 202(f)(6) shall be deemed to read 'age 65'; and

"(B) the phrase 'before she attained age 60' in the matter following subparagraph (F) of section 202(e)(1) shall be deemed to read 'based on a disability'.

"(2) For purposes of determining entitlement to hospital insurance benefits under subsection (a)(2) in the case of an individual under age 65 who is entitled to old-age insurance benefits, and who was entitled to widow's insurance benefits or widower's insurance benefits based on disability for the month before the first month in which such individual was so entitled to old-age insurance benefits (but ceased to be entitled to such widow's or widower's insurance benefits upon becoming entitled to such old-age insurance benefits), such individual shall be deemed to have continued to be entitled to such widow's insurance benefits or widower's insurance benefits for and after such first month."

(c)(1) Section 1836 of such Act is amended to read as follows:

"ELIGIBLE INDIVIDUALS

"SEC. 1836. Every individual who—

"(1) is entitled to hospital insurance benefits under part A, or

"(2) has attained age 65 and is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this part,

is eligible to enroll in the insurance program established by this part."

(2)(A) The first sentence of section 1837(c) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu there of "paragraph (1) or (2)".

(B) The second sentence of section 1837(c) of such Act is amended to read as follows: "For purposes of this subsection and subsection (d), an individual who has attained age 65 and who satisfies paragraph (1) of section 1836 but not paragraph (2) of such section shall be treated as satisfying such paragraph (1) on the first day on which he is (or on filing application would have been) entitled to hospital insurance benefits under part A."

(C) The first sentence of 1837(d) of such Act is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1) or (2)".

(3)(A) Section 1838a of such Act is amended by striking out "July 1, 1966" in paragraph (1) and inserting in lieu thereof "July 1, 1966 or (in the case of a disabled individual who has not attained age 65) July 1, 1972".

(B) Section 1838(a) of such Act is further amended—

(i) by striking out "paragraphs (1) and (2)" in paragraph (2)(A) and inserting in lieu thereof "paragraph (1) or (2)"; and

(ii) by striking out "such paragraphs" in subparagraph (B), (C), and (D) and inserting in lieu thereof "such paragraph".

(C) Section 1838 of such Act is further amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on a disability rather than on his having attained the age of 65, his coverage period (and his enrollment under this part) shall be terminated as of the close of the last month for which he is entitled to hospital insurance benefits."

(4) Section 1839(c) of such Act is amended—

(A) by inserting "(in the same continuous period of eligibility)" after "for each full 12 months"; and

(B) by adding at the end thereof the following new sentence: "Any increase in an individual's monthly premium under the first sentence of this subsection with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which such individual may have."

(5) Section 1839 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) For purposes of subsection (c) (and section 1837 (g)(1)), an individual's 'continuous period of eligibility' is the period beginning with the first day on which he is eligible to enroll under section 1836 and ending with his death; except that any period during all of which an individual satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which he attained age 65 shall be a separate 'continuous period of eligibility' with respect to such individual (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this section)."

(6)(A) Section 1840(a)(1) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(B) Section 1840(a)(2) of such Act is amended by striking out "section 202" and inserting in lieu thereof "section 202 or 223".

(7) Section 1875(a) of such Act is amended by striking out "aged" and inserting in lieu thereof "aged and the disabled".

(d) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR THE DISABLED

"SEC. 22. Individuals under age 65—

"(1) who have been entitled to annuities for not less that 24 consecutive months during each of which the first proviso of section 3(e) could have applied on the basis of an application which has been filed under paragraph 4 or 5 of section 2(a), and are currently entitled to such annuities, or who are entitled to annuities under paragraph 2 or 3 of section 2(a) and could have been paid annuities for not less than 24 consecutive months under section 223 of the Social Security Act if their service as employees were included in the term 'employment' as defined in that Act, or

"(2) who have been entitled to annuities under section 5(a) on the basis of disability, or could have been so entitled had they not been entitled on the basis of age or had they not been entitled under section 5(b) on the basis of having the custody of children for not less than 24 consecutive months during each of which the first proviso of section 3(e) could have been applied on the basis of disability if an application for disability benefits had been filed, or

"(3) who have been entitled to annuities for not less than 24 consecutive months under section 5(c) on the basis of a disability (within the meaning of section 5(l)(1)(ii)) or who could have been includible as disabled children for not less than 24 consecutive months in the computation of an annuity under the first proviso in section 3(e) and could currently be includible in such a computation, shall be certified by the Board in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in section 21, and also subject to the same conditions, restrictions, and other provisions as are disability beneficiaries under title II of the Social Security Act in connection with their eligibility for hospital insurance benefits under part A of title XVIII of such Act and their eligibility to enroll under part B of such title XVIII; and for the purposes of this Act and title XVIII of the Social Security Act, individuals certified as provided in this section shall be considered individuals described in and certified under such section 21. Notwithstanding the other provisions of this section it shall not apply to any individual who could not be taken into account on the basis of disability in calculating the annuity under the first proviso of section 3(e) without regard to the second paragraph of such section."

HOSPITAL INSURANCE BENEFITS FOR UNINSURED INDIVIDUALS NOT ELIGIBLE UNDER TRANSITIONAL PROVISION

SEC. 202. Title XVIII of the Social Security Act is amended by adding after section 1817 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR UNINSURED INDIVIDUALS NOT OTHERWISE ELIGIBLE

"SEC. 1818. (a) Every individual who—

"(1) has attained the age of 65,

"(2) is a resident of the United States, and is either (A) a citizen or (B) an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under this section, and

"(3) is not otherwise entitled to benefits under this part,

shall be eligible to enroll in the insurance program established by this part.

"(b) An individual may enroll under this section only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(c) The provisions of section 1837, section 1838, subsection (c) of section 1839, and subsections (f) and (h) of section 1840 shall apply to persons authorized to enroll under this section except that—

"(1) individuals who meet the conditions of subsection (a) on or before the last day of the seventh month after the month in which this section is enacted may enroll during an initial general enrollment period which shall begin on the first day of the second month which begins after the date on which this section is enacted and shall end on the last day of the tenth month after the month in which this Act is enacted;

"(2) in the case of an individual who first meets the conditions of eligibility under this section on or after the first day of the eighth month after the month in which this section is enacted, the initial enrollment period shall begin on the first day of the third month before the month in which he first becomes eligible and shall end 7 months later;

"(3) in the case of an individual who enrolls pursuant to paragraph (1) of this subsection, entitlement to benefits shall begin on—

"(A) the first day of the second month after the month in which he enrolls,

"(B) January 1, 1972, or

"(C) the first day of the first month in which he meets the requirements of subsection (a), whichever is the latest;

"(4) termination of coverage under this section by the filing of notice that the individual no longer wishes to participate in the hospital insurance program shall take effect at the close of the month following the month in which such notice is filed; and

"(5) an individual's entitlement under this section shall terminate with the month before the first month in which he becomes eligible for hospital insurance benefits under section 226 of this Act or section 103 of the Social Security Amendments of 1965; and upon such termination, such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement.

"(d) (1) The monthly premium of each individual for each month in his coverage period before July 1972 shall be $31.

"(2) The Secretary shall, during December of 1971 and of each year thereafter, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums for months occurring in the 12-month period commencing July 1 of the next year. Such amount shall be equal to $31, multiplied by the ratio of (A) the inpatient hospital deductible for such next year, as promulgated under section 1813(b)(2), to (B) such deductible promulgated for 1971. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1.

"(e) Payment of the monthly premiums on behalf of any individual who meets the conditions of subsection (a) may be made by any public or private agency or organization under a contract or other arrangement entered into between it and the Secretary if the Secretary determines that payment of such premiums under such contract or arrangement is administratively feasible.

"(f) Amounts paid to the Secretary for coverage under this section shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund."

AMOUNT OF SUPPLEMENTARY MEDICAL INSURANCE PREMIUM

SEC. 203. (a) Section 1839(b)(1) of the Social Security Act is amended by inserting "and before July 1, 1972," after "1967".

(b) Section 1839(b)(2) of such Act is amended by striking out "thereafter" and inserting in lieu thereof "ending on or before December 31, 1970".

(c) Section 1839 of such Act (as amended by section 201(c) (4) and (5) of this Act) is further amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary shall, during December of 1971 and of each year thereafter, determine the monthly actuarial rate for enrollees age 65 and over which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such 12-month period with respect to those enrollees age 65 and over will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such 12-month period. In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin.

"(2) The monthly premium of each individual enrolled under this part for each month after June 1972 shall be the amount determined under paragraph (3).

"(3) The Secretary shall, during December of 1971 and of each year thereafter, determine and promulgate the monthly premium applicable for the individuals enrolled under this part for the 12-month period commencing July 1 in the succeeding year. The monthly premium shall be equal to the smaller of—

"(A) the monthly actuarial rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, for that 12-month period, or

"(B) the monthly premium rate most recently promulgated by the Secretary under this paragraph multiplied by the ratio of (i) the amount in column IV of the table which as of June 1 next following such determination appears (or is deemed to appear) in section 215(a) on the line which includes the figure '750' in column III of such table to (ii) the amount in column IV of the table which appeared (or was deemed to appear) in section 215(a) on the line which included the figure '750' in column III as of June 1 of the year in which such determination is made.

Whenever the Secretary promulgates the dollar amount which shall be applicable as the monthly premium for any period, he shall, at the time such promulgation is announced, issue a public statement setting forth the actuarial assumptions and bases employed by him in arriving at the amount of an adequate actuarial rate for enrollees age 65 and over as provided in subparagraph (A) and the derivation of the dollar amounts specified in paragraph (3).

"(4) The Secretary shall also, during December of 1971 and of each year thereafter, determine the monthly actuarial rate for disabled enrollees under age 65 which shall be applicable for the 12-month period commencing July 1 in the succeeding year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such 12-month period with respect to disabled enrollees under age 65 will equal one-half of the total of the benefits and administrative costs which he estimates will be incurred by the Federal Supplementary Medical Insurance Trust Fund for such 12-month period with respect to such enrollees. In calculating the monthly actuarial rate under this paragraph, the Secretary shall include an appropriate amount for a contingency margin."

(d) (1) Section 1839(d) of such Act, as redesignated by subsection (c) of this section, is amended by inserting "or (c)" after "subsection (b)".

(2) Section 1839(f) of such Act, as redesignated by subsection (c) of this section, is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)".

(e) Effective with respect to months after June 1972, section 1844(a)(1) of such Act is amended to read as follows:

"(1)(A) a Government contribution equal to the aggregate premiums payable for enrollees age 65 and over under this part and deposited in the Trust Fund, multiplied by the ratio of—

"(i) twice the dollar amount of an actuarially adequate rate per enrollee age 65 and over as determined under section 1839(c)(1) for the month in which such aggregate premiums are deposited in the Trust Fund, minus the dollar amount of the premium per enrollee for such month, to

(ii) the dollar amount of the premium per enrollee for such month, plus

"(B) a Government contribution equal to the aggregate premiums payable for enrollees under age 65 under this part and deposited in the Trust Fund, multiplied by the ratio of—

"(i) twice the dollar amount of an actuarially adequate rate per enrollee under age 65 as determined under section 1839(c)(4) for the month in which such aggregate premiums are deposited in the Trust Fund, minus the dollar amount of the premium per enrollee for such month, to

"(ii) the dollar amount of the premium per enrollee for such month."

CHANGE IN SUPPLEMENTARY MEDICAL INSURANCE DEDUCTIBLE

SEC. 204. (a) Section 1833(b) of the Social Security Act is amended by striking out "shall be reduced by a deductible of $50" and inserting in lieu thereof "shall be reduced by a deductible of $60".

(b) Section 1835(c) of such Act is amended by striking out "but only if such charges for such services do not exceed $50" and inserting in lieu thereof "but only if such charges for such services do not exceed the applicable supplementary medical insurance deductible".

(c) The amendments made by this section shall be effective with respect to calendar years after 1971 (except that, for purposes of applying clause (1) of the first sentence of section 1833(b) of the Social Security Act, such amendments shall be deemed to have taken effect on January 1, 1971).

INCREASE IN LIFETIME RESERVE DAYS AND CHANGE IN HOSPITAL INSURANCE COINSURANCE AMOUNT UNDER MEDICARE

SEC. 205. (a) (1) Section 1812(a)(1) of the Social Security Act is amended by striking out "up to 150 days" and inserting in lieu thereof "up to 210 days".

(2) Section 1812(b)(1) of such Act is amended by striking out "for 150 days" and inserting in lieu thereof "for 210 days".

(b) Section 1813(a)(1) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting after "a coinsurance amount equal to—" the following new subparagraph:

"(A) one-eighth of the inpatient hospital deductible for each day (before the 61st day) on which such individual is furnished such services during such spell of illness after such services have been furnished to him for 30 days during such spell;".

(c) The amendments made by this section shall be effective with respect to inpatient hospital services furnished during inpatient hospital stays beginning after December 31, 1971.

AUTOMATIC ENROLLMENT FOR SUPPLEMENTARY MEDICAL INSURANCE

SEC. 206. (a) Section 1837 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(f) Any individual—

"(1) who is eligible under section 1836 to enroll in the medical insurance program by reason of entitlement to hospital insurance benefits as described in paragraph (1) of such section, and

"(2) whose initial enrollment period under subsection (d) begins on or after the first day of the second month following the month in which this subsection is enacted, or October 1, 1971, whichever is later,

shall be deemed to have enrolled in the medical insurance program established by this part.

"(g) All of the provisions of this section shall apply to individuals satisfying subsection (f), except that—

"(1) in the case of an individual who satisfies subsection (f) by reason of entitlement to disability insurance benefits described in section 226(a)(2)(B), his initial enrollment period shall begin on the first day of the later of (A) April 1972 or (B) the third month before the 25th consecutive month of such entitlement, and shall reoccur with each continuous period of eligibility (as defined in section 1839(e)) and upon attainment of age 65;

"(2)(A) in the case of an individual who is entitled to monthly benefits under section 202 or 223 on the first day of his initial enrollment period or becomes entitled to monthly benefits under section 202 during the first 3 months of such period, his enrollment shall be deemed to have occurred in the third month of his initial enrollment period, and

"(B) in the case of an individual who is not entitled to benefits under section 202 on the first day of his initial enrollment period and does not become so entitled during the first 3 months of such period, his enrollment shall be deemed to have occurred in the month in which he files the application establishing his entitlement to hospital insurance benefits provided such filing occurs during the last 4 months of his initial enrollment period; and

"(3) in the case of an individual who would otherwise satisfy subsection (f) but does not establish his entitlement to hospital insurance benefits until after the last day of his initial enrollment period (as defined in subsection (d) of this section), his enrollment shall be deemed to have occurred on the first day of the earlier of the current or immediately succeeding general enrollment period (as defined in subsection (e) of this section)."

(b) Section 1838(a) of such Act is amended—

(1) by striking out the period at the end of subsection (a) and by inserting in lieu thereof "; or"; and

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) in the case of an individual who is deemed to have enrolled on or before the last day of the third month of his initial enrollment period, the first day of the month in which he first meets the applicable requirements of section 1836 or January 1, 1972, whichever is later, or

"(B) in the case of an individual who is deemed to have enrolled on or after the first day of the fourth month of his initial enrollment period, as prescribed under subparagraphs (B), (C), (D), and (E) of paragraph (2) of this subsection."

(c) Section 1838(b) of such Act (as amended by section 257(a) of this Act) is further amended by adding at the end thereof the following new paragraph:

"Where an individual who is deemed to have enrolled for medical insurance pursuant to section 1837(f) files a notice before the first day of the month in which his coverage period begins advising that he does not wish to be so enrolled, the termination of the coverage period resulting from such deemed enrollment shall take effect with the first day of the month the coverage would have been effective and such notice shall not be considered a disenrollment for the purposes of section 1837(b). Where an individual who is deemed enrolled for medical insurance benefits pursuant to section 1837(f) files a notice requesting termination of his deemed coverage in or after the month in which such coverage becomes effective, the termination of such coverage shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed."

ESTABLISHMENT OF INCENTIVES FOR STATES TO EMPHASIZE COMPREHENSIVE HEALTH CARE UNDER MEDICAID

SEC. 207. (a)(1) Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(g) The amount determined under subsection (a)(1) for any State shall be adjusted as follows:

"(1) with respect to amounts paid for services furnished under the State plan after June 30, 1971, pursuant to a contract with (A) a health maintenance organization as defined in section 1876, or (B) a community health center or other similar facility providing comprehensive health care, the Federal medical assistance percentage shall be increased by 25 per centum thereof, except that the Federal medical assistance percentage as so increased may not exceed 95 per centum, and except that such percentage shall be so increased only if such contract provides that payments for services provided under the contract will not exceed the payment levels for similar services provided in the same geographical area and rendered under the plan approved under section 1902; and

"(2) with respect to amounts paid for the following services furnished under the State plan after June 30, 1971 (other than services furnished pursuant to a contract with a health maintenance organization as defined in section 1876), the Federal medical assistance percentage shall be decreased as follows:

"(A) after an individual has received inpatient hospital services (including services furnished in an institution for tuberculosis) for sixty days (whether or not such days are consecutive) during any fiscal year (which for purposes of this section means the four calendar quarters ending with June 30), the Federal medical assistance percentage with respect to amounts paid for any such services furnished thereafter to such individual in the same fiscal year shall be decreased by 33⅓ per centum thereof;

"(B) after an individual has received care as an inpatient in a skilled nursing home on sixty days (whether or not such days are consecutive) during any fiscal year, the Federal medical assistance percentage with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year shall be decreased by 33⅓ per centum thereof unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Secretary that, with respect to each calendar quarter for which the State submits a request for payment at the the full Federal medical assistance percentage for amounts paid for skilled nursing home services furnished beyond sixty days, there is in operation in the State an effective program of control over utilization of skilled nursing home services; such a showing must include evidence that—

"(i) in each case for which payment is made under the State plan, a physician certifies at the time of admission, or, if later, the time the individual applies for medical assistance under the State plan (and recertifies, where such services are furnished over a period of time, in such cases, at least every sixty days, and accompanied by such supporting material, appropriate to the case involved, as may be provided in regulations of the Secretary), that such services are or were required to be given on an inpatient basis because the individual needs or needed such services; and

"(ii) in each such case, such services were furnished under a plan established and periodically reviewed and evaluated by a physician;

"(iii) such State has in effect a continuous program of review of utilization pursuant to section 1902(a)(30) whereby the necessity for admission and the continued stay of each patient in a skilled nursing home is periodically reviewed and evaluated (with such frequency as may be prescribed in regulations of the Secretary) by medical and other professional personnel who are not themselves directly responsible for the care of the patient and who are not employed by or financially interested in any skilled nursing home; and

"(iv) such State has an effective program of medical review of the care of patients in skilled nursing homes pursuant to section 1902(a)(26) whereby the medical management of each case is reviewed and evaluated at least annually by independent medical review teams;

"(C) after an individual has received inpatient services in a hospital for mental diseases on ninety days (whether or not such days are consecutive), occurring after June 30, 1971, and on up to an additional thirty days if the State agency responsible for the administration of the plan demonstrates to the satisfaction of the Secretary that the individual is continuing to receive active treatment in such hospital and that the prognosis with respect to such individual is one of continued therapeutic improvement, the Federal medical assistance percentage with respect to amounts paid for any such services furnished to such individual shall be decreased by 33⅓ per centum thereof and no payment may be made under this title for any such services furnished to such individual after such services have been furnished to him for three hundred and sixty-five days.

In determining the number of days on which an individual has received services described in this subsection, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812.

"(h)(1) If the Secretary determines for any calendar quarter beginning after December 31, 1971, with respect to any State that there does not exist a reasonable cost differential between the cost of skilled nursing home services and the cost of intermediate care facility services in such State, the Secretary may reduce the amount which would otherwise be considered as expenditures under the State plan by an amount which in his judgment is a reasonable equivalent of the difference between the amount of the expenditures by such State for intermediate care facility services and the amount that would have been expended by such State for such services if there had been a reasonable cost differential between the cost of skilled nursing home services and the cost of intermediate care facility services.

"(2) In determining whether any such cost differential in any State is reasonable the Secretary shall take into consideration the range of such cost differentials in all States.

"(3) For the purposes of this subsection, the term 'cost differential' for any State for any quarter means, as determined by the Secretary on the basis of the data for the most recent calendar quarter for which satisfactory data are available, the excess of—

"(A) the average amount paid in such State (regardless of the source of payment) per inpatient day for skilled nursing home services, over

"(B) the average amount paid in such State (regardless of the source of payment) per inpatient day for intermediate care facility services."

(2) Section 1903(a)(1) of such Act is amended by inserting ", subject to subsections (g) and (h) of this section" after "section 1905(b)"

(b) The amendments made by subsection (a) shall, except as otherwise provided therein, be effective July 1, 1971.

COST-SHARING UNDER MEDICAID

SEC. 208. (a) Section 1902(a)(14) of the Social Security Act is amended to read as follows:

"(14) effective January 1, 1972, provide that—

"(A) in the case of individuals receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or who meet the income and resources requirements of the one of such State plans which is appropriate—

"(i) no enrollment fee, premium, or similar charge, and no deduction, cost sharing, or similar charge with respect to the care and services listed in clauses (1) through (5) and (7) of section 1905(a), will be imposed under the plan, and

"(ii) any deduction, cost sharing, or similar charge imposed under the plan with respect to other care and services will be nominal in amount (as determined in accordance with standards approved by the Secretary and included in the plan), and

"(B) with respect to individuals who are not receiving aid or assistance under any such State plan and who do not meet the income and resources requirements of the one of such State plans which is appropriate—

"(i) there shall be imposed an enrollment fee, premium, or similar charge which (as determined in accordance with standards prescribed by the Secretary) is related to the individual's income, and

"(ii) no other enrollment fee or premium will be imposed under the plan;".

(b) The amendment made by subsection (a) shall be effective January 1, 1972 (or earlier if the State plan so provides).

DETERMINATION OF PAYMENTS UNDER MEDICAID

SEC. 209. (a) Section 1902(a)(10) of the Social Security Act is amended by striking out everything which precedes "except that" immediately following subparagraph (B) and inserting in lieu thereof the following:

"(10) effective July 1, 1972, provide, subject to paragraph (14) of this subsection and to subsection (e) of this section, and in accordance wth the provisions of section 1903 (f)—

"(A) for making medical assistance available (in equal amount, duration, and scope) to all individuals who are receiving assistance to needy families with children as defined in section 405(b) or receiving assistance for the aged, blind, and disabled under title XX, or with respect to whom payments for foster care are made in accordance with section 406;

"(B) if the standard for medical assistance established under the State plan is more than 100 percent (but less than 133⅓ percent) of the combined amount specified in clauses (A) and (B) of paragraph (2) of section 1903(f), provide—

"(i) for making medical or remedial care and services available to—

"(I) individuals who are aged, blind, or disabled as defined in title XX, and families (as defined in title XXI), not receiving assistance under title XX or XXI, and

"(II) children who are members of families (other than needy families with children as defined in section 405(b)) receiving assistance under title XXI,

in cases where the income of the individual or the income of all the members of the family is (after deducting such individual's or such family's incurred medical expenses as defined in section 213 of the Internal Revenue Code of 1954) less than such standard, and

"(ii) that the medical or remedial care and services made available to all such individuals and families shall be equal in amount, duration, and scope, and shall not be more than the medical assistance made available to individuals described in subparagraph (A); and

"(C) if medical or remedial care or services are included for any group of individuals who are not included in subparagraphs (A) and (B), provide—

"(i) for making medical or remedial care and services available to all such individuals who would, if needy, be eligible for assistance under title XX or XXI and who have insufficient income and resources to meet the costs of necessary medical or remedial care and services, and

"(ii) that the medical or remedial care and services made available to all such individuals shall be equal in amount, duration, and scope, and shall not be more than the medical assistance made available to individuals described in subparagraph (A);".

(b)(1) Section 1906(a)(14) of such Act (as amended by section 208(a) of this Act) is amended by striking out "provide that" in the matter preceding subparagraph (A) and inserting in lieu thereof "provide, subject to section 1903(f), that".

(2) Section 1902(a)(17) of such Act is amended—

(A) by striking out "and in the case of any applicant" and all that follows in clause (B) and inserting in lieu thereof a comma, and

(B) by striking out "provide for flexibility" and inserting in lieu thereof "provide, in the case of individuals to whom section 1903(f) does not apply, for flexibility".

(c) Section 1903(f) of such Act is amended to read as follows:

"(f)(1) Payment under the preceding provisions of this section shall not be made for amounts expended as medical assistance in any calendar quarter in any State—

"(A) for any individual who is aged, blind, or disabled, as defined in title XX, and who is not receiving assistance under such title, or

"(B) for any member of a family as defined in title XXI (whether or not such family is receiving assistance under such title),

unless the income of any such individual or the income of all the members of any such family (after deducting such individual's or such family's incurred expenses for medical care as defined in section 216 of the Internal Revenue Code of 1954) is not in excess of the standard for medical assistance established under the State plan in accordance with the provisions of this subsection.

"(2) Such standard for medical assistance shall not be less than (nor more than 133⅓ percent of) (A) the highest amount that would be payable under title XXI to an eligible family of the same size without any income or resources, plus (B) the amount of the supplementary payment, if any, made by such State in accordance with section 2156 to such an eligible family.

"(3) In determining the income of any individual who is aged, blind, or disabled as defined in title XX, there shall be excluded (A) the first $1,020 per year of such individual's earned income (or proportionately smaller amounts for shorter periods) if he is an individual described in subparagraph (A) or (B) of section 2012(b)(3) or the first $720 of such individual's earned income (or proportionately smaller amounts for shorter periods) if he is an individual described in subparagraph (C) of such section, and (B) any amounts that would be excluded under section 2012(b) other than under paragraphs (3) and (4) thereof.

"(4) In determining the income of any family as defined in title XXI, there shall be excluded (A) the first $720 per year of earned income (or proportionately smaller amounts for shorter periods) of all members of the family, and (B) any amounts that would be excluded under section 2153(b) other than under paragraphs (4) and (5) thereof."

(d) Section 1902 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this title, no State shall be required to provide medical assistance to any individual or any member of a family for any month unless such State would be (or would have been) required to provide medical assistance to such individual or family member for such month had its plan for medical assistance approved under this title and in effect on January 1, 1971, been in effect in such month, except that for this purpose any such individual or family member shall be deemed eligible for medical assistance under such State plan if (in addition to meeting such other requirements as are or may be imposed under the State plan) the income of any such individual or the income of all of the members of any such family as determined in accordance with section 1903(f) (after deducting such individual's or such family's incurred expenses for medical care as defined in section 213 of the Internal Revenue Code of 1954) is not in excess of the standard for medical assistance established under the State plan as in effect on January 1, 1971."

(e) The amendments made by this section shall become effective on July 1, 1972.

PAYMENT UNDER MEDICARE TO INDIVIDUALS COVERED BY FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SEC. 210. Section 1862 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) No payment may be made under this title with respect to any item or service furnished to or on behalf of any individual on or after January 1, 1975, if such item or service is covered under a health benefits plan in which such individual is enrolled under chapter 89 of title 5, United States Code, unless prior to the date on which such item or service is so furnished the Secretary shall have determined and certified that such plan or the Federal employees health benefits program under chapter 89 of such title 5 has been modified so as to assure that—

"(1) there is available to each Federal employee or annuitant enrolled in such plan, upon or after attaining age 65, in addition to the health benefits plans available before he attains such age, one or more health benefits plans which offer protection supplementing the combined protection provided under parts A and B of this title and one or more health benefits plans which offer protection supplementing the protection provided under part B of this title alone, and

"(2) the Government or such plan will make available to such Federal employee or annuitant a contribution in an amount at least equal to the contribution which the Government makes toward the health insurance of any employee or annuitant enrolled for high option coverage under the Government-wide plans established under chapter 89 of such title 5, with such contribution being in the form of (A) a contribution toward the supplementary protection referred to in paragraph (1), (B) a payment to or on behalf of such employee or annuitant to offset the cost to him of coverage under parts A and B (or part B alone) of this title, or (C) a combination of such contribution and such payment."

PAYMENT UNDER MEDICARE FOR CERTAIN INPATIENT HOSPITAL AND RELATED PHYSICIANS' SERVICES FURNISHED OUTSIDE THE UNITED STATES

SEC. 211. (a) Section 1814(f) of the Social Security Act is amended to read as follows:

"Payment for Certain Inpatient Hospital Services Furnished Outside the United States

"(f)(1) Payment shall be made for inpatient hospital services furnished to an individual entitled to hospital insurance benefits under section 226 by a hospital located outside the United States, or under arrangements (as defined in section 1861(w)) with it, if—

"(A) such individual is a resident of the United States, and

"(B) such hospital was closer to, or substantially more accessible from, the residence of such individual than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury.

"(2) Payment may also be made for emergency inpatient hospital services furnished to an individual entitled to hospital insurance benefits under section 226 by a hospital located outside the United States if—

"(A) such individual was physically present in a place within the United States at the time the emergency which necessitated such inpatient hospital services occurred, and

"(B) such hospital was closer to, or substantially more accessible from, such place than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury.

"(3) Payment shall be made in the amount provided under subsection (b) to any hospital for the inpatient hospital services described in paragraph (1) or (2) furnished to an individual by the hospital or under arrangements (as defined in section 1861(w)) with it if (A) the Secretary would be required to make such payment if the hospital had an agreement in effect under this title and otherwise met the conditions of payment hereunder, (B) such hospital elects to claim such payment, and (C) such hospital agrees to comply, with respect to such services, with the provisions of section 1866(a).

"(4) Payment for the inpatient hospital services described in paragraph (1) or (2) furnished to an individual entitled to hospital insurance benefits under section 226 may be made on the basis of an itemized bill to such individual if (A) payment for such services cannot be made under paragraph (3) solely because the hospital does not elect to claim such payment, and (B) such individual files application (submitted within such time and in such form and manner and by such person, and containing and supported by such information as the Secretary shall by regulations prescribe) for reimbursement. The amount payable with respect to such services shall, subject to the provisions of section 1813, be equal to the amount which would be payable under subsection (d)(3)."

(b) Section 1861(e) of such Act is amended—

(1) by striking out "except for purposes of sections 1814(d) and 1835(b)" and inserting in lieu thereof "except for purposes of sections 1814(d), 1814(f), and 1835(b)":

(2) by inserting "section 1814(f)(2)," immediately after "For purposes of sections 1814(d) and 1835(b) (including determination of whether an individual received inpatient hospital services or diagnostic services for purposes of such sections),"; and

(3) by inserting immediately after the third sentence the following new sentence: "For purposes of section 1814(f)(1), such term includes an institution which (i) is a hospital for purposes of sections 1814(d), 1814(f)(2), and 1835(b) and (ii) is accredited by the Joint Commission on Accreditation of Hospitals, or is accredited by or approved by a program of the county in which such institution is located if the Secretary finds the accreditation or comparable approval standards, of such program to be essentially equivalent to those of the Joint Commission on Accreditation of Hospitals."

(c)(1) Section 1862(a)(4) of such Act is amended—

(A) by striking out "emergency"; and

(B) by inserting after "1814(f)" the following: "and, subject to such conditions, limitations, and requirements as are provided under or pursuant to this title, physicians' services and ambulance services furnished an individual in conjunction with such inpatient hospital services but only for the period during which such inpatient hospital services were furnished".

(2) Section 1861(r) of such Act (as amended by sections 256(b) and 264 of this Act) is futher amended by adding at the end thereof the following new sentence: "For the purposes of section 1862(a)(4) and subject to the limitations and conditions provided in the previous sentence, such term includes a doctor of one of the arts, specified in such previous sentence, legally authorized to practice such art in the country in which the inpatient hospital services (referred to in such section 1862(a)(4)) are furnished."

(3) Section 1842(b)(3)(B)(ii) of such Act is amended by striking out "service;" and inserting in lieu thereof the following: "service (except in the case of physicians' services and ambulance service furnished as described in section 1862(a)(4), other than for purposes of section 1870(f));".

(4) Section 1833(a)(1) of such Act is amended by striking out "and" before "(B)", and by inserting before the semicolon at the end thereof the following: ", and (C) with respect to expenses incurred for those physicians' services for which payment may be made under this part that are described in section 1862(a)(4), the amounts paid shall be subject to such limitations as may be prescribed by regulations".

(d) The amendments made by this section shall apply to services furnished with respect to admissions occurring after December 31, 1971.

PART B—IMPROVEMENT IN OPERATING EFFECTIVENESS LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

SEC. 221. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

"SEC. 1122. (a) The purpose of this section is to assure that Federal funds appropriated under titles V, XVIII, and XIX are not used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.

(b) The Secretary, after consultation with the Governor (or other chief executive officer) and with appropriate local public officials, shall make an agreement with any State which is able and willing to do so under which a designated planning agency (which shall be an agency described in clause (ii) of subsection (d)(1)(B)) that has a governing body or advisory board at least half of whose members represent consumer interests) will—

"(1) make, and submit to the Secretary together with such supporting materials as he may find it necessary, findings and recommendations with respect to capital expenditures proposed by or on behalf of any health care facility or health maintenance organization in such State within the field of its responsibilities.

"(2) receive from other agencies described in clause (ii) of subsection (d)(1)(B), and submit to the Secretary together with such supporting material as he may find necessary, the findings and recommendations of such other agencies with respect to capital expenditures proposed by or on behalf of health care facilities or health maintenance organizations in such State within the fields of their respective responsibilities, and

"(3) establish and maintain procedures pursuant to which a person proposing any such capital expenditure may appeal a recommendation by the designated agency and will be granted an opportunity for a fair hearing by such agency or person other than the designated agency as the Governor (or other chief executive officer) may designate to hold such hearings.

whenever and to the extent that the findings of such designated agency or any such other agency indicate that any such expenditure is not consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) to meet the need for adequate health care facilities in the area covered by the plan or plans so developed.

"(c) The Secretary shall pay any such State from the Federal Hospital Insurance Trust Fund, in advance or by way of reimbursement as may be provided in the agreement with it (and may make adjustments in such payments on account of overpayments or underpayments previously made), for the reasonable cost of performing the functions specified in subsection (b).

"(d)(1) Except as provided in paragraph (2), if the Secretary determines that—

"(A) neither the planning agency designated in the agreement described in subsection (b) nor an agency described in clause (ii) of subparagraph (B) of this paragraph had been given notice of any proposed capital expenditure (in accordance with such procedure or in such detail as may be required by such agency) at least 60 days prior to obligation for such expenditure; or

"(B)(i) the planning agency so designated or an agency so described had received such timely notice of the intention to make such capital expenditure and had, within a reasonable period after receiving such notice and prior to obligation for such expenditure, notified the person proposing such expenditure that the expenditure would not be in conformity with the standards, criteria, or plans developed by such agency or any other agency described in clause (ii) for adequate health care facilities in such State or in the area for which such other agency has responsibility, and

"(ii) the planning agency so designated had, prior to submitting to the Secretary the findings referred to in subsection (b)—

"(I) consulted with, and taken into consideration the findings and recommendations of, the State planning agencies established pursuant to sections 314(a) and 604(a) of the Public Health Service Act (to the extent that either such agency is not the agency so designated) as well as the public or nonprofit private agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act and covering the area in which the health care facility or health maintenance organization proposing such capital expenditure is located (where such agency is not the agency designated in the agreement), or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions, and

"(II) granted to the person proposing such capital expenditure an opportunity for a fair hearing with respect to such findings;

then, for such period as he finds necessary in any case to effectuate the purpose of this section, he shall, in determining the Federal payments to be made under titles V, XVIII, and XIX with respect to services furnished in the health care facility for which such capital expenditure is made, not include any amount which is attributable to depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditure. With respect to any organization which is reimbursed on a per capita basis, in determining, the Federal payments to be made under titles V, XVII, and XIX, the Secretary shall exclude an amount which in his judgment is a reasonable equivalent to the amount which would otherwise be excluded under this subsection if payment were to be made on other than a per capita basis.

"(2) If the Secretary, after submitting the matters involved to the advisory council established or designated under subsection (i), determines that an exclusion of expenses related to any capital expenditure of any health care facility or health maintenance organization would discourage the operation or expansion of such facility or organization, or of any facility of such organization, which has demonstrated to his satisfaction proof of capability to provide comprehensive health care services (including institutional services) efficiently, effectively, and economically, or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of title V, XVIII, or XIX, he shall not exclude such expenses pursuant to paragraph (1).

"(e) Where a person obtains under lease or comparable arrangement any facility or part thereof, or equipment for a facility, which would have been subject to an exclusion under subsection (d) if the person had acquired it by purchase, the Secretary shall (1) in computing such person's rental expense in determining the Federal payments to be made under titles V, XVIII, and XIX with respect to services furnished in such facility, deduct the amount which in his judgment is a reasonable equivalent of the amount that would have been excluded if the person had acquired such facility or such equipment by purchase, and (2) in computing such person's return on equity capital deduct any amount deposited under the terms of the lease or comparable arrangement.

"(f) Any person dissatisfied with a determination by the Secretary under this section may within six months following notification of such determination request the Secretary to reconsider such determination. A determination by the Secretary under this section shall not be subject to administrative or judicial review.

"(g) For the purposes of this section, a 'capital expenditure' is an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (1) exceeds $100,000, (2) changes the bed capacity of the facility with respect to which such expenditure is made, or (3) substantially changes the services of the facility with respect to which such expenditure is made. For purposes of clause (1) of the preceding sentence, the cost of the studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment with respect to which such expenditure is made shall be included in determining whether such expenditure exceeds $100,000.

"(h) The provisions of this section shall not apply to Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

"(i)(1) The Secretary shall establish a national advisory council, or designate an appropriate existing national advisory council, to advise and assist him in the preparation of general regulations to carry out the purposes of this section and on policy matters arising in the administration of this section, including the coordination of activities under this section with those under other parts of this Act or under other Federal or federally assisted health programs.

"(2) The Secretary shall make appropriate provision for consultation between and coordination of the work of the advisory council established or designated under paragraph (1) and the Federal Hospital Council, the National Advisory Health Council, the Health Insurance Benefits Advisory Council, the Medical Assistance Advisory Council, and other appropriate national advisory councils with respect to matters bearing on the purposes and administration of this section and the coordination of activities under this section with related Federal health programs.

"(3) If an advisory council is established by the Secretary under paragraph (1), it shall be composed of members who are not otherwise in the regular full-time employ of the United States, and who shall be appointed by the Secretary without regard to the civil service laws from among leaders in the fields of the fundamental sciences, the medical sciences, and the organization, delivery, and financing of health care, and persons who are State or local officials or are active in community affairs or public or civil affairs or who are representative of minority groups. Members of such advisory council, while attending meetings of the council or otherwise serving on business of the council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of such title 5 for persons in the Government service employed intermittently."

(b) The amendment made by subsection (a) shall apply only with respect to a capital expenditure the obligation for which is incurred by or on behalf of a health care facility or health maintenance organization subsequent to whichever of the following is earlier: (A) June 30, 1972, or (B) with respect to any State or any part thereof specified by such State, the last day of the calendar quarter in which the State requests that the amendment made by subsection (a) of this section apply in such State or such part thereof.

(c)(1) Section 505(a)(6) of such Act (as amended by section 232(b) of this Act) is further amended by inserting ", consistent with section 1122," after "standards" where it first appears.

(2) Section 506 of such Act (as amended by sections 224(d), 229(d), 233(d), and 237(b) of this Act) is further amended by adding at the end thereof the following new subsection:

"(g) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122."

(3) Clause (2) of the second sentence of section 509 (a) of such Act is amended by inserting ", consistent with section 1122," after "standards".

(4) Section 1861(v) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122."

(5) Section 1902(a)(13)(D) of such Act (as amended by section 232(a) of this Act) is further amended by inserting ", consistent with section 1122," after "standards" where it first appears.

(6) Section 1903(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122."

REPORT ON PLAN FOR PROSPECTIVE REIMBURSEMENT; EXPERIMENTS AND DEMONSTRATION PROJECTS TO DEVELOP INCENTIVES FOR ECONOMY IN THE PROVISION OF HEALTH SERVICES

SEC. 222. (a)(1) The Secretary of Health, Education, and Welfare, directly or through contracts with public or private agencies or organizations, shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of making payment on a prospective basis to hospitals, extended care facilities, and other providers of services for care and services provided by them under title XVIII of the Social Security Act and under State plans approved under titles XIX and V of such Act, including alternative methods for classifying providers, for establishing prospective rates of payment, and for implementing on a gradual, selective, or other basis the establishment of a prospective payment system, in order to stimulate such providers through positive financial incentives to use their facilities and personnel more efficiently and thereby to reduce the total costs of the health programs involved without adversely affecting the quality of services by containing or lowering the rate of increase in provider costs that has been and is being experienced under the existing system of retroactive cost reimbursement.

(2) The experiments and demonstration projects developed under paragraph (1) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods of prospective payment under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the programs involved (without committing such programs to the adoption of any prospective payment system either locally or nationally).

(3) In the case of any experiment or demonstration project under paragraph (1), the Secretary may waive compliance with the requirements of titles XVIII, XIX, and V of the Social Security Act insofar as such requirements relate to methods of payment for services provided; and costs incurred in such experiment or project in excess of those which would otherwise be reimbursed or paid under such titles may be reimbursed or paid to the extent that such waiver applies to them (with such excess being borne by the Secretary). No experiment or demonstration project shall be developed or carried out under paragraph (1) until the Secretary obtains the advice and recommendations of specialists who are competent to evaluate the proposed experiment or project as to the soundness of its objectives, the possibilities of securing productive results, the adequacy of resources to conduct it, and its relationship to other similar experiments or projects already completed or in process.

(4) Grants, payments under contracts, and other expenditures made for experiments and demonstration projects under this subsection shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this subsection. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds shall be determined by the Secretary, giving due regard to the purposes of the experiment or project involved.

(5) The Secretary shall submit to the Congress no later than July 1, 1973, a full report on the experiments and demonstration projects carried out under this subsection and on the experience of other programs with respect to prospective reimbursement together with any related data and materials which he may consider appropriate. Such report shall include detailed recommendations with respect to the specific methods which could be used in the full implementation of a system of prospective payment to providers of services under the programs involved.

(b)(1) Section 402(a) of the Social Security Amendments of 1967 is amended to read as follows:

"(a)(1) The Secretary of Health, Education, and Welfare is authorized, either directly or through grants to public or nonprofit private agencies, institutions, and organizations, to develop and engage in experiments and demonstration projects for the following purposes:

"(A) to determine whether, and if so which, changes in methods of payment or reimbursement (other than those dealt with in section 222(a) of the Social Security

Amendments of 1971) for health care and services under health programs established by the Social Security Act, including a change to methods based on negotiated rates, would have the effect of increasing the efficiency and economy of health services under such programs through the creation of additional incentives to these ends without adversely affecting the quality of such services;

"(B) to determine whether payments for services other than those for which payment may be made under such programs (and which are incidental to services for which payment may be made under such programs) would, in the judgment of the Secretary, result in more economical provision and more effective utilization of services for which payment may be made under such program, where such services are furnished by organizations and institutions which have the capability of providing—

"(i) comprehensive health care services,

"(ii) mental health care services (as defined by section 401(c) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963),

"(iii) ambulatory health care services, or

"(iv) institutional services which may substitute, at lower cost, for hospital care;

"(C) to determine whether the rates of payment or reimbursement for health care services, approved by a State for purposes of the administration of one or more of its laws, when utilized to determine the amount to be paid for services furnished in such State under the health programs established by the Social Security Act, would have the effect of reducing the costs of such programs without adversely affecting the quality of such services;

"(D) to determine whether payments under such programs based on a single combined rate of reimbursement or charge for the teaching activities and patient care which residents, interns, and supervising physicians render in connection with a graduate medical education program in a patient facility would result in more equitable and economical patient care arrangements without adversely affecting the quality of such care;

"(E) to determine whether peer review, utilization review, and medical review mechanisms established on an areawide or communitywide basis would have a beneficial effect in helping to assure that services provided conform to appropriate professional standards for the provision of health care and that payment for such services will be made—

"(i) only when, and to the extent, medically necessary, as determined in the exercise of reasonable limits of professional discretion, and

"(ii) in the case of services provided by a hospital or other health care facility on an inpatient basis, only when and for such period as such services cannot, consistent with professionally recognized health care standards, effectively be provided on an outpatient basis or more economically in an inpatient health care facility of a different type, as determined in the exercise of reasonable limits of professional discretion; and

"(F) to determine whether, and if so which type of, fixed price or performance incentive contract would have the effect of inducing to the greatest degree effective, efficient, and economical performance of agencies and organizations making payment under agreements or contracts with the Secretary for health care and services under health programs established by the Social Security Act. For purposes of this subsection, 'health programs established by the Social Security Act' means the program established by title XVIII of such Act, a program established by a plan of a State approved under title XIX of such Act, and a program established by a plan of a State approved under title V of such Act.

"(2) Grants, payments under contracts, and other expenditures made for experiments and demonstration projects under paragraph (1) shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds shall be determined by the Secretary, giving due regard to the purposes of the experiment or project involved."

(2) Section 402(b) of such amendments is amended—

(A) by striking out "experiment" each time it appears and inserting in lieu thereof "experiment or demonstration project";

(B) by striking out "experiments" and inserting in lieu thereof "experiments and projects"; and

(C) by striking out "reasonable charge" and inserting in lieu thereof "reasonable charge, or to reimbursement or payment only for such services or items as may be specified in the experiment".

(c) Section 1875(b) of the Social Security Act is amended—

(1) by striking out "experimentation" and inserting in lieu thereof "experiments and demonstration projects", and

(2) by inserting "and the experiments and demonstration projects authorized by section 222(a) of the Social Security Amendments of 1971" after "1967".

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

SEC. 223. (a) The first sentence of section 1861(v)(1) of the Social Security Act is amended by inserting immediately before "determined" where it first appears the following: "the cost actually incurred, excluding therefrom any part of incurred cost found to be unnecessary in the efficient delivery of needed health services, and shall be".

(b) The third sentence of section 1861(v)(1) of such Act is amended by striking out the comma after "services," where it last appears and inserting in lieu thereof the following: "may provide for the establishment of limits on the direct or indirect overall incurred costs or incurred costs of specific items or services or groups of items or services to be recognized as reasonable based on estimates of the costs necessary in the efficient delivery of needed health services to individuals covered by the insurance programs established under this title,".

(c) The fourth sentence of section 1861 (v)(1) of such Act is amended by inserting after "services" where it first appears the following: "(excluding therefrom any such costs, including standby costs, which are determined in accordance with regulations to be unnecessary in the efficient delivery of services covered by the insurance programs established under this title)".

(d) The fourth sentence of section 1861 (v)(1) of such Act is further amended by striking out "costs with respect" where it first appears and inserting in lieu thereof the following: "necessary costs of efficiently delivering covered services".

(e) Section 1866(a)(2)(B) of such Act is amended (1) by inserting "(i)" after "(B)", and (2) by adding at the end thereof the following new clause:

"(ii) Where a provider of services customarily furnishes an individual items or services which are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services under this title and which have not been requested by such individual, such provider may also charge such individual or other person for such more expensive items or services to the extent that the costs of (or, if less, the customary charges for) such more expensive items or services experienced by such provider in the second fiscal period immediately preceding the fiscal period in which such charges are imposed exceed the cost of such items or services determined to be necessary in the efficient delivery of needed health services, but only if—

"(I) the Secretary has provided notice to the public of any charges being imposed on individuals entitled to benefits under this title on account of costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under this title by particular providers of services in the area in which such items or services are furnished, and

"(II) the provider of services has identified such charges to such individual or other person, in such manner as the Secretary may prescribe, as charges to meet costs in excess of the cost determined to be necessary in the efficient delivery of needed health services under this title."

(f) Section 1861(v) of such Act (as amended by section 221(c)(4) of this Act) is further amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) If a provider of services furnishes items or services to an individual which are in excess of or more expensive than the items or services determined to be necessary in the efficient delivery of needed health services and charges are imposed for such more expensive items or services under the authority granted in section 1866(a)(2)(B)(ii), the amount of payment with respect to such items or services otherwise due such provider in any fiscal period shall be reduced to the extent that such payment plus such charges exceed the cost actually incurred for such items or services in the fiscal period in which such charges are imposed."

(g)(1) Section 1866(a)(2) of such Act is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) Where a provider of services customarily furnishes items or services which are in excess of or more expensive than the items or services with respect to which payment may be made under this title, such provider, notwithstanding the preceding provisions of this paragraph, may not, under the authority of section 1866(a)(2)(B)(ii), charge any individual or other person any amount for such items or services in excess of the amount of the payment which may otherwise be made for such items or services under this title if the admitting physician has a direct or indirect financial interest in such provider."

(2) The last paragraph of section 1866(a)(2) is amended by striking out "clause (iii) of the preceding sentence" and inserting in lieu thereof "subparagraph (C)".

(h) The amendments made by this section shall be effective with respect to accounting periods beginning after June 30, 1972.

LIMITS ON PREVAILING CHARGE LEVELS

SEC. 224. (a) Section 1842(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentences: "No charge may be determined to be reasonable in the case of bills submitted or requests for payment made under this part after December 31, 1970, if it exceeds the higher of (i) the prevailing charge recognized by the carrier and found acceptable by the Secretary for similar services in the same locality in administering this part on December 31, 1970, or (ii) the prevailing charge level that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the last preceding calendar year elapsing prior to the start of the fiscal year in which the bill is submitted or the request for payment is made. The prevailing charge level determined for purposes of clause (ii) of the preceding sentence for any fiscal year beginning after June 30, 1972, may not exceed (in the aggregate) the level determined under such clause for the fiscal year ending June 30, 1972, except to the extent that the Secretary finds, on the basis of appropriate economic index data that such higher level is justified by economic changes. In the case of medical services, supplies, and equipment that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another, the charges incurred after June 30, 1972, determined to be reasonable may exceed the lowest charge levels at which such services, supplies, and equipment are widely available in a locality only to the extent and under the circumstances specified by the Secretary."

(b) The Health Insurance Benefits Advisory Council established under section 1867 of the Social Security Act shall conduct a study of the methods of reimbursement for physicians' services under Medicare for the purpose of evaluating their effects on (1) physicians' fees generally, (2) the extent of assignments accepted by physicians, and (3) the share of total physician-fee costs which the Medicare program does not pay and which the beneficiary must assume. The Council shall report the results of such study to the Congress no later than July 1, 1972, together with a presentation of alternatives to the present methods and its recommendations as to the preferred method.

(c) Section 1903 of such Act is amended by adding at the end thereof (after the new subsections added by section 207(a)(1) of this Act) the following new subsection:

"(i) Payment under the preceding provisions of this section shall not be made with respect to any amount paid for items or services furnished under the plan after June 30, 1971, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the third, fourth, and fifth sentences of section 1842(b)(3)."

(d) Section 506 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding the preceding provisions of this section, no payment shall be made to any State thereunder with respect to any amount paid for items or services furnished under the plan after June 30, 1971, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the third, fourth, and fifth sentences of action 1842(b)(3)."

LIMITS ON PAYMENT FOR SKILLED NURSING HOME AND INTERMEDIATE CARE FACILITY SERVICES

SEC. 225. Section 1903 of the Social Security Act is amended by adding at the end thereof (after the new subsection added by section 224(c) of this Act) the following new subsection:

"(j) Notwithstanding the preceding provisions of this section—

"(1) in determining the amount payable to any State with respect to expenditures for skilled nursing home services furnished in any calendar quarter beginning after December 31, 1971, there shall not be included as expenditures under the State plan any amount in excess of the product of (A) the number of inpatient days of skilled nursing home services provided under the State plan in such quarter, and (B) 105 per centum of the average per diem cost of such services for the fourth calendar quarter preceding such calendar quarter; and

"(2) in determining the amount payable to any State with respect to expenditures for intermediate care facility services furnished in any calendar quarter beginning after December 31, 1971, there shall not be included as expenditures under the State plan any amount in excess of the product of (A) the number of inpatient days of intermediate care facility services provided in such quarter under each of the plans of such State approved under titles I, X, XIV, XVI, and XIX, and (B) 105 per centum of the average per diem cost of such services for the fourth calendar quarter preceding such calendar quarter.

For purposes of determining the amount payable to any State with respect to any quarter under paragraphs (1) and (2), the Secretary may by regulation increase the percentage specified in clause (B) of each such paragraph to the extent necessary to take account of increases in per diem costs which result directly from increases in the Federal minimum wage, or which otherwise result directly from provisions of Federal law enacted (or amendments to Federal law made) after the date of the enactment of the Social Security Amendments of 1971."

PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS

SEC. 226. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1876. (a) (1) In lieu of amounts which would otherwise be payable pursuant to sections 1814(b) and 1833(a), the Secretary is authorized to determine, by actuarial methods, as provided in this section, but only with respect to a health maintenance organization with which he has entered into a contract under subsection (i), a prospective per capita rate of payment—

"(A) for services provided under parts A and B for individuals enrolled with such organization pursuant to subsection (e) who are entitled to hospital insurance benefits under part A and enrolled for medical insurance benefits under part B, and

"(B) for services provided under part B for individuals enrolled with such organization pursuant to subsection (e) who are not entitled to benefits under part A but who are enrolled for benefits under part B.

"(2) (A) Each such rate of payment shall be determined annually in accordance with regulations and shall be equal to 95 per centum of the amount that the Secretary estimates (with appropriate adjustments to assure actuarial equivalence) would be payable for services covered under this title (including administrative costs incurred by organizations described in sections 1816 and 1842) if such services were to be furnished by other than health maintenance organizations.

"(B) In order to assure that health maintenance organizations will not be permitted to retain revenues in excess of expenses with respect to such individuals at a rate greater than that applicable to their other enrollees, any contract with a health maintenance organization under this title shall provide that the Secretary shall require, at such time following the expiration of each accounting period of a health maintenance organization (and in such form and in such detail) as he may prescribe:

"(i) that such organization report to him in a certified public statement the amount retained (as herein defined) and the rate of retention (as herein defined) for the preceding accounting period with respect to (I) individuals enrolled with such organization under this section, considered as a group, and (II) all other individuals enrolled with such organization, considered as a group;

"(ii) that an audit (meeting requirements prescribed by the Secretary) be conducted with respect to any such organization which has a rate of retention with respect to individuals enrolled under this section which is in excess of 90 per centum of such organization's rate of retention with respect to all other individuals enrolled with such organization;

"(iii) that such part of the amount retained by any health maintenance organization with respect to individuals enrolled under this section which is attributable to an excessive rate of retention (as herein defined) shall be repaid by such organization unless used by it to provide benefits to enrollees under this section in addition to those specified in subsection (c) or to reduce the premium rates charged by such organization to such enrollees pursuant to subsection (g).

For purposes of this section—

"(iv) the term 'amount retained' means the difference between (I) the revenues (irrespective of the source of such revenues) of any health maintenance organization (for any accounting period as defined in regulations) with respect to any group of individuals who are enrolled with such organization and (II) the expenses of such organization (for such accounting period) with respect to such group of individuals;

"(v) the term 'rate of retention' means the ratio of such amount retained to such revenues, expressed as a percentage; and

"(vi) the term 'excessive rate of retention' means (I) any rate of retention of any health maintenance organization with respect to individuals enrolled under this section which is greater than such organization's rate of retention with respect to all other individuals enrolled with such organization, or (II) with respect to any health maintenance organization to which subsection (h) applies, any rate of retention with respect to individuals enrolled under this section which is greater than a reasonable rate of retention as determined in accordance with regulations, taking into account the rate of retention experienced by comparable organizations with respect to other individuals enrolled with such comparable organizations.

"(3) The payments to health maintenance organizations under this subparagraph with respect to individuals described in subsection (a)(1)(A) shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund. The portion of such payment to such an organization for a month to be paid by the latter trust fund shall be equal to 200 percent of the sum of—

"(A) the product of (i) the number of covered enrollees of such organization for such month (as described in paragraph (1)) who have attained age 65, and (ii) the monthly actuarial rate for supplementary medical insurance for such month as determined under section 1839(c)(1), and

"(B) the product of (i) the number of covered enrollees of such organization for such month (as described in paragraph (1)) who have not attained age 65, and (ii) the monthly actuarial rate for supplementary medical insurance for such month as determined under section 1839(c)(4).

The remainder of such payment shall be paid by the former trust fund. For limitation on Federal participation for capital expenditures which are out of conformity with a comprehensive plan of a State or areawide planning agency, see section 1122.

"(b) The term 'health maintenance organization' means a public or private organization which—

"(1) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization under subsection (e) or a per capita prepayment basis;

"(2) provides, either directly or through arrangements with others, to the extent applicable in subsection (c) (through institutions, entities, and persons meeting the applicable requirements of section 1861), all of the services and benefits covered under parts A and B of this title;

"(3) provides physicians' services (A) directly through physicians who are either employees or partners of such organization, or (B) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"(4) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically;

"(5) except as provided in subsection (h), has at least half of its enrolled members consisting of individuals under age 65;

"(6) assures that the health services required by its members are received promptly and appropriately and that the services that are received measure up to quality standards which it establishes in accordance with regulations; and

"(7) has an open enrollment period at least every year under which it accepts up to the limits of its capacity and without restrictions, except as may be authorized in regulations, individuals who are eligible to enroll under subsection (d) in the order in which they apply for enrollment (unless to do so would result in failure to meet the requirements of paragraph (5)).

"(c) The benefits provided under this section shall consist of—

"(1) in the case of an individual who is entitled to hospital insurance benefits under part A and enrolled for medical insurance benefits under part B—

"(A) entitlement to have payment made on his behalf for all services described in section 1812 and section 1832 which are furnished to him by the health maintenance organization with which he is enrolled pursuant to subsection (e) of this section; and

"(B) entitlement to have payment made by such health maintenance organization to him or on his behalf for such emergency services (as defined in regulations), or such other services as may be determined in accordance with subsection (f), to be services which the individual was entitled to have furnished by the health maintenance organization, as may be furnished to him by a physician, supplier, or provider of services, other than the health maintenance organization with which he is enrolled; and

"(2) in the case of an individual who is not entitled to hospital insurance benefits under part A but who is enrolled for medical insurance benefits under part B, entitlement to have payment made for services described in paragraph (1), but only to the extent that such services are also described in section 1832.

"(d) Subject to the provisions of subsection (e), every individual described in subsection (c) shall be eligible to enroll with any health maintenance organization (as defined in subsection (b)) which serves the geographic area in which such individual resides.

"(e) An individual may enroll with a health maintenance organization under this section, and may terminate such enrollment, as may be prescribed by regulations.

"(f) Any individual enrolled with a health maintenance organization under this section who is dissatisfied by reason of his failure to receive without additional cost to him any health service to which he believes he is entitled shall, if the amount in controversy is $100 or more, be entitled to a hearing before the Secretary to the same extent as is provided in section 205(b) and in any such hearing the Secretary shall make such health maintenance organization a party thereto. If the amount in controversy is $1,000 or more, such individual or health maintenance organization shall be entitled to judicial review of the Secretary's final decision after such hearing as is provided in section 205 (g).

"(g)(1) If the health maintenance organization provides its enrollees under this section only the services described in subsection (c), its premium rate for such enrollees shall not exceed the actuarial value of the deductible and coinsurance which would otherwise be applicable to such enrollees under part A and part B, if they were not enrolled under this section.

"(2) If the health maintenance organization provides to its enrollees under this section services in addition to those described in subsection (c), it shall furnish such enrollees with information on the portion of its premium rate applicable to such additional services. The portion applicable to the services described in subsection (c) may not exceed the actuarial value of the deductible and coinsurance which would otherwise be applicable to such enrollees under part A and part B if they were not enrolled under this section.

"(h) The provisions of paragraph (5) of subsection (b) shall not apply with respect to any health maintenance organization for such period not to exceed three years from the date such organization enters into an agreement with the Secretary pursuant to subsection (i), as the Secretary may permit, but only so long as such organization demonstrates to the satisfaction of the Secretary by the submission of its plans for each year that it is making continuous efforts and progress toward achieving compliance with the provisions of such paragraph (5) within such three-year period.

"(i)(1) The Secretary is authorized to enter into a contract with any health maintenance organization which undertakes to provide, on a per capita prepayment basis, the services described in section 1832 (and section 1812, in the case of individuals who are entitled to hospital insurance benefits under part A) to individuals enrolled with such organization pursuant to subsection (e).

"(2) Each contract under this section shall be for a term of at least one year, as determined by the Secretary, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the health maintenance organization involved as he may provide in regulations), if he finds that the organization (A) has failed substantially to carry out the contract, (B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section, or (C) no longer substantially meets the applicable conditions of subsection (b).

"(3) The effective date of any contract executed pursuant to this subsection shall be specified in such contract pursuant to the regulations.

"(4) Each contract under this section—

"(A) shall provide that the Secretary, or any person or organization designated by him—

"(i) shall have the right to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under such contract; and

"(ii) shall have the right to audit and inspect any books and records of such health maintenance organization which pertain to services performed and determinations of amounts payable under such contract; and

"(B) shall contain such other terms and conditions not inconsistent with this section as the Secretary may find necessary.

"(j) The function vested in the Secretary by subsection (i) may be performed without regard to such provisions of law or of other regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the furtherance of the purposes of this title."

(b) Notwithstanding the provisions of section 1814 and section 1833 of the Social Security Act, any health maintenance organization which has entered into a contract with the Secretary pursuant to section 1876 of such Act shall, for the duration of such contract, be entitled to reimbursement only as provided in section 1876 of such Act for individuals who are members of such organizations; except that with respect to individuals who were members of such organization prior to January 1, 1972, and who, although eligible to have payment made pursuant to section 1876 of such Act for services rendered to them, chose (in accordance with regulations) not to have such payment made pursuant to such section, the Secretary shall, for a period not to exceed three years commencing on January 1, 1972, pay such organization on the basis of a per capita rate, determined in accordance with the provisions of section 1876(a) of such Act, with appropriate actuarial adjustments to reflect the difference in utilization of out-of-plan services between such individuals and individuals who are enrolled with such organization pursuant to section 1876 of such Act.

(c)(1) Section 1814(a) of such Act is amended by striking out "Except as provided in subsection (d)," and inserting in lieu thereof the following: "Except as provided in subsection (d) and in section 1876,".

(2) Section 1833(a) of such Act is amended by striking out "Subject to" and inserting in lieu thereof the following: "Except as provided in section 1876, and subject to".

(d) The amendments made by this section shall be effective with respect to services provided on or after January 1, 1972.

PAYMENT UNDER MEDICARE FOR SERVICES OF PHYSICIANS RENDERED AT A TEACHING HOSPITAL

SEC. 227. (a) Section 1861(b) of the Social Security Act is amended by striking out the second sentence and inserting in lieu thereof the following:

"Paragraph (4) shall not apply to services provided in a hospital by—

"(6) an intern or a resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association or, in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or, in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of dentistry, approved by the Council on Dental Education of the American Dental Association; or

"(7) a physician where the hospital has a teaching program approved as specified in paragraph (6), unless (A) such inpatient is a private patient (as defined in regulations), or (B) the hospital establishes that during the two-year period ending December 31, 1967, and each year thereafter all inpatients have been regularly billed by the hospital for services rendered by physicians and reasonable efforts have been made to collect in full from all patients and payment of reasonable charges (including applicable deductibles and coinsurance) has been regularly collected in full or in substantial part from at least 50 percent of all inpatients."

(b)(1) So much of section 1814(a) of such Act as precedes paragraph (1) (as amended by section 226(c)(1) of this Act) is further amended by striking out "subsection (d)" and inserting in lieu thereof "subsections (d) and (g)".

(2) Section 1814 is further amended by adding at the end thereof the following new subsection:

"Payment for Services of a Physician Rendered in a Teaching Hospital

"(g) For purposes of services for which the reasonable cost thereof is determined under section 1861(v)(1)(D), payment under this part shall be made to such fund as may be designated by the organized medical staff of the hospital in which such services were furnished or, if such services were furnished in such hospital by the faculty of a medical school, to such fund as may be designated by such faculty, but only if—

"(1) such hospital has an agreement with the Secretary under section 1866, and

"(2) the Secretary has received written assurances that (A) such payment will be used by such fund solely for the improvement of care of hospital patients or for educational or charitable purposes and (B) the individuals who were furnished such services or any other persons will not be charged for such services (or if charged, provision will be made for return of any moneys incorrectly collected)."

(c) Section 1861(v)(1) of such Act (as amended by section 223 of this Act) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking out "(A) take" and "(B) provide" in the fourth sentence and inserting in lieu thereof "(i) take" and "(ii) provide", respectively;

(3) by inserting "B" immediately preceding "Such regulations in the case of extended care services"; and

(4) by adding at the end thereof the following new subparagraphs:

"(C) Where a hospital has an arrangement with a medical school under which the faculty of such school provides services at such hospital, an amount not in excess of the reasonable cost of such services to the medical school shall be included in determining the reasonable cost to the hospital of furnishing services—

"(i) for which payment may be made under part A, but only if

"(I) payment for such services as furnished under such arrangement would be made under part A to the hospital had such services been furnished by the hospital, and

"(II) such hospital pays to the medical school at least the reasonable cost of such services to the medical school, or

"(ii) for which payment may be made under part B, but only if such hospital pays to the medical school at least the reasonable cost of such services to the medical school.

"(D) Where (i) physicians furnish services which are either inpatient hospital services (including services in conjunction with the teaching programs of such hospital(by reason of paragraph (7) of subsection (b) or for which entitlement exists by reason of clause (II) of section 1832(a)(2)(B) (i) and (ii) such hospital (or medical school under arrangement with such hospital) incurs no actual cost in the furnishing of such services, the reasonable cost of such services shall (under regulations of the Secretary) be deemed to be the cost such hospital or medical school would have incurred had it paid a salary to such physicians rendering such services approximately equivalent to the average salary paid to all physicians employed by such hospital (or if such employment does not exist, or is minimal in such hospital, by similar hospitals in a geographic area of sufficient size to assure reasonable inclusion of sufficient physicians in development of such average salary)."

(d)(1) Section 1861(u) of such Act is amended by inserting before the period at the end thereof the following: ", or, for purposes of section 1814(g) and section 1835(e), a fund".

(2) So much of section 1866(a)(1) of such Act as precedes subparagraph (A) is amended by inserting "(except a fund designated for purposes of section 1814(g) and section 1835 (e))" after "provider of services".

(e)(1) Section 1832(a)(2)(B) of such Act is amended to read as follows:

"(B) medical and other health services furnished by a provider of services or by others under arrangements with them made by a provider of services, excluding—

"(i) physician services except where furnished by—

"(I) a resident or intern of a hospital or

"(II) a physician to a patient in a hospital which has a teaching program approved as specified in paragraph (6) of section 1861(b) (including services in conjunction with the teaching programs of such hospital whether or not such patient is an inpatient of such hospital), unless either clause (A) or (B) of paragraph (7) of such section is met, and

"(ii) services for which payment may be made pursuant to section 1835(b)(2); and".

(2)(A) So much of section 1835(a) of such Act as precedes paragraph (1) is amended by striking out "subsections (b) and (c)," and inserting in lieu thereof "subsections (b), (c), and (e),".

(B) Section 1835 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) For purposes of services (1) which are inpatient hospital services by reason of paragraph (7) of section 1861 (b) or for which entitlement exists by reason of clause (II) of section 1832(a)(2)(B)(i), and (2) for which the reasonable cost thereof is determined under section 1861(v)(1)(D), payment under this part shall be made to such fund as may be designated by the organized medical staff of the hospital in which such services were furnished or, if such services were furnished in such hospital by the faculty of a medical school, to such fund as may be designated by such faculty, but only if—

"(1) such hospital has an agreement with the Secretary under section 1866, and

"(2) the Secretary has received written assurances that such payment will be used by such fund solely for the improvement of care to patients in such hospital or for educational or charitable purposes and (B) the individuals who were furnished such services or any other persons will not be charged for such services (or if charged provision will be made for return for any moneys incorrectly collected)."

(3) Section 1842(a) of such Act is amended by inserting after "which involve payments for physicians' services" the following: "on a reasonable charge basis".

(f) Section 1861(q) of such Act is amended by striking out the parenthetical phrase "(but not including services described in the last sentence of subsection (b))" and inserting in lieu thereof "(but not including services described in subsection (b)(6))".

(g) The amendments made by this section shall apply with respect to accounting periods beginning after June 30, 1971.

ADVANCE APPROVAL OF EXTENDED CARE AND HOME HEALTH COVERAGE UNDER MEDICARE

SEC. 228. (a) Section 1814 of the Social Security Act (as amended by section 227(b)(2) of this Act) is amended by adding at the end thereof the following new subsections:

"Payment for Posthospital Extended Care Services

"(h)(1) An individual shall be presumed to require the care specified in subsection (a)(2)(C) of this section for purposes of making payment to an extended care facility (subject to the provisions of section 1812) for posthospital extended care services which are furnished by such facility to such individual if—

"(A) the certification referred to in subsection (a)(2)(C) of this section is submitted prior to or at the time of admission of such individual to such extended care facility,

"(B) such certification states that the medical condition of the individual is a condition designated in regulations,

"(C) such certification is accompanied by a plan of treatment for providing such services, and

"(D) there is compliance with such other requirements and procedures as may be specified in regulations, but only for services furnished during such limited period of time with respect to such conditions of the individual as may be prescribed in regulations by the Secretary, taking into account the medical severity of such conditions, the degree of incapacity, and the minimum length of stay in an institution generally needed for such conditions, and such other factors affecting the type of care to be provided as the Secretary deems pertinent.

"(2) If the Secretary determines with respect to a physician that such physician is submitting with some frequency (A) erroneous certifications that individuals have conditions designated in regulations as provided in this subsection or (B) plans for providing services which are inappropriate, the provisions of paragraph (1) shall not apply, after the effective date of such determination, in any case in which such physician submits a certification or plan referred to in subparagraph (A), (B), or (C) of paragraph (1).

"Payment for Posthospital Home Health Services

"(i)(1) An individual shall be presumed to require the services specified in subsection (a)(2)(D) of this section for purposes of making payment to a home health agency (subject to the provisions of section 1812) for posthospital home health services furnished by such agency to such individual if—

"(A) the certification and plan referred to in subsection (a)(2)(D) of this section are submitted in timely fashion prior to the first visit by such agency,

"(B) such certification states that the medical condition of the individual is a condition designated in regulations, and

"(C) there is compliance with such other requirements and procedures as may be specified in regulations, but only for services furnished during such limited numbers of visits with respect to such conditions of the individual as may be prescribed in regulations by the Secretary, taking into account the medical severity of such conditions, the degree of incapacity, and the minimum period of home confinement generally needed for such conditions, and such other factors affecting the type of care to be provided as the Secretary deems pertinent.

"(2) If the Secretary determines with respect to a physician that such physician is submitting with some frequency (A) erroneous certifications that individuals have conditions designated in regulations as provided in this subsection or (B) plans for providing services which are inappropriate, the provisions of paragraph (1) shall not apply, after the effective date of such determination, in any case in which such physician submits a certification or plan referred to in subparagraph (A) or (B) of paragraph (1)."

(b) The amendment made by subsection (a) shall be effective with respect to admissions to extended care facilities, and home health plans initiated, on or after January 1, 1972.

AUTHORITY OF SECRETARY TO TERMINATE PAYMENTS TO SUPPLIERS OF SERVICES

SEC. 229. (a) Section 1862 of the Social Security Act (as amended by section 210 of this Act) is further amended by adding at the end thereof the following new subsection:

"(d)(1) No payment may be made under this title with respect to any item or services furnished to an individual by a person where the Secretary determines under this subsection that such person—

"(A) has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application for payment under this title or for use in determining the right to a payment under this title;

"(B) has submitted or caused to be submitted (except in the case of a provider of services), bills or requests for payment under this title containing charges (or in applicable cases requests for payment of costs to such person) for services rendered which the Secretary finds, with the concurrence of the appropriate program review team appointed pursuant to paragraph (4), to be substantially in excess of such person's customary charges (or in applicable cases substantially in excess of such person's costs) for such services, unless the Secretary finds there is good cause for such bills or requests containing such charges (or in applicable cases, such costs); or

"(C) has furnished services or supplies which are determined by the Secretary, with the concurrence of the members of the appropriate program review team appointed pursuant to paragraph (4) who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality.

"(2) A determination made by the Secretary under this subsection shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of inpatient hospital services, posthospital extended care services, and home health services such determination shall be effective in the manner provided in section 1866(b) (3) and (4) with respect to terminations of agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

"(3) Any person furnishing services described in paragraph (1) who is dissatisfied with a determination made by the Secretary under this subsection shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(4) For the purposes of paragraph (1) (B) and (C) of this subsection, and clause (F) of section 1866(b)(2), the Secretary shall, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of this title, and consumer representatives familiar with the health needs of residents of the State, appoint one or more program review team (composed of physicians, other professional personnel in the health care field, and consumer representatives) in each State which shall, among other things—

"(A) undertake to review such statistical data on program utilization as may be submitted by the Secretary,

"(B) submit to the Secretary periodically, as may be prescribed in regulations, a report on the results of such review, together with recommendations with respect thereto,

"(C) undertake to review particular cases where there is a likelihood that the person or persons furnishing services and supplies to individuals may come within the provisions of paragraph (1) (B) and (C) of this subsection or clause (3) of section 1866(b)(2), and

"(D) submit to the Secretary periodically, as may be prescribed in regulations, a report of cases reviewed pursuant to subparagraph (C) along with an analysis of, and recommendations with respect to, such cases."

(b) Section 1866(b)(2) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (D) that such provider has made, or caused to be made, any false statement or representation of a material fact for use in an application for payment under this title or for use in determining the right to a payment under this title, or (E) that such provider has submitted, or caused to be submitted, requests for payment under this title of amounts for rendering services substantially in excess of the costs incurred by such provider for rendering such services, or (F) that such provider has furnished services or supplies which are determined by the Secretary, with the concurrence of the members of the appropriate program review team appointed pursuant to section 1862(d)(4) who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality."

(c) Section 1903(i) of such Act (as added by section 224(c) of this Act) is further amended by striking out "shall not be made" and all that follows and inserting in lieu thereof the following: "shall not be made—

"(1) with respect to any amount paid for items or services furnished under the plan after June 30, 1971, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the fourth and fifth sentences of section 1842(b)(3); or

"(2) with respect to any amount paid for services furnished under the plan after June 30, 1971, by a provider or other person during any period of time, if payment may not be made under title XVIII with respect to services furnished by such provider or person during such period of time solely by reason of a determination by the Secretary under section 1862(d)(1) or under clause (D), (E), or (F) of section 1866(b)(2)."

(d) Section 506(f) of such Act (as added by section 224(d) of this Act) is further amended by striking out "no payment shall be made" and all that follows and inserting in lieu thereof the following: "no payment shall be made to any State thereunder—

"(1) with respect to any amount paid for items or services furnished under the plan after June 30, 1971, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the fourth and fifth sentences of section 1842(b)(3); or

"(2) with respect to any amount paid for services furnished under the plan after June 30, 1971, by a provider or other person during any period of time, if payment may not be made under title XVIII with respect to services furnished by such provider or person during such period of time solely by reason of a determination by the Secretary under section 1862(d)(1) or under clause (D), (E), or (F) of section 1866(b)(2)."

ELIMINATION OF REQUIREMENT THAT STATES MOVE TOWARD COMPREHENSIVE MEDICAID PROGRAMS

SEC. 230. Section 1903(e) of the Social Security Act, and section 2(b) of Public Law 91-56 (approved August 9, 1969), are repealed.

REDUCTIONS IN CARE AND SERVICES UNDER MEDICAID

SEC. 231. Section 1902(d) of the Social Security Act is amended—

(1) by inserting "required to be included pursuant to subsection (a)(13) and" after "extent of the care and services" in the matter preceding paragraph (1);

(2) by striking out "or to terminate any of such care and services,"; and

(3) by inserting "with respect to care and services required to be included pursuant to subsection (a)(13)" after "under the plan" in paragraph (1).

DETERMINATION OF REASONABLE COST OF INPATIENT HOSPITAL SERVICES UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

SEC. 232. (a) Section 1902(a)(13)(D) of the Social Security Act is amended to read as follows:

"(D) for payment of the reasonable cost of inpatient hospital services provided under the plan, as determined in accordance with methods and standards which shall be developed by the State and included in the plan, except that the reasonable cost of any such services as determined under such methods and standards shall not exceed the amount which would be determined under section 1861(v) as the reasonable cost of such services for purposes of title XVIII;".

(b) Section 505(a)(6) of such Act is amended to read as follows:

"(6) provides for payment of the reasonable cost of inpatient hospital services provided under the plan, as determined in accordance with methods and standards which shall be developed by the State and included in the plan, except that the reasonable cost of any such services as determined under such methods and standards shall not exceed the amount which would be determined under section 1861(v) as the reasonable cost of such services for purposes of title XVIII;".

(c) The amendments made by this section shall be effective July 1, 1972 (or earlier if the State plan so provides).

AMOUNT OF PAYMENTS WHERE CUSTOMARY CHARGES FOR SERVICES FURNISHED ARE LESS THAN REASONABLE COST

SEC. 233. (a) Section 1814(b) of the Social Security Act is amended to read as follows:

"Amount Paid to Providers

"(b) The amount paid to any provider of services with respect to services for which payment may be made under this part shall, subject to the provisions of section 1813, be—

"(1) the lesser of (A) the reasonable cost of such services, as determined under section 1861(v), or (B) the customary charges with respect to such services; or

"(2) if such services are furnished by a public provider of services free of charge or at nominal charges to the public, the amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such reasonable cost which the Secretary finds will provide fair compensation to such provider for such services."

(b) Section 1833(a)(2) of such Act is amended to read as follows:

"(2) in the case of services described in section 1832(a)(2)—80 percent of—

"(A) the lesser of (i) the reasonable cost of such services, as determined under section 1861(v), or (ii) the customary charges with respect to such services; or

"(B) if such services are furnished by a public provider of services free of charge or at nominal charges to the public, the amount determined in accordance with section 1814 (b)(2)."

(c) Section 1903(i) of such Act (as added by section 224(c) and amended by section 229(c) of this Act) is further amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following new paragraph:

"(3) with respect to any amount expended for inpatient hospital services furnished under the plan to the extent that such amount exceeds the hospital's customary charges with respect to such services or (if such services are furnished under the plan by a public institution free of charge or at nominal charges to the public) exceeds an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such payment which the Secretary finds will provide fair compensation to such institution for such services."

(d) Section 506(f) of such Act (as added by section 224(d) and amended by section 229(d) of this Act) is further amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following new paragraph:

"(3) with respect to any amount expended for inpatient hospital services furnished under the plan to the extent that such amount exceeds the hospital's customary charges with respect to such services or (if such services are furnished under the plan by a public institution free of charge or at nominal charges to the public) exceeds an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such payment which the Secretary finds will provide fair compensation to such institution for services."

(e) Clause (2) of the second sentence of section 509(a) of such Act (as amended by section 221(c)(3) of this Act) is further amended by inserting "(A)" before "the reasonable cost", and by inserting after "under the project," the following: "or (B) if less, the customary charges with respect to such services provided under the project, or (C) if such services are furnished under the project by a public institution free of charge or at nominal charges to the public, an amount determined on the basis of those items (specified in regulations prescribed by the Secretary) included in the determination of such reasonable cost which the Secretary finds will provide fair compensation to such institution for such services".

(f) The amendments made by subsections (a) and (b) shall apply to services furnished by hospitals, extended care facilities, and home health agencies in accounting periods beginning after June 30, 1971. The amendments made by subsections (c), (d), and (e) shall apply with respect to services furnished by hospitals in accounting periods beginning after June 30, 1971.

INSTITUTIONAL PLANNING UNDER MEDICARE

SEC. 234. (a) The first sentence of section 1861(e) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) has in effect an overall plan and budget that meets the requirements of subsection (z); and".

(b) Section 1861(f)(2) of such Act is amended to read as follows:

"(2) satisfies the requirements of paragraphs (3) through (9) of subsection (a);".

(c) Section 1861(g)(2) of such Act is amended to read as follows:

"(2) satisfies the requirements of paragraphs (3) through (9) of subsection (a);".

(d) The first sentence of section 186(j) of such Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) has in effect an overall plan and budget that meets the requirements of subsection (z); and".

(e) Section 1861(o) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) has in effect an overall plan and budget that meets the requirements of subsection (z); and".

(f) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Institutional Planning

"(z) An overall plan and budget of a hospital, extended care facility, or home health agency shall be considered sufficient if it—

"(1) provides for an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that nothing in this paragraph shall require that there be prepared, in connection with any budget, an item-by-item identification of the components of each type of anticipated expenditure or income);

"(2) provides for a capital expenditures plan for at least a 3-year period (including the year to which the operating budget described in subparagraph (1) is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment, and the replacement, modernization, and expansion of buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

"(3) provides for review and updating at least annually; and

"(4) is prepared, under the direction of the governing body of the institution or agency, by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff (if any) of the institution or agency."

(g)(1) Section 1814(a)(2)(C) and section 1814(a)(2)(D) of such Act are each amended by striking out "and (8)" and inserting in lieu thereof "and (9)".

(2) Section 1863 of such Act is amended by striking out "subsections (e)(8), (f)(4), (g)(4), (j)(10), and (o)(5)" and inserting in lieu thereof "subsections (e)(9), (f)(4), (g)(4), (j)(11), and (o)(6)".

(h) Section 1865 of such Act is amended—

(1) by striking out "(except paragraph (6) thereof)" in the first sentence and inserting in lieu thereof "(except paragraphs (6) and (8) thereof)", and

(2) by striking out the second sentence and inserting in lieu thereof the following: "If such Commission, as a condition for accreditation of a hospital, (1) requires a utilization review plan as defined in section 1861 (k) or imposes another requirement which serves substantially the same purpose, or (2) requires institutional plans as defined in section 1861(z) or imposes another requirement which serves substantially the same purpose, the Secretary is authorized to find that all institutions so accredited by the Commission comply also with section 1861(e)(6) or 1861 (e)(8), as the case may be."

(i) The amendments made by this section shall apply with respect to any provider of services for fiscal years (of such provider) beginning after the fifth month following the month in which this Act is enacted.

PAYMENTS TO STATES UNDER MEDICAID FOR INSTALLATION AND OPERATION OF CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

SEC. 235. (a) Section 1903(a) of the Social Security Act is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) an amount equal to—

"(A)(i) 90 per centum of so much of the sums expended during such quarter as are attributable to the design, development, or installation of such mechanized claims processing and information retrieval systems as the Secretary determines are likely to provide more efficient, economical, and effective administration of the plan and to be compatible with the claims processing and information retrieval systems utilized in the administration of title XVIII, including the State's share of the cost of installing such a system to be used jointly in the administration of such State's plan and the plan of any other State approved under this title, and

"(ii) 90 per centum of so much of the sums expended during any such quarter in the fiscal year ending June 30, 1972, or the fiscal year ending June 30, 1973, as are attributable to the design, development, or installation of cost determination systems for State-owned general hospitals (except that the total amount paid to all States under this clause for either such fiscal year shall not exceed $150,000), and

"(B) 75 per centum of so much of the sums expended during such quarter as are attributable to the operation of systems of the type described in subparagraph (A)(i) (whether or not designed, developed, or installed with assistance under such subparagraph) which are approved by the Secretary and which include provision for prompt written notice to each individual who is furnished services covered by the plan of the specific services so covered, the name of the person or persons furnishing the services, the date or dates on which the services were furnished, and the amount of the payment or payments made under the plan on account of the services; plus".

(b) The amendments made by subsection (a) shall apply with respect to expenditures under State plans approved until title XIX of the Social Security Act made after June 30, 1971.

PROHIBITION AGAINST REASSIGNMENT OF CLAIMS TO BENEFITS

SEC. 236. (a) Section 1842(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) No payment under this part for a service provided to any individual shall (except as provided in section 1870) be made to anyone other than such individual or (pursuant to an assignment described in subparagraph (B)(ii) of paragraph (3)) the physician or other person who provided the service, except that payment may be made (A) to the employer of such physician or other person if such physician or other person is required as a condition of his employment to turn over his fee for such service to his employer, or (B) (where the service was provided in a hospital, clinic, or other facility) to the facility in which the service was provided if there is a contractual arrangement between such physician or other person and such facility under which such facility submits the bill for such service."

(b) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (29);

(2) by striking out the period at the end of paragraph (30) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (30) the following new paragraph:

"(31) provide that no payment under the plan for any care or service provided to an individual by a physician, dentist, or other individual practitioner shall be made to anyone other than such individual or such physician, dentist, or practitioner, except that payment may be made (A) to the employer of such physician, dentist, or practitioner if such physician, dentist, or practitioner is required as a condition of his employment to turn over his fee for such care or service to his employer, or (B) (where the care or service was provided in a hospital, clinic, or other facility) to the facility in which the care or service was provided if there is a contractual arrangement between such physician, dentist, or practitioner and such facility under which such facility submits the bill for such care or service."

(c) The amendment made by subsection (a) shall apply with respect to bills submitted and requests for payments made after the date of the enactment of this Act. The amendments made by subsection (b) shall be effective July 1, 1972 (or earlier if the State plan so provides).

UTILIZATION REVIEW REQUIREMENTS FOR HOSPITALS AND SKILLED NURSING HOMES UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

Sec. 237. (a)(1) Section 1903(i) of the Social Security Act (as added by section 224(c) and amended by sections 229(c) and 233(c) of this Act) is further amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding after paragraph (3) the following new paragraph:

"(4) with respect to any amount expended for care or services furnished under the plan by a hospital or skilled nursing home unless such hospital or skilled nursing home has in effect a utilization review plan which meets the requirements imposed by section 1861(k) for purposes of title XVIII; and if such hospital or skilled nursing home has in effect such a utilization review plan for purposes of title XVIII, such plan shall serve as the plan required by this subsection (with the same standards and procedures and the same review committee or group) as a condition of payment under this title."

(2) Section 1902(a)(30) of such Act is amended by inserting "(including but not limited to utilization review plans as provided for in section 1903(i)(4))" after "plan" where it first appears.

(b) Section 506(f) of such Act (as added by section 224(d) and amended by sections 229(d) and 233(d) of this Act) is further amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding after paragraph (3) the following new paragraph:

"(4) with respect to any amount expended for services furnished under the plan by a hospital unless such hospital has in effect a utilization review plan which meets the requirement imposed by section 1861(k) for purposes of title XVIII; and if such hospital has in effect such a utilization review plan for the purposes of title XVIII, such plan shall serve as the plan required by this subsection (with the same standards and procedures and the same review committee or group) as a condition of payment under this title."

(c)(1) The amendments made by subsections (a)(1) and (b) shall apply with respect to services furnished in calendar quarters beginning after June 30, 1972.

(2) The amendment made by subsection (a)(2) shall be effective July 1, 1972.

NOTIFICATION OF UNNECESSARY ADMISSION TO A HOSPITAL OR EXTENDED CARE FACILITY UNDER MEDICARE

Sec. 238. (a) Section 1814(a)(7) of the Social Security Act is amended by striking out "as described in section 1861(k)(4)" and inserting in lieu thereof "as described in section 1861(k)(4), including any finding made in the course of a sample or other review of admissions to the institution".

(b) The amendment made by subsection (a) shall apply with respect to services furnished after the second month following the month in which this Act is enacted.

USE OF STATE HEALTH AGENCY TO PERFORM CERTAIN FUNCTIONS UNDER MEDICAID AND UNDER MATERNAL AND CHILD HEALTH PROGRAM

Sec. 239. (a) Section 1902(a)(9) of the Social Security Act is amended to read as follows:

"(9) provide—

"(A) that the State health agency, or other appropriate State medical agency (whichever is utilized by the Secretary for the purpose specified in the first sentence of section 1864(a)), shall be responsible for establishing and maintaining health standards for private or public institutions in which recipients of medical assistance under the plan may receive care or services, and

"(B) for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards, other than those relating to health, for such institutions;".

(b) Section 1902(a) of such Act (as amended by section 236(b) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (30);

(2) by striking out the period at the end of paragraph (31) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (31) the following new paragraph:

"(32) provide—

"(A) that the State health agency, or other appropriate State medical agency, shall be responsible for establishing a plan, consistent with regulations prescribed by the Secretary, for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to recipients of medical assistance under the plan in order to provide guidance with respect thereto in the administration of the plan to the State agency established or designated pursuant to paragraph (5) and, where applicable, to the State agency described in the last sentence of this subsection; and

"(B) that the State or local agency utilized by the Secretary for the purpose specified in the first sentence of section 1864(a), or, if such agency is not the State agency which is responsible for licensing health institutions, the State agency responsible for such licensing, fill perform for the State agency administering or supervising the administration of the plan approved under this title the function of determining whether institutions and agencies meet the requirements for participation in the program under such plan."

(c) Section 505(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (14) the following new paragraph:

"(15) provides—

"(A) that the State health agency, or other appropriate State medical agency, shall be responsible for establishing a plan, consistent with regulations prescribed by the Secretary, for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to recipients of services under the plan and, where applicable, for providing guidance with respect thereto to the other State agency referred to in paragraph (2); and

"(B) that the State or local agency utilized by the Secretary for the purpose specified in the first sentence of section 1864(a), or, if such agency is not the State agency which is responsible for licensing health institutions, the State agency responsible for such licensing, will perform the function of determining whether institutions and agencies meet the requirements for participation in the program under the plan under this title."

(d) The amendments made by this section shall be effective July 1, 1972 (or earlier if the State plan so provides).

RELATIONSHIP BETWEEN MEDICAID AND COMPREHENSIVE HEALTH CARE PROGRAMS

Sec. 240. Section 1902(a)(23) of the Social Security Act is amended by adding after the semicolon at the end thereof the following: "and a State plan shall not be deemed to be out of compliance with the requirements of this paragraph or paragraph (1) or (10) solely by reason of the fact that the State (or any political subdivision thereof) has entered into a contract with an organization which has agreed to provide care and services in addition to those offered under the State plan to individuals eligible for medical assistance who reside in the geographic area served by such organization and who elect to obtain such care and services from such organization;".

PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

Sec. 241. Title XI of the Social Security Act is amended by adding after section 1122 (as added by section 221(a) of this Act) the following new section:

"PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL

"Sec. 1123. (a) The Secretary, in carrying out his functions relating to the qualifications for health care personnel under title XVIII, shall develop (in consultation with appropriate professional health organizations and State health and licensure agencies) and conduct (in conjunction with State health and licensure agencies) a program designed to determine the proficiency of individuals (who do not otherwise meet the formal educational, professional membership, or other specific criteria established for determining the qualifications of practical nurses, therapists, laboratory technicians and technologists, X-ray technicians, psychiatric technicians, or other health care technicians) to perform the duties and functions of practical nurses, therapists, laboratory technicians and technologists, X-ray technicians, psychiatric technicians, or other health care technicians. Such program shall include (but not be limited to) the employment of procedures for the formal testing of the proficiency of individuals. In the conduct of such program, no individual who otherwise meets the proficiency requirements for any health care specialty shall be denied a satisfactory proficiency rating solely because of his failure to meet formal educational or professional membership requirements.

"(b) If any individual has been determined, under the program established pursuant to subsection (a), to be qualified to perform the duties and functions of any health care specialty, no person or provided utilizing the services of such individuals to perform such duties and functions shall be denied payment, under title XVIII or under any State plan approved under title XIX, for any health care services provided by such person on the grounds that such individual is not qualified to perform such duties and functions."

PENALTIES FOR FRAUDULENT ACTS AND FALSE REPORTING UNDER MEDICARE AND MEDICAID

Sec. 242. (a) Section 1872 of the Social Security Act is amended by striking out "208,".

(b) Title XVIII of the Social Security Act is amended by adding at the end thereof (after the new section added by section 226(a) of this Act) the following new section:

"PENALTIES

"Sec. 1877. (a) Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit or payment,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

"(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(b) Any provider of services, supplier, physician, or other person who furnishes items or services to an individual for which payment is or may be made under this title and who solicits, offers, or receives any—

"(1) kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

"(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify as a hospital, extended care facility, or home health agency (as those terms are defined in section 1861), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both."

(c) Title XIX of such Act is amended by adding after section 1908 the following new section:

"PENALTIES

"SEC. 1909. (a) Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under a State plan approved under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to such benefit or payment,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

"(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(b) Whoever furnishes items or services to an individual for which payment is or may be made in whole or in part out of Federal funds under a State plan approved under this title and who solicits, offers, or receives any—

"(1) kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment, or

"(2) rebate of any fee or charge for referring any such individual to another person for the furnishing of such items or services

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify as a hospital, skilled nursing home, intermediate care facility, or home health agency (as those terms are employed in this title) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,000 or imprisoned for not more than 6 months, or both."

(d) The provisions of amendments made by this section shall not be applicable to any acts, statements, or representations made or committed prior to the enactment of this Act.

PROVIDER REIMBURSEMENT REVIEW BOARD

SEC. 243. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof (after the new sections added by section 226(a) and section 242(b) of this Act) the following new section:

"PROVIDER REIMBURSEMENT REVIEW BOARD

"SEC. 1878. (a) Any provider of services which has filed a required cost report within the time specified in regulations may obtain a hearing with respect to such cost report by a Provider Reimbursement Review Board (hereinafter referred to as the 'Board') which shall be established by the Secretary in accordance with subsection (g), if—

"(1) such provider is dissatisfied with a final determination of the organization serving as its fiscal intermediary pursuant to section 1816 as to the amount of total program reimbursement due the provider for the items and services furnished to individuals for which payment may be made under this title for the period covered by such report,

"(2) the amount in controversy is $10,000 or more, and

"(3) such provider files a request for a hearing within 180 days after notice of the intermediary's final determination under paragraph (1).

"(b) At such hearing, the provider of services shall have the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. Evidence may be received at any such hearing even though inadmissable under rules of evidence applicable to court procedure.

"(c) A decision by the Board shall be based upon the record made at such hearing, which shall include the evidence considered by the intermediary and such other evidence as may be obtained or received by the Board, and shall be supported by substantial evidence when the record is viewed as a whole. The Board shall have the power to affirm, modify, or reverse a final determination of the fiscal intermediary with respect to a cost report and to make any other revisions on matters covered by such cost report (including revisions adverse to the provider of services) even though such matters were not considered by the intermediary in making such final determination.

"(d) The Board shall have full power and authority to make rules and establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out the provisions of this section. In the course of any hearing the Board may administer oaths and affirmations. The provisions of subsections (d), (e), and (f) of section 205 with respect to subpenas shall apply to the Board to the same extent as they apply to the Secretary with respect to title II.

"(e) A decision of the Board shall be final unless the Secretary, on his own motion, and within 60 days after the provider of services is notified of the Board's decision, reverses or modifies (adversely to such provider) the Board's decision. In any case where such a reversal or modification occurs the provider of services may obtain a review of such decision by a civil action commenced within 60 days of the date he is notified of the Secretary's reversal or modification. Such action shall be brought in the district court of the United States for the judicial district in which the provider is located or in the District Court for the District of Columbia and shall be tried pursuant to the applicable provisions under chapter 7 of title 5, United States Code, notwithstanding any other provisions in section 205.

"(f) The finding of a fiscal intermediary that no payment may be made under this title for any expenses incurred for items or services furnished to an individual because such items or services are listed in section 1862 shall not be reviewed by the Board, or by any court pursuant to an action brought under subsection (e).

"(g) The Board shall be composed of five members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive services. Two of such members shall be representative of providers of services. All of the members of the Board shall be persons knowledgeable in the field of cost reimbursement, and at least one of them shall be a certified public accountant. Members of the Board shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate specified (at the time the service involved is rendered by such members) for grade GS-18 in section 5332 of title 5, United States Code. The term of office shall be three years, except that the Secretary shall appoint the initial members of the Board for shorter terms to the extent necessary to permit staggered terms of office.

"(h) The Board is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Board such secretarial, clerical, and other assistance as the Board may require to carry out its functions."

(b) The first sentence of section 1816(a) of such Act is amended by striking out "subject to" in the parenthetical phrase and inserting in lieu thereof "subject to the provisions of section 1878 and to".

(c) The amendments made by this section shall apply with respect to cost reports of providers of services, as defined in title XVIII of the Social Security Act, for accounting periods beginning after June 30, 1971.

PART C—MISCELLANEOUS AND TECHNICAL PROVISIONS

Physical therapy services and other therapy services under Medicare

SEC. 251. (a)(1) Section 1861(p) of the Social Security Act is amended by adding at the end thereof (after and below paragraph (4)(B)) the following new sentence: "The term 'outpatient physical therapy services' also includes physical therapy services furnished an individual by a physical therapist (in his office or in such individual's home) who meets licensing and other standards prescribed by the Secretary in regulations, otherwise than under an arrangement with and under the supervision of a provider of services, clinic, rehabilitation agency, or public health agency, if the furnishing of such services meets such conditions relating to health and safety as the Secretary may find necessary."

(2) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(g) In the case of services described in the next to last sentence of section 1861(p), with respect to expenses incurred in any calendar year, no more than $100 shall be considered as incurred expenses for purposes of subsections (a) and (b)."

(3) Section 1833(a)(2) of such Act (as amended by section 233(b) of this Act is

further amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or", and by adding after subparagraph (B) the following new subparagraph:

"(C) if such services are services to which the next to last sentence of section 1861(p) applies, the reasonable charges for such services."

(4) Section 1832(a)(2)(C) of such Act is amended by striking out "services." and inserting in lieu thereof "services, other than services to which the next to last sentence of section 1861(p) applies."

(b)(1) Section 1861(p) of such Act (as amended by subsection (a)(1) of this section) is further amended by adding at the end thereof the following new sentence: "In addition, such term includes physical therapy services which meet the requirements of the first sentence of this subsection except that they are furnished to an individual as an inpatient of a hospital or extended care facility."

(2) Section 1835(a)(2)(C) of such Act is amended by striking out "on an outpatient basis".

(c) Section 1861(v) of such Act (as amended by sections 221(c)(4) and 223(f) of this Act) is further amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) Where physical therapy services, occupational therapy services, speech therapy services, or other therapy services or services of other health-related personnel (other than physicians) are furnished by a provider of services, or other organization specified in the first sentence of section 1861(p), or by others under an arrangement with such a provider or other organization, the amount included in any payment to such provider or organization under this title as the reasonable cost of such services shall not exceed an amount equal to the salary which would reasonably have been paid for such services to the person performing them if they had been performed in an employment relationship with such provider or organization (rather than under such arrangement) plus the cost of such other expenses incurred by such person not working as an employee, as the Secretary may in regulations determine to be appropriate."

(d)(1) The amendment made by subsection (a) shall apply with respect to services furnished on or after January 1, 1972.

(2) The amendments made by subsection (b) shall apply with respect to services furnished on or after the date of enactment of this Act.

(3) The amendments made by subsection (c) shall be effective with respect to accounting periods beginning on or after January 1, 1972.

COVERAGE OF SUPPLIES RELATED TO COLOSTOMIES

SEC. 252. (a) Section 1861(s)(8) of the Social Security Act is amended by inserting after "organ" the following: "(including colostomy bags and supplies directly related to colostomy care)".

(b) The amendment made by subsection (a) shall apply only with respect to items furnished on or after the date of the enactment of this Act.

COVERAGE OF PTOSIS BARS

SEC. 253. (a) Section 1861(s)(9) of the Social Security Act is amended by inserting "ptosis bars," after "neck braces,".

(b) The amendment made by subsection (a) shall apply only with respect to items furnished on or after the date of the enactment of this Act.

INCLUSION UNDER MEDICAID OF CARE IN INTERMEDIATE CARE FACILITIES

SEC. 254. (a)(1) Section 1905 (a) of the Social Security Act is amended—

(A) by striking out "and" at the end of clause (14).

(B) by adding "and" after the semicolon at the end of clause (15), and

(C) by inserting after clause (15) the following new clause:

"(16) intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(33)(A), to be in need of such care;".

(2) Section 1905 of such Act is amended by adding at the end thereof the following new subsections:

"(c) For purposes of this title the term 'intermediate care facility' means an institution or distinct part thereof which (1) is licensed under State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing home is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities, (2) meets such standards prescribed by the Secretary as he finds appropriate for the proper provision of such care, and (3) meets such standards of safety and sanitation as are applicable to nursing homes under State law. The term 'intermediate care facility' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only with respect to institutional services deemed appropriate by the State. With respect to services furnished to individuals under age 65, the term 'intermediate care facility' shall not include, except as provided in subsection (d), any public institution or distinct part thereof for mental diseases or mental defects.

"(d) The term 'intermediate care facility services' may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions if—

"(1) the primary purpose of such institution (or distinct part thereof) is to provide health or rehabilitative services for mentally retarded individuals and which meet such standards as may be prescribed by the Secretary;

"(2) the mentally retarded individual with respect to whom a request for payment is made under a plan approved under this title is receiving active treatment under such a program; and

"(3) the State or political subdivision responsible for the operation of such institution has agreed that the non-Federal expenditures with respect to patients in such institution (or distinct part thereof) will not be reduced because of payments made under this title."

(b) Section 1902(a) of such Act (as amended by sections 236(b) and 239(b) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (31);

(2) by striking out the period at the end of paragraph (32) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (32) the following new paragraph:

"(33) provide (A) for a regular program of independent professional review (including medical evaluation of each patient's need for intermediate care) and a written plan of service prior to admission or authorization of benefits in an intermediate care facility which provides more than a minimum level of health care services as determined under regulations of the Secretary; (B) for periodic inspections to be made in all such intermediate care facilities (if the State plan includes care in such institutions) within the State by one or more independent professional review teams (composed of physicians or registered nurses and other appropriate health and social service personnel) of (i) the care being provided in such intermediate care facilities to persons receiving assistance under the State plan, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular intermediate care facilities to meet the current health needs and promote the maximum physical well-being of patients receiving care in such facilities, (iii) the necessity and desirability of the continued placement of such patients in such facilities, and (iv) the feasibility of meeting their health care needs through alternative institutional or noninstitutional services; and (C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections, together with any recommendations to the State agency administering or supervising the administration of the State plan."

(c) Section 1121 of such Act is repealed.

(d) The amendments made by this section shall become effective January 1, 1972.

COVERAGE PRIOR TO APPLICATION FOR MEDICAL ASSISTANCE

SEC. 255. (a) Section 1902(a) of the Social Security Act (as amended by sections 236(b), 239(b), and 254(b) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (32);

(2) by striking out the period at the end of paragraph (33) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (33) the following new paragraph:

"(34) provide that in the case of any individual who has been determined to be eligible for medical assistance under the plan, such assistance will be made available to him for care and services included under the plan and furnished in or after the third month before the month in which he made application for such assistance if such individual was (or upon application would have been) eligible for such assistance at the time such care and services were furnished."

(b) The amendments made by subsection (a) shall be effective July 1, 1972.

HOSPITAL ADMISSIONS FOR DENTAL SERVICES UNDER MEDICARE

SEC. 256. (a) Section 1814(a)(2) of the Social Security Act is amended by striking out "or" at the end of subparagraph (C), by adding "or" after the semicolon at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of inpatient hospital services in connection with a dental procedure, the individual suffers from impairments of such severity as to require hospitalization;".

(b) Section 1861(r) of such Act is amended by inserting after "or any facial bone," the following: "or (C) the certification required by section 1814(a)(2)(E) of this Act,".

(c) Section 1862(a)(12) of such Act is amended by inserting before the semicolon the following: ", except that payment may be made under part A in the case of inpatient hospital services in connection with a dental procedure where the individual suffers from impairments of such severity as to require hospitalization".

(d) The amendments made by this section shall apply with respect to admissions occurring after the second month following the month in which this Act is enacted.

EXTENSION OF GRACE PERIOD FOR TERMINATION OF SUPPLEMENTARY MEDICAL INSURANCE COVERAGE WHERE FAILURE TO PAY PREMIUMS IS DUE TO GOOD CAUSE

SEC. 257. (a) Section 1838(b) of the Social Security Act is amended by striking out "(not in excess of 90 days)" in the third sentence, and by adding at the end thereof the following new sentence: "The grace period determined under the preceding sentence shall not exceed 90 days; except that it may be extended to not to exceed 180 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 90-day period."

(b) The amendments made by subsection (a) shall apply with respect to nonpayment of premiums which become due and payable on or after the date of the enactment of this Act or which became payable within the 90-day period immediately preceding such date; and for purposes of such amendments any premium which became due and payable within such 90-day period shall be considered a premium becoming due and payable on the date of the enactment of this Act.

EXTENSION OF TIME FOR FILING CLAIM FOR SUPPLEMENTARY MEDICAL INSURANCE BENEFITS WHERE DELAY IS DUE TO ADMINISTRATIVE ERROR

SEC. 258. (a) Section 1842(b)(3) of the Social Security Act (as amended by section 224(a) of this Act) is further amended by adding at the end thereof the following new sentence: "The requirement in subparagraph (B) that a bill be submitted or request for payment be made by the close of the following calendar year shall not apply if (i) failure to submit the bill or request the payment by the close of such year is due to the error or misrepresentation of an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare performing functions under this title and acting within the scope of his or its authority, and (ii) the bill is submitted or the payment is requested promptly after such error or misrepresentation is eliminated or corrected."

(b) The amendment made by subsection (a) shall apply with respect to bills submitted and requests for payment made after March 1968.

WAIVER OF ENROLLMENT PERIOD REQUIREMENTS WHERE INDIVIDUAL'S RIGHTS WERE PREJUDICED BY ADMINISTRATIVE ERROR OR INACTION

SEC. 259. (a) Section 1837 of the Social Security Act (after the new subsections added by section 206(a) of this Act) is amended by adding at the end thereof the following new subsection:

"(h) In any case where the Secretary finds that an individual's enrollment or nonenrollment in the insurance program established by this part is unintentional, inadvertent, or erroneous and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Department of Health, Education, and Welfare, the Secretary may take such action (including the designation for such individual of a special initial or subsequent enrollment period, with a coverage period determined on the basis thereof and with appropriate adjustments of premiums) as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction."

(b) The amendment made by subsection (a) shall be effective as of July 1, 1966.

ELIMINATION OF PROVISIONS PREVENTING ENROLLMENT IN SUPPLEMENTARY MEDICAL INSURANCE PROGRAM MORE THAN THREE YEARS AFTER FIRST OPPORTUNITY

SEC. 260. Section 1837(b) of the Social Security Act is amended to read as follows:

"(b) No individual may enroll under this part more than twice."

WAIVER OF RECOVERY OF INCORRECT PAYMENTS FROM SURVIVOR WHO IS WITHOUT FAULT UNDER MEDICARE

SEC. 261. (a) Section 1870(c) of the Social Security Act is amended by striking out "and where" and inserting in lieu thereof the following: "or where the adjustment (or recovery) would be made by decreasing payments to which another person who is without fault is entitled as provided in subsection (b)(4), if".

(b) The amendment made by subsection (a) shall apply with respect to waiver actions considered after the date of the enactment of this Act.

REQUIREMENT OF MINIMUM AMOUNT OF CLAIM TO ESTABLISH ENTITLEMENT TO HEARING UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

SEC. 262. (a) Section 1842(b)(3)(C) of the Social Security Act is amended by inserting after "a fair hearing by the carrier" the following: ", in any case where the amount in controversy is $100 or more,".

(b) The amendment made by subsection (a) shall apply with respect to hearings requested (under the procedures established under section 1842(b)(3)(C) of the Social Security Act) after the date of the enactment of this Act.

COLLECTION OF SUPPLEMENTARY MEDICAL INSURANCE PREMIUMS FROM INDIVIDUALS ENTITLED TO BOTH SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS

SEC. 263. (a) Section 1840(a)(1) of the Social Security Act is amended by striking out "subsection (d)" and inserting in lieu thereof "subsections (b)(1) and (c)".

(b) Section 1840(b)(1) of such Act is amended by inserting "(whether or not such individual is also entitled for such month to a monthly insurance benefit under section 202)" after "1937", and by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(c) Section 1840 of such Act is further amended by striking out subsection (c), and by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(d)(1) Section 1840(e) of such Act (as so redesignated) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(2) Section 1840(f) of such Act (as so redesignated) is amended by striking out "subsection (d) or (f)" and inserting in lieu thereof "subsection (c) or (e)".

(3) Section 1840(h) of such Act (as so redesignated) is amended by striking out "(c), (d), and (e)" and inserting in lieu thereof "(c), and (d)".

(4) Section 1841(h) of such Act is amended by striking out "1840(e)" and inserting in lieu thereof "1840(d)".

(5) Section 1842 of such Act is amended by adding at the end thereof the following new subsection:

"(g) The Railroad Retirement Board shall, in accordance with such regulations as the Secretary may prescribe, contract with a carrier or carriers to perform the functions set out in this section with respect to individuals entitled to benefits as qualified railroad retirement beneficiaries pursuant to section 226(a) of this Act and section 21(b) of the Railroad Retirement Act of 1937."

(e) Section 1841 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Secretary of Health, Education, and Welfare certifies are necessary to pay the costs incurred by the Railroad Retirement Board for services performed pursuant to section 1840(b)(1) and section 1842(g). During each fiscal year or after the close of such fiscal year, the Railroad Retirement Board shall certify to the Secretary the amount of the costs it incurred in performing such services and such certified amount shall be the basis for the amount of such costs certified by the Secretary to the Managing Trustee."

(f) The amendments made by this section with respect to collection of premiums shall apply to premiums becoming due and payable after the fourth month following the month in which this Act is enacted.

PROSTHETIC LENSES FURNISHED BY OPTOMETRISTS UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

SEC. 264. (a) Section 1861(r) of the Social Security Act (as amended by sections 211(c)(2) and 256(b) of this Act) is further amended (1) by striking out "or (3)" and inserting in lieu thereof "(3)", and (2) by inserting before the period at the end thereof of the following: ", or (4) a doctor of optometry who is legally authorized to practice optometry by the State in which he performs such function, but only with respect to establishing the necessity for prosthetic lenses".

(b) The amendment made by subsection (a) shall apply only with respect to services performed on or after the date of the enactment of this Act.

PROVISION OF MEDICAL SOCIAL SERVICES NOT MANDATORY FOR EXTENDED CARE FACILITIES

SEC. 265. Section 1861(j)(11) of the Social Security Act (as redesignated by section 234(d) of this Act) is amended by inserting before the semicolon at the end thereof the following: ", except that the Secretary shall not require as a condition of participation that medical social services be furnished in any such institution".

REFUND OF EXCESS PREMIUMS UNDER MEDICARE

SEC. 266. Section 1870 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g) If an individual, who is enrolled under section 1818(c) of the Social Security Act or under section 1837, dies, and premiums with respect to such enrollment have been received with respect to such individual for any month after the month of his death, such premiums shall be refunded to the person or persons determined by the Secretary under regulations to have paid such premiums or if payment for such premiums was made by the deceased individual before his death, to the legal representative of the estate of such deceased individual, if any. If there is no person who meets the requirements of the preceding sentence such premiums shall be refunded to the person or persons in the priorities specified in paragraphs (2) through (7) of subsection (e)."

WAIVER OF REQUIREMENT OF REGISTERED PROFESSIONAL NURSES IN SKILLED NURSING HOMES IN RURAL AREAS UNDER MEDICAID

SEC. 267. Section 1902(a)(28)(B) of the Social Security Act is amended by adding after the semicolon at the end thereof the following:

"except that the State agency with the approval of the Secretary is authorized to waive the requirement of this subparagraph for any one-year period (or less) ending no later than December 31, 1975, with respect to any skilled nursing home where immediately preceding such period the Secretary finds that—

"(i) such nursing home is located in a rural area and the supply of skilled nursing home services in such area is not sufficient to meet the needs of individuals residing therein, and

"(ii) the failure of such nursing home to qualify as skilled nursing home would seriously reduce the availability of such services to beneficiaries in such area; and

"(iii) such nursing home has made and continues to make a good faith effort to comply with this subparagraph, but such compliance is impeded by the lack of qualified nursing personnel in such area; and

"(iv) the requirements of this subparagraph were met for a regular daytime shift."

EXEMPTION OF CHRISTIAN SCIENCE SANATORIUMS FROM CERTAIN NURSING HOME REQUIREMENTS UNDER MEDICAID

SEC. 268. (a) Section 1902(a) of the Social Security Act (as amended by section 544(11) of this Act) is amended by adding at the end thereof the following new sentence: "For purposes of paragraphs (9)(A), (26), (28)(B), (D), and (E), (29), and (32), and of section 1903(i)(4), the terms 'skilled nursing home' and 'nursing home' do not include a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts."

(b) Section 1908(g)(1) of such Act is amended by inserting after "Secretary" the following: ", but does not include a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts".

(c) The amendments made by this section shall be effective on the date of the enactment of this Act.

REQUIREMENTS FOR NURSING HOME ADMINISTRATORS

SEC. 269. Section 1908(d) of the Social Security Act is amended by striking out "No State" and inserting in lieu thereof the following: "No State shall be considered to have failed to comply with the provisions of section 1902(a)(29) because the agency or board of such State (established pursuant to subsection (b)) shall have granted any waiver, with respect to any individual who, during all of the three calendar years immediately preceding the calendar year in which the requirements prescribed in section 1902(a)(29) are first met by the State, has served as a nursing home administrator, of any of the standards developed, imposed, and enforced by such agency or board pursuant to subsection (c). No State".

TERMINATION OF NATIONAL ADVISORY COUNCIL ON NURSING HOME ADMINISTRATION

SEC. 270. Section 1908(f)(5) of the Social Security Act is amended by striking out "as of December 31, 1971" and inserting in lieu thereof "30 days after the date of the enactment of the Social Security Amendments of 1971".

INCREASE IN LIMITATION ON PAYMENTS TO PUERTO RICO FOR MEDICAL ASSISTANCE

SEC. 271. (a) Section 1108(c)(1) of the Social Security Act is amended by striking out "$20,000,000" and inserting in lieu thereof "$30,000,000".

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after June 30, 1971.

EXTENSION OF TITLE V TO AMERICAN SAMOA AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 272. (a) Section 1101(a)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Such term when used in title V also includes American Samoa and the Trust Territory of the Pacific Islands."

(b) Section 1108(d) of such Act is amended by inserting, after "allot such smaller amount to Guam", the following: ", American Samoa, and the Trust Territory of the Pacific Islands".

(c) The amendments made by this section shall apply with respect to fiscal years beginning after June 30, 1971.

STUDY OF CHIROPRACTIC COVERAGE

SEC. 273. The Secretary, utilizing the authority conferred by section 1110 of the Social Security Act, shall conduct a study of the coverage of services performed by chiropractors under State plans approved under title XIX of such Act in order to determine whether and to what extent such services should be covered under the supplementary medical insurance program under part B of title XVIII of such Act, giving particular attention to the limitations which should be placed upon any such coverage and upon payment therefor. Such study shall include one or more experimental, pilot, or demonstration projects designed to assist in providing under controlled conditions the information necessary to achieve the objectives of the study. The Secretary shall report the results of such study to the Congress within two years after the date of the enactment of this Act, together with his findings and recommendations based on such study (and on such other information as he may consider relevant concerning experience with the coverage of chiropractors by public and private plans).

MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS

SEC. 274. (a) Clause (A) of section 1902(a)(26) of the Social Security Act is amended by striking out "evaluation" and inserting in lieu thereof "evaluation)", and by striking out "care)" and inserting in lieu thereof "care".

(b) Section 1908(d) of such Act is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "subsection (c)(1)".

TITLE III—ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

ESTABLISHMENT OF PROGRAM

SEC. 301. The Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XX—ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

"PURPOSE; APPROPRIATIONS

"SEC. 2001. For the purpose of establishing a national program to provide financial assistance to needy individuals who have attained age 65 or are blind or disabled, there are authorized to be appropriated sums sufficient to carry out this title.

"BASIC ELIGIBILITY FOR BENEFITS

"SEC. 2002. Every aged, blind, or disabled individual who is determined under part A to be eligible on the basis of his income and resources shall, in accordance with and subject to the provisions of this title, be paid benefits by the Secretary of Health, Education, and Welfare.

"PART A—DETERMINATION OF BENEFITS

"ELIGIBILITY FOR AND AMOUNT OF BENEFITS

"Definition of Eligible Individual

"SEC. 2011. (a)(1) Each aged, blind, or disabled individual who does not have an eligible spouse and—

"(A) whose income, other than income excluded pursuant to section 2012(b), is at a rate of not more than—

"(i) $780 for the 6-month period ending December 31, 1972,

"(ii) $780 for the 6-month period ending June 30, and $840 for the 6-month period ending December 31, in the calendar year 1973,

"(iii) $840 for the 6-month period ending June 30, and $900 for the 6-month period ending December 31, in the calendar year 1974, or

"(iv) $1,800 for the calendar year 1975 or any calendar year thereafter, and

"(B) whose resources, other than resources excluded pursuant to section 2013(a), are not more than $1,500,

shall be an eligible individual for purposes of this title.

"(2) Each aged, blind, or disabled individual who has an eligible spouse and—

"(A) whose income (together with the income of such spouse), other than income excluded pursuant to section 2012(b), is at a rate of not more than—

"(i) $1,170 for the 6-month period ending December 31, 1972,

"(ii) $1,170 for the 6-month period ending June 30, and $1,200 for the 6-month period ending December 31, in the calendar year 1973, or

"(iii) $2,400 for the calendar year 1974 or any calendar year thereafter, and

"(B) whose resources (together with the resources of such spouse), other than resources excluded pursuant to section 2013(a), are not more than $1,500, shall be an eligible individual for purposes of this title.

"Amount of Benefits

"(b)(1) The benefit under this title for an individual who does not have an eligible spouse shall be payable at the rate of—

"(A) $780 for the 6-month period ending December 31, 1972,

"(B) $780 for the 6-month period ending June 30, and $840 for the 6-month period ending December 31, in the calendar year 1973,

"(C) $840 for the 6-month period ending June 30, and $900 for the 6-month period ending December 31, in the calendar year 1974, and

"(D) $1,800 for the calendar year 1975 or any calendar year thereafter,

reduced by the amount of income, not excluded pursuant to section 2012(b), of such individual.

"(2) The benefit under this title for an individual who has an eligible spouse shall be payable at the rate of—

"(A) $1,170 for the 6-month period ending December 31, 1972,

"(B) $1,170 for the 6-month period ending June 30, and $1,200 for the 6-month period ending December 31, in the calendar year 1973, and

"(C) $2,400 for the calendar year 1974 or any calendar year thereafter,

reduced by the amount of income, not excluded pursuant to section 2012(b), of such individual and spouse.

"Period for Determination of Benefits

"(c)(1) An individual's eligibility for benefits under this title and the amount of such benefits shall be determined for each quarter of a calendar year. Eligibility for and the amount of such benefits for any quarter shall be redetermined at such time or times as may be provided by the Secretary, such redetermination to be effective prospectively.

"(2) The Secretary shall by regulation prescribe the cases in which and extent to which the amount of a benefit under this title for any quarter shall be reduced by reason of time elapsed since the beginning of such quarter and before the date of filing of the application for the benefit.

"(3) For purposes of this subsection an application shall be considered to have been filed on the first day of the month in which it was actually filed.

"Special Limits on Gross Income

"(d) The Secretary may prescribe the circumstances under which, consistently with the purposes of this title, the gross income from a trade or business (including farming) will be considered sufficiently large to make an individual eligible for benefits under this title. For purposes of this subsection, the term 'gross income' has the same meaning as when used in chapter 1 of the Internal Revenue Code of 1954.

"Limitation on Eligibility of Certain Individuals

"(e)(1)(A) Except as provided in subparagraph (B), no person shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if throughout such month he is an inmate of a public institution.

"(B) In any case where an eligible individual or his eligible spouse (if any) is, throughout any month, in a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, the benefit under this title for such individual for such month shall be payable—

"(i) at a rate not in excess of $300 per year (reduced by the amount of any income not excluded pursuant to section 2012(b)) in the case of an individual who does not have an eligible spouse;

"(ii) at a rate not in excess of the sum of the applicable rate specified in subsection (b)(1) and the rate of $300 per year (reduced by the amount of any income not excluded pursuant to section 2012(b)) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month; and

"(iii) at a rate not in excess of $600 per year (reduced by the amount of any income not excluded pursuant to section 2012(b)) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month.

"(2) No person shall be an eligible individual or eligible spouse for purposes of this title if, after notice to such person by the Secretary that it is likely that such person is eligible for any payments of the type enumerated in section 2012(a)(2)(B), such person fails within 30 days to take all appropriate steps to apply for and (if eligible) obtain any such payments.

"(3)(A) No person who is an aged, blind, or disabled individual solely by reason of disability (as determined under section 2014(a)(3)) shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if such disability is determined by the Secretary to be the result in whole or in part of drug abuse or alcohol abuse unless such person is undergoing any treatment that may be appropriate for such abuse at an institution or facility approved for purposes of this paragraph by the Secretary (so long as such treatment is available) and demonstrates that he is complying with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (B).

"(B) The Secretary shall provide for the monitoring and testing of all individuals who are receiving benefits under this title and who as a condition of such benefits are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in subparagraph (A), in order to assure such compliance and to determine the extent to which the imposition of such requirement is contributing to the achievement of the purposes of this title. The Secretary shall annually submit to the Congress a full and complete report on his activities under this paragraph.

"(C) As used in subparagraph (A), the term 'drug abuse' means abuse of a controlled substance within the meaning of section 102 of the Controlled Substances Act; and the term 'alcohol abuse' means alcohol abuse or alcoholism within the meaning of section 247 of the Community Mental Health Centers Act.

"Suspension of Payments to Individuals Who are Outside the United States

"(f) Notwithstanding any other provision of this title, no individual shall be considered an eligible individual for purposes of this title for any month during all of which such individual is outside the United States (and no person shall be considered the eligible spouse of an individual for purposes of this title with respect to any month during all of which such person is outside the United States). For purposes of the preceding sentence, after an individual has been outside the United States for any period of 30 consecutive days, he shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"Puerto Rico, the Virgin Islands, and Guam

"(g) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e).

"INCOME

"Meaning of Income

"SEC. 2012. (a) For purposes of this title, income means both earned income and unearned income; and—

"(1) earned income means only—

"(A) wages as determined under section 203(f)(5)(C); and

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following clause (C) of subsection (a)(9), and the last paragraph of subsection (a)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) support and maintenance furnished in cash or kind; except that in the case of any individual (and his eligible spouse, if any) living in another person's household and receiving support and maintenance in kind from such person, the dollar amounts otherwise applicable to such individual (and spouse) as specified in subsections (a) and (b) of section 2011 shall be reduced by 33⅓ percent in lieu of including such support and maintenance in the unearned income of such individual (and spouse) as otherwise required by this subparagraph;

"(B) any payments received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment insurance benefits;

"(C) prizes and awards;

"(D) the proceeds of any life insurance policy to the extent that they exceed the amount expended by the beneficiary for purposes of the insured individual's last illness and burial or $1,500 whichever is less;

"(E) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(F) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of an individual (and his eligible spouse) there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, if such individual is a child who is, as determined by the Secretary, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment, the earned income of such individual;

"(2)(A) the total unearned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $60 in such quarter, and (B) the total earned income of such individual (and such spouse, if any) in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3)(A) if such individual (or such spouse) is blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1002 or 1602) for the month before the month in which he attained age 65), (i) the first $1,020 per year (or proportionately smaller amounts for shorter perods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, (ii) an amount equal to any expenses reasonably attributable to the earning of any income, and (iii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan,

"(B) if such individual (or such spouse) is disabled but not blind (and has not attained age 65, or received benefits under this title (or aid under a State plan approved under section 1402, or 1602) for the month before the month in which he attained age 65), (i) the first $1,020 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-half of the remainder thereof, and (ii) such additional amounts of other income, where such individual has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan, or

"(C) if such individual (or such spouse) has attained age 65 and is not included under subparagraph (A) or (B), the first $720 per year (or proportionately smaller amounts for shorter periods) of earned income not excluded by the preceding paragraphs of this subsection, plus one-third of the remainder thereof;

"(4) subject to section 2016, any assistance (except veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency, or by any private agency or organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 501(c)(3) or (4) of such Code;

"(5) any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(6) home produce of such individual (or spouse) utilized by the household for its own consumption;

"(7) if such individual is a child, one-third of any payment for his support received from an absent parent; and

"(8) any amounts received for the foster care of a child who is not an eligible individual but who is living in the same home as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency.

"(c) For provisions relating to additional disregarding of income, see section 1007 of the Social Security Amendments of 1969 and section 2016(c)(1) of this Act.

"RESOURCES

"Exclusions From Resources

"SEC. 2013. (a) In determining the resources of an individual (and his eligible spouse, if any) there shall be excluded—

"(1) the home, to the extent that its value does not exceed such amount as the Secretary determines to be reasonable;

"(2) household goods and personal effects, to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable;

"(3) other property which, as determined in accordance with and subject to limitations prescribed by the Secretary, is so essential to the means of self-support of such individual (and such spouse) as to warrant its exclusion; and

"(4) such resources of an individual who is blind or disabled and who has a plan for achieving self-support approved by the Secretary, as may be necessary for the fulfillment of such plan.

In determining the resources of an individual (or eligible spouse) an insurance policy shall be taken into account only to the extent of its cash surrender value; except that if the total face value of all life insurance policies on any person is $1,500 or less, no part of the value of any such policy shall be taken into account.

"Disposition of Resources

"(b) The Secretary shall prescribe the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining an individual's eligibility for benefits. Any portion of the individual's benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"MEANING OF TERMS

"Aged, Blind, or Disabled Individual

"SEC. 2014. (a) (1) For purposes of this title, the term 'aged, blind, or disabled individual' means an individual who—

"(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

"(B) is a resident of the United States, and is either (i) a citizen or (ii) an alien lawfully admitted for permanent residence.

"(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect prior to the enactment of this subsection and received aid under such plan (on the basis of blindness) for June 1972, so long as he is continuously blind as so defined.

"(3) (A) An individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months (or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity). An individual shall also be considered to be disabled for purposes of this title if he is permanently and totally disabled as defined under a State plan approved under title XIV or XVI as in effect prior to the enactment of this subsection and received aid under such plan (on the basis of disability) for June 1972, so long as he is continuously disabled as so defined.

"(B) For purposes of subparagraph (A) (except with respect to a child under the age of 18), an individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), 'work which exists in the national economy' means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

"(C) For purposes of this paragraph, a physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

"(D) The Secretary shall by regulations prescribe the criteria for determining when services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity. Notwithstanding the provisions of subparagraph (B), an individual whose services or earnings meet such criteria, except for purposes of paragraph (4), shall be found not to be disabled.

"(4) (A) For purposes of this title, any services rendered during a period of trial work (as defined in subparagraph (B)) by an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection) shall be deemed not to have been rendered by such individual in determining whether his disability has ceased in a month during such period. As used in this paragraph, the term 'services' means activity which is performed for remuneration or gain or is determined by the Secretary to be of a type normally performed for remuneration or gain.

"(B) The term 'period of trial work', with respect to an individual who is an aged, blind, or disabled individual solely by reason of disability (as determined under paragraph (3) of this subsection), means a period of months beginning and ending as provided in subparagraphs (C) and (D).

"(C) A period of trial work for any individual shall begin with the month in which he becomes eligible for benefits under this title on the basis of his disability; but no such period may begin for an individual who is eligible for benefits under this title on the basis of a disability if he has had a previous period of trial work while eligible for benefits on the basis of the same disability.

"(D) A period of trial work for any individual shall end with the close of whichever of the following months is the earlier:

"(i) the ninth month, beginning on or after the first day of such period, in which the individual renders services (whether or not such nine months are consecutive); or

"(ii) the month in which his disability (as determined under paragraph (3) of this subsection) ceases (as determined after the application of subparagraph (A) of this paragraph).

"Eligible Spouse

"(b) For purposes of this title, the term 'eligible spouse' means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual. If two aged, blind, or disabled individuals are husband and wife as described in the preceding sentence, only one of them may be an 'eligible individual' within the meaning of section 2011(a).

"Definition of Child

"(c) For purposes of this title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of twenty-two and (as determined by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Determination of Marital Relationships

"(d) In determining whether two individuals are husband and wife for purposes of this title, appropriate State law shall be applied; except that—

"(1) if a man and woman have been determined to be husband and wife under section 216(h)(1) for purposes of title II they shall be considered (from and after the date of such determination or the date of their application for benefits under this title, whichever is later) to be husband and wife for purposes of this title, or

"(2) if a man and woman are found to be holding themselves out to the community in which they reside as husband and wife, they shall be so considered for purposes of this title notwithstanding any other provision of this section.

"United States

"(e) For purposes of this title, the term 'United States', when used in a geographical sense, means the States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"Income and Resources of Individuals Other Than Eligible Individuals and Eligible Spouses

"(f) (1) For purposes of determining eligibility for and the amount of benefits for any individual who is married and whose spouse is living with him in the same household but is not an eligible spouse, such individual's income and resources shall be deemed to include any income and resources of such spouse, whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"(2) For purposes of determining eligibility for and the amount of benefits for any individual who is a child under age 21, such individual's income and resources shall be deemed to include any income and resources of a parent of such individual (or the spouse of such a parent) who is living in the same household as such individual, whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances.

"REHABILITATION SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 2015. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title,

the Secretary shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's blindness or disability and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) Every individual with respect to whom the Secretary is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act; and the Secretary is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to individuals so referred.

"(c) No individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept vocational rehabilitation services for which he is referred under subsection (a).

"OPTIONAL STATE SUPPLEMENTATION

"SEC. 2016. (a) Any cash payments which are made by a State (or political subdivision thereof) on a regular basis to individuals who are receiving benefits under this title or who would but for their income be eligible to receive benefits under this title, as assistance based on need in supplementation of such benefits (as determined by the Secretary), shall be excluded under section 2012 (b) (4) in determining the income of such individuals for purposes of this title only if (1) the Secretary and such State enter into an agreement which satisfies subsection (b) and which may at the option of the State provide that the Secretary will, on behalf of such State (or subdivision), make such supplementary payments to all such individuals, and (2) such supplementary payments are made to such individuals in accordance with such agreement.

"(b) Any agreement between the Secretary and a State entered into under subsection (a) shall provide—

"(1) that in determining the eligibility of any individual for supplementary payments on the basis of his income, all the provisions of section 2012(b) will apply, except that with respect to any quarter—

"(A) if benefits are paid to such individual for such quarter under this title, such benefits will not be excluded from income in applying paragraph (4) of such section, and

"(B) if no benefits are paid to such individual for such quarter under this title, the requirement of this paragraph shall not apply with respect to such individual; except that the supplementary payment shall not be reduced, on account of income in excess of the maximum amount which such individual could have and still receive such a benefit, by an amount greater than such excess,

and, if the agreement provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals receiving benefits under this title, shall also provide—

"(2) that such payments will be made (subject to subsection (c) (2) to all individuals residing in such State (or subdivision) who are receiving benefits under this title, and

"(3) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary (subject to subsection (c)) to achieve efficient and effective administration of both the program which he conducts under this title and the optional State supplementation.

"(c) (1) Any State (or political subdivision), in determining the eligibility of any individual for supplementary payments described in subsection (a), may disregard up to $7.50 of any income in addition to other amounts which it is required or permitted to disregard under this section in determining such eligibility, and may include a provision to that effect in the State's agreement with the Secretary under subsection (a).

"(2) Any State (or political subdivision) making supplementary payments described in subsection (a) may at its option impose as a condition of eligibility for such payments, and include in the State's agreement with the Secretary under such subsection, a residence requirement which excludes individuals who have resided in the State (or political subdivision) for less than a minimum period prior to application for such payments.

"(d) Any State which has entered into an agreement with the Secretary under this section which provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals who are receiving benefits under this title (or who would but for their income be eligible to receive such benefits), shall, subject to section 503 of the Social Security Amendments of 1971, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to the expenditures made by the Secretary as such supplementary payments.

"PART B—PROCEDURAL AND GENERAL PROVISIONS

"PAYMENTS AND PROCEDURES

"Payment of Benefits

"SEC. 2031. (a) (1) Benefits under this title shall be paid at such time and in such installments as will best effectuate the purposes of this title, as determined under regulations (and may in any case be paid less frequently than monthly where the amount of monthly benefit would not exceed $10).

"(2) Payments of the benefit of any individual may be made to any such individual or to his eligible spouse (if any) or partly to each, or, if the Secretary deems it appropriate, to any other person (including an appropriate public or private agency) who is interested in or concerned with the welfare of such individual (or spouse).

"(3) The Secretary may by regulation establish ranges of incomes within which a single amount of benefits under this title shall apply.

"(4) The Secretary—

"(A) may make, to any individual initially applying for benefits under this title who is presumptively eligible for such benefits and who is faced with financial emergency, a cash advance against such benefits in an amount not exceeding $100; and

"(B) may pay benefits under this title to an individual applying for such benefits on the basis of disability for a period not exceeding 3 months prior to the determination of such individual's disability, if such individual is presumptively disabled and is determined to be otherwise eligible for such benefits, and any benefits so paid prior to such determination shall in no event be considered overpayments for purposes of subsection (b).

"(5) Payment of the benefit of any individual who is an aged, blind, or disabled individual solely by reason of blindness (as determined under section 2014(a) (2)) or disability (as determined under section 2014(a) (3)), and who ceases to be blind or to be under such disability, shall continue (so long as such individual is otherwise eligible) through the second month following the month in which such blindness or disability ceases.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any individual, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to such individual or by recovery from or payment to such individual or his eligible spouse (or by recovery from the estate of either). The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to an individual with a view to avoiding penalizing such individual or his eligible spouses who was without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this title, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this title.

"Hearings and Review

"(c) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an eligible individual or eligible spouse and is in disagreement with any determination under this title with respect to eligibility of such individual for benefits, or the amount of such individual's benefits, if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing, except to the extent that the matter in disagreement involves the existence of a disability (within the meaning of section 2014(a) (3)), shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"Procedures; Prohibition of Assignments; Representation of Claimants

"(d) (1) The provisions of section 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this title, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (c) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this title, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulations, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this title, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this title by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdmeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"Applications and Furnishing of Information

"(e) (1) The Secretary shall prescribe such requirements with respect to the filing of applications, the suspension or termination of assistance, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

"(2) In case of the failure by any individual to submit a report of events and changes in circumstances relevant to eligibility for or amount of benefits under this title as required by the Secretary under paragraph (1), or delay by any individual in submitting a report as so required, the Secretary (in addition to taking any other action he may consider appropriate under paragraph (1)) shall reduce any benefits which may subsequently become payable to such individual under this title by—

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the individual was without fault or good cause for such failure or delay existed.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

"PENALTIES FOR FRAUD

"SEC. 2032. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"ADMINISTRATION

"SEC. 2033. The Secretary may make such administrative and other arrangements (including arrangements for the determination of blindness and disability under section 2014 (a) (2) and (3) in the same manner and subject to the same conditions as provided with respect to disability determinations under section 221) as may be necessary or appropriate to carry out his functions under this title.

"EVALUATION AND RESEARCH; REPORTS

"SEC. 2034. (a) (1) The Secretary shall provide for the continuing evaluation of the program conducted under this title, including its effectiveness in achieving its goals and its impact on other related programs. The Secretary may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the program conducted under this title, and in so doing may waive any requirement or limitation imposed by or pursuant to this title to the extent he deems appropriate. The Secretary may, for these purposes, contract for evaluations of and research regarding such program.

"(2) Of the sums authorized by section 2001 to be appropriated for any fiscal year, not more than $5,000,000 shall be appropriated for purposes of paragraph (1).

"(b) The Secretary shall, in conducting the activities provided for in subsection (a) (1), utilize the data collection, processing and retrieval system established for use in the operation and administration of the program under this title.

"(c) The Secretary shall make an annual report to the President and the Congress on the operation and administration of the program under this title, including an evaluation thereof in carrying out the purposes of this title and recommendations with respect thereto."

CONFORMING AMENDMENTS RELATING TO AID TO THE AGED, BLIND, OR DISABLED

SEC. 302. (a) The heading of title XVI of the Social Security Act is amended to read as follows:

"TITLE XVI—GRANTS TO STATES FOR SERVICES TO THE AGED, BLIND, OR DISABLED".

(b) (1) The first sentence of section 1601 of such Act is amended to read as follows: "For the purpose of encouraging each State, as far as practicable under the conditions in such State, to furnish rehabilitation, and other services to help needy individuals who are 65 years of age or over, are blind, or are disabled to attain or retain capability for self-support or self-care, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this title."

(2) The second sentence of section 1601 of such Act is amended by striking out "State plans" and all that follows and inserting in lieu thereof "State plans for services to the aged, blind, or disabled."

(c) The heading of section 1602 of such Act is amended to read as follows:

"STATE PLANS FOR SERVICES TO THE AGED, BLIND, OR DISABLED".

(d) (1) Section 1602(a) of such Act is amended—

(A) by striking out "for aid to the aged, blind, or disabled, or for aid to the aged, blind, or disabled and medical assistance for the aged" in the matter preceding paragraph (1) and inserting in lieu thereof "for services to the aged, blind, or disabled";

(B) by striking out "with respect to services" in paragraph (1) (as amended by section 522(e) of this Act);

(C) by striking out paragraph (4);

(D) (i) by striking out "recipients and other persons" in paragraph (5) (B) and inserting in lieu thereof "persons", and

(ii) by striking out "providing services to applicants and recipients" in such paragraph and inserting in lieu thereof "providing services under the plan";

(E) by striking out "applicants and recipients" in paragraph (7) and inserting in lieu thereof "persons seeking or receiving services under the plan";

(F) by striking out paragraph (8);

(G) by striking out "aid or assistance to or on behalf of individuals" in paragraph (9) and inserting in lieu thereof "services to individuals";

(H) (i) by striking out "(if any)" in paragraph (10), and

(ii) by striking out "to applicants for or recipients of aid or assistance under the plan to help them attain self-support or self-care" in such paragraph and inserting in lieu thereof "under the plan";

(I) by striking out paragraph (11);

(J) by striking out "aid or assistance" in paragraph (13) and inserting in lieu thereof "services";

(K) by striking out paragraphs (14) and (15);

(L) (i) by striking out "aid or assistance to or on behalf of" in the matter preceding subparagraph (A) of paragraph (16) and inserting in lieu thereof "services to",

(ii) by adding "and" after the semicolon at the end of subparagraph (B) of such paragraph,

(iii) by striking out "recipients 65 years of age or older" in subparagraph (C) of such paragraph and inserting in lieu thereof "persons receiving services under the State plan who are 65 years of age or older and",

(iv) by striking out ", including appropriate medical treatment and other aid or assistance" in such subparagraph (C),

(v) by striking out "section 1603(a) (4) (A) (i) and (ii)" in such subparagraph (C) and inserting in lieu thereof "section 1603 (1) (A) (i) and (ii)",

(vi) by striking out "such recipient" each place it appears in such subparagraph (C) and inserting in lieu thereof "such persons receiving services",

(vii) by striking out "and" at the end of such subparagraph (C), and

(viii) by striking out subparagraph (D) of such paragraph;

(M) (i) by striking out "aid or assistance to or on behalf of" in paragraph (17) and inserting in lieu thereof "services to", and

(ii) by striking out the period at the end of such paragraph and inserting in lieu thereof "; and";

(N) by inserting after paragraph (17) the following new paragraph:

"(18) provide that, to the extent services under the plan are furnished by the staff of the State or local agency administering the plan in any political subdivision of the State, such staff will be located in organizational units (up to such organizational levels as the Secretary may prescribe) which are separate and distinct from the units within such agencies responsible for determining eligibility for any form of cash assistance paid on a regularly recurring basis or for performing any functions directly related thereto, subject to any exceptions which, in accordance with standards prescribed in regulations, the Secretary may permit when he deems it necessary in order to ensure the effective administration of the plan." ; and

(O) by striking out "the State plan for aid to the aged, blind, or disabled (or for aid to the aged, blind, or disabled and medical assistance for the aged)" in the last sentence and inserting in lieu thereof "the State plan for services to the aged, blind, or disabled".

(2) Paragraphs (5), (6), (7), (9), (10), (12), (13), (16), (17), and (18) of section 1602(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as paragraphs (4) through (13), respectively.

(e) Section 1602(b) of such Act is amended—

(1) by striking out "aid or assistance" in the matter preceding paragraph (1) and inserting in lieu thereof "services";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) any residence requirement which excludes any individual who resides in the State; or"; and

(3) by striking out the last sentence.

(f) Section 1602(c) of such Act is repealed.

(g) Section 1603(a) of such Act is amended—

(1) by striking out paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (1), and—

(A) by striking out "applicants for or recipients of aid or assistance" in clause (i) of subparagraph (A) of such paragraph and inserting in lieu thereof "individuals (including applicants for and recipients of assistance under title XX)",

(B) by striking out "applicants or recipients" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "individuals",

(C) by striking out "aid or assistance under the plan" in clause (iii) of subparagraph (A) of such paragraph and inserting in lieu thereof "assistance under title XX",

(D) by striking out "to applicants for or recipients of aid or assistance under the plan" in subparagraph (B) of such paragraph and inserting in lieu thereof "to individuals under the plan", and

(E) by striking out "such aid or assistance" in subparagraph (B) of such paragraph and inserting in lieu thereof "assistance under title XX";

(3) by redesignating paragraph (5) as paragraph (2), and by striking out "paragraph (4)" in such paragraph and inserting in lieu thereof "paragraph (1)".

(h) Section 1603(b) of such Act is amended—

(1) by striking out paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(i) Section 1603(c) of such Act is amended—

(1) by striking out "paragraph (4) of subsection (a)" each place it appears and inserting in lieu thereof "paragraph (1) of subsection (a)";

(2) by striking out "applicants for or recipients of aid to the aged, blind, or disabled" and inserting in lieu thereof "individuals"; and

(3) by striking out "paragraph (5) of such subsection" and inserting in lieu thereof "paragraph (2) of such subsection".

(j) Section 1604(1) of such Act is amended by striking out "has been so changed that it".

(k) Section 1605 of such Act is amended to read as follows:

"DEFINITION

"SEC. 1605. For purposes of this title, the term 'services to the aged, blind, or disabled' means services (including but not limited to the services referred to in section 1603(a)(1)(A) and (B)) provided for or on behalf of needy individuals who are 65 years of age or older, are blind, or are disabled."

(l) References in any law, regulation, State plan, or other document to any provision of title XVI of the Social Security Act which is redesignated by this section shall to the extent appropriate (from and after the effective date of the amendments made by this section) be considered to be references to such provision as so redesignated.

REPEAL OF TITLES I, X, AND XIV OF THE SOCIAL SECURITY ACT

SEC. 303. Titles I, X, and XIV of the Social Security Act are repealed.

PROVISION FOR DISREGARDING OF CERTAIN INCOME IN DETERMINING NEED FOR AID TO THE AGED, BLIND, OR DISABLED FOR ASSISTANCE

SEC. 304(a) Effective upon the enactment of this Act, section 1007 of the Social Security Amendments of 1969 is amended by striking out "and before January 1972" and inserting in lieu thereof "and before July 1972".

(b) Effective July 1, 1972, such section 1007 (as amended by subsection (a) of this section) is amended—

(1) by striking out "the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act" and inserting in lieu thereof "the requirements which a State must meet in order to have supplementary payments made pursuant to an agreement under section 2016 of the Social Security Act excluded from income for purposes of title XX of such Act";

(2) by striking out "(and the plan shall be deemed to require)";

(3) by striking out "for aid for any month after March 1970 and before July 1972" and inserting in lieu thereof "for such a supplementary payment for any month";

(4) by striking out "the aid received by him" in paragraphs (1) and (2) and inserting in lieu thereof "the supplementary payment";

(5) by striking out "the State plan" in paragraph (1) and inserting in lieu thereof "the State plan approved under title I, X, XIV, or XVI of the Social Security Act".

(6) by adding at the end thereof (after and below paragraph (2)) the following new sentence:

"Notwithstanding the preceding provisions of this section, State supplementary payments under an agreement under section 2016 of the Social Security Act which do not otherwise meet the specific requirements of such provisions shall nevertheless be deemed to meet such requirements for any month if in computing the supplementary payment of any individual receiving monthly insurance benefits under title II of such Act, or an annuity or pension under the Railroad Retirement Act of 1937, not less than $4 of such benefit, annuity, or pension is disregarded or excluded from income in addition to any amounts which would otherwise be so disregarded or excluded."

ADVANCES FROM OASI TRUST FUND FOR ADMINISTRATIVE EXPENSES

SEC. 305. (a) Section 201(g)(1)(A) of the Social Security Act is amended—

(1) by striking out "this title and title XVIII" wherever it appears and inserting in lieu thereof "this title, title XVIII, and title XX";

(2) by striking out "costs which should be borne by each of the Trust Funds" and inserting in lieu thereof "costs which would be borne by each of the Trust Funds and (with respect to title XX) by the general revenues of the United States"; and

(3) by striking out "in order to assure that each of the Trust Funds bears" and inserting in lieu thereof "in order to assure that (after appropriations made pursuant to section 2001, and repayment to the Trust Funds from amounts so appropriated) each of the Trust Funds and the general revenues of the United States bears".

(b)(1) Sums appropriated pursuant to section 2001 of the Social Security Act shall be utilized from time to time, in amounts certified under the second sentence of section 201(g)(1)(A) of such Act, to repay the Trust Funds for expenditures made from such Funds in any fiscal year under section 201(g)(1)(A) of such Act (as amended by subsection (a) of this section) on account of the costs of administration of title XX of such Act (as added by section 301 of this Act).

(2) If the Trust Funds have not theretofore been repaid for expenditures made in any fiscal year (as described in paragraph (1)) to the extent necessary on account of—

(A) expenditures made from such Funds prior to the end of such fiscal year to the extent that the amount of such expenditures exceeded the amount of the expenditures which would have been made from such Funds if subsection (a) had not been enacted,

(B) the additional administrative expenses, if any, resulting from the excess expenditures described in subparagraph (A), and

(C) any loss in interest to such Funds resulting from such excess expenditures and such administrative expenses,

in order to place each such Fund in the same position (at the end of such fiscal year) as it would have been in if such excess expenditures had not been made, the amendments made by subsection (a) shall cease to be effective at the close of the fiscal year following such fiscal year.

(3) As used in this subsection, the term "Trust Funds" has the meaning given it in section 201(g)(1)(A) of the Social Security Act.

TITLE IV—FAMILY PROGRAMS

ESTABLISHMENT OF OPPORTUNITY FOR FAMILIES PROGRAM AND FAMILY ASSISTANCE PLAN

SEC. 401. The Social Security Act is amended by adding at the end thereof (after the new title added by section 301 of this Act) the following new title:

"TITLE XXI—OPPORTUNITIES FOR FAMILIES PROGRAM AND FAMILY ASSISTANCE PLAN

"PURPOSE; APPROPRIATIONS

"SEC. 2101. For the purpose of—

"(1) providing for members of needy families with children the manpower services, training, employment, child care, family planning, and related services which are necessary to train them, prepare them for employment, and otherwise assist them in securing and retaining regular employment and having the opportunity for advancement in employment, to the end that such families will be restored to self-supporting, independent, and useful roles in their communities, and

"(2) providing a basic level of financial assistance throughout the Nation to needy families with children in a manner which will encourage work, training, and self-support, improve family life, and enhance personal dignity,

there are authorized to be appropriated, for each of the five fiscal years in the period beginning July 1, 1972, and ending June 30, 1977, sums sufficient to carry out this title.

"BASIC ELIGIBILITY FOR BENEFITS

"SEC. 2102. Every family which is determined under part C to be eligible on the basis of its income and resources shall, upon registration for manpower services, training, and employment by any of its members who are available for employment (as determined under section 2111) and in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Labor under part A, or, if such family has no members who are registered for such services, training, and employment, shall be paid benefits by the Secretary of Health, Education, and Welfare under part B.

"PART A—OPPORTUNITIES FOR FAMILIES PROGRAM

"REGISTRATION OF FAMILY MEMBERS FOR MANPOWER SERVICES, TRAINING, AND EMPLOYMENT

"SEC. 2111. (a) Every individual who is determined by the Secretary of Health, Education, and Welfare to be a member of an eligible family and to be available for employment shall register with the Secretary of Labor for manpower services, training, and employment.

"(b) Any individual shall be considered to be available for employment for purposes of this title unless he is determined by the Secretary of Health, Education, and Welfare to be—

"(1) unable to engage in work or training by reason of illness, incapacity, or advanced age;

"(2) a mother or other relative of a child under the age of three (or, until July 1, 1974, under the age of six) who is caring for such child;

"(3) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by paragraph (1), (2), (4), or (5) of this subsection (unless he has failed to register as required by subsection (a), or to accept services or employment or participate in training as required by subsection (c));

"(4) a child who is under the age of sixteen or meets the requirements of section 2155 (b)(2); or

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household.

An individual described in paragraph (2), (3), (4), or (5) who would, but for the preceding sentence, be required to register pursuant to subsection (a), may, if he wishes, register as provided in such subsection, and upon so registering he shall be considered as available for employment for purposes of this title.

"(c)(1) Every individual who is registered as required by subsection (a) shall participate in manpower services or training, and accept and continue to participate in employment in which he is able to engage, except where good cause exists for failure to participate in such services or training or to accept and continue to participate in such employment, as provided by the Secretary of Labor.

"(2) No individual shall be required by paragraph (1) to accept employment if—

"(A) the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(B) the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by applicable Federal, State, or local law or are less favorable to the individual than those prevailing for similar work in the locality, or the wages for the work offered are at an hourly rate of less than three-fourths of the minimum wage specified in section 6 (a)(1) of the Fair Labor Standards Act of 1938;

"(C) as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

"(D) the individual has the demonstrated capacity, through other available training or employment opportunities, of securing work available to him that would better enable him to achieve self-sufficiency.

"CHILD CARE AND OTHER SUPPORTIVE SERVICES

"SEC. 2112. (a)(1) The Secretary of Labor shall make provision for the furnishing of child care services in such cases and for so long as he deems appropriate (subject to section 2179) for individuals who are currently registered pursuant to section 2111(a) or referred pursuant to section 2117(a) (or who have been so registered or referred within such period or periods of time as the Secretary of Labor may prescribe) and who need child care services in order to accept or continue to participate in manpower services, training, or employment, or vocational rehabilitation services.

"(2) In making provision for the furnishing of child care services under this subsection, the Secretary of Labor shall, in accordance with standards established pursuant to section 2134(a), arrange for or purchase, from whatever sources may be available, all such necessary child care services, including necessary transportation. Where available, services provided through facilities developed by the Secretary of Health, Education, and Welfare shall be utilized on a priority basis.

"(3) In cases where child care services cannot as a practical matter be made available in facilities developed by the Secretary of Health, Education, and Welfare, the Secretary of Labor may provide such services (A) by grants to public or nonprofit private agencies or contracts with public or private agencies or other persons, through such public or private facilities as may be available and appropriate (except that no such funds may be used for the construction of facilities (as defined in section 2134(b)(2)), and (B) through the assurance of such services from other appropriate sources. In addition to other grants or contracts made under clause (A) of the preceding sentence, grants or contracts under such clause may be made to or with any agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrates a capacity to work effectively with the manpower agency in such area (including provision for the stationing of personnel with the manpower team in appropriate cases). To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(4) The Secretary of Labor may require individuals receiving child care services made available under paragraph (2) or provided under paragraph (3) to pay (in accordance with the schedule or schedules prescribed under section 2134(a)) for part or all of the cost thereof, and may require (as a condition of benefits under this part) that individuals receiving child care services otherwise furnished pursuant to provision made by him under paragraph (1) shall pay for the cost of such services if such cost will be excludable under section 2153(b)(3).

"(5) In order to promote, in a manner consistent with the purposes of this title, the effective provision of child care services, the Secretary of Labor shall assure the close cooperation of the manpower agency with the providers of child care services and shall, through the utilization of training programs and in cooperation with the Secretary of Health, Education, and Welfare, prepare persons registered pursuant to section 2111 for employment in child care facilities.

"(6) The Secretary of Labor shall regularly report to the Secretary of Health, Education, and Welfare concerning the amount and location of the child care services which he has had to provide (and expects to have to provide) under paragraph (3) because such services were not (or will not be) available under paragraph (2).

"(7) Of the amount appropriated to enable the Secretary of Labor to carry out his responsibilities under this subsection for any fiscal year, not less than 50 percent shall be expended by the Secretary of Labor in accordance with a formula under which the expenditures made in any State shall bear the same ratio to the total of such expenditures in all the States as the number of mothers registered under section 2111 in such State bears to the total number of mothers so registered in all the States.

"(b)(1) The Secretary of Labor shall make provision for the furnishing of the health, vocational rehabilitation, counseling, social, and other supportive services (including physical examinations and minor medical services) which he determines under regulations to be necessary to permit an individual who has registered pursuant to section 2111(a) to undertake or continue manpower training or employment under this part.

"(2) In addition, the Secretary of Labor shall make provision for the offering, to all appropriate members of families which include one or more individuals registered pursuant to section 2111(a), of family planning services, the acceptance of which by any such member shall be voluntary on the part of such member and shall not be a prerequisite to eligibility for or receipt of benefits under this part or otherwise affect the amount of such benefits.

"(3) Services furnished under this subsection shall be provided in close cooperation with manpower training and employment services provided under this part. In providing services under this subsection the Secretary of Labor, to the maximum extent feasible, shall assure that such services are provided in such manner, through such means, and using such authority available under any other Act (subject to all duties and responsibilities thereunder) as will make maximum use of existing facilities, programs, and agencies.

"(4) Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1973, not more than $100,000,000 shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under paragraph (1) of this subsection.

"PAYMENT OF BENEFITS

"SEC. 2113. Every eligible family (other than a family meeting the conditions for payment of benefits under section 2131) shall, in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Labor as provided in part C.

"OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS

"SEC. 2114. (a) The Secretary of Labor shall develop, for each individual registered pursuant to section 2111(a), an employability plan describing the manpower services, training, and employment which the individual needs in order to enable him to become self-supporting and secure and retain employment and opportunities for advancement. Employability plans under this subsection shall be developed in accordance with priorities prescribed by the Secretary of Labor, which shall give first priority to mothers and pregnant women registered pursuant to section 2111(a) who are under nineteen years of age.

"(b) The Secretary of Labor shall establish manpower services, training, and employment programs for individuals registered pursuant to section 2111(a), and shall, through such programs, provide or assure the provision of manpower services, training, and employment necessary to prepare such individuals for and place them in regular employment, including—

"(1) any of such services, training, and employment which the Secretary of Labor is authorized to provide under any other Act;

"(2) counseling, testing, coaching, program orientation, institutional and on-the-job training, work experience, upgrading, job placement, and followup services required to assist in securing and retaining employment and opportunities for advancement;

"(3) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual who desires to relocate to do so in an area where there is assurance of regular employment; and

"(4) public service employment programs.

"(c)(1) For the purpose of subsection (b)(4), a 'public service employment program' is a program designed to provide employment as described in paragraph (2) for individuals who (during the period of such employment) are not otherwise able to obtain employment or to be effectively placed in training programs. Such a program shall provide employment relating to such fields as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, and public safety or any other field which would benefit the community, the State, or the United States as a whole, by improving physical, social, or economic conditions.

"(2) The Secretary of Labor shall provide for the development of public service employment programs through grants to or contracts with any public or nonprofit private agency or organization. Such programs shall be designed with a view toward—

"(A) providing for development of employability through actual work experience; and

"(B) enabling individuals employed under public service employment programs to move into regular public or private employment.

"(3) Before making any grant or entering into any contract for a public service employment program under this subsection, the Secretary of Labor must receive assurances that—

"(A) appropriate standards for health, safety, and other conditions applicable to the performance of work and training have been established and will be maintained;

"(B) available employment opportunities will be increased and the program will not result in a reduction in the employment and labor costs of any employer or in the displacement of persons currently employed, including partial displacement resulting from a reduction in hours of work of wages, or employment benefits;

"(C) the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, the geographic region, and the proficiency of the participants;

"(D) appropriate workmen's compensation protection is provided to all participants; and

"(E) the employability of participants will be increased.

"(4) Wages paid to an individual participating in a public service employment program shall be equal to the highest of—

"(A) the prevailing rate of wages in the same labor market area for persons employed in similar public occupations;

"(B) the applicable minimum wage rate prescribed by Federal, State, or local law; or

"(C) the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

"(5) The Secretary of Labor shall periodically (but not less frequently than once every six months) review the employment record of each individual participating in a public service employment program. On the basis of that record and any other information he may require, the Secretary of Labor shall determine the feasibility of placing such individual in regular employment or in on-the-job, institutional, or other training.

"(6) The Secretary of Labor shall make payments for not more than the first three years of an individual's employment in any public service employment program. Payments during the first year of such individual's employment shall not exceed 100 percent of the cost of providing such employment to such individual during such first year, payments during the second year of such individual's employment shall not exceed 75 percent of the cost of providing such employment to such individual during such second year, and payments during the third year of such individual's employment shall not exceed 50 percent of the cost of providing such employment to such individual during such third year.

"(d) In order to assure an adequate supply of information concerning opportunities for employment by States and their political subdivisions, any State or political subdivision receiving Federal assistance, through a grant-in-aid or contract under this title or any other provision of law, shall provide the Secretary of Labor with complete, up-to-date listings of all employment vacancies that the State or political subdivision may have in positions or programs wholly or partially supported through such Federal assistance. The fulfillment of this requirement shall be a condition for receiving such assistance.

"(e) The Secretary of Labor shall enter into agreements with the heads of other Federal agencies administering grant-in-aid programs to establish annual and multiyear goals for the employment of members of families receiving benefits under this title in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements Federal agencies may provide, notwithstanding any other provision of law, that the establishment of such goals shall be a condition for receiving such assistance.

"(f) Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1973—

"(1) not more than $540,000,000 shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under subsections (a) and (b) (except subsection (b)(4)) of this section, and under section 2115, and

"(2) not more than $800,000,000 shall be appropriated to the Secretary of Labor for the public service employment program under subsection (b)(4) of this section.

"ALLOWANCES FOR INDIVIDUALS PARTICIPATING IN TRAINING

"SEC. 2115. (a)(1) The Secretary of Labor shall pay to each individual who is a member of an eligible family and who is participating in manpower training under this part an incentive allowance of $30 per month. If one or more members of a family are receiving training for which training allowances are payable under section 203 of the Manpower Development and Training Act and meet the other requirements under such section (except subsection (l)(1) thereof) for the receipt of allowances which would be in excess of the sum of such family's benefit under this part and any supplementary payment to such family under section 2156, the total of the incentive allowances per month under this section for such members shall be equal to the greater of (A) the amount of such excess or, if lower, the amount of the excess of the training allowances which would be payable under such section 203 as in effect on January 1, 1971, over the sum of such family's benefit under this part and any such supplementary payment, and (B) $30 for each such member.

"(2) The Secretary of Labor shall also pay, to any member of an eligible family participating in manpower training under this part, allowances for transportation and other costs to such member which are reasonably necessary to and directly related to such member's participation in training.

"(b) Allowances under this section shall be in lieu of allowances provided for participants in manpower training programs under any other Act.

"(c) Subsection (a) shall not apply to any member of an eligible family who is receiving wages under a program of the Secretary of Labor or who is participating in manpower training which has the purpose of obtaining for him an undergraduate or graduate degree at a college or university.

"UTILIZATION OF OTHER PROGRAMS

"SEC. 2116. In providing the manpower training and employment services and opportunities required by this part the Secretary of Labor, to the maximum extent feasible, shall assure that such services and opportunities are provided in such manner, through such means, and using all of such authority available to him under any other Act (and subject to all duties and responsibilities thereunder) as will further the establishment of an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government.

"REHABILITATION SERVICES FOR INCAPACITATED FAMILY MEMBERS

"SEC. 2117. (a) In the case of any individual who is a member of a family receiving benefits under this part and who is not required to register pursuant to section 2111(a) solely because of his incapacity under section 2111 (b)(1), the Secretary of Labor shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) Every individual with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, except where good cause exists for failure to accept such services; and the Secretary of Labor is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to such individuals.

"(c)(1) The Secretary of Labor shall pay to each family member with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision an incentive allowance of $30 per month.

"(2) The Secretary of Labor shall also pay, to any member of an eligible family with respect to whom the Secretary of Labor is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision, allowances for transportation and other costs to such member which are necessary to and directly related to such member's participation in training.

"(3) Allowances under this subsection shall be in lieu of allowances provided for participants in vocational rehabilitation services under any other Act.

"EVALUATION AND RESEARCH; REPORTS

"SEC. 2118. (a)(1) The Secretary of Labor shall provide for the continuing evaluation of the program conducted under this part and of activities conducted under parts C and D insofar as they involve or are related to such program, including the effectiveness of such program in achieving its goals and its impact on other related programs. The Secretary of Labor may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the program conducted under this part, and in so doing may waive any requirement or limitation imposed by or pursuant to this title to the extent he deems appropriate. The Secretary of Labor may, for these purposes, contract for evaluations of and research regarding such program.

"(2) Of the sums authorized by section 2101 to be appropriated for any fiscal year, not more than $10,000,000 shall be appropriated for purposes of paragraph (1).

"(b) The Secretary shall, in conducting the activities provided for in subsection (a)(1), utilize the data collection, processing, and retrieval system established for use in the operation and administration of the program under this part.

"(c) The Secretary of Labor shall make an annual report to the President and the Congress on the operation and administration of the program under this part, including an evaluation thereof in carrying out the purposes of this title and recommendations with respect thereto.

"PART B—FAMILY ASSISTANCE PLAN

"PAYMENT OF BENEFITS

"SEC. 2131. Every eligible family in which there is no member available for employment who has registered pursuant to section 2111 shall, in accordance with and subject to the other provisions of this title, be paid benefits by the Secretary of Health, Education, and Welfare as provided in part C.

"REHABILITATION SERVICES FOR INCAPACITATED FAMILY MEMBERS

"SEC. 2132. (a) In the case of any individual who is a member of a family receiving benefits under this part and who is not required to register pursuant to section 2111(a) solely because of his incapacity under section 2111(b)(1), the Secretary of Health, Education, and Welfare shall make provision for referral of such individual to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases involving permanent incapacity as he may determine) for a review not less often than quarterly of such individual's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan.

"(b) Every individual with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, except where good cause exists for failure to accept such services; and the Secretary of Health, Education, and Welfare is authorized to pay to the State agency administering or supervising the administration of such State plan the costs incurred in the provision of such services to such individuals.

"(c)(1) The Secretary of Health, Education, and Welfare shall pay to each family member with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under subsection (a) and who is receiving vocational rehabilitation services pursuant to such provision an incentive allowance of $30 per month.

"(2) The Secretary of Health, Education, and Welfare shall also pay, to any member of an eligible family with respect to whom the Secretary of Health, Education, and Welfare is required to make provision for referral under subsection (a) and who is receiving vocation rehabilitation services pursuant to such provision, allowances for transportation and other costs to such member which are reasonably necessary to and directly related to such member's participation in such services.

"(3) Allowances under this subsection shall be in lieu of allowances provided for participants in vocational rehabilitation services under any other Act.

"CHILD CARE AND OTHER SUPPORTIVE SERVICES

"SEC. 2133. (a)(1) The Secretary of Health, Education, and Welfare shall make provision for the furnishing of child care services in such cases and for so long as he deems appropriate (subject to section 2179) for individuals who are currently referred pursuant to section 2132(a) for vocational rehabilitation (or who have been so referred within such period or periods of time as the Secretary of Health, Education, and Welfare may prescribe) and who need child care services in order to be able to participate in the vocational rehabilitation program.

"(2) In making provision for the furnishing of child care services under this subsection, the Secretary of Health, Education, and Welfare shall arrange for and purchase, from whatever sources may be available, all such necessary child care services, including necessary transportation, placing priority on the use of facilities developed pursuant to section 2134.

"(3) Where child care services cannot as a practical matter be made available in facilities developed pursuant to section 2134, the Secretary of Health, Education, and Welfare may provide such services, by grants to public or nonprofit private agencies or contracts with public or private agencies or other persons, through such public or private facilities as may be available and appropriate (except that no such funds may be used for the construction of facilities (as defined in section 2134(b)(2))). In addition to other grants and contracts made under the preceding sentence, grants or contracts under such sentence may be made to or with any agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrates a capacity to work effectively with the manpower agency in such area (including provision for the stationing of personnel with the manpower team in appropriate cases). To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(4) The Secretary of Health, Education, and Welfare may require individuals receiving child care services made available under paragraph (2) or provided under paragraph (3) to pay (in accordance with the schedule or schedules prescribed under section 2134(a)) for part or all of the cost thereof, and may require (as a condition of benefits under this part) that individuals receiving child care services otherwise furnished pursuant to provision made by him under paragraph (1) shall pay for the cost of such services if such cost will be excludable under section 2153(b)(3).

"(b) In addition, the Secretary of Health, Education, and Welfare shall make provision for the offering, to all appropriate members of families which include one or more individuals registered pursuant to section 2111(a), of family planning services, the acceptance of which by any such member shall be voluntary on the part of such member and shall not be a prerequisite to eligibility for or receipt of benefits under this part or otherwise affect the amount of such benefits.

"STANDARDS FOR CHILD CARE; DEVELOPMENT OF FACILITIES

"SEC. 2134. (a) In order to promote the effective provision of child care services, the Secretary of Health, Education, and Welfare shall (1) establish, with the concurrence of the Secretary of Labor, standards assuring the quality of child care services provided under this title, (2) prescribe such schedule or schedules as may be appropriate for determining the extent to which families are to be required (in the light of their ability) to pay the costs of child care for which provision is made under section 2112(a)(1) or section 2133(a)(1), and (6) coordinate the provision of child care services under this title with other child care and social service programs which are available.

"(b)(1) The Secretary of Health, Education, and Welfare, taking into account the requirement of section 2112(a)(7), is authorized to provide for (and pay part or all of the cost of) the construction of facilities, through grants to or contracts made with public or private nonprofit agencies or organizations, in or through which child care services are to be provided under this title.

"(2) For purposes of this subsection, the term 'construction' means acquisition, alteration, remodeling, or renovation of facilities, and includes, where the Secretary finds it is not feasible to use or adapt existing facilities for use for the provision of child care, construction (including acquisition of land therefor) of facilities for such care.

"(3) If within twenty years of the completion of any construction for which Federal funds have been paid under this subsection—

"(A) the owner of the facility shall cease to be a public or nonprofit private agency or organization, or

"(B) the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the owner of the facility from the obligation to do so,

the United States shall be entitled to recover from the owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of construction of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(4) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276(a)–276(a)–5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

"(5) Of the sums authorized by section 2101 to be appropriated for any fiscal year, not more than $50,000,000 shall be appropriated for purposes of the provisions of this subsection.

"(c) The Secretary of Health, Education, and Welfare is authorized to make grants to any public or nonprofit private agency or organization, and contracts with any public or private agency or organization, for part or all of the cost of planning; establishment of new child care facilities or improvement of existing child care facilities, and operating costs (for periods not in excess of 24 months or for such longer periods as the Secretary finds necessary to insure continued operation) of such new or improved facilities; evaluation; training of personnel, especially the training of individuals receiving benefits pursuant to part A and registered pursuant to section 2111; technical assistance; and research or demonstration projects to determine more effective methods of providing any such care.

"EVALUATION AND RESEARCH; REPORTS

"SEC. 2135. (a)(1) The Secretary of Health, Education, and Welfare shall provide for the continuing evaluation of the program conducted under this part and of activities conducted under parts C and D insofar as they involve or are related to such program, including the effectiveness of such program in achieving its goals and its impact on other related programs. The Secretary of Health, Education, and Welfare may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the program conducted under this part, in so doing may waive any requirement or limitation imposed by or pursuant to this title to the extent he deems appropriate. The Secretary of Health, Education, and Welfare may, for these purposes, contract for evaluations of and research regarding such program.

"(2) Of the sums authorized by section 2101 to be appropriated for any fiscal year, not more than $10,000,000 shall be appropriated for purposes of paragraph (1).

"(b) The Secretary shall, in conducting the activities provided for in subsection (a)(1), utilize the data collection, processing, and retrieval system established for use in the operation and administration of the program under this part.

"(c) The Secretary of Health, Education, and Welfare shall make an annual report to the President and the Congress on the operation and administration of the program under this part, including an evaluation thereof in carrying out the purposes of this title and recommendations with respect thereto.

"PART C—DETERMINATION OF BENEFITS

"DETERMINATIONS; REGULATIONS

"SEC. 2151. Except as otherwise specifically provided in this title, determinations under this part and part D shall be made—

"(1) by the Secretary of Labor with respect to benefits payable under part A and families claiming or receiving such benefits (and the term 'Secretary' means the Secretary of Labor when used in this part and part D with respect to such benefits and families), and

"(2) by the Secretary of Health, Education, and Welfare with respect to benefits payable under part B and families claiming or receiving such benefits (and the term 'Secretary' means the Secretary of Health, Education, and Welfare when used in this part and part D with respect to such benefits and families);

but in either case such determinations shall be made under and in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare with the concurrence of the Secretary of Labor and which shall be designed to assure that such determination will be made uniformly by the two Secretaries, so that to the maximum extent feasible any such determination made by either such Secretary (including any interpretation of law or application of fact made by either such Secretary as a basis for such a determination) will be the same as the determination which would be made by the other such Secretary on the same facts and under the same circumstances.

"ELIGIBILITY FOR AND AMOUNT OF BENEFITS

"Definition of Eligible Family

"SEC. 2152. (a) Each family (as defined in section 2155)—

"(1) whose income, other than income excluded pursuant to section 2153(b), is at a rate of not more than—

"(A) $800 per year for each of the first two members of the family, plus

"(B) $400 per year for each of the next three members, plus

"(C) $300 per year for each of the next two members, plus

"(D) $200 for the next member, and

"(2) whose resources, other than resources excluded pursuant to section 2154, are not more than $1,500, shall be an eligible family for purposes of this title.

"Amount of Benefits

"(b) The benefit for a family under part A or part B shall be payable at the rate of—

"(1) $800 per year for each of the first two members of the family, plus

"(2) $400 per year for each of the next three members, plus

"(3) $300 per year for each of the next two members, plus

"(4) $200 for the next member,

reduced by the amount of income, not excluded pursuant to section 2153(b), of the members of the family; except that no such benefit shall be payable to any family if the rate of payment (as otherwise determined under this part) would be less than $10 a month.

"Exclusion of Certain Family Members

"(c) The amount of benefits which is payable to a family as determined in accordance with subsection (b) shall, with respect to each family member (whether or not taken into account under subsection (b) in determining such amount) who is available for employment and fails to register as required by section 2111(a), or fails to accept manpower services or accept or continue in employment or participate in training as required by section 2111(c), or refuses to accept or continue to participate in rehabilitation services as required by section 2117(b) or 2132(b), be reduced by—

"(1) $800 per year in the case of each of the first two such members,

"(2) $400 per year in the case of each of the next three such members,

"(3) $300 per year in the case of the next two such members, and

"(4) $200 per year in the case of the next such member,

or by proportionately smaller amounts for shorter periods.

"Payment of Benefits; Period for Determination of Benefits

"(d)(1) Payment of benefits (prior to determination under paragraph (2) of the amount of the benefits payable) shall be made during any quarter of a calendar year on the basis of the Secretary's estimate of the family's income for such quarter, after taking into account income from preceding quarters and any modifications which are likely to occur on the basis of changes in circumstances or conditions. Eligibility for benefits or the amount of payments shall be redetermined at any time within the quarter that the Secretary receives notice or otherwise has reason to believe that a material change in circumstances has occurred.

"(2) The amount of the benefits payable to any family for any quarter of a calendar year shall be determined in the quarter immediately following such quarter; and, to the extent that the amount actually paid to such family for such quarter as provided in paragraph (1) was more or less than the amount so determined, proper adjustment or recovery shall be made as provided in section 2171(b). The benefits payable to a family for the quarter for which such determination is made shall be reduced by any income received in such quarter and in any one or more of the three quarters immediately preceding such quarter by any individual who was a member of the family both at the time such income was received and in the quarter for which such determination is made, if and to the extent that such amount was not counted as income of the family for the purpose of reducing the amounts described in subsection (b) or excluded pursuant to section 2153(b) or (if the family was not an eligible family for purposes of this title in any one or more of such preceding quarters) to the extent that such amount would not have been so counted for such purpose even if the family had then been an eligible family for purposes of this title.

"(3) For purposes of paragraph (2), income not excluded under section 2153(b) with respect to the quarter for which a determination is made shall be considered first, to reduce the amounts described in subsection (b); if benefits are payable thereafter, they shall be reduced by applying income not so excluded with respect to the first preceding quarter, then with respect to the second such quarter, and then with respect to the third such quarter, in that order. In the case of a family which did not receive benefits in each of the preceding three quarters, the Secretary may estimate (in the absence of satisfactory evidence) any amount which is needed for the determination of benefits under paragraph (2).

"(4) The Secretary shall by regulation prescribe the cases in which and extent to which the amount of a family assistance benefit for any quarter shall be reduced by reason of the time elapsing since the beginning of such quarter and before the date of filing of the application for the benefit.

"(5) For purposes of this subsection an application shall be considered to have been filed on the first day of the month in which it was actually filed.

"Biennial Reapplication

"(e) After a family has made application for benefits under this title and has been paid benefits (pursuant to such application) for 24 consecutive months, no further benefits shall be paid to such family under part A or part B except on the basis of a new application which shall be filed and processed as though it were such family's initial application for benefits under this title.

"Special Limits on Gross Income

"(f) The Secretary may prescribe the circumstances under which, consistently with the purposes of this title, the gross income from a trade or business (including farming) will be considered sufficiently large to make such family ineligible for such benefits. For purposes of this subsection, the term 'gross income' has the same meaning as when used in chapter 1 of the Internal Revenue Code of 1954.

"Certain Individuals Ineligible

"(g)(1) Notwithstanding subsection (a), no family shall be an eligible family for purposes of this title if, after notice by the Secretary that it is likely that any member of such family is eligible for any payments of the type enumerated in section 2153(a)(2)(A), such member fails within 30 days to take all appropriate steps (excluding acceptance of any employment offered under any of the conditions specified in subparagraphs (A) through (D) of section 2111(c)(2)) to apply for and (if eligible) obtain any such payments.

"(2)(A) No individual shall be considered a member of a family for purposes of determining the amount of such family's benefits if such individual is exempt under section 2111(b)(1) from the requirement of registration pursuant to section 2111(a) solely because of an incapacity which is determined by the Secretary to be the result in whole or in part of drug abuse or alcohol abuse unless such individual is undergoing any treatment that may be appropriate for such abuse at an institution or facility approved for purposes of this section by the Secretary (so long as such treatment is available) and demonstrates that he is complying with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (B).

"(B) The Secretary shall provide for the monitoring and testing of all individuals who are members of families for purposes of this title and who as a condition of being considered as such are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in subparagraph (A), in order to assure such compliance and to determine the extent to which the imposition of such requirement is contributing to the achievement of the purposes of this title. The Secretary shall annually submit to the Congress a full and complete report on his activities under this subsection.

"(C) As used in subparagraph (A), the term 'drug abuse' means abuse of a controlled substance within the meaning of section 102 of the Controlled Substances Act; and the term 'alcohol abuse' means alcohol abuse or alcoholism within the meaning of section 247 of the Community Mental Health Centers Act.

"Puerto Rico, the Virgin Islands, and Guam

"(h) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e).

"INCOME

"Meaning of Income

"SEC. 2153. (a) For purposes of this part, income means both earned income and unearned income; and—

"(1) earned income means only—

"(A) wages as determined under section 203(f)(5)(C);

"(B) net earnings from self-employment, as defined in section 211 (without the application of the second and third sentences following clause (C) of subsection (a)(9), and the last paragraph of subsection (a)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including support and maintenance furnished in cash or otherwise and including—

"(A) any payments received as an annuity, pension, retirement, or disability benefit, including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment insurance benefits;

"(B) prizes and awards;

"(C) the proceeds of any life insurance policy to the extent that they exceed the amount expended by family members for expenses of the insured individual's last illness and burial or $1,500, whichever is less;

"(D) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(E) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of a family there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

"(2)(A) the total unearned income of all members of a family in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $60 in such quarter, and (B) the total earned income of all members of a family in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3) an amount of earned income of a member of the family equal to all, or such part (and according to such schedule) as the Secretary may prescribe, of the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment;

"(4) the first $720 per year (or proportionately smaller amounts for shorter periods) of the total of earned income (not excluded by the preceding paragraphs of this subsection) of all members of the family plus one-third of the remainder thereof;

"(5) subject to section 2156, any assistance (except veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency (including relocation assistance under section 2114(b)(3)), or by any private agency or organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 501(c) (3) or (4) of such Code;

"(6)(A) allowances under section 2115(a), 2117 (c), or 2132(c);

"(B) allowances of the types described in such sections which are paid by a State or political subdivision thereof to a member of a family receiving benefits under this title, to the extent that such allowances do not exceed $30 per month;

"(7) any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

"(8) home produce of a member of the family utilized by the household for its own consumption;

"(9) one-third of any payments received for the support of children who are family members, or as alimony paid to family members; and

"(10) any amounts received for the foster care of a child who is not a member of the family but who is living in the same home as the family and was placed in such home by a public or nonprofit private child-placement or child-care agency.

Notwithstanding any other provision of this part, the total amount which may be excluded under paragraphs (1), (2), and (3) in determining the income of any family for any year shall not exceed the lesser of—

"(i) $2,000 plus $200 for each member of the family in excess of four, or

"(ii) $3,000,

or a proportionately smaller amount for a shorter period.

"RESOURCES

"Exclusions From Resources

"SEC. 2154. (a) In determining the resources of a family there shall be excluded—

"(1) the home, to the extent that its value does not exceed such amount as the Secretary determines to be reasonable;

"(2) household goods and personal effects, to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable; and

"(3) other property which, as determined in accordance with and subject to limitations prescribed by the Secretary, is so essential to the family's means of self-support as to warrant its exclusion.

In determining the resources of a family an insurance policy shall be taken into account only to the extent of its cash surrender value; except that if the total face value of all life insurance policies on any person is $1,500 or less, no part of the value of any such policy shall be taken into account.

"Disposition of Resources

"(b) The Secretary shall prescribe the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining a family's eligibility for benefits. Any portion of the family's benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"MEANING OF FAMILY AND CHILD

"Meaning of family

"SEC. 2155. (a) Two or more individuals—

"(1) who are related by blood, marriage, or adoption,

"(2) who are living in a place of residence maintained by one or more of them as his or their own home,

"(3) all of whom are residents of the United States, and at least one of whom is either (A) a citizen or (B) an alien lawfully admitted for permanent residence, and

"(4) at least one of whom is a child who is in the care of or dependent upon another of such individuals,

shall be regarded as a family for purposes of this title and part A of title IV. A parent (of a child living in a place of residence referred to in paragraph (2)), or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from such place of residence for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered (for purposes of paragraph (2)) to be living in such place of residence. Notwithstanding any other provision of this title—

(A) no two or more individuals in any household shall be considered a family for purposes of this title if the individual who is the head of such household is a full-time undergraduate or graduate student at a college or university; and

(B) no individual shall (except as provided in the preceding sentence) be considered a member of a family for any of the purposes of this title with respect to any month during all of which such individual is outside the United States; and for purposes of this clause after an individual has been outside the United States for any period of 30 consecutive days, he shall be treated as remaining outside the United States until he has been in the United States for a period of 30 consecutive days.

"Meaning of Child

"(b) For purposes of this title, the term 'child' means an individual who is neither married nor (as determined by the Secretary) the head of a household, and who is (1) under the age of eighteen, or (2) under the age of twenty-two and (as determined by the Secretary) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"Determination of Family Relationships

"(c) In determining whether an individual is related to another individual by blood, marriage, or adoption, appropriate State law shall be applied.

"Income and Resources of Noncontributing Individual

"(d) For purposes of determining eligibility for and the amount of benefits for any family there shall be excluded the income and resources of any individual, other than a parent of a child, or a spouse of a parent, who is a family member, which, as determined in accordance with criteria prescribed by the Secretary, is not available to other members of the family; and for such purposes such individual—

"(1) in the case of a child, shall be regarded as a member of the family for purposes of determining the family's eligibility for such benefits but not for purposes of determining the amount of such benefits, and

"(2) in any other case, shall not be considered a member of the family for any purpose.

"United States

"(e) For purposes of this title, the term 'United States', when used in a geographical sense, means the States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"Recipients of Assistance for the Aged, Blind, and Disabled Ineligible

"(f) If an individual is receiving benefits under title XX, then, for the period for which such benefits are received, such individual shall not be regarded as a member of a family for purposes of determining the amount of the benefits of the family under this title and his income and resources shall not be counted as income and resources of a family under this title.

"OPTIONAL STATE SUPPLEMENTATION

"SEC. 2156. (a) Any cash payments which are made by a State (or political subdivision thereof) on a regular basis to individuals who are receiving benefits under this title or who would but for their income be eligible to receive benefits under this title, as assistance based on need in supplementation of such benefits (as determined by the Secretary), shall be excluded under section 2153 (b)(5) in determining the income of such individuals for purposes of this title only if (1) the Secretary and such State enter into an agreement which satisfies subsection (b) and which may at the option of the State provide that the Secretary will, on behalf of such State (or subdivision), make such supplementary payments to all such individuals, and (2) such supplementary payments are made to such individuals in accordance with such agreement.

"(b) Any agreement between the Secretary and a State entered into under subsection (a) shall provide—

"(1) that in determining the eligibility of any family for supplementary payments on the basis of the income of the family, all the provisions of section 2153(b) will apply, except that with respect to any quarter—

"(A) if benefits are paid to such family for such quarter under part A or part B, such benefits will not be excluded from income in applying paragraph (5) of such section, and

"(B) if no benefits are paid to such family for such quarter under part A or part B, the requirement of this paragraph shall not apply with respect to such family; except that the supplementary payment shall not be reduced, on account of income in excess of the maximum amount which such family could have and still receive such a benefit, by an amount greater than such excess,

and, if the agreement provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals receiving benefits under this title, shall also provide—

"(2) that such payments will be made (subject to subsection (c)) to all families residing in such State (or subdivision) who are receiving benefits under this title except that the State may, at its option, exclude—

"(A) families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed, or

"(B) families described in subparagraph (A) and families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is unemployed, and

"(3) such other rules with respect to eligibility for or amount of the supplementary payments, and such procedural or other general administrative provisions, as the Secretary finds necessary (subject to subsection (c)) to achieve efficient and effective administration of both the program which he conducts under this title and the optional State supplementation.

"(c) Any State (or political subdivision) making supplementary payments described in subsection (a) may at its option impose as a condition of eligibility for such payments, and include in the State's agreement with the Secretary under such subsection, a residence requirement which excludes individuals who have resided in the State (or political subdivision) for less than a minimum period prior to application for such payments.

"(d) Any State which has entered into an agreement with the Secretary under this section which provides that the Secretary will, on behalf of the State (or political subdivision), make the supplementary payments to individuals who are receiving benefits under this title (or who would but for their income be eligible to receive such benefits), shall, subject to section 503 of the Social Security Amendments of 1971, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to the expenditures made by the Secretary as such supplementary payments.

"PART D—PROCEDURAL AND GENERAL PROVISIONS

"PAYMENTS AND PROCEDURES

"Payment of Benefits

"SEC. 2171. (a) (1) Benefits under this title shall be paid at such time or times and in such installments as will best effectuate the purposes of this title.

"(2) (A) Payment of the benefit of any family may be made to any one or more members of the family, or, if the Secretary finds, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under subsection (c) (1) and (2)) to the family member or members to whom the benefits are (or, but for this provision, would be) paid, that such member or members have such inability to manage funds that making payment to such member or members would be contrary to the welfare of the child or children in such family, he may make payment to any person other than a member of such family, including an appropriate public or private agency) who is interested in or concerned with the welfare of the family. The Secretary shall investigate each case in which he has reason to believe that a family receiving payments under this title is unable to manage such payments in accordance with its best interests.

"(B) If the Secretary makes payment under subparagraph (A) to a person who is not a member of the family, he shall review his finding under the preceding sentence periodically to determine whether the conditions justifying such finding still exist, and, if they do not, he shall discontinue making payments to any person who is not a member of the family. If it appears to the Secretary that such conditions are likely to continue beyond a period specified by him, he shall attempt to secure the appointment of a guardian or other legal representative for the family member with respect to whom such finding is made, and take any other steps he may find appropriate to protect the welfare of the child or children in the family.

"(C) No part of the benefits of any family may be paid to any member of such family who has failed to register as required by section 2111(a), or who fails to accept services or employment or participate in training as required by section 2111(c), or who refuses to accept rehabilitation services as required by section 2117(b) or section 2132(b); and the Secretary may, if he deems it appropriate, provide for the payment of such benefits during the period of such failure to any person other than a member of such family (including an appropriate public or private agency) who is interested in or concerned with the welfare of the family, without making the finding required by subparagraph (A) and without regard to subparagraph (B).

"(3) The Secretary may establish ranges of incomes within which a single amount of benefits under this title shall apply.

"(4) The Secretary may make, to any family initially applying for benefits under this title which is presumptively eligible for such benefits and which is faced with financial emergency, a cash advance against such benefits in an amount not exceeding $100.

"OVERPAYMENTS AND UNDERPAYMENTS

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any family, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to the family under part A or part B or by recovery from or payment to any one or more of the individuals who are or were members thereof. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to a family with a view to avoiding penalizing members of the family who were without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this title, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this title.

"HEARINGS AND REVIEW

"(c) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a member of a family and is in disagreement with any determination under this title with respect to—

"(A) eligibility of the family for benefits, the number of members of the family, or the amount of the family's benefits, or

"(B) the refusal of such individual to register for or participate or continue to participate in manpower services, training, or employment, or to accept employment or rehabilitation services,

if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determination under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"Procedures; Prohibition of Assignments; Representation of Claimants

"(d) (1) The provisions of section 207 and subsections (a), (d), (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this part, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (c) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 5, United States Code.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the Secretary under this part, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this part, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this part by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"Applications and Furnishing of Information by Families

"(e) (1) The Secretary shall prescribe such requirements in the case of families or members thereof for the filing of applications, the suspension or termination of benefits, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for and amount of family assistance benefits.

"(2) Each family who received benefits under part A or part B in a quarter shall be required, not later than 30 days after the close of such quarter, to submit a report to the Secretary containing such information and in such form as he may prescribe in order to enable him to determine eligibility for and the amount of the benefits payable to such family with respect to such quarter as provided in section 2152(d). In case of failure by any family to submit the report within such 30 days, no payment of benefits under part A or part B shall be made to such family so long as such failure continues.

"(3) In case of the failure by any family to submit any other data, material, or report required under paragraph (1), or delay by any individual in submitting such data, material, or report as so required, the Secretary shall reduce any benefits which may subsequently become payable to such family under this title by—

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the family was without fault or good cause for such failure or delay existed.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits, or verfying other information with respect thereto.

"PENALTIES FOR FRAUD

"SEC. 2172. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"ADMINISTRATION

"SEC. 2173. The Secretary of Health, Education, and Welfare and the Secretary of Labor may each perform any of his functions under this title (or section 1124) directly, through arrangements with each other or with other Federal agencies, or by contract with public or private agencies providing for payment in advance or by way of reimbursement, and in such installments, as he may deem necessary.

"ADVANCE FUNDING

"SEC. 2174. (a) For the purpose of affording adequate notice of funding available under this title, appropriations for grants, contracts, or other payments under part A or part B (other than benefits under section 2113 or 2131) are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"OBLIGATION OF DESERTING PARENTS

"SEC. 2175. In any case where an individual has deserted or abandoned his spouse or his child or children and such spouse or any such child (during the period of such desertion or abandonment) is a member of a family receiving benefits under this title, such individual shall be obligated to the United States in an amount equal to—

"(1) the total amount of the benefits paid to such family during such period with respect to such spouse and child or children, reduced by

"(2) any amount actually paid by such individual to or for the support and maintenance of such spouse or child or children during such period, if and to the extent that such amount is excluded in determining the amount of such benefits;

except that in any case where an order for the support and maintenance of such spouse or any such child has been issued by a court of competent jurisdiction, the obligation of such individual under this subsection (with respect to such spouse or child) for any period shall not exceed the amount specified in such order less any amount actually paid by such individual (to or for the support and maintenance of such spouse or child) during such period. The amount due the United States under such obligation shall be collected (to the extent that the claim of the United States therefor is not paid by such individual or otherwise satisfied), in such manner as may be specified by the Secretary from any amounts otherwise due him or becoming due him at any time from any officer or agency of the United States or under any Federal program. Amounts collected under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

"PENALTY FOR INTERSTATE FLIGHT TO AVOID PARENTAL RESPONSIBILITIES

"SEC. 2176. Whoever, being the parent of a child receiving benefits under this title as a member of a family, moves or travels in interstate commerce for the purpose of avoiding responsibility for the support of such child or any other responsibility imposed upon him by or under any law pertaining to the obligations of a parent to his child, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"REPORTS OF IMPROPER CARE OR CUSTODY OF CHILDREN

"SEC. 2177. Whenever the Secretary, in the performance of his functions under this title, obtains or comes into possession of information which indicates or gives him reason to believe that any child is being or has been subjected to neglect, abuse, exploitation, or other improper care or custody, he shall so advise the appropriate State or local child welfare agency and the head of the Federal department or agency (if such department or agency is not the Department of which the Secretary is head) which is most directly concerned with or exercises primary Federal jurisdiction over factual situations of the type involved.

"ESTABLISHMENT OF LOCAL COMMITTEES TO EVALUATE EFFECTIVENESS OF MANPOWER AND TRAINING PROGRAMS

"SEC. 2178. (a) The Secretary of Health, Education, and Welfare and the Secretary of Labor (in this section referred to as the 'Secretaries') shall jointly establish or designate such local advisory committees throughout the United States as may be necessary or appropriate to assist them in evaluating the effectiveness of the training and employment programs under this title, together with related child care, family planning, and other services, in helping needy families to become self-supporting and in otherwise achieving the objectives of this title. Each such local committee shall perform its functions within an area specified by the Secretaries at the time of its establishment or designation; but at least one such committee shall be established or designated in every State.

"(b) Each local advisory committee established or designated under subsection (a) shall, as specified by the Secretaries, consist of persons representative of labor, business, the general public, and units of local government not directly involved in administering employment and training programs under this title, and shall have a chairman elected by the committee from among its members. Members of each local committee shall be selected in such manner, and serve for such terms, as may be specified by the Secretaries."

"(c) Each local advisory committee established or designated under subsection (a) shall submit to the Secretaries at regular intervals a report on the effectiveness of the programs and services referred to in subsection (a) in the area within which it performs its functions, together with its recommendations for improving such effectiveness and such additional information as the Secretaries may request in connection with such programs and services.

"(d) The Secretaries shall provide each local advisory committee established or designated under subsection (a) with the funds necessary for the reasonable expenses of its members in the performance of its functions. There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"INITIAL AUTHORIZATION FOR APPROPRIATIONS FOR CHILD CARE SERVICES

"SEC. 2179. Of the sums authorized by section 2101 to be appropriated for the fiscal year ending June 30, 1973, not more than $700,000,000 in the aggregate shall be appropriated to the Secretary of Labor to enable him to carry out his responsibilities under section 2112(a) and to the Secretary of Health, Education, and Welfare to enable him to carry out his responsibilities under sections 2133(a) and 2134(c)."

CONFORMING AMENDMENTS RELATING TO ASSISTANCE FOR NEEDY FAMILIES WITH CHILDREN

SEC. 402. (a) The heading of title IV of the Social Security Act is amended to read as follows:

"TITLE IV—GRANTS TO STATES FOR FAMILY AND CHILD-WELFARE SERVICES".

(b) The heading of part A of title IV of such Act is amended to read as follows:

"PART A—SERVICES TO NEEDY FAMILIES WITH CHILDREN".

(c) Section 401 of such Act is amended—

(1) by striking out "financial assistance and", and "dependent" each place it appears, in the first sentence; and

(2) by striking out "aid and" in the second sentence.

(d)(1) Section 402(a) of such Act is amended—

(A) by striking out "AID AND" in the heading;

(B) by striking out "aid and" in the matter preceding clause (1);

(C) by striking out "with respect to services" in clause (1) (as amended by section 522(b) of this Act);

(D) by striking out clause (4);

(E)(i) by striking out "recipients and other persons" in clause (5)(B) and inserting in lieu thereof "persons", and

(ii) by striking out "providing services to applicants and recipients" in such clause and inserting in lieu thereof "providing services under the plan";

(F) by striking out clauses (7) and (8);

(G)(i) by striking out "applicants or recipients" in clause (9) and inserting in lieu thereof "persons seeking or receiving services under the plan", and

(ii) by striking out "aid to families with dependent children" in such clause and inserting in lieu thereof "the plan";

(H) by striking out clauses (10), (11), and (12);

(I)(i) by striking out "section 406(d)" in clause (14) and inserting in lieu thereof "section 405(d)",

(ii) by striking out "for children and relatives receiving aid to families with dependent children and appropriate individuals (living in the same home) whose needs are taken into account in making the determination under clause (7)" in such clause (as amended by section 524(a) of this Act) and inserting in lieu thereof "for members of a family receiving assistance to needy families with children and individuals who would have been eligible to receive aid to families with dependent children under the State plan (approved under this part) as in effect prior to the enactment of title XXI", and

(iii) by striking out "such children, relatives, and individuals" each place it appears in such clause (as so amended) and inserting in lieu thereof "such members and individuals";

(J) by striking out clause (15) and inserting in lieu thereof the following: "(15) provide (A) for the development of a program, for appropriate members of such families and such other individuals, for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (8) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;"

(K) by striking out "aid" in clause (16) and inserting in lieu thereof "assistance to needy families with children";

(L) (i) by striking out "aid to families with dependent children" in clause (17) (A) (i) and inserting in lieu thereof "assistance to needy families with children",

(ii) by striking out "aid" in clause (17) (A) (ii) and inserting in lieu thereof "assistance", and

(iii) by striking out "aid" in clause (17) (A) (iii) (as added by section 525(a) of this Act) and inserting in lieu thereof "assistance";

(M) by striking out "clause (17) (A)" in clause (18) and inserting in lieu thereof "clause (11) (A)";

(N) by striking out clause (19);

(O) by striking out "aid to families with dependent children in the form of foster care in accordance with section 408" in clause (20) and inserting in lieu thereof "payments for foster care in accordance with section 406";

(P) (i) by striking out "aid is being provided under the State plan" in clause (21) (A) (as amended by section 525(b) of this Act) and inserting in lieu thereof "assistance to needy families with children or foster care under the State plan is being provided", and

(ii) by striking out "section 410" in clause (21) (C) and inserting in lieu thereof "section 407";

(Q) by striking out "aid is being provided under the plan of such other State" in each place it appears in clause (22) (as amended by section 525(e) of this Act) and inserting in lieu thereof "assistance to needy families with children or foster care payments are being provided in such other State"; and

(R) by striking out "and (23)" and all that follows and inserting in lieu thereof "and (23) provide that, to the extent services under the plan are furnished by the staff of the State or local agency administering the plan in any political subdivision of the State, such staff will be located in organizational units (up to such organizational levels as the Secretary may prescribe) which are separate and distinct from the units within such agencies responsible for determining eligibility for any form of cash assistance paid on a regularly recurring basis or for performing any functions directly related thereto, subject to any exceptions which, in accordance with standards prescribed in regulations, the Secretary may permit when he deems it necessary in order to ensure the effective administration of the plan."

(2) Clauses (5), (6), (9), (13), (14), (15), (16), (17), (18), (20), (21), (22) and (23) of section 402(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as clauses (4) through (16), respectively.

(e) Section 402(b) of such Act is amended to read as follows:

"(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services or foster care payments under it, any residence requirement which denies services or foster care payments with respect to any individual residing in the State."

(f) Section 402 of such Act is further amended by striking out subsection (c), and by striking out subsection (d) (as added by section 523(b) of this Act).

(g) (1) Section 403(a) of such Act is amended—

(A) by striking out "aid and" in the matter preceding paragraph (1);

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an amount equal to the sum of the following proportions of the total amounts expended during such quarter as payments for foster care in accordance with section 406—

"(A) five-sixths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $18 multiplied by the total number of children receiving such foster care for such month; plus

"(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under subparagraph (A), not counting so much of any expenditure with respect to any month as exceeds the product of $100 multiplied by the total number of children receiving such foster care for such month;";

(C) by striking out paragraph (2);

(D) (i) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (3),

(ii) by striking out "or relative who is receiving aid under the plan, or to any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under clause (7) of such section" in clause (i) of subparagraph (A) of such paragraph and inserting in lieu thereof "receiving foster care under the State plan or any member of a family receiving assistance to needy families with children",

(iii) by striking out "child or relative who is applying for aid to families with dependent children or" in caluse (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "member of a family",

(iv) by striking out "likely to become an applicant for or recipient of such aid" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "likely to become eligible to receive such assistance",

(v) by striking out "(17), (18), (21), and (22)" in clause (iv) of subparagraph (A) of such paragraph (as added by section 527(a) of this Act) and inserting in lieu thereof "(11), (12), (14), and (15)", and

(vi) by striking out "(14) and (15)" each place it appears in subparagraph (A) of such paragraph and inserting in lieu thereof "(8) and (9)";

(E) by striking out all that follows "permitted" in the last sentence of such paragraph and inserting in lieu thereof "by the Secretary; and";

(F) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (5);

(G) by striking out "section 406(e)" each place it appears in paragraph (5) and inserting in lieu thereof "section 405(e)"; and

(H) by striking out the sentences following paragraph (5).

(2) Paragraphs (3) and (5) of section 403 (a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as paragraphs (2) and (3), respectively.

(h) Section 403(b) of such Act is amended—

(1) by striking out "(B) records showing the number of dependent children in the State, and (C)" in paragraph (1) and inserting in lieu thereof "and (B)"; and

(2) by striking out "(A)" in paragraph (2), and by striking out ", and (B)" and all that follows in such paragraph down through "under the State plan".

(i) Section 404 of such Act is amended—

(1) by striking out "(a) In the case of any State plan for aid and services" and inserting in lieu thereof "In the case of any State plan for services";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) that the plan no longer complies with the provisions of section 402; or"; and

(3) by striking out subsection (b).

(j) Section 405 of such Act is repealed.

(k) Section 406 of such Act is redesignated as section 405, and as so redesignated is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a) The term 'child' means a child as defined in section 2155(b).

"(b) The term 'needy families with children' means families who are eligible for benefits under part A or part B of title XXI, other than families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed.

"(c) The term 'assistance to needy families with children' means benefits under part A or part B of title XXI, paid to needy families with children as defined in subsection (b)."; and

(2) (A) by striking out "living with any of the relatives specified in subsection (a) (1), in a place of residence maintained by one or more of such relatives as his or their own home" in paragraph (1) of subsection (e) and inserting in lieu thereof "a member of a family (as defined in section 2155(a))",

(B) by striking out "because such child or relative refused" in such paragraph and inserting in lieu thereof "because such child or another member of such family refused", and

(C) by striking out "the household in which he is living" in subparagraph (A) of such paragraph and inserting in lieu thereof "such family".

(l) Section 407 of such Act is repealed.

(m) Section 408 of such Act is redesignated as section 406, and as so redesignated is amended—

(1) by striking out everything (including the heading) which precedes paragraph (b) (1) and inserting in lieu thereof the following:

"FOSTER CARE

"SEC. 406. For purposes of this part—

"(a) the term 'foster care' shall include only foster care which is provided in behalf of a child (1) who would, except for his removal from the home of a family as a result of a judicial determination to the effect that continuation therein would be contrary to his welfare, be a member of such family receiving assistance to needy families with children (or supplementary payments under section 2156), (2) whose placement and care are the responsibility of (A) the State or local agency administering the State plan approved under section 402, or (B) any other public agency with whom the State agency administering or supervising the administration of such State plan has made an agreement which is still in effect and which includes provision for assuring development of a plan, satisfactory to such State agency, for such child as provided in paragraph (e)(1) and such other provisions as may be necessary to assure accomplishment of the objectives of the State plan approved under section 402, (3) who has been placed in a foster family home or child-care institution as a result of such determination, and (4) who (A) received assistance to needy families with children (or aid to families with dependent children under the State plan approved under section 402 as in effect prior to the effective date of title XXI) in or for the month in which court proceedings leading to such determination were initiated, or (B) would have received such assistance to needy families with children (or such aid) in or for such month if application had been made therefor, or (C) in the case of a child who had been a member of a family (as defined in section 2155(a)) within six months prior to the month in which such proceedings were initiated, would have received such assistance (or such aid) in or for such month if in such month he had been a member of (and removed from the home of) such a family and application had been made therefor;

"(b) the term 'foster care' shall, however, include the care described in paragraph (a) only if it is provided—";

(2)(A) by striking out "'aid to families with dependent children'" in paragraph (b)(2) and inserting in lieu thereof "foster care",

(B) by striking out "such foster care" in such paragraph and inserting in lieu thereof "foster care", and

(C) by striking out the period at the end of such paragraph and inserting in lieu thereof "; and";

(3) by striking out paragraph (c) and redesignating paragraphs (d), (e) and (f) as paragraphs (c), (d), and (e), respectively;

(4) by striking out "paragraph (f)(2)" and "section 403(a)(3)" in paragraph (c) (as so redesignated) and inserting in lieu thereof "paragraph (e)(2)" and "section 403(a)(2)" respectively;

(5) by striking out "aid" in paragraph (d) (as so redesignated) and inserting in lieu thereof "foster care";

(6) by striking out "relative specified in section 406(a)" in paragraph (e)(1) (as so redesignated) and inserting in lieu thereof "family (as defined is section 2155(a))"; and

(7) by striking out "522(a)" and "part 3 of title V" in paragraph (e)(2) (as so redesignated) and inserting in lieu thereof "422(a)" and "part B of this title", respectively.

(n) Section 409 of such Act is repealed.

(o) Section 410 of such Act is redesignated as section 407; and subsection (a) of such section (as so redesignated) is amended by striking out "section 402(a)(21)" and inserting in lieu thereof" section 402(a)(14)".

(p)(1) Section 422(a)(1)(A) of such Act is amended by striking out "section 402(a)(15)" and inserting in lieu thereof "section 402(a)(9)".

(2) Section 422(a)(1)(B) of such Act is amended—

(A) by striking out "provided for dependent children" and inserting in lieu thereof "provided with respect to needy families with children", and

(B) by striking out "such children and their families" and inserting in lieu thereof "such families and children"

(q) Part C of title IV of such Act is repealed.

(r) References in any law, regulation, State plan, or other document to any provision of part A of title IV of the Social Security Act which is redesignated by this section shall to the extent appropriate (from and after the effective date of the amendments made by this section) be considered to be references to such provision as so redesignated.

TITLE V—MISCELLANEOUS

Part A—Effective Dates and General Provisions

EFFECTIVE DATE FOR TITLES III AND IV

Sec. 501. The amendments and repeals made by this titles III and IV of this Act and by this part and parts B and E of this title shall become effective (and section 9 of the Act of April 19, 1950 (25 U.S.C. 639), is repealed effective) on July 1, 1972, except as otherwise specifically indicated, and except that—

(1) sections 2133 and 2134 of the Social Security Act, as added by section 401 of this Act, shall be effective upon the enactment of this Act,

(2) the amendments made by title IV of this Act, insofar as they apply to families in which both parents of the child or children involved are present. neither parent is incapacitated, and the male parent is not unemployed, shall not become effective until January 1, 1973, and

(3) appropriations for administrative expenses incurred during the fiscal year ending June 30, 1972, in developing the staff and facilities necessary to place in operation the programs established by titles XX and XXI of the Social Security Act, as added by this Act, and for child care furnished pursuant to section 508 during such fiscal year, may be included in an appropriation Act for such fiscal year.

PROHIBITION AGAINST PARTICIPATION IN FOOD STAMP PROGRAM BY RECIPIENTS OF PAYMENTS UNDER FAMILY AND ADULT ASSISTANCE PROGRAMS

Sec. 502. (a) Section 3(e) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentence: "No person who is determined to be an eligible individual or eligible spouse under section 2011(a) of the Social Security Act, and no member of a family which is determined to be an eligible family under section 2152(a) of such Act, shall be considered to be a member of a household or an elderly person for the purposes of this Act."

(b) Section 3(h) of such Act, is amended to read as follows:

"(h) The term 'State agency', with respect to any State, means the agency of State government which is designated by the Secretary for purposes of carrying out this Act in such State, or, if and to the extent that the Secretary so elects, the Federal agency administering title XX or XXI of the Social Security Act in such State."

(c) Section 10(c) of such Act is amended by striking out the first sentence.

(d) Clause (2) of the second sentence of section 10(e) of such Act is amended by striking out "used by them in the certification of applicants for benefits under the federally aided public assistance programs" and inserting in lieu thereof the following: "prescribed by the Secretary in the regulations issued pursuant to this Act".

(e) Section 10(e) of such Act is further amended by striking out the third sentence.

(f) Section 14 of such Act is amended by striking out subsection (e).

(g)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1972.

(2) The Secretary of Health, Education, and Welfare may by regulation provide that the amendment made by subsection (a)—

(A) shall not apply with respect to individuals and families in any State until the expiration of such period of time (not exceeding 30 days) after July 1, 1972, as he finds necessary to avoid the interruption of such individuals' and families' income in the transition from the programs of assistance under prior law to the programs of assistance under titles XX or XXI of the Social Security Act (as added by this Act); and

(B) shall not apply (in such cases as he may specify) with respect to individuals and families first becoming eligible for benefits under title XX or XXI of the Social Security Act after July 1, 1972, until the expiration of such period of time (not exceeding 30 days) after the first day of such eligibility as he finds necessary to avoid the interruption of such individuals' and families' income.

(3) In any case where the Secretary postpones the application of the amendment made by subsection (a) for a period of time as provided in subparagraph (A) or (B) of paragraph (2), each individual or family with respect to whom the postponement applies (and who had been certified to receive a coupon allotment under the Food Stamp Act of 1964 for the month immediately preceding the first day of such period) shall be authorized to purchase during such period the same coupon allotment (at the same charge therefor) which such individual or family had been certified to receive for such month immediately preceding the first day of such period.

LIMITATION ON FISCAL LIABILITY OF STATES FOR OPTIONAL STATE SUPPLEMENTATION

Sec. 503. (a)(1) The amount payable to the Secretary by a State for any fiscal year pursuant to its agreement or agreements under sections 2016 and 2156 of the Social Security Act shall not exceed the non-Federal share of expenditures as aid or assistance for quarters in the calendar year 1971 under the plans of the State approved under titles I, X, XIV, and XVI, and part A of title IV, of the Social Security Act (as defined in subsection (c) of this section).

(2) Paragraph (1) of this subsection shall only apply with respect to that portion of the supplementary payments made by the Secretary on behalf of the State under such agreements in any fiscal year which does not exceed in the case of any individual or family the difference between—

(A) the adjusted payment level under the appropriate approved plan of such State as in effect for January 1971 (as defined in subsection (b) of this section), and

(B) the benefits under title XX or XXI of the Social Security Act, plus income not excluded under section 2012(b) or 2153(b) of such Act in determining such benefits, paid to such individual or family in such fiscal year,

and shall not apply with respect to supplementary payments to any individual or family who (i) is not required by section 2016 or 2156 of such Act to be included in any such agreement administered by the Secretary and (ii) would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1971.

(b)(1) For purposes of subsection (a), the term "adjusted payment level under the appropriate approved plan of a State as in effect for January 1971" means the amount of the money payment which an individual or family (of a given size) with no other income would have received under the plan of such State approved under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act, as may be appropriate, and in effect for January 1971; except that the State may, at its option, increase such payment level with respect to any such plan by an amount which does not exceed the sum of—

(A) a payment level modification (as defined in paragraph (2) of this subsection) with respect to such plan, and

(B) the bonus value of food stamps in

such State for January 1971 (as defined in paragraph (3) of this subsection).

(2) For purposes of paragraph (1), the term "payment level modification" with respect to any State plan means that amount by which a State which for January 1971 made money payments under such plan to individuals or families with no other income which were less than 100 per centum of its standard of need could have increased such money payments without increasing (if it reduced its standard of need under such plan so that such increased money payments equaled 100 per centum of such standard of need) the non-Federal share of expenditures as aid or assistance for quarters in calendar year 1971 under the plans of such State approved under titles I, X, XIV, and XVI, and part A of title IV, of the Social Security Act.

(3) For purposes of paragraph (1), the term "bonus value of food stamps in a State for January 1971" (with respect to an individual or a family of a given size) means—

(A) the face value of the coupon allotment which would have been provided to such an individual or family under the Food Stamp Act of 1964 for January 1971, reduced by

(B) the charge which such an individual or family would have paid for such coupon allotment,

if the income of such individual or family, for purposes of determining the charge it would have paid for its coupon allotment, had been equal to the adjusted payment level under the State plan (including any payment level modification with respect to the plan adopted pursuant to paragraph (2) (but not including any amount under this paragraph)). The total face value of food stamps and the cost thereof in January 1971 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month.

(c) For purposes of this section, the term "non-Federal share of expenditures as aid or assistance for quarters in the calendar year 1971 under the plans of a State approved under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act" means the difference between—

(1) the total expenditures in such quarters under such plans for aid or assistance (excluding emergency assistance under section 406(e)(1)(A) of the Social Security Act, foster care under section 408 of such Act, expenditures authorized under section 1119 of such Act for repairing the home of an individual who was receiving aid or assistance under one of such plans, and benefits in the form of institutional services in intermediate care facilities authorized under section 1121 of such Act (as such sections were in effect prior to the enactment of this Act)), and

(2) the total of the amounts determined under sections 3, 403, 1003, 1403, and 1603 of the Social Security Act, under section 1118 of such Act, and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such quarters.

SPECIAL PROVISIONS FOR PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 504. Section 1108 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e)(1) In applying the provisions of—

"(A) subsections (a), (b), and (e)(1) of section 2011,

"(B) subsections (a)(2)(D) and (b)(2) of section 2012,

"(C) subsection (a) of section 2013,

"(D) subsections (a), (b), and (c) of section 2152,

"(E) subsections (a)(2)(C) and (b)(2) of section 2153, and the last sentence of subsection (b) of such section, and

"(F) the last sentence of section 2154(a),

with respect to Puerto Rico, the Virgin Islands, or Guam, the dollar amounts to be used shall, instead of the figures specified in such provisions, be dollar amounts bearing the same ratio to the figures so specified as the per capita incomes of Puerto Rico, the Virgin Islands, and Guam, respectively, bear to the per capita income of that one of the States which has the lowest per capita income; except that in no case may the amounts so used exceed the figures so specified.

"(2)(A) The amounts to be used under such sections in Puerto Rico, the Virgin Islands, and Guam shall be promulgated by the Secretary between July 1 and September 30 of each odd-numbered year, on the basis of the average per capita income of each State for the most recent calendar year for which satisfactory data are available from the Department of Commerce. Such promulgation shall be effective for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"(B) The term 'State', for purposes of subparagraph (A) only, means the fifty States and the District of Columbia.

"(3) If the amounts which would otherwise be promulgated for any fiscal year for any of the three States referred to in paragraph (1) would be lower than the amounts promulgated for such State for the immediately preceding period, the amounts for such fiscal year shall be increased to the extent of the difference; and the amounts so increased shall be the amounts promulgated for such year."

DETERMINATIONS OF MEDICAID ELIGIBILITY

SEC. 505. Title XI of the Social Security Act (as amended by sections 221(a) and 241 of this Act) is amended by adding at the end thereof the following new section:

"DETERMINATIONS OF MEDICAID ELIGIBILITY

"SEC. 1124. The Secretary of Health, Education, and Welfare may enter into an agreement with any State which wishes to do so under which he (or the Secretary of Labor with respect to individuals eligible for benefits under part A of title XXI) will determine eligibility for medical assistance in any or all cases under such State's plan approved under title XIX. Any such agreement shall provide for payment by the State, for use by the Secretary in carrying out the agreement, of an amount equal to one-half of the cost of carrying out the agreement, but in computing such cost with respect to individuals eligible for benefits under title XX or under part A or part B of title XXI the Secretary shall include only those costs which are additional to the costs incurred in carrying out such title or such part."

ASSISTANT SECRETARY OF LABOR FOR THE OPPORTUNITIES FOR FAMILIES PROGRAM

SEC. 506. (a) There shall be in the Department of Labor an Assistant Secretary for the Opportunities for Families Program, who shall be appointed by the President by and with the advice and consent of the Senate and shall be the principal officer of the Department in carrying out the functions, powers, and duties vested in the Secretary of Labor by part A of title XXI of the Social Security Act (and by parts C and D of such title with respect to the families and benefits to which part A of such title relates), including the making of grants, contracts, agreements, and arrangements, the provision of child care services, the adjudication of claims, and the discharge of all other authority vested in the Secretary by such parts. The Assistant Secretary for the Opportunities for Families Program shall have sole responsibility within the Department of Labor, subject to the supervision and direction of the Secretary of Labor, for the administration of the program established by part A of such title XXI.

(b) Section 2 of the Act of April 17, 1946 (29 U.S.C. 553), is amended—

(1) by striking out "five" in the first sentence and inserting in lieu thereof "six"; and

(2) by inserting before the period at the end of the last sentence the following: ", and one shall be the Assistant Secretary of Labor for the Opportunities for Families Program".

(c) Paragraph (20) of section 5313 of title 5, United States Code, is amended by striking out "(5)" and inserting in lieu thereof "(6)".

TRANSITIONAL ADMINISTRATIVE PROVISIONS

SEC. 507. In order for a State to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter in the fiscal year ending June 30, 1973, and for the purpose of providing an orderly transition from State to Federal administration of assistance programs for adults and families with children, such State shall enter into agreements with the Secretary of Health, Education, and Welfare and the Secretary of Labor under which the State agencies responsible for administering or for supervising the administration of the plans approved under titles I, X, XIV, and XVI and part A of title IV of the Social Security Act will, on behalf of the Secretaries, administer all or such part or parts of the programs established by sections 301 and 401 of this Act (other than the manpower services, training, employment, and child care provisions of the program established by part A of title XXI of the Social Security Act as added by section 401 of this Act), during such portion of the fiscal year ending June 30, 1973, as may be provided in such agreements; except that no such agreement shall apply, in the administration of the program established by section 401 of this Act, with respect to any family in which both parents are present, neither parent is incapacitated, and the male parent is not unemployed.

CHILD CARE SERVICES FOR AFDC RECIPIENTS DURING TRANSITIONAL PERIOD

SEC. 508. Until the close of June 30, 1972, the Secretary of Health, Education, and Welfare may utilize his authority under section 2133 of the Social Security Act (as added by section 401 of this Act) to provide for the furnishing of child care services for members of families who are entitled to receive services under part A of title IV of the Social Security Act and who need child care services in order to accept and participate in employment or to participate in a work incentive program under part C of such title, as though such family members were individuals referred pursuant to section 2132(a) of such Act.

PART B—NEW SOCIAL SERVICES PROVISIONS

DEFINITION OF SERVICES

SEC. 511. (a) Subsection (d) of section 405 of the Social Security Act (as amended by section 402(k) of this Act) is amended to read as follows:

"(d) The term 'services for any individual receiving assistance to needy families with children' means any of the following services provided for any such individual:

"(1) family planning services, including medical services;

"(2) child care services required because of the employment, training, or illness or incapacity of the child's parent or other relative caring for him;

"(3) services to unmarried girls who are pregnant or already have children, for the purpose of arranging for prenatal and postnatal care of the mother and child, developing appropriate living arrangements for the child, and assisting the mother to complete school through the secondary level or secure training so that she may become self-sufficient;

"(4) protective services for children who are (or are in danger of) being abused, neglected, or exploited;

"(5) homemaker services when the usual homemaker becomes ill or incapacitated or is otherwise unable to care for the children in the family, and services to educate appropriate family members about household and related financial management and matters pertaining to consumer protection;

"(6) nutrition services;

"(7) services to assist needy families with children to deal with problems of locating suitable housing arrangements and other problems of inadequate housing, and to educate them in practices of home management and maintenance;

"(8) educational services, including assisting appropriate family members in securing available adult basic education;

"(9) emergency services made available in connection with a crisis or urgent need of the family;

"(10) services to assist appropriate family members to engage in training or secure or retain employment;

"(11) services to assist individuals to meet problems resulting from drug abuse or alcohol abuse; and

"(12) information and referral services for individuals in need of services from other agencies (such as the health, education, or vocational rehabilitation agency, or private social agencies) and follow-up activities to assure that individuals referred to and eligible for available services from such other agencies received such services."

(b) Section 1605 of such Act (as amended by section 302(k) of this Act) is further amended to read as follows:

"DEFINITION

"SEC. 1605. For purposes of this title, the term 'services to the aged, blind, or disabled' means any of the following services provided for recipients of benefits under title XX or other needy individuals who are 65 years of age or older, blind, or disabled:

"(1) protective services for individuals who are (or are in danger of) being abused, neglected, or exploited;

"(2) homemaker services, including education in household and related financial management and matters of consumer protection, and services to assist aged, blind, or disabled individuals to remain in or return to their own homes or other residential situations and to avoid institutionalization or to assist in making appropriate living arrangements in the lowest cost in light of the care needed;

"(3) nutrition services, including the provision, in appropriate cases, of adequate meals, and education in matters of nutrition and the preparation of foods;

"(4) services to assist individuals to deal with problems of locating suitable housing arrangements and other problems of inadequate housing, and to educate them in practices of home maintenance and management;

"(5) emergency services made available in connection with a crisis or urgent need of an individual;

"(6) services, including child care in appropriate cases, to assist individuals to engage in training or secure or retain employment;

"(7) services to assist individuals to meet problems resulting from drug abuse or alcohol abuse; and

"(8) information and referral services for individuals in need of services from other agencies (such as the health, education, or vocational rehabilitation agency, or private social agencies) and follow-up activities to assure that individuals referred to and eligible for available services from such other agencies received such services."

AUTHORIZATION AND ALLOTMENT OF APPROPRIATIONS FOR SERVICES

SEC. 512. Title XI of the Social Security Act (as amended by sections 221(a), 241, 505, 526, and 542(10) of this Act) is further amended by adding at the end thereof the following new section:

"AUTHORIZATION AND ALLOTMENT OF APPROPRIATIONS FOR SERVICES

"SEC. 1125. (a) There are authorized to be appropriated, for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payments to States under sections 403 and 1603 with respect to expenditures for training of personnel, services to the aged, blind, or disabled, and services for any individual receiving assistance to needy families with children, such sums as may be necessary; except that the amount so appropriated for payments with respect to expenditures other than expenditures for the services described in paragraphs (1) and (2) of section 405(d) shall not exceed $800,000,000 for the fiscal year ending June 30, 1973, or such sum as the Congress may specify for any fiscal year thereafter.

"(b) From the sums appropriated pursuant to subsection (a) for any fiscal year—

"(1) the Secretary shall allot to each State an amount which bears the same ratio to the amount so appropriated as the Federal share of expenditures in such State in the preceding fiscal year (exclusive of amounts reallotted to such State for such preceding fiscal year under subsection (c)) for services under titles I, X, XIV, and XVI, and part A of title IV (other than for child care and family planning services under such part), and for training under such titles and such part, bears to the total such Federal share in all the States, but in no case shall such amount with respect to any State for any fiscal year exceed the Federal share of such expenditures in such State in the preceding fiscal year (exclusive of any amounts reallotted to such State for such preceding fiscal year under subsection (c));

"(2) after the allotment pursuant to paragraph (1) has been made, from the sums remaining (if any) not in excess of $50,000,000, the Secretary shall allot to each State which has a service deficit (as defined in the last sentence of this subsection) an amount which bears the same ratio to such sums remaining as such deficit bears to the total of the service deficits of all the States having such deficits; and

"(3) after the allotment pursuant to paragraph (2) has been made, from the sums remaining (if any), the Secretary shall allot to each State an amount which bears the same ratio to such sums remaining as the number of individuals receiving benefits under sections 2011 and 2102 in such State bears to the number of such individuals in all the States.

As used in paragraph (2), the term 'service deficit', with respect to any State, means the amount by which (i) the average service expenditure (as defined in subsection (d)) per recipient of benefits under sections 2011 and 2102 in such State is less than (ii) the average of the expenditures for training and services under titles I, X, XIV and XVI and part A of title IV in all the States (other than child care and family planning services under such part) multiplied by the number of recipients of such benefits in such State.

"(c) The amount of any allotment pursuant to subsection (b) for any fiscal year which the Secretary determines will not be required for providing training and services described in subsection (a) under part A of title IV or under title XVI, shall be available for reallotment, for the same purposes for which it was originally made available, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines have need in providing such training and services of amounts in excess of those previously alloted to them under subsection (b), giving particular consideration to the needs of States for reallotments to prevent reduction or termination of any such services or training which are being provided.

"(d) For purposes of subsection (b)(2), the term 'average service expenditure' with respect to a State for any fiscal year means the amount obtained by dividing (1) the Federal share of expenditures in such State in the preceding fiscal year (exclusive of amounts reallotted to such State for such preceding fiscal year under subsection (c)) for training and services under titles I, X, XIV, and XVI, and part A of title IV (other than child care and family planning services under such part), by (2) the number of individuals in the State receiving benefits under sections 2011 and 2102.'"

ADOPTION AND FOSTER CARE SERVICES UNDER CHILD-WELFARE SERVICES PROGRAM

SEC. 513. Effective July 1, 1971, part B of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"ADOPTION AND FOSTER CARE SERVICES

"SEC. 427. (a) For purposes of this section—

"(1) the term 'foster care services', with respect to any State, means—

"(A) payments for foster care (including medical care not available under the State's plan approved under title XIX or under any other health program within the State) of a child for whom a public agency has responsibility, made to any agency, institution, or person providing such care, but only if such foster care meets standards prescribed by the Secretary, and

"(B) services and administrative activities related to the foster care of children, such as finding, evaluating, and licensing foster homes and institutions, supervising children in foster homes and institutions, and providing services to enable a child to remain in or return to his own home; and

"(2) the term 'adoption services' means—

"(A) services and administrative activities related to adoptions, including activities related to judicial proceedings, determinations of the amounts of the payments described in subparagraph (B), location of homes, and all activities related to placement, adoption and post-adoption services, with respect to any child, and

"(B) payments (subject to such limitations as the Secretary may by regulation prescribe) to a person or persons adopting a child who is physically or mentally handicapped and who, for that reason, may be difficult to place for adoption, based on the financial ability of such person or persons to meet the medical and other remedial needs of such child.

"(b) In the case of any State which is eligible for payments under section 422, the Secretary shall, from the amounts allotted therefor, make payments to such State in an amount equal to 75 per centum of any expenditures for adoption services or foster care services.

"(c) There are authorized to be appropriated, in addition to sums appropriated for purposes of this section pursuant to section 421, for grants to States for adoption services and foster care services, the sum of $150,000,000 for the fiscal year ending June 30, 1972, the sum of $165,000,000 for the fiscal year ending June 30, 1973, the sum of $180,000,000 for the fiscal year ending June 30, 1974, the sum of $200,000,000 for the fiscal year ending June 30, 1975, and the sum of $220,000,000 for the fiscal year ending June 30, 1976, and each fiscal year thereafter.

"(d) From the sum appropriated pursuant to subsection (c), for any fiscal year, there shall be allotted to each State an amount which bears the same ratio to such sum as the number of children under age 21 in such State bears to the number of such children in all the States."

CONFORMING AMENDMENTS TO TITLE XVI AND PART A OF TITLE IV OF THE SOCIAL SECURITY ACT

SEC. 514. (a) (1) Section 1601 of the Social Security Act (as amended by section 302(b) of this Act) is amended—

(A) by inserting "subject to section 1125" immediately after "there is hereby authorized to be appropriated for each fiscal year" in the first sentence, and

(B) by striking out the second sentence.

(2) Section 1603(a) of such Act (as amended by section 302(g) of this Act) is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to 75 per centum of the total amounts expended during such quarter (subject to section 1125) as found necessary by the Secretary of Health, Education, and Welfare for proper and efficient administration of the plan for the purpose of providing services to the aged, blind, or disabled. Except to the extent specified by the Secretary, such services shall include only—

"(1) services provided by the staff of the State agency, or of the local agency administering the State plan in the political subdivision: *Provided,* That no funds authorized under this title shall be available for services defined as vocational rehabilitation services under the Vocational Rehabilitation Act (A) which are available to individuals in need of them under programs for their rehabilitation carried on under a State plan approved under such Act, or (B) which the State agency or agencies administering or supervising the administration of the State plan approved under Act are able and willing to provide if reimbursed for the cost thereof pursuant to agreement under paragraph (2), if provided by such staff, and

"(2) subject to limitations prescribed by the Secretary, services which in the judgment of the State agency cannot be as economically or as effectively provided by the staff of such State or local agency and are not otherwise reasonably available to individuals in need of them, and which are provided, pursuant to agreement with the State agency, by the State health authority or the State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act or by any other State agency which the Secretary may determine to be appropriate (whether provided by its staff or by contract with public (local) or nonprofit private agencies);

except that services described in clause (B) of paragraph (1) may be provided only pursuant to agreement with such State agency or agencies administering or supervising the administration of the State plan for vocational rehabilitation services so approved."

(b) (1) Section 401 of such Act (as amended by section 402(c) of this Act) is amended—

(A) by inserting "(subject to section 1125)" immediately after "there is hereby authorized to be appropriated for each fiscal year" in the first sentence, and

(B) by striking out the second sentence.

(2) Section 402(a) (8) of such Act (as amended by sections 524(a) and 402(d) (1) (I) of this Act, and redesignated by section 402(d) (2) of this Act) is amended by striking out "family services" and inserting in lieu thereof "services for any individual receiving assistance to needy families with children".

(3) Section 403(a) (2) of such Act (as amended by section 402(g) of this Act) is amended—

(A) by inserting "(subject to section 1125)" immediately after "an amount equal to the following proportions of the total amounts expended during such quarter" in the portion of such paragraph which precedes subparagraph (A),

(B) by striking out "any of the services described in clauses (8) and (9) of section 402(a)" and inserting in lieu thereof "any of the services described in section 405(d)" in clauses (i) and (ii) in subparagraph (A), and

(C) by striking out "child-welfare services, family planning services, and family services" in the matter following subparagraph (D) and inserting in lieu thereof "services under the plan".

Part C—Public Assistance Amendments Effective Immediately

ADDITIONAL REMEDIES FOR STATE NONCOMPLIANCE

SEC. 521. (a) Section 1116 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(e) In any case in which the Secretary determines that a State has failed in a substantial number of cases—

"(1) to make payments as required by title I, X, XIV, XVI, or XIX or part A of title IV, or

"(2) to make payments in the amount prescribed under the appropriate State plan (which complies with the conditions for approval under such title or part),

he may require the State to make retroactive payment to all persons affected by such failure in order to assure, to the maximum extent possible, that with respect to each such person the sum of the aid or assistance actually received during the period in which such failure occurred plus such retroactive payments are equal to the amount of aid or assistance he would have received for such period had such failure not occurred, but such payments shall not be required with respect to any period prior to the date of the enactment of the Social Security Amendments of 1971. Expenditures for such retroactive payments shall be considered to have been made under the State plan approved under such title or part for purposes of determining the amount of the Federal payment with respect to such plan. In any case in which the Secretary does add such a requirement for retroactive payments pursuant to the preceding provisions of this subsection, the State shall disregard the amount of such retroactive payments for purposes of determining the amount of aid or assistance payable to such persons after such failure has been corrected. The Secretary may prescribe such methods of administration as he finds necessary to carry out a requirement for retroactive payments imposed under this subsection and such requirement and methods shall be deemed necessary for the proper and efficient operation of the plan under which such failure occurred.

"(f) In any case in which the Secretary has found, in accordance with the procedures of title I, X, XIV, XVI, or XIX, or part A of title IV, that in the administration of the State plan approved under such title or part there is a failure to comply substantially with any provision which is required by such title or part to be included in such plan, the Secretary may prescribe such methods of administration as he finds appropriate to correct such administrative noncompliance within a reasonable period of time and, upon obtaining assurances satisfactory to him that such methods will be undertaken (including a timetable for implementation of such methods which specifies a date by which there will no longer exist such administrative noncompliance), he may, instead of withholding payments under the title or part with respect to which such failure occurred, continue to make payments (in accordance with such title or part) to such State with respect to expenditures under such plan (for so long as he remains satisfied that the timetable is being substantially followed.)

"(g) If the Secretary has reason to believe that a State plan which he has approved under title I, X, XIV, XVI, or XIX, or part A of title IV, no longer complies with all requirements of such title or part, or that in the administration of such plan there is a failure to comply substantially with any such requirements, the Secretary may (in addition to or instead of withholding payments under such title or part) request the Attorney General to bring suit to enforce such requirements."

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

STATEWIDENESS NOT REQUIRED FOR SERVICES

SEC. 522. (a) Section 2(a) of the Social Security Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1).

(b) Section 402(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1).

(c) Section 1002(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1).

(d) Section 1402(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of clause (1).

(e) Section 1602(a) of such Act is amended by inserting "except to the extent permitted by the Secretary with respect to services," before "provide" at the beginning of paragraph (1).

(f) The amendments made by this section shall take effect on the date of the enactment of this Act.

OPTIONAL MODIFICATION IN DISREGARDING OF INCOME UNDER STATE PLANS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 523. (a) Section 402(a) (8) of the Social Security Act is amended by inserting after "the State agency" where it first appears the following: "(subject to subsection (d))".

(b) Section 402 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) Any State may modify its State plan approved under this section—

"(1) to provide—

"(A) that, for purposes of determining the amount of payment, expenses attributable to the earning of income shall not be taken into consideration as otherwise required by subsection (a) (7), and

"(B) that the State agency shall with respect to any month disregard (in lieu of the amount such agency is otherwise required to disregard under clause (A) (ii) of subsection (a) (8), in the case) of earned income of a dependent child not included under clause (A) (i) of such subsection, a relative receiving such aid, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under subsection (a) (7), the first $60 of the total of such earned income for such month plus one-third of the remainder of such income for such month (subject to the parenthetical exception in such clause (A) (ii)), plus any expenses incurred by members of the family for child care with respect to such dependent child and any other dependent children in the family; or

"(2) to provide that the total amount which may be disregarded under clauses (A) (ii) and (B) of subsection (a) (8), and under the provision of subsection (a) (7) insofar as it relates to expenses of child care, shall not exceed the lesser of—

"(A) $2,000 plus $200 for each member of the family in excess of four, or

"(B) $3,000,

or a proportionately smaller amount for periods shorter than a year; or

"(3) to include in such plan both the provisions specified in paragraph (1) and the provision specified in paragraph (2)."

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

INDIVIDUAL PROGRAMS FOR FAMILY SERVICES NOT REQUIRED

SEC. 524. (a) Section 402(a)(14) of the Social Security Act is amended—

(1) by striking out "a program for";

(2) by striking out "for each child and relative who receives aid to families with dependent children, and each appropriate individual (living in the same home as a relative and child whose needs are taken into account in making the determination under clause (7))" and inserting in lieu thereof "for children and relatives receiving aid to families with dependent children and appropriate individuals (living in the same home) whose needs are taken into account in making the determination under clause (7)"; and

(3) by striking out "such child, relative, and individual" each place it appears and inserting in lieu thereof "such children, relatives, and individuals".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, or, in the case of any State, on such later date (not after July 1, 1972) as may be specified in the modification made in the State's plan approved under section 402 of the Social Security Act to carry out such amendments.

ENFORCEMENT OF SUPPORT ORDERS AGAINST CERTAIN SPOUSES OF PARENTS OF DEPENDENT CHILDREN

SEC. 525. (a) Section 402(a)(17) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (i), and

(2) by adding after clause (ii) the following new clause:

"(iii) in the case of any parent (of a child referred to in clause (ii) receiving such aid who has been deserted or abandoned by his or her spouse, to secure support for such parent from such spouse (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and".

(b) Section 402(a)(21) of such Act is amended—

(1) by striking out "each parent" in clause (A) and inserting in lieu thereof "each person who is the parent",

(2) by inserting "or is the spouse of the parent of such a child or children" after "under the State plan" in clause (A),

(3) by inserting "or such parent" after "such child or children" in clause (A)(i), and

(4) by striking out "such parent" each place it appears in clause (B) and inserting in lieu thereof "such person".

(c) Section 402(a)(22) of such Act is amended—

(1) by striking out "a parent" each place it appears and inserting in lieu thereof "a person",

(2) by striking out "a child or children of such parent" each place it appears and inserting in lieu thereof "the spouse or a child or children of such person", and

(3) by striking out "against such parent" and inserting in lieu thereof "against such person".

(d) The amendments made by this section shall take effect on the date of the enactment of this Act, or, in the case of any State, on such later date (not after July 1, 1972) as may be specified in the modification made in the State's plan approved under section 402 of the Social Security Act to carry out such amendments.

SEPARATION OF SOCIAL SERVICES AND CASH ASSISTANCE PAYMENTS

SEC. 526. Title XI of the Social Security Act (as amended by sections 221(a), 241, and 505 of this Act) is amended by adding at the end thereof the following new section:

"SEPARATION OF SOCIAL SERVICES AND CASH ASSISTANCE PAYMENTS

"SEC. 1125. Each State, in the administration of its State plans approved under section 2, 402, 1002, 1402, or 1602, shall develop and submit to the Secretary on or before January 1, 1972, a proposal (1) providing that, to the extent services under any such State plan are furnished by the staff of the State or local agency administering such plan in any political subdivision of such State, such staff will be located, by July 1, 1972, in organizational units (up to such organizational levels as the Secretary may prescribe) which are separate and distinct from the units within such agencies responsible for determining eligibility for any form of cash assistance paid on a regularly recurring basis or for performing any functions directly related thereto, but subject to any exceptions which, in accordance with standards prescribed in regulations, the Secretary may permit when he deems it necessary in order to ensure the efficient administration of such plan, and (2) indicating the steps to be taken and the methods to be followed in carrying out the proposal."

INCREASE IN REIMBURSEMENT TO STATES FOR COSTS OF ESTABLISHING PATERNITY AND LOCATING AND SECURING SUPPORT FROM PARENTS

SEC. 527. (a) Section 403(a)(3)(A) of the Social Security Act is amended by striking out "or" at the end of clause (ii), by striking out "; plus" at the end of clause (iii) and inserting in lieu thereof ", or", and by inserting after clause (iii) the following new clause:

"(iv) the cost of carrying out the requirements of clauses (17), (18), (21), and (22) of section 402(a); plus".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

REDUCTION OF REQUIRED STATE SHARE UNDER EXISTING WORK INCENTIVE PROGRAM

SEC. 528. (a) Section 402(a)(19)(C) of the Social Security Act is amended by striking out "20 per centum" and inserting in lieu thereof "10 per centum".

(b) Section 435(a) of such Act is amended by striking out "80 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 443 of such Act is amended by striking out "20 per centum" each place it appears and inserting in lieu thereof "10 per centum".

(d) The amendments made by this section shall apply with respect to costs incurred on and after July 1, 1971.

PAYMENT UNDER AFDC PROGRAM FOR NONRECURRING SPECIAL NEEDS

SEC. 529. (a) Section 406(b) of the Social Security Act is amended by striking out "and includes" and inserting in lieu thereof "and, in the case of nonrecurring special needs (as determined in accordance with regulations prescribed by the Secretary) which involve a cost of $50 or more, includes a payment with respect to a dependent child (and the relative with whom he is living) which is made directly to the person furnishing the food, living accommodations, or other goods, services, or items necessary to meet such needs. Such term also includes".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

PART D—LIBERALIZATION OF INCOME TAX TREATMENT OF CHILD CARE EXPENSES AND RETIREMENT INCOME

LIBERALIZATION OF CHILD CARE DEDUCTION

Increase in dollar limits

SEC. 531. (a) Paragraph (1) of section 214(b) of the Internal Revenue Code of 1954 (relating to expenses for care of certain dependents) is amended to read as follows:

"(1) DOLLAR LIMIT.—

"(A) Except as provided in subparagraphs (B) and (C), the deduction under subsection (a) shall not exceed $750 for any taxable year.

"(B) The $750 limit of subparagraph (A) shall be increased (to an amount not above $1,125) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 2 dependents.

"(C) The dollar limits of subparagraphs (A) and (B) shall be increased (to an amount not above $1,500) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had three or more dependents."

Liberalization of income test for working wives and husbands with incapacitated wives

(b) Paragraph (2)(B) of section 214(b) of such code is amended by striking out "$6,000" and inserting in lieu thereof "$12,000".

Effective date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

LIBERALIZATION OF RETIREMENT INCOME CREDIT

In general

SEC. 532. (a) Section 37 of the Internal Revenue Code of 1954 (relating to retirement income) is amended to read as follows:

"SEC. 37. CREDIT FOR THE ELDERLY.

"(a) GENERAL RULE.—In the case of an individual—

"(1) who has attained the age of 65 before the close of the taxable year, or

"(2) who has not attained the age of 65 before the close of the taxable year but who has public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of such individual's section 37 amount for such taxable year.

"(b) SECTION 37 AMOUNT.—For purposes of subsection (a)—

"(1) IN GENERAL.—An individual's section 37 amount for the taxable year is the applicable initial amount determined under paragraph (2), reduced as provided in paragraph (3).

"(2) INITIAL AMOUNT.—The initial amount is—

"(A) $2,500 in the case of a single individual,

"(B) $2,500 in the case of a joint return where only one spouse is eligible for the credit under this section,

"(C) $3,750 in the case of a joint return where both spouses are eligible for the credit under this section, or

"(D) $1,875 in the case of a married individual filing a separate return.

"(3) REDUCTION.—Except as provided in paragraphs (4) and (5)(B), the reduction under this paragraph in the case of any individual is—

"(A) any amount received by such individual as a pension or annuity—

"(i) under title II of the Social Security Act,

"(ii) under the Railroad Retirement Act of 1935 or 1937, or "(iii) otherwise excluded from gross income, plus

"(B) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(i) except as provided in clause (ii), one-half the amount of earned income received by such individual in the taxable year in excess of $2,000, or

"(ii) if such individual has not attained age 62 before the close of the taxable year, and if such individual (or his spouse under age 62) is eligible for a credit by reason of subsection (a)(2), any amount of earned income in excess of $1,000 received by such individual in the taxable year.

"(4) Special rules for determining the reduction provided in paragraph (3).—

"(A) Joint returns.—In the case of a joint return, the reduction under paragraph (3) shall be the aggregate of the amounts resulting from applying paragraph (3) separately to each spouse.

"(B) Separate returns of married individuals.—In the case of a separate return of a married individual, paragraph (3)(B)(i) shall be applied by substituting '$1,000' for '$2,000', and paragraph (3)(B)(ii) shall be applied by substituting '$500' for '$1,000'.

"(C) No reduction for certain amounts excluded from gross income.—No reduction shall be made under paragraph (3)(A) for any amount excluded from gross income under section 72 (relating to annuities), 101 (relating to life insurance proceeds), 104 (relating to compensation for injuries or sickness), 105 (relating to amounts received under accident and health plans), 402 (relating to taxability of beneficiary of employees' trust), or 403 (relating to taxation of employee annuities).

"(5) Special rules for individuals eligible under subsection (a) (2).—

"(A) Except as provided in subparagraph (B), the section 37 amount of an individual who is eligible for a credit by reason of subsection (a)(2) shall not exceed such individual's public retirement system pension income for the taxable year.

"(B) In the case of a joint return where one spouse is eligible by reason of subsection (a)(1) and the other spouse is eligible by reason of subsection (a)(2), subparagraph (A) shall not apply but there shall be an additional reduction under paragraph (3) in an amount equal to the excess (if any) of $1,250 over the amount of the public retirement system pension income of the spouse who is eligible by reason of subsection (a)(2).

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Earned income.—The term 'earned income' has the meaning assigned to such term in section 911(b), except that such term does not include any amount received as a pension or annuity. The determination of whether earned income is the earned income of the husband or the earned income of the wife shall be made without regard to community property laws.

"(2) Marital status.—Marital status shall be determined under section 153.

"(3) Joint return.—The term "joint return' means the joint return of a husband and wife made under section 6013.

"(4) Public retirement system pension income.—An individual's public retirement system pension income for the taxable year is his income from pensions and annuities under a public retirement system for personal services performed by him or his spouse, to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year. The amount of such income taken into account with respect to any individual for any taxable year shall not exceed $2,500. For purposes of this paragraph, the term 'public retirement system' means a pension, annuity, retirement, or similiar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

"(d) Nonresident Alien Ineligible for Credit.—No credit shall be allowed under this section to any nonresident alien."

Technical Amendments

(b)(1) Section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection.

"(g) Coordination With Credit for the Elderly.—In the case of an individual, for purposes of subsection (a) the tax against which the credit is taken is such tax reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to credit for the elderly)."

(2) Section 6014 (a) of such Code (relating to tax not computed by taxpayer) is amended by striking out the last sentence thereof.

(3) Section 6014(b) of such Code is amended—

(A) by striking out paragraph (4),

(B) by redesignating paragraph (5) as paragraph (4), and

(C) by inserting "or" at the end of paragraph (3).

(4) Sections 46(a)(3)(C), 56(a)(2)(A)(ii), and 56(c)(1)(B) of such Code are each amended by striking out "retirement income" and inserting in lieu thereof "credit for the elderly".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 37 and inserting in lieu thereof the following:

"Sec. 37. Credit for the elderly."

Effective Date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

PART E—MISCELLANEOUS CONFORMING AMENDMENTS

CONFORMING AMENDMENT TO SECTION 228(D)

Sec. 541. Section 228(d)(1) of the Social Security Act is amended by striking out "receives aid or assistance in the form of money payments in such month under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" and inserting in lieu thereof "receives payments with respect to such month pursuant to title XX or part A or part B of title XXI".

CONFORMING AMENDMENTS TO TITLE XI

Sec. 542. Title XI of the Social Security Act is amended—

(1)(A) by striking out "I,", "X,", and "XIV," in section 1101(a)(1),

(B) by striking out "and XIX" in such section and inserting in lieu thereof "XIX, XX, and XXI", and

(C) by inserting "(and when used in part C or D of title XXI)" after "requires" in section 1101(a)(6);

(2) by striking out "I, X, XIV, XVI," in section 1106(c)(A) and inserting in lieu thereof "XVI";

(3)(A) by striking out "and each fiscal year thereafter" in paragraphs (1)(E), (2)(E), and (3)(E) of section 1108(a), and

(B) by striking out section 1108(b);

(4) by striking out the text of section 1109 and inserting in lieu thereof the following:

"Sec. 1109. Any amount which is disregarded in determining the eligibility for and amount of payments to any individual pursuant to title XX or any family pursuant to part A or B of title XXI, shall not be taken into consideration in determining the eligibility for or amount of such payments to any other individual or family under such title XX or part A or B of title XXI.";

(5) by striking out "title I, X, XIV, and XVI, and part A of title IV" in section 1111 and inserting in lieu thereof "title XX or part A or B of title XXI";

(6)(A) by striking out "I, X, XIV, XVI," in the matter preceding clause (a) in section 1115, and inserting in lieu thereof "XVI",

(B) by striking out "of section 2, 402, 1002, 1402, 1602, or 1902" in clause (a) of such section and inserting in lieu thereof "of section 402, 1602, or 1902,", and

(C) by striking out "under section 3, 403, 1003, 1403, 1603, or 1903" in clause (b) of such section and inserting in lieu thereof "under section 403, 1603, or 1903,";

(7)(A) by striking out "I, X, XIV, XVI," in subsections (a)(1), (b), and (d) of section 1116 and inserting in lieu thereof "XVI",

(B) by striking out "under section 4, 404, 1004, 1404, 1604," in subsection (a)(3) of such section and inserting in lieu thereof "under section 404, 1604,",

(C) by striking out "I, X, XIV, XVI, or XIX or part A of title IV" in subsection (e) of such section (as added by section 521 of this Act) and inserting in lieu thereof "XIX",

(D) by striking out "I, X, XIV, XVI," in subsection (f) of such section (as so added) and inserting in lieu thereof "XVI", and

(E) by striking out "I, X, XIV, XVI," in subsection (g) of such section (as so added) and inserting in lieu thereof "XVI";

(8) by repealing section 1118;

(9)(A) by striking out "aid or assistance, other than medical assistance to the aged, under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" in section 1119 and inserting in lieu thereof "services under a State plan approved under part A of title IV or under title XVI", and

(B) by striking out "under section 3(a), 403(a), 1003(a), 1403(a), or 1603(a)" in such section and inserting in lieu thereof "under section 403(a) or 1603(a)";

(10) by repealing section 1125 (as added by section 526 of this Act); and

(11) effective July 1, 1973—

(A) by striking out "services under titles I, X, XIV, and XVI," in subsection (b)(1) of section 1125 (as added by section 512 of this Act) and inserting in lieu thereof "services under title XVI",

(B) by striking out "under such titles" in such subsection (b)(1) and inserting in lieu thereof "under such title",

(C) by striking out "services under titles I, X, XIV, and XVI" in the last sentence of subsection (b) of such section (as so added) and inserting in lieu thereof "services under title XVI", and

(D) by striking out "services under titles I, X, XIV, and XVI," in subsection (d) of such section (as so added) and inserting in lieu thereof "services under title XVI".

CONFORMING AMENDMENTS TO TITLE XVIII

Sec. 543. (a) Section 1843 of the Social Security Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) Subject to section 1902(e), the Secretary at the request of any State shall, notwithstanding the repeal of titles I, X, and XIV by section 303 of the Social Security Amendments of 1971 and the amendments made to title XVI and part A of title IV by sections 302 and 402 of such Amendments, continue in effect the agreement entered into under this section with such State insofar as it includes individuals who are eligible to receive benefits under title XX or XXI or are otherwise eligible to receive medical assistance under the plan of such State approved under title XIX.

"(b) The provisions of subsection (h)(2) of this section as in effect before the effective date of the repeal and amendments referred to in subsection (a) shall continue to apply with respect to the individuals included in any such agreement after such date."

(b) Section 1843(c) of such Act is amended by striking out the semicolon and all that follows and inserting in lieu thereof a period.

(c) Section 1843(d)(3) of such Act is amended to read as follows:

"(3) his coverage period attributable to the agreement with the State under this section shall end on the last day of any month in which he is determined by the State agency to have become ineligible for medical assistance."

(d) Section 1843(f) of such Act is amended—

(1) by striking out "receiving money payments under the plan of a State approved under title I, X, XIV, or XVI or part A of title IV, or";

(2) by striking out "if the agreement entered into under this section so provides,";

(3) by striking out "I, XVI, or"; and

(4) by striking out "individuals receiving money payments under plans of the State approved under titles I, X, XIV, and XVI, and part A of title IV, and".

(e) Section 1843 of such Act is further amended by striking out subsections (g) and (h).

CONFORMING AMENDMENTS TO TITLE XIX

Sec. 544. Title XIX of the Social Security Act is amended—

(1) by striking out "families with dependent children" in clause (1) of the first sentence of section 1901 and inserting in lieu thereof "needy families with children", and by striking out "permanently and totally" in such clause;

(2) by striking out ", except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under title I or XVI (insofar as it relates to the aged)" in section 1902(a)(5);

(3) by striking out "effective July 1, 1969," in section 1902(a)(11)(B);

(4) by striking out section 1902(a)(13)(B) and inserting in lieu thereof the following:

"(B) in the case of individuals described in paragraph (10) with respect to whom medical assistance must be made available, for the inclusion of at least the care and services listed in clauses (1) through (5) of section 1905(a), and";

(5)(A) by striking out "receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, or who meet the income and resources requirement of the one of such State plans which is appropriate" in the matter in section 1902(a)(14)(A) (as amended by section 208(a) of this Act) which precedes clause (i) and inserting in lieu thereof "receiving assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX, or who meet the income and resources requirements for such assistance", and

(B) by striking out "who are not receiving aid or assistance under any such State plan and who do not meet the income and resources requirements of the one of such State plans which is appropriate" in the matter in section 1902(a)(14)(B) which precedes clause (i) and inserting in lieu thereof "who are not receiving assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX and who do not meet the income and resources requirements for such assistance";

(6) by striking out "who are not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV," in the portion of section 1902(a)(17) which precedes clause (A) and inserting in lieu thereof "other than those described in paragraph (10) with respect to whom medical assistance must be made available,", and

(D) by striking out "or is blind or permanently and totally disabled" in clause (D) of such section;

(7) by striking out "or is blind or permanently and totally disabled" in section 1902(a)(18);

(8) by striking out "section 3(a)(4)(A)(i) and (ii) or section 1603(a)(4)(A)(i) and (ii)" in section 1902(a)(20)(C) and inserting in lieu thereof "section 1603(a)(1)(A) and (B)";

(9) by striking out "effective July 1, 1969," in sections 1902(a)(24) and 1902(a)(26);

(10) by striking out "(after December 31, 1969)" in section 1902(a)(28)(F)(i);

(11) by striking out the last sentence of section 1902(a);

(12) by striking out section 1902(b)(2) and inserting in lieu thereof the following:

"(2) any age requirement which excludes any individual who has not attained age 22 and is or would, but for the provisions of section 2155(b)(2), be a member of a family eligible for assistance to needy families with children as defined in section 405(b) or be eligible for foster care in accordance with section 406; or";

(13) by striking out section 1902(c);

(14)(A) by striking out "and section 1117" and ", beginning with the quarter commencing January 1, 1966" in the matter preceding clause (1) of section 1903(a), and

(B) by striking out "money payments under a State plan approved under title I, X, XIV, or XVI, or part A of title IV" in clause (1) of such section and inserting in lieu thereof "assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX, or payments for foster care in accordance with section 406,";

(15) by striking out section 1903(c);

(16) effective July 1, 1973, by striking out "each of the plans of such State approved under title I, X, XIV, or XVI, and XIX" in section 1903(j)(2) (as added by section 225 of this Act) and inserting in lieu thereof "the State plan";

(17) by striking out "has been so changed that it" in section 1904(1);

(18)(A) by striking out "not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV, who are—" in the matter preceding clause (i) in section 1905(a) and inserting in lieu thereof "who are not receiving assistance to needy families with children as defined in section 405(b) or assistance for the aged, blind, and disabled under title XX, or with respect to whom payments for foster care are not being made in accordance with section 406, who are—",

(B) by striking out clause (ii) of such section and inserting in lieu thereof the following:

"(ii) members of a family, as described in section 2155(a), except a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed,",

(C) by striking out clauses (iv) and (v) of such section and inserting in lieu thereof the following:

"(iv) blind as defined in section 2014(a)(2),

"(v) disabled as defined in section 2014(a)(3), or",

(D) by striking out "aid or assistance under State plans approved under title I, X, XIV, or XVI" in clause (vi) of such section and inserting in lieu thereof "benefits under title XX", and

(F) by striking out "aid or assistance furnished to such individual (under a State plan approved under title I, X, XIV, or XVI), and such person is determined, under such a State plan," in the second sentence of section 1905(a) and inserting in lieu thereof "benefits paid to such individual under title XX, and such person is determined"; and

(19) by striking out the semicolon and everything that follows in the second sentence of section 1905(b) and inserting in lieu thereof a period.

The CHAIRMAN. Under the rule, no amendments are in order to the bill or the committee amendment in the nature of a substitute except amendments offered by direction of the Committee on Ways and Means, provided, however, that one motion to strike out all of title IV of the committee amendment in the nature of a substitute may be considered.

Are there any committee amendments to be offered at this time?

Mr. MILLS of Arkansas. Mr. Chairman, there are two committee amendments, and I offer the first of them and ask for its speedy consideration. It is a fairly technical amendment.

AMENDMENT OFFERED BY MR. MILLS OF ARKANSAS TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The Clerk read as follows:

Amendment offered by Mr. Mills of Arkansas to the committee amendment in the nature of a substitute:

Page 252, line 10, strike out "(ii)" and insert "(i)".

Page 268, line 7, before the comma insert "and inserting in lieu thereof ', or' ".

Page 272, lines 18 and 20, strike out the semicolons and insert commas.

Page 293, line 14, strike out "and" and insert "and—".

Page 384, line 4, strike out "subparagraph (A)" and insert "paragraph (1)".

Page 384, line 5, strike out "paragraph (3)" and insert "this paragraph".

Page 581, line 25, and page 582, line 1, strike out "families which include one or more individuals registered pursuant to section 2111(a)" and insert "families receiving benefits under this part".

Page 640, line 3, insert a comma after "title IV".

Page 649, line 8, strike out the single quotation mark and insert a double quotation mark.

Mr. MILLS of Arkansas (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of this amendment, since it is merely technical in nature and conforming, and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The question is on the amendment to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MILLS OF ARKANSAS TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. MILLS of Arkansas. Mr. Chairman, I offer an amendment which is substantive in nature and ask for its immediate consideration.

The Clerk read as follows:

Amendment offered by Mr. Mills of Arkansas to the committee amendment in the nature of a substitute: On page 645, after line 25, insert the following new section (and conform the table of contents on page 242):

STATE SUPPLEMENTAL PAYMENTS DURING TRANSITIONAL PERIOD

Sec. 509. (a) In order to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter beginning after June 30, 1972, and for the purpose of assuring that needy individuals and families will not suffer an automatic reduction in their aid or assistance by reason of the enactment of this Act, any State which as of July 1, 1972, does not have in effect agreements entered into pursuant to sections 2016 and 2156 of the Social Security Act which either specify the payment levels thereunder or are federally administered shall, for each month beginning with July 1972 and continuing until the close of June 1973 or until the State (whether before or after the close of June 1973) enters into (and has in effect) agreements pursuant to such sections which specify such levels or are so administered, or otherwise takes affirmative action to the contrary on the basis of legislation (other than legislation which prevents the State from entering into such agreements), make supplementary payments meeting the requirements of such sections to each individual or family who is eligible for benefits under title XX or XXI of the Social Security Act, as added by this Act, to such extent and in such amounts as may be necessary to assure that the total of such benefits and such supplementary payments is at least equal to—

(1) the amount of the aid or assistance which would be payable to such individual or family under the appropriate plan of such State approved under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act, as in effect in June 1971, or, if the State by affirmative action modifies such plan after June 1971 and before July 1972, as in effect after such modification becomes effective, if such plan (as so in effect) had continued in effect through such month after June 1972, plus

(2) the bonus value of the food stamps which were provided (or were available) to such individual or family under the Food Stamp Act of 1964 for June 1971 or for the month in which a modification referred to in paragraph (1) becomes effective.

For purposes of this subsection, an agreement entered into pursuant to section 2016 or 2156 of the Social Security Act is federally administered if it provides that the Secretary of Health, Education, and Welfare will, on behalf of the State, make the supplementary payments under such agreement to individuals or families eligible therefor.

(b) Supplementary payments made as provided in subsection (a) shall be considered as assistance excludable from income under section 2013(b)(4) or 2154(b)(5).

Mr. MILLS of Arkansas (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD. I will take a minute to explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Chairman, the amendment is intended to deal with the situation where a State has not been able to enact enabling legislation, or to take other affirmative action, which sets the amount of supplementation of Federal benefits, or provides no such supplementation. The amendment provides that, in such a case, the State supplementation for July 1972, would be set at an amount which would maintain the benefit levels in existence in June 1971—plus the value of food stamps—or a later month before July 1972, if the State changes the levels in that period. The provision would be nullified as soon as the State took action to set the supplementary amount, including a decision not to have any supplementation, and would continue beyond June 1973, only if the State has not by then taken affirmative action to set the amount of supplemental benefits, if any. The provision could not be effective after the State takes such affirmative action.

Thus, recipients on the rolls in June 1972, would not face an unintended reduction in benefits resulting from congressional action, yet States would continue to be free to set whatever levels of supplementation are desired—just as they are free to set present levels, including the levels which will be in effect in June 1972.

Mr. Chairman, this is merely to provide a safeguard against a reduction in benefit levels, because of the failure of a legislature to be in session or the failure of the Governor to have taken action to complete the job that has to be done by the State in connection with a new program.

Mr. Chairman, it was unanimously reported by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

MOTION OFFERED BY MR. ULLMAN

Mr. ULLMAN. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. ULLMAN moves to strike out all of title IV of the committee amendment in the nature of a substitute beginning on page 559, line 1, down to and including page 633, line 3.

Mr. ULLMAN. Mr. Chairman, I offer this amendment on behalf of the gentleman from Texas (Mr. BURLESON) and myself.

The gentleman from Texas (Mr. BURLESON) offered it in the committee. I think it is most unfortunate that we are bringing a bill of this magnitude to the floor where only this kind of an amendment is in order.

I offered it in the committee as a substitute and went before the Rules Committee and tried to get a rule to make the substitute in order.

However, Mr. Chairman, it has been very interesting to see the opposition from over here as well as the opposition all across the floor. It has been a nonpartisan thing. I think that on each side of the aisle we are split pretty well right down the middle. It is just a tragedy, in my opinion. Somehow the House must change its procedures so that the people in this House do have an opportunity to express themselves in the form of alternatives on this kind of measure, a measure of national importance.

But, I would like to make about three points. First, do not buy the argument that if you vote to strike title IV you are voting in support of the existing welfare system. That simply is not true. There are viable alternatives; there are many alternatives that do not take us down the road of income supplement or guaranteed income or whatever you want to call it, but do take us in the direction of real welfare reform where we can, in fact, turn the program around. So, do not buy that argument.

Further, do not buy the argument that the committee will not respond if you vote down title IV.

The gentleman from Arkansas is a very responsible man and the Committee on Ways and Means is a very responsible committee and, indeed, we will come up with sound legislation that will give you a real alternative to welfare reform if you vote down title IV.

Now, it is most unfortunate that we have spent all day debating title IV when, in fact, this legislation is monumental in title after title after title. I wish we could have read each of these titles before you.

In the future we should try to bring them in in the form of separate bills rather than in this kind of all-encompassing legislation.

I just want to make one other point with regard to the supplement income or the guaranteed income formula that you do have in this bill. In my judgment, it is unsound; it is unworkable. The Federal Government under this title is going to send out some 4 million checks every month to 4 million individual family recipients.

They are going to try to stay on top of those checks with three variables included. One is the variable of assets, which could easily disqualify a family. Second is the variable of family size. And third is the variable of fluctuating income. In my judgment, it is totally impossible for the Government to stay on top of this problem, and to mail out checks on this complicated formula.

What we are doing here is expecting 4 million individuals to report on something that they cannot possibly understand, and we are holding them criminally liable for statements they make that they cannot possibly understand.

The final point I want to make is that this is not guaranteed income alone, this is guaranteed income superimposed upon your present State welfare structure. I tried to point out today in debate that under the hold-harmless clause you are, in fact, going to divide the States into two camps. About half of the States are going to fall back to the Federal level, because above the Federal level they are going to have to foot the bill for every dollar of supplemental welfare. The other half of the States are going to be covered by the hold-harmless clause, which means that the Federal Government will pay all the costs above the 1971 level.

I urge you to vote down title IV.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think if one thing is clear from this debate it is that our present system of aid to families with dependent children program has failed the country—has failed the taxpayers—and has failed poor families and their children.

Title IV, which the gentleman from Oregon (Mr. ULLMAN) would strike by his amendment, represents the results of more than a year of concentrated effort by 25 Members of this House, and it is the overwhelming judgment of those 25 Members that title IV of this bill is the best approach for dealing realistically with the problems we face.

I am not going into the various arguments at this time in support of title IV as against the present system. They have all been thoroughly argued and pointed out during this debate. Those here in just the last few minutes heard the gentlewoman from Michigan (Mrs. GRIFFITHS) point out the irrationality of the existing system, and they also heard the gentleman from California (Mr. BURTON) make his excellent remarks. I think we have clearly pointed out during this debate the failures of the present system and the means whereby the new proposal would deal with those failures.

The great majority of the Ways and Means Committee are convinced that title IV would move from a maintenance-centered program of welfare handouts to a program centered on creating opportunity for self-help; that title IV would substitute a work-oriented program for a program that discourages work; that title IV would substitute a program to keep families together for one to encourage families to break up and disintegrate. But we have gone all through this yesterday and today.

Yet we must face this question: If this House turns down title IV—where do we go from there? There is no alternative that has any substantial support. The committee considered every proposal that any Member or anyone else could produce as an alternative to the present system, and all were found to be lacking in the overwhelming judgment of the members of the committee. None provided an answer to the welfare crisis that we face.

I think anyone who has sat through this debate can recognize the impossible burden that you put on the Committee on Ways and Means and on this House when you ask for an alternative that will satisfy the extremes that presented themselves today in opposition to title IV. Unfortunately, despite the debate that we have had, I think there is polarization of two extremes that make it impossible for any constructive alternative to be developed that would meet the demands of this House. One extreme says the measure has been "tainted," because it does too much, because it costs too much, because it adds too many people to the welfare rolls. The other extreme says it "taint" enough.

In view of this, how can the committee be realistically expected to come up with any alternative other than what we have today? If those two extremes in their joint vote today are successful—if they prevail—you pose an impossible situation for the Committee on Ways and Means and for this House.

Now, the chairman of the Committee on Ways and Means has suggested that he sees no way that this matter could come up this year and I can say to you, we have important legislation waiting to be acted upon. We simply do not have a program that will permit us to begin all over again a top to bottom reform of welfare on a different basis, even if the impossible task of finding another—and in my view less satisfactory—approach could be achieved. We have been working on the problem for 2 years, during which nearly 3 million individuals have been added to the rolls. Time is of the essence; we cannot afford another 2 years until reform is written into the statute books.

Let me say as frankly and sincerely as I can that a vote to strike title IV is a vote to indefinitely postpone welfare reform. It is in effect—whether you like it or not—a vote to continue the present system with all its inequities and irrationalities. A vote for the Ullman amendment is a vote to continue the present welfare mess.

I implore you—do not follow this course.

The CHAIRMAN. Under the rule, the question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

TELLER VOTE WITH CLERKS

Mr. BURLESON of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BURLESON of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BETTS, ULLMAN, CONABLE, and WAGGONNER.

The Committee divided, and the tellers reported that there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 156]

[Recorded Teller Vote]

AYES—187

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Andrews, Ala.
Archer
Badillo
Baker
Baring
Barrett
Belcher
Bennett
Bevill
Biaggi
Blackburn
Blanton
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Casey, Tex.
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conyers
Crane
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Fisher
Flowers
Flynt
Fountain
Fraser
Frey
Fulton, Pa.
Fuqua
Garmatz
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hastings
Hawkins
Hays
Hébert
Helstoski
Henderson
Hogan
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kemp
Kyl
Landgrebe
Latta
Lennon
Lent
Long, Md.
Lujan
McClure
McCollister
McEwen
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mazzoli
Mikva
Miller, Ohio
Mills, Md.
Minshall
Mitchell
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Pickle
Pike
Poage
Powell
Price, Tex.
Quillen
Randall
Rangel
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Rousselot
Ruth
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Waggonner
Wampler
Whalley
White
Whitehurst
Whitten
Williams
Winn
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—234

Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Begich
Bell
Bergland
Betts
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Collier
Conable
Conte
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dingell
Dorn
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Fulton, Tenn.
Galifianakis
Gallagher
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Ichord
Johnson, Calif.
Karth
Kastenmeier
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Link
Lloyd
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Mills, Ark.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sandman
Scheuer
Schneebeli
Schwengel
Seiberling
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Watts
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki
Zwach

NOT VOTING—13

Ashbrook
Blatnik
Bray
Dent
Donohue
Edwards, La.
Long, La.
McCulloch
Moss
Purcell
Runnels
Staggers
Taylor

So the motion was rejected.

The CHAIRMAN. The question now occurs on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 1) to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHMITZ

Mr. SCHMITZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHMITZ. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHMITZ moves to recommit the bill H.R. 1 to the Committee on Ways and Means.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. SCHMITZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken and on a division (demanded by Mr. CONYERS) there were—ayes 158, noes 221.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS of Arkansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 132, not voting 13, as follows:

[Roll No. 157]

YEAS—288

Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dingell
Dorn
Dow
Dowdy
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Link
Lloyd
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Watts
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—132

Abbitt
Abernethy
Abzug
Andrews, Ala.
Archer
Badillo
Baker
Baring
Belcher
Bennett
Blackburn
Brinkley
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byron
Cabell
Caffery
Camp
Casey, Tex.
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Davis, S.C.
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Downing
Duncan
Edwards, Ala.
Eshleman
Fisher
Flynt
Fountain
Frey
Fuqua
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Harsha
Hawkins
Hébert
Henderson
Hull
Hungate
Hunt
Hutchinson
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kemp
Kyl
Landgrebe
Lennon
Lent
Long, Md.
Lujan
McClure
McCollister
McEwen
McKevitt
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Minshall
Mitchell
Mizell
Montgomery
Nichols
Passman
Pickle
Poage
Powell
Price, Tex.
Quillen
Rangel
Rarick
Roberts
Robinson, Va.
Rogers
Rousselot
Ruth
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Sikes
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Waggonner
Whalley
Whitehurst
Whitten
Williams
Wyman
Young, Fla.
Young, Tex.

NOT VOTING—13

Ashbrook
Blatnik
Bray
Dent
Donohue
Edwards, La.
Long, La.
McCulloch
Moss
Purcell
Runnels
Staggers
Taylor

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Taylor against.

Mr. Donohue for, with Mr. Long of Louisiana against.

Until further notice:

Mr. Blatnik with Mr. Ashbrook.

Mr. Staggers with Mr. Bray.

Mr. Dent with Mr. Edwards of Louisiana.

Mr. Purcell with Mr. Runnels.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes."

A motion to reconsider was laid on the table.

House Resolution 479 was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill, H.R. 1, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 5257) entitled "An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ELLENDER, Mr. ALLEN, Mr. HUMPHREY, Mr. AIKEN, and Mr. CURTIS to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5257, THE NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a conference report on the bill (H.R. 5257) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children, just messaged to the House by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, is this the message that we have just received from the other body?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Kentucky.

Mr. PERKINS. This is correct.

Mr. HALL. Well, Mr. Speaker, I would inquire of the gentleman from Kentucky if it is possible to have met and reached a conclusion and be prepared to file such a report by midnight tonight when here it is 7:20 p.m. in the afternoon?

Mr. PERKINS. Let me say——

Mr. HALL. I have not yielded to the gentleman because I have not completed my question.

My question, to continue, is whether it is possible to have acted on a message that has just been messaged over to the House and be prepared to file such a report by midnight tonight and, hence, why do we ask unanimous consent to do so?

Mr. PERKINS. If I may be permitted to respond to my distinguished colleague——

Mr. HALL. I would be glad to yield to the gentleman.

Mr. PERKINS. We are making this request because the fiscal year is just about to close out. There is a shortage of funds to pay for summer programs and for the school lunch programs for the needy schoolchildren. We make available $35 million to the States and the local school districts for the payment of the school lunch expenses for the remainder of fiscal year 1971.

So, we feel that it is imperative that the House act as promptly as possible in order that these commitments and the money be made available.

Furthermore, let me say to my distinguished colleague that we have agreed to meet and we have agreed—and the conference was unanimous between the House and the Senate; there were no differences that we had any difficulty in ironing out at all and it may be that we will have nothing to do but to sign some signatures or something like that. However, the attorneys on the Senate side and on the House side were confident that we could get the conference report ready within a couple of hours. I just made the request that we be permitted to have until midnight tonight to file such conference report.

Mr. HALL. Mr. Speaker, I am getting awfully tired of these shortcuts. Of course, everyone is in favor of needy children having school lunches or school breakfasts or whatever they need in this giveaway time when we do everything out of the taxpayers' money, but how can a message of disagreement on the part of the other body to the amendment by this body to their original amendment be conferred on and the conferees agreed, all of the attorneys in the world to the contrary notwithstanding, to complete and file a report at this time, is beyond me.

My simple question is this: Have the conferences met, and have the conferees agreed? Are they ready to file a report, or will they be ready by midnight tonight, based on the decision of good men and true on a message that we have just received in the last 5 minutes in this body?

Mr. PERKINS. Yes, the conferees will be ready to file their report by midnight tonight.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, further reserving the right to object, did I understand the gentleman from Kentucky to say that this $35 million is for the fiscal year 1971?

Mr. PERKINS. If the gentleman will yield, there have been some commitments made; that is correct. It is only permissive. It may be that the administration will not spend the $35 million. It may only spend $12 million or $20 million, but it is there available for that purpose.

Mr. GROSS. Since there are only about 8 days left in this fiscal year——

Mr. PERKINS. The commitments have been made.

Mr. GROSS. This then becomes backward financing instead of forward financing; is that what the gentleman is saying?

Mr. PERKINS. I believe we have got a lot of commitments for the past several months that have not been fulfilled for various State and local school districts. We conducted a survey of the school districts, and they tell us that they are about $38 million short on what it took to feed the needy children in the local school districts.

Mr. GROSS. So that you just went right ahead, or somebody went right ahead and committed the Government to spend $35 million, or some substantial part of it, without the money being in sight, or anything else. Is that the way the gentleman's committee is running these days?

Mr. PERKINS. I cannot state how much the Federal Government has committed over the $35 million. I just would not be able to state that.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think we also should point out in fairness that the 1971 authorization and appropriation has a carryover into fiscal 1972, and this is the aspect on the part of the bill that we are most deeply concerned with because of the carryover. There will be some additional expenses next year, and it was structured into the bill when it went through the authorization process, and the appropriation process, to allow for that carryover. That is why the action is being taken today.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 92-299)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 5257), to extend the school breakfast and special food programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

"SEC. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such section 32 to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended."

SEC. 2. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for each of the fiscal years 1972 and 1973 not to exceed $25,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 3. (a) The first sentence of section 4(c) of such Act (42 U.S.C. 1773(c)) is amended by striking out "to reimburse such schools for the" and inserting "to assist such schools in financing the".

(b) The last sentence of such section 4(c) is amended to read as follows: "In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low income families."

SEC. 4. Section 4(d) of the Child Nutrition Act of 1966 is amended by striking out "80 per centum" and inserting "100 per centum".

SEC. 5. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading "In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies." and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SEC. 6. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972, not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

SEC. 7. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to equipment and services.".

And the House agree to the same.

Carl D. Perkins,
Roman C. Pucinski,
William D. Ford,
Albert H. Quie,
Alphonzo Bell,
Managers on the Part of the House.
Herman E. Talmadge,
Allen J. Ellender,
James B. Allen,
Hubert H. Humphrey,
Jack Miller,
George D. Aiken,
Carl T. Curtis,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 5257) to extend the school breakfast and special food programs submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

1. *Senate* authorizes use of Section 32 funds in such amounts as may be appropriaate to carry out the National School Lunch Act in Fiscal 1971 and 1972. This would clearly include the summer program, as well as the year-round out of school program under Section 13, and also the school lunch program.

House authorizes use of $50 million of Section 32 funds in Fiscal 1971, and $100 million plus carryover in Fiscal 1972, but only for those provisions of the Act "relating to the service of free and reduced price meals to needy children."

Conference substitute authorizes the use of $35 million in Section 32 funds to carry out the National School Lunch Act in Fiscal 1971 and $100 million in Section 32 funds to carry out the provisions of that Act with respect to free and reduced price meals to needy children in Fiscal 1972.

2. *Senate* extends school breakfast program one year with an appropriation authorization of $25 million (the present level).

House makes breakfast program permanent and authorizes appropriation of $25 million for Fiscal 1972, such amounts as may be necessary thereafter.

Conference substitute extends program for 2 years at an authorized level of $25 million for each year.

3. *Senate* extends the special food assistance program for children one year at the present authorized appropriation level of $32 million.

House extends this program 2 years at the same level and drops the "pilot" program designation.

Conference substitute adopts House provision.

4. *Senate* provides that in circumstances of severe need where the rate per meal established by the Secretary is deemed insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 100 percent (instead of 80 percent as now provided) of the operating costs of such a program.

House repeals existing provision for special treatment in circumstances of severe need, as well as the existing provision that in normal circumstances the funds will be used to reimburse schools for the cost of obtaining foods (including processing, distributing, transporting, storing and handling costs), and provides instead for disbursement "at such rates per meal as the Secretary shall prescribe based on the type and cost of the meals provided . . . including the costs of labor used in preparation of the meals."

Conference substitute adopts Senate provision, together with House language providing for prepayment to schools in lieu of reimbursements. The conferees felt that the Secretary of Agriculture has been unduly restrictive in using the authority to pay up to 80 percent of the operating costs, and it is intended that he will be more liberal in recognizing circumstances of severe need and utilizing the authority to pay all operating costs in such cases.

5. *Senate* provides for use of the same eligibility requirements for free and reduced price meals in the breakfast program as in the lunch program.

House makes no provision on this point.

Conference substitute adopts Senate provision.

6. *Senate* authorizes the use of up to $20 million in Section 32 funds for the supplemental foods program in Fiscal 1972.

House does not have a provision on this point.

Conference substitute adopts Senate provision.

7. *House* adds a third criterion to be used in the selection of schools for participation in the school breakfast program, to wit "those schools in which there is a special need for improving the nutrition and dietary practices of the children attending."

Senate does not have a provision on this subject.

Conference substitute adopts House provision but restricts it to children of working mothers and children from low-income families.

The conferees intend that the provision with respect to working mothers should be restricted to hardship cases, such as cases where mothers work at odd hours.

8. *House* inserts in Section 13(c)(2) of the National School Lunch Act immediately after the sentence which permits the Secretary in circumstances of severe need to pay up to 80% of the operating cost of an out of school feeding program, the following: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment and services."

Senate does not have a provision on this subject.

Conference substitute adopts House language, except that the word "plant" is omitted.

Carl D. Perkins,
Roman C. Pucinski,
William D. Ford,
Albert H. Quie,
Alphonzo Bell,
Managers on the Part of the House.
Herman E. Talmadge,
Allen J. Ellender,
James B. Allen,
Hubert H. Humphrey,
Jack Miller,
George D. Aiken,
Carl T. Curtis,
Managers on the Part of the Senate.

PERSONAL EXPLANATION BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, on yesterday afternoon, at the time that rollcall No. 152, the vote on the previous question

on the rule governing the bill H.R. 1, the welfare bill, was taken, I was across the city on necessary business. I proceeded as quickly as possible to return to the Chamber, but entered the Chamber as the Chair was announcing the result of the vote.

Mr. Speaker, the RECORD lists me as having been paired in favor of the previous question. This is an error, Mr. Speaker. If I had arrived in the Chamber in time to cast my vote I would have voted "nay."

PERSONAL ANNOUNCEMENT

Mr. RYAN. Mr. Speaker, on rollcall No. 147—on House Resolution 434, authorizing additional investigative authority to the Committee on Education and Labor—I am recorded as not voting. Had I been present, I would have voted "yea."

On rollcall No. 148—on H.R. 7736, the health professions student loan and scholarship extension—I am recorded as not voting. Had I been present, I would have voted "yea." I am pleased to note that H.R. 7736 passed the House by a unanimous vote of 299 to 0.

On June 18 I was in the U.S. District Court for the Southern District of New York in connection with the matter of the United States of America against the New York Times, et al. I applied, along with 26 other Members of the House of Representatives, for leave to file a brief as amici curiae—a motion which was granted by Judge Murray I. Gurfein. We also filed a motion to intervene in this matter. The case of the United States of America against the New York Times, et al., involves the proceedings by the Government against the New York Times to enjoin the publication of the Defense Department's 1968 Task Force Study on Vietnam. Believing that an injunction or restraining order against the New York Times would constitute an unconstitutional prior restraint contrary to the first amendment, that Members of the Congress have a legislative right to know in order to act on complex questions involving the war in Vietnam, and that the public has the right to know, we presented arguments in support of our motions through Prof. Thomas I. Emerson of the Yale Law School who acted as our counsel in this very important constitution matter.

Judge Murray I. Gurfein, U.S. District Judge for the Southern District of New York, decided in favor of the New York Times; and Judge Gerhard A. Gesell, U.S. District Judge for the District of Columbia, has decided in favor of the Washington Post, an action in which we also filed a brief amici curiae and asked leave to intervene. Both of these decisions will be before U.S. Courts of Appeals today.

PERSONAL ANNOUNCEMENT

Mr. FULTON of Pennsylvania. Mr. Speaker, on yesterday, Monday, June 21, 1971, I represented the Pennsylvania delegation in the House of Representatives at the Senate of Pennsylvania in Harrisburg and was, therefore, away on official duty.

Mr. Speaker, had I been present on rollcall No. 149 on the bill H.R. 5237, I would have voted "yea."

Had I been present on rollcall No. 150 on the bill S. 1538, I would have voted "yea."

Had I been present on rollcall No. 151 on the bill H.R. 3146, I would have voted "yea."

Mr. Speaker, I did arrive at about 2:30 p.m. from Harrisburg by driving fast after the ceremonies and I was here for the rest of the afternoon.

I ask that my position on these votes be noted in the RECORD.

The SPEAKER pro tempore (Mr. KEE). The gentleman's statement will appear in the RECORD.

THE SHARPSTOWN FOLLIES—ACT III

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have received confirmation that the Assistant Attorney General of the United States, Will Wilson, was not only a lawyer for Frank Sharp, but that he was also a stockholder in the very company whose stocks he arranged for Sharp to buy, and which stock Sharp later manipulated in order to create large profits for himself and others

Unfortunately for us, the Assistant Attorney General did not say when he bought his stock in National Bankers Life Insurance Co. or when he sold it. He merely claims that he sustained a loss on the deal. Well, the Speaker of the Texas House states he lost money in that stock too, but that does not dispel the doubt and controversy swirling about his head—nor does Wilson's claimed loss extricate him from the charges that I have made.

The Department of Justice declined to prosecute Frank Sharp on the decision of the Deputy Attorney General himself, Mr. Kleindienst. Now it is a curious thing that Kleindienst himself would make such a decision—it is surely an unusual thing for the top brass of the Justice Department to take such a keen interest in a criminal proceeding. Could it be that Kleindienst hopes to hide from the world the fact that his subordinate was such an intimate of Frank Sharp to whom he has granted virtual immunity?

Could it be that Will Wilson not only owned shares of the stock that Sharp manipulated, but that he sold that stock at a profit while the price was gyrating? Could it be that he disposed of his stock only because he did not want it revealed that he ever owned it in the first place? Who knows the connections between the chief prosecutor and the man to whom his boss has granted immunity?

These are questions that will perhaps never be answered. But the people have a right to know whether or not their chief prosecutor himself might be guilty of the same crimes which he now seeks to charge others with having committed.

It may be that the Government never needed Sharp to make its case against the public officials it seeks now to indict in Texas. It may be that Sharp's silence is what the Government wanted, rather than his testimony, for the truth is that there are now some indications that Sharp might not sing on the stand at all when the prosecution begins to proceed in the cases against Texas officials who are implicated in the Sharp deals. Sharp has what he wants, which is immunity from criminal liability. Kleindienst apparently has what he wants, which is to keep anybody from learning the details of Will Wilson's associations with Sharp. So the big fish is gone, and now might not even be a prosecution witness. If he is not, that will only prove what I have been saying all along—they never needed Sharp to make their case in the first place, but only his silence, to protect Mr. Wilson himself from being tarred with the brush they are wielding down in Texas.

The truth may never come out in court. Wilson will not himself talk directly to the press, but only through Justice spokesmen, who are answering the parts of questions that they want to answer. Yes, they say, Wilson owned the stock in National Bankers Life. No, they do not know when or how he bought it, or when or at what price he sold it, or why. They know, but they are not saying.

There has to be a reason. I am afraid the reason smells as bad as the deal the Department of Justice made with Mr. Sharp.

The Sharpstown Follies roll on, and I can hear the boos all the way from Sharpstown. The people do not want fancy dances from Kleindienst—they want straight answers to straight questions.

SMALL BUSINESS TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, I am today joining in cosponsorship of legislation, first introduced this past April as H.R. 7692, which has been described as the longest and most comprehensive small business tax reform package brought before the Congress. Through this broad-ranging tax reform bill, it is hoped that economic pressures on 5,500,000 hard-pressed small businessmen can be eased.

In announcing my cosponsorship which I have been considering for some time, I would like to bring to your attention rather frank and pointed comments by a small businessman in my own Eighth Congressional District. Let me quote a few paragraphs from a letter received from him only yesterday. This is what he said:

> As I told you when you were in the office, I'm convinced that Congress, the Federal bureaucracy and the legislators of our state as well, are out to eliminate small business. Their frightening unwareness of what it takes to survive these days underscores this.
>
> Let me quote you an example. Previously, we were required to pay withholding tax collected from employees by the 15th of the following month. This was tolerable, since it allowed us to receive collections on the previous month's business and thus gather the amounts of money required to make this payment.
>
> Now the Federal Government has made changes. At the first of the month I was required to pay $2,000 withholding tax. Yesterday, I was required to pay another $2,000 in advance on next month's withholding tax.

> Today, I'm required to pay $1,800 in advance on my personal tax. $5,800 in 15 days to the Federal Government! My God, Jim, how am I to survive.
>
> I cannot help but feel that Congress is closing its eyes to small business completely. I cannot help but feel that all that has made this a great country is being eroded away as initiative, industry and the willingness to enter "free enterprise" is being destroyed by the frightening legislation and regulation of our Federal bureaucracy.
>
> I have tried to see the reasoning behind what is happening in our government. But the continuing Vietnamese disgrace, the growing unemployment (now 12.8% in Tuscola County), intolerable taxing practices that are destroying the ability to expand—or even survive, the helter-skelter race for new welfare and social legislation that borders on comedy, the continuing round of new regulatory limitations and repressions destroys my ability to understand and support.
>
> I'm sick to death of government and what it is doing to us. If our sacrifices were truly building a better America, were truly creating a better social structure, were truly fostering world peace, were truly making a better life for everyone, I could and would somehow accept what is happening and make every effort to support it. But, Jim, that is simply not the case and only an ostrich-minded individual could say otherwise. The headlines and the broadcasts make that too clear.
>
> I don't know what one Congressman can do to stem the tide against the middle class and small business. But I would hope, in all earnestness, that he would do what he can in conjunction with fellow Congressmen, to somehow bring about at least a ray of hope for the future.

I believe that this legislation—to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business—might provide the hope and the means to aid our small business people.

Consider, too, if you will, the fact that in 1970 business failures increased 25 percent while failures of companies with liabilities of $1 million or more were up to 95 percent.

We must act now if we want to save small business which represents 98 percent of all firms; contributes 40 percent of all jobs; and one-third of the gross national product.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The United States has the world's busiest airlines system, where 125,414 million revenue passenger miles were flown on scheduled domestic and international services in 1969.

CONGRESSMAN CHAMBERLAIN URGES END TO FOREIGN POLICY DISUNITY; RETURN TO BIPARTISAN SPIRIT OF VANDENBERG ERA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 15 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during the past few weeks and months as I have followed the debate over our continued military presence in Europe and the reduction and withdrawal of our forces in Southeast Asia, I have found myself thinking increasingly about our present lack of bipartisan unity in the conduct of our foreign affairs, and how this contrasts sharply with developments 25 years ago when the world was emerging from World War II. For during that time there were similarities with our situation today; namely, the control of the Federal Government was divided with a President of one party and the majority in Congress of the other party. And as is the case today, there were differences of opinion then as well, and these differences gave rise to a spirited presidential contest in 1948.

But there was one major dissimilarity between then and now. Unlike today, during those years our political leaders confined differences of opinion to domestic affairs, for in the area of foreign policy America spoke with a united voice.

Just how was this achieved? I am satisfied that the spirit and letter of our bipartisan foreign policy were in no small part attributable to the efforts and wisdom of Senator Arthur H. Vandenberg of Michigan. As chairman of the powerful Senate Foreign Relations Committee, Senator Vandenberg believed deeply that foreign policy was too important to be treated as a political issue and on numerous occasions he demonstrated resolutely by his leadership that politics stopped at the water's edge.

President Truman, who was not at all averse to the heat of the political kitchen or a brisk partisan debate on domestic affairs, singled out Senator Vanderberg for special praise in the conduct of America's foreign policy. Observed Mr. Truman in his memoirs:

> When Arthur Vandenberg spoke for the Republican Senators, there was never a doubt in my mind that his judgment and his discretion warranted discussion with him of the most sensitive diplomatic problems. He understood and appreciated . . . that he was placed in a position of highest trust and gravest responsibility. There were occasions when Senator Vandenberg disagreed with my policies, but he never attempted to sabotage them.

So profound were Senator Vandenberg's contributions to the spirit of unity and cooperation in international affairs that former Secretary of State Dean Acheson was later obliged to comment approvingly:

> Without Vandenberg in the Senate from 1943 to 1951 the history of the postwar period might have been very different.

The noted New York Times columnist James Reston concurred in the opinion that Senator Vandenberg adequately deserved "a great deal of the credit for the degree of unity that has been attained in the historic redirection of our foreign policy."

In bringing about a degree of consensus among Foreign Relations Committee members which Columnist Reston described as "unprecedented," Senator Vandenberg's bipartisan efforts in the critical years surrounding the close of World War II led to the necessary congressional support for the historic Marshall plan, economic assistance to Greece and Turkey, the formulation of the United Nations Organization, and the all-important NATO alliance. Indeed, the North Atlantic Treaty Pact was actually drafted by the Democratic administration and Senator Vandenberg, working in the highest spirit of collaboration in the national interest. The intimacy of that collaboration is carefully underlined in the words of correspondent Joseph C. Harsch:

> The machinery which put the Marshall Plan and the Atlantic Pact through Congress was basically the personal relationship which existed between two men—Arthur Vandenberg and George C. Marshall at the Department of State . . . they formed a close-working team which was able to take the prime measures of foreign policy out of the arena of domestic politics. Senator Vandenberg knew that George Marshall never would subordinate foreign policy to the Democratic Party, and Secretary Marshall knew that Senator Vandenberg would never subordinate foreign policy to the Republican Party. Bi-partisanship in foreign policy had many components, but the central and activating component was the personal relationship between Vandenberg and Marshall.

By contrast, it is the lack of unity and cooperation in the conduct of our foreign affairs that is most troubling today. In saying this there is no intention to advocate the silencing of those who rightfully have a role in the formulation of our foreign policy, nor do I support complicity for political gain. Indeed, discussion, opposition, and dissent all belong to the formulation stages of foreign policy. Productive participation is essential to the foreign policymaking process and is fully in accord with the role assumed by Senator Vandenberg, who himself observed:

> We want to be in on the take-offs if we have to be in on the crash landings.

The diverse elements of this country have contributed to its greatness. We should accept diversity as a strength. But let us have diversity without divisiveness. Once decisions have been reached and policies have been determined and are in the process of being implemented, it is highly desirable, as Senator Vandenberg urged, that we show a united front to the world. That is, unfortunately, all too often not the case today where controversy and discord continue to make headlines in the news. In matters of our foreign relations we should come to realize that the bitterness and rancor with which the President and other leading statesmen are attacked only serve to weaken our position in the eyes of the world. People abroad, and particularly our Nation's enemies, can only wonder if we as a nation have the degree of unity necessary to fulfill our role as the great world power we are today.

Mr. Speaker, fellow colleagues, I submit to you that we should be searching for the means to end our discord, our bitterness, and our quarreling. We have a tremendous responsibility to the American people to do our part in bringing peace to a troubled world. It is time for us to reflect on the the great precepts and example set by Senator Vandenberg and endeavor to regain that spirit of bipartisan cooperation which contributed so much to one of the most effective and creative eras in American foreign policy.

MINORITY STAFFING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, the resolution I submit today, with 154 of my fellow Republicans in the House of Representatives, should be unnecessary. Logic would dictate that at least one-third of the funds available to every committee of this Chamber—or, better, an amount approximately equal to the proportion of minority to majority Members of this body—be allotted to the minority party for investigatory staff. This is in the democratic tradition in both name and spirit.

Our Government, and particularly our legislative branch, is based on the two-party system. Its foundation is respect for minority rights as well as majority rule. As representatives of the people, Members of Congress on both sides of the aisle are sensitive in our discussions of minority rights and we vigorously defend these rights in the context of majority rule.

To extend to minority Members of Congress the fundamental right to committee staffing will insure that the American public will be better served.

Today's resolution is not a partisan issue. It is a matter of getting adequate staffing for a committee and adequate legislation for the Nation. Working relationships between the majority and minority leadership can become easier when an adequate investigatory staff is granted to the minority of each committee. The committee with whom I serve, the Education and Labor Committee, is a good model; we have a strong, well-qualified minority staff representing the Republican position on issues.

Serving as a legislator requires factual information that is unavailable unless it is eagerly sought after; every legislator is handicapped if he has insufficient committee assistance by persons of at least somewhat the same political persuasion.

The situation compares with the congressional districts and voters from whom we all derive our position, that is, some have different needs and different priorities than others, but those in the minority need no less attention and assistance than those in the majority.

It is a sound proposition. On legislative committee staffs Republicans should work for and represent Republicans; Democrats should work for and represent Democrats, and their voices should be approximately proportional in strength—for good professional investigatory work—to the proportion of Democrats and Republicans the American people elected to serve them.

Contrasting points of view on the part of the staff are very important, if not vital, in making our committee system work effectively. Republicans have the right to a professional staff who may have points of view different from the professional staff retained by the majority. In no case does this resolution deprive the minority and the majority from working together in developing the kind of staff to best fill the needs of the committee. It encourages it. It is designed to provide a minimum protection for the minority point of view.

This is a wise and judicious resolution and I hope it will have the support of Democrats as well as Republicans.

SAVE THE APPALACHIAN COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, since the early days of this Congress, I have been a principal sponsor of legislation to extend the Appalachian Regional Commission for another 4 years.

That extension is now in jeopardy, because of the $2 billion accelerated public works program attached to the economic development extension provisions.

President Nixon has labeled this accelerated public works program inflationary, and not the answer to unemployment its sponsors say it is. He has indicated he may veto the measure, thus killing the economic development programs—which he and the overwhelming majority in Congress support—also included in the bill.

Congressional authorization for these programs expires in a short 9 days. It is imperative that these successful and worthwhile programs be set aside from the controversy surrounding the accelerated public works provision so that they can continue an uninterrupted record of progress and achievement.

As a member of the subcommittee that must report the necessary new legislation to extend these programs, I pledge my best efforts to save the Appalachian Commission and its companion economic development programs from extinction.

Legislation to extend these programs, without tying them to accelerated public works, has already been introduced and considered in the appropriate subcommittee, and all we must do is to report the bill to the floor for passage by the membership of the House.

I intend to push hard for that action in my subcommittee, and I call on members of the appropriate panel in the Senate—which has also registered overwhelming support for these programs—to take similar immediate action, and give these programs the new lease on life they well deserve, if the current legislation is indeed vetoed.

KANSAS' LARGEST PAPER OPPOSES NUCLEAR WASTE DUMP NOW

The SPEAKER port tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, Kansas newspapers are, generally speaking, perceptive and articulate critics of the passing scene and of the State's public officials, which is the way it should be. Men like William Allen White have set a pattern for editorial writing that all seek to emulate. That pattern included the courage and the wit to admit error and to advocate the new course as fiercely as the old.

As my colleagues are perhaps aware, I have for more than a year been engaged in a running controversy with the Atomic Energy Commission over its announced policy to install an atomic waste dump in the salt mines of Kansas.

Back then, the largest newspaper in Kansas, the respected Wichita Eagle and the Beacon had some doubts about my position. In a lead editorial on July 30, 1970, it said:

> Rest Easy, Rep. Skubitz, Precautions Are Being Taken.

In the body of that editorial it agreed that although I did not represent the district in which the atomic dump was to be located, I had a right to be concerned about the welfare of the State as a whole. But in polite language it sort of pooh-poohed my concern that safety of the facility had yet to be assured, and indicated it reposed substantial confidence in the AEC to meet the problem.

But what does the State's largest newspaper say now, after 1 year of observing the maneuverings of the AEC, and after studying its final environmental statement, which was supposed to be an assurance that the safety questions had been or were about to be answered?

In the June 12, 1971, issue, the Eagle's lead editorial reads:

> It's Time to Be Sure On Lyons Repository.

And how far does the Eagle now trust this great Federal agency? Listen to this significant paragraph in the editorial:

> And that's why the Kansas congressional delegation should be exerting every effort to prevent the Atomic Energy Commission (AEC) from gaining title to the 1,000-acre site it wants until all the doubts are laid to rest.

It has been my contention all along that the Congress should not appropriate funds that would permit acquisition of the lands simply because once the AEC became owner, it would do as it pleased and run roughshod over the wishes and welfare of Kansas people. This is why I have testified before both the Joint Committee on Atomic Energy and the Appropriations Committee that funds for land acquisition be denied while further essential research is undertaken.

Mr. Speaker, I include the two editorials in question in the RECORD:

[From the Wichita Eagle, July 30, 1970]

REST EASY, REPRESENTATIVE SKUBITZ, PRECAUTIONS ARE BEING TAKEN

Rep. Joe Skubitz, R-Kan., is right to be concerned about the welfare of the people of Lyons, Kan., even though they aren't in his district.

However, he can be reassured that proper precautions are being taken to safeguard them from exposure to radiation. A public hearing at Lyons Wednesday was aimed at easing the minds of local residents.

Skubitz, who represents the Fifth District, mostly in Southeast Kansas, urged the chairman of the Atomic Energy Commission the other day to explain "the exact nature of the risks and dangers" involved in a recent proposal to bury atomic wastes in a Lyons salt mine.

Unfortunately, this can't be done easily. Some testing with simulated atomic wastes has been done at the Carey Salt mine in Hutchinson, and preliminary findings indicate storage in salt beds is feasible.

Nevertheless, there are many questions to be answered before the government can say flatly that it is absolutely safe.

That is why the U.S. Geological Survey and the Kansas State Geological Survey will thoroughly test the Lyons site before the Atomic Energy Commission is given a go-ahead on construction.

A preliminary safety analysis is to be given the AEC by Nov. 15, a date that Skubitz has said is too soon. But officials at the Kansas State Department of Health say this is by no means final.

Bob Will, head of the state health department's radiological health unit of the Environmental Control Division, told the Eagle's editorial page recently that it would be at least two years before construction could begin even if the geological surveys were to give a green light.

In addition, the health department has assigned a man full-time to monitoring the entire Lyons operation, and if he finds anything harmful at any time, the department will act.

The AEC, Will said, has assured the state through the National Academy of Sciences that after the operation begins (if it does), if anything is found harmful to people or property, the operation will cease.

As of now, health department officials think the storage program is feasible. But this is based upon preliminary test results and can be modified as new evidence is turned up.

[From the Wichita Eagle and the Beacon, June 12, 1971]

It Is Time to Be Sure On Lyons Repository

No one wants to be irrational about the proposed nuclear waste depository at Lyons. But certainly every Kansan should be concerned about it until there is absolute assurance of the safety of the installation. That assurance does not as yet exist.

And that's why the Kansas congressional delegation should be exerting every effort to prevent the Atomic Energy Commission (AEC) from gaining title to the 1,000-acre site it wants until all the doubts are laid to rest.

The trouble with federal agencies is that once they have acquired land they tend to go on with their projects, no matter what. The depositing of radioactive waste in the salt beds is far too iffy a proposition to be permitted to happen without adequate investigation.

In its report issued Wednesday, AEC said some of its findings indicate there would be "minor environmental effects at the site and beyond."

That of itself seems reason enough to insist upon further and more complete testing before a decision is made.

In fairness to AEC it must be said that it has requested $1 million more for additional studies of the problem, and has promised to halt the project if it proves unsafe. It has set a date of January, 1975, to begin the deposit of "low, low waste" which is contaminated clothing and things of that sort, and January, 1976, as the date for the really "hot" waste, provided it is satisfied with the results of the further testing.

That is somewhat reassuring. But not only AEC but also Kansas scientists should be satisfied of the safety of the project before any additional moves toward its establishment are made.

Many of the people at Lyons who favor the repository resent the interference of Governor Docking, the Kansas Geological Survey, and others in the matter. But their motives are of the best. Nobody wants to deprive Lyons of an installation that will provide jobs and possibly other benefits if there is no danger to that community or any other from it.

But there are unanswered questions about underground water, the effects of the heat upon the salt, the possibility of geological faults beneath or near the salt beds, and many other things. The testing that has been done thus far is judged by our Kansas scientists to be oversimplified.

We're dealing with our future for hundreds of thousands of years. If we make a mistake on the nuclear waste repository, it could well be just about the last mistake we make.

CALIFORNIA INDEPENDENT BANKERS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, across the Nation, many commercial banks are being misled about important issues because of the propaganda disseminated by the American Bankers Association—Washington's No. 1 lobby.

To help dispel the smokescreen, I have been trying to talk to as many bankers' groups as possible. I feel that these face-to-face meetings are valuable opportunities to explain exactly what the legislative situation is as regards banks. It is one of the few means available to overcome the propaganda and distortions flowing from the lobbyists.

As part of this effort, I spoke to the California Independent Bankers on May 25, 1971, in San Diego. This was a fine meeting, and I found many bankers in agreement on many of the key financial issues facing the Nation. I found that many do not agree with the positions taken by the ABA and the large commercial banks which dominate the lobbying efforts.

Mr. Speaker, I want to commend the Independent Bankers Association of Southern California for making efforts to get facts and contrasting views to their members. The officers of this association are President David Q. Vordermark, California Republic Bank, Bakersfield; Vice President W. T. Kegley, First National Bank and Trust Co., Ontario; Program Chairman Robert L. Mobley, Bank of A. Levy, Oxnard; Secretary-Treasurer Clarence Jones, Valley National Bank of Glendale; and Special Events Program Chairman Miss Kitty Paladin.

I place in the Record a copy of my speech to the independent bankers:

Remarks of the Honorable Wright Patman

Thank you very much for inviting me to California and this gathering of independent bankers. Your invitation and my acceptance undoubtedly surprise a lot of people who believe the old myth that Wright Patman is opposed to all bankers and that all bankers are in violent opposition to Wright Patman. If nothing else, I hope this trip out here to California will help dispel some of these tired cliches.

After reading some of the newsletters and other publications issued by various bank lobbying forces, I have become convinced of the need for more of these face-to-face meetings with bankers. Unfortunately, some of the national lobbyists for the big banks and the American Bankers Association profit from painting the Chairman of the House Banking and Currency Committee as a relentless foe who wouldn't give a banker the time of day. Lobbyists in Washington earn their keep in strange ways and the myths that are spread about Wright Patman are just one of the many devices used by the influence peddlers.

The reasons for the activities of these big bank lobbyists are transparent. It is one of the means by which they hope to convince all of the nation's 13,500 banks to oppose anything—any legislation—which might bear the name Patman. It is a device through which the lobbyists hope to convince the small and medium-sized banks—the independent bankers—that they must join forces with the huge banking giants for survival. It is a scheme which they hope will lead independent bankers to think that their interests are identical with the interests—and the standards—of David Rockefeller and the Chase Manhattan Bank in New York City.

The campaign is an insult to both the Congress and the over-whelming majority of the bankers in the United States.

It is a campaign which is beginning to fail and fail miserably around the nation. More and more, the smaller banks—the independent banks—are coming to understand that the big boys are trying to play them for suckers. In recent years, I have received a growing volume of mail from bankers—some very prominent bankers—who express bitter dissatisfaction with the lobbying activities of the American Bankers Association and the handful of big banks that try to pull the strings in Washington. More and more, I receive letters from bankers urging legislation to correct banking problems and to strengthen the regulatory structure of the Federal agencies. It is a falsehood—and I can document this with letter after letter—that all bankers are opposed to the House Banking and Currency Committee's legislative efforts and the positions taken by its Chairman.

The independent bankers—and this includes some pretty good-sized banks—could do themselves a great favor by launching a nationwide public relations campaign to explain the differences among the institutions in the banking community. There is no reason in the world for well-managed local banks to be tarred with the shenanigans of a Chase Manhattan. Why should the entire banking community be blackened by the revelations that David Rockefeller allowed 150 of his bank's trust accounts to be stripped so that Chase Manhattan could direct massive investments into Resorts International which operates a huge gambling complex in the Bahamas?

Why should all bankers be forced to share the blame for the manipulations of a handful of banking giants which moved in on Penn Central Transportation Company and participated in the events that led to that tragic bankruptcy last June? Now, it is revealed that these big banks maintained interlocking directorates with this $7 billion corporation, made available massive loans for questionable activities, and then unloaded hundreds of thousands of shares of the stock in the critical days leading up to the bankruptcy. The headlines have flashed across the nation, detailing the activity of the banking industry with this massive corporate collapse, and many people have regarded these events as revealing the basic moral structure of the American banking system.

This is unfair to the good, the solid, the community minded local banks which have management that would never participate in such shenanigans.

That is why I say it is so important that you explain to the public that you do not agree with all of the fluff and the propaganda that flows from the American Bankers Association and the Wall Street complex of big banks. It is up to you to separate yourselves from these high flying operators who are giving the entire banking industry a tremendous black eye.

To clear up any confusion that might exist, let me assure you that I am as much in favor of a strong and sound banking system as anyone in this country. We must have a strong dual banking system that meets the real needs of the nation and its people. This is essential.

However, I do not believe that a strong and sound banking system can be accomplished or maintained by a "head in the sand" approach to the problems—and, yes, the shortcomings—of this industry. It is not proper nor beneficial for the Chairman of the Banking and Currency Committee to adopt a "see no evil" policy on banking matters. Neither the public nor the banks would be well-served if the House Banking and Currency Committee became a soft, flabby body which adopted a complacent attitude on these issues.

So, today, I hope we can discuss these issues on frank terms. Your views and mine undoubtedly coincide on a great number of issues. I don't think we are far apart. But I'm sure you didn't invite me here just to agree with you and to pat you on the back. I hope you invited me here to give you my honest viewpoint on banking.

To discuss banking, it is necessary to establish just where banks fit in our free enterprise system. The public relations handbooks of the banking associations—and the news releases emanating from the American Bankers Association—invariably paint banks as the purest form of free enterprise. All of us here this morning realize that such an analysis is only a public relations man's pipedream and that it will not stand up against any accepted economic theory.

Frankly, I feel that banking would be much better off if it was more candid with the public about its true nature.

Commercial banks are unique institutions. They are, for all practical purposes, quasi-monopolies which have been granted far-ranging powers by Federal and state governments. I am sure that all of you here would agree that banks are not competitive free enterprise like the corner grocery store. They operate under specific charters, their competition is limited, and their service areas are protected by the government—whether state or Federal. They have special—monopoly—privileges, such as exclusive right to provide checking account services, and the all-important power to create money—to make loans—on the combined reserves of the banking industry—in effect, on the credit of the nation.

In short, I think any fair analysis would place bankers in a special category very similar to the various public utilities. In saying this, I am not criticizing the banks; but simply attempting to cut through the smokescreen which—in my opinion—prevents public understanding of their proper role in the economy.

Obviously, a bank charter—whether it is granted by a Federal or a state agency—is a highly lucrative franchise which carries with it a tremendous opportunity to do good—or to do harm—to the people it touches. Bank privileges are wide-spread. For example, the Congress has seen fit to allow the banks to maintain exclusive rights to checking accounts—demand deposits—without paying a dime of interest on these funds. Today, these demand deposits aggregate about $225 billion and month in and month out, this constitutes approximately one-half of the money on deposit in the banking system. In our society, the average citizen must maintain a checking account and this monopoly privilege is a highly lucrative benefit for the banks.

There are other privileges like "bad debt reserves", a form of outright tax subsidy. There are also the huge deposits of public funds which the Treasury Department leaves in non-interest-bearing "Tax and Loan Accounts" and the Federal Reserve System provides a number of services, including a huge subsidy in the clearance of checks.

In fact, it is obvious that some banks are "more equal" than others. Only 6,000 of the nation's 13,500 banks are members of the Federal Reserve System and have direct access to the benefits of the System. For example, the Federal Reserve's discount window is highly publicized and the general public believes that every bank in the land has access to that window. Of course, it is only the members—6,000—which are able to borrow from the discount window.

It is not my intention to embarrass anyone by citing these privileges and benefits. They are a simple fact of life. If our American banking system is operated in the public interest, then no one can object to these privileges. I do not object to tax subsidies or free checking accounts, if these powers are put to work for the good of the general public. This is the test that must be applied to any type of Federal aid to any institutions anywhere in the economy.

The future of the banking system—as we now know it—is dependent on how well this "public interest" test is met. In my opinion, the public will tolerate special privileges for banks if the basic credit needs of the Nation are met on reasonable and equitable terms. But in areas where credit needs are being ignored, and where banks appear to be using their special privileges to provide favored treatment, your industry is faced with major problems.

It takes no great expert to look around the country and spot a mass of neglected projects badly in need of credit. These range everywhere from housing to rural and urban development, to the needs of our local governments, to the problems of our farmers, to pollution control, to education . . . it would be unfair to lay all of this neglect at the doorstep of banking institutions. Obviously, the commercial banks cannot be expected to meet all of these needs. But with this backlog—and with increasing public awareness—the American people are asking pointed questions about the role of the banks.

These questions increase when the public learns that many of the nation's leading banks were engaged in some highly speculative—and questionable—loans during the height of the tight money, high interest periods of the late 1960's and 1970. Our investigations have uncovered a series of favored loans to Penn Central and its subsidiaries at a time when the American Bankers Association and others were telling the American public about the need to "ration" credit. During this same period, we know that some of the major banking institutions were engaged in fueling unnecessary and nonproductive acquisitions by some of the nation's huge conglomerates. And as I have mentioned earlier, we know that Chase Manhattan was dabbling in the gambling casinos in the Bahamas while small businessmen and homebuyers were being turned away from the loan windows. It is this kind of activity that endangers the fabric of the entire banking system.

The present situation surrounding the Lockheed Aircraft Corporation here in California raises a number of basic questions about the banking system. For years, brochures, newsletters, and other bank publications have come across my desk insisting that the banking industry was the purest form of free enterprise and that the banks did not want government interference in their affairs. And as Chairman of the Banking and Currency Committee, I can assure you that the large banks have consistently fought additional Federal statutes and regulations.

Yet, we have some of the major banking outfits insisting that the Federal Government come in and guarantee their loans to Lockheed. In other words, the taxpayers—rather than the banks—are being asked to take the ultimate risk in this venture. On the one hand, we have the Nixon Administration assuring the Congress that Lockheed is a viable corporation and that the taxpayers stand no chance of losing money through this guarantee. On the other hand, we have the banks telling us that the loans are "too risky" and that they will not make them without the taxpayers assuming the burden. Such a situation creates a tremendous dilemma for the Congress.

In this regard, let me emphasize that I am highly sympathetic to the unemployment problem. No one can ignore the plight of the Lockheed workers or the five million Americans now without jobs.

My question here this morning concerns the role of the banking institutions in providing "venture capital" in keeping with their own self-professed function in a free enterprise economy. Frankly, I do not feel that the banking industry can have it both ways. If it wants the government as a partner in its major loans, then it must accept greater scrutiny and more regulation.

The banking industry—in my opinion—can greatly improve its image by taking a more realistic view on legislation and regulation affecting the banks. Too often, national associations and big bank lobbies have taken a negative view toward any bank reform legislation or attempts to impose a broader set of public interest regulatory standards. The banking industry should make its case—and stand up for its rights—but it should not adopt a purely negative attitude.

At times, I really wonder if the American Bankers Association bothers to read legislation before it sends out its warnings to banks across the nation. There often appears to be a knee-jerk "we oppose" reaction to virtually any suggestion in the regulatory field.

A good example of this came just a few weeks ago when the American Bankers Association appeared before the Banking and Currency Committee, on H.R. 5700—the Bank Reform Act of 1971. Twenty-three times—in a fairly short statement—the ABA used the word "oppose" in discussing the legislation with the Committee. Undoubtedly, the ABA felt justified in its position, but to the Members of the Committee and the public, the testimony came across as blind opposition. The same testimony could have been presented in a much more rational and informative manner.

We are now looking over the testimony that was presented in two and one-half weeks of hearings on this legislation and I am convinced that we will come out with a good bill. I purposely introduced a broad piece of legislation so that the key banking issues could be raised and discussed fully in the Committee. As anticipated, the final form of this legislation will vary somewhat from my original bill, but I am convinced that the package will be beneficial to both the pubic and the banks.

As you know, this legislation would provide control over interlocking directorates, premium giveaways on savings accounts; brokered accounts; trust accounts; and conflicts of interest. It would also provide 100% Federal insurance on deposits of public monies. As the schedule now stands, we will be able to mark this bill up next month and I hope it will move to the Floor quickly.

I have tried to be frank in discussing some of the basic banking problems here this morning. None of these problems, however, diminish the fact that the United States banking industry has a tremendous potential. The years immediately ahead are going to be a real test and an opportunity for the entire financial industry. The credit needs of this nation have skyrocketed in a manner that few of us envisioned only a few short years ago.

To meet these needs, we are going to have to have the very best efforts of commercial banks, savings and loan institutions, mutual savings banks, credit unions and insurance companies. It is up to the Federal Government to work with the financial industry and to provide the kind of regulation which will stimulate this industry and at the same time protect the public.

It is obvious that there is plenty of room for all of these different types of financial institutions. All are needed if the nation is to meet its great potential. I think it is time for all of these segments of the financial industry to adopt a "live and let live" attitude and to get on with meeting the credit needs of the American people.

STREAM CHANNELIZATION AMENDMENT—GOVERNOR'S CERTIFICATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, hundreds of streams are now being destroyed by channelization. The characteristics of streams are being altered through dredging and straightening stream channels, bulldozing vegetation on stream banks, and draining associated swamps and flood plains. Under Public Law 566, the Watershed and Flood Prevention Act passed in 1954, the Soil Conservation Service assists in planning these channelization projects and administers the Federal funds needed to carry them out. Under the guise of flood control, Federal taxpayer funds are being used to subsidize the destruction of streams and swamps despite the increasing volume of scientific information about the ecological damage caused by channelization.

Defective economic analyses are used to justify channelization projects. Since the benefits of a project are required by law to exceed costs, many important and substantial costs to society are neglected. In the typical channelization project no account is taken of the costs due to loss of fish and wildlife resources, esthetic beauty, loss of natural recreation areas, loss of forest products, loss of scientific and educational areas, and losses from lowered water tables and increased downstream damage.

An Alabama Department of Conservation report on five Public Law 566 projects showed that in four of these projects the Federal Government could have purchased the entire flood plain that was to be protected for much less money than would be spent on channelization and floodwater retarding structures. If the $18,687,611 that was spent on these five Public Law 566 projects were invested at 5 percent, the annual interest alone would pay all the flood damages the projects are supposed to reduce with about a quarter of a million dollars left over each year.

An economic analysis of the Alcovy project in Georgia by the Natural Resources Policies Center at George Washington University pointed out that instead of returning $1.40 for every $1 spent as was claimed, the project would return between 18 and 45 cents for every $1 invested. Researchers found that an unrealistically low discount rate was used, too high a value was assigned to additional agricultural production, and other benefits were grossly exaggerated. Furthermore, the Government would be spending over $800 an acre on land worth no more than $350 an acre.

At a hearing in May 1971, before the House Subcommittee on Conservation and Natural Resources chaired by me, representatives of the following major conservation organizations testified: the American Forestry Association, Friends of the Earth, the Izaak Walton League, the National Audubon Society, the National Rifle Association, the National Wildlife Federation, the Natural Resources Defense Council, the Nature Conservancy, the Sierra Club, the Sport Fishing Institute, the Wilderness Society, the Wildlife Management Institute, and the Wildlife Society. Each organization testified that the present program of stream channelization is causing irreparable ecological damage and recommended a moratorium on all channelization financed by the Department of Agriculture. Other time-tested valuable land treatment practices would not be affected by such a moratorium. During the proposed 1-year moratorium a full evaluation of completed watershed projects could be made and alternatives to channelization could be explored.

Channelization enables more land to be put into agriculture at a time when taxpayers are paying almost $1 billion a year to keep land out of cultivation. After streams are channelized, adjacent lands will flood less frequently and swamps can be drained. This land can then be farmed with less risk. The fact that additional land is being put into agriculture is often disguised under the heading of reduction and prevention of flood damage.

By rushing water rapidly off downstream channelization violates a basic motto of the Soil Conservation Service: "Hold the raindrop where it falls." It is contradictory for an agency established to conserve soil and water to be aggravating downstream erosion, flood, and sediment problems by accelerating the removal of upstream water through channelization.

The States and the Department of the Interior with limited funds are trying hard to save important aquatic areas like swamps and wetlands. At the same time millions of taxpayer dollars are made available to Federal agencies to promote channelization of streams and drainage of swamps and wetlands. Only since December 1970, has the Department of Agriculture through the Water Bank Act developed a direct program to maintain essential aquatic areas. It is contradictory for the same Department, having recognized the importance of saving these aquatic areas, to continue financing their drainage.

No one can pretend to know the full long range effects of this massive tampering with our waterways. For example, in Arkansas over 3,500 miles of channelization are planned in the White River Basin alone. During the 16 years from 1954 to 1970, work was completed in 273 Public Law 566 watershed projects. Far too many of these 273 projects involved insensitive channelization. During that time span planning assistance was authorized for another 1,561 watersheds, and construction was in progress on 1,001. Another 8,904 watersheds were reported needing attention before the year 2000 A.D. Unless corrective action is taken, channelization will become even more widespread and hundreds of additional streams will be degraded and destroyed. Public Law 566 was not intended to be an instrument of destruction. Ecologically damaging channelization need not and should not be a part of Public Law 566 projects.

Let me at this point indicate some of the adverse environmental effects of channelization:

First. Elimination of fish habitat and lowered production of aquatic life: A study of 23 North Carolina streams dredged as a WPA project 40 years ago showed that 90 percent of the fish population was lost, and there has been no recovery of habitat. Prior to channelization the Tippah River in Mississippi contained 240 pounds of game fish per acre, whereas after channelization only 5 pounds of tiny game fish per acre were produced. The stream bed does not naturally recover and bottom habitat for fish is ruined.

Second. Destruction of wildlife habitat: Channelization eliminates streamside habitat for small game, waterfowl and fur-bearing mammals. Eventually after channelization, tangled briars and honeysuckle grow back but the vegetation is too thick to support wildlife. Herbicides are even used in some places to keep the growth cut back.

Third. Degradation of water quality, increased erosion and siltation: With vegetation alongside the stream bank stripped away, more erosion can occur in a few days than would occur naturally over many years. Water becomes turbid, banks slump into the stream, and water temperatures are increased due to removal of shade cover.

Fourth. Increased floods and damages downstream: Minnesota experienced all-time record floods in 1965 and 1969. The more than 70,000 miles of ditches can be blamed for accelerated runoff, compounding the downstream problems.

Fifth. Lowered water tables: channelization destroys swamps, wet lands, and flood plains which act as natural reservoirs to store nutrients, sediments, and floodwaters and to recharge aquifers.

Sixth. Destruction of valuable hardwood trees: Arkansas has lost over 1 million acres of valuable delta hardwoods during the past decade. Of the original 10 million acres, now less than 2 million remain. Similar losses are occurring in other States.

Seventh. Destruction of archeological sites: In Texas alone hundreds of sites have been destroyed by channelization. Valuable scientific data has been lost concerning prehistoric geology, fauna, soils, and climate.

Eighth. Complete loss of esthetic values: No longer does the stream meander along. It has been turned into a ditch practically devoid of life.

Ninth. Destruction of the habitat for rare and interesting creatures: Several Alabama projects have destroyed the habitat for some rare and unique mollusks and a declining salamander. Other rare species such as blind fish are threatened by a channelization project in Indiana.

I want, at this time, to answer a question that some have asked of me. Namely, why are not the environmental impact statements under section 102 of the National Environmental Policy Act of 1969 a sufficient substitute for our amendment? The answer is that SCS has failed to date to utilize this procedure as Congress intended in the National Environmental Policy Act of 1969. As a matter of fact, the Council on Environmental Quality, in a letter of December 14, 1970, to the Department of Agriculture, said that it had reviewed "32 statements" of the SCS and concluded that "SCS appears to be going through the motions in their preparation."

It is for this reason, that we believe that the section 102 statements are not enough. SCS must have time to revise its policies concerning channelization and to develop sound procedures for carrying out Congress directives under the 1960 act.

Mr. Speaker, the amendment which will be offered tomorrow to H.R. 9270 continues the moratorium on channelization projects which SCS established several months ago when it issued its Watersheds Memorandum No. 108 to all its State conservationists. Under this memorandum, the State conservationists are conducting a review of these projects to determine if they are environmentally sound.

The Administrator of the SCS, Mr. Kenneth Grant, told our subcommittee that during this review period "projects that were underway are going ahead on the determination that they would not create a serious environmental concern." Where there is a "serious problem we would not be proceeding." In short, any stream channelization project which is not found to be environmentally sound is halted now until the problems are resolved. Unfortunately, the SCS moratorium is lifted on June 30, 1971.

Our amendment follows the SCS approach. It extends the SCS moratorium. It gives the SCS, the States, the Council on Environmental Quality, the Water Resources Council, and the public more time to review the projects.

The amendment does not, however, affect on-going projects—that is, those in the "project construction stage" which is defined by SCS as beginning "with the execution of the first project agreement or contract for construction of works of improvement."

I have discussed this amendment with several members who have made one suggested change which is included. Under these provisions the moratorium on a channelization project would be lifted if the Governor of a State where the project is located certifies to the Secretary of Agriculture that it is in the public interest to proceed. The Governor would make this certification only after giving full consideration to the possible adverse environmental effects of the channelization features of the project.

The text of our amendment is as follows:

No part of the funds appropriated by this Act shall be used for engineering or construction of any stream channelization measure under any program administered by the Secretary of Agriculture unless (1) such channelization is in a project a part of which was in the project construction stage before July 1, 1971; or (2) the Governor of the State in which the channelization is to be located certifies to the Secretary of Agriculture, after consideration of the environmental effects of such channelization, that such channelization is in the public interest. (Italics supplied.)

DR. CARL H. SMITH: AN EXEMPLARY CITIZEN AND PHYSICIAN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of the House, the death, on April 23, 1971, of a distinguished citizen of New York City, Dr. Carl H. Smith, an internationally renowned authority on children's blood diseases.

Dr. Smith was born on July 14, 1895. He worked his way through City College, Columbia University, and received his medical degree from Cornell in 1922.

Early in his career, he worked at Beekman Hospital where he was confronted with various blood diseases notably Cooley's anemid. He regarded the problem of children's blood diseases as extremely serious and established a center which would include diagnostic and treatment clinics, research laboratories, and intensive training for physicians. Dr. Smith's primary goal was to provide transfusions to children with life threatening needs by treating them on an outpatient basis. This clinic, called the Children's Blood Foundation, founded in 1952, is internationally known.

After World War II, he helped organize physicians to aid in treating children brought to the United States.

Dr. Smith initiated a revolutionary practice of discussing frankly with the children their medical problems. He helped them confront their afflictions and in turn, was respected and loved by the children, their parents, and his colleagues as well.

Dr. Smith received many honors including the Townsend Harris Medal from the City College of New York in 1915 and the Order of Merit from the Italian Government. He was one of the few medical men who have experienced the honor and tribute paid by a symposium on clinical hermatology held in his honor in 1968 at the New York Hospital.

He was the author of more than 100 texts in his field notably, "Blood Diseases in Infancy and Childhood." At his death, he was director emeritus of the Children's Blood Foundation and consultant in pediatrics at New York Hospital.

I am proud and confident that the memory and inspiration of this exemplary human being and physician, will live on in his work and in the minds of doctors, scientists, and the children to whom he devoted his life.

THE SPECIAL PROBLEMS OF THE RETURNING SOLDIER

(Mr. KOCH asked and was given permission to extend his remarks at his point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the horrors of the Vietnam war do not end for the soldier when he leaves the war area. As a veteran, he returns to this country unable to find decent housing, a job, an education, and, in the case of all too many, treatment if he is addicted to drugs. In addition, wounded veterans are often kept in VA hospitals under the most deplorable conditions, a fact to which I can personally attest, having visited several such facilities in the city.

All in all, the soldier faces a bleak future upon his return from Vietnam despite the varied benefits to which he is entitled. The Nixon administration's economic policy is the cause of most problems; the administration's insensitivity aggravates others. For example, despite stories depicting wretched conditions in VA hospitals, the administration last year did not request sufficient funds for VA medical services and the Congress had to increase the requested allocation by $105 million.

With inflation still uncontrolled and unemployment hovering at a 6-percent rate nationwide, the returning veteran—who has been outside of the system for several years—faces dismal job prospects. In fact, the unemployment rate for young veterans is double the national rate. An average of 375,000 veterans were jobless during the first quarter of this year. And while the President announced a plan earlier this week to provide jobs for veterans, he undermined his own credibility by threatening to veto a $2 billion public works program passed this week by Congress, which could provide many of the jobs about which the President only talks.

Of all the problems faced by veterans one of the most poignant situations is that of the addicted veteran. In March of this year, I visited the Army's drug addiction program at Fort Bragg where I was told a survey of the 82d Airborne Division revealed that 3 percent of men were "confirmed opiate users." The program is woefully inadequate. The maximum period of treatment is 12 weeks, while most addicts, who are free to leave at will, stay only 4 weeks.

Again, the President in announcing a new antidrug program for returning veterans has paid more lipservice than attention to the problem. His proposal requires addicted soldiers returning from Vietnam to undergo 3 weeks of Army treatment on the west coast. If the President believes 3 weeks of treatment for narcotic addicts will have any real affect whatsoever, then he and his advisers know nothing about drug addiction. Stories of rampant addiction among our men in Vietnam may have forced the President to act, but his action has not been a thoughtful one, merely a gesture.

I have proposed legislation, and some of my colleagues have offered similar bills, to realistically handle this problem. My bill would require the examination of all Armed Forces personnel for drug addiction near the time of their release from duty. Any addict would not be discharged but, instead, placed in an Armed Forces or Public Health Service hospital for treatment until certified as no longer an addict.

For too long the special problems of the veteran has been neglected. The addicted veteran needs help and our society must recognize its responsibility in this area. All the problems faced by recent veterans need more of our concern, for it is a cruel irony that our society is presently so unable to provide for the very men whose lives have been risked to preserve that society. The type of concern and commitment required has not been shown by our present administration, and it is up to all of us to prove to the administration that such a situation is not tolerable.

CHAPTER I—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, support of H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 53 cosponsors. There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant-care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I shall be placing in the RECORD each day descriptions of three maternal and infant care and three children and youth programs.

The material follows:

MATERNITY AND INFANT CARE PROJECT NO. 525, COMMUNITY HEALTH SERVICES ADMINISTRATION, WASHINGTON, D.C.

The Maternity and Infant Care Project No. 525 of the District of Columbia became effective as of June 1, 1965. Funds allocated to the project for fiscal year ending June 30, 1966 were $1,240,188 with $425,376 District of Columbia funds. Grant awards in nearly equal amounts have been received on a continuing yearly basis.

This project resulted from a 1963 Amendment to Title Five of the Social Security Act involving Maternal and Child Health and Mental Retardation Planning.

The purpose of the legislation specifically is to help reduce the incidence of Mental Retardation caused by complications associated with child bearing. It is aimed particularly at women of low income families who are receiving poor or no prenatal care, and those who have a high incidence of complications of pregancy and prematurity.

We are attempting to reach those persons not previously reached for prenatal care in order to get them under care early in pregnancy.

Classifying them into high risk categories, our efforts are then directed towards keeping them under continuous care throughout their pregnancy, arranging for their hospitalization and delivery, and maintaining contacts with them during all hospitalization.

Home visits are made to mothers and infants following discharge until the newborn is admitted to one of our child health clinics for pediatric care and until the mother completes the necessary postpartum examinations and receives family planning services.

Our Project No. 525 offers complete maternity services to these high risk prenatal patients rendered in a friendly and dignified manner. At any stage we are able to support them through social services, dental services, physicians, health education and family planning.

The need for the continuation of the Maternity and Infant Care Project within the District of Columbia is particularly great. This city is foremost among cities of comparable size in the proportion of its population that is socially and economically disadvantaged. With its population of roughly 800,000 some 50 percent of the families have incomes under $5,000.00 a year. Although not more than 5 percent of the population receives public assistance, somewhat over 20 percent qualifies as medically indigent and eligible for medical care at public expense.

The situation is somewhat striking—among the nearly 20,000 resident females who are delivered of live births each year, some 7,000 pregnant women, close to 70 percent suffer from complications of pregnancy.

Since 1965 our infant mortality rate and maternal mortality rate within the District of Columbia has been on the decline thus showing the value of the MIC Project within this city.

This city wide MIC Project program located within the District of Columbia Community Health Services Administration offers services through two specially designed new clinic buildings (Health Centers for Mothers and Children).

The first floor of these identical buildings is devoted to Maternity Care, and comprehensive care is provided through a variety of specialty services staffed by personnel who are well versed in their own discipline and experienced in the team approach in the providing of Maternity and Infant care.

Our MIC Project is located within the Bureau of Maternal and Child Health and has added much needed resources to the Maternal program within the Community Health Services Administration and has provided back-up services for the Neighborhood Health Center program.

A loss of the Maternity and Infant Care Project in the Community Health Services Administration would result in a tremendous loss to the residents of the District of Columbia.

We urge the support of legislation extending federal jurisdiction over the MIC Projects enabling this project to continue its worthwhile contribution to the Health Services within the District of Columbia.

MATERNAL AND INFANT CARE PROJECT NO. 527, OMAHA, NEBR.

The Maternal and Infant Care (MIC) Project at the University of Nebraska Medical Center is funded by grants through the Department of Health, Education, and Welfare under provisions of Title V of the Social Security Act. The grant to University of Nebraska Medical Center totals $339,000.00 presently and serves approximately 1,000 patients per year. As you know, Congressional Authorization for MIC grants expires in June of 1972.

We at University of Nebraska Medical Center feel that MIC program No. 527 is of extreme value to the Omaha community. Since August of 1965 MIC has served 6,300 patients from low income areas of Omaha. We have reduced our unregistered rate, that is those who receive no prenatal care prior to delivery, from 12% in 1964 to 3% presently. The perinatal mortality figures for Douglas County have been reduced by 50% and the incidence of prematurity has also dropped by 33%. These figures, along with the fact that Nebraska has the lowest perinatal mortality rate in the nation, lead me to believe that the MIC program is of significant value to the Omaha community.

Our services are offered to our patients on an out-patient clinic basis providing comprehensive health care to those medically indigent pregnant women who would not otherwise receive adequate prenatal care. We do not feel that it would be justifiable to the patients, or the community to abandon such an outstanding and essential program at this time.

Therefore I sincerely urge that you request the Congress to extend authorization for those essential health services offered by the MIC project through bill No. HR 7657.

MATERNAL AND INFANT CARE PROJECT HARTFORD, CONN.

The Maternity and Infant Care (MIC) Project in Hartford, Connecticut is funded by a grant from the Department of Health, Education and Welfare under provisions of Title V of the Social Security Act. The grant from DHEW to Hartford Health Department is for $313,000.00.

The Hartford Maternity and Infant Care Project by working closely with three local hospitals, private social agencies, the Hartford Departments of Health, Education and Welfare has been able to provide annually comprehensive health and related services to 1800 to 2000 pregnant women and their infants since the inception of the project in March 1966.

Through the MIC Project the following areas of health and related services to mothers and infants have been strengthened.

1. Additional personnel in project hospital clinics to provide direct service to patients. Personnel, over and above existing hospital personnel, have been funded to provide more personalized and more comprehensive medical and related services to project patients. These personnel include:

a. Obstetricians
b. Pediatricians
c. Public Health nurses
d. Social workers
e. Nutritionists
f. Bilingual (English-Spanish) interpreters
g. Clerks

2. Supportive services have been funded:

a. Medications (prenatal vitamins and iron preparations; infant vitamins and iron preparations, oral contraceptives; other prescription drugs ordered for specific conditions); prescription items (elastic stockings, intrauterine devices, diaphragms, etc.); laboratory services (blood chemistries, urine studies, x-rays, EKG, etc.) are provided without charge to project patients;

b. Transportation, homemaker services when there is an indication of need are provided without charge to project patients;

c. In-hospital care over and above normal (prenatal hospital admissions, extended hospitalization postpartum, extended hospitalization for infant, etc.) is provided without charge to the project patients.

3. Health Education:

a. Emphasis has been placed upon individual and group health education by project staff.

b. Bilingual (English-Spanish) audiovisual aids have been purchased and printed materials have been prepared specifically for project patients.

c. Individual and group nutrition counseling and education have been initiated in all project hospitals.

4. Social Services:

a. Social services to project patients have been expanded in the hospital through funded personnel and in the community as a result of increased cooperation between the hospital project staff and the community social agencies.

5. Sensitization of project staffs to the needs of multiproblem low income families:

a. Multidisciplinary teams (physicians, nurses, social workers, nutritionists, health aides) have been established in all of the project hospitals. By the members of these teams sharing information regarding patients, there has been an increased sensitivity of project staffs to the needs of the patients from multiproblem, low income families, an increased familiarity with community resources and how to use them.

b. Emphasis has been placed upon developing different approaches to the problems and needs (social educational and health) of teenage parents.

Project Statistics have shown definite improvement in the following areas:

1. Earlier registration of project patients for prenatal care:

[In percent]

	Trimester			
	1st	2d	3d	At del.
Year:				
1967	12.1	45.6	36.5	5.8
1968	13.6	49.3	31.1	6.0
1969	17.2	50.0	26.9	5.8
1970	22.9	47.1	26.1	3.9

2. Over the four (4) year period 1967–70, the prematurity rate among project infants has gone from 13.6 to 10.8.

3. Comprehensive health services (preventive, diagnostic and therapeutic) have been provided to 75% of the project infants; 25% have been followed by Hartford Child Health Clinic (a preventive health, anticipatory guidance clinic with referral of identified abnormalities to appropriate diagnostic and therapeutic facilities.)

4. Family planning services have gone from 0% in 1966 to 47.3% in 1970.

Much has been gained by the Hartford MIC involvement in the delivery of services to mothers and infants from low income Hartford families that would not have occurred without the project.

Further needs are for continued and increased funding for the MIC projects so that the health and health related needs of project patients can be met.

Children and Youth Project No. 649, Phoenix, Ariz.

The Children and Youth Project No. 649 in Phoenix, Arizona, funded by a federal grant through Health Services and Maternal Health Administration, with the Maricopa County Health Department as its grantee agency, has been an important part of its neighborhood for three years. The federal funding is scheduled to expire in two years. We and the people of this project area are very concerned about the future health care and well-being of the children and youth who rely on us for services.

This Children and Youth Project is located in an area of just over one square mile. There are about 3700 children who live in this area; 95% of these are medically indigent, and 98% are registered for care in our clinic. There are no private doctors in or near the project area, and the only other medical facility operates on a fee-for-services basis.

We have made a significant impact in this area, especially in the fields of preventive care, episodic care for acute conditions, dentistry and nutrition.

The preventive care services consist of giving high priority to case finding and immunization practices as well as intensive case follow-up. This is possible only with a staff of public health nurses and aides, social workers and case aides such as we have.

Episodic care for acute conditions is available five days a week, with minimum waiting periods. This is otherwise available for most of our patients only at the County Hospital, which is 5 to 6 miles away. Over 80% of our patients are within walking distance to our clinic. Thus, sick children are taken in for treatment sooner and more often than would otherwise be possible. Hospital admissions and hospital-days have made a significant drop. We believe this is mainly due to our convenient location in this project area.

The dental and nutritional programs which we offer our patients is not available elsewhere in the city. The dental and nutritional status of our children is improved over that of three years ago. Many children have had complete dental care; including virtually all of the six to eight year old group. Nutritional anemia seems to be decreasing in incidence and severity.

Social services and psychology have also made in-roads. These, of course, are vast areas, and progress is slow. Much work remains to be done.

The possible loss of this project would mean loss of many of the services mentioned. Case-finding and preventive health services would be less readily available. Episodic care would often be omitted or delayed. The dental and nutritional status would revert back to previous levels. Social and psychological services would be curtailed. These services, if available, would be at considerable inconvenience and cost to the parents in many instances. We believe morbidity and mortality would rise, as would numbers of hospitalizations and hospital-days. Level of immunity would fall, and children would be more susceptible to preventable diseases.

We believe that renewal of this service in this neighborhood is essential for the good health of our children and youth. We feel that similar health services should be made available to as many poor people as possible, and expansion should be the goal of our staff, our grantee agency and the federal agencies involved in health care.

Children and Youth Project No. 639, Seattle, Wash.

The Seattle Children and Youth Project was funded early in 1968 and began seeing patients in July 1968. This funding date and estimated target population of 2,500 children made Seattle's project one of the smallest and newest Children and Youth Projects.

The objective of the project is to provide comprehensive health care which means continuous care to cover a spectrum of services from medical and dental to nursing, social service and nutrition. The medical and dental disciplines focus on well-child care, casefinding and treatment of acute and chronic conditions, limiting this to children from birth to nineteen. On-going health education by all the disciplines is not limited by age; it is used to teach families how to better meet their own health needs. In addition, there is a consistent effort at out-reach to families who are eligible but who are reluctant to seek our service—such as some of our Gypsy families. The current staff provides leadership, support and coordination to schools and local agencies dealing with children in the target area in order to promote their health and well-being.

The clinic began in a three bedroom apartment. Later, it moved to an attractively renovated building. The clinic staff includes the equivalent of two full-time pediatricians; four, and occasionally five public health nurses; a clinic nurse and a clinic aide; a dentist and dental assistant; two social workers; a nutritionist; two clerks and a trainee receptionist; and part-time consultative back-up from the health department.

At present, 1700 children between the newborn period and nineteen years of age are registered in the clinic. The racial distribution has been gradually changing. The first quarter registration was three white children to one non-white child. The latest quarterly report indicated two non-white's to one white registrant. This not only emphasizes the change in racial distribution in the district but also the mobility of the residents. The non-whites include a sizable population of Gypsies, who are now utilizing many of our clinic services, as well as other ethnic groups such as Indians, Eskimos and Samoans.

The age distribution has remained fairly constant. The greatest population is from "under 1 through 14 years of age" group. This age group is at an important point in development—professional help with eating habits, school problems, behavior and relationship problems can help immeasurably in the development of responsible citizens.

Rather unique among children and youth clinics has been our providing night and week-end pediatric service to registrants as well as having the clinic open two nights a week. Patients who call the clinic at night have their call transferred to the pediatrician on call. The doctor responds by either seeing the child in the clinic, in his home or at a local hospital. In most cases, this service has not been abused, has helped to hold down emergency room costs and has been greatly appreciated by the patients.

Other rather innovative services have included heavy involvement in the United States Department of Agriculture supplemental food distribution program by the nutritionist; nursing organization of several groups for pre-adolescents as well as health care supervision for a local school for drop-outs; and effective social work support of community programs seeking improved health care for adults (Free Clinics); welfare reform and improved relationships between the community and the schools.

The hardest job we have at our project is refusing care to families who are greatly in need of services but who live outside the rigid geographical boundaries. As the unemployment figures rise and Seattle sinks deeper into depression, the number of requests for care and the giving of deceptive addresses and other false information increases accordingly. Another disappointing event occurs when patients move a short distance outside the area. Many have become accustomed to quality care for their children for the first time in their lives but because they move a mile or so, they are no longer eligible and have much difficulty adjusting to their new circumstances. The Seattle Children and Youth Project should be expanded to include more patients.

The annual cost per child at our current patient load is approximately $130.00 per year. It is estimated that we could see approximately 1,000 more children at an average cost of $20.00 per child per year. Most of the present staff could handle additional cases and only the costs of in-patient and out-patient service, drugs, laboratory and clerical help need to be added.

When the Children and Youth Project first came to Seattle it was difficult to gain community enthusiasm. It may have been because their experience with public programs resulted in large promises and short delivery. Our population now regards the Children and Youth Project as *their* project—a facility they can count on. It would be disastrous to violate this faith.

Children & Youth Project No. 635, Concord, New Hampshire

The New Hampshire C&Y Program has been providing comprehensive health services for almost four years in four selective clinic sites in the state. In our fourth year we are serving over 1,000 children of low income families which are otherwise unavailable to them in an organized fashion. The preventive services of early diagnosis and treatment, social work and nutritional counseling, the provision of care for acute illnesses, and continuing health supervision are our major focuses. After almost four years of involvement with families, we are seeing some significant changes in families abilities to cope with their problems in health and in meeting the social emotional needs of their families.

New Hampshire is different from the more urban areas of the country in that we have a totally inadequate Medicaid program which requires that a person be eligible for other public assistance programs (such as AFDC, Aid to the Blind, Old Age Assistance). This automatically rules out medical services to families in which both parents are present. The bulk of our patient population is made up of such families.

In addition, New Hampshire hospitals have virtually no out-patient medical services to which families unable to afford private, fee-for-service medical care can receive services.

Early detection of medical and social conditions which could seriously affect the physical, phychological and intellectual development of children is in the long run much less expensive means of coping with disabling conditions. To wait until damage and its secondary effects (in terms of physical disabilities, disturbed family and social relationships) have accumulated is in the long run much more expensive to the families and the governmental units involved.

Terminating the C&Y Project in New Hampshire would have many repercussions in terms of the health care of over 1,000 children. Regular health supervision through pediatric consultation would be beyond the means of most families. The other vital supportive nutritional and social work counseling and nursing follow-up would be eliminated.

The presence and availability of the C&Y staff has helped many families through severe physical, emotional and social crises. Terminating the project can only result in a loss of the gains we've made, and in a further restriction of health resources available in New Hampshire.

REGULATION OF NATURAL GAS

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, as you know, I have become increasingly concerned over recent Federal Power Commission actions relating to the regulation of natural gas.

It now appears that the Commission intends to accept a settlement proposal advanced by the United Distribution Cos., for AR61–2/AR69–1, the Southern Louisiana area rate case. This is a legitimate area for consumer interest. The proposal, if adopted, would result in a $5-billion increase in consumer utility bills. This $5 billion represents additional revenues for the producers alone. As the increase was passed through to the consumer, increased rates for transmission and distribution would make the figure significantly larger.

The increase in producer rates, according to the settlement proposal, results from the Commission finding in the AR 69–1 proceeding that the evidence "conclusively demonstrates a material and growing gas shortage" and establishes "an absolute necessity for providing incentives for increased exploration and development." The Commission has accepted, without seeing a need for independent verification, the producer's documentation of a gas shortage. It has decided that to avoid this shortage a system of incentives is needed to "promote the dedication of gas to the interstate market."

The American Public Gas Association and the Consumer Federation of America have filed an answer in opposition which points out several serious deficiencies in the proposed settlement.

Noting that "the Settlement Proposal would abort the high purposes of the AR69–1 proceeding, which was initiated to provide a meaningful, in-depth review of all aspects of the gas supply issue, which has been such a constant, shadowy companion of industry efforts to escape Commission regulation . . ." it calls for a rejection of the proposed settlement and a thorough investigation of the gas supply question.

The industry has asked for a rate increase on the basis of a gas shortage which it says is due to rates insufficient to make further exploration and development feasible. The Commission will purportedly grant the increase, which amounts to as much as 54 percent in some cases, on that same basis. Yet no one has ever established conclusively that a shortage exists. On the subject of the gas shortage Mr. Charles Wheately, general counsel to APGA, says:

> The producers have continued unbated their relatively expensive exploratory activity but have slowed down their far less costly developmental activity which has the result of freezing the proven reserves figure despite the far more significant increases in probable reserves. In short, the producers have used their ability to control the availability of gas to coerce the natural gas industry to sanction the subject Settlement Proposal.

If we assume for a moment that a gas shortage does exist, of which I have very substantial doubt, then we find that the Commission is apparently adopting a curious method of attaining its objectives; $3.6 billion, or 76 percent of the increased revenues, would be a retroactive carrot extended to the producers and would not result in the dedication of a single additional cubic foot of gas to the interstate market. The remaining 24 percent is an incentive without meaning since its benefits could be realized under the current practices of the producers without an increased dedication of gas. In short, the first part of the settlement would grant an incentive for gas already developed and dedicated amounting to $3.6 billion. The second part would provide just over $1 billion for dedication of new gas, but with no indication that the additional revenue will be used for exploration and development of new reserves or that it will result in increased dedication to the interstate market.

Thus the Federal Power Commission, based on highly suspect data which even the Commission staff doubted, intends to reach a decision which will not even effectively deal with the problem as the Commission has formulated it.

If the Commission accepts this settlement proposal it will have clearly abrogated its responsibilities to the American consumer. This being so, the Congress must step into the gap left by the Commission.

I have included the section of the APGA–CFA reply which deals with the economic consequences of the proposed settlement, as follows:

V

The settlement proposal is contrary to the public interest in that its thrust is not to elicit new sources of gas supply but to provide a retroactive windfall to owners of existing reserves, which is calculated to have significant anticompetitive consequences.

To the extent that recent developments in the supply and demand picture might justify additional incentives to elicit "new" sources of gas supply, it seems obvious that such incentives should be designed to spur new exploration and development activity by new entrepreneurs as well as old. Unfortunately, the incentive features of the proposed settlement are not primarily designed to accomplish that result. What the carefully drafted language of the Settlement motion does not reveal is that the bulk of the incentive takes the form of forgiveness of refunds legally due the consumers and generous rate concessions on flowing gas from existing reserves. The incentives designed to elicit new sources of supply are of a significantly lesser magnitude.

The impact of the incentive "package" which the Settlement Proposal embodies may be easily and graphically demonstrated.

There are currently about 60 trillion cubic feet of gas reserves in the Southern Louisiana area which were committed as of October 1, 1968 in interstate commerce but not yet delivered.[12] The proposed settlement would raise the ceiling rate for this "old" gas, already discovered and under contract, by an average of about 4 cents per M.c.f. over the rates initially approved by the Commission and the Fifth Circuit. This will ultimately channel an additional $2.4 billion to owners of these existing reserves. An even more outrageous retroactive bonus is embodied in the Settlement Proposal's characterization of gas produced under contracts dated after October 1, 1968 as "new" gas entitled to the settlement's 26 cent "incentive" rate, which is about 6.75 cents per M.c.f. higher than the earlier approved rates. Applied to the approximately 14 trillion cubic feet already committed since that date, this feature pours another $945 million "incentive" dollars into the coffers of those producers with respect to gas already committed. To this $3.345 billion retroactive windfall must be added the $226 million of consumer refunds which would be unconditionally forgiven. Thus, the settlement would afford at least a $3.571 billion retroactive largesse to the owners of existing reserves without one additional cubic foot of new reserves being added to those currently existing and committed supplies and without any guarantee that these moneys will be invested in the Southern Louisiana area for the exploration of gas.

This windfall may be contrasted with the 26 cent incentive rate for gas dedications actually resulting from "new" exploration and development activity. Applying this rate to the 15 trillion cubic feet target which will trigger additional rate increases, this feature will provide a $975 million incentive for such production over the earlier approved rates. To this must be added the forgiveness of $150 million of the consumer refunds keyed to new gas dedication, for a total of only $1.125 billion colorably calculated to produce new sources of supply. Both the old and new gas will be subject to further "incentives" under the rate escalation provisions of the settlement.

Thus, when all the rhetoric about "gas shortages" and the dire need for "incentives" for *new* sources of gas supply is cleared away, what have the settlement proponents wrought? Of the $4.7 billion "incentive" provided for by the settlement, $3.6 billion, or 76% of the "package", is allocated to the owners of existing reserves who will receive this windfall without committing any new gas to the nation's supply.

The only sop to the consumers, whose $376 million of putative refunds would be converted into a capital fund for the producers in a dramatic reversal of traditional regulatory philosophy, is the requirement that the producers repay $150 million of the $376 million unless they opt to "work off" that obligation at the rate of 1¢ per Mcf of new reserve additions within 7 years (or unless it is entirely forgiven under the terms of the Settlement Proposal).

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[12] The figures used to demonstrate the retroactive impact of the Settlement Proposal are necessarily approximations due to the "numbers game" played by the producers to confuse the matter. The absence of accurate statistics further emphasizes the need for the construction of a full and adequate record in AR69–1 from which the Commission can make appropriate and accurate findings.

Perhaps even more shocking is the utilization of this settlement proposal as a vehicle to include a general tracker provision (4.6) permitting the pipelines to automatically pass on these increases to consumers without notice or opportunity on the part of such consumers to contest such increases. This departure from previous Commission policy cannot be justified on any basis, though it goes far to explain the support of the pipelines for the Settlement Proposal.

In conclusion, the primary effect of the proposal will *not* be to encourage greater exploration and development efforts for new sources of gas supply, particularly by new entrants in the market. Rather, by allocating the bulk of the $4.7 billion "incentive" dollars to the owners of existing reserves, it will provide a retroactive windfall to those producers, thus strengthening their hold on their respective shares of the Southern Louisiana market with potentially harmful anticompetitive consequences. Consequently, the proposed settlement must be viewed not only as contrary to the regulatory policy of the Natural Gas Act, but as raising serious anticompetitive implications which the Commission should not further by approving this proposed settlement.

AN ADDRESS BY THE HONORABLE MAURICE H. STANS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, recently, the Honorable Maurice H. Stans, the distinguished Secretary of Commerce, addressed the 99th annual meeting of the Manufacturing Chemists Association.

In his remarks, Mr. Stans presented a spirited defense of the American business community which of late appears to have become the victims of an all-out attack on the American system of free enterprise.

I have read the Secretary's speech with interest, and he offers much food for thought. To those who are concerned about the direction in which this Nation is headed, I recommend that they read the following remarks:

ADDRESS BY THE HONORABLE MAURICE H. STANS, U.S. SECRETARY OF COMMERCE

It is indeed a pleasure to join you here today.

As the leaders of our great chemical industry, you are in the advance guard of progress. If we had to name the one main source of modern civilization, I'm sure it would be a test tube. Your managerial abilities and the skills of your workers are what keep the new and better products flowing from that test tube for the benefit of the American people. We must keep it that way.

Your kind invitation for me to be here today was accompanied by the suggestion that I speak on a topic of my own choosing. There are two ways I could approach this:

(1) I could talk about the economy;

(2) I could talk about the general state of business and the problems that confront it.

I've decided to speak a little on each. On the economy, I want to express my confidence in the course it is taking and reiterate the reasons for this confidence.

Next I want to discuss the current public attitudes toward business and where these seem to be taking us.

CHEMICAL INDUSTRY

But first, I want to say just a few words about the future of your industry as a major contributor to the well being of the American people:

If we are to fulfill their hopes for an even better life;

If we are to succeed in our plans to restore the environment;

If we are to provide the myriad of things required to save our cities;

If we are to meet the needs for better housing, better transportation, better health care;

If we are to meet the challenge of foreign competition in both our domestic and the world markets;

If we are to do all these things, we must have the basic chemical building blocks that only a healthy, thriving, prosperous chemical industry can supply.

This is my answer to the silly souls that suggest a concept of zero progress—that we now have all that we need.

And the Nixon Administration is going to do all in its power to provide the kind of business climate in which your industry can achieve this growth and prosperity.

This is our pledge; this is what we have been striving for; this is what we are now getting—a more balanced and stable economy that can form the basis for steady, sustained industrial expansion now and in the future.

ECONOMIC RESURGENCE

Evidence of economic resurgence—and on a more balanced basis—is clearly reflected in the latest data:

Retail sales have risen sharply for five consecutive months and early evidence indicates continued strength in May.

Consumer prices increased at an annual rate of about 3 percent for the first four months in 1971, less than half the rise over a similar period in 1970.

The increase in Gross National Product in the first quarter was recently revised upward, indicating an even more robust resurgence of the economy than reported originally. The first quarter dollar gain in GNP was the largest on record.

Personal income will post a very substantial rise in June as a result of both the expanding economy and retroactive payments of increased social security benefits.

Housing starts were at an annual rate of more than 1.9 million units in March and April.

Leading indicators of business activity increased again in April, the sixth straight monthly advance for the key measurement of future business conditions.

Corporate profits recovered sharply in the first quarter, increasing 13 percent over the fourth quarter, 1970.

Stock prices, as measured by the Dow Jones Average, are nearly 50 percent higher than their 1970 low, which occurred just about a year ago.

So all of these indicators give clear, firm evidence that we are well underway with a healthy economic expansion. The slowing process last year was deliberate in order to bring inflation under control, and the United States will soon have its domestic affairs in order.

PUBLIC ATTITUDES

Now let's turn to some of the current attitudes toward business, and where they seem to be taking us.

It is a fundamental fact, deeply troubling to many of us in government as well as you in business, that the public attitude toward American enterprise is hardening.

The stark evidence of this fact is all around us—in the communications media, in the actions of the electorate, and in public opinion polls.

In one recent private survey, 61 percent of the people believed there was too much power concentrated in too few companies, and 45 percent wanted large corporations broken up.

Sixty-five percent felt business was cold and impersonal, and 68 percent felt the consumer did not get full dollar value.

Only 15 percent believed corporations were meeting their responsibilities to provide consumers with the best possible goods at the least possible cost.

Eighty percent believed industry was primarily responsible for pollution, and 81 percent favored closing plants that violated pollution regulations.

In another survey, by a lopsided margin of 53 to 9 percent, the public expressed belief that recent critical attacks on American industry have done more good than harm.

Altogether, the polls show a sharp decline in the confidence level of the public in American business, mostly in the last five years.

The list could go on, but the point is clear. Many of the practices and products of business are coming under attack by critics of business.

In the national concern for the environment, for example, business is often singled out as being not only principally responsible, but almost solely responsible for pollution. This is not only unfair; it simply isn't true. The fact is that many of the worst polluters are outside of industry—government itself at municipal and other levels, agriculture, and the public. Industrial operations account for only about one-third of the total pollutants, and these are being reduced in the most massive cleanup campaign in history. But we must not make the mistake of thinking that business alone is responsible for pollution or can solve the problem alone.

CRITICS

Many of these critics are young people. The evidence of their disenchantment with business appeared in a recent Gallup poll which showed that only 8 percent of the college graduates would prefer a business career.

Now what is at the root of this growing dissatisfaction?

First, I think that any fair judgment has to concede that some of the attacks are reasonable, some objective. Many of the complaints are valid. Business is not always right. The critics are not always wrong.

But it is equally true that in most of these attacks the critics have lost all sense of balance and proportion. They have lost sight of how much is good in the American business system.

They have come on strong, in today's vernacular, lacking any acknowledgment that the good outweighs the bad by a ratio of 100 to one in our system.

The batting average of American business in consumer satisfaction with the overwhelming majority of transactions is far greater than its critics concede. But the attacks get the headlines.

By searching for the exceptions, by concentrating on them in every possible public forum, they have begun to shatter public faith in the system itself, rather than correcting the faults which they want corrected and which all of us want ended.

By their often exaggerated and unwarranted attacks, they are poisoning the atmosphere of trust and confidence between buyer and seller. They are polluting this mutual relationship with mistrust, suspicion and hostility.

PUBLIC RESPONSE

A second fundamental fact is that government is responding to that critical wave of public opinion.

The feelings and beliefs reflected by those figures—these critical public attitudes toward business—have a significance in the political arenas of government which cannot be overstated.

DEFENSE

As a result, there is an awesome list of bona fide concerns of American business toward government actions which are adversely affecting business, or which threaten to do so.

These critical attitudes are most manifest in the Congress, which recently has initiated many actions that have placed special burdens on business:

It has imposed some very costly and burdensome provisions in the Tax Reform Act of 1969, which was heavily biased against business.

It enacted an inflated settlement of the railroad crisis last year, which forced higher wages but did nothing to improve the work rules problem.

It enacted the Clean Air Act, with some provisions that show complete disregard for economic factors and contain unrealistic technological demands.

It is now considering class action legislation of a type which could become a quicksand of legal harassment for business.

It killed the SST and thereby stopped the advance of our technology in the air.

It has failed to provide competitive tax incentives for exporters—despite the great need.

And so on.

In these past two years, the Administration has fought hard and often successfully against a long succession of ill-conceived legislation.

Last year alone, in pursuing prudent programs in the face of often extreme and radical proposals, the Administration constantly pressed for the right kinds of legislation in the fields of class action, occupational health and safety, air and water pollution, guarantees and warranties, insurance solvency, consumer agencies and others.

But many of the spokesmen in the country who have the public ear, and many of the political forces who listen to the public, clearly feel differently. In many cases they are supporting punitive and harsh requirements in consumerism and for the environment without adequate regard for economic factors, technological considerations, or the time required to achieve solutions.

What they want is instant performance, with economic and social cost secondary, not paying any attention to the fact that it is the public, the consumer, who will pay for their extremism.

PENDING PROPOSALS

It is even more clear how many serious problems are confronting business today if you look again briefly at some of the proposals that are now pending on Capitol Hill.

Proposals like these:

That all chemicals (and other products) be approved environmentally before they can be manufactured or sold;

That unit pricing and date labeling be made mandatory;

That the FTC be given the power to collect damages;

That phosphates be removed from detergents on a totally unrealistic timetable, in the absence of an acceptable safe substitute;

That welfare programs be totally Federalized;

That the regulation of various insurance industries be Federalized;

That automobile mechanics and other service repairmen be Federally licensed;

That advertising, advertisers and advertising agencies be subjected to a long array of new restraints, restrictions and penalties;

That no commercial plant or building be built unless the Federal and state government certify that it has the latest pollution control devices;

And that no one convicted of a water pollution violation of any kind can be awarded a government contract. And so forth.

These proposals are with us now, seriously, before the Congress.

And when the Congress is under constant demand from the public for more action against business, it is more likely to provide more action against business.

By analyzing the problems in this way, we see that the basic responsibility for the problems of business lies with the public as the driving force, exerting influence on our lawmakers, with a relatively few militant members of the public providing the fuel.

ANTAGONISTS

The idea—the concept—the charge that business and the consumer are natural antagonists is absurd.

The suspicion which has been planted, that American business is callously indifferent to the interests of the consumer—that it is out to take advantage of him or short-change him—simply has no foundation in fact.

Every sensible businessman knows that a customer can be deceived once, but he won't be back.

The American economy did not grow to a trillion dollar gross national product—with nearly two-thirds of it going to consumers—through the schemes of the malefactors, and the quick-buck artists who represent nothing more than a tiny fringe of the business community.

We have achieved our economic heights and our personal standard of living—we have achieved the highest quality goods at the least possible cost on the face of the earth—through an honest, responsible business community which gives value received.

Today it is constantly improving the quality of the products paid for by the customer.

It is giving more and more for the dollar.

The preponderant, responsible majority of American business is working to earn the goodwill of the consumer, just as hard as it is working to achieve profits.

In our marketplace, goodwill is the disposition of the satisfied customer to return uninvited. On this hangs the success or failure of every business and of our system itself.

SOLUTIONS

But, in the final analysis, the real goal of improved relations between the consumer and business can be achieved only by dealing with the causes of the present trend.

That can be done only by reaching and influencing public opinion.

In short, I believe that business has to begin to fight back against the attacks and the critics and start telling the story of its own effective performance.

It all fits into two slogans from an old song:

1. Eliminate the negative.

If it is true that 99 percent of all transactions give full satisfaction to the buyer, and I believe that it is, then an effort should be directed at isolating the one percent and seeing that they conform.

2. Accentuate the positive.

This means to compare American living standards with the rest of the world, to tell how well American business has performed and to sell the superiority of the system.

This is a job for all businessmen. In advertising, in speeches, in meetings, in every conceivable way, business must tell its story—fight back against the exaggerations of the cynics and insist on telling a balanced story.

AWARENESS

Long-term real solutions to the concerns of business and its relations with government ultimately will be achieved only when business succeeds in improving its own relationship with the public.

Industry must do a far better and more convincing job, for example, in telling the public about its efforts to cleanse the atmosphere and to help resolve its pollution problems.

It must give believable assurance to consumers that products are better and safer, that warranties are meaningful and services are valuable.

It must make the public aware that the charlatans, the malefactors, the quick-buck artists, represent less than one percent of the business community and the business transactions of America, and that all of industry must not be penalized for the sins of the few—penalized legally, or in that most damaging way of all, in the loss of goodwill and public trust.

Industry must also make the Nation aware of its enormous contributions to help solve some of the most pressing social and economic problems, particularly involving the needs of our minority peoples and our cities.

Finally, only business and industry can make the public fully aware of the fact that the good old days really were not so good, and that we have never been better off than we are today, thanks to American production and American commerce.

Until these jobs are done, we can only expect that increasingly large majorities of the American people will favor some of the punitive proposals and restrictive attitudes of the anti-business elements.

We know that business and government are not natural antagonists.

But if business does not want its adversaries to mobilize its enemies, it must now, on its own, mobilize its friends—the American people.

AND GOVERNMENT?

At the same time, government should exercise the common sense and the restraints that are needed to keep our competitive system alive.

It should put the brakes on the rush to legislate and regulate, while industry proves what it can do on a voluntary basis, at the same time that it repairs its rapport with the public.

When enterprise is a victim of unfairness, government should seek to defend it.

When business is the victim of ignorance, government should try to promote understanding.

This is consistent with our government's responsibility to respect the achievements of the American enterprise system.

But the foremost issue facing all of us is not how to improve the business-government relationship, but how to improve the attitudes of the public at large which affect both business and government.

For it is a political fact that people in public life are tuned in on the public attitude.

When the attitude is, "business is doing a good job," the Congress will respect it.

But when the public attitude is, "beat business over the head," that is what will happen.

CONCLUSION

The greatest asset of the American enterprise system is the confidence of the consumer.

In government, in business, we must work together to protect that confidence and to enhance it by every means available to us.

At the same time we must preserve the atmosphere of the free marketplace, worthy of free consumers who exercise the American right of free choice.

Today the country must come to recognize once again that a healthy, profitable and respected competitive business community is vital to all our national objectives.

This is what we have had in the past.

This is what we must fight for in the present.

This is what we must preserve for the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FULTON of Pennsylvania, for Monday, June 21, 1971, until 2:30 p.m., on account of official business at Pennsylvania State Senate in Harrisburg, Pa.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 5 minutes, today.

Mr. VANIK, for 10 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STEELE) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HARVEY, for 5 minutes, on June 22.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. CHAMBERLAIN, for 15 minutes, today.

Mr. STEIGER of Wisconsin, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. SKUBITZ, for 5 minutes, today.

(The following Members (at the request of Mr. LINK) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. PATMAN, for 30 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. RARICK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BYRNES of Wisconsin and to include extraneous material following the remarks of Mr. BROYHILL of Virginia while in the Committee of the Whole on H.R. 1.

Mr. RHODES (at the request of Mr. BYRNES of Wisconsin) and to include extraneous material during general debate on H.R. 1.

Mr. RANDALL, to revise and extend his remarks made in the Committee of the Whole today, and to include extraneous material.

Mr. RYAN and to include extraneous matter during general debate on H.R. 1.

Mr. CRANE and to include extraneous matter in Committee of the Whole on H.R. 1.

(The following Members (at the request of Mr. STEELE) and to include extraneous matter:)

Mr. ROBINSON of Virginia.

Mr. ZWACH.

Mr. WYMAN in two instances.

Mr. MILLER of Ohio.

Mr. DICKINSON.

Mr. HARSHA.

Mr. CONTE.

Mr. SCHMITZ.

Mr. MYERS.

Mr. HASTINGS.

Mr. BIESTER.

Mr. SNYDER in three instances.

Mr. FRENZEL.

Mr. SEBELIUS.

Mr. ARENDS.

Mr. DUNCAN.

Mr. LANDGREBE.

Mr. NELSEN.

Mr. SHRIVER.

Mr. CONABLE.

Mr. KEATING.

Mr. RAILSBACK.

(The following Members (at the request of Mr. LINK), and to include extraneous matter:)

Mr. BADILLO.

Mr. BEGICH in three instances.

Mr. ANDERSON of Tennessee.

Mr. KARTH.

Mr. ROSTENKOWSKI.

Mr. PATMAN.

Mr. FRASER in two instances.

Mr. STEED in two instances.

Mr. JONES of Alabama.

Mr. ASHLEY.

Mr. RODINO in two instances.

Mrs. CHISHOLM.

Mr. SEIBERLING in 10 instances.

Mr. ECKHARDT.

Mr. HATHAWAY in two instances.

Mr. HARRINGTON in two instances.

Mrs. HICKS of Massachusetts in four instances.

Mr. BYRNE of Pennsylvania.

Mr. COTTER.

Mr. HAMILTON.

Mr. ANNUNZIO.

Mr. STOKES.

Mr. EILBERG.

Mr. JAMES V. STANTON.

Mr. BINGHAM in three instances.

Mr. MURPHY of New York.

Mr. KYROS.

Mr. GRIFFIN.

Mr. NICHOLS in two instances.

Mr. RARICK in three instances.

Mr. WALDIE in two instances.

Mr. ZABLOCKI in two instances.

Mr. MCMILLAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

S. 47. An act for the relief of Flore Lekanof; to the Committee on the Judiciary.

S. 59. An act for the relief of Kwok Kwen Ng; to the Committee on the Judiciary.

S. 60. An act for the relief of Foo Ying Yee; to the Committee on the Judiciary.

S. 113. An act for the relief of certain individuals and organizations; to the Committee on the Judiciary.

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier; to the Committee on the Judiciary.

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such Act;

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Commdr. Albert G. Berry, Jr.

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu; and

H.R. 4327. An act for the relief of Robert L. Stevenson.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 23, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

882. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property; to the Committee on Foreign Affairs.

883. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title II of the proposed International Security Assistance Act of 1971 to authorize assistance for narcotics control; to the Committee on Foreign Affairs.

884. A letter from the Chairman of the Indian Claims Commission, transmitting a report on the final determination in docket No. 148, *Cabazon Band of Mission Indians of California, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

885. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes; to the Committee on Interstate and Foreign Commerce.

886. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes; to the Committee on the Judiciary.

887. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth prefer-

ence classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

888. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a site authorization from the Atomic Energy Commission and to provide for a public hearing to be held in proceedings for site authorizations, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

889. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of the United States for the fiscal year ended June 30, 1970 (H. Doc. No. 92–134); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURPHY of Illinois: Committee on Foreign Affairs. The World Heroin Program (Rept. No. 92–298). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of Conference. Conference report on H.R. 5257 (Rept. No. 92–299). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. DELLUMS, Mr. FAUNTROY, Mr. HALPERN, Mr. HAMILTON, Mr. MIKVA, Mr. MORSE, Mr. PODELL, and Mr. ROYBAL):

H.R. 9297. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on certain nonreturnable bottles and cans, and to provide that the collections of such tax shall be paid over to the municipalities in which such bottles or cans were sold; to the Committee on Ways and Means.

H.R. 9298. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on the phosphate content of cleaning agents, and to provide that the collections of such tax shall be paid over to the municipalities in which such cleaning agents were sold; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 9299. A bill to provide for the construction of an artificial island in the vicinity of Puerto Rico which shall be used for those naval training and testing exercises presently carried out on Culebra; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 9300. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program and otherwise improve such program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 9301. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 9302. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

By Mr. DULSKI (for himself, Mr. WALDIE, and Mr. HILLIS):

H.R. 9303. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

By Mrs. DWYER:

H.R. 9304. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 9305. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 9306. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 9307. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 9308. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGAN:

H.R. 9309. A bill to amend title 5, United States Code, to improve the civil service retirement benefits of employees engaged in the enforcement of the criminal laws of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARVEY:

H.R. 9310. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 9311. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. JACOBS:

H.R. 9312. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. ROBINSON of Virginia:

H.R. 9313. A bill to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural products; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.R. 9314. A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 9315. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF:

H.R. 9316. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

H.R. 9317. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 9318. A bill to amend title 39, United States Code, to extend to volunteer fire companies, volunteer ambulance and rescue companies, and police benevolent associations the preferred second-class and third-class mail rates for certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 9319. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

By Mr. ARENDS:

H.R. 9320. A bill to amend the National Labor Relations Act in six areas closely related to one another, all of which touch in varying degrees the kinds of collective-bargaining units which should exist under the act; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 9321. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 9322. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

By Mr. CELLER (for himself and Mr. POFF):

H.R. 9323. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 9324. A bill to establish certain rights of professional employees in public schools operating under the laws of any of the several States or any territory or possession of the United States, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern; to the Committee on Education and Labor.

By Mr. MELCHER (for himself and Mr. SHOUP):

H.R. 9325. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 9326. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 9327. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 9328. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9329. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 9330. A bill to provide for the establishment of an American Council for International Communications, Inc., to grant support to the activities of private American organizations engaged in the field of communication with foreign people; to the Committee on Foreign Affairs.

By Mr. WIDNALL (for himself, Mr. Gerald R. Ford, Mrs. Dwyer, Mr. Blackburn, Mr. McKinney, Mr. Frenzel, Mr. J. William Stanton, Mrs. Heckler of Massachusetts, Mr. Wylie, and Mr. Brown of Michigan):

H.R. 9331. A bill to consolidate, simplify, and improve laws relating to housing and housing assistance; to the Committee on Banking and Currency.

By Mr. WIDNALL (for himself and Mr. Gerald R. Ford):

H.R. 9332. A bill to increase the authorizations for comprehensive planning grants and open-space land grants; to the Committee on Banking and Currency.

By Mr. WILLIAMS:

H.R. 9333. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in the amount of the old-age insurance benefit to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 9334. A bill to amend title II of the Social Security Act to provide for the payment of wife's or husband's insurance benefits without regard to age where the insured individual (on the basis of whose wage record such benefits are payable) is entitled to disability insurance benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.J. Res. 735. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. FRENZEL:

H.J. Res. 736. Joint resolution proposing an amendment to the Constitution of the United States to provide an age limit and a single 6-year term for the President; to the Committee on the Judiciary.

By Mr. LATTA:

H.J. Res. 737. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. SHOUP:

H.J. Res. 738. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 739. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. STEELE:

H.J. Res. 740. Joint resolution: Recognition of the First President of the Congress and designation of July 3 as Samuel Huntington Day; to the Committee on the Judiciary.

By Mr. HASTINGS (for himself, Mrs. Abzug, Mr. Alexander, Mr. Aspin, Mr. Addabbo, Mr. Bell, Mr. Brasco, Mr. Broomfield, Mr. Burke of Massachusetts, Mr. Córdova, Mr. Cotter, Mr. Denholm, Mr. Dent, Mr. Donohue, Mrs. Dwyer, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Gallagher, Mrs. Grasso, Mr. William D. Ford, Mr. Hanley, Mr. Hansen of Idaho, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Hungate):

H. Res. 497. Resolution to provide for free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. HASTINGS (for himself, Mr. Jacobs, Mr. Kuykendall, Mr. Lujan, Mr. McCloskey, Mr. McDonald of Michigan, Mr. Miller of California, Mr. Miller of Ohio, Mr. Minshall, Mr. Morse, Mr. Pelly, Mr. Preyer of North Carolina, Mr. Randall, Mr. Robison of New York, Mr. Rodino, Mr. Ruppe, Mr. Sarbanes, Mr. Thone, Mr. Charles H. Wilson, Mr. Winn, Mr. Zwach, Mr. Kyros, Mr. Mikva, and Mr. Rangel):

H. Res. 498. Resolution to provide for free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. CLEVELAND (for himself, Mr. Anderson of Illinois, Mr. Conable, Mr. Gerald R. Ford, Mr. Schwengel, Mr. Steiger of Wisconsin, Mr. Coughlin, Mr. Crane, Mr. Dellenback, Mr. Dennis, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. du Pont, Mr. Duncan, Mr. Edwards of Alabama, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. Findley, Mr. Fish, Mr. Forsythe, Mr. Frenzel, Mr. Frey, and Mr. Fulton of Pennsylvania):

H. Res. 499. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. Archer, Mr. Arends, Mr. Ashbrook, Mr. Baker, Mr. Bell, Mr. Betts, Mr. Biester, Mr. Blackburn, Mr. Broomfield, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Burke of Florida, Mr. Byrnes of Wisconsin, Mr. Carter, Mr. Cederberg, Mr. Chamberlain, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Collier, Mr. Collins of Texas, and Mr. Conte):

H. Res. 500. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. CONABLE (for himself, Mr. Goodling, Mr. Gross, Mr. Grover, Mr. Gubser, Mr. Gude, Mr. Hall, Mr. Halpern, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harsha, Mr. Harvey, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Hillis, Mr. Hogan, Mr. Horton, Mr. Hosmer, Mr. Hutchinson, Mr. Johnson of Pennsylvania, Mr. Keating, Mr. Kemp, Mr. Keith, Mr. Kuykendall, and Mr. Landgrebe):

H. Res. 501. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. GERALD R. FORD (for himself, Mr. Lent, Mr. Lujan, Mr. McClory, Mr. McCloskey, Mr. McCollister, Mr. McCulloch, Mr. McDade, Mr. McDonald of Michigan, Mr. McEwen, Mr. McKevitt, Mr. McKinney, Mr. Mathias of California, Mr. Mayne, Mr. Mills of Maryland, Mr. Michel, Mr. Miller of Ohio, Mr. Minshall, Mr. Mizell, Mr. Morse, Mr. Mosher, Mr. Myers, Mr. Nelsen, and Mr. O'Konski):

H. Res. 502. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. SCHWENGEL (for himself, Mr. Pettis, Mr. Peyser, Mr. Poff, Mr. Powell, Mr. Price of Texas, Mr. Quie, Mr. Quillen, Mr. Railsback, Mrs. Reid of Illinois, Mr. Reid of New York, Mr. Rhodes, Mr. Riegle, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Rousselot, Mr. Ruppe, Mr. Ruth, Mr. Sandman, Mr. Saylor, Mr. Scherle, Mr. Schmitz, Mr. Schneebeli, Mr. Scott, and Mr. Sebelius):

H. Res. 503. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. STEIGER of Wisconsin (for himself, Mr. Shoup, Mr. Shriver, Mr. Skubitz, Mr. Smith of New York, Mr. Snyder, Mr. Spence, Mr. Stafford, Mr. J. William Stanton, Mr. Steele, Mr. Steiger of Arizona, Mr. Talcott, Mr. Teague of California, Mr. Terry, Mr. Thompson of Georgia, Mr. Thone, Mr. Vander Jagt, Mr. Veysey, Mr. Wampler, Mr. Ware, Mr. Whalen, Mr. Whalley, Mr. Whitehurst, Mr. Widnall, and Mr. Wiggins):

H. Res. 504. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. SCHWENGEL (for himself, Mr. Williams, Mr. Bob Wilson, Mr. Winn, Mr. Wyatt, Mr. Wydler, Mr. Wyman, Mr. Young of Florida, Mr. Zion, Mr. Zwach, and Mr. Córdova):

H. Res. 505. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. LANDGREBE:

H. Res. 506. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

217. By the SPEAKER: Memorial of the Legislature of the State of Missouri, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

218. Also, the General Assembly of the State of Ohio relative to the issuance of a commemorative U.S. postage stamp to honor William Holmes McGuffey, a great Ohio educator; to the Commtitee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DOWNING presented a joint resolution (H.J. Res. 741) restoring citizenship posthumously to Gen. Robert E. Lee, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 or rule XXII,

89. The SPEAKER presented a petition of the Board of Supervisors, County of Alameda, State of California, relative to appropriating airport development funds, which was referred to the Committee on Appropriations.

EXTENSIONS OF REMARKS

EARTH CONFERENCE AT OHIO UNIVERSITY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, it was my honor to deliver the keynote address at Earth Conference I, sponsored by SCOPE—Student Council on Pollution and the Environment—and the Athens Ecology Group. The conference was held at Ohio University, Athens, Ohio, April 4–5, 1971, and I am pleased to submit the text of papers presented and discussion held at the conference whose presiding chairman was Edward M. Dobson:

EARTH CONFERENCE I

PRESENTATION: EDWARD M. DOBSON, CHAIRMAN, ATHENS ECOLOGY GROUP, ATHENS, OHIO

Mr. DOBSON. Ladies and gentlemen, it is a pleasure to have you here this evening, and on behalf of the Athens Ecology Group, welcome to Earth Conference I. This conference is sponsored by the Student Council on Pollution and the Environment, a branch of the Environmental Protection Agency. Here to welcome you on behalf of the city of Athens is the President of our City Council, Dr. Harry Crewson.

Dr. CREWSON. Thank you, Ed, very much. As President of City Council I do welcome you to the City of Athens. I hope this Conference is a very fine success. Also, in another capacity, as a member of Governor Gilligan's Citizens' Task Force on Environmental Protection, I cannot overemphasize the importance of this type of conference, and I trust that beginning with Congressman Ken Hechler it will be a very, very great success. Thank you for coming and I wish you well.

Mr. DOBSON. Thank you, Dr. Crewson. There is another very important entity in Athens County, Ohio University. Here to welcome you on behalf of the University and explain the role of the University in such activities as this, University Provost, Dr. Robert Savage.

PRESENTATION: R. L. SAVAGE, PH. D., PROVOST, OHIO UNIVERSITY, ATHENS, OHIO

On behalf of Ohio University, it is my privilege to welcome our visitors to our campus and to welcome them together with our own students and faculty to "Earth Conference I." In addition, I want to congratulate the members of SCOPE (the Student Council on Pollution and the Environment) and the Athens Ecology Group for their selection of timely and interesting topics for Earth Conference I.

I should like to make my initial remarks somewhat broader, but related to, the effects of energy production by making a few comments about the role of the University in our efforts to become better managers of our environment. I prefer to speak in terms of managing our environment rather than talking about an environmental crisis. The environmental crisis can be described more as a "creeping crisis" in contrast to a sudden and dramatic crisis such as an explosion, a tornado or an earthquake. This is both an advantage and disadvantage. On the one hand, it gives us time to work out better management methods but on the other hand, it is more difficult to make the public and the lawmakers aware of the problems and willing to do something about them.

Let us be very candid about the role of the University in managing the environment. The University does not have the resources nor should it neglect its major function of providing educational opportunities to solve the problems of our environment. But this does not mean that the University should not be concerned about better management of our environment.

At the Argonne Universities Association Conference on Man's Environment which was held in July, 1969 and which some of you attended, the role of the universities was discussed by several speakers. Dr. Powers pointed out that there is an extraordinary amount of talent in the universities and the question is how this talent may best be brought to bear upon the urgent national problem of learning how to manage our environment to increase the well-being of people.

Dr. Rene Dubos, of Rockefeller University, stated that the most urgent role of the university is to sensitize students to the fact that their social concern will be wased if it is not based on scientific technological knowledge. I have emphasized to our engineering students the need for them to have social concern and I want to take this opportunity to emphasize to the rest of our students the importance of Dr. Dubos' statement that their social concern will be wasted if they do not have the knowledge on which to base constructive action. It is relatively easy to talk about our problems, to get emotional about issues and to criticize present methods of operation. It is much more difficult to go through the drudgery of getting enough education and information to work out constructive ways to manage our environment.

I am not talking about just technological knowledge. We are faced with a very complex problem which will require skills in the social sciences, economics, government, law, medicine, planning, communication, science, history, engineering and others. But this is exactly what the University has to offer and should be its major role—that is to turn out graduates who have social concerns and who also have the knowledge to do something constructive about them.

The complexity of the problem is a matter of considerable interest to many of us at Ohio University. The traditional approach has been to teach or to do research in various areas of specialization. Of course this is important, but hardly anyone is teaching and very few are studying how the pieces relate to one another and man to his total environment. Dr. Dubos states that we cannot solve the environmental problems of our society because in most cases knowledge of the interplay between man and his environment is either inadequate or totally irrelevant.

At Ohio University, we are proposing the establishment of a Center for Environmental Studies which would be based on the systems approach to the management of our environment. Experts from many disciplines would work together to identify the interrelationships among the subsystems which must all function together for effective management of this environment. This would get away from the "piece-meal" approach to solving the problems which sometimes leads to the situation where the solution to one environmental problem creates a worse one somewhere else. The University has the resource of talent to identify these interrelationships so that action-oriented programs can be initiated by the appropriate government or social agency to solve the problems. I believe that this is the most appropriate role of the University.

Mr. DOBSON. Thank you very much, Dr. Savage. Adlai Stevenson once suggested that we continue on this planet by virtue of the love and care that we give to it. Through our structures there are so many ways that we can provide that love and care. Through our tax structure our government tries to provide something; we may take issue, they may provide something else. One of the things with which we have been provided is SCOPE, the Environmental Protection Agency's Student Council on Pollution and the Environment, which has funds for activities such as this—to help us learn about problems that beset us and how to better participate in the resolution of those problems. I would like first to introduce the national representative of the Student Council on Pollution and the Environment, Lance King, from Washington. Dave Guthrie is the representative for the Ohio Basin region from Columbus. Dave Guthrie.

Mr. GUTHRIE. On behalf of the Student Council on Pollution and the Environment, I would like to thank everyone for coming tonight. Several months ago when Ed first approached me with the idea of holding a conference such as this, possibly a continuation of a conference that SCOPE had sponsored at the University of Kentucky, in Lexington, on November 21, I was excited about the idea, not only because of its implications for electric power, but also in terms of needed public knowledge about surface mining.

I won't elaborate on this point, you'll hear enough about it within the next two days to be more than content. SCOPE was created last year by former Secretary of the Interior Walter Hickel, and we were first an agency in the Department of the Interior and we have just recently been transferred to the Environmental Protection Agency. We believe that a conference like this is satisfying the needs of environmental education, which is one of our primary functions. I am sure some good will be achieved, not only from the standpoint of education concerning aspects of strip mining, but also in developing public awareness, a sense of community and its relation to the environment. The key is a sense of community and everyone must work together to achieve the ends of environmental protection. Thank you.

Mr. DOBSON. Thank you, Dave. As you know, if you have a program, we will have four presentations by individuals and a fifth presentation of a mixed-media slide and tape program, with which I think you will be very impressed. But now, as we move into the program, it is a great pleasure to introduce a Congressman from the State of West Virginia who has been most active in environmental matters, one of the men who led the vote in the House to defeat the SST in the most recent decision and a man who now has introduced in the House a bill which would abolish strip mining of coal. Many of you know that West Virginia had such a bill on the state level defeated in this session. We are here these two days to look at some of the reasons it was introduced. And here now the Congressman who has introduced a bill that would ban strip mining of coal across the nation, Ken Hechler of Huntington, West Virginia.

PRESENTATION: "THE NATIONAL ABOLITION OF STRIP MINING," THE HONORABLE KEN HECHLER, MEMBER, U.S. HOUSE OF REPRESENTATIVES, HUNTINGTON, W. VA.

Fellow Abolitionists! (Applause.) You know, you can't really believe strip mining, until you have seen it. You can't believe until you have seen the bellies of the hills ripped open, and the guts poured down into the ugly gullies. I want to run through a few slides to give you an idea of what this devastation looks like. Later in the evening, and

I hope you will stay for the very last part of the program because it is really terrific, Dr. Ted Voneida and his very able crew from Case-Western Reserve have a very outstanding slide show which depicts what is going on in Belmont, Harrison, and some of the other counties in Ohio that are getting ripped and gouged to pieces by the Gem of Egypt, Big Muskie and some of these other huge earth-moving machines. Sometimes I think maybe George McGovern and Birch Bayh ought to ask for equal time with the Big Muskie.

Now I want to flip through these slides first before telling you a little bit about the fight on the national scene. These are some scenes along Bolt Mountain, Raleigh County, West Virginia, along a highway which was built by the state at a cost of about a million dollars a mile. There are very few people who live along this highway, but there is a heck of a lot of strip mining going on and the coal trucks use this highway. It was built between Three Forks on Logan County, and Bolt in Raleigh County. If any of you play the guitar, you could easily develop a song about what has happened between Three Forks and Bolt in southern West Virginia. You can see all these deep cuts through the hills, the spoil dumped over the sides, the high walls, scars that can never be reclaimed. The best type of reclamation that money can buy can't cure a high wall. The high wall will be there forever. The slipping and the sliding of the spoil, threatening peoples' homes below, is a constant danger. When the spring rains come, people live in fear of landslides and floods in the strip-mined areas. "Zip" Little is here from the Izaak Walton League. Zip knows Bolt Mountain. Not only does it ruin just the aesthetics, but all this stripping around the edge of the mountains takes away the opportunity for wildlife to survive. Sometimes I even wonder how tame life survives.

NO REAL RECLAMATION

There are very few homes in this area any more. The population of West Virginia has declined 6.2 percent in the last ten years. That has many effects including redistricting your present Congressman out of office, but that is the least of the damage. All through this area the depredations of the strippers have been carried on. Much of this area they say has been reclaimed. But you can't see very much real reclamation there. Flying over the devastation is often the only way we can figure out exactly what the strippers are doing. When they run in their big jack hammers and their end loaders, their big trucks, their blasting, and the gouging with their big machines, they say it is necessary for the economy of the state. They say it is necessary to provide jobs. They ask me whether or not I, as a United States Congressman, am trying to do away with jobs. Jobs? Four or five thousand jobs maybe; jobs that are transferrable to highway construction, to housing or public works. But I say if we had ten million men under arms at the close of World War II on the federal payroll, did we say let's keep the war going in order to keep those jobs and people on the payroll? No, we put them to constructive work. So we have to put the strip miners to constructive work. I am not impressed by either the job argument or the economic argument. The economic argument is that it is necessary for the economy of the area to have strip mining. But strip mining is short-term gain, and future generations suffer in long-term loss.

Earlier this week, in the town of Harlan, Kentucky, where many bloody coal mine wars were fought a generation ago, a newspaper columnist named Ralph Smith made perhaps the most inane, or insane, commentary on strip mining. Speaking at a public forum on strip mining, Mr. Smith suggested that Kentucky ought to promote strip mining as a tourist industry. "It is something you don't see everywhere, Mr. Smith suggested. Now silly though this suggestion may sound, it really isn't the bottom of the barrel. The Vice-President of Consolidation Coal Company, James D. Reilly, speaking before the American Mining Congress in Pittsburgh, in 1969, brought the audience to its feet, cheering, with his statement that "Those conservationists who demand a better job of land reclamation are stupid idiots, socialists and commies who don't know what they are talking about. I think it's our bounden duty to knock them down and subject them to the ridicule that they deserve." Richard Kelly of Hazard, Kentucky, founder of the biggest stripping company in eastern Kentucky, recently declared, "The good Lord put that coal there to be mined. He left it up to the genius of mankind to develop the technology to get it out. And strip mining is the best way yet," he said. Ford Sampson, head of the Ohio Coal Association, has stated, "Are we going to cut off the electric power because some guy has a sentimental feeling about an acre of coal?"

STRIPPERS RACING AGAINST THE CLOCK

Later Dr. Voneida will give you some figures. 60 percent of the entire acreage of Belmont County or 200,000 acres out of the 346,000 acres of the total land in Belmont County have been sold, leased or optioned to the strippers. From Cincinnati to the east central border of Ohio the strippers have moved in and they are racing against the clock in fear of legislation which will limit their scalping of the land. Again, what is their defense. This afternoon I saw a very beautiful colored booklet. It is published by an organization euphemistically entitled "The Mined Land Conservation Conference". It is very expensively printed in glowing color. It includes a photo of the map of Ohio and it says "Larry Cook, Director of the Ohio Reclamation Association, a coal industry-financed conservation group, depicts the hundreds of lakes already formed by strip mine operators. Similar lakes have been developed in other states. "Of course, this is part of the tremendous well-financed public relations campaign that is being put on by the strip mine operators. They spent one hundred thousand dollars in the State of West Virginia to defeat that legislation which Secretary of State "Jay" Rockefeller, State Senator Si Galperin and a group of courageous legislators were sponsoring. Incidentally, "Jay" Rockefeller has the best description that I have ever heard on the effect of strip mining. He calls it, ". . . like a knife slash through a painting, leaving its ugly trademark." But this money is being spent in newspaper ads, on television and radio programs, in beautiful multi-colored brochures, in an effort to make you believe that strip mining is not really harmful; in fact, they contend it really improves the land. Why, look at all these wonderful fishing lakes. Look at these blue lakes, this lush greenery, good fishing, level land for airports, places to dump your garbage, land fill, places for parks. The amount of money that is sunk into so-called reclamation and restoration in order to make a photo for a brochure would be uneconomiical to use in order to improve all stripped land. So, the selling campaign is on. It is almost like the "Selling of the Pentagon"—that television program. One lady called my office about it the other day and asked, "Isn't there a law against the Defense Department's selling the Pentagon?" So, I referred her to Vice President Agnew's office. (applause)

ENVIRONMENTAL COSTS PASSED ON TO PUBLIC

Stripping! Why do people keep on with this stripping of the coal? Well, it is the easiest and the cheapest way to get coal. The coal companies also are afraid not only of the restrictive legislation that we might pass, both at the state and the federal level, but they are afraid that the Federal Coal Mine Health and Safety Act, which makes conditions safer and healthier for underground miners, might raise their costs in underground mines. All of this has combined to produce a tremendous boom in strip mined coal. But I also want to emphasize, and this is an important point most people don't realize, that strip mined coal is a lot cheaper because the environmental costs are passed along to the public. We pay them. And there are depredations of our environment future generations will pay for because they won't have the land and the resources to enjoy as we once did. I don't quite understand this principal of public policy, my friends. We have public service commissions which regulate the prices public utilities charge us, yet there is no effective public service regulation of the damage which strip miners impose on the community when they ravage the environment in order to produce the coal used by those public utilities regulated by the public service commissions. It seems to me that is a kind of double standard, and we must take account of these terrible environmental costs which are being imposed on the public and future generations.

Of course, since the early days of the frontiersmen and pioneers it has been part of the ingrained American spirit that man must conquer nature. Free enterprise has encouraged an attack on nature with the assumption that our land and resources are inexhaustible. Congress and the state legislatures are filled with men and women elected through the economic power of those who profit by perpetuating this frontier spirit, continuing to rape the land while passing on the costs to future generations. The short-range gains are tremendous for the strippers. Let me give you one or two examples. Testifying before the Ohio legislature last month, Professor Samuel M. Brooke of West Virginia University estimated that return on the investment of a strip mine he studied in northern West Virginia was 102 percent, and in southern West Virginia, 126 percent. Professor Brooke found that profits of $5,170 per acre from strip mining were over 100 times the value of land for agricultural use. Of course, as I pointed out, these profits are only transitory. Sooner or later the land will be destroyed—completely. Sooner or later the land will look like the surface of the moon and it will be too late, or too expensive, for reclamation or restoration.

The efforts that are now being carried forward in Columbus are important in highlighting the destructive character of strip mining and the steps which must be taken to protect the environment for the future. Conferences like this are very vital in order to stir people to action. The bill that I have introduced into the House of Representatives, HR 4556, has the support of several Ohio members of the House of Representatives.

I would like publicly to congratulate Congressman John Seiberling of Akron and Congressman Charles Vanik of Cleveland for their support. But it is up to you, the students at Ohio University, to contact other Congressmen and urge them to come to the support of the bill to abolish strip mining. We already have sixty-five co-sponsors in the House of Representatives. This is one-seventh of the House. That's a pretty impressive figure. We had a great breakthrough on Friday when Senator Gaylord Nelson of Wisconsin, the originator of Earth Day, phoned and said he was going to introduce the bill in the Senate. Senator McGovern is going to co-sponsor it. Those of you who are supporting particular presidential candidates, get those candidates on the spot to support the bill to abolish strip mining. And get your own Representatives. A lot of people ask me, "How is this bill doing?" The answer lies with you, because this bill can only advance if there is sufficient public pressure.

Senator Clinton Anderson made a very significant statement after the SST vote. He said, "I read my mail." Everybody reads their mail. People-pressure can change their minds. It is up to you to get the legislators off the fence. The amount of public interest and pressure will determine whether this legislation will get through.

WHY FEDERAL LEGISLATION IS NECESSARY

I have far more hope for effective legislation at the Federal level than at the state level for several reasons. Number one, this will impose uniform standards from state to state. It won't put one state at a competitive economic disadvantage. A state which enacts a strict law will not see the strippers pull up stakes under economic threats, move on and carry on their depredations elsewhere. Unlike the Nixon Administration bill, administered by the production-oriented Department of the Interior, my bill will be enforced by the Environmental Protecton Agency. EPA has, under the leadership of Mr. William D. Ruckelshaus, gotten off to a pretty good start in its control of air and water pollution. I think it would be more effective to have the national news media focusing the spotlight of public attention and national concern on whether or not that law is going to be enforced. Any law is only as good as its enforcement, and I am afraid to say that the state strip-mine laws have not been enforced. Furthermore, the bill suggested by the Nixon administration is a rather toothless effort to regulate strip mining. It gives the states two years to submit plans to the federal government on what each state proposes to do about strip mining. Then at some indefinite future date beyond the two years, if the federal government does not like those standards it can propose its own. This is very vague, and what this does is simply encourage the strippers to keep pressing and rushing to gouge out more of our precious land before they are checked by legislation. So I think that Federal legislation is necessary, which provides a definite abolition date six months after the enactment of the bill, and which puts the enforcement power in an agency that has already proven itself to be an effective regulatory agency. The Departmet of the Interior, the agency into which the President wants to put the regulatory power, is primarily a management agency. It manages lands and resources, and it is primarily interested in energy and in production. I dicovered this in connection with the coal mine safety fight. You cannot expect a department that wants to encourage the production of more and more coal and other forms of energy to put a high priority on the protection of the men and the environment. It is a production agency instead of a protection agency.

I remember the day of the Farmington tragedy on November 20, 1968, someone called up the Department of the Interior to get a little line on what had actually happened at Farmington. An Assistant Secretary of the Interior on the phone responded, "Don't criticize the Consolidation Coal Company. It's a fine company. Don't jump in half-cocked on this situation. This is a good mine. It produces 9,200 tons a day." So, I am saying that you cannot put control for protection of human beings and environment in an agency that is primarily devoted to production rather than protection.

There are several reasons, ladies and gentlemen, why I feel very encouraged about progress toward success of this bill. The most encouraging thing is the UMW president Tony Boyle and Carl Bagge, the president of the National Coal Association, are both attacking the bill. If they completely ignored the bill, it would indicate that they are not at all worried about its passing.

Just a word or two more about the bill itself. I have given you the broad outlines. It not only provides a complete ban on all strip mining operations within six months, but it virtually bans all underground mining of coal in national forests by making it impossible to carry on any underground mining which may damage or destroy any area of the forests or the natural resources thereof. (applause) It would prohibit any underground or surface coal mining in areas of the national wilderness system. In addition to abolishing strip mining, it would provide 90 percent federal funding to be matched by 10 percent state funding for the recovery of past strip mined areas. It would finance reclamation of only those areas approved by the Environmental Protection Agency. Now, I am not very optimistic about the extent to which this could be done thorough. As I have said, I don't think that there is such a thing as very thorough reclamation or restoration. But there are certain areas where perhaps the streams are not quite as acid, or where on level land it is possible to do some reclamation. The bill (H.R. 4556) also provides for citizen class-action suits, and it protects employees who notify the Environmental Protection Agency of violations and who testify regarding the enforcement of the act from being discharged or discriminated against.

HOW TO MOBILIZE SUPPORT

But the whole question of how far this bill is going to get, again, rests with people like you . . . the letters you write . . . the contacts that you make. Let me give you one little example. One weekend I wrote a series of letters to newspapers around the country and got a tremendous reaction after these letters were published. I began to get mail in from places like Brattleboro, Vermont and Wausau, Wisconsin, saying, "I read your letter to the editor and I contacted my Congressman saying to get on that bill." Now, if I can do that as an individual, what could several hundred people like you do, around the Nation, contacting the newspapers and the people who are in a position to do something to protect our land and our environment? I certainly hope that this Earth Conference 1 is going to produce a little action instead of just talk. And I hope that it will produce a good deal of determination to go out and fight to protect the environment instead of simply sitting back and sponging up information.

You know, Ed didn't mention this, but because of the fact that I have been redistricted out of office, I am going to have to polish up my academic credentials a little bit. I am pleased to have this opportunity to come up here, even though some of my remarks may not be interpreted as constituting complete academic objectivity. Nevertheless, I have a very strong feeling which I have developed in Congress about the nature of compromise. When I was teaching political science at Columbia, Princeton and Marshall Universities, I used to have little seminar groups. We would take a hot issue, get five people working on one issue, and their job was to come up with the best compromise among the differing opinions. I used to tell my students that politics is the art of the possible, and the essence of the legislative process is compromise. There are some issues, however, and this I think sincerely is one of them, where you have to stand on conscience instead of compromise. You cannot compromise an issue that involves the destruction of the environment for ours and for future generations. (applause) There can be no compromise on the fundamental truth that it is the obligation of government to protect the resources which belong to all the people. There cannot be any compromise on strip mining.

And that is the way I stand, of course, without any "if's", "and's", and "but's", for complete abolition. I think that you have a challenge in this conference to bring out the facts on strip mining, to see what it has done to our environment. But don't forget that you have an action challenge when this conference is over if you're going to protect this great land that we love Thank you. (applause)

Dobson. Thank you very much, sir. I know you are rushed and that you have to leave. We are very sorry that you have to go. But, I would like to share this with the audience before you do go. It is very interesting to note that after voting against the SST, the Congressman has done more than just speak, he acts. Tonight, he will drive to Pittsburgh and take a train to Washington, paying his respects to our need for public transportation. I expect those of you who stay through this conference will participate in the action against strip mining we have heard proposed this evening because you will learn much from the men, and from Mrs. Mattox, who will speak to you tonight and tomorrow. The Congressman does have time for a few questions.

Question. After the Fourteenth Amendment was passed, it took about a hundred years before action was taken on it. What is your suggestion, if your bill is passed, to take some action on it in the states?

Mr. Hechler. It is very, very important, of course, when a law is passed that it be adequately enforced in the states. I gather that is the thrust of your question. I have confidence that if we can generate enough public support behind this legislation to pass it that we will have the necessary public support in back of the Environmental Protection Agency to enforce it. I do not want to be over confident because I know it is going to be a long fight through the courts by those who want to try and delay the application of this legislation. I have confidence that if we can carry the flag to the summit of the hill and pass the legislation, then we can get it enforced.

Question. Congressman Hechler, I know you were involved in the race between Jock Yablonski and Tony Boyle. Of course, we all are familiar with the results. I was wondering, in your opinion, what has happened with the United Mine Workers Union and do you see any potential for change?

Mr. Hechler. Yes, I do see great potential for change within the United Mine Workers. There is an organization known as Miners for Democracy which is led by a group of individuals, including the late Jock Yablonski's sons, Chip and Ken, Lou Antal up in District Five, and Mike Trbovich and various others that are trying to pick up the banner from Jock Yablonski and carry it forward. You probably noted in the papers that there have been a number of indictments and court actions against Tony Boyle. These are only the tip of the iceberg of what Tony Boyle and the UMW hierarchy have done in corrupting the union, and I predict more will come out which will result in a complete reform in the United Mine Workers and hopefully, make it a real union again. All I am trying to do is make it a union that will stand up and fight for the people who mine coal instead of apologizing for the management. (applause) Miners for Democracy supports my bill to abolish strip mining, and it is symbolic that Tony Boyle is against my bill.

Question. You mention the Ohio Congressmen who are behind your bill. I notice they are from Cleveland and Akron. What is the reaction of the Congressmen from the coal country?

Mr. Hechler. There are five Congressmen from Pennsylvania who are co-sponsoring my bill, and I would regard anybody in the State of Ohio as coming from coal country because there is a lot of coal in Ohio. I am proud of the active support of John Seiberling and Charles Vanik.

Question. What about Clarence Miller?

Mr. Hechler. I don't want to talk about other Congressmen, because they are capable of speaking for themselves. It seems to me that the Constituents of the Congressmen are more effective in influencing the Congressmen than a fellow Congressman. So, I say that any of you who are interested in any other Congressmen, why, get in touch with them directly.

Question. Wouldn't it be possible for individual counties or townships to outlaw strip mining through zoning laws?

Mr. HECHLER. Well, it is possible to perceive, but this is a very slow, agonizing and piecemeal approach and it simply means that the strippers are going to move on to those counties that have not passed zoning laws. This is why I feel that a federal approach which is accomplished at one stroke is a much more fair and uniform method and a much more effective one.

Question. Will your bill include mining such as the iron ore deposits in the Mesabi Range?

Mr. HECHLER. It only covers coal at the present time. I felt I was biting off a pretty big amount right there, so I didn't cover anything else but coal. I don't cover phosphates, gold, stone or other forms of stripping. It does cover the Black Mesa Indian lands which I think you are going to hear a good deal more about in this conference.

Question. Do you have something in the future planned for other forms of mining?

Mr. HECHLER. Yes, I think we ought to work together on that. Let's surmount this hurdle first.

Question. Yes, I would like to know if there are national lobbying organizations supporting your bill?

Mr. HECHLER. Yes, they are right here. There are several very active organizations, some of which are present here at the conference, and I hope to hear a little additional support from some of them like the Izaak Walton League, the Sierra Club, the Audubon Society, the Black Mesa Defense Fund, and many others like Friends of the Earth, Environmental Action, etc.

Question. Have you, personally, or any of your fellow Congressmen, considered the gassification of coal after the abolition passes?

Mr. HECHLER. I think gassification of coal is going to come eventually, and we are making pretty good research progress toward it now. I think we have made a lot of good progress in that direction.

Question. Would you promote it in the House then?

Mr. HECHLER. I certainly would. I have always voted for the necessary research funds to carry forward research in gassification of coal. If there are no further questions, I certainly want to thank everybody here for the sharpness of the questions that were offered, and hopefully, for the necessary support for this legislation. *You* really are the key to determining whether or not this legislation succeeds and whether or not we can protect our environment for future generations. Thanks very much. (applause)

PRESENTATION: "WHAT ENERGY CRISIS?" WILLIAM BEALE, M.S., ASSOCIATE PROFESSOR OF MECHANICAL ENGINEERING, OHIO UNIVERSITY, ATHENS, OHIO

Mr. DOBSON. The next speaker on our program is a local resident who holds a Master of Science degree from Cal Tech in gas turbines. Not long ago he gave our Ecology Group a talk on the SST. He has worked for NASA and for Convair, and he knows quite a bit about the problems we face in the consumption of energy. He is working on a solar engine, and he is very interested in the future of alternative methods of energy production. Associate Professor in our Mechanical Engineering Department, Mr. William Beale.

Mr. BEALE. Thank you very much, Ed. I really want to express my appreciation to Ed Dobson for giving me a chance to blow off a little steam on a subject on which I have steamed for a long time. He happened to encounter me one day, and for some unknown reason knew I was an anti-SST man. Right off the top of his head he said "You're going to give a talk at this conference and your subject is 'What Energy Crisis?' ". I said "Fine, I'll take it." So here I am.

I would like to start by throwing in something on the other side of the coin from the talk that we just heard on strip mining. You have seen the costs of strip mining. You have seen the pictures. I have seen them. Those who have flown over Kentucky, Tennessee, where I was born, or the eastern part of Ohio, or West Virginia have seen the costs of strip mining. What are the benefits from strip mining? Look around this room. What do you see? Well, you see lots of people, but what I am looking at are the lights, and what I am hearing are the fans. The lights and the fans are driven by electric power. I counted the number of lights and multiplied a few numbers together, and if I am not too wildly far off in my estimate, we are burning about 15 pounds of coal per hour to maintain the lights and the ventilation in this room. That is a very rough estimate.

This is the substance of our civilization. We have to have some source of power to do the things that we do. So we do in fact have some benefits and we have to recognize them. If we want to do away with strip mining or if we want to ameliorate the problems concerning strip mining, we have to consider what we are going to do either to maintain our energy consumption as it is, or reduce it, which may be a definite possibility.

Now this room is consuming about 5000 watts. But then most of you probably don't know what a watt is. Well, I'm going to show you what a watt is. This stone is a weight that I found on my workbench when I came out here. It just happens to weigh a kilogram, which is 2.2 pounds. It is a Sears and Roebuck grindstone. Now if I lift this kilogram one meter high, which is roughly three feet, once a second, I am generating power at the rate of 10 watts. If I am going to keep up my 10 watts worth of power I have to lift this thing all the time like this. That is 10 watts. Well, this room is burning at this moment roughly five thousand watts. Now it could be 10,000 watts easily enough, but I'll put it as 5,000 watts. In other words, in order for me to do the power that this room is consuming, I would have to lift 500 grindstones once a second twenty-four hours a day to keep this room going. That's what 5,000 watts are, or five kilowatts.

A good strong man, working at a good steady pace and at a rate that won't kill him but will certainly make him feel tired, can develop about one hundred watts-worth of power. That is about what it takes to run a gardenhose-worth of water. A very strong horse can work at the rate of one kilowatt, 1,000 watts or ten men. That is much more than a normal horse. The horse that was used to rate the horsepower was only putting out 746 watts. Each one of us in this room is using on the average, for all purposes, approximately 1,200 watts of electric power, night and day. Where do these watts come from? They come from the coal mine. The coal goes into the Poston powerplant; the Poston power plant burns the coal under a steam boiler; this produces steam; the steam turns the turbine; the turbine turns the generator, and the generator shoots the juice into our refrigerators. That is the train of events behind most power production in the United States. I was amazed to discover, incidentally, that a number of intelligent people think that a light bulb is hung on the wall like a picture and does not connect to *anything* else in the world. It is just like a Rembrandt to them. There it is, and it hasn't anything to do with the Poston power plant or pollution or the strip mine. Well, this is wrong. It has a great deal to do with all those things.

Now, what do we use all this power for? We use it for our refrigerators, making piggy banks, air conditioners, power shoe polishers, electric carving knives, hospital lights when we get our appendix taken out, for everything that we wear and everything that we do. An automobile, let us say, weighs 4,000 pounds of steel that came from a process using a very large amount of electricity, not only in putting the car together in the automated plants, but in making the steel, mining the ore, transporting it and so on. Electricity runs through our entire lives, our entire way of life, everything. To give you an example, a television set can burn anything from 30 to 300 watts, depending upon whether it's a small transistorized set like the one I own, or a great big color television set like the one you own. Mine burns 30 watts and yours burns 300 watts. A toaster burns 2,000 watts, approximately; an air conditioner 2,000 watts very roughly; a water heater 4,000 watts; a full-house air conditioning system maybe 10,000 watts. As many of you will point out to me later, these things are only running part of the time. True, but it all adds up to about 1.2 kilowatts, 1,200 watts per person in the United States, night and day, being used. That is about one-tenth, very roughly, of *total energy* consumption in the United States. It follows that 12 kilowatts per person total energy consumption includes not only the electric generation, but the transportation, the heating, the process industry heat and so forth that largely comes from coal. So the strip mines are working hard, not just to make a mess, but to give us the things we want, the things we think we want, and the things that we don't want but can't figure out how to stop getting.

Now all this electricity comes from fuel of some kind, roughly about 50% coal, 8% oil, 20% gas, 15% hydro power, and only 1% from nuclear power. It is interesting to note that we only have 1% of our power coming from nuclear power today. In 1990 approximately 20% of our power will come from nuclear power plants. The coal-burning power plants are predicted to be consuming even more coal in 1990 than they are today by a very large amount, but their percentage amount will be less because of the enormous growth in the consumption of power in every aspect of our economy. We are doubling our energy consumption in electricity every ten years! I think it is interesting to note that we are not getting any power from the wind, we are not getting any power from the tide, and we are not getting any power from geothermal sources of any consequence, a few thousand kilowatts here and there. Geothermal power means the power that comes from steam in the ground, of which there is a very large amount. We are not getting any power yet from the sun, of which there is a huge amount but, unfortunately, scattered rather thinly. If we want to use it, we have to concentrate it somehow with mirrors, lenses, or something. But it is possible except for a small band of crackpots of whom I am one, and, we aren't even trying.

We are not getting any power from hydrogen fusion, which many people talk of as being the ultimate source. The hydrogen fusion power source, incidentally, is the equivalent of the sun. That is to say if we can contain the sun's reactions here on earth in some sort of power plant, we can get a very large amount of energy.

This country is using 34% of the world's electric energy right now, and we are using about one-seventh of the *total* energy in the world. As a result of all this, things are getting a little out of hand. That is where the energy crisis comes in. The usual worst example is New York City so I might as well pick that. You have all heard the stories of New York City: the brown outs; the capacity of the generating system being very near to the demand rather than, say, being 25% ahead of it, as the companies would like; the delays in the production of the power plants as a result of squabbles with people like you over siting and so forth. As a result of this

New York City is running on the razor edge of a disaster. They predict that this summer they are going to have only about 10% excess capacity, and if one of their big generators goes out, which it very well might, they will be behind capacity and will have to do something rather drastic, like cutting off power to certain areas and so forth. The delays in the repair of these very large thermal power systems incidentally are a result of the fact that no longer do they have simply a winter peak in production. It used to be that the major consumption of power occurred in the winter time. The summer was a relatively slack time, and they could tear down some of their machines then to make repairs. Now there are two peaks, a peak in the winter, a peak in the summer. The peak in the summer, of course, is due to the fact that air conditioning is a great success. Appliance companies are selling more air conditioning and are advertising it more and more. Therefore, the demand is running right up to the capacity to produce.

We are being brainwashed to buy the quickest, the cheapest, hence, the less efficient gadgets available, for instance, power companies are buying gas turbines, in order to produce enough power. An oil burning gas turbine can be put on the line much more quickly than a steam powered plant or a nuclear plant. The gas turbine is relatively smaller, it can be slipped in somewhere where nobody will notice, and it can generate large amounts of power in units scattered around the city. Unfortunately, their thermal efficiency is rather low. I might make a couple of remarks about thermal efficiency. A power plant does not take a piece of coal, burn it, release the heat in it, and turn all that heat into electricity. It only turns *some* into electricity. If you burn a pound of coal you get heat from it. Only a fraction of that heat can be converted to work. The rest of the heat released from burning the coal goes into the river, or into the air, or into the lake, or into the city, depending on where we put it. So the thermal efficiency of a normal power plant is between 30 and 40 percent. That is, you only get 1 unit of work for every 3 units of heat. The thermal efficiency of a gas turbine power plant is less than that. This simply means that for a given amount of energy produced we burn more fuel in these gas turbines than in the steam power plants or the nuclear power plants. And, that fuel has to be specific. It is more difficult to burn coal in a gas turbine than it is to burn diesel oil or natural gas. So there is a fair amount of panic these days associated with getting more power and finding the right kinds of fuels to use. After all, the utilities are a little sensitive to people like you who might criticize them for burning coal containing a lot of sulphur, for producing SO2, and in the right atmospheric conditions saturating you with sulphuric acid, a nasty thing to do. So there tends to be a bit of a shortage on low sulphur fuels.

There is not only a problem in generating capacity, there is also a problem in transportation of the fuels to the sites for use. Incidentally, with regard to the thermal pollution problem, the heating of the rivers and so forth, we may produce 30% of the heat as electricity, as we do, for example, in the Poston power plant. But ultimately *all* of it is turned into heat. What happens to the electricity that goes into these lights and these fans? It all tends to heat up the building. In fact, the ordinary 100 watt bulb puts out only 5 watts worth of light, and 95 watts of heat. We may be dumping 2 units of heat into the river or, as in the case of the Poston power plant, into the air, for every unit of electricity we create, but we are dumping that other unit of electricity into Athens as heat. If Athens is like Los Angeles, which is the only city for which I have numbers, we are putting into Athens about 5% of the solar energy that strikes Athens as a result of our energy usage, electric and otherwise. That tends to heat up Athens 5% more than the sun would. In 10 years we'll be putting 10% more heat than the sun into Athens and tending to heat up Athens 10% more than the sun would. In another 10 years it will be 20%, and so on. Pretty soon, of course, we will incinerate Athens. (laughter) That is an obvious absurdity, but it is something to think about. Let us say that in a row of houses man #1 feels it is getting a little warm, so he buys an air conditioner to pump the heat out of his house. This is the way air conditioners work, incidentally. The heat from your house is dumped into the little space between your house and the next guy's house, which gets a little bit warmer. Then man #2 buys and air conditioner and dumps his heat into the little gap between his house and the first man's. Then #1 has to buy a bigger air conditioner, and then #2 has got to buy a bigger air conditioner, and pretty soon both of them are mad from the noise these air conditioners make and the outside is too hot to live in. This is an actual experience of a friend of mine, who may be here in this room at the moment.

So, we have a little bit of a problem here. We would like to keep the world nice and clean, but we also like electricity. Indeed we do! We are using more all the time. So the problem, as Pogo said, is with us, at least some of it. There is also the great argument on the sites. Power plants are stinky, very stinky indeed if you happen to get into one near the exhaust stack. They are dangerous, too, if they happen to be nuclear power plants, although I think the danger of the nuclear power plant is a little bit over-rated. It is nothing compared to a nuclear war, for example, if you want to think of something dangerous.

All this is a little puzzling to me actually, this power demand, and for this reason I was pleased to find it was a little puzzling for lots of other people, too. When I began to look in the library for sources of facts and figures to throw out to you tonight, I discovered that lots of other people were puzzled too. The people at Cal. Tech. have a new environmental sciences group which is headed by a very competent man who used to be gungho on re-entry body problems; Mach 5, Mach 9, things coming through the atmosphere, ionizations occurring on the nose cone and all the sort of thing. He is now spending the time on environmental studies. The same thing is happening elsewhere. Some very eminent men at MIT who also used to work on missiles and such are working on environmental problems. And all of them, more or less at the same time, myself included with these august persons, began to wonder, "Gee, is it really *right* that we should be using four times as much electric energy in 1990 per person as we're using now? I am not living in abject poverty, so, what am I going to be doing in 1990 to require four times as much energy?" It is hard to believe. So, I started to check into this thing. The first thing I did was ask my wife for the electric bill and discovered to my complete astonishment, and that just shows how unaware we all are, that my electric bill is $10.00 a month. That turns out to be 100 watts per person in my house! Right then I began to think, "Hey, something is a little bit fishy." So, I multiply that by three, which is a guess at the conversion factor between the amount of energy used in your house and the amount of energy used for making the clothes you wear, the slide rule you have in your pocket, and all these other things hanging on to you or vice-versa, that require energy to be produced. It turns out that my family is using 300 watts per person. This is a very rough order of magnitude estimate. My family is using 300 watts per person at a regular rate. The average of the United States is 1,200 watts. Somebody around here is being a pig. (laughter) They are using four times, if my arithmetic is correct, what I am using, and I am not living in poverty. Incidentally, I am using ten times as much energy as many people in Europe, so I am a pig, too. Often, I wonder about all this. Is it really necessary to go on with this approach to infinity in the consumption of electric power, not to mention the energy for driving cars and so on?

It just seems to me a little bit weird that this 1990 projection could be true. In trying to find justifications for it I have come across an astounding prevalent attitude which strikes me as ludicrous. A very highly placed official in our government made this remark: "If tomorrow we were to suffer a cutback of 30% in electric consumption, it would mean the collapse of Western civilization."! He means that I am a collapsed civilization, you see, because I am already cut back much more than 30% from the normal! I don't feel that I am collapsed in any way. I am in pretty good shape, but the people who would build the future think differently. Many of you will say, "Oh well, the problem is that they are jamming it down our throats. It is really not that we're such a bunch of pigs, they're pushing it to us very, very hard indeed." And they are. If you read *The Athens Messenger* you can see advertisements for the total electric home, the clean home. The clean home is not very clean at all when you consider that the Poston power plant and its strip mines are very dirty. And for every unit of heat the electric company burns in their power plant, you only get one-third of the unit of heat to heat your house. So it is not only not very clean, it is also very inefficient.

Yes, it is easy to blame these people for selling it at us too hard, so I'm going to do it. Here is what the vice-chairman of the Board of the Executive Offices of the General Electric Company says, with regard to energy consumption, rate of increase, and so forth: "Electrical load in this country since the turn of the century has grown five times as fast as population, three times the manufacturing productivity, two and a half times total energy usage, and two times Gross National Product. What a record!" Then he goes on to say, "Few other industries face such a spectacular array of growth opportunities. Any one of these opportunities—home heating and cooling, automation, process heat, electrical living, industrial air conditioning, urban and inter-urban transportation, lighting up the whole outdoors (that's what I'm worried about), any single one of these opportunities would put the gleam of action in an enterpriser's eye." It would!? (laughter) Continuing, "If we press our electrical advantages, other aggressive competitors offering other forms of energy and other solutions will not pre-empt our places in the world of the future. There is no task more urgent," he says, "for the executive in the electrical business today than expanding the base of his business through aggressive market development." Well, that's very interesting. Then he goes on, "Looking at some of the forecasts and projections, one might be inclined to sit back, brush off the current problems as temporary, and pronounce with some smugness, 'We'll get our share.' But that's not the way this industry was built in the past. It is not the way we, the industry, will continue to develop in the future. Will that great vision come true? It will if we work at it, you and I, and everyone associated with this industry, if we work at it everyday."

What are we going to do, work at it? I'll give you a few examples of the way I'd like to work at it. For one thing, regarding thermal pollution, the abnormal heating of the rivers and the lakes, et cetera, there are many things we might ask the electrical companies to do. Here are some things we might ask them to think about rather than aggressive sales techniques. Instead of dumping the waste heat into the river, which is usually a bad thing to do, they could consider cooling towers, the great big things which release the waste heat into the air instead of the river. Isn't that almost as bad as heating up the river? Actually it isn't, the air being a more diffuse mass which dissipates the heat even more rapidly. The usual response of the power company is, "Now look here, this will increase the initial cost of our power plant. We can't afford to do that. We can't increase first costs. We have to give that consumer a minimum cost kilowatt." So, after sitting in the library a while, I discovered this astounding fact. If they did, in fact, use cooling towers rather than the Ohio River, and did not disrupt the life of the bluegill, and instead disrupted the life of the chickadee or whatever is flying over the cooling tower, perhaps less disruptive ecologically speaking but not as safe as recycling the heat, they would change my electric bill from $10.00 a month to the fantastic level of $10.25 a month! So, I might suggest that they try it out. I can also point out that the $10.00 fee I am paying per month for my electric bill is very much too small. It is *very* much too small. The cost/benefit ratio is much different from that. I would be very pleased to spend $20.00 a month for the electric services I am getting and hopefully have the mining companies and the electrical companies do something more sensible than rip open the hills the way they do. Of course, the justification for strip mining is economic. It is the easiest way to get cheap coal. This poses a threat to me personally, as a matter of fact, because I live on a beautiful piece of woodland outside of town that has a coal seam about one inch thick about forty feet beneath my house.

There are a number of other things we could do. We could ask them to think about alternate ways of generating their power. Nuclear power, obviously, is one. Fusion power is another, and a very good one, too. We could ask them to do lots of other things. We could ask them to think about solar energy; we could ask them to think about geothermal energy. By "think about," I mean invest lots and lots of money in it. The investment in all these things is trivial today. It is not impossible, although it is certainly not easy, to get power from the sun in large amounts. Although it might sound like a very weird scheme to you, I assure you that it is technically feasible to make a very large satellite which would collect solar energy, generate electric power in space, beam the electric energy down to earth, collect it in antenna fields and shoot it into the cities. This is definitely possible and has been posed very seriously with much scientific basis to the proposal. Instead, the power companies and the United States government are rushing pell-mell into the relatively inefficient nuclear power plants they are promoting at the moment.

We could do a lot of things right here at Ohio University. At this point I will proceed to, perhaps, deeply annoy a number of people who might be associated with the University. Those of you who enter any of our buildings, I'm thinking at the moment of the brand new Alden Library, have probably noticed that it is either way too hot or way too cold, not by small amounts but by very large amounts. When I walk into the library I discover that I must peel off practically everything I am wearing in order to stay alive. I asked the librarian why she didn't turn down the heat. She said, "God, I wish I knew how!" She's helpless in the grip of this monster that is frying her to death. (laughter and applause) In the decrepit old engineering building which I presently inhabit the same thing is true. There is no way I have been able to discover for modifying the amount of heat soaking into the chairman's office in the Department of Mechanical Engineering, or into my office. It is too hot **all the time in** the winter. In the summer when it gets beastly hot outside the standard procedure for the janitor is to run around and open all windows in the morning, so he can scoop up all the hot air during the day, and then quickly shut them at night to keep all that hot air inside so we can swelter the next day. So he is a peak picker! He is picking off the peaks of the temperature and jamming heat into the building, then keeping it shut so he has a maximum temperature building. If you look at temperature during the course of a day, it is sort of a sine wave—it is up and down, up and down. It goes up to 90 and down to 60, and then up to 90 and back to 60. Wouldn't it be better to open the windows when it's 60, grab all that cool air and keep it in the building? Then during the day when it's 90, keep those windows shut? Everybody would be moderately happy without air conditioning.

There are so many things we could do, and I am speaking now not of the power plants but of us as individuals. A friend of mine remarked that his heating system and air conditioning system got into a fight with each other. The heating system would decide it was a little too cool and jack the temperature up, and then the air conditioning would decide it was a little bit too warm and put the temperature back down. They pulled and tugged at the temperature, using kilowatt after kilowatt in fighting each other. My friend didn't know what to do about this. So, he just let it go, and the next month he got a fantastic electric bill. This lack of understanding besets many of us. We are wasteful of electric energy, extremely wasteful. Rather than simply try to pass bills against strip mining and lament the absurdity of the advertising which is trying to jam all this electricity down our throats, we could be doing very many more things. For example, it is safe to assume, that most of the young men in the room want to buy an automobile, a jazzy automobile that accelerates from 0 to 60 miles an hour in 12 seconds. This is a pretty good acceleration rate for anything but a hotrod. Assume there are two choices. Here is where you can come into the picture. You can buy either of two cars. I am not going to name them. This information comes from Consumer's Reports. One car weighs 4,500 pounds and, reasonably enough, it costs $4,500; the other car weighs 2,230 pounds, and it costs $3,500. It is not as good a buy in dollars per pound as the first one, which will turn a lot of you off immediately. It costs a thousand dollars less though, and it weighs 1,300 pounds less. 1,300 pounds represents that much less electrical energy and that much less strip mining in West Virginia or eastern Ohio. Think of it that way: not just the dollars per pound, but what it means in terms of the environment. Remember, both of these are pretty hot, jazzy cars. They both have the same interior room for passengers. The one that costs $4,500 is four feet longer than the other one and a foot wider. They both have the same acceleration. The bigger one gets 14 miles to the gallon on a steady trip, and the other one gets 26 miles to the gallon on a steady trip. Which do you pick? A lot of you will say, obviously, I'm going to get the one that gets 26 miles to the gallon, weighs 1,300 pounds less and costs a $1,000 less. But strangely enough, when the American people go out and buy a car, it very often turns out to be the car offering sheer size. Somehow Americans associate bigness with an advantage, and we see it all the time. When we buy the air conditioner or the refrigerator we get the one that has the most jazz on it; in one form or another, and we expend more energy. We burn up more coal. We do all of these things to gain essentially nothing but the deterioration of environmental quality.

After you have graduated from the university and are married, you may buy a house. Are you going to look at just the first cost of the house, which is what a very large percentage of the people do? Are you going to look not at the first cost, but at the cost effectiveness, to use the ghastly military term, or the benefits/cost ratio, and what it does to the environment? For example, are you going to buy the house that has no insulation and an electric heating system because it is much cheaper than the house which has very good insulation and a gas-fire heating system? That will be the choice that you have to make.

Well, here is what I am personally interested in doing. I am a gadgeteer. I like to think up gadgets. That was what I was born to do, and I think up gadgets all the time. Lots of other engineers are in my position of constantly thinking up gadgets. I want the chance to think up a few gadgets that conserve rather than expend power. I would like to use solar energy to heat the hot water in my house, rather than fuel oil; I'd like to make cars that carry people 40 miles on a gallon of diesel oil rather than 12 miles on a gallon of leaded gasoline. I'd like even more to work on transportation systems like the gravity tube train that uses less fuel than any automobile. I'd like to design houses that are comfortable and don't require much energy to heat or cool. I'd like to work on lights that put out 90% of their electricity as light rather than 95% of it as heat, as the 100 watt bulb does. I'd like to make a gadget that turns on the light when you go into a room, and turns it off when you leave. I'd even like to work on a sales pitch to get people to *not* want to light up the whole outdoors. But you must give me and the other engineers *a mandate* to do these things. The present powers that be aren't interested.

The electric power companies, as far as I can see, are not the least interested in selling you a refrigerator that would consume half the electric power of the one you already have. It is definitely possible to make such a refrigerator. It wouldn't mean any reduction in your standard of living in any meaningful sense. It would give employment to all those poor fellows who aren't making SST's, for example, and it would do something beneficial for the world. What must happen is that there be a market for this thing. You must say, "Yes, I'm willing to pay $30.00 more for the refrigerator. The refrigerator costs $250, I'm willing to pay $280 for a refrigerator that uses less electricity. The reason such an appliance is not sold now is that old first cost. That is the dominant feature in a man's mind when he looks at the refrigerator. So buy the one that is a little more expensive.

Getting back to the automobile example, if you are interested in lots of performance and an excellent ride, don't buy a big sloppy car. There are small well engineered cars that are shorter, lighter, have plenty of zap, but may be much more expensive. The reason that thing is expensive is *not* because it has scooped the iron ore from the Mesabi mine fields, not because it has used up all the coal in southeastern Ohio to produce it, but because somebody has done a lot of thinking to put it together. The cost of that car is not the things that break the environment. So, I would urge young people not to merely lobby against strip mining but to consider the actions in their own lives that will have an effect. I urge the government, the power industry, and the energy industry in general to spend much more time and money thinking about alternate possibilities rather than rushing further into a vast, echoing chamber of demand which they have largely, not completely, created.

I'm going to stop here and hope there are some questions. I want to toss in one final note. Young people have always impressed me. I think one of the great virtues of our situation today is that the young people are a lot more aware than the older people, and I have a couple of examples. I have three marvelous children who never cease to amaze and please me. Just a couple of days ago I encountered a thing which could be the motto for the coming generation perhaps. My eight-year-old son broke the shoelaces on his sneakers. Naturally he tossed the shoelaces into the wastebasket. He then went downstairs to the shoelace source, pulled out two more shoelaces and stuck them in his sneakers. My nine-year-old daughter, saw this. She grabbed those shoelaces out of the wastebasket, and she put a little note on them.

She has a picture here of the heinous crime of his throwing away the not sufficiently used up shoelaces. On the other side she wrote a variation of a very old theme and it is what I recommend to you. It says: "*Want not, waste not.*" (laughter and applause) Now I'd like to hear some questions. O.K.?

QUESTION. Is the transfer of electrical energy through overhead high tension wires an efficient method?

Mr. BEALE. Yes, it's more efficient than putting it in the ground, unless you want to go to very expensive techniques. That's a good question, however. It's like the one about the cooling tower. I mentioned that my electric bill would go from $10.00 to $10.25 if the electric power generators did not dump their heat into the rivers, but instead put it in the cooling towers. With regard to the transmission systems, if the power companies were willing to accept the need for underground rather than overhead transmission lines and went forward with the necessary research, it would increase my bill from $10.25, assuming they've already got the cooling tower, to maybe $11.00. I'm very willing to accept that cost, too. These are rough numbers, and I will probably be refuted by someone else.

QUESTION. Do you have any idea how much electricity is consumed each year in the United States?

Mr. BEALE. Well, you take the number of 1.2 kilowatts per person, and multiply it by two times 10^8 people. So that's 2.4 times 10^8 kilowatts. That's a lot of watts. I think those big numbers don't mean anything. What you have to look at is the individual consumption. Again, I want to emphasize that the individual consumption comes not only from the electric energy used in your house, but also from this University, the Ford engine plant in Cleveland, and all the other industrial things that are being done for you. Everything that you wear, everything that you use for transportation, everything that you eat, all the medicines, all the training, everything is associated with electric power. You have to recognize that. Obviously, you can't expect that we stop the production of electric power. It is far too great a good to stop. The message I want to get across is that it is doubling every ten years is just not necessary. It looks that way to a lot of people who have looked into the subject.

QUESTION. What would your cooling tower do to the atmosphere?

Mr. BEALE. It would dump a lot of water vapor into the atmosphere, and a lot of heat, too.

QUESTION. Would that cause any kind of atmospheric change?

Mr. BEALE. Yes, it would make a mighty muggy situation down wind of the cooling tower.

QUESTION. You made a number of comments on nuclear power. I assume that you were commenting on nuclear reactors. I was just wondering what the difference is in the radiation given off by a nuclear reactor and the radiation given off by this building?

Mr. BEALE. The radiation given off by a nuclear reactor, inside the reactor, is very fierce indeed. It could destroy you in a very short period of time, but it does not get out of the nuclear reactor in any significant amount. The radiation in this room is essentially light-weight radiation, the kind of radiation from a radio transmitter or the sun.

QUESTION. But outside of this building, when the sun is shining there is a lot of radiation. Is that the same kind of radiation?

Mr. BEALE. No, the stuff that hurts you is particle radiation, X-rays and so on. The nuclear power plants are carefully contained in very strong concrete structures which are designed, hopefully, to contain the worst possible accident. That is to say, in case somebody goofs, or some machine inside the control system makes a mistake, the nuclear reactor will simply melt and be doused by solutions designed to prevent an actual explosion. All this mess then occurring inside the reactor would be contained in this large pressure vessel. That's what that characteristic dome is. When you look at a nuclear power plant you see a big concrete dome. That concrete dome continues underneath, too. It is a very strong structure, and it holds the radiation in. There is a small amount of leakage from the nuclear reactor if there is an accident. I certainly don't want to accept the AEC without any criticism, but the AEC assures us that this is not particularly dangerous. I think I will agree with them until evidence is forthcoming to the contrary.

QUESTION. Is the nuclear reactor a very good source of power for the future, perhaps?

Mr. BEALE. Well, the nuclear reactors are limited in the same way that the coal plants are limited, that is by the source of fuel, the amount of reactors you build, the mining mess, and waste heat. The amount of energy available in the coal, in the uranium, in the hydrogen in the oceans, is essentially limitless. You can think of it that way. You can get as much as you want. But that is not what I am concerned about, which is what happens to our society. What happens to my world when you get as much as you want? That's the question. The Indians were denied their food source by *the* killing of the buffalo, and then they themselves were annihilated. Their way of life was in the way of the people who were moving in. As something like that is happening today, I don't want to exaggerate this point but I feel myself to be sort of like the Indian. I am living on relatively low energy consumption in a very pleasant environment out in the country, and these energy pigs are starting to rush over me. If the consumptive society goes on and on, more highways, SST's more 25-foot long automobiles, my way of life is doomed. You might appropriately remark that by the time this gets to me I'll be dead anyhow. But I'd like to think it would be possible for other people to live my sort of life in the future.

QUESTION. You stated that one percent of the power used today comes from nuclear reactors, and by 1990 it would be twenty percent. Do you feel that this is normal progression? If not, what seems to be the problem? And why wouldn't we have more nuclear power by 1990?

Mr. BEALE. You mean more than twenty percent? (Yes). The power industry is stretched to the limit to produce these power plants. They are running at a very high rate of speed to develop, to site, and to put into action this twenty percent of the 1990 load. They are working at a very rapid pace.

QUESTION. That would be normal, or good, progression?

Mr. BEALE. Yes, that means they are working very hard. The power companies are indeed working very hard to produce more power all the time because the consumption rate is going up so rapidly. But remember, nuclear plants are also associated with pollution and are dependent on an oil-based economy. I want to add one other thing. If you have an exponential progression of this kind, doubling every ten years, it makes a very great difference whether you double every ten years or every twelve years in the actual amount of power that's produced. These numbers get enormous in a very short period of time. Right now the power people are assuming that we are going to double our use of power every 10 years. It takes a long time to make a power plant. So, they have to start their plants now. And if the people like you do *not* consume twice as much power, their power plant people will start *pushing* you to do so, otherwise they will not be able to recoup their investment. I personally hope that we will be able to realize this wasteful way of life, and show the world how to live better on *less* of everything, rather than live *worse* on more and more. We can do it, but right now not many people want to do it because almost everybody is very *uninformed* and very careless. We must inform them and they must care. Then we can do it.

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Mr. DOBSON. Let me remind you of the importance of writing to our legislators. The people who we need to touch at this point include Representatives Charles Kurfess, whose address is available at the table; Ken Creasy, who is the chairman of the Environment and Natural Resources Committee in the House; Senator Robert Stockdale, Chairman of the Highways and Urban Affairs Committee and Senator Clara Weisenborn. Those four people, in particular, need letters in support of the strong legislation which we will be discussing tomorrow. Although she is very convinced that strip mining needs to be controlled, Senator Weisenborn needs letters because she is the prime sponsor of Senate Bill 58, which has been assigned to the Highways and Urban Affairs Committee. Senator Weisenborn needs good support throughout the rest of the state when her bill goes into the committee hearings.

Everything you have heard tonight is, in a sense, revolutionary. We are defining "revolution" tonight, and we are not talking violence. We are talking something that many people have known for quite awhile. It has to do with caring. Young people know quite a bit about caring. Young people are quite sensitive to whether or not they are being cared for by institutions and individuals. Young people then, are quite qualified to speak of caring for the environment and of acting in constructive, perhaps revolutionary, ways. Now, a talk about the "Pollution Generation Gap" by a high school student from Belpre, Ohio, Stevan Needham. (app.)

PRESENTATION: "POLLUTION GENERATION GAP," STEVEN NEEDHAM, HIGH SCHOOL STUDENT, BELPRE, OHIO

Ed mentioned a revolution. It is an ecological revolution and, for it to exist in our society, it has to exist in each one of us. If revolution begins with youth, we cannot revolutionize only the society which already exists. If youth can develop greater environmental consideration among themselves, we will have this revolution for the ecological crisis we face. Here is a quote from Senator Gaylord Nelson. It explains very well how many of us feel: "The institutions we have created are destroying the livability of the whole world, and the young people know it. They may not articulate it well, but they sense it and they feel it." Young people have not been around long, and we have not participated in society. We are still forming our social habits. Hopefully, during this conference even, young people will become emotionally involved with the environmental crisis. It is not yet an issue to all of us. It is not like fighting for peace and freedom, which are humanly beautiful. Yet the first achievement on our list should be to save the environment and sustain our existence on earth. Freedom and peace are not possible unless we have an environment in which to sustain these ideals. Many politicians are beautiful because they consider environment an issue, and they get down to earth and work at it. But more than that, environment has to be considered emotionally. People look into their hearts. That is where caring comes from.

If you look at our homes, the millions of homes including shacks and tents in the overdeveloped countries such as America, you will find electric power and some other utility like water or gas. The previous speaker, Mr. Beal, told us some of the reasons for the electricity crisis that we face now. There are so many luxuries which we consider necessities! This causes some of us to think that any revolutionary approach to reducing our consumption will cause suffering. Perhaps we should choose to suffer a little bit. We should ride bicycles more because transportation, is the major source, 60 percent of air pollution. If we could ride bicycles on asphalt paths alongside the paved roads, the unpaved county roads and so forth, we could ride bicycles from town to town. People who are driving do not want bicycle riders on the street. They have thrown beer bottles and other tokens at us. Maybe special paths would help change things a little bit.

A couple of years ago, Russell Train challenged youth to consider the environment, and it is the most worthwhile challenge because there is a generation gap in fighting pollution. I have met this many times in my personal war against pollution. In the high school, for instance, I was trying to arrange an assembly. There was a speaker coming from the Ohio Public Interest Action Group. Our principal said he was glad I was in the war against pollution, but then he said the people of that area, which is Belpre, a very small town, very conservative, were really sick of the pollution fad. They have seen films and heard speakers, but that's all. To him that was a lot. We have been seemingly informed to do something, but informing people will not do any good unless it sparks some action. There is no way to spark action if you see a film, go home, and say you know it all. This happened several other times in trying to get a program started in my community. The people say, "Well you are awfully young." They give us this hash over and over; but we have to appeal to the older people, so I am appealing to them to consider their youth. What we often cannot put into words, older people must. Someday we will be able to articulate our feelings much better. Then, when it is our society, hopefully it will be a society more coordinated with the environment. Perhaps we will recognize our connection to the environment and not try to separate ourselves and look out into the smog while wondering what the other poor creatures are doing.

Everyday there are more people in the world demanding luxuries. I am challenging the older generation too. We need your assistance very much to help us get started. Will you stop and think of the need to change? I have been very hoggish in the way I used electricity, the way I burned trash in the back yard, and in thousands of things I have done wrong since I was born. Now I am trying to change myself. It is very hard because of existing society. It is very hard to evaluate yourself until you are a part of society. We don't want to create any chaos. We are thinking in terms of survival of the species, and we must all act together. Youth can spark this revolution and carry it through. Hopefully, by the time we are the older generation and our children have their society, the environment will be suffering no more devastation such as strip mining. There is a quote from *Ecotactics*, which is the Sierra Club book for environmental activitists: "You can't be serious about the environment without being a revolutionary. You have to be willing to restructure society." Thank you. (app.)

Mr. Dobson: Steve sat down in a hurry. Are there any questions? Okay. I left out someone in mentioning the letters to be sent. Senator Oakley Collins is our local State Senator. He is a strip miner, and he has said to me and to the League of Women Voters here in Athens that his constituency mail is of no matter to him. In spite of his indifferent approach, I think it behooves us to be positive and to snow him under with constituency mail asking him as a humanitarian to report a strong bill out of the Highway and Urban Affairs Committee. He would be assured of reelection if he did so.

Our next speaker will tell us something of the impact of strip mining in Ohio. He will be followed by a group of his own students who have done something rather incredible, something that I think Ken Hechler will have in Washington when his hearings come up on the abolition of strip mining. This professor studied zoology and his Ph. D. is from Cornell. He spent some years at Cal Tech. and is now associate professor of anatomy and biology at Case-Western Reserve University. Dr. Theodore Voneida. (app.)

PRESENTATION: "STRIP MINING IMPACT IN OHIO," THEODORE VONEIDA, PH. D., ASSOCIATE PROFESSOR OF ANATOMY AND BIOLOGY, CASE-WESTERN RESERVE UNIVERSITY, CLEVELAND, OHIO 44106

Thank you, Ed. A great deal of work goes into a conference like this, and I would like to express our gratitude to the ecology group here in Athens and to SCOPE for making it all possible. First, a few minor points relative to the presentations you have already heard this evening.

I agree with everything that's been said, especially the fact that our hope lies in the young people. I like to think sometimes that I'm younger than I am, and I see my children thinking the way I should have thought when I was their age. They have the right ideas, it seems to me. I like to believe also that I have been at least somewhat instrumental in helping to form some of these thoughts which they are developing. It's very exciting for an adult to be living in a world which is being looked at so seriously by younger people. I enjoy and remain in teaching for that very reason.

Mr. Hechler mentioned Larry Cooke, who, as you probably know, is Executive Director, or whatever title he holds, of the Ohio Reclamation Association. That's a very fancy sounding name, for it's actually the lobby organization of the coal industry in Ohio. You might be interested in knowing that Mr. Larry Cooke has just been chosen Forester of the Year, or Sportsman of the Year, by the Ohio Sportsmen's Association. I think that's a great honor. He's a real sport. Perhaps we should write to the Ohio Sportsmen's Association and thank them for that. Mr. Cooke told a reporter in Cleveland that he didn't like to be thought of as a lobbyist, but rather as a public relations man. "My job," he said, "is not to influence legislators, but to educate them so as to prevent trouble later on." It's a trifle frightening sometimes.

I was going to entitle my talk 'Less Power to the People," but I became concerned that it might be misinterpreted. When you consider the situation carefully, however, you soon come to realize that that's what we're really talking about tonight. Power-energy-fuel; where it comes from and how it's used. The value of this conference, I believe, lies primarily in the fact that it provides us with an opportunity to take a very serious local problem, such as strip mining in Ohio, and put it into an overall perspective. It is essential at the outset that we recognize what the basic problem is, namely, that we are running out of power. This problem is especially acute today because of two factors: One is the tremendous increase in the number of people—the population explosion. We have that to deal with and, of course, one could devote the entire conference to a discussion of that problem alone. The other factor is that there is a tremendous *demand* for energy. As Mr. Beale has pointed out, the energy demands are increasing logarithmically, and we've been sold the idea that we need all sorts of complex gadgetry, from great oversized cars to electric can openers and electric shoe polishers. There is an almost religious commitment in this country to over-selling a product.

The sophisticated persuasiveness which typifies the activity of many advertising companies is closely akin to brainwashing. They play on all of our weaknesses. You'd better have an air conditioner in every room of your house, for if you don't, someone down the street is going to beat you to it. We see it all around us. Look at the 11 o'clock news and see how far behind you are if you don't have an electric shoe polisher. How have we handled this situation? Let us assume for a moment that you are the president of the board of a major power corporation, whether it's Continental Oil, Peabody Coal, or any one of a number of other such companies. You know that there is this tremendous demand for your product, energy. In addition to that, you have the capability of increasing that demand far beyond the necessary limits by utilizing the very sophisticated advertising agency that you have at your disposal. You have sociologists; you have economists; you have psychologists; probably even a few Ph.D.'s floating around. But you also have a tool which makes everything else look like greasy kid stuff, and that is television. This extremely powerful tool adds a dimension to your oversell capability which staggers the imagination. Finally, and almost incidentally, you have the answer to all the problems that you are helping to create because you just happen to have an inside corner on the power market. You are capable of fulfilling this great "need" for all the megawatts of energy to run all the gadgets which you've told the people they must have. All that is necessary then, is to get this energy out of the earth, and (for a small fee) you will provide those people with all the power they desire. You have at your disposal highly automated equipment which can open the earth's surface to great depths. In an average surface mine operation the highwall may range up to 200 feet. In Wyoming there is one 2,000 feet high, but that can't be considered as typical—yet. You can literally move mountains to get this energy out, as we have seen in Kentucky and West Virginia, where entire mountains are cut in half, or indeed eliminated. You are, therefore, not only making a great deal of money for your stockholders, you are at the same time providing an invaluable service for all these people who think they need all these gadgets which are cluttering up their houses and highways. You are underselling the European coal market because very strong surface mining laws have been passed in Europe, with the result that your (American mined) product can be sold for less. This subsidization of the power companies by the American taxpayer is not only costing us millions of tax dollars, it is also contributing greatly to our own power crisis. If we need the coal here, why are we shipping it to Europe and Asia? Could it be that profits are the determining factor? In many cases, the return on the dollar in surface mining is well above 100 percent. Would you, as president of the board of a large power company, want to change all this? You'd better not, if you also want to remain as president of the board. Doesn't it appear, therefore, that the coal companies are actually *contributing* to the power crisis, rather than helping to alleviate it?

There is only one problem in all this. The problem is how to deal with this tremendous race for energy. The fuel problem is obviously a serious one, and it isn't a new one by any means. Wars from time immemorial have been fought for oil and coal reserves. This race for energy coupled with recent technological advances which make it possible to get the energy out of the earth at very, very rapid rates is resulting in an ecological disaster, the effects of which we have not begun to understand. Surface mining in Ohio has been going on since 1914, but the problems it creates today are of a different order of magnitude than those it created fifty years ago because of the very great technological advances which have been made during that period. There are shovels up in Belmont County which take 200 tons of earth with every bucketful. The dragline, *Big Muskie*, has a bucket which will house, simultaneously, three Greyhound buses. The cab is wider than an eight-lane highway. These are operated by a few highly trained men, so that relatively few jobs are provided by these massive operations. Their destructive capability, however, truly defies the imagination.

The only reasonable conclusion which can be drawn from all this is that the power companies have taken full advantage of the demand for energy by stepping up their advertising campaigns and increasing their output (and profit) at the expense of the land, water, and future generations. There is another, somewhat more subtle, effect here, which must be considered very, very seriously. The fact that power companies are presently capable of fulfilling energy demands by the rapid removal of fossil fuels from ever dwindling reserves has resulted in a false sense of security. The effect of all this is that very little is being spent on research which must ultimately provide the answers to our energy crisis. These answers are complex, but the problem can be solved. It will require, however, much, much more attention than we have been hitherto willing to admit. Several alternates to fossil fuels have already been proposed—the use of solar energy, the utilization of steam deposits deep in the earth, nuclear fusion, and others. These admittedly have limitations and drawbacks, but unless we are willing to fund research of this sort, we will have to continue to pay the much greater price of environmental sacrifice. There are dozens of people around, like Mr. Beale here this evening, who are dying to look for new ways of producing energy, and for better ways of utilizing and transporting energy. But they aren't being funded; grants are being cut off. The government is not putting money into this sore of research, which is very badly needed. Of course, the power companies and the coal companies are not putting money into it either. It would, indeed, present a rather serious dilemma to them if we did, tomorrow, come up with a new, self-regenerating source of power. We *need* to start looking for better means of providing power. Those fossil fuels which lie under the earth and which are being taken out at such tremendous rates have been there for a very, very long time. We're told that we've got to get them out quickly. My answer to this is that they won't go away. They'll still be there in two or three years or several hundred years. Perhaps someday we'll *really* need them, and we don't want to get caught with our coal down. I would suggest that we start our search for new power sources instead of being so anxious to get all these fuels out by destroying the earth and the people who live on the earth in the process. In short, I suggest that we slow down a bit and take a look at what we're doing, and what the long term results will be.

Now, I like to exemplify some of the general points of this thesis with a few examples of what is happening in Belmont County today, which is by the way, not atypical of that, which is happening all over this country. You'll hear tomorrow about the crisis in New Mexico and Arizona—the destruction of the Hopi-Navaho reservation there. I've read a great deal about that, and I'm very interested in hearing about it first hand. The area is being destroyed by the Peabody Coal Company, whom we all know in Ohio. Strip mining is ripping off parts of the Canadian Rockies in British Columbia, parts of Montana, Wyoming and other areas of the west are also being stripped. So it is a national problem. Don't get the idea that it's a state problem, or that it effects only Ohio, West Virginia and Kentucky, Pennyslvania or Indiana, though these states have been very hard hit. I want now to refer specifically to an area which my students and I have studied rather intently for the past six to eight months. I speak of Belmont County, Ohio, which was at one time a very picturesque region typified by gently rolling hills and many hardwoods—maples, oaks, and others, which are presently being turned under the earth or burned and eliminated from the surface of the earth. The resemblance to a lunar landscape is often cited. It is truly reminiscent of a lunar landscape in many parts of Belmont County, and I think we can demonstrate this in some of our slides. If you drive up to the area just behind Hendrysburg, Ohio; up State Route 800, and look at what's happening there, you'll see the Gem of Egypt with its 200 ton bucket-capacity shovel working twenty-four hours a day, 365 days a year, except for repairs. It is, by the way, powered electrically, with the result that it is quite silent when it operates, except for the crunching of the earth that it chews up. It creates highwalls over 200 feet straight up and down.

It indiscriminately dumps the spoil back with no regard for geologic strata. The effect of this on future plant growth is, in some cases, severe. The final cuts don't have to be backfilled, according to the present very weak Ohio law. As a result, we have hundreds of high walls which you can see if you go up to Belmont County or any of the twenty-eight counties in Ohio which either are being or have been stripped. This massive destruction which we will show you in the slides results in acid drainage and the leaching of minerals into the streams, into the lakes and into other valuable surface water. This causes a tremendous pollution problem, part of which we have documented in our study of Piedmont Lake. In addition to that, I want to point out another problem, which is perhaps more serious than any of the others. The problem to which I refer is the loss or very great reduction of water retaining capacity of the soil. The use of massive shovels, along with heavy dynamite blasts, so loosen the soil that the water literally runs right through, carrying with it, by the way, many nutrient materials which are highly toxic to plant and animal life (including humans). We found manganese, for example, in concentrations high enough to be totally inhibitory to plant growth. We're running more studies now on the effects of these substances on plant growth, and it is becoming quite clear that most plants just won't grow under these conditions. We can only guess what the long-term effect of this will be, but we really no longer have the excuse of saying that we don't know what *might* happen. We have our Dust Bowl to look at. There are vast deserts in other parts of the world which were once lush and exotic junglelike areas with a great abundance of plant growth. A county engineer from Southeastern Ohio told us recently that Belmont County would soon be a desert, and that we might just as well accept that.

In addition to the reduction or loss of water retaining capacity of the soil, and the related loss of wells, there is also severe erosion of the land and the great reduction in population which is now beginning to show up in these counties. Animal life tends to be less diverse or to disappear entirely from these areas. Most of us don't appreciate the importance of animal life to our own life cycle. If you go to heavily stripped areas, talk to the people. They will tell you that there are no longer any animals around; birds and foxes are gone; very few deer remain. Mr. Acton, who has lived in Belmont County for many years, told us about "his" turkey buzzards, which he used to sit and watch while they circled near his farm. "That may not seem very important to you," he told us, "but you know, it was very important to me. I watched them," he said, "and I did a lot of thinking during those hours. They're gone now, I haven't even seen a redbird."

In addition to the destructive nature of strip mining on the land and on the animal life, we must consider the effects of all this on people. Certainly the effect on the people is a very severe one. We are told not to think about that in our legal system. I've gone to lawyers and talked about some of the problems which people are suffering in Belmont County, and I always get the same answer. Our legal system is designed to sue for property damage. If you can show a broken foundation; if you can show a cracked wall, you have a case. We could easily do that, of course, but to sue for personal damage, now that's something else. There is very little precedent for it. It would be difficult indeed to sue for personal damage, even if the people in the area had sufficient funds to hire a lawyer. The effect on the people is a serious one, but we're not geared in our courts to take care of it. That means we are encouraged not to worry about the effects on the people. I firmly believe, however, that in any consideration of ecological balance, you must include people. We are a part of the ecology. Go to Belmont County and talk to anyone, particularly the farmers. Some of them are afraid to talk. Others will talk; they are getting desperate. I mentioned at the hearings in Columbus two weeks ago that when people get desperate they do desperate things. I referred to the fact that in Kentucky they are already beginning to shoot at bulldozer operators, and showed a picture from the *New York Times* of a human barricade across the road, blocking a great long line of coal trucks. If you back people up against the wall and threaten their existence, they're going to fight. You say, "Why are these people fighting? Why are they so concerned?" All you have to do is go up there aand look, and you'll see why they're so concerned. You'll see why if the legislators of this state of this country do not start to respond to what is happening to our people, there is going to be violence. Again we will hear the voices: "Why is it happening? Why are these students doing all these terrible things?" There is very good reason for it.

The stories are always the same when you talk to the people from heavily stripped areas. The Starrs are a good example. They built their house eighteen years ago, on a little rise, with a beautiful view out across the valley. Egypt Valley *was* a very beautiful valley, for those of you who remember it. That house is totally surrounded by stripping operations. Look out their front window, and you'll find the beautiful view of a high wall, 200 feet, straight up and down. They're starting to reclaim very quickly now because the legislature is in session and there is a good bill pending—House Bill 125—which has enforcement built into it, and which requires good reclamation. As soon as good legislation appears, there is always a lot of scurrying around here and there to cut down on the acid flow into the lakes, and to do a superficial facelifting of stripped land which has been untouched for years. The other day there were thirteen bulldozers lined up side by side in front of the Starr's house. It looks smooth now, except for the highwall which is still there, and which will remain there forever, and the strip pits which are still there, just over the edge, where you can't see them from the road. Get off the road a little way and walk—those of you in the audience who represent the coal companies, take your families out there. If you have children, take them along, and let them walk through the fields and trip over the deep furroughs which aren't visible from the road or from the air. Let them stay there for a little while and talk as we have, to some of the people who live there. I spoke to a man in Hendrysburg last October who told me that he had recently watched two dogs chasing a deer, and that he had seen all three of them go off a highwall. He later found all of them—dead, at the bottom. People are in danger, too, of falling off high walls. People drown in strip pits. I don't want to belabor this point. The fact is that these people are in serious straits. They have no legal recourse. They don't have money to hire lawyers. They don't know their legal rights, such as they are.

I attended a small meeting last summer, in which Mr. Ralph Hatch and his lawyer met with several farmers who had lost their wells as a result of the stripping operations. One man, who has five children, asked what he could do about the fact that he no longer had water. He was informed that he would need legal counsel, but that even if he obtained legal counsel, it would be very difficult to *prove* that Hanna Coal was responsible for the loss of his well. He got no more satisfaction than that from Hanna, and as of October, he had hand-carried six thousand gallons of water. Then the Hendrysburg Fire Department started to bring water in a tank truck and dump it into his cistern. Another man's feed business has dropped off by 50 percent in the last year. There are no farmers around to buy the feed. The population of Kirkwood Township dropped from 800 to 500 during the last census period. That is a tremendous drop, and most of those leaving are young people. No medical professionals will move in, so there is a growing medical problem in most of the stripped areas. The schools are deteriorating. The roads are being broken up by heavily overloaded coal trucks. Roads paid for by taxpayers' money are blocked off. Route 100 and a number of other roads in Belmont and Harrison Counties have been blocked, in order to facilitate stripping operations. Ironically, the few people who do remain are paying higher taxes for all these broken roads, strip pits, high walls and eroded lands. They are paying higher taxes because there are fewer people to pay the taxes.

I would like to speak briefly now to the two studies we recently carried out in Belmont County, My students worked very hard on these studies, and they are well documented. Unlike some of the reports which have come out relating to Piedmont Lake, we list our methods. The studies can be repeated, therefore, and I would encourage anyone to do so. It is impossible to repeat them exactly as we did them because already lots of changes have been made. We have seen limers suddenly rejuvenated, but you can still find many of the areas which have not been changed. Some of the statistics are rather interesting; highly acidic water, for example, continues to run into the lake from "reclaimed" areas. Some of the other data reported in this study have been referred to above. The second study, a socioeconomic assessment of Belmont County, reveals some of the hidden costs related to strip mining and the tax base. The downward spiral of the tax base in Belmont County is almost entirely due to surface mining. Add to that the fact that reclamation which is carried out many years after the mining has taken place will be done at the taxpayers' expense, and will cost many times what it would cost if done concurrently with the mining. House Bill 125 would require that the reclamation equipment follow 300 yards behind the stripping operations. This is going to save the taxpayers' money. You go in, get the coal, and get out. Don't come back; and start reclaiming immediately. It seems that if you must have stripping this is a rather worthwhile thing. Well, I don't want to go on here much longer, because I do want to get into the slide show. I would like to read a brief résumé of my thoughts on this entire situation:

I believe that present-day strip mining operations are resulting in ecological destruction which we are unable to assess adequately, or to properly evaluate. This lag between the effect of stripping and the evaluation of it results primarily from the great technological advances which have taken place over the last decade. That is a very critical point. I mentioned the use of shovels which handle over two hundred tons of earth per bucketload, with larger ones to come. These are causing changes which are not simply quantitive, but rather, qualitative. It is these qualitative changes which we must start to recognize and to deal with. Strip mining not only reduces our valuable land and water resources, it has a severe effect as well on very large numbers of people, most of whom have no recourse but to appeal for help to the very companies which have caused their problems in the first place.

The economic effect of strip mining is such that a few people benefit greatly, mostly stockholders who have never seen Belmont County, let alone talk to the people who live there. They are the true outsiders—the stockholders in Chicago, New York, San Francisco, wherever—who don't give a damn about Belmont County, except to make fantastic profits from it. Those people benefit greatly from strip mining. A few others benefit through jobs, but they are a very few when you consider that only 400 to 500 men are employed by strip mining in Belmont County, with a (declining) population of 80,000. In West Virginia, only one-half of one percent of the state's total labor force is directly employed in surface mining. *Most* of the people, I submit, benefit not at all. Other industries don't move into actively stripped areas, so potential jobs are not realized. There is a severe shortage of medical professionals in all these areas. The schools decline in quality, and for all this, the few who remain must ultimately pay increased taxes to compensate for general long-term reductions in the tax base. The present Ohio law is a very sad remnant of a bill which was introduced by the late Senator Ed Sargus in 1965. You might be interested in asking people in Belmont County what happened to Senator Sargus. People have interesting stories to tell about that. And we now have a law which was amended over seventy times as a result of its getting into the wrong committee (or the "right" committee, depending on whose side of the fence you happen to be). We are faced with a similar situation today. We have some reasonably good bills in committee right now, and there is a big fight going on as to whether or not these bills will be reported out of committee without being watered down into the sad remnants of the '65 bill. I think it's up to us to pressure the Congressmen at the state level, to push these bills hard and to vote for them in their present form.

I suggest that surface mining is destroying a great deal of this country, and it is destroying a way of life which has been lived by families in Belmont County since the late 1700's. It is destroying a whole way of life, and it is destroying the land in ways which we don't begin to understand. This kind of destruction of the land and the people is un-American. I'd like to suggest that some of the coal operators who are performing these un-American acts be investigated by the House Un-American Activities Committee. I'll end with the words of Woodie Guthrie, who truly loved this country, and who wrote prolifically about it: "This land is your land, this land is my land, from California to the New York Island." It *is* our land, and we must start realizing that, and doing something about it. We don't even have to assume an increased cost of electricity. Just reduce the profit margin by a few percentage points, and you have tremendous reclamation. We're supporting a good bill here for reclamation in Ohio because we feel that it is an important stopgap measure. It must be done, and done fast. The raping is going on at a tremendous rate up in Belmont, Harrison and other counties, as well as close to Athens. It will soon begin in Gallia and Lawrence Counties. We are supporting that bill, and we're supporting it strongly, but we realize also that a national bill is needed. I would strongly urge you at the same time you are supporting the state bill, to get behind Congressman Ken Hechler's bill. Write your Representatives and Senators in Washington, and support that bill, because the only way we're going to stop this total destruction of the land and the people by surface mining is to pass a law that will put a stop to surface mining, so that generations to come won't have to pay for what we have done. Thank you very much. I shall be happy to answer questions. (app.)

Question. Recently we've read in the local newspapers that the coal operators have taken out options on thousands of acres in Meigs County right down the road. Am I correct in understanding that that operation will be largely surface mining? Secondly, the thing that concerns me is that, I think some of the descriptions in the paper indicate the people are receiving this news in something of a boom spirit, a great return of economic wealth to Meigs County. Could somebody clear this up for me?

Voneida. Perhaps, someone else can tell you more about it. I read it in the papers, too. It seems to me it is a typically crass move by the coal company. Here we are right in the middle of legislation on strip mining and a lot of interest is being aroused and so on, then right in the middle of the hearings it is announced that here is a whole new area that is going to be surface mined. That is one of the most arrogant things I have ever seen. In addition to that it is announced, if you read the same article I read, that this vast operation is going to provide no less than seventy-nine jobs. That is what it said in the newspaper article I read in Cleveland; "no less than seventy-nine jobs." I don't call that an economic boom, and if you look at what has happened in West Virginia and Ohio, you see anything but an economic boom. You see counties which have gone down, down, down and they're left with a lunar landscape into which no industry is going to move because there is very little water remaining, which industry needs badly. I cannot believe that this would be an economic boom. If people believe everything they're told by the coal operators, perhaps they can be persuaded that it is going to be an economic boom. Frankly, from what I have seen of surface mining, it does not represent an economic boom, but quite the opposite. Seventy-nine people are getting jobs! I don't think that's an economic boom.

Question. It does represent an economic boom, of sorts, to those people who sell their properties to the coal companies, doesn't it?

Voneida. Alright, that's a very good point. The question is "It may well represent an economic boom to those people who have land to sell to the strip mine operators; that is, those few people who own farms having coal under them will make quite a bit of money. Indeed this has proven to be the interesting case; in some situations. I have likened this in a sense to blockbusting, which we often see in the cities. A strip operator moves in and buys one farm for a high price. I certainly don't argue with the farmer who sells that farm for a high price. It is a lot of money. The man who lives next to him is certainly going to hear very soon that the strippers are moving in, and he knows what happens when that occurs. It would seem to me that he would be willing to sell his farm for maybe a little less than the first man sold his. As a matter of fact, this can be documented. The third farmer, who now sees himself surrounded by strip pits, highwalls and so forth, knowing full well what has happened in all other counties it's happened in, is likely to be willing to sell for even less. I could imagine that there would be a rather downward spiral in property sales because of the effects of the strip mining in the surrounding area. Nobody wants to live in a strip pit. However, it is true for the few people who do have property to sell. There will be a short-term economic boom. Many people, interestingly enough, are refusing to sell. I know people up in Belmont County who just won't sell their farms. They just say, "Nothing is worth it. Our children have to live in this world." I have some really beautiful letters which I can describe only as beautiful letters from people in Southeastern Ohio who have farms which they won't sell. These people have written to me in Cleveland. One lady wrote to me and said, "Any of your students can come and live in our house this summer while you continue your studies in Belmont County. Our house is open to people who love the land, and there's a garden to eat out of." That was nice. She opened her house to these young people, and she underlined "rent free." So, we may just take her up on that. We get a lot of letters like that. These people said they absolutely would not sell their farm, although they are being strongly pressured to do so.

Question. Does the pending Ohio legislation have any effect on federal land, such as the Wayne National Forest.

Voneida. Yes, there is a clause which states that, depending on the decisions made by the Board, there would be certain areas in which stripping would not be allowed. It would have to remain a certain distance, though I don't remember exactly what that distance is, from those areas. It is not specifically defined as federally owned lands as I recall. I do have quite a few copies of the bill with me, plus an analysis of the bill, and I'll be glad to go through that with you. We can probably answer your question very specifically. I think it is within a one-mile distance from these areas that stripping will not be allowed.

Mr. Dobson. Zip Little would like to answer the question about the national forests.

Voneida. Oh, yes, Zip Little from West Virginia, Southeast Representative of the Izaak Walton League of America.

Little. I'm afraid I'll forget this tomorrow, so I want to tell you something. I think the Wayne National Forest comes under region nine. This would be out of Milwaukee, and Jay Cravens is the regional forester. You people from Ohio that he should answer to should write him and tell him that Ted Schlapper, the regional forester in Atlanta, has told his district foresters not to issue any strip mining permits on the forest under his control. Now that would be several states, including the Carolinas, Kentucky, and Virginia. I do believe we are on the master study, on the clear-cutting issue, in West Virginia. I think that you really should get on Milwaukee and ask why one regional forester is doing this? If they are strip mining on the Wayne National Forest, why are they being permitted to do that? Thank you very much.

Voneida. Thank you.

Question. You alluded to fear on the part of people in Belmont County to speak. Are they being intimidated? What is it that's causing this fear?

Voneida. In all honesty, I don't think they are being intimidated. They will tell you stories about others who are intimidated, right up to legislators. Whether or not these stories are true, one isn't sure. But you get the same story from every person. Perhaps intimidation has gone on in the past, as it has gone on in other states. I honestly don't know any cases right now where people are being intimidated. However, some of these people do work for strip mine operators. That is their livelihood. There are four or five hundred people in Belmont County who work for strip mine operators, and they know very well that if they should say something they are likely to lose their jobs. So they just won't speak. But there are many hidden reasons; people who have lost their wells, for example, won't speak because they live with the hope that the coal company might drill them a new well. This, of course, is highly unlikely, but it is an important hope if you have no water.

Question. Biologically, when you reclaim land is there any way you can reclaim the water? Can you clean up the acid that has been drained into it?

Voneida. You mean clean the water before it drains into a lake?

Question. No, once it has drained into the lake. Let us say the land wasn't reclaimed immediately. A year later you decide to reclaim it. There has already been acid drainage. Is there any way to correct the problem then?

Voneida. That becomes a very serious problem as we know in the case of Lake Erie, for example, which many would say is a dead lake already. There is fantastic nutrient drainage into the lake, and then you begin to get changes in aerobic and anaerobic relationships. We arrive eventually at what is called a dead lake. The longer we wait, the more difficult it is to restore. Trying to alleviate some of the problems before the water gets into the lake is best. The best answer is to stay far enough away from these lakes so that you don't get the drainage in the first place.

Question. Can we start the reclamation process while we are stripping the land?

Voneida. Yes, that is ideal, to start reclaiming concurrently with stripping. It can be done, and it is being done in Europe.

Question. What happens when you hit a natural stream? If you are surface mining and you hit a natural stream, your acid drainage begins at this point. You have to start to reclaim it or your problems get a lot bigger.

Voneida. Yes, that is a problem, and I cannot answer it. That is one of the reasons I am strongly advocating at least a temporary ban on surface mining until we can do some extensive studies and see exactly how to solve these problems, or if indeed they can be solved. Until we know that we won't be able to approach it in any intelligent manner whatsoever. We will resort to stopgap measures such as these ridiculous liming devices that throw lime in the water to neutralize the acidity. Unless we stop and let people like Dr. Ahmad and other good geologists and biologists look carefully at what can be done, I think we're going to be in much more serious trouble than we are in today. On Lake Erie we may soon be able to walk from Cleveland to Detroit, and we won't need any spiritual guidance.

Question. It upsets me and I don't have enough faith in the American system to think that list of people I'm going to write is going to do any good. All this talk is too passive because right now machines are stripping. We should blow up these machines. That would cause a hell-of-a-lot less violence than what they are doing right now to all animals, including us. I cannot see blowing up a machine as violent when compared to running out all the animals or seeing a deer and two dogs run over a 200 foot highwall. Man, I am really upset. (app.)

Voneida. I know how you feel. I really do. I have been up there for a long time, climbing around in those strip pits, and listen, I know how you feel. I gave up letter writing a few years ago on the Vietnam mess.

I gave it up, but I guess maybe I'm a cop-out. I started it again. Anyway, I was over in Columbus at the hearings. I looked around the room and I saw the strip mine operators sitting back there with smug, cynical looks on their faces, winking at each other. It made me sick. But I saw some of the legislators who were starting to respond, or I think they were starting to respond. I just ask you to give it one more chance. There are guys who operate those shovels who have kids. Give it a little more time. It's worth it. Nobody wants to blow up a shovel operator. I don't.

Mr. Dobson. Is Jack Loeffler in here? John, is Jack out there? Well, Jack Loeffler is from the Black Mesa area where the Indians are being ripped off. He has an outlook on this thing, and I wish he were here now to share this with you in relation to your question. Jack has been through a lot of things since dropping out back in the 1950's. He has an outlook that he will share with us tomorrow, and I hope you can make his rap. I wish he were here now to deal with your question because it is a good question. If you could have made the hearings this past week and, from my point of view, seen the committee expose a couple of opponents of the legislation who didn't know their stuff, one guy hadn't even read the bill, I think you would have felt good. At least the committee members in the House who are dealing with the bill now are on their toes, and I think they understand what you are trying to say. I think they are sensitive to that.

Voneida. I think it it time we get on to the slide show. I want to thank you for listening to me and the others tonight, and to encourage you to come back tomorrow because this is only a beginning. Some of your questions will be answered tomorrow. If you think it's bad here, man, you ought to see what's happening out there on Black Mesa. I would like to introduce very briefly Mr. Grier Graff, an architect from Cleveland who has been working with us and who will introduce the slide show. The students who have worked with me on this have spent a tremendous amount of time, thousands of hours taking pictures, developing them and putting this thing together. Several of them are in the back of the room. Jim "Sparks" Neely has the earphones on, and Grier's going to tell you a little bit about it so you will know what to look for. Grier Graff.

Mr. Graff. Ed suggested that a few of you on the edges would want to move in. These screens are facing the projectors and not the wings of the auditorium. You could probably see a little better. The slide show deals with two areas for which we felt a very deep concern. The first area is the effect on the land, and the second area is the effect on the people, or what is happening to the culture of southeastern Ohio. The totality of the situation is what we are trying to show in this program. We are using two screens. Some of the slides have facts printed on them. All these facts can be documented. With the slides will be music on tape. There is a speaker in the back of the auditorium. Some of the things that you are going to see are over-burden (which is anything that lies above the coal seam that must be removed to get at the coal), active mining and the creation of spoil banks and high walls. The enormous equipment, which, as Dr. Voneida mentioned, is qualitatively different from that used eight to ten years ago, the small drag-lines and the miniature power shovels that were used in the early operations of strip mining. This stuff is huge! An article in the Columbus paper within the last week and a half says that Hanna Coal is opening a new mine in Gallia County which will produce 750 thousand tons of strip mined coal a year, enploying only seventy-nine people. That should illustrate partially how enormous the equipment has become. You will see reclaimed land, some of which you might not be able to tell from active mining. Signs in some of the slides will often help you identify reclaimed land. You will see water pollution in two areas: strip pits which have lovely blue and green hues caused by copper and aluminum and other ions in the water. They are very heavily polluted. The streams often look muddy, and there is almost always acid mine drainage present. The other things you will see are effects on the lives of the people. You will see how close to the homes the shovels and other equipment come, the loss of wildlife habitat, houses shaken by blasting, cracking of foundations, blast holes left unused and open (these holes are 18 inches in diameter, and children can fall into them, even most of us could fit into them). Just before we see the slides I would like to express a special thanks to Dave Guthrie and to SCOPE for a grant that made this and the small slide show which we had set up down in the lobby before the program possible. Thank you.

PRESENTATION: "CONTROL OF ACID FORMATION AND MINE DRAINAGE," MOID, U. AHMAD, PH. D., PROFESSOR OF HYDROLOGY AND GEOPHYSICS, OHIO UNIVERSITY, ATHENS, OHIO

Thank you, Mr. Dobson. I am grateful to SCOPE and the Athens Ecology Group for inviting me to give this talk.

Before we turn off the lights, I want to show you the samples of coal which I have collected from the Athens area. This coal is oxidizing. You can see the white substance. This was lying in my office. If we pour a couple of drops of water on this coal, we could collect acid water. This is the pyrite crystal which is responsible for all this acid problem. This is a clay model in which I have shown a coal outcrop. We obtain coal by removing the overburden or going in horizontally. May I have the lights off? I will show you the slides, please.

This slide shows Appalachia and the streams which are polluted due to the acid discharge. About 13,000 miles of streams are polluted by the acid mine drainage in Appalachia. Many of them are not able to support the fish life. Figure 1 shows the streams polluted in southeastern Ohio. The polluted streams have pH less than 6. The water we drink is about 8 pH. The Hocking River watershed is polluted, and part of it is completely dead like Monday Creek and Sunday Creek. The Hocking River passes through Athens, and if you take U.S. Route 33, you will meet Monday Creek and Rush Creek on the way to Columbus. Collect a few samples of water and you will find acid. Because of this, there is no fish life there. Racoon Creek is another dead river. The Muskingum River is also polluted, but the industry is helping us a little by dumping an alkaline discharge and making it not so acidic as it might be. WQO have calculated that the Hocking watershed alone is producing 500 tons of acid every day.[1]

In the central states where the topography is flat, area strip mining is practiced. The contour strip mining is common in hilly southeastern Ohio. We remove the overburden in order to obtain coal. In the past, they did not have such big machines and could not remove much overburden, but they followed the outcrop and tunneled out the coal for miles inside the hills. This is known as drift mining and is classified as underground mining. Drift mines are producing acid discharge. This is an unnatural spring which has been created by drift and auger mining. This has caused havoc in many parts of Appalachia. Why it is happening? I showed the pyrite to you. This pyrite combines with oxygen and water (which is everywhere in water vapor form), and it produces sulphuric acid and ferrous sulphate. By a little complicated mechanism we can get ferric sulphate. We are concerned with the sulphuric acid. This acid can react with anything, like clay and sandstone, and it produces a lot of salts. The net results which we will see in the pollution, are acid, sulphates, iron, hardness, aluminum, arsenic, copper, manganese, sodium, potassium and recently we have observed mercury also.

Is there a typical acid discharge? No, and there is nothing typical in geology or hydrology. However, Table 1 shows four common types of mine drainage compared to drinking water.

The first class is called the Acid Discharge, where the pH is very low and neither fish nor any life could survive. Look at the acidity, sulphates and iron. Then let us see the extreme side where it is said that there is no acid discharge, for example, in parts of Belmont County. It is not that anybody has done anything. Nature has been very kind there. There is some limestone which neutralizes the acid, but it is polluted water. There can be some fish life due to favorable pH, but look at iron, and if that is not there, look at the sulphates. We could not drink that water.

Why it is happening? We are after the coal which contains sulphur. Remember that the pyrite content is generally not reported with the sulphur content, but sulphur content is related to the pyrite content.

There is a pyritic sulphur (FeS_2), and there is an organic sulphur. We are not very much concerned with the organic sulphur at the moment in our problem, although we are to some degree because the higher the sulphur content, the more the coal produces sulphur dioxide when it is burned.

There is pyrite content in the rocks stripped in Pennsylvania. The overburden contains little or no pyrite. Generally, the pyrite content is very variable, and is very difficult to predict. This coal is very good and we go after it. We are not worried about the shale in the overburden. This is what we have to watch. It contains 6 percent pyrite. Once exposed, it will start oxidizing and produce sulphuric acid. There is a classical example in Ohio—the Sheban mine, which produces havoc when it discharges acid water into the Meander Creek, which feeds the water of Youngstown, Ohio. They have impounded the stripped areas. This is only about seventy acres, and half of it has been reclaimed also. Yet the land that has been reclaimed is producing the worst acid discharge in the area. Here is the reason. The pyrite content above the coal is 1 percent. This is the part they call the acid sandstone, and this is what is causing the havoc in that area. They covered it up and reclaimed it. They have put lime and six inches of manure. There is a nice pastureland. It has been dammed, but still it produces enough acid to kill fish life almost every year. They have not been able to stop the acid production yet. Let us see why.

TABLE 1.—MINE DRAINAGE CLASSES

	Class 1 acid discharges	Class 2 partially oxidized and/or neutralized	Class 3 oxidized and neutralized and/or alkaline	Class 4 neutralized and not oxidized
pH	2–4. 5	3. 5–6. 6	6. 5–8. 5	6. 5–8. 5
Acidity, mg./l ($CaCO_3$)	1, 000–15, 000	0–1, 000	0	0
Ferrous iron, mg./l	500–10, 000	0–500	0	50–1, 000
Ferric iron, mg./l	0	0–1, 000	0	0
Aluminum, mg./l	0–2, 000	0–20	0	0
Sulfate, mg./l	1, 000–20, 000	500–10, 000	500–10, 000	500–10, 000

	Upper limit (parts per million)
Drinking water standards:[1]	
Lead	0. 1
Fluoride	1. 5
Arsenic	. 05
Selenium	. 05
Chromium	. 05
Copper	3. 0
Iron and manganese	. 3
Magnesium	125
Zinc	15
Chloride	250
Sulphate	250
Phenol	. 001

[1] Total solids desirable, 500; total solids permitted, 1,000 (pH 8).

Note: Cost of cleaning class 1 water by yellow boy capacity 240,000 per day, $1.00 for 1,000 gallons.

Source: Ronald D. Hill, Mine Drainage Treatment, State of the Art and Research Needs, WQO Cincinnati Ohio.

Let's look at this particular strip mining problem. This is what the configuration is before anything is done. There is the sandstone which may or may not contain pyrite and the shale which probably will contain pyrite. There is water in the sandstone. You could put a well down here and sometimes you may find a spring. Watch this point here. There is water in the sandstone above the coal and it is generally of good quality water.

This is the water the people use in the rural areas all over southeast Ohio and all over Appalachia. It is used by those who want to support a little farm. And what happens? We try to obtain the coal. The water level which was probably here is immediately depressed. The water seeping from the high wall is depressing the water table. No wonder you have heard the complaint from some guy living up there that his water well has gone dry. In no other part of the world can you find someone who is deprived of water just overnight like this! How would you feel if your taps were turned off without any notice? This is what happens.

Man decides to remove an overburden containing the pyritic material, which may vary from 1 to 20 percent or whatever may be the situation. These rocks were very well compacted over millions of years. The soil which has been built up over thousands of years is destroyed overnight. Then we create the spoil bank and want to do something with it.

Before stripping, the rain water goes through these sandstones. There may be a water table there, and there may be good quality water because the salts have been leached out over millions of years. If you drill a well here a good water supply is generally obtained. After stripping, we put this overburden upside down, but whatever way it is put won't make much difference. A large quantity of pyritic material is exposed.

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[1] Stream Pollution by Coal Mine Drainage in Appalachia (Cincinnati, Ohio: FWPCA), p. 157.

The theory so far has been that if you cover the pyritic material, put some vegetation here and grow some nice trees, no acid water will come out. This theory is not right. We can disprove this old philosophy. It says that by reclaiming the land, putting some manure and soil, you can get a good quality water. But once you have exposed the pyritic material, the air can get into this spoil bank no matter what you do. Pyritic material buried at a depth of 600 feet in Arizona is still oxidizing. We have been able to measure the temperature anomaly due to oxidation of this pyrite.[2] Those who are familiar with geology and hydrology know about the zone aeration and can very well understand that just like we breathe, the earth also breathes. The water and air can go through the rock. Even if you put the clay over the pyrite, it will break up or fracture sooner or later. It is just a matter of time. An investigation was done in Kentucky. The U.S. Geological Survey published a Professional paper 427-C recently and the pyritic material was deeply buried. For two years they did not get the acid discharge. After two years as they had predicted, the acid discharge came. The same thing happened in Sheban, but it is not so well documented. There are other documentations such as at Elkins, West Virginia. For the Environmental Protection Agency, Ron Hill has done some work in that area, and they put a lot of money into it. They covered these materials. They did a wonderful job of reclamation, and they studied the water quality before and after reclamation. The acid, the iron, and the sulphates are still coming and will continue to come as long as the pyrite is there. As a matter of fact when you plant, the roots allow the water to percolate more readily. Until the pyrite is leached out, it will continue to oxidize for generations to come.

There is another problem: drift mining and auger mining. In these mines we also expose pyritic material. Water from overlying rocks percolates through it. Thus good quality water comes out bad. We have tried to seal some of these. Documents show that in the 1930's there was an extensive program for sealing these mines. They thought this would cure the problem. We have been trying to do air sealing. With apologies to those who are concerned with these experiments, it is not possible to make a rock airtight. The result is that no single technique has yet been discovered to stop the acid production from these drift mines and dog-holes. The acid drainage has been coming now for fifty years and probably will continue for another 100 to 200 years or as long as the pyrite is there. I have suggested a solution: by discharging the water from the rocks above the coal into a lower aquifer, bypassing the mine, under the concept of "weeping well."[3] This method is yet to be tried. In this concept of the weeping well the water from the rocks above the mine is taken down to the lower aquifer. How else can we solve the problem?

Some other methods have been suggested. You have seen the problem of thousands of streams which are polluted. We have been told that neutralization is the trick! We are told this will remove the acidity, the iron, aluminum, manganese, and that it will increase the pH. But we have a problem of disposing the sludge. Again, we need more power if you want to do that! Reverse osmosis, electrodialysis, distillation, ion exchange, crystallization, all these methods would require the disposal of sludge, and we do not know where to put it. In any case let's see the cost of it. This is roughly $1.00 per thousand gallons, leaving out the capital investments which we have not calculated. This is where we stand as far as controlling the acid mine drainage. Could we have lights, please?

Let us look at another problem—mercury and coal. Unfortunately we have found that the cinnabar, the mercury sulphide, the most important mercury mineral, is associated with this pyrite. Fifty-five coal samples in Illinois were examined and they found the mercury at about .2 parts per million, and they have even obtained the same results from the coal samples in Ohio. (Illinois State Geological Survey No. 13, Feb., 1971). The Michigan Department of Natural Resources has reported that the coal in Ohio contains about .5 parts per million. Therefore, it appears that coal found in the United States contains mercury which may vary from .1 to 1 part per million. Strip mining and drift mining expose large quantities of coal and pyrite. This mercury finally goes into our streams and strip pit ponds. In Guernsey County samples were taken from the bottom of the strip pond, and WQO found mercury from 1 to 10 parts per million. This analysis was done by WQO. So we know that there is mercury associated with the coal, and some of it is going into our strip ponds, our streams, and if it is burned, it goes into the air and then falls into our water sources and other parts of the environment. The calculations have been made that roughly every year we are releasing 5,000 tons of mercury into our environment from fossil fuels, the greater part of it in the U.S.

SUMMARY. Let me try to summarize what I have said because some of it is a little scientific. Most of the stripped lands contain pyrite and, even if deeply buried and the land properly reclaimed, would continue to produce acid discharge or low quality water for generations to come. Large areas of the stripped lands could not supply good quality water. Rural water supplies are being threatened by stripping. Surface water supplies in large areas of Appalachia are already polluted by the acid discharge. Ponds and streams are being polluted by mercury, which is associated with coal and pyrite. No effective method has yet been devised to stop the acid production. If we continue coal mining uncontrolled, allowing strip mining and drift mining due to our electrical demand, we will damage the rest of Appalachia. Our future generations will find neither fresh surface water nor ground water. We still have time to figure out some solution. Thank you.

QUESTION. There are two essential concepts which are floating around. Their source is largely in the coal industry; those are restoration and reclamation. The people with whom I am familiar and work with in West Virginia suggest that restoration is impossible. What you are saying right now suggests that even reclamation is doubtful. Is that correct?

AHMAD. We will be able to plant as many trees as we want. We could do this in the desert also. I have seen it done in the desert. As we know in Minker's Run, although the Wayne National Forest Service is very efficient in planting trees, they have not been completely successful. There are areas where, due to the nature of the pyritic material of the soil, it may be very difficult to do a proper reclamation. Even if you do the reclamation, the land would continue to produce an acid discharge. The ground water would be polluted, and we will be polluting the surface waters for generations to come as long as all the pyritic material is not leached out.

QUESTION. You had a list of about six kinds of reclamation up there and I only knew the first one.

AHMAD. These are the techniques like neutralization, distillation, and ionic process. These are different techniques where you take acid water and try to clean it. You can put some alkaline in it, soda ash, and you will create some salts. You will increase the pH, and you would be able to raise fish there, but it would still have the sulphates which we will not be able to drink. The best method which we could apply probably is the distillation. You just heat the water, condense it, and that will be pure water. Then the question comes about where are we going to put the waste from this process? If we decided to use this method, where we are going to put these plants? Are we going to set them all along these streams in every niche and corner of the country? If we do it, we would need more power. Then we will be in the vicious circle which we will never be able to break. Is it the solution? I leave this question to you.

QUESTION. I heard they do not have this problem in Europe. What is happening there?

AHMAD. In England if you cut a tree, you are in trouble. Here you can destroy the forest and nobody bothers you. There is some stripping in England but most of it is underground mining. In Germany there is much strip mining but the overburden does not contain much pyrite. Also, they have developed excellent methods to reclaim the land.

QUESTION. I do not fully understand the problems of acid discharge. Why does it not occur in England?

AHMAD. Here most of the coal is mined above the surface drainage and the overburden contains pyrite. If it is exposed to air and moisture, it would produce acid drainage. We may have similar situations in England or Germany. There is some acid discharge but its magnitude is very small.

PRESENTATION: "STRIP MINING CONTROL IN OHIO," RICHARD LANCIONE, ATTORNEY, BELLAIRE, OHIO

I have been talking to so many groups favorable in their reactions toward what we are trying to do that I may tend to get even more informal than I should be with you. I understand from talking with Ed and Dr. Voneida that this group generally has had a very good presentation and has been very responsive up to this point on the problems that we have in Ohio. As Ed said, I am known as the son of A. G. Lancione, and I don't mind that. I am sure that a lot of the young people in the audience are still known as the son of whomever their parents might be. But I feel that by a lucky accident of fate I am in a position to be a little bit more effective than most people in my approach as a citizen to the legislature, and I have no inhibitions about taking complete advantage of that position. I talked about four hours with Dr. Murphy from the Ohio State University College of Law who made our presentation to the legislative committee and talked that matter over with him. He felt that I should be taking advantage of it and I should be frank about it. I have been accused of having a conflict of interest, and my father has been accused of having a conflict of interest because of my involvement with this committee that we call CCASM, Citizens Concerned About Strip Mining. If there is a conflict, I think it doesn't parallel Mr. Oakley Collins' conflict, so I'm not going to worry about it at all. (app.)

You have been told what strip mining is. You have been told where it takes place. But I don't think, up until now, anybody has talked politics to you. I am involved in politics, have been, and politics has been a part of my life as long as I can remember. My father first ran for the Ohio House of Representatives in 1946 and at the tender age of six I was staying up listening to the election returns. So I know what politics is in Ohio, unfortunately. The law right now is obviously inadequate. We have opinions from our Attorney General that have tied up the present director. I see Mr. Gebhart here in the back, that have tied him up so that he can't enforce the law, as it is on the books today. We had a situation down in Belmont County where they sent an investigator down. A strip miner had come too close to a road, he was arrested, and it made big headlines. He probably got $10,000 worth of coal out of that extra strip. He was fined $100 and he probably would say "I'd do this every day of the week." At any rate the law, as it is presently set up, allows these guys to go in and strip the land, leave the land unreclaimed and untouched for great lengths of time. When they do come back they leave what Dr. Riley from Kent State University said he didn't see anything wrong with, the high wall. This is what they leave: the beauty of the high wall and a 'gently rolling contour' interrupted by large boulders, tipples, rusting equipment, and acid drainage. So, at any rate, I will explain briefly, how the bill got introduced.

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[2] Geothermal Gradients, Recent Climatic Changes, and Role of Sulphide Oxidation in the San Manuel District, Arizona. (T. S. Lovering Economic Geology, Vol. XLIII, Jan. Feb. 1948).

[3] *A Hydrological Approach to Control Acid Mine Pollution for Lake Hope* (Groundwater, Vol. 8, No. 6, Dec. 1970).

In Belmont County, we have approximately an 80,000 population. We have had strip mining in Belmont County for a good number of years. Our county is two-thirds leased to coal operators; out of 384,000 acres over 200,000 are presently owned or leased to coal operators. We have the fifth largest county in acreage and quite a few communities. When you take out the acreage occupied by our cities and you say over 200,000 acres for stripping, there is not much left of Belmont County that is not going to be stripped.

In the last few years as cheaper coal became economic to mine, the doctors and professional people in the county who had $30,000 or $40,000 homes saw their landscape disappearing and began to be disturbed at all hours of the night and day by the blasting that goes on. They saw the reservoirs that supply water to the City of St. Clairsville, for instance, becoming endangered. The beautiful country roads that they drive came almost to the point where you can't drive on them at all. Huge deposits of mud built up and the roadways are breaking up from the heavy trucks. Often when a coal truck comes down, it is like a game of chicken to see who gets off the road. If you are facing a coal truck coming down one of these township or county roads in Belmont County you have to get out of the way. There is not enough room for a car and a coal truck. The people who became concerned called a meeting about a strip mining down in Bellaire and had about 150 people show up. From that group of 150 people, about 75 signed up to actively participate in a committee to do something about strip mining. That seventy-five people has grown to well over a hundred actually signed up and working down there now. We formed a legislative committee with three people. These three happen to be a housewife from Dillonville, Ohio, a stockbroker who lives in St. Clairsville but works in Wheeling, and myself. The girl's name is Carol Malesiak, the fellow's name is Howard Kelly, and we worked a long, long time on this. We took the laws of West Virginia, Kentucky, Indiana and Pennsylvania, and we took the so-called law of Ohio. At our first meeting we threw the law of Ohio out the window and started from scratch.

Some people have asked us why we formed a new division to handle the enforcement in the procedure we set up. This was because we started from scratch. The law was so bad that you just couldn't work with it. With the aid of my father I took advantage of my position as son of the minority leader. We had a bill drafted through the Legislative Service Commission, and we had it introduced. Then we picked up twelve sponsors in the House. A. G. Lancione didn't introduce the bill alone. He introduced it with six other Democrats and five Republicans. These people had to have a little bit of courage to put their names on this bill in the first place, when you figure the amount of money the coal industry is already spending and is going to spend in trying to defeat this bill. So, the bill was introduced. We have had proponents' hearings. I have been told by lobbyist experts down there, and I have been in the hall so much they think I'm a lobbyist, that the proponents did one of the best jobs on the presentation before committee that they had ever seen. One of the most professional jobs! This group of amateurs who are concerned about our environment got up and did a heck of a job. We had volunteers. We had a fellow come in to testify from Washington who usually charges about $200 an hour for consultation. He ended up paying his own hotel bill, and didn't charge us for that. I don't know whether we have accomplished reimbursing him for his airplane fare or not. We spent from $200 to $300 on all of our proponents' testimony. This was meals and rooms and in most cases not including mileage. People drove there. Guckert and the others from Pennsylvania came in on their own, not even in a state car.

We are now in the opponents' testimony. They are doing a fairly poor job in their presentation. The first man they had testify was a fellow from New York who had not read the bill. He was a consultant who talked about our power output needing to increase four fold by 1990. The next opponent was a biology professor from Kent, and by the time he finished speaking he was the proponents' best witness. (app.) I enjoyed the way he approached the audience. He started kidding about the generation gap. He was talking down to the kids and trying to explain why he was even there instead of talking to the committee. He had to feel a little guilty talking in the presence of the college youth there.

Now I'm going to tell you about politics in Ohio. The people who started pushing this thing down in Belmont County were young. I almost am the oldest of the group that called the first meeting and started organizing this committee. There is one older fellow, he is 32 and I am 29. We called the first meeting and have been working together. We got a terrific response from people from 18 to about 34. They are the work horses, particularly the girls who are calling the meetings and getting the work out. The first reaction I got from a politician was from my father who said, "For Pete's sake don't get involved in that issue, it'll kill you." He said, "If you ever run for office, you're dead." I said, "Well, first of all I'm not going to get involved in it unless I get support from the people back here. And secondly, I don't care if I ever run for office." So, I don't have that much to lose. Besides, my father is 64 years old, and if he does run again, which is doubtful, he has the name built up so that I don't think that I'll be hurting him. So, that was his first reaction. Then we called the meeting and a lot of people came and we decided to put the work together. We started contacting people across the state, like Ted Voneida, who gave us a great amount of help and encouragement. We now have contacts at most of the major campuses in the state, and many other contacts. Then the bill was introduced. The second reaction that I got from a politician was, "You can't do it. It'll never get through. It'll never work. Give up. It's too tough." The reason they say it is too tough is because it is going to cost the coal operators about 50¢ a ton more, and profit is not a dirty word in the State of Ohio, believe me. In fact, profit is the only word in the coal industry. So when you talk about 50¢ a ton and you talk about a 300-acre farm and the amount of tonnage they get out of that 300-acre farm, they can afford to spend, and I am sure they have a budget for this little legislative thing several hundred thousand dollars or more. I didn't appreciate what we were getting into. I have been involved in politics, but I didn't appreciate what the lobbyists would do, what the legislators would do, or what the Ohio Sportsmen Association, their sportsmen league, would do. Larry Cooke is really a nice guy. I'm just so glad that they gave him that—forester of the year. I'm being cynical, of course.

We could have gone the demonstration route. In fact, it was discussed at the very beginning. People came into the first meeting and said, "Let's go lay down in front of the coal trucks," or "Let's go put a little charge in the Gem of Egypt and put it out of commission." And we, as a group, decided that about the only thing we would accomplish would be having people put in jail, and that any chance of a bill going through would be destroyed by that type of activity. So, we decided to go the system route. Now, after all we have accomplished, our local newspaper editorializes that it's all phony, all fake, and we are not going to get any substantial change in the law. Albert Dix is the editor of the *Times-Leader*. He said this in an editorial, and he owns about seven newspapers. This is the same guy that has written editorial after editorial telling us that we cannot resort to violence, we can't go to the streets, we can't try to stop things physically, we have to go through the system and use the system. So, we are trying to use the system. We have a bill introduced. We have good sponsors in the House and in the Senate: The next committee meeting is Tuesday, April the 13th. We are getting information to all the members of the commitee; they are well informed; they know the law; they know the bill; they can ask good, intelligent questions, and they do.

They pick up the phoniness as in the professor from Kent, right away. A group of young people has contradicted the irony of some of the older politicians and the older power-structure people in the State of Ohio. We have not gone to the streets, which they tell us not to do, but we have gone to the legislature, which they tell us isn't effective. So we face trying to be effective in the legislature. Just to give you the odds, there are twelve, full-time, well paid lobbyists representing the coal operators. Twelve of them are out there, eight hours a day, five days a week, and in the evenings, taking these guys out to dinner, entertaining them, talking to their constituents, against all of our paid lobbyists, numbering zero. We have none. We have twelve sponsors who have probably over 2,000 bills with which they are supposed to be concerned in the legislature. The main sponsor is also the minority leader and has a terrific time-consuming job. The coal industry has millions of dollars of income and great assets. They can throw in $90,000 for the Ohio Reclamation Association and not feel it. O.R.A. is their lobby, their official full-time paid lobbying group. The employees of the Ohio Reclamation Association have secretaries that do their typing, run off fine copies of all their material, while we have to go to church basements and borrow mimeograph machines to get our stuff out. Everybody that I talk to wants to help, and they want to know how they can help. A small amount of money is only enough to pay expenses. We have a small amount, we have about $300, I think, in CCASM, and we have promises of about $500 from other organizations that will help out. This is money we can use for paying travel expenses for those who can't afford it on their own. So money, unless we had $20,000, is not an issue and we're not going to shoot for $20,000. Twenty thousand dollars—we could open an office, get full-time personnel and all that stuff, but we don't even consider it. So how could they help? I know how hard it was for me when I was in school, and a lot of you are here in school, how hard it was for me to write letters home. I hated to write letters; if I wrote a letter once a month it was kind of like Christmas at home. I understand the girls are worse than the boys. Maybe there are a lot of girls here who will find it very hard, but the thing that I hear in the halls at the legislature is, "I've been getting letters on this. I think you guys have a good chance of getting a good, strong bill through."

Representative Voinovich, who is the vice-chairman of the Environmental and Natural Resources Committee is a Republican. He told me in the halls after the last meeting that he thought we had a good chance to get a good, strong bill through. I asked him about what letters he had been receiving, and he said he had received personal letters. He said everybody has been receiving letters. This is how you can help. You have to write letters to these guys. You have to talk with your friends back home. Maybe you have a doctor that you still go to back home, or your dentist, your parents, your friends, high school friends. The first time you talk to people who don't know anything about strip mining, it's like what happened to the group that was picketing up in Cleveland to outlaw stripping. Everybody thought they were trying to shut down Short Vincent Street and the strip joints down there. They don't know what you are talking about. But once you explain it to them, and you can do it on the first time fairly simply by referring to the destruction on the hillside by an atomic bomb or something, generally the people will agree that something should be done.

Now there is something else about politics, and this will all tie in together later, and that is that some Republicans in the House of Representatives have let it be known that they cannot allow our strip mine bill, House Bill 125 with a majority of Democrat sponsors on it to pass. The reason? There are obviously several members, Republican members, of the Ohio House of Representatives, who would like to run for governor the next time. They do not want to be susceptible to the charge that they weren't in favor of the strip mine bill. In fact, they want to be able to hold up to everybody this law and say, "I was a major sponsor on this environmental issue."

That is when they are talking to the garden clubs. When they are talking to the Ohio Sportsmen's League, they will talk about how they did not allow gun control laws to be passed. But environmental issues are big issues now. So, they let it be known that House Bill 125 is going to die in committee or on the floor or someplace, and they are going to introduce their own bill, and they have. It was introduced just last week, and it includes clay, sand and gravel and limestone mining, which, I agree, should be covered by some strip mining law, but not the coal strip mining law. Maybe clay is similar enough, but coal is a different story from the type of mining done for limestone or sand and gravel, because pit mining is just a big hole, while strip mining along the contour goes right along the hillside, taking it off cut by cut. So, the rules and regulations that make sense for coal mining do not make sense for these other types of mining. Also, they used the old law to start with. They did not change it as we have and approach it in a way that would include all the operation and reclamation. They still approach it as the old law does, basically from an inadequate reclamation standpoint. Some Republicans tell us that this is the bill that is going to pass. If it does, there are going to be some people once willing to try the system who are not going to listen to me talk about not going out in the streets anymore. I am not saying that as a threat. I am saying that as a fear because I know people who are so emotionally up-tight about this thing, who feel so personally involved in the devastation of the earth by this process of strip mining, that they are not going to sit still if this bill doesn't pass. There will be amendments to this bill.

There will have to be amendments to this bill because there are some mistakes in it. But people are not going to sit still for this bill dying in committee and a partisan bill coming out so that the Republicans can use it for partisan politics to run for governor. But that's where we are in Ohio! That is Ohio politics. We have made the strip mine issue the biggest issue to face this legislature. When I say we, I include all the people across the state who have been helping us. We can stop stripping, and we must be able to work within the system, or we are going to have a different form of government someday. So, I urge you to contact your representatives, one way or another. If you hate to write and you can't do it, when you go home, call them. Call your friends and have them write the legislators a letter. Just so you can't use the excuse that you don't know where to write, I have about fifty rosters of the Ohio House of Representatives with the names of all the members of every committee. If you are interested in having one of these, raise your hand. This young lady will pass these out to you. I will leave some on the table. If you think that this commitee has done a lot of work up until now, you are right. We have done a heck of a lot of work. But now the work really has to begin. Those who have been working will have to redouble their efforts. Those of you who have not been involved, if you really give a darn for this thing, now is the time. Maybe the system doesn't work, I don't know, but we are going to have to try our darndest to make it work. It is going to take some personal effort on your part. You are going to have to make yourself do it. I understand, Ed. that you have facilities here for letter writing in the back of the room.

I'm optimistic that we have gotten this far, and I'm pessimistic right now because the Republicans introduced that bill. We knew it was coming, but we had hoped it was stopped. The political situation in the State of Ohio is poor. We don't get a good reaction from the elected representatives when contacted by their constituents. It has been said on both sides of the aisle that if a vote were taken in the State of Ohio on the strip mining issue that our side would win 99 percent to 1 percent, and yet we don't know if we can get 51 percent of the Ohio House of Representatives. So, please, we need you now, so do it. Thank you. (app.)

QUESTION. Is it important to keep strip mining and the associated jobs for your economic base?

LANCIONE. Economically, and that's a subject in itself, it appears that the loss in job income would be offset by the continued levels of the tax evaluation of the properties and the other opportunities that remain because the land is still there. I'll give you a real quick example. We have dairy farms, producing farms. They say that all the land being stripped hasn't been used for five decades. That is baloney, pure, unadulterated, and I'd use a stronger term if it was not a mixed crowd. The fact of the matter is that we are losing some of our best land. One dairy farm that I personally know about was making $60,000 profit a year. It was about a 500-acre farm. The guy will get half a million dollars for the farm. He will take his half a million dollars and go to Florida, the coal operators will come in and strip it, and the money will go into the corporation. Belmont County ends up with a piece of land that is devalued, ugly, and nobody wants to live there or around there. So the economics, as far as I'm concerned, are entirely on our side.

QUESTION. Since reclamation may be impossible, given some of the previous statement by Dr. Ahmad, shouldn't we ban strip mining?

LANCIONE. We discussed this as an alternative also, and it appears to us that at this juncture in the State of Ohio that it is just not possible to pass a bill to outlaw strip mining. Perhaps in another couple of years it will be. We can't wait a couple of years in Belmont County. In a couple of years Belmont County is going to be one darn poor place to live. Although many of us, maybe a majority of us on CCASM, would like to call it the Concerned Citizens to Abolish Strip Mining, we don't feel that is a politically realistic alternative right now. As far as supporting it on the national level, sure. I think that we can. But I don't feel effective on the national level at all. There is a possibility, and we are working on it in the legislature, to get a moratorium on strip mining to allow a study period of several years. We think there will be an amendment introduced. If it gets a good response, we'll support it and stick to it, and try to get it through. But right now we don't think it has much chance.

QUESTION. What's going to happen to the bill in subcommittee?

LANCIONE. It depends on who is appointed to the subcommittee. The chairman, who is a Republican, Kenneth Creasy, will appoint the subcommittee. If the policy has been made in the Republican party to kill House Bill 125, we will know at that time. The subcommittee may be made up of as few as three, more likely five, members. When we find out who those five are, they are going to get mail, I hope, like they never thought they ever would in support of this bill. So, we'll know then. Now let me say this about Ken Creasy. He told me that he felt that the professor from Kent, Dr. Riley was the best witness for the proponents. And, he told me that the crowd, in getting a little bit noisy when Riley was speaking, underestimated the legislators' ability to see what was going on. Riley, obviously, was totally committed to the strip miners, I would tell that to him if he were here. He refused to give on valid points, and he had not even read the bill before he testified against it. How can you be against something when you don't know what it is.

QUESTION. Would you support a citizen-initiated referendum if your bill does not pass?

LANCIONE. I would certainly participate in any type of movement for a referendum if this bill didn't pass. But I have to add quickly that I am not going to cross that bridge until I come to it. Those of your who support us, I would like you to not cross that bridge yet, but use your energy in this matter now. Let us try to get it through this way first. If this bill doesn't pass, or if it gets through the House but is tied up in the Senate, we are going to have to counsel with Ed Dobson and Ted Voneida and other people across the state and make a decision as to how we are going to act. Then we are going to call on all the people in the State of Ohio to help us do whatever we feel we have to do. I don't count anything out at this point as far as what we have to do in order to get a good strong bill through.

QUESTION. You mentioned the bill proposed by Mr. Welker, which is a very weak bill and which is a very bothersome thing. It is the miners' bill, there is no question about that. Is it true that if the Republican party in the State of Ohio, and Mr. Welker is a Republican, sends out the word to its legislators, the legislators who are Republican will vote the party line, or policy, even though they might be in favor of your bill? Would they be obliged to follow that party line? That would be a devastating thing to House Bill 125. I would like to know how we can handle that.

LANCIONE. It absolutely kills the bill. The political makeup of the House of Representatives is such that we have forty-five Democrats to fifty-four Republicans. Obviously, they can control whatever they want. If Charles Kurfess says, "This is policy; vote for the Welker bill: vote against 125." Our bill is dead unless we can get to individual Republicans. The only excuse they might have would be in saying, "I am sorry I can't follow party line on this. If I do I'm dead in my district." We must make them believe that. That's what we have to do if they make this policy. We have to let them know that we are going to watch the way they vote. We are going to publicize the way they vote in their district. This is what we are going to attempt to do in the next week, through CCASM, by sending letters to all the members of the House and Senate.

QUESTION. When is the next hearing and would it be worthwhile for people to go over to that hearing? I know a lot of the strip mine people go to those meetings, and a lot of us have been going, but when is the next hearing and how do we get there?

LANCIONE. The next hearing is April 13, Tuesday, at 8 p.m. in the Ohio House of Representatives in Columbus. They start at 8 o'clock and they end at 11. You could get back here by one or so in the morning. You would be pretty darn tired. Is it worthwhile to go? Man, the strip miners have outnumbered us in every hearing but one. Yes, it is worthwhile to go, and it is also worthwhile to let people know that you are there. I don't mean by making noise in the committee meeting, but simply by your presence and the way you're dressed. They know that the guys with the cigars in their mouths and the suits on are the strip miners, and the young people sitting there with casual clothes on are there because of their interest in the environment. (app.)

QUESTION. Have you analyzed the Welker Bill? And can we get copies?

LANCIONE. We intend to do that. I don't have the house bill number. It usually is not printed right away. It takes about a week to ten days for the bill to get printed. House Bill 125 is out of print which is another good thing for our side because this makes it one of the big bills in the House. They told the committee members at the last meeting to hold on to their copies because they can't get them another one. By Thursday of this week I will have a copy of this bill, and we will begin analysis of it immediately to send out to the legislators. I am very disappointed that it was introduced because it does make the situation much more complex. The bill we wrote is fifty-four pages long. It is complex. If you have a copy of it and you read it, you will find out how complex it is. Now, we have to not only talk for that one, but against another one. The human mind can only go to a certain complexity, and I'm afraid we are getting to the limits. This may be their tactic. It is a lot simpler to go into the old law and amend it than to come out with a new law.

QUESTION. Is there any possibility of a massive reaction by the coal people if an abolition bill goes through in Ohio?

LANCIONE. That is one I hadn't considered yet, and I don't know if I can intelligently answer it. I imagine that the miners might decide to go to the streets. This happened the last time when Ed Sargus introduced his bill in 1965. He was physically threatened. We started out with a broad enough base that no one has been physically threatened up to this point. Some have been offered substantial employment benefits by coal companies. I can't understand what they might be trying to accomplish by those offers, but needless to say not every one can be bought by the coal industry. (app.) Initially, of course, I don't think there is any chance of that ever being introduced at this point. I would like to see a bill introduced to restructure our state legislature, and I would think that it might get a fairly good reaction across the state from anybody who ever tried to work through it because it's really gang-busters. Thank you. (app.)

Presentation: "The View in Kentucky," Mrs. Alfred E. Mattox, *Chairman, Strip Mine Committee, Cumberland Chapter, The Sierra Club*, Louisville, Ky.

The view in Kentucky depends upon who is speaking. To the three main gubernatorial candidates it is political hay. To the conservationists it is a rallying cry. And to the apathetic public it is something happening in a far distant place that concerns them little, if at all. There appears to be a consensus among all the current candidates that strip mining, at least in eastern Kentucky, is a major if delicate issue. Both Democratic candidates have been sympathetic to critics of strip mining. Both have been sufficiently vague so as to avoid any intense wrath from either conservationist or coal operators. The Republican candidate has the enviable position of no primary opposition, and he sits on his throne at public hearings and says nothing. Conservationist see the issue as a spreading cancer on the land, water and people of Kentucky. Fifteen years ago the idea of saving Kentucky from the ravages of the coal digging cranes was spawned. However, the unenforced 1954 statute was seen to be inadequate. By 1966 an aroused citizenry pressured the state into adopting a law labeled the toughest strip mine act in the nation. Nevertheless, after five years it is evident that 1966 law has fallen far short of its promise. Even where it is being strictly enforced the natural evironment is coming out second best. Kentucky strip mining has increased and the damage has continued.

Eastern Kentucky is a steep land with heavy rainfall—up to fifty inches a year in some places. When you dig up tons of loose dirt on a mountain side, it washes down. As one geologist who stood on a newly stripped and sliding mine stated, "They are arguing over the old and the new laws and they are forgetting the law stated by a man named Newton a long time ago." In western Kentucky vast areas are being stripped for the third time, leaving the top soil so intermixed that subsoil and rock that it will require a human lifetime for the earth to again support good vegetative cover, and then only if the coal operators will invest in the latest hydroseeding techniques and fertilizer and replace the reserved topsoil back on the recontoured land.

Perhaps the greatest concern of conservationists is the destruction of our waters. It has been said that if strip mining continues, the water supplies of over half of the people of the state will be rendered unfit for either human consumption or industrial use. We must then either abandon the region or pay the astronomical costs of trying to reclaim the water. Acid and silt are the byproducts of strip mining and the extent of the problem is enormous. FWQO has data showing 12,000 miles of degraded streams from mine acid drainage in eastern Kentucky alone, and this is in an area of low sulphur coal. It comes from both deep and surface mines. The problem is compounded by abandoned deep mines and orphan banks that continually pour acid into our streams and on our lands. But the most vicious effect of strip mining on our streams comes from silt. A recent study by the U.S. forest service in Kentucky showed streams on strip mined sites carried as much as 46,000 parts per million of suspended sediment, compared to a maximum of 150 parts per million in adjacent unaffected forested watersheds. New slope reduction methods have eased the problems of slides but have increased the area of the land disturbed by 25 percent, creating as much or more erosion. Silt destroys the stream and drastically alters aquatic life. Life in affected streams is being choked out or chased downstream into larger waters. Donald Batch, an Eastern Kentucky University instructor studying stream life, said that the welfare of insects and salamanders does not stir up much public sentiment, but in the food chain they are the very basis for higher forms of life.

Coal is claimed as the billion-dollar bonanza based on 125 million tons at $9 per ton average. It is Kentucky's biggest cash resource. Yet in the seven largest coal producing counties, per capita personal income ranges from about $1,100 below national average to almost $2,000 below. Very few local economic benefits accrue from the extraction of coal as evidenced by the lack of public services, the welfare rolls and low educational attainment in these counties. A severance tax has been advocated by many groups, but by others it has been termed as a license to mine. Employment by mining in 1969 was put at 24,546, but only 5,260 of that number were employed in surface mining. Underground mines provided more than twice the jobs per tonnage produced than all surface mines, and more than three times the jobs of strip mines. Strip mining in Kentucky generally does not hire the out-of-work deep miner, but employs imported workers from surrounding states whose skills lie in road building and construction work.

Almost half of Kentucky's coal production came from strip mining in 1970. Twenty-three thousand acres were put under permit for surface mining compared with 13,000 in 1969. This is a 77 percent increase in one year. The small, irresponsible operators flock to Kentucky to make their quick profits and leave. During the summer of 1970 permits were issued to over 100 new operators.

In Kentucky there are two ways to harvest coal says Dr. Wayne Davis, Professor of Zoology at the University of Kentucky. It can be taken in such a way as to provide employment and wealth for the people of the coal bearing regions while protecting the land, water, and homes and providing revenue for the various state, county and local governmental units; or it can be removed in a manner that destroys the land, homes, highways, wildlife habitat and water resources and in such a way that it costs the people far more than it returns in revenue. Incredible as it may seem in this apparently civilized state and nation, the latter method is used to produce an ever greater portion of our coal.

VONEIDA

Question. I have a question that has been bothering me more and more as I look at your slides. The more we get into this problem, the more devastation we see. And the legislators are not responding. Letter writing is good, but it became very clear to me as I watched your slides that Kentucky, Ohio and West Virginia once were extremely beautiful. We are trying to do what we can, but it is time for direct cooperative action. Why couldn't we do something like band together, those of us in Kentucky, Ohio and West Virginia, and form a group such as Appalachians to Stop Stripping. You can put the initials together if you want. A group like that, a thousand people from Ohio going over to join a thousand people from Kentucky with a thousand people from West Virginia and march right down there to the TVA plant or into a strip mine. If a little old lady 86 years old with a shotgun on her knee can be responsible for getting a law passed, what could three thousand people do marching over there and saying we are going to sit in this lousy pit until you stop it. (app.) Blacks were sitting in the back of buses in the South until some woman got courageous enough in Montgomery to stand up and say "I am going to sit in the front of the bus." Maybe we had better start sitting in the front of the bus, too. We have to take some direct action one of these days, and I think the time is now. Work on the bill, yes. Try to get laws passed, yes. But there isn't time anymore. You have a good law in Kentucky and look what has happened. It makes me sick.

MATTOX. Right. Let's talk further.

QUESTION. Shouldn't we push for a total national ban on stripmining?

MATTOX. I agree. Very soon the national Sierra Club will come out for a total ban on strip mining. They will help us produce a battle cry books, films, whatever we need, besides giving the support of a national organization behind this bill, proclamation, or resolution. There just isn't any more time. We have wasted many, many years working on laws and regulations. I just don't believe anything will be done unless we have abolition. This is what we want, this is what the states need, and the so sooner we can get together and accomplish this sort of action, the better off I think we will be.

Question. Do you get the worst acid from deep mines? I don't know much about acid drainage.

Mattox. Nor do I. Dr. Ahmad?

Dr Ahmad. In deep mining we go below the water table and have to pump out the water. This at times would be acidic water, there is no question, but this could be treated. There are laws to control this. As long as we are operating, we could treat this, and once we stop mining this water would not be coming out, and the water table would cover the acid-producing material. But in the drift mining or the strip mining we have no control. It is coming all the time. So this is one big difference which we should remember.

Question. Then you can control the deep mine acid?

Ahmad. Yes, if it is above the water table or if it is above the drainage. Sure.

Question. Why don't we consider all surface mining?

Mattox. Yes, let's lump it altogether and refer either to surface mining or underground mining. Surface mining is the term the operators use because it sounds so much better than "strip mining."

(Rest of the questions answered by others)

Question. Of the acid drainage that we are getting today, how much of it is coming from underground mines?

Ahmad. There is some acid water coming from the underground mines, but we are getting most acid water at the moment from the strip mining discharge. Several places where we are deep mining, there is an acid discharge. This we can control through treatment. Strip mining, drift mining, and the other surface mining are all responsible for acid drainage. If we want to solve the problem, we will have to tackle it as a whole.

Dobson. In the hearings Bill Nye, the Department of Natural Resources Director, suggested that House Bill 125 be strengthened to abolish auger and drift mining. Here is Zip Little from West Virginia, from the Isaac Walton League in West Virginia.

Little. Recently I came across some very, very tragic information in southern West Virginia. In southern West Virginia the water supply for human consumption is very scarce. In the last two weeks some members of our local chapter have found that a lot of the water that the people are drinking is coming directly from drift mines and is highly acid. There are water treatment operations, if you want to call them that, that are supposedly pumping this water to a tank on top of a hill for treatment. We found that it is not going there. It is coming down to a pond, and the people are using this directly. In some instances we found that one coal corporation was retaining four dollars and something a month from the miner's pay to cover his water supply treatment costs. What is this doing to the people's health? One man said to us, "You know, we have kidney disease like you people have colds."

Question. Can anyone tell the trace metal accumulation and what might be the effects of elements released by strip mining?

Dr. Perrin. I don't pretend to be an expert in trace metals, I have to become one because I am a site visitor for the NIH on trace metals study. But selenium, as you know, is one of the paradoxical elements. It is required by certain animals and toxic to other animals. It is capable of producing in experimental animals such as chicks the most horrible malformations. It is capable of producing in certain sheep malformations know as cyclopia, which are unbelievable and in which they have a single eye and abnormal brain. But these are very high quantities. What we don't know from trace metals studies are the effects of small amounts of trace metals over a long period of time. We have known a great deal about mercury since the time of Hypocrates, and of course mercury is supposed to be a metal which was used for the treatment of syphilis and a good many other bizarre disorders since the earliest times. You have known about diseases said to cause the falling of teeth, the falling of bones and the loss of hair. I didn't lose my hair that way, but someone suggested it. The important thing in conjunction with a moratorium on strip mining is a rather rapid intensification of studies on the effects of trace metals in the diet of man and other animals upon longevity, malformations, fetal survival, health and the induction of malignancies and chronic disease. We are beginning to worry about the effects of trace metals upon the hardening of the arteries. We are worried about the effects of trace metals upon kidney stones and chronic renal disease. I think these things are very mute. The problem, of course, is that our information is rather trivial, except in rather limited areas. Selenium, manganese, sulphur, certain quantities of iron, mercury, arsenic, cadmium, and a number of other trace metals have been implicated in human disease. But these have to be much higher doses than are currently available. What happens when a person takes in a certain amount of water containing mercury, or milk containing mercury, over a long period of time? I don't know. Many of us aren't milk drinkers anymore. Since the big strontium 90 scare even kids aren't milk drinkers anymore. That particular alarm has decreased rather strikingly, since testing has more or less been limited.

PRESENTATION: "POWER, POPULATION AND THE MYTH OF PROGRESS," DAVID BEDAM, PH.D., PROFESSOR OF PHILOSOPHY, ST. LOUIS UNIVERSITY

All environmental activists are familiar with what might be called the "blank wall" syndrome or the "yes, but . . . " syndrome You are talking to someone about a particular environmental problem. Maybe it's the population situation. You make what seems to be the painfully obvious logical deduction that, while we don't know *which* variables will become the limiting ones, or precisely *when* it will happen, we do know that in a finite world population growth will have to stop *sometime*. The person, who seems otherwise intelligent, replies, "Yes, but maybe we can live under the earth or the sea, or cover the whole earth with a mile-high building, or (and this is the ultimate technological fantasy) build a fleet of rockets and shoot the excess population into space. If you point out that, even if feasible, such measures only buy a little more time, you are flooded with more technological fantasies. You might as well be talking to a blank wall.

Those of you who have been working on strip mine control are no doubt familiar with the "blank wall" syndrome. No matter what you say, you are likely to receive an answer like this, "Yes I know that strip mining destroys the land, but don't you know that we are facing an *energy crisis?*" That's the magic phrase. "Energy crisis!" It builds haul roads and pipelines (maybe) in the frozen arctic, it dots the landscape with smoke-belching power plants and grotesque transmission lines, and it causes us to destroy 150,000 acres/yr. by strip mining in the United States.[1]

Some people talk of using other energy sources. This will be helpful in the short run, but as the Committee for Environmental Information in St. Louis has pointed out, regardless of the choice of fuel the present magnitude of growth in the electric power industry will exceed the capacity of the environment to absorb its wastes. Even if all the conventional problems of chemical and radioactive pollutants are solved, the ultimate problem will be the disposal of waste heat.[2] Or perhaps the sheer physical space for generating plants will be the limiting variable. No one knows for sure. But we do know that *something, sometime* will turn out to be the limiting factor. That's what we mean by a finite world.

Indeed we do have an energy crisis. But the crisis has two components: (1) inadequate energy production especially during peak consumption periods and (2) increased demands for energy. Those in the power industries would like us to believe that only one of these components is manipulable, i.e., the rate of energy production. They like to treat the demands for energy *as a given*—something outside the control of man—thereby evidencing a curious ignorance about the role of their own advertising departments in creating that demand.[3]

The strip mine problem is a particularly dramatic aspect of this general energy crisis. And I believe to understand the role of energy in human affairs is to understand the heart of the general environmental crisis. The fundamental purpose of this conference will be frustrated if we concern ourselves too much with solving the first component of the energy crisis by looking for alternative power sources. These will be helpful in the short run but in the long run we must analyze the second component, the skyrocketing demand for power. And environmentalists by definition must be concerned about the long run.

I suggest that we can analyse the crisis in terms of three interlocking factors: (1) the quantity and quality of the technology of the industrial revolution; (2) the world population increase; and (3) the myth of progress with its infinitely expanding expectations and its ecological ignorance.

First, we must avoid the simplistic error of being anti-technological. Senator Jackson described the anti-SST movement as "anti-technology." I think he was basically wrong. This may have been responsible for some of the opposition but for most it was a question of the *kind* of technology which the SST represented. It was a question of the social purposes to which we put technology. In fact, one of the most oft-repeated suggestions was to put the nation's engineering resources and skills to work producting an improved mass transit system. The evolutionary perspective also warns against being "anti-technology." Man has made himself in large degree by the elaboration of his tools. Man's evolution and the evolution of tools are only understood as mutually influencing each other in a complex feedback system. But man's advantage, his increasing ability to make and use tools, is also his disadvantage, his increasing dependence on these tools. There is no way of considering man apart from technology. But no one, whether industrialist or environmentalist, should forget this Janus-faced character of technology.

Man slowly and painfully built up a complex system of interacting with nature through these tools. The results were not always happy; we read of the ecological disasters which overtook some of the ancient civilizations and of the exploitation of large mammals by the North American Indians.[4]

But man was relatively puny and nature was elastic and forgiving. In modern European society, however, many forces were at work changing this ancient standoff. It culminated in the emergence of industrialism with its new energy basis: the exploitation of fossil fuels.

It was first coal and later oil that fueled this revolution. Since 1800 the energy available to industrialized nations has increased 100 times. The energy consumed by industrial nations in 1860 was the equivalent of 135 million tons of coal. Since then the rate of increase has been 4% per year. And it is now 5% per year. Even at the 4% rate by the year 2000 we shall need 4 or 5 times the amount of energy we now consume. The global ecological problem comes into focus if we put man's energy consumption into the perspective of his total residence on earth. Scientists express the total amount of energy

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consumed over a long period of years in terms of a unit called Q. which is equivalent to 10^{18} BTU or 37 billion tons of coal. From prehistoric times to 1850 mankind consumed an amount of energy equivalent to 6 to 9 Q. and from 1850 to 1960, 5 Q. R. J. Forbes, an historian-archeologist of technology, estimates that we shall need about 100 Q in the next century. Assuming that our total proven reserve of fossil fuel is 100 to 200 Q, we could, at the present rates of consumption, use up in a few centuries the fossil fuels which were formed over many millions of years. Furthermore, some scientists believe that these fossil fuels should be saved for use in the petrochemical industries rather than burning them as fuel.

The problem becomes even more disturbing when we consider the energy gap, or that 33% of the world's population consumes 82% of the world's energy production. An average South American uses only 7½% of the energy that you and I do. An Asian uses 2½%. Or another way of looking at it: an American uses 2500 times as much energy as he did 200 years ago, which means that, in terms of the common energy source of antiquity, we each have some sixty slaves at our disposal. This energy gap is increasing and cannot but increase the social and political instability of the international community.

We are using fossil fuels at an explosive rate with no guarantee that some day there will be no need for them. What must we say then about strip mining methods, such as the use of horizontal augers, which leave as much as 80% of the coal locked in the mountains?[5]

We who are beneficiaries of modern industrial society have hardly begun to analyze the impact of human affairs of this vast increase in energy consumption. A very provocative recent attempt at such an analysis can be found in Howard Odum's book *Power, Environment, and Society*. One of Odum's important points concerns the relationship between power and population. The most obvious thing we can say is that an increase in population leads to an increase in the demand for power, but Odum argues that the population explosion itself is fundamentally due to the increased availability of power.

Populations respond to cheap, high-grade energies with increased reproduction and survival which in turn accelerates demand. Many features of our culture and political life are presently geared to this acceleration—for example, the oil depletion allowance which encourages oil development by tax exemption. Such circular stimulation is called positive feedback and mathematically produces exponential shaped growth curves . . .[6]

Odum gives an example of how industrialization produces abundant food and thus stimulates population growth in a fascinating section called "Potatoes made partly of oil". The increase in available energy is used to build and power farm machinery and to manufacture agricultural chemicals. This has led to a great increase in food production but we must ask if the *percentage* of the world's population which is living on an inadequate diet has decreased since the new sources of energy production produced the new methods of agricultural technology. Those who defend the production of even more energy to feed even more people must reflect on the role which increased energy production plays in the stimulation of population growth. Obviously the only way to break this vicious circle is to implement rational methods of birth control, not keep producing more power.

These exponential increases in power and population have their intellectual counterpart in the modern idea of progress. For most of us the idea of progress is one of the givens of human existence. It is the intellectual milieu in which we live. The idea of progress has become perhaps the controlling idea or working faith of modern European culture. But it is a relatively recent idea. Ancient civilizations were dominated by cyclical conceptions of time which were incompatible with the idea of progress. The Middle Ages abandoned these cyclical notions for a linear or historical conception of time. But it was not yet the modern concept because the idea that man was only a temporary resident of this temporary world, with his true destination in a supernatural world, did not encourage any ideas of progress on this earth. Certain heretical sects, called Chiliasts, however, did talk of the establishment of a future thousand year reign of Christ on earth. History was seen as progress toward that future happy state.

Some scholars see the development of the modern idea of progress as a secularization of that Chiliastic position.[7] In the 16th and 17th centuries the idea that man could make progress in the scientific understanding of nature began to open up exciting new horizons. 18th century Enlightenment thinkers saw the possibility of social and moral progress based on science and reason. By the 19th century we see ambitious schemes purporting to describe the workings of an inevitable "law of progress" operating in all spheres of human and natural existence. The writings of Hegel, Marx, Comte, Mill, and Spencer, amongst others, set out to prove the existence of this "law of progress". These thinkers saw no limits to the potential expansion of the powers of man. In the 19th century the idea of Progress became the working faith of the majority of the educated classes. The optimism of the times was perhaps best symbolized by the Great "Crystal Palace" of the London International Exhibition in 1850–1851.[8] There ideas found particularly fertile ground in the New World. The feeling of leaving behind the mistakes and limitations of the European past and making a new civilization in the vast virgin continent of North America manifested itself in our sweeping goals and projects: conquering the wilderness, exterminating the Indian, and promulgating the doctrine of "Manifest Destiny".

We are beginning to see that the idea of progress has functioned as a myth in our culture. Like all myths, it served to unify our conceptions of ourselves and of our place in nature. It inspired us to undertake great projects and motivated us in the difficult times. It was for a time a useful myth and helped us to build a new civilization. It was successful in evolutionary terms because it was adaptive in helping us to occupy new ecological niches. But now we are coming to see that it is no longer adaptive and is in fact helping us to destroy the very habitat upon which our lives and our culture depend.

Still the myth has a very strong grip on our culture. Sometimes those who consider themselves to be the most "hard-headed" and "practical" are the most firmly in the grip of this myth of progress. The gentlemen of your local utility are probably among its most dedicated believers. The historical background of the myth helps explain its influence in our society, but it is going to be hard to break the habit of invoking the myth of progress. It is such an appealing myth. This myth appeals to our deepest psychological insecurities, our feelings of meaninglessness and powerlessness. The psychological foundations of the appeal of the myth of progress can be described in terms of Jean-Paul Sartre's analysis of man. Sartre believes that man, fundamentally, desires to be God. That is man wants consciousness without risk and security with the consciousness to appreciate it. For Sartre, this leads to the conclusion that man's existence is absurd because he desires this self-contradictory state. I would rather say that Sartre has analyzed a pathological condition. I think that the promoters of unlimited power production are pondering to this deep seated human self-contradiction of modern man. Power can provide the "good life" which is at once an intense experience but at the same time without risk.

The myth of progress might be called the myth of infinitely rising expectations. It is destructive psychologically because it tells the individual that he can expect increases in power and satisfaction without limit. It is destructive ecologically because it ignores the limits of the earth. It promotes what every psychiatrist and ecologist recognizes as a disease: uncontrolled logarithmic growth rates. And the physiologist recognizes it as a disease too. He calls it cancer.

What went wrong? Is it wrong for man to want to improve himself? Of course not. But the presently accepted idea of progress has three features which make it no longer adaptive: (1) the belief that progress is somehow inevitable; this fatalistic belief is expressed in the popular phrase I heard this morning on TV: "You can't stop progress"; (2) the habit of judging progress in terms of the mere consumption of material goods and power; (3) the idea that any kind of progress can go on without limit.

A viable concept of progress would (1) emphasize that it is man himself who decides the future direction of society and not some kind of fatalistic "law of progress"; (2) re-interpret the idea of progress in moral, social, aesthetic, (these are the areas in which we should be striving for progress), and intellectual terms; and (3) recognize that the limits of human psychology and earth's ecology eventually impose limits upon any progressive trend. Unless we can re-interpret the idea of progress and bring our population growth and energy consumption under control, mankind may turn out to be what ecologists call a "pioneer species". Raymond Fosberg explains that most organisms occupy a very definite, usually rather restricted, position on a scale that ranges from the pioneer types who inhabit raw newly available habitats to the so-called "climax" organisms of mature stable communities.

An important distinction separating these types is the duration of their occupancy of a habitat. The pioneer exerts a strong effect on its habitat and tends to change it relatively rapidly, soon rendering it unsuitable for its own further occupancy. The climax organism, on the contrary, does not bring about or further such change, but lives in such adjustment with its environment that it is able to occupy it relatively permanently without serious modification. Indeed, such organisms may even tend to stabilize their environments and maintain equilibrium with them indefinitely . . .[9]

Fosberg comments that as a species we have it within our power to fulfill the role of either a pioneer or of a permanent climax species. Modern man seems clearly to be following the role of a pioneer species.

Let me close with a story about some friends of mine. These individuals were rather small but also rather amazing. I am referring to the bacteria which I used to cultivate in test tubes. Their energy and optimism never failed to amaze me. Many times I took a few cells and placed them in a tube of fresh growth medium. They had a brand new world to exploit. And they exploited it with vigour, wading into the virgin forests of amino acids and turning them into the forest's products of protein, digging in the mines of carbohydrates, burning them for energy and dumping the waste acids into their little environment. Their population expanded at logarithmic rates. Progress had come to this cozy little world. But alas, it was only a little world. Within a few days there were no more amino acids or carbohydrates. And there was no place left to dump the waste CO_2, acids and alcohols. Some of

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Footnotes at end of article.

the more optimistic bacteria probably urged the colony on, saying that there was lots of space at the top of the tube. Some cranked up their flagella and swam to the top of the tube, but it seemed the acid wastes had penetrated even there. Some talked of escaping the tube into outer space; others pointed out the technical dangers and difficulties of such a plan, especially the desecrating effect of the atmosphere on non-spore forming bacteria. Meanwhile the growth had stopped and then a population decline began as more and more bacteria began to sucumb to their own toxic wastes. In the end the liquid of the test tube cleared as all of the dead cells settled to the bottom.

This little scene has been repeated thousands of times in bacteriology labs. But you might say, we have nothing to worry about; men are not microbes. Such a scene could only happen in a test tube. In that cozy little world. In that finite world. Thank you. (Applause.)

FOOTNOTES

[1] George Laycock, *The Diligent Destroyers*, (Doubleday, 1970), p. 133. By 1980 5,000,000 acres will have been damaged.

[2] C.E.I., "The Space Available," *Environment, 12,* (2) March, 1970, p. 2–9. See also P. & A. Ehrlich, *Population, Resources, Environment,* Freeman, 1970, 53–58. You are all familiar with the ads promoting "total electric living". One utility has taken a different tack, however; on February 19, the San Diego Gas & Electric Company ran an ad in the *San Diego Union* which called for conserving energy. See *Environment Action Bulletin, 9,* (12) March 20, 1971, pp. 4–5.

[3] Plato described the devastation of Attica because the destruction of the forest *Critias,* 110C–111D. See C. J. Glacken, *Traces on the Rhodian Shore,* (University of California Press, Berkeley & L.A., 1967), pp. 120–121. On American Indians see Peter Fa *Man's Rise to Civilization,* (Avon Books, New York, 1968), pp. 248–252.

[4] R. J. Forbes, *The Conquest of Nature: Technology and its Consequences,* (New American Library, New York, 1968), pp. 79–81.

[5] Laycock, *op. cit.*, p. 138.

[6] Howard T. Odum, *Environment, Power, and Society* (New York, Wiley. Interscience, 1971), pp. 51–52. The increase in energy production is, of course, not the only factor involved in the modern increase in population; others would include improved methods of sanitation and medicine.

[7] See Ernst Benz, *Evolution and Christian Hope* (Doubleday, Garden City, New York, 1966), pp. 61–63 and C. G. Von Weizsacker, *The Relevance of Science* (Collins, London, 1964), pp. 171–172.

[8] William Barrett, *Irrational Man* (Doubleday, Garden City, New York, 1958), p. 122.

[9] Raymond Fosberg, "The Preservation of Man's Environment," *Proceedings 9th Pacific Science Conference,* 20 (1958), pp. 159–160.

PRESENTATION: ENVIRONMENTAL RESPONSIBILITY IN APPALACHIA, GROVER C. LITTLE, JR., SOUTHEAST REPRESENTATIVE, IZAAK WALTON LEAGUE OF AMERICA, KENOVA, W. VA.

I want to congratulate the Athens Ecology Group, Scope, and certainly the participants who have preceded me on the program. I am not trying to flatter anyone, but the people whom you have heard probably are the most knowledgeable people on the subject of environment . . . and certainly the most capable people in making a point. I am sure that you are learning a lot from this, and, I hope, being motivated to some action.

I would like to make a confession. I prepared a talk, wrote it in longhand and finished it at midnight on Saturday night. It was really good, for me. Then I ran off and forgot it, but I am glad, because everything in it has already been covered, and I really would have been stuck. In talking "off the cuff" we are more apt to say what we should say rather than trying to rationalize what people may want to hear, or alibi ourselves out of personal commitment.

If there is any one reason why I came to this seminar it is because the proposal said that this is not going to be just another commercial . . . it is going to be *Action Oriented.*

If you will give credit for having the courage, I will pass along a joke from a "square" to the college community. I read this in the Reader's Digest sometime ago, and it has stuck in my craw ever since. It was in the laughter section, and it might be funny, but it has a good point. It seems in the Pacification Program in Viet Nam that we were trying to help develop within the agriculture program certain species of cattle. The Vietnamese wanted the very best breeding stock that the United States could send there. So our agricultural experts searched all over the country until they found the prize bull. Of course they found it in Texas. So they sent the prize bull to Viet Nam to be in the Pacification Program for breeding stock purposes. When the bull arrived there, a corral was built, and they put the bull in with a number of heifers. All the experts and technicians gathered around trying to encourage the bull to carry out his commitment. He just bowed his head very nonchalantly, he seemed not at all interested. So finally they decided that there was just one thing left to do, and that was to send back to Texas for the owner . . . and this they did. The owner flew over to Viet Nam, walked through the crowd of technicians and professionals surrounding the corral, climbed up over the fence, walked out and looked in the bull's eye. Then he whispered something in his ear and walked away. He no more than climbed over the fence before the old bull got aggressive and the heifers took off in every direction, the bull pursuing. As the owner started to walk away, everybody began grabbing him and said: "Wait a minute. We are all professionals, and we tried everything in the world. What did you do to that bull?" And the rancher said: "Nothing. He misunderstood the whole thing. The damned fool thought he was sent over here as an advisor!"

Quite frequently when we are at these seminars, we all develop into advisors. Obviously, the point is that we need action from each one of us. We need to become activists, not just speakers. When you leave here, determine that you are going to do your own thing, no matter how small, to improve the environment. That is what our being together today is all about. It gets right down to the individual. Somebody always has to keep the store open, and that is the point I want to get across more than anything else.

I sense from this conference that we are seeking a new concept, a new philosophy. Essentially we are entering the age of environmental justice. One of the things that we are learning about environmental justice is that the devastation from strip mining exceeds the right of mineral ownership. . . . I believe all of us are in agreement on that point. I think this whole thing is based on my not being allowed to affect my property without considering my neighbor.

I would like to follow up one of the morning talks concerning the bill now under consideration by the Ohio Legislature. I haven't seen the bill, but I have heard from various sources that it is a very good one. I sincerely hope that it passes during this session of the legislature and, in the process, is not weakened. It is very common that conservationists who have been involved in the strip mining issue, from a legislative standpoint, often overlook something just as important as the bill itself . . . that is the provision for enforcement. Enforcement provisions are called rules and regulations. This you must pursue following passage of the strip mining bill. Rules and regulations implement the law. If you have a strong law with weak rules and regulations, you may as well have no law. The rules and regulations provide for putting what's on paper into practice. So, when your law passes, visit your Department of Natural Resources, the Reclamation Division and whoever else may have a hand in it . . . insist that the strongest possible regulations be drafted. Contact people who know about the weak points to watch for and the strong features that must be included in order to have strict enforcement of the law.

Here at this seminar, I have been asked frequently why the bill to abolish strip mining in West Virginia failed. It was suggested by some that environmental groups were weak in their efforts or the bill did not have enough popular support. Obviously, since it didn't pass, it certainly did not have enough support. Support means many things. One can work quietly, one can stir up groups and motivate them to action, one can . . . in his own area . . . get people involved . . . in the barber shop, in the restaurant and the beauty shop This is support, and we had a lot of conservation and environmental people doing these things. Active lobbying we were short on, yes. For many of our people, this was their first effort lobbying in the legislature. But out of the West Virginia furor over the strip mining issue came the fact that as one walked the streets, during the heat of the strip mine fight, a person who never before thought about the environment, a person who never thought about strip mining stopped to talk. The subject was strip mining. No matter where one went, people were encountered who wanted something done about it. Ninety percent of the people said that they wanted stripping abolished . . . and the remark "They are tearing West Virginia apart" was heard everywhere.

The public awareness effect that came out of our effort in West Virginia cannot be measured in terms of regulations or words in a law. The fact is that the groundwork has been laid with most responsible citizens in our state, and we can say with confidence that the future for strip operators in West Virginia is a bleak one.

The effort put forth in our state is going to be of tremendous help to you in Ohio, to you in Kentucky, Tennessee, Mr. and Mrs. Jarrett from Indiana, and all the other fine people with whom I have met in the halls and talked.

In the West Virginia strip mining fight just terminated, the students let us down. I am sure that Norman Williams, seated in the audience, who serves as Acting Deputy Director of the West Virginia Department of Natural Resources, agrees with that statement. Now, they may throw me out the next time I speak at a university or college back home, but I think not. I think that you can always level with students. The student action was too localized and in most areas did not exist. The greatest student effort came from West Virginia University in Morgantown. I know of no real action around Marshall or Concord or Morris Harvey. There could have been considerably more interest expressed by the students. It might have made the outcome a different one, or at least a closer decision, in the legislature.

I am not criticizing any particular student group, but I am pointing out how much you are really needed as individuals and as organized groups.

There are three concepts I would like to impress upon you: involvement, pursuit and time. We need to become acquainted with them if we ever hope to be successful in our efforts to contain strip mining in Appalachia.

Now, involvement . . . we are involved here. By attending this conference you are involved. But without pursuit, it means nothing. Pursuit means action. So involvement, then pursuit, then the other element . . . time. If you don't have the patience to dig in, the time to sacrifice, to give of yourself, or if you want to start at a level that you don't understand, that is over your head, you are going to be of little help! There are many things that need to be done locally, such as a student sitting down and ferreting out information that can be valuable to conservation groups, to your legislators and to the public. And there's no better time to start seeking our help for passage of the Ohio Legislation to control strip mining. Begin now to gather information that will assure strong rules and regulations to implement that law.

In his message to the 89th Congress, former president, Lyndon Johnson remarked: "We see that we can corrupt and destroy our lands, our rivers, our forests and the atmosphere itself . . . all in the name of progress and necessity. Such a course leads to a barren America, bereft of its beauty and shorn of its sustenance." Appropriately enough, these words can be found on the cover of a report by the Department of the Interior entitled "Surface Mining and the Environment." When we see the ripping apart of the earth, the destruction of our mountains and our watersheds, we are indeed living and witnessing an epic of tragedy. Strip mining makes a mockery of our every effort to provide sound conservation practices and a quality environment for our region.

A young forester, who flies quite a bit, recently said: "You know, I am discouraged. I feel like giving up." And he is only twenty-seven. He said: "Let me tell you what I have just seen. On one watershed I saw a one hundred foot highwall and advanced stripping. Looking across the steep canyon I saw a massive clearcut area, and a little bit further, so help me, they were dredging the bed of the river . . . and there were two saw mills working the daylights out of themselves and contributing much pollution to the stream." Four destructive elements on one watershed, none of them seeking to find the environmental impact each was having on the watershed. Collectively they are destroying it. So, not only is strip mining itself destructive, but when combined with all the other denuding factors, a watershed is destroyed. Their arrogance compounds their stupidity in their dealings with mother nature.

Environmental responsibility is all encompassing, peoplewise. It includes you and me. Every individual attending this conference must recognize that we are, in varying degrees, responsible for the degradation of our environment, either by commission, submission or omission. We are a part of a society that is living "high on the hog" to the extent that in order for us to have all all the electricity *We Think We Need*, a beautiful region is being ruined and plundered, and its people subjected to an environment unfit for human beings. Such devastation and neglect to the land and people of Appalachia is a blight on the conscience of America.

As conservationists, as organizations such as my own and others long established, we have failed miserably in our efforts to stem the tide of environmental degradation. Too often, in the past, we have tried to isolate one little river we wanted to save, or one little wilderness area, a plot of ground or my own "Greenbrier Mountain Retreat." We try to save one tributary in a river basin. This is wrong. We must learn the entire river basin. We must establish basin priorities so that we know when and where to respond. True, we must be concerned with the only part left that is still beautiful, but we should be sensitive to the region and not necessarily to our own parochial interests.

It would be nice to be able to say that our government agencies have truly responded to the public need . . . that they have truly represented us and protected our rights against the invasion of the polluter and ravager. But, alas, too often this has not been the case. Let us mention a few instances where agencies have not had the will to protect the public interest or were simply, by choice, representing special interests instead.

The Interstate Compact called "Orsanco" was created in 1948 to clean up the Ohio River and its tributaries. But from the beginning it was doomed to failure because the weakness is in the structure itself. Each of the eight states participating has individuals representing a state agency and industry. Theoretically, the public's interest is protected by the persons representing their state agencies, but in practice, this, most often, has not been the case. You and I, the public, have been left out in the cold. Consequently, twenty odd years later we have the once "Beautiful Ohio" being classified, by authorities, as one of the ten filthiest rivers in America. Certainly we may have improved the quality of the Ohio River and some of its tributaries since 1948, but new contaminants are growing. Strip mining is escalating at a maddening pace; the Ohio Valley is becoming even more industrialized.

Last year, in my home state of West Virginia, conservationists and other groups along with concerned individual citizens engaged the U.S. Forest Service in a controversy over the clearcutting of timber on the Monongahela National Forest. If you followed the reports of the news media, you will recall that this furor was as bitter as the strip mine issue. Our organization led the opposition against the Forest Service's plans to establish even-aged management (which is a fancy term for clearcutting) as the timber management system on the Monongahela National Forest. We charged that they, the forest service, were yielding to commercial interests to the extent that other values of the forest such as fish and wildlife, recreation, watershed protection were being sacrificed. That the Forest Service later admitted that such was the case is a matter of history and a credit to them.

Essentially, the Forest Service was a victim of all the accumulated frustrations of an angry people. For we in the tortured hollows of southern West Virginia, where the land has been and is being raped by the strippers and we breathe the polluted air of the Kanawha Basin, and the foul waters of the Ohio and Kanawha Rivers we drink and ugliness is all around us. So where do we look for inspiration, for retreat, to commune? Obviously, the mountains, the beautiful mountains! We were determined that the beauty of the Monongahela would not fall victim to the power saws of the loggers.

I do not want to carp too much about beauty. In Appalachia however, we hear so much about Food Stamps that, to outsiders, we have taken on the posture of a people so poverty-ridden that a belly full is the remedy to all our ailments. However, just like the people of all other regions, we too have a soul, and it too needs nourishment. That nourishment we call natural harmony and beauty. In no instance can we use more appropriately the saying "Man does not survive by bread alone." You students must know this. You are young, and you are entitled to an "America the Beautiful." So don't ever be afraid or too timid to stand up to whatever threat and say "You are not going to destroy the beauty of Ohio, Kentucky, Tennessee, etc."

The handwriting of the strippers on the mountain sides of Appalachia documents, in many instances, the failure of our state agencies to bridle that industry. Nowhere in the annuals of resource management has public protection been so neglected as has been the case with some state reclamation agencies in our region. And too often in the past a restraining hand from the Governor's office has been an albatross around the neck of dedicated resource managers who otherwise would have been more effective in their efforts to control strip operators.

In published opinions of various authorities, including attorneys, there is very little that can be added to improve the West Virginia Law. These opinions were established during the bitter dispute concerning strip mining in the West Virginia Legislature. The consensus is that the lack of enforcement is the real culprit.

Some of these enforcement officials will tell you that we are asking the impossible of them in many instances. They say that in mountainous areas the devastation will continue regardless of enforcement efforts because the terrain cannot handle strip mining. I certainly agree. This is the reason why I believe we should abolish strip mining. However, the West Virginia Law has a limitations section known as Section Eleven, which if strongly enforced would have prevented much of the environmental damages that have occurred since the adoption of the 1967 Act.

I would be unfair in my criticism of these governmental agencies if I did not add these additional comments. In the case of Orsanco, I recognize that ineffectiveness was due most often to weaknesses within some individual states and that some of their officials are as grieved as we over the lack of progress towards cleaning up the Ohio River. In my references to the U.S. Forest Service I'm also cognizant of the fact that in most instances this agency has responded favorably to our arguments concerning the Monongahela National Forest. Then, too, we applaud their efforts to prevent strip mining on the forests in some of their regions.

In reference to governmental agencies, here too, public apathy plays a major role in the cause and effect of poor resource management. Resource exploiters tread the carpets of our natural resources agencies, while you and I have stayed away. In effect, we have surrendered our interest in our environment to the exploiters. By our neglect we have indicated to our agencies that we care little what happens environmentalwise.

I have talked long enough. But since we have focused so much attention during this conference on strip mining, I would like to conclude my remarks by reading a part of a statement presented by our West Virginia division at a public hearing in January in the West Virginia Legislature. Note, please, the various concerns expressed in the statement about strip mining in West Virginia. For the sake of time, I will omit the first part dealing with our identification.

In 1967 standing here before you the Executive Director of our state division made a passionate plea in behalf of proposed legislation that would, hopefully, put an end to the ravages of strip mining in West Virginia. I well remember one of the remarks from his statement that is well worth quoting here today. During his address he stated: "Surface mining in West Virginia can be either a blessing or a damnation, depending on the quality of reclamation and the degree of compassion exhibited by the operator toward the land and the people." Four years later we have returned with a mouthful of ashes and with the conclusion that strip mining for the most part is a damnation to the land and people of West Virginia.

In the name of a questionable practice called reclamation, productive only in the eyes of the industry: and in the name of a questionable claim that a major economic contribution is being made to our state, we are seeing results that are short-term gains for a relatively small percentage of our people while leaving behind long-range detrimental effects on our resources and to the people, foremost, who are left with an empty, depressing and purposeless environment. We must at this moment ask ourselves if we can justify to the future generations such a "churning of the bowels of the earth" that in effect dims man's desire for dignity and his chances for a decent living as well as social and spiritual enhancement. In our opinion, any hopes for a productive life for the major portion of our people are being "trapped and destroyed between the dozer and the shovel."

Some may say that my words are too emotional and lack supporting facts. If it is emotionalism, then I must say that I have company. In 1966 in his initial statement to his Surface Mining Task Force, Governor Hulett C. Smith opened by saying: "The rape of West Virginia has occurred." After four years of escalation by the strip mining industry, is not the word "rape" still appropriate? Then no longer than September of the past year, through a release to the Associated Press, and in regard to strip mining in West Virginia, Governor Arch Moore remarked: "When you fly over West Virginia and view the devastation it makes you want to cry." In a flight over the mountains of West Virginia, any discerning observer would express similar outcries . . . for it is clearly evident that the damages sustained by the land, and thus by the people, are almost beyond belief.

Section 11 of the present West Virginia act is headed by the words "limitations." I would like to quote the first two paragraphs of the "limitations" section:

> The Legislature finds that there are certain areas in the state of West Virginia which are impossible to reclaim either by natural growth or by technological activity and that if surface mining is conducted on these areas such operations may naturally cause stream pollution, landslides, the accumulation of stagnant water, flooding, the destruction of land for agricultural purposes, the destruction of aesthetic values, the destruction of recreational areas and the future use of the area and surrounding areas, thereby destroying or impairing the health and property rights of others, and in general creating hazards dangerous to life and property so as to constitute an imminent and inordinate peril to the welfare of the state, and that such areas shall not be mined by the surface mining process. . . . Therefore, authority is hereby vested in the director to delete certain areas from all surface mining operations.

The above presents some questions:

(1) How do we put back a mountain that has been destroyed by multiple seam mining? And why haven't these areas containing multiple seams of coal been deleted from strip mining permits?

(2) The governor stated that he wants to cry when he flies over West Virginia. . . . Is he aware that "Section 11" of the law exists? Thousands of West Virginians are asking, where does the governor stand?

There are many angles that we could discuss about strip mining in West Virginia. We could discuss the West Virginia Law, the lack of enforcement of the law, the lack of "intestinal fortitude" from various directions to stand up to industry, multiple seam mining, aesthetics, etc. But we must be honest and state that in discussing them we would pass over the real issue . . . for the real issue, in our opinion, is the overwhelming power of the industry to follow whatever course they choose to set on their compass. This leaves the average individual powerless and we hold faint hopes that anything can be expected from enforcement standpoints now or in the future.

I have spoken here today with words of despair about strip mining in West Virginia. It is our feeling that the great majority of West Virginians think that the future for West Virginia is a hopelss one unless strip mining is halted. Shall we make West Virginia the "sacrificial Lamb?"

PRESENTATION: "THE BLACK MESA CRISIS," JACK LOEFFLER, BLACK MESA DEFENSE FUND, SANTA FE, N. MEX.

Zip, you did a good thing. You said something very significant about commitment. I was born in West Virginia. I went to New Mexico about nine years ago, tried to get away from it all, and sure enough, guess who's there—the Peabody Coal Company. Well, it is another essay in disaster I have for you this afternoon, but I am going to try to make it something that we can all start to work on right now. "The Black Mesa Crisis" is the name we have given to a state of jeopardy that is occurring throughout the entire Southwest. Now I don't know how many of you have been to the Southwest, so could I see a show of hands from those that have been to the four corners region states? A significant number. The Southwest, for those who haven't seen it, is not a barren wasteland like Los Angeles would have everybody believe; it is actually a series of plateaus increasing in elevation eastward to the Rocky Mountains. It is very beautiful. The Southwest has places like Canyonlands, the Grand Canyon, homelands of several Indian groups, and many people who are becoming aware of man within the context of time. This is the setting for the "rip off" of the Southwest.

Right now, seven big coal-fired power plants are being constructed there to provide electricity for Los Angeles and Las Vegas, Phoenix and Tucson. The devastation being incurred is astoundingly complete. For example, the one power plant operative since 1963 in Farmington, New Mexico, puts out more smog in a day than is poured into the air in Los Angeles in the same period. After all these power plants have gone in, we will have a meteorological situation affecting about 100,000 square miles which will resemble the Los Angeles Basin from the standpoint of air pollution. The pollution, which happens in three different forms, definitely relates to strip mining. There is particulate matter which is the stuff you can see. That is not the worst stuff by a long shot. There is sulphur dioxide, and as Ted Voneida said last night, "When it comes down in rain, it is usually in the form of sulfuric acid." Then there also is NO_2 released which, when it mixes with moisture comes down in the form of nitric acid. And something chemical happens when SO_2 and NO_2 react in the sky and still another acid forms. So we are on a very heavy acid trip in the Southwest right now. (Laughter.)

What this does to vegetation, to human lungs, and to water is just incredible. There isn't much vegetation in the Southwest, but what species are there play important botanical roles and are very nice to see. Now, the sulphur affecting vegetation around Farmington is already apparent and can serve as an indication or what is going to happen all over the place. The entire canyon country, which includes Grand Canyon, is just about to get totaled, whether it be from SO_2 emissions or whether it be that you sometimes can't see from one side of the Grand Canyon to the other these days. I saw that happen just last June, and that is distressing. Sometimes the smog comes in from Los Angeles, sometimes it comes in from Farmington, but you can bet your boots it is always coming in some quantity from somewhere. That is grim in itself. We are going to destroy the atmosphere of a whole network of national parks and recreation areas, the places where we go to return to peace and dignity. For the Southwest is one of the last places where one can go to experience just a little bit of solitude and be able to see 100 miles in a given direction and feel as part of the flow of life.

We have talked about the air, but what is happening to the water is very frightening. The Colorado River watershed ultimately drains into the Colorado River which is still making the Grand Canyon. It flows to Lake Mead near Las Vegas, then down to the Sea of Cortez in Mexico. The power plants dump their wastes eventually into the river. Strip mines produce acid and increase turbidity in the watershed. The Farmington plant, for example, affects the San Juan River, a tributary of the Colorado with a confluence at Lake Powell, which used to be Glen Canyon before the Bureau of Reclamation destroyed it. The results are pretty devastating. Much sulphur gets into the water, and a salinity increase occurs. By the time the water gets down to the lower Colorado, to the Imperial Valley of southern California, the produce-basket for California and much of the West, the water is almost unusable for irrigation purposes. Yet that is not where it stops. It flows through five little Indian reservations. Then the river, which does not understand such things as national boundaries, flows as a brine into the Mexicali Valley in northern Mexico, where the people once used it for irrigation of productive lands. Because the water is now so saline and full with chemicals, this single instance of water flowing from the United States into Mexico has created the largest bone of contention between the Mexican government and our own. So it is not just a local situation. It is a perfect portrayal of the archaic nature of national boundaries. We have really goofed. By we, I mean our culture that allows this process to continue. That is only part of the water problem.

The Southwest, in several large specific areas, has an annual rainfall of eighteen inches. That's not very much rain at all. That's very little rain. There is a strip mine on Black Mesa which will be the biggest coal strip mine in the world. It occurs in an area within 100 square miles which the Peabody Coal Company now has mining rights. The coal is transferred from that strip mine to a power plant 273 miles away through a pipeline eighteen inches in diameter. The coal is reduced to particles of three-quarters of an inch or less. Then it is collected, mixed with a large amount of water, flushed through the tube and collected in Bullhead City, Nevada. Now, in the arid Southwest, where does one get that much water? Peabody Coal Company did it this way. They drilled holes through the Hopi Indian Reservation to the water reservoir underneath the ground. The water is pumped out today at the staggering rate of 2,200 gallons a minute. No two hydrologists agree as to when or whether the Hopi springs are going to run dry. If they do, they could go in two years, in five years. At Kayenta, a little bit north of the Hopi reservation on the Navajo Reservation, the wells are already beginning to go dry.

The strip mines that have occurred in the Navajo reservation, like the one at the Farmington power plant, have destroyed the area. The company tried to reseed it, they say. Well, what grows there now is tumble weeds. It has the formal name of Russian Thistle. And is it ever thistle! When the winds pick it up it just rolls all over the place. Sheep can't eat it, nobody can do anything with it, all it does is catch on the bumpers of cars moving down the road, maybe scraping off a little bit of paint. Russian Thistle does nothing as far as anyone knows, that's any good at all. It is not suited to hold what is left of the topsoil. When the spring winds hit, and in the Southwest they hit, it all blows away. There are days when you can be driving down the road with a nice paint job and 100 miles later you don't have one anymore. This is what happens when high winds hit sandy areas after strip mining.

The strip mining that began about a year ago on the Black Mesa is not just reducing the land area to complete chaos. In order to get to the coal the bulldozers don't stop at a person's home. Navajo Indians don't live in houses quite like we do, they live in mud huts. I have lived in one, and they are kind of a gas when you come right down to it because you don't have to work so hard to keep it together. But when you are in one and see the bulldozer coming and you get out and watch it leveled, that is kind of heavy. This has been done to a lot of families. There is no place to relocate these families on the

Navajo reservation. In 1860-something when all the Navajos were forced to walk back from where they had been forced to by the United States Army, there were about 4,500 left. Well, the Navajos really know how to reproduce, and somebody is going to have to get on them because they are up to 200,000. And they have population problems. They cannot afford to lose any of their land. Even that is not the basic question.

The Southwest is presently an essay in every form of degradation occurring within the context of the environment that you can possibly imagine. It has air pollution, par excellence, water pollution, absolute exploitation of existing water resources which are minimal, land devastation; the power lines that go through what used to be the photographer's paradise completely mar anything that is left of an aesthetic. All of these things are contributing to total cultural disintegration. In the Southwest we have the few ethnic groups left in this country that have maintained their integrity. Those are the Hopis, the Navajos, perhaps the Apaches, and a few other Pueblo Indians living along the Rio Grande. But for the most part we have managed to wipe out the cultures of the indigenous people of this country. They were here first, but we won't get into the philosophic question as to displacement of peoples over conflict of culture. But now we are down to the last two or three cultures out of who knows how many hundreds existed prior to the coming of European culture. Contained within some of these Indian Cultures are infinitely higher peaks of what I consider civilization than we've ever shown. The Hopi Indians are extremely civilized; their social system functions with precision, and they have a point of view so sophisticated that unless you are a Hopi you cannot understand it. And the Hopi cultures are about to die.

When I had lived out there for quite some time, I began to wonder exactly what is the Hopi point of view as much as Loeffler can understand it. So, I was very lucky and very honored the other day, about three weeks ago, to be invited down into a kiva at Hotevilla, which is in a very traditional part of the Hopi reservation. And fifteen old long-hairs came in, men of about seventy, people who are reaching their philosophic prime as far as the Hopis are concerned, people who had achieved the age where you can finally call yourself old enough to have a basic understanding of the way it is in the world. They gave me their point of view, and it is impossible to try to convey, but I'll try if I may. First of all, they say it is impossible to convey in the English language what the Hopi philosophy is, because as we can see, those of us who speak both Hopi and English which I do not, "we do not think alike." But, inasmuch as we are trying to tell you something, here is what we think we can tell you. You asked us what is Mother Nature. Mother Nature is everything that is natural. Everything is natural excluding what we have imposed upon America today and the rest of the world. Everything that was there before the coming of man is natural. But more than that, the most important part of what Mother Nature is to the Hopis is the power and the energy that holds it all together." Now according to these old men, who are very sophisticated when you come right down to it, if you begin to violate or fool around with any part of that which is part of nature, you disturb the flow of energy so that strange things begin to happen—drought, strange wind storms, the prayers for rain don't work like they used to, sickness, human minds begin to fill with sickness—things like this. Catastrophy begins to occur.

The Hopis have hit on a point that I would like to emphasize. The Hopis have epitomized something that, for me, hits very close to the most important part of what is happening in our cultural crisis right now. The Hopis do not think of themselves as being separate from nature, but our culture does. Our culture has been working very diligently toward a mastery of nature. This cannot happen. We cannot master something of which we are a part when we don't understand ourselves. We certainly have no understanding of the flow of nature. Right now we are only using one part of our brains, and I really question how well we are using that. We have become in the extreme what we think of as objectively oriented. We have based all of our recent appraisal, as Dave Bedan said earlier, on scientific or intellectual premise resulting in a masterful technology. We have become so apparently self-contained within this technology that somehow those other processes, those subjective or intuitive or whatever-you-want-to-call-them processes that the Hopis still have, seem to lie hidden far beneath some level of our consciousness, so that we are only proceeding with part of our minds. Now to illustrate this, and this may be a poor example but it certainly impressed me, there is an old man, a Hopi with whom I share a friendship. His name, too, is Jack. He is about the funkiest guy I have ever met. He is about sixty years old. He loves to eat fried chicken, and he loves to laugh. But every year he does something very important. The Hopi Indians have a ceremony called the Snake Dance. They have to preface the public part of it with many days spent in the kiva, which is the hole in the ground. When they come out, they take a big basket of rattlesnakes and dump it in the plaza. Most of us get a bit skittish at that point because rattlesnakes can kill. Jack, who is the snake priest at Hotevilla, selects a rattlesnake buzzing at him, holds it up, strokes it with an eagle feather and the snake goes limp. Jack wraps the snake around his arm, and he and that snake become as one for many hours. Something happens, I don't know what it is, but I know that I couldn't do it. And I know that most of us could not. The point is not just the act of being able to do it, but why is the communication happening in the first place. There is a very significant thing that the Hopis manifest in the Snake Dance. Sure, it is animism; what's wrong with animism? Some people really get it on behind animism. You know, these people have a sense of balance that we fail to comprehend.

The "rip off" of the Southwest is called the Black Mesa Crisis mainly because Black Mesa lies in just about the geographic center of all the power plants that are happening simultaneously. The "rip off" of the Southwest is happening to support Los Angeles, Las Vegas, Phoenix and Tucson. They are the primary recipients of the 15,000-plus megawatts of electricity that are to be generated from coal taken from one of the last big low-grade coal deposits left in the United States. The reason these plants were constructed, or are to be constructed, in the Southwest is recent legislation making it illegal for fossil fuel plants to be constructed in Los Angeles County. No plant constructed in Los Angeles County can emit more than ten pounds of fly-ash or particulate matter into the air every hour. Ten pounds an hour! The Farmington plant emits over 2,500 pounds an hour. We are ruining a living environment existing in geologic time to feed energy into cities that exemplify the cultural trend that is responsible for ecological devastation. We are taking one of the last places left in this country that is still somewhat intact, and we are literally scooping up the life-blood of this place and channeling it into something that epitomizes what we think of as healthy, beneficial progress. At our present rate of development this form of progress can only result in a literal dead end.

What do we do? Well, first of all, we have to understand one thing pretty clearly, and this is the hardest part to understand. I have been thinking about this for a few years whenever I was sitting out on top of a remote fire lookout or living in a hogan. Our culture is motivated by many, many factors. Some of the major ones are: our concepts of economics, our concepts of technology and industry, and our concepts of political structure. This is the basic interaction that causes our culture to flow—economics, technology, industry and the manipulative political structure that facilitates the process. But our present experience says that it doesn't seem to be quite working right now. We are in a complete environmental crisis from one coast to the other. So, obviously, we must have a re-evaluation, and this re-evaluation must spring from a fresh frame of reference. Our environmental crisis, which has finally become a part of the American collective psyche in the last year or so, is the one single crisis that hits close to home for absolutely everybody. It is the one single focal point which can possibly bring our complete culture together on a given question. I believe that is true because if we don't do something very soon, the next decade is not soon enough, we are going to lose it all. We are in bad shape right now, and many people are becoming aware. We have to shift from our unquestioning acceptance of our progress-culture and assume a point of view which is cohesive and realistic, one centered on the environment. We must create and accept an environmental imperative so completely that it lies in the heart of every single one of us. If we don't do that we are going to die. It is that simple. It has nothing to do with ideologies anymore. It is a literal fact that if we continue as we are, we have had it.

How do we do this? This is a good question. We have a completely multi-faceted culture right now. We are so splintered that it is hard to look at the person sitting next to you and tell if he is really a "brother" or if he is not. Well, we all are, whether we know it or not. But we all think differently right now. We are all motivated by different ideologies which cause us to do things in different ways. If we assume that the environmental imperative is the one thing that can pull us together and is also our single hope for salvation, then we begin to function as Zip encouraged us a little while ago. We no longer just sit around, we become active. We become extremely active in any way we possibly can, whether it is supporting Congressman Hechler or looking about for a different area of concern, documenting it, trying to figure out viable alternatives, and then committing oneself to do it. Environment is the one single factor that could bring us together right now, even that is doubtful. However, we must try. We must start looking about for alternatives.

If we look in the Southwest for positive alternatives to generating power other than by burning coal and wiping out an entire landscape, airscape, waterscape and culturescape, there is the possibility that we might find something in the way of geothermal potential. It turns out that the Mohave Desert in California and the Northern Sonoran Deserts in Mexico have a fantastic hot spring capacity. Hot springs are indicators of geothermal potential. Several articles recently appearing in research from Stanford University and the University of California at Riverside seem to indicate that there lies beneath the surface of those two deserts potentially 20,000 to 30,000 megawatts of electricity annually for an unlimited amount of time, or conceivably four times the amount needed to generate New York City's power needs. Geothermal potential has been used in Italy since 1904. In tapping the geothermal potential we immediately eliminate the hazards of the first few processes of fossil fuel-fired power production. Coal must be mined and burned under the water sucked up from the river to make the steam that turns the generators and makes the electricity. For geothermal power a number of wells are drilled into hot springs at some depth where the water vapour is about 500 degrees. Then it is brought up by pipe, and there is a purification process that reduces the mineral content (usually hot springs water is hard with minerals). At this point the steam is at about 400 degrees. Then it powers the generators which produce electricity. After the process, the water vapor cools to about 250 degrees.

It is then recycled into the earth, and in the earth's ovens it heats up again. Theoretically, this can go on almost forever, and nobody thus far, to my knowledge, has discovered anything that says you can't do it that way. That is fairly good ecological planning with regard to power needs. This can occur in California eliminating the need to build coal-fired plants in other states. Geothermal sources are being researched very thoroughly in the state of Washington, where there are also hot springs. There are hot springs in Arkansas, but I don't know if they are the workable kind. The Mexican government without any help whatsoever from the United States has constructed in Cerro Prieto a geothermal power plant, and it seems to be working very nicely. The Magma Incorporation, from L.A., is presently building a geothermal plant near Reno, Nevada; and on the success of that plant they will determine how many plants will be constructed in the Southwest.

We keep escalating our power needs to such an extent that they are experiencing phenomenal growth rates. We use more electricity by far than we need. Mr. Beale said last night that it is very possible to get a refrigerator that is $30 more expensive because of a device that will reduce power consumption. Take any factor of your daily life! If we would even learn to turn off the lights we didn't need! We have to become conscious. This is one means of participating in the environmental flow. When we become conscious of our use of energy, we no longer take it for granted, and we must not take it for granted. We have to think about it when we use it. We must begin to think in terms of not raising our national need for energy 8 percent every year, or ultimately we will run out of means of cooling the generators for that much electricity without creating ecological havoc. And since geothermal plants can be constructed, it is no longer quite necessary to use the fossil fuel plants. We must not continue to harass the environment in support of a dying cultural trend. So if we do need an alternative for that particular area, and I wonder about that need, there is one sticking out like a sore thumb: geothermal power.

I have a few slides to show you. I meant to show these at the beginning of the program, but I got going.

This first slide prefaced the particular trip for gathering the following slides. This is the area in question. This is Farmington, New Mexico. West Associates is going to build a plant a few miles away at Waterflow, New Mexico. This is Page, Arizona, where they are constructing the Navaho plant. Here is Lake Powell. This is the Kaiparowitz plant which will be constructed. It is going to be a monster plant making 7,500 megawatts happen, and there will be another one up here at Huntington Canyon, Utah. This is also a major plant. The Mohave plant is the one at the other end of the Slurry Line from Black Messa, which is right here. The Hopis live here. This is the Navaho reservation. Here is the Colorado River and here is where it goes into Mexico. This is the Mexicali Valley where the farmers are getting brine for irrigation. The last plant in this particular complex is here near Las Vegas. These power plants comprise the network that we are presently very much concerned about. They are providing electricity for Southern California, Las Vegas, Phoenix and Tucson. Almost none of it goes east. I might mention that I have a little ranch right here and that is one reason I am so concerned. That is the Farmington power plant—2500 pounds of fly-ash per hour. According to people on NBC–TV, this plant is the world's worst stationary polluter. I just wanted to show a few slides portraying what a strip mine or a power plant does in the Southwest. This doesn't include all the units by the way, they have since constructed a couple more, so it is even worse now than it was then. There is a plant from across a nearby lake. And there it is again. The lake is suddenly filling with noxious stuff that kills everything. You will notice way off in the distance Ship Rock. Ship Rock is an important place from the standpoint of Navaho mythology. There was a time when a monster lived on top of that rock. It was a monster-eagle sort of a thing, and it threatened everybody who lived in the Southwest. So, the Twin War gods got together. The Twins were two culture-heroes of the Navahoes, and they slew this great monster. Now it is interesting that just a few miles away this new monster has come.

The Navaho Mine is a 35,000 acre strip mine. That is the way it looks to the guy that runs the machine. This place is the mythic heartbeat of America. There is Ship Rock again, and off in the distance to the right of Ship Rock is the plume. This is in Monument Valley, which is truly one of the most beautiful places in the world. Monument Valley is in the northern part of the Navaho reservation and is desperately threatened by the entire catastrophe. It's a beautiful place. It is so heavy, man, that I can't camp in there. This pollution is happening at the Farmington plant, and this is where we are nailing them on the 1899 Refuge Act, make us $2,000 richer. This is flowing into a settling pond, and the settling pond flows into the San Juan River. It is fouling the river to such an extent that when I first moved to the Southwest I would drink out of it, but I wouldn't for the world now. That is the way it looks. That is my partner sitting up there on top, Jimmy Hopper. He is a person you can count on. The San Juan River goes north from Farmington, flows through the Goose Necks and joins the Colorado at Lake Powell. The San Juan has its head-waters near Pagosa Springs somewhere in Colorado.

That is the old "goo" that is sort of lying along the edge of the river. These are the power lines that extend everywhere through the Southwest. That, by the way, is Needles. That is the Needles power plant. That is where the slurry terminates. The coal mined on Black Mesa comes to Needles and to the Mohave plant. It is interesting the way they color their stacks, according to a statement in the *Arizona Republic* at the beginning of this mess. Of the power plant at Page, the people designing it said, "Why those smoke stacks will be like pieces of sculpture that will enhance the beauty of the landscape." And so these smoke stacks are now regarded as beauty tubes.

Strip mining on Black Mesa. The Peabody Coal Company says, "We will make this mesa even more useful than it was before." There is Ralph Selina, an old Hopi man, watching shrines being ripped up. But Ralph knew this was going to happen when he was a child because the Hopi prophecy says, "Destruction is imminent." Four years ago David Mononya, another old man, told me that we have nineteen years to go. This is the way the Hopis look at things. Ralph is a beautiful person. He weaves, he thinks, he lives in a state of beauty, and he is appalled at what is happening in Black Mesa. There is Thomas Banyacya; some of you may have heard of Thomas. Thomas is the interpreter for the Hopi traditionalists and a very wise man. Here he is again, very introspective mood. This is the reseeding of the Navaho Mine. This is not a dead dog, it is a pregnant dog in Cerro Prieto. This is where the Mexicans have a geothermal plant. It is not a big plant, but the Mexicans are doing something. This is steam, not smog. This is one of the means they have of getting it together. I don't really understand the whole process, but it seems to be working. And this is where the juice goes. It is possible. Thank you very much. (app.)

PRESENTATION: "NUCLEAR ALTERNATIVES," EUGENE V. PERRIN, M.D., ASSOCIATE PROFESSOR OF PEDIATRICS, PATHOLOGY, REPRODUCTIVE BIOLOGY; CASE-WESTERN RESERVE UNIVERSITY; CLEVELAND; DIRECTING PATHOLOGIST, BABIES AND CHILDRENS, RAINBOW, HEALTH HILL HOSPITALS, CLEVELAND; OBSTETRICAL PATHOLOGIST, UNIVERSITY HOSPITALS; CO-CHAIRMAN, CONSERVATION COMMITTEE, SIERRA CLUB OF N.E. OHIO; COORDINATOR, PROJECT SURVIVAL, CMRU ATTENDING PHYSICIAN, FREE CLINIC

A villager was boasting about the piety of the town's rabbi. "Believe me" he said earnestly, "my rabbi is so saintly he fasts everyday in the week except Saturdays and Sundays." "Just a minute," said his listener "I saw your rabbi eating just this morning and I've only been here a few days. Why don't you stop lying." "Lying, who's lying? You don't really know my rabbi! What you observed was a demonstration of his modesty. The only reason he ever eats on weekdays is to hide the fact that he's fasting!"

Here is our problem. It is difficult not to be distracted by confusion, masses of data, conflicting views of experts, bloated and pious claims of environmental wisdom by so-called conservationists and by the producers of power, goods or services.

This is an exceptionally difficult area. I am of several minds about it. I have been involved in some intervention suits in licensing of nuclear power plants, and Ed, I and some of our colleagues have been involved in nuclear education seminars. I think the problem is my no means solved. I am not categorically opposed to nuclear power, but there are many questions that have clearly not been answered. I am not a nuclear engineer or physicist. My education has been largely in biology and medicine and my work has to do with developmental abnormalities and cancer in children. Clearly we recognize staggering problems which have been solved not at all though tackled by the best meaning people. I am told by the preceding speaker, who has handed me a most interesting document from the TVA, that although reclamation of spoil banks left by stripping poses problems, about half of the 500,000 acres stripped for coal in eastern U.S. has been "reclaimed" as required by state laws, mostly by reforestation. The reclaimers believe that to be the answer. Similarly the Atomic Energy Commission, in promoting and licensing some extremely elaborate nuclear power plants, believes that its construction of the plants may, itself, solve the problem. They are going ahead as if all the problem had been solved.

To comprehend the issue of nuclear power, we must have a little background. Everyone acts as if there is an inevitable if not desirable geometric increase in population and energy use. In the last five years of the century, it is said that we are going to use as much fossil fuel as we used in the previous years of existence of man on earth. This is said by everyone as if it must occur.

ELECTRICITY GENERATING RESOURCES

[In percent]

	1968	2000
Coal	51.9	30.2
Oil	7.0	5.5
Gas	23.0	4.8
Nuclear	.8	52.5
Hydro	17.3	7.0

Source: P. 321, testimony of H. Perry, reference 4.

We are dealing with fossil fuels that have taken millions of years to produce largely by vegetable and some animal matter. These fuels are used inefficiently, and a staggering amount of waste is involved. By waste I mean that for every kilowatt of energy produced there are two and sometimes three kilowatts of thermal energy produced and dissipated, thrown away as if this were the only thing to do with it. This is not to mention the loss of gaseous and some valuable liquid by-products. As an alternative, it poses the sorts of issues which have been raised by the Alaskan pipeline, by spills, by by-product problems. Gas produces relatively fewer pollutants, but gas is a scarce natural resource. One of the ways of producing gas, by using modified atomic bombs, has produced radioactive gas. Nuclear power now produces less than 1 percent of our total energy consumed. The nuclear industry is not necessarily composed of bad guys. It is composed of people some of whom do not have what Jack Loeffler called the understanding of the continuing of man as of nature and not against nature. They think nuclear power is a necessary alternative. Frankly, it isn't clear to some of us that we have any others. In this country we aren't using hydroelectric power properly, and part of hydropower making, of course, is in damning streams which may produce some undesirable ecological effects. In some parts of the world, hydroelectric plants produce over half the power, as in Switzerland. In the United States it is conceivable that one third of our power can be so derived, using every possible hydrosource.

The electric energy requirements as projected by the electric utilities show a staggering increase in the next twenty years from 1.52 to 5.9 trillion kilowatt hours. They will have to meet 1,051 million kilowatt hour peak demands. Fossil-fueled steam capacity will have to increase by a factor of 2 and nuclear capacity by a factor of something like 45 to 50. The capacity dependent upon cooling water is going to increase by a factor of 5. No one mentions the quantity of cooling water available will be exceeded by the amount of cooling water necessary. In other words, if we have about 1,250 billion gallons of surface runoff water in this country the power cooling need will be in excess of that by the year 2,000.

ELECTRIC UTILITY REQUIREMENTS AND SUPPLY, 1965-90

	1965	1990
Energy requirements (trillion kilowatt-hours)	1.52	5.83
Peak demand (million kilowatts)	277.0	1,051.0
Total installed capacity(million kilowatts)	344.0	1,261.0
Hydroelectric capacity (million kilowatts)	51.4	83.0
Pumped storage capacity (million kilowatts)	3.6	65.1
Internal combustion and gas turbine capacity (million kilowatts)	16.2	42.1
Fossil steam capacity (million kilowatts)	261.2	562.0
Nuclear capacity (million kilowatts)	11.6	509.0
Capacity dependent upon cooling water	272.8	1,071.0

Source: Abridged, p. 56, testimony of John N. Nassikas, ref. 4.

The assumption is this: every need is going to be increased in intensity from the magnificent lighting of Las Vegas to unnecessary air conditioning or lights left on all night in hospitals where cleaning women work late. People don't turn out lights. Water is not turned off. The problem is not electric toothbrushes, it is the whole philosophy or the lack of ecoethic behind the misuse of electric energy. Further, it isn't merely local chochmes, i.e., the San Diego gas and electric company, it's the president of Con-Ed who said that one of our first priorities is a decrease in the total use of energy, and then went back to his office and turned on his air conditioner, which is really badly needed in New York in November. In Cleveland we have many air conditioners, but the sun rarely shines, and it's almost never warm enough to require such luxury.

COAL RESOURCES

Most coal used goes for power generation. There is said to be an 80–1500 year supply, depending upon one's source and what kind of coal one is discussing. Peat and lignite, still in adequate supply, are high in volatile matter, ash and low infixed carbon. Various varieties of bituminous coal, with a range of by-products are largely mined in deep mines and open cast or strip mines. The problems of deep mines have to do with economics of mining, the expense of supporting structures, the limited life of mines and first and foremost the health of the miners. Chronic pulmonary disease plagues deep miners of all minerals, even under the best current conditions. Deep mining unlike strip mining, employs many thousands of workers in dangerous and unpleasant labor.

We export 600 million dollars worth of coal and almost as much petroleum and products. We have a major polluter in the form of the automobile industry, with over 11 million non-military vehicles (and sales of 24 billions of dollars) in 1968. In that year, motor fuel demand, both domestic and export, exceeded 1.8 billion barrels (Bureau of Mines Statistics).

GAS

There are many problems, both in the limited resources of natural gas and in the ways of obtaining isolated deposits with modified small fission devices (atomic bombs to you) has yielded radioactive products in gas. This problem is solved by diluting the gas so obtained with conventional gas. Burning gas is cleaner to be sure, and gas from coal yields many useful by-products but we are back to coal again.

What are the nuclear power people talking about? They're saying we have to have an alternative to pollutant producing sulphur rich fossil fuels. In the first place, their apprehensions are reasonable because of chronic bronchitis and possibly of emphysema, a disease of people over forty-five. Although total longevity has increased since the advent of antibiotics, improved public health and nutritional measures after the age of forty your life expectancy isn't very much greater than it was in 1906. In other words, the predicted increase in longevity in the last half of life is not continuing because chronic disease is taking its toll. One of the worst is chronic respiratory disease, not only chronic bronchitis, but probably lung cancer, and possibly asthma and emphysema. This is true in the first case even when smoking was eliminated. So, clearly, their statement is correct. We have to change the sulphur oxide pattern. How do you do that?

Control of sulfur oxide emissions

A. Low sulfur fuel (coal, oil, reused oil) as mined.

B. Reduced S in fuel by process.

C. Remove S from stack gases.

D. Dilution with high stacks.

E. Mine mouth generation, rural.

F. Increased efficiency of power plants

Magnetohydrodynamics

G. Reduced use of power.

H. Alternatives.

Gas.

Hydro.

Geothermal.

Solar.

Nuclear.

You mine low sulphur coal. You recycle used oil, which is preferentially priced out of the market by legal tariffs, but it is low in sulphur. You reduce the fuel before you burn it by another process. You selectively mine the low sulphur coal which is hard to come by, Hanna Coal tells us as they burn their coal behind the medical school, producing great plumes of smoke, which no one says they can do anything about. They say there is no low sulphur coal to burn. You can add sulphur removing chemicals, and you can remove sulphur from stack gases. In the giant Southeastern power facilities it is inconceivable that those plants have scrubbers, either wet or dry, or electrostatic precipitators. Again, it has been shown that industry will not concede to public needs and public health concerns unless bludgeoned into it by law. Weak laws make pollution acceptable. Pollution with high stacks is a typical non-solution for as you know the old solution to pollution is dilution. But, of course, whatever you let go up has to come down. Therefore, it is no solution. Mine mouth generation is an interesting idea. In other words, instead of transporting coal, use the mine mouth as the source for power in rural areas. This means using deep mining with all its attendant problems. There are also hydro power, nuclear fuels, solar power and increased efficiency of power plants as possibly obtainable through magnetohydrodynamics, among other potential devices.

How do you increase the efficiency of use of fossil fuels? At the consumer level? Do not let major power producers or industry or government convince you that the major trouble with the environment is people. The term people pollution is an offense. It suggests that people are primarily greedy and that they have not been brainwashed into assuming there is only a consumer future, and it ignores the fact that we are the products of a commercial environment which has profited from our passive acquiescence. Power plant engineering might incorporate magnetohydrodynamics, and two or three other major kinds of increase in efficiency including the use of waste heat. Waste heat is used in many parts of the world for the heating of houses and factories. Waste heat is used in many ways unexploited in America. With magnetohydrodynamics the plant production of steam increases efficiency from 40 to 50 percent, with a decrease of heat loss in the condenser stack and turbine from 1.2 to 1.02 million BTU's, and of a loss in water which is also strikingly decreased.

Magnetohydrodynamics is defined as a high voltage potential obtained by placing electrodes in a very hot ionized and highly conductive gas stream as it moves through a magnetic field. This is not a new source of power, this is an increase in efficeincy using fossil fuels. I didn't mention the burning of solid wastes, as is routine in Europe, and the distribution of power through grids protecting against brown outs.

Now we go to nuclear power. Why nuclear power? There are several methods of obtaining nuclear power, two of which are in the model stage and have serious practical problems, and one which has actually undergone both experimental and practical examination. At the present time there are planned before the year 2000 between 200 and 500 nuclear power plants, most of them to be situated on a lake shore or river shore. They are beautifully engineered, assuming that the engineering standards as stated by the AEC, which come in huge, closely printed volumes, in fact result in protecting you and me from the event of failure if all the "fail-safes" fail. When in the past we have had major protective valvular devices rust, when valves are left open instead of shut, when poison fuel rod turn off systems fail to operate, one wonders if they are in fact fail-safe. Reliable authorities in the Atomic Energy Commission have suggested that we are not sure what will happen in large plants. Having looked at some of the preliminary safety reports (PSAR), I am very impressed by the number of fail-safes involved. What is radiation?

The kinds of electromagnetic radiation with which we are concerned are invisible, high energy particles, either electrons or neutrons. The important kinds of radiation are the beta particles, released from the radionucleides produced by uranium fission and the deeply penetrating gamma rays. These are produced when an unstable atomic nucleus releases energy to gain stability or, in the case of X-rays, produced when high-energy charges particles impinge on a suitable target. When fast-moving electrons approach the coulomb fields around the nuclei of the atoms of the target material, these electrons are deflected from their path. The biological effects of such particles of variable energy is to produce ionization events or heat in tissue or fluids.

In terms of the number of atomic reactor plants completed and planned by 1969 fourteen were in action, four were de-commissioned, and one was out of action because of a failure, (the Fermi plant near Detroit, in which no one was injured). There is an extraordinary safety factor result, that is to say, that no plant had had a major accident in which "the public had been hurt." However, employees of the plant had been injured. It is planned by 1974 to have ninety plants. The David-Besse plant near Toledo, Ohio, will be finished and probably functioning by that time, along with a number of others. It is the largest plant to be built to date although other plants that will be larger are being constructed. It is an intermediate sized plant, of about 875 to 900 megawatts.

Roentgens are units of exposure of gamma radiations based upon the ionization that these radiations produce in air. Ionizations occur when the X-ray passes through a tissue or solution of dissociable compounds. Ionization events can also produce structural damage by breaking up chromosomes, by altering cellular metabolism and by producing heat. We largely deal with fractions of roentgens usually spoken of as millirads or millirems. Rad is the radiation absorption dose and rem is the radiation equivalent, numerically equal to the dose in rads multiplied by appropriate modifying factors usually equal to one, so that a rem and a rad are usually the same. A curie doesn't have to do with something passing through you like a ray, it has to do with something you swallow, like a radio isotope. Everyone has radio isotopes in him and we are surrounded by substances which are radio isotopic, emitting radiations. Now everyone says that the amount of radiation emitted by reactor plants is harmless because, after all, we are in a sea of radiation, aren't we? The answer is, "Who said that the sea of radiation is harmless?"

The biological half-life is short and the tissue dose is trivial. The concentration in food chains is problematic, however. The other common substance given off in tiny quantities is krypton-85, which does not metabolize as tritium probably does. Kr^{85} has a half-life of about 10.76 years and, with holding tanks, amounts to most of the remaining radioactivity. The gas is not metabolized and most of its effect, at present little, is to skin, not lungs. In addition, there are small quantities of long lived substances such as plutonium which have a half-life in the thousands of years and there are substances which have half-lives of minutes or weeks. Now clearly the substances which have half-lives of minutes or weeks and are part of fission reactions in atomic reactors, can be contained by holding the gases or holding the fluids in the tank until everything sort of cools off, and then proceeding to take these substances, can them, dump them, fuse them, somehow get rid of them in a place where they will not affect life, assuming this is possible. But by half-life, as you remember, you mean that at the end of the number given as a half-life, one half the substance will be gone. This does not mean that it is all gone, because you have to have another half-life before half of that is gone, and so on and so forth.

How is power produced? By fission reactors in which you have a miniature atomic bomb contained within a thick reactor chamber, surrounded by a thick dome of reinforced concrete with safety factors such as a huge pump of water which drains down into the reactor chamber in case there is an accident, and which is enough to cool it for a matter of several days. There are sprays which also act to damp down the heat. The spray as a fail-safe may be useless (Science, May 1971). There are sudden shut-off systems which stop the reaction, and all this to do what? To do the same things you do when you burn coal. It is to heat water, to make steam, to turn a dynamo, to generate electricity. The reactor which is thought to be the safest is the pressurized water type. Pressurized water reactors are closed reactors which require a great deal of coolant. There are a number of such reactors going; the largest functioning being about 300 megawatts. Breeder reactors do not exist as a commercial possibility at the moment. Fusion reactors are, as a matter of fact, such an extraordinary technical problem, requiring tens of millions of degrees of heat to perform their function, that there are at the present time no functioning models available, although research is going on apace. The suggestion has been made that we stop spending so much money on the building of fission reactors because there is no energy crisis, if you believe that, and spend the money on fusion reactors which are thought to be free from the problems of radioactive emanations. The problem appears to be, however, that neutron bombardment of surrounding molecules may themselves produce radioactive substances which will decay at the customary rate. Those are the realities.

A fission reactor is the splitting of atomic nucleus, usually U-235, of which there may be from forty to fifty years supply in this country. There are uranium supplies in many other countries, including South America, Asia, Africa, Soviet Union and China, but they aren't very likely to let us have any. Also plutonium is a substance which can be fissioned and there are other substances which are fertile, such as U-238, which can be bombarded in a breeder reactor to make new fissionable substances. But here you are dealing with another limitation in energy. Remember, we have the heat barrier. Only so much heat can be produced or the temperature of the earth will be seriously raised, in addition, of course, is the carbon dioxide barrier which is something very problematic, in which the green-house effect is involved and most of you know about this. There is the cooling water limitation, and there is the limitation of the amount of fissionable material available.

The breeder reactor, as I mentioned, is when one surrounds the reactive U–235 with a layer of fertile material, in other words, substances which can be made into fissionable material, they are bombarded by neutrons and U–238 is turned into fissionable plutonium, or thorium, into U–233. Plutonium is actually metabolized and it is experimentally capable of producing lung cancer. The amount of emanation is extraordinary and its half-life is extremely long, well into the thousands of years.

The fusion reactor is thought to be the hope of the future. When asked about this, representatives of the AEC will tell you that the hopes of having a fusion reactor are anywhere from five years to 150 years. But again, people have said if the money being spent upon the building of the fission reactors is spent upon research in the efficient burning of fossil fuels and the development of fusion reactors, that perhaps we can hasten this date, assuming that fusion reactors are, indeed, safe. Several light nuclei usually react between four protons, or hydrogen nuclei, or the combination of two deuterium nuclei to form helium, combine to form heavier atoms. Pound for pound this produces eight times as much energy as does fission. Unfortunately the reaction has to proceed at extremely high temperatures, approximately the temperature of the center of the sun. This is not impossible. A fusion reactor has actually worked for a few seconds in experimental laboratories. Apparently the amount of deuterium available in the oceans is sufficient to last for the next billion years. So fusion reactors may be possible according to reasonably competent authorities. Remember, the AEC is probably a lot more trustworthy than coal operators and oil magnates. Nuclear engineers, although they tend to communicate poorly and to be somewhat chauvinistic are more reliable and perhaps more interested in environmental concerns than people in the coal industry and the federal power commission.

LIMITATIONS

Plant safety. It is interesting that every time one discusses the plant safety problem, engineers get very indignant. If you think that industry is indignant at environmentalists, you have to see what happens when a nuclear engineer is approached by an environmentalist, such as myself, who is obviously not an expert on nuclear physics or nuclear engineering. They have a very proprietary interest and clearly feel that the burden of information is on their shoulders. The fact is that the Price-Anderson Act suggests that there is a serious problem in the view of insuring the safety of nuclear plants. The Price-Anderson Act supports the insuring of accidents from a single fission plant explosion in this way: underwriters of insurance will only insure nuclear reactor accidents to the tune of about $83,000,000 per accident. The government has been asked and has acceded in supporting insurance to the tune of another half billion dollars or more. Now, insurance underwriters clearly are not interested in going out of business. Apparently they know something we don't know. Even if this isn't true, the fact that this has been allowed to happen suggests that the government has decided to take a hand in preventing lack of public confidence in the safety of fission reactors. Plant safety remains the least of the problems, however, the next are those of emissions.

We have over the last seventy-five years decreased the maximum permissible exposure to X-ray by a factor of ten almost every decade. At first we decreased the emissions by a factor of ten because we did not know what they did. We had no idea what they did. Then we decreased by a factor of ten to prevent burns, because as you remember, Madame Curie and her husband and Becquerel and the others carried radium and uranium around in a tube in their pockets. And then we decreased it by a factor of ten because we were concerned about the production of skin cancer, and then about the production of bone marrow damage, and then about the production of malformations. We are now down to a level well below one rad or one roentgen, to the point where the maximum allowable dose is approximately 170 millirads per year. Now the emissions, it is stated, in a safe plant, all other things being equal, will not give anyone a dose of larger than five millirems per year at the boundary of the nuclear fission site; if you go fifty miles away this will decrease by a factor of ten to fifty. The questions asked by Gofman, Tamplin and Sternglass, three opponents of nuclear power plant proliferation at our present state of knowledge, is "Do we know anything about the effects of low doses of radiation sufficient to even have a feeling about this?" And everyone says, "Well we are bathed in radiation." The reply is, "Yes, and we have a reasonably high cancer rate. How many cancers are caused by radiation?" Experimentally with radiation we can cause skin cancers, lung cancers, and leukemia to mention a few. We have natural experiments. We have the bombings of Hiroshima and Nagasaki. We have the radium dial painters who used their tongues to point the brush which they then dipped into a solution for painting watchdials.

Individuals received large quantities of X-ray to the thymus during the unfortunate era in American medicine in which the thymus, a gland having immunological function, was thought to cause obstruction of the breathing apparatus of little babies. Finally we have persons treated for rheumatoid spondylitis and mothers receiving pelvic X-ray during pregnacy. In all cases there has been clearly an increase in the incidence of cancer. At Hiroshima and Nagasaki there has been an increase in leukemia and certain other cancers. The radium dial painters have, after a long period of waiting, developed bone cancer. Little children who have had their thymus radiated have in a number of cases, with doses over 125 roentgens, developed cancer of the thyroid. Now we want to know whether or not, in fact, this is in addition to the cancers already caused by background radiation. Can we calculate the number of rems or rads which would double the already existing incidence of a cancer? Here is where Gofman and Tamplin suggest that to answer this question is impossible, but in lieu of an answer we must decrease the dose by a factor of ten. According to Dr. Alvin Weinberg, the FRC–AEC are about to do this now for nuclear plants. The problems of nuclear plants include fissionable material limitation, radiation emission, coolant water, heat production, and finally, waste disposal. We do not know enough about low doses of radiation, except that 15 million mice have been sacrificed in the hopes of finding this out. Drs. William and Liane Russell at the Oak Ridge Laboratories have worked on mice for a number years, especially in the low-dose level, but mice live eighteen months and have eighteen months of cellular exposure. Men live seventy-two, or eighty years, so we are talking out an entirely different cellular universe. Latent periods are very important because the time between exposure, whether it is utero, or seminae, or the egg, or five generations of sperm back, and the time of the appearance of the malformations of the cancer, is critical. It is thought although controversial that the younger the person the shorter the latent period. Even more interesting is the issue of healing of damage especially in ovaries.

Waste disposal is another major concern, along with the low-dose problem. Some very unimaginative methods of waste disposal have been thought of, namely, earth filtration, chalk rivers, big tanks, caves, putting waste in a big metal box surrounded by concrete and dumping it into the ocean. Apparently no responsible commercial laboratories have ever done that, but some of the research laboratories have. I have a wonderful idea. If you take all the cups which are made of plastic and that are used by the environmentally conscious people at environmental meetings, and all the interminable and immortal aluminum cans, and all the nuclear wastes and place them into a large spaceship shaped and painted like a Campbell's soup can and shoot it into the sun, that might get rid of the wastes. But there are apparently no realistic solutions except for the long-term tank storage and the storage that you have heard about recently in Lyon, Kansas, i.e., of fused concentrated waste canisters in a deep salt mine, which shows only that the nuclear energy people are very concerned about the disposal of these wastes, some isotopes of which have half-lives of 2,000 to 20,000 years. The trouble with waste disposal is that you have to take it from somewhere to somewhere else, and that heat emission from such radionucleides is enormous and not clearly manageable.

Furthermore, fission plants have another problem. The uranium rods have to be reprocessed at regular intervals between a year and eighteen months because when they become "foul" the reaction is altered. We also take the concentrated coolant material which is in direct contact with the fission rods, carry it in trucks and trains to a reprocessing plant where the uranium is cleaned to be restored to the owners, and where some of the radioactive isotopes are either used or disposed of. This means driving on a concrete road with all the possibilities of accident and damage, in oversized trucks, in casks which are apparently radiation proof and damage proof, to take them from Livermoor, California to Buffalo, New York, where the only active reprocessing plant was for awhile, and assume that everything will be all right. In the Nuclear News of July, 1970, the statement was made flatly that no large casks exist at the present time in industry. It also says they are not sure they can get oversized truck permits for travel—it begins to sound like oversized coal trucks again, doesn't it?

Many AEC nuclear power proponents with whom I have met, are Sierra Club, Isaac Walton League, Audubon members, many of them very much upset about strip mining will probably submit that they are willing to give money and even testify as scientists about strip mining. They are very concerned about the effect of sulfur oxides, hydrocarbons, particulates and photo-chemical secondary pollutant substances upon lungs of man. I really have no great argument with many of the AEC people, except that some of them appear to be duplicitous in saying there is no problem when, in fact, they have not been able to answer many of our questions. They say that the plants cannot explode. I have to take that upon faith because of the engineering competence of the individuals involved, because of the multiple fail-safes which, if calculated, give you an incidence of about one in 10,000 to one in 100,000 of anything happening in a plant. Even then, they say it is not a matter of blowing up like a bomb, it is a matter of releasing a certain amount of Iodine 131. They dispose of the Iodine 131, they say, by spraying while they cool with a solution of water containing sodium thiosulfate which binds the iodine. They say we are going to have a large cask full of potassium iodate tablets, and will give this cask out to all the employees, and then drive all round town in the affected area and pass out bottles of potassium iodate, because if you are already saturated with iodine, your thyroid won't take up any more. Now Iodine 131 in certain doses can clearly cause thyroid cancer. They are concerned about that. They say that emissions in relation to background isotopes produced by coal can be controlled and are trivial. They say that isotopes are produced by the burning of coal. Some of these isotopes have relatively long half-lives, some have short half-lives. They are contained within the coal and they are released with that material which goes out through the stacks. When material put out through the stacks contains Kr^{85}, and some of the other Krypton isotopes which are very short lived, the operators can hold the emissions for a given time until the amount of significant emissions is minimal. This can be done in a fossil fuel burning plant. Furthermore, the amount of material put out by at least two of the existing nuclear reactors is considerably greater in krypton, in terms of number of micro-curies of isotope involved, than have ever been put out of fossil fuel plants. But both, they admit, are relatively trivial at the planned dose.

Thermal pollution is a very complicated subject. At the Yankee plant in Connecticut it is stated that thermal pollution has been shown to increase the yield of fish. The answer is that certain fish, in fact, thrive with high temperature waters and among those are catfish. If you do not like catfish you are not a true southern Ohioan, or northern Kentuckian. This is not the issue. I am sure some aquatic species do thrive in the presence of warmer waters, but the algae shift from the harmless kind of algae to a blue-green when the temperature is raised a certain number of degrees. Isotopes incorporate more rapidly in algae, algae grow more rapidly, certain species in the food chain do not survive, such as tiny shrimp, bacteria and other biota in warmer waters, and apparently the whole cycle of life is changed by a change in water temperature of as high as 15 degrees, which is what has been planned by some of the nuclear power plants until people insisted that cooling towers be installed. Now some of these plants dump the cooling waters in ponds, some others use wet towers in which you creat a fog because the water cascades down the side and evaporates forming a fog under some conditions. From Port Clinton, which is a nice little resort town near Toledo, the super highway to Chicago is going to be heavily laden with fog at certain times of the year because of a wet tower which cost $9 million, instead of a dry tower which is like a radiator in that the water is contained within pipes and is blown upon by fans, from which there is no fog created, because that tower costs $15 million. The total number of mills per kilowatt of energy added to the bill is trivial when amortized, as good businessmen do, over a long period of time.

Supposedly wastes are carefully handled and stored, but we have never had to deal with wastes of the kind and quantity that we have to deal with here. We have an enormous backlog of waste stored in tanks at some of our major reactor sites. These tanks have to be frequently inspected, they have to be earthquake proof and they have to be changed from time to time because the tanks are altered by the corrosion of salts formed in solution by the radioactive isotopes. Furthermore, they believe that technology will keep up with fissionable fuel crises. Now one thing that Dr. Bedan from St. Louis said, and also some of the other speakers have alluded to, is that we have to deal with stopgaps. Clearly we have to change our consumer patterns and our ways of life because these are merely stopgaps. Everyone in the nuclear power industry admits that if all the nuclear energy sources are going, the amount of Kr^{85} and tritium that will be produced will no longer be manageable unless one has totally safe plants if one has the same planning with fission reaction as at the present time.

Now I have tried to present some of the AEC view. I do not doubt that I do not know very much about radiation in low doses. What about the other opponents? Scientists, conservationists, citizen groups, activists, some hysterical and not hysterical ladies and gentlemen, have opposed the AEC, and you have to be at one of these licensing hearings to see with what contumely one is treated when one gets up and says, "I am not a nuclear engineer." Their faces get set in the most interesting expression of infinite patience with the idiots who are about to tell them something. I do not believe that they mean to do this, but I think there is an enormous proprietary feeling, as there is on the part of any citizens group interfering with a group of so-called experts. I do not deny that they are experts. Gaps in the past fail-safe performance, despite safety records, suggest that there is a question in plant safety. The emissions add to the total number of cancers if you believe Gofman and Tamplin. Now the people who oppose Gofman and Tamplin say the following: One, not all cancers have a doubling rate at which a certain number of rads will double the amount of cancers appearing. Two, it is not clear what percentage, if any, of the cancers that we already have are due to radiation. Because, as you see, if you live in southern Ohio, your radiation dose is about 120 millirems per year. If you live in Denver it is about 240. If you live on the sands of Kerala in India, your dose is sometimes up to 12,000. There are smilar places in Brazil. Now, Gofman and Tamplin say, "Aha!" You are about to tell us there is no doubling in the amount of cancer in those areas. But the total increase in cancers would be about 3 percent because the doubling rate varies with each cancer. Nobody knows whether the 3 percent increase can be picked up because most of us do not report things very well at autopsy on death certificates or when one does a surgical operation." Ernst Sternglass said something very interesting. He has been in Athens recently. Dr. Sternglass once was a Westinghouse radiation physicist. He is now a professor of radiation health safety at the University of Pittsburgh. He has said that since 1935 there has been a decrease in fetal mortality up until the time of testing of the first atomic bombs. At that time there ceased to be a decrease in fetal mortality. From '35 to '40 the decrease was apparently due to improved health standards. He says the slope has actually been existing for many, many years because increased health standards were beginning to occur back in 1850. He said that some of the falling off of fetal mortality could be due to antibiotics. Some of the decrease in fetal mortality could be due to the introduction of penicillin, immunization and the improvement of the kinds of food babies are given. But why, he asks, does the fall off of fetal mortality cease in spite of these new additions during the times of the testings of the hydrogen bomb? And, in fact, if you would look at the statistics, there are questions which have not been completely answered.

On the other hand, with all due respect to Dr. Sternglass' sincerity, we had recalculated his statistics to his latest paper and they are not significant in terms of the numbers of deaths in a given county adjacent to a fission reactor plant, as opposed to the number of deaths in counties where there is no fission-reactor plant. The second thing he forgot to do was correctly calculate the wind direction and speed. This has to do with something atomic power proponents fail to mention. They say that if you are standing at the edge of the nuclear plant, you may be exposed to 5 millirems at the end of a year, and, that people who live in that general area are exposed to about this dose level. On the other hand, the upper limit is actually 500 millirems. They promise five, they only guarantee 500. Within the plant the upper limit is not 500, but 5,000, so that the workman is a guinea pig, as is so often the case in plant environmental exposures. Now, they say, "Listen this is not an X-ray going through you, this is tritium in the water, and it is Krypton-85 in the air you breathe. If there are other noble gases or halides that are released, for whatever time they are releasing their alpha and beta rays, they are within you for the short period of time. It is not as if it is passing through." This is their statement and only partially true. Dr. Sternglass, therefore, in his various statistical evaluations, has left himself open to doubt. Nevertheless, his statement is that there are up to half a million babies who will not make it to term because of the effect of small doses of radiation, above and beyond background radiation. He believes that most of this was due to fallout from nuclear testing and he suggests that with increased numbers of nuclear reactors, even releasing small doses of radiation, will expose the general population to about 170 additional millirems per year per individual. His work is up to question. As for life shortening, we can clearly show this to exist in experimental animals, but with larger doses than are involved here. Repair of radiation damage is an unknown in low dose problems, but the longer and the lower the time and dose, the more likely repair is to take place.

We can show that aging is increased physiologically and biologically by radiation, but in much larger doses than those to which you would be exposed by a nuclear power plant's normal emissions. Thermal pollution, as I mentioned, alters spawning patterns, fertility, survival of spawn, algal growth, rate of incorporation of radio isotopes, and also is wasteful, as it is also indicative of profound inefficiency which with "topping" magnetohydrodynamics at fossil fuel plants is about 50 percent, in nuclear fission reactors is about 32 percent, and in fossil fuel plants is about 40 percent.

The waste problem and reprocessing has not been solved. Transportation is a danger. Fusing these hot radio isotopes in glass and burying them in salt mines is something that the people of Lyon, Kansas are frightened about. Deep well disposal is unthinkable since deep well disposal clearly involves the water table. Ocean disposal is out because the salts will corrode through both the concrete and the steel casing and that quantity of radio isotopes would be a serious detriment to the survival of deep-sea life, eventually get in the food chain, and we would be dealing with long-lived isotopes in the fish we eat. Background radiation is about 100 to 120 millirads. It comes from the woodwork and stone in the walls. Stone is much worse than wood may I add, but it also comes from wood. It comes from cosmic rays, and it comes from within, from substances which are normally radioactive. From fallout, as of four years ago, we received 7 millirads per year. Fallout has greatly decreased since the testing bans.

Medical X-ray is a major offender or has been until recently. A single chest X-ray at your favorite hospital will receive about 100 mrem, and of this about 0.4 mr to testis or 0.07 mr to ovary or fetus. A portable film in a mobile chest unit may yield 4–6 times that dose and a common kidney test such as an intravenous pyelogram may give 5,000 to 8,000 mrem, with 486 mrem to testis; 1,290 to ovary and 3,210 to fetus. We can use diagnostic X-ray more discriminatingly and also improve and monitor our machines with image intensifiers and other engineering devices.

We are concerned with linear relationships and threshold phenomena. The former refers to a straight line relationship between dose and effect. The latter refers to a level of irradiation or medication below which no visible effect is manifested. The straight line effect varies with the plot and the technique. The failure of the line to meet the union of ordinate and abscissa may be a mathematical characteristic rather than a natural phenomenon. The threshold phenomenon deals with infrequent events made somewhat less infrequent and to test well would require more animals than conceivably available under present circumstances.

We have no information on the lower end of the curve for mice below 5–10 r. We seek an end-point, e.g., doubling of the incidence of spontaneous mutation of a gene, appearance of a cancer, appearance of cataracts, chromosome breaks or incidence of malformations in litters of radiated mothers.

It is vital to know whether there is a doubling dose (a dose that doubles the incidence of any of the phenomena above) for any given mutation, cancer or defect, so that one might estimate what percent of the doubling dose might be reached with any given exposure and then multiplying this by the population at risk to estimate the number of persons involved.

It is very important to know this because you are going to be bombarded with information of this sort. Some of the power companies have decided that fossil fuels are no good. Some power companies have decided they really want to make a change, whether or not they are responsible enough to see that there are serious problems. They are, in fact, not initiating the issue. They are following the advice of their experts, their engineers and managerial people. They want to know.

Here is an example of lethality plotted against X-ray dose. (Fig. 1) The line appears to project downward indefinitely and strikes a point right about here. But you notice the levels are very high. So generally we are dealing with a biological phenomenon about which we know the following: Levels much above 100 rads delivered at a certain rate produce definite kinds of changes. Levels much below 100 rads produce much fewer changes and so, statistically, much below 5 to 10 rads we do not have enough information to do more than speculate.

The radiation standards that were established were established in a very conservative way. Gofman and Tamplin think that they are not conservative enough. They believe that one must not trust what the International Committee on Radiation Protection says, or what the Federal Radiation Commission says, or what the AEC says, as they base their levels on nothing. No data. It is peculiar, they say, but no one has recognized the fact that there is a doubling dose for all cancers. Doubling dose was reached, not by 5 millirems per year, but by multiplying 5 rems per year by the 30 years you live until you get your cancer, or the fifty years or the seventy years, because this in fact is the dose required to induce this neoplasm. They think the risk is of the following: there are something like twenty cases of leukemia estimated per million exposed persons. Well, the individual, they say, has a fifth order risk. A few years ago, MacFarlane Burnet, the great biologist, suggested that there are now seventeen cases per 100,000 of leukemia in the population. There used to be seven. What is the increase from? Seven out of the seventeen may have to do with fallout. (This was when testing was active.) The rest has to do with environmental changes. And now the level has gone down to about eleven. Clearly, many people believe that radiation doses, even relatively small ones because the total fallout danger was small, but the accumulative dangers apparently were great in leukemia and also in thyroid carcinoma. In the case of uranium miners, lung carcinoma was found to be a very serious and well known radiation-induced cancer.

Strip mining is an obscenity, clearly. Deep mining victimizes the workers. We have not as yet achieved the situation where inspection of mines has been sufficiently effective to yield a mine in which men will not die of silicosis and black lung disease, about which we do not know very much structurally, but we know a good deal in terms of physiology and epidemiology. We do not have solar power, and I am told that solar foils have been invented which are miles and miles wide, 0.0001 inch thick, will float in space and produce enormous problems in management and storage. Solar power, obviously, is impossible to use in northern Ohio because the sun never shines. Other sources of power that increase the efficiency of fuel are things we talk about but do not spend any research money on. We can do space R and D and increase streamlining of automobiles, and we can investigate and develop newer and better ways of flavoring food, but we have not the time or the desire to find alternatives which won't themselves pose problems as bad in the terms of the survival of man as nuclear power may be.

Do I believe that nuclear power is a serious danger? With the exception of the possibility that Gofman, Tamplin, Pauling, Lederberg and Sternglass are right, and the unsolved problem of nuclear waste disposal, I think we may be in for several generations of nuclear power. The fact that we are the monopolizers of the goods of the world, i.e., that 7 percent of the world uses from 40 to 85 percent of the world's resources. Here one is supposed to conjure up a group of angry South Americans, Africans and Asians descending upon Detroit, Michigan to rip off the Cadillacs and to Shaker Heights to occupy the homes of the anxious rich. That sort of thing isn't easily conjured up. Research and policy decision is desperately needed in the area of changing our entire consumption pattern; the effect of chronic low dose internal and external radiation upon long-life species, not mice, is necessary. I greatly respect Drs. William and Liane Russell, but they are not dealing with people, they are dealing with mice.

Action is needed now. The petro-chemical industry, the pesticide industry, the coal industry have the most eloquent and competent lobbies in the world. They are not fools. They are not evil. They are shortsighted, and they are wrong. Clearly they are tied to the automobile industry, which has had to be bludgeoned into accepting safety and emission control standards. The pesticide industry is carefully tied in. It is not a matter of abolishing automobiles and abolishing pesticides, it is a matter of intelligent use and conversion from general, blanket-type all but apodeictic uses to specific uses. It is all a matter of suggesting that maybe electrical power properly produced can cut down on all kinds of serious pollution problems, such as electric cars for in-urban use and perhaps gasoline-powered cars or battery powered cars for inter-city use. The steam car (Rankine-cycle engine) also has to be considered and is by no means out of the question. Then, of course, electrical power production becomes primary. An increase of electrical power production of some 40 percent should produce some 28 percent decrease in total weight of emittants, given the best stack controls.

What of our national policy? The national policy appears to be as disorganized as was described in our approach to strip mining. You and I, as conservation-conscious people, belong to Friends of the Earth, the Sierra Club, the Izaak Walton League, the Audubon Society, the Nature Conservancy, and all the other organizations. Both activists and thinkers, have never decided what our consistent goals must be. We attack each situation as if only crises require solutions. That is the way much of America's foreign policy has been. There has never been a foreign policy, there have been attempts to attack each situation at it arises. One of the current questions raised about Vietnam is that the powers have begun to divide all of Indo-China's shores in terms of exploitable oil. The Alaska pipeline may be impossible. As you know there was a recent pipeline accident in the Soviet Union like that predicted in Alaska. The Russians apparently used reasonably good engineering standards, very similar to ours. The spill problem is intolerable. It has destroyed a staggering number of wild birds, seals, fish, and reclaimed oil has been economically discriminated against. The oil lobby has been very effective in blinding us to alternatives.

Limited supplies, pipeline leaks, and the use of atomic bombs to mine and incidentally to contribute to radioactivity of natural gas is intolerable. Intense research on reactor safety, power needs, fusion feasibility, and similar phenomena are very necessary. We have to decide how to intelligently transport fossil fuels. We must begin to concentrate upon power transmission. As you know, one of the great dreams which is feasible in model is the cryogenic transmission phenomenon. Now can you imagine piping that energy by the use of tall transmission towers from Arizona and New Mexico to Las Vegas and Los Angeles? Can you imagine what terrific line loss there is? In using cryogenic transmission which is not cheap as refrigeration apparatus is required every mile, the idea is that when you get close to absolute zero Kelvin you have no heat loss and thus absolute conductivity. Is it a dream? When man has his back up against the wall, one can't invoke "dreams" and complain about "expenses." If we can spend something like $450 billion in five years on defense, clearly we can begin to expend money on surviving. Controlled beam power transmission has to be investigated, and the whole plasma beam area has to be tried. Fuel efficiencies, thermal electric or thermionic cells where you induce a far higher current in the fuel cell than the ordinary efficiency would suggest, hydro, solar, and geothermal sources, all are of vital importance.

Therefore, I have a feeling that the fight has to go on, scientifically, sociologically, morally. One cannot fink out by saying nothing can be done. One cannot fink out by saying that people are lazy. An acquaintance came up to me recently and said, "Do you know, you environmental people are destroying business. You are the worst thing that has happened to business because, you know, people can't change. People can't stop using automobiles. People can't stop using air conditioners." The answer is "The hell they can't."

Thinking that each new environmental concern takes away from yours is also wrong. If you are on your white horse of concern, bearing your informed lance of righteousness and riding along, (many people in this room probably are), and you see an enemy in the form of racial injustice, poverty, in the form of putting women down or putting Indians down, you fight the injustices as they appear. The misused environment is one of the many, many intolerable injustices which almost always ends up with those already victimized being further victimized. This is why environmentalists have to be activists. This is why scholarship has to end up with action, and this is why such conferences are important. Thank you.

Dobson: There is at least one question. I think one of the microphones, at least, is working.

Question: What about the David-Besse plant siting?

Perrin: There's a serious problem. If you talk to some of my colleagues in nuclear engineering, they regret the fact that the plant was sited there. Plant siting is a major problem. Where the hell do we put it? Someone has described a good plant site as a place which has abundant water, is not too far away from the place where the electricity is supposed to be delivered, is far away from a place where there are people, is far away from a water source that it can destroy, and is far away from an area that it can spoil with contaminations. Therefore, there is no place we can put nuclear plant. Clearly, there isn't any place. I think that the west end of Lake Erie is a very poor choice for the following reasons. It is a spawning area. It is one of the few spawning areas on the west end of the lake. Too, the hydro engineers tell me very clearly that the statements made in the PSAR about mixing of warm water and lake waters are not necessarily correct. They are going to have a wet cooling tower. The wet cooling tower is going to cut the water tempertaure down so that in the mixing area it is 15 degrees higher than it was when it came out, but it's going to be down to a degree and a half after the mixing area has passed. But the statements about what mixing goes on are very controversial. What Dr. Lee said, is not the same thing as is said by other aquatic biologists. So I feel that there is some evidence that they have chosen the wrong site.

They also took a portion of a wildlife area, although they gave some areas of swamp for another wildlife area. Three, I have the preliminary report from the AEC. The plant site is ten miles from an ordinance testing center. It is ten miles from a bomb testing area used by planes from Selfridge Field using aquatic targets. They quote, "We have been promised by the various armed forces officials that they will not go outside of the expected range. They also say that no missiles, no armored tank shells, and no dud bombs have ever been found outside of the area. Further they have never had any misses." Well, I don't believe all those statements because I just don't think people know that much about their misses. However, it is true that short of an extremely large tactical atomic weapon, the shell of the David-Besse plant is engineered to withstand any such shells, it so happens. Another problem is that it is in an area where earthquakes have been recorded. However, the highest earthquake recorded level is 5 units in that part of the state and they are engineered to withstand shocks up to 7.5, which is good. In other words, the AEC is not unaware of its failings. They are also the first to admit that radiation causes disease. They are also the first to admit that thermal pollution is a problem.

What bothers me is their solutions to the things they admit are true. Clearly, I don't think the David-Besse plant is ideal. If you say, would you rather have such a plant or strip mining, I don't know. Would I rather have one kind of disease or another? At present, if one believes the AEC, it is an answerable question.

Apparently we are going to have nuclear power because we cannot, apparently, solve without most stringent laws and the most rigid, almost draconian punishments, the fossil fuel problems. Clearly, if we are going to fine Cleveland Electrical Illuminating or Con-Ed a hundred dollars for a violation, they won't give a damn how many times you fine them. They don't even care about the bad publicity. After all if you don't like what they're doing, go to their competitor. What competitor? If you don't like what the telephone company does, go to their competitor. There is no competitor. Too, I think that the power industry may be tired of fighting the coal battle. The low sulphur standards for coal have been made so stringent in New York City that there is no coal available at that kind of low sulphur level. Now where to site plants? Some of the plants in New York City are clearly planned to be built within the city's boundaries. That is pretty staggering. You need at least 10 to 100 acres around the plant. Some of the proponents have said that we are going to use the warm water to make greenhouses and raise vegetables; we are going to have it as an amusement park for children. And then they are asked, "Would you want to live there?" And they said "Sure." And they are actually going to have some of their plant engineers live within the plant area. So all these peculiar contradictions exist in the statement. Ask them to lower the standards from 500 to 50 mrem as the upper limit and they say that they can't because they might want to change something and the dose level would leave them inflexible. So clearly there's a contradiction between intent and practice. Any other questions?

Question. Discuss the cooling towers to be used in the Davis-Besse plant.

Perrin. The cooling techniques are carefully engineered. The dry cooling method has been the least tried. That is one in which you have water running through pipes and a fan blowing on them, essentially. That is reasonably effective, I understand, in pilot there are some smaller models. It is more expensive, however. It adds between 8 and 9 mil per kilowatt hour to the bill. The wet cooling towers are highly effective but produce a mist and a fog. The cooling ponds are fine, except there must be a 1,000 acre pond, and several of them. There are other methods which are equally effective but all of them add to the bill. The dry cooling tower is much more effective and would probably cut down the temperature of the water emitted to 5 degrees above that at which it was taken out of the lake. But they are all reasonably effective, considering that you are limiting your standards in every case. I think it is probably unwise to accept limited standards giving the mixing characteristics of that end of the lake, but they are reasonably effective given the standards within which they operate.

QUESTION. I'd like to underscore what I think, the speaker has properly identified as three principal problems in the use of nuclear power: (1) the reduction of emissions from the plant itself, (2) the transportation of nuclear waste and finally (3) the containment of radioactive wastes.

PERRIN. The AEC is quite protective and they feel that they are doing an extremely good job. You are dealing with people who have made every effort within what they consider to be reasonable standards to solve their problems. If you belong to the American Nuclear Society and receive their journals, all of these problems come up. They put out the "Nuclear News", which is quite readable and not terribly technical for those of you who are not physicists or engineers. They have twenty-five and thirty-five page supplements on technical data having to do with thermal pollution problems, having to do with light water reactors, fuel recovery, transportation, all the other major issues. They are not unwilling to discuss these matters and I think they are in fact willing to admit that there may be errors in their calculations, but due to the best information they have, they think the light water reactor as currently engineered is safe.

Question: Are we spending money for research in the correct way, e.g., for improved fossil fuel burning rather than for fusion?

Perrin: Would I rather see the money used for fission fuel plants or the other way? Or should we use it on research in the creation of nuclear plants? If I believed that fusion was, in fact a safe and feasible method of producing power, I would rather do the research on fusion. The two questions that are asked by radiophysicists have to do with neutron bombardment of surrounding elements and the production of new radio isotopes which are just as dangerous as those you are trying to contain. I do not know if this is fact. Do you know this as fact? I'm not sure.

Question: Discuss fusion reactors.

Perrin: Would I mean fusion here? Yes. Fusion reactor. Right. Well, the amount of money spent upon fusion research is trivial. It is in the matter of scores of millions as opposed to the billions that have been spent upon fision reactors. Do I think that we can make fossil fuel burning sufficiently efficient to warrant expenditures of staggering amounts for research? In terms of time and feasibility I think we had better spend some of our money on the efficient use of fossil fuels because it is not clear that fusion reaction is going to occur tomorrow. In other words, from the time of planning to the time of building of a fission reactor is rarely less than six years. The time of research perfection and building of a fusion plant cannot be less than 10 years, given the most optimum kinds of research results. We have already said repeatedly that it will be too late for Ohio, Kentucky, and West Virginia if we do not do something about strip mining now. We have repeatedly said that we are breeding a race of pulmonary cripples working in the deep mines. We have repeatedly said that we are going to have Alaska raped if we do not do something about the oil problem. So clearly we are going to have to work with the fossil fuels at the same time. Unfortunately, there is not any choice, but I think we must spend money on fusion. This might very well be the answer to limitless energy except, of course, for the heat barrier problem which has not been answered at all.

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APPENDIX 1

(Overall efficiency)

	Percent
Fossil fuel plants: (15–20% waste heat out by stack, rest via condenser to cooling water)	38–40
Proposed fossil fuels with magnetohydrodynamics topping cycle	53–59
Present light water reactor	30–32
Proposed advanced nuclear reactors	39–43

ADDITIONAL COSTS FOR COOLING

[Investment cost for 1,000 megawatts-thermal; in millions of dollars]

	Fossil plant	Nuclear plant
Once through, no controls, to fresh water river or lake	Baseline	
Once through, no control, into salt water	2 to 3	3 to 5.
Cooling ponds with recirculation (1,000 acres needed)	4 to 6	6 to 9.
Wet cooling towers, most heat loss to atmosphere via evaporation, with production of fogs, mists.	5 to 9	8 to 13.
Dry cooling towers, heat transfer, to atmosphere without evaporation, fogs or mists. Large fans, no water loss.	Possibly 20	Possibly 25.

LIQUID RELEASES ON A DESIGN BASIS FROM A PRESSURIZED WATER REACTOR

	Half-life	Annual release from waste disposal systems (uCi)	Condenser discharge concentration (uCi/cc)	Maximum permissible concentration (water) unrestricted area total body (uCi/cc)
H^3	12.3 years	5.68×10^9	3.8×10^{-6}	5×10^{-3}
Sr^{90}	27.7 years	.44	3.0×10^{-15}	4×10^{-7}
Co^{60}	5.2 years	4.27	2.85×10^{-13}	1×10^{-4}
Y^{90}	64.8 hours	.51	3.4×10^{-16}	3
I^{131}	81 days	8.65×10^3	$.58\times10^{-11}$	2×10^{-4}
Cs^{137}	27 years	5.15×10^3	3.43×10^{-12}	2×10^{-5}

Note: And a number of others.

GASEOUS RELEASES ON A DESIGN BASIS FROM A SIMILAR REACTOR

	Half-life	Annual relase from holdup tanks (Ci)	Max permiss conc (air)
Kr^{85}	10.4 years	6,000	3×10^{-7}
Kr^{87}	78 minutes	(1)	2×10^{-8}
Xe^{133}	5.27 days	5,500	3×10^{-7}
Xe^{135}	9.2 hours	(1)	10^{-7}

[1] Negligible.

WINCHESTER, CONN., CELEBRATES BICENTENNIAL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mrs. GRASSO. Mr. Speaker, the town of Winchester in my district is currently celebrating its bicentennial anniversary. Beginning with the Incorporation Day ceremony on June 3, splendid festivities will mark this grand occasion throughout the summer reflecting the pride which is shared with all the people of our State.

Winchester is steeped in rich tradition and blessed with industrious citizens who reflect the strength and vitality of our Connecticut heritage. Since the early Winchester citizens built little shops alongside the tumbling mountain streams around the town, manufacturing has played an important role in the growth of this hardy community which now boasts a population of over 10,000. Farming, too, was a prosperous occupation in the early days, following the hunting exploits of the great Chief Waramaug who brought his braves here in search of food. The rich soil provided nearly all the essentials for a self-sufficient farming family, including the ingredients for homemade soap.

The study character of the town's people was demonstrated by their courage and strong will during the difficult rebuilding period following the devastating flood of 1955.

Life in Winchester, past and present, reflects the hopes and sorrows and opportunities of towns throughout America.

Now, as in many communities across the land, Winchester has become more sophisticated, as well as more complicated. New schools, new businesses, new roads and new homes are impressive evidence of Winchester's accomplishments and dreams fulfilled as the town enters its third century.

Still, the past and the tradition that goes with it are preserved and enriched by townspeople conscious of their heritage. Thus the bicentennial celebration is a very special time indeed, as the town of Winchester and the city of Winsted make known their achievements of the last 200 years. From the bicentennial ball to St. Joseph's Church bazaar, from the antique flea market to the Winchester Center Historical Pageant, a bit of gallant history lives again, stirring old memories and enchanting young hearts.

This is a particularly proud time for me, too, since it is my privilege to be Representative in Congress for the good people of Winchester during this fine hour when the past is prolog to new opportunities and new achievements.

POLITICS AND THE WAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DUNCAN. Mr. Speaker, a recent statement on the editorial page of the Knoxville (Tenn.) Journal says the disclosure of a secret study on the Vietnam war will be embarrassing to many. I would like to share with my colleagues what the newspaper had to say on this matter.

I include the article as follows:

POLITICS AND THE WAR, JUNE 16, 1971

One of the more revealing points of the previously secret study on United States involvement in the Vietnam war was its reference to Johnson Administration decisions for an all-out bombing of North Vietnam at a time when the Democratic Party was severely criticizing Republican presidential nominee Barry Goldwater for openly suggesting the same tactics.

The study has been obtained and published by the New York Times in support of its editorial policies, which have been generally dovish. There is a squabble over whether the Times violated security laws, but none of this dispute alters the basic facts as revealed by the study.

The period under discussion was late summer of 1964 in the very heat of that year's presidential campaign. Readers will recall that Democratic candidate Lyndon Johnson, who only months before had ascended to the presidency after the assassination of President John F. Kennedy, played down the Vietnam War in his campaign speeches.

Republican candidate Goldwater, on the other hand, responded with frank answers when asked about his concept of how the war should be handled. Goldwater recommended taking the war home to North Vietnam in the form of heavy bombing strikes. Democratic campaign managers exuded pure shock over this suggestion and repeatedly cited this Goldwater reply as evidence that he was unfit to hold the nation's highest office. Those who closely followed the campaign will recall vividly the slick television commercials which emphasized Goldwater's "bombing" statement.

But now the utter hypocrisy of it all glares forth.

Goldwater, who frankly told the American people what he would do, was defeated. Johnson, who was secretly planning all along to do what Goldwater suggested, was elected.

The secret plans were made after Johnson administration advisers—then consisting largely of old Kennedy clan members—had reached a consensus that air attacks against North Vietnam should be launched.

Revelation of these plans lays bare what probably amounts to one of the most blatant deceptions ever foisted off on the American public in the name of partisan politics. Clearly backers of LBJ led the American public astray in their effort to win the 1964 election.

Now, curiously enough, many of those same individuals who advised all-out bombing in 1964 are among the foremost counselors of total, immediate withdrawal today. Again, we suspect, their motives are more attributable to partisan politics than to informed statesmanship.

Disclosure of this study which pointed the way to massive U.S. involvement in Vietnam will prove to be highly embarrassing to many present-day doves.

THE 30TH ANNIVERSARY OF THE RUSSIAN HEGEMONY OVER THE BALTIC STATES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, this week, during the 13th observance of Captive Nations Week, I am pleased to be joined by more people around the world this year than ever before in calling attention of free people the world over to the continued sorry state of affairs in the Baltic. The world just cannot afford to forget the plight of these people. We must avoid letting time make memory grow dim and forgetful. The frustration grows worse with each passing year. All we seem to be able to offer the millions of people in Europe living in the satellite countries is our sympathy. But, there is value in this sympathy, insofar as it keeps the situation of these people constantly before us. We must not allow a situation we have become used to to be sanctified through mere passage of time. Time cannot make legitimate what was wrong and outrageous in the first place. More than two decades of foreign domination have not given Soviet claims any legitimacy. Resignation is not the same as acceptance by those so dominated. We should not be tempted to condone what we know the majority of those living under this domination refuse to condone.

The facts are that in balance the years of foreign domination display incredible insensitivity to the wishes of the local populations. Opposition has been systematically discouraged and, on rare occasions, when it rears its head has been ruthlessly trampled and condemned. But, each fresh outbreak should remind us of the irrepressible human longing of the captive nations to one day govern their own destinies free from foreign influence. This last year, we have witnessed the spectacle of the Polish food riots, lest anyone think that the captive nations have lost their interest in influencing their own destinies. More than anything else, these riots pointed out for all to see the wide disparity between the quality of life in Western and Eastern Europe which has widened, it seems, with each passing year.

So, let us renew our commitment to these diverse nationalities that one day they will enjoy once again their lost identities and let us do so in the certain knowledge that the spark of such feelings still exist and have been kept alive in the harshest of environments. These sparks of human dignity must be kept alive. We cannot afford to let them die out for lack of interest.

REVENUE SHARING PROPOSAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DINGELL. Mr. Speaker, the Reverend Lloyd Ewing, executive director, Region V Citizens Council, 155 West 16th Street, Indianapolis, Ind., recently sent me a copy of a resolution and a supporting statement expressing opposition to the President's revenue sharing proposals.

So that my colleagues may have an opportunity to be aware of this resolution and supporting statement, I ask unanimous consent that the texts of same appear at this point in the CONGRESSIONAL RECORD:

RESOLUTION

Whereas: The Demonstration Cities and Metropolitan Development Act of 1966 created the Model Cities Program; and

Whereas: The Act provides for five full years of implementation; and

Whereas: The Act requires concentration of effort, widespread citizen participation and comprehensive planning; and

Whereas: The proposed Community Development Revenue Sharing Bill destroys the identity of the Model Cities Program and potentially can end the Program; now therefore be it

Resolved: That the Model Cities Program not be folded into the proposed Community Development Revenue Sharing Bill and the Congress of the United States guarantee that each city under the Program be allowed five full years of implementation at full Funding.

ERWIN FRANCE,
President,
National CDA Directors Association.
FRANK LOMAX, III
President,
Region V CDA Director Association.
REV. LLOYD EWING,
Executive Director,
Region V Citizens Council Model Cities.

We the citizens of Region V Citizens Council and Region V Community Action Agency would like to renumerate our opposition to the Revenue Sharing Bill in its present form being presented to congress.

1. The bill in no way protects the rights and give the assurance of involving citizens in planning with local and state governments. The ways and mean to bring about urban changes, using federal monies which belong to all people.

2. The act of giving federal monies to local government without guarantee protection for seeing that these monies are used to benefit the poor, disadvantaged and all citizens regardless of race, color or creed is in direct violation of the constitution of the United States.

The major cause of urban deterioration today is the gross neglect of local government using it's expertise, with the citizens of the community to work constructively in solving their needs.

I would like to quote the words of the Honorable Mayor Richard G. Lugar of Indianapolis, Indiana in his address to the International Conference on Cities.

1. "Reconcilation in our cities and peace in our world are reasonable and attainable objectives; however the mayor said he would contend that the defensive strength of the United States is vaporized by unsolved urban dilemmas. "So much energy is now being dissipated in emotional drains ranging from gnawing insecurity to acute hatred of others in a community that much less energy remains to pursue national and international objectives than most national leaders suppose."

The problems facing most urban areas of the world will not be solved simply by the expenditure of vast amounts of money or the creation of "new cities," the mayor charged.

"Pumping money into old governmental structures or relying excessively on the emergence of many new cities defies reasonable expectations of monies which will be available to meet various urban crises, and simply does not represent a realistic urban policy for the future."

Admitting that most citizens in all countries "express little confidence in the competence of local leadership, he suggested this situation exists because "most talented citizens of cities show little desire to assume political leadership except in sheltered, behind-the-scenes roles.

"The talented and the wealthy," he said, "have too often not only used their mobility to change residences but they have changed the location of their businesses, their capital funds and, worse still, their loyalties and areas of dedicated service.

"Nothing short of the best, of the best men and women we have available will bring rebirth to cities, will reorganize and refurbish them".

We the citizens of Region V Citizens Council and Region V and Region V Community Action Agency boards wholeheartly agree with those statements; yet we go much further to point to them one by one as the need for guaranteed protection and assurance in The Revenue Sharing Bill the rights of all citizens.

1. The gnawing insecurity and the emotional drains that are causing not only local communities but national insecurities can only be solved by the total involvement and planning of all citizens in the local communities working together.

2. That by pumping monies into old government structures without new ideas, changes brought about by the process of involving the citizens whose lives are affected does not represent a realistic urban policy for the future.

3. Truer words where more than saying most citizens express little confidence in the competence of local leadership. The talented and the wealthy show little desire to assume political leadership except in sheltered and behind the scene roles.

If the talented and wealthy are only interested in local leadership except for sheltered and behind the scene role, where does this leave the other citizens of the community?

If talented and wealthy use their mobility to change residences, their businesses, their capital funds, their loyalties and dedicated services, what about the rest of the citizens?

The answer is the rest of the citizens are left out of local government involvement, planning and use of local government services. The rest of the citizens are left to carry the burdens and problems of local government without benefits.

This is why citizen participation and citizen protection in The Revenue Sharing Bill is a must. That is why Model Cities funds, OEO funds must not be part of any Revenue Sharing monies. That is why Model Cities should have its full five (5) years of implementation.

To assure that all citizens of local communities have the opportunity to become the best and to bring about the desired rebirth of our cities, citizen participation, citizen expertise, and citizen protection is a must.

The citizen of this great country has always relied on the Federal Government for the assurance of their rights. We are once again at that threshold. We are beseeching you to not leave the destiny of millions of our citizens to the hopes, whims, indecisions and the unconcerns of local government, without written guidelines and policies for their protection.

We the citizens of Region V Citizens Councils working in coordination with the Community Action Agencies in Region V sincerely appeal to your faith in our constitution in believing that this is truly a government "Of The People, For The People, and By The People."

REV. LLOYD EWING,
Executive Director,
Region V Citizens Council.

JOSEPH A. KLIMECZKO, CAPABLE LEADER OF OUR YOUTH

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DULSKI. Mr. Speaker, as we travel through life, there are individuals we meet who make a special impression upon us.

In my case, one of those individuals was Joseph A. Klimeczko of Buffalo, N.Y. I knew him well for his endless devotion to the task of helping others.

In a day where there is a crying need for guidance and understanding of our youth, Joseph Klimeczko was an outstanding example of a man who found his way into the daily lives and activities of hundreds of our young people.

The Catholic Youth Organization—CYO—has had varied success over the years, but it had spectacular success in Buffalo where Joseph Klimeczko was involved from the parish to the diocesan level.

He is remembered in particular for his work with our youth, but we cannot overlook his other dedicated work as well. I refer to his many other day-in, day-out efforts for his church including its continuing charitable activities.

Mr. Speaker, Joseph Klimeczko was a young man of 51 when he was taken from us a few days ago. He fell ill in 1969 and was forced to retire from his job, but he never retired from his enthusiasm for his work with people—especially young people.

As part of my remarks, I include two articles from weekly newspapers in Buffalo:

JOSEPH KLIMECZKO, CHURCH AND COMMUNITY LEADER DIES

Joseph A. Klimeczko, 51, died last Tuesday in Deaconess Hospital after a long illness. Mr. Klimeczko was active as a Roman Catholic Layman at the Parish and diocesan levels.

A lifelong Buffalonian, Mr. Klimeczko was president of Holy Apostles SS. Peter & Paul Athletic Club, a club which he headed for the past 18 years. In 1961 he was named a life member and in 1966 he became an honorary life member.

Mr. Klimeczko was also chairman of the Holy Apostles SS. Peter & Paul Parish Catholic Charities Appeal annual drive since 1939.

In 1959, he served as vice-chairman of the drive.

He also served as chairman of the parish's steering committee and has been a trustee of the parish since 1951. He was a member of the St. Anthony's Society and past president of its Holy Name Society. In 1961 he was named the parish Father of the Year for service.

ORGANIZED BOWLING PROGRAM

In 1944, Mr. Klimeczko organized the diocese's Catholic Youth Organization bowling program. He has served as diocesan bowling supervisor of the group.

The late Most Rev. Joseph A. Burke, former bishop of the Diocese of Buffalo, awarded to Mr. Klimeczko the Deo et Juventute Award (for God and youth) for his enthusiasm on behalf of the youth of the diocese.

In 1967 he was honored by the Catholic War Veterans for his service to the church. They awarded him their For Home Award. For his volunteer service to the church he was awarded, in 1970, the St. Joseph the Worker Award by the diocese.

Mr. Klimeczko was also a member of the Bishop's Board of Governors, the Diocesan Youth Advisory Board and the Diocesan Council of Holy Name Societies.

In 1970, the Am-Pol Eagle named him its Man of the Year, for his community service.

Mr. Klimeczko was a Fourth Degree member of Buffalo Council 184, Knights of Columbus, and a member of the Cordova Caravan, Order of the Alhambra of the Knights of Columbus.

ILLNESS FORCED RETIREMENT

In 1969, Mr. Klimeczko retired as senior draftsman in the Engineering and Gearing Dept. of the Westinghouse Electric Corp. in Cheektowaga due to illness. He was employed by that company for 24 years.

Westinghouse presented to Mr. Klimeczko its Citizenship Award in 1959. He was a member of the Westinghouse Salaried Employees Assn. and Westinghouse Credit Union.

A graduate of the former Technical High School of Buffalo, Mr. Klimeczko was a member of the Parents Guild of Bishop Ryan High School and of Elmira and Canisius Colleges. He also belonged to the Polish Union of America Group 257.

He was the beloved husband of Helen B. (Klawitter), father of Antoinette, Christine and Michael, son of Joseph F. and Catherine Klimeczko Sr.

Funeral services will be held on Saturday at Holy Apostles Peter and Paul Church. Interment will be in the family plot at St. Stanislaus Cemetery.

Who Cares

(By Jim Mosey)

In September, bowling entries will be mailed and brought into the Youth Department as usual.

In October, CYO-CYAC bowling will begin as usual.

It will begin its 28th year but not as usual. Something will be missing; or more precisely someone will be missing. Joe Klimeczko, Mr. Bowling, will not be there. The soft-spoken, very efficient, mild-mannered giant of a man, the bowling supervisor extraordinare will be missing for the first time in 28 years.

I met Joe, for the first time, less than two years ago as he lie in a hospital bed just recovering from major surgery. I was amazed by the man's fortitude and acceptance and completely taken by his simple charm. In the next 20 months or so I got to know him better and found my first impression to be correct.

A winner of the "For God and Youth Award," Joe exemplified what an award recipient should be. His work with and for youth cannot be questioned. Yes, something will be missing in bowling this season; the fortress, the strength, the backbone.

Someone will be missing. Joe Klimeczko, a man, has left us for now, but I'm sure Joe will be bowling alongside many people this year and for years to come.

Requiescat in pace . . . He Cared.

CRUSADE TO SAVE LAKE SUPERIOR

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. ESCH. Mr. Speaker, a former Michiganer, who now resides in Potomac, Md., Mrs. Verna Mize, has launched a crusade to save the lake she loves—Lake Superior. Her interest in the lake's preservation began in 1967 shortly after she and her husband returned from a vacation on the Upper Peninsula. Since then, she has spent over 3,500 hours contacting Government officials and collecting signatures for a petition to the President to keep the waters clean. The following articles by Mr. Saul Friedman of the Detroit Free Press and Roberta Hornig of the Washington Evening Star accurately describe her praiseworthy efforts on behalf of the environment.

I include the articles, as follows:

Crusade for Lake She Loves

(By Roberta Hornig)

In mid-1969, Mrs. Verna Mize of Potomac, Md., carried two bags of rocks picked from the shores of Lake Superior up to Capitol Hill and handed them out as paperweights to Midwest congressmen.

Last summer, she spent her two-week vacation collecting signatures in Houghton County, Mich., and turned a petition with 5,182 names over to the White House, hoping it would reach President Nixon.

In April, she testified as a citizen witness at a congressional hearing.

Over the last year she also talked to four governors at the governors' conference here; visited William D. Ruckelshaus, administrator of the Environmental Protection Agency; and went to the offices of the President's Council on Environmental Quality, several other government agencies, and a number of senators and representatives.

She estimates she has written between 2,000 and 3,000 letters to citizens groups, reporters, newspapers, scientists, federal, state and local officials, and spent 3,500 hours as part of the crusade she started four years ago, long before fighting pollution was a popular cause, to save Lake Superior, her favorite waterway, from pollution by a lone but extremely powerful industry.

"You know, President Nixon has repeatedly called for saving the Great Lakes. Sometimes I feel like I'm carrying out the President's expressed desires more than the people being paid to do so," she said the other day in an interview.

Mrs. Mize, a government secretary and wife of a retired Marine officer, seems an unlikely crusader. She is rather prim, polite, kindly and middle-aged.

She is, however, outraged that anyone would dare dirty the world's largest fresh water lake, "the lake that has been my love since I was a toddler."

"Goodness, we drank it. We swam in it. I was probably christened in it," she says.

Mrs. Mize's headquarters for her campaign is in an enclosed back porch, overlooking a garden in her modest home. There surrounded by files in cardboard boxes, rocks from the lake shore and bottles full of its putty-colored water, she writes her letters and plans her next moves.

Her crusade on behalf of Lake Superior began in 1967, shortly after she and her husband returned from a vacation on Michigan's Upper Peninsula.

She was bragging about the lake being drinking-water clean when a friend told her it might be in trouble—from wastes emptied into it by Reserve Mining Co., a huge iron ore producer at Silver Bay, Minn., owned by Armco and Republic Steel Cos.

Reserve daily discards into the lake about 67,000 tons of taconite tailings, or finely ground ore wastes. The company says the tailings do the water no harm. The federal government, after six enforcement conferences—the first in May 1969—has decided Reserve is a polluter.

Mrs. Mize reports that, when she first learned about the company, she assumed no one else knew about the dumping or it would be stopped. That's when she began her letter writing and visits to government officials.

PETITIONED PRESIDENT NIXON

"I found I wasn't getting any action from officials," she mused. "Very polite thanks, but nothing happened."

Last summer she decided her individual appeals had done no good and that she might have more luck if she "appealed in the name of many people."

She drafted a petition to Nixon that read:

"We the undersigned, respectfully and urgently request your speedy intervention to rescue Lake Superior from the ravages of taconite tailing degradation at Silver Bay, Minn., by the Reserve Mining Co. Pure Lake Superior is eminently worthy of your personal attention. We appreciate the concern for the Great Lakes you have already voiced, and we earnestly ask that you stop Reserve's use of clean Lake Superior for its own free private dump! Please, Mr. President, save 'the clear transparent water . . . the shining Big Sea Water' for us and for posterity."

With a dozen petitions, each with room for 20 names, she left on a two-week vacation for her native Houghton County believing, she says, that she could get 100 signatures.

She quickly got many more than that.

While between planes in Chicago, she began chatting with a fellow passenger and told him about the petitions.

"What are you going to save it from, the man asked, and I told him," Mrs. Mize says. He signed, as did others in the waiting room. When she got on the plane, other passengers signed, and when she arrived in Houghton County, the passengers told friends waiting.

By the next days, news of the petition had spread through the county by word of mouth. Mrs. Mize says that within 24 hours she had a volunteer crew to help collect names. The volunteers included university students, storekeepers, laborers, tradesmen, school children and a 76-year-old former mayor.

She ran out of petitions and had to get copies made, a job the Chamber of Commerce gladly did for her.

"People in every walk of life not only signed but volunteered to circulate the petitions. Businessmen asked for copies to put in their shops. They were everywhere . . . from bars to a Bible camp," she reports.

"This couldn't possibly have happened unless people cared."

When she came home, she had 5,182 names, and she sent the petitions to the White House. In reply, she received a note of thanks.

The taconite tailings still go into Lake Superior, but Mrs. Mize said the crusade may yet end successfully.

She has high hopes that action will result through the Environmental Protection Agency, which on May 2 sent Reserve a 180-day notice to come up with an alternate plan for getting rid of its wastes. An interim meeting between the company and the government is set for Thursday.

[From the Detroit Free Press, March 22, 1971]

THE PRICE OF POLLUTION

Even if one were to use only economics as the standard by which the Lake Superior operations of the Reserve Mining Corp. are to be judged, it is difficult to rationalize the mercy being shown to Reserve over its dumping.

To continue to permit the Minnesota plant to foul the waters of Lake Superior is not merely bad ecology and bad aesthetics. In the most fundamental sense, it is bad economics. This, oddly enough, is the way it often is with ecology: the hard-nosed entrepreneur types are the most impractical of all for the long run, and the "nuts" are the ones who have economics on their side.

If we may digress for a moment, consider how much earlier, short-sighted commercial exploitation of land in Detroit did to insure economic decay today. In our rush to maximize short-term profit, we destroy the basis for long-term gains.

So it is with the ruination of splendid Lake Superior. We ought to revere the waters of the lake because it is so beautiful, because it has inspired men to poetry, because of a reverence for the world as it was bequeathed to us.

We ought, yes; but even if our souls are so dead that they cannot stir in anger over what is being done to the shining Big-Sea water, we cannot tolerate it on the most mundane level.

The fact is that we are piling up bills for ourselves that we cannot pay. How will we finance the cleaning up of the mess we are making? There was a time in America when we could assume that our profligacy would not catch up with us in our own lifetimes and probably not in our children's lifetimes.

No more than we be so charitable about the implications of our wastefulness. The bills are coming in. The bonds to pay the debts accumulated over the last two or three generations are being issued. The most efficient and productive society on earth has achieved its ultimate efficiency in the corruption of the earth.

Well, the clear implication is that we will have to pay, and we cannot—even in our most cynical, profit-oriented perspective—justify what Reserve is doing to Lake Superior and what others are carrying even further in the immediate Detroit vicinity. The bureaucratic doubletalk is not good enough. For our money's sake as well as our souls', we must end the destruction of the lakes.

[From the Detroit Free Press, Mar. 15, 1971]

PLEASE, LET US HEED SUCH NUTS

(By Saul Friedman)

WASHINGTON.—Verna Mize will not like this. She does not want to endanger her modest government job. She does not seek personal publicity.

So let it quickly be said that she has done absolutely nothing to embarrass her employer, to violate government regulations or to detract from her work. And the publicity she seeks is not for her benefit.

It is for her girlhood friend—Lake Superior, a vast and beautiful expanse that the Indians, with their instinctive wisdom and their humility toward the things of nature, called "Gitche Gumee," or "Great Water."

Verna Mize came to see me on a cold, rainy Saturday when she would have been better off in her comfortable home in one of Washington's suburbs. Like someone appealing on behalf of a loved one, she asked: "Will you help me save Lake Superior?"

A couple of years ago she might have been indulged, and ignored, as a well-meaning nut. But lately, nuts like Verna Mize—sweet ladies, long-haired lawyers and our own children—have been doing more good for all of us than the rational, parlorizing liberals who take the measure of their enemies with fondue forks. We should all be such nuts.

Verna Mize said she wished to put a stop to the pollution of Lake Superior by the Reserve Mining Co., a huge iron-ore producer at Silver Bay, Minn., owned by the Armco and Republic steel companies.

For nearly 15 years, over the objections of environmentalists who were ahead of their time, Reserve has been dumping millions of tons of ore waste into Lake Superior. Two years ago, as conservation became politically chic, and when the other Great Lakes were already dead or dying, virtually everyone agreed that the dumping into Lake Superior should stop. Around here, however, agreement does not necessarily mean action.

"In those two years 40 million tons of waste have gone into the lake," Verna Mize said. "And it's still going in, 67,000 tons a day, every day."

She could see in her mind's eye that unending waterfall of gray gunk hitting the lake, as if beating it to death.

In naming the lake, the white men meant to show only that it was superior to all the other lakes, not to the men themselves. They presumed they could demand that it submit to their embrace. The Indians, content to simply live with it, used to call its waterfalls "Laughing Water." Now, the white man's waterfall at Silver Bay brings Verna Mize to tears.

Like the Indians who found God in living things, she says: "That lake has a touch of the divine."

Prim, brown-haired and middle-aged, with a nasal Midwestern twang, Verna Mize was born and raised in Houghton County, in Michigan's Upper Peninsula. And although she and her husband, a retired Marine, do not live there anymore, they return on vacations to see the lake.

"My love for the lake goes back to when I first saw it as a little girl, and the sight of it made me cry," she said. "Now, on vacations, when we drive around that bend where you can see the lake for the first time, I still get goose flesh."

She was there in 1967, sitting in a boat with a friend and saying how wonderful it was that at least one lake was left where you could dip out a drink of clean water. He told her she would not be able to do that for long. And when she asked why, he took her to Silver Bay.

If she could have jumped in and held back that waterfall, Verna Mize would have done so, even as the risk of her life, I think. Instead, she began a lonely crusade to move the Washington bureaucracy to action. And it became an obsession.

She has written more than 2,000 letters to politicians, scientists, newspapers, reporters, federal, state and local officials, and anyone else who could help. She cajoled congressional staff members to spur their bosses to action. She unearthed facts from obscure journals to make her case. And she even submitted a well-thought-out plan for disposal on land of the ore wastes.

Last summer she spent her vacation going from town to town in the Upper Peninsula getting more than 5,000 signatures on her own petition to the President to save the lake. And she carries with her, wherever she goes, a bottle of water from the lake at Silver Bay. It looks like dirty milk, and she uses it in her appeals.

In one recent week she spoke personally with the governors of Michigan, Wisconsin and Minnesota, when they visited Washington, and with William D. Ruckelshaus, the head of the new Environmental Protection Agency.

Like senators and congressmen who have heard her appeals, the governors and Ruckelshaus could not refuse Verna Mize their pledges of help. And for the first time she has begun to think she will win.

If she does—and even if she doesn't—let this column be a medal for Verna Mize. There are so few victories these days.

[From the Detroit Free Press, Mar. 14, 1971]

MINE WASTES PERIL LAKE SUPERIOR

(By Saul Friedman)

WASHINGTON.—Each day now, by the shores of Gitche Gumee—the Indian name for Lake Superior—67,000 tons of gray, powdery iron-mining wastes are dumped into the Big-Sea-Water.

Since 1956, millions of tons of the waste—called taconite tailings—have gone into the lake from the Reserve Mining Co. plant at Silver Bay, Minn.

Despite assurances by the company 15 years ago that the tailings would sink, they have been found in the water supply of Duluth and in the lake off Marquette, Mich., hundreds of miles away.

As early as two years ago, a federal study found that the taconite was clouding the lake, increasing algae, killing fish food and newborn salmon and trout. Last week the latest in a long line of studies concluded the taconite tailings should be dumped on land. The Environmental Protection Administration seems to agree.

But in a classic example of federal-state bureaucracy and pollution politics, an EPA source said it will be months before the agency moves to save the lake.

"We cannot promise action before the end of the year," said an EPA spokesman. He added that he did not know what action would be taken.

Conservationists have become so concerned about the future of the lake that the magazine of the Audubon Society suggested that it may soon be called "Lake Inferior."

"There is dire trouble on the horizon of this last clean Great Lake," the magazine said. "If we find one lake which to date has escaped its fate as a public dumping ground, we hasten to fill it with the refuse of our civilization and leave it polluted as a monument to progress. Lake Superior, you were a gem."

Lake Superior, with 31,820 square miles of water surrounded by nearly 3,000 miles of shoreline, is the largest lake in the country and the second largest in the world. It contains one-twelfth of all the fresh water on earth.

Its future is of special concern to environmentalists, not only because it is the last of the clean Great Lakes. It also flushes the other Great Lakes, all of which are contaminated, and they cannot be brought back to health without Lake Superior. If the biggest of the lakes should die, the four others would be irretrievably lost.

Lake Superior suffers from the wastes of hundreds of factories, towns and homes along its shores. But the biggest dumper is the Reserve Mining Co., which is jointly owned by Republic and Armco steel companies.

At Silver Lake, Reserve processes the iron-bearing taconite taken from its mines inland at Babbitt, Minn. Because the iron is embedded in the taconite, the ore is crushed into a fine, talcum-like powder, and washed. The iron is then extracted by magnets and the rest of the ore is dumped into the lake.

The process uses 350,000 gallons of water a minute, and for every ton of iron ore extracted, two tons of waste—tailings—are dumped in the lake in a huge, endless, brackish, gray waterfall.

Each year, Reserve produces about 11 million tons of iron pellets at its plant, which means about 22 million tons of waste go into Lake Superior. The waste contains tons of copper, nickel, zinc, lead, chromium, phosphorus, manganese and also silica, iron and arsenic.

In Michigan and Wisconsin the law requires that mining wastes be dumped on land. In Minnesota, where the mining companies have great influence in the Legislature, dumping in the lake is not against the law.

Nevertheless, all the Minnesota mining companies, including those extracting taconite, dump their wastes on land—except Reserve, the first and the largest of the taconite miners.

So far the company has successfully delayed and resisted costly requirements to dump its tailings on land—with the help of the federal and state governments, the Army Corps of Engineers, and the anti-pollution bureaucracy.

Reserve's original permit to dump was issued in 1948 when the Corps of Engineers rejected local fears of pollution. Permits were reissued without hearings in 1950 and again in 1960.

The last permit was to have expired Dec. 31, 1970. But at the company's request, the Corps of Engineers extended it indefinitely—again without a hearing. That helped touch off pressure for a closer look at taconite wastes and the Interior Department commissioned a study in 1967 headed by Dr. Charles H. Stoddard, the department's regional coordinator.

The Stoddard report was completed by December, 1968, but its findings were suppressed, partly as a result of pressure from Rep. John A. Blatnik, D-Minn., now chairman of the House Public Works Committee. Blatnik is a conservationist on environmental problems elsewhere. But Silver Bay and the Reserve Mining Co. are in his district.

Portions of the report were leaked to the press, including its conclusions that Reserve's operation was polluting the lake, that it was the only mining company dumping into the water, and that it should be stopped.

By the time the report was released to the public in April, 1969, it merely suggested the taconite dumping be kept "under continuing surveillance." However, it also said the taconite was damaging the delicate ecological balance of the lake and ruining the cold, clear waters.

Reserve's spokesmen (one of whom had been hired from the Interior Department) and Blatnik belittled the Stoddard report. But other scientists working for Minnesota, Michigan, Wisconsin and the federal government agreed with its findings.

As a result of the report, the federal government, in May, 1969, convened the Lake Superior Enforcement Conference, a meeting of state and federal officials to determine what should be done about Reserve.

Murray Stein, chairman of the conference, says in retrospect it has been a cumbersome and ineffective device in ending the pollution of Lake Superior.

Five months after the first conference, Minnesota proposed another study—to be done by Reserve. The conference suggested that Reserve return in six months with a proposal to reduce—but not stop—its dumping.

Reserve's own study confirmed it was spoiling the lake. But the six months it had to come up with a solution was extended to 15 months. When it was submitted Jan. 14, Reserve proposed this instead of dumping the tailings into the lake, it be permitted to pipe it beneath the water—like sweeping it under a rug.

Reserve insisted that the tailings would remain at the bottom and form a reef to protect the lake.

The Lake Superior Enforcement Conference created another committee to study the Reserve proposal and last week the committee rejected it and recommended to the conference that the company be required to dump its tailings on land.

The company calls this requirement impractical and says it would cost $150 million. The U.S. Bureau of Mines puts the cost at about $7 million.

The Environmental Protection Administration is about to give up on the conference and take matters into its own hands. But it is moving slowly, though at any time it can order Reserve to stop its dumping in 180 days. Even the Corps of Engineers, under the 1899 Refuse Dumping Act, could file charges against Reserve, but has declined to do so.

On the contrary. Lt. Gen. Frederick L. Clarke, chief of engineers in Duluth, assured the company that the corps, which must decide whether to issue a new permit by July 1, is "trying to weigh the economic aspects of the Reserve Mining Co. operation against the deleterious effects that are alleged with respect to the lake."

And under no circumstances, Clarke added, would the corps force Reserve to shut down—even temporarily.

NOISE AND THE CONSUMER—THE NOISE DISCLOSURE ACT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. RYAN. Mr. Speaker, one of the prime reasons that the level of noises has increased so greatly over the past few decades—having doubled since 1955—is that the consumer has been unable to take noise into account as a factor when considering the purchase of a product.

Therefore, I have introduced legislation to insure that the consumer would be able to obtain reliable information in regard to the noise generated by a product he might buy. This legislation—the Noise Disclosure Act—H.R. 6988 and H.R. 6989—requires that all mechanical and electrical equipment transported in, sold in, or introduced into interstate commerce must have affixed a label or plate disclosing the product's operational noise level. The only items that could be exempted from this requirement would be those products which the Administrator of the Environmental Protection Agency finds to have an operational noise level "so low as to be negligible" and as to which "information with respect to such noise level will not be of value to the consumer."

Thus, a consumer would have the necessary information available to choose not only the quieter of two automobiles or pneumatic drills, but the quieter of two electric razors or hair dryers.

Such a labeling requirement would serve to stimulate the development and marketing of products designed with quiet in mind as well.

Thirty-four Members of Congress have joined with me in cosponsoring this legislation. They are:

Bella S. Abzug (N.Y.), Joseph Addabbo (N.Y.), Herman Badillo (N.Y.), Nick Begich (Alaska), Mario Biaggi (N.Y.), Jonathan Bingham (N.Y.), Frank Brasco (N.Y.), Phillip Burton (Calif.), James C. Cleveland (N.H.), Ronald Dellums (Calif.), John G. Dow (N.Y.), Don Edwards (Calif.), Ella T. Grasso (Conn.), Seymour Halpern (N.Y.), William Hathaway (Maine), Ken Hechler (W. Va.), Henry Helstoski (N.J.), Louise Day Hicks (Mass.), Robert Kastenmeier (Wis.), Edward Koch (N.Y.), Robert Leggett (Calif.), Abner Mikva (Ill.), Parren Mitchell (Md.), William Moorhead (Pa.), Claude Pepper (Fla.), Bertram Podell (N.Y.), Charles B. Rangel (N.Y.), Thomas M. Rees (Calif.), Robert Roe (N.J.), Benjamin Rosenthal (N.Y.), Edward Roybal (Calif.), James Scheuer (N.Y.), John Seiberling (Ohio) and Victor Veysey (Calif.).

At this point I include in the RECORD an article from the May 22 edition of Business Week magazine outlining some of the efforts being undertaken to produce quieter home appliances.

I also include an article by Bruce Ingersoll published in the June 21 Washington Evening Star on the rising levels of noise in the home and its effects.

There also follows an article by Catherine Houck from the June 21 New York magazine detailing measures that the consumer can take to deamplify the noise in his home:

[From Business Week, May 22, 1971]

A PITCH FOR THE NOISELESS HOME

It will never make the top 40, but *The Quiet Dishwasher,* produced by General Electric Co., is already a big hit with the company's salesmen. The record is orchestrated with one of the latest Hotpoint dishwashers to show customers how quietly the new model runs.

The $7-billion appliance industry, once concerned only with convincing housewives that their machines really could churn away that grease, grind up messy garbage, crunch ice for Saturday's party, is beginning to respond to consumer screams for more quiet in the home. Faced with the prospect of federal legislation, plus the acoustically thinner materials in newer homes, most appliance designers are turning to sound damping and insulating tricks to muffle their products. In a market that has moved 1-billion units in the last decade, the stakes are high.

The stakes seem high for the consumer, too. Though many researchers argue that definitive data relating noise to health is lacking, some experts claim that noise from certain appliances may be linked to such medical problems as nervousness, fatigue, and increased blood pressure. Others believe household noise, while not directly associated with hearing damage, might aggravate the tendency toward hearing loss among workers who spend eight hours in a noisy factory. They also say that the racket from today's plethora of wonder appliances may help to cause accidents and a breakdown in communications and family relations in general.

The problem. But the biggest worry is simply that the modern housewife finds noisy appliances irritating. Although different people are bothered by different noise levels, researchers note that generally sound is bothersome at 70 decibels, or just above normal TV volume. A University of Wisconsin research report suggests that appliance noise should not exceed 70 decibels. Yet many of the appliances measured in the study, including vacuum cleaners, blenders, disposers, and vent fans, did exceed that level. Paul Tope, senior research engineer for Whirlpool Corp., puts it another way: "When you pick up the telephone in the dining room but you can't talk to your party because the dishwasher is going, then it's time to get concerned."

To get a marketing edge, most appliance makers have already started tackling the problem on the corporate level. Mitchell Nasser, GE's manager of engineering for dishwasher and disposer products, explains: "Before, we simply didn't want ours to be the noisiest machines in the industry. Now we're shooting for the quietest." GE is constructing a massive $500,000 sound laboratory in Louisville, Ky. solely for its appliance group. Westinghouse Electric Corp. also has a corporate sound control program for consumer products to supplement efforts on the divisional level.

Improvements have already been made. Westinghouse, for instance, boasts that its new Continental line of air conditioners is the quietest on the market because the noisy components are placed outside the window (presumably becoming the neighbor's problem). Whirlpool claims it has cut noise from its clothes washers in half with soft rubber mounts that isolate vibrations from the motor. Disposers can now be ordered from most manufacturers with an optional glass fiber sound shield, which considerably tones down their normal ear-piercing level, sometimes as high as 100 decibels, or roughly equivalent to the roar from a power mower. Many companies now wrap their dishwasher tubs in glass fiber, which, along with changes in motor design and mounting, has reduced noise appreciably.

Doubts. But some manufacturers still question the importance consumers place on quietness. The Hoover Co., which for years has promoted its vacuum cleaners with the slogan, "It beats, as it sweeps, as it cleans," thinks some noise is a marketing asset. "We have hung our hat on the noise from the rotating brushes in our products," observes J. E. Duff, director of research. "It's sort of a trademark."

Duff contends that the sound of a Hoover triggers visions of carpets being sucked miraculously clean by a powerful machine. He says that while the company does work to eliminate truly objectionable noises, partial noise reductions are not that salable. Hoover once test marketed a cleaner on the basis of its quietness. No sale, at least not on that pitch. Yet, it recently introduced a cleaner with a power drive nearly three times as loud, and that has become one of the company's hottest new products.

Some manufacturers see the Hoover philosophy as outmoded. "Ten years ago, it would have been difficult to sell a 20% noise reduction," says Richard Donegan, general manager for dishwashers and disposers at General Electric, "but you sure can sell that today."

Another GE manager, Hans Spauhaus, says: "When the industry first introduced a dishwasher, the housewife was glad just to get her hands out of the greasy, hot water. She didn't look to such peripheral things as noise. Now the consumer is telling the manufacturer to spend more money making this thing quiet."

Others agree with Duff. They feel that claims of quietness will continue to fall on deaf ears until sound ratings are set and products labeled according to their noise output. Recently, the industry approved standards for measuring air-conditioner noise, but as yet there are no plans to put such measurements on labels.

Last February, President Nixon proposed legislation that would allow the new Environmental Protection Agency to require noise ratings on appliances it believes too loud. Several similar bills now sit in Congress. Alvin Meyer, acting director of EPA's Office of Noise Abatement & Control, speculates that such labeling might ultimately require the manufacturer to divulge not only how loud an appliance is but also to what extent it interferes with speech. If communication is seriously impaired, "manufacturers aren't going to want to stick that on their products," notes Meyer.

Part of the problem, manufacturers claim, is the consumer himself. They contend that he demands compactness and power in appliances, and that both are likely to make more noise. "The refrigerator was very quiet 15 years ago," says Russell Fox, Westinghouse research director for consumer products, "then we began adding icemakers and frost-free freezers." Eventually, say the manufacturers, the consumer will have to choose between quiet and convenience.

COST

Ultimately, the cost to stifle noise may prove to be the limiting factor. Noise control has already added about $10 to the price of the newer dishwashers, and making the machine virtually noiseless could tack on another $20 or more. Some appliance manufacturers believe the consumer is not ready to pay the premium.

A few of them suggest that builders should share the responsibility—and the cost—for quieting the home. In home construction today, "building materials have been minimized, and the house itself is becoming a good transmitter," says F. Ryder Amthor, manager of Westinghouse's Consumer Products Development Center. Walls have become thinner, he says, and floors are often so flexible "they become drumheads."

Builders disagree. Bsides, they say, with building costs spiraling, few buyers would pay for acoustic improvements. Their argument is hard to dispute. About two years ago, a major supplier of glass fiber tried to sell consumers on the idea of a "quiet room" that would cost only $100 more to build. But nobody bought.

"In today's market, builders are looking for ways to save money, not new things to spend it on," says Joseph Melchior, executive vice-president of the Cleveland Home Builders Assn. "If there is a list of things builders have to worry about these days, noise pollution has got to be on the bottom."

[From the Washington Evening Star, June 21, 1971]

The Din Hits Home

(By Bruce Ingersoll)

MADISON, Wis.—Noise may be breaking up families, driving spouses out of the house and widening the generation gap.

In this era, when there's a power tool and appliance for every domestic task, Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin, says he believes that any idea that the home is a place of peace and quiet has vanished.

Another long-cherished belief—that husbands and wives communicate, that parents and children sit down and talk together—is being shattered by stereophonic sound and television sets, he says.

In tape-recording sounds in 17 Madison homes, Westman discovered that members of these families spent, on the average, only 20 minutes a week talking to one another.

"This included very simple command-and-response communications between parents and children," he said.

Westman is not about to pronounce the art of conversation dead, but it certainly isn't practiced in the U.S. home as often as one may think. Noise—usually defined as unwanted sound—undoubtedly interferes with communications and frustrates conversation, he said.

"Togetherness at the supper table is hampered by household noises and by the general tenseness fanned by the daylong din," Westman continued. Hearing is involuntary, he said; although our bodies can adapt amazingly to noisy surroundings, adjustment exacts a toll.

"We don't understand that noise makes us less efficient, less effective and more tense," he said. "Instead, we scapegoat. We take our tensions out on each other. Mothers yell at the youngsters. Parents bicker."

Working-weary husbands, he said, are coming home to bedlam and to spouses who are showing the "tired-mother syndrome."

"Tired" mothers have all the symptoms of combat fatigue, he said. Having undergone a noise bombardment all day—running the vacuum cleaner, quelling quarrelsome kids, using the electric mixer—they are short-fused, depressed, done-in. Their heads throb, their stomachs churn.

Having an extremely active child around doesn't make a housewife's day any easier, added Westman, who is director of the University of Wisconsin Medical School's child psychiatry unit. Such a child, he said, is easily distracted, flounders in school and can be touched off by the slightest noise. One child in 10 is like this, he said.

"Noise spurs the child into obnoxious behavior," Westman explained. "He makes aggravating noises. This provokes the mother. She cracks down. The end result—a vicious circle of mutual annoyance."

Westman said the problem is that mothers feel "overwhelmed" but don't know quite why. It's the racket—a factor that only psychiatrists and a handful of environmental designers have taken proper note of, he added.

With the proliferation of household appliances in the last decade, the average U.S. kitchen can be as noisy as a boiler room, he maintained.

The garbage disposal, electric mixer, high-speed blender, vent fan on the range, knife sharpener and wall exhaust fan all can create more than 70 decibels—enough to constrict arteries and raise blood pressure, creating stress.

The whir of the blender and the wall fan's roar is loud enough (90 decibels) to make a housewife visibly blanch and her pupils dilate. At this noise level, the adrenalin gland works overtime. Muscles are tensed and nervous energy is squandered, university researchers said.

It is no coincidence that more accidents occur in the kitchen than anywhere else in the home, they said. Noise, Westman stressed, impairs efficiency and makes for carelessness.

"Appliance manufacturers have found that noisy devices sell better because they sound powerful," one researcher said. The public must be alerted to the hazards of noise so as to create a consumer demand for quiet appliances, he maintains.

[From New York magazine, June 21, 1971]

Buying Quiet

(By Catherine Houck)

Noise causes the skin to pale, muscles to tense and pressure-building adrenalin to shoot into the bloodstream; it can lead to hypertension, constricted blood vessels and dyspepsia; it causes rats born of noise-polluted mothers to be more obtuse at learning maze patterns than rats born of mothers enjoying peace and quiet; it prevents dreams, and sleep specialists warn that people consistently deprived of dreams develop hallucinations, psychoses and homicidal impulses. One would suppose, given these circumstances, that quiet would be dear to the heart of everyone and noise an affliction dealt with at the dawn of civilization. No such luck. The din has, if anything, amplified.

While we are far from the day when noise can be regulated as easily as room temperature, there are, nonetheless, many sensible things you can do in your apartment to de-amplify.

Probably the most common noise problem in New York is street noise—horns, trucks, the general seething mass of the populace on the move. One of the happiest investments, therefore, that a prosperous New Yorker can make is soundproof windows. Steel Glide Manufacturing Corporation (101 Park Avenue, 683–1723) makes such "city-proof" windows. Prices start at $130 for a 36-by-54-inch window. Steel Glide will install windows in one room on a two-week trial basis, and if you aren't satisfied will remove them at no cost. Handsome and individually custom-fitted, these windows are guaranteed to keep out 70 to 90 per cent of all city noise (throughout the entire frequency spectrum), keep out dust and soot and provide thermal insulation—cityproofed rooms require less heat in winter and stay cooler in summer—a great advantage when Con Ed rations electricity. They can be installed with a special Fiberglas ventilation unit ($35) to keep out noise and dirt, but allow a flow of clean air. The windows are also supposed to be burglarproof.

For the less prosperous, the Sundial Shade & Glass Corporation (1491 First Avenue, 734-0838) installs storm windows beginning at $25 for a 3-by-5-foot window. Framed in corked, interlocked aluminum, they come with two glass panes, one of which slides up over a screen for summer, and are fitted airtightly over the outside of your present window. Storm windows cut out much city noise, and provide thermal and dirt insulation.

Another source of rage and frustration in New York is the thinness of walls. Your neighbor's noise is either airborne sound (a baby crying) or impact sound (a baby banging the floor with fists like sledgehammers). Airborne sound—tinny radio babble, telephones, lovelorn cats, for instance, as well as voices—are all wall problems calling for insulation.

The best value for the least money is inch-thick cork, which owes its insulating qualities to its time in the factory pressure cooker. Dry air trapped in cork's cellular structure by heat deadens sound.

Cork comes in cases of 1-foot-by-3-foot sheets, at $18 a case, and two cases will do a 9-by-12 wall. It is a simple do-it-yourself project—easy to cut and easy to adhere—but should your flesh not be willing, AAA Decorative Cork (1909 66th Street, Brooklyn, 236-0764), which sells every kind of cork product imaginable, will install it for you at 60 cents a square foot, or approximately $60 for a 9-by-12 wall. Cork is virtually indestructible—stains can be removed with mild detergent, pieces accidentally torn away can be glued back and patching is invisible; nail holes will rapidly reseal themselves, a charming characteristic for art collectors who like to rearrange with each new acquisition. "It is easy to paint—not nearly as absorbent as it looks," says Leslie Stern of Cork Textures, Inc. (16 East 52nd Street, PL 8-0585), one of the world's large importers of cork. Cork can also be bought at any lumberyard.

A doubly effective measure is to glue or nail half-inch thick, sound deadening board ($5 for a 4-by-8-foot sheet, cut any way you want, at Canal Lumber Company, 18 Wooster Street; or at Butler Lumber, 220 West 14th Street), and glue the cork to that.

If you have a really staggering noise problem from next door you might have to do something more radical, such as building a second wall; acoustical contractors like Jade Acoustics Corporation (45-15 21st Street, Long Island City, 729-5690) will build you a guaranteed soundproof Fiberglas-and-sheetrock wall for $2.25 a square foot. Or if you have always had a yen for a brick wall, mason Sal Calcagno (232-7622) will build you one for approximately $4 a square foot, if you have an elevator. It is wise, however, before considering any such extreme measures, to have a talk with an acoustical consultant. An engineer from the architectural acoustics firm of Bolt, Beranck and Newman (101 Park Avenue, 683-8144) will come to your apartment and advise you at $20 and up an hour.

Doors are another source of airborne sound. Metal sheeting ($4.50 door-size at the hardware store) nailed to the door holds both sound and burglars at bay. (*Lead* sheeting will keep out radiation in case of atomic blast.) Cork is good on doors as well. No amount of insulation will keep sound from leaking under or over the door; rubber gasketing is of utmost importance. For $2 at the hardware store, you can buy a strip of metal with rubber on top which, when attached to the floor under the door or the doorframe on top, makes an effective sound-and-draft resister when the door is closed.

Airborne sound from below is perhaps the most difficult to deaden. Thickly padded carpets will help, both by muffling and, more important, by preventing *any* exterior sound that has managed to become interior sound from being amplified. Smooth hard surfaces are highly reflective and often bounce back 98 per cent of the sound that strikes them, which means that where there are no sound-absorbent materials sound will build to a higher level and subside more slowly, as in a gymnasium. Conversely, the reason the world seems subdued when it is snowing is not because there are fewer people afoot but because snow is soft and porous and absorbs sound. In any serious campaign for quiet, it helps to indulge in soft fuzziness, whether it be rugs, upholstered furniture or drapes.

Impact sound—sound transmitted by vibrations, such as stereos—is easiest to muffle at the source. It would be more effective, for instance, to buy your overhead neighbor a thickly padded carpet than to hire an acoustical contractor to build a double ceiling for $200 or $300. And acoustical tiles do a good job only at what they are designed to do—prevent the sound you make from traveling up to annoy your neighbors. The most common noise vibration problem comes, of course, from callous music aficionados grooving on their thousand-dollar crockery-rattling stereo speakers. A simple remedy is to put thick carpet remnants or foam rubber padding—a cut-up typewriter pad, for instance—under the speakers. It won't cut down on Mr. Music's super-duper sound but it will keep the vibes from traveling through the building.

For those who don't want to spend a penny on their lousy apartments, a happy alternative is sound masking. Hammacher Schlemmer (145 East 57th Street, 421-9000) sells sound conditioners for $19.95 and $25, as well as a new three-sounder (rain, surf and white sound) for $65. I have become so addicted to my $19.95 model that I can't sleep without it. Acoustical experts at Bolt, Beranek and Newman, however, point out that a good quality radio, preferably the radio component in your stereo system, will do much the same job. You simply tune between stations, adjust volume and fiddle with the base and treble until you get a soothing effect, and *voila!* White sound. If your television has been gathering cobwebs you can enlist its aid. It is the picture on a non-channel that grates; if you cover those dancing electrons, adjust the volume control to taste and give yourself five minutes to get used to the idea, you will find that a television set makes a very efficient surf roar.

Sometimes a combination of masking noise and ear plugging is effective. Norman Dine (33 Halsted Street on the Plaza, East Orange, New Jersey) will sell or mail you a pair of acoustical earmuffs, satisfaction guaranteed, for $10.95. And there is a new product—Flents Quiet-Down—which has the advantage of not putting dents in your head while you sleep. This brand of Swedish wool will not muffle voices, but does considerably deaden high and low frequencies; if you blanch and quiver in subway stations you will welcome it. It is not yet available in drugstores but can be ordered from the factory—$1.25 for a pouchful of enough fiber to make eight to ten pairs: Flents Products Co., Inc., 103 Park Avenue, New York, New York.

Don't forget that you have been buying quiet for years with your tax dollars. When tactful requests or crazed pleadings get you nowhere, you still have your rights as a citizen. If you would like to see the malevolent creature next door and her yipping Chihuahua behind bars, here is a quick rundown of New York City laws on noise.

Section 435-5 of the City Administrative Code prohibits the creation of any unreasonably loud, disturbing and unnecessary noise, including specifically: (1) sounding horns except for a good reason; (2) playing radios, phonographs or musical instruments, particularly between eleven at night and seven in the morning (*but anytime that it is loud, disturbing and unnecessary*); (3) keeping animals or birds which by frequent or persistent noise disturb the repose of any person in the vicinity; (4) use of any vehicle which creates loud and unnecessary grating, grinding, rattling or other noise; (5) blowing steam whistles except under certain reasonable conditions; (6) the use of practically any engine without a muffler to prevent loud or explosive noises; (7) the excavation, demolition, alteration or repair of any building except between 7 a.m. and 6 p.m. on weekdays, except in emergency; (8) the creation of excessive noise by a school, hospital or law court; (9) the creation of loud and excessive noise in loading or unloading vehicles or in opening and destroying bales, boxes, etc.; (10) noisy peddlers, and (11) the use of any drum, loudspeaker or other instrument to attract attention to any performance, sale or display of merchandise. Violation of these ordinances will surprisingly often rate action from your local police precinct. Their response, police say, depends on how busy they are with more serious complaints. They *do* respond, however, as soon as they can—and they *do* issue summonses. They expect a certain number of noise complaints, so don't be too timid to call.

Unfortunately, the problem is often more complicated than a simple disturbing-the-peace complaint. One New Yorker, an ex-actor, Robert Alex Baron, couldn't do anything about the noise generated outside his apartment by a battery of five air compressors and dozens of jackhammers and rock, drills operating for ten hours a day five days a week, because the noise was *legal*. Traumatized by the experience, he quit his job and founded Citizens for a Quieter City (150 Amsterdam Avenue at 66th Street, 355-6206), the local volunteer organization for quiet. They are the people responsible for quieter garbage collection, for most of the recent attempts of anti-noise legislation and for persuading manufacturers to try to produce quieter construction equipment. If the aims of this organization were carried out, the stopgap measures discussed here would not be needed.

Should you be harassed by a cacophony similar to Mr. Baron's which seems beyond the police, or if the police don't seem interested in your peace of mind, call 966-7500, the Central Complaint Office of the Environmental Protection Administration. They in turn will relay the complaint to the Bureau of Noise Abatement. The Bureau works closely with the police and, if there is any possible illegality, will ask the police to respond. If the noise is legal, such as construction site noise or a discothèque before eleven o'clock at night, the Bureau exerts "moral persuasion"—letters and phone calls to shame the offenders into public responsibility.

"Above all," says Robert Bennin, director of the BNA, "if you have a noise problem, don't shrug your shoulders and say nobody will do anything anyway so why bother. Noise pollution is only now being recognized as a problem and it *needs* citizen involvement."

Finally, you can be desensitized against noise. "The most sensible place to deal with unwelcome sound is inside your own head," says Lynne Gordon at the Hypnosis Center of New York (160 West 73rd Street, TR 7-2113). She maintains that through self-hypnosis you can learn to become unaware of noise. It is, after all, an attitude; one man's noise is another man's music. Self-hypnosis, she says, is nothing more than learning to use the concentrated power of your own mind to respond positively rather than negatively. Miss Gordon, an established hypnotherapist who has studied and taught throughout the world, charges $25 for the first session, and $15 for continuing sessions. Some people, she says, respond almost immediately, while others take several sessions. Her enthusiasm is compelling, and she maintains that she can help almost anyone.

One last radical resort for those who have tried everything and thrown up their hands in despair is Industrial Acoustics' (380 Southern Boulevard, Bronx, 292-0180) ventilated all-purpose portable soundproof room at $2,500 and up. It cuts 99.5 per cent of all sound, leaving the last .5 only in case something happens outside that you should know about, such as a bomb going off. In spite of the fact that the room is only portable on a fork-lift tow truck. Industrial Acoustics executives report that business is "going very nicely."

HEALTH REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. FRASER. Mr. Speaker, the need for health services was aptly demonstrated at the health-care hearings which I held in Minneapolis. Two surveys of health-care need in our city were presented.

The first, prepared by Charles Deagan in cooperation with the Lutheran Deaconess Hospital, focused on the Indian population in Minneapolis. Mr. Deagan is chairman of the Indian health advisory committee of the hospital and is actively pursuing ways to improve health care for Indian households in the Twin Cities.

The other survey was undertaken by Enos G. Butenuth who is the resident planner in the model city program. This survey focused specifically on the dental, hearing, and vision problems of senior citizens. The following are copies of both surveys:

REPORT

This is prepared for a report by Mr. Charles Deagon at the hearing on Saturday, February 27 1972 called by Rep. Donald M. Fraser, at the Heritage Hall, Minneapolis public library.

The inner city hospital is adversely affected by its location. Its problems are compounded by this location, causing physicians to move to the suburbs, population decline, and the well recognized problems of poor housing, disadvantaged persons, high crime rates, vandalism, such problems threatening the hospital's very existence.

As a result its patient population is not able to pay for services which become more costly because of a decreasing census.

The hospital relies more and more on categorical aid patients with a fixed formula reimbursement for its income. Approximately 70% of our revenue is derived from such patients. It cannot improve its facilities or build new ones because it cannot obtain capital for such development.

It can operate from categorical aid, but it can never generate capital to expand its services for facility to remain viable and service its community.

RECOMMENDATIONS

1. National health insurance must cover people at least to $6,000. Nixon's $3,000 is not enough.

2. National health insurance must include dental care.

3. National health insurance must include a wide range of alcoholism services including detoxification services, half-way houses, counseling services and early intervention services for the problem drinker. It should not pay only for the dying alcoholic with liver cirrhosis etc. But also for saving early problem drinkers.

4. We need comprehensive health care financing for Indian people immediately including both in-patient and out-patient funds.

5. We need more funding for facilities to be added to existing hospitals so that they can become comprehensive health care centers for Indian persons.

6. We need more Federal funds for development of new programs of entry into health employment and health careers for Indian people.

7. Federal funds for development and operation of health services would be channeled through a partnership of consumers and providers.

8. OEO health to become active in innovative health programs with minorities other than black.

9. That Indian health be forced to serve the Indian that has the initiative to seek employment off the reservation.

10. That every Govt. area office that serves Indians be responsible to an areawide Indian health board. That this board have authority in conjunction with Indian health in Washington, D.C. to determine policy in Federal Indian health programs.

HIGHLIGHTS

Selected Highlights of Findings Mpls. urban Indian Health Study. Two hundred and twenty five Indian households were interviewed and multi-stage sampling technique was used. The present section recapitulates some of the major findings of the study.

The median number of persons covered by health insurance in a household is 1.89.

In 31.16 percent of the households someone needs a job. 84.88 percent of the households have no money available for medical care.

The primary source of emergency care for three out of five respondents would be the Emergency Room of Hennepin County.

In almost 8 out of 10 households someone is judged to need dental care.

One out of three households with children attending school report school difficulties due to health problems.

Of those not on welfare 27.41 percent have a yearly income of $3,000 or less, 37.15 percent earn between $3,000 and $6,000, and 24.75 percent earn more than $6,000 per year. In 42.67 percent of the households no male 21 years of age or over is present.

The primary source of non-emergency care for two out of five respondents would be the Emergency Room or Outpatient Department of Hennepin County General Hospital.

94.21 percent of the households would like a health care clinic with Indian employees.

28.88 percent of the households have a car available during the day.

65.77 percent of the respondents do not have a driver's license.

49.78 percent of the households do not have health insurance coverage.

LUTHERAN DEACONESS HOSPITAL COMMUNITY HEALTH PROGRAMS

Progress report, Feb. 8, 1971)

LONG RANGE GOAL

LDH intends to develop comprehensive health services designed to meet the needs of special population groups located mainly within the Minneapolis Model City area.

The services to be developed include medical, dental, mental health, alcoholism, social and outreach services. The hospital also intends to develop new opportunities for employment in health jobs and new means of entry into health careers.

For technical services the hospital intends to utilize its existing departments (such as emergency, laboratory, radiology, pharmacy) and establish new departments, such as a Department of Dentistry, when necessary. The services of the hospital are and will continue to be readily available and useful, both for all Model City residents and for private physicians and their patients using the hospital. However LDH will develop new methods of assembling and delivering the services in a variety of formats relevant to the special needs of specific population groups within the Model City area. Already identified as target groups needing specially designed formats for the delivery of services are American Indian persons, disadvantaged families and senior citizens.

PRESENT STATUS OF COMMUNITY HEALTH PROGRAMS

1. *Model City Early Care and Emergency Care Program.* The LDH Emergency Department is operated on a 24 hour basis as a walk-in clinic for the immediate care of acute illness and injury. For persons living in the Model City area, this service is subsidized by Model City funds if other payment mechanisms are not available and the patient is unable to pay. The service has been in full operation since Jan. 12, 1971 and is now undergoing rapid escalation in number of visits by Model City residents. Visits to the Emergency Department by Model City residents for the four months from September through December 1970 averaged 210 visits per month. For January 1971 there were 336 Model City resident visits. February 1971 is developing at a rate that will probably exceed 500 Model City resident visits. It is difficult to predict at what volume the Model City resident visits will stabilize.

2. *LDH Family Health Program.* LDH was awarded a federal Mental Retardation Staffing Grant averaging $62,500 per year for four years with which to provide outpatient medical, dental, psychological and social services for 150 families who are residents of Model City. To be eligible for the program the family must have at least one child with a handicapping condition or a learning problem.

One goal of this program is to bring together in a cohesive unit the basic skills necessary for dealing with the multiple problem family and the troubled child who may have learning, behavior and physical health problems. The basic skills to be assembled include those of the child psychologist, dentist, pediatrician, general physician, social worker and outreach worker. Other specialized workers and agencies are brought in when needed. At the present time the program is in the process of (1) bringing all these basic staff skills from part-time to full-time status, (2) developing an organizational structure within which this multi-disciplinary approach can function effectively and efficiently and (3) developing effective relationships with other agencies who share responsibility for the problems of families and children, particularly the neighborhood schools, the juvenile court system, the welfare department and a variety of alcoholism and drug abuse services.

A unique staffing and organizational structure is being developed by the program. Three American Indian persons, called case managers, are responsible for bringing disadvantaged families into the program and then acting as the link between the health professionals and the families in arranging for services, in interpreting the needs of the families to the health professionals, and in delivering health information to the families. These three workers also act as the agents of the families in dealing with the schools, parole officers, welfare workers and other agencies and institutions. These case managers provide the administrative mechanism both for bringing families into the program and also for assembling a wide variety of specialized services together in a package suitable for the needs of the individual family and child.

Another goal of the program is to develop a successful long-term relationship with a large number of disadvantaged families living in the Model City area. The present staffing grant covers outpatient services for 150 families. The enrolling and evaluation and treatment of these families and initial medical, social and psychological services for these families began in December, 1970. Dental services will begin in April 1971. Thus far approximately 20 families have been completely absorbed into the program and another 20 families are in the process of enrollment and evaluation. The initial group of 150 families is to be completely enrolled and under care by September 1971 at which time it is hoped that there will be funding for a larger group of families.

3. *Development of American Indian Health Programs.* Approximately 4000 to 6000 American Indian persons live in the neighborhood surrounding Deaconess Hospital. Because of this location, because the hospital needs to develop new sources of patients, and because the hospital is seeking new forms in which to fulfill its traditional role of serving the sick and disadvantaged, the hospital has made a special commitment to work with the Indian Health Advisory Committee in the development of health services for Indians. In June 1970 LDH employed Charles Deegan, a representative of the Indian community, to work as Community Health Advisor to the hospital in developing health programs for Indians. Originally it was intended that these programs would be developed in cooperation with the planning of the new Hennepin County General Hospital. It was expected that a satellite clinic designed primarily for the needs of American Indian families would operate at LDH as part of the system of primary health centers to be established by Hennepin County. At the present time the Hennepin County plan for a system of primary health centers is in a state of suspension. Therefore LDH has decided to take the initiative in working with the Indian Health Advisory Committee in seeking a federal grant for the development and operation of health services for urban American Indian persons. Cooperative links with Hennepin County will be explored at all points in this planning.

An interview survey of the economic and health care status of 220 American Indian families was completed in January 1971 under the supervision of Midwest Systems and Research Inc. This survey is now undergoing data processing. The survey material, together with other existing health data, will be combined with a statement of problems and proposals by the Indian Health Advisory Committee to form the basis of federal grant applications. Beginning in approximately June 1971 LDH and the Indian Health Advisory Committee hope to have grant applications ready for submission covering medical, dental, mental health, alcoholism and health education programs as well as programs in health employment and entry into health careers.

4. *Unwed Mothers Program* LDH in cooperation with Lutheran Social Service and the Department of Obstetrics and Gynecology of Hennepin County General Hospital conducts a program of prenatal clinics, delivery and postpartum clinics for unwed mothers. In 1970 the prenatal clinic at LDH cared for 356 unwed mothers, 277 of whom were delivered at LDH and 79 of whom were delivered at Hennepin County General Hospital.

5. *Minneapolis Health Department Children and Youth Clinic* The Minneapolis Health Department conducts a weekly clinic at LDH designed primarily to provide preventive medical care, health education and routine examinations for preschool and elementary school children from disadvantaged families living in the Model City area. Children from the LDH Family Health Program will be referred to this clinic for well-baby care and the LDH program will provide some psychological and medical services to children and families attending this clinic.

PLANS FOR THE IMMEDIATE FUTURE

1. *Alcoholism Programs* LDH hopes to participate with a federation of small independent groups in developing a spectrum of alcoholism services which together would constitute a complete set of services. Presently the Indian Guest House and the Indian Neighborhood Club on Alcohol and Drugs have been identified as potential partners in this planning federation. A group is now being developed which would sponsor a settlement house in a non-hospital setting for the care of intoxicated persons who are drying out. This settlement house would become an alternative for the jail for the care of persons picked up for public drunkeness. LDH would like to provide medical services including emergency services, outpatient services and inpatient services for persons with serious medical illness associated with alcoholism. LDH would also consider acting at the accounting and payroll agent for the other programs. At the present time a set of proposals for these several alcoholism pro-programs is being assembled as a single package which will then be submitted to the Hennepin County Task Force on Alcoholism, to the Hennepin County Mental Health-Mental Retardation Board and to the state and federal governments for funding.

2. *Initial Phase of Dental Program* In April 1971, in the basement of the new Doctors' Office Building across from LDH on 24th Street, the hospital will begin operation of a dental clinic. The initial patients will be the children and parents enroled in the Family Health Program. Initial operating expenses will come from the Family Health Program staffing grant and from billings to the Medical Assistance Program. A dentist trained both in general dentistry and in preventive dentistry will be appointed as head of a new Department of Dentistry. This dentist, together with other part-time dentists, will establish approximately a 40 hour schedule for two dental operatories and will also establish a program of preventive dentistry working through the case managers to provide dental health education and preventive dentistry services to the children and adults enrolled in the Family Health Program. The dental clinic will also initiate a program of training for two dental assistants in its initial phase of operation.

3. *New Means of Entry into Health Careers* In March or April 1971 an American Indian person will begin work under supervision of the Community Health Advisor with a salary from a federal grant awarded to the University of Minnesota. This person will work with inner city youth and young adults, working through the schools and other channels, to provide information and counseling to these youth on means of entry into health jobs and into training courses for health professions, particularly at the University of Minnesota.

LONG RANGE PLANS

1. *Develop a Dental Program in Cooperation with the University of Minnesota* The initial phase of the dental program will enable the hospital to build up a group of families for whom it is the provider of preventive and restorative dental services. If LDH is able to generate a large enough volume of families for dental care, it is hoped that a larger dental clinic can be constructed which would provide teaching facilities for dental students from the University and would also provide a sufficient volume of patients to establish a larger training program for dental assistants and a program for training of dental laboratory technicians.

2. *Develop a Working Relationship with the Family Practice Program of Hennepin County General Hospital* LDH hopes to build the staff, organization and volume of patients in its Family Health Program to the point where it is a useful site for training of Family Practice residents from Hennepin County General Hospital.

3. *Develop Programs in Cooperation with the Community-University Health Care Clinic* LDH hopes to develop skills and services that complement or supplement those of the Community-University Health Care Clinic so that the two institutions can share services. For example, the 24 hour LDH Emergency Department and inpatient service are located just three blocks from C–UHCC and would provide a convenient place for adults and children to receive 24 hour acute medical or inpatient services.

4. *Development of Mental Health Services* LDH will work closely with the Model City program and other community groups in developing mental health services. LDH does not see its role in the treatment of the classical mental illnesses such as schizophrenia, for which other mental health clinics are available, but rather in assisting the community to organize such activities as alcoholism and drug abuse programs, services for learning and behavior problems of children, day care programs for children and recreational and counseling programs for youth and young adults.

SELECTED HIGHLIGHTS OF FINDINGS

Two hundred and twenty-five Indian households were interviewed and a multistage sampling technique was used. The present section recapitulates the major findings of the study and is structured according to the five headings used in the detailed analysis.

I. SOCIOECONOMIC ANALYSIS

1. 49.77 percent of the households receive welfare support mainly from the Aid to Families with Dependent Children program.
2. In 42.67 percent of the households no male 21 years of age or over is present.
3. In 45.78 percent of the households at least one person is employed.
4. Of those not on welfare 27.41 percent have a yearly income of $3,000 or less, 37.15 percent earn between $3,000 and $6,000, and 24.75 percent earn more than $6,000 per year.
5. The median number of years of school completed by all persons in a household who are 18 years of age or over is 9.89 years.
6. Of those not on welfare 15.04 percent own their home.
7. The median number of persons living in the same dwelling is 2.85.
8. 46.67 percent of all households have children who attend school.
9. 28.88 percent of the households have a car available during the day.
10. 65.77 percent of the respondents do not have a driver's license.
11. 49.78 percent of the households do not have health insurance coverage.
12. The median number of persons covered by health insurance in a household is 1.89.

II. MOBILITY PATTERNS

1. The median length of time lived in the present dwelling is 1.11 years.
2. The shorter the residence time period in the same dwelling, the lower the household income tends to be.
3. The median length of residence in Minneapolis is 8.95 years.
4. The longer the residence time period in Minneapolis, the higher the household income tends to be.

5. In 28.9 percent of the households a member over 18 years of age has gone to a home town during the past year for one week or more.

III. HEALTH CARE UTILIZATION PATTERNS

1. In 81.11 percent of the households someone received medical care during the current year 1970.

2. In one out of five households the most recent medical care was received in a private clinic or physician's office; in three out of five households it was obtained in emergency rooms or outpatient departments, and one out of five households went to government supported clinics or health centers.

3. When private transportation is available during the daytime there tend to be more private clinic or physician's office visits and less emergency room or outpatient department visits.

4. Almost all expectant women receive prenatal care and all receive medical care during delivery.

5. Generally medical care during pregnancy and delivery is received in the same city or town.

6. In one out of four households no one has received dental care in the last two years.

7. Two out of three visits to a dentist are for tooth extraction or tooth filling.

IV. SOCIAL PROBLEMS

1. Five problem areas were ranked in terms of their perceived importance and priority. The problem areas ranked first are housing (33.77 percent), clothing (28 percent), food (16.88 percent), medical care (9.77 percent), and education (3.55 percent).

2. In 31.16 percent of the households someone needs a job.

3. 84.88 percent of the households have no money available for medical care.

4. In 7.55 percent of the households someone was judged by the respondent to be in need of seeing a physician.

5. In almost 8 out of 10 households someone is judged to need dental care.

6. One out of three households with children attending school report school difficulties due to health problems.

V. ATTITUDES TOWARD HEALTH CARE SERVICES

1. Almost all respondents would seek emergency medical care in the Twin Cities.

2. The primary source of emergency care for three out of five respondents would be the Emergency Room of Hennepin County General Hospital.

3. Nine out of ten respondents would seek future non-emergency medical care in the Twin Cities.

4. The primary source of future non-emergency care for two out of five respondents would be the Emergency Room or Outpatient Department of Hennepin County General Hospital.

5. 94.21 percent of the households would like a health care clinic with Indian employees.

6. 84.44 percent of the interviewees would prefer free medical and dental care versus paying a small fee.

ESTABLISHMENT OF LDH DENTAL PROGRAM

LDH hopes to employ a dentist and to establish a dental clinic to serve both the children and adults who are being enrolled in LDH's new Family Health Program.

There are two sources of funds for the dental program:

1. *Payments on a fee-for-service basis either by patients themselves or from third party payment systems.* The major third party source now available is the Hennepin County Welfare's Medical Assistance Program. Approximately 90% of the children and 50% of the adults being enrolled in the Family Health Program are eligible for Medical Assistance.

2. *Federal and private grants to cover the cost of services provided to patients without funds and without third party coverage.* The Mental Retardation Staffing Grant budget includes 10% of the salary for a dentist and a dental assistant. This is the only grant money immediately available. However, the following other sources of revenue or services without cost are being developed:

(a) The Lutheran Medical Mission Association is hoping to provide volunteer dentists and dental hygienists to work on a short-term basis in the clinic.

(b) The Indian Board of the American Lutheran Church (or of LACUSA) will be asked to provide some funds to support this clinic.

(c) The Hill Family Foundation (and perhaps other private foundations) will be asked to finance the training of Indian persons as dental assistants and dental laboratory technicians by providing stipends for trainees as well as part of the salary of the dentist and technician who do the teaching. This will generate a certain amount of additional service.

(d) The University of Minnesota Dental School will be asked to recognize the clinic as a site for training of senior dental students, thereby generating additional services produced by these students.

(e) The Federal government will be asked for grants to subsidize dental services for disadvantaged families as well as dental training programs for disadvantaged young adults.

The program director will be a dentist with 13 years of experience in private practice. He will develop a fee schedule that is acceptable to the Medical Assistance Program and similar to that used by private dentists. He will develop a budget designed to cover dentist's and assistant's materials, and amortization of facility and equipment. The budget will be designed to cover direct operating costs of the dental unit plus a certain amount of indirect costs experienced by the hospital.

LDH DENTAL PROGRAM

A dental program with salaried dentists paid by LDH.

The Director of the Dental Program will have Department Head status reporting directly to the Executive Director and working with the Community Health Coordinator.

Staff

1 Part Time Program Director (Dentist).
1 Part Time Denist.
1 Full Time Dentist Assistant.

Need for Program

1. Survey made by Model City Health Committee of dental needs.
2. Senior Citizen Task Force.
3. Comments from citizens of area.
4. Pilot City experience.
5. Lack of dentists in inner city area.

Why?

1. Family Health Program grant.
2. Comprehensive Health Program for community.
3. Teaching Program — University of Minnesota.
4. Family Practice Program with Hennepin County General Hospital.
5. Attract additional patients to LDH.

How?

1. Federal funds through OEO and Indian Health money.
2. Paid by fees charged to patients—note reference on other pages.
3. Other sources of funds—those organizations listed on attached pages.
4. Experience of existing dental programs—Pilot City and private dentists—and shortage of dentists in inner city.

Lutheran Deaconess Hospital
proposed dental unit

Capital expenditure	$29,950
Less recoverable expenditures	25,000
Total capital expenditure for dental unit that cannot be recovered	4,950

ESTIMATED ANNUAL OPERATING COSTS

Salaries

One dentist (full time)	$18,000
Less State Board of Health contribtuion	8,000
Total	10,000
One dental assistant (full time)	5,500
One secretary (one-third-time)	1,610
One secretary (one-third-time)	1,610
Fringe benefits	2,005
Total salaries	27,115

Supplies and expense

Per dental practice cost experience, other expense usually equals dentists salary.

Rent—including all utilities, housekeeping, maintenance, taxes, insurance, mortgage interest and capital amortization—1500 sq. ft. at 6.50 per sq. ft	9,750
Supplies	10,250
Total supplies and expense	20,000
Total annual operating expense	47,115

Estimated Revenue

The Hennepin County Welfare Department charge schedule will be used—90% of patients treated will be welfare receipents. If an average volume of patients can be maintained, the program will be self supporting.

In addition $1800 is available for dentists' salaries from Mental Retardation grant. (10%) Other sources being investigated are listed on attached pages.

DENTAL UNIT AND OFFICE AREA

Cost estimate

A. Construct a two-chair dental unit in the basement of the Doctor's Office/Apartment Building as per Naujahr, Drake & Sessing drawing No. 2, rev. 2/12/71. Provides for dental unit only, omits all work on west half of basement as well as Pediatrician's Examining Rooms & Consultation Room on North Side of East half. Also omits medical records area in west half of basement.

1. Work accomplished during construction of building in anticipation of locating a future Dental Unit in the Basement:

Center stairway, fireproofing and fire doors	$3,500.00
Underslab plumbing (backwater valve & rough-in for dental unit fixtures) plus additional sheetmetal work to provide for toilet exhausts and ventilation air for basement	1,200.00
Total, work previously completed	4,700.00

2. Additional work required to complete dental unit:

Relocate under-slab waste, water and utility lines to revised relocations	750.00
Patch concrete floor	200.00
Erect wood partitions, walls, ceiling, VAT flooring, doors, hardware, painting, etc	8,500.00
Complete plumbing work	2,500.00
Complete heating and air conditioning	3,500.00
Complete electrical work	1,800.00
Casework and millwork	2,000.00
Total additional construction work	19,250.00

3. Equipment and furnishings:

Dental chairs and equipment, dental instruments and furniture and furnishings	5,250.00
Central air compressor and suction units	750.00
Total, equipment and furnishings	6,000.00
Total, dental unit	29,450.00

B. Construct partitions along north wall of east half of basement to provide four offices. Note: *Does not* include rough-in plumbing for future lavatories, or provision for future conversion to examining rooms.

General contract work, including walls, ceiling, flooring, painting, etc	$1,500.00
Electrical work	750.00
Furniture and furnishings (provides for new furnishings. Can be considerably reduced if existing is used)	2,600.00
Total, office unit only	4,850.00

CLERKSHIP ASSIGNMENT

I. Definition of Problems: How can obstetrical service best be provided for patients to be served by Lutheran Deaconess Hospital recognizing financial and medical staff limitations?

II. Findings and Conclusions grouped according to Areas of Consideration:

A. MEDICAL STAFF

1. Nine individual doctors or groups of doctors supply 58% of patients to LDH.

2. The Bloomington-Lake Clinic supplies 28% of the total patient load.

3. Two Obstetricians of the Bloomington-Lake Clinic supply 37% of the total OB patient load and 60% of the private OB patient load: Total OB patients (897) minus LSS patients (317) equals private OB patients (572).

Conclusion

Any solution to the LDH OB problem should be sensitive to the hospital's dependency on the Bloomington-Lake OB/GYN specialists.

B. DEMOGRAPHY OF THE SERVICE AREA FOR LDH

1. LDH serves 45.8% of the hospitalization needs of the population of South Minneapolis with 27% of its patients coming from Longfellow and Powderhorn.

2. The Service Area immediately surrounding the hospital has a much higher rate (than the total population of Minneapolis) in the following vital statistics:

a. Infant Mortality: 33.7 (LDH Service Area) to 24.0 (Mnpls) per 100 population

b. Neonatal Mortality: 19.8 to 17.7 per 1000 population

c. Post Neonatal Mortality: 13.9 to 6.3 per 1000 population

d. Prematurity Rate: 103.0 to 80.5 per 1000 population

e. High Risk Mothers: 61.4 to 51.0 per 1000 population

f. No care before the Third Trimester: 26.3% to 11.9% of the total births

Conclusion

LDH has a continuing service responsibility to South Minneapolis and could attempt to improve the maternal and infant care of the hospital service area.

C. INDIAN HEALTH NEEDS IN PRENATAL AND OBSTETRICAL CARE

1. In 1969 there were 281 Indian births in Minneapolis and two-thirds of Indian mothers lived in South Minneapolis.

2. Dr. McCreary of Indian Health estimates that about two-thirds of the South Minneapolis Indian births could take place at LDH by using AFDC funds or Federal Grant money for Indian Health Care.

3. For a number of cultural and convenience reasons, Indian mothers would prefer to be cared for at LDH instead of General Hospital where most of them go now.

Conclusion

LDH should investigate the possibility of an Indian Prenatal Clinic.

D. GROUP HEALTH INSURANCE PLAN

1. A proposal has recently been made to Group Health by LDH offering them a special reduced rate for a normal delivery for their patients provided that Group Health will guarantee 400 deliveries to LDH each year.

2. Group Health presently sends 80% of its OB business to Mt Sinai Hospital.

Conclusion

The transfer of Group Health patient deliveries from Mt Sinai to LDH could guarantee LDH a minimum number of future deliveries for their OB service.

E. OBSTETRICAL SERVICE STAFFING

1. There could be a 33% increase in the number of deliveries in the LDH OB Service before additional staffing would be necessary due to the present low census.

2. OB departments traditionally have high standby staff costs.

3. The College of OB/GYN Specialists recommend that at least 1000 deliveries per year be maintained or the staff will begin to lose their special skills.

Conclusion

An increase in the number of deliveries would stimulate a better utilization of the Obstetrical staff and help maintain staff expertise.

F. CONSOLIDATION PLANS FOR MMCI HOSPITALS

1. In the MMCI Bicentennial Plan of 1968 a single OB unit "under the aegis of Lutheran Deaconess Hospital" was recommended for the future Medical Center.

2. The total patient days of Mt Sinai and LDH OB services could have been handled in the LDH 26-bed unit with a corresponding 75% occupancy rate.

3. Mt Sinai admits that its OB service needs at least 200 more deliveries per year to even justify the continuation of that service.

Conclusion

Were the Mt Sinai OB service to close down, this would be a logical intermediate step in the MMCI plans for the ultimate single OB service.

G. COSTS

1. In obstetrics, the major fixed operating costs are for staffing, and since staffing there is related to volume of service rather than available beds, the excess bed capacity is not as significant as the underutilization of staff.

2. The OB department is very expensive to continue on a quality basis:

Total direct and indirect costs for OB at LDH in 1970	$511,557
Total revenue from the OB service at LDH in 1970	367,975
Total cost in excess of total revenue for LDH in 1970	143,582

3. Delivery and labor room costs are significantly higher than the national average ($86.60 to $61.80) mainly due to the low OB census.

Conclusion

To continue to maintain quality care and service at a low volume, the unit costs of service must be significantly larger for the hospital.

II. Criteria for selection of Best Solution: The best solution should address the majority of the seven conclusions reached after an examination of the findings or at least address more of the conclusions than any other alternative solution.

III. Solution: Lutheran Deaconess Hospital should establish programs and affiliations with groups of patients and their representatives to insure dependable sources of future obstetrical patients for the hospital. This solution will address all seven conclusions in the following ways:

1. Convince Group Health to use LDH as their primary obstetrical service by guaranteeing them a set, discounted rate for all of their patients. (No. 4, 5, 6, 7)

2. Establish a Prenatal Clinic for the Indian Community and seek financial arrangements through AFDC and federal grants to enable these Indian mothers to deliver at LDH. (No. 2, 3, 5, 7)

3. Encourage the OB/GYN members of the Bloomington-Lake Clinic to participate in the staffing of the Indian Prenatal Clinic and/or the Group Health Plan. (No. 1, 5)

4. Establish a reduced, single price for all LSS patients of $375 for a normal delivery (up to a five day stay). (No. 5, 7) This fourth part of the solution was acepted by LDH administration on February 8, 1971 and the price reduction has been affected in anticipation that the new pricing policy will bring more of the LSS patients to LDH to deliver.

IV. Alternative Solutions:

1. Close the OB Service. This was rejected because it could not be reconciled with conclusion No. 1 and No. 6.

2. Combine therapeutic abortion with OB service. This was rejected because of the religious position of the Lutheran Church and because of the health needs expressed in conclusion No. 2. The hospital is interested in solving these health care discrepancies in its service area before the role of its OB service changes.

3. Relocate the hospital in a suburb south of Minneapolis. This solution was rejected because the Board of Trustees and the LDH administration have decided to serve the health needs of the inner city as identified in conclusions No. 2 and No. 3.

The solution is based on the premise that the number of OB patients for hospitals located in the inner city is diminishing and more and more of the physicians are relocating their offices in the suburbs in anticipation that the fertile female population (14–44) will increase in the suburbs. Consequently there will be increasing competition for the remaining OB business. If a hospital does not wish to close its OB service or to relocate in the suburbs, and yet it still wishes to maintain a number of deliveries to insure a quality service, guaranteed groups of OB patients should be sought. Three of those groups of patients are. (1) Group Health, (2) Indian Community, and (3) Clients from LSS. The inclusion of two or more of these groups in the LDH maternity and obstetrical program is essential to maintain the program at LDH.

HEALTH AS SEEN BY ADULT CITIZENS

The Senior Citizens health committee meeting in conjunction with the Model Ctiy Health Task Force has studied the "senior citizens health survey" and gathered information from the meetings of adult citizens with senior aides and Enos Butenuth resulting in the following report:

The elderly citizens are encompassed with fear from every angle of life. This situation alone threatens and affects the health of most every individual person. Distraction, indecision, insecurity, mental stress and fear are the maladies burdening all the elderly. This is just as painful physically as a broken arm or leg to many folk. If not immediately as a reaction some period later.

The greatest majority of the elderly have stated that their overwhelming need is for someone to call on them when illness strikes or when in need.

As physicians are so busy it is almost impossible to get one in these circumstances but once in a great while one is able to make a call. Therefore they were very enthusiastic about the Physicians Assistant idea when introduced. And we hope that this project can be developed into an active program as soon as possible.

An available nurse could also be very useful and welcome in situations such as these when no one else can get there.

A better "raport" with physicians, hospitals and agencies would be next in priorities. This should be explored further as to implementation.

Dental care and assistance is needed by more than 90% of the elderly population. Medicare is nil in this catagory. These conditions alone could cause or implement and worsen over 50% of their ailments. If continually and not rectified will cause symptoms and ailments to develop into chronic cases or even death.

The feet after carrying a body for over half a century are bound to develop dozens of deficiencies. Corns, calluses, deformed joints and bones, muscle de generation and injuries, nerve troubles and many other problems have come into being with very few places to go to have them rectified or relieved. Podiatrists are conspicuous for their absence and unavailability. Then NOT enough MONEY to pay for these services when available and practically no assistance from agencies or government.

Eyes and glasses are a subject and topic in itself.

Hearing is another topic to be treated separately.

MODEL NEIGHBORHOOD HEALTH SURVEY OF THE AGED

SUMMARY

1. Purposes of survey.

2. Sampling procedure and result of sampling.

3. Findings of survey.

(a) Health problems, utilization of health services, barriers to utilization.

1. Dental problems.
2. Vision problems.
3. Hearing problems.
4. Mobility problems.
5. General medical problems.

(b) Suggestions for changes and improvements in health services made by elderly people.

(c) Socio-economic and environmental factors related to health problems and health service utilization.

DETAIL

1. Purposes of survey:

The Minneapolis Model Neighborhood Program wanted to determine among elderly people living in the neighborhood, the extent of certain health problems, what sort of health services the people were receiving, and what changes or improvements they would like to see in these health services.

The survey also attempted to identify socio-economic and environmental factors that might have an influence on the health problems and health services for aged residents of the neighborhood.

The survey also provided an opportunity to the first year dental students at the University of Minnesota who did the interviews to learn first hand about problems of elderly people in getting dental and medical services, and to learn something of the relationship between dental problems, medical problems, and environmental, social and economic problems among the elderly residents of the neighborhood.

2. Sampling procedure and result of sampling:

It is estimated that there are between 10,000 and 14,000 persons age 65 or over living in the Minneapolis Model Neighborhood. To study health and health-related problems, it is convenient to divide these elderly people into the following three groups:

(a) An estimated 7,500 to 11,500 people living in their own homes, in private apartments, and in boarding houses.

(b) Approximately 700 persons living in public housing high-rise apartments.

(c) Approximately 1,800 persons in nursing homes and boarding care homes.

The third group, the approximately 1,800 persons living in nursing homes and boarding care homes, is excluded from this survey. It is felt that the health problems and health service problems of these 1,800 people are more intensive and of a different type than those of the first two groups, and thus should be the subject of a separate later study.

Thus samples were drawn from two population groups, the 7,500 to 11,500 living in private housing, and the 700 living in public housing high-rise apartments.

PROCEDURE FOR SAMPLING THE PRIVATE HOUSING GROUP

It was hoped that a random sample of approximately 300 elderly people for interview could be obtained from among those living in private housing units in Model Neighborhood. To get such a group, the 425 blocks in Model Neighborhood were numbered and one-fifth of these blocks was then randomly selected. Using these 85 blocks as the sample blocks, it was then determined—by using 1966 records from the City Planning Department—that there were approximately 4,200 housing units in these 85 blocks. One-fifth of the housing units on each of the 85 blocks was randomly selected, and this group of 833 housing units thus represented a randomly selected 1/25 of all the housing units of the Model Neighborhood.

Between October 3 and October 25, 1968, the eight resident planners employed by Model Neighborhood visited these 833 housing units and asked if there were persons age 65 or over in the units, explained the purpose of the proposed interview, and asked if the persons age 65 or over would agree to be interviewed by a dental student during the next two or three weeks.

PROCEDURE FOR SAMPLING THE PUBLIC HOUSING HIGH-RISE APARTMENT GROUP

It was estimated that there were 572 high-rise public housing apartment units in the Model Neighborhood with approximately 700 persons living in them. It was hoped that by randomly selecting one-fourth of the units (143 units) approximately 175 elderly persons would be contacted, and that about 120 interviews might be obtained.

SUMMARY OF RESULTS OF SAMPLING

Result	Number of private housing units	Number of public housing units	Total
Housing unit vacant or demolished	67	3	70
Apartment building closed to resident planners (these were middle income or upper middle income apartment buildings)	90		90
No one age 65 or over living in the housing unit	314	1	315
No contact made with occupants of housing unit or else records of contact unclear	208	22	230
Persons age 65 or over living in unit, but refusing to be interviewed	56	22	78
Persons age 65 or over living in unit, but in hospital at present		3	3
Persons age 65 or over living in unit and agreed to interview	98	92	190
Total housing units in sample	833	143	976

In the 98 private housing units, 109 persons agreed to interview, and in 92 public housing units, 96 persons agreed to interview. Thus a total of 205 persons agreed to interview.

The first year dental students from the University of Minnesota were given the names, addresses, and telephone of those persons who agreed to be interviewed. A letter of introduction giving the name of the dental student was mailed to each person who had agreed to be interviewed. The dental students conducted the interviews between October 21 and November 8, 1968.

Among those 205 persons who agreed to be interviewed, the following outcomes occurred when the dental students attempted to do the interviews:

Interview completed, person age 65 or over	128
Interview completed, but person found to be under age 65	8
Refused to be interviewed even though an interview had presumably been agreed upon	47
In hospital	5
Out of town	3
Records unclear or unaccounted for	14
Total	205

In summary, the findings of this survey should not be taken as representative of the entire elderly population of the Model Neighborhood. In addition to the 128 persons age 65 and over who completed the interview, there were at least 125 persons age 65 and over who refused to be interviewed and additional numbers of elderly persons in the housing units of the sample whom were not contacted.

With such large proportions of the elderly population not participating in the interviews, it is not possible to project the findings of the interview to the entire Model Neighborhood population. Nevertheless, the findings are relevant to the 128 people who were interviewed, and to some unknown but substantial portion of the population with characteristics similar to these 128 people.

Among the 128 persons who were interviewed, 125 persons were recorded as being White, one person Negro, one person Indian, and one person Negro-Indian-White.

SEX DISTRIBUTION BETWEEN THE PRIVATE HOUSING AND THE PUBLIC HOUSING GROUPS

	Public housing	Private housing
Males	10	29
Females	50	39

AGE AND SEX DISTRIBUTION OF THE 128 PERSONS INTERVIEWED

Age group	Males	Females	Total
65 to 69	11	22	33
70 to 74	12	29	41
75 to 79	8	16	24
80 to 84	4	12	16
85 to 89	3	7	10
90 and over	0	1	1
Unknown but over 65	1	2	3
Total	39	89	128

3. Findings of survey:

(a) Health problems, utilization of health services, barriers to utilization of health services.

1. DENTAL PROBLEMS AND DENTAL SERVICES

The existence of dental problems

41 of 128 people said they have trouble with their teeth at the present time.

57 of 128 people said they have some teeth missing but not all teeth missing.

61 of 128 people said that all of their teeth are missing.

42 of 128 people said that they have a partial denture.

59 of 128 people said that they have a complete denture.

28 of 128 people said that they are having trouble with dentures.

31 of 128 people said that they have trouble chewing food.

33 of 128 people said that either their original teeth or their dentures hurt sometimes.

7 of 128 people said that the condition of their teeth keeps them from talking to people or from meeting new people.

Utilization of dental services

(a) "Where do you go for dental care?"

94 of 128 people said they go to a private dentist.

6 of 128 people said they go to the University Dental Clinic.

4 of 128 people said they go to General Hospital.

14 of 128 people said they go no place for dental care.

6 of 128 people said they don't know where they would go for dental care.

4 of 128 people gave another response.

(b) "When did you last see a dentist?"

45 of 128 people say they saw a dentist within the past year.

21 of 128 people say they last saw a dentist one to two years ago.

61 of 128 people say they last saw a dentist more than two years ago.

One person did not know when he had last seen a dentist.

None of the 128 people say they have never seen a dentist.

(c) "Are you getting all the dental care you need?"

97 of 128 people said "yes."

26 of 128 people said "no."

5 of 128 people responded "don't know."

(d) "If you had a bad toothache or denture trouble, would you

1. go to a private dentist as soon as possible?"

95 of 128 said "yes."

2. go to a hospital emergency room as soon as possible?"

4 of 128 said "yes."

3. try some remedies at home first?"

2 of 128 said "yes."

4. do nothing and hope the trouble goes away?"

9 of 128 said "yes."

5. don't know

11 of 128.

6. another response

7 of 128.

Barriers to utilization of dental services

(a) "If you didn't go to a dentist soon after you got a bad toothache or denture trouble what would be the reasons you didn't go?"

51 persons gave no reasons.
48 persons gave one reason.
16 persons gave two reasons.
8 persons gave three reasons.
3 persons gave four reasons.
1 person gave five reasons.
1 person gave six reasons.

Reason given	*Number of times reason was given*
Don't know any dentist	22
Don't have money for dental care	22
Don't know how to get a dentist at night or on weekends	14
Dentists don't take emergencies and it takes days or weeks to get an appointment	12
There is no one to take me to dentist and I can't get there alone	10
Not well enough to leave house or apartment to get to dentist's office	9
I could get out alone but no transportation is available	8
Use some other method of treatment or no treatment at all	8
Afraid to go to dentist	6
Another response	16

(b) "If dental care were convenient, and if you could afford it, how often do you believe in going to the dentist?"

49 of 128 people said they would go only when there is some tooth trouble.

25 of 128 people said they would go once per year.

31 of 128 people said they would go twice per year.

12 of 128 people said they don't know.

11 of 128 people gave other responses.

(c) "Is dental care too expensive for you to get?"

39 of 128 people said "yes."

(d) "Do you know a dentist you can go to if you need dental care?"

34 of 128 people said "no."

(e) "Are you afraid to go to a dentist even if you need dental care?"

17 of 128 people said "yes."

(f) "Can you get to a dentist's office by yourself?"

25 of 128 people said "no."

2. VISION PROBLEMS AND EYE SERVICES

The existence of vision problems

48 of 128 people said they have problems with their eyes at the present time.

19 of 128 people said eye trouble keeps them from reading.

1 of 128 people said eye trouble keeps her from getting out and going places.

12 of 128 people said eye trouble keeps them from driving a car.

1 of 128 people said eye trouble makes it difficult for her to get around the house or apartment.

122 of 128 people said they have glasses.

36 of 128 people said they thought they needed new glasses.

4 of 128 people have been told by a doctor or optometrist that they have glaucoma.

24 of 128 people have been told by a doctor or optometrist that they have cataracts.

Utilization of eye services

(a) "When you have eye trouble or need your eyes examined, where do you go?"

(126 people gave one response, 2 persons gave 2 responses.)

62 of 128 people said they go to a private doctor.

51 of 128 people said they go to an optometrist.

7 of 128 people said they go to General Hospital.

6 of 128 people said they don't know.

4 of 128 people gave another response.

None of the 128 people mentioned the University Hospitals.

(b) "When did you last have your eyes examined?"

50 of 128 people said within the past year.

19 of 128 people said between one and two years ago.

55 of 128 people said more than two years ago.

3 of 128 people didn't know.

1 of 128 people said he had never had his eyes examined.

(c) Among the 128 people, 48 persons said that they have some eye problems at the present time. Of these 48 persons with eye problems at the present time 18 were getting treatment at present, and 30 persons were not getting any treatment at present.

3. EAR AND HEARING PROBLEMS

The existence of hearing problems

(a) "Do you have any trouble with hearing at the present time?"

45 of 128 said "yes."

(b) "Can you hear people's conversation all right?"

20 of 128 said "no."

(c) "Can you hear the TV or radio all right?"

11 of 128 said "no."

(d) "Can you hear at church, movies, meetings or other large gatherings all right?"

22 of 128 said "no."

(e) "Can you hear on the telephone all right?"

16 of 128 said "no."

(f) Number of persons answering "no" at least once to (b) through (e.)

28 of 128.

(g) "Do you use a hearing aid at the present time?"

45 of 128 said "yes."

Utilization of hearing services

(a) "Where do you go to get help if you have hearing trouble?"

(126 people gave one response, 2 persons gave 2 responses.)

82 of 128 people said they go to a private doctor.

8 of 128 people said they go to General Hospital.

2 of 128 people said they go to University Hospitals.

9 of 128 people said they go to a hearing aid store.

6 of 128 people said they would go no place.

20 of 128 people said they don't know.

3 of 128 people gave another response.

(b) "When did you last see a doctor about hearing trouble?"

22 of 128 people said within the past year.

9 of 128 people said between one and two years ago.

28 of 128 people said more than two years ago.

65 of 128 people said never.

4 of 128 people didn't know.

4. MOBILITY PROBLEMS

The existence of mobility problems

(a) "Are you able to walk around as much as you want?"

39 of 128 people said "no."

(b) "Are you able to go outside of the house or apartment by yourself?"

5 of 128 said "no."

(d) "Are you able to get out of your bedroom by yourself?"

No one of the 128 said "no."

(c) Of the 5 who could not get outside the house by themselves, all said they were able to get out if someone else was with them to help them.

(e) "Are you able to be out of bed for more than half of the daylight hours?

1 of 128 said "no."

(g) "Do you walk without any aid from other people?"

3 of 128 said no.

(h) "Do you walk without using a cane, crutches, or other devices?"

13 of 128 said "no."

(f) "When not in bed, are you able to get around without a wheelchair?"

2 of 128 people said "no."

(i) Total number of people answering "no" at least once to (a) through (h).

13 of 128.

CAUSES OF MOBILITY PROBLEMS

	Among 57 people asked about causes of mobility problem	Among the 43 persons who expressed at least one mobility problem 33 were asked what caused problem	Although not instructed to do so dental students asked 24 of the 85 people without mobility problem for causes of them
"Do any of the following health problems keep you from walking as much as you want?"			
Foot trouble	14	8	6
Arthritis or rheumatism	31	19	12
Heart trouble	13	11	2
Shortness of breath	18	14	4
Dizziness	9	8	1
Weakness or tiredness	18	14	4
Paralysis	2	2	0
Fear of falling	7	6	1
Eye trouble	13	10	3
Back pain or lumbago	18	12	6
High blood pressure	18	8	10
A recent injury	9	6	3

Utilization of services for the causes of mobility problems

"Are you getting treatment for any of these problems at the present tme?"

Of the 57 people who answered the question and described some causes of mobility problems, 3 listed no causes, and of the 54 who listed at least some causes, 18 answered "no" to question No. 23.

(b) Suggestions for changes and improvements in health services made by elderly people.

(1) "What improvements would you like to see in health services for you in this neighborhood?"

111 of 128 people responded "yes" to one or more of the following suggested improvements. 17 of the 128 people did not respond "yes" to any of the suggestions.

	Number responding "yes"
Should doctors be available to make more house calls?	89
Should it be easier to find a doctor who is willing to see you at his office?	51
Should it be easier to find a dentist who is willing to see you at his office?	47
Should there be a clinic in this neighborhood for medical care?	65
Should there be a clinic in this neighborhood for dental care?	68
Would you like to see the dentists, medical doctors, eye doctors, ear specialists and other specialists together in a single location in the neighborhood?	87
Would you like to see more visiting nurse services?	48
Would you like to see it easier to call for help if there is an emergency?	54
Do you need more help in paying bills for medical care?	27
Do you need more help in paying bills for dental care?	30
Should there be more convenient transportation arrangements to get to the physicians' and dentists' office?	48

AMERICAN BANKERS ASSOCIATION RETRACTS ITS DENIAL ON THE 360-DAY CALENDAR

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. PATMAN. Mr. Speaker, on June 7, the American Bankers Association issued a news release charging that statements I had made about the banks' use of the 360-day year to calculate interest charges were "untrue." I immediately wrote the president of the ABA asking that he publicly explain his charges against me.

Last Thursday—June 17—the American Bankers Association, through its president, Mr. Sommer, retracted its charges and stated that it regretted suggesting that my statements had been "untrue".

Mr. Sommer stated in a letter to me:

> Our release of last week was based on press reports and issued before we had access to the survey conducted for you by the Federal Reserve System as contained in the Congressional Record. We have now had the opportunity to review the survey findings, and I regret suggesting in our press release that your interpretation of the study was "untrue" and "entirely misleading and inaccurate."

Mr. Speaker, it is always hard for an organization like the ABA to admit mistakes and Mr. Sommer is to be commended for facing the issue forthrightly and retracting his charges. I accept his retractions and apologies.

Now that the ABA is facing the facts on this issue, I hope that it will turn its energies to see that the practice is stopped in banks all over the Nation. By calculating "per annum" interest charges against a 360-day calendar, the banks are able to overcharge their customers substantial sums. More than 80 percent of the banks responding to the Federal Reserve survey of this practice state that they use the 360-day calculations on some loans. Nationwide, it appears that the banks are collecting at least $150 million in excessive interest charges by calculating interest rates under the bobtailed 360-day calendar.

In his letter, Mr. Sommer states:

> However, we certainly agree with you that in some classes of loans, notably single payment loans, the practice in many banks has been to collect interest for an exact number of days calculated on a 360-day year. When this occurs, it will result in the collection of the additional interest to which you refer in your examples.

Mr. Speaker, I hope that the regulatory agencies are moving to see that this practice is corrected. I have informed all of the bank supervisory agencies of my concern about this practice and I hope that we will have early administrative action.

VA DRUG BILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. DORN. Mr. Speaker, today I joined my colleague, Chairman "TIGER" TEAGUE of the Veterans' Affairs Committee, to introduce a bill which would establish a drug treatment program in the VA hospitals for returning veterans. I am alarmed and concerned over the growing drug problem that exists today throughout the country. The drug-abuse bill for treatment of veterans will have three basic purposes. It establishes procedures for the VA to cooperate with the armed services to treat drug addicts. The bill allows the VA to treat drug abusers on the basis of commitment from Federal courts. It also allows the VA to treat any serviceman or ex-serviceman regardless of the type of discharge they received or other legal problems as a result of violation of other laws.

Mr. Speaker, I also favor further legislation to treat and cure alcoholism in the VA hospital system. Alcoholism is a form of drug abuse and contributes to the high rate of crime and family misfortune. The consequences of alcohol abuse are as pressing a problem as heroin addiction. The VA system has a fine history of medical care and new discoveries in the medical field. I am confident that with adequate funding the VA will be able to assist in the solution of the drug and alcohol abuse problem which plagues this country.

RED CHINA POLICY—A REWARD FOR MURDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. RARICK. Mr. Speaker, a steadfastness in refusal to yield to both domestic and foreign pressures urging the United States to make concessions to the Red Chinese regime has been a trademark of American foreign policy from the time Communists with the assistance of the United States usurped power of the people on mainland China in 1949 until the advent of the "New American Revolution" of the Kissinger-Nixon administration.

Many sound American reasons can be given to justify this policy toward Red China. Red China was condemned by the United Nations as an aggressor. Red China invaded South Korea in a war in which more than 33,000 Americans were killed, over 136,000 maimed, and an undetermined number of American prisoners of war were taken and are still held—a war which has officially not ended.

Missionaries and other church leaders have testified of the abominable and un-Christian conditions which have been occurring in Red China—slave labor, destruction of the family unit, communal living, inhuman atrocities against individuals, confiscation of property, and demolition of churches.

The effects of the exportation of the Red Chinese revolution to free countries, including the United States, can be seen in the riots, bombing, arson, and other acts of subversion.

Communist Chinese leaders have given no indication by word or deed of their intent to treat their subjects as free men. They have made no effort to deceive us or our leaders.

Yet, in spite of these reasons, Mr. Kissinger wrote in the U.S. Foreign Policy for the 1970's—Building for Peace":

> In the coming year, I will carefully examine what further steps we might take to create broader opportunities for contacts between the Chinese and American peoples, and how we might remove needless obstacles to the realization of these opportunities. We hope for, but will not be deterred by a lack of, reciprocity.

Even though the Red Chinese show no signs of mellowing with the free world, Mr. Nixon asserts his intention to aid these Communist leaders.

And so he has with his recent lifting of trade bans against Red China. And recently his administration has shown a measure of support for admission of Red China to membership in the United Nations with a hint that it may abandon the two-thirds vote requirement in favor of a bare majority vote for Peking's entrance. The subtle hint must be considered as a feeler to gage public reaction.

While a candidate for the Presidency, Mr. Nixon stated to the American Society of Newspaper Editors on April 19, 1968:

I would not recognize Red China now, and I would not agree to admitting it to the United Nations, and I wouldn't go along with those well-intentioned people that said, "Trade with them," because that may change them. Because doing it now would only encourage them, the hardliners in Peking and the hardline policy they're following. And it would have an immense effect in discouraging great numbers of non-Communist elements in Free Asia that are now just beginning to develop their own confidence.

Red China has not changed nor have the non-Communist elements in Free Asia—nor have the Americans who chose Mr. Nixon for President. Only Mr. Nixon has changed. Or who is really running the country?

I insert Ambassador Liu Chieh's speech at this point in the Record:

[From the Christian Beacon, June 17, 1971]

A Warning Against Seating Peiping in the U.N.

I have been asked to speak on a topic which is now very much on the minds of those who, like yourselves, are genuinely concerned with the future of the United Nations. The late Adlai E. Stevenson regarded the question of the representation of China in the United Nations as one that has "momentous consequences for the future of the Organization." For "more is at stake than the status of certain delegations; more is at stake than the registering or reflecting of existing facts of power." He went on to say:

"Indeed, the underlying question is how the great people of China, who by a tragedy of history have been forcibly cut off from their own traditions and even led into war against the community of nations, can be enabled to achieve their own desires to live with themselves and with the rest of the world in peace and tolerance."

These memorable words of a great American, spoken some ten years ago, have lost neither their relevance nor their cogency with the passage of time. If anything, their validity has been enhanced by subsequent events. The Cultural Revolution, which convulsed the mainland of China a few years ago, shows the extreme length the Chinese Communist leadership would go to tear asunder the traditions and cultural values of the Chinese people. Far from enabling the Chinese people to achieve, in the words of Mr. Stevenson, "their own desires to live with themselves and with the rest of the world in peace and tolerance," the seating of Peiping in the United Nations will assuredly broaden the scope of its aggressive activities against freedom and independence of countries in the more vulnerable parts of the world and, what is more, give it an opportunity to carry out its long-standing threat to "thoroughly reform" or rather to destroy the United Nations.

As you well know, the question of the representation of China has come up, in one form or another, for heated discussion at every session of the General Assembly since 1950. It is unnecessary for me to review here the parliamentary maneuvers that have been used, first by the Soviet Union, then by India, and in more recent years by Albania and others, to seat the Chinese Communists. Suffice it to say that all attempts to do so have failed. At the 25th session of the General Assembly last year, however, the Albanian resolution calling for the replacement of the Republic of China by the Communist regime in Peiping was able, for the first time, to muster a majority of two votes—51 versus 49, with 25 abstentions. But since the question of Chinese representation has been regarded as an "important question" within the meaning of Article 18 of the Charter, and since the margin of merely two votes fell far short of the two-thirds majority required for such questions, Peiping remains outside the United Nations.

THE 1970 VOTE—A SERIOUS SETBACK

It must, however, be frankly admitted that the 1970 vote was a serious setback for the Republic of China and its suporters. Yet there is no reason to think that it is an irreversible setback. No one should be misled into believing that the participation of Peiping in the work of the United Nations is already a foregone conclusion. In my humble submission, the result of the voting reflected the impact of Canada's and Italy's recognition of the Chinese Communist regime at a time when the question of Chinese representation was coming to a head. In this connection, a similar set of circumstances readily comes to mind. In 1965 General De Gaulle's government extended diplomatic recognition to Peiping. In consequence, there was a marked shift of votes in favor of seating of the Chinese Communists at the 21st session of the General Assembly that year. The result was a stalemate—47 versus 47. Then, as now, it was widely believed that the admission of Peiping was imminent. But this did not happen. In fact, at the next session of the General Assembly in 1966 the Albanian draft resolution seeking to replace the Republic of China by the Communist regime of Peiping was decisively rejected by a vote of 46 for and 57 against. There was a comfortable margin of 11 votes. While I cannot assert with absolute certainty that the same thing will happen again this year. I certainly do not subscribe to the view that the General Assembly will in good conscience and in its own interest allow itself to reverse completely a position it has held for twenty years.

I would be less than realistic if I should fail to take into account the changes that have taken place on the world scene in the last few years. There has been much talk about East-West *détente*, Vietnam, the Middle East. There are people who believe that the cold war is a thing of the past and international Communism as such may even be an outmoded expression. Such is the state of euphoria that anti-Communism has now become a dirty word. This climate of opinion cannot but rebound to the advantage of the Chinese Communist regime.

PEIPING'S PROPAGANDA MACHINE

For its part, Peiping's propaganda machine has worked overtime to create the impression that order and stability have returned to a land which but two years ago was convulsed with the turmoil and confusion of the so-called Great Proletarian Cultural Revolution. Pilgrims to the Maoist "paradise" now paint a glowing picture of progress and achievements, and want us to believe that the masses of the Chinese people made peace with the Communist regime. The illusions of unity so assiduously promoted by partisan observers appear to be taking root in the outside world.

It is pure journalistic folklore to believe that a brief conducted tour to a totalitarian capital can provide genuine insights into the real conditions of the country. For the most part, dispatches by correspondents who have recently visited the mainland of China must be taken with a grain of salt. This is not to question their integrity. In the nature of things they cannot be expected to record more than what they have been allowed to see. They cannot be expected to know that underneath the seemingly stable surface there is a boiling and ultimately irrestible mass of resentments and suicidal despairs. The crust of the Communist rule is thinner and more brittle than most of the visiting journalists supposed. The hot lava of revolt, which oozed through a thousand cracks and fissures at the height of the Cultural Revolution, continues to seethe and sizzle and may yet erupt with incalculable fury. The Chinese people have never ceased to struggle against their oppressors. No one should give them up as irretrievably lost to Mao Tse-tung. We of the Republic of China certainly cannot give them up. They are our kith and kin. We have an unshirkable duty to see to it that they regain their freedom.

MACHINE OF TERROR

Foreign observers are inclined to believe that the Mao Tse-tung regime, after the convulsive struggles of the 1966–1968 period, has now embarked on a course of comparative moderation. The Chinese people, however, are not deceived by it. They are too well schooled by painful experience to mistake the phosphorescence of propaganda moves for a new dawn of freedom. They know that the machine of terror remains intact and is ready to spring into action at the drop of a hat. Indeed, this seeming mildness may well be the prelude to a new tightening of screws, as it has happened so many times in the past. To suppose a totalitarian regime such as that of Peiping could somehow transform from within in the direction of liberalism is to misunderstand its true nature. Its leaders could not have done that even if they had wanted it. The fact is that they are not in fact free agents. They are trapped by their own logic and system. There is a limit to what seems to be a relaxation of tension and terror. To go beyond that limit is to unleash forces which must sooner or later bring about their downfall.

It is surprising that so much indifference has been shown over the reports and photographs that have recently come out of the mainland. They present a frightening spectacle of men, women, and children, all in the same drab clothing, all relating their every activity to the thought of Mao Tse-tung, spouting the same slogans and clichés from the little Red Book. They behave not like ordinary human beings but like so many robots with no mind or will of their own. Yet it would be a great mistake to view them as a passive, bovine mass of beaten and subjugated people who have accepted their unwanted fate without a murmur. On the contrary, their will to revolt, though smothered, is not dead. It may burst into vehement flame if the opportunity presents itself.

A NEW IMAGE FROM PEIPING

Internationally, Peiping has in the past two years been able to project a new image of conciliation and flexibility. It seems ready to break out of its self-imposed isolation and enter into normal diplomatic relations with other countries. This new posture has gained considerable credibility since the recognition of the Chinese Communist regime by Canada and Italy. The recent visit of a Ping-pong team to Peiping has engendered a thrill of hope across the world. This swelling euphoria has of late somewhat subsided. But wishful thinking about the Maoist regime persists.

It is easy to understand why people in the West, and particularly in the United States, received Peiping's gestures of good will with so much fanfare and enthusiasm. In the first place, there has been a tradition of friendship between the American and Chinese peoples. In the second place, the possibility of trading with the potentially mammoth market on the Chinese mainland stirs the imagination of all businessmen. In the third place, Mao Tse-tung has in recent years enjoyed not a little popularity among the extreme elements of the New Left. Let me comment briefly on each of these three aspects.

1. It cannot be doubted that there has always been a reservoir of good will in America for China and the Chinese people. The idea that the traditional friendship between the two peoples can now be revived and strengthened has a strong romantic appeal to Americans.

On their part, the Chinese people have always had a warm spot in their hearts for

America and the American people. This is a friendship which two decades of Communist propaganda has been unable either to breach or to tarnish. When the Chinese Communists talk about the friendship between the two peoples, they seek to drive a wedge between the American people and the American Government. Even in the wake of Ping-pong diplomacy, the official Communist press has never ceased to attack "U.S. imperialism." It has characterized the friendly overtures of the Nixon Administration as motivated by a desire "to extricate itself from the unprecedented isolation at home and abroad" (*People's Daily*, May 5, 1971). It has called upon the American people to struggle against their government, believing that "the fascist rule in the United States will inevitably be defeated" (*Ibid.*, April 29, 1971).

2. To be able to trade with mainland China is a prospect many American businessmen have been dreaming about ever since an embargo was placed on shipments of a wide range of goods at the time of the Korean war. Some of them have already been counting up their profits from that trade. But the technicolor visions conjured up by them could well be a mirage. It is by no means easy to trade with the Communist regime. And the amount of the trade is far less than what is suggested by the existence of 700 million consumers. It may be of interest to take a look at some actual figures. Estimates by the best available sources placed Peiping's trade for the past decade fluctuating between U.S. $2.7 billion and U.S. $4.2 billion. These figures covered both trade with the free world and barter with Communist bloc nations. In contrast, the Republic of China's trade performance in 1970 was U.S. $3.1 billion, already equal to Peiping's total two-way trade with the free world.

3. It is fashionable for the self-styled revolutionaries of today to profess a determination to overthrow the establishment through mob violence. This is what Mao Tse-tung has been preaching for years. In Mao's little Red Book one finds ready-made justification for riots, arson, and bomb-throwing. It is these young militants, Mao believes, who will touch off "violent revolutionary storms in the United States." It is with them in mind when he speaks of "people-to-people" diplomacy.

PEIPING IN ECONOMICS DISLOCATION

Peiping has been seriously weakened by the 1966–1968 upheaval. It still suffers from grave economic dislocation. Its authority is at a discount in many provinces. The Party and administrative structure continues to be in disarray. The regime needs the help of its "enemies" to forge ahead. Its diplomatic offensive has met with a success which far exceeds its own expectations.

Members of the United Nations Association of New York are, I am sure, familiar with the pros and cons in regard to the question of Chinese representation. I shall try to lay before you the views of my Government on this question. I know that many of you do not see the question in the same light as we do. I cannot of course convince any one who is not already convinced. I seek neither approbation nor agreement. I hope, however, what I say will provoke fresh thinking on the subject.

U.N. AND REPUBLIC OF CHINA

The Republic of China has earned its place in the United Nations by virtue of its contributions to the cause of peace and freedom during World War II. From 1931 to 1941 it fought single-handedly against one of the mightiest war machines of that time, without allies and with little material aid from abroad. During those long and difficult years, we had more than once been approached by the enemy to agree to a settlement on terms not altogether unfavorable to us. But we rejected all offers because we were fighting for a principle—the principle of law and order in international relations. It is a principle on which we could not compromse. It had always been our unshakable conviction that peace not based on law and justice will not long endure.

When the war that started in China developed into a global conflict, the Republic of China became one of the principal allies which signed the Declaration of the United Nations in 1942. Subsequently it played an important part in the drafting of the United Nations Charter. It was one of the four Powers which sponsored the San Francisco Conference. It actively participated in the formation of the specialized agencies.

The legal status of the Republic of China has not changed since then. Its government continues to function on Chinese territory. There has been no break in the continuity of its leadership and policies.

COMMUNIST CHINA'S POSITION

The Communist regime, on the other hand, represents a complete break with China's past. In philosophy and traditions, in culture and social values, in institutions and policies, it has nothing in common with the State of China which participated in the founding of the United Nations and which is specified in the Charter as a permanent member of the Security Council. That perceptive correspondent of the *New York Times* in the Far East, Tillman Durdin, who has recently visited the mainland of China after an absence of a quarter-century, wrote under the date line Hong Kong, May 18:

"One of the early objectives of the Cultural Revolution . . . which began in 1966 and goes on today, was to wipe out the 'four olds'—old things, old ideas, old customs, and old habits. The 'four olds' had already suffered in the years of the Communist rule preceding the Cultural Revolution, but the Maoist leadership tried to use the new revolutionary upsurge launched in 1966 to eliminate them completely" (*New York Times*, May 19, 1971).

Such a regime is clearly un-Chinese in character and un-Chinese in purpose. How can such a regime represent the great Chinese people in the United Nations? How can such a regime speak in the name of the Chinese people and give expression to their true interests and aspirations?

The United Nations was founded "to save succeeding generations from the scourge of war, which twice in our generation has brought untold sorrow to mankind." The paramount purpose of the United Nations is therefore the maintenance of international peace and security. The Charter commands every nation not to use or threaten force against the territory and independence of another. But experience requires us to go further. We have seen nations and peoples subjugated by political subversion and guerrilla warfare. We have seen how economic aid by the Communists has been used as a bait and club to impose political influence and subservience. In our time aggression may be camouflaged and indirect.

There is another principle of the Charter that needs affirmation. It is summed up in the splendid words of the Preamble—"to practice tolerance and live together in peace with one another as good neighbors." And tolerance is the key to international peace; there can be no peace unless there is mutual respect and mutual forbearance as between differing peoples, cultures, and systems.

A FETISH OF FORCE

The Chinese Communist regime negates these basic principles. It promotes violence and war. It makes a fetish of force. It foments armed insurrection in neighboring countries. It is a past master in the art of political subversion. It is the world's greatest theroretician and practitioner of guerrilla warfare and undertakes to train, equip, finance, and direct "people's war" on a global basis. The essence of Maoism can be summed up in this well-known sentence: "The seizure of power by armed force, the settlement of issues by war, is the central task and the highest form of revolution."

Time does not allow me to go into a detailed discussion of the aggressive activities which the Chinese Communist regime has carried out in various parts of the world. Let me call your attention briefly to the fact that of the 23 nations that make up the continent of Asia, 16 are embroiled in some kind of war, rebellion or civil strife—much of it instigated or supported by Peiping. These countries are home to 1.8 billion people, over half of the world's 3.5 billion population.

In Hanoi, Peiping is pressing for a military victory, regardless of the consequences for the people of both Vietnams. Chinese military aid is going to Communist troops in Vietnam, as well as to Laos and Cambodia.

In North Korea, Peiping has patched up its differences with Pyongyang, and has enabled Kim Il Sung to be more militant towards South Korea.

The hand of Peiping is plainly visible in the unrest in India, Ceylon, and the Philippines. Arms and ammunition are being smuggled to rebel bands in the jungles, mountains, and swamps of Thailand, Burma, Malaysia. and Indonesia.

There can be no doubt that Peiping is the world's greatest instigator of war and violence. To seat such a regime in the United Nations would be to give implicit blessing to aggression, to undermine the rule of law in international relations and to undercut whatever claim the Organization may have to being a moral force in the world of today.

Fortunately, however, China has been represented in the United Nations by a government which can truly articulate the wishes and aspirations, woes, and fears of the Chinese people. The notion of expelling the Republic of China in order to make room for the Comunist regime in Peiping is not only repugnant to all fair-minded people but also to all those who have the true interest of the United Nations at heart.

It is sad to observe that there are today those who do not hesitate to throw vital principles of the Charter overboard in order to accommodate the Chinese Communists. Appeasement is in the air. Expediency rather than principles seems to be the primary preoccupation of publicists. The stark realities of international life, it has been argued, are such as to make strict adherence to Charter provisions out of question. Indeed, the United Nations today is very different from what its founders conceived it to be 26 years ago. Far from a community of purpose vested with authority to demand compliance of members with certain specified obligations, it has now become a battleground of conflicting interests. It has therefore been contended that the United Nations cannot be other than a mirror reflecting faithfully the world as it is rather than the world as it should be. This being so, it is unrealistic to quibble over the question whether Peiping qualifies for membership or not under Article 4 of the Charter.

I am as aware of the changes that have taken place since 1945 as the next man. But I cannot accept the proposition that the purposes and principles of the Charter must be abandoned for the sake of reflecting the realities of the world situation. The Charter, it seems to us, is the basic law of the United Nations. You cannot tamper with the basic law of an organization without doing irreparable damage to the organization itself. Whatever immediate advantages may be achieved at the expense of Charter principles cannot be balanced by what has been lost for the future of the United Nations.

As you know, there is a school of thought in the United States which discounts the threat posed by the Chinese Communists. They attribute Peiping's outrageous and beastly behavior to the American policy of trying to isolate the regime from the rest of the world. They picture Mao and his followers as more Chinese than Communists, more interested in the recovery of China's lost hegemony in Asia than world revolution, more frustrated than expansionist, more given to grandiloquent rhetoric than to conquest. Membership in the United Nations, they believe, would cure all this. The interplay of ideas and interests in the world community would, in their view, sooner or later cause the Chinese Communists to abandon their aggressive and bellicose ways and accommodate themselves to the rule of law and the comity of nations.

WISHFUL THINKING

This, it seems to me, is wishful thinking. It fails to understand the tremendous importance of the Maoist ideology as a determinant of behavior. The Chinese Communists, it should never be forgotten take their ideology seriously. They are out not merely to gain China's seat in the United Nations They intend to remake the United Nations in their own image. For them international relations are not simply a matter of conventional dealings between nation and nation. government and government. Their approach to international affairs demands the use of every possible tactic to change the pattern of world development. The United Nations would be used not to "save succeeding generations from the scourge of war," not to stabilize the situation in areas where peace is threatened, not to solve vital problems or settle international disputes, but to promote conflict and dissension so as to transform the Organization into an instrument of their own policy. Indeed, Peiping has never been known to have joined any international organization in order to achieve common ends. One has only to see how it has split the world Communist movement to know what is in store for the United Nations should it be allowed to occupy the seat of China.

This leads me to the same conclusion arrived at by the late Adlai E. Stevenson some ten years ago. This is the conclusion to which I have already referred, namely, the question of the representation of China has "momentous consequences" for the future of the United Nations. This conclusion, I believe, is also shared by many thinking people in and outside the United Nations. Whatever the detractors of my Government may forecast about the outcome of the vote on the question of Chinese representation at the forthcoming session of the General Assembly, I have reason to believe that when the chips are down the cause we have been fighting for will once again prevail.

NEW YORK TIMES SUPPORTS TITLE IV OF H.R. 1

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BINGHAM. Mr. Speaker, I would like to include in the RECORD at this point an editorial that appeared today in the New York Times, supporting title IV of H.R. 1, the Social Security Amendments of 1971.

SHOWDOWN ON WELFARE

The welfare reform bill which passed the House last year only to founder in the Senate just before adjournment is once again nearing a showdown vote. The bill now before the House is a compromise laboriously arrived at in the Ways and Means Committee between liberals and the Nixon Administration, with moderate conservatives led by Chairman Mills of Arkansas serving as the brokers. This compromise is not entirely satisfactory to any of the contending factions, but it deserves support as the best vehicle for constructive change.

The Negro Democratic Congressmen who make up the new "Black Caucus" are leading the opposition to the bill. Many of their criticisms are well taken. The sum of $2,400 a year is inadequate for a family of four, particularly as there is no provision for cost-of-living differentials between low-cost rural communities and expensive cities. To provide no more support for a married couple with two children than for an elderly couple creates an indefensible disparity between the family and aged categories. Moreover, there is a distinct probability that some welfare recipients may be worse off under the new plan because states would not be required to maintain present levels of assistance.

As against these disparities and defects, however, the bill makes some major advances. It establish a uniform Federal standard of assistance across the nation. It erases the distinction between the unemployed and the working poor by making help available to the latter. It provides an incentive for fathers to stay with their families rather than desert them.

Since the bill reaches the floor under a parliamentary rule which permits a separate up or down vote on welfare reform but precludes any amendments, the weaknesses in the committee compromise cannot be corrected in the House. But these restraints will not apply in the Senate where the bill could be further refined.

It would be ironic if black and liberal Congressmen who believe that this reform is not generous and compassionate enough were to defeat the bill by joining with reactionaries opposed to any improvement. This stultifying result would lead nowhere, while a vote for the bill is a vote to keep the door open for hope and change.

The number of children and parents trapped in the welfare morass has risen by nearly 3.5 million in the two years since President Nixon originally proposed a basic Federal floor under family income. The need is urgent for a start toward reform.

VETERANS' ADMINISTRATION PROGRAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 22, 1971

Mr. THURMOND. Mr. President, for the benefit of all those people who are interested in a more responsive government, I want to describe a Veterans' Administration program which provides a model in developing new avenues of communication between a Government agency and the public it serves.

The able Administrator of Veterans' Affairs, Donald D. Johnson, has just completed a series of seminars that brought him and key members of this agency in face-to-face contact with a cross section of a group to whom this Nation owes the greatest debt—Vietnam veterans.

Administrator Johnson held five meetings in Washington, D.C., New York, Salt Lake City, Houston, and Chicago. During these meetings the top management officials of VA's 165 hospitals and 57 regional offices were brought together in specially designed seminars.

Mr. President, an important feature of each of these meetings was a panel of Vietnam veterans who were encouraged to speak frankly with regard to their feelings about the services they receive from VA hospitals and benefit offices. These panels provided some now insights into how Government services come across to young people. These panels also brought out some shocking incidents of hostile attitudes some of these young men encountered when they returned to their home communities and families after serving their country overseas.

Behind the Veterans' Administration seminars is a sincere desire on the part of top VA officials to make needed changes and stimulate greater awareness and appreciation of the young veteran as a person.

Mr. President, Administrator Johnson opened the meetings with a statement that included this challenge:

> All of us must get a better feel for what it meant to be in Vietnam, the impact of reentry into civilian life, and the expectations veterans have of VA, as well as how these expectations are being met. The Vietnam Era veteran constitutes a unique, complex, and major challenge to the Veterans' Administration and to the nation.
>
> Their problems are unique because these are the first veterans who, despite their service and sacrifices, are not assured of the respect and appreciation of all their countrymen.
>
> Their problems are made more complex because today's veterans are full members of a generation of young people who have lived their entire lives in a period of rapid and unprecedented changes in our society.

It seems apparent to me that the Veterans' Administration is in a unque position to help all young people—veterans and nonveterans—understand their Government better. The VA can play a major role in enabling young people in general to have confidence in their country and influencing them to seek meaningful and constructive changes in our society.

I feel that the Veteran's Administration has the necessary compassion and understanding to carry out these goals as evidenced by these seminars and by a recent memorandum Donald Johnson sent to all VA field stations in a followup to the seminars.

Mr. President, I ask unanimous consent that the above referenced memorandum be printed in the Extensions of Remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Directors, All Field Stations.

From: Administrator (00).

Subject: Seminars on the Vietnam era version.

1 Our recent discussions on the Vietnam veteran brought out a number of points that require re-emphasis, the major point being that the seminars in Washington, New York, Salt Lake City, Houston, and Chicago were only a beginning.

2. Weaknesses in these first meetings, apparent to all of us, and the sometimes unjustified complaints we heard about VA services, should not in any way obscure the real issues raised during the conferences.

3. The major recurring problem areas identified by those of us who attended all five conferences included:

a. Staff attitude, behavior, and communication.

b. Poor comprehension of benefits information.

c. Outreach, especially in rural and ghetto areas.

d. Delays in admission procedures and outpatient services.

e. Telephone jams.

f. Compensation and pension examinations.

g. Growing need for drug abuse treatment.

h. Other than honorable discharges.

i. Insufficient collaboration between DVB and DM&S.

j. Need to ease the transition from military to VA hospitals by such things as providing more recreational opportunities in VA hospitals.

4. A number of proposed Central Office steps to deal with these problems are being studied collaboratively between DM&S and DVB, but your own programs for dealing with them should not be delayed in anticipation of detailed guidance from Central Office. The aggressive steps taken already by a number of hospitals and regional offices make it quite clear that most of the field stations have both the talent and the resources to deal with most of these problems imaginatively without continued stimulation from higher authority.

5. Steps need to be taken at every supervisory level to overcome the problems brought on by any non-communicative, poorly motivated employees. Special attention must be given to overcoming unnecessary delays in admissions, outpatient services, and benefits application processing. Each supervisor must, in addition to examining his own attitudes, exercise his management skills and other qualities of personal leadership to overcome any vestige of bureaucratic attitudes that tend to perceive the consumer as one who should be patient and grateful for whatever he gets.

6. It has been my observation that the vast majority of VA employees have the more constructive attitude that the veteran-consumer *is* his primary concern, that he has rights, and that VA has, as a fundamental responsibility, the obligation to meet these rights effectively, expeditiously, and politely. Attitudes other than this cannot be condoned in either professional or administrative personnel.

DONALD E. JOHNSON,
Administrator.

REPUBLIC OF ITALY HONORS 25TH ANNIVERSARY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mrs. GRASSO. Mr. Speaker, it gives me particular pleasure to honor the Italian people on the 25th anniversary of the Republic of Italy.

On June 2, 1946, the people of Italy voted in a plebiscite to end the monarchy and replace it with a republic. This ushered in a new era in Italian history marked by economic development and entry into full partnership in the community of nations.

The obstacles to Italy's achievement of prosperity and stability have been many and her success all the more admirable. The United States enjoys a warm friendship with the Italian people and cooperates with Italy's leaders in many vital areas.

Italy continues to be a leader in nearly every cultural field. Art, letters, religion, science, and philosophy have long been enriched by the contributions of Italy's genius. Silone and Antonioni Lampedusa follow in the splendid tradition of Leonardo DaVinci, Michelangelo, Vivaldi, Puccini, Galileo and Mazzini.

This great nation has not only provided America with the benefits of her cultural and scientific achievements, but has also furnished the foundation for the creativity and industry of Italian-Americans who have contributed so much to our Nation's prosperity.

My warmest wishes to our good neighbors on the Mediterranean during their 25th anniversary celebration.

SELF-DETERMINATION OF THE BALTIC PEOPLE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 22, 1971

Mr. THURMOND. Mr. President, the Lithuanian American Community of the United States of America will mark the anniversary of the June 15, 1940, overthrow of the Baltic States by the Soviet Union.

The Soviet Union invaded the Baltic States and took over Lithuania, Latvia, and Estonia by force. These peaceful republics have been suffering under Communist domination for more than 30 years.

Since the very beginning of Soviet occupation, the Baltic States have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means has gained a new impetus.

Mr. President, although the Lithuanian community will remember this sad occupation, they also have reason to remember a heroic effort. This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June 1941 the people of Lithuania succeeded in getting rid of the Communist regime in that country. Freedom and independence were restored and a free government was reestablished This government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activties of this free government, and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced incorporation of the Baltic States into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free governments of the Baltic States. Since June 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States, from Franklin D. Roosevelt through Richard Nixon, have stated, restated, and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Soviet Union.

Mr. President, the case of the Baltic States is not a question about the rights of self-rule of these states, since this is established beyond any reasonable doubt, but the question is how to best help these people to be restored to the freedom and independence of their countries. The U.S. Congress has made a step in the right direction by adopting House Concurrent Resolution 416 in the 89th Congress. This resolution calls for the freedom of Lithuania, Latvia, and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. President, I ask unanimous consent that House Concurrent Resolution 416, as it passed the House, the action of the Senate, and a statement of the position of the executive branch be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

[From the CONGRESSIONAL RECORD, Oct. 22, 1966]

CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES TO URGE CERTAIN ACTIONS IN BEHALF OF LITHUANIA, ESTONIA, AND LATVIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to House consideration of Calendar No. 1573, House Concurrent Resolution 416.

The Presiding Officer. The concurrent resolution will be stated.

The Legislative Clerk. A concurrent resolution (H. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Lavia.

The Presiding Officer. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

Mr. Kuchel. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

The Presiding Officer. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

Executive Position

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

Department of State,
Washington, June 1, 1965.

Hon. Thomas E. Morgan,
Chairman, Committee on Foreign Affairs, House of Representatives.

Dear Mr. Chairman: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
Douglas MacArthur II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

THE SMALL BUSINESS COMMITTEE: WORKING TO IMPROVE THE LOT OF THE SMALL BUSINESSMAN

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. STEED. Mr. Speaker, Saturday, June 19, 1971, marked the 35th anniversary of the signing into law the Robinson-Patman Act by President Roosevelt. This act, which reenforced and amended the Clayton Act, was largely the product of the distinguished gentleman from Texas, Mr. Wright Patman, who in his years of service has been a champion of the protection of small businesses as the first chairman of the Small Business Committee and as chairman of the Banking and Currency Committee. The act which we are remembering today is but one fine example of his dedicated labors.

House Report 2287 of the 74th Congress in reporting the Patman bill (H.R. 8442) explained that the purpose of this bill was to restore, as far as possible, the equality of opportunity in business by strengthening the antitrust laws, and by protecting trade and commerce against unfair trade practices and unlawful price discrimination, and also against restraint and monopoly for the better protection of consumers, workers, and independent producers, manufacturers, merchants, and other businessmen.

This is the legacy of the Small Business Committee, and that committee, of which I am honored to be a member, is constantly working to improve the lot of the small businesses in the tradition of the Robinson-Patman Act.

ALABAMA'S SENATOR SPARKMAN RECEIVES BAR ASSOCIATION AWARD FOR SMALL BUSINESS LEGISLATION

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. JONES of Alabama. Mr. Speaker, on June 17, Senator John J. Sparkman of Alabama was honored for his pioneering contributions to small business legislation by the 14,000 lawyers of the Federal Bar Association in a ceremony at the U.S. Capitol.

The award was presented by FBA national president-elect Norman Poirier and John Horne of Clayton, Ala., formerly Administrator of SBA and now chairman of the board of Investors Mortgage Insurance Corp. The citation reads as follows:

> Senator John Sparkman is hereby recognized for outstanding qualities of leadership and dedicated service to the Federal Bar Association and to the federal legal profession as a constructive and diligent lawmaker in the field of small business and particularly for his vision and effectiveness in drafting and securing the successful enactment of the Small Business Act of 1953 creating the Small Defense Plants Administration; the Small Business Investment Act of 1958; the Small Business Amendments of 1966 and 1967; as well as the historic Housing Acts of 1949, 1961, and 1968, and (except 1953–1954) every other major piece of housing and small business legislation of the past 22 years; and for his continued interest and support for Federal Bar Association committees and programs relating to laws benefiting the 5½ million small businesses of this country.

Senator Sparkman was chairman of the Select Committee on Small Business from 1951 until 1967, when he became chairman of the Senate Banking Committee. He has been chairman of the Financing and Investment Subcommittee from 1955. The Senator's record is indeed the catalog of small business laws which our country has developed. We in Alabama are proud that they can be traced to the efforts of a man who grew up in our part of Alabama and learned about the value of the dollar working his way through the University of Alabama by emptying coal cars for the school furnaces at $5 a car.

Joining over 100 bar members and their guests at the event were Senators Thomas M. McIntyre, Joseph M. Montoya, and Harrison A. Williams; Congressmen Tom Bevill, John Buchanan, Walter Flowers, Bill Nichols, Robert Stephens, William Hungate, president of the Capitol Hill chapter of the FBA; and Joe Evins of Tennessee, chairman of the House Select Committee on Small Business.

In accepting the award, Senator Sparkman said he had always felt that "small business is the backbone of our economy." He recalled how many Alabama servicemen returned after World War II and Korea with their severance pay and started small business firms. One of them at Muscle Shoals went on to become the largest maker of a certain type of casement window for the housing industry. The Senator said he felt that this avenue of opportunity should always be open in our country.

I certainly want to associate myself with this recognition of Alabama's senior Senator and with his concern for small business, which has done so much for our State and Nation.

Small firms account for about 40 percent of the jobs in our economy and over one-third of the gross national product. The well-being and prospects for many of these companies can be attributed to the work of Senator Sparkman, who richly deserves the award which his colleagues in the law have given him.

I would like at this point to insert in the Record certain letters which were received on that occasion:

Boston, Mass.,
June 8, 1971.

Hon. John J. Sparkman,
U.S. Senate,
Washington, D.C.

Dear John: You and I worked together from its inception in the days of Alben Barkley to create a committee in the United States Senate for consideration of the problems of small business. It is a particularly important committee for us here in Massachusetts. You and I, for a number of years, worked together as its chairman and senior minority member, and during that time our thoughts and consideration of the problems were unanimous. You were good enough to take several of my suggestions, and I know I took yours.

I have always had great respect for you and a warm friendship with you as members of the Senate. You are objective, thoughtful and conscientious in working out the many problems that face our Government today.

May I join your friends in congratulating you upon this twentieth anniversary of your service in behalf of small business throughout our country.

Very sincerely yours,
Leverett Saltonstall.

National Small Business Association,
Washington, D.C., June 17, 1971.

Hon. John J. Sparkman,
New Senate Office Building,
Washington, D.C.

Dear Senator Sparkman: On behalf of the Board of Trustees and the 40,000 members of the National Small Business Association, we are happy to join with the Federal Bar Association in paying tribute to you for 20 years of legislative service on behalf of the small business community.

You have been unusually effective not only as a spokesman for the small business community but as a major sponsor and pioneer of legislation that has proved most helpful in promoting the birth and viability of small business.

Because of your interest the problems of small business today are more seriously considered in any legislation before the Senate.

We know we can count on your continued support to fight many battles in the future and pledge our continued support to you and your endeavors.

Sincerely,

HARRY E. BRINKMAN,
President.

NORTH ALABAMA CHAPTER,
THE FEDERAL BAR ASSOCIATION,
Huntsville, Ala., June 7, 1971.
Mr. HERBERT L. SPIRA,
Chairman, Small Business Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the North Alabama Chapter of the Federal Bar Association I want to thank you and the other members of the Small Business Committee for recognizing the efforts that Senator John Sparkman has made to small business. I know of no other person who is more deserving of the honor.

As attorneys in an area in which small business plays such a vital part of the economy, we have for many years recognized the numerous contributions which Senator Sparkman has made to small business. Today we join with the rest of the nation in expressing our sincere gratitude for the work he has done. Without his efforts, the progress that has been made in small business and the resulting contribution to the prosperity of our nation would be far less than it is today.

Will you please tell Senator Sparkman that each and every member of the North Alabama Chapter of the Federal Bar Association joins with me in saying that we are indeed proud that he is our Senator.

Sincerely yours,

E. W. DICKSON, Jr.,
President.

BOSTON, MASS.,
June 10, 1971.
Mr. C. NORMAND POIRIER,
President-elect,
Federal Bar Association,
Washington, D.C.

DEAR MR. POIRIOR: It is a great disappointment not to be able to attend your luncheon honoring Senator Sparkman on June 17, but unfortunately I have a long-standing commitment for Harvard Commencement on that day.

I wish I could be there in person to congratulate him on the award which he has so richly earned. Since that is impossible, please do so for me.

Probably few people realize as well as I do how much John Sparkman has done for the small businesses of the country. Having been a Director of the Smaller Business of New England from its inception in 1938, I went through that trying period before the importance of small business was recognized economically and politically, so we learned who our real friends were. Appointed a Director of the Smaller War Plants Corporation by President Roosevelt in July, 1942, when that organization was created by the Congress, I knew we could always count on John's wholehearted support and cooperation.

In later years we of the Smaller Business Association of New England have always looked forward to our annual trip to Washington to present our proposals to our New England Senators and Congressmen and to the Small Business Committees of the Senate and the House. One great pleasure was seeing our old friend, Senator Sparkman, the long-time supporter of small business.

My warmest best wishes to him on this happy occasion.

Sincerely yours,

S. ABBOT SMITH.

SMALL BUSINESS ADMINISTRATION,
Atlanta, Ga., June 14, 1971.
Hon. JOHN SPARKMAN,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR: Although I am unable to attend the luncheon, I am delighted to know that my fellow members of the Federal Bar Association are honoring you on June 17 for your 20 years of legislative service to small business. It has been my privilege to watch your excellent legislative work since 1956. I know that the recognition being paid to you by the FBA has been earned in double measure. I will always remember particularly the banner year of 1958 in which you guided three major pieces of small business legislation through the Senate and into law.

Of course I also look back with much satisfaction on the years when I worked with you indirectly on small business legislation and other legislation. The years of staff service in your office helped me to know, understand, and appreciate my state of Alabama more than ever before. We covered all of its geography and met and talked with its people in every walk of life. That was a great privilege for me and, as I told the Rotarians in your home town of Huntsville a few days ago, those were good years for me, years of personal growth and wide experience in the demands of public service.

Therefore, I not only extend congratulations and appreciation for your excellent work for small business, but I take this occasion to thank you again for the opportunity of working with you in the cause of small business.

Sincerely yours,

WILEY S. MESSICK,
Regional Director, Small Business Administration.

OUR COUNTRY, RIGHT OR WRONG

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. MINSHALL. Mr. Speaker, in this week's issue of U.S. News & World Report, one of the Nation's most eminent journalists, Mr. David Lawrence, speaks with his usual eloquence to the current controversy over publication of classified material.

Mr. Lawrence's editorial, "Our Country, Right or Wrong," merits the thoughtful consideration of all of us in positions of public trust, of the news media, and of good citizens throughout our Nation.

The article follows:

OUR COUNTRY, RIGHT OR WRONG

(By David Lawrence)

The duty of a newsman is to cover the news and publish the facts as he finds them. But there are situations that develop at times which make a reporter pause and wonder if what he knows should be disclosed. He is faced with the question of whether doing so at the moment is in the best interest of his country, or will give "aid and comfort" to the enemy.

There are those who feel that "news is news" and that everything should be published, irrespective of the consequences.

There are those who believe that news should be printed no matter how it is acquired—even if it is improperly taken from the files of the Government and offered to a news medium or if a former official actually turns secret documents over to a newspaper.

This writer remembers a lesson learned many years ago about the dangers that could arise from dealing with news of international affairs obtained from individuals in Government who are not authorized to make it public.

One incident comes to mind. I happened to live not far away from the building in Washington where the Navy Department had its offices, and one night about ten o'clock noticed that all the lights were burning, which was very unusual. Apparently something was going on.

Inside the building, I talked with friends in the Department. World War I had just started, and China had declared its neutrality. Japan, however, was moving to take over some territory in China which was under German control. The United States had naval units up the Yangtze River to guard our interests. I was told that plans were being made to deploy more of our ships in the area for possible action should there be an attack by any foreign fleet.

This obviously was important news, but there was a question as to whether publication of the information could hurt the interests of our country. My decision was to write nothing about it.

There have been many instances, particularly in wartime, when the Government has asked the press to keep certain things confidential until a given date. Newsmen generally have willingly agreed to do so.

Again and again, occasions have arisen when it would have been a mistake to publicize various matters in which our Government was involved. Premature disclosure could have created considerable difficulty for the President of the United States in pursuing America's policies abroad.

This writer has had close contact over a period of several decades with the operations of the White House, the Department of State and the military departments. His feeling is that committees of Congress are entitled to receive specific information in confidence which can at the proper time be made public.

A function of the press is to report to the people what the Government does. But it should not be done in a way that impairs the activities of the President or the Secretary of State in dealing with other governments.

There is an idea among some newsmen that the press has an absolute right to do as it pleases with news and that the people are entitled to read everything which a newspaper may gather from any source and which may be of interest to the public. Theoretically, this is true. Yet the printing of such items can be directly related to the effectiveness of the United States in its relations with other governments.

A case in point is the recent publication of secret documents concerning strategy for the Vietnam war during the Johnson Administration. Secretary of State William Rogers declares this not only is a clear violation of the law but is "going to cause a great deal of difficulty" with other governments which might fear they "can't deal with us in any degree of confidentiality."

These are crucial days. The Government should be trusted. It may be moving too slowly for some in withdrawing our forces and not fast enough for others in bringing peace in Vietnam. We are in the middle of one of the most serious periods in our history. This is not a moment for treating the Vietnam war as if it were merely a piece of domestic politics. We are fighting not just North Vietnam but the Soviet Union and Red China, which are backing and equipping the forces of Hanoi.

We have undertaken an obligation to help a small nation in Southeast Asia. If the word of the United States is to mean anything, we must keep faith with our allies. If we do not, a third world war involving the use of nuclear weapons and the loss of millions of lives will be inevitable within the next decade.

It is time for all citizens—irrespective of whether they happen to be newsmen or politicians—to bear in mind that their allegiance belongs first to the United States of America. Their slogan should be the words of Stephen Decatur:

"Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong."

THE MINNESOTA EXPERIMENT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. FRENZEL. Mr. Speaker, the May issue of Challenge, the Department of Housing and Urban Development magazine, carried an article of Dennis Dunne on the "Minnesota Experiment," the Metropolitan Council.

Mr. Dunne is a resident of my district and a member of the Metropolitan Council.

As a member of the Minnesota State Legislature at the time the legislation authorizing the establishment of the Metropolitan Council was passed, and an admirer of the manner in which the council has fulfilled its responsibilities, I would commend the article to my fellow members who reside in metropolitan areas.

[From the HUD Challenge, May 1971]

NEW REGIONALISM—THE MINNESOTA EXPERIMENT

(By Dennis W. Dunne, Metropolitan Council Member)

The urban crisis in America today stems primarily from the inability of government to cope with social and physical problems at the metropolitan level. Numerous efforts have been made to provide structures to deal with such problems as air and water pollution, suburban sprawl, older neighborhood decay, governmental financial crises. In response to these problems that tend to split cities apart, residents of Minneapolis and St. Paul have worked together to unite and conquer.

The "Minnesota Experiment" is the result of concerted citizen efforts that led the Minnesota State Legislature in 1967 to establish the Metropolitan Council, a regional coordinating agency of local government with broad responsibilities of organizing orderly growth in the Twin Cities area. Made up of 15 members appointed by the Governor, the Council has decision-making powers that are unique to similar bodies around the country.

In 1969 the Council received authority to review all local planning and development programs—with veto power over special purpose districts—and issue bonds for operations. Its authority to direct area-wide development encompasses Minneapolis, St. Paul, and suburbs, about 1.8 million people, seven counties, and numerous local agencies.

NEED OVERSHADOWS RIVALRY

The Council was created in response to immediate, pressing demands that overshadowed the traditional rivalry between the greater St. Paul and Minneapolis areas. In 1959 more than 300,000 people on the outskirts of the two cities found their chief source of water—backyard wells—contaminated. Rather than settling for piecemeal solutions, community leaders began to consider the possibility of a sanitary district covering the entire urban region.

Throughway routes, air pollution spreading from the factory districts, land planning for recreation, and development of a new, major airport were among other issues that needed to be handled on a metropolitan scale.

It took 10 years, but once the Council received its major authority during the 1969 State legislative session, it moved rapidly to improve these conditions. First, legislation was approved setting up a Metropolitan Sewer Board appointed by the Council to cover the seven counties. Under the legislation, all proposed plans and the Board's budget are subject to approval by the Council, which can thus determine the direction of comprehensive development for sewer systems, highways, and housing growth. Operating on its own budget raised through bond issues, the Sewer Board expects to raise $50 to $60 million in the next five years to help solve the area's pollution problems.

In park development, the Council obtained $2 million from cigarette taxes for acquisition of regional parks.

To prevent work stoppage on highway construction while insuring the best possible design, the Council obtained legislation requiring local review of highway systems and required Council approval before plans are implemented. Previously, local opposition could stop construction at any phase.

To facilitate solid waste disposal in the area, the Council drew up plans requiring the seven counties to acquire sites for landfill that conformed to basic standards of sanitation. The intercounty program requires all disposal locations to accept landfill from any other county at the same price.

In addition, the Council held public hearings to develop a Metropolitan Development Guide as a planning tool for local officials to help in determining locations for housing, shopping districts, and public facilities.

MODEL FOR THE NATION

During the current legislative session, the Council is focusing its attention on an innovative financing plan to equalize tax and public service disparities in suburban and core city areas. The program, which could prove a model for the Nation, is presently awaiting State legislative approval. So far the proposed tax sharing legislation calls for a one percent additional sales tax that would be redistributed to municipalities on a formula basis.

In all the Council is now concentrating on nine major issues; metropolitan finance, the Metropolitan Development Guide, airport work, sewer inmplementation, thoroughfare and transit systems, open space implementation, health, and housing.

The Council, created with the enthusiastic support of local citizens, was designed to reflect their interests and needs without interference from vested interest groups. Each of 14 members appointed by the Governor for staggered six-year terms represents two State senatorial districts. Serving about 125,000 residents in each district, the Council seats are divided equally between core city and suburban areas so that no special interest is served by any Council member. There is also one chairman appointed at-large by the Governor. No local officials serve on this all-citizen council, which probably will become an elected body. It has a budget of about $3 million financed primarily by property taxes (seven-tenths mill levy), supplemented by grant and other contract monies.

HISTORY OF CIVIC CONCERN

Why is this metropolitan experiment taking place in Minnesota, rather than larger metropolitan areas with more critical problems? The answer may lie in the area's historical orientation toward civic concern—and more important civic action—aided by a cooperative State legislature.

The area's 3,600 member Citizens League, devoting most of its time to problems and issues of metropolitan concern, has supported the Council since its inception. Prominent individuals in the business community, serving on service clubs, Chambers of Commerce, and Citizen League activities contributed their efforts to the Council's development. And the local press helped to keep metropolitan issues before the public.

Leadership by local citizens toward improving the area's environment dates back to the 19th century when Horace W. S. Cleveland, the famous landscape architect, delivered an address to a local citizens' group on "Public Parks, Radial Avenues and Boulevards: An Outline Plan for the City of St. Paul." The following decade, Cleveland prepared a comprehensive report for the newly formed Minneapolis Board of Park Commissioners, calling for joint municipal action between Minneapolis and St. Paul.

In the 1930's the Minnesota Legislature, recognizing the need for effective legislation to aid metropolitan problems, passed legislation to provide sewage collection and treatment for the two cities. Metropolitan Airports Commission legislation was approved in the 40's. And in the 50's a Metropolitan Planning Commission and Minnesota Municipal Commission were established.

While the Planning Commission laid the groundwork for the creation of the Metropolitan Council, its powers were limited to an advisory planning role. It was the first such agency in the country to be given the status of a political subdivision with a tax levy for operating purposes and was recognized nationally for developing new techniques in metropolitan planning.

The Municipal Commission was established to hear petitions concerning incorporations, annexation, consolidations, and detachments. It prevented undesirable and illogical incorporations, while helping to produce much needed consolidations and annexations.

TWIN CITY COOPERATION

In the 1950's Minneapolis and St. Paul also started ambitious, while separate, urban renewal programs. St. Paul's program, based on a design originating in 1910, includes rebuilding the area around the State capital for public purposes.

Before 1960 a few reservations about full cooperation between the greater St. Paul and Minneapolis areas still remained. There seemed to be a feeling that more was to be accomplished by isolation than cooperation. For instance, newspapers and prominent mail order houses in each city refused to accept ads from the other city.

Ironically, the first metropolitan merger came about because of the interdependence of the two cities' baseball and football teams, the Twins and the Vikings. Separately the population of Minneapolis ranked the city 22nd in the minor league with St. Paul ranking 43rd. Together they ranked 15th nationally in population and were thus able to support a major league team. Everyone became "Twin Cities" conscious and began to think "metropolitan."

Serving the Metropolitan Area is an active Citizens League. Prior to 1966 the League was known as "The Citizens League of Minneapolis and Hennepin County," but in June of 1966 they officially broadened their scope of authority. Since 1960 the League has been devoting most of its time to problems and issues of metropolitan concern. Strong support of the League stems mainly from its careful selection of programs and thorough, objective manner in dealing with each issue.

The League played a major role in the 1967 legislative session of assisting in the coordination of forces seeking legislation for a Metropolitan Council and in 1969 in obtaining additional authority and responsibility for the Council.

PRELUDE TO COUNCIL AUTHORIZATION

The events leading to the 1967 legislative session and the adoption of legislation creating the Metropolitan Council is an interesting study of the democratic political processes and the need in any movement for a community consensus on issues requiring legislation. An awareness that the promotion of any form of metropolitan organization would require more than a one man crusade arose from the smoldering ashes of a futile attempt in 1961 by the Executive Secretary of an interim commission on Municipal Law, who tried in vain to create some alternative to the continued patch-work of "special service districts."

By 1965, however, much was being done in an orderly, objective manner to force the issue of governmental reorganization in the Metropolitan Area. Policy papers on governmental structure were being produced by the Metropolitan Development Guide and the Citizens League was carrying on extensive studies on how governmental reorganization should take place.

The upper Midwest Research and Development Council sponsored a Conference on Governmental Structure on Nov. 10, 1966, with outstanding national speakers and excellent local support and attendance.

There were many others during the 1965-67 period who made similar contributions and proposals. These included the proposals of several mayors, policy statements by political parties, research and business groups, County Leagues of Municipalities, and Leagues of Women Voters, editorial comments, positions by the press and other media, and evidence of potentially strong support from influential members of the Minnesota Legislature. A groundswell of support appeared everywhere. The fears and hostile opposition that stopped the 1961 effort seemed to have disappeared, or at least, did not appear to be organized.

FORM OF THE COUNCIL

By the time of the 1967 State Legislative session the question was not "shall there be a Metropolitan Council," but rather "how will it be constituted?" The Citizens League, the Metropolitan Planning Commission and many others advocated an elected body with broad powers and a free standing governmental unit. Some influential legislators, however, felt the Council should be a State agency appointed by the Governor. The compromise was an appointed body with some ties to the State, but not a State agency.

In granting legislation for the Council in both 1967 and 1969 the Legislature was aware that those asking for authority were highly motivated and ready to accept and assume heavy responsibilities.

The "Minnesota Experiment," a unique innovation, has been used as the model in Atlanta, Ga., which recently adopted a similar council composed of a mix of local officials and citizens. Residents of Denver are also reportedly considering a similar structure based on the Minnesota model.

The Council has proved itself an efficient, representative body using its decision-making powers to serve the interests of the area at-large. Public hearings are held constantly to keep the lines of communication between citizens and local government open. The Council has been able to act on the areas of immediate concern while providing long-range vision for the future.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. SCHERLE. Mr. Speaker, a child ask: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A RESOLUTION AUTHORIZING THE RESTORATION OF THE THADDEUS KOSCIUSZKO HOME

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the City Council of Philadelphia, has brought to my attention Resolution No. 402, which was adopted by the council on May 27. I am especially interested in bringing this resolutiton to the attention of my colleagues inasmuch as Kosciuszko House is located within the congressional district which I represent. Gen. Thaddeus Kosciuszko came to America to aid our struggling Nation in its fight for independence, and I feel this great Polish advocate of human freedom deserves a place of honor. On March 29, I introduced H.R. 6827, to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site, and many of my colleagues have introduced similar legislation. It is my earnest hope this legislation can be enacted into law at a very early date.

RESOLUTION NO. 402, COUNCIL OF THE CITY OF PHILADELPHIA

Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko

Whereas, The National Park Service has recently listed, in the National Register of Historic Places, the three and one-half story brick building at 301 Pine Street, Philadelphia, as a tangible reminder of properties worthy of preservation for their historic value; and

Whereas, This existing structure, built in 1775 by Joseph Few, a Quaker merchant and member of the Carpenters' Company, was the last residence in America of General Thaddeus Kosciuszko who dedicated his services to the cause of American independence; and

Whereas, In this brick building Kosciuszko, recuperating from wounds suffered on a Polish battlefield in a vain attempt to free his land from foreign rule, held important meetings with Thomas Jefferson, John Adams and other patriots of the war for American liberty and independence; and

Whereas, This building, now vacant and rapidly deteriorating despite attempts to restore it, is greatly in need of measures to protect the shell of the dwelling by shoring up the floors and boarding up the windows and doors; and

Whereas, This historic dwelling is the only meaningful house left that is still associated with the name of one of the great colonial patriots of American independence; a dwelling which if lost, can never be recovered; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko.

Resolved, That certified copies of this Resolution be forwarded to the President and Vice-President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania and the entire congressional delegation of the Commonwealth.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the twenty-seventh day of May, 1971.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER, JR.,
Chief Clerk of the Council.

THE IMPORTANCE OF RURAL ELECTRIC COOPERATIVES TO KANSAS AND TO RURAL AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. SEBELIUS. Mr. Speaker, in that we will soon be considering agriculture appropriations, I would like to take this opportunity to discuss the importance of rural electric cooperatives to my home State of Kansas and to rural America.

The extension of electric power to rural America revolutionized farming and improved living conditions in the countryside.

The first REA loan in Kansas was approved in May 1936, 1 year after passage of the Rural Electrification Act. Since the first REA loan was made in Kansas—over 35 years ago—REA has approved $177.6 million in loans to 37 member-owned cooperatives in the State. The loans provide for service for 103,201 farm and other rural consumers and over 57,834 miles of line. Today, 98 percent of all the farms in Kansas have central station electric service.

This impressive service record duplicated throughout rural America illustrates the rural electric system's great potential in solving the growing population distribution crisis facing our Nation.

For too long, the youth of rural and small-town America have migrated to our already overcrowded cities. They leave the countryside in search of jobs and economic opportunity. This influx of people has imposed impossible demands on urban resources to meet the requirements of employment, transportation, education, welfare, crime control, pollution control, health care, public services, and housing.

This rural migration has accomplished the worst of both worlds for urban and rural America. Our metropolitan areas are more congested and unmanageable. Our rural areas have lost the youth and vigor so necessary for economic prosperity and future growth.

The rural electric systems have recognized the fact that an adequate, reliable, and low-cost source of electricity is essential to stop this outmigration and for success in rural development. To satisfy these objectives, the thrust of the

Rural Electrification Administration has been directed toward area coverage, rural job development, and expanded economic opportunity in rural and small-town America.

For the Nation as a whole, during the 1960's nearly 4,100 commercial, industrial, and community facility projects were assisted by REA borrowers with the result that an estimated 186,000 jobs were directly created in rural America in addition to 120,000 more jobs which were created indirectly by these projects.

In this regard, I am pleased that the Sunflower Electric Cooperative generation and transmission project located in my congressional district has been approved. This project will play a major role in rural development in western Kansas. When completed this project will include construction of an 85,000-kilowatt steam generating plant at Garden City and a transmission network involving 46 miles of 115-kilowatt transmission line and related substation and service facilities.

The Sunflower project will be the wholesale power-supplier for eight member distribution systems, tens of thousands of families in Kansas, and hopefully a wealth of new business and industry.

However, to effectively satisfy growing power demands and to develop rural America as an attractive alternative to urban living, the rural electric system must have adequate capital to satisfy service requirements and power demands.

To satisfy this growing capital requirement, the National Rural Utilities Cooperative Finance Corporation—CFC—was formed. The CFC provides supplemental financing for the rural electric program by drawing investment capital from existing REA borrowers and also by issuing its own debentures to obtain additional funds from the private money market. This self-help initiative illustrates REA's dedication to service the needs of REA borrowers throughout America.

However, this infant form of self-help financing is simply not adequate to meet REA's commitment to revitalize rural and smalltown America. If we plan to solve the related crisis in rural and urban America, we must build on the experience and success of established programs like the rural electric system. I am hopeful that the majority of my colleagues in the House of Representatives will support added REA appropriations recently reported by the House Appropriations Committee.

BLUE HILLS COMMUNITY CAMPAIGNS FOR SUBURBAN EXODUS TO THE CITY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. COTTER. Mr. Speaker, too often now we read of the decay of our cities, that white, middle-class families are fleeing to the suburbs to escape the crushing taxes and deteriorating schools. To say that this is not happening would be naive. But to say that all is lost is at least premature, if not downright untrue.

I represent a compact urban-suburban district in Connecticut whose central city faces many of the problems that contribute to urban doomsaying—a declining tax base, an influx of economically disadvantaged people, increasing demand on costly social services. The city of Hartford also possesses much talent which is working in many different ways to overcome these problems.

An example of this effort is the Blue Hills Civic Association which is attempting to reverse the exodus to the suburbs by extolling the positive features of city life. An editorial in the June 19 Hartford Times, written by Don O. Noel, Jr., who lives in the Blue Hills neighborhood, best describes this effort:

[From the Hartford Times, June 19, 1971]

OBSERVER AT LARGE: A CITY NEIGHBORHOOD ON A CAMPAIGN TO SELL ITSELF

(By Don O. Noel, Jr.)

"Blue Hills Commuters DON'T", read the bumper sticker the neighbor on my doorstep thrust at me.

"Don't what?" I asked.

"Don't commute."

All right, I'll agree to that. Blue Hills is a neighborhood of Hartford, which means it's close to the downtown city. Those of us who are city-dwellers go back and forth to work, of course, but it's so short a trip that it can hardly be called commuting. That's the somewhat gimmicky message the bumper-sticker is trying to get across—and it's a story worth telling.

I stopped commuting six years ago, when we moved to Blue Hills. I'm now 2.6 miles from the office, which is a handy bus ride, a ten-minute bike ride in good weather, and even close enough to walk once in a while—and I have.

One of my neighbors walks across town to the Aetna every day, rain or shine, putting me to shame. Others are occasional walkers, just for a change; and there are other bikers.

Most, of course, drive or take the bus—but with that big difference that it isn't very far. Someone suggested finding a handy billboard at one of the highways where traffic plugs up in the afternoon, with a simple message: "If you lived in Blue Hills, you'd be home now."

Blue Hills (as you gather by now) is currently engaged in selling city living—and non-commuting is one of the attractive features.

There are other attractions. Unless, a growing stream becomes a boom, the city's neighborhoods are relatively inexpensive to buy into.

Not only in Blue Hills, but in other neighborhoods of the city, there are handsome, tree-lined streets (and not spindly saplings the developer has just planted, either) and solid, roomy old houses that most families simply couldn't afford out in the suburbs.

Hartford's tax rate is high—but it's computed on a lower value. The actual dollars of property taxes paid on a city house may in fact be lower than on a comparable house and yard in some suburbs.

Better bus service for many families means they can sell the second car, which can be a big money-saver. Because things aren't so spread-out, kids often can walk to Scouts or Campfire Girls or the dozens of other activities they must be chauffeured to in outlying suburbs.

And proximity to downtown means that evenings out—concerts, movies, ball games, Constitution Plaza festivals—don't seem like a major expedition.

The neighborhood is attractive indeed to many of the city's Negro families with the energy and ability to move out of the ghetto and up to home ownership. And they are welcome.

But it also sought to be attractive to white suburbanites. It's not an "either-or" situation; the community hopes it will continue to attract the diversity of race, religious and age groups that contribute to the vitality of this integrated neighborhood.

Blue Hills residents know first-hand what sociologists have long concluded: That people who buy into a given neighborhood in a given price range tend to be remarkably similar in age, education, income. Racial or religious differences prove minor; common interests prevail.

But because that isn't widely understood or believed, Blue Hills is an integrated neighborhood that could become un-integrated if many more white families move out than move in.

People move all the time, of course, in any community. About 7 or 8 percent of the families annually move out of Blue Hills, as they do out of any comparable-sized neighborhood. About one in four of the families who move in are white.

That's not a "panic sale" situation, but it's a long-term trend that the community, white and black alike, would like to change. This is a neighborhood that finds positive values in integration—not only white, black and Puerto Rican, but Protestant, Catholic and Jew.

A recent organization with the awkward title of Blue Hills Housing Services Corporation is aiming to interest more white suburbanites in considering a move back to the city. My neighbor Jonathan Colman, former Hartford city planner, is receiving a steady trickle of inquiries following up newspaper ads.

A few years ago, it was assumed that the only white families moving in were those who already assumed some positive values in an integrated neighborhood. But a recent sampling shows a surprising number who've moved in despite integration—moved in to cut down commuting, or to get a housing bargain—and then have found they liked the social neighborhood, too.

Are there problems? Of course.

Schools are a problem. They've been in a slump. But they're looking up; men like Paul Collins at Weaver are re-creating school spirit, and rebuilding high school academic excellence. Hartford's elementary school program, city-wide, has some of the most innovative programs in the metropolitan region, programs that work. The school system is responsive to neighborhood organizations—on such matters, say, as the naming of a new principal—to a degree that would astound most suburbanites.

The Blue Hills Civic Association, which published a monthly newsletter and organizes a host of community activities, lobbied successfully for the first public-school Montessori program in the area, and for "Follow Through" primary-school programs at all three Blue Hills schools.

Parks aren't the problem they're made out to be. Keney Park is a big, well-used park, with lots of space and playing fields, and a vast majority of park-users who share the universal desire for a pleasant afternoon in the sun. West Indian cricket games are a Sunday afternoon feature near my house; there are several Little League diamonds. There are a handful of tough kids who give the place a bad reputation, but they're a problem that can be brought under control.

Crime is a problem—or so people think. But statistically, house burglaries are no higher in Blue Hills (or most other city neighborhoods) than in surrounding suburbs. "Street crime"—purse-snatchings, say—are higher, but no higher than other single- and two-family residential neighborhoods in the city.

But the problems aren't overwhelming, or people would be moving out in droves. They aren't. And those who move in—both whites from the suburbs and blacks getting their first chance at home ownership—are more determined to solve the problems than most areas of the city.

And that's a big plus.

DEMOCRATS VERSUS DRUGS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. MYERS. Mr. Speaker, Andrew Tully, in his column "Capital Fare" in the June 16 issue of the Alexandria Gazette, points up the miserable Democrat record in the field of drug abuse prevention. He notes that nothing much was done during the Kennedy and Johnson administrations despite the tremendous drug problem existing in the 1960's. Now, Democrat presidential candidates are attempting to conceal the dereliction of their party by contending the problem is a new one.

Mr. Speaker, the menace of drug addiction is a problem of long standing; it is only drive to solve it that is new. Only under the leadership of President Nixon has this Nation launched an all-out assault to destroy the drug menace.

I commend Mr. Tully's article to the attention of my colleagues.

DEMOCRATS VERSUS DRUGS

(By Andrew Tully)

WASHINGTON.—It can be said without successful contradiction, I believe, that every one of the announced or potential Democratic candidates for President is publicly appalled by the drug problem among American troops in Vietnam. Bully for them.

What I find hard to swallow is the preposterous suggestion contained in their sanctimonious public utterances that Richard Nixon is to blame for this tragedy. Listening to their whimperings, one gets the impression that the tragedy is the direct result of the President's refusal to end the war yesterday.

Nixon may not be able to win this one, because everybody wants an end to the war, but at least one citizen, namely me, finds himself underwhelmed by the Democratic position. The record shows it is based on both a false premise and a disdain for the facts.

If we buy the argument that American youths became drug addicts because they were shipped to Vietnam, which, as we shall see, is not necessarily tenable, then we find the Democrats indicting themselves. It was not Nixon who shipped the GIs to Vietnam, but two Democratic Presidents named John F. Kennedy and Lyndon B. Johnson. Although his critics seem unaware of the fact, Nixon is bringing the boys home. (Too slowly, maybe, but let's not get into that at this time; I'm not writing a book.)

Now, neither Kennedy nor Johnson was able to concoct this piece of villainy on his own. They had to be, and were, aided and abetted by a succession of Democratic Congresses. The Democrats ran (and still run) the armed services, foreign affairs and appropriations committees of the Congress which approved the Kennedy-Johnson policies and provided the money with which to implement them.

Today, when even some generals want to get out of Indochina, Democratic "peace-mongers" so far have been unable to persuade their Democratic colleagues to cut off the dough for the fighting.

Although it is now called "Nixon's War," the still-Democratic Congress has refused to use its control over the purse strings to disavow it. Some peace mongering.

This leads us to an examination of the howls emitted by Democratic polls over American dope addiction in Vietnam. The fact they so blithely ignore is that the U.S. has had a drug problem here at home since, roughly, 1960, well before the buildup in Vietnam. If kids could go junkie on campus and street, where it was officially considered naughty and even, sometimes, criminal, it follows they would have no trouble enjoying their addiction in Indochina, where taking dope for centuries has been a part of the life style.

I say drug addiction was considered naughty in the Sixties, but I don't know. Nothing much was done about it by either the Kennedy or Johnson administrations, perhaps because permissiveness was the fashionable mot. On the other hand, the Nixon administration spearheaded by Atty. Gen. John Mitchell immediately took a tough line on the problem, and since 1969 has pursued it with extraordinary vigor.

Some figures: In 1965, when dope-taking was near its height, the Bureau of Customs seized only 24 pounds of heroin; in 1970, it confiscated 402 pounds. Marijuana seizures are up 498 per cent; cocaine seizures up 441 per cent; hashish seizures up 324 per cent. Yup, I'm going to be a cad and wonder what Lyndon Johnson's cops were doing all that time.

But nobody should have to wonder what the Democrats' scapegoat, Richard Nixon, was doing during those heady days of Camelot and the Great Society. A check of newspaper files will reveal that he was practicing law.

SENATE—*Wednesday, June 23, 1971*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, father of all men, in the heat and burden of these feverish days, which drain our strength and demand our best, we turn to that living water which alone can restore our souls and bodies. May we drink of that fountain which flows from the rock of our salvation that we no longer thirst. Cool our fevered lips and our hot spirits with the living water Thou hast promised.

Send us forth, O Lord, into the duties and the decisions of this day with a serene and calm strength which no difficulty can strain or break. Give us a part in winning a redeemed world, delivered from hate and injustice, where men and nations live in peace. In these demanding days which cry aloud for wisdom and character, help us to quit ourselves as men of God, ever improving the Nation and advancing Thy kingdom on earth.

We pray in the name of Him who is the truth and the way. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 22, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY SELECTIVE SERVICE ACT

QUALIFICATION OF AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all amendments which will have been submitted at the desk to H.R. 6531 at the time the vote on the motion to invoke cloture is announced may be considered as having been read, so as to qualify under rule XXII.

The PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I would inquire of the distinguished majority whip if I am correct in my understanding that any Senator who had an amendment at the desk could have it read if we did not have unanimous consent, and thereby have it qualified?

Mr. BYRD of West Virginia. The distinguished assistant Republican leader is correct.

Mr. GRIFFIN. So that we are, in a sense, just saving some time by doing it by unanimous consent?

Mr. BYRD of West Virginia. The Senator is correct. The unanimous-consent request, if granted, will be saving the time of the Senate, and it will also give any Senator who has submitted an amendment heretofore, but who has not had it read, the opportunity to call up his amendment after cloture is invoked, if invoked.

Mr. GRIFFIN. Would the majority whip withhold that request for a few more moments?

Mr. BYRD of West Virginia. Yes; I will be glad to withhold my request. May I say to the assistant Republican leader, the Senator will recall that the unanimous-consent request of the majority leader yesterday had effect only up to that moment, and there have been Senators who have contacted me expressing a desire to get amendments in today, feeling there might not be an opportunity to have them read, and this is just an effort to protect all Senators.

I withhold my request.

The PRESIDENT pro tempore. The Senator from West Virginia withholds his request?

Mr. BYRD of West Virginia. Yes, I withhold my request for now.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY AT 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11:30 a.m. on Friday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. That convening hour, of course, is subject to change.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF AND SENATOR McINTYRE ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, following the recognition of the majority and minority leaders under the standing order, the very distinguished senior Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 15 minutes, and that he be followed by the very distinguished junior Senator from New Hampshire (Mr. McINTYRE) for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Virginia (Mr. BYRD) is recognized for 15 minutes.

AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

Mr. BYRD of Virginia. Mr. President, last week the able majority leader (Mr. MANSFIELD) inserted in the RECORD an excellent commencement address which he had delivered at Boston College.

During the course of his address, captioned "Before the Book Is Closed on Vietnam," the senior Senator from Montana asserted "the actual involvement has spread from Vietnam into Cambodia and Laos."

On the same day, the senior Senator from Missouri (Mr. SYMINGTON), in an address in the Senate asserted, "both of these—Cambodia and Laos—governments today are totally dependent upon the United States." He noted, too, "the presence today of U.S.-financed Thai troops in Laos."

In a letter dated May 26, 1971, the Assistant Secretary of State for Congressional Relations, the Honorable David A. Abshire stated:

> The policy of this administration has been to support the independence and neutrality of Laos under the 1962 Geneva Agreements and to assist the neutral government of Prime Minister Souvanna Phouma against North Vietnamese invasion.

The letter was addressed to the senior Senator from Massachusetts (Mr. KENNEDY) and made public by him.

In that May 26 letter is the following paragraph:

> If the North Vietnamese were to conquer all of Laos they could divert thousands of their forces now engaged in North Laos to the war against South Vietnam, and greatly enhance their position in those areas of Laos bordering on South Vietnam, from which they launch attacks on United States and allied forces.

What all of these documents have in common—the Mansfield speech, the Symington speech, and the Abshire letter—is that all of them emphasize the growing importance of activities in Laos and Cambodia—although Mr. Abshire did not specifically mention Cambodia.

In reading these documents over the weekend, my mind wandered back to a speech I made in the Senate on April 11, 1967—more than 4 years ago. I had just returned from 2 weeks in Southeast Asia—Vietnam, Thailand, and Taiwan.

During the course of that 1967 speech, I asserted that historically the people of the United States have been oriented toward Europe rather than toward Asia. Consequently, the American public had given little thought to American involvement in Asia.

I stated that commitments had been made in the name of the American people by our leaders, yet without the people or their representatives having an opportunity to pass on the wisdom of the commitments, until the involvement became so deep that our opportunities of action were limited or unsatisfactory.

I find the following paragraphs in that speech of 4 years ago:

> One step leads to another, one gesture of friendship and help leads to additional commitments, until we find ourselves as we do today, fully and deeply involved with resources and manpower in the problems of a country situated 12,000 miles from Washington—just about as far away as one can possibly get.
>
> But our involvement in Asia does not stop with Vietnam.
>
> In order to help the war effort there, we have negotiated with Thailand and have constructed, or are in the process of constructing, four huge military bases there, each of which I visited.
>
> These bases are of great importance to the American military effort in Vietnam.
>
> For example, our giant B–52 bombers heretofore all flown from Guam—a 12-hour round trip to target—will, beginning this month, be operated partially, from Thailand—a 4-hour round trip flight to target.
>
> But our presence in Thailand further commits us in Asia, and it commits us to protect the Kingdom of Thailand.

In that speech of more than 4 years ago, I suggested that a look at the map of Indochina establishes the fact that Vietnam is separated from Thailand by Laos and Cambodia. In other words, Laos and Cambodia lie between the two countries in which we were—and are—militarily involved.

I then find the following two paragraphs in my 1967 Senate speech:

> Sooner or later our Nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

It seems to me that this is about the situation that the United States is faced with today.

I have read and reread Secretary Abshire's letter of last month. I am frank to say it causes me great concern.

I invite attention to two sentences:

> The policy of this administration has been to support the independence and neutrality of Laos . . . and to assist the neutral government of Prime Minister Souvanna Phouma against North Vietnam invasion . . . If the North Vietnamese were to conquer all of Laos, they could direct thousands of their forces now engaged in North Laos to the war against South Vietnam . . .

If this Government is determined to guarantee the independence and neutrality of Laos, it really has its work cut out for it. Half of Laos already is Communist dominated.

Short of a determined all-out effort by the United States to protect Laos, North Vietnam, during any 6-month period, could conquer its neighbor at will.

This has been the case for several years. It is admitted by our most knowledgeable military leaders.

North Vietnam has not found it worthwhile to take over Laos, or it could have done so long ago. While the situation in Cambodia is much better than in Laos, Cambodia is in a precarious situation.

The war in Indochina is not President Nixon's war. He inherited it.

Since he assumed office 2 years and 5 months ago, President Nixon has made progress in bringing about the disengagement of American military personnel from Asia. When he assumed office, there were 540,000 Americans in Vietnam. He has already reduced this number by 60 percent.

He is continuing his withdrawal program and by December he estimates that two-thirds of American forces will have been withdrawn from Vietnam.

So I say the facts are—and the figures show—that President Nixon in a short period of time has made progress in bringing about American disengagement.

I feel it vitally important that American involvement in Southeast Asia be brought to the earliest possible conclusion.

That is why I am greatly concerned about Secretary Abshire's letter to Senator KENNEDY. If I read his letter correctly, he asserts that it is administration policy to protect the independence of Laos.

I quote his words:

> The policy of this Administration has been to support the independence and neutrality of Laos.

This, I submit, cannot be done successfully—unless North Vietnam acquiesces as it has in the past—except by a massive effort. I do not believe that the American people would approve such an effort.

Perhaps this accounts for the presence of U.S.-financed Thai troops in Laos. The State Department only recently, on June 7, acknowledged for the first time that the United States was providing Thai volunteers with financial and material support.

This is dangerous business. One step leads to another until we become fully and deeply involved—with no satisfactory options.

I believe the best way for me to end this speech today is by quoting again two sentences from my Senate speech of April 11, 1967—more than 4 years ago:

> Sooner or later our Nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand.

In my judgment, the American people want to get out of Southeast Asia; they do not want to assume additional responsibility there.

Mr. President, I yield the floor.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 219 and 220.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

AMENDING THE WAR CLAIMS ACT OF 1948

The bill (S. 1206) to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of offices of the members of the Foreign Claims Settlement Commission of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 2, title I of the War Claims Act of 1948, as amended, is amended to read as follows:

"(d) The terms of office of members of the Foreign Claims Settlement Commission holding office on the date of enactment of this amendment shall expire at the end of the current term of office. Thereafter, any new members shall be appointed by the President by and with the consent of the Senate to hold office at the pleasure of the President. The President shall designate one of the members of the Commission as the chairman. Per diem compensation shall be paid to the other two members of the Commission and who shall serve at the discretion of the chairman in order to constitute a forum for the transaction of the business of the Commission."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–225), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to abolish the present 3-year terms of office of the members of the Foreign Claims Settlement Commission and to reduce the present full-time membership of three members to one full-time member. Two members would serve on a part-time basis.

STATEMENT

The facts of the case as contained in the letter of January 29, 1971, of the Chairman of the Foreign Claims Settlement Commission to the Vice President are as follows:

Subsection (d) of section 2 was added to the War Claims Act by Public Law 87–846, approved October 22, 1962 (76 Stat. 1113; 50 U.S.C. 2001). It provided that each member serve for 3-year staggered terms of office, beginning October 22, 1963. Consequently, the term of office for each member of the Commission would expire in succeeding years on the same date, October 21.

Under the proposed bill the Foreign Claims Settlement Commission will continue to function as a three member Commission. The members shall be appointed by the President by and with the consent of the Senate to serve at the pleasure of the President upon expiration of the current terms of office. One member shall be designated by the President to serve as Chairman and shall be responsible for the internal affairs of the Commission in accordance with Reorganization Plan No. 1 of 1954.

The Chairman would serve on a full-time basis. The other two members would serve only upon call of the Chairman when Commission business warrants or requires their services.

The purpose of the proposed amendment is simply that there is no basic need for a full time complement of a three member Commission inasmuch as the current adjudicatory functions of the Commission do not warrant such a membership. Moreover, it is estimated that the enactment of the amendment would result in a savings of at least $100,000 per annum.

On the other hand, however, it is important that the Commission continue, possibly with a reduced staff, as the permanent national claims agency of the U.S. Government in the spirit under which it was created by Reorganization Plan No. 1 of 1954.

The statutes administered by the Foreign Claim Settlement Commission have all been of statutorily limited duration. With the exception of the Vietnam prisoner of war claims program, the present functions allocated to the Commission are due to expire concurrently with the end of fiscal year 1972, when the Bulgarian, Cuban, Italian, and Rumanian claims programs will have been completed.

There will remain, of course, those duties and functions necessarily attendant upon the orderly windup of the various programs and other related matters. These duties and functions do not require, in my opinion, a three member Commission on a full-time basis. A staff, however, will be required to handle a large volume of anticipated correspondence regarding the 32 completed claims programs involving in excess of 600,000 claims.

It is also anticipated that the Commission will have jurisdiction to adjudicate claims arising in the Trust Territory of the Pacific within the near future, as well as additional claims under the International Claims Settlement Act, thus justifying the continued existence of a national claims commission. These programs will not require a three member commission as presently constituted.

It is believed that the proposed amendment would provide for a more economical operation of the Commission now and in the future years of its existence.

In agreement with the views of the Commission, the committee recommends the bill favorably.

CAPT. JOHN N. LAYCOCK

The bill (H.R. 3094) for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired, was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–226), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to pay to the estate of Capt. John N. Laycock, U.S. Navy (retired), formerly of Derry, N.H., the sum of $96,000 which sum shall be considered a payment in consideration of a transfer by the estate of Capt. John N. Laycock, U.S. Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (U.S. No. 2,480,144), and for losses incurred by the said Capt. John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain Laycock. The bill provides for a limitation of 10 percent on attorney fees.

STATEMENT

During the second session of the 90th Congress, this committee had before it for consideration S. 2896, for the relief of the estate of Captain Laycock, which provided for the payment of $10,282,648. This committee on September 11, 1968, reported S. 2896 with an amendment reducing the amount of payment to $170,000. S. 2896 was passed by the Senate on September 12, 1968, but action was not completed in the House of Representatives prior to the adjournment of the Congress.

In the 91st Congress the Senate on November 26, 1969, passed S. 497 which was identical to S. 2896 as passed. Again no bill was passed by the House of Representatives. In the current Congress the House on April 6, 1971, passed H.R. 3094 which is identical to the earlier bills passed by the Senate with exception that the amount of payment is fixed at $96,000.

Although the Department of the Navy opposed S. 2896, as originally introduced, if recognized the obligation of the Government to provide appropriate reimbursement to Captain Laycock for the losses incurred by him as a result of the action by the U.S. Government.

The report of the Department of the Navy states in part:

"However, compensation should be low in keeping with what appeared to be customary procedures in the lend-lease cases. One percent of the cost of manufacture by the British would be a reasonable guide. This would amount to $96,000—$121,000, based upon production of 32,056 units at an estimated cost of $300 to $380 per unit."

A copy of the Navy report on S. 2896 is attached here and made a part hereof.

The report of the General Counsel of the Department of Commerce indicates that it would defer to the views of the Department of Defense as to the desirability of the enactment of this legislation. Its report was directed to S. 840 of the 90th Congress, a companion bill to S. 2896. A copy of the report of the Department of Commerce is attached hereto.

The sponsor of S. 2896, Hon. Norris Cotton, has submitted the following review of the history of Captain Laycock and the pertinent facts relating to this legislation. Documentary evidence in relation to this history is contained in the files of the committee:

"John N. Laycock served in the U.S. Navy from 1910 to 1945, when he was retired, because of physical disability. A graduate of the Naval Academy in 1914, he was also a recipient of a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute in 1917."

NAVY LANDING PONTOONS

The basis for the claim made in H.R. 3094 was the invention and development by Captain Laycock of the NL (naval landing) pontoon. Gear standardized, sectional, prefabricated, steel pontoons played an important role in all of the amphibious operations in World War II and the Korean conflict. In the reef-ringed Pacific Islands, in Asia, in the Aleutians, in North Africa, and in Europe these were an essential part of the landing operations and contributed greatly to their success. Today they are an integral part of the amphibious equipment of the armed services. They are also being used for civilian purposes in locations where it is impracticable to transport conventional floating barges, cranes, pile drivers, and the like.

The standard pontoon units are hollow steel boxes 7 feet by 5 feet by 5 feet with interior stiffeners and with connections for bolting to assembly angles. These boxes with the angles, bolts, wedges, and other fittings can be assembled in the field with a minimum of equipment to form barges, piers, floating cranes, floating dry docks, and many other structures.

The pontoons are first assembled into strings using the longitudinal connecting angles and the strings are then connected transversely to form the barges, piers, or other desired structures. The strings were designed as box girders, 5 feet high, 7 feet wide and of the desired length up to a maximum of 175 feet.

The pontoons, angles, and fittings are well proportioned so that the assemblies can withstand rough seas and the rigors of warfare. The pontoons are interchangeable and the bolted connections are easily assembled and disassembled. Damaged units are easily repaired or replaced.

Before the availability of Bailey Bridges, strings of pontoons, as box girders, were used as highway bridges in some advanced areas.

This equipment was conceived, designed, and brought into production and use by Capt. John N. Laycock. Before World War II Captain Laycock was in charge of the War Plans Section of the Bureau of Yards and Docks of the Navy Department at Washington, D.C. At that time, Navy planners were keenly aware that the preservation of peace in the Pacific was in jeopardy. It was increasingly evident that open conflict might be forced by Japan. In such an event, the main theater of operations probably would be in the island-studded waters of the Central and Western Pacific. To win this conflict, it would be necessary to establish military, naval, and air bases on these undeveloped and primitive islands, far from our factories and supply centers. There were few harbors on these islands and most of these could not accommodate larger vessels. Major amphibious landings were indicated.

These landings and the support of the Armed Forces required barges, piers, floating cranes, floating drydocks, and many other such craft. The construction of these could not be handled by the already overloaded shipyards. It was, therefore, necessary that a new type of floating equipment be invented and developed. It was also important that this new craft be built in shops other than shipyards, of standard materials and shapes, readily fabricated.

This problem was solved in a unique and ingenius manner by Captain Laycock with his Navy landing pontoons. In making models of his early studies. Captain Laycock used cigar boxes and wood members. His work has been signalized by the Columbia Broadcasting Co. in its "Navy Log" television program of February 23, 1957, entitled "Cigar Box John." Captain Laycock is "Cigar Box John."

The steel pontoon boxes have sides and bottoms of $^{3}/_{16}$-inch plate, and tops of $^{5}/_{16}$-inch checkered plate, all stiffened by welding to the inside, T-ribs of split deep I-beams. The tops or deck is designed to carry heavy highway loads. The plates are edge welded to corner angles for stiffness and water tightness.

Each pontoon box is fitted with pipe connections so that it may be used for storing and transporting liquids or so that it may be flooded and unwatered in the operation of a floating drydock. Many of these pontoons on motor trucks were used as tank trucks or as road sprinklers.

Special pontoons with rounded ends were used on the ends of barges to reduce propulsive resistance. Outboard motors of unprecedented size were developed as propulsion units for these barges.

The first pontoons were built by the Pittsburgh-Des Moines Steel Co. near Pittsburgh. After minor changes and adjustments, principally to facilitate shop work, tests were conducted in the Ohio River. These tests were of a 50-ton barge, a PT boat drydock and a seaplane ramp. The tests were eminently successful. There followed immediately a demand for these pontoons to help build lend-lease bases in Britain. Commercial production was, therefore, started on a large scale. This production was greatly expanded when the United States entered World War II. Shipments of the pontoons into the Pacific were started with the first armed forces. The Navy landing pontoons were successful from the start and soon the demand for them became insatiable. It is estimated that before the close of the war about 500,000 pontoon boxes had been produced. The cost of these with their fittings, side angles, and accessories was approximately $250 million.

Shipments to the combat areas were made in the holds and the decks of ships and even in strings hung on the sides of ships. Attack vessels carried double strings of pontoons hung on their sides and released them when approaching the enemy beaches so that they would serve as causeways for troops and equipment to land.

All Seabee units were trained in the assembly of pontoon structures, but even untrained Army and Marine forces had no difficulty in assemblies using the handbooks prepared for the purpose. These Navy landing pontoons became the workhorses in all of the invasions and assaults in the Pacific. This was also the case in Europe, in Sicily, and at Normandy. The invasion of Sicily would not have been practicable without the Navy landing pontoons. In Normandy, armies of men and thousands of tons of material moved ashore on these pontoons. Moreover, the Inchon landing in Korea made great use of these same pontoons.

The versatility of the assemblies produced a myriad of different results, depending on the skill and ingenuity of the troops. Here is a partial list:

Antisubmarine net tenders and gate vessels. Barges and lighters, 50 to 500 tons capacity. Bridges, floating and abutment supported. Buoys.

Causeways to provide passage between ships and shore either floating or grounded.

Dredges.

Drill barges.

Floating cranes, crawler mounted, 5 to 20 tons and 75-ton rigid boom cranes.

Floating workshops, storehouses, and magazines.

Ice breakers.

Oil barges.

Pile drivers.

Piers.

Seaplane ramps and docks.

Sprinklers.

Tanks.

Tug boats.

Warping tugs with heavy anchors and winches.

Wharves, floating and grounded.

In addition to the television program, mentioned above, many articles have been published describing the Navy landing pontoons and the vital role that they played during military operations. A few appearing in the public press are the following:

The Military Engineer, February 1944, "Innovation of Amphibious Warfare."

Engineering News-Record, April 20, 1944, "Seabee Pontoons for War and Postwar."

Saturday Evening Post, April 29, 1944, "Slickest Trick of the War."

Sunday Chronicle, London, England, July 16, 1944, "Navy's Magic Box."

Saturday Evening Post, December 30, 1944, and January 6, 1945, "Miracle in the Pacific."

Steel Construction Digest, July 1944, "Steel Pontoons Pave the Way for Invasion."

The Navy landing pontoons are also being used for peacetime projects and will be continued to be so used wherever isolation and difficulty of access makes a portable, prefabricated structure advisable. For example: Civil Engineering for May 1947 has a cover picture and an article on the use of these pontoons in connection with the construction of a dam on the Missouri River near Garrison, N. Dak. In the issue for August 1947 of Civil Engineering there is a cover picture and an article describing the use of these pontoons in constructing a Maine turnpike. Life in 1952 illustrates a "House at Sea" being moved from one part of Maine to another.

Newsweek in the issue of October 17, 1949, carries an article entitled "Rensselaer's 145 Years" and lists the six outstanding accomplishments of graduates of the Rensselaer Polytechnic Institute. Included in these accomplishments are Captain Laycock's Navy landing pontoons.

Legal ramifications of the invention

At the time Captain Laycock invented the NL pontoon—and there has never been any dispute as to the fact that he was the inventor—the plans and specifications were classified as secret in order to protect this valuable discovery for the United States. Pursuant to the statute then in effect (35 U.S.C. 68, now 28 U.S.C. 1498), the United States had the right to use the invention of an employee of the Federal Government without making payments therefore, although the inventor could patent the invention and thereby receive compensation for use of the invention by private parties, including foreign governments.

In that Captain Laycock's invention was placed in the secret category (pursuant to 35 U.S.C. 42), there was no opportunity at that time for sale of the rights under the invention to private or foreign sources. However, on August 12, 1943, Captain Laycock filed application in the U.S. Patent Office for a patent (Serial No. 498,284), which patent was eventually granted on August 30, 1949, Patient No. 2,849,144.

Captain Laycock also filed for letters patent in the United Kingdom on August 12, 1943, resulting in the granting of Letters Patent No. 600455. Patents were similarly obtained in Australia, by application on August 12, 1943 (Patent No. 129996), and in Canada on November 19, 1943, Letters Patent 475592. These foreign applications were filed with the knowledge, consent, and even approval of Captain Laycock's superiors in Navy, who recommended such steps in order to protect his rights. (These foreign patent applications were also protected by secrecy laws.)

The U.S. patent was provided to Captain Laycock without charge, pursuant to 35 U.S.C. 45, now 35 U.S.C. 266, but Captain Laycock had to pay all fees and charges, including legal costs, in obtaining the foreign patents. In addition, Captain Laycock paid renewal fees on the foreign patents for several years.

On July 12, 1943, Captain Laycock, prior to filing application for letters patent, entered into a license agreement with the United States—on a standard Government license form—whereby, in consideration of the sum of $1, Captain Laycock granted to the United States: "* * * a nonexclusive, irrevocable, and nontransferable license to make and use and have made for its use devices embodying said invention * * * solely for all governmental purposes, anywhere and at any time the Government may see fit, and to sell devices embodying said invention as provided by law; the foreign rights and all other U.S. rights being expressly preserved."

Shortly thereafter, the United Kingdom made request for the plans and specifications for the pontoon gear invented by Captain Laycock, pursuant to the Lend-Lease Act (22 U.S.C. 411 et seq.), and a bilateral agreement between the United States and the United Kingdom, signed August 24, 1942 (Executive Agreement Series 268). The request was for a license (free of cost) with power for the United Kingdom Government to grant sublicenses to any United Kingdom firms selected by it for the manufacture in the United Kingdom (including any past manufacture) for war purposes only of N.L. pontoon equipment based on the U.S. patent application and any British patents or patent applications owned by Captain Laycock.

Apparently there was more than a little concern in our Government over the request, with particular regard to the protection of Captain Laycock's rights and interest. Based upon an opinion of the Comptroller General to the Secretary of the Navy, dated February 23, 1944 (but never published or made available to Captain Laycock), it was determined that the request by the United Kingdom could be granted and the information, plans and specifications were made available to, and employed by, the United Kingdom.

It should be noted that the Judge Advocate General of the Navy had assumed in his opinion (par. 11) that Captain Laycock's rights would be protected under section 7 of the Lend-Lease Act, and that the Comptroller General made a like assumption.

In like manner, N.L. pontoon gear were produced in Australia.

Following the cessation of hostilities in World War II, Captain Laycock sought a civilian market for his patent, both in the United States and overseas. He contacted likely manufacturers of such equipment—many of whom had produced the pontoons for the Government or for its Allies—and also sought customers for such pontoons. At the same time he sought information from the Government regarding the use to be made of the pontoons then in existence. Laycock desired to protect his interest and the requests he made upon the Government were not unreasonable.

Rather than aiding Captain Laycock, and attempting to protect his rights in his patent, the Government rebuffed his every effort. Untold thousands of N.L. pontoons in usable condition were sold by the United States as surplus commodities without any compensation to Captain Laycock. These surplus pontoons glutted the private market in the United States and overseas. In short, there was no private market within which Captain Laycock could sell or distribute the pontoon or the patent rights. During the following several years Captain Laycock sought some compensation from the Government, based on the value of his invention to the Government, the breach of the license agreement by providing pontoons and the plans and specifications to other nations, and the callous destruction of his commercial rights by the manner in which the Government handled the sale of pontoons following the war, but his every effort ended in frustration. His was a battle with a bureaucracy, which he fought valiantly, but to no avail. It was only after he had been buffeted from pillar to post by the various departments and agencies where he sought restitution did he turn to me for help.

At the same time Captain Laycock was seeking relief from his own Government, he was also pursuing payment for the use of his invention by the United Kingdom and Australia—where pontoons had been manufactured and used. In correspondence with British Admiralty, continuing over several years, he appeared close to receiving compensation for the use made of his patent. These negotiations were abruptly concluded, however, when the United States granted a license to the United Kingdom, "to make, use, and have made between July 12, 1943, and September 2, 1945, for use in the war effort, devices embodying" Captain Laycock's invention. This license, in direct contravention of the terms of the license granted to the United States by Captain Laycock, was granted to the United Kingdom on March 17, 1953—long after such production had been concluded, but in time to excuse the United Kingdom from any sums owed to Captain Laycock. After receiving the license, British Admiralty advised Captain Laycock that 32,056 pontoons had been manufactured in Great Britain.

Negotiations with Australia proved to be equally frustrating—though there was not a retroactive license granted by the United States.

Thus, despite the unquestioned value of Captain Laycock's patented invention to the United States—in saving untold lives and materials of tremendous value—and to its allies in World War II and the Korean conflict, the unquestioned breach of his license with the United States, and the total destruction of the foreign and private rights in his patents, he never received compensation for his efforts. This was indeed cavalier treatment for a man who served his Nation well.

Conclusion

The Government of the United States has always honored its obligations—moral and legal. While it is recognized that Captain Laycock was in the U.S. Navy, and thus a Government employee, at the time he invented the N.L. pontoon, the committee is advised that much of the design and indeed the very idea of the pontoon were developed by Captain Laycock working nights, weekends, and while on leave from the Navy. Yet, the law has historically given to the Government so-called shop rights in the inventions of its employees. Such "shop rights" do not render the remaining rights in the patent holder valueless, nor do they provide an excuse for the Government violating its lease agreement with Captain Laycock, failing to protect and compensate him under the Lend-Lease Act, receiving unjust compensation based on his invention, or destroying his own right to profit commercially on his invention. (The United Kingdom, while also taking "shop rights" in inventions of its (citizen) employees, did arrange for special remuneration for their contributions—something the United States did not provide.)

The N.L. pontoon was of incalculable value to the United States and its Allies in World War II, in Korea, and up to the present date. "The Navy's Steel Pontoons," reprinted from Compressed Air magazine, September 1946, provides an insight as to the value of the pontoon during World War II and the high esteem in which it was held by the military. Captain Laycock personally explained the operation and use of the pontoons to Prime Minister Winston Churchill at the White House. The British commanders at the invasion of Sicily termed the pontoons the "sine-qua-non" for victory, and Lord Louis Mountbatten referred to them as "these miraculous American pontoons."

Possibly the most telling indication of the value of the pontoons was that attributed to them by the Germans in World War II. Captured German intelligence reports demonstrated the importance of these pontoons, their various uses and capabilities, to the allied military operations. The German apparently spent some time in studying their operations, and were well aware of the fact that it was Captain Laycock who had invented them. Finally, after the war, General Jodl acknowledged how devastating their use had been in Sicily, and how the invasion caused the greatest consternation and dismay at the German High Command.

That Captain Laycock's contributions to the war effort was indeed significant is indicated by his receipt of the Legion of Merit and the Gold Star in lieu of the second Legion of Merit, based upon his invention and development of the N.L. pontoon.

In consideration of this claim the committee is impressed with the substantial and extensive use of the invention of Captain Laycock and believes that his estate should be reimbursed for the unauthorized use of his invention by the U.S. Government when it licensed the British and Australian Governments to produce and use Captain Laycock's invention. As heretofore expressed in the license agreement with the United States, foreign rights were expressly reserved to Captain Laycock.

The committee desires to make it clear that no part of the amount involved is in the form of a gratuity to Captain Laycock but is a full and complete settlement for the use of his patent by foreign nations, contrary to the licensing agreement. However, the committee does want to express its opinion that Captain Laycock's contribution to the war effort was exceedingly important, as expressed in the publications noted previously in this report.

On the basis of all of the foregoing, the committee recommends that the bill, H.R. 3094, be considered favorably.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 o'clock, with statements therein limited to 3 minutes.

THE MILITARY SELECTIVE SERVICE ACT

QUALIFICATION OF AMENDMENTS

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that all amendments to H.R. 6531 presently at the desk be considered as having been read, in order that they may qualify under rule XXII of the standing rules of the Senate.

The **PRESIDING OFFICER**. Is there objection?

Mr. **GRIFFIN**. Mr. President, reserving the right to object, and I do not intend to object, it is my understanding, having had the opportunity to inquire at the desk, that four amendments have been filed since yesterday. Yesterday a similar request was made by the distinguished majority leader, and was agreed to.

It is also my understanding, and perhaps it would be well to have it in the Record, that the unanimous-consent request posed by the distinguished majority whip will not affect the requirement under rule XXII that any amendment offered, once cloture is invoked, must be germane to the bill.

Mr. **BYRD** of West Virginia. The distinguished assistant Republican leader is correct. Under rule XXII, all amendments must be germane. My request would merely provide that amendments now at the desk qualify under rule XXII as having been read. They will still have to be germane.

Mr. GRIFFIN. I appreciate that explanation.

Of course, the fact that the request now, at my request, is being limited only to those amendments at the desk would not necessarily preclude a Senator, between now and 1:15 p.m., from presenting further amendments. But he would have to have the amendment read or get unanimous consent in order to qualify it.

Mr. BYRD of West Virginia. Yes. Senators would have to do this in order for their amendments to qualify under the rule.

I thank the distinguished assistant Republican leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

THE NATIONAL SCHOOL LUNCH ACT—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendments of the Senate to the text of the bill to the bill (H.R. 5257) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of June 22, 1971, pp. 21464–21465, CONGRESSIONAL RECORD.)

Mr. ALLEN. Mr. President, the conferees on the disagreeing votes of the two Houses on the amendment of the House to the amendments of the Senate to the text of the bill, H.R. 5257, have recommended a substitute providing as follows:

First, the substitute would authorize the Secretary of Agriculture to use $35 million in section 32 funds to carry out the National School Lunch Act in fiscal 1971, and $100 million of those funds to carry out the free and reduced-price meal provisions of that act in fiscal 1972. The programs covered by the National School Lunch Act are the school lunch program and the special food assistance program for children in day care centers, summer camps, and similar institutions. This provision of the conference substitute represents a compromise between the Senate amendment which authorized the use of unlimited section 32 funds for all National School Lunch Act purposes and the House amendment which authorized the use of $150 million in section 32 funds for the free and reduced-price meal provisions of the act.

Second, the substitute would extend the school breakfast program for 2 years with an appropriation authorization of $25 million which is the present level. This also represents a compromise between the Senate version, which authorized a 1-year extension at that level, and the House version, which would have made the program permanent with a $25 million authorization the first year and an unlimited authorization thereafter.

Third, the substitute would extend the special food assistance program for children for 2 years at the present authorized appropriation level of $32 million and omit its designation as a pilot program. In this respect, the substitute follows the House amendment rather than the Senate version, which would have extended the program for only 1 year.

Fourth, the substitute adopts the Senate provision which would authorize the Secretary to pay up to 100 percent of operating costs in circumstances of severe need—instead of 80 percent as now provided. The substitute did not adopt a corresponding House provision which would have authorized the Secretary to pay up to 100 percent of the operating costs in all cases, but did adopt a House provision authorizing financing in lieu of reimbursement to schools for food costs. This would permit prepayment of funds by the Secretary in lieu of reimbursement after the schools had incurred the costs.

Fifth, the substitute would adopt the Senate provisions for use of the same eligibility requirements for free and reduced-price meals in the breakfast program as in the lunch program, since a child that is eligible for one should also be eligible for the other.

Sixth, the substitute would adopt the Senate provision authorizing the use of up to $20 million of section 32 funds for the supplemental food program in fiscal 1972. This is the program under which supplemental foods are made available to pregnant women, nursing mothers, and infants.

Seventh, the conference substitute would add a third criterion to be used in the selection of schools for participation in the school breakfast program—namely, the special need in some schools for improving the nutrition and dietary practices of children of working mothers and children of low-income families. This represents a modification of a provision in the House version which was not contained in the Senate version.

Eighth, the conference substitute would permit the value of equipment and services to be included in the operating costs of the special food assistance program for children which may be borne by the Federal Government to the extent of 80 percent. The House version would also have provided that the value of the plant should also be considered in determining such operating costs, but this provision was not included in the conference substitute. The Senate version had no provision on this point.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. HUMPHREY. First, I wish to commend the Senator from Alabama for his splendid work in making this special food program and the breakfast program a reality in the extension we now have of it and in the considerable improvement.

I think it should be noted that the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House—particularly the conference committee—have made substantial advances and improvements in the programs that we have thus far.

The point I want to make is that, under the section of the bill in which the Secretary is authorized to pay up to 100 percent——

Mr. ALLEN. That was the suggestion of the Senator from Minnesota, and it certainly was a valuable suggestion.

Mr. HUMPHREY. I thank the Senator.

I would hope that the Secretary would use this authority where there is serious need and where there are serious financial problems in some of our schools and school districts. In the past legislation, we have had up to 80-percent payment.

Mr. ALLEN. That is correct.

Mr. HUMPHREY. But the Secretary never used the authority even for the 80 percent. There was testimony of acute serious financial crises in certain schools and school districts, and those schools would be subject to a payment—a prepayment, I might add—of 100 percent of the costs, including food costs and the costs of labor for the dispensing of the food. That, to me, is one of the important additions we made, plus, may I say, the increased flexibility of the use of funds from section 32 funds, which adds a new measure of generosity to the breakfast program and to the special school-lunch program.

I compliment the Senator for his work in this field. It was a special pleasure to work with him.

Mr. ALLEN. I thank the distinguished Senator from Minnesota. Certainly he was one of the driving forces on the committee in working toward the finished product which the conference committee is presenting. I certainly appreciate his contribution to the colloquy and in establishing the legislative intent as to the payment by the Secretary of up to 100 percent of the costs of the program in cases of severe need.

Mr. President, this report has been cleared on both sides of the aisle. The conference report, as to the conferees in both bodies, was reported unanimously; and I move the adoption of the report.

Mr. MILLER. Mr. President, the Senator from Alabama is correct. The conference report has been cleared on both sides of the aisle. As one of the conferees, I should like to say that I believe the conference report is a fair and constructive compromise between the two Houses.

There has been some concern about the fact that there was not an unlimited extension of these programs. In fairness, I think I should point out that there is not any difference of opinion about the desirability of continuing programs such as this. But some of these programs are in somewhat of an experimental stage, and the only reason for not continuing them indefinitely is that we feel that there may be developments which will indicate where improvements can be made, and what we want to preserve flexibility for Congress to take another look at this after a year or two, based upon the experience that has been developed so that we can improve upon it. I want to lay to rest any ideas that these were not extended indefinitely, or that there was any intention on the part of members of the committee or the conferees to do away with it after a year or two. Is that not the understanding of the Senator?

Mr. ALLEN. Yes, that is very definitely my understanding. There was no feeling whatsoever that the program should be terminated. The only reason the limitation of 2 years was placed on it was to give Members of Congress and the administration an opportunity to review the programs at the end of that time, to see if they could be perfected, improved, or extended.

Mr. President, I move adoption of the conference report.

The conference report was agreed to.

SUMMER MEALS FOR CHILDREN

Mr. HUMPHREY. Mr. President, I am highly gratified by the rapid action of the House and Senate to fufill the promise to hundreds of thousands of city children in day care centers and recreation and summer camp programs that they will receive good, nutritious meals this summer. It was my privilege to be, appointed to the House-Senate conference which has reached immediate agreement on legislation (H.R. 5257) authorizing the expansion of the summer lunch and other vital child-feeding programs.

The need is critical. Congress must correct inexplicable delays and incredible mismanagement on the part of the administration which, as one newspaper article stated—

> Has precipitated a crisis in ghetto areas by reneging on promises of food aid.

I was amazed at the Department of Agriculture's announcement on June 17, 1971, that it would be unable to fund the summer lunch program under section 13 of the National School Lunch Act at the level anticipated by our cities. Less than 2 weeks earlier, in hearings by the Subcommittee on Agriculture and Forestry Committee, the Assistant Secretary of Agriculture, Mr. Richard Lyng, testified that the Department hand sufficient funds to carry out all the provisions of the National School Lunch Act. We have witnessed a Federal Department promoting an expanded program among our cities to provide meals this summer for needy children, so that requests have substantially exceeded available funds. Yet the White House did not even ask an extension of this program, scheduled to expire on June 30, until May 18.

We cannot permit poor children to be made the victims of budgetary mismanagement or bureaucratic indifference. In Minnesota alone there are some 157,000 children aged 3 to 17 in families with incomes under $3,000. And the nationwide problem of inadequate child nutrition has been sharply focused in the report that 11 major cities were planning summer lunch programs for 425,000 poor children. I find it morally reprehensible that the largest food producing Nation in the world is prepared to tell the poor children of its cities that empty plates will replace the meals they have been promised this summer.

I am encouraged by a recent apparent change in position by the Department of Agriculture, which yesterday announced it was requesting the transfer of $11,225,000 in section 32 surplus agricultural commodity funds to bring expenditures for all nonschool child-feeding programs over an entire year up to the currently authorized level of $32 million. Presently available information, however, indicates that this would still fall far short of meeting requests from our cities for the summer lunch program, amounting to over $26 million. That is why I urged the transfer of substantially higher section 32 funds that have gone unused for years. The conference report authorizes the use of up to $35 million in section 32 funds in fiscal 1971 and $100 million in fiscal 1972, to the extent that appropriations are not adequate to meet this critical child nutrition need.

Mr. President, I hope the Senate and the House will give speedy approval to the conference report on this bill amending the National School Lunch and Child Nutrition Acts to greatly improve the outreach of the summer lunch and school breakfast programs and to further assure the service of free and reduced price meals to needy children. I trust that the Secretary of Agriculture will then take immediate steps to guarantee the full operation of the summer lunch program at the level requested by our cities.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

U.S. Exports to Yugoslavia

A letter from the Secretary of the Export-Import Bank of the United States submitting, pursuant to law, the amount of Export-Import Bank loans, insurance, and guarantees, in connection with U.S. exports to Yugoslavia; to the Committee on Banking, Housing and Urban Affairs.

Report of Department of Defense Procurement

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for July 1970–March 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, without amendment:

S. 488. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978 (Rept. No. 92–235).

By Mr. MUSKIE, from the Committee on Public Works:

S. 2133. An original bill to extend the Federal Water Pollution Control Act, as amended, for three months (Rept. No. 92–234).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of Health, Education, and Welfare;

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission; and

Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission.

CHILD NUTRITION—REPORT OF COMMITTEE OF CONFERENCE (S. REPT. NO. 92–233)

Mr. ALLEN, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendment of the House to the amendments of the Senate to the text of the bill (H.R. 5257) to extend the school breakfast and special food programs, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2130. A bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes. Referred to the Committee on Committee.

By Mr. METCALF:

S. 2131. A bill directing the Secretary of Agriculture to issue a special use permit covering certain lands in the State of Montana. Referred to the Committee on Agriculture and Forestry.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 2132. A bill to amend the Wild and Scenic Rivers Act by designating Rock Creek, in the State of Montana, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE:

S. 2133. A bill to extend the Federal Water Pollution Control Act, as amended, for 3 months. Ordered to be placed on calendar, and subsequently passed.

By Mr. HARTKE:

S. 2134. A bill to establish an Office of Constituent Assistance, and for other purposes. Referred to the Committee on Government Operations.

By Mr. KENNEDY (for himself, Mr. Nelson, Mr. Cannon, Mr. Gravel, Mr. Hart, Mr. Humphrey, Mr. Jackson, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Ribicoff, and Mr. Stevenson):

S. 2135. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 2136. A bill for the relief of Gyorgy Sebok. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S. 2137. A bill for the relief of Joseph H. Bonduki. Referred to the Committee on the Judiciary.

By Mr. LONG (by request):

S. 2138. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 2130. A bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and ask unanimous consent that the letter of transmittal, statement of need and section-by-section analysis be printed in the Record with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2130

A bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation shall maintain a National Driver Register identifying each person reported to him by a State, or a political subdivision thereof, as having had his license or privilege to operate a motor vehicle denied, terminated, or temporarily withdrawn (except with a withdrawal for less than six months based on a series of non-moving violations) by a State or political subdivision thereof. Such information shall be maintained as part of the register only for so long as it remains a part of the official active records of the State or political subdivision thereof furnishing the information, but in no instance for longer than seven years from the date of entry.

Sec. 2: (a) Information in the register shall be furnished only to, and at the request of, a State, a political subdivision thereof, or a Federal agency, and only with respect to—

(1) an applicant for a motor vehicle operator's license, certificate, or permit;

(2) the employment or retention of a person who engages in a public or private occupation which requires as a condition of employment or retention of employment the possession of a valid motor vehicle operator's license, certificate, or permit or, as required by law, the periodic revalidation of such license, certificate, or permit, and provided that information received under this subsection shall be used only for a purpose enumerated in this subsection.

(3) a person who is convicted of an offense arising out of the unsafe operation of a motor vehicle, provided, that, in this instance, the information in the register shall be furnished only to a State or a political subdivision thereof upon the written request of the judge responsible for the imposition of sentence and this information shall only be used for consideration in the imposition of an appropriate sentence.

(a) A copy of any information obtained by a State, a political subdivision thereof, or a Federal agency pursuant to clause (2) of

Subsection (b) requires a copy of any in-charge to the person at his most recent known address by the State, political subdivision thereof or Federal agency obtaining this information.

Sec. 3. As used in this Act, the term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

Sec. 4. The Act approved July 14, 1960 (74 Stat. 526), as amended by title IV of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 730, 23 U.S.C. 313 note) is repealed.

Secretary of Transportation,
Washington, D.C., May 21, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The Department of Transportation has prepared as part of the legislative program for the 92nd Congress, 1st Session, the attached draft of a proposed bill:

"To provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes."

The "National Driver Register" is a compilation, maintained by the Department of Transportation, of the names of individuals with respect to whom the States have denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of non-moving violations) motor vehicle operator's licenses. The names in the register are supplied by the States. Under present law, the Secretary may release information from the register only to and at the request of a State or one of its political subdivisions or of a Federal agency, and then only "with respect to an individual applicant for a motor vehicle operator's license or permit". (National Traffic and Motor Vehicle Safety Act of 1966, Title IV, 80 Stat. 730.)

Our experience in administering the National Driver Register for the past several years has revealed a shortcoming in the governing legislation. There is no problem with the scope of the information being collected. The present law appropriately limits the names placed in the Register to those drivers whose licenses are revoked or suspended by the States for serious infractions of the rules of the road or other serious violations of the law. Limitations on the use of the Register, however, are very strict. We believe that if the National Driver Register information were made available under somewhat enlarged circumstances, the goals of highway safety would be better served.

Present law permits the release of Register information "only with respect to an individual applicant for a motor vehicle operator's license or permit". However, there are circumstances in addition to the application for a motor vehicle operator's permit, when information available in the Register is highly important from a safety standpoint.

Such information would be particularly helpful with respect to persons who apply for or hold jobs which require them to operate motor vehicles. For example, from the point of view of public safety, a bus company certainly should be able to learn if a prospective driver has a history of license suspensions or revocations based on past instances of hazardous or unsafe driving. Under present law, this information cannot be furnished from the Register, even though requested by a State, because it is not asked for in connection with a license application. We think this presents an important safety gap which should be closed.

On April 16, 1970, the Federal Highway Administration issued the most comprehensive revision of the driver qualification provisions of the Motor Carrier Safety Regulations since their original adoption. These strengthened rules, effective as of January 1, 1971, require motor carriers to screen, test, examine, and maintain records on drivers seeking employment and for continued employment as commercial vehicle drivers in interstate commerce. This rulemaking action was taken as a step in reducing the number of unqualified, unfit, and untrained commercial vehicle drivers on the highways. According to the data contained in accident reports filed with the Bureau of Motor Carrier Safety, commercial drivers are culpable in a great number of highway collisions. For example, in 1968, some 44% of commercial vehicle driver fatalities, as reported by large carriers of property, resulted from single vehicle collisions, and some 20% resulted from collisions with other commercial vehicles. Statistics like this caused the Bureau of Motor Carrier Safety to concentrate its efforts on the development of the new driver rules. There has been widespread public interest in these new rules. Approximately 14,000 comments to our public docket were filed.

One feature of the new rules requires that employers in screening driver applicants ascertain that a driver has not had his driving privilege denied, revoked or suspended (Section 391.23). Under present procedures, each employer will have to query each State in which the driver was licensed as to the applicant's record. That duplicative procedure in itself is not sufficient to provide the employer with a true record of the applicant, since slight changes in the applicant's name or his suspension or license revocation in a State not specifically queried will not be detected.

Consequently, it would be a positive safety advance to allow States access to information stored in the National Driver Register on occasions other than when an application for a license is pending before them. One such expanded use of this information, which would have an immediate beneficial effect on our attempts to keep the unsafe driver off the highways, would be to permit a State to "enter" the Register upon a request received by it from a carrier (employer) seeking information concerning a job applicant. In turn, the State should be allowed to make the information obtained from the Register available to the carrier for inclusion in the applicant's personnel record as required by the Motor Carrier Safety Regulations. Such information could only be used by an employer for the purposes enumerated in the statute. In addition, carriers in intrastate commerce, who are not subject to regulation by the Bureau of Motor Carrier Safety, should also be able to request and receive similar information through the States. We believe that amended section 2(a) (2) would accomplish this purpose.

Another highly desirable feature of this bill is section 2(a) (3) which would make information in the Register available to judges prior to their imposing sentence on individuals convicted of an offense arising out of the unsafe operation of a motor vehicle. To further our objective of safer highways, we believe that judges should be allowed access to information available in the Register in order to be able more properly to sentence a violator. For example, the National Highway Traffic Safety Administration has been reviewing the judicial process and system to determine whether it can be more sensitively applied to the problem of the driver who has violated the law. It has suggested that the judiciary consider as a sentencing tool concepts such as partially restricted rather than suspended licenses. Previous license revocations or suspensions are of obvious importance in this determination. It is through more sophisticated judicial sentencing that we hope to alleviate such major problems as the person who drives despite a revoked license.

The Department is fully aware of the basic rights of an individual listed in the Register. To this end, we have built new safeguards into the administration of the Register. First, we have recommended a requirement that the information in the Register be eliminated from the files when it is no longer a part of the State files, but in no instance would it be a part of the Register for longer than seven years from the date of entry (section 1). Secondly, we have required the State to furnish at no cost to the individual involved copies of any information furnished to any employer (section 2 (b)). The safeguard of this section will allow him ample opportunity to rebut or qualify any damaging or erroneous information which might be contained in the Register.

It should also be stated that any information stored in the National Driver Register is presently obtainable from any State upon direct inquiry to that State. The procedures set forth in this bill would merely substitute a simplified and less clostly procedure for the present complex one. Furthermore, it should be understood that the Register is not a warehouse of Federally obtained information, for in no instance does the Federal Government provide any "input" to the data stored in the Register.

In making the foregoing recommendation, we have given careful consideration to the question of individuals' rights to privacy. We have recommended increased availability of Register information only in circumstances where we feel the right of the travelling public to be safeguarded clearly outweighs any entitlement of an operator to deny access to his bad driving records. We strongly urge enactment of this proposal to help meet the needs of highway safety.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the President's program.

Sincerely,

/s/ JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF DRAFT BILL TO AMEND DRIVER REGISTER LEGISLATION

Section 1. This section restates, in essence, section 1 of the present law in the language proposed for the codification of title 49. For reasons of consistency with the rest of the codification of that title, the word "person" has been substituted for "individual". The direction to "establish" the register has been omitted as executed and the section reflects the transfer of responsibility for the National Driver Register to the Secretary of Transportation affected by section 6(a)(6)(A) of the DOT Act (49 U.S.C. 1655(a)(6)(A)).

In addition, the section would allow any information in the Register to remain only so long as it is a part of the official active records of the State furnishing that information, but in no instance for longer than seven years from the date of entry.

Section 2. This section allows information to be furnished with respect to an applicant for a motor vehicle operator's license, certificate, or permit; the employment or retention of employment of a person in an occupation which requires the possession of a valid motor vehicle operator's license, certificate, or permit; and the imposition of sentence on a person convicted of an offense arising out of the unsafe operation of a motor vehicle. This information can be furnished only at the request of and to a State, political subdivision thereof, or a Federal agency.

Subesction (b) requires a copy of any information acquired by an employer to be sent at no cost to the person about whom the information is obtained.

Section 3. This section, which defines the term "State", is unchanged.

Section 4. This section repeals the prior Driver Register Act.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2132. A bill to amend the Wild and Scenic Rivers Act by designating Rock Creek, in the State of Montana, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

ROCK CREEK WILD RIVER

Mr. METCALF. Mr. President, on behalf of Senator MANSFIELD and myself, I introduce for appropriate reference a bill to designate Rock Creek, a tributary of the Clark Fork River in Montana, as a component of the national wild and scenic rivers system.

I ask unanimous consent to have printed at this point in the RECORD the text of the bill and an article entitled "Can We Save Rock Creek?" written by Tom Wendelburg, which appeared in the February 1971 issue of Outdoor Life.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act is amended by adding at the end thereof the following:

"(9) Rock Creek, Montana.—The entire segment; to be administered by the Secretary of Agriculture.".

SEC. 2. The Secretary of Agriculture shall, within one year following the date of the enactment of this Act, take, with respect to the segment included as a component of the national wild and scenic rivers system by this Act, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act.

CAN WE SAVE ROCK CREEK?

(By Tom Wendelburg)

The time was late July; the temperature stood at 90°. Hardly the season or kind of day to expect much from a trout stream. But when I waded into the tail of the pool in the noonday heat, wearing blue jeans and felt-soled wading shoes, I was confident that I wouldn't come out skunked. I had faith in the place.

The pool was at a drive-in public-access site on Rock Creek about 20 miles southeast of Missoula, Montana, and eight miles upstream from where the creek pours into the Clark Fork River. In the three years I had fished Rock Creek it had never let me down.

I crossed to the west bank, which has no trail and so is lightly fished, and began to wade upstream, dropping a No. 8 bucktail Caddis ahead with short casts. No fish were rising, but before I reached the head of the pool I had taken five pan-size rainbows. Not bad for a hot July day, I told myself.

Then I noticed a willow overhanging a side channel a few feet below the rapids where the stream tumbled in. Flat water moved there, and it looked at least three feet deep. A good trout is likely to be laired in such a place.

Using a sidearm cast, I flipped the dry fly 20 feet upstream and bounced it under the low-hanging branches. It floated only a foot before it disappeared, the fish's delicate take leaving small rings on the surface.

My line swung out toward midstream and then started to knife down the pool. As I stripped it in, an eye-bugging rainbow porpoised out of the water hardly three steps in front of me. In the brief glimpse I had, the fish looked like a five-pounder, but I have fought enough trout to know that a fisherman's eyes enlarge things at a time like that.

The fish torpedoed past me, and I stumbled after it, gently braking my line with the finger of one hand, reeling up slack frantically with the other hand.

My trout was riding fast water downstream. I knew that the crucial moment would come when I had to plant my felt soles between slippery rocks, hold my little 7½-foot rod high, and hope my 4X tippet would turn the streaking fish.

It did. The slender wand of bamboo bent like a horseshoe, but nothing let go. The trout gave ground, and I spooled a few turns of line. I don't know how long the rest of the battle took, but my rod arm ached before the fish quit his short rushes and I slid my net under him.

He weighed just under three pounds. My eye had lied but no more than I'd expected.

The pool where I caught that rainbow—and all the other wonderful pools, pockets, and rapids of Rock Creek for the entire 55 miles of its length—are under threat today. The stream is in grave danger of going the way so many of the other top trout rivers of the West have gone in recent years, to mediocrity or oblivion.

The threat is fourfold. It consists of: 1) the logging plans of the U.S. Forest Service, 2) road building, 3) the opening of more public-recreation sites and a greatly enlarged trail system that would convert much of Rock Creek into a cowpath stream, and 4) private real estate developments that are replacing ranches along the stream's lower reaches.

If this small stream in western Montana is ruined, fishermen will lose what was officially classed in 1959 as the state's only blue-ribbon trout stream from headwaters to mouth, and what many anglers regard as the finest trout water in Montana west of the Continental Divide. That makes the threat's outcome of more than ordinary significance.

A blue-ribbon stream, in addition to supplying and supporting a thriving population of native trout must be accessible, esthetically appealing, and steadily fished The stream-classification committee that tacked that coveted label onto Rock Creek 12 years ago consisted of representatives from the state Fish and Game Department, the U.S. Bureau of Sport Fisheries and Wildlife, and Montana State University.

One or two other streams in Montana west of the Divide are probably as good as Rock Creek—notably the South Fork of the Flathead in the Bob Marshall Wilderness Area—but they are far more difficult of access. Rock Creek stands in a class by itself.

It rises at the southern tip of Granite County, its tributaries spilling down from spectacular alpine country nearly 10,000 feet high. Fed by melting snow and the springs of small feeder streams, the creek runs very clear, muddying only after torrential rains and turning roily for a short time during the spring runoff. Many persons, including fishermen, drink the pure cold mountain water.

For much of its length the creek tumbles in mild rapids, fast runs, deep undercuts, and glassy pools running down an idyllic canyon between evergreen woods, rocky bluffs, and meadows. The pine-covered Sapphire Range shoulders high above the canyon. The lower reaches run through bottomlands, but even there the creek provides a drive-in wilderness atmosphere.

A gravel road parallels Rock Creek from the upper waters to the mouth, looping close, turning away, looping back, as if playing peekaboo with the racing stream. That road makes the fishing easy to get to.

There are 12 Forest Service campgrounds with a total of 108 units, many places to camp on public land at streamside, a few cabins for rent, a guest ranch, and a lodge-motel.

The total drainage covers 570,000 acres, with 43,500 being bottomlands and the rest chiefly forested mountains. Of the total, 458,000 acres are in the Deerlodge and Lolo national forests.

Any day on the creek you may meet a moose, a mule deer, or—less often—a black bear. Mountain lions leave their tracks on the bars, although you are not likely to see these furtive cats. In November, which brings the year's lowest flows and also brings the big spawning browns upriver (I tease them with Muddlers), I fish in a red shirt for the sake of safety. This is elk and deer country, and the gunshots of hunters often resound off the nearby mountains.

Last fall I met and chatted with one man who was toting a rifle in one hand and had a small pack rod on his back.

"Just took a couple of good rainbows," he told me. "Now I'm going to hit the canyon bottom and look for a buck."

Although it's only a half-hour drive from Missoula, this is pristine country, with drive-in access to wild-trout fishing of the finest kind. What more could man ask for?

Rock Creek is mainly a rainbow stream, but big browns migrate up into the lower 10 miles, and there are cut-throat and Dolly Varden trout in the upper forks. And when I want a change of pace from the creek's fast-water fishing, I turn to brook trout in some of the many feeder streams or beaver ponds.

The fishing is good from opening day in late May all through the season to late November. While the water is high and roily from spring runoff, bait drifted in quiet eddies will take rainbows and spinners are deadly for browns.

Flyfishing starts in late June, during the salmon-fly hatch. The two big events of the year for the dry-fly fisherman are the hatch of the yellow-bodied stonefly during the first three weeks in July (much of the stream's natural trout food consists of stoneflies) and the hatch of the spruce moth in late July and August. The first freezing nights in August kill off the spruce moths, but while they last the action is red-hot. A Blonde Wulff or a small cream-colored bucktail, tied on a size 8 to 14 hook, is the best artificial imitation of the spruce moth, and the results are almost sure-fire.

When it comes to natural bait, the nymphs of the salmon fly, an insect two to three inches long and actually a giant type of stonefly, are tops. The best way to get them is to catch them in a piece of screening. That is also a good way to gain an idea of the tremendous supply of natural food that supports Rock Creek's teeming trout population. You can collect hundreds of these big nymphs, commonly called hellgramites by local fishermen, in a few square feet of water by rolling rocks over with your feet and dislodging the nymphs that cling to the undersides.

Without that plentitude of insect food the trout of Rock Creek would not be there. And if the present water quality is lost, the stoneflies and all the rest will go with it.

In mid-August big browns from the Clark Fork practically stand in line in the downstream stretches of Rock Creek, and from then until late November the lunker-trout fishing can be fantastic. And all through winter to the end of March the stream supplies outstanding fishing for Rocky Mountain whitefish.

Rock Creek richly deserves its status as a blue-ribbon stream. Bill Browning, director of the Montana State Chamber of Commerce and one of the state's best-known angler-writers, contends that as a producer of wild trout this small stream ranks right along with the much larger Madison and Big Hole rivers.

Among the many anglers who agree is my friend, Bill Harris, a 45-year-old retired Air Force pilot who until recently lived in Missoula, where I'm a graduate assistant in the Journalism School at the University of Montana.

I met Bill in June 1969 after I'd guided and fished on Rock Creek for three summers.

"How's the early-morning fishing?" he asked.

"You might as well stay in the sack," I replied. "Mornings are cold in the mountains, and you don't get hatches until the sun hits the water."

Bill knocked on my trailer door at 7 the next morning. I yawned, opened the door, and gulped. He was grinning and wide awake, and he was holding a 19-inch brown, an artificial nymph still dangling from its jaw. The following dawn he woke me up with yet another big trout.

Bill became so enamored of the creek's clear clean water and big fish that he moved from his home town of Puyallup, Washington, to Missoula that fall.

"I'm going to fish Rock Creek full time," he announced.

He did just that, catching big trout with incredible consistency and releasing most of them. His best catch was an eight-pound Dolly Varden.

What is the exact nature of the threat that hangs over this beautiful and unspoiled creek?

First, there is the threat of logging operations in the two national forests. The present plans of the U.S. Forest Service are to allow an annual cut of 30-million board-feet, of sawlogs, 15-million feet in each forest, in the Rock Creek drainage for the next five years. Those figures are a sharp reduction from the allowable cut that was being proposed before public controversy erupted last February.

Defending the timber-cutting plans, Don Stevenson, district ranger of the Lolo National Forest, told sportsmen and conservationists at a protest meeting in Missoula last winter that no clear-cutting will be done along Rock Creek, that the beauty of the forested canyon will be preserved, and that Forest Service logging contracts contain clauses requiring the contractors to leave a 132-foot-wide buffer strip of timber and natural vegetation along feeder streams.

But more than half the logging done in the mountains of the drainage would be by clear-cutting, and many sportsmen are not convinced that the safeguards spelled out by Stevenson would protect Rock Creek from slow death by silting.

You must see for yourself the devastation left in the wake of clear-cut logging operations in mountain country if you are to realize the consequences to a stream and its feeders.

The timber and undergrowth are stripped away, and the steep slopes are laid bare to erosion. Logging roads, often only 100 to 200 feet apart, wind across those slopes in ugly parallel scars. What was wilderness and game habitat is left a denuded ruin. Two of the photographs accompanying this article (see page 66) tell the story more eloquently than words can. (Not printed in RECORD.)

The No. 2 threat to the stream is from the building of the many miles of roads that go with logging. Such roads, forest researchers say, account for as much as 90 percent of the sediment that comes from erosion on cutover lands.

The Lolo Forest now has about 260 miles of logging roads, with 140 more miles proposed in the next five years. Deerlodge Forest has some 150 miles of roads, and 225 more have been proposed for the five-year period.

Some of the logs will be trucked out on the Rock Creek Road that runs close along the stream. Increased truck traffic there would mean an end to the wilderness atmosphere, plus mounting traffic problems. And in all likelihood it would lead to the paving of the narrow gravel road within a few years.

Many Montana sportsmen object vehemently.

"We don't want Rock Creek tampered with, and we consider logging roads and logging trucks tampering," says a spokesman for Trout Unlimited.

The third threat is development on public lands. The Forest Service has 17 areas on the stream, totaling 135 acres, that it proposes to develop as additional recreation areas. And "to disperse fishing pressure," it also proposes to build access trails at one-mile intervals along the creek's lower 12 miles and to develop a trail system on the west bank of that stretch.

Trout fishermen who know Rock Creek shudder at the idea. The creek is already an accessible stream. Roughly the middle one-third of it, where the national-forest campsites are located, is entirely public. I have found those camps crowded only on Fourth of July and Labor Day holidays, incidentally.

The lower 12 miles, where the Forest Service wants to build an extensive trail system, runs through privately owned bottomlands. But there are four public-access sites, and the road skirts all but the lower mile of the last five miles of the stream, making access very easy. A few more access trails may be needed on the lower stream, but not one every mile, say sportsmen who fish there. As for a new trail along the west bank, which in many places is sheer rock cliffs, it would seriously damage the wild setting.

"I know of no place on Rock Creek that I can't get to in an hour from a public-access site, and most spots can be reached in minutes," says Bob Bassett, who operates the Elkhorn Guest Ranch on the stream. "My clients come from New York and California and lots of points in between, and many of them come for one reason—to enjoy wilderness trout fishing."

"If the Forest Service puts in all the camps and access trails they're talking about, you'll have to bring your own rock to fish from," grumbles Bruce Elliott, owner of Rock Creek Lodge. Bruce pioneered Rock Creek fishing 30 years ago and is one of western Montana's expert trout anglers.

The fourth threat that hangs like a black and ominous cloud over the future of this wonderful stream, perhaps the most threatening of all, is fast-growing real-estate development along the lower reaches. The ranches along Rock Creek are being subdivided.

That trend has been driven home to me very forcefully in the last year or two.

On an August evening in 1967, when the canyon was cooling after a hot day, I picked a long crystal pool and waded in. The pool was turning to an opaque carpet in the shadow of the dark mountains, and I was hoping for a big trout.

"Big trout, big fly," I reminded myself, and tied on a No. 6 Joe's Hopper, an old reliable dry pattern. I drew a blank for 15 minutes and was letting my mind wander, gazing up at the jagged skyline of the Sapphire Mountains, when I heard a soft slurp and set the hook by instinct. I was fast to a 17-inch brown, and before I netted him he gave me exactly what I had come for.

Darkness deepened, and soon I could no longer see the big fly floating in midstream. But then there was a splash like the slap of a beaver's tail, and the tip of my rod dipped into the water as a big trout tailwalked downstream. There's something about those cool evenings after hot days that makes trout fight as if they had Tabasco sauce on their tails. This one was a 3½-pound rainbow, black-shouldered and red of flank, and he lived up to the tradition.

Two evenings later that same pool gave me a 17-inch and a 19-inch rainbow on that same fly.

Today that pool is bordered by a row of subdivision lots, and the spot where I had such great fishing carries a "Sold" sign.

On Rock Creek's lower 12 miles, few working ranches remain. In the past two years "Lots for sale" signs have sprung up like wildflowers. Last spring I saw two cabins completed in a few weeks. A meadow where I like to fish a feeder for brook trout is staked into lots, and a road slices through it.

The Forest Service estimates that eventually there may be 2,000 to 3,000 summer places and year-round residences in Rock Creek's meadows. Homes mean sewage and pollution problems, among other things. Montana does not have a state zoning law, and its health statutes are enforced to protect human health, but not the water quality of a trout stream. There is good reason to worry.

Conservationists have suggested that lots be restricted to a minimum size of five to

10 acres, under strict zoning rules, to keep some vestige of the natural setting, and that water quality be safeguarded the same way, by zoning. But real-estate interests balk at these suggestions, and so far most of the lots offered for sale are no bigger than an acre. Some are only 100 by 200 feet. And local politics being what they are, nobody expects county commissioners to enact the needed zoning laws.

The logging and logging roads in the Rock Creek drainage, in addition to threatening the fishing, pose the further danger that a herd of 1,500 to 2,000 elk will be seriously reduced and that some of the best elk hunting in western Montana will be lost.

Sportsmen and conservation groups fighting to save the stream include the Montana Wildlife Federation, the Western Montana Fish and Game Association, local chapters of Trout Unlimited, the Wilderness Society, and the Sierra Club.

There seems little chance that real-estate development along the lower stretches can be slowed, since that is a matter for private owners to decide. Conservationists battling to prevent damage to the stream have concentrated on efforts to get a two-year moratorium on logging and recreational development on public lands under the control of the U.S. Forest Service. And they are urging further studies to determine the consequences that clear-cutting and the building of more logging roads will have on the stream and its water quality. Their slogan is "Go slow."

The people who advocate this course point to two recent examples in support of a logging moratorium.

First, the Forest Service's own studies on small streams in Oregon have spotlighted the disastrous consequences of logging such drainages without adequate measures to preserve water resources.

Into one small feeder stream, for example, runoff from logged slopes dumped 7,000 times the normal load of sediment and silt. Trout eggs and fry, and insect food on which the fish depend, were smothered by the mud. On another small stream, water temperature, which had risen only 2° on the hottest days, soared as much as 15° after logging scalped the banks.

Almost certainly, fast runoff and silt would have about the same consequences for Rock Creek.

The second example cited by proponents of a logging moratorium is that of the 173,000-acre Magruder Corridor in north-central Idaho, on the Montana border. The situation there a few years ago was very similar to the present one on Rock Creek.

When the Forest Service revealed plans for logging and logging roads in the Corridor, citizens called for a moratorium. Orville Freeman, then U.S. Secretary of Agriculture and top boss over the Forest Service, halted development and named a committee of six experts to make a detailed study.

The committee's findings were that spawning grounds for salmon and steelhead trout in the headwaters of the Selway River, plus the esthetic qualities of the region, were worth more than dollars from timber sales. The moratorium continues today, while information is still being gathered.

So far, however, pleas for a similar moratorium in Rock Creek drainage have fallen on deaf ears. Widespread public concern has shown itself in newspaper editorials, on TV, and in statements from persons as influential as the then U.S. Congressman Arnold Olsen of Montana. The Forest Service has taken a second look and made some changes to lessen the threat of damage, but it is still standing firm on its five-year logging program.

Local pressure is strong to continue and even accelerate the logging. Timber-industry payrolls are important in the area, and Granite County commissioners say the county would go bankrupt if logging were halted.

The Forest Service itself disclaims any intent to damage Rock Creek. In a fact sheet put out last summer, it recognized water as the primary resource of the entire area, and it proposed to manage all other resources to protect water quality and quantity, manage the 43,500-acre canyon area primarily for recreation and scenic values, and build no additional logging roads that would be visible from the stream.

"After all, the Forest Service has been managing Rock Creek for sixty years, and we're proud that it's still a blue-ribbon trout stream," a spokesman in the service's regional office at Missoula told me at the end of last summer. "We're not going to do anything to degrade it."

But that same fact sheet just mentioned also contained the disquieting statement that "All timber harvest in the canyon area must be essentially unnoticeable." The statement indicates that there is as yet no intent to ban logging outright in this wild spot.

The big question is whether, despite all assurances, the scenic beauty of Rock Creek, its wilderness setting and wonderful fishing can be saved in the face of a logging operation that calls for the cutting of 150-million board-feet of timber in the next five years. Those who want a moratorium say the creek would be doomed.

Two of Montana's leading conservation figures are cautiously optimistic, however. They are Frank Dunkle, director of the state's Fish and Game Department, and Don Aldrich, executive secretary of the Montana Wildlife Federation.

Dunkle is not opposed to the logging operations but rather advocates balanced consideration of all the resources of the drainage—fish, wildlife, scenic values, and recreation potential, as well as timber. He favors an overall plan, and the closing of logging roads that lead into remote areas once the timber cutting is completed.

"If the Forest Service is able to implement the management practices it is now proposing," he says, "we'll be in pretty good shape."

"The Forest Service is coming around," Aldrich told me. He points out that new logging contracts require roads to be spaced 400 to 600 feet apart instead of 100 to 200 as has been the practice. This means one road instead of three or more.

However, the threat of silting from clear-cut logging and road building still remains. "The war to save Rock Creek is not yet won," Aldrich concedes.

He believes, however, that real-estate development, with its accompanying problems of pollution, is the most critical threat that presently confronts the stream, ranking ahead of logging and road building.

Rock Creek is a pocket-size example of the wonderful trout streams that once laced much of the West, spilling out of mountain snowfields, wandering through alpine meadows, tumbling down rock-choked canyons, accepting the flows of hidden springs, growing bigger until they finally lost themselves. Not many are left.

For that very reason—because Rock Creek stands as a remnant, a living symbol of what a mountain trout stream ought to be—its despoliation, if it occurs, will be a tragedy out of proportion to the size of the creek itself.

It would be easy to brush the whole thing aside, to say, "What difference does it make if we lose 55 miles of one small stream that's not even big enough to be called a river?"

It makes a great difference—if that stream happens to be one of only two in the blue-ribbon class on the western slope of Montana's Rockies, one of the three or four of its untarnished kind left in a state that once had probably as much topflight trout water as any in the nation. That's what the Rock Creek flight is all about.

Can it be won? Can this wild and tumbling creek be saved from the logger's saw, the road builder's bulldozer, the overdevelopment of trails and recreation sites, and the realtor's For Sale sign?

Don Aldrich believes that the answer is yes. He is optimistic because public interest has been aroused, because many people in Montana do not want Rock Creek ruined, and because he believes that people can get their way in such matters if they try hard enough.

"The price of protecting such priceless resources is eternal vigilance," he says. "The conservationists of Montana were not alert to the threat in this case. The situation developed before anyone was aware of it. Where our environment and wild places and wild things are concerned, we can no longer afford the luxury of napping—in Montana or anywhere else."

By Mr. HARTKE:

S. 2134. A bill to establish an Office of Constituent Assistance, and for other purposes. Referred to the Committee on Government Operations.

A CONGRESSIONAL OFFICE OF CONSTITUENT ASSISTANCE

Mr. HARTKE. Mr. President, during the past 50 years, we have witnessed the growth of an ever-more-complex society. Problems of housing, employment, education, and health which hardly were imagined a half-century ago now beset us.

Congress has tried to keep pace with these challenges by providing services and enacting new programs. Today, there are few aspects of our daily lives that are not touched upon by the Government. One need only look about in this, the Nation's Capital, to see the vastness of our Government. Behind the walls of glass and stone sit people whose actions and decisions affect the lives of others who may be hundreds or thousands of miles away.

Inevitably, careless or senseless exercises of public authority occur. The bureaucratic process is prone to impersonality and "red tape." Caught up in confusing regulations, procedures, and policies, the individual citizen is often helpless.

It is these people who come to us in Congress in search of help. They request an answer to a problem or a redress of a grievance. In short, they make use of us as their advocates. No function could be more appropriate, for we are here in Washington to represent their interests and look to their welfare.

So great have the needs of our constituents become that Members of Congress and their staffs spend from one-third to one-half of their time on what has come to be called casework. Although constituents write to us about a variety of problems, many letters concern a right or a benefit which has been denied or an administrative action which was undertaken arbitrarily.

As important as it is, casework is tedious and time consuming. It takes time away from a Member's responsibilities as a legislator. Nevertheless, each of these problems is a serious one for the person who is writing to us. For that reason, it has been my observation that each of my colleagues takes his casework very seriously.

In the face of an ever-increasing amount of casework, our staffs are finding it difficult to keep up with the mail. We must protect against the possibility that constituent requests for assistance receive only perfunctory treatment. The most diligent and efficient staff has a limit to the amount of casework which it can handle in depth.

Mr. President, because I join my colleagues in placing a high priority on casework, and because I am alarmed at the prospects for its rapid growth in the future, I am today proposing legislation which would create an Office of Constituent Assistance as part of the legislative branch. This Office will assist Members of Congress in handling some of their casework, and thus free their staffs to spend more time on legislation.

I believe that the ties between a Member of Congress and a constituent are vital to the democratic process. Nothing in my proposal would weaken those ties or intrude upon that important relationship. In fact, the Office I propose would actually strengthen our relationship with constituents by making it possible for us to serve them better.

The Office of Constituent Assistance would investigate those cases which have been referred to it by a Member of Congress or by a congressional committee. The Director of the Office is empowered to investigate those cases involving administrative actions which might be: First, contrary to law or regulation; second, arbitrary or unfair; third, mistaken in law; fourth, improper in motivation or based on irrelevant considerations; fifth, unclear or inadequately explained when reasons should have been revealed; sixth, inefficiently performed; or seventh, otherwise objectionable.

Certain matters and governmental agencies are exempted from the investigative powers of the OCA. Any matter certified by the head of any executive department as affecting the relations between the United States and any foreign government or international organization, any administrative action which relates to a personnel decision affecting a member of the Armed Forces or an officer or employee of the Government of the United States, or any administrative action based upon a complaint which the Director of the OCA determines to be trivial or frivolous is exempted from investigation by the Director. Similarly, the Director's investigative powers do not extend to matters concerning the President, the Congress, the courts of the United States, or court-martial and military commissions. I raise these points because I wish to assure my colleagues that this legislation would not establish an all-powerful office of investigation. I merely propose to create a congressional office to help us in providing our constituents with assistance.

The Director of the OCA would be an officer of Congress appointed by the President pro tempore of the Senate and the Speaker of the House, upon the advice and consent of both houses, for a term of 4 years. His findings and recommendations would be reported directly to the Member of Congress by whom the case was referred.

The paramount virtue of the Office of Constituent Assistance is that it would provide each of us with a central staff of caseworkers to assist our personal staffs. As is the case with the Office of Legislative Counsel and the Congressional Research Service, the OCA would make available a deep reservoir of expert talent to assist us in our work.

There is a second important advantage to be gained from establishing this office. At the present time, 535 different offices handle casework, but many of the problems handled by one office are mirror images of the problems handled by others. One centralized office will make it possible to determine if there are any patterns and common elements to constituent problems and thus facilitate legislative efforts to correct the conditions which cause these problems.

The establishment of such an office does not mean that we are less interested in the needs of our constituents, nor will it mean that we are in any manner removed from our responsibiliities as advocates for our constituents. The OCA will enable us to perform these functions more efficiently and more effectively than in the past.

In summary, I believe that the Office of Constituent Assistance would have these major advantages:

First, it would assist us in handling the ever-increasing volume of casework.

Second, it would enable us to give more detailed and expert attention to the problems of our constituents.

Third, it would enable our staffs to devote more time to legislation.

Fourth, it would enable each of us to handle the problems of our constituents with more efficiency.

Fifth, it would assist the Congress in correcting those administrative deficiencies which give rise to constituent complaints.

Mr. President, I have attempted to draft my proposal so that the delicate web of checks and balances and the layers of mutual respect and trust which exist among the various branches of Government are not injured. I am convinced that the caseworkers on our staffs are dedicated and highly competent professionals whose devotion to their work is proved every day of the year. In the final analysis, however, the amount of casework and our desire to do our best to meet the needs of constituents require us to seek help. That is why I am proposing that the Office of Constituent Assistance be established.

By Mr. KENNEDY (for himself, Mr. NELSON, Mr. CANNON, Mr. GRAVEL, Mr. HART, Mr. HUMPHREY, Mr. JACKSON, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RIBICOFF, and Mr. STEVENSON):

S. 2135. A bill to amend title V of the Social Security Act to extend for 5 years—until June 30, 1977—the period within which certain special project grants may be made thereunder. Referred to the Committee on Finance.

Mr. KENNEDY. Mr. President, on behalf of 12 other Senators, my distinguished colleague from Wisconsin, Senator GAYLORD NELSON, and I, introduce for appropriate reference, a bill to extend through June 30, 1977, all health programs established for mothers and children under title V of the Social Security Act. Similar legislation has been introduced in the House by Congressman EDWARD KOCH.

The purpose of the proposed legislation is to insure that the 12 million children and mothers from impoverished families now receiving health benefits will continue to receive health care under both the project and the formula grants authorized by title V of the Social Security Act. Federal programs supporting State efforts to extend and improve health service for mothers and children were inaugurated when the Social Security Act was passed in 1935. Through amendments and revisions title V programs have been redesigned to reflect the national commitments to effectively serve the health and welfare needs of the disadvantaged poor, most of whom are concentrated in our large urban communities. Today, programs under title V are operating in all of the States—to provide much-needed care in maternal and child health, dental and crippled children's services, and assistance for mentally retarded youngsters. Our proposal will continue the allocation of funds as presently made under existing law, so that half of the title V appropriations will support formula grants made directly to the States; 40 percent of the appropriations will support project grants and the balance of the funds will support research and training grants.

It is clear that no one's health needs can be met through insensitive and unresponsive programs that fail to meet the deep concerns of those who are intended to be assisted. Evaluation studies show that title V programs have been effective in eliminating the spread of disease while maintaining the confidence and cooperation of those receiving services. These are programs that are indeed well run and properly designed to help those in need of care. Not only have such programs operated to deliver primary medical care, but they also offer improved opportunities for employment through these projects.

New York City's "catch" program assigns a health team to each participating family so that a personal relationship with the doctor, the nurse, and the social worker can be maintained for the duration of that family's clinic contact. Moreover, the health team is well prepared to provide guidance about jobs, housing, and other problems.

Poor health and poverty during childhood are the principal ingredients spawning the despair of delinquency, drug, and alcohol addiction, chronic illness, unemployment and dependence on welfare. Many of the title V programs have served to stanch the crumbling descent of those widespread conditions.

Boston's Dimock Health Center, with the skills of expert pediatric specialists, psychiatrists, psychologists, and social workers delivers comprehensive health benefits to almost 6,000 Roxbury children. For that community, there is one physician for every 11,000 residents. Nationally there is one physician for every 700 people. Continuation and, indeed, expansion of this federally supported health project can be the only real hope for solving the many health problems, ranging from sickle cell anemia to lead-based paint poisoning, that confront Roxbury youngsters.

All across America title V programs are actively serving youngsters and their parents—with hospital construction projects at the University of Wisconsin, in South Dakota with mobile health clinics, in Alabama with prenatal and child care instruction programs, and in many rural communities, crippled children's agencies seek out the needs of handicapped youngsters.

The bill we are offering is one that can provide vital health assistance to many who do not have the money to purchase health aid for their families.

By extending the provisions of title V through 1977, with an authorization of $500 million, we hope to meet the burgeoning demands for adequate child and maternal assistance. Millions of Americans are desperate in their needs. Only massive and substantial support can realistically respond to their claims. Decent health care and disease prevention can be delivered to every child if we make a national commitment to deliver such care.

I hope that with the passage of this measure we can show that there is a commitment to serving those needs. Along with my colleague from Wisconsin I look for prompt enactment of this legislation.

By Mr. LONG (by request):

S. 2138. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes. Referred to the Committee on Commerce.

Mr. LONG. Mr. President, at the request of the Federal Maritime Commission, I introduce for appropriate reference a bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes. I ask unanimous consent that the letter of transmittal from the Chairman of the Federal Maritime Commission and an accompanying statement of purpose and need for the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C., May 26, 1971.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, together with a statement of purpose and need for the draft bill, to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances.

The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at the first session of the 92nd Congress for the reasons set forth in the accompanying statement.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,
HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSES AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933, TO CHANGE CERTAIN CRIMINAL PENALTIES TO CIVIL PENALTIES, AND AUTHORIZE THE COMMISSION TO ASSESS CIVIL PENALTIES

The bill would change the penalties of section 16 (except for paragraphs First and Third) of the Act from criminal penalties to civil penalties, with the money amounts of the penalties to remain unchanged. It also changes the general penalty provision of section 32 of the Act by making all violations of sections under the jurisdiction of the Federal Maritime Commission, for which no penalty is specifically provided, civil instead of criminal. Authority would be vested in the Commission to fix the amount of civil penalties for violations of sections subject to its jurisdiction. Penalties assessed by the Commission would be remitted or mitigated by it under appropriate circumstances pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951–953, and regulations promulgated thereunder. Since the bill would authorize the Commission to assess civil penalties, sections 15 and 18(b)(6) would be amended to eliminate the words "to be recovered by the United States in a civil action."

As the Act now stands, civil penalties are imposed for violations of section 15, which requires the filing for approval of agreements restricting competition, and of section 18(b), which requires the filing of tariffs. However, the penalties of section 14, which prohibits deferred rebates and other unfair practices, and section 16, which prohibits false billing and undue preferences, are criminal.

The Commission believes that better administration of the Act will be derived from making certain of the penalties under section 16 and penalties under section 32 civil and empowering the Commission to determine and adjudge such penalties. The Commission determinations under these sections are subject to judicial review in a United States Court of Appeals under the Review Act of 1950 (28 U.S.C. 2341 et seq.). This would eliminate the necessity of a *de novo* district court penalty suit as is presently required and would enable the Commission to relate the amount of the penalty directly to the nature and circumstances of the violation. Such a procedure should, in many instances, reduce the total litigation expenses to both the government and private parties while at the same time retaining the safeguards of justice through the reviewability of Commission decisions in U.S. Courts of Appeals.

Section 2 of the bill would give the Commission authority to assess the civil penalties presently provided for violations of the Intercoastal Shipping Act, 1933.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 373

At the request of Mr. CRANSTON, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 373, the Santa Barbara Channel Moratorium and Ecological Preserve Act.

S. 1311

At the request of Mr. PEARSON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 1311, a bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen.

S. 1437

At the request of Mr. CANNON, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Act of 1970.

S. 1592

At the request of Mr. McGEE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1592, a bill to establish a Commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands.

S. 1747

At the request of Mr. KENNEDY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1747, the Nurse Training Amendments of 1971.

S. 2107

At the request of Mr. JAVITS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor to S. 2107, a bill to permit application of an excess in a Senator's telephone-telegraph account to make up a deficit in his stationery account.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 228

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY, for himself and Mr. TAFT, submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 229

(Ordered to be printed and to lie on the table.)

THE CONGRESS AND FOREIGN AFFAIRS

Mr. HUMPHREY. Mr. President, this is a joint statement on behalf of myself and Senator Cranston.

The crucial issue which the Senate has been debating over the past months is the power of the Congress to assume its rightful role under the Constitution concerning the conduct of foreign affairs.

Under article 1, section 8, the Constitution clearly provides that the Congress shall have the power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the land and naval forces and to provide for calling up and organizing the militia.

No one questions whether these powers are granted under the Constitution. A problem arises only when we must interpret these provisions. The framers of the Constitution have set an important precedent for us to keep in mind. President Thomas Jefferson, during a dispute with Spain in 1805, told the Congress:

> Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided.

It is unfortunate that subsequent Chief Executives have not also followed that wise advice.

It is important to state that our proposed amendment does not refer to enlisted men or those currently serving in the Armed Forces. Rather the intent of the legislation is to restrict the use of future inductees into the Armed Forces unless they volunteer for combat or unless the President determines that such persons must be assigned to combat duty in the national interest.

The amendment states further that after June 30, 1972, an inductee into the Armed Forces cannot be sent to a combat zone outside the United States unless he volunteers in writing for such duty, or unless the President determines that it is in the national security to make such assignments. If the President makes such a determination under this amendment, he would have to notify and justify this action to the Congress within 48 hours. Thirty days after such notification to the Congress, the President's authority to commit inductees to combat zones would expire unless the Congress authorizes by law the continuation of such actions. If the President, however, believes that these inductees are necessary to protect the lives and safety of our men, such inductees may be retained during their normal term of service.

The 30-day limitation is concerned with hostilities which are of an ongoing nature in which the Congress should also make a decision.

A number of our colleagues have introduced legislation related to this fundamental issue of checks and balances. Senator JAVITS, EAGLETON, and STENNIS especially are to be congratulated on the foresight which they have shown on this subject. Furthermore, the Senate has considered two separate amendments to the draft bill on this matter.

However, the legislation we are introducing today differs markedly from the two measures previously considered by the Senate. Senator NELSON and Senator HUMPHREY introduced an amendment which would have prohibited the nonvoluntary use of draftees in combat units in Vietnam after December 31, 1971. This measure related specifically to combat units in Vietnam where our amendment is broader and sets a date of June 30, 1972. In addition, under the Mansfield amendment which was passed yesterday, our involvement in Indochina could be terminated by that date.

Since a major aspect of our amendment is to allow enough time to have increased volunteers in the Armed Forces, June 1972 seems to be a feasible date for the accomplishment of this goal. Also, our amendment is related to basic congressional war powers rather than just Indochina or one military involvement. Last week Senator GRAVEL introduced legislation which would have required that the Congress declare a state of war prior to the induction of men into the Armed Forces. Again, this legislation does not specifically refer to declaration of a state of war. In addition, rather than concentrating on the aspect of the declaration of a state of war, is important to tie this issue with the basic constitutional question. Another clear difference is that our amendment refers only to inducted men, not those who enlist.

We, in the Congress, advocate the maintenance of a military posture where the U.S. Government can respond adequately and immediately to a military crisis.

This measure reinforces our resolve to provide an adequate national defense in conjunction with congressional consultation.

AMENDMENTS NOS. 230 AND 231

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted two amendments intended to be proposed by him to the bill (H.R. 6531), supra.

AMENDMENT NO. 232

(Ordered to be printed and to lie on the table.)

Mr. BAYH, for himself and Mr. SCHWEIKER, submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

NOTICE OF HEARING ON A PRIVATE BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing before a subcommittee of the Judiciary Committee has been scheduled for Friday, July 9, 1971, at 10 a.m., in room 2300, New Senate Office Building, on S. 79, a private bill for the relief of the Glover Packing Co.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the junior Senator from Kentucky (Mr. COOK).

ADDITIONAL STATEMENTS

IN PRAISE OF PARENTS

Mr. MATHIAS. Mr. President, in an age when the focus of much of our world is oriented toward youth, President Eric A. Walker of Pennsylvania State University, in an address to that university's seniors, chose instead to praise the group of people responsible for that world: their parents.

These people, through their efforts, have helped to make this world a better place for today's college seniors. Even though they are often criticized for their efforts to give their children a better life and a better future, the parents and grandparents of today's youth have made astonishing progress toward their goals in a relatively short period of time.

In recognition of their achievements, Mr. President, I ask unanimous consent that the following speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ESTABLISHMENT'S BOX SCORE

President Eric A. Walker of Pennsylvania State University summed up the establishment when he addressed seniors in the following, partially quoted, way:

"In the bleachers to your left or right are some of the most remarkable people ever to walk the earth—your parents and grandparents—who—within just five decades, 1919–1969—have by their work increased your life expectancy by 50 per cent; who, while cutting the working day by a third, have doubled per capita output.

"These are the pepole who have given you a healthier world than they found. Because of this, you no longer have to fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles, or mumps that they knew in their youth. Polio is no longer a factor. TB is almost unheard of.

"These people lived through history's greatest depression. Many know what it is to be poor, hungry, and cold. Because of this, they determined that it would not happen to you, that you would have a better life, food to eat, milk to drink, vitamins to nourish you, a warm home, better schools, and greater opportunities to succeed than they had.

"Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

"Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

"These are the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler and who, when it was all over, had the compassion to spend billions of dollars to help their former enemies.

"They made a start—although late—in healing the scars of the earth in fighting pollution and the destruction of our natural environment. They hold the dubious record for paying taxes—although you probably will exceed them in this.

"While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others.

"But they made more progress by the sweat of their brows than in any previous era. If your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

"But it won't be easy. And you won't do it by negative thoughts. You may and can do it by hard work, humility, hope, and faith in mankind."

JOBS THROUGH NEW GROUND TRANSPORTATION SYSTEMS

Mr. PELL. Mr. President, the Senate has engaged in many long hours of debate over the status of the SST program. One of the major points of concern was the loss of jobs in the aerospace industry as the result of the curtailing of the SST program.

In a recent editorial, the New York Times suggested that the U.S. policy in transportation would be served well if it took a hint from Germany's development of a high-speed train designed to travel 350 miles per hour.

As a long-time advocate of improvements in high-speed ground transportation, I would urge the administration to take greater cognizance of the improvements that could be made in transportation systems if funds such as the administration was willing to commit to the SST were actually made available for high-speed ground transportation systems. Congestion in our megalopolises could be relieved, new jobs for the unemployed could be provided, and the transportation industry could be regenerated.

Mr. President, I ask unanimous consent that an editorial published in the New York Times of June 9 be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rails for the Future

Transportation Secretary John A. Volpe and Senator Barry Goldwater, who represented President Nixon at the recent test flight in Europe of the British-French supersonic jet, took part in the wrong event. They could have brought home a more useful message from the experimental run in West Germany of a prototype train designed to move between cities at speeds of up to 350 miles per hour.

The German experiment holds a number of pertinent lessons on harnessing technology to serve modern society, not vice versa. The train is electrically propelled and glides without wheels above a magnetic field. It is being developed by West Germany's largest aerospace company, best known for its World War II Messerschmitt fighter planes. The Bonn Government sees superspeed trains as the answer to congested and polluted highways and airlanes, something that goes far beyond a routine updating of obsolete railroad practices. It has pledged generous subsidies to develop a high-speed transport system within the next fifteen years.

Such attitudes stand in marked contrast to the continued official American obsession with the SST and to Amtrak's gloomily limited vision about the future of passenger rail traffic. Even though Europe already enjoys trains faster than the Metroliner, Europeans consider these merely the starting point for dramatic progress.

The loss of jobs resulting from demise of the SST and cutbacks in aircraft manufacture, could be made up for in important degree by adequate Federal subsidies to finance massive research and development of rapid, safe and efficient passenger rail travel.

WIRETAPPING AND OUR NATIONAL SECURITY

Mr. DOLE. Mr. President, Attorney General John N. Mitchell in a well-reasoned address before the Virginia State Bar Association at Roanoke, Va., June 11, 1971, made it clear that Presidential authorization of national security wiretapping meets the constitutional test of reasonable search and seizure and that such surveillance is necessary to permit the President to fulfill the obligations of his office.

Mr. Mitchell pointed out that, "to deny the President the means of obtaining intelligence on which to base actions in defense of the Government would be denying him powers essential to the discharge of his oath," and that all major countries use electronic surveillance for national security.

The Attorney General's remarks on this important subject are of great value to all Americans and worthy of wide distribution in their entirety. I therefore ask unanimous consent that they be printed in the Record and commend them for reading by all Senators.

There being no objection, the address was ordered to be printed in the Record, as follows:

Wiretapping and Our National Security

You have all, I am sure, heard and read a great deal in the past few months about one of the most controversial legal issues of recent times—that of national security wiretapping without a warrant. Because it involves the right to privacy, which all Americans cherish highly, and which this Government is dedicated to protect, the subject is fraught with deep emotional overtones.

The controversy has raged, both in the courts and in the press, and will continue to do so until the Supreme Court speaks to the issue. I would like to explore this issue with you, in hopes of dispelling some of the misconceptions that have arisen.

At the outset, let us consider the stakes involved in the Government's use of electronic surveillance in national security cases. Our success in counteracting hostile intelligence forces and domestic revolutionary elements depends on our ability to learn what they are doing. A key factor in accomplishing this has been the selective use of wiretapping.

The value of wiretapping in combatting foreign-directed espionage and subversion is widely recognized; it has been an integral part of the counter intelligence program of every major country.

The threat to our society from so-called "domestic" subversion is as serious as any threat from abroad. Never in our history has this country been confronted with so many revolutionary elements determined to destroy by force the Government and the society it stands for. These "domestic" forces are idealogically and in many instances directly connected with foreign interests.

In a speech on electronic surveillance Lewis F. Powell, Jr.—one of the nation's most distinguished attorneys and a former president of the American Bar Association—had this to say:

"The distinction between external and internal threats to the security of our country is far less meaningful now that radical organizations openly advocate violence. Freedom can be as irrevocably lost from revolution as from foreign attack."

In recent times, this nation has witnessed ever-increasing numbers of acts of sabotage. In August 1970, a bomb exploded in Sterling Hall at the Madison campus of the University of Wisconsin, killing one individual and causing damages estimated at three million dollars. The wave of terrorist bombings reached a climax with the brazen bombing of the U.S. Capitol early this year. These are not isolated incidents. According to the statistics of the National Bomb Data Center, in the ten-month period from July 1, 1970 to May 1, 1971, there were 1,378 bombings in this country—the vast majority of which were related to sabotage of the Nation's military efforts. In these bombings, 106 people were injured and 14 people were killed.

The selective use of wiretapping has been a vital part of the United States Government's defense against subversion for the last three decades. It has led to identification of hostile intelligence officers and their contacts and agents in the United States, disclosure of potential or actual defectors among U.S. nationals, detailed information concerning the *modus operandi* and intelligence methods of hostile agents, and exposure of connections between "domestic" subversive groups and foreign interests.

The argument for national security wiretapping does not rest on necessity alone; it has a very firm legal basis. It is this legal basis that I would like to emphasize in my remarks today.

In this Nation, the Government is constituted by the people and charged with the responsibility, in the words of the Preamble to the Constitution; "to insure the domestic Tranquility, promote the general Welfare, and secure the Blessings of Liberty." Overthrow of this Government by force and violence would be utterly inconsistent with the peaceful means for change provided by the Framers, and would deny to each citizen these securities to which he is entitled.

The Constitution designates the President as the Chief Executive and obligates him to "preserve, protect, and defend the Constitution of the United States." When the President enters upon his office, Article II, Section 1 of the Constitution requires him to solemnly swear that he will fulfill this obligation. This oath obviously does not refer to the defense of a piece of paper, but to the defense of the actual operation of the Constitution in prescribing the guidelines of Government. Were the President to permit the overthrow of that Government by unconstitutional means, he would be violating his constitutional oath. Nor does the President's oath differentiate between foreign and domestic enemies, requiring him to protect the Constitution against one but not against the other.

The Constitution of the United States cannot possibly be construed as containing provisions inconsistent with its own survival. It is the charter for a viable governmental system—not a suicide pact. Thus, a Presidential decision as to the steps to take in averting a clear and present danger to the national security cannot and should not wait until actual attack, sabotage, or insurrection have occurred.

Accordingly, the President has an obligation to collect, in advance and on a continuing basis, whatever information is reasonable and necessary for present and future decisions in using the forces at his command. No less can be expected of him if he is faithfully and dutifully to exercise his constitutionally imposed responsibility to protect the national security.

Persons intent on using illegal means to change or alter our form of Government do so covertly, and information as to their activities often can be obtained only in a covert fashion. Wiretapping has proven to be an effective method for obtaining such information.

The wiretapping question has been evolving in the courts for many years, and has been presented in various forms. Generally, these cases can be reduced to two prototypes: (1) wiretapping to obtain evidence in the enforcement of penal statutes, and (2) wiretapping to provide necessary intelligence information on a continuing basis to assist the President in discharging his duty to assure and preserve the national security.

In its landmark decision in *Katz* v. *United States,* rendered in 1967, the Supreme Court held for the first time that a wiretap initiated for prosecutive purposes in a criminal case constituted a search and seizure within the meaning of the Fourth Amendment. The Fourth Amendment does not proscribe all searches and seizures, but only those which are found to be unreasonable. Consequently, if it meets this test of reasonableness, wiretapping is a permissible governmental tool.

The Department of Justice has recognized that, when prosecutive information in a criminal case is sought, electronic surveillance—like most searches and seizures—requires a prior judicial warrant. In the litigation currently evolving in the courts, the Government has taken the position that the reasonableness standard of the Fourth Amendment is a flexible one and does not require in all cases that a warrant be obtained. It is our position that compelling considerations exist when the President, acting through the Attorney General, has determined that a particular surveillance is necessary to protect the national security and that under these circumstances the warrant requirement does not apply.

It should be recognized that the Supreme Court has repeatedly held that under exceptional circumstances searches are reasonable though no warrant has been obtained. We believe that national security surveillance is of an exceptional nature and falls within this limited category. Pertinent here is the Court's explicit recognition in another case that "in applying any reasonableness standard, including one of constitutional dimension, an argument that the public interest demands a particular rule must receive careful consideration." The Supreme Court has never passed on the question whether "national security" surveillance is reasonable when conducted without a warrant, but Justice White, concurring in *Katz*, has written:

"We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General has considered the requirements of national security and authorized electronic surveillance as reasonable."

The Congress has recognized that national security cases involve such compelling considerations. In response to the *Katz* decision Congress enacted detailed wiretapping legislation in the Omnibus Crime Control and Safe Streets Act of 1968. In that legislation the Congress specifically set forth the standards that govern the granting of warrants for electronic surveillance in criminal cases. The Congress, however, carefully avoided imposing the warrant requirement in national security cases by including a provision in the statute which explicitly recognizes the President's authority to conduct such surveillances.

It is our position, given the long-standing practice of the Executive and the Congressional recognition of the necessity for distinguishing between wiretapping in ordinary criminal cases and in national security cases, that warrantless national security surveillances are reasonable within the meaning of the Fourth Amendment.

We have not argued against the need to get authorization for such a wiretap. Instead, we maintain that in national security cases the authorization required by the Constitution is that of the President of the United States, acting through his Attorney General, rather than that of a local magistrate.

It is not claimed that the President is exempt from the provisions of the Fourth Amendment, or that his discretion is unbridled. For any abuses of the power, the President is answerable not only to the electorate from whom all his powers are ultimately derived, but his decisions may also be reviewed by the courts in appropriate *in camera* proceedings. We simply say that the President's authorization of electronic surveillance for gathering intelligence in national security cases meets the requirement of reasonableness in the Fourth Amendment.

There are sound reasons for confining the authority to order electronic surveillance in national security cases to the President rather than to a multitude of lower court judges. The nature of the sensitive information involved in national security cases is not susceptible to evaluation by persons untrained in national security matters or to wide dissemination to persons not authorized by law to receive such information. Only the President is in a position to evaluate adequately such information in the light of various intelligence data submitted by the independent agencies within the intelligence community. We submit that the President, by virtue of his office and sources of information, is in a far better position than any magistrate to determine the need to initiate surveillance where the national security is at stake.

But if the authority to issue a warrant in national security cases is to be vested in magistrates only, the United States is left essentially with two options:

(1) To make disclosure to any one or more of over 600 members of the Federal judiciary who in most instances cannot be expected to have the necessary background to analyze the significance of the information disclosed or the necessity for the intelligence sought, or

(2) To become the only nation in the world unable to engage effectively in a wide area of counter-intelligence activities necessary to the national security.

These alternatives do not adequately protect the interests of privacy or of the security of citizens of the United States. Neither alternative, we submit, is acceptable and the Constitution does not require that we accept them.

It has been argued that the President might abuse his power to authorize national security wiretapping. This is put forward to challenge the "reasonableness" of a Presidential authorization, under the Fourth Amendment, and to insist that such authorization be made by the judiciary. Yet the courts that have questioned the constitutionality of the Presidential authorization on this ground are showing a remarkable inconsistency, which I will explain.

In 1803 the U.S. Supreme asserted its power to declare an act of Congress unconstitutional in the case of *Marbury* v. *Madison*. Chief Justice John Marshall emphasized that a Federal judge is required by his oath of office to discharge his duties "agreeably to the Constitution and laws of the United States." How could he do this, Marshall asked, if the Constitution "is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."

In challenging the President's power to authorize national security wiretapping, the Sixth Circuit Court of Appeals reasserted the power of the courts to make such judgments of constitutionality, drawing heavily on the *Marbury* v. *Madison* opinion. Yet the very argument of the courts' obligations under oath made in *Marbury* v. *Madison* must apply as well to the President's obligations under *his* oath—the more so since his oath is prescribed in specific words in the Constitution, while the judiciary's oath is not. The President's oath obligates him to "preserve, protect, and defend" the Constitution and the U.S. Government. To deny the President the means of obtaining intelligence on which to base actions in defense of that Government would be to deny him powers essential to the discharge of his oath. If this is the real state of things, to borrow Marshall's words, "this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."

Since electronic surveillance is an effective means of gathering intelligence in national security cases, and is used by all major countries for such purposes, the President would be derelict if he did not use it where necessary and appropriate in defense of the constitutional Government.

Thus to claim that the President might abuse this power is the same as claiming that there should be no office with such power—an obviously self-defeating proposition. It is the same as arguing that the courts might abuse the power of constitutional review that Chief Justice Marshall found implicit in *his* oath. Such an argument was effectively answered not only in Marshall's *Marbury* v. *Madison* opinion, but also a number of years earlier by Alexander Hamilton, who wrote that "if it prove anything, would prove that there ought to be no judges."

Are we, then, to trust the courts to fulfill their oath of office without abusing it, but not trust the President in fulfilling his oath? Clearly the hard questions of government must be decided by someone. To withhold such basic powers from the President on the ground that they might be abused is to argue, in a paraphrase of Hamilton's words, "that there ought to be no President."

Finally, the distinction to which I alluded earlier—that between wiretapping in criminal cases and wiretapping in national security situations—is not the one that some lower Federal courts have today chosen to draw. Rather, they attempt to justify a distinction between so-called "foreign" national security wiretapping and so-called "domestic" national security wiretapping.

The use of the terms "foreign" and "domestic intelligence" and "foreign" and "domestic organizations" has resulted in a great deal of confusion and has created a dichotomy, which cannot be supported in law or fact. There is no dividing line between hostile foreign forces seeking to undermine our internal security and hostile "domestic groups" seeking the overthrow of our Government by any means necessary. I don't see how we can separate the two, but if it were possible, I would say that history has shown greater danger from the domestic variety.

As a legal proposition, what difference is there between the threat posed to the security of the United States by those who act as agents of a foreign power and that posed by an allegedly "domestic" organization? The Constitution requires the President to swear that he will "preserve, protect, and defend the Constitution of the United States." It does *not* say that he will "preserve, protect, and defend" it only against foreign agents, and that he must permit all others to destroy it if they will. It makes no distinction in its charge of responsibility to the President, and he can make none in his sworn duty to carry out that charge. You cannot separate foreign from domestic threats to the Government and say that we should meet one less decisively than the other. Either we have a constitutional Government that can defend itself against illegal attack, or in the last analysis we have anarchy. I firmly believe that the Constitution does not contain the seeds of its own destruction. Rather, it provides an enlightened basis by which man can prove that he can maintain both his freedom and his Government.

ARTHUR PILLSBURY DODGE AND HIS MOTOR CAR

Mr. McINTYRE. Mr. President, transportation is such a vital and basic part of our system—in fact, it is hard to believe that our Nation could have achieved its present place in the world without transportation—that one would think that the complete and full story of transportation had been written.

But new phases of the transportation story are continually being told. The distinguished writer, adventurer, and explorer Wendell Phillips Dodge has recently written another chapter of the distinguished career of his father, Arthur Pillsbury Dodge. The article, entitled "Arthur Pillsbury Dodge and His Motor Car," was published in the well-known New Hampshire Profiles.

In this article, Wendell Phillips tells the interesting story of his father, who was primarily a writer and editor, meeting George Pullman, the developer of the Pullman car, and out of this coming the senior Dodge's involvement with the development of a steam-driven automobile back in the latter years of the 19th century, long before the gasoline-engine car became the transportation mode of our country.

Mr. President, the Dodge family, which comes from New Hampshire, has a long and productive career which has many times been the subject of articles on their accomplishments. My predecessor in the Senate, Styles Bridges, entered material about the Dodge family in the CONGRESSIONAL RECORD nearly two decades ago. I am pleased to add to the legacy of information concerning this famous family and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTHUR PILLSBURY DODGE AND HIS MOTOR CAR

(By Wendell Phillips Dodge)

My father, Arthur Pillsbury Dodge, was of the eighth generation of Richard Dodge who came to America from England just nine years after the Mayflower landed the Pilgrims at Plymouth, Mass.

He was born in Enfield, N.H., on May 28, 1849, and later was a drummer boy in the New Hampshire Regiment, commanded by my grandfather, Col. Simon Dodge, who was also born in New Hampshire.

With only little formal schooling up to the age of 16, he landed a job as a reporter on the old *Manchester* (N.H.) *Union*, now the *Manchester Union-Leader*.

Further educating himself, he eventually studied law and was admitted to the New Hampshire Bar in 1879, and the following year to the Massachusetts Bar. One of his earliest prospective clients was none other than Mary Baker Eddy, whose stormy career before and after she founded the Christian Science Church kept her in and out of the law courts. After consideration of the case, Dodge decided not to take it on.

During this period my father had been searching for what he referred to as "the Truth" in religion, and he attended many Protestant churches in an effort to find it. He was a Sunday-school teacher and active church worker. This universal Truth, he felt, consisted primarily of man's love of and service to God.

While still practicing law for many years in Boston, my father embarked upon a second career as a magazine publisher. This was in 1886, three years after I was born.

He founded the *New England Magazine*, with the famous Dr. Edward Everett Hale ("Man Without a Country") as editor-in-chief. This publication became the forerunner at that time among literary-historical periodicals in America. It was soon followed by Arthur Pillsbury Dodge's additional publications, *Bay State Monthly* and *Granite State Monthly*. All three magazines were under the same editorial direction, and featured historical articles and illustrations pertaining to these New England states.

Eventually, feeling that he must reach out further and cover the entire United States, Dodge thought of a new and different kind of magazine, designed after a lifelong idea, "to educate the public unawares."

To do this, however, required capital. He found that he could not raise anywhere near the amount of money it would require in ultraconservative New England.

So Dodge, at 40, decided to follow the "Go West, young man" advice of Horace Greeley. Some well-known persons representing a party of capitalists and noted men of letters, urged him to go to bustling Chicago to raise the money to publish his "dream" magazine. He immediately wrote to George N. Pullman, the multi-millionaire inventor and manufacturer of the Pullman Palace Sleeping Cars and the Pullman Palace Parlor Cars which were in use on almost all of the numerous railroads in the United States. The year was 1891.

Dodge was invited to visit Pullman in the Chicago suburb named for him, and hurried there from Boston. Dodge told him about his desire to publish a great national magazine. Pullman listened attentively to all that my father had to say, all the while studying him with what proved to be rare insight.

Finally he took Dodge by the arm and said, "Come along with me to my experimental workshop. I want to show you something that I think will interest you."

They walked together from the palatial home a short distance into the vast yards and numerous workshops of the great Pullman Palace Car Company. Entering one of the buildings, Pullman led his guest to a far corner where standing on a railroad track extending into the workshop was what he called his "white elephant."

He told Dodge he wanted him to "take it off his hands"; then they would go further into the idea of the magazine "to educate the public unawares."

The "white elephant" was a rather ugly-looking street-car high up over a kind of steam locomotive truck and wheels with connecting rods and pistons. Pullman said he had become interested in an idea of a steam-driven motor car brought to him by a New Orleans engineer by the name of Eugene H. Angamar. Pullman had installed Angamar in the experimental workshop and told him to "go ahead" with his idea. Angamar was provided with all the tools and equipment he needed and was placed on the regular company payroll to enable him to devote all of his time and attention to his project.

After some months Angamar completed the work on his steam-driven streetcar, and then suddenly died. Neither Pullman nor any of his engineers and car builders knew what to do with it.

"Look here, Dodge," said Pullman, "while listening to you, I suddenly got the hunch that you are the one to tackle the job. Go to it, and when you have finished with it, we'll have another talk about that magazine of yours."

Dodge was non-plussed. He had never displayed any particular ability or liking for tinkering with anything of a mechanical or engineering nature. But his mind was on his own great quest, and he had hopes of landing Pullman for his financial backer in publishing his magazine. He told Pullman he would give it a try.

In a few days, after studying Pullman's white elephant, he told him that he thought he could "train it" for him.

Looking at that first Angamar motor car, Dodge thought that as a streetcar it didn't look like much. But he was playing for high stakes, and Dodge reported to Pullman that his white elephant had perked some ideas in his mind.

"Fine," said Pullman, "I knew you could take over for me, and when you finish the job we'll talk again about your magazine project."

Reading had always been a hobby with my father, and among his favorite books to ponder over was Alexander von Humboldt's monumental scientific work, *Cosmos: a Sketch of a Physical Description of the Universe*, translated from the German.

With the great von Humboldt as his "teacher," Dodge set to work. In looking for a way in which a body in motion can best manifest energy, he found his answer in what Humboldt had reported of Newton's laws of dynamics.

Finding by his experiments on the steam-driven car in the Pullman shop that only a very small fire was necessary to keep superheated water at a continuous temperature of 300 degrees, he placed a small fire box within the boiler under the car body. This fire box was so small but heated the water in the boiler so efficiently that the car was then ready to run 20 or more miles, with neither the steam nor the fire requiring any attention.

Anthracite coal in Dodge's small boiler fire box emitted no appreciable gases, far less, actually, than the exhaust of a single automobile. The water in the boiler, converted into steam in the ordinary locomotive manner, passed directly through the cylinders.

By this time Dodge had also invented an atmospheric condenser.

Pullman was so elated, he lost no time in arranging with the Chicago traction magnate, Charles T. Yerkes, to permit Dodge to operate, for experimental purposes, his initial car—the Angamar Motor to which the first Dodge inventions had been added, except for his not-yet-built condenser—on the West Madison Street cablecar line in Chicago.

A very old and faded photograph of this first experimental streetcar, still carrying Anagmar's original ugly smokestack in front, is shown here. George M. Pullman may be seen sitting in the center of the car, attired in his customary high hat, and Arthur P. Dodge is standing on the rear platform of the car.

In 1894 the great railroad strike, led by the big-time labor leader, Eugene Victor Debs, began in the works of the Pullman company. Union men throughout the country refused to handle Pullman cars, which almost invariably were attached to mail trains, and the transportation of the United States mail was held up. There was much rioting and destruction of property and the mail service was completely disorganized. President Grover Cleveland was obliged to order a detachment of Federal troops to Chicago to calm the situation.

With his perfected stored-steam kinetic motor car still running on the Madison Street cablecar line, and still hopefully looking forward to George M. Pullman's anticipated financial support for the publication of his magazine, Dodge was admitted to the Illinois Bar while the nationwide railroad strike was still on, in 1894.

In 1897, at the age of 66, following a long illness, George M. Pullman died, and Dodge's plans for a magazine to teach the masses went with him.

In the meantime Charles T. Yerkes made an offer to buy my father's controlling interest in his Kinetic Power Company, for $10 million cash, the deal including, of course, all of his numerous patents, including those taken, or to be taken out, in all foreign countries. To the chagrin, as well as dismay, of my mother, he refused Yerkes' offer, and instead went to Boston and organized and incorporated his Kinetic Power Company under the laws of the State of Maine. Its main office was on Milk Street, Boston.

Again failing to get beyond first base in Boston's financial circles, my father returned to Chicago and had our household furniture and goods packed and shipped to New York. Here he endeavored to get his Dodge stored-steam kinetic motor cars installed on the old Manhattan Elevated Railroad lines which were operating under steam with miniature regular steam locomotives, and sending out a display of smoke, steam, sparks, and cinders.

Dodge managed to interest Cornelius Vanderbilt, Jr., and his brother, William K. in his enterprise, along with that picturesque old Wall Street genius, Russell Sage, and a few others.

But the all-powerful Gould interests were strong for electrifying the Manhattan Elevated, operating over Sixth and Ninth Avenues, and Third and Second Avenues. A fight ensued, and actually went on for a long time. Finally, the electrical interests won out.

In the meantime, Dodge purchased a small street railroad, the Babylon (Long Island) Street Railroad, which operated horse-cars in the summertime only. He did this in order to have his own railroad on which he could demonstrate for prospective financial backers the operation of his Kinetic motor cars. He also had built a rather luxurious car which he operated for some time on the Detroit & River St. Clair Railroad.

While adding further improvements and obtaining patents on them, Dodge had an opportunity to purchase a finely located factory plant on the banks of the Delaware River. It was three miles wide at that point, and fronted right on the main-line tracks of the Pennsylvania Railroad, with tracks on a siding directly into the plant. This was some four and a half miles north of Wilmington.

Then my father bought a small farm a short distance away, up a hill from the Delaware River and the Pennsylvania Railroad main line to Washington, D.C., and points West. Its northern and western boundary bordered one of the great Du Pont estates in Bellevue, Dela., and consisted mainly of a large peach orchard, and several wonderful cherry orchards of all varieties. This became our summer home, and a place for my father to take important men to see his latest kinetic motor cars.

With the tremendous interest in electrifying street railroads and elevated railroads, along with the 1907 Wall Street Panic, Dodge's fortune was wiped out completely, and he was obliged to unload everything he could. This meant selling the Riverside, Dela., manufacturing plant, and eventually, too, the immensely valuable railroad franchise covered by that granted by the State of New York for his tiny Babylon Street Railroad.

This property was so valuable because Gov. Theodore Roosevelt had signed into law a bill permitting the running of Kinetic motors on any part of any surface railroad. So far as Dodge's Babylon Street Railroad franchise was concerned, this meant that the bill would permit the extension of its lines of railroad operation *to parallel any existing railroad within the State of New York!*

This was big, and the Wall Street financial interests, particularly the railroad tycoons, knew it. So they just sat back and waited for Dodge's next move, knowing that his back was against the financial wall. Finally, he had to let this bonanza of a railroad franchise go "for a song."

During these years, however, Arthur Pillsbury Dodge had become so engrossed in the Bahaii Religious Movement for the Unification of all Religious and Religious Beliefs, and the Establishments of Universal Peace on Earth, that money did not matter to him any more. His home in Manhattan became a Mecca for learned men from Persia, Arabia, Syria, the Holy Land, Palestine, and India.

So, after having sought for so many years for what he called "the truth" in religion, Dodge now felt that he had achieved his goal. He was content, even without the $10 million he could have obtained from the Chicago traction magnate, Charles T. Yerkes, and perhaps many more millions from his Kinetic motor with extensive patents in many other countries; even without having brought to fruition his great idea of a national magazine.

Most of the time and effort of Arthur Pillsbury Dodge from then on until his death in 1915 was given to spreading the Bahaii Cause. In this way, it would seem, his life-long prayer to "educate the public unawares" had finally been answered.

REMINISCENCE

In his reminiscences of his father, the author wrote so interestingly of some of his other ancestors, we felt compelled to include some of his remarks.

The first Dodge to come to America sailed from Gravesend, England, in 1629, and settled in what became Salem, Mass. The 120-ton, 8-gun *Lyons Whelp* was under the command of a Captain Cox and she carried a total of 125, including mariners and planters. She sailed with the *Talbot*, which carried among her provisions "meale, outmeale, pease, and munitions" to last a year.

Among the long list of Dodges who served in the Revolutionary War and Colonial Wars was Richard Dodge of Wenham, Mass. Later, as a major, this same Dodge served with distinction at the Battle of Bunker Hill.

Other famous Dodges include Gen. Grenville M. Dodge, builder of the Union Pacific Railroad, the first transcontinental railroad in the United States.

The author, himself a native of the Granite State, is a well-known explorer. He is one of only a few living men who have sailed round the world on a square-rigger. He was also one of the first white men to drive a camel caravan across the Syrian and Arabian deserts to Persia.

IRVING ABRAMSON

Mr. CASE. Mr. President, on June 25 a dinner will be held in honor of an outstanding labor and civic leader from New Jersey, Mr. Irving Abramson.

A noted labor lawyer, Mr. Abramson's work in the interests of the workingmen and women of this country and his service to New Jersey and the Nation extend over more than 40 years. Among the posts he has held are regional director of the New Jersey-Maryland-Delaware Political Action Committee, president of the New Jersey State CIO Council and eastern area director of the CIO. He has also served with distinction in a number of State and Federal posts. During wartime, he served as a member of the executive committee of the National War Fund, on the Enemy Alien Board, and national chairman of the CIO War Relief Committee.

It is a pleasure for me to join with his many friends in honoring such a distinguished citizen of New Jersey.

ADDRESS BY REPRESENTATIVE ROBERT F. DRINAN

Mr. PELL. Mr. President, on June 12, I had the pleasure of hearing Representative ROBERT F. DRINAN of Massachusetts deliver the commencement address at Rhode Island College.

Because the thoughts he expressed were of such a compelling and original nature, I believe his views would be of interest to my colleagues and ask unanimous consent that the speech, "Rationality, Reasonableness, and the Reform of Government" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RATIONALITY, REASONABLENESS, AND THE REFORM OF GOVERNMENT

(Commencement address by Congressman ROBERT F. DRINAN)

When all the rhetoric of the proponents of the status quo and the advocates of social change settles out, the real question which emerges is *not* whether we need change in our society but rather the pace and the timing of that change. The vast majority of Americans, in other words, agree that we can and must do more for the sick, the poor, the aged and the culturally disadvantaged. Most Americans, moreover, would agree that their nation, the most affluent in the history of man, must share more if its resources through some international agency with the underdeveloped areas of the earth.

The one half of Americans who are under the age of 25 are understandably impatient and sometimes angry that poverty, widespread white racism and an incoherent foreign policy have not yet been corrected. While I applaud youth's sense of indignation at entrenched mediocrity and institutionalized injustice I would make a plea with students and their parents here today for two qualities, rationality and reasonableness. Let me talk with all of you about these attitudes both of which, in my judgment, are essential if any significant improvements in our social structure is to be realized.

RATIONALITY

The American nation is built on the concept that every generation must be able to find its place in the sun and not be dominated and imprisoned by the generations which went before. Your excellent education at this distinguished college has brought you abundant insights into this revolution of rising expectations which is so firmly built into the American dream. Indeed this wonderful institution is in itself a manifestation of that creativity which is required to bring about that peaceful revolution in every new generation.

The essence of that dream which has made America unique among nations is the mandate of loyalty to the nation's legal institutions as the collective expression of the considered rationality of organized society.

When these legal institutions offer no solution for manifest injustices the inevitable temptation is to reject rationality and turn to emotional slogans or, even worse, to take the course of impugning the motives of those individuals who will not change the institutions in order to make them more responsive to the legitimate demands of the people they are designed to serve.

Young people and students are perhaps more prone to have less patience with rationality than older persons. Young people demonstrate a remarkable candor, courage and consistency in pointing out the mistakes and the hypocrisy in the private and public morality of the generations ahead of them.

But young people—like all of us—tend to underestimate the inherent power to rationality and the enduring and abiding persuability of mankind. At this particular moment in our history I urge you, my dear graduate students, to continue to believe in rationality,—even when all reason has failed. If students, the future intellectuals of the nation, abandon faith in rationality we can hardly imagine the angry outbursts that await us.

I urge you also to combine reasonableness with rationality. By reasonableness I do not mean, of course, complicity with evil or compromise with injustice. By reasonableness I mean that quality which is possessed by those who are fully, deeply and profoundly persuaded of the rational norms and principles by which they seek to create a more human world. Those who are thus persuaded of the value of rational argument know that truth has a power of its own and that the bell of rationality rings louder than racism.

I urge you therefore to exalt rationality and its twin virtue of reasonableness. If you do, you will choose the political process over power tactics, and argument over anger.

My counsels apply, of course, to those who are older than these college graduates here who, we must always remember, will spend half of their lives in the next century! To the adult generation who now, by their opinion and their ballots, control the future of this nation I would urge, with all of the persuasion available to me, that they too must follow rational and reasonable methods,—even when it is clearly easier to indulge in scorn and repression.

As never before America is polarized by groups, both young and old, who have allowed their faith in rationality and reasonableness to be eroded by the shattering events and the developments of our day.

America has a moral consensus made up of a delicate distillation of religion, rationality and idealism. These elements continue in this country as the basc constituents of a nation with the oldest written constitution in the world.

The moral consensus which holds this nation together is now threatened as never before. Only a new birth of rationality and reasonableness can give a deeper meaning to this nation's moral being. I therefore ask each of you, in the name of America and in the name of all of humanity, to renew your faith in rationality and reasonableness.

To the two qualities I urge you to join courage—individual, costly courage. Students today often demonstrate a rare and raw courage. I hope that they will continue to do so. Courage, to be sure, may lead to mistakes. But the lack of courage leads to apathy and the frustration of every aspiration to create a better world by a creative revolution by rationality and by reasonableness.

Courage is the touchstone of the founders and great leaders of this country. They had the courage to move in new directions and to create rather than follow. Some of that courage hopefully has entered into your minds and hearts. May it remains there and grow deeper and bolder. Individual and informed courage is indispensable for the creation of a better world.

So in your lifetime it will be, in the ultimate analysis, the courage of an individual which will bring about a more human world.

I urge you therefore to intensify your role as the transmittors and the originators of the great creative moral ideas by which your world will be dominated.

Young people—and particularly those highly trained as these graduates here today are—have a better opportunity than ever before to become the moral architects of a better society. Now as never before—due largely to the courage of young people outraged at the barbarities and injustices tolerated by their elders—society is prepared to listen to those whose challenge its many institutionalized injustices.

I urge you therefore to be the conscience of society. I exhort you to cherish those feelings of anger and indignation and injustice as noble sentiments. I urge you to take as your unique and special role in the pilgrimage which begins today the reform of the political institutions of America. You can modernize and reform these institutions not by tearing them down but by participating actively in them as well-informed citizens and as voters who exploit fully the power of the ballot.

If you have these objectives in mind and if you pursue them in a spirit of devotion to rationality and reasonableness you will demonstrate that, in fact, the system *does* work. You can, in short, initiate the most important moral force ever experienced in all of the generations of American history.

AGRICULTURAL EXPORTS

Mr. DOLE. Mr. President, agricultural exports have expanded in the past 2 years, and all indications point to a recordbreaking year in wheat exports at the end of the marketing year, June 30.

In a recent editorial in the Great Plainsman, a magazine published by Great Plains Wheat, Inc., Joseph Halow, executive vice president of that organization, commented on how President Nixon and his administration have worked to increase exports, thereby assisting the farmers of the Nation.

The article is worthy of the widest dissemination, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEATALK

At a time when the U.S. wheat producer sees many indications of a downswing in the strong market he enjoyed during the past year, he may be pleased to note the attitude of the Administration with regard to farm exports, evidenced by a series of recent events. Although he may, on the one hand, be discouraged by reports of highly increased world wheat production, with a resultant diminished export potential, he may be encouraged by the Administration's awareness of the importance of agricultural exports and its apparent desire to maintain as high a level of exports as possible.

The fact that President Nixon designated a day, May 7, 1971, for a "Salute to Agriculture" must be indicative of the Administration's recognition of the role played by agriculture in the U.S. economy. Although some critics have attempted to dismiss this gesture as a political ploy, the fact remains that it did take place and it did call national attention to agriculture. Whatever his reasons, the President also pointed up the importance of exports to the agricultural economy, as integral part of the total U.S. economy. He called for an expansion of exports, citing the work of the cooperators in this field, and indicated an additional $1,000,000 would be granted the Foreign Agricultural Service for the foreign market development programs. Senator Bob Dole, National Chairman of the Republican Party, stated that farming ranks high among the President's domestic concerns, as evidenced by his recent radio address on agriculture and by the "Salute to Agriculture" day.

At the same time, a joint GPW–USDA team was touring Europe, headed by Dr. Carroll Brunthaver, ASCS Associate Administrator. Since Dr. Brunthaver's responsibilities are primarily with domestic farm programs, his heading a team concerned with exports indicates the USDA's interest in the export markets in determining domestic policy.

The importance of agricultural exports was again stressed quite firmly by Assistant Secretary of Agriculture Clarence Palmby in his statement before the Senate Finance Committee, Subcommittee on International Trade this May. Mr. Palmby also pointed out that our agriculture is "obviously international" and that our "domestic policies—our agriculture's day to day production and marketing decisions—are affected by the world market."

The new farm legislation, the 1970 Act, is referred to as a "market oriented" farm bill and is designed to facilitate exports; as a result, it depends on exports to be workable. It is logical to expect the USDA to want to compete to the fullest extent possible in the export markets. Considering the strong competition U.S. wheat is already facing in world markets and how this competition is being intensified, it is gratifying to note that the U.S. is planning also to aggressively pursue a strong export program.

In general, agricultural exports account for the disappearance of the produce of one out of every four acres farmed in the United States. For wheat, however, exports account for one-half of total disappearance, roughly equal to total domestic consumption for both food and feed. This fact clearly demonstrates the importance of wheat exports to the agricultural economy. The importance of agricultural exports to the total economy is also released by the Department of Agriculture on the U.S. trade balance for the first three quarters of the 1971 fiscal year. The figures showed a deficit of $200 million in our nonagricultural exports, which was offset by the positive balance in our agricultural trade. With U.S. agricultural exports at $1.6 billion over agricultural imports, the U.S. was able, despite the deficit in other trade, to show a positive balance of trade of $1.4 billion.

Total world trade in wheat during the coming marketing year will probably be reduced from the high level during the 1971 marketing year. Combined strong interest and efforts by the USDA, the U.S. wheat producers and the U.S. grain trade should help the U.S. participate as much as possible in the available opportunities.

IRVING ABRAMSON

Mr. MOSS. Mr. President, I take the floor to pay tribute to an outstanding public servant and great leader in the labor movement. Irving Abramson was born into poverty only to become one of America's foremost labor lawyers who performed invaluable and tireless service to advance the causes of economic service and social dignity for the American workingman.

Graduating from St. John's School of Law in 1930, Mr. Abramson was admitted to the New York State Bar Association in 1931. His was the task and honor of arguing significant Federal and State landmark labor cases. Frequently he testified before Senate committees where his valuable insight was much appreciated.

During World War II, Mr. Abramson was appointed to the executive committee of the National War Fund and served as chairman of the CIO War Relief Committee. In 1942, he personally received the Award for Freedom from King George. He has served his community well as a member of the New Jersey Rehabilitation Commission and the New Jersey Housing Authority.

Irving Abramson has been a prominent and central figure in the labor movement, serving as regional director of the New Jersey-Maryland-Delaware Political Action Committee, president of the New Jersey State CIO Council, and eastern area director of the CIO.

On July 1, at the age of 65, Mr. Abramson will retire as general counsel of the International Union of Electrical, Radio and Machine Workers.

At this time I feel it appropriate for this great body to recognize and pay tribute to an outstanding American.

TESTIMONY OF SENATOR JAVITS BEFORE JOINT ECONOMIC COMMITTEE

Mr. PERCY. Mr. President, too often in this fast-moving world, governments attempt to solve problems on an ad hoc, short-term basis. Lurching from crisis to crisis, we spend just enough time on the problems at hand to keep them from engulfing us completely. Too little effort is spent to develop comprehensive, long-term solutions; some of the most serious issues facing our Nation get the same "instant solution" treatment as we apply to the most trivial decisions of everyday life.

In this setting it is refreshing indeed to have the counsel of an experienced and knowledgeable leader who urges the long-term and comprehensive approach. This morning, testifying about the very serious international monetary situation before the Joint Economic Committee, Senator JAVITS urged the creation of an international Federal Reserve to adjust for the differences in economic activity among the nations of the world. Senator JAVITS' testimony also relates the problems we face on the international scene with such domestic issues as inflation, productivity, and adjustment assistance.

Mr. President, I believe Senator JAVITS' testimony this morning to be a most important contribution to the current debate on both domestic and international issues. I commend it to Members of Congress and ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JAVITS

As has been the pattern in the 1960's, the serious monetary crisis of last month—which is directly attributable to the persistent United States balance of payments deficit—briefly flashed across the front pages of the major newspapers of the world, soon to be forgotten. Only American tourists in Europe and those citizens in the market for a Volkswagen, Swiss cheeses, chocolates or watches, Dutch canned meats or Austrian glassware and machinery concretely realized that something had happened to the dollar and, in turn, the economic position of the United States in the world.

What is not as often realized is that the value of the dollar overseas and our deteriorating balance of payments position has a direct and immediate connection with the quality of workmanship and level of production in the United States. In turn this contributes to the stubborn high rate of unemployment here as well as to the growing protectionism in the United States. I am suggesting that the malaise of the dollar is symbolic of something deeper that is happening to the American economy—and the productive base of our country which is its real strength.

Unfortunately, there are times when political ends are better served by the Panglossian view that this is indeed the best of all possible worlds, and since it is the best of all possible worlds, the Executive and the Congress all too often postpone the pressing demands of economics until crisis strikes. Examples of this are the refusal of the Administration to take a position on "must" emergency loan guarantee legislation in 1970; yet it made an emergency appeal in 1971 for quick Congressional action on a proposed loan guarantee for Lockheed only. Other examples of the Panglossian approach to life include the stubbornness with which many Administration advisors have resisted the formulation of an effective incomes policy; also, the advice that led to the veto of legislation establishing an effective jobs program at the very time that unemployment was approaching record levels in this decade.

An appropriate question for this subcommittee to consider is whether the most recent patchwork on the international monetary and economic system will have any lasting value or whether again it is a temporary and fast-fleeting set of measures that will only lead to new crises in the years ahead. Fundamental to the answer to this question are the steps we are taking to restore the health and productivity of our domestic economy as well as the determination of whether the institutions and adjustment mechanisms established at Bretton Woods more than 25 years ago are adequate to the needs of the 1970s. If they are not, new institutions and new adjustment mechanisms will have to be devised.

In the broadest sense, these were the issues that the Congress was grappling with during the legislative consideration of the Trade Act of 1970. It is the issue now before the Senate Foreign Relations Committee as a new future mix of bilateral and multilateral assistance is being determined. It is the issue when there are calls for a greater regulation of the Eurodollar market and when, joining with Professor Kindleberger and others, I call for a new GATT for Private Foreign Investment. It is also the issue when this subcommittee did its pioneering work in support of the SDRs (Special Drawing Rights) as well as supporting the "link" between SDRS and development assistance.

Mr. Chairman, since I made a highly critical speech on May 12, I have been encouraged by some of the actions taken by the United States and by the governments of the world. These actions go beyond being a temporary expedient and give hope for charting permanent new courses.

Central, of course, to our future economic health and economic position in the world is the need to end the war in Vietnam which wastes human lives, economic resources, corrodes the national will and gravely imperils the unity of the United States. A growing consciousness among the people and the Congress that this war must now end and the steady withdrawal of forces by the Administration give cause for hope. In his testimony, Under Secretary Volcker made it clear that the structural deficit in the balance of payments of some $3 billion is exceeded by our continuing heavy military expenditures abroad. And I am hopeful that the withdrawal from Vietnam will lead to a different permanent approach to our foreign relations and foreign involvements.

My recent visits with Japanese and European leaders have also convinced me that burden sharing by others in terms of our mutual security interests as well as in foreign assistance programs aimed at bridging the gap between the "have" and "have not" nations increasingly will be the new order of the day. There are also some encouraging signs that Japanese political leadership is beginning to realize the implications of Japan's too-little-too-late foreign economic policies on the world's international economic order and on the long-term interests of Japan herself. It is to be hoped that Japan's recent positive actions in the trade and investment field will soon be complimented by forward-looking action in the monetary field that will bring Japan in step with the major industrialized nations of the world.

I am also encouraged by the Administration's recent moves toward liberalizing East-West trade with both the People's Republic of China and the Soviet Union and Eastern Europe. These moves hold promise for strengthening our nation's balance of trade position in the 1970s.

However, I am not convinced that the United States Government has charted its long-term goals in the international monetary area; and this is fast becoming a pressing imperative.

As indicated, last month we saw again the international monetary system seriously strained as the German authorities were forced to suspend trading in the mark, and then to let the mark float for the second time in a year. In each case, the mark was under pressure from an influx of foreign currencies, the vast preponderance of them dollars. It should be clear to all of us that in any future monetary crisis, it will again be the dollar which plays the central role and which bears the onus for what has happened. The reasons for this are not only the fact of our persistent and intractable balance of payments deficit, which reached an annual rate of $12-billion on a liquidity basis this last quarter. There is also the unavoidable fact that the world is now on a dollar standard and not a gold standard. Nor is it likely that we could ever turn the clock back to the gold standard.

The dollar is the vehicle currency for most of the world's international transactions; it it the intervention currency by which most foreign countries intervene in the exchange markets; it is also the most widely used reserve currency. With $43.7-billion in external liquid liabilities, the United States has spewed out an amount of dollars into the world which exceeds the $41.3-billion in all official holdings of gold.

It is now time to consider how to reorder the world's monetary system to deal with this now unavoidable fact.

I believe we must begin to take the necessary steps now to create a new world monetary order, based on production, rather than dollars or gold, and a new international agency which would be the counterpart in the international sphere of the Federal Reserve here at home.

I invite the Subcommittee to consider the chaos we would have in the United States were it not for the existence of a central authority for smoothing out differences in economic activity among the twelve regions of the Federal Reserve System. As the world gets smaller and more interdependent, we are headed towards the same kind of chaos on an international scale, now fed also by massive and seemingly uncontrollable dollar flows, if we do not start planning for an international federal reserve.

There was a time when prudent policy called for substantial dollar outflows; this Subcommittee knows all too well how this country wrestled with the dollar gap during the early postwar period. At that time we were trying to help a war-torn Europe and Japan back to economic viability. But that task was accomplished more than 10 years ago, and even then our continued deficits were becoming a matter of some concern.

We have now reached a different plateau. The role of the dollar has made every action of our domestic economic policy into an event with worldwide implications and effects. When the Fed eased up on its tight money policy last year, sending interest rates down, international bankers sent more than $8-billion in short-term funds out of this country as the world adjusted to this change in domestic policy. Similarly, when the Johnson Administration decided it could fight a war and poverty at the same time without the imposition of war taxes, it set into motion a demand-pull inflation which has now spread to most of the world's industrialized countries and profoundly affected the patterns of world trade.

If there are lessons to be learned from these events, the conventional wisdom has not yet caught on to them. I have indicated some positive steps that have been taken to strengthen the overall position of the United States in the international economic system. But in my view the proposals which have been made over the past year to improve the international montary system for the most part go no further than treating the symptoms rather than the cause. The symptoms, as this subcommittee knows, are sticky exchange rates, which do not change in relation to each other as relatively and promptly as we would wish; differential interest rates, which promote massive flows of short-term, interest-sensitive and speculative funds; and the U.S. payments problem.

But in addition to the problems of our domestic economy, another cause is the fact that we are living in a different world than we were at the time of Bretton Woods. We need a substantial overhaul of the present system if we are to survive the next 25 years.

Above all, we must get off the dollar as the key standard. The United States has too many problems at home to let our domestic policy determine the world's policy, and vice versa.

The Joint Resolution I recently introduced, and which the Chairman of this Subcommittee has introduced in the House, is meant to be a first step toward this sorely needed overhaul. And perhaps events will show that this step in substance has already been taken. The recent announcement of the formation of a new OECD group to consider international trade problems could possibly pave the way toward the revolutionary reform of the international monetary structure which this modern world demands. I am willing at the moment to concede that it could pave the way, provided it recognizes the central problem and does not shy away from revolutionary long-term solutions.

The central point is to realize that there is at the moment no alternative to the dollar, and that nothing promises an alternative. Unless we find an alternative, the record is clear that temporary solutions have had the effect of imposing more and more controls on international exchange transactions, and threatening the very foundations of the liberal trading policies that have so benefited the nations of the world since Bretton Woods.

In this context it is important for the major industrial nations to get together and map out a long-range plan for improving the system: a plan which will say to the world, "This is where we are going." I believe this act alone could impart a significant degree of confidence and stability into the system as it stands now.

This is not to say that I disapprove of the measures which have been taken by Treasury and Central Bank authorities here and in Europe to cope with the emergency which beset us in May. I particularly welcome the agreement of the Bank of International Settlements (BIS) and the European central banks not to add to their Eurodollar placements; their placements prior to this time have compounded the problems of our deficits. Future BIS actions hold promise for bringing some order into the virtually uncontrolled Eurocurrency markets.

The actions of the West Germans in letting the mark float within certain, unpublished limits represents a move which the IMF itself in its report on exchange-rate flexibility is on the way to condoning formally. In turn, the Belgian decision to institute a two-tier system for exchange transactions, while technically illegal under the IMF Agreement, has contributed substantially to reducing tensions in exchange markets and will give us a valuable case history as to the advisability of such actions in the future. I am encouraged that other nations are seriously considering this course of action.

Finally, the actions of the U.S. Treasury to undertake large scale borrowing in the Eurodollar market is the kind of short-term measure which in the future could help dampen the effects of large, temporary currency flows though it clearly cannot compensate for currency flows of the magnitude we saw this year. I would also place the Feds imposition of reserve requirements on Eurodollar borrowings in the same category.

But, I consider these as interim measures, and although I leave the details to the technicians, it is clear where a new monetary order must lead us.

Like the United States, which abandoned the gold standard in 1968, the new monetary order must be based on production, which is really the only true measure of monetary capacity. An essential part of a new monetary system, therefore, would be an agency with much the same control over the international supply of money as the Fed has at home. I do not believe we should insist that such an agency be part of the IMF. It may be impossible to work out such a broad reform within the Fund. I note for example, that the Bank for International Settlements has just this month set up an advisory "standing group" to control Eurodollar activities in somewhat the same way the Open Market Committee controls the supply of dollars in and out of the U.S. banking system.

Such a new international agency, however, would have to be given sufficient power to control the supply of official reserves in the world economy, and to prevent the misallocation of reserves and sharp currency flows which have plagued the monetary system recently.

Interim steps would be needed before an international Federal Reserve System could be established; the whole IMF system could not be revised overnight. Typically such steps would have to include interim measures to reduce the pressure on exchange rates, such as widening the bands around par. Other measures would have to be taken to cut off the world's dependence on any national currency such as the dollar, revising the gold clause of the Special Drawing Rights amendment, and abandoning our obsolete pledge to stabilize the dollar by freely buying and selling gold rather than by intervening in the exchange markets. As our dependence upon the dollar grew less and less, the role of some other common reserve standard would necessarily increase; another interim step, therefore, would be to increase subtantially the supply and role of SDRs in the international monetary order. And, with a goal in sight to rationalize and internationalize adequately the world's monetary system, what may need to be done about the "gold window" will be an incident, not a course.

We must keep in mind that during this time the free world's monetary relations will be undergoing a revolutionary transformation even if we do not attempt a basic reform of the IMF charter. The growth of a common European currency will present the United States with an economic rival whose monetary reserves and GNP could exceed ours by substantial amounts. Far from posing a danger to the United States, this development could make reform easier, especially insofar as it could supply an additional intervention currency for use in stabilizing the value of the dollar. But unless this development is accompanied by reform of the international monetary system as a whole, there is grave danger that a common European currency will become yet another tool for fostering a rival bloc to the United States in all monetary and commercial matters, thereby proliferating our present troubles.

As relative calm returns to the international exchange markets we shall be tempted to make the same mistake we have made after every other postwar monetary crisis; and that is to do nothing. This would be not ony tragic; it could be disastrous. Events have shown us that we ignore the basic flaws in the international monetary system only at our greatest peril. Each succeeding crisis turns out to be more severe than the one before, and the band-aids which we slap on the system to patch it up seem to give more quickly as the years go by.

I have come before the Committee this morning to urge a different approach—an approach which would show the world that we know where we are going both domestically and internationally, and give the world some confidence that we possess the means and the will to get there. We can and should start on this approach while the memories of last month—when the dollar itself was inconvertible in some countries for a while—are still fresh. It may be our last chance.

IRVING ABRAMSON—A DISTINGUISHED LABOR LEADER

Mr. HARTKE. Mr. President, Irving Abramson's decision to retire after having served labor for nearly 45 years will be a loss. A loss to the millions of workers he has stood by and served so well. However, like so many outstanding men, his efforts and contributions will always stand. The contributions themselves will stand as his tribute.

His service as an attorney has spanned many local, district, and regional labor organizations—as well as pension and welfare trusts.

Currently Irving Abramson is general counsel to the International Union of Electrical, Radio, & Machine Workers. Previously he had been general counsel to textile, insurance, and jewelry workers unions. Along with appointments by three Governors to public office in New Jersey, he served his country in wartime through his work for the Enemy Alien Board, and the National War Fund. For this work he received the Award for Freedom in 1942 from King George.

I know that Senators join me in expressing America's gratitude to Mr. Abramson. He has served tirelessly and well. His lasting contribution as a labor leader combined with his efforts as a public servant have earned for him our gratitude.

PRESIDENT NIXON RELEASES "McNAMARA" PAPER

Mr. DOLE. Mr. President, I voice the sentiment of most Senators in expressing satisfaction that the President is sending to the Congress the 47 volumes of the so-called McNamara papers as well as a classified study of the Gulf of Tonkin incident that led to the almost unanimous resolution that allowed President Johnson unlimited authority to escalate the fighting in Vietnam.

It is in the best interest of the American people that their representatives be given a look at these documents, unedited and unexpurgated by the press. I am confident that Members of Congress who are charged with studying them will walk the extra mile to avoid the release of information damaging to our Nation or our relationships with other nations.

Mr. President, this is the proper approach. It is not a proper approach to steal documents, to leak their contents, or to accept and print the information one may find in such stolen property.

This is not a question of freedom of the press. It is a question of honesty, integrity, and putting the interests of one's country ahead of personal gain or self-satisfaction.

The President is to be congratulated on taking this wise and logical step and in bringing Congress into partnership in this vital area.

IRVING ABRAMSON

Mr. CASE. Mr. President, on behalf of the distinguished Senator from Pennsylvania (Mr. Scott), I ask unanimous consent to have printed in the Record a statement by him in tribute to Mr. Irving Abramson, a leading labor and civic leader.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR SCOTT

Mr. President, I am pleased to join with the Senator from New Jersey (Mr. Case) in paying tribute to a leading labor and civic leader, Mr. Irving Abramson.

Mr. Abramson for more than 40 years has served the labor movement and has worked to provide better economic conditions for America's working men and women.

On July 1, Mr. Abramson will retire as general counsel of the International Union of Electrical, Radio, and Machine Workers. I join with his many friends in paying tribute to his service and to his accomplishments and to wish him well in the years ahead.

THE LAW OF THE SEA

Mr. PELL. Mr. President, on May 23 of last year, President Nixon came forward with a very far-reaching policy announcement concerning law of the sea matters. As chairman of the Foreign Relations Committee's Subcommittee on Oceans and International Environment, I welcomed the President's announcement and congratulated him and his administration on their fine efforts to develop meaningful solutions to all of the various outstanding law of the sea issues.

Within the past year a great deal has happened in the law of the sea field, all of which has culminated in the U.N. General Assembly's decision in December of 1970 to convene a third international law of the sea conference in 1973. In reaching this decision, the Assembly agreed that all outstanding issues—from the breadth of the territorial sea to the outer boundary of the continental shelf to coastal State fishery preferences—would be open for discussion and resolution at the conference.

In view of these developments and the forthcoming Geneva Law of the Sea talks, preparatory to the 1973 conference, I am announcing today that the Subcommittee on Oceans and International Environment is inviting the Secretaries of State, Defense, and Interior to appear before it on July 9 for the purpose of reviewing the steps that have been taken to implement the President's oceans policy and discussing where we go from here in view of the upcoming Geneva talks and the 1973 Conference.

I do not believe enough attention has been focused on these issues and the administration's proposals—and I am hoping that if the three Secretaries agree to appear together and discuss them, then they will receive the kind of public attention and congressional consideration which they frankly deserve.

After all, what is at stake here is the future of the oceans—which cover more than two-thirds of our planet. I happen to think that the administration has developed some very solid proposals on how this vast resource ought to be developed and how it ought to be administered.

I hope the administration feels strongly enough about its own proposals to give thorough and serious consideration to the subcommittee's invitation.

PREVENTION OF DRUG ABUSE

Mr. TOWER. Mr. President, I am extremely pleased to join in cosponsoring S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention within the Executive Office of the President.

The first step to the solution of a problem is the recognition that a problem exists. No one can seriously dispute the fact that drug addiction is a problem that is becoming more acute with each passing day. Tragic deaths from drug overdose were once front page news. Today, such deaths are statistics in the back pages. Drugs, once considered to be the blight of the central cities, are now the blight of the suburbs and middle America as well. Drug addiction was once found only among those with little education, but today drugs are found in our colleges, our high schools, and even our junior high schools. For a young Vietnam veteran, to return home once meant a return to the good life. Now, it can mean that he is entering a drug-dominated world of secrecy, short supply, ever-increasing dependency, and even crime. Drug abuse is a serious problem. It is robbing us of our most vital resource—the productivity, the usefulness, the industry, and the pride of our people.

President Nixon is to be congratulated for taking the initiative when he recently proposed special action in a message to the Congress. Recognizing the immense scope and the serious nature of the problem, he has presented a comprehensive program to Congress for our consideration. I hope that we will give the President's proposals immediate and careful attention.

The first part of these proposals that we have before us is S. 2097. It would authorize the executive branch to create a Special Action Office for Drug Abuse Prevention to be located within the Executive Office of the President. This office would have direct responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs. The need for such an agency is no longer debatable, for we can no longer approach this problem piecemeal or tolerage interagency squabbles. We must provide for a coordinated effort with mutual goals, objectives, and priorities.

Furthermore, such an office is necessary to implement a new approach to the problem. In the past, the majority of our efforts have been directed toward reducing the drug supply and increasing the effectiveness of our law enforcement. This approach is only part of the solution, since it directs itself to only part of the problem. This new agency will not be directly concerned with drug supply and law enforcement. It will primarily direct its attention toward rehabilitating drug addicts so that they can return to a useful and normal role in our society, toward educating the public concerning the dangers of drug abuse so that we can inhibit its growth, and toward researching drugs and drug abuse so that we will have the knowledge which is essential to combat the problem effectively.

The Special Action Office is an essential first step if we are going to successfully conquer this growing menace. We will soon be considering other items of legislation which would implement the remainder of President Nixon's proposals. We will need to act on these proposals in a positive and constructive manner if we are going to approach this complicated problem effectively and completely.

GOVERNMENT INTEGRITY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it seems to me that public confidence in public officials is one of the most important issues at stake when we consider ratification of the International Convention on Genocide.

The American people have always felt some distrust of professional politicians. There has always been the popular feeling that public officeholders must be held accountable to the people for their actions and lack of action.

And in the last few days, the people of our country have been given more cause to wonder about the honesty and good faith of its highest Government officials. Those who have read the recent New York Times and the Washington Post disclosures about the handling of the Vietnamese situation in Democratic and Republican administrations will know what I am talking about.

That is why I want to call the International Convention on Genocide to the close attention of Senators. Here is an opportunity for the Senate to take a step toward restoring public confidence in government. According to the Convention, genocide is defined as governmental acts motivated by the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such."

Surely we stand in unanimity against the crime of genocide. It is our job as Senators to make laws which conform to our beliefs, laws which protect the lives of people. Then why has not the U.S. Senate formally ratified the Convention on Genocide? Why will not the United States stand together with the 75 other nations which have already approved the Convention and made genocide a crime between nations and people?

Let the Senate publicly remove all doubts by ratifying the Convention on Genocide. If we believe that genocide ought to be classified as a crime, then let our acts conform to our beliefs. Let us demonstrate to the people of our country and the world that the U.S. Government joins proudly with other nations in defense of the fundamental human right to life.

Let us settle this question soon.

IRVING ABRAMSON

Mr. BOGGS. Mr. President, on July 1 Mr. Irving Abramson, a distinguished labor and civic leader, will retire as general counsel to the International Union of Electrical, Radio and Machine Workers, AFL–CIO–CLC. I am pleased to take a few moments to point out Mr. Abramson's fine record and convey to him my best wishes for a happy retirement.

Mr. Abramson was admitted to the bar in the State of New York in 1931, after which he began his long association with the AFL–CIO as counsel to many local, district, and regional labor organizations. During his long career, spanning more than 40 years, Mr. Abramson has served as general counsel to the Textile Workers Union of America, the Insurance Workers Union of America, the Insurance Workers International Union, and the Jewelry Workers International Union.

Mr. Abramson is well known and respected in my own State of Delaware for his service as regional director of the New Jersey-Maryland-Delaware Political Action Committee.

During World War II, Mr. Abramson was named to the Enemy Alien Board and the Executive Committee of the National War Fund, and served as national chairman of the CIO War Relief Committee. He also helped to establish Children's Village near London for victims of the blitz and received the Award for Freedom from Britain's King George.

Again, I congratulate Mr. Abramson on his humanitarian efforts and on his many outstanding contributions to the labor movement.

THE ORIGINS OF INFLATION

Mr. ALLOTT. Mr. President, the press is currently full of putative "revelations" about who in the last administration is responsible for what in our current array of discontents.

In today's Washington Post, Hobart Rowan addresses himself to the origins of the inflation that President Nixon has been fighting so diligently.

Mr. Rowan says this:

> It has long been an accepted fact—among Democratic as well as Republican historians—that the current inflation can be traced back to the failure of the Johnson administration to plan to pay for the war it escalated in midsummer of 1965.
>
> What becomes apparent now is that the inflation had its real inception even earlier, at a White House strategy meeting on September 7, 1964, when the air attacks against North Vietnam got official sanction.

Mr. President, I do not necessarily accept Mr. Rowan's assertions about the duplicity of the last administration. I think Mr. Rowan and others like him sometimes are unable to distinguish between dishonesty and honest confusion. The last administration may have been dishonest; it certainly was in the grip of a number of monumental confusions, especially concerning economic realities.

Mr. President, so that all Senators can consider Mr. Rowan's column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW VIETNAM MESSED UP THE ECONOMY: L. B. J.'S ECONOMIC AIDES WERE MISLED

(By Hobart Rowen)

Among the many persons misled by President Johnson, one can deduce from the Pentagon papers, were his chief economic advisers: by hiding the 1964 decision to open an air war against North Vietnam, and the April 1, 1965 commitment of American GIs for offensive action in South Vietnam, reasonable tax and budgetary moves were delayed for years.

As a result, Lyndon Johnson messed up the American economy, as he pursued his disastrous course in Vietnam. It's still in bad shape.

The papers published last week by The New York Times show that the Johnson Administration reached a "consensus" in early September 1964 to attack North Vietnam. There are no dollar-estimates to go along with the military decisions.

A check with the key Budget officials of that era indicates that they learned of the secret air war against Vietnam and the April, 1965, commitment of troops for the first time when they read it a week ago Sunday in The New York Times.

President Johnson allowed a picture to be built up of a troubled Chief Executive, bewildered by the burden that had been laid upon him. In the late spring of 1964, prior to the Gulf of Tonkin attacks on the Maddox and Turner Joy, this correspondent (then with Newsweek) was one of a couple dozen taking the regular press "walking tour" with LBJ around the backyard of the White House.

Talking about Vietnam, he suddenly stopped the walk and said with all apparent sincerity: "I don't know what the f . . . to do about Vietnam. I wish someone would tell me." His "candor" with top economic officials was on about the same level as that with the press. The documents show that on Feb. 1, 1964, covert military operations under the code name Operation 34A had already begun.

A few months later, the election campaign against Sen. Barry Goldwater was in full swing and Johnson's recurrent theme was: "You don't want to put *that* fellow's finger on the trigger, do you?" There were private sessions as well (I recall especially one in Orlando, Fla.) that made LBJ's commitment not to "get tied down in a land war in Asia" sound pretty convincing.

But now we know that all the while, it was a deceitful if politically productive performance; Johnson was re-elected, profiting from the caution coincident with the war decision of April 1, 1965, to guard against "premature publicity" or "any appearance of sudden changes in policy."

Among the Johnson "confidantes" who were sold down the river by this duplicity were the Chairman of the Council of Economic Advisers, Gardner Ackley, Treasury Secretary Henry H. Fowler and Budget Director Charles L. Schultze.

By the early fall of 1965, well-posted congressional sources such as Sen. John C. Stennis (D-Miss.) were saying that the following year's budget would run $10 to $12 billion over earlier estimates for fiscal 1967.

Yet, on Sept. 9, 1965, still working in the dark, Ackley made a speech in Philadelphia saying that figures "sometimes quoted in the press . . . can at this point only be pure figments of someone's imagination. The estimates we at the Council have put into our tentative projections do not even approach that order of magnitude."

On Oct. 5, 1965, Fowler went to a Chicago meeting of the American Bankers Association where he said: "If I thought defense was going to add $10 to $15 billion dollars to our fiscal 1967 budget, I'd be back in my office right now considering proposals for tax increases to pay for it." As the fiscal year moved along, the Stennis numbers proved all too accurate.

It was clear even then that Fowler and Ackley knew less about the war buildup than many of their contemporaries on the Hill and in the Pentagon. The announced military buildup as of July, 1965, was approximately 200,000 men. But, in a Nov. 28, 1965, column I wrote for The Post headed "Concealing the Costs of Vietnam" I quoted various sources as suggesting that the escalation was going faster. In that piece, I cited a report by Lloyd Norman, military correspondent for Newsweek revealing that the Pentagon was "pushing for—and predicting—a force of 400,000 to 500,000 men (in Vietnam) later in 1966."

There were plenty of people skeptical of the official Johnsonian estimates of war involvement in late 1965, but the proof of their intuition or sound judgment wasn't vindicated until publication of the Pentagon papers.

In June, 1965 (remember, the ground troop commitment was made secretly in April), the Johnson administration had the audacity to ask Congress for a mere $700 million supplemental appropriation for Vietnam. And in January, 1966, it was still officially estimating the fiscal 1967 cost of the war at $10 to $12 billion, instead of the real figures—twice that big. Month by month, as 1966 slipped into history, the Budget Bureau concealed from the American public what it knew was going on.

It seems hard to grasp in retrospect, but a Washington Post story of Feb. 4, 1966, reported that the day before, Fowler went before the Joint Economic Committee of Congress and warned that a tax increase or "harsher" measures than proposed by the administration "could throw the economy into a tailspin." Fowler's advice: "Go slow."

In retrospect again, the Federal Reserve Board and its former chairman, William McC. Martin, look very good in their historic controversy with LBJ over the discount rate in December, 1965.

The Fed, over Johnson's, Fowler's and Ackley's objections, raised the discount rate in December, 1965, after holding Martin off since October. LBJ called Martin to his Texas ranch and made a big issue of the Fed bucking the administration. But it was clear to Martin that a tremendous surge of war-based activity was giving the economy an inflationary thrust, without any compensating tax action. Martin got a sense from his friends in business that orders from the Pentagon were zooming, but he got neither guidance nor information from the White House.

It has long since been an accepted fact—among Democratic as well as Republican historians—that the current inflation can be traced back to the failure of the Johnson administration to plan to pay for the war that it escalated in midsummer of 1965.

What becomes apparent now is that the inflation had its real inception even earlier, at a White House strategy meeting on Sept. 7, 1964, when the air attacks against North Vietnam got official sanction.

It's a sad chapter in American history; it will make an equally sad footnote in the textbooks on economics. Economic advisers will always wonder whether they get the whole truth, half truths, or deceptive verbiage from the White House and the Pentagon.

CRIME ON CAPITOL HILL

Mr. CANNON. Mr. President, I desire to express my continuing concern over incidents of crime in the District of Columbia and, in particular, near the Capitol Buildings and Grounds.

A few days ago one of my summer interns was assaulted and robbed in the Capitol Hill area. This was not an unusual or isolated occurrence. Such crimes are committed every day.

On March 4 of this year, at a public hearing to consider the appointment of female pages in the Senate, I asked Chief Powell to furnish information about robberies, assaults, and other crimes which had occurred in the vicinity of the Capitol Buildings and Grounds during the previous 6 months. The reason for the request was to determine, as fairly as possible, what precautions should be taken in order to protect teenage pages from criminal attack while attending to their duties and traveling to and from their residences to the page school or the Senate Chamber.

Rapes, assaults, purse snatchings, and other incidents of crime from November 1, 1970, until March of 1971, numbered some 36 reported cases. In the words of Chief Powell:

> The area adjacent to our grounds, in which many of the page boys reside, is in a rather high crime area.

Senate Report No. 92–101 offered several recommendations to insure some degree of security to pages, but we forget that there are many other young employees of the Senate who are not covered specifically by those precautionary measures. The summer intern program brings to Washington each year large numbers of young college students, men, and women, who work in the Capitol, but who must find housing accommodations in this same high crime area. These young people, whose ages range from 17 to 21, deserve the same considerations and protections as pages, or any other employee of the Senate.

Mr. President, I urge all Senators to alert their young interns and other staff members to the dangers of walking alone in the District of Columbia, and to stress the importance of exercising special caution after dark. I would also warn them against carrying valuables, cash, or credit cards. I believe we owe all of our employees advance notice of existing conditions so that they will act with prudence and due care.

APPOINTMENT OF DAVID DOMINICK AS ASSISTANT ADMINISTRATOR FOR CATEGORICAL AND NATIONAL PROGRAMS, ENVIRONMENTAL PROTECTION AGENCY

Mr. **MATHIAS**. Mr. President, I join Senators in complimenting the Environmental Protection Agency and the administration for their fine selection of David Dominick as Assistant Administrator for Categorical and National Programs. It is true that many of us in all occupations have belatedly recognized the danger which currently threatens our air, our water, our food—our very living substance. But we do still have time. It is not too late to combat this ecological virus if we firmly dedicate ourselves to its amelioration and if we enlist to the battle men of the caliber and commitment of David Dominick.

As former Commissioner of the Federal Water Pollution Control Administration and as a man of proved ability in the Federal legislative process, David Dominick will contribute immeasurably to the work now being done by the Environmental Protection Agency. I look forward with eagerness to working with him in the future and, in congratulating him at this moment, I am fully confident that he will be in line for further accolades in the near future. Through the accomplishments of Mr. Dominick and the Environmental Protection Agency, every citizen in the Nation will be the true beneficiary.

Mr. **HANSEN**. Mr. President, David D. Dominick, of Coty, Wyo., was sworn in today as Assistant Administrator for Categorical Programs of the Environmental Protection Agency.

Because of the press of votes on the Senate floor, I was unable to attend the ceremony at the new Executive Office Building, but I take this opportunity to say how pleased I am that he is assuming such an important position with what is becoming one of the key agencies of the Federal Government.

Along with a very deep sensitivity for the environment, David Dominick brings a keen appreciation of the role and the importance that all of our resources must play in the strength and security of our country.

I feel confident that he will administer the laws and regulations of the Environmental Protection Agency impartially, and I am pleased to have this means to salute him as he assumes this important position.

WILBUR COHEN ON EXECUTIVE REORGANIZATION

Mr. **PERCY**. Mr. President, on June 14, Wilbur Cohen, former Secretary of Health, Education, and Welfare and now dean of the School of Education at the University of Michigan, testified before the House Government Operations Committee on the President's executive reorganization proposals. Mr. Cohen's testimony is of special interest, because of his personal experience and his insights into the operation of what is considered the most complex—and perhaps the most important—of the Federal executive departments. As Mr. Cohen noted, he has participated in the programs of the Department and its predecessor agencies for over 34 years.

Mr. Cohen's views on the creation of a large new Department of Human Resources (S. 1432) are thus important. His opinion is that the proposal for such a new department—which he would prefer to call the Department of Human Development—is valid. He argues that HEW is not unmanageable, and that the problem of size should not deter creation of a larger new Department of Human Resources. He said:

> It is not the size or number of products of an institution which makes it manageable or unmanageable. It is the lack of common purpose. It is the lack of competent staff. It is the lack of intelligent, able leadership. It is the lack of flexibility. It is the lack of a constant flow of new ideas and people willing to change, to experiment, to try new ways.

At the same time, former Secretary Cohen warns against breaking the department into competing, fragmented units representing a single constituency. "This internal competition is based on the notion that the more 'visible' a unit, the more money it will get from Congress, the more time and attention it will get from the Secretary." Mr. Cohen argues that no group of professionals or advocates of any single program should be able to freeze HEW's structure.

One of the most interesting elements of Mr. Cohen's statement is his strong advocacy of decentralizing departmental decisionmaking by strengthening the Department's regional offices. Mr. Cohen believes that—

> Regional offices should have more authority and more responsibility for decisionmaking, more power to earmark funds, and to make certain grants and contracts for vital projects. Our best men in Washington should take pride in accepting assignments in the field.

The Senate is fortunate in the fact that two of its Members that have leadership roles in connection with this legislation, have lifetime of expertise in the field of human resources, namely, Senator Ribicoff and Senator Javits, and will thus be in a unique position to evaluate and interpret this and other testimony to be presented to the Senate Government Operations Committee.

I ask unanimous consent that Mr. Cohen's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Executive Branch Reorganization Statement

(By Wilbur J. Cohen)

I spent 21 years in Washington as a civil servant in the Social Security Administration and the Department of Health, Education, and Welfare. After five years as a Professor of Public Welfare Administration at The University of Michigan, I returned to the Department of Health, Education, and Welfare as a Presidential appointee for eight years. I was appointed Assistant Secretary for Legislation in 1961, Under Secretary in 1965, and Secretary in 1968.

Contrary to the usual press reports, I was one Secretary who did not leave the Department frustrated or disillusioned. Nor do I believe the Department is a "can of worms" as it is frequently described by newspaper reporters who are always more eager to report on problems than on achievements.

I support the Reorganization proposals pending before you.

I do have some suggestions for change.

I prefer to have the Department called the Department of Human Development. I do not think human beings are a resource—they are not a means to an end; they are the beginning, the end, they are everything.

Secondly, I would prefer to have the three Administrators called Under Secretaries.

Third, I would like to see an Assistant Secretary for Consumer Interests.

The problems of H.E.W. in my opinion are not problems of scope or size.

Many of the problems involved in H.E.W. do not arise out of its size or scope but of other considerations such as:

1. Secretaries come and go with relatively short tenures; the men and women in Congress who control the legislative and appropriations committees have long tenures. Most Secretaries leave office before they find out who does what in the Department while influential members of Congress know more about the Department and how it really works than the Secretary.

2. Staff members of Congressional Committees know how to get the information they need before the Secretary and his staff know what the problem is.

3. Mr. Fogarty deliberately kept the top staff of the Secretary meager because he had little confidence in the ability and interest of the Secretaries in the problems he thought were important. This problem has tended to be remedied in recent years.

4. There is no latitude given to the Secretary to make any significant transfers of funds within the Department or between programs as needs fluctuate, nor is there any special fund to handle emergencies.

5. When there is a major change of parties, the incoming Administration is suspicious of the civil servants and it takes a good year or so before the new Secretary knows how to utilize the valuable and rich resources of the Department.

THE STEWARDSHIP

The Secretary of Health, Education, and Welfare holds a demanding, versatile, important, exciting and intensely human job. His is a splendidly rich and gratifying stewardship.

He is the only national official paid by all the people whose full-time job is to guard and strengthen the people's health, education, and social opportunities. His Department handles the major portion of Federal grants-in-aid funds for social programs. He administers the largest insurance program in the world. So the shape, direction and style of Department programs in many ways set the course for State, local and nongovernmental agencies.

The health, education, and welfare of the American people has become big—and urgent—business. As our Nation grows and expands, every sign points to its becoming a still bigger and more urgent business.

In 1970 about $200 billion, or 21.6 percent of our Nation's entire gross national product, went for health, education, and social services. These were not, of course, all Federal dollars, but a mix of State, local, Federal, and private funds. The Secretary of Health, Education, and Welfare is not charged with responsibility for all these funds and for the programs they make possible. Far from it—HEW expenditures represent somewhat less than a quarter of our total national social effort in these fields. A large and growing population, and ever more complex social forces will—and should—combine to make this figure go up in the coming decade.

The Secretary is necessarily concerned with large, sensitive issues of public policy. The Constitution gives major policy responsibility to the President and to the Congress. The

Congress is the Board of Directors of the Health, Education, and Welfare Corporation; the President is Chairman of the Board; the Secretary of Health, Education, and Welfare is the Executive Officer. Congress takes action by enacting laws. New needs constantly demand new laws; old laws constantly require repeal or change; programs demand efficient, imaginative, and dynamic administration. To achieve such administration, the Secretary of Health, Education, and Welfare must review and approve budgets, allocations, priorities. He must approve and issue innumerable reports and recommendations on topics ranging from prescription drugs to smoking, from the desegregation of schools to the payments made to people in need.

What's more, the Secretary must listen, must talk, and must consult about emerging national needs—with the President and with other Cabinet members, with the Director of the Budget, Civil Service Commission Chairman and members of Congress of both political parties. He must necessarily argue for increased appropriations because no budget is ever adequate to meet all the health, education, and welfare needs of a great and growing Nation. Many men and women, many young people concerned with social problems, bring him their views. For him, they are a valuable source of fresh approaches to existing problems, and a way of identifying emerging ones. His door and his mind must never be closed to new ideas, new priorities, new approaches.

As head of the Department which accounts for the largest part of the domestic budget, the HEW Secretary is one of the Nation's chief communicators. He must tell his fellow Americans about everyday health, education, and welfare problems—how to halt danger to their health—or how to improve their children's schooling—or how to restrain rising medical costs. They don't always listen, but they must have the chance to have the facts the Government obtains through their taxes. So the Secretary must be able to read and digest innumerable reports, memos, newspapers, and magazines; testify repeatedly before Congressional committees; answer all kinds of questions in letters, testimony and press conferences; propose new solutions to problems that have been with us since Biblical times; and in general report to the American people he serves on his stewardship.

No one can fill this stewardship according to a public administration text.

The Secretary must see and react to physicians, scientists, and other men and women rendering brilliant service to mankind. He also sees and reacts to the narrow jealousies of professional groups as they vent their parochial views on large and important issues. He watches the efforts of Congress as it works hard to meet national needs. He also watches Congressional conflicts or misunderstandings which may delay action on programs and money affecting the very lifeblood of his Department—and of all Americans.

He must be deeply concerned with the pages of statistics he receives regularly, reflecting gaps in the Nation's medical care, education, social security, and welfare. He must be just as deeply concerned with the handwritten letter on lined paper from the sick man, the student or teacher, the retired widow, and the mother with six children on welfare. They write him when they do not receive help elsewhere.

Urgent telephone calls and letters from Governors and Mayors, and business and labor leaders, give the Secretary their needs and views. At the same time he hears each day from a husband who wants to know how to pay for his wife's medical bill, from a mother whose child has been in a dispute with school authorities, and from parents and husbands or wives who, in a last effort to save their lives, want their loved ones to enter the Clinical Center at Bethesda. Sometimes these calls come to him in the middle of the night; his telephone never stops ringing.

The clock ticks fast in the United States—and at the Department of Health, Education, and Welfare. Every day almost 10,000 babies are born, over 10,000 young persons turn 21, and over 4,000 men and women cross the mysterious line labeled "aged 65." There are over 5,000 marriages and about 1,500 divorces. And each month the mail brings a social security check to over 24 million people and a welfare payment to 8,500,000 persons.

On an average day over 5,000 die, including over 200 infants. Almost 9 million persons are sick or disabled—2 million of them confined to hospitals or nursing homes. On an average weekday some 57 million boys and girls go to class in schools or colleges.

Every one of these people and every one of these events is of concern to the Secretary of Health, Education, and Welfare.

There have been nine Secretaries of Health, Education, and Welfare. I have served the shortest period—less than 1 year. But I have watched, and studied, and participated in the programs of this Department and its predecessor agencies for over 34 years. When I first reported for duty in 1934, I was paid $1,540 a year. I have worked under five Presidents—Roosevelt, Truman, Eisenhower, Kennedy, and Johnson—with different programs and different styles, or ways, of achieving these programs.

IS HEW MANAGEABLE?

In the early days of the Republic, the settlers hungered for the great freedoms—to speak, to think, to write as they pleased. This brought about a society unmatched in ability to learn, and to earn. Today, we strive to add to individual freedom by creating fuller opportunities in which it can be exercised.

The mission of this Department is the creation of these fuller opportunities for individual Americans. This mission calls for a unified approach to the problems of individuals, individual families, and individual neighborhoods. You cannot consider a child's health apart from his education, you cannot further a family's welfare apart from its health—or education. Fragmenting the department would only fragment its capability to deal with whole human problems.

Most of the vastly expanded health, educational and welfare services that are now provided by government—Federal, State, and local—are designed to supplement and to strengthen the family. Government now provides the education services that each family once provided for itself—and government provides infinitely richer and better education. Government provides a wide variety of health services—health education, health research, the elimination of pollution, the construction of hospitals, the administration of Medicare—and thus greatly adds to what each family can buy for itself. And government provides that security of income—either through social security or public assistance—that assures the welfare of the family. The family is the basis of American society and its well-being is the central objective of government social programs.

Still, from time to time, outstanding leaders in Congress or the different professions tell us that the Department of Health, Education, and Welfare is unmanageable and should be broken up.

Broken up how? A separate, cabinet Department of Education has its ardent advocates. So does a cabinet Department of Health, a Department of Human Conservation, and a Department of Consumer Protection.

I do not share the view that the Department should be broken up.

Those who would split HEW into separate parts feel their field of interest—education or health—is so vital to the national interest that it deserves more visibility and prestige. They want to have a voice in the highest councils of government. But if cabinet offices of narrower compass were created, each with its separate constituencies, the President would have to do work now performed by the HEW Secretary—balancing priorities, weighing alternatives, and making decisions about various programs for people. This would add burdens to an already overburdened Presidency.

If more cabinet offices were set up, the President would have more top officials reporting to him, and would have to add more staff in the White House to deal with them and coordinate their views and problems. Anonymous staff in the President's office or the Bureau of the Budget—no matter how able or how experienced—should not be, and cannot be, rsponsible to the Congress and the public for major policy decisions. So it might eventually become necessary to elect an Executive Vice President to work directly with Cabinet members and other high-ranking officials in the administration of domestic programs.

Those who argue for a Department umbrella covering more, not less, territory, stress that HEW's interests range far and wide. I think suggestions for a Department of Human Development—or something like it—are valid and should be carefully considered. The Department of Health, Education, and Welfare—often referred to as the Department of the People—should in any case operate in a larger orbit of total concern for human needs.

"We must beware of endless quests for different, cleaner separations and neater classifications for the formidable problem of human welfare. The trouble is that such problems do not yield to easy compartmentalization. They won't go away just because you put them in a separate box on a new organization chart. Like executive departments and agencies, Congressional committees find it harder and harder to maintain jurisdictional niceties when they are considering health and welfare legislation."

SCOPE, SIZE, DIVERSITY

To support the view that the Department of Health, Education, and Welfare is unmanageable, one would have to argue that the General Motors Corporation is unmanageable, or that the Governors of New York and California cannot possibly manage their States.

The operations of the Department of Health, Education, and Welfare compare favorably with those of any large enterprise, public or private. Social security is administered as efficiently as any private insurance company. The National Institutes of Health fund difficult research as efficiently as any business or university. And the Rehabilitation Services Administration has a return of $35 for every $1 it spends on a rehabilitated person.

It is not the size or number of products of an institution which makes it manageable or unmanageable. It is the lack of common purpose. It is the lack of competent staff. It is the lack of intelligent, able leadership. It is the lack of flexibility. It is the lack of a constant flow of new ideas and people willing to change, to experiment, to try new ways.

The Department of Health, Education, and Welfare has a unifying purpose, and has a cohesive concept pulling its several parts toward a common end—improving the quality of life for all Americans, increasing their options and so their freedom.

The Department has able and dedicated staff: including a Nobel Prize-winning geneticist; a half-dozen Rockefeller Public Service Award winners; and innumerable winners of other national awards. There is no doubt that as their programs grow, HEW's personnel can handle increased responsibilities. I do not believe there is any substantial merit in the argument that the scope, size, or diversity of the Department make it unmanageable. But the Secretary and his staff need additional help to lead and manage HEW effectively.

THE NEED FOR FLEXIBILITY

The Secretary must be able to organize and run his own shop.

Every Secretary faces pressure from organized groups outside the Federal establishment. If there is a special unit in the Department which deals with its concerns, that pressure group usually wants to raise the unit up the status ladder, to report directly to the Secretary or an Assistant Secretary. Children's groups want the Children's Bureau reporting to the Secretary, and senior citizens want the same for the Administration on Aging. Mental health advocates have urged that the Secretary move the National Institute of Mental Health out of the Health Services and Mental Health Administration, to report directly to the Assistant Secretary for Health and Scientific Affairs. This internal competition is based on the notion that the more "visible" a unit, the more money it will get from Congress, and the more time and attention it will get from the Secretary.

All these proposals have merit within their individual narrow domains. But no group of professionals, or advocates of any one program—no matter how worthy—should be able to freeze HEW's structure. If he is to do his job, the Secretary must be able to organize the whole Department so it can work in coordinated, effective and balanced ways, in the entire public interest. After all, the Secretary's decisions are subject to review and revision by the President, the courts, and various committees of both Houses of Congress—legislative, investigative, and appropriations. They are also subject to scrutiny by the press.

Public policy should not be determined by a bureaucratic pecking order. Priorities should be set by the Secretary, the President, and the Congress in terms of national needs. Substituting administrative rigidity for flexibility hampers the Department's ability to deal with changing situations as they arise.

Just as the Secretary should not have his organizational hands tied by outside pressure groups, so he must not be tied lock, stock, and barrel by the legislative banch. Over 200 specific limitations and directions on spending in the HEW appropriation act this year limit his discretion. Many more such directions in committee reports and legislative history of debates limit it further. Some directions specifically concern minor details, others broadly delegate policy decisions.

Congress must always have the last say. Realistically, the Executive Branch of Government must share with the Legislative Branch the broad responsibility for directing programs. But the very least that Congress could do to make this sharing process work is to give the Secretary needed flexibility to meet changed circumstances, emergencies, or new priorities.

What's more, the Secretary himself must not have his hands tied by his own bureaucracy. He must be able to continue strengthening the Department's regional offices—out where the people are. The nine regional HEW directors serve as his personal representatives in the communities where Americans live, and where their problems proliferate. Regional offices should have more authority and more responsibility for decision making, more power to earmark funds, and to make certain grants and contracts for vital projects. Our best men in Washington should take pride in accepting assignments in the field. A field command is regarded as an asset to the career of any army officer, and a post abroad is an asset to any diplomat. So work in the field should be the mark of a well-rounded HEW employee.

RENEWED U.S. AID TO PAKISTAN

Mr. HART. Mr. President, I am appalled to read in today's press that the administration has given approval to renewed shipment of U.S. military equipment to Pakistan.

In the face of eyewitness accounts that wholesale slaughter is being inflicted on the people of East Pakistan, it is inconceivable to me that our Government would place additional military material in the hands of the Government of Pakistan.

Mr. President, this is not a time or a place for "business as usual." It is dismaying to me that our Government has not yet perceived that the overwhelming majority of the American people are sickened by U.S. involvement in mass killing. Surely this is a situation where restraint on our part would be not only the humane thing to do, but might also serve as a turnabout step away from world chaos and toward world peace.

Equally alarming is the State Department's apparent lack of candor in its repeated insistence that "no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan March 25 and nothing is now scheduled for such delivery."

Certainly in the past week, the grave dangers of such lack of candor and misleading statements of official policy have been highlighted all too vividly. It appears that the Departments of State and Defense, knowing full well the thrust of public and congressional inquiries about continued military assistance to Pakistan, either attempted simply to ignore the stated official position of our Government or employed very questionable criteria in permitting the shipment.

Either explanation raises grave questions about the executive department's reliability in its dealing with the Congress and the public—at a time when it is asking for the utmost trust and reliance upon its disclosure policy.

I commend the Senator from Idaho for his discussion of this matter on the Senate floor yesterday and join him in asking that the executive branch provide a full explanation of this disturbing incident.

Specifically, I request an explanation of what criteria were used in reaching the conclusion that the State Department could represent that no arms had been "provided" since March 25, and that no shipments were "scheduled."

COMMISSIONER ARMSTRONG'S CALL FOR ACTION

Mr. ALLOTT. Mr. President, recently the American Water Works Association held its annual conference in Denver. As always, the conference discussed many of the issues which are critically important to the water-short areas of America.

I was particularly impressed with the statement given by the Commissioner of the Bureau of Reclamation, Ellis L. Armstrong. In his address, entitled "Action Now in Water Quantity," Commissioner Armstrong points up the importance of going forward with reclamation projects to conserve our very valuable and high scarce natural resource of water.

Mr. President, I believe that Commissioner Armstrong's statement is important because of two reasons. First, it highlights the current activities of the Bureau of Reclamation. Secondly, it shows the importance of exploring many different avenues in order to provide the necessary water for the future.

So that all Senators can consider this thoughtful address, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Action Now in Water Quantity

To open this discussion with you watermasters of the Nation, I want to recall a favorite saying of Albert Einstein, the world-famed scientist that "I never think of the future. It comes soon enough."

Well, there is no other group in the country which knows better than you that the future comes too soon. Tomorrow and its pressures of added and shifting populations and water needs approach at lightning speed and we—unlike Einstein—must think of the future.

If we don't, and if those thoughts don't result in action, there will be a lot of taps running dry, a lot of industries closing their doors and a lot of needed crops that will shrivel away to nothing.

My topic is a look at the future as far as water quantity is concerned. But I am afraid I must infringe on my companion speaker somewhat because any discussion of water quantity inevitably involves water quality.

There is as much water today as there ever was in this closed-system earth on which we live. The trick is to get the right quantity to the right place at the right time and with the required quality.

One of the surest ways of meeting the water crisis in areas of shortage is to use the existing supply more efficiently and that certainly includes recycling of waste and reclamation of polluted water to make it usable.

So Mr. Ruckelhaus' discussion will contribute to an awareness of water quantity as well as quality, just as mine will discuss some aspects of quality as I attempt to examine the crystal ball for a forecast of quantity.

There is no argument on the need for additional supplies of potable water. Each of us needs to drink about two quarts of water daily. That is one of the areas you are primarily concerned with—drinking water. But it is peanuts compared to the 2,500 gallons of water required every day to sustain a man's food chain from soil to the table plus another 500 gallons to grow cotton and wool for his clothing. The per capita consumption thus grows to 3,000 gallons per day.

But beyond this there are the industrial and other needs, many of which contribute to pollution by the return flow to the rivers, but which do not represent any great part of the withdrawn supply. These are the waters I refer to as a potential new supply when pollution is controlled.

The rate per capita of water use has been rising steadily over the centuries. It appears that the higher the state of civilization, the higher the per capita need for water to sustain the fine art of living. With a United States population projected to increase from our present total of 200 plus million to 270 million by the year 2000, even with the slowest possible rate of growth, the geometric total of population times per capita needs shoots skyward at an almost frightening rate.

Nevertheless, I have confidence that if, unlike Einstein, we will look at the future and think positively about present and potential ways and means of solving the problems of water supply, we can avoid the total crisis which is now indicated by some regional situations. I prefer the thinking of the late automotive engineer and industrialist, Charles F. Kettering, who said he looked to the future because he planned to spend the rest of his life there.

In considering potential water supplies for the future, I think of a college dairy course which starts out with the definition of a cow as "a completely automated milk-manufacturing machine." Well, Mother Nature is also a completely automated water manufacturing machine. In the continuous hydrologic cycle there are approximately 325 million cubic miles of water constantly moving from the earth and the oceans to the atmosphere and down to earth again in Nature's distillation and purification process.

But just as the cow needs the hand of man in one way or another, both in the extractive and distributive process, Mother Nature needs man's hand to make the water supply available to the areas where and when man requires it.

This help can be pretty well divided into three or four categories—supplementing Nature by conservation and more efficient management and use of natural rain and snowfall, augmentation of precipitation by cloud seeding, and desalting of the limitless brackish waters.

We are already well along on the first of these categories. Man has used, abused and overused the water in natural lakes, water courses and underground since the beginnings of time.

Here on the North American continent, misuse was not critical in the early days, but we are paying the penalty today for the pattern of sewage and industrial waste disposal which was set at that time and intensified by the industrial and chemical revolutions. The problem of erosion and siltation which increased as man broke the sod and used the watershed cover has compounded the problem of clean usable water.

Nevertheless, a deteriorating situation has been reversed in the last several decades. First, the Government moved in to help with the conservation and storage of water in the Western States by creating an agency to catch the high spring runoff from the mountains for use later in the year when natural rainfall was a scarce commodity.

Then came flood control reservoirs and before long, both conservation and flood control had been merged with other river management purposes to provide multiple benefits, including water for municipal and industrial uses.

Better watershed management practices are scaling down erosion and siltation. And incidentally, I want to correct an apparent misimpression that Lake Mead, behind Hoover Dam on the Colorado River, is silting up to the point where it may become useless as a water storage facility.

This problem was considered from the beginning of studies. The project was designed for a useful life of several hundred years, and a detailed review of the actual siltation rates, made before Glen Canyon Dam was constructed, indicated our early studies were on target. With the construction of Glen Canyon Dam upstream to create additional storage capacity nearly equal that of Lake Mead, the useful life of Lake Mead is calculated to be well over 500 years. This is without even considering upstream erosion control measures, which, no doubt, will double the useful life of the reservoir.

Finally, the landmark legislation which created first the Water Quality Control Administration and now the Environmental Protection Agency, set the stage for reduction of pollution and recycling of waste water which Mr. Ruckelshaus will discuss.

I add only the reminder that every gallon of water which is reclaimed or restored by pollution control is as surely a gallon added to our available usable supply as any supply created by other new or more exotic technology.

Another way in which existing supplies may be stretched out is by the use of secondary distribution systems. It seems a waste to purify all water to the high standards required for human consumption, then to see the bulk of it dumped for watering lawns, for car wash systems, for laundries and high water use industrial plants which do not require these high quality standards. I wouldn't be a bit surprised, as the water pinch tightens, to see greater use made of secondary systems for the distribution of nonpotable supplies.

Other new sources of water include weather modification, desalination, and transbasin diversion. The latter, of course, is not new, but the scale in terms of quantity and length of diversion to which we may have to ge certainly is.

For example, we in the Bureau of Reclamation, along with the Corps of Engineers and organizations in the area are studying possible diversion of surplus water from the Mississippi River into Oklahoma, the high plains area of Texas and eastern New Mexico. Then there is the potential diversion of water from coastal streams of northern California southward.

There is the much talked about diversion of water from the Pacific Northwest, topped by the even greater plans, such as NAWAPA, which would divert Arctic water down the Rocky Mountain trench all the way to the Southwest.

None of these diversion studies are definitive as yet with the exception of transport of northern California water to southern California as provided in the California State Water Project. We already are accomplishing this to a degree by diversion of the Trinity River into the Central Valley Project system.

Nothing further is clearly defined or authorized as yet. Indeed, we have a study underway to determine the feasibility of an undersea aqueduct along the continental shelf as a possible alternative to high cost overland conveyance in California.

The most pressing problem in transbasin or trans-state diversions is to determine where the surpluses are. No one would seriously consider the diversion of any water from the Mississippi River system that can be used within the system.

We in the Department of the Interior have repeatedly said that there would be no advocacy of diversion of water out of the Columbia River system until the needs of that basin are fully determined and protected. The Congress has backed us up by authorization of a Western United States Water Plan study which will first of all totally evaluate the future water needs of the 11 Western States and establish a general plan to meet those needs for the next half century.

You will hear more of this plan in detail from our Assistant Commissioner Warren Fairchild at the Water Resources Section meeting at our Engineering and Research Center, Thursday morning. I urge you to attend this session and to tour our Engineering Center. It should be most worthwhile.

I will not dwell on the westwide Study further except to say it may well set a pattern for comprehensive planning which can be followed elsewhere. Water shortages are a wayof life in the West, but they are becoming more and more critical in other areas of the Nation, as well. There are many lessons in water conservation and use to be learned from the experiences in the Western States over the last century.

Many of you heard our Dr. Kahan yesterday discuss weather modification efforts to induce added precipitation to supplement natural rain and snowfall. The results of our research and operations in this area will have a bearing on our Westwide Study as it gives promise of making a major contribution to the available water supply.

I caution, however, that no one should expect man to conjure a rainstorm out of a clear sky. Cloud seeding can be successful only when there is moisture in the sky and atmospheric conditions are about right for a natural storm. Rainmakers then can give Nature an assist and trigger or increase rainfall. There must still be ground facilities for the control and storage of excess runoff, primarily by dams, reservoirs, and distribution facilities.

Finally, there is the unlimited potential of high quality desalinated water. The Department of the Interior has been deeply involved in this research effort through the Office of Saline Water. Our Bureau of Reclamation has been cooperating in areas where we have expertise and a particular interest in operational possibilities.

Reclamation has been the Federal agency having prime responsibility for the development and marketing of a water supply for irrigation and municipal and domestic use. The operational details in providing desalted water in marketable quantities, will fit naturally under this umbrella.

As the water crunch develops, it appears that the research efforts of the past two decades will soon be paying off by the development of a usable water supply in areas along the ocean and by purification of brackish water inland. Another logical possibility is the desalting of geothermal brine utilizing energy from molten masses within the earth's crust which are relatively close to the surface in some areas.

The Bureau of Reclamation and the Office of Saline Water are working as a team under the direction of the Assistant Secretary of the Interior for Water and Power Resources to generate the added push to move the geothermal saline water potential from research to operational stage.

It seems clear to me that in future decades, large-scale desalting plants located near the ocean can be beneficial as a source of either water inland as well. This can be done either by pumping the purified sea water inland or, more likely, by exchanges, whereby desalted water would be used in the coastal areas and the naturally occurring water used inland.

I want to make reference also to the President's reorganization proposals, particularly as they relate to a Department of Natural Resources. To my way of thinking, the public benefits in such a reorganization are overwhelming, both in cost savings and in effectiveness and efficiency of operations.

At the same time, the merging of all policy and planning operations in a single department would provide unified ground rules and added political clout by permitting the administration to establish priorities and to speak with a single voice in their support.

An augmented water supply must clearly have a high priority in this scheme of things. At the same time, it must be developed in a manner which will protect the natural environment. This will require the most careful coordination and planning and that in turn can be best provided under a single administrative umbrella such as the President proposes in a Department of Natural Resources. We have organization charts of the proposed new department available and will be glad to discuss it personally with any of you.

Finally, and I am sure Mr. Ruckelshaus will speak of this in greater detail, there is the problem—and the challenge—of fitting our needs for an increased water supply into the equally obvious need for protection of the environment. I am totally for this concept as I am sure you here today are.

But I am concerned by some of the thoughtless and illogical accusations which have

been made and the court suits which have been threatened and in some instances actually filed in the guise of protecting the environment.

Can you imagine, for example, bringing to a halt the Central Valley Project in California, by stopping a pumping operation which has been in progress for better than 20 years and on which the entire San Joaquin Valley depends for water? Or for halting the State Water plan on which the whole southern California megalopolis is dependent for a future water supply.

Is there any room for argument that man's environment, or for that matter, the total environment, has not been improved by these operations?

Then there is the blind opposition which has been expressed to the Peripheral Canal which is designed not to destroy but to protect the Delta area where the San Joaquin and Sacramento Rivers come together to flow out to San Francisco Bay. These actions cannot be the result of logical and thoughtful analysis of the realities we face in water supply.

We are running into the same kind of illogical comment and blind and negative opposition on some environmental statements which are now a part and parcel of our operations. Some of these comments, I regret to say, come from some Government agencies. The authors quite obviously had not done their homework before getting on the record.

Our environmental statements are not prepared idly. They and the measures they describe to protect the environment are the result of careful planning and thoughtful consultation by our own professional staff of ecologists and planners with their counterparts in other Federal agencies, as well as State and local groups.

I somehow get the feeling that the Environmental Protection Act is being utilized in some quarters to build up a curtain of blind and unthinking opposition which could swamp the agencies charged with responsibility for specific functions in natural resources management and bring orderly programs to a halt. Certainly, this negativism bears little relationship to this key phrase in the National Environmental Protection Act in which Congress declares that:

"It is the continuing policy of the . . . Government . . . and other concerned public and private organizations, to use all practicable means and measures . . . *to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans.*"

I underline and emphasize the words *"to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans."*

Charles A. Lindbergh, who in his autumn years has taken up the cudgel for conservation and is a member of President Nixon's Citizen's Advisory Committee on Environmental Quality said it best when he asserted, speaking of conservation and our natural resources: "The pre-eminent task is one of balance. We must always balance."

That is our objective in the Bureau of Reclamation, as it is with you and others who are concerned with the future. We must balance man's needs with protection of the natural environment.

But it is not an objective which can be achieved by the negativism evident in too many areas. To achieve the balance that will make a future possible for man will require better understanding of the needs of man and the ways to meet them. It will require more and better considerations of the relationships of man and nature. The long-time effects, as well as the immediate results, must be carefully weighed. And in the process, as we extend our understanding, we must keep civilization going.

We have time to do it. With a positive, enlightened approach it can be done. Efforts of knowledgeable groups like this organization, who are concerned with meeting the needs of man, are needed and can be effective. There is much to be done.

H.R. 1—THE SOCIAL SECURITY AMENDMENTS OF 1971

Mr. PERCY. Mr. President, 20 million older Americans now receive social security benefits. Many of these citizens depend completely, or largely, upon social security for their total income. Thus, the action taken late yesterday by the House of Representatives on H.R. 1, the Social Security Amendments of 1971, is of great importance to these people.

I welcome the action taken by the House in raising social security benefits by 5 percent, effective in June of 1972. Added to the 10 percent benefit increase enacted earlier this year by Congress, this increment represents a welcome improvement in the income of older Americans.

The House action is significant for other reasons, however, as it contains a number of improvements in the basic social security system. I am pleased to report that five of these improvements are recommendations that I made over a year ago.

The first of my proposals incorporated into the House bill provides that social security benefits will increase automatically as the cost of living rises. Everyone knows that retired people living on fixed incomes are the hardest hit by inflation. This change in the social security law will now protect recipients against inflation.

The second of my proposals extends full benefits to widows. Under the present law, a man can draw 150 percent of his monthly benefit if he is married. If he is a widower, he receives his full benefits. Yet if he leaves a widow, she receives only 82½ percent of his total allotment. It is a cruel blow to a woman who loses not only her husband on whom she depends for companionship and comfort, but also loses almost half of her income at the same time. Although her benefits are reduced substantially, her rent and other nonflexible budget items remain the same—or even rise. H.R. 1 will end this situation by allowing the widow to receive 100 percent of her deceased husband's primary insurance amount.

The third proposal will extend social security benefits to children dependent upon, but unadopted by, their grandparents. Because of a technicality in the present law, children who are dependent upon their grandparents, but have not been adopted by them, cannot receive benefits. This occurs even though the real-life situation of these children is no different from that of the adopted grandchildren living with their grandparents. I offered this proposal as a floor amendment last December and the Senate accepted it. Unfortunately, it was lost when time ran out before the House and Senate could resolve differences between their respective social security bills. I am very pleased that the House decided to reincorporate this measure into H.R. 1.

The fourth amendment of mine which was accepted by the Senate last December, but which was lost because of insufficient time to resolve House and Senate versions on social security, removes the "relative responsibility" clause which now discriminates against adult blind and disabled persons applying for public assistance. The present law forces these individuals to undergo a humiliating, degrading experience when they apply for medical or financial assistance: They must prove to the State that their parents are either unwilling or unable to support them before they can receive aid. In essence, they are asked to bankrupt their parents. The effect of this law has been to discourage blind and disabled persons who desperately need benefits from applying for them simply because they do not wish to humiliate either themselves or their parents. The substance of my amendment to eliminate this inequity has now been added by the House to H.R. 1.

Finally, although the House did not go as far as I have recommended toward liberalizing the so-called "retirement test, it did raise from $1,680 to $3,000 the amount of money a social security recipient can earn in a year without suffering a loss in benefits. I have proposed that the "earnings limitation" be raised from $1,680 to $2,400 immediately, with a complete phaseout of this limitation over a period of 7 years.

My amendment calling for the higher limitation of $2,400 was accepted by the Senate last December, but again, it failed to become law when the entire social security bill died. When H.R. 1 comes to the Senate floor later this year, I intend to reintroduce my amendment calling for the higher ceiling.

Since the social security program was originally devised to provide only a "floor of protection" against the loss of earnings caused by a worker's retirement, death, or disability, the "retirement test" was established to assure that a worker had, in fact, retired. Social security was never intended to provide much more than a modest standard of living; an individual was expected to supplement social security with individual savings or a private pension plan. But a retired person is allowed to retain full social security benefits no matter how much he gets in dividends and interest from investments or savings, while he cannot keep all of his earnings once he makes more than $1,680. This discriminates against the low- and middle-income workers whose earnings were never quite high enough to allow them to invest in stocks and bonds, or to save large amounts of money.

The concept behind the "floor of protection" is all well and good, except that in today's real world it is causing severe hardships for many older people. Even if a person does as he should and invests in a private pension plan or in savings, this does not assure him of an income. as one labor expert explains:

> In all too many cases the pension promised shrinks to this: If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period,

and if there's enough money in the fund, and that money has been prudently managed, you will get a pension.

One private study of pension plans projected that less than 10 percent of 60,000 low-paid workers would ever receive pension benefits.

What does a person do if all his savings have been eaten away by inflation and his pension plan has collapsed or otherwise failed to provide his needs? All he can do is try to supplement his income by working. Yet under present law, he is penalized for doing so.

Given the barriers of age discrimination which operate in the field of employment, I think that if an older person can actually succeed in getting a job, he should not have his total income reduced. This is wrong. We should be encouraging older Americans to work, and be opening up jobs for them, not penalizing them for working.

When H.R. 1 reaches the Senate, I intend not only to work for enactment of my bill to liberalize further the earnings limitation, but also to work for the passage of three additional bills—all designed to improve health care for older people. The first two of these bills are aimed at improving nursing home care: One calls for the development of more uniform standards for determining eligibility for Federal assistance provided to facilities for long-term care. It would eliminate the widespread confusion which now exists with respect to levels of care and service provided by nursing homes.

The second proposal directs the Secretary of Health, Education, and Welfare to study the feasibility of requiring a single State agency to have the responsibility for administering the medicaid program and for licensing and inspecting long-term care facilities. At present there is a complicated and confusing diffusion of responsibility among various agencies.

The third new proposal would simply offer prescription drugs to medicare patients at no cost. Drug expenses represent a sizable budget item for the chronically ill and disabled elderly. My bill is intended to offer these individuals some relief.

I would like to commend the House Ways and Means Committee and the House of Representatives for their hard work on this comprehensive and very complicated piece of legislation. I would especially like to commend the House for including an entirely new provision which will reward older people who work after age 65 but who do not accept benefits. Once these people do retire, their benefits will now increase by 1 percent for each year in which they work after age 65 but do not collect benefits.

Another important provision lowers from 65 to 62 the age computation point for men. Under the present law, only women are allowed to exclude the years between 62 and 65 for social security computation purposes.

This means they can exclude years which would otherwise result in their receiving lower benefits. H.R. 1 eliminates the differences which now discriminate against men in this respect.

H.R. 1, the comprehensive Social Security Amendments of 1971, relates primarily to the problem of income maintenance among the elderly. We still need to focus our attention on many other serious problems which currently make life so difficult for older Americans, but the action taken yesterday by the House of Representatives is important and commendable. It moves us a little closer to our goal of allowing older Americans to live their lives with a sense of dignity and independence.

Mr. President, the Governor of Illinois, Hon. Richard B. Ogilvie, has written me an urgent letter stressing the need for the passage of H.R. 1.

He points out the rapidly growing cost of welfare in Illinois and the need for Federal legislation to help Illinois with its welfare problems which are similar to problems faced by other States.

Mr. President, I ask unanimous consent that Governor Ogilvie's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, Ill., June 18, 1971.

Hon. CHARLES H. PERCY,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR CHUCK: Our state is going broke because of welfare costs. Three years ago the welfare budget was $430 million. This year it is $920 million and for the next fiscal year beginning July 1, it will be at least $1 billion, 120 million. The rate of growth for welfare costs is more than 30% per year; state revenues grow at less than 7% even with the new income tax.

I believe that the run-away cost for welfare—largely mandated by federal laws and regulations—pose a fundamental threat to the continuing vitality of our federal system of government. The situation is reminiscent of that which reached the United States Supreme Court some 150 years ago in the landmark case of Marbury vs. Madison. There, the court determined that the power to tax is the power to destroy, and so foreclosed the states from taxing a federal bank. Today, we see the reverse of that situation. The federal government has created a program, and has required the states to fund it. In so doing, it threatens to destroy them.

Soon H.R. 1, the welfare reform bill, will be coming to the floor for House consideration. It is not a perfect bill. Were it in our power to write an ideal bill for Illinois, you and I could both improve it immeasurably. This however is not the case; therefore we must be realistic. Last year federal welfare reform died because of a coalition of opponents with contradictory objections to the legislation. Given the welfare crisis in Illinois we must not let that happen again.

Seven per cent of our people receive some form of welfare assistance from the state. Well over two-thirds from the Aid to Families with Dependent Children program. Title IV of HR 1 is addressed to a reform of that program commencing in fiscal year 1973. It should be sooner, but most of all, it must be a part of the total reform package. I urge you to vote for HR 1 and keep Title IV in tact.

As indicated in my welfare message to the General Assembly last month, we are taking significant steps at the state level to meet the crisis as best we can. However, welfare is a national problem. Indeed it is a national disgrace. We need your help now.

Sincerely,

RICHARD B. OGILVIE,
Governor.

MARYLAND'S COLONIAL HERITAGE

Mr. MATHIAS. Mr. President, each State of the Union is rich in its own particular heritage, and my own home State of Maryland is no exception. Along the shores of the Potomac remain vestiges of a way of life that was slower and possibly closer to the earth than our own jet age.

The colonists who settled on the Potomac have left us fascinating glimpses of their way of life that can be seen now in the old colonial churches of Maryland which were the focal point of their society.

Mr. President, I ask unanimous consent that an article written by Dan Balz, and published in the Washington Sunday Star, detailing the colorful histories of four such churches, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUT OF TOWN—A VISIT TO FOUR COLONIAL MARYLAND CHURCHES—ALONE WITH THEIR MEMORIES

(By Dan Balz)

Long ago, when tidewater tobacco had not exhausted the land along the Potomac, the church was a central part of the settlers' lives. In simple brick buildings the people gathered for worship, for education and social intercourse—and, at certain stages in history, for revolution.

Today, except for services, these churches are deserted—alone with their memories.

One Sunday, as my wife and I explored four old churches in nearby Maryland, we were moved by the peacefulness that surrounds them. After we left, there were some things from each church that stayed inside of us—things far away, yet at the end of our finger tips.

From the Old Durham church in Ironsides, for instance, we carried away a strong impression of the kneelers—narrow benches between the pews that are decorated with pastel, petit point flowers set on a dark background. As we entered the chruch, we turned all of them down. Each row had it own pattern, each pattern was different. The effect of these designs—a mixture of uniformity and individuality—was unique. Although not as stately as the needlework cushions at the Washington Cathedral, this personal touch reflected the dignity of the colonial church in a way no spire or carved altar could. It was the unexpected sight we somehow had expected.

While most of the churches look similiar on the outside, all being constructed of brick in traditional arrangements of headers and stretchers (rows of bricks laid lengthwise alternated with rows of bricks laid sideways), each is distinct in its setting.

St. Ignatius Church of Chapel Point, the oldest continuously active church in America, stands on a high plain overlooking Port Tobacco River where it joins the Potomac, with a cemetery at the front separated from the church by an iron fence. Straight old cedars and three large pines surround St. John's Church at Oxon Hill. And at Durham Parish two ancient mill stones bracket the entrance which buzzes with wasps, and a low brick wall defines the outer limits of the yard. Two magnolia trees protect the walkway, and on the left as you enter is a rusted, vine-covered anchor, while on the right is an old sundial.

Fascinating designs and colors are formed by the shapes and stains of the different windows. Some are round, snuggled below the peak of the roof; others are latticed, forming white outlined diamonds of stained glass four, five, even six feet high. At Christ Church in Accokeek, built in 1696, the colored windows with panes of red and green and blue and yellow are located at either end of the church. If you peer through the windows at one end and look through the church to the windows on the other side, the effect resembles a kaleidoscope. More subtle, but as striking, the windows at Oxon Hill are composed of rectangles of muted rose and lime-green glass touched with bolder splotches of flame and violet and a circle of deep reds, blues, yellow and orange. The subdued light which gently filters through the windows is the perfect foil for the rustic interior.

The doors of the churches also have their own personalities. At Christ Church, the curved molding and rounded top of the double set form a graceful entry, while at St. Ignatius the doors are tall and narrow, elegant in their age—the last remnants saved from a fire in 1866 that destroyed most of the church. And at Durham the eye is caught by simple, handworked hardware in tiny hearts of black metal silhouetted against the white-painted wood.

Each of the church interiors tells in exacting detail the way our ancestors worshipped in colonial and early America. The pews are stark and solid (particularly at St. Ignatius), and the patterns of the wooden boxes surrounding the pews reflect an austerity of life that the people in the early 1800s probably accepted as comfort. Similar in design to those in Christ Church in Philadelphia, the St. Ignatius pews are straight-backed and high-sided with narrow, thinly padded kneelers.

There is still evidence, at St. Ignatius of the segregated seating pattern of early churches. In the front sat the white settlers; in the back, separated by a cross aisle, sat the Wesorts (a racially mixed group of people peculiar to the area); and in the balconies sat the slaves. Although the ground floor is now solid with pews in the corners near the back, splits in the molding leave evidence of another arrangement.

All of the churches have a common feature, a surrounding graveyard which tells a continuing history, for the dates, names, symbols and materials have changed with each age. Gnarled wooden crosses isolated by the stones of a later period; rusted metal crosses, frail but solid; simple obelisks and even simpler round and flat stones, fill the cemeteries.

Not infrequently, there are faded American flags drooping from thin dowels stuck in the ground. There are also plastic flowers, and at Ironsides a few graves are marked by glass cubes no more than a foot high which enclose flowers or mementos. And, in a few cases, only plain white cards labeled in black indicate the final resting places of the poor.

Some of those buried are well known—or were—like the soldier of the Revolution in St. John's yard, or the families of Poseys, or the Mudds at St. Ignatius, believed to be relatives of the Dr. Mudd who treated John Wilkes Booth's injured leg after he assassinated President Lincoln. Other identities have been lost, the old gravestones disguised by nature.

That was when the peacefulness seemed the most pervasive, when we walked among the graves, looked back at the churches and thought about it all.

As we left St. Ignatius, Father A. R. Thoman, S.J.—the only person we had met on the tour—who has been the resident priest there since 1953, said simply, "God bless you." It was something which we should have expected, but like the needlepoint, the mill stones, and the colorful diamonds, it too was unexpected.

CHURCH TOUR

Begin on Indian Head Highway (Route 210) on the southern edge of the Beltway, and follow it south until it intersects with Route 225. Turn left on 225 and continue until you get to LaPlata. There 225 intersects with 301 at a stop light. Turn right, then be prepared for another right on Route 6 at a stop light just ahead.

Stay on Route 6 for several miles until the road forks. (There's a Texaco station in the middle of the fork.) Take the left fork, which leads you to a narrower, more winding road and follow it past a tiny red schoolhouse tucked off on the right. Shortly you will come to St. Ignatius Church of Chapel Point.

From St. Ignatius backtrack to the red schoolhouse (or, if you miss that, the fork and the Texaco station) turn left and continue west on Route 6 for about seven miles. At Durham Church Road, turn left and go another two miles until you find the Durham Parish churchyard on the left.

From Durham Church, you can either backtrack your way on Route 6 through to La Plata to Route 225 and then Route 210, or you can pick up 425 and follow it until it meets 225, turns left to pick up 210, and then go north.

Stay on Indian Head Highway until you get to the intersection with 373 near Accokeek. Turn left and follow Bryan Point Road for a mile until you meet Farmington Road, and you'll see, on your right, Christ Church.

Return to Indian Head Highway, and follow it north until you see signs for Fort Washington. Turn left on Fort Washington Road and, less than a half mile later, turn right on Livingston Road. Another half mile ahead, turn right on Pebble Road, and then take an immediate left onto Oxon Hill Road to St. John's Church.

THE ECONOMIC CONSEQUENCES OF DECEPTION

Mr. DOLE. Mr. President, for some time, the Senator from Kansas and numerous other observers of the Nation's economic condition have sought to point out that the guns and butter policy of the previous administration has been the major cause of our current economic instability. It seems difficult to contend against the record of the inflationary pressures generated by an expanded and escalated war in Vietnam being left wholly unchecked until long after the economy had gone nearly out of control. Today, we are paying the price for the previous administration's failure to deal with the consequences of war-fueled inflation. But as a noted economics reporter points out in today's Washington Post, that failure may be in large part attributable to the fact that the officials in charge of economic policy in that administration, along with the press and the American public, were deceived, deluded, and denied information about policy decisions relating to escalation of American involvement.

Hobart Rowen's article entitled "L. B. J.'s Economic Aides Were Misled" is informative and adds still broader dimensions to the ramifications of recent disclosures involving the history of U.S. involvement in the Vietnam war.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L. B. J.'s ECONOMIC AIDES WERE MISLED

(By Hobart Rowen)

Among the many persons misled by President Johnson, one can deduce from the Pentagon papers, were his chief economic advisers: by hiding the 1964 decision to open an air war against North Vietnam, and the April 1, 1965 commitment of American GIs for offensive action in South Vietnam, reasonable tax and budgetary moves were delayed for years.

As a result, Lyndon Johnson messed up the American economy, as he pursued his disastrous course in Vietnam. It's still in bad shape.

The papers published last week by The New York Times show that the Johnson Administration reached a "consensus" in early September 1964 to attack North Vietnam. There are no dollar-estimates to go along with the military decisions.

A check with the key Budget officials of that era indicates that they learned of the secret air war against Vietnam and the April, 1965, commitment of troops for the first time when they read it a week ago Sunday in The New York Times.

President Johnson allowed a picture to be built up of a troubled Chief Executive, bewildered by the burdens that had been laid upon him. In the late spring of 1964, prior to the Gulf of Tonkin attacks on the Maddox and Turner Joy, this correspondent (then with Newsweek) was one of a couple dozen taking the regular press "walking tour" with LBJ around the backyard of the White House.

Talking about Vietnam, he suddenly stopped the walk and said with all apparent sincerity: "I don't know what the f . . . to do about Vietnam. I wish someone would tell me." His "candor" with top economic officials was on about the same level as that with the press. The documents show that on Feb. 1, 1964, covert military operations under the code name Operation 34A had already begun.

A few months later, the election campaign against Sen. Barry Goldwater was in full swing and Johnson's recurrent theme was: "You don't want to put *that* fellow's finger on the trigger, do you?" There were private sessions as well (I recall especially one in Orlando, Fla.) that made LBJ's commitment not to "get tied down in a land war in Asia" sound pretty convincing.

But now we know that all the while, it was a deceitful if politically productive performance: Johnson was re-elected, profiting from the caution coincident with the war decision of April 1, 1965, to guard against "premature publicity" or "any appearance of sudden changes in policy."

Among the Johnson "confidantes" who were sold down the river by this duplicity were the Chairman of the Council of Economic Advisers, Gardner Ackley, Treasury Secretary Henry H. Fowler and Budget Director Charles L. Schultze.

By the early fall of 1965, well-posted congressional sources such as Sen. John C. Stennis (D-Miss.) were saying that the following year's budget would run $10 to $12 billion over earlier estimates for fiscal 1967.

Yet, on Sept. 9, 1965, still working in the dark, Ackley made a speech in Philadelphia saying that figures "sometimes quoted in the press . . . can at this point only be pure figment of someone's imagination. The estimates we at the Council have put into our tentative projections do not even approach that order of magnitude."

On Oct. 5, 1965, Fowler went to a Chicago meeting of the American Bankers' Association where he said: "If I thought defense was going to add $10 to $15 billion dollars to our fiscal 1967 budget, I'd be back in my office right now considering proposals for tax increases to pay for it." As the fiscal year moved along, the Stennis numbers proved all too accurate.

It was clear even then that Fowler and Ackley knew less about the war buildup than many of their contemporaries on the Hill and in the Pentagon. The announced military buildup as of July, 1965, was approximately 200,000 men. But in a Nov. 28, 1965, column I wrote for The Post headed "Concealing the Costs of Vietnam" I quoted various sources as suggesting that the escalation was going faster. In that piece, I cited a report by Lloyd Norman, military correspondent for Newsweek revealing that the Pentagon was "pushing for—and predicting—a force of 400,000 to 500,000 men (in Vietnam) later in 1966."

There were plenty of people skeptical of the official Johnsonian estimates of war involvement in late 1965, but the proof of their intuition or sound judgment wasn't vindicated until publication of the Pentagon papers.

In June, 1965 (remember, the ground troop commitment was made secretly in April), the Johnson administration had the audacity to ask Congress for a mere $700 million supplemental appropriation for Vietnam. And in January, 1966, it was still officially estimating the fiscal 1967 cost of the war at $10 to $12 billion, instead of the real figure—twice that big. Month by month, as 1966 slipped into history, the Budget Bureau concealed from the American public what it knew was going on.

It seems hard to grasp in retrospect, but a Washington Post story of Feb. 4, 1966, reported that the day before, Fowler went before the Joint Economic Committee of Congress and warned that a tax increase or "harsher" measures than proposed by the administration "could throw the economy into a tailspin." Fowler's advice: "Go slow."

In retrospect again, the Federal Reserve Board and its former chairman, William McC. Martin, look very good in their historic controversy with LBJ over the discount rate in December, 1965.

The Fed, over Johnson's, Fowler's and Ackley's objections, raised the discount rate in December, 1965, after holding Martin off since October. LBJ called Martin to his Texas ranch and made a big issue of the Fed bucking the administration. But it was clear to Martin that a tremendous surge of war-based activity was giving the economy an inflationary thrust, without any compensating tax action. Martin got a sense from his friends in business that orders from the Pentagon were zooming, but he got neither guidance nor information from the White House.

It has long since been an accepted fact—among Democratic as well as Republican historians—that the current inflation can be traced back to the failure of the Johnson administration to plan to pay for the war that it escalated in midsummer of 1965.

What becomes apparent now is that the inflation had its real inception even earlier, at a White House strategy meeting on Sept. 7, 1964, when the air attacks against North Vietnam got official sanction.

It's a sad chapter in American history; it will make an equally sad footnote in the textbooks on economics. Economic advisers will always wonder whether they get the whole truth, half truths, or deceptive verbiage from the White House and the Pentagon.

HEALTH CARE DELIVERY IN SOUTHERN ANNE ARUNDEL COUNTY

Mr. KENNEDY. Mr. President, in recent hearings of the Health Subcommittee on the health care crisis in America, we heard testimony in many parts of the country that access to medical care for the poor in rural areas is haphazard and uneven at best and nonexistent at worst.

An excellent two-part series on the delivery of health care in southern Anne Arundel County, written by Bruce F. Freed, was published recently in the Baltimore Evening Sun. It describes in vivid fashion the second-class medical treatment received by our rural poor and dramatizes the need for major reforms in our health delivery system if we are to make the basic right of good health a reality for all of our citizens.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THREE OVERBURDENED DOCTORS CARRY LOAD OF FILLING NEEDS OF 16,000

(By Bruce F. Freed)

ANNAPOLIS.—"Southern Anne Arundel county is our Mississippi delta."

That's a Baltimore health planner's grim description of the state of medical care in the south county—that rural, isolated, impoverished 84.7-square-mile bit of the Deep South between Route 214, just 2 miles below the South River, and the Calvert county line.

To the south county's 16,000 residents living in the rolling farm country only slightly larger in area than Baltimore city, medical care is provided by three overburdened physicians and entails traveling long distances to the area's two health department clinics and to Annapolis and Baltimore hospitals.

But to the poor, black and white, the problem is felt more sharply.

Their story can be told in human and statistical terms, both highlighting the severe obstacles to decent medical care facing the south county's 920 families, almost 4,000 persons, earning less than $3,000 annually and holding Medicaid cards provided the indigent and medically indigent by the state Health Department.

DIFFICULTIES FOR THE POOR

To the poor it means difficulty finding a doctor who will accept their medical card, sitting long hours in packed waiting rooms at one of the county Health Department clinics or at a Johns Hopkins Hospital clinic, and having to spend a 12-hour day and to travel over 55 miles one way just to keep one clinic appointment at a Baltimore hospital.

To the needy expectant mother, it means she can't deliver her child at Anne Arundel General Hospital, the 250-bed nonprofit, voluntary hospital, in Annapolis, only 15 miles from the south county, because local obstetricians won't take the case.

Medicaid payments for delivery are too low, doctors say.

It also means having to find a friend who will drive her the 55 miles to Baltimore because local volunteer ambulance companies are too overburdened to make the trip.

And to many, it means passing Anne Arundel General Hospital, the only hospital serving Anne Arundel county from Pasadena south to Calvert county, on the way to Baltimore's teaching hospitals for tests, medical reports and specialized treatment.

NORTH ARUNDEL HOSPITAL

North Arundel Hospital in Glen Burnie provides only limited services and does not normally accept patients holding Medicaid cards. Like Anne Arundel General Hospital, admission is through private doctors.

Statistics also tell another part of the story.

They show that the south county's 16,000 residents are served by only 3 doctors—one in his late 40's, the other 50 and the third in her mid 60's.

They show that all of Anne Arundel county has a serious doctor shortage, lagging far behind Baltimore city and the four other metropolitan Baltimore counties in the number of nonspecialist physicians.

The Physician Manpower Survey, conducted in 1968, found only 66 physicians delivering primary care in the county: 21 in general practice, 19 in internal medicine, 15 in obstetrics-gynecology and 11 in pediatrics.

Compared with the rest of the Baltimore metropolitan region, Anne Arundel county has the lowest number of primary care physicians practicing over half their time in the county—only 24.7 per 100,000 population.

FEW ON MEDICAID TREATED

Baltimore county has 41 per 100,000, Carroll county has 47.5, Harford county has 36.6 and Howard county has 26.

Statistics show Anne Arundel General Hospital and North Arundel Hospital in Glen Burnie treat few Medicaid patients.

Of the 22 hospitals in the metropolitan region caring for Medicaid patients in fiscal 1969, Anne Arundel General ranked 17th and North Arundel placed 20th.

Johns Hopkins Hospital provided by far the most number of days of care and University Hospital provided the third highest number of days of care.

Figures on out-patient visits, clinic patient visits and emergency room use by medical card holders for the region's 22 hospitals paint the same picture.

Anne Arundel General ranked 16th and North Arundel 18th, with Johns Hopkins Hospital and University Hospital again placing first and third.

Johns Hopkins Hospital and University Hospital treat many more Anne Arundel adults and children holding medical assistance cards than do the county's two hospitals.

DECEMBER ADMISSIONS

Figures on December admissions for Anne Arundel county children and adults on Medicaid show that Johns Hopkins admitted 106, University admitted over 14, while Anne Arundel General took in 59 and North Arundel only 28. Medicaid admissions statistics for University Hospital do not include children since their care is not federally subsidized.

If admissions figures for December on children only are examined, they show that Johns Hopkins Hospital admitted 22, University Hospital 7, Anne Arundel General 15 and North Arundel 6.

The problem the south county's poor face in getting medical care stems from a variety of factors.

One immediate problem is the lack of public transportation and the difficulty in attracting doctors into the south county.

Other problems are a medical assistance fee schedule and overwhelming paperwork that doctors say makes it uneconomical to treat medical assistance card holders, the lack of a teaching hospital to provide outpatient services and a fragmented Health Department clinic set-up that provides only specialized care, mainly to children and expectant mothers, and that is oriented toward Baltimore's teaching hospitals, not the county's hospitals.

TRANSPORTATION MAJOR FACTOR

"Transportation is a problem, period." That statement is heard over and over again from the south county poor, from south county anti-poverty workers and from Dr. Howard Beard, Health Department chief.

No public transportation, explains one Office of Economic Opportunity worker, means the poor have a hard time getting to the doctor, the drug store, the Health Department clinic and Anne Arundel General Hospital in Annapolis.

"They're simply out of reach," she exclaims.

Adds Dr. Aris T. Allen, an Annapolis physician with many south county patients, "Even if a person has a medical assistance card, a problem he often faces is that there's not transportation for the rural parts."

For persons living on monthly Social Security checks or the monthly public assistance checks, that means having to pay a friend with a car $1.50 every time they need to be driven to get a prescription filled, see a doctor or get to Annapolis to catch a bus to Baltimore.

The south county's three doctors, who

bear the brunt of providing medical care, find it "difficult to get more physicians down here. Most doctors are going into specialties," says Dr. Charles Wirth, a south county doctor.

THREE PRACTICE

Dr. Willard Smith, of Shady Side, and Doctors Wirth and Emily Wilson, of Lothian, practice in the south county.

But, as they readily admit, their patient loads are now bursting at the seams and they have to spend six-day weeks, mornings, afternoons and evenings, to see their patients.

Dr. Smith, 50, and a victim of an attack of angina two years ago, sees 50 patients on an average day.

"My caseload is almost too much for me to handle by myself," the general practitioner says. "I've been searching for another man for three years. I have enough work for two."

Dr. Smith will be losing a Naval Hospital interne who has been helping him one night a week this June. He doesn't know whether he'll be able to find a new assistant.

The Anne Arundel County Medical Society recognizes the problem, but explains society head Dr. Raymond Srsic, a Severna Park pediatrician, "It's difficult to take direct action."

AREA OF NEED

"When physicians come into the area," he says, "we direct them to areas of need. South county is a needy area."

South county poor charge that some doctors turn away Medicaid patients—a charge partially supported by random calls to Annapolis physicians.

"Some doctors won't accept medical assistance cards for any service or provide limited service," reports Dr. Allen, whose own practice includes 60 to 70 per cent medical assistance card holders.

This concerns him. "There is a certain amount of community responsibility in which all should share," he says.

"Offhand, I have knowledge of four to five doctors who refuse to take Medicaid patients," adds Dr. Edward S. Beck, an Annapolis internist.

The reason: "I would think that a doctor taking medical assistance patients is doing it at some sacrifice," he explains.

Under the Medicaid fee schedule, doctors receive $6 for an office visit, $2 less than the average office visit fee.

For Dr. Allen, that $6 just about covers office costs. "It's not paying enough," he says.

SEVENTY-FIVE PERCENT OF FEE ALLOWED

The state medical assistance program does not pay 100 per cent of the doctor's customary fee, explains John Morris, head of the state Health Department's medical assistance program. The federal government requires that medical assistance pay only 75 per cent of the fee.

But, in practice, the state Health Department doesn't even pay the federal standard.

Instead, because of a severe budget squeeze, it pays only 60 per cent of the customary fee.

The Maryland Medicaid program received $83 million last year and is asking for $105 million for fiscal 1972.

Mr. Morris admits that the low Medicaid fees limit the number of doctors participating and affects patient services.

"Some doctors have told us they can't participate for the amount of money we reimburse them," he reports, a fact reflected in Anne Arundel county, where poor expectant mothers can't find private obstetricians to care for and deliver them and, thus, can't be admitted to Anne Arundel General.

In theory, Maryland's medical assistance program was designed to provide poor patients with the same medical care received by more affluent patients, explains a Baltimore area health care planner.

In reality, he continues, it doesn't because the medical assistance program fees are kept low.

"By inadequately reimbursing physicians, the medical assistance program places the burden of delivering health care on the hospitals," mainly the Baltimore teaching hospitals, not Anne Arundel county's hospitals.

Staffed by private physicians, Anne Arundel General takes people only admitted by physicians on the staff.

With the medical assistance program paying only $60 for a normal delivery, and only $105 for total obstetrical care, including prenatal and post-partum checkups, most private doctors avoid handling medical card holders.

According to Dr. Allen, the theory behind the Medicaid fee schedule "was to encourage the patient to go to a teaching hospital," a theory heatedly denied by the state Health Department.

FREEDOM OF CHOICE

"The patient and doctor have freedom of choice," explains Mr. Morris. "The medical assistance program is not set up to guide people to teaching hospitals," where physicians in residence would deliver and treat Medicaid patients.

But, still many south county poor bear their children at Johns Hopkins Hospital or University Hospital because they can't get admitted to Anne Arundel General Hospital.

Anne Arundel General only accepts an expectant mother holding a medical card for delivery in case of an emergency, normally when she goes into active labor. In these circumstances, she is accepted into the hospital through the emergency room where an obstetrician on call will deliver her.

However, as one health expert points out. the obstetrician will deliver the mother without having seen her medical records and not knowing whether any special precautions should be taken.

"It's never made sense that anyone in the south county should go past Anne Arundel General up to Baltimore," admits Lyman Whitaker, Anne Arundel General administrator.

"I wouldn't want my wife to make the journey."

ELECTIVE SURGERY

Medical assistance patients also have trouble receiving elective surgery such as tonsillectomies.

Says Mr. Whitaker, "For elective work, a person holding a medical assistance card might have trouble finding a physician to do the work."

The trouble is related, in part, to the fact that Anne Arundel General Hospital is not a teaching hospital and does not provide outpatient care.

Teaching hospitals have residents and internes on their staff who provide care to Medicaid patients. Because internes and residents are being trained at and are being paid by the hospital, the medical assistance program does not pay them for their services.

Anne Arundel General has not become a teaching hospital "because there's not that much work here to maintain residents," explains Mr. Whitaker. "That's the hang-up."

EMERGENCY CARE DIFFICULT

"Last time we looked at the figures on deliveries, two years ago," he declares, "we found the volume was not large enough to justify having a teaching hospital extend a residency program in obstetrics down here."

Emergency care is also very difficult for south county medical card holders to receive at the Annapolis hospital.

"This hospital," states a Community Action Agency report, "has a small emergency treatment service, but for admission to the hospital or prolonged treatment, a patient must have his own private physician," something many of the south county poor don't have.

"Therefore," the report continues, "a poor person who has no private physician and is in need of emergency service such as an appendectomy, finds his medical card of no use and will be required to travel to Baltimore unless he can pay the fee for the service."

The Arundel Health Department operates 13 community-established and funded clinics throughout the county, 2 of which serve the south county at Churchton and Davidsonville, that provide specialized services.

Services include well baby, maternal health, family planning, preventive medicine, mental health, public health nursing, dental health and communicable disease clinics.

CLINIC STAFFS

The clinic staffs are made up of area private physicians and residents from University and Johns Hopkins hospitals.

As Dr. Beard, head of the county health department, points out, "on-going health care is not provided through the clinics."

The south county poor are especially hard hit by the fragmented clinic program.

"There are few clinic services for adults in the south county," they commonly complain. "We have to go to private doctors or to the Baltimore hospitals."

Hospital administrator Whitaker agreed. "The Health Department clinics are very limited," he says.

A visit to the clinic can sometimes be a frustrating experience. At times, some poor clinic visitors say, as many as 25 appointments are made at 8:30 A.M. for an hour and a half doctor visit. If you are not seen then, they state, you have to return at the next clinic session.

A poverty worker sums up the problem: "Our county Health Department is not the most active, innovative, creative health department in the world."

CAN BE OVERWHELMING

The complex medical care system the south county poor have to deal with can be overwhelming.

To them, health care may mean the local doctor, the Health Department clinic, the Department of Social Services, Anne Arundel General Hospital or one of the departments in the Baltimore hospitals.

Which to use and how to use it can be very baffling to them.

Dr. Allen and a south county anti-poverty worker recognize this problem.

There's a lack of sophistication on the part of the poor," he explains.

"They sometimes just don't know how to utilize medical and welfare facilities."

Says the south county worker, "These people are not sophisticated enough to deal with the system," referring to the hospitals, clinics and the legal rights of the poor.

"We have people," she adds, "who go up to the Baltimore hospitals and just sit there. They'll stay till they see a doctor and that can be a very long time."

Lack of Money Hampers Medical Aid for the Poor

(By **Bruce F. Freed**)

Annapolis.—The obstacles the 4,000 poor in Anne Arundel county's rural south section face in getting decent medical care are not new.

Nor are the plans proposed by anti-poverty workers, doctors and health experts to improve health care in that impoverished, isolated section stretching from the Calvert county line north to Route 214.

Proposals such as building a south county comprehensive health center, setting up programs to bring more doctors into the south county, opening Anne Arundel General Hospital to more poor patients, and establishing a south county bus system have been bandied about for over two years.

But these are the approaches that might possibly break the barriers that have kept easy access to medical care from many of the south county's poor blacks and whites.

BASIC QUESTION ASKED

The question that must be answered, says a Baltimore health expert, is, "How do we extend the linkage between the people in south county and a community hospital, comprehensive health care clinic or a medical corpsman?"

One answer is to establish a comprehensive health care center at the south county Human Resource Development Center that would include an eight bed hospital.

"The idea has been kicking around for a couple of years," an Annapolis Community Action Agency spokesman admits.

Basically, the plan calls for setting up child delivery facilities for pregnant south county mothers to eliminate the need for them to travel 55 miles to Baltimore to give birth.

Facilities for emergency, preventive and therapeutic health services, including mental health and alcoholism clinics, and the training of nurse-midwives and para-professional medical personnel would also be established to fill the south county's gaping health care gap.

ENTREES TO FEDERAL MONEY

Human Resource Development Center workers see the nurse-midwife and para-professional training programs as the proposed health center's entrees to needed federal money.

"In order to get money from the government for anything," complains a knowledgeable anti-poverty official, "you have to be innovative. You just can't get money for a regular health center."

Hence, the training program proposals are included.

The Human Resource Development Center and its parent Community Action Agency asked last month for a $900,000 grant from the Federal Department of Housing and Urban Development to expand the south county center.

The expanded facility would include a Health Department clinic. But, as a poverty worker points out, "this new clinic will be set up like the other county health department clinics," providing only fragmented medical services now available.

HARSH REALITIES

The new comprehensive health center, however is more easily proposed than built.

Anti-poverty workers are aware of these harsh realities. "We have problems of an isolated area, a sparse population, unattractiveness to doctors, no money" says one.

Others see the lack of federal money and gaps in the current federal health care programs as serious obstacles.

"There's no money for a comprehensive health center," says a metropolitan Baltimore health expert. "The Feds haven't set up any health priorities" for the dispersal of federal funds.

Another health planner worries about the "gap in federal health care coverage."

EXAMPLE OF PROBLEMS

The problems faced by a proposed East Baltimore comprehensive health center are an example of problems that might confront a south county health center, she says.

The federal Medicare program for people over 65 and the state federal medical assistance program for the indigent and medically indigent would cover the cost of only part of the comprehensive services to be provided to the East Baltimore poor.

The federal programs would only partially pay for in-patient hospitalization, ambulatory care services, dental care, drugs, eyeglasses and public health services.

Money would be needed to pay for those poor not covered by Medicare and Medicaid and to cover various services for which certain poor children and adults are not now eligible.

Thus, until new funds are found or new programs established, the health planner explains, service cannot be comprehensive at the health center for the nonpaying patient.

Instead of creating a health center in the south county, some planners have suggested expanding Anne Arundel Hospital in Annapolis to include an extensive out-patient clinic.

"Maximize the uses of existing facilities," a planner exhorts.

The Annapolis clinic would be within reach of the south county poor once a new south county bus service begins operating in the early summer.

"Anne Arundel General is a resource that should be more available to the community than it is now," one health care expert says.

But it currently isn't, and that concerns Anne Arundel General's administrator, Lyman Whitaker.

"I recognize some voids in our coverage" he says. "But I'm not sure that our role is in this thing and what the government's role should be.

QUESTION OF RESPONSIBILITY

"I'm not sure," he continues, "that our organization has broad responsibility beyond its function as a hospital to which patients come."

Even with his confusion about the extent of the hospital's responsibility, Mr. Whitaker does see the need "for developing our own new feeders," new ways of admitting patients to the hospital.

To do that, he says, the hospital needs money from other than voluntary contributions, currently its financial mainstay.

"It comes down to basic economics. All our activities are paid for by the patients who use the facilities.

"If we broaden our program, it would cost money . . . and we would have to get state aid."

STATE OFFICIAL'S PROPOSAL

John Morris, director of the state Health Department's medical assistance program, sees a comprehensive health center affiliated with Anne Arundel General Hospital as "within the realm of possibility."

Mr. Morris' approach would be to have the state Health Department contract with the hospital to provide out-patient services.

"It would take a great deal of planning," he adds, but it can be done.

Concerned about the doctor shortage in the south county, the Anne Arundel County medical society is exploring setting up a preceptorship program under which medical students would serve under county doctors to gain experience.

Dr. Raymond Srsic, society president, says the program, currently in operation at the University of Maryland Medical School, is now being studied by a county medical society committee.

FINANCIAL BURDEN

"The county has to find physicians who will bear the financial burden of supporting the student," the Severna Park pediatrician explains. "We're studying to see whether there are any family doctors in the county who want to participate in the program."

The south county's transportation gap, the most immediate barrier to medical care, might be bridged by early June.

Don Rosenshine, a transportation coordinator at the south county's Human Resource Development Center, is awaiting approval of a $50,000 loan from the Farmers Home Administration to set up the south county's first bus network that will cover the area from the Calvert county line to the Parole shopping center, a scant five miles from Annapolis.

"The new bus system will make a great dent in the transportation problem faced by many in the south county," he says.

"We've planned that the buses will be accessible to everyone."

ADDITIONAL ADVANTAGES

Mr. Rosenshine's new bus system, which will use three 40-passenger buses, is expected to increase job and educational opportunities, hitherto restricted in the south county, and to indirectly improve health care.

Dr. Aris T. Allen, an Annapolis physician, says, "Many of the poor now lack education and jobs. That's why so many of them are on Medicaid."

Five early morning and late afternoon employment runs have been scheduled to the Parole shopping center as well as midmorning and midafternoon shopping trips that will bring the lower-priced Annapolis area supermarkets closer to the south county poor.

South county poor without cars are now limited to doing their shopping at small, high-priced local stores.

PATIENT TRANSPORT SERVICE

Mr. Rosenshine is now working on what he calls a "simple plan" to get a $12,000 grant from the state Health Department to bring medical care closer to the south county poor.

His idea, which he insists is not unique, calls only for a car, a driver and money to cover the costs of the trips by poor patients to the south county's three doctors in Shady Side and Lothian and the county Health Department clinics in Davidsonville and Churchton.

But, as he sadly recognizes, much as his programs will bring medical care closer to south county residents, they won't persuade more doctors to treat indigent patients holding medical assistance cards, they won't attract more doctors into the south county, and they won't broaden Anne Arundel General Hospital's services.

THE FUTURE OF THE TWO-PARTY SYSTEM

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the Record a paper recently presented before the Taft and Hinckley Institute of Politics at the University of Utah by Mr. Bert Willis. Mr. Willis is a former member of my staff. He came to my attention as a bright young intern in 1967, and since then has gone downtown to further his own very promising future.

Mr. Willis has made some especially pertinent comments regarding the future of our two-party system. I believe the points he has presented are extremely timely and deserve the attention of the Senate.

There being no objection, the paper was ordered to be printed in the Record, as follows:

The Non Emerging Majority

(By Bertram C. Willis)

Many observers are announcing the death of the political party. Witness, for example, the statement of a Saturday Review article that "We are confronted with the fact that the traditional party system is as obsolete as the magneto."[1] What is the situation of the political party in America? More important, what is its future?

The indications are overwhelming that we are currently in a watershed era for American political organization. One could argue that every third of a century during the past hundred years has seen such a watershed. The turn-of-the-century saw William Jennings Bryan practicing his own brand of polarization with its consequent reinforcement of a Republicanism so strong that only Republican in-fighting led to Democratic victories during the century's second decade. The second third-of-the-century saw probably the strongest and most diverse national coalition ever developed in this country when Franklin D. Roosevelt welded together farmers and factory workers, Southern conservatives and Northern liberals and other diverse

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Footnotes at end of article.

elements into the bloc which swept both him and Democratic majorities into Congress in 1932 and has kept that party predominating for the great majority of years since.

It is hardly novel to suggest that the Roosevelt Democratic coalition, the coalition which experienced its watershed in 1932, is at least in serious disrepair and in all probability is ceasing to be the dominant reality in American political life. The coalition's demise, heralded by "purists" from both left and right, has led to calls for new coalitions from members of both parties, as evidenced by Phillips' *The Emerging Republican Majority*[2] and Scammon and Wattenberg's *The Real Majority*[3]. However, there is another real possibility beside those put forward by the various coalition-formers. This possibility is that there will be no new coalition, neither Democratic nor Republican, the political parties will indeed achieve the irrelevance which already many attribute to them.

Whatever they become, political parties, if they are to survive, will be something different than they have been before. In a number of ways traditional party roles have been preempted without other roles of equal significance taking their place. Ironically, Roosevelt's actions as President may well have gone a long way towards the eventual demise of his own coalition because of his great expansion of government provided social services. No longer, as was the case earlier in the century, does the party ward boss dispense substance to the needy as inducement for party support; instead the apolitical Social Security Administration distributes support through apolitical state welfare departments. While parts of the Poverty Program have perhaps seen a return to the political administration of social services, these were doubtless but a fleeting shadow of the system's former glory.

A related role is, of course, party involvement in government employment. No citizen of this state, after watching recent state and local government activities, would wisely claim that patronage is dead. The question of its significance to political parties, however, is another matter. Utah municipal elections, those involving the offices with the highest percentage of patronage positions, seem to see little activity by the patronage employees for the party ticket. Instead, one sees each office emptied as the clerks and typists and receptionists and administrative assistants go out to work for their own man. While there is a political loyalty, it is not primarily a party loyalty.

On the national level, we have "Hatch Acted" the overwhelming majority of federal, and a significant number of state, employees turning them at best into political neuters and probably into a very real detriment to the political parties in America. Not only is there no compulsion for civil service employees to participate in party politics; we have chosen to punish such activity. Thus, we have removed a group whose political activity has traditionally been highly significant stemming as it does from deep personal economic interest.

But, Institutional changes in government can hardly account for the substantial changes which we are seeing in the political parties. To quote the sometimes political philosopher Woody Guthrie, "The Times Are A Changing."

The electronic media reflects and to a great extent, creates this change. It has been suggested that the first electronic media revolution, the radio era, enabled Roosevelt to hold his coalition together.[4]

Certainly, in a manner impossible for the printed media, radio made Americans a single people and susceptible as never before to the national political party. Then, gangbusters gave way to Dragnet, Big John and Sparkie were displaced by Captain Kangaroo, and radio was edged out by that consummate political medium, television.

It would be difficult to overestimate the impact of television on political parties. Television heralded the rise of personality politics at the expense of party politics. Witness Senator Muskie who in one deft fifteen minute spot ad the night before last November's elections rocketed himself out from the pack of Democratic presidential hopefuls into the position of "man to beat" in order to get the Democratic nomination for the Presidency. Witness the nomination and election of John F. Kennedy which brilliantly utilized television. Anyone who has had the experience of working in any proximity to a presidential campaign becomes deeply aware of television's pervasive influence. In this state, Utah Valley schools were dismissed so that students could overfill BYU's field house for the appearance of one presidential contender. This overflow was not required by a desire to spread the candidate's message among those present nearly so much as to spread the impression via the media of an accelerating bandwagon. Similarly, Salt Lake County was bombarded by twenty-five thousand "personal" invitations to attend the already well publicized speech of the leading presidential contender in the Tabernacle, which seats seven thousand, and still there was discussion of moving the whole affair into the two thousand-seat Assembly Hall because of the importance to the television publicists of having people hanging out of the windows. Both efforts achieved their goal magnificently with the candidates faring well on television with, as a side benefit, increased support from those who personally attended the meetings.

No organization, including a political party, is photogenic; some men are. It would appear that the convincing twenty-second spot ad for a political party has yet to be written, yet the effective twenty-second spot ad for, or against, individual candidates are legion. In such ads, does one find that the candidate's political party is identified? Rarely. We will let others argue about whether television has made candidates approach the issues more superficially than in earlier days. What is clear is that television, the most effective political medium, has glorified the candidate at the expense of the party.

Not only does television opt for the candidate at the expense of the party; similarly it glorifies the illusory issue, again at the expense of the permanent party. Before television came into its own, a wisely conducted political campaign was mapped out early in the year. Issue presentation was part of this plan and was formulated after research, including surveys, completed by mid-summer. The plan was then exalted to holy writ status, to be obeyed through the vicissitudes of the campaign. The truism "Act Don't React" was consistently voiced along with the assurance that people and basic issues don't change and that, therefore, it is much better to fight on one's own ground than to deal with strange, new and, therefore, unimportant issues.

This stability was upset by the ability of the media, particularly television, to escalate a formerly minor issue into a major concern and to dramatically present an event overshadowing all of the formerly overriding issues. Witness the law and order issue of recent interest. One wonders what the outcome of Senate races in states like Indiana, California, New Mexico, Utah and Florida would have been had last October seen a repetition of the riots which engulfed several cities in the nation earlier in the decade.

A riot in Chicago, a ceasefire in Saigon, a shipment to Cuba or a ping pong tournament in Peking can alter the result of an election in Utah. Candidates fail to react at their peril. Campaigns must be continuously reevaluated and redirected. The early planning and researching, work for which the political party is particularly well-adapted because of its ongoing nature, becomes less significant. The political party sees another of its roles diminished.

Having said all this of television, one should be particularly careful that he not credit this medium with changing society when it actually is only mirroring the changes.

Certainly one of the significant changes within the American society is its greatly increased affluence. The ability to support vast social services and a vast defense establishment simultaneous with growing personal wealth evidence this affluence. This phenomena is not without impact on American politics.

Affluence, for example, has been credited for the impatience with which many young persons see society. One writer observes:

> Affluence in one way increases dissatisfaction, and thus, conflict by contributing to a mentality of demand, an inordinately expanded set of expectations concerning what is one's due, a diminished tolerance of conditions less than ideal. Precisely because an affluent society can deliver so much, because its expanding resources create the impression that all good things are possible if only men honestly pursue them, because so many of the things which have vexed man historically and made his life "solitary, poor, nasty, brutish, and short" have been removed; the standards by which acts, conditions and problems are judged to be "intolerable" have been dramatically enlarged or softened.[5]

Such concern with societal perfection has led to a great fascination with issues, particularly among the rising, university-based generation. But political parties are not issue oriented; they are constituent oriented.[6]

Observers frequently point out this non-issue orientation of political parties, for example:

> It is in this sense that party can be termed basically a container, composer, and cumulator, a statistical rather than a rational or conscious order. As such it may be a more or less passive channel for regular expression without influencing or being influenced much along the route. . . . Party in America continues to make possible a popularly based policy-making process without very much directing policy outcomes themselves.[7]

Historically, this absence of issue orientation has doubtless worked to the advantage of both the parties and the nation by placing the parties in a role of reconciling the enormously diverse interests and concerns reflected from a greatly varied people. It is no mean task to weld together an organization containing Senators Jackson and McGovern and Eastland; nor is it easy to form the umbrella for Senators Griffin, Goldwater and Scott. Obviously, such groups must rely upon something other than a common issue orientation to cement them together. The irony is that the same ability to treat political issues with relative passivity which has enabled the political party to hold together in the past now estranges it from an increasingly issue-oriented constituency with the resulting charges of irrelevance.

This charge of irrelevance is given further credence by the age of the party leadership, men who won their political spurs in long-ago battles over labor legislation, civil rights legislation and even social security as well as other matters purportedly of interest chiefly to historians. Witness the "new liberal" coolness towards Hubert Humphrey in 1968 despite his dedication to liberal causes for decades. The current period of rapid change poses problems for any party leadership drawn from past battles since in the eyes of the new recruits they will continue to represent the earlier, rather than the current, agenda.

While conclusions crediting television and affluence with an increased emphasis on issues and personalities and a decreased role for party politics are certainly debatable, the conclusion that party support is eroding is unmistakable. The incidence of ticket

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Footnotes at end of article.

splitting is one method of measuring this eroding support. In elections contested by the two major parties, there is overwhelming evidence of an upswing in this phenomenon.[8]

In Utah, for example, 1968 saw a Republican presidential nominee rolling in on a landslide at the same time that a Democratic governor was winning 2:1 and a Republican Senator was winning his own handsome victory. Traditionally Democratic Rhode Island provided an even more striking example of this split ticket voting when, in 1964, Republican John Chafee resoundingly defeated his Democratic opponent 61 to 39 percent at the same time that Lyndon Johnson was picking up 81 percent of that state's votes in the face of Barry Goldwater's 19 percent.

Similar conclusions follow from analyzing party affiliation. Longitudinal studies indicate that the percentage of persons identifying themselves as independents is rising relatively slowly.[9] These figures, however, are deceptive and do not accurately reflect the rate of the rush to independent status. The momentum of this trend towards independent voting patterns is seen when voters are broken down by ages since today's young voters are tomorrow's majority voters. Specifically, in 1940 approximately one out of every five persons in his twenties identified himself as an independent. In 1968, two out of every five did so. This shift among the young to independent identification has been at the expense of both parties. For example, 1968 saw the Gallup poll reporting that for the first time during this period, the number of independents exceeded the number of Democrats in this age group.[10] Lest, liberals greet this news too gladly, it should be pointed out that George Wallace did particularly well among this group of issue and personality oriented young independents.[11] Lest anyone should wax Pollyanna-like about this rising percentage of independence being a result of political descretion, it should be pointed out that current search shows ticket splitters to be unusually highly motivated by political alienation, a far cry from discretion, and to, therefore, vote not for those whom they feel to be best qualified, but against those whom they find to be the lesser, or less-known, of two evils.[12]

This situation has not been without its exploiters. If money is the mother's milk of politics, as claimed by Jesse Unruh, the milkmen have been quite adequate in shifting to this more personalized and issue-oriented situation. This spring in Washington has already seen several party fund-raising dinners. The Republican affair combined the Republican National Committee with that party's committees in the House and the Senate and reportedly netted around $2 million. The Democratic National Committee's dinner reportedly netted around $1 million, but the Senate and House Democrats are having their own party later this month which should pull in another million. While $2 million per party sounds impressive, it pales when compared with the expenses involved in running a campaign. Obviously, the national committees can do little to dent the minimum $200,000 or $300,000 expense of a successful Senate campaign in a small two-party state, and even less when the total gets up around the million dollar mark for the larger states. Neither do these sums begin the dent the many millions required for a presidential race.

The really significant campaign contributions are obviously directed not to the party for distribution but directly to the particular campaign. Recent years have seen heavily issue-oriented groups such as the Council for a Livable World, the AFL–CIO's Committee on Political Education, the Committee for an Effective Congress and, to a less successful extent the Americans for Constitutional Action solicit funds from their publics to be used in those races where the "correct" issue mix is present. Now we have a similar phenomenon with issue-oriented groups setting up to lobby for their particular concerns. While the very conservative Liberty Lobby has already jumped into this field, this group's position on the political spectrum did not make it a particularly formidable force. However, the latest entry in this field, Common Cause, could well be another story. Common Cause, claiming to represent the solid, decent middle American but looking to many moderates and conservatives suspiciously like a legislative arm of ADA, has apparently struck a responsive chord among many Americans resulting in their sending both their $15 membership fee and a heavy volume of mail to Members of the House and Senate supporting Common Cause backed legislation.

We pay a heavy price for such issue-oriented organizations. Their undermining of the political parties without providing comparable, ongoing day-to-day organizations raises serious problems for political stability.

This is a diverse nation, a diversity which is reflected not only between but also within its political parties. Take away the parties and their admittedly imperfect but nonetheless basically democratic nominating and other procedures and what is left? One writer fears "the erosion of party as an action intermediary and the conversion of elections into candidate-image affairs for which only the very wealthy or those close to the very wealthy need apply." [13] If Americans fear unresponsive government, let them also fear the awesome influence held by a single group that contributes $100,000 to a single Senate campaign or that can mobilize enormous pressure on Members of Congress. Perhaps in an era of too many people giving answers where they don't even know the questions we should look more sympathetically at institutions like the political parties, which because of their ideological diversity are able to "bring us together."

The obvious question is what can be done? First, parties must, as they have always done in the past, roll with the punch. In areas where they can't be effective, they must not waste effort, while increasing their attention to areas where they can contribute. For example, party identifications cannot compete as well as personalities and issues. Consequently, parties must increase their ability to select attractive candidates and render greater assistance to them.

Political leaders have both a special stake in and a special responsibility for the strengthening of their parties. They need the parties to hold what little order there is in the political process. Their special responsibility is to both use and support their parties. In the long run, they least of all can afford the sort of undercutting of their own parties which we saw, for example, on the part of the Johnson Administration in its emasculation of the national Democratic Party. Whatever the titles may be, the President is the leader of his political party. He may choose to accept that responsibility and place people directly under his Administration's control at the head of the apparatus, as President Nixon has apparently done, or he may choose to establish his own political apparatus in the White House and simply let the party organization atrophy. While the latter course may be in the short run the easier, it is in the long run the costlier. Nonpresidential politicians also have a responsibility to support the organization whose nomination they seek. The primarily non-ideologically, mechanics oriented coalition being formed by Laurence O'Brien deserves the support of all the would-be Presidents in the Democratic Party. Leading political contenders must learn to forego the temptation to seek to make political points as "their own man" at the expense of discrediting the institution of party politics.

Ideologically oriented fund raising and lobbying groups have a similar responsibility to aid the preservation of the parties. This responsibility stems not from any congruence between either party and any particular group; as already shown, parties by their very nature will never fit comfortably with any ideology. Instead, this responsibility stems from a commitment to political order and the need for compromise within the American political system. Fund raising groups can have an enormously beneficial effect upon the parties simply by making some of their donations to the parties and letting the parties, in turn, allocate funds to the candidates. Since nothing talks in politics like money talks, such acts could help the parties find a stronger voice.

Perhaps the greatest hope for political parties comes from the American ability to muddle through, coupled with the fact that the trend towards the death of political parties is simply a trend; the wake is not yet. Americans, for the most part, continue to exercise the party affiliation which they learned early in life. The 1968 Presidential election, for example, saw party voting far outstrip any other basis for decision making.[14] Parties thus continue to represent greatly different Americans in a number of different ways.

In an area of great diversity, we have no acceptable alternative to effective political parties serving as a vehicle for varied interests and personalities. It is our responsibility, and the responsibility of all Americans involved in their nation's politics, to work for such parties.

FOOTNOTES

[1] Harvey Wheeler, "The End of the Two Party System," *Saturday Review of Literature*, November 2, 1968, p. 22.

[2] Kevin Phillips, *The Emerging Republican Majority* (New Rochelle: Arlington House, 1969).

[3] Richard M. Scammon and Ben J. Wattenberg, *The Real Majority* (New York: Howard-McCann, 1970).

[4] Wheeler, *op cit.*

[5] Everett Carl Ladd, Jr., *American Political Parties, Social Change and Political Response* (New York: W. W. Norton, 1970), p. 255.

[6] Theodore I. Lowi, "Party Policy and Constitution in America," in Chambers and Burnham, *The American Party System* (New York: Oxford University Press, 1967), pp. 239–240.

[7] Ibid, p. 264.

[8] Walter Dean Burnham, "The Changing Shape of the American Political Universe." *American Political Science Review,* Vol. 59, 1965.

[9] Ladd, *op cit.,* pps. 232–233.

[10] Ibid, p. 302.

[11] Philip E. Converse, *et al.,* "Continuity and Change in American Politics: Parties and Issues in the 1968 Election," *American Political Science Review,* December, 1969, pps. 1104–1105.

[12] Burnham, *op. cit.,* p. 27.

[13] Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: W. W. Norton), pps. 177–178.

[14] Converse, *op. cit.,* pps. 1098–2001.

THE PENTAGON STUDIES

Mr. McGEE. Mr. President, in this week's issue of Newsweek, Stewart Alsop poses some interesting questions relative to the recent divulgence by the New York Times of the top-secret Pentagon studies of the U.S. role in Vietnam.

As was pointed out by Mr. Alsop, it was just a few years ago when this same newspaper editorially expressed indignation over the "breach of security" arising from the publication of a story in the

Saturday Evening Post on the Cuban missile crisis.

Mr. Alsop's piece is worth reflection, not only on the part of the New York Times, but also by those who have not as yet realized the ramifications of the publication of these documents.

Mr. President, I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BREACH OF SECURITY

(By Stewart Alsop)

WASHINGTON.—It is interesting and rather wryly amusing—to juxtapose a couple of editorials that have appeared in the New York Times. One appeared on June 16 after a Federal judge ordered the Times to suspend publication of the top-secret Pentagon studies of the U.S. role in Vietnam.

The Times called this "an unprecedented example of censorship," which indeed it is. But then, the verbatim publication of great masses of top-secret papers is also unprecedented.

"What was the reason that impelled the Times to publish this material in the first place?" the Times asked rhetorically. "The basic reason is, as was stated in our original reply to Mr. Mitchell, that we believe 'that it is in the interest of the people of this country to be informed' . . ." The editorial continues on that lofty note: "We publish the documents and related running account not to prove any debater's point . . . but to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government . . ."

The other editorial, which was even more righteously outraged, appeared in the Times some years ago. It was entitled "Breach of Security," and it denounced an article "purporting to tell what went on in the executive committee of the National Security Council . . . The secrecy of one of the highest organs of the United States has been seriously breached."

"M'CARTHY TECHNIQUE"

"What kind of advice can the President expect to get under such circumstances?" the Times asked, again rhetorically. "How can there be any real freedom of discussion or of dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique? . . . The various positions of the members of the NSC taken during deliberation must remain secret . . . The integrity of the National Security Council, and of the advice received by the President, is at stake."

The article that inspired the Times to this burst of righteous indignation was a Saturday Evening Post piece on the Cuban missile crisis by Charles Bartlett and this writer. It too was an attempt "to present to the American public a history—admittedly incomplete—to decision-making at the highest levels of government." Although the Times, fortunately, could not know it at the time, the article had been read in advance (and rather badly edited) by no less an authority on national security than the President of the United States. It contained no word from any NSC paper, or from any other secret document.

REASONS—AND REASONS

The writers' reasons for writing the article were perhaps less lofty than those claimed by the Times in its recent editorial. They included a desire to do a good reportorial job (the account was later confirmed in detail in Robert Kennedy's book on the Cuban crisis). They even included a desire to make a bit of money. But like most reporters, we also believed that "it is in the interest of the people of this country to be informed . . ."

No doubt a desire to inform the people was a major reason for the Times' decision to publish the secret papers. But (to adopt the Times' own rhetorical style) might there not have been other reasons too? Does it not matter a great deal to the Times who does the informing? Is it not the Times' criterion that if the Times does the informing, that is in the national interest, and if somebody else does it, that is "a breach of security"?

And is the Times really indifferent to whether or not the information which it is "in the interest of the people of this country" to publish, supports the views of the Times? The article that so enraged the Times pictured the late Adlai Stevenson, then a major Times icon, in a somewhat dubious light, and that perhaps had something to do with the rage. The Times has long passionately supported the cause that the leaking of the Pentagon papers was obviously intended to serve.

The purloined papers printed by the Times were first offered to Sen. George McGovern and Rep. Paul McCloskey, the leading doves in the Senate and House. Obviously, the purpose of the leak was to prove that this country became involved in Vietnam by a process of stealthy deception; and that therefore the United States should withdraw forthwith, leaving the South Vietnamese to their fate.

In fact, the documents do not really prove what they are intended to prove. Allowing for the need for contingency planning, and allowing also for Lyndon Johnson's well-known passion for concealment, there is less deception of the public in the documents than self-deception.

There is the ancient American illusion that wars can be won cleanly in the air, rather than bloodily on the ground, of course. But the basic self-deception was the illusion that, if the United States could only find the right combination of sticks and carrots, the Vietnamese Communists would (in Robert McNamara's phrase) "move to a settlement by negotiation." The unswerving goal of the Communists, then and now, was and is the imposition of Communist rule on all former French Indochina. There is no stick short of "bombing them back to the stone age," and no carrot short of turning Saigon over to their tender mercies, that will divert them from that goal.

No American President who was also an honorable and humane man could hit them with that stick, or offer them that carrot. Yet the illusion that the North Vietnamese are capable of "reasonable" compromise is amazingly persistent, especially among liberal Democrats—its most recent manifestation is the "Clifford Plan," strongly supported by the Times.

NONSENSE

Despite its ineffable self-righteousness, the Times is certainly a great paper, though not as great as when it had the Herald Tribune to worry about. Moreover, anyone who has been around Washington for some time knows that a lot of governmental nonsense has been perpetrated in the name of "security." Most reasonably diligent reporters, including this one, have been investigated by the government for publishing information the government found it inconvenient to have published.

Yet surely there is a problem of security worth worrying about when "the various positions of the members of the NSC," as well as National Intelligence Estimates and secret coded messages from foreign governments, are reproduced verbatim in great quantities. Indeed, the Times series, by the Times's own standards, is the most serious "breach of security" in modern history. Yet those who wait for the Times to denounce this particular breach will have a long wait.

THE SUPPLY OF ENERGY

Mr. BROOKE. Mr. President, on June 4, in his message to Congress on the Supply of Energy, the President stated:

> One important way of fostering effective performance is to place responsibility for energy questions in a single agency which can execute and modify policies in a comprehensive and unified manner.

I strongly support this proposal and hope that Congress will act soon to assure consistent and intelligent administration of our Nation's energy policies.

In this connection, I invite the Senate's attention to an item in Platt's Oilgram of June 8 announcing that on Monday, June 7, the Federal Power Commission had authorized the Boston Gas Co. to import large quantities of liquified natural gas from Algeria and Canada. I am pleased at the Commission's action; it helps to assure that the homeowners and consumers who burn gas in the Boston area will have adequate supplies of this vital fuel in the coming winter.

However, I am deeply disturbed that one agency of the Federal Government—the Federal Power Commission—could authorize imports from Canada and Algeria of a heating fuel, while another agency of the Government—the Oil Policy Committee—has not acted on proposals to provide increased imports of another vital fuel for the New England area, No. 2 fuel oil.

Mr. President, it is clear that there is little, if any, coordination between the fuel and energy policies of the various agencies of the Federal Government. This is happening despite assurances in the President's message that until the new Department of Natural Resources comes into being, he would "continue to look to the Energy Subcommittee of the Domestic Council for leadership in analyzing and coordinating overall energy policy questions for the executive branch." I note that both the Chairman of the Federal Power Commission and the chairman of the Oil Policy Committee serve on the Energy Subcommittee.

The tragedy is that the people of New England and the Northeastern States suffer the most from the inconsistent and contradictory policies of our Government.

I find no reason why one agency of the Government should allow importation of gas from Canada and Algeria to provide heating for the New England area, while another agency of Government forbids imports of No. 2 fuel oil from Eastern Canada and the Eastern Hemisphere for New England.

It might be noted that nearly three-quarters of the homes in New England are heated by No. 2 fuel oil and a clear case has been made for a substantial increase in the level of imports of this product.

I cannot understand the reasons for the inconsistency. If we can import one product to help some homeowners and consumers, we should be able to import another product which is burned in most of our homes.

These facts demonstrate once again the need for complete revision of the Oil Import program. That revision should begin with a decision by the Oil Policy

Committee to raise the level on No. 2 fuel oil coming into the Northeastern States to a minimum of 100,000 b/d. Further, the Oil Policy Committee should allow that fuel oil be purchased anywhere in the world, just as importers of natural gas are able to bring it in from anywhere in the world.

Mr. President, I ask unanimous consent that the article from Platt's Oilgram be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Excerpt from Platt's Oilgram, June 8, 1971]

FPC APPROVES FOREIGN LNG PURCHASES BY BOSTON GAS, WASHINGTON, JUNE 7

FPC today authorized Boston Gas to import 1.9 million Mcf of Ln-gas from Algeria and Canada by April 1972.

Company won permission to purchase about 714,200 Mcf of LNG from Gas Metropolitan of Montreal at prices ranging between 84.56¢/Mcf and $1.47/Mcf. LNG will be conveyed to Boston in cryogenic tank trucks at cost of 45¢/Mcf.

FPC also allowed purchase of 1.25 million Mcf of Algerian LNG from Gazocean International or its affiliate, Alocean, which will transport LNG by tanker to company's storage facilities at Commercial Point near Boston harbor.

Commission said cost of Algerian LNG will be about $1.66/ Mcf, subject to change resulting from new tax, fee or duty charges levied by Algiers.

Boston Gas told commission it needed to import LNG because it has supplier, Algonquin Gas Transmission, needed to ensure adequate supplies for next winter.

JOINT RESOLUTION OF MAINE LEGISLATURE IN RESPECT TO PRISONERS OF VIETNAM WAR

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the Maine Legislature memorializing Congress in respect to prisoners of the Vietnam war.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

Whereas, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

Resolved: That we, your Memorialists, speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

Resolved, That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

Resolved: That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

THE HIGH DOLLAR COST TO CITIES OF INMIGRATION

Mr. HUMPHREY. Mr. President, during the 1960's about 1,350 counties in the United States had such heavy outmigration that they declined in population. In the 1950's about 1,500 counties suffered such declines. The great majority of these counties were overwhelmingly rural in character. And where did the people leaving these counties move to? To our cities. And at what dollar cost to the cities receiving these migrants? Mr. Ronald W. Crowley in the 1970 winter issue of the Journal of Human Resources addressed himself to this important, and admittedly, complex problem. This study is that the net dollar burden of inmigrants on the population of a city is significant. Although these costs may be only temporary, they are high and do represent a subsidization of migrants by nonmigrant residents of a city for a period of time immediately following migration.

The net burden of inmigrants on the population of a city is calculated in this article by multiplying the income distribution of inmigrants by an income-based per capita distribution of revenues and expenditures. A measure of the burden which compensates for different revenue-expenditure patterns among cities also is developed in the article. These statistics are used for examining the costs imposed by inmigration on 94 large U.S. cities. Among the cities studied, 1955–60 inmigrants imposed in 1960 a median net burden per city of $2,500,000; the median net burden per migrant was nine times greater than per city resident, $72 per migrant and only $8 per city resident.

Mr. President, these alarming facts again underscore the vital importance of our developing a balanced national growth policy in this country. Our cities cannot afford to continue underwriting such costs. Such heavy financial burdens in addition to those they must now bear in providing needed services for their residents bankrupt many of them.

To avoid these added costs we must give more attention to meeting the income and social services needs of prospective rural-to-urban migrants where they now live. Development of our Nation's rural areas and smaller communities must be moved higher on our list of national priorities. The future well-being of our Nation's larger cities clearly depends upon it. The newly established Subcommittee on Rural Development, of which I am privileged to serve as chairman, is now hard at work exploring what might be done to revitalize these less densly populated areas of our country.

We have already completed 4 days of hearings here in Washington and 2 days of field hearings as part of this effort. Four more days of field hearings have been scheduled during the month of July. I am convinced, Mr. President, that the people of this country are now ready to turn their attention and energies toward the business of improving both this Nation's quality of life and its standard of living. However, as we go about addressing ourselves to such important tasks, we must develop a better understanding of the social, economic, and political forces involved in a society such as ours which has become so highly mobile. Mr. Crowley's article on the costs of immigrants on the population of the cities to which they migrate gives us some new and important insights to consider in that regard. I urge my Senate colleagues to review the article carefully. I urge other government officials at the National, State, and local levels to do likewise.

I ask unanimous consent that Mr. Crowley's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN EMPIRICAL INVESTIGATION OF SOME LOCAL PUBLIC COSTS OF IN-MIGRATION TO CITIES

(By Ronald W. Crowley)

I. INTRODUCTION

In this study, we are concerned with estimating the public costs of in-migration to the large cities; we concentrate not on the functional city, i.e., the SMSA, but on the political entity of the central city.[1] This restriction was imposed by the lack of adequate financial data for areas of the SMSA outside the central city. As well, our concern is only with the costs imposed upon the central city government; thus both the private sector and some local governments (special and school districts, for example) are excluded.

II. THE METHOD OF ANALYSIS

There are at least two possible approaches to the problem. One is the use of cross-sectional or cross-temporal regression analysis to examine how costs vary as the volume of migration increases. In the case of the latter, the data are unavailable; for the former, problems with differences in the input-output structure of cities, their size, and a host of other factors make it exceedingly difficult. Where it has been used, regression analysis appears to discount the in-migration variable as important.[2]

A second approach involves an examination of the contribution of in-migrants to revenues and the incremental expenditure that they cause to be generated. This approach is basically the one that we have used.

W. I. Gillespie has allocated state and local expenditures and revenues by income class.[3]

Footnotes at end of article.

He obtained an income distribution of 37 variables (e.g., families, food expenditures, low-rent-housing families, mental hospital patients, and so on). The allocation of a government expenditure or revenue among income classes was then made on the basis of one or more of these income distributions.

We have accepted Gillespie's relative distribution (Table 1) as the basis for our study. Since we are interested only in local government, we have assumed that this relative distribution is applicable to local government spending in the relevant categories.[4]

TABLE 1.—PERCENTAGE DISTRIBUTION OF STATE AND LOCAL GOVERNMENT REVENUES AND EXPENDITURES, BY INCOME CLASS, 1960

[In percent]

	Money income						
	Under $2,000	$2,000 to $2,999	$3,000 to $3,999	$4,000 to $4,999	$5,000 to $9,999	$10,000 and over	Total
Revenue (taxes):							
Individual income	0.4	0.8	3.1	6.7	42.5	46.5	100
Sales and excise	4.4	7.3	8.7	16.0	50.7	12.9	100
Property	5.1	6.9	7.2	12.6	49.1	19.4	100
Social Security	3.3	6.0	8.5	10.7	49.3	22.2	100
Expenditures:							
Highways	5.2	8.1	8.5	15.3	47.8	15.2	100
Education	8.3	7.3	10.0	12.5	46.7	15.2	100
Social security	63.4	28.8	6.4	1.3	.1	----------	100
Public health	32.6	19.1	6.7	8.8	25.5	7.3	100
Public housing	36.7	30.6	18.8	9.5	44.4	----------	100
Miscellaneous	21.1	10.9	9.9	11.6	35.7	10.9	100
General expenditures	14.0	9.0	9.0	11.0	43.0	14.0	100
Interest	6.4	5.5	5.7	6.3	26.8	49.3	100

Source: Computed from W. Irwin Gillespie, "Effects of Public Expenditures on the Distribution of Income," in "Essays in Fiscal Federalism," ed. R. A. Musgrave, tables 14 and 16.

If m_{ij} is the proportion of revenue raised in income class j from revenue source i and e_{ij} is the proportion of expenditures in functional category i spent on income class j, then M and E are rectangular matrices of order 4 x 6 and 8 x 6, respectively, as in Table 1.

We were able to obtain 1960 financial data for Gillespie's revenue and expenditure categories for each of the 94 cities with SMSA populations greater than 250,000 that we sought to examine.[5] Since the data were not in exactly the same format, reconciliation was achieved by consolidating our data to conform to his classifications. Then, $R[K]$ and $E[K]$ are diagonal matrices, respectively, of revenues from each source and expenditure on each function in city K.

The 1960 revenues and expenditures of each city were allocated to income classes according to Gillespie's relative distribution. The populations of the 94 cities were divided into income classes on the basis of the percentage of the United States population in each class, and per capita revenues and expenditures by income class were derived. The United States distribution, rather than city distributions, was employed since it was the one used by Gillespie as his basis of allocation. It might appear that there has been a bias introduced by the inclusion of rural inhabitants; however, since this "bias" is already present in Gillespie's distribution, using the U.S. population is an attempt to compensate for his inclusion. It also serves to de-emphasize the inclusion of state expenditures (since they would be on the basis of rural *and urban*), thus resulting in a distribution which pertains more specifically to local government.

Now,

$$R[K]_j=\sum_{i=1}^{4}R_i[K]m_{ij}$$

$$E[K]_j=\sum_{i=1}^{8}E_i[K]e_{ij}$$

$$N[K]_j=E[K]_j-R[K]_j$$

$$\sum_{j=1}^{6}P_j=1.0$$

$$C[K]=N[K]_j/P[K]P_j$$

$N[K]_j$ is total *net* expenditures by city K on income class j; P_j is the proportion of the total U.S. population in income class j; $P[K]$ is the population of city K; and $C[K]_j$ is per capita net expenditures by city K on income class j. We obtained the number of in-migrants, IM, to each city K in each income class j from the *Census of Population*.[6]

$$IM[K]=\sum_{j=1}^{6}IM[K]_j$$

Multiplying the income distribution of in-migrants by per capita net expenditures, and summing over all income classes, we have $B[K]$, the total burden of in-migration to city K.

$$B[K]=\sum_{j=1}^{6}IM[K]_jC[K]_j$$

This burden may be interpreted as a cost imposed in 1960 by those individuals who migrated to—and remained in—the cities between 1955 and 1960.

III. METHODOLOGICAL PROBLEMS

Before presenting the findings, we should examine the pertinent assumptions of our methodology. We have uncritically accepted Gillespie's relative distribution of expenditures and revenues by income class. Since there has been so little work done on this subject, it is difficult to assess the validity of the estimates and, indeed, of the methodology. To the author's knowledge, there have been no published criticisms of it, and other authors appear to have accepted the findings and methodology.[7]

We should repeat that the focus of this study is on the central city as a decision-maker. Hence, we excluded all governmental units but the civic administration in the central city. In revenues, we excluded intergovernmental grants since it was decided that the extent of grants would be determined by agencies outside the city government. A problem is that costs which are compensated by intergovernmental transfers are cost which are borne by other levels of government and at least initially *should be* considered as a cost in the city in question.[8] (This criticism has been partially met in the discussion of net burden below.) We excluded publicly-owned utilities since these were assumed to be self-financing on a user-charge basis.

Our approach assumes that costs and revenues vary only with income, that is, there is no other dimension to the expenditures and revenues of city governments. This simplifying assumption may be incorrect in some instances, since costs may vary with other economic, social, and demographic variables. For example, among in-migrants there may be a greater or lesser incidence of a particular cost-associated characteristic in every income class than there is among nonmovers.

A related problem is the implicit assumption that net expenditure on the marginal migrant in an income class is equal to the average for the class. This is probably not unreasonable. In the case of property and sales taxes—the main sources of revenue for city governments—there do not appear to have been any arguments for significant economies of scale, that is, arguments that revenue from a tax base changes with population size due to purely supply considerations.

On the cost side, there exists a considerable amount of conflicting evidence. The logical arguments for the traditional U-shaped average cost curve are persuasive. Nevertheless, empirical studies of the individual functions carried out by local governments have not borne out such a conclusion.[9] Those who have found diseconomies of scale may have confused differences in quantity with differences in quality of local government goods, or they may have failed to consider the operation of varying demand constraints.[10]

The costs of in-migration rest in both current and capital costs. We have framed our discussion in terms of current costs, but the data implicitly allow for capital costs through inclusion of an approximate value of capital used (depreciation).

Gross in-migration does not represent a net addition to population of the same amount as the migration. To some observers, in-migration may even appear to cause out-migration from cities, and in this context the two should be treated together. However, we would want to suggest neither causation nor the use of net migration data, since both would be misleading. The cost of out-migration is analytically distinct from that of in-migration; out-migration may aggravate the problem of financing city services, but it does not reflect specifically the cost imposed by in-migrants.[11]

We have treated the level of city government revenues and expenditures as politically determined and representing the decision of the community with respect to publicly-provided goods and services. The constant per capita revenues and expenditures per function imply that the community is willing to undertake increasing redistribution within itself to maintain previous per capita consumption of publicly-provided goods. The implicit assumption must be either: (1) that migrants represent a marginal change which will not alter the desired level of goods and services, or (2) that the political mechanism does not accommodate such change even if desired, or (3) that the same level and mix is indeed a preferred one. All are plausible possibilities.

Another problem concerns a bias in our computations. The base for the per capita revenues and expenditures of a city against which in-migrants are compared includes nonmovers, movers, *and* migrants. Under the circumstances of a positive burden, the net expenditures per migrant will be higher but the net relative burden (for definition, see below) will be lower than would be the case if the base were exclusive of migrants. We were unable to eliminate this bias.

Finally, it should be emphasized that the "burden" that we have computed is for a point in time. It is not at all inconsistent that those who impose a cost in 1960 may be of net benefit in later years. Nevertheless, this possibility does not alleviate the *current* problem of cities, even though it does suggest that the essential problem may be not with in-migrants per se, but rather with the time distribution of their demand for publicly-provided goods.

Footnotes at end of article.

IV. THE EMPIRICAL RESULTS

Table 2 presents frequency distributions of (1) the total cost or burden of in-migration per city, (2) the expression of this burden in relation to the number of city residents, and (3) the per migrant cost.[12] It is apparent that in a majority of cities the burden is relatively small when expressed in per capita terms.

TABLE 2.—TOTAL AND PER CAPITA BURDENS OF 1955-60 IN-MIGRATION TO 94 CITIES, 1960

Type of burden and size class of burden	Number of cities
Total money burden: [1]	
$0 to $1,999,000	44
$2,000 to $3,999,000	20
$4,000 to $5,999,000	14
$6,000 to $7,999,000	5
$8,000 to $9,999,000	3
$10,000 to $11,999,000	1
$12,000 to $13,999,000	2
$14,000 plus	5
Total money burden per city resident: [2]	
$0 to $9.99	55
$10 to $19.99	27
$20 to $29.99	9
$30 to $39.99	2
$40 to $49.99	0
$50 to $59.99	0
$60 to $69.99	1
Per migrant burden of in-migration: [3]	
$0 to $39.99	20
$40 to $79.99	38
$80 to $119.99	11
$120 to $159.99	13
$160 to $199.99	5
$200 to $239.99	5
$240 to $279.99	0
$280 to $319.99	2

[1] Median, $2,248,000; mean, $4,406,000.
[2] Median, $8; mean, $11.
[3] Median, $72; mean, $89.

There are, however, some problems in interpreting these data. The disparity in functions carried out by city governments creates differences in revenue-expenditure patterns. It is possible that a given total money cost may represent a greater real burden to one city compared to another because of higher costs *per function*.

To incorporate this possibility, the burden of in-migrants was expressed relative to the "burden" of all city residents.[13] We computed the average burden of all city residents and subtracted this from the average burden per migrant. The difference was then expressed as a percentage of the former (Table 3). This "relative burden" is probably the best measure for intercity comparisons. For any city, the greater the number of functions, the greater the amount of external financing, ceteris parabus. For example, if education and welfare were functions of one city, the amount of federal and state grants (not included in our revenues) would be greater than for another city which did not have these functions. Cities that rely on considerable external financing might have a high per capita in-migration burden, but they would also have a high per capita burden per resident. Thus, we have a comparison between in-migrants and residents for each city.

TABLE 3.—REGIONAL DISTRIBUTION OF RELATIVE BURDEN FOR CENSUS BUREAU REGIONS [1]

Size of Relative burden	Number in each region									
	Northeast	Middle Atlantic	East North Central	South Atlantic	East South Central	West North Central	West South Central	Mountain	Pacific	Total
Negative burden								1	1	2
Positive burden:										
0 to 30 percent		2	8	2	3	3	4	2	7	31
31 to 60 percent	2	6	7	3	3	1	5	1	3	31
61 to 90 percent		4	1	2	1	1		1		10
91 to 120 percent	3	4		2						9
121 to 150 percent	1	3	1			1			1	7
Over 150 percent	1	1		1			1			4
Median burden (percent)	118	72	32	57	35	40	33	18	26	41
Number of observations	7	20	17	10	7	6	10	5	12	94

[1] The classifications in this table are based on the Bureau of the Census regions, with the exception of the inclusion of Maryland, District of Columbia, and Delaware in the Middle Atlantic region ather than the South Atlantic. It was felt by the author that cities such as Washington, Baltimore, and Wilmington were more like cities in the former than the latter.

In only two cases were in-migrants of benefit (in the sense of imposing a smaller cost than the residents) to the receiving area. These cities were Albuquerque, New Mexico, and San Jose, California. It is relevant that both are located in the West. As the Advisory Commission on Intergovernmental Relations has noted, there is a tendency for very different distributions of low income people to pertain to various areas of the United States.[14] In the Southwest, it is frequently the suburbs which contain large elements of low income inhabitants. Table 3 suggests a strong regional pattern in the size of the relative burden.

Table 4 shows the ten cities with the largest and the ten with the smallest "absolute" and "relative" burdens. Table 5 is a frequency distribution of the burdens according to city and SMSA populations. Size does not appear to be a crucial factor.

TABLE 4.—LARGEST AND SMALLEST "ABSOLUTE" AND "RELATIVE" BURDENS OF IN-MIGRATION FOR CITIES IN METROPOLITAN AREAS OVER 250,000 POPULATION

Per migrant burden (dollars):	
Largest:	
Boston, Mass	$301
Washington, D.C	297
New Haven, Conn	236
Norfolk-Portsmouth, Va	234
Chattanooga, Tenn	232
Worcester, Mass	216
New York, N.Y	200
Jacksonville, Fla	195
Wilmington, Del	180
Richmond, Va	172
Smallest:	
San Antonio, Tex	12
Albuquerque, N. Mex	22
Charleston, W. Va	22
Peoria, Ill	26
Paterson-Clifton-Passaic, N.J	27
Shreveport, La	28
Dallas, Tex	29
Houston, Tex	32
Omaha, Nebr	32
Wichita, Kans	32
Net relative burden:	(Percent)
Largest:	
San Antonio, Tex.[1]	662
Johnstown, Pa	237
Boston, Mass	219
Miami, Fla	187
Peoria, Ill	147
Saint Louis, Mo	145
Providence-Pawtucket, R.I	140
San Francisco-Oakland, Calif	137
Pittsburgh, Pa	136
New York, N.Y.	133
Smallest:	
Albuquerque, N. Mex	−9
San Jose, Calif	−6
Paterson-Clifton-Passaic, N.J	5
Tulsa, Okla	7
Phoenix, Ariz	9
Wichita, Kans	9
El Paso, Tex	9
Akron, Ohio	9
Gary-Hammond-East Chicago, Ind	11
Charlotte, N.C	11

[1] San Antonio has a large relative burden primarily because of the low "net burden per resident" ($1.57). For all of the cities in the study, this is the smallest burden by a considerable margin. Because of the extremely small values, the large "net relative burden" for San Antonio might be explained by chance variation or error in either the burden per migrant or the burden per resident.

Footnotes at end of article.

TABLE 5.—SIZE OF RELATIVE AND ABSOLUTE BURDENS OF IN-MIGRATION FOR THE 10 LARGEST AND SMALLEST CITIES WITH METROPOLITAN AREAS OVER 250,000 POPULATION, 1960

	1960 population (thousands)		Net burden per in-migrant (dollars)	Net relative burden (percent)
	Central city	SMSA		
Largest:				
1. New York, N.Y	7,782	10,695	$200	113
2. Chicago, Ill	3,550	6,221	75	53
3. Los Angeles-Long Beach, Calif	2,823	6,039	72	32
4. Philadelphia, Pa	2,003	4,343	123	110
5. Detroit, Mich	1,670	3,762	$114	68
6. Baltimore, Md	939	1,727	169	61
7. Houston, Tex	938	1,418	32	28
8. Cleveland, Ohio	876	1,909	64	43
9. Washington, D.C.	764	1,989	297	102
10. St. Louis, Mo	750	2,105	71	145
Smallest:				
1. Johnstown, Pa	54	281	36	237
2. Bakersfield, Calif	57	292	35	36
3. Lancaster, Pa	61	278	35	73
4. Harrisburg, Pa	80	372	124	64
5. Charlestown, W. Va	86	253	22	61
6. Orlando, Fla	88	318	97	29
7. Wilmington, Del	96	415	180	21
8. Columbia, S.C	97	261	38	108
9. Reading, Pa	98	275	36	71
10. Peoria, Ill	103	313	26	147

It is apparent from these data that in-migrants impose not inconsiderable burdens on the cities to which they migrate. The magnitude of the burden, however, is subject to wide variations—especially with respect to the region in which the central city is located. It is important to stress, in concluding this section, that our results reflect, in a very real sense, characteristics peculiar to particular cities. The inadvisability of attempting generalizations for all cities in the United States becomes immediately apparent. For example, the relatively low burden in Lansing, Michigan, probably reflects the high minimum salaries of government officials; in Clifton-Paterson-Passaic, New Jersey, and Wilmington, Delaware, the pervasive influence of E. I. du Pont de Nemours as an employer; and in cities such as San Diego, California, the importance of armed forces personnel. In the model that we have employed, intercity variation is a function primarily of differences in the income distribution of in-migrants relative to the native population and of absolute and relative differences in the revenue-expenditure mix.

V. CONCLUSIONS

On the basis of an income distribution of in-migrants and an income-based relative distribution of government expenditures and revenues, we have estimated the net cost of in-migration to central city governments. This has been a legitimate exercise only if we can assume that the incidence of characteristics which determine revenues and expenditures relative to income is approximately equivalent over migrant and nonmigrant groups. If it is, we have an indication of the total cost of in-migration to cities and the amount of subsidization of in-migrants which is being undertaken by nonmigrant groups of the cities in question or by senior levels of government.

Whether the burden is endogenously or exogenously financed makes little difference for purposes of our analysis of the size of the burden. However, to the extent that it is exogenously financed, or to the extent that endogenous beneficiaries in the private sector are not specifically taxed, the cost is not being distributed in such a way that an optimal amount of migration might result. (Indirect evidence that the costs are not being efficiently distributed is found in the unabated internal pressure from certain groups to continue and to encourage city population growth.[15]) If, on the other hand, the nation, as expressesd through its political process, has decided on the desirability or the right of individuals to move, then this analysis suggests that there are significant public costs associated with such a policy.

FOOTNOTES

[1] The definition of in-migrants used here is that of the Bureau of the Census, *Census of Population, 1960*, PC (2)—2C, "Mobility for Metropolitan Areas." Migrants are those who change county in changing residence; movers are those who do not change county in changing residence; and nonmovers are those who change neither county nor residence. The Census yields the number, and characteristics of those 1960 residents who migrated to the city between 1955 and 1960.

[2] Cf., for example, H. E. Brazer, *City Expenditures in the United States* (New York: National Bureau of Economic Research, Occasional Paper No. 66, 1959); S. Sacks and A. K. Campbell, *The Metropolitan Context for Fiscal Decision-Making* (New York: The Free Press, 1967); S. Sacks, "Metropolitan Area Finances," in *1963 Proceedings, National Tax Association* (1954); S: Scott and E. L. Feder, *Factors Associated with the Variations in Municipal Expenditure Levels* (Berkeley: University of California, 1957); W. L. C. Wheaton and M. J. Schussheim, *The Cost of Municipal Services in Residential Areas* (Washington: U.S. Government Printing Office, 1955).

[3] W. Irvin Gillespie, "Effects of Public Expenditures on the Distribution of Income," in *Essays in Fiscal Federalism*, ed. R. Musgrave (Washington: The Brookings Institution, 1963); W. Irving Gillespie, "The Effects of Public Expenditure on the Distribution of Income: An Empirical Investigation" (Ph. D. diss., Johns Hopkins University, 1963). Although there are a number of studies dealing with the revenue aspects of government, the author is aware of only one other dealing with expenditures. Tax Foundation, Inc., *Tax Burdens and Benefits of Government Expenditures by Income Class, 1961 and 1965* (New York: The Foundation, 1967). This was not used because the years did not correspond to the one in which the author was interested (1960).

[4] See the discussion below for a qualification of this statement.

[5] We chose all of the cities in the United States with a population over 250,000 in the *metropolitan* area. Revenue-expenditure data were available, only for cities over 50,000 population, in the *Compendium of City Government Finances*. Since some SMSAs are comprised of multiple central cities, cases of municipalities smaller than 50,000 population arose. These were excluded from further study. They included: (1960 SMSA population in parentheses) Allentown-Bethlehem-Easton, Pa.-N.J. (492,000); Anaheim-Santa Ana-Garden Grove, Calif. (704,000); Davenport Rock Island-Moline, Iowa-Ill. (319,000); Duluth-Superior, Minn.-Wis. (277,000); Fort Lauderdale-Hollywood, Fla. (334,000); Huntingdon-Ashland, W. Va.-Ky.-Ohio (255,000); San Bernardino-Riverside-Ontario, Calif. (810,000); and Wilkes-Barre-Hazelton, Pa. (347,000).

[6] Bureau of the Census, *Census of Population, 1960*, PC (2)—2C, "Mobility for . . . ," Table 4. A correction was made for unattached individuals who were excluded from these data. We assumed that unattached individuals who migrated had the same income distribution as did the aggregate of unattached individuals.

[7] For example, P. A. Samuelson, *Economics* (New York: McGraw-Hill Book Co., 1967), p. 167; *Report of the Ontario Committee on Taxation, 1967* (Toronto: Queen's Printer, 1967); Tax Foundation, Inc., *Tax Burdens. . . .*

[8] Cf., for example, U.S. Senate, Subcommittee on Intergovernmental Relations of the Committee on Government Operations, *Catalog of Federal Aids to State and Local Governments* (April 15, 1964), p. 75. There are some significant exceptions to this statement in per capita grants and those programs with "matching" provisions.

[9] An excellent summary of numerous past studies is contained in W. Z. Hirsch, "The Supply of Urban Public Services," in *Issues in Urban Economics*, eds. H. S. Perloff and L. Wingo, Jr. (Baltimore: Resources of the Future, 1968), pp. 477–526.

[10] See A. Breton, "Scale Effects in Local and Metropolitan Government Expenditures," *Land Econmics*, 41 (November 1965), pp. 370–71.

[11] This problem might be received in the context of this study by assuming that out-migrants are a representative cross-section of the city population, hence imposing no incremental burden or benefit by out-migration.

[12] For a more complete exposition of these costs for each city, see the author's dissertation, "The Nature and Social Cost of In-Migration. . . ."

[13] A "net burden" exists in the sense of the term used here because of the tendency for municipal governments to finance expenditures out of borrowing and intergovernmental grants. The difference between expenditures and revenues in this context represents the amount of city expenditures shifted to another level of government, or to another generation.

[14] Advisory Commission on Intergovernmental Relations, *Metropolitan Social and Economic Disparities: Implications for Intergovernmental Relations in Central Cities and Suburbs* (Washington: U.S. Government Printing Office, September 1964).

[15] This might also reflect a different time perspective such that in-migrants are viewed as benefits to the city *over their life cycle*. (See Section III.)

A CRISIS OF CONFIDENCE

Mr. CHURCH. Mr. President, a related aspect of the current freedom of the press debate concerning the publication of the McNamara papers in the New York Times and the Washington Post is the ability or inability of historians of foreign policy to gain access to official papers in our Government archives. Scholars and others, says Prof. Richard W. Leopold, one of the Nation's most distinguished diplomatic historians and presently president of the Society of Historians of American Foreign Policy, "have grown impatient and angry—and rightly so—over their inability to examine the postwar records of certain departments—including State, Treasury, Defense, Army, and Navy—and of such organizations as the National Security Council."

In a paper originally presented as his presidential address at the luncheon meeting of the SHAFP on December 28, 1970, during the annual meeting of the American Historical Association in Boston, Professor Leopold cogently outlines the crisis of confidence among scholars, archivists, and others regarding the full use of official documents in archives and Presidential libraries.

I ask unanimous consent that Professor Leopold's presidential address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Crisis of Confidence: Foreign Policy Research and the Federal Government

(By Richard W. Leopold)

This presidential address is not the one I first planned to make.[1] My original topic took shape a year ago in Washington when I listened to my predecessor tell this Society "What's Wrong with American Diplomatic History." Combining the proper concern of a responsible scholar with the understandable impatience of a frustrated researcher, President Alexander DeConde catalogued a multitude of sins in a wide-ranging and hard-hitting address, which appeared in the May 1970 issue of the Society's *Newsletter* and which was discussed at a breakfast session during the annual meeting of the Organization of American Historians at Los Angeles in April. Among other things, President DeConde discussed the role played by presidential libraries in the writing of recent diplomatic history. He noted that records, vital to understanding foreign policy, are sometimes closed by the whims of former presidents or by the wills of close associates. Since such restrictions do not apply to the chief executives themselves or to those who may be commissioned to chronicle their achievements, Professor DeConde deplored the fact that retired presidents can "present their views and explain their foreign policies a generation or two before scholars not in any way connected with their administrations could examine and use the records." Thanks to these presidential libraries, Professor DeConde concluded, past incumbents "do not have to wait for posterity to judge them. Each can plan his own monument and try to preserve an honored place, whether or not deserved, in the nation's history."[2]

These misgivings expressed by Professor DeConde are widely held among historians. I share some of them, though I also feel that it is easier to diagnose the disease than to prescribe the cure. Even a year ago, I was prepared to argue that, on balance, the student of foreign policy had been the gainer, not the loser, from the growth of the presidential library system. Absorbed as I then was, somewhat unwillingly and certainly not very happily, in an investigation of charges against one presidential library, it seemed to me that I could best use this brief hour of presidential majesty to discuss the problems that these unique archives pose for historians of American foreign policy. It was clear to me then, as it is clear to me now, that those problems are not well understood by many members of our profession.

But in the year since Professor De Conde challenged us in Washington, it has become

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Footnotes at end of article.

increasingly evident that there is a larger issue that cannot be ignored and that should be openly discussed even if it cannot be easily resolved. The issue is the crisis of confidence between those engaged in research in foreign policy and those administering the records of the federal government. It is this larger crisis of confidence—its manifestations, causes, and possibly cures—that I wish to analyze today. In the process, I shall suggest some things that the Society for Historians of American Foreign Relations can do to meet the challenge and to help rebuild the confidence so necessary for all who engage in historical research.

The chief manifestation of this crisis of confidence is the swelling chorus of scholars' protests against the restrictive policies regulating access to government archives created after 1945. Historians and others have grown impatient and angry—and rightly so—over their inability to examine the postwar records of certain departments—including State, Treasury, Defense, Army, and Navy—and of such organizations as the National Security Council. There may be no unanimity among scholars on when unrestricted access should be permitted—some advocate opening almost all records over eight or ten years old—but it is evident that the date 1945 has become intolerable. These protests, of course, are not new. Almost four years have passed since Herbert Feis described the plight of "The Shackled Historian," and he has kept up his attack in articles and reviews. It has been two years since Ernest R. May offered his "Case for 'Court Historians,'" in which he argued that policymakers in Washington would benefit enormously, as would the profession, if trained scholars, working from records now closed to them, could prepare draft histories of recent diplomatic events. Seven weeks ago, James MacGregor Burns issued his call to arms, "The Historian's Right to See," in the *New York Times Book Review*. Only a few days ago, in a vigorous letter to the same publication, William L. Langer endorsed Professor Burns' views.[3]

A second manifestation of this crisis of confidence—and the order here may reflect my own battle scars—is the attack against the Franklin D. Roosevelt Library. This is not the time or place to discuss that unfortunate case, though I will later allude to its larger meaning for the profession. It is enough to note that the most serious charge—one raised by only a single scholar—is that in 1966, to benefit a Library publication, the Hyde Park staff deliberately and systematically withheld from him six letters between President Roosevelt and Ambassador William E. Dodd that were then, and had long been, open to all other scholars. More important, the complainant was joined by nineteen other historians in September 1969 in a letter to the *New York Times Book Review*, deploring as a serious abuse of archival power the alleged systematic concealment of the Library's publication project from several scholars who could have profited in their research by perusing the assembled material before it went to the printer. The joint letter also took note of allegations that, for over a decade, documents at Hyde Park had been withheld from several researchers, seriously affecting their work. Finally, the twenty signatories asserted that the operations and publications of the Roosevelt Library were not completely above suspicion, and they called for a thorough investigation into the history of the publication project and the administration of all presidential libraries. Since September 1969, there have been newspaper stories alleging or intimating that a scandal of serious proportions had been uncovered at Hyde Park. On December 20, 1970, there was released a 448-page report, dated August 24, 1970, of the *ad hoc* committee, appointed jointly by the American Historical Association and the Organization of American Historians, to investigate the charges against the Roosevelt Library and related matters. That report, along with the rebuttal of the chief complainant and comments by the Archivist of the United States and by the past president of the Society of American Archivists, may now be purchased at cost.[4]

A third manifestation of the crisis of confidence between the historian of a foreign policy and the federal government is a growing conviction that custodians of government archives, at best, are overworked and hobbled by bureaucratic procedures or, at worst, are lazy, capricious, and inefficient. It is impossible to measure accurately the extent of this feeling. Some of the criticisms are vague and often amount to nothing more than a belief that the researcher was not shown everything he needed to see. Some of the criticisms are specific, but they are voiced privately and passed along by word of mouth, often being exaggerated and distorted in the process. The directors or division chiefs of archival institutions are, usually, the last to learn of such complaints, even though they are the persons who can best check the validity of the accusations and take corrective action if necessary. This third manifestation should be qualified in two ways. First, critics like Professor Burns do not blame the immediate custodians of federal records; their quarrel is with those who determine rules of access. At no time, for instance, did Professor Burns support the attack on the Roosevelt Library. Second, for every scholar voicing a grievance against professional archivists, there are probably ten who feel indebted to these public servants. But commendation, unlike criticism, does not make good newspaper copy; hence, the impression that the professional archivist is not doing his job properly has been allowed to spread.

A fourth manifestation on the crisis is the mounting criticism of the long respected *Foreign Relations* series. The complaints against the Historical Office of the Department of State are of two sorts. One is that the annual volumes have fallen more than twenty years behind currency and are still losing ground. Such a situation seems intolerable to many oldsters who can remember the prewar meetings of the American Historical Association during which resolutions were introduced annually, calling upon the government to reduce the time lag, then pegged at fifteen years. It also bothers those not quite so old who can recall high-level statements during the Kennedy administration that the twenty-year line would be held. The other complaint is that access to the Department files is tied to the release of the *Foreign Relations* volumes for a given year. That is, the open period for State Department records presently goes through 1941. The limited access period runs from 1942 through 1945; bona fide scholars can examine most of the unpublished papers for those years, but their notes are subject to scrutiny and deletions. The closed period begins with 1946 and will not move to 1947 until the four remaining volumes for 1946 are released. Thus, scholars still cannot examine the manuscript records for the evolution of the Truman Doctrine, the lifting of the Berlin Blockade, or the coming of the Korean War.

Reflecting this mounting criticism, the Joint AHA–OAH Coordinating Committee on the Historian and the Federal Government created an *ad hoc* committee of specialists to consider ways of expediting the publication of the *Foreign Relations* series and of resolving the related problem of access to files of the Department of State. Nine historians and political scientists met on September 11, 1970, and drafted several recommendations, most of which were transmitted directly to the AHA representatives on the Department's Advisory Committee on *Foreign Relations*. The recommendations urged the Historical Office to reexamine the method of printing and indexing the series, to reduce the number of volumes covering a single year, to create a board of outside consultants to help with the preliminary selection of documents, to grant scholars access to those volumes still in galley proof, and to prepare finding aids for unpublished materials in departmental files. Also in September, the *ad hoc* committee recommended to the AHA Council and the OAH Executive Board that—in cooperation with other scholarly organizations such as the American Political Science Association and the American Society of International Law—they petition Congress for legislation transferring to the control of the Archivist of the United States all departmental and agency records over twenty years old. Such records, with certain exceptions, should be automatically declassified and made available for scholarly research. One would have to be an eternal optimist to expect immediate legislation along those lines, but the creation of the *ad hoc* committee, the stature of its members, and the nature of the recommendations reveal again how thin the patience of diplomatic historians has worn regarding access to government records after 1945.[5]

A fifth manifestation of this crisis of confidence is the questions that scholars are again raising about official history. It is no coincidence, of course, that this questioning should become more marked at a time when all government is viewed with suspicion, when the credibility gap seems to be a permanent fixture of the Washington landscape, and when the academic profession has geared itself to resist all government-sponsored accounts of the Vietnam tragedy. Of the histories written by public employees, now in progress, three are of most interest to students of foreign policy: *The History of the United States Atomic Energy Commission*, the first two volumes of which covering the period to 1952 were published in 1962 and 1969; the gargantuan *United States Army in World War II*, seventy volumes of which have appeared since 1947; and the *United States Army in the Korean War*, the initial two installments of which were released in 1961 and 1966.[6] To my knowledge, no serious questions have been raised about the Atomic Energy Commission enterprise, perhaps because scholars do not expect the Commission's files for the late 1940's to be declassified. On the other hand, the Army project, which over the years has had many distinguished historians associated with it, has become the target of criticism, some of which is still not voiced publicly.

Here also the complaints are two, and again one concerns access to records. The opening to private scholars of records used by writers in the Office of the Chief of Military History has been too slow to satisfy outsiders. The other complaint relates to the volume entitled *The Employment of Negro Troops* written by Professor Ulysses Lee, an able black historian who served ten years in the Army before retiring as a major. The criticism has been directed not against Lee but to the fact that his volume is the only one of the seventy in the *World War II* series in which the preface is signed by the general editor rather than by the author. This fact has led to rumors, and even assertions, that the Army had insisted upon changes in the text that Lee refused to make. My own investigation has led me to doubt the validity of the charge; but since Lee is dead, any inquiry must remain inconclusive. I am obliged to refer to this ugly matter because it has been bruited about the profession and is symptomatic of current misgivings about official history, especially official history written by the military and involving social relations more than battlefield operations.

The sixth and final manifestation of the crisis of confidence between the diplomatic historian and the federal government concerns the committees that advise government departments and agencies in their historical activities. Both the personnel and operations of the committees have been criti-

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cized. The committees, it is alleged, consist of older historians who are friendly to the department or agency and who will not, therefore, ask embarrassing questions. It has been suggested that historians who serve on such committees are more occupied with promoting the interests of those they advise than with the interests of the profession they represent—that they are more zealous in protecting the agency from its bureaucratic superiors than in protecting the scholar from governmental whims. The committees I primarily have in mind are those that advise the Department of State on the *Foreign Relations* series and the Army, Navy, and Air Force on their historical programs. The same criticism might be made of the Atomic Energy Commission's Historical Advisory Committee, the newly created Archives Advisory Council, and—though to a lesser extent—the National Historical Publications Commission.

How valid are the criticisms of these advisory committees? Are their members "kept men," guilty of the loosely applied phrase "conflict of interest"? I think it is indisputable that the members could do a better job for their historical constituency. There is a tendency to be more concerned with making certain that the Secretary of State, the the Navy, or the Army hears what a good job his historical branch is doing (thus facilitating the flow of adequate appropriations) than with making sure that the scholarly world learns what kind of job the advisory committee is doing (thus facilitating the the flow of adequate information). Among the committees the process of selection and the term of service vary greatly, as do the frequency and length of meetings. Reports are usually, though not invariably, prepared, but they are not publicized properly to be of maximum value to the historical profession.

Let us look more closely at one of the committees—the one of most concern to members of this Society and the one, on paper at least, the best conceived. The Department of State's Advisory Committee on *Foreign Relations* was created in 1957 after the Historical Office had been accused of suppressing, in its documentary publications, the full story of Franklin D. Roosevelt's wartime diplomacy.[7] The American Historical Association nominates three of the seven members; the American Political Science Association and the American Society of International Law each nominate two. Members serve staggered terms of four years and elect their own chairman. Former members receive full information about each annual meeting and are occasionally asked for advice. A report to the Secretary of State is prepared after each meeting; only twice since 1957 has there been none. Few historians read this report, however, since the full text has appeared only in the *American Journal of International Law*. From time to time, summaries have been published in the *American Historical Review* and the *AHA Newsletter*. The report for 1969 was the first to be printed in its entirety in the *AHA Newsletter*. Lest you conclude that such a practice, if continued—as I hope it may be—will insure proper publicity in the future, I would remind you that fifty-five percent of the members of the Organization of American Historians do not belong to the American Historical Association.

Over the years, many able diplomatic historians have served on the Department of State's Advisory Committee. Yet two uncomfortable facts must be faced. First, the AHA representatives are not selected by that body's Committee on Committees, and they make no report to the Council. The original three members were chosen in 1957 from a list of names compiled by the AHA Committee on the Historian and the Federal Government, but in recent years the Executive Secretary, undoubtedly with informal advice from others, submits the names to the Director of the Historical Office for approval by the Department of State. To insure a more representaive list of nominees, the AHA Committee on Committees should henceforth be utilized.[8] The second unpleasant fact is that despite diligence and dedication, as well as eloquence and exasperation, in fourteen years the Advisory Committee has been unable to persuade the top-level officers in the Department of State to give the Historical Office the personnel it needs to keep the *Foreign Relations* series only twenty years behind currency or the authority it requires to hasten the process of declassifying documents. On the last point, I should add that some problems of declassification lie beyond the jurisdiction of the Department of State.

Major historical organizations play no role in selecting members of the Army, Navy, and Air Force advisory committees or, to my knowledge, of the Atomic Energy Commission committee. I have never seen a published summary, much less the full text, of the reports prepared by those advisory committees, although the Chief of Military History edits a semiannual newsletter that should interest specialists. The new Archives Advisory Council includes representatives of the American Historical Association, the Organization of American Historians, the Southern Historical Association, and the Western History Association. Apparently, the Archivist of the United States selects the name or names submitted to him by those organizations. I have found no evidence that those representatives report to their organizations in such a way that those belonging to the organizations are kept informed. Minutes of the meetings of the Archives Advisory Council appear in *Prologue*, a periodical to which I shall refer subsequently. An exception is the case of the National Historical Publications Commission, whose two delegates from the American Historical Association are nominated by the AHA Council on the recommendation of the AHA Committee on Committees. Those two delegates also submit a report that is printed in the AHA annual report.

So much for some manifestations and causes of the crisis of confidence that exists today between the researcher in foreign policy and the custodian of government records. What can we as individuals and as the Society for Historians of American Foreign Relations do to restore mutual trust and goodwill? It is impossible, of course, to eradicate all sources of tension, some of which can be traced to laziness, carelessness, ignorance, suspicion, and paranoia. Because ignorance can be eliminated, the first step is for historians to expand their knowledge of the archival profession and especially of the National Archives and Records Service. During the unpleasant investigation that claimed almost all my time during the past year, I was appalled to discover how uninformed many historians were about NARS and, more particularly, the presidential library system. To be sure, the ignorance is not all on one side, but as historians let us first remove the beam in our own eye before we worry about the mote in the archivists' eye.

There is no excuse for historians to be unfamiliar with the history, organization, publications, and holdings of the National Archives. Its place within the governmental structure was analyzed in 1968 in a twenty-page report by a joint committee of the American Historical Association, the Organization of American Historians, and the Society of American Archivists. In 1969, H. G. Jones provided a book-length account, *The Records of a Nation: Their Management, Preservation, and Use*.[9] The published finding aids of the National Archives have been universally praised. Topical guides, special lists, preliminary inventories, and reference papers provide the scholar with essential information before he reaches Washington, and the situation will be even better when the new edition of the *National Archives Guide*, unrevised since 1948, is released. During the last eighteen months, these finding aids have been supplemented in two ways. First, the National Archives has been holding two conferences a year on different subjects to show how its records can be most profitably used. The conference in June 1969 dealing with diplomatic documents attracted many members of this Society; another in June 1971 describing World War II records can be expected to do the same. The second new aid is *Prologue: The Journal of the National Archives*, begun in the spring of 1969. There, within the covers of a single periodical issued three times a year at the modest price of $4.00, can be found helpful articles on archival matters as well as the latest facts about all presidential libraries, federal records centers, and NARS publications. In my judgment, *Prologue* and the *Library of Congress Quarterly*, with its valuable annual report on the Manuscript Division, are two of the best buys on the periodical market.

Until recently, students of foreign policy did not find it easy to obtain printed information about presidential libraries before visiting one of them. Although a great deal had been written about the novel problems faced by those new institutions, it had appeared mostly in the *New York Times Magazine*, always inconvenient to locate and use, or in periodicals like the *American Archivist* and *Special Libraries*, which few historians read. Thanks to funds provided by the Harry S. Truman Library Institute, the depository at Independence offered the fullest data. Since 1961 the Truman Library has issued once or twice a year a *Research Newsletter* that lists holdings of personal papers, microfilm collections, and oral history interviews. It has also held a conference every two years to acquaint specialists with its resources. The proceedings of four conferences have been printed, one in book form.[10] The oldest library at Hyde Park is only now beginning a drive for funds to establish a Franklin D. and Eleanor Roosevelt Institute that will also offer grants to scholars using the Library and provide money for conferences. On the other hand, the Roosevelt Library has pursued a substantial publicaton program that includes a calendar of Roosevelt's speeches from 1910 to 1920, a select bibliography of periodical and dissertation literature on the Roosevelt era (now being revised), a microfilm edition of Roosevelt's presidential press conferences, two volumes of documents bearing upon conservation, and—as everyone must now know—three volumes of materials from the Roosevelt Papers and other collections at Hyde Park dealing with foreign affairs from 1933 to 1937.[11] The last project is being continued to cover Roosevelt's second administration.

All presidential libraries are currently giving high priority to preparing printed finding aids and statements on access to restricted materials. These efforts stem in part from past criticism, including the charges made against the Roosevelt Library, and in part from the recommendations of April 1969 by the AHA Committee on the Historian and the Federal Government. Thus in December 1969 there was completed at Hyde Park a thirteen-page brochure entitled *Collections of Manuscripts and Archives in the Franklin D. Roosevelt Library*. After a preface that includes descriptions of existing finding aids and suggestions for appropriate citations to the various collections, the brochure lists alphabetically over 150 collections, giving for each the title, size, record number, type of finding aid available, and card number in the *National Union Catalog of Manuscript Collections*. A major omission, as the preface notes, is data on conditions of access. The preface does explain why some files are restricted, and it suggests procedures for those who wish to request permission to see closed materials. Copies of the brochure may be

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obtained without cost by writing to the Roosevelt Library. A second edition in preparation will indicate the specific restrictions on individual collections. In July 1970, the Dwight D. Eisenhower Library issued in the same format a forty-two-page brochure of its holdings. In January 1971, there appeared in a somewhat different format a thirty-five-page *Historical Materials in the Harry S. Truman Library: An Introduction to Their Contents and Use.* A similar publication can be expected from the Herbert Hoover Presidential Library where a less ambitious list of holdings has been available in mimeograph form for some time. All of these valuable finding aids should be studied carefully before the scholar leaves his home base.

Equally important are the steps being taken by presidential libraries to inform historians when closed documents are opened for use. That problem was never handled satisfactorily in the past, partly because the libraries lacked the manpower to inform individual researchers about collections they had used and partly because most scholars lacked the initiative to make personal inquiries about papers in which they were interested. The problem has been most acute at the Roosevelt Library, which has been in business the longest, and where now, twenty-five years after Roosevelt's death, most of the papers closed in 1949 by a committee acting according to his wishes, are being opened. Recent issues of *Prologue*, the *AHA Newsletter*, the *Journal of American History*, the *American Archivist*, and other periodicals have carried detailed lists of files in the Roosevelt, Harry Hopkins, and R. Walton Moore Papers in which one or more documents have been opened. The specific documents are itemized in an "Openings Book" kept in the Research Room at Hyde Park. Also in that room is a "Restrictions Book," which contains the most complete list of closed materials and which will serve as a source for the new edition of *Collections of Manuscripts and Archives*.

A few late developments involving other government depositories are worth noting. On December 21, 1970, the Department of Defense announced that the Washington records of the Combined Chiefs of Staff through 1945, except for "a very small portion of the total collection," had been transferred to the National Archives and were available for use in accordance with routine procedures governing access to all its holdings.[12] Also on December 21, 1970, the Naval History Division opened for scholarly use all of its classified records through 1958, unless such access was prohibited by laws, executive orders, or departmental instructions. These exceptions are very substantial, but the move should make available hitherto closed materials on the operational experience of the Navy's deployed forces, including the histories of various naval commands.[13] Within the last few months the Naval History Division has also published a very brief description of the rich holdings of the Navy Department Library and a very ambitious eighty-two-page revision of the extremely helpful *U.S. Naval History Sources in the Washington Area*, first compiled in 1957 and last revised in 1965. Both items have value for those engaged in foreign policy research.

Thus far it may seem I have been unduly critical of historians in their relations with archivists. I have indeed stressed the ignorance of many scholars concerning the work of the National Archives and Records Service in general and of the presidential library system in particular. If I had time, I would say more about the patronizing attitude of some historians toward professional archivists and the failure of many historians to instruct doctoral candidates in the use of archival materials. This failure is all the more serious because neither the *Harvard Guide to American History* nor such manuals as *Historians' Handbook* say anything about presidential libraries and the problems that an inexperienced researcher may encounter there. Every director of dissertations in recent United States history should see that his students know about Philip C. Brooks' *Research in Archives: The Use of Unpublished Sources*, issued in 1969, and that they regularly examine the *American Archivists*. Also on the required reading list for both experienced and inexperienced scholars should be Bernard A. Weisberger's forthcoming survey in *American Heritage* of the presidential library system.

I do not wish to leave the impression, however, that historians are alone to blame for the present tensions and distrust. Archivists too have been guilty of sins of omission and commission. The extreme charges against the Roosevelt Library might have attracted little notice if fuller publicity had been given in 1957 to plans to publish Roosevelt's letters on foreign affairs, in 1961 to decisions to suspend the project, or in 1967 to steps to revive the enterprise. Certainly there was no deliberate concealment of the *Foreign Affairs* project, as has been alleged. Yet officials in Washington and Hyde Park were naive to think that most historians would know about the undertaking because of one-sentence references to it in the reports of the Archivist of the United States for 1957 and 1958; because of a brief mention in a pamphlet prepared for a luncheon of the National Historical Publications Commission at the annual meeting of the American Historical Association in 1960; or because of a two-sentence notice of the Library's publication program (in which the volumes on foreign affairs were lumped with those on conservation and agriculture) in the Director's address at the Kansas City meeting of the Mississippi Valley Historical Association in 1965, an address printed later that year in the *Midwest Quarterly*. It should be obvious that papers read before the American Historical Association—even so-called presidential addresses—may pass unnoticed and that such papers, even if published in the *American Historical Review*, may go unread. Archivists must make repeated announcements of changed regulations and new projects. Bulletin boards in the Research Rooms at the National Archives and the presidential libraries provide one effective mode of communication; the columns of *Prologue*, the *AHA Newsletter*, the *Journal of American History*, the *American Archivist*, and—hopefully—the *SHAFR Newsletter* offer another.

Further, there are effective ways of keeping archivists on their toes when historians think they are not receiving suitable service. Some years ago a user of the Hopkins Papers at Hyde Park wished to correlate certain items therein with those in the President's Personal File. The archivist was unable to locate the latter and reported that they were either nonexistent or unavailable. The user was convinced that they did exist and requested the archivist to put his statement in writing. At once the administrative wheels began to turn; someone else was put on the job, and the missing papers were produced that very day. Of course, not every problem can be solved so easily. Perhaps the tale improved with retelling, but it does suggest three lessons. First, it is wiser—and also more decent—to attribute such difficulties to inefficiency or laziness rather than to a conspiracy to conceal. Asking for written explanations works wonders in a government organization. Second, as my informant remarked, it is almost impossible for a presidential archives to "hide" things from a knowledgeable researcher familiar with the collections simply because there are too many cross-references and other leads. Third, a disappointed scholar should complain at once and, if satisfaction cannot be obtained in the Research Room, should pay a visit to the Director. I am convinced that much of the misunderstanding, and even suspicion, that arose in the past could have been removed if there had been more direct talks between the users of presidential libraries and the Directors. Today, with attendance soaring at each presidential library, it is the researcher who must take the initiative when he encounters difficulties.

What happens if a historian cannot gain satisfaction, if he is persuaded that an archivist has been faithless to his code? The code requires, among other things, that an archivist "should endeavor to promote access to records to the fullest extent consistent with the public interest, but he should carefully observe any proper restrictions on the use of records"; that he "should not place unnecessary obstacles in the way of researchers but should do whatever he can to save their time and ease their work"; and that he "should not profit from any commercial exploitation of the records in his custody, nor should he withhold from others any information he has gained as a result of his official duties—either in order to carry out private professional research or to aid one researcher at the expense of another." Accusations that the archivists at Hyde Park violated those provisions of their code lay at the roots of the charges against the Roosevelt Library, the investigation of which cost two professional organizations and countless individuals so much time and money.

The Roosevelt Library case has several lessons to teach us during this crisis of confidence. The most important, in my judgment, is that the American Historical Association and the Organization of American Historians, if faced with similar charges in the future, should pursue a policy that does not commit them at the outset to championing the cause of any scholar who claims that he has been wronged professionally. Rather the two organizations should act promptly and jointly to determine whether the charges ought to be investigated. If the decision is in the affirmative, they should make certain that the inquiry insures justice for the accused as well as for the accuser and that, while the inquiry is in progress, the investigators are protected from personal attacks by either the accuser or the accused. The second lesson is that there does not now exist any proven machinery to deal expeditiously with complaints against public or private repositories, involving the discriminatory treatment of researchers or the unwarranted denial of access to documents. Neither the governing boards of the AHA and OAH nor their executive secretaries have the time to conduct an investigation. The same is true of the new Joint AHA–OAH Coordinating Committee on the Historian and the Federal Government. Hence, a way must be devised to create quickly a joint *ad hoc* committee for each new case, one that can begin work not later than one month after a complaint is registered. Delays can be costly. Although both the accuser and the accused should have an opportunity to object to persons chosen for the *ad hoc* committee, they must not have a veto, and they must file any objections at once and in specific terms. Such a recommendation was made on March 30, 1970, to the AHA Council and to the OAH Executive Board, and a variant of the plan has been tentatively approved.[14]

A third lesson is that the two major historical organizations should be joined by the Society of American Archivists in any future investigation of alleged archival wrongdoing. The joint AHA-OAH *ad hoc* committee investigating the charges against the Roosevelt Library would have benefited from having an archivist as a member. On March 30, 1970, it recommended to the AHA Council and the OAH Executive Board that the SAA be represented in all such cases. That recommendation has been accepted. A fourth lesson is that each *ad hoc* committee should

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contain one member who can devote his full time to the probe, as H. G. Jones did in a joint AHA-OAH-SAA committee's study on the status of the National Archives. The Roosevelt Library inquiry could neither have been conducted so extensively nor have been completed in ten months if the committee chairman had not previously been granted by his university a year's leave for research purposes. A fifth lesson is that guidelines must be developed to help future *ad hoc* committees avoid some of the obstacles and escape some of the harassments encountered by those investigating the charges against the Roosevelt Library. Such a recommendation was included in the final report, which fully presents the nature of those obstacles and harassments.

I come finally to the role that the young Society for Historians of American Foreign Relations can play in these matters. In my judgment, the Society should not involve itself directly in any investigation into an alleged breach of archival ethics. As individual diplomatic historians with a large stake in the proper administration of government depositories, we should work with the American Historical Association, the Organization of American Historians, and the Society of American Archivists in their inquiries, but as a Society we have neither the money nor the staff to undertake such tasks. Indeed, in May 1969 the Society came close to embarking upon a disastrous course. Fearing that the charges against the Roosevelt Library were not being properly handled, a distinguished member of this Society suggested to President DeConde that he appoint an investigating committee. Excellent names were considered and procedures were readied before it was discovered at the last moment that the AHA Committee on the Historian and the Federal Government had already reached certain conclusions and had already achieved tangible results. Accordingly, this Society did not act. If it had gone forward and if the committee had incurred the same expenses that the joint AHA-OAH *ad hoc* committee later incurred for secretarial assistance, telephone calls, Xeroxing, travel, and—most of all—lawyer's fees, our Society might be over $10,000 in debt. These investigations are both expensive and time-consuming, and our Society would be wise to leave the financial burden at least to our older, richer, and better staffed sister organizations.

There are, however, four modest contributions the Society can make. One is to use the *SHAFR Newsletter* to inform members about developments in the archival world that they would not learn about unless they read the *American Archivist, Prologue,* or the *Library of Congress Quarterly*. Our editor has already taken steps in that direction with brief articles on research in the British Public Record Office, the National Archives, and the modern German Foreign Ministry Records. The *Newsletter* should publish in full the annual report of the Department of State's Advisory Committee on *Foreign Relations*. The editor might invite an archivist to write an essay telling us, if I may paraphrase the title of my predecessor's presidential address, what's wrong with American diplomatic historians when they visit archival centers. I would also urge the *SHAFR Newsletter* to pay particular attention to presidential libraries until their holdings, procedures, and personnel are better known.

A second step would be for our new Nominating Committee to suggest informally to appropriate authorities the names of members who might serve on committees that advise government departments and agencies in their historical endeavors. By appropriate authorities I have in mind the presidents or executive secretaries of the major historical organizations, but I do not rule out informal suggestions to the Director of Naval History, the Chief of Military History, or the Archivist of the United States. Since a diplomatic historian does not always sit on the AHA Committee on Committees, it would also help to forward to the Executive Secretary in November, in advance of that committee's annual meeting, names of members who could well represent the American Historical Association on joint committees.

Third, our Program Committee could propose sessions at meetings of the American Historical Association, the Organization of American Historians, the Southern Historical Association, and the Pacific Coast Branch of the AHA that would bring historians of foreign policy and custodians of government archives together to discuss common problems. Indeed, the Program Committee might try to arrange for such a session at the annual meeting of the Society of American Archivists.

A fourth step would be for our new Council to join with the AHA Council and the OAH Executive Board in maintaining steady and unremitting pressure on the national government to open its recent records impartially to all scholars at the earliest possible date. The final report of the joint AHA-OAH *ad hoc* committee investigating the charges against the Roosevelt Library urged the two major historical organizations to bring such pressure to bear, and our Society should join in that endeavor.

The seriousness of the present crisis of confidence between historians of foreign policy and custodians of government archives should not be minimized, but there are constructive steps that can be taken to restore mutual trust and to undo the damage wrought by ill-considered attacks upon the professional ethics of men without whose selfless service the writing of American diplomatic history would be much poorer.

FOOTNOTES

[1] This paper, in a slightly different form, was presented by Professor Leopold as his presidential address at the luncheon meeting of SHAFR on December 28, 1970, during the annual meeting of the American Historical Association in Boston.

[2] Alexander DeConde, "What's Wrong with American Diplomatic History," *SHAFR Newsletter*, I (May 1970), 1–18, especially pp. 4–5.

[3] Herbert Feis, "The Shackled Historian," *Foreign Affairs,* XLV (Jan. 1967), 332–343; Ernest R. May, "A Case for 'Court Historians,'" *Perspectives in American History,* III (1969), 413–432; *New York Times Book Review,* November 8, December 20, 1970.

[4] Available from the American Historical Association, 400 A Street, S.E., Washington, D.C. 20003 and the Organization of American Historians, 112 North Bryan Street, Bloomington, Indiana, 47401. The report costs $3.00; the reply and comments, $3.50. The files of the joint *ad hoc* committee have been deposited in the office of the American Historical Association. Microfilm copies can be purchased.

[5] Members of the *ad hoc* committee were Louis Morton (chairman), Wayne S. Cole, Robert A. Divine, Robert H. Ferrell, W. Stull Holt, Richard W. Leopold, Ernest R. May, Robert E. Osgood, and Bradford Perkins. Ferrell, Holt, Leopold, May, and Osgood have served or are serving on the Department of State's Advisory Committee on *Foreign Relations*. James M. Burns was invited but could not attend. Paul L. Ward, AHA Executive Secretary, was also present. Not every member of the committee endorsed every specific recommendation.

[6] The Marine Corps Historical Branch has published four volumes in each of its two, five-volume projects—*History of U.S. Marine Corps Operations in World War II* and *U.S. Marine Corps Operations in Korea, 1950–1953*—but, with one exception, these volumes are of less value to diplomatic historians. *Victory and Occupation* (1948) in the first series contains a highly useful account of activities in North China from September 1945 to May 1949.

[7] Richard W. Leopold, "The *Foreign Relations* Series: A Centennial Estimate, "*Mississippi Valley Historical Review,* XLIX (March 1963), 595–612, describes the early work of the Advisory Committee.

[8] As long as the Department of State has the final word on appointments and insists that the members, who are given access to classified materials, obtain a security clearance, it is unlikely that all shades of opinion within the historical profession will be represented on the Advisory Committee. Some historians will refuse to submit to a security check.

[9] *The Report of the Joint Committee on the Status of the National Archives* may be obtained from the American Historical Association while the supply lasts. It is reprinted in Jones, *op. cit.,* 275–295.

[10] Harry S. Truman Library Institute, *Conference of Scholars on Research Needs and Opportunities in the Career and Administration of Harry S. Truman, March 25–26, 1960* (Independence, 1960); *Conference of Researchers, March 30–31, 1962* (Independence, 1962); and *Conference of Scholars on the European Recovery Program, March 20–21, 1964* (Independence, 1964). See also, Richard S. Kirkendall, ed., *The Truman Period as a Research Field* (Columbia: University of Missouri Press, 1967).

[11] Robert L. Jacoby, comp., *Calendar of the Speeches and Other Published Statements of Franklin D. Roosevelt, 1910–1920* (Hyde Park: Franklin D. Roosevelt Library, 1952); William J. Stewart, comp., *The Era of Franklin D. Roosevelt: A Selected Bibliography of Periodical and Dissertation Literature, 1945–1966* (Hyde Park: Franklin D. Roosevelt Library, 1967); Edgar B. Nixon, ed., *Franklin D. Roosevelt and Foreign Affairs, 1933–1937* (3 vols., Cambridge: Harvard University Press, 1969).

[12] Office of Assistant Secretary of Defense (Public Affairs), News Release No. 1028–70.

[13] Naval History Division Instruction 5510.1 (December 21, 1970); Vice Admiral Edwin B. Hooper, USN (Ret.) to the author, January 19, 1971.

[14] *Final Report of the Joint AHA-OAH Ad Hoc Committee to Investigate the Charges Against the Franklin D. Roosevelt Library and Related Matters* (Washington: American Historical Association, 1970), pp. 276–277. The specific recommendations addressed to the AHA Council, the OAH Executive Board, and the Archivist of the United States appear on pages 431–437.

ENTRY OF UNITED KINGDOM TO EUROPEAN ECONOMIC COMMUNITY

Mr. JAVITS. Mr. President, the successful negotiation for the entry of the United Kingdom into the European Common Market—EEC—culminates a difficult 10-year effort and is an historic step which will forever change the political and economic map of Europe. The proposed expansion of the EEC is in keeping with the long-standing and fundamental foreign policy of the United States—to encourage a unified group of allies which can increasingly contribute to the common defense and to an outward-looking common economic policy. The expansion of the EEC will also have the effect of firmly anchoring West Germany in Western Europe, thereby mitigating the possible adverse effects of West Germany's Ostpolitik.

It is my view that an enlarged and strengthened EEC provides the basis for an even higher order of partnership between the United States and Europe; and that these successful negotiations represent a major foreign-policy reverse to the Soviet Union. The Soviet Union has been persistently and implacably opposed to the expansion of the EEC—and opposition was illustrated most recently by Brezhnev's attack on the EEC during the 24th Congress of the Soviet Communist Party.

I realize the difficulties in the United Kingdom concerning the British application to the Common Market. However, I am convinced that the short-term sacrifices that the British people will be called upon to pay—primarily in the form of higher food prices—will be more than compensated by the long-run gains—both economic and political, of the whole free world.

The expansion of the Common Market will cause new problems for the United States. It is clear that the United States must continue hard negotiations with the community in order to safeguard our economic interests. However, rather than to approach these upcoming negotiations with pessimism, let us recall that economically the United States has benefitted continually and extensively from the EEC despite some admittedly difficult specific problems—almost exclusively in the agricultural area. In the recent period of persistent U.S. balance-of-payments deficits, we have had a consistent trade surplus with the community of over $1 billion in each of the last 10 years. In addition, there has been the annual investment income which has been returning to the United States from our over $10 billion in direct private investment in the EEC. There is every reason why this positive relationship will continue and improve with a wider Common Market if we avoid the EEC becoming protectionist.

On this historic day, I offer my congratulations to the negotiating teams and particularly to the leadership roles played by Prime Minister Heath, President Pompidou, and Chancellor Willy Brandt. President Nixon is to be commended, too, for the positive and forward-looking atitude he took toward these negotiations, and finally, recognition must also be given to former Prime Minister Harold Wilson who began this historic process with the decisions he took in 1967.

SENATOR EVERETT JORDAN SUPPORTS END-THE-WAR AMENDMENT

Mr. CHURCH. Mr. President, one of our most distinguished Senators is my good friend and colleague, B. EVERETT JORDAN of North Carolina. When he speaks on critical issues affecting the state of the Nation, Senators in both parties listen; when he votes, Senators take note. Such is the case on the issue of ending our participation in the war in Indochina.

Last week, Senator JORDAN voted in favor of the McGovern-Hatfield amendment, as he supported last year's Cooper-Church amendments. His reasoning is soundly based on the Constitution of the United States, when he argues:

> That Congressional approval of the goal of withdrawal by a definite date, whether it be the one set by this amendment or an earlier or later one, is a sound and constructive way for the Congress to share responsibility with the President.

I ask unanimous consent that Senator JORDAN'S excellent statement on the "end-the-war" amendment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR B. EVERETT JORDAN ON THE "END-THE-WAR" AMENDMENT

I intend to cast my vote in favor of the "End-the-War" Amendment when it comes up for decision in the Senate at 5 p.m. on Wednesday, June 16.

Last year I reluctantly voted against an earlier version of it because I thought the President should have more time to negotiate a peace in Paris but since then it has become obvious that these three-year-old talks are hopelessly deadlocked.

Most of the American people by using plain horse sense and cutting through the complex issues involved have long since come to the conclusion that we have everything to lose and nothing to gain by continuing our military intervention in Southeast Asia.

In ten years of fighting we have more than fulfilled our nobly-intentioned but ill-advised commitment to help the South Vietnamese defend their country against aggression.

Our sacrifices have cut wide and deep through every element of society and the American people can see no compensating spiritual or material gains to offset our continuing losses in blood, treasure, and national well-being.

Fifty-five thousand of our young men have lost their lives in this war and more are dying every week.

Three hundred thousand have been wounded and fifty years from now many of them will still be in veterans' hospitals all over the country.

Twenty to forty thousand of our soldiers now in Indochina are using heroin, according to recent estimates. Thousands more have already brought the deadly habit home with them—to live with for the rest of their lives, in many cases, and to join the tens of thousands of our civilian young people who have become addicted to this and other dangerous drugs.

The war has drained away our national strength in every conceivable way. The country is divided as it has not been since the Civil War. Respect for law and order has given way to violence and hostility toward some of our most cherished values. All too many of our young men have become draft card burners and deserters from the military services. They cannot believe in a war they do not understand.

We have used our God-given resources to pour more conventional firepower and destruction into Indochina than we used in all of World War II. We have done all this without intending or even hoping to win a military victory, meanwhile letting our cities decay and our institutions wither for want of adequate support. To pay for this war we have spent ourselves into a raging inflation with ever increasing prices for the necessities of life accompanied by ominously increasing unemployment and the highest interest rates in this century. Around 370,000 of our Vietnam War Veterans are jobless today, according to the Secretary of Labor as reported in the press.

On New Year's day in 1968 the press quoted presidential candidate Richard M. Nixon as having said: "When the strongest nation in the world is bogged down for four years against a fourth-rate military power in Vietnam and no end is in sight; when the nation with the greatest tradition of rule of law is torn apart by unprecedented lawlessness and racial strife, and when the President of the United States cannot travel to any country abroad or to any major city in the United States without fear of a hostile demonstration, then its time for a new leadership."

If that was true three and one-half years ago, it is ever so much more true today. I think the Congress has a duty now to assert itself and help the President lead us out of this war.

The amendment now before the Senate offers an opportunity for such cooperation. Furthermore, in its recently modified form the amendment contains several important safeguarding provisos, including one that the time limit shall be extended if the enemy fails to release all U.S. prisoners of war before the deadline, and another that nothing in the amendment shall be construed as affecting the authority of the President to provide for the safety of American armed forces during their withdrawal from Indochina.

I believe that Congressional approval of the goal of withdrawal by a definite date, whether it be the one set by this amendment or an earlier or later one, is a sound and constructive way for the Congress to share responsibility with the President, and I hope very much the Senate will act favorably on it.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. CHILES). The hour of 12 o'clock having arrived, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, pursuant to the previous order, the time between now and 1 o'clock is to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Alaska (Mr. GRAVEL).

Who yields time?

Mr. GRAVEL. Mr. President, I yield 2 minutes to the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. TUNNEY. Mr. President, I ask unanimous consent that an amendment which I have at the desk in the name of the Senator from Ohio (Mr. TAFT) and myself be considered as having been read for the purposes of qualifying under rule XXII.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. TUNNEY. I want to thank the distinguished Senator from Alaska for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, if the majority whip has no further activities at this point in time, I should like to suggest the absence of a quorum and ask unanimous consent that the time be charged equally to the Senator from Mississippi (Mr. STENNIS) and myself.

GERMANENESS RULE

Mr. BYRD of West Virginia. If the Senator will withhold that for a moment, Mr. President, the Pastore rule of germaneness has not been waived for the day.

I ask unanimous consent that the Pastore rule not be waived prior to the vote on the motion to invoke cloture.

I am yielding time here on behalf of the Senator from Mississippi (Mr. STENNIS).

I further ask unanimous consent, if the motion to invoke cloture is approved, that the Pastore rule of germaneness then be waived for the remainder of the day.

I further ask unanimous consent that if the motion to invoke cloture fails, the Pastore germaneness rule apply from that time for a period of 4 hours.

Mr. DOLE. Mr. President, reserving the right to object—and I shall not——

Mr. BYRD of West Virginia. Mr. President, I reiterate my request for the benefit of Senators.

Without a request, the Pastore rule of germaneness would have begun to operate for a period of 3 hours beginning at 12 o'clock noon today or earlier.

I ask unanimous consent that if the motion to invoke cloture fails, the Pastore rule of germaneness operate for a period of—I am going to change it—for 5 hours, beginning at 12 o'clock noon today, and that if the motion to invoke cloture is sustained, the Pastore rule, as of the time of the vote on the motion, be waived for the remainder of the day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. GRAVEL. Mr. President, I renew my request for the absence of a quorum and ask that the time be charged equally to the Senator from Mississippi (Mr. STENNIS) and to myself.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, acting on behalf of the distinguished Senator from Mississippi (Mr. STENNIS), I yield 4 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, I urge the Senate to invoke cloture today in the interests of the national security of this country.

My vote for cloture will be the first I have cast since coming to this body in 1954. I cast it on the grounds of national security—not on the basis of the war in Vietnam, not on our position in the Middle East or NATO, but rather on the basis of our security here at home.

As I have argued in this Chamber many times, the right of unlimited debate in the Senate is essential to protect the minority viewpoint on great issues of the day. Obstruction is sometimes necessary to prevent a majority from striking down the rights of the minority.

However, on this bill, continuation of debate clearly jeopardizes our national security. There may be future instances where unlimited debate would preserve our national security. Whatever the case may be, I shall stand on the side of national security.

The Senate has been debating the 1971 Selective Service Act since May 6. Scores of amendments have been debated and decided. Scores of amendments remain on the table, many by authors who have vowed to allow the draft to expire on June 30.

The Senate has the responsibility to check the powers of the executive branch when they are being exceeded. However, in this debate the move is to accelerate the Vietnam disengagement policies of the President by attempting to deny him the manpower needed to preserve our Military Establishment.

Mr. President, we have reached the point where our national security will be endangered if this debate is not ended. Unless the draft is extended for a minimum of 2 years, the manpower essential to preserve our strategic power will not be available. Even the majority of the supporters of an all-volunteer armed force recognize this plan is not feasible at this time. If the draft ends June 30, the United States will be entirely dependent on an all-volunteer armed force which has not passed the Congress.

The Senate seems to view the draft in the terms of those men actually drafted. Apparently some fail to fully realize that the draft induces into service tens of thousands of young men who volunteer for certain specialties rather than be drafted into the combat arms.

These specialties require highly qualified personnel to man our Polaris submarines, maintain our Minuteman missiles and provide the mechanical skills for operation of complex airplanes and other weapons. These systems involve our strategic credibility.

At present these needs are met because over 40 percent of the volunteers for the Air Force and Navy who manage these strategic systems are motivated by the draft to join the services.

Mr. President, on August 28 and 29 of 1957, I stood on this floor and spoke continuously for 24 hours and 18 minutes in defense of jury trials. This speech remains as the longest on record in the Senate.

Today, I would not hesitate to speak at such length again in defense of the Senate's right of unlimited debate. However, when this Nation's security is endangered, the pendulum must swing in favor of our existence as a military power worthy of our own defense.

Let no man say we struck down our right to talk. But rather let him say we did what had to be done when the security of our Nation was at stake.

QUORUM CALL

Mr. ALLEN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. CRANSTON. Mr. President, will the Senator yield to me for one-half minute?

Mr. STENNIS. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

QUALIFICATION OF AMENDMENT UNDER RULE XXII

Mr. CRANSTON. Mr. President, I ask unanimous consent that an amendment just submitted by the Senator from Minnesota (Mr. HUMPHREY) and me as a cosponsor, be considered as having been read so that it qualifies under Rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Mississippi wish to be recognized?

Mr. STENNIS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is the division of time between now and 1 p.m. on the subject of the cloture motion.

Mr. STENNIS. Mr. President, is it correct that I am in control of one-half of that time?

The PRESIDING OFFICER. The Senator from Mississippi is in control of one-half of the time remaining.

The time remaining is as follows: The Senator from Mississippi has 16 minutes remaining and the Senator from Alaska has 20 minutes remaining.

Mr. STENNIS. Mr. President, first I wish to explain to the Presiding Officer and to Senators that I regret very much I have not been able to be in the Chamber since 11 a.m., but without going into detail it was simply a matter that demanded preference, even though this is highly important.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The request of the distinguished majority whip is that the Senate be in order. Order will be established. Attachés and pages and others will go to their respective places. There will be order in the Senate.

The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, the situation demanded that I remain where I was, which was with the majority leader.

Mr. President, certainly I am cast in

an unusual role on a motion for the imposition of cloture. My position always has been to the contrary, but I have said all the time over the years that if it ever came to a question of national security I would be compelled to advocate a vote for cloture, and that is the situation today.

Rule XXII, under which cloture can be imposed, was born out of a national emergency on the question of security. To be brief, the late Woodrow Wilson, and I think it was in the year 1916, proposed that he arm the merchant ships with relativley small guns for their protection. He requested legislative authority to take that step. That was filibustered to death here in the Senate. He went ahead and armed this ships later, anyway. When the Senate reconvened the next year it passed rule XXII. A method of cutting off debate to meet a national emergency was the main prompting for passage of the rule. That was almost 60 years ago. The pendulum has traveled a long way since then and we are back where we started, so far as national emergencies are concerned. I do not say that hastily or ill advisedly.

Mr. President, the facts of life are that to maintain our security we must extend this Selective Service Act for some period of time. We have debated it over and over and we have had many votes on the period for which it should be extended. That period is now settled at 2 years. We have no alternative plan. No one claims he is ready with an alternative plan on the direct point of not continuing the Selective Service Act.

Whatever the virtue of the all-volunteer concept for all the services, and however well it may work, and however rapidly it may develop, we do not now have a plan in operation, a developed plan that can supply the necessary manpower. When I say the "necessary manpower" I am not talking about the manpower for the war in Vietnam. I think that will be relatively small and less and less. I am not talking about sending troops to Western Europe. I am talking about getting the Nation men of the right type, competence, and capacity to protect our Nation and our people here at home, the over 200 million in our 50 States.

To be specific, I am talking in terms of continuing a supply of manpower for our Polaris submarines and our attack submarines, about the protection of our shorelines and our foremost line of deterrence with nuclear weapons.

I have said in debate many times and I have proven by the record that some 38 to 42 percent of the young men out there on our carriers, in our submarines, manning our ICBM's here at home, and all the related activities of that kind are draft induced. They are draft-induced. According to what they themselves said when they came in, they are volunteers for a duration of years, 4 years in the Air Force, 3 years in the Navy, but they are draft-induced, and they have the alertness, the talent, and the adaptability, and they develop rapidly. They go into these key positions.

That time is expiring all the time and we have to bring men in all the time who have the capacity. Those capacities are found among the selectees, who have the talent and the aptitudes.

I have the figures here. They have been cited before in this debate over and over. They have never been disputed. I refer to just a few figures here. About 47 percent of our Air Force volunteers are motivated by the draft. Moreover, about 20 percent of our Minutemen missile crews must complete from 11 to 13 months of highly specialized additional training before they can be assigned to these weapons of nuclear deterrent. So 42 percent of them come through the influence of the draft.

Then it requires all this time to train those men. That time is going to be expiring in the months ahead, and we must be bringing in other men who have the qualifications to meet the requirements and to eventually fill those places and get into those channels of training.

So I do not think any susbtantial reasons can be given to refute my contention here that it is necessary to have an extension of that draft bill.

I like the attitude of the majority leader. He told me, when this debate started, when it was announced it was going to be filibustered, "I am against your bill, but I will cooperate to the hilt in seeing that it goes on through to a vote." That has been his spirit all the time. He has been quite active here. We felt that yesterday. We felt it before. But he is traveling the high road of statesmanship. He always does, I think.

With all respect to everyone, I think that is the high road of duty and responsibility, like it or not. I do not like the idea of having to resort to cloture here. I know Senators who oppose the bill are honest and Senators who oppose cloture are honest. I tell you right now that there comes a time when we have to close ranks. I submit that time has come now.

Mr. President, today the Senate will vote on a motion to cut off debate on the Military Selective Service Act. My vote on this motion will be affirmative. It will be the first time I have voted for cloture and I will be voting solely in the interest of our national defense.

A review of the inception of the cloture rule, rule XXII, reveals that it was adopted during a period of national emergency, shortly before war was declared on Germany when a Senate filibuster prevented passage of a bill authorizing arming of merchant vessels. President Wilson at that time pointed out that calling the Senate into special session would not gain passage of the bill because "the paralysis of the Senate would remain." More important, and germane, to the debate we have held in this Chamber for 7 weeks, was his statement that in a crisis situation, especially involving national defense when definite and decided action was required, action in the Senate would be impossible if several Members chose to carry on debate endlessly. He suggested that the Senate rules be changed.

On March 8, 1917, a resolution prepared by a joint committee of the majority and minority was presented to the Senate. It passed with only three Senators dissenting and became rule XXII, the cloture rule.

History has come full circle on the cloture rule. The Senators who voted for the cloture resolution in 1917 did so because an element of our national security was threatened by a Senate filibuster. Today, we are faced with a similar situation. Our national defense will be endangered if we do not pass the Military Selective Service Act.

The men who wrote and adopted rule XXII were wise in providing the Senate with this safeguard as a means of protecting our national security. It is a measure which I believe must be used as just that—a safeguard to protect our national security.

I believe that we must use this safeguard today, as we are faced with the expiration of the Selective Service Act.

I reiterate, I will vote for cloture as a matter of national defense.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. BAYH. Mr. President, throughout my career in the U.S. Senate, I have repeatedly and firmly exhibited my opposition to use of the Senate's provision for unlimited debate to block the will of a majority of Senators to vote on a particular measure. Certainly, as last year's debate on my amendment to establish direct popular election of the President illustrated, a handful of men can forestall action that is clearly consistent with both the wishes of the American people and the sentiments of their elected representatives. Thus is has been my belief that it would be in the best interests of this body and the country to revise the rule on cloture.

Today, in considering the cloture petition for the Selective Service Act, the Senate faces once again a decision on a matter of critical national importance. This year's bill contains several significant reforms of a system whose past inequities have done much to embitter and divide a substantial element of our society. In our debate we have taken action to insure that families that have lost a son in combat need not sacrifice another to war, even if he were not a sole surviving son. We have insured that selective service regulations—as other Federal agency regulations—must be published before they can take effect. For the first time, we have enacted meaningful pay increases for the military that will be a considerable aid in reestablishing the dignity of military service. We have established firm congressional guidance for the problem of drug abuse in the military.

Equally as important, the Senate has made the President directly accountable to Congress should he wish to augment our Armed Forces by using the draft. Firm ceilings have been set on both overall military manpower levels and induction authority for the next 2 years.

Most important, the Senate yesterday for the first time established as national policy the concept that the President must set a date certain for withdrawal of all American forces in Indochina. If we delay the draft bill, we delay passage of all these reforms.

But, at the same time, we have failed to act favorably on many of the most important procedural reforms which would insure registrants the same due process rights that they receive under criminal law. Young men, conscripted under this act, continue to be compelled to fight and die in a war that I consider to be immoral and senseless. While the Senate has taken a first and tentative step to end that war under the Mansfield amendment, the killing still continues.

Several amendments whose enactment would help in reducing the inequities of this system—those regarding the composition of local draft boards and the wholesale reorganization of that system—have yet to be considered. No action at all has been taken on the one issue whose resolution may have the greatest bearing on our future defense budget and national security policy: overall military manpower levels—and how these levels reflect our national interest and intentions in all areas of the world.

In balance, the business of the Senate on Selective Service remains unfinished. To impose cloture now would not be in the best interest of either the Members of this body or the American people. Until we have finally considered all of these pressing matters, and made a clear determination of these pending amendments, I cannot support the measure to close debate on the Selective Service Act.

Mr. TOWER. Mr. President, it is with some reluctance that I will vote to limit debate on the pending Draft Extension Act. We have been considering this legislation for over 6 weeks on the floor of the Senate, and we had previously had very extensive hearings on this subject in both the Senate and the House Armed Services Committees. All facets of this bill have been discussed in depth, and all aspects have been examined at one time or another. There should no longer be any reason why we cannot proceed to a vote on final passage of this most important legislation.

I have long been a supporter of the use of extended debate in order to educate the public about what I considered to be the dangers of particular pieces of legislation. In fact, I have only voted to limit debate on one prior occasion during my entire 10 years here in the Senate. It has become apparent to me, however, that the desire of those who now support this extended debate is not to educate but rather to frustrate the decisionmaking system. Were it on some less important matter, I might be inclined to vote to allow this debate to continue. However, the national security of the United States is at stake in this instance. The question simply stated is this: Are we going to continue to provide sufficient manpower for the defense of the United States or are we going to unilaterally disband our Armed Forces. I cannot vote to disband the Armed Forces at a time when the threats to the security of the United States are at record levels. For me to do so would be an act of irresponsibility and an abrogation of my duty to maintain the strength of the Nation. I find it difficult to believe that even those who oppose the draft extension would prevent a vote on this matter.

Mr. President, some of those who have announced that they will try to frustrate the desire of the Senate to proceed on this matter say that by so doing they will automatically eliminate the draft. Nothing could be further from the truth. What would be accomplished, would be that those who have recently lost deferments would now be liable for immediate induction. The whole idea of the lottery system which most everyone in the Senate supported when President Nixon first recommended it would thus be frustrated. Those who had relied on the word of the Senate in this regard would now find that they had relied on this word to their own detriment. I for one, do not believe that our word should be violated. We must continue to provide for a draft while we are moving in an orderly manner toward a zero draft situation. By refusing to even let the Senate decide whether or not to extend the draft, the irresponsible action of a few is jeopardizing the security of this Nation.

I urge my colleagues to, in this instance, let the interest of the national security overcome their qualms about voting for cloture. There are many issues upon which I would not move to limit debate, but such an argument cannot be allowed when the security of this country is in the balance.

Mr. MUSKIE. Mr. President, I will vote for cloture today because I have always believed that once full debate on the merits of pending legislation has been completed and further discussion is for delay that the Senate should proceed to a vote on the question before it. All the main questions associated with the draft have been fully debated and voted upon. The Senate has considered reform of the draft, replacing the draft with a volunteer army, increasing pay, troop levels in Europe, and ending the war in Vietnam. Although I do not agree with the outcome of many of these debates, further consideration of the bill will not change the position of the Senate.

If cloture is invoked there will still be an opportunity for 100 hours of debate, and there will be a vote on every germane amendment pending to the draft bill.

It is clearly the purpose of some to prolong debate in order to prevent the draft bill from being enacted. Because I believe that the draft system is the most equitable way for distributing the burdens of defense during times of crisis and war, I do not favor the elimination of the draft. Therefore, I favor a continuation of the draft, especially with the pay raises included in this bill that will lead eventually to zero draft calls.

I do not believe that blocking renewal of the draft will materially contribute to ending the war in Vietnam. Our manpower needs in Vietnam are steadily decreasing as troops are withdrawn and pay raises are helping to increase the number of volunteers. Cutting off the draft for a period of time would not have a dramatic effect upon the continuation of the President's Vietnamization program.

I favor ending the war in Indochina with a date certain. Yesterday, by adopting the Mansfield amendment, the Senate took a step in that direction. I think we should speed this major move to end the war on its way toward possible enactment. I think this is the best and most effective way of withdrawing our military personnel from Indochina, and a filibuster on the draft will not contribute to this end.

By sending the draft bill to the House with the Mansfield amendment attached, there will be maximum pressure to accept the Senate version as is in order to avoid conference and pass an extension of the draft prior to the expiration date of June 30.

Mr. BROOKE. Mr. President, 15 times in the less than 5 years that I have been in the U.S. Senate, this body has considered and voted upon a motion to close off debate. And 15 times I have supported and voted in favor of cloture.

My reason is simple: Unlimited debate is incorporated in the rules of procedure of the U.S. Senate as an assurance against hasty action and ill-considered judgments. It is through such debate that Members of the Senate are able to inform their colleagues, raise questions and receive answers, resolve differences and render considered judgments. It is a right unknown in most other parliamentary bodies, and it is uniquely suited to our democratic principles.

In essence, I believe in unlimited debate. But I also believe that when that debate becomes filibuster and is used as a strategic device, cloture should be invoked and the Senate allowed to work its will.

In the month that the Senate has been debating the draft extension bill, many hours have been devoted to careful consideration of the important questions raised. Many of the amendments we are now considering are repetitive and I think that we have moved into a filibuster. Even though I have been a longtime opponent of the draft, I nevertheless believe that to prolong consideration of the draft bill for the purpose of postponing a final decision is wrong. I will therefore cast my vote to end this debate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (Senate Concurrent Resolution 9) authorizing the printing of additional copies of Senate hearings entitled "Investigation into Electronic Battlefield Program."

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970;

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes; and

H.R. 2036. An act for the relief of Miss Linda Ortega.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BEALL) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Public Works.

(The nominations received today, are printed at the end of Senate proceedings.)

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska (Mr. GRAVEL) has 20 minutes.

Mr. GRAVEL. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAVEL. Mr. President, I realize that today is a very historic day for the distinguished Senator from Mississippi and, as I understand it, the Senator from South Carolina (Mr. THURMOND), who has indicated that he will break a lifelong precedent to vote for cloture.

Of course, the argumentation made for this is the need of national security. I am not entirely optimistic, but I would hope that time will be given to us to prove the emptiness of that argument, and I think the only way the emptiness of that argument can be proved is by letting July pass, letting August pass, letting September pass, and we will find that, come October and November, this Nation will be every bit as strong as it is today. Only we would not continue to use the false crutch that we have had the last 20 years—the crutch of peacetime conscription, the crutch that afflicts this Nation much more than I and many others have been able to bring to the full appreciation of this body or of the American people.

Let us talk for a moment, however, about what has happened these last 7 weeks. Like many of my colleagues, the first part of May I heard that we were going to have to invoke cloture to get things moving. We have heard talk that we have dilly-dallied and these 7 weeks have been a waste of time. I think not. I think these last 7 weeks have been the most fruitful, most productive weeks, certainly this year, and certainly last year.

Let me cite for the record itself. We debated the Mansfield amendment, which was to cut 150,000 in Europe. This was the first time in recent history that any effort was made at all to give any examination of our policies in Europe—policies which are archaic, redundant, wasteful, and that have launched us on the road to bankruptcy. These facts would not have come out had we not had the extensive debate on the Mansfield amendment.

Just as an aside, the Senator from Montana (Mr. MANSFIELD) when he introduced the amendment, was prepared to vote on it that day. It was the Senator from Mississippi, and it was the administration downtown that asked for a week's delay so they could press their will upon this body. They were successful in so doing. But I say that up to now we have had on intelligent dialog or intelligent appraisal of what we have been doing in Europe, and I think it is about time for an intelligent change.

The American people were not aware of ridiculous facts such as that this country spends in excess of 8 percent of its gross national product on national defense, while West Germany, whom we are defending, spends 4 percent, and Japan, whom we are defending, spends 1 percent. We are suckers. If defense is good for everybody, everybody should pay equally; but that is not the case.

We have a 6-percent unemployment rate. West Germany imports in excess of 2 million people to man their industries. What idiocy, what total idiocy, would propel us on this course of action? Yet we hear that we must defend Europe; we must have these 300,000 troops in Europe because the Europeans will feel insecure if we do not.

Think of the ridiculousness of the situation. This country came to the aid of Europe in the First World War without commitment, voluntarily. It came to the aid of Europe in the Second World War without commitment, voluntarily. And now they will not believe us when we say we will come to their aid if they need it, and we have to mortgage and keep in ransom 300,000 American boys, and the American taxpayers pay the cost of it.

All of this came out in the debate on the Mansfield amendment, and a good deal more, which will lay a foundation for the revectoring of our foreign policy in that part of the world.

Next came the Allott amendment. That took a few days. Prior to that we had the Hughes amendment, which sought to increase the pay commensurate with House action. Unfortunately, the efforts of the Senator from Iowa (Mr. HUGHES) went down to defeat. They came back under the leadership of the Senator from Colorado (Mr. ALLOTT), with some slight changes, and they were successful.

What did the Senate do in that regard? It lifted the onus of a crushing tax, in effect, of 50 to 60 percent that we had been levying on these young people. Not only have we been drafting these young people, usurping their freedom, but we have been imposing a 50 to 60 percent tax on them by paying them slave wages. This the Allott amendment has rectified. We still will be pressing them into service and denying them their freedom, but at least now we will pay them a reasonable wage.

This also has established a system whereby we can have a volunteer army; and it was interesting that those who, prior to the passage of this amendment, made their case, "Well, we want a volunteer army, but we do not particularly want to pay the people at the proper rate," thereby were cutting out the ground from any effort to try a truly volunteer army.

That amendment was agreed to. The next amendment agreed to was an interesting one also. That was the Kennedy amendment. I note that we have only two Senators on the floor of the Senate at this time. I had canvassed the members of the Armed Services Committee, and they knew nothing about this, but in this bill, for the first time in American history, the President of the United States was given the power—the unlimited power—to fix the force levels at his own discretion. The first time in American history.

When I asked the members of the Armed Services Committee about it, they did not know this power was there. Everyone was concerned about the loophole as to the limitation on inductees, but for the first time in American history we had a paragraph in this bill that permitted the President of the United States to acquire as many people as he wanted in the armed services. Never before had that been done. Senator KENNEDY brought in an amendment striking out that section, and it was agreed to.

But it is interesting that we so rely upon the committee process that fundamental changes in the law can creep through the labyrinth of this committee process, to the Senate floor, and be acted upon by the Senate in due course, the membership thinking, "The committee did it, it must be all right."

But in this case, at least, the committee did it, by and large, without realizing it. But this body now knows that, without the Kennedy amendment, it would have given to the Chief Executive a greater degree of power than ever before in history.

It would not have been the will of this body, I think, to consciously erode its power; and this process of floor debate brought about a degree of knowledge on this bill that Senators would not have acquired otherwise.

Then we go to the Hatfield-McGovern amendment. On this amendment, of course, we were not able to secure a majority for its passage. We were not able to secure a majority of this body to say, "We ought to end this war by a specific date, not next week, but at some specific time in the future."

I think that is most unfortunate. I think if the war is bad, we should say it is bad and end it now. But we cannot even get the votes to end it in the future. The argument, of course, is that this facet of government or that facet of government——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. GRAVEL. I yield myself 5 additional minutes.

The truth of the matter is that today in the United States of America, a freedom-loving people, freedom-loving taxpayers, our tax dollars are being spent to kill human beings. If the number of people being killed were killed in California, in New York, in Georgia, or in Alabama, we would be in special 24-hour-a-day sessions, talking about passing legislation to stop those people from being annihilated, because they were American people. But for some reason, because they are being killed by bombs released at 30,000 or 40,000 feet, over Laos, over Cambodia, or over Vietnam, for some reason, some reason involving the American psyche, we do not identify with that murder, with that butchery, and it goes on, because this body does not choose to act. It goes on because the American people tolerate the situation.

How this can happen I do not know. I do not know how we can place ourselves in such a position as to permit, daily, the annihilation of human beings, at our will, as a result of our decisions, and yet stand back and talk piously in terms of political position, in terms of delays—for what reason I know not.

We were able to secure a resolution defining our sense and our desire, as a result of the votes of 57 Senators yesterday. I do not understand why we cannot speak with a stronger voice.

Senator Byrd yesterday had to offer a motion that would vacate the time limitations permitted for debate on amendments that are still at the desk. If there is anything that proves that this body needs time for continued deliberation, it is the fact that we have amendments pending and we have time limitations agreed to on those amendments, which means that this body could work its will with dispatch on improving this legislation. If cloture passes today, for some reason, it means we have a blind, compelling desire not to think of these horrendous problems any more, but to close off debate and get the matter out of our sight, because we cannot tolerate the stench of it. That is the only conclusion I can come to.

These 7 weeks have been tremendously productive, and I can only compare them to the 7-week period last year at this same time, when our opposite numbers were waging a dilatory filibuster—a dilatory filibuster—in order to permit the President of the United States to withdraw the troops from Cambodia at his will, and not at the legislative behest of this or the other body.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am happy to yield.

Mr. DOLE. Is there a difference between a filibuster and a dilatory filibuster?

Mr. GRAVEL. I think it becomes dilatory when the Senator from Kansas is performing it, and productive debate when I am performing it.

Mr. DOLE. Will the Senator yield further?

Mr. GRAVEL. I am happy to debate the issue.

Mr. DOLE. Has the Senator changed his position from that which he originally held, when he stated, "I announce my intention to the American people to conduct a filibuster against any extension of the draft"? Is that still the Senator's position?

Mr. GRAVEL. What is my colleague's point? I will be happy to yield for any point he cares to make, without wasting time on questions.

Mr. DOLE. The question is, Is the Senator conducting a filibuster?

Mr. GRAVEL. I think the filibuster has been conducted by the membership of this body. There are amendments that have come forward, there are additional amendments yet to come forward, and we have had to vacate time on them so we could vote on cloture. If that is the will of this body, fine; but if it is the will of this body to improve this legislation, and that is a filibuster, which I consider it to be, against the expiration of the powers of the President to draft, then I say, "Yes."

Mr. DOLE. The Senator says, "Yes."

Mr. GRAVEL. Mr. President, my time is very precious, and I would much prefer to pursue my points in this respect.

I should like to trace, very briefly, the history, but before doing that——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAVEL. I yield myself 3 additional minutes.

I would like to have that chart uncovered.

The argument made by my colleague, the Senator from Mississippi, as one who is changing his vote—and many others are changing their votes—is based on the issue of national defense, because of a national emergency.

Mr. President, there is no such national emergency, and there is no such call for national defense today, as to require the draft. The figures are abundantly clear, right there, accompanied by a statement which has been placed on the desks of all Senators dealing with these figures.

It is very simple. These are not figures I have conjured up. These are figures from the Department of Defense. They indicate clearly that we can have what the committee says it wants—2.4 million men. We can have the 2.4 million men without the legislation that has been passed by this body effecting the pay increases. But they conjure up other thoughts, as stated in the letter to all Senators by the Senator from Mississippi, that we need all those men for our Polaris submarines, that we need all these men to defend the homeland.

We do not need 2,400,000 men to defend the homeland. We do not need what we have today, 2,700,000 men, to defend the homeland. Let me give you the figures—and again, these are not my figures, these are figures of the Department of Defense.

We have in our strategic forces 134,000 Americans. If this Nation of 200 million people cannot get 134,000 Americans to volunteer for its defense, then there is something wrong with the system of freedom we have. We have 134,000 men—that is the number we have in our strategic forces, our bombers, offensive and defensive air forces, Minuteman missiles, Poseidon submarines, and Polaris submarines. That is all we have, 134,000 men. But, interestingly enough, we have 90,000 men in intelligence work and security surveillance. We have had testimony about the surveillance of Members of this body by the military. We have 90,000 people in the armed services doing that.

The Gates Commission demonstrated adequately that we had 97,000 American men in uniform mowing lawns, picking up butts, waiting on officers' tables in officers' clubs, and tending bar. That is really the muscle of our defense they talk of.

They say we need 2,700,000 men. In 1948, when the draft was foisted upon this body, the military came forward with the argument, when we had 1,300,000 men under arms, that we needed 2 million men under arms in order to protect this country.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. GRAVEL. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 7 minutes remaining.

Mr. STENNIS. How much time does the Senator from Alaska have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes.

Mr. STENNIS. Mr. President, the Senator from Alaska has given us the figures about only 134,000 men being needed for our strategic forces or in our strategic defenses. The word "strategic" as used by the military is just a word; it is just a name. "Strategic" is kicked all over the board everywhere and means one thing in one group and one thing in another.

But in this manpower category, strategic forces, the 134,000, does not include, for example, the carriers—all the crews and everything that goes with the carriers—the 12 we have surging through the seas, not all at once, but either in dock for repair or at sea. All the crew they have, the technicians on radar and all the men who work on the decks, are not in our strategic defenses as the Senator uses that term.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. I have the figures on what the Senator from Mississippi is talking about. The figure for that is 385,000 men. If the Senator wants to add our strategic forces of 134,000 men to 385,000 men, it amounts to slightly more than 500,000.

Is it the point of the Senator that we cannot have the voluntary defense of this country?

Mr. STENNIS. I will answer the Senator's question.

In addition to the carrier crews, about which the Senator has given the exact figures, at least 100 submarines, other than Polaris submarines, are attack submarines, antisubmarine warfare submarines, and all others except Polaris. All their crews and technicians and everything else that goes with it are not included in his 134,000 figure. That does not include all antisubmarine warfare forces, helicopters, and a great number of other things. There is no time to go into all that it does include. All their crews and personnel are not included in the 134,000 strategic forces he mentioned.

It is not the Senator's fault. It is the fault of these misleading terms. I call it the folk language of the military. One branch of the service will use a word with an altogether different meaning from the way another branch uses it. These are the figures taken from the records, and we bring them here for the Senate's consideration.

Mr. President, I ask unanimous consent—this relates to only one amendment—that amendment No. 212, by the Senator from Florida (Mr. CHILES), on special assistance to veterans, be considered germane to H.R. 6531 should cloture be invoked.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I return to the discussion of the merits of this matter.

This is not a hasty decision that I made, and I am not asking any Member of this body to make a hasty decision. I am asking Senators to commit a very serious and grave act, as I see it, and that is to cut off debate. I have never done that before, and I would not ask it now if there had not already been full opportunity for debate. We have taken vote after vote after vote after vote on all the major and many of the minor phases of this bill. Even if cloture is voted, we would still have time for debate. I am ready and willing to take up all the amendments—there has to be somewhat limited time—that any Senator wishes to present, under the rules of the Senate, and each Senator would have 1 hour for debate.

I am asking for cloture only after 7 weeks of debate have been completed. Seven weeks ago today, we started on this bill, and, with slight interruptions only timewise, we have been on it ever since.

We have voted on more than 50 amendments already—some minor, but many of them major, and many of the major ones, in various forms, two, three, and four times. We had nine rollcall votes yesterday. So this is not a jumped up affair. This about as much deliberation—and high quality deliberation—as I have ever seen put upon any major bill since I have been in the Senate.

So I submit that there is no alternative except for the extension of this Draft Act. I submit that in view of what has happened, the Senate has no alternative but to go on and, in and orderly way, invoke cloture.

For the information of those who have come to the Senate since I made these remarks before, and in the event they do not remember this, rule XXII, which makes cloture possible, was born in the midst of stormy times and military necessity that created rule XXII.

Woodrow Wilson, in 1916, wanted to arm the ships that were being sunk by submarines. We were not at war. He requested the authority, and the Senate filibustered the bill to death. He went on later, anyway. But when the Senate convened the next year, they got together and passed rule XXII to meet a national emergency for the security of our great Nation.

Now, almost 60 years later, we are back in a period of uncertainty and insecurity to a great degree. We have this fine military setup, and let us be thankful we have it. It is on our land and on our borders and in the seas, trying to protect the free world. So we have to have the right kind of necessary manpower, and this bill is the only way we can get it for the immediate future.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAVEL. Mr. President, I think the Senator who filibustered was right and Woodrow Wilson was wrong.

Mr. President, the justification for the draft in peacetime finds its source in the unfounded ideological fear that we will lose the freedom and greatness that our ancestors were blessed to find.

The manipulation of this unfortunate fear has permitted the state to develop violent plans and actions that have no other way of gaining support.

Those plans and actions shrouded in secrecy, mired in mistakes and misunderstandings, have been unable to come forward into the light of a free society for approval.

No. Those plans have had to rely upon the sheer force of the draft to haul off to service young Americans whom we the leadership have not dared to face with responsible argument.

What sort of government policy must take its support at gun point? What sort of freedom is it that must protect itself by denying freedom and threatening imprisonment? What sort of justice is it that must be served by the admission of numerous injustices?

Let the defense of this Nation rest upon the consent of the governed and not upon the whims of the leaders.

In truth how can a people espousing a system of representative government ever gage its defense except by the willingness of the people defending it to defend it?

Mr. STENNIS. Mr. President, I send to the desk two amendments to lie on the table, and ask unanimous consent that they be considered as having been read for the purposes of qualifying under rule XXII.

The PRESIDING OFFICER (Mr. HUMPHREY). Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD the documentation that goes with the chart which is now in the back of the Chamber.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE DEPARTMENT DRAFT DATA

The U.S. Senate Armed Services Committee has set an armed forces manpower goal of 2,400,000 by June 30, 1972. The Committee has implied that this goal cannot be met without a continuation of the draft.

However, in considering the data offered by the Armed Services Committee, the Senate was given data that has not allowed it to make a realistic decision on the draft. Most of the data reinforces the Department of Defense position for a continuation of the draft and a 1972 fiscal year end strength of 2,500,000 men. The data makes inadequate allowances for civilization (which in 1966–68 successfully eliminated 114,000 military jobs), and for the recently enacted pay increases.

The data provided by the Department of Defense admits:

1. That without pay increases (since enacted), and without the draft, armed strength would only reach 2,292,000 men. (Bar 1)

2. That with a pay boost and with improved personnel policies, troop strength would rise only to a minimum of 2,375,000 and a maximum of 2,395,000 (a difference of less than 1%—an overly inflexible figure). If 90,000 civilianized jobs are related to these figures, it easily brings DOD manpower requirements down to 2,400,000. (Bar 2)

3. The DOD target of 2,505,000 assumes the same conditions as the 2,400,000 goal of the Armed Services Committee but would exclude civilization from its improved personnel policies. (Bar 3)

SOURCES OF DATA IN CHART "DEFENSE DEPARTMENT DRAFT DATA JUNE 30, 1972, ESTIMATES OF TOTAL ARMED STRENGTH"

2,292,000 total DOD end strength by June 30, 1972—p. 65, May 5, 1971, Armed Services Committee Report to accompany H.R. 6531 (Report 92–93).

"The Department of Defense estimates that the maximum potential voluntary enlistment supply of FY 72 would be about 315,000 in *the absence of the draft* and *New Project Volunteers incentives*. This would be about 213,000 fewer men than needed . . ." (2,505,000−213,000=2,292,000)

2,375,000—2,395,000: same reference.

"If the Project Volunteer incentives are enacted, the FY 72 shortfall in new accessions would be in the range of 110,000—130,000 (report misprint reads 113,000) . . ."

"Now, note that the Department of Defense's *most pessimistic view* of the shortfall, *if* All-Volunteer incentives are implemented, is 130,000—again based on an end strength of 2.5 million, not 2.4 million." (2,505,000−110,000=2,395,000); (2,505,000−130,000=2,375,000).

Civilization

The numerical value of civilization based on experience is 90,000 men, est.—p. 601 "Hearings before the Committee on Armed Services United States Senate;" Feb. 2, 4, 8, 9, 10, 19 and 22, 1971; "Selective Service and Military Compensation."

"With respect to a program for the increased utilization of civilian manpower a program for civilian-military substitution was initiated in 1966 to replace, by end-1968, 114,000 military by 95,000 civilians. The establishment of hiring limitations on civilan personnel in P.L. 90–364, July 1, 1965, limited the actual substitutions to about 90,000 civilian personnel . . ."

DEFINITION OF "PROJECT VOLUNTEER"—WITHIN DEPT. OF DEFENSE

Statement of Secretary of Defense Melvin R. Laird Ref. A, p. 28:

"In April, 1969, as Secretary of Defense, I established a program called Project Volunteer within the Department of Defense. This program involved an intensive study of the problem of ending the reliance on the draft and the formulation of a workable plan to reach the zero draft call goal. The study has been very thorough. The plan has been carefully devised with the participation of all the services, the Army, the Navy, the Air Force, and the Marine Corps. The most important elements of this plan are, *first, pay* *increases; second, enlistment bonuses; third, increasing recruiting efforts; fourth, improvement of living and working conditions; fifth, increasing ROTC subsistence payments and scholarships; and, sixth, increasing medical scholarships.*" (Italic added.)

EARLY RELEASE—POLICY

Statement of Assistant Secretary of Defense Roger T. Kelley (Manpower and Reserve Affairs). Ref. A, p. 671:

"It does not appear that the Gates study allowed for the *early release* of Vietnam returnees and other overseas returnees at the levels planned under current policies, although the data available does not permit a precise quantification of the estimates."

Earlier, he said:

"The Gates studies estimated FY 1970 Army draft calls at about 145,000. The actual FY 1970 Army inductions were 195,600. The actual call was 50,000 higher than the Gates estimate. The actual high call in FY 1970 generated 40,000 more inductee losses and new accession requirements in FY 1972 than estimated by the Gates report." (Italic added.)

LAND FORCES—GENERAL PURPOSE FORCES

Statement of Assistant Secretary of Defense Roger T. Kelley, April 15, 1971. Ref. B, p. 8:

". . . our General Purpose Forces are sized so that the United States will be prepared for an initial defense of NATO Europe or a joint defense of Asia . . . the fighting elements are structured according to their respective modes of combat. . . . On average, the sustaining increments include roughly twice the total manpower found in the division . . ." (p. 9).

FY 1970 649,000.
FY 1971 565,000.
FY 1972 501,000.

Mr. GRAVEL. Mr. President, I have one final question to ask the Senator from Mississippi: Since the Senator has just submitted two amendments from the floor, does that mean that he has changed his view on the cloture motion, so that the Senate may handle the amendments?

Mr. STENNIS. They will be considered under the cloture motion.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. HUMPHREY). The hour of 1 o'clock having arrived, the Chair, pursuant to rule XII, lays before the Senate the cloture motion, which the clerk will state.

The legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

MIKE MANSFIELD, HUGH SCOTT, JOHN C. STENNIS, BOB PACKWOOD, GALE MCGEE, ROBERT P. GRIFFIN, ROBT. TAFT, JR., WM. B. SAXBE.

JOSEPH M. MONTOYA, PETER H. DOMINICK, HENRY BELLMON, CHARLES PERCY, MARLOW W. COOK, HENRY M. JACKSON, HUBERT H. HUMPHREY, JOHN TOWER.

EDWARD W. BROOKE, JAMES B. PEARSON, LOWELL WEICKER, ROBERT DOLE, FRANK E. MOSS, CLIFFORD P. HANSEN, GORDON ALLOTT, BARRY GOLDWATER, JENNINGS RANDOLPH.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the provisions of rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 118 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present. The question before the Senate now is, Is it the sense of the Senate that debate on the pending bill, H.R. 6531, a bill to amend the Military Selective Service Act of 1967, shall be brought to a close?

The yeas and nays are mandatory under the rule. In order to expedite this vote, let us have order in the Senate.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. MATHIAS (when his name was called). On this vote I have a pair with the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. SAXBE). If they were present, they would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS) and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and if present and voting, would vote "yea."

The Senator from Ohio (Mr. SAXBE) is necessarily absent, and his pair has been previously announced.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business, and his pair has been previously announced.

The yeas and nays resulted—yeas 65, nays 27, as follows:

[No. 119 Leg.]

YEAS—65

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McGee
McIntyre
Miller
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Roth
Smith
Sparkman
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—27

Allen
Bayh
Byrd, Va.
Case
Church
Cranston
Ellender
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
McClellan
McGovern
Metcalf
Mondale
Nelson
Proxmire
Schweiker
Spong
Stevenson
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—7

Eagleton
Harris
Mundt
Ribicoff
Saxbe
Scott
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 27. Two-thirds of the Senators present and voting having voted in the affirmative, the motion is agreed to.

The Chair wishes to inform the Senate that, under the terms and provisions of rule XXII, henceforth each Senator is limited to 1 hour of debate in all.

The Chair also wishes to inform Senators that, under the rules of the Senate, quorum calls are not to be taken out of any Senator's time, but if such quorum calls are used for dilatory purpose, the Chair is charged under the rules of the Senate to rule such out of order. This is just for information of the Senate.

PERSONAL STATEMENT

Mr. STEVENS. Mr. President, I did not vote on the cloture vote. Having discussed the matter with my colleague, the junior Senator from Alaska (Mr. GRAVEL), and having told him that I intended to have a pair on that vote, due to circumstances beyond my control it was impossible for me to have a pair; therefore, I did not vote. I would like the RECORD to show that it was because of my respect for my colleague, the very hard work he has put in on this bill, and his feelings on the matter that I refrained from voting.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. For the further information of the Senate, lest there be any misunderstanding, it is very likely that there will be a number of rollcall votes this afternoon, and the leadership would therefore advise Senators to remain close to the Chamber, because these votes will be forthcoming.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. Is a motion to reconsider the vote in order?

The PRESIDING OFFICER. Under the precedents, the Chair does not believe it would be in order. We have no such precedents. Rule XXII is rather exclusive, and the Chair believes that, since there is no precedent, he should just read the paragraph, as it may be of some help to the Senate:

> And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

And, of course a motion to reconsider this question would be some other business, so it would be out of order.

QUALIFICATION OF AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendment which was offered by the distinguished Senator from Indiana (Mr. Bayh) during the call of the quorum today just prior to the cloture vote be considered as having been read for the purpose of qualifying under rule XXII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, if the Senator will yield, what has happened to other amendments on the desk?

Mr. BYRD of West Virginia. Mr. President, in response to the distinguished Senator, a request was made and granted——

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I am yielding on my own time.

Under a request which was stated and granted earlier today, and yesterday also, all amendments at the desk as of that time, respectively, were considered as having been read for the purpose of qualifying under rule XXII.

My only reason for the request I have just made is by virtue of the fact that the able Senator from Indiana had indicated to me last evening that he wished to offer an amendment today and he was unable to get it to the floor prior to the cloture vote.

PROGRAM

Mr. GRIFFIN. Mr. President, I yield to myself on my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, for the benefit of the Senate, while most of the membership is here, I wish to inquire of the distinguished majority leader whether he can give us some idea as to the schedule for the remainder of this week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is anticipated that when the pending business is disposed of—hopefully some time this week—the Senate will then turn to the consideration of Calendar No. 80, S. 991, dealing with conversion of saline and other contaminated water, which has been held, in the opinion of the leadership, for more than a reasonable length of time. Then we will turn to the consideration of H.R. 7109, an act to authorize appropriations to the National Aeronautics and Space Administration. Then, following that, Calendars Nos. 221, 222, 223, 224, 225, and 226, not necessarily in that order, but that is the expectation; and that is about it, may I say to my distinguished colleague.

Mr. GRIFFIN. Now the natural question, I think, comes to mind: Does the distinguished majority leader really expect that we will get to a final vote this week on the draft bill?

Mr. MANSFIELD. Not necessarily, but we all live in hope, and part of that hope is that some of these proposals which I have brought to the Senate's attention, in response to the minority leader's request, can be disposed of, hopefully, during morning hour business.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I yield, if I have the floor, to the distinguished manager of the bill.

Mr. STENNIS. The committee now will be ready to handle any amendment—we might have to make exceptions for additional preparation, but generally we are prepared to handle these amendments—and I think the will of the Senate now is so clearly expressed that we should continue on and dispose of these amendments and not give unanimous consent to taking up other matters. I do not say that would be an absolute rule, and I know the leader will not ask for it unnecessarily.

Mr. MANSFIELD. No, only unobjected to bills, during morning business.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. And not even that, if the Senator objects.

Several Senators addressed the Chair.

Mr. STENNIS. Will the Senator from Michigan yield to me just a moment further?

Mr. GRIFFIN. I yield.

Mr. STENNIS. I know that rollcalls occur frequently, they take up a lot of time, and quorum calls have already been mentioned; but if we stay with it, I think we can dispose of this matter in a very few days, at least.

Mr. GRIFFIN. Mr. President, I certainly want to indicate that it is the strong feeling and wish of the leadership on this side of the aisle that we come in early and stay late, so we can get to a final vote on the bill as soon as possible.

PERSONAL STATEMENT

Mr. PASTORE. Mr. President, I want the Record to show that I voted for cloture only because of the Mansfield amendment. If the Mansfield amendment is deleted in conference, I shall never vote for cloture on this bill.

SOCIAL LEGISLATION

Mr. LONG. Mr. President, the House of Representatives has now sent us H.R. 1, which is a huge and complex bill with major provisions affecting social security cash benefits, medicare, medicaid, and welfare. As reported in the House, the bill contains 450 pages of legislative language; the report on the bill contains almost 400 pages. I have no doubt that this bill will be the most far-reaching piece of domestic legislation before the Senate this session.

The bill has passed the House and arrived in the Senate just as the Committee on Finance has completed its hearing process on amendments to the Sugar Act. The committee anticipates completing action on the sugar bill within the next few days. We will then turn our attention to H.R. 1.

Most of the provisions in H.R. 1 relating to social security, medicare, and medicaid are substantially the same as provisions contained in the social security amendments which passed the Senate last year but which did not become law because the House refused to go to conference with us. I expect that the Committee on Finance will wish to spend little time hearing repetitious testimony on these matters.

On the other hand, the welfare provisions of H.R. 1 are substantially different from those contained in the House-passed welfare bill last year. I am pleased that the House has been able to capitalize on the welfare hearings held by the Committee on Finance last year by taking account of the many defects in last year's welfare bill brought out during our hearings. The House has apparently made diligent efforts to deal with the shortcomings in the bill which we identified.

Let me cite a few examples. Last year's welfare bill contemplated determining eligibility for assistance on the basis of a "simplified declaration" method—that is, an applicant would merely fill out a simple form and this would be the basis of his receiving benefits. H.R. 1 precludes the use of this "simple declaration" method. It requires that evidence be given on which determination of eligibility will be based and it requires that this evidence be verified. H.R. 1 requires that every family on welfare report all income or face stiff penalties, and it requires all families to apply anew for welfare every 2 years.

Last year's House bill left many policy areas up to the discretion of the Secretary of Health, Education, and Welfare. This year, the Ways and Means Committee instead made its own policy decisions in most of these areas.

H.R. 1 incorporates provisions in last year's Finance Committee bill designed to give deserting fathers a very strong incentive to provide financial support to their families.

I mention these as just a few examples of the efforts of the Ways and Means Committee to correct defects and shortcomings in last year's welfare bill. Because of their efforts, there are literally hundreds of features of H.R. 1 that are different from last year's welfare bill. Since there have not been any hearings on the welfare provisions of H.R. 1 in the House, all indications are that many persons will want to testify before the Finance Committee on the welfare provisions of the bill.

Because of the efforts of the Ways and Means Committee also, I expect that members of the Committee on Finance will want to concentrate more on the details of the provisions of the welfare bill this year.

Many members of the Committee on Finance have indicated to me, therefore, their desire that the committee examine and familiarize itself with the many details of the bill before beginning the hearing process. With that thought in mind, I have directed the Finance Committee staff to prepare breifing material for the committee. It would be my hope that we could sit down soon after the Fourth of July recess to begin our examination of the provisions in H.R. 1.

It would then be my thought that the committee would call the Secretary of Health, Education, and Welfare and the Secretary of Labor to appear so that we might continue our examination of the bill in public hearings. These hearings should begin near the middle of July. It will not be possible to conclude hearings before the August recess.

Let me say again that the significance of this bill is enormous. It deserves and will receive the close attention of the Committee on Finance as our No. 1 priority of business.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. STEVENS. I yield.

THE RULE OF GERMANENESS

Mr. BYRD of West Virginia. Mr. President, the Pastore germaneness rule was waived for today. In view of the situation that has developed, I ask unanimous consent that the waiver be lifted, and that the Pastore rule of germaneness now apply for the remainder of the day.

Mr. STEVENS. Mr. President, in light of what I was about to say, I object.

Mr. BYRD of West Virginia. Mr. President, I modify my request to ask that it follow the remarks of the Senator from Alaska.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I shall not, but I just want to be sure we understand each other. Does the Senator mean that the Pastore rule will be in force for the whole day, or just for the hours it is normally in force?

Mr. BYRD of West Virginia. No, I meant for the remainder of the day.

Mr. JAVITS. Mr. President, how many hours does the Pastore rule cover?

Mr. BYRD of West Virginia. Three hours.

Mr. LONG. Mr. President, I object to that. It seems to me that 1 hour is little enough time for each Senator, and with the 1-hour limitation, it seems to me there will not be a great number of opportunities for conversation.

The PRESIDING OFFICER. Objection is heard.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

THE RULE OF GERMANENESS

Mr. BYRD of West Virginia. Mr. President, I shall seek to modify my request, and hope that the distinguished Senator from Louisiana will accede.

I ask unanimous consent that the Pastore rule of germaneness now begin running, under the rule, for 3 hours.

Mr. LONG. Just for 3 hours?

Mr. BYRD of West Virginia. Yes.

Mr. LONG. For the next 3 hours, I shall not object.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to amendment.

Mr. STENNIS. Mr. President, there being no further amendments, I suggest third reading of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 120 Leg.]

Aiken
Allen
Anderson
Baker
Beall
Bible
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cook
Dole
Ellender
Gravel
Griffin
Hansen
Hatfield
Hruska
Jackson
Javits
Jordan, Idaho
Long
Mansfield
Mathias
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Roth
Sparkman
Stennis
Talmadge

The PRESIDING OFFICER (Mr. BEALL). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Bayh
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jordan, N.C.
Kennedy
Magnuson
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Percy
Prouty
Randolph
Schweiker
Smith
Spong
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER (Mr. BEALL). A quorum is present.

Mr. MANSFIELD. Mr. President, I would like to express the hope on behalf of the joint leadership that those Senators who have amendments at the desk, amendments that they are really interested in, call them up as expeditiously as possible.

It is not the intention of the joint leadership to forestall anyone's right or to take away anyone's time. We do not have that authority, we would not want it, and we will not do it. But in the interest of orderly procedure I think it is only fair in view of the judgment rendered by the Senate as a whole that individual Senators who have these amendments call them up, debate them, and have them voted on.

After a reasonable length of time—and the joint leadership will be most reasonable in determining the definition of the word "reasonable"—I think the Senate should be on notice we might be in a position where there might be third reading. I say this in all good humor and good faith, and with all confidence to the Senate so that they will allow us to get on with the business at hand.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, I understand the Senator from Florida is ready to present his amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 212

Mr. CHILES. Mr. President, I call up my amendment No. 212 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

H.R. 6531

TITLE V—SPECIAL ASSISTANCE TO VETERANS

SEC. 501. (a) The Administrator of Veterans' Affairs is authorized to make grants to, or to make contracts with, any institution of higher education for the purpose of assisting such institution to employ a full-time veterans' advisory and assistant officer to counsel and advise veterans on all matters relating to education and career guidance and to assist and advise veterans on other matters as provided herein.

(b) The office of the veterans' advisory and assistance officer at any institution of higher education shall serve for veterans as a central coordinating office on matters relating to campus orientation, academic and career guidance, counseling, financial assistance, placement planning, registration processing, and tutorial assistance. Such office shall also serve as a central point to counsel and assist eligible veterans who may be interested in pursuing an undergraduate or graduate work on a full-time or part-time basis.

(c) The veterans' advisory and assistance officer at any institution of higher education shall be authorized, in accordance with such regulations as the Administrator may prescribe, to accept and process the claim of any veteran enrolled in such institution for any education and training benefit or for any other veteran's benefit.

SEC. 502. (a) The Secretary of Health, Education, and Welfare is authorized and directed to carry out on a trial basis a special program for veterans who have a high school diploma or the equivalent thereof and who have an academic deficiency which prevent them from qualifying for entrance in any education or training program, under standard entrance criteria, in any institution of higher education. Such program shall be carried out in cooperation with any institution of higher education which agrees to participate in such program (referred to hereinafter as a "participating institution").

(b) Under such regulations as the Secretary of Health, Education, and Welfare may prescribe, after seeking the advice of and consulting with appropriate officials of institutions of higher education, academically deficient veterans who have completed high school or the equivalent thereof shall be permitted to enroll in a participating institution on a one-year probationary basis. No agreement entered into between the Secretary of Health, Education, and Welfare and any participating institution shall require such institution to continue the enrollment in such institution of any veteran who has failed to meet the minimum standards prescribed for all first year students.

(c) In order to encourage institutions of higher education to participate in the trial program provided for under this section the Secretary of Health, Education, and Welfare is authorized to make grants to, or contracts with, institutions of higher education.

SEC. 503. As used in this title, the term "institution of higher education" means any public or private educational institution in any State which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, is legally authorized within such State to provide a program of education beyond secondary education, and provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

SEC. 504. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. CHILES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please be seated.

The Senator from Florida is recognized.

Mr. CHILES. Mr. President, at the conclusion of World War II and at the conclusion of the Korean war a number of veterans came back to our colleges and universities. Because of the number of veterans who returned to colleges and universities and the problems they had, we granted special assistance to them at the colleges and universities. Many special programs were set up for them, and they were entitled to certain additional benefits in regard to housing, and in many other areas.

However, as a result of the Vietnam conflict virtually no assistance is provided for these people. I find that many times at universities in Florida many of the young men who have returned from Vietnam say they have problems with their veterans' checks, they have to communicate with the office of the Veterans' Administration, and many times it takes up to 90 days before they can even have mistakes corrected on paychecks.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

The Senator may proceed.

Mr. CHILES. Mr. President, if veterans had someone on the campus who could give a little attention to their problems, these conditions could be worked out. Certain of the universities have tried to take on people in this category themselves, but where these people lack the authority of the Veterans' Administration office, the result is not satisfactory.

With the number of veterans we have returning, it seems to me that they deserve the same attention we gave to veterans returning from World War II and veterans returning from the Korean war.

This amendment would provide that the university, if it so desires, could have on the campus a veterans' adviser and an assistant veterans' adviser. It would be only with permission of the university, and if the university did not want this help, they would not have to have it. However, the amendment would provide the authority for campuses who wanted to proceed in this manner. In addition, this would be available for junior colleges, because many of our returning veterans are at a stage in their education and training where they need help while going to junior colleges. Also, it would allow special assistance to the veteran who returns with a high school education or its equivalent, because he has taken the equivalent while in the service. When a veteran goes to the university, because of their special requirements, that veteran needs help, perhaps in one subject, before getting into the college program, but there is no one there to help him and there is no special program for veterans as there was after World War II and after the Korean war that would give the veteran completing his high school education some special attention. Those programs are not available at all. Again, many of our Vietnam veterans are unable to complete their education even though they have a high school diploma or the equivalent as a result of educational work they have done in the service.

I feel this amendment would be one way to assure that the Vietnam veteran is not a forgotten man and that we are going to give him some of the same benefits and treatment we gave veterans after World War II and the Korean war.

In looking back, everyone realizes that as a result of the GI bill after World War II and the Korean war we allowed more people to receive a college education and we did more to take a giant step forward in overall educational requirements and other benefits than our country had ever realized before.

Now, we have the GI Bill for veterans but he receives no special assistance and, therefore, he does not have the same benefits.

Mr. STENNIS. Mr. President, I ask that the Chair maintain the situation so that the Senator can be heard. Let us have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHILES. Mr. President, I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, will the Senator submit the question on his time?

Mr. DOMINICK. Mr. President, I want to say to the Senator from Florida that the amendment does cross jurisdictional lines of two other committees, one committee on which I serve.

The PRESIDING OFFICER. The Senator from Florida cannot yield time. He can yield for a question.

Mr. DOMINICK. I am about to ask a question. This is on my time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOMINICK. It does cross the lines of jurisdiction of the Committee on Veterans' Affairs and the Committee on Labor and Public Welfare, particularly the Subcommittee on Education, which, at the present time, is in the process of marking up the higher education bill. Of course, section 502 and section 503 specifically pertain to that.

My question to the Senator, however, is—as kind of a rule of thumb—with respect to the open ended authorization on this matter in section 504, would the Senator from Florida be willing to strike that?

Mr. CHILES. Strike that in lieu of what?

Mr. DOMINICK. Just strike out the open-ended authorization totally, because I gather the Senator does not know the cost of the program, and I am sure the Senator does not approve of having an open-ended authorization of this kind any more than I do.

If this should become a part of the law, having in mind the legislation now before our committee, the cost is not built in, and we could build it in to any authority.

Mr. CHILES. I think the Senator has a good point. I would be willing to strike section 504.

Mr. DOMINICK. I thank the Senator.

Mr. CHILES. Mr. President, I ask unanimous consent that I may conform my amendment to the discussion I had with the Senator from Colorado on section 504.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida to strike section 504? The Chair hears no objection, and it is so ordered; the amendment is so modified.

Mr. STENNIS. Mr. President, on the

Senator's time will he yield to me for a question?

Mr. CHILES. I yield.

Mr. STENNIS. I understand now that the Senator has stricken section 504 from his amendment.

Mr. CHILES. The Senator is correct.

Mr. STENNIS. It is very clear here this is a discretionary matter so far as the educational institution is concerned.

Mr. CHILES. That is exactly right.

Mr. STENNIS. They do not have to accept this?

Mr. CHILES. No, they do not.

Mr. STENNIS. If the Senator will permit me to make this statement, one of these young men who came up here and threw his medal over the fence in the march a few weeks ago told me that he had never heard of his GI benefit rights for education, as I described it. He had not been informed. This illustrates to me that the Senator has worth in his amendment. I do object to the idea that involves the jurisdictional question with the Veterans' Committee, but, with the understanding that we will do the best we can in conference despite that, I am glad to accept the amendment. We can adopt it here on a voice vote and do the best we can in conference.

Mr. CHILES. I certainly agree. I thank the distinguished chairman. A voice vote would be sufficient.

The PRESIDING OFFICER. The question is on adoption of the amendment of the Senator from Florida, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

AMENDMENT NO. 215

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be read.

The assistant legislative clerk read the amendment (No. 215) as follows:

On page 25, between lines 8 and 9, insert the following:

"(12) Section 6(a) is further amended by adding at the end thereof a new paragraph as follows:

"'(3) Medical doctors (including osteopathic physicians) who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine for a period of not less than four years in medical doctor shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph.'."

Renumber paragraphs (12) through (32) of section 101(a) of the bill as sections (13) through (33), respectively.

Mr. GRIFFIN. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, this amendment seeks to ease a domestic crisis of grave proportions—a growing shortage of doctors in our rural areas and in our inner cities.

This shortage has been aggravated by the draft, which has been siphoning off more than half our newly qualified doctors each year.

My amendment would exempt medical doctors including osteopaths from the draft if they agree to practice medicine for 4 years in rural and ghetto areas where there is a shortage of doctors.

The Secretary of Health, Education, and Welfare would designate such areas.

I believe it is essential, Mr. President, that we take all steps necessary to prevent a total collapse of medical care in our farm areas and in the inner cities.

Almost 5,000 American communities are without any doctors. About 30 million Americans, in both rural and urban areas, it is estimated, lack adequate health services.

Many one-doctor communities are in danger of becoming no-doctor towns because their general practitioner is getting on in years.

In rural Appalachia, for instance, 65 percent of the physicians are over 50 years old. Replacements are not filling the vacuum as these doctors retire.

This amendment offers not only an opportunity, but an inducement to young men and women who desire to serve in areas where the needs are the greatest.

Two senior medical students at Wayne State University, Sol Edelstein and Douglas Jackson, have been working on an imaginative plan to cope with the spread of doctorless areas in Michigan. They have been bringing communities in need of doctors in touch with medical students who need financial help to finish school.

The community provides financial support for the student to complete his training in return for a commitment from the student to open his practice in the community.

The Wayne State plan has attracted nationwide attention. Mr. Edelstein has received many inquiries from communities interested in imitating his plan.

The problem of the United Mine Workers of America in Pennsylvania dramatizes the desperate need for doctors. UMW's Health and Welfare Board provides family practitioners in a six-county area of mid-Pennsylvania. A hospital administrator in the area wrote Mr. Edelstein that "unless medical relief comes soon, it could mean the loss of several mines now on the planning board that are to be built in this area of Appalachia."

Loss of the prospective mines could in turn "endanger the financial welfare of the many thousands of people who live with and depend upon the mines for their only source of income," Mr. Edelstein was told. This would affect not only individuals, but several rural areas and entire communities.

The problem is simply to persuade young physicians to open their practices in areas where they are most needed.

Last year's Emergency Health Personnel Act was a step in the right direction toward solving the problem, but it was a very small step. Federal financing was provided for 660 Public Health Service doctors to serve in areas needing physicians. Chicago alone has asked for 90 positions. The need nationwide is obviously much greater than 660 Public Health Service doctors can meet.

The President's National Security Council has acknowledged the necessity for deferring certain doctors because of special needs in civilian life.

It endorsed the conclusion of the National Advisory Committee for the Selective Service System that "a civilian need exists to defer certain doctors who are essential to and irreplaceable in their communities."

The draft of doctors already in practice in doctor-shortage areas further aggravates the problem because, after their military service, these doctors frequently locate in other areas.

Dr. Donald Stehr, chairman of the Illinois State Medical Society Student Loan Fund, has said:

> One of my partners who was drafted told me that many of the doctors he knew in service who were drafted from small towns were not going back but were planning to take residencies and then move to a larger city. Being drafted offers a socially acceptable way to cop out. It would be much better if these doctors were exempted and others would be encouraged to join them.

We must start to attract physicians to these doctor-shortage areas, Mr. President, rather than pull them away.

I have been pleased with the support this amendment has received.

The Association of American Medical Colleges, which represents all 102 accredited medical schools in the Nation, 400 major teaching hospitals, and 47 academic societies, has announced, through its president, Dr. John A. D. Cooper, its support.

Military requirements for doctors are being reduced, as the number of men in the Armed Forces is reduced, and as the war in South Vietnam winds down.

Accordingly, I believe that this amendment is both practical and consistent with the requirements of the Defense Department, and would provide a real shot in the arm in terms of encouraging qualified young doctors to go into rural and ghetto areas that are short of doctors.

Experience has indicated that once these doctors do locate in a small community, many times they will stay there during the rest of their lives, if their practice is not otherwise interrupted by the draft. So I hope, Mr. President, that the amendment will be accepted and agreed to by the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a question?

Mr. GRIFFIN. I yield.

Mr. BYRD of West Virginia. Is the Senator speaking as to a modification of his original amendment?

Mr. GRIFFIN. The only modification of the original amendment was the addition of the words "including osteopathic physicians," to make sure that the term "medical doctor" would include osteopathic physicians.

Mr. BYRD of West Virginia. Mr. President, am I correct in understanding that under the precedents of the Senate, it is not in order, in considering a measure under cloture, to offer to an amendment which has been previously presented and which would qualify under the rules an amendment in the form of a modification not so presented and read, without having unanimous consent to do so?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. BYRD of West Virginia. Then, Mr. President, would the distinguished Senator from Michigan wish to request unanimous consent to make his amendment qualify?

Mr. GRIFFIN. I appreciate the fact that the majority whip, of course, is absolutely correct, and I did overlook the fact that the amendment would have to be in the form as presented before the cloture vote.

Accordingly, I do ask unanimous consent that the amendment may be modified as it was sent to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Michigan.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. Mr. President, before doing so, I ask unanimous consent that the name of the Senator from Pennsylvania (Mr. Scott) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I yield to the Senator from Massachusetts.

Mr. BROOKE. I think that the Senator's proposed amendment is very sound, and has a socially valuable purpose. But I would just like to ask the Senator a question pertaining to the phrase "engaging in the practice of medicine."

For example, in Boston, could a doctor have an office, say, in the Back Bay area of Boston, which is one of the more affluent sections of the city, and then make calls into Roxbury, which is a poor section of the city and classified as a ghetto, and thus qualify under the Senator's amendment?

Mr. GRIFFIN. I would answer the Senator's question in this way: If he will notice, the amendment is related to regulations that will be promulgated by the President, and speaks in terms of doctor shortage areas to be designated by the Secretary of HEW.

Obviously, the President of the United States, in implementing this measure, would have a great deal of discretion. It would be my hope, and I wish to so indicate in terms of legislative history, that this regulation should be tightly drawn, to be sure that the purposes of the bill are actually implemented, to make sure that doctor shortage ghetto areas actually receive the benefit, as well as the small towns and rural communities that either do not have a doctor at the present time or do not have adequate medical service; and since the President is also Commander in Chief of the Armed Forces, I would assume that the regulations would strike a balance between the needs of the Armed Forces and the doctor shortage in ghetto and rural communities.

Mr. BROOKE. I think it is most important that the intent of the Senate be perfectly clear. As I understand the intent of the amendment, doctors would be required to actually practice medicine on a regular basis in a rural area or a ghetto area. It would not be sufficient for a doctor just to have an office and hang out a shingle in a doctor shortage area, or to practice in a hospital that might be located in a ghetto area. This would not qualify him under the law to be exempt from the draft.

I wish we could establish some guidelines, through legislative history, that when the laws says "practice medicine in a ghetto or a rural area," that is exactly what we mean. A doctor would have to open up an office in the ghetto area or the rural area, and be regularly available to patients in that area.

I commend the Senator for offering this amendment. It is essential that we have more doctors in such areas. But if we enact this legislation and do not make it clear that an intent is to provide maximum medical service in those areas, we would risk circumventing the law rather than not achieving the intent of the distinguished Senator from Michigan.

Mr. GRIFFIN. I think the Senator from Massachusetts makes an excellent point. I think his discussion, in terms of legislative history, will be very helpful. I agree with the point he is making, and I am sure that the President, or whoever on his behalf would draft the regulations to implement this measure, would certainly take this into account.

Mr. BROOKE. Under those circumstances, the Senator permitting, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. Pearson) also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 57 minutes remaining.

Mr. DOMINICK. Mr. President, I shall speak on my own time to comment on the amendment, instead of using any more of the time of my distinguished colleague in asking questions.

As the ranking Republican member on the Health Subcommittee, I have been engaged, as has the present Presiding Officer (Mr. Beall), in health hearings—very extensive hearings—around the country as well as in Washington, and there is little or no doubt that we have areas which are in acute need of health services, both in terms of physicians and in terms of patient care.

We have been trying a number of different ways to get physicians to move into such areas, and we have found that in most cases, the efforts have not been successful, particularly in the rural areas.

We will find, for example, that a doctor will move into a rural area with his wife and family, will have a very fine practice, will be making a great deal of money, and all of a sudden he will just say, "I have had it up to my eyebrows, working 24 hours a day, 7 days a week. There must be a better way to conduct a life than this." And then he will move out.

Fortunately for our country, we have no rules or regulations which require anybody to live or practice or engage in a business in any specific locality. We have tremendous mobility.

The loan forgiveness programs which are being proposed under the Health Manpower Act may or may not fill the need which has been aptly described by the Senator from Michigan. We have attempted, in the draft bill before the Senate, not to engage in a series of exemptions from the draft in return for performing some other kind of service.

But there is little or no doubt in my mind that one of the most crucial areas we have is in the medical distribution throughout the country, both in the rural areas and in some of the inner-city areas.

For that reason, even though I have some concern about this, as to, first, whether it will be effective and, second, whether or not we are breaking a pattern which we have tried to establish within the bill, I congratulate the Senator from Michigan for having introduced a new and reasonably innovative idea which should go toward solving this problem. As a result, even though this matter has not had hearings before our subcommittee as to its effect—we have heard from Dr. Cooper, the President of the AAMC—I would think that we have enough background of knowledge from our other hearings to indicate that this would at least be equally as good as our effort at trying to get people in by relieving them of liability for loans which they may encounter in the process of gaining their medical education. As a result, I endorse the concept, and I hope it is successful.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the names of the Senator from New Hampshire (Mr. Cotton), the Senator from Wyoming (Mr. Hansen), the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), and the Senator from Maryland (Mr. Beall) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment as modified.

Mr. STENNIS. Mr. President, will the Senator from Michigan yield me 6 minutes of his time?

Mr. GRIFFIN. I yield 6 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Michigan, under the rules now in operation, cannot yield time, except by unanimous consent.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I be permitted to yield 6 minutes of my time to the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, this amendment, of course, has great laudable purposes, but I do not think the Senate should adopt the amendment—an amendment from the floor—without its being considered with other matters and weighed.

We defer these young men who are going into medical school. We defer them for their education, and then they have to serve only 2 years, I believe, and they are drafted as a class. They have to serve only 2 years, and they receive some additional compensation. Some of them, at least, have a very fine experience by virtue of this.

If we say we are going to make a special class of them, we are going into the alternative service field. I believe the Peace Corps has some. We have never really gone into this alternative service, and I think it is not well to start in this way, with this group. There ought to be a broad law, if we are going to have that as a system, rather than just one group.

We are not in peacetime as yet. We are still at war, and there will be some ups and downs and some time before it possibly can be concluded. I am frank to say that I want the time to come when they will take fewer men in the services, taking them away from the civilian sector.

We have a study here—I believe it is in this bill—which indicates that there had to be coordination with HEW with reference to draft calls for members of the medical profession, which I think is a slight beginning to get at the problem.

I know that this is related to the problem in the civilian sector, where they do not have enough doctors in rural areas and other areas, but I do not believe that it is the solution. I live in a rural area where we need more doctors. We have the hospitals and all kinds of equipment, but we do not have enough doctors. So I am not out of sympathy with this problem.

I hope the Senate does not adopt the amendment. It is a matter that should be studied by those who know more about it than we—and perhaps even the authors, unless they are specialists in this field. It will not work out well, and I think it will create a bad situation among the young doctors, themselves. I have no doubt about that.

Anything that is going to change the law and give an alternative service to this group will have to have more study and consideration than it is possible to give here. The Senator has made a good record on his amendment. He has stated his cause and has presented it in the Record, and I thought he would withdraw his amendment now. Otherwise, we would have to have a rollcall vote.

Mr. GRIFFIN. Mr. President, I appreciate the arguments of the Senator from Mississippi, the distinguished manager of the bill. I would not like to withdraw the amendment. I would like to have the Senate work its will.

I should like to reiterate a couple of points. First, this exemption would be put into effect under regulations to be promulgated by the President of the United States. The President of the United States is Commander in Chief of the Armed Forces, as well as the President of the United States, and he can strike a balance between the needs of the military and a recognition of the serious domestic problem we have in some areas, particularly rural areas and ghetto areas, where they do not have doctors and cannot attract doctors.

A young man coming out of medical school will have an option, if this amendment should become law, of making a commitment to practice 4 years in a doctor-shortage area or going into the service for 2 years. Without question, some of the graduates of medical college will prefer to go into service for 2 years and get the training and additional experience that a young doctor can get in the military service. But the belief is that this amendment would provide some incentive which does not exist today for some of these young medical graduates to locate in the small areas where there is no doctor or where the only doctor may be up in years, or to practice in the doctor-shortage ghetto areas.

With a commitment of 4 years' practice, it is hoped that doctors, once established in those areas, will continue their practice after that. As we are winding down the war in Vietnam and as the draft requirements recede, it seems to me that this is an amendment that can be accommodated to, particularly as long as the President himself is in control of the regulations under which it would be implemented.

Thus, I hope that the Senate will adopt the amendment.

The PRESIDING OFFICER (Mr. Beall). The question is on agreeing to the amendment of the Senator from Michigan (Mr. Griffin).

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan (Mr. Griffin).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DOMINICK (when his name was called). On this vote I have a pair with the distinguished Senator from Pennsylvania (Mr. Scott). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that the Senator from Virginia (Mr. Byrd), is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. Prouty) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), and the Senator from Vermont (Mr. Prouty), would each vote "yea."

The pair of the Senator from Pennsylvania (Mr. Scott) has been previously announced.

The result was announced—yeas 50, nays 38, as follows:

[No. 121 Leg.]

YEAS—50

Aiken
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Burdick
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Humphrey
Javits
Jordan, Idaho
Mansfield
Mathias
Miller
Mondale
Montoya
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Sparkman
Stevens
Taft
Tower
Weicker
Young

NAYS—38

Allen
Anderson
Bentsen
Bible
Byrd, W. Va.
Cannon
Case
Eastland
Ellender
Ervin
Fong
Gravel
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
McClellan
McGee
McIntyre
Moss
Muskie
Nelson
Pastore
Pell
Smith
Spong
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Dominick, against.

NOT VOTING—11

Byrd, Va.
Eagleton
Harris
McGovern
Metcalf
Mundt
Prouty
Ribicoff
Saxbe
Scott
Williams

So Mr. Griffin's amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today he presented to the President of the United States the following enrolled bills:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970;

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; and

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

REREFERRAL OF PROSPECTUS FOR PROPOSED CONSTRUCTION UNDER THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966 AS AMENDED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Prospectus for Proposed Construction Under the National Traffic and Motor Vehicle Safety Act of 1966, as amended—which was referred to the Commerce Committee be rereferred to the Commerce Committee and the Public Works Committee jointly and simultaneously.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 228

Mr. TUNNEY. Mr. President, I call up my amendment which is at the desk. I will have to ask what number was given the amendment at the desk.

Mr. BYRD of West Virginia. Mr. President, this is the amendment that was offered during the quorum call today and which was considered to be in order.

The PRESIDING OFFICER (Mr. WEICKER). Will the Senator send a copy of his amendment to the desk?

Mr. TUNNEY. Mr. President, I yield to the Senator from Ohio who is a cosponsor of the amendment.

Mr. TAFT. I am advised the amendment is No. 228.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TUNNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of title IV add the following:

(e) "Civilian drug abuse program" means any program operated by any public or private non-profit entity for the purpose of providing treatment and rehabilitation services to drug dependent persons or for the purpose of providing education or other services relating to the prevention of drug abuse.

SEC. 407. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this title, formulate and carry out a comprehensive program under which military and civilian personnel will be trained most effectively to (1) provide medical and other counseling, treatment and rehabilitation services to drug dependent persons in the Armed Forces of the United States, and (2) provide education and other services to persons in the Armed Forces for the purpose of avoiding and preventing drug dependency among members of the Armed Forces.

(b) In formulating any program under this section, the Secretary of Defense shall incorporate the advice of the Veterans Administration, National Institute of Mental Health and other Federal, State, and local agencies and private individuals charged with or engaged in the treatment or rehabilitation of civilian drug dependent persons.

(c) Any program formulated and carried out by the Secretary of Defense under this section shall include, but shall not be limited to—

(1) cooperation by the Department of Defense, the Veterans Administration, the National Institute of Mental Health, and other public and private agencies, including those administering any civilian drug abuse program, to provide training in the most effective known methods and means of preventing drug abuse and providing treatment and rehabilitation services to drug dependent persons;

(2) creation of military occupation specialties concerned with the prevention of drug abuse and the treatment and rehabilitation of drug dependent persons;

(3) efforts to seek out and encourage drug dependent persons and persons who were formerly drug dependent to participate in training programs carried out under this section;

(4) utilization of civilian training programs and facilities, to the maximum extent feasible, in order that military training programs (A) will relate to both military and civilian problems of drug dependency, and (B) will contribute to the effort of such civilian training programs in providing similar training for non-military persons;

(5) opportunities, wherever practicable, for any person upon the completion of any training program provided pursuant to this section, to obtain any license, certificate or other legal prerequisite required of persons who engage in the treatment or rehabilitation of drug dependent persons under State or local jurisdictions; and

(6) opportunities for persons not employed by the Department of Defense to enroll in and receive training to the extent that space, facilities, and teaching personnel are otherwise available, in any program provided for under this section if it is determined that such persons intend to work in civilian drug abuse programs or are already working in such programs;

(7) systematic research and development efforts, including clinical research, for the improvement of treatment and rehabilitation services and the development of cost effective strategies for preventing and controlling drug abuse; and

(8) systematic evaluation, including consultation with recognized experts in agencies other than the Department of Defense, of the results of such programs.

(c) The Secretary of Defense shall make every reasonable effort to encourage military personnel who receive training under this section to utilize such training in a civilian drug abuse program after their discharge or release from military service and shall, where practicable, allow early discharge from military service in order to accept appropriate employment in a civilian drug abuse program. The Secretary shall communicate to such personnel the serious need for and the opportunities available to persons trained in the treatment and rehabilitation of drug dependent persons.

(d) The Secretary of Defense shall consult with the Administrator of Veterans' Affairs and such other persons as he deems appropriate for the purpose of maximizing opportunities that may be available to veterans who wish to enroll in and pursue a program of education or training which would prepare such veterans to provide skilled treatment and rehabilitation services to drug dependent persons. The Secretary shall make information relating to such opportunities available to all members of the Armed Forces engaged in the counseling or care and treatment of drug dependent persons and, upon request, to any other member of the Armed Forces.

(e) The Secretary of Defense shall, within 60 days after the date of enactment of this section, and thereafter at the conclusion of each calendar year, submit to the Congress a written report of the actions he has taken to implement this section. He shall include in such report (1) an estimate of the funds needed to fully implement the program provided for under this section, and (2) any recommendations for further legislative action he deems appropriate.

SEC. 408 The Secretary of Defense shall formulate and implement programs of information exchange, cooperation and other assistance relating to the control and prevention of drug abuse to aid local communities which have experienced an increase in the incidence of drug abuse arising from the presence of a military installation or military personnel in or near such communities.

Mr. TUNNEY. Mr. President, the amendment that I am offering today with the Senator from Ohio (Mr. TAFT) is one which we believe is most important. It is designed to give to the armed services authority to develop training programs for military personnel to help them treat drug addicts in the service.

There is only one way this Nation is going to combat her drug problem in the military and that is to prepare an antiaddiction corps within the military, as disciplined and thoroughly trained as any of the specialized units within our Armed Forces.

The amendment which we are offering requires the Secretary of Defense to establish programs under which personnel will be trained to provide medical and other counseling, treatment and rehabilitation services to persons in the Armed Forces who are addicted to or dependent on drugs and to provide education and other services to prevent drug abuse.

Specifically, the amendment provides for:

First, consultation and cooperation with civilian programs and civilian experts in order to provide the best and most effective training.

Second, creation of specific military occupation specialties—MOS—for persons engaged in treating and preventing drug abuse.

Third, efforts to involve former addicts in such training programs.

Fourth, maximum use of civilian programs and facilities wherever possible.

Fifth, opportunities for trainees to meet civilian licensing or other requirements necessary to continue on in this work after discharge from the military.

Sixth, opportunities, where possible, for civilians to be trained in military training programs if space and facilities permit.

Seventh, systematic research and development efforts to improve drug treatment and rehabilitation.

Eighth, independent evaluation of the results of military training programs.

Ninth, programs of assistance—information exchange, cooperation, et cetera—for local communities which have had an increase in drug problems because of presence of military installation or personnel in or near such communities.

Mr. President, our amendment is designed to recognize and emphasize three very basic points.

First, drug abuse among the members of the Armed Forces and among returning veterans presents a tremendous threat to the health and safety of not only the victims themselves but to all of civilian society. The success or failure of the military's attempt to deal with this problem will determine in no small manner the success or failure of the Nation's attempt to combat drug abuse at home.

Second, the military is possibly the only institution in the entire Nation which has such a uniform and pervasive contact with young men 18–30. This very contact provides an unmatched opportunity for concentrated efforts to deal with and prevent drug abuse and to measure the effectiveness of such efforts.

Third, the record of the military in providing technical training and skills which can subsequently be used by the trainee in similar civilian occupations has been most impressive. In much the same way, a thorough and broad based program to train young men in methods of treating and preventing drug abuse could create a vital and much needed resource of personnel for civilian drug abuse programs.

The amendment is designed to focus attention on the development of realistic, effective training programs to deal with the full range of drug problems within the military. Unless such programs are devised, we face the prospect of continuing to treat the victims of drugs as we find them on an emergency, stopgap basis with sadly predictable results.

This amendment adds a useful, necessary, and realistic training component to the very fine amendment sponsored by Senator Hughes. the Hughes amendment, to its author's great credit, focused the attention of the military upon the identification and treatment of drug dependent persons. It sets forth a series of important guidelines and standards pursuant to which young men would cease to be bounced out of the military and dumped untreated on our streets back home.

This new amendment does not in any sense duplicate the Hughes amendment. The provisions of that amendment set forth what I consider to be a truly brilliant analysis of past failures and present needs for treatment of young men in ways which will both treat their illness and preserve their dignity.

This new amendment on the other hand focuses upon a further need and opportunity to deal with drug abuse at all possible levels. It says to the Defense Department that in carrying out the mission of identification and treatment outlined by Senator Hughes, the Department must also make certain that the personnel which run such programs receive the best possible training.

The amendment does not attempt to tell the military how to treat addicts. In fact it contemplates that much of the treatment and rehabilitation effort will necessarily and appropriately be conducted by civilian agencies and programs. What it does say is that before any program to combat addiction in the Armed Forces will ever be successful, there must exist within the military a body of skilled personnel who are trained in the full range of education, prevention, and treatment techniques. To think that we can solve the problem of drug abuse in the military by simply cleaning up and treating identified users just before they come home is the most dangerous kind of wishful thinking. We must approach the problem of drug abuse with a realization of the full extent of the problem, beginning with education and prevention efforts and including treatment and rehabilitation long before the last moment when a man is about to be shipped home.

The amendment which I am proposing sets forth a series of standards which must be met by a training program designed to create a body of skilled drug-abuse workers.

It provides first that the training given to such persons must be the result of a careful consultation with the civilian authorities who have the experience and the expertise in dealing with drug problems.

Secondly, it requires the Defense Department of create specific military occupation specialty—MOS—categories for persons engaged in treating and preventing drug abuse.

Third, it states that maximum advantage should be made of the potential help available from former addicts by allowing the opportunity for such persons to fill such positions themselves.

Fourth, the amendment would encourage maximum use of civilian training programs in order to take advantage of their experience and at the same time add to their resources.

Fifth, it would require that every effort be made to maximize the subsequent civilian dividend by, first allowing trainees to fulfill licensing and other requirements which are necessary for continuing in the field after discharge from the military, second, offering training for civilians in military programs to the extent that facilities permit, and third, encouraging, through information and revised GI bill benefits, trained persons to continue in civilian programs as veterans.

And finally, the amendment seeks to bring the enormous capacity of the military for systematic research and development to bear on finding realistic solutions to drug abuse.

It is my belief that this amendment provides a workable and realistic outline for action. I might add that the points I have just described reflect the advice and analysis of a wide range of experts in the field of drug abuse prevention and control including academic and professional personnel, treatment program directors and responsible officials of Federal and local programs dealing with the problem of drugs. I am pleased that both the form and substance of this amendment was enthusiastically endorsed by all of those persons.

In addition, as the result of these consultations, this amendment contains a further provision designed to provide assistance to those communities whose drug problem has been exacerbated by the problem of military drug abuse. It requires the Secretary of Defense to give attention to and develop a program of assistance to local communities which have experienced an increase in the incidence of drug abuse arising from the presence of military installations or personnel in or near such communities. I think that such assistance is absolutely vital if we are to avoid an even further escalation of our drug problem here at home. We must recognize and acknowledge that where a local community's drug abuse problems are increased because of military drug problems, the military has a responsibility to do all it can to assist that community. Thus the amendment requires that the military develop programs of information exchange, cooperation and other assistance to help such communities work together to fight drugs.

Mr. President, I believe very strongly that this amendment is one that is most important in the fight against drug abuse and I hope it will be swiftly enacted.

I yield to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, as a cosponsor of this proposal, I believe it represents a hopeful approach for doing something about a problem which is certainly one of increasing seriousness not only in the population of our country at large, a problem that has grown widely throughout the Nation, but in the armed services themselves, as has been reported a number of times by those who have made studies of the situation.

Unfortunately, it appears that in our Armed Forces, in the Southeast Asia area at least, where drugs are, unfortunately, too available, despite attempts being made to limit the accessibility of those drugs, drug addiction there may be as high as 10 to 15 percent of those in the services over there.

Hopefully, something can be learned as a result of that situation which will lead to positive action not only to help the armed services provide a remedy for the situation in the Southeast Asia area and elsewhere in the armed services, but also in our civilian population.

The purpose of the amendment, as the Senator from California stated, is to approach the drug problem from the point of view in which those who have studied this problem believe it must be approached if it is to solve the problem, and that is from the point of view of education of the public, from the point of view of the education of a cadre of individuals who will be trained to deal with the problem: First, to train the addict in quitting the addiction; and, second, to help those who are not victims, but who may be tempted to experiment with the drugs, not to experiment with drugs and recognize the danger.

The amendment directs the Secretary of Defense to carry out a comprehensive program under which military and civilian personnel will be trained to provide medical and other counseling, treatment, and rehabilitation services to drug-dependent persons in the Armed Forces for the purpose of avoiding and preventing drug dependency among members of the Armed Forces

In formulating such a program, the Secretary of Defense is directed to seek the advice of public agencies and private individuals engaged in the treatment or rehabilitation process.

It also provides that any program formulated by the Secretary shall include cooperation by the Department of Defense, the Veterans' Administration, the National Institute of Mental Health, and other public and private agencies involved.

The Senator from California has mentioned military occupational specialties concerned with the prevention and treatment of drug abuse.

Also, such a program would require efforts to seek out and encourage drug-dependent persons and persons who were formerly drug dependent to participate in training programs.

It directs the utilization of civilian training programs and facilities and requires opportunities, wherever practicable, for any person, upon the completion of any training program provided for under this section, to obtain a license, certificate, or other legal prerequisite required of persons who engage in the treatment or rehabilitation of drug-dependent persons.

It also requires that in such a program there be opportunities for persons not employed by the Department of Defense to enroll in and receive training to the extent that space, facilities, and teaching personnel are otherwise available.

The Secretary of Defense is directed to make every reasonable effort to encourage military personnel who receive training under this section to utilize such training in a civilian drug abuse program after their discharge or release from military service.

These are the purposes, and the only purposes, of the amendment that is proposed.

There is a further requirement that the Secretary of Defense, after he has been able to study this matter, shall consult with the Administrator of Veterans' Affairs to find further ways in which they may be able to prepare such veterans to provide skilled treatment and rehabilitation services to drug-dependent persons.

I think the amendment is one which is necessary. I believe the cost is going to be low, considering that individuals already involved in this area in the Defense Establishment will be available, for a program which holds high promise in dealing with a most difficult problem.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator from California yield to me for a question?

Mr. TUNNEY. I yield to the Senator from Mississippi.

Mr. STENNIS. As I understand the amendment offered by the Senator from California and the Senator from Ohio, it deals with a training program wherein the military services will have a training program for civilians to be used by them in dealing with those given to the use of drugs. In that way it is an implementation to a degree, is it not, of the amendment which has been added to this bill and which was offered by the Senator from Iowa (Mr. HUGHES)?

Mr. TUNNEY. It is primarily a training program for military personnel and, secondarily, a training program for civilian personnel.

Mr. STENNIS. I am really more interested in the training program for the military man. I wish the Senator would enlarge on that a little more, if he will.

Mr. TUNNEY. The Secretary of Defense is given wide discretion under the amendment to develop a training program for military personnel by working with the assistance and advice of civilian agencies to develop a specialty corps in the service to deal with drug addicts. At the present time the training is totally inadequate, and it seems to the Senator from Ohio and myself that what is needed is a more comprehensive and intensive program of training. We have seen, from the civilian treatment centers where we have ongoing programs, that it takes a wide range of persons with particularly thorough training to deal effectively in the treatment of drug addiction and the prevention of drug abuse. Our amendment requires, among other things, that specific military occupation specialties—MOS—be created for a full range of persons trained in the treatment of drug addiction and the prevention of drug abuse. The amendment also looks to the potential that such trained personnel would offer to civilian drug abuse programs upon discharge from the military. It is our hope that such persons could provide a vital manpower resource for the civilian effort against drugs. Thus our amendment requires that every attempt be made to provide training which will be broad enough to enable such persons to carry on in the field after leaving the military. For example, it requires that, where possible, trainees be given the chance to fulfill licensing or other requirements which may be required for subsequent work in civilian programs such as a drug treatment clinic.

Mr. STENNIS. As I am sure both the authors of this amendment know, the President recently issued a rather comprehensive plan, and had a conference at the White House, and I understand is going to have a bill prepared.

This amendment, though, goes to the immediate situation as I understand it, of taking some of the men who are in the service, supplemented by some civilians who are not in service, and trying to put together, not hastily but as quickly as practicable, teams of people, at least some of which are to be sent to Vietnam to try to cope with the developing situation there?

Mr. TUNNEY. The Senator is correct, and the amendment provides that the Secretary of Defense shall, within 60 days after the date of enactment of this section, and thereafter at the conclusion of each calendar year, submit to Congress a written report of the actions he has taken to implement this section. The reason for this provision is that we have an immediate problem in Vietnam, and that is why we require reporting within 60 days, to determine what is being done by the Secretary of Defense in an immediate way to meet the problem that now exists.

Mr. STENNIS. It would be better, of course, to have had hearings on this matter, but there is the question of time. We have already adopted an amendment offered by the Senator from Iowa. This being a supplemental amendment to that one, to try to meet the immediate situation by starting a training group, I would look with favor on the Senator's added provisions.

There may be something in the bill coming from the executive department, which will have review and hearings, of course, covering the same ground, but that is a matter involving a great deal of money, and this, as I understand, is offered now because of the pressure of time.

Mr. TUNNEY. The Senator is correct. I do not believe that it involves any substantial amount of money.

Mr. STENNIS. Yes; I was going to ask about the money.

This measure, whatever it does cost, will be within the Defense Department, and will be funded by money that is within their appropriated funds?

Mr. TUNNEY. Presently within their appropriated funds, and it gives the Secretary wide discretion in the development of the program.

Mr. STENNIS. Yes. In other words, the amount is small enough to be absorbed by the current appropriation funds?

Mr. TUNNEY. Yes, I certainly feel that it is, and there should be no reason why they would have to ask for any additional appropriation of funds to achieve the purposes of this amendment.

Mr. STENNIS. I told the Senator from California that I would want to confer with the Senator from Iowa, who is a valuable member of our Armed Services Committee, about his amendment, and also with the Senator from Colorado, who is on our committee as well as on another committee with the Senator from Iowa.

Would the Senator from Colorado care to speak on this amendment?

Mr. DOMINICK. No.

Mr. STENNIS. I say to the Senator from California and the Senator from Iowa that I can endorse the amendment as a supplement to the amendment we have already passed, particularly in view of the immediacy of the problem and the possibilities of getting something started. This is intended to be in time to go into action within 60 or 90 days?

Mr. TUNNEY. Yes; that is correct.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I can utilize my own time, without taking the time of the distinguished Senator from California.

By way of supplement to what has been stated by the Senator from California and the chairman of the committee, we have had our staff go over carefully the amendment of the Senator from California (Mr. TUNNEY). I agree with the explanation that it does supplement the amendment already passed by the Senate about 2 weeks ago.

The military witnesses, in testifying before our subcommittee in behalf of the chairman of the Armed Services Committee, have indicated that they intend to work in this area, develop the counselors, and supplement the work they are doing with the research indicated in the bill.

I think the amendment is entirely compatible with everything that has already been structured, and as chairman of the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, I recommend the acceptance of the amendment by the chairman of the Armed Services Committee also.

Mr. TUNNEY. I thank the chairman of the committee and the Senator from Iowa for accepting the amendment. I also believe that our amendment will be an excellent supplement to the amendment of the Senator from Iowa, which was passed unanimously 2 weeks ago. That amendment, in my opinion, represented a truly brilliant analysis of past failures and present needs in the treatment of young men who have a drug problem. Senator HUGHES has been a tremendous leader in the fight against drug abuse at every level and I appreciate very deeply his support for this amendment. I know how thoroughly he has studied this problem and how tireless his efforts have been in calling to the attention of the Nation, long before it was a matter of national concern, the terrible tragedies of drug abuse. I know that he will continue to lead in the fight against drugs and I want to assure him that I stand ready to be of assistance in every way possible.

The PRESIDING OFFICER (Mr. WEICKER). The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The Senator from Massachusetts has an amendment, and the Senator from Indiana has an amendment. I have a very minor amendment, as to which I feel that just the statement of it will be sufficient. It is so minor that it will not require any debate. And that is all, as far as I know.

The Senator from California (Mr. CRANSTON) has an amendment. Will someone try to get him into the Chamber?

The PRESIDING OFFICER. Does the Senator from Mississippi wish to take up his amendment?

Mr. STENNIS. Well, the Senator from West Virginia has a matter. I yield to him.

Mr. BYRD of West Virginia. Mr. President, I have yielded the Senator from Mississippi 7 minutes. I yield him 7 minutes of my time, by unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. It is my understanding that the distinguished Senator from California (Mr. CRANSTON) has two amendments, and efforts will be made to contact him promptly, in accordance with the request of the manager of the bill.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HUGHES. Senator Cranston is conducting hearings right now in G–208, the New Senate Office Building auditorium.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 210

Mr. CRANSTON. Mr. President, I call up amendment No. 210 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the proposed amendment as follows:

TITLE V—MILITARY HOUSING STUDY

SEC. 501. (a) The Secretary of Defense is authorized and directed to conduct a comprehensive study and investigation to determine the housing needs of military personnel both on and off military installations and both in and outside the United States, the extent to which such housing needs are being met, and the most effective means of meeting such needs. In carrying out such study and investigation the Secretary shall also determine the extent to which military personnel continue to be discriminated against in housing on account of race or national origin, what actions are being taken by the military departments to eliminate such discrimination, and what further action can be taken to totally eliminate it.

(b) The Secretary shall submit a report to the President and the Congress on the results of the study and investigation carried out under this section not later than six months following the date of enactment of this Act, together with such recommendations for legislation as he deems necessary to adequately meet the housing needs of military personnel and to eliminate discrimination against military personnel in housing on account of race or national origin.

Mr. STENNIS. Mr. President, may we have quiet? I hope the Chair will require attachés to remain quiet. It is very difficult from here to hear the Senator talking.

The PRESIDING OFFICER. The Senate will be in order. Senators will please remain in their seats and refrain from all conversation.

Mr. CRANSTON. Mr. President, the pending amendment deals with matters discussed on the floor at some length when we were discussing the matter of the pay raises for our servicemen—the problem of inadequate and substandard housing for people in the Armed Forces.

Although there was a good deal of discussion on the subject of housing for our servicemen, adequate information did not seem to be available to give us a really clear picture as to the availability of housing for our servicemen, both inside and outside of the country.

The pending amendment suggests that the Department of Defense undertake long years of study to determine the future housing needs of our men. Whether we move toward an all-volunteer military or not, we must provide decent housing both on and off base for our men. The study should encompass reports of discrimination against servicemen overseas.

In a documentary on television, various reports were made of discrimination against black servicemen in Germany when they attempt to find off-base housing. The Secretary should study these and other incidents and recommend ways of ameliorating these conditions where they exist.

A fact sheet which the Department of Defense distributed concerning housing said:

> The Department of Defense has long recognized that there is not enough fair housing at reasonable cost for the military men in Germany.
>
> Studies have indicated the same situation exists on the bases.

I remember my own days in World War II on bases in this country. I remember the great problem that I and others in the armed services found ourselves confronted with—the gouging price of housing, the terribly crowded conditions in homes off base where some of us spent some time instead of on the base.

I think it is shocking that American servicemen should be subjected, two wars later, to living in inadequate housing. We should take steps to alleviate the situation. Therefore, I have proposed an amendment which would present the facts to the President and to Congress.

Mr. STENNIS. Mr. President, I could not fully hear the Senator in the beginning of his remarks. If the Senator would yield, I should like to ask a few questions.

Mr. CRANSTON. I yield.

Mr. STENNIS. Mr. President, the Senator's proposal is merely to require a comprehensive study as to these needs.

Mr. CRANSTON. The Senator is correct.

Mr. STENNIS. Mr. President, the Senator's amendment in its present form does not require any action or anything beyond this survey and report.

Mr. CRANSTON. The Senator is correct. It contemplates that the Secretary would submit a report to the President and the Congress on the results of the study and investigation carried out under this section not later than 6 months following the date of enactment of this act, together with such recommendations as he deems necessary.

Mr. STENNIS. Mr. President, the Senator is familiar with the fact that the services have been making surveys for a great many years and have always had items in the budget that required a great deal of family housing to be installed. We had the old Gebhart program years ago. I have forgotten the name of the report before them. Then we went to appropriating funds. Year after year there have been hundreds and hundreds of millions of dollars in those funds. I know that the Senator is familiar with that background.

Does the Senator think there are not enough requests for this housing at this time, or that we do not have enough information?

Mr. CRANSTON. I feel that we do not have enough information.

We sought housing information at the time the pay raise measure was being considered with regard to the overall problem being confronted by the people in the Armed Forces. We did not have enough information at that time. I think we are entitled to it since there have been all the years of study of the housing situation.

I think this amendment requiring the recommendations of the Secretary should bring the matter to a head.

Mr. STENNIS. Mr. President, I do not have any particular objection to the amendment. I know of a great number of places, or some places at least, where we authorized housing and found later that there were a great many vacancies existing there and that very acceptable and reasonable housing facilities were available.

On other occasions I know we have had before our committee requests for housing and there has been terrific opposition from the local authorities to more housing being built when they already have hundreds of houses vacant.

We have had a great number of surveys. However, I have no objection to accepting the amendment to provide for a more adequate survey. We will see what can be done with it. We will measure the amendment by what has been done. I will do the best I can in conference. We have a subcommittee on the military authorization bill and the military appropriation bill as well. However, I am willing to take the matter to conference and see what the House thinks about it.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman.

Mr. STENNIS. Mr. President, I hope that we can agree to the amendment by a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 210) of the Senator from California (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 208

Mr. CRANSTON. Mr. President, I call up amendment No. 208 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 29, lines 13 and 14, strike out everything after "government", and insert the following new language: *"Provided further,* That no person shall be qualified for appointment as State director who has not demonstrated a proficiency in the laws, rules, and regulations of the Selective Service System by participating in, and achieving a score of not less than 75 per centum correct on, an examination formulated and administered by the Civil Service Commission, which will thereafter certify the results to the President;".
>
> On page 30, line 20, insert after the period the following new sentence: *"Provided, however,* That no person shall be qualified for appointment to a local board or appeal board, nor shall any person be eligible for the position of clerk of a local board, who has not demonstrated a proficiency in the laws, rules, and regulations of the Selective Service System by participating in, and achieving a score of not less than 65 per centum correct on, an examination formulated and administered by the Civil Service Commission, which will thereafter certify the results to the President.".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. CRANSTON. Mr. President, the intent of this measure is to insure that those who are concerned with the administration of the draft have a full and working knowledge of the draft laws and the regulations from the Selective Service headquarters. The intent further is to make the practices and procedures more uniform across the country, more efficient, and in compliance with the law.

Under present administrative procedures there are a great many variations in classifications and appeal procedures among local boards. The Marshall Commission, which was a blue ribbon Commission established by President Johnson to evaluate the functioning of all aspects of the Selective Service System outlines many of the problems which reflect a total lack of uniformity.

Some boards have 40 percent or more of their men classified 1-A, and some less than 10 percent. One hundred and forty-seven boards have less than 1,000 registrants, three boards over 50,000. There is a vast disparity over guidelines in issuing deferments, specifically hardship, occupation, and student deferments. In many local boards the clerk has great discretion.

Often local boards do not even review the decision of the clerk. Also, the Executive Secretary testified that at a local board meeting, lasting about 6 hours, approximately 800 files were reviewed, or an average of 22 seconds per file.

Another important and significant finding of the Marshall Commission was that Selective Service should "eliminate variance in local board policies by clear, unambiguous, binding regulations concerning classifications, exemptions, deferments to be applied uniformally."

Senate committee hearings have revealed that board members usually are not legally trained, yet most Government appeal agents do nothing to remedy the board's lack of knowledge. Clerks freely admit that their appeal agents have checked no files, seen no registrants, have not made an appeal in years.

Director Tarr has again noted the serious nature of this situation when he testified before the Armed Services Committee of the House that—

> We intend to assist our local board members to achieve the greater uniformity and equity they seek as they apply the regulations governing their operations.

It seems to me we should have only people who take this job seriously and know what they are doing by having a test for people taking on the responsibility.

We are dealing with people who have in their hands decisions which affect the lives of young men and determine whether or not young men will live or die, stay at home or go overseas to fight in an undeclared war. The people exercising this responsibility should be able to show they are qualified to do it.

I know this is the volunteer duty. But even so we should insist that they be fully familiar with the matter they are administering and all the regulations pertaining thereto.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question?

Mr. CRANSTON. I yield.

Mr. STENNIS. The Senator's amendment on page 2 provides that—

> No person shall be qualified for appointment to a local board or appeal board, nor shall any person be eligible for the position of clerk of a local board, who has not demonstrated a proficiency in the laws, rules, and regulations of the Selective Service System.

The Senator understands, does he not, that these are men from the community, who serve without pay, and they are chosen purely from a civic standpoint, a community standpoint, nominated by the Governor of the State as being responsible people who are willing to undertake this chore and serve without pay?

Does the Senator think it is consistent with that provision to require them to actually submit to an examination of some kind?

Mr. CRANSTON. I most certainly do, because they are exercising a life and death responsibility over young Americans.

People often volunteer for very important duties and they are totally unqualified for the work for which they volunteer. People who have dealt with volunteer groups in politics or in social groups are aware of that. I have known people who have rejected volunteers in connection with their campaigns because they wanted professionals who would take orders and do the job professionally. I do not agree with that in politics, but I think when a matter involves life and death, these young men are entitled to the highest professional treatment and qualifications that we can provide for those persons who make life and death decisions over that.

Mr. STENNIS. If that is true should we not abandon this system of no compensation, but more or less have conscription to serve a community function and go over to the pay system or employment for compensation system? Would we not have to make a decision between one or the other?

Mr. CRANSTON. The Senator from California would not like to propose an amendment that would increase the budget any more than it is increased already.

Mr. President, I believe we can get qualified people who are volunteers for this work. I think we should make certain we have people who know what they are doing. We have had cases referred to us where a board member was asked about regulation so-and-so by number and he would say, "I never heard of that regulation. What is it?"

The people who administer the regulations should know the regulations.

Mr. STENNIS. This matter has been considered a great deal over the years and it was decided each time it was better to have men who are more or less conscripted, serving without pay, passing judgment on their neighbors, and that is what they are doing, to a degree—they are men of judgment—rather than to have a paid group of men serving for compensation and thereby losing some of that community atmosphere and acceptance by the draft board. The way it is now, their judgment being accepted is better if they are serving under the present system.

I think it is that choice we have to make between the two systems. I have never heard of anyone in my area of the country volunteering to serve on the draft board. It could happen, but I think it is not that kind of a position. No one seeks it. No one receives anything except the gratitude of some people and they do not get the gratitude of all the people. There is always some conflict in the community. Sometimes they resign as a group, but I do not think the type men we are looking for to serve will want to take an examination.

We are seeking men of judgment rather than men of information.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. CRANSTON. May I yield on the Senator's time? I have several other amendments.

Mr. ALLOTT. Mr. President, I will speak on my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I would like to suggest to the Senator that all these matters about draft boards have been considered and talked about in various committees for a long time. Although there has never been a hearing in the Committee on Appropriations on which I serve on this particular matter, the Selective Service System does come under one of our main committees.

I would say we are depending here on people who are good citizens and usually have to be asked to serve.

If we put it on the basis of whether a man passes a competitive civil service examination, it seems to me what we do is change the system from the type of man who is willing to do this as a public service—and goodness knows, nobody wants to serve on the draft board; it is no fun—to a system in which the man is looking for a job on the board, and that would be most unsatisfactory.

I would suggest another point. There is a different situation, of course, in the bigger cities, but, by and large, looking at my State and that area of the country in which I live, I think I would be happiest to have my sons go before a draft board—although they are past that age now and have served—made up of citizens of a type we have in my community and the communities around us than to have people selected to serve on those draft boards under a civil service examination. This involves a complete change in the Selective Service System, and I think it should be the subject of a separate bill and we should have specific hearings on it.

I would hope the Senator would not press his amendment. I do not think it is really an appropriate time for a matter of such far-reaching consequences, whereas a bill which embraced this subject would be heard by the appropriate committee.

Mr. CRANSTON. Mr. President, I thank the Senator from Colorado for his comments. As he knows, I have been seeking to abolish the Selective Service System, but in the absence of being able to do that, I would like to see some changes in it.

On the matter of cost, as suggested by the Senator from Mississippi, let me point out the great cost that comes from the present system. U.S. Attorney David Nisson, chief of the Criminal Division of Southern California, estimated that only one out of every four delinquent draft cases referred to his office is actually prosecuted due to local board errors in the remainder; and after all the investigations and getting ready to press charges, they have to drop them.

Nationally, in 1968 and 1969, more than 48,000 cases were referred to the Justice Department by the Selective Service System, but less than 6,000 of those were prosecuted. Although charges were not pressed for other reasons than board errors, William Sessions testified that such mistakes were perhaps the greatest factor in decisions to terminate those cases.

Mr. Sessions, who represented the Justice Department, told the House committee that not infrequently board errors include such flagrant violations of the law as the failure to act upon requests for student and hardship deferments; failure to act upon conscientious objectors' claims; failure to grant appeal rights; and a general failure to have any reason for their decisions. That such procedures should occur even infrequently is outrageous. Since they occur frequently, some remedies should be adopted. I believe this is the way to get at it. The reason we have such dissension over the country is that these young people are not getting a fair shake, or possibly even a hearing under the law, under present procedures.

Mr. STENNIS. Mr. President, I yield myself 4 minutes.

I have already emphasized that the amendment has a requirement that members of local draft boards take an examination which must demonstrate a proficiency in the law and rules and regulations of the Selective Service System by participating in and achieving a score of no less than 75 percent correct on an examination formulated and administered by the Civil Service Commission, which will hereafter certify the results to the President.

Mr. President, I do not think I could pass an examination like that.

I am not out of sympathy with the problems in California, but nationwide I do not believe the problem prevails to this extent.

We have a system that has been used in World War I and in World War II and again since that time. We selected a system of trying to get into it men of judgment and standing—I do not mean of social standing necessarily, but standing in character and judgment and qualifications of that kind, serving without pay, known to everyone in the community, and, by and large, making a lot of hard judgments, some of which are not always popular at all, by any means, and having to face the consequences themselves, having to go down the street every day, meeting a relative or someone else who thinks they have made a mistake.

So if we want to abandon that system

and cast it aside, that is one thing. I think it is the best possible system we could get. But if we are going to abandon it and we want to set up a system and pay these men and let them be learned in the rules and regulations and the law and everything else they want to, in which we pay them for the time and pay them for the work they do, I think we will find their work will score about 10 percent on acceptance in the community as compared with somebody else who is a neighbor, perhaps a little unlettered, but who knows what life is and what positions are and what family hardships are, and items of that kind.

So I hope the amendment will not be adopted.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on my amendment. I want to make it clear that I will not do this on all amendments that are going to come up, but I shall do it only for one or two on which I wish to have a vote by the entire body.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I request the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. Prouty), is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

The result was announced—yeas 9, nays 79, as follows:

[No. 122 Leg.]

YEAS—9

Cranston
Gravel
Hart
Hartke
Hatfield
Hughes
Kennedy
Schweiker
Tunney

NAYS—79

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—12

Anderson
Eagleton
Harris
Humphrey
McGovern
Mundt
Muskie
Prouty
Ribicoff
Saxbe
Scott
Williams

So Mr. Cranston's amendment (No. 208) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 209

Mr. CRANSTON. Mr. President, I call up my amendment No. 209 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 30, line 20, insert after the period the following new sentence: "In making such appointments the President shall appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction.".

Mr. CRANSTON. Mr. President, I have an amendment to the amendment. I want to state that I received the language from the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis) but he has not necessarily committed himself to supporting the amendment to this amendment.

I ask unanimous consent that the following language be added to my amendment No. 209: ", but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin."

The PRESIDING OFFICER. Is there objection to the modification of the Senator from California? The Chair hears none, and the amendment is so modified.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, I will very, very briefly state the case for the amendment. I do not want to detain Senators, but this is an important matter which restores language which was in the House Armed Services Committee bill but was dropped by the Senate committee. The purpose is to insure that members of so-called minority groups, whether of racial or national origin, have maximum opportunity to go before boards where their own groups will be referred. There have been too many cases reported of browns or blacks or Indians or Puerto Ricans going before boards where they find only white faces represented, none representing their own groups.

It seems to me, and it seemed to the House and the House committee, that it would be much fairer to take a nonbinding step such as this amendment would provide, to bring about the fairest possible representation on draft boards to achieve this result.

The House committee recognized the problem and had the following language in its report:

> The committee believes it is important that young men who are drafted have confidence that the people who are considering their draft status are of such background that they can appreciate and understand the individual being considered.

That language in the law was drafted by the Senate committee. My amendment basically would reinstitute the general intent of the House on this issue.

Director Curtis Tarr reinforced the view expressed by the House committee when he appeared before that committee late last year, when he said:

> I do think it is important, however, for people upon whom the decision falls to have the feeling that the decision was honestly and openly arrived at. And this is the main justification for us to have membership on local boards representative of the populations of young people with whom they work.

Plainly, we cannot know that this will be done in all cases. People cannot always be found in the community who are willing and able to fulfill this function. Therefore, I added that last clause that would not make it possible to overturn the decision of the draft board because this requirement of seeking a broad representation and proportional representation was not complied with.

I rest my case.

Mr. MONTOYA. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from California. I do not think there is any question about the propriety of the amendment. I think that every young man who comes before a draft board would feel that he comes before a draft board comprised of equals, regardless of their color or national origin.

I believe that the amendment is very well in order. We have this same requirement with respect to the selection of jurors. That is because of the constitutional mandate and interpretation by the Supreme Court of the Constitution. Certainly, when a young man is called to serve his country, he should feel that he comes before a board which will accord him justice and due consideration.

When he goes out on the battlefield with a feeling that there was injustice at the point of induction when he was called before the draft board, he will not make as good a soldier as if he went to the battlefield feeling that persons from his own ethnic group passed upon his induction, or passed upon any affidavits he might have filed for deferment.

Therefore, certainly, I want to commend the Senator from California for bringing in this amendment. I feel that it is something that should be included in this kind of bill.

Therefore, Mr. President, once more I associate myself with the author of the amendment, not only as a sponsor, but also in the remarks which he has made in support of it.

Mr. DOMINICK. Mr. President, I should like to ask how much time I have remaining.

The PRESIDING OFFICER (Mr. Buckley). The Senator has 53 minutes remaining.

Mr. DOMINICK. I thank the Chair.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I rise in opposition to the amendment. From the start, I have been a strong supporter of civil rights bills, as I think everyone in this Chamber who serves with me knows.

I think the pending amendment is the totally wrong area to get into in trying to find out whom we will select as members of a local Selective Service Board. The very reasons we rejected the previous amendment of the Senator from California are equally applicable here. In fact, more so.

Members of the board are, after all, recommended by the Governor of each State to the President, so that the Governor has the original choice in figuring out whom he will send up to the President in order for the President to select from that group. The President does not go around to every one of the local communities to find out what group should be selected. The Governor gets the word and he passes it on to the President and the President makes the appointment. It is a Presidential appointment, which carries real, substantial prestige in the area.

No one is paid a nickel for his service on a local draft board. They do it voluntarily.

If we are going to come in and say not only that they must have this examination, which was just defeated overwhelmingly, but now that they have to be picked in accordance with the ratio of the population, we will be taking away from the whole idea of trying to get members of the board to be men of judgment, compassion, humanity, and respect in their communities.

We may get many people who will be fine, be they Spanish-Americans, be they Spanish-speaking, be they black, be they white, be they Chinese or Japanese. Fine—if they are recommended. But to say that this is the course of events on which they should determine who will be on a voluntary draft board to exercise humanity and courage at the same time, seems to me to be the totally wrong direction in which we should proceed.

Accordingly, I am strongly in opposition to the pending amendment.

Mr. HART. Mr. President, I hope that we shall adopt the pending amendment, which does not bring a draft board down if it is not feasible to obtain a balanced representation from the community. It does not invalidate the action of the board if there is such a failure. But it does reflect a sensitivity. It is a problem that I think we do not have to be of draft age to understand exists.

I may have long hair. I may be an Indian. I may have a beard or be black.

I would like to have some confidence that they are not going to put me down because, for some reason or other, they have a hangup about me. Affirmatively, I would like the Senate to say, "Yes, we understand the desirability, since we are reaching into the most sensitive of all elements of privacy—namely, compelling one against one's will to say that the judgment against me will be a rare reflection of my services in my community."

I have heard some expression of opposition to the amendment. However, in my book, the thing cries out for adoption. I hope it is agreed to.

Mr. ERVIN. Mr. President, I yield myself such time as I may use. I think it is very unfortunate that we are always trying to fragmentize American people. We try to fragmentize them and say that white men cannot be fair to black men; that black men cannot be fair to white men; and that Anglo-Americans cannot be fair to people who have some other ancestry.

We ought to select draft board members who are Americans. We should leave out such extraneous things as race or national origin.

Let us quit fragmentizing the American people. That is what this amendment would do.

Let us treat everyone as an American and select members for the draft boards who are willing to perform this patriotic duty and not be troubled by the pigmentation of a man's skin or his ancestry.

Let us select Americans and quit fragmentizing the American people.

Mr. COOPER. Mr. President, will the Senator from California yield me 2 minutes?

The PRESIDING OFFICER. No Senator can yield time under the cloture motion except by unanimous consent. Each Senator has 1 hour.

Mr. COOPER. Mr. President, I will take my own time then.

I have just read the amendment of the Senator from California (Mr. Cranston) and I have listened to the explanation in its support by the Senator from New Mexico (Mr. Montoya) and also the statement in opposition made by the Senator from North Carolina (Mr. Ervin).

I would hope that some day it will be possible in this country for all people, citizens of our country, without regard to anything else—race, origin, color, or religion, to speak of themselves and consider themselves only as Americans equal with each other.

Unfortunately, this is not the case today. I would like to say that as other Members of the Senate I have received letters from families and from young men who were brought before draft boards and who have felt, whether objectively correct or not, that somehow they had not received the equal treatment they deserved.

I have read the amendment. If it were to be voted upon as first printed, I would not vote for it. However, I note that an amendment has been offered which provides—and if I incorrect, I would like the Senator from California to correct me—that we suggest to the President that he appoint draft board members so that they may represent as fairly as possible the racial population of the community. I note also that this requirement will not invalidate the decisions of the local draft board.

Mr. CRANSTON. The Senator is absolutely correct.

Mr. COOPER. Mr. President, I see nothing wrong with this principle. I think it good. I think that it would alleviate to some degree the feeling of some in this country that they might have been unfairly treated, whether they are correct or not. It is not only necessary to do justice under our system of government. It is necessary also to have conditions so that all may believe that they have received justice.

I voice my support for the amendment.

Mr. HOLLINGS. Mr. President, I yield myself 2 or 3 minutes or so much time as necessary on behalf of the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I explained a minute ago that I voted against the previous amendment that provided for a 75 percent grade for civil service applicants in order to qualify. I emphasize the fact that in trying to bring about proportional representation on the draft boards in my backyard the establishment of such an arbitrary requirement would stultify the appointment of black members.

From 1958 to 1962, as Governor, I appointed black members to draft boards. I was one of the few southern Governors to do so. I wish that I could have appointed more. But in my area of the country, such appointment usually comes only after long years of service.

Those who serve on draft boards and have been serving on them for 20 or 30 years have quite a burden to carry. A man who has been there for 20, 25, or 30 years is often trying to bring about a more even balance, a more proportional balance within the makeup of the board itself. Of course, that is what is desired.

This amendment will help restore credibility in the draft system—credibility which the Nation sorely lacks today as it responds to its many problems. What has been emphasized as one of the fallouts of this terrible war in Vietnam is that, in the whole thing about secrecy, many of our leaders not only told different stories but they also tried out their policy of limited warfare on the one hand and determining who went to the war on the other hand, and kept it from the people. Specifically, if a man did not keep up in the National Guard or did not like the Reserves, he went. But he would stay for only a year. The people would not be aware of the war—or so the leaders thought.

That worked pretty well for about 2 or 3 years. However, after 10 years of casualties, it no longer works. The results show that the war was being fought by the black, the poor, and the disadvantaged.

If one had the money and the sense, he went to college. If he lacked both the money and the sense to get into college, he went into the National Guard or the Reserves. If anyone does not believe it, I will show him my files. If one could not go along otherwise, he got into the war.

We have had recommendations by both President Johnson and President Nixon for a volunteer army, which I oppose, because we will end up with the black, the poor, and the disadvantaged on a permanent basis.

I have been from campus to campus. I have worked up over the last 2 or 3 years a volunteer army of about 13.5 recruits. One fellow kept raising his hand halfway when I asked them whether or not they would serve.

Now we are back at the same thing the Senator from California is pointing out.

Questions have been asked over the years. My friend, the distinguished Senator from North Carolina (Mr. ERVIN), whom I usually agree with, says that it is fragmentizing the American people. They are already fragmentized. We are trying to get them together, all of us, on a proportional, nondiscriminatory basis. We are trying to give credibility to the draft system. Without a broader representation, the recruits from various groups lose faith in the whole system.

A man should have the experience of sitting as a southern Governor and trying to satisfy the white members of the draft board and put a black man on the board. It is not easy.

But, if we pass the amendment, we will help bring about better relations and more equal representation on the draft system of the country.

Therefore, I support the amendment.

Mr. STENNIS. Mr. President, Senators have before them the bill passed by the House. On page 8, line 7 there will be found the language:

> To the extent practicable, the members of a local draft board shall accurately represent the economic and sociological background of the population which they serve, but no induction shall be declared invalid on the ground that any board failed to conform to any particular quota as to race, economics, religion, sex, or age.

At our writeup of this bill—and I wish to put the entire matter before the Senate—it was very clearly developed that that language presented some very practical problems. The Senator from South Carolina mentioned one of them: The "unseating" of many members of the board who served for years and had gotten to be part of the community acceptance was considered. They had gotten to be part of the community acceptance and things were going along. It must be remembered this is the same board that serves without any compensation whatever.

I think one of the last things we want to do here is to bring up matters that would upset that condition and get into a community contest about it. Some things must be done with some slowness. I think it would be a mistake to write this into hard law.

We struck this out with the idea that the matter would be in conference anyway. We are going to have this House language before us. The requirement was developed here about some proportional representation on the board that could be made the main basis of litigation unless something was done about that and, therefore, inductions voided.

We tried to get some language to meet the situation. The House has some language, but it was decided in its present form it is not adequate.

Then, a few minutes ago, when the Senator from California was discussing the matter we did bring up language that I think should be broadened even more about the validity of the board even though it did not have the composition desired. This is national legislation and it is very important. It is hard to get just the right wording and the right meaning.

However, I am entirely willing to try to meet this matter. When we go to conference we can work on the House language and start from there to try to bring about something that will fill in and let gradualism come into this matter. That would keep the draft boards in their present stage of acceptance. I understand they are not acceptable in some areas of the country. There is some evidence to that effect.

I think by and large one of the great things I have known in my public life has been the service these draft boards have rendered over the years, always without compensation, but always with much criticism from time to time.

I would like to see the Senate leave this delicate matter rest on the basis of what is already in the bill and let the conferees see what they will try to work out. I believe that is the best way.

Mr. GRIFFIN. Mr. President, I can understand the difficulty of arriving at appropriate language, as the Senator from Mississippi has indicated, but at the same time I cannot bring myself to vote against this amendment offered by the Senator from California.

I believe that it should be the policy of the Senate and the Government to move in the direction of representation of the various groups on draft boards.

I have been particularly outspoken about the failure in this regard in the past in my own State and I am happy to say that in the State of Michigan we have seen a change in direction and momentum toward the objective indicated by this amendment.

I am troubled by the wording here because I believe, as the manager of the bill has argued, that it is possible this language could be construed as disrupting the present membership of the draft boards.

Mr. President, I am sending to the desk an amendment to this amendment, to make the language read as follows:

> In making such appointments in the future—

In other words, I would insert the words "in the future."

Continuing—

> the President is requested—

I would like to suggest that instead of using the word "shall" we "request" the President to appoint the membership of each local board—

> so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction.

I believe the policy then would be clearly stated but there would be no legal question that could arise. I am aware, of course, that language has been added by the Senator from California himself, so I think that, in effect, his language almost would do the same thing as changing the "shall" to "requested" anyway.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question?

Mr. GRIFFIN. I yield.

Mr. STENNIS. The Senator understands nominations are made by Governors of the States; it is really considered their responsibility. That is why it works as well as it does, in my humble opinion. The President makes the actual appointment, for obvious reasons, but it is the nomination of the Governor. I do not believe there ever has been one set aside.

I have no objection to the Senator's language, of course.

Mr. GRIFFIN. I appreciate that.

Mr. President, I send my modification of the amendment offered by the Senator from California to the desk.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that his amendment be in order?

Mr. GRIFFIN. I ask unanimous consent that it be in order.

Mr. CRANSTON. Mr. President, I join in that unanimous-consent request.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. GRIFFIN. Mr. President, may I ask that the amendment as modified now be read?

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

> On page 30, line 3, insert after the period the following new sentence: "In making such appointments in the future the President shall appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin."
>
> In line 2, after "appointment" insert "in the future".
>
> In line 3 of the amendment strike the word "shall" and insert "is requested to."

The PRESIDING OFFICER (Mr. CHILES). Now the clerk will read the amendment as modified with that change.

Mr. GRIFFIN. Mr. President, I particularly appreciate that the Senator from

California (Mr. Cranston) who sponsored the amendment has seen the wisdom of this modification. It will certainly accomplish the objective of stating a policy and yet it will not put the legality of any existing draft board in jeopardy nor will it bring into question any future draft board inductions; yet I think without question it will provide guidance to the President of the United States and it should be useful in terms of action by the local boards.

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The legislative clerk read the amendment, as modified, as follows:

> On page 30, line 20, insert after the period the following new sentence: "In making such appointments in the future the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of these registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin."

Mr. CRANSTON. Mr. President, during the interlude, I conferred with the distinguished chairman of the committee and, pursuant to that conversation, I ask unanimous consent that I may withdraw my request for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the request for the yeas and nays is withdrawn.

The question is on agreeing to the amendment of the Senator from California, as modified.

The amendment, as modified, was agreed to.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Is the rule of germaneness in effect?

The PRESIDING OFFICER. The rule of germaneness has expired today.

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

PRESIDENT NIXON COMMENDED FOR SUBMITTING HISTORY OF EARLY YEARS OF VIETNAM WAR

Mr. BYRD of Virginia. Mr. President, I commend President Nixon for submitting to the Senate a report purporting to be the history of the early years of the Vietnam war. It seems to me most appropriate that this document should be submitted to the appropriate committee of the Senate.

Last week I expressed the view that the Defense Department was unwarranted in refusing to make available to the Senate Armed Services Committee and the Senate Foreign Relations Committee a copy of this document. It has been partially published in various newspapers. It is a document of importance. It is one that the Senate is entitled to. It is one that the appropriate committees of the Senate are entitled to.

Frankly, I was very aggravated that the Department of Defense refused to submit to the appropriate committee or committees this document when it was requested.

So I commend the President for making it available. I understand that it either has been sent to the Senate or will be sent to the Senate.

In that connection, I address a parliamentary inquiry to the Chair to ascertain whether this report has been sent to the Senate.

The PRESIDING OFFICER. The report has not been received at the desk.

Mr. BYRD of Virginia. The report has not been received at the desk?

The PRESIDING OFFICER. That is correct.

Mr. BYRD of Virginia. The news accounts have said that the report will be sent to the Senate, and I am making these remarks on the assumption that the report has actually been submitted, and while the report has not as yet been received by the Senate, my understanding is that the President will send it to the Senate.

I commend him for it because I think this is a document that should be available to the Armed Services Committee and the Foreign Relations Committee and, for that matter, to every Member of the Senate who might be interested.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. STEVENS. Is it proper for a Senator who has no amendments to offer to this bill to yield back his time to indicate that he has no intention of using the hour allocated to him under rule XXII?

The PRESIDING OFFICER. A Senator could assert that he is yielding back the time if he so desired.

Mr. STEVENS. I would like to assert that I shall not use the time allotted to me under rule XXII.

Mr. BYRD of West Virginia. Mr. President, may I inquire, on my own time, of the distinguished manager of the bill whether or not he knows of any Senator—and I propound the same question to Senators present—who intends to call up an amendment today?

Mr. STENNIS. Well, I know of one. I have a very small amendment that I do not believe is controversial, on which I will ask a voice vote.

Mr. BYRD of West Virginia. There will be no further rollcall votes tonight, therefore.

Is there any other Senator who intends now to call up an amendment? I see no indication of such.

Mr. STENNIS. Mr. President, if the Senator will yield, we have two relatively small amendments—all amendments are important, but the Senator from California has two amendments—and there is an amendment by the Senator from Massachusetts regarding procedures before the draft boards and appearance of attorneys, and there is an amendment by the Senator from Indiana that I think we will be able to work out here on the floor.

I hope every other Senator will be standing in line in the morning contesting as to who is going to get his amendment up for consideration. If we finish this bill tomorrow, I will be very thankful.

Mr. BYRD of West Virginia. Mr. President, as far as I can ascertain, there will be no more rollcall votes today.

I think I am authorized on behalf of the majority leader to say that if this bill can be completed tomorrow—and there is a good possibility that it can be—the Senate will then go over until Monday in order to give committees an opportunity to work on Friday in preparing bills and resolutions for the Senate Calendar. So there is a good possibility that we could complete work on this bill tomorrow.

May I say that there are two amendments that the Senator from California (Mr. Cranston) is going to call up in the morning, one amendment by the Senator from Indiana (Mr. Bayh), an amendment by the Senator from Massachusetts (Mr. Kennedy), an amendment by the Senator from Minnesota (Mr. Humphrey), and some amendments by the Senator from Alaska (Mr. Gravel).

Although there are many other amendments at the desk, it is my understanding that Senators, in the main, do not intend to call them up.

So there is a good likelihood—perhaps I should say possibility—that action can be completed on the bill tomorrow, in which event the Senate would go over until Monday.

Mr. COOK. Mr. President, pursuant to rule XXII and the time I am allotted thereunder, I, too, would like to take this opportunity to yield back whatever time I might have under that rule.

Mr. HANSEN. Mr. President, with full appreciation of what the distinguished majority whip has just said, I, too, would like to yield back my time and suggest to the distinguished Senator from West Virginia that, with the indication he has given us that we might come to a final vote on this bill tomorrow, I think other Senators could be encouraged to do as has been done by the distinguished Senator from Alaska (Mr. Stevens), the distinguished Senator from Kentucky (Mr. Cook), and myself, and yield back their time. I yield back the remainder of my time.

Mr. WEICKER. Mr. President, I concur in the comments made by my distinguished colleague from Wyoming, and I yield back the balance of my 1 hour which I would be allotted under rule XXII.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, I have an amendment which I would like to call up at this time.

The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi will be read.

The legislative clerk read the amendment, as follows:

At the end of the bill add a new title as follows:

TITLE VI—APPOINTMENT OF CERTAIN RESERVE OFFICERS TO BE MADE SUBJECT TO ADVICE AND CONSENT OF THE SENATE

SEC. 601. Section 593(a) of title 10, United States Code, is amended to read as follows:

"(a) Appointments or Reserves in commissioned grades below pay grade 0–4, except commissioned warrant officer, shall be made by the President alone. Appointments of Reserves in commissioned grades above pay grade 0–3 shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 3352 of this title."

SEC. 602. Section 3447(b) of title 10, United States Code, is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Army shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Army shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 603. Section 5787(e) of title 10, United States Code, is amended by inserting the following sentence after the second sentence: "Each such appointment of an officer in the Naval Reserve or the Marine Corps Reserve in a grade above pay grade 0–3 shall be made by the President, by and with the advice and consent of the Senate."

SEC. 604. Section 8447(b) of title 10, United States Code, is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Air Force shall be made by the President alone in grades below brigadier general and by the President, by and with the advice and consent of the Senate, in general officer grades. Temporary appointments of commissioned officers in the reserve components of the Air Force shall be made by the President alone in grades below major and by the President, by and with the advice and consent of the Senate, in grades above captain."

SEC. 605. Section 275(f) of title 14, United States Code, is amended by inserting the following sentence after the second sentence: "An appointment under this section to a grade above lieutenant of an officer in the Coast Guard Reserve shall be made by the President by and with the advice and consent of the Senate."

Mr. STENNIS. Mr. President, this amendment is a very simple one. It applies only to officers with the rank of major and above, or the equivalent in the Navy, and merely provides that reserve officers' promotion lists shall be submitted to the Senate Armed Services Committee, as are those for regular officers. It is just a matter of regulating and overseeing the civilian side of looking over these appointments.

It was something to bring this group more in line with the others, and I think it is somewhat of a tribute to the reserves to be put on the same basis with the regulars for those grades. Some of the very finest officers we have are those who are in the reserves.

That is my full statement. I shall not ask for a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, it seems that Senators are somewhat surprised that I have said I thought we could finish this bill tomorrow. The amendments we know about, that are considered active amendments, have already been enumerated. I do not know of anyone who is planning to bring up any appreciable number of others. The Senator from Alaska has said that he was ready for the third reading of the bill. The Senator from Oregon (Mr. HATFIELD) has said to me that he did not have any amendments to offer, or that he was ready for third reading, or words to that effect.

Here is the Senator coming in now. Senator, we are just making a little survey here of what active remaining amendments we might have, and I was referring to your remarks of this morning that at that time you did not have any further amendments.

Mr. HATFIELD. That is correct.

Mr. STENNIS. So I just do not know. There are a number of amendments here, but I have not heard a word from anyone indicating any interest except as I have indicated. If anyone else knows of any, except for doing some nightwork on those we already have, I wish he would let us know.

The PRESIDING OFFICER. The bill is open to further amendment.

EXTENSION OF THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration of S. 2133, reported today from the Committee on Public Works. The bill is at the desk, and as I understand, it is a matter that has been cleared by the minority.

I ask unanimous consent that the time consumed in acting on this measure not be charged under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2133) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The funds authorized to be appropriated in sections 5(n) and 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), for the fiscal year ending June 30, 1971, shall remain available until September 30, 1971.

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 446 et seq.), is amended by inserting after "$10,000,000" the following: ", and for the three-month period ending September 30, 1971, $2,500,000".

SEC. 3. The second sentence of section 8(d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by striking "and $1,250,000,000 for the fiscal year ending June 30, 1971." and inserting in lieu thereof "$1,250,000,000 for the fiscal year ending June 30, 1971; and $500,000,000 for the three-month period ending September 30, 1971."

LAND CONVEYANCE TO CENTRAL DAKOTA NURSING HOME

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed on the next measure not be charged against any Senator under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 222, S. 414, which I understand has been cleared with the minority.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 414) to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 414) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, subject to the conditions hereinafter set forth in this Act, by quitclaim deed, to the Central Dakota Nursing Home, Jamestown, North Dakota, all right, title, and interest of the United States in and to the following described lands near Jamestown, North Dakota, together with all buildings and other improvements thereon:

A tract of land situated in the southwest quarter northeast quarter and the southeast quarter northwest quarter, section 24, township 140 north, range 64 west, 5th principal meridian more particularly described as follows:

Beginning at the center of section 24, township 140 north, range 64 west, 5th principal meridian;

thence south 89 degrees 50 minutes east 771.5 feet;

thence north 00 degrees 21 minutes west 800.0 feet;

thence north 89 degrees 50 minutes west 1,065.8 feet;

thence south 23 degrees 52 minutes 30 seconds west 456.7 feet;

thence south 00 degrees 40 minutes 30 seconds east 385.6 feet;

thence north 89 degrees 44 minutes east 479.7 feet to the point of beginning and containing 22.1 acres, more or less.

SEC. 2. The conveyance authorized by this Act shall be made subject to the conditions that:

(1) The Central Dakota Nursing Home pay to the United States as consideration for the land authorized to be conveyed the amount of $5,500;

(2) All minerals, including oil and gas, in such lands authorized to be conveyed shall be reserved to the United States;

(3) The lands, including buildings and other improvements thereon, authorized to be conveyed shall be used by the Central Dakota Nursing Home solely for health care facilities, and in the event that such lands, including such buildings and improvements, cease to be used for that purpose, title thereto shall immediately revert, without payment of consideration, to the United States;

(4) The Central Dakota Nursing Home (including its assignees and successors) agrees to waive any and all claims, arising on or before the date of any conveyance

pursuant to this Act, which such home might have against the United States as a result of blown silt or other causes resulting from or in connection with the construction, operation, or maintenance of the Jamestown Dam and Reservoir; and

(5) All expenses for surveys and the preparation and execution of legal documents necessary to carry out the provisions of this Act shall be paid by the Central Dakota Nursing Home.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–228), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 414, would authorize and direct the Secretary of the Interior to convey, for fair market value, a 22.1-acre tract of land in Jamestown, N. Dak., to the Central Dakota Nursing Home, a nonprofit corporation. The corporation is presently operating under a 50-year lease which Interior signed in 1960, but needs to expand its facilities, and title to the property would enhance the possibility of loans and gifts.

RESERVATIONS

Reservations provide that the property reverts to the United States if it is used for any other purpose than for health-care facilities, that the United States would retain the mineral rights, and that the home could make no claims against the Federal Government for damages resulting from silt blowing or other activities in connection with the Jamestown Dam and Reservoir.

DESCRIPTION

The nursing home is of brick and tile construction, and contains space for 100 beds, including a central heating plant, kitchen, dining area, chapel, office spaces, therapy areas, beauty parlor, barbershop, and other rooms. The resident wings form the shape of the spokes of a wheel with a central nursing station at the hub, so that all corridors can be observed. The home has been operating at maximum capacity for the last 3 years or more.

MINERAL VALUES

The land covered by the bill has slight prospective value for oil and gas. The nearest petroleum production is 50 miles distant. The tract is reported to be without value for other minerals, or for geothermal resource development.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 232

Mr. BYRD of West Virginia. Mr. President, I call up amendment No. 232, by the Senator from Indiana (Mr. BAYH), so that it may become the pending question.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 41, immediately following line 4, add the following:

SEC. 302. (a) Section 509(d)(2) of Public Law 91–441 is amended by (1) striking out "the President" and substituting in lieu thereof "the Department of Defense", (2) striking out "January 31" and substituting in lieu thereof "March 1", and (3) adding at the end thereof the following: "Such justification and explanation shall specify in detail the posture of all forces, including, for each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (i) the unit mission and capability, (ii) the strategy the unit supports, (iii) the country or area of deployment and potential deployment, and (iv) what commitments or threats each such unit is intended to meet."

(b) By March 1, 1972, the Department of Defense shall complete and make available to Members of Congress a comprehensive study and investigation specifying in detail the necessary adjustments, if any, in general strategy and defense posture if the year-end active duty personnel strength level of the Armed Forces for the fiscal year ending on June 30, 1973, were reduced to:

(1) 2,250,000;
(2) 2,100,000;
(3) 2,200,000.

Such study and investigation shall specify in detail the posture of all forces under such circumstances, including, for each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (i) the unit mission and capability, (ii) the strategy the unit supports, (iii) the country or area of deployment and potential deployment, and (iv) what commitments or threats each such unit is intended to meet."

Mr. BYRD of West Virginia. Mr. President, there will be no action on this amendment this evening.

Senators are reminded that when the Senate completes its business today, it will stand in recess—not adjournment—until 10 o'clock tomorrow morning.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION OF THE RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the stated possibility that the Senate may be able to complete its business on——

The PRESIDING OFFICER. On whose time is the Senator speaking?

Mr. BYRD of West Virginia. Mr. President, the time should be charged to me and I thank the Chair; I should have made that clear at the beginning.

Mr. President, in view of the stated possibility that the Senate may be able to complete its business on H.R. 6531 tomorrow, I ask unanimous consent that the Pastore rule of germaneness operate for 5 hours tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: There is not much that can be said that has not already been said.

The Senate will convene at 10 a.m., following a recess. No period for the transaction of routine morning business has been set aside. Consequently, the Senate, immediately following the prayer and the recognition of the two leaders under the standing order, will proceed to the consideration of amendment No. 232 by the Senator from Indiana (Mr. BAYH).

Following that, it is hoped that other Senators who have amendments and who intend to call up those amendments will be ready and will be on the floor, so that as little time as possible will be consumed in awaiting the appearance of Senators for the purpose of calling up their amendments.

It is hoped that the Senate will complete its business on this bill tomorrow; and if this can be achieved, it is the intention of the leadership—I am authorized to say this by the majority leader—that the Senate will adjourn until Monday next, thus giving the committees time in which to consider bills and resolutions for reporting to the Senate, for action on the floor.

Does the distinguished assistant Republican leader have any statement or question at this time?

Mr. GRIFFIN. I would only reiterate what the distinguished majority whip has said about the hope and the intention of finishing the bill tomorrow and getting to a vote.

I believe it might be well to recall the words of the majority leader earlier today, when he indicated that if, after a reasonable period of time expires, no Senators on the floor offer amendments, Senators are on notice that third reading will be called for. I think that all Senators now have ample notice that that will be the situation.

Mr. BYRD of West Virginia. Mr. President, I am glad that the distinguished minority whip has reminded us of the statement by the majority leader, and I want to repeat it for emphasis.

I want to express the desire that the word go out to Senators, especially through the cloakrooms this evening, to the effect that Senators who have amendments must be ready to call them up at any time or the bill will be advanced to third reading.

The majority leader intends—and I am sure the manager of the bill intends likewise—to proceed in a reasonable way Senators are not going to be foreclosed summarily; but Senators are on notice that if they are not here to call up their amendments, the Chair, under the rule, will advance the bill to third reading and put the question. Senators who have amendments to call up should be on the floor to protect themselves.

Mr. STENNIS. Mr. President, anent the remarks the Senator has made, from time to time I have had certain understandings with various Senators regarding amendments, that they could work on them further and that they wanted some time in which to complete them. But all my promises in that field have now been redeemed. The Senator from Indiana will be here in the morning with the final version of his amendment, as will others. I have no promises outstanding. So I am free to ask for third reading and hope that everyone has had his day in court.

Mr. BYRD of West Virginia. Mr. President—continuing on my time—I thank the Senator for the exemplary job he has done as manager of this bill. The bill has been before the Senate now for 7 weeks, more or less, and Senators have had ample opportunity to call up amendments and to speak at length thereon.

I also express appreciation to all Senators for the splendid cooperation they have given with respect to the working out of time agreements on amendments. But we have now reached the time when the majority of the Senate has spoken its will, and it is the sentiment of the majority of the Senate—as expressed by the vote on cloture—that the Senate expedite final action on this bill.

This is why the majority leader and the minority whip have spoken as they have today, urging Senators to call their amendments up, and proceed to final action on this bill.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield the floor.

Mr. McINTYRE. Mr. President, I ask unanimous consent that I may be permitted to yield 30 minutes of my time, under the cloture rule, to the distinguished chairman of the Armed Services Committee, the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Senator. He is very thoughtful.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate recessed until tomorrow, Thursday, June 24, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1971:

NATIONAL COMMISSION ON MATERIALS POLICY

The following-named persons to be members of the National Commission on Materials Policy (new positions):

Lynton Keith Caldwell, of Indiana.
Jerome L. Klaff, of Maryland.
J. Hugh Liedtke, of Texas.
Lee W. Minton, of Pennsylvania.
Rogers C. B. Morton, of Maryland.
Frederick Seitz, of New York.
Maurice H. Stans, of New York.

HOUSE OF REPRESENTATIVES—*Wednesday, June 23, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

It is required of stewards that they be found faithful.—I Corinthians 4: 2.

Our Father, we lift our hearts in gratitude to Thee for life and health and strength and for the opportunity of serving Thee as the representatives of our people on Capitol Hill. By Thy grace may we prove ourselves worthy of Thy gifts and use them for Thy glory and for the good of our country.

Illumine our minds, quicken our hearts, and guide our steps this day that we may add a bit to the sum of human justice and human happiness which will make life more worth living for us and for our people.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2036. An act for the relief of Miss Linda Ortega.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

The message also announced that the Senate has passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah;

S. 27. An act to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah;

S. 30. An act to establish the Arches National Park in the State of Utah;

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min;

S. 119. An act for the relief of Manuela C. Bonito;

S. 248. An act for the relief of William D. Pender;

S. 361. An act for the relief of Maria de Lourdes Moitoso Mota;

S. 504. An act for the relief of John Borbridge, Jr.;

S. 624. An act for the relief of Fung Yut Ma, also known as Ma Yut Fung;

S. 654. An act for the relief of Frederick E. Keehn;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 754. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile;

S. 1489. An act for the relief of Park Jung Ok;

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain;

S. 1670. An act to amend the Soil Conservation and Domestic Allotment Act, as amended;

S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza, and

S.J. Res. 101. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A REPORT

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Department of Housing and Urban Development, Space Science, Veterans, and certain other independent agencies appropriation bill for 1972.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 4724, MARITIME PROGRAMS AUTHORIZATION, 1972

Mr. GARMATZ submitted the following conference report and statement on the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce:

CONFERENCE REPORT (H. REPT. No. 92–300)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to Senate amendment numbered 1 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$2,370,000"; and the Senate agree to the same.

That the House recede from its disagreement to Senate amendment numbered 2 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

EDWARD A. GARMATZ,
THOMAS N. DOWNING,
LEONOR K. SULLIVAN,
THOMAS M. PELLY,
WILLIAM MAILLIARD,
Managers on the Part of the House.
RUSSELL B. LONG,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
ROBERT GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $2,200,000 for financial assistance to State marine schools.

Senate amendment

Senate Amendment No. 1 increased this amount by $320,000, to $2,520,000, with the intent that (a) $150,000 would be used by the Secretary of Commerce for subsistence payments for students pursuant to section 6 of the Maritime Academy Act of 1958, and (b) $170,000, to repair, recondition, equip as necessary, and maintain in good repair the vessel *Allegheny* for use as a training vessel by the Great Lakes Maritime Academy.

Conference substitute

The conference substitute authorizes to be appropriated $2,370,000 for financial assistance to State marine schools. The managers determined that projections for future need and demand for graduates of State marine schools did not justify the additional $150,000 authorized for subsistence payments for students.

AMENDMENT NO. 2

House bill

No comparable provision.

Senate amendment

Senate Amendment No. 2 adds a new section 2 to the bill which amends section 3 of the Maritime Academy Act of 1958 (46 U.S.C. 1382) by inserting a new subsection (c) to authorize the Secretary of Commerce where, prior to enactment, he has not furnished a suitable training vessel to a State, to repair, recondition, equip as necessary and maintain in good repair a vessel which is owned by a State on the date of enactment of this new subsection for use as a training vessel for a maritime academy or college meeting the requirements of that Act.

Conference substitute

This is the same as the Senate amendment.

As used herein, "a vessel which is owned by a State" is to be construed to include a vessel owned by a State entity legally designated to receive assistance under the provisions of the Maritime Academy Act of 1958.

TITLE OF THE BILL

Conference substitute

This is the same as the Senate amendment to the title of the bill since it more accurately reflects the proposed text.

EDWARD A. GARMATZ,
THOMAS N. DOWNING,
LEONOR K. SULLIVAN,
THOMAS M. PELLY,
WILLIAM MAILLIARD,
Managers on the Part of the House.
RUSSELL B. LONG,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
ROBERT GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

JESUS MOVEMENT

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is heartening to see evidence of a new stirring in the ranks of some of our young people. I believe it appropriate that notice be taken of it.

Many elders in America seem willing to label the entire generation under 25 as being dedicated to sex, drugs, and violence. This is not true, but in all too many individual instances there have been reasons to believe it.

But there have been recent reports of a new rebel movement—a trend toward something many of our young people are discovering—a guiding force which has helped lead a great many Americans and, indeed, America itself over many generations.

I refer to what is known as the Jesus movement.

There probably are some among us who scoff at the idea that young people, particularly those with long hair, beards, and strange clothes, can experience an affinity for the Christian movement. But who better could truly live in concert with Him than young people, some of whom, perhaps, have the same kind of stirrings in their bosom as did Jesus of Nazareth nearly 2,000 years ago.

As a matter of fact, many of the young people of today, have something of the same concerns for mankind as did He. They want peace. They want everyone to be well fed, properly housed, cared for medically, and tranquil of mind and spirit.

If these recent reports are accurate—and I pray they are—thousands of young people now are turning to Him as the inspiration for their own lives. They should be encouraged to continue to find the way, for, if they do, they will emerge from their journey through youth as better adults, dedicated to the right things, and prepared to make a significant contribution to themselves, their Nation, their families, and our God.

AFFIRMATIVE ACTION NEEDED ON THIS SUMMER'S LUNCH PROGRAM FOR NEEDY CHILDREN

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, the time is growing short for some affirmative action by the Agriculture Department regarding this summer's lunch program for our Nation's cities. Last year under the special food service program my city of Chicago was able to provide nutritious lunches for over 50,000 needy youngsters per day. This year, only 7 days before the program is to begin, the Department has informed the administrators of the program that funds will be reduced by 90 percent to a total of $185,000. This complete turnabout is even more shocking in light of the fact that during all prior negotiation representatives from the Department were giving assurances that the program would receive $1.2 million.

During the House hearings on the National School Lunch Act, which passed the House on May 17, the administration failed to seek a significant extension of the summer nutrition program. And a spokesman for the Department of Agriculture appearing before the Senate Committee on Agriculture in June, stated that they had adequate funds to continue the program. So now, a week before the program is to begin, its very existence is threatened by this disastrous cut of nearly all its funds.

Mr. Speaker, this program may not seem overly significant to our national administration but for thousands of American children who too often must go without it, provides a much needed nutritious meal. And for our cities, it provides an essential cornerstone around which to build an effective and complete summer youth program.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Abbitt
Abourezk
Abzug
Ashbrook
Ashley
Baring
Blatnik
Cabell
Celler
Chappell
Clark
Clausen,
 Don H.
Clay
Davis, S.C.
Davis, Wis.
Dent
Diggs
Donohue
Edwards, La.
Ford,
 William D.
Gray
Gubser
Hanna
Holifield
Jarman
Long, La.
McCulloch
Madden
Mathias, Calif.
Murphy, N.Y.
Pepper
Pettis
Purcell
Runnels
Scheuer
Taylor
Whitten
Winn
Wyatt
Young, Tex.

The SPEAKER pro tempore (Mr. BOGGS). On this rollcall 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "INVESTIGATION INTO ELECTRONIC BATTLEFIELD PROGRAM"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-301) on the Senate concurrent resolution (S. Con. Res. 9) authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 9

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Armed Services two thousand additional copies of the hearings before the Electronic Battlefield Subcommittee of the Preparedness Investigating Subcommittee during the Ninety-first Congress, second session, entitled "Investigation Into Electronic Battlefield Program".

Mr. BRADEMAS. Mr. Speaker, the purpose of this concurrent resolution I think is very clear. It is simply to provide for the printing of 2,000 additional copies of these hearings. The Senate has asked that these additional hearings be supplied in view of the great public demand for them.

Mr. Speaker, I might make it clear to the Members that the subject matter of the hearings has earlier been declassified by the Department of Defense.

So, I would hope that the concurrent resolution is concurred in.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Of course.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding.

I want to say right here and now that I further appreciate the gentleman's withholding the consideration of Senate Concurrent Resolution 9 on May 19 at my request, after consultation with the leadership. This is more than comity between Members. It is consideration for the people who are engaged in protecting the security of our country.

Mr. Speaker, my sole concern was that there is unnecessary information made available to all sources insofar as military development, test and evaluation, or even basic research is concerned that has to do with the military security of our Armed Forces.

I have had correspondence from the Subcommittee on Military Preparedness of the other body, indeed, from various and other interested U.S. Senators; and I know now that having committed the printing of the first few following declassification, as my colleague, the gentleman from Indiana (Mr. BRADEMAS) says, by the Pentagon authorities, that the damage has been done.

Probably the first x number of hundreds of these reports found their way immediately into the offices of the military attachés of the foreign embassies represented in this land who least have the United States interest at heart, and so forth.

However, all of that is practically meaningless in view of the other and greater exposés of military security classification, that have come our way recently. I just see no use, Mr. Speaker, and Members of the House, of reporting the air-delivered seismic intrusion detector with all of its uses, of laying out the protected battle plan and means of using sensors of electronic nature for protecting bivouac areas, with the duties of the command functions written therein. However, this having been done, and having been printed, it would only, as the distinguished chairman of the Committee on House Administration has pointed out, necessitate an additional conference and, indeed, as my own chairman of the Committee on Armed Services has pointed out, will throw back on the authorities in the Pentagon for having declassified too much too soon; whereas to the contrary oftentimes they seem to keep classified for some military purpose that which should not have been classified in the first place. This instance is certainly useless and adverse to our security.

Be that as it may, I shall no longer offer objection because it would just simply serve to create friction between the two bodies. The initial error in my opinion has been made, and it serves no further purpose to delay this printing.

Again I thank the gentleman from Indiana (Mr. BRADEMAS) for his consideration.

Mr. BRADEMAS. I thank my colleague, the gentleman from Missouri (Mr. HALL).

Mr. Speaker, I move the previous question o nthe Senate concurrent resolution.

The previous question was ordered.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. GRASSO. Mr. Speaker, I regret that because of the death of my father, I was unable to be present for rollcalls Nos. 134 and 144. Had I been present, I would have voted "yea" on rollcall No. 134, the conference report on S. 575, the Public Works Acceleration Act of 1971, and "yea" on rollcall No. 144, the Nedzi-Whalen amendment to the military procurement Authorization for fiscal year 1972.

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9270) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from North Dakota (Mr. ANDREWS) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9270) with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 1½ hours, and the gentleman from North Dakota (Mr. ANDREWS) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and Members of the House, we bring to you today a bill on which the committee has had extensive hearings. In my judgment, it is a basic bill to all the actions that the Congress will take not only this year but any other year.

Mr. Chairman, this morning in the Committee on Appropriations, we dealt with the appropriation bill for HUD, space, science, veterans. It carried public housing and many other things—NASA and all the rest. Yesterday, the House passed a bill providing for social security and many, many other things, all of which are written in terms of dollars. But the bill we bring to you today, really should have your attention and your thoughts because if you think the matter through, those dollars provided in those bills are just so much paper, unless this country continues to produce food, clothing and shelter, and unless we develop from the land the material things that you can buy with those dollars, then those dollars are meaningless.

You can pass all the food stamp bills in the world providing for the distribution of food stamps, but they are no good if when you go to the store there is no food there. This has reached serious proportions in this country primarily because we are a democracy—I like to think we were intended to be a representative republic—but because we are a democracy fewer and fewer people realize that life itself is tied to the land.

Mr. Chairman, may I say that the total amount included in the bill is $12,080,596,050, including the first full year appropriation for the Environmental Protection Agency, an increase of $2,531,688,500 over 1971 and $22,117,800 below the budget.

The bill is divided into four titles—a division which is designed to demonstrate the general impact of the appropriation. Such a division is by no means precise and is subject to individual interpretation because of the multiple benefits derived from the programs funded in this bill.

TITLE I—AGRICULTURAL PROGRAMS

Title I includes the programs of benefit to agriculture, including restoration of capital impairment of the Commodity Credit Corporation in the amount of $3,613,331,000, totaling $5,258,671,050. It includes many items which could be properly classified as environmental and consumer protection. For example, the Agricultural Research Service spends $20 million on improved methods for controlling sedimentation, $5 million on nutrition, $18 million on quarantine inspection, and $20 million on alternative means of pest control.

Further it includes $50 million for the nutrition aides program in the Extension Service. Each of these programs and others serve interests far broader than agriculture.

TITLE II—RURAL DEVELOPMENT

Title II includes $932,847,000 for the programs primarily directed to rural development, including the administrative funds for the Farm Credit Administration which is seeking broadened authorities to better serve rural America. It includes funds for the resource conservation and development program and water and waste disposal grants which in addition to proper rural development clearly reduce environmental degradation where they are administered.

TITLE III—ENVIRONMENTAL PROTECTION

Title III includes $3,126,055,000 for the programs primarily directed to improving our environment including the new Environmental Protection Agency and HUD water and sewer grants. It includes as well, the USDA programs long provided in this bill including the rural environmental assistance program which this committee has had to restore over 16 times. It also includes the watershed protection programs which through dams, stream channelization and sedimentation control do much to halt pollution at the headwaters.

TITLE IV—CONSUMER PROTECTION AND SERVICES

Title IV provides $2,763,023,000 for Consumer Protection and Services. This chapter provides funds for the Food and Drug Administration, the Federal Trade Commission and the work of the Office of Consumer Affairs. It includes $3.5 billion for the food assistance programs administered by the U.S. Department of Agriculture which this Committee has strongly supported including the food stamp and special milk programs. This chapter also includes funds for the Department's consumer protection and regulatory activities including inspection of meat, poultry, and eggs.

ENLARGED COMMITTEE JURISDICTION MAKES SENSE

Last year the committee pointed out that the bill making appropriations for the Department of Agriculture could well be referred to as a bill providing for public health and safety because it carried funds for inspection and protection of food. Or it might be termed a bill for the protection of the economy, since agriculture was the chief and largest customer of industry and labor. On the other hand, it could be called the committee for rural development since it carried funds for rural electricity, water and sewer grants and loans, and other programs for the development of rural areas. Or it might be called a bill providing for nutrition since it carried funds for the extension service nutrition aide program, the food stamp program and the child nutrition programs.

This was true of the bill as presented last year, and the same applies here. Since last year the jurisdiction of this subcommittee and the items found in this bill have been enlarged to include environmental and consumer protection, the amounts for which were described in the foregoing.

AGRICULTURE AND THE U.S. ECONOMY

The assignment of jurisdiction to this subcommittee was not the drastic move many people think. This bill includes $9,360,451,050 for the Department of Agriculture, of which $3,613,331,000 is for restoration of capital impairment of the Commodity Credit Corporation, $532,805,000 is for environmental programs, and $2,636,128,000 is for programs of direct benefit to consumers. This subcommittee more than 16 times has restored the agricultural conservation program, now called the rural environmental assistance program—under which more than 2 million retarding dams, plus thousands of miles of terraces, have been built throughout the United States, holding back millions of tons of pollution in the form of sediment at the upstream level. This subcommittee has known that you can't wait to clean up a stream at its mouth.

We have sponsored the national watershed protection and flood prevention programs and other Soil Conservation Service programs. Last year, we included language to enable the Soil Conservation Service to better cooperate with the Corps of Engineers in the foothill areas where the problem is a joint one.

The committee has regularly provided funds to the consumer for school lunch, school milk, and a myriad of other food programs. We have provided for consumer protection through meat inspection as well as for quality testing of foods, and funding for plans for economical and sanitary handling of foods. We sponsored the language which says the Secretary of Agriculture shall see that no one goes hungry, even if all costs have to be paid. It is this committee which sponsored the change in wording in the law from "farm" to "rural" so as to increase eligibility for financing of homes in rural areas, resulting in millions of farm homes with modern conveniences.

This subcommittee has provided funds for rural water systems, for sewer and waste disposal in cities with a population under 5,500, and for rural electrification. Unfortunately, the Office of Management and Budget froze $56 million in funds for grants which, under our subcommittee's sponsorship, the Congress provided to meet the tremendous need for rural water and waste disposal systems. To make bad matters worse, the average grant to rural areas has been approximately 23 percent, while in urban areas it has been close to 50 percent. This has limited the rural areas covered.

It was this committee which provided funds for radiation to control the screwworm, and for other alternative, nonchemical means of controlling pests. Since 1964, we have increased research funds for these purposes from $7.2 million to $20 million—and, incidentally, $1,000,000 of these funds have been frozen by the Office of Management and Budget for 1971.

SIGNIFICANT COMMITTEE ACTIONS

In the bill under consideration today the committee has:

Recognized the problems of rural development by adding $200 million to the request for REA electrification loans, and capitalized the new telephone bank at $30 million, the amount authorized; $1 million has been added over the budget request for R.C. & D. and funds have been provided for the new Rural Development Service.

Recognized the problems of the environment by providing a $134 million increase over 1971 for the Environmental Protection Agency, the budget request, and a total of $2 billion, when authorized, for the waste disposal facilities grants.

The committee also restored the rural environmental assistance program for 1972 and $195.5 million; added $2,800,000 for testing of non-chemical alternatives of pest control and for improved control methods compatible with our environmental needs for such pests as the gypsy moth.

The committee has significantly increased the budget request for both water and sewer grants programs. The 1972 program recommendations are $100 million for the Farmers Home Administration and $350 million for the Department of Housing and Urban Development.

Recognized the problems of consumer protection and nutrition by providing increased funds for school lunch, meat and poultry inspection as well as the new egg inspection bill.

The committee is providing the full estimate of over $2 billion for the food stamp program and has again directed that the 147 counties which have applied but have not been admitted be given the benefits of the program.

The committee has provided the full budget estimate for the Food and Drug Administration and the Federal Trade Commission as well as $450,000 for the new Consumer Products Information Coordinating Center.

AGRICULTURAL PROGRAMS

THE CONTRIBUTIONS OF AGRICULTURE

From the beginning, man's progress—man's supply of the good things of life—has been measured by how much time he had left for other pursuits after he provided food, clothing, and shelter.

With that yardstick before us, we can see the reason for our high standard of living; for with only 5 percent of the American people on the farm, 95 percent of our people are freed from farm labor to do other things. This is the key to our well-being.

But, as a result, we find fewer and fewer young people studying for agriculture in our colleges. More and more young people are moving away from providing food and fiber; and more and more established agricultural producers are leaving their vocation—from 500,000 to 600,000 farmers and their families a year for the last 6 years—largely because farm income has dropped from 7.1 percent of investment in 1945–49 to 3.3 percent in 1970.

As a nation, our moves to solve the problems of rural America must begin with agriculture, because agriculture is the base on which rural America depends. For this reason, programs have been designed to protect farmers from drastic drops in farm prices—to assure that they at least get return of their costs.

USDA has programs which make available loans for electrification, telephones, equipment, and for addition of lands to uneconomic units.

To improve and maintain the land, held by the farmer in trust for future generations, programs have been designed through Government cost sharing and loans for land treatment and permanent preservation of marginal cropland and water conservation.

By any means of measurement these programs have been successful. As the Secretary of Agriculture pointed out in an article last year:

Farmers have freed manpower. If our agriculture had remained at the 1920 level of efficiency, we would today have 20 million workers in agriculture, instead of less than 5 million.

Farmers have freed income. Fifty years ago the basic requirements of life—food, clothing, and shelter—required about 80 percent of all consumer spending. Today these essentials take less than 65 percent.

Farmers have freed time. Fifty years ago the average work week in manufacturing was 51 hours and paid vacations were few. Many things have helped, but if food and fiber production still required a fourth of the work force, industrial workers would not now have a work week averaging below 41 hours.

Farmers have freed space. Fifty years ago 350 million acres of crops were required to provide for a nation of 107 million people. In recent years we have harvested fewer than 300 million acres. If farmers had remained at the 1920 level of efficiency, we would now need to harvest 500 to 550 million acres, even if we stopped exporting. The acres spared by farm efficiency have added immeasurably to soil and water protection, wildlife, recreation, and land for new towns and open space.

On the other hand, American farmers today, with numbers reaching an all-time low of 5 percent of the population, have little weight in national elections and with the news media—notwithstanding the fact that they are the biggest market for industry and labor and the consumer's most economical and best supplier, and a key element to the prosperity of the Nation. Many seem to believe it is the agricultural producer who will be the loser if farm programs are reduced and funds needlessly cut off—in reality it will be the consumer he serves, along with industry and labor from which which he buys.

Several years ago we did a study of the contribution of the American farmer to our economy. At that time it was estimated that farm producers spent over $30 billion a year for goods and services, and another $12 billion a year for the same things other consumers buy. Each year, farm purchases include more than $3.4 billion in new farm tractors and other farm vehicles, and another $3.4 billion for fuel, lubricants, and maintenance. Farmers use more petroleum than any other single industry, and 320 million pounds of rubber (about 9 percent of the total used in the United States, or enough to put tires on nearly 6,000,000 automobiles). They consume annually more than 28 billion kilowatt-hours of electricity and use more than 5 million tons of steel.

Agriculture is not something apart, but with expenditures and investment substituted for people, it is the first and major partner in the firm of agriculture, labor and industry.

THE PROBLEMS OF AGRICULTURE

We must get across to all Americans that it is their supply of food and fiber that we deal with; and a sound economy must be based on sound agriculture—for that is the basis for all the rest.

Demands for the farmer's dollar are greater. Agricultural productivity has greatly increased, but as the price of industrial materials and labor have increased, the farmer's costs have spiraled. Increased costs cannot be passed on to the consumer, which in turn results in pressures for farmers to do something to maintain their relative position in the economy. The result has been that, as pointed out earlier, for the last 6 years an average of 500,000 to 600,000 have quit farming each year. Perhaps they can afford to quit. It is the rest of us who cannot afford to have them do so.

RURAL DEVELOPMENT

During the hearings one of the research agencies of the Department reported on a survey made in connection with their research in rural development. The study is directed at the dual problems of continued migration to urban areas and the planning necessary to accommodate about 100 million more people in the United States over the next 30 years. The results are really not surprising. They found that most rural youth aspire to prestige, white collar jobs, college education, and a middle class, urban way of life. The study also showed that, like the millions that preceded them into our cities, they look to the city because of the limited opportunity to achieve their aspirations in the rural areas of today.

The fact is that these young people surveyed and others who reflect their attitudes must understand the Nation's commitment to a balanced growth between urban and rural areas. For this reason the committee has provided $932,847,000 for rural development. These funds will be directed to providing many of the fundamental requirements for rural development including electrification and telephone services, water and sewer systems, land and resource development, and rural housing.

A recent survey completed this year indicated that there are nearly 32,000 rural communities that require new or improved water systems and over 30,000 that require new or improved sewer systems. Funds in this bill provide a total of $100 million for planning and development grants and $300 million for insured loans. This is well in excess of the $44 million and $230 million allocated by the Office of Management and Budget for these purposes in fiscal year 1971.

Housing continues to be a major problem in rural areas. Over half of the Nation's substandard housing is located there, although only a little more than 30 percent of the population lives there. Major increases have been provided over the past several years. Loans in 1969 totaled $500 million, $800 million in 1970 and are estimated to total $1.5 billion in 1971. The committee approves a program of $1.6 billion for 1972. Authorization was recently provided to include towns of up to 10,000 population under the rural housing program.

Electrification and telephones is the third major program for which funds have been provided in this bill, including a $545 million loan level to move to improved service and area coverage for electricity, and $30 million for the capitalization of the new telephone bank, and funds for a loan level of $125 million under the regular telephone program.

The committee has watched the growth of the resource conservation and development projects since its authorization in 1962. They are designed to bring together our knowledge of conservation and in cooperation with community leaders, improve the opportunities for jobs and other needs. Sixty-eight projects are now operating with promising results. The committee has added $1 million over the budget to assure continued progress.

ENVIRONMENTAL PROTECTION

The President's annual report on environmental quality stated:

> Environment is not an abstract concern, or simply a matter of esthetics, or of personal taste—although it can and should involve these as well. Man is shaped to a great extent by his surroundings. Our physical nature, our mental health, our culture and institutions, our opportunities for challenge and fulfillment, our very survival—all of these are directly related to and affected by the environment in which we live. They depend upon the continued healthy functioning of the natural systems of the earth.

To this the committee would add the other side for man, in turn, has influenced or changed his environment.

From the beginning as man has gone along day by day, year by year, throughout history, he has continued to change and to build for himself a synthetic environment—his clothing, his housing, his food; in fact, almost everything about him is a result of converting natural elements into products of use to him.

Man departed from natural processes when he domesticated his first animal and later when he planted a seed.

THE FARMER'S RELATIONSHIP TO THE ENVIRONMENT

The farmer has been an environmentalist since man first tilled the soil to grow his food. He deals with the mutual relationships of plants and animals and how they live and flourish in the essential elements of land and water, sunlight and air. He must protect those elements or he, and those dependent on him, will perish. Agriculture then is a natural custodian of the land. The farmer has faced the dual challenge of producing more food each year in a way that protects his resources and preserves his ability to produce. It is no accident that the average farmer produces food and fiber for 46 others and continues to expand this number.

Farm production per acre has increased about 3 percent a year due to such influences as the use of fertilizers, pesticides, better technology including soil and water conservation practices, and less use of lower grade land. One of these influences, the use of fertilizer, has been considered by some as a detriment to environmental quality. But if fertilizers were restricted as a pollution control, the results undoubtedly would be an increase in consumer prices for food, and an expansion of intensive agriculture into so-called marginal land with higher erosion with greater pollution, not less. Agricultural scientists find that a more proper direction would be toward achieving maximum production from the best soils, using the best combination of all practices. This may mean the use of higher rates of fertilizer application by farmers on good land, with even greater attention to erosion and water control so that fertilizer residues will not leave agricultural fields but remain for their benefit.

Pesticides are a must if we are to control the pests that compete with man for survival. Through the use of these chemical materials, we have made progress in controlling the insects that carry such human diseases as yellow fever, malaria, typhus, and bubonic plague. We have also been making progress over the years—in lesser degree—in controlling agricultural pests and diseases, rather than accept the full impact of production, storage, and quality losses of food and fiber.

It is imperative that pesticides be used judiciously, with knowledge of total effects, because of the potential dangers to human health, livestock, fish, and wildlife, desirable plants, and beneficial insects. It is especially important to use persistent pesticides only when they are necessary in the best interests of mankind.

Another environmental problem of concern to agriculture is contamination by animal wastes. Concentrations of cattle and hogs raised in confinement have increased waste-disposal problems. The tremendous growth in the U.S. broiler industry has brought additional waste problems. Handling such wastes in such a way as to minimize the pollution to the environment is a goal we must accept, but with present technology it will be costly.

POLLUTION VERSUS CONVENIENCE

As soon as primitive man moved his fire into his cave, he became aware of air pollution in the form of smoke. He probably learned to reduce the smoke in his cave by careful placing and stoking. He then decided to accept some smoke in return for the warmth and convenience of the fire nearby. We have been weighing pollution against convenience ever since.

We all realize that if the people in our major cities would park their automobiles, trucks and buses for a month or moved out of town for an equal time, there is no doubt as to the progress we could make in restoring many of the antiquated and deplorable conditions we find in many sections. But automotive transportation, too, is an integral part of our way of life and part of our prosperity. Is it essential to our economy, and it will take a healthy economy to retain public support as we attempt to find the billions of dollars needed if we are to restore our environment for present and future generations.

The cost has been estimated at hundreds of billions of dollars.

Thus, in view of the costs and of the tremendous job ahead of us, with the need to keep our economy healthy and strong as we try to correct the mistakes of the past and to prevent them in the future, we believe it will be necessary to set up a system of priorities, putting those conditions that are downright dangerous ahead of those conditions which may be only undesirable.

It is not that we don't need both, but we need to establish some priority so as to deal with first things first.

Of course, we all know we must stop emptying raw sewage into our streams. We must provide for controlling industrial wastes and chemicals shown to be dangerous to health while we keep those things which, by providing protection from insects and diseases, pest and pestilence, have increased our life expectancy by 20 years since 1900 and our physical stature by about 2 inches since 1900.

Examples of reports required by the Environmental Protection Agency presented to the committee are so voluminous as to raise a serious question as to whether public support of needed environmental improvements can be retained.

The importance of agriculture in our environment can be seen from the following table:

UNITED STATES DEPARTMENT OF AGRICULTURE: ESTIMATED OBLIGATIONS FOR POLLUTION RESEARCH, EDUCATION, ABATEMENT, AND CONTROL PROGRAMS, 1963–72

[In thousands of dollars]

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971	[1] 1972
Agricultural Research Service:										
Salaries and expenses:										
Research	30,262	35,733	52,124	54,982	58,043	59,432	59,646	65,203	71,979	80,730
Plant and animal disease and pest control	5,100	5,100	5,700	6,100	6,900	7,300	7,000	7,500	8,100	8,600
Total, Salaries and expenses	35,362	40,833	57,824	61,082	64,943	66,732	66,646	72,703	80,079	89,330
Cooperative State Research Service: Payments and expenses	5,155	6,315	9,487	11,177	11,405	11,070	12,400	12,800	13,570	14,670
Extension Service:										
Payments and expenses: Payments to States and Puerto Rico	4,252	4,725	5,675	6,615	7,575	8,525	9,000	9,243	9,656	9,944
Extension Service	248	275	325	385	425	475	500	557	644	656
Total, Extension Service	4,500	5,000	6,000	7,000	8,000	9,000	9,500	9,800	10,300	10,600
Soil Conservation Service:										
Conservation operations	33,600	34,800	37,100	39,100	40,100	41,800	48,700	54,378	56,297	62,570
Great Plains conservation program	9,500	10,700	11,700	12,600	14,800	13,200	13,900	11,984	12,424	12,719
Watershed works of improvement	10,600	11,700	12,100	12,700	13,600	13,300	13,900	14,342	16,781	22,841
Flood prevention	7,200	7,500	7,900	7,600	7,500	7,200	6,900	7,584	6,876	7,297
Resource conservation and development			150	340	900	1,300	2,200	3,543	4,794	5,900
Total, Soil Conservation Service	60,900	64,700	68,950	72,340	76,900	76,800	85,600	91,831	97,172	111,327
Economic Research Service			20	20	50	90	200	58	161	221
Consumer and Marketing Service	40	42	43	45	46	48	50	60	64	64
Agricultural Stabilization and Conservation Service:										
Rural environmental assistance program	182,100	182,800	184,600	179,500	188,800	170,200	159,400	156,100	135,000	185,000
Emergency conservation program	3,700	5,800	12,100	5,700	3,600	7,900	11,100	12,000	11,500	10,000
Administrative expenses for REAP and ECM	28,225	27,354	29,301	29,482	32,298	37,596	33,000	32,900	33,700	35,800
Cropland adjustment program				7,100	500	600				
Cropland conversion program	2,000		1,900	200						
Appalachian land stabilization and conservation program					6,500		3,000	3,300		

Item	1963	1964	1965	1966	1967	1968	1969	1970	1971	[1] 1972
Water bank program										1,000
Total, Agricultural Stabilization and Conservation Service	216,025	215,954	227,901	221,982	231,698	216,296	206,500	204,300	180,200	231,800
Farmers Home Administration: [2]										
Water and sewer system loans:										
Direct	8,400	11,300	13,100	27,500	82,900	79,400	74,600	64,280	30,000	
Insured	5,500	22,100	37,000	84,700	92,000	83,100	90,000	81,751	130,000	300,000
Subtotal, water and sewer system loans	13,900	33,400	50,100	112,200	174,900	162,500	164,600	146,031	160,000	300,000
Rural water and waste disposal grants				18,600	22,500	23,000	24,000	42,981	40,000	98.000
Administrative expenses	209	501	752	1,962	2,961	2,783	2,500	3,300	3,800	5,500
Total, Farmers Home Administration	14,109	33,901	50,852	132,762	200,361	188,283	191,100	192,312	203,800	403,500
Forest Service: Forest protection and utilization	30,500	31,600	34,000	36,500	41,300	48,000	54,700	57,200	62,900	78,900
Total, pollution research, abatement, and control	366,591	398,345	455,077	542,908	634,703	616,319	626,696	641,064	648,246	940,412

[1] Committee recommendations.

[2] Excludes loan repayments.

Note: Excludes activities transferred to Environmental Protection Agency pursuant to reorganization plan No. 3, dated Dec. 2 1970.

CONSUMER PROTECTION AND SERVICES

In addition to the environmental concerns, this committee has had its jurisdiction expanded in the area of consumer protection. The bill directly provides $2,763,023,000 for this purpose. As noted earlier, these include the—

Food and Drug Administration which was originally established in the Department of Agriculture in 1929. Its principal areas include the safety, purity and wholesomeness of food; the safety and efficacy of drugs and therapeutic devices; and proper labeling, including warnings for safe use as well as honesty in packaging.

Federal Trade Commission where direct activities of benefit to consumers include investigating and correcting unfair or deceptive acts, including false and misleading advertising, that are injurious to the consumer. Less direct, though of equal importance to the consumer, are the Commission's activities to maintain competition by investigating unfair trade restraints and monopolistic practices.

Office of Consumer Affairs which is the President's arm in attempting to assure that consumers interests are fully considered in the farflung operations of the Federal Government. One of the activities sponsored by the Consumers Affairs Office is the Consumer Product Information Coordinating Center presently located in the General Services Administration to provide consumers with as much Federal buying information as possible.

As with the environmental programs, the work of these agencies is highly interrelated. The interests of consumers are strongly represented in the programs of the Department of Agriculture as well. In recognition of this fact the activities of the Consumer and Marketing Service and the Food and Nutrition Service have been included in this title.

AGRICULTURE AND CONSUMER PROTECTION

The Department of Agriculture engages in many direct and indirect activities of significant benefit to the consumers. These activities totaled $281.6 million for fiscal year 1970 including:

Research studies on minimizing pesticide residues in livestock and crops; studies on the nutrition, quality and human metabolism of food; research on plant and animal diseases of danger to man such as salmonella, milk allergens and aflatoxins; and the study of methods to reduce deterioration and spoilage in marketing. In 1970, $43,015,000 was spent on these activities.

Control and eradication of diseases such as brucellosis and tuberculosis as well as pest control activities at ports. Agriculture funds totaling $49,162,000 were spent in 1970 for these activities.

Meat and poultry inspection to assure the consumer a wholesome supply of these products. This year the Department will provide a similar type of inspection for egg products.

In addition, inspection grading and standardization services are provided to facilitate marketing of foods, largely paid for by industry fees. About $165 million was spent on these activities in 1970.

Food and nutrition programs are of direct benefit to consumers by encouraging improved nutrition through school lunches, food stamps, and commodity distribution activities. In addition, USDA administers a number of programs such as soil conservation, and marketing activities which in the long run benefit consumers by reducing the costs of producing and marketing food.

FOOD PRICES AND THE FARMER

All of us are consumers. We, as consumers, have been hit by the fact that what we buy costs more. It seems that we are earning more with less to show for it. In a word: "Inflation".

Even with this inflation the cost of food represents only 16 percent of the total income spent. As was stated earlier, it is this statistic that truly represents our standard of living, for the 84 percent is now available for other things we buy. Imagine what you would lose from your living standard if you had to spend twice that amount for food.

NUTRITION

The record of the Department of Agriculture, made possible by the actions of the Congress and this committee, is long and strong in the support of nutrition and cost of production research, research on marketing, and support of other agriculture programs designed to improve the basic structure of agriculture and to enable the American people to spend only 16 percent of their income on food. This remarkable achievement is largely unnoticed. The committee is proud of another part of this record which is also unnoticed. That is this committee's direct support of food aid.

Two years ago the Congress adopted, at the committee's request, some important new language for the section 32 appropriation. This language provided $45 million for a number of expanded and innovative programs. The amount was raised to $100 million in the 1970 budget. The language follows:

> (4) In additional to other amounts provided in this act, not more than $100 million (including not to exceed $2 million for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended, (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food, and (c) milk for children in nonprofit high schools and schools of lower levels, child-care centers, summer camps, and similar nonprofit institutions devoted to the care and training of children.

This language has meant valuable flexibility in meeting many emerging needs for our food programs. In 1971 a total of $169 million was allocated to supplement the funds available from the child nutrition direct appropriation to provide for:

> (1) Special cash assistance which provides schools with a higher rate of cash reimbursement for serving free or reduced-price lunches to needy children;
>
> (2) Serving school breakfasts to children in schools that draw attendance from low-income areas and those in which a substantial portion of the children must travel long distances; and
>
> (3) Equipment necessary for serving these lunches and breakfasts.

The primary emphasis in the use of these funds is the extension of program benefits to needy children.

The $2 million designated for State administrative expenses is allotted to the States on the basis of detailed plans and justification of need for supervising and giving technical assistance to local school districts for additional activities undertaken by them to reach more needy children with lunch and breakfast programs.

A special experimental program authorizing free food stamps to persons with little or no income was started in March 1969, in Beaufort and Jasper Counties, S.C., with $5,000 of these funds. Free food stamps for very low income persons have since become permanent law.

The special supplementary food package program makes available enriched foods for new and expectant mothers, infants, and young children in food stamp areas. The program is operated through local health facilities such as clinics, with doctors and public health nurses prescribing for clients those foods offered by the Department of Agriculture.

An experimental program involving the issuance of a special purpose food certificate is being tested in limited areas. Eligible recipients—low-income new and expectant mothers and infants—use this food voucher to purchase milk, infant formula and baby cereal in local retail stores.

Last year the Congress appropriated a total of $1,670 million, including a supplemental of $250 million, for food stamps. This program has grown from a small experiment conducted under section 32 to be the major food aid program of the Department.

For example, in 1967 the conference agreed and the Congress directed that $5 million of the funds for the food stamp program go to especially needy persons.

The committee has supported a strong nutrition education program. Last year's report stated:

The committee has approved an appropriation of $30 million for the nutrition aide program initiated last fall. This is in line with the latest budget recommendation and places existing programs on a yearly basis. Of this sum, $7,500,000 shall be available for professional workers to promote 4–H type programs in the depressed areas of our cities. This program involves educational work among low-income groups to reduce the incidence of malnutrition, by providing homemaker aides who will use available information, knowledge and skills to teach needy people to utilize all resources toward the achievement of a more nutritionally adequate diet.

In this connection, the committee feels that full use should be made of the Nation's 3 million 4–H Club members to promote 4–H Club-type work with the youth of our towns and cities. The success of this program in rural areas has forcefully demonstrated the effectiveness of this approach. It may well be found that the most successful results from nutritional education of low-income families will come through work with the younger members of the family.

For 1972, the committee has restored the special milk program recommended for deletion in the budget estimate. This will provide about 3 billion half-pints of milk to about 17 million schoolchildren.

The committee has provided the full budget estimate of $2 billion for food stamps.

The committee raised by $45 million to $401,400,000 the funds available to provide free and reduced price lunches. It questions the budget assumption which provides the same program level for 1972 as in 1971 for this program. It is suggested, however, that these funds be placed in reserve pending determination of need through review of State plans.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman very much for yielding.

First, I should like to thank the gentleman for his good leadership and for the action of the subcommittee in recommending to this body that money be set aside for what has become a very critical problem in my part of the country, the TGE swine disease.

I also thank the chairman of the subcommittee for the leadership in providing for the needs of the Rural Electrification Administration. I am gratified that the privately-financed CHC has made some progress on private financing, but I do feel that what the subcommittee recommended here in Government loans is very much in the public interest.

I do have a question for the gentleman. On page 30 there is a paragraph dealing with reimbursement for net realized losses of the Commodity Credit Corporation. The reason I draw attention to this is the difficulty some of us have in trying to determine the actual costs of the various commodity programs.

As I read the committee report, the subcommittee has not sought enough money to restore fully the losses realized by the CCC. I wonder if the gentleman could explain why this is the case, if I correctly interpret the committee report.

Mr. WHITTEN. I appreciate the gentleman's comments and his question. May I also tell him that the committee is thoroughly aware of his interest, as well as the interest of others, in TGE, and this entire matter, and we were glad to cooperate in providing what is necessary.

When we come to the items in the bill, I believe I should touch on them.

We were faced with a number of things which were not in the budget, but which the Congress clearly was for. We had to add $104 million for the school milk program. That was not provided. The Congress, as I recall, passed by a vote of 398 to 2 a provision to keep the school milk program in.

We had a number of other places where we had to increase funds. We increased, for instance, the funds available for rural water loans and for water and sewage grants in rural areas. We have now available some $300 million in loans on the rural water systems, and we maintain $100 million, which is greatly above the budget, for grants in rural areas.

In that connection may I say that we also asked in the report that they try to work out a similar percentage rate for urban and the rural areas.

The average grant in the rural areas to the rural water systems is about 23 percent. In the urban areas it is about 6 percent. In addition to that we did provide funds for the Rural Electrification Administration. Now the REA and the local associations, provide electric power through their associations to those who live in 70 to 80 percent of the land area of this country. You either let that local cooperative have the money to loan, which will be repaid with interest in order to serve that area, or else it does not get served. We had to add that to the budget. When we got through adding things which were essential in the opinion of a majority of our committee to the rural areas, and to alleviating the situation in urban areas and cities, you end up where, in the absence of reducing the capital impairment of the Commodity Credit Corporation, we greatly exceeded the budget. So, we failed to restore capital impairment completely in order to make up that difference. I want to tell you exactly what we did, and I did this before the full committee also.

We did it in that way so that we would come to you with a bill that has the appearance of being sound, and it really is sound. Let me tell you why. This bill has $22 million less available to spend, just like it says it does. I think it makes just as much sense to not restore the capital of the Commodity Credit Corporation as it does to charge off, on the basis of an annual expenditure, money that they lend for rural electrification and other things, which will be repaid with interest.

So, in order to bring the bill down, and hold expenditures in line, we added things where we had to add them, and we made it up by failing to restore the capital of Commodity Credit Corporation.

Mr. FINDLEY. I think the gentleman's position is understandable. I commend him for his explanation. The committee report shows exactly the extent to which the capital impairment has not been restored, does it? That is the thing that we really need.

Mr. WHITTEN. It is clearly available in the report, because the budget estimate was for full restoration of $4.2 billion and we reduced that amount by $600 million.

Mr. FINDLEY. Now, if I may add one more comment. It is a fact, and I think it is a very reassuring fact, that during the past year the Cooperative Finance Corporation has come into being, an institution organized by Rural Electric Cooperative, financed entirely with nongovernmental money. Even though its beginnings are perhaps not as great as a lot would like to see, the REA cooperatives have made a beginning toward developing supplemental financing through the private market. I think that is rather plain to all of us, and most reassuring.

Mr. WHITTEN. I would like to say one thing in response to that. Last year in an effort to commend the associations for their efforts, we provided in the bill that the administrator could waive annual payments where a local cooperative was in excellent financial shape. They might waive payments so that they could buy into this corporation if they wanted to. I regret to say that they did not use this authority, but we in the committee did our part in trying to get them to do it, and we are calling on them to do it again where it is sound.

Mr. FINDLEY. It is good news indeed for the Nation's hog farmers to learn that contained on page 20 of the committee report is a specific mention for increased research funding for transmissible gastroenteritis during the coming fiscal year. A year ago the Agricultural Appropriations Subcommittee in its report suggested that economic losses caused the Nation's pork industry by this disease justified additional research emphasis. Regretfully no additional emphasis in disease research funding for TGE took place this past year.

I am delighted that the subcommittee this year in its report has specifically earmarked $50,000 over and above what is currently being spent by USDA for TGE research.

A survey conducted by the University of Illinois of farm losses caused by TGE shows that this insidious killer of baby pigs has affected swine herds from coast to coast. It attacks and destroys the intestinal lining in baby pigs, completely eliminating their ability to absorb the nutrients in their mother's milk. Consequently an entire crop of baby pigs can be wiped out in a very few days.

The University of Illinois survey shows that for each of the past 3 years TGE has cost Illinois farmers alone more than $10 million annually. The estimated national losses to the disease exceeds $100 million annually. It has been termed the number one disease problem among swine by the Illinois Department of Agriculture superintendent of meat, poultry, and livestock inspection, Paul B. Doby, D.V.M.

Currently the University of Illinois is the only land grant institution, as far as the U.S. Department of Agriculture knows, which is conducting an active TGE research study. The College of Veterinary Medicine at Champaign-Urbana has been conducting research on TGE since 1965. In mid-May of this year, the Dean of the College of Veterinary Medicine of the University of Illinois, Dr. L. Meyer Jones, submitted an extensive proposal for a research grant to Dr. Paul D. Delay, director of the Veterinary Research Science Division of the USDA. The proposal is for a 3-year program to develop a cure or control for the disease. Up to now the University of Illinois has been operating its research program almost entirely with funds contributed by Illinois pork producers. In order for the necessary expansion of research to locate a cure for this costly disease, additional funding is necessary.

Late last year the USDA announced the issuance of a special license for a 1-year period of trials of a TGE vaccine developed by Diamond Laboratories. The U.S. Animal Health Association in describing the vaccine's effectiveness said:

> Tests on the vaccine conducted by the Division of Veterinary Biologics of the Agricultural Research Service resulted in a mortality of 38 percent in pigs nursing vaccinated sows in contrast to 71 percent in pigs nursing non-vaccinated sows following challenge of three day old pigs with virulent TGE virus.

It is apparent that while this vaccine is helpful in reducing baby pig mortality, it can by no means be considered as yet to be the effective control the Nation's pork producers so badly need.

I commend the committee's action for including specific reference to the needs of TGE in its report and urge the support of the entire House for this badly needed research funding.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman from Mississippi will recall that in our full committee meeting, I called to his attention the item that appeared in the Washington Post for June 18, 1971, which has the headline "Cities Lose U.S. Funds for Summer Lunches."

The first paragraph of that reads as follows:

> The Agriculture Department has informed big cities throughout the country that they will not receive expected funds to feed hundreds of thousands of poor children this summer.

The gentleman from Mississippi at that time indicated to me that he thought that this could be worked out and he proposed to do it.

As I understand what has happened since that time, the gentleman has been able to work that out. Will the gentleman tell the House just what has happened?

Mr. WHITTEN. May I say to the gentleman from Illinois that he is substantially correct. But I would say further that I do not see how we can hope to get this bill passed and over to the other body and get it signed quickly enough to take care of the matter this summer. But, I did promise to look into it and see what we could do. We expect to offer a committee amendment which will take care of this matter in this bill. Should this bill pass the other body before the end of the fiscal year, it will take care of it now. However, it may get bogged down. I have been told by the Department that it would accept an increase of $11.25 million for that item in this bill, making available section 32 funds for this purpose. So we will have the opportunity to remedy that situation in this bill insofar as the rules permit.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I understand that in the event a continuing resolution is offered by the chairman of the Appropriations Committee, in view of the fact that the agriculture bill will probably not be signed into law in time to take care of this situation, appropriate provision will be made in the continuing resolution?

Mr. WHITTEN. Mr. Chairman, I will say to the gentleman from Illinois that I cannot speak for the chairman on that matter. But I would say that the Department—and I received their approval on that—agrees to the amendment which we expect to offer. The decision is based upon sound reasoning. I certainly hope that the chairman of the full committee will agree to this and I think he will do so.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. WHITTEN. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 additional minutes.

Mr. VANIK. Mr. Chairman, on that same point, am I correct in understanding that a committee amendment will be offered for an $11.5 million for this program?

Mr. WHITTEN. $11.25 million additional.

Mr. VANIK. I understand that the program for this summer alone will probably cost in the neighborhood of $32 million.

Mr. WHITTEN. The additional $11.25 million to be provided in the committee amendment represents the maximum that the Department could use.

Mr. VANIK. Making $32 million available?

Mr. WHITTEN. That is right.

Mr. VANIK. Mr. Chairman, if the gentleman will yield further, can we assume that the program for this year will be funded to provide every community no less than was provided for this program last year?

Mr. WHITTEN. I will say to the gentleman that the committee has an amendment which will be offered at the appropriate time to do just what the gentleman is talking about. But the funds, the entire funds, for the next fiscal year will be dependent upon whether or not the other body passes the bill in this form. I have been told that they plan to mark up the bill this week and hope to be able to pass it. I am not optimistic about it, but we have done all we can do in the bill here.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, the effort will be made to cover the situation in a continuing resolution in order to take up the slack?

Mr. WHITTEN. Certainly; I am sure of that.

Mr. YATES. I will say to the gentleman that I will work with him in that regard.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WHITTEN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. NELSEN. Mr. Chairman, would the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I thank the gentleman for yielding.

I notice in title III, environmental protection, and I am pleased about that inclusion. I have in mind a little rural community, it is very small, and there is a fine eating place there, and it is about to be closed down because the money is not available for a sewer connection with a larger city.

Would the funds included in here enable this little town to be qualified for that? It is a small community of about two or three or four hundred people.

Mr. WHITTEN. It is my understanding in this connection—and may I say that I have not tried to touch on all of the things which I think our committee was very sound in providing. For instance, you know we provided $100 million for sewer and water grants to towns up to 5,500. The subcommittee had that jurisdiction already. This year subcommittee's jurisdiction was expanded to included cities. The HUD program for sewer and water lines for larger cities is included at $350 million.

We provided the $2 billion for sewer facility grants to be available when it is authorized. So you see we have tried to meet the needs of both urban and rural areas.

Mr. NELSEN. I thank the gentleman.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I have one other question I would like to ask of the distinguished gentleman.

I would like to inquire whether funds are appropriated in this bill to provide resources for the purchase of orange juice, a commodity not particularly in the basic agricultural program. I do so because every year or so when the orange crops are heavy in Florida we see an acquisition program after which the juice is then made available in the school programs.

It at times seems that this program is not designed to provide nutrition to the young people in the schools as it is to provide higher prices to the consumer.

Mr. WHITTEN. The gentleman from Ohio was here, I am sure, and he heard my earlier statement. We might think of this bill as being the bill that made food available. As I said, 500,000 or 600,000 people have quit producing food. Section 32 of the Agricultural Adjustment Act provides that 30 percent of the import duties are to be set aside to buy surplus food production to keep stable prices.

So, you let those folks who produce this orange juice not have any outlet for their crop and they would go bankrupt in 2 years and they are whipped and then you and I could not buy any orange juice. This is to keep a stable income for people to keep them working and to keep them producing so we can buy it. If you do not buy the surplus, it is going to wreck the market.

Mr. VANIK. I might point out that we do not do that for the automobile industry or various other industries.

Mr. WHITTEN. Well, I recall, and I believe the gentleman spoke for it, where the military bought 100,000 trucks a few years ago, so as to stabilize the economy in the automobile industry.

I was on the committee and I know what I am talking about. You can just figure what we do do. You can figure what we do for organized labor because they threaten to go on strike. I repeat this is all for the protection of the consumer. I would point out to the gentleman that this is peanuts compared to what we do for other segments of the economy.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the chairman of the appropriations subcommittee on which I am privileged to serve as usual has done a great job in explaining this bill which is so important to all of us.

It is a privilege to work with him and with the other members of this subcommittee.

Mr. Chairman, the basic features of the bill which is up for consideration are, of course, far broader than they have been in the past because of the add-ons to the responsibility of our subcommittee. I am sure all Members of the House recognize that the jurisdiction of our subcommittee has greatly increased over the past year.

I come from a farm area and I have followed probably closer than most Members of the House the operation and management of the Department of Agriculture. The expansion in our subcommittee is very logical. We find ourselves now having jurisdiction over the environmental aspects of our Nation—and who is more interested in the environment than the farmer who works with it on a day-by-day basis?

I sincerely believe that the budget placed before you today makes a great deal of sense not only because of the vast experience that our subcommittee has had in this area, but because of the drastic needs of this Nation in the areas of food, environment, and consumer practices.

Our chairman showed you an article from Life magazine which told about the problems that farm families in the upper Midwest are faced with. This could be true additionally of farm families in the South or the East or the West. Wherever you go farmers are in an economic bind. Those of us from rural areas who have stood up and complained about the economic problems of the farmer—and who have tried to convince our city colleagues of the economic problems that we face in the rural areas—have perhaps overlooked that our city friends have economic problems of their own and they necessarily are worrying about their economic future rather than ours.

But let us for a moment consider what would happen if all of a sudden the farmers of this country, as it was shown in this article in Life magazine, were to quit farming and were to be forced off the land. What would happen then—in New York, Boston, Los Angeles, and the other great metropolitan areas of the United States?

I am convinced that, if this were to happen, the people of our country would finally realize the important role that our farmers play in our daily lives—producing food at a reasonable price, which is necessary for every American's livelihood.

People in our country can buy their food and fiber for less of their disposable income than in any other nation in the world.

Our President said not over a month ago in a salute to agriculture day that we have come to a crisis in America where the steel industry is not competitive any more—and this is one of the most basic industries.

We have come to the point where most of the television and radio sets that we purchase are imported from overseas. They might have an American label on them, but they are made in Japan.

Our cameras are made elsewhere and shipped into this country.

The basic industry in which we are still highly competitive is agriculture and we have to keep it this way if we are to resolve the balance-of-payments situation and many other problems affecting people in the cities as well as those in the rural areas.

For the past 3 months, our subcommittee held hearings on the various agencies that have come under our jurisdiction. I would urge everyone of you, if at all possible, to review the testimony presented in the over 5,000 pages of the hearings.

To give you some idea of how far we went into the various problems, we questioned William Ruckelshaus, the Administrator of the Environmental Protection Agency for over 8 hours. During that period, we heard what that agency plans to do in the area of protecting our environment for generations to come—a subject that has been placed on the top of almost everyone's priority list.

Our committee has recommended a $2.4 billion budget for EPA for fiscal year 1972. A majority of this money, $2 billion, will be used for construction grants. This particular appropriation covers the Federal grants that would be made available to municipal, intermunicipal, State, and interstate agencies for the construction of waste treatment works and major interceptor sewers. Administrator Ruckelshaus told our subcommittee that in December of 1970, EPA completed a comprehensive survey of the Nation's municipal waste treatment needs. This study showed the need for a national investment of $12 billion through the end of 1974.

Such an investment would overcome the backlog of construction needs necessary to bring all municipal discharges into compliance with established water quality standards, or equivalent levels of quality where standards are not established, and the development of self-sufficient programs at the State and local levels for assuring the future operation, maintenance, expansion, and replacement of treatment works. This bill, our bill today, is the beginning of the national commitment to resolve this serious problem.

During Administrator Ruckelshaus' testimony before the subcommittee I asked him about the problem of mercury contamination and what programs EPA plans to initiate toward the goal of obtaining more information on mercury in the environment and the ecological and health significance of this mercury presence. We have heard about it in our fish; we have heard about it in our ducks; we have heard about it in more and more food products. But so far we do not have the basic knowledge to be able to tell our people just what the impact of this mercury is. Is it something new or has it always been in these products? And how should we react to it? This budget calls for a $1.1 million increase in research capacity specifically aimed at such problems of mercury and other heavy metals. Certainly the House must go along with these requests. Our society's future depends on it.

Another agency now under our subcommittee's jurisdiction is the Food and Drug Administration. As Dr. Charles Edwards, Commissioner of Food and Drug told us, the purpose of FDA is "To achieve a single overall objective, consumer protection." Surely none of us can downgrade the importance of this agency. Dr. Edwards told me in the hearing that the highest priority of FDA is safety. A major need of the Food and Drug Administration is to have the scientific resources to give factual answers rather than emotional answers to these various pressing problems. This is a major thought our subcommittee kept in mind when setting appropriations figures for this agency in fiscal 1972.

Americans deserve facts, not fiction, in this important matter of the drugs that are administered to us and our loved ones during illness and the other products we use on a day-by-day basis.

The committee recognizes the tremendous task of providing these answers with regard to food, medicine, and other products through FDA.

One of the most persistent criticisms of FDA decisions has been that they are frequently based upon unrealistically high dosages of drugs given to experimental test animals. This budget includes $4 million to begin a new research program at Pine Bluff, Ark., which is designed to overcome this problem. This laboratory was recently turned over to FDA by the Army as a result of the President's decision to cease biological warfare activities. In this new research program FDA will give low dosages of drugs to test animals over a long period of time. This will more nearly approximate the type of dosages that patients actually receive, and, therefore, should more nearly indicate their effect on humans.

The Federal Trade Commission has also been placed under the jurisdiction of our subcommittee. The purpose of the Commission, as outlined by its Chairman, Miles W. Kirkpatrick, is: Preserving free competitive enterprise through the prevention and suppression of monopolistic practices and unfair restraints of trade. Additionally, it is responsible for detecting and prosecuting acts and practices which unfairly deceive or victimize the consuming public.

When you digest those aims I think you can see that the role of the Federal Trade Commission is pretty darned important.

One of the subjects I discussed with Chairman Kirkpatrick when he appeared before the subcommittee was an FTC study of the breakfast cereal industry. I am sure most of you have seen the recent news articles on this subject, stimulated, I am sure, by an enterprising reporter reading our hearings. Some were in the Washington Post, some in the New York Times, and others in newspapers around the country.

During the hearing I asked the chairman if the tremendously concentrated breakfast food industry may be causing an unnaturally high price for breakfast cereals. Although Chairman Kirkpatrick could not give a definite answer to the question because the study was not yet completed. He did indicate that this was the direction the investigation was moving.

It appears that perhaps 20 percent or more of the price of a box of cereal you and I buy at the store goes for the tremendous advertising campaign put on by the cereal industry and not to improve the nutrient value of the product.

Cereal products should be the cheapest food available to the low-income people in our country.

The breakfast cereal study should provide a better understanding of the sources of high profits in this and other concentrated industries. This study, of course, is of particular interest to all of us who are concerned that the American public should be able to buy nutritious foods at reasonable prices. It is of particular interest, however, to the farmers of this country who grow the food we eat, who see the prices of this food on the supermarket shelves continually going up while the prices they get for producing it remain essentially the same or go down.

The U.S.D.A. also in this vein provided for us a chart showing the farm-to-retail-spread-for-bread. Bread is certainly a staple domestic commodity. Since 1950 the price of a 1-pound loaf of white bread has nearly doubled from 14 cents to 26 cents, yet the farmer, for this 1-pound loaf of bread, gets the same 3 cents he got 20 years ago. I am sure that also is true of many, many other foods in this country.

Mr. Chairman, of course our subcommittee is most familiar with the needs of agriculture, as this is the area in which we have had jurisdiction for many years.

I should like at this time briefly to address the Members of the House who come from the predominantly urban areas of this great Nation. We all know the problems which you and your constituents face. We know that your cities are becoming overcrowded, that the unemployment rate in your areas continues to increase, and that there are numerous other problems which you and your people face day after day. Let me assure you that all of my rural colleagues in the House want to do everything possible to assist you. But, at the same time, we need your help. We have people in the country who want to stay in the rural areas but, because of the present cost-price squeeze our farmers are facing, many of them are being forced off the land.

Where do these people go? What do they do? Most of them are going right into the already overcrowded cities, thus multiplying the problems your urban areas presently face. This is the major reason why rural development is so important, and why our subcommittee placed so much emphasis on it.

The area of rural development can be expanded throughout most of the ramifications of this legislation. One of the major provisions which our subcommittee provided is to bring the REA loan fund, back to the reserves we had in 1960. Without electricity in our rural areas we are lost. The backlog of REA loan requests is gigantic, and the subcommittee feels it is time that we begin doing something to take care of this most basic need in rural America.

Another basic area of need is the funding and credit requirements of our farmers, especially our younger farmers. The average age of farmers in America today is 56. Where will we go, with no replacements coming along?

Year after year young people are forced off the land because of inability to receive credit to continue operating the family farm.

Each year I receive literally hundreds of requests from people below 25 years of age, wanting help in obtaining an FHA loan to continue operating a farm that has been in the family for two or more generations. Each year I run into the same problem: Funds for operating loans have been depleted toward the end of the fiscal year, and there is nothing that can be done to help the young farmer. This simply means that he must then sell his land to his big neighbor nearby, and move to the crowded cities to try to find a job to raise his family. If he cannot find a job you know what happens. He ends up on the welfare rolls. But he is eager. He is alert. He is one of the finest young Americans we have, coming from the rural area, and he will find a job. But he will force somebody from the city off the job, and that will add one more individual to the welfare rolls.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I want to begin by commending the gentleman for his concern. I have known of his interest for a long time.

Inasmuch as we are talking about young farmers, I wonder if the gentleman could tell me briefly what, if anything, has been done so far as improving the Farmers Home Loan program, to make certain that the young farmer is in a better position to get credit.

I know this has been a concern of the gentleman, and I guess my concern is that I find that there does not seem to be much of an emphasis on loaning money to young farmers. In other words, I thought that was part of the program, and I was wondering what we could do in your opinion to see that these funds are rechanneled to help primarily the young farmers.

Mr. ANDREWS of North Dakota. As the price of that green machinery which is made in my colleague's area goes up and up and up, the young farmer needs more and more cash in order to buy the tractor which his father had bought and now must be replaced. As a matter of fact, it takes about three times as much now to buy a tractor as it did 20 years ago.

We increased the amounts available for the FHA operating loans by $75 million to $350 million. That is the money that can be used to buy your tractor and to pay for your feed and gasoline. Within the agency additional emphasis has been given to giving larger loans because of the higher costs of machinery and also loans on farmland will be able to be made at a higher percentage of actual value. So the younger individual with a more limited equity will be able to borrow these funds. The trend is moving more and more in this direction, and with the add on in loan funds, we hope we will see some real progress in this field.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself 5 additional minutes.

Mr. RAILSBACK. I wonder if the gentleman will yield for one further question.

Mr. ANDREWS of North Dakota. I am glad to.

Mr. RAILSBACK. I appreciate your answer to the other question. Illinois is one of those States that is in compliance with the Federal Water Quality Control Act, which was enacted with provisions in it that imposed certain stringent requirements on local communities to come up with funds to improve their sewer and water systems. Many of these communities have been able to go ahead only to find that the Federal Government has not come up with its matching requirement. I know too our administration has frozen some of these funds, including, I believe, some of the direct grant funds, which greatly concerns me. I had a chance to testify, not this year, but last year, before your subcommittee as well as the subcommittee on the Senate side handling this matter. The question I have is this: I wonder what, if anything, we can do to see to it that the administration releases the freeze on these funds which are so important to many of our local communities. I might mention for the record that in respect to Illinois, for instance, we have many, many communities that are in noncompliance with the law, not through their own fault, but because the Federal Government has not come up with its fair share of the funds. I wonder what we can do to undo this freeze.

Mr. ANDREWS of North Dakota. Today in this budget we are reappropriating amounts which were frozen and adding $150 million to it. That should give us an adequate solution of this particular problem. I will join my colleague from Illinois in imploring the powers that be at the other end of the avenue to begin releasing the funds.

Mr. RAILSBACK. I want to comment only that it became a very serious thing when you have local communities that are in danger of noncompliance and could be penalized on a daily basis, because the Federal Government which designed the program has not been meeting its responsibilities. It has been going on ever since the Federal Government first enacted the legislation in 1965. I hope that your great subcommittee and great committee are able to apply pressure to force them to release the funds. This is a very serious thing.

Mr. ANDREWS of North Dakota. I appreciate the gentleman's contribution in pointing out the importance of this section of our bill. As I said, our subcommittee added these funds in operating loans, and this will go a long way to help solve the problem of the young men in farming. We are also providing sensible levels for loan and grant money for sewer and water extension. This, of course, is going to be more responsive to the needs of this country.

Too often, Mr. Chairman, we forget the gigantic contributions agriculture gives this Nation. We forget, sometimes, that only 5 percent of the people of this Nation are providing 100 percent of the people with food, and that our food budget has been less inflationary than almost every other item a family buys. At the same time, our farmers have always been concerned about our environment. This is not something new to them. The Soil Conservation Service has, over the past years, worked very hard on the problems of maintaining our environment for generations to come. Our farmers, because of the very basic nature of their work, must be environmentalists.

Mr. Chairman, not too long ago I was on the Anacostia River. This river does not go through any farmland whatsoever, it goes through urban developed land. That river is the muddiest and most turgid river it has been my experience to see. Why? Not because of runoff of protected farmland, but because of the runoff from unprotected urban real estate in the process of being developed by these large land rapers who do not care, who leave the soil to wash into the channel and thus pollute our rivers and lakes.

Mr. Chairman, I think the Soil Conservation Service deserves to be commended for the work they have done. Not being a hydraulic engineer, but having taken some engineering when I went to college, this business of channelization of streams is something we must look at from the standpoint of realizing what happens when water flows.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from North Dakota is recognized for 5 additional minutes.

Mr. ANDREWS of North Dakota. Mr. Chairman, if water goes in a straight line, it flows easily. If water comes down and hits against a curve and has to go into that curve, it makes a whirlpool and takes with it a portion of the bank picking up the sediment and moves it on to the next curve where it picks up some more sediment.

Mr. Chairman, if we do not want pollution, we had better make sure that our water courses do not erode the banks as they go their twisting way downstream.

Mr. Chairman, just as you cannot make water run up a hill, you cannot stop water from scouring away the dirt on the banks if it has to make many curves in its course, rather than travel in an unimpeded straight line.

Mr. Chairman, one accomplishment of the 91st Congress was the Waterbank Act. For those of you who are not familiar with it, the basic purpose is to prevent the drainage and destruction of natural wetlands needed by migratory waterfowl and other wildlife. This destruction has been so extensive in the last few years that by 1970 approximately half of the wetlands of the prairie pothole regions of the United States have been drained.

Our farmers, caught in the merciless cost-price squeeze, have had to take these steps to utilize every acre of the land they own, and on which they pay taxes.

The Waterbank Act offers the owners of these wetlands an acceptable alternative to drainage. Our committee which has jurisdiction over these funds has pointed out the necessity of putting this land into the Waterbank Act as soon as possible in order that we can get away from this environment harming drainage which has been going on.

Our bill funds the payments for wetlands preservation, thereby making it feasible for farmers, ranchers and other landowners to resist the economic pressures that encourage wetlands destruction.

Mr. Chairman, this is a good bill. It is a responsible bill. I certainly do not want to be repetitious. I think the very able chairman of our subcommittee has pointed out some of the key features of this bill and I have tried to add to those and I hope as the debate develops the entire House will realize the major need for this legislation.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky, Mr. NATCHER.

Mr. NATCHER. Mr. Chairman, the Subcommittee on Agriculture, Environmental, and Consumer Protection, of the Appropriations Committee, now brings to the floor of the House for your approval the annual appropriations bill for the Agriculture, Environmental, and Consumer Protection programs for fiscal year 1972.

For a period of 16 years I have served as a member of the Committee on Appropriations, and one of the subcommittees that I have served on during this period of time is the Subcommittee on Agriculture Appropriations. All funds for the Department of Agriculture and related agencies were presented to our subcommittee. Now, Mr. Chairman, we have added environmental and consumer protection programs with the bill that makes recommendations for appropriations for the Department of Agriculture and related agencies. Our committee now considers all appropriation requests for the Department of Agriculture and related agencies, along with requests for the Environmental Protection Agency, Consumer Protection and Services, Food and Drug Administration, Federal Trade Commission, and grants for basic water and sewer facilities of the Department of Housing and Urban Development.

In this bill we have established a number of milestones and the appropriation requests now presented for agricultural programs, rural development, environmental protection, and consumer protection and services are not only of great importance to our people but are so related that it is proper for the House of Representatives to consider all of these requests at the same time and in the same bill.

The total amount included in the bill is $12,080,596,050. This is an increase of $2,531,688,500 over the 1971 appropriations and $22,117,800 below the budget.

For our agricultural programs we recommend the sum of $5,258,671,050. This includes restoration of capital impairment of the Commodity Credit Corporation in the amount of $3,613,331,000.

For rural development, Mr. Chairman, we recommend $932,847,000.

This bill contains $3,126,055,000 for programs primarily directed to improving our environment, including the new Environmental Protection Agency and Housing and Urban Development water and sewer grants. It includes, as well, the Department of Agriculture programs long provided for in our bills which have heretofore been presented to the House of Representatives, including the Rural Environmental Assistance program and watershed protection programs.

We recommend, Mr. Chairman, $2,763,023,000 for Consumer Protection and Services. Under this section of the bill we recommend funds for the Food and

Drug Administration, the Federal Trade Commission, and the work of the Office of Consumer Affairs. We also include under this title of the bill $3.5 billion for the food assistance programs administered by the U.S. Department of Agriculture which our committee has strongly supported all down through the years, including the food stamp and special milk programs. This section of the bill, Mr. Chairman, also includes funds for the Department's consumer protection and regulatory activities including inspection of meat, poultry, and eggs.

This bill provides for necessary funds for agriculture and the consumer. Our farmers know how to produce and we have an adequate food supply. In every emergency, when called upon, the American farmer has produced the necessary food and fiber.

I would like to call your attention to the item in the bill providing for funds for fiscal year 1972 for the Statistical Reporting Service of the Department of Agriculture. The Department requested $19,702,800 for this Service. We recommend the sum of $20,500,000 for our Statistical Reporting Service, $800,000 of the increase is to be used for a survey updating price indexes. We must modernize the indexes which relate to farm parity price relationships. The correcting of basic data to be used in a price formula should begin as soon as possible. I know, Mr. Chairman, that the basic data have not been collected since 1955. Such a survey will show the prices paid by farm producers and then, Mr. Chairman, we can have the comparison between prices paid and prices received. Since parity prices are so important a part of the relationships of farmers with the rest of the economy, it is imperative that the basic data in determining these relationships be brought up to date. No longer can we rely upon the figures established in the year 1955. The time has arrived when we must devote attention and resources to the improvement of our price indexes. As pointed out during the hearings, when I requested this additional amount for updating price indexes, we were advised that at the time the long-range program was formulated a national survey for updating the weights used to compute the indexes of prices received and prices paid by the farmers had just been completed. The Department fully anticipated that another survey would be conducted again within a period of 10 years since this had been the established practice for keeping the price indexes up to date. We were further advised that more than 15 years had intervened since the last survey providing weights for these indexes; therefore, they are now obsolete. It is not necessary to try to convince anyone that the pattern of expenditures of farmers for the things they buy for production of their crops and livestock and for the things they buy for home living have radically altered since 1955. Therefore, according to the testimony that we received, the indexes of prices paid and prices received by farmers, computed by multiplying today's market prices by expenditure rates measured in 1955, could not be regarded as representative of today's conditions. Again, Mr. Chairman, I would like to say that it is essential to undertake this survey in order to help restore the integrity of the parity concept.

There are many other reasons why this survey should be conducted in addition to matters pertaining to parity. We all know that farm income is an essential statistic for a wide variety of economic analyses.

Mr. Chairman, the $800,000 included in this bill, to be used by our Statistical Reporting Service to complete a survey of the prices paid by farm producers which will update the last survey made in 1955, is one of the most important sections of the bill from the standpoint of the American farmer.

Our rural electrification program is one of the great achievements of our present-day Government. I know, Mr. Chairman, that our rural electric systems throughout our country, as a group, are in a more precarious position today than they were 12 months ago. Our REA co-ops have plowed back their reserve funds into their plants in order to be able to provide electricity to the American farmer. The number of loan applications now pending clearly establishes the fact that the $345 million amount requested is inadequate. Our rural electrification program and our rural telephone program are more important today than at any time since they were first started. I sincerely believe that as far as electric power is concerned today we have need for more power than at any time during my lifetime. The events taking place last summer throughout our country, and especially on the eastern seaboard section, definitely shows that we must have more electricity. It was a serious mistake to withhold $15 million in REA funds and $5 million in rural telephone funds during the fiscal year 1971. This money should never have been frozen, and our President was ill advised when he took the action which halted expenditure of this money. We have finally succeeded in having these funds released and now, Mr. Chairman, it is essential that we take the necessary action to provide adequate funds for our rural electrification program and our rural telephone program for fiscal year 1972. Our committee has made a major contribution to the development of rural electrification all down through the years. One of the major reasons why 600,000 farm families leave the farm each year is due to the fact that the facilities available are inadequate and the farmer is not receiving an adequate share of our national income. Our rural electric co-ops must be able to provide more power to farms and rural areas. Electric power is necessary to replace farm labor which is no longer available, and further, Mr. Chairman, electric power is fundamental for rural development which will relieve congestion in our crowded cities. We recommend $545 million for loan authorization for our Rural Electrification Administration. This is $200 million more than the amount approved for fiscal year 1971. In addition, we recommend that $25 million be placed in a contingency reserve fund for use in our rural electrification program. For our rural telephone bank program we recommend the sum of $30 million.

For our Soil Conservation Service we recommend $315,305,000, which is an increase of $43,238,000 over the amount carried in the 1971 fiscal year bill.

This bill contains adequate funds for our tobacco program. The research facilities at the University of Kentucky are receiving adequate funds for tobacco research. We started appropriating for this facility in the year 1958, and the Commonwealth of Kentucky has since that time erected a new building to be used for this program, and in addition has enacted legislation which will produce several million dollars a year to be used for tobacco research. Both the Federal and the State funds will be fully utilized for this important program.

Congress created the Soil Conservation Service in 1935 to give local people onsite technical assistance in protecting and improving their natural resources. Down through the years we have passed laws and appropriated money to help our Soil Conservation Service equip itself to do a better job. We initiated the Small Watershed program in 1954, and here we have a local effort with Federal assistance and not a Federal program. Under no circumstances, Mr. Chairman, should we destroy our Small Watershed program.

Our agricultural conservation program started in the year 1936, and today we have about 1,300,000 farmers participating. This program seeks to restore and improve soil fertility, reduce erosion caused by wind and water, and to conserve water on the land. The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring into production more land. This is a matching program. We have about 682 million acres of tillable land in this country and it must be preserved and protected. Only 25 to 30 percent of the land surface of the earth can be recorded as tillable land. We must take care of and use more effectively our available land. For a number of years now our committee has restored the ACP appropriation. On a number of occasions the entire program has been deleted from the budget request and each time we have restored the necessary amount to continue this program. The budget request of $150 million was recommended for payments earned in the 1971 program. We know that to administer the program in full the sum of $195,500,000 is required, and therefore for 1972 our committee has directed that the Secretary announce a program of $195,500,000, the same level as authorized in 1971.

Mr. Chairman, our Extension Service has been of great benefit to the American farmer. This service, as you know, has three functions: serves as liaison between the Department of Agriculture and the States, providing program leadership and assistance to the States in the conduct of extension work; administers Federal laws authorizing extension work and coordinates the work among the States; and provides leadership in the coordination of educational phases of all programs under the jurisdiction of the Department. We recommend $171,779,000 for our Extension Service.

For a number of years the county agents and home demonstration agents in Kentucky were next to the bottom in the salary scale range. Finally, after discussing this matter in detail on a number of occasions when the hearings were held, we have succeeded in having the salaries of our agents raised on several occasions and now we are in the upper half of the salary scale. The salaries in Kentucky, Mr. Chairman, are still too low and again this year I have discussed this matter in detail with the Secretary of Agriculture and with the Director of the Department of Extension.

Mr. Chairman, we should at all times keep in mind that we still have many serious problems in agriculture and certainly this is not the time to turn our backs on the American farmers. It is becoming more difficult to maintain a sound agricultural economy due to increasing cost of labor, equipment, and the high cost per acre of good farmland. We must give more time and study to the situation that now prevails between the time agricultural commodities leave the farm and are sold, to the time the products go into the homes of our people for consumption.

The American farmer is entitled to a fair share of our national income.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, the chairman and new ranking member of our subcommittee have set forth in considerable detail the items included in this appropriations bill. I should like to confine my remarks to several areas which are of particular concern to me.

Before doing so, however, because of the reshuffling of the membership on our side of the aisle on the subcommittee, I would like to pay special tribute to our ranking member, the gentleman from North Dakota (Mr. MARK ANDREWS) who after serving several years on the subcommittee, now serves in a ranking capacity because of the departure of our good friend, Odin Langen, who served for several years in that capacity.

MARK ANDREWS has had a great deal of experience, of course, coming from the agricultural ranks himself, and he brings a breadth of experience and a scope of knowledge that we certainly welcome on the subcommittee.

And then, too, to have sitting to my left on that subcommittee, a new Member of our committee, the gentleman from Iowa (BILL SCHERLE) who has long been identified in agricultural circles and who is a farmer of no small note himself, we find ourselves adequately manned on our side of the aisle.

I am most grateful to have both MARK ANDREWS and BILL SCHERLE on our committee. Of course, it goes without saying that over the years it has been a privilege to work with the Members from the Democratic side on our subcommittee.

There are several points I would like to make having to do with the area of the restoration of the CCC, and the Rural Electrification Administration increase, and then a note or two especially about the amendment I hope to offer later in the day.

Our overall figure in the bill reflects a $22 million reduction in the budget, but it comes about as a result of our cutting the full restoration of capital impairment for the Commodity Credit Corporation by $600 million. In prior years I have raised questions about our using this gimmick to bring a bill to you whose total figure was seldom, if ever, in excess of the budget and making the point that before the fiscal year was over there would probably be a supplemental request to make up the difference.

The CCC currently is in pretty good shape so far as a cushion is concerned for transacting its business and even with this $600 million reduction I doubt very much whether it will be necessary for us to come to you with a supplemental request. I do regret, however, that we are departing from what I thought was a charted course to keep the books of the CCC balanced from year to year, rather than falling behind as we have done in the past and losing all accountability for what the costs actually were for our commodity programs. As a matter of fact, just a few years ago we were still picking up net realized losses for as far back as the years 1961, 1962 and 1963. Largely because Senator HOLLAND over in the other body and I had been harping on this subject, we did for the first time this past year appropriate sufficient funds to bring the books of the CCC into balance and I thought this was particularly significant because we had just enacted a new farm bill for a 3-year period. It was my feeling then and still is today that if we continue to bring the books of the Commodity Credit Corporation into balance each year through this appropriations process we will be much better able to tell what these commodity programs are costing us in dollars and cents.

Notwithstanding the action we have taken in the House, I would hope that the other body would fully fund this capital restoration and that in conference we would agree to their figure, for as I said, this is the only way we are going to be able to keep in close touch with precisely what this overall program is costing us so far as commodities are concerned.

Second, Mr. Chairman, I reserved in the subcommittee and full committee on the subject of the $216 million increase in rural electrification loan authorizations, and I would like to take a few moments to discuss this subject.

The REA electric program has had 35 years to become established under the Government's 2-percent loan program. Most rural electric borrowers are going business organizations and fill a vital role in the Nation's electric industry. Some, it is true, still require 2-percent Federal loans, but there is simply no reason in fact that the majority should remain dependent on Washington. The Rural Electrification Administration itself admits this year's budget is tight, but that with prudent management, the $329 million budget recommendation is adequate to meet fiscal 1972 needs. Furthermore, REA is on record with the statement that "any impression that electric borrowers are generally without funds is simply not factual."

So, I would warn members that jacking up REA funds to this very high level is like holding out a carrot. It will deter the responsible efforts of borrowers to make this program less dependent upon Government.

Second, many borrowers have joined in forming the Cooperative Finance Corporation which, while it is now in its infancy, is beginning to provide substantial amounts of capital to meet the needs of present REA borrowers.

This move toward independence is admirable, and should have the support of Congress. Providing excessive 2-percent loan funds to REA, however, puts CFC in an impossible competitive position. No borrower will want to pay higher rates for capital when—if this $545 million loan authorization is approved—REA will be loaded with cash.

So, I am concerned that this increase will undermine the CFC.

Third, as the Members are aware, appropriations are a process of allocating an increasingly scarce Federal resource—money—to meet the Nation's needs. While we must meet the real needs for rural electrification funds—I have supported the program all during my service in this body—we must ask, "Is the $216 million added to this appropriation needed more for rural electrification—or for health care, education, ghetto rehabilitation, or a host of other pressing national needs?" REA itself has answered the question by maintaining it can conduct its program adequately and responsibly with $329 million.

So, I am concerned that an unreasonable increase for REA could lead to resentment by supporters of other programs who, rather than an increase, must somehow eke priority programs through with, in some cases, budget decreases.

Fourth, this vast increase in REA electric loan authorizations is based on highly questionable arguments. For example, much has been made of the assertion that lack of capital in the hands of rural electric borrowers is somehow responsible for the migration of the rural population to the cities. That is ridiculous. People have moved out of rural areas in spite of having plentiful electricity. The fact is that abundant electricity has contributed to rural migration by drastically reducing manpower needs. No, it is not the lack of electricity that explains the rural migration; the answer lies elsewhere. It has to do with things such as lack of medical care, lack of educational and cultural opportunities and lack of community services. These are the conditions that are drawing the rural population to the cities, and the Congress should reject as completely phony, all the efforts to justify this $216 million increase on the theory that it will retard the flight of rural inhabitants to the city. Such an increase could very well accelerate that flight by further reducing manpower needs and by misallocating resources.

For another example of the questionable arguments used in supporting this tremendous hike in REA funds, much has been made of the fact that REA's policy of calling upon the rural borrowers to hold their reserves at 8 percent of plant has placed the borrowers in a poor financial condition. The truth is that all this policy does is to require that borrowers devote a reasonable share of their resources to their own needs rather than putting it out in higher-yield investments. Why should Congress continue to put out 2 percent money for new loans so that borrowers can put their profits out at higher interest rates rather than reinvesting them in plant? One of the best financial investments borrowers can make is in their own plant expansion. REA has demonstrated that this 8 percent reserve program has been successful in assuring that loan funds are used in ways that meet the real needs of the greatest number of borrowers without abusing the generosity of the taxpayers. There is no case on record in which a borrower has been unable to provide adequate service to its members, or has been unable to meet cash operating requirements because of this policy.

So, I would say again that such specious arguments in the end will weaken, rather than strengthen, the program.

Fifth, this increase is supported by pointing to the total of loan applications received by REA as a direct measurement of the amount of funds it needs. It is simply not true that all applications need to be favorably acted upon. An application is a request. It is not necessarily proof of need, or even of the propriety for making a loan. This body does not grant every request made of it, and neither should REA.

So, I say that approval of an excessive increase for REA defeats sound management and could serve to discredit, rather than help, the program.

Sixth, jumping REA's budget to $545 million—a 65-percent increase over proclivities of the other body on this subject and I shudder to think what this ultimate figure might be after conference. Where else can we find or justify a 65-percent increase in any item in the budget? If we can toss another $216 million into REA, why not have a $378 billion total budget. I do not believe this one—$545 million for REA—is any more defensible than the other.

The Committee on Appropriations is always being pressured for more and more loan funds by the same vocal group of fiscal extremists, who apparently assume that the only way to keep borrowers in their organizational pocket is to increase the amount of 2 percent subsidized funds and inflate the REA budget. Until this year, the committee has held the line for reason and responsibility. Nothing drastic has happened to the situation of the rural borrowers in the past year that would warrant a sudden increase of $216 million. As a matter of fact, REA advanced $413 million to borrowers in fiscal year 1971, the largest amount ever advanced in a single year. The committee has been suckered by one of the most intensive and irresponsible high pressure campaign efforts ever undertaken to influence the good judgment of the committee and the Congress. These extremists even brag about their high pressure lobbying tactics, and in the current issue of their magazine, they boast, "Rural electric leaders from throughout the country fanned out over Capitol Hill to spread the word—walking the long corridors, rally teams from 42 States visited the offices of virtually all the Members of the House and Senate."

It is well known that they initially urged an increase of $459 million over the REA budget request, making a total appropriation of $804 million. Against that preposterous figure, they hope to persuade Members that $545 million is a reasonable compromise, but I say again—it is far too much.

One of the arguments made in behalf of the $216 million increase is that the value of money has been depleted by inflation. But what could be more inflationary than increasing a budget request by 65 percent? This is not a defense against inflation; it is crawling into bed with it.

I thoroughly agree with the statement of the distinguished chairman of the Appropriations Committee on the floor of this House on June 7, that "if America collapses on the fiscal shoals, if everyone goes down—labor, management—the REA, and all our industrial institutions likewise go down." I am convinced that a 65-percent increase in the REA budget or any major budget item is just such a step in the direction of fiscal collapse. If duplicated in other areas of national need, it would guarantee economic disaster. The distinguished chairman has said that the administration's request for REA may have to be "nudged" upward. With this I might agree, but an increase from $329 million to $545 million is much more than a nudge. It is a plunge toward fiscal recklessness.

Mr. Chairman, I have cited a number of arguments being used in support of this inflated REA budget, and some material to refute them. Since these arguments of the fiscal extremists do not stand up, what is the real reason behind this $216 million increase? I hope it is not that 1972 is a presidential election year, and this action is aimed at embarrassing the present administration.

Members know that all agencies and the Office of Management and Budget must put together and maintain viable programs, and do so in a fiscally responsible manner. While some budget requests might need adjustments, extreme actions calculated to please certain special interest groups often end up with the Office of Management and Budget being unable to indiscriminately release the funds because to do so would injure the Nation's economy and its fiscal integrity. Thus, actions such as we are taking here to "shoot the works" are hardly courageous. They merely shift the sharing of fiscal responsibility by Congress and the Executive over so it is wholly on the back of the Executive. I doubt anyone gains from such actions, since the onus can extend in two directions, to the Congress for acting irresponsibly and to the Executive for not releasing the funds. Someplace along the line someone has to do a proper job. I suggest facing up to our share of the responsibility. Congress should allocate the Nation's resources on the grounds of both reality and need, and not on political maneuvering. In the case at hand, REA should not be used as a political tool, for in the long run that can only damage the program.

Mr. Chairman, if this year's inflated REA electric loan authorization is to continue, then I suggest the time has come for Congress to put this program on a more businesslike basis. If we are going to start authorizing over a half billion dollars annually for this electric program, something should be done about increasing the 2-percent REA interest rate to a level on which the Treasury will receive as much interest on REA loans as it must pay to borrow money from the public for comparable terms.

Perhaps the time has come to return the REA interest rate to that set by Congress when it passed the Rural Electrification Act in 1936. This was eminently fair, since it was pegged to the Government's own cost of long-term money—up or down.

Our Federal Government is financed through its collection of taxes from citizens—including income taxes. Because cooperatives allege they make no income, they pay no Federal income tax, while enjoying benefits over and above those who do pay it. Here again, if we are going to start appropriating half a billion dollars a year for this program, some system of payments in lieu of Federal income taxes should be devised so that borrowers under this program will pay their fair share.

Mr. Chairman, I do not intend to offer an amendment to cut this $216 million increase back to $100 million, but I will surely offer it as a substitute for any amendment that might be offered to increase the figure over and above what the committee has recommended.

I yield back the balance of my time.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Chairman, I certainly wish to compliment the subcommittee, the chairman, and the ranking member of the committee, the gentleman from North Dakota (Mr. ANDREWS) from our side of the aisle, on the good job they have performed in bringing to the House this appropriation bill and in taking some significant steps toward meeting the needs of rural America.

The committee has, in my estimation, shown great wisdom in providing immediate funding to initiate operation of a new Rural Development Service within the Department of Agriculture, as had been suggested recently by the distinguished and capable head of that Department, Secretary Clifford Hardin.

This new Rural Development Service, which incorporates the Soil Conservation

Service, Rural Electrification Administration, Farmers Home Administration, and Farm Credit Administration, is a major step toward a greater national consciousness and Government concern for the future of rural America.

I welcome this step taken by the Nixon administration, and supported by the committee, to concentrate and coordinate current efforts to improve the quality of life in rural America.

The funding level recommended for these four programs, $932,847,000 for fiscal 1972, is generous, but I believe more must be done, both in terms of reorganization and money, if the true potential of rural America is ever to be fully realized.

This is not to underplay by any means the efforts that have been made thus far by the administration toward this end, or the fine work done by the Appropriations Subcommittee on Agriculture in reporting this bill.

The Agriculture Department has recognized the great need for improvements in electrification and telephone services, water and sewer systems, land and resource development, and housing in rural areas, and has recommended a level of funding that can go a long way toward getting the job done.

Improvement in these areas is essential to any overall plan of rural development, and the committee has wisely seen fit to propose ample funds to provide those improvements.

As noted in the committee report on this bill, studies show that most rural young people aspire to "prestige, white collar jobs, college education, and a middle class, urban way of life."

Those aspirations can be realized in rural America, but not without the opportunities for jobs, adequate housing, education and vocational training, health care, and environmental protection that have too often been lacking in rural areas and medium-sized communities.

As I have said many times in this Chamber and in other forums, what we really need is one agency of the Government dedicated solely to providing all of these needs and opportunities.

Properly administered and adequately funded, such an agency could become the means for recreating rural America in an image of progress, but still securing the free spirit and beauty of the land that is so great a part of our national heritage.

And this revitalized rural America could well serve as a cornerstone for building a whole new Nation. If we can increase the productivity and improve the quality of life for the 65 million people living in rural America today, we will have made a valuable contribution to the overall wealth and well-being of the 140 million who live in the cities, and thus of the Nation at large.

Rural America and metropolitan America are, after all, in partnership together. What helps one also helps the other.

The bill reported today acknowledges that basic fact, and it is to the credit of the Agriculture Department, and of the Appropriations Committee, and its Subcommittee on Agriculture, that the message is so clear.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman and members of the committee, first I should like to make something other than an ordinary statement of congratulations, not only to the chairman of this subcommittee, but also to the chairman of the full committee and to the Appropriations Committee itself.

At the beginning of this year, several of us tried to change the rules of this committee, to provide for open hearings on all of our subcommittees unless we decided before each meeting to have an executive session. We were unsuccessful. But I want to tell the members of this committee that most of the hearings we had on the Agriculture appropriations and on appropriations for the Environmental Protection Agency, for the Food and Drug Administration, for the Federal Trade Commission, and so forth, were open public hearings.

I believe this is to be commended. I hope it is going to be continued in the future, for these problems which are faced under these headings are serious problems affecting the future of this Nation.

Mr. Chairman, I should like to give special recognition to our chairman, the gentleman from Mississippi (Mr. WHITTEN) for taking the initiative to make the request that these meetings be opened to the public.

Second, I should like to comment briefly that we have had differences of opinion in putting together the figures in the bill before you. It is true the subcommittee did not always agree. But may I say we have, I believe, worked out a good compromise on the figures that are brought to you in this bill.

One of the most difficult things for us in this subcommittee has been to determine what would be appropriate for the Environmental Protection Agency, what would be appropriate for the Food and Drug Administration, and for the Federal Trade Commission. It was an awesome responsibility to be put on our shoulders at the same time we have the responsibility of recommending to you expenditures for the Department of Agriculture.

Basically, we are giving these various agencies those sums which were requested by the administration, and I believe the sums are reasonable and that this committee and the House should support them.

Last, I should like to comment in regard to what the committee has done in terms of the black land grant colleges, those land grant colleges created in 1890. We have significantly increased the appropriation for these colleges, and I wish to thank my colleagues on the subcommittee for recognizing the historical deficiency which these colleges have suffered. I hope this committee will keep these funds in the bill.

Mr. Chairman, the agriculture, environmental, and consumer protection bill now before the House is not only massive in scope, but it has taken many dramatic steps forward in improving the Government's ability to take strong action in each of the areas of our subcommittee's jurisdiction.

However, its very complexity and size may cause us to overlook important innovations because the funds allocated are less dramatic, though no less important, than funds in other parts of this bill.

One of the most important areas in which there has been increased funding is for the land-grant colleges created under the Second Morrill Act. I would like to detail the factors that led to our subcommittee's request for increased funding for these critically important schools.

These 16 land-grant colleges plus Tuskegee university for 80 years have been citadels of college education for blacks, particularly in the agricultural and mechanical sciences.

In fact in the last full survey in 1969 it was found that approximately one-fifth of all black college undergraduates were enrolled in these schools. Almost all of the college-educated black farmers received their agricultural training in these schools, as black enrollment in the white land-grant schools has always been and continues to be extremely limited.

But despite the historic and continuing commitment of the predominantly black land-grant colleges to the agricultural training of students and particularly those of disadvantaged and minority backgrounds, these institutions have been notoriously bypassed in the allocation of Federal funds.

These schools in the past have been starved for Federal funding from all sources including the Department of Agriculture.

William Payne of the U.S. Civil Rights Commission, pointed out the imbalance in the amount of Federal aid given to the various land-grant colleges in an article in 1970 on the predominantly black land-grant colleges entitled "Forgotten But Not Gone." The article stated that:

> In fiscal 1968 the USDA gave $60 million to the predominantly white land-grant colleges, 150 times the figure of less than $400,000 it gave to the 16 predominantly Negro land-grant colleges in the same states.

Payne further noted that this imbalance could not be explained by relative school enrollment, as the white land-grant schools had only 5½ times more students than the black land-grant schools, where there was both a predominantly white and a predominantly black land-grant school in the same state.

This disproportionate funding went on despite the fact that the USDA admitted that these 1890 land-grant colleges had a rapport and unique channels of communication with "the unreached and hard to reach" in rural areas of the South.

Unfortunately the Federal Government was unable to take advantage of these unique capacities because of a failure to provide adequate funds to these schools. In 1970, for example, the last year for which there are available figures, when Federal obligations from the 12 Federal agencies which provide 95 percent of all Federal support to colleges and universities, including the land-grant schools, are looked at, it is seen that more than two times as much per capita Federal aid from these sources went to the predominantly white schools in the States in which there is both an 1862 and 1890 land-grant institution. And in the 3-year period between 1968 and 1970 there was almost a 12-percent drop in per capita aid to the predominantly black land-grant colleges from these sources, while Federal aid to the white land-grant schools from these sources continued to rise.

These figures take on heightened meaning when we look specifically at general Federal funding for these 16 predominantly black land-grant schools. In 1970 these schools received only slightly more than $23 million from all the major Federal funding programs, while their 16 white counterparts were receiving approximately $71 million from agriculture programs alone. In other words in the 16 States in which there are both predominantly white and predominantly black land-grant schools, the white schools were receiving approximately three times as much from the Department of Agriculture alone as the predominantly black schools were receiving from all major Federal programs.

It should be noted that while the gap between Federal per capita aid to the white land-grant colleges and the predominantly black land-grant colleges was increasing, State financing policies only further exacerbated this problem. In 1970 when Federal aid and State operational aid is treated as a bloc on a per capita basis, the white land-grant colleges received $805 more per capita from the State and Federal Governments than did the predominantly black land-grant colleges.

The predominantly black land-grant colleges have been particularly starved for research and outreach funds. The land-grant colleges have traditionally been the heart of the research and extension station programs. These programs of course are intended to aid the farmers in the States in which the land-grant college is situated. But these programs are also of enormous aid to the educational programs of the land-grant colleges.

There is almost always large-scale overlap between researchers in the experiment stations and teachers in the land-grant schools. In other words, the research centers and the Extension Service stations centered at the land-grant colleges do, in fact, provide great benefits to the land-grant colleges in terms of prestige, facilities, and ability to draw faculties and students.

But all of these research and extension stations are located at the predominantly white land-grant schools. These research and extension facilities attract enormous amounts of Federal funding. In fiscal 1971, for example, these predominantly white colleges were allocated approximately $87 million by USDA through the Hatch and Smith-Lever Acts alone, while the main source of Federal agricultural funding to the predominantly black colleges has been—Public Law 89-106—funds in which the predominantly black land-grant colleges received last year $286,000 in grants ranging between $22,000 and $12,000, which comes to an average of only $17,687 for each black institution.

The USDA has indirectly admitted that such disparities in funding are injurious to the black land-grant colleges. In a joint study carried out by USDA and the National Association of State Universities and Land-Grant Colleges, entitled "A People and a Spirit" it was stated that:

> Excellence in Extension requires excellence in teaching and in research. Therefore, the committee recommends the appropriation of sufficient additional funds by the proper Federal, state, local and private agencies directly to predominantly Negro colleges to substantially strengthen their overall capacity in these areas.

As one of the presidents of the predominantly black land-grant colleges stated so well:

> It is important to remember that all of the 1890 black land-grant institutions are 80 years behind in sharing Federal funds for research and extension work. "Catch-up money" is desperately needed by all these institutions.

It is for reasons such as these that the committee has decided to allocate increased funds to give impetus to the development of these land-grant schools which could mean so much in improving the lot of the black farmer and the rural poor. Such increased allocation though still only a small amount is the only way to assure that the ideals of the Morrill Act begun in the 1860's are finally to be fulfilled in the 1970's.

Thank you.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

I want to take this opportunity to commend this committee on several items, but particularly on the handling of the rural water and sewer program appropriations.

We have heard in this country for a good many years about urban problems and about people moving to the big cities who would prefer to stay in smaller cities or rural areas and why we should try to do something to permit people to live in the smaller cities and in the rural areas. Of course, any kind of a program of rural development will depend upon the smaller cities and the smaller communities having adequate water and sewer systems so modern homes can be built in those areas. That is basic.

Two years ago the appropriation for grants was $46 million. Last year the administration made a request for only $24 million, a big reduction in that program. I offered an amendment to make it $100 million and the committee approved it so $100 million was provided. The administration then did distribute $44 million, almost twice what it had requested.

This year, the administration did not request any new money for grants. But the committee again this year is making $100 million available for grants for this program, in addition to the loans under the program. I believe this is very necessary to rural development and commend the committee for its action.

Many times a committee is criticized in respect to one item out of 100 in a bill which someone thinks is not quite adequate, but seldom does anyone mention the good work things they do about the vast majority of other items in the bill. I believe this is one place where the committee has been sensitive to basic needs and in seeing the need for adequate funding of this grant program, and I want to commend the committee especially for its position and attention to this need.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Chairman, let me express to the House my sincere pleasure in serving on the Committee on Appropriations and particularly under the able leadership of our subcommittee chairman, the distinguished gentleman from Mississippi (Mr. Whitten). I have also appreciated the knowledge and the contributions made by my colleague, the gentleman from North Dakota (Mr. Andrews), the ranking minority Member, as well as those of the gentleman from Illinois (Mr. Michel), and all of the other Members on the majority side. Particularly I have appreciated the tremendous job that the staff has done assisting us in putting together this piece of very vital legislation. It has been an extreme pleasure to me particularly because so much was done on a nonpartisan basis with the primary interests of agriculture and the people of this country foremost in everyone's mind.

I should first give a little background as to where we are in agriculture today. We lose on an average, and I think this will be news to many, about 600,000 farmers a year, every single year. They leave rural america and migrate to our cities. Since 1948 we have lost 23 million people off the farm. At the present time we comprise around 5 percent of the total population of the entire country. This is a very interesting figure which many people use, because 5 percent may seem insignificant. However, when you attribute this figure to the Midwest, we do not represent 5 percent of the population of the Midwest. It is much closer to 40 percent. So, we do not consider ourselves very insignificant at all, in that part of the country. When you consider the country as a whole, agriculture and related business constitutes 35 percent of the country. Farming is the largest industry in the United States.

You want to talk about minorities? Well, we are a minority in America—the American farmer. This is true not only populationwise but also incomewise. The average income received by the farmer in

1970 was $5,500. That was the net income in 1970. Let me give you an example of what happened in the 2 years of 1969 and 1970. A good friend of mine, a farmer, in 1969 paid $9,000 in total income tax to the Federal and the State Governments. In 1970, which was not a very good year on the farm, he paid only $800 in income tax. In other words, he went from a tax of $9,000 in 1969 to a tax of $800 in 1970. How many of us here could be in a position to withstand such an enormous reduction in our net income? It is totally incomprehensible, but that is exactly what happened in rural America in the last 2 years.

As another example, for instance, in 1948, I sold corn for $2.65 a bushel. Last year I bought corn for $1 a bushel. This is $1.65 less than the net which I sold corn for in 1948, and that was when a dollar was worth a dollar, gentlemen. Perhaps we are the greatest victims of inflation in the country today, and there is nothing we can do about it, because when we sell we are at the mercy of the marketplace, and everything we buy has a fixed price attached to it.

Mr. Chairman, I thank the committee for accepting my suggestion that $200,000 of additional funds be added to the Agricultural Research Service's Animal Disease Laboratory in Ames, Iowa, to study major livestock diseases. Fifty thousand dollars will be spent on transmissable gastroenteritis—TGE—and $75,000 each for porcine stress syndrome and bovine vibriosis and related diseases.

Consumer and producers both benefit from the research and technology contributions made by our land-grant colleges and the State cooperative services.

Mr. Chairman, because of our outstanding ability to produce we have perhaps become slaves to our own efficiency. Agriculture has been and will always be the backbone of the U.S. economy regardless of our numbers. Those people who ignore the plight of the farmer, perhaps, some day may find grass growing on the streets of every city and town of our Nation. Everyone should certainly hope that that time never comes.

Mr. Chairman, this is more than just a bill for rural America. There is not a single segment of our society which will not profit from this legislation. This bill is about $126 million under the budget request for fiscal year 1972, if the House considers the President's recent pledge to spend the $104 million in the special milk fund.

Of particular interest to me was the decision by this committee to raise the Farmers Home Administration operating loans from $75 million to $350 million, to grant $2 million for corn blight research, and to earmark $200,000 in Agriculture Research Service funds for research on the dreaded swine and beef diseases.

The No. 1 ecologist is the American farmer. Clean air, pure water, and rich soil have long been the hallmarks of good agriculturists. For the past years, rural Americans have been hard at work preserving our environment through the watershed programs. These programs have been funded at $1 million more than the budget request, and $43 million more than was spent this year.

An extremely informative pamphlet by the Sperry-Rand Corp. is included at this point in the Record:

America's No. 1 Ecologist

INTRODUCTION

Ecology—is it a jet-age concept? A breakthrough in man's quest for knowledge? Not really. There have been "ecologists" around for a long time.

The dictionary defines an ecologist as ". . . one who is concerned with the interrelationship of organisms and their environments." Until the last few years, few people had ever heard the word. Yet the three million farmers who produce this country's abundant supply of food and fiber have long been the foremost practicing ecologists.

Each day, farmers combine the elements of nature—sun, water, soil, air, plants, animals—to efficiently produce the world's greatest food supply. Their crops, through the photosynthesis process, cleanse the air and are great producers of oxygen. Therefore, who could better fit Mr. Webster's definition?

Let's take a look at some facts and figures that show "Farmer Brown" is the nation's Number One ecologist.

SOIL AND WATER CONSERVATION

During the 1930s, the great dust storms, which plagued parts of this country, made it absolutely necessary for the American farmer to master the techniques of conservation if he had any hope of saving his land.

Soil and water conservation are inseparable. Without water, land will turn into deserts. Without properly managed land, the rains will run quickly to our streams and rivers, carrying the soil with them.

Experts estimate that in the giant dust storm of May, 1934, more than 200 million tons of topsoil were carried away. Today, through proper management, the "dust bowl" area now loses far less soil each year than it lost in just one storm in 1934. And what's more, the modern farmer knows not only how to keep his land and water in place, but also how to improve the soil.

For example, he knows that if he follows the contour of the land as he plants the crops, erosion from falling rain and wind will be reduced to a minimum. He knows that by following the same principle and interspersing row crops (corn, soybeans, etc.) with broadcast crops (wheat, oats, alfalfa, etc.) he can further protect his soil. On areas that are most vulnerable to erosion, modern farmers plant grasses and legumes, with a thick webbing of roots to hold the soil firmly in place. A dam at the end of a gulley catches run-off water, thus preventing erosion. And there is the soil itself. Well-conditioned soil absorbs water quickly, reducing run-off—hence, less erosion.

FOOD

The end product of most agriculture is food—meat, milk, eggs, fruits, vegetables, cereals. Nowhere in the world, at no time in history, has a nation had a more abundant, low cost, high quality supply of foodstuffs.

The average American spends only 16.7% of his income on food, compared with 37%–39% in Western Europe and Japan, and 60% in India. Each farmer produces enough food to feed nearly 50 people. Modern American agriculturalists have obtained their success through their application of science and technology or . . . "the study of the interrelationship of organisms and their environments."—ecology.

RECREATION

Outdoor recreation is an important new use of agricultural land. The Outdoor Recreation Resources Review Commission says Americans are seeking the outdoors as never before.

This demand for more outdoor recreation areas gives the nation's farmers and ranchers the opportunity to divert land not presently needed for food and fiber to uses in greater demand. It gives them a means of increasing income without adding to the stockpile of crops already in surplus quantities.

Farms and ranches often provide opportunities such as hunting, fishing, hiking, picnicking, camping, and sightseeing.

Public agencies—local, state, and federal—cannot keep up with the demand for more public recreation, nor can they be expected to.

While our total acreage set aside for public recreation makes an impressive figure, its geographic location makes most of it inaccessible to the general public.

Of the 283 million acres of public land now devoted to outdoor recreation, one-sixth is in sparsely-populated Alaska. Seventy-two percent of the remainder is in Western areas where only 15 percent of the people live.

This imbalance is being offset through the establishment of private recreation on the farms and ranches that make up three-fourths of our private land.

Many farmers and ranchers have started recreation areas on their land. Many more plan to do so. These enterprises include vacation farms, fishing waters, hunting areas, camping and picnic sites, shooting preserves, and building sites for summer homes.

WILDLIFE

Our farms and ranches—and the ponds, lakes and streams on them—provide an ideal habitat for a huge variety of animals and birds. It's a rare farmer who hasn't made friends with a deer or rabbit or thrush that makes its home on the farmstead. It's an even rarer farmer who doesn't provide food for his bird and animal neighbors during rough winters and extreme drought. Yet, in the past few years, some have cast farmers in the role of wildlife destroyers. The facts refute the charge, and show that farmers and ranchers are helping wildlife thrive.

A good example of this is the wild turkey, which was near extinction in the early 1930s. Through carefully controlled conditions, the wild turkey has increased to a point where hunters could bag a total of 128,167 birds in 1967–1968 without jeopardizing the population.

The mourning dove is an important "product" of the cultivated fields and pastures. Populations of this bird have done so well under present land management practices that hunters bagged over 41 million birds in 1965.

The ruffed grouse, a denizen of our northern forest margins, has not only managed to sustain high population, but in many states it has increased in number.

Wildlife thrives where there is a variety of crops and other plants. Many people think that wildlife abounds in areas that are completely forested, but scientists say that more wildlife, and a larger variety, will be found on the edge of the forest. The same is true of farms and farming areas.

WATER

One of the charges frequently leveled against the farmer is that he pollutes the water. Actually, modern farming techniques prevent water pollution caused by the soil itself. One leading misconception is that nitrogen runoff from agricultural land is primarily responsible for excessive growth of unwanted plants, mainly algae, in lakes and reservoirs.

The fact is, rain water contains .70 parts per million (ppm) nitrogen, and it takes only about .30 ppm to stimulate algae growth. Properly managed cropland contributes no more nitrogen to waterways than forest lands.

The farmer has at least as much interest, if not more, in pure water as does the city-dweller. Most humans require about the same amount of water. But the farmer needs good water for his livestock and crops—thus his livelihood. As an example: he requires 37 gallons of water to produce the grain for one slice of bread. It takes 3,750 gallons of water to raise a single pound of beef and 200,000 gallons are required to raise one ton of alfalfa.

And the water he drinks usually comes from his own wells which he wants to be safe for his family.

CHALLENGES OF THE FUTURE

Farmer Brown and his colleagues know that as the size of their operations increase, problems also grow accordingly. Fortunately, the modern farmer has a team of experts from the land-grant universities, the State and Federal Departments of Agriculture and agribusiness to help him solve those problems.

A good example of the kind of problems that can occur is that of handling animal wastes that accumulate in large poultry or livestock operations. In the past, each farmer had a comparatively small number of livestock and poultry. The waste they produced was spread on the land for fertilization. Today's large operations, where thousands of animals and birds are confined to a relatively small space, requires a system every bit as sophisticated as those found where large numbers of people live. This is a new problem and teams of experts are hard to work developing waste disposal systems to fit the new circumstances. Perhaps, as with many other situations in the past, the answer to this problem will solve the similar problem city planners are facing.

The U.S. farmer has been working on an increasingly small margin of profit which he has been trying to off-set with efficiencies in labor and production. Three of his most valuable tools have been commercial fertilizers to increase the yields, pesticides to protect his crops, and stimulants to increase the efficiency of his animals.

All have been under heavy attack by some outside the agricultural community. Although it is very true that these tools must be handled carefully, it is also true that their dangers and abuses have been exaggerated. Without pesticides our annual harvest of grains such as corn and rice and fruits and vegetables would be reduced an estimated 20–30%. Commercial fertilizers can add an estimated 20% increase in crop production. Low-level antibiotics used as growth promoters make hogs, chickens, and beef cattle grow about seven percent faster. Again, his team of experts has been helping Farmer Brown learn how to best handle these tools. The goal: To provide abundant, nourishing supplies of food at as low a cost as possible. And to do this, Farmer Brown must have these tools. Without them, food prices could rise significantly.

Farmer Brown, the ecologist, has proved over and over that he is a good neighbor to his friends in the towns and cities of America. The great environmental issues of the day are among his great concerns. In our complex, modern life, few have a greater knowledge or appreciation for nature than does our Farmer Brown. In his work, the farmer sees and deals with the miracle of life each day. Farmer Brown is, and must continue to be, an expert ecologist so that he, and all the rest of us, can survive.

Very frankly I personally told the President earlier this year that his original budget estimate for Agriculture was woefully inadequate. Since that meeting, to the President's credit, the budget for Agriculture has been increased by $314.58 million. In addition the President has agreed to spend the $104 million which this bill appropriates to the special milk program.

The figures follow:

UNITED STATES DEPARTMENT OF AGRICULTURE

BUDGETARY CHANGES RESULTING FROM THE PRESIDENT'S MESSAGE OF MAY 2, 1971, RELATING TO AMERICAN AGRICULTURE

[In thousands]

	1971	1972
Agricultural Research Service:		
Additional pesticides research in existing laboratories (including $1,000,000 in H. Doc. 92–93, dated Apr. 19, 1971)		$4,081
Research on nonchemical means of pest control (including $500,000 in H. Doc. 92–93)		800
Research on corn blight (submitted in H. Doc. 92–93)		500
Research on cottonseed proteins and on the dogfly:		
To be released from reserve in 1971	$235	
1972 program (the research on dogflies would be continued in 1972 in the 2d item above)		200
Research on methods to control the fire ant, gypsy moth and other miscellaneous pests. (In 1971 the amount is proposed to be provided by transfer from control)	2,000	2,000
Total, Agricultural Research Service	2,235	7,581
Soil Conservation Service:		
Conservation operations, technical assistance to districts		+12,000
Watershed works of improvement (new starts in 1972 would be increased from 60 up to 75)		+28,000
Foreign Agricultural Service: Market development		+1,000
Farmers Home Administration:		
Farm operating loans, program will be increased in 1972 when Congress enacts pending legislation to insure these loans. This would be in lieu of the existing $275,000,000 direct loan level		
Farm ownership loans, insured (increase from $210,000,000 to $350,000,000)		140,000
Water and sewer loans, insured (total loan funds available in 1971 would be $260,000,000 and in 1972, $300,000,000)	100,000	111,000
Watershed loans (legislation to be submitted to shift from direct to insured basis and increase program level from $5,000,000 to $20,000,000)		15,000
In addition in June 1971, the President approved for the special milk program		104,000

For these actions and others President Nixon is to be commended. This is proof that President Nixon will respond to rural America if he is informed. All that the producers of this country want is a chance to be treated fairly and equally with the other segments of our economy.

Mr. Chairman, in summary, this is a good bill. It is something that is needed not only by rural but also urban America, and those living in the suburbs as well. This committee has done a tremendous job in providing this House with the type of legislation it can and should support. I am proud to have had a part in the deliberation of the drafting of this legislation.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, I am concerned with the appropriation in the bill for the Consumer and Marketing Service. I wonder if someone on the committee could reply to a question?

Mr. WHITTEN. I would be glad to answer the gentleman to the extent I can.

Mr. MELCHER. I note that in 1970, actual, as compared to the 1971 estimate, the increase is from $83.3 million to $94.4 million for meat inspection, an increase of $11 million. The appropriated amount in the bill for fiscal 1972 is $103.7 million which is an increase of slightly over $9 million.

My question, Mr. Chairman, is this: Will the increase as projected be sufficient to take on the added needs of the meat inspection service as it takes over some of the inspections of the States and also to provide for the increased needs of inspectors because of the increase in plants and the increase in the number of animals slaughtered in those plants under Federal inspection?

Mr. WHITTEN. Mr. Chairman, may I say to the gentleman from Montana that in the judgment of the subcommittee it definitely would take care of all of the contingencies we can foresee. When I say that, that is our best judgment.

As the gentleman will recall, meat inspection is compulsory, and whatever it takes to properly handle it we must provide. The law does provide that in those States that fail to come up to the Federal standards within a certain period of time the Federal Government has to take over, and is charged with the full responsibility of supervising and handling meat inspection. But how many of those States there will be, how many will come up to the Federal standards and maintain their own systems, and how many of them will turn it all over to the Federal Government is not an exact figure. So this amount of money represents the best judgment of the Department and the subcommittee as to what it probably should be.

I would say to the gentleman from Montana further that, should it develop that it takes a turn different from that which we provide, then we shall have to provide for it in a supplemental or by some other means. But as I say, we do think this probably meets every contingency we can foresee.

Mr. MELCHER. I thank the gentleman for his answer. I have another question on meat inspection.

About a year ago I told the House of the loss of veterinarians in the meat inspection service of Consumer and Marketing Service, because of resignations or retirement. And the attrition rate was plainly, I believe, the result of the low pay scale for the veterinarians, in the Meat Inspection Service, which is completely out of line with their earning capabilities in other areas of their professional work.

I direct this question to the chairman, and ask for his response for the subcommittee, if it is the intention of the subcommittee to correct the situation, because I do believe that having veterinarians in the meat inspection service is the backbone of the very system itself.

Mr. WHITTEN. May I say that the

matter of civil service ratings, and things of that sort, not only is beyond the control of this committee, but actually it is beyond the control of the Congress under existing law. The Civil Service Act provides that the Civil Service Commission determines on its own whether to raise the rating of employees. These decisions are based upon their training and their qualifications. So this is a matter that is not within the reach of this committee. However, if it were, I do not know what we would do to correct the problem which the gentleman mentions.

By way of illustration, if you get a veterinarian to come out to see a cow or a mule, or a horse, it has a definite value, or to see a hog, there is a definite monetary value over those things, and you can establish your charges accordingly. But when that veterinarian sets up an animal hospital at the edge of the city, or the edge of your town, and people with pets come out there, the veterinarian can charge them just as much as the man who owns the pets can afford to pay. There is no limit on it.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. WHITTEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. I thank the gentleman for the additional time.

Mr. WHITTEN. You cannot hope to meet, under civil service pay scales, the amount of money that these young veterinarians are making with their pet hospitals. I do not know what we can do. There is one saving thing in it, though, and that is that most meat inspection is not really done by the veterinarians. The veterinarians supervise them. You have to have them there, but most of the people who do the actual work are lay people who are trained and supervised by veterinarians.

But at any rate, the problem which the gentleman mentions is one that we cannot handle in this committee because we do not have the authority.

Mr. MELCHER. I thank the chairman for his answer, but I think the gentleman is all too modest. I think the Consumer Marketing Service and the USDA is very much interested in what the views of the chairman are, as to what should be done, and I appreciate the assurance of his intentions.

Mr. WHITTEN. All I am saying is that the pay scale of veterinarians is fixed by basic law, and not by this Subcommittee on Appropriations which appropriates a lump sum. So when the gentleman says we should pay them a higher scale, that is something we do not have the authority to do. I recognize the problem.

Mr. MELCHER. I thank the gentleman.

My last and final point, Mr. Chairman, pertains to the amount of money designated in the committee report for further research or expanded research on bovine vibriosis.

I notice in the committee's report $50,000 is suggested to be the increase for this disease and marketing stress in pork.

I asked the chairman if the intent of the committee is to expedite further the research in this serious livestock disease (bovine vibriosis) and, if so, what additions we could expect could be pumped into this research because I do feel this is a very needed and necessary research program that is being underfunded currently.

Mr. WHITTEN. If the gentleman will turn to page 20 of the committee report, he will see that $200,000 extra is being provided for several diseases, of which this is one. The $50,000 referred to is for transmissible gastroenteritis—TGE.

What we provided is what the Department said it could reasonably use in an expanded research program. Of course, you cannot do the research without dollars, but the dollar figure is not completely representative of getting the job done. You have to have qualified personnel. So we gave them the increase that they said they could use.

Mr. MELCHER. Do I understand the chairman correctly—that of the $200,000, $50,000 will be for TGE and the other $150,000 would be for bovine vibriosis?

Mr. WHITTEN. There is one other item I mentioned there.

Mr. MELCHER. That is the marketing stress in pork?

Mr. WHITTEN. Yes; marketing stress in pork.

Mr. MELCHER. Then it is the intention of this subcommittee that the department has at least an increase of $150,000 for bovine vibriosis or marketing stress in pork.

Mr. WHITTEN. May I say to the gentleman that we are adding everything they can use. We do not want them to spend the money just because they have it. They have a special $2 million fund for research, and if they make a breakthrough and can really use it, then they can use that $2 million. I do not want to get this so that it is tied down too much. Just because they have a certain amount of money does not mean they should spend that amount whether or not there is a use for it.

We had made available our best advice, and we have made money available to them, and we hope they can use it.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman.

Mr. SCHERLE. I have contacted Dr. Chester Manthei, the director of the Animal Disease Laboratory at Ames, Iowa, and he assured me that funds appropriated will assure that a three-man research team will continue to research bovine vibriosis and other related diseases. He also stated that this amount of money will be all they will need and this is the desired level at which they can operate most efficiently.

Mr. MELCHER. Would that mean, as I understand it, that the research effort would be doubled from 1.5 man-years to 3 man-years?

Mr. SCHERLE. If the figures that you gave me initially are correct, then this bill will double the amount for research of this disease and other related diseases.

Mr. MELCHER. I thank the gentleman for his information and his efforts on the subcommittee.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman.

Mr. PRICE of Texas. I would like to ask the gentleman who I know has been really active on this problem of the importation of meat whether we have had proper Federal overseeing of meat products coming in from foreign nations. Has the gentleman been satisfied with the findings in his research with relation to adequate funding for veterinarians and inspections overseas?

Mr. MELCHER. I would tell my friend from Texas that I have not been satisfied. I think this is an area where the Consumer Marketing Service is not doing a sufficient job to assure all our consumers in this country that the meat we do import is adequately inspected when it arrives in this country and before it is sold to consumers.

Mr. PRICE of Texas. If the gentleman will yield further, can the gentleman tell by the amount of money that is in this bill what amount will be spent—and perhaps we could ask the Chairman what amount of money will be spent for the inspection of meat coming in from foreign nations?

Mr. MELCHER. I do not have that information. Perhaps the chairman of the subcommittee can supply it.

Mr. WHITTEN. If the gentleman will yield, I do not have the exact information, but I will be glad to supply it to the gentleman. We will have to look it up. We have tried to provide adequately for it, I assure the gentleman.

Mr. MELCHER. I have not been able to determine the cost of inspecting imported meat because it is so mixed in with the inspection of domestically produced meat. Many of the inspectors who inspect foreign meat also inspect domestic meat, and the work is divided between the two areas. It has been very difficult for me to try to arrive at separate figures.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, at the outset, I want to commend the chairman, the gentleman from Mississippi (Mr. WHITTEN) the ranking Republican, MARK ANDREWS, and the committee for putting together what I feel is a fine bill, a bill, however, which I feel has a few inadequacies. I am going to speak about an amendment that I shall offer later on, but this in no way reflects on the high esteem I hold for the chairman of this committee. I say that in all sincerity. There are very few men in this House for whom I have greater respect, for his ability and his conscientiousness, and the way that he labors over this very difficult piece of legislation. I wish there was some way that would make it unnecessary for me to offer the amendment because of my close friendship and admiration for him, but I have deep feelings in this particular area and I feel that I am compelled to do so.

Mr. Chairman, later today, when I introduce my amendment to limit subsidy payments to $20,000 per crop for each producer, I will deal more specifically with the reasons why I believe this amendment should be adopted.

At this point, I want to speak more generally about the background to this reform effort; why I feel it is clear that such a subsidy limitation can be adopted without damage to the legitimate purposes of this farm program; and, finally, why the present budgetary situation simply cries out for this reform.

The reform I seek today is essentially a reaffirmation of two prior actions of the House. In 1968 this Chamber adopted my amendment for a $20,000 ceiling by a vote of 230 to 160. That 70 vote margin was increased by 12 votes when my similar amendment was adopted in 1969.

When the question came up again last year, the picture had changed. In response to the rising pressure for this reform, this administration became the first to support a payment ceiling. Understandably, many of my colleagues believed that the $55,000 ceiling was a step in the right direction which deserved their support.

Later I will detail the reasons why this hope was not fulfilled, as many of my colleagues and I had wanted.

Let us take a moment to review the reasons why agricultural experts have concluded that a reasonable subsidy limitation, such as this $20,000 ceiling, can be implemented without adverse effects on our basic farm program. Dr. John A. Schnittker, former Under Secretary of Agriculture, has produced a study, finding that present subsidy levels are far in excess of amounts needed for an effective production adjustment program. And Secretary Hardin himself revealed that in 1968 nearly two-thirds of all subsidies to cotton growers, for example, were, to use his own words, "income supplements." In other words, the department has also acknowledged that those funds are not needed for crop adjustment.

So the record is clear that a reasonable payment ceiling will not harm our farm program. On the contrary, it can only improve it by restoring some balance, some measure of equity, to a badly distorted program that benefits only the wealthy few. And, in addition, it can make possible savings up to $200 million, badly needed for other priority needs.

We must not ignore the importance of this chance to achieve these savings. While we still have yet to vote on many important appropriations bills, already, according to estimates in last Friday's Wall Street Journal, a deficit of $20 to $22 billion is projected for fiscal 1972—nearly double the projections made by the administration in January. And the deficit for this fiscal year has been projected to reach nearly $20 billion—a billion and a half dollars over the President's earlier estimates.

With such drastic possible deficits facing us, we cannot expect this action today to have a great impact. But the figures are a grim reminder of the urgent need to trim fat where we can. And I know of no better place to start trimming than on this runaway program.

Mr. Chairman, we have seen that it is a reasonable proposal that will not adversely affect this program, but can only improve it. We have seen too that last year's effort at reform was a hollow victory. And finally, we have seen that our budget picture compels us to curb spending wherever possible. Let us reaffirm the past judgments of this House and restore some measure of sanity to this discredited program.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time.

I followed with interest the remarks of the distinguished gentleman from Massachusetts (Mr. CONTE) regarding payment limitations. I would suppose, if that is not subject to a point of order as legislation on an appropriation bill, I might vote for such a limitation, because in my district there probably are not enough people who get that money to have a bridge game.

We have discussed the problem, and this brings up the problem of getting money to the rural areas. I guess that is what this is about, on limitations.

I know what I think about when the Penn Central needs $200 million, and that seems to many to be a good idea; and when Lockheed needs $250 million and that seems to many to be a good idea; and perhaps Boeing will need $500 million, or a little more, I am not sure.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. It was interesting, also, that 2 years ago, within 2 hours after we had a vote on a limitation on an agriculture bill, we had the identical kind of amendment proposed on the Treasury bill, for a limitation on the subsidy to magazines in the Northeast. One hundred fifty-five Members who voted for a limitation on the farm program we changed were opposed to such a limitation on subsidies for magazines.

Mr. HUNGATE. I thank the gentleman for his contribution.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Some Members can try to make this a facetious amendment.

Mr. HUNGATE. I hope the gentleman does not think I am being facetious.

Mr. CONTE. No. I meant the reference to the magazines. Surely there is a method for doing that. It is through legislation. If we can do it I will be glad to vote for it.

I want to state my position loud and clear. I voted against the SST. I plan to vote against any subsidy to Lockheed. I would be pleased to vote against any subsidy to the Penn Central. I hope you will join me in voting against this farm bonanza.

Mr. HUNGATE. I thank the gentleman for a good part of his contribution.

We have talked about the various corporations and large companies. Some of us think that you cannot let somebody fail if they get big enough. I wish many of you had time to drive through my district and other rural districts and look at some of the almost deserted villages and farmhouses from which people have just slipped away. They are in a state of disrepair because these people were not able to make a living there. Those people just fade out quietly. They are not gathered in large groups, making disturbances about these tragedies, but when you lose the people from these large areas, when you lose the rural flavor of your country, you lose a great deal, as Thomas Jefferson said.

Mr. Chairman, the distinguished gentleman from Minnesota from the other body, Senator HUMPHREY, made a statement where he said that when the immigrants came to this country, they did not stay in the big cities. He wondered why they did not stay in New York, Philadelphia, Baltimore, and some of the other large cities. Why did they go to North Dakota, South Dakota, Missouri, and Montana? The answer is that we had a program in the country then where you could get free land if you went out and homesteaded the land. You could get free education for your children, because the Federal Government set up land-grant colleges. We provided rural free delivery so that these people who homesteaded could get mail delivered to them. So, as a result, the people went out into the country and we all enjoy the benefits of that today. What happens now, however? When you go to town, you find that the fellow wants to leave the farm in order to go to town, in order to get the things that he cannot get on the farm: recreation in town that is not available on the farm, better paying jobs and businesses in town—and when you lose your job or business in town, you find that you will get higher welfare payments and other benefits. These are things you just do not get if you stay on the farm. I believe we have to take a hand in reversing this direction.

We are concerned here about the small percentage of people on our land, and we want to keep developing our American rural areas as well as our American urban areas. When we talk about the Census Bureau and the figures that they give out, let us just take a careful look at it. I believe we do not look at the Census Bureau's figures carefully enough or long enough. In the Bureau of the Census, when you get the figures showing the people living in the cities, and in the urban areas, they say that you are in a city when you are in a place that has 2,500 people or more, and with less then you are in an urban area. In my district, when you drive from a town of 2,400 to a town of 2,600 people, you do not feel very much as though you have gone to a city from a rural area.

The Farmers Home Administration, Mr. Chairman, I think has done a great job, regardless of what party has been in power. At least, in our State of Missouri, we have had great administrators in the Farmers Home Administration. We had Mr. Everett Jose, and Mr. Mendel Cline, and others who are greatly concerned with fighting the problems of water pollution, of providing rural water and sewer systems and making the land habitable. In the Farmers Home Administration they can serve areas that have 5,500 people. They have raised this bill to 10,000. So, Mr. Chairman, when we think of this bill, with the funds that are provided in it, and think of whether it will help rural America, and think of the differences between rural and urban America, we have to realize that we are helping areas that have small numbers of people, in some instances 2,500 people or less. The Bureau of the Census thinks that people are living in an urban area if they have 2,500 people or more, but we can have 10,000 people in our districts, and it will still be in rural areas. Those rural areas and cities up to 10,000 are served by Farmers Home Administration through funds in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for yielding further to me. I should like to see, in carrying out this fight against pollution, the Farmers Home Administration given more money to carry out the programs in this field. There are other programs that should be supported also by all Members of this body. The Rural Electric Cooperatives have done a fine job in providing power and lights for rural areas. I believe that this should be mentioned. I hope that we keep on supporting that program. I commend the committee for what it has done there. Someone mentioned the co-op income taxes. We think that we should be concerned about income taxes, no matter where they come from, and to see that the burden is fairly shared, whether it comes from private citizens, private utilities, co-ops, corporations, or a Governor of one of our larger States.

Finally, Mr. Chairman, I would like to commend the chairman of the committee, Mr. WHITTEN, and the ranking Republican, Mr. ANDREWS of North Dakota, as well as all of the members of the committee, and, indeed, especially commend Mr. MICHEL, the gentleman from Illinois, and the others who have offered amendments. While I do not enjoy voting on them, and may not agree with them, nevertheless I believe it is like a trip to the dentist. It makes you a little uncomfortable, but it may be good for you. These amendments sharpen up the issue and that is really good for the body politic.

Mr. Chairman, I want to save the watershed program. The amendment introduced by my colleague Mr. REUSS would scuttle it. His proposed halt to all projects that contain the practice of channel improvement would cause unwarranted delays in needed watershed action in almost every State. Even channels to convey irrigation water and those to protect urban and residential areas would be affected.

Mr. Chairman, these Chambers have witnessed repeated requests from both sides of the floor that the watershed program under Public Law 566 be accelerated. It has been one of the most popular programs that this Congress has instituted, and the Soil Conservation Service has developed a sound and sensible technology to implement the act. This is not the time to slow down.

Watershed projects have proved to be a sound investment on the part of local communities and the Federal Government. They not only serve their initial purpose of flood prevention and watershed protection eminently well, but they also spur community growth in many ways. Many of the structures built to prevent floods create sparkling lakes that bring new opportunities for recreation, increase the supply of water for farm and home and industry, and enhance the beauty of the landscape.

Conservation treatment and careful use of the land to manage water and control sediment bring better quality farm crops and make the community more attractive. And this land treatment phase of watershed projects has not in any sense been abandoned in favor of rushing the water off the watershed. Actually, acceleration of land treatment is a requirement in these projects. This is a strong part of the effort in any of Missouri's watersheds.

The resource conditions as well as the benefits vary a great deal among the various watersheds. The planning process is a complex one. Aims of the local people differ widely. To suggest that channel improvement is not needed in any project, just as to say that it is needed in every project, does not square with the facts. In some watersheds in low lying regions, stream channel improvement is the only effective way to bring about the desired flood protection.

Sponsors of these projects, in the strong belief that they will be improving the environment in their own home areas have obligated themselves for land rights costs and other financial responsibilities. Anyone with 5 minutes experience in dealing with real farmers will tell you that when they grant easements on their land and vote to tax themselves for a project which is in their own community, they do not take such actions lightly. If those of us who make decisions in Washington gave them half as much careful attention and half as much consideration to the human welfare involved as do the men and women on America's farms, then utopia would have arrived several years ago.

We, in Missouri, carry the notion that decisions affecting the environment and well-being of Missourians should be made by Missourians and certainly this should be done when those decisions do not adversely affect our neighbors in Illinois, Iowa, or Wisconsin. The proposal for a moratorium on Soil Conservation Service channelization activities seems to carry the implication that the further you get away from a problem the better you can solve it. But in Missouri, it seems to us that if you get far enough away, you do not even see the problem and that certainly seems the case with those who propose this moratorium.

All in all, watershed projects serve to make the watershed community a better place to live and a nicer place to visit. There are more jobs and wages are higher. To further delay construction would place an intolerable burden upon them.

This vital program needs to move ahead more rapidly to meet America's resource needs and improve the quality of life for all Americans.

Last year Members of this Congress in their wisdom saw fit to increase the President's budget request for Farmers Home Administration grant funds for water and sewer projects by $60 million. The President did not accept the recommendation of the majority of the Members who supported that increase and to date the Office of Management and Budget has only released $40 million of the amount appropriated for this purpose.

I offer the following information to my colleagues as a short reminder of the work that has been accomplished through funds for the Department of Agriculture, and in particular, the Farmers Home Administration. On a national basis, approximately 5,000 water and sewer systems financed by this agency are in operation providing water and sewer service to over 1 million families. This does not take into consideration the loans and grants which have been approved in the last few months but which facilities have not yet been completed. Records maintained by the Farmers Home Administration show that at the present time there are 168 water and sewer systems in operation in Missouri alone which were financed by FHA with about $36 million of loan funds and $4 million of grant funds. These systems are giving water and sewer service to approximately 40,000 rural families.

I am told that the FHA has on hand at the present time over 2,500 applications for loans representing requests for about $500 million.

In addition, they have over 1,300 applications for grants indicating a need for about $100 million. Furthermore, communities submitting over 7,000 applications for funds have been notified that the FHA will be unable to finance their projects due to the lack of funds available.

The Farmers Home Administration advises that approximately 23.6 percent of the cost of all projects financed last year required some grant funds in order to install facilities which will deliver adequate water and sewer service at a reasonable user rate. The need for grants is increasing since the proportion of applications for sewerage facilities as compared to those for water systems is increasing. In fact, in fiscal 1970, grants represented about 37 percent of the development cost of sewerage facilities.

An economic research service survey reveals that there are nearly 34,000 rural communities in the Nation without central water systems, and 44,000 such communities without central sewer systems. The survey also indicated that about 30,000 rural communities have an immediate, compelling need for central sewerage facilities or improvements to existing facilities. Based on current construction costs, these facilities will require nearly $12 billion to install. In Missouri, the survey indicated a need for approximately 700 water systems and 686 sewer systems representing a cost of nearly $290 million.

At a time when so much emphasis is given to improving and preserving our environment, I would urge my colleagues to consider the far-reaching benefits of adequate funding for the badly needed water and sewer facilities in this country. Let us take this opportunity to indicate our support for this meritorious program.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. BROYHILL).

(By unanimous consent, Mr. BROYHILL of North Carolina was allowed to speak out of order.)

DEATH OF VINCENT MONZEL

Mr. BROYHILL of North Carolina. Mr. Chairman, it is with a great deal of sadness that I announce the death of my administrative assistant, Vincent Monzel. He was much more than an assistant to me; he was a great friend during the 8 years in which we were associated.

I know that his many friends in North Carolina and Washington will join Mrs. Broyhill and me in extending to his wife, Edith, his daughter, Catherine, and his parents, Mr. and Mrs. H. A. Monzel, our deepest sympathy and heartfelt condolences.

Vince Monzel was born on August 13, 1920, in Alton, Ill. and was educated in the public schools there. He was graduated from the University of Michigan in 1942 and served honorably in the U.S. Army in World War II. Upon his discharge, he worked for the War Department as an occupational counselor and was subsequently employed by the Dow Chemical Company in Texas as an editor and public relations specialist. He came to Washington in 1948 as a civilian employee with the U.S. Army and in 1950 joined the professional staff of the Industrial College of the Armed Forces.

He began his career on Capitol Hill in 1952 as a staff member with the Small Business Committee. In 1955 he joined the staff of Congressman John Henderson of Ohio as administrative assistant and later served his successor, Congressman Tom Moorehead, in the same capacity.

When I came to Congress as a freshman Member in January of 1963, it was my good fortune to hire Vince Monzel as my administrative assistant. His knowledge of Capitol Hill and the Federal Government has been invaluable to me. His service to me and to the people of North Carolina whom I represent has been outstanding in its dedication. No problem was too small or insignificant to receive his complete attention and concern.

During his career on Capitol Hill, Vince Monzel earned the respect and admiration of Congressmen and staff members on both sides of the aisle. His willingness to be of help to new Members and their staffs was well known and appreciated. His opinions were highly valued and his advice was often sought.

I know that my office will not be the same without him; his loss is a sad one for many on Capitol Hill.

Funeral arrangements remain incomplete at this time.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, reportedly later this afternoon the gentleman from Wisconsin (Mr. REUSS) is going to introduce an amendment relative to channelization or the prevention of same. I cannot vote for an amendment which says we are going to channelize everywhere all over the United States. I cannot vote for an amendment which says that we are not going to channelize anywhere in the United States. I recognize that in the next political campaign the policologists and many sincere but shortsighted environmentalists are going to blacklist anyone who votes against the Reuss amendment as being antienvironment. This is wrong.

Mr. Chairman, in the first place channelization comes in many shapes. Channelization can promote a desirable environment just as it sometimes can retard it. The answer is not in opening the door wide and not in closing it completely. There is a way to solve this problem but it is not through an amendment of this kind.

I say that channelization can be a good thing. Very few crops, natural and otherwise, can be grown on waterlogged land. When areas that dispose of sewage with septic tanks are inundated with water, contamination is picked up and moved through the stream system. Surface litter such as garbage and refuse, animal wastes and even dead animals, floats off, contaminates the water, and is deposited in the most undesirable places. When water is permitted to stagnate on the land in shallow pools it loses its dissolved oxygen and can become putrid. When water is allowed to stand on the land and is only removed by evaporation, salts accumulate in the soils.

Waterlogged land is notoriously a breeding area for mosquitoes. The control of mosquitoes is important to good public health and particularly to the control of malaria and encephalitis. The recent restrictions on insecticides makes the control of mosquito-breeding areas a necessity.

Mr. Chairman, I think the best way to put this whole matter into focus, the business of stopping all channelization, is by looking at one of the biggest channelization projects we have ever had in this Nation. That is on the Missouri River which, of course, flows through the Midwest. Let us see what happened to that river before we started channelizing it.

In the first place, there were floods every spring which created tremendous environmental damage. There is no question about that. It was said that a good farm flowed under the Omaha Bridge every day. And it did. The States of Nebraska and Iowa did not know where the State lines were from one year to another and the farmers did not know where their property lines were, because of changes in the river's course—because of alluvium and accretion.

Today you can walk along the east side of the Missouri River, which is supposed to be the boundary between Iowa and Nebraska, and though you are supposed to be in Iowa, you cross Nebraska area more than 20 times.

I recall that they started to build a bridge across the Missouri River between Decatur, Nebr., and Onawa, Iowa. They got it underway. The river rose and it changed its course and, you know, the river was one-half mile east of the east approach to the bridge. The gentleman who represented that district at that time tried to get the money to put the river back under the bridge, but could not do it in the House. A couple of goodhearted Connecticut Senators got the money to channelize the Missouri under the bridge at that time, under the foreign aid appropriation bill. I say they were bighearted, but we found out a few months later that New Haven Insurance Co. held the bonds on the bridge.

Environmentalists do not want us to build dams. We have navigation on the Missouri, but not slack-water navigation. The only way we can have navigation on the Missouri without dam is through channelization.

The Corps of Engineers has done a tremendous job. They have learned how to make the river channelize itself, so now it is controlled. Now it is useful for navigation, it is useful environmentally, and those old ox bows which were removed by straightening the once meandering stream, have been plugged. They are full of water. They have created tremendous ecological, environmental, and recreational areas, all as a result of channelization, which, as I have said, comes in so many different forms.

I know that it is dangerous to oppose any amendment of this kind in these days. The opposers are called the enemies of the environment, the dirty dozen, and other things, the practice designed mainly to affect political campaigns. But we are going to have to sometime put a little emotion in the background and get a little intelligence and a little logic into these matters.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I say again I would not vote and you would not vote for a measure which said we are going to force channelization in every county in the United States. It is also just as foolish to say that no Federal money shall henceforth be used anywhere in the United States for any channelization project.

Every project must be considered on its own merits. We can provide the machinery to do the proper kind of a job, but we cannot do it through a hasty ill-considered amendment such as that which is proposed today.

Mr. Chairman, channelization becomes a necessity in many small watershed projects. Small watershed projects improve the environment for people in the following ways:

Provide flood protection on upstream flood plains in the watershed area for agriculture, business, and industry, and local townspeople.

Provide water for agricultural purposes.

Remove excess water from the watershed's agricultural and urbanizing areas. Without this, much of the Nation's prime agricultural land would be either unsuitable or uneconomic for its present use, resulting in major dislocations in the economy.

Provide water for municipal and industrial purposes, when this is a recognized need of the area.

Reduce sediment loads in waterways, resulting in better water quality, reduced channel aggradation, less sediment in navigation channels and harbors, and reduced rate of fill in major reservoirs.

Provide water-based recreational opportunities for swimming, boating, and fishing, when this is desired by the community.

Improve fish habitat on many streams by increasing low flows; small watershed projects do not adversely affect the fishery resource on most streams on which channel improvement measures are carried out, because of the low original quality of the fishery resource.

Special fish and wildlife developments can be included to improve fish and wildlife habitat and feeding areas when local and State people consider this a desirable aim.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. SEBELIUS. Mr. Chairman, I appreciate this opportunity to discuss the Department of Agriculture—environmental and consumer protection appropriation bill, H.R. 9270, legislation which is of vital importance to all Americans.

These appropriations not only affect the Nation's supply of food and fiber, but they affect the health of the domestic economy and the pocketbooks of every citizen.

Agricultural appropriations have increased the American farmer's efficiency, thus freeing manpower for business and industrial development and economic expansion. Today, the American farmer provides food and fiber for himself and the needs of over 44 other persons. American food costs require a smaller percentage of the consumer's disposable income dollar than in any other part of the world at any time in history.

In effect, these appropriations have annually provided a "consumer subsidy" enabling the American housewife to spend more of her disposable income for nonfood items, 83.3 percent in 1970, than any consumers in any other country in the world.

The reduction in the percentage of disposable income required for food since 1957 saved the American consumer approximately $19.7 billion in 1970 alone. This money has been diverted to nonfood items boosting economic growth in nonfood industries and increasing employment opportunity. This is quite a return compared to an annual investment of less than $3 billion.

It is also important, I think, to consider agriculture's total impact on our national economy in considering agriculture and related appropriations. Agriculture generates jobs for nearly 40 percent of our employed workers, either by providing the raw material on which they work or by providing the market for the projects or commodities that they produce. Agriculture employs more people than the steel, auto, utilities, and transportation industries combined.

Farmers annually spend more than $36 billion for goods and services just to produce their crops and livestock. Each year, the farmer buys products containing 320 million pounds of rubber, enough to put tires on nearly 7 million automobiles. The farmer uses more electricity than is consumed in the cities of Baltimore, Boston, Chicago, Detroit, and Washington, D.C., combined. Every year he uses 5 million tons of steel in the form of machinery, trucks, cars, fencing, and building materials. Farm use of steel accounts for 40,000 jobs in the steel industry.

However, even though agriculture is America's largest industry, the farmer is in desperate need of income. I am hopeful that these appropriations will in part be a short-term aid in our efforts to bring new economic life to rural and smalltown America.

Mr. Chairman, I am most pleased that the Appropriations Committee recommendations provide additional funds for direct assistance and loan programs for farmers. One of the more significant recommendations includes $932,847,000 to fund our commitment to rural development and to provide many of the fundamental requirements for rural development including electrification and telephone services, water and sewer systems, land and resource development, and rural housing.

The committee recommendations include a $545 million loan level for REA to move to improved service and area coverage for electricity, and $30 million for the capitalization of the new telephone bank and funds for a loan level of $125 million under the regular telephone program.

A total of $100 million for planning and development grants and $300 million for insured loans are included to assist the 32,000 rural communities that require new or improved water systems and over 30,000 that require new or improved sewer systems.

I am also most encouraged that the appropriation for conservation operations of $150,146,000 represents an increase of $10,986,000 over fiscal year 1971, and will help restore a substantial part of the 1,200 personnel eroded by personnel ceilings of the last few years.

The committee also recommended $132,099,000, an increase of $4,500,000, for watershed and flood prevention operations, which are an essential part of the rural soil and water conservation effort.

The committee's directive regarding $195,500,000 for operating the rural environmental assistance program, one of the most successful programs to protect the quality of our environment, is also good news for the farmer.

A relatively new program that has been very successful in Kansas is the resource conservation and development program, administered by the Soil Conservation Service. I am pleased to see this appropriation increased $738,000 over fiscal year 1971 to an appropriation of $15,691,000.

While this bill does not include the level of appropriations for certain USDA programs that I had recommended, I would like to commend the members of the Appropriations Committee for their forthright recommendations and judicious distribution of funds. I feel that the recommendations in this bill will help improve farm income, will help revitalize rural and smalltown America, and will help solve the growing population distribution crisis affecting conditions in rural and urban America.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, the distinguished chairman of the subcommittee, and the members of the committee are to be commended for the exceptional work and proposed legislation they have presented to the House today.

I want to briefly refer to the magazine that the chairman of the subcommittee had in his hand when he was addressing the members of this assembly today. The chairman effectively and eloquently described the existing circumstances in rural America.

Much of the information referred to in the story in the magazine is a report of the facts existing in my home district, the eastern part of the State of South Dakota. It is characteristic of what has happened in rural America in the last two and a half to three decades. The economic-forced movement of people in this country from rural to urban America has caused great hardship to rural people in the Plains States.

The abandoned homes and exodus of people from the economic depressed rural areas has introduced a new socioeconomic concept—the "cost of space" concept which is reflected in higher costs in education, housing, health care, water, sewer facilities, and rural electrification programs.

The idea of lighting the rural homes, barns and buildings was a right effort for America. The cost of doing that has almost doubled in the last 5 or 6 years. I think the increasing costs of facilities and services due to a national trend of inflation is a primary cause for the essential increase in the appropriations in this bill.

Further, in 1944 the REA cooperatives were confronted with an "area coverage" concept that was imposed upon the directors and managers of every rural electrical cooperative system. The provisions of the "area coverage" covenant compelled the cooperatives to extend facilities and services to every applicant and to the last man in the wilderness.

The performance of cooperatives in complying with the obligation of the "full area coverage" covenant has resulted in the construction and service of almost 53 percent of the total miles of lines of the entire electrical industry of this country but only about 3 percent of the total electric utility market of this Nation.

I commend the directors and managers of electric cooperatives all over the United States for an unprecedented record of business principles and management throughout three decades of prudent stewardship of an infant rural industry in a highly competitive market wherever density of service developed or existed. The rural electric cooperatives have braved all adversities from the boundaries of Maine to the borders of Mexico.

Extensive research supports the argument of the burden thrust upon directors and managers in the administration of the financial affairs of REA cooperatives because of circumstances beyond their control as follows, to wit: Abandonment of services, national inflation, obsolescence.

In South Dakota alone the statistical data available reflects that "disconnects" total an original capital outlay of $11 million at a rate-absorbing cost of $500,000 annually to remaining consumers on the lines in our State for debt service requirements. The management of the local cooperatives does not have any control over national policies of depression and inflation reflected in fewer and fewer consumers and more and more costs. Obsolescence is a characteristic of the industry that is always anticipated and can not be prevented.

So I say that all of these things have had a devastating effect on the economy of rural America while agricultural policies and programs have tried to sustain it.

I urge the adoption of this appropriation bill in its entirety and I urge every Member of the House to support it because America is made up of rural communities.

America is a continuity of communities like a chain is a continuity of links. If this Congress further pursues policies that permit one community after another to be destroyed—we will eventually destroy our country.

And so, Mr. Chairman, I urge everyone to vote for the appropriation bill as submitted by the committee.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I want to commend the distinguished gentleman from Mississippi (Mr. WHITTEN) who is chairman of the subcommittee for again having done a superlative job in guiding this very important appropriation through his subcommittee and also to pay tribute to the distinguished ranking member of the subcommittee, my good friend, the gentleman from North Dakota, Mr. ANDREWS, and all members of the subcommittee including my colleague, the gentleman from Iowa, Mr. SCHERLE, for successfully bringing to the floor a very significant piece of legislation which is of great importance not just to agriculture but to the entire Nation and, indeed, to the world because a healthy American agriculture is one of principal hopes of maintaining freedom and economic security throughout the world today.

President Nixon recommended to the Congress substantial increases in many areas of agricultural funding where it was deemed necessary. I am happy to say the subcommittee and the full committee have in a number of instances improved upon his recommendations and I certainly want to support them in those increases.

We see really forward looking steps in a number of increases in agricultural appropriations for such things as agricultural research, the extension service, the agricultural stabilization and conservation service, and the soil conservation service. I am going to have more to say about the soil conservation service when as I understand an ill conceived so-called "anti-channelization" amendment apparently is going to be offered this afternoon. If it is passed it might very well cripple the great work which has been done in soil and water conservation in this country during the past 35 years.

You know, ever since the days of the early thirties, our farmers, through sound soil and water conservation practices, have been the true ecologists of this country. They have done more to protect our environment through sound soil and water conservation practices than all of the johnny-come-lately recruits to the cause of ecology.

Our watershed program is a program that has worked, is working, and will continue to work if we do not hamstring it by the addition of the so-called channelization amendment today. But more about that mischievous amendment later on when it is offered.

There are also very justifiable increases in this product of the subcommittee for the Rural Electrification Administration, the Farmers Home Administration, and Rural Environmental Assistance Program. These are only a few of the areas that have been given very constructive and beneficial attention by the subcommittee and the committee, and I believe our distinguished colleagues on the subcommittee and the committee certainly deserve the support of the House today.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. LINK).

Mr. LINK. Mr. Chairman, I commend the Committee on Appropriations for bringing to this House a very good bill.

Mr. Chairman, rural renewal plays an integral role in urban renewal and in achieving a more realistic population balance in the United States. Therefore, I urge support of H.R. 9270, the appropriations bill for agricultural-environmental and consumer protection programs for fiscal year 1972. This measure provides funding for basic agricultural programs of proven value without which rural renewal is impossible.

H.R. 9270 makes funds available for electricity in rural areas, for the rural telephone program, for farm credit, for rural water and sewer grants, for soil conservation, Great Plains conservation, the rural environmental assistance program, and the new water bank program.

The bill provides funds for such other priority programs as the Extension Service, the educational arm of rural development; Food for Peace; the special milk and school lunch program; the Statistical Reporting Service; the Farmer Cooperative Service; the packers and stockyards regulatory programs; and Federal Crop Insurance.

Ongoing programs, as well as the new and accelerated environmental programs, embodied in H.R. 9270, are of concern and importance to nonfarm and farmpeople alike.

Farmers have a good record of cooperating with conservation programs and carrying out the necessary environmental practices that will save the Nation's productive resources.

Our American owner-operated farm unit is the production marvel of the world. Nowhere do so few people as American farmers produce the food and fiber for so many at so reasonable a cost. Fewer than 3 million farmers literally feed 205 million Americans. This success is due in large part to such key programs as rural electrification, rural telephone service, and other programs which promote efficiency, productivity, and desirable living conditions.

These and other programs generate business in many related fields beyond the boundaries of agricultural areas. Weakening such basic programs generates economic distress throughout America.

Mr. Chairman, rural America is in economic distress now. In the Plains States farm income dropped 3½ percent in 1970. An even sharper drop in North Dakota caused my State to be the only State to decline in personal income last year.

To arrest the depression in agriculture, we must strengthen the backbone of rural America through adequate funding of these programs. In so doing, we will strengthen farm income and make rural America a more attractive place to live, thus slowing and hopefully stopping, the exodus of rural people to our already congested cities.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. I thank the gentleman for yielding me this time. I have asked for it in order that I might direct a question to the chairman of the subcommittee or to the ranking minority member or to others familiar with this legislation, as to what is provided in this bill for research on the cereal leaf beetle. Out in the Midwest this has become a very serious problem and for the past several years we have been carrying on considerable research at Michigan State University at East Lansing, Mich.

As the chairman of the subcommittee knows from my contacts with him in the past, I am advised they are in urgent need of additional funds to continue this important research. Could the gentleman give us some information as to what is contained in this bill for that purpose?

Mr. WHITTEN. First may I say that we on the committee all know of the gentleman's deep interest in the cereal leaf beetle, and properly so. It accidentally got into this country in 1962 and, as the gentleman has pointed out, it has spread to Ohio, Illinois, Pennsylvania, Kentucky, West Virginia, Maryland, and New York and has been tremendously destructive. The committee has recognized that. This committee has provided funds for research on this problem and does consider it a serious one.

As to the particular point to which the gentleman addresses himself, as to the funds earmarked for this pest: in 1971 there was $445,800, and that has been increased in the bill before us by $132,400. The increase will largely be spent in trying to find alternate means of dealing with the pest.

In addition to this money that is made available to the Agricultural Research Service of the Department of Agriculture, we have the Cooperative State Research Service working in this general area.

I might add further, in respect to the foreign currency provisions—that is, the sales of American commodities for foreign currencies—we have worked out a system of using those currencies, which have to be spent in those countries, for research trying to find out natural enemies and things of that sort not only for the cereal leaf beatle but also for many other pests.

There is quite a substantial general increase in research, especially in the foreign currency program, and certainly some of this increase should be directed toward this pest. In addition, there is a flat $132,000 increase directly earmarked for this purpose.

Mr. CHAMBERLAIN. As the gentleman knows, I handed him a letter earlier this week which stated it was felt $225,000 was urgently needed. "Absolutely essential" were the words used to describe the need in the letter to me, which I provided to the gentleman, for the program to be continued at the proper level.

Do I correctly understand from what the gentleman says that this money will be made available for this purpose?

Mr. WHITTEN. In the first place, may I say I have the highest regard for the writer of the letter. But if this committee brought in a bill in which we added up the sum total of money called for in the letters received, all told I think the bill would be about twice what it is.

We have to talk to the Department to see what they can properly use. May I say also that now there is a $2 million fund in here available to meet emergencies of this type. There is ample money in here to meet this problem, but we just cannot come in and accept each applicant's estimate of what they can use, because there is just not enough money in the country to meet all of the needs of what everybody says they would like to have. There are perhaps four different places, I believe, where we can certainly meet this need. I think that we have the solid dollars tied down for this purpose now.

Mr. CHAMBERLAIN. I thank the gentleman from Mississippi for his assurance.

Mr. MICHEL. Will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding to me, and I also appreciate my colleague bringing this very important question up at this particular point in the debate. As the gentleman from Michigan well knows, we have engaged in several colloquies in years past on this pest. In the early days, it was confined to the home State of the gentleman from Michigan. We did express a great deal of concern in subsequent years at finding that it was moving over into Indiana, Ohio, and Pennsylvania. Witnesses before our committee expressed concern that it may spread to the breadbasket of the country into Illinois and west of the Mississippi. The cereal leaf beetle has now moved into the Midwest and we find it in my own home district.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CHAMBERLAIN. I yield to the gentleman from Illinois.

Mr. MICHEL. As a member of the subcommittee we have time and time again attempted to get the Department to increase their efforts to combat this cereal leaf beetle pest. If I could have the Chairman's attention on this particular item, since the Chairman mentioned this $2 million of emergency fund money, which is available, as the gentleman who wrote Mr. CHAMBERLAIN suggests, I believe we have got to move and move now in order to combat this pest. Somebody has to put on the pressure, and I would like to see it done, if in no other way than in this colloquy here on the floor.

Mr. CHAMBERLAIN. I yield to the chairman of the committee.

Mr. WHITTEN. The subcommittee is well aware of what has been done in this field. We know that Mr. MICHEL has felt this way in the past, and we know that he still feels that way. I talked to the gentlemen who are in charge of this program, and we have gotten them to agree that they will go ahead full speed. You cannot do this without money, but even if you have the money, you have to have the people who are qualified to do it. We will give adequate attention to this, and we hope to be able to meet the problem.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman.

Mr. ANDREWS of North Dakota. I would like to point out to my colleague from Michigan that the subcommittee urged the Department not only to step up their work in this field domestically but also through counterpart funds abroad, to find out what is going on there, and to attack the problem there as well, mounting a double attack on this serious problem in order to lick it.

Mr. CHAMBERLAIN. Mr. Chairman, I have one final question. I note on page 19 of the report a statement to this effect:

> The committee regrets the failure of the Office of Management and Budget to immediately release $1.8 million provided above the budget for 1971, especially the additional $1 million provided to test the effectiveness of certain non-chemical means of pest control.

I would ask the chairman or the ranking minority member, or the members of the committee, if they can tell me whether or not this means that funds for this research have been held up by the Office of Management and Budget?

Mr. ANDREWS of North Dakota. Will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman.

Mr. ANDREWS of North Dakota. Unfortunately they have been, yes. That is the reason for the language in the report here. The subcommittee is sounding a warning, urging the Office of Management and Budget to release these funds. We appropriated them for the next year, and we hope that they will be made available.

Mr. CHAMBERLAIN. Can the gentleman give me his assurance that he is satisfied that if the money is appropriated the Office of Management and Budget will make the funds available for this most important research?

Mr. ANDREWS of North Dakota. I certainly cannot speak for them. We have been frustrated time after time with them, so, I cannot give any assurance or speak for them here on the floor. But we will certainly continue to urge them in the future to try to take responsible action in this most important field.

Mr. CHAMBERLAIN. I am grateful to the gentleman for his response.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, the Appropriations Committee has recommended for fiscal year 1972 spending $104 million on milk for our Nation's schoolchildren and others in nonprofit institutions. It is right for the committee to restore the special milk program, recommended for deletion in the budget and it is right for Congress to approve this recommendation.

The recommended $104 million will provide about 3 billion half-pints of milk to about 17 million school children, but it will, in addition, provide inestimably better nutrition standards for many of our youngsters.

It has been the practice of the past three administrations and the Department of Agriculture to leave the special milk program out of the annual Federal budget. The justification as outlined in the 1972 budget is that milk can be provided through the growing school lunch program. The school lunch program, however, provides meals only in schools and institutions where hot lunch facilities are available or where eligible children can be reached by catering such lunches. Many children and needy adults are still not covered by the school lunch program.

The Secretary of Agriculture has recently announced he would reverse his position and continue to provide milk to the needy through the special milk program if Congress would appropriate money for it. I strongly recommend we do so here today, for the special milk program is one of our most efficient and effective nutrition programs, benefiting those receiving the milk and the rest of us, too, for stronger, healthier children contribute to our Nation's prosperity.

Until we can insure that all of the Nation's schoolchildren, particularly those living in poverty, will receive nutritionally adequate meals which will include milk, no effort should be made to eliminate this proven program designed to provide badly needed dietary supplements. I anticipate overwhelming approval of continued funding for the special milk program. Every Congress since the inception of the program has supported funding, and I trust we will, too.

Mr. ANDREWS of North Dakota. Mr. Chairman, I have no further requests for time.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the gentleman for yielding and wish to commend the chairman and members of the subcommittee for bringing this legislation to the floor.

It has been thoroughly prepared and excellently presented. I rise in support of the bill and I ask consent to revise my remarks.

The $545 million for rural electrification loans included in this bill is a welcome and healthy step toward keeping our rural areas strong.

More and more I think we are beginning to understand the link between a healthy rural America and a healthy urban America. And this is especially so in the case of rural electric cooperatives, where now seven out of eight new cooperative customers are not farm connected, and in light of the recent census finding that the nonfarm population outside standard metropolitan statistical areas increased 20 percent between 1960 and 1970.

Rural electrification has also opened a whole new world of advanced techniques to our farms, helping them to produce more products more cheaply, and has opened up a market for electrical appliances and equipment now estimated at $1 billion per year.

Behind all this is the REA and the rural electric cooperatives, which have raised the percentage of farms served by electricity from 10.9 percent before the REA was created to 98.4 percent, or more, today.

More than $6.6 billion have been advanced to rural electric cooperatives—but, unlike other governmental programs, every cent of this money is coming back into the Treasury—with interest. More than $3.5 billion on principal and $1.2 billion additional funds for interest payments had found their way into the Federal Treasury from this program by January 1, 1971.

I applaud the committee for their leadership in pressing home the fact that, in spite of all this progress, our rural electric cooperatives are currently strangling to death financially. For 6 years running we have appropriated about $350 million for loan authorizations. Yet, in this time the demand for power per customer has doubled. In this time we have been adding around 150,000 to 200,000 new co-op customers per year. In this time inflation has drastically cut the worth of that $350 million.

In our rural areas 98.4 percent are electrified—but the easily hidden or forgotten fact is that the job is far from done. To handle those hundreds of thousands of new customers, to handle power demands that double on the average of every 8 years, to maintain and replace equipment that is now getting old, the National Rural Electric Cooperative Association annual survey turned up an expected $530 million in new loan requests for this coming fiscal year 1972. And stacked on top of that is a 6-year loan backlog of around $360 million or more, by REA estimates, and an estimated $100 million in loans which were reduced in amount or simply dropped from the roster due to the pressure of scarce funds. And I say again, Mr. Speaker, that we are not talking about grants here, but about loans, loans which come back with interest.

Our co-ops have had to dip into their own reserve funds to make ends meet. I quote the committee report:

> By calendar year 1965, this percentage had been forced down to 12% or $597 million on an investment of $4,979 million. By 1969 . . . this reserve had been forced down to 7.8% or $515 million on a $6,592 million investment.

In 1971, the overall reserve levels are considered to be at an all-time low. I know some of my own co-ops are having to operate on an even lower reserve level.

In their search for funds, our co-ops formed the National Rural Utilities Cooperative Finance Corp.—a fine testimony to the determination of our co-ops to pull their own weight. But the CFC, as it is commonly called, as of yesterday had $56,268,426 paid in by member cooperatives—hardly enough to cover the vast loan needs of the coming year. And they have as yet been able to make only two loans, totalling $139,000.

I praise the committee for its urging of the deferment of principal concept, to help build the CFC so that some of the loan burden can be removed from the U.S. Treasury. But as yet this administration has not allowed a single deferment under the committee recommendation.

With all this in mind, I think the committee recommendations of $545 million—to cover the new applications in fiscal year 1972, and to start chipping away at that 6-year backlog—is a welcome sum, a reasonable sum, and a needed sum. I am glad to see it in the bill.

Recently my colleague John Melcher and I held a special order in which we called attention to the Appropriations Committee and the other Members of Congress the great need for increased appropriations for the REA loan fund. Over 80 House Members participated in this order and I believe that they now stand ready to do battle for these funds.

I am proud to have helped organize that special order which has been termed by our Texas NRECA organization as the most thorough and effective examination of the REA loan program in the last 30 years. I compliment the Members who participated with me in that special order and I again want to call attention to the Members of the House the pressing needs of our rural electric co-ops.

Mr. MATHIS of Georgia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts which would impose a payment limitation of $20,000.

The Agriculture Committee agreed to a reasonable payment limitation last year when the farm bill was enacted. It was obvious at the time that a limitation would be imposed, and the committee supported a limitation which would not be so burdensome as to completely destroy our farm programs.

This is, of course, the real motive of those who offer amendments to further limit farm payments. I, for one, do not feel that the House of Representatives should be a party to the destruction of our American system of agriculture. It is far from perfect, but our people are the best fed and best clothed of any people at any time in history, and all of this has been provided by the American farmer at a reasonable cost. The reasonable cost is, in part, made possible through the subsidy system.

Mrs. SULLIVAN. Mr. Chairman, I want to take this opportunity to express my deep appreciation of the subcommittee, under the chairmanship of Congressman Whitten of Mississippi, for the manner in which it has approved and recommended budget requests for programs in which I have been deeply interested and with which I have been closely associated.

First I want to express my appreciation for the fact that the entire budget amount of more than $2 billion has been recommended for the food stamp program, an increase of a third of a billion dollars over amounts appropriated for fiscal 1971. I have said it before, and I am happy to reiterate it, that the Whitten subcommittee has in almost every single instance since 1961 provided every cent the Kennedy or the Johnson or the Nixon administration requested for the food stamp program. From time to time the gentleman from Mississippi has been attacked unfairly for not being concerned about hunger in this country. Not only has he been concerned but he has been effective in fighting hunger by the manner in which he has supported programs to feed the needy in this country—not by dumping surplus commodities at some central depot but in making the food stamp program operate successfully.

As the committee report points out, the vast expansion in the food stamp program in recent years has been accompanied by enforcement problems in preventing violations and abuses of all kinds. Anyone who cheats on this program should be punished for it and punished severely for serious offenses.

People in the United States have been willing, by their taxes, to support a program which would assure a needy child, or any needy person, the opportunity to enjoy a kind of diet necessary for adequate nutrition. The grocer who accepts food stamps for nonfood items, the individual who attempts to buy nonfood items with the stamps, those who steal the stamps, and those who wink at such violations are not only flouting the law but are jeopardizing the continuation of a humane Government program intended to help those who would otherwise not receive enough to eat.

So I not only commend the gentleman from Mississippi and his subcommittee for their continued support of the food stamp program but I join them in an insistence that it be vigorously enforced to eliminate abuses we know have occurred in many parts of the country.

CONSUMER PROTECTION AGENCIES

This is the first year in which the Whitten subcommittee has had responsibility for appropriations for major consumer agencies of the Federal Government not connected with the Department of Agriculture. I have been impressed with the manner in which the members of the subcommittee have worked to familiarize themselves with the consumer problems and the programs of Government agencies intended to help solve those problems.

I am delighted that the Food and Drug Administration has received in this bill its full budget request of nearly $100 million—actually $99,681,000, or more than $14 million more than appropriated for 1971. When I came to Congress in 1953, the budget for this agency was $5 million. I am sure it could use far more than $100 million but I certainly have no complaint about the action of the subcommittee and of the Appropriations Committee on this item.

The Federal Trade Commission, which has been doing an outstanding job in recent years in the area of consumer protection also is receiving the full budget amount of more than $25 million for fiscal 1972. This action by the subcommittee is an endorsement, I feel of the renewed emphasis in the FTC on consumer protection. The FTC has the principal burden of enforcement in truth in lending and in the new Fair Credit Reporting Act, along with many other consumer activities.

I particularly want to thank the subcommittee for approving the $625,000 necessary to complete the work of the National Commission on Consumer Finance. This study commission, created by the Consumer Credit Protection Act of 1968 to make a comprehensive investigation of the entire field of consumer credit and recommend changes in Federal and State laws to bring about a better, more informed, more effective use of consumer credit at reasonable rates, was not implemented until late in 1969 and must complete its work by July 1, 1972, a period of 30 months. The Commission consists of three Members of the U.S. Senate, Senators SPARKMAN, PROXMIRE, and BROCK; three House Members, Representatives SULLIVAN, GONZALEZ, and WILLIAMS; and three public members appointed by the President. The Chairman is Attorney Ira M. Millstein of New York. The other members are Prof. Robert Johnson of Purdue and former Minnesota Attorney General Douglas Head.

The Commission yesterday and today has been holding public hearings into enforcement of Federal and State consumer credit protection laws. A set of hearings last year spotlighted some of the worst abuses in credit collection practices. We have other hearings planned but the main emphasis of the Commission's work is in research into areas in which reliable and conclusive data have not previously been available.

Mr. Chairman, I again want to thank Congressman WHITTEN and the members of his subcommittee for what I think has been a good job—a fine job in the evaluation of programs of Government in the consumer field which were not previously under the jurisdiction of this subcommittee.

Mr. ZABLOCKI. Mr. Chairman, on many occasions I have spoken out against the President's policy of impounding funds appropriated by Congress. It was, therefore, reassuring to note the Appropriations Committee report on H.R. 9270. The report again expresses concern for the administration's violation of the will of Congress—the withholding of rural and urban water and sewer facility funds already appropriated.

As stated in the report:

> Congress has determined that urban and rural sewer systems, water systems and waste treatment facilities should receive priority attention to protect its citizens and enhance the environment. This determination should not be ignored or avoided.

Yet the Office of Management and Budget has determined that many of the funds already appropriated by Congress for these programs are to be set aside for the proposed "special revenue-sharing plans" for urban and rural community development—the value and future of which are extremely questionable.

Mr. Chairman, in the case of basic water and sewer facility grants, the Appropriations Committee has recommended that the Office of Management and Budget be directed in fiscal 1972 to utilize the impounded $200 million already appropriated by Congress for this program plus an additional $150 million, bringing the fiscal 1972 total to what Congress authorized and appropriated last year.

I trust that my colleagues share the view that the release of these impounded funds and the adequate funding of this important program are of utmost importance. Thus, I trust they will vote to support at least the level of appropriations recommended by the committee in the area of water and sewer facilities. Such action will show the Nixon administration that Congress intends to assure that its will be fulfilled in this area.

Further, I trust that the administration will interpret this action by the House to mean that we expect no further impoundment of funds contrary to the expressed intent of Congress.

Let me reiterate the principle underlying this question: Administration policies such as the impoundment of appropriated funds are not only destructive of our constitutional separation of powers, but also detrimental to our established governmental procedures and social goals. They must not be allowed to continue.

Mr. ABOUREZK. Mr. Chairman, many times in the short period that I have been honored to be a Member of this body, I have spoken out in behalf of the interests of agricultural America. I have done so for many reasons, not the least of which is my belief that it is in the national interest to reverse the farm-to-city migration. There are a number of programs which I feel would help achieve this desirable goal. We must seek more effective supply management programs in order to improve farm prices. Across-the-board aid to improve the quality of life in rural America is just and in the national interest. Farm bargaining mechanism can be improved, as can farm credit institutions. There is a crying need for more credit availability, especially for younger farmers. And we must seek to halt the corporate domination of agriculture.

I have introduced or cosponsored many bills designed to bring about these ends. But I have encountered, as have many of you, who share my interest, two obstacles. One is a matter of funding. We can pass programs until we are blue in the face, but without adequate funding they are worthless. In this matter I would commend the Appropriations Committee. While I must say that there are areas in which I would like to have seen even more, on the whole I think this year's appropriations bill reflects an increased concern with the needs of agricultural America, especially in the area of rural development programs.

But the second obstacle is, in some ways, an even more difficult one. It is a question of attitude. For too long our urban colleagues have looked upon farm programs as giant boondoggles. And given the manner of fund distribution this has in some cases been hard to deny. The $20,000 payment limitation discussed here today, will not work a hardship on the small family farmer. But it will make the whole concept of farm assistance more palatable to many.

It is for that reason that I supported the amendment which would provide for a $20,000 limitation. I can with a clear conscious ask my urban colleagues to support bills designed to help all of rural America when they know that I do not favor aid which will benefit only the corporate farmer and the well-to-do farmer who are not likely to need help in the first place.

Mr. McCLORY. Mr. Chairman, I am extremely encouraged by the $12 billion of appropriations for the Department of Agriculture and the Federal Consumer and Environmental Protection Agencies which are provided in H.R. 9270. Approval of this bill will greatly benefit the dairy farmers of Lake and McHenry Counties by providing a dairy indemnity program, price supports for dairy products, and increased funds for agricultural research.

Mr. Chairman, under the Agriculture Act of 1970, the dairy and beekeeper indemnity programs were expanded to include not only indemnity payments to dairy farmers who through no fault of their own suffer losses due to residues of poisonous pesticides, but also similar indemnification for manufacturers of dairy products and beekeepers. The committee has recommended $2.5 million to continue this worthwhile program. This sum, together with the $3.5 million appropriated on May 25 of this year should adequately meet the program's needs.

To maintain the level of price supports for dairy products currently at 85 percent of parity, the committee has recommended an additional $3,613,331,000 for the Commodity Credit Corporation. These additional funds will insure that the present dairy price support at $4.93 per hundredweight will be maintained.

Mr. Chairman, I am extremely heartened by the committee's recommendation of an additional $277 milion for agricultural research. This represents an increase of over $1¼ million over the fiscal 1971 level. If our agricultural production is to remain satisfactory, it is necessary to continue developing new methods, and modernizing old methods of production. Certainly this substantial increase in the appropriations for agricultural research provides clear evidence of the committee's recognition of this fact.

The bill before us also contains appropriations of more than $3 billion for environmental protection including funds for soil conservation programs and the construction of water and sewer facilities. Certainly this will be money well spent. In addition, the bill provides $2,763,023,000 for consumer protection and consumer services such as the food assistance programs administered by the U.S. Department of Agriculture. This program includes the food stamp and special milk programs as well as the Department's regulatory activities such as inspection of meat, poultry, and eggs.

Mr. Chairman, as our Nation's industrial might has soared to undreamed of heights, there has been a tendency to overlook the remarkable job done by our agricultural producers. No country has ever eaten so well, and certainly our farmers deserve commendation for seeing to it that we are provided with the finest quality fruits, vegetables, grains, dairy products, and innumerable other foodstuffs in such abundance. The bill before us gives dramatic proof that the Congress recognizes both the fine job that the agricultural industry has been doing and the necessity for making certain that it receives adequate funds with which to continue its outstanding work. Mr. Chairman, I urge speedy passage of the Department of Agriculture—environmental and consumer appropriation bill for 1972.

Mr. BEGICH. Mr. Chairman, I rise today to express some specific disappointment with this appropriation, and to make clear my desire for future changes. I rise also to make it clear that I will support amendments to this bill which increase the appropriations in the important area of water and waste disposal grants.

My disappointment stems from an appropriation that has been left out and my feeling that prompt action could have prevented this omission. Specifically, I am speaking of an appropriation of up to $800,000, which would have assisted in the construction of an incinerator and trash facility in Barrow, Alaska.

Before my comments begin to sound too much like special pleading, let me elaborate on the situation. First, as many of you know, Barrow is the northernmost community in this Nation, and is subject to year-round permafrost, long cold-weather periods, and general disability to effectively dispose of waste materials. In addition, the improper disposal of waste is extremely harmful to numerous aspects of the Arctic environment.

For some time, the solution to this situation has been known. It is to construct a large waste disposal facility which will incinerate both solid and liquid wastes, and compact for disposal the innumerable empty fuel drums which must be left about since no workable alternative exists.

The Department of the Navy, which has an installation in this area, has been well aware of this solution, and has completely cooperated. This year they assisted in gaining a $1.2 million appropriation for an incinerator facility toward a total cost of $2 million. The remainder was to come from other sources.

Since the needs of this area were so obvious, and the possible solutions almost equally obvious, the remaining funding seemed very possible. The best source, I learned, would be the Environmental Protection Agency, for whom we are considering appropriations today. Immediate inquiries were started.

The period since that time is the source of disappointment. Action on this proposal, in spite of EPA's knowledge of the need, and of the short construction season, was halting and ambiguous. When EPA asked for the participation position of the Barrow and Alaska governments, full assurance of participation was given.

Still, the lack of coordination between EPA and the Navy and the various levels of Alaskan government was disappointing. I quite frankly expected that EPA would be the leader in this struggle since the clearest area of concern on this project was environmental.

My intent here is simple. It is to point out that delays, failures to cooperate and communicate, and lack of information were responsible for the omission of this project. In no way will I vote or speak to impair the EPA appropriation. In fact, I fully plan to argue and vote for increased funding today.

I do want to reemphasize that good and necessary projects like this should not be hampered by the sort of action I have described. The people of Barrow are the losers here, and they should not be.

Mr. KEATING. Mr. Chairman, the most pressing need in environmental protection is substantial research into every aspect of pollution. Congress, has attacked businessmen, cajoled local and State governments, and criticized individuals for their lack of social concern with the pollution issue. Congress has taken action on enforcement and regulation, tax subsidies, and grants. Congress has repeatedly voiced its concern for doing something in this matter. Yet all this is meaningless without the absolute necessity of research. The measure we vote on today will provide that research.

The necessity of research is unquestioned. Before industry can devise methods of control, for instance, they will want to know exactly what will be expected of them. In addition, the regulatory powers vitally needed by the Environmental Protection Agency to enforce standards is meaningless if a proper background of research has not been accomplished. The private sector of the United States will act responsibly only if the Government does so first. That is why we must have research.

The proposed Environmental Health Center in Cincinnati will meet the needs of the Nation in providing this research. In fact, Congress has indicated since the Kennedy administration its intent to build this research facility.

Cincinnati has not waited. After the authorization was approved, the city government thrust its efforts and money into establishing the preliminary steps. First, the city offered the Federal Government several sites for the center. Second, the city began purchasing land and relocating families. This effort is now almost complete. And, third, the city has, to date, spent $2,143,400 on this project, with a commitment to the Federal Government to spend a total of nearly $4,500,000. The authorization has been made. Cincinnati has acted on this and accomplished all that it can at this stage. We are ready for a responsible Congress to act.

Why is Cincinnati the best location? Because, Mr. Chairman, Cincinnati has the greatest concentration in the Nation of trained personnel to handle pollution research. The new research facility will be located adjacent to the University of Cincinnati, which has graduate programs in environmental health, air pollution, industrial hygiene, occupational medicine, environmental health engineering, water pollution, and industrial solid refuse management.

There are now 13 separate programs in Cincinnati employing 1,043 people dealing with pollution research. Obviously, the most practical thing would be to put all this under one roof. To move the center elsewhere would mean a delay in the program of an additional 1.5 to 2 years. It is imperative, therefore, that in this vital issue, Congress should respond in a positive manner.

Congress must meet the needs of the people and on an issue so obviously and explicitly defined as this, it seems imperative that the Government should appropriate this $28 million for research facilities. The people cannot lose confidence in the ability of its Government to act.

Mr. SCHERLE. Mr. Chairman, my colleagues will be interested in the following information which compares the prices of choice cattle at retail with the costs of goods and services, hourly earnings, per capita disposable income and other items.

It graphically illustrates the cost-price squeeze which affects all farmers:

NATIONAL LIVESTOCK FEEDERS ASSOCIATION,
Omaha, Nebr., June 21, 1971.

Hon. WILLIAM J. SCHERLE,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR BILL: We are confident you will be interested in the comparison of choice cattle and beef prices with costs of goods and services, hourly earnings, per capita disposable income and other items as contained in the enclosed document. Similar comparisons have been made by this Association on previous occasions and this table has been up-dated to include the first quarter of 1971 or March, 1971, as figures are available.

The data is being sent to you for your personal use in any manner that you choose. As usual, you have our best wishes and kind regards.

Respectfully yours,
DON F. MAGDANZ,
Executive Secretary-Treasurer.

COMPARATIVE PRICES OF CHOICE CATTLE, WHOLESALE BEEF, AND CHOICE BEEF AT RETAIL WITH COSTS OF GOODS AND SERVICES, HOURLY EARNINGS, PER CAPITA DISPOSABLE INCOME, AND OTHER ITEMS

Food Prices, and notably meat prices, have come under attack at times with the charge being made that prices were "too high". The following comparisons indicate such a charge to be absolutely unfounded—in fact, the very opposite to be the case, when compared to increases in such meaningful bench marks as the Consumer Price Index, Earnings of Non-Agricultural Employees, and Per Capita Disposable Income.

	Amount	Percent change from 1960
Farm value per retail pound choice beef (byproduct credit included) (cents):		
1960	[1] 56.7	----------
1970	[2] 66.3	+16.9
1st quarter 1971	[2] 69.1	+21.9
Average price of choice steers, Omaha, per hundredweight:		
1960	[3] $25.18	----------
1970	[4] 29.34	+16.5
March 1971	[5] 31.81	+26.3
Average price carlot choice steer beef, Chicago wholesale, per hundredweight 600–700 carcasses:		
1960	[3] 42.05	----------
1970	[4] 47.33	+12.6
March 1971	[5] 51.45	+22.4
Average price per pound, choice beef at retail (cents):		
1960	[3] 81.0	----------
1970	[4] 98.7	+21.9
March 1971	[5] 102.3	+26.3
Consumer Price Index, all items:		
1960	[6, 7] 88.7	----------
1970	[6, 7] 116.3	+31.1
March 1971	[6, 7] 119.8	+35 1
Average cost all food purchased by consumers:		
1960	[6] 88.0	----------
1970	[6, 7] 114.9	+30.6
March 1971	[6, 7] 117.0	+33.0
Average cost all consumer services:		
1960	[8] 83.5	----------
1970	[8] 121.6	+45.5
March 1971	[8] 126.6	+51.6
Average cost all consumer services less rent:		
1960	[6, 8] 81.9	----------
1970	[6, 8] 123.7	+51.0
March 1971	[6, 8] 128.9	+57.4
Average hourly earnings nonagricultural workers:		
1960	[8] $2.09	----------
1970	[8] 3.23	+54.5
March 1971	[9] 3.37	+61.2
Average hourly earnings manufacturing workers:		
1960	[8] 2.26	----------
1970	[8] 3.36	+48.7
March 1971	[9] 3.52	+55.8
Average hourly earnings construction workers:		
1960	[8] 3.08	----------
1970	[8] 5.22	+69.5
March 1971	[9] 5.51	+78.9
Average hourly earnings retail trade:		
1960	[8] 1.52	----------
1970	[8] 2.44	+60.5
March 1971	[9] 2.54	+67.1
Per capita disposable income:		
1960	[8] 1,937.00	----------
1970	[8] 3,344.00	+72.6
1st quarter 1971 (annual rate)	[8] 3,466.00	+78.9
Per capita expenditures for food:		
1960	[10] 388.00	----------
1970	[10] 558.00	+43.8
1st quarter 1971 (annual rate)	[10] 567.00	+46.1
Per capita disposable income spent for food (percent):		
1960	[10] 20.0	----------
1970	[10] 16.7	−3.3
1971 1st quarter (annual rate)	[10] 16.4	−3.6
Per capita expenditures for goods and services other than food:		
1960	[10] $1,412.00	----------
1970	[10] 2,453.00	+73.7
1971 1st quarter (annual rate)	[10] 2,558.00	+81.2
Percent disposable income spent for goods and services other than food (percent):		
1960	[11] 72.9	----------
1970	[11] 73.4	+.5
1971 1st quarter	[11] 73.8	+.9
Food consumption per capita:		
1960	[6, 12] 96.4	----------
1970	[6, 12] 102.4	+6.2
1971 indicated	[6, 12] 103.3	+7.2
Pounds of beef consumed per capita:		
1960	[4] 85.0	----------
1970	[12] 113.8	+33.9
Price per pound, hamburger at retail (cents):		
1970	[13] 66.2	----------
January 1971	[13] 65.7	----------
March 1971	[13] 67.3	----------
Average price frankfurters at retail (cents):		
1970	[13] 82.7	----------
January 1971	[13] 81.3	----------
March 1971	[13] 81.3	----------
Price per pound, rib roast at retail (cents):		
Price per pound, rib roast at retail (cents):		
1970	[13] 111.7	----------
January 1971	[13] 111.5	----------
March 1971	[13] 114.4	----------

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[1] "Price Spreads for Beef and Pork," revised series, 1949–69, U.S. Department of Agriculture, miscellaneous publication No. 1174, p. 18.

[2] "Marketing and Transportation Situation," U.S. Department of Agriculture, February 1971, p. 29; May 1971, p. 25.

[3] "Livestock and Meat Statistics," statistical bulletin No. 333, U.S. Department of Agriculture, July 1963, pp. 261, 221, 275, 279.

[4] "Livestock and Meat Situation," U.S. Department of Agriculture, March 1971, p. 22; November 1968, p. 26.

[5] "Livestock and Meat Situation," U.S. Department of Agriculture May 1971, p. 29.

[6] Index.

[7] "National Food Situation," U.S. Department of Agriculture, May 1971, p. 28.

[8] "Economic Indicators," Council of Economic Advisers December 1970, pp. 26, 15; April 1971, pp. 26, 15, 5; December 1969, p. 5.

[9] "Survey of Current Business," U.S. Department of Commerce, May 1971, pp. S–8, S–15.

[10] "Marketing and Transportation Situation," U.S. Department of Agriculture, August 1970, p. 11, May 1971, p. 2. (quarter figures—seasonally adjusted annual rate).

[11] Calculated from "Per Capita Disposable Income and Per Capita Expenditures for Goods and Services Other Than Food."

[12] "National Food Situation," U.S. Department of Agriculture, May 1971, pp 9, 12.

[13] "Estimated Food Prices by Cities," U.S. Department of Labor, 1970; January 1971; March 1971.

Source: Prepared by National Livestock Feeders Association.

Mr. BROOMFIELD. Mr. Chairman, since 1947 the number of Americans living on farms has dropped more than 15 percent. In large measure this may be attributed to the widespread abuses that are built into the farm subsidy program. In 1968, for example, the Department of Agriculture mailed checks to 2,371,634 farmers. Of these, two-thirds were for less than $1,000, a skimpy 18.7 percent of the total $3.5 billion, while the remainder were divided among only 785,242 big farmers. These payments helped the big farmer finance land acquisition and faster mechanization, in turn, making competition by the little man all but impossible. Thousands of them simply closed down their farms and joined the already-crowded unemployment rolls.

The simple fact, Mr. Chairman, is that farm subsidies have only intensified the problem they were designed to cure: Rural poverty.

Meanwhile, the American consumer, in addition to the $3.5 billion he pays annually for the subsidies, must pay higher and higher prices for the subsidized foods he eats. One of the major ideas of the program is to prevent a surplus, and thereby guarantee high prices. Now, if the program spread the wealth around like it was supposed to do, the public might tolerate the higher prices. But the plain truth is that a few big landowners are getting rich at the expense of the little farmer and the American consumer.

For these reasons, Mr. Chairman, I have long opposed the farm subsidy program. I was pleased last year to see the passage of a $55,000 ceiling on per crop payments to any one farmer. It was long past due.

Still, I do not believe that measures strong enough, and I am supporting Mr. CONTE's amendment to limit those payments to $20,000. In the absence of legislation designed to abolish the whole outmoded system, this amendment, Mr. Chairman, seems to me the fairest alternative on all counts.

Mr. SISK. Mr. Chairman, I cannot protest more vigorously to this amendment which would limit subsidy crop payments to American farmers to $20,000. If we were to adopt it, American farmers would have every right to accuse us of acting in bad faith.

It was only last year, Mr. Chairman, after a bitter fight during which many concessions were made that we agreed to limit subsidy payments to $55,000 per crop. That authorization bill was to continue this policy for 3 years.

The American farmer has gone ahead accordingly and made his plans and investments in the faith that Congress would live up to its word to him.

He has prepared his land, planted and borrowed money from the banks according to the regulations established by the Department of Agriculture based on the 1970 Farm Act.

This amendment would ruin the farm economy of my area as well as throughout the country, to say nothing of the credibility of this body.

The farmer had every right to plan after we went ahead last year after full consultation, full committee hearings, discussion on the floor and the most long and considered deliberations in the House and Senate to expect that our appropriation would match that of the authorization.

Is it any wonder that people are asking if the Government is responsive? In this case, it would be downright deceitful. We would ask the American farmer to switch horses in midstream.

What is so reprehensible about this whole move is that we Members of Congress who represent agriculture went to our constituents last year and informed them that they would have to take less than they wanted. They were convinced on our word that this was the most reasonable approach that could be expected. If agriculture is to support legislation for the solutions to urban problems, then legislators from the cities must live up to their word to the farmers.

I ask, Mr. Chairman, that the amendment be defeated.

Mr. BLATNIK. Mr. Chairman, I will support the amendment of the gentleman from Georgia (Mr. STEPHENS) when it is offered to provide $700 million for grants for basic water and sewer facilities authorized by section 702 of the Housing Act of 1965.

Day after day, we talk and we hear about pollution—air pollution, water pollution, noise pollution, and now even population pollution. The newspapers carry story after story describing horrible situations in Lake Erie, the Potomac River, San Francisco Bay, and even Biscayne Bay. The administration sends bill after bill to the Hill for our consideration on these subjects. However, when it comes time to do something about it, the administration stumbles and falls.

It is totally inconceivable to me that a program as vital and urgently needed as this one should be treated with the neglect that it has. After freezing and withholding the funding for this major environmental program, the President recommended no funds for the water and sewer line program in this year's budget.

In H.R. 9270, the bill before us, there is included appropriations of $2 billion for the sewage treatment plant construction program administered by the Environmental Protection Agency. As recently as 2 years ago, we were talking about $214 million, and it has been a tremendous effort to raise this amount to $2 billion. However, one program cannot be successful without the other. It is sheer folly to build treatment plants and at the same time to ignore the necessary storm and sanitary sewer systems which are complementary and necessary for the successful carrying out of a total program.

The $700 million proposed in the amendment is in my judgment an absolute minimal figure. There are applications backlogged in the various HUD field offices involving legitimate requests of over $1 billion. Anything less than a $700 million appropriation would be folly.

In my judgment, this minimal amount is satisfactory but only if the President signs and requests appropriation under the Public Work Acceleration Act which is now before him. That act gives special emphasis to programs that would improve the quality of living which includes sewers, waste treatment and water distribution facilities. The Public Works Acceleration Act would permit eligible communities to obtain grants up to 80 percent of their cost as contrasted with the 50 percent of eligible land and construction costs under the HUD program. In fact, in some hard-pressed communities, grants could go as high as 100 percent.

I urge the adoption of the proposed amendment.

Mrs. ABZUG. Mr. Chairman, the amendment offered by the gentleman from Illinois strikes at the backbone of this Nation—the American workingman. By making food stamps unavailable to a family which has become destitute due to a strike, it would go a long way toward destroying the right to bargain collectively—a right which Americans have fought for throughout the last century.

The worker who goes on strike after collective bargaining has failed is exercising the only weapon he has to render his bargaining power equal to that of his employer. Such an individual is saying, in effect:

> I am willing to have my family and myself suffer some hardship for the moment so that we may enjoy a better life in the future.

This proposal constitutes an outrageous attempt to discourage working people from exercising their rights. It is an attempt to stack the deck for the employer by starving out strikers and their families. I urge its defeat.

Mr. RARICK. Mr. Chairman, the arguments and actions taken today have certainly treated the farmers of America in a country cousin fashion. It is difficult to understand how those who produce our food and fiber can be equated to welfare recipients. The farmers produce a necessity for all, while the welfare recipients produce for no one. If these assaults against our agricultural sector continue, one day soon our city dwellers, who for several generations have been educated to believe that farmers are deadhead tax riders, may learn from experience that the food they have grown accustomed to seeing on their supermarket shelves is not made by the grocer in his back room—nor by the wholesaler, the distributor, nor even the canner.

Should the farmers of America continue to be harassed and short changed, the day may arrive when recipients of guaranteed annual income and food stamps will understand that buying power means nothing if there is nothing to buy. And food is an essential commodity to life.

It is a strange paradox that at a time when the voices of fright are expressing concern over population explosion, family control, and food shortage, as well as devising ingenious programs to encourage work from unproductive people, some colleagues of this same philosophy would undercut the financial incentives of one of the largest primary production segments of our society—the working farmer.

It was this body that placed the farmers of America under strict regulations for production and market controls. Now we breach our faith with them on financial commitments. A better job of setting the stage for a planned famine and food shortage could not have been accomplished had we so planned.

The recent food strikes under the controlled economy of Poland must have left little impression on our big city friends who continue to regard it politically advantageous in big cities to continue attacking farmers. Should a food shortage befall this Nation it will not be those from the rural and urban areas who will suffer the pains of want from this body's mistakes. Sewerage plants, public housing, and prestige projects would mean little to large deserted cities. That is, unless our city dwellers are ready to plant victory gardens in their penthouse planters and flower boxes.

The same hazy thinking has brought us to the crossroads we face today. Farm production was placed under controls and support to insure a ready supply of food and fiber at a reasonable price to the consumer. The rigidity of controls worked against the family farmer and the mechanization, labor costs, and competition produced the corporate large farmer, the only one who has been able to scientifically withstand the Government controls and price competition.

The $20,000 payment limitation will not reduce taxes nor make foodstuffs cheaper to the consumer. The corporate farmer is a businessman. If he cannot make a profit, he is not going to invest his time and money in a losing enterprise. He can be expected to close his farming operation or utilize his land for another purpose. As we lose more farmers, we lose more income to raise revenue and there will be less abundance in our food warehouses. There will be less tax money to support the guaranteed annual income recipients, and under any theory of supply and demand, the prices of food and necessities produced by agricultural means must increase.

Perhaps the unannounced intention is a planned food shortage to attain the full environmental controls desired by some, which support the theory behind abortions, euthanasia, and family limitation. When the hour of decision arrives in which the number of people exceed the amount of available food, who will make the determination as to who survives and who is expendable? Man can survive without money, but not without food. Food can replace money during a famine, but the reverse is not true. He who controls the food of a nation can become more powerful than he who controls the money. If both are controlled by the same person or group, they are all powerful.

As for me, I feel that the farmer who struggles against weather, insects, the mortgage, and all of the other threats from nature, without any guarantee of any return on his investment, is one of the most important citizens in our land. We can hire bank presidents, chairmen of the boards or directors, politicians, and can always find labor leaders, but no one can hire or make a farmer.

I intend to cast my people's vote in favor of this bill, H.R. 9270. Our farmers need as much help as we can possibly give them.

Mr. BURLISON of Missouri. Mr. Chairman, I am still opposed to placing a $20,000 limitation of payments on our farmers. Agriculture is one of the very few industries left in this Nation that continues to increase in productive efficiency. One reason for continued increased efficiency is the larger farming operation. An end result of this is that the consumer continues to pay a smaller and smaller percent of his income for food and fiber. To impose a $20,000 limitation is going to be a disincentive for production on our highly mechanized and capitalized farming operations. I could make a number of other arguments against this limitation, all of which have been made on previous occasions by me and other Members of the House. I will not repeat them at this time.

Let me just mention, however, a couple of things that come to mind in the present debate. It seems so ironic to have a sizable number of Midwestern agriculture district representatives supporting this limitation. The reason for this is that they represent the wheat and feed grains farmers that are not quite reached by the $20,000 figure. But just wait until next year or the following year if the amendment passes today. You can be sure we will be back then with a proposal from our city friends to reduce the limitation to $10,000. Then these farmers will begin to squirm and we will see their representatives zealously presenting compelling arguments that the limitations should not be lowered to $10,000. Then they will be making the arguments that they reject today. A few years from now the position taken by these representatives will not only appear ironic, but highly paradoxical as well.

The other matter that should be mentioned, Mr. Chairman, is our unfair and unconscionable reneging on last year's action, if this amendment should become law. Last year we authorized a 3-year farm bill setting the limitation at $55,000. This was the first time that a limitation had passed in a farm program. By taking this action we were telling our farmers that for the next 3 years payment limitations would rest at $55,000. Many of our farmers started this farm year on that reasonable assumption. On the basis of it, they have planted their 1971 crops. If the amendment passes today, this House is not keeping faith with the farmers, nor with the farm program passed late in the second session of the 91st Congress. The Conte amendment should be decisively voted down.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCIENCE AND EDUCATION PROGRAMS

AGRICULTURAL RESEARCH SERVICE

For expenses necessary to perform agricultural research relating to production, utilization, marketing, nutrition and consumer use, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two for replacement only; *Provided further*, That appropriations thereunder shall be available pursuant to 7 U.S.C. 2250, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of construction of any one building (except headhouses connecting greenhouses) shall not exceed $40,000, except for six buildings to be constructed or improved at a cost not to exceed $80,000 each, and the cost of altering any one building during the fiscal year shall not exceed $15,000 or 15 per centum of the cost of the building whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland;

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed $100; $167,432,000, and in addition not to exceed $15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88–250 shall be transferred to and merged with this appropriation, except that $200,000 of the foregoing amount shall be available for matching with funds utilized for research on cottonseed proteins under Public Law 89–502: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That none of the funds appropriated in this Act shall be used to formulate a budget estimate for fiscal 1973 of more than $15,000,000 for research to be financed by transfer from funds available under section 32 of the Act of August 24, 1935, and pursuant to Public Law 88–250;

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: Page 5, line 24, strike out "$167,432,000", and insert "$169,532,000".

Mr. WHITTEN. Mr. Chairman, the President recently announced a major drug program and sent budget amendments totaling $155 million, of which $2,100,000 is for research to be conducted by the Agricultural Research Service in cooperation with research institutions in foreign countries. This research will be directed at developing: first, alternative sources of farm income and second, means for detection and destruction of narcotic plants.

Mr. Chairman, the committee met on this part of the budget proposal. We were unanimous in our support of it and ask that the amendment be adopted.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, this figure was in the budget supplement. The chairman states correctly the fact that the committee was unanimous in favor of it and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMODITY PROGRAMS

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948, as amended (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816); and laws pertaining to the Commodity Credit Corporation, $165,086,000: *Provided*, That, in addition, not to exceed $77,256,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $33,386,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds, appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 17, line 2, strike the period and insert the following: *And provided further*, That none of the funds appropriated by this act shall be used during the fiscal year ending June 30, 1972 to formulate or carry out any single 1972 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

Mr. WHITTEN. Mr. Chairman, I would like to reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN) reserves a point of order against the amendment.

Mr. CONTE. Mr. Chairman, this amendment presents this House today with a challenge and an opportunity: A challenge to face squarely the plain fact that our present farm program is not accomplishing the goals which we have set for it; and an opportunity to correct this situation, and reform this program, while at the same time, achieving savings of about $200 million for the hard-pressed taxpayers of this Nation.

Last year, when we proposed a similar amendment to the Agriculture Act of 1970, it was defeated in this body by a narrow margin. At that time many who voted against the amendment believed that the $55,000 limitation included in the bill should be given a chance to prove itself.

Mr. Chairman, the $55,000 limitation has been given that chance, and the reports on its administration are anything but favorable. Despite the ceiling, there was in fact an increase in total subsidies from $3.5 billion in 1969 to $4 billion in 1970, and it is now probable there will be no savings at all realized from this limitation.

For example, on March 9, 1971, the Wall Street Journal published an article by Burt Schorr under the heading "Saving to the United States from crop subsidy limits, once put at $30 million, now seen far lower," in which he reported that even Agriculture Department staff members now admit that—and I quote:

> The limit will save the United States no more than a few million dollars—if anything at all.

On March 16, I wrote to Secretary Hardin asking about certain statements in the Schorr article and requesting a progress report on the effect of the $55,000 ceiling as soon as possible after the 1971 signup was completed in April.

At that time I pointed out that the number of producers receiving Government checks in excess of $55,000 had increased from 1,100 in 1969 to 1,300 in 1970. This means that we should now be able to save a possible $69 million, instead of the $58 million savings estimated last year. But, as I have said, the shocking fact is that we will probably not save anything.

I asked the Department in its report to include information on the number of producers applying for a reduction in set-aside payments, because of the limitation, a preliminary estimate of the reduction in payments, and changes in leasing and cropping practices of all producers who had received payments in excess of $55,000 in 1970.

A month later I received a reply from one of Secretary Hardin's aides saying that—

> Such a report would be very expensive to compile and issue and we would be reluctant for this reason to do so.

Mr. Chairman, here is a program that costs $4 billion and he could not get this report to me because it would cost too much money.

Mr. Chairman, it is clear to me on the basis of press reports, and the unwillingness of Secretary Hardin's staff to collect and analyze information on the effects of the $55,000 ceiling, that the administration is putting only a minimum of effort into its administration.

Yet, the information on 1970 farm payments made available in April is simply shocking:

First: Federal farm program payments reached nearly $4 billion last year—up another half a billion dollars from 1969.

Second: Payments of nearly $40 million went to just 23 farmers.

Third: More than $1.5 billion in payments—nearly 40 percent of all subsidies, went to barely 5 percent of the farmers.

Fourth: Payments continued to go to many unusual farm factories including heavy payments to a farm——

Listen to this—can I have your attention because this is really something that I am sure you will all want to hear.

Heavy payments went to a farm in which the Queen of England and her family are major investors. We hear occasional reports of the rising costs of upkeep for Buckingham Palace, but I think the American taxpayer would have grave misgivings about this form of foreign aid.

Fifth: Over 10,000 producers received checks in excess of $20,000—two and a half times the number receiving checks of this size in 1967, an increase of 50 percent over 1968, and an increase of 18 percent over 1969.

This growth in the number of producers receiving checks in excess of $20,000 in the past 4 years is little short of scandalous, in view of the many other priority needs for Federal funds. From 6,900 such producers receiving $267 million in 1968, we went to 10,400 receiving $409 million in 1970. This $20,000 limitation would make possible maximum savings of $200 million—three times the possible savings under the $55,000 limitation.

I offer this amendment not only to reduce Government expenditures, but also because I am convinced that a lower ceiling on these excessive Government payments to wealthy landowners and corporations will result in better farming opportunities for smaller farmers. Large operators, with their subsidies limited, will find it more difficult to outbid smaller producers in competing for available cropland in the community.

In summary, I believe the record now demonstrates that a payment limitation at a reasonable level, such as $20,000, will not adversely affect the average farm family or the average producer. Less than one-half of 1 percent of all producers in these programs will be affected by my amendment. And it will actually benefit the small farmer by limiting the competition of corporations and other large producers.

Mr. Chairman, it would be tragically ironic if this chamber were to reject this opportunity today, when only yesterday it took steps to reform our welfare system. I was proud to support yesterday's bill. I submit that we are equally obliged—if not more obliged—to put an end to this scandalous, runaway farm program.

Let us meet that obligation today. Let us restore the faith of all those Americans who are disturbed by the present order of our priorities. And finally, let us decide—here and now—to redirect this program to its original purpose by truly helping the small farmer, and ending this dole to a tiny handful of corporate farming giants.

For all these reasons, Mr. Chairman, I urge the adoption of my amendment.

I might add that all of the polls I have seen show that 80 to 85 percent of the farmers in the United States favor a $20,000 payment limitation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. STAFFORD. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Massachusetts (Mr. CONTE) which would further reduce farm subsidy payments from $55,000 to $20,000 per crop for any single producer.

I have supported this amendment on the two previous occasions it was approved by the House, in 1968, and again in 1969 when we were able to impose the present $55,000 ceiling.

My support is certainly not an attempt to weaken our farm economy, but a positive move to save our taxpayers, including thousands of small farmers, money. As my good friend and colleague from Massachusetts has pointed out, we are faced with critical deficits in the Federal budget this year and next year.

Last week I took the floor to offer an amendment myself which would have saved the taxpayers over a half billion dollars in the Defense Department research and development program. This amendment could result in savings of more than $200 million without adversely effecting our farm economy in the slightest.

The point is, when we can save money without hurting the national security or in a program which benefits only the wealthy few, it is incumbent upon us to do so. This amendment will not effect the thousands of hard-working farmers, such as those who operate dairy farms in Vermont, except that it could assist in saving them from further tax increases to pay for the mounting Federal debt.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, as the Chairman will recall, earlier I reserved a point of order against the amendment. The amendment would go toward controlling the Commodity Credit Corporation. This is a question that has been before the House on other occasions. I am familiar with other decisions. I am so convinced that I am correct, having participated in the writing of the original act and having participated in agreements reached by Members of the Congress to create a corporation which would be permitted to carry on the prescribed functions, I do not give up my belief that the amendment is subject to a point of order.

Let me briefly state why. The Government Corporation Control Act, which the Congress passed, came at a time when a great many corporations did not even give us an accounting of their operations. Among those was the Commodity Credit Corporation, which at that time was incorporated under the laws of Delaware, just like many other corporations. It was a corporation rather than a Government department or agency, because the Congress wanted to give it the right to sue and to be sued, and the right to engage in corporate functions that a Government department or agency cannot engage in.

Later that same corporate structure was changed by act of Congress, by which we granted to the Community Credit Corporation a charter, in which not only was the authority of the corporation set out, but also their responsibilities. One of their responsibilities was to make price support payments and things of that sort. The corporation is now incorporated and has a capital structure, after this bill is passed, in excess of $14 billion. I make that statement to indicate the magnitude that our Government must give to the responsibilities, the assignments, and the task which we gave to this corporation.

Later we found out some of the operations of the American Spruce Corp. and others. At that time I was on the subcommittee handling corporations, a subject which is now under independent offices. Our chairman, the gentleman from Texas (Mr. MAHON) was also on that subcommittee. At that time we brought under the wings of the Government for annual review these corporations which up until then were accounting to nobody. We wanted to be sure that in our looking at the books and seeing that they were properly discharging their functions, in the process we did not defeat the intent of Congress when we set them up in the first place.

So in the colloquy with Mr. Whittington, who handled the bill on the floor, he quite clearly said—and this appears in the debate which occurred on May 1, 1968:

> Section 104 of the Corporation Control Act provides the corporation shall not be deprived of the exercise of any functions now authorized by law.

So the Corporation Control Act, which is the only way in which we attempt to control this corporation, makes an exception where any action would prevent the corporation from carrying out its responsibilities and its duties under the charter.

I respectfully say that when language is offered here which would say that the corporation's employees, the folks who work for them, the administrative personnel cannot do a thing which is set out in the charter as being a part of their responsibility, that we are going counter to the intent of Congress in the Corporation Control Act, which is the only reason it comes before us in the first instance.

Mr. Chairman, I realize in presenting this point of order that I am asking you to reverse prior precedent. It is said that the value of any rule is being smart enough to make exceptions when the time comes. In my honest opinion not based on my knowledge from having been there, but based on the record which I have quoted, the corporation has a charter. It has responsibilities. It has duties. The only way it is before us today is because we have brought it before us. But in the act of bringing it before us, we said that nothing in the annual review of this corporation shall prevent the corporation from carrying on its responsibilities and duties, one of which is price supports.

I respectfully urge the Chair to reverse the prior rulings of the Chair in this instance so that we may carry out the original intent of the Congress. An error oft repeated remains an error still.

I repeat, this point or order should be sustained.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. CONTE. Mr. Chairman, I rise in opposition to the point of order. This is the same argument that has been raised by the gentleman from Mississippi on several previous occasions. One such occasion was January 26, 1965; another was June 6, 1967, and still another such objection was made to an amendment which I offered on May 26, 1969. On all of these occasions the gentleman was overruled. In fact he was again overruled a year ago on June 9, 1970, volume 116, part 14, page 18998. I suppose we should commend the gentleman for his persistence, but the plain fact is there is no substance to his point of order.

On each of those occasions the limitation went to the entire act, as does this amendment. It stated on each occasion that "no part of this appropriation shall be used," or "none of the funds appropriated by this act," language of that sort. The language applies to administrative salaries of USDA organizations. The limitation is clearly negative on its face. It clearly shows retrenchment, the reduction in spending and, therefore, is entirely within the Holman rule, and I believe it is completely in order.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

As pointed out by the gentleman from Massachusetts and freely acknowledged by the gentleman from Mississippi, similar points of order have been made to similar amendments on numerous occasions previously.

The gentleman from Massachusetts (Mr. CONTE) has offered an amendment against which the gentleman from Mississippi (Mr. WHITTEN) makes a point of order on the grounds that it constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. The gentleman from Mississippi emphasizes particularly in his point of order that it would impose an additional burden and obligation upon the Commodity Credit Corporation and argues that the House lacks the power to impose this kind of restriction on that organization in the expenditure of funds.

Mr. WHITTEN. Would the Chair permit me—and I apologize for asking permission—to interrupt at this point to put it in my own words?

The CHAIRMAN. The Chair would be happy to hear the gentleman further.

Mr. WHITTEN. In my own words, the point I am making is by the action, if this is held in order, we would amend the charter of the Corporation of the Commodity Credit Corporation and we would amend the Corporation Control Act, because in the charter of the Corporation this is not possible and in the Corporation Control Act we made clear that this is not possible. So this amendment would have the effect of repealing or of amending the charter as well as the act which provides for its review.

I thank the Chair for permitting me to interrupt the train of thought.

The CHAIRMAN. The Chair appreciates the further elucidation by the gentleman from Mississippi as to the precise nature of his argument on the point of order.

Consistent with decisions previously rendered, going back as far as 1959, when Chairman Kilday ruled on the same point of order; Chairman Harris, January 22, 1965; Chairman Corman, June 6, 1967, and on May 1, 1968; and two decisions by the present occupant of the chair in 1969 and in 1970; the Chair would cite that it has been consistently held that an amendment to a general appropriation bill which is negative in character and which prohibits, during the fiscal year covered by the bill, certain uses of the funds therein is in order as a limitation even though its imposition would require additional dutes on the part of those administering the funds.

Now, as to the specific point that such an amendment might have the effect of amending the charter of the Commodity Credit Corporation, the Chair in carefully examining the amendment is of the opinion that the amendment does no more than to limit the application of funds which are made available in this appropriation bill, and, therefore, is consistent with the precedents cited to the effect that amendments to appropriation bills which do no more than limit the application of funds therein are negative in character.

The Chair therefore rules that the amendment is a limitation; it is in order and therefore overrules the point of order.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the House of Representatives and the other body approved the Agricultural Act of 1970, I thought for a period of at least 3 years that this issue of how much a payment limitation should be had been decided. It seemed to me that this was desirable; that there should be some finality in order for the Department of Agriculture and in order for the farmers of America to know with some degree of certainty what the payment limitation would be for a 3-year period.

Let me add, however, that during the consideration of the legislation in 1970, I voted for a lower limitation; I voted for the amendment that would have limited the payments to $20,000 per farm—per crop. However, those of us who felt that way lost, and the Congress in its wisdom or lack of it made the decision that we should have the current limitation in the Agricultural Act of 1970 for $55,000. In my judgment it would be very unwise and unfair at this point on this particular appropriation bill to change the rules of the game now, less than a year after the basic law was approved. It would be breaking faith with the farmers of America who had good reason to believe that during the term of the basic legislation, they could operate under a limitation of $55,000. Therefore, I am personally opposed at this time to a lower limitation on an appropriation bill, and I am here to urge that the Conte amendment be defeated.

I have in my possession, Mr. Chairman, a letter from the Secretary of Agriculture, Mr. Clifford M. Hardin, which I would like to read to the Members of the House. The letter is dated June 23, 1971:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 23, 1971.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR MR. FORD: We understand that an amendment may be offered in connection with the Agriculture Appropriations Bill which would have the effect of further limiting the payments to farmers under the Agricultural Act of 1970 for cotton, wheat and feed grains.

We have not seen a copy of the proposed amendment but we are assuming that it would not apply to 1971 crops since the government has already entered into contracts with producers for this year's crops.

Even if 1971 crops were exempted, a lowering of the limitation level would be extremely disruptive and costly to many farmers. Since December, when the Agricultural Act of 1970 was passed and signed by the President, many farmers have entered into leasing contracts, have revised their crop rotation programs and made arrangements for credit on the assumption that the payment limitation level of $55,000 would stay in effect for the full three years. It seems to me that farmers have the right to rely on the provisions of an Act which the Congress debated and passed and the Administration approved.

I feel certain the majority of the Members of Congress will realize that to make a substantial change in the rules at this time would be grossly unfair.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

Mr. GERALD R. FORD. Mr. Chairman, I strongly urge on the grounds of equity and fairness that we not change the rules in the middle of the game. I reiterate and reemphasize the fact that a year ago when we were debating this issue I felt that a lower limitation was right. However, the Congress acted and the farmers of America have acted in good faith in their relationships with the Department of Agriculture. Contracts have been signed; commitments have been made.

Mr. Chairman, Congress at this time to change the rules of the game would be inequitable and unfair. I therefore urge defeat of the Conte amendment.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize to the House that I am a little hoarse. However, I cannot let this opportunity go by without saying a word about this amendment.

The basic law of the land contains for the first time since we have had an agricultural appropriation a limitation, a $55,000 limitation.

I do not and have never subscribed to the theory that a limitation was a good way to control production and to stabilize price and demand which is, after all, the purpose of general farm legislation.

Nevertheless, Mr. Chairman, we have a statute on the books which the gentleman from Michigan has described. We have made a commitment to the farmers and the farmers have acted accordingly.

In many parts of the country planting is done before the winter comes around. In many parts of the country plans are made just as early as farmers know what the program is going to be. Operating loans are made accordingly.

Mr. Chairman, we have a $55,000 limitation. We have a law that we gave the farmers and the people of this country. But,to go beyond that to a lower limitation, it seems to me will destroy the farm program altogether. This is a cruel and inhumane amendment that will in my opinion start a depression in the United States and would destroy the livelihood of at least 100,000 farm families in America.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. EVANS of Colorado. Mr. Chairman, will the distinguished Speaker yield?

Mr. ALBERT. I shall be glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I wish to associate myself with the comments of the distinguished Speaker and say that I agree with him, that we have in the basic law a limitation of $55,000. Now, shortly after having done so and after most of the farmers have contracted and have started planting some of these crops, for this Congress now in this House to turn around to a lower limitation, one which would encourage the very thing the distinguished Speaker speaks of, I feel we will have a greater depression in our farm economy which concerns the dickens out of me.

Mr. ALBERT. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to say to my distinguished friend, the gentleman from Boston, Mr. CONTE, that I think the ramifications of this amendment will affect Boston as much as they will affect the great wheat-growing areas of Kansas, Colorado or Nebraska, or any of the cotton-growing States.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank our distinguished Speaker for yielding to me, and I want to join wholeheartedly in the position he takes. He has just touched upon a point that I thought should be emphasized, and that is that this amendment will not only create havoc among the farm people of our country, but in the long term it will injure the consumers and the families in America who rely upon a sound agriculture for the food on their tables.

Mr. ALBERT. I thank the gentleman for his comments

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I wish to thank the Speaker for yielding, and to remind him and the chairman of the committee that my district is one that is 95 percent urban and that I have severe doubts about the efficacy of the price support system. Indeed, I voted against the last farm bill that passed this House, and I have voted in the past for some limitation on the amount of the payments, although reluctantly, because I recognized that a limitation on the amount of payments to an individual farmer really does not make any economic sense in terms of the price support system. It will not hurt only those whose payments are limited, it will hurt all of the small farmers who rely on the price support system to hold up the price of the products they sell in the private market. They are hurt just as badly or worse than the large producer whose payments are reduced.

I therefore do not intend to support the amendment offered by the gentleman from Massachusetts (Mr. CONTE) on this occasion.

I commend our Speaker for his very factual and appropriate comments on this subject.

Mr. ALBERT. I thank the gentleman from Michigan very much for his remarks.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the $20,000 limitation payment amendment offered by the gentleman from Massachusetts (Mr. CONTE).

I think our Speaker, the gentleman from Oklahoma (Mr. ALBERT) brought out the basis of what we are talking about regarding this amendment. I think it would be heartless and most unfair now, as the Speaker said because the Federal Government has given its word to the farmers of our Nation and the checks are in the Agricultural Department ready to go out as of July 1. On the basis of existing law, farmers have gone to their banks, they have borrowed the money, they have planted crops that they are now tending in good faith, that they knew what they were doing because the law was on the books. They knew that they could depend upon Federal assistance for they were legally entitled to it. And now for us to renege upon legislation we have only months ago passed into law I think is shocking. No wonder individuals are losing faith in their government, the ink is hardly dry on the books and already this body is trying to go back on its solemn enactments.

As a member of the House Agriculture Committee, and as a Representative from a rural district of the Nation, I know full well the dynamics of the delicate relationship between the Federal farm program and our food fiber supply. As one who helped bring the new farm program into being, a program which placed a payment limitation of $55,000 per farmer per crop, I know full well we have stretched this delicate relationship between farm program and producer to the breaking point. To adopt this amendment would be to rupture this relationship beyond repair. Given the cost-profit squeeze in agriculture today, many individuals are leaving the farms and seeking their livelihood elsewhere. As evidence of this, in the last 20 years the population in this country has increased by 36 percent while the farm population has decreased 50 percent. During this same period, the number of farms has dropped from 5.7 million to 2.9 million and the decline continues.

The current condition of the American farmer can also be well depicted by examining his earning position relative to nonfarm sectors of the economy. Since 1950 the hourly earnings of manufacturing workers have risen by 131 percent. Since 1950 corporate dividends have increased 235 percent. In contrast to these success stories, the farmers' average return in 1967 to 1969 was 3 percent below what it was 20 years ago using 1947 to 1949 as a base period. Moreover, modern-day prices received for the three major farm crops: corn, wheat, and cotton, are actually considerably lower than those received two decades ago. For example, the average price received for corn last year was $1.12 per bushel. Twenty years ago it was $1.68.

The ability of the agriculture sector to provide the underpinning and momentum for our economic growth depends on the courage, resourcefulness, and initiative of the hardy few who are willing to risk their lives and their fortunes in the risky business of farming. To survive in the face of mounting costs for equipment, land, labor, facilities, and supplies, farmers have had to expand their operations and take every advantage of the economies of scale. As a result in many areas of the country, such as the Texas Panhandle, it is common for man to farm whole sections of land where in his father's time, men normally described their operations in terms of acres.

It is this fact, that farming has become big business, that the prime sponsor of the amendment to limit farm payments to $20,000—Mr. CONTE and others, seem singularly unwilling or unable to recognize. Perhaps his vision is limited to the farming conditions in his State, a State that has only 126,219 acres tied up in farming. In Texas, we farm 35,778,092 acres. If this is the case I would suggest the gentleman expand his horizons.

Mr. Chairman, the plain unadorned

fact of the matter is that if this amendment were adopted and a $20,000 ceiling set on farm payments, the larger, more efficient producer would be unable to participate in the Federal farm program and still cover his overhead, much less make a profit on his investment. He would have no other choice than to determine what crops he could grow most efficiently and plant them fence to fence. This would force the smaller farmers who were participating in the farm program to economic ruin. It would destroy the delicate bonds of the farm program which match farm production with the consumption needs of this Nation. It would create new gluts on the market. It would dislocate the farm economy in so many ways the economic tidal wave that would be created could well swamp the rest of the economy and drive the Nation smack into a devastating depression.

The history of the United States is fairly clear that nationwide depressions begin on the farms. When I was growing up there was an old saying that went like this:

> Depressions in this country have always been farm bred, farm led, and farm fed.

I predict, and I hate to be a prophet of doom, but I predict that if this Congress adopts the amendment to limit farm payments to $20,000, it may well have sown the seeds of our economic ruin.

I urge my colleagues to defeat this proposal.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill has been put together very carefully in an effort to be fair and helpful to all segments of the population of this country and to all areas of this country.

As you know, this is not just an agriculture bill—it is a bill providing appropriations for agriculture and for environmental and consumer protection. We have tried to attend to the needs of the cities and the countryside alike and we have done the very best we could.

The Committee on Appropriations in dealing with appropriation bills—the public works appropriation bill and others—is nonpartisan and seeks to be helpful and cooperative with all Members regardless of party affiliation. The committee tries to do what is best for the country. We have done the very best we could to do a good job on this bill for the House and I just want to plead with you now to join in voting down the Conte amendment and give the new farm law a chance to operate. The present law is not even 1 year old. It is a 3-year law and there is a $55,000 limitation in it. We have not had a limitation before and we have not even had a full year of experience with it.

In the interest of all consumers and in the interest of fair play and in the interest of all of us working together for the welfare of the entire country, I would hope that we can join together in voting down this amendment.

After we had drafted this bill, one of the Members from an urban area came to me and said, "We need some additional money for this summer nonschool feeding program. A shortage has developed, and there is not enough money to adequately carry out this program."

Mr. Chairman, we have agreed to put additional funds in the bill for that purpose, and we are going to try to direct that those funds become immediately available.

We are trying to work together. The people from the country and from the city have to work together if we are going to sustain and increase the strength of this country.

Members are familiar with the issue before us. It has been the subject of extended debate over a period of years. So, I do earnestly hope that we can stay together and vote down this amendment and pass what is perhaps the best agriculture appropriation bill we have ever passed, and the first bill that we will ever have passed that includes agriculture and environmental and consumer protection.

So let us stay with the bill as it is written. Let us not disrupt the operation of the new farm bill in its first year. Let us give the new farm program with the $55,000 limitation a chance to work. Chaos would reign if this limitation were imposed at this time.

I would deeply appreciate your support of the committee and your opposition to the pending amendment.

Mr. Chairman, under leave to extend my remarks, I am taking the liberty of quoting from a statement I made in the House on the farm debate last August 5:

> The direct payment to farmers was set up by Congress to help cover the cost of production and make room for a possible profit. There was no guarantee of a profit but the system made allowance for a possible profit.
>
> I considered the direct payment system to be extremely dangerous and it was largely because of this dangerous innovation that I voted against the 1965 act.
>
> ### OPPOSITION TO PAYMENT LIMITATION
>
> It is now being proposed in the amendment that a $20,000 limitation be put on the payment to the farmer on any crop.
>
> This would force the larger producers who do the principal job of providing food and fiber to consumers at a minimum price to do one of two things.
>
> First, the large producer could stay out of the program and produce to the full extent of his capability. This would inundate, this would engulf the small producer, causing a drastic reduction in his allotment because of the overproduction of the larger producer who was no longer in the program. It would put the smaller producer out of business, or it would require an increase in the government payment to an extent that would be impractical.
>
> On the other hand, if the larger producer decided not to increase his production of his customary crop, he would go into other fields of crop production.
>
> And you may be sure that he will do one of these two things because he has the land, he has the equipment, and he has an investment of many thousands of dollars.
>
> If he shifts to other crops, and remember that this is a big producer with a lot of land, this would violently disrupt the markets of producers of other crops. This would create an imbalance which would be highly damaging to farmers generally, especially the small farmer. Is that not obvious?
>
> And it would be damaging to consumers who would now be confronted with chaotic conditions in the supply of agricultural products.
>
> ### UPSETTING THE BALANCE OF AGRICULTURE
>
> Today it is popular, indeed necessary, to talk about the environment, to talk about ecology. We do not want to see the balance of nature upset. We are told, and correctly so, that this threatens our very survival. We are warned of the dire consequences of disturbing the delicate balance of nature.
>
> What then are the proponents of this amendment undertaking to do? What would be the result of their effort?
>
> Under the payment limitation as provided in the amendment, a tremendous imbalance in agriculture would occur. Millions of acres are involved and this payment limitation amendment would have a devastating impact on the finely tuned balance of American agriculture. Do not forget that American agriculture has done a tremendous job in meeting our requirements both at home and abroad and in keeping us at the top in a field where it is essential that we stay on top.
>
> To create an imbalance in agriculture by a deliberate action of the Congress would be intolerable, inexcusable, and unacceptable. It would bring chaos in farm-related industry and labor involving billions of dollars as well as millions of workers.
>
> No Member is detached from this program just because he lives in the heart of a great city. Every Member is heavily involved in what would happen as a result of this amendment and he cannot afford to see an imbalance created which would jeopardize his constituents and the industry, the labor and the consumers which he represents.

Mr. MAYNE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. MAYNE. Mr. Chairman, I rise in support of the Conte amendment, which provides a reasonable limitation of $20,000. The much larger payments under which this program has been laboring for many years are discrediting it in the eyes of the American people. In my opinion, and in the opinion of the vast majority of my farm constituents, these huge payments are jeopardizing the continued existence of the program for the family-sized farmers for whom the program was originally designed.

The taxpayers of this country rightfully resent tax funds being drained off in individual payments of hundreds of thousands, even millions of dollars, and part of this resentment is unfairly rubbing off on the small- and moderate-sized farmers for whom this program was intended. These large payments are jeopardizing the very existence of the entire farm program, and must be eliminated now if the program is to command sufficient public support for continuance on a reasonable basis.

Annual payments of more than $20,000 are hurting, not helping the family farmer. They are subsidizing the gigantic agricultural combines, corporate and otherwise, which have been gobbling up family-sized farms and driving farmers from the land by the hundreds of thousands. We should not be misled by arguments that payments of over $20,000 are helping small- or medium-sized farmers in any way.

Large payments are accelerating the growth of larger and larger farm units whose owners are encouraged to acquire more and more of their neighbor's land through the use of large subsidies. Government checks are being used as the downpayment to buy up family-sized farms with more and more farm families being driven from the land. Many of them then move to great cities where they are ill equipped to make the necessary adjustments to the complexities of urban life.

Mr. Chairman, this will be the fourth consecutive time I have voted for a $20,000 limitation on payments when the issue has been presented to the House. I urge my colleagues to join me in voting "aye" on the Conte amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman from Iowa for yielding. At least I can say one thing: We brought the big guns out here. I ask every one of you to look at the rollcall or the RECORD that I have submitted here and see the ones who got up here to speak today. How much do the big farmers in their districts get not to plant cotton? This is where the ball game lies—with cotton. There is little concern on their part for food stamps for undernourished babies and other poor people—the people who are going to bed hungry every night. The gentleman who just took the podium here had the third largest amount of money going to his district—over $110 million for 1969—going for farmers for not planting cotton. This is one of the most scandalous programs that has ever been foisted on the taxpayers of this country, and one of these days the whole roof will cave in. The people are not going to stand for it.

It is said here on the floor that the farmers show good faith. With a $55,000 limitation, sure they have shown good faith. They accepted the checks and they cashed the checks. They showed good faith. How many of your people who are trapped in poverty, earning less than $3,800 get a subsidy from the Federal Government of $50,000 or $20,000 a year not to plant crops? Tell me where the logic and the reason is in all of this.

Do you know how this program came about? It came about in the early 1930's, during the depression, to help the little farmer.

You know, I promised myself that I would not get too heated up on this question, but I could not hold back when I saw all the big guns come forward, including my leader, who generously gave me the opportunity in 1968—and if it had not been for him I would never have had it—to offer the motion to recommit on this bill with instructions for a $20,000 limitation, which he supported. Now it is $55,000. And we have not saved a plugged nickel.

I am trying through this amendment to send a message to Secretary Hardin saying, "Look, Mr. Secretary, we want a $20,000 limitation to prevent farmers from subdividing their land to get around this particular law." I say if you want to go back and face the taxpayers in your districts this coming election, vote for the $20,000 limitation. If you want to vote for the big fat cats, you should vote against my amendment.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. SCHERLE. Mr. Chairman, I am a farmer, and most of the Members of this House know it. I rise in opposition to the amendment offered by the gentleman from Massachusetts.

A $55,000 limitation was passed in good faith. As was mentioned earlier, the farmers who operate their farms have made their loans. They went to the bank and indebted themselves in the hope that the $55,000 limitation passed here in the House was the amount that would be guaranteed for the length of the program. The gentleman from Massachusetts made the statement a short time ago that there is no money saved. No one knows.

There is no way in the world of knowing at this time how much money has been saved. For instance, in my county alone 958 farmers have registered to participate in the program. There is no way of knowing how many farms have been broken down or how much of the land was transferred.

For once I am going to stand up and back the Department of Agriculture in saying that to analyze the situation before the end of the crop year would be entirely foolhardy, and tremendously expensive.

I ask my colleagues in the House to vote down the amendment and to stay with the agreed amount.

I am sure if you want to turn the thumbscrew down on the farmers of America just go ahead and vote for this amendment.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Mr. Chairman, I should like to point out to my city friends, sitting back and enjoying this situation, and to my friends whose farmers apparently do not fall in the $20,000 category, they are making one basic mistake.

What is going to happen if we impose a $20,000 limitation? The big farmer is going to get out of the subsidy program entirely, and the corporate farmer is going to outproduce all of the little farmers put together, and the gentleman from Iowa (Mr. MAYNE) is going to find his little farmer has been nailed, and my city friends will find that the people in their communities, who have a hard time to pay for groceries now, will find their grocery bills all of a sudden accelerated horrendously.

Whoever is responsible for this situation, I sympathize with his feelings of guilt. But this is not the way to purge a conscience, by condemning the small farmers and the poor consumers to a situation of increased debt and higher bills.

I thank the gentleman for yielding.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

The gentleman from Massachusetts, I am sure, did not intend to mislead the Members, but he made a statement which is not in accord with the facts.

This program is to help the farmer who grows cotton to recover the cost of production and hopefully, make a return on his investment. It does not subsidize anybody for not growing cotton.

There are certain set-asides, of land which the farmer has to comply with in order to qualify for the program, but that is not what he is paid for. He is paid on the basis of the cotton he grows.

I submit to the House it is to the interest of the American people that we continue to grow cotton. We need it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Iowa.

Mr. KYL. I believe we have to look at this from another standpoint. If we had a bill before us this afternoon to appropriate a billion dollars to take farm land out of production, to put it in grass or in some other better environment than a cropping system, it is my opinion that the gentleman from Massachusetts and a lot of others who propose this amendment today would be here arguing just as vociferously for the appropriation to accomplish that purpose. The Agricultural Act does accomplish that purpose.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Massachusetts (Mr. CONTE) to limit farm subsidy payments to $20,000 per producer. I have advocated similar amendments in the past. In fact, the House has voted twice to limit farm subsidy payments to $20,000.

At this time last year, a ceiling of $55,000 was accepted by the Agriculture Department and the House Agriculture Committee. Then they projected a savings of $69 million. Unfortunately, this has not materialized. The Department of Agriculture officials now concede there will be virtually no savings.

The present subsidy system, which now sets a limit of $55,000, remains a boon to the large corporate farmer; a drain on resources desperately needed for the poor and the disadvantaged—and in this group are thousands upon thousands of small farmers who derive no benefit from farm subsidies; and a perversion of our priorities.

The rationale for the farm subsidy program is that it provides a guaranteed income for the American farmer. No one denies that thousands of farm families are in very serious need, much as are many thousands of urban families. The irony is that the subsidy program does not really benefit the poor marginal farmer. Rather, it is a support mechanism for the large, mechanized farm operations.

Few programs maintain such a skewed sense of priorities. Not only are most of those whom the program ostensibly assists—the farmers—denied its benefits, but those equally in need but who do not fall within its direct scope—that is, the families of our cities and towns—are denied urgently needed Federal funds.

The savings the amendment now before us could generate would amount to some $200 million. Anyone who can deny that there are not a hundred—a thousand—more pressing needs in this Nation for that $200 million simply is not aware of the state of this Nation. We need billions for housing, for education, for health. Two hundred million dollars will not satisfy those needs, but it would certainly make a start. And we have delayed and delayed and delayed in making that firm, aggressive start to solve the domestic needs of America. Passage of the amendment to limit farm subsidies to $20,000 per producer—an amendment which, by the way, has twice before been passed by this House only to be rejected by the other body—is a particularly apt appropriate juncture at which to begin.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know the Members want to vote. I shall not delay.

I want to say to begin with, I opposed this type of farm program at its outset because it was apparent to me then that the farm producers—and that is what they are today—would end up annually dependent upon act of Congress for part of their cost and all of their profits. I opposed it at that time because I could see that this day would be an annual day, and it has been.

There are two or three things I wish the Members would think about, which ought to be remembered by all of us. The biggest market for industry and labor is agriculture. In order for agriculture to operate today, it all has to operate on a large-scale basis, because one cannot operate any other way today. If one does not operate on a pretty good-sized basis one cannot operate.

May I say again that the payments made are made so that the farm producer can sell at world prices while he pays American prices for machinery and all of the things that he uses.

I wish to call attention to these facts.

Since 1945–49 farm income has gone down, it has dropped during that period from 7.1 percent of investment, to only 3.3 percent on the investment, including payments. Not only that but, for the last 6 years, we have had an average of from 500,000 to 600,000 people who have quit farming altogether. Now perhaps in the cities, when businessmen go out of business, we can afford to have them quit, but, in the case of the farmer, we cannot afford to have them quit, because they are the people who feed us. We are the consumers.

So, Mr. Chairman, I hope you will all vote this amendment down, because it is unsound. In addition to that, it amounts to violating a commitment which was made to farmers, and upon which they acted in good faith. I hope that you will join with us in defeating this amendment. This subcommittee has worked very hard on this bill to balance the interests of the consumer and producer and the environment. We are in this thing together. With farm income down so very low now throughout the Nation, let us not do something to further the downtrend, because, as our distinguished speaker said, you could very well set in motion another depression.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken, and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONTE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. CONTE, Mr. WHITTEN, Mr. EVANS of Colorado, and Mr. MAYNE of Iowa.

The Committee divided, and the tellers reported that there were—ayes 214, noes 198, not voting 22, as follows:

[Roll No. 159]

[Recorded Teller Vote]

AYES—214

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Aspin
Badillo
Baring
Barrett
Begich
Bennett
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Celler
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniels, N.J.
Danielson
Delaney,
Dellums
Derwinski
Devine
Diggs
Dingell
Dow
Drinan
Duncan
du Pont
Dwyer
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Grasso
Green, Pa.
Gross
Grover
Gude
Haley
Hall
Halpern
Hamilton
Hanley
Harrington
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Jacobs
Jarman
Johnson, Pa.
Kastenmeier
Keating
Keith
Kemp
Koch
Lent
Long, Md.
Lujan
McCloskey
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Macdonald, Mass.
Mailliard
Mayne
Metcalfe
Mikva
Miller, Ohio
Minish
Minshall
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
O'Konski
Pelly
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Powell
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Shipley
Smith, N.Y.
Snyder
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steele
Stokes
Stratton
Sullivan
Symington
Terry
Thompson, N.J.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Waldie
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zwach

NOES—198

Abbitt
Abernethy
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspinall
Belcher
Bell
Bergland
Betts
Bevill
Blackburn
Blanton
Blatnik
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Clausen, Don H.
Collier
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Dennis
Dickinson
Dorn
Dowdy
Downing
Edmondson
Edwards, Ala.
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gubser
Hagan
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hathaway
Hays
Hébert
Henderson
Hicks, Wash.
Hillis
Holifield
Hull
Hutchinson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
McClory
McClure
McCollister
McCormack
McFall
McKay
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pickle
Poage
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rostenkowski
Roy
Ruth
Satterfield
Scherle
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Veysey
Vigorito
Waggonner
Wampler
Watts
White
Whitten
Wilson, Charles H.
Winn
Wyatt
Young, Tex.
Zion

NOT VOTING—22

Ashbrook
Ashley
Baker
Broyhill, N.C.
Cabell
Clay
Davis, Wis.
Dellenback
Denholm
Dent
Donohue
Dulski
Eckhardt
Edwards, La.
Ichord
Long, La.
McCulloch
Madden
Purcell
Runnels
Taylor
Wright

So the amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. WOLFF moves on page 1, line 7, strike all after the enacting clause.

Mr. WOLFF. Mr. Chairman, this appropriations bill, is a legislative monstrosity. By combining such diverse and unrelated programs as agricultural subsidies, consumer protection and environmental conservation in the same appropriation we are faced with a multifaceted monster.

For years I have come before my colleagues and protested against the expensive, wasteful program of farm subsidies by which we pay great sums to large commercial farmers for not tilling the soil. This program of giveaways is as much a "welfare" program as any we ever vote upon and is especially galling since it helps sustain already inflated food prices.

Every year we give away billions of dollars to corporations which exploit a program started with the responsible goal of helping small, family farmers. Unfortunately the original purpose of farm subsidies has long since been forgotten and we have instead an annual multibillion-dollar appropriation which can charitably be called a boondoggle.

Obviously the growing sentiment against these costly, unnecessary subsidies has caused its proponents to seek protection behind the guise of much more worthwhile programs of consumer protection and environmental conservation. But the truth is that there is much more in this appropriation that robs the consumer through higher food prices than there is to aid the consumer.

The only responsible action would be to separate these appropriations so they can be considered individually on their own merits, or, in the case of the agricultural supports, demerits.

How absurd, Mr. Chairman, to lump together in a single appropriation money for dairy and beekeepers indemnity programs, on one hand, and funds for National Commission on Consumer Finance on the other. Or consider the mismatch of combining grants for sewer facilities—something we should truly need—and the Commodity Credit Corporation. Perhaps we should stop throwing so much money down the sewer of agricultural giveaways.

Incidentally, the irony of this appropriation is shown quite clearly when it is considered that there is only $150 million of new money for sewer facilities while our waterways are polluted and local governments cry out for help, and $3.6 billion for the Commodity Credit Corporation.

Mr. Chairman, this appropriation is a convenient attempt, I suppose, to gain support for an overfed agricultural program by tying it to unfortunately lean programs of consumer and environmental protection.

Not only is this an attempt to have the tail wag the dog—the tail and dog do not even fit together.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I think I would be delinquent in my duty as a Representative if I did not take exception to one of the major arguments of the gentleman who has just spoken, the argument in which he charges "inflated food prices" to support programs. I will not engage in expressing any of my opinion. I will deal only with a few facts, and then let the Members of this House decide if the support program is responsible for "inflated market prices."

If you, I, a group of us, went downstairs to the House restaurant immediately after I finish speaking and we drank 100 pounds of milk, we would pay $30 for that 100 pounds of milk—exactly $30—a pint is a pound. I do not know anywhere in the United States today where a dairy farmer gets more than $6 a hundred for the milk he produces. Not $30, but $6. And he gets no support above that figure.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from New York.

Mr. WOLFF. Is it not true that the price depends on the ultimate use to which the milk is put? In other words, if the milk is produced for a commercial use, there is one price paid for that milk, and if it is sold as fluid milk, there is another price paid for it?

Mr. KYL. The gentleman is exactly correct, and I am so glad that he mentioned that point, because no farmer gets even $5 for milk that is not grade A drinking milk, and the price is often lower than that.

Let me continue. The farmer in the United States is getting about $17 a hundred for pork, for the pigs he produces. That price is $10 or more less than he got 5 years ago, 10 years ago, or 20 years ago. Can you blame an inflated price of pork at the market on the farmer who gets less for that pork than he did 20 years ago? It is ridiculous. That price is only indirectly supported through purchase programs.

Look at the price of corn. That is up a little from what it was a year ago and 2 years ago. Today the farmer gets the magnificent sum of $1.30 a bushel for the corn he produces, in spite of the fact that his production costs have increased every year. He makes far less money today on a bushel of corn than he did 20 years ago. If the price of cornmeal on the market is up, can you blame it on the farmer, who gets less for what he produces?

There are some products that are not subsidized. Some of those have been subjected to a greater rise than those which have been controlled.

I want to move to one other point. The gentleman from New York is extremely interested in the business of pollution control. The gentleman speaks about indemnification for dairy products. Let me cite one case. I will state no opinion, just the facts.

In my State now there is a dairy farmer. For 6 months the milk produced by his cows has shown, through a gas chromotography analysis, the presence of a pesticide residue. That pesticide cannot be found by analysis in any of the feed that he feeds his cattle, in the water supply, or anywhere on the farm. He has not used the pesticide. No one knows where it comes from. But an inspection of the milk shows there is a pesticide residue.

So the Government takes that milk off the market. Why? Is it to protect the farmer? No, indeed. It is to protect the consumer.

Through no fault of his own this man, raising dairy cows and producing milk, has milk with a residue of pesticide. Is this indemnification for his protection? Of course not. It is for your protection, for my protection, for the protection of the children in this country.

If the public is being served by that withdrawal, should we expect the farmer who, so far as we can determine, is totally innocent, to stand the loss?

No, Mr. Chairman; we cannot blame increased cost for food or fiber in the consumer's marketplace on the Agriculture Act. The facts speak for themselves.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York (Mr. WOLFF).

The preferential motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> The sum of $6,300,000, together with such additional funds as may be necessary to be derived from general administrative funds available to the Administrator, is appropriated to enable the Administrator to obtain, except where there is determined to be an imminent hazard to human life, in advance of determination of action to be taken or recommended from those agencies of Government or other entities, governmental or private, which are required to file reports on major Federal actions determined to have a significant effect on the quality of the human environment, reports as to the probable adverse effect on the economy, including employment and unemployment, if such action is taken and the project or proposed action is delayed or terminated. And, if necessary, the Administrator is authorized to reimburse the affected agency of Government or other entities for the reasonable costs of preparing such reports, if additional work is required.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I rise for the purpose of making a point of order with regard to the language appearing on page 28, lines 8 through 24, of the bill, which constitutes, in my opinion, and also in the language in the report, legislation on an appropriation bill and therefore is violative of the rules of the House.

Mr. WHITTEN. Mr. Chairman, I would like to be heard on the point of order and say, if I may, the committee agrees as to the point of order on the bill. Of course, we do not agree as to the point of order in the report. We wrote this in the report and, if I may pursue this a little further, we were asked to appropriate all of this money through the agency without any safeguard being written around how it would be handled. We did not ask for a rule on it, but until the gentleman in the well and others who are responsible, on very fine legislative committees, get around to writing some kind of a restriction or a guideline for this environmental protection agency and for the administrator, we are in a bad way, in my opinion, unless we have this language in here. It was for that reason that we wrote it in here trying to hold the line until the legislative committees could act. We readily concede that it is subject to a point of order, and if the gentleman or others insist on knocking it out, all they have to do is make the point of order.

However, I do not concede as to the point of order as to the language in the report.

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN), concedes the point of order to the language appearing between lines 8 and 24 on page 28 of the bill on the ground that it does provide funds for carrying out a function not previously authorized by enabling legislation. Therefore it does constitute legislation on an appropriation bill, and the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

> The sum of $2,500,000, together with such additional funds as may be necessary to be derived from general administrative funds available to the Administrator, is appropri-

ated to provide for an independent grant and contact review board made up of qualified persons selected to review the agency's priorities and to assume that such contracts and grants are awarded only to qualified research agencies or individuals consistent with national economic and environmental needs.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make the same point of order on which the Chair has just ruled, namely, that the language beginning on page 28 at line 25 and continuing through line 8 on page 29 again constitutes legislation in an appropriation bill, and so is violative of the rules. Again I renew my point of order in that this appropriation has not been previously authorized.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. WHITTEN. Mr. Chairman, the committee takes the same view and concedes the point of order.

The CHAIRMAN. The gentleman from Mississippi concedes the point of order, so the point of order is sustained.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know my good friend from Mississippi is distressed by what I have just done. He and I have been in discussion on the first point of order that was raised by me. I had not previously raised the second point of order, but in my recent research on the legislation I became aware of the language appearing on page 28, line 25, and at the end on page 29 down to line 8. I would ask unanimous consent at this time to be permitted to revise and extend my remarks in order to explain with some reason some of the motives that compelled me to make these two points of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Also, Mr. Chairman, I would like to say this: The gentleman from Mississippi has dealt openly and fairly with me on these matters. I believe he and the subcommittee handled a difficult piece of legislation well.

As the gentleman points out, the legislative committees have not yet acted on the matters on which the points of order were raised.

I would like to state to the House that the gentleman from Mississippi has behaved in an entirely gentlemanly and proper fashion and I hope that because of my insertion of these points of order I have done nothing to reflect any discredit or lack of affection or respect upon him or toward him. The gentleman from Mississippi has been very gracious and has handled this bill in my view very well.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I appreciate the gentleman from Michigan yielding. May I say our committee felt we needed to point these matters up in the bill. We expected them to go out on objection, thus, we used substantially the same language in the report and we will expect this agency and others to follow this language.

Mr. Chairman, if the gentleman will yield further, I would like to say at this time that this subcommittee was asked to appropriate hundreds of millions of dollars to the Administrator of the Environmental Protection Agency without any limitation or restriction upon his action. Each and every business and every person in the whole country is in his control with reference to this particular program. No one is questioning his abilities. However, there is not anything to hold him in check. The man, in my opinion, has more power than a good man would want and more power than a bad man ought to have. But, we felt we could not in all fairness bring in all that money, with all of that power, without making some limitation.

Mr. DINGELL. As I am sure my good friend from Mississippi knows, I am chairman of the subcommittee that has jurisdiction over the National Environmental Policy Act. We have tried in that bill, and I believe successfully so, to come forward with a piece of legislation which provides for this opportunity for consideration of environmental problems and to observe and consider the effects of the actions or the failure to act insofar as economic consequences are concerned. It is our intention later this year to attempt to go further into that matter and review the whole of the Environmental Policy Act and ascertain what future changes are necessary with regard to the particular points about which my good friend from Mississippi is concerned and to which he has addressed himself.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield further, I hope the gentleman will expedite the action of his committee because in the meantime I think a great, powerful individual—and he impresses me as being a very fine man—will have almost carte blanche authority in the administration of this law.

Mr. DINGELL. I would say that every single air and water pollution statute we have passed requires the actions of the Administrator of the Environmental Agency to reflect the limits of technology and capability as well as the economic consequences, and I hope the gentleman from Mississippi in his consideration of this matter will view the actions of the Administrator in the light of the language of the statutes to which I have alluded.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I would like to point out that by making these points of order my good friend from Michigan who is a great friend of conservation and environment has not only stricken the language but also some $8.8 million in funds that were in the budget.

Mr. DINGELL. I would say to my friend from North Dakota I am well aware of that. It always pains me to do this. I will further say with reference to the last point of order that I have grave doubts as to the wisdom of setting up another advisory commission without proper committee action. When there are at least two such advisory commissions or boards dealing with water quality, and one dealing with the quality of the entire environment.

Mr. Chairman, I might say that I am in sympathy with the objectives of the gentleman from Mississippi, and that I do feel that the economic implications of going ahead with or of halting Federal projects with environmental implications should be clearly identified as early as possible in the decision-making process.

I raise the point of order, not to prevent this evaluation process from taking place, but to permit it to take place where it belongs. While the Environmental Protection Agency is an organization for which I have a great deal of respect and admiration, its connection with the process of balancing of environmental costs and benefits by agencies of Government is at best remote. EPA acts as a regulatory agency and as a research agency. It has no responsibilities for injecting new economic factors into agency decisions, nor should it.

There is an agency which does have these responsibilities, and which has ample authority to develop procedures whereby other agencies of Government shall take economic factors into account in considering whether or not to go ahead with a given project or proposal. That agency is the Council on Environmental Quality, and its authority in this respect is provided by the National Environmental Policy Act of 1969—an act which resulted from legislation coming out of the Subcommittee on Fisheries and Wildlife Conservation, of which I have the honor to be chairman.

I would refer the members of the Committee to the language of section 102 (B) of that act, which requires all agencies of the Federal Government to—

> Identify and develop methods and procedures—(to) insure that presently unquantified environmental—values—be given appropriate consideration in decisionmaking along with economic and technical considerations.

The Council on Environmental Quality has recently adopted amended guidelines to assist agencies of Government in developing their planning processes pursuant to secton 102(2) (C) of the act. My staff has been in contact with the Council, to urge them to develop supplementary guidelines to assist the agencies in carrying out the purposes of section 102(2) (B) of that act. I understand that the Council is in agreement with this proposal, although it is not presently able to tell us how soon such supplementary guidelines might be forthcoming.

I do agree entirely with the gentleman that the economic implications of projects which affect the environment must be considered. I do not feel that the language suggested in the measure before us is the proper route to that objective, and this is why I feel it necessary to raise this point of order.

Mr. WHITTEN. Mr. Chairman, I am pleased to hear the gentleman from Michigan give these assurances. The committee, in its report, gave similar directions to the chairman of the Council on Environmental Quality. So, with both the legislative and the appropriations committees expressing concern, I am sure that the will of Congress is clear and the economic impact of these decisions will be considered. I would also repeat my point that, in spite of this action, the committee also expects Mr. Ruckleshaus to do the same.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time for the purpose of directing a question to our good Chairman.

Earlier this afternoon I mentioned the fact that I had received a telephone call from the vegetable growers or processors. It seems that in Madison, Wis., there is a research center and that a request had been made for money to go for research in the area of vegetable production, pest control, and what have you.

Now, I am wondering about the points of order that have been made. I notice that research is included. I was earlier assured that money would be in this bill to deal with research. I am just wondering if the Chairman has any view on this, because they are very concerned about it. It was my understanding earlier that money would be available for research in this area.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, the bill does provide for the type of research the gentleman is interested in. This is primarily in the funds for the Corporate State Research Service, in conjunction with the land-grant colleges and the Federal Government.

There is $82,034,000 in the bill for the Cooperative State Research Service. In addition to that, the Agricultural Research Service has over $184 million for research. If there is any phase of vegetable development, from the seed form on up until the vegetables are eaten or inspected that is not covered, I cannot think of where it could possibly be. I said vegetables, and that is a rather broad term because vegetables can cover so many different items, but I will say to the gentleman that they are certainly adequately taken care of.

There is another thing we should not overlook, and that is that we do have this reserve fund of $2 million.

If there is anything in here that is not covered, we have this $2 million emergency fund to cover it. So I do not believe the gentleman has anything to worry about.

Mr. NELSEN. Mr. Chairman, I thank the gentleman very much for his response.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to point out at this juncture three items in this bill relating to the very serious problem of southern corn leaf blight.

In the second supplemental appropriation bill for 1971 passed just a short time ago, we provided $1 million which has been directed to the State experiment stations for immediate efforts to combat this disease.

In the bill before us, our committee has provided an additional $500,000 for the Agricultural Research Service to study the transmission of corn blight and to develop resistance to it. As we point out in our committee report, this effort will be fully coordinated with the research being conducted by the experiment stations.

Also in the committee report we point out that ARS scientific activities overseas should include studies to undertake discovery of badly needed new resistant varieties of corn.

In addition to these funds, our committee has provided another $500,000 in the Cooperative State Research Service appropriation to fully fund the budget estimate for corn blight research.

Mr. Chairman, the latest reports I have indicate occurrences of blight in localized areas in 52 counties in 12 States. The State of Illinois has at least 20 counties in which infections have been confirmed. At this point we do not know how extensively it will spread and damage our corn crop this year, and because of all the unknowns we face, now is not the time to let up in our efforts to combat this disease. On the contrary, we must continue to press ahead, and the funds provided in this bill will give us a good base from which to work.

We intend to watch this situation closely as we move further into the crop season, and I hope we will be able to move quickly to take whatever steps are necessary to deal with this critical problem.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), $350,000,000 to remain available until expended, of which $200,000,000 shall be derived from the unexpended balance of amounts appropriated under this head in Public Law 91-556.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 30, line 11, strike "$350,000,000" and insert "$700,000,000".

Mr. STEPHENS. Mr. Chairman, the amendment that I am offering is an amendment cosponsored by the gentleman from New Jersey (Mr. WIDNALL). We are asking for $350 million more to be put into the 702 program of the housing bill. You ask what the 702 money is for. It is for water facilities. It can be spent for a water plant, for pipelines, and sewer lines. It is on a 50-50 basis, 50 percent by the Federal Government and 50 percent by the local government.

It is a program that has been in effect since the Housing Act of 1965. The program is for the purpose of correcting the basic pollution problems in America which are water and sewer pipelines and sewer treatment plants.

To give you a little history of this. Last year the House voted on a similar amendment I offered to increase the amount for this section 702 by $350 million, making the amount to be appropriated $500 million. The House voted for that by a great majority.

It went to the Senate, and was kept in the Senate, and the President vetoed the bill. When we finally passed the bill the last time, there was $350 million placed into this act for this purpose.

The President has not spent but $150 million. There is in the backlog some $200 million. This is where the committee gets its $350 million figure. The committee this year proposes $150 million in new money and adds it to the backlog.

The present bill appropriates only $150 million in new money then. We are asking for an additional $350 million of new money, making $500 million.

The story behind the need for this additional appropriation is right here in this 3-inch thick collection of applications that have been made all over the United States.

We have asked HUD to give us the figure on how much money and how many applications have been made since the inception of this program.

Let me read to you a little from this HUD report:

> As of April 30, 1971, a total of 7,155 inquiries were received by the Department of Housing and Urban Development, requesting some $4.4 billion in water and sewer assistance. Of this total 2,406 of these inquiries were converted to full applications covering requests of approximately $1.2 billion. As of April 30, 1971, a total of 1,655 applications had been approved by grants totaling $747.6 million.
>
> During this same period, 4,613 inquiries were withdrawn or rejected, involving grant requests of some $3.2 billion. At the present time there are 648 inquiries on hand in the Department of Housing and Urban Development, involving grants requesting $336.5 million; full applications on hand totaling 239, for $126.9 million.
>
> It must be reiterated that inquiries seeking assistance under the water and sewer program have, in total, requested an amount of $4.4 billion from the Federal Government. Due to a shortage of funding, roughly 75 percent of these requests have been either rejected or withdrawn, in many instances because of discouragement practices on the part of the administrators of the program.

There is no actual information of how much the demand is for this because when people make an inquiry, they are told—"No money." So, they do not pursue the matter.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. BURTON. Mr. Chairman, I would like to commend my distinguished colleague now in the well of the House and associate myself with his remarks.

Mr. Chairman, I urge my colleagues to adopt the amendment offered by the gentleman.

Mr. STEPHENS. I appreciate the gentleman's support very much.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I also wish to compliment the gentleman for offering this amendment.

In my own Baltimore County a water and sewer grant for $2 million is desperately needed to protect the Chesapeake Bay and the tributaries of the Chesapeake from pollution. This grant has been held up for 2 years by all kinds of red tape and excuses. But basically, approving the grant has not been approved because the President has impounded the money.

Mr. Chairman, I support the amendment of the gentleman from Georgia.

Mr. STEPHENS. I appreciate the gentleman's support.

Mr. Chairman, let me point out one other thing and you can put this down. Last year there was $800 million appropriated for sewer treatment plants in the entire program.

This appropriation bill we are considering right now says that we are going to give $2 billion for assistance for sewer treatment plants provided that amount is authorized in other legislation.

Now what good is it to have a sewer treatment plant if you do not have the pipes going into it—with the applications that are pending, this is one of the most priority programs in the United States. With the flood of applications that have been made for this assistance, it is a wonder that we should not have had recommended by the committee twice as much as I advocate in my amendment.

But there is one other thing I would like to point out. Someone said that if we put this in, the President would be sure to veto it again. But we should not legislate on the basis of whether the President is going to veto something or not. We ought to legislate on the basis of whether the legislation is good or not.

Mr. WIDNALL. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from Georgia.

Mr. Chairman, as cosponsor of the amendment offered by my distinguished colleague, the gentleman from Georgia, I rise in its support.

The gentlemen of the House have, of course, long known my views, but let me review them. I consider this program absolutely vital to the Health and Welfare of America. Particularly do I believe this true when we consider the needs of the suburbs, the small towns, and the rural areas. But the program need not stop there. Eligibility is only restricted by the amount of the authorization and appropriation. This is something we are urgently attempting to correct at this very moment.

The water and sewer facilities grant program exists because there is a Federal recognition that:

First, the adequacy of these facilities is essential to the health and liveability of any community;

Second, many local governments do not have the fiscal resources to provide these facilities on their own.

The overwhelming majority of communities presently participating in the program have populations under 50,000, with a substantial number having populations of under 10,000. At present, 71 percent of the available funds are going to towns 50,000 and under. If the population figure is raised to 100,000 the percentage figure rises above 90 percent.

The program is unique among HUD administered categorical grant programs in that it is not urban oriented, but rather directed toward communities in the process of growth, the capacity of whose water and sewer facilities is constantly being overcome by their increasing number of users.

For communities under 50,000, typically, a water and sewer facilities grant will be an isolated instance of that community either requesting or receiving assistance under any HUD grant program.

At present in the water and sewer program, there has been: $1 billion authorized, $500 million appropriated and vetoed, $350 million appropriated and passed, and $200 million held back by the executive, leaving $150 million presently available.

HUD's unfulfilled and denied applications total $3.5 *billion*, constituting a legitimate backlog.

As I have told Members of the House before, there are twenty applicants for every available dollar. At a time when we are universally concerned with the ecology of this country, at a time when we are waging both a private and public war against red tape, we can do nothing more in these common causes than to make readily available the dollars needed for the water and sewer program.

Some idea of the legitimacy of our cause can be obtained from the fact that the funds we are about to appropriate for sewer and water are on a matching basis. If the hard-pressed applicants are willing and able to put up not 10, not 20, not 33⅓, but in all practicality, 60 to 65 percent of the funds to better their communities, the Federal Government should not quibble over the money that goes to benefit so many citizens of the country.

This program is dwarfed by the funds made available to groups of much smaller size and of less urgent need. As I have said before, the water and sewer program is absolutely vital to the Nation and should be so recognized.

I urge all my colleagues—practically every one of whom represents a district which has applicants for this program—to vote for the amendment proposed by the gentleman from Georgia.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman.

Mr. Chairman, I believe the gentleman from Georgia and the gentleman from New Jersey are performing a real public service in bringing this amendment to the floor. I hope that the amendment will receive enthusiastic and overwhelming support. In the small towns and rural areas throughout West Virginia and the Nation, these water and waste treatment projects are badly needed, and can only be constructed with the kind of assistance provided in this amendment. The additional funding provided by the Stephens-Widnall amendment will enable many areas to conquer very serious pollution problems. I urge adoption of the pending amendment.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I rise today in support of the amendment to the appropriations bill for agricultural, environmental, and consumer protection which has been offered by my distinguished colleagues, the gentleman from New Jersey (Mr. WIDNALL), and the gentleman from Georgia (Mr. STEPHENS). This amendment would increase from $150 to $500 million the amount of new money provided as grants for the construction of water and sewer lines, pursuant to section 702 of the Housing Act of 1965.

Mr. Chairman, we have for too long failed to heed the vehement cries of our local communities for Federal assistance in the construction of vital sewer and water lines. I have contacted mayors and selectmen throughout my district and have found that the transmission of waste to treatment plants, which these lines would accomplish, remains one of their primary problems. Yet we have done little to facilitate progress in this area.

The inequities of the present system of Federal grants for sewer programs are readily apparent. Under this system, a community must demonstrate that it has a workable plan for transmitting sewage to the treatment plan in order to qualify for a Federal grant for construction of the plant itself. But the construction of lines for this transmission is usually as expensive as building the plant itself. Many communities have, therefore, been unable to obtain Federal funds for a plant because they lack the necessary money to build the lines themselves.

It is clear, Mr. Chairman, that we must begin to deal with the problem of water pollution control in terms of a unitary, integrated funding system, the dual components of which—construction of sewage treatment plants, and construction of sewer and water lines to transport the sewage and surface water to the plants—are inseparable. It is incongruous for us to continue allocating Federal funds for the plants, but not for the sewer and water lines without which the plants cannot function.

The Environmental Protection Agency's sewage treatment plant program can not alone cope with the pressing problem of water pollution. Critical to the success of the EPA program is its supplementation by the Housing Department's section 702 grant program for sewer and water lines. This amendment is the necessary first step toward that supplementation, and toward relieving our local communities of the burden of constructing water and sewer lines without Federal support.

This amendment, besides being necessary for the success of the EPA's sewage treatment plant program, will also give a significant boost to lagging economies in many communities. It will provide additional projects for contractors, and create new jobs on these projects. At a time when unemployment figures continue to soar, we must give serious consideration to a program such as this which will stimulate meaningful employment opportunities.

Mr. Chairman, it is easy for us to sit here in Washington and speak in abstract terms of the critical need to solve our water pollution problems. But to our local communities, pollution is more than an abstraction—it is, rather, a grim reality, stifling their growth and beauty. The amendment proposed today, though falling at least a billion dollars short of meeting present needs in this area, is a minimal first step toward concrete action by this body to improve our sewage disposal systems and help alleviate water pollution. Rejection of this amendment would be a clear signal that our commitment does not match our talk.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. WHITTEN. Mr. Chairman I move to strike out the last word. The two gentlemen who have spoken on this amendment, the gentleman from Georgia (Mr. STEPHENS) and the gentleman from New Jersey (Mr. WIDNALL) have rendered great service in this area. I cannot differ in any regard with the objective or with the value of the program that they envision or with its size. I would say, speaking for myself as chairman, and not binding the members of the subcommittee, that the thing that counted with us was the question how far we could go in inceasing money above the budget and get it used. So we agreed on $350 million, $150 million above the budget.

Last year, the amount was raised to $500 million and the President vetoed the bill, which was his privilege. It came back, and $350 million was provided, and the Office of Budget and Management released only $150 million.

There is a question whether the entire amount in this amendment could be used in view of the showing the applicants have to make including putting up their share of funds.

I personally would be proud to see a $700 million program, the question is can we get it released and get it used. This we doubt.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague from North Dakota.

Mr. ANDREWS of North Dakota. I should like to endorse the remarks of our distinguished chairman. He says it like it is.

I do not believe that anyone in this House or in America today does not want to do his utmost to seek to take care of the pollution problems we face. What we want are programs which can be implemented out in the field.

Certainly what the chairman said expresses the thoughts of those of us on the subcommittee, and I commend him for saying it.

Mr. BLACKBURN. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition not because we do not need sewer and water treatment facilities in our country but because the present programs are perpetuating inefficiency.

In studies I have made of the overall problem of the treatment of sewerage and the distribution and treatment of water, it appears that we should be handling these matters on an areawide or drainagewide basin, perhaps a river-drainage basin. We should have a regional authority which provides one efficient treatment plant, and which contracts out the sale of its services to the various political subdivisions which lie within the drainage basin area.

It is regrettable we are, under present programs, subsidizing a large number of small and inefficient plants, when one large, plant would be the least costly and most efficient way to handle the problem.

I certainly will support the amount that has been recommended by the committee. The only reason why I oppose the increase is that before we push ourselves further into this field we should reexamine the whole nature of the problem and see what can be done to develop and encourage more efficient treatment methods.

Mr. LANDRUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of the most important amendments to be offered to an appropriation bill. No other function of local government is suffering for money more than that of water distribution and sewerage treatment.

Every mayor in these United States and every Governor of the 50 States has either come in person or written by mail or called by telephone to urge upon the members of the Ways and Means Committee to pass $5 billion additional revenue sharing. For what purpose? Water distribution and sewerage treatment are the basic services they are requesting. And these services are needed. None can deny this.

Here is a real opportunity to give true revenue sharing to the real base of need. I hope that the Members can take into consideration the fact that what my friend from Georgia, Mr. BLACKBURN, has proposed is probably, in the long run period of years to come, correct, but it is not going to solve the problems today of Junction City and Jasper, Ga., or of New York City or of Los Angeles.

This is an opportunity to attack the problem without awaiting the speculative outcome of revenue sharing and without delaying further the service that we ought to send to the localities.

I urge adoption of the amendment.

Mr. BEVILL. Mr. Chairman, will the gentleman yield to me?

Mr. LANDRUM. I yield to the gentleman.

Mr. BEVILL. Mr. Chairman, I rise in support of the Stephens-Widnall amendment to the bill, H.R. 9270, the agriculture-EPA appropriations bill for fiscal year 1972. The bill under consideration appropriates a total of $150 million for new grants for the basic water and sewer facilities program authorized by section 702 of the Housing and Urban Development Act of 1965. The Stephens-Widnall amendment would appropriate $500 million for this program instead of the $150 million asked for in this bill, which means this amendment increases the authorization for this popular water and sewer program by $350 million. As many of us recall in the appropriations bill last year, the House increased the amount to be authorized for the water and sewer program from $150 million to $500 million. The president subsequently vetoed the appropriations bill, which contained this sum and sent it back to us saying that he strongly objected to increasing the funds for this program. The Congress subsequently appropriated a total of $350 million for this program. All we are asking to do this afternoon is to appropriate the same amount of funds which the House deemed necessary last year. I recall that we also passed the Emergency Community Facilities Act, Public Law 91–431, which increased the authorizations for this program by $1 billion. We passed it in the House by a vote of 281 yeas to 32 nays.

The administration's budget has recommended an increase in appropriations for sewerage treatment plant construction from $1 billion in fiscal year 1971 to $2 billion in fiscal year 1972, but the same budget requests no funds for the water and sewer program. The water and sewer program authorizes the Secretary of Housing and Urban Development to make grants to local public bodies to finance public water and sewer facilities other than sewerage treatment works. We all recognize the absolute necessity for more sewer and water lines when the Federal Government is making money available for more sewerage treatment plants. The $500 million in the Stephens-Widnall amendment will barely cover the backlog of applications that have been approved and are presently pending in the Washington office of the Department of Housing and Urban Development. There are over $1 billion in applications for this program pending in HUD offices. I have heard from numerous public officials in my district in Alabama complaining about the difficulty they are encountering in obtaining funds for necessary water and sewer lines. At the present time, there are some 22 applications pending at HUD totaling $7,985,910.00 in grant funds.

Mr. Chairman, the amendment of my distinguished colleague from Georgia, BOB STEPHENS, and the distinguished ranking minority member of the Banking and Currency Committee, BILL WIDNALL, is a small price to pay for a suitable living environment.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield to me?

Mr. LANDRUM. I yield to the gentleman.

Mr. STEPHENS. In section 702 of the bill which we are talking about, it does not have any limitation in it on cities of 10,000 like in the Farmers Home Administration. It applies to the big and the small cities, both. However, in the application of these funds it has been utilized more fully by the small cities, rather than the large ones of 10,000 population, the same as in section 702.

Mr. LANDRUM. My friend is correct. And, as always, accurate in his statement.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the gentleman will agree with me that in order to receive any of these funds, there must be comprehensive plans. There is a great deal of control by the Federal Government on the type of plans. If the Members will look at page 48 of the gentleman's report, they will see what it is necessary to have to receive these funds.

Mr. Chairman, I am opposed to this amendment. It seems to me that if we provide $350 million, and they say there is sharing of 50 percent, that means there will be a total of $700 million available in the next year for this sewer and water facility. That is considerably more than $500 million that the gentleman from Georgia was discussing. It seems to me if we provide this $350 million additional from the States and the various communities, we will have a total of $700 million, and I say to my colleagues here today, if we look at this bill with these large sums, I wonder where the money will come from. We will just have to find some place for it to come from; $700 million in the next year I am sure will do a great deal to solve the problems that some of these people are talking about. It seems to me, Mr. Chairman, $700 million is a very large sum for these programs particularly under the specifications that are set out on page 48 as a requirement for the distribution of the funds.

Mr. Chairman, I urge my colleagues to keep in mind where the money is coming from and whether or not the $700 million will do the job for the next year.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just take a few minutes, but I want to say that I think we are doing a disservice to this House if we do not keep in mind the fact that we are talking about an existing situation here in which we have over $2 billion worth of applications that are backlogged. Most of these applications have already been serviced with all of the requirements of the plan.

Mr. Chairman, a considerable amount of investment has been made at the local level to qualify for what they have been promised. I will tell you that the urging for the program came on strong and the performance came on very weak.

Mr. Chairman, there is a tremendous number of communities spread all over this land and $350 million is not going very far in terms of servicing the needs of the great number of people that you and I in concert represent.

There is another suggestion that may be burdening on the minds of some Members of the House. It is true that this House has in the past appropriated money for greatly needed services for our people but which the administration has not spent. There are great sums of money that are frozen. There are some who have the fear that these funds may have some political use and at the appropriate time some of this money will flow in the hope that it will bring an appropriate reaction in the election next year. I do not believe that is going to be the case. I do not believe the American people would react positively to that kind of approach. I do not think this President is the kind of man who will take the money which we have put into this type of program and make that kind of use of it. I think he will see it as we now see the need and apply it where we see it ought to be applied.

Mr. HORTON. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleagues Mr. WIDNALL and Mr. STEPHENS to provide $500 million in new money for grants for basic water and sewer facilities authorized by section 702 of the Housing Act of 1965. The necessity for this increased authorization is so overwhelmingly clear that my remarks will be brief.

As you know, the President's original budget request called for an appropriation of $2 billion for the Environmental Protection Agency's sewage treatment plant construction program, exactly double the fiscal year 1971 appropriation. While I commend this action by President Nixon, it is inconceivable to me that no funds were requested for the water and sewer line program. Obviously, new sewage treatment plants cannot solve the human waste pollution problem unless we also construct the necessary sewage lines.

The Committee on Appropriations recognized this inconsistency and reported out a bill containing an authorization of $150 million for the 702 grants for basic water and sewer facilities. This is a step in the right direction, but $150 million falls pitifully short of what is needed. The amendment before us will increase this amount by $350 million, just enough to cover the backlog of applications that are approved and pending with HUD in Washington.

Localities in my own congressional district and across the country are in urgent need of substantial Federal assistance for water and sewer line construction. We must fully fund the 702 grant program until the job is done. Certainly $500 million is the lowest acceptable appropriation when there are other programs in the Federal budget which deserve far less priority.

Mr. Chairman, I urge my colleagues to honor our commitment to pollution abatement by supporting this amendment.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to bring to the attention of the Members something about which they may or may not be aware. That is the statement by George Romney of HUD made over national television last Monday, that either communities adopt procedures for installing in their communities low-income, taxpayer-subsidized housing, or these communities will not receive money for sewers and other vital community services. This is blackmail pure and simple. It is an attempt to impose on communities a social order which they may not want but HUD considers desirable.

Mr. Chairman, I have prepared an amendment which I had hoped would be a limitation on spending which would have stated: "No part of the funds contained in this act shall be withheld from any political subdivision because of failure or refusal of that subdivision to accept or make provision for low-income Government-subsidized housing."

I am not going to offer that amendment because after talking with the chairman of the committee, he feels that this is not probably a limitation on spending and would be subject to a point of order.

However, I do want Secretary Romney to know that I, for one, feel that sewer money and other money which goes to the communities should be based on the merits of the individual case and that he should not set up as criteria the requirement of the communities to adopt certain social goals such as socialized low-income taxpayer-subsidized housing in order for these communities to be eligible to receive some of their own tax money back for much needed services such as sewers.

To force a community to accept something they do not want as a condition for approval of sewer grants is blackmail. It is blackmailing the people with their own money. It is a blackjack tactic. I sincerely hope that other Members of Congress will let Secretary Romney know that we do not support and will not stand for such blackjack tactics.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, $12,000,000, with which shall be merged with the unexpended balances of funds heretofore appropriated for emergency conservation measures.

Mr. DINGELL. Mr. Chairman, I rise as chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries to discuss the legislative history and intent of the Water Bank Act.

The purpose of the Water Bank Act is to preserve and improve the habitat for migratory waterfowl and other wildlife resources. The act also has as its purpose to reduce runoff, soil and wind erosion; to contribute to flood control and improved water quality and subsurface moisture; to reduce stream sedimentation; to promote comprehensive and total water management planning; and to reduce the number of acres of new land coming into production and to retire certain lands now in agricultural production.

In achieving these purposes, the act authorizes the Secretary of Agriculture to enter into 10-year agreements with owners and operators of wetlands in the migratory waterfowl nesting and breeding areas of the United States, which occur principally in the Dakotas and Minnesota.

In general, the agreements would provide that the owners and operators could not drain, burn, fill or otherwise destroy the wetland character of the lands under contract and could not use such lands for agricultural purposes during the contract period. In return, the Secretary would be required to make annual payments to owners and operators agreeing to place such lands under a water bank program.

Although the waterbank program will not facilitate the acquisition of land for the waterfowl production area program, certain waterbank provisions have great potential for increasing the waterfowl production of both the wetlands protected by the Department of the Interior easements and additional wetlands which landowners place in the waterbank program.

Mr. Chairman, I would like to point out that the program to be carried out under the Water Bank Act is to be carried out in harmony with the land and water conservation activities now carried out by the Secretary of Agriculture. The ends sought are similar, such as wildlife conservation, soil and water conservation, pollution abatement, and the encouragement of farmers to refrain from converting wetlands into croplands. However, in achieving these purposes, the act requires the Secretary of Agriculture to consult with the Secretary of the Interior and take appropriate measures to insure that the waterbank program is carried out in harmony with the wetlands program administered by the Secretary of the Interior.

Mr. Chairman, the Nation's principal wildlife conservation officer is the Secretary of the Interior, and it is he who is charged with the primary responsibility of carrying out programs for migratory waterfowl. Consequently, if the waterbank program is to be successful, it is essential that the Secretary of Agriculture and Secretary of the Interior work closely in carrying out the program authorized by the act. Since this is the first year of the 10-year program, I would like to see this program get off to a good start. In this regard, I think the record should clearly show that the Congress expects the Secretary of Agriculture to closely coordinate this program with the Secretary of the Interior. It is only in this fashion that migratory waterfowl can receive the benefits to which they are entitled under this act.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 37, immediately after line 25, insert the following:

"Stream Channelization

"No part of the funds appropriated by this Act shall be used for engineering or construction of any stream channelization measure under any program administered by the Secretary of Agriculture unless (1) such channelization is in a project a part of which was in the project construction stage before July 1, 1971; or (2) the Governor of the State in which the channelization is to be located certifies to the Secretary of Agriculture, after consideration of the environmental effects of such channelization, that such channelization is in the public interest."

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN) makes a point of order against the amendment.

Mr. WHITTEN. Mr. Chairman, in reading the language in the amendment it provides:

> 2. Unless (1) such channelization is in a project a part of which was in the project construction stage before July 1, 1971; or (2) the Governor of the State in which the channelization is to be located certifies to the Secretary of Agriculture, after consideration of the environmental effects of such channelization, that such channelization is in the public interest.

I respectfully suggest, Mr. Chairman, that this language is not a limitation on an appropriation bill, but carries with it the requirements of certain duties by the Governors of the States for certain actions and certain determinations as to whether or not they can be properly made, and therefore brings them within the point of order, which I insist upon.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. REUSS. I do, Mr. Chairman.

Mr. Chairman, the amendment I have offered is clearly and squarely within the precedents. It constitutes an appropriation limitation on an appropriation. The statement of the Chair reported in volume 7 of Cannon's Precedents at page 704, is squarely in point.

In that matter on May 21, 1918, an amendment was offered to the agriculture appropriation bill saying:

> No part of this appropriation shall be available for any purpose unless there shall have been previously issued the proclamation by the President.

It then refers to the kind of proclamation that the President may offer.

Mr. William H. Stafford, of Wisconsin, who, incidentally, was my precedessor in my congressional district, made the point of order that the amendment was legislation, and hence out of order on an appropriation bill.

The Chair held:

> A different principle from that of germaneness is involved in the point of order to this amendment. If the Chair understands the amendment it is intended as a limitation on the payment of any money under this paragraph until the President has issued a certain indicated proclamation which in his discretion he may or may not issue. This amendment does not compel him to issue it, but so long as it is unissued the House does not propose, if the amendment is adopted, to allow the Agricultural Department to have the benefit of the appropriation in this paragraph.
>
> * * * * *
>
> This amendment does not compel the President to issue the proclamation referred to. He may issue it or refuse to issue it in his discretion. But the amendment in substance says to the Department of Agriculture: We propose to withhold from you the benefit of this appropriation during the full period of time during which this proclamation is unissued.

Mr. Chairman, this puts it on all fours with the amendment that I have offered, which leaves it to the Governor of the State to determine whether the channelization project proposed is in the public interest. It does not impose any duty on the Governor. If he acts under this, then the Secretary of Agriculture is governed by it, and there are no additional duties imposed upon the Secretary.

Mr. Chairman, to the same effect there are numerous other precedents cited. February 24, 1916 there is reported at page 651 of 7 Cannon's Precedents a ruling in which the Chair ruled in an almost identical matter that a requirement of a certification by patrons of a rural mail route was not legislation on an appropriation bill, but a permissible limitation.

I would hope, therefore, that the Chair would overrule the point of order.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Wisconsin has offered an amendment against which the gentleman from Mississippi makes the point of order that it constitutes legislation on an appropriation bill and, therefore, for that reason is in violation of clause 2, rule XXI.

The amendment provides that none of the funds appropriated in the act should be used for stream channelization by the Secretary of Agriculture unless the Governor of the State where the channel is to be located considers its environmental effect and certifies to the Secretary that such channelization is in the public interest.

The question involved is whether or not the amendment seeks to impose additional duties upon an executive or to require from that executive an additional certification not previously authorized in existing law; if it does so, it constitutes legislation under the precedents.

The Chair has examined the precedent cited by the gentleman from Wisconsin which arose on May 12, 1918. There is some similarity except that the amendment offered on that occasion by the gentleman from California (Mr. RANDALL) would have provided that no part of the appropriation shall be available until a previously issued proclamation had been made, and following the word "proclamation" in the amendment offered on that occasion appear these words: "authorized by Section 15 of the Act of August 10, 1917."

Therefore, it appears to the Chair that the precedent cited by the gentleman from Wisconsin is distinguishable from the present case in that the proclamation required in that amendment was one that was already authorized under existing law.

The Chair is not aware that the certification and finding required of a Governor by the amendment offered by the gentleman from Wisconsin is required or authorized by existing law.

The Chair would refer the Committee to the decision by Chairman Jerry Cooper, of Tennessee, on March 30, 1949, which the Chair regards to be more in point with the present situation. On that occasion an amendment was offered to the Department of Interior appropriation bill providing that none of the funds might be used for the purchase of certain materials and the beginning of certain new construction unless approved by the Governor or by a board or by a commission of the respective State.

On that occasion, Chairman Cooper held that this was legislation on an appropriation bill in that it required a determination and imposed a burden upon the Governor which did not previously exist.

The Chair feels that that decision would be controlling in this instance and, since the present amendment would impose additional duties not existing in present law, in violation of clause 2, rule XXI sustains the point of order.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an alternative amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 37, immediately after line 25, insert the following:

"Stream Channelization

"No part of the funds appropriated by this Act shall be used for engineering or construction of any stream channelization measure under any program administered by the Secretary of Agriculture unless such channelization is in a project a part of which was in the project construction stage before July 1, 1971."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order to the amendment.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order.

Mr. REUSS. Mr. Chairman, this amendment relates to the practice of stream channelization. It is cosponsored by several of my colleagues, namely: Ben B. Blackburn, Dante B. Fascell, Gilbert Gude, John P. Saylor, Charles A. Vanik, Guy Vander Jagt, Bella S. Abzug, John E. Moss, Ogden R. Reid, William D. Ford, and Paul N. McCloskey, Jr.

The practice of channelizing natural meandering streams has increased substantially in recent years. Channelization increases the width and depth of a natural stream and straightens out natural ox-bows. Thus, the physical shape of a stream is severely changed.

If this practice continues unabated, the ultimate result will be the destruction or serious degradation of valuable and irreplaceable natural resources.

The Soil Conservation Service of the Department of Agriculture is financing most of this channelization work today.

The SCS is one of my favorite agencies. I have long supported its practices to keep the rain drops where they fall through such agricultural devices as contour plowing, planting of hedgerows and trees, and upstream reservoirs.

But channelization works cause increased flooding downstream from the project area, add sedimentation and pollutants to the waterways, lower groundwater tables, and are detrimental to fish and wildlife. The accelerated drainage of many thousands of acres of valuable timberlands, marshes, and other important wildlife habitat results from stream channelization.

The SCS has financed the destructive channelization of several thousands of natural streams. Many more thousands of miles are planned with little regard to the public's interest in the environmental effects.

The bulk of these channelization projects are financed by the SCS under its Public Law 566 small watershed program. All too often the local sponsoring organization and the SCS have selected channelization as the method of controlling floods and erosion, rather than building small dams and sediment reservoirs, because channelization may result in less initial expense. But the environmental costs that result are very great, even though not always readily measurable in dollars. Irreplaceable natural resources are being destroyed or severely damaged because alternatives to channelization have not been explored and utilized.

The SCS issued, on February 4, 1971, its watersheds Memorandum 108. The memorandum provided guidelines for reviewing approved watershed work plans that include channelization not yet constructed, and for developing new plans. The initial review is being made by SCS's State conservationists. Under this memorandum, only those approved channelization projects where there is minor or no known adverse environmental effect can proceed to construction. As to all other projects, the SCS established a moratorium on construction. Unfortunately, this moratorium expires on June 30 of this year, before full review and studies are completed.

The memorandum also provides that a Watershed Environmental Quality Committee would be established to develop new policies and procedures for strengthening the environmental aspects of the watershed program. Unfortunately, these policies and procedures have not yet been developed. The committee itself has not even been established.

Earlier this year I urged that the House Committee on Appropriations not include funds in the bill—H.R. 9270—before us today until the Memorandum 108 review was completed and new policies and procedures adopted. The committee did not adopt the recommendation. H.R. 9270 includes funds for watershed projects, including channelization. It is estimated that about one-fourth, or $45 million, is included for channelization.

The amendment continues the SCS moratorium as to any watershed project involving stream channelization measures or work, with one major exception.

Under the amendment, funds could not be used for the preconstruction engineering of approved projects not yet advanced to the construction stage, or for the construction of the channelization features of any project.

The amendment would except any project involving stream channelization if any part of the project, whether it be the channelization or the reservoir or the flood retarding structure, or other land treatment measure, has moved into the project construction stage before July 1, 1971. According to the SCS, the "project construction stage begins with execution of the first project agreement or contract for construction of" the project.

The moratorium will give the Department of Agriculture, in cooperation with the Council on Environmental Quality and the Water Resources Council, time to develop new policies to insure that future channelization work will not damage the environment.

The amendment is supported by numerous conservation, wildlife and industry groups, such as the National Rifle Association, National Wildlife Federation, Izaak Walton League, National Audubon Society, Nature Conservancy, American Forestry Association, Sierra Club, Wildlife Management Institute, Friends of the Earth, Wilderness Society, Wildlife Society, Sport Fishing Institute, Natural Resources Defense Council, and the Southern Resource Council—comprising the Forest Farmers Association, Southern Forest Products Association, the American Plywood Association, and the Southern Forest Institute.

The International Association of Game, Fish, and Conservation Commissioners and dozens of State fish and game commissions and departments also endorse the moratorium.

Assistant Secretary of the Interior Nathaniel P. Reed recently testified that stream channelization "is undoubtedly one of the more, if not the most, destructive water management practices," and urged a 1-year moratorium on such work.

Mr. Chairman, I urge the adoption of my amendment.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I recognize that the Chair, in the other ruling, pointed up the section which was dropped. That being sufficient, I take it, the Chair did not feel any need to study the other parts. Since it was going out on one ground there was no need to study the others.

The part that is left says that "under any program administered by the Secretary of Agriculture."

The program, apparently, that this is directed to is the Soil Conservation projects. I would respectfully call the attention of the Chair to the fact that there are two things which must be done on these projects. The Department of Agriculture does not have any right of eminent domain in order to get ground on which to build these projects. Under the law there is required a local sponsor, who in most cases is a drainage or similar district, which in turn issues bonds or borrows money, with which they buy rights-of-way. Those rights-of-way having been bought, this comes under the administration of the Soil Conservation Service.

In this instance, with all these projects throughout the United States, in most cases they have to be approved by the local courts, which have to determine whether all of the requirements of the law have been carried out.

This would be imposing upon the Secretary of Agriculture the duty to go into each of those instances and to see whether that project was, as we quote here, "A part of which was in project construction stage before July 1, 1971."

Those things do not come to the Secretary of Agriculture. They are handled, as I pointed out, in the initial stage at the local level with a local sponsorship and approved by local courts.

I say here this would be imposing additional duties on the Secretary of Agriculture not imposed on him by existing law. This again, although not pointed up by the Chair in the earlier ruling, would make it subject to a point of order.

Mr. JONES of Alabama. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, the amendment that goes to the appropriation item is one carried in Public Law 566. In that Public Law there are certain requirements which are made upon all of the political subdivisions which are participants under that existing law.

The Chair has just ruled that that requirement, the Cooper Decision, such as the Chair just ruled upon, would put an additional burden or an additional requirement on the administrative offices and would be an infringement upon the legislative function, which should not be carried in an appropriation act.

Here is the situation. The situation is such that this amendment goes into an infinite requirement.

Suppose the amendment had said, "The Soil Conservation Service should not use a soil depleting plant and it should require not fescue but say four-leaf clover." That would be just as sensible as the amendment offered by the gentleman from Wisconsin.

I do not know how the administrative officer assigned the duties under Public Law 566 is going to be responsible, when the amendment offered by the gentleman from Wisconsin is going to tell him how to function, how much water to use, how much plant leaf, or how much forestation, and all the varieties of programs that are employed in the total scheme and development of the overall program. It does not make sense to me that we are going to have amendments offered here that are going to tell administrative agencies how much they are going to employ in a certain area, for geographical distribution, and how they are going to develop a sound and sensible program.

Now, Mr. Chairman, all of us aspire to develop all of the advantages of our resources. We are totally dedicated to the proposition. There is not a single one of us here who is not as anxious as he can be to accomplish this, or who wants to deplete, dissipate or misuse the water resources of our country. I think we are all in unity on that, but I would hate to see us come up here and fragment the total programs that have been so far established by the various committees of the Congress and thereby lose our grip on the total water resources of this country. I cannot think of anything worse, or any situation that would create more disunity and create a greater loss of hope that we can work together in the development of these programs in the future.

Mr. Chairman, I hope that the point of order raised by the gentleman from Mississippi to the amendment will be sustained.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. REUSS. Yes, I do desire to be heard, but very briefly, Mr. Chairman. This amendment is entirely germane. It is within all of the precedents as a limitation on an appropriation. It requires no duties on the part of the Secretary of Agriculture other than for him to show up at the office in the morning and find out what projects have been started. If they have been started, my amendment would not touch them. Accordingly I hope that the point of order will be ruled against.

The CHAIRMAN (Mr. WRIGHT). The Chair is ready to rule.

The Chair feels that the burden, if any, which is imposed on the Secretary of Agriculture or any administrator in the present amendment offered by the gentleman from Wisconsin is clearly different from that on the basis of which the Chair ruled that the amendment previously offered would be legislation on an appropriation bill, and would, therefore, be out of order. The Chair believes that this present amendment before the House follows the pattern of limitations on an appropriation bill, and that it does not constitute new legislation. Therefore the Chair overrules the point of order.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Adoption of the amendment would ultimately destroy the small watershed program enacted in 1954. Public Law 566 has provided, small watershed projects which have long been recognized as one of the finest and most technically sound resource conservation programs in America.

Congress created the Soil Conservation Service in 1935 to give local people onsite technical assistance in protecting and improving their natural resources.

Down through the years Congress provided laws and appropriations to help our Soil Conservation Service equip itself to do a better job. Today in our service we have a staff of resource specialists recognized to be the best in this country. We have soil scientists, economists, agricultural engineers, irrigation engineers, hydraulic engineers, drainage engineers, sanitary engineers, specialists in agronomy, biology, recreation, forestry, plant materials, range management, geology, sedimentation and others.

With this staff of experts the Soil Conservation Service gives technical assistance to individuals, groups, organizations, cities and towns and county and State governments in meeting a wide range of resource challenges.

Congress initiated the small watershed program in 1954 as a means of providing onsite technical assistance in watershed protection and flood prevention. It is a local effort with Federal assistance not a Federal program.

Our watershed program calls first for strong local initiative and responsibility. The application's originate with the local people.

This watershed program provides an excellent vehicle through which a community's water problems can be analyzed and rational decisions made for corrective action. It is technically and environmentally sound. It is one of our best investments. In order to feed and clothe our people we must protect our land. We only have so much good soil and we must protect it.

Adoption of this amendment would cause serious delays in projects in every State. It would kill the hopes for flood protection in many communities where channel improvement is the only practicable means of providing that protection. It would increase costs of the projects. It would stop construction in watersheds where there never has been a single voice raised against the channel improvement practice.

Every Member of this body who has an interest in rural America, the small towns of America, the cities of America and the provision of an improved environment should vote against this amendment.

Mr. Chairman, I respectfully request the Members of this House to defeat this amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my good friend and colleague from Kentucky.

Mr. PERKINS. Mr. Chairman, I want to thank my colleague for yielding. I want to state that I am 100 percent in accord with his viewpoint and with the permission of the Chair I want to insert in the RECORD a letter which according to my way of thinking states why this amendment should be defeated. The letter is from Berea College and is as follows:

BEREA COLLEGE,
Berea, Ky., June 18, 1971.

Hon. CARL D. PERKINS,
Seventh District,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE PERKINS: For the past couple of years Berea College has been working in close association with the Red Lick Creek Watershed Conservancy District and other agencies in the development of a work plan for watershed protection, flood prevention and non-agricultural water management including plans for additional municipal water supply which should assure this community of an excellent source of water for the next 65 years. With our consulting water engineers having already advised us that we have passed the time when we could have run out of water in this town during a drought year we have felt that this project should receive the highest possible priority.

> We are disturbed to hear that there is a growing movement on the part of some who are questioning the channelization of natural waterways to have a moratorium on vital projects like this and other similar projects. We are pleased to report that our work plan does not include any channels whatsoever. Therefore, in your judgment if a moratorium is proposed and you think it wise to have such a project held in abeyance we will be extremely grateful if you would make an effort to have projects like ours which do not involve any channelization excluded from such a moratorium.
>
> Incidentally, our work plan was published in August 1970 and sent to the various Federal Agencies in Washington for review and approval. We understand that this project was held up in the Bureau of Sport Fisheries and Wildlife for sometime but that about a month ago their questions were successfully answered. Any effort that your office could make to expedite the review and approval of the work plan will be greatly appreciated.
>
> We continue to be thankful for the excellent way in which you are representing the best interests of your people here in Kentucky and our efforts to promote worthwhile projects like this one. Thank you very much.
>
> Yours very truly,
>
> KARL E. WARMING,
> *Business Vice President.*

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my friend and colleague from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I rise in opposition to this amendment and in support of the views of the distinguished gentleman from Kentucky.

Mr. Chairman, recently nothing has disturbed me more than the narrow viewpoint taken by a number of environmentalists.

We are all resource users. We need food, fiber, water, and land to live on. In addition, we want roads and superhighways, airports and shopping centers, factories and new housing developments.

We want places to hunt and camp. We want to go swimming, fishing, boating, and picnicking. We want scenic vistas to drive through.

The basic requirement for all of this is land and water. And we don't have an inexhaustible supply of either.

No one resource can serve all the needs of all interests. In small watershed project, it is the local people who set the priorities and make the decisions for the benefit of the entire watershed.

Where channel improvement is necessary, it is incorporated in the watershed work plan or positive reasons—to restore capacity of streams that have been silted in, to restore the effectiveness of natural and manmade channels in removing excess surface and subsurface water, and to reduce flood damage on both urban and rural land.

No one undertakes channel improvement to destroy wildlife habitat. This is utter nonsense. Over the long haul, the small watershed program has made a marked improvement in fish and wildlife resources throughout the Nation.

I am opposed to the proposal to declare a moratorium on all channel work. Such unrealistic action would delay erosion control, sediment reduction, flood prevention, and needed community water supplies in all too many areas. It would add unnecessary hardships to local sponsors who have worked hard to get their projects ready for construction.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I wish to commend the gentleman from Kentucky for the statement he has just made. I wish to associate myself with his remarks and join him in urging every member of this Committee to vote against this amendment.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I support the position of those who are in opposition to the amendment. The Watershed Protection and Flood Prevention Act was passed by the Congress in 1954 and the small watershed program initiated to meet a need to preserve, protect, and enhance the environment. I consider this one of our most important and meritorious environmental programs for the conservation and use of our natural resources. It was approved after careful research and study and has become one of our proven programs bringing substantial benefits to the Nation and particularly to American agriculture. The program has been used throughout the Nation to halt soil erosion and excessive water runoff, protect against destructive floods, provide for more efficient water management, develop water for growing irrigation and municipal needs, preserve and enhance fish and wildlife resources, and provide new recreation opportunities. In my opinion, this move to place a moratorium immediately on construction of channels and other drainage measures in watershed projects would upset the entire program and would adversely affect the local economics in many areas.

No one will purposely set out to harm the environment or upset the ecology, but we are reminded every day that the pursuit of almost any good can have questionable side effects. Our task is to weigh the merits and, if necessary, decide in favor of one goal or another. Permit me to quote from a recent letter from one of my constituents:

> I do wish that the Congressman who proposed to stop watershed construction due to his concern for fish and wildlife could see the problem through the eyes of the man whose wife and three children drowned in the Boxelder (Creek in Larimer County) during the flood of 1967.

Perhaps more consideration needs to be given to the channelization and drainage phases of this program and I would be in favor of this if it is accomplished in the proper way, but I am opposed to the "burning down the barn" approach that is advocated by this amendment. If a reevaluation is in order, then it should be accomplished through a new look at the authorizing legislation and not by an amendment to an appropriation bill. All of us know that environmental effects are being given more attention in connection with the review of ongoing programs as well as in the planning of additional water resources projects. I understand that the watershed program is presently undergoing such review, and new development will reflect any adverse effects from channelization and drainage. I am sure that there will be changes in the watershed program as in other programs but such changes should come about through the authorizing processes and authorizing legislation. It is completely inappropriate to try to handle a matter such as this in an appropriation act.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, I wish to speak in opposition to Congressman REUSS' proposed amendment. It is not in the interest of the citizens which we, the Congress of the United States, have pledged our help in solving water resource problems by approving plans which they, the grassroots of our country, have worked so diligently in preparing. Nor do I believe this proposed moratorium is in the national interest of long range planning.

Watershed projects are initiated by local people, planned by the local people, and built by the local people with the help of Federal funds, which this amendment would deny. Not all construction cost comes from Federal funds. Local funds are used for land rights and cost-sharing of structures which will serve purposes other than flood prevention. Many of the local organizations have already raised their share of the construction cost. In all watershed projects, channels are not considered unless dams cannot be built or cannot, by themselves, give the protection the local people want. These projects are on small drainage areas less than 250,000 acres, and some of the planned channel work is on dry streams which flow only after a heavy rainstorm.

During project development, local sponsors have sought technical help from many sources to develop a plan which will fit their needs. These projects include purposes of watershed protection, flood prevention, irrigation, drainage, recreation, fish and wildlife development, industrial and municipal water supply, and others. In many of these projects, sponsors have solved other local problems before they could complete the development of their plan. In many watersheds, the overall justification is dependent on the channel improvement; therefore, if the channel is not built, other structural measures may not be built and entire multipurpose projects will not be developed. I believe we can say that these plans are plans of the people, by the people, and for the people. They were initiated by interested groups of local people, the decisionmaking during the plan development is by the local people, and benefits from the project are mainly for the people in the project area.

The review procedures for these watersheds included public meetings in which all interested people or groups could express their views to the local sponsors. All interested State agencies had an opportunity to review and comment on the plan before the Governor gave his approval. All interested Federal agencies had a chance to review and comment before the executive branch sent these plans and comments to the House Agriculture or Public Works Committees and the Senate Agriculture or Public Works Committees for approval. Hearings have been held on each individual plan, and we have approved these plans as being in the public's interest.

I hold the Soil Conservation Service in high esteem for its success in slowing down and in some cases halting soil erosion, and for doing it in such a manner that it has not slowed the economic development of our rural and agricultural areas; but instead, it has stimulated their development. I know of no other agency which has done as much to conserve a resource, and yet provide a stimulus for economic development. People on the Soil Conservation Service staff are highly trained to help meet the needs of the citizens of our country. They have soil scientists who give recommendations for our soils use in agriculture, and also for housing developments. They employ biologists to study fish and wildlife and to recommend mitigation measures where needed when a project unavoidably spoils natural habitat. They employ experts in the fields of sanitary engineering, hydrology, geology, civil engineers, hydraulic engineers, irrigation engineers, drainage engineers, agronomists, recreation specialists, plan material specialists, and the highly trained soil conservationist.

The small watershed program, which is administered by the Soil Conservation Service, and its review procedures, provide for an excellent balance of economic development and protection of the environment. The proposed amendment is an insult to the Soil Conservation Service, the citizens who planned projects with channel improvement, State and Federal review agencies, and the Congressmen and Senators who approved these projects. I therefore say "no" to this proposed amendment.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. Natcher was allowed to proceed for 5 additional minutes.)

Mr. DENHOLM. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Chairman, I want to commend the gentleman from Kentucky for his articulate and persuasive statement in opposition to the proposed amendment. I want to associate myself with him in all that he has so ably said here today. The Soil Conservation Service—SCS—has an excellent record of service in the public interest. The SCS has an excellent record of cooperation with coordinated efforts of private and public projects. The performance of the Soil Conservation Service personnel has been superior in essential expertise of conservation practices.

Recently many, many domestic programs have been delayed and stopped by so-called budgetary reserve policies beyond the control and counsel of this assembly. We do not need a moratorium for any duration on essential policies and programs of land and water conservation practices. The amendment of the distinguished gentleman from Wisconsin must be defeated.

Mr. Chairman, I respectfully request unanimous consent to subsequently extend and revise my remarks including extraneous matter in the Record in opposition to the proposed amendment accordingly.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Chairman, I appreciate the gentleman yielding. I rise in very strong opposition to this amendment which, of course, would destroy a large part of the soil conservation program. It would lead to further delay in protecting people from the suffering caused by floods. I urge a vote against the amendment.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Chairman, I rise in support of the position of the gentleman from Kentucky (Mr. Natcher) in opposition to the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

I believe that this program has done more than anything else in the field of environmental controls. In my opinion the effect of the amendment offered by the gentleman from Wisconsin (Mr. Reuss) would ruin the program.

Mr. NATCHER. Mr. Chairman, I yield to the gentleman from Alabama (Mr. Bevill).

Mr. BEVILL. Mr. Chairman, I thank the gentleman from Kentucky for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

Mr. BEVILL. Mr. Chairman, I am surprised by the implication in this proposed amendment that the Soil Conservation Service ignores fish and wildlife resources in its conservation activities. Nothing could be farther from the truth. For the truth of the matter is that ever since its formation in 1935 the Soil Conservation Service has been assisting farmers and ranchers plan and apply conservation practices that improved and developed habitat for fish and wildlife.

The effect of soil and water conservation upon fish and wildlife is appreciated only if the role of agriculture in wildlife production is understood. About 76 percent of the U.S. mainland is in farms and ranches. These are the acres that produce the wildlife crop commonly referred to as "farm game": The squirrels, rabbits, quail, pheasants, doves, ducks, and other species commonly hunted on farms and ranches. More than 75 percent of our game and wild fur is produced and harvested on agricultural lands. It is obvious that the welfare of this agricultural wildlife is determined by the way that the land operator uses and treats his land.

Wildlife is generally favored by soil and water conservation practices. Stripcropping, stubble mulching, field borders, windbreaks, and hedges are a few of the conservation practices that have resulted in more wildlife. And such practices have been applied by the millions of acres. Farm and ranch ponds are among the most spectacular of these.

With the assistance of the Soil Conservation Service, farmers and ranchers are building ponds at the rate of almost 50,000 a year. There are now 2 million such waters in the United States and they are recognized as an extremely important element in wildlife habitat. Farm and ranch ponds have brought permanent waters to places where such water did not exist or was available in only small quantities. Many kinds of wildlife have benefited from these ponds and they have been directly responsible for increased production of migratory waterfowl.

As part of its coordinated program of soil and water conservation, the Soil Conservation Service has always recognized an opportunity and responsibility for wildlife habitat improvement. Many of the practices that the SCS assists land operators to plan and apply are specifically designed to benefit wildlife. In the 35 years of its existence, it has helped farmers and ranchers to improve wildlife habitat on millions of acres.

The Soil Conservation Service is the principal Federal agency dealing with wildlife conservation on private land. It is impossible to overestimate the importance of its contributions to welfare of wildlife in the United States.

Mr. NATCHER. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Gray).

Mr. GRAY. Mr. Chairman, I thank my distinguished friend, the gentleman from Kentucky, (Mr. Natcher), for yielding to me.

Mr. Chairman, I wish to make a statement in opposition to the amendment that invokes a moratorium on stream channel improvement. There seems to have developed the mistaken notion that every time standing water is removed from the land, any land, a great wildlife resource is destroyed. I wish to present some examples of where our society cannot tolerate flooding and where we must take every practical means to prevent flooding or remove the floodwaters in the shortest practical time. The damage, the anxiety, and the dissatisfaction associated with flooded homes, businesses, and streets and roads is so spectacular that I need not go into that. Very few crops can be grown on water logged land—this is another important reason for water removal from the land. There are other less understood reasons. When areas that dispose of sewage with septic tanks are inundated with water, contamination is picked up and moved through the stream system. Surface litter such as garbage and refuse, animal wastes and even dead animals floats off, contaminates the water, and is deposited in some most undesirable places.

Nature has endowed flowing water with a wondrous ability to purify itself. Flowing water entrains oxygen which supports biochemical processes of water purification. When water is allowed to stagnate on the land in shallow pools, it loses its dissolved oxygen and it can become putrid. Water needs to keep moving and be aerated to be clean.

When water is allowed to stand on the land and is only removed by evaporation, salts accumulate in the soils. Entire civilizations depending on irrigated agriculture have declined because their soils became salted. In the irrigated valleys of our Southwest, salt balance is extremely important and can only be handled through stream management.

Waterlogged land is notoriously a breeding area for mosquitoes. The control of mosquitoes is important to good public health and particularly to the control of malaria and encephalitis. The recent restrictions on insecticides makes the control of mosquito breeding areas a necessity.

I have outlined the problems that stem from poor water control. Good channels are a part of good water management. When channels are not good enough, we must make them better. I have served on the Public Works Committee for nine terms and I can assure everyone that Public Law 566 has been a good program and should be accellerated not stopped. What we do not need in this program is more redtape. I thank my friend for yielding.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I rise in strong support of the statement made by the gentleman from Kentucky (Mr. NATCHER) and in strong opposition to the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

This amendment would do great disservice to the watershed development program of the Soil Conservation Service. It should be overwhelmingly defeated.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in oposition to the amendment offered by the distinguished gentleman from Wisconsin (Mr. REUSS). While I agree with the gentleman that we should preserve the environment for future generations, I would also assert that we must not lose sight of what the environment does to our present generation.

I would like to add, Mr. Chairman, that under the five-point criteria set forth in the Environmental Protection Act that the public interest is in fact protected, and that through compliance with that act the interest of the future generations will be served.

Again I thank the distinguished gentleman from Kentucky (Mr. NATCHER) for yielding.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Mr. Chairman, I wish to make a statement in opposition to the proposed amendment.

The Soil Conservation Service through the Department of Agriculture has been involved in the protection and improvement of our environment for over 36 years. Their contribution and achievements in this field are outstanding. They have developed a highly trained staff of professional conservationists who have a broad understanding of the interrelationships of people, plants, soil, water, animals, et cetera. Their engineers are not only engineers, but are trained professional conservationists; likewise for their other specialists. This is a unique organization in our Federal Government.

To place a constraint on the funds appropriated to this agency which would stop all engineering studies or construction on projects involving stream channelization which were not under construction prior to July 1, 1971, would be a serious mistake in my judgment. It would be an insult to local people who desperately need flood protection, have participated in the planning of these projects, made financial and legal commitments, and who are most concerned about the quality of the environment in which they live.

The watershed program is a unique program. These are not Federal projects. They are local projects with Federal assistance, locally initiated, require local financing and responsibilities, and are designed to meet local objectives and needs. There have been over 2,900 applications for assistance in the watershed program. Over 1,600 of these have progressed to the planning stage, and 1,033 have been approved for operations—installation—as of June 1, 1971. Construction has been started or is complete on over 700 of these projects. The value of this program has most recently been recognized by the President who has recommended an increase in the appropriation for installation of watershed projects. It must be remembered that stream channelization is only a minor part of many of these projects. Plans will include such other practices as water-impounding reservoirs, streambank protection, grade-stabilization structures, debris basins, recreation and fish and wildlife developments, irrigation facilities, and a variety of land treatment practices for watershed protection. The procedures for development and processing of a plan for installation requires input from many sources and review and comment from a variety of agencies representing a broad spectrum of the Nation's natural resource interests. The program has built-in safeguards such that specific constraints as the proposed amendment are not necessary or even wise.

Channel improvement, which may include stream channelization, is only one tool in watershed planning. We must leave the decisions as to whether this is a necessary and desirable measure in a particular project up to the professional planners and local people who are intimately acquainted and knowledgeable of the needs and objectives in the entire watershed. They do not represent special interests but have as their goal, a net improvement of the total environment of the watershed, realizing that some compromises and trade-offs may be necessary. Constructive assistance in this planning process from special interest groups is welcomed.

Congress as a body, through amendments to Public Law 83-566, has broadened the watershed program to more nearly meet total needs for a water and land resource plan in a watershed. Congressional committees in their review of specific projects have provided additional guidance. It has been the intent of Congress that stream channelization be utilized in watershed projects as one of the means of providing flood protection, removing excess water from and providing irrigation water to existing cropland, and for control of erosion and sedimentation.

Mr. Chairman, I oppose the proposed amendment on the grounds that it is unnecessary. This amendment can only add further delays to a vital program in protecting, improving, and developing a Nation's water, land, and related resources. It will damage local peoples' confidence in the judgment of Congress regarding their land and water problems.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the distinguished gentleman from Texas (Mr. WRIGHT) may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WRIGHT. Mr. Chairman, nature is a wonderful thing, and so is the human body. Both were designed by an infinite intelligence to perform their functions efficiently and effectively. But just as the human body can get out of balance and require corrective surgery to perform its functions properly, so nature itself also can get out of balance and require the surgical help of man to perform its intended functions efficiently, effectively, and most beneficially in the interest of both nature and man.

This amendment would halt all work on needed channel improvements. Its ostensible aim is to aid the environment. But this would be as ironic as halting the manufacturing and distribution of penicillin under the guise that doing so would help to control infection in the human body.

The Soil Conservation Service was waging an uphill and often thankless fight for conservation and environmental improvement a full generation before the latter-day dilettantes and self-proclaimed authorities discovered that conservation had become a popular issue.

The professional channel improvement work of the Soil Conservation Service, along with concomitant land treatment measures, have reclaimed literally millions of acres for productive cropland

and saved hundreds of thousands of farms and homes from the destructive ravages of periodic flooding.

Surely these are positive environmental effects.

The upstream watershed program has stopped the runoff of silt, by volume the greatest pollutant of our streams, and preserved existing reservoir space for many billions of gallons of pure water by preventing our larger downstream reservoirs from filling up with silt.

Surely this is a positive environmental effect.

Each year the Nation spends $125 million to dredge silt from our waterways. And each year we lose approximately $100 million of irreplaceable reservoir space to siltation.

Surely it is an act of conservation and sound economics to spend a portion of this amount to hold the land in place, where it is a boon, and not a curse, to mankind.

Channel improvements have augmented low flows downstream and thus improved the quality and purity of the water. They have prevented the collection of stagnant pools which heretofore served only as malodorous breeding grounds for disease-laden flies and mosquitoes.

Unless we are to weep tears over the mosquito as an endangered species and elevate his survival above that of man, we surely must chalk this up as a positive environmental improvement.

For those who are concerned about the runoff into our streams of chemical pesticides and fertilizers, I ask you to bear in mind that it is only the beneficial work of the Soil Conservation Service—terracing and cover-cropping, carried out as an integral part of the upstream dam and channel improvement program—which can retard and prevent that runoff.

Certainly, this is a positive environmental effect.

While we welcome the enthusiasm of the new conservation converts who have so recently discovered the ancient Greek word, "ecology," we do think they could make a more constructive contribution if they will abandon the scapegoat syndrome and try to understand the interrelations of man and nature in a bit broader perspective.

A sound ecology and a sound economy are not mutually exclusive. To find the proper balance between conservation and commerce has been the goal of man since the Creator commanded us to subdue the earth and husband it in wise stewardship.

Faithful to that mandate, we certainly should not make scapegoats of those very programs and agencies by which enlightened society has at long last begun to fulfill this mission.

The work of the Soil Conservation Service including its channel alinement program is clearly a help and not a hindrance to the environment. If our interest is in helping the environment, this amendment should be defeated.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from Tennessee (Mr. Jones).

Mr. JONES of Tennessee. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

Mr. Chairman, I am strongly opposed to the amendment proposed by our colleague, Mr. Reuss. I feel that I would be derelict in my duty if I did not speak out in opposition to it.

First, I believe that it is obvious that this proposal to provide moratorium on stream channelization by the Department of Agriculture is aimed at curtailing the activities of the Soil Conservation Service and the watershed program administered by it. Before we condemn the work of the foremost environmental organization in this or any country, we should consider the record.

In May of 1934, the worst dust storm in the Nation's history swept eastward from the Great Plains to the Atlantic Ocean. This catastrophe aroused the public and Congress to the urgent need for soil and water conservation work. As a result, Congress adopted and the President signed, the Soil Conservation Act of 1935—Public Law 46—as a law of the Nation. The act set up the Soil Conservation Service as a permanent agency of the Department of Agriculture and charged it with establishing and applying an action program of soil and water conservation measures including better land use. Since that time, we have called on the expertise of this organization for other activities. In 1954, the Watershed Protection and Flood Prevention Act—Public Law 566—was enacted. Under its provisions, the Department of Agriculture provides technical and financial assistance to local people living in small watershed areas by helping them plan and carry out a program to protect, improve, and develop water and related land resources and enhance man's environment in rural America.

The Soil Conservation Service has assembled an organization with technical skills in all facets of resource planning including the fields of agronomy, biology, agricultural engineering, civil engineering, economics, soil science, forestry, and geology. During the development of a watershed project all of these technical disciplines are integrated to help the sponsoring organization develop a project that will best meet its objectives and the resource needs of the area. The practice of channelization is used as a last alternate to control flooding. In most cases, it is used in conjunction with floodwater retarding structures to provide the level of flood protection desired.

A moratorium on channelization would prohibit the residents of projects already approved by the Congress from obtaining the benefits they are entitled to under the law. Many of the local organizations have borrowed funds to purchase the land rights on which to construct these improvements. All of these projects were previously reviewed and approved by State agencies, the State Governor, and other concerned Federal agencies. To delay or cancel these projects would constitute a breach of faith of the Congress with the people living in rural America, the State governments, Federal agencies, and the Department of Agriculture. Gentlemen, we cannot permit this to happen.

The proposed moratorium would halt construction of irrigation canals included in watershed projects. It would deny flood protection to rural communities in flat areas where enlarged channels are the only methods of providing protection. It would prohibit the construction of new channels in areas where they are desperately needed.

Approval of the moratorium would seriously jeopardize the watershed program and the work of an organization which is a leader in the field of land and water resource development. No project seems to be the only alternative to channelization in many cases. This is no solution in areas where flood protection is desperately needed. We should strive to develop projects for the overall improvement of man's environment in rural areas.

For the reasons I have given, the amendment should not be permitted.

Mr. NATCHER. Mr. Chairman, I yield to the distinguished gentleman from West Virginia (Mr. Kee).

Mr. KEE. Mr. Chairman, I am indeed grateful to my distinguished colleague, the gentleman from Kentucky (Mr. Natcher) for yielding to me.

Mr. Chairman, I rise to enthusiastically oppose the amendment proposed by the gentleman from Wisconsin (Mr. Reuss).

At this point, Mr. Chairman, I wish to state that I think that every American citizen owes a debt of gratitude to the members of the Committee on Appropriations, the chairman of the full committee, the chairman of the subcommittee, the gentleman from Mississippi (Mr. Whitten), and all of the majority and minority members.

In my capacity as chairman, Subcommittee on Watershed Development, Public Works Committee, I have an opportunity to become familiar with many of these projects. My subcommittee holds hearings on each proposed project which includes a reservoir that has a storage capacity of 4,000 acre-feet or more.

I have noted that, even though a high percentage of the watershed area in many projects is controlled by detention structures, channel improvements are still necessary to safely conduct the floodwater release from these reservoirs through the flood plain areas, without causing prolonged flooding of low-lying areas. Often the detention reservoirs and the channels are so closely interrelated that one cannot be built without the other.

A moratorium on all stream channel work would not only halt channel construction but would also stop and definitely delay or destroy the construction of many reservoirs. Some of these reservoirs will provide needed water for towns, such as Princeton in my home county. Some will protect urban and rural residential areas from floods which could cause loss of life. Most of them will protect agricultural land from frequent damaging floods. In many areas good land suitable for farming is limited to the flood plains. This restriction would deny farmers a means of improving their economic conditions. In many areas, such as Appalachia, this improvement is long overdue.

Watershed projects stimulate economic activity. They provide jobs. They improve the environment in which people live. They protect towns from flooding. They help farmers use their lands and equipment more efficiently. They increase the total fish and wildlife potential of an area. They provide recreational opportunities to local people. They benefit town and farm people alike. They make communities a better place in which to live.

Mr. Chairman, this proposal to amend the agricultural appropriation bill is absurd. We cannot countenance such an action. It would be a slap in the face to local people who have worked long and hard to get their watershed projects installed. Just 2 weeks ago at the National Watershed Congress in Tampa, Fla., I stated very strongly my opposition to any moratorium on Public Law 566 work. I am just as strong in my conviction today that this proposal is unwise, unjust, and unwarranted. I ask all my colleagues to join me in opposing this action.

Mr. ANDREWS of North Dakota. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I think it is obvious that many things have to be done to enhance our environment and provide flood control in this Nation of ours. They involve a number of different techniques that can be put together only as the need of that particular specific area would call for.

If we by this harsh amendment, totally eliminate the possibility of using channelization where, as and when it is needed in conjunction with dams or retention structures or bank stabilization siltation control or reservoir construction or grassland management, or reforestation or any other SCS practices or conservation of them, we actually would hold back the enhancement of our environment that we need so much in our Nation.

I think our subcommittee wisely put into the report a sensible explanation of the need for proper channelization when needed and I would hope that this House turns down the amendment.

Mr. Chairman, I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I oppose the amendment offered by the distinguished gentleman from Wisconsin (Mr. REUSS), which would impose a 1 year funding moratorium on the Department of Agriculture's small watershed program.

At the outset, though, let me commend the gentleman and his supporters for their interest in promoting sound ecological practices. I share these interests fully. This notwithstanding, I would suggest to my colleagues that imposing a 1-year funding moratorium on the small watershed program would be using a meat axe rather than a scalpel to approach the ecological problems of channelization.

The proponents of the amendment contend that, and I quote the words of its chief sponsor:

> Channelization is destroying America's streams and wetlands and seriously polluting the Nation's waterways.

This contention is supported by statements issued by several State agencies and other public interest groups. The underlying theme of these statements is that dredging, modifying, and channelling of rivers and streams conducted by Federal agencies has destructive effects on game, wildlife, woodlands, and downstream flows.

Mr. Chairman, I do not contend that these assertions are groundless. What I do contend is that this particular amendment is a very inappropriate and extremely harmful way to get at the heart of the ecological problems of channelization.

In many areas of the country like Texas, the vast majority of watershed projects do not involve dredging, modifying, or channelizing rivers or streams in the sense the proponents of the amendment are concerned with.

In Texas, most of the projects which fall under the auspices of the Soil Conservation Service involve such things as preventing soil and water erosion. In many areas, especially in major portions of west and north central Texas which are flat and have little natural cover, building water retention dams and terracing creates additional water reservoirs and promotes natural forage growth. These projects, if anything, benefit wildlife. But when saying this I must point out that our area of the country, unlike certain others, does not have much in the way of natural wildlife habitats. It is too flat. It is too barren. It is too dry.

As you are all aware, my area of Texas has been experiencing a severe drought. The effects of this condition are very destructive both economically and ecologically. Many farmers and ranchers are facing bankruptcy. For the most part, wildlife in the area has either died or migrated elsewhere in a frantic search for water. Both these problem areas could have benefited and benefited handsomely if a sound watershed program were in operation.

To give my colleagues a more vivid idea of the magnitude of the drought effects, I call attention to the USDA report issued just minutes ago to the effect that the Great Plains region of the United States has suffered its greatest amount of wind damage since 1956–57, 14 years ago. Nearly 5 million acres of plains land, mostly in the Southwest, have been heavily damaged by wind erosion. This damage could have been reduced through effective watershed systems.

The possibilities of future wind erosion damage will continue unabated unless Congress addresses this problem directly and stops talking about stopping watershed development in critical areas such as the Great Plains States and speeds up the watershed implementation program.

Texas is not always dry, though, when the rains come, they bring with it erosion with all its problems and flooding. The erosion is caused by land cultivation practices; plus, range land is devoid of natural growth. Floods, in turn, are the result of insufficient water retarding structures. The only thing that has kept erosion and flooding from causing even more damage are area small watershed programs.

Mr. Chairman, I think it would be of some benefit for those of my colleagues who are not fully acquainted with the watershed program to acquaint themselves with its operation in a particular area. As I am obviously most familiar with the region I represent, I will confine my remarks to conditions pertaining there.

Five watershed work plans have been developed and approved for operation in the 18th Congressional District of Texas. Two others have been planned and are awaiting approval. A total of 110 flood water retarding structures have been planned in these projects; 44 have been constructed. Channel improvements amounting to 24.6 miles have been planned and 7.5 miles have been constructed. In this regard I would point out that land treatment measures for each specific watershed area, including erosion control from both water and wind and for improvement of soil conditions, is an integral part of a watershed program.

As for channel improvement, specifically it is planned only when needed and as an addition to other structural measures in the project. For example, the Lakeview watershed project consists of 25 flood water retarding structures and 17.1 miles of channel improvement. In view of the amendment before this body, I emphasize the fact that the channel improvement is located in areas where no natural channel exists and in most cases where the water flow from heavy rainfall goes in many directions across valuable agricultural land, rural communities, and ultimately to the Salt Fork of the Red River. There exists no natural flows in any area where channel is now planned. There are no valuable environmental features and no valuable wildlife habitats.

I would also emphasize that our area watershed program provides storage waters that can be used for many purposes in addition to its value for enhancing fish and wildlife. These uses provide a major improvement to the environment in addition to the esthethic value of impounded water in an area that is considered to be drouth stricken during periods of each year.

As I stated earlier, a drouth in an area of these watersheds prevents crop production and in the case of periods of high winds loss of valuable topsoil. Periods of intensive and excessive rainfall also bring about substantial loss of valuable topsoil. Thus, without the watershed projects, our area may suffer a total loss of crops. But with the project installed, including proper land use, land treatment, storage of water in the reservoirs, and the proper removal of excess water flows, the conditions would be such to more adequately relieve water needs in drouth stricken conditions.

The SCS works through conservation districts and with the local interests who are sponsors of all watershed projects. The SCS also relies on the assistance of many local and State agencies and as a matter of course considers the total environment fish and wildlife aspects and effects upon all improvements and projects prior to scheduling for the construction of any part of measures included in the work plan.

What this means is that this amendment which would impose a moratorium on all projects in which channel improvement is planned prevails, it would take the watershed activities out of the hands of local interests who assist in making the decisions and place the whole watershed program at the mercy of parties other than those who live and enjoy the environment in the watersheds.

A moratorium would also cripple the total conservation program in Texas, since the watershed program is an integral part of the total program operation. Construction on 35 to 40 of the 69 approved projects in the State would be stopped. In addition to severely crippling the conservation program it would create severe discouragement among local sponsors and supporters of conservation work. In addition to the structural slowdown, the application of land treatment measures would be adversely affected since they are important parts to the watershed program.

As can be seen from this brief overview, a 1-year moratorium would have devastating effects for the economic and ecological development of the 18th Congressional District. My district is not unique in this respect, I have been contacted by officials from soil and water conservation districts throughout the State and have been assured that any moratorium would have equally adverse effects in their areas as well. Moreover, I know the situation Texas finds itself in on the basis of this amendment is shared by many of her sister States.

Mr. Chairman, in conclusion I would emphasize that ecological conditions vary greatly throughout the country. Thus while imposing a generalized moratorium on small watershed programs would perhaps fulfill the objectives of the amendments supporters, it would actually create new ecological problems for thousands of communities and millions of Americans.

The ends to which this amendment is directed are simply not justified by the means it uses. I urge my colleagues to reject the proposal.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I rise to report some very serious and knowledgeable opposition to this amendment to require a 1-year moratorium on the use of Federal funds for new stream channelization.

During the past week, I have received numerous letters from persons whose interest in protecting the environment is unquestioned and whose position I respect.

Each of these men writes with detailed knowledge of this subject and I, therefore, insert four letters at this point in the RECORD:

STATE OF NEW JERSEY,
DEPARTMENT OF AGRICULTURE,
Trenton, N.J., June 17, 1971.
Hon. CHARLES W. SANDMAN, Jr.,
House of Representatives,
Washington, D.C.

DEAR CHARLIE: The State Soil Conservation Committee has observed with amazement the unfavorable publicity directed to the so-called channelization provisions of the PL 566 Watershed Protection and Flood Prevention program. Since the passage of this Act in 1954, the Committee has actively supported watershed improvements which would have been otherwise impossible without Federal assistance through this Soil Conservation service program.

The Committee, for which I serve as chairman, has observed no detrimental environmental effects from the 12 projects in this State which are completed or in operations. Furthermore, complete coordination between all environmental interests has been maintained and the State Fish, Game and Shell Fisheries Division of the State Department of Environmental Protection has sponsored over half of the projects. Fish and wildlife enhancement has been an integral part of projects wherever feasible.

A nationwide moratorium is now threatened which will curtail this much needed environmental program. Such action is without justification, particularly in New Jersey, because painstaking evaluation of environmental impact is already taking place. All project sponsors, the Soil Conservation Service and State Soil Conservation Committee staff are involved and no projects are pursued without full accord by all environmental interests.

By unanimous vote, the State Soil Conservation Committee urges your support for the continuation of the PL 566 program with environmental determinations being made at the local level. In the pursuit of its assigned natural resource conservation responsibilities, the Committee urges that no moratorium be imposed.

Sincerely yours,

PHILLIP ALAMPI.

SALEM SOIL CONSERVATION DISTRICT,
Woodstown, N.J., June 16, 1971.
Congressman CHARLES W. SANDMAN, Jr.,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SANDMAN, JR.: Recent hearings on stream channelization before the Subcommittee on Energy and Natural Resources House Committee on Governmental Operations, appear to have shown only one side of the problem. The improvement of small stream channels is sometimes necessary in small watershed projects.

Channelization is not always necessary in small watershed projects. Conservation practices installed on the land, above the flood damaged areas, and flood-water-retarding dams may provide the needed level of protection. The flood water-retarding dams are usually designed for multipurpose use including wildlife, recreation, and water supply. However, many times these practices are not enough to do the entire job and the improvement of the stream channels is necessary to obtain the needed protection.

The work done under the Small Watershed Projects results from requests by the local people to the Soil Conservation Districts. After reviewing the problems and the resources involved, proposals are submitted to the local people for approval. Following approval by the local people, the work plan is submitted to various State and Federal agencies for their approval. The agencies represent fish and wildlife, planning, and engineering interests. If objections are raised, the proposals are revaluated and modified in order to satisfy the needs of the various interests.

As Supervisors of the Salem Soil Conservation District, we feel that a one-year moratorium on channel work in watershed projects would not be wise. If channelization is completely taken out, many areas will be damaged, deaths, and personal injuries could result by not controlling flooding.

Yours truly,

NEWTON S. LAYTON,
Chairman.

CUMBERLAND SOIL
CONSERVATION DISTRICT,
Bridgeton, N.J., June 18, 1971.
Hon. CHARLES W. SANDMAN, Jr.,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SANDMAN: It has come to my attention that the Chairman of the Subcommittee on Energy and Natural Resources, House Committee on Government Operations, has proposed that channel work in watershed projects be halted temporarily pending a complete review of the watershed program (Public Law 566). Hearings concerning this were scheduled for June 3, 4, 9, 10, and 14.

As you know, watershed projects are initiated by local people in response to a flood control or water management problem. Approval to spend federal funds on these projects is granted only after review and agreement by U.S. Fish and Wildlife Service, Corps of U.S. Army Engineers and state agencies as well as (in our case) the Delaware River Basin Commission. Recently a wider review has been provided according to Budget Bureau Circular A–95. Consultations are currently being held between Soil Conservation Service and state and federal fish and game representatives to assure compliance of all projects with the National Environmental Policy Act of 1969.

Many watershed projects are cost-shared by local sponsors. The effect of a complete shutdown of watershed operations would place an additional and unreasonable expense on these people. Watershed projects must be justified economically, not by bringing additional land into cultivation, but by making for greater economy and efficiency. A shutdown would eliminate or delay any such economic stimulus.

We are not opposed to any amount of review or study of watershed projects, for this would serve to remove any doubts concerning them. However, we are opposed to a moratorium on watershed work and we cannot view this other than as an undisguised attempt to emasculate the PL 566 program for flood prevention, water supply, recreation, fish and wildlife enhancement and economic development. We hope you will take whatever action you feel is appropriate to correct the misunderstandings that have arisen concerning the flood prevention program.

Very truly yours,

DAVID GERI,
Chairman.

THE NEW JERSEY STATE ASSOCIATION OF SOIL CONSERVATION DISTRICTS,
June 16, 1971.
Hon. CHARLES W. SANDMAN, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. SANDMAN: As president of the New Jersey Association of Soil Conservation Districts, I wish to express extreme concern over the threat of a restrictive moratorium on PL 566 Watershed Protection and Flood Prevention programs throughout the nation. On behalf of my 73 fellow supervisors who conduct natural resource conservation programs in New Jersey through our fifteen soil conservation districts, I urge your vigorous support for continuation of this essential program administered by the United States Soil Conservation Service.

In view of recent criticism of the PL 566 program, I should like to emphasize that all watershed projects under this program are requested and sponsored by local agencies with our local conservation districts acting as primary sponsor in all cases.

In this State, all such projects are closely coordinated with all governmental agencies having any interest in existing or resulting environmental conditions. In fact, over half of the projects now in operation are co-sponsored by the State Fish and Game Division of the Department of Environmental Protection. In no cases have channel modification measures been advocated or embarked upon except as a final alternative to extreme water management problems.

Furthermore, with eleven projects currently in the planning stage, a critical reevaluation is being conducted by the local sponsors and the United States Soil Conservation Service. All impacts upon the environment are evaluated and, as with past projects, only those projects with positive benefits will be pursued.

I wish to further emphasize that in this rapidly urbanizing State, the proper development of our watersheds under this program will serve in many cases to retain agriculture for a longer duration, thereby preserving much needed tax paying open space. A probable and much less desirable alternative is the drainage and commercial development of flood plain areas with little regard for other than economic advantage. In addition, all PL 566 watershed projects completed or under construction as of June 30, 1970, are providing average annual benefits of over $1,182,000 and have returned nearly 9.5 million dollars of federal construction and development funds to this State.

In conclusion, it is the position of the New Jersey Association of Soil Conservation Districts that the only solution to conflicts over channelization is for all concerned agencies and people to work together in a cooperative spirit to resolve differences. In our desire to achieve the best possible resource use, we are counting on your help to defeat any proposal for a nationwide moratorium.

Sincerely yours,

Kenneth Roehrich,
President.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield to the gentleman from Ohio (Mr. Keating).

Mr. KEATING. Mr. Chairman, I rise in opposition to the proposed amendment. This would be a classic example of overkill.

In my district we have a good example of why this is not a clear issue. We have one project where channelization has been authorized and where the work is badly needed. On the other hand we have a study under way on the Miami and Little Miami Rivers. If channelization is recommended in this latter case I would have severe reservation.

The answer to this problem is to study each case on its own merit and to balance the price of ecological damage against the possible improvement to the area involved.

The Mill Creek is presently a polluted stream which serves one of the industrial centers of Cincinnati. The channelization program will help clean up this body of water which has become a cesspool. It will also provide for 620 acres of recreational area along the banks of the stream which are presently vacant due to the filth that is in the stream.

I would urge the Agriculture Department and the Army Corps of Engineers to carefully study each channelization program but it would be counterproductive to summarily stop all such programs.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield to the gentleman from Virginia (Mr. Wampler).

Mr. WAMPLER. Mr. Chairman, I wish to voice my strong opposition to the proposed moratorium on "stream channelization" for the reasons which are outlined in letters I received from the chairman of the Virginia Soil and Water Conservation Commission, the director of the Virginia Association of Soil and Water Conservation Districts, officials of the Tazewell, Va. Soil and Water Conservation District, officials of the Skyline Soil and Water Conservation District, Pearisburg, Va., and a member of both the State conservation committee and the board of supervisors of the Southern Soil Conservation District.

I have also received a communication from the Natural Tunnel Soil and Water Conservation District and the Scott County Board of Supervisors.

I include these communications, as follows:

Virginia Soil and Water
Conservation Commission,
Richmond, Va., June 18, 1971.

Hon. William C. Wampler,
House of Representatives,
Washington, D.C.

Dear Mr. Wampler: Our Commission and the Executive Committee of the Virginia Association of Soil and Water Conservation Districts in joint session today discussed at length the proposal made by Representative Reuss to the House Appropriations Committee, U.S. Congress, for a one year moratorium on all small watersheds developed under Public Law 534 and 566 which include channel improvements.

As a matter of practice, we are making an extensive evaluation of all channel work in connection with these projects. We believe that an across the board moratorium is an improper and unrealistic approach in considering channel improvement work. We endorse a project-by-project evaluation, as has been our procedure.

We strongly oppose the one year moratorium as recommended by Representative Reuss, and urge you to use your influence in having it defeated.

Sincerely,

E. L. Felton,
Chairman.

To: Congressman William C. Wampler, Senator Harry S. Byrd, Jr., and Senator William B. Spong.

We have been advised that the House Appropriations Committee has been asked to include a provision in the 1972 fiscal year appropriations bill to withhold funds for one year from P.L. 566 Watershed projects that include channel alterations.

The Soil and Water Conservation Districts in Area IV consisting of 14 counties in Southwest Virginia strongly oppose this provision and any other means that would cripple these important projects.

Watershed projects reduce erosion and sedimentation; impound water for boating, fishing, and swimming; create new fish and wildlife habitat; improve agriculture and forest management; prevent flood; beautify landscape. They are environmental projects. To provide this it is necessary on some projects but not to make channel alterations.

When viewed in the light of how these projects serve the many needs of many people with varied interests in many communities, we can find no sound reason for curtailing any part of the watershed operation.

The Soil Conservation Service has from its very beginning planned and designed all of the projects and program in such way that the work done would reduce pollution and lead to cleaner and healthier environment for all the people.

We would greatly appreciate all possible effort on your part to prevent the proposed moratorium on channel work and any other proposal that would slow down these important projects.

Sincerely,

E. N. Umbarger,
Area IV Director, Virginia Soil and Water Conservation District.

Tazewell Soil and Water
Conservation District,
Tazewell, Va., June 15, 1971.

Congressman William C. Wampler,
House of Representatives,
Washington, D.C.

Dear Mr. Wampler: The Town of Tazewell, the Tazewell County Board of Supervisors, and the Tazewell Soil and Water Conservation District, the three sponsors of the Upper Clinch Valley Watershed Project, along with the Tazewell County Steering Committee of the Mountain Dominion Resource Conservation and Development Project would like for you to give urgent consideration and favor to the continuation of work under Public Law 566, the small watershed project on the upper stream tributaries.

Tazewell County is vitally interested in this project as the first contract on the Lincolnshire Dam, of the Upper Clinch Valley Watershed Project, was awarded last week. We have learned that there is proposed legislation in Congress concerning a one year moratorium on channel work in watershed projects. If this should go through it would have a detrimental effect on our project. The town has invested over $100,000 in this project along with many hours of work by Soil Conservation Service personnel and other local people interested in this project.

We, the above, as sponsoring organizations and interested groups appeal to you on behalf of the people of Tazewell County that the watershed project be continued as scheduled.

Respectfully yours,

T. J. Higginbotham,
Chairman, Tazewell Soil & Water Conservation District.

W. J. Hankins,
Executive Secretary, Tazwell County.

William T. Perry,
Acting Mayor, Town of Tazewell.

Clyde Bowling,
Chairman, Tazewell County Steering Committee Mountain Dominion R. C. & D.

W. Jack Litz,
Mayor, Town of Bluefield.

Skyline Soil and Water
Conservation District,
Pearisburg, Va., June 16, 1971.

Hon. William Wampler,
House of Representatives,
Washington, D.C.

Sir: We of the Skyline Soil and Water Conservation District Board, which includes the counties of Bland, Wythe, Montgomery, Pulaski and Giles, would strongly urge your support in rejecting Representative Reuss' provision to withhold funds for small watershed projects under Public Law 566 for the next year.

The Soil and Water Conservation Districts and the Soil Conservation Service have been in the work of conservation of our environment for almost 40 years. The projects under P.L. 566 help in flood prevention, water development, improves stream flow, expands recreation facilities and reduces siltation in our streams. We feel this view has not been completely conveyed to the Appropriations Committee. We have proposed projects being planned under P.L. 566 and hope you will give due consideration to our interest.

Very truly yours,

GARNETT AGER,
Wytheville, Va.
RICHARD L. TOWNSEND,
Giles County Extension Office.

PRINCETON, W. VA.,
June 14, 1971.

Hon. WILLIAM C. WAMPLER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WAMPLER: As a member of the State Conservation Committee and as a member of the Board of Supervisors of the Southern Soil Conservation District, I want to voice a vigorous protest against the proposed moratorium on "stream channelization" as proposed by Assistant Secretary of the Interior, Daniel P. Reed and supported by Representative Henry S. Reuss of Wisconsin, Chairman of the Subcommittee on Energy and Natural Resources, House Committee on Government Operations. Such a moratorium, in my opinion, will cripple the small watershed program in West Virginia and Virginia, as well as do irreparable harm to many other worthwhile water resource projects.

As you know, stream channel improvement is a complex subject with potential for both good and evil. However, in the experience of nearly all conservationists with whom I am familiar, the good has far outweighed the bad. Channelization is a useful and necessary tool in water management, but each individual project should be judged by its own merits. Without channelization few flood prevention and flood control projects could be feasible in West Virginia and Virginia. I, therefore, urge you to oppose this moratorium with all the vigor at your command.

Sincerely yours,

DANIEL HALE, M.D.

JUNE 17, 1971.

Strongly opposed to Congressman Reuss' move for one year moratorium on SCS stream channel work improvement. Public Law 5–66 projects provide flood protection, reduction of sediment, improves recreation fish habitat by increased low flow, provides water supply and economic development stream channel repair work in Scott County Virginia, and eliminated flood damage on May 6 and 7, 1971, as compared to flood damage on April 28, 1970, which destroyed and damaged homes, businesses, crop land, highways, railroads, and endangered lives.

After channel work, trout habitat rapidly returned to normal, and environmental conditions were improved.

Natural Tunnel Soil and Water Conservation District; Mr. O. H. Culbertson, Mr. F. S. Noblin, Mr. W. J. Franklin, Mr. Oadle Fraley, Mrw. Frank R. Wagner, Supervisors; Mr. Billy W. Frazier, Mr. R. A. Farmer, Mr. Cecil Fletcher, Mr. Sam McConnell, Mr. K. E. Pearcey, Mr. C. P. Gross, Mr. Melvin Minton, Scott County Board of Supervisors.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I rise in opposition to the Reuss amendment. I wish to commend the distinguished gentlemen from Mississippi (Mr. WHITTEN), his subcommittee, and the entire Committee on Appropriations for their continued support for soil conservation programs. Their concern for conservation efforts is clearly reflected in this agricultural appropriation bill as reported by the committee.

Six weeks ago, in his address to the American people on the subject of agriculture, the President cited the importance of the Soil Conservation Service and requested an additional $12 million for SCS conservation operations. The Appropriations Committee has improved on this by recommending an increase of almost $15 million.

Likewise, President Nixon requested a $26 million increase in watershed construction funds. The committee responded with an additional $34.5 million for watershed construction and flood prevention programs.

All conservation minded citizens who are truly interested in preserving our environment will applaud the wisdom and foresight of the President and the committee and welcome their recommendations. These funds are urgently needed to fund the Watershed Protection and Flood Prevention Act of 1954, Public Law 566, the most successful conservation legislation ever enacted by the Congress.

No other program has done more to further conservation efforts in this country. Since its passage in 1954, it has become the legal framework for a vast network of small upstream watersheds. To date, over 1,000 watershed projects have been funded and are in various stages of completion; another 2,000 project applications await approval.

In my State of Iowa alone, farmers with the assistance of Federal watershed funds have built 33,000 farm ponds, 56,000 miles of terraces and planted 200,000 acres to grass and shrubs to serve as wildlife habitat. The concept of planning and coordinating conservation efforts over the entire watershed has become a universally accepted and established conservation practice

But now we have before us this ill-conceived and I believe mischievous amendment, the so-called antichannelization amendment which if adopted may well jeopardize our entire watershed program in the name of ecology. The amendment would deny funds for the engineering or construction of any "stream channelization." But what is the meaning of "channelization" in this context? I submit to my colleagues that the language of the amendment is so broad and imprecise that it might well be interpreted, if enacted, to stop the construction of terraces, grass waterways and other soil and water practices which have proved their worth. Inasmuch as they, too, channel or divert the flow of runoff water, Who is to say they are not included in the prohibition against "channelization"? This would seriously cripple the work of the Soil Conservation Service.

Watershed projects include a combination of terraces, grass waterways, dams and levees all designed and engineered to fit the topography of the individual watershed. As a member of the Agricultural Subcommittee on Conservation and Credit, which has jurisdiction over watershed approvals, I have had the opportunity to review the plans for a good many watershed projects. Judgments must be made on a project-by-project basis depending on local conditions and the needs of the local people.

The watershed organization is locally organized and controlled but has available the expert assistance of many governmental and private organizations. The local sponsors have official working relationships with most agencies of the Departments of Agriculture and Interior. Many work closely with the Corps of Engineers and other key Federal agencies. They have memorandums of understanding with State health departments; fish and game commissions; and State departments of agriculture, highways, commerce, natural resources, water resources, forestry and economic development. The Soil Conservation Service is without question one of this country's major natural resource agencies. It is indeed a tragedy that its great contribution to preserving our environment and the work of our soil and water conservation districts are so grossly underrated and misunderstood in some urban sectors of our society.

The substantial progress against pollution under Public Law 566 since 1954 is largely unknown to city folk, who are belatedly now swept up in a tremendous upsurge of ecological concern. The farmers of America welcome their urban compatriots to the battle against pollution, but they plead with us as responsible legislators—"Don't let Johnny-come-latelys to the ecology movement destroy years of solid achievement by our soil and water conservation districts." The farmers and landowners actively planning and coordinating conservation in such districts should be encouraged to continue their important work free from harassment. They deserve our protection from this obstructive antichannelization amendment, which would severely curtail the entire watershed program.

It is ironic that those who have only recently begun to voice concern for the environment should find fault with the efforts which farmers have been undertaking for more than 35 years. Since the dust bowl days of the 1930's, the farmer has been the Nation's No. 1 ecologist.

Since 1935, local farmers have been cooperating with the Soil Conservation Service in carrying out a series of highly successful programs to conserve our land and water. Today, over 2.2 million farmers and landowners are actively participating in 3,025 conservation districts which they have voluntarily organized in 50 States, Puerto Rico, and the Virgin Islands.

Mr. Chairman, I submit that a proposal with such far-reaching consequences as this amendment should not be acted upon in haste. Many of our colleagues have not had the opportunity to discuss this matter sufficiently with farmers and soil conservation technicians. The telephonic inquiries which I have made reveal the Department of Agriculture and the Soil Conservation Service are adamantly opposed to such an amendment. Also in opposition is the National Association of Conservation Districts which represents some 18,000 volunteer soil conservation district officials in 50 States.

This is no way for a responsible Congress to amend a program which has for 36 years been the standard bearer in the crusade against pollution.

There are all too many questions which have not been resolved to our satisfaction.

Of even greater concern is our lack of information regarding the effect this amendment will have on the overall watershed effort. Watershed projects are years in the planning. If any of the projects which are now awaiting funding include the slightest amount of channel work, would not this amendment jeopardize the entire project? As a result of this uncertainty, thousands of acres of watershed improvements which are vitally needed could go unfunded. It would surely be shortsighted of us to force a halt to all watershed construction while professing to be advancing the cause of ecology.

There have been instances in the past where stream channel improvements have been used in lieu of other preferred practices. The Soil Conservation Service recognizes this and has taken steps to correct the situation. The Department of Agriculture is currently reviewing and analyzing potential environmental problems in every watershed project in the country. In the State of Iowa, the SCS is presently reevaluating plans for 11 watershed projects which call for substantial channel improvements. Careful consideration is being given to alternatives which are more acceptable.

It is obvious to anyone familiar with the problem there is no simple "yes" or "no" answer to the question of channelization. The key to the solution to the conflict is for all agencies and individuals concerned to work together in a cooperative spirit to find the best possible solution on an individual project basis.

The outright moratorium invoked by the Reuss amendment will render irreparable damage to soil and water conservation efforts for years to come. I therefore urge my colleagues to join me in voting against the amendment. Let us defeat it and follow the wise recommendations of President Nixon and the Appropriations Committee to substantially increase funds for the SCS and watershed construction.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the distinguished gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, I reluctantly disagree with my friend, the gentleman from Wisconsin (Mr. Reuss). I admire him as a conservationist. I believe in conservation as much as he does. Let me add also that I am just as much interested in the maintenance of a clean environment as he is.

Mr. Chairman, the very purpose of Public Law 566 was to bring about an improvement in the environment yet if this amendment is adopted it may very well impair and impede one of the most valuable and productive conservation programs ever inaugurated in America.

In recent years the Congress has enacted many different pieces of legislation designed to protect and enhance our environment. Public Law 566, or the watershed program is administered under the Soil Conservation Service. That Service was created by the Congress way back in 1935 for the express purpose of dealing with environmental problems. Its purpose was to reduce erosion and sedimentation damage. These concerns should be just as important today as they were in 1935.

Some of the organizations which have written to us, such as the League of Conservation Voters and a Citizens' Committee Against Channelization, contend that the development of the watershed programs will adversely affect fish and wildlife by the elimination of some water areas that if left alone would provide for wildlife habitat.

Now I believe that this is an argument that should be answered straightforwardly without pulling any punches. So far as I know, there is no channelization in the State of Missouri which they object to. On the other hand I can substantiate with examples where a completed watershed district has actually created several small impoundments which have resulted in a greater habitat for wildlife than before the watershed project existed.

It is an established fact that today one of the concerns stated by the Soil Conservation Service which administers the watershed program is to provide for larger areas for fish and wildlife development.

Let us never forget that a watershed project creates more than just one single benefit. For example, a city can use a watershed impoundment to store water for its municipal supply. That very impoundment also at the same time prevents flooding of both agricultural land and perhaps city land downstream. If the impoundment is not used for drinking water supply, then it will still serve as a tool for flood control but at the very same time this area of water can be used for water sports such as boating and water skiing. The impoundment not used for drinking water can be stocked with fish. Is not this a newly created habitat for fish and other wildlife? I thought that was the objective of the gentleman from Wisconsin. He now offers an amendment which could cripple a program which has been contributing to the alleged objective of his amendment.

If the proposal of the gentleman from Wisconsin should be adopted, it could very well result in the loss of the multipurpose benefits of the watershed program. To adopt this amendment might yield a very narrow benefit to very small water areas and at the same time it is certain to hurt a program which has created impoundments of much larger water areas with benefits much greater than those promised by the proposed amendment.

The paramount benefit from Public Law 566, watershed program, is the prevention of erosion of our topsoil. What could be more important to a conservationist? The very name of the Conservation Service indicates its objectives. But, Mr. Chairman, while the preservation of our soil is important to future generations, the avoidance of flood control is very important to our own generation. We must continue the production of food on bottom lands, which are usually fertile and which produce high food yields.

The gentleman's amendment may have emotional appeal but makes no reliance on the facts. The facts are that most of the channels he refers to were dug not by the Soil Conservation Service but by private drainage districts as far back as the 1920's and 1930's. If an area needs to be drained, I know of no way the Government can prohibit private land owners to band together to form a drainage district, and thus dig a drainage channel.

To prove my own concern for the environment it was only a few minutes before this amendment was offered that I had supported another amendment to double the appropriation from $350 million to $700 million for funds authorized by section 702, being grants for basic water and sewer facilities. I believe just as strongly in the need for conservation of our water supply as the gentleman who offered the amendment. I am just as strong in support of antipollution legislation as he is.

Perhaps both those who support the amendment and those of us who oppose it may have the same purpose in mind, but the soil conservation program and Public Law 566, the watershed program it administers have proven their worth over a long period of years.

This restrictive amendment could cancel some of the benefits of the finest multi-purpose conservation program ever passed by the Congress. The amendment must be defeated.

Mr. BURLESON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my distinguished colleague from Texas.

Mr. BURLESON of Texas. Mr. Chairman, thank you for the opportunity to voice my opposition to the Reuss amendment. A moratorium on channel work at this time would cripple one of the most positive approaches to resource conservation that Congress has ever enacted.

Many of the environmental novices preaching today would have us believe that all Public Law 566, the small watershed program, amounts to is the total destruction of our streams and the fish and wildlife associated with them. This is just not true.

The primary objective of the small watershed program is to curb upstream floods. In addition, many projects have been developed for municipal and industrial water supply, recreation opportunities, and to enhance fish and wildlife resources.

Much of the channel improvement is confined to manmade channels that have become silted in and overgrown with trees and brush. These channels were never intended to be fish habitats and many only flow after storm periods.

When channel improvement is necessary on natural streams, the Soil Conservation Service makes an all-out effort to protect fish and wildlife values to the maximum extent possible.

Channel work, Mr. Chairman, is an integral part of the small watershed program. A moratorium on this work would halt watershed construction in many critical areas and add greatly to the cost and inconvenience of local people. The moratorium is unnecessary and unneeded.

Improvements under Public Law 566 have had remarkable success. Federal funds for the support of this work constitutes capital investment and has, as past records will indicate, paid returns many fold.

This amendment will needlessly interfere and impede the progressive accomplishments under Public Law 566. I urge the defeat of the pending proposal.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. At the conclusion I am going to ask permission for all Members to revise and extend their remarks at this point in the RECORD. I will make that request later, so my colleagues will realize that permission will be requested for them to revise and extend their remarks.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my distinguished colleague from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Wisconsin. I have discussed this proposal at length with the Soil Conservation Service, Department of Agriculture, and they feel, as do my constituents, that the proposed restriction on channelization would be disastrous to the arid Southwest, a portion of which I represent.

Undoubtedly, there have been some streams in this Nation which have been channeled, to the detriment of their natural beauty, and with a consequent loss of wildlife habitat. On a specific stream-by-stream basis, I might join the gentleman from Wisconsin in opposing specific instances of channelization, but tc place a blanket restriction on all channelization would be disastrous.

Let me give you one specific example. One of the watershed projects authorized by the legislation we are considering is for Sanderson Canyon, in my district. Sanderson normally has an annual rainfall of about 9 inches. Most of that 9 inches is concentrated in the summer months. Six years ago this month, during my first term in Congress, more than 7 inches of rain fell in 1 day. With sunbaked rangeland and little vegetation to hold back the water, the flood surged down Sanderson Canyon and into the town of Sanderson. It claimed 27 lives, destroyed many homes and seriously damaged others. Many businesses of the town suffered severe damage, railroads and highways were washed out, and the raging waters tore up the town cemetery, carrying the bodies of the dead downstream with some who were still living.

This is what can happen to water in the arid Southwest when it has no channel to follow.

The Sanderson watershed is not primarily a channelization project—but making a proper channel for flood waters is a part of it, to carry the waters downstream to the Pecos and the Rio Grande, and prevent the flood waters from seeking a channel through homes and valuable property.

There are several other watershed projects in various stages of preparation in my district, and channelization may or may not be a part of them. Where they prove to be necessary, they should not be hindered by a blanket prohibition of all channelization.

The Soil Conservation Service, in charge of our watershed projects, is, itself, one of the prime environmental protection agencies. It plans the proper placement of water-retarding vegetation. It helps to develop proper habitat for wildlife. Its purpose is to make maximum beneficial use of the meager water supplies, and to preserve to utmost degree the meager topsoil of our water-scarce land. Where this involves channelization, we should welcome it as a part of a wise program.

There are instances all over the irrigated West where the building of the right kind of a channel for the meager available waters can spell the differences between the success or failure of our farmlands. Every agency charged with using our waters is now also charged with the responsibility for protecting our environment. Let us not handicap their efforts with a proposed blanket prohibition on all channelization work.

Mr. ROBERTS. Mr. Chairman, I wish to state my position in strong opposition to the proposed amendment which has been offered by my colleague from Wisconsin. I think that any amendment which would jeopardize the programs within the Department of Agriculture that are engaged in carrying out needed soil and water conservation and development measures, is shortsighted, inappropriate, and totally unwarranted at this time.

It is apparent that the thrust of this proposed action is directed primarily against the Soil Conservation Service, with particular concern over stream modification as being planned and installed under Public Law 83–566.

Through the 17 years that the small watershed program has been in operation, I have observed that it offers local people one of the greatest opportunities to join together with State and Federal agencies in developing a program to meet the specific resource needs of the watershed community in which they reside.

One of the great strengths of this program is the manner in which local people must take the initiative in planning and carrying out these multiple-purpose watershed projects with assistance from the Federal and State governments. Thus, they are locally oriented, and the local interests must make significant contributions in funds and services.

I can recall no other Federal assistance program that has received such broad bipartisan support through the years. The fact that more than 1,300 watershed applications for assistance, or about 44 percent of those received by the Department, still await planning assistance, attests the favorable attitude of the public toward this worthwhile program.

This widespread support is understandable because watershed projects have had a major impact upon the communities and areas served. In my own State of Texas, as across the Nation where projects are installed, the economic and social benefits derived from these have been outstanding. These projects have provided the stimulus for economic stability and growth of many small rural communities. Flood protection and an adequate water supply are often the key to the economic and social betterment of these communities. A strong and healthy rural America is necessary if we are to reverse, or at least check, the out-migration of people from our rural areas to the large urban centers.

In closing, I strongly oppose the proposed amendment and feel that it casts an unjust, adverse reflection on one of our most effective resource action programs, and the highly respected agency, the Soil Conservation Service, which administers it, together with the hundreds of concerned local organizations sponsoring watershed projects.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FASCELL. Mr. Chairman, I shall not take too much time. To those who oppose the amendment let me say it is quite clear that the pending amendment does not repeal any act, particularly the Watershed Act. We are not modifying any law.

The fact is, what has happened, as with so many other programs in this country, is a new awareness of a good program. The whole question of environmental impact has caught up with everything, including this program.

In one State every single river but one has been channelized. There is almost nothing left to channelize. With 3,000 soil conservation districts around the country, we have suddenly begun to realize, in an effort to save the local farmer and the rural areas, that we are doing something in total to the environment that we had not contemplated. That is all that is involved in this issue. We are just beginning to realize what upstream damming does to lakes, gulfs, and the ocean.

Here was an existing self-imposed moratorium. To do what? To take a new look, at this turning point in our history, at a good program and to make it better; in order to have sufficient environmental consideration into the program; so that we would limit the adverse effects; and so that we would include in the benefits of the program all possible environmental benefits.

None of these things have been yet adequately accomplished under the present self-imposed moratorium which soon expires. So, to extend it for some time, until that can be done, seems to me only logical. The testimony today, which is being accumulated, is overwhelming on the issue, Mr. Chairman, that a good program, when examined in totality, is beginning to have contrary effects. We are not preserving the rain where it falls, we are rushing it away; we are not preserving the habitat of wildlife, we are destroying it; we are only beginning to see and understand the effect of farmland nutrients and pesticides on related waters.

All we are saying with this amendment is that the time has come to establish procedures for satisfactory and adequate environmental considerations.

Projects which are ongoing are not affected. But new projects, of which there are many and in every State, should not be started until there is adequate assessment of adverse environmental impact. Procedures for assessment and input into project consideration must be received and established in light of the awareness in this country, which has placed a new value on environmental preservation.

Mr. Chairman, the time has come to achieve a new balance. Our very survival depends on it. We do not seek to kill the soil conservation program or the Watershed Act, or related programs. But we should take the time contemplated by the amendment to move confidently into the future with these programs. Too many questions remain unanswered, and thereby a good program may suffer. I trust the amendment will be adopted.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment to the Agriculture Department appropriation bill for fiscal year 1972 which prohibits appropriations for 1 year to any stream channelization project not under construction by July 1, 1971.

The legislation which originally authorized channelization is now archaic in that it looks at the problem of flood prevention and protection from a purely economic viewpoint and gives no consideration to environmental impact questions.

The Department of Agriculture's original cost benefit formula, when applied to the question of whether or not to channelize a stream, considered only factors such as the actual cost of the project against the amount of land which would presumably be placed in safe cultivation as a result of the flood plain drainage brought about by channelization. However, the present public concern with the preservation of the environment in general and ecological systems in particular, is clearly inconsistent with the concept of channelization as developed by the Soil Conservation Service.

Channelization projects involve the cutting of all trees along the proposed watercourse and the clearing of stream bank vegetation along with the digging of long, straight, flat trenches, all of the purpose of increasing the flow of the stream and hence, the drainage and runoff on surrounding land. Needless to say, the damage to plant and wildlife systems is extensive. As an example of the harmful effects of channelization, the grading of the streambed eliminates irregularities which cause the stream to break its surface and thereby oxygenate itself. Channelization also destroys the hollows and pools which are the main breeding ground for aquatic life. As a result, it has been estimated that all of the bottom life of a stream is eradicated for a decade or more by channelization. It has also been found that even after long periods of time the variety of stream life never reaches over 50 percent of that present prior to grading or dredging. In addition, the destruction of the plant life along the streambanks deprives wildlife of what is sometimes its only breeding ground in the midst of extensive reaches of farmland. Finally, the rapid drainage of large areas of swamp and marsh land negates one of the major functions of the Nation's watercourses: the process whereby water is passed through plants and soil slowly enough to naturally filter out impurities and pollutants which would otherwise be transported downstream.

Even if environmental factors are not considered, there is some doubt as to whether even the original justifications of channelization are valid.

First, such programs give their primary benefit to farmers in terms of increased workable acreage and better flood control. However, aside from the fact that it is the stated policy of the Department of Agriculture to reduce acreage in cultivation, there is mounting evidence that channelization only transfers the danger of flooding to downstream areas through the increased rate of water runoff and stream flow. Furthermore, the initial cost of channelization often exceeds the value of the land reclaimed and protected. Lastly, the continuing cost of maintaining a channelized stream, plus the loss in hardwood resources and the destruction of any esthetic value the water course might once have possessed, tend to outweigh any continuing benefits that channelization might have.

I find this subject particularly urgent in light of the fact that Ohio is the only State which actively participates in stream channelization with the Federal Government. Last year, both State and county projects resulted in over 250 miles of channelized streams and rivers in my State. Since the destruction caused by such projects is, in effect irreversible, I believe the need for a halt to stream channelization is vital. I urge the passage of this amendment.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, let me first say, I yield to no one in my desire to protect our environment. I have done this all my life as a farmer and during 23 years of legislative experience.

Channelization, like pesticides, has become a dirty word. Each is emotional and has developed an oversupply of instant experts and pseudoscientists. Many statements are being made that simply cannot be substantiated scientifically.

The small watershed program is one of the better ones in the Department of Agriculture.

As was already stated, today's farmer is the true ecologist. With him it is a matter of survival.

As a member of the subcommittee reviewing proposed small watershed projects I can assure the membership of this House ecology and environment are always foremost in our consideration. Practically every proposal has some provision for recreation. We consider flood control, water supply, irrigation in some instances and every other beneficial or harmful angle.

Several years ago we visited several proposed projects in the West. I believe it was in Wyoming. The spring thaw was on. Acre after acre was flooded and good meadowland was carried away.

No small game could have competed with the force of that water. Ground nesting birds would have had absolutely no chance of survival.

Are proponents of this amendment telling me that channelization in this case would not have been desirable?

Why, I ask, do not the instant experts oppose highway construction? I submit to you that every time a 100-foot cut is made in a hillside, far more pollution and silting occurs than through the channelization we are discussing today.

In the case of highways, in too many instances no attempt is made to replenish the vegetation. This is definitely not the case with small watersheds. Protection is provided wherever possible.

Let us defeat this amendment, continue a good program and refine and improve it wherever possible.

Mr. BLACKBURN. Mr. Chairman and members of the committee, in the light of the overwhelming expression of opposition from Members who oppose the Reuss amendment I rise to bring a fresh change in view to the discussions which have preceded mine.

I congratulate the gentleman from Wisconsin and I congratulate the gentleman from Florida for so eloquently pointing out that the process of channelizing for the Soil Conservation Service needs a review. If the Reuss amendment serves only one purpose, if it serves only the purpose of alerting the Members of this body and the American public to the fact that the Soil Conservation Service program does desperately need a review, does desperately need hearings on the procedures whereby these programs are developed and approved, then it will have served a worthwhile purpose.

I first became interested in the process of channelizing in soil conservation projects some 2 years ago. I studied the whole process of planning and development.

Let me make this observation. There are two aspects of the Soil Conservation Service which need investigation.

One is the method whereby the cost-benefit ratio is computed. My own investigation indicated that in many instances channelization is conducted not because of engineering necessity but because the actual cost of channelization is very low and it is possible to throw in on the benefit side of the ledger very high benefit figures and thereby justify under cost-benefit comparisons which otherwise might not be authorized under current computation methods.

What is needed is to develop new standards of the computation of cost-benefit ratios, in all these water drainage projects, so that the more worthy projects—those which deal with municipal water supply and those which do protect lands which need to be drained because of flooding problems—can be carried out but so that those projects which do not especially need channelization can be avoided.

Secondly, we find in the whole process from planning through the execution of soil conservation projects there does not exist in the process a place for some individual or committee to stand up and say, "No, this project should not be approved." Everybody involved from the initial planning through execution has every incentive to approve the project, while no one involved is in a position to say "no."

Changes are necessary if we are going to preserve some natural environment aspects of our country. Believe me, once the streams are channelized, we do not know whether it will take 50 years, 100 years, or 200 years before they return to their natural state. It is essential that we develop a process for planning a project whereby those who have a concern, a valid concern for the preservation of our natural environment will have a proper voice and a proper chance for consideration. I will not delude myself into believing that the Reuss amendment will pass, but I will support it with the hope that it will alert members of the Committee on Agriculture and Members of this entire body to the fact that the whole process of channelization is receiving considerable attention from the American public which cannot be forever ignored by this body.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman.

Mr. DRINAN. Mr. Chairman, today the House considers the Agriculture Appropriations bill, in part authorizing millions of dollars of stream channeling projects which, unless we act in a prudent manner, will further diminish this country's already dwindling treasury of water and soil resources.

Accordingly, the gentleman from Wisconsin (Mr. REUSS) proposes an amendment to the bill which I fully support and urge my colleagues to support.

There is simply no reason to approach environmental problems on a regional basis. On the contrary, I believe that we who are not necessarily in the direct shadow of a proposed action have an even greater responsibility to speak out and to vote on an informed basis, and thereby to demonstrate in the most practical way that all environmental programs have national implications, whether for good or ill.

The proposed amendment to the agriculture appropriations bill would place a moratorium for fiscal year 1972 on stream channelization by the Department of Agriculture's Soil Conservation Service. During this period, the Department and interested conservation groups would undertake further studies of the long-range consequences of stream dredging and channeling to determine which of the proposed projects should be banned altogether, which might safely and usefully proceed, and whether alternatives could be employed to achieve the proposed benefits of stream channelization without plundering the environment.

Last week, my distinguished colleague from Wisconsin (Mr. REUSS) reported to the House the testimony of the U.S. Department of the Interior and of various conservation authorities favoring such an amendment.

The evidence displays the extent of the essentially unexamined use of Federal funds to straighten and deepen streams in order to drain lands, and thereby increase their value for agricultural cash crops—this at the very time when the Government is also spending money to withdraw land from cultivation. Every year as much land in the United States is converted to reservoirs and flood control use as for urban and suburban development. Already, nearly half of the Nation's original 127 million acres of fresh water wetlands have been lost as well as millions of acres of flood plains.

The result has been that sometimes flooding is reduced in the immediate area where a straightened channel has been chiseled out of a formerly meandering stream. Then the land near the banks can be bulldozed, or the hardwood cut down and the land sold to the producers of cash crops. If we calculate the cash value of the land's new use as opposed to the so-called flood control expenditure, the result may appear to favor stream channelization.

But like most of the traditional methods of resource allocation, the cost-benefit approach to stream channeling has been notably insensitive to broader ecological consequences—to the effect, for instance, upon the water cycle of streams, and upon the life cycles of the animals and fish which depend on the streams for their existence. The wetlands are drained, the fish in the streams die, flooding occurs downstream from the dredging, and the bulldozers roll in to cut down trees and prepare the land for agriculture.

Stream channelization turns out to be a kind of riparian strip mining. I do not think any of us should be very surprised if in a few years we have to consider a "new" type of conservation program. It will be known by some clarion title, such as "war on the degraded environment" and we shall all be asked to appropriate millions—or will it by then be billions—of dollars for some massive national effort to repair and restore the channelized rivers and wetlands.

Conservationists tell us that except for the passage of time much of this channelizing damage is irreversible. We cannot buy new hardwood trees or soon replenish the subtle forms of microscopic life which have been nurtured along meandering riverbeds over dozens of years. No crash program, no remedial legislation, no massive infusion of Federal funds can redress the results of our unreasoned use of nature.

Since we now have the opportunity to step back, with all that we are learning about the consequences of man's heavy hand on the natural balance, since we can pause in this channelization for a year and thereby avoid repeating past mistakes, surely we cannot conscientiously continue along the present blind path.

Although the principal benefit of stream channelizing is said to be the control of flood damage to agricultural land, very often flooding occurs downstream, and in the meantime, in the words of the executive vice president of the Audubon Society, Mr. Charles H. Callison, we have converted "beautiful streams that are rich in natural life into sterile and unsightly ditches."

These are the essential reasons I support this amendment: The harm it would avoid is basically irreversible, and the purposes of the present program are at best unclear and are probably attainable by methods which do not result in drastic ecological costs.

The amendment would not affect water and soil conservation programs other than stream channelization. Nor would it halt ongoing channelization programs. It would only suspend any new operations in the coming fiscal year. Now, when we are acquiring more comprehensive information on the further effects of previous channelization, is an excellent time for this moratorium. I urge my colleagues to support this amendment.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman.

Mr. RONCALIO. Mr. Chairman, there is no doubt that channelization, in some selected areas of the United States, has caused destruction of fish and wildlife habitat, degradation of water quality, and increased flooding downstream. Many of my Wyoming constituents agree that where such damage is taking place to our environment there is need for further study of the effects of channelization.

However, no such damage has been caused in my State of Wyoming, and it does not seem necessary to eliminate channelization programs for the entire United States because of problems found in only selected areas.

Channelization programs have actually benefited water users in Wyoming, and have resulted in greater irrigation efficiency, less soil erosion and better crop yields. I am deeply concerned about the environmental damage that has been done in some areas of the United States, but as Wyoming's one and only Congressman, my first duty is to represent the interests of my State.

To demonstrate how important the continuance of channelization programs are to Wyoming, I would like to insert at this time the following letter from Mr. Floyd A. Bishop, Wyoming's State engineer.

THE STATE OF WYOMING,
STATE ENGINEER'S OFFICE,
Cheyenne, Wyo., June 21, 1971.

Hon. TENO RONCALIO,
The Congressman for Wyoming, House Office Building, Washington, D.C.

DEAR TENO: Recent testimony presented in hearings scheduled before the House Government Operations Subcommittee on Conservation and Natural Resources contained severe criticism of channel improvements in P.L. 566 programs. Witnesses at these hearings apparently stated that they favored among other things, consideration of a complete moratorium on all such projects. I do not feel that there is evidence in Wyoming that indicates such a drastic proposal is warranted or that limitation of the Watershed protection and Flood control program is justified. P.L. 566 projects have benefited Wyoming farmers, ranchers, and other water users, and have improved water management practices over much of the State with no appreciable disruptions of environmental quality.

During the past year, for example, sprinkler irrigation systems have replaced flood irrigation practices in several areas of the Snake River Basin. These projects by the Soil Conservation Service have resulted in greater irrigation efficiency, less soil erosion and the extra production benefit of better crop yields. P.L. 566 Projects in other parts of Wyoming have regulated water supplies for multipurpose uses including irrigation, municipal, recreation, and other beneficial uses, plus creating significant flood control benefits.

The State of Wyoming supports and is actively participating in the P.L. 566 program. I would like to see this program continued and expanded using the same organizational skills and expertise that has been so successful in the past. I can think of no other program that has been as effective in achieving a proper balance between environmental and developmental factors. Certainly this is a program which should be favorably considered and continued on the basis of an outstanding past performance record.

Respectfully submitted,
FLOYD A. BISHOP,
State Engineer.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. With respect to the statement that you just made, are you aware that projects of this type are not only reviewed at every level of government and by the State government also, but they are reviewed under the provisions of the Environmental Protection Act for their environmental impact with public hearings held in the localities involved?

Mr. BLACKBURN. I am thoroughly familiar with the process. I am familiar with the fact that the initial planning is usually done by someone employed by the Soil Conservation Service who has a vested interest in having a constant inventory of projects being planned. When he goes to the local landowner and asks if he is willing to sign up and join the program, the local landowner usually finds that many acres of his land will be improved at no cost or at very little cost to himself. Of course, he is willing to join in it. The sponsors also have a financial and a vested interest in the project. Yes, I am thoroughly familiar with the review process, and I feel that it needs correction.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Reuss amendment, and I want to tell you about the channelization program in Ohio. They have gone channelization crazy out there. I have heard a lot of people say, this amendment will destroy the Soil Conservation Service. Are you telling this House that that is the only thing the Soil Conservation Service does? I thought they built dams, diversion terraces, grassland waterways, and 100 and 1 other things. If you do not think what I am telling you is right, then go out and take a look at some of the pictures in the hall. That is typically what overchannelization is doing.

They channelize and go away and forget about it. I know some people want it, and some people build houses in swamps. I had a woman call me just 3 weeks ago when we had a little rain out there. Her house was in a swamp. She said:

> The water is all around my house. What are you going to do about it?

I said:

> I am going to wait for it to go down. What will you do?

Mr. Chairman, a lot of the channelization is completely unnecessary. I do not think 1 year's delay will hurt anything. I do not think that a year's moratorium will hurt anything. We had a moratorium on it. The Soil Conservation Service is not out of business either. Far from it. They are in business up to their ears, and this will not put them out of business.

Mr. Chairman, I was a little bit surprised at some of my friends from Texas standing up here and saying that they are against this amendment. I have been to Texas a half dozen times this year and every time I have been there, they have said that it has not rained for a year down there. If they ever got a rain, I would have thought they would want it to remain and not be channelized so that it will get into the Gulf of Mexico in a hurry.

Mr. Chairman, some of this channelization is doing violence to the very fact that we need a water table, and this channelization is lowering it. I do not think there is anything wrong with having a moratorium over leaving streams as they are until we see what channelizing will do over the long run.

Mr. Chairman, if we go in with a bunch of bulldozers and clamshells, and what have you, and dig up the land, we are going to create problems. I am for soil conservation, but if you think that channelization is soil conservation, again I invite you to go out and take a look at the pictures out in the Hall.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am proud to have had a part in the watershed and flood prevention programs. I was on the committee when we set up without a budget request, 62 pilot projects scattered over the entire United States. Now the program has grown to where it has been and is our greatest step toward environmental protection, for by building more than 2 million dams we have held back billions of tons of sediment, our greatest pollutant, but we must be able to get the water away and it is here that we must in many cases have channelization. As we pointed out in our report:

> It has come to the attention of the committee that requests have been made to cancel for one year all channeling work by the Soil Conservation Service. The effect of this would be to greatly increase erosion, sediment, and pollution. Such a move would cause streams to meander, which quite clearly would cause bank caving and would have a terrifically adverse effect on the environment in that it would cause tons of polluted sediment to fill streams and would undo the benefits which come from upstream dams.
>
> The committee takes strong issue with such proposals and hereby directs the Soil Conservation Service to proceed, substantially as planned, with all projects authorized by Congress or approved by the Soil Conservation Service. Actions to modify this work program would help destroy rather than improve our environment. A restudy would result in approximately two years delay.

Now the Soil Conservation Service is studying all its projects as required by the various environmental acts. Channelization will be only where it is needed.

If you prohibit channelization you are not only are letting the water run wild and create pollution—and I tell you that billions of tons of sediment would be washed into our streams if that were to be allowed to happen.

Mr. Chairman, I know that the gentleman from Wisconsin (Mr. REUSS) is one of the greatest environmentalists in this country. The gentleman and I worked together on the wetlands legislation 15 or 20 years ago. I know that no one has the environmental question closer to his heart than does the gentleman from Wisconsin. But from the experience in handling this subcommittee for 20 years, the stoppage of all channeling which he sponsors here would greatly increase pollution, environmental destruction, in much of this country. I will not speak for all sections of the country. However, we should not channel where they do not need it but where they do need it every month's delay is aggravating a bad situation that already exists.

Why do we hire the engineers and specialists? Because they have studied this area and here we are a group of laymen, notwithstanding the fact that I have listened to testimony on thousands of these projects over the years. It is my opinion that this amendment would put a roadblock in the path of those who work in cooperation with the local specialists.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Does the gentleman's amendment mean that there would be a moratorium placed on the establishment of all watersheds for 1 year?

Mr. WHITTEN. It means you could establish the watershed organization, borrow money and pay interest on it, but you could not do the channel work likely required. Of course, it means then you are out of your money but you cannot proceed.

Mr. BURKE of Massachusetts. I want to associate myself with the statement of the gentleman at the microphone.

My district is faced with a serious problem. If there is a moratorium on these watersheds, it means the flooding of hundreds of homes in my district and I hope this amendment is defeated.

Mr. WHITTEN. Mr. Chairman, I thank my distinguished colleague, the gentleman from Massachusetts (Mr. BURKE) for his statement.

Mr. Chairman, I think that my colleague, the gentleman from Wisconsin (Mr. REUSS) has made his point. Certainly it is plain here and plain everywhere I go that folks want the environment protected, but I respectfully submit that his amendment would greatly damage the environment instead of helping it.

Mr. ASHLEY. Mr. Chairman, I wish to make a statement in opposition to the proposed amendment.

First, I must oppose the amendment since this would be but a first step in a campaign to eliminate in its entirety the channel improvement program not only of Public Law 566, but also that of the U.S. Army Corps of Engineers. I cannot support an amendment which would eventually eliminate two sorely needed projects in my district, those of the Ottawa and Maumee Rivers.

The Watershed Protection and Flood Prevention Act was passed in 1954. It has been amended regularly since that time to expand its provisions to include assistance in alleviating all water-related problems in upstream areas except navigation and power production. Its popularity is nationwide. Every State and Puerto Rico, with the exception of Alaska, has benefited from its provisions. Every allowable purpose has been included in some project somewhere.

The Soil Conservation Service, which administers this program for the Department of Agriculture, is a highly competent agency. Its staff includes professional people from each discipline concerned with water, land, and plant resources. It employs ecologists, biologists, agronomists, range conservationists, foresters, economists, engineers, hydrologists, geologists, soil scientists, sedimentation specialists, recreation specialists, and people trained in farm and ranch planning, watershed planning, river basin planning, and resource development. Its planning and operational activities are interdisciplinary in every respect.

The SCS has another characteristic which is unique among natural resource action agencies. It works directly with the local people concerned, individual farmers and ranchers, local soil and water conservation districts, county governing bodies, special purpose districts, and municipal governing bodies. The decisions as to scope and scale of any development are made by the local people who have to live with and pay for these developments. Due to the nature and limitations of programs administered by the SCS, their impacts generally are local, with effects being either onsite or limited to the boundaries of the watershed concerned. This limited range of impact makes local decisions highly important since they significantly affect the environment within which these people live and work.

The small watersheds program is a nationwide program. I understand that the SCS has received about 3,000 requests for assistance under the provisions of this program. Of these, over 1,600 requests have been approved for planning assistance and over 1,000 projects have been approved for installation.

These projects include a wide variety of measures. Conservation treatment of the watershed lands is the initial planning increment. It provides for proper land use and those conservation practices which are needed to protect the land from excessive erosion and keep it in sustained production. These measures include erosion control practices on cropland, pastureland, and woodland, and wildlife plantings to improve the habitat for birds and small game, brush management for large game, and stocking ponds with fish for private and public enjoyment. These measures help to hold the raindrop where it falls.

The structural works of improvement include floodwater-retarding structures, multiple-purpose structures, recreation developments, fish and wildlife developments, channel improvement, debris basins and floodwater diversions. Projects are formulated using a combination of these measures with land treatment to alleviate water and related land resource problems, meet the economic and social needs of the residents of the watershed, and to protect and improve environmental values. All of these needs are given careful consideration before decisions are made as to the measures to be included in the project and their scope and scale of development.

This multidisciplinary approach, which considers all water and related land needs and utilizes the resources of the watershed to meet these needs, is second to no other agency in the water resource development field. Of significant interest and concern is the fact that the resources used in upstream watershed projects basically are owned by the people of the watershed. This is true even of most of the streams. Most stream channels in watershed projects are either intermittent or have very low volumes of flow. The landowners own and pay taxes on the streams and while State water laws may govern the use of water flowing in the streams, the land itself is in private ownership and subject to private decisions and trespass laws.

The SCS and watershed project sponsors invite State game and fish agencies, Federal fish and wildlife, and recreational agencies to assist in the investigational and plan formulation activities on a case-by-case basis. Too often there has been no response to these invitations until the plan has been formulated. Then objections are interposed to any measure which might adversely affect fish and wildlife values. They are made without any consideration of the many other needs, objectives, and considerations which enter into plan formulation. Since there are conflicts of resource use which can occur as a result of different interests, all considerations must be included in the plan formulation process in order that impacts and tradeoffs can be fully and carefully considered in making the final decisions. Therefore, timely involvement is essential.

I would like to enumerate a few of the benefits which have accrued to the people of this Nation, both urban and rural, as a result of SCS programs.

Erosion has been controlled on millions of acres of crop, pasture, and woodlands, streambanks, highway rights-of-way, and urban developments.

Sediment yields have been reduced resulting in better quality of water, reduced channel aggradation, less sediment in navigation channels and harbors, and reduced rate of fill in major reservoirs.

The land resource base on treated areas has been protected so as to keep it in sustained production and preserve its production capability for future generations.

Floodwater damages to agricultural values on upstream flood plains have been greatly reduced, often as much as 75 to 80 percent, thus permitting more efficient use of these highly productive areas.

Flooding in urban areas has been reduced to an expected average frequency of one flood per 100 years. This protects business and industrial investments, schools, churches, hospitals, streets and roads; protects residences; removes the hazard of loss of life or injury to the residents; and reduces many health hazards.

Municipal and industrial water is provided which improves the environment of the towns concerned and stimulates economic activity and more jobs for the betterment of all.

Water-based recreational opportunities are provided which make the area a better place in which to live.

Drainage of agricultural lands is made possible, permitting more efficient use of the land and other factors of production.

Irrigation water may be supplied for small local areas to stabilize farm economy.

Fish and wildlife developments are included for the enhancement of fish and wildlife habitat and to provide resting and feeding areas for migratory waterfowl.

The constraints on this program which would be imposed by this amendment cannot be tolerated. The dangers which would be imposed are numerous.

Land treatment measures which are dependent upon adequate outlet facilities could not be installed. Erosion would continue unchecked. Sediment yields would continue at a high level carrying with it chemicals which pollute the streams and make them unsuited for fish and public recreational use.

Flooding of highly productive farmlands would continue in many areas, especially the coastal plains and river delta areas, where much of the most productive farmland occurs, and protection can be provided only through channel improvements.

Many small town and urban areas would continue to be subjected to frequent flooding with its high economic costs, social discomforts and inconveniences, threat of loss to life and property, and resulting health hazards.

People, rural and urban, would be denied the protection they have worked hard to get and, in many instances, now have in sight. This is unthinkable when they have voted bond issues, made individual contributions, and obtained help from State and other sources to meet their obligations.

Low-income farmers would be denied the help they need in draining their cropland so as to improve their incomes and standard of living.

Small rural towns often would be denied needed outlets for their storm drains. This prohibits effective drainage of runoff waters from even the smaller flash rains and creates nuisance flooding and health problems, which would result from interference in the functions of septic tanks and overflow of cesspools.

The discouragement which local people would encounter could set this program back for many years. It needs to be accelerated, not retarded.

This attempt to strangle a highly effective and productive local program which this Congress has supported on a nonpartisan basis for over 36 years cannot be countenanced.

We must move this program forward and not permit this delay. I strongly oppose this amendment and urge my colleagues to do likewise.

Mr. HARSHA. Mr. Chairman, I have before me the Reuss amendment and I want to read it again for the benefit of my colleagues:

AMENDMENT TO H.R. 9270 OFFERED BY MR. REUSS

On page 37, immediately after line 25, insert the following:

"Stream Channelization

"No part of the funds appropriated by this Act shall be used for engineering or construction of any stream channelization measure under any program administered by the Secretary of Agriculture unless such channelization is in a project a part of which was in the project construction stage before July 1, 1971."

Now, Mr. Chairman, what this amendment provides for is not a moratorium but an absolute prohibition against construction of channelization projects from now on—ad infinitum.

The dictionary says a moratorium is "a period of permissive or obligatory delay." There is no period of delay in this amendment, it is an outright prohibition against any further channelization from July 1, 1971, indefinitely.

When I first heard of the Reuss amendment I was informed that it would delay any channelization project for 1 year pending a study to determine the best methods and the desirability of continuing channelization. This I was inclined to support because I felt there was room for improvement in our channelization program, but to completely call a halt to the program forever is a very severe step to take with a program that has provided many benefits to our rural areas. I feel that Mr. REUSS' amendment certainly has placed those in charge of our channelization programs on notice that hereafter we expect better performance and more careful protective measures for our environment from them.

Furthermore Mr. Chairman since we passed the Environmental Policy Act last year any project that may have an impact upon our environment must be approved by the Environmental Protection Agency. Environmental impact statements must also be filed with various agencies of our Government concerned with the environment before the project can proceed. This affords the Fish and Wildlife Department an opportunity, and any other agency, to fully protect the environment before a project can be constructed. This added protection for our environment we did not have before and many of the projects which brought rise to the present criticism would have been revised or corrected to more fully protect our environment had this law been in effect before this year.

Certainly we can always improve our practices of channelization and flood control and we should strive continually to make these improvements, but to completely stop them for an indeterminate number of years is too harsh and too drastic a measure—particularly for a program that has so many benefits for so many people. Under these circumstances Mr. Chairman I must vote against the amendment.

Mr. SCHWENGEL. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Wisconsin (Mr. REUSS).

Environmental pollution is a major concern of the American people today. The better use of our soil, water, and air is an urgent and immediate requirement. No one can be more dedicated to good soil conservation and good soil management practices, but the Ruess amendment is not the answer.

One of the most effective programs to meet this aim has been the Public Law 566 small watershed program administered by the Soil Conservation Service. The program's aims are the multiple ones of flood prevention, soil conservation, sediment reduction, and the better use of an area's water resources.

The Public Law 566 watershed projects have scored notable successes in their multiple aims. During fiscal years 1969 and 1970 alone, they prevented almost $59 million in agricultural flood damages, and more than $11 million in nonagricultural damages; reduced sediment production by millions of tons; provided land conservation and development benefits of more than $87½ million; provided water recreation opportunities for hundreds of thousands of people, and augmented the municipal and industrial water supplies for 16 communities.

Serious questions have been raised by the gentleman from Wisconsin, and others, with respect to a relatively small phase of the small watershed program. I refer, of course, to the problem of the misuse of the stream channelization procedures. As a matter of fact, I am of the opinion that this misuse occurs more often on flood control projects undertaken by the Corps of Engineers than on small watershed projects. Nevertheless, serious questions have been raised, and some abuses have been pointed out rather dramatically. I will readily admit there have been some abuses, and some poor judgments made with respect to the use of stream channelization. However, we should consider the fact that these decisions and judgments were initially made several years ago in most cases. Few of us were as concerned about environmental issues at that time. It seems somewhat hypocritical to now attempt to criticize those earlier decisions in light of today's new found environmental consciousness.

In this same regard, it should be noted that the small watershed program is basically a local program, formulated and carried out by local people. There is, of course, some Federal financial assistance. But, by and large, the decisions are all made at the local level. As these people at the local level develop more of an environmental awareness, it will be reflected in their decisions on small watershed projects. The net result will be much more effective and environmentally oriented use of the stream channelization technique. We simply cannot correct all of our environmental mistakes overnight.

To abruptly and arbitrarily cut off funds for channelization, would be a serious mistake. First, to arbitrarily stop channelization for 1 year is a direct slap in the face of the local landowners who make the decisions with respect to the nature of watershed development projects. To adopt this amendment is to say to these people that they are not sufficiently competent to determine whether or not stream channelization should be utilized on their own land. Second, while the amendment appears somewhat innocuous on the face of it, it would in fact, seriously disrupt the entire small watershed program. This would occur at a time when we should be proceeding as quickly as possible with the completion of the program instead of hindering and slowing it. The Department of Agriculture has stated that sediment produced by soil erosion is the most extensive pollutant of surface waters. The amount of sediment produced by soil erosion is estimated to be 700 times the volume of any solids in sewage distribution. This is especially important because of the fact the silt is not only a pollutant in and of itself. These soil particles are responsible for carrying many of polluting chemicals into our streams. In fact, some of these chemicals could not be carried into our streams if those soil particles were not around to carry them into the streams. The point is simply this, we need to "nail the rain drop where it lands." This is one of the most effective methods of cleaning up our rivers and streams. The topsoil is retained in place on the land, and thus doesn't carry chemicals into the rivers. Second, the water filters through the ground filtering out and reducing the adverse effects of many of the chemicals which would otherwise be washed into the streams.

The point I make here has been dramatically supported by witnesses appearing at our Public Works Committee oversight hearings on pollution. Most of the witnesses have agreed that even after we have effective secondary treatment of all industrial and municipal sewage, we will still have very serious problems of water pollution. The point being that the primary source of water pollution is solids, the major portion of which consists of sediment from soil erosion.

Mr. Chairman, the solution to this problem is to continue the program as it now exists, with a note of caution to those involved in the program to be more aware of environmental considerations when approving projects. It is impossible for the Congress to legislate as to whether or not channelization is appropriate in a given situation. We simply must have faith in our local citizens who own the land involved and who live on the waterbeds concerned. I am convinced that these folks have a new awareness of the need to give more emphasis to environmental factors. Let us give them a chance to prove it.

Mr. BROOKS. Mr. Chairman, I oppose the amendment which would put a moratorium on all stream channelization projects, one of our most effective weapons against the disastrous effects of floods and soil erosion.

A number of projects in my district have used channelization as a means of controlling floodwaters thereby enabling residents of the area to live in homes and work in industries located in flood-prone areas.

My congressional district lies within a coastal zone in which water improvement projects are vital to the continuing development and growth of the entire area. Many of these projects, including Cedar Bayou, Clear Lake, and Clear Creek, Dickinson Bayou, Highland Bayou, and Taylor's Bayou, have involved some degree of channelization. While I realize these particular projects would not be affected by this amendment, I cite them as examples of the tremendous benefits these water improvement projects can produce at a cost of minimum or no disruption to the environment.

A moratorium on channelization would impose an arbitrary restriction on the efforts of local communities to protect themselves from devastating floodwaters and would severely curtail their efforts to attract new industries and jobs. It is a step in the direction of assuming all channelization to be detrimental and, if extended to other projects, this concept could block further development of such vitally important projects as the Galveston Ship Channel, the Texas City Channel, and the Sabine-Neches Waterway. All of these are absolutely essential to the continuing prosperity of southeast Texas. It would be a drastic mistake for the Congress to adopt a policy implying that the continuing improvement of these channels is detrimental to the area.

Concern for our environment is nothing new to the local or Federal officials responsible for planning and designing water improvement projects. The Soil Conservation Service, with which the pending amendment is concerned, was established in the Department of Agriculture some 36 years ago as a result of the disastrous Dust Bowl days of the 1930's. The major objective of that agency is to preserve, protect, and improve our life-sustaining natural resources and one of its major programs is to assist local communities in water resource planning.

In resolving the watershed problems and meeting the objectives of the sponsoring local organizations, channel improvement is just one of a wide variety of measures used. Channel improvement is not used indiscriminately. Floodwater detention structures are used whenever possible and in many instances channel improvement is used in conjunction with dams to provide an acceptable level of flood protection. In all cases, careful consideration is given to the environmental impact of proposed project measures including channel improvements. Detrimental effects, as well as beneficial effects, are fully considered. Channel improvement is planned, designed, installed, and maintained in ways that minimize adverse effects.

A moratorium on all channel improvement work would constitute an unnecessary and counterproductive effort to solve one problem without regard for the consequences that would result from the destruction of proven concepts for dealing with very real and serious flood control problems.

Mr. SEBELIUS. Mr. Chairman, I appreciate this opportunity to discuss the proposal to place a 1-year moratorium on stream channelization by the Soil Conservation Service in the Department of Agriculture.

I have followed very closely the oversight hearings on stream channelization before Mr. REUSS' Government Operations Subcommittee on Conservation and Natural Resources. This well-intended conservation review regarding the need to protect and preserve our waterways and wildlife has nevertheless prompted what I feel is a most unnecessary and potentially damaging amendment to the agricultural appropriations bill and rural conservation and pollution control efforts.

I have always believed that self-help is best help. In this regard the USDA's Soil Conservation Service has acted in compliance with the National Environmental Policy Act of 1969, Public Law 91-190 and announced in March new policy guidelines for preparing and reviewing environmental considerations on proposed SCS projects. These statements cover all watershed projects, resource conservation and development measures, and other major SCS conservation efforts involving stream channelization.

In addition, as early as possible, and in all cases prior to a decision to take action, the Soil Conservation Service in consultation with other Federal, State, and local agencies plans to assess in detail the potential environmental impact of each proposed action. This assessment will strive to insure that adverse environmental effects are avoided and that environmental quality is restored or improved.

The effect of the proposed 1-year moratorium would not only delay limited project work that is already undergoing internal review by SCS in conjunction with other Federal, State, and local agencies, but would also unnecessarily delay worthwhile and environmentally sound projects.

Long before conservation became a popular political issue, farmers were restoring and improving our land for future generations. These pioneers in environmental protection know that a year's delay for all channeling work by the SCS would greatly increase erosion, sediment, and pollution. Of course, additional delay resulting from restudy would further compound the soil and water conservation problems in rural and small-town America.

This grassroots concern confirms my belief that approval of this recommendation would allow streams to change course, would accelerate bank erosion and bank caving, would cause tons of polluted sediment to fill rural streams, and would undo the many benefits which have been derived from upstream dams and related soil and water conservation efforts.

In view of the internal controls and interagency consultation regarding environmental quality in the Soil Conservation Service, I feel a strong sense of personal conviction that this amendment would be counterproductive to our efforts to protect our environment and would delay much overdue watershed and resource development projects designed to reduce soil erosion and water pollution.

I oppose any such proposal on this basis.

Mr. KASTENMEIER. Mr. Chairman, over the years, I have been a consistent supporter of soil and water conservation work carried out by the U.S. Department of Agriculture Soil Conservation Service. Dedicated persons within the Service have joined with farmers in a common goal of keeping water on the soil where it drops, and soil on the place where it was first found. Their joint efforts have benefited every person in this country, predate the now popular environmental concern, and deserve the continuing support of the Congress.

However, on the practice of channelization within small watershed projects, I must take issue with my friends within the Service. Serious arguments have been raised against the practice, and they merit our careful attention. Channelization opponents charge that far from retarding flooding problems, the practice merely transfers the flooding problem from one locality to another locality downstream. Further, they hold that soil erosion is not retarded by such a practice, but actually increased. In the process of converting meandering streams into straight ditches, recreational values are sacrificed, and severe damage done to fish and wildlife habitat.

Another perplexing problem associated with the request for channelization funding is that in this same appropriations bill we are asked to approve $1 million for the new water bank program. The program will be operated by the Agricultural Stabilization and Conservation Service for the purpose of preserving marshes and other valuable wetlands. A stark incongruity must be obvious to many of us. We are asked to support a Federal program which destroys wetlands, at the same time we are asked to support a Federal program which would preserve wetlands.

These are strong arguments against a Government agency charged by Congress with the express purpose of reducing flooding and slowing soil erosion. I believe a year's respite from more bulldozing and clearing of streams would be in order, so that appropriate procedures can be developed to assess the value of channelization practices—procedures which will insure that our environment is enhanced and not defaced by such practices. I do not believe, as some of the channelization proponents have argued, that a year's moratorium will halt all work on needed Public Law 566 projects, or that such a moratorium will ruin the Soil Conservation Service. Much to the contrary, such a pause, reevaluation, and redevelopment of procedures could do much to strengthen the position of the Service and its abilities to do the important work that remains to be done.

I make this prediction because in my own State of Wisconsin, channelization projects by law are required to receive approval from environmental specialists within the department of natural resources. This procedure has resulted in a minimum amount of damage to the environment from channelization projects, and insures that future damage will not result. Landowners and environmentalists have reached a truce, where each realizes that channelization is neither all good nor all bad, but only good or bad when applied to a particular stream or drainage area.

I will vote for my colleague's amendment because I firmly believe that the need for such a truce on the national level is also urgently needed. When proper evaluational procedures are developed for channelization work at the Federal level, I will again support use of funds for such projects.

Mr. NICHOLS. Mr. Chairman, I wish to go on record as being opposed to the amendment to stop channelization and channel improvement.

In many agricultural areas, the present valley morphology is far different from that found by the first permanent settlers. Most streams had definite channels. Valley floor land, although often low and subject to occasional overflow, was perennially dry enough for cultivation. In fact, this level land was often the premium farmland. Clearing of forests, breaking of sod and planting the uplands to row crops, combined with poor soil conservation practices, produced erosion and stream sedimentation many times the geologic norm. Much of this sediment was deposited in the upper watersheds of stream systems. Channels were filled and valley floors were covered with sediment. Often stream levels were raised sufficiently to form wet areas and swamps on the valley floors, ruining the valuable farmland. Attempts of landowners to deepen the channels to their former depth and to drain the newly created backswamps usually resulted in failure because the improved channels were rapidly refilled with incoming sediment.

This process continued until after World War II. Since then a reduction in row crops and an increase in upland forests, combined with the implementation of soil conservation measures has greatly diminished erosion and sedimentation. However, the clogged channels and mosquito ridden backswamps remain. Channel improvement is needed, along with sound land use management and soil conservation practices, to restore this land to its former condition.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to emphasize my strong support of the amendment of the distinguished gentleman from Wisconsin (Mr. REUSS) to delete funds in this bill for stream channelization projects.

Many of us in the Congress have long opposed the obvious inconsistency of Federal sponsorship of both the wetlands reclamation efforts of the Department of the Interior and the wetlands drainage programs of the Department of Agriculture. This inconsistency has become even more grotesque with the Department of Agriculture itself maintaining both programs for the past 6 months.

The stream channelization projects that have been carried out under the Watershed Act have caused severe ecological damage to many watersheds, made hundreds of streams nearly uninhabitable for fish and riparian wildlife, and incurred costs far exceeding any benefits to be derived from the project.

Deletion of the funding for stream channelization will allow a moratorium on channelization projects during fiscal year 1972. Thus, an opportunity would be presented to explore the detrimental effects of the existing program and examine possible alternative efforts that might be undertaken.

There is no reason for a continuation of these projects now that we understand the environmental implication they entail. Hearings held by the gentleman from Wisconsin have clearly shown the ecological and economic problems that arise from stream channelization. It is important that we recognize the facts of the situation and take advantage of this opportunity to end the funding for stream channelization projects.

I am pleased with the strong support for this amendment from conservation organizations who have forcefully pointed out the dangers of stream channelization and have given their strong support to the effort to end these shortsighted projects.

Mr. Chairman, I believe we must take this step forward to help preserve the environment, protect valuable fish and wildlife resources, and recognize the esthetic values of natural wetlands. The Reuss amendment can help accomplish these goals.

Mr. DON H. CLAUSEN. Mr. Chairman, the question of procedures for Soil Conservation Service projects is being challenged by this amendment and certain statements are being made with regard to channelization and its effect on the environment.

No one can object to the gentleman's desire to advance his objective. However, I do not believe this is the proper approach to take by amending an appropriation bill. Rather I would suggest that he make his presentations before our Oversight and Investigation Subcommittee which is now in the process of holding hearings on all matters relating to programs and projects under our Public Works Committee jurisdiction.

If we have flagrant abuse to the environment on certain projects the committee would like to know about them. We must also permit local witnesses, State witnesses or any interested persons present their point of view either pro or con, on a given project.

I would admonish the Members that our committee has held hearings on the existing project evaluation criteria for all water resource projects and, in fact, adopted a sense of the Congress amendment that will expand project purposes and will permit more consideration for environmental quality control in all projects.

I relate to this point solely to remind the Members that the committees of the Congress are intensifying their efforts to improve procedures and criteria to minimize and eliminate adverse impact on the esthetics of a given area.

I would remind my colleagues that there are many variables in all projects and each must be considered on the basis of factors associated with the geological and hydrological conditions of a given area.

Therefore, I join in opposition to the amendment.

Mr. BOGGS. Mr. Chairman, I rise in defense of the Public Law 566 small watershed program. The amendment introduced by my colleague Mr. REUSS would set back by another year a program of proven worth in the development of rural areas and upgrading our environment.

Placing a moratorium on channel improvement will of course stop completely projects in flat areas where dams cannot be built to slow floodwaters. What may not be generally realized is that a stop order on channels will also stop or slow work on dams for floodwater retarding, municipal water supply and recreation along with other water and sediment control measures.

Local people plan, and Soil Conservation Service technicians design these projects as integrated resource systems. To stop any one part for an arbitrary period of a year would bring many small watershed projects to a virtual standstill.

A great need today for both city and country is to slow migration of people to the cities as they search for ways to make a living. While not the whole answer, watershed projects have demonstrated success in this effort with some positive achievements. Dependable water supplies in communities that have been without, frequently enable local businesses to expand, and occasionally attract new ones. I recall statements at recent appropriation hearings which indicated somewhat more than 50,000 new jobs have been created to date through these projects. Perhaps 20,000 man-years of employment of mostly local labor have resulted during construction—and almost every State has several now under construction.

Part of the reason for prosperous communities is that they are nice places in which to live. Certainly freedom from floods is important. Public Law 566 projects have prevented $180 million in flood damages to date. In many cases improvement of a channel through town is the only practical alternative to flooded basements and businesses. The proposed amendment would needlessly hold some of these up for another year.

That kind of delay is intolerable in projects already long in the making while local residents were working out, through give and take, the measures needed to solve their resource problems. Many have waited additional periods for required Federal funds. Sponsors of these projects are trying to improve the environment right where they live. They must obligate themselves for land rights and a share of the costs for their projects. These people fully appreciate the need for wildlife habitat and the joys of fishing and hunting. Indeed, State and Federal fish and game agencies are asked to participate in the planning stage to be certain these aspects of the environment will be considered in balance with other resource problems.

In the years since its inception, the Public Law 566 program has been deservedly one of the most popular programs this Congress has started. A working force of environmentalists has been put together with expertise second to none in solving resource problems. In recognition of the need to move out and act concretely in solving these problems the 1972 fiscal year budget carries an increase of $28 million, the first real step up in several years. Let us not amend away this hard won chance to move ahead.

Mr. BLATNIK. Mr. Chairman, I rise to commend the distinguished chairman of the Appropriations Committee, and his colleagues on that committee, for their commitment to the great task of restoring our Nation's water resources and preserving them for all future generations.

The committee's support is particularly gratifying to those of us in the Congress who have long sought to alert the American people to the enormity of the pollution that has engulfed our rivers, our lakes, and our harbors. I believe it signals a great national awakening in which even the administration now shares.

The President of the United States, who only 2 years ago asked for $214 million a year to clean up our waters, has now called for a $2 billion annual effort; and the Appropriations Committee has accepted that as a starting point while awaiting passage of authorizing legislation.

I believe it is clearly understood in this body, as it is within the Public Works Committee which I have the honor to chair, that the administration's request is a bare minimum when measured against the magnitude of the environmental cleanup that must be undertaken.

The Public Works Committee is now engaged in a top-to-bottom review of the existing water pollution control legislation and its administration in order to determine where we stand today and how best we can proceed from here to insure the success of this undertaking.

We are proceeding with careful deliberation because we are convinced that "more of the same" legislation will not get the job done, that a national effort on the scale of our gigantic highway program is needed if our waters are ever again to run clear and clean. I can assure this body that the Public Works Committee will build that concept into its forthcoming water pollution control legislation.

Mr. EVINS of Tennessee. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman, the gentleman from Mississippi (Mr. Whitten), in opposing the proposed amendment to declare a year's moratorium on channelization work on flood control projects under the watershed and flood prevention program of the Department of Agriculture.

I consider this amendment ill-advised and would lead to long delays and increased costs under this important program.

Should the Reuss amendment unfortunately be approved, pollution may be increased as streams flood their banks and despoil adjacent farms and other areas.

All of the areas involved in these projects are carefully restored where construction occurs, so that the natural environment is protected.

I want to point out further that this program is important to many of our small cities. In Tennessee, for example, a channelization project in Overton County is providing flood prevention protection for the city of Livingston and industries which heretofore had been damaged by floods. This program has not only proven its benefits locally, but nationally.

I was pleased to support the committee appropriation of $132 million for this program and again emphasize the importance and the necessity of continuing this important flood control program without interruption.

I urge the rejection of this amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin as I believe a 1-year moratorium to provide for review of channelization projects is in the very best interest of America's wetland and water resources. The SCS has an outstanding record in soil and water conservation particularly where it has used with great skill such techniques as terracing, contour plowing, diversion strips, small impoundments, and grass waterways. I take pride in the part which SCS played in the Rock Creek watershed in my own congressional district and am pleased with SCS's plans for the Seneca Creek watershed. Neither of these projects involve channelization. But the rapid growth of channelization projects which have in so many instances degraded adjacent wetlands, downstream areas as well as the streams themselves have raised concern among professional conservationists as well as casual observers.

My State of Maryland has many soil and topography types but I would like to bring to the attention of my colleagues Maryland's secretary of natural resources serious reservations and recommendations concerning channelization as a water and soil conservation technique. Secretary Tawes' comments are expressed in a letter to Chairman Reuss of the Subcommittee on Conservation and Natural Resources as follows:

Department of Natural Resources,
Annapolis, June 9, 1971.

Hon. Henry S. Reuss,
Chairman, Conservation and Natural Resources Subcommittee, Congress of the United States, Rayburn House Office Building, Washington, D.C.

Dear Congressman Reuss: Thank you for your invitation to submit a statement for consideration by your subcommitte on various agency's programs related to the improvement, modification, and channelization of streams and rivers. During the course of the hearings you will probably receive testimony from governmental agencies such as the Corps of Engineers and the Soil Conservation Service, stating their policies and procedures for considering the environmental effects of their programs and procedures and, on the other hand, statements from "conservation" associations charging adverse environmental impacts from various agencies' projects. My Department has enjoyed generally cooperative relationships with such federal agencies during the planning and implementation of their programs and projects. However, I wish to comment on one federal assistance program which is of particular concern to the State of Maryland: the Agricultural Drainage Program administered by the Soil Conservation Service.

Drainage of wetlands has been pursued as a program of significant national benefit for many years; with technical and financial assistance from the Soil Conservation Service in recent decades. The program goal is to minimize the adverse effects of excess water on agricultural lands; thus providing agricultural landowners a more certain annual income. The Soil Conservation Service's efforts have been highly successful. However, in recent years, two major policy changes have occurred. First, the Congress, reflecting recent public awareness of the value of wetlands, passed the Water Bank Act of 1970 which provides for reimbursement to landowners who agree to refrain from drainage activities. Second, public programs have been developed to retire or divert cropland from agricultural production as the nation's ability to produce has exceeded the market demand for food. There seems to be a conflict in policies when we as a nation subsidize the construction of agricultural drainage channels which significantly adversely affect wetland environments and increase food production, while at the same time, offer payments to encourage the protection of wetlands and to reduce crop land production.

Certainly there is reason to doubt any drainage project if the stand objective is to increase the national supply food. It is widely recognized that nutrient deficiencies, where they are found in this nation, are not faults of the productive capacity of American agriculture. In fact, the land retirement programs make federal payments annually to prevent production on more than 50 million acres, and the federal government purchases large quantities of agricultural commodities at the legal support prices. Therefore, it is quite obvious that the drainage program can no longer be justified on the basis that the national supply of food is increased. Further, if national increases in food production are desired, they could be more efficiently achieved by application of a variety of agricultural science and technologies to existing well-drained lands—usually with less adverse environmental impacts than channelization projects.

Reduction of consumer food expenditures is, similarly, a questionable objective of the agricultural drainage program—questionable in light of agricultural price support policies and other public programs designed to artificially maintain the price of agricultural products, thereby increasing the income of agricultural producers. Although agricultural drainage projects produce minimal national benefits, benefits to individual landowners in terms of increased productivity per acre, do represent increases in income. The income increases result from reduced probability of crop losses, therefore, provides a definite incentive to channelize. I recommend that this incentive be eliminated.

My Department recognizes the problem that uncertainty creates for the farmer. We do not wish to see Maryland farms abandoned because natural conditions are so uncertain that profitable returns cannot be insured, since maintaining a viable agricultural sector is an objective of the State of Maryland. At present, the Soil Conservation Service administered program is the only available federal method for reducing the uncertainty of flood damaged crop losses. I would suggest that your subcommittee include within the scope of its investigation alternative means of reducing the uncertainty of farmers whose crops are periodically affected by flood waters. A national crop insurance program similar to the flood insurance program could be successful in relieving uncertainties. Alternatively, an expansion of funds for the Water Bank Act would allow farms to increase the acreage of land held as "wetlands" while maintaining an overall income.

We often receive petitions from farmers who claim they need a drainage project if they are to survive as farmers. The federal government does not presently offer agricultural landowners effective alternative means of obtaining the security of annual incomes. A federally subsidized crop insurance plan could provide such an alternative. To eliminate apparent conflicting public policy, to reduce the environmental loss from agricultural drainage projects, while at the same time provide the farmers with the certainty they need to remain in agriculture, I suggest your subcommittee consider amending federal law (PL 83–566) to eliminate federal subsidies to agricultural drainage projects and examine several programs, including a publicly subsidized crop insurance program, to reduce the uncertainty due to natural conditions, and ask to initiate the most feasible program as national policy. While the states can strive to reduce any adverse environmental impacts of agricultural drainage projects, the Congress has the opportunity to remove the federal incentive for such projects while instituting effective alternative programs to maintain or enhance the status of agricultural land owners.

Sincerely yours,

J. MILLARD TAWES,
Secretary.

Mr. HECHLER of West Virginia. Mr. Chairman, I have received many letters and other communications from soil conservation groups throughout West Virginia urging me to oppose the pending amendment. One of these letters comes from our distinguished secretary of agriculture of West Virginia, the Honorable Gus Douglass, a good friend and constituent of mine. If I were merely to follow the winds of opinion as expressed in my mail, I would unhesitatingly vote against a moratorium on channelization. There are some very good watershed projects in West Virginia, and others are on the drawing board.

I have long supported the program of the Soil Conservation Service in its programs to prevent floods by contour plowing, plantings, small dams, and sediment control reservoirs. Only a few weeks ago, I testified in favor of the Mill Creek watershed project which will benefit Jackson and Roane Counties, in West Virginia.

We have recently received evidence from such individuals as Assistant Secretary of the Interior Nathaniel P. Reed, and others, to the effect that channelization run rampant can cause excessive damage. In fact, Assistant Secretary Reed testified that stream channelization "is undoubtedly one of the more, if not the most, destructive water management practices", and he urged a 1-year moratorium on such work. I have at hand a memorandum which lists some of the adverse effects of channelization:

ADVERSE ENVIRONMENTAL EFFECTS OF CHANNELIZATION

1. Elimination of fish habitat and lowered production of aquatic life. A study of 23 North Carolina streams dredged as a W.P.A. project 40 years ago showed that 90% of the fish population was lost, and there has been no recovery of habitat. Prior to channelization the Tippah River in Mississippi contained 240 lbs. of game fish per acre, whereas after channelization only 5 lbs. of tiny game fish per acre were produced. The stream bed does not naturally recover and bottom habitat for fish is ruined.

2. Destruction of wildlife habitat. Channelization eliminates streamside habitat for small game, waterfowl and fur-bearing mammals. Eventually after channelization, tangled briars and honeysuckle grow back but the vegetation is too thick to support wildlife. Herbicides are even used in some places to keep the growth cut back.

3. Degradation of water quality, increased erosion and siltation. With vegetation alongside the stream bank stripped away, more erosion can occur in a few days than would occur naturally over many years. Water becomes turbid, banks slump into the stream, and water temperatures are increased due to removal of shade cover.

4. Increased floods and damages downstream. Minnesota experienced all-time record floods in 1965 and 1969. The more than 70,000 miles of ditches can be blamed for accelerated runoff, compounding the downstream problems.

5. Lowered water tables. Channelization destroys swamps, wetlands, and floodplains which act as natural reservoirs to store nutrients, sediments, and flood waters and to recharge aquifers.

6. Destruction of valuable hardwood trees. Arkansas has lost over 1 million acres of valuable delta hardwoods during the past decade. Of the original 10 million acres, now less than 2 million remain. Similar losses are occurring in other states.

7. Destruction of archeological sites. In Texas alone hundreds of sites have been destroyed by channelization. Valuable scientific data has been lost concerning prehistoric geology, fauna, soils and climate.

8. Complete loss of aesthetic values. No longer does the stream meander along. It has been turned into a ditch practically devoid of life.

9. Destruction of the habitat for rare and interesting creatures. Several Alabama projects have destroyed the habitat for some rare and unique mollusks and a declining salamander. Other rare species such as blind fish are threatened by a channelization project in Indiana.

The Soil Conservation Service itself apparently realized earlier this year that stream channelization was having adverse environmental effects. On February 4, 1971, the SCS issued "Watershed Memorandum 108" which provides guidelines for reviewing approved watershed work plans that include stream channel work not yet installed and for "developing new watershed work plans involving channel" work. Under the terms of this memorandum, no channel work may be carried forward except those that have "minor or no known adverse" environmental effects. SCS established a moratorium on all other projects involving stream channel work until June 30, 1971, when their initial field review of these projects is completed and reports thereon are submitted to SCS in Washington.

The complete text of Watersheds Memorandum 108 follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
February 4, 1971.

WATERSHEDS MEMORANDUM—108

Re: Guidelines for Planning and Review of Channel Improvement.

This memorandum provides guidelines for reviewing approved watershed work plans that include stream channel improvement not yet installed and for developing new watershed work plans involving channel improvement. This review is one of the steps to implement our declaration at Portsmouth, N.H., that "we can do nothing less than to reevaluate each of our programs and practices to make sure that its impact on the environment as a whole is a beneficial one."

The National Environmental Policy Act of 1969 (P.L. 91–190) states that it is national policy to "encourage productive and enjoyable harmony between man and his environment." Congress directed that "to the fullest extent possible: . . . the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act. . . ." In the light of this and other directives, SCS has recently reexamined and, where desirable, modified and extended its policies and criteria relating to the planning, design, installation, operation, and maintenance of watershed projects with particular reference to channel improvement.

Much of the channel improvement work that is not yet installed was planned before the enactment of P.L. 91–190 and the recent changes in our planning policies and criteria. The purpose of this review is to determine what changes in work plans or engineering design are needed to further national policy and goals for the environment.

Guidelines for making this review and developing new watershed work plans involving channel improvement include:

1. Channel improvement is to be planned and carried out with minimum losses to fish and wildlife habitat (WS Memo-102). Losses are to be minimized by (1) selecting measures that are least damaging to habitat, (2) incorporating design features to reduce the damaging effect of the measures, (3) locating measures to avoid areas of high habitat value, (4) using construction methods that minimize disturbance and destruction of habitat, (5) vegetating denuded areas as quickly as practical, and (6) operating and maintaining measures in a way that is least damaging to the habitat. Unavoidable losses are to be mitigated to the maximum practicable degree. Opportunities for mitigation should be fully explored. Plans should provide the same degree of certainty that mitigation measures will be installed, operated, and maintained as they do for other structural measures.

2. Channel improvement is supplementary to floodwater retardation, not an alternative for achieving an adequate level of flood protection. (See Par. 105.0221c, WPH). Channel improvement should be considered only after it has been determined that land treatment and all feasible floodwater retarding structures will not provide an adequate level of flood protection. Except in watersheds where retardation is obviously impractical, this determination should be based on reservoir flood-routing studies, maximum use of all available storage opportunities in the watershed, and minimum practical release rates combined, where feasible, with two-stage inlets for the principal spillway.

3. Channel improvement is not to be used where its primary purpose is to bring new land into agricultural production. (See WS Memo-84, 84 Supp. 1, and Par. 101.10 WPH.) It is not to be used where floodwater retarding structures provide an adequate level of protection for land currently in agricultural production. Restoration of former productivity may constitute bringing new land into agricultural production if the land is not now used for cultivated crops or crops normally seeded for hay and pasture. (See WPH 101.101.)

4. In agricultural flood plains, the level of flood protection should be only high enough to permit profitable use of such land within its capabilities for sustained agricultural production (WPH 105.0221e). If the protection by floodwater retarding structures provides an acceptable level of protection but falls short of achieving the optimum goal, the environmental impact of increasing the level of protection by channel improvement should be considered carefully before including channel improvement in the plan. Consideration should also be given to the fact that many crops can withstand some flooding without consequential damage.

5. In nonagricultural flood plains, the level of flood protection should be sufficient to protect the principal residential, commercial, or industrial areas from a 100-year flood (WPH 105.0221f). Except in unusual cases channel improvement should not be used if its primary purpose is to make land suitable for nonagricultural development. In areas of expected development, serious consideration should be given to zoning, flood proofing, early warning systems, or other nonstructural devices to alleviate damage.

6. Channels are to be planned and designed so that they will be stable and can be maintained at a reasonable cost. This means that channels must be stable immediately after construction as well as after aging. The characteristics of stable channels are described in Eng. Practice Standard 582. Other guidance is available in ENG Memo-72.

7. Stability is one of the primary considerations in the location of channels. This usually means that improved channels should follow existing alignment approximately. But realignment or relocation should be considered if it will not endanger stability and if project or environmental needs can be better served. (ENG Memo-72 and EPS-582.)

8. Even though they may increase costs, the least destructive construction techniques are to be used, including such practices as seasonal construction, minimum clearing, sectional construction, limiting excavation to one bank, using temporary sediment basins and other devices to limit sedimentation and other pollution during construction, and prompt vegetation of spoil, channel banks, and other disturbed areas. Plant materials should be selected for their ability to control erosion, and to provide food and cover for wildlife, and for beauty and ease of maintenance.

The state conservationist is to direct the review of channel improvement in his state. The review should be made by an interdisciplinary team of engineers, geologists, plant scientists (biologists, foresters, range conservationists, agronomists), economists, and others, including those from the RTSC as appropriate.

The initial objective of this review is to classify (usually by segments) the planned channel improvement (of both natural and artificial channels) into one of the following groups:

CRITERIA

a. Effect on environment

Group 1: Minor or no known adverse effect.

Group 2: Some adverse effect.

Group 3: Serious adverse effect.

b. Conformance to enumerated guidelines

Group 1: Clearly conforms or can be easily modified to conform. Modifications generally limited to minor changes in design and construction methods.

Group 2: Some modifications are needed and can be made readily to conform to guidelines or to reduce or eliminate adverse effects. In addition to changes in design and construction methods, changes may include realignment, greater stability, and additional mitigation features.

Group 3: Major modifications, possibly including reformation, and major changes in purpose or scope needed to reduce adverse effects to an acceptable level. Changes may include reduction in amount of channel improvement, substitution of clearing and snagging for excavation, smaller capacity where appropriate, and substantially more mitigation measures.

c. Economic justification

Group 1: Benefit-cost ratio clearly favorable, using current estimated costs and applicable interest rate.

Group 2: Benefit-cost ratio near unity but appears to be favorable, using current estimated costs for the project as modified and applicable interest rate.

Group 3: Benefit-cost ratio less than unity for measures otherwise in Group 1 or 2. Reevaluation necessary to reaffirm economic justification. For measures otherwise in Group 3, the benefit-cost ratio should be computed in the same manner, using the same criteria that are applicable to new plans.

Channel improvement is to be placed in Group 1 if it meets all the Group 1 criteria; in Group 3 if it meets any Group 3 criteria; and in Group 2 if it meets any or all Group 2 criteria and none of Group 3.

Any channel improvement planned but not installed that is no longer needed or not expected to be installed for any other reason need not be classified into one of the groups. However, the watershed work plan should be amended to delete such work.

In testing for economic justification, update all project cost estimates to reflect (1) actual costs of work already installed, (2) current construction and other cost levels for work yet to be done, and (3) the applicable interest rate specified in WS Memo-92, as supplemented. Where reevaluation is necessary to reaffirm economic justification (Group 3), give special attention to the limitations stated in WS Memo-84, as supplemented, for using benefits from new land to justify channel improvement.

Complete the grouping of channel improvement measures as soon as practical and in any event by June 30, 1971. Although this initial review necessarily relies heavily on available data and experienced judgment, it should be carried out objectively. Carefully consider comments, reports, and recommendations of other agencies and the public.

As soon as you have completed the review, inform the state and federal fish and game agencies, preferably by personal discussions, of the manner in which the review was carried out and the resulting groupings. Make it clear that they will be invited to assist in modifying projects in Groups 2 and 3. In addition, obtain their comments on or concurrence in projects placed in Group 1. If they express major disagreement, you may wish to reconsider your initial decision and place such projects in Group 2 until further studies are made.

Charge time used for making the review to WP-08 or FP-03 funds. If necessary, state conservationists should request increases in the limitation on the use of such funds.

The channel improvement in the Group 1 can be implemented without further action except for minor changes of design and specifications and of construction drawings already prepared. Work plans with channel improvement in Group 2 are to be supplemented or revised before scheduling or proceeding with additional construction. Plans in Group 3 are to be set aside for complete restudy and reformulation before further construction. If a state conservationist believes that construction should not be delayed for the needed corrective action for any measures in Groups 2 or 3, he must request approval to proceed from the Administrator. Such requests should be limited to an absolute minimum and must be fully supported and justified.

After you have completed the initial review, submit a report of your findings together with enough explanation to make it clear that the review was carried out in accordance with these instructions and guidelines. Submit your report as soon as possible. Do not hold until the deadline date (June 30) if the report is ready beforehand. Submit interim reports as the study progresses if it is convenient to do so and if early construction is contemplated.

Since the initial review will be based largely on an examination of approved work plans and basic data, it should be considered preliminary and subject to change as more detailed studies are made. For the present, any channel improvement that is on the borderline between two groups should be placed in the more critical group, subject to change with more detailed analysis. (Italics supplied.)

Within the near future, I will appoint a Watersheds Environmental Quality Committee. It will be responsible for developing policy and procedures for strengthening the environmental aspects of the watershed program. Its immediate task will be to: (Italics supplied).

(1) Provide consultation and additional guidance for carrying out the review of all watershed work plans.

(2) Review the state reports and recommend appropriate action to the Administrator.

(3) Review the need for and place of

channel improvement in the watershed program.

(4) Review and recommend appropriate changes in policy and in planning and design criteria to insure the preservation and enhancement of environmental values in watershed projects.

KENNETH E. GRANT.

Mr. Chairman, if SCS has questioned their own policies and procedures and their own channel projects as to their environmental effects, I believe Congress should await the conclusion of this questioning period.

The amendment offered by the gentleman from Wisconsin (Mr. REUSS) continued the SCS moratorium through the next fiscal year, with two exceptions:

First, it does not apply to watershed projects where no channel work is involved.

Second, it does not apply to projects involving channelization where any part of the project moved into the construction stage prior to July 1, 1972.

Many of those who have spoken in opposition to the amendment admit that some channelization is environmentally unsound. The SCS has acknowledged that many of its policies and procedures on channelization may be out of date. This being so, 1 year is not too long a time to halt new channelization starts, until these policies and procedures are developed, proposed for public review, and adopted.

I urge adoption of the Reuss amendment.

Mr. McKAY. Mr. Chairman, I would like to go on record strongly opposing the proposed moratorium of all stream channelization under the Watershed Protection and Flood Prevention Public Law 566. Such a moratorium is not a blanket protection of the environment as some would have us believe, because it fails to differentiate between those channel projects which affect the environment adversely and those which protect it. Furthermore, the moratorium on stream channelization totally ignores the multiple use approach of the Department of Agriculture. For years, this approach has guided local officials and the Soil Conservation Service in determining the maximum service potential of any channelization project. In our zealous efforts to protect the environment, it is an unwise policy to condemn categorically a program which, though it may have weaknesses, is making significant efforts to protect the environment.

In the State of Utah alone, three well-designed, environmentally conscious channel projects would be discontinued by a stream channelization moratorium. The planned work along Monroe Creek in the Monroe-Annabella watershed, for example, is a bank protection to culinary water lines, a powerplant penstock, and an access road to a major forest recreation area. Without this proper bank protection, erosion and other damage to these facilities will continue and eventually result in the complete closure of the access road, the powerplant, and loss of the culinary water. In the Dry Fork watershed, offset dikes to contain overbank flooding and sections of rip-rap to protect culinary waterlines, bridge abutments, and irrigation diversions are planned along Ashley Creek. Erosion from overbank flooding occurs frequently in this area causing serious damage to the environment. As it relates to this area, it is naive and unwise to halt construction of the offset dikes and rip-rap sections. Without this channel work, the damage to residential and agricultural areas will result in an undue burden on the people in Uintah County and on the environment. Similar conditions would exist if channel work was terminated in the Coal Creek watershed near Cedar City, Utah.

My objections to the moratorium does not suggest any kind of disregard for environmental protection legislation, but rather it is to point out and emphasize that many channel work projects which some are proposing we now stop, were specifically designed to protect the environment. Therefore, it is ridiculous to take the position that all channel work should be stopped. A moratorium on all channel work would be self-defeating since it fails to take into account those projects which are environmentally sound.

Proponents of the Reuss amendment should be reminded that in the more arid States, such as my own, channel work is vital to the entire economy, especially agriculture. Canals, water control, soil conservation, banking projects, and the like are not scars on the landscape, but rather logical, as well as necessary, conservation techniques. Today the State of Utah blossoms like a rose in the desert, because of the imaginative system of canals designed and constructed by early Mormon pioneers. To establish a moratorium on all water channelization in Utah and other arid areas would be an assault against the environment and not a protection of it. To permit erosion, to permit flood damage, to permit the loss of needed culinary water supplies are environmental crimes just as much as water pollution is. My environmental conscience spurs me to oppose the Reuss amendment.

Finally, I want to caution Congress against legislating extremes. For some time, we have neglected the environment and this neglect has allowed industry to rape the environment in the name of progress. But now we pin the title "Environmental Protection" to almost any legislation and expect it to be treated like a sacred cow. Progressive legislation does not necessarily mean leap-frogging from one extreme position to another every time a new political wind blows. Legislation which will benefit the people and the environment must take into quiet consideration the legitimate needs of the people, the constraints of the environment, and a genuine balanced set of priorities.

Mr. THOMSON of Wisconsin. Mr. Chairman, it would be most unfortunate should the House accept the amendment offered by my colleague from Wisconsin. Stream channelization projects initiated by the Soil Conservation Service have been valuable conservation measures in Wisconsin and elsewhere in the country.

The Reuss amendment is an ill-conceived, blunderous approach that would defer, and perhaps destroy, good projects along with the bad. The prestigious Citizens Natural Resources Association of Wisconsin has indicated its strong opposition to this amendment feeling, as I do, that the remedy is too severe and too general for the problem at hand.

Proponents of the Reuss amendment allege that during fiscal 1972 the amendment would eliminate about $20 million of the $45 million that the Department of Agriculture would otherwise spend for channelization projects. They further allege that the amendment would insure that plans for 20,000 more miles of channel improvement work planned would be subjected to intensive review and reevaluation.

Where were these figures obtained? They certainly do not jibe with figures provided me by the Soil Conservation Service. Soil Conservation Service advises me that the total costs of channelization in fiscal year 1972 would be about $10 million, not $45 million as alleged. They further advise me that in fiscal year 1970 only 404 miles of channel were improved, that a similar amount is anticipated for the coming year, and that all the projects completed to date total only about 6,000 miles of channel. Obviously the possibilities for a poor project are far less than proponents of this amendment would like to believe.

Actually, the channelization program has many built-in checks against environmentally damaging projects. There is a constant process of review and analysis at the local and State levels. At the Federal level, congressional approval of projects is required. In all, the planning process takes from 5 to 10 years, during which time objections can be raised and examined.

Local sponsors invest time and effort in these projects that should not be sacrificed because a few projects under someone else's supervision were poorly planned. The proponents of the Reuss amendment should turn their efforts to uncovering the few abuses of this fine program while allowing the Soil Conservation Service to continue providing the great conservation benefits of the channelization program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin, Mr. REUSS.

TELLER VOTE WITH CLERKS

Mr. REUSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. REUSS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers: Mr. REUSS, Mr. ANDREWS of North Dakota, Mr. NATCHER, and Mr. BLACKBURN.

The Committee divided, and the tellers reported that there were—ayes 129, noes 278, not voting 27, as follows:

[Roll No. 160]

[Recorded Teller Vote]

AYES—129

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Archer
Aspin
Badillo
Bell
Bennett
Bingham
Blackburn
Boland
Bolling
Brademas
Broomfield
Burke, Fla.
Carney
Celler
Chisholm
Collier
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Delaney
Dellums
Diggs
Dingell
Dow
Drinan
Dwyer
Eckhardt
Edwards, Calif.
Esch
Fascell
Fish
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Gallagher
Grasso
Green, Pa.
Grover
Gude
Halpern
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Jacobs
Karth
Kastenmeier
Keith
King
Koch
Lent
Long, Md.
McCloskey
McKinney
Macdonald, Mass.
Mailliard
Mazzoli
Metcalfe
Mikva
Minish
Mitchell
Monagan
Moorhead
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
Pelly
Pepper
Peyser
Pike
Pucinski
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
Sarbanes
Scheuer
Seiberling
Smith, N.Y.
Stafford
Stanton, J. William
Steele
Stratton
Sullivan
Symington
Udall
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Wydler
Wylie
Yates
Yatron
Young, Fla.
Zablocki

NOES—278

Abbitt
Abernethy
Abourezk
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Corman
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Henderson
Hillis
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Lujan
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Mizell
Mollohan
Montgomery
Morgan
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncalio
Rooney, N.Y.
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young, Tex.
Zion
Zwach

NOT VOTING—27

Anderson, Tenn.
Ashbrook
Brasco
Broyhill, N.C.
Cabell
Clay
Dent
Donohue
Dulski
Edwards, La.
Gubser
Hébert
Holifield
Howard
Long, La.
McCulloch
Madden
Minshall
Morse
Podell
Purcell
Rangel
Runnels
Saylor
Stokes
Taylor
Terry

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; (3) not more than $3,374,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and (4) in addition to other amounts provided in this Act, not more than $181,758,000 (including not to exceed $2,000,000 for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended; and (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: Page 40, line 8, after the word "amended" insert a comma and the following: "of which $11,225,000 shall be available, in addition to other funds available, for the summer programs of the nonschool feeding program".

Mr. WHITTEN. Mr. Chairman, it was called to the attention of the subcommittee that funds were insufficient for the nonschool feeding program for the coming summer. This bill is for the coming fiscal year beginning July 1, and we can hope it will be signed before then. The chances are of course, it will not.

Whether it is or not, it was the belief of the committee that we should make additional funds available in the amount of $11,225,000 from section 32 funds for the nonschool feeding program, which will bring the total available in this bill to the full amount authorized by law, which is some $32 million.

It is to be hoped that this bill will be signed in time for us to meet the immediate need. If not, there is still reason for the committee amendment and the other matter will have to be handled in another way.

The committee is in agreement. I hope the amendment will be adopted.

Mr. ANDREWS of North Dakota. Mr. Chairman, we are in agreement, and we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was greed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, $2,001,184,000.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 42, line 9, delete the period after the figure "$2,001,184,000" and insert the following: ": *Provided*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1972 to make food stamps available for the duration of a strike to a household which needs assistance solely because any member of such household is a participant in such strike."

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I made a point of order that the amendment constitutes legislation on an appropriation bill. May I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'HARA of Michigan. Mr. Chairman, the amendment is obviously couched in the form of a limitation, and, like the other points of order that have been made today, the question before the Chair, of course, is whether or not this is a genuine limitation or whether it constitutes legislation imposing certain duties on the executive branch. In making that determination, the Chair will have to look at the question of whether the duties imposed on the Executive are purely ministerial, such as determining a date by which a project began, or such as receiving some sort of certification from the applicant for funds. In that case the duty would clearly be ministerial, and the point of order would not lie. However, I submit in this case the duty imposed on the administrative officer is considerably more than ministerial in nature, and indeed is a duty and a burden of making a determination which probably in this case, Mr. Chairman, would have to be even preceded by an investigation.

Let me point out to the Chair why I believe that is the case. If you will look at the Michel amendment it refers to making food stamps available for the duration of a strike and the administrative officer has to determine exactly when the strike began, and when it terminated. It speaks of members of the household who are participants in such a strike, and he has to determine whether or not the absence from the work place of the particular individual was due to his participation in support of a strike or was due to the fact that the plant had been closed down by a strike in which he was not participating, or for some other reason.

Finally, Mr. Chairman, I think, and most critically, the administrative officer is asked to determine whether or not the need for assistance arises solely, solely, because any member of such household is a participant in such a strike. Obviously it would not be enough to determine that the application was from a household in which a member was a participant in the strike, but he would have to look into the qualifications of that household to determine whether that is the only reason.

Mr. Chairman, I submit that this amendment does impose additional duties on the Executive, and it is in the nature of legislation on an appropriation and should be ruled out of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MICHEL. Yes, Mr. Chairman, I contend that it is strictly a limitation on an appropriation bill prescribed by the Holman rule. To do so it must be negative on its face. It must show a retrenchment. It must not impose, the gentleman from Michigan implies, any additional duties on administrative officers of the Federal Government, and it must be germane. In reverse order, I submit that it is germane, and frankly, there are no additional administrative duties imposed on the Department, for it is simply a question of those at the local level either saying yes, it is qualified, or no, it is not qualified. If you qualify strictly on the grounds that a member of the family heretofore unqualified becomes eligible, because one member of that family is on a strike, then there is really no additional duty imposed here whatsoever. It is simply a question of whether or not the local people administering the program respond affirmatively or negatively in the response.

Therefore, Mr. Chairman, I submit it is a retrenchment and is certainly negative on its face and that the point of order should not lie.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois has offered an amendment to which the gentleman from Michigan has raised a point of order. As the Chair reads the amendment, its language is completely negative. No affirmative duties are spelled out. However, it is obvious that a certain screening process is required.

The question is: whether this duty of discerning whether the amendment is to apply in a specific case destroys the nature of the limitation. It is obvious that the application of any limitation which denies funds to a particular program or a particular beneficiary requires someone to determine in each case whether the language of the limitation is controlling.

The pending amendment appears to require no more than that.

The Chair has had the opportunity to examine several precedents wherein amendments were offered to impose certain qualifications upon the recipients of appropriations.

In one case, on July 31, 1969, Chairman HOLIFIELD held in order as a valid limitation an amendment providing that no part of the funds carried in the pending bill might be used for financing assistance to students who have engaged in force or have used the threat of force to prevent other students from carrying out their duties or studies.

In another case, on June 9, 1941, Chairman Lanham held in order an amendment denying payment to any person, concern or corporation who employs any person who is a member of any union which encourages a strike, or who employs any person who participates in a strike or any person who seeks to impede the operation of any industry engaged in the national defense.

In those instances the determinations, if any, which Executive officials were called upon to make were held not to destroy the nature of a limitation in the amendment.

The Chair feels that in this case, as in those instances, no substantial affirmative duties are sought to be imposed upon the Secretary which would constitute legislation in violation of clause 2, rule 21.

Therefore, the Chair overrules the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

(By unanimous consent Mr. MICHEL was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. Mr. Chairman, one of the most crucial policy questions regarding the food stamp program revolves around the issue of who the program is intended to help—for whom did Congress establish it and for what objectives?

This very basic policy question has become relevant because of the way the program is currently operating, with benefits going not only to those who do not have the resources to help themselves—the involuntarily poor—but also to those who, although having adequate resources to sustain themselves and their families, have chosen not to use them—the voluntarily poor.

Congress debated this issue last year when we considered and enacted legislation to revise and extend the food stamp program. At that time, we made a number of substantial changes designed to expand and redirect the benefits of the program to the genuinely needy, and to prevent abuse of those benefits by those who can help themselves.

New regulations to administer and carry out the intent of this law have been proposed by the U.S. Department of Agriculture, and are currently being revised for implementation next month.

Although our efforts last year to focus the program more directly on the needs of the involuntarily poor were successful in many respects, there is one most glaring deficiency which existed in the old program, and, regrettably, has not yet been corrected in the new.

That is the practice of making food stamp benefits available to strikers.

It is unfortunate that the House was unable to speak clearly on this issue last year, for I believe a substantial majority of this body would have reaffirmed the principle and intent we affirmed in other parts of the bill—that food stamp aid should be channeled to the involuntarily poor, and not to those who have the ability to take care of themselves, be they strikers, students or those who simply choose not to work for a living.

The strike is a significant and necessary economic tool for U.S. labor, and has been used responsibly and well to improve the economic conditions of countless millions of workers in this country. But, this is not at issue here, nor is the fact that the strike has also, on occasion, been used irresponsibly and has contributed to our problems of inflation.

The issue is whether or not it is appropriate to make food stamps available to strikers. I contend that, for a variety of reasons, it is both an inappropriate and inequitable use of the food stamp program, and I propose that we take action today on this appropriation bill to correct this inequity.

There is no question that the program has been widely used by strikers throughout the country. Perhaps the best known example is the General Motors strike of last fall, in which the U.S. Department of Agriculture estimated that the value of food stamps issued to GM strikers, their families, and others who became unemployed because of the strike "could have been as high as $6 to $7 million per month in October and November"—a total of $12 to $14 million.

During that same strike, an official of the Ohio Welfare Department was quoted in a national publication as saying:

> We're using $10 million in food stamps a month, and the Federal agency is having trouble getting that amount of stamps printed and to us.

During the lengthy copper strike some 3 years ago, it was estimated that in Montana more than 3,000 families of strikers were certified for Federal food stamps. It is reported that strikers have applied for and have been issued food stamps in St. Louis from time to time, and that food stamps were distributed to Ford strikers and to lumber strikers in California.

In Akron, Ohio, in 1967, food stamp distribution jumped an estimated 200 to 300 percent during strikes in the rubber and construction trades, and a similar pattern was observed in Lorain, Ohio, during a Ford strike that same year.

Prior to the GE strike in 1969, union leaders reportedly met with public social agencies to discuss in advance the problems strikers might run into during a long strike, and how they might be helped. The Christian Science Monitor, in December of that year, quoted an AFL–CIO official to the effect that food stamps and surplus commodities distributed to those in need were denied at first to GE strikers in Tyler, Tex.; Louisville, Ky.; Jackson, Miss.; and Hickory, N.C.; but that these problems were cleared away either through Federal-court orders or "the good efforts of the Department of Agriculture."

I am sure that many of my colleagues have other examples, but it is evident from those I have just cited that the use of food stamps by strikers is widespread, and has been for several years.

Providing food stamps to those who voluntarily stop work in order to improve their pay or employment benefits is not only contrary to the purpose of the program, it also constitutes an unwarranted intrusion by Government into the labor-management bargaining process. It tips the scales to labor's advantage in a situation where the Federal Government should remain as neutral as possible.

Besides that, it has the additional effect of reducing the total amount of program funds which could otherwise be made available to those who really need help and have nowhere else to turn.

It is well to note at this point that strikers are, in most cases, eligible for much more than just food stamps. They often qualify for public assistance, unemployment compensation, emergency aid, and other types of public help in addition to their union strike benefits.

In fact, one case has been cited where a worker in California could collect, through a combination of aid forms, $41.65 in excess of his weekly net pay of $91.35 prior to striking—From a study, "Food Stamps and Strikes: the Nature of the Problem."

It has really been only during the past 10 years or so that substantial benefits have been available to strikers. Back in 1960, a 16-day strike by steelworkers was underwritten by about $45 million from public relief agencies. And, I have just given some examples of what has happened since the food stamp program was enacted.

The effects of the availability of this kind of assistance to strikers are extremely difficult to measure. Does it provide an incentive for workers to strike, and to stay out longer when they do?

A comparison of strike statistics for 1960—10 years ago—with statistics for last year—1970—is illuminating and not a little bit shocking.

In 1960, there were 3,333 strikes involving 1,320,000 workers or about 2 percent of the civilian labor force, and some 19,100,000 man-days were lost due to those strikes.

In 1970, there were 5,600 strikes involving about 3,300,000 workers or 4.2 percent of the civilian labor force, with an estimated man-day loss of—get this—62 million.

In other words, the number of strikes has almost doubled between 1960 and 1970, the percentage of the labor force involved in strikes has more than doubled, and the loss of man-days has more than trebled.

Food for thought, is not it?

My amendment provides that no funds under this act can be used during the next fiscal year to provide food stamps for the duration of a strike, to a household which needs assistance solely because a member of that household is on strike.

Mr. BURTON. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman in the well on my time this question. Would the gentleman's amendment deny to the children of workers the benefit of these food stamp allotments?

Mr. MICHEL. If the family—if the breadwinner of the family is on strike—yes.

Mr. BURTON. So then the gentleman is proposing that children living in a family with income qualifing them for food stamps do without food?

Mr. MICHEL. Only if the breadwinner is engaged in a strike.

I made that specific that if a family normally otherwise is qualified for food stamps, there would be nothing to deny them.

But if then one of the breadwinners was on strike, the situation would be different.

Mr. BURTON. Is there anything in existing law that precludes management from applying for and receiving food stamps?

Mr. MICHEL. There is nothing to preclude anybody currently as long as he qualifies.

Mr. BURTON. Or is it not the point that management stays on the payroll and they can feed their family while a worker who is on strike runs the risk of his family starving to death.

Mr. MICHEL. The gentleman can very well make that point on economic grounds. I am just saying that if we are going as a national policy to make it a flat rule that anyone on strike can qualify, then it seems to me in the delicate labor-management negotiation we have to take that into account because it does upset the normal balance.

Mr. BURTON. I would think that a child in any family that has that much income so that they qualify for food stamps should not become a political or economic football. Those kids should be fed and that is the reason why a great number of us voted for the program to begin with.

Mr. TEAGUE of California. Mr. Chairman, I move to strike out the last word and yield to the gentleman from Illinois (Mr. MICHEL) since I believe he had not concluded his statement.

Mr. MICHEL. Mr. Chairman, I just had a couple of other points I wanted to make here.

Anyone who was eligible for food stamp benefits before a strike would not be affected by the amendment—he could continue to be eligible during the strike as long as he met the program qualifications.

But, anyone who would become eligible for benefits under the present program only because his income is lowered due to the fact that he is on strike, would, under the terms of my amendment, no longer have food stamps made available to him.

As I pointed out earlier, this is a basic policy question, and one which needs a decision now. Do we continue to provide public support and assistance for those who can help themselves?

Do we continue to require the U.S. taxpayer to underwrite not only the responsible strikes called for legitimate reasons, but also the irresponsible ones which only add fuel to the fires of inflation?

Or, do we say to strikers what we have said to students, to hippies, and others—"Yes, if you really need food stamps, they are available to you, but if you are one of the voluntarily poor, you must look to your own resources for help."

I think this is what we ought to say, and we can do it by supporting this amendment.

Mr. TEAGUE of California. Mr. Chairman, I would like to make this statement and then I will yield back my time since the hour is getting late.

Several years ago I offered a similar amendment which was adopted. This was in those dear old days beyond recall when we had no recorded teller votes. The amendment was adopted and when we got to the record vote stage, and after the conference, it failed.

I think the gentleman in the well is exactly correct. I support his point of view and compliment him for the logic of his presentation.

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose this amendment and to urge all my colleagues to oppose it whether they are prounion and prolabor or antiunion and antilabor in their views.

Suppose a man goes to work in a factory. The employees vote on whether or not to have a union. He votes against it. However, the majority vote for it, and under the laws established by this Congress, a union would be in the factory.

Suppose, then, the union calls for a strike vote. He again votes "no," but the majority votes to strike. Again the union under the laws of the land would be on strike.

Should this man, his wife and children be denied food stamps? Eligibility for food stamps, as I understand, is determined on the basis of hunger and not on whether the man is employed, unemployed, striking or not striking. In fact, where the need exists, food is provided for the families of men who are in the penitentiary. It has never been the American tradition to starve those with whom we disagree.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. GOODLING. Very rarely do I ask to take the floor of the House. I think I deserve a few minutes to voice my support for this amendment.

I want to say in regards to what was said a minute ago that I am not prolabor or proindustry. I have absolutely no objection to food stamps going to those who are actually in need. But I do object, and I object vigorously to giving aid to those who are idle because of their own choosing.

I have a letter from the president of a company in the State of Pennsylvania. This is a small company. I believe he said he employs about 400 individuals. His people went out on strike. At the time I received the letter they had been on strike 13 weeks. He said he had attempted to negotiate in good faith.

Mr. Chairman, I see my cheering section has just arrived. I am glad to have them here.

As I was saying, the president of this company has been attempting to negotiate in good faith. He was having absolutely no success in doing so. They were on strike for 13 weeks. But this is the important thing. The second day of the strike, solicitors from the local office were in the picket line signing up people for food stamps.

I submit to you that, to my way of thinking, at least, is not completely in order. The strike continues simply because they are getting the food stamps and they are still fed.

This president told me in his letter—I have not verified this, but I assume he knows what he is talking about—that some of those strikers were getting as much as $106 for an outlay of $2. I submit to you that is a pretty good deal for anybody.

Mention was made of the General Motors strike last year, and I mentioned this before on the floor of the House. The General Motors strike, as was just said by a former speaker, cost you and me as taxpayers and the taxpayers of America something between $12 and $14 million. The Teamsters strike that occurred just about the same time—I asked the Department of Agriculture the cost of that. They did not have it. But I do know that that strike, in which about 15,000 people participated, started early in May and continued through July. So that will give you some idea of how much that strike cost you and me as taxpayers.

Food stamps definitely do prolong strikes. One General Motors strike was settled last year. I quote a striker's words:

> They cannot starve us out now. We are getting food stamps. We can go on forever.

Under this system that some are proposing collective bargaining now becomes food bargaining, and I do not think we want that in America.

I am standing here in vigorous support of the amendment offered by the gentleman from Illinois.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. FOLEY. I yield to the gentleman from Mississippi, the chairman of the committee.

(On request of Mr. Whitten, and by unanimous consent, Mr. Foley was allowed to proceed for 1 additional minute.)

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto conclude at 7:15 p.m.

The CHAIRMAN pro tempore (Mr. O'Hara). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Washington is recognized.

Mr. FOLEY. Mr. Chairman, this is an extremely significant amendment.

I should like to review briefly with the Members of the Committee some of the history which lies behind it. As the gentleman from California (Mr. Teague) mentioned earlier, in 1967 the House voted on food stamp amendments and the House included, by a nonrecorded teller vote, a provision prohibiting strikers from participating under the food stamp program.

When the conference report was returned, that provision had been stricken by the conference. A vote was held on the question of insisting on the House provision. There was a rollcall vote. The House sustained the conference position. I was a member of that conference.

One of the strongest arguments against the antistriker provision raised in the conference was raised by a Member of the other body, a member of the Republican Party, who said he could not support this amendment because he knew of many cases in his own State where workers who had opposed a strike were nonetheless forced out of work, when the strike was called by a majority of the locals in an international union. He thought it grossly unfair to deny all those workers and their families the opportunity for participation. The conference committee was persuaded.

The amendment now before us makes no distinction between strike supporters and strike opponents. It makes no distinction between members of one local opposed to an industrywide strike and members of locals supporting such a strike. It raises possible questions of interpretation and enforcement impossible to resolve except by a manifestly unfair lumping of all workers into a specially disadvantaged class.

We must remember that the strike is a legal instrument of bargaining in the United States. It is recognized as such in many Federal acts and statutes. No one likes to see a strike occur. It represents almost always a failure of collective bargaining. But a strike is usually legal and opinion is almost always divided as to its cause. Obviously, strikes can result from unjustified and excessive union demands. But strikes can also result from proper demands unjustly refused. The implication behind this amendment is that the strike itself is an evil and all strikers are miscreants who should be punished, and not otherwise eligible. They alone but their families as well. We do not even treat criminals this harshly. Nothing in the Food Stamp Act prohibits any family from receiving food stamps if the head of the family has been convicted of a crime, if the head of the family has been incarcerated or imprisoned for a crime.

Yet the suggestion of this amendment is that somehow, although we allow families of convicts to receive food stamps, we allow families of those in jails and correctional institutions to receive food stamps, the family of a striker must be denied. Never mind how many children go hungry, never mind if the worker has any control or responsibility for the strike, never mind that in any case he is a law-abiding worker who has held a job, supported his family, paid his taxes—support the children of family deserters and criminals but starve the children of striking workers. And all this in the name of fairness? This is worse than nonsense. In its effect and consequence this amendment is malicious and vindictive.

If we approve this amendment why not go further and deny all public services to the striker and his family.

Or why not really be "neutral" as the sponsors of this amendment suggest. We could deny the corporate side some public benefits such as Government contract payments and strike loss tax deductions for a start.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I agree with what the gentleman from Washington is saying.

I should like to call one more thing to the attention of the Committee. Collective bargaining has for years depended upon economic might. There is some question as to the total validity of this, but I submit that collective bargaining should not include the question of whether or not even bona fide union strikers can feed their families.

Mr. FOLEY. I agree with the gentleman.

In the amendments offered to the food stamp bill last year the Committee on Agriculture, of which I am a member, adopted, and the House later adopted, stringent work requirements which apply to those on strike. Those requirements require that every able-bodied person not exempt by reason of age or physical inability to work register and accept work at the minimum State or Federal wage, and in the case of strikers the only exception to that work requirement is that the worker may not be required to accept work in the struck plant. That is the only exception.

So now we have an entirely new situation that did not apply on previous occasions when the House considered this issue. Every striker must now accept a job suitable or otherwise if available at a minimum wage and that income is going to be counted against his eligibility for food stamps. Because of the adoption of that amendment in the committee, sponsored by the distinguished chairman (Mr. POAGE), the Committee on Agriculture rejected in the committee a proposal similar to the one now offered by the gentleman from Illinois.

I think most of the Members of this body know that the Committee on Agriculture is not one that is marked by a reputation for liberal philosophy. In fact, it is considered by some to be the most conservative committee of the House.

The Poage work requirement once adopted made an additional antistriker amendment appear to a majority of the committee to be both unnecessary and unfair.

When we considered the food stamp amendments on the floor in December, an amendment was offered by the gentleman from Virginia (Mr. ABBITT) to exclude strikers. That amendment was defeated. Now that was the proper place to consider any such amendment, not in this appropriation bill. The House acted wisely then; it should confirm that action today.

Mr. Chairman, I do not believe that the House really wishes to support a proposal which aims at holding for economic ransom the welfare and health of children.

The Congress has sought through food stamp legislation to provide nutrition to entire families. Indeed, the Family Nutrition Act was one of the suggested titles of a previous food stamp bill. This amendment cannot be justified by any public good that could come of it; none can. It is at its base mean-spirited, vindictive and vengeful. It will not bring better relations between management and labor or stop strikes or promote industrial harmony. It can only bring hunger and suffering, most tragically to children, so often the helpless victims of adult conflict and cruelty.

In their interest alone this amendment should be decisively, and I hope finally, defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I shall oppose the amendment that was offered by the gentleman from Illinois (Mr. MICHEL) for this reason: All strikers are not engaged in some bad activity, so that we must punish them. Let us look at this in this way: It may be the point of view of some that all strikers are right, or by others that all strikers are wrong, but that is not the case. After a strike goes on for a while, the issue might even change. In that case, the question of justice on the part of management or labor might be altogether different from when the strike started.

At least there is a limitation on the length of time—6 weeks or 7 weeks—that strikers must have been out on strike before they gain some benefits in some other programs as in the case of New York and Rhode Island for unemployment insurance. Also, as has been pointed out before, some of the people who are out on strike and belong to the union voted against it.

They do not want any part of the strike, but they are involuntarily out of work just as anybody else is who has been fired from his job and is unable to secure employment because of some Federal contract that has been taken away from a company. So I believe that this amendment certainly is imperfect and should not be adopted. If we want to look at certain instances where a striker should not receive food stamps, then we ought to address ourselves to that and limit it to that case as we did with students last year.

As has been stated by others, the Food Stamp Act passed last year was drafted as equitably as we could. A striker must qualify because of low income and assets just as anyone else in order to receive food stamps. He also must register for work and take the work offered him like anyone else. If he refuses, his whole family is refused the benefits of food stamps.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I simply want to make this point: In this particular debate it is clear that the strike is an obsolete weapon in the economic conditions under which we have labored for some time. When something becomes obsolete, it distorts the relationships throughout the whole society and so it has come to be.

Mr. Chairman, I began in life as the son of a coal miner. My father was a worker in the union and I remember when he talked about the "brotherhood" in labor. But the brotherhood has broken down because now under the situation that exists, if you are in transportation and if the flow of goods is involved you have everyone by the throat. If you have them by the throat, you are in an excellent position to use the weapon of the strike even though it hurts your other brothers. As has been pointed out you get an advantage because of the way the strike as a weapon affects the interrelationships in our society.

What we are seeing here is simply a demonstration that the strike has reached the end of its time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I have been a corporate lawyer for 22 years and served 17 years as a member of the law department of one of the largest corporations in the world.

Every strike is a tragedy. Let us face the fact that the average striker is powerless to decide whether he will go on strike or not. How can we put ourselves in the position of penalizing his family and his children for what has been done by these huge contending forces over which he has no control. The striker's rent goes on, his kids still need shoes, his doctor's bills still go on.

Mr. Chairman, at the very least we should see that his children do not starve.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman and Members, I doubt if there will be any new arguments presented in these closing minutes of the debate. So, I am concerned more about what this amendment tells America about the House of Representatives as much as I am concerned about the equities between the contending forces.

I cannot imagine how we could sit here at this hour at this point of the debate and have my good friend who offered the amendment say, "Well, if there are children in the family, they will not get any food stamps either."

Could the gentleman suggest to me what, precisely, are those children to do if their parent is out on a strike which he may not even have supported? Does the gentleman have any recommendation that we might carry back to the children of those families as we discuss this bill here tonight?

Mr. MICHEL. What do you suppose the children were doing before we had the food stamp program in a situation like that?

Mr. CONYERS. They were starving, sir; they were starving.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to this amendment. It imposes an indefensible hardship upon the families of workers involved in a work stoppage.

As a member of the Committee on Education and Labor I have not seen an iota of evidence or proof that the food stamp program has in any way either prolonged a strike or led to a strike. I believe the food stamp program has helped those families who very often are innocently involved in a work stoppage, people who might even be opposed to the strike themselves.

Mr. Chairman, I will yield the rest of my time to my colleague, the gentleman from Illinois (Mr. MICHEL) to explain the rationale in penalizing families involved in work stoppages when often they may not have anything to say about the strike itself?

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, in further answer to the question posed by the previous gentleman, for goodness' sakes, before food stamps there was a strike fund in the union to take care of situations like that.

Now, what you have done in the Federal Government by the food stamp program is supplant what normally was laid aside as a strike fund by the union.

Mr. PUCINSKI. The whole concept of our Government is based on the fact that we are trying to improve conditions in this country, and the food stamp program has been one of those programs to do that.

Mr. MICHEL. I am just saying that it is upsetting what traditionally has been that delicate balance in labor-management negotiations. If you are going to have a national policy on this, then I think in the future in negotiating the contracts that that should be taken into account as a heavily weighted factor.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan, Mr. WILLIAM D. FORD.

Mr. WILLIAM D. FORD. Mr. Chairman, the sponsor of this amendment has referred to the experience of the General Motors strike of last year. Although this strike was felt throughout the United States, our State of Michigan, with its great concentration of auto workers, probably felt its impact more than any other State. But lest the record here be left with the implication that General Motors would support the position taken by the gentleman from Illinois, it should be made very clear that—and I believe my Michigan colleagues on both sides of the aisle will concur with me—that General Motors did not take this position. It is my recollection that when the issue of whether or not the General Motors strikers should receive food stamps in Michigan was raised, the spokesman for General Motors took the position that this was not a proper issue to be considered by labor and management, that this was not an issue for the collective bargaining process.

I believe that it was the position of General Motors that they had no desire to have a child's right to be fed affected by the strike, and they did not want the economic issues between labor and management settled on the basis of the hardship of hunger being imposed on children.

This was the consistent position of General Motors as I recall it. Whether or not it is reasonable to feed children was never an issue between labor and management.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I would like to simply reiterate and underscore a point made by the gentleman from Washington (Mr. FOLEY) and that is that the recent food stamp legislation we adopted had a very stringent work requirement in it. That work requirement is that every person who desires to receive food stamps, whether or not he is on strike from a job he formerly held or hopes to go back to, that every person who desires to receive food stamps must register for and accept work that is offered to him.

So the only difference that would be made in that requirement by the amendment offered by the gentleman from Illinois (Mr. MICHEL) is that unlike the food stamp bill which does not require him to go back to that struck plant that he was working at, the only difference is that the Michel amendment would.

It seems to me that with the stringent work requirements we already have, that the striker must register for and accept any employment that is offered him at the minimum wage, State or Federal, it would be inappropriate to add to it the requirement imposed by this amendment that he also be willing to go back and return to the struck plant from which he is presently out because of a dispute over wages and working conditions.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN) to close debate.

Mr. WHITTEN. Mr. Chairman, this amendment is not a part of the bill, and as the chairman of the subcommittee, I should stand by the subcommittee's position. I also know that this is a highly emotional matter in some areas, and it is a highly controversial matter, and it was not considered by the committee. I feel that an issue of this type should be handled by a legislative committee, with a chance to hear all sides. For these reasons, I expect to vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

TELLER VOTE WITH CLERKS

Mr. MICHEL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MICHEL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MICHEL, FOLEY, WHITTEN, and SCHERLE.

The committee divided, and the tellers reported that there were: ayes 172, noes 225, not voting 37, as follows:

[Roll No. 161]

[Recorded Teller Vote]

AYES—172

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Baker
Baring
Belcher
Betts
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Henderson
Hillis
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Kemp
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lujan
McClory
McClure
McCollister
McEwen
McKevitt
McMillan
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
Passman
Pettis
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Smith, Calif.
Snyder
Spence
Stafford
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zion

NOES—225

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery
Carey, N.Y.
Carney
Celler
Chisholm
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Dow
Drinan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McCloskey
McCormack
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watts
Whalen
Whitten
Widnall
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—37

Anderson, Tenn.
Ashbrook
Blanton
Blatnik
Brasco
Brown, Ohio
Broyhill, N.C.
Cabell
Clark
Clay
Dent
Donohue
Dulski
Edwards, La.
Evins, Tenn.
Gubser
Hébert

Howard
Ichord
Long, La.
McCulloch
McDonald, Mich.
Madden
Mahon
Patman
Purcell
Rangel
Reid, N.Y.
Runnels
Saylor
Sisk
Skubitz
Slack
Springer
Taylor
Vander Jagt
Wright

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 507. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly oppose the new House appropriation practice of combining so many diverse programs in this one appropriation bill, H.R. 9270, entitled Department of Agriculture—Environmental and Consumer Protection Appropriation Bill, 1972.

This bill amazingly combines programs that impose on the consumer, the worker and his family, high prices, and high price supports on U.S. agricultural commodities and products, which are basic to his cost of living. This action causes more inflation and penalizes every U.S. citizen, old and young. Inflation particularly hurts citizens on fixed wages, salaries, earnings, pensions and social security which this bill forces higher. People with savings, insurance policies and low-income levels are driven near the poverty level. I have always opposed these programs that started out to help the family-type farmer and farm progress, but have turned out to be programs of the biggest aids and subsidies for the bigger type farms, and agriculture corporations. Pity the poor struggling family-type farmer and the consumer under this legislation.

Programs for the benefit of agriculture under this bill total for 1 fiscal year, 1972, the tremendous amount of $5,258,671,050—that is $5 billion, not $5 million. Of this amount $3,613,331,000 is to restore capital to Commodity Credit Corporation for losses already incurred, causing impairment of the Corporation's capital—then the committee report in this same paragraph outlining larger programs that hurt the consumer and the worker and retired people, points out only $113 million for five small justifiable programs, which the Agriculture Committee states "Each of these programs and others serve interests far broader than agriculture." This is not the old story of proportion between one horse and one rabbit. But this disproportion for the big farmer and big subsidies and high price supports and against the U.S. taxpayer, the family-type small farmer, the workers, pensioners and all consumers is in the same relation as an elephant and a mouse.

Title II approximates about a million dollars; namely $932,847,000 for rural development and administrative funds for the Farm Credit Administration. But throwing all these programs together in one big hodgepodge and combining them in one bill with title I certainly is aimed to insure passage of title I. I believe programs totaling $1 billion in appropriations deserve a separate appropriation bill and adequate specific debate. This is impossible today under this very cannily contrived procedure.

Title III appropriates about $3 billion, specifically $3,126,055,000, for environmental protection. These are programs aimed at improving our environment, including financing the new Environmental Protection Agency and HUD water and sewer grants, watershed protection programs, dams, stream channelization and sedimentary control to halt pollution. Surely these important programs of $3 billion deserve a separate appropriation bill, to be carefully considered. Instead, they are combined in one bill with inflationary programs for the purpose of carrying the weight and the load of such huge inflationary and deficit-producing programs that have on their own, been running into more and more opposition, and beginning to wake up to the higher taxes, higher food and clothing prices, higher deficits, and higher inflation caused by title I.

Consumer protection and services are provided in title IV and, with what I have pointed out of the dangers in this combined bill, our U.S. consumers and taxpayers are certainly going to need the protection. Title IV provides $2,763,023,000 for various programs, which I favor. The committee report states:

This chapter provides funds for the Food & Drug Administration, the Federal Trade Commission, and the work of the Office of Consumer Affairs. It includes $3.5 billion for the food assistance programs administered by the U.S. Department of Agriculture which this Committee has strongly supported including the food stamp and special milk programs. This chapter also includes funds for the Department's consumer protection and regulatory activities including the inspection of meat, poultry and eggs.

This omnibus bill containing all these varied programs brings up the question how a representative conscientiously doing his duty can vote one "aye" or "nay" on the whole lot. Is this bill what the legislative appropriations procedure has deteriorated to? No intelligent person can vote a single vote approving or disapproving the whole mixture of varied programs. So probably it will be worked out by the party leaders on both sides, that the whole $12-billion-plus batch of conflicting, competing, and costly programs will be pushed through without an embarrassing record vote on final passage. Every appropriation bill should require a record vote so the taxpayers can place responsibility for the Federal spending and budget.

This hodgepodge of programs under this single omnibus bill today shows the definite need for Federal Government reorganization. I must compliment the House Agriculture Committee for its disarming frankness in its statement on page 1 of the report on H.R. 9270:

The bill is divided into four titles—a division which is designed to demonstrate the general impact of the appropriation. Such a division is by no means precise and is subject to individual interpretation because of the multiple benefits derived from the programs funded in this bill.

Believe it or not, I have not changed a single word. They said it themselves.

My reaction as a consumer, taxpayer, and concerned citizen can be summed up in one word: "Ouch."

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSTENKOWSKI: Page 45, after line 7, insert a new paragraph as follows:

"No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who knowingly grow or permit to be grown, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations."

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. The gentleman in the well will be happy to yield to the chairman of the subcommittee.

Mr. WHITTEN. As the chairman of the Committee on Armed Services said on one occasion when an amendment was offered by an old friend: "We could not accept the amendment until he made his speech." When the speech is made, I expect to accept the amendment.

Mr. ROSTENKOWSKI. Mr. Chairman, I learned very early in life to quit when you are ahead.

Mr. Chairman, the purpose of my amendment is that it would prohibit the distribution of funds appropriated under this act to "any person, persons, or corporations, who knowingly grow or permit to be grown, marihuana on any part of lands owned or controlled by them."

Mr. Chairman, my reasons for offering this amendment will be brief and to the point. In recent months, it has come to the attention of the State's attorney of Cook County, Ill., Mr. Edward V. Hanrahan, that in many places in Illinois and, in fact, throughout much of the Midwest, marihuana is growing like weeds on privately owned farmland. This marihuana is often picked by passers-by, and brought into the Chicago area where it is processed for sale or for personal use.

After considerable investigation, Mr. Hanrahan's office concluded that steps taken by local authorities had not been effective, and that Federal authorities have not received sufficient appropriations to permit them to adequately handle this growing problem.

Mr. Hanrahan's report also cited several cases where the private land on which the marihuana was grown benefited from the U.S. Department of Agriculture farm subsidy program.

In many cases, Mr. Chairman, these farmowners are reluctant to take the time or the energy required to eradicate this crop from their property even after they have been asked to do so by both local and Federal authorities. Considering the amount of support that has been given to these farms in recent years by the Department of Agriculture subsidy program, I do not believe it is asking too much to have these farmers be responsible for what grows on their own land.

I have, in recent weeks, discussed this matter with several lawyers at the Department of Agriculture. They agreed with me that this problem could best be handled legislatively through an amendment to the appropriation bill which is presently before the House. And, after considerable discussion of this matter with the distinguished chairman of the subcommittee, my amendment was drafted.

Mr. Chairman, I believe that this amendment will go a long way toward making those who knowingly violate the law in this manner more cooperative and responsible. I am convinced that this amendment will greatly assist law-enforcement officials in their time-consuming efforts to limit the spread of the growth of the marihuana plant.

I hope that the Members of this House will see my amendment in a favorable light.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the Chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9270, making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and also on the Reuss amendment and that I may have permission to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to amendments of the Senate to the bill (H.R. 5257) entitled "An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children."

THE ROLE OF CONGRESS IN SOUTHEAST ASIA

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, the New York Times case is now in the courts, and it is proper to suspend discussion of the precise legal issues involved. However, it is both timely and proper to 'underscore now the public policy issues which are raised and particularly to reflect on the role of Congress during the whole period of the war in Southeast Asia.

No lesson emerges more clearly from the Pentagon papers than the need for Congress institutionally to equip itself genuinely and persistently to analyze, interpret, and challenge recommendations and proposals which come to it from the executive branch. Congress must marshal every possible technique and especially adopt its committee operations so that it has footing at least roughly comparable to the executive's.

Congress has a working role and public responsibility different from the executive's. It has a critical and educative role which is unique. It cannot and should not seek an enormous establishment and a vast bureaucracy which somehow duplicates the executive branch.

But what makes no sense is when enormous disparities exist—about 4,000 computers in the executive and at best three in the Congress, mostly operating part time on payroll and housekeeping details. That Congress lacks any real data information capacity of its own is inexcusable. Even more distressing has been the very fragmentary and usually futile ability of important committees to develop independent sources of knowledge and expertise. The House Armed Services Committee for the most part hears only administration and military spokesmen. The House Foreign Affairs Committee in its principal legislative hearings hears a few outside witnesses but these are usually pro forma or merely polemical without real give and take or sustained analysis.

The Pentagon papers should remind Members of Congress—and those of us on committees dealing with foreign affairs and national security in particular—that we must use the hearing and investigative process in such a way that there is a real confrontation of issues. All too often committee hearings have been echo chambers in which pat positions are rehearsed and ratified and in which no effort is made to draw on outside sources or to build up an independent perspective and body of knowledge. Knowledge, we learn again, is power. And the Vietnam war could have been shortened—possibly even prevented in its aggravated form—if the committees of Congress and the two Houses had been able systematically to test out the administration's contentions against nongovernmental witnesses and authorities, and against information and conclusions which Congress had reached on its own.

REMARKS OF HON. JOSEPH P. ADDABBO UPON INTRODUCTION OF EMERGENCY CITY RELIEF BILL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I have introduced legislation today to provide emergency aid to large cities confronted with serious fiscal problems. I offer this bill, H.R. 9335, not as a substitute for revenue sharing but as an emergency authorization to protect against the bankruptcy of large cities or the failure to achieve national objectives as the result of a fiscal crisis in our cities.

The legislation makes the Federal Government the revenue source of last resort for our major cities. It authorizes the Secretary of Health, Education and Welfare to make emergency grants to cities with populations in excess of 500,000 where there is a showing of "serious financial need" and to smaller cities which face an "extraordinary financial crisis." The grants would be earmarked for education, health, housing, and welfare programs approved by Health, Education, and Welfare on the basis of a master plan and budget submitted by the city seeking assistance. Housing programs would be cleared with the Secretary of Housing and Urban Development.

Cities applying for aid would have to exhaust alternative means for raising the needed revenue. The bill would make the Federal Government the revenue source of last resort for the Nation's large cities—over 500,000—on the basis of a congressional finding that these cities have a great impact on Federal programs and goals and the life of the Nation. For cities with populations of less than

500,000 the bill requires an additional determination by the Health, Education, and Welfare Secretary that there is an "extraordinary financial crisis which gravely threatens the commerce and quality of life of the Nation, where such crisis cannot be met in any other way."

My bill is not a substitute for revenue sharing but an additional program to assure that no major city in the United States will go bankrupt or cause the Federal Government to fail in meeting basic national objectives in meeting human needs. The bill contains an authorization of $3 billion in emergency funds with a ceiling of $100 per resident for any city.

Another section of the bill directs the Secretary of Health, Education, and Welfare to undertake a study of the feasibility of statehood as a long-term solution to the fiscal problems of any city receiving aid under the program. I have supported the idea of statehood for New York City and have called on Mayor Lindsay to appoint a commission to study that proposal last month. The mayor recently announced he would appoint such a panel.

While I support revenue sharing, we must recognize that there may still be cities which cannot survive because of special fiscal emergencies and the lack of available alternatives such as taxing authority. The Federal Government should provide an emergency aid of last resort for those cities.

Mr. Speaker, I place the text of my bill in the RECORD at this point for the information of my colleagues:

H.R. 9335

A bill authorizing the Secretary of Health, Education, and Welfare to make emergency relief grants to certain cities experiencing serious fiscal crises

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) there is a growing fiscal crisis in cities with populations in excess of 500,000, and the impact of these cities on the life of the Nation is so great as to warrant national concern and emergency Federal aid, and

(2) there are serious fiscal crises developing in some smaller cities, with a similar impact on national goals, priorities, and concerns, and in extreme circumstances, these cities, too, should receive Federal aid.

SEC. 2. For purposes of this Act, "National City" means—

(a) any city with a population of 500,000 or more, as determined by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") on the basis of the most recent decennial census, together with updating population projections, in accordance with regulations to be established by the Secretary, and

(b) any smaller city which the Secretary determines to be experiencing an extraordinary fiscal crisis which gravely threatens the commerce and the quality of life of the Nation, where such crisis cannot be met in any other way.

SEC. 3. The Secretary is authorized to make grants to any National City, upon his finding that such city is experiencing serious financial need and that alternative methods of relief have been unsuccessfully attempted. Each such grant shall be made to enable the recipient to carry out a master plan and budget approved by the Secretary as practicable and consistent with the principles and policies of this Act; and each master plan shall specify whether the funds to be granted are to be used for education, housing, health, or welfare programs or some combination thereof. The total of all National City grants shall not exceed $3,000,000,000 annually.

SEC. 4. The Secretary shall, with respect to each master plan relating to housing, consult with, and obtain the approval of, the Secretary of Housing and Urban Development before making any grant thereunder.

SEC. 5. No grant to any one City shall be greater than an amount equal to $100 per resident, and the number of residents shall be determined by the Secretary according to the procedure, and the regulations promulgated, under section 2(a) of this Act.

SEC. 6. The Secretary, in consultation with the Secretary of Housing and Urban Development, shall conduct a study of any city which receives a grant under this Act, in order to determine the feasibility of statehood as a long-term solution to the fiscal problems of that city, and shall report to Congress the results of his study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

REPRESENTATIVE O'NEILL TO OFFER A MOTION TO ACCEPT AMENDMENT TO H.R. 6531, THE SELECTIVE SERVICE ACT

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. O'NEILL. Mr. Speaker, I wish to inform the House that I intend to offer at the appropriate time a motion to accept an amendment to H.R. 6531, the Selective Service Act Amendments of 1971, which adds a new title V—termination of hostilities in Indochina, the so-called Mansfield amendment.

I hope to have the House agree to this amendment in a separate vote so that we may be on record in support of this attempt to end the war in Vietnam.

The amendment to which I refer is Senator MANSFIELD'S amendment to the Selective Service Act that declares that the policy of the United States is to terminate at the earliest practicable date all military operations in Indochina, and to provide for the prompt and orderly withdrawal of all American military forces not later than 9 months after date of enactment of the legislation, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

Mr. Speaker, this is an eminently reasonable, cautious, moderate and fair approach to setting a date for the total withdrawal of all American troops and at last an end to the war in Vietnam.

This section urges and requests the President to take those steps that will lead to an end to this tragic conflict and return of our prisoners.

On March 16, 1971, Secretary of Defense Melvin Laird, said:

> We will maintain a U.S. presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner either in Laos, Cambodia, South Vietnam or North Vietnam. We will maintain a presence in South Vietnam until this prisoner of war question is resolved.

The Secretary of State has taken the same basic position, as has the President of the United States.

Regardless of the merits or the folly of the position that allows the enemy to direct our course of action rather than ourselves, we must deal with that position on the part of the administration if we are going to end this war and stop the killing.

I believe this is the vehicle for doing so.

Title V of the legislation is a statement of policy on the part of the United States. It calls for an end to the war subject to the release of all American prisoners of war. It calls on the President to set a final date for the withdrawal of all American forces in Vietnam contingent on the release of all American prisoners of war.

It urges and asks the President to negotiate with the Government of North Vietnam for a concomitant phased and rapid withdrawal of all American military forces and the phased release of American prisoners of war.

This title is a positive step to bringing an end to the war without ending one American life and without allowing our prisoners of war to remain suffering and unaided in the hands of the other side.

We call upon the President to establish a final date. Yet we give him a great deal of leeway and I believe do not restrict him in his ability to negotiate nor to withdraw.

In this title we declare that it is the policy of the United States to provide for the withdrawal of all American forces not later than 9 months after the enactment of this act.

We are talking about the 9 months into the future.

If this act were passed and signed by the President next week, then this policy calls for an end to the war by March 30, 1972. No one could call that precipitous withdrawal. I doubt that one could even call it rapid.

Mr. Speaker, if this war cannot be ended in 9 months then I think we can realistically say that it could go on ad infinitum.

If, as Secretary Laird, Secretary Rogers and other administration officials have said, we are really to end the war, if we can guarantee the safety of our troops and of our prisoners of war, then it is inconceivable to me that it could possibly take more than 9 months to do.

I think this is a fair and extremely generous and inordinately moderate.

This does not bind the President into an untenable position. It merely says that it is the stated policy of our Government and the Nation's people to bring about an end to this war through a phased withdrawal and the return of our prisoners no later than 9 months into the future.

I doubt that anyone can quibble with this and if one can, I would like to know when he envisions the end of this war or if he envisions the end of this war.

I ask my colleagues' support for my motion at the appropriate time.

THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, recent attacks on the social security system have been directed toward the capability of the system to meet is commitments to the next generation and beyond. The young worker is urged to question whether his contributions will actually be available for his use in retirement.

His contributions along with the contributions of other employers and employees are placed into three trust funds, the old age and survivors fund, the disability insurance fund, and the hospital insurance fund. As of April 30, 1971, these trust funds totaled $43 billion, as set forth in the following portfolio of Federal securities:

Statement of receipts and expenditures—Federal Supplementary Medical Insurance Trust Fund, April 30, 1971

[In thousands]

U.S. Treasury special issues:	
Certificates of indebtedness: [1]	
5¼ percent	$45, 203
6⅛ percent	80, 516
7 percent	20, 640
7¼ percent	19, 320
7⅜ percent	48, 454
7½ percent	14, 843
Notes: [2] 7⅝ percent	2, 786
Total special issues	231, 762
U.S. Treasury securities, public issues	0
Total public issues	0
Total investments (face value)	231, 762

[1] Maturing June 30, 1971.

[2] Maturing June 30, 1977.

	Federal old-age and survivors insurance trust fund	Federal disability insurance trust fund	Federal hospital insurance trust fund
U.S. TREASURY SPECIAL ISSUES			
Certificates of indebtedness:			
5¼ percent due June 30, 1971	$854, 461, 000. C0	$157, 730, 000. 00	$142, 481, 000. 00
5⅝ percent due June 30, 1971	684, 625, 000. 00	260, 473, 000. 00	0
5⅞ percent due June 30, 1971	483, 894, 00C. 00	103, 969, 000. 00	0
6⅛ percent due June 30, 1971	776, 320, 000. 00	156, 587, 000. G0	662, 000, 000. 00
7 percent due June 30, 1971	0	141, 527, 000. 00	0
7½ percent due June 30, 1971	512, 910, 000. 00	68, 165, 000. 00	0
7⅜ percent due June 30, 1971	0	63, 399, 000. 00	0
7¼ percent due June 30, 1971	0	34, 466, 000. 00	----
Notes:			
4¾ percent due June 30, 1974	2, 720, 279, 000. 00	309, 178, 000. 00	0
5⅝ percent due June 30, 1975	2, 460, 795, 000. 00	583, 612, 000. 00	400, 116, 000. 00
6½ percent due June 30, 1976	3, 844, 864, 000. 00	1, 151, 608, 000. 00	729, 200, 000. 00
7⅝ percent due June 30, 1977	5, 033, 296, 000. 00	1, 394, 466, 000. 00	919, 358, 000. 00
Bonds:			
2⅝ percent due June 30, 1972	1, 080, 011, 000. 00	0	----
2⅝ percent due June 30, 1973	1, 080, 011, 000. 00	0	----
2⅝ percent due June 30, 1974	1, 080, 011, 000. 00	75, 144, 000. 00	----
3¾ percent due June 30, 1974	0	20, 738, 000. 00	----
2⅝ percent due June 30, 1975	919, 934, 000. 00	132, 894, 000. 00	----
3¾ percent due June 30, 1975	160, 077, 000. 00	20, 738, 000. 00	----
3¾ percent due June 30, 1976	1, 080, 011, 000. 00	153, 632, 000. 00	----
3¾ percent due June 30, 1977	0	153, 632, 000. 00	----
3⅞ percent due June 30, 1977	1, 080, 011, 000. 00	0	----
3⅞ percent due June 30, 1978	658, 444, 000. 00	153, 632, 000. 00	----
4⅛ percent due June 30, 1978	421, 567, 000. 00	0	----
4⅛ percent due June 30, 1979	1, 080, 011, 000. 00	153, 632, 000. 00	----
4⅛ percent due June 30, 1980	1, 080, 011, 000. 00	125, 606, 000. 00	----
Total special issues	27, 091, 543, 000. 00	5, 414, 828, 000. 00	2, 853, 155, 000. 00
Marketable securities:			
U.S. Treasury securities, see exhibit A attached (face value)	2, 457, 146, 250. 00	314, 995, 000. 00	0
Agency securities and participation certificates, see exhibit B attached (face value)	605, 000, 000. 00	50, 000, 000. 00	50, 000, 000. 0
U.S. TREASURY BONDS, NONMARKETABLE			
2¾ percent of 4–1–75/80 investment series B	1, 064, 902, 000. 00	0	0
Less: Unamortized premium and discount-net	−14, 233, 857. 80	−1, 577, 320. 99	0
Plus: Accrued interest purchased	0	0	0
Total investments (book value)	31, 204, 357, 392. 20	5, 778, 245, 679. 01	2, 903, 155, 000. 00

	Federal old-age and survivors insurance trust fund	Federal disability insurance trust fund	Federal hospital insurance trust fund
Undisbursed balances	$2, 975, 784, 049. 62	$304, 020 847. 55	$70, 803, 059. 64
Total asets	34, 180, 141, 441. 82	6, 082, 266, 526. 56	2, 973, 963, 059. 64
U.S. TREASURY SECURITIES			
Notes:			
5¾ percent of 2–15–75	7, 000, 000. 00	10, 000, 000. 00	0. 00
6 percent of 5–15–75	17, 450, 00C. 00	3, 750, 000. 00	----
6½ percent of 5–15–76	22, 180, 000. 00	----	----
6¼ percent of 2 15 76	5, 000, 000. 00	----	----
7½ percent of 8 15 76	33, 000, 000. 00	----	----
7½ percent of 8 15 76	57, 500, 000. 00	26, 000, 000. 00	----
8 percent of 2:15 77	15, 000, 000. 00	10, 000, 000. 00	----
7¾ percent of 8 15 77	----	14, 000, 000. 00	----
6¼ percent of 2 15 68	----	2, 000, 000. 00	----
Bonds:			
2½ percent of 9–15–67/72	250. 00	----	----
4 percent of 8–15–71	100, 000, 000. 00	----	----
4 percent of 8–15–72	----	2, 000, 000. 00	----
4 percent of 8–15–73	38, 000, 000. 00	16, 500, 000. 00	----
4⅛ percent of 2–15–74	61, 934, 000. 00	10, 000, 000. 00	----
4¼ percent of 5–15–74	6, 352, 000. 00	----	----
3⅞ percent of 11–15–74	24, 500, 000. 00	5, 000, 000. 00	----
4¼ percent of 5–15–75/85	78, 023, 000. 00	20, 795, 000. 00	----
3¼ percent of 6–15–78/83	60, 200, 000. 00	----	----
4 percent of 2–15–80	153, 100, 000. 00	30, 250, 000. 00	----
3½ percent of 11–15–80	449, 450, 000. 00	----	----
3¼ percent of 5–15–85	25, 700, 000. 00	----	----
4¼ percent of 8–15–87/92	33, 000, 000. 00	80, 800, 000. 00	----
4⅛ percent of 5–15–89/94	91, 300, 000. 00	68, 400, 000. 00	----
3½ percent of 2–15–90	556, 250, 000. 00	10, 500, 000. 00	----
3 percent of 2–15–95	70, 170, 000. 00	----	----
3½ percent of 11–15–98	552, 037, 000. 00	5, 000, 000. 00	----
Total marketable issues	2, 457, 146, 250. 00	314, 995, 000. 00	0. 00
Participation Certificates:			
5½ percent F.A.L.T., GNMA 6–29–72	50, 000, 000. 00	50, 000, 000. 00	0
5.20 percent F.A.L.T., GNMA 1–19–82	100, 000, 000. 00	0	50, 000, 000. 00
5.10 percent F.A.L.T., GNMA 4–6–87	50, 000, C00. 00	----	----
6.40 percent F.A.F.T., GNMA 12–11–87	75, 000, 000. 00	----	----
6.05 percent F.A.F.T., GNMA 2–1–88	65, 000, 000. 00	----	----
6.45 percent F.A.F.T., GNMA 4–8–88	35, 000, 000. 00	----	----
6.20 percent F.A.F.T., GNMA 8–12–88	230, 000, 000. 00	----	----
Total participation certificates	605, 000, 000. 00	50, 00C, 000. 00	50, 000, 000. 00

These trust funds earned $2.1 billion in interest in fiscal year 1971. Under the provisions of H.R. 1, the Old-Age and Survivors Social Security Trust Funds would rise to $80.8 billion, and the disability insurance fund would rise to $14.6 billion in 1980. Twenty years later the Old-Age and Survivors Fund will rise to $231.6 billion and the Disability Trust fund would rise to $39 billion.

The growing work force increases at the rate of 1½ percent per year. Today there are 95 million workers contributing to the social security system; by 1980, this will increase to 113 million workers, by the year 2000, 149 million employees will be covered by the social security system. By the end of the century the covered work force will increase by almost 60 percent.

In any event, although there will be increasing numbers of beneficiaries, the increase in the work force will always be greater than the increase in beneficiaries. This is the basic element in social security financing. The system is as sound as reasonable men can make it.

HOW COMMUNISTS NEGOTIATE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 15 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, some time ago I read the book "How Communists Negotiate," by Adm. C. Turner Joy, which has a profound significance in light of our present negotiations with the Communists in Paris. Since Admiral Joy was the senior delegate of the United Nations Command for the Korean war talks of the early 1950's he has written from experience and has given an eye-opening analysis of the Communist method.

It is no coincidence that to date we have held 116 meetings with the Vietnamese Communists since 1968, nor should we be at all surprised by the roadblocks, the broken promises, and the intransigence that have characterized the style used continuously by the other side. These are all tools of a strategy skillfully developed and applied by the Communists and exposed with remarkable clarify in Admiral Joy's book.

Frankly, I considered asking that the entire text—178 pages—of "How Communists Negotiate" be printed in the RECORD but, since the CONGRESSIONAL RECORD clerk advises that this would cost approximately $3,200, this request has not been made, even though the value of the message is beyond calculation. Nevertheless, I cannot recommend this book strongly enough to every American citizen who is concerned about the Vietnam war and our present negotiations in Paris. May I suggest that copies of the book are certainly available at local libraries across the Nation, and that the effort to read the book would be time well spent. To assist in locating the book it should be noted that the Library of Congress catalog number is DS921.7.J6—1955 ed. by Macmillan Co.; 1970 ed. by Fidelis Publications of Santa Monica.

As we begin our fourth year of negotiations in Paris to end the Vietnam war, I wish to summarize the profound insights and observations brought to light by Admiral Joy's book. The real truth and understanding of our frustrations stemming from this drawn-out war are revealed plainly in the pages of "How Communists Negotiate"—the main points are as follows:

The stage setting: From the very beginning, Communists try to stage the circumstances for a conference to their best advantage. This might include anything from the site location to the arrangement of the delegations at the conference table. Every attempt is made to get maximum propaganda value from meetings—to portray themselves before the world as the "men in the white hats," or the victors, the humanitarians, the hapless victims of aggression, and so forth—whatever image should suit the occasion.

The Communist delegation: Another point the Communists never take for granted is the picking of their negotiating team. Always the attempt is made to select the most skilled and shrewd delegates—those who are slavishly dedicated to the cause and committed to exploiting every weakness of the other side.

The loaded agenda: A key point in the Communist method of negotiation is to seek an agenda composed of conclusions favorable to their objectives. This differs from the normal method whereby opposing sides compose a general list of subjects to be discussed. The Communist tactic immediately puts opponents on the defensive, and might be illustrated by the following example:

Americans meeting to discuss arrangements for a ball game might adopt such an agenda:

First. Place game is to be played;
Second. Time game is to start; and
Third. Selection of umpires.

While Communists meeting to discuss the same ball game might submit an agenda like this:

First. Agreement that game is to be played in Shanghai;

Second. Agreement that game is to be played at night;

Third. Agreement that umpires are to be Chinese officials.

Incidents: Another favorite tactic in the Communist strategy arsenal is to stage "incidents" calculated to give them a certain advantage in the negotiations. Such incidents are as variable as the imagination is limitless and might, for example, include the staging of an alleged bombing or raid by the other side which they would then denounce as a "breach of faith," and so forth.

Roadblocks and delay: For a variety of reasons, the Communists make considerable use of the tactic of delay. By stalling and endless repetition the Communists hope to wear down the resolve and morale of the opposition, to buy needed time for reinforcement of their military position, and to prey on the capacity of the Western nations for sympathy toward the victims of protracted conflict. In short, the Communists might propose that two plus two equals six, and then, by stalling, hope to eventually get the other side to agree that two plus two equals five.

Watering down concessions: Knowing full well that they must make certain concessions during negotiations, Communists make every attempt to minimize their losses. By making selective but minimal concessions the Communists achieve several advantages, including taking credit for "good faith"—to concede a few points "for the sake of world peace," also, warding off demands by the opposition for far greater concessions, and reducing the extent of damage done to their side by limiting the extent of the concessions.

The veto: When Communists are unable to weaken the magnitude of concessions that must be made, they make every attempt to secure a veto over all machinery of enforcement—by appealing to the lofty aspirations of "unanimous consent" and "universal cooperation" they in reality can effectively stifle all actions not to their liking. Their voting record in the U.N. Security Council is a case in point.

"Red Herrings": Indigenous to the Communist method is the technique of the "red herring"—to introduce spurious issues and then use them as bargaining points. This might best be illustrated by the example of the small town car dealer—assuming he had what amounted to a monopoly on all local business—who asked $1,000 for a car with a true value of $700. And then while the buyer was arguing about price the seller suddenly introduced an additional requirement that the buyer must further agree to purchase all future cars from this same dealer. Then when the buyer protests this new factor, the seller suddenly offers to drop his extra demand if the buyer will pay $1,000 for the car. When the buyer refuses, the seller then points out that he made a "concession" to the buyer to which the buyer must reciprocate or be guilty of "bad faith."

Facing the truth: Communists have two ways of dealing with truth that would work against them: they deny it, or more commonly, they distort it. Typical of the Korean negotiations, the Communists at one point admitted to capturing over 60,000 Allied prisoners of war, but later admitted to holding only 11,000 in captivity. This glaring discrepancy was explained away by pointing out that the remainder of the prisoners were quickly released in "humanitarian" consideration at the front lines. The Communists could thus boast of their military capabilities on the one hand, while covering up their handling of the multithousands of prisoners of war for whom they gave no accounting.

Contempt for compromise: While the spirit of compromise has long been revered in the United States as a gentlemanly way of concluding differences of opinion, Communists as negotiators regard concessions offered by the other side as a sign of weakness. Instead of surrendering a few of their points to further narrow the gap, the Communists will only stiffen their resistance, thereby hoping to secure even greater concessions from their opponents.

The welshers: Finally, it is to be remembered that Communists negotiate and make agreements only when it is necessary and to their advantage to do so. Furthermore, Communists maintain a similar attitude toward living up to their agreements. By trumping up false charges as an excuse for reneging on their promises, or by claiming that the other side's interpretation of the agreement was incorrect to begin with, Communists quickly and without the slightest feeling of embarrassment stand ready to deny, reject, or alter any agreement that no longer suits their purpose.

Mr. Speaker, these observations of Admiral Joy as to how the Communists negotiate are entitled to great credence and, regrettably, they remain valid today, as evidenced by the current, tortuous negotiations in Paris. When the bombing halt was announced by President Johnson back in 1968, we had every right to expect, as we had been assured, that prompt and serious negotiations would take place. Now, 116 meetings later, we are still waiting.

As we attempt to evaluate the recent statements made by the chief of the North Vietnamese delegation in Paris to journalists and visiting officials, indicating that the prisoner-of-war issue can easily be settled, it would be well to keep their strategy in mind, as well as the fact that the North Vietnamese have so far refused to make any official offer at the conference table to change their stand to discuss the matter of prisoners if the United States would only set a firm withdrawal date. Surely there is nothing any of us wants more than an end to the war in Vietnam. While we all hope that the North Vietnamese will soon be ready to negotiate a peaceful settlement to that tragic conflict, let us be mindful of what history has recorded and insist upon some quid pro quo at the bargaining table.

REVENUE SHARING

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, on Monday I had the privilege of testifying before the Ways and Means Committee in behalf of the administration's proposal for general revenue sharing. In the course of my remarks I suggested a number of ways in which the current proposal might be modified to take account of some of the valid criticisms offered by previous witnesses. I also presented to the committee a considerable amount of statistical data that I believe provides solid support for the changes I proposed, and would ask that a copy of my statement and the accompanying tables be included at this point in the RECORD for the benefit of those of my colleagues who might be interested:

STATEMENT BY THE HONORABLE JOHN B. ANDERSON, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, MONDAY, JUNE 21, 1971

Mr. Chairman: I appreciate very much this opportunity to appear before this distinguished committee this morning. I do not think it would be at all an exaggeration to suggest that this series of hearings being conducted by your committee may be one of the most momentous of the 92nd Congress, and, indeed, perhaps for many more to come. At bottom nothing less than the very shape and viability of our Federal system of government is at stake. The decisions this committee will reach in the coming weeks will have consequences for the way we conduct our public affairs for decades. For this reason, I think we are particularly fortunate that this historic piece of legislation has come before your committee, the competence, dedication and farsightedness of which is truly second to none.

Mr. Chairman, in the last three weeks you have heard a long line of mayors, governors and other local officials describe in vivid detail the fiscal crisis that plagues state and local governments all across the land. There is certainly little that I could hope to add to the powerful case for revenue sharing they have presented. By now we are all thoroughly familiar—perhaps depressingly so—with the broad contour of the problem. It is simply that a pervasive "fiscal mismatch" has built up in our Federal system over the past three decades that we will allow to continue unchecked only at our own peril. Already we are beginning to see the early warning signs of breakdown: lay-offs of firemen, policemen and teachers, cutbacks of essential public services, oppressively mounting municipal debt burdens, and timidity and failure to strike out in new and innovative directions because of the ever present budget squeeze. As a result we are faced with a growing public discontent and lack of confidence in the capacity and performance of government at all levels.

Mr. Chairman, the President, the leadership of both parties, the overwhelming majority of the Members of Congress and for that matter, this committee, have given recognition to this problem. And it is equally true that this broad awareness has spawned no lack of suggestions and proposals as to how we might go about correcting the imbalance. In light of this, the pressing task before us at present, it seems to me, is to move beyond mere generalities and trading of debating points and see if in some way it might be possible to shape a solution from the most promising and realistic elements of this variety of proposals all directed toward a common problem.

As members of this committee may know, I have been a strong supporter of the particular program for general revenue sharing that has been proposed by the Nixon Administration, and on more than one occasion have made an effort to respond to charges and criticisms leveled against it. For a time, I must confess, the constant hurling of charges and counter-charges lead me to fear that the great national debate on revenue sharing was on the verge of being transformed into a great national stalemate. Yet upon reflection, I think we would all agree that the tugging and pulling that inevitably develops around fundamental innovations like the revenue sharing proposal is a healthy and necessary part of the democratic process and something none of us need regret having taken part in.

But now I think the time for that is past. The idea of general revenue sharing was first seriously proposed almost 15 years ago. In the mid-sixties a high-level Presidential task force developed a concrete mechanism for incorporating the concept into our Federal system. During the last three or four years literally scores of bills with hundreds of cosponsors have been submitted. In the last six months revenue sharing has been a major and persistent topic of national attention. The opening of these hearings therefore, both seals the culmination of this long process of public scrutiny and deliberation, and signifies the onset of a new stage in our legislative process: the stage at which all of us must be prepared to yield on the particular details of our own favored approach and move toward a resolution or compromise that can command the support of a majority of the Members of Congress and a broad spectrum of the American public.

In particular, there are certain aspects of the approach that I have strongly favored which have received considerable critical discussion—much of which I must concede is not without real merit—that I want to discuss in the spirit in which I have just spoken. These are first, the question as to whether the distribution formula for pass-through funds to local governments might be improved; second, whether or not it would be desirable to structure stronger incentives into the program for progressive taxes at the state level; and third, whether or not a greater effort should be made to avoid reinforcing the fragmentation and miniaturization that sometimes reduces the effectiveness of local government in many areas of the nation.

I

Probably no aspect of the Administration's revenue sharing has ignited more controversy than the "revenue only" formula for distributing pass-through funds among local units of government. The impression has developed that this formula will result in the funneling of funds to affluent areas where resources are already ample and in discrimination against communities where the problems and needs are greatest. As one senior member of the other party stated in a speech on the House floor some months back, "from him that hath shall be taken away, even that little which he seems to have" and presumably, I might add, giving to the affluent communities which already have more than enough resources to meet their needs. And, of course, we have been presented with a steady stream of examples of communities like Beverly Hills, Shaker Heights, Winnetka and Newton slated to receive many times more per capita under the current formula than some of their less affluent neighbors.

I can understand that situations like these tend to raise questions about the equibility and fairness of the formula, and in a moment I would like to propose what might be one possible way of mitigating this defect. But before moving into that I want to make one basic point about the current formula: simply that these examples constitute the *exception*, not the *rule*. The essential, undisputable fact is that central cities and other units of government with heavy service loads due to large low-income populations tax themselves much heavier than do more affluent communities, and as a result will receive proportionately greater per capita benefits under the Administration's formula. I have included a table (Table I) at the end of my statement which compares revenue sharing per capita for the central cities and suburban rings of 25 leading SMSA's. I think it presents clear evidence that the general revenue sharing funds under the Administration's formula would be strongly biased toward areas of need.

I hope all the members of this Committee will take a look at that table in detail, but let me now just cite a few examples. In my state, Chicago is slated to receive $14.13 per capita while its outlying suburban communities will average only $6.31. For St. Louis, the comparable figures are $24.30 for the central city and $4.36 for the suburbs. In the case of New York City, the spread is even more dramatic: $24.06 per capita for the city and $3.61 for the communities in the remainder of the SMSA. The Philadelphia SMSA exhibits a similar differential with $20.41 slated for the central city and $4.35 for its suburbs. I could go on to list other examples, but I think the point should be clear: the central cities tax themselves much heavier and as a result receive the greatest benefits in the "revenue only" distribution formula. Why these truths have been consistently overlooked by some critics, I cannot pretend to understand. Perhaps it is as Assistant Secretary of the Treasury Murray Wiedebaum recently noted in this connection: "There seems almost to be a Gresham's law operating here—bad information drives out good."

The reason for this sharp difference in the amount of the per capita distribution of funds between the central cities and their suburbs, of course, is a direct function of tax effort; that is, central cities draw much more heavily upon their potential tax base than do more affluent outlying communities, and as a result raise considerably more revenue per capita. Assuming that aggregate personal income is one important measure of tax capacity, we computed a fiscal effort index for most of the municipalities above 10,000 population in the United States. By fiscal effort I mean simply local revenue raised as a percentage of aggregate personal income or the potential tax base. The results of this analysis, I believe, are quite dramatic and will certainly be of interest to this committee.

In brief, the analysis shows that most central cities make from a 200% to 400% greater, sometimes even larger, use of their tax capacity than do affluent suburban communities. Let me provide just a few illustrative examples. In 1960, San Francisco raised revenues equivalent to 7.01% of its personal income base. For Baltimore and Newark the figures were 4.75% and 10.83% respectively. In the case of New York City, the percentage was even higher—11.49%, and for Philadelphia it was 6.33%. Now compare these figures to those for some of the following well-known affluent suburban communities: Saratoga, California, with a median family income of $10,000 in 1960 raised revenue equivalent to only .29% of its personal income or potential tax base; Glencoe, Illinois, with a median income of $20,000 had a fiscal effort index of .91%; San Marino, California, with a median income of $16,000 had an index of 1.11%; and East Grand Rapids, Michigan, with a median family income of $12,000 had an index of 1.13%. For the nation as a whole, the average fiscal effort for the 130 central cities of 100,000 or more was 4.99% compared to an average of 1.85% for the communities with higher than $8,000 median income in the 10,000 to 25,000 population category, the category that includes most of the nation's affluent suburbs.

In looking through the evidence from this fiscal effort analysis that we have undertaken, I draw two important conclusions. First, because central cities have a tax effort that is on the average three and one-half times greater than the more affluent communities, they are going to receive significantly larger amount of funds even on a straight revenue formula in the current proposal, but, second, and perhaps more importantly, if this straight revenue formula were modified to reflect fiscal effort as well as revenues raised, the distribution would be even more favorable.

The reason for this is not difficult to grasp. Many affluent communities raise a large amount of revenue despite their low fiscal effort index because they have such a large potential tax base from which to draw. Let me give one illustrative example. Both Bellefontaine, Ohio, and Upper Arlington, Ohio, raised about $1.4 million in revenue in 1960, and therefore would receive about the same amount of funds under the current "revenue only" distribution formula. Yet Upper Arlington, with a median family income of nearly $12,000, had an aggregate personal income base of $133 million while Bellefontaine, with a median income below the national average, of $5,533, had an aggregate personal income base of only $21.1 million. Not surprisingly their fiscal effort index figures are 1.06% and 6.63% respectively, a difference of 500%. As a result the tax bite on the less affluent citizens of Bellefontaine is many times greater.

Mr. Chairman, I believe there is a simple way we can adjust the current formula to provide a more equitable treatment for situations like this without, as it were, throwing out the baby with the bath. That is to amend the distribution formula for pass-through funds to local governments by including some form of this fiscal effort index as well as revenues raised. In order to provide for your committee concrete illustration of what this would mean, we have developed an "adjusted revenue" figure for a sample of cities in five states and then plugged this new figure into the current formula. This adjusted revenue figure is merely the product of revenues raised and the fiscal effort index. Chart A which follows provides a comparison of the amount of funds that selected cities would receive under the current formula and under the modified formula I have proposed.

I would caution, however, that these figures were developed only for illustrative purposes and should not be taken as literal or exact dollars and cents amounts which cities might receive were this proposal to be adopted. They are probably slightly distorted by two technical problems which we simply could not overcome at present. One is that we were forced to use 1960 census data on personal income because the results of the 1970 census will not be available for some months yet. In order not to distort the relationships between personal income base and revenue raised, we went back to revenue figures for the same year. However, the allocations contained in the Treasury Department publication, *General Revenue Sharing,* were for the years 1966–67, so in the case of cities in which revenue growth departed significantly either above or below the national average, there would be some distortion. But we think this would be minimal.

Also, we did not have the resources to compute the reallocation for an entire state, and although we did try to include a representative sample of cities, there might again be some distortion. But, these problems aside, the point of developing this chart was to provide some illustration of what this modification to account for fiscal effort would look like. The basic conclusion we draw is that it would modestly help units with higher than average fiscal efforts, substantially help central cities with unusually high fiscal efforts, reduce greatly the share to affluent communities currently making minimal fiscal efforts, and generally have only marginal impact on municipalities and other units of government that make average efforts. This would be the great majority of local government units in the country. Finally, I believe there might be more adequate ways to apply the fiscal effort than that which I have proposed and hope that this brief discussion will encourage you to develop and explore these possibilities.

CHART A.—DISTRIBUTION OF REVENUE-SHARING FUNDS UNDER CURRENT AND MODIFIED FORMULAS

City	Median family income	Aggregate personal income (millions)	Revenue from own source (thousands)	Fiscal effort index	Revenue sharing funds: Current formula	Revenue sharing funds: Modified formula
ILLINOIS						
Winnetka	$20,166	$109.4	$858	0.79	$151,720	$27,123
Glencoe	20,136	76.6	656	.91	104,386	22,868
Glen Ellyn	15,972	54.4	527	.92	84,822	19,728
Highland Park	13,007	131.0	1,750	1.34	302,430	94,664
Park Ridge	11,187	123.0	1,694	1.37	320,858	93,068
Oak Park	9,131	223.0	3,217	1.44	598,801	186,668
Mundelein	7,787	20.5	476	2.31	75,229	44,460
Chicago	6,738	8,143.0	317,021	3.89	47,601,259	49,707,004
MICHIGAN						
Grosse Pointe Farms	13,119	73.6	1,065	1.45	135,922	51,241
East Grand Rapids	11,957	53.7	606	1.13	101,494	22,570
Birmingham	10,723	103.0	2,035	1.97	308,366	132,678
Oak Park	8,680	100.0	1,567	1.56	283,523	80,827
Livinia	8,243	149.0	3,487	2.34	683,375	269.932
Detroit	6,069	3,350.0	159,221	4.75	24,901,847	25,037,764
Ecorse	5,479	28.9	2,409	8.33	287,408	664,306
Hamtramck	5,345	59.0	3,375	5.72	471,557	638.991
CALIFORNIA						
San Marino	16,728	98.8	1,115	1.11	132,000	40,000
Piedmont	12,825	67.0	813	1.21	114,000	32,000
Beverly Hills	11,977	233.0	6,314	2.71	812,000	565,000
Los Altos	11,033	66.9	975	1.64	200,000	53,000
Saratoga	9,885	49.0	143	.29	57,000	14,000
Arcadia	9,526	159.0	2,577	1.62	345,000	138,000
Palo Alto	9,132	163.0	5,428	3.33	793,000	596,000
Downey	8,265	230.0	2,668	1.16	473,000	102,000
San Francisco	6,717	2,006.0	140,701	7.01	23,955,000	32,559,000
Fresno	$6,109	$264.0	$13,262	5.02	$2,103,000	$2,198,000
Chico	5,554	29.2	1,365	4.66	173,000	210,000
Santa Cruz	5,292	53.0	3,460	6.52	492,000	744,000
Hanford	5,242	16.6	1,080	6.52	156,000	232,000
OHIO						
Shaker Heights	13,933	211.0	2,813	1.35	472,217	145,083
Upper Arlington	11,915	133.0	1,408	1.06	240,826	47,842
University Heights	11,073	66.0	845	1.28	117,672	34,618
Bexley	10,428	62.0	549	.89	84,015	15,558
Cleveland Heights	8,623	211.0	2,813	1.33	526,272	119,800
Kettering	8,441	159.0	1,422	.89	287,869	40,452
Cuyahoga Falls	7,738	110.0	2,967	2.70	395,724	119,800
Marion	5,854	133.0	3,453	5.15	567,833	579,051
Cincinnati	5,701	1,026.0	78,009	7.60	13,508,542	18,967,730
Bellefontaine	5,533	21.1	1,364	6.63	261,351	289.387
Circleville	5,499	18.4	1,267	6.87	145,974	278,497
NEW YORK						
Scarsdale	22,177	92.9	2,548	2.74	196,987	92,226
Garden City	13,875	120.0	2,749	2.29	233,343	57,116
Rockville Centre	10,922	104.0	1,923	1.85	162,981	46,992
Westbury	9,466	43.0	551	1.28	47,843	9,271
Floral Park	8,463	49.1	888	1.81	74,931	21,258
New Hyde Park	8,155	25.3	282	1.12	20,952	4,156
Massapequa Park	8,082	43.3	518	1.20	40,076	8,152
Valley Stream	8,021	95.0	1,643	1.73	127,147	37,562
Syracuse	6,247	465.0	30,400	6.54	2,338,845	2,627,418
Fulton	5,954	26.0	1,560	6.01	115,464	123,875
Buffalo	5,731	1,018.0	63,197	6.21	4,846,479	5,186,586

Mr. Chairman, before I move on to two brief final points, I want to comment upon an alternative proposal for dealing with the problem that I have just discussed. This is some form of a "major-cities-only" revenue sharing plan in which a cut-off point of say 25,000, 50,000 or 100,000 would be established on the assumption that it is the large cities which have the greatest concentrations of low-income/high-service demanding populations, and are therefore the most worthy claimants upon limited Federal resources. While I appreciate what I believe to be the theory behind this approach, I think it contains a number of fatal flaws.

First it rests on the mistaken stereotype that most or even a good portion of the poor reside in central cities. This is just not the case. Of the 24 million Americans below the poverty line in 1969, only 33% lived in central cities, and almost 50% lived in nonmetropolitan small towns and rural areas. Yet under a "major-cities-only" revenue sharing plan these 12 million Americans and the governmental units upon which they depend for services would be cut-off completely.

Moreover, if aid were limited to central cities of 100,000, over 66% of the population that resides in the nation's municipalities would be excluded; if the cut-off point were set at 25,000, as in the Muskie bill, nearly 33% of the municipal population would be excluded and almost 69% of the population living in townships. Yet many of these units are facing severe fiscal crises, have low-income populations that add little to revenues but substantially increase costs, and are confronted with eroding property tax bases. Should they be arbitrarily excluded?

Mr. Chairman, I think not. Of the 1,034 towns and cities between 10,000 and 25,000 for which we could obtain complete data, over 40% had median incomes below the national average or had 20% or more families below the poverty line. What is of even greater significance is that these units are making a valiant effort to raise funds from their own meager tax bases. Our analysis indicates that the average fiscal effort index for these small towns and cities is nearly 3.4%, compared with an average of only 1.85% for the units with median incomes of more than $8,000 in the same population group. In short, these poorer communities are taxing themselves nearly twice as heavily as their more affluent counterparts. If it is this latter group we do not want to unduly reward, then the solution is not to swing the heavy bludgeon of an arbitrary cut-off line, but use a more discriminating instrument like the fiscal effort factor that I have proposed. I would note in conclusion on this point that a "major-cities-only" approach would be particularly discriminating against non-urban states. For example, 87% of the population of Arkansas would be excluded under a big-cities plan and almost 67% would be excluded under the Muskie bill. For Kentucky, the comparative figures would be 72% and 51% respectively, and for Georgia 66% and 48% of the municipal population would be excluded from the plan. I have attached to my statement a chart (Table II) which indicates both the percent of municipal units and the percent of the municipal population that would be excluded from the program under either a big-cities plan or the Muskie bill.

I have also prepared a separate fact sheet which lists the hundreds of below-median-income municipalities between 10,000 and 100,000 in the United States. The fiscal effort index that we have computed for these cities indicates that the predominant portion of them are making a strong effort to use their limited tax bases to the fullest. I would ask that these be included in the record of the hearings, and hope that they help to demonstrate the essential truth that neither need for aid nor even worthiness to receive aid can be defined by an arbitrary population figure.

II

Mr. Chairman, I want now to turn for a moment to a second area in which there has been some constructive criticism of the current general revenue sharing plan. Some critics have argued that since a major selling point of the revenue sharing idea is that it would relieve some of the pressure of regressive sales and property taxes on low- and moderate-income groups by plugging local treasuries into the national progressive tax base, why should not the plan contain incentives for shifting state tax structures in a similar manner. I must frankly concede that I see considerable merit in this point and hope that this committee will find some way to include such an incentive in the bill that you finally report. While we certainly want to avoid getting into the business of using massive Federal leverage or coercion against the states to drastically overhaul their tax structures—for that would contravene basic principles of our Federal system—I do not think that it is at all out of order to provide some modest incentives for state income taxes. One way to do this, as has been suggested many times, would be to double state income tax revenues in the state allocation formula.

But whatever method you adopt, I think we clearly have a growing national problem with the eroding progressivity of our tax systems that must be dealt with before it is too late. Let me elaborate just briefly.

In the years between 1950 and 1967, combined state and local tax receipts increased by $47 billion or about 280%. According to a recent study about 76% of this growth resulted from increased receipts of property, sales and other regressive taxes. This means that over this period we have had an increase in the regressive tax burden that now amounts to almost $36 billion annually. During this same period, by contrast, there have been five Federal income tax cuts amounting, according to the estimates of one highly respected economist, to $35 billion annually at the present time. Together these trends amount, in my view, to a substantial shift of the tax burden to lower and moderate-income groups.

To illustrate this we need only recall that almost 25% of the local and state tax burden falls on families with less than $8,000 in annual income, whereas only 11% of the Federal income taxes are raised from these families. Put another way, almost 16% of the income of families in the $4,000 to $6,000 range goes into state and local taxes, while only 3.5% is taken in Federal income taxes, and when the 1969 tax reforms become fully effective, this figure will be even less. Conversely, of course, those with incomes above $50,000 pay nearly 20% of their income in personal income taxes, but less than 2% in sales taxes and less than 1% in property taxes, the two major sources of local and state government finance. In short, Mr. Chairman, I believe we need to begin to think seriously about ways in which the tax burdens of this country can be more equitably distributed among groups and income classes. By adopting the general revenue sharing proposal, we will make one great stride in that direction; by including incentives for state income taxes we can take an additional modest but important step further.

III

Mr. Chairman, there is just one final controversial aspect of the revenue sharing concept that I would like to address myself to. This concerns the charge made by some that we would not merely set this new $5 billion in Federal funds on a stump and let the states and cities pick it up without exacting anything in return. Two somewhat different adverse consequences are thought to be likely to flow from such an arrangement.

One line of thought is that this gift of unrestricted funds will cause the outbreak of serious fiscal irresponsibility, especially at the local level. While I can appreciate this concern, I do not think it is something that should really deter us from moving ahead with this proposal. For one thing, revenue sharing funds will only amount to a small percentage of local revenues—from perhaps 4% to 6%. Local officials will have to continue to go to their own taxpayers for the great bulk of their revenue, and I see no reason to believe that current taxpayer wariness and resistance is likely to soften in the near future. In fact, perhaps the heat will be even greater since the public will be inclined to ask: "Why do you need more taxes when you have $5 billion in revenue sharing funds coming in already?"

Perhaps of equal importance is the fact that we already have no-strings general aid programs in operation at the state level all across the nation. In many cases these general aid programs amount to a significant percentage of both total state aid and also of local revenues. In Arizona, for instance, no-strings state aid amounts to 9% of local revenues, and in Wisconsin it amounts to almost 20% of local revenues. Yet I am not aware of any reports that these state general revenue sharing programs have resulted in fiscal recklessness and irresponsibility at the local level. In fact, there are currently eight states in which state general revenue sharing funds would amount to a greater percent of local revenues than would the funds slated for these units under the proposed Federal program. I have prepared a chart (Table III) which indicates the extent and scope of current state general aid programs and also compares them with the level of funds that would come under the proposed program. I think these facts ought to go a long way toward dispelling the notion that general revenue sharing is a novel and untested idea that may undermine the fiscal integrity of our Federal system.

The other line of criticism on this point is that the American governmental system at the state and local level is in substantial need of modernization and reform; to hand out massive amounts of funds on a no-strings basis, so the critics argue, will merely reinforce this outmoded structure and perhaps postpone the day when we will be literally forced to deal with the problem. The assumption seems to be that now the patient is sick in bed why not exact a pledge of self-reform and improvement before we dispense the medicine.

While modernization of local government is certainly a worthy objective, I have grave reservations as to whether we should attempt to use the lever of Federal funds to secure this kind of change. Two caveats are particularly in order. First, if we require states only to submit a general plan as is required by the Humphrey-Reuss bill without any enforcement sanctions, we are likely to get just that: paper plans. It seems to me that we already have an overabundance of idle paper shuffling in our governmental system, particularly in the form of the endless "comprehensive plans" that are required by so many of our categorical programs. We know from experience that without sanctions to back them up these "comprehensive plans" are largely empty exercises that we could well do without. Indeed, one of the major aims of the Administration's proposal for grant consolidation, or special revenue sharing, is to cut down on this kind of governmental busy work.

On the other hand if strong sanctions were provided, I almost shudder to contemplate the bureaucratic host that would have to be added to the Federal payroll to enforce them. There are almost 80,000 units of local government in the nation, and there are scores of items on the agenda of most local government reformers concerning the changes that these units would be expected to make. We have recently witnessed the tremendous conflict that can be touched off between local and Federal officials in the single area of public aid regulations; if we were to expand this to include across-the-board interference in the structure, organization and functioning of every local government in the nation, I daresay we would make of our Federal system such a brewing, boiling cauldron of conflict that only the most utopian reformer would not wish to bring it to a halt.

Yet, if we cannot engage in a massive restructuring and modernization of our governmental system through the lever of Federal revenue sharing funds, I think there is a much more modest step that we can take. That is to avoid reinforcing those extremely fragmented and miniaturized units of local government that cannot possibly deal with the range of problems confronting us in the 1970's. With new issues like population location and planning, environmental protection and enhancement, and land use control coming increasingly to the fore, it is simply unrealistic to think that the village with a population of 800 or even 1600 is a very viable unit of government.

We must move toward larger units in those areas of the nation dotted with these crossroad towns and therefore will have to increasingly look to county and area-wide bodies to undertake the major tasks of government. Because of this I do not think it would be at all unreasonable to limit aid to units above say 2,500 or some other reasonable figure that the Committee might arrive at. Since there are only a minuscule number of counties with populations under this level, such a cut-off point would clearly provide incentive and resources for the counties to show new initiative and responsibility. In the long run, I believe such a development would add considerably to the health and vitality of local government in the non-metropolitan areas of the nation.

TABLE I.—DISTRIBUTION OF REVENUE-SHARING FUNDS (CENTRAL CITIES AND SUBURBS)

SMSA	Population (thousands)		Revenue-sharing funds (thousands)		Revenue sharing per capita		Central city as percent of suburbs
	Central city	Suburbs	Central city	Suburbs	Central city	Suburbs	
Los Angeles-Long Beach	3,175	2,798	$41,913	$19,477	$13.20	$6.96	189
San Francisco-Oakland	1,077	1,545	29,575	13,970	27.45	9.04	303
San Diego	697	368	6,383	2,297	9.15	6.23	146
Denver	515	332	10,528	2,191	20.45	6.59	310
Miami	335	392	4,618	5,181	13.78	13.23	104
Tampa-St. Petersburg	494	172	8,258	2,172	16.71	12.62	132
Atlanta	497	157	7,647	1,296	15.38	8.25	186
Chicago	3,367	2,275	47,601	16,886	14.13	6.31	223
New Orleans	593	79	9,907	394	16.69	4.96	336
Boston	641	2,728	10,701	32,349	16.69	11.85	140
Detroit	1,511	2,674	24,902	19,385	16.47	7.24	227
Minneapolis-St. Paul	744	871	$8,878	$5,550	$11.92	$6.37	187
Kansas City	675	433	10,102	2,667	14.95	6.16	242
St. Louis	622	1,406	15,120	6,124	24.30	4.35	558
Newark	382	1,449	7,551	14,811	19.74	10.22	193
Buffalo	463	968	4,846	3,438	10.47	3.55	294
Rochester	296	365	3,342	925	11.28	2.53	445
New York City	7,868	4,355	189,349	15,728	24.06	3.61	737
Cincinnati	453	592	13,509	2,399	29.85	4.05	252
Columbus	540	362	5,226	969	9.68	2.67	362
Dayton	244	576	4,124	1,333	16.93	2.31	732
Portland	383	157	7,938	1,475	20.72	9.62	219
Philadelphia	1,949	2,598	39,782	11,312	20.41	4.35	469
Pittsburgh	520	1,704	7,434	8,476	14.29	4.97	287
Dallas	844	456	10,557	2,597	12.50	5.69	219

TABLE II.—MUNICIPALITIES AND POPULATION EXCLUDED

[In percent]

State	Big cities only		Muskie bill	
	Units	Population	Units	Population
Alabama	99.0	63	96	40
Alaska	100.0	100	98	59
Arizona	96.0	31	95	29
Arkansas	99.0	87	98	67
California	96.5	51	78	20
Colorado	99.0	59	97	33
Connecticut	88.0	46	56	12
Delaware	100.0	100	98	47
District of Columbia	0	0		0
Florida	98.0	67	94	38
Georgia	99.0	66	98	48
Hawaii	0	0	0	0
Idaho	100.0	100	99	74
Illinois	99.0	55	97	34
Indiana	98.5	60	97	40
Iowa	99.0	81	98	54
Kansas	99.0	68	99	43
Kentucky	99.0	72	98	51
Louisiana	99.0	49	97	35
Maine	100.0	100	86	58
Maryland	99.0	33	98	26
Massachusetts	97.0	57	11	3
Michigan	99.0	59	92	27
Minnesota	99.0	65	99	53
Mississippi	99.0	85	97	58
Missouri	99.0	60	99	44
Montana	100.0	100	97	60
Nebraska	99.0	56	99	53
Nevada	100.0	100	89	42
New Hampshire	100.0	100	69	41
New Jersey	97.0	73	90	42
New Mexico	98.0	68	93	42
New York	98.0	25	95	16
North Carolina	99.0	78	97	49
North Dakota	100.0	100	99	64
Ohio	99.0	57	96	36
Oklahoma	99.0	66	98	51
Oregon	99.0	62	98	51
Pennsylvania	99.0	59	97	44
Rhode Island	87.0	64	13	4
South Carolina	100.0	100	98	62
South Dakota	100.0	100	99	74
Tennessee	98.0	42	97	36
Texas	98.0	52	95	33
Utah	99.0	71	99	54
Vermont	100.0	100	99	79
Virginia	98.0	61	94	28
Washington	98.0	49	97	38
West Virginia	100.0	100	97	57
Wisconsin	99.0	70	97	41
Wyoming	100.0	100	98	64

TABLE III.—STATE GENERAL REVENUE SHARING

[In percent]

State	Percent of State aid for general local government support (general revenue sharing)[1]	State general revenue sharing as percent of local revenue[2]	Federal general revenue sharing as percent of local revenue
Alabama	3.0	1.0	7
Alaska	11.0	3.0	5
Arizona	19.0	9.0	6
Arkansas	6.0	2.0	7
California	5.0	1.0	5
Colorado	.1	.04	6
Connecticut	6.0	1.0	4
Delaware	0	--------	5
Florida	.1	.08	6
Georgia	4.0	--------	6
Hawaii	6.0	8.0	5
Idaho	10.0	2.0	7
Illinois	7.0	--------	4
Indiana	10.0	1.0	5
Iowa	12.0	5.0	6
Kansas	5.0	2.0	5
Kentucky	.8	.38	7
Louisiana	2.0	8.0	7
Maine	.1	.25	6
Maryland	8.0	6.0	5
Massachusetts	22.0	9.0	5
Michigan	15.0	4.0	5
Minnesota	21.0	2.0	5
Mississippi	6.0	3.0	8
Missouri	2.0	.39	5
Montana	0	--------	6
Nebraska	.9	.28	6
Nevada	12.0	3.0	5
New Hampshire	24.0	2.0	6
New Jersey	2.0	.37	5
New Mexico	3.0	1.0	7
New York	12.0	4.0	4
North Carolina	5.0	2.0	7
North Dakota	2.0	1.0	6
Ohio	10.0	3.0	5
Oklahoma	1.0	.45	6
Oregon	2.0	6.0	6
Pennsylvania	.6	.23	5
Rhode Island	12.0	4.0	5
South Carolina	10.0	5.0	7
South Dakota	3.0	1.0	6
Tennessee	8.0	3.0	7
Texas	.01	.01	6
Utah	.9	.39	6
Vermont	.03	.01	6
Virginia	3.0	1.0	7
Washington	8.0	2.0	5
West Virginia	0	--------	7
Wisconsin	43.0	21.0	5
Wyoming	15.0	2.0	6

FISCAL EFFORT OF MUNICIPALITIES WITH LOW INCOME POPULATIONS (10,000 TO 100,000)

City	Population	Median family income	Percent families below $3,000	Aggregate personal income (millions)	Local revenue (thousands)	Fiscal effort index
Alabama:						
Alexander City	13,140	$4,643	28.9	$19.1	$405	2.34
Andalusia	10,263	4,121	34.9	14.3	343	2.10
Auburn	16,261	4,269	37.5	21.6	764	3.70
Chickasaw	10,002	5,616	21.0	14.6	316	2.05
Cullman	10,883	4,125	33.7	15.2	1,772	11.18
Enterprise	11,410	4,092	34.8	14.7	437	2.72
Fairfield	15,816	4,822	26.3	23.3	543	2.15
Jasper	10,799	4,495	36.9	16.2	623	3.70
Opelika	15,678	4,412	32.4	22.4	823	3.57
Sheffield	13,491	5,471	23.3	22.8	997	4.39
Sylacauga	12,857	4,228	36.8	16.5	1,951	12.10
Talladega	17,742	3,943	37.0	20.7	562	2.90
Troy	10,234	3,412	45.2	11.8	312	2.54
Anniston	33,600	4,122	34.6	49.0	3,734	7.62
Bessemer	33,100	3,755	40.5	38.0	1,142	3.01
Decatur	29,200	$5,261	26.9	$50.0	$3,818	7.63
Dothan	31,400	4,347	33.3	46.0	1,251	2.71
Florence	31,600	5,155	27.2	53.0	4,077	7.69
Gadsden	58,100	4,705	28.3	85.0	3,611	4.24
Phenix City	27,600	3,776	38.0	30.0	2,007	6.69
Prichard	47,400	4,330	32.5	52.0	1,553	2.99
Selma	28,400	3,555	43.8	36.0	962	2.67
Tuscaloosa	63,400	4,620	32.0	89.0	4,824	5.42
Arizona:						
Douglas	11,925	4,650	27.6	16.5	505	3.23
Glendale	15,696	4,679	30.3	22.7	839	3.52
Prescott	12,861	5,579	21.8	24.3	774	3.29
Mesa	33,800	5,598	20.2	59.0	1,401	2.37
Arkansas:						
Benton	10,399	4,831	28.0	17.3	83	.58
Blytheville	20,797	3,484	43.7	24.7	669	2.83

City	Population	Median family income	Percent families below $3,000	Aggregate personal income (millions)	Local revenue (thousands)	Fiscal effort index
Camden	15,823	$3,899	38.5	$20.2	$351	1.98
Fayetteville	20,274	4,697	28.3	34.0	1,377	4.12
Forrest City	10,544	3,267	47.2	12.2	191	1.64
Helena	11,500	2,835	53.1	13.1	338	2.29
Jacksonville	28,337	5,118	10.7	22.2	168	.90
Jonesboro	21,418	4,657	28.2	35.1	433	1.14
Magnolia	10,618	4,621	32.9	16.6	605	3.61
Springdale	10,076	4,199	32.4	14.6	399	2.74
Texarkana	19,788	3,694	38.7	25.1	390	1.59
West Memphis	19,374	4,405	33.4	24.4	586	2.46
El Dorado	25,300	4,986	28.1	44.0	901	2.05
Fort Smith	53,000	4,644	28.5	86.0	2,044	2.38
Hot Springs	28,300	3,635	41.0	42.0	1,330	3.17
North Little Rock	58,000	4,874	27.5	88.0	1,641	1.86
Pine Bluff	44,000	4,604	32.6	67.0	1,237	1.85
California:						
Banning	10,250	4,634	28.6	17.7	408	2.25
Brawley	12,703	5,384	22.8	21.6	680	3.14
Chico	14,757	5,554	19.1	29.1	1,365	4.66
Coronado	18,039	6,299	25.7	38.9	1,422	3.64
Delano	11,913	4,917	29.6	17.9	655	3.62
Hanford	10,133	5,242	24.6	16.5	1,080	6.52
Imperial Beach	17,773	5,393	19.1	27.2	484	1.76
Madera	14,430	4,873	30.7	23.5	588	2.51
Merced	20,068	5,638	22.7	37.9	1,715	4.49
Oceanside	24,971	4,928	24.8	54.7	2,035	3.66
Port Hueneme	11,067	5,389	19.0	19.1	183	.94
Tulare	13,824	5,406	25.5	23.2	945	4.05
Watsonville	13,293	5,710	22.1	27.0	1,154	4.44
National City	32,800	5,574	20.7	55	2,101	3.82
Santa Cruz	25,600	5,292	26.8	53	3,460	6.52
Colorado:						
Longmont	11,489	5,372	19.3	21.2	574	2.83
Trinidad	10,691	3,972	35.8	37.2	333	.81
Fort Collins	25,000	5,409	21.5	44	1,099	2.49
Greeley	26,300	5,351	21.2	48	1,343	2.80
Delaware: Wilmington	95,900	5,589	19.2	200	12,108	6.05
Florida:						
Bartow	12,849	4,990	22.2	21.5	641	2.98
Belle Glade	11,273	3,301	45.6	13.5	651	4.82
Boynton Beach	10,467	4,448	30.3	16.7	811	4.85
Bradenton	19,380	3,709	39.2	32.0	1,640	5.13
Cocoa	12,294	6,131	20.0	25.3	979	3.86
De Land	10,775	4,319	31.3	19.0	822	4.33
Delray Beach	12,230	5,217	27.9	29.9	1,318	4.40
Fort Myers	22,523	4,835	27.9	41.5	2,050	4.94
Hallandale	10,483	3,600	39.2	15.9	667	4.19
Jacksonville Beach	12,049	5,077	23.5	20.8	846	4.06
Lake Worth	20,758	4,464	32.5	39.3	2,043	5.19
Leesburg	11,172	4,433	31.0	18.5	512	2.77
Ocala	13,598	4,433	32.9	23.7	2,194	9.26
Palatka	11,028	4,236	38.5	15.4	708	4.60
Pinellas Park	10,848	4,181	29.1	15.4	776	5.04
Plant City	15,711	3,927	37.2	20.8	909	4.37
Pompano Beach	15,992	4,838	28.6	34.9	1,845	5.29
Riviera Beach	13,046	4,176	30.5	19.9	1,058	5.32
St. Augustine	14,734	4,570	29.6	23.9	1,230	5.15
Sanford	19,175	3,979	35.8	27.2	1,210	4.45
Winter Haven	16,277	4,888	27.3	32.6	1,390	4.26
Clearwater	34,700	4,959	26.1	74	3,645	4.92
Daytona Beach	37,400	3,986	35.0	62	3,652	5.89
Fort Lauderdale	83,600	5,343	23.5	207	10,129	4.89
Fort Pierce	25,300	4,170	33.0	37	1,839	4.97
Gainesville	29,700	4,702	27.9	45	2,096	4.65
Hollywood	35,200	4,963	25.6	81	4,487	5.53
Key West	34,000	4,736	23.3	55	1,481	2.69
Lakeland	41,400	4,902	28.4	80	3,614	4.51
Miami Beach	63,100	4,411	36.4	179	12,698	7.09
Orlando	88,100	5,037	25.5	173	7,524	4.35
Panama City	33,300	4,509	29.7	52	2,635	5.06
Pensacola	56,800	5,204	26.0	99	3,458	3.49
Sarasota	34,100	4,889	26.6	78	4,187	5.36
Tallahassee	48,200	5,487	25.6	80	3,583	4.47
West Palm Beach	56,200	4,855	26.9	106	6,780	6.39
Georgia:						
Americus	13,472	3,689	43.1	17.5	529	3.02
Bainbridge	12,714	3,586	42.7	14.5	461	3.17
Brunswick	21,703	4,250	33.7	28.9	1,159	-------
Cordele	10,609	3,005	50.0	11.0	297	2.72
Dalton	17,868	4,534	28.1	29.7	927	3.09
Dublin	13,814	3,890	40.6	17.5	618	3.54
Gainesville	16,523	4,478	31.6	29.1	1,099	3.78
Griffin	21,735	4,412	32.4	33.5	767	2.30
La Grange	23,632	4,256	33.5	31.9	853	2.66
Milledgeville	11,117	4,152	34.7	14.2	362	2.53
Moultrie	15,764	3,876	38.5	20.3	585	2.84
Newnan	12,169	4,002	35.6	18.5	729	3.93
Thomasville	18,246	4,034	38.4	24.9	565	2.24
Waycross	20,944	4,600	32.7	30.9	865	2.81
Albany	55,900	4,467	29.6	79.0	2,053	2.52
Athens	31,400	4,025	35.6	44.0	1,251	2.84
Augusta	70,600	3,603	41.6	95.0	4,922	5.18
Macon	69,800	4,228	34.8	117.0	9,509	8.12
Rome	32,200	4,558	31.6	51.0	1,591	3.11
Valdosta	30,700	4,360	33.1	44.0	1,323	3.00
Idaho:						
Caldwell	12,230	5,322	20.5	21.8	672	3.06
Coeur D'Alene	14,291	5,549	18.9	25.2	599	2.38
Nampa	18,013	4,981	24.2	29.6	689	2.33
Twin Falls	20,126	5,549	18.8	36.3	1,019	2.81
Illinois:						
Centralia	13,904	5,180	24.5	25.5	709	2.75
Centreville	12,769	4,882	28.5	16.6	99	.60
Charleston	10,505	5,134	21.5	17.3	385	2.31
Kewanee	16,324	5,196	17.6	28.2	633	2.13
Macomb	12,135	$5,147	17.8	$22.0	$540	2.27
Marion	11,274	5,104	24.9	21.4	1,048	5.14
Mount Vernon	15,566	5,079	27.6	27.7	599	2.16
Rantoul	22,116	4,757	19.3	34.5	327	.95
East St. Louis	81,700	4,842	30.0	122.0	4,861	3.98
Quincy	43,800	5,370	19.8	79.0	2,020	2.59
Indiana:						
Bedford	13,024	5,501	20.6	22.4	681	3.13
Connersville	17,698	5,187	18.5	30.1	607	1.92
Frankfort	15,302	5,526	18.2	26.4	641	2.27
Logansport	21,106	5,572	16.6	38.7	1,181	3.10
Madison	10,097	4,854	27.4	16.6	547	3.61
New Castle	20,349	5,465	18.0	37.0	999	2.70
Peru	14,453	5,332	20.8	25.4	669	2.76
Seymour	11,629	5,344	19.7	19.6	596	3.06
Shelbyville	14,317	5,585	16.5	27.6	1,377	4.35
Vincennes	18,046	4,846	25.0	30.6	654	2.29
Washington	10,846	4,808	23.3	18.8	362	2.13
Bloomington	31,400	5,448	20.4	58.0	1,379	2.37
New Albany	37,800	5,439	19.4	66.0	1,463	2.22
Richmond	44,100	5,583	18.0	80.0	2,299	2.87
Terre Haute	72,500	5,292	21.9	128.0	3,532	2.76
Iowa:						
Boone	12,468	5,032	22.1	22.7	581	2.64
Keokuk	16,316	5,458	19.1	30.3	1,349	4.29
Muscatine	20,997	5,473	17.3	39.3	1,173	3.05
Oskaloosa	11,053	4,915	23.9	19.9	379	2.01
Kansas:						
Arkansas City	14,262	5,184	22.3	24.8	1,341	5.24
Atchison	12,529	5,230	19.4	21.9	775	3.65
Chanute	10,849	4,845	22.1	17.3	208	1.16
Coffeyville	17,382	4,959	26.0	28.7	1,738	5.92
Emporia	18,190	5,209	22.3	31.9	1,021	3.13
Garden City	11,811	5,523	17.6	20.8	708	3.37
Independence	11,222	5,270	23.3	19.1	554	3.14
Junction City	18,700	4,153	29.1	28.2	1,140	3.90
Leavenworth	22,052	5,417	20.5	37.2	1,260	3.49
Manhattan	22,993	5,298	20.3	42.4	1,157	2.83
Newton	14,877	5,447	15.8	26.7	1,037	3.75
Ottawa	10,673	4,506	27.7	16.9	466	5.32
Parsons	13,929	4,522	29.4	20.8	637	2.88
Pittsburg	18,678	4,724	29.1	31.4	718	2.23
Winfield	11,117	5,287	18.4	10.2	1,487	7.92
Hutchinson	37,600	5,469	18.0	72.0	2,551	3.54
Lawrence	32,900	5,427	20.1	57.0	2,743	4.83
Maryland:						
Cambridge	12,239	4,073	32.5	17.6	425	2.40
Frederick	21,744	5,548	20.0	40.5	1,347	3.32
Salisbury	16,302	5,335	22.6	32.2	182	.57
Cumberland	33,400	5,098	23.2	58	4,082	7.04
Hagerstown	36,700	5,207	21.3	67	1,481	2.21
Massachusetts:						
Adams	11,949	5,564	13.7	20.8	1,979	9.49
Athol	10,161	5,400	15.1	18.3	1,577	8.60
Greenfield	14,389	5,579	16.6	27.1	2,700	9.95
Chelsea	33,700	5,298	19.0	56	5,450	9.73
Fall River	99,900	4,970	20.0	165	12,805	7.76
Gloucester	25,800	5,285	17.2	42	4,644	11.05
Lawrence	70,900	5,508	18.5	120	8,919	7.43
Taunton	41,100	5,597	14.7	66	2,772	4.20
Michigan:						
Benton Harbor	19,136	5,600	19.6	33.3	1,805	5.42
Cadillac	10,112	5,401	18.3	16.9	544	3.23
Ecorse	17,328	5,479	18.8	28.9	2,400	----------
Escanaba	15,391	5,475	17.4	25.0	673	2.68
Ironwood	10,265	4,356	25.6	14.9	631	4.22
Menominee	11,289	5,008	17.0	17.4	437	2.51
Muskegon Heights	19,552	5,568	18.0	30.5	1,145	3.75
River Rouge	18,147	5,324	24.2	30.0	2,487	8.27
Sault St. Marie	18,722	5,190	22.9	28.9	970	3.35
Hamtramck	34,100	5,345	23.1	59.0	3,375	5.72
Highland Park	38,100	5,696	20.6	83.0	7,738	9.32
Minnesota:						
Brainerd	12,898	5,497	17.9	22.5	533	3.00
Fergus Falls	13,733	5,303	18.3	20.9	921	4.38
Hibbing	17,731	5,595	16.7	32.7	2,061	----------
New Ulm	11,114	5,115	21.3	19.8	715	3.62
Red Wing	10,528	5,550	17.6	19.3	1,224	6.34
Winona	24,895	5,374	18.0	41.6	1,543	3.70
St. Cloud	33,800	5,592	13.0	53.0	2,140	4.03
Mississippi:						
Clarksdale	21,105	3,427	45.9	25.1	1,256	5.02
Cleveland	10,172	3,854	40.8	12.0	827	6.92
Columbus	24,771	3,710	41.5	32.0	1,017	3.18
Corinth	11,453	3,586	42.1	14.3	1,215	8.51
Greenwood	20,436	3,380	46.0	25.8	2,171	8.42
McComb	12,020	4,361	34.1	17.6	471	2.67
Natchez	23,791	4,001	40.3	31.2	1,063	3.39
Kentucky:						
Frankfort	18,365	5,578	20.9	33.4	1,316	3.94
Glasgow	10,069	3,822	37.8	15.0	410	2.74
Henderson	16,892	4,096	34.7	24.5	470	1.92
Hopkinsville	19,465	4,000	34.8	29.5	964	3.27
Madisonville	13,110	4,538	33.9	21.0	181	.86
Mayfield	10,762	4,390	31.0	17.9	1,415	7.89
Middlesborough	12,607	3,147	47.8	13.6	329	2.42
Richmond	12,168	3,827	41.0	17.2	437	2.54
Winchester	10,187	3,842	35.4	15.2	538	3.54
Ashland	31,300	5,467	21.4	57.0	1,364	2.39
Bowling Green	28,300	4,106	33.7	42.0	2,146	5.11
Covington	60,400	5,302	20.1	97.0	3,388	3.49
Lexington	62,800	3,995	34.7	91.0	6,692	7.35
Newport	30,100	5,280	21.9	47.0	1,945	4.14
Owensboro	42 500	5,078	24.7	74.0	5,438	7.35
Paducah	34,500	4,750	29.6	57.0	2,834	4.97

FISCAL EFFORT OF MUNICIPALITIES WITH LOW INCOME POPULATIONS (10,000 TO 100,000)—Continued

City	Population	Median family income	Percent families below $3,000	Aggregate personal income (millions)	Local revenue (thousands)	Fiscal effort index
Louisiana:						
Abbeville	10,414	$3,475	44.8	$12.5	$292	2.33
Bastrop	15,193	4,189	37.0	22.0	664	3.29
Bogalusa	21,423	4,574	35.0	28.3	1,015	3.58
Crowley	15,617	3,680	38.9	19.3	515	2.66
Eunice	11,326	3,649	40.9	13.0	359	2.76
Goosport	16,778	3,832	34.7	17.2	(1)	(1)
Gretna	21,967	5,215	22.2	33.0	773	2.34
Hammond	10,563	4,142	36.0	14.4	219	1.52
Houma	22,561	5,445	21.9	37.8	676	1.79
Jennings	11,887	4,523	31.3	17.2	428	2.49
Minden	12,785	3,836	40.9	17.1	278	1.62
Morgan City	13,540	5,305	24.4	22.0	545	2.41
Natchitoches	13,924	3,417	45.7	16.2	279	1.72
Opelousas	17,417	3,529	43.7	21.6	680	3.15
Ruston	13,991	4,128	36.8	20.0	353	1.76
Thibodaux	13,403	4,769	26.0	21.2	377	1.78
West Monroe	15,215	5,156	24.8	24.4	456	1.87
Alexandria	40,300	3,768	40.2	55.0	1,537	2.79
Bossier City	32,800	5,043	22.4	51.0	1,178	2.31
Lafayette	40,400	4,361	33.2	63.0	2,787	4.42
Lake Charles	63,400	5,462	21.1	112.0	2,838	2.53
Monroe	52,200	3,958	38.2	75.0	2,402	3.20
New Iberia	29,100	4,663	29.4	41.0	1,168	2.85
Maine:						
Auburn	24,449	5,254	16.4	43.6	2,444	5.50
Augusta	21,680	5,536	15.4	36.7	2,457	6.81
Bath	10,717	5,558	17.1	19.3	1,366	7.25
Biddeford	19,255	4,706	21.9	28.4	1,360	4.93
Presque Isle	12,886	4,949	21.4	20.3	1,478	7.39
Saco	10,515	4,962	23.3	16.0	1,059	6.88
Sanford	10,936	5,408	17.5	18.6	1,521	8.06
Waterville	18,695	5,516	16.1	33.7	1,903	5.64
Westbrook	13,820	5,906	11.4	23.9	1,871	7.95
Bangor	38,900	5,353	16.9	66.0	4,607	6.98
Lewiston	40,800	5,238	16.7	65.0	3,325	5.12
Portland	72,600	5,363	17.7	132.0	10,973	8.31
Tupelo	17,221	4,600	30.2	28.6	1,332	4.64
Yazoo City	11,236	2,858	52.0	13.6	392	2.86
Biloxi	44,100	4,146	28.9	63.0	1,344	2.13
Greenville	41,500	3,812	40.3	54.0	2,400	4.44
Gulfport	30,200	4,540	27.7	44.0	3,125	7.10
Hattiesburg	35,000	4,232	34.5	48.0	1,915	3.99
Laurel	27,900	4,338	34.6	40.0	1,342	3.35
Meridian	49,400	3,991	37.3	66.0	3,058	4.63
Vicksburg	29,100	3,845	41.3	39.0	1,396	3.57
Missouri:						
Cape Girardeau	24,947	5,183	22.8	44.0	869	1.97
Carthage	11,264	4,647	29.1	19.2	817	4.26
Fulton	11,131	4,990	23.1	14.8	302	2.04
Hannibal	20,028	4,711	25.5	32.2	583	1.81
Kirksville	13,323	4,242	33.4	19.7	400	2.02
Mexico	12,889	5,453	19.6	23.1	543	2.35
Moberly	13,170	4,619	32.0	22.1	584	2.64
Poplar Bluff	15,926	3,795	39.1	23.6	720	3.05
Rolla	11,132	5,176	22.7	17.9	358	1.99
Sedalia	23,874	4,550	28.8	38.6	2,105	5.45
Joplin	39,000	4,915	26.9	68.0	1,937	2.85
St. Joseph	79,700	5,522	19.3	148.0	3,662	2.47
Springfield	95,900	4,955	24.0	168.0	5,092	3.03
Montana:						
Anaconda	12,054	5,208	13.9	19.1	383	1.99
Butte	27,900	5,156	20.2	47.0	1,415	3.01
Nebraska:						
Beatrice	12,132	4,686	22.2	20.4	612	3.00
Columbus	12,476	5,555	15.0	21.6	9,907	4.20
Hastings	21,412	5,086	19.4	37.7	1,254	3.32
Kearney	14,210	4,970	22.6	22.9	1,057	4.61
Norfolk	13,111	5,193	18.8	22.0	849	3.87
North Platte	17,184	5,607	17.4	30.5	699	2.29
Scotts Bluff	13,377	5,571	17.6	24.9	741	2.98
Grand Island	25,700	5,109	19.6	44.0	1,174	2.67
New Hampshire:						
Berlin	17,821	5,386	12.9	30.5	2,005	6.58
Claremont	13,563	5,292	18.2	22.6	885	3.91
New Jersey:						
Asbury Park	17,366	5,016	24.0	31.1	4,482	14.5
Lakewood	13,004	5,148	24.3	23.1	1,282	5.62
Phillipsburg	18,502	5,276	16.5	31.4	1,842	5.73
Pleasantville	15,172	5,419	19.5	24.9	1,138	4.41
Atlantic City	59,500	4,108	33.5	95.0	16,111	16.95
Hoboken	48,400	5,435	17.3	87.0	9,634	11.07
New Mexico:						
Artesia	12,000	5,551	20.1	21.5	710	3.30
Clovis	23,713	5,070	23.5	38.8	1,837	4.74
Rosewell	39,600	5,543	20.5	72.0	2,140	2.97
Santa Fe	33,400	5,502	23.4	57.0	1,751	3.07
New York:						
Cohoes	20,129	5,573	15.2	35.4	1,119	3.16
Gloversville	21,741	5,432	16.9	41.8	880	2.10
Hornell	13,907	5,541	16.8	24.8	654	2.63
Hudson	11,075	5,263	16.5	19.1	428	2.25
Ogdensburg	16,122	5,606	16.5	23.7	826	3.48
Oneonta	13,412	5,442	19.0	23.5	639	2.72
Plattsburgh	20,172	5,616	19.6	36.8	1,422	3.86
Rensselaer	10,506	5,590	14.5	18.2	652	4.02
Saratoga Springs	16,630	5,523	18.5	28.9	1,696	5.87
Ansterdam	28,800	5,501	18.0	52.0	1,644	3.16
Auburn	35,200	5,518	16.9	59.0	3,062	5.18
Elmira	46,500	5,452	16.7	79.0	3,310	4.19
Jamestown	41,900	5,607	16.4	82.0	6,138	7.48
Newburgh	31,000	5,363	19.7	57.0	2,362	4.14
Troy	67,500	5,502	17.6	118.0	5,733	4.86
Watertown	33,300	5,480	17.8	61.0	2,346	3.84
North Carolina:						
Albemarle	12,261	$4,554	24.7	$18.9	$448	2.37
Concord	17,799	5,028	24.6	30.8	677	2.20
Elizabeth City	14,062	3,959	37.3	19.5	393	2.01
Greensville	22,860	3,915	38.5	29.2	655	2.24
Henderson	12,740	3,792	40.3	16.3	515	3.15
Hickory	19,328	5,197	21.3	36.6	1,362	3.72
Jacksonville	13,491	5,091	17.3	22.4	542	2.42
Kinston	24,819	4,003	38.8	34.7	726	2.09
Lenoir	10,257	4,345	28.8	16.8	533	3.17
Lexington	16,093	4,604	26.6	25.2	589	2.34
Lumberton	15,305	3,858	38.1	19.0	269	1.41
Monroe	10,882	4,514	30.5	15.3	293	1.91
New Bern	15,717	3,838	40.7	20.1	502	2.49
Reidsville	14,267	4,940	25.0	23.4	823	3.51
Roanoke Rapids	13,320	5,021	25.1	20.9	610	2.91
Salisbury	21,297	4,699	29.3	38.7	1,274	3.29
Sanford	12,253	4,527	30.2	18.6	495	2.65
Shelby	17,698	4,598	28.1	27.2	621	2.28
Statesville	19,844	4,637	27.8	30.3	676	2.23
Thomasville	15,190	4,769	23.3	25.1	672	2.68
Asheville	60,200	4,648	30.0	103.0	2,547	2.47
Durham	78,300	4,673	27.9	129.0	4,944	3.83
Fayetteville	47,100	3,960	34.4	67.0	1,626	2.43
Gastonia	37,300	4,827	25.5	58.0	1,453	2.51
Goldsboro	28,900	3,444	43.1	35.0	957	2.73
High Point	62,100	5,117	20.7	112.0	3,725	3.32
Raleigh	93,900	5,586	22.2	176.0	3,856	2.19
Rocky Mount	32,100	4,464	32.1	48.0	1,263	2.63
Wilmington	44,000	3,870	37.8	61.0	1,880	3.08
Wilson	28,800	4,046	34.8	41.0	842	2.05
North Dakota:						
Jamestown	15,163	5,450	17.3	24.3	1,012	4.17
Mandan	10,525	5,582	15.9	15.4	661	4.29
Ohio:						
Athens	16,470	5,267	22.2	25.5	633	2.47
Bellaire	11,502	4,733	26.0	17.1	258	1.52
Bellefontaine	11,424	5,533	18.0	21.1	1,364	6.63
Cambridge	14,562	5,057	22.7	25.0	564	2.26
Circleville	11,059	5,499	19.9	18.4	1,267	6.87
Conneaut	10,557	5,534	15.7	19.5	489	2.51
Coshocton	13,106	5,551	19.6	25.1	554	2.17
Delaware	13,282	5,523	15.3	22.0	647	2.94
East Liverpool	22,306	5,117	17.5	38.5	1,014	2.64
Greenville	10,585	5,592	16.4	20.2	478	2.37
Ironton	15,745	5,388	20.0	27.0	655	2.42
Marietta	16,847	5,151	22.8	28.3	560	1.98
Martins Ferry	11,919	5,036	19.4	19.5	399	2.05
Urbana	10,461	5,588	17.9	19.1	503	2.63
Van Wert	11,323	5,600	17.5	21.3	434	2.03
Washington	12,388	5,067	19.4	21.6	373	1.73
Portsmouth	33,600	5,123	26.2	58.0	2,662	4.50
Zanesville	39,100	5,218	21.8	65.0	2,032	3.13
Oklahoma:						
Ada	14,347	4,442	32.9	23.4	497	2.13
Altus	21,225	4,671	24.8	33.3	350	1.05
Ardmore	20,184	4,542	32.6	34.6	771	2.23
Bethany	12,342	5,522	15.4	20.4	460	2.25
Chickasha	14,866	4,315	35.0	22.2	613	2.76
Duncan	20,009	5,591	20.1	39.0	735	1.88
Durant	10,467	3,543	44.6	13.6	253	1.86
El Reno	11,015	4,861	26.2	18.9	710	3.75
McAlester	17,419	4,050	36.7	25.2	406	1.61
Miami	12,869	5,452	24.1	23.0	213	0.92
Okmulgee	15,951	4,439	35.2	26.2	738	2.82
Sapulpa	14,282	4,748	30.2	22.8	481	2.11
Seminole	11,464	4,717	28.5	18.3	456	2.49
Shawnee	24,326	4,700	30.2	39.7	1,118	2.81
Stillwater	23,965	4,530	28.6	37.9	486	1.28
Enid	38,900	4,956	23.6	67.0	1,525	2.29
Lawton	61,700	4,633	24.0	97.0	1,429	1.47
Muskogee	38,100	4,449	32.0	61.0	2,683	4.40
Norman	33,400	5,259	22.4	55.0	1,709	3.11
Pennsylvania:						
Ambridge	13,865	4,993	17.6	23.2	769	3.32
Beaver Falls	16,240	5,389	18.0	27.4	721	2.63
Berwick	13,353	5,254	18.9	22.2	397	1.80
Bloomsburg	10,655	5,376	17.4	19.0	247	1.32
Braddock	12,337	4,491	25.6	17.3	391	2.25
Bradford	15,061	5,447	19.9	30.3	1,058	3.36
Butler	20,975	5,932	16.6	40.1	890	2.22
Canonsburg	11,877	5,315	22.2	18.6	380	2.04
Carbondale	13,595	4,604	24.9	19.2	248	9.30
Carlisle	16,623	5,559	16.9	32.2	719	2.24
Chambersburg	17,670	5,322	18.5	33.0	727	2.18
Clairton	18,389	5,311	17.1	29.4	982	3.33
Connellsville	12,814	4,759	28.0	18.9	388	1.11
Denora	11,131	5,246	21.5	17.4	282	1.61
Du Bois	10,667	5,323	19.7	19.4	472	2.42
Dunmore	18,917	5,063	19.2	29.0	413	1.41
Duquesne	15,019	5,408	17.7	25.4	558	2.20
Ellwood City	12,413	5,788	15.8	23.9	303	1.26
Farrell	13,793	5,586	17.7	22.5	536	2.40
Greensburg	17,383	6,031	15.1	38.3	846	2.21
Indiana	13,005	5,579	19.4	22.7	386	1.72
Kingston	20,261	5,477	19.6	41.8	463	1.10
Latrobe	11,932	5,779	15.6	23.7	432	1.81
Lewistown	12,640	5,031	23.4	24.0	510	2.13
Lock Haven	11,748	5,334	16.8	20.2	413	2.10
McKees Rocks	13,185	5,314	21.1	21.7	316	1.43
Meadville	16,671	5,415	19.4	30.1	827	2.75
Monessen	18,424	5,538	17.3	32.1	826	2.68
Mount Carmel	10,760	3,877	35.7	13.8	150	1.09
Nanticoke	15,601	4,133	31.7	21.7	291	1.34
North Braddock	13,204	5,218	20.9	20.2	531	2.62

Footnote at end of table.

City	Population	Median family income	Percent families below $3,000	Aggregate personal income (millions)	Local revenue (thousands)	Fiscal effort index
Oil City	17,692	$5,263	19.8	$30.3	$848	2.81
Pittston	12,407	4,556	26.0	16.5	324	1.94
Plymouth	10,401	4,374	28.6	14.4	134	.91
Pottsville	21,659	4,958	21.0	37.8	589	1.56
Shamokin	13,674	4,406	28.8	21.6	244	1.11
Shenandoah	11,073	3,705	38.0	14.2	164	1.12
Steelton	11,266	5,354	16.1	17.9	445	2.01
Stowe	11,730	5,575	14.4	17.9	364	1.81
Sunbury	13,687	5,089	21.1	24.6	314	1.26
Tamaqua	10,173	4,706	25.0	15.5	73	.45
Uniontown	17,942	4,723	25.4	29.3	796	2.73
Washington	23,545	5,333	20.8	42.0	894	2.12
Waynesboro	10,427	5,071	17.4	19.4	241	1.24
Aliquippa	26,400	5,312	12.0	43.0	1,491	3.46
Altoona	69,400	5,138	21.8	112.0	2,692	2.40
Chester	63,700	5,343	22.1	103.0	2,460	2.39
Easton	32,000	5,126	20.0	57.0	1,911	3.35
Harrisburg	79,700	5,403	19.7	154.0	5,026	3.26
Hazleton	32,100	4,983	21.6	53.0	1,007	1.90
Johnstown	53,900	4,674	24.4	78.0	2,354	3.02
Lebanon	30,000	5,377	15.4	56.0	1,201	2.14
McKeesport	45,500	5,309	19.6	78.0	3,046	3.91
New Castle	44,800	5,450	18.1	78.0	1,713	2.20
Reading	98,200	5,453	18.0	187.0	4,719	2.52
Wilkes-Barre	63,500	4,829	25.0	101.0	2,234	2.21
Williamsport	42,000	5,228	19.6	78.0	1,534	1.97
York	54,500	5,441	19.4	97.0	2,940	3.03
Rhode Island:						
Bristol	14,570	5,711	14.5	25.4	1,195	4.33
Central Falls	19,858	4,874	20.2	30.6	1,393	4.57
West Warwick	21,414	5,549	15.3	37.2	1,785	4.83
Newport	47,000	4,754	28.0	80.0	4,176	5.22
Pawtucket	81,000	5,525	16.2	146.0	7,970	5.45
Woonsocket	47,100	5,186	19.7	77.0	4,544	5.91
South Carolina:						
Aiken	11,243	4,977	33.4	19.4	490	2.52
Florence	24,722	4,397	33.8	37.3	1,049	2.82
Gaffney	10,435	4,183	34.3	14.0	431	3.07
Georgetown	12,261	4,079	38.3	14.8	254	1.71
Greenwood	16,644	3,974	36.3	22.8	667	2.92
Orangeburg	13,852	4,617	31.8	19.6	408	2.08
Sumter	23,062	3,916	36.7	36.7	910	2.48
Union	10,191	4,384	31.5	14.8	266	1.80
Anderson	41,300	4,463	29.4	61.0	1,214	1.99
Charleston	65,900	3,708	40.9	93.0	3,493	3.75
Columbia	97,400	4,574	31.9	150.0	3,758	2.51
Greenville	66,200	4,754	29.7	117.0	3,332	2.85
Rock Hill	29,400	5,010	25.6	42.0	848	2.01
Spartanburg	44,300	4,483	33.0	70.0	2,220	3.17
South Dakota:						
Aberdeen	23,073	5,301	17.1	38.7	1,304	3.36
Brookings	10,558	4,929	20.5	16.8	1,382	8.21
Huron	14,180	5,357	19.4	24.9	839	3.38
Mitchell	12,555	5,271	21.0	21.5	705	3.28
Watertown	14,077	5,358	18.4	22.5	822	3.65
Tennessee:						
Athens	12,103	3,936	37.2	16.6	545	3.29
Bristol	17,582	4,885	26.4	28.9	1,161	4.01
Clarksville	22,021	3,997	34.0	31.6	879	2.78
Cleveland	16,196	4,191	34.0	24.3	558	2.29
Columbia	17,624	4,562	32.0	25.4	774	3.05
Dyersberg	12,499	3,666	40.9	17.9	773	4.32
Elizabeth	10,896	4,716	25.2	17.5	518	2.96
Greeneville	11,759	4,187	32.7	17.0	749	4.39
Lebanon	10,512	4,278	32.7	14.4	238	1.64
Maryville	10,348	5,415	25.3	18.8	555	2.95
Morristown	21,267	4,310	31.6	31.1	1,043	3.35
Murfreesboro	18,991	4,199	32.3	27.3	703	2.57
Shelbyville	10,466	4,300	31.6	16.3	445	2.72
Whitehaven	13,894	7,347	6.9	----------	----------	----------
Jackson	34,400	4,017	38.1	50.0	4,123	8.24
Johnson City	31,200	4,476	31.7	47.0	1,712	3.64
Texas:						
Alice	20,861	4,140	35.5	26.1	694	2.64
Bay City	11,656	4,484	32.3	17.8	387	2.19
Beeville	13,811	3,830	38.7	17.5	454	2.57
Brownfield	10,286	5,169	22.8	20.8	292	1.39
Brownwood	16,974	4,083	36.5	26.9	1,177	4.46
Cleburne	15,381	5,072	23.3	26.3	574	2.16
College Station	11,396	4,733	29.1	15.9	151	.94
Corsicana	20,344	4,044	36.8	29.6	666	2.26
Del Rio	18,612	3,469	43.0	22.2	520	2.34
Denison	22,748	4,515	30.0	34.7	880	2.54
Eagle Pass	12,094	2,436	60.1	9.2	443	4.81
Edinburg	18,706	3,028	49.6	16.9	428	2.59
Gainesville	13,083	4,753	26.8	21.8	493	2.25
Greenville	19,087	4,532	30.7	31.2	737	2.34
Huntsville	11,999	$3,574	43.6	$14.6	281	1.91
Killeen	23,377	3,878	29.8	31.2	878	2.82
Lamesa	12,438	4,972	25.3	23.1	425	1.86
Levelland	10,153	5,243	22.7	15.3	380	2.48
Lufkin	17,641	4,858	29.9	29.8	681	2.28
McKinney	13,763	4,333	32.0	20.5	465	2.29
Marshall	23,846	4,286	35.6	33.6	1,984	5.95
Mercedes	10,943	2,395	60.0	8.1	321	3.94
Mineral Wells	11,053	4,032	33.3	16.3	383	2.33
Mission	14,081	2,950	51.0	13.3	678	5.11
Nacogdoches	12,674	3,656	40.3	17.9	1,272	7.26
New Braunfel	15,631	4,604	24.7	22.3	505	2.24
Palestine	13,974	4,569	32.6	20.3	561	2.76
Paris	20,977	3,604	41.9	28.9	722	2.49
Pecos	12,728	4,924	25.7	18.4	487	2.66
Pharr	14,106	2,694	56.3	14.7	302	2.04
Plainview	18,735	5,039	24.3	32.8	796	2.44
Robstown	10,266	3,753	40.1	10.7	434	4.01
San Benito	16,422	2,945	50.9	13.7	399	2.92
San Marcos	12,713	3,472	42.6	14.1	427	3.05
Seguin	14,299	3,660	40.2	16.7	234	1.38
Sherman	24,988	4,754	26.1	41.9	1,322	3.10
Sweetwater	13,914	4,855	23.4	22.5	1,393	6.22
Terrell	13,803	3,722	40.9	15.8	363	2.28
Uvalde	10,293	3,622	43.1	13.1	308	2.57
Vernon	12,141	4,458	29.8	20.2	556	2.77
Waxahachie	12,749	4,478	31.2	----------	----------	----------
Abilene	90,400	5,460	19.2	162.0	4,816	2.97
Brownsville	48,000	3,021	49.7	45.0	1,390	3.09
Bryan	27,500	4,258	34.4	38.0	1,594	4.19
Denton	26,800	4,994	24.2	42.0	1,880	4.47
Galveston	67,200	4,698	27.8	114.0	9,119	8.00
Harlingen	41,200	4,167	35.2	54.0	1,799	3.33
Kingsville	25,300	4,366	33.3	33.0	755	2.29
Laredo	60,700	2,935	51.0	55.0	2,099	3.81
Longview	40,100	5,355	25.0	72.0	1,586	2.80
McAllen	32,700	3,790	40.5	42.0	2,841	6.70
Orange	25,600	5,510	22.9	45.0	1,432	3.18
San Angelo	58,800	4,650	28.1	99.0	2,724	2.75
Temple	30,400	4,509	27.8	48.0	2,187	4.55
Texarkana	30,200	4,353	33.1	46.0	1,009	2.19
Tyler	51,200	5,478	22.6	101.0	2,664	2.64
Victoria	33,000	5,279	26.2	53.0	1,624	3.06
Waco	97,800	4,859	28.2	165.0	5,618	3.40
Utah:						
Logan	18,731	5,234	21.3	29.5	357	1.21
Provo	36,000	5,310	21.7	54.0	1,570	2.91
Vermont:						
Barre	10,387	5,509	14.8	19.1	1,501	7.84
Rutland	18,325	5,327	19.6	32.0	2,388	7.47
Burlington	35,500	5,487	16.9	61.0	4,492	7.36
Virginia:						
Bristol	17,144	4,456	31.3	25.0	2,099	8.39
Covington	11,062	5,546	16.5	19.4	893	4.59
Fredericksburg	13,639	5,305	21.8	22.7	1,459	6.43
Harrisonburg	11,916	5,276	23.6	21.2	1,463	6.88
Martinsville	18,798	5,219	22.7	35.5	2,212	6.22
Pulaski	10,469	4,525	28.1	15.1	420	2.79
Salem	16,058	5,331	18.3	25.4	536	2.11
South Norfolk	22,035	4,914	25.4	30.4	2,250	7.40
Staunton	22,232	5,395	20.4	38.0	2,061	5.42
Suffolk	12,609	4,981	24.5	21.5	1,477	6.85
Winchester	15,110	4,944	23.7	27.2	1,324	4.85
Charlottesville	29,400	5,192	22.5	59.0	3,265	5.33
Chesapeake	73,600	5,391	21.7	109.0	(1)	(1)
Danville	46,600	4,883	25.6	76.0	5,238	6.89
Lynchburg	54,800	5,472	21.3	101.0	6,829	6.76
Petersburg	36,700	4,406	31.4	54.0	3,719	6.88
Roanoke	97,100	5,103	23.8	173.0	13,672	7.90
Virginia Beach	85,200	5,504	22.2	146.0	(1)	(1)
West Virginia:						
Beckley	18,642	5,021	27.1	32.3	565	1.75
Bluefield	19,256	4,846	27.5	35.7	1,094	3.06
Martinsburg	15,179	5,039	24.0	25.0	389	1.56
Morgantown	22,487	5,003	23.8	39.7	1,355	3.41
Moundsville	15,163	5,244	19.9	22.1	381	1.72
Clarksburg	28,100	5,499	20.6	55.0	1,443	2.62
Huntington	83,600	5,426	23.8	159.0	6,648	4.18
Wheeling	54 400	5,392	21.6	107.0	4,212	3.93
Wisconsin:						
Ashland	10,132	5,165	20.6	15.2	1,126	7.41
Beaver Dam	13,118	5,543	14.7	24.6	659	2.67
Marinette	13,329	4,857	23.8	20.2	1,595	7.91
Marshfield	14,153	5,367	14.5	25.0	1,987	7.95
Stevens Point	17,837	5,575	17.9	30.0	1,269	4.25
Wyoming: Sheridan	11,651	5,553	17.9	21.8	465	2.14

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[1] Not available.

MINORITY STAFFING

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, by way of the legislation which we have introduced today, we seek to rectify an injustice which occurred during the organization of this Congress. I refer, of course, to the action taken by a minority of the majority party to strip the Legislative Reform Act of 1970 of one of its most important provisions. That provision, guaranteed the minority party absolute control over one-third of the investigative staff funds on each committee. It was added to the Legislative Reorganization Act of 1970 by way of a strong bipartisan effort. I had the privilege of cosponsoring the amendment with the distinguished gentleman from New Jersey (Mr. THOMPSON). It certainly was a disgraceful performance on the part of the majority party to "gag" its entire membership on this question and force them to vote to repeal the Thompson-Schwengel amendment.

The case for assured and adequate minority staffing was clearly documented at the time of our debate on the Legislative Reorganization Act. By way of the bill which we are introducing today, we ask the more reasonable members of the majority to reconsider the ill conceived and hasty action taken in January.

The minority party has been severely hampered in past years, particularly with the increase in the workload and the complexity of our problems, because of inadequate staff on the committees. As a group of distinguished political scientists has said:

> To deny the Minority in Congress access to adequate representation on Committee staff eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration.

The minority party has been forced to act with a lack of adequate data and evaluation in several subject areas, and has, as a result, often been unable to offer complete and complex alternatives to legislation.

As the chairman of a Republican conference subcommittee which studied the problem of minority staffing, I have become quite well acquainted with the subject, and I and several of my colleagues, particularly my fellow Republican, Mr. CLEVELAND, have discovered some cracks in the wall, and we are working to fill them with this bill.

Though it is true that there are no minority staffing problems on many committees, there are some which have proven unacceptable. Specifically, the problem is that the staff hired by the minority is subject to the veto of the entire committee, which gives the majority party the power to deny competent personnel to the minority. This flaw is unacceptable, as I am sure, the majority party would agree if the minority were to have a veto over its staff. I would hasten to add that the present majority party may not always enjoy such status.

Our bill provides for the separate hiring by either party of the allotted number of staff personnel. Neither party will have a say in whom the other shall appoint to its professional or clerical positions. This provision would be extremely helpful in the minority's attempt at fulfilling the role of a loyal opposition, thereby contributing to the upgrading of the legislation which would result from an improved and more dynamic adversary system.

This change is relatively minor, particularly in view of the enormous benefits which would accrue. The current situation, in which the majority has a veto power, distresses me, and I ask your support to permit the minority sole hiring and firing power over the minority staff.

BAN THE BOOM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 15 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I am introducing legislation to prohibit flights by civil aircraft at supersonic speeds within the navigable airspace of the United States.

We all know what a sonic boom is and what is does. We also agree that it is bad and that we do not want it. The real question is how decisively we are willing to assert ourselves.

Too much of the legislation introduced to date on this subject, in my opinion, leaves unacceptable loopholes for squeezing through an ear-shattering supersonic flight. The Senate-passed bill, S. 1117, and its companion measures in the House, H.R. 3228, H.R. 5949, H.R. 6043, H.R. 6235, H.R. 9010, are virtual carbon copies of a rule proposed by the Federal Aviation Administration more than 14 months ago.

That proposal—notice of proposed rulemaking No. 70-16—was issued April 10, 1970. More than a year has passed and the FAA still has not acted. The agency has informed my office it is working on its final determination.

It was made at a time when the FAA and the Nixon administration were working vigorously to sell the American people and the Congress on the need to spend more than a billion of our tax dollars on developing a U.S. supersonic transport. But the people and the Congress did not buy it.

Although the United States is no longer building an SST, the British, French, and Russians are, and those nations will want to sell their SST's to U.S. airlines and fly them to and from this country. Thirty-eight of the 74 options to buy Concordes are held by American carriers. Moreover, this Nation's aircraft industry could very well build an SST of its own at some future date. For these reasons, it is no less urgent today for us to act on prohibiting supersonic flight over the United States than it was a year or so ago.

These bills, like the FAA proposed rule, would permit supersonic flights by civil aircraft over any part of the United States if the sonic boom does not reach the ground. Exceptions are made for research and development flights.

These exceptions give the FAA full authority to go ahead and approve sonic boom-producing flights for such vague reasons as "assisting aircraft development" or "studying sonic boom effects."

The FAA proposal represents a significant erosion of the Government's original promise to prohibit civilian supersonic flights over the United States.

Just how much further erosion might there be? One clue can be seen in the Administration's position on these bills which duplicate its own proposed regulation. The administration is opposed. Lest that sound like a contradiction, let us look at the reason why.

The FAA informed me it feels sonic boom prohibition should be done by FAA regulation rather by act of Congress.

Why? Regulations are more flexible than laws; they are easier to change.

The United States may be out of the SST business for the time being, but the aviation industry, the current administration, and especially the FAA, hope we will be back in before too long. Meanwhile, U.S. airlines may very well be buying and flying foreign-made SST's and certainly the airlines of several friendly nations will.

The Anglo-French SST, Concorde, was designed and built to fly between New York and Europe, especially London and Paris. Both sponsor governments have invested billions of dollars in the project along with their national pride and possibly their political and economic futures. They do not want to see their airplane fail. You can bet they will be willing to put greater pressure on the U.S. Government, both directly and through their friends in the aviation industry, to relax threatening barriers to Concorde.

The sonic boom would not be a serious threat to inhabitants of the United States for flights between London and New York, where most of the distance is over water. However, even that has been criticized by persons who contend prolonged sonic booms of transoceanic flights could have an adverse effect on persons at sea, as well as on marine life.

But what happens when the U.S. airlines, which invested heavily in SST's to meet foreign competition on their international routes, want to put their supersonic planes to work on the lucrative domestic routes, say New York to Los Angeles?

Some conservationists say an SST on such a flight would trail a thunderous boom along a path 50 miles wide, and disturb the peace of 20 million Americans. One noise expert contends it could cause heart attacks and hearing impairments for many of those 20 million.

Tests in West Germany, France, and England, as well as this country, show sonic booms cause structural damage to buildings. Incidentally, there is a very real worry in those European countries that the boom might destroy the centuries-old churches, castles, and other relics their SST's would be bringing tourists to visit.

What happens when the airlines want to use their SST's on U.S. domestic routes? Will the FAA, in the interest of promoting aviation, grant them permission under its proposed regulation, in the guise of assisting aircraft development, or studying sonic boom effects? Or will the regulation be changed? Will the Government and industry launch a public relations campaign to tell the American people that the boom is a nice thing to have around—"a 20th century sound," as Boeing calls it—a symbol of prosperity and progress for the Nation?

Or maybe it will be explained in terms of preserving and protecting the free enterprise system and the U.S. balance of payments. Or perhaps the ban on the boom will be lifted to meet a stirred-up public demand for domestic SST service, implying the boom must be good because people want the flights—although the SST's speed advantage and extra ticket cost will appeal to only a relatively privileged small number of air travelers.

Or maybe, if the Congress acts, the prohibition of supersonic flights over populated areas will be permanent.

This Congress has decided the SST poses a threat to the environment, among other things. Approval of this legislation leaving a loophole for intense noise pollution would contradict the already expressed will of the Congress and of the America people.

We must enact legislation that decisively prohibits all sonic booms produced by civilian aircraft. This is too important to leave to the discretion of others.

This legislation would permit the Administrator of the Federal Aviation Administration to approve sonic boom-producing flights if he feels they assist in aircraft development or aid in studying sonic boom effects. The job of the FAA, by law, is to promote aviation, not protect the environment or fight pollution. It is for just that reason that it would be a severe error to enact legislation giving such discretionary power to the FAA Administrator.

Secretary of Transportation Volpe has said supersonic transports would "not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits."

"Acceptable" was never defined.

Who would determine "acceptable limits"? The FAA, which makes the rules and is charged with promoting aviation?

Years of research still have not produced any method of eliminating the sonic boom or even significantly muzzling it. Secretary Volpe is confident:

> If we can't lick the sonic boom problem in 10 years, I don't know the United States of America.

Many persons are wary of the FAA's promise to protect them from the sonic boom. They fear that some day there will be boom-producing supersonic flights over populated areas even without Secretary Volpe's hoped-for breakthrough. They fear it will begin by allowing the boom "only within acceptable limits" and then subtly redefining what is "acceptable."

The sonic boom is clearly unacceptable.

And it is destructive. Just ask the U.S. Air Force and the 12,000 persons who filed damage claims as a result of sonic boom testing. The Government has paid about a half-million dollars in settlements so far on sonic boom damage claims.

Noise and health authorities have said sonic booms could cause hearing impairments and possibly worse damage for persons in SST flight paths.

Because the sonic boom is unacceptable, the Congress should not give the FAA such broad authority to regulate and possibly permit this threat to the public health and welfare. The Congress should—must—leave no doubt about the abhorrence for the sonic boom.

There must be an absolute ban on sonic booms by civilian aircraft over the United States.

Therefore, I am introducing today my own legislation to prohibit such flights over the United States, its territories, possessions, and territorial waters. I would like, Mr. Speaker, to include a copy of my bill in the RECORD at this point:

H.R. —

A bill to prohibit sonic booms by civil aircraft within the United States

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled, That it shall be unlawful to operate a civil aircraft within the navigable airspace of the United States at speeds which would produce a sonic boom, thereby creating a measurable or audible overpressure on the surface. For the purposes of this act, the term "navigable airspace" shall have the same meaning given such term by Sec. 101(24) of the Federal Aviation Act of 1958 (49 USC 1301(24)).

THE SHARPSTOWN FOLLIES—ACT IV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a few days ago the Department of Justice granted immunity to Frank Sharp, who has been accused of stock frauds and manipulations, and who it is said attempted to influence key officials of the Texas State government by arranging attractive stock deals for them. At the same time, the Department of Justice is proceeding full speed to obtain indictments against those officials.

The deal for Sharp's immunity was arranged by none other than the Deputy Attorney General, Mr. Kleindeinst, who was acting in behalf of the Assistant Attorney General, Will Wilson. Wilson says he had disqualified himself from the case because he once knew Sharp.

But Will Wilson had a much closer knowledge of the case than just a nodding acquaintance with the chief defendant, Frank Sharp.

As a matter of fact, Will Wilson helped Sharp arrange the biggest deals he ever made.

Will Wilson, as a member of the Texas State Banking Commission voted with great enthusiasm to create the Sharpstown State Bank. That same bank was later the subject of intense and complex machinations, which in at least one instance, caused the capitalization of the bank to quadruple overnight.

Will Wilson helped Frank Sharp create the Sharpstown State Bank. He probably knew that it was blown into a mighty bubble by Mr. Sharp's wheeling and dealing.

Will Wilson later became a lawyer for Frank Sharp.

Will Wilson helped Frank Sharp buy 518,000 shares—the majority of stock—in the National Bankers Life Insurance Co.

Will Wilson himself acquired a substantial number of shares in that same company.

Within a matter of weeks after Wilson arranged Sharp's purchase, Sharp was manipulating the stock of National Bankers Life Co., to the extent that its value increased more than threefold almost overnight.

I believe that it is clear that Wilson knew a great deal about Frank Sharp. It is likely that he knew his client was operating very close to the outer limits of law, or even outside the law. It is also likely that Wilson profited mightily from his relationship with Sharp.

Now Wilson tells us that he lost money on the Sharp stock that he owned. So what? The Speaker of the Texas House lost money on that same stock, and Wilson wants to see him indicted and jailed. What makes Wilson so different from him?

Wilson does not want to speak about his relationship with Frank Sharp. He now issues statements through spokesmen. He answers only the parts of newsmen's questions that he wants to answer. He replies with evasions, and with political attacks.

But the essential truth will not be obscured or covered up.

The truth is that the Assistant Attorney General and his bosses want as little known about his deals with and for Sharp as possible, because Assistant Attorney General Wilson was right in the middle of some of Sharp's biggest deals. They want to hide this fact. And the way to hide it best is simply not to prosecute Sharp.

So they made a deal with Sharp—"help us prosecute all these Texas politicos, and we will let you go, they said."

In this way Wilson can hide his own dealings with the defendent Sharp and at the same time appear to be prosecuting the case to the fullest extent, even though the chief defendant is let go.

Sharp has what he wants, which is immunity. But Wilson's hand has been revealed.

It may turn out that Sharp might never testify at all in the forthcoming prosecutions. If that should happen, Wilson will have made yet another bad deal, even worse than the one he already has on his hands.

As it stands now, we know this:

Will Wilson helped Frank Sharp make the deal that created the Sharpstown State Bank.

Will Wilson acted as a lawyer for Sharp in an unknown number of subsequent deals.

Will Wilson played a key role in the deal that brought Sharp into control of National Bankers Life Insurance Co.

Will Wilson bought—or had given to him—Frank Sharp's stocks.

Has Will Wilson made one last deal for Frank Sharp—to spring him from criminal liability for the crimes he has been charged with?

How many deals intertwine these two men? If it were not for those deals, would Sharp be immune from prosecution today? Is the prosecutor guilty of the same crimes he is hoping to convict his old political rivals of committing? Wilson has the whole mighty apparatus of the Department of Justice to conceal his hand. But no matter how dark the curtains may be drawn about this case, the smell is plain to all who have come near.

Malfeasance and misfeasance has a common odor and it is rotten. This whole deal is shameful. Wilson has much explaining to do.

AFL–CIO PRESIDENT GEORGE MEANY APPEALS TO PRESIDENT TO SIGN PUBLIC WORKS LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFall) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, President Nixon now has before him for signature S. 575, providing for the extension of the Public Works Acceleration Act, the Public Works Economic Development Act, and the Appalachian Regional Development Act. Mr. George Meany, president of the AFL–CIO, last week appealed to the President to sign this legislation at the earliest date possible in order that these additional tools may be used to combat the rising rate of unemployment.

At this point in the Record, I wish to have Mr. Meany's letter of June 17 to the President recorded:

AFL–CIO,
Washington, D.C., June 17, 1971.

The President,
The White House,
Washington, D.C.,

My Dear Mr. President: The AFL–CIO strongly urges you to sign into law S. 575, providing for the extension of the Public Works Acceleration Act, the Public Works and Economic Development Act and the Appalachian Regional Development Act.

The national unemployment rate for all workers is now 6.2%—for construction workers the rate is 11.2%. A prompt application of the benefits of this bill would help to alleviate this situation.

Opponents of Title I of the bill allege that the pace of the proposed program is too slow to have the immediate impact that is needed to relieve unemployment. We do not agree with that evaluation.

The 1962 Accelerated Public Works Act was signed September 14, 1962, and by June 30, 1964, some $860 million had been invested in more than 7,700 public works projects, which were located in about 1,000 counties in the fifty states and three territories. By the end of the first year, 6,811 projects had been started or completed.

At present there are several billion dollars of planned and blueprinted public works projects which would be eligible for accelerated public works grants. At the end of 1970 there were about 3,000 applicants for federal approval for waste treatment plants, 800 applications for water and sewer projects, 1,900 applications for hospital and public centers, in addition to hundreds of other state and local projects that have been planned and blueprinted.

We estimate that the proposed program would create about 170,000 jobs in on-site construction and in the production and distribution of construction materials. As the additional employee income and business profits are spent there would be a multiplying boost to production and employment, with an additional job increase of about 250,000. The overall impact of the measure, therefore, could increase employment by as much as 420,000 jobs.

The proposed program offers a great opportunity to invest in America's future by building needed projects and at the same time furnish badly needed employment.

Sincerely yours,

George Meany,
President.

ANTIGUN LAWS DID NOT STOP CRIME IN THE DISTRICT OF COLUMBIA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, again voices are being heard in the land against handguns. Experience with antigun legislation should teach us that this new activity will be a forerunner of efforts to end ownership by law-abiding citizens of weapons of all types, or at least to require registration and licensing for all weapons. These voices against handguns say that the handgun is the tool of the murderer, the robber, and the assaulter. They say that the handgun has only one purpose—the killing of another person. The voices say, "Do away with the handgun and you do away with most of the crime with firearms." They are, in many instances, the same voices that call for a softening of the penalties for crime, and which insist on a zealous regard for the rights of those who flout the rules of the community and society.

The American public is being told from various platforms that the removal of handguns from the social scene is an absolute necessity if crime is to be meaningfully controlled. Antihandgun proponents declare that anticrime measures without handgun prohibition will only be half as effective.

Now let us be factual. Progressively tighter firearms laws in the United States have not effected a reduction of gun crimes or overall serious crime. The principal purpose of the new Federal firearms statutes enacted in 1968 was to combat crime and violence. In addition, the Congress has passed many anticrime bills and we have appropriated hundreds of millions of dollars for new programs against crime. What have been the results? A look at some basic criminal statistics indicates clearly and forcefully that crime is still on the increase and markedly so—this despite the 1968 gun control law and additional anticrime bills.

During the debate on the Gun Control Act of 1968, the point was loudly made time and again that unless there were a flat prohibition on the movement of all firearms between nonlicensees in interstate commerce, the anticrime purpose of the proposed law would be seriously jeopardized. Accordingly, the general prohibition was adopted—not without misgivings by many in the Congress. Now we are witnessing the astonishing spectacle, repeated many times over the last decade, of public and private chanting that the existing laws are inadequate, not sufficiently responsive to new conditions and circumstances. This less than 3 years after a major congressional overhaul of the principal Federal gun control statutes, and the adoption of far-reaching anticrime laws.

Solutions offered by national commissions and lawmakers on the problem of the use of firearms in crime are simplistic and prohibitory. Requirements of total firearms registration and the outlawing of handguns rest on the proposition that the more severe the controls, and the fewer firearms in circulation, the fewer crimes and the less harm to society. Unfortunately, experience has not borne this out. The fact is that criminals will not surrender or register their firearms. This is so obvious and clear as to be axiomatic. The fact is that registration or prohibition will be futile as a crime-fighting measure but will be a substantial and unjustified burden on the reputable citizen. Thus, what do we see? We view the incredible result of controls operating adversely for the law-abiding citizen with no or miniscule effect on the criminal. He continues to go his lawless way.

The futility of handgun registration or prohibition is shown in bold relief in New York City and the District of Columbia, which perhaps have the strongest firearms laws or ordinances in the Nation—including registration, licensing, prohibition of possession by certain persons, and other controls. Recently, police officers were fatally shot in those jurisdictions, despite the existence of the Federal Gun Control Act of 1968, plus the highly stringent gun controls of the District and New York City. We may properly ask why the comprehensive Federal and local controls could not have prevented these tragedies. There can only be one answer—legislative controls over weapons cannot achieve that purpose. Antigun laws have failed to deter crime in the District of Columbia.

Until we are ready to attack the real roots of crime—poverty, illiteracy, housing, lack of economic opportunity, discrimination, outdated judicial machinery, inadequate enforcement of existing laws, disregard of authority and order—we shall not find the answer to crime. Firearms laws, no matter how restrictive or comprehensive, are not the answer to this social malady. There is no panacea to criminal behavior. The solution lies in an awareness of our national origin and purpose and in a willingness to criticize, evaluate, and direct our national effort along the road to cures, not controls.

TIME TO CHANGE THE FISCAL YEAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I fully support the proposal to change the fiscal year in Government to parallel the calendar year and I urge action on this proposal without further delay. The logic behind such a change is clear and I think persuasive. It has been many years since the work of Congress on authorizations and appropriations has been completed at the beginning of the fiscal year which is now established as July 1. Some bills affecting both authorization and appropriation for the fiscal year do not receive final approval until just before the adjournment of Congress. An adjournment seldom is accomplished until late December.

The result is uncertainty and confusion in the various departments of Government. Most of them now operate after July 1 on the basis of continuing resolutions but with little in the way of clear guidelines to determine their spending levels. Meaningful planning and spending is virtually impossible under these conditions.

As long as it is the end of the year before Congress is able to complete its budget work, the departments will be required to work for half the fiscal year on the confusion which accompanies continuing resolutions. If the fiscal year is changed to begin on January 1, the Congress will have a full year of work ahead in which to complete its budget considerations. This would remove the intolerable situation in which both Congress and the departments now are placed.

There is another aspect. Under the present law, Congress is expected to complete the appropriations processes by June 30. When we take into account that we are appropriating the taxpayers money in amounts in excess of $200 billion each year, a scant 6 months is nearly sufficient for the task.

Departments, on the other hand, also should be able to plan for their needs and the needs of those they serve. In such important areas as housing and defense as well as health care and other vitally important aspects of Federal spending, 6 months in limbo followed by 6 months in fiscal clover is hardly acceptable.

Therefore, I respectfully urge the responsible committees and the Congress to give favorable consideration to the proposal to change the fiscal year to coincide with the calendar year.

Such a change will serve the best interests of the taxpayers of the United States, the various Government Departments and those they are charged to serve, and the Congress whose job it is to make certain only needed expenditures are funded.

This proposed change will give us time to do our jobs, a circumstance which does not now exist.

A BILL TO PROMOTE TECHNOLOGY UTILIZATION

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, today I am introducing legislation which is new to this Congress, I believe. It is a bill that would coordinate the present Federal efforts at technology transfer, technology utilization, the process by which new ideas, methods, and inventions, brought about through the expenditure of Federal funds for purposes of defense, atomic energy, or space research, are applied in other areas or to different purposes than the original one projected and in both the public and private sectors. My main concern is that this application of new ideas to other areas include a whole range of interests of the American public; business and education, health and consumer needs. This is no more than a just return on the taxpayers' investment.

For some years, I have been interested in the spin-offs from space, the earth benefits to be derived from research and development funds spent by the Federal Government on a variety of kinds of equipment, machinery, and technology necessary to take men to the moon. My interest has been generated by the fact that for 10 years, I was a member of the House Science and Astronautics Committee and it was during those 10 years that the initial steps resulting in the final steps on the moon were taken.

When the wheel was invented, whether by accident or on purpose, it was immediately applied to a specific intended use. Little did the original inventor realize the multiple purposes that would eventually emerge and the significance this new technology would have in the history of transportation. This is one of the earliest examples of technology transfer.

The Federal Government, while not an inventor, pays out public tax dollars, billions of dollars to scientists for invention, for research and development—amounting to over $100 billion in the past decade. The funds spent are aimed at specific needs or goals as was the case with the idea that resulted in the wheel. Research and development is mission-oriented when funded by the Federal Government, serving either the broad needs of the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration.

As a nation, we have enjoyed many valuable side-effects, spin-offs or "fall-outs" from this research. Many of the examples of the miracles of modern science, of technology transfer, the path from "science to sales" come from the annals of NASA, largely because NASA has made a concerted effort to accomplish the transfer of their space technology to everyday usage and have publicized that effort especially well.

Most of you are aware of the everyday usage of some of the sophisticated hardware from NASA.

Rainy day auto accidents are being reduced as much as 90 percent in some States by grooving the pavement, "hydroplanning," as a result of NASA studies of aircraft skidding on wet runways.

Sensors used for medical and other purposes in space can now be made smaller than the head of a pin and inserted by means of hypodermic needles into veins or arteries to measure blood pressure or to evaluate the effectiveness of implanted artificial heart valves.

A physician can now obtain electrocardiogram data on a patient before he ever sees him. An EKG, taken in the ambulance transferring the patient to the hospital can be transmitted by radiotelemetry direct to the physician who will handle the case. Think what this could mean in rural areas, where doctors are few and hospitals distant.

A six-legged vehicle proposed for unmanned exploration of the moon was redesigned and the lunar walker became a walking chair for crippled children and other disabled persons.

A sight switch, developed to give astronauts an extra pair of arms, has been adapted for use by people suffering from paralysis. With this a patient can manipulate a motor-driven wheel chair with only the movement of his eyes.

Superinsulation materials have been developed; one of these with high mechanical strength, great resilience, and less weight has been incorporated into a line of blankets for sportsmen.

Space electronic developments have enabled our electrical and communications scientists to produce the tiny, workable parts which are miracles of modern computers.

The whole systems analysis approach originated with the space program, which requires the integration and coordination of every phase of production of space hardware and facilities. Systems analysis has caused a revolution in American business and industry.

Again, this technology was originated to serve the purposes of space exploration—and similar ones could be shown from atomic energy and Department of Defense research—but the payoff has occurred on earth in a multitude of economic benefits.

I see infinite possibilities in all of this. With improved technology we can prognosticate the weather, contribute toward the control of pollution problems, render machinery that is obsolete or detrimental usable and profitable, balance our trade inequities, move toward a systems approach in handling large-scale problems such as mass transportation, urbanization.

However, at present, various Government agencies do their own thing regarding technology utilization, and there is no overall, organized approach to the matter of supplying the American consumer with the knowledge and the know-how to make use of what our laboratories and universities have discovered, using public funds. Let me mention a few of these operations.

I have been very much impressed with NASA's program and plan for technology utilization. NASA operates their program through a number of approaches. There are the cooperating regional dissemination centers, a nationwide grid or network of university-based and geographically dispersed computerized information storage and retrieval centers. NASA uses applications teams to search out ways in which new technology might be useful, hunting problems to fit ready-made or almost ready-made solutions; and vice versa. They also publish NASA Tech Briefs and other monographs outlining new inventions and methodologies.

The Atomic Energy Commission operates through conferences and symposia, as well as technical progress reviews. AEC contracts with privately operated laboratories, universities and other nonprofit institutions as well as commercial enterprises. Like NASA contractors, AEC contractors are required to report periodically on the results of their work. Although like NASA, AEC had planned a kind of regional dissemination with Offices of Industrial Cooperation at each of the national laboratories, this effort has been discontinued and TU operations seem at AEC to be suffering from budget cuts.

For the Department of Defense, the Defense Documentation Center receives reports on R. & D. from contractors with the Department. The originating agency retains control over whether the information is classified or not. If it is classified, the information remains with the DDC to be used by Government agencies and organizations engaged in Government-sponsored research. If it is unclassified, then this information is sent directly to the National Technical Information Service—which I will describe more fully later—for simultaneous announcement to the scientific community and the defense complex.

The Small Business Administration in its mandate to assist small business also operates a technology utilization program with direct access to businesses. SBA works through seminars with educational and other nonprofit organizations and offers workshops relating to the application of specific technological advances. SBA also relies on direct counseling to small businessmen. Technology utilization efforts there seemed in decline when, for about a year, this office was combined with the procurement office in the SBA and therefore the efforts were somewhat diluted by additional responsibilities. Thereafter, the TU office was once again separated.

Similar, yet different, was the Office of State Technical Services in the Department of Commerce. I say was, because this is now defunct, largely by will of the Congress which failed to appropriate funds for its continuance. This office held much promise when it was created in 1965 for the purpose of assisting States to promote wider diffusion and more effective application of science and technology. In this program, the emphasis is on the States. STS was modeled on the Agriculture Extension Service method of bringing new ideas, inventions, and matching need to potentiality. An Arthur D. Little Co. study found this program performing "a useful and economic service," resulting in substantial economic and social benefits. Nevertheless, unless the Massachusetts congressional delegation and other interested parties prevail, this program, now phasing out, will not be revived.

In September of 1970, a new kind of arrangement was worked out in the Department of Commerce whereby the newly created National Technical Information Service became the overseer for the final phasing out of this program. Moreover, the National Technical Information Service acquired a twofold role: First, to coordinate commerce, business and technology information activities, and second, to serve as the primary focal point within the Federal Government for the collection, announcement, and dissemination of technical reports and data. In this capacity, it operates the Clearing House of Federal Scientific and Technical Information—formerly of the National Bureau of Standards—announcing publications, R. & D. reports of interest to the public resulting from federally funded research.

All of these agencies and departments are performing a valuable service, either collecting information, collecting and dispersing information, collecting, dispersing, and trying to find user needs. But, their real problem lies in the fact that: First, at times there is an overlap; and second, at times actual contact is never made between those who have access to the new information or technology within the Government and those on the outside who do not even know it is available, or have not identified their own problem enough to make use of new methodologies.

The Select Committee on Small Business of the U.S. Senate after lengthy hearings and consideration dating back to May 1966, issued a report of the Subcommittee on Science and Technology called The Prospects for Technology Transfer, May 1968. They noted:

> Despite many years of wide publicity on the wonders of science, and despite considerable directed effort in technology transfer, relatively few firms, in a handful of industries, are actually consumers of technology.

They also noted that—

> Testimony on the hearings supported the contention that present Federal programs are confusing to the business community. There is no single point of contact where all Government information is accessible.

In 1970, that same Senate subcommittee deplored a "sharp regression in existing programs," the cutback at AEC, the decline of STS, and the abolition in part of the TU program at SBA—temporarily.

It is for all these reasons then that I am today introducing legislation to create a Federal office of technology transfer which I hope will accomplish a unification of these technology utilization efforts and provide a "single point of contact" not only where all Government information is accessible but easily so; with information assistance provided out in the field. Data collection is essential, but not enough since of primary importance is field service, contacts out in the field.

The Office for Federal Technology Transfer would be an independent agency headed by a director and provided with the power to conduct research—by grant or contract—with respect to technology transfer. This office would take over the present technology utilization activities now performed by various Government agencies, including those I have mentioned. Indeed, there are other TU areas in the Government besides those offices, departments, and agencies I mentioned. For example, in the National Archives, in the Smithsonian Institution's Science Information Exchange, and in the Department of Health, Education, and Welfare. However, I believe the ones I have mentioned are the major ones. Moreover, the proposed legislation would allow the President to add additional technology utilization programs to this newly created office for a period of 3 years.

The clearinghouse offers valuable information; the State Technical Services did offer valuable personal assistance, but somehow we must combine the work of these and other agencies, departments, offices now concerned with technology utilization whether through collecting and dispersing information, or through actually seeking out and supplying user needs "a personal counseling function for individual companies which lack the skill to ask the right questions," as that Senate Select Committee put it. I believe that section 4(a) (2) of my proposal would supply this need for "trained transfer agents," that "link between application engineering and the storage bank," for it provides for the establishment of "regional science and technology centers to obtain information as to the needs of potential users of federally developed technology and to more effectively disseminate such technology."

Actually what we need is all three: A storage bank, agents to transfer the information therein to industries, businesses, communities, education and other institutions. It is my intention that my proposal encompass all three.

Moreover, I do not conceive of this as just an assist to business. I believe that we have many problems in our society which might find solutions or assistance through the application of new methods and information from the field of research and development.

In 1969, the House Committee on Science and Astronautics inaugurated discussion with the National Academy of Public Administration which resulted in a study of technology assessment programs in the executive branch—"a technology assessment system for the executive branch." The description that report offers aptly describes the present situation and the need for change. The report states:

> What exists today is a conglomeration of ad hoc efforts to assess the effects of technology on special interests, programs, and goals. What is lacking is attention to a broader national purpose, clearly enunciated and systematically pursued.

What I would hope to offer is a beginning consideration of programs and goals and a Federal unification of efforts to be systematically pursued. System is the word I would emphasize. Currently we have a number of valuable programs but we need a centralization of purpose and program. That is what I hope to offer in the bill I introduce today.

WHAT IT MEANS TO BE AN AMERICAN

(Mr. HENDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, in these days when demonstrators make most of the news; where old fashioned patriotism seems to be out of style and when young people seem more interested in ridiculing our flag than in showing their respect for it, it is refreshing to learn that a few youngsters still appreciate our American heritage and have some understanding of the fact that life in America has more to offer than anywhere else in the world.

Such a youngster is Donnie L. Johnson, of Angier, N.C., winner of an essay contest on "What It Means To Be an American."

I want to share Donnie's essay with my colleagues:

WHAT IT MEANS TO BE AN AMERICAN

> America! What wonderful feelings tingle down my spine as I think of this word—feelings of security and patriotic responsibility. Images painted by the bright colors of exploding fireworks and distant battle sounds swarm inside my head. Is it true? Can there really be such a spectacular place to live, a place where man can respond to the clanging bells of various denominations without fear? Yes, this place is called the United States of America and it was built by strong hands of public-spirited citizens like George Washington, Andrew Jackson and Dwight Eisenhower. These brave souls spent much of their dedicated lives on blood-stained battlefields making this a better place to live. They are as much a part of this crowned republic as the red, white, and blue banner that symbolizes our heritage.
>
> We should all be proud of this unique country in which we have the privilege to make known our many ideas and thoughts. Too many times we take for granted leisures like reading an ink-smudged newspaper or watching the latest news events on an unappreciated television set.
>
> Being an American is more than just observing what a great land this is. A true American is not content until he finds something to do to improve his country. Americanism defined in fewer words could be stated as "being involved."
>
> Look around. Concerned people are taking action and trying to improve the condition of our nation. Unnoticed, gleaming planes in a background of blue infinity strengthen our powerful defense along with the giant aircraft carriers on the uneasy seas. America, in a sense, is nothing more than the interested people that love her.
>
> America means a great deal to me. It's my way of life. I don't want to be a Communist or a Socialist. I enjoy the public radio stations and monthly magazines too much to cash in my title of being an American.
>
> We must all feel this way for this sacred land to survive. This is God's land and He wants it to grow and prosper. Don't be a parasitic creature sucking all the wealth and fortune from this great country. Instead, humbly look toward God and ask Him what can be done to improve this miracle called America.

FOR LOCKHEED AND OTHERS, A GOVERNMENT-INDUSTRY PARTNERSHIP IS VITAL

(Mr. CHARLES H. WILSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHARLES H. WILSON. Mr. Speaker, a continuing controversy currently surrounds the proposed $250 million loan guarantee to the Lockheed Aircraft Corp. The contention of many observers is that such Government assistance to this firm—the Nation's largest defense contractor—is unprecedented and violates our traditionally free enterprise system. I believe it can be demonstrated that these arguments are false.

The U.S. Government has been an active partner in many business ventures for years. During the 1930's, the Reconstruction Finance Corporation was begun to aid hundreds of financially troubled firms. This Corporation's efforts are generally thought to have been a success. During the 25 years of its existence, the RFC disbursed over $40 billion in direct loans, while also guaranteeing billions of dollars in underwritten loans and private investments. When it was liquidated in 1953, the RFC was succeeded at least partially by the Small Business Administration, which still flourishes today.

The SBA in fiscal 1970 made 8,374 business loans totaling $444,723,028. All sorts of businesses which have experienced all sorts of problems and have had all sorts of needs come to the SBA for help and they get it—to the tune of nearly half a billion dollars in fiscal 1970 and no less than $757,027,124 through May 31 of the current fiscal year. Yet critics of the proposed Lockheed loan guarantee persist in maintaining that such assistance is unheard of.

I believe that to allow Lockheed to go under would be a disaster. If the Small Business Administration could lend $965,460 in disaster loans during fiscal 1970 and another $545,500 through May 31, 1971, it seems to me that the Government could guarantee a needed loan to Lockheed. It must be emphasized that there is no request in this case for Federal funds—merely a guarantee to private lending institutions that the loans would be repaid. It is also important to note that any Government guaranteed loans will be the first debt Lockheed would repay; in other words, a "last in, first out" principle would apply, with payback probably beginning in mid 1973. The company predicts that the guaranteed portion of their loans would be fully paid back by the end of 1974. A lien on Lockheed assets would also be granted in order to minimize the Government's risk. In short, the Government would be protected and unlikely to lose money even if Lockheed does not survive.

In pointing out earlier that the Government is deeply involved in supporting businesses via such agencies as the Small Business Administration, I was not intending to limit myself to one example. The aforementioned RFC helped the Glenn L. Martin Co. in 1947 to secure $26.6 million for the purpose of alleviating financial difficulty arising from its series of commercial airliners. The U.S. Export-Import Bank often guarantees loans for the purchase of U.S. equipment by foreign buyers. Purchase of 71 Boeing 747's by 13 foreign countries was facilitated by nearly $600 million in export-import loans. Six foreign airliners also purchased 29 McDonnell-Douglas DC-10's with the aid of $190 million in loans. The Export-Import Bank has even committed $3.5 million worth of assistance for foreign purchases of Lockheed's own L-1011 airbus.

There are also V-loan precedents. These loans are designed to help companies with defense business, such as Lockheed. In 1967, however, Douglas Aircraft received $75 million to alleviate losses generated by its DC-8 and DC-9 commercial aircraft.

Not long ago, U.S. News & World Report printed an analysis which shows that Government-guaranteed and insured loans outstanding total $137 billion. Direct Government loans—which Lockheed is not requesting—total an additional $54 billion. The article further states—

> The idea of government guaranteed loans as a financing tool, however, has flourished massively . . . the total of such loan guarantees, plus direct Federal loans, has about doubled in the past 10 years.

In 1970, for example, 6,547 guarantees were made by the Government which provided loans to small businesses totaling $340.2 million. Again, I underline the point that relief for Lockheed is neither shocking nor unprecedented.

There are many who would blame faulty corporate management for all of Lockheed's difficulties. There is no doubt that this is at least partially true. Yet loose and inefficient Pentagon contracting procedures in years past must also be cited if one is seeking reasons for Lockheed Aircraft's current plight. I was recently dismayed to hear Assistant Secretary of Defense Packard suggest that guaranteeing the $250 million loan to Lockheed is an idea for which he has very little enthusiasm and about which he has much doubt. This seems to me a bit like the proverbial "pot calling the kettle black." If Government and industry have inadvertently conspired to create a major problem, as I think has happened in this case, then I believe they should be willing to work together to solve the problem. There is far more at stake here than merely the good name of Lockheed.

It should also be noted that the delays the L-1011 has suffered due to the collapse of Rolls-Royce in Britain cannot be blamed on Lockheed. It is significant that the British Government has moved to save Rolls-Royce in order that they may honor a contract to produce the engines for the L-1011 TriStar.

The cancellation of the Lockheed L-1011 aircraft would have severe repercussions. More than 30,000 jobs are at stake, with all of the accompanying problems which so much new unemployment would create. Further, $1.4 billion in U.S. investments is also at stake, with little to be salvaged if the L-1011 is canceled. Tax income would be significantly reduced as many U.S. businesses began writing off their major losses. It is a fact that scores of subcontractors would be wiped out if Lockheed is allowed to collapse. Overall losses resulting from the demise of the L-1011 TriStar at such a late stage in its development would be even larger than whatever cost the Government would incur even if Lockheed had to default on the loan.

This I think is the heart of the matter: Will we deal on the basis of strict dogma and orthodoxy by refusing to guarantee the loan, because it is an unusual case with limited precedent? Will we turn our backs on the staggering losses? Or will we deal on the basis of what is the greatest good for the greatest number and cut losses to a minimum? I favor the latter approach and feel that it should apply to an even broader question—the question of whether the U.S. Government is going to go to bat for and back up our own industries when they need help. I do not refer only to companies which are in trouble, but to all U.S. business and industry.

World competition in the economic sphere is becoming tougher and more intense every day. Nations which have newer, thriving, and more modern industrial facilities are challenging us as never before. West Germany and Japan are booming, thanks to new industries which U.S. post-World War II aid virtually built. Additionally, they enjoy the security of our defense umbrella while paying only tiny percentages of their national wealth for defense. Meanwhile, the United States continues to bear the backbreaking cost of national and free world security. Is it any wonder that it is next to impossible for us to rebuild and modernize our industries at a rate adequate to keep us even with or ahead of the competition's technological levels?

The present-day debate over higher tariffs for certain commodities clearly underscores the concern which now exists over our position in world markets. Higher tariffs and possible trade wars are not the answer. I believe the future viability of our competing in world economics depends on using America's ingenuity and resources to build modern and efficient industries capable of producing competitive products. Government should be an active partner in this effort. To this end, I would certainly support some of the proposals which have come forth as possible methods of aiding American business. Perhaps vehicles such as a permanent Emergency Loan Guarantee Corporation or a National Development Bank are what is needed. It is my hope that the appropriate committees of this House will examine these and other ideas thoroughly.

I am persuaded that we can and should protect U.S. jobs and investments for the good of our Nation. Government assistance to business has been a part of our system for many years. Precedents exist which clearly cast doubt on the arguments of those who insist that a Government guaranteed loan of the Lockheed nature is somehow reprehensible. On the contrary, I believe it is in our best interests to prevent the collapse of valuable U.S. corporations when there is a good chance that they can continue to contribute to our Nation's economic well-being. I believe the benefits we can reap are immeasurable and certainly preferable to a series of staggering losses.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The National Commission on the Causes and Prevention of Violence has reported that in the United States for a 5-year period—1963–68—only two-tenths of 1 percent of our population was involved in any type of campus protest, antiwar demonstrations, racial riots, et cetera.

PERSONAL EXPLANATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on Monday, June 21, I was unable to attend the session of the House because I was visiting the city of St. Louis, Mo., under the auspices of the Committee for Peace and New Priorities, to appeal for support of the citizens of that city for efforts to end our military involvement in Indochina by December 31, 1971. Had I been present at Monday's session, I would have voted with the majority in support of additional funds for the American Revolution Bicentennial Commission (S. 1538), revision of the Convention of Paris for the protection of industrial property (H.R. 5237), and the enforcement of State and local laws in the national forest system (H.R. 3146), all of which passed on record votes by wide margins. Also, had I been present, I would have voted against the previous question on the rule to consider H.R. 1, Social Security and Family Assistance Act amendments of 1971.

ADMINISTRATION SUPPORT FOR ILO DUES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, when the fiscal year 1972 appropriation bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies (H.R. 9272) comes to the floor tomorrow, the Members of the House will be asked to continue to place the United States in violation of a legally binding international commitment by again denying funds for the U.S. contribution to the International Labor Organization. The Committee on Appropriations has omitted the $7.8 million requested by the administration for the ILO for fiscal year 1972, putting the United States $11.5 million in arrears on our obligations to that organization.

The committee, in its report on this legislation—House Report 92–297—implies, Mr. Speaker, that its rejection of funds for the U.S. contribution to the ILO, is supported by Mr. George Meany, president of the AFL–CIO. The committee also suggests that recent improvements in the U.S. position in the ILO are a result of the cut-off of U.S. funds for that organization in the latter half of fiscal year 1971, and that these improvements justify and even suggest further withholding of U.S. contributions.

It is my view that the position of the United States in the International Labor Organization is dependent largely on the degree of effort and planning we devote to strengthening our position, and that it is most unlikely that the 1971 cutoff of our contribution had anything to do with improvements in our position over the past 6 months. I am pleased to note that the administration has expressed a similar view in a background memorandum on "The United States and the International Labor Organization" in which it states:

> The price involved for the U.S. (in the ILO) is basically not one of money. Rather it concerns the amount of effort and resources we are prepared to devote to achieve a balance of forces within the ILO, the degree to which we are prepared to be forthcoming toward new programs, and the extent to which we are prepared to seek a necessary accommodation with both the East Bloc and the dente-minded West Europeans—an accommodation consistent with the Constitution of the ILO.

Mr. Speaker, the administration has recommended that we terminate our current violations of international commitments to the ILO and pay our dues, and I am hopeful that the Members of the House will have an opportunity to vote on an amendment to H.R. 9272 that would restore the $7.8 million requested for fiscal year 1972.

I wish to submit several documents for the RECORD which Members may find helpful and informative in this regard. The first is the administration's memorandum referred to above. There follow two items from recent issues of the AFL–CIO News which indicate a much more positive outlook on the ILO than that presented in the committee report.

Finally I have included a joint statement by Rev. Msgr. Marvin Bordelon and Rev. Msgr. George G. Higgins, of the U.S. Catholic Conference, supporting payment of U.S. dues to the ILO, and an excerpt from President Nixon's June 1 news conference in which he indicated his position on this matter.

THE UNITED STATES AND THE INTERNATIONAL LABOR ORGANIZATION—AN ADMINISTRATION BACKGROUNDER

A leading advocate of prompt payment of assessed UN contributions by all members, the United States is now in arrears in the payment of its obligations to an international body—the International Labor Organization.

The reasons that led the Congress in 1970 to withhold the last half of that year's assessment to the ILO ($3.7 million), and to raise doubts about its intention to fund this year's assessment ($7.8 million) are exceedingly complex. After a careful study of the matter President Nixon on May 27, 1971, stated his belief that the U.S. should not withdraw from the ILO at this time, but that considerable change must take place in the ILO if the U.S. is to remain a member. The President also thinks that in order for the U.S. to remain a member in good standing, and to be able to help effect the changes desired, it will be necessary for the Congress to vote the appropriation for this country's arrearage from last year and its assessment for this year.

Following is a summary of the factors considered by the Administration in reaching the above decision.

Increasing dissatisfaction with trends in the International Labor Organization (ILO) over the past years culminated in a decision by the Congress in 1970 to withhold payment of the last half of the assessed U.S. contribution to the organization for that year, and to cast doubt upon the willingness of Congress to fund the money for this year's assessment.

The incident that triggered this action by Congress was the appointment of a Soviet citizen to become one of the five Assistant Directors-General of the ILO—the highest appointive position yet attained by a Russian in the Organization. This decision, taken without opportunity for the U.S. to express its views beforehand, touched off a hearing before a House appropriations subcommitee in which a number of complaints about the ILO were aired by employer, worker and government members of the U.S. Delegation to the Organization.

The complaints dealt primarily with the continuous encroachment by the communist bloc of nations upon the ILO's structure, philosophy and goals, and with the belief that the Interntional Labor Office was doing little to counter this trend. As a result, it was thought that the Organization was drifting away from its original purposes—setting international labor standards and providing technical assistance and research in the field of manpower and human resources.

These criticisms and the fact that the United States pays one quarter of the ILO's regular budget raised the issue of whether this country should remain in the Organization. An intensive study of this situation led to the conclusion that there are four major reasons why the U.S. should not withdraw from the ILO at this time:

1. Withdrawal by the U.S. would leave the Soviet Union as the dominant power in the Organization, affording it significant opportunity to exploit the ILO as a means of enlarging its own influence—at the sacrifice of the ILO's badly needed technical work around the world. The U.S. should not hand the USSR this advantage but rather should stay in the organization and fight to make it adhere to its constitutional objectives.

2. U.S. withdrawal would work against President Nixon's objective of shifting more of U.S. aid and technical assistance to the international agencies. Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with lengthy experience, much expertise, and a going worldwide organization.

3. If the U.S. withdraws from the ILO, we are very unlikely to gain either friendship or understanding abroad. Instead the U.S. would be condemned for attacking an organization of service to working people everywhere, for resorting to cold war politics, for returning to a naive isolationism, or for acting from pure spite. If the object of foreign policy is to maintain or even increase a nation's influence abroad in directions that it desires, it makes little sense to take an action that clearly would decrease that influence.

4. U. S. withdrawal from the ILO could well threaten our eventual participation in the whole UN system. The U. S. has various complaints against other organizations. If it withdraws from one, then the way will become open to attack the rest and to press for quitting them as well. Is it to the interest of the U. S., and particularly its foreign policy, to initiate a course of action toward ILO that carries so large an additional risk?

What is called "the ILO problem" is a multi-sided and exceedingly complex affair. It is partly a product of the internal politics of the organization itself, in particular its desire to hold itself together against the unremitting and divisive pressures of its bloc of communist member states.

In addition, among some thoughtful Western critics, the ILO has not helped its cause by its excessive preoccupation with ceremonial activities, by its frequent employment of extravagant rhetoric on behalf of its promises and its programs, and by its tendency at times to rely more upon its sentimental appeal than upon a rational exposition of its real accomplishments.

But "the ILO problem" is not entirely of the Organization's own making. Within the United States itself there are signs that it may become good politics to beat ILO over the head, to exaggerate its sins, to demand of it the impossible, and to ignore resolutely any shifts in its policies in our favor.

In the heat of indignation about U. S. grievances, it has been easy to disregard some very real faults of our own, deficiencies that must account in part for the problem itself: the lack of enough funds to support adequate and well-balanced U. S. delegations; lack of a consistent and firm strategy on behalf of U. S. interests in ILO over the years; and a failure of the participating government agencies and private organizations to accord consistently high priority to the U. S. involvement in the Organization.

The ILO was created in 1919 by Western nations which were characterized by parliamentary democracy, modern industrialism, and mixed economic systems. In this pluralistic social-economic model, both the trade unions and the employers are independent of domination by the central government. Accordingly, this was the conceptual origin of the unique tripartite system of governance that differentiates ILO from other international bodies. The United States, of course, also could—and does—fit comfortably into this structure.

But the Soviet Union and its communist allies could not, and cannot. They have neither independent unions nor independent employers. All of their ILO representatives are designated by their central governments.

To the East Bloc, the ILO is just another intergovernmental organization, operating on the purely political plane, and presenting, by reason of its labor base, a significant political opportunity to the communist nations. Thus it is perfectly natural for the Soviet Union to press forward within ILO in all useful directions in the pursuit of its own interests.

In this context, then, the basic question for the U.S. is whether it wishes to pay the price necessary for achieving an acceptable internal equilibrium within the International Labor Organization. The price involved for the U.S. is basically not one of money. Rather it concerns the amount of effort and resources we are prepared to devote to achieve a balance of forces within ILO, the degree to which we are prepared to be forthcoming toward new programs, and the extent to which we are prepared to seek a necessary accommodation with both the East Bloc and the detente-minded West Europeans—an accommodation consistent with the Constitution of the ILO.

This last point is crucial. The U.S. cannot have an ILO composed only of purely tripartite societies—desirable as this undoubtedly is in principle. Nor can the U.S. have its own way on everything occurring in this organization. The U.S. delegation must work within the framework confronting it. It must have some flexibility in negotiating over these complex political issues. Otherwise it will fall victim to counsels of perfection, powerless to achieve that very balance of internal forces that is in the interests of the U.S. to achieve—and, of course, the interests of ILO as well.

On the other hand, if the U.S. can attain this dynamic equilibrium, it can have in ILO the kind of multilateral body which can promote the tripartite approach to questions involving the welfare of workers, labor standards and the development of the underdeveloped countries. More than this, it can preserve the organization as a unique international forum in which the issues of worker's welfare and human freedom can continue to be examined and vigorously pressed from the special vantage points of governments, workers and employers.

[From the AFL-CIO News, Washington, D.C., June 12, 1971]

ILO AFFIRMS TRIPARTITE PRINCIPLE IN ELECTING EMPLOYER PRESIDENT

GENEVA.—The 56th conference of the International Labor Organization elected as its president Pierre Waline, a French employer, with the warm endorsement of the worker delegates.

Brushing aside the "strong protest" registered by Ivan V. Goroshkin, a Soviet deputy labor minister, the conference proclaimed Waline president without a formal vote at the opening of the three-week session.

Goroshkin had rushed to the rostrum in Geneva's Palace of Nations to object in the name of eight Communist countries to the selection of a non-government delegate to fill the presidency. The Soviet representative made clear that in objecting to Waline's election he was registering Moscow's disapproval of the autonomy enjoyed by the worker and employer delegates. This autonomy had resulted in "discrimination" against the Communist representatives, he complained.

Commenting later on the election, U.S. Worker Delegate Rudolph Faupl said he warmly endorsed the conference's choice of the French employer because "it rightly honors a man who has devoted nearly 50 years of service to the fundamental principles and ideals of the ILO."

"But I also welcome it," the leader of the AFL-CIO delegation continued, "because in electing a non-governmental delegate over the vehement Communist objections, the conference reinformed the ILO's tripartism by confirming that the presidency is not the monopoly of any one group."

The Communist delegations received a blunt warning at the conference's start to refrain from wasting its time by indulging in vain propaganda speeches.

"The ILO is not a political assembly," S. O. Koku, Nigerian labor ministry official, recalled when opening the session as chairman of the ILO Governing Body.

Calling for the shunning of all "sterile political debates and controversy," the Nigerian official said that the ILO objectives of "better conditions of work and life for the toiling masses of the world" could not be advanced by such tactics.

Earlier, the Governing Body had approved a plan to expand its own membership without altering the basic structure that insures independent representation to trade unions and employers as well as governments.

The executive body's 35 to 8 vote, with 5 abstentions or absentees, in favor of submitting the plan to the conference was a defeat for the Soviet Union.

Moscow was spearheading a drive to change the ILO rules that reserves 10 of the 28 government seats on the Governing Body for the most industrialized of the agency's member nations. The Soviet Union hoped to win support for its so-far unsuccessful campaign to reshape the ILO to its liking by getting more of its allies elected by the conference to the Governing Body.

Joseph Morris of the Canadian Labor Congress, leader of the worker members of the executive forum, angrily denounced the Soviet campaign.

Throughout the Communist speeches calling for changes in the ILO structure "runs the threat of reductions in the right of the groups to make decisions within the framework of their responsibilities to meet the needs and aspirations of working people," Morris charged.

Under the plan being forwarded to the 1973 conference, the Governing Body's membership would be increased to 56 by adding four government seats and giving two additional seats to both workers and employers, thereby increasing the totals of these two groups to 14 each.

At the request of the workers' group, the Governing Body placed on the agenda of the conference the questions of the prevention of occupational cancer and of paid educational leaves for workers.

Faupl, Machinists' international representative, headed a seven-man AFL-CIO team to the conference. Serving as advisers to the U.S. worker delegate are S. Frank Raftery, president of the Painters; Thomas E. Murphy, president of the Bricklayers; Charles West, vice president of the Machinists; Miles Stanley, president of the West Virginia AFL-CIO; Edward Hickey, labor attorney; and Bert Seidman, director of the AFL-CIO Dept. of Social Security.

[From the AFL–CIO News, Washington, D.C., June 19, 1971]

Free Workers Win Agenda Battle at Start of ILO World Conference

Geneva.—Non-Communist workers scored a major success at the outset of the International Labor Organization's annual conference here by obtaining an immediate hearing for their call for a reinforcement of the United Nations agency's democratic structure.

The conference's resolutions committee made the proposal, seconded by employers from non-Communist countries, the number one item on its agenda.

At the start of its deliberations the committee voted to decide which five of the score of resolutions submitted to the conference would be given priority.

The highest number of votes went to the free workers' call for a strengthening throughout the ILO's activities of the "tripartism" principle on which Samuel Gompers and other farsighted trade unionists helped found the organization.

This principle provides for the participation with complete autonomy of trade unions and employer organizations alongside representatives of member governments in the work of the 21-nation ILO.

When urging priority for the tri-partism resolution, Director Bert Seidman of the AFL–CIO Dept. of Social Security stressed that respect of the cornerstone principle in all circumstances is "vital to ILO survival."

The committee's decision was a setback for the Communist countries and their supporters who had complained bitterly that the autonomy of the worker and employer groups in the ILO results in the "exclusion" of their so-called trade unionists and employers.

The setback was particularly galling because all five resolutions to which the committee gave priority were presented by free workers.

The Communist and Arab delegates fought desperately to assure a hearing for a propaganda resolution attacking Israel for alleged violations of human and trade union rights, but the committee relegated it to the also-rans.

Other members of the AFL–CIO team headed by U.S. Worker Delegate Rudolph Faupl were also taking up their committee assignments at the three-week session of more than 1,200 labor, employer and government representatives.

Elected by the worker delegates to serve on their executive board and to represent them on the conference's key steering committee, Faupl was sitting also on the committee reviewing the ILO structure.

This is the body in which workers and employers have been successfully repulsing demands of the Communist countries for a reshaping of the ILO to suit their purposes.

Pres. S. Frank Raftery of the Painters and Pres. Thomas F. Murphy of the Bricklayers, are working on the committee that is drafting new international standards to protect against the health dangers of benzine.

Proposed standards to protect elected union representatives against discrimination by management are being prepared by a committee on which Vice Pres. Charles F. West of the Machinists is serving.

Pres. Miles Stanley of the West Virginia AFL–CIO is expounding American labor's views on a committee laying down guidelines for an ILO program to promote employment.

Edward J. Hickey, Jr., counsel for a number of AFL–CIO unions, is again working with the committee that has the difficult assignment of preparing a report for the conference on how governments abide by their ILO commitments.

The conference's general debate was also getting started with its employer president, Pierre Waline of France, not hesitating to gavel down Communist and Arab speakers when they sought to engage in propaganda tirades against the U.S. or Israel.

Charles D. Stewart, a Deputy Assistant Secretary of Labor, rose to protest against the attempts to use the ILO as a political forum. Nevertheless, he praised the conference president for having "handled this matter very well."

Joint Statement of Rev. Msgr. Marvin Bordelon, Director of International Affairs and Rev. Msgr. George G. Higgins, Director, Division for Urban Life U.S. Catholic Conference 1312 Massachusetts Avenue, NW., Washington, D.C.

PAYMENT OF U.S. DUES TO THE INTERNATIONAL LABOR ORGANIZATION AND CONTINUED U.S. MEMBERSHIP IN THE I.L.O.

On Monday, June 21, the House Appropriations Committee approved a bill specifically withholding United States dues to the International Labor Organization, the oldest and one of the most effective of the U.N. specialized agencies. Presumably it is too late for the Committee to reconsider its vote on this matter. Accordingly we strongly urge the leaders of the American labor movement and the American business community and concerned citizens in every other walk of life to use every means at their disposal to persuade the House of Representatives to reverse the Committee's action by enacting an appropriate amendment to the bill when it comes up for discussion on the floor.

The U.S. Government owes $3.7 million for last year and $7.4 million for this year in dues to the I.L.O. Failure on the part of the Congress to appropriate these funds would, in our judgment, be a serious blot on the reputation of the United States in the field of international relations and a devastating blow to an agency which, in spite of its limitations, has made and continues to make a substantial, not to say indispensable contribution to the cause of social justice and human betterment throughout the world. In the opinion of some experts, there is reason to think that failure on the part of the United States to meet its financial obligations to the I.L.O. would also be a violation of international law.

It would appear that some of those who are opposed to the payment of U.S. dues to the I.L.O. also wish to see the U.S. withdraw from the Organization. Other critics of the Organization insist that they are not advocating withdrawal but are simply using the dues issue as a bargaining tactic in an effort to correct what they, rightly or wrongly, consider to be abuses in the administration of the Organization. The fact is, however, that the U.S. will automatically lose its membership in the I.L.O. if it falls two years in arrears in the payment of its dues. In either case, U.S. withdrawal from the Organization—whether by conscious choice or by default—would in our opinion, be a disastrous mistake.

We realize, of course, that there is room for honest disagreement among honorable men about certain I.L.O. policies and procedures. We know, for example, that a number of thoughtful observers, in and out of the Congress, are of the opinion that the Soviet Union is currently exercising disproportionate influence in the Organization and is using it as a political sounding board. More specifically, we know that some observers object in particular to the fact that a Soviet citizen was recently appointed to serve as one of the Assistant Directors General of the I.L.O.

We readily grant that those who share these concerns have every right to express them and to take such measures as they deem appropriate in an effort to correct whatever imbalances they may, rightly or wrongly, detect in the administration of the I.L.O. On the other hand, we would argue that withdrawal of the U.S. from the I.L.O. or the non-payment of U.S. dues to the Organization is not the proper way for a major power such as the United States to settle matters of this kind. We are also convinced that such a course of action on the part of the United States would almost certainly be counter-productive. We note, in this connection, that if the United States were to withdraw from the I.L.O., either by conscious choice or by default, it would be acting completely contrary to what we consider to be an encouraging trend on the part of many nations throughout the world to place more rather than less emphasis on the need for international cooperation not only in the political realm but also in the field of social and economic reform.

In summary, we strongly support what would appear to be the official position of our own Government with regard to the dues problem and also with regard to continued U.S. membership in the I.L.O. It is our understanding that the Administration is convinced that the United States should meet its financial obligations to the I.L.O. and should not withdraw from the Organization, and this for the following reasons:

Withdrawal would inevitably leave the Soviet Union as the dominant power in the Organization, allowing that country to use the I.L.O. to enlarge its own influence.

Withdrawal would seriously interfere with our Government's efforts to shift more U.S. aid and technical assistance to international agencies.

The United States would be condemned abroad, and rightly so, for undermining an organization that provides substantial assistance of various kinds to working people throughout the world.

U.S. withdrawal could seriously threaten U.S. participation in the whole U.N. system of international agencies.

We find these reasons to be persuasive, and we trust that the House of Representatives will give them serious consideration in its deliberations on this crucial matter. More specifically, we again urge the House of Representatives to reverse the decision made by the House Appropriations Committee on June 21 and thereby make it possible for the United States to meet its immediate financial obligations to the I.L.O. and to continue to exercise effective leadership in the Organization.

TEXT OF PRESIDENT'S JUNE 1 NEWS CONFERENCE—INTERNATIONAL LABOR ORGANIZATION

Q. Mr. President, may I ask a question on the ILO? As you know, there is a considerable uncertainty about the position of the American Government with respect to membership in the International Labor Organization, the ILO. To remove this uncertainty, could you tell us, does the United States seriously intend to continue its membership in the ILO; and secondly, if it does, will the Administration leadership apply its energies on Capitol Hill to get the appropriations necessary to pay our dues with the ILO?

The PRESIDENT. Mr. Meany talked to me about the ILO. As you know, he has very strong feelings and reservations about our membership in the ILO. However, we have decided to continue our membership. We will attempt to get the dues in arrears paid by the Congress. We will have to have considerable support in order to accomplish that.

But also, we are going to see to it that American labor, and free labor throughout the world, gets a better voice in the ILO than it has had previously.

The reason that Mr. Meany a top free world trade union leader, opposes the ILO is because free trade unions have received a very bad deal in ILO meetings, and we are going to have to have better treatment in that way or American support for the ILO is going to go right down the drain.

The PRESS. Thank you, Mr. President.

CHAPTER II—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the second in a series of articles on children and youth and maternal and infant care programs. Support of H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 64 cosponsors. There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I shall be placing in the RECORD each day descriptions of three maternal and infant care and three children and youth programs.

The material follows:

MATERNITY AND INFANT CARE PROJECT, ALBUQUERQUE, N. MEX.

The New Mexico Maternity and Infant Care Project was funded in July, 1968 and the first patients were seen under its auspices in March of 1969. In keeping with the general Federal guidelines this Project has attempted to provide comprehensive care to pregnant patients and their newborn infants. This has been done with an emphasis on preventative measures for the prenatal patient and specialized care for the newborn infant with problems.

GENERAL GUIDELINES

Primary Project goals have consisted of finding and providing services to vulnerable patients who would or could not receive necessary health care because they were from low income families or for other reasons beyond their control. In this Project these goals were pursued by following the general guidelines listed below:

1. The establishment of neighborhood maternity clinics.
2. The establishment of neighborhood pediatric clinics for follow up of the high risk infants.
3. The development of a program of comprehensive patient care to include Public Health Nursing, medical social work, nutritional counseling, and special services such as homemakers, patient transportation, care for the pregnant teen-ager, and special drugs.
4. Provision of a broad spectrum of diagnostic and consultation services.
5. Identification of high-risk patients.
6. Providing hospitalization for the high-risk patient either (a) during pregnancy (b) during labor and delivery (c) immediately post-partum or (d) during the first 12 months of life of a high-risk infant.

PROJECT DESIGN

The Project area has been defined as Bernalillo County and the lower portion of Sandoval County. Anyone living in the Project area is eligible for out patient services. However, in order for the Project to assume the cost of in-patient hospital services, two additional criteria must be satisfied. First, the patient must be considered high risk i.e. have a complication of pregnancy or of the newborn, and second, the family must be medically indigent.

1. Maternity services

There are 32 neighborhood maternity clinics per month in the Project area. These include the general maternity clinics as well as 12 pre-registration clinics. In addition there are 20 maternity clinics per month held in the Out-Patient Department of the Bernalillo County Medical Center. (BCMC) Approximately ½ of the Project maternity patients receive their pre-natal care in neighborhood clinics; the other ½ receive their care at BCMC (hospital clinic).

BCMC is the only hospital authorized to provide care for Project patients. Hospitalization is available there during pregnancy, for labor and delivery, and in the immediate post-partum.

2. Infant services

There are 6 high risk infant clinics meeting in the neighborhood each month. In addition there are 4 clinics per month in which Project infants are seen at the hospital out-patient department.

In-patient hospitalization at BCMC is available for high-risk Project infant e.g. prematures, or infants with other newborn problems such as birth defects or infections. A neonatologist (specialists in newborn care) is available along with modern incubators and specialized equipment.

3. Family planning services

Because of the large number of pre-natal patients being seen, family planning services have been limited and the patients are referred to the Bernalillo County Planned Parenthood Association after post-partum contraceptives have been prescribed. However, the patient is provided family planning consultation during pre-natal care, and each patient is approached concerning family planning recommendations while still in the hospital following the delivery of her baby.

RESULTS OF PROJECT ACTIVITIES

1. Since BCMC is a county hospital already responsible for the medical care for indigent patients, the majority of Project funds have been funneled towards personnel rather than payments for care. This has resulted in the Project being able to provide persons with special training who otherwise would not be available. These include obstetricians, pediatricians, medical social-workers, nutritionists and nurse mid-wives. These have been coordinated into a smoothly functioning team with the assistance of back up administrative and clerical personnel.
2. The Project was funded to provide services to approximately 1200 prenatal patients per year. During 1970, however, over 1800 persons were registered as Project patients. The total number of new and return maternity patients seen at the BCMC and neighborhood maternity clinics was over 13,500. This compares to approximately 9,000 patients who were seen in 1969.
3. Several years ago 35% of the patients delivered at BCMC had received no pre-natal care. During 1970 there were only 10% delivered without prenatal care.
4. In early 1969, approximately 45% of new registrants in the Project were in their third trimester. This was reduced to 30% by late 1970. Conversely in early 1969 only 18% of new patients were in the first trimester. This was increased to approximately 32% by late 1970.
5. During 1970 there were 161 high risk infants identified and cared for by Project personnel. This compares to 81 high risk infants seen in 1969.

MATERNITY AND INFANT CARE PROJECT, GREENVILLE, S.C.

The Maternity and Infant Care Project for Greenville, South Carolina was started October 1, 1966 through the combined efforts of the South Carolina State Board of Health and the Greenville County Hospital System.

In 1970 there were 5,054 live births in Greenville County. On the Maternity and Infant Care Project there were 1,284 obstetric admissions, 1,157 deliveries; 1,163 live born infants. In other words, *23% of all live borns in the County were M&I babies.* 35% of all infants born at Greenville General Hospital in 1970 were infants whose mothers were given prenatal care by the M&I Project. Just before the onset of the Project, hospital figures showed approximately *25%* of *all admissions* in labor admitted through the emergency room had had no prenatal care. Last year these figures had been *reduced to 5%.*

Because of the concentrated efforts of dedicated M&I workers, more mothers are coming in at an earlier stage of pregnancy, they are thereby followed more carefully, have fewer complications of pregnancy, fewer prematures and healthier babies. In 1967 only 12% were coming in during the first trimester of pregnancy, in 1970 these admissions increased to 25%. During 1967 49% came in the second trimester; 1970 55% were coming in during the second three month period of pregnancy. In 1966 (3 month period) 22% of the Project born infants were prematures, this figure was reduced to 9% in 1970. Fewer prematures means lower infant mortality and morbidity figures—also fewer spastics and mentally retarded children. In a study made of infant death certificates for the county it was shown in 1969 45% of infant deaths occurred within 24 hours of birth, these figures were reduced to 35% in 1970. Neonatal death were reduced from 67% in 1969 to 65% in 1970 and deaths due to prematurity were reduced from 42% to 40.6%. There were no maternal deaths on the Project in 1970; admissions of M&I patients to the hospital for preeclampsia were reduced from 6.3% in 1969 to 5.1% in 1970.

Clinics have increased from three per week to seven per week, three are held at the Greenville General Hospital and four at the Greenville County Department of Health. As of May 26, 1971, from date Project was begun, there were 5,635 obstetric admissions, 4,890 deliveries and 390 high risk infant admissions. Admissions to family planning are increasing steadily from 52% in 1967 to 68% in 1970. Every effort is put forth to make family planning information available to all.

The staff has grown from 14 full time and 3 part-time employees to 24 full time and 8 part-time employees.

Special emphasis is put on comprehensive care for the pregnant teenager. For the last six months of 1970, 47% of all admissions were 19 years and younger. At the beginning of the Project these were ¼ of the admissions, then ⅓ and now almost ½. 15% of the teenage pregnancies are 15 years and younger. (37% of all admissions to the Project are illegitimate).

Teenage clinics are held at the Greenville County Department of Health where special classes geared to the teenage level are given pertaining to prenatal care, diet, baby care, family planning, etc. We hope never again to find young girls at 23 and 24 years of age having their tenth baby—some had their first baby at 11 to 13 years of age. Adequate educational resources for these girls are now becoming a reality. Through the combined efforts of the Greenville County Department of Education, The Greenville County Department of Health and other interested agencies a school will open this fall just for the pregnant teenage girl. Efforts are made to so direct her academic studies that she will be able to keep up and graduate with her class and during the same period efforts will be made to teach her better prenatal care, infant care, nutrition, and family planning—the end result to help her become a good citizen and to be motivated for the better things of life.

Maternal and Infant Care Project, 1965–70, Portland, Oreg.

The MICP, #511, under the auspices of the MCH section of the Oregon State Board of Health has its operational base at Emanuel Hospital, Portland, Oregon. The Project opened its doors for patient admission December, 1964. The staff at that time consisted of the medical director, a pediatric consultant and several dentists on part time, fee for services basis. The State Employee members of the staff included the Public Health Nurse Coordinator, a nutritionist, a secretary, a dental assistant and a part time social worker. Within the next two years the staff was increased by an assistant medical director, a full time dentist and an additional member for each of the team disciplines.

Since December, 1964, through March, 1971, a total of 2290 maternity patients' have been admitted to the Project. Three hundred and ninety-five have returned for care during a second, third, and even fourth subsequent pregnancies. Between 250–300 have received no further care after admission because they become ineligible, moved away, or transferred to other care facilities.

Shortly after admission, each maternal patient is referred to the local health department for public health nurse follow-up during her antepartum and postpartum periods.

The medical director, Dr. Richard Franklin, has developed a very extensive antepartum work up program on each maternal patient, including besides the routine blood and urinalysis, a Tine, IVGGT, protein electrophoresis, paps smear, vaginal and rectal smear, and culture for Neisseria, PKU, rubella titre, and Sickle cell prep. Each test is followed up with appropriate treatment as necessary. Patients with a negative rubella are given the rubella vaccine immediately post partum, and patients having the negative PH component are given Pho gam following delivery.

Family Planning services are provided for each maternal patient. Until about a month ago these services were provided by Planned Parenthood Association. Now, the opening of the ACOG Family Planning Clinic at Emanuel has facilitated referral and follow-up for the patients. Eighteen percent of the patients have had TLs upon request.

The material patients receive full dental care while on the Project. By a working agreement with the University of Oregon Dental School, such procedures as oral surgery and cosmetic corrections are possible. For many of the patients, it is their first opportunity to receive even the simplest dental care. The average monthly patient load is between 250–275. Over 1,750 visits were made by the patients last year.

The first Project baby was delivered Jan. 1965. Since then 1,813 have been born at the two Project hospitals. These babies are provided with well baby clinic services during their first 2–3 months, and high-risk babies are carried for their first year by the Project.

Cooperation with the University of Oregon and Emanuel Hospital residency programs in obstetrics and pediatrics has resulted in both maternal and newborn patients receive very comprehensive care.

The pediatric consultant, Dr. Robert Thornfeldt, has instituted some very innovative procedures for the intensive care of the newborn in distress, with excellent results as shown by the low infant morbidity and mortality rate of the Project babies.

Computerized data from one of the Project hospitals show that the 1608 babies born there had only 52 perinatal deaths, or 3.2%. Prematurity and previability accounted for 33 of the deaths. Thirty-one babies had congenital anomolies which resulted in 8 deaths. Fifty-four had other conditions as Rh encompatability, respiratory difficulty, etc.

The combined efforts of the medical director and the pediatric consultant is no small factor in the infant survival rate and the fact that the percent of premature babies born to Project mothers has steadily decreased from 17.12% in 1965 to 8.21% in 1970.

The results of nutritional counseling are showing up in the steady decrease of poor diets with low nutrient content among the patients. In 1965 28% had diets of only ½ the required daily amounts of nutrients; in 1970 only 11% could be so classed.

Many of the practices and procedures which have been used so successfully in the care of the maternal and newborn patients have been put into practice in other institutions, statewide. Therefore, the services are not limited to the population of the Project area, but are reflected in improved care for patients across the state. The type of care which is the right of *every* pregnant woman and her baby.

Children & Youth Project #622, Birmingham, Alabama

If Children and Youth Projects are not continued under the present administrative plan, indigent children of Birmingham, Alabama would cease to obtain health care. This project is the primary source of health care for children in an entire county with 35,000 children in this one project. Local funds supplement medical care but are extremely limited.

Our project is also necessary for the training of physicians. In a time when there is a demand for more doctors, we are expanding our medical school, and pediatric training is necessarily dependent upon the C & Y Project. It is also well-known that medical schools all over the nation are having financial difficulties; therefore, if the C & Y Project were not continued there is no possibility for growth in the training programs for physicians or for replacing the child care now provided.

Medicaid programs in Alabama have funded only 12% of the patients cared for at our institution whereas the C & Y unit pays for health care for 65% of the indigent children receiving services. If, then, the keystone of care for children were removed the entire health system for children in our county would collapse.

Alteration of the present organized approach to child health care, as exhibited by our project, would lead to a return to the piecemeal or fragmented provision of care. Dedicated workers, many of them highly trained would seek positions elsewhere and the quality of care would decrease. In a time when our country's motives and goals are being seriously questioned by many groups, the alteration of these programs would be a loss of faith by people who have changed careers, who have gambled their future on the government's word that these C & Y projects were long-term investments in our children. We urge that present legislation be extended.

Children and Youth Project No. 601, Chicago, Ill.

Near North Children's Center (C & Y Project 601 of Children's Memorial Hospital, Chicago) has been in existence since the summer of 1966. There are now over 8,000 pediatric patients registered.

We have 60 to 80 patient visits daily for general pediatric care including well child care and follow-up, acute care, consultation from schools both public and parochial, once weekly eye clinic and twice monthly surgery clinic.

Since our center is located in an economically, socially and educationally deprived area of the Near North side of Chicago our services are sorely needed. We have community health nurses, community health counselors (patient advocates) and social service workers. In addition we offer vision and Hearing screening, clinical laboratory and x-ray diagnoses. We have clinic nursing assistants, clinic nurses, medical records staff, and administrator, secretaries and clerks. We employ neighborhood people in so far as possible and of our present staff of 30 approximately 75% are Black or other minority groups. Nearly half of our employees are from the neighborhood.

Near North Children's Center has had a Community Advisory Board since early 1967. This board is very active and has been consulted and listened to carefully in the growth and development of the center. Children's Memorial Hospital also participates with the board in making decisions which are aimed at improvement of health care for the area served. The board screens every prospective new employee including part-time physicians for their attitudes toward the minority groups served.

The center serves approximately 85%–90% Black people, 10%–15% Spanish speaking (largely Puerto-Ricans) and 5% whites.

The impact of loss of the center would be great since the parents of the children we serve depend on us for on-going day to day care and advice. For the first time many people have available to them comprehensive, consistent and pleasant care for children. They have someone interested in them and their children. They have a responsible and informed source of advice. The center is "theirs" and is not a strange, distant institution. They see friends and neighbors here and are served by a non-judgmental and friendly staff.

I feel the extension of C & Y projects for 5 years is not only logical but absolutely necessary in order to give a segment of American Society their justifiable right to adequate medical care.

CHILDREN AND YOUTH PROJECT No. 646, HONOLULU, HAWAII

This project serves children from birth to their sixteenth birthday in a rural poverty pocket on the island of Oahu. There are about 3,500 children this age living there, almost all of them poor and nearly all of them deprived of the chance to develop their health potentials. Many are Hawaiians and part Hawaiians, living in very crowded homes on Hawaiian state homestead lands. Their families have never been motivated to go to the effort of getting adequate health care. Running ears for example are accepted with complacency, and medical visits or continuation of medication except at the peak of symptoms are a wierdo with many families. Most of the rest of the population are families displaced from urban redevelopment plus other seekers after the cheapest roof. There is no physician in the area and until the project came, no dentist. Since the project has no dental clinic, there are now one full-time and five part-time dentists practicing in Waimanalo, depending on project income but also serving others in this poverty community. The project provides minibus transportation, without which many families are stranded.

This rural project has been in operation for three years but until recently was seriously understaffed due to recruitment difficulties. There are over 500 physician visits a month and this is increasing. Definite change has occurred in the community in obtaining medical care for children and in following through, and routine screening and preventive services are beginning to be accepted. The bulk of the effort lies ahead.

REPORTS FROM WASHINGTON

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am presently issuing my second report of the 92d Congress. My June newsletter is addressed to approximately 165,000 persons in my congressional district. It includes a report on my trip to the Soviet Union; my findings in a survey I made among subway riders during our April recess; my efforts that culminated in extending educational programs at the city's prison on Rikers Island and concurrently my work with local groups in New York that contributed to the closing of the Women's House of Detention in Greenwich Village; a new bi-lingual education program that will be conducted in my congressional district with the help of a $400,000 Federal grant; legislation I have introduced to tighten the Clean Air Act and the National Environmental Policy Act; and my bill, H.R. 7657, that would extend for another 5 years funding for the children and youth projects giving comprehensive medical care to over one-half million children in impoverished areas.

I have included in my newsletter a special section devoted to some of the problems of our senior citizens and the work we are doing here in Congress to help. I have found that considerable priority is given by the elderly to a bill introduced by our distinguished colleague from Florida (Mr. PEPPER); this is H.R. 5019 which would extend and expand low-cost meal programs for the elderly. I am a cosponsor of this bill.

Finally, I have also discussed the impact on the Congress and the country of the April 24 rally of the Vietnam Veterans Against the War and the House's action on the recent Vietnam war authorization bill and the Nedzi-Whalen amendment.

At this time I insert in the RECORD the full text of my newsletter:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

Dear Constituent and Fellow New Yorker: In late March at the urging of concerned constituents I made a special trip to the Soviet Union. My primary purpose in visiting that country was to speak with the families of Soviet Jews whose husbands and fathers were being held in Leningrad prisons awaiting trial.

I went to the home of Lassal Kaminsky and met with his wife, their daughter, and the wife of Lev Yagman. The families told me that their men had been in prison for more than nine months. (After my return, the Leningrad trial was held and nine Jews were convicted, with Kaminsky and Yagman being given five year sentences.)

What were their crimes? Their families told me that they had translated Russian textbooks into Yiddish and Hebrew for the purposes of teaching their children and had sent a petition to the United Nations asking assistance in emigrating from the Soviet Union to Israel. These are considered anti-Soviet acts and punishable under their law.

The women told me that they knew they were in great danger by talking with me, but they thought the only way to save their husbands was to let the world know what was going on in the Soviet Union so that private and public pressures might be brought to bear on the Soviet government.

We talked in whispers fearing the apartment was bugged. They said so eloquently with their eyes and with their words, "Help us." I asked a young woman present if her husband was in jail. She laughed with tears in her eyes, and said, "Not today," pointing to a young man sitting with us, "but who knows of tomorrow." When I left we all embraced. I told them that people in the United States, of all faiths and beliefs, are concerned for their plight and want to help.

Later Western newsmen in Moscow told me that because of increasing religious and cultural discrimination, 80,000 Soviet Jewish families have applied for emigration despite the enormous personal risks involved.

The Soviet Union is an oppressive society. Dissent is extremely hazardous and the presence of the KGB (secret police) is always felt—particularly if one is a foreigner. I was followed everywhere I went. My suspicions were not imaginary—they were confirmed by American Embassy personnel who are experienced in these matters.

The monitoring of conversations is so well known that the favorite national pastime when anyone wants to speak confidentially is to take a long walk in the park.

A conversation I had with my Soviet guide, a young woman named Mila Cherenobrovkina, summed it all up for me. Mila said, "You Americans think you have more freedom than we do. You are wrong." I replied, "Almost every week I stand up in the Congress and criticize President Nixon and his policies. I am in no physical danger for doing so. Do you believe that a member of the Soviet Congress could stand up and denounce Mr. Brezhnev and remain healthy?" She replied quite heatedly, "Mr. Brezhnev is elected by the majority and the minority must go along." I replied, "But Mila, in America even the minority has rights."

Upon returning, I reported on the trip to my colleagues in the House and testified before the House Foreign Affairs Subcommittee on Europe. Since that time a number of other public officials have traveled to the Soviet Union to see first-hand the plight of these people.

Presently 117 Congressmen and 29 Senators are cosponsoring the Soviet Jews Relief Act of 1971 which I first introduced in early March. The bill (H.R. 5606 as amended and S. 1872) authorizes 30,000 refugee visas for Soviet Jews who wish to come to this country when and if they are permitted to do so by the Soviet government.

America has always been and shall remain a haven for the persecuted minorities of other countries. Just since World War II, special legislation permitted more than 30,000 Hungarian refugees to settle here after the suppression by the Soviet Union of their 1956 revolution. Similarly, since 1968 over 10,000 Czechoslovakian refugees were assisted in coming to the United States. And it should be remembered that more than 565,000 Cubans have made the United States their new home through special immigration legislation.

Enactment of the bill would be more than just an American gesture—hopefully, it would persuade other nations—Great Britain, France, Australia, and for reasons of history, West Germany—to enact similar legislation. Of course many Soviet Jews will choose to go to Israel but the important thing is that a multi-nation offer of sanctuary may hasten the day when they are free to leave the Soviet Union.

I will continue to urge both the legislative and executive branches of our government to take a strong public position to effect this change in Soviet policy.

SUBWAYS

During the Congressional recess in April, I handed out a mass transit questionnaire at the subway entrances in our district. The response has been excellent. I have received close to 2000 replies, most of which contained very enlightening, while often testy, comments about our subways—as well as answers to the questions posed.

Seventy-five percent of those responding are using subways and buses more often since the astronomical taxi fare increase went into effect. The most common reason people use cabs is for going out in the evening. And a majority of these people take cabs in the evening because they fear for their safety in the subways. The most prevalent comment was about the continuing increase in transit fares and the continuing decline in service, comfort, and dependability of both subways and buses.

In response to the question of what bothers you the "most" about the subways, most people could not restrain themselves to one complaint and instead checked and double checked every alternative—high fares, dirty cars and stations, overcrowding, breakdowns and delays, noise, unsafe conditions, and inadequate passenger information. The concensus was perhaps best summarized by one subway rider who wrote:

"The entire subway station is deplorable in comparison to when it was only 5 cents."

The results of the questionnaire once more confirm the desperate need for more federal funds for mass transit. I am sponsoring legislation in my Committee that would provide federal subsidies for subway and bus systems which are unable to maintain adequate service because of operating deficits. I also have introduced H.R. 4571, providing for the establishment of a National Transportation Trust Fund. The bill would put under one trust fund the highway, airport and mass transit programs. It would unify the administration of all our transportation programs, placing mass transit in a competitive position with highways, and most important, H.R. 4571 would provide more funds for mass transit construction.

PRISONS

Recently I learned that many adolescent prisoners at Rikers Island were not receiving any schooling and that there was no program of higher learning for adult prisoners. I brought together prison and education officials to get some action on the matter.

Everyone agreed that a college course program should be funded by the federal Law Enforcement Assistance Administration. The Department of Corrections then surveyed the prisoners and found their course preferences were English, psychology and criminal law. We have been assured of a federal grant so that courses can begin this September.

In response to my insistence that classroom space had to be found at Rikers to provide schooling for adolescents, the Board of Education has informed me that all adolescent prisoners and found their course preferences to be in school, are now receiving an education.

In another matter involving prisons, the Greenwich Village community has long taken the position that the Women's House of Detention was not fit for women or men and better detention facilities had to be built. After long negotiations, we persuaded the Mayor to close the place. The entire structure will be demolished in the fall. A new Women's House of Detention has been built on Rikers Island.

BI-LINGUAL EDUCATION

Working with Local School Board No. 2 and the Puerto Rican community, we succeeded this month in getting a federal commitment of $400,000 in educational grants to establish a comprehensive bilingual school program in the 17th C.D. The program will be conducted at PS 151, located at 91st Street and First Avenue.

The funds will be used to train Spanish speaking adults for certification as teachers within the City school system and to formulate a model bilingual school curriculum within PS 151. It is a major new program that will serve as a model to be duplicated by other cities having large concentrations of in-migrant people.

By having a Spanish speaking teacher working in the same class with an English speaking teacher, as this program will, the barrier of language will be effectively removed. All children will be able to learn English and Spanish from native speaking teachers. The bilingual school program represents an innovative approach to the needs of a large, diverse community.

ENVIRONMENTAL LEGISLATION

The battle goes on to save our environment—to save ourselves from the perils of pollution. The Federal Government is waking up to its responsibilities but it has a long way to go. I have introduced a number of amendments designed to update and strengthen existing federal laws.

My bill H.R. 3686 ("The Clean Air Amendments of 1971") requires pollution control "certification" for new stationary sources of pollution; requires public disclosure by polluters on the substances and quantity of their pollution; and exempts any state from the federal standards on auto emissions, fuels, fuel additives, and aircraft emissions which wants to establish standards that are more restrictive than the federal standards.

My bill H.R. 8984 ("The National Environmental Policy Amendments of 1971") requires the Agency for International Development to issue "environmental impact statements" relating to its assistance programs abroad; requires federal agencies to make public their "environmental impact statements" before seeking Congressional approval for projects (with such a law the Federal Government might not have wasted $961 million on the SST before we successfully cut off funds); and authorizes the Council on Environmental Quality to reject inadequate "environmental impact statements" submitted by federal agencies (last year the Department of Transportation filed a statement in support of extending the Highway Trust Fund without even mentioning the danger of increased automobile pollution).

We must close the loopholes in our existing environment laws. My amendments are intended to do just that.

SENIOR CITIZENS

I know there are a large number of senior citizens in our district. Recently, Mrs. Sue Van Clute, a volunteer in my New York office and a senior citizen herself, wrote me a short memo which I decided should be put in my newsletter.

Ed, I am so glad that you are a co-sponsor of Rep. Pepper's bill (H.R. 5019) which would extend and expand low-cost meal programs for the elderly. So many older people do not eat adequately because they cannot afford it, while others do not eat well because they fail to buy nourishing foods and prepare well-balanced meals.

I know how slow Congress is about approving new programs so I thought maybe I could put down some practical suggestions about food buying, meals at community centers and the like which you might want to use in a newsletter.

So here it is for what's worth:

1. Food prices are high in the City but you can buy inexpensive nourishing food if you know what to look for. These are some of the basics that I like to buy—beef liver, poultry, natural or processed cheese, eggs, canned fish; evaporated milk or non-fat dry skim milk; canned vegetables and fruits; and enriched or whole grain breads and cereals.

2. I always make a shopping list of foods before I leave home—otherwise I end up buying more than I need and the food goes stale or spoils sitting on the shelf.

3. I like to get exercise every day even if it's only a 3 or 4 block walk—Of course, I love it when I am doing volunteer work in your office—there is so much going on all the time.

4. I think my appetite is better when I have friends over or go out with them for a meal. It becomes more of an occasion. And sometimes I enjoy going to the Greenwich House, a community center, for lunch.

Here's a list of major community centers in or near your district which provide a variety of programs for older people. The hours are generally 9 AM to 4 PM. Most of these centers have indicated they will have summer lunch programs served at a reasonable cost. Project FIND centers serve a free lunch. Some centers only serve lunch on certain days and I have noted them.

East Side

Lenox Hill Neighborhood Association—331 East 70th Street—744-5022 (Monday and Thursday).

Sirovich Senior Center—203 Second Ave. (13th St.) 982-2732.

Stanley M. Isaacs Neighborhood Center—415 East 93rd Street—427-1160.

Leonard Covello Senior Center For East Harlem—East 109th Street—369-8136.

West Side

Goddard Riverside—647 Columbus Ave. (94th St.) 874-4880.

Hartley House—413 West 46th Street 246-9885 (no lunch served).

Hudson Guild-Fulton Center—441 West 26th St.—524-6700.

Project FIND Centers (call 874-0300 for information):

St. Luke's Lutheran Church—308 West 46th St. (Tuesday);

Sacred Heart Roman Catholic Church—457 West 51st Street (Thursday);

Lincoln Square Neighborhood Center—218 West 64th Street (Tuesday and Thursday);

St. Stephen's Episcopal Church—120 West 69th Street (Monday, Wednesday and Friday).

Greenwich House——27 Barrow Street—675-3435.

Keep up the pressure for passing the Pepper bill.

Sue.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C., 20515.

If you need assistance, call my New York City office at 264-1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

Mr. Speaker, there are four pictures in my newsletter whose captions read as follows:

These Children are participants in the I SPY (Infant, School, Preschool and Youth) Health program at Beth Israel Hospital. I SPY is one of 59 Children and Youth projects providing comprehensive health care for more than ½ million children in some of this country's most impoverished communities. Federal funding for these projects is scheduled to stop in 1972. I have introduced a bill, H.R. 7657 to continue the funding of these programs for another five years; my bill is being sponsored in the Senate by Senators Kennedy and Nelson.

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In the Jewish Cemetery at Leningrad with synagogue officials and my Intourist guide.

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The peaceful actions of Vietnam Veterans Against the War, culminating in the April 24 rally on the steps of the Capitol had a positive impact on the country and the Congress, as did the hundreds of thousands of people who came on that day to peacefully petition the Congress to end the war.

Since being elected to Congress I have voted against every military bill appropriating funds for the further prosecution of the Vietnam War. In 1969 I was one of 21 Congressmen recorded in opposition to the Vietnam War authorization bill of the Armed Services Committee. On June 17th 57 of my colleagues and I voted against the most recent Vietnam War authorization bill. I voted for the Nedzi-Whalen amendment which would have had the effect of setting December 31, 1971 as the cut-off date for funding our continued participation in that war. The amendment failed 158-255.

* * * * *

On May 12th, I invited my colleagues to view the contemporary paintings that have been loaned to my office during the 92nd Congress by the major museums of the 17th C.D., including the Whitney, the Guggenheim, and the Museum of Modern Art. At the "opening" we were privileged to have with us three of the artists whose work is being exhibited: Richard Anuszkiewicz, Edward Corbett, and Paul Jenkins. If you visit Washington, I hope you will come by to see me, my staff and my paintings.

THE BICYCLE TRANSPORTATION ACT OF 1971

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Sunday, May 16, was national bicycle day. In a speech that day Secretary of Transportation John Volpe said that his Department is "excited about bicycles" and he expressed the intention to make Washington a model city for bicycles. The Secretary said that his staff is in the process of working with the Department of Interior on establishing bicycle commuter routes in the District of Columbia particularly for bicycle traffic.

Today, I am introducing a bill, The Bicycle Transportation Act of 1971, that would allow States and communities to use Highway Trust Fund moneys for the development of bicycle lanes or paths. The bill also provides that such funds can be used for the construction of bicycle shelters and parking facilities, and for bicycle traffic control devices. The concept of this bill is essentially the same as that underlying the development of preferential bus lanes in our highway system. Federally aided bicycle lanes would be constructed so as to be part of an interstate system, an ABC road, or a designated urban system.

Mr. Speaker, it is important that bicycles be considered an important component of our transportation system. Bicycles are an important transportation resource and can make a definite contribution to municipal transportation—they should not simply be regarded as only recreation vehicles. Many commuters, when given the option of safe bicycle travel, will choose to pedal to work rather than ride by car or bus.

One of the nice things about bicycling is that it has benefits in addition to the transportation it provides; these include its contribution to mental and physical health and the lessening of air pollution and crowding.

It is remarkable that we have a vehicle that emits no pollution, makes no noise, takes up little room and acts as a body conditioner for its rider. And when provided, with their own bicycle lanes, bicycles have a very low accident rate.

There is a danger, however, for cyclists who are forced to use roads heavily congested with automobiles. And thus, if bicycle transportation is to be encouraged, we need to develop bicycle lanes and paths.

Perhaps the most famous bicycle city in this country is Davis, Calif. Today, this city of 24,000 persons has 18,000 bicycles. During the past 5 years when a concentrated effort has been made to develop bicycle transportation, bicycling has become an important part of the city's transportation system. Bicycles now represent 40 percent of all traffic and during rush hour, 90 percent of all riders are adults. A study of Davis City's bicycling experience was recently conducted and it was found that the development of bicycle paths was welcomed by both cyclists and automobile drivers. The survey found that the bikeways are almost unanimously regarded as a desirable safety feature. In fact, to date no car-bicycle collisions have taken place in the bicycle lanes. And automobile drivers joined with bicycle riders in favoring the development of separate bicycle lanes for purposes of both safety and traffic reduction.

Last month bicycle riders won an important victory in Oregon. Approval was given to Oregon House bill 1700 which is expected to divert some $1,300,000 into bicycle trails from the State's highway trust fund. The bill provides that 1 percent of State highway funds spent by State, city, and counties will go for bicycle trails and footpaths.

In addition, Gov. Tom McCall, of Oregon, was informed on May 23 by Under Secretary of Transportation James M. Beggs that:

> There is no prohibition against planning and construction of bicycle paths including legal Federal aid reimbursement therefore, as part of an otherwise eligible Federal aid highway project.

This means that a Governor of a State can include in plans for the construction of a federally aided road, provisions for a contiguous bicycle lane. My bill, the Bicycle Transportation Act of 1971, would broaden this authorization so that bicycle lanes could be constructed separately with Federal assistance so long as they are eventually incorporated in an urban road, ABC, or interstate system.

In 1965 William F. Buckley, Jr. ran for mayor of the city of New York. One of his proposals was that of a bicycle lane running down Second Avenue. Time has caught up with his idea. New York City should implement it by immediately setting aside a lane on Second Avenue going downtown and extend it by an uptown lane on Eighth Avenue. I am particularly distressed that New York City has not been in the forefront in terms of implementing the proposals that have been put forward. City officials have engaged in a great deal of discussion but unfortunately, except for opening the parks which in itself must be commended, little if anything has been done to open the city to bicycles.

One of the great sites in Amsterdam which I saw in 1961 was of thousands of bicycles in the heart of the city operated by men and women, young and old, going to and from work. This country is behind Europe in this area for understandable reasons. In our infatuation with the automobile we have lost sight of the pleasures and benefits of other forms of transportation, such as bicycling.

Mr. Speaker, as is so often the case, that which is new, shiny, and big is not always the best—and in this case, that is especially true.

At this point, I should like to insert for printing in the Record Secretary Volpe's remarks on Bicycle Day, May 16, 1971. They follow:

Remarks Prepared for Delivery by U.S. Secretary of Transportation John A. Volpe for Bicycle Day, Sunday, May 16, 1971, Washington, D.C.

As some of you may know, today is the first day of Transportation Week. Now while it may seem odd to some that I am starting off this week on a seemingly old fashioned mode, nothing could be further from the truth.

The philosophy of my Department is that each transportation job must be done in the most sophisticated and efficient fashion—and sophistication doesn't mean complexity. Bikes are healthful, bikes are non-polluting, bikes are non-congesting, and bikes are fun. There's not much more you can ask from a mode.

Let me tell you that my Department is excited about bicycles, and particularly excited about the possibility of bicycles in the district. We intend to make Washington a "model city" for bicycles. But let's be specific.

My personal staff and the Federal Highway Administration will explore with the District the possibility of establishing bicycle commuter routes with exclusive lanes—or even streets—set aside for bicycles during rush hour. I, Rog Morton, and the District are also exploring the possibility of bike routes through Rock Creek Park and other similar areas.

As you all know, the main problem with bike riding is the danger involved. We hope exclusive rights of way will solve that problem.

My staff is also investigating the possibility of having bicycles and bicycle storage facilities at transportation terminals such as Union Station and fringe parking areas. There is no reason why a commuter shouldn't be able to bike from his home to a fringe parking area or from Union Station to his job in Washington. In this regard, you will also be hearing some encouraging words from Metro a little later in the program.

Another point:

Washington is a superb city to tour by bicycle and we hope, in cooperation with the District and the Park Service, to have bicycle facilities for visitors established before the Bi-centennial Celebration.

And a third point:

A number of you are government workers. You will be pleased to know that I intend to use my utmost influence to have bicycle racks and other facilities in every Federal building in this City.

At my own Headquarters in Southwest Washington, we have indoor bicycle parking for our staff's bikes just as we do for their automobiles.

The Department's Transportation Systems Center in Cambridge, Massachusetts will be investigating the development of new hardware to make bicycle racks and other storage facilities secure from vandalism.

This is what we intend to do. I don't consider bicycles a gimmick or a fad. As far as I am concerned, and as far as the District of Columbia Code is concerned, bicycles have equal rights with automobiles on our city streets.

In conclusion, we have one of the best slogans on two wheels: "Ride On!"

TOM WICKER ON THE "SATURDAY NIGHT SPECIAL"

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I recently inserted in the Congressional Record a report from the

Treasury Department which proved that gun laws work. But I also pointed out that they must be refined by closing loopholes which develop as unscrupulous gunrunners figure ways to get around these laws. I feel the 1968 Gun Control Act needs no further vindication than the Treasury Department report I inserted on June 15. However, it does have a serious flaw, that is the unhindered domestic production of cheap handguns referred to by law enforcement officers as "Saturday Night Specials." Recent statistics released by the New York City Police Department show that of the 1,117 criminal homicides committed in New York City in 1970, the weapon most often used was a handgun; the day of the week when most murders were committed was on Saturday night between 9 and 11 p.m.; and, according to Police Commissioner Patrick Murphy we can attribute a large percentage of these gunshot murders to "Saturday Night Specials."

That is why the Commissioner and I want these weapons eliminated not only from New York City, but from every city in America.

And while 1,117 homicides are far too many, the figures in my judgment prove the value of New York City's gun law, just as Federal law enforcement agencies have proven the value of the Gun Control Act. Of the 10 major cities in the United States, New York ranked 9th as far as killer crimes go. While cities such as Cleveland had murder and manslaughter rates as high as 36 per 100,000, New York City's rate was 14 per 100,000. I am such that our gun law plays a major role in this comparably better crime situation.

Mr. Speaker, I intend to continue my efforts to plug the loophole in the 1968 Federal law which is adding to the crime problem nationally and allowing criminals to circumvent good local laws such as New York City's. For example, cheap guns are smuggled into New York from out-of-state and end up in the hands of would-be murderers. And I want to thank those who have supported my effort to do this.

I salute today, the New York Times for the support it has given over the years to those of us who have worked for stronger Federal firearms laws. In both its reporting and in its editorial pages the Times has been a strong advocate of good gun laws.

The current thwarting of the Federal gun law was pointed out by editorial writer Tom Wicker in November 1970. More recently, on May 27, 1971, he again wrote a thoughtful article on the efficacy of good gun laws and the need to close the leak in the 1968 law before it becomes a veritable flood. I commend Tom Wicker's article, entitled "Saturday Night Specials," to my colleagues and ask that they read it for a lucid and concise presentation on where we stand today on Federal firearms legislation.

I include the New York Times article "Saturday Night Special," dated May 27, 1971, at this point in the RECORD.

SATURDAY NIGHT SPECIAL

(By Tom Wicker)

WASHINGTON, May 26.—It was pointed out in this space on Nov. 11, 1970—and as early as April 30, 1969, by Neil Sheehan in The New York Times—that the 1968 Gun Control Act was being to some extent thwarted because domestic firms were importing and reassembling the individual parts of cheap handguns, which were themselves barred by the act from importation.

This turns out to be only partially true. The parts are being imported and reassembled, all right, and with devastatingly dangerous effect. Before the act, for instance, the importation of cheap revolvers—weapons of such low quality that few sportsmen or law officers would want one—had risen from 41,350 in 1951 to 747,012 in 1968. That was enough to move Congress to ban shipments of handguns that could not qualify under a factoring system as a sporting weapon.

Since the act, which did not bar the importation of the individual parts of cheap handguns, five former importers have been authorized to import enough parts to assemble in this country about 1.5 million such guns. In addition, domestic manufacturers now are producing annually nearly a million cheap handguns made entirely in the United States. All these "Saturday night specials" retail for about $15 to $30, and often for much less on resale in the streets and alleys of every major city.

These are figures supplied by Representative John Murphy of New York, a principal sponsor of the 1968 act. He and another Murphy—Commissioner Patrick V. Murphy of the New York City police, who is a firm supporter of gun-control legislation—appeared the other day in a news conference to ask support for Representative Murphy's new legislation to bar the sale of cheap handguns domestically manufactured or assembled.

The Congressman also has written Representative Emanuel Celler, chairman of the House Judiciary Committee, that domestic manufacturers now are producing 41 different versions of the "Saturday night special" that would not be importable under the 1968 law.

Representative Murphy urged Mr. Celler to hold immediate hearings on the bill to apply the importation standards to domestically produced handguns. This is a measure obviously needed to plug a gaping loophole in the 1968 law, and the political prospects are reasonably good that this modest additional gun-control step can be taken; it is one that the most vociferous sportsman or gun fan will find hard to oppose on any rational grounds.

Further figures supplied by Representative Murphy—who got them from the Treasury's Alcohol, Tobacco and Firearms Division—do not, however, bear out the notion that the domestic production of "Saturday night specials" has thwarted the 1968 law. In fact, as Representative Murphy said at his news conference, the record shows that "gun legislation does reduce crime and contribute to its prevention."

From January, 1969, to March, 1971, 967 arrests were made under Title I of the 1968 act, which prescribes certain standards as to who may and may not legally buy and sell guns (convicted felons, for instance, may not). In a comparable period before the passage of the act, only 258 arrests had been made on somewhat similar charges.

Altogether, under various provisions of the 1968 law, 4,477 arrests had been made through March, 1971—including, Representative Murphy said, "significant arrests of every type of criminal known." Arrests are not convictions, but since this record represents an increase of about 410 per cent over gun-law arrests in the 27-month period before the 1968 law was passed, convictions and imprisonments for various firearms violations are bound to have increased, too.

The importance of these statistics is that they tend to disprove those who have been convinced that gun-control laws would have the effect of disarming law-abiding citizens, while leaving criminals free to dodge the law and commit as many crimes as ever. The effect, instead, has been to make it much easier to charge a violation of the new law to a gun-bearing criminal, or potential criminal, *before* the gun has been used in a crime.

A small further step, beyond closing the senseless loophole that permits the domestic manufacture of "Saturday night specials," has been proposed by a New York State Bar Association committee. It recommended a voluntary Federal license that would offer legitimate gun owners certain advantages, and at the same time make a beginning at determining on the Federal level who should and who should not be permitted to own a gun. That would be a small step indeed. but big ones are not likely in this politically volatile field.

INTRODUCTION OF A BILL TO PREVENT THE IMPORTATION OF HEROIN INTO THE UNITED STATES (TO BE INTRODUCED JUNE 24, 1971)

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and to restrict immigration from and travel to any such country.

I think this is a timely bill in view of the disclosure yesterday by Defense Secretary Melvin Laird that Turkey has refused a $5 million offer by President Nixon to destroy that country's opium poppy crop.

Even though the crop is estimated to be worth $3 million to Turkish farmers which would mean a $2 million profit, the Turkish Premier, it is reported, did not want to appear to be "an American lackey."

This has been our experience for decades. The American heroin market is being exploited by our "friends" who can think of every conceivable excuse not to eliminate their drug production. Because of the pride of the Turkish Premier, a great chunk of the world's supply of raw opium, half of which is produced in Turkey, will end up in the criminal traffic and ultimately its distilled essence, heroin, will find its way into the bloodstreams of a quarter of a million young Americans.

Mr. Speaker, as I pointed out last week, the problem of the elimination of opium production in many countries of the world is complicated by social and economic factors which influence the ability and the incentive of many countries to suppress the production of opium.

This has been going on for years. But I refuse to believe that those governments in the countries involved do not have the ability to eliminate either the production or the distribution and processing of opium and opium derivatives which are destined for the United States. I cannot believe that it is impossible to interdict either the production or the sources of supply by law enforcement—or the Army if need be—in France, Turkey, Mexico, Greece, Lebanon, and a host of other countries.

That is why I am introducing this bill which will provide the incentive to those countries that have been dragging their feet in knocking out the clandestine production of opium and the criminal network of refinement and distribution that has been allowed to go on for 50 years. I feel it is time we quit playing games with these nations and let them know in no uncertain terms that the United States of America will no longer tolerate this unhindered criminal traffic or be placated by the annual burning of a few poppy fields—which usually have already been harvested—and arresting a few secondary traffickers.

My legislation would take a hard line by punishing those countries which allow narcotic drugs to be produced and processed and which are destined for the United States by suspending economic and military aid to such countries.

Until they take the appropriate steps to stop the dope traffic, my legislation would do three things:

First, the legislation would amend the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully.

Second, the legislation would prohibit the issuance of visas to Americans who wish to visit those countries that have been identified as opium producers or processors. Under the provisions of my bill the Secretary of State may restrict travel to a foreign country or area by citizens and nationals of the United States if there is in effect with respect to such country or area a determination by the President that the country or area has failed to take appropriate steps to prevent narcotic drugs—as defined by section 102(16) of the Controlled Substances Act—produced or processed, in whole or in part, in such country from entering the United States unlawfully.

Third, my legislation would prohibit the immigration of residents from these countries into the United States. Under this provision, no immigrant visa may be issued under the Immigration and Nationality Act to any national of any country with respect to which there is in effect a determination by the President that the government of such country has failed to take appropriate steps to prevent narcotic drugs—as defined by section 102(16) of the Controlled Substances Act—produced or processed, in whole or in part, in such country from entering the United States unlawfully; and no national of any such country may be permitted to otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence.

I take this step reluctantly—but these countries leave us no alternative. Nothing has worked so far at the diplomatic level and the problem has now gotten completely out of control.

I am certain my bill, if enacted into law, would provide the incentive to the governments involved.

I am certain they would—in very short order—devise ways to eradicate the poppy crops, the marihuana fields, the pill producers and those vicious criminals who refine, package, produce, and smuggle these deadly powders and tablets into the United States.

When we realize there are 250,000 heroin addicts, 12 million marihuana users, and untold millions of our youths strung out on dangerous drugs, I feel that such a drastic step is warranted. The U.S. Congress should let these drug source countries know that the American people are fed up with their indifference and that we in Congress have had enough. We should let them know we are not going to be "nice guys" anymore and that we are willing to temporarily suspend our amicable relationships in order to put a stop to this outrageous international disgrace.

I urge Members to support this legislation. We in Congress must let these countries know that their lack of respect for the lives of young Americans has caused us to lose respect for them. Nothing could make this message more clear than to forbid our citizens to visit these countries and to prevent their citizens from immigrating to the United States.

TRIBUTE TO JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is 7 years since the murders in Mississippi of James Chaney, Andrew Goodman, and Michael Schwerner—three courageous young men who were in search of a dream. Their dream was that of the Reverend Dr. Martin Luther King, Jr.—equality of all men.

Andrew Goodman and Michael Schwerner were white; James Chaney was black. Each of them was concerned, determined and dedicated to the ideal of political freedom.

Coming from a different background and environment than James Chaney, Andrew Goodman and Michael Schwerner had come to Mississippi as volunteers to work for equal voting and educational rights for blacks in Mississippi under the auspices of the Council of Federated Organizations, an alliance of several civil rights groups which included the Congress of Racial Equality, the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, and the Student Nonviolent Coordinating Committee. They met James Chaney in Mississippi where they were involved in setting up freedom schools and voter registration drives. In their civil rights work they encountered a hostile and inflexible environment in which acts of violence and murder were condoned.

Their murder on June 21, 1964, was brutal. The tragedy of their deaths helped to jolt this Nation into an awakening to an issue that was submerged and ignored by a great number of people—the denial of the basic rights of many American citizens and the necessity to affirm these rights.

The courage of these young men and many other unheralded but gallant civil rights workers was finally met with long overdue congressional action in the form of the Voting Rights Act of 1965.

The results of the Voting Rights Act have been of enormous importance. The total number of blacks registered in the seven Southern States which fell under the operative mechanism of the act was 1,222,000 in 1965. By the fall of 1970, the total registered black voters in these States was 2,110,000, equivalent to 67.7 percent of those eligible. As black voters exercised the right to vote, black public officials were elected. In 1970, there were more than 500 black elected officials in the Southern States falling under operation of the Voting Rights Act. In 1968 the Mississippi Freedom Democrats were seated at the Democratic National Convention; in 1969 Charles Evers was elected Mayor of Fayette, and I was privileged to attend his inauguration.

Yet, despite the strides made by blacks in the South—and the North, as well—in achieving political power, much remains to be done. The basic problem which underlies the continuing failure of this Nation to achieve civil rights for all is, I believe, the absence of moral leadership from those who occupy the highest offices in the land to eradicate discrimination wherever it exists. There is, in fact, a moral vacuum.

The reluctance of the administration to firmly stand up and demand equality for all Americans is evidenced in numerous manners. The nominations to the Supreme Court of Judges Haynsworth and Carswell demonstrated at the least a lack of sensitivity to the civil rights issue—and that is a charitable description of the motivations underlying their nominations. The President's continuing reluctance to use the full power of the Federal Government—and by full power I refer not only to moral suasion, but also to use of the Federal power which derives from dispersing of Federal moneys—was again demonstrated recently by his statement on fair housing. He clearly there disavowed what he has termed in the past "forced integration," a catch phrase which obscures what is the real issue—the continued bars which are raised to prevent blacks and other minority group members from obtaining housing in the white suburbs which surround our decaying, and increasingly black, cities.

The consequences of this lack of clear articulation by the highest officials of the administration that racial discrimination must be rooted out find realization in the operation of Federal programs such as the section 235 homeownership assistance program.

This Federal program aims at assisting lower income families to become homeowners. Yet, because of its passive administration by FHA, the result has been, to quote from the recently released study by the U.S. Commission on Civil Rights, entitled "Home Ownership for Lower Income Families," that:

> (T)he full potential of the program is not being realized and . . . the traditional pattern of separate and unequal housing markets for majority and minority families is being repeated in the operation of Section 235, (page VIII).

Similarly, the massive report issued last fall by the Civil Rights Commission, entitled "The Federal Civil Rights Enforcement Effort," has made clear that throughout the Federal Government, enforcement of the civil rights laws and Executive orders has been inadequate. To quote from the summary of this report:

> Measured by a realistic standard of results, progress in ending inequity has been disappointing. Even in securing basic rights—by far the easier part of the problem—success has been spotty and moot. In many areas in which civil rights laws afford pervasive legal protection—education, employment, housing—discrimination persists and the goal of equal opportunity is far from achievement. The plain fact is that some of these laws are not working well. The Federal civil rights effort has been inadequate to redeem in full the promise of true "equal protection of the laws" for all Americans. As a result, many minority group members are losing faith in the Federal Government's will and capacity to protect their rights. Some also are losing faith that equality can be achieved through law. It is important that their faith be restored and that the promise of the hard fought battle for civil rights laws be redeemed.

Right now, in Mississippi, that battle for civil rights is continuing. Charles Evers, of whose national campaign committee I am a member, is waging a political struggle—through the political process—to become the first black Governor of Mississippi. At the same time, a vigorous voter registration drive is being conducted there.

One key reason why that drive is so important derives directly from the work of James Chaney, Andrew Goodman, and Michael Schwerner, whose efforts were so instrumental in producing enactment of the Voting Rights Act of 1965. This act has resulted in there being the potential of enough black voters on the voting registers to make a difference. As the June 22 edition of the Wall Street Journal, in an article by Neil Maxwell entitled "New Efforts in South To Enroll Black Voters Threaten White Leaders," describes the situation:

> The voter registration drive in Mississippi is significant because this is the first time there have been enough blacks registered in the state to seriously threaten firmly entrenched white leadership. There are an estimated 270,000 Negroes currently registered, compared with less than 25,000 prior to passage of the Voting Rights Act in 1965. That's still less than 30% of the total vote, but in a dozen counties, mostly in the heavily black Delta, black voters equal or outnumber the whites.

More than 200 blacks, in addition to Mr. Evers, are running for office in Mississippi, and chances are very good that many of them will be elected.

Not unexpectedly, violence has reared its ugly head once again. Intimidation, even shootings, have occurred. I have written, on June 7, to the Attorney General, requesting that Federal observers and registrars be sent to Mississippi, in order to discourage this violence and assure that those who want to register to vote can freely do so. Thus far, I have received no response.

James Chaney, Andrew Goodman, and Michael Schwerner paid with their lives for their determination to fight for civil rights. On the seventh anniversary of their deaths let us remember their sacrifice to reaffirm the determination and commitment that blacks and Puerto Ricans and Chicanos and American Indians, and all minority groups in this Nation, can and will settle for no less than their equal role in this Nation. Until equality is achieved, this Nation has failed its precepts and its most enshrined documents—the Declaration of Independence, the Constitution, and the Bill of Rights. So long as that failure continues, we will persevere. And we shall overcome.

At this point, I should like to include in the CONGRESSIONAL RECORD Neil Maxwell's article which appeared in the June 22 edition of the Wall Street Journal. The article follows:

[From the Wall Street Journal, June 22, 1971]

BLACK BALLOTS—NEW EFFORTS IN SOUTH TO ENROLL BLACK VOTERS THREATEN WHITE LEADERS

MISSISSIPPI PROJECT, IMBUED WITH RIGHTS SPIRIT OF OLD, GEARS UP FOR 'CRUCIAL' VOTE—'I HAVE FAITH IN OUR NIGGERS'

(By Neil Maxwell)

JACKSON, Miss.—What a question for a college lad: Where would you rather spend your vacation—the Bahamas or the muggy Mississippi Delta? Doug Schoen, a 17-year-old Harvard student from New York, had that decision to make a few weeks ago. And he chose here.

Doug is one of several score students and others who have descended on Mississippi for a few days or a few months with the aim of unseating whites from offices as high as that of the governor and as low as those of local justices of the peace.

Their presence is important not only because their voter-registration efforts may tip the scales in some contests but also because it is the first time in five years there has been any significant black and white togetherness in working for civil rights goals in Dixie.

A "MOST CRUCIAL ELECTION"

"You have, perhaps not consciously, the makings of an attempt to regain the spirit of the old civil rights movement," says John Lewis, director of the Mississippi Voter education project and a longtime civil rights leader. "Maybe it will serve as a spark to get people in the rest of the South, or even the whole country, to start working together again."

The voter-registration drive in Mississippi is significant because this is the first time there have been enough blacks registered in the state to seriously threaten firmly entrenched white leadership. There are an estimated 270,000 Negroes currently registered, compared with less than 25,000 prior to passage of the Voting Rights Act in 1965. That's still less than 30% of the total vote, but in a dozen counties, mostly in the heavily black Delta, black voters equal or outnumber the whites.

"This is the most crucial election in the history of the state," says Mr. Lewis. "Nearly every office is up for re-election, and, for the first time, blacks have the strength to do some good."

"I HAVE FAITH IN OUR NIGGERS"

The greatly enhanced chances of winning have brought more than 200 Negroes into election races. Charles Evers, black mayor of Fayette, is a longshot candidate for governor and the first of his race ever to run. There are 48 black candidates for the state legislature, and Aaron Henry, state president of the NAACP and a candidate for the Mississippi House, figures half have a chance. "Realistically, about a dozen will probably get elected," Mr. Henry says at his Clarksdale drugstore. Currently there is one black legislator.

"We can reasonably expect about 100 blacks to be elected over the state," Mr. Henry predicts. That's double the number in office now.

Whites see that as a gross exaggeration.

In Charleston, seat of Tallahatchie County and scene of a concerted registration drive to increase the black vote, W. W. May, publisher of the Mississippi Sun for 20 years, says there's little concern over chances of a black takeover in November, even though registered black voters slightly outnumber the whites and even though Negroes plan to challenge nearly every white officeholder in the county.

Mr. May doesn't think many blacks will vote for blacks. "I have more faith in our niggers than that," he says. "They are going to vote for the best qualified candidate."

THE WELCOME MAT ISN'T OUT

Whites may not be worried, but you couldn't tell that from the reception voter-registration workers are getting.

Tallahatchie County has a long reputation for being a tough spot for blacks. It was here that Emmett Till was lynched in 1955 for whistling at a white woman, and just three weeks ago a white night watchman allegedly gunned down a black man in what was apparently a minor dispute at a filling station in the county. (The sheriff had announced that the death was due to "natural causes," though the undertaker had said there were three bullets in the body. A grand jury will consider the evidence.)

It's still a tough place, as the visitors are quick to find out when they venture onto plantations to seek to register voters.

Sister Barbara Voltz, a Milwaukee nun who was down three weeks ago as adviser to a group of 15 students, says, "You could feel something electric in the air. I admit that after a day or two we picked up a degree of paranoia."

Her reaction is perhaps understandable, since (a) on Wednesday afternoon she was run off of two plantations in a row (b) on Thursday morning she was working down the road from a group that claims someone fired two rifle shots at them and (c) on Thursday night she was at a lake with a racially mixed group that was allegedly harassed and threatened with arrest by lawmen with drawn guns.

"AN AMAZING LEARNING EXPERIENCE"

For the students, Sister Barbara says, "it was an amazing learning experience. It taught them a lot about the value of human rights."

Even without opposition from whites, trying to persuade rural Negroes to journey to the courthouse—a place that has never meant anything but trouble—to register can be fraught with frustration. Sheila O'Flaherty, a 25-year-old visitor from Montana, is an authority on that.

One recent afternoon Miss O'Flaherty and Herman Batteast, a 14-year-old Negro youth with whom she works as a team, attempted a couple of "pick-ups," which means picking up and taking to the courhouse folks who had previously been talked into registering. After a 20-mile drive to the first stop, a plantation near Tutwiler, the two go through a fruitless pitch to a 63-year-old tenant farmer and his wife.

"You mean you got to go all the way to the courthouse to register?" the overall-clad Negro asks. "I'm hooked up where I can't go this evening. I'm expecting the boss man any minute for me."

This is cotton chopping time in the Delta, when weeds are hoed from the fields, and the man explains that he had to be on hand waiting for whenever the plantation owner decided the fields were dry enough.

Asked how he feels about voting, he says, "I wouldn't mind it. But I don't know anything about it. I do know some people on these plantations who vote, but they vote like the boss man tells them to. If that's the way a privilege works, I'm not sure I want it."

Giving up, the pair visits a plantation a few miles away, stopping at a ramshackle home with 10 autos outside—eight hulks and two in need of repair.

First, the man of the house says he can't go because he has to fix his car. Second, he says he can't go because his vote wouldn't be counted anyway. Third, as a thunderstorm sweeps sheets of rain across the yard, he says he can't go because it is raining too hard.

By the time the rain eases, it is too late to make it to the courthouse anyway. The afternoon has produced no voters.

"There's nothing at all unusual about that," Miss O'Flaherty says. The record for the pair was one day when they took 10 voters to register, eight in one group. "I don't think we've gotten more than five any other day," she says.

A PLEA FOR U.S. HELP

Once blacks get to the old white courthouse in Charleston, they are signed up fairly, because the county clerk is under federal court orders to do just that.

In many other places, however, it isn't so easy, and the federal government is being urged to send registrars in to end abuses. A few days ago three prominent lawyers—former White House aide Theodore Sorensen, former NAACP general counsel Robert L. Carter and civil rights expert Joseph L. Mitchell "to dispatch immediately to Mississippi sufficient numbers of federal registrars and observers to ensure that every eligible Negro who so desires may be permitted to register to vote in the forthcoming election."

The lawyers cited an alleged incident earlier this month at Liberty, Miss., where they said white registration workers and several Negroes who wanted to register were forceably ejected from the Amite County courthouse by the sheriff. "The local mayor and the sheriff threatened these workers with physical harm if they returned to continue registering black voters," their request for help says. "Only after considerable pressure from Washington were they permitted to return . . . to witness the actual voter enrollment of 14 local blacks." (Mayor Jack Causey denies the allegations. "It's a damn lie," he says. "I don't recall anything like that. We don't want them in here, but I have never been confronted with anything like that. It just didn't happen.")

Registration workers also complain of clerks closing their offices for unduly long lunch hours or closing to make frequent trips for medical attention during normal business hours.

At Evers headquarters in Jackson, Ed Cole, a campaign leader, says "in several places they won't permit registration workers in the office with blacks. It stands to reason that if you can have help in the voting booth you should be able to get it in the clerk's office."

Mr. Cole also complains that many clerks query registrants about where they work and he says that has an intimidating effect on a registrant. "The first thing he thinks of is his job. And if he signs up and gets fired a week later—for whatever reason—there is no way to convince him that registering to vote didn't cost him his job," he says.

"I'M GOING TO BLOW YOUR BRAINS OUT"

Plantation owners can be bigger obstacles than registration clerks, some outsiders working here say. Bryan Shane, 19, a student from Oconomowov, Wis., recalls, "We were talking to these tenants when this white guy pulled up in his car and said we were on his road. He said for us to get our white Yankee ——— out, but I told him it was a county road. He pulled out a pistol and said, 'I'll show you how much of a county road it is,' so we didn't argue and left. He said he would blow our brains out. My heart was going 'boom, boom.'"

"'I'm going to blow your brains out' is a very common expression around here," Miss O'Flaherty says.

The registration workers have run into other problems, too. A couple of weeks ago, they left a van unattended while they went into the courthouse at Charleston for a few minutes. When they returned, it had three flats. Rev. Leon Walker, in charge of the registration campaign in Tallahatchie County, claims someone fired two shots at him from a high-powered rifle.

He also got fired from his job as pastor of St. James AME Church when his conservative black flock found out he was working on voter registration. He was fired by blacks, but he blames whites. "The white man realized that my working on voting threatened his position, so he got to my parishioners and put pressure on them," he says, sipping a late morning beer at a house where several visiting students are staying.

White residents are quick to agree that they don't countenance outsiders coming in to bring about radical change, but they insist that the tales of harassment are exaggerated.

"They've been harassed, but not shot at," says State Sen. Donald Strider, chatting in the shade of a tree on his vast plantation bordering the Tallahatchie River. "They've had guns pulled on them, because sometimes that's the only way you can get them off the place."

He recalls one instance when registration workers came right into the field where hands were chopping weeds, halting work. So the plantation owner got his gun and ran them off, the senator says.

He is convinced that the outsiders want violence, because it would gain sympathy for their cause, but he also feels it won't happen, because the whites are too smart to fall into the trap.

Sen. Strider says the Negroes living on his own place in the long row of tenant houses—each with one huge letter of the name "Strider" painted on the roof—are already registered to vote. But he says his farm manager has run off some registration workers.

"I'm definitely against them coming onto my place, because they send them out in mixed couples," the senator says. "My farm manager ran them off after he noted this black boy and this white girl standing under this very tree necking."

"Now, if it was you and a black man, or you and a white woman. I'd let you on the place—but not if it was you and a black woman. I'm against this mixing of couples. If God had intended us to become a mongrelized race, he would have just made one race in the first place."

"GO BACK TO NEW YORK"

In more cosmopolitan sections such as Jackson, the registration workers have fewer difficulties, but they still have them.

Doug Schoen, the one who could have gone to the Bahamas but chose here instead, says he has found it helpful to lie about why he's here when he visits official offices to get research materials for Charles Evers' gubernatorial campaign. "I just tell them I'm a graduate student," says the Harvard sophomore, whose father is a New York lawyer and mother a teacher at City University of New York.

"I knew people would be reticent, but I didn't how how reticent," he says. "They tell me things like I should go back to New York and work on the problems that are there."

Like many male visitors, Doug got a haircut before coming South, thinking he would be more readily accepted. It didn't help much. While he deems his hair "very conservative, by Harvard standards," it's still long for Mississippi, where crew cuts are still in vogue.

The conservatism of the South has also been a problem for Chris Evans, a 22-year-old Tulane graduate whose home is here and who is working to help elect Mr. Evers. His parents object strongly to what he's doing, and Chris moved out of the house recently after a controversy over the discovery of some New Republic magazines in his room. "My father thought that proved I was under Communist influence," Chris says.

CHARGES OF TRICKINESS

Seldom has a political scene been as fraught with charges of trickiness as in this year's in Mississippi. The legislature passed a law doing away with party primaries and having instead one "open" primary. The reasoning was that Negroes would have a tough time getting into the runoff, and if they did get in they would have a far tougher time winning it against solid white opposition. Federal courts overturned that.

In another move, 23 counties wiped the voting rolls clean and required everyone to re-register. Black leaders say county officials knew that it would be far easier to get whites to re-register than it would blacks and that the move would undo nearly a decade of voter-registration work.

That's one reason behind the current massive campaign to get blacks on the books. The deadline is July 2.

Whites charge that Mr. Evers is being sneaky by refusing to run in the August Democratic primary. He is running as an independent and urging other blacks to do the same. This means they don't run the risk of coming out of the primary a loser.

But the big advantage is that the general election will be "sudden death," with no runoff. So if there are several candidates, the chances of blacks having enough voting muscle to elect blacks rises rapidly.

Sen. Strider says that Mr. Evers could become governor with far less than a majority vote. "If we get a Republican candidate and a Democrat, and there may be a Conservative, plus Evers, 26% of the vote could elect a man," the senator worries.

AMENDMENTS TO BE OFFERED BY REPRESENTATIVE MIKVA TO H.R. 9272

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I propose to offer the following amendments to H.R. 9272 to restore the cut to the Bureau of Prisons.

Amendments offered by Mr. MIKVA to H.R. 9272: Page 20, line 11, after 168a), strike out "$13,000,000." and insert "$14,250,000."

Page 19, line 15, after the word "Code" strike out "$103,500,000" and insert "$105,225,000".

Page 20, line 1, after "account," strike cut "$57,842,000" and insert "$74,153,000".

TRAGEDY AT QUEBEC TERRACE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the tragic shootout at Quebec Terrace has raised extremely serious questions about the conduct of a firearms raid by agents of the Treasury Department. The Treasury agents were assisted by members of the Montgomery County Police Force, two of whom were dressed in casual-hippy style clothing. There are serious questions about the use of these officers in such a raid.

County officials have reported to me on this matter, but there are unanswered questions of wider scope which must be answered to the satisfaction of the public and Government.

Although county police officers played a supporting role, the primary responsibility for this raid rested with agents from the Alcohol, Tobacco, and Fire Arms Division of the Treasury Department. I have joined my colleague from Michigan (Mr. DINGELL) in urging Secretary Connally to conduct a complete investigation of the raid. My letter directed his attentiton to seven questions of special importance, and I am inserting it in the RECORD.

Mr. Speaker, last year I spoke out against the no-knock provision of the District of Columbia crime bill because I believed that broader powers of the unannounced entry by the police would jeopardize the safety of citizens and policemen alike. I am deeply disturbed that the tragic consequences I feared from the no-knock entries could occur even in a case where law enforcement officers were supposedly following the regular procedure of announcing themselves in the execution of a warrant. The right of Americans to be free from arbitrary police intrusion into their homes ranks as high as any right in a civilized society. We must find out what went wrong at Quebec Terrace and take all necessary steps to see that this tragedy is not repeated.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 23, 1971.

Hon. JOHN CONNALLY,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I am deeply disturbed by the tragic consequences of the fire arms raid at Quebec Terrace in Silver Spring, Maryland. Discrepancies in press accounts of the incident and many unanswered questions about the conduct of the raid have led to increased public concern. I urge that you make a complete investigation of the matter, so that these questions can be cleared up and a repetition of this tragedy prevented.

I believe that an investigation should be addressed to the following matters in dispute:

1. Was there sufficient evidence to justify requesting a warrant?
2. Was a night time raid warranted by the information about possible violation of federal law?
3. Under what circumstances do agents of the Alcohol, Tobacco and Fire Arms Division seek the assistance of local police officers in carrying out such raids?
4. Why did the Federal agents accept the assistance of local police officers dressed in casual-hippy clothes in carrying out a raid of this type?
5. How much time was allowed for the occupants of the apartment to open the door? In a case like this where the evidence cannot be easily destroyed, how much time is generally permitted?
6. Could a key to the apartment have been obtained, rather than battering down the door?
7. Who was responsible for leaving the apartment in such disarray?

There have been ambiguous or conflicting reports on many of these issues. I believe your department has every interest in getting to the bottom of this controversy in order to provide a full explanation to the public and also to assure that any necessary changes be made in the operating procedures of Treasury agents responsible for conducting such raids.

Your prompt reply to this inquiry will be appreciated.

Sincerely,

GILBERT GUDE.

INAUGURAL ADDRESS OF CHANCELLOR BOYER OF THE STATE UNIVERSITY OF NEW YORK AT ALBANY, N.Y.

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. STRATTON. Mr. Speaker, in recent ceremonies at the State University at Albany, in my congressional district, Dr. Ernest L. Boyer was inaugurated as chancellor of the State University of New York, the largest university system in the world, I might add.

In his inaugural address, Dr. Boyer made many proposals which are pertinent not only to our own great State university, but also to education in general and to all educational systems in this country.

I am certain that Dr. Boyer's remarks will be of great interest to my colleagues here in the House, and I am therefore placing Dr. Boyer's fine address in the RECORD so that others may be able to read and profit from his recommendations:

INAUGURAL ADDRESS BY ERNEST L. BOYER, CHANCELLOR, STATE UNIVERSITY OF NEW YORK

TO THE DEEPER RITUALS

In formally accepting the Chancellorship of the State University of New York, I do so with a deep sense of gratitude for your confidence, and a pledge to give myself unreservedly to the task.

The State University of New York—with more than 300,000 students on seventy campuses from Suffolk on Long Island to Fredonia in the west, stands proudly as an institution unparalleled in its growth, unique in its diversity, and increasingly looked to as a model of what the public university of the future must become. The dramatic emergence of the University as one of America's truly preeminent institutions of higher learning in the nation is a tribute to a great many individuals, not the least important of whom are the citizens of New York State. But two men in particular come to mind today.

For the past twelve years, Governor Nelson A. Rockefeller has played a truly significant role in the growth of the State University of New York. His vision of what a great university can mean in the life of a people and his drive to see that vision realized have unfailingly sustained this monumental effort. Thomas Jefferson's self-chosen epitaph points with satisfaction to three achievements: the Declaration of American Independence, the Virginia Statute for Religious Freedom, and the Founding of the University of Virginia. When the history of higher education in the Twentieth Century is chronicled, Governor Rockefeller's name will be recorded very prominently indeed. And because of his vision and support, the lives of hundreds of thousands of students for generations to come will be richly endowed.

My thoughts turn also to Chancellor Emeritus Samuel B. Gould. When Chancellor Gould invited me to join him here in 1965, I gladly accepted because of my great respect for Sam Gould as a man and my admiration for his dream of what this institution might become. The intensity of my convictions regarding his leadership has deepened during the intervening years. And it is humbling, indeed, to find myself now taking on the challenges to which he so brilliantly responded.

Today, the State University of New York confronts a world dramatically different from the one it first greeted in 1948. Nineteen forty-eight, that was the year in which Charles Evans Hughes died and Dwight D. Eisenhower became president of Columbia University. That year an annual review issued by one of our leading encyclopedia publishers described France's colonial war in Indo-China, praised a new miracle pesticide called DDT, and suggested that the quality of programming was beginning to improve on the nation's *nineteen* television stations. In 1948 editors did not think it necessary even to mention such topics as ecology, integration, urban affairs, narcotics, birth control, computers, automation, or pollution.

The changes of the past twenty-three years (the total life span of the State University) are almost beyond belief. Consider, for example, the litany of place-names—so poignant to us but which would have merely puzzled that entering class of '48. Cape Kennedy, Montgomery, Dallas, Watts, Kent, Jackson State, Woodstock, My Lai, and the Fort Benning trial. Our minds and the minds of our youth have been driven from exhilaration to despair, from cautious optimism to confusion and even shock. During these years we have gathered in the silence of our darkened homes—as though mesmerized by a kind of electronic ritual—to watch as our astronauts descended onto the moon and as our slain leaders were lowered into the earth.

And what does all of this have to do with the university? A great deal I would say for it is on the college campus that the future most dramatically meets the past. And here the fiercest after-shocks of change are felt. The campus turmoil of the recent past has ripped our institutional fabric. And we in the university now enter the decade of the 1970s much more sober and mature. This is not to say, of course, that adversity has passed. Suddenly, a new and more penetrating crisis has emerged. Almost without warning, questions of fiscal resources, institutional flexibility, and even the very integrity of the university itself have tumbled in upon us.

I do not for one moment misjudge the urgencies we face. They are very real, and I feel them keenly. And yet, the issue ultimately is not the gravity of the *crisis* but rather the *quality* of our *response*. The strength, the fiber of an institution—as in all of us—are not truly revealed in tranquil, easy times. Rather, character shines through when pressures mount, when adversity looms large, when hard choices must be made.

This, then, is our challenge: to move forward with confidence, using our resources wisely and drawing strength from our tradition. And I believe this challenge can be met. The State University of New York is not some towering disembodied, structure. It is, quite literally, assembled in this room. Our future will be shaped, not by mysterious, invisible forces beyond ourselves, but by the convictions *we* agree to share and the actions *we* decide to take.

Therefore, I suggest that we look beyond the moment and focus on the future. Let us consider together several goals to guide our future course.

First, we must rekindle a spirit of mutual trust and confidence between the University and the community beyond.

It is no secret that the recent turbulence has left us with a yawning chasm between the campus and the town. The climate of acceptance, always fragile, seems to have given way to distrust, suspicion and even fear.

If we are to regain our equilibrium as a people, this festering antagonism must begin to heal. This requires, among other things, a recognition of the University's delicate, critical social role. It means accepting and rejoicing in the University as an island of free and open inquiry, and viewing it as a place where the established order of things can be scrutinized and probed. In so doing, we shall reaffirm the vitality of democracy itself, for if we lost faith in our universities, we lose faith in our future and in ourselves.

But if it is to be effective, trust must be a two-way street. The university has its own responsibilities to fulfill. Specifically, we must go beyond our cloistered walls to meet with honest critics, not to quarrel, but to listen and to learn, and to demonstrate our determination to serve as good stewards of the public trust. Smugness, aloofness, and arrogance are inconsistent with our mission, and ultimately destructive of the very institution we seek to serve.

The mission of the university can never be chained to the narrow purposes of a single group; neither can it long survive alone. The campus and the community are inevitably interlocked, and the time has come for us to stand together and rekindle confidence and hope.

Woodrow Wilson used to speak of "Princeton in the Nation's Service." I like to think that something analogous to that spirit will underlie our own efforts in the future—as, indeed, it has in the past.

As a second State University goal, there is the need to *keep the structure of our university fully functional*. We are the nation's largest university. But if our size serves only to stultify, or if in the name of centralized control we substitute bland uniformity for diversity, we shall have salvaged only the *shell* of the institution, while watching its *spirit* slip away. Every person in this university should be able to take pride in being part of a large and exciting undertaking. But each should enjoy as well, a keen sense of his own freedom within "the system" and personally help the University chart its future course. With this goal in mind, I shall continue to encourage diversity among the colleges, protect local initiative, and promote the creative new ideas which flow from students and teachers on all our campuses.

But local initiative, as essential as this may be, will not suffice. Duplication and overlap would, I am convinced, lead to fragmentation and work against the best interests of us all. More than ever before, University-wide priorities must be set, new programs examined, and hard choices made. At this critical time, we cannot afford the deceptive luxury of uncoordinated growth. Faced with an unprecedented crisis of resources, this is the time to plan *together*. This is the time for the University to stand as a cohesive whole—with its separate parts, to be sure—but *in spirit* a great and unified educational network, whose pooled resources are available to the citizens of the State.

And yet, the State University of New York—for *all* its size and diversity—is only *one* partner in New York's *total* enterprise of learning. Nothing could be more petty or shortsighted than for each college and university of this State to huddle within the protective shelter of its own enclave, seeking to survive in splendid isolation. The day has come to recognize that all of us—public and private institutions alike—are intimately joined in a single goal: that of meeting the educational aspirations of the young.

In this spirit, I should like to propose that we draw together, as public *and* private colleges and universities throughout this great State, into a series of regional—*"Cooperative Councils on Higher Education"*—building upon and strengthening the excellent consortia already beginning to emerge in such areas as Rochester, the North Country, Buffalo, and Long Island.

These councils, as I visualize them, would be *working* organizations—not mere window dressing. Assisted by a network of regional offices and staffs, the possibilities are endless and, to me, quite exciting: shared library facilities, faculty exchanges, joint research, regional conferences and cultural events, to name just a few. Rather than eroding the independence of the individual colleges involved, collaboration would strengthen—educationally and administratively—the separate institutions and dramatize the unity of our cause.

This call for a flexible structure, both in the University and beyond, leads to another and closely related concern: *the need to keep the educational process imaginative and open.*

As long ago as 1869, President Charles William Eliot of Harvard declared in his nononsense way: "The University must accommodate itself promptly to significant changes in the character of the people for whom it exists."[1] This remains as true today as it did in 1869.

I do not for one moment, of course, propose that we dilute the University's great traditions: critical analysis, reasoned discourse, precision of thought, and free and open inquiry. These remain—as always—the essentials. And yet, earlier maturation, vastly upgraded high school programs, and dramatic breakthroughs in communication have combined to alter radically both the context of our work and the entering college student.

In this regard, there are, I believe, good and sufficient reasons to rethink the length of time required to complete the baccalaureate degree. Specifically, I suggest that one of State University's newly emerging arts and science colleges be established as a *three-year* institution, not simply to substitute one rigidity for another, but rather to adapt our schedule somewhat to the changing student. As one approach, the first of these years might be thought of as a "capstone year" in liberal learning to bridge the transition from high school to upper division college work.

I propose another step: The introduction (possibly as early as September 1972) of an experimental and voluntary three-year A.B. program for perhaps ten percent or more of the freshmen students entering throughout the entire University system.

If these experiments prove successful in educational and human terms, I can foresee a day in the not too distant future when large numbers of our students will be able to earn their degrees in a shorter and more flexible span of time.

But greater flexibility in the length of college study is not sufficient. The time has come to examine, as well, the conventional notion that "going to college" necessarily means four or three or any arbitrary number of actual years of residence on a campus—one traditionally covered with mouldering bricks and luxuriant ivy.

Coming in increasing numbers to State University's doors are many kinds of people—young mothers, war veterans, mature students—with a fierce desire to be better educated but who either cannot or do not wish to relocate on a college campus, and who have the motivation and ability largely to guide themselves.

These are the circumstances that led to our launching of the Empire State College, a new kind of college on the American scene—one with a well-conceived program, high standards, its own faculty, but without a campus. Students will study at home, in ghettoes or foreign countries, in front of television sets or tape machines, or they may find themselves temporarily in campus seminars. The faculty will supervise and guide them. This is essential. The important point is that the form of Empire State College will be strikingly novel, while its process will remain flexible and its quality high.

Clearly the length and the location of higher learning must be re-examined. Yet these changes—important though they are—will be empty gestures unless, at the same time, we examine the content and quality of the educational encounter. Indeed, as we become less preoccupied with the mechanics—the form—of education, we will be freed to focus on the substance of our work: what do we mean by "the educated man?" What should be the content of our programs? What should be happening to, or, more precisely, within each student?

This brings me to a fourth issue: the need to *keep as a central aim a deep concern for the individual*. It is true (as Clark Kerr once observed) that the modern multiversity—with its computers, research institutes, government contracts, and sprawling parking lots—has become a vast enterprise indeed.

And yet, the human learning activities at its heart remain curiously intimate and low-keyed: the girl studying alone in a library alcove, the boy challenging his professor's ideas after class, roommates arguing their way through a "bull session" late at night. The framework of this university may seem huge and monolithic. But within the institution thousands of intimate intellectual encounters are constantly taking place. Our responsibility, it seems to me, is to encourage such exchanges a thousandfold.

One of the charges most frequently directed against the modern university is that research is stressed while teaching is ignored. In a sense, this accusation is misleading because of the cleavage it implies. The best teachers frequently are *precisely* those men and women most deeply immersed in their research.

But it would be foolish to deny that there is some validity to the charge. Too often have we paid lip service to teaching while reserving for research the more concrete rewards. The problem of course is not new. Charles Townsend Copeland, one of Harvard's truly gifted teachers, had to wait eighteen years for a promotion from instructor to assistant professor, because he was considered to be "only" a teacher!

Just as we now—quite properly—give recognition to those who have achieved outstanding distinction in research, honoring them as Distinguished Professors, so too must we honor those who intellectually nourish their students. As a step toward that goal, I propose that we create within the University still another academic rank: that of University Teacher.

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[1] Charles William Eliot, "Inaugural Address", *Educational Reform: Essays and Addresses* (New York: Century, 1909), p. 35.

The designation of *University Teachers*, prudently and sparingly given throughout the State University, will signify to the best of our master teachers, both by title and salary, that this University regards excellence in teaching as the hallmark of success.

I fully recognize the pitfalls inherent in the measurement of teaching; I am also aware that a new rank to reward excellence is only a modest step. But the difficulties are worth confronting, and a distinguished rank for teaching is, I believe, more than simply an empty gesture. In a university whose hallmark is excellence, superior research and superior teaching must flourish side by side. To be sure, we must cultivate new realms of knowledge. But we also must cultivate the people in our midst. "The worth of a State," wrote John Stuart Mill, "is the worth of the individuals composing it." [2] And so it is with the university as well.

My final concern, while difficult to define precisely, is perhaps the most crucial of all. As I talk with teachers and students, I often have the uncomfortable feeling that the most vital issues of life—the nature of society, the roots of social injustice, indeed the very prospects for human survival on this earth—are the ones with which the traditional structures of academia are least equipped to deal.

Our students come to us at a time of high expectancy, hoping to explore their urgent questions about society and about themselves. And yet, all too often they find themselves enmeshed in routines that are deadly and distracting. Thoreau might have put the problem this way: we are prepared for the student who wants to understand the anatomy of the frog, but are we prepared for the student who wants to understand the anatomy of his own society, or of his own soul?

I hope so, because I believe society today is desperately in need of individuals who are able to look at the old and the familiar in startling new ways, pose the "obvious" questions people seldom ask, and who seek—as William Faulkner phrased it in his Nobel Prize address of 1950—"to make out of the material of the human spirit something which was not there before."

Such a thrusting beyond the familiar may be an irritant at times. But creativity on the campus will also illuminate the mind, stimulate the arts, and speak to the common yearnings we all share. Carl Sandburg expressed it well in his simple moving poem, The People, Yes:

> Once having marched over the margins of animal necessity, over the grim line of sheer subsistence, then man came to the deeper rituals of his bones, to the time for thinking things over, to the dance—the song—the story, or the hours given to dreaming once having so marched.

Frankly, at this moment I do not know precisely *how* the University of the future will organize itself to confront "the deeper rituals" of our bones. And yet, in a period when our priorities are being sharply probed, what a tragedy it would be if the most deeply felt issues, the most haunting questions, the most creative moments were to be pushed to the fringes of our institutional life—simply because they do not fit neatly into the organizational grooves and academic routines to which we sometimes seem excessively devoted.

"With all thy getting," declare the Scriptures, "get understanding."

CONCLUSION

I am keenly aware of the limited impact which men and their institutions seem to make these days on the events of the times. But our abiding *hope* that, with determination and effort, we indeed *can* make a difference represents a life-giving beam of light.

Furthermore, if any single social invention carries with it that potential for the fulfillment of our dreams, it is the university. And long after we have all disappeared from the scene, it will have been said of this magnificient State and its people that by educationally caring for its sons and daughters, it also secured the future.

I wish to acknowledge the debt I owe to the members of the Board of Trustees for the trust they have placed in me, for their guidance and wise counsel, and for their unfailing encouragement and support.

Because of my faith in the students and teachers and administrators of this institution, and because of my sense of what the university has meant in the long sweep of human history—and what it may yet become—I am eager to move ahead.

For I can think of no greater mission than the building of a university.

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. GERALD R. FORD), leave of absence was granted to:

Mr. BROYHILL of North Carolina, for today, on account of death of administrative assistant.

Mr. HOGAN, for June 24, 1971, and the balance of the week, on account of official committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEELE) to reivse and extend their remarks and include extraneous matter:)

Mr. CHAMBERLAIN, for 15 minutes, today.

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mr. SCHWENGEL, for 10 minutes, today.

(The following Members (at the request of Mrs. GRASSO) to revise and extend their remarks and include extraneous matter:)

Mr. ROSENTHAL, for 15 minutes, today.

Mr. FRASER, for 10 minutes, today.

Mr. MCFALL, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, during consideration of the agricultural appropriation bill in the Committee of the Whole today, and to include extraneous material and tables.

Mr. DINGELL to extend his remarks previous to those of Mr. REUSS in the Committee of the Whole today.

Mr. HORTON to extend his remarks prior to the vote on the Widnall-Stephens amendment in the Committee of the Whole today.

Mr. RYAN prior to the passage of the Conte amendment during general debate on H.R. 9270.

Mr. DORN in two instances and to include extraneous matter.

Mr. HECHLER of West Virginia during consideration of the Reuss amendment to the bill H.R. 9270.

Mr. GUDE prior to the vote on the Reuss amendment to H.R. 9270 and to include extraneous material.

Mr. SCHWENGEL during consideration of the Reuss amendment to H.R. 9270.

Mr. FULTON of Pennsylvania after the vote on the Michel amendment to H.R. 9270.

Mrs. HECKLER of Massachusetts prior to vote on the Reuss amendment to H.R. 9270.

(The following Members (at the request of Mr. STEELE) and to include extraneous material:)

Mr. BROOMFIELD in 10 instances.

Mr. MILLER of Ohio.

Mr. WYMAN in two instances.

Mr. SNYDER.

Mr. DERWINSKI in two instances.

Mr. HOSMER in two instances.

Mr. HUNT in two instances.

Mr. BRAY in three instances.

Mr. MARTIN in two instances.

Mr. SCHMITZ in two instances.

Mr. HARSHA.

Mr. RIEGLE in two instances.

Mr. REID of New York.

Mr. THONE.

Mr. MCCLORY.

Mr. BOW.

Mr. LENT.

Mr. GOLDWATER.

Mr. PELLY.

Mr. COLLIER in five instances.

(The following Members (at the request of Mrs. GRASSO) and to include extraneous material:)

Mr. SCHEUER in five instances.

Mrs. HICKS of Massachusetts in three instances.

Mr. JACOBS.

Mr. GRIFFIN.

Mr. BEGICH in three instances.

Mr. DINGELL in two instances.

Mr. PICKLE in five instances.

Mr. DRINAN in three instances.

Mr. FRASER in four instances.

Mr. EILBERG in two instances.

Mr. HÉBERT.

Mr. PATTEN in two instances.

Mr. GALLAGHER.

Mr. WILLIAM D. FORD in two instances.

Mr. STOKES.

Mr. MIKVA in eight instances.

Mr. MATSUNAGA.

Mr. MAZZOLI in two instances.

Mr. MURPHY of New York in two instances.

Mr. ASPIN.

Mr. O'NEILL in three instances.

Mr. BINGHAM in three instances.

Mr. MANN in two instances.

Mr. CHAPPELL in two instances.

Mrs. SULLIVAN in two instances.

Mr. BRASCO in two instances.

Mr. JONES of Tennessee in two instances.

Mr. MITCHELL in two instances.

Mr. RARICK in two instances.

Mr. DORN in two instances.

Mr. RYAN in three instances.

Mrs. GRASSO in two instances.

Mr. MILLER of California in five instances.

Mr. TIERNAN.

Mr. DENHOLM.

Mr. NIX.

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[2] John Stuart Mill, *"Utilitarianism, On Liberty, and Representative Government"* (New York, E. P. Dutton, 1950) p. 229.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

S. 27. An act to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; to the Committee on Interior and Insular Affairs.

S. 30. An act to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min; to the Committee on the Judiciary.

S. 119. An act for the relief of Manuela C. Bonito; to the Committee on the Judiciary.

S. 248. An act for the relief of Willian D. Pender; to the Committee on the Judiciary.

S. 361. An act for the relief of Maria de Lourdes Moitoso Mota; to the Committee on the Judiciary.

S. 504. An act for the relief of John Borbridge, Jr.; to the Committee on the Judiciary.

S. 624. An act for the relief of Fung Yut Ma, also known as Ma Yut Fung; to the Committee on the Judiciary.

S. 654. An act for the relief of Frederick E. Keehn; to the Committee on the Judiciary.

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile, to the Committee on Armed Services.

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile; to the Committee on Armed Services.

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile; to the Committee on Armed Services.

S. 754. An act to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 755. An act to authorize the disposal of shellac from the national stockpile; to the Committee on Armed services.

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 757. An act to authorize the disposal of iridium from the national stockpile; to the Committee on Armed Services.

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile; to the Committee on Armed Services.

S. 761. An act to authorize the disposal of diamond tools from the national stockpile; to the Committee on Armed Services.

S. 762. An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

S. 774. An act to authorize the disposal of vanadium from the national stockpile; to the Committee on Armed Services.

S. 775. An act to authorize the disposal of magnesium from the national stockpile; to the Committee on Armed Services.

S. 776. An act to authorize the disposal of abaca from the national stockpile; to the Committee on Armed Services.

S. 777. An act to authorize the disposal of sisal from the national stockpile; to the Committee on Armed Services.

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile; to the Committee on Armed Services.

S. 1489. An act for the relief of Park Jung Ok; to the Committee on the Judiciary.

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; to the Committee on Agriculture.

S. 1670. An act to amend the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza; to the Committee on the Judiciary.

S.J. Res. 101. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day"; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970;

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; and

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2036. An act for the relief of Miss Linda Ortega; and

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu; and

H.R. 4327. An act for the relief of Robert L. Stevenson.

ADJOURNMENT

Mrs. GRASSO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, June 24, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

890. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on the lengthy delays in settling the costs of health services furnished under medicare, Social Security Administration, Department of Health, Education, and Welfare, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee of Conference. Conference report on H.R. 4724. (Rept. No. 92–300). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 9. Concurrent resolution authorizing the the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program" (Rept. No. 92–301). Ordered to be printed.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8181. A bill to require Federal Reserve banks to discount certain commercial paper used to finance the export of United States commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; with amendments (Rept. No. 92–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. H.R. 9181. A bill to amend the Northwest Atlantic Fisheries Act of 1950; with amendments (Rept. No. 92–304). Referred to the Committee of the Whole House in the State of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 9382 A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes. (Rept. No. 92–305). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred to as follows:

By Mr. ADDABBO:

H.R. 9335. A bill authorizing the Secretary of Health, Education, and Welfare to make emergency relief grants to certain cities experiencing serious fiscal crisis; to the Committee on Banking and Currency.

By Mr. COLLIER:

H.R. 9336. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary

H.R. 9337. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 9338. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 9339. A bill to provide that the value of survivor annuities payable under chapter 83, title 5, United States Code, shall not be taken account for State inheritance tax or Federal estate tax purposes; to the Committee on Ways and Means.

By Mr. FORSYTHE (for himself, Mr. Anderson of Illinois, Mr. Collins of Illinois, Mrs. Grasso, Mr. Horton, Mr. Pepper, Mr. Thone and Mr. Ware):

H.R. 9340. A bill to amend the Self-Employment Contributions Act of 1954 to provide that an election to be exempt from coverage under the old-age, survivors, and disability insurance program, made by a minister, a member of a religious order, or a Christian Science practitioner, may be revoked at any time; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. Dulski, Mr. Abbitt, Mr. Bevill, Mr. Brasco, Mr. Brinkley, Mr. Buchanan, Mr. Davis of Georgia, Mr. Denholm, Mr. Dorn, Mr. Harsha, Mr. Lennon, Mr. Nichols, Mr. Preyer of North Carolina, Mr. Roberts, Mr. Smith of Iowa, Mr. Stephens, Mr. Stuckey, Mr. Taylor, Mr. Whitehurst, Mr. Williams, Mr. Wright, and Mr. Wyatt):

H.R. 9341. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes to the Committee on Post Office and Civil Service.

By Mr. MARTIN:

H.R. 9342. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse to the Committee on Interstate and Foreign Commerce.

By Mr. MINSHALL:

H.R. 9343. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder, and to provide for an immediate increase of 10 percent in such benefits to the Committee on Ways and Means.

By Mr. MORGAN (for himself and Mr. Mailliard):

H.R. 9344. A bill to amend chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, to authorize assistance for narcotics control; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. Burton, Mrs. Hicks of Massachusetts, Mr. Ryan, and Mr. Symington):

H.R. 9345. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent public housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. PETTIS:

H.R. 9346. A bill to convey certain federally owned land to the Twenty-Nine Palms Park and Recreation District; to the Committee on Interior and Insular Affairs.

H.R. 9347. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 9348. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; to the Committee on Armed Services.

H.R. 9349. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuance of special health care coverage for retarded or handicapped dependents of certain members of the Armed Forces after the retirement of such members; to the Committee on Armed Services.

By Mr. ROSENTHAL:

H.R. 9350. A bill to provide for a study mission to the Vietnam elections, and for other purposes; to the Committee on Foreign Affairs.

H.R. 9351. A bill to prohibit sonic booms by civil aircraft within the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 9352. A bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9353. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crashworthiness of passenger cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9354. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 9355. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 9356. A bill to protect ocean mammals from being pursued, harassed, or killed, or for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CULVER (for himself and Mr. Abourezk):

H.R. 9357. A bill to provide for the economic development of Indians, Inidan tribes, and other Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9358. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9359. A bill to provide a tax incentive for industrial development for the Indians on certain reservations in order to improve conditions among the Indian people on such reservations, and in other communities, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 9360. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans for parking projects and facilities; to the Committee on Banking and Currency.

H.R. 9361. A bill to amend title 23, United States Code, to authorize parking projects by local authorities and agencies designed to ease traffic congestion and expedite traffic safety and flow; to the Committee on Public Works.

By Mr. GERALD R. FORD (for himself, Mr. Keating, Mr. Kemp, and Mr. Poff):

H.R. 9362. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 9363. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9364. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAYS:

H.R. 9365. A bill to amend section 634 of the Foreign Service Act of 1946 to provide for retirement benefits for certain Foreign Service officers retired from the Service in accordance with the provisions of section 633 of that act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H.R. 9366. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9367. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 9368. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 9369. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. LENT:

H.R. 9370. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

H.R. 9371. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Illinois (for himself, Mr. Steele, Mr. Collins of Texas, Mr. Rees, and Mr. Tiernan):

H.R. 9372. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 9373. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9374. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 9375. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9376. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 9377. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Celler, Mr. Addabbo, Mr. Annunzio, Mr. Biaggi, Mr. Biester, Mr. Boland, Mr. Byrne of Pennsylvania, Mr. Carey of New York, Mr. Carney, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Donohue, Mr. Drinan, Mr. Edwards of California, Mr. Helstoski, Mr. Hungate, Mr. Kastenmeier, Mr. Mann, Mr. Mikva, Mr. O'Neill, Mr. Railsback, Mr. Roe, and Mr. James V. Stanton):

H.R. 9378. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 9379. A bill to establish an office for Federal Technology Transfer; to the Committee on Science and Astronautics.

By Mr. SCHEUER (for himself and Mr. Biaggi):

H.R. 9380. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 9381. A bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 9382. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. DOW (for himself and Mr. Dellums):

H.R. 9383. A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

By Mr. DOW (for himself and Mr. Rangel):

H.R. 9384. A bill to end combat in Vietnam; to the Committee on Foreign Affairs.

By Mr. DOW (for himself, Mr. Burton, Mr. Frenzel, and Mr. Halpern):

H.R. 9385. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

H.R. 9386. A bill to authorize and direct the Administrator of the General Services Administration to prescrbe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

By Mr. MURPHY of New York:

H.R. 9387. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and to restrict immigration from and travel to any such country; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois (for himself, Mr. Holifield, and Mr. Hosmer):

H.R. 9388. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. RYAN:

H.R. 9389. A bill to prohibit the use of certain devices and contests in rodeos and other public performances involving animals, and to prohibit the shipment or movement in interstate or foreign commerce of animals and devices involved therewith; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON:

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. LONG of Maryland:

H.J. Res. 743. Joint resolution authorizing the President to designate March 12 of each year as "National Girl Scout Day"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Badillo, Mr. Eilberg, Mrs. Grasso, Mrs. Chisholm, Mr. Dellums, Mr. Leggett, Mr. Rosenthal, Mr. Rangel, Mrs. Abzug, Mr. Halpern, Mr. Hathaway, Mr. Brown of Ohio, and Mr. Aspin):

H. Con. Res. 345. Concurrent resolution relating to the 1971 South Vietnamese elections; to the Committee on Foreign Affairs.

By Mr. ABBITT:

H. Res. 507. Resolution dismissing the election contest in the 38th Congressional District of the State of California; to the Committee on House Administration.

By Mr. CULVER (for himself and Mr. Abourezk):

H. Res. 508. Resolution; no termination of Tribal Council; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to to treatment of prisoners of the Vietnam war; to the Committee on Foreign Affairs.

220. Also, memorial of the Legislature of the State of Louisiana, relative to resolving the tidelands dispute regarding revenues from offshore mineral production; to the Committee on the Judiciary.

221. Also, memorial of the Legislature of the State of Ohio, requesting Congress to call a convention to propose an amendment to the Constitution relative to sharing of Federal income tax revenues; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 9390. A bill for the relief of Mrs. Winifred Patricia Christensen-Lonborg Malloy; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 9391. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 9392. A bill for the relief of Raymond W. Quillin; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEW JERSEY'S AMERICAN REVOLUTION BICENTENNIAL COMMISSION MEMBER—PROF. RICHARD P. McCORMICK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. RODINO. Mr. Speaker, when the members of the American Revolution Bicentennial Commission were appointed by the President in 1967, citizens of New Jersey concerned with the Bicentennial and the entire New Jersey congressional delegation were disappointed to learn that no member had been appointed from our State. A number of States were represented by two or more members, while New Jersey, one of the 13 original States and a State that had played a critical role in the American Revolution, had no representative at all. I was therefore very happy that on May 10, 1971, President Nixon appointed Dr. Richard P. McCormick, of Rutgers University, the State university of New Jersey, as a member of the American Revolution Bicentennial Commission. On May 22, I had the honor of presenting the certificate of appointment to Dr. McCormick.

Dr. McCormick is a professor of history at Rutgers. He is a member and past chairman of the New Jersey Historical Commission which is guiding New Jersey's program for the Bicentennial. He is also a past president of the New Jersey Historical Society and served as chairman of the State Historic Sites Evaluation Committee.

From 1966 to 1969, he served as chairman of the history department of Rutgers and has been university historian since 1948. He is the author of numerous books and articles on American history. Dr. McCormick was the first chairman of the New Jersey Tercentenary Commission, which in 1964 conducted the State's commemoration of its founding.

Dr. McCormick's work in the field of history is not contained only in the State of New Jersey. He has gained a national reputation as an authority on the early national period of American history. "The Second American Party System," a book by Dr. McCormick, won the annual prize for 1965 of the American Association for State and Local History. He has served on the councils of many national historical groups including the American History Research Center and the Institute of Early American History and Culture.

I am sure that Dr. McCormick will be a valuable addition to the American Revolution Bicentennial Commission. His long involvement in the history of our great country will be an asset to the Commission.

As I have said, New Jersey certainly did play a most important role in the American Revolution. To quote a distinguished colleague of Professor McCormick—John T. Cunningham, present chairman of the New Jersey Historical Commission—George Washington, while in command of the Continental Army, "spent a total of more than 730 full days and nights on New Jersey soil—one-third of the entire war." He said further:

> New Jersey was a place for major battles at Trenton, at Princeton, at Monmouth, at Springfield. This was a place for eternal vigilance on the Watchung Mountains (where Washington encamped his army at Morristown) . . . a place for endless maneuverings of an underfed, ill-equipped, miserably paid army.

It was New Jersey that gave to the Revolution outstanding men like John Witherspoon, president of the College of New Jersey—Princeton; Elias Boudinot, President of the Continental Congress; and Philip Freneau, the "Poet of the Revolution."

This heritage of the Revolution has deep roots in New Jersey and is a source of great pride. It is therefore natural that the people of our State wish to take a full part in the shaping of the Bicentennial which will commemorate the events, the men, and the ideals of the Revolutionary era.

CHILDREN AND YOUTH PROJECTS, INNOVATIVE HEALTH CARE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. FRASER. Mr. Speaker, one of the most innovative responses to the problems besetting our present health care system was the creation of the children and youth projects in cities throughout the country. This program was established under Public Law 89–97 and has, in Minneapolis, met with a great deal of success. It is a cooperative venture with the University of Minnesota playing a key role.

Several members of the staff at one of the children and youth projects in Minneapolis submitted testimony for the record of the health hearings. Mr. James G. Lawson is the clinic manager at this community-university health care center. He presents an overview of the activities of the center in the following statement.

Miss Ann Seltz is the coordinator for communicology. She presents very persuasive support for the role of the allied health professionals in delivery of health services. Her statement follows:

Statement by Mr. James G. Lawson

I have included some written material on C & Y Projects, and I explained more fully what the Community-University Health Care Center (CUHCC) is and what it has the potential to be. Children and Youth Projects were conceived by several responsible public health officials because of the high infant mortality rate for the nation during the 1950's and early 1960's. This rate was especially high among the lower socio-economic minorities. Thus the conception of Children and Youth Projects was due to the admission of failure to provide adequate health care for the poor in our country.

The planning for Children and Youth Projects began in 1963, and the legislation was passed in 1965. This legislation was amendments PL 89–97 to Title 5 of the Social Security Act. The regulations set forth on what C & Y Projects are to accomplish by this legislation is enclosed for your perusal. The Children and Youth Projects are to provide comprehensive continuous health care to children from birth to 21 years of age. Individual projects can determine the age group they want to work with within this range. The care is to encompass medical, dental, psychological, nutritional, social, audiology, and other health related professional inputs. This multi-disciplinary team can focus on problems presented in high-risk patients from several different perspectives. A plan of action is decided on and the patient receives intensive involvement to get over the family emergency. Strengths are built into the family through supportive therapy. Remedial action is followed through till the patient becomes well.

There are several concepts on what health care is and what it includes. To Dr. Jean Smelker, our Clinic Director, comprehensive health care is "continuous care which allows an individual to achieve his potential." This implies care for all individuals as a birth right regardless of their economic status.

HEW approved CUHCC's grant in 1966 and staff recruitment started in July of that year. Patients began using the Center in January of 1967. The facility has moved once but has been located at 2016 16th Avenue South, Minneapolis, Minnesota for the last four plus years. There are 29 salaried members on staff and the range of specialties include Pediatrics, Communicology, Dentistry, Social Work, Nutrition, Health Education, Psychology, Psychiatry, and Nursing. CUHCC has around 2,300 clients with over 53 per cent of our new clients since June, 1969 in the 0–4 years of age range. The clients live in the Adams, Greeley, and Seward School districts and the criteria for income eligibility is as follows:

	Per year
Two persons	$3, 840
Three persons	4, 440
Four persons	5, 100
Five persons	5, 700
Each additional child	540

The income eligibility is considered a guide, and depending on several factors it is possible for a family to make more money than the amount listed above and still be a client of CUHCC's.

I feel financial considerations are still one of the primary factors in whether the poor and near poor get medical aid. I have witnessed a mother who came into the Center within hours after her child was taken to Fairview Hospital because of a hit-and-run accident. Her concern was the ambulance bill and questioned whether CUHCC would pay for it. The $50 and $100 deductibles on medical insurance coverage to some of CUHCC's clients by various insurance companies is money for medical care they simply do not have. Any legislation passed by the Federal Government on health should take the financial ability of the poor to pay even a nominal amount of money into account.

The University of Minnesota has played an important part in CUHCC's development. Each professional on CUHCC's staff who is a Coordinator (a specialist in a particular field) has an academic appointment at the University. The rest of the staff is accorded Civil Service status through the University Personnel office. Financially the University is directly supporting CUHCC this year to around $131,000. This does not include resources used for matching purposes. The total support of this project including Federal and matching funds is:

Children and youth	$281,589
University—Direct and indirect	210,197
Total	491,786

This support has been most generously given by the University and we are hopeful that proportional funding will be forthcoming from the University the next fiscal year, although this is not promising at this time. CUHCC does have an educational role reinforced by the University affiliation. Presently ten graduate level social workers and one health educator are doing field training out of CUHCC. In addition the School of Nursing at the University rotates nursing students through CUHCC for orientation and training. Freshman medical students receive similar presentations from the Clinic Director and from course instruction taught by the Communicologist, Anne Seltz. While these activities take time, they are secondary to our primary goal of service delivery to clients.

A unique aspect of service delivery in a multi-disciplinary setting in C & Y Projects is the sophisticated evaluation system devised by Professor Vernon Weckworth of Systems Development Project and the School of Public Health, University of Minnesota. Each child is placed in a health care cycle and receives health assessments from the various medical and related functional areas. If the child fails screens devised by these functional areas—the individual is seen by the professional in that area for special evaluation. Medical costs per child rise as the child is assessed and defects are discovered and corrected. After the assessment is accomplished the child is placed where the professional feels the health of the child dictates for that functional area in the health care cycle. (See enclosed material, The Conceptual Model for Reporting in Children and Youth). The cost of treating the child is reduced after the child reaches health supervision. Annually the child is assessed for check-ups and follow-through if discrepancies in his health is discovered.

This health care delivery system with some modifications could be applied to all in our society. This doesn't mean that the entire population needs or wants this complete comprehensive care. There are some clients now which use CUHCC in the traditional doctor-nurse-dentist relationship. This has happened because of many reasons, the primary one being lack of personnel. We know that when attitudes and behavior changes in a family and in the community, we have achieved health education. This process does not occur over night. Attitudes change slowly. To help change these attitudes toward health, C & Y Projects in general and CUHCC specifically have the mechanisms by which to try new exciting innovative programs in a health care delivery system. The University of Minnesota provides CUHCC with a tremendous amount of resources that are and can be even more utilized for research in health care delivery systems.

For the future, CUHCC hopes to operate as a small pilot project exploring new ways to deliver health care. The findings will be published and the information disseminated to other organizations through scholarly reports. The ultimate goal of this activity is better health services for the entire nation.

Dr. Smelker requests a follow-up meeting with you sometime this spring to present additional information on the Community-University Health Care Center and answer any questions you may have on C & Y Projects in general and CUHCC in particular.

STATEMENT BY ANNE SELTZ

I am an Audiologist and Speech Pathologist at the Community University Health Care Center, one of 59 Children and Youth Projects. Prior to that, I was an Audiologist in the University Hospitals. I teach Freshman Medical Students, Pediatric Residents, Pediatric Neurology Residents, Ear Nose Throat Residents; coordinate a pre-school language-oriented nursery school for poor children (Tot Talk, co-sponsored with the Council of Jewish Women, Minneapolis Section); supervise graduate students in Speech Pathology; have been actively involved in development of preventive health programs through parent and professional education, and provide direct service to children registered at the Center.

I am hopeful that your definition of Comprehensive Health is as broad as that defined by the World Health Organization: Maximum state of well-being and contribution to society attainable within the context of the individual's genetic and previous environmental endowment.

If you have this definition in mind, the medical aspect of health will fit into its appropriate level of importance rather than totally dominating all thinking relative to health. Unless government broadens its concept, I fear that new legislation will only add to the present inadequate system of health care delivery rather than improving its quality. Physicians should be allowed to do what they do best; diagnose and treat medical problems. Their education prepares them for that.

It is unfortunate, unfair, and unkind that we educate physicians in a narrow, medical-only format; we encourage them to enter research instead of practice; those who practice are inundated; and yet we expect them to take the leadership in changing their education, philosophy, attitude, and modes of practice.

In addition, we blame them for the poor health statistics and the rising costs. Physicians are not, on the whole, prepared to talk about Health: their field is medicine.

Allied health professionals (not only allied medical professionals) such as social workers, early childhood educators, nutritionists, psychologists, health educators, speech pathologists, and audiologists, must respond and contribute. These fields have minimal input in medical education on any level. Few "non-physicians" are accepted as equals in the Medical School. But, even sadder, few "non-physicians" even try to help prepare physicians. It is these very professionals who complain of medical failure to identify and refer. It is they who must strengthen and broaden health care delivery systems so that realistic health care delivery is available on a primary level, the only level which can respond to the patient's first request for help.

Health Care Delivery can and should be comprehensive at the primary level, be it a GP, Family Practitioner, Pediatrician, group practice, ambulatory outpatient clinic, or Health Care Center such as ours. It must be comprehensive if we are to prevent problems, preserve human resources, and promote health instead of just treating disease. Prevention can occur through identification of a problem in its early stages but only if the primary health care system has an ongoing health promotion component. This ongoing component allows the consumer the opportunity to broaden his health concept. It allows the consumer to learn what health can be, how it can be promoted, and allows him to participate in the planning of the delivery system.

We cannot expect the physician to acquire any more knowledge and expertise than is already demanded of him. We can ask him to join with others in a change of attitude towards health promotion and maintenance rather than treatment of disease. We must ask him. We must stop holding him totally responsible for change. He is not formally prepared to change. He is not educated in the alternatives.

The Communication field demonstrates this well. For example: early detection (prior to age 9 months) of congenital hearing problems can allow immediate use of amplification, appropriate educational intervention, and can result in the strong possibility of regular school placement by age 6 or 7 years instead of a more expensive, special-education placement. This can only happen when an ongoing health promotion program exists that looks at and talks about normal development in children. Unless one looks for normal development in a child, he will not see abnormal development. If there is not an ongoing component, the first identification of a problem is dependent completely on the parent. Physicians are presently uneducated about appropriate screening techniques and referral resources.

The human being acquires language and speech through the auditory system. He also acquires all his language grammar by age 3 years. Recent studies indicate that, not only can the child acquire language most efficiently during the first three years, but, should he be delayed in this acquisition, intervention and remediation is not nearly as successful (and obviously much more expensive) as "nature's" way.

It becomes obvious that normal, healthy development in children results in a healthier community. This can happen best when the primary health care delivery system concerns itself with health, is comprehensive, and responsive. Medical students, from my teaching experience, are not being prepared for this. A team of health personnel with equal responsibility can do it.

Hearing losses resulting from chronic ear infections (so common in poverty areas) can be prevented if primary health personnel use appropriate monitoring techniques relative to middle ear disease and if parents are aware of the need for treatment. This can happen best in a comprehensive system which has an ongoing, health promotion component.

Speech development is such that, by age four years, all children should be intelligible to a stranger from their own culture. With an unintelligible four-year-old, intervention can probably prevent future learning disabilities (such as reading problems which are almost always present in a child with severe speech problems at age four years, regardless of intelligence level). This, too, can best happen when a family has access to a system of comprehensive health care delivery on a primary level. Again, we cannot expect to educate physicians in this area also. Speech pathologists with equal program responsibility could provide this to a primary health care delivery system. After teaching Ped-Neurology residents, I am even more aware of the impossibility of expecting physicians to have total knowledge of and responsibility for comprehensive health.

It is not possible to expect any of these developments in health care delivery if financial philosophy does not reflect support. Present health insurance is medical insurance. It does not, as you well know, support preventive, outpatient care. Their concept of health is so medically and surgically oriented that families whose children need to wear hearing aids cannot be insured for either the original diagnostic evaluation (in many cases) or for the large expense of a hearing aid though both are essential components of health.

Health programs, insurance programs, and government programs, all reflect the philosophy and priority of the general public, at least to some degree. Hopefully, through you, my thinking can be heard. My experience on a primary level, after being a "specialist" in a referral hospital, has taught me what I have expressed in this letter. My work with parents in a high-risk area taught me that these ideas and programs are realistic and successful. If new programs can be implemented and accepted in a poverty area they can be implemented anywhere.

Pilot projects such as ours can and should continue to exist so that new ideas have an opportunity to be tested prior to local, state, or national implementation.

There is much more to say. However, your time and mine is limited. Please understand that I am speaking for myself and not for the rest of my project staff nor for C and Y projects in general.

Thank you for listening and for your interest. The concepts defined this year and next will undoubtedly have import for years to come. I appreciate your willingness to learn and listen prior to legislation.

A COMMUNITY-UNIVERSITY APPROACH TO EARLY IDENTIFICATION

(By Anne Seltz)

I am honored to be speaking to you today and hope the afternoon will allow mutual sharing of ideas. Hopefully, I can present one way of maximizing early identification of problem areas in a specific child.

We wouldn't need to talk about early identification if all parents were aware of average developmental stages in all areas of learning, if they were aware of their potential ability to promote growth in their child, and if they were aware of resources capable of providing additional input into their child through the parental and educational role. I am not denying the necessity for professional education so that more general practitioners, family practitioners, and pediatricians become knowledgeable about signs indicative of developmental lags. But we are all aware of the effect of parental pressure. It is when parents are able to clearly ask for help that professionals most quickly grow in their ability to respond to the plea.

Any community program having as its goal early identification must involve both professional and parental communication so that the ultimate provider of service and the ultimate recipient of service are talking the same language. Keep in mind that before the educator enters the family picture as an identifier, the medical center has been responsible for identification and, most importantly, the parent must bring the child to someone before a problem can be identified.

The Community-University Health Care Center has attempted to approach health promotion and health care delivery with this latter concept in mind. Our concept of health is broad. (Table No. 1). This comprehensive concept allows tremendous breadth in our approach to the delivery of health care.

We are located in a geographical area defined by three elementary school districts in Minneapolis. There are roughly 3500 children under 18 years of age in this area whose families meet the financial requirements of the Children's Bureau for complete care as well as diagnostic services. In the pre-planning stages, health evaluations of 298 kindergarten children were conducted in the summer of 1966 with a variety of professional disciplines involved. (Table #2). The disability categories defined are seen and reflect serious problems that might influence future educational progress. The speech-language category in the main represented rather severe articulation problems and marked receptive and expressive language deficits. Minor problems which might be considered as likely to resolve spontaneously were not included. The hearing problems noted are primarily related to middle ear disease: conductive hearing loss. This gives you a rough idea of the health status of our community.

On January 3, 1967, we moved into the Center building; a converted apartment house with slightly less than 12,000 square feet of working space. It is in the approximate geographic center of the population and is our center of operations. Acquisition of staff was fairly complete by the fall of 1967 and includes persons from a variety of disciplines, each concerned with the child's total health. (Table #3). These areas represented in our Center have academic appointments at the University of Minnesota and all are expected to promote our philosophy of health promotion in their respective departments. This gives you a brief idea of our physical and staff structure. This is not a Center run by physicians, though our director is a pediatrician. The coordinator in each area has equal billing when policy and structural decisions are made.

But—all of this fine collection of facilities and people would be relatively ineffective if a process for parent involvement and access were not available. Remember, we are committed to health promotion and primary prevention. We had to meet the family on its terms before we could attempt to change their attitudes toward the health of their children.

What kind of health delivery process allows for parent-professional involvement and eventual promotion of a healthy, growing child? This is ours. (Table No. 4). We created the role of the nurse as the primary health coordinator for a specific family. All of the professional areas were responsible to define their particular expectations for health behavior of children in each age group. Then we had to educate the nurse. Because she is most intimately involved with a family, she would be our most effective educator and case finder. Now we had a situation where the nurse could say—when do you want me to discuss speech and language development, how do you want me to approach it, and what are the signs that would indicate a referral to you, the consultant, for further in-depth diagnostic evaluation and treatment? That was when professional growth really happened because we could no longer talk theory but had to become practical. For me it was a learning experience. My experience with normal children was limited. As an Audiologist I had worked with relatively well-motivated families who had already diagnosed their child's problem, and, I had never been responsible for the education of the initial parent contact, in this case the nurse.

The specific access route is seen in the next slide. (Table No. 5). We start with a patient and parent walking in because of a self-defined problem, usually medical or dental. (Most of our families come because a friend referred them.) The important step of establishment of a contract must be emphasized. The home entry visit by the family nurse allows for bilateral discussion, understanding and decision-making. The family and the nurse together formalize the contract with as much mutual understanding of the contract as possible. During this home entry visit the Health Care Center and the Health Evaluation is explained. The family is encouraged to enroll their children for on-going health care. This process, the Health Evaluation, includes screening in many areas. (Table No. 6). The screening in the speech-language-hearing area is completed by a nurses aide under my supervision. Criteria for failure are set up by each coordinator and further in-depth evaluation and treatment are done by that professional after referral by the family nurse.

This process appears to be meaningful to the parent and to the professional. It forces professionals to define meaningful symptoms, if you will, for early identification and referral. Our failure rate for Health Evaluations is down to 5%. Our nursing turnover has been 0. Our failure rate in the acute medical area (for follow-up) is down to 5%. We think this reflects a knowledgeable consumer of services who, because of his involvement in the planning of the health care of his child, willingly participates. This saves professional time and benefits the child.

This Health Evaluation is completed on children over age 3 years. Obviously much goes on in a child's development before age 3. Our neo-infant program has been in operation for some months. Here the nurse makes a "contract" with the parent or parents during the 8th month of pregnancy. Then they discuss, before the baby arrives, attitudes about parenting. Again, the nurse depends on the other professionals to provide her with facts. The nurse makes a hospital visit and the parents make monthly visits with the baby to the Center until the baby is 6 months, then again at 9, 12, 18, and 24 months. During these visits the nurse is responsible for looking at, discussing, and evaluating all the areas pre-planned by the professionals concerning normal development.

This process of educating the nurse about our particular way of looking at a child, if it is to be effective and efficient, demands mutual discussion, understanding and decision-making. The same requirements needed when developing the Center itself and the same requirements needed when working with a parent or parents. It is a most difficult process because language meaningful to all discussants is needed and not always readily available. Communication requires a two-way avenue, a bilateral atmosphere. I say this because it is the same process needed on all levels of operation in any institution or society where changes are taking place. I point out the difficulties because it is easier to plan for them when we can anticipate them.

Our involvement with schools and community agencies has gone through the same growing pains as our involvement with parents. Bilateral involvement instead of unilateral involvement was needed and this need was recognized. Basic levels of communication between individuals are imperative before sharing of information can take place.

Let me share with you one very successful experience with our language-oriented pre-school program for children from 2 to 5 years of age. We were aware of the effect of pre-school intervention on children's future performance in school. We also knew that families would send their children to a program without too much reservation, i.e., they already recognized the value of nursery programs even if it was only the value of removing the child from the home for a few hours. We hoped if the child could bring home new "topics of discussion", if the parents recognized some growth in their child, that this would provide an opportunity for the "professional" to intervene and influence the parents' behavior in the home related to language development of their children. One mother has two children in this program, Tot Talk. She also has a 6 year old cerebral palsied child and 10 month old twins. At a recent parent meeting she said, "You know, I get busy and forget what to be doing with my children at different times. But Wendy and Melodee come home from Tot Talk and talk about things. Then I have an idea about what they can do and what they can be interested in and it lets me know what I can do as a mother." She had received what I had hoped for—an awareness of the potential of her children and of her role as a parent. Now she is open to intervention from me. I can talk more meaningfully with her about home education. She can now become a more knowledgeable parent. She can know what to expect, when something might be wrong, where to go for help. She can become a competent early identifier and a competent educator of her children. Together we can talk a mutual language. Tot Talk has provided me, the Communicologist, with access to the parent. We can mutually discuss what they see their child learning in a program. I can talk about visits to the library to a mother whose child talks, for the first time, about books, and so on.

The effect of our program at the Health Care Center, if it is good, must eventually change academic preparation of health professionals. If health professionals can be prepared with new attitudes towards planning and delivery of health care, they will have a large head start over those of us with more isolated preparation. Professional education and student education based in a service-oriented environment really works. Because change in parent behavior and attitudes is one of our goals, students immersed in this interaction-environment will also acquire this attitude, and, hopefully add to its dynamic growth. Our staff is still learning to talk with each other about our goals and plans. We are attempting to influence our respective departments in the University with some success. The students rotating through our Center are the most effective at carrying the message back to departments who, hopefully, will respond by changing the educational programs of professionals in health-related fields.

Families and professionals must listen to each other for either group to influence the other. Most parents want their children to grow. If we have some ideas we think will work, it behooves us to mutually develop ways and means of allowing health professionals and parents to express their hope for growth, expand their expectations, and mutually plan for, design, and carry out programs. This can only occur in an atmosphere of open communication between persons who have at least some basic ability to communicate their ideas meaningfully. Once this atmosphere exists, early identification of problems and mutual creation of prevention intervention and therapeutic programs should be relatively easy.

SHELLING BY THE NAVY OF THE ISLAND OF CULEBRA

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. VANIK. Mr. Speaker, former Navy Comdr. Edward Shoupe, of my congressional district, who was in charge of training at Culebra, Puerto Rico, voluntarily, and at his own expense, came to Washington, to testify before the Senate Subcommittee on Military Construction.

At great personal sacrifice, Mr. Shoupe made this mission to Washington to express his great dismay and opposition to the continuation of the shelling operations conducted by the U.S. Navy on the island of Culebra. I wish to join Mr. Shoupe, the mayor of the island of Culebra, Mr. Feliciano, and the beleaguered people of the island, in my strong opposition to this inhumane bombing program.

It is unconscionable that the U.S. Government or this Congress should follow a policy which allows hundreds of American citizens to be endangered by bombing practice in their fishing grounds, recreation areas, and their residential communities. I am convinced that the U.S. Navy, in its ingenuity, could develop suitable alternatives, without great expenditure, to this totally unjustified target area where nearly 1,000 people have made their home for centuries. Mr. Shoupe's testimony should be of interest to every Member of this body. The testimony is as follows:

STATEMENT BY EDWARD JOE SHOUPE, FORMER NAVY OFFICER IN CHARGE OF TRAINING CULEBRA

Mr. Chairman, my name is Edward Joe Shoupe. I reside in Cleveland, Ohio.

During World War II, I served as a Lieutenant, Junior Grade, in the United States Naval Reserve. In June of 1945 I was ordered to San Juan, Puerto Rico for temporary duty in connection with the shore bombardment training unit at Culebra Island, Puerto Rico. As the officer in charge of the ship-to-shore training conducted at Culebra during World War II, I became intimately aware of the danger these operations posed to the United States citizens residing on Culebra.

My conscience compels me to testify today in support of Senator Gravel's Amendment to terminate all shelling and bombardment at Culebra and its adjacent keys. I have no economic interests whatsoever in the Island of Culebra and I represent no one but myself. I have traveled from my home in Cleveland at my own expense to testify here today because I believe it is my responsibility as a United States citizen to speak out against the continuing shelling and bombardment at Culebra. From my personal experience, I know it is wrong, dangerous, and unnecessary.

When I arrived at Culebra, the target range had just been laid out and construction of targets completed; a road was under construction up to the observation post, a small wooden building approximately 30 feet long by 15 to 20 feet wide. The elevation of the observation post was approximately 400 feet above sea level. Obviously, it had a full view of the western tip of Culebra Island on which ships would be firing. Firing schedules commenced almost immediately and it developed that all ships that could be routed to Culebra Island from the Atlantic Fleet were scheduled to fire on the target range. In addition, all ships which were being transferred from the Atlantic Fleet to the Pacific Fleet for the invasion of Japan received a day's exercise in shore bombardment on Culebra Island. One, two, or three destroyers were fired each day, or six DE's or one cruiser.

The cruiser exercise consisted of one and one half days. All ships in addition to the day's firing also participated in a night exercise.

All problems were fired on the basis of two-gun salvos and six salvos per problem. It is practically impossible to do an effective job of artillery spotting with single-gun salvos. It was also normal practice to issue a rapid fire order to the ship when the shells were bursting near the target. At this point the firing officer aboard the ship fired, at his discretion, as many guns as he wished. Many times this was six guns in very rapid succession.

Shore bombardment was conceived during World War II to provide close fire support to an invasion force. It was first used in the invasion of Africa. Until the time the Army invasion forces had landed their larger artillery, shore bombardment proved to be a very, very valuable asset to an invasion force. No ships had been trained in shore bombardment for this purpose prior to this time. The Culebra Island bombardment range was used primarily to train ships in shore bombardment who had never participated in this type of firing before. The gunnery problem is complicated for the ship when firing on a target that may be at various altitudes above sea level on shore. It was probably this that caused the Navy to have so much trouble in hitting targets ashore on Culebra Island. The inability to hit a target has been well documented in the files in Washington because every round that was fired on Culebra Island was photographed from a PBY Aircraft using a Fairchild Aircraft camera. These pictures were developed and then returned to Washington, D.C. for analysis. The Washington Bureau measured the distance from the fall of shot to the target.

I personally recall a number of incidents of accidental firings and other practices which endangered the civilian population residing on this small Island.

It was a surprise to me that there were many ships that had great difficulty in hitting the *island*. A prime example stands out in my memory of the cruiser *Little Rock*. During the *Little Rock's* firing exercise, Rear Admiral Bryant was sitting next to me while the exercise was being conducted. After many misses of the Island Admiral Bryant ordered me to call the ship and tell them "You stink." This order was carried out.

I was firing three destroyers one day and when destroyer number three fired, no fall of shot was observed in the target range. We finally discovered that the two five inch shells had gone astray over into the bay off the town of Dewey. A spot of a considerable down yardage and right yardage to bring the next salvo onto the gunnery range was given to the ship. The next salvo landed on the same place 100 yards or less of the town of Dewey. At this point the ship was excused from the exercise and later advised that they had trouble with their computer in the CIC room.

A destroyer escort fired its after gun directly at the observation post, fortunately their judgment of the range was poor and the shell landed approximately 15 to 20 feet below the observation post on the cliff on which the observation post stood.

The Coast Guard provided surveillance of both sides of the island in an attempt to prevent Culebran vessels from getting into the danger zone. This was not always successful and many times firing had to be halted to await Culebran boats to clear the area. There was one day when the aircraft of the admiral commanding the Caribbean Sea Frontier flew at no more than 1000 feet altitude between the firing ship and the target area. We obviously had to halt the firing at this point until the aircraft left the area.

There was another instance when a destroyer had a straddle (where a shell falls on each side of a native boat). A cruiser was awaiting its turn to fire and it was required to send its observation plane to observe if any of the Culebrans aboard the boat had been injured. The aircraft complied and reported it looked like all was well.

Three World War I cruisers were sent to fire on the target range and were manned by midshipmen from Annapolis. Although, as a safety measure, a danger line was drawn on the firing map furnished to each ship to prevent any ship from firing over the observation post, one of the cruisers ignored this safety precaution and fired two rounds which went past the window of the observation post within less than 50 feet. I ended the exercise for the cruiser at that point.

When the gunnery range was not being used for shore bombardment, many times an aircraft carrier would conduct a sortie against the target range using straffing, dive bombing and some high level bombing. On one occasion a bomb fragment killed a horse belonging to Culebrans. I do not know the location of the horse when hit with respect to the gunnery range. At another day an aircraft from the carrier *Boxer* straffed a young bull belonging to an island resident. I directed the gunnery department in Norfolk, Virginia to pay the owner of the bull for its death.

The residents of Culebra were extremely cooperative and pleasant considering the great amount of noise and danger under which they lived. The sound of firing could be heard in St. Thomas, Virgin Islands as well as on the main island of Puerto Rico directly across from Culebra.

It was my responsibility to take every precaution to insure the safety of naval personnel ashore on Culebra as well as the residents living there. It was standard practice before commencing a bombardment exercise to sweep the gunnery range with binoculars to be sure that no Culebrans were on the target range. Several times Culebran residents were observed within the target area and firing was delayed until they had cleared the area.

One problem that was difficult to solve was that resulting from starshell illumination of the target area at night. The ship was supposed to illuminate the target area with starshells so that I could observe a target. When the proper illumination was achieved the ship commenced firing with additional guns at the target. When a starshell was ejected from the projectile to the rear of the flight of the projectile the casing continued on and many times complaints were received of these empty casings landing in and about the village of Dewey.

A bomb disposal officer frequently visited Culebra Island when no firing was being conducted. He assembled as many of the duds as could be found and exploded them. Several times, however, reports were received of Culebrans retrieving dud ammunition and taking it home with them. I repeatedly warned the residents on Culebra Island against this practice, and always managed to remove the unexploded shells from their homes.

Two weeks after I was ordered back to inactive duty, aircraft from an aircraft carrier conducted a strike against the target range on Culebra Island. Due to misinterpretation of the target area a dive bomber dropped two five hundred pound bombs one of which made a direct hit on the observation post. This bomb killed nine naval officers and men. The red flag was flying at the time on the observation post. Contrary to the statement made by the Navy, the observation post was unpainted and certainly not camouflaged in any manner whatsoever.

Another feature of the shore bombardment training exercise which, in my opinion, was fairly dangerous was the firing of low velocity ammunition at high angle to simulate firing on a defiladed area on the opposide side of the hills down the center of the target range. Because of the high angle required when these shells were fired, projectiles could reach an altitude of twenty-six thousand feet. Inasmuch as winds aloft were unknown to me it was always a worry that shells would be blown off course and land in the populated area of Culebra Island. Fortunately, this never happened during the time I was officer in charge of the bombardment unit.

Unfortunately, with the passage of 25 years probably many other incidents have been forgotten.

The only purpose of shore bombardment is close support of invasion forces and I have my own doubts as to whether the United States will be making very many invasions under the conditions of modern, Post World War II warfare; but assuming that the Navy has a legitimate need to continue to provide ship-to-shore training, my own experience convinces me that this is not an activity which can be safely and appropriately continued on the tiny, inhabited island of Culebra.

The people of Culebra have been subjected to continuous firing for at least 25 years. With the inaccuracies of firing and the mistakes I observed, in my opinion, it is a miracle that more Culebrans have not been killed. I do not believe it is morally justifiable to continue this training at Culebra. Therefore, I urge you to enact Senator Gravel's amendment which, as I understand it, would make it possible for the Navy to transfer its training to an uninhabited artificial island and which would definitely put an end to the war we have been waging against our fellow Americans on Culebra. The Culebrans deserve to be left in peace.

NUCLEAR POWER IN MAINE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. HATHAWAY. Mr. Speaker, I insert in the RECORD of today's proceedings an article carried in a last-week edition of the Portland, Maine, Press Herald under the byline of Donald R. Larrabee, of the Griffin-Larrabee News Service, which article suggests the likelihood that the Atomic Energy Commission will order public hearings in the State of Maine relative to the proposed operation there of an atomic power plant. The Larrabee article follows:

[From the Portland (Me.) Press-Herald, June 16, 1971]

AEC TO BOW TO DEMAND FOR YANKEE ATOMIC HEARING

(By Donald R. Larrabee)

WASHINGTON.—The Atomic Energy Commission is virtually certain to order public hearings in Maine before granting an operating permit to the Maine Yankee atomic power plant in Wiscasset, informed sources said Tuesday.

While the commission is under no obligation to do so, it is expected to convene a panel of its Atomic Safety and Licensing Board in response to petitions from the state and several environmental groups. The state's intervention is considered unique.

Petitions for hearings were received before Monday's deadline from Maine's attorney general, the Natural Resources Council of Maine, and a joint group—Citizens for Safe Power and the Audubon Naturalists Council.

Assistant Attorney General John M.R. Paterson told the AEC that the State of Maine has an obligation to its citizens to have the proposed nuclear plant's effects on health and safety fully explored before a license is issued. He cited the plant's location close to populated areas and the possible impact on natural resources.

The Maine Yankee company has already made exhaustive environmental and safety studies of its own and has filed a formal report declaring that the Wiscasset operation will not endanger health and safety or the environment.

The AEC on April 13 issued its tentative environmental statement on the Maine plant for comment by federal, state and local agencies within 60 days.

The commission said the facility will release small quantities of low-level radioactivity but that these will be "well below limits required by federal regulations." It foresaw "no significant environment effect" from these releases.

The AEC also noted the impact on the environment of heated condenser cooling water discharged into Bailey Cove, saying the potential effects could not be predicted with certainty.

The U.S. Coast Guard advised the AEC last month that fog formation under certain conditions was a possibility as a result of dumping the heated water into the bay and that this presents a "potential serious problem."

The Natural Resources Council said it intends to raise a series of questions on the possible effects of discharges from the plant, including the "risk to national security" by the proximity of the plant to the U.S. Naval Air Station at Brunswick.

The council is asking specifically whether the plant was built to withstand an air crash.

Mr. Speaker, the argument favoring nuclear power as the answer to the Nation's continuing power crisis has been recited time and again by spokesmen ranging from behind a White House microphone to the offices of the Maine Yankee Co. Only infrequently has the voice of the American consumer been heard on the issue.

It is my intention to give a segment of the American power-consuming public a platform, and to afford my colleagues the opportunity of reviewing the other side of the nuclear power argument. Over the next several days, I shall offer for publication in the CONGRESSIONAL RECORD chapters of a pamphlet entitled "Nuclear Power—The Greatest Threat To Maine," which is the product of one of the groups mentioned in the Larrabee article—Citizens for Safe Power, headquartered at 68 Berkeley Street, Portland, Maine.

In today's RECORD, I ask that the following two of the pamphlet's chapters be reproduced: "What Is Maine Yankee's Radioactivity?" and "What Will Maine Yankee's Radioactivity Do?"

The chapters, preceded by the pamphlet's appropriate introduction, follow:

NUCLEAR POWER—THE GREATEST THREAT TO MAINE

(Compiled and edited by Robert E. Phinney, Jr.)

For You, Your Progeny, and Maine Survival May Depend on Your Awareness of the Risks You are Being Made to Take . . .

INTRODUCTION

Each of us must speculate wisely, or be speculated upon in order to survive. As a specie humans have survived largely because mother earth has been bountiful and tolerant of our ignorance and blunders. Now all of us have to begin to speculate wisely about the consequences of the sum total of all our deeds, because we are reaching a point where our earth cannot tolerate too many vast technological blunders. We can no longer use a "wait and see" approach such as we now use for operation of the enormous Maine Yankee atomic reactor in Wiscasset. We have heard only one side of the speculations about operation of Maine Yankee, and the vital decisions are now being made on that basis. This pamphlet endeavors to present the authorative speculations, findings, and past experiences of scientists who forecast another version of what may happen. If you are concerned at all about the survival of yourself, your family and your neighbor, you must inform yourself on the issues presented in this pamphlet.

WHAT IS MAINE YANKEE'S RADIOACTIVITY?

Next December in Wiscasset, the Maine Yankee Atomic Power Company will activate the world's largest operative nuclear reactor, which will begin spreading throughout Maine deadly radioactive wastes you will not be able to see, smell, taste, or feel. Radioactive waste from Maine Yankee will emit various rays of high speed particles or energy. These emissions are simply called radioactivity. Scientists measure the number of these emissions per second in curies. One curie represents the amount of radioactivity emitted by one gram of the radioactive element, radium. There are thirty-seven billion particle emissions every second from one gram of radium. Radium is just one element among some two hundred others that Maine Yankee will be producing.

The Humboldt Bay Atomic Plant in California is sixty-nine megawatts in size. It released 897,000 curies in 1968. (Thompson 1969) Maine Yankee will be 855 megawatts.

Maine Yankee's information coordinator, Don C. Laubenstein (1970) estimates that for someone living on the boundary of Maine Yankee, his radiation exposure will only be increased by 1 millirem per year with commencement of Maine Yankee operation. The implication is that since he already lives with 140 units of "natural" background, 1 more unit will make little difference. It takes no account of accumulations and concentrations of radioactivity from Maine Yankee in the environment and area foods. This estimate is based on yearly averages, not accounting for the higher, intermittent and more dangerous momentary release of radioactivity. The natural background radiation estimate is 100–170 millirems per year. Normal nuclear plant operations are allowed to expose the reproductive organs to about twice this amount (200–340 mrems/yr) and about five times as much (500 mrems/yr) for whole body exposure. (Thompson 1969) In the case of an accident the AEC has allowed Maine Yankee to expose residents in a six mile radius to a 1,000 mrems/2 hr. whole body dose of radiation and a 40,000 mrems/2 hr dose* to residents' thyroids at a distance of six miles (USAEC Docket No. 50–309, Aug. 16, 1968)

Dr. Gofman explains that, while utilities claim actual recorded discharges are hunreds and thousands of times lower than upper permissible limits, they and the AEC adamantly refuse to reduce upper limits by just 10 times. Why? Because all plants now have to release upper limits intermittently in order to operate (a few plants now operate constantly near upper limits). Furthermore the plants we have now are "baby nukes" (Maine Yankee 855 megawatts) by comparison to proposed 4,000–10,000 megawatt plants which the AEC seriously doubts can be operated even at present upper limits. (Today Show, Feb. 1971)

WHAT WILL MAINE YANKEE'S RADIOACTIVITY DO?

We are all exposed to natural "background radiation" from the earth and outer space which causes some cancer, genetic damage, and shortening of life, Dr. John Gofman, University of California estimates about 18,000 cancer deaths and 500,000—1,000,000 genetic defects yearly due to natural background radiation (Today Show Feb., 1971). It is recognized by almost all scientists that there is no radiation threshold below which damage is impossible. Schubert and Lapp state:

"In the light of recent data provided by the careful examination of patients who have less than the present day maximum permissible level of radium in their bones but who nonetheless exhibit bone lesions, we feel that the concept of a threshold for radiation injury is probably wrong. Any radiation produces some biological effect, which would be demonstrated if our methods of assay were sensitive enough to detect it." (1)

It is also universally agreed that "cancer can begin when a single cell is altered" and "the nucleus of a cell in which are contained the cell's reproductive mechanisms, can be damaged by a single particle of radiation (Curtis and Hogan, 1969)." One curie (37 billion particles every second) can quickly kill a human.

Nobel Prize winner Dr. Linus Pauling (1970) estimates 60,0000 additional cancer and leukemia deaths per year could result in the United States due to the operation of nuclear reactor plants (such as Maine Yankee) if increasing radiation is allowed to reach AEC permissible levels. Drs. John Gofman and Arthur Tamplin (1969) of the Lawrence Laboratory, University of California, conservatively estimate 32,000 additional cancer and leukemia deaths per year plus untold genetic damage as currently allowed radiation limits are reached. The AEC and utilities rebut that such estimates are too high because they are based on exposures that will affect only people down wind and in the general vicinity of nuclear plants. Dr. Gofman rebuts that the 600 proposed nuclear plants (950 now according to Stuart Udall) will put everyone under upper limit exposures to radioactive effluents. Dr. E. J. Sternglass (1970) of the Department of Radiology, University of Pittsburgh, has estimated 2,500 infant mortalities have resulted from air releases of radioactivity from the Dresden, Ohio plant alone (the Dresden plant is 210 mw. in size; Maine Yankee, Yankee, 855 mw.).

"... compare the changes in the counties located down wind from those up wind as well as with similar counties more than forty miles away to the north and west as control."

"Inspection reveals that among the six nearest counties, Grundy, the county in which the reactor is located, shows the greatest increase in infant mortality rates, namely 141 percent (for 1966) in excess of the 1964 rate. Next in increased rate is Livingston, to the south with a rise of 140 percent, followed by Kankakee to the southeast with a rise of 43 percent. Will to the northeast showed only a five percent rise, while LaSalle to the west actually showed a small decline of seven percent and Kendall to the north registered a decline of 21 percent.

"This tendency for up wind counties to show declines correlate with declines that took place nearly everywhere else in the U.S. and all over the world since 1964 as confirmed by the bar graph for the six up wind control counties more than forty miles away."(2)

Dr. Robert Cunningham Fadeley, Director of Research of the Foundation for Environmental Research, Golden, Colorado, presents summary of an extensive investigation of the cancer death rates adjacent to Oregon waters contaminated by radioactivity from the AEC Hanford Works reactor.

"The population in counties bordering the Columbia experienced a general cancer incidence of 181.8 deaths per hundred thousand over the years 1959 through 1964. This incidence was 53.2 percent larger than the incidence found (18.7) in seventeen physiographically protected Oregon counties. Residents of Portland, Oregon experienced a general malignancy incidence of 207.5 which is 74.8 percent larger than the projected county figure. All major sub types of cancer are similarly effected."(3)

Dr. E. P. Radford, Professor of Environmental Medicine, Johns Hopkins University, writes of human mutation rates caused by tritium, the most prevalent radioactivity to be released by Maine Yankee. (Dr. Theos J. Thompson, 1969) Dr. Radford's papers describe the tritium isotope as a radioactive form of hydrogen impossible to catch in the plant's treatment systems, and presenting radioactive hydrogen to living organisms in the vital form of water which we will eat, drink, breathe, and absorb through our skin. He describes how human metabolism can isolate tritium more readily than normal hydrogen in the rapidly dividing cells of children or in the ovaries and gonads of adults, and how in 12.5 years this tritium in our cells looses only half its high energy beta ray releases (particles.) (1969, 1970)

Dr. Charles W. Huver of the University of Minnesota points out:

"Because tritium becomes incorporated in the DNA molecule (among others) the problem of genetic mutation and chromosome damage has to be faced. For instance, Gray (1959) has reported the remarkable result that beta rays of the energy of tritium are about 2.5 times as effective in producing chromosome breaks as are gamma rays. Assuming the often held view that chromosome breakage is one of the main causes of cell lethality, one would expect that tritium beta rays would be about 2.5 times as lethal per unit dose as gamma rays."(4)

Humans are composed of some 300 trillion cells, each type reproducing perfectly at various rates to replace itself. The January 1970 issue of "Saturday Review" explains in the article "What's Happening in Cancer" that once in our bodies that radioactivity most commonly damages the growth control mechanism in our various cells resulting in corresponding cancers. Rachel Carson's book, Silent Spring explains:

"Today we find our world filled with cancer producing agents. An attack on cancer that is concentrated wholly or even largely on therapeutic measures (even assuming a 'cure' could be found) in Dr. Hueper's opinion will fail because it leaves untouched the great reservoirs of carcinogenic agents which would continue to claim new victims faster than the as yet elusive 'cure' could allay the disease ..."(5)

Blood cancer, called leukemia, is the most common cancer caused by man-made radioactivity from nuclear fission and has a zero chance of being cured. Just one blood cell with an altered growth control mechanism in the human body divides into two cells at an accelerated rate, then into four, and eight, and so forth. Years later when the number reaches about one trillion a human will die.

Human sperm cells prove easily damaged by radiation. Human egg cells are in a set number vulnerable throughout the reproductive life of the female. Mutations usually appear one or more generations later.

Dr. James F. Crow, Geneticist from the Department of Medical Genetics, University of Wisconsin estimates:

"After a number of generations of exposure to one roentgen per generation (a minimal exposure from nuclear plants), about one in eight thousand of the population in each generation would have severe genetic defects attributable to the radiation." (6)

Curtis and Hogan state:

"Of course, in the evolutionary process, harmful mutations—and most mutations are decidedly harmful—tend to eliminate the hereditary lines that carry them, because of sterility, disease, and feebleness. But even if this process of natural selection does erase harmful strains, the elimination process itself entails suffering of every imaginable sort, whole heritages of suffering perpetuated from parent to child to grandchild until the last tormented decedent is laid to rest." (7)

What does the AEC say about these mutations? Former Chairman of the AEC's Reactor Safeguard Committee, Dr. Edward Teller stated:

"There is no doubt that natural radiation causes some genetic damage and gives rise to some fatal deaths. No precise numbers can be given. It is also clear that mutations, due to natural radiation or other causes, have a positive biological function. Without mutations neither evolution or adaptation would be possible. Since our environment has changed and is continuing to change at an unprecedented rate, the importance of adaptation cannot be completely denied." (8)

The AEC will assure you that damage from a nuclear power plant such as Maine Yankee will be minimal or non-existent while independent scientists indicate anywhere from a few to several hundred deaths and mutations annually will result.

The effects of high levels of radiation are well documented. Refer to the appendix for a definition of radiation sickness. (See appendix)

Maine Yankee officials assure us that major accidents are improbable. Dr. Dean Arahamson, Professor of Anatomy, University of Minnesota Medical School states:

"Probably the net effect from normal operation exceeds that of a single large accident." (9)

Dr. W. Herbst of the Radiology Department, University of Freiburg, West Germany, reports:

"The public has never been informed about the possible long-term risk of living close to a nuclear power station. Dr. Herbst stressed the danger to populations absorbing 0.5 rem more than normal every year during a lifetime to say 70 years. One of 500 persons would die from cancer or leukemia and more than 300 first-generation children in a population of one million would present chromosome damage, he said, from absorbing such a dosage, which would amount to a total of 35 rem." (10)

Each nuclear reactor, according to its size and design, must be allowed to release a certain number of curies to the environment in order to operate (see tables 1 and 11 appendix). Thus some reactors have already released millions of curies to their surrounding environment, yet the AEC and all utilities report that there are no actually detected exposures of radiation to the public or concentrations in the environment attributable to any nuclear power plant in the U.S. Where have all those millions of curies gone, of which any fraction of one curie can be extremely hazardous to humans?

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*50 percent higher for one-year-old children (H.E.W. Document NF–67–6, Jan. 15, 1967).

ELECTRIC POWER IN THE SEVENTIES

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. McMILLAN. Mr. Speaker, I wish to insert in the Record a speech made by Mr. Shearon Harris, chairman of the Edison Electric Institute, located at 90 Park Avenue, New York, N.Y., and also president and chairman of the board of the Carolina Power & Light Co., which covers North and South Carolina.

You will note Mr. Harris delivered this speech to a distinguished group of various communications media at the National Press Building here in Washington. I think the speech delivered by Mr. Harris is a masterpiece and hope that every Member of Congress will take a few minutes' time to read this very informative speech:

Electric Power in the Seventies

President Louviere, honored guests, and members of the National Press Club: The invitation to address so many distinguished representatives of various communications media provides an opportunity which I sincerely appreciate. I hope the information I will share with you during the next 20 minutes, and in response to your questions, will bring a better understanding of the largest industry in America.

At the outset, let me anticipate one question with this emphatic assurance:

There is no nationwide or national power crisis.

We expect reserves this summer to be either about the same as last summer or somewhat improved and we are capable of greater mutual assistance.

Even before this luncheon adjourns, the lights may go out somewhere in this vast land; but I assure you it will be a local matter. Intervals of extreme temperatures raise the possibility of local power interruptions, but any such outages should be limited in area and duration.

"Reliability"—as the term has become known since November of 1965—is not one of our industry's major problems.

Following the 1965 Northeast blackout, we accelerated our technical and administrative procedures to increase our already high level of reliability and to develop stronger transmission systems and interconnections. Despite obstacles to the construction of new facilities, transmission capacity and the ability to move bulk power between and among regions have increased due in no small measure to the work of the nine regional coordinating councils covering the country and the National Electric Reliability Council of which they are members. There have been no further cascading blackouts since 1967. Currently, the National Electric Reliability Council is evaluating the ability of the interconnecting networks and the generating facilities supplying the loads to support generation deficient areas during times of emergency.

Every industry has its problems and ours is no exception. In fact, the magnitude of our problems bears a direct relationship to the size of our industry. Within the next few minutes, I will share some of those problems with you; but I prefer to regard them as "challenges."

First, we begin with population; for, after all, it is people we are dedicated to serving.

Our industry honors its public utility service commitment not only to today's America, but more important, we are equally obligated to the tens of millions of new Americans of tomorrow. Even the most conservative demographers estimate that our population will grow (on the basis of two children per family) to at least 265,000,000 by the year 2000. At the population growth rate of the sixties (3.24 per family) we would pass the 300,000,000 mark *before* the year 2000.

You have heard many ill-advised, emotionally charged alarmists counsel "zero growth" for the sake of our environment. Such an uncertain sound would signal ignoble retreat into the past.

Instead, the investor-owned electric utility industry recognizes its obligation to see that all customers enjoy not only the creature comforts and conveniences of clean electric energy but also important, power in abundance to support their economic, social and physical well-being on an ever-improving level.

The party that straightforwardly advocates that we should embark on an energy policy course that reduces jobs, restricts economic opportunity and results in reducing resources available to support health, education, welfare and cultural pursuits will find itself summarily rejected.

Electric power will prove to be part of the solution rather than a part of the problem as it relates to the environment.

As Senator Jennings Randolph, Democrat of West Virginia, said in the Congressional Record of last April 26, "The quality of life and the use of energy are inextricably tied together. For one to improve, the other must increase."

Our industry will provide that energy in the form of safe, nonpolluting electricity converted from raw fuels by the most efficient technology now known to man.

In a recent New York Times column, Robert Bendiner, said:

"The fact is, we need more power to do the very recycling of waste that is so desirable. We need it to operate the vastly expanded sewage treatment plants that a growing population demands. We need it for that immeasurably developed system of mass transportation that our metropolitan areas must have if the automobile is not to make the human lung outmoded. We need it for the herculean clean-up of the nation's lakes and rivers. And, not least, we need it if all who are just emerging from dire poverty are to enjoy a standard of living we have so come to take for granted . . ."

Mr. Bendiner went on, and so could I; but the need for more power is too obvious to labor the point.

Note how often the task of enhancing the environment is characterized as "herculean." We disavow the methods of our mythical hero. Indeed we will provide the labor to clean whatever Augean stables need cleaning today, but we will not flush the pollution into any River Alpheus.

To be a hero today, even Hercules would need a new approach!

On May 15 Business Week magazine reported that a survey by the McGraw-Hill Economics Department showed that electric utilities lead 12 other major industries in outlay projected for pollution clean-up, with an estimated total of $3.2 billion. It said these utilities plan a jump of 68 per cent in their spending in 1971, to $679 million.

With the greater interest in improving the quality of life, electric energy is gaining recognition as being fundamental to solving some of our most serious environmental problems.

In a sampling of Edison Electric Institute member companies, 85 different manufacturers which purchased electricity from 16 electric utility companies were found to be using annually nearly 1.5 billion kilowatt-hours exclusively for pollution control or environmental enhancement. These kilowatt-hours represent 8.4 percent of the total annual electrical requirements of these 85 customers. In the future, these customers expect to be using nearly 2.3 billion kilowatt-hours a year strictly for environmental considerations.

Effective reduction of water pollution means a tremendous expansion in sewage treatment facilities. To pump millions of gallons of water through screening, filtering and clarifying systems through the hundreds—and perhaps thousands—of urgently needed new treatment plants will require massive quantities of electric power.

In the solid-waste recycling field, there are electrically powered machines using up to 10,000 horsepower for shredding, baling and compressing old auto bodies and other junk. Millions of aluminum cans are being recycled through processes requiring electric energy.

Recently it was reported that scientists at the Franklin Institute are building a machine predicted to separate 60 tons of household trash an hour into reusable raw material. If such a device with the indicated separating and shredding characteristics were to come into being, we have calculated that more than 2 million kilowatts of electric generating capacity would be required to operate the machines needed to handle the 360 million tons of residential, commercial and industrial trash which was produced in the United States in 1969.

On a less theoretical basis, it has been determined that five paper mills on one electric utility's system will need 214 million kilowatt-hours a year by mid-1972 to operate the equipment to enable these operations to meet the state's environmental standards. This amount of electricity is equal to the annual consumption of some 30,000 residential customers using in their homes the 1970 annual average of 7,066 kilowatt-hours per customer.

Consider foundries, which have been prime examples of a polluting industry. Improvements in combustion techniques, including the introduction of electric induction furnaces, have virtually eliminated foundry pollutants. In one example, at Saginaw, Michigan, several electric induction furnaces of a large foundry use 20,000 kilowatts each.

In the broad area of transportation, it has long been recognized that the internal combustion engine is the largest single source of air pollution. There is no question but that the use of electrically powered vehicles will increase, and that the day is coming when the short-range battery-driven electric car will be a feature of the urban and suburban scene.

Last summer, a task force of the Institute's Railroad Electrification Committee pointed out the advantages of electrified railroads. In addition to the obvious environmental benefits of electric locomotives over diesel-electric locomotives, the task force report cited the fact that the traffic-handling ability of one two-track railroad line is equal to that of seven four-lane highways. There is much to gain in improved land use and in air quality through the development of electrified railroad cars and mass transit facilities.

Our basic objective of an abundant electric energy supply compatible with appropriate environmental considerations will carry a higher price tag. The combined effect of the ravages of inflation, demand for fuels outrunning available supply, higher capital costs, increasing state and local taxes and added investment in pollution control equipment means higher cost for electric service.

Add to these "challenges" the problems of plant siting and everybody else's attempt to "solve" them for us, tight capacity positions in some areas and staggering construction programs and financing costs which demand adequate earnings.

The press has given considerable attention recently to what I call the "raw energy crunch," or the risk of demand outrunning the available long-term supply of fuel such as coal, natural gas, oil and uranium.

Last year the electric power industry in the United States consumed slightly more than 320 million tons of coal, almost 325 million barrels of oil, 3.9 trillion cubic feet of gas and 570 short tons of uranium ore to produce 83.8 percent of the 1.53 trillion kwhr of electric energy consumed by our Nation. Hydraulic energy met the other 16.2 percent of electric needs.

The investor-owned electric utility industry required an estimated 17 percent of the total fossil fuels consumed in the United States in 1970, about one-tenth of a percent of the proven recoverable reserves at the beginning of 1970.

With electric power requirements expected to quadruple in the next two decades, the critical nature of supply-price trends is obvious.

In 1969 and 1970, labor unrest, production delays, increased exports, hopper-car scarcity and other factors created a crisis in the supply of coal for many eastern utilities, their most important raw fuel. EEI proposed four means of alleviating the shortages: an export embargo, increased coal depletion allowance, development of practical methods of removing sulphur from stack gases and incentives for faster turn-around of railroad coal cars.

Short-term efforts by industry and government increased coal deliveries; and coal costs also increased. However, coal still tops the fuel policy priority list.

Residual fuel oil almost doubled in price on the East Coast in 1970. Recent Middle East negotiations suggest that prices there will trend toward whatever the traffic will bear. Higher shipping costs and increased demand for low-sulphur oil to meet air pollution regulations will continue to exert upward pressures on oil prices.

It is reported that about 23 per cent of the nation's present petroleum needs are served by foreign sources and that by 1980 we may be importing as much as 50 per cent.

Natural gas is in short supply, not because it does not exist, but because of apparent lack of incentive for exploration. Chairman John Nassikas of the FPC has taken action to determine whether higher rates should be established for future supplies of natural gas dedicated to the interstate market and whether prescribed pipeline rates yield returns adequate to attract investment capital for gas exploration.

Requirements for uranium, used in the present technology, indicate long-term limitations which would tend to cause nuclear fuel prices also to drift upward.

Efficient use of our energy resources will be the key to success with any fuels policy. In that context, former Presidential Economic Adviser Hendrik Houthakker last month observed: "There are few economic problems that cannot be solved by private competitive enterprise with a minimum of government intervention. Nothing I have seen or heard in the area of energy so far has convinced me that exceptional measures by the Government are warranted. Provided we let the free market do its job, we shall be neither cold nor powerless in 1980."

In other to cntribute to the formulation of that policy, a comprehensive study of energy requirements is now being conducted by a top-level Policy Committee on Energy Resources of the EEI. The study will identify and specify the interrelating factors, including technological progress and government policy, which will affect the availability of fuels and energy. The study also will provide specific fuel forecasts for the middle of the 70's and 1980. We will make this study available broadly, and we believe that it will be useful not only to our industry, but also to Congressional committees and government agencies. As I will indicate in a moment, answers to the fuels challenge are linked with research and development.

Government participation in our daily lives has become so pervasive and the operation of government so complex that various uncoordinated actions of government sometimes coincide to prevent the electric utility industry from doing what the total of society wants done to adequately serve it. Agencies of our society are unwittingly acting in conjunction with each other to frustrate the very society they serve. The development of energy policy needs not so much a system of rationing or allocation of resources but a coordination of our many fragmented policies so that the nation is assured adequate and environmentally acceptable fuel supplies at reasonable prices.

For example: (1) Promotion of coal exports by the Department of Commerce while mine safety reduced production and created a domestic shortage; (2) Environmentalists act to block construction or operation of power facilities which would supply the power needed to operate clean-up devices.

CAPITAL CHALLENGE

Investor-owned electric utility plant and equipment at the end of 1970 aggregated $93.5 billion, and new construction within the next five years was estimated to require $55 billion, compared with $37 billion for the preceding five years.

Electric needs of the next two decades will require new investment capital of a magnitude that staggers the imagination. Attracting the necessary new money will depend largely on the level of earnings allowed by regulation. It is heartening to note the recognition by regulatory commissions that rate increases are imperative if utilities are to meet their service responsibilities in the face of higher costs all along the line.

Reports to EEI last year showed that 85 rate increases were granted to investor-owned electric utility companies, and that 25 were granted during the first quarter of 1971. Many more applications are pending.

During the last eleven years, 1960–1970, the investor-owned electric utilities raised new money for their expansion program equivalent to more than nine per cent of all personal savings. In the remaining years of the Seventies, a somewhat larger share will be required.

It should be noted, however, that one of the key characteristics of the electric utility industry is that its rate of growth exceeds that of the economy as a whole. This is expected to continue. As electric energy expands in its application to a variety of fields—house heating and transportation, for example—it tends to replace to an extent capital requirements of other segments of the economy. Hence, the expectation that the electric utilities will require a larger share of personal savings in the future is reasonable and does not present insuperable obstacles—as long as investors can see that putting their money in our industry is competitively attractive compared with other opportunities.

In this area, of course, much depends on public opinion; and despite the misinformation and confusion to which they are so often exposed, our customers generally think well of us. Response Analysis Corporation has just completed a nationwide opinion survey which shows we rank neck and neck with telephones as the leading industry the public feels is trying hard to serve the public well. Eighty-five per cent of those approached thought dealings with electric companies were satisfactory and a large majority—60 per cent—felt prices are reasonable. The majority also opposed restricted use of electricity and thought, on the contrary, that the best way to clean up the environment was to use it more effectively.

Finally, and perhaps the most vital, long-term challenge lies in the field of research and development. In addition to extensive research and development previously undertaken by our industry and equipment manufacturers. I propose four specific areas requiring massive effort:

De-sulphurization of fossil fuels, the near-term route to making 1,000 years' supply of coal available for use without ecological degradation.

The fast breeder reactor, a longer-range route to energy conversion efficiencies on the order of 50 to 75 times today's light water reactors.

A significant step forward toward achieving useful power from thermonuclear fusion. This technology holds promise of solutions of many of our fuel and environmental problems of the future and deserves commitment now if we want to make it ready to use 30 years from the time we make such a commitment.

Underground transmission technology, a need that becomes increasingly pressing as power requirements grow.

The fast breeder reactor alone would constitute one of the largest R&D projects we have ever attempted and poses profound financing puzzles which we have yet to solve. These derive from the peculiar forces which inhibit R&D investment within regulated utilities.

We do not need to be apologetic about our past level of commitment to research and development. The issue is not whether we should have done more but the issue is what needs to be done *now* and how should we do it.

In our enterprise system, the profit motive normally stimulates investment in research and development. In the case of regulated utilities, which must pass along to the customer such benefits in the form of reduced rates, not only does the incentive not exist but the system actually works in a counterproductive fashion.

Our assignment is to find an acceptable way to permit those who will enjoy the benefits of technological improvements, that is to say our customers, to share in providing the seed capital for such undertakings. The concept of a surcharge, to be applied voluntarily by each electric supplier with proper approval by regulation, has been suggested and has my enthusiastic support until such time as a better approach evolves.

In my opinion, more effective research and development can be accomplished at less cost if a means can be found for funding and directing the program through the private sector of the economy with a minimum of governmental involvement.

We are conscious of the concern in many governmental quarters, particularly the Congress, for the matter of adequate power supply and proper environmental protection; and we hope that any new regulations and standards enacted into law will work to expedite rather than retard the business of supplying the nation's energy.

President Nixon's recent energy message to Congress reiterates our own objectives of a coordinated, long-range program assuring the ready availability of fossil fuels. His emphasis on developing the fast-breeder reactor reinforces the efforts of industry committees which for months have been working with the AEC toward that end.

We agree with the President on the wisdom of the nation using its energy resources wisely. To critics of "frivolous and extravagant" power use, we would point out that all the small appliances in the nation use less than four percent of electric power, while commerce and industry uses two-thirds.

In working with government toward common objectives, the investor-owned industry offers its most thoughtful and constructive cooperation.

We are continually conscious of the verity of a quote recently attributed to Interior Secretary Rogers Morton to the effect that "ecology is the most important thing in the world until the lights go out."

The electric industry is confident it will deliver all the electricity this and future generations demand, with a balanced energy-environment perspective. Electricity is not the problem. Electricity is a major part of the solution to the problem.

STATEMENT OF JOHN T. CARSON BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE, ENVIRONMENT AND CONSUMER PROTECTION

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BIESTER. Mr. Speaker, I would like to take this opportunity to commend to my colleagues the statement presented to the Senate Appropriations Subcommittee on Agriculture, Environment and Consumer Protection by John T. Carson, chief of the division of natural resources of the Bucks County Planning Commission. The division presented its testimony on April 26 on appropriations for the Soil Conservation Service. The statement follows:

STATEMENT OF JOHN T. CARSON

Beginning in 1962, the Bucks County Commissioners, together with the Commissioners of neighboring Montgomery County and the Soil and Water Conservation Districts of both counties, undertook a series of water research development studies for the Neshaminy Creek Watershed, whose 236 square mile drainage area encompasses 40% of Bucks County, and 36 square miles in Montgomery County. Thirty-four municipalities in the watershed joined in a request to the Soil Conservation Service, United States Department of Agriculture, to conduct an investigation under Public Law 566, to determine the economic feasibility of providing flood protection in this rapidly urbanizing basin which had suffered approximately $5 million damage in the hurricane floods of 1955.

The Commonwealth of Pennsylvania, through its Department of Forests and Waters, cooperated by carrying out a detailed study of water supply needs and how best to meet them in conjunction with the flood control study being carried out by Soil Conservation Service. As part of the water supply study, a detailed analysis was made of the need for water based recreation development and the possibilities of incorporating the provision of outdoor recreation opportunities into the plan. In addition, the Pennsylvania Department of Health, with the assistance of the Bucks County Department of Health, conducted a very detailed study of present water quality conditions, together with an analysis and prediction of what might be expected to happen during the next fifteen years.

These three sets of studies were coordinated by the Neshaminy Valley Watershed Association, a non-profit citizens group, which had been appointed as the official agent to act on behalf of Bucks and Montgomery Counties to insure that the maximum degree of cooperation was achieved by all agencies and interested parties. In all, during the four years following 1962, forty-two different agencies contributed their expertise to what resulted in a completely integrated water resource development program for the Neshaminy Creek Basin, a program which is designed to insure the maximum benefits from flood control, water supply development, recreation development, stream water quality improvement, and improved land use control to prevent erosion, sedimentation, and pollution.

This program, which consists of the proposed construction of ten reservoirs, three county parks, (two in Bucks and one in Montgomery County), a water supply filtration treatment plant and two pumping stations, is presently estimated to cost in the neighborhood of $40 million. This estimate does not include the cost of drastically upgrading the sewage treatment plants to approximately 98% B.O.D. reduction and removal of phosphates. The sewage upgrading is a separate program and is presently being undertaken by the owners of the sewage treatment plants.

In May 1966, since the signing of the Watershed Work Plan Agreement by Bucks and Montgomery Counties, their Soil and Water Conservation Districts, and the Soil Conservation Service, U. S. D. A., the following developments have occurred:

(1) The Watershed Work Plan has been approved by both Houses of Congress.

(2) The Work Plan has been declared operational by the Soil Conservation Service.

(3) Bucks County has acquired land rights to approximately five thousand acres or 90% of the land needed at a cost of approximately $12 million.

(4) Engineering has been completed on one multi-purpose reservoir designated as PA-617 on the North Branch of the Neshaminy Creek.

(5) Engineering is 80% completed on the second multi-purpose reservoir designated as PA-620 on Core Creek.

(6) Construction is underway on a flood control reservoir designated as PA-612 on Robin Run.

(7) Engineering has been completed on one of the larger flood control reservoirs designated as PA-616 on Pine Run.

(8) Cooperative Agreements with the land owners have been obtained by the Soil Conservation District on over 50% of the drainage areas of the four reservoirs mentioned above, in which the owners agree to work out a plan with Soil Conservation Service assistance for reducing soil erosion losses from their properties.

During fiscal 1972, we will be ready to start construction on Reservoir PA-617 on North Branch. Bucks County has invested approximately $1,800,000 in the land rights for this reservoir. At the time the second Supplemental Watershed Work Plan was agreed upon in 1969, the estimated construction cost was $2,119,430, of which the federal share is $678,885. The local share of the cost of construction, estimated at $1,440,545, is presently invested and available immediately as soon as federal funds are forthcoming. Unfortunately, the rate of return on these invested funds is approximately only one-third of the annual increase in construction costs. I therefore urge you, gentlemen, to do your part in insuring that there be no further delays in constructing this reservoir. In addition to the protection it will give in times of flood, the water supply storage is vitally needed for domestic, industrial and commercial use in the rapidly developing central areas of both Bucks and Montgomery Counties.

Beginning in 1973, this reservoir is expected to provide 11 million gallons of water per day, with an eventual usage in the year 2010 in the neighborhood of 150 MGD. We can see no other possible source of water supply. The planning and development of the entire area is dependent upon this project.

Similarly, we will be prepared to start construction of the multi-purpose Reservoir PA-620 in fiscal 1972. Here the total cost was estimated in 1969 to be $1,045,579 with the federal share $468,451 and the local share $577,128. This money is likewise in hand and ready to be used as soon as federal funds are available.

Moneys for relocation of roads and utilities for these two vitally needed reservoirs are already in hand and available as soon as required.

In all, Bucks County, through the Neshaminy Water Resources Authority, a financing and constructing Authority with a least back operational agreement with Bucks County, has borrowed $23 million in bonds to finance this project.

I doubt if there is any project of similar magnitude being undertaken in any other county in the United States as part of the Public Law 566, the Watershed Protection and Flood Prevention Act program.

For our part, the local people are also ready to initiate construction of a fourth Reservoir PA-616, during fiscal 1972. This will add at least an additional $300,000 to the federal funds needed for the Neshaminy Watershed Project during fiscal 1972. This means that the federal funding which will be required during fiscal 1972 will be in excess of $1.5 million in order to match the efforts and money put into this program by the local people and to keep the program moving on schedule.

It is my understanding that, in Pennsylvania alone, there are 23 watershed projects authorized for operation in which 110 flood prevention dams are contemplated. It is my further understanding that the federal administration has recommended an amount of $75.8 million for watershed construction funds, under Public Law 566.

On behalf of the Bucks County Commissioners, I submit that this is wholly inadequate to do the job and strongly recommend that the appropriations be increased to a minimum of $100 million.

MINIMUM PROTECTION FOR THE MINORITY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. RAILSBACK. Mr. Speaker, if we want to improve the Congress and its opportunity to function at its best, it seems to me that a minimum protection for the minority would strengthen the legislative process. The amendment being proposed would provide up to one-third of the funds appropriated to committee staffs to be allocated to the minority party. This amendment does not establish a rigid standard by saying that one-third of the staff has to be of the minority, but it does insure the minority of at least one-third of the funds. It is only reasonable to require that the size of the committee's minority staff more nearly approximate minority party strength in the House itself. Assurance of adequate staff is necessary, especially in those committees which are moving into new and challenging areas. I think the intent of this amendment is within the best traditions of the democratic process, to make assurances that our representative form of government is premised on minority rights, as well as majority rule.

CONGRESSMAN McCLORY ADDRESSES CHICAGO ROTARIANS ON EQUAL RIGHTS FOR WOMEN

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mrs. CHISHOLM. Mr. Speaker, recently our colleague from Illinois (Mr. McClory) addressed the prestigious Chicago Rotary Club on the subject "The Equal Rights Amendment—Will it Make Women more Equal?"

Mr. McClory's address was delivered at a ladies' day luncheon meeting at the Sherman House in Chicago.

Mr. Speaker, I should add that Mr. McClory served as a member of the Subcommittee of the House Judiciary Committee which heard the extensive testimony on the proposed equal rights amendment to the U.S. Constitution. As a supporter of this constitutional change, Mr. McClory's remarks before the Chicago Rotary Club are of particular significance. Mr. McClory's speech follows:

Address of Congressman Robert McClory

The Equal Rights Amendment to the United States Constitution is about to become a very live issue in the Congress of the United States. The proposed Constitutional Amendment is embodied mainly in one short sentence proposed to be added to the Constitution which reads as follows:

"Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

That is all it says; and in plain language, that is all the amendment proposes to accomplish. But the implications of this one sentence on our society and on the laws of our Federal Government, and the laws of all the 50 states, are far-reaching, and appear to some persons to be quite frightening.

I should add that this Constitutional change has been proposed in every Congress since 1923. It traditionally gets bottled up in one or another committee and never sees the light of day. However, at the last session of the Congress, after a discharge petition had been signed by 224 members of the House (more than a majority) the measure was taken from the House Judiciary Committee, placed on the House Calendar, and passed by a resounding vote of 350 to 15.

That was in August, 1970. Nevertheless, the measure was sidetracked in the Senate, then cluttered up with several amendments to the point where its main purpose was defeated. Now, after extensive hearings and the furnishing of voluminous documentary material, the proposal is about to be considered again by the United States House of Representatives. In deed, the issue will probably be debated in the House in the next week or two, and voted upon.

As a constitutional amendment, it will require approval by a two-thirds vote of the House and of the Senate—after which it will be submitted to the legislatures of the 50 states where ratification by 38 states (three-fourths of the states) will be needed in order for it to become part of the Constitution.

As some of you may know, each of our 50 states is authorized to have 2 statues placed in the U.S. Capitol of persons identified with their respective state. One of Illinois' statues is of Frances Willard, who graduated from an institution in Evanston described then as the North Western Female College. Later she became President of the Evanston College for Ladies and Dean of the Women's College of Northwestern University.

Frances Willard, a long-time President of the W.C.T.U., determined that women could not be effective unless they obtained the right to vote. She began her campaign for woman suffrage in 1876, and continued until the time of her death in 1898. However, it was not until ratification of the 19th Amendment on August 26, 1920, that women for the first time obtained the right to vote. Illinois was the first state to ratify the 19th Amendment—just five days after it received congressional approval on July 5, 1919. Frances Willard's statue was placed in our nation's capitol in 1923.

Notwithstanding the Constitutional prohibition against discrimination with respect to voting rights, sex discrimination has been practiced in various ways both before and since that time.

According to Marguerite Rawalt, Vice Chairman and Counsel of Women United: "The Constitution, when originally drafted, did not include women. In the 187 years since that time, the Congress and the state legislatures have given women one constitutional right, the right to vote—that and nothing more."

Then, she added: "In these 187 years the U.S. Supreme Court has failed to interpret the Constitution to afford benefits to women within its coverage. The court has interpreted the 14th Amendment (guaranteeing equal protection of the laws) to cover corporations, juveniles, school children and even communists: As to women it has used the amendment to impose restrictions and limitations."

Some opponents to the Equal Rights Amendment argue that laws which discriminate both for and against women are of divine origin. Indeed, one of the most forceful if not the most persuasive statements presented to our House Judiciary Committee was presented by a witness, William G. Reitzer of Washington, D.C. He quoted generously from the Bible as his authority, declaring with conviction that "the subordination of women to men was a deliberate purpose of God in His plan for human life on earth." He concluded that "women can find as full and as satisfying a life as the earth affords by remaining within the biblical limits of their roles and rights." Then he charged: "Any suggestions to the contrary are from Satan."

(Record of Hearings—pages 572–578.)

Whatever the origin or purpose for the enactment of legislation distinguishing between men and women, a great many Federal, State, and local laws persist which result in discrimination on the basis of sex.

The sole purpose and intent of the Equal Rights Amendment is to forbid such State and Federal discriminatory laws. It does not affect purely private relations.

Let us consider the types of laws which would be affected by the Equal Rights Amendment.

First, those states which continue to discriminate against women on juries would be invalidated. Women enjoy equality of rights to jury service under our Federal laws and the laws of the State of Illinois. But 12 states discriminate in various ways against women on juries.

Second, laws which bar women from Federal or State colleges and universities would probably be nullified by the Equal Rights Amendment to the Constitution. As recently as ten years ago, the Supreme Court refused to review a case where the admission of women was refused to a state college in Texas. Last year this rule may have been modified slightly in a case involving the University of Virginia at Charlottesville where the University was directed to submit a three-year plan eliminating segregation on the basis of sex and effectively barring women from many courses at the University of Virginia. (I assume this requirement to desegregate relates primarily to the classrooms and not the dormitories.)

A question arises immediately as to the effect of such a constitutional change on our military academies at West Point, Annapolis and the Air Force Academy. Undoubtedly, discrimination based solely on the qualification of sex would be unconstitutional.

Third, this discussion turns naturally to the subject of the selective service law which applies solely to male citizens at the present time. Of course, such sex discrimination would be invalidated and women would be equally subject to the draft. However, this would not interfere with the right to exempt one parent or the other from military service, nor would it interfere with the right to exempt women where their physical or other distinctive characteristics (other than sex) would exclude them from military service. This point was tested in a recent federal case where it is pointed out that women are not in fact excluded from service in the armed forces. The court stated that "in providing for involuntary service for men and voluntary service for women, Congress followed the teachings of history that if a nation is to survive, men must provide the first line of defense while women keep the home fires burning." While the nation is moving rapidly toward an all-voluntary military force, the impact of an equal rights amendment on the selective service law may be largely academic. However, in case of a general mobilizataion, the distinction between the new army, navy, air force and marines—could be quite striking—if the equal rights amendment is adopted.

Fourth, although alimony, child support and child custody laws would not be invalidated, their application equally to both husband and wife would be required. In other words, husbands would be equally as entitled to receive alimony as wives—where the circumstances justified such a ruling. In addition, women would not be entitled to any preferential right to custody of the children solely because of their being mothers. The husband and father would enjoy an equal right.

Fifth, so-called protective laws adopted some years ago under the guise of protecting women because of their weaker and more delicate physical characteristics would be among the principal victims of the constitutional change. Many states now limit the number of days which women may be employed, establish the maximum number of hours for work, prohibit women from certain occupations, forbid any employment where heavy lifting is required (usually from 10 to 25 pounds maximum), impose requirements for lunch and rest periods—and require that seats be furnished where women may rest in the course of their work.

It was in order to preserve these laws that the main objection to the equal rights amendment was voiced. This opposition came from the AFL–CIO purporting to speak for 13½ million members—including almost 3 million women members—in support of retaining these protective laws and in opposing the equal rights constitutional amendment. Claiming to speak in behalf of the women as well as the men members of his labor organization, Andrew J. Biemiller, Legislative Director of the AFL–CIO, contended that these protective laws are necessary because "all too many working women do not have the protection afforded by trade union membership and must therefore rely on safeguards provided by law."

I should add at once that the United Auto Workers took precisely the opposite position—contending that protective legislation is used as a means of barring many women from jobs.

In gauging the importance of the Equal Rights Amendment to women, it would seem well to respect the views which women and women's organizations have expressed. No less than 16 women's organizations presented testimony before our Judiciary Committee and all but one testified for the amendment, including representatives of the business and professional women's clubs, the National Association of Women Lawyers, the President's Task Force on women's rights and responsibilities and several other groups that have as a primary object of their existence—the adoption of the Equal Rights Amendment to the Federal Constitution.

The lone woman witness against the measure, Mrs. Leon Keyserling, chairman of the National Council of Catholic Women, contended that her objective was the same as those supporting the Equal Rights Constitutional change—to eliminate existing inequities. However, she contended that this could be accomplished now under the 14th Amendment to the Constitution (the Equal Protection Clause)—even though that has not been the result to date. Also, she favors the legislative route of amending state and Federal statutes which adversely affect women. I should add that the 14th Amendment to the Constitution continues to be relied upon in attempting to eliminate many inequities between the legal rights of men and women. It was this part of the Constitution to which the Supreme Court referred in ordering desegregation as between men and women at the University of Virginia. However, it was also the 14th Amendment which the U.S. Supreme Court has referred to in holding that sex is a reasonable classification for the so-called protective laws.

Some critics of the Women's Equal Rights Amendment see far-reaching implications in this proposed constitutional change. The one familiar charge is that, upon ratification of this Constitutional Amendment, it would be unlawful to provide separate toilet facilities for men and women. However, airlines—even in the jumbo 747—require us to share the same facilities. Nevertheless, we are able to enjoy equally our constitutional right to privacy as guaranteed in the 4th amendment, and we are not required to use the same toilet facilities—at the same time. There is no implication in the proposed equal rights amendment which would deprive us of that other cherished right—of privacy.

It is contended further that separate facilities in jails, mental institutions and the like, would not be permitted and that men and women would be required to be committed or accepted equally in the same institutions. While this is not necessarily so, it may well be that the same jail or reformatory would be used for both men and women law offenders—but it does not follow that convicts of different sexes would be confined to the same cell. However, it's an interesting subject to contemplate—if you have nothing else to do—and you are awaiting a jail sentence.

Objections of this type suggest unreasonable interpretations of the Constitution—including charges that the Constitutional Amendment aims at legislating a similarity which physically and biologically men and women do not have. However, such is not the intent. The Constitutional change refers only to "equality of rights"—and is aimed only at state and federal laws which discriminate in their coverage or effect on the sole and arbitrary basis of sex.

Life-styles and customs have changed without the benefit of any such change in the Constitution. What effect, indeed, the constitutional amendment might have on opportunities for more women to become doctors or lawyers, or Representatives in the Congress, or candidates for President—no one can truly tell.

However, the latest report from the U.S. Department of Labor shows that women represent only 7 percent of the physicians, 3 percent of the lawyers and a scant 1 percent of the engineers. The Equal Rights Amendment will have no direct effect on this disparity. Indeed, some proponents of the Constitutional change feel that it is more symbolic than real. They realize that granting equality of rights does not guarantee that there will be more women lawyers, doctors or engineers or even more women bank presidents or airline pilots, or any other improvement in the social or economic lot of American women. Still, it is my own view that the constitutional change, even though symbolic, may result in further employment and other opportunities for American women. Also, it will impose a number of additional responsibilities.

The implementation of the constitutional change comes principally from amended state and federal laws, to be followed by a new series of court cases. Under the proposed constitutional amendment, states will have 2 years after ratification within which to amend their discriminatory laws.

If the courts carry the intent of the constitutional change to absurdity, we can expect, of course, to have absurd and unintended results. However, I expect the Congress to set forth in the committee reports the reasonable intent of the constitutional change—with the expectation that the courts will provide reasonable and logical and sensible interpretations when faced with actual problems arising under the new law.

What about the alternative proposal of accomplishing the identical results by legislation—without involving ourselves in a broad constitutional change?

The answer is simply that without the coercive influence of a constitutional amendment the numerous changes in the statutory law of the federal government and of the 50 states would postpone the granting of equal rights to women for many years. The 25-page bill which proposes to amend only a few of the statutory provisions in the federal law is just a beginning of the monumental task which would be encountered in changing the discriminatory laws in all of the 50 states. Amendments to the law regarding 1) public accommodations, 2) public facilities, 3) public education, 4) public assistance, 5) social security, 6) equal employment opportunity, are but a few of the many sections of the federal statute in which changes are indicated.

In Illinois, notwithstanding the adoption of a new Constitution appearing to grant to women equal protection of the laws, the state legislature has declined to amend the so-called protective laws which are claimed by women themselves to derive them of employment.

There are 10 women in the 435-member U.S. House of Representatives where I serve—including Representative Shirley Chisholm of New York, the first black woman member in our nation's history. In commenting upon her own unique position in our nation's history, it is interesting to observe that she supports civil rights for blacks and equality for women. And here is what she says: "In the political world, I have been far oftener discriminated against because I am a woman than because I am black."

When Prime Minister Golda Meir of Israel was asked whether it was a handicap being a woman—she answered: "I don't know—I've never had the experience of being a man."

Being a man—it's impossible to know firsthand whether being a woman involves discrimination under our basic law.

But 16 out of 16 women witnesses—representing women's organizations contended that discrimination on the basis of sex was a serious problem—requiring a national solution. And 15 of the 16 favored the equal rights amendment to the U.S. Constitution. I'm inclined to feel that they know what is needed to make men and women equal under the law. Equal rights seem to me to be very similar to the guiding principle which characterizes our nation—and which is inscribed above the entrance to our U.S. Supreme Court "Equal Justice Under Law."

A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ARENDS. Mr. Speaker, I introduce for appropriate reference a bill to amend the National Labor Relations Act in six separate areas, each of which touches on the manner in which collective bargaining units are determined by the National Labor Relations Board. The bill covers, first, the status of economic strikers; second, coalition bargaining; third, the gerrymandering of bargaining units; fourth, the consolidation of bargaining units and the existence of a collective bargaining contract as a bar to an employee election in a particular unit; fifth, preservation of certain multiemployer units; and sixth, clarifying an employer's right to ask for an NLRB election among his employees.

The first amendment in this bill relates to so-called economic strikers. That is, employees who strike in furtherance of some economic goal, such as a demand for a wage increase, but who are not involved in any claim that an unfair labor practice has been committed.

Mr. Speaker, this provision has a fairly long history. Under the 1935 Wagner Act, several NLRB and court decisions developed the proposition that though replaced economic strikers had no right to reinstatement, they might still vote to determine what union would represent employees of their former employer. To correct this, Congress in the 1947 Taft-Hartley Act specified that permanently replaced economic strikers would have no vote in NLRB elections. Nevertheless, in recent decisions the NLRB and the courts have given a substantial right of replacement to an economic striker. The present state of the law appears to hold that economic strikers remain employees and are entitled to reinstatement at whatever future time their replacements might leave. This seems to eliminate a major risk involved in striking, and thus it encourages industrial unrest. The amendment remedies this defect by excluding a replaced economic striker from the definition of employee under the act.

So-called coalition bargaining ignores the statutory scheme under which a union is expected to bargain with an employer only on behalf of employees in the bargaining unit where those employees actually work. The coalition approach is an effort to force companywide negotiations with a team of unions, irrespective of bargaining units and irrespective of contract termination dates for those bargaining units. Employer insistence on bargaining only with those bona fide representative of the bargaining unit whose contract is involved has been held by the NLRB to constitute an unfair labor practice in violation of the law. (See *General Electric Company*, 173 NLRB 46.) The amendment offered here, Mr. Speaker, would compel employers to bargain only with those representatives duly designated under the law as bargaining agents for employees in the particular unit to be covered in the contract. This, of course, would not limit a union's right to consult with other unions, or indeed with any other source of advice and counsel, for that matter. The amendment is a significant protection for employees, as well as a source of orderly procedure for employers. Under this amendment, Mr. Speaker, employees in a particular bargaining unit will be assured the right of representation in negotiations with their employer by people they have expressly chosen to speak for them. That, it seems to me, is precisely the purpose the statute was designed to achieve when it authorized collective bargaining at the option of the workers themselves.

Recently, Mr. Speaker, NLRB decisions have developed the practice of gerrymandering established bargaining units. It appears this fragmenting of lawfully established units is generally sought in order to devise a new unit in which a particular union might be expected to win an election among the employees. (See *Stern's*, 150 NLRB 799; *Sears Roebuck and Co.*, 160 NLRB 1435; *Carson, Pirie, Scott and Co.*, 173 NLRB 48.) The Taft-Hartley Law in 1947 directed that the extent to which employees have been organized should not be controlling in determining which bargaining unit should be designated as an appropriate unit. Nevertheless, the NLRB has returned to the practice of giving great weight to this extent of organization approach. This results in cutting up or gerrymandering an established unit to enable a particular union to represent employees in a new and smaller unit where that union is strong—even though a more extensive unit where that union is not the majority choice had already been established under the law as a more appropriate unit for collective bargaining purposes. (See *Quaker City Life Insurance Company*, 134 NLRB 950; *Sav-On Drugs*, 138 NLRB 1032.) The amendment offered here, Mr. Speaker, would stop the various gerrymandering practices which have been approved by the NLRB. It would thus restore to employees in bargaining units which have been determined appropriate under the law a fully effective voice in their own collective bargaining affairs.

The fourth amendment in this bill, Mr. Speaker, would prevent the NLRB from consolidating into a single unit a number of other bargaining units, each of which has been deemed appropriate under the law to represent the employees within it. This again is a recent reversal of the practice followed for many years by the NLRB, a salutary practice in which it refused to entertain petitions to merge or consolidate units already established as appropriate—except where a genuine question of representation was found to exist. (See *General Box Company*, 82 NLRB 678; *American Stores Company*, 130 NLRB 678.) Then in the 1968 *Libby-Owens-Ford Company* case, 169 NLRB 2, the Board ordered several units consolidated into one. It did so, even though it found that no question of representation existed, even though no union was asking for an election in the proposed overall unit, and even though long-term collective-bargaining contracts were in force for some of the units—contracts which would be a bar to election under the terms of the Taft-Hartley Act. Such activity by the NLRB obviously denies representation rights to employees which the law assures them. While my amendment, Mr. Speaker, would prohibit the type of consolidation undertaken in the Libby-Owens-Ford case, it would not bar a legitimate petition filed by a rival union. Neither would it affect established rights of employees to decertify a particular union. These rights will remain untouched, as Congress asserted them in the statute. Indeed, they are reinforced by this amendment because this amendment would prohibit the NLRB from eroding such rights as it did in the Libby-Owens-Ford case. Another facet of this amendment, Mr. Speaker, would write into law a very salutary NLRB practice which can contribute greatly to stability in labor-management relations. I refer to the so-called contract bar. Here the NLRB regards the existence of a collective-bargaining agreement as a bar to an employee election for terms up to 3 years—longer if the contract is for a longer period insofar as the right of the contracting employer or the contracting union to seek an election is concerned. (See *General Cable Corporation*, 139 NLRB 1123; *Absorbent Cotton Company*, 137 NLRB 908.) The amendment proposed here, Mr. Speaker, would permit the application of the contract bar rule for a period not to exceed 5 years, unless, of course, there is reasonable doubt as to the identity or existence of one of the parties to the contract.

The fifth of these amendments, Mr. Speaker, would prevent the NLRB from fragmenting an appropriate multiemployer bargaining unit. Until recently, where a multiemployer unit had been established with the consent of the parties, the NLRB held that it was an unfair labor practice for a union to insist then on dealing with individual members of that multiemployer unit. Nevertheless, in recent reversals of that long-established pattern, the NLRB has held that a union might disregard such multiemployer history and negotiate on an individual basis; also, that a union might single out some members of such a group for individual bargaining, but bargain with the rest as a group. Obviously such whipsaw tactics are disruptive of peaceful relationships. Multiemployer units existed long before even the Wagner Act became law. Further, they have been recognized as appropriate bargaining units in NLRB decisions for decades.

The amendment here, as indicated earlier, would make it clear that an appropriate multiemployer unit cannot be fragmented by a union which has been a party to multiemployer negotiations in that unit. At the same time it makes clear that no employer can refuse to bargain with a group of unions who are joint representatives of his employees.

The sixth of these amendments, Mr. Speaker, would clarify the right of an employer to seek an NLRB election among his employees. The requirements of the law are clear enough. The same rules apply in an election regardless of who files the petition. Nevertheless, the NLRB has applied more restrictive rules to employers seeking elections than to unions. Under its present practice the board requires an employer to show by a variety of so-called objective considerations that he has reasonable grounds for doubting an incumbent union's majority status. The fact that the certification of that union may be many years old, or that there has been a very considerable turnover of employees, will not be viewed by the NLRB as objective considerations. Further, the employer is properly prohibited from polling his employees about union preference. He is, for these various reasons, effectively prohibited from exercising a right the act confers upon him. The amendment here corrects the inequity of present board holdings by authorizing an election on the petition of an employer who is confronted by one or more claims for representation, and where there has not been a valid election in the unit within the preceding 12 months.

Mr. Speaker, these amendments merit the early and favorable attention of the House.

AMENDMENT TO LIMIT FARM SUBSIDIES TO $20,000

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. CONTE. Mr. Speaker, when the 1972 agriculture appropriation bill reaches the floor tomorrow, I intend to offer an amendment limiting farm subsidies to $20,000 per producer.

Last year, when the Agriculture Department and the House Agriculture Committee supported a ceiling of $55,000, an amendment to reduce the level to $20,000 failed by a narrow margin, largely because many of our colleagues felt that the $55,000 limit was a step in the right direction.

Events since then have shown that this optimism was misplaced. Although potential savings of $69 million were projected, Department of Agriculture officials now freely admit there will be virtually no savings.

Since the basic farm legislation does not expire until 1974, this appropriations bill offers us the only vehicle to correct this scandalous situation. My amendment, of course, is not without precedence. The House has twice before passed measures to limit payments to $20,000, but the Senate rejected the measures.

Total payments for the 1970 program reached a staggering $4 billion—up from $3.5 billion in 1969.

My amendment could generate savings of more than $200 million. With a deficit budget facing us and many critical domestic needs still unmet, we simply must not miss this opportunity.

I hope that all of my colleagues will agree and will be on the floor tomorrow to support this amendment.

Mr. Speaker, for the information of my colleagues I refer them to a list of all those farmers who received payments in excess of $20,000 in 1970. I inserted the list in the RECORD for April 27, 1971, at page 12104. It will identify all those likely to be affected by my amendment. I also include at the close of these remarks a chart prepared by the Department of Agriculture showing the number of producers in each State receiving payments of $20,000 or more in 1970 under each of the three major programs—feed grain, wheat, and cotton.

Finally, I also include a list of figures which show the dramatic increase in these subsidies over the past 4 years.

The chart and the list of figures follow:

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

NUMBER OF PAYEES, WITH DOLLAR AMOUNTS, WHO RECEIVED $20,000 OR MORE UNDER 1970 FEED GRAIN, WHEAT, AND COTTON PROGRAMS[1]

[Dollars in thousands]

State	Feed grain		Wheat		Cotton	
	Payees, number	Amount	Payees, number	Amount	Payees, number	Amount
Alabama	2	$63			327	$10,603
Arizona	36	1,537	2	$156	572	36,111
Arkansas			1	47	772	27,877
California	74	4,899	45	1,543	991	66,179
Colorado	35	1,280	56	1,678		
Connecticut						
Delaware	1	26				
Florida	2	49			6	158
Georgia	26	704	1	21	251	8,093
Idaho	1	33	106	3,204		
Illinois	74	2,033				
Indiana	53	1,620				
Iowa	84	2,507	1	24		
Kansas	52	1,427	72	1,918		
Kentucky	7	193			1	20
Louisiana	1	27			396	13,498
Maine						
Maryland	5	128				
Massachusetts						
Michigan	5	114				
Minnesota	33	849	7	185		
Mississippi	3	90			1,557	68,658
Missouri	65	2,006	1	21	88	2,536
Montana	1	32	194	5,991		
Nebraska	119	3,434	17	442		
Nevada			3	$134	6	$212
New Hampshire						
New Jersey						
New Mexico	74	$2,286	62	2,033	98	3,040
New York	1	29				
North Carolina	6	258			61	2,233
North Dakota	5	127	71	1,951		
Ohio	12	357	1	21		
Oklahoma	7	214	32	895	40	1,155
Oregon	1	47	55	1,619		
Pennsylvania	7	209				
Rhode Island						
South Carolina	5	136			246	8,596
South Dakota	7	175	46	1,318		
Tennessee					111	3,409
Texas	570	17,403	196	5,963	2,230	74,633
Utah			10	300		
Vermont						
Virginia	3	110				
Washington	2	48	241	7,276		
West Virginia						
Wisconsin	16	484				
Wyoming			3	105		
Total	1,395	44,934	1,223	36,865	7,753	327,011

[1] Preliminary data.

PRODUCERS RECEIVING GOVERNMENT PAYMENTS OF $20,000 OR MORE AND DOLLAR AMOUNTS RECEIVED, 1967–70

	1967	1968	1969	1970
Number of producers:				
Cotton	3,494	5,249	6,194	7,753
Feed grain	80	877	1,482	1,395
Wheat	542	741	1,123	1,223
Total producers	4,116	6,867	8,799	10,371
Total payments received (million dollars)	(1)	$266.6	$344.9	$408.9

[1] Not available.

PROVIDING USE OF THE FEDERAL TELECOMMUNICATIONS SYSTEM TO PATIENTS IN VA HOSPITALS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. HASTINGS. Mr. Speaker, due to an increase in support for House Resolution 222, which I introduced on February 10, I am once again proposing this idea to the House.

The resolution provides for the use of the Federal Telecommunications System by patients in VA hospitals to call their families and loved ones, after the ordinary busines day.

I am pleased to say that 85 of my fellow colleagues have joined me in cosponsoring this proposal. Even more reassuring, is the fact that a significant number of members from the Veterans' Affairs Committee have shown their support for my bill.

Enactment of the Federal Telecommunications System resolution is only a small token of our gratitude for the sacrifices the servicemen in these hospitals have given for the preservation of our Nation and the future freedom of all Americans

INDIANA'S "TIME TANGLE"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following article which touches upon some aspects of the growing time tangle in Indiana:

IN INDIANA, TIME EXERTS A SPECIAL TYRANNY

(By George Vecsey)

VEVAY, IND., June 20.—When a popular resident of Switzerland County died last week, many people wanted to attend the funeral.

The problem was, half the people thought the funeral was 2 P.M. "fast time" and the other half thought the funeral was 2 P.M. "slow time." The result was a half-attended funeral.

This seems to happen all the time in Indiana, because time is a haphazard thing in this part of the country.

It is confusing enough that the border between the Eastern and Central time zones runs through the state. But when individual counties, and individual merchants, and anybody with a wrist watch can decide what time it is, the result is madness.

On these long summer evenings, time—whether "fast," (Daylight saving time) or "slow" (standard time)—is particularly noticeable.

Summer will arrive at 1:20 A.M. Tuesday—"fast time"—in Vevay, where it will stay light until 10 P.M. (because it is on the edge of the Eastern time zone. But a few miles to the west, in Maverick Jefferson County, it will get dark at 9 P.M.—"slow time," that is.

PLEA FOR UNIFORMITY

"I don't care what time they make it," said Capt. Clayton Arney, pilot of the side-wheeler ferry across the Ohio River. "I just wish they'd all be the same."

Technically, the entire state is on Eastern time except for six counties in the northwest and six counties in the southwest, which are on Central time.

But when daylight saving time begins in April, the farmers as well as theater and restaurant owners are unhappy about the long evening hours of daylight. So the Indiana Legislature passed a law last winter exempting the state from daylight time, whether Central or Eastern.

Normally, one could expect the calm, conservative people of Indiana to obey any law, but not this one.

Seven counties in southeastern Indiana, all in the Eastern time zone, are tied much closer to the economy of Louisville and Cincinnati, also in the Eastern zone, than to the main cities of Indiana. Both those cities switch to daylight time. So some merchants in these seven counties have decided—sometimes by vote, sometimes by individual choice—to turn their clocks ahead in April anyway.

And in the state's 12 Central time zone counties in the west, the "official" time is Central standard because of the law exempting the state from daylight time. But the people observe Central daylight to avoid being an hour behind Chicago, which is in the Central zone, and most of the rest of Indiana. That is because most of the rest of Indiana is on Eastern standard, which is the same as Central daylight saving.

SCHIZOPHRENIA IN SOUTHEAST

That ought to be enough confusion for one state, but the schizophrenia is most prevalent in southeastern counties like Switzerland, which honors its Swiss settlers, who went there in 1813, with posters of French Switzerland in a drugstore window and by working its clocks overtime.

In Vevay's white stone courthouse, the official clocks and the state-supervised employes work on "slow time," even if the rest of the town is on "fast time."

"My husband works at the Rex Chain Belt Factory, which is on fast time," said Mrs. William Frazier, the county's deputy auditor. "He leaves at 5 A.M. by slow time. Then he's back by 3 P.M. while I'm still working. It does get pretty confusing—school kids on one time, their parents are on another."

Not all the southeastern counties agreed to disagree. Jefferson County, right in the middle of the southeastern tier, has several factories and some lovely hotels and restaurants—even one specializing in shrimp.

Jefferson decided to outslick its neighbors by staying on slow time with most of the state. Thus, Madison, the county seat, gets an extra hour of business from neighboring counties in Indiana and Kentucky, aided by the only Ohio River bridge for many miles.

A TIME FOR LUNCH

"We hurt ourselves by going on fast time," said Russell Pickett, president of the Vevay Deposit Bank. "The farmers in our county do their work, then they still have time to shop in Madison."

It even gets hectic in Vevay (prounced "Vee-vee"), where the Randall Factory schedules its lunch hour at 11 A.M. while the U.S. Shoe Factory had it at 12 noon, to avoid overburdening the town's luncheonettes.

But then Randall decided to observe "slow time," and the shoe factory observed "fast time," so the workers scrambled for their hamburgers together.

"We only had three girls at lunch hour," said Polly Smith, a waitress at the Vevay Package Store, a tidy luncheonette on Ferry Street. "It was really packed at noontime."

The confusion also reaches the ferryboat that crosses the Ohio from 7 A.M. to 8 P.M. "fast time." One of the last of the sidewheelers on the river, the Martha Graham (named for a former captain's wife, not the dancer) is a vital link between Vevay and Ghent (pronounced like the first syllable in "gentleman"), Ky.

"The Kentucky people don't have any problem," said Captain Arney. "They're officially on fast time. But sometimes we get people on the Indiana side after 8 P.M. They still think its 7 P.M."

Missing the last ferry from Vevay is not the worst thing in the world. The town is small, but quaint. Its painted-brick, riverview homes on Market Street rival the prettiest in Annapolis or Beacon Hill, Boston, neat in the finest Swiss tradition.

The town is quiet except for four days in August when it holds a Swiss Wine Festival, with cheese and entertainment, river cruises and a flea market.

There are some visitors from Switzerland, particularly their sister city, Vevey (nobody knows why the spelling is different). And the wine is always plentiful.

"Usually, when something is in your home town, you don't get that excited about it," said Mrs. Smith. "But we really enjoy the festival."

The festival will be from Aug. 12 to Aug. 15. The times of the specific events? Synchronize your watches, and then you are on your own.

"WE ALL HAVE A LITTLE SMELL"

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. SHRIVER. Mr. Speaker, Ken Bruce, the fine editor of the Hillsboro, Kans., Star-Journal, has long been active in promoting the economic and environmental welfare of his fellow townspeople. His editorial of June 17 reflects this interest and the wisdom of balancing economic and environmental values for the long-range benefit of all. While certainly not endorsing a recent temporary incident of smell pollution involving a local industry, Mr. Bruce accurately points out that small towns depend heavily on such industries to stay alive. Hillsboro is an excellent example of a rural town which has actively and successfully pursued industry to counter the reduction of agricultural jobs, and the value of these industries will not be forgotten because of temporary inconveniences.

The editorial follows:

[From the Hillsboro (Kans.) Star-Journal, June 17, 1971]

WE ALL HAVE A LITTLE SMELL!

Hillsboro residents have been quick this week to smell out their thoughts about a pungent odor coming from the lagoon-type disposals one and a half miles north of Hillsboro.

One of Hillsboro's largest industries, Associated Milk Producers, Inc., has recently spent well over a half million dollars at its plant in Hillsboro to convert Kansas surplus milk into cheddar cheese. The plant has installed several new pieces of equipment, and like any of us who have installed new equipment has some "bugs" to eliminate.

It seems as though their whey drying machine was not functioning properly and some of the bi-product had to run to the disposal. According to the plant managers this upset the chemical reaction of this type of decomposable matter in the treatment lagoon, thus causing an unpleasant odor.

The odor has been present at the lagoon for two weeks, but not until a few days ago did a gentle north breeze and a few cloudy days bring it to the attention of residents. Those who know, tell us this type of a sewage treatment operation works best under sunny skies and more than a gentle breeze.

AMPI has eliminated its waste to the treatment plant and with the sun shining and a prevailing south breeze . . . Hillsboro citizens will be back to normal.

Hillsboro is proud of the ultra-modern dairy plant on the north edge of town where the best ice cream and cheese going is manufactured. We're so proud that we wish them only the best of luck in getting some of the mechanical problems "ironed out" . . . and realize everyone is entitled to a little smell on occasion.

MEMORIAL TO SENATOR GEORGE MILLER, JR.

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. WALDIE. Mr. Speaker, today, during a board of supervisors meeting in Martinez, Calif., two development centers for the mentally handicapped in Contra Costa County will be renamed in memory of the late Senator George Miller, Jr.

Contra Costa County has done an outstanding job in providing health and education service to the mentally retarded of all ages and I am, therefore, inserting a series of articles which describe the exemplary work being done there, in the RECORD on this occasion.

The accomplishments of Senator Miller are of legendary stature in California; his reputation as the most able member of the California Legislature was amply justified; he was a kind, compassionate, and concerned man. Nowhere is that compassion, concern, and kindness best exemplified than in Senator Miller's long support of landmark legislation for mentally and physically handicapped people.

None have done as much—few will do as much for these people as has Senator Miller.

The designation in his memory of these two centers for the mentally handicapped is a most fitting memorial to a good man.

The material follows:

MEMORIAL TO SENATOR GEORGE MILLER, JR.—PART I

One of California's most outstanding legislators, the late Senator George Miller, Jr., of Alhambra Valley, has been honored by the Contra Costa Board of Supervisors with **the renaming of two development centers for the mentally handicapped as memorials to his work in the fields of education and health.**

Richmond's Hilltop Center has been named George Miller Jr. Memorial Center West and Concord's Seal Bluff facility George Miller Jr. Memorial Center East. Plans for dedication ceremonies are pending.

A countywide committee headed by Supervisors Alfred M. Dias of San Pablo and James P. Kenny of Richmond, chairman and vice chairman, respectively—committee membership includes the entire board—started its deliberations last January on the nature of one or more memorials to the veteran legislator who at the time of his death, January 1, 1969, at age 54, was one of the most powerful voices in state government.

Miller served two years in the Assembly and another 20 in the Senate, headed the Senate Finance Committee for several terms, authored a great deal of social legislation, including the Education Act of 1968—described as the Magna Carta of California Education—and was considered a likely Democratic candidate for governor.

It was an appropriation measure sponsored by Miller in 1962, supported in the lower house by Assemblyman John T. Knox and Jerome R. Waldie—the latter is now a Congressman—that made the development centers for the mentally handicapped possible in this county.

Built by the state at a cost of $500,000 each and turned over to the county as operational in December of 1968, the centers are unique in California and the nation.

The physical layout of the two seven-building complexes is the work of Dr. George Degnan, county medical director, who was largely responsible for their design as the result of studies he made of similar facilities throughout California and many other states.

More important, however, is the service concept behind the centers—a philosophical and practical approach shared by Dr. Degnan and Senator Miller, who were close friends of long standing. The centers not only provide a day treatment program for the multi-handicapped and severely retarded of all ages, but they combine comprehensive health services with education within the same facility through the cooperative efforts of the county's mental health services and the County Department of Education.

There is nothing like them anywhere and they symbolize, in the words of Dr. Degnan, "everything Senator Miller stood for in the way of education and health services for all of our people."

Until Contra Costa County paved the way, the only answer to the problem of the mentally handicapped was to permanently confine them in a state hospital, there to vegetate out of sight and mind of almost everyone but their distraught parents.

At the Miller centers, this approach has been totally rejected in favor of a program that deals with these human beings with compassion and understanding. It takes a very special type of person, layman or professional, to work with the mentally handicapped, and these the centers have.

The work can also be very rewarding in even the small things that most people take for granted. The three-year-old, for example, who has just been taught to crawl or roll over on his back; the other child or young adult who has just learned the alphabet, to identify common objects, or to dress himself.

Senator Miller's interest in establishing the centers came about when he noted the success of "Operation Respite" which was inaugurated by Dr. Degnan at the County Medical Center in Martinez in 1962.

Operation Respite set aside a few county hospital beds for the temporary care of the physically and mentally handicapped during such emergencies as illness or death of family members, the separation of parents, and the medical need for temporary separation of parent and child.

The need for such respite was all too apparent—caring for a retarded child is a 24-hour a day responsibility which is often a traumatic experience for parents and one made more difficult by the fact that most parents must work at regular jobs in order to maintain their families. More often than not, the problem is compounded by normal siblings in the family whose welfare is as paramount and who do not understand.

One thing was learned early—that parents love their children, handicapped or not, they dread the placement of a disabled child in a state institution; and that parents themselves offer a tremendous resource for the care of their unfortunate youngsters.

"Provided that they receive the necessary medical, educational, and emotional support which can best be provided by such community-based facilities as the Miller centers," Dr. Degnan explained, "parents not only are able but are also motivated by a strong psychological need to keep and care for their child at home.

"Placement in a state hospital is rarely an easy solution; the child is not forgotten, and the parents often suffer from a secondary emotional process described as chronic sorrow.

"Our experience has demonstrated that parents wish to play an active role in the handling and training of their children. They generally ask only for something definitive to do, and for realistic guidelines and expectations.

"Results at the Miller centers have clearly shown that even severely mentally retarded and neurologically handicapped children are capable of significant learning and can benefit from training.

"The time has come to dispel the general pervasive feeling of pessimism in the area of the profoundly retarded."

Memorial to Senator George Miller, Jr.—Part II

The Miller Centers for the Mentally Handicapped in Concord and Richmond, renamed by the Contra Costa Board of Supervisors as memorials to the late Senator George Miller Jr., a humanist as well as a practical politician who was bastions of hope for that unfortunate segment of our population which until only recently could look forward to nothing more than a life of despair—likely as not lived out strapped to a cot in some darkened cubicle of a state mental institution.

The Miller centers are not institutions and they do not have the appearance of institutions. They consist of long, low buildings, almost residential in appearance with their mansard roofs and warm wood exteriors.

The rooms are spacious, the colors cheerful, the windows wide to sunlight and vistas of grassy courtyards and neatly manicured shrubbery.

The facilities and grounds are an architectural triumph, achieving a spiritual openness and an atmosphere of quiet and relaxation that serves to emphasize the centers as places of shelter, protection, help, and hope.

Inside, the big ingredient is love. It shows in the patience of the teachers, the concerned competency of the professional staff, the interest of the many volunteer workers.

Many of the youngsters and adults being treated at these centers have serious problems, of course, but the majority of these problems are not unsurmountable and the staff people do not view them as such.

"We find that even the most severely retarded children are sensitive to an emotionally warm and accepting environment," one staff member said. "And when these children and adults are exposed to the proper environmental and sensory stimulation and are able to experience, for the first time, repeated mastery in very simple tasks, they gradually attain a special kind of motivated state.

"To witness this often dramatic change in a previously withdrawn, profoundly retarded individual is an exciting experience."

Indeed it is, and the primary goal of the centers, as evolved by Dr. Degnan and Dr. Floyd Marchus, county superintendent of schools, is to help the mentally retarded individual to develop to the limit of his capabilities and to become a needed and self-sustaining member of his family and his community.

The centers, in fact, are a meld of the medical and educational professions, a combination of resources dedicated to advancing the cause of help for the handicapped—and that is what makes them different.

The two centers have a total capacity of 152 enrollees, with the Concord facility currently having 11 babies in its nursery, 30 youngsters ranging from three to 20 years of age, and 35 adults. The population of Miller Center West is about the same.

The centers, furthermore, are open to all mentally handicapped. Parents may call, or referrals may be made by pediatricians, family doctors, or public health nurses.

"The younger we can get them, the fewer problems they will have as adults," according to Robert M. Shook, who divides his time between the centers as program coordinator.

A patient of whatever age starts with a complete medical examination and diagnostic workup which pinpoints specific problems and allows for a training program tailored to the individual.

A team approach provides the services of a psychiatrist, psychologist, medical consultant, educational consultant, a social worker, a complete therapy staff, and a number of other specialists and consultants, including a pediatric opthalmologist, a speech and hearing therapist, a neurologist, and a pediatrician.

Each nursery is staffed by a registered nurse, a licensed vocational nurse, a hospital attendant, and a number of volunteer aides. The classrooms—each center has three—are staffed by three teachers certified in special education, six aides, and numerous volunteers.

Since these are day care centers, the babies, youngsters, and adults are returned to their homes by mid-afternoon and it is in this area of home care that parent counseling becomes important. The parents themselves usually meet once a week at the centers to discuss mutual problems and exchange ideas.

Memorial to Senator George Miller, Jr.—Part III

There are more than 200 different types of mental retardation—it can happen in any family and its effects, financially and psychologically, can be devastating.

The Miller Centers for the Mentally Handicapped in Richmond and Concord, renamed by the Contra Costa Board of Supervisors as memorials to the late Senator George Miller Jr., of Alhambra Valley, the man who was responsible for their initial financing, have seen just about all types. Which brings up a point:

A lot of people have forgotten the German measles (Rubella) epidemic that swept the nation in 1964–65 (another is predicted for the early 70's), but Dr. A. W. Guidon, medical consultant to the California State Department of Education, has not.

The epidemic involved approximately 38,000 California mothers, and on the basis of estimates—Rubella was not a reportable disease in California prior to 1966—15,200 infants were born to these women, of which 16 percent had one or more deformities (one study holds that mental retardation occurs in 33 percent of all Rubella children).

Six states now require Rubella vaccination of all school children under the age of 10 years, and five other states have similar legislation pending. California is not among any of the 11.

It is these handicapped children—more than 1,400 of them crippled by only one disease, German measles, that California schools must prepare to train and educate over periods ranging from 12 to 15 years.

Dr. Guidon, addressing a workshop sponsored by the County Schools Department and Bay Administrators of Special Education at Diablo Valley College, observed that only Contra Costa County's Miller centers were properly structured and geared to successfully handle its proportionate share of such children.

This is so because the Miller centers, unlike any other in the nation, are operated cooperatively by the County Schools Department and the County Community Mental Health Services and thus provide education and medical attention at one and the same time.

Based locally, the centers keep families together and, in most instances, return their charges fit for social survival in their own homes and communities.

Trained in such activities of daily living as sweeping, picking up after themselves, sewing, and preparing simple meals, they can help themselves and others. Most return to their homes; some are placed in state-licensed foster homes; perhaps four or five will live with a caretaker in a co-op home. As they move out into the mainstream of life, they make room for others at the centers.

The adults at the centers lead busy lives. They take field trips to zoos, shopping centers, and parks, have picnics, and go swimming and bowling. They are also trained to take jobs in workshops operated by the Contra Costa Association for Retarded Children in Richmond, Walnut Creek, and Pittsburg.

At the centers they write and mimeograph their own newspapers, work in their own vegetable gardens, go shopping, cook, and do office work. Recently, several at Miller Memorial Center East sold some of their works at an art show in Oakland.

In addition to their day treatment services, the centers also have out-patient diagnostic planning teams capable of handling 100 to 200 patients a year, out-patient therapy services, and consultation services.

Since they are unique, Thursday is tour day at the centers and each is usually visited by 50 to 60 persons on these open house days, most of them professional people and students.

Heading the centers as medical chief is Dr. Ernest Pecci, a child psychiatrist who trained at the Langley Porter Neuropsychiatric Institute and Mt. Zion Hospital in San Francisco. He is a graduate fellow of the Center for Training in Community Psychiatry at the University of California, Berkeley, and has had broad experience as a consultant to public school systems in San Mateo County and the East Bay.

Ninety percent of the cost of operating the centers is covered under California's Short-Doyle Act, the remainder by the county.

SOCIAL SECURITY/MEDICARE IMPROVEMENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BINGHAM. Mr. Speaker, today I introduced a bill to amend the Social Security Act to provide increases in benefits, to provide additional coverage under medicare, and for other purposes. I discussed this bill at length today during the debate on H.R. 1, the Social Security Amendments of 1971. At this time, I include in the RECORD a section-by-section analysis of this bill and a comparison of this bill with the relevant features of H.R. 1:

SECTION-BY-SECTION ANALYSIS OF H.R. 9300

TITLE I

Sec. 101—Provides a 20 percent general benefit increase and increases the minimum Primary Insurance Amount to $120 a month, effective for January 1972.

Sec. 102—Provides for automatic cost-of-living increases in social security benefits whenever the Consumer Price Index rises by at least 3 percent. The rise in the Consumer Price Index would be measured from the third calendar quarter of a year to the third calendar quarter of the following year. If the Consumer Price Index had risen by at least 3 percent, benefits for the following January and later would be increased by a percentage equal to the percentage rise in the Index. The cost-of-living increase would not apply to the special minimum benefit provided by Sec. 103 of the bill. The first cost-of-living increase possible would be for January 1972.

In addition, the social security tax base would be increased automatically, starting 1974, in each even numbered year in direct proportion to the rise in average wages taxed for social security purposes.

Sec. 103—Provides a special Primary Insurance Amount, as an alternative to the regular computation, equal to $8 multiplied by the number of years up to 25 that a person has worked under social security and had covered earnings equal to the amounts specified. In general, the amount of earnings needed in a year would be equal to 10 percent of the social security tax base in effect for that year.

Sec. 104—Increases the social security tax and benefit base to $15,000 a year, effective January 1972.

Sec. 105—Increases the exempt amount under the social security earnings test to $2,000 a year ($166.66⅔ a month) effective for taxable years ending after the date of enactment.

Also provides for automatic increases in the exempt amount, starting January 1973 and each odd-numbered year thereafter, in direct proportion to the rise in average wages taxed for social security purposes.

Sec. 106—Increases the lump-sum death payment to the smaller of 4 times the Primary Insurance Amount or 150 percent of the maximum Primary Insurance Amount shown in the benefit table in effect at the time the worker died.

Sec. 107—Increases widow's (and widower's) social security benefits to the full amount of the deceased workers old-age benefit if benefits begin at age 65. When benefits begin before age 65 they would be reduced to take account of the longer period over which the benefits are paid.

Benefits for disabled widows (and widowers) would be payable without regard to age (rather than after age 50).

The section also increases benefits by decreasing the factors which determine the amount by which a benefit is reduced when the benefit begins before age 65.

Sec. 108—Provides for paying widow's or widower's social security benefits as early as age 50 if:

(1) the widow (or widower) was age 50 or over at the time the worker died, and

(2) the worker was entitled to old-age or disability benefits at the time of his death.

Sec. 109—Eliminates the actuarial reduction of a woman's old-age benefit (based on her own earnings) which applies when benefits begin before age 65 in the case of a woman who has had at least 30 years (120 quarters) of work under social security.

Sec. 110—Provides for the payment of benefits based on the combined earnings of a husband and wife (when both have worked long enough to qualify for benefits) in cases where a higher total payment than is payable under present law would result.

Sec. 111—Provides for increasing benefits which begin after age 65 by an amount that will provide on the average for the same total lifetime payments as would have been paid had benefits started at age 65.

Sec. 112—Provides for computing a man's old-age benefit under the same rules that now apply to women. As a result, a man's benefit would be based on the year in which he attained age 62 rather than 65.

The provision would apply to people on the benefit rolls at the time of enactment as well as to those who come on the rolls in the future.

Sec. 113—Amends the definition of disability so that disability benefits would be payable starting after the third month of disability and without regard to the expected duration of the disability.

In addition, a special definition of disability would be provided for workers who are age 55 or over. Under this definition, benefits would be payable if the disability was one that prevented the person from doing his regular work or some other type of work which he had done at some time in the past.

Sec. 114—Provides for the payment of disability insurance benefits to blind people who have at least 6 quarters of work under the social security program.

Sec. 115—Provides for a $300 a quarter non-contributory wage credit for service in the Armed Services after 1956 and before 1968. Present law provides for credits for service before 1957 and after 1967.

Sec. 116—Provides monthly benefits, similar to mother's benefits, to widowers who have children entitled to children's benefits.

Sec. 117—Provides for paying monthly benefits to the dependent parent, age 62 or over, of a retired or disabled worker.

Sec. 118—Provides for paying child's benefits to a child who is a full-time student up to the time the child reaches age 24, rather than age 22.

Sec. 119—Provides for the payment of childhood disability benefits to a child who is disabled after reaching age 18 and before reaching age 22.

Sec. 120—Provides for the payment of benefits to divorced wives and surviving divorced wives who had been married to the worker for at least 10 years, rather than for 20 years as in present law.

Sec. 121—Eliminates the requirement a husband must have been receiving at least one-half of his support from his wife in order to qualify for husband's benefits.

Sec. 122—Eliminates the requirement that a widower must have been receiving at least one-half of his support from his deceased wife in order to qualify for widower's benefits.

Sec. 123—Provides that marriage or remarriage after a person's 62'd birthday will not be a reason for terminating benefits.

Sec. 124—Revises social security tax schedule. (Revised amounts not shown in draft.)

Sec. 125—Provides for payments from general revenues to the social security trust funds. The payments would start at 5 percent of the social security taxes collected for fiscal year 1972 and rise by 5 percent each year until the payment reaches 50 percent of the taxes collected for fiscal 1981 and thereafter.

TITLE II

Sec. 201—Provides that people entitled to cash benefits would become automatically entitled to supplementary medical insurance benefits and that the cost of these benefits would be paid out of social security taxes, rather than from premiums collected from beneficiaries and the Federal Government.

Sec. 202—Provides medicare for people entitle to social security cash benefits on the basis of a disability.

Sec. 203—Extends the coverage of the supplementary medical insurance program to include dental services (except for cleaning teeth), the cost of prescription eyeglasses, orthopedic shoes and braces, and the services of an optometrist.

Sec. 204—Provides for the payment of prescription drugs purchased by a medicare beneficiary. Payment would be limited to the maximum amount listed in a Formulary to be established under guidelines in the bill. The medicare beneficiary would pay $1 of the cost of each prescription and this amount would rise in proportion to rises in the future cost of prescription drugs.

TITLE III

Sec. 301—Increases the authorization for appropriations for maternal and child health and crippled childrens services from $350 million to $630 million a year.

In addition, it postpones from July 1972 to July 1977 the date by which State programs will have to offer certain specified services if they are to qualify for Federal grants and extends from June 30, 1972 to June 30, 1977 the authority to make special project grants to the States for maternity and infant care, health of school and preschool children, and dental health of children.

COMPARISON OF PRINCIPAL PROVISIONS OF H.R. 9300 AND H.R. 1—AS REPORTED

H.R. 9300	H.R. 1
Increases social security benefits by 20% effective for January 1972. Minimum benefit increased to $120 a month.	Increases social security benefits by 5% effective for June 1972. Minimum benefit increased to $74 a month.
Annual automatic cost-of-living increases in benefits whenever cost of living rises by at least 3%.	Similar, except that increase would not go into effect if social security benefits increased by specific legislation in year before.
Increases social security tax base to $15,000 a year, starting 1972, with automatic increase every second year thereafter in proportion to rises in average wage taxed for social security purposes.	Increases social security tax base to $10,000 starting 1972, with automatic increases only when there is an automatic cost-of-living benefit increase.
Special minimum benefit equal to $8 times years of coverage.	Special minimum benefit equal to $5 times years of coverage.
Increases exempt amount under retirement test to $2,000 a year with automatic increases in 1973 and each odd numbered year thereafter. Automatic increase to be in proportion to rise in average wage taxed for social security purposes.	Similar, except that automatic increase in exempt amount goes into effect only when there is an automatic cost-of-living benefit increase.
Increase lump-sum death payment to smaller of 4 times monthly benefit or 1½ times maximum monthly benefit.	No provision.
Widow's benefits increased to full amount husband would have been paid at age 65.	Similar.
Disabled widow's benefits payable before age 50.	No provision.
Widow's benefits payable at age 50 if husband dies while receiving benefits and widow is 50 at time of his death.	No provision.
Eliminates actuarial reduction of old-age benefit based on a woman's earnings if woman has worked for at least 10 years.	No provision.
Benefits for a married couple could be based on their combined earnings.	Similar, except limited to couples who are married for at least 20 years and who reach 62 after 1971.
Increases benefits which begin after age 65 so that the lifetime total payment will be equal to the amount that would have been paid starting at age 65.	Increases old-age benefits only by 1 percent for each year after 65 that benefits are not paid.
Provides for men the age-62 computation point that now applies to women only.	Similar, except that provision to apply only to future beneficiaries and to be phased in over a 3-year period.
Disability benefits payable after third month of disability and without regard to expected duration of disability.	Disability benefits payable after fifth month of disability and present duration-of-disability requirements not changed.
H.R. 9300	H.R. 1
Special definition of disability for people 55 and over allows benefits to be paid to people who are unable to do their regular work.	No provision.
Disability benefits payable to blind people who have at least 6 quarters of work under social security rather than in one quarter of the time from 1950 (or age 22) up to the time they became disabled.	Disability benefits payable to blind people without regard to the general requirement that a disabled person must have worked in 5 out of the last 10 years.
Benefits for widowers who have children entitled to benefits.	No provision.
Benefits for dependent parents of retired or disabled workers.	No provision.
Benefits for full-time students up to age 24, rather than age 22.	No provision.
Childhood disability benefits for child disabled after age 18 and before 22.	Similar.
Reduces from 20 to 10 years the duration-of-marriage requirement for divorced wives and surviving divorced widow's benefits.	No provision.
Eliminates one-half support requirement for husband's and widower's benefits.	No provision.
Provides for payments from general revenues to social security trust funds.	No provision.
Provides that the supplementary medical part of medicare will be paid out of social security taxes, rather than by a monthly premium paid by the beneficiary.	No provision.
Provides for the payment of prescription drugs under medicare.	No provision.
Provides for the payment of dental services, prescription eyeglasses, orthopedic shoes and braces, and the services of optometrists under medicare.	No provision.
Increases appropriation authorized for Maternal and child health and crippled children's services, postpones until 1977 the requirement that States offer specified services and extends to 1977 the authorizations for special project grants.	No provision.

THIRD ANNUAL SCHOLARSHIP TRIP

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. MANN. Mr. Speaker, this week I have had the honor to host the third annual scholarship trip to Washington from the Fourth Congressional District of South Carolina. Commenced in 1969 with the aid of local businesses service organizations, and civic clubs, these scholarships have made it possible for altogether 42 rising high school seniors to spend a few days seeing their Nation's Capital and, more importantly, viewing the functioning of their Government.

The sponsoring organizations back in the Fourth Congressional District of South Carolina have readily grasped the need for exposing our young people to the realities and ferments of government in action. They are contributing to the development of an enlightened and informed citizenry, better able to evaluate and appraise the way in which their government actually works. Thus, I would like to hail them for their distinguished service on behalf of not only those whom they have sent here this week, but of America's future greatness and promise, as personified in its youth. This year's scholarship students and their sponsors are:

Jamie Broome, Cowpens High School, sponsored by the Monterray Corporation; Keith Cannon, Blue Ridge High School, sponsored by Her Majesty Industries; Donna Chatman, Southside High School, sponsored by the James F. Daniel, Jr. American Legion Post No. 3; Art Echerd, J. L. Mann High School, sponsored by the Greenville Exchange Club; Clyde Fowler, James F. Byrnes High School, sponsored by the Kiwanis Club of Greer and the Greer Exchange Club; Charles Gwinn, Laurens High School, sponsored by the Laurens Exchange Club; Doug Hughes, Dorman High School, sponsored by the Hillcrest Optimist Club; Rickey Hammett, Chesnee High School, sponsored by the Pierce Tractor Co.; Buddy Parton, Spartanburg High School, sponsored by the Hillcrest Optimist Club; Eddie Shirley, Greer High School, sponsored by the Greer Chamber of Commerce; Knox White, Greenville High School, sponsored by the Greenville Exchange Club; and Sally Williams, Pacolet High School, sponsored by the Pacolet Lions Club.

Since their Sunday arrival, the students have attended church services at the National Cathedral, have gone on a Mount Vernon boat cruise, have toured the Washington, Jefferson and Lincoln Memorials, have visited the Smithsonian Institution, the FBI, the National Gallery of Art. Today, they toured the White House, visited the Supreme Court and the Library of Congress, and met with our distinguished Speaker, CARL ALBERT, as well as with their two equally distinguished Senators, STROM THURMOND and FRITZ HOLLINGS. Tomorrow, their itinerary will be highlighted by a foreign policy briefing at the State Department, a tour of the French Embassy, and a pilgrimage to Arlington Cemetery.

Hopefully, these young people will return to their home communities with a better understanding of the American system of government. Hopefully, they will be better equipped to evaluate the myriad proposals for change that will undoubtedly always be generated by our discontent as each of us pursues his concept of the American dream. Hopefully, they will recognize that the American system is designed to permit change, rational and deliberate change, based upon a national consensus and not upon the emotion of the moment. If they see through such glasses less darkly, then the nation will be better for their visit here.

THE THREAT—MID-1971

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. SCHMITZ. Mr. Speaker, the following unclassified intelligence briefing was recently presented by the Deputy Chief of Staff, Intelligence, U.S. Air Force, Brig. Gen. H. N. Cordes. General Cordes highlights significant aspects of the growing Soviet strategic offensive and defensive forces and dwells briefly on the emerging Red Chinese nuclear threat.

General Cordes covers both the Soviet strategic offensive and strategic defensive weapons system because they complement one another. If we recall that Soviet first-strike capability is defined as being able to lower the U.S. retaliatory capability below some acceptable threshold through a combination of offensive—counterforce—and defensive—ballistic missile and air defense—forces, the importance of including strategic defensive forces in any threat assessment becomes clear.

The Deputy Chief of Staff for Intelligence, U.S. Air Force, points out that the Soviets have increased their ICBM forces by a factor of five in the last 4 years while the U.S. ICBM force has remained level for the last 5 years. The current force relationship is over 1,440 ICBM's for the Soviet Union and 1,054 ICBM's for the United States. The Soviets now have almost 50 percent more of these weapons than does the United States. In view of this fact it is rather ironic to recall a prediction made by former Secretary of Defense Robert McNamara in 1965 that the Soviet leaders, "have decided that they have lost the quantitative race, and they are not seeking to engage us in that contest."

Based on the Soviets' level of activity in recent years in the field of ICBM construction the general estimates that they could have a force of well over 2,000 hardened ICBM's by 1975. He also points out that, "by the mid-1970's, the Soviets could have as many as 2,000 ABM launchers." This would be a very formidable array of forces indeed. Decisions we make today will determine the strategic forces we have on hand in 1975 to cope with this projected threat. It will be too late in 1974 or 1973 to begin thinking and acting to cope with this type of a threat. If we do not do it now we will simply not have it.

It might be mentioned that weapons still on the drawing board or undergoing excessively protracted discussion, debate, and study are not going to deter anyone of anything. Due to the nature of the ICBM nuclear rocket weapon, which essentially nullifies any difference between the front and the rear, in any possible future central nuclear conflict there will be no time to mobilize after the battle is joined. In days past a secure rear meant the ability to mobilize resources after the onset of the battle. With the elimination of a secure rear due to the capabilities inherent in the nuclear rocket weapon mobilization procedures are limited to the time prior to the onset of hostilities. The entire war must be fought with the material on hand and in fighting condition at the very beginning of the war.

It is well to remember that the probability of central nuclear war draws closer, not as a result of some mythical "arms race"—which does not even exist except in the minds of those who generally oppose all U.S. strategic preparatory measures, but as a direct result of the United States failing to maintain its strategic forces at a level which will unquestionably deny the Soviet Union the ability to achieve its ends using thermonuclear means. The probability of nuclear war increases in direct proportion to the Soviet Unions capability to win such a war.

There are many other interesting facets of Soviet strategic strength brought out by General Cordes. For example, the Soviet medium bomber force of 700 Blinder and Badger aircraft are a potential threat to the United States if deployed at northern staging areas in the U.S.S.R.

The Soviets are currently spending at least twice as much as the United States for air defenses which are qualitatively equal to those of the United States and quantitatively far superior. With a land area not quite three times that of the United States the Soviets have from five to 20 times as many radars, surface-to-air missiles, and interceptors as we do.

General Cordes quotes Dr. John S. Foster, Director of Defense Research and Engineering, to the effect that—

> The Soviet Union is now about to seize world technological leadership from the United States.

One example of this technological leadership was recently brought forth by Admirals Zumwalt and Rickover when they testified to the fact that the Soviets are well ahead of the United States in electronic warfare capabilities relating to naval surface craft.

The general summarizes the growing Soviet strategic threat in the following manner:

> It is clear that the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs (Soviet). They are continuing to produce bomber and fighter aircraft, and are flying a new bomber. Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R&D programs and provide options for the future.

The following unclassified briefing on the Soviet threat is highly recommended to all concerned with the why of U.S. defense. It is exceedingly clear, easy to read, and treats each Soviet strategic system in a brief but understandable fashion which makes for easy future reference.

It should be borne in mind that if the United States fails to meet the challenge posed by the enormous increases in Soviet strategic power, to quote from the recent special supplemental report of the Presidentially appointed Blue Ribbon Defense Panel:

> It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

We have a clear choice. We can either meet our responsibilities and take those measures which are necessary for the United States to maintain the relative strategic power necessary to assure our ability to determine our own destiny as a free people, or we can continue to neglect our responsibilities and allow the destiny of the American people to pass into the hands of the leaders of the Soviet Union.

The briefing by Brig. Gen. H. N. Cordes, Deputy Chief of Staff, Intelligence, U.S. Air Force, follows:

BRIEFING BY BRIG. GEN. H. N. CORDES

SOVIET-CHICOM STRATEGIC THREAT

This subject, "The Soviet and Chinese Communist Threat," is one of real concern to all of us. During the past five years, the fine balance of strategic power has shifted in favor of the Soviet Union. Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, disclosed recently "that within the next five or six years, we could actually find ourselves in a position of overall strategic inferiority." This presentation will highlight the most significant aspects of the growing Soviet strategic offensive and defensive forces, and the emerging Chinese Communist threat. In our judgment, no discussion of Soviet strategic capabilities would be complete without some mention of the developing Chinese Communist threat. Therefore, we have taken the liberty of including a brief look at the Chicom strategic threat.

THREAT TOPICS

Three major elements of the Soviet strategic threat will be discussed: Strategic offensive forces, strategic defensive forces and research and development. We have included defensive forces under the general topic of strategic capabilities, since defenses also play a vital role in our planning and in the strategic balance of power. We conclude with a review of the Chinese strategic threat.

ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only four years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of more than 1440 launchers, compared with our fixed ICBM force of 1054 launchers, a U.S. force that peaked out at this level over five years ago. Perhaps you have heard of the apparent slowdown in the deployment of the Soviet's SS–9 launch system. This development has now been offset by the recent revelation that the USSR is constructing new missile silos. Secretary of Defense Melvin Laird, in this regard, stated "there is evidence of construction of a large missile system" and that "it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system."

SS–7 AND SS–8

Since initial deployment in the early 1960's, the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. However, their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

SS–11

The SS–11 is one of three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities. Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. In 1968 deployment of SS–11S at MR/IRBM complexes in the Western USSR was begun. These missiles with variable range capabilities could be targeted on both U.S. and the NATO area of Western Europe.

SS–13

The SS–13, Savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and we are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1000 launchers.

SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction. The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5000 NM.

Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. However, it can be said with assurance that this large payload missile, with its proven versatility, provides a variety of options for deployment or employment.

ICBM GROWTH

The Soviets have already surpassed the U.S. in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development testing of ICBM's by the Soviets showed the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium and intermediate range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western USSR border.

The MR/IRBM force has remained fairly constant over the past 10 years. However, indications are that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the United States, the MR/IRBM force, including refire capability, represents a threat of over 1,000 missiles to our overseas forces and bases, as well as to our allies.

SLBM FORCE

Turning now to Soviet sea launched ballistic missile capabilities, a situation exists similar to the ICBM growth. In less than five years, this threat has tripled.

OLDER SUBMARINES

The first ballistic missile carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-golf and the H-Hotel class. The hotel class was the Soviet's first nuclear powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nm.

YANKEE-CLASS

By far the most significant factor in the expanding sea launched ballistic missile threat has been the development of the Yankee class nuclear powered ballistic missile submarine. Like our Polaris subs, the Yankee carries 16 missiles each, with a range of about 1300 nm. At least 17 of the Y-class boats are considered to be operational. However, we believe at least another 15 are presently being outfitted or under construction at two separate facilities, and the build rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the present strike range. This new naval missile may be the Sawfly which was first displayed in a 1967 Moscow parade.

SLBM GROWTH

Today, the United States still has the advantage in numbers of sea launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

BOMBER FORCE

Turning now to Soviet bombers, the maintenance of a long range aviation force of about 900 bombers since 1965 is evidence of their continuing importance as part of the Soviet strategic arm.

HEAVY BOMBERS

The heavy bomber force, composed of Bears and Bisons, is being maintained at about 195 aircraft, of which 50 Bisons are normally configured as tankers.

Although the U.S. stopped heavy bomber production about 7 years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

MEDIUM BOMBERS

The Soviet medium bomber force, consisting of Blinders and Badgers, totals about 700 aircraft. The Badger was first introduced in 1953 and some of these aircraft have been revitalized by the addition of air to surface missiles.

A limited production continues on the Blinder. This is a swept wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern U.S.S.R. staging bases, the medium bombers could be a potential threat to the United States.

FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While we know of no direct military application, the SST could provide valuable engineering data for a follow-on strategic bomber.

In fact, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

BOMBER STRENGTH

The long range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early 60's. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down. Recall Mr. Khrushchev's famous remark in 1957: "Bombers are obsolete. You might as well throw them on the fire."

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union literally bristles with defensive systems ranging from anti-aircraft artillery to anti-missile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, quantitatively greater than the U.S.

By way of illustration, with a land area not quite three times that of the U.S., they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in anti-submarine warfare.

RADARS

An important aspect of Soviet air defenses is the network of radars, numbering in the thousands, which provide complete warning and interceptor control throughout the USSR. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air based radars.

AWACS

A new airborne radar is mounted on the Moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about two hundred miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIDDLER

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, –19 and –21, have a good all-weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long range interceptor which became operational about five years ago. If used in conjunction with the AWACS, it could provide a patrol capability well beyond Soviet borders.

FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about two and a half years.

THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When introduced over five years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. This aircraft was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

SAMS

Besides innumerable AAA weapons ranging up to 130 mm, there are on the order of 10,000 surface to air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA-1, is still deployed around Moscow.

The SA-2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, NVN, and the UAR. The good high altitude capability of the fixed SA-2 system is complemented by the SA-3 system which has better low altitude capabilities. The SA-2 and SA-3 have figured prominently in the mid-East.

The SA-4 and SA-6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA-6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA-5 Tallinn system provides an excellent defense against extremely high altitude aircraft; and as a leading U.S. expert has pointed out, could have considerable capability to intercept ballistic missiles. More will be said about the SA-5 system later.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The Moskva and her sister ship, the Leningrad. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the Leningrad has been noted as far north as the Kola Peninsula. The Leningrad also played a prominent role in the large scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidentally, the wides in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long range, land based aircraft for this mission. The Mail and the May are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire North Atlantic could be covered routinely.

BALLISTIC-MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway.

MOSCOW SYSTEM

The Moscow system consists of 64 launchers, divided among four complexes, and was begun five years ago. At the same time, construction began an several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the Hen House, provide early warning acquisition and tracking functions.

This first phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense". He also stated that there is "no reason to doubt the effectiveness of this system."

ABM RADAR—ACQUISITION

A second large radar, nicknamed dog house and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, such as the one near Moscow, designated "try add".

ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multi-staged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1 to 2 mt nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be two or three years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA-5 missile and it has been said that "if the SA-5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R&D efforts with these new ABM components may find that, by the MID-70's, the Soviets could have as many as 2,000 ABM launchers.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the Director of Defense Research and Engineering, "The Soviet Union is now about to seize world technological leadership from the United States." He has based this conclusion on the comparative state of technology today between the two nations and the current level of R&D efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

R&D PRACTICES

Soviet R&D practices can be characterized by three features:

(1) They are bold in their approach to program concepts. Construction on the large hen house radar, for example, actually began several years before a working interceptor to complement it was available.

(2) The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of USSR fighter aircraft are examples of the methodology.

(3) Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS-9 missile.

R&D FUNDING FOR DEFENSE

Looking at military, space and atomic energy R&D, the U.S. is already behind about $3 billion a year. The Soviets have been expanding R&D expenditures by about 13 percent a year since 1960.

CHICOM THREAT

Turning now to a brief look at Communist China. The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They also have noted that this power would greatly enhance their bargaining position throughout the world.

As a step towards attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have conducted nuclear testing since 1964, including about a dozen detonations. Most are believed to have been thermo-nuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400 lb. payloads provides an insight into their missile potential based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR/IRBM

The Chinese have been testing a medium range ballistic missile since the mid-1960's. The Soviets supplied the CHICOMS with an MRBM in the early 1960's. From this system, the Chinese have probably developed an indigenous missile.

Emphasis in CHICOM missile R&D may have shifted in 1970 to the development of an intermediate range missile system. By the middle of this year, there could be a small number of MRBMs deployed and limited deployment of the IRBM is a possibility within one to two years. A force of 80 to 100 IRBMs could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium range bomber aircraft. These bombers include about ten B-29 type piston aircraft acquired from the Soviets in the late 50's and a small but growing medium bomber force of badger type aircraft. The series production of this jet will permit the assembly of a significant force by mid-1972.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft, mostly of Soviet design; however, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface to air missile sites and nearly 4,500 AAA weapons are deployed throughout the country.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with MRBMS, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

STRATEGIC THREAT—SOVIET-CHICOM

In summary, it is clear that the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs. They are continuing to produce bomber and fighter aircraft, and are flying a new bomber.

Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R. & D. programs and provide options for the future.

The Chinese communist efforts to attain an independent strategic deterrent only complicate our problems further.

IMPACT ON U.S. STRATEGIC FORCES

Looking at the growing threat from the viewpoint of General Holloway in his dual hat capacity as commander in chief, strategic air command, and as director of the joint strategic target planning staff, we see at least three major problems: First, the threat to our forces in their day to day posture, from the Soviet ICBMS, SLBMS and anti-submarine warfare forces.

Second, the penetration of defenses is becoming more difficult, both for our bombers and for our missiles.

Finally, the enlarging and more complex strategic and defensive systems making up the growing threat makes our job of deterrence more difficult.

SAC SHIELD

But even more ominous is the threat to our way of life. This presentation has focused upon the *Strategic* threat, offensive and defensive. However, the Soviet developments in tactical air, land and sea forces are equally impressive.

One would conclude that the Soviets are developing options, options throughout the spectrum of warfare and the growing Chinese communist threat only serves to complicate an already difficult situation.

Gentlemen, this concludes the presentation on Soviet strategic capabilities.

PROJECT: GIVE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. EILBERG. Mr. Speaker, today's crucial problems of unemployment, inadequate education, and crime require that Federal agencies join the private sector in helping to solve these and other domestic problems. The voluntary assistance of public and private employees in support of the massively structured and organized official governmental effort to improve social and economic conditions is fundamental in effectively combating our serious domestic problems. The sponsorship of at least one significant project by each governmental agency to improve the well-being of the community creates a better understanding and acceptance in the community.

Recently, I was happy to learn that Lt. Gen. Earl C. Hedlund, U.S., Air Force, the Director of the Defense Supply Agency, made his field commanders aware of the Defense Department's determination to contribute to the improvement of our society and our communities by greater utilization of human and physical resources on a voluntary basis while maintaining full effectiveness in the performance of the primary defense mission.

At the same time, the Chairman of the Civil Service Commission, Robert E. Hampton, was urging the Federal executive boards to develop methods for matching the volunteer needs in the community with the skills of Federal employees willing to volunteer their services.

Brig. Gen. Paul E. Smith, U.S. Army, commanding general of the Defense Industrial Supply Center—DISC—a field activity of the Defense Supply Agency and in my district in northeast Philadelphia, initiated a program under the aegis of the Philadelphia Federal Executive Board, which, if successful as a pilot project in two Philadelphia Federal agencies, could spread to all governmental agencies in the Greater Philadelphia area and possibly the Nation.

The Philadelphia Executive Board established an ad hoc committee solely for this program chaired by the program originator—Mr. Richard Cohen of the Defense Industrial Supply Center, who resides in my district. These type programs can well help the economically hard-pressed educational systems not only in Philadelphia but all over the country.

The project entitled "GIVE," an acronym for Government Industry Volunteers for Education, is a program of after-hour voluntary tutoring by civil service employees of children who have learning problems caused by difficulties in basic skills such as reading and spelling. The program will begin with the opening of the school term in the fall.

Initially, DISC and the Social Security Administration in Philadelphia, will conduct the pilot projects on their facilities. The tutoring will be at no cost to the children or the school system and will be on a 1-to-1 basis. One volunteer with one student. In a letter to all DISC personnel asking for volunteer tutors for the project, General Smith, said in part:

> I am very proud of your efforts on behalf of the Youth Study Center (a youth detention center in Philadelphia adopted by DISC). Your generous gifts and programs, your concern and care, have brightened the lives of many unfortunate young people at the Center. You now have another opportunity to show your concern in another act of sharing—your time and your talents—in an important domestic action program. This fall, we hope to start a program of voluntary tutoring for middle-school children who have learning problems caused by difficulties in basic skills, such as reading and spelling. Educators feel that lack of these basic skills often leads to disinterest, disciplinary problems, even eventual dropout. Voluntary tutoring has been successful in changing this pattern.

In response to this letter, more than 100 DISCites volunteered their services in less than a week and more are expected to offer their time, energy and experience.

The Philadelphia School Administration has developed the curricula for and will select the students. The school administration will also conduct a training seminar for the voluntary tutors prior to the start of the program in the fall. The volunteer tutor needs no special teaching qualifications, just a sincere desire to help.

The Office of Economic Opportunity has tentatively approved funding for the transportation of the young students from their neighborhood areas to the governmental facilities conducting the instruction.

The program is intended to—

Help to develop skills which when, lacking, often cause learning and discipline problems, lack of interest and ultimate dropout:

Provide the student with the undivided attention and interest of a concerned adult, frequently an unknown experience for the child;

Provide exposure to a business office, its facilities, and successful employees, many with backgrounds similar to that of the student, an introduction to the world of work;

Provide satisfaction and inspiration to the volunteer as he sees his efforts make a difference, cause results—a change in attitude, a gain in confidence;

Introduce the youngster, his family and neighbors to the human side of the nearby Government installation—to the people inside;

Provide the student practice time, homework help and an interested ear for school problems; and

Be the moving force to cause the youngster to move in the direction of good citizenship, productive living.

BOSTON GLOBE PUBLISHES PENTAGON DOCUMENTS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. HARRINGTON. Mr. Speaker, today the Boston Globe became the third newspaper in the country to publish excerpts from a secret Pentagon study detailing the origins of American involvement in the Vietnam war. The documents seem far from secret now. The Globe's articles detail the policy decisions made during the administration of President John F. Kennedy. President Kennedy, according to the Globe's report, exercised more prudence than his successors. When Gen. Maxwell Taylor recommended sending a force of ground troops, President Kennedy rejected the suggestion and retained the American advisory role.

The Globe, like the New York Times and the Washington Post, is performing a service in publishing these historical documents. The Globe asserts in an editorial today that a beginning must be made if truth is to be reached. The Globe's editorial states today:

> If it is not made, and if ways are never to be found to learn from history and to avoid the repetition of the ghastly errors of the past, then the nation's security will be indeed endangered, as well as the Constitution itself.

I cannot help but agree.

For that reason, I am including the articles and the documents which the Globe publishes today. I am also inserting an article, written by Leslie H. Gelb, excerpted from Foreign Policy quarterly which appeared in the Washington Post Sunday.

The articles follow:

Globe Discloses More of Study

(By Matthew V. Storin, Globe staff)

Unpublished portions of the 47-volume Pentagon history of the Vietnam war were made available yesterday to the Boston Globe.

The Globe is the third US newspaper to report on the 7000 page analysis tracing America's growing involvement in Indochina from World War II through mid-1968.

According to the documents made available to the Globe:

Gen. Maxwell Taylor advised President Kennedy in 1961 to send 8000 American combat troops into Vietnam but warned the move could lead to increased world tensions and a wider war. There were 1000 US troops in Vietnam at that time.

As soon as President Johnson announced a partial end to the bombing of North Vietnam on March 31, 1968, he elected to proceed with a policy of Vietnamization similar to that later followed by President Nixon.

On June 2, 1964, Secretary of Defense Robert S. McNamara in a meeting of top Administration officials in Honolulu discussed the possible use of nuclear weapons in Vietnam. Adm. Harry D. Felt, commander of US forces in the Pacific, openly advocated that American commanders be given this option.

The Soviet Union, fearing reaction from Communist China, rejected a plea by the United States in May, 1965, that Hanoi be informed that a bombing pause was being undertaken in hopes of prompting negotiations to end the war.

The massive Pentagon study, initiated by Secretary McNamara in June, 1967, was the work of more than 30 authors both inside and outside of government. The first report of the study was published June 13 by the New York Times. The Washington Post began printing reports on June 18.

Yesterday Federal appeals courts in New York and Washington continued their respective temporary bans against publication of further reports by the Times and the Post.

Both courts scheduled further hearings today. Lower Federal courts in both cities had previously ruled in favor of the newspapers but the decisions were appealed by the Justice Department.

The US Circuit Court of Appeals in New York ruled that its eight-member bench would hear the case today, Chief Judge Henry Friendly summoned colleagues from Vermont and Connecticut.

The Times, which had printed three articles on the Pentagon history, was enjoined from printing further reports until after the hearing set for 2 p.m. It was expected that a ruling from the court could not come before tomorrow.

In Washington, the Circuit Court of Appeals overruled Federal District Court Judge Gerhard Gesell for a second time after he said the Post could resume its reports.

Gesell, who was first overruled on Friday, said yesterday the government had made an earnest and responsible plea to stop publication on the basis of national security but had not proved its case.

"The government has failed to meet its burden, and without that burden being met, the First Amendment remains supreme," Gesell said.

Gesell, who heard most of yesterday's arguments by the Post and the government behind closed doors, said the only case that could be made against publication would be to show that it would possibly bring on war, threaten foreign relations or create other situations of major importance to national security.

The Justice Department immediately went to the appeals court to protest Gesell's ruling. The higher court then ruled the Post could not publish until the government's arguments were heard this afternoon.

The ruling was made by the entire nine-judge court headed by David L. Bazalon.

In both the Times and Post cases the next step would be appeals to the Supreme Court. These are expected regardless of which side wins in the appeals courts.

Lawyers in both cases are expected to rush proceedings in order to put the issue before the Supreme Court by Friday. The high court is scheduled to begin its summer recess this weekend.

Meanwhile the FBI was reported to have found two locations in Cambridge where copies of the Pentagon study had been reproduced.

In Washington, Senate Democratic Leader Mike Mansfield said the documents printed by the Times and Post raised grave questions about the manner in which US foreign policy is carried out.

He told the Senate that the study confirms the complaints of war critics that the US policy in Vietnam was made without participation by the Congress.

"In short," he said, "we have arrived at where we are in Vietnam not by party possesses but by government possesses."

Mansfield urged, however, that the issue of the Pentagon documents now be kept out of partisan politics. It would only "compound the tragedy," he said.

In a brief filed in the Times case yesterday, the American Civil Liberties Union, acting for itself and 27 congressmen, argued:

"It is utterly disrespectful to the First Amendment to censor a publication solely on the basis of generalized allegations that were proffered in this case."

Kennedy OK'd Covert Action

(By Robert Healy, Globe Staff)

Gen. Maxwell Taylor in October of 1961 advised President Kennedy in an "eyes only for the President" cable to send an 8000 man US military task force into South Vietnam but he warned that the introduction of such a force "may increase tensions and risk escalation into a major war in Asia."

Gen. Taylor was special adviser to President Kennedy on Vietnam.

At the time of the Taylor mission, which took him and Walt Rostow, later to be President Johnson's chief adviser on national security affairs, and a group of state and defense department officials to South Vietnam, the United States had about 1000 soldiers in South Vietnam. They served as advisers to the South Vietnamese Army.

President Kennedy stepped up covert actions against North Vietnam and increased the number of advisers to 16,000 men before he was assassinated in November of 1963. He never commited a United States ground unit as Taylor recommended.

These disclosures were made in a portion of a secret Pentagon study on the origins of the war in Vietnam started in 1967 by then Secretary of Defense Robert McNamara. They were made available to the Boston Globe yesterday.

For the first time the Globe was making public the role of the Kennedy administration in the escalation of the war. Three earlier reports dealing with other phases of the war were published by the New York Times and two by the Washington Post before publication was halted by court injunctions.

As early as May 11, 1961, President Kennedy, according to the secret report, had approved programs for covert action which had been recommended by a Vietnam Task Force. Among these actions were:

(1) Dispatch of agents into North Vietnam.

(2) Aerial resupply of agents in North Vietnam through the use of civilian mercenary air crews.

(3) Infiltration of special South Vietnam forces into Southeast Laos to locate and attack Communist bases and lines of communication.

(4) Formulation of "networks of resistance, covert bases and teams for sabotage and light harassment" inside North Vietnam.

(5) Conduct of overflights of North Vietnam for the purpose of dropping leaflets.

These covert actions which were approved by President Kennedy were contained, according to the Pentagon study, in a National Security Action Memorandum number 52.

About the time that the cable was received by President Kennedy, the President, according to the Pentagon study, directed (among other measures that we "initiate guerrilla ground action, including the use of US advisers if necessary" against Communist aerial resupply missions in the vicinity of Tchepone (Sepone, Laos).

"He also directed the Department of State to prepare to publish its White Paper on DRV (North Vietnam) responsibility for aggression in SVN (South Vietnam)," the study showed.

In the Pentagon study's evaluation of the two cables sent to President Kennedy by Taylor, it said that the impression Taylor's choice of language leaves is that the support forces "were essentially already agreed to by the President before Taylor left Washington, and consequently his detailed justification went only to the kind of forces on which a decision was yet to be made—that is, ground forces liable—to become involved in direct engagements with the Viet Cong."

In his first cable of the mission (Oct. 15 to Nov. 2, 1961) sent from Saigon, Taylor wrote the President and the top officials at State and Defense: "My view is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time of providing a U.S. military presence in VN capable of assuring Diem (President Ngo Dinh Diem) of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops. . . ."

Despite the Taylor recommendations for a U.S. task force, there was no hint publicly at that time out of the White House that the President would go along.

Upon his return from Vietnam Taylor said to newsmen that President Diem had assets available "to prevail against the Communist threat."

President Kennedy on the subject of Vietnam and the Taylor mission at a press conference on Feb. 14, 1962, said that President

Diem had asked for additional assistance. The administration, he said, had detailed the support which the "Viet Minh in the North were giving to this Communist insurgent movement and we have increased our assistance there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort."

Kennedy did not mention the Taylor recommendation for a U.S. task force or whether the United States was considering one.

TERROR AND CRISIS

Taylor in his cable to the President said that Viet Cong forces one tenth the size of the South Vietnamese Army regulars could create conditions of frustration and terror which was certain to lead to a political crisis.

In his list of specifics Taylor said that the US government should support the effort to stop the Viet Cong "with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time."

Taylor recommended the troop commitment despite full recognition of what he listed as disadvantages.

Among these:

"A. The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

"B. Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

"C. If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

"D. The introduction of US forces may increase tensions and risk escalation into a major war in Asia."

But despite these disadvantages, Taylor said in the cable, the introduction of a military task force offers more advantages than it creates risks and difficulties.

"In fact," wrote Taylor, "I do not believe that our program to save Vietnam will succeed without it."

Gen. Taylor just last week opposed the publication of the Pentagon study. He called the New York Times disclosures "a practice of betrayal of government secrets."

Asked on a CBS news program how his position squared with the people's right to know, Gen. Taylor responded.

"I don't believe in that as a general principle. You have to talk about cases. What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his functions, but not to get into secrets that damage his government and indirectly damage the citizen himself."

Sen. Edward Kennedy, President Kennedy's brother, said he was not certain what the Pentagon study contained with regard to his brother, but that he favored its publication.

Tet Offensive Turned Johnson Toward Vietnamization Policy

(By Crocker Snow, Jr., Globe Staff)

When President Johnson in March 1968 announced publicly that he would not run for re-election, he was also deciding privately that a policy of Vietnamization was the best one for the nation to follow in the war.

The President's speech was also a denial of Gen. William C. Westmoreland's request for an increase of 206,000 American troops.

This change in the President's thinking toward the kind of policy President Nixon has since adopted is evidenced in the concluding portions of the secret Pentagon study viewing the decision-making of American military involvement in Vietnam.

It was March 31, 1968 that President Johnson made his famous peace initiative, in which he announced a limited bombing halt and only a small build-up of 24,500 American troops following the shock of the Tet Offensive two months earlier, and called for Britain and the Soviet Union to take the lead in achieving a peaceful settlement.

In this same speech, the President made an urgent plea for national unity, and took himself out of the 1968 presidential race with the words, "I shall not seek, and I will not accept . . ."

The focus of public attention centered on these latter two aspects of the speech.

But the day before, in a cable marked "Literally Eyes Only for the Ambassador or Charge" to the US embassies in Australia, New Zealand, Thailand, Laos, the Philippines and South Korea, previewing the President's upcoming speech, the principal point, according to the Defense Department study, was:

"Major stress on importance of GVN (Government of Vietnam) and ARVN (Army of Republic of Vietnam) increased effectiveness, with our equipment and other support as first priority in our own actions."

This cable, about which the ambassadors were directed to "see their respective heads of government," previewed what the President himself was to say publicly the next day.

Mr. Johnson led off by stating: "We shall accelerate the re-equipment of South Vietnam's armed forces in order to meet the enemy's increased firepower. This will enable them progressively to undertake a larger share of the combat operations against the Communist invaders."

The significance of this policy—largely unrecognized by the press or public at that time—was pointed out in the narrative written by a team of Pentagon writers to go along with their exhaustive study.

The very last sentences in the material made available to The Globe and known to be in the study itself in the section entitled "Epilogue", which concerns the effect of the Tet Offensive on US policies, reads:

"The possibility of military victory had seemingly become remote and the cost had become too high both in political and economic terms. Only then were our ultimate objectives brought out and reexamined. Only then was it realized that a clear-cut military victory was probably not possible or necessary, and that the road to peace would be at least as dependent upon South Vietnamese political developments as it would be on American arms.

"This realization, then, made it possible to limit the American military commitment to South Vietnam to achieve the objectives for which this force had originally been deployed. American forces would remain in South Vietnam to prevent defeat of the Government by Communist forces and to provide a shield behind which that Government could rally, become effective, and win the support of its people."

These concluding words of the Pentagon study, describing the final phase of Mr. Johnson's thinking on the war, have a sound similar to President Nixon's in his "Silent Majority" speech on Nov. 3, 1969, in which he said: "The primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam."

The two months between the Tet Offensive and President Johnson's notable speech to the nation are described in the Pentagon study as a time of conflicting counsel coming to the White House and revolving around a request from General William Westmoreland, then the US commander in Saigon, for 206,000 additional troops over the 525,000 ceiling that had previously been placed on American forces there.

The fireworks of the Tet Offensive had, it is clear from the Pentagon studies, shaken Washington's confidence in the eventual outcome of the war and kicked off what the writers decribe as a "reassessment from A to Z".

The attacks had begun with the bombing of the United States Embassy on January 31, 1968, and, according to the analyst, "although it had been predicted, took the US Command and the US public by surprise, and its strength, length and intensity prolonged this shock."

One of the first official reassessments following Tet was undertaken by the Joint Chiefs of Staff at the direction of Secretary of Defense Robert McNamara.

The Pentagon study describes the Joint Chiefs' recommendations and concludes that "for perhaps the first time in the history of American involvement in Vietnam, the Joint Chiefs of Staff recommended against deploying the additional forces requested by the field commander, in the absence of other steps to reconstitute the strategic reserve."

"At long last," reads the report, "the resources were beginning to be drawn too thin, the assets became unavailable, the support base too small."

In considering the different possible contingencies surrounding calls for new troops in Vietnam, the Joint Chiefs had, according to the writer, considered "the possibility of widespread civil disorder in the United States" and concluded that "sufficient forces would still be available for civil disorder control."

The Joint Chiefs' consideration of possible civil disorder indicates as well as anything in the documents the growing dissatisfaction of major portions of the population with government policies in Vietnam by early 1968.

On March 12 and 13, Secretary of State Dean Rusk appeared before the Senate Foreign Relations Committee and was questioned about the war.

The Pentagon document points out that Rusk "even came under criticism from one of the few Administration supporters on the Committee, Sen. Karl E. Mundt (R-S.D.).

"You are as aware as we are that the shift of opinion in this country is in the wrong direction," Sen. Mundt is quoted as telling the secretary of state. "Something more convincing has to come from the Administration as to what this is all about 'to match' the sacrifices we are making."

What is not specifically mentioned in the documents, but what must have had an effect too on President Johnson's sense of the mood of the country was the big showing for Sen. Eugene McCarthy (D-Minn.) running as a peace candidate in the Democratic presidential primary in New Hampshire.

Just two weeks earlier, on March 1, the President had sworn in Clark Clifford as secretary of defense.

Clifford, according to the Pentagon study, was under mandate from the President to conduct "a complete and searching reassessment of the entire US strategy and commitment in South Vietnam."

Even before he officially took office, Clifford set up a special group to help with this reassessment, consisting of Secretary McNamara; Gen. Maxwell Taylor; Paul Nitze, special adviser to McNamara; Henry Fowler of the Treasury; Nicholas Katzenbach, No. 3 man in the State Department; Walt W. Rostow, presidential adviser; Richard Helms of the CIA; William Bundy, assistant secretary of state for Far Eastern affairs; Paul Warnke of the Defense Dept.; and Philip Habib of the State Dept.

Gen. Earle Wheeler, chairman of the Joint Chiefs, had in addition been sent to Saigon on Feb. 23 and reported directly to the President four days later.

An intense period of discussion, debate and memo-writing among these individuals and various agencies of the government was created out through the last week of February and the early days of March.

Memoranda were submitted by the ISA (International Security Affairs division of the Defense Department) and CIA on various military and political projections of the war under different circumstances.

An assistant secretary of defense for public affairs Phil Goulding prepared a paper entitled "Possible Public Reactions to Various Alternatives." In this, he considered five options with the first, and in his terms worst, one being "increased mobilization and deployment moves without other new actions."

Such an option, he wrote, "will make the doves unhappy because we become more and more enmeshed in the war. They will make the hawks unhappy, because we still will be withholding our military strength, particularly in the North. And the middle-of-the-roaders who basically support the President out of conviction or patriotism will be unhappy because they will see the ante going up in many ways and still will not be given a victory date, a progress report they can believe or an argument they can accept that all of this IS in the national interest."

Goulding ran through other options from a public affairs standpoint and recommended one which he describes as "denial of Gen. Westmoreland's request and a change in strategy in South Vietnam."

"While this does not necessarily show progress," he writes, "it does show change. It does show the search for new approaches . . . It would prevent the middle-of-the-roaders from joining the doves."

The Pentagon writer who compiled the narrative of this concluding part of the study acknowledges that "there is of course no way of knowing how much consideration and weight were given to each of these papers by the small group of action officers in the Pentagon . . ."

The net result of this governmental "reassessment from A to Z in the spring of 1968 is described in the narrative part of the Pentagon study as "similar to all previous requests for reinforcement in Vietnam."

"The litany was familiar," wrote the analyst. "We will furnish what we can presently furnish without disrupting the normal political and economic life of the nation, while we study the situation as it develops."

But the Pentagon study documents how the new defense secretary, Clifford, took this familiar litany a step further.

In a draft memorandum for the President dated March 4, 1968, Clifford recommends new deployments of 22,000 of the 206,000 men which Gen. Westmoreland had requested by the end of the year.

His second paragraph of recommendations called for: "Either through Ambassador Bunker or through an early visit by Secretary Clifford, a highly forceful approach to the GVN (Thieu and Ky) to get certain key commitments for improvement, tied to our own increased effort and to increased US support for the ARVN . . ."

Clifford is described as recommending early approval of a call-up of reserves, a wait-and-see attitude about Gen. Westmoreland's full request, no new peace initiative but a restatement of the old, "a general decision on bombing policy not excluding future change," and an in depth study of "possible new political and strategic guidance for the conduct of US operations in South Vietnam . . ."

The Pentagon analyst writes that "from the 4th of March (when Clifford's recommendations were submitted) until the final presidential decision was announced, the written record becomes sparse. The debate within the Administration was argued and carried forward on a personal basis by the officials involved, primarily, the secretary of defense and the secretary of state."

One further important input was to influence the President at this critical juncture, according to the documents.

On March 18, Mr. Johnson summoned what is described as "a group of his friends and confidants" to Washington to hear the options and help advise him. Those present were former undersecretary of state George Ball; Arthur Dean, a Republican New York lawyer who was a Korean war negotiator during the Eisenhower Administration; Dean Acheson, former President Truman's secretary of state; Gen. Matthew B. Ridgeway, the retired commander of the UN troops in Korea; Gen. Maxwell Taylor, former chairman of the Joint Chiefs of Staff; Cyrus Vance, former deputy defense secretary; McGeorge Bundy, Ford Foundation president who had been special assistant for national security affairs to Mr. Johnson and former President Kennedy; former Treasury Secretary C. Douglas Dillon and Gen. Omar Bradley.

The group met over dinner with Secretary of State Rusk; Defense Secretary Clifford; Ambassador Harriman; Walt W. Rostow, the President's special assistant for national security affairs; Richard Helms, director of the Central Intelligence Agency; Paul Nitze, deputy defense secretary; Nicholas Katzenbach, undersecretary of state; and William P. Bundy, assistant secretary of state for Far East.

As described in the Pentagon study, both groups were briefed separately by three men, Habib, Maj. Gen. William E. DePuy, a special assistant to the Joint Chiefs for counterinsurgency, and George Carver, a CIA analyst.

The following day, the group from outside the government joined President Johnson for lunch and, according to the writer, surprised the President with a recommendation to "forget about seeking a battlefield solution to the problem and instead intensify efforts to seek a political solution at the negotiating table."

As a result of the difference between these conclusions and those of his government aides, both drawn from essentially the same briefings, the President is reported to have had midnight evening sessions with the same three men in order to draw his own conclusions.

The reports from this are drawn by the Pentagon study and directly credited by the Pentagon writer to a news report by diplomatic writer Stuart Loory of the Los Angeles Times.

Earlier in the narration of this period, the documents credit an article written by Neil Sheehan and Hedrick Smith and published on March 10 in the New York Times as being a "Startling accurate account of the big issues and intra-governmental debate which the President was listening to.

Throughout the month of March, the writer describes the President as "troubled . . . in public he continued to indicate firmness and resoluteness, but press leaks and public criticism continued to compound his problem."

Thus was the stage set for Mr. Johnson's famous speech which comprises a separate chapter in the Pentagon narrative entitled "I Shall Not Seek, and I Will Not Accept."

In the narrative's brief epilogue to this period, the writer concluded with the mention of a response from Hanoi on April 3, 1968, in which, as President Johnson publicly described it, "The Government of the Democratic Republic of Vietnam declares its readiness to appoint its representatives to contact the US representative with a view to determining with the American side the unconditional cessation of the US bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

President Johnson then repeated his statement of three days earlier, "Now, as in the past, the United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end."

Concluding this aspect of the 47-volume Defense Department study tracing American involvement in Vietnam from 1954, the Pentagon writer states: "For a policy from which so little was expected a great deal was initiated. The North Vietnamese and Americans sat down at the conference table in Paris to begin to travel the long road to peace; the issue of Vietnam was largely removed from American political discord, a limit to the commitment of US forces was established, and the South Vietnamese were put on notice that, with our help, they would be expected to do more in their own defense."

Clifford Sought Massive Shakeup in Viet Regime

(By Martin F. Nolan, Globe staff)

Former Defense Secretary Clark M. Clifford sought a massive shakeup of the South Vietnamese government less than a week after he took office, according to the Pentagon study.

Clifford recommended "certain key commitments for improvement" from President Thieu and Vice President Ky and urged that the improvements be "tied to our own increased effort and to increased U.S. support for the ARVN (the Army of the Republic of Vietnam)."

In a memo cited in the Pentagon-sponsored analysis, Clifford recommended that either he or U.S. Ambassador Ellsworth Bunker adopt "a highly forceful approach to Thieu and Ky.

In a "tab" document supporting the Clifford memorandum to President Johnson, Thieu and Ky were criticized for mismanagement, corruption and political bickering. The "tab" memorandum even suggested that "we should solicit Ambassador Bunker's views on the desirability of replacing the prime minister (Khiem). If he is to be replaced, we should agree on his successor beforehand in consultation with Thieu and Ky."

The memorandum was written by Defense Department analysts on March 4. Clifford succeeded Robert S. McNamara on March 1.

Clifford urged Johnson to delay answering the request of Gen. William Westmoreland for 206,000 additional American troops.

"The future decision to do so would be contingent," the Clifford memo said, "upon . . . improved political performance by the GVN and increased contribution in effective military action by the ARVN."

The Defense Department's "tab" document excoriated both Thieu and Ky, who may face each other in this fall's presidential elections in South Vietnam.

"The failure of Thieu and Ky to cooperate fully and apply their individual talents to the needs of the situation has continued to plague the effective management of the Vietnamese effort," the document said.

"Thieu and Ky and their followers, as well as other elements in the society not associated directly with them, must be brought to realize that we are no longer prepared to put up with anything but the maximum effort on their part. A clear and precise role for Ky should be defined. Thieu and Ky must bring their followers into line. The government should be prepared to engage the services of people with administrative and executive talent who are now not participating in the common task.

"Our expectations in this regard must be made crystal clear to each and every Vietnamese leader in and out of government. Without this fundamental change in the attitude and dedication of the leadership, the necessary reforms and the necessary inspiration of the Vietnamese people will not be forthcoming quickly or sufficiently."

The memorandum then listed a long series of recommendations for the Thieu-Ky government:

"Relief of a specified list of corrupt officials now and the promise of severe action in the future.

"Incompetent province chiefs who have plagued our efforts in the past must be removed. The removal of incompetent commanders and officials is now more feasible in the light of their performance during the Tet offensive.

"Present government programs to eliminate new luxury construction must be tightened and continued. Bars and night clubs should remain closed. Austerity should be fostered."

Clifford who had long been an informal adviser to President Johnson before joining his Cabinet, also had ordered supporting documents "in dealing with public opinion and with Congress." One appendix sought to prove "that Gen. Westmoreland needs the additional troops being sent him and that he does not need further additional troops at this * * *.

Less than a month after Clifford's memo, Mr. Johnson delivered his speech of March 31, 1968. He cited Thieu's speech in Saigon a week earlier than had apparently been made in response to Clifford's pressure. "He warned his people that a major national effort is required to root out corruption and incompetence at all levels of government," Mr. Johnson said.

"Tonight, we and the other allied nations are contributing 600,000 fighting men to assist 700,000 South Vietnamese troops in defending their little country," the former President told a nationwide audience.

"Our presence there has always rested on this basic belief: the main burden of preserving their freedom must be carried out by them—by the South Vietnamese themselves."

CIA Played Down US Domino Theory

(By Darius S. Jhabvala, Globe staff)

A key Johnson Administration military adviser had proposed in 1964 that tactical nuclear weapons would have to be deployed if Communist Chinese forces entered the ground war in Vietnam. Admiral Harry D. Felt, then the commander in chief of the Pacific forces, emphatically demanded also that commanders be given the freedom to use such weapons "as had been assumed under various plans."

This question, among others, was discussed among his top advisers at the Honolulu conference, June 1–2, 1964.

Following the meeting, President Johnson asked his advisers the basic question: "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?"

On June 9, the Board of National Estimates of the Central Intelligence Agency, provided a response, stating:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

These and other details are part of the study on Vietnam that was made for Defense Department.

The State Department approached the Honolulu conference "with a basic assumption," namely "our point of departure is and must be that we cannot accept the overrunning of southeast Asia by Hanoi and Peking."

Beyond this, the discussions "were intended to help clarify issues with respect to exerting pressures against North Vietnam." The joint Chiefs of Staff recommended that "the US should seek through military actions to accomplish destruction of the North Vietnamese will and capabilities as necessary to compel the Democratic Government of Vietnam to cease providing support to the insurgencies in South Vietnam and Laos."

LIMITED ACTION

However, the JCS went on to note that "some current thinking appears to dismiss the objective in favor of a lesser objective, one visualizing limited military action which, hopefully, would cause the North Vietnamese to decide to terminate their subversive support."

During discussions of the extent of new military action, Ambassador Henry Cabot Lodge, "argued in favor of attack on north." He is reported to have stated "his conviction that most support for the Viet Cong would fade as soon as some "counter-terrorism measures' were begun against DRV."

Discussions then turned to the desirability of obtaining a congressional resolution prior to wider US action. Lodge felt that it would not be necessary, since the US response would be on a "tit-for-tat" basis. But Defense Secretary McNamara, Rusk and CIA Director John McCone all argued in favor of the resolution.

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs, then raised "the final possibility" of Chinese involvement. Were that to occur, the allies would require "seven ground divisions."

"Secretary McNamara then went on to say that the possibility of major ground action also led to a serious question of having to use nuclear weapons at some point," the reports point out. "Admiral Felt responded emphatically that there was no possible way to hold off the Communists on the ground without the use of tactical nuclear weapons and that it was essential that the commanders be given freedom to use these as had been assumed under various plans," it added.

Gen. Taylor was "more doubtful as to the existence or at least to the degree of the nuclear weapon requirement."

"The point, the report concluded, "was not really followed up."

[From the Boston Globe, June 22, 1971]

The Truth Finds a Way

The Nixon Administration's campaign in court to stop the publication by the N.Y. Times and Washington Post of secret Pentagon documents on the war in Vietnam continues without let-up—but also without too much success so far. For the truth has a way of emerging always into the clear light of day.

Two Federal district judges, Murray Gurfein in New York and Gerhard A. Gesell in Washington, have turned down the government's request for preliminary injunctions to bar those newspapers from printing the classified material.

In both cases the government has appealed and the full US Courts of Appeal will hear the matter today. Meanwhile, the ban has been extended another day. And there, for the moment, the crucial issue rests—or does not rest, exactly.

For the temporary restraining orders applying to the Times and the Post do not apply—as yet, anyway—to the other newspapers of our country, and we trust they never will.

The Boston Globe, like the N.Y. Times and Washington Post, has come into possession of many of the classified Pentagon papers, some already published and some not. It has decided to begin publishing them today as a public service in support of the people's right to know.

This decision has not been made lightly. We must anticipate, though we have no desire for it, still another attempt by the Department of Justice to prevent further publication of these papers. But to quail from this possibility is, we feel, to desert everything for which a free press must stand.

The first consideration is the nation's security. An examination of the documents shows clearly that that is not involved here in the sense that the Justice Department means it. None of the documents concerns the present Administration, or current military operations or plans. All of them concern the history of how we became involved in this dreadful war and increased that involvement, sometimes against secret advice opposed to it.

The secret papers, it seems fair to say, tell only a part of that history. It may be that the principals in it who are still alive may have more to add, and out of it will come a final truth. But to reach the truth ever, a beginning must be bravely made.

If it is not made, and if ways are never to be found to learn from history and to avoid the repetition of the ghastly errors of the past, then the nation's security will be indeed endangered, as well as the Constitution itself.

The Globe is not publishing these documents to show that any President or other official, civilian or military, has been wrong. That is a matter for the people to judge. But they can only judge intelligently if they are given all the facts possible.

For decades Washington officials have been blatantly abusing the stamp labeled "Top Secret." Materials under that heading have been "leaked" to countless newspapermen to serve some special cause of the government. This has been a one-way street that misled the public. It deserves to have both sides.

And so does Congress. It, too, has been denied, because of the label of secrecy, information it needs to vote intelligently on measures involving the lives of American boys on the other side of the earth.

We in this country take pride in being free, in having certain inalienable rights, in having free speech and a free press. We look down, and rightly so, upon censorship in the Soviet Union where such great writers as Solzhenitsyn are suppressed and even the "Samizdat" (privately circulated typescript) is forbidden by criminal law.

We are confident that our own country will have no part in censorship, and that, in the end, our courts will uphold the people's right to know and the freedom of the press that is so essential to that right. As long as we have a democracy, the truth will find a way to emerge.

[From the Boston Globe, June 22, 1971]

Gen. Taylor's Vietnam Cables to Kennedy

(Cablegram from General Maxwell D. Taylor in Saigon in late October, 1961, to President Kennedy, on the question of introducing U.S. military forces into Vietnam.)

My view is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time of providing a U.S. military presence in VN capable of assuring Diem of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops and avoids any suggestion that we are taking over responsibility for the security of the country. As the task is a specific one, we can extricate our troops when it is done if we so desire. Alternatively, we can phase them into other activities if we wish to remain longer.

The strength of the force I have in mind is on the order of 6–8000 troops. Its initial composition should be worked out here after study of the possible requirements and conditions for its use and subsequent modifications made with experience.

In addition to the logistical component, it will be necessary to include some combat troops for the protection of logistical operations and the defense of the area occupied by U.S. forces. Any troops coming to VN may expect to take casualties.

Needless to say, this kind of task force will exercise little direct influence on the campaign against the VC. It will, however, give a much needed shot in the arm to national morale, particularly if combined with other actions showing that a more effective working relationship in the common cause has been established between the GVN and the U.S.

(A second cablegram from General Taylor to President Kennedy in October, 1961, sent from the Philippines.)

1. Transmitted herewith are a summary of the fundamental conclusions of my group and my personal recommendations in response to the letter of the President to me dated 13 October 1961.

2. It is concluded that:

(a) Communist strategy aims to gain control of Southeast Asia by methods of subversion and guerrilla war which by-pass conventional US and indigenous strength on the ground. The interim Communist goal—en route to total take-over—appears to be a neutral Southeast Asia, detached from US protection. This strategy is well on the way to success in Vietnam.

(b) In Vietnam (and Southeast Asia) there is a double crisis in confidence: doubt that US is determined to save Southeast Asia; doubt that Diem's methods can frustrate and defeat Communist purposes and methods. The Vietnamese (and Southeast Asians) will undoubtedly draw—rightly or wrongly—definitive conclusions in coming weeks and months concerning the probable outcome and will adjust their behavior accordingly. What the US does or fails to do will be decisive to the end result.

(c) Aside from the morale factor, the Vietnamese Government is caught in interlocking circles of bad tactics and bad administrative arrangements which pin their forces on the defensive in ways which permit a relatively small Viet-Cong force (about one-tenth the size of the GVN regulars) to create conditions of frustration and terror certain to lead to a political crisis, if a positive turning point is not soon achieved. The following recommendations are designed to achieve that favorable turn, to avoid a further deterioration in the situation in South Vietnam, and eventually to contain and eliminate the threat to its independence.

3. It is recommended:

GENERAL

(a) That upon request from the Government of Vietnam (GVN) to come to its aid in resisting the increasing aggressions of the Viet-Cong and in repairing the ravages of the Delta flood which, in combination, threaten the lives of its citizens and the security of the country, the US Government offer to join the GVN in a massive joint effort as a part of a total mobilization of GVN resources to cope with both the Viet-Cong (VC) and the ravages of the flood. The US representatives will participate actively in this effort, particularly in the fields of government administration, military plans and operations, intelligence and flood relief, going beyond the advisory role which they have observed in the past.

SPECIFIC

(b.) That in support of the foregoing broad commitment to a joint effort with Diem, the following specific measures be undertaken:

(1) The US Government will be prepared to provide individual administrators for insertion into the governmental machinery of South Vietnam in types and numbers to be worked out with President Diem.

(2) A joint effort will be made to improve the military-political intelligence system beginning at the provincial level and extending upward through the government and armed forces to the Central Intelligence Organization.

(3) The US Government will engage in a joint survey of the conditions in the provinces to assess the social, political, intelligence, and military factors bearing on the prosecution of the counter-insurgency in order to reach a common estimate of these factors and a common determination of how to deal with them. As this survey will consume time, it should not hold back the immediate actions which are clearly needed regardless of its outcome.

(4) A joint effort will be made to free the Army for mobile, offensive operations. This effort will be based upon improving the training and equipping of the Civil Guard and the Self-Defense Corps, relieving the regular Army of static missions, raising the level of the mobility of Army Forces by the provision of considerably more helicopters and light aviation, and organizing a Border Ranger Force for a long-term campaign on the Laotian border against the Viet-Cong infiltrators. The US Government will support this effort with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time. Such tasks include air reconnaissance and photography, airlift (beyond the present capacity of SVN forces), special intelligence, and air-ground support techniques.

(5) The US Government will assist the GVN in effecting surveillance and control over the coastal waters and inland waterways, furnishing such advisors, operating personnel and small craft as may be necessary for quick and effective operations.

(6) The MAAG, Vietnam, will be reorganized and increased in size as may be necessary by the implementation of these recommendations.

(7) The US government will offer to introduce into South Vietnam a military task force to operate under US control for the following purposes:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the armed forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

(8) The US government will review its economic aid program to take into account the needs of flood relief and to give priority to those projects in support of the expanded counter-insurgency program.

(*A third cablegram from General Taylor to President Kennedy in October, 1961, also sent from the Philippines.*)

This message is for the purpose of presenting my reasons for recommending the introduction of a US military force into South Vietnam (SVN). I have reached the conclusion that this is an essential action if we are to reverse the present downward trend of events in spite of a full recognition of the following disadvantages:

(a.) The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

(b.) Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

(c.) If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

(d) The introduction of US forces may increase tensions and risk escalation into a major war in Asia. On the other side of the argument, there can be no action so convincing of US seriousness of purpose and hence so reassuring to the people and Government of SVN and to our other friends and allies in SEA as the introduction of US forces into SVN. The views of indigenous and US officials consulted on our trip were unanimous on this point. The size of the US force introduced need not be great to provide the military presence necessary to produce the desired effect on national morale in SVN and on international opinion. A bare token, however, will not suffice; it must have a significant value. The kinds of tasks which it might undertake which would have a significant value are:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the Armed Forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

It is noteworthy that this force is not proposed to clear the jungles and forests of Viet Cong guerrillas. That should be the primary task of the Armed Forces of Vietnam, for which they should be specifically organized, trained, and stiffened with ample US advisors down to combat battalion levels. However, the US troops may be called upon to engage in combat to protect themselves, their working parties, and the area in which they live. As a general reserve, they might be thrown into action (with US agreement) against large, formed guerrilla bands which have abandoned the forests for attacks on major targets. But in general, our forces should not engage in small-scale guerrilla operations in the jungle.

As an area for the operations of U.S. troops, SVN is not an excessively difficult or unpleasant place to operate. While the border areas are rugged and heavily forested, the terrain is comparable to parts of Korea where U.S. troops learned to live and work without too much effort. However, these border areas, for reasons stated above, are not the places to engage our forces. In the High Plateau and in the coastal plain where U.S. troops would probably be stationed, these jungle-forest conditions do not exist to any great extent. The most unpleasant feature in the coastal areas would be the heat and, in the Delta, the mud left behind by the flood. The High Plateau offers no particular obstacle to the stationing of U.S. troops.

The extent to which the Task Force would engage in flood relief activities in the Delta will depend upon further study of the problem there. As reported in Saigon 537, I see considerable advantages in playing up this aspect of the Task Force mission. I am presently inclined to favor a dual mission, initially help to the flood area and subsequently use in any other area of SVN where its resources can be used effectively to give tangible support in the struggle against the Viet Cong. However, the possibility of emphasizing the humanitarian mission will wane if we wait long in moving in our forces or in linking our stated purpose with the emergency conditions created by the flood.

The risks of backing into a major Asian war by way of SVN are present but are not impressive. NVN is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off SVN. Both the DRV and the Chicoms would face severe logistical difficulties in trying to maintain strong forces in the field in SEA, difficulties which we share but by no means to the same degree. There is no case for fearing a mass onslaught of Communist manpower into SVN and its neighboring states, particularly if our airpower is allowed a free hand against logistical targets. Finally, the starvation conditions in China should discourage Communist leaders there from being militarily venturesome for some time to come.

By the foregoing line of reasoning, I have reached the conclusion that the introduction of a US military task force without delay offers definitely more advantage than it creates risks and difficulties. In fact, I do not believe that our program to save SVN will succeed without it. If the concept is approved, the exact size and composition of the force should be determined by the Secretary of Defense in consultation with the JCS, the chief MAAG and CINCPAC. My own feeling is that the initial size should not exceed 8000, of which a preponderant number would be in logistical-type units. After acquiring experience in operating in SVN, this initial force will require reorganization and adjustment to the local scene.

As CINCPAC will point out, any forces committed to SVN will need to be replaced by additional forces to this area from the strategic reserve in the US. Also, any troops to SVN are in addition to those which may be required to execute SEATO Plan 5 in Laos. Both facts should be taken into account in current considerations of the FY 1963 budget which bear upon the permanent increase which should be made in the US military establishment to maintain our strategic position for the long pull.

TERMS USED IN TEXT

ARVN—Army of the Republic of (South) Vietnam.
CHICOM—Chinese Communists.
CINCPAC—Commander-in-chief, Pacific.
DRV—Democratic Republic of (North) Vietnam.
GVN—Government of (South) Vietnam.
JCS—Joint Chiefs of Staff.
MAAG—Military Assistance Advisory Group.
MACV—Military Assistance Command, Vietnam.
RD—Revolutionary Development Program.
RVNAF—Republic of (South) Vietnam Air Force.
SEA—Southeast Asia.
SVN—South Vietnam.
USG—United States Government.
VC—Viet Cong.

[From the Boston Globe, June 22, 1971]

REPORT OF TET OFFENSIVE

(*Excerpts from a report by General Earle G. Wheeler, chairman of the Joint Chiefs of Staff, summarizing his findings after a visit to South Vietnam immediately following the Tet Offensive in 1968. The report is dated February 27, 1968.*)

SUMMARY

The current situation in Vietnam is still developing and fraught with opportunities as well as dangers.

There is no question in the mind of MACV that the enemy went all out for a general offensive and general uprising and apparently believed that he would succeed in bringing the war to an early, successful conclusion.

The enemy failed to achieve his initial objective but is continuing his effort. Although many of his units were badly hurt, the judgment is that he has the will and the capability to continue.

Enemy losses have been heavy; he has failed to achieve his prime objectives of mass uprisings and capture of a large number of the capital cities and towns. Morale in enemy units which were badly mauled or where the men were oversold the idea of a decisive victory at TET probably has suffered severely. However, with replacements, his indoctrination system would seem capable of maintaining morale at a generally adequate level. His determination appears to be unshaken.

The enemy is operating with relative freedom in the countryside, probably recruiting heavily and no doubt infiltrating NVA units and personnel. His recovery is likely to be rapid; his supplies are adequate; and he is trying to maintain the momentum of his winter-spring offensive.

The structure of the GVN held up, but its effectiveness has suffered.

The RVNAF held up against the initial assault with gratifying, and in a way surprising, strength and fortitude. However, ARVN is now in a defensive posture around towns and cities and there is concern about how well they will bear up under sustained pressure.

The initial attack nearly succeeded in a dozen places, and defeat in those places was only averted by the timely reaction of US forces. In short, it was a very near thing.

There is no doubt that RD Program has suffered a severe setback.

US forces have lost none of their pre-TET capability. . . .

THE SITUATION TODAY: ENEMY CAPABILITIES

The enemy has been hurt badly in the populated lowlands, but is practically intact elsewhere. He committed over 67,000 combat maneuver forces plus perhaps 25% or 17,000 more impressed men and boys, for a total of about 84,000. He lost 40,000 killed, at least 3,000 captured, and perhaps 5,000 disabled or died of wounds. He had peaked his force total to about 240,000 just before TET, by hard recruiting, infiltration, civilian impressment, and drawdowns on service and guerrilla personnel. So he has lost about one fifth of his total strength. About two-thirds of his trained, organized unit strength can continue offensive action. He is probably infiltrating and recruiting heavily in the countryside while allied forces are securing the urban areas.

The enemy has adequate munitions, stockpiled in-country and available through the DMZ, Laos, and Cambodia, to support major attacks and countrywide pressure; food procurement may be a problem. Besides strength losses, the enemy now has morale and training problems which currently limit combat effectiveness of VC guerrilla, main and local forces.

GVN STRENGTH AND EFFECTIVENESS

(1) Psychological—The people in South Vietnam were handed a psychological blow, particularly in the urban areas where the feeling of security had been strong. There is a fear of further attacks.

(2) The structure of the Government was not shattered and continues to function but at greatly reduced effectiveness.

(3) In many places, the RD program has been set back badly. In other places the program was untouched in the initial stage of the offensive. MACV reports that of the 555 RD cadre groups, 278 remain in hamlets, 245 are in district and province towns on security duty, while 32 are unaccounted for. It is not clear as to when, or even whether, it will be possible to return to the RD program in its earlier form. As long as the VC prowl the countryside, it will be impossible, in many places, even to tell exactly what has happened to the program.

(4) Refugees—An additional 470,000 refugees were generated during the offensive. The problem of caring for refugees is part of the larger problem of reconstruction in the cities and towns. It is anticipated that the care and reestablishment of the 250,000 persons or 50,000 family units who have lost their homes will require from GVN sources the expenditure of 500 million piasters for their temporary care and resettlement plus an estimated 30,000 metric tons of rice . . .

US STRATEGY

MACV believes that the central thrust of our strategy now must be to defeat the enemy offensive and that if this is done well, the situation overall will be greatly improved over the pre-TET condition.

MACV accepts the fact that its first priority must be the security of Government of Vietnam in Saigon and provincial capitals. MACV describes its objectives as . . .

(1) Security of Cities and Government. MACV recognizes that US forces will be required to reinforce and support RVNAF in the security of cities, towns and government structure. At this time, 10 US battalions are operating in the environs of Saigon. It is clear that this task will absorb a substantial portion of US forces.

(2) Security in the Countryside. To a large extent the VC now control the countryside. Most of the 54 battalions formerly providing security for pacification are now defending district or province towns. MACV estimates that US forces will be required in a number of places to assist and encourage the Vietnamese Army to leave the cities and towns and reenter the country. This is especially true in the Delta.

(3) Defense of the borders, the DMZ and the northern provinces. MACV considers that it must meet the enemy threat in I Corps and has already deployed there slightly over 50% of all US maneuver battalions. US forces have been thinned out in the highlands, notwithstanding an expected enemy offensive in the early future.

(4) Offensive Operations. Coupling the increased requirement for the defense of the cities and subsequent reentry into the rural areas, and the heavy requirement for defense

of the I Corps, MACV does not have adequate forces at this time to resume the offensive in the remainder of the country, nor does it have adequate reserves against the contingency of simultaneous large-scale enemy offensive action throughout the country.

(5) Force Requirements. Forces currently assigned to MACV . . . are inadequate in numbers and balance to carry out the strategy and to accomplish the tasks described above in the proper priority. To contend with, and defeat, the new enemy threat, MACV has stated requirements for forces over the 525,000 ceiling imposed by Program Five. The add-on requested totals 206,756 spaces for a new proposed ceiling of 731,756, with all forces being deployed into country by the end of CY 68.

WHAT DOES THE FUTURE HOLD?

We see the enemy pursuing a reinforced offensive to enlarge his control throughout the country and keep pressures on the government and allies. We expect him to maintain strong threats in the DMZ area, at Khe Sanh, in the highlands, and at Saigon, and to attack in force when conditions seem favorable. He is likely to try to gain control of the country's northern provinces. He will continue efforts to encircle cities and province capitals, to isolate and disrupt normal activities, and infiltrate them to create chaos. He will seek maximum attrition of RVNAF elements. Against US forces, he will emphasize attacks by fire on airfields and installations, using assaults and ambushes selectively. His central objective continues to be the destruction of the Government of SVN and its armed forces. As a minimum he hopes to seize sufficient territory and gain control of enough people to support establishment of the groups and committees he proposes for participation in a NLF dominated government.

Soviets Refused To Carry Peace Feeler to Hanoi

(By Darius S. Jhabvala, Globe Staff)

The Soviet Union, evidently concerned about adverse reactions from Communist China, refused to assist the United States in getting across a message to Hanoi in 1965. The message, first mentioned by Secretary of State Dean Rusk to Soviet Ambassador Anatoly Dobrynin, was sent to Foy Kohler, the US ambassador in Moscow, for transmission to the North Vietnamese Embassy and to the Soviet Foreign Ministry. It informed the Communist side that "for a period beginning at noon, Washington time, Wednesday, May 12, and running into the next week," there were to be no air attacks on North Vietnam.

This decision was reached after there were "repeated suggestions from various quarters . . . that there could be no progress towards peace while there were air attacks."

However, the message clearly pointed out that the United States "will be very watchful to see whether in this period of pause there are any significant reductions in such armed actions by such (North Vietnamese—Viet Cong) forces." The North Vietnamese Embassy formally refused to accept the message which was delivered by a special messenger. But when Kohler sought the cooperation of the Russians at a face-to-face meeting with Deputy Foreign Minister Nikolai P. Firyubin, he was told: "I am not a postman." According to a message from Kohler to the State Department, Firyubin added that the United States "could find our own ways of transmitting messages."

An extensive and detailed report of the American effort to involve the Russians in what then appeared as a peacemaking mission is part of the Defense Department's history of the Vietnam war that is now available to The Boston Globe.

The report reveals the details of the message Washington wished to get across to Hanoi via Moscow, instructions for Kohler, the gist of Rusk's conversation with Dobrynin and a somewhat lengthy appraisal by Kohler of the Soviet attitude.

Despite the refusal to accept the American message, Kohler seemed confident that Hanoi had received word but refused to respond as Washington had desired.

According to the Defense Department's documents, Kohler was instructed to emphasize that the bombing pause should not be misunderstood "as an indication of weakness" and "it would be necessary to demonstrate more clearly than ever, after the pause ended, that the US is determined not to accept aggression without reply in Vietnam.

"Moreover, the United States must point out that the decision to end air attacks for this limited trial period is one which it must be free to reverse if at any time in the coming days there should be actions by the other side in Vietnam which required immediate reply," the message to Kohler added.

When Rusk explained the substance of the message to Dobrynin, the latter "noted we were merely informing the Soviets." Accordingly, Rusk's report points out, he "was clearly relieved we are not asking them to act as intermediary."

"Dobrynin said he thought we could get some answer but could not predict what," Rusk informed Kohler. Kohler, upon receiving the secretary's instructions, directed an aide to phone the North Vietnamese embassy to request an urgent appointment, but he was turned down because of the lack of diplomatic relations between the two countries.

Kohler asked Washington for further instructions. He was told to approach the Soviet Foreign Ministry and to transmit the message by letter to Hanoi's embassy, but the letter was returned the following morning (May 13) "in a plain envelope addressed simply Embassy of USA."

At his meeting with Firyubin, Kohler was told that the Russians viewed the communication "as based on an erroneous conception on which the US has proceeded."

"Firyubin could only view the communication as repetition of the threat against the DRV (Democratic Republic of Vietnam—North Vietnam)—now a threat of renewed and expanded aggression. This was the only way he could interpret the reference to the risk that a suspension of the attacks involved. Obviously we are suffering from a gross misunderstanding if we think that such aggression will go unpunished, without response," Kohler reported Firyubin had implied.

After the oral exchange, Firyubin said flatly, according to the Kohler advisory, "the Soviet government will not transmit the US government's message to the DRV, that the DRV had not requested the service and that it was the US responsibility to find a convenient way of passing the message."

After further reflection on his meeting with Firyubin, Kohler sent a follow-up message to Washington in which he sought to present the Soviet position "with some sympathy and to promote an understanding of the Soviet rebuff."

"On the one hand, I was annoyed at the apparent Soviet rebuff of an effort to take heat out of admittedly dangerous situation in Southeast Asia and impatient with the flimsy rationale for Soviet refusal offered by Firyubin. On the other hand, I could understand, if not sympathize with, Soviet sensitivity, given Chicom (Chinese Communist) eagerness to adduce proof of their charges of collusion against Soviets and, frankly, given rather strenuous nature of the document they were being asked to transmit to DRV," Kohler messaged Washington. He went on to add his hope that "we would not regard Firyubin's reaction . . . as evidence of conscious hardening of Soviet attitude."

"It may be a reflection of the bind the Soviets find themselves in at the moment," he added.

Kohler, aware that the State Department was then trying to send the same message via the British consul in Hanoi, proposed "a shorter and revised wording."

"If cast in present form, I think we are simply inviting rebuff and Exercise-Hanoi would prove as fruitless as our efforts in Moscow," he argued. Kohler was overruled and the second delivery was returned, ostensibly unopened.

(From the Washington Post, Outlook, June 20, 1971)

Vietnam: Nobody Wrote the Last Act

(By Leslie H. Gelb)

(A former Pentagon official, Gelb is now a senior fellow at the Brookings Institution, writing a history of U.S. involvement in Vietnam from 1940 to 1966. He was director of the Pentagon analytical compilation of documents on Vietnam which were the basis for recent articles in The New York Times and The Washington Post. The article below is excerpted with permission from Foreign Policy quarterly. Gelb's conclusions are based on two years of independent research since leaving government service. They are documented in the historical section of his Foreign Policy article which we are not reprinting.)

The story of U.S. policy toward Vietnam is either far better or far worse than generally supposed. Our Presidents and most of those who influenced their decisions did not stumble step by step into Vietnam, unaware of the quagmire. U.S. involvement did not stem from a failure to foresee consequences.

Vietnam was indeed a quagmire, but most of our leaders knew it. Of course there were optimists and periods where many were genuinely optimistic. But those periods were infrequent and short-lived and were invariably followed by periods of deep pessimism.

Very few, to be sure, envisioned what the Vietnam situation would be like by 1968. Most realized, however, that "the light at the end of the tunnel" was very far away—if not finally unreachable. Nevertheless, our Presidents persevered. Given international compulsions to "keep our word" and "save face," domestic prohibitions against "losing," and their personal stakes, our leaders did "what was necessary," did it about the way they wanted, were prepared to pay the costs, and plowed on with a mixture of hope and doom. They "saw" no acceptable alternative.

Three propositions suggest why the United States became involved in Vietnam, why the process was gradual, and what the real expectations of our leaders were:

First, U.S. involvement in Vietnam is not mainly or mostly a story of step by step, inadvertent descent into unforeseen quicksand. It is primarily a story of why U.S. leaders considered that it was vital not to lose Vietnam by force to communism. Our leaders believed Vietnam to be vital not for itself, but for what they thought its "loss" would mean internationally and domestically. Previous involvement made further involvement more unavoidable, and, to this extent, commitments were inherited. But judgments of Vietnam's "vitalness"—beginning with the Korean War—were sufficient in themselves to set the course for escalation.

Second, our Presidents were never actually seeking a military victory in Vietnam. They were doing only what they thought was minimally necessary at each stage to keep Indochina, and later South Vietnam, out of Communist hands. This forced our Presidents to be brakemen, to do less than those who were urging military victory and to reject proposals for disengagement. It also meant that our Presidents wanted a negotiated settlement without fully realizing (though realizing more than their critics) that a civil war cannot be ended by political compromise.

Third, our Presidents and most of their lieutenants were not deluded by optimistic reports of progress and did not proceed on the basis of wishful thinking about winning a military victory in South Vietnam. They recognized that the steps they were taking were not adequately to win the war and that unless Hanoi relented, they would have to do more and more. Their strategy was to persevere in the hope that their will to continue—if not the practical effects of their actions—would cause the Communists to relent.

Each of these propositions is explored below.

I. "WE CAN'T AFFORD TO LOSE"

Those who led the United States into Vietnam did so with their eyes open, knowing why, and believing they had the will to succeed. The deepening involvement was not inadvertent, but mainly deductive. It flowed with sureness from the perceived stakes and attendant high objectives.

U.S. policy displayed remarkable continuity. There were not dozens of likely "turning points." Each postwar President inherited previous commitments. Each extended these commitments. Each administration from 1947 to 1969 believed that it was necessary to prevent the loss of Vietnam and, after 1954, South Vietnam by force to the Communists.

The reasons for this varied from person to person, form bureaucracy to bureaucracy, over time and in emphasis. For the most part, however, they had little to do with Vietnam itself. A few men argued that Vietnam had intrinsic strategic military and economic importance, but this view never prevailed. The reasons rested on broader international, domestic, and bureaucratic considerations.

Our leaders gave the international repercussions of "losing" as their dominant explicit reason for Vietnam's importance. During the Truman administration, Indochina's importance was measured in terms of French-American relations and Washington's desire to rebuild France into the centerpiece of future European security. After the cold war heated up and after the fall of China, a French defeat in Indochina was also seen as a defeat for the policy of containment. In the Eisenhower years, Indochina became a "testing ground" between the Free World and Communism and the basis for the famous "domino theory" by which the fall of Indochina would lead to the deterioration of American security around the globe.

President Kennedy publicly reaffirmed the falling domino concept. His primary concern, however, was for his "reputation for action" after the Bay of Pigs fiasco, the Vienna meeting with Khrushchev, and the Laos crisis, and in meeting the challenge of "wars of national liberation" by counter-insurgency warfare. Under President Johnson, the code-word rationales became Munich, credibility, commitments and the U.S. word, a watershed test of wills with communism, raising the costs of aggression, and the principle that armed aggression shall not be allowed to succeed. There is every reason to assume that our leaders actually believed what they said, given both the cold war context in which they were all reared and the lack of contradictory evidence.

With very few exceptions, then, our leaders since World War II saw Vietnam as a vital factor in alliance politics, U.S.-Soviet-Chinese relations, and deterrence. This was as true in 1950 and 1954 as it was in 1961 and 1965. The record of United States military and economic assistance to fight communism in Indochina tells this story quite clearly. From 1945 to 1951, U.S. aid to France totaled over $3.5 billion. Without this, the French position in Indochina would have been untenable. By 1951, the U.S. was paying about 40 per cent of the costs of the Indochina war and our share was going up. In 1954, it is estimated, U.S. economic and technical assistance amounted to $703 million and military aid totaled almost $2 billion. This added up to almost 80 per cent of the total French costs.

From 1955 to 1961, U.S. military aid averaged about $200 million per year. This made South Vietnam the second largest recipient of such aid, topped only by Korea. By 1963, South Vietnam ranked first among recipients of military assistance. In economic assistance, it followed only India and Pakistan.

FEARS ON THE HOME FRONT

The domestic repercussions of "losing" Vietnam probably were equally important in presidential minds. Letting Vietnam "go Communist" was undoubtedly seen as:

Opening the floodgates to domestic criticism and attack for being "soft on communism" or just plain soft;

Dissipating presidential influence by having to answer these charges;

Alienating conservative leadership in Congress and thereby endangering the President's legislative program;

Jeopardizing election prospects for the President and his party;

Undercutting domestic support for a "responsible" U.S. world role; and

Enlarging the prospects for a right-wing reaction—the nightmare of a McCarthyite garrison state.

U.S. domestic politics required our leaders to maintain both a peaceful world and one in which Communist expansion was stopped. In order to have the public support necessary to use force against communism, our leaders had to employ strong generalized, ideological rhetoric.

The price of this rhetoric was consistency. How could our leaders shed American blood in Korea and keep large numbers of American troops in Europe at great expense unless they were also willing to stop communism in Vietnam?

Bureaucratic judgments and stakes were also involved in defining U.S. interests in Vietnam. Most bureaucrats probably prompted or shared the belief of their leaders about the serious repercussions of losing Vietnam. Once direct bureaucratic presence was established after the French departure, this belief was reinforced and extended. The military had to prove that American arms and advice could succeed where the French could not. The Foreign Service had to prove that it could bring about political stability in Saigon and "build a nation." The CIA had to prove that pacification would work. AID had to prove that millions of dollars in assistance and advice could bring political returns.

A BROAD COMMITMENT

The U.S. commitment was rationalized as early as 1950. It was set in 1955 when we replaced the French. Its logic was further fulfilled by President Kennedy. After 1965, when the United States took over the war, it was immeasurably hardened.

There was little conditional character to the U.S. commitment—except for avoiding "the big war." Every President talked about the ultimate responsibility resting with the Vietnamese (and the French before them). This "condition" seems to have been meant much more as a warning to our friends than a real limitation. In every crunch, it was swept aside. The only real limit applied to Russia and China. Our leaders were not prepared to run the risks of nuclear war or even the risks of a direct conventional military confrontation with the Soviet Union and China. These were separate decisions. The line between them and everything else done in Vietnam always held firm. With this exception, the commitment was always defined in terms of the objective to deny the Communists control over all Vietnam. This was further defined to preclude coalition governments with the Communists.

The importance of the objective was evaluated in terms of cost, and the perceived costs of disengagement outweighed the cost of further engagement. Some allies might urge disengagement, but then condemn the United States for doing so. The domestic groups which were expected to criticize growing involvement always were believed to be outnumbered by those who would have attacked "cutting and running."

The question of whether our leaders would have started down the road if they knew this would mean over half a million men in Vietnam, over 40,000 U.S. deaths, and the expenditure of well over $100 billion is historically irrelevant. Only Presidents Kennedy and Johnson had to confront the possibility of these large costs. The point is that each administration was prepared to pay the costs it could foresee for itself. No one seemed to have a better solution. Each could at least pass the baton on to the next.

"Vietnam grew into a test case of U.S. credibility—to opponents, to allies, but perhaps most importantly, to ourselves."

Presidents could not treat Vietnam as if it were "vital" without creating high stakes internationally, domestically, and within their own bureaucracies. But the rhetoric conveyed different messages:

To the Communists, it was a signal that their actions would be met by counteractions.

To the American people, it set the belief that the President would ensure that the threatened nation did not fall into Communist hands—although without the anticipation of sacrificing American lives.

To the Congress, it marked the President's responsibility to ensure that Vietnam did not go Communist and maximized incentives for legislators to support him or at least remain silent.

To the U.S. professional military, it was a promise that U.S. forces would be used, if necessary and to the degree necessary, to defend Vietnam.

To the professional U.S. diplomat, it means letting our allies know that the United States cared about their fate.

To the President, it laid the groundwork for the present action and showed that he was prepared to take the next step to keep Vietnam non-Communist.

Words were making Vietnam into a showcase—an Asian Berlin. In the process, Vietnam grew into a test case of U.S. credibility—to opponents, to allies, but perhaps most importantly, to ourselves. Public opinion polls seemed to confirm the political dangers. Already established bureaucratic judgments about the importance of Vietnam matured into cherished convictions and organizational interests. The war dragged on.

Each successive President, initially caught by his own belief, was further ensnarled by his own rhetoric, and the basis for the belief went unchallenged. Debates revolved around how to do things better, and whether they could be done, not whether they were worth doing.

Prior to 1961, an occasional senator or Southeast Asian specialist would raise a lonely and weak voice in doubt. Some press criticism began thereafter. And later still, wandering American minstrels returned from the field to tell their tales of woe in private. Gen. Matthew Ridgway as Chief of Staff of the Army in 1954 questioned the value of Vietnam as against its potential costs and dangers, and succeeded in blunting a proposed U.S. military initiative, although not for the reasons he advanced. Under Secretary of State George Ball raised the issue of international priorities in the summer of 1965 and lost. Clark Clifford as secretary of defense openly challenged the winnability of the war, as well as Vietnam's strategic significance, and argued for domestic priorities. But no systematic or serious examination of Vietnam's importance to the United States was ever undertaken within the government. Endless assertions passed for analysis. Presidents neither encouraged nor permitted serious questioning, for to do so would be to foster the idea that their resolve was something less than complete. The objective of a non-Communist Vietnam, and after 1954 a non-Communist South Vietnam, drove U.S. involvement ever more deeply each step of the way.

II. "TAKE THE MINIMAL STEPS"

None of our Presidents was seeking total victory over the Vietnamese Communist. War critics who wanted victory always knew this. Those who wanted the United States to get out never believed it. Each President was essentially doing what he thought was minimally necessary to prevent a Communist victory during his tenure in office. Each, of course, sought to strengthen the anti-Communist Vietnamese forces, but with the aim of a negotiated settlement.

Part of the tragedy of Vietnam was that the compromises our Presidents were prepared to offer could never lead to an end of the war. These preferred compromises only served to reinforce the conviction of both Communist and anti-Communist Vietnamese that they had to fight to the finish in their civil war. And so, more minimal steps were always necessary.

Our Presidents were pressured on all sides. The pressures for victory came mainly from the inside and were reflected on the outside. From inside the administrations, three forces almost invariably pushed hard. First, the military establishment generally initiated requests for broadening and intensifying U.S. military action. Our professional military placed great weight on the strategic significance of Vietnam; they were given a job to do; their prestige was involved; and of crucial importance (in the 1960s)—the lives of many American servicemen were being lost. The Joint Chiefs of Staff, the MAAG (Military Assistance Advisory Group) Chiefs and later the commander of U.S. forces in Vietnam were the focal points for these pressures.

Second, our ambassadors in Saigon, supported by the State Department, at times pressed for and often supported big steps forward. Their reasons were similar to those of the military. Thirdly, an ever-present group of "fixers" was making urgent demands to strengthen and broaden the Saigon government in order to achieve political victory. Every executive agency had its fixers. They were usually able men whose entire preoccupation was to make things better in Vietnam. From outside the administration, there were hawks who insisted on winning and hawks who wanted to "win or get out." Capitol Hill hawks, the conservative press, and, for many years, Catholic organizations were in the forefront.

The pressures for disengagement and for de-escalation derived mostly from the outside with occasional and often unknown allies from within. Small for most of the Vietnam years, these forces grew steadily in strength from 1965 onward. Isolated congressmen and senators led the fight. First they did so on anticolonialist grounds.

"Most of our leaders and their critics did see that Vietnam was a quagmire, but did not see that the real stakes—who shall govern Vietnam—were not negotiable."

Later their objections developed moral aspects (interfering in a civil war) and extended to nonwinnability, domestic priorities, and the senselessness of the war.

Peace organizations and student groups in particular came to dominate headlines and air time. Journalists played a critical role—especially through television reports. From within each administration, opposition could be found (1) among isolated military men who did not want the United States in an Asian land war, (2) among some State Department intelligence and area specialists who knew Vietnam and believed the U.S. objective was unattainable at any reasonable price, and (3) within the civilian agencies of the Defense Department and isolated individuals at State and CIA, particularly after 1966, whose efforts were trained on finding a politically feasible way out.

THE MIDDLE POSITION

Our Presidents reacted to the pressures as brakemen, pulling the switch against both the advocates of "decisive escalation" and the advocates of disengagement. The politics of the presidency largely dictated this role, but the personalities of the Presidents were also important. None were as ideological as many persons around them. All were basically centrist politicians.

Their immediate aim was always to prevent a Communist takeover. The actions they approved were usually only what was minimally necessary to that aim. Each President determined the "minimal necessity" by trial and error and his own judgment. They might have done more and done it more rapidly if they were convinced that (1) the threat of a Communist takeover were more immediate, (2) U.S. domestic politics would have been more permissive, (3) the government of South Vietnam had the requisite political stability and military potential for effective use, and (4) the job really would have gotten done. After 1965, however, the minimal necessity became the maximum they could get given the same domestic and international constraints.

The tactic of the minimally necessary decision makes optimum sense for the politics of the presidency. Even our strongest Presidents have tended to shy away from decisive action. It has been too uncertain, too risky. They derive their strength from movement (the image of a lot of activity) and building and neutralizing opponents. Too seldom has there been forceful moral leadership; it may even be undemocratic. The small step that maintains the momentum gives the President the chance to gather more political support. It gives the appearance of minimizing possible mistakes. It allows time to gauge reactions. It serves as a pressure-relieving valve against those who want to do more. It can be doled out. Above all, it gives the President something to do next time.

The tactic makes consummate sense when it is believed that nothing will fully work or that the costs of a "winning" move would be too high. This was the case with Vietnam. This decision-making tactic explains why the U.S. involvement in Vietnam was gradual and step by step.

While the immediate aim was to prevent a Communist victory and improve the position of the anti-Communists, the longer-term goal was a political settlement. As late as February 1947, Secretary of State George Marshall expressed the hope that "a pacific basis of adjustment of the difficulties" between France and the Vietminh could be found. After that, Truman's policy hardened, but there is no evidence to suggest that until 1950 he was urging the French not to settle with the Vietnamese Communists. Eisenhower, it should be remembered, was the President who tacitly agreed (by not intervening in 1954) to the creation of a Communist state in North Vietnam. President Kennedy had all he could do to prevent complete political collapse in South Vietnam. He had, therefore, little basis on which to compromise.

President Johnson inherited this political instability, and to add to his woes, he faced in 1965 what seemed to be the prospect of a Communist military victory. Yet, by his standing offer for free and internationally supervised elections, he apparently was prepared to accept Communist participation in the political life of the South.

By traditional diplomatic standards of negotiations between sovereign states, these were not fatuous compromises. One compromise was, in effect, to guarantee that the Communists could remain in secure control of North Vietnam. The United States would not seek to overthrow this regime. The other compromise was to allow the Communists in South Vietnam to seek power along the lines of Communist parties in France and Italy, i.e. to give them a "permanent minority position."

DIPLOMACY COULDN'T WORK

But the real struggle in Vietnam was not between sovereign states. It was among Vietnamese. It was a civil war and a war for national independence.

Herein lies the paradox and the tragedy of Vietnam. Most of our leaders and their critics did see that Vietnam was a quagmire, but did not see that the real stakes—who shall govern Vietnam—were not negotiable. Free elections, local sharing of power, international supervision, cease-fires—none of these could serve as a basis for settlement. What were legitimate compromises from Washington's point of view were matters of life and death to the Vietnamese. For American leaders, the stakes were "keeping their word" and saving their political necks. For the Vietnamese, the stakes were their lives and their lifelong political aspirations. Free elections meant bodily exposure to the Communist guerrillas and likely defeat to the anti-Communists. The risk was too great. There was no trust, no confidence.

The Vietnam war could no more be settled by traditional diplomatic compromises than any other civil war. President Lincoln could not settle with the South. The Spanish Republicans and General Franco's Loyalists could not have conceivably mended their fences by elections. None of the post-World War II insurgencies—Greece, Malaya, and the Philippines—ended with a negotiated peace. In each of these cases, the civil differences were put to rest—if at all—only by the logic of war.

It is commonly acknowledged that Vietnam would have fallen to the Communists in 1945–46, in 1954, and in 1965 had it not been for the intervention of first the French and then the Americans. The Vietnamese Communists, who were also by history the Vietnamese nationalists, would not accept only part of a prize for which they had paid so heavily. The anti-Communist Vietnamese protected by the French and the Americans would not put themselves at the Communists' mercy.

It may be that our Presidents understood this better than their critics. The critics, especially on the political left, fought for "better compromises," not realizing that even the best could not be good enough, and fought for broad nationalist governments, not realizing there was no middle force in Vietnam. Our Presidents, it seems, recognized that there was no middle ground and that "better compromises" would frighten our Saigon allies without bringing about a compromise peace. And they believed that a neutralization formula would compromise South Vietnam away to the Communists. So the longer-term aim of peace repeatedly gave way to the immediate needs of the war and the next necessary step.

III. "WE MUST PERSEVERE"

Each new step was taken not because of wishful thinking or optimism about its leading to a victory in South Vietnam. Few of our leaders thought that they could win the war in a conventional sense or that the Communists would be decimated to a point that they would simply fade away.

"It was and is a civil war for national independence. It was and is a Greek tragedy."

Even as new and further steps were taken, coupled with expressions of optimism, many of our leaders realized that more—and still more—would have to be done. Few of these men felt confident about how it would all end or when. After 1965, however, they allowed the impression of "winnability" to grow in order to justify their already heavy investment and domestic support for the war.

The strategy always was to persevere. Perseverance, it seemed, was the only way to avoid or postpone having to pay the domestic political costs of failure. Finally, perseverance, it was hoped, would convince the Communists that our will to continue was firm. Perhaps, then, with domestic support for perseverance, with bombing North Vietnam, and with inflicting heavy casualties in the South, the Communists would relent. Perhaps, then, a compromise could be negotiated to save the Communists' face without giving them South Vietnam.

Optimism was a part of the "gamesmanship" of Vietnam. It had a purpose. Personal organizational optimism was the product of a number of motivations and calculations:

Career services tacitly and sometimes explicitly pressured their professionals to impart good news.

Good news was seen as a job well done; bad news a personal failure.

The reporting system was set up so that assessments were made by the implementers.

Optimism bred optimism so that it was difficult to be pessimistic this time if you were optimistic the last time.

People told their superiors what they thought they wanted to hear.

The American ethic is to get the job done.

Policy optimism also sprang from several rational needs.

To maintain domestic support for the war.

To keep up the morale of our Vietnamese allies and build some confidence and trust between us and them.

To stimulate military and bureaucratic morale to work hard.

There were, however, genuine optimists and grounds for genuine optimism. Some periods looked promising; the year preceding the French downfall at Dienbienphu; the years of the second Eisenhower presidency when most attention was riveted on Laos and before the insurgency was stepped up in South Vietnam; 1962 and early 1963 before the strategic hamlet pacification program collapsed; and the last six months of 1967 before the 1968 Tet offensive.

Many additional periods by comparison with previous years yielded a sense of real improvement. By most conventional standards—the size and firepower of friendly Vietnamese forces, the number of hamlets pacified, the number of "free elections" being held, the number of Communists killed, and so forth—reasonable men could and did think in cautiously optimistic terms.

But comparison with years past is an illusory measure when it is not coupled with judgments about how far there still is to go and how likely it is that the goal can even be reached. It was all too easy to confuse short-term breathing spells with long-term trends and to confuse "things getting better" with "winning." Many of those who had genuine hope suffered from either a lack of knowledge about Vietnam or a lack of sensitivity toward politics or both.

HOPE BORN OF DISBELIEF

The basis for pessimism and the warning signals were always present. Public portrayals of success glowed more brightly than the full range of classified reporting. Readily available informal and personal accounts were less optimistic still. The political instability of our Vietnamese allies—from Bao Dai through Diem to President Thieu—have always been apparent. The weaknesses of the armed forces of our Vietnamese allies were common knowledge. Few years went by when the fighting did not gain in intensity. Our leaders did not have to know much about Vietnam to see all this.

Most of our leaders saw the Vietnam quagmire for what it was. Optimism was, by and large, put in perspective. This means that many knew that each step would be followed by another. Most seemed to have understood that more resistance would be required either to improve the relative position of our Vietnamese allies or simply to prevent a deterioration of their position. Almost each year and often several times a year, key decisions had to be made to prevent deterioration or collapse. These decisions were made with hard bargaining, but rapidly enough for us now to perceive a preconceived consensus to go on. Sometimes several new steps were decided at once, but announced and implemented piecemeal. The whole pattern conveyed the feeling of more to come.

With a tragic sense of "no exit," our leaders stayed their course. They seemed to hope more than expect that something would "give." The hope was to convince the Vietnamese Communists through perseverance that the United States would stay in South Vietnam until they abandoned their struggle. The hope, in a sense, was the product of disbelief. How could a tiny, backward Asian country not have a breaking point when opposed by the might of the United States? How could they not relent and negotiate with the United States?

And yet, few could answer two questions with any confidence: Why should the Communists abandon tomorrow the goals they had been paying so dear a price to obtain yesterday? What was there really to negotiate? No one seemed to be able to develop a persuasive scenario on how the war could end by peaceful means.

Our Presidents, given their politics and thinking, had nothing to do but persevere. But the Communists' strategy was also to persevere, to make the United States go home. It was and is a civil war for national independence. It was and is a Greek tragedy.

WHAT IS IN A NAME?—MONEY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ROSENTHAL. Mr. Speaker, part of what we are paying for in the high price of food today is intangible and inedible. It is advertising.

Alert consumers know they often can get a better buy when they select the house brand over a nationally advertised label.

Thomas R. Morris, consumer reporter for the Rochester Democrat & Chronicle, has attempted to test the viability of this idea. He has looked into the differences in price as well as the question of whether there is more liquid and less food in the private label cans.

Mr. Morris' investigation reveals private brands tested contained about 1 percent less food but cost more than 13 percent less than name brands.

I am inserting his articles in the Record in the interest of helping consumers get the best buy for their money:

[From the Rochester (N.Y.) Democrat & Chronicle, June 7, 1971]

What's in a Name?—Money—Does Higher Price Mean Better Food?

(By Thomas R. Morris)

A Democrat & Chronicle comparison survey of grocery products at local supermarkets shows that some consumers pay measurably higher prices for "name brands."

Private label foods are often as much as 25 per cent lower in price.

Are some shoppers paying more just for advertising, or is there a difference in quality? Supermarket and food processing company spokesmen gave conflicting answers.

"The point to remember is that private label packers generally base their standards on either government regulations or—when there aren't any—the specifications of the leading brands," a spokesman for Star Supermarkets said.

"Plus," he said, "keep in mind that many of the larger packing houses like Heinz also pack private labels.

"Our baby food," he said, "is packed by Heinz, even though the label says Food Club."

The H. J. Heinz Co. agrees that advertising costs are a large factor in the price differences.

"Another substantial reason is the increased expense for a national company to distribute its products," a spokesman said. "The costs of moving products from here in Pittsburgh to Rochester or cities like San Francisco on the west coast are not low," he said.

Del Monte Corp. refused to comment on the price differences.

"Without advertising, our sales would be lower," a French's spokesman said. "The higher sales bring in money that helps us operate more efficiently because we can offer a wide range of technical functions to assure excellent quality control," he said.

The D&C contacted Del Monte, Green Giant, French's and Heinz because many of the name brands purchased in the survey were their products.

Weldon Jacobson, product marketing manager of Green Giant, said research and development of new products ranks as high as advertising and quality control.

"Private labels don't come out with new products, but national brands have extensive investments in development—like Green Giant's boil-in-the-bag vegetables in the 1950s. Private-label packers didn't compete with us on that for five or six years," he said.

[From the Rochester (N.Y.) Democrat & Chronicle, June 7, 1971]

Shopping Private Labels Can Save

A quick way to cut food costs by as much as 10 per cent or more is to buy private label supermarket foods like Staff, Food Club, Ann Page or Orchard Park instead of heavily advertised brand names like Heinz, Del Monte or Green Giant.

A survey of 31 items—literally from soup to nuts—in the four major grocery chains here showed an average savings of 13.8 per cent when private labels were substituted for brand name products.

A penny here, a penny there, a nickel here or a dime there for house brands added up to a $2.09 savings over brand names that totaled $15.47.

Private label products of the same size, weight and general description cost $13.38.

For example, private label tuna and brand name tuna of the same type (albacore) in the same size can (7 oz.) were bought in the same store. Bumble Bee cost 65 cents. A&P's house brand cost 49, about 23 per cent less.

A pound of Land O Lakes butter—rated AA by the U.S. Department of Agriculture—was selling for 83 cents at Loblaws. The Loblaw private label Orchard Park butter—also rated AA by the USDA and also cut into four sticks per package—cost 79 cents at the same store the same night.

So the Land O Lakes butter cost 4.8 per cent more.

At the same Loblaw store Rich's non-dairy coffee creamer cost a quarter for a 16 ounce container. Orchard Park creamer cost 20 cents, or 25 per cent less.

A 16 ounce bottle of Heinz cider vinegar cost 24 cents at a Wegman's store. The same store was selling the same size Staff house brand cider vinegar for 18 cents, or 25 per cent less.

A pound of Chock full o'Nuts coffee at an A&P was selling for 99 cents. A&P's Eight O'Clock Coffee, also for electric percolators, cost 81 cents a pound.

At a Star Supermarket French's ground black pepper in a two-ounce tin was selling for 33 cents. The Food Club pepper in the same size was selling for 8 cents less—a saving of 24.2 per cent.

That's what the survey found. It didn't include more items because the sizes had to match exactly. For example, Beech Nut baby food pears comes in a 7½ ounce jar, which isn't directly comparable to Food Club baby food pears in a 7¾ ounce jar.

COMPARE THESE PRICES

Product	Name brand	Cost	House brand	Cost
Very small early peas, 17 oz. can	LeSueur	$0.35	Food Club	$0.27
Vanilla extract, 2 fl, oz,, 35% alcohol.	French's	.49	do	.43
Loaf of bread, 16 oz	Wonder	.29	Star	.26
Olives, USDA large, pitted, 6 oz	Lindsay	.51	Food Club	.49
Ground black pepper, 2 oz	French's	.33	do	.25
Unpeeled apricots, 17 oz	Del Monte	.37	do	.33
Aluminum foil, 25 yards by 12 inches.	Reynold's	.79	Staff	.73
Dry roasted mixed nuts	Planter's	.89	do	.79
Cream cheese, 8 oz	Kraft	.35	do	.31
Canned peaches, 16 oz	Del Monte	.39	do	.26
Catsup, 20 oz. jar	Heinz	.39	do	.33
Bartlett pear halves, 16 oz	Del Monte	.39	do	.35
Pink salmon, one pound can	do	.89	do	.87
Honey, one pound jar	Sue Bee	.53	do	.43
Cider vinegar, 16 fl, oz	Heinz	.24	do	.18
USDA grade AA butter, one pound,	Land O' Lakes	.83	Orchard Park	.79
Gelatin, 3 oz. two boxes	Royal	.20	do	.16
Tomato sauce, 8 oz	Hunt's	$0.13	do	$0.12
Stewed Tomatoes, one pound can	Del Monte	.31	do	.27
Chili Sauce, 12 oz	Heinz	.38	do	.33
Apple sauce, 35 oz	Seneca	.47	do	.45
Chicken noodle soup, 10½ oz	Campbell	.17	do	.16
Non-dairy creamer, 16 oz	Rich's	.25	do	.20
Coffee for electric perc, one pound.	Chock full o' Nuts	.99	A&P	.81
Spaghetti sauce, 32 oz	Ragu	.69	Ann Page	.65
Elbow macaroni, 16 oz	Mueller's	.29	do	.20
Asparagus spears, two cans, ea. 15 oz.	Green Giant	1.54	A&P	1.34
Evaporated milk, 13 fluid oz	Pet	.19	do	.17
Albacore solid white tuna, 7 oz	Bumble Bee	.65	do	.49
Crunchy style peanut butter, 18 oz.	Jif	.69	Ann Page	.59
Tomato juice, 46 fluid oz	Hunt's	.49	A&P	.37
Total		15.47		13.38

[From the Rochester Democrat & Chronicle, June 14, 1971]

HOW MUCH FOOD WAS IN CANS?

A Help! for the Consumer survey published last week showed 31 private label foods cost 13.8 per cent less than 31 brand name counterparts.

But what was in those private label cans? Much less food and much more syrup?

Tests last week by the Monroe County Weights and Measures department on six products showed there was only about one per cent less food in the private label cans that cost a total of 11.9 per cent less.

Cans of pears, apricots, olives, peas, asparagus and stewed tomatoes were drained of water and syrup and then weighed by Louis Romano, county sealer. Charles Tooker, a department statistician, kept the tally.

The largest spread in drained weights involved "16 ounce" cans of Bartlett pear halves.

The Wegman private label can of Staff that sold for 10 per cent less than the same sized Del Monte, had 17 per cent more pears in it—10½ ounces drained weight, compared with Del Monte's 8¾ ounces.

The Del Monte had one more pear section—seven slices compared with six—but Del Monte's total drained weight was less.

Lindsay and the Star private label of Food Club olives both had 6⅛ ounces of olives—slightly more than what both cans gave as the drained weight on the label. Both cans also were marked to contain at least 46 olives, and they did. Lindsay's can had 49 olives in it; Food Club's, 48.

Only in the case of pears was the difference in drained weights as much as an ounce. In the other four products, the brand name products did contain a little more food.

Del Monte stewed tomatoes, for example, had 4.7 per cent more food—three-quarters of an ounce more—than Orchard Park's can (distributed as the Loblaw house brand). Orchard Park cost 12.9 per cent less—27 cents, compared with Del Monte's 31 cents.

Food Club's unpeeled apricots in the 17-ounce can were five-eighths of an ounce lighter than Del Monte's version.

Food Club drained to 8⅞ ounces; Del Monte, 9½ ounces. Food Club cost 10.8 per cent less—33 cents compared with 37 cents.

And the private label peas (Food Club) and asparagus (A&P) contained a half-ounce less food than the brand name products by LeSueur and Green Giant, respectively. The Food Club peas, though, cost 23.1 per cent less than LeSueur, while the A&P asparagus cost about 13 per cent less than Green Giant.

Del Monte and Green Giant (which distributes both Green Giant and LeSueur) were among the food processors the D&C had asked to explain why private label products were so much cheaper. The processors said they spent more than private label distributors on advertising, quality control, shipping and the research and development of new products.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Lt. Col. Donald E. Fisher, U.S. Air Force, FV2221880, Halfway, Oreg. Married and the father of three children. Attended Oregon State University. Officially listed as missing December 29, 1967. As of today, Lieutenant Colonel Fisher has been missing in action in Southeast Asia for 1,270 days.

THE CRUCIAL NEED OF MINORITY STAFFING

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. KEATING. Mr. Speaker, as a new Congressman the first series of floor votes that I participated in during January concerned the question of adequate staffing for minority members of the House committees. At that time I was unfamiliar of the crucial need of minority staffing.

Since January I have learned the handicap that the minority party works under when it does not have an efficient minority staff to perform the necessary research. The provision to give one-third of the committee staff to the minority members, which was included in the 1970 Legislative Reorganization Act, was an excellent idea. It was unfortunate that the majority party ignored the spirit and the letter of the legislation and moved to block its adoption into the rules of the 92d Congress.

What is equally unfortunate is the manner in which the Democrats forced this measure on the House. By using the unit rule, the Democrats leadership forced all House Democrats to vote for this reversal of the Reorganization Act. This was a half-step back to the last century.

I strongly urge the adoption of the resolution introduced today to establish the right of the minority to an adequate staff of House Committees.

Through this measure I hope that we can correct the wrong made at the beginning of this session. If adopted the future sessions of Congress, no matter which party is in control, will be able to give minority members adequate committee staffing.

POLISH AMERICAN CONGRESS PARTICIPATES IN ETHNIC AFFAIRS CONFERENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ANNUNZIO. Mr. Speaker, today I received from Col. Casimir I. Lenard, executive director of the Polish American Congress, a release about his participation as a panelist in a week-long conference sponsored by the Center for Urban Ethnic Affairs at Catholic University in Washington, D.C. In his release, Colonel Lenard makes some very cogent remarks with reference to the part that all of us, as ethnics, must play in the future in order to help resolve the problems of America.

Through the centuries Poland has endured foreign domination and many hardships. Despite these hardships, and perhaps because of them, her people have developed a strong sense of nationality and feeling of pride in their ethnic origin and culture. They have brought to America a vast store of knowledge, and the conference in Washington, I know, has benefitted immensely from the contribution of the Polish Americans who attended.

All of us are familiar with and understand the great principles for which we fought in 1860. We are more aware today than ever before that a house divided against itself cannot stand. Yet, despite this awareness, 100 years later, the fight still continues and America is plagued by division and dissent. The American people must unite and must better understand each other if America is to remain powerful and the strongest bastion of democracy in the free world.

Too many of us are concerning ourselves with how the Communists and other self-interest groups feel instead of being concerned about what is best for America. The Polish American Congress has expressed its concern over the day-to-day issues confronting America by its participation in the conference. I want to congratulate Colonel Lenard and the Polish American Congress, both for their participation in this discussion and for making a constructive and worthwhile contribution in the best interests of all Americans.

The release follows:

[From Polish American Congress, Inc.]

Polonia Develops New Awareness in Urban and Ethnic Affairs

Washington, D.C./PAC.—Several outstanding members of the Polonia recently attended a week-long conference at The Catholic University in Washington. It was sponsored by the Center for Urban Ethnic Affairs, whose Director Monsignor Geno Baroni has been recognized as an early leader in social change efforts. The workshop brought together community leaders, educators, clergy, labor leaders, local government officials and representatives of ethnic American communities of Poles, Italians, Hungarians, Slavs and other Europeans.

Colonel Casimir I. Lenard, Executive Director of the Polish American Congress and one of the participants and panelists, summed up the week's activities by saying, "This workshop has brought forth the realization that the Polonia, as compared to other ethnic groups, has not squarely faced the vital issues which confront it in ethnic and community affairs."

"Too many Americans of Polish descent have been so occupied with inconsequential matters and infighting," he said, "that we have allowed other organizations and nationality groups to take the lead in speaking out on social and civic issues which pertain to us. We have been sitting back and waiting for others to do our work for us."

Lenard stated that the lectures, seminars, panel programs and speeches all pointed toward the fact that "the Polonia is not deeply enough involved—we must find a way to relate our community problems to issue of day-to-day America."

He spoke highly of the small group of Polish Americans who attended, and felt the meetings created an atmosphere in which it will be easier for them to now begin to help resolve local problems in their communities.

The Polish American Caucus, under the young and dynamic leadership of Ken Kuder of Detroit, presented a list of proposals to the Urban American Workshop on Ethnic and Working Class Priorities, which encompassed many of the vital problems besetting the Polonia. The group reaffirmed the basic values of the Polish heritage as expressed in its religion and family traditions. It was concerned with the image of Polish Americans in the United States today, stressed the importance of developing a strong self-image within the community, and recognizing the youth of Polonia as essential to this new image, involving them in all levels of all Polish organizations with full participation. The Caucus also requested more activity on the part of Polish American groups in forming a revitalized Polish-American Community through involvement in civic and social action. This would be done by strengthening the role of the Polish American Congress as the umbrella organization in taking initiative and leadership in social and culture development of the Polonia.

The proposals set forth by the Caucus covered the areas of working constructively together in order to achieve common goals; recognition of the older members of the community by upgrading their Social Security, supplying recreational activities, relief from excessive public utilities costs, and providing them with reasonable transportation facilities; that homes be made more easily available to the working class, ethnic American; that Federal and local programs creatively solve problems of the forgotten ethnic population by fostering greater awareness of existing problems; and establishing youth centers and neighborhood youth corps.

An important item presented by the Caucus members was federal funding for ethnic studies. The Caucus participants included Sr. M. Fidelia Chmiel, Operation Faith and Joy, Coraopolis, Pa.; Victor Jiompkowski, Wayne University Polish Club, Allen Park, Mich.; Dr. Richard Kolm, Catholic University, Washington; Mrs. Kathleen Kolm, Washington; Sr. Rosaire Kopczenski, Pittsburgh, Pa.; Rev. Arthur H. Krawczak, President Priests Conference for Polish Affairs, Warren, Mich.; Sr. Ellen Marie Kuznicki, Villa Maria College, Buffalo, N.Y.; Casimir I. Lenard, Washington; Rev. Philip S. Majka, Mt. Vernon, Va.; Sr. M. Bernadette Nowakowski, Urban Sisters' Center, New Britain, Conn.; Rev. George M. Rinkowski, St. Hedwig Church, Toledo, Ohio; Rev. Matt Sienkiewicz, Catholic Center, South Bend, Ind.; and Rev. Frederick V. Slota, St. Adelberts Church, Providence, R.I.

On the Workshop agenda was a Pastoral Services Task Force chaired by Rev. Philip S. Majka of Good Shepherd Church in Mt Vernon, Va. This task force discussed the unique pastoral needs of ethnic groups and requested the Center for Urban Ethnic Affairs "to investigate the possibilities of implementing the Apostolic Letter of Pope Paul VI (August 22, 1969)—'Instruction on the Pastoral Care of Migrants within certain ethnic and rural sections of the United States and thereby make the conceptual framework a living reality.'" Rev. Majko discussed the role of the American Clergyman in Ethnic Affairs.

Among the prominent individuals attending and addressing the Conference were Michael Novak, author and Professor at State University of New York, who spoke on "The American Dream"; Ralph Nader, famed consumer advocate who spoke on "Issues and Priorities of Urban Ethnic America;" the Honorable Frank Arricale of the Mayor's Urban Task Force in New York City; Dr. Richard Kolm of Catholic University in Washington who delivered the response to the panel program on "New Dimensions of Ethnic and Cultural Awareness in Urban Life." Dr. Kolm, in his summary, spoke of the valve of ethnicity as a source of strength to the American society and as an expression of the unique American concept of unity through diversity; Rev. Silvano Tomasi, Director, Center for Migration Studies, who was the moderator for the panel on "Ethnic Factors in the Urban Ferment"; John Perkins, Assistant Director of COPE, AFL-CIO; Dr. Jaipaul, Director of Nationalities Service Center, Philadelphia; Dr. Henry Browne of Rutgers University; Mary Sansone, President of the Congress of Italian-American Organizations; Jerome Ernst, Staff Director of Ethnic Programs for the Center; Dr. Marget E. Galey, University of Pittsburgh; Haynes Johnson of *The Washington Post;* John Hannigan, Director of the Bureau of Social Programs and Community Action, Diocese of Pittsburgh; Robert Schrank of the Ford Foundation who spoke on the "New Work Force"; and Barbara Mikulski, Baltimore, Md.

One of the highlights of the thought-provoking and informative week was the Capitol Hill luncheon held in the Senate Caucus Room of the Old Senate Office Building. The historic room was the setting for a welcome and comments by Senators Richard S. Schweiker, Philip A. Hart, Jacob Javits, Charles H. Percy and Representative Roman

C. Pucinski. The participants of the Workshop urged full cooperation with recent legislation introduced in Congress by Senator Schweiker of Pennsylvania and Rep. Pucinski of Illinois. The bills are Senate and House versions of the Ethnic Heritage Studies Centers Act of 1971, which will establish and support centers of learning of ethnic affairs for young people.

The week-long Workshop provided the Polonia with many constructive ideas and goals. It was apparent that more positive approaches must be used if the Polish American Community is to attain the stature it strives for. The time has come for Polonia to put its actions where its frustrations have been.

CHICAGO'S FIRST LADY: MRS. RICHARD J. DALEY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. PUCINSKI. Mr. Speaker, one of the world's great women is first lady of Chicago.

Mrs. Eleanor Daley, wife of Mayor Richard J. Daley, is a warmhearted, intelligent, gifted woman whose quiet example of total devotion to her husband and family has earned her the love of an entire city.

Eleanor Daley or "Sis" as she is popularly known is neither shy nor retiring. She is a woman who knows how much can be accomplished without the benefit of publicity and for 35 years, as the wife of one of the Nation's most dynamic and forceful leaders, she has been content to achieve on her own.

She is mother to 7 children, each of whom is a credit to his parents. She is also a delighted grandmother of 5.

Mrs. Daley has utilized the days and years of her life to outstanding enrichment. As her daughter, Mrs. Patricia Thompson says, she is "the true meaning of the word 'mother.' She means to us love, confidence, encouragement—she is always there and ready with assistance."

The wife of the mayor of the only city that still exists as a great American municipality suits the man and the city and the job to perfection. She is honest, deeply religious and unfailingly considerate of others. Above all, she is using her life to its fullest by supporting her family in times of crisis, laughing with them in moments of private joy, and being herself and available to all of them when they need her.

On her 35th wedding anniversary tomorrow, I am sure the entire city of Chicago would wish for Sis Daley what she herself has wished for—another 35 years with her husband and family. Warmest congratulations to them and their children on this special anniversary, for Mrs. Daley epitomizes the old saying that "love is giving to others what you would expect yourself."

The Chicago Sun-Times in a series of two excellent articles by Miss Ruth Nathan has captured the true spirit of Chicago's First Lady—the Mrs. Daley nobody knows—and, I am placing them in the CONGRESSIONAL RECORD today so historians will know what a magnificent lady makes Mayor Daley's life complete the Sun-Times articles follow:

[From the Chicago Sun-Times, June 20, 1971]

CHICAGO'S FIRST LADY—THE MRS. DALEY NOBODY KNOWS: SIS NOT A BIT SHY

For her husband's entire political career, Mrs. Richard J. Daley has shunned the spotlight and maintained a polite but distant relationship with news media. But on the eve of her 35th wedding anniversary, Mrs. Daley consented to a series of exclusive Sun-Times interviews with Ruth Nathan, a free-lance writer, who was assured that she could ask whatever questions she liked. The first installment of the free-wheeling and candid exchange follows. The second in the series will appear in Monday's Sun-Times.

(By Ruth Nathan)

"I'm really not a bit shy, as advertised," the friendly voice of the First Lady of Chicago said over the phone.

Eleanor Guilfoyle Daley may have made the understatement of the year.

Move over, Martha Mitchell.

Before she was through with the interviews, she had answered all questions on everything from the morality of her courtship days, to current abortion laws, to what she thinks of Mike Royko, the author who depicted her husband as "Boss" in his best-selling book.

Mrs. Daley's surprise phone call had climaxed more than a month of trying to establish contact. There she was, at the other end of the line, saying personally—not through an aide—that the spontaneous interview could be arranged. She said, in a just-folks manner, that no written questions need be submitted beforehand and that she didn't care to review or censor the story when it was finished.

FUTILE ATTEMPTS POINTED OUT

To appreciate the novelty of this, one must know there had been innumerable futile calls to the press aides and secretaries surrounding the mayor, among them Kathleen Spear, Daley's personal secretary; Earl Bush, his chief press aide; John Bowen, and Theodore Coleman, his assistants, and a troubleshooter named Mike Nigoff, who said nobody liked to interfere between Mrs. Daley and the press.

There also had been unanswered plain letters and special-delivery letters and one telegram to the Daley residence at 3536 S. Lowe in the Bridgeport Community.

Mrs. Daley, it had been said handles her own appointments and maybe, her own decisions about granting occasional interviews. She employs no press or social secretary. She was well known for being Mrs. Reluctant Dragon, preferring the back of the stage to the glare of her husband's national spotlight and zealously guarding the family privacy.

Until this interview, news coverage of Mrs. Daley had concerned itself largely with how she bakes homemade bread for her husband and family of seven children and five grandchildren.

LUNCHEON INVITATION EXTENDED

After sounding each other out on the phone, in an exhaustive hour-and-a-half talk, Mrs. Daley graciously extended an invitation to luncheon in the skyline Mid-American Club atop the Prudential Building.

She was waiting unpretentiously in the lobby, a petite (5-foot-2-inch, Size 10), freckled, dark brunet with curly, silver-tipped hair, tastefully outfitted in a soft woolen suit of kelly green—her favorite color. The straight skirt she wore stopped at the Pat Nixon line—the knee.

Upstairs in the restaurant, the maitre d' bowed deferentially toward a "table with a view" of the magnificent architectural panorama associated so widely with Mayor Daley.

Mrs. Daley quickly got into a nostalgic wedding-anniversary mood. Her brown eyes glowed as she reminisced about the man to whom she will be wed 35 years on Wednesday. She and Dick, as she calls the mayor privately, met when they were youngsters living in Bridgeport. He was about 20 at the time and she about six years younger.

BROTHERS FRIENDS OF DICK

Eleanor's older brothers, from her clan of four brothers and six sisters, were friends of Dick. He picked up the habit of calling her Sis, as the boys did.

"It's not a pet name I acquired after we were married; it's just my old family nickname," she explained, clearing up speculation that the Sis stands for romantic code between them.

"My brothers and Dick and I used to go off to basketball and baseball games together, and we developed a close friendship before we ever dated."

Since the mayor is an only child, Mrs. Daley was asked if he had any of the personality characteristics sometimes associated with such children.

"I know the psychiatrists say that an only child is often unwilling to co-operate, is withdrawn, secretive, spoiled, has no ability to share," she said. "The mayor must be the exception to the rule of being the miserable only child.

HIS ATTRIBUTES LISTED

"I think he is a great story-teller, is very generous and outgoing, has a great sense of humor, is calm in crisis or stress, is a wonderful father, is very reasonable and lovable. . . ."

"You like him?" she was teased.

"Definitely!" she responded. "He's remarkable. That man has done nothing but good for people all of his life.

"Some members of the press try to paint my husband altogether different from what he really is. They've labeled him uneducated and uncouth; sometimes they're kinder and say 'naive.'

"Ridiculous! He fully earned his law degree from De Paul University, though he had to struggle through 11 years at night school. That sheepskin was no handout. He has an amazing memory and total recall for names. He is probably more knowledgeable about city government than any statesman around today."

She said she thinks of her husband as a statesman and not just a successful politician.

"As for the mayor being uncouth," she continued, "those who do this kind of carping are generally quite unrefined and underdeveloped themselves—underachievers who try to get attention by denigrating one who has brilliantly achieved."

She was asked then, "You wouldn't happen to be thinking of Mike Royko?"

SHE SEES FIRE

Mrs. Daley saw fire at the mention of The Daily News columnist who wrote the best-selling biographical study that was published a few months ago.

"When there's an odious criticism of the mayor, I always consider the source," she said. "I read his book through and reviewed it for my husband one evening after we'd retired to bed. Mind you. Royko never talked to any member of the family, so his information is shallow, secondhand hogwash at best, where it concerns us personally. (Author Royko has pointed out that his requests for interviews were rejected).

"He is a hater—a man who hates men in government, generally. The book is trash. I advised the mayor it wasn't worth his time reading."

Mrs. Daley, however, did not allow anti-Daleyism further to dispel the warmth of her anniversary mood. She recalled the early days of courtship:

"Circumstances made our getting together an obstacle course. He was working part time and studying law at the university. I was mostly confined to home, helping care for my invalid mother."

It wasn't until her mother died that Eleanor started thinking again in terms of a normal social life and romance.

DALEY FIRST AND ONLY LOVE

Dick was her first big date and her first and only love—" 'til death us do part," she recited.

"I've never felt I've missed anything by not having known other men."

"Were you really altogether innocent when you married?" she was asked.

"What do you mean?" she replied. "Be direct, Ruth."

How do you ask the First Lady of Chicago if she'd ever been intimate with a man other than the mayor.

"Well, were you a virgin?" I blurted.

"Yes," she said, and we both laughed at the candid exchange.

The first Daley baby arrived one year after the wedding, and the others came in fairly close succession. Offspring 1, 2 and 3 were all girls; the next four were boys.

"Did the mayor want to have a large family?"

"He must have!" came Mrs. Daley's retort, and again she broke into infectious laughter.

BIRTH OF CHILDREN RECALLED

The Daleys are Roman Catholic. All their children were wanted. All Mrs. Daley's pregnancies were healthy, uncomplicated and resulted in normal births. All the children were born in Mercy Hospital, and doctors and nurses there remember that the normally cool Daley became paternally unglued at each birth: The children range in age now from the early 20s to going on 34.

Each Daley daughter, Pat—born on St. Patrick's Day—Mary Carol—born during Christmas holidays—and Eleanor named after her mother and a look-alike—is a certified schoolteacher in the Chicago school system.

The first-born son, Richard, was named after his father; Michael, who is the mayor's spitting image, was named after his godfather; John was named after his uncle, Mrs. Daley's brother, and William, the youngest, and the only son who is married, was named after the many close friends of the Daleys who happen to be named William.

All seven children are college graduates. Richard and Michael are lawyers; John is in private industry and attending postgraduate night school; William is in law school.

Pat has three children and Mary two. Eleanor, single, lives at home and teaches fifth grade pupils. Also at home with the Daleys is their 9-year-old pet schnauzer, Shamus.

THAT POPULATION BUGABOO

Asked if she felt she had added to any problems of overpopulation, Mrs. Daley declared:

"No! With our modern-day science and technology, I'm sure we can better explore untapped fertile areas on land and in and under the sea, and even in space, and come up with enough food and room for many millions of more humans. I think we generally tend to crowd into certain settled areas and ignore the vast universe. I think scientists have been unimaginative about dealing with this problem."

What are her feelings about easy abortion?

"I would much rather have a baby on my lap than on my conscience," was her reply.

Mrs. Daley said she feels deeply that having a large family presented a great challenge to her and her husband and was constructive in cementing their marriage.

"All the children were born before Dick became mayor 16 years ago," she said. "My husband always made a living wage, even when he was a struggling lawyer, but we did have to watch the spending and didn't have much left over for luxuries with our big brood.

"We disciplined ourselves to living according to our means, and we never got credit-happy, and we did without when we had to."

Sis Daley's Anniversary Wish: 35 Years More With Mayor

Mrs. Richard J. Daley, the mayor's wife, has been the silent "women-behind-the-man" for 35 years. On the campaign platform and in the public gathering, she has smiled, stood close to her husband and said little to newsmen. But on the eve of her 35th wedding anniversary, Sis (as she has been known since childhood) Daley agreed to an exclusive Sun-Times interview with Ruth Nathan, a freelance writer, who was assured that she could ask any question she wished. This is the second of two articles.

(By Ruth Nathan)

Chicago's First Lady must have read the latest Amy Vanderbilt book, which says it is all right to tidy up your lipstick at the dinner table, even at such an elegant dining establishment as the Mid-America Club.

The wife of Mayor Daley was taking her first respite—a cosmetic break—from the unprecedented and candid four-hour interview. Unhedgingly, between dainty dabs at her baked fish en casserole, she had answered questions about her family, her marriage, the social scene. In so doing, she had pulled aside a curtain of silence she had protectively drawn for 16 years between herself and members of press, radio and television.

Gone was the Eleanor Guilfoyle Daley who insisted she had nothing to say. Now she seemed to understand that wings are to fly with and the voice to sing with and that exercising both could give a sense of exhilaration.

When this mother of seven and grandmother of five, earlier in the interview, had said, concerning abortion, "I would rather have a baby on my lap than on my conscience," she showed she could out-Martha Mrs. Mitchell and do it with grace.

When she had denounced Mike Royko's book "Boss" as "trash," she had shown that, with her gentle soul, there was, as well, an Irish scrapper who didn't take kindly to criticism of her husband.

When the Daley's celebrate their wedding anniversary Wednesday, they will do it in the manner of previous years. They will dine at home with as many members of the family as they can get over, hopefully all 12 children and grandchildren. But this year there is the slight possibility that the first couple of the city will be able to slip off to the Florida Keys for a few days of fishing.

Asked if she could give us her anniversary wish, Mrs. Daley said, with a luminous wistfulness: "I dearly wish we could have 35 more years together. From the beginning of our marriage, I could hardly wait for him to come home. It is still that way today."

Mrs. Daley is irked by snide remarks suggesting the family still lives in its old Bridgeport neighborhood—and not in a grand mayoral manse such as Gracie Mansion in New York—because of political reasons, the chief being that the purpose is to create the image of a mayor as just one of the ordinary fellows in the neighborhood.

"Believe me, it's not a put-on," she said. "We're very attached to that old brick bungalow. We had it built back in 1939; five of our children were born during our residence here. As they came, we built additions onto the back. Our roots are deep. We've got five bedrooms and four bathrooms. The rooms are all big, and we have a lovely yard with crab apple trees.

"We never wanted to disrupt our children's lives or schooling by moving into an official mayoral residence. A house is not a home if it is open to the public.

"Besides, we've saved the taxpayers a ton of money by not burdening them with support of a mayor's mansion."

Mrs. Daley pointed out that, in Chicago, there are plenty of beautifully maintained hotels for entertaining visiting dignitaries, so that official hospitality never has been a problem.

"I think we've probably entertained more dignitaries than any other mayoral family," she said. Hotel owners appreciate the business and publicity and charge modest fees as a public service.

The supposedly imperturbable Mrs. Daley does a quick burn at insinuations that the family lives in a segregated, black-hating, ethnic-Irish white neighborhood that turns its back on equal rights.

She said McClellan Elementary School, about a block and a half from the Daley home, has had Negro students for the last 15 years and Negro teachers, too. She declared that, for the last 18 years, there have been blacks living in their 11th Ward—the closest black family now about eight blocks away.

Never has there been an overt episode of Mayor Daley becoming the target of militants. His home never has been attacked, and the routine security precautions never have been put to a major test. The Daley residence has a 24-hour, three-policeman guard. Two policemen keep a vigil on the outside front; one is at the back.

Though the Daleys have a mutual admiration society between themselves and the city's law-enforcement officers, even the city's first family has known what it is to run into a bad apple wearing a blue uniform.

For example, there was the published rumor that second eldest son, Michael, had been arrested for possession of marijuana; that the charge had been hushed up and dismissed—a false allegation that had stemmed from a policeman's phony tip to a reporter.

Then, another time, some years back when one of the four Daley sons was ferrying a group of club girls to their destination, he accidentally went through a stop sign in a poorly lighted area and was ticketed by policemen. The patrolman immediately phoned all the newspapers and built up the story so that it sounded as if the Daley son was involved in something a good deal worse than a traffic offense.

"This unpleasantness was a blessing in disguise," Mrs. Daley recounted. "It made the kids understand that, to some members of the police force, they would always be special targets. They were extra careful after that not to make even the slightest infraction of the law."

In the course of the long interview, Mrs. Daley expressed herself on a wide range of current topics. Following are some random Eleanor Daleyisms:

On Women's Liberation: "I've been liberated all my life. I've never felt tied down, by my husband or by my seven children. One has to liberate one's self and make one's own liberated life. Those who demand equality with men, even to integrating the men's and ladies' rooms, and bars, are venting their private unhappiness and frustration. They haven't learned how to be master of their own self-made slavery. Liberation is a state of mind and a way of life that is possible for women today and was possible for them yesterday."

On the mayor's being a superstitious man: "He's not at all superstitious. He has a license plate number that represents his victory vote—708,222—over Robert Herriam, his first rival for the mayoral race. He keeps the number for sentimental reasons; it makes him feel good.'"

On staying healthy and young-looking: (The mayor and Mrs. Daley look younger than their calendar years—69 and 63-ish)—"Aside from being blessed with excellent physical constitutions, I think we have true inner contentment, and I think this is the main basis for feeling youthful. The mayor is doing what he likes most, and so am I. We try to keep a good day-to-day pace, though the hours are long and vigorous. The mayor doesn't abuse himself with smoking and hardly ever drinks.

"We enjoy a lot of quiet things: playing bridge, reading a lot, playing golf, fishing, talking a lot around the dinner table. What other mayor would manage to get home to dinner almost every night? He never wanted to be an absentee father or husband. Our daughters and sons are his worst critics; they keep him on his toes, striving for improvement. After he's finished this period with the family, or just with me, he goes on to some inevitable chicken-and-peas banquet. He fakes the eating to protect his digestive health and weight watching. He never drugs himself with oversleep. The latest he's ever slept is 7:30 a.m."

On separate rooms: "What? After all these years? Why break a healthy habit? Never!"

On the Pill: "Mothers who give their teenagers the Pill have failed somewhere in teaching their daughters right from wrong. They have detached sex from love."

On hotpants and Jackie: "I wouldn't wear them. It's OK for Jackie Onassis; she's much younger. I can't see anything wrong with her wearing them. I like her a lot. I've been with her on many occasions, and she's a dear. I hope she can find some measure of happiness without the awful harassment she gets from the public media."

On practicing religious faith: "The mayor is a much more faithful churchgoer than I. In all the years we've been married, I think I can count on my hands the days he has missed morning mass. We're both devout believers, and this is part of our inner serenity. My favorite saint is the blessed mother. I'm devoted to Mary."

On militant rioters: It is not so much the youngsters who are calling our police pigs. It's mostly that group of professional radicals—grown men and women—who do it; and most who come here to riot are out-of-towners. The militant dissidents are spoiled rotten with precious freedoms they take for granted. They've never lived in Iron Curtain countries, where people are told where to work, what work to do, what to say and what not to say, what to write, and what not to write, and how to vote, and even where to live."

On being First Lady of Chicago: "It's hard to wear two faces. I am a wife and mother first. Being the wife of the mayor of Chicago is an honored, but temporary, state, and I remember that."

On pet dislikes: "Insincerity, fakes. I don't admire reporters who fail to get interviews and then go to the morgue (newspaper or magazine libraries) and repeat inaccuracies of other journalists who had failed to gather fresh, firsthand material."

On persons she admires: "Among men? The mayor of course! Among women—Sen. Margaret Chase Smith (a Republican!). Judge Helen McGillicudy and Judge Edith Sampson of Chicago; Jane Byrne, Chicago's chief of the Department of Weights, Measures and Consumer Affairs."

On how the years have changed the mayor: "A man doesn't really change in the eyes of the woman who loves him. Oh, I could say his hairline is receding, that he's getting bald. But that's about all I really see."

On staying married and plans: "I think many marriages fail because people in a marital setup can be very selfish. Each or both won't sacrifice. Love is never having to ask, and never being reluctant to say you're sorry. (Yes, Mrs. Daley saw that movie, too.) If you love one another, you pitch in without having to plead for something to be done or to be acquired. When the kids were babies, the mayor would get up in the middle of the night to soothe them if they were crying or to diaper them. He's also an excellent garbage disposal man! We both keep the you-first, not me-first, philosophy.

"The mayor has never stopped bringing me candy and flowers. We enjoy the spirit of love.

"We hope we'll be healthy enough, when the mayor's term is up, to do the traveling we crave. We've only been abroad twice. We want to visit Ireland, Italy, the Scandinavian countries, Greece.

"The mayor will never retire. He would like to teach, and he writes well. If he does his memoirs, maybe I can help. I've kept a diary and have enormous scrapbooks."

A view of Mrs. Daley as a mother might be appropriate here. Mrs. Patricia Daley Thompson, one of the Daley daughters, characterizes her as the "true meaning of the word 'mother.' She means to us love, confidence, encouragement—she is always there and ready with assistance."

CLEVELAND STATEMENT ON VIETNAM AND NEDZI-WHALEN AMENDMENT

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CLEVELAND. Mr. Speaker, the war in Vietnam has occupied center stage in America for a long time, in fact for most of the time I have been in Congress. In light of last week's votes on various amendments to the Military Procurement Act of 1971, it seems a good time to review the situation and why I voted the way I did.

When President Nixon came into office the war in Vietnam was raging full force. There were 535,500 American soldiers in South Vietnam. During 1968, an average of 279 Americans were killed in action every week. Dissent was raging at home and abroad.

President Nixon has decisively reversed the situation. American force levels are down, so that as of June 10 there were 247,200 American soldiers in South Vietnam. Withdrawal of forces continues. In the first 5 months of 1971, the weekly average of Americans killed in action has dropped to 46. During the month of May, last month, this weekly average dropped further to 36 Americans killed in action. Though having even this number of American casualties is painful, it is undeniable that by any standard the fighting war is coming to an end.

Though many critics seem unwilling to give President Nixon credit for these accomplishments, they are fact. We all hope for more progress—and faster—but it is undisputable that President Nixon has gone far toward bringing the long war to an end for American fighting men.

President Nixon has publicly committed himself to complete withdrawal of American fighting men from South Vietnam. He has ordered that by December 1, 1971, the number of American fighting men be reduced to fewer than 184,000. That is a maximum, and the number may well be less.

Mr. Speaker, this past week in Congress we have been debating where we are heading. In particular, attention was focused on the Nedzi-Whalen amendment. Our offices have received hundreds of communications urging us to "end the war" by voting for the Nedzi-Whalen amendment. Apparently many of these were the result of lobbying by Common Cause.

However, had this amendment passed it would not have ended the war or even brought anybody home from Vietnam. I quote the gentleman from Ohio, Mr. Whalen, on page 19962 of the Record for June 15:

> Let me just state some specific examples of things that the Nedzi-Whalen amendment will not accomplish.
>
> First, it will not require that troops be withdrawn from South Vietnam after December 31 of this year.
>
> Second, the Nedzi-Whalen amendment will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.
>
> Also, it will not deny American troops the use of equipment and weapons systems that are already in South Vietnam. Nor will it deny the use of weapons systems authorized in previous procurement programs. Nor does it deny to the administration the right to provide military assistance to our three allies in Indochina.
>
> Nor, as I examine my and Mr. Nedzi's amendment would it prohibit the use of the equipment authorized by this bill by South Vietnamese, or Laotian, or Cambodian troops.
>
> I wanted to make these points clear because, as I stated earlier, I think there has been a misunderstanding to the effect that the passage of this amendment will remove troops from South Vietnam after December 31 of this year. This it will not do.

With that statement of the sponsor of the amendment about which we have heard so much, I think it is clear that there is misunderstanding of what it really would have done. Therefore, to help clear the situation up, I insert at this point a copy of the text of the amendment:

> Page 7, line 4 after the period insert:
>
> "Sec. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.
>
> "(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.
>
> "(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.
>
> "(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.
>
> "(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.
>
> "(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

The fact is that the Nedzi-Whalen amendment would have had no impact on Vietnam for until at least late 1972 or 1973. It is regrettable that certain groups deceptively described this as an end-the-war amendment. Deception by "peace groups" is as shameful as the deception that apparently was being practiced by the Johnson administration during the buildup of the Vietnam war.

SETTING A WITHDRAWAL DATE IS UNWISE

I continue to oppose action by Congress that would set a date for withdrawal of American forces from Southeast Asia. I want our men home as much as everyone else does, but I believe that action by Congress at this time, setting an arbitrary date for unilateral withdrawal, would have unacceptable consequences. First, I believe that it would not get our prisoners of war returned. I cannot accept on blind faith that the North Vietnamese would simply return these prisoners. Rather, I believe that our setting an arbitrary unilateral withdrawal date would result in further demands: that is, that we overthrow the Thieu government, that we end all economic and military aid to the Republic of South Vietnam, that we pay a huge ransom to the North Vietnam Government as "reparations," and so forth. Frankly, I believe that the only way these men will be returned is as the result of negotiations, and Congress is neither suited nor equipped for the task of conducting negotiations. Since we cannot negotiate, we should not meddle in the process in a way that will undermine the President's efforts to end the war.

A second major unacceptable consequence of a precipitous unilateral withdrawal would be an undermining of our vital alliances around the world. Like it or not, wisely or unwisely, we have committed ourselves to the South Vietnamese and have fought with them against the North Vietnamese. If we were to precipitously withdraw without consideration of the immediate impact on our allies, all of our other allies would lose confidence in the strength of our commitment to defend free countries from aggression. The formal alliances would continue but without the faith that in a crisis we would live up to our promises. The consequences around the world—in the Middle East—in Europe—in Korea could be disastrous: an open invitation to aggression.

We may have too many commitments around the world and too many alliances, but the way out of that problem is through negotiation with the countries involved.

We may be close to the point where the South Vietnamese can stand on their own. We are not guarantors of the continued independence of South Vietnam nor are we guarantors that in some future time the South Vietnamese will not collapse. But we do have the responsibility of at least withdrawing in a way that gives the South Vietnamese a reasonable chance to make the transition.

SENATOR AIKEN'S WISE OBSERVATION

Senator GEORGE AIKEN of Vermont, who last week voted against the McGovern-Hatfield amendment, has observed that many of the end-the-war amendments are being offered or pushed by presidential aspirants or others with partisan objectives, seemingly for the purpose of claiming for Congress that which President Nixon is already doing. I agree with Senator AIKEN, and would add that these publicity-oriented efforts may well be undermining the President in his commendable efforts to achieve an honorable ending to our commitment in Vietnam.

Much of the support for moves to impose restrictions on President Nixon are the result of frustration over a long war and belief that the previous administration had deceived the public during the years of escalation following election as the "peace candidate." I can understand this frustration, even anger. However, I think it makes little sense to hobble President Nixon because of belief that President Johnson used deception in getting us involved in a major war.

In my 1966 annual questionnaire I asked the question, "Do you feel the administration is giving the public adequate information concerning Vietnam?" The response was overwhelmingly in the negative. In my report to my constituents giving the results of the questionnaire, I observed that:

> Perhaps the most startling response is the extent of the disbelief in the word of the administration. By an overwhelming margin, my constituents feel the administration is not giving the public adequate information concerning Vietnam. Thus, it would appear that the so-called "credibility gap" is more like a chasm.
>
> Regretfully, I do not feel that the administration is giving the public adequate information concerning Vietnam. Too often the leadership in Washington is failing to speak with clarity, candor and unity. In my opinion, it has resulted in much needless uncertainty in this country and throughout the world. It may even be prolonging the very situation we are all so anxious to bring to an honorable and meaningful conclusion.

As the events of those years are being fully learned, it is clear that my comments then were accurate, and even understated. But even so, this is no reason for Congress to play partisan politics with President Nixon's sincere efforts to end the war that he inherited.

SUPPORT OF VIETNAMIZATION

My general support of President Nixon's efforts to shift the burden of fighting in Vietnam to the South Vietnamese, and his orderly program of withdrawing American fighting forces, stems from my longstanding belief that for too many years the United States tried to do too much in Vietnam and was unwilling to let the South Vietnamese do more. After my first visit to Vietnam in 1968, I observed in a report to my constituents dated April 11, 1968, that:

> In my opinion the Administration has made some of the same basic mistakes in South Vietnam which it has made at home. It seems to spring from a 'we will do it for you' philosophy. . . .
>
> In fact the overwhelming presence of American power and money in Vietnam seems to be creating problems. For example the American influx into South Vietnam is not only causing inflation but it is adding to a growing "Black Market," thus fostering corruption. We seem to be doing most of the heavy fighting and most of the directing. As a result the South Vietnamese are becoming too dependent and probably resentful. Why not? It is their country and their war, but good old Washington is running it.

A CONSTRUCTIVE ALTERNATIVE

> Traveling with me on the trip was Congressman Don Clausen, (R-Cal). We spent a good deal of time talking about these problems. Out of our conversations, experiences, and interviews, Don has written up a plan to de-Americanize the Vietnam war. Briefly, his "Phase in/Phase out" concept, through the creation of a Free Asian Security Force, would call for a drastic shift in manpower emphasis. A much greater part of the military effort would be taken over by the South Vietnam Army and free Asian security forces. This would be done on carefully conceived, methodical, time-tabled schedule . . .
>
> It would thus seem the time has come to put down our foot and make it clear that the people there simply have got to do more for themselves, and do so collectively.

Thus I was pleased that President Nixon, after his election, set out to do just that. The results to date vindicate the policy, and deserve to be fully carried out.

The urge to set a definite date for withdrawal of American troops has appeal; but I shall continue to oppose such moves so long as I have confidence that the President is doing as well as he can, and that the action by Congress would not achieve the goals sought by us all. They have the appeal of a simple solution to a complex situation. But, like most simple solutions, they have many ramifications.

The Nedzi-Whalen amendment was defeated, 158-256, and I voted Nay.

The Military Procurement Authorization subsequently passed the House by a vote of 331-58. I voted "yea."

LA PORTE—THE BASEBALL CAPITAL OF INDIANA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. LANDGREBE. Mr. Speaker, many Indiana communities, large and small, have contributed greatly to the basketball lore of America. But there is one city which has made its mark in a different sport—baseball. La Porte again proved its claim to the title of "baseball capital of Indiana" on Saturday, June 19. The Slicers of La Porte High School took the Indiana High School Tournament Championship by winning the final game, 4 to 1.

The Slicers became the first team in the 5-year history of the State high school tourney to win the championship twice; they won the State's first tournament in 1967. Special congratulations are due to Slicer coach Ken Schreiber, who piloted the team to both championships, as well as to the players at La Porte High School. One of the La Porte players, Catcher Mark Yates, won the L. V. Phillips Award as the outstanding player of the tournament; Mark distinguished himself not only with his excellent play but also with his fine academic record and overall mental attitude.

In recent years, La Porte has sent two men to the major leagues, Ron Reed, pitcher for the Atlanta Braves, and Charles O. Finley, the colorful owner of the Okland Athletics.

Not only is the number one high school baseball team in Indiana located in my Second Congressional District, but also the number two team. The runners-up defeated in the tourney only by the champions, are the Jefferson High School Broncos of Lafayette, Ind. I also want to congratulate the Broncos for their fine showing.

A RIGHT TO KNOW AS WELL AS A RIGHT TO PUBLISH—THE WASHINGTON POST CASE

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ECKHARDT. Mr. Speaker, as you know, 27 Members of Congress filed a motion of intervention on June 21 in the case of United States of America against the Washington Post, et al. in the U.S. District Court for the District of Columbia.

This case has particular interest to all Members of the House of Representatives and I urge that they read the motion for intervention and the accompanying brief to be printed at this point in the RECORD:

[U.S. District Court for the District of Columbia Civil Action No. 1235–71]

BRIEF IN SUPPORT OF MOTION FOR INTERVENTION

United States of America, Plaintiff against the Washington Post, et al., Defendants.

STATEMENT OF THE CASE

This is a motion for intervention by 27 Members of Congress. It is movants' contention that their position is distinct and different from that of The Washington Post and they are entitled, as a matter of right, to intervene. The Washington Post's interest in freedom of speech and of the press here is the interest of the *speaker* or the publisher not to be restricted by governmental action abridging freedom of speech. The interest of the Members of Congress seeking to intervene is the other side of the coin: the interest in not being deprived of information which would normally flow to them but for an intervening act of government restraining that flow.

The difference in position of movants adds the dimension of urgency, and this is the important reason why Members of Congress, speaking from the platform of particular factual injury, are entitled to participate in this case.

To capsulate the point, a brief analysis of the situation must be set forth:

Two important courses of events transpired contemporaneously, events of the stuff which affects the fate of the nation. The first was dramatic and fast-moving: the revelation of the existence of the Defense Department's Task Force Study on Vietnam ordered by Secretary McNamara which gives piercing insight into the gut workings of war making and the conduct of foreign affairs by the President, the rest of his civilian executive establishment, and the Joint Chiefs of Staff. The second important course of events was, and is, the continuing deliberate process of decision-making in a democracy. As Judge Wright said in his dissent:

"At a time when the American people and their Congress are in the midst of a pitched debate over the war, the history of the war, however disillusioning, is crucial. The executive department, which brought us into the war and which would be primarily "embarrassed" by publication of the material in question, must not be allowed to bury that history at such a time. Democracy works only when the people are informed."

It is the primary purpose of this brief to show that the interest of movants, a pressing public need for immediate access to matters directly and importantly affecting ongoing process in Congress, is different from that of the defendant, The Washington Post; and that "injury in fact" results to these movants by *any* delay of the flow of information free of an unconstitutional prior restraint.

It may be possible to argue that The Washington Post and The New York Times are not substantially injured if the courts ultimately determine that a prior restraint on the publication of the articles concerning this Task Force Study is unconstitutional. Not so with these movants: Their deliberations and actions in participating in the formulation of national policy are crippled and inhibited by not having highly pertinent information which is *known* to exist. Such is not only directly injurious to each of them as a Congressman representing a constituency but also tends to undermine the entire representative process. The right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy is interrelated with the right of their representative to act on information normally available to himself *and* to those whom he represents.

ARGUMENT

In order for any party to proceed in a case before a court there must be (1) a case or controversy,[1] and (2) a complaining party who either presents a case in which his standing is quite clear or who proffers for judicial determination a question concerning his own legal status.

I. THIS MATTER CLEARLY INVOLVES A CASE OR CONTROVERSY.

There is, of course, no question but that the case before this Court falls within the constitutional grant of jurisdiction to federal courts of certain "cases, in law and and equity" and "certain controversies." The United States has contended that The Washington Post is wrongfully in possession of certain governmental documents and should be enjoined from publishing them. As a result the Court of Appeals for the District of Columbia has granted a temporary restaining order. The Washington Post asserts that it is entitled to publish the materials as a part of its exercise of freedom of speech and freedom of the press. There being, therefore, a case or controversy before this Court, the only question respecting these movants' intervention is the question of their standing and their right to intervene.

II. INTERVENORS[2] HAVE A DISTINCT AND SEPARATE JUSTICIABLE INTEREST

As we have said, the defendant's interest in its First Amendment right is to speak or to publish free of a prior restraint abridging its right of freedom of speech. Intervenors' interest is the other side of the coin: the interest is not being deprived of information which would normally flow to them but for an intervening act of government restraining that flow. It is our contention that this right is as carefully protected by the First Amendment as is the publisher's right. The Court in *Stanley* v. *Georgia*, 394 U.S. 557, 564 (1969) said: "It is now well established that the Constitution protects the right to receive information and ideas.[3]

That interest is not, at present, represented in this litigation and as we shall show it is a distinct and different interest than that of The Washington Post. The proposed intervenors would represent that fundamental interest, the public's right to know. But they would also represent an even more critical interest. As elected representatives of the people, charged with responsibility for voting on matters now pending in the Congress which will vitally affect the lives of their constituents,[4] they must have the information which the plaintiff has asked this Court to suppress, so that they can make informed, intelligent decisions.

To deny them that information would be destructive of the public interest, because it would require them to continue to make groping policy decisions with respect to the Indochina war in a twilight area not fully illuminated by candid executive disclosure. In crucial areas of policy making Congress would have to continue to act in partial ignorance of the historic context in which they are acting.[5]

It is now clear that such a deprivation of flow of information which would exist but for governmental restraint constitutes a justiciable interest. *Mandel* v. *Mitchell*, decided by a three-judge court in the Eastern District of New York,[6] is directly in point. There certain university professors complained of the refusal to permit an alien, Mandel, to come into the country and express certain economic, international, and governmental doctrines of world communism. Mandel was denied a non-immigrant visitor's visa under the asserted authority of Section 212(a) (28) of the Immigration and Nationality Act. The professors alleged that they and other citizens desired to have Mandel speak at universities and other forums to hear his views and to engage in free and open academic exchange and they charged that the section of the Act excluding from admission to the United States aliens who are, or at any time were, members of described classes of aliens identified with certain leftist and extremist political doctrines is invalid under the 1st and 5th Amendments and that it imposes a prior restraint on constitutionally protected communication.

In response to defendant's attack on the professors' "standing to sue" the Court said:

"Since the First Amendment is not in its primary and most significant aspect a grant by the Constitution to the citizens of individual rights of self-expression but on the contrary reflects that total retention by the people as sovereign to themselves of the right to free and open debate of political questions, the issue of "standing to sue" is immediately seem to be unreal. The concern of the First Amendment is not with a nonresident alien's individual and personal interest in entering and being heard, but with the rights of the citizens of the country to have the alien enter and to hear him explain and seek to defend his views. * * *

"Mandel's status as a party does not rest on any individual right to enter (for he has none) but exists only as against the efforts to exclude him on a ground that denies to citizens of this country their primary rights to hear Mandel and debate with him. Here the plaintiffs other than Mandel are directly involved with Mandel's entry because they have invited him, and they expect to participate in meetings with him or expect to be among his auditors. No more is required to establish their standing. Cf. Snyder v. Board of Trustees, 286 F. Supp. at 931–932 (N.D. Ill. 1968); Smith v. University of Tennessee, 300 F. Supp. 777 (E.D. Tenn. 1969)."

But the fact that Congressmen are themselves deprived of information is not the sole injury that these movants suffer. As we have said, the granting of an injunction would cause injury in fact to these intervenors in limiting their resources and their tools for solving problems relegated to them under the Constitution.[7]

But, in addition, it would injure them in this respect: Even if it were possible for Members of Congress to obtain similar information through private and confidential sources these intervenors would have to act

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Footnotes at end of article.

on this information without their constituents knowing the same basic facts. The central tenet of democracy is that governments "derive their just powers from the consent of the governed," and of course Congress must repeatedly obtain this consent from the electorate. To staunch the flow of public information for any considerable time is to greatly impede the democratic process, because concerning great issues there is a considerable incubation time for the public to come to an understanding of the issues and to formulate opinion.

Public representatives properly intervene to protect their own function.

In *Cascade Nat. Gas* v. *El Paso Nat. Gas*, 386 U.S. 129 (1967), the Supreme Court noted that the 1966 amendments to Rule 24 were intended to liberalize intervention, and permitted the State of California to intervene, as of right, in an antitrust case as a representative of "the public interest in a competitive system." (386 U.S. at 135). Certainly the proposed intervenors are equally or more representative of the "public interest" in a democratic system, and thus entitled to intervene as of right.

In *Securities and Exchange Commission* v. *United States Realty & Imp. Co.*, 310 U.S. 434 (1940), decided many years before the liberalizing amendments to Rule 24, the District Court permitted the Securities and Exchange Commission to intervene in an "arrangement proceeding" under Chapter XI of the Bankruptcy Act. The Second Circuit reversed. The Supreme Court, agreeing with the District Court that intervention served the "public interest," reversed the Circuit Court. The Commission had intervened for two reasons: "to protect the interest of the public," and "to forestall the impairment of its own functions" under the Bankruptcy Act (310 U.S. at 445).[8] The Supreme Court, noting that the Commission was "charged with the performance of important public duties" (310 U.S. at 458), ruled that it was entitled to intervene in order "to object to an improper exercise of the court's jurisdiction which, if permitted to continue, . . . would defeat the public interests which the Commission was designated to represent" (310 U.S. at 459). The Supreme Court stressed that "the performance of its public duties" was a "sufficient interest" to justify the Commission's intervention even under the old, and restrictive, Rule 24.

The proposed intervenors herein assert the same grounds for intervention: to protect the "public interest" and to forestsall "impairment" of their own functions. The "public duties" required of Congressmen by Article I, Section 8 of the United States Constitution are so much more vital to the public interest than the statutory duties entrusted to the SEC, that it would be inconceivable to exclude them from participation in this case.

Any doubts on that point are settled by *Nuesse* v. *Camp*, 128 U.S. App. D.C. 172, 385 F. 2d 694 (D.C. Cir. 1967). There a state-chartered bank sued to enjoin the United States Comptroller of the Currency from permitting a nationally chartered bank to open branch offices in that state. The State Commissioner of Banks moved to intervene. The District Court denied intervention and the Circuit Court reversed. The starting point there, as it should be here, was the Circuit Court's recognition that the purpose of the 1966 amendments to Rule 24 was to facilitate "full ventilation" of the legal and factual isses relevant to the issues before the court "by involving as many apparently concerned persons as is compatible with efficiency and due process," 128 U.S. App. D.C. 182, 178, 385 F. 2d at 704, 700.

To put it mildly, the Members of Congress who are the proposed intervenors in this case are, of course, "apparently concerned," and their express willingness to limit their participation insures the efficient resolution of these proceedings.

The Court of Appeals in *Nuesse* stated that "those opposing intervention" bore the "burden" of showing that the interests of the proposed intervenors are adequately represented by existing parties (128 U.S. App. D.C. at 180, 385 F. 2d at 702). Furthermore, the fact that the proposed intervenor wished to assert the "public interests," was, of itself, sufficient to differentiate his interest from that of the private litigants (128 U.S. App. D.C. at 181, 385 F. 2d at 703). Thus, even though there was a "tactical similarity" between the private interests of the state bank and the public interests of the state Commissioner of Banks, that tactical uniformity of interest would "not assure adequacy of representation" of the public interest by the private litigant (ibid.). Intervention was thus a matter of right, and, in addition, the Court ruled that denial of intervention was an abuse of discretion. In so ruling, the Court of Appeals set down an "appropriate standard," and a "more hospitable approach," guaranteeing intervention whenever a governmental representative seeks to protect the "public interest" (128 U.S. App. D.C. at 182–184, 383 F. 2d at 704–760). The "significant fact" which justified that approach was that the proposed intervenor was "a government official" who sought to "promote a relevant public interest" (128 U.S. App. D.C. at 183, 385 F. 2d at 705). Unless intervention would unduly expand or delay the proceedings, which would not be true here, intervention "is available when sought because an aspect of the public interest with which [the intervenor] is officially concerned is invoked in the litigation" (128 U.S. App. D.C. at 184, 383 F. 2d at 706).

That, of course, is precisely this case. As appears more fully in the affidavit of Congressman Eckhardt submitted herewith, the proposed intervenors, all Members of Congress, are at the present time officially and deeply concerned with matters now pending in Congress, whose resolution will vitally affect the public interest. They must have the information which the executive branch seeks to suppress if they are adequately to fulfill their constitutional responsibilities to their constituents.[9]

These facts, of course, clearly differentiate the interest of these intervenors from those of the defendant, The Washington Post.

III. INTERVENORS HAVE STANDING TO SUE

Though intervenors believe it is quite clear that the contention of the defendant Washington Post is in fact within the constitutional guarantee of free speech and that, therefore, it is not constitutionally permissible to apply a prior restraint to the exercise of that right, it is not really necessary to determine the merits of the case in deciding that these movants have standing to intervene. Clearly their interests are as much within the zone of interest to be protected by the constitutional guarantees as are the interests of The Washington Post.

The four leading cases establishing the present law of standing are: *Hardin* v. *Kentucky Utilities Company*, 390 U.S. 1 (1968); *Flast* v. *Cohen*, 392 U.S. 83 (1968); *Data Processing Service Organizations* v. *Camp*, 90 S. Ct. 827 (1970); and *Barlow* v. *Collins*, 90 S. Ct. 832 (1970).

Professor Kenneth Culp Davis has pointed out that, as a result of these cases:

"A huge portion of the former foundation of the law of standing was . . . knocked out. The old test of a "recognized legal interest" was specifically rejected. In its place were two new tests. The first, based on Article III, was "injury in fact, economic or otherwise." . . . The second test . . . was "whether the interest sought to be protected by the complainant is arguably within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question."[10]

Even under traditional standards, these intervenors have standing. Their status is even more secure under the new standards. Let us examine them:

There Was "Injury In Fact, Economic or Otherwise"

Congress has been currently dealing with matters related to the power of the Presidency and of Congress with respect to the making of war, the financing of the war effort, and the termination of the Indochina involvement.

As we have seen in the Statement of the Case and in the description of the nature of intervenors' justiciable interest, the staunching of the flow of information concerning our international involvement in Indochina constitutes an "injury in fact" sustained by these intervenors in the performance of their proper function.

It is appropriate here to show in a little more detail the interrelation between the content of the Task Force Study and the subject matter of Congressional debate contemporaneous with the Federal Court action restraining publication of some of that content.

While the Justice Department was preparing its case to restrain publication of this highly pertinent material, and while the legal action in the District Court for the Southern District of New York was going on, Congressmen were giving official recognition to the pertinence of the articles by inserting them in the Record.[11]

During the very period during which the temporary restraining order was in effect and was blocking further installments, both the House and Senate were dealing with legislative topics whose subject matter made the content of the Task Force Study germane to the Congressional debate. On June 16, 1971, two votes were taken in the Senate and 4 in the House on topics to which the study is germane.

In the Senate these included the vote on the Chiles Amendment, which barred use of funds supplied under H.R. 6531 (an amendment to the Selective Service Act which provided pay increases for military personnel) to support U.S. forces in Indochina after June 1, 1972, under certain conditions.[12] The vote on this amendment was: Nay, 52; Yea, 44. Thus, a change of 5 votes would have switched the result. Also, the Senate considered the McGovern-Hatfield Amendment, also to H.R. 6531, to amend the Selective Service Act. This provided for the shorter cut-off date to December 31, 1971. The vote on this amendment was: Nay, 55; Yea, 42. A seven vote change would have been required to change the result.

It is impossible to say that, had *The New York Times* installment, due to be printed on June 16, been printed that day, it would have changed 5, or 7 Senators' minds; but it is also impossible to say that it would *not* have. It is certain, however, that the articles were of the type that afford the kind of persuasion or conditioning that affects votes on issues like these before the Senate.

The House was on the same day acting on the Military Procurement Authorization Bill (H.R. 8687). The House continued consideration on June 17, 1971, taking up the Nedzi-Whalen Amendment (providing a deadline after which funds under the procurement act should not be used for Indochina war support); the Harrington Amendment (to delete a title of H.R. 8687 providing an authorization for Vietnamese forces and their allies, and local forces in Laos and Thailand); and considering several other amendments variously establishing cutoff dates and restrictions respecting funds which might find their way into support of the Indochina war.

Debate on these amendments was wide-ranging. For instance, Congressman John F.

Footnotes at end of article.

Flynt, Jr., of Georgia, reviewed what he called the mistaken premise upon which the Tonkin Gulf Resolution was enacted, the misinformation that was afforded the public and the Congress in that connection, the circumstances of its repeal, and the fact that the present war is being waged without a Congressional declaration of war.[13] Congressman Sidney R. Yates of Illinois noted in debate that it is now clear that the facts surrounding the Gulf of Tonkin episode were kept from Congress at the time it voted on that resolution. He noted that we are reading in the press today the results of giving more and more power to the President and deferring to his judgment in the early 1960's.[14]

Congresswoman Margaret M. Heckler, of Massachusetts, citing the revelations in *The New York Times* of the deceptions practiced on the Congress early in the Vietnam buildup, said it was clear that Congress must now express its will. She went on to mention *The New York Times'* revelation that the Gulf of Tonkin Resolution was drafted three months before the incidents occurred.[15]

Congressman Lioned Van Deerlin, after referring to *The New York Times* series of articles, said that he did not think the war would have been allowed to progress the way it has if Congress has been properly informed back in 1964 and 1965.[16] Congresswoman Bella Abzug, of New York, called for full access to the entire McNamara study, saying she believed the information is necessary to enable the Congress to make a realistic assessment of the prospects for a speedy and total termination of the American military role in Indochina.[17]

Congressman Paul McCloskey, of California,[18] Congressman Bertram Podell, of New York,[19] Congressman James Abourezk, of South Dakota,[20] and Congressman William Ryan, of New York,[21] were among Members of Congress who discussed *The New York Times* documents during debate on the Military Procurement Authorization Act of 1971.

The question of candor of public officials during the development and the conduct of the war was a prominent feature of the debate on the Procurement Act, and such question of candor, or lack of it, was related to the desirability of Congressional action or Congressional expression calculated to bring the war to an end.

Nor have the issues which arose in these bills become moot by the defeat of the Hatfield-McGovern Amendment and the passage of the Military Procurement Authorization Act. There are at least four classes of legislation in the House in which the issue will undoubtedly be raised again: Foreign Aid Appropriations and Authorization Bills, Military Construction Authorization Bill, Defense Appropriation Bill, and Vietnam Disengagement Act. Also, there is presently a discharge petition on the Speaker's desk for the discharge of the Vietnam Disengagement Act (H.R. 4101).

The interest sought to be protected by intervenors is arguably within the zone of interest to be protected by the constitutional guarantee in question

The 1st Amendment protects and guarantees intervenors' right to access to this information unrestricted by abridgement of freedom of speech or of the press, and this right is clearly within the zone of interest intended to be protected by that amendment. This is clear when it is remembered that Congress is required to deal with subjects including the raising and support of armies, the regulation of the land and naval forces, and the providing for, organizing, arming, governing and disciplining the militia.[22]

These intervenors are within precisely the same zone of interest as that of the professor plaintiffs in the *Mandel* case. Both are within the zone of interest protecting the right of citizens to enjoy the *product* of free speech. Persons who are so deprived because of a prior restraint by government in violation of the First Amendment are among those *intended* to be protected by that amendment just as are those who are silenced by the restraint.

The case of *Office of Communications of United Church of Christ* v. *Federal Communications Commission*, 359 F. 2d 994 (D. C. Cir. 1966) should be noted as one in which the right to *hear* was involved. Certain individuals and organizations sought to intervene in a hearing before the Federal Communications Commission to contest the renewal of a broadcast license. The commission denied intervention, stating that the individuals and groups had no "standing" to appear. Action was then brought under the A.P.A. to review this decision, and the standing of Plaintiffs was challenged. Plaintiff individuals and organizations constituting a listening public were held to have standing. The Court said:

> "Since the concept of standing is a practical and functional one designed to assure that only those with a genuine and legitimate interest can participate in a proceeding, we can see no reason to exclude those with such an obvious and acute concern as the listening audience."[23]

The courts have been increasingly liberal in holding an interest which is related to the public interest to be one within the zone intended to be protected by the law in question. This is illustrated in the environmental protection cases which have held that the party asserting an essentially public interest has standing.[24]

IV. THE CIRCUMSTANCES OF THE CASE JUSTIFY INTERVENTION AS OF RIGHT

Rule 24(a) of the Federal Rules of Civil Procedure provides that anyone shall be permitted to intervene "as of right" if he "claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

As we have seen, these intervenors are claiming an interest relating to the matter which is the subject of this action. As Congressmen, they are so situated that if the fruits or product of free speech is not made available to them, such will as a practical matter impair or impede their ability to effectively perform their tasks as Congressmen. Clearly, a "disposition of the action" by the granting of plaintiff's motion for preliminary injunction would result in that impairment.

It may be seen that the provisions of the rule permitting intervention as a matter of right are immediately satisfied when we have shown, as we did in II of this brief, that intervenors have a distinct and justiciable interest, and in III that intervenors have standing to sue. Therefore, we need only show in this section that the facts and authorities cited above fit the language of the intervention rule.

Indeed, many of the cases cited above specifically treat the question of intervention as a matter of right. See, for instance, *Cascade Nat. Gas* v. *El Paso Nat. Gas*, 386 U.S. 129 (1967); *Securities and Exchange Commission* v. *U.S. Realty & Imp. Co.*, 310 U.S. 434 (1940); *Nuesse* v. *Camp*, 128 U.S. App. D.C. 172, 385 F.2d 694 (D.C. Cir. 1967); and the cases cited *supra*, note 9, discussed on pages 7–10 of this brief. See also *Kaufman* v. *Societe Internationale*, 343 U.S. 156 (1952).[25]

There remains for discussion only the qualification in the rule that intervention may not be granted as a matter of right if "the applicant's interest is adequately represented by existing parties." The difference in the interest of intervenors and the added urgency in their case makes it clear that they are not adequately represented by those who might reach accommodation for their respective interests without satisfying the overriding and paramount interest of protecting the flow of information to the public and to public representatives.

For instance, the third item in the prayer for relief in our motion is an item in which The Washington Post either has no interest or an adverse interest to these intervenors.

CONCLUDING STATEMENT

This brief is solely in support of the motion to intervene. If intervention is granted, intervenors will urge that no preliminary injunction should be granted in this case and will support such contention upon the basis of the arguments advanced in the Memorandum in Behalf of Amici Curiae American Civil Liberties Union and New York Civil Liberties Union, which was submitted to the United States District Court for the Southern District of New York in *The New York Times* case and to this Court on June 18, 1971.

The proposed intervenors, like the other parties, and this Honorable Court, recognize that a rapid resolution of this case is imperative, and their prayer to be permitted to intervene is made with full understanding of the practical difficulties confronting the Court in the trial of this case in the constricted time frame ordered by the Court of Appeals. Therefore, our request recognizes that the Court could, and should, place such reasonable restrictions on our participation as are appropriate and necessary to expedite the trial of the case. See *Smuck* v. *Hobson*, 132 U.S. App. D.C. 372, 377, 408 F. 2d 175, 180 (D.C. Cir. 1969), and the Committee Note of 1966 to Subdivision (a) of Rule 24. And see, Shapiro, "Some Notes on Intervention Before Courts, Agencies and Arbitrators," 81 Harv. L. Rev. 721 (1968) at 752–756. On their part, counsel will exercise prudent self-restraint in making it possible for this proceeding to be completed by the specified deadline.

It is urged that movants have standing in this case and that they are entitled to intervene as a matter of right. It is respectfully requested that this Court grant intervention as a matter of right or as a matter of equity.

MOTION FOR INTERVENTION

Now come Phillip Burton, John Dow, Bob Eckhardt, Don Edwards, Michael Harrington, Robert Kastenmeier, Edward Koch, Abner Mikva, Benjamin Rosenthal, William F. Ryan, James Abourezk, Bella S. Abzug, William R. Anderson, Herman Badillo, Jonathan B. Bingham, William Clay, Ronald V. Dellums, Sam Gibbons, Ella T. Grasso, Seymour Halpern, Peter Kyros, Parren Mitchell, Bertram L. Podell, Charles B. Rangel, Donald W. Riegle, Jr., James Scheuer, and Lester L. Wolff and ask leave to intervene in this cause pursuant to Rule 24 of the Federal Rules of Civil Procedure in order to assert the defenses set forth in their proposed answer, of which a copy is hereto attached, on the grounds that:

1. Movants are all Members of Congress and are affected by this litigation. If this litigation prevents the defendant Washington Post from publishing material from the Defense Department's 1968 Task Force Study on Vietnam, they will be denied important information, known to be in existence, which bears strongly on the following extremely important policy questions (among others):

(1) The definition and extent of the authority of Congress and of the Presidency with regard to the war-making power as respects:

(a) the power of Congress to declare war and exercise other authority under Article I, Section 8, of the Constitution; and

(b) the power of the President to act as Commander-in-Chief of the Army and Navy

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Footnotes at end of article.

of the United States and to exercise other authority under Article II, Section 2, of the Constitution.

(2) The manner in which the power of the Presidency has been conducted as respects the war-making power;

(3) Whether or not Congress should enact further statutory provisions providing processess designed to prevent the President from overstepping constitutional authority or initiate further statutory or constitutional provisions delineating with greater precision the boundaries between presidential and congressional authority;

(4) The conduct of foreign affairs bearing on the subject;

(5) The matter of governmental organization bearing on the subject; and

(6) All questions relating to the right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy.

2. A prior restraint upon the defendant Washington Post preventing the publishing of material from the Defense Department's 1968 Task Force Study on Vietnam would, and does (as respects the temporary restraining order), constitute prior restraint on the exercise of the right of free speech and freedom of the press as guaranteed by the First and Fourteenth Amendments to the Constitution of the United States.

3. Movants have suffered, and do suffer, injury in fact by virtue of the temporary restraining order as is more fully described in the affidavit of Congressman Eckhardt submitted herewith. H.R. 8687, the Military Procurement Authorization Bill, is being debated in the House at the time of the preparation of this motion and during the period while the temporary restraining order herein is in effect. The debate upon such bill (as exemplified for instance by that of the Honorable John J. Flynt, Jr. of Georgia, on June 17, 1971) dealt heavily with the policy questions set out in items (1) and (2) of paragraph 1 above. Enjoining further publication of matter contained in the Defense Department's 1968 Task Force Study on Vietnam will deny to these movants important facts which constitute their tools for dealing with the important policy questions listed in items (1) through (6) of paragraph 1 above.

4. The interest of these movants is one protected by law in that

(1) Section 8 of Article I of the Constitution places upon them, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, the providing for organizing, arming, governing and disciplining the militia, and

(2) The First and Fourteenth Amendments to the Constitution protect and guarantee movants' right to access to information unrestricted by abridgement of the freedom of speech, or of the press.

These and other provisions of the Constitution, and laws passed pursuant to them, were designed, in part, to protect the interests asserted by these movants. Because of the duties placed upon them as described in (1), above, the interests of these movants are distinct and different from those of the members of the public generally. Movants are so situated that the disposition of this action may, as a practical matter, impair or impede their ability to protect their interests, and the representation of their interest by existing parties may be inadequate. Movants' defense also has common questions of law and fact with the main action. Intervention by movants will not unduly delay or prejudice the adjudication of the rights of the original parties. Movants are willing to abide by such restrictions on their participation in this action as this court deems essential to speedy resolution of the issues herein.

Wherefore, these movants pray that

(1) They be permitted to intervene in this cause,

(2) That no further injunction be issued depriving them of information which they would otherwise receive through newspaper coverage were it not for a prior restraint against publication of the said Task Force Study, and

(3) That, whatever decision be made respecting defendant Washington Post, such right, if any, as movants, Congress or any committee thereof have to subpoena or otherwise obtain the documents in question in the possession of the Washington Post or others not be impaired or affected by any order of this Court.

Bob Eckhardt, 3312 N Street, N.W., Washington, D.C. 20007, 202-238-8706.

Thomas Emerson, Yale Law School, New Haven, Connecticut; Bruce J. Ennis, American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10011, 212-924-7800; James H. Heller, American Civil Liberties Union Fund of the National Capital Area, 1424 16th Street, N.W., Washington, D.C., 202-483-3830, Attorneys for Movants.

Congressman Bob Eckhardt, being duly sworn, deposes and says:

I am one of the Congressmen who have moved to intervene in this action, and am personally familiar with the facts which have been alleged in the Motion for Intervention and the brief in support thereof filed by me and by co-counsel. All the provisions of the Motion for Intervention and pages 12 through 15 and lines 1, 2 and 3 on page 16 of the Brief are incorporated in this affidavit.

I solemnly swear that all matter contained in this affidavit, including that incorporated by reference, is true and correct.

ANSWER OF INTERVENORS

Intervenors who have intervened in this action with leave of the Court, answer the complaint herein as follows:

First Defense

The complaint fails to state a claim on which relief can be granted.

Second Defense

The court lacks jurisdiction over the subject matter of this action.

Third Defense

Plaintiff's claim is barred by the First Amendment to the Constitution of the United States.

Fourth Defense

Plaintiff's claim is an unconstitutional interference with the powers of Congress under Article I of the Constitution of the United States.

Fifth Defense

1. Paragraph 1 of the complaint states a conclusion of law and intervenors are not required to respond thereto. Intervenors deny that any Court of the United States has jurisdiction to enjoin a newspaper from publishing information.

2. Intervenors admit that plaintiff makes the averments that are made in Paragraph 2 of the complaint, but deny them insofar as they are factual averments.

3. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 3 of the complaint.

4. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 4 of the complaint, except that intervenors deny that defendants' actions were without lawful authority.

5. Paragraph 5 of the complaint states a matter of law and intervenors are not required to respond thereto. Executive Order 10501 speaks for itself.

6. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraphs 6 and 7 of the complaint.

7. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 8 of the complaint, except that intervenors deny that defendants' actions were without lawful authority, and deny that defendants communicated information to persons not entitled to receive such information.

8. Intervenors deny the averments of Paragraph 9 of the complaint.

9. Intervenors deny the allegations of Paragraph 10 of the complaint.

ORDER

On this the — day of —, 1971, came on to be heard the Motion of Phillip Burton, John Dow, Bob Eckhardt, Don Edwards, Michael Harrington, Robert Kastenmeier, Edward Koch, Abner Mikva, Benjamin Rosenthal, William F. Ryan, James Abourezk, Bella S. Abzug, William R. Anderson, Herman Badillo, Jonathan B. Bingham, William Clay, Ronald V. Dellums, Sam Gibbons, Ella T. Grasso, Seymour Halpern, Peter Kyros, Parren Mitchell, Bertram L. Podell, Charles B. Rangel, Donald W. Riegle, Jr., James Scheuer, and Lester L. Wolff, intervenors in the above styled and numbered cause, and it appearing to the Court that the same are entitled to intervene in this cause, it is hereby:

ORDERED, ADJUDGED AND DECREED that the above listed persons are granted leave to intervene in the above styled and numbered cause.

—— ——,
Judge.

FOOTNOTES

[1] There must be one qualification. In the case of an intervenor it has been held that there may be sufficient interest to justify intervention even if there would not be a case or controversy between the plaintiff and the intervenors as principal parties so long as the case between the original parties itself presents a case or controversy. *Ford Motor Co.* v. *Bisanz Bros.*, 249 F. 2d 22 (8th Cir. 1957); Shapiro, "Some Thoughts on Intervention Before Courts, Agencies, and Arbitrators," 81 Har. L. Rev. 721 (1968), at p. 726, and the authorities cited therein.

[2] Since the status of intervenors argued for here is the basis for the considerations and arguments that these movants would make in the case, it is more meaningful and natural to refer to them, somewhat prematurely, as "intervenors"; and we shall, with deference, so designate them in this brief.

[3] See, to the same effect, *Lamont* v. *Postmaster General,* 381 U.S. 301 (1965). *United States* v. *Dellapia,* 433 F. 2d 1252, 1258, n. 25 (2d Cir. 1970); *Caldwell* v. *United States,* 434 F. 2d 1081, 1089 (9th Cir. 1970). *Hiett* v. *United States,* 415 F. 2d 664, 671 (5th Cir. 1968).

[4] E.g., the bills described in the affidavit of Congressman BOB ECKHARDT, submitted herewith.

[5] For cases noting the special interest of public representatives and agencies as intervenors, see *Cascade Nat. Gas* v. *El Paso Nat. Gas,* 386 U.S. 129 (1967); *Securities and Exchange Commission* v. *United States Realty & Imp. Co.,* 310 U.S. 434 (1940); and *Nuesse* v. *Camp,* 128 U.S. App. D.C. 172, 385 F. 2d 694 (D.C. Cir. 1967).

[6] ——— F Supp. ——— (E.D.N.Y., 1971), 39 LW 2531, et seq.

[7] Section 8 of Article I of the Constitution places upon intervenors, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, and the providing for, organizing, arming, governing and disciplining the militia.

[8] Had the proceeding been filed under Chapter X, as the Commission contended it should have been, the Commission would have had a statutory right to oversee the proceeding.

[9] Proposed intervenors believe the above decisions are controlling. See also, as additional support for intervention, *Smuck* v. *Hobson*, 132 U.S. App. D.C. 372, 408 F. 2d 175 (D.C. Cir. 1969); and *Wolpe* v. *Poretsky*, 79 U.S. App. D.C. 141, 144 F. 2d 505 (D.C. Cir. 1944), *cert. denied*, 323 U.S. 777 (1944).

[10] *The Liberalized Law of Standing*, Kenneth Culp Davis, 37 U. of Chicago Law Rev. 450, at p. 452.

[11] Congressmen McCloskey and Harrington inserted the *New York Times* installments of Sunday, June 13, and Monday, June 14, in the Congressional Record on June 14, 1971 (19563–19603; 19729–19767). On the same day Senator McGovern inserted the same documentation 19670–19707). On the next day Senator McGovern inserted the third installment which appeared in the Tuesday, June 15, *New York Times* in the Congressional Record (19877–19896), and Congressmen McCloskey and Harrington inserted the same article in the Record (19970–19990; 20058–20076).

[12] Congressional Record, June 16, 1971, 20212.

[13] Congressional Record, June 17, 1971, 20541.

[14] Congressional Record, June 17, 1971, 20549.

[15] Congressional Record, June 17, 1971, 20550.

[16] Congressional Record, June 17, 1971, 20549.

[17] Congressional Record, June 17, 1971, 20557.

[18] Congressional Record, June 16, 1971, 20257.

[19] Congressional Record, June 16, 1971, 20264.

[20] Congressional Record, June 16, 1971, 20284.

[21] Congressional Record, June 17, 1971, 20558.

[22] See Section 8 of Article I of the Constitution of the United States.

[23] See also, in addition to the cases cited *supra*, note 3, *Brooks* v. *Auburn University*, 412 F. 2d 1171, 1172 (5th Cir. 1969); *Fortune Society* v. *McGinnis*, 319 F. Supp. 901, 904 (S.D. N.Y. 1970); *United States* v. *B. & H. Dist. Corp.*, 319 F. Supp. 1231 (W. D. Wisc. 1970); *ACLU* v. *Radford College*, 315 F. Supp. 893 (W. D. Va. 1970); *Williams* v. *Blount*, 314 F. Supp. 1356 (D. D. C. 1970); and *Smith* v. *University of Tennessee*, 300 F. Supp. 777 (E. D. Tenn. 1969).

[24] *Scenic Hudson Preservation Conference* v. *Federal Power Commission*, 354 F. 2d 608 (2nd Cir. 1965), *cert. den.*, 384 U.S. 941, 16 L. Ed. 2d 540, 86 Sup. Ct. 1462 (1966); *Road Review League, Town of Bedford* v. *Boyd*, 270 F. Supp. 650 (S.D. N.Y. 1967); *Parker* v. *United States*, 307 F. Supp. 685 (D. Col. 1969); *Pennsylvania Environmental Council* v. *Bartlett*, 315 F. Supp. 238 (M. D. Pa. 1970); *Citizens Committee for Hudson Valley* v. *Volpe*, 425 F. 2d 97 (2nd Cir. 1970).

[25] Although believing that intervention is clearly available as of right, proposed intervenors also qualify for permissive intervention under Rule 24(b) because their claims and defenses forcefully raise questions of both fact and law common to the main action; and by consenting in advance to limited participation, they insure that intervention will not unduly delay or prejudice the rights of the original parties.

MSGR. ANTHONY DI LUCA CELEBRATES 65 YEARS AS PRIEST

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. RODINO. Mr. Speaker, it is a special privilege to join in honoring Msgr. Anthony Di Luca, pastor emeritus of the Holy Family Roman Catholic Church in Nutley, N.J., who will soon celebrate the anniversary of his ordination into the holy priesthood which took place in Italy in 1906.

I cannot begin to express my gratitude to Monsignor Di Luca for his unselfish devotion to the needs of others. No man has worked more tirelessly and more relentlessly for the good will of all.

Unfortunately, I can only share with you, my colleagues, my expressions of praise in behalf of Monsignor Di Luca, and not the warmth, sincerity, humor, and gentleness which are so much a part of him. For these are qualities which cannot be captured in praise, they are the treasures of we who know him, and we are richer for it.

THE PORTSMOUTH-KITTERY NAVAL SHIPYARD MAINTAINS COST REDUCTION EFFORTS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. KYROS. Mr. Speaker, on June 7, 1971, Rear Adm. John W. Dolan presented the Secretary of the Navy's Cost Reduction Program Excellence Award for fiscal year 1970 to Capt. Donald H. Kern, commander of the Portsmouth-Kittery Naval Shipyard. As reported below in the Portsmouth Periscope of June 11, 1971, Admiral Dolan stated that the Portsmouth-Kittery facility "is in a favorable position to take first place in competition for fiscal year 1971, indicating a continuing effort in cost consciousness."

Once again, we are provided with evidence firmly justifying the recent decision to rescind the closure order which had previously been threatening the future of this outstanding defense facility. I would like to commend the commander and employees of the Portsmouth-Kittery Naval Shipyard for their continued cost consciousness, efficiency, and dedicated work in behalf of our national security.

SECRETARY OF NAVY COST REDUCTION AWARD IS PRESENTED TO PORTSMOUTH

Portsmouth ranked first among naval shipyards in the Cost Reduction Program for Fiscal Year 1970 in percentage of goal attained. This Shipyard attained 225.5 per cent of its assigned goal with a validated savings of $3,748,200.

Rear Admiral John W. Dolan, Deputy Commander for Field Activities and Program Director for Shipyard Modernization and Management, Naval Ship Systems Command, cited Portsmouth for its Cost Reduction leadership during a visit to PNS Monday, June 7. He also recognized that Portsmouth is in a favorable position to take first place in Fiscal Year 1971, indicating a continuing effort in cost consciousness.

He presented a Secretary of the Navy Cost Reduction Program Excellence Award and Cost Reduction pennant to Captain Donald H. Kern, Shipyard Commander and four employees whose efforts helped PNS attain first place among naval shipyards in Cost Reduction. They are Doyle T. Sowerby, Shipyard RECON Program Manager and Vern Ramsdell, Planning; Wendell Cummings, Production; and Clay Tucker, PERA (SS), RECON coordinators of the departments contributing the most cost reduction items. RECON stands for Resources Conservation and is the new designation for the Cost Reduction Program.

PROTECTION FOR VICTIMS OF UNINSURED MOTORISTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. FAUNTROY. Mr. Speaker, all of us who live and work in the city of Washington are familiar with the problems resulting from the operation of vehicles by uninsured motorists. My colleague, Mr. GUDE of Maryland, recently introduced legislation to protect the victims of accidents caused by these drivers. As one of the cosponsors of this legislation, I would like to share with you an editorial which appeared in the June 12 edition of the Evening Star supporting the measure:

UNINSURED CRACKDOWN

Last January, as so frequently before, local officials begged Congress for a law to provide some measure of protection against uninsured motorists in the District. This week, in a break with the past, six members of the House District Committee finally became sufficiently aroused to introduce the city government's bill, with a plea for enactment.

That action was encouraging on two scores. First, the sponsors, equally divided by party, represent a segment of the House committee membership sizable enough to secure public hearings if they really push. And that, of course, is the crucial step, for it is hard to imagine that the present outrageous situation will be allowed to continue if the facts are spread fully on the record.

Secondly, the sponsors accurately are presenting the problem not merely as another local issue, but as one which ought to concern every member of Congress. The basic fact is that an estimated 30,000 of the 269,156 autos registered in the District are not covered by liability or property damage insurance. What that means, as Representative Gude told the House the other day, is that not only District residents but all visitors, "our constituents, are in very real financial danger when they walk or drive in the District of Columbia." It is impossible to know, he said, how many thousands of innocent victims already "have faced substantial costs with little expectation of any recovery from the drivers who injured them or their property." If nothing else awakens the interest of Congress as a whole, that argument should.

In essence, the bill would require uninsured motorists to pay a $40 fee to get their vehicles licensed, the fees to support a fund which would not relieve the uninsured of responsibility but which would provide a source of fiscal relief to victims. A second provision, widely adopted by the states, would require that all auto insurance written in the District also contain a protective clause against accidents with the uninsured.

Whether these provisions are adequate is a question which should be explored at the hearings. But there simply is no room for argument on one point: The fact that the District is now the only jurisdiction in the nation which affords *no* legal protection whatever against the uninsured is an instance of unconscionable congressional neglect.

MINORITY STAFFING REFORMS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. CONABLE. Mr. Speaker, our system of government has two characteristics in which we justly take a great deal of pride. It has the capacity to reform and renew itself to adapt to changing times. It is also carefully balanced so that change is not ill considered or capricious. Necessarily we provide for means by which occasionally a minority can participate significantly in the process.

It is fortunate for our system and our own peace of mind that acts of unvarnished partisanship are rare. But one such act occurred in January of this year. In response to it I am joining today with 154 of my colleagues in introducing a resolution to restore to the House rules a provision permitting the minority party of a committee of the House to receive upon its request up to one-third of the funds available to the committee for investigative staff.

The Legislative Reorganization Act of 1970 was passed with a maximum of bipartisan cooperation and it demonstrated the House's capacity for change. It may have been proper at the time to view its passage as some form of millennium. At the outset of this Congress, however, we saw a demonstration of partisanship and heavy-handed rule that will not be equalled for some time. By use of extraordinary parliamentary devices and means fundamentally unfair to members on both sides of the aisle, minority investigative staffing authority was excised from the rules by the majority party. On threat of loss of seniority, members of the majority party were forced, regardless of individual points of view, to vote to strike this provision.

The precedent set by this vote is dangerous and I hope it is never followed. A numerical minority of the majority party, in secret session and on threat of serious reprisals, successfully forced their colleagues to take their point of view. The means are always there for a political majority to work its will, but it usually takes an overwhelming consensus of its memers to accomplish it. To allow a minority to dominate is diametrically opposed to all ideals of fair play. To operate through secret session with punishment as the only organizational cement smacks of the operations of another time or place. It is ironic that this important portion of the Legislative Reorganization Act should be subverted by a combination of devices counter to the bipartisan spirit of change which surrounded its debate and passage.

Adequate minority staff is vital to the efficient operation of our committee system and to the strength of the House and the legislative branch. Providing the minority with the resources to develop and argue, when necessary, a separate point of view will give greater assurance that the result of a committee's deliberations will be a suitable solution for the problem at hand. In short, there will likely be benefit to the majority in giving the minority this additional staff. It may be a means to dilute reliance on executive branch expertise in our legislative workings.

I acknowledge the possibility that a committee staff may now be nonpartisan in actual practice and I can also envisage a committee providing the minority with more than one-third of investigative staffing funds. These situations must be viewed as exceptions to the general rule and situations which can change radically with new leadership. It is, therefore, necessary that adequate staffing be a part of the House rules so that a minority will not be denied manpower and information resources through the caprice of partisanship. As has been frequently noted, the House is populated primarily by men and until the angels take over we must have rules to govern our conduct. We recognize the significance of adequate minority staffing last year and I sincerely hope that the majority that approved it then will move for its adoption now.

RETIREMENT OF ALASKA STATE SENATOR HOWARD BRADSHAW—A LOSS FOR SITKA AND ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BEGICH. Mr. Speaker, at the close of the 1971 Alaska State Legislature, one of Alaska's pioneer lawmakers retired from the State Senate. State Senator Howard Bradshaw of Sitka closed a career of over 12 years of public service in the legislature.

As one who served with Howard Bradshaw for 8 of those 12 years, I believe I am qualified to speak on his years of service. He was one of those legislators who chooses not to become a public figure, but rather to confine his labors, his creativity, and his influence to the inner workings of the legislature. In this pursuit, he was a successful and extremely effective member of the senate.

He was an extremely fortunate man in that he represented Sitka, Alaska, certainly one of the most charming towns in this country, and surrounded by a magnificent combination of mountains and sea. He repaid this debt to Sitka and its people in full measure by representing his constituency with unusual power and effectiveness. He will be sorely missed by those constituents and by the many members of the Alaska Legislature who relied on his leadership and knowledge of politics.

What is fortunate for all Alaskans is that the retirement of the Sitka Democrat does not mean his loss to Alaska public service. As he retired, Gov. William Egan appointed Senator Bradshaw as the director of the Alaska Pioneer's Home in Sitka, the first of the Alaskan pioneer homes established in Alaska, and one which Howard Bradshaw helped to nurture.

I want to take this opportunity to thank Senator Howard Bradshaw for his long service to Alaska, to commend him on behalf of all Alaskans for his valuable contributions and to wish him the best in his new position.

ELECTRIC RELIABILITY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BADILLO. Mr. Speaker, we are rapidly approaching that time of year when the threat of power blackouts and brownouts becomes a fact of daily life. This has been so for several years now and yet Congress and the administration are still apparently unable to come to grips with a comprehensive approach to electric reliability.

In recent years one of the foremost spokesmen for electric reliability and environmental protection has been Richard L. Ottinger, the former Congressman from New York's 25th District and the Democratic candidate for the U.S. Senate from New York last year. As a coauthor of legislation which would have given the Federal Power Commission authority to require regional power planning to approve all power plant construction and to resolve power siting disputes, Mr. Ottinger began an effort that is now up to us to complete.

Congressman Ottinger's comments on this issue were expressed in an article appearing in the June 18 editions of the New York Times. With the hope that his views will spur congressional action in this vital area, I present the article for inclusion in the RECORD and commend it to the attention of my colleagues:

HOW TO GET POWER TO THE PEOPLE

TO AVOID SUMMER BLACKOUTS AND LOWER RATES, ELECTRIC ENERGY MUST LEAP OVER CITIES

(By Richard L. Ottinger)

There is no national shortage of electrical power today. Rather there is a disastrous maldistribution of generating and transmission capacity and a shocking lack of effective coordination between systems. The true cause of the power shortage that faces certain areas is the individual power companies themselves and their refusal to engage in the national planning.

To be sure, there exist certain regional power pools, grids and arrangements today to permit transmission from one company system to another. But these are designed for emergency protection rather than for the orderly planning and construction for power needs on a regional basis.

Regional production, regulation, rate setting and a basic revision of the rate structures are what are needed to meet our national power requirements—leaving aside the larger question of whether those requirements should be allowed to continue to burgeon.

Power should be produced at the location where it can be produced most economically and with least ecological damage, regardless of company jurisdiction.

The Federal Power Commission should be authorized to require regional power planning, to approve all construction, and to resolve location disputes with adequate provision for protection of the environment.

The Electric Reliability Act, which Senator Edward M. Kennedy and I introduced in the last Congress, joined by 23 other Congressmen, would give the F.P.C. the necessary jurisdiction and provide for protection of the environment through the creation of an independently appointed environmental council with responsibility to review and conduct prior ecological studies with respect to all contemplated F.P.C.-licensed projects. The F.P.C. would also be empowered to require interconnection of all systems.

Unfortunately, the Edison Electric Institute, representing the nation's private utilities, has consistently and effectively opposed this or any other kind of regional regulation.

The major present obstacles to regional production of power and its transportation to the areas of need are (1) inadequate private utility cooperation, (2) inadequate F.P.C. authority, and (3) the existing rate structure which establishes power rates for the private utilities based primarily as a return on invested capital.

Today's rate structure virtually mandates construction of plant by each company to meet its own needs. The incentive is for companies to increase invested capital (their rate base) by building their own production rather than by buying power from other systems. The present structure also creates an incentive to retain obsolete equipment in order to maintain the rate base, the consequence of which New Yorkers are suffering inordinately today.

The F.P.C. should be empowered to establish rates on a regional basis for all power companies, public and private, on a cost-incentive basis.

The cost standards should be set by comparing costs of production, transmission and servicing among companies, public and private, servicing similar areas. This would eliminate some of the ludicrous disparities that presently exist. For example, a person living in the section of Queens serviced by Consolidated Edison pays an average monthly bill of $14.82 for 500 kilowatts of power, whereas a person living in the adjacent Queens neighborhood served by Long Island Lighting Company pays only $11.69. The same power for Plattsburgh residents, served by the New York Power Authority, costs only $5.35. The only reason that New Yorkers pay the highest rates in the United States today (except for Alaska) is the artificial definition of service area.

The reactionary attitudes of the private utilities toward accommodating other power systems, performing research (less than 1 per cent of sales is spent on research) and persistently resisting Federal regulation and intersystem cooperation, are more responsible than any other factor in our current and projected power problems.

Unless these attitudes are changed, and I think it will take Federal legislation to change them, there is little hope for resolving our future power problems in any way that makes sense either for assuring power reliability or protection of the environment.

COMMONSENSE IN COMMITTEE STAFFING

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ROBINSON of Virginia. Mr. Speaker, in the 91st Congress, the House acted wisely, in the Thompson-Schwengel amendment to its rules, by providing a reasonable ratio between majority and minority staffing of committees.

This was a notable step toward more efficient conduct of legislative business. Unfortunately, a regressive step was taken at the commencement of the 92d Congress, when the majority stripped the staff apportionment provision from the rules.

In joining today in sponsorship of what I regard as an entirely reasonable resolution to amend the rules again in behalf of adequate minority staffing on the committees, I am confident that favorable action would contribute toward an objective which cannot be regarded as in any sense partisan. This is the availability to all members of sufficient qualified staff backup to permit them to arrive at fully informed judgments on matters coming up for consideration.

The proposal of today's resolution is not that the minority invade in any respect the staff allocations of the majority, but merely that the minority be entitled to one-third of committee staffing funds—and only if a majority of such minority finds need of such measure of staffing, and requests it.

The preceding Congress saw the House recognize this formula as reasonable. The volume and complexity of legislation increases with each succeeding session. We need to face up to this business management matter in a responsible way, so that we may get on with our business in the committees responsibly, and with dispatch.

LEGISLATION TO AMEND THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT CONCERNING PRESENT COUNTY COMMITTEES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to amend the Soil Conservation and Domestic Allotment Act concerning present county committees. Specifically, the proposed amendment would authorize the Secretary of Agriculture to consolidate one county with another county or counties, or parts of a county with other counties, in instances where the county or counties contain so few farmers that it is impractical to try to elect county committees, or to efficiently administer the programs separately in each county.

Along with consolidation, this amendment would provide for community committee elections to be held each 3 years rather than annually. This would result in considerable savings of administrative funds. ASCS field personnel have expressed the opinion that reducing the frequency of community committee elections would result in greater interest in the elections by farmers and increase farmer participation in the elections.

It would also eliminate the provision for secretaries for county and community committees. Due to changes in the type and implementation of farm programs since the act was passed in 1938, community committeemen do not now take official actions which require the service of a secretary. Each county committee employs a county executive director who employs other help as needed, and either the county executive director or another employee could logically perform secretarial service for the county committee when needed.

This amendment would implement a saving in operating costs and would vastly facilitate program administration at the county level in those cases where it is instituted.

HIGHWAY TRUST FUND

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. BROOMFIELD. Mr. Speaker, by 1980, 80 percent of our population will be living in urban areas; by that same year, auto ownership in the United States is expected to increase by 64 percent. One need not be an expert to understand the implications of those two statistics: the end of the present decade will find our already-congested cities snarled in traffic, suffocating on pollution and buried under parking lots. Not a pleasant prospect in a time when millions of citizens are clamoring for a cheap, clean and convenient mode of transportation.

Somehow, Mr. Speaker, we are going to have to transfer the bulk of our transportation effort from automobiles to mass transit. Somehow we are going to have to give States and cities the capability to develop efficient and profitable mass transit systems.

Unfortunately that capability exists only to a very limited degree today. Last year, for example, Congress authorized $20 billion over a 5-year period for highway construction, but only $3.1 billion over the same period of time for mass transit development. Moreover, the existence of the highway trust fund militates against any reordering of our transportation priorities.

The highway trust fund was established in 1956 under the Eisenhower administration to insure a comprehensive program of roadbuilding. The President warned against a "piecemeal approach" to the problem and urged that gas, tire and vehicle taxes be placed in trust to be used solely for the highway system. By guaranteeing continued Federal subsidies for roads, the fund would facilitate long-range planning: contractors and States alike would have the confidence that whatever they decided upon could be paid for. The brilliant success of the network we eventually developed can be attributed to the integrated and comprehensive plans they drew up. Roads were not built as money became available, section-by-section, but rather, as they were needed by the Nation as a whole.

The major problem with the trust fund is simply this: by guaranteeing the construction of roads it virtually eliminates consideration of other modes of transportation. The choice facing the States is simply to build highways or do nothing, for moneys allocated to a State from the trust fund are returned to the fund, if they are not used on highways. As a result, other forms of urban and interurban ground transportation have not been given a fair chance to prove what drawing power they might have had, if they had been developed with even half the $50 billion or more spent on highways since 1956.

For this reason I am introducing a bill that would give States the authority to divert funds from the highway trust fund to support other modes of transportation—specifically, mass transit. Under my bill a Governor would have the flexibility to encourage the design of balanced transportation programs suited to the individual needs of his State.

Mr. Speaker, as long as the highway trust fund has proven so successful, I feel it only proper that its benefits be extended to other transit needs. I trust my colleagues will agree with me and give this bill a prompt and thoughtful hearing.

SPACE SHUTTLE: KEY TO FUTURE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, our country has made such remarkable progress in space, that I cannot imagine we would falter now. Yet a recent letter from Mr. Thomas F. Buck, president of the Spaceward Corp., indicates there is a real danger our Nation will relax its thrust into space at the very time we should be exploiting all the opportunities and special dividends thus far offered.

The space shuttle offers the means for technicians to check, service, and repair orbiting satellites which are increasing both in numbers and complexity. It offers the sensible continuity that our space program must have, if we are to continue with the brilliant and inspirational success story which our scientists, engineers and astronauts have thus far written into history.

I insert Mr. Buck's letter with the enclosed article by Arthur Clark which focuses attention on America's need for the space shuttle.

THE SPACEWARD CORP.,
New York, N.Y., June 15, 1971.

Congressman WILLIAM R. ANDERSON,
Cannon Office Building,
Washington, D.C.

DEAR BILL: Dr. George Mueller, who directed the Apollo program and is now with the Systems Development Corporation in Santa Monica, has said: "If America does not get the shuttle—post haste—America will not have a space program." Dr. Mueller, you'll recall, was just awarded the 1970 Medal of Science by President Richard Nixon for his execution of the Apollo system.

We at Spaceward also have a strong conviction of the immediate need for the shuttle and space station program.

The attached letter by Arthur Clarke, featured in the Letters To the Editor column of the *New York Times* endorses by inference Dr. Mueller's point of view on the shuttle. It may be of great interest to you.

If you have a house organ through which this letter may reach interested readers, please feel free to reprint it without fee. We request only this change: to Arthur Clarke's signature please add—Vice President, Spaceward Corporation, 330 East 56th Street, New York City.

We hope Arthur's thinking gets the widest audience possible. He has just signed a contract with CBS to appear on the Cronkite coverage of Apollo 15. During his remarks he will be addressing the Spaceward films—the space benefits to our social scene. We may even have some clips to show, if this is feasible.

Cordially,

THOMAS F. BUCK,
President.

[From the New York Times, May 22, 1971]

SPACE SHUTTLE: KEY TO FUTURE

TO THE EDITOR:

Professors Adams and Katznelson have done a public service in focusing attention on the space shuttle, though ironically their recent letter shows no conception of its importance; to them, it is clearly just another military-industrial boondoggle.

We can manage (for a few years at least) without the SST; we have alternative means of transportation. But the shuttle is the precise equivalent of the DC-3; where would aviation be now without that? By replacing the present one-shot rockets by reusable vehicles, it will enable us to get pay-loads into orbit at a fraction of today's costs.

This must be done, if we are to save our planet. It is now obvious—except to the willfully ignorant—that many of the solutions of our present social and environmental problems lie partly in space. (As the mathmeticians would say, the space segment is necessary, but not sufficient.) Geodetic, meteorological and communications satellites have amply demonstrated their value; the potential of earth resources and—perhaps above all—educational satellites is even greater.

Living as I do in Ceylon, I am well aware of the problems of developing nations. Recently I visited India, filming the impact of the forthcoming ATS-F satellite project. This will broadcast family planning, agricultural and educational programs to the entire subcontinent—so that they can be picked up by ordinary domestic receivers with about $200 of auxiliary equipment. It needs only one receiver per village to start a social and economic revolution, at a cost of about $1 per person per year. And this applies not only to India but also the South America, Africa, Oceania—the whole of the underdeveloped world.

What has the shuttle to do with this? One answer is given—perhaps accidentally—by the illustration of the Orbiting Astronomical Observatory which appeared with the Adams and Katznelson letter.

That satellite cost $50,000,000. It failed, through a minor circuit defect, immediately after it went into orbit. A man with a screwdriver might have been able to fix it.

As our applications satellites become larger and more complex, space shuttles will be essential not only to orbit them, but to carry the technicians who must check, service and repair them. In the next decade this will be so obvious that it will seem incredible that intelligent men ever disputed it. But there will be no shuttle in the next decade—unless we start planning it now.

ARTHUR C. CLARKE.

NEW YORK, May 15, 1971.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. MINSHALL. Mr. Speaker, this month marks some memorable anniversaries for the Baltic States. I wish to express my continued concern and sympathy for the citizens of Lithuania, Latvia, and Estonia, and my admiration for their unflagging courage throughout the stormy and often tragic days of the last 31 years.

Since first coming to the Congress in 1955, I have dedicated myself to working for the eventual freedom of captive nations throughout the world. Those efforts will continue unabated.

I am grateful to the Lithuanian-American Community of the United States of America, Inc., for the following excellent summary of events in the Baltic Nations since 1940:

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (**Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon**) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting *H. Con. Res. 416* (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

SCS: GUARDIAN OF NATURAL RESOURCES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. NELSEN. Mr. Speaker, I have received a highly informative article on the work of the Soil Conservation Service in Minnesota which appeared in the April 30 issue of the Marshall Messenger, Marshall, Minn. It outlines the SCS aims, present accomplishments, and projections for the future to develop and conserve our natural resources, with particular reference to my own Second Congressional District and to the Sixth District.

The article was supplied by Mr. Harry M. Major, Minnesota state conservationist with the SCS, and I am pleased to include it at this point in my remarks:

CONSERVATION SERVICE AIM: PROTECT, DEVELOPE RESOURCES

(By Gerald A. Simpson)

The soil conservation program of the Minnesota Soil Conservation Districts and the Soil Conservation Service is concentrating on those practices which help protect or develop the natural resources of the Districts and the State. These are the resources of soil, water, air, and the plants and animals that grow on them.

These very items of water quality, pollution, beauty of the countryside, flood control and lake shore zoning more recently are getting the public's attention through the news media and by laws and ordinances. Districts are glad to see this awareness to environment protection.

They hope that they can continue to supply the basic information of soils, runoff control characteristics, plant growth habitats, and land-use principles to land operators, public and private, to really improve and conserve the resources of Southwest Minnesota.

The Lyon, Lincoln, Rock, and Cottonwood Soil Conservation Districts were organized in 1945 and 1946. The remaining districts began operation from 1947 to 1955.

In every case, erosion control by planning and applying soil conserving practices has been the number one emphasis in each District. Technicians of the Districts quickly learned that water conservation and sediment control were closely allied. You had to control water flow to control erosion and movement of sediments off land. To this day, sediments make the largest volume of pollutants which get into the streams and lakes.

Plant nutrients like nitrogen, phosphorus, and potash along with bits of organic matter and perhaps spray residues reduce water quality and tend to increase flood problems.

About 16 years ago, the Districts and the Service quit furnishing engineering assistance on legal drains in Area V. With but a few exceptions, we have not laid out tile drains on private lands during the last 12 years unless the tile was a part of a terrace or waterway system.

This was to concentrate on erosion control, windbreaks, wildlife practices, and more recently on community projects particularly recreation and beautification. The control of barnyard and feedlot runoff got off to a nice start last year.

Let's look at some of the accomplishments in Area V, the 13 Southwest Minnesota Districts, for the last year. Conservation planning or application took place on 4,821 farms and with 139 groups of farmers who had a problem requiring group action.

In addition, some type of planning service was furnished to 87 units of government such as county boards, planning commissions, park boards, villages, or cities within the area. County ASCS committees referred 1,980 practices referrals to us for need and certification where required. These contacts plus previous work done with people resulted in the following application of conservation practices:

PRACTICES FOR SEDIMENT CONTROL AND WATER AND AIR QUALITY

Contour farming—5,206 acres.

Crop residue management and minimum tillage—26,230 acres.

Diversions and terraces—132 miles.

Contour strip cropping—1,177 acres.

Grassed waterways—409 acres.

Farmstead and feedlot shelter—894 acres.

Field windbreaks—9.5 miles.

Grade control structures—206 each.

PRACTICES FOR WATER MANAGEMENT

Farm ponds—97 each.

Flood control and fish ponds—6 each.

PRACTICES FOR PRIVATE WILDLIFE HABITAT DEVELOPMENT

Wetland development—623 acres.

Upland habitat—576 acres.

Tree planting—17 acres.

Recreation area development—99 acres.

PRACTICES FOR POLLUTION ABATEMENT

Feedlot control system-planned—25 each.

Feedlot control system-installed—10 each.

On the above practices, the County ASCS Committees cost-shared as an incentive to get people to install them. Also, on about 250 acres of farmstead shelterbelts, the Minnesota Department of Natural Resources also cost-shared for two extra rows to improve the planting for wildlife cover.

These are largely practices on individual tracts of land. Watersheds, community projects, and soil surveys normally are in progress over several years. Let's look at some of them.

WATERSHEDS

Lakes Okabena-Ocheda Watershed, Nobles County. This 73 square mile watershed around Worthington largely involves water management and water quality protection. Watershed planning was completed in 1965, and construction is now in the fourth year. Two desilting basins were constructed in 1967 in a bay of Lake Okabena, which is cut off by a county road.

These structures cause 83 percent of the silt from a seven-mile drainage area to be dropped in the bay rather than spread out over the lake. In 1969, 2.5 miles of channel improvement were installed for flood control and to protect existing drainage outlets. Last year, a multiple purpose dam and reservoir was started and will be completed with two months more work. This dam provides a 182-acre recreation pool plus flood protection to 1,251 acres of lands below it.

A 40-acre county park will be developed beside the lake in about a year. This year the Watershed District is planting about 10,000 trees on a portion of the area for wildlife development. In about a month, a contractor is ready to start construction of another 2.5 miles of channel improvement. This will move excessive flood waters out of Lake Okabena, affording the city and some farmland better flood protection. Next year a wildlife development will be installed. This will consist of a shallow pool of 247 acres and about 140 acres of upland habitat. Excess water from a 5.3 square mile watershed after filling the wildlife pool will be diverted to Lake Okabena to help stabilize water levels.

Upper Deer-Lake Hendricks at Hendricks. This is a 57 square mile watershed of which 42 square miles is in South Dakota and 15 in Minnesota. It is unusual in that it has two outlets. In overflow or flood conditions, most of the water flows down Deer Creek thus by-passing Lake Hendricks, which outlets into the Lac qui Parle River.

The watershed plan was completed in 1966 and it is now in the construction stage. In 1969 and 1970 a large floodwater reservoir was constructed which stores flood flow from 17 square miles and meters it into Lake Hendricks. Eight miles of channel improvements will be built on Deer Creek in South Dakota this year. Engineering plans have been completed for the improvements on the Minnesota side.

This consists of a lake level outlet structure, about a mile of flood control channel down stream from the lake to remove flood waters away from the city park and the city well, and two miles of channel for flood control, and for existing tile outlets and the outlet from the village lagoon.

The County Board did not get a satisfactory bid for the work last fall. Another bid letting will be held on June 1. In addition to these improvements, about 160 acres just north of the lake have been purchased or leased by the Minnesota Department of Natural Resources to be set aside and developed for wildlife as a part of the project.

Canby Creek Watershed. Watershed planning has been in progress for several years with a 30 square mile watershed at Canby. In spite of unstable sands at some locations, a feasible solution has been found to greatly reduce flooding in the Village of Canby and to about 3,000 acres of farm land.

The plan will be completed and approved in about three months. The improvement measures will be one multiple purpose flood water retention and recreation reservoir and two flood water reservoirs. The big reservoir will have a 128-acre permanent pool.

It is anticipated that the local people will develop a 40-acre county park on one shore. The poc. and spring flow should provide some good fishing. The three reservoirs will retain the flood flow from about 25 square miles of steep rolling land, metering it downstream at a slow flow that channels and bridges can handle. It will take five to seven years for the local people to obtain rights-of-way and for construction, planning, and actual building of these measures.

The watershed area above all structures will need the soil conservation and pollution abatement practices applied before construction can commence.

Other watersheds in Southwestern Minnesota. Watershed planning is in progress on the Upper Watonwann River in Cottonwood and on Mound Creek in Cottonwood and Brown Counties. Both will involve flood control reservoirs and wildlife developments.

Some work has been started on planning Norwegian Creek at Lake Benton, but the solution found to date is an open flood control channel. It will not have a high priority for construction funds.

The South Dakota Soil Conservation Service Staff is currently planning with the Cobb-Florida Creek Watershed in Deuel, Yellow Medicine, and Lac qui Parle Counties.

It is planned to start planning on the Tyler Watershed this fall. The Tyler Watershed is mostly in Lincoln County and a tributary of the Redwood River.

BASIN STUDIES

A basin study looks at all resources dealing with local water management problems. It in particular will reveal which flood control projects are most feasible and on which the most protection can be obtained for the money spent.

Field work on the Big Sioux Basin has been completed and the report will be out this fall. This basin includes all of Rock County and parts of Nobles, Murray, Pipestone, and Lincoln Counties. As a side benefit, we have been able to furnish the county boards in this basin with engineering data as to flood height on all streams in the basin for their use in flood plain zoning.

Work was started on the Southern Minnesota Basin study last July 1. For the next two years it will concentrate on the Blue Earth River and its tributaries. Then work will progress to all the tributaries of the Minnesota River.

This will give date for planning in the Yellow Bank, Pomme de Terre, Lac qui Parle, Yellow Medicine, Redwood, and Cottonwood Rivers in western Minnesota. It will give the local Districts and county boards good information for selecting local flood control projects.

SOIL SURVEYS

A county-wide soil survey gives pertinent information for conservation planning, for installation of most pollution abatement practices as lagoons, feedlot runoff control, and for septic tank disposal fields. It is also useful in county land-use planning, flood plain, and lake shore zoning. The interpretations are also used in the location or suitability of sites for sanitary land fills, the location of recreation areas, roads, and single story buildings. It can be used as a guide in equalizing assessments on farm lands.

The Lincoln County soil survey report was published and released about a year ago. The field mapping has been completed in Nobles and Pipestone Counties. The field work on the reports was completed this winter. The cartographers and printers will complete and release these reports in two to three years. The Service soil scientist at Marshall will concentrate on mapping Lyon County until it is completed. See that story elsewhere in this issue.

COMMUNITY PROJECTS

Almost every Soil Conservation District has several community projects going at one time. Some are relatively simple while others are more complex and take several years to accomplish. We will describe a few of them.

At Morton, Minnesota, the Redwood District is leading a project with Indian Council. It will involve the cooperation of several agencies and groups. The Indian lands south of Morton are light textured and subject to wind erosion. Dusty conditions and plugged roads are disagreeable to many. Over the past two years, a plan for several miles of field windbreak has been made.

Site preparation was done last year with OEO employment and county highway equipment. The windbreak trees will be planted this year and next spring, using District planting stock, tree planter, and REAP program. Some care and cultivation will be needed for several years. This will probably come from OEO funds. White farmers who rent the Indian lands are also most cooperative on the project.

In addition, the Minnesota Forestry personnel have cruised 250 acres of mature timber on the river bluff. They are attempting to help the Council find a profitable market for the logs. If the tree planting is successful, there are several other developments which may be added to the reservation.

At Walnut Grove, the community and the county board have been most active in establishing a county park on Plum Creek about two miles southwest of the village. State recreation, county, and local funds have been used to obtain a 450-acre tract.

One aim has been to reestablish the Walnut Grove from which the village got its name and which was cut off about 1922. The 50-acre creek bottom has been included in the tract. On May 8 last year, school children and others planted over 10,000 trees in one day on the site. It will take several more sessions like this.

The community leaders were honored last November by the Sioux City Chamber and Journal for their active community spirit and enthusiasm in community conservation improvement project.

The Lake Benton community and the Lincoln County Board has similarly obtained and established the Hole-in-the-Mountain County Park. We understand it is enjoyed and in heavy use, including Marshall people.

Nobles County has been the leader in developing county parks and lake access. Seven or eight tracts have been developed to date in the county by the County Park Commission plus a village recreation and park area at Adrian and a Worthington city park on the southwest shore of Lake Okabena. In all cases, Service technical help on soils and some recreation practices has been furnished by the Soil Conservation Service.

Currently the Jackson and Dickinson Soil and Water Conservation Districts have been requested to work with the Greater Spirit Lake Development Committee. A large part of the natural watershed of Spirit and other lakes originates in Jackson County. The group is currently monitoring the pollution coming into the lakes.

This is an effort to protect the water quality before it becomes badly polluted. This particular watershed does not lend itself to use of PL-566 Watershed Protection Funds, so the program is being developed entirely by local effort and funds.

One of the most successful community projects was the Clarkfield village park and swimming pool. By local effort the community raised funds, constructed the pool, and developed a park. The pool was turned over to the school debt-free for operation as a part of the summer recreation program. The school can man the pool cheaper than it was costing to bus the children to Granite Falls twice a week for swimming lessons.

The project greatly stimulated community good will. It has been copied by five or six other communities. Again local technicians of the Service supplied some of the know-how on the project.

These community projects require a defined problem which can be solveable largely with local resources and with local leadership which will gather and use technical information which is available through local agencies.

SOILS SPECIALIST SAYS CHANGES MADE IN TEST PROGRAM

Several changes have been made this year in the University of Minnesota's computerized soil testing program that helps farmers formulate lime and fertilizer programs for crops.

The program has been simplified by eliminating the corrective recommendations that have been included on the forms farmers have received from the University's Soil Testing Laboratory in the past. The only corrective recommendation will be for the seeding time application for alfalfa, William Fernster, soils specialist, said.

The reporting form has been further simplified by giving only the oxide forms of phosphorus and potassium, which correspond to be label information on the fertilizer bag, he added.

Recommendations are available for nearly 80 crops, including wild rice, he said. Fertilizer and lime recommendations for all crops appear in "Special Report No. 1" which will be available in May from the Lyon County Extension Office.

AMERICAN ECONOMICS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. CAREY of New York. Mr. Speaker, we all know that our economy is in trouble—that high unemployment and inflation both continue to hurt American workers and consumers. Yet, some people, notably administration spokesmen, have been insisting that the situation is improving—that "we have turned the corner."

AFL–CIO President George Meany knows better—and he made a good case against what he calls "Madison Avenue gimmickery" in a recent speech to the International Ladies' Garment Workers Union Convention. Furthermore, he suggests reasonable solutions to our economic problems both at home and in the area of international trade.

I think my colleagues would find his remarks both interesting and informative and should seriously consider his suggestions. For these reasons, I include his remarks in the RECORD at this point:

ADDRESS BY AFL–CIO PRESIDENT GEORGE MEANY TO THE 34TH CONVENTION OF THE INTERNATIONAL LADIES' GARMENT WORKERS UNION AT MIAMI BEACH, FLORIDA, ON MAY 10, 1971

Thank you, President Stulberg, officers of the ILGWU, and delegates to this outstanding convention of an outstanding American organization.

I am always delighted to attend a convention of the Ladies' Garment Workers because I meet so many old friends and because it brings back memories of a long association, both officially as a trade union officer going back over many years and personally, as a husband going back over 50 years.

I'm delighted to come here to pay my respects to this organization that has made such an outstanding contribution in the last three-quarters of a century to the improvement of the American way of life. I'm delighted also to pay my respects to Lou Stulberg, not just as an officer, as the head of the ILGWU, but for the major contribution that he makes to the progress of the entire American trade union movement.

His concern for the welfare of other workers outside his own union symbolizes, in a way, the entire history of the ILGWU. I remember, back many years, when the ILGWU, despite some very great problems with which it was confronted, was always ready to lend a helping hand to some other union or to some other good cause which was espoused by the trade union movement. And Lou Stulberg, in person, represents that great tradition.

You have many problems that you face today, that affect not only your own members, but the entire labor movement. The economic slump perhaps is the number one problem that we face. And of course, in connection with that, you have problems that are particular to your industry, and that pose a threat to the future welfare of your members.

I could talk to you this morning about any number of items that are of concern to us as Americans and as trade unionists—about winding up the war, reconversion, health problems, drug problems—perhaps even about women's lib, or the generation gap. But, I will forego them. As trade unionists, our number one problem has always been the economy—jobs, purchasing power, our share of the wealth produced.

We're getting a lot of rhetoric in Washington today along with some Madison Avenue gimmickery like the following: "Nineteen hundred and seventy-one is going to be a real good year and 1972 is going to be even better. We have turned the corner. Inflation is going to be slacking off any day now. When the unemployment percentage pulls about even it is very significant. We are told that we have the problem licked. When prices go up a few points, we are told that it has no significance. All we have to do is look at the stockmarket and see how well they're doing there."

But we deal with facts—and here are some of the latest facts, not fantasy, right up to the minute:

The Labor Department reports unemployment moved up in April to 6.1 percent of the labor force. There were 5.1 million jobless in April, up by 2,300,000 from January 1969 when this Administration took office. Substantial unemployment has spread to 52 major industrial areas where there were only six such areas in January 1969. And substantial unemployment—this means above 6%—has spread to 687 smaller areas. Unemployment rates in April were 10% for Negroes, 9.6% for construction workers, 7.5% for factory workers. Unemployment among young people moved up to 10.4% in April, about twice as high as the early months of 1969 when this Administration took office. The rise in wholesale prices accelerated in April to a yearly rate of 6%, according to the government's own report. This stepped-up increase in wholesale prices reflected major boosts for metal, metal products and many other things such as lumber which go into the economy.

Wholesale food prices which normally drop in April, did not move down last month. The government's index of wholesale prices shot up last month—the greatest increase since October, and these are the facts. This is an indication of the mess that the Administration has led us into.

We are really in deep trouble economically in this country. We find the cost of living at the highest point in history. We find over 6% unemployment, with 5 million Americans officially looking for work. That does not represent the complete figure, because those who get sick and tired of looking for work and don't apply at the employment office are more or less dropped from the listings. And those who are working part time are figured in the computations as if they were fully employed. Also, a great many of those presently unemployed are running out of their unemployment insurance benefits. And this means that they are out of the market as consumers and they are more and more turning to welfare.

This is a disgrace, in the richest and greatest nation on earth. How did we get into this situation? In January 1969, when the Nixon Administration came into office, we had experienced 94 months of uninterrupted economic progress, going from the very early days of the Kennedy Administration, progress measured by every economic indicator used by the experts. Over 90 months of uninterrupted progress. I think our unemployment figure then, if I am correct, was about 2.7%, the lowest it had been in many years.

Then the new Administration came to Washington, and they had new ideas. They said that they could do something about the increased cost of living, that inflation must be halted. So they came up with the so-called Nixon Administration economic "game plan", which was devised by Dr. Arthur Burns. It called for fiscal and monetary policies designed to cool off the economy; restrict credit, restrict the flow of money into the economy. This was to be done without any increase in unemployment. President Nixon, in February 1969, sent a letter to the AFL–CIO Executive Council saying this.

Every student of economics can tell you that when you tighten up the money supply and you restrict credit and therefore prevent normal business expansion that unemployment is going to rise.

Well, what happened? Oh, they cooled off the economy all right. And within two years we had 2,300,000 more people unemployed than we had when they came into office. We had the highest interest rates in 100 years, drastically affecting the housing industry and adversely affecting all the small businessmen in the country who could not borrow under the restricted rates, and it adversely affected everybody who had to buy or would like to buy a new home.

Well, what did we get when we got to this point? What did we get from the Administration? Did we get concrete proposals to create jobs? To restore confidence and to enhance the mass purchasing power of the American peoples? Did we get any of these measures? No—we got rosy predictions; every new figure that came out was considered important as an economic indicator, was interpreted by White House spokesmen as being favorable. There is legislation before Congress that would create useful jobs in the public service area. It already was passed by the House, and is still pending before the Senate. However, it already has been indicated that if it passes, it will be vetoed by the President.

This bill, providing for public works employment, makes sense. In every community in this country, in every city, and town, every county, every state, there are blue prints for public improvements that have been drafted and laid aside because of the lack of finances. This bill, this accelerated public works bill, merely says that the federal government will finance this type of project up to 80 percent.

Now this is revenue sharing by the federal government from a very practical point of view. But we are told by the Administration that it is not Mr. Nixon's idea of revenue sharing, he has another idea and he will not go along with this. Now, what do we get? Oh, we get from the Administration that business needs some tax relief, they need some incentives in the form of tax gimmicks, tax concessions. And then we have the Council of Economic Advisers, headed up by Mr. McCracken. It is now coming out with what they call "inflation alerts", supposed to pinpoint who is to blame for the high prices. So, in the "inflation alert" we get the construction industry, which has become a favorite, whipping boy, it seems. Now, the FHA official figures show that in 20 years the cost of construction itself went up 65 percent, which included both the cost of wages and the contractors profit. The cost of materials has gone up twice as much, the cost of land has gone up 300 percent, and the cost of borrowing the money has gone up 360 percent. But the "inflation alert" says absolutely nothing about those things, it merely says the cost of construction is responsible.

Then the next one comes along and it pinpoints the steel industry. It tells the steel industry that if the United Steel Workers get the same percentage of increase from big steel as they got from the can companies that this would be disastrous for the country. So here we have the Steel Workers going to the bargaining table in a few weeks with the great steel giants of America, with the U.S. government holding a club over their head and definitely putting itself on the side of the employer against the worker. At the same time the steel corporations are advancing prices.

The conclusion is inescapable. Despite all the hot air, all the bluebird predictions, all the effort to find a scapegoat for its failures, the Nixon Administration's game plan is a complete and absolute miserable failure.

The American worker and his family are going to suffer the consequences of that failure for some time to come.

I'd like to discuss with you another problem contributing to unemployment. When we have recessions, people have the idea that when business is revived that they will be re-employed. Of course, in the long run this happens. We just keep plugging along until we see the day when we can get up and go back to work. But there's another type of unemployment in this particular bag. It presents another problem that in the long run has a much more disastrous effect on the world's economy and on the general welfare of the nation's workers. This is the export of American jobs to foreign countries by American corporations.

Since 1934, the trade union movement in America, the AFL, and the CIO before merger, and the AFL–CIO since merger, has provided consistent support of government policies for the expansion of world trade in line with our trade union goal of increasing employment and improving living standards both at home and abroad. In the beginning, as world trade expanded greatly, the majority of Americans, or for that matter the majority of the people of the world, benefited. In the 1950's, changes in the world economic conditions began to appear. By the 1960's such changes stepped up rapidly. The benefits to Americans from expanded world trade decreased. The problems grew and are continuing to grow.

The world economic scene of 1971 is altogether different, from what it was in 1934 or even in 1960. Changes in world economic conditions require changes in the United States trade policies. The hard facts of life require that the government's foreign trade policy be speedily modernized in the light of what has been happening. This is not a new idea with us; we've been seeking a shift in this policy since 1955 and to date the situation has continued to grow more urgent.

The United States' position in world trade is getting worse. This country's share of expanding world exports has been declining. And at the same time, imports of all kinds of goods have been mounting.

Unfortunately, this is not a temporary situation. It is not going to go away. The causes are rooted in the many changes in the world's economic scene. For example, since World War II most countries moved to manage their economy. As part of such national economic managements, governments provide direct and indirect subsidies to exports and barriers to imports. Obviously countries have every right to protect their interest as they see them. But such subsidies for exports and barriers for import are not free trade. Moreover, such policies are one of the reasons for the flood of imports in the United States, the most open market to imports for all major industrial countries. At the same time, the expansion of U.S. exports is held down by direct and indirect barriers imposed by other governments.

Another major change since 1960 is the skyrocketing investments of American companies in foreign operations. These investments, combined with patent and license agreements with foreign companies, have transferred American technology to plants throughout the world. Many of these plants operating with American machinery and American know-how pay workers as little as fifteen cents an hour. Such operations of American companies obviously displace the U.S. produced goods in both American markets and in world markets. They export American technology, some of it developed through the expenditure of funds of American taxpayers. They are exporting American jobs. When a California knitwear company set up a plant in Mexico, 200 workers in the California plant were laid off. The same story can be repeated about plants in all parts of the country, adding up to tens of thousands of workers losing their jobs.

In March 1970, the Wall Street Journal reported that Zenith Radio, in the process of completing a large plant in Taiwan, had said it would reduce its work force here at home by about 3,000 jobs this year and that more than one-third of those laid off would be black. The chairman, Mr. Wright, said in addition to the 3,000 laid off in 1970, possibly another 4,000 will be laid off in 1971.

During last year's hearings before the House Ways and Means Committee on foreign trade, an American businessman frankly stated: "I bought the shoe patent, I shipped the last, the dye, the patent, the management and much of the leather to Europe and I am making the same shoes under the same brand name . . . selling them to the same customers . . . with the same management . . . with the same equipment for one reason and one reason alone. The labor where I am making the shoes is 50 cents an hour as compared to the $3 I was paying here in America."

Here's a perfect example where an American employer took everything American except the labor, when he bought the shoe factory. Carry this profit-mad policy to its ultimate conclusion. It means the export of millions of jobs.

Well what happens to this American economy? Who buys the things that we can produce? For decades, 95% of the articles that we produce in this country have been purchased by the American people. So carry this philosophy out to its ultimate conclusion; you ask yourself where does the purchasing power come from to buy these things, when thousands are laid off and jobs are transferred abroad? These are the issues that require immediate government action.

The AFL–CIO has its views on these issues. We are not isolationists and have not any intentions of becoming isolationists. We support the orderly expansion of world trade. We oppose the promotion of private greed at public expense for the undercutting of United States wages and standards. We want expanded work, expanded trade that expands employment at home and abroad and improves living standards and working conditions, here and abroad. We demand that the United States government take steps to protect the interest of American workers against the export of American jobs.

Specifically, we say the United States government must stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries. Such power and tax devices must be ended. Everyday the government should supervise and curb the substantial outflows of American capital for the investments of U.S. companies in foreign operations. And again, the government should supervise and curb the export of American technology by regulating the foreign licenses and patent arrangements of American companies. And they should press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

As a stopgap, in the face of growing unresolved problems, an orderly marketing mechanism is needed now, immediately, to regulate the flow of imports into the United States of those goods and product lines, in which sharply rising imports threaten to rapidly displace significant percentages of U.S. production and employment. Such quotas to bar a rapid displacement of U.S. production and employment by flood tides of imports could slow down the disruptive impact on American society and help to provide an orderly expansion of trade.

There are many other problems we face here in America. For instance, we need to rebuild the cities of our nations, which are deteriorating at a pace that will give us cities of which we no longer can be proud, give us just a collection of gigantic slums. We need homes, decent homes, for millions upon millions of our people.

We need to eliminate poverty from the face of the richest nation on earth. And on that score, the record will indicate that we are not gaining—we are losing ground in the fight against poverty.

We need a national health plan that will make it possible for people who are ill to face that illness without the tremendous economic worry that comes from their inability to pay for being sick. And this affects all the people of this nation. Today, the available health care that we have is the best, but it can't be delivered except to the very, very wealthy and the very, very poor, who are objects of charity. The great majority in between can't afford the hospital bills. They can't afford the doctor's fees. Something must be done about this. And we are going to push up the minimum wage again, so that we no longer have the tragedy of a minimum wage which is below the government's own official poverty level, and which accounts for the fact that hundreds of thousands of people, who work full time in this country, are on the various charity and welfare rolls in the various localities. The so-called working poor—this too is a disgrace.

Then we have the pollution problems, of clean air and water which affect all of us. In all of these areas and in many more, we of the AFL–CIO are going to play our part as the people's lobbyist, protecting our own at every step of the way.

We are going to do our job by the time-tested traditional method we have developed over the years. Organizing, using our economic strength to build up and now we are in the process of sharpening our COPE operation. And we're preparing for a crucial election of 1972.

We expect, and I am sure we will get the complete cooperation of all AFL–CIO affiliates. And in facing these problems, long term and short term, of the future, under the traditional policies of the AFL–CIO in the American trade union movement, under the policies fashioned by the earlier pioneers, who built our movement, I am sure we are going to have the complete and full cooperation of this outstanding trade union, the ILGWU, in the front line as always, for a better and ever-better day.

I have a little announcement I'd like to make. Since 1960, the AFL–CIO has conducted a constant campaign to improve the affiliation of local unions for state federations and local central bodies. These organizations are the vital link to the AFL–CIO because of the important part they play in carrying out the policies and programs of the AFL–CIO in the fields of legislation, political action, and community relation at the local level. In 1965 a decision was made by the AFL–CIO to honor such national and international unions, 80% of whose local unions are affiliated with state and city central bodies, by presenting them with an award in recognition of their outstanding support of these bodies.

So, today, I have the honor of presenting this plaque to this great international union, that it is one of the unions that has reached the 80% level of affiliation, and I am delighted to present this plaque to Brother Louis Stulberg.

RETIREMENT LAW CHANGE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. DULSKI. Mr. Speaker, the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission, has submitted a formal request to you for legislation to provide a change in the law affecting retirements from Federal service.

In order that the proposed legislation may be before our Committee on Post Office and Civil Service for consideration, I am introducing a bill today, along with the gentleman from California (Mr. WALDIE), chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, and the gentleman from Indiana (Mr. HILLIS), also a member of the subcommittee.

The proposed change in the law is intended to permit immediate retirement of certain Federal employees who are separated from service involuntarily during a major reduction in force.

The change would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service, or, after becoming 50 years of age, with at least 20 years of service.

As a part of my remarks, I include the text of Chairman Hampton's letter to you which outlines the basis for the recommendation:

JUNE 8, 1971.

HON. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The Commission submits for the consideration of the Congress, and recommends prompt favorable action on, the attached legislative proposal which, during a major reduction in force in a department or agency, would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service, or, after becoming 50 years of age, with at least 20 years of service.

The proposed legislation would be of inestimable benefit to employees, management, and the community in which an installation undergoing a reduction in force is located. Reductions in force have a depressing effect on employee morale and result in severe personal hardships caused by loss of income and uncertainty regarding future employment. Major reductions in force, through multiple "bumping" actions, also have a disruptive effect on agency management. To the extent that attrition, particularly retirement, reduces the need for involuntary separations and the chain-effect displacement of employees with lower retention rights by those with higher retention rights, these hardships and disruptions are mitigated.

In a smaller community where a Federal installation is a main source of employment, a major reduction in force may adversely affect the community's economy. In a larger community, the release of many employees in some occupational categories may place on an already troubled labor market people for whom there are no comparable occupations in the private sector. Permitting people to retire on annuity income and spreading voluntary retirements throughout an entire department or agency, or a subdivision of a department or agency, as the attached legislation proposes, would at least moderate these adverse effects of reductions in force on the community.

Another benefit to be derived from the proposed legislation is that it will enhance the agency's future effectiveness in carrying out its mission by helping to retain younger employees. Nothing raises the average age of an organization more quickly than a substantial reduction in force in which the youngest employees with the lowest retention standing are separated and the oldest employees are retained.

Under present law, an employee who is at least age 50 and has at least 20 years' service, or 25 years' service regardless of age, may retire on an immediate annuity if he is involuntarily separated, as when he is reached by reduction in force. Unless the employee is old enough and has sufficient service to retire optionally (age 55 with 30 years of service, age 60 with 20, or age 62 with 5), if he is not reached for reduction in force, he does not have the right to retire even if he is desirous of doing so, and thus permit an employee who wants to continue to work to be retained. The proposed legislation would simply give the long service employee who is not eligible to retire under the regular optional retirement provision of the law the opportunity to retire voluntarily during a limited period when his agency is undergoing a major reduction in force.

Under the proposed legislation, the Commission would make the determination as to when a reduction in force is major and would fix the time within which employees could exercise the option to retire. In determining when a reduction in force is a major one, the Commission intends to take into account such things as the impact it will have upon the local economy, the degree of disruption of the operations of an agency or installation, and the effect on its future capability to effectively carry out its mission. A reduction in force which affects a large number of employees in relation to the total number in the agency, or a large number of employees in the same competitive area or in a community would clearly be a major one. The time within which the option to voluntarily retire could be exercised would be set by the Commission so that employees could not defer a decision until the reduction-in-force had been nearly completed. The Commission will also make the determination as to whether eligible employees throughout the agency could exercise the option to retire, or whether the option to retire would be restricted to eligible employees of the agency who are employed in specific geographic areas or organizational units where the effects of the reduction in force are particularly severe. Like employees who are involuntarily separated, those who exercise the option to retire voluntarily in a major reduction in force will have their annuities reduced by 1/6 of 1 percent (2 percent a year) for each month they are under age 55.

As in regular optional retirement cases, the Commission would be vigilant in enforcing the requirement that a retirement under the proposed legislation is the result of the employee's voluntary action rather than of coercion by his agency. Also in situations where voluntary retirements are not confined to designated geographic areas, the Commission would require an agency to try to place an employee adversely affected by a reduction in force in one geographic area in a job vacated by retirement in another area.

Inasmuch as the number of employees eligible to retire if the proposed legislation were enacted would depend on whether the Commission authorized voluntary retirement on an agency-wide, or on a more restrictive geographic basis, it is not possible to provide more than speculative cost estimates.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this draft bill to Congress.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:
Sincerely yours,
ROBERT HAMPTON,
Chairman.

DISTURBING DIMENSIONS OF IMPORTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a very timely statement of a gentleman who is well acquainted with the impact of imports on our economy. I know each Member of Congress has given serious thought to this subject and I commend this article for the reading of all my colleagues:

DISTURBING NEW DIMENSIONS OF IMPORTS

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

In recent years imports have put on a new face in our economy. They represent a newly developed challenge in a sense that can only be described as spoliative to certain aspects of the American system of industrial expansion.

In order to grasp the full implications of this pronouncement it is desirable to give attention to the function of wage levels and relative productivity in the course of import competition, and their bearing on domestic employment under general and special circumstances.

Industries that are beset by growing imports will not ordinarily add workers to their employment rolls, unless the economy is very prosperous and upgrade. They will rather do all they can to increase productivity by reducing their employment in order to meet the pressing low-cost import competition. It becomes necessary to reduce costs, and this can be done in any meaningful sense only by cutting down on the workforce. Since wages cannot be reduced, both because of political realities and because doing so would reduce consumer demand, the only way to reduce labor costs is to cut the number of man-hours needed to produce a given volume of goods. When that is done by a number of industries that are faced with import competition, the result will be less employment. This may mean a lower total payroll. In any event that is the objective.

REDUCTION OF PRODUCTION COSTS

It is not generally appreciated what is involved in reducing production costs. It is often said that in some products labor is not more than 15% or 20% of the cost of production, e.g., as in automobiles, in the production of which the payroll in 1967 was only 14.8% of the value of shipments. (See Census of Manufactures for 1967.) This judgment is perniciously false because it ignores the permeation of all production by labor, from minerals, agriculture, lumbering and all other raw material preparations to multiple transportation, financing, insuring, storing, etc. These and other operations precede final assemblage of parts and components. What is called the "automobile industry," with its 1967 complement of 743,000 workers, is merely an assembly operation. The great preponderance of labor is expended before the assembly line is reached. The "industry's" labor outlay is only a third of the iceberg. Instead of 743,000 workers, somewhat over 2 million workers are needed to build our automobiles and parts.

The fact is that close to 80% of total costs incurred by all corporations in production goes into employee compensation carried all the way back. Therefore precious little maneuvering is left as a competitive weapon other than reduction of man-hours through worker-displacement. If overall costs are to be reduced as much as 10% in order to become competitive with imports the total work-force from A to Z must be reduced by something more than 10%, even if profits were reduced proportionately. If a 20% reduction in cost is necessary the work-force would have to be cut some 25%.

Reduction of costs has, of course, been the very matrix of American industrial success. Lower prices generally beget greater consumption. While this is not always true it is true with a product that enjoys an elastic demand, such as automobiles. It does not hold for goods with an inelastic demand, such as sugar and salt and other essentials. With an elastic demand consumption rises when prices are reduced. The classic American process with a new product which was found to enjoy an elastic demand has been to move heaven and earth to bring down the price to consumers. That is the tale of the automobile, radio, TV, etc. It is also the very principle on which our anti-monopoly posture rests.

LOW-COST IMPORTS PRODUCE DIFFERENT EFFECT

As a result, today *imports* are invested willy-nilly by the unwary with the same virtues attributable to the cost-reductions that in our economy were the key to enlarged consumption and resulting expansion of employment. The analogy rests on precarious ground. For example, the demand for a particular product may be inelastic. Lower costs and lower prices, whether offered by imports or domestic producers, will then not enhance consumption sufficiently to help employment. Those who were laid off because of higher domestic productivity or imports then create net unemployment.

Now we come to the very core of the case. If the demand for a product is elastic and if the initial price to the consumer is appreciable a lowering of the price will indeed beget consumer response. The workers who were displaced by the more productive methods that resulted in the lower price will find employment after some time. The workers in the buggy and carriage factories gave way in a roundabout process to the automotive worker. In time more workers were employed in automobile production than had been displaced, although not very likely in the same place.

However, to substitute lower-cost imports for domestic cost-reducing innovations, such as more productive machinery, is not justified. There is a fertile difference.

When the domestic entrepreneur contemplates drastic cost reduction as a means of reaching a broader market he is lured by visions of bonanza-like returns. The great exemplar, of course, was Henry Ford. He collected handsomely on his vision by taking a risk on the elasticity of demand for his product. He was sure, however, that if his theory was true, he would have a vast and almost virgin market before him.

He had recognized the interdependence of mass-production and mass-consumption. He instituted the unheard-of $5-a-day wage as a token of his faith.

EXAMPLE OF THE AUTOMOBILE

To appropriate the difference between the Ford approach and the present-day efforts of manufacturers of products that promise great consumer acceptance if the cost is brought to levels low enough to tap the mass market, we must recognize the difference in the attendant circumstances. Mr. Ford could be sure that he would not soon be undersold by competitors who had access to his technology, access to his engineering developments and who were likely as experienced in marketing as he but who paid their workers only $1 or $2 per day against his $5.

Had such entrepreneurs been on the landscape and ready for him, ready to invade his market and tap layers of consumer income below those he could hope to reach unless he could surprise them with yet more highly productive methods, he might have thought twice before venturing so far afield. The others would have shared his market and might possibly have driven him out of business. Their lower wage disbursements would, however, soon have failed to boost consumer income sufficiently to produce the generally high level of consumer demand necessary to sustain general expansion of the economy. Instead of taking their cue from Henry Ford the remainder of American industry would have seen him as a failure and would not have emulated him.

The industrial miracle of the world, the American industrial system, would not have flowered, unless, indeed, some other entrepreneur equal to Ford had come on the scene.

To pursue the difference further, assume that his competitors, who were in a position to take a competitive advantage of him because of their lower wages combined with high productivity, had been foreign companies producing abroad rather than American. They would then have employed foreign rather than American workers. Mr. Ford could never have built his industrial empire. The automotive industry would hardly have become the great employer of domestic labor that it is today.

Today highly resourceful, competent and energetic entrepreneurs, supported by great capital resources, much of it American, do exist and operate abroad; and these are hungry for business.

This fact alters the whole outlook for greater employment in this country today compared with what it would be if the conditions faced by Henry Ford still prevailed.

EXAMPLE OF RADIO AND TV SETS

We have an example, even if not a perfect one, in that part of the electronic industry that is devoted to consumer electronic goods today. This potential employer of thousands upon thousands of workers has been hamstrung, so to speak, as an expansive employer of American workers. Its employing potential has been dissipated by the very import process pictured above.

It is not that the demand for household electronic goods (radio and TV receiving sets, tape recorders, etc.) is inelastic. No! it is quite elastic, and the American industry benefited from this fact for years in the radio forerunner of TV. Manufacture of receiving sets, the price of which had been brought down within the reach of the mass market, provided expanding employment. With the advent of TV and the development of mass production abroad the scene began to switch.

The high wages which were the characteristic of the American system, together with their function of assuring an adequate market for mass-produced goods, suddenly became a formidable competitive handicap. This handicap was two-fold. The lower foreign costs permitted innundation of our market by the imported product. At the same time it foreclosed to the American manufacturers the hope of enjoying the mass market that formerly was sure to greet the further progessive reduction of costs. The latter function was pre-empted by the foreign producers who, in order to accomplish this fact, needed no particular inventiveness or originality. They had but to build on what became available to them through the process of licensing from American patentholders.

Thus was destroyed the dream that in its pursuit in the past by American entrepreneurs brought us ever expanding employment opportunities. True, American capital, because of its mobility can still participate in the expansion, but the benefits do not accrue to the American workers.

In the past we looked to new industries, which came to be known as growth industries, to take up the slack of industries that lagged in employment. A recent example was the chemical industry with new products. This was a natural development when the new and growing industries were operating in this country and enjoyed exclusive patent rights and tariff protection. Today it is different. We still have growth industries but our own companies license foreign producers or establish producing plants in other countries.

The lower costs of production abroad produce the same effects that successive production-cost-reductions formerly produced in this country.

When the source of the cheaper product, however, is foreign our domestic industry is left in a relatively stagnating position. Our workers see the growth that previously resulted in burgeoning employment at home, taking place in other countries.

Thus the whole outlook for greater employment is changed. A shift to overseas bases has in recent years been going on all about us. We can no longer reason as we did before. When our capital can move overseas so readily the accustomed door to greater employment in this country to which we looked in the past is largely shut off.

EXPORTS AS AN OFFSET

It is said that employment generated by exports offsets the jobs lost to imports. Exports, however, cannot overcome the growth-killing effects of imports that rob our growth industries of their dynamic employment potentials, as described above: e.g., man-made fibers. This is something that was not on the scene until the past decade; and it has already taken a heavy toll. We have before us the bright example of computer exports.

In 1960 we exported only $48 million of electronic computers, accessories and parts. By 1969 this figure had climbed to $728 million. This heartening record is equaled, however, by our *importation* of telecommunication apparatus (radio, TV, etc.) which moved from $127 million in 1960 to $1,006 million in 1969. Here we have evidence of the rapidity of import invasion if the competitive cost-advantage of the imported product is right. The evidence is very convincing in persuading us that industries that do not yet feel much pressure from imports may find themselves beleaguered in a few years' time.

Even so well-established an industry as the automobile makers, who were among the very pioneers of the mass-production system, found that there was still a market to be found in the income brackets that lie below the lowest-cost automobiles our industry was able to manufacture.

If we scan the income distribution by family in this country in a recent year (1968) we may better appreciate what the potential market may be today. 39.7% of family income in 1968 resided in the $10,000 and over brackets. 23.4% fell into the $7,000–$9,999 bracket. Below that level only a low-price automobile, new or secondhand, could hope to make headway. Yet, 26.6% of the total income fell into the $3,000–$6,999 bracket. (Statistical Abstract of the United States, 1970, Table 486, p. 322).

Here was an invitation to any automobile manufacturers who could produce a vehicle at a price low enough to tap this market. Those more likely to have that capacity would, however, be foreign producers who enjoyed the competitive benefit of low wage rates and high productivity. The result was the capture in a few years of 10%–15% of the total American automobile market by imports.

American producers were prevented by labor costs and the productivity level from supplying this potential market. They are making a second attempt, but imports continue to grow. Unless rising productivity can reduce sharply the man-hours needed to produce cheaper automobiles, the imported product will continue to supply the greater part of the low-priced car market. As previously noted, a substantial productivity increase translates into heavy worker-displacement. Already some components are being imported in order to assure a low price. This practice, however, does not help domestic employment.

THE AMERICAN DILEMMA

This is essentially the dilemma in which American industry finds itself today *vis-a-vis* imports. The pressure to remain or to become competitive with imports, as if success in this endeavor would restore the magic of old, works at cross-purpose with the national goal of full employment. The sharper the import competition the more hopeless the effort to increase employment through cost reduction. Movement to overseas bases will be stimulated.

IMPORT CEILINGS OR QUOTAS AS A REMEDY

Any proposed remedy must therefore address itself to this dilemma. To retain a reasonable share of our market for domestically-produced goods calls for import controls that are designed to produce precisely that result. The tariff has been reduced to ineffective levels in most instances. Import ceilings or quotas represent the most effective as well as the most reasonable instrument available for prevention of the pre-emption and despoliation of our markets by imports running wild. Ceiling or quota limitations can be devised to provide for a reasonable level of imports and sharing of our market in proportion to its expansion from year to year. They would at the same time control the shipment to this country of products manufactured abroad from plants established by American capital.

Our industries would once more be assured of a growing market and higher employment if they were guarded against disruption by imports.

There can be little question that our patent system contributed greatly to the vision of successive cost reductions as the key to the mass production and the mass market which together brought greater employment. When imports are poised ready to jump ahead of our producers because of the cost advantage enjoyed by the former, our producers face a disheartening if not impossible prospect; and our economy will lose the propulsive lure that formerly induced it to work production miracles. Labor will be the evicted bystander.

HEALTH REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. FRASER. Mr. Speaker, for many Americans, finding adequate health care is not a solution. Costs for medical treatment have risen astronomically. In Minneapolis, for example, an average day's hospital cost reached $93.78 in 1970. This is double the 1962 figure.

Many who wrote to have their remarks included in the record of the Minneapolis Health Hearings focused on the problem of cost. L. E. Winter reported a $2500 bill for a heart attack. Dr. John Najerian, the head of surgery at the University of Minnesota testified that a kidney transplant could cost $15,000. Accordingly, Dr. Najerian emphasized the very real need for catastrophic health insurance.

The aged in our society are particularly hard hit by even the most minor medical problem. Compounding this is a failure on the part of government and industry to provide comprehensive insurance at a cost all can afford.

Mr. and Mrs. Allan Meinecke proposed expansion of social security legislation. Mr. Fred Glasoe supports this by pointing out the present inability of retired teachers in the Twin Cities to qualify for medicare coverage. Burdening the patient receiving medicare by forcing him to absorb the costs of disputes is pointed out by Mr. Joseph Cody. A plea is made by Agnes Johnson for inclusion of our senior citizens in a comprehensive health reform bill. Mr. John Helmberger points up, in his slightly amended remarks, the complex financial problems involved when a medicare patient receives treatment.

Mr. Scott Hancock, president of the Minneapolis Senior Citizens Council, presents thoughtful ways for the government to act on and improve health services for the aged. Mr. Karl Dansky, executive director of Senior Citizens Centers of Greater Minneapolis Inc. delimits the need for expansion of medicare.

The executive director, Mrs. Daphne Krause, of Minneapolis Age and Opportunity Center Inc. appeared at the Minneapolis hearings and effectively detailed the activities of her organization to provide total services to help our senior citizens continue their activities through their own senior citizens organization. This program is of immense community value. As Mrs. Krause pointed out, of all the problems facing the aged, poverty is by far the most severe.

MINNEAPOLIS, MINN.,
February 22, 1971.

Mr. DONALD M. FRASER,
Fifth District Congressman,
Minneapolis, Minn.:

I agree that something has to be done about our present day medical expenses. I am at present recovering from a heart attack, and my hospital and doctor bill amount to a bit over $2500.00 up to now. My Hospitalization insurance paid for all but about $300.00 but any additional expenses they will pay only 80%.

If I should be forced to retire for medical reasons I would not be able to afford a medical Insurance with adequate coverage, and I am not old enough for medicare, and neither is my wife. There are thousands of Americans being wiped out financially due to the high cost of Medical Care.

The Health Security act you mention is certainly needed, but I don't feel that we have enough Congressmen & Senators in Washington concerned enough about our problems of this kind to do anything that would result in a satisfactory bill to remedy the situation. We do not get a break on our present Federal Income Tax when it comes to deductions for Medical Expenses, so if a health bill is passed probably, there will be so many restrictions, and red tape involved that the bill will be worthless. It seems that our representatives in Washington would rather waste our Tax money on such Programs as the SST, and wastefulness in our defense and military expenditures.

We are very much in need of a Health program that will assure first class medical care for everyone so people will not use up all of their savings and loose their homes to pay their medical bills.

L. E. WINTER.

BLOOMINGTON, MINN.,
February 24, 1971.

Congressman DONALD M. FRASER,
Federal Courts Building, Minneapolis, Minn.

DEAR DON: Relative to your hearings on health care reforms on February 27, we would like to have the following read into the hearing record. We would prefer to do this personally, but are both too ill to make the trip down.

Several amendments to our social security laws are needed badly. Anyone sixty or older who is on total disability should be eligible for Medicare and Medicaid. When disabled by heart, cancer, or emphysema, etc., the need for medical care is immediate and often continuous. A "benefit" beginning at age 65 is a mockery to the individual who dies at age 62 or 63. What the Bible calls, "cold comfort".

The incredible increase in hospital costs is a national scandal. A relatively brief hospital stay wipes out savings put aside during an entire life-time by a family. And, in the U.S.A., the standards for hospital care are a disgrace. (The truth is, there are none.)

An individual 65 or older who sells his home does not have to pay a capital gains tax on any increase in value over purchase-price. This law should be amended to include those persons totally disabled at age 60. Thousands who are disabled are forced to sell their homes for economic or health reasons or both. It is hard enough to lose one's occupation and income, one's health, and one's home without having to pay extra taxes to I.R.S.

We join in sending you our very best wishes.

Sincerely,

EDITH Q. MEINECKE.
ALLAN H. MEINECKE.

ST. PAUL, MINN.

CONGRESSMAN FRAZER: I first wish to take this opportunity to thank you for giving me your valuable time so that I might come before you to present some ideas our organization has with regards to health programs for all Americans.

Each year the cost of being sick and unable to work becomes more expensive and demoralizing. Although I am sure that many of my fellow educators have personal thoughts and ideas on the matter that you have brought before us today, I would like to acquaint you with two special problems that we feel need attention in any new national health program. These are of special importance to classroom teachers.

When a teacher retires in Minnesota, he is covered by the present Medicare Program—if he is *NOT* a teacher in one of the three cities of the first class. Because the teacher of Minneapolis, St. Paul and Duluth is not under the Social Security program, he has been left out of the Medicare program that the other state teachers enjoy. Across the nation, this same problem can be found in thousands of school districts which are not under Social Security. In investigating the program of Medicare I find that it appears the only reason it was tied to the Social Security program was the ready-made available maintenance of the Social Security offices and the availability of the already existing organization.

Although my own school district has developed a limited program for its retired teaching staff, many areas in the United States have not. Even with our existing school district plan there are the same limits on surgery and bed care that are too often found in many private insurance plans. As one gets older, the time of poor health usually increases, but the time and money limits on existing policies do not. I therefore hope that any new program that the Congress adopts will cover all workers and not just those under Social Security as it does now.

We also feel that it is very unfair that only the sick that must be hospitalized seem to be charged for the maintenance of nursing education programs that are developed and maintained by the private hospitals. We need to increase our training of medical staff throughout America, but with the increasing costs of education many hospitals are dropping their nursing programs. If this trend continues, many of our students who wish to serve the sick will not find a place to be educated. If we depend on college programs only we will be forced to drop many students who would be well able to serve but who are not always of the high academic type that colleges insist on today. Yet these are good and faithful young people who often do outstanding service for others. I feel that you and your colleagues should include in a national health program, a new type of nursing education program that will be financed by all Americans and not be added only to the hospital bills of the sick and needy.

Again I thank you for your time and your attention. Our organization of teachers feels it an honor to help build strong and good programs for all Americans. We hope that you will continue to call upon us for any service that we may be able to render as members of a great and dynamic, growing America.

FRED GLASOE,
City of St. Paul Education Assn. & N.E.A.

MINNEAPOLIS, MINN.
February 16, 1971.

Hon. DONALD M. FRASER,
Minneapolis, Minn.:

Thank you for your letter and invitation to attend the hearing on Feb. 27th.

I would like to be able to make a worthwhile contribution but there is a question in my mind as to whether the personal experiences of one or more individuals will be of real help.

Hospitals and Doctors should describe in detail the services rendered to the end that misunderstanding on the part of the patient is avoided.

When a Doctor sends a patient a bill for services rendered it should be in terms that is understood by parties concerned.

The Medicare patient under the impression that 80% of his bill for Dr's services is covered is in for a mild surprise when the settlement is made on the charges ALLOWED which could be half the amount of the charge made by the Dr.

Inquiry following brings the world that "that is the way we do it" from the Dr's staff, and the Medicare office explain that they have to follow Social Security regulations and instructions.

Many Drs are employing a service company to do their billing. These concerns would be included when new legislation is enacted. They are taking a slice of the action, maybe they can create better rapport between Doctors and Medicare.

If Medicare sees fit to reduce the amount the Dr charges let them fight it out, rather than taking it out of the old broken down Medicare patient.

The August 1970 issue of the Legion Magazine carried a very interesting feature article on the Kaiser plan in California.

A new book "Quality of Mercy" written by Selig ——— was discussed and shown on the Today show this morning (Feb. 16th).

It might be that the material in these accounts could be helpful to you in the final draft of your bill.

Thank you for your efforts in this and other matters in the public interest.

JOSEPH E. CODY.

MINNEAPOLIS, MINN.,
February 27, 1971.

Hon. DONALD FRASER,
Congressman, Fifth District.

DEAR MR. FRASER: I live in a low cost hi-rise building. After questioning a number of my neighbors, I find a unanimous concern and real worry about the health care now available to us.

When medicare and medicaid became effective a few years ago we felt that we would be able to continue on as we had up to that time. With some supplemental insurance we could meet doctor and hospital costs. But now, due to inflation and rising costs we can no longer do so.

What is going to happen to us?

It is gratifying that health care for all groups of society is now being considered. We ask that in future plans we not be abandoned, or left to die as we reach old age.

We want to live as useful members of the society we have helped to build.

Thank you.

AGNES M. JOHNSON.

MINNEAPOLIS, MINN.,
February 27, 1971.

Mr. DONALD FRASER,
Congressman.

DEAR CONGRESSMAN FRASER: Medicare for covered aged is generally understood to operate as follows: For each hospitalization period, the patient is supposed to pay the first $52. For each year, the patient pays the first $50 of doctor bills and 20% of charges in excess of $50. For a patient with one hospitalization period and doctor bills in excess of $50 for a given year, the patient is expected to pay $102 plus 20% of doctor bills in excess of $50.

But Medicare does not really work like this. I am not a medicare beneficiary but I manage financial matters for my mother, a 76 year old widow, who is a medicare beneficiary.

My mother, Mary Helmberger, was hospitalized from March 22 to April 14, 1970, at a hospital in Edina, Minn. The hospital bill amounted to $941.30. The $52 deductible was paid before she left the hospital. Since the hospital made "non-allowable" charges (non-allowable according to medicare), my mother was billed for $32.36 which has been paid. So she paid $84.36 to the hospital—not $50.00. Now the hospital is nagging her for an additional $23.04 which has not been paid but, if it were, the hospital charge born by my mother would be $107.40—not the $52., the general public has been led to expect.

What are non-allowable charges? If they are for services which are not necessary, the services should not be rendered unless requested. They were not requested. If they are necessary services, the charges for them should be allowed by medicare, unless they are unreasonable charges. In the latter case, the hospital should not be permitted to make such a charge.

Various doctors were called in (not by my mother) to participate in giving her a physical examination. The doctor's charges were $241.50. All of these made charges which were considered allowable by medicare—except one. His charges were $90.00 and he refused to "accept assignment". All the doctor bills have been paid except the $15. "overcharge". The cost to my mother was $50 plus 20% of $176.50 (the allowable charges amounted to $226.50). $50 plus 35.50=$85.30, the doctor bill paid by my mother.

My mother's monthly income is $190.14 including social security benefits and her board and room cost $160. per month. All the rest of her expenses (including the $84.36 paid to the hospital and the $85.30 paid to the doctors for that physical examination alone) have to be met out of the $30.14 per month. Her other doctor bills and drugs which she takes regularly take up literally all of her income.

Unless something is done to prevent hospitals and doctors from overcharging, many thousands of old people who could take care of their own finances will be forced on to welfare—many already have. The cost of medicare and the cost of welfare will continue to skyrocket as long as the sellers of medical services are free to render what services they please and charge what they please for those services. And people in droves will give up trying to take care of themselves and go on welfare.

My father strived hard to leave my mother with enough to take care of her needs. He did but not enough to allow for exploitation.

At the very least, doctors who treat medicare patients should be required to tell the patient in advance whether they are willing to accept assignment—i.e. whether their charges are considered in line by medicare. And hospitals should be required to tell the patient whether a given procedure is "allowable" under medicare.

Truly yours,

JOHN D. HELMBERGER.

MINNEAPOLIS, MINN.

Ladies and gentlemen:

For a long time the Senior Citizen Council members have been hoping for ways and means whereby elderly people could discover their ailments by way of a *clinic*, and if necessary, be advised to have their ailment corrected before it is advanced to the point of a serious disorder.

We definitely do need a Health Security Act or at least, some drastic changes. There are a few things that bother me, not especially for myself, but for many of whom I come in contact.

One is the "deductible" known as part "B" of Medicare; this should be either abolished or assumed by some other agency or act of law, because so many of those needing medical attention, let themselves drift into a situation where it costs much more than it would if they were allowed to have an examination without forking over that abominable "deduction".

In my opinion and the opinion of this Council, the Federal Government could save much money through "Medicare" payments, if senior people could have a periodical "check" which may prevent them from going to hospital.

Also, it is the opinion of this Council and myself, that the Federal Government should enact a law whereby, any Doctor or Surgeon should be "Duty Bound" before he is allowed a license to practice, to render his services for a set scale, and not be allowed to use his judgment as to how much he can get.

Also, there is the hope that a system of Federal Government pharmacies be set up in all large cities, whereby prescription drugs can be purchased by their true name, and at reasonable prices over the cost of manufacture.

If the proposed Health Security Act is adopted for Employees and Employers and all Government personnel, why not the retired seniors on fixed incomes?

Then there is a thought which comes to many: Who owns the hospitals? Is it not true that many of the hospitals are controlled by stockholders, who happen to be of the Medical Profession? If so, then should not this condition be investigated by the government? A Super-market here in Minneapolis, was hailed into court for selling a carton of milk for 5¢ less than some other stores; and still Doctors, and I say some Doctors, and hospitals are allowed to continually boost the cost of health care.

I think it is a "crime" against the subjects of this nation, and many people are sickened at heart when they see what they have to pay over what "Medicare" allows and what the Doctor demands. Just what is "Reasonable Charge?" How long must the people be "Hi-jacked" by the greed of some of the medical profession?

A. SCOTT HANCOCK,
President of Minneapolis Senior Citizen Council.

STATEMENT FOR HEARING CONDUCTED BY CONGRESSMAN DONALD FRASER ON THE PROPOSED NATIONAL HEALTH SECURITY ACT

I am Karl Dansky, Executive Director of the Senior Citizen Centers of Greater Minneapolis, Inc., a voluntary agency financed largely by the United Fund. One of the purposes of our agency is to act as a positive force in educating the public on the needs of the elderly.

The enactment of Medicare was a great social advance, but because of the increasingly burdensome out-of-pocket payments required of beneficiaries, Medicare pays less than half of senior citizens' health costs. We believe that under the National Health Security Act, as it is proposed now, it would provide the elderly with far better health care than is likely under Medicare. The range of personal health care services including the prevention and early detection of disease, as well as the care and treatment of illnesses, are important additions to current Medicare coverage. More important in terms of helping older people maintain healthy standards of independent living are the inclusion under the National Health Security Act of full coverage for physician services, inpatient as well as out-patient, and home health services. A major contribution towards the prolongation of independent living will result from the inclusion of coverage for optometry services, and podiatry services, as well as prosthetic devices and appliances. Even greater service in this direction would be rendered if prescription glasses, prescription drugs and hearing aids were also included.

The broader coverage of all people under the National Health Security Act will, in my opinion, be welcomed by all senior citizens. Even as they were pioneering for Medicare, many seniors felt that similar measures should be available to all citizens in order to insure good health care to maintain a strong society. If this measure is passed they need no longer bear the unwarranted feelings of guilt that those in the labor force who are contributing to Social Security were bearing an unbalanced portion of the cost of Medicare.

M.A.O.—Minneapolis Age and
Opportunity Center, Inc.,
Minneapolis, Minn.

Excerpt from the M.A.O. Concept:

"We have also committed ourselves to supplying those needed supportive services which will enable our people to stay out of the institutions and in their "home" wherever possible. In fact, to sum it up, we have committed ourselves to serving the Senior Citizens, in a program for Senior Citizens, developed by Senior Citizens, and run by *Senior Citizens*."

M.A.O.'s comprehensive services are Model City-Wide (see attached map) with the exception of Meals-in-the-Home and Home Management, which unfortunately at this time must be limited to roughly a 12-block area from the M.A.O. Center, except in emergency cases; even within these areas the Meals-in-the-Home are limited at this point, but hopefully will be increasing every month in the future.

There are a couple of services through M.A.O., which do not have Model City funds in them, which are therefore city-wide, and are so indicated below.

Meals-in-the-Home.
Employment.
Information and Referral.
Voluntary Services (Including KRI-M.A.O. Training Program).
Specialized Home Service:
a. Home Management.
b. Home Handyman.
Telephone Services:
a. 24-hour Emergency (Including Holidays).
b. Reassurance Phone Service.
c. Dial-a-Friend.
Transportation (To bring Senior Citizens to the Service and to bring services to the Senior Citizens).
Adult Education.
Consultive Services (Including Legal and Financial Advice).
Counselor Service (Outreach).
Notary Public (Services are available at the Center free to Senior Citizens. In emergency cases only—this can be offered in the home).
Advocacy.
Social Activities:
a. Operated by Senior Citizens.
b. For Shut-ins.
c. To bring isolated Seniors back into the Community.

These services are offered city-wide:

Meals - in - the - Community (Referral through M.A.O. only).

Abbott Hospital-M.A.O. Senior Citizen Clinic (Referral only through M.A.O.).

St. Mary's Friends Crisis Funds.

M.A.O. will also coordinate with all agencies or voluntary groups serving the needs of Senior Citizens.

For further information regarding any of these services call: 332-6311.

Daphne H. Krause,
Executive Director, M.A.O., Inc.

THE NATIONAL NEED FOR AN INTEGRATED TRADE POLICY: THE TEXTILE EXAMPLE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. NICHOLS. Mr. Speaker, the necessity for passage of a trade bill during the 92d Congress is becoming even more pressing. The question of textile import quotas is a matter that must be solved and must be solved quickly. I hope that the Congress can take positive action before we sacrifice more jobs in the textile industry.

Several weeks ago, I told the Congress about the closing of Beaunit Mills in the town of Childersburg, Ala.; this action, due to be completed in August, will leave over 900 persons unemployed. There were reasons other than imports involved in the Beaunit case but the fact that no other industry has agreed to take over the plant is indicative of the fact that the textile industry is not expanding but is diminishing. In a shrinking market, the marginal mills go first. In an expanding market, if a plant is not doing well it either goes into another category or someone will pick it up who knows how to make it productive. Thus far, no one has agreed to take over Beaunit.

Mr. Speaker, the question of import quotas was recently discussed by R. Buford Brandis, international trade director and chief economist of the American Textile Manufacturers Institute. Several weeks ago, Mr. Brandis spoke to the Conference on United States Trade Policies and Agricultural Exports at Iowa State University. I include Mr. Brandis' comments for the study of my colleagues in the Record at this point:

The National Need for An Integrated Trade Policy: The Textile Example

(By R. Buford Brandis)

Last Sunday, May 30, the *Washington Post* carried a front-page story on lobbying activities relative to current consideration by the House Agriculture Committee of legislation extending the Sugar Act. At stake, as on the occasions of previous renewals since 1934, is allocation of specific quota portions of the U.S. sugar market to American cane growers, to American beet producers, and to many of the world's less-developed countries, respectively.

Ten days earlier the Honorable Clarence Palmby, Assistant Secretary of Agriculture for International Affairs, testified before the Subcommittee on International Trade of the Senate Finance Committee. He said in part:

"It is thus a matter of very great concern to us that the developed countries of Europe, where we would expect to find our major markets, as well as Japan, are following policies which restrict trade growth. . . .

"This is not to say that agricultural trade problems with the UK would disappear were the UK not to join the EC. On the contrary, since 1964 the UK on its own has been moving away from its traditional policies. For a variety of reasons it has been shifting toward an EC type of policy and away from the deficiency payment system. With the recent coming to power of the Conservative Government this shift has been accelerated. Thus, we would in any event be facing unfavorable and restrictive changes in UK agricultural policy.

"Agricultural policy problems are not limited to Europe. Japan's agricultural policy has led to a most troublesome rice surplus. High support prices have contributed to increased production far outrunning uses. Japan's rice support price was this year raised to over $390 per ton. By way of contrast, the U.S. rice support price is $107 per ton. Japan's stocks of rice are greater than estimated total world trade in rice in 1970. . . .

"Imports of a number of horticultural products from Mexico—fresh and frozen strawberries and fresh tomatoes, cucumbers and peppers—have increased sharply in recent years. In 1970, imports were at a record high level for each of these items. Mexico possesses advantages in producing these crops because of lower labor costs and generally more favorable climatic conditions. United States capital and know-how have aided in the expansion of Mexican industry and promise to aid further growth. It is likely that imports of these products from Mexico will continue to increase and the disruptions in the U.S. market from the standpoint of both production and price will become increasingly evident.

"U.S. officials have engaged in joint meetings with Mexican officials in an effort to regulate the sharply increasing trends of horticultural imports. We believe the desirable course of action here is to continue to work with Mexican officials to avoid undue market disruption.

"Imports of certain chilled or frozen meats, primarily beef and mutton, have been subject to voluntary restraints negotiated with principal exporting countries since the last quarter of 1968. Products included within the restraints are those specified in the Meat Import Law enacted in 1964. . . .

"The past year has been a sharp readjustment in world butter stocks that has removed the burdensome surpluses that demoralized the butter market over the past several years. This was the result of lower production in Western Europe and in New Zealand, which suffered a severe drought. Nevertheless it has been necessary for the U.S. to take additional steps under the authority of Section 22 of the Agricultural Adjustment Act, as amended, to hold imports of certain dairy products to reasonable levels. The President proclaimed quotas effective January 1, 1971, on four dairy products which were circumventing our import controls and interfering with price support programs: ice cream, animal feeds containing milk (calf replacers), low fat chocolate crumb, and low fat manufacturing cheese. All of these products were relatively new items in international trade and were used mainly by processors. . . .

"Our agricultural import system is relatively liberal."

TEXTILE IMPORTS

The American textile industry, like American agriculture, has major import problems. Involved are the developing countries, Common Market, the United Kingdom, Japan, Mexico—a very similar list. May I tell you our story? Over the past decade—in boom and recession, in war and peace—the textile import trend has been relentlessly upward. Future viability of the American fiber-textile-apparel complex is now threatened unless reasonable controls over imports are put in place promptly.

U.S. imports from all countries of textile products—including yarn, fabric, apparel—manufactured of cotton, wool, and synthetic fibers (nylon, polyester, rayon, etc.), amounted to the statistical equivalent of one billion square yards in 1959. Such imports more than doubled by 1965. Five years later, in 1970, they had redoubled to four and one half billion yards. First quarter imports in 1971 were up 38% over 1970. The present level of imports represents a third of a million jobs.

A decade ago, when the GATT cotton textile import controls were first imposed, imports supplied about five percent of American consumption of such products. Today some 15 percent of our total textile market is being supplied from abroad. In certain product lines such as worsted fabric for men's suits the import ratio is above 50 percent and rising.

NATIONAL GOALS

Among the national goals of present domestic policy are price stability, full employment, a rising standard of living for all citizens, and the economic development of our country's underdeveloped areas. In the achievement of each the domestic textile-apparel industry plays a key role.

Yarn and cloth prices at the mill level are actually lower now than they were in the late 1950's, while wholesale apparel prices have only kept pace with the general inflation. Yet textile wages have jumped a dollar an hour over the decade, while apparel wages have moved similarly.

The best way to hold the textile price line for American consumers is to encourage healthy competition among our 7,000 textile plants and 27,000 apparel plants. Once the control over the major part of a product line falls into the hands of foreign interests, provisions of U.S. law for the protection of American consumers—antitrust regulations prohibiting price-fixing conspiracies and the like—go out the window.

A good example of what happens under these circumstances is the silk textile price story. Imports having killed off the American silk textile industry, Japan and Italy now dominate the world's silk textile production. Since 1957–59 the wholesale price index of silk textiles in the United States—virtually all imported—has more than doubled. During the same period, with competitive U.S. market influences dominant, the all-fiber textile and apparel index is up less than 10%.

We have not yet reached the point where foreign pricing influence dominates most U.S. textile and apparel markets, but unless prompt control action is taken that point could soon be reached with respect to many different textile products, and the U.S. consumer will be the loser.

Taken together as a single industrial complex, textile and apparel manufacturing form a key foundation element in America's economic structure. Not only does this industry make products essential to life and vital to national security, but it fills a primary role in providing economic activity for hundreds of communities large and small, urban and rural, throughout the land.

The industry directly employs 2.5 million men and women, in a broad range of occupations. Another million workers are employed in producing the raw cotton and wool, cornstarch, machinery, chemicals, and myriad other materials used by the industry. Of the 20 million manufacturing employees in this country, the industry directly employs one in every eight. It pays them $12 billion yearly.

The industry's impact on the economy of the United States goes even further. It generates major revenues for government—federal, state, and local. It buys four billion dollars worth of fiber each year, including two-thirds of the output of this country's 300,000 cotton farms, all of the domestically produced wool, and almost all of the synthetic fiber produced by the U.S. chemical industry. In addition, it spends $600 million on dye-stuffs and other chemicals and several hundred millions annually on new plant and equipment.

Black employment in the textile industry grew from 3.3% in 1960 to 14.3% in 1970; the present level for all manufacturing is 10.1%. Black employment in the textile industry has advanced four times faster than the national average for all manufacturing since 1960—and in some South Carolina areas black workers now account for 40% of total "new hires".

In New York City the industry employs one-third of all manufacturing workers. Its payroll, $1.5 billion annually, is second only to that of the Welfare Department.

Another significant aspect of textile-apparel employment is the number of women involved. Women constitute about 45% of the textile labor force and 80% of the apparel workers. This compares with all-manufacturing average of 27%.

Family responsibilities sharply restrict their mobility—a factor blithely ignored by the largely male "adjustment assistance" advocates. In terms, then, of opportunities for people regardless of race, sex, or education the textile-apparel industry is remarkably diversified in what it can offer by way of employment opportunity—that is, provided it has a reasonable chance to grow and progress along with the nation's economy as a whole.

These social contributions of the textile industry are important and significant to our national welfare. They are vital to our national commitment to full employment.

Appalachia is the largest in population of the underdeleveloped regions of the United States. In 1965 Congress passed the Appalachian Regional Development Act "to promote its economic development."

The textile-apparel industry is by far the largest employer of manufacturing labor in Appalachia. As noted earlier, in the United States as a whole the industry provides one of every eight manufacturing jobs. In Appalachia the industry's relative importance doubles; in that region extending from southern New York State to northern Mississippi it provides one job in every four.

In an area encompassing Appalachia and contiguous territory within commuting distance—50 miles—there are more than one million textile apparel jobs. The Federal Government has a positive domestic policy involving the creation of new manufacturing jobs in Appalachia, yet its foreign trade policy seriously threatens a million textile-apparel jobs already there. The question essentially is this: Will job opportunities be available in this country to those people and those areas where the jobs are most needed? Or will they be transferred to low-wage nations of the Far East, some of which, like Japan, are already highly developed industrially?

AMERICAN PRODUCTIVITY

This American industry is not suffering import competition as a result of low productivity. Quite the contrary: the American textile industry is the most efficient in the world.

The British Textile Council, in 1969, published an exhaustive study of relative productivity in major textile industries around the world. In spinning, American productivity is more than twice that of the Japanese and more than three times that of the British.

When productivity in spinning is combined with productivity in weaving, once again the American industry shows up as by far the most efficient, with Britain second at 37% of U.S. productivity and Japan third at 32%. We can take pride in American textile performance.

However, items made abroad at wages far below the legal U.S. minimum give foreign producers cost advantages that cannot be overcome even by superior American efficiency. American wages are five times higher than those in Japan and eight times greater than in Hong Kong; while Korea, Taiwan and other Asian countries show even wider disparities.

Contrary to claims often heard, the textile wage gap between the United States and its major foreign competitors is not narrowing, but widening. The gap with Japan in 1960, for example, was $1.44 per hour. In 1970 it was $1.98—a 37% increase in the gap over the 10-year period. True, Japan's textile wages rose by large percentages, but the actual dollar amount fell far short of the increase in wages that has taken place in the United States. And Japan pays the highest wage of the Asian nations.

Put another way, the American textile import problem grows out of the fact that, as the result of our national trade policy, the American market has been opened to overseas production while production cost factors, as the result of our national socio-economic policy, are highly protected at the border. There is little movement of labor across national boundaries, for example, due to immigration quotas.

Furthermore, currency exchange rates are fixed, rather than flexible, under the present International Monetary Fund system. Hence there is no neutral world monetary system freely reflecting cost differentials among nations.

GATT AGREEMENT

Since 1961, cotton textile trade has been controlled by a quota system internationally agreed upon and presently overseen by the Cotton Textiles Committee of the General Agreement on Tariffs and Trade in Geneva. This control agreement, the Long-Term Arrangement for Cotton Textile Trade (LTA), has been renewed on several occasions, most recently in September 1970. Its present span extends through September 30, 1973. The United States and 30 other countries are signatories.

Cotton was the dominant fiber 10 years ago. This is no longer the case. The United States Government and industry have proposed, therefore, similar quotas on wool and man-made fiber (synthetic) textiles, hardly the earth-shattering change of policy pictured by some.

Our government, under three presidents, representing both political parties—Kennedy, Johnson, and Nixon—has administered its cotton textile quota controls so generously, and with such a sense of international responsibility, both to Japan and to developing countries, that our cotton textile imports in 1970 were double the 1961 total. This generous example has not been followed by the Europeans or the Japanese, a statistical fact which opponents of textile quotas neglect to mention while admonishing the United States to set other countries a good example to follow. The Europeans have used fairly visible LTA and other quota regulations in protecting their textile industries, while the Japanese have placed greater reliance on a typically subtle Oriental form of mercantilism best translated as "administrative guidance." Yet, the results have been similar.

According to United Nations data for 1969, Japan took 3.5% of the total textile and apparel exports of the less-developed countries to the developed countries, the Common Market 15.9%. and the United States 47.1%. These are interesting ratios since the Common Market populations together are about as numerous as that of the United

States; the Japanese half as numerous; and all three areas affluent.

THE TRADE BILL

After a year of fruitless attempts to resolve the textile import crisis through international negotiations, the Nixon Administration in June 1970 endorsed textile import quota legislation in testimony presented to the House Ways and Means Committee. The President reaffirmed that position during his televised news conference of December 10, 1970, while the legislation was awaiting Senate action. On March 11, 1971, in rejecting the Japanese industry's unilatral program of export control, he called again for textile quota legislation.

That legislation, the textile quota provisions of H.R. 20, would specifically provide for textile import restraints agreed upon in international negotiations to supersede quota levels provided by law. Furthermore, the President is authorized to exempt any imported textile from the prescribed limitation whenever he concludes such action would be in the national interest or would be necessary to maintain reasonable prices for American consumers. Clearly, it is needed to assure the early, successful conclusion of meaningful, long-range, comprehensive agreements with the Japanese and others.

In rejecting the Japanese industry's export control announcement as a solution to our import problem, the President said:

"On its face, this unilateral program falls short of the terms essential to the U.S. in the following significant respects:

"Only one overall ceiling for all cotton, wool and manmade fiber fabric and apparel textiles is provided, with only a general undertaking by the Japanese industry 'to prevent undue distortions of the present pattern of trade.' This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits.

"The overall ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. During the two years that we have been negotiating with the Government of Japan, imports of man-made fiber textile products have greatly increased, and in January 1971 they entered this country at a recordbreaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including in the base exports of cotton products which are already limited by agreement and which have been declining."

Furthermore, the import growth rate projected in the Japanese industry's proposal is nearly double the actual growth rate of the American textile market since World War II on an annual basis.

Control over product shifts and the coverage and duration of the plan are completely in the hands of the Japanese textile industry. It would encourage a form of economic search and destroy strategy which could wreck entire segments of the domestic industry. It would be unconscionable to abandon the responsibility for 2.5 million American textile and apparel workers to the whims of the Japanese textile industry.

A similar Japanese voluntary agreement covering steel imports has not worked as intended because the Japanese have violated the spirit of the agreement by concentrating in certain high-priced specialty steel markets. To accept this proposal would mean falling into the same trap.

Since January 1, 1962, Japan's cotton textile exports to the United States have been regulated through bilateral agreements negotiated by the two governments under the GATT international cotton textile trade arrangements. During the first five years of this period our cotton textile imports from Japan rose from 243 million square yards in 1961 to 412 million in 1966, an increase of 70 percent. This does not seem excessively restrictive.

In subsequent years, as man-made fibers increasingly supplanted cotton both here and in Japan, cotton textile imports declined. They were 331 million square yards in 1970. The 1971 quota (annual rate) is 432 million. The uncontrolled synthetic textile imports from Japan have more than doubled in just five years: 301 million square yards in 1965; 775 million in 1970. And in the first quarter of 1971 they jumped 77%.

Japan accounted for one-third of our textile trade deficit in 1970—or 556 million dollars of our 1.6 billion dollar deficit. The time for responsible and effective *governmental* action has clearly come.

Retaliation

Opponents of textile quota legislation have held high the spectre of foreign retaliation against our agricultural and other exports. As painted by the more eloquent of these lobbyists, "retaliation" becomes a vague horror resembling a brain operation performed under guttering candles on a stormy midnight by Doctors Frankenstein and Fu Manchu.

Actually, our textile import policies under the legislation proposed would remain so generous relative to those of other GATT members that "retaliation" and "compensation" can surely be avoided by vigorous presentation of the American case to our trading partners.

In view of the subsidies being paid on textile exports to the United States by many of our trading partners, the nontariff trade barriers raised against United States textile exports around the world, and the bilateral textile agreements between foreign nations which force additional exports onto our market, the real question is this: Why does not the U.S. Government invoke our right of retaliation?

In any event, there is a distinction in practice between violating the rules of the GATT and invoking its provisions with respect to retaliation and compensation. Retaliation and compensation enter when the value of the concessions granted a party has been nullified or impaired by the illegal action taken.

This is to say, the GATT has not authorized retaliation nor called for compensation unless the action in question has had an adverse effect on the trade of the complaining country, since, as a practical matter, it would be impossible to assess the amount of compensation or retaliation in the absence of trade effects.

It is only if the import quota has the effect of impairing the value of a tariff concession—if the trade flows involved were adversely affected—that there would be a basis for a material grievance.

Since what is contemplated by the legislation is the negotiation of agreements under which some growth in imports would be allowed, if growth occurs in the U.S. market, the U.S. Government would have a strong basis, both in GATT law and practice, to defend against any action by the Contracting Parties calling for compensation and retaliation.

A major "retaliation" threat often cited as an example of the horrors which lie ahead is that Japan will reduce or eliminate her very large purchases of U.S. soybeans and raw cotton. Yet the truth is that Japan buys our soybeans because she needs them vitally, as the *Progressive Farmer* pointed out in a brilliant editorial in its current issue. Japan is already buying most of Mainland China's soybean exports and except for the United States, there are no major sources in the world to which Japan can turn. In 1969 world soybean exports totaled 342 million bushels, of which the United States supplied 311 and China 18.

We have seen our exports of raw cotton to Japan decline steadily during the past 10 years—the very years in which we experienced such a phenomenal rise in textile imports from Japan. On the other hand, Mexico, which rigidly controls textile imports, sold Japan more raw cotton last season than did the United States.

ECONOMIST NO. 4,390

Opponents of the legislation also argue from authority, pointing out that "4,390 economists" have signed a statement opposing import controls and comparing this to a petition addressed to Congress by economists in 1930 opposing the Smoot-Hawley Tariff Act of that year. A fuller description of the affair of the 4,390 economists, however, would note that the statement was circulated for signature by the Committee for a National Trade Policy, a reputable, long-established, free trade lobbying outfit representing export interests and located on Connecticut Avenue in Washintgon; that the original endorsers included 20 well-known economists and 2 lawyers; and that the American Economic Association mailing list was used.

The American Economic Association has approximately 18,000 members and the only qualifications for membership are nomination by a member and payment of an annual fee which, at that time, was $10. Were the remaining 14,000 economists the silent majority? Does their failure to sign the statement indicate that they favor textile quotas?

Perhaps not. Yet, how much more professional a survey of opinion the Committee for a National Trade Policy could have given us had they but provided the addressees an alternate statement favoring quotas, as well as the one circulated. Furthermore, to compare the House-passed Trade Bill of 1970 with the Smoot-Hawley Tariff Act of 1930 requires a peculiar arithmetic. The 1970 bill authorized 20 percent tariff *reduction* of present low rates, while the 1930 act increased already high rates substantially.

Nor do all economists view "the theory of comparative advantage" as being carved in tablets of stone. The American Economic Association's selected *Readings in the Theory of International Trade* (Philadelphia: Blakiston, 1950) contains an article by Dr. John H. Williams who served simultaneously as Professor of Economics at Harvard and as Vice-President of the New York Federal Reserve Bank. Of "comparative advantage" he wrote (p. 255), "the premises are inaccurate in sufficient degree to raise serious question of the soundness of the theory, or at least of the range of its useful application to the trade of the world." Professor Williams server as President of the American Economic Association in 1951.

The noted British economist, Joan Robinson of Cambridge University, in her *Economic Philosophy* (New York: Doubleday, 1964) writes (p. 64): ". . . it is not true that no good national arguments can ever be found for protection. . . . the case for Free Trade as a benefit to each nation could not be (proven)." Mrs. Robinson also records (pp. 67, 88), with proper quotations from their works, how those giants of economic theory, Alfred Marshall and Lord Keynes, recognized that Free Trade theory was peculiarly fitted to the unique circumstances of pre-World War I Britain in which the theory was developed, while Keynes later completely repudiated the theory in the depression of the 1930's. Yet, we are told by the "4,390 economists," through the agency of the Committee for a National Trade Policy, that high tariffs Caused the Depression.

Where the United States does have an apparent "comparative advantage" over other producers, a closer look often reveals that the "advantage" was not derived commercially. American jet passenger planes dominate the skies of the world. Yet our jet technology was developed by Defense Department expenditures for bombers—wholly unrelated to commercial costing.

Our science "industry" grew large on Defense and NASA funding. Surely, putting a

Polaris submarine down into the ocean or an astronaut up onto the moon has nothing to do with Free Trade allocation of resources through a competitive pricing system.

A COMMON CONCERN

American agriculture and the American textile industry have a strong common interest in establishing and maintaining reasonable restraints on competitive imports produced abroad under cost structures which would be illegal in this country. The raw cotton producers and the raw wool producers, through their organizations, including the National Cotton Council and the National Wool Growers Association, strongly support the pending textile quota legislation, for example.

Agricultural interests can readily appreciate the devastating impact of imports which, in the case of textiles, already amount to 15% of U.S. consumption when it has been found necessary to set import quotas for cotton, wheat, and dairy products at around 1% of domestic production.

The only real solution to the textile import problem is a system of import quotas negotiated under authority similar to that contained in the Trade Bill passed by the House of Representatives in November 1970, and in the pending H.R. 20. Such a solution has GATT precedent and need not injure American export industries. On the contrary, a firm and reasoned United States stance on textiles would restore American credibility in the international trade arena—and it is an arena. Such restoration of credibility is the necessary first step in securing proper access for United States agricultural and other exports to the highly protected markets of Japan and Europe.

GRAVE STATISTICS REPORTED BY NATIONAL SAFETY COUNCIL

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, over 2 million were injured and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women and children were killed, over 17 million were injured and $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithall for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development and implementation of effective alcohol counter-measures.

On Tuesday, June 29, I plan to introduce legislation which I feel will be a tremendous encouragement toward eliminating the drinking driver. I am asking my colleagues to join me as cosponsors for this urgently needed legislation.

To emphasize the need for this bill, I would like to point out an article that appeared in a recent issue of Analogy magazine which details the legal stumbling blocks which favor drinking drivers. This is just one of the areas where comprehensive changes are necessary if we are to rectify the continuing disaster the problem drinker brings to the highways of the Nation.

I commend this article to my colleagues and I encourage them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety.

The article follows:

MANY LEGAL STUMBLING BLOCKS FAVOR DRINKING DRIVERS—A CHALLENGE FOR LAW ENFORCEMENT

(By James J. Hegarty, Director, Arizona Department of Public Safety)

Law enforcement, as a whole, is fighting a losing battle against the drinking driver. This fact is apparent even though his elimination from our streets and highways is a prime objective of traffic law enforcement. The passing of Implied-consent laws and similar legislation should be demonstrating a marked influence on the statistical picture. Why hasn't this materialized?

The logical answer seems to be the ever-increasing number of legal and practical stumbling blocks. These include a lack of judicial support, indifferent sentencing procedures, juries who view drunk driving as a minor crime, and inability on the part of some law enforcement officers to detect the problem drinking driver.

Both the pre-trial and trial periods present problems. There are some prosecuting attorneys who hesitate to take the case to court unless a conviction is a certainty. The prosecutor often arrives in court ill-prepared to conduct an effective prosecution because he assesses more importance to his other cases, particularly felonies.

The popular use of plea bargaining is another legal loophole. The defense attorney and the prosecuting attorney barter for a reduction. This action fulfills several purposes. If the attorneys can agree, the defendant is spared a "driving while under the influence" charge on his record, it may save his driver's license, and the prosecutor saves time and is guaranteed a conviction, although on a reduced charge. These actions are, in part, necessitated by the over-flowing court dockets and inexperienced, understaffed prosecution staffs. Realistically, cases must be dealt with on the basis of the seriousness of the charge which relegates "driving while under the influence" cases to a low rung on the established priority list. Continuances and trial delays eventually result in memory lapses for both officers and witnesses; evidence may be lost and the prosecution's interest wanes. When the case is finally settled and a conviction results in probation or a nominal sentence, we are nullifying the deterring effect anti-drunk legislation is supposed to produce.

The problem this presents cannot be solved easily. We have already learned a few progressive acts by the legislature are not enough. Then too, we must realize the individual problems must be defined and then solved by each community. All problems are not shared in equal seriousness throughout the United States. Here in Arizona, a primary step would be to specially train attorneys whose job it would be to prosecute only misdemeanor cases.

One problem that could be solved on a national basis is the legality of the chemical tests used by law enforcement officers. The first step would be the universal acceptance of the .10 blood alcohol percentage. This percentage can be backed by medical research to help confirm its validity. The courts might then be more receptive to this evidence.

Judicial support for law enforcement has been the battle cry of all advocates of law and order. Competent traffic enforcement must have the same judicial support. Thousands of deaths occur on our highways each year. The serious injury accident rate is epidemic and the annual cost of highway property damage runs into the millions. Yet, with all this, judicial support is not universal.

Since traffic violations are not considered serious, it is common for a police officer to discover his drunk driving charge against a driver has been dismissed or reduced without qualification. Judicial acceptance of chemical testing procedures of drunk drivers and a favorable view when introduced as evidence is of primary importance.

American criminal justice is based on the impartial jury system. Theoretically, this means a group of objective and impartial peers determine the accused's guilt or innocence based on the facts of the case as they are presented in court. If the jury were, in actuality, objective and impartial, the ideal would be reached. However, too often we find that juries are not a true cross-section of our population. The courts grant immunity from jury service to several professions and both the prosecution and the defense attorneys object to wide stratas of society. These practices reduce the areas from which we can draw effective jurors.

We also find jurors have a tendency to sympathize and identify with the defendant in traffic cases. This eliminates the objective and impartial trying of a case; the case is not tried on its own merits. Defense attorneys find it simple to sway the jury with emotion. The problem drinking driver is pictured like your friendly neighbor who has been placed in an embarrassing situation by an unfortunate set of circumstances. The picture enlarges and the juror easily sees himself in the same position, and again through no fault of his own. His decision is based on how he should be treated, should it happen to him.

The general public has not been adequately educated in the use of chemical testing for intoxication. Implied-consent legislation has not been defined so that the public understands its use and its ultimate goal. In too many cases their first exposure to either Implied-consent or chemical testing is when they appear in court as a juror or a defendant. Public ignorance is an attacking tool used by the defense. When the defense attorney casts doubts on the validity and legality of chemical testing, it can seriously cripple the prosecution's case. This means all law enforcement agencies should have as a primary goal the basic education of the public on all phases of chemical testing for alcohol. An educated juror will be more apt to view the court presentation with an impartial attitude.

The cornerstone of the offensive against the problem of the drinking driver is the police officer in the field who detects and concludes whether or not to arrest.

The Arizona Department of Public Safety places much effort in the training of its officers to detect and identify the drunk driver as he navigates his deadly course. It is our philosophy that a poorly-trained and a poorly-equipped officer would nullify the best state statutes, jury selections, judicial support, and chemical testing methods. The police officer must not only be able to detect, he must have the desire to remove the drunk driver from the highway. He must find the value and satisfaction within himself in removing this menace, although he may eventually lose his case on a whim or technicality.

In order to identify the drunk driver, an officer must be well-trained in the areas of administering objective field tests and administering chemical tests. The officer must be able to evaluate the degree of intoxication of the driver by these field tests and observance of the driver's mannerisms. He need not be able to state his knowledge of the chemical components or scientific basis for the chemical tests. However, he must be able to withstand the defense's cross-examination into the expertise of his ability to administer a chemical test.

The police officer must be equipped not only with the legal knowledge to cope with our adversary system of criminal justice, but he must be fully aware of his state's statutes pertaining to drunk driving and Implied-consent. He must realize he has only moments to make his decision, but that decision will be questioned thoroughly in court by those who were not present at the arrest.

Ideally, the true preventive process lays within the driver himself. The picture of the ultimate consequences of his actions should deter his driving while under the influence of alcohol. However, since this hasn't worked, perhaps the certainty of punishment on conviction would be a partial answer.

Although the present picture is bleak, law enforcement must continue to view the mounting death rate as a challenge to its professional responsibility. It must persist in an aggressive search for the answer of how to bring the variable of enforcement to its optimum of effectiveness against the problem drinking driver.

COMMENTARY ON BILLBOARDS, WELFARE, AND SOCIAL SECURITY

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. SNYDER. Mr. Speaker, I would like to call the attention of my colleagues to an informative weekly radio commentary by Mr. Ed Wimmer, vice president and public relations director of the Federation of Independent Business.

I believe the Members will find this editorial especially significant and illuminating at this editorial especially significant and illuminating at this time with the rapidly expanding welfare rolls in the United States in recent years and with the increasing concern by the U.S. Congress in this vital area.

Radio broadcast No. 193, series 71 follows:

(By Ed Wimmer)

KNOCK DOWN BILLBOARDS—BUILD WELFARE—BANKRUPT SOCIAL SECURITY SYSTEM—IT IS EASY

If you have been a regular listener to these weekly discourses on how the so-called free enterprise system, and what is left of representative government in these United States, are being stabbed to death in the House of Friends, you should recall the fight we made to prevent the merger of the New York Central with the Pennsylvania Railroad; our prediction being, that if the merger went though it would lead to the biggest bankruptcy in history, and from there to nationalization—socialization—of the railroads.

The bankruptcy did take place, and the first steps have been taken toward government financing and ultimate federal operation, and if present trends continue, there will be no transit system in the country that won't be taken over by the city, state or federal governments.

Now, if this doesn't sound like socialism or communism, then I have lost my marbles, and the prediction I want to make now is the Social Security System is heading pell-mell down the bankruptcy road, and will be bankrupt if the Congress doesn't go back to its beginning, and trace right up to the present day its whole operation; its increased costs; what is happening to Social Security funds; what all pensions are costing us in the price of goods and services; who gets the pension money and how much; are the huge pension funds being invested instead of being paid out to the people who pay into them, and above all, how much would a private, enforced old age insurance program cost in comparison?

A young man pays into the System from the first day he gets a job until he reaches Social Security age, and he has built no estate as he would under private plans. The pittance received at his death by his widow is probably less than 10% of what she would get from a well planned private insurance program . . . and believe me, I am not overlooking the unparalled shortcomings of the insurance industry. It's a curse unto its own house—but—

Let us consider what the Federal Government is weighing in legislation now before Congress that suggests deductions up to $800 maximum annually for an employee, which would be matched by the employer. This is a payroll tax of nearly $1600 annually, or more than the present income tax on the same amount of money earned; so where would this put the average worker? What would it do to the average small businessman? The farmer? The professional class?

In other words, income taxes and social security taxes could run well over $3,000 a year on a $9,000 salary, to which you add at least 25% in other direct and indirect taxes, and the buying power of your $9,000 salary would shrink at least 50%.

James Madison, author of the Virginia plan which later became the Constitution of the United States, put our present situation in a nutshell when he said:

"If a man, a town or a state lives beyond its means, there someday comes a demand for a settlement."

That day is HERE. Barry Goldwater, Jr., put a speech in the Congressional Record by Governor Ronald Reagan, who pointed out that ten years ago there were 620,000 people on relief in California. Now he says we put that many new ones on each year—one out of every nine people in the state, at a cost of $3½ billion in 1970, which is more than the total cost of the Federal Government in 1929. Reagan predicts the relief case load in 1972, in his state, will be one out of seven if we cannot find better methods of conducting welfare programs.

Is a better answer in President Nixon's family assistance plan? A guaranteed annual income covering something like 26 million men, women and children? Are the new National Health Care proposals that would cost more than medicare and medicaid, something that we even dare consider under present conditions? Has anyone actually faced up to the fact that we will have a federal deficit of probably $20 billion, and this with most of our states on the verge of declared bankruptcy? Is there relief in a "share of the taxes" plan if the money is paid out of deficits?

I have a letter in front of me from Governor Arch A. Moore, Jr., West Virginia, in which he comments favorably on our recent broadcast on welfare as a Gargantuan cancer. Although he apparently is undecided about the President's annual guarantee plan, he knows things cannot go on the way they are without a blowup. But Arch Moore has some almost unbelievable figures in his letter that ought to attract more attention than they are getting, in that West Virginia in the last three years as shown a 50% reduction in the number of unemployed fathers on welfare rolls.

The Governor also reports that the welfare case load of the Aid to Families with Dependent Children program has increased in West Virginia by less than 7% over last year, as compared to 48% increases in Virginia and 75% in Pennsylvania. He adds:

"With all of the proposals receiving careful national attention, I can only hope that we as a people won't be deluded into thinking that if the Federal Government takes over welfare, the problem will disappear, for it will only temporarily be obscured unless each community that is close enough to the problem, and is willing to help in its solution, does so."

Let me at this point ask you a few questions, and you try to answer them in your own mind. The first: Do you believe that we are living under anything that even resembles a capitalistic, free, competitive, private enterprise system? Do you have the faintest hope that we can SAVE what is left of our competitive, independent spirit that opened our frontiers, built our towns and cities, great churches, libraries, parks, steel mills, auto industry, transit systems, vacation resorts, great hotels, great stores—without a dime of federal aid—if we keep going the way we are today?

Karl Marx and Lenin both predicted the capitalistic system would become "bogged down in a concentration of economic power that would lead to socialization of the labor process (the huge unions) which would bring about more and more government until finally the capitalistic regime in America would fail, and thus go down all over the world."

Only a few years ago, Norman Thomas, a perennial candidate for President on the Socialist ticket, said he quit running because the "Republicans and Democrats have adopted 75% of my socialist program, and in 10 years they will adopt the other 25%." This is exactly what both parties are doing by not getting at the source of our troubles, by not breaking up all the huge corporate combines and chain stores. By not stopping dead in their tracks the autocratic labor leaders who have the power to paralyze the whole nation. By not turning back the conglomerates in banking, agriculture, and chain stores that are monopolizing both domestic and international trade.

Over the past several years we have talked to you about the big corporations that are infiltrating our agriculture, which, along with the big chain store groups, have controlled prices paid to the farmers; 100,000 families leaving the land annually. Recently the Oppenheimer Industries, which owns 240,000 acres in the Los Angeles area, a 400,000 acre ranch in New Mexico, and 30 farm and ranch operations in Missouri, announced it will begin farming on hundreds of thousands of acres west of the Mississippi. . . The Kansas City Star says Oppenheimer Industries will "influence the destiny of many rural areas in Missouri, the Southwest, along the Mexican border, and in the far west."

Oppenheimer Industries is only one of the huge agribusiness corporations that set up tax shelters for wealthy investors, the kind of operation that experts have referred to as a plague on society, yet they keep right on monopolizing and bureaucratizing agriculture and anything else they happen to touch, with little or no interference.

Consider this power problem in relation to the present drive of the Federal Government to knock out the billboard industry with a bribe of 10% added to highway funds—if the states comply. Consider the threat of the whole power buildup, especially in government, and the destruction of our markets by foreign sweat shop labor in relation to the drive by scores of Congressmen, Ralph Nader, and an army of consumer advocates who want a law that will enable consumers of a product to be included in the settlement of any successful suit brought against a manufacturer or retailer by any one person, and you begin to get some idea of just what we are facing.

We all know that the market place is fraud-bound as never before in history. There is a don't-careism taking place in industry and behind the counters of retail stores in some areas that sends people home sick with the whole system. Some of the billboards and junkyards that haven't been culled out or beautified, deserve obliteration, but compared to the monopoly-socialism, welfare, confiscatory taxation, foreign trade, liquidation of the family farm, small business and local bank problem, these other things fade into insignificance.

When this war is over, for example, if it does end—what will we have left for Cambodia, Laos, Korea, Philippine, or South Vietnam aid? What are we going to do with the ABLE-bodied veterans who may want to strike out on their own, but will have as much chance as a snowball in you know where, if present trends continue?

Our trouble is, we ran away from our Heritage. We didn't walk away—that wasn't fast enough. We sold our family farms and small businesses down the river, and cut off millions from a rural and urban relationship that was the very sum and substance of our free enterprise, representative government way of life.

But there IS hope. Our National Federation of Independent Business held a Conference on these vital issues last month, in Washington, and over 1,000 of our members went away with a feeling that this country IS going to face up to its challenge. That we CAN end the monopoly-socialism threat so we can look to a return to the Jefferson-Madison concepts of freedom. HUD Secretary George Romney addressed our Conference, and he backed this commentator's statement to the hilt: that if we lose the fight against the power blocs, we will have a Welfare State to Mourn on July 4, 1976, instead of a 200-year-old Republic to celebrate.

This may sound like a voice of doom, but if I handed you a lot of soft soap—don't worry—we came through before and we will come through again baloney—I wouldn't be true to myself nor to you.

THE ATLANTIC ON "NIXONOMICS"

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 21, 1971

Mr. HARRINGTON. Mr. Speaker, despite the Nixon "game plan," the country is suffering from an unemployment rate of 6.1 percent. Inflation still plagues the consumer and forces him to pay higher prices at a time when he can least afford them. Yesterday, the stock market dropped another 12 points bringing the Dow Jones average down more than 30 points in the last 2 days. At the same time, the Labor Department announced the cost of living went up last month one-half of 1 percent, the largest jump of the year.

As an article in the July issue of the Atlantic Monthly makes all too clear, we are in a unique economic situation—a recession during a time of inflation.

Authors Rowland Evans, Jr. and Robert D. Novak note that the Nixon administration refused to alter its course and lacked the courage to impose wage and price guidelines. The administration's timidity in this area may, the authors suggest, lead to a one-term Presidency, but the issue is how best to solve the current economic ills. Without some form of wage and price controls, I fear the economy will continue to decline.

The administration continues to apply unrealistic and deficient solutions to problems which create very realistic problems for those who are suffering the most—the unemployed.

At this time, I insert the article "How the Game Plan Went Wrong" in the Record for my colleagues:

Nixonomics: How the Game Plan Went Wrong

(By Rowland Evans, Jr., and Robert D. Novak)

Lawrence F. O'Brien, chairman of the Democratic National Committee, on May 21, 1970. "Nixonomics means that all the things that should go up—the stock market, corporate profits, real spendable income, productivity—go down, and all the things that should go down—unemployment, prices, interest rates—go up."

In early April, 1969, Richard Nixon called Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee, to the White House to reveal his plans for fiscal austerity. He had managed to cut some $4 billion, the new President informed Mills, from Lyndon Johnson's last and "uncuttable" budget. No member of Congress was more disturbed than Mills by the way federal spending had gone out of control under Johnson, and he was pleased by the reduction. But he wanted more—say another $4 billion?

"Oh, no! We can't do that," said Nixon. "We can't cut so deep that we start a recession."

Mills was puzzled. As he understood it, Nixon's economic strategy—or "game plan" as it was known, in deference to the football-loving President—called for slowing down inflation in 1969 at the regrettable expense of some temporary unemployment. Thus, Nixon seemed to be saying that he was willing to slow down the economy enough to cause some unemployment but not enough to cause a recession. To Mills, this ambivalence made no sense. On the question of how much to slow down the economy, the ambivalence was deeply ingrained, born not of mere skepticism of economic orthodoxy but of two deeply embedded, conflicting impulses that Nixon carried with him into the White House.

Early in 1968, before the series of heart attacks that were to end his life a year later, General Dwight D. Eisenhower discussed the first impulse candidly. "I think Dick's going to be elected President," he told one of Nixon's political advisers, "but I think he's going to be a one-term President. I think he's really going to fight inflation, and that will kill him politically." To Eisenhower as well as to most orthodox Republicans, that would be the worthy sacrifice of a courageous political martyr. For the old General there was no higher imperative for a new Republican President than to curb the torrent of inflation that had been loosed on the economy since full U.S. intervention in the Vietnam War in 1965. To them, at stake was nothing less than the value of the dollar, the role of the United States as a great power, and the very quality of life in this country. To save all this entailed sacrifice. Attempting a reduction in the rate of inflation from 1953 through 1960 (considerably less virulent than the present siege), President Eisenhower's economic policy induced three recessions; these had three disastrous consequences for the Republican Party. First came the Democratic landslide in the elections of 1958, which ended the previous postwar pattern of a virtually even balance between the parties in Congress and established huge Democratic majorities (which persisted even when Nixon was elected President a decade later). Second was the election of Democrat John F. Kennedy for President in 1960. Finally, and perhaps worst of all, the Republican image, formed in the days of Herbert Hoover, as the party of bad times was reinforced in the voters' minds. Now, eight years later, blessed with not a fraction of Eisenhower's unlimited popularity, Nixon would have to take more unpopular actions to fight a worse inflation. The resulting unemployment, business slowdown, and stock market decline almost surely would prevent his re-election in 1972, Eisenhower speculated. But considering the deeds he would be performing in the service of his nation, Eisenhower felt the sacrifice not only would be worthwhile but would assure Nixon a place in history.

Nixon, too, regarded inflation as something more than a campaign issue handy for attacking the Democrats. Some two weeks before the election of 1968 in a paid address over the CBS Network, Nixon declared: "Inflation penalizes thrift and encourages speculation. Because it is a national and perverse force—dramatically affecting individuals but beyond their power to influence—inflation is a source of frustration for all who lack great economic power." That is, in Nixon's diagnosis, inflation was a virus affecting not just the health of the economy but the frame of mind of the entire country. He fully agreed with the assessment by Theodore White as the Nixon Administration took office that "inflation, in the past four years of American life, has ravaged our standards of behavior."[1] There was, then, reason to suspect that General Eisenhower's assessment was correct.

There was also, however, a conflicting impulse in Nixon. During that difficult decade after his defeat in 1960, aides and close friends had heard Nixon say privately time after time that had President Eisenhower only taken his and Arthur Burns's advice early in 1960 and moved rapidly toward stimulating the economy, he—not Jack Kennedy—would have been elected President. The implication, not quite stated flatly, was that Richard Nixon, if he had the power, would never again go into a presidential election with the economy in a state of deflation.

The closest Nixon came to putting this view on the public record was in a passage from *Six Crises*, his autobiographical work published in 1962. Nixonologists in the world of business cited the passage to their colleagues as the true test of what they could expect in the next few years. After telling of Burns's failure in 1960 to convince Eisenhower to act, Nixon writes this memorable assessment of the election that year, unable fully to restrain his bitterness:

"Unfortunately, Arthur Burns turned out to be a good prophet. The bottom of the 1960 dip did come in October and the economy started to move up again in November—after it was too late to affect the election returns. In October, usually a month of rising employment, the jobless rolls increased by 452,000. All the speeches, television broadcasts, and precinct work in the world could not counteract that one hard fact."

Here, then, was the source of the ambivalence perceived by Wilbur Mills in April, 1969. Should Nixon be the self-abnegating statesman sacrificing his personal future to save the republic from inner rot, or the pragmatic politician finally removing from the Republican Party the curse of Herbert Hoover? Whether or not this ambivalence was appreciated by Richard Nixon in his own

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Footnotes at end of article.

inner thoughts, it did not surface in the early meetings on the economy in his new Administration.

Those meetings were concerned almost exclusively with the problem of inflation which had dropped the value of the 1957–1959 dollar to 81.1 cents as Nixon took office. Presiding occasionally at meetings of the Cabinet Committee on Economic Policy, of the Quadriad, and of the Troika,[2] Nixon made obvious his deep commitment to curbing inflation. Nixon as President could engage his full attention on only three or four large items at one time, and inflation was the only domestic issue that had that level of presidential attention as his Administration began. In private conversations with his staff, Nixon asserted he must deal rapidly and decisively with two principal crises: the Vietnam War and inflation. Furthermore, those few members of his economic team who also had served President Eisenhower noted with satisfaction that Nixon had an incomparably more sophisticated grasp of economics than did the General.

But that scarcely qualified Nixon as an economist. "This is not his long suit," "this is not his cup of tea," "this is not his background," are the remarkably similar assessments of Nixon the economist by three separate members of his economic team. More serious than lack of technical competence, however, was Nixon's lack of emotional commitment. Though he intellectually understood the seriousness of inflation, the Dismal Science did not capture his imagination as did the Vietnam War, détente with the Soviets, or rehabilitation of the Western Alliance.

Given these deficiencies in both his knowledge of and interest in economics, his first-string economic team, the Quadriad, was of peculiar importance. For the first year of Nixon's presidency, this was the Quadriad:

William McChesney Martin, sixty-two, chairman of the Federal Reserve Board (then completing his eighteenth and last year in charge of the nation's central bank). Martin (a nominal Democrat) had not for some years been the dynamic proponent of economic conservatism that he was during the Eisenhower and Kennedy Administrations and was now a somewhat dispirited lame duck. He had no personal relationship with Nixon and did not develop one.

David Kennedy, sixty-three, Secretary of the Treasury. Named on the recommendation of banking interests and Wall Street men, this distinguished Chicago banker, unskilled in macroeconomics, conceived of himself more as manager than policymaker. His relations with Nixon were scarcely any more intimate the day he left the Treasury than the day he entered.

Robert Mayo, fifty-two, director of the Bureau of the Budget. After nineteen years as a career government economist at the Treasury, he joined the banking business as a subordinate to David Kennedy, who recommended him to Nixon for the Budget Bureau. In the government, too, Mayo seemed more Secretary Kennedy's subordinate than Nixon's. Not in recent memory had a Budget Director been more distant from the President.

Paul McCracken, fifty-three, chairman of the President's Council of Economic Advisers. This cool, unflappable, unfailingly gracious economics professor from the University of Michigan had been a member of the Council in Eisenhower's second term and was so well regarded professionally that despite his conservatism, his appointment was hailed by liberal economists. Recommended for the post by Arthur Burns, he was to be the principal author of Nixon's economic game plan and the dominant member of the Quadriad through 1969. But he, too, would never achieve an intimate relationship with the President. McCracken was the essence of the pedagogue, his presentations to the President having the bloodless quality of professorial lectures in Economics 100. As McCracken unfolded historical background and explored every conceivable side of the subject, Nixon's eyes would glaze over. McCracken bored him stiff.

In contrast to the rest of Nixon's domestic policy team, the Quadriad was older, more professionally qualified, better known to the outside world, and more distinguished generally. But it was also less dynamic and less able to penetrate the Haldeman-Ehrlichman Berlin Wall. There was in the Quadriad no John Mitchell, Melvin Laird, Patrick Moynihan, George Shultz, or John Volpe who, for one reason or other, could enchant, convince, or pester the President into accepting his point of view or, at least, actively engage Nixon's interest.

Present at the White House as Counselor to the President, of course, was an economist who was an old Nixon intimate: Arthur Burns (who did sometimes sit with the economic team as "the Quadriad Plus One"). But Burns was eager not to be looking over the shoulder of Paul McCracken, the man he had recommended, and felt his post as Counselor required as much devotion to non-economic as economic questions in the domestic area.

With these men, Nixon knew that inflation was a crisis ripping at the innards of America. But he lacked consuming interest in the subject, and his economic team neither stimulated nor influenced him. What nobody could realize in January, 1969, was that inflation would prove to be Nixon's most intractable problem (far worse than Vietnam), would lead to wrenching Republican disappointments in the 1970 midterm elections, and by 1971 would make General Eisenhower's prediction of a one-term presidency seem very real indeed.

In 1942, four years before he ran for Congress and ten years before he was elected Vice President of the United States, Richard Nixon spent ten months in wartime Washington as a lawyer for the Office of Price Administration. It was an experience which seared his soul, as he revealed early in his presidency, on February 14, 1969, while attempting to give an inspirational address to personnel at the Treasury. Speaking without a text, Nixon wanted to establish empathy with the bureaucrats by recalling the days when he was one himself. What came out, however, was more melancholy reminiscence than nostalgia:

"I was once a P-3 when they had that. Some of you will remember that. A P-3 lawyer in the OPA in 1942 was a very low form of life, I can assure you.

"I remember then the task that I had of preparing form letters and also preparing Congressional mail to be signed by the President of the United States on tire rationing.

"It seemed to me to be a very boring job at times."

Dick Nixon, P-3 lawyer, was then twenty-nine, working in a dead-end bureaucratic job in Tempo D, a dreary wooden shack left over from World War I—without money, without family connections, without much in the way of prospects, and certainly without political ambition. His own unhappy condition might be one reason he carried from OPA such an uncharacteristically dogmatic opposition to wage and price controls of any kind. Although the wartime OPA in retrospect had been given generally high grades for its performance of a difficult and onerous but necessary task, Nixon's personal recollection was otherwise. In private conversations over the years, he talked of the corruption, the cheating by the public, and the unhappy consequences when a government seeks to control the private economic decisions of private citizens.

Nixon the supreme pragmatist was inflexible about economic controls; however, much his interest might flag in discussion of other economic questions, his enthusiastic advocacy on this point was constant. Nor was Nixon adamant simply against outright government controls. He was equally opposed to a return to the policy instituted by President Kennedy in 1961: voluntary guideposts issued by the government to limit wage and price increases—what is called an incomes policy in Great Britain and Canada. The guideposts had been plowed over and abandoned in the inflationary surge of 1966 following President Johnson's full-scale intervention in Vietnam. But late in 1968, Johnson's Cabinet Committee on Price Stability recommended a return to official guideposts (based on a maximum 5 percent wage increase in 1969), and Hubert Humphrey almost surely would have followed the recommendation had he been elected. But a guideposts policy would work, Nixon believed, only if the government used muscle to enforce it—as when John F. Kennedy forced the steel industry to roll back a price increase in 1962. That, to Nixon, was nothing more than mandatory wage-price controls without statutory sanction. Finally, Nixon ruled out even those admonitions by a President and other federal officials called "jawboning," used by Kennedy-Johnson officials both in conjunction with a guideposts policy and after the guideposts had been abandoned.

Fatefully, Nixon's prejudices happened to coincide perfectly with the expert opinion of his advisers. The entire Quadriad plus Burns agreed with Nixon's opposition to controls, to an incomes policy, to jawboning. This further coincided with the prevalent opinion in the business community, which had so rapturously given its support to Nixon against Humphrey. Following the eight prosperous years of the Kennedy-Johnson era uninterrupted by a genuine recession, business was riding high in January, 1969. With its goal of quick profits and an ever expanding economy, business wanted nothing more than to be left alone by the government.[3] That is precisely what Nixon's campaign promised business, and to be left alone meant not only easing federal control of regulated industries (including the stock exchange) but also a moratorium on nagging about higher wages and higher prices.

Consequently, there had been no previous great debate, either inside or outside the new Administration, when Nixon told his first press conference on the morning of January 27:

"I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines. I think that is a very laudable objective for labor and management to follow. But I think I am aware of the fact that the leaders of labor and the leaders of management, much as they might personally want to do what is in the best interests of the nation, have to be guided by the interests of the organization they represent.

"So the primary responsibility for controlling inflation rests with the national administration and its handling of fiscal and monetary affairs."

With those comments, the new President was reflecting a view widely held not only by his own advisers but by economists generally: the inflation roaring wildly in January, 1969, was essentially caused by the federal government. The record of the Federal Reserve Board in controlling the nation's money supply in the second half of the 1960s was a sorry one. Having choked off the money supply as an anti-inflation device in 1966 so tightly that it produced a serious slump in housing and construction (called by some a "mini-recession"), the central bank started pouring out money too quickly and too generously in 1967 and thereby

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Footnotes at end of article.

spoon-fed a new inflation. The Federal Reserve's culpability, however, did not approach Lyndon B. Johnson's. Refusing to ask Congress for a tax increase to finance the Vietnam War when he intervened in 1965, President Johnson piled up huge inflationary budget deficits climaxed by $28.4 billion in red ink for the year ending July 1, 1968. To compensate for these governmental excesses, the Nixon game plan was to hold down the money supply by means of monetary policy and achieve a budget surplus through fiscal policy.

But the business community interpreted Nixon's comments of January 27 in slightly different fashion. What it thought Nixon was saying was this: Fighting inflation is our business, not yours; you fellows have no responsibility to do anything in the way of self-restraint. Even before Nixon's January 27 press conference, businessmen were being told authoritatively that Washington was now laissez-faire on prices. Dr. Pierre Rinfret, an influential economic consultant in New York in close touch with the Nixon team, advised his clients to raise their prices and raise them *now;* because everything else was going up, they would get no backlash from Washington, and besides, the responsibility for fighting inflation was the government's, not theirs. So, unwittingly, Nixon's abandonment of jawboning helped to generate the inflationary psychology he was trying to control and imposed a still greater burden on the government's monetary and fiscal policy.

Monetary policy was no immediate problem. William McChesney Martin and the rest of the Federal Reserve Board had instituted a tight-money regime in 1968 and were keeping the screws tightened.

Fiscal policy was another matter. As he entered the White House, Nixon was undecided about requesting an extension of the 10 percent income tax surcharge proposed by President Johnson in 1967 and finally passed by Congress in 1968. Burns and the Quadriad were unanimous in advising Nixon that letting the surtax lapse (along with its $10 billion a year in revenue) was sheer madness. But Nixon had his doubts. He was on record with a somewhat wishy-washy commitment during the 1968 campaign to repeal the surtax, and a great many Republican candidates for Congress had made a stronger commitment. Besides, Nixon was not happy about the LBJ label on the surtax. But in the end, he reluctantly agreed to propose reenactment.

There still remained the more difficult basic problem of putting a rein on federal expenditures, bloated by the Vietnam War. The results were disclosed by the President in a message to Congress on April 12. The expenditure estimate of $195.3 billion contained in Johnson's final budget (for the fiscal year ending July 1, 1970) was spurious, the Nixon men found. The more realistic figure was $196.9 billion. The President then reduced this by $4 billion, to give him a projected surplus of $5.8 billion, which Nixon quickly labeled the largest surplus in eighteen years and the fourth largest in history.[4] Seemingly, Nixon had moved quickly and masterfully to bring the budget under control; a step toward victory in his fight against inflation.

In truth, however, the budget balancers in the Administration were defeated. Arthur Burns, in particular, felt that Nixon had lost the golden opportunity to check federal spending. He realized that the highly publicized budget cuts were largely cosmetic without seriously drawing back long-range spending programs. As Budget Director, Mayo tried to bring the budget into line but failed. Part of the trouble stemmed from the inability of Mayo, the gentlemanly ex-Treasury bureaucrat, to force deep cuts in expenditures on Nixon's department and agency heads, who now were championing the causes of their new bureaucratic constituencies. But the blame cannot be placed solely on Mayo. Many of his most important initiatives to cut expenditures were not backed up by the President. The reduction of $1.1 billion for the Pentagon would have been still larger had Nixon sided with Mayo instead of Laird. Nor was the space exploration program cut to Mayo's specifications. Nixon overruled Mayo's attempt to eliminate the costly supersonic-transport (SST) subsidy program. And he lost his argument with the President that the proposed new program of income maintenance for the poor, whatever its long-range savings, was fiscally irresponsible in the short range.

Mayo's failure is traceable in part to the peculiarities of the Nixon presidency. A stolid fellow lacking the ability to entrance Nixon, Mayo had no standing in the White House. He could not compete with a Pat Moynihan persuading the President to support income maintenance, or a John Volpe drumming up arguments for the SST. His only budget-cutting ally in the White House was Arthur Burns, who was having his own trouble influencing the President. Indeed, before long Mayo lost all physical contact with Nixon. By late 1969, he was getting his instructions from the President via John Ehrlichman and relaying his proposals to the President via John Ehrlichman—an unprecedented ignominy for a Budget Director that he should not have tolerated.

Beyond personalities, however, there was also Nixon's fear as expressed to Wilbur Mills that too great a budget reduction would induce a whopper of a recession. The result was a policy enunciated by Dr. McCracken as "gradualism"—gradually reducing inflationary pressures by moderate, not precipitate, pruning of federal spending. That McCracken and just about every other Nixon adviser (with the conspicuous exception of Burns) agreed that gradualism was the proper antidote testified to how badly they underestimated the force of inflation.

McCracken's concept of the power of gradualism was succinctly described by Hobart Rowen in his column in the Washington *Post* on March 22:

"At some point . . . probably suddenly and without advance notice, big and little people are going to decide that prices (including the price of money) are too high.

"At that point (and Mr. Nixon's people hope it will arrive soon), plant expansion projections will ease off, consumers will start to save a little more and spend a little less, and the exaggerated pace of the economy will settle back to earth."

On March 22, 1969, Richard Nixon seemed to have put all his own faith in the game plan of gradualism. Four months later the chilling doubts set in.

Pierre Rinfret, a flamboyant Canadian-born economist, was an early Nixon-for-President enthusiast, and joined the team of advisers at Mission Bay, California, making campaign strategy following Nixon's nomination for President in the summer of 1968. After the election, a Nixon aide sounded out Rinfret on the possibility of his becoming a member of the President's Council of Economic Advisers, but Rinfret replied that he would not give up his lucrative New York-based consulting firm for any federal post. Although McCracken and the other Council members tended to look down their noses at his professional credentials, Rinfret remained in close and amiable contact with several figures in the Administration, including Arthur Burns.

But by July 3, Rinfret had become so disaffected that he distributed to clients of his firm a two-page confidential memorandum titled "We Accuse" which said: "We accuse this Administration of incompetence."

In attempting to curb inflation, charged Rinfret, the Administration (in collaboration with the Federal Reserve Board) was promoting "the current mood of economic and financial terror." In Pierre Rinfret's view, the Administration had started badly and was steadily getting worse. "We accuse the Administration of totally miscalculating the need for advance economic planning before it got into office and for being totally unprepared once it did. It went into office with slogans and little else." Most of all, it erred in thinking "that inflation could easily be turned off" and therefore did not sufficiently cut federal spending. Instead, it was risking a financial panic by relying on the Federal Reserve Board's tight-money policy as the first line in the war against inflation. The Administration was "fostering, abetting and creating inflation while it has advocated deflation" because "the first thing it did was to announce the abandonment of the wage and price guidelines, which created 'open sesame' on prices and wages."

Rinfret's harsh language typified the startlingly rapid turn of sentiment against Richard Nixon in the business community during those first five months. On July 3, the President's ratings in the polls were still high, the peace movement had not stirred, and the Democrats had scarcely pinked him. But his supporters in the world of business had turned against him with the ferocity of a friend betrayed. Under the man they had supported for President, the business climate was becoming a bad dream: stock market down and falling; interest rates up and rising; money so tight that some businessmen were unable to operate; a recession on the horizon; and finally, that precious commodity, business confidence failing. And yet, all this had not brought an end to inflation. On June 11, David Kennedy, using language more candid than that of other members of the Quadriad, told a meeting of the Advertising Council in Washington that the nation was on the brink "of a runaway inflation."[5]

Kennedy's candor was unusual. According to the Nixon party line, the game plan was working and everybody should be patient. But by the time of Pierre Rinfret's broadside, Nixon's economic team—though probably not Nixon himself—knew it had underestimated inflation, and so far had not brought it under control. The further cold reality was that current policies would produce a moderate recession in 1970 whether or not they stopped inflation. The Nixon Administration faced the nightmare of *simultaneous* inflation and recession for the first time in modern economic history.

At the White House, Arthur Burns was clearly less than pleased with McCracken, the man he chose to be the President's chief economic adviser. He confided to friends that McCracken was talking too much publicly about stopping inflation and not talking hard enough privately about cutting back on federal spending. Burns fought for greater budget austerity and in August came up with a notable success. He won Nixon's approval for an immediate cutback of 75 percent in all federal construction, including the massive interstate highway program. To Burns, the shock value of this move might just jolt the inflationary psychology still gripping the nation. One political obstacle, however, was the predictable outrage of the state governors, now overwhelmingly Republican. To deal gently with the governors, announcement of Nixon's move was delayed until the first week in September, when they would all be together at their annual national conference in Colorado Springs, Colorado. Burns would be there to do the explaining.

What followed was one of those strange attacks of indecisiveness, compounded by failure of communications, that sometimes undermined the best domestic intentions of Richard Nixon.

Nixon arrived in Colorado Springs on the

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afternoon of September 1, 1969, from his beach house at San Clemente, California, where he was spending much of the summer. Scheduled to address the governors' black tie banquet at the Broadmoor Hotel that night, the President might have taken the opportunity to slip the governors the bad news about the construction cutback and urge them to keep a stiff upper lip for the good of the republic. Instead, Nixon delivered a conventional jeremiad against social welfare spending under Johnson during the past five years ($250 billion that had "reaped a harvest of dissatisfaction, frustration and bitter division") without revealing his new plans for austerity, and returned to San Clemente that night.

The reason he left without mentioning the cutbacks was that his politically conscious advisers persuaded him of the adverse impact on the governors from such talk. Vice President Spiro T. Agnew, only seven months out of the governorship of Maryland and now playing a liaison role with his former colleagues, told the President the governors were far more worried about recession than inflation and would rise up in wrath against a flat-out cutback. He was backed by Volpe, who as governor of Massachusetts had led a delegation to the White House in 1967 to protest a highway-construction freeze imposed by Lyndon Johnson. Agnew's alternative: delay the cutback on federal grants to the states for six months, until April, giving them a chance to inventory federally financed projects and to select which ones to cut back.

With *Air Force One* shuttling the President back and forth between California and Colorado, with key officials of the government scattered across the continent between Washington, San Clemente, and Colorado Springs, the difficulty in communications at top levels of the Administration was compounded. Agnew thought he had Nixon's agreement to the six-month delay. The White House thought no such thing. On the afternoon of September 2, Agnew privately briefed the governors about the impending cutback plans, adding that there would be a six-month reprieve on federal-state projects. In Colorado Springs, when Arthur Burns learned about Agnew's retreat, he was furious. Now, having promised the governors a six-month reprieve, there could be no immediate cutback, the essential shock value had disappeared, and worst of all, the press and the politicians would believe that Nixon did not have the stomach to deal courageously with inflation. That bothered Burns the most.[6]

Two days later at San Clemente Nixon issued a statement ordering an immediate 75 percent cutback in new federal construction. In view of Agnew's intervention, he temporized about federal grants to states, urging state and local governments "to follow the example of the Federal Government by cutting back temporarily on their own construction plans." He warned that he himself would reduce federal grants an undetermined amount "if the response proves insufficient," but even in that event, said the President, "the states and localities will, of course, be given due notice, so that they can adjust their affairs properly." Predictably, the state and municipalities did not heed the President's admonition; predictably, the President did not make good on his threat, even with the Agnew formla included. So ended still another effort by Arthur Burns for a drastic slowdown in federal spending.

Even before that defeat, however, Burns concluded that this Administration was not going to curb federal spending enough to hold down inflationary pressures. By August, he had come to believe something else was necessary, and that something else was an incomes policy—a return to wage-price guideposts rejected by Nixon on January 27. Throughout his career as an economist, Burns, like most conservatives, had opposed the concept of an incomes policy. He firmly believed that mandatory government controls on wages and prices were incompatible with a free society and that an incomes policy was but a way station to controls. In the late summer of 1969, however, Burns was changing his mind. He noted that an incomes policy had been instituted in Canada, the Netherlands, and the United States (the Kennedy era guideposts), and had not been followed by controls. For Burns, at age sixty-four popularly considered one of the most doctrinaire conservatives in the Administration, to have abandoned his position reflects just how anxious he felt. Burns had allied with him a good part of the Cabinet concerned with economic policy: Kennedy, Romney, Volpe, Postmaster General Blount, but not McCracken or the rest of the Council of Economic Advisers. And, most important, not the President.

In an October 17 radio address to the nation on inflation, the President rejected an incomes policy, rejected any substantial change in his economic game plan, and rejected any suggestion of failure. "We are not going to change our game plan at the end of the first quarter of the game, particularly at a time that we feel we are ahead," he said. Recalling yet again his experience with the OPA in World War II ("rationing, black markets, regimentation"), he rejected not only direct controls but the guideposts that Burns had been urging on him—describing guideposts as "putting the government into the business of telling the workingman how much he should charge for his services or how much the businessman should charge for his goods." The President's dogmatism on the wage-price question had not been diluted by nine months of failure. He even reiterated his objection to jawboning: "Instead of relying on our jawbone, we have put some backbone in government's determination to hold the line for the consumer." In fact, however, he did engage in a very benign form of jawboning. Pledging that the government would stick to a strict anti-inflationary policy, Nixon asserted that "by responding to the changed conditions," labor and management "will be following their self-interest and helping the national interest as well." This was a perceptible departure from his January 27 implication that labor and management had no stake in the national welfare, but it was far from what Burns wanted.

Even that minimum of jawboning was forgotten little more than a month later. On November 27, the Administration assembled some 1600 top-rank American business leaders to hear Nixon and his economic team give an off-the-record briefing at Washington's Sheraton Park Hotel. Not a word urging price restraint came from the President or anybody else. It was the same old line: The government means business about curbing inflation. "Those who bet on inflation will lose their bets, but those who bet on a cooling off will win, because we're committed," said the President.

There was one attempted change in the game plan in the closing months of 1969. In August, just when Burns was changing his mind about an incomes policy, a campaign against the tight-money policy of the Federal Reserve Board was being waged by an influential Republican economist outside the government: Professor Milton Friedman of the University of Chicago. In his column in *Newsweek*, in discussions with key figures in the Administration, and even in one telephone conversation with William McChesney Martin, Friedman argued that the Federal Reserve had now kept the money supply choked off for so long that further restrictions threatened a severe recession. Friedman's arguments made no impact on Martin or other members of the Quadriad, but he did pick up one influential disciple, George Shultz, Friedman's former colleague at Chicago and now a rising figure in the Administration. Shultz took the view that Friedman had studied the money supply with greater care and perception than anybody in the Administration had and deserved to be listened to. After taking this line in private conversations through the early autumn, Shultz surfaced with it in Nixon's presence at a mid-October meeting of the Cabinet Committee on Economic Policy.

There was no immediate support for Shultz at that meeting, but it was not long in coming. By November, McCracken believed the tight-money policy must be ended (though, for public consumption, he denied it lest he give the impression the Administration was backing away from the fight against inflation). In a meeting of the Quadriad, McCracken asked William McChesney Martin what the prospects were for loosening the money screws. Martin, scheduled to be replaced on January 31 by Burns, was unresponsive. But the Federal Reserve did switch to a less restrictive policy late in the year—far too late in the opinion of many economists.

Thus, 1969 ended with the President's economic game plan disintegrating, his advisers split, and the economy failing. By year's end, the value of the 1957–1959 dollar had slipped from 81.1 cents when Nixon took power to 76.7 cents. And though inflation was not curbed, unemployment was rising fast, and a recession loomed. Yet there was no sense of crisis in the Oval Office. Buoyed by his continued high popularity, by his successes abroad, and by scattered off-year Republican election victories, Richard Nixon could not focus on the specter of economic crisis conforming him. Economic policy continued to be made in a casual manner with little regard for consequences. The tax bill he signed to end the year on December 30 was proof enough of that.

When Nixon early in 1969 joined the swelling demand for tax reform, there was little thought of economic consequences. Tax reform concerned equity. It was not part of the fight against inflation. Yet in pursuing tax reform, the Administration could not avoid making vitally important economic decisions. But instead of approaching this task judiciously, it made these decisions in slapdash fashion, with rueful consequences. What happened is another story, but in the end, at a time when Nixon was trying his best to fight inflation and avoid recession, he had signed a bill that was *both* inflationary (because it increased personal exemptions, and thus deficit spending) and recessionary (because it repealed the investment tax credit first sponsored by President Kennedy in 1962). This had happened because the President's economic team concentrated on the economic aspects of tax reform only belatedly, and then in a haphazard manner that proved totally ineffective. Throughout the late summer and autumn when the Democratic Congress was transmuting tax reform into tax relief, the President was remote from the struggle, ineffective and irresolute. Then came his unfulfilled threat to veto an out-of-balance tax bill. By allowing his bluff to be called, the President had suffered a loss of prestige almost as great as he would have if Congress had overridden one of his vetoes.

On the evening of January 30, 1970, Richard Nixon's first press conference of the new year was opened by Douglas B. Cornell of the Associated Press, whose question graphically revealed how much the economic outlook had changed in the month since the President had signed the tax bill:

> Mr. President, for several days I have been collecting some headlines that sort of point up the question I would like to put to you. . . .
>
> 'Big firms' 1969 profits down.' 'Dow average

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hits new low for three years.' 'GNP rise halted.' 'Ford joins GM and Chrysler in work cutbacks.' 'Wholesale prices show sharp rise.' 'U.S. Steel will raise sheet prices February 1.'

The question is: how, sir, do you assess the possibility that we may be in for perhaps the worst possible sort of economic conditions—inflation and a recession?

Indeed, key economic indicators—industrial production, personal income, business sales, real Gross National Product—were down. So was the slumping stock market. Unemployment was on the rise. But at the same time, interest rates and prices continued to climb. Dr. Walter Heller, chairman of the Council of Economic Advisers in Kennedy-Johnson days, had a name for this combination of bad economic news never before experienced in America: Nixonomics.

McCracken, Kennedy, and Treasury Undersecretary Dr. Charls Walker, who spent 1969 promising that an end to inflation was just around the corner, now not only reiterated those promises but pledged as well that there would be no recession—their credibility undermined by every unfulfilled promise. Nixon joined the parade of sunshine talkers. In answer to Cornell's press-conference question, he said:

"Our policies have been planned to avoid a recession. I do expect that the present rate of inflation, which was less in the second half of 1969 than in the first half, will continue to decline and that we will be able to control inflation without recession."

Specifically, the President promised that three days later, he would offer a bare-bones budget for the fiscal year ending July 1, 1971. The new budget, he promised, "will be a major blow in stopping the inflation psychology." That budget, in fact, was a much more serious attempt at austerity than his first one a year earlier, and that represented a major, though temporary, victory for Arthur Burns.

Late in December, 1969, Budget Director Mayo had reported to the President at San Clemente that there was no possible way to cut expenditures deeply enough to balance the new budget. But there simply had to be a balanced budget. Everybody in the Administration now agreed with Milton Friedman that the Federal Reserve Board's tight-money policy must be loosened or the economy would strangle. But Dr. Burns, who would replace William McChesney Martin as chairman at the Federal Reserve on January 31, had made clear he could not countenance an easier monetary policy unless *fiscal* policy were tight—that is, at the bare minimum, a balanced budget. With Mayo pleading inability to cut expenditures enough, new revenue would be needed for a balance. The Treasury came up with a $4.5 billion painless tax package: a speedup in estate- and gift-tax collections and higher excises on liquor, tobacco, and gasoline. Nixon promptly bought the package.

But not Arthur Burns. To make fiscal policy properly tight enough was not only a matter of a balanced budget but of a *properly* balanced budget, he told the President, and not a budget balanced through some patchwork tax gimmicks. The implication was clear. There would be no easing of policy at the Federal Reserve unless the last drop of blood was squeezed out of expenditures. Nixon had already made up his mind to go the Burns route when he returned to Washington from San Clemente in time for a January 13 meeting of the Cabinet. Although it lasted three and one-half hours, it was a *pro forma* affair. Mayo pleaded that the budget was uncuttable, supported by Kennedy. Burns's position was voiced with great passion by his usual acolyte, George Romney, who exhorted his colleagues to cut even deeper into their own budgets and capped his plea by an astonishing sermon calling on all members of the Cabinet, *and* the President, to take a 25 percent pay cut. "This is going to make me as popular as a skunk at a Sunday school picnic," he said, and he was right.[7] Soon after the meeting, Nixon ordered anguished department heads to make still greater cuts to achieve a Burns-style balance. When the budget was sent to Congress on February 2, it called for a $1.3 billion surplus.

Arthur Burns had demonstrated that, blessed with the massive power of the Federal Reserve System, he now had leverage with the President that he never had as Counselor. But the victory was one year too late. Nixon, Burns, and everybody else sitting around the Cabinet table on January 13 refused to face the grim reality that there was no possible way to balance the budget, either the Mayo-Kennedy way or the Burns-Romney way. The economic rot of recession was at so advanced a stage that tax receipts were already falling precipitately, which explained why the fat $5.6 billion budget surplus projected by Nixon in his first budget for the year ending July 1, 1970, had disappeared and would end up as a $2.8 billion deficit. As for the 1971 budget, the $1.3 billion surplus bullied through by Burns never had a chance. The recession-induced loss of revenue would, instead, create a deficit to rival Lyndon Johnson's worst.

The President would not admit it, but the game plan was dead. Even before Burns formally replaced Martin, the tight-money policy at the Federal Reserve was quietly abandoned; Burns in charge made sure that the badly needed money kept flowing into the banking system. By early spring, it was obvious that a massive budget deficit, in excess of $15 billion, was in the works (though Administration officials still piously denied it). If a recession loomed and neither the Federal Reserve nor the budget was now being used to fight inflation, what could be done? More and more, Nixon's economic team was doing what would have been inconceivable a year earlier—looking hard at an incomes policy.

Burns's move to the Federal Reserve Board had not stopped him from lobbying for an incomes policy, vigorously supported by Romney. By May, the combination of rising unemployment and rising inflation led to a desperate attempt to change the game plan toward adopting a modest incomes policy. The President had decided to deliver an address to the nation on the economy in mid-June, and this could be the vehicle for a major turn in policy.

Arthur Burns led off the campaign on May 19 with a major policy speech to the American Bankers Association's Monetary Conference in Hot Springs, Virginia, urging a form of voluntary controls as the only way to fight inflation without risking "a very serious business recession." Second- and third-level officials of the Treasury and the Budget Bureau, meeting with their counterparts from the Council of Economic Advisers (in groups called Troika II and Troika III), began pressing for an incomes policy. On May 28, Dr. Walker went on NBC's *Today* show to say he saw "merit" in a bill by Senator Jacob Javits of New York that would instruct the Council of Economic Advisers to analyze and publicize wage and price decisions to spotlight inflationary increases—the rudimentary start of an incomes policy.

On June 5, Maurice Mann, a professional economist and political independent who had been recruited by Mayo from the Federal Reserve Bank of Cleveland to become Assistant Budget Director, addressed a Washington meeting of the Rural Electric Cooperative Association and brought out what was happening inside the Administration. Speaking without notes, Mann described the government economists as divided into two camps—one camp for continued tight fiscal and monetary policy, the other camp for attacking inflation with an incomes policy because the present policy was "an abysmal failure." Mann left no doubt he was in the second group. Not until he had finished speaking did he realize that a reporter, Murray Seeger of the Los Angeles *Times*, was present.

Hobart Rowen, business and financial editor of the Washington *Post*, read Seeger's story on the Los Angeles *Times* news wire and cornered Mann two days later at the District of Columbia Bankers Association's annual convention in Hot Springs, Virginia. Mann then clearly told Rowen what no Administration official had dared admit up to that point: the Nixon game plan had slowed down the economy without stopping inflation, and "an additional step"—that is, a moderate incomes policy—would be helpful.

To the outside world, all this sound and fury surely was a preliminary barrage preparing everyone for a radical shift, to be revealed in the mid-June speech. But the outside world little knew how the Nixon Administration functioned. In fact, most of the agitation for an incomes policy came from second-echelon officials at the Treasury and Budget Bureau operating without the sanction of their bosses. Walker endorsed the Javits bill without telling Kennedy; Mann did not have Mayo's backing when he publicly endorsed an incomes policy (in fact, his knuckles were later rapped in a telephone call from White House aide Peter Flanigan).

Among officials with direct access to the President, only Burns favored an incomes policy, and he made no progress in early May when he again proposed voluntary controls to the President. Kennedy and Mayo were passive and seemingly uninterested in the entire debate. Paul McCracken publicly denounced Burns's initiative. He admitted privately it might have merit but protested vigorously that the Council was not equipped to oversee wage-price decisions as envisioned in the Javits bill. If Nixon needed any further justification for opposing Burns, it came from Secretary of Labor George Shultz. By the spring of 1970, Shultz's unsmiling, slightly intimidating manner had made him a force to reckon with. Now the Secretary turned his new influence with the President against an incomes policy. It would not work, he argued, and besides that, it would lead to shameful abandonment of the game plan by tending to justify a reckless binge of deficit spending. Indeed, Shultz told Nixon, the Hot Springs speech by Burns advocating an incomes policy was inflationary in itself. It would impel businessmen to raise prices quickly *before* an incomes policy was instituted.

With that lineup, the final draft of the speech handed Nixon for his final editing and rewriting did not contain anything that even went so far in the direction of an incomes policy as the very mild Javits bill. A baby step was the announcement of periodic Inflation Alerts to be issued by the Council of Economic Advisers "to call attention to outstanding cases of price or wage increase"—in other words, jawboning *after* the fact.[8] It was a slight departure from total laissez-faire on wages and prices but a bitter disappointment for many who had hoped for a major departure. In his speech to the nation over radio and television at noon on June 17, the President once again indulged his deeply felt bias against government interference in wage-price decisions in prose unmistakably his own.

"Now, I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and browbeaten by Government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and it can be a dangerous misuse of the power of Government."

Footnotes at end of article.

It was as if the past eighteen months of deepening failure had not occurred, as if Arthur Burns had not made serious proposals that had nothing to do with "browbeating" anybody or "grandstanding," as if serious economists in his own Administration were not turning toward an incomes policy. Never did the failure of communication between the President and the experts in his own Administration come through more clearly.

A few days before that speech, the President took a step that further militated against an incomes policy in the foreseeable future.

In December 1969, Nixon had briefed Robert Mayo on the details of a major reorganization of the Executive Office of the President, not to be publicly disclosed until the next spring, that would transform the Bureau of the Budget into a new Office of Management and Budget (OMB), with greatly enhanced authority for managing the entire federal government. In one of those countless misunderstandings, derived from Nixon's often oblique manner of conversation, Mayo got the idea that the job would be his. In fact, however, the President had no intention of giving a post of such vast and pervasive power to a man with whom he had little rapport and in whom he had no great confidence. But he said nothing of this to Mayo. Mayo did not learn the President's real frame of mind until he received a telephone call from a White House aide on June 8, 1970. The aide bluntly informed Mayo that the President on June 10 would name George Shultz as director of OMB, with Mayo shunted off with the title of Counselor (retaining Cabinet rank), obviously a way station while he found other employment.[9] There was no telephone call from Nixon himself.

The humiliation of Robert Mayo was transcended by the elevation of George Shultz. Having managed to impress the President and shape his policies while operating from the bureaucratic backwater of the Labor Department, he now had unlimited possibilities functioning from the White House as general manager for the entire federal government. Replacing Mayo on the Quadriad, he would become the dominant force whose influence would far eclipse that of McCracken, Kennedy, and Burns. Behind his back, some of the government's top economists belittled Shultz, describing him as an academic proficient in the study of wage structuring but not in macroeconomics. They questioned his competence to be the President's most influential adviser on what had become his most serious domestic problem. But that Shultz *was* his most influential economic adviser could be denied by nobody. In terms of mid-1970, that meant an end to any immediate hopes for a meaningful incomes policy, because Shultz's doctrinaire opposition to it would only reinforce Nixon's emotional bias against it. Maurice Mann, one of the most forceful advocates of an incomes policy, quickly perceived the incompatibility of his own economic views and Shultz's, and quietly left the Budget Bureau and the government. Walker and other Treasury officials pushing for an incomes policy went underground. At the Federal Reserve, Arthur Burns bided his time.

Through the summer and autumn of 1970, inflation and recession worsened together to stunt hopes for significant Republican gains in November. By summer, nothing could be done in time for that year's elections about either inflation or recession. In all fairness to Nixon and his economic advisers, they had inherited from Lyndon Johnson a raging inflation that might have persisted against any proposed remedy, including an incomes policy. Nor was the intensity of the recession wholly attributable to the Nixon game plan: the United Auto Workers struck the General Motors Corporation on September 14, closing plants for the rest of the year and deepening economic distress.

Yet, pervading all the bad luck was a certain thoughtless separation between dream and reality.

In November 5, 1970, two days after the congressional elections, signals began pouring out of the President's Council of Economic Advisers that a change in the economic game plan was in order. "Economic policy like other [policies] has to be responsive to the national will," said Paul McCracken, chairman of the Council. Two days later, another member of the Council, Herbert Stein, flatly predicted a return to full employment by mid-1972. What the Council members were proposing was clear enough: a switch to an expansionary economic policy to fight the recession and give up the struggle against inflation. That would be an attack on one of the two serpent heads of Nixonomics—the one that had caused by far the most damage in the just completed election. Republican politicians who had suffered badly in 1970 and feared even worse for 1972 were pleading for an all-out attack on the recession.

At the Treasury, Secretary Kennedy and Undersecretary Walker were appalled. They argued privately that victory over inflation was in sight if only the government did not panic by throwing more fuel on the fire. After all, the Treasury men reasoned, the recession that had been induced in a so far unsuccessful effort to slow down inflation had already done its damage to the President and the party. Why make the switch now *after* the election losses? There would be enough time to step up the economy, if need be, before the 1972 election. That line only showed how out of touch with the White House David Kennedy had become. For in fact, McCracken and Stein were reflecting Richard Nixon's views. These had hardened long before the election, but the President had kept silent about them.

In part, the change was due to the growing influence of George Shultz, who had taken over as director of the newly reorganized Office of Management and Budget on July 1. A clue to the revised standings in relative power at the White House came in late summer during a visit to Nixon by Senator Robert Dole of Kansas. Dole expressed chagrin at his inability to contact Presidential Counsel John Ehrlichman and told Nixon he would like to meet him some day. *"Ehrlichman?"* retorted the President. "Don't worry about him." Then, picking up his telephone, he said: "I'll put you in touch with somebody who *really* counts: George Shultz."

As one who really counted, Shultz was able to implant his economic views on Nixon as nobody else had in the first two years of the Nixon Administration. By November, 1970, Shultz had convinced Nixon of the worth of these economic views:

Full-Employment Budget: An old proposal by liberal economists for the past generation, it envisioned the budget being balanced when expenditures were no higher than revenue would be *if* there were full employment (that is, unemployment no higher than about 4 percent). Thus, with unemployment well over 6 percent, the President could claim a budget balanced on the full-employment theory, even though, in fact, there would be a substantial budget deficit—sheer heresy for a conservative Republican.

Money-Supply Expansion: As a doctrinaire exponent of Professor Milton Friedman's theories, Shultz wanted the money supply expanded at a steady rate and at a faster rate than the Federal Reserve Board under Arthur Burn's leadership was approving.

Incomes Policy: In a slight break with Nixon's iron opposition to any incomes policy of significance, Shultz was advocating an attempt to hold down prices and wages by withdrawing artificial government supports—such as import quotas and labor union privileges—but in no other way. That meant continued opposition to Burns's proposal for a return to wage-price guideposts.

Long before election day, Nixon was committed to an expansionary policy that would run a considerable deficit, saying nothing about it only because of his adamant political position that conceding that anything at all was wrong with the economy would be playing into Democratic hands. The Treasury's post-election opposition crumpled quickly.

But the Nixon-Shultz plans for money-supply expansion and incomes policy ran into trouble from Arthur Burns, who had recommended George Shultz as Secretary of Labor but felt him inadequate as an economist to be grand designer of the nation's economic policy. On the morning of November 20 in a meeting at the White House, Nixon, reflecting Shultz's viewpoint, urged Burns to expand the money supply at a faster rate. In response, Burns reiterated his old position that some incomes policy, some government restraint on wages and prices, was necessary. As a specific example, he urged presidential suspension of the Davis-Bacon Act, ensuring that construction workers on federal projects get the high prevailing union wage rates. That suspension would be a big stick to pressure the building trades unions to hold down their inflationary wage settlements.

In the early months of 1971, Nixon edged ever so cautiously closer to a working incomes policy. He forced a partial rollback of a Bethlehem Steel price increase by threatening to end the import quota on foreign steel, a withdrawal of artificial government aid that would have fallen within the boundaries of Shultz's doctrinal approval. Nixon finally did suspend Davis-Bacon after first weighing a flat freeze on construction-industry wages and prices proposed by James Hodgson—Shultz's hand-picked successor as Secretary of Labor—but opposed by Shultz. This ended Nixon's adamant opposition through his first two years as President to intervention in wage-price decisions but was nowhere near a full-scale policy to hold down wages and prices on a systematic basis.

The question posed nearly two years earlier, whether Richard Nixon would rather fight inflation than be elected to a second term, was now being answered. While defending the battered old game plan and declaring that "the worst of inflation is over," the President was really abandoning the game plan and saying that inflation was far the lesser evil when compared with recession. The way in which the fight against inflation was being placed in a secondary position became clear when the budget for the year ending July 1, 1972, was submitted to Congress on January 29, 1971. The deficit was calculated at $11.6 billion (under the full-employment budget concept, it would have brought a surplus of $100 million had the country been at full employment, said the President). But this was based on revenue generated by an economy at the level of a $1065 billion Gross National Product—a ludicrously high figure, in the opinion of most economists. In truth, everybody was sure that the deficit would be around $20 billion, producing some $40 billion in red-ink spending for two years, with the budget running wild, out of control, for the years ahead. That was the true extent of the game plan's abandonment.

Equally important as this switch to an expansionary policy in its implications for the future was a change of vast importance in Nixon's economic team made just after the election. The President determined that David Kennedy's disappointing tenure at the Treasury had to come to an end. Kennedy, scarcely a Hickel or a Romney in his self-effacing manner, was happy enough to leave a post that had become increasingly unpleasant. To replace him, Nixon wanted somebody who could dynamically and actively sell his new, expansive economic program (along with his new legislative proposals) to the press, the Congress, the business community, and the nation. Dr. Charles Walker, who in two years had performed most of Kennedy's duties in dealing with Congress and the press, fit that description perfectly and was eager for the advancement. But the tax reform fight had left bad blood between Walker and White House aides John Ehrlichman and Peter Flanigan, who successfully convinced Nixon that Walker would be a mistake. They wanted a prominent bank president from Wall Street or the West Coast. But after the David Kennedy experience, the President was wary of bankers. Besides, with his love for novelty, and furnished by the premature detonation of the bombshell he had hoped to set off by making Patrick Moynihan ambassador to the United Nations, Nixon wanted a surprise that would stun Washington and, perhaps, energize his drowsy Administration for the two years ahead.

John B. Connally's performance on the Ash Council on Government Reorganization impressed the President. Like John Mitchell, Connally has the imperious air of authority, self-possession, and masterfulness that Nixon lacks, and therefore so admires in others. Soon after the 1970 election, the President began commenting to close aides about Connally and asking their opinion of him. But nobody faintly guessed that the President was thinking about the Treasury. After ten days and three meetings, Connally, who first refused the job, finally said yes. On December 14, Nixon had his stunning surprise.

From Nixon's standpoint it made sense. He finally had a Democrat in the Cabinet, albeit a very conservative Democrat who for the past decade had led the Tory wing of the Texas Democratic Party. Texas Republicans gasped at the betrayal by Nixon in bestowing this honor on their great enemy, but Connally's presence in the Nixon Administration could only help the President's chances to carry Texas in 1972, which might be vital to his re-election. He added strength to a Cabinet that was weak and would become weaker when Mitchell resigned to become campaign manager for 1972. And here was a Stetson-wearing supersalesman who could make Nixon's economic-progress game plan plausible to the nation. The only drawback was John Connally's lack of qualification to be Secretary of the Treasury. An able lawyer, businessman, and politician, he had no familiarity with fiscal and monetary affairs. But that was scarcely relevant; there had not for a long time been a Secretary better qualified than David Kennedy, and look what happened to him.

In the spring of 1971, nobody could be sure whether the mistakes of 1969 and 1970 would cost Richard Nixon a second term. Despite all the heavy deficit spending, unemployment remained over 6 percent in early May and the business recovery was sluggish. Not even optimists felt that unemployment would fall below 5 percent before election day, 1972. The best news was the economic consensus that 1972 would be a pretty good year, though how good was a matter of sharp debate. The Davis-Bacon suspension was called off in return for construction labor's agreement to negotiate limits on wage increases, perhaps the thin end of a wedge on the incomes policy that Nixon had resisted for so long. The rate of inflation had slowed, but not noticeably so in the opinion of the consumer (the 1957–59 dollar now having dropped in value to 71.8 cents compared with 81.1 cents when Nixon took office). At the Federal Reserve, Arthur Burns was being forced to slow down the rate of money expansion with the attendant danger of boosting interest rates and slowing down the recovery. It was a mixed picture, better than the previous dreary autumn but not as good as it could be.

Nor were the personal power relationships clear. Connally was now the only noneconomist, the only businessman, and the only politician on a Quadriad of strong men, joining economists Shultz, Burns, and McCracken. Unlike them, his mind was open on almost all economic questions. (Arthur Burns confided to friends that he thought Connally was "educable.") How he would act in crisis was anybody's guess. He sided with Burns and against McCracken and Shultz in being willing to propose personal tax reductions and a reinstatement of the business investment tax credit if necessary to stimulate the economy. In late April, Connally sharply criticized a prime-interest-rate increase by the nation's banks while it was being defended by McCracken. But he was so concerned with emergency assignments (such as the controversial plan to bail out the beleaguered Lockheed Corporation) that his overall power position was uncertain. His strength against Shultz had not really been tested. Nevertheless, with his direct access to the President assured, the certainty was that he would act and act unfettered by doctrine. That would be something new in President Nixon's management of the economy.

FOOTNOTES

[1] In an eloquent passage in *The Making of the President: 1968*, White gave his own views of inflation: "As in other inflations I have lived through, notably those in China during the war, and Germany and France after the war, the beginning ravages are almost unnoticeable, indeed, pleasant. As inflation continues, however, it changes moralities, it destroys reason itself. Prosperity opens opportunities; inflation urges haste in using them. Not saving, but shrewd spending becomes the mark of wisdom in planning; the 'operators,' not the creators, thrive. It divides those who can manipulate from those locked into fixed incomes who see their resources dwindling and their savings shrinking, who are helpless to recapture their share of rising well-being. Above all, it victimizes the poor, the old and those who have planned ahead. Inflation is, at the beginning, a technical problem of public finance—and in the end raises problems of morality, of the disciplining of indulgences artificially incubated by the disappearance of values."

[2] The Quadriad consists of the four top economic officials of the government: the chairman of the Federal Reserve Board, the Secretary of the Treasury, the director of the Bureau of the Budget, and the chairman of the President's Council of Economic Advisers. The Troika consists of the three top economic officials of the Administration: the Quadriad less the chairman of the Federal Reserve Board, an independent official serving a fixed term and not a member of the Administration.

[3] This euphoric mood of high incomes and quick profits made it difficult for Nixon's talent scouts to lure young business executives to middle-level government jobs after the 1968 election. "The money tree is running in New York, and the young fellows want to tap it rather than come down to Washington," said one such talent scout.

[4] Actually, the size of the surplus was exaggerated by a new accounting method (recommended by a citizens' commission headed by David Kennedy) that had taken effect on January 1, 1968, and for the first time counted Social Security trust funds as part of the budgetary picture. For example, Johnson's calamitous $28.1 billion deficit would have been $25.1 under the new system.

[5] In the same speech, Kennedy warned that wage and price controls might be used as the ultimate weapon to curb inflation if all else failed. Since Nixon had unequivocally ruled out such controls, the White House was not pleased with Kennedy's attempt to dramatize the Administration's concern with the situation.

[6] The six-month reprieve scarcely blunted the fury of the governors at Colorado Springs. Typical was the reaction of Governor Tom McCall of Oregon, a Republican, who said he was "horrified" by the cutback, then added: "It would stop inflation, but it might also stop the economy in its tracks."

[7] Romney voluntarily took the 25 percent pay reduction though no other Cabinet member followed his example. On May 20, his wife, Lenore, told the Detroit press that it had resulted in some penny-pinching: "We don't take vacations, we don't have a maid and George helps me with the dishes."

[8] McCracken issued the first Inflation Alert on August 8, 1970, a 123-page document describing wage increases in the trucking and construction industries and price increases for cigarettes, rubber, and electric power as contributing to the cost of living. Its impact on public opinion was invisible.

[9] This now made four Cabinet-rank Counselors at the White House with no duties or responsibilities: Bryce Harlow, Moynihan, Robert Finch, and Mayo. However, on July 18, Mayo announced he was resigning to become president of the Federal Reserve Bank of Chicago.

PROPOSED LOCATION IN MONTANA OF SITE FOR SPACE SHUTTLE PROGRAM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. METCALF. Mr. President, I take this means to invite the attention of Senators to the resolution passed by the senate of the Montana State Legislature, currently in its second extraordinary session, urging the location in Montana of the site for the space shuttle program.

The resolution reflects the interest of the people of Montana in this matter and their willingness to be of all possible assistance should the National Aeronautics and Space Administration elect to place the program in our State.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION URGING NASA TO CONSIDER MONTANA FOR THE SITE OF THE SPACE SHUTTLE PROGRAM

Whereas, the National Aeronautics and Space Administration is currently seeking sites in which to locate its space shuttle program, and

Whereas, the future site for the space shuttle program requires a "buffer zone" because of the liftoff noise of the rockets involved, and

Whereas, Montana has an abundance of land available for such a program, and

Whereas, Montana is low in population density and can offer land with a substantial "buffer zone", and

Whereas, Montana has an adequate and qualified work force with which to staff the space shuttle program, and to educate the children of the families involved in the space shuttle program, and

Whereas, there are untapped natural resources in Montana which may be utilized in developing the space shuttle program, and

Whereas, the clean air and water and the general environment of Montana make it an ideal place to live and work, and

Whereas, Montana has an adequate transportation system to insure development of the space shuttle program, now, therefore, be it

Resolved by the Senate of the State of Montana: That the National Aeronautics and Space Administration consider the state of Montana as the site for the space shuttle program. Be it further

Resolved, That this legislative body hereby pledges all possible aid and assistance that the state of Montana has at its disposal to assist the National Aeronautics and Space Administration and the Montana communities that may be involved in providing for essential public facilities and services. Be it further

Resolved, That the secretary of the senate send copies of this resolution to Mr. James C. Fletcher, Administrator, National Aeronautics and Space Administration, Washington, D.C., Mr. Gerald P. Gaffney, Coordinator, Space Shuttle Facilities Groups, National Aeronautics and Space Administration, Washington, D.C., the Honorable Mike Mansfield and Lee Metcalf, Senators from the state of Montana, the Honorable John Melcher and Richard Shoup, Congressmen from the state of Montana, and the Honorable Forrest H. Anderson, Governor of the state of Montana.

ONE HUNDRED PERCENT GRADUATION FROM BASIC TRAINING HONORED AT FORT DIX, N.J.

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HUNT. Mr. Speaker, I recently had the privilege of addressing a basic trainee graduation ceremony at Fort Dix, N.J., at the invitation of the commanding general, Maj. Gen. Howard H. Cooksey.

It was thrilling for me to witness the pride that is reflected in these ceremonies and I have every confidence that these young men will go on to fulfill their military obligations with honor, many with distinction.

Among the many honors that are recognized in these ceremonies is the unit that has 100 percent graduation. Honored at the ceremonies on June 4 was Company C, 4th Battalion, 3d Basic Combat Training Brigade which graduated every basic trainee who began training with the company. To the knowledge of the officials at Fort Dix, no company there has ever achieved this goal prior to this time.

To qualify for this distinction, a basic training company, with an average strength of 200 young men between the ages of 19 to 21 years, must qualify every individual in all subjects conducted during the 8-week training period. Furthermore, there must be no unauthorized absences nor serious disciplinary infractions. Only strong motivation and a sense of pride in individual accomplishment could bring about this result. This pride, spirit, and determination are being displayed each day at Fort Dix and other basic training centers throughout the Army.

Of course, the 100-percent qualification in all areas of training also reflects outstanding leadership, understanding and motivation on the part of the cadre. Capt. Hoyle E. Dake, Jr., the company commander, is from Kingston, Tenn., and is a graduate of Tennessee Technological University at Cookeville. He pointed out that the trainees' strong desire to excel was an important factor in reaching this goal.

In addition, credit must be given to First Lt. Guido P. Torsani and First Lt. Robert D. Rennich, training officers for the company, and to all other members of the company's cadre.

The leadership and abilities of the senior noncommissioned officers of the company also played a strong role in this success. Many years of experience and know-how can be found in the service records of Platoon Sgts. Willie M. Boggan and Dan Mathis, Jr., S. Sgts. Henry C. Foster, Theodore J. Sapp, Gerald A. Palmer, and Edgar F. Williams.

The basic trainees who achieved 100 percent graduation for their company are to be congratulated as are those personnel mentioned above who were responsible for their training.

It was also my privilege to present at these ceremonies the American Spirit Honor Medal and Citation to Pfc. Thomas L. Rectenwald.

This national award is presented to the top trainee of the more than 1,000 young men who complete basic training each week at Fort Dix. Selection for this award is based on leadership, initiative, character, military appearance, aptitude and intelligence, and the training record achieved during the 8-week training program. Selection is made by a board of officers and key noncommissioned officers representing the training brigades.

The American Spirit Honor Medal and Citation is sponsored by the Citizens Committee for the Army, Navy, and Air Force. It is intended to recognize "the display of outstanding qualities of leadership best expressing the American spirit, honor, initiative, loyalty, and high example to comrades in arms."

Pfc. Thomas L. Rectenwald, the recipient of this award on June 4, is an outstanding young American, age 23, of Erie, Pa. He attended the State University of New York at Buffalo, N.Y., and was graduated in 1970 with a bachelor of science degree in pharmacy. He enlisted in the Army for a period of 3 years and is currently undergoing advanced individual training at Fort Sam Houston, Tex. A licensed pharmacist, he is now in the process of applying for a direct commission as an officer in the U.S. Army.

These examples of outstanding accomplishment not only reflect the quality of individuals who are entering the service, but they attest to the strong leadership and ability of General Cooksey and others under his command at Fort Dix who have developed such a fine basic training program of which the Army can be proud.

PIEDMONT AIRLINES FIRST TO ORDER NEW COLLISION-AVOIDANCE EQUIPMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. RANDOLPH. Mr. President, the American scientific community and our Nation's airlines are engaged in a continuing search for ways to make air travel safer. New equipment and procedures have been developed in recent years to add to the already enviable safety record of air carriers in the United States. I am confident that further advances will be made.

Piedmont Airlines, which includes Washington, D.C., and six West Virginia cities in its system, has become the first scheduled air carrier to order collision-avoidance equipment for its aircraft. Equipment testing in Piedmont planes will begin next year, and delivery of production equipment is scheduled for 1973.

The development of a reliable collision-avoidance system has been a major need to improve aircraft safety. I am encouraged by the development by McDonnell-Douglas of the equipment ordered by Piedmont, and by the action of this progressive airline in being the first to place it in use.

Mr. President, the Evening Star of June 11, 1971, published an article discussing the new equipment and the decision of Piedmont Airlines to begin using it in its planes. The question of aircraft safety is of such widespread concern that I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PIEDMONT IS FIRST TO SIGN FOR SAFETY SYSTEM FOR PILOTS

(By Charles Yarbrough)

Piedmont Airlines, Inc., has become the first United States carrier to sign for a collision-avoidance system which tells a pilot that another aircraft is in his vicinity and what maneuver might be necessary to avoid it.

Piedmont President T. H. Davis has signed a letter of intent with McDonnell Douglas for a time-frequency device labeled as EROS II. The airborne electronic system automatically transmits every three seconds, its range, closing rate with other planes and its altitude.

McDonnell Douglas says it may also be used to warn pilots of ground obstacles and as a landing aid if ground installations are provided.

FLEET OF 42

Piedmont has a fleet of 42 jet and turbo prop airliners serving Washington with 30 round trips daily.

The transaction is an advance though the way to the ultimate in the anti-collision program is a long way. Each aircraft must have the device, or some version thereof, for it to be effective.

First models of the unit are to be delivered to Piedmont in March of 1972 for certification testing in Boeing 737 jets. Production equipment delivery is scheduled between January and April of 1973.

McDonnell Douglas announced some time ago that production of the more sophisticated EROS II could start after a minimum of 500 orders. Currently, the device would cost about $50,000—a figure that would decrease with order build-up.

1972 DELIVERY

McDonnell Douglas also has developed a low-cost collision avoidance system for general aviation aircraft. Two of these units will be delivered to Piedmont in 1972 for testing with the EROS II.

During 11 years of research, the system has been tested on 15,000 flights, most of them on military aircraft operating from McDonnell Douglas headquarters in St. Louis.

The Federal Aviation Administration and the Air Transport Association ran tests out of Baltimore in 1969 on EROS II and two similar devices built by Bendix and Sierra Wilcox. A study on their compatibility with the air traffic control system is about complete at the FAA research facility in Atlantic City.

Accurate time-keeping is the heart of the concept because the system relies on measurement of time difference from the start of transmission by one aircraft to the receipt of that signal by another to determine the distance between them.

ACCURACY IS KEY

Such accuracy (within one-quarter of a millionth of a second) is assured by atomic clocks at ground stations and in some aircraft and a constant correction of less-accurate airborne clocks by signals from more-accurate time sources.

The Air Transport Association explains that "great care has been used in selecting the minimum safe time interval"—long enough to preclude the need for abrupt evasive maneuvers, yet not so long that it calls for too many maneuvers.

In level cruise, the computer-determined command to maneuver is given 30 seconds before a collision would occur.

Pilots of the collision-avoidance equipped planes get visual and aural signals, telling him, if needed, what evasion tactic to perform.

Some designs have an alert warning telling the pilot he is about to receive such a message.

THE COLLEGE WORK-STUDY PROGRAM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. METCALF. Mr. President, all of us are well aware of the drastic cuts the college work-study program will suffer in many States if the Nixon administration's meager requests for fiscal year 1972 are approved by Congress. Recognizing that current administration plans call for actual cuts in work-study funds for 32 States for the coming school year, the Senate recently voted a substantial increase in work-study funds, directing that approximately $280 million be invested during the 1971–72 academic year. This is an increase of more than $85 million over the administration's projected level of funding.

I have received a resolution of the Montana State senate, now in special session. The resolution clearly explains the impact that the administration's callous actions will have on Montana's popular and highly successful work-study program and on many of Montana's young people. The resolution strongly underlines the need now, during this period of continued high unemployment, for continued senate resolve in seeing that our citizens attending college are not neglected by the administration.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ASKING INCREASED FEDERAL FUNDS FOR STUDENT ASSISTANCE PROGRAMS, AND SPECIFICALLY THE WORK-STUDY PROGRAM

Whereas, the work-study program was developed some six (6) years ago to provide direct effective assistance to students desiring to further their higher education and who prefer to be involved in an earn-as-you-go program rather than borrowing money which would have to be paid back at a later date, and

Whereas, this philosophy was enhanced by the possibility of providing direct benefit to the institutions themselves, and also to municipal, county, state, and federal agencies who would be eligible as potential employers, and

Whereas, Montana, recognizing the value of this program, moved quickly ahead of many other states in developing an effective overall state program involving all institutions of higher education, and

Whereas, Montana's student aid program became a model for the nation because it was organized so that all in-state students could work anywhere in the state rather than just the area of educational attendance, and

Whereas, the federal allocation for work study to schools in Montana for the period July–December, 1971, has been reduced by seventy percent (70%) from the amount allocated last year for the same period, and

Whereas, the proposed cuts will radically diminish the availability of federal student assistance for many students to continue their education in Montana, and

Whereas, if the Office of Education is admitting two hundred fifty (250) new schools to the program, six (6) years after its inception, simple justice demands that it request additional funds for such institutions and not take these funds from states and its students, such as Montana, which entered into a work study program, participating in good faith, and developed a significant state-wide cooperative program, and

Whereas, the Office of Education has undertaken a method of allocating student aid funds to institutions solely upon gross family income, which totally ignores the size of the family or any other unusual circumstance such as, unusual medical expenses, benefits already received, etc., and

Whereas, the Office of Education "solicits the widest possible public participation in its formulation of proposed changes in the method of allocation of funds under the College Work Study Program and the Educational Opportunity Grant Program", now, therefore, be it

Resolved by the senate of the state of Montana: That the senate of the state of Montana wholeheartedly supports substantial increases in the appropriations for student assistance programs, be it further

Resolved, That the senate of the state of Montana recommends that the Office of Education re-examine the proposed changes in the method of allocation of funds under the College Work Study Program and the Educational Opportunity Grant Program, be it further

Resolved, That all members of the Montana congressional delegation be urged to seek additional appropriations for the student assistance programs, and establish a level of aid for the state of Montana which is not less than the amount paid to Montana during the year 1970 for the year 1971 and subsequent years, be it further

Resolved, That the congressional delegation, with legislation and appropriations now pending congress, allay as many concerns as possible with the facts and with current plans for allocating student aid funds to institutions, be it further

Resolved, That the senate of the state of Montana urges the President of the United States and the Office of Education to expedite the notification to institutions of their forthcoming allocations, be it further

Resolved, That copies of this resolution be sent by the secretary of the senate to Richard M. Nixon, President of the United States; Mike Mansfield and Lee Metcalf, Senators from the state of Montana, Richard Shoup and John Melcher, Representatives of the state of Montana; Senator Warren Magnuson, Chairman of the Senate Appropriations Committee; Elliot Richardson, Secretary to Health, Education, and Welfare; Edith Green, Chairman of the House Education sub-committee; Forrest H. Anderson, Governor of the state of Montana; Harry E. Collins, President of the Rocky Mountain Association of Student Financial Aid Administrators.

THE NEED FOR WITHDRAWAL FROM VIETNAM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. ASPIN. Mr. Speaker, we have all read many expressions of opinion from our constituents and others on Vietnam. Few issues prompt more mail than our continuing involvement in the conflict. I have had many opinions on American policy there, but few have been as thoughtful as a letter I have just received from the School Sisters of St. Francis, Milwaukee, Wis. I believe that it expresses the opinion of a growing number of Americans that we must end all military operations at the earliest possible date. The letter follows:

SCHOOL SISTERS OF SAINT FRANCIS,
Milwaukee, Wis., June 16, 1971.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR MR. ASPIN: We agree with Archbishop Ngugen Van Binh of Saigon who called upon the Vietnamese people "to take the initiative in restoring peace." Our concern for life demands that we no longer watch in silence or in the privacy of our individual consciences. We feel we must make known our convictions, and consequently urge: 1) the total withdrawal of all American forces from Vietnam; and 2) the setting of a definite date of withdrawal, no later than December 31, 1971.

During the past two years we have watched the expansion of the Vietnam War into an Indochina War. We know the cost of this war in dollars, resources and human lives. We regret the effects of this war on domestic affairs and policy, especially in the neglect of domestic problems: housing, education, poverty, pollution, in favor of defense spending. The war has polarized and divided the nation; there is a feeling of rebellion and ineffectiveness among the general public.

We do not see withdrawal as a retreat or neglect of our commitments. Rather, it is time for the Vietnamese people to make their own peace. Total withdrawal is essential because the long and slow process of unwinding the war leaves American soldiers increasingly vulnerable to attack, exposes the United States to pressures for greater military action, and risks greater entanglement. With a definite date for total withdrawal, successful negotiations for the release of U.S. prisoners and a cease-fire can begin.

Because of our concern for the dignity of life, for the quality of ALL lives involved here and abroad, for reconciliation, and for restoration of life, we urge you to act on these points immediately.

Sincerely yours,

Sister Rosalita Hurley, Sister Leonard Kreidermacher, Sister Emily Ann Stanck, Sister M. Mirabella Boehmer, Sister M. Lancisia, Sister M. Antosetta, Sister M. Theuna, Sister M. Telesphora, Sister Eileen Ploetz, Sister Gundrada, and Sister Elisia.

Sister Augustella, Sister Bavoline, Sister Casimira, Sister Mary Anticia, Sister Agnes Mary, Sister Rosalina Weber, Sister Hyacinth Kuch, Sister M. Nominanda, Sister Alberta Karius, Sister Gertrudis Kuhns, and Sister M. Annette.

Sister M. Leomotis, Sister M. Trudberta, Sister M. Ritanella Endres, Sister M. Modestine, Sister M. Engratia, Sister M. Lauriana, Sister Cesilia Zachman, Sister M. Valencia, Sister M. Theresita, Sister Ursenda, and Sister M. Alexander.

Sister M. Lambert, Sister M. Alvernia, Sister M. Anastasius, Sister Emily Cleary, Sister M. Addasta, Sister M. Ambrosina, Sister M. Clement, Sister Louise Marie, Sister M. Ascentia, Sister M. Desponsata, Sister M. Rose, Sister M. Mathilda, and Sister Geraldine McGovern.

WEST VIRGINIA HAS ITS PROBLEMS BUT ALSO HAS MANY BRIGHT AND REFRESHING PAGES IN ITS HISTORY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. RANDOLPH. Mr. President, the problems of the State of West Virginia are numerous, but there are many bright and refreshing pages in its history. This is the thrust of a speech made recently in Elkins, W. Va., to its Rotary Club, by a veteran newspaperman of the Mountain State, Thomas F. Stafford, now clerk of the U.S. Court for the Northern District of West Virginia. I ask unanimous consent that the address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MUST WE BE NEGATIVE?

(By Thomas F. Stafford)

Several weeks ago I ran across a news story in the Washington Post which started thus: "Poor old West Virginia. It's happened again." The story went on to say that West Virginia had lost more population in the last decade than any other state in the Union, and left the distinct impression that West Virginia was the vagrant, the impoverished relation, the bad penny among the American states.

I'll grant that West Virginia has its problems. As the Post story said, we *are* losing population. Our roads leave much to be desired. Our politics are a massive, almost constant embarrassment. And in our pursuit of a livelihood, all too many of us display little respect for the natural beauty of our hills, or the purity of our streams and air.

But there is much in which we can take pride, if we will stop smarting under the comments of others, and adopt a positive rather than a negative attitude about our state, its people, and its antecedents. Let me illustrate my point:

Back in the late 1950s, the Saturday Evening Post, then a vibrant member of the publishing industry, carried a critical appraisal of West Virginia, which was followed by others in newspapers and magazines. Also, at about that time, Senators Kennedy and Humphrey came into West Virginia to campaign for the presidency. Their campaign attracted national attention, and the things they said—which included observations about the bad state of our economy, our politics and our welfare system—likewise attracted attention. What we did in the aftermath of all this was to react negatively, and to lose our collective cool.

We ignored what one writer said—that West Virginia has some of the most beautiful women in America—and what another writer of even greater stature said about us. The latter was Theodore White, who wrote in his book, "The Making of the President," that no where in all of America is there a more friendly, courteous and sincere people than in West Virginia. This by itself should have firmed us up, and given us a new sense of pride in ourselves and those around us. But our reaction again was negative. We went right on smarting under the critical truths that were written or spoken by well-meaning outsiders, and mentally burning them in effigy from lamp posts all over the state. It made little or no difference that their criticisms led to improvements in our life style. They had committed the unpardonable sin of examining us and our institutions critically, and we responded in the conventional manner, finding fault with them in return, or crying foul. But almost invariably the response was one of offended apology.

We need make apologies to no one. Ours is the fourth richest state, minerally speaking, in this richest nation on earth, if we should want to talk of material wealth. And no where else is there a greater commitment to the American ideal than here, when the country's security is threatened. George Washington was the first to recognize this trait, when he spoke warmly of the fighting spirit of the men of West Augusta. And down through the years, West Virginia has been among the leaders in the number of young men it has sent into military service.

Speaking of commitment to the American ideal, our heritage compounds into a bright and golden page in history. When, after Fort Sumter, the southern states seceded one by one from the Union, and formed a new nation, the people of what was then western Virginia chose not to go along. As some historians still say, it might have been an illegal act on their part, their breaking away from the rest of Virginia, but they felt constrained not to compound a greater wrong. They formed a new state, because they felt America as a nation was worth saving. There are many reasons for this divisive action, not the least among them being the failure of the majority membership in the Virginia Assembly to give them their fair share of the taxes. But at this particular moment in the broad sweep of history, unity and brotherhood were the over-riding issues. The people of western Virginia could no longer support slavery, and they wanted to retain their membership in the first successful experiment in popular government on earth.

We've had our bad interludes in the early history of this country. Aaron Burr and his ill-fated attempt to overthrow the government, with Harman Blennerhassett providing the staging area near Parkersburg, stings a little. And the Whiskey Rebellion, which started in Pennsylvania in the late 1770s and spread across the Mason-Dixon Line into western Virginia, hurts also. But we should never forget that it was the mountain men of this region, along with others on the western frontier, who stood as the first line of defense against the Indians and British in the early days of the nation.

There are some in West Virginia who look on John Brown's raid at Harper's Ferry as a black chapter in history. But who can say with conviction that this paradoxical and essentially tragic man was as fanatic and misguided as he was reputed to be, when Walt Whitman composed poetry of praise about him, and Victor Hugo, from France, wrote of him as "the champion of Christ."

West Virginia has many bright and refreshing pages in its past, and none are more profound than those of the last two decades.

No state or its people stood more tall than when in the aftermath of the 1954 Supreme Court decision outlawing racial segregation in the public schools, Gov. Marland said, "We will comply." Except in isolated instances, the people did not organize a campaign of resistence. They accepted the Marland executive order in good grace, and went on to make their state the first of all the states affected by the decision to come into full compliance with its guidelines.

A few years later, the people of West Virginia said so loudly and clearly that Catholicism was no bar to the presidency, that John F. Kennedy went on to be elected to office, and said no other single action in the campaign did more to insure his victory than the primary in West Virginia. The real significance of the vote was lost in that presidential campaign. Religious prejudice was beaten into the ground, and it was the people here, in their composite judgment, who performed the burial ceremony.

And within a year after Mr. Kennedy's election, the people of West Virginia spoke again. There was very little publicity of the event, which took place at Mont Chateau State Park, but at that beautiful and picturesque facility, a group of state and federal officials gathered to hammer out a new concept for the poor, which gave able-bodied fathers on relief the dignity of work. Prior to that day, fathers sat around in abject idleness, with absolutely no purpose in life. Welfare checks were paid in the names of their children into the mothers' hands, and they, the fathers, were the excess baggage in the family unit. As a result of the Mont Chateau conference, checks were made payable into the homes of able fathers on the condition that they work. Some of the work was menial, but out of it grew jobs in private employment for many, a work and training program for those needing skills, and a welfare concept which has grown in scope and meaning in the ensuing years.

West Virginia has many causes and reasons for pride, about which I have talked only briefly. In my capacity as a newspaperman for many years I traveled a great deal, and I recall at a meeting of educators in Atlanta that the county unit school system in West Virginia was pointed to in theory as among the best in the country. At another meeting a year or so later, where the nation's governors were engaged in a frank discussion of the weaknesses and strengths of their various governments, I was surprised to learn how advanced our state government was, structurally, in comparison with so many others. For one thing, we were then a leader, and I'm sure the same situation exists today, in our method of appraising property for tax purposes. Our politics may sometimes have a bad odor, but, generally speaking, those who administer our public affairs in Charleston do a pretty fair job for us.

People laugh at us for our quaint way of speaking—saying "crick" for "creek" or "poke" for "bag"—but these are words right out of Elizabethan England.

Much of this image we bring on ourselves. We show no real inclination, when given the opportunity, to build a memorial to our patron, one of the noblest of Americans, Abraham Lincoln. But we erect statues, or name schools, hotels and roads after that hero of only regional dimensions, Stonewall Jackson. All too many of our sympathies and interests seem to be with a culture of another age and another part of America. General Jackson exemplifies this attitude. The men at Rich Mountain were more authentic heroes than the dour old professor at Virginia Military, who almost brought down a great nation with his Valley Campaign.

We have a rich heritage, a fine and proud heritage. The lands which now make up West Virginia were once the outward reaches of American civilization. Old Fields, near Moorefield, was one of the earliest settlements on the western frontier. Petersburg was the staging area for many a western push into the wilderness. And at Beverly, hardy pioneers planted a settlement, and buried their dead in one of the oldest cemeteries west of the Alleghenies.

We have a strikingly interesting history, but how are we to know about it at the impressionable levels of the learning process? Some good books on West Virginia history have been written for adults lately, the latest being Otis Rice's "The Allegheny Frontier." Unfortunately, the same can't be said for the textbooks in our public schools.

History never stands still. Like news, it is a constantly changing, constantly unfolding discipline, and the recording of it makes salient parts of said recording obsolete almost instantly after publication.

Those who use history books as a teaching tool should recognize their fragile nature and take corrective measures to bring them up to date. But we find that too frequently they do not. Rather than update them with fresh material, they improvise, and the results sometimes are worse than the original product. I'm reminded of the Golden Horseshoe tests. A few years ago, children in at least one county were being told to inform themselves about Joanne Dru, who, when they did so, turned out to be an actress from West Virginia, by then in retirement.

I made inquiries, and the same modus operandi was being used elsewhere. On this score I recall that when our daughter, then a student at a model school in Charleston, took her Golden Horseshoe exam, the first thing she asked afterwards was, "Daddy, who's Claire Bee?" I was lucky. I had the answer for her, because Claire Bee and I grew up in the same town, about two blocks apart. But why, I ask today, as I asked editorially then, were our Golden Horseshoe examiners so interested in a retired basketball coach, when there is so much of substance and wholesomeness to teach our young?

There are some who place little value in history, looking upon it only as a musty manifestation of the cloistered gentry. To them I quote Carlyle, who said, "History is the first distinct product of man's spiritual nature, his earliest expression of what can be called thought." And Cicero, who said, "Not to know what has been transacted in former times is to be always a child. If no use is made of the labors of past ages, the world must remain always in the infancy of knowledge."

In my opinion we need to strike out in new directions, if we are ever to inform ourselves properly about our State. I don't propose a massive Madison Avenue selling job, with ads in all the slick paper magazines, although I'm not opposed to it. Or radio and TV spots huckstering "wild, wonderful West by gosh Virginia." As I see it, a vintage 1971 history book, courses of study reaching up into high school, and more attention by newspapers, radio and TV to West Virginia as it really is, makes more sense. We've tried slogans, propaganda and pamphleteering and they haven't worked. Self-education on a broad scale seems the better part of wisdom. With this done, pride and self-respect should quickly follow. There's always the chance we will turn into Texas-style bores, but we've got to start somewhere, and if Mr. White is right about us, maybe we'll wind up friendly, courteous, sincere, *and informed*.

MORE ON NUCLEAR POWER IN MAINE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HATHAWAY. Mr. Speaker, yesterday I placed in the RECORD of proceedings of this body the first two chapters of a pamphlet produced by a group of Maine citizens gravely concerned about the construction of a nuclear power facility in Maine. The pamphlet is entitled "Nuclear Power—The Greatest Threat to Maine," and was compiled and edited by Robert E. Phinney, Jr., of the Citizens for Safe Power, headquartered in Portland, Maine. In the first two of the pamphlet's seven comprehensive chapters, Mr. Phinney outlined both the proposed Maine nuclear powerplant's capacity for emitting harmful radiation and the untoward effects these emissions could cause man and nature. The titles of the third and fourth chapters are "Where Will Maine Yankee Radioactivity Come From?" and "What Other Problems Could Maine Yankee Create?" They follow, along with the appropriate footnotes for chapters 1 through 4:

WHERE WILL MAINE YANKEE RADIOACTIVITY COME FROM?

Some eighty tons of plutonium enriched uranium fuel (Travis 1970) in Maine Yankee's reactor will produce, by fission, 1,000 times the radioactivity from the bombing of Hiroshima (The Advocates 1970). This accumulating radioactivity must be continually filtered out of the reactor's primary loop, the radioactive atoms are filtered, ionized, steamed and condensed, and the remaining amounts, in the form of radioactive gases, go from holding tanks out the stack and into the local atmosphere, while radioactive atoms still retained in water go from settling and holding tanks to the condenser discharge and into Montsweag Bay (Thompson 1969). Radioactive atoms retained by this treatment are mixed into cement and dumped into oil drums or removed by filters. There are also four high load periods of radioactivity to treat annually when tons of additional radioactive water are produced by flooding the reactor's shield tank cavity to facilitate removal of spent fuel assemblies. There will also be various intermittent loads from malfunctions, spills, leakage into catch basins from pumps, fittings, direct leakage to the atmosphere through the dome etc. (HEW Document NF-67-6, 1967).

Most radioactivity is eventually shipped elsewhere in spent fuel casks to be reprocessed, or shipped in oil drums to be dumped at sea. Maine Yankee says there has been some trouble with radioactivity leaching through the cement in these drums. Maine Yankee spent fuel assemblies will be reprocessed at Nuclear Fuel Services, Inc. of West Valley, New York. Cornell Scientists found holding ponds at nearby Buttermilk Creek to contain 35,000 to 100,000 times the AEC's permissible amount of radioactivity. The New York State Public Health Department lists water radiation levels around the West Valley Plant at 10 times the AEC limit. New York's Bureau of Nuclear Engineering has found reconcentration of radio nuclides, such as strontium-90 and cesium-137 in fish and wildlife of the area (Shepherd, 1970).

The January '71 Scientific American article, "The Global Circulation of Atmospheric Pollutants" reports:

"The reprocessing of nuclear-fuel elements from power plants releases krypton 85, a radioactive gas with a half life of about 10 years, which is gradually accumulating in the atmosphere." (11)

Only plutonium and unspent uranium are extracted at West Valley. The excess thousands of gallons of radioactive liquids that can boil under their own energy for hundreds of years are held for about one year to cool enough for handling then injected into the earth through shafts topped with enormous funnels, or seeped into the earth from huge trenches dug along geological faults, or stored for an AEC minimum of 600 years in huge tanks (Fox 1966; 1969). About 80 million gallons are now in tanks. U.S. Public Health Service estimates two billion gallons by 1995. The AEC asked Congress in 1968 for legislation to fund $2,500,000 for replacements of failed or failing tanks, claiming "there is no assurance that the need for new waste storage tanks can be forestalled." (12)

The National Enquirer reports:

"One tank alone drained 60,000 gallons into the ground before discovery. At least two others are leaking, and leaks are suspected in three or four more. Some nuclear scientists are worried. Dr. Joel A. Snow, Physicist at the University of Illinois Center for Advanced Study, warned: 'A single gallon waste would be sufficient to threaten the health of several million people.' " (13)

"Only 180 feet separates the tanks the AEC uses from underground water." (14)

Curitis and Hogan report:

"By the end of the century waste tanks will boil with six billion curies of strontium-90, 5.3 billion curies of cesium-137, 6.07 billion curies of promethium-147, 10.1 billion curies of cerium-144, and millions of curies of other isotopes. The amount of strontium-90 alone is 30 times more than would be released by the nuclear war envisioned in a 1959 congressional hearing." (15)

Senator Church is now complaining of radioactive contamination of Idaho water supplies. The industry publication, Nucleonics, assures us the British don't "stew" about their nuclear plants, they just pump their radioactive waste directly into the ocean through a 2 mile pipe-up to 100,000 curies a month. (Taylor 1970).

David E. Lilienthal, former Chairman of the Atomic Energy Commission, states:

"Has the problem of disposition of these poisonous wastes been made demonstrably manageable, either as to danger or as to cause? The answer is no." (16)

A National Academy of Sciences committee, composed of geologists, ground-water hydrologists, and mining and petroleum engineers, recently concluded a 12 year study of most of the AEC's radioactive waste disposal facilities. They report:

1. All radioactive materials are biologically injurious. Therefore, all radioactive waste should be isolated from the biological environment during their period of harmfulness, which for the long-lived isotopes exceeds 600 years.

2. The rate of generation of radioactive waste is roughly proportional to the rate of power production from nuclear fission reactors. The committee therefore reasoned that no waste disposal practice, even if regarded as safe at an initially low level of waste production, should be initiated unless it would still be safe when the rate of waste production becomes orders of magnitude larger.

3. No compromise of safety in the interest of economy of waste disposal should be tolerated.

These wastes are not being isolated from the biological environment at present, and it is questionable to what extent the same practices can be continued when the rate of waste production becomes 10 or 100 times larger than it is at present without causing serious hazard . . . The cost of the entire waste-management program probably does not exceed 2 percent.

It is more than penny-wise and pound-foolish to skimp on budgets for radioactive waste-disposal programs and to adopt expedient practices for economic reasons; it is hazardous to the health and genetic security of the nation.

A new monitoring system for radioactive-waste disposal practices is needed. This system must be independent of the agencies and organizations that produce such wastes . . . (17). (From Resources and Man, a Study and Recommendations by the Committee on Resources and Man of the Division of Earth

Sciences, National Academy of Science-National Research Council. W. H. Freeman and Company. Copyright (c) 1969.)

There are huge disposal facilities now being constructed in Morris, Illinois; Aiken, South Carolina; and West Valley, New York to continue past disposal practices far into the future. What will become of the Maine Yankee plant, once its short operating life runs out? Dr. E. F. Schumacher explains:

The most massive wastes are, of course, the nuclear reactors themselves after they have become unserviceable.

No one discusses the humanly vital point that they cannot be dismantled and cannot be shifted but have to be left standing where they are, probably for centuries perhaps for thousands of years, an active menace to all life, silently leaking radioactivity into air, water and soil . . .

Disused nuclear power stations will stand as unsightly monuments . . . that the future counts as nothing compared with the slightest economic gain now. (18)

Bob Goligoski of the St. Paul Pioneer Press goes on to explain:

The AEC will spend $2 million in the next year to permanently close down and decontaminate Minnesota's first nuclear power plant at Elk River.

The deactivation of nuclear reactors usually entails the following:

Removal of all nuclear fuel and coolant fluid used to remove heat from the reactor. Radioactive components and residues are taken to a "radioactive dumping ground" where they are buried.

Other, less radioactive fixtures and materials are decontaminated and left on the site. The reactor is sealed tight to prevent people from entering and radioactivity from escaping. An AEC official said the process may take "anywhere between six months and two years to do the job and we may need a little more money to do the job than the $2 million in the budget." (19)

Once radioactivity from normal operations is released from Maine Yankee to the environment, where will it go? Robert Dow, Assistant Director of the Department of Sea and Shore Fisheries outlines possible accumulation—concentration in shellfish and commercially important organisms of radioactive and toxic elements from Maine Yankee's discharge water.

"Although discharged dilute levels may not be directly hazardous to public health, radioactive isotopes can be concentrated by marine organisms to hazardous levels when used as food, degree depending on specie of the food and the specific isotope." (20)

Specific isotopes concentrate in certain organs or tissues, thus iodine-131 settles in the thyroids of higher animals; strontium in bones, scales, and shells; tritium in all metabolic pathways, to mention a few, and that green algae can accumulate 500,000 times the radioactivity present in water; insect larvae, 100,000 times; fish, 20–30,000 times. (Eipper & Associates, 1968) The AEC found near one reactor four ducks, each containing 5 times the yearly budget of radiation allowable for humans (Cornacchia, 1970). Elsewhere milk, cattle, deer, rabbits, fish, shellfish, irish moss and grains have been found to be contaminated by radiation released from normal operations of nuclear reactors (H.E.W., 1969) (Curtis and Hogan, 1969) (Main Dept. Health and Welfare, 1965) Man, on top of each food chain, is final recipient of the largest accumulation concentration of radioactivity. Malcolm L. Peterson, M.D., PhD., School of Medicine, Washington University, states that we are just learning how radionuclides concentrate in nature and how they behave in human tissue. Furthermore different dietary habits in people cause different concentrations. Current knowledge can't say what dammage results from small doses.

"To illustrate how man can come in contact with these radioactive wastes, it might be helpful to take as an example the biological chain for just one radioactive substance. . . . The chemical which I would choose for illustration is zinc 65. This substance is currently being discharged into the Columbia River from the Hanford reactor . . .

First of all, the zinc 65 is formed in the cooling water by nuclear reactions which involve sub-atomic particles which penetrate the material of which the reactor equipment is constructed. Non-radioactive zinc in the reactor components can thus be converted into zinc 65—radioactive zinc. Minute amounts of zinc 65 are therefore dissolved in the cooling water which is poured back into the Columbia River.

Subsequently microorganisms subsisting in the water and deriving their nourishment from the dissolved chemical substances in the water pick up zinc 65.

As these tiny organisms incorporate the zinc atoms into their protoplasm, the amount of the zinc per unit volume of water in the molecules of the organisms is much higher than the concentration in the river water, algae and other plant life may pick up zinc 65 in the same manner.

Fish which live on microorganisms and algae repeat the process of concentration so that their flesh becomes even richer in zinc 65 than the food which they ate. Similarly, oysters at the mouth of the Columbia River which live on these microorganisms concentrate the radioactive zinc. Plants grown on the soil irrigated by the contaminated river water carry out a related process of uptake and concentration of radioactive zinc. Cows or other animals eating these plants will concentrate the zinc 65 still further.

From all of these dietary sources—from drinking water, fish, oysters, vegetables, and the milk and meat of grazing animals, man can ingest zinc 65. Thus his body can be exposed to relatively high concentrations of this radioactive element even though the concentrations in the reactor effluents were barely detectable. Furthermore, certain tissues of his body may selectively concentrate the zinc 65 further so that different exposures might result even within his own tissues. As examples of the concentrations of radioactive zinc: in the year 1958 when the river water had about 188 picocuries per kilogram, the oysters sampled at the mouth of the Columbia River had concentrations as high as 63,500 picocuries per kilogram. The 330-fold concentration of the radioactive substance prior to possible exposure by man is reflected in studies of people. Measurement of radioactive zinc in the bodies of people who drink Columbia River water shows the whole-body content to be about 4,000 picocuries. The bodies of people who drank milk and ate meat from cows grazing on pasturage irrigated by Columbia River water was nine times greater—36,000 picocuries. This is greater than some of the amounts of radioactivity measured in persons who work in atomic energy installations . . .

Every increase in radiation exposure carries with it an additional risk of harm. Furthermore, "the body burden of radioactivity in some individuals in the Hanford area has risen to 25 percent of the Radiation Protection Guide for the whole body and to 50 percent of the limit for bone." (21)

Will Maine Yankee radionuclides released into a tidal system be diluted in the ocean? The idea of safe low level release standards being further diluted in the ocean has now been publicly demonstrated as a ridiculous and dangerous lie by the current hazardous levels of mercury found in tuna and swordfish, which live in the deep open ocean at the end of a very long and complicated food chain. It is obvious that each organism in the food chain concentrates mercury a great deal faster than the ocean can dilute it. Increasing levels of radioactivity are now being detected in tuna and swordfish as well as most other foods we eat. Unlike mercury and DDT and other simple chemical substances that are degradable by ordinary chemical reactions, radionuclides can only be degraded by the same violent nuclear fission that made them or by the time required for them to release all their radioactivity. Thus man can do absolutely nothing to control the damage of long-lived radionuclides in the environment.

The time required for a radioactive element to lose its radioactivity is measured in "half lives". The half life of tritium is 12.5 years, which means that in 12.26 years half the particle emissions have been released, in the next 12.26 years or 25 years later one-quarter of the emissions remain etc. The AEC estimates as a generalization that it takes about 20 half lives for a radioactive element to become harmless. Thus strontium-90 with a half life of 25 years would be harmless in 500 years. Iodine-131 has a half life of 8 days, thus becoming harmless in 160 days. Consider then the damage done by plutonium when just one of its 20 hazardous half lives is 24,360 years, or neptunium ("produced in considerable amounts in the large nuclear reactors") (22) with a half life of two million two hundred thousand years. Half lives of other Maine Yankee isotopes are cobalt-58 (71 days); phosphorous-32 (1.3 days); cerium-141 (32.5 days); cerium-144 (590 days); zirconium-95 (65 days); krypton-85 (extremely lethal gas), 4.4 hours in one form that converts to another with a half life of 9.4 years; cerium-137 (33 years) etc.

As each specific isotope emits particles it reduces its weight sufficiently to change that portion into an entirely new element, and the new radioactive elements seek different areas of the human body. Thus, Strontium-90 which has settled in the bones soon begins to disintegrate into Yttrium-90 which concentrates heavily in the reproductive glands and the glandular and lymphatic system, the liver, spleen and pituitary glands. Thus a young woman can obtain over a 4 to 5 year period from slightly contaminated milk a peak accumulation of strontium-90 just about the time a devolping embryo is most susceptible. A peak production of Yttrium-90 from the vast reservoir of strontium-90 in her skeletal system thus circulates from her blood stream, across the placenta to multiply the dosage factor for yttrium-90 many hundred fold in the very small and sensitive early embryo fetus, creating a miscarriage, stillbirth, or a genetically defective child. The yttrium-90 in turn disintegrates to another radioactive isotope which in turn does other specific damage (Sternglass, 1970).

Dr. J. M. Arena, M.W., Professor of Pediatrics and Director of the Poison Control Center, Duke University School of Medicine, states:

"As much as 27% of a 10 to 30 millicurie tracer dose of radioactive iodine administered to a lactating woman may cross the plasma-milk barrier. The major portion will appear in milk within the first 24 hours. This is enough to produce a significant suppressive effect on the infant's developing thyroid gland." (23)

Dr. Eipper (1968) describes potential hot spots in the environment due to uneven mixing qualities of winds, waves and tidal action. Maine Yankee consultants say most of the Bay's radioactivity will become incorporated in the stable elements of the bottom sediments. Other biologists say such settled isotopes enter various food chains through bottom feeding bacteria.

Just as was the case of DDT, mercury cyclamates, and thalidomide, no one presently can accurately determine the ultimate destination and destruction of Maine Yankee's AEC licensed radioactive releases.

By direct transfer through the atmosphere, water, or contact with any contaminated objects, humans may receive high level doses of radioactivity in the event of a transportation accident or plant malfunction. Philip Sporn, former head of American Electric Power, states:

"In atomic matters, we ought not to rush. We are going to have some accident with atomic plants. We don't want to have any. None of us in the business does. But we are going to. Let's get our experience and have our accidents now before we take more chances with our plants." (24)

Ralph E. Lapp (1971). Nuclear Physicist, states a major accident is certain before the year 2000.

In 1966 the Enrico Fermi Power Plant began a runaway melt down in its reactor. For 30 days its personnel waited for the partial melt down to burn out. In a melt down, control elements fail in the reactor and the controlled operational temperature of the atomic reaction (around 4000°F.) achieves its natural heat which approximates temperatures of the sun's surface. As the temperature rises the fuel core liquifies and then rapidly expands (but not as rapidly as a nuclear bomb) into a massive dense cloud of extremely radioactive gases. The Report of The Advisory Task Force on Power Reactor Emergency Cooling, U.S. Atomic Energy Commission 1967, states:

"Reliable and practical methods of containing the large molten masses of fuel that would probably result from such a melt down do not exist today. Accordingly, it is not considered possible to assure the integrity of the container if melt down of large portions of the core were to occur." (25)

The AEC estimates such an accident from a plant of 100 to 200 megawatts in size (Maine Yankee is 855 megawatts) could result in as many as 3,400 deaths, 43,000 injuries, $7,000,000,000 worth of property damage, and land contamination. Agricultural quarantines might prevail over a 150,000 square mile area or more than the combined areas of Pennsylvania, New York and New Jersey. (Curtis and Hogan, 1969) A University of Michigan report estimated 133,000 people would have been killed if the Fermi Plant accident had achieved full potential (Karp, 1970). The AEC refuses to estimate maximum accident potential on plants of Maine Yankee's size.

On October 10, 1957, No. 1 Pile (Reactor) at the Windscale Works in England malfunctioned, causing seizure of milk and growing foodstuff in a 400 square mile area. All the reactor's safety features had failed. Sir John Cockcroft (1958) in his delivery of the James Forrest Lecture to the Institute of Civil Engineers said about 3 tons of uranium were burned up during the accident, releasing at least 10 times the weight of many fission products produced in a small atomic bomb explosion.

In 1966 there were 42 incidents in the U.S., including rod failures, cracked fuel tubes, explosions in beam tubes, fission gas releases, fuel melt downs, and plugged cores. AEC files show 3 men killed when a reactor cap blew in Idaho; 1 man died in Rhode Island when he poured radioactive liquid into the wrong size vessel and it reached critical mass; of radioactive matter being lost for 2 weeks in shipment; the children of a Mexican family having died when they found a cylinder of radioactive waste in a city dump, etc.

Plants in Nebraska and South Dakota have been converted to fossil fuel, and plants in Michigan, New York, Minnesota, Puerto Rico, Ohio and South Carolina have been shut down permanently or semi-permanently due to malfunctions. The Millstone Plant recently activated outside of New London, Connecticut is now in serious trouble.

Arthur D. Little, Inc., Engineer Consultant for Maine Yankee states:

"In early 1968 . . . the nuclear alternative operating experience was limited to three early generation plants only one-sixth the size of some of the full scale plants being ordered. Operating information from plants that will employ the more advanced technology characteristics of systems now in order backlog will not be available until the early 1970's . . . thus, the industry has a very narrow base of experience on which to base projections of costs of manufacture and limited operating experience to validate the technical and economic aspect of designs now on paper." (26)

The Maine Yankee construction license reads:

"However, the Applicant and Regulatory Staff recognized that in order to develop the final design of the facility further information and data will be needed . . . The major areas of research and development include flow studies on a scale model, flow distribution studies on fuel assemblies, development studies on prototype control element assemblies, development of certain calculational techniques, testing of magnetic jack controlled rod drives, certain critical experiments, heat transfer elements, tests on full size fuel assemblies, tests on the zircoloy-No. 4 tubing and proof tests on the in-core instruments." (27)

What will Maine Yankee's performance be? Maine Yankee distributes a pamphlet (The Yankee Story 1960) describing performance of the Yankee Atomic Electric Plant (125 megawatts) at Rowe, Massachusetts, which lists 23 reactor shut downs in its first 6 years of operation for "design modification, additional physics tests, corrections to minor design defects and general debugging, redesigning and replacing certain core components, extensive inspections, variety of modifications and needed repairs, refueling."

The principle of redundant safeguards has failed to avert blackouts repeatedly. Redundant safeguards shut down one reactor when a toilet was flushed. Redundant safeguards are not fail safe from sabotage. Recent bomb scares at Maine Yankee have potential. A December '70 Natural History magazine poll reveals that of 5,092 respondents tabulated and coded, 46% earned over 15,000 a year, 79% were college educated; 30% with advanced degrees. Nine percent of the respondents demonstrated deep personal identity in the environment movement. Of this 9%, 38% are over 30 years old, 23% approved a conventional means (letter writing, appearing at hearings, boycotts, and so forth.) to resolve environmental problems, 35% approved of "civil disobedience" (sit-ins, and non-violent direct action), and 42% approved of violence if other means fail (sabotage or bombings).

The AEC reports that Maine Yankee is committed to a reactor vessel of faulty safe guard design which in the the event of a major accident could bypass all redundant safeguards.

"We have indicated to the applicant that the heat transfer model used by Combustion Engineering is somewhat optimistic and not adequately supported by experimental data. Combustion Engineering has considered heat transfer coefficients greater than those used in their report and has stated that heat transfer coefficients of the order of 1000 BTU/hr.-ft.2 (comparable to values used by other vendors) would lead to crack propagation in excess of ⅔ of wall thickness. In our judgment, the information submitted so far does not conclusively show that the vessel will maintain its integrity when subjected to the thermal shock stresses encountered when emergency cooling flow is needed . . ." (28)

In the event of a melt down, fracturing of the vessel by injection of additional coolant could be coupled with violent explosions within the faulty vessel.

The January 1970 issue of Fundamental Nuclear Energy Research reports:

"If a water-cooled reactor were to suffer an accidental power surge or cooling failure, reactor fuel or other materials might melt and contact the water coolant. The resulting reaction might cause high pressure steam to be produced very rapidly. Expansion of this steam could generate high velocity shock waves that could damage structures within the reactor and perhaps the reactor containment vessel itself . . . Argonne National Laboratory experiments have shown that the injection of a very small quantity of water just under the surface of a molten metal or a molten salt will regularly generate steam explosions.

The experiments were performed by heating a material sample to about 600°C. (1,100°F.) in a graphite crucible. After about one milliliter (1/30 of an ounce) of water was injected into the molten material through a steel hypodermic needle, molten pictures were taken of the reaction—the time interval between events was only 0.5 milliseconds (half a thousandth of a second). One frame shows several pieces of the shattered graphite crucibles flying in a cloud of mixed steam and tin particles. (29)

Will a crocked reactor vessel, designed initially to withstand 3000 p.s.i., contain an internal operating pressure of 2,200 p.s.i plus violent chemical and steam explosions? If not, will the reactor dome's 58 p.s.i. strength, despite faulty hatch construction, contain the resultant massive expansion of radioactive gases?

Dr. Robert L. Whitelaw, Virginia Polytechnic Institute, formerly Project Engineer for the design and construction of the Savannah, states:

"There is still by common consent an unwritten agreement to treat as 'incredible' the most fearful of all nuclear accidents that can occur in any plant with a highly pressurized primary system. Such an accident is, of course, the explosive rupture of the primary vessel itself, which is ruled out of the list of credible accidents for the simple reason that there is no adequate answer short of putting the plant underground or inside a mountain, as Ackerman has pointed out." (30)

Dr. Edward Teller states:

"In principle, nuclear reactors are dangerous. They are not dangerous because they may blow up . . . but a powerful nuclear reactor which has functioned for some time has radioactivity stored in it greatly in excess of that released from a powerful nuclear bomb. There is one difference, and this difference makes a nuclear bomb look like a relatively safe instrument. In the case of an atmospheric nuclear explosion, the radioactivity ascends into the stratosphere and is widely distributed and diluted . . . before returning to the ground. A gently seeping nuclear reactor can put its radioactive poison under a stable inversion layer and concentrate it into a few hundred square miles in a truly deadly fashion." (31)

The Maine Department of Public Health and Welfare states that Maine Yankee is charged with the prime responsibility:

"for prompt action to minimize radiation exposure to the general public, and for control and recovery of the materials. When an incident occurs, the responsible party (Maine Yankee) or his representative may require emergency assistance to regain control of the radioactive material, and to protect the public health and safety." (32)

Would Maine Yankee deem any accidental exposure "dangerous" and alert the public? The AEC deems an accident exposure to the public of 100,110 times greater than natural background radiation as "acceptable". Silence would avoid scandal and panic from otherwise undetectable exposures.

In a melt down, AEC Officials say they would be concerned with the speed with which they could evacuate a 30 mile radius, and that if a substantial hole were in the containment structure, there would be no chance for evacuation. (Eugene Future Power Committee, 1970).

WHAT OTHER PROBLEMS COULD MAINE YANKEE CREATE?

Robert Dow, (1970) Assistant Director of the Department of Sea and Shore Fisheries, writes of shellfish concentrating toxic metallic ions such as copper and zinc and their alloys from industrially heated water, rendering them extremely toxic to humans. Chemicals and other toxic material from the condenser discharge may be harmful to the Bay's ecology. The Sierra Club (1970) reports that the proposed Trogan Nuclear Plant in Oregon will adjust pH, control corrosion, reduce mineral deposits and stop biological growth in its condenser system by discharging daily 9,500 pounds of sulfuric acid, 1000 pounds blended polyphosphates, 38 pounds chlorine gas, 170 pounds sulfur gas, 180 pounds caustic soda, 2 pounds volatile ammines, 4 pounds ortho phosphates and several others in fractional parts. Maine Yankee is licensed to use chemicals if necessary.

Robert Dow states:

"A marked increase in noxious algal blooms and in growth rates of those estuarine animals which have wide temperature tolerance range can be anticipated. Periodic high mortality rates will occur with higher than predicted temperature increments. Plant and animal dieoffs from heated deoxygenated discharge water will further reduce dissolved oxygen in the receiving waters and increase hydrogen sulfide [rotten egg smell]. This degradation of environment will create nuisance conditions detrimental to public welfare, if not direct hazard to public health." (33)

An Ira C. Darling Center spokesman stated at a public meeting in 1970 that algal blooms on tidal flats eliminate marine worms through oxygen deprivation.

Dr. John H. Ryther, Environmental Consultant to Maine Yankee, states:

"There do appear periodically in these estuaries conditions that are so unfavorable that it may wipe out an entire population. However, even the sessile organisms—the plants, the sea weeds, the worms, the bottom-dwelling organisms like lobsters, crabs and so on . . . are free-swimming in the water during part of their lives. So by this mechanism they can rather quickly recolonize an area even if there has been a mass mortality from any cause." (34)

Resident fishermen report no such kills in Montsweag Bay during their lifetime or their fathers'.

On the heated discharge Mr. Don C. Laubenstein, Maine Yankee's Information Coordinator, recently told the Brunswick Rotary:

"We won't use anything like the run of the river. I guess 900 cubic feet per second sounds like a lot of water, but Sheepscot has a flow of 40,000 cubic feet per second." (35)

The company figure is 950 cubic feet per second; the body of water is Montsweag Bay, located several miles from the Sheepscot River. An approximate 1–40 ratio for heated water to bay water is severe in a bay which contains 85% of its water in less than a 20 foot depth, where mud flats at low tide reduce the water's surface by about one quarter, and in which summer water temperatures even in the coolest bottom layers reach 65° F., putting the discharge temperature at around 90° F. or above critical temperatures of many organisms. Lethal temperatures for adult alewives are 80–90° F., adult striped bass 77–80° F., adult herring 67.1–70° F., salmon 80° F., mud shrimp 87.8° F. (F.W. P.C.A., 1968) and blood and sand marine worms 79–89° F., (Creaser, 1971).

Audubon Magazine, March '71, reports:

"Starting early in 1963, the new small nuclear plant (Indian Point, 265 megawatts) began killing fish by the ton. The exact number of fish killed probably never will be known, because the State Conservation Department did its best to minimize the mess . . . Con Ed had two trucks hauling dead fish to the dump when the plant was in operation . . . dead striped bass stacked a dozen feet high . . . they covered an area encompassing more than a city lot . . . in the fall of 1969 . . . this kill continued . . . February 4th, the Star ran the headline, 'Con Ed Admits Killing of 150,000 Fish' . . . early in 1970 . . . the slaughter was so extensive . . . the plant had to shut down; dead fish were gumming up the works . . . we saw a discharge pipe vomiting thousands upon thousands of fingerling striped bass, and white perch along with catfish, tom cod, yellow perch, and an occasional sturgeon . . any eggs, larvae, or fish entrained into the plants would undoubtedly be killed . . . Con Ed blamed 'faulty screening' . . . Garrett charged that one day Con Ed was pumping so much hot water into the Hudson that 'the river was under a wall of rising steam from shore to shore . . . Con Ed erected a fence at the dump and posted guards . . . Arthur Pearson . . . the company's ecology expert . . . told . . . HRFA . . . Con Ed would not have to build cooling towers because the utility was going to get the state to 'reclassify' the brackish lower Hudson from Tidal salt water to fresh water stream . . . the obvious cause of death was thermal pollution, the hot water discharged from the plant. This either attracted the fish and upset their metabolism, brought on disease or killed them outright by shock." (36)

Tons of striped bass, plus salmon smolt, alewives and smelt feed near Maine Yankee's intake and discharge pipes on brackish Montsweag Bay. Theoretically it would take Montsweag Bay 1.76 tides to flush itself out but various water layers from temperature and salinity differences make actual flushing times much longer, causing indeterminate, larger accumulations of heat and radiation in the Bay.

According to Dr. Mount, (1969) heated water in the range licensed by the Environmental Improvement Commission (27°F.) or estimated by Maine Yankee (24–25°F.) will drastically reduce the number of species and the production of phytoplankton vital to all food manufacture in the Bay.

Johns Hopkins University has established that organisms exposed to heated effluents and radioactivity in combination suffer higher mortalities than when exposed to either condition separately.

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AN OATH OF FREEDOM

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. MOSS. Mr. President, the current threat to rights secured under the first amendment was the subject of the recent Reynold's lecture at the University of Utah.

In a scholarly treatise, Prof. Alfred C. Emery, newly appointed president of the university, discussed the basic importance of the first amendment as it applies to the civil liberties of our communities and academic freedom of our universities.

Professor Emery reminds us that universal freedom of opinion and expression is not a natural state of man, but is a concept that must be relearned and a faith that must be reacquired by each generation.

Having had the pleasure of reading this landmark lecture, I recommend it to Senators concerned with protecting first amendment rights and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

"AN OATH OF FREEDOM"

(By Alfred C. Emery)

There is a cliché that is read and heard with increasing frequency throughout the State. It is plastered on automobile bumpers and windows; it is printed in letters to the editor, and it is heard in private conversations and informal speeches. The cliché reads: "America, love it or leave it." On its face it is quite innocuous, but in the context in which it is used, it is symptomatic of an attitude that exists in this nation today that I believe justifies serious concern. It is used as though it were a conclusive response to the dissent expressed on issues of Vietnam, discrimination, poverty, ecological pollution and the many other issues of our time. It implies that the current state of affairs is somehow a perfect realization of the promise of America, and if one dissents from the policies of the representative majority, if he is repelled by the horrors of settling international disputes by the death and suffering of war, if he is bitter about the degradation of discrimination and poverty, if he is concerned about the pollution of our natural environment, he somehow does not love America. But America is more, much more, than the temporary policies of a Kennedy or a Nixon administration. America is something far more basic, far more enduring. The original concept of America was proclaimed in clear and unmistakable terms in the Declaration of Independence. In this document the concept of America is a ringing declaration of the dignity of the individual. In this document America means "all men are created equal." It means that all men are entitled to "life, liberty and the pursuit of happiness," and that this claim needs no other justification than the fact that man is a human being. America means that governments are not imposed upon men, that they are not the masters of men, but that they are created by men for the exclusive purpose of protecting and providing the opportunity to express this human dignity. America means that men, all men, are citizens, not subjects. It was to create and defend this concept of America that our founding fathers pledged their lives, their fortunes and their sacred honor. The fact that we, the people of the United States, have not realized the promise of America does not degrade the beauty and validity of the concept; it is simply a confession of our own weakness. One can love this concept of America and still recognize our policy failures. It is the love of America that permits, indeed demands, that we criticize our policies when they fall short of realizing the promise of America.

Whether we like it or not, we live in a time of fear and violence; individual violence in the form of crime, terrorism and riot, and national violence in the form of violent response to internal protest and war in the arena of international dispute. We live in a dangerous time, a time when the dangers are greater in degree than at any other time in history. Men may rationally fear the destruction of all life through nuclear, chemical and biological weapons of war delivered by a means for which there is no adequate defense. This fear may well be increased when such weapons are in the arsenal of other nations whose conduct in Hungary, Czechoslovakia and Tibet has given us no reason for confidence. Men may well fear the degradation of poverty and discrimination and the destruction of the environment in which they live. But fear feeds upon fear and progresses toward hysteria. In the past, men have feared witches and have burned women; men have feared revolution and have imprisoned dissenters. Today the loyalty of national leaders has been challenged because they oppose the war in Vietnam; campaign rhetoric has condemned large groups of students because of the excesses of a few; repressive legislation has been introduced because ideas were unpopular; academic budgets have been threatened because of the views expressed by visiting speakers; and a former vice president and others of the so-called establishment have been denied the right to express their views on a college campus by the disruption and violence of a few who opposed their views. The abandonment of liberty at a time of great anxiety is not a new pattern in history. It is the threatening repetition of this pattern today that I would like to make the theme of this lecture. In particular I would like to talk to you about the current threat to the rights secured under the First Amendment. This Amendment is a part of the America established by the Declaration of Independence. As the Declaration of Independence is a declaration of human dignity, the First Amendment, as a part of that human dignity, is a powerful declaration of the freedom of the conscience and the mind of man.

But, as our history frequently reminds us, universal freedom of opinion and expression does not seem to be a natural state of man. It is a concept that must be re-learned and a faith that must be re-acquired by each generation. Justice Oliver Wendell Holmes stated the proposition in his dissent in the case of Abrams v. United States:

"Persecution for expression of opinions seems to me to be perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says he has squared the circle, or that you do not care whole heartedly for the result, or that you doubt either your power or your premises. But when men realize that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market place, and that truth is the only ground upon which their wishes safely can be carried out."

What I have to say tonight will not be new or revolutionary. I would only like to share with you my understanding of the First Amendment. I would like to discuss with you its basic importance to the welfare of our nation as it applies to the general community and to our universities in the hope that our discussion may make some contribution to the renewal of the faith of this generation in an open society where the conscience and the mind of men are free.

The meaning of the First Amendment cannot be found by examining the words of the Amendment out of the context in which it was created. The people who conceived and ratified the Amendment had been an oppressed people. They had known the anger and frustration aroused by the suppression of opinion and expression through the threat of criminal prosecution. They created the First Amendment in response to this experience.

Statutes suppressing free speech in England are found as early as 1275. An Act of Parliament of that year outlawed "any false news or tales whereby discord or the occasion of discord or slander may grow between the King and his people or the great men of the realm. . . ." The statute was reenacted in 1379 for the "prevention of subversion and destruction" of the Realm "by means of false speech." Punishment for violation of these statutes was meted out by the infamous Court of the Star Chamber. Such speech was originally punished as treason, and prisoners were hanged, beheaded, drawn and quartered. Later the crime was defined as seditious libel and the punishment reduced to time in the pillory and imprisonment. With the advent of printing, the threat of dissent became greater and the King and Parliament attempted to control the spread of opinion through prior restraints in the form of a licensing system and the Court of the Star Chamber. This system finally expired, but the press was far from free. English law denied the doctrine of prior restraint but punished seditious libel. The only issue was one of the time at which the crime was committed. The government could not interfere or punish words before they were published, but it could punish them as it pleased after publication. The state of the law in the eighteenth century was defined by Sir William Blackstone in these words:

". . . where blasphemous, immoral, treasonable, schismatical, seditious or scandalous libels are punished by the English law . . . the liberty of the press is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists of laying no previous restraints upon publications and not in the freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take consequences of his own temerity. . . . But to punish (as the law does at present) any dangerous or offensive writings, which, when published, shall on fair or impartial trial be adjudged of pernicious tendency, is necessary for the preservation of peace and good order, a government and religion, the only solid foundations of civil liberty. Thus the will of the individual is still left free; the abuse only of that free-will is the object of legal punishment. Neither is any restraint hereby laid upon freedom of thought or enquiry: liberty of private sentiment is still left; the disseminating, or making public, of bad sentiments, destructive of the ends of society, is the crime which society corrects."

Upon a casual reading, Blackstone's statement sounds reasonable. It is echoed in the argument repeated today to the effect that a person is entitled to speak, but if his comments are unlawful, he must accept the consequences of his act. The danger of the rule is found in the fact there are few or no limits to the term unlawful. It permits the state to prosecute anything it finds threatening to its policies or even inconvenient. The effect of the rule is to so chill the exercise of free speech by the threat of criminal prosecution that there is no freedom at all. Only the very courageous or very angry will dare speak. It recalls Galsworthy's description of the Russian peasant:

"The other day in Russia an Englishman came on a street meeting shortly after the first revolution had begun. An extremist was addressing the gathering and telling them what fools they were to go on fighting, that they ought to refuse and go home and so forth. The crowd grew angry; and some soldiers were for making a rush at him; but the chairman, a big burly peasant, stopped them with the words: 'Brothers, you know that our country is now a country of free speech. We must listen to this man, we must let him say anything he will. But, brothers, when he's finished, we'll bash his head in.' "

The flexibility of the definition of seditious libel and the danger it poses to a free society is apparent in the cases to which it was applied in early English and Colonial history. The English definition may be found in the remarks of Chief Justice Holt in 1704 in the Tuchins case:

"If people cannot be called to account for possessing people with an ill opinion of the government, no government can subsist. For it is very necessary for all governments that people should have a good opinion of it."

William Twynn was sentenced to be hanged, cut down while still alive, and drawn, quartered and beheaded because he published a book that endorsed the right of revolution. Thomas Watt was hanged and beheaded because of some statements made in some unpublished and undistributed documents found in his home. Later the punishment was reduced but the restrictions on speech continued without any modification. An English solicitor in a private conversation was heard to say "I am for equality and no King." He was disbarred, sentenced to an hour in the pillory and six months in prison. Tyranny and suppression were not exclusive acts of the King. After Parliament was successful in securing its own freedom (the so-called Parliamentary Prerogative), it proved to be as efficient as the King in suppressing criticism of its conduct. The philosophy is expressed clearly by Baron Woods:

"[It] is said we have a right to discuss the acts of our legislature. This would be a large permission indeed. Is there, gentlemen, to be a power in the people to counteract the acts of parliament; and is the libeler to come and make the people dissatisfied with the government under which he lives? This is not to be permitted to any man—it is unconstitutional and seditious."

The climate of freedom was not greater in the Colonies. The Governors and Assemblies enforced the law of seditious libel with equal vigor against all who would challenge established religious or political doctrines. Henry Dumster, the respected first President of Harvard, was indicted by a grand jury and convicted of breaching the peace for comments in a sermon he delivered on infant baptism. McDougall was imprisoned without trial by the Assembly in New York because he characterized a bill that authorized the supply of the King's troops as "base and inglorious" in a hand bill addressed to the "Betrayed Inhabitants of New York." In Pennsylvania two men were arrested for speaking derogatory comments about the King. The temper of the times was expressed in Judge Robert Ashton's instruction to the jury:

"It is greatly imprudent and presumptuous for private persons to intermeddle with matters of so high a nature; and it will be impossible to preserve the peace, unless subjects will quietly submit themselves to those whom providence has placed over them . . . what severity is too harsh for those who thus despise dominions, who speak evil of dignitaries, who curse, asperse and deny their supreme true and lawful and undoubted sovereign."

Examples can be multiplied many hundred fold, but the best known case, the case that had the greatest lasting significance, was the trial of Peter Zenger. Zenger, a New York printer who published a weekly newspaper, published a series of articles that accused Governor William Cosby of tyranny, of replacing judges that did not please him, of denying men a fair trial and disenfranchising freeholders contrary to law. These facts were apparently accepted as common knowledge in the Colony. The vindictive chief executive first attempted to have Zenger indicted by a grand jury. When the grand jury refused to indict Zenger, the Governor issued a warrant for his arrest and he was held in prison under a bail so excessive that neither he nor his friends could raise it. Zenger pleaded not guilty. When his original attorneys challenged the jurisdiction of the judges, they were disbarred. The theory of the prosecutor was enlightening. He argued that the only evidence he needed to introduce was to prove Zenger printed the statements. It was the court's prerogative to decide whether the statement was libel under the law. The prosecutor argued that the law of seditious libel was designed to protect the government from statements that would tend to cause the people to hold it in disrepute and to rebel against it. The fact that the statement was true was not relevant. If it were, it only made the statement more libelous and the crime more serious. To join the issue on the question of truth, Andrew Hamilton, Zenger's new attorney, stipulated that Zenger printed the statements and made proof of the prosecutor's case unnecessary. Notwithstanding the court's ruling that denied Hamilton the opportunity to prove the truth of the statements, Hamilton argued brilliantly and persuaded the jury that they should make the decision of whether the statement was libelous, and upon their general knowledge, accept truth as a defense. Disregarding the court's instructions, the jury found Zenger not guilty. The verdict not only acquitted Zenger but became a precedent allocating to the jury the function of determining whether the statement was libelous, and establishing truth as a defense. The precedent has been adopted as part of the constitution of many of our states.

Notwithstanding the prosecutions for seditious libel, the voice among the people calling for freedom of the mind of men could not be stilled. The writings of Milton and Locke were well known. Perhaps the writings that were most extensively distributed were the writings of two Englishmen who published under the name of Cato. These writings faced the issue most directly. One of Cato's letters published by Peter Zenger in the *New York Weekly Journal* of February 18, 1733, deserves particular attention.

"Without Freedom of Thought there can be no such thing as Wisdom; and no such thing as Liberty without Freedom of Speech; Which is the Right of every man, as far as by it he does not hurt and control the Right of another; and this is the only Check which it ought to suffer; the only Bounds which it ought to know.

This sacred Privilege is so essential to free Governments, that the Security of Property, and the Freedom of Speech always go together; and those wretched Countries where a man cannot call his Tongue his own he can scarce call any Thing else his own. Whoever would overthrow the liberty of a nation must begin by the Freeness of Speech; a Thing Terrible to Publick Traytors. . . .

That Men ought to speak well of their Governours is True while their Governours deserve to be well Spoken of, but to do publick mischief without Hearing of it is only the Prerogative and Felicity of Tyranny; a free People will be showing that they are so by their Freedom of Speech.

The Administration of Government is nothing else but the Attendance of the Trustees of the People upon the interests and affairs of the People. And as it is the Part and Business of the People for whose Sake alone all publick Matters are or ought to be transacted, to see whether they be well or ill transacted; so it is the Interest and ought to be the Ambition of all honest Magistrates to have their deeds openly examined and publickly scanned. . . .

Guilt only dreads the Liberty of speech which drags it out of its Lurking Holes and exposes its deformity and horror to Day light; the best Princes have ever encouraged and promoted freedom of Speech. They know that upright measures would defend themselves and all upright Men would defend them."

The rights of freedom of religion, freedom of speech and freedom of the press were not the only issues that caused the American Revolution. These were major grievances, however, that led Englishmen to sever their allegiance to England, and this was the context in which these issues reached the stage that led to revolt.

The Constitution of the United States clearly established a government created by the consent of the people for the purpose of protecting and enlarging their right to human dignity. It is not surprising that one of the first acts of the new Congress was to propose a Bill of Rights and that the first of these Amendments removed freedom of religion, freedom of speech, freedom of the press and freedom of assembly from the sphere of government control. The people knew that tyranny was not the practice of kings alone. They had seen the repression of religion. They had experienced repression by legislatures. They were well aware that a tyranny of a majority was as destructive of freedom as tyranny in any other form. Madison expressed his concern over this form of tyranny in the *Federalist*. The Amendment might have accepted the precedent of the Zenger case and, like some state constitutions, recognized the crime of seditious libel and provided truth as a defense. But those who conceived and ratified the First Amendment used the much stronger words of absolute prohibition against Congressional interference. The First Amendment provides:

"Congress shall pass *no* law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances." (Emphasis added.)

The concern about a tyranny of the majority and the need for the First Amendment was soon justified. Under the cloud of a potential conflict with the French, the Alien and Sedition Acts of 1798 were passed. Under this Act arrests and convictions comparable to those of pre-revolutionary days were made, sometimes for the most innocent kinds of statements. The Alien Law permitted the President to compel the extradition of those persons he determined to be dangerous to the safety of the United States, and the Sedition Law provided for criminal sanctions against any malicious writings against the government, either House of the Congress, or the President if published with the intent to defame them, excite the hatred of the people against them or to provoke resistance to law. Under this Act about twenty-five people were arrested; eleven were prosecuted and ten were found guilty. For stating that President Adams was a man who had a continual grasp for power and an unbounded thirst for selfish avarice, a Congressman was sentenced to four months in prison and fined $1,000. Another citizen who protested the political persecution of the Congressman was imprisoned for two months and fined $200. Another who charged that the reign of Adams was one continued tempest of malignant passions was imprisoned for nine months and fined $200. The reign of terror was reversed by the political process when the Act became a political issue and Jefferson was elected President. President Jefferson promptly pardoned all those convicted and Congress eventually remitted the fines with interest. The attitude of Jefferson is best articulated in his own words in his Inaugural Address:

"If there be any among us who wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments to the safety with which error of opinion may be tolerated where reason is left free to combat it."

The next dramatic confrontation between acts of Congress and the First Amendment occurred in 1917 during the fear and hysteria of World War I. The Espionage Act of 1917 was passed ostensibly to further the United States' effort in World War I. It was passed and amended to bring into effect a variety of prohibitions. Among other things it made criminal false reports intended to interfere with the operations of the military forces, willfully obstructing the recruiting of the armed services, saying anything intended to obstruct the sale of war bonds, except by way of advice that was not disloyal, and uttering or printing any disloyal, profane or abusive language intended to cause contempt, scorn or disrepute of the government, the flag or the uniform of the Army or Navy. Nearly two thousand cases were prosecuted under this Act. A film, "The Spirit of '76," was confiscated, and the government's action sustained by the courts. The picture was made before World War I and contained scenes of the speeches of Patrick Henry and the signing of the Declaration of Independence, and a scene that allegedly depicted the Wyoming Valley Massacre in which British troops bayonetted and shot innocent noncombatants. The seizure of the film was justified on the grounds that it was calculated to create enmity between our troops and our British allies. The question of the truth of the events depicted was held to be irrelevant. Although the case was later reversed, Rose Pastor Stokes was convicted for writing a letter using the words "I am for the people, while the government is for profiteers," because it might lessen the enthusiasm for the war. Men were imprisoned for private arguments in hotel lobbies, at boarding house tables and for signing petitions against the war addressed to state officers. As Professor Chafee states:

"It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men have been punished for criticising the Red Cross and the Y.M.C.A., while under the Minnesota Espionage Act it has been held a crime to discourage women from knitting by the remark 'No soldier ever sees these socks'."

The fact that this kind of hysteria and reign of terror could occur in the United States in the twentieth century is frightening and should create an awareness that the fears of today may well pose a significant threat to liberties preserved by the First Amendment. The events arising out of the Espionage Act of 1917 did have one consecutive effect. Notwithstanding Madison's prediction that the courts would become the bulwark of our liberties, the Supreme Court had not played a significant role in the development of the First Amendment. That role began with the cases that developed under the Act of 1917. These cases resulted in two important developments. The first extended the scope of the application of the Amendment. The Amendment provided that "Congress shall pass no law," thereby limiting its restriction to the federal government. Two of the cases appealed to the Court involved the claim that freedom of speech was abridged by a state statute, one in New York and one in California. These cases were appealed to the Supreme Court of the United States upon the theory that the statute of the state violated the Fourteenth Amendment of the Constitution. The Fourteenth Amendment applies directly to the states. It provides that no state "shall deprive any person of life, liberty or property without due process of law." In these cases the Court defined the word liberty, a word used in both the Declaration of Independence and the Fourteenth Amendment. The Court held that the word "liberty" as it is used in the Fourteenth Amendment includes the right of free speech and the other rights protected by the First Amendment. Through the medium of the Fourteenth Amendment all of the restrictions imposed on Congress by the First Amendment were made applicable to the states. Subsequent opinions have extended the application of these restrictions to the political subdivisions and agencies of the state, including boards of education.

The other significant development found in these cases is the Court's attempt to create a judicial definition of the concepts of freedom of speech and freedom of the press. This attempt was first made in Schenk v. United States. In this case, Mr. Justice Holmes, speaking for the Court, announced that the prohibition of the First Amendment was not absolute. Congress could punish some forms of speech. It was in this case that he announced his now famous example of shouting fire in a crowded theatre. In drawing the line between permissible and impermissible legislation Holmes said:

"The question in every case is whether the words are used in such circumstances as to create a clear and present danger that they will bring about the substantive evils that Congress has the right to prevent."

While Mr. Justice Holmes announced the clear and present danger test, he made no effort to apply it in the opinion. He seemed to assume the danger was clear and present. It was in the second case that Justice Holmes attacked this problem. In this case a group of radicals had printed a handbill calling for a general strike to protest the sending of United States troops to Russia. The handbills were thrown from a window of a building in New York to the pedestrians on the street below. The majority of the Court affirmed Abrams' conviction on the grounds that the natural tendency of the call for a general strike would impede the effort in the war against Germany. Justices Holmes and Brandeis dissented. In this case Holmes added a sense of immediacy to the clear and present danger rule when he said:

"It is only the present danger of an immediate evil or the intent to bring it about that warrants Congress in setting a limit to the expression of opinion."

It was left to Mr. Justice Brandeis to give real meaning to the rule. In the case of Whitney v. California, Mr. Justice Brandeis, in a dissenting opinion, defined the clear and present danger in thse terms:

"Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe the danger apprehended is imminent. . . . Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present unless the incidence of the evil apprehended is so imminent that it may befall before there is time for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify oppression."

There is a second element of the clear and present danger rule that is not clearly stated in its title. In his original statement of the rule Justice Holmes stated that the speech must create a clear and present danger of some substantive evil Congress has the power to prevent. But surely not all evils Congress can prevent, no matter how insignificant they may be, are sufficient reason to suppress expression. Mr. Justice Brandeis responded to this question in the Whitney dissent when he stated:

"Moreover even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy, unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a trivial harm to Society. . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be a probability of serious injury to the State. Among free men, the deterrents ordinarily to be applied to prevent crime are education and punishment of violations of the law, not an abridgment of the rights of free speech and assembly."

In my opinion, Mr. Justice Brandeis set forth two separate steps in the application of the clear and present danger rule. To meet the test of this rule that speech that is abridged by the legislation must first present a clear and present danger, an imminent and immediate threat, to some objective that Congress may lawfully achieve. Second, even if the speech abridged presents such a danger, there must be a determination that the objective the legislation attempts to achieve is of such significance that it outweighs the individual and social importance of the right of free expression. This second step requires that the significance of the ends that the legislation attempts to achieve be balanced against the significance of the freedoms of the First Amendment. Unless the answer to the questions posed by both of these steps can be answered in favor of the legislation, that legislation violates the First Amendment.

While the Court subsequently adopted the principles of Mr. Justice Brandeis' dissent in the Whitney case, it has not always been clear that it has applied both questions to the legislation involved in the litigation. Indeed, during the hysteria of the McCarthy period, the Court appeared to combine both principles into a single one and all but abandoned the clear and present danger test. In the case of Dennis v. United States, the defendants were charged, not with conspiring to overthrow the government, not with advocating the overthrow of the government, but with conspiring to teach the necessity of the overthrow of the government. If they were only conspiring to teach a doctrine of Syndicalism, it is difficult to find the imminence of the threat, the immediacy or emergency suggested by Justice Brandeis. Nevertheless, the Court sustained the conviction. It did so under a new test which judged the legislation by the gravity of the evil discounted by the improbability of its occurrence. Justice Brandeis' rule required an imminent danger and then a balancing of the gravity of the evil against the importance of free expression. In the Dennis case the Court ignored the first step as an independent question, and then balanced the gravity of the evil against the need to find an emergency. The greater the gravity of the evil the more remote the threat might be. Theoretically, if the evil were very grave, a very remote causal relation between the speech and the evil could justify repression. The principle of the Dennis case has been discredited. The Court returned to the clear and present danger rule in the subsequent case of Woods v. Georgia and emphasized the need for an immediate threat in its most recent case of Brandenburg v. Ohio, declaring the Ohio syndicalism act unconstitutional.

Others have criticized the clear and present rule and have presented alternative tests. For reasons time will not permit me to discuss here, I believe the best reasoned of these alternatives is the one proposed by Professor Thomas I. Emerson's article, *Toward a General Theory of the First Amendment*. Professor Emerson proposes a test that distinguishes between expression and action. Under this test, action can be regulated by the government, but expression is beyond government control and must remain free of all regulation. The test does pose a difficult problem of distinguishing between expression and action. All speech involves some action, particularly symbolic speech, such as wearing arm bands or carrying signs. On the other hand many types of action, even violence, may be used to express protest. The problem is to determine whether certain conduct partakes principally of action or of expression. The cutting edge is one which clearly adopts the principle of the clear and present danger rule and adopts both of the steps of that test. The test, Professor Emerson says, is:

"In the main this is a question of whether the harm attributable to the conduct is immediate and instantaneous, and whether it is irremedial except by punishing and preventing the conduct. . . . In formulating the distinction between expression and action there is thus a certain leeway in which the process of reconciling freedom of expression with other values and objectives can remain flexible."

If there is an imminent threat of harm, that harm must be balanced against the very significant importance of free expression. This second step raises the additional question of who strikes this balance, who makes this decision. In cases not involving freedom of expression the Court has called this decision a political one and left the balancing to Congress. The Court has intervened only when the legislative decision was unreasonable. Mr. Justice Frankfurter has advocated a similar position in the First Amendment cases. But the First Amendment is a restriction on the legislative branch; it was intended to remove free expression from the political arena. It is not surprising, then, that the Court has rejected this position and has accepted the responsibility of making an independent judgment on this issue. The First Amendment is given a preferred status. In striking the balance between freedom of expression and an interest claimed by the state, the thumb of the Court must rest on the side of the balance that favors the First Amendment. Only when the claim of the state is serious and no other reasonable means of protection is available, will a clear and present danger justify a restriction on freedom of expression.

This preferential treatment is justified by the fundamental nature of the First Amendment. It is both an end in itself and a means to achieve the other values of liberty. The Declaration of Independence and the Constitution clearly establish that our government was not imposed on the people but was created by their consent to protect and enlarge their right to human dignity. The individual not the state is the significant end of society. The great gift of man, that which distinguishes him from other living things, is his mind, his power to think creatively and imaginatively. To deny him the freedom to use this gift, to allow others to control what opinions he may hold and express is to deny him the dignity proclaimed by the fundamental documents of our history. It has been argued that the restrictions placed on speech have been minor and only restrict those opinions which are clearly evil. But this argument denies history. Christianity was once persecuted on this kind of argument. If the history preceding our revolution, the Sedition Act of 1789 and the Espionage Act of 1917 prove anything, they prove that no man or no group of men are so objective and so omniscient that they can be trusted to control the minds of others. The First Amendment protects not only the right to speak but also the right to hear and to learn. If the individual is the significant purpose of society, government has an obligation to permit the maximum opportunity to develop this capacity. To deny him the right to learn, to suggest that some other group is more competent to determine what ideas he may hear and evaluate is an even greater affront to his human dignity than it is to the dignity of the speaker who is denied the right to express his opinion."

Perhaps this natural right in and of itself is enough to justify the preferred position of the First Amendment. But the emphasis on the individual right often obscures the societal importance of the amendment. Certainly Justice Brandeis had more in mind. While our political system delegates the power of government to the majority, it was not intended that the majority be allowed to perpetuate itself by suppressing all opposition to its policies and to its reelection. Our system permits that majority to shift. It is obvious that the freedoms of the First Amendment are fundamental to the processes of such a system of government. The defense the First Amendment provides against tyranny was most persuasively stated by Mr. Justice Jackson:

"Struggles to coerce uniformity in support of some end thought essential to their time and country have been waged by many good as well as evil men. Nationalism is a relatively recent phenomenon, but at other times and places the ends have been racial or territorial security, support of a dynasty or regime and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As government pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose from what doctrine and whose program public education shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard. It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings."

It has been suggested that while the First Amendment may well be our principal defense against tyranny, it presents some risk of the destruction of democratic government, a risk the Founding Fathers were willing to assume. Perhaps this is correct. But further thought suggests that the First Amendment is our first defense against rebellion as well as our first defense against tyranny. It does provide a kind of safety valve, a way of letting off steam, that is an alternative to violence or rebellion. If rebellion follows frustration and anger at unmet needs, certainly the repression that results from denying a group the right to express its feelings can only add to that frustration and anger. But the role free speech, free press and free assembly play in preventing rebellion is much more basic. It was President Abraham Lincoln in his address at Gettysburg who described the government of the United States as a "government of the people, by the people, for the people." It is significant that he did not describe it as a government by the majority, of the majority, and for the majority. In the words of Cato, those chosen by the majority become trustees of the power and resources of the government for all the people, the minorities as well as the majority. This was clearly the intention of Madison who justified the choice of the democratic republic over the form of pure democracy upon the faith that those elected by the majority would rise above the partisanship of the political arena and represent with equal dedication all of the people, not only those factions responsible for their election. Rebellion, as distinguished from individual crime or violence, seldom occurs unless a substantial part of the community is hostile or alienated from the government. The colonists in the Declaration of Independence declared:

"Prudence, indeed, will dictate that governments long established should not be changed for light or transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces the design to reduce them under absolute despotism, it is their right, it is their duty to throw off that government. . . ."

President Lincoln echoed this sentiment in his first Inaugural Address:

"If by the mere force of numbers a majority deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such a right were a vital one. But such is not our case."

I intend to suggest that the ultimate solution to any long-term threat of revolution, and even to individual crime and violence, is not repression but the solution of the social and economic conditions involving poverty, discrimination, deprivation and other environmental factors that breed revolution and crime. If the justifiable and deep-felt needs of all of the people are heard and receive a reasonable response, the danger of revolution will be remote indeed. I do not intend to suggest a policy of permissiveness that would grant demands, whether reasonable or outrageous, just to pacify a militant group who support their demands only with threats of disruption or violence. Such permissiveness is not necessary to avoid revolution. We need only to respond when a consciousness of a healthy society and a decent regard for human dignity demand a response.

The trustees of our government have at their command the awesome powers and the overwhelming resources of the richest, most powerful nation in history. They also face the most complex and critical problems faced by any civilization. Notwithstanding the power and resources, these problems cannot be solved by a single act or at any single moment in time. The trustees of governmental power must determine a set of national priorities, an order in which these issues must be attacked and resolved. Further, in the resolution of these issues they must choose between alternatives that often must impose upon the needs of one group to satisfy the needs of another. If they are trustees for all of the people and not just for the majority, one must expect that not infrequently the needs of minorities will receive priority over the less urgent needs of those in power. But these needs are the ones least likely to be known or understood by the representatives elected by the majority. If the minority's speech, its press, its right of assembly, its right to petition for redress of grievances are denied by repressive legislation, the trustees have by their own conduct made it impossible for them to perform their trust. They have sown the seeds of revolution described in the Declaration of Independence and Lincoln's First Inaugural Address.

It is at this point that we must face the argument for a form of repression of free speech that is far more subtle than the others I have discussed. The proponents of this position argue that the First Amendment was intended to protect the right to form opinions and express these opinions and to foster rational debate around those issues and opinions. The argument continues that while the First Amendment protects the right to speak, it does not protect the form or words in which these thoughts are conveyed, and the state has the right to suppress that kind of speech that is too militant and the kinds of words that shock the sensibilities of the majority. This kind of speech is said to be counter-productive and indeed interferes with rational, calm and objective debate of the issues. The answer to this argument is twofold; it denies the individual right of free speech and it denies the nation the values that make free speech a basic function of our democracy. The majority do not need the protection of the First Amendment. The timid do not exercise their rights. Only those persons, so deeply and emotionally committed to an unpopular idea that they are willing to suffer the social sanctions that will follow, need the protection of the Constitution.

People this emotionally committed, this deeply involved, are not likely to speak in the calm rhetoric of a local high school debating society. This is particularly true if they come from one of the minority cultures of our society, and the argument demands that they not only divorce themselves from their emotional involvement but from the normal meaning given to words by their culture. To permit these people to speak, provided they speak softly and do not upset the consicence or fears of the majority, is to effectively deny them the right to speak at all. It also denies the trustees of government one of the basic kinds of information they need to effectively carry out their trust. In setting priorities and choosing alternatives which may impose upon one group in favor of another, legislatures need but to permit the repression of words that demonstrate the intensity of equal, and perhaps great importance, they must know the intensity with which those needs are felt. To allow the exposition of the nature of the need but to permit the repression of words that demonstrate the intensity with which the opinion is held, is to deny the trustees of governmental power the basic information upon which the successful execution of the trust depends. We need look no further than our Black Community. It has been well over a century since the Emancipation Proclamation was formally issued. After all that time we have not yet resolved the problems of racial discrimination. The reaction of the Black Community has proceeded from quiescent acceptance through requests and demands of the NAACP in rational debate, the civil disobedience of Martin Luther King, the wild rhetoric of the new Black Movement and violence; only to meet with repression and resistance at each stage. If speech had been encouraged, if the majority had listened, and if the minority had been given equal opportunity for housing, employment, education, participation in government and social affairs demanded by the minimum standards of human dignity, we might not face the very critical issues of the alienation of the Black Community, the bitterness of Black Separatism and the violence of burning cities we face today.

These reasons alone would justify the priority the court has given to the First Amendment. There is, however, another justification that some, including John Steward Mill, deem important. The search for truth, the search for ultimate solutions to complex problems in a dynamic society is not a simple task. It defies the efforts of any single mind. If our present technological advancement has proved anything, it has proved that for the most part truth is not found in a single flash of insight. Discovery is the result of a continuing process. It is a process upon which each new idea is built upon the ideas and insights developed and expressed by others. This dependence upon prior publication is not limited to prior truths. Those ideas that have proved invalid are often as valuable building blocks as those proved to be sound. We often learn more through our mistakes than we learn from our successes. In each idea, no matter how extreme, no matter how wild the rhetoric, there may be one grain of truth or one mistake which when discovered will lead others to greater truths. To deny expression to ideas clearly breaks the chain and inhibits the search for truth. Free speech is not only essential to the search for truth but also to the most effective test of truth. Truth and validity of ideas and programs is an elusive quality. History is filled with instances where accepted truths of today have later been proved invalid, and other instances where ideas that have been rejected as heretical extremes have become the doctrine of tomorrow. The best test of the validity of any idea, principle, or truth can be found in the heat of the crucible of public debate. To set aside one's opinions as above discussion is to assume an omniscience attributable only to God. It is true that administrations can be paralyzed into inaction by debate if decisions are postponed awaiting a unanimous consensus upon a program. Every day we must wager our future on opinions that are less than certain. But it is one thing to say that the idea has been open to debate, has been tested, and though there may be some uncertainty, the time has come to act; and quite another thing to suggest that the need for action justifies a repression of discussion and action without any test of the validity of the program. Courage and incisiveness are necessary ingredients of the character of great men. But a touch of humility and an ounce of self doubt are equally becoming in his character and are fundamental essentials to freedom and the effective operation of democracy.

The world today is faced with problems more critical than at any other time in history. A century after the Emancipation Proclamation, this country and the world have been unable to resolve the problems of discrimination on the basis of race, creed or national origin. Crime, drug addiction and even terrorism are increasing at an alarming rate. Some of our leading scientists warn us that if we continue our present life style with its attendant increase in population and industrialization, the ecology of our planet will not be able to support life as we know it within a few short generations. A few men, not all within this nation, have it within their power, within a single irrational moment, to destroy all life on the planet by initiating the delivery of atomic, chemical or biological weapons of war. They possess this power at a time when these same governments have proved in the Far East, the Mideast and Czechoslovakia that they cannot resolve our international conflicts without resort to irrational force. If these problems and the many others that beset our civilization are to be solved, they will be solved by the free minds of inspired men and women, uninhibited by the threat of prosecution or persecution. We have reached a point in our history where government should go further than avoid repression of the rights of speech, press, and assembly and act affirmatively to encourage a greater exercise of this right by discouraging censorship or repression in the private sector of our society and finding new and more effective ways to open the media and the policy makers to communication with people who have ideas to express. It is time that the university's concept of academic freedom be extended to all of the community.

Ironically, however, the university which has uniquely encouraged freedom of speech and the press and the exchange of ideas without fear of recrimination is itself at this moment seriously and dangerously involved in the controversy over the freedom of opinion and the freedom of expression. The last decade has witnessed a flood of legislation directed at all phases of university activity, the appearance of the National Guard and municipal police on the campus, and the threats to withdraw financial support from the institution. These external events, together with the internal dissension that has existed at some institutions, has created a most serious threat to higher education. Not all of the legislation and other action was designed to restrict freedom of expression. Some of it concerned violence and other unlawful conduct on the campus. A significant part of this community response, however, was designed to restrict the expression of ideas advocated by students, faculty and guests on the campus and to interfere with lawful assemblies that gathered at the institutions. Some institutions have resisted the efforts to restrict free expression and academic freedom, but others have surrendered to the demands of some of the vocal elements of the community and enacted regulations that were ultimately challenged in the courts.

One of the arguments advanced by those who supported policies restricting free expression was that the First Amendment did not apply to the campus. The right to teach at the university or to attend the university as a student is not a right but a privilege. Since it is only a privilege, the state may grant or withhold that opportunity at its discretion. It is argued that, since the dismissal of a faculty member or a student is not a denial of a right, it is not protected by the Constitution, and the institution may place restrictions on that privilege without constitutional objection. Recent cases have rejected this argument. The liberties of the First Amendment are inalienable. Even if attendance is a privilege, the state cannot use the granting of that privilege as a consideration for a waiver of a person's basic constitutional rights. It would be intolerable if a government created by the people to protect their liberties were allowed to dispense favors on the condition that the citizen consent to the destruction of those liberties. The student and teacher do not shed their constitutional rights at the gate of the university. The Constitution applies to the campus in all its force. Indeed, Justice Brennan stated that the vigilant protection of First Amendment freedoms is nowhere more vital than in the community of American schools.

The second argument advanced against the application of the First Amendment is more limited. The argument amounts to a claim that the First Amendment does not apply to students. This claim, too, was clearly rejected in the case of Tinker v. Des Moines Community School District. In this case several high school students, with the consent of their parents, protested the war in Vietnam by wearing black armbands. Even though the schools had permitted students to wear campaign buttons and other symbols, they denied students the right to protest the war in this manner. When the plaintiff students refused to abandon the protest, they were suspended. The Supreme Court held the conduct of the students was symbolic speech protected by the First Amendment. In his opinion Mr. Justice Fortas quoted Justice Jackson's statement in the Barnett case:

> "These [states and boards of education] have, of course, important, delicate and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth

to discount important principles of our government as mere platitudes."

School officials clearly have authority to control conduct when that conduct is not essentially expression. They have the right to develop and enforce regulations that will maintain an environment congenial to learning. But their fear that expression may cause some discomfort or unpleasantness is not enough to justify the suppression of dissent.

This, then, was the dilemma of university administrations. They could suppress freedom of expression, deny invited speakers access to the campus, and violate the First Amendment and academic freedom, or they could stand firm on these concepts and lose the support of the community that is basic and necessary for the success and growth of the institution. As the emotions and anxieties of the vocal groups inside the institution and in the outside community climbed higher and the rhetoric became more heated, the attempt by administrations to reconcile the forces became impossible. Some administrations gave priority to the need for good public relations and denied the university's facilities to speakers invited by campus groups because a substantial number of the community opposed the speaker's views or because the invitation or its timing was not in the best interests of the institution. Their decisions were condemned in the courts. Others defended the right of free expression on the campus and suffered the open hostility of the community and, in some cases, legislatures. In some states the legislators openly announced that the people owned the university and the time had come to pass restrictive legislation and curtail budgets to bring arrogant faculties and ungrateful students into line. No one can deny that within constitutional limits the university is subject to the power of the state. But in enacting this kind of legislation, the legislature is not dealing simply with faculty and students, but with an institution. Further, in exercising the power to control the institution the legislature is not dealing with the powers of ownership but a political power that is held in trust for all of the people of the state, and indeed for the hopes and aspirations of future generations. To act precipitously in moments of high anxiety to destroy the autonomy of the institution or its academic freedom will destroy the university and the vital purpose it serves, and violate the trust. The legislature can and should exercise powers relating to the institutions of higher education, but if it is to be true to its trust, those powers must be exercised with a high level of judgment, wisdom and restraint.

I do not mean to imply that the Legislature of this State has been repressive or that it has acted in ways that violate the trust its members have accepted. Indeed, I believe they have acted most responsibly. They have shared the anxieties and pressures that have existed in all our land, but they have responded with admirable restraint. While some unfortunate bills have been introduced, they have not been enacted, and the few bills that have become law are, in my opinion, reasonable and on subjects that are of legitimate legislative concern. The Institutional Council in the recent hysteria over speaker policies has courageously and explicitly reaffirmed its policy of an open campus and freedom of expression, and has received the editorial support of the local news media. It should also be noted that in this atmosphere of freedom students have acted with admirable maturity and that this is some evidence, at least, that liberty is our first defense against violence and rebellion.

If the government of the State is to act with wisdom in the exercise of these powers, it must be fully informed about the nature, the needs, and the conduct of affairs of the institution. In not meeting our responsibility to inform the public I believe we of the academic community have failed the larger community of which we are a part. To stand firmly in defense of institutional autonomy and academic freedom is not to deny the obligation to account to the community that created and supports the institution for our performance of the role that is vital to the welfare of that community. Too often, those of us who live in the academic world accept academic freedom as a basic truth that is understood by all, and when it is challenged, respond in anger rather than in the language of rational discussion. It is this reaction that leads others to the false conclusion that the academic community is arrogant and insensitive to community needs. It is our responsibility to initiate the discussion that will close this credibility gap. The faculties of universities throughout the nation, for instance, without adequate response, permitted small groups to use a false cry of academic freedom to justify violence, disruption, and unreasonable interference with the rights of members of the so-called establishment to speak on the campus. Indeed, our failure to continuously define and defend the boundaries of academic freedom has left that concept so obscure in the public mind that we must now spend more time defining what it is not rather than what it is.

Academic freedom is a part of the system of free expression expressed in the First Amendment. It is well defined in the 1940 statement of the American Association of University Professors.

"Institutions of higher education are conducted for the common good and not to further the interests of either the individual teacher or the institution as a whole. The common good depends upon a free search for truth and its free exposition.

"Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the students in freedom of learning. . . ."

The statement goes on to assert the right of the faculty member to freedom of thought and expression in research and publication, in the classroom and in his statements outside the university community. In 1967 the AAUP officially recognized the student's right to academic freedom.

Even though academic freedom has a different history and additional justifications, it is intended to protect the same basic values as the First Amendment. It protects the right to freedom of opinion, freedom of expression, and freedom of assembly from repressive action by the university as the First Amendment protects those rights from repressive action by the government or its agencies. Indeed, when the university is a state institution, the two clearly overlap. Both concepts protect expression but permit regulation of conduct when the nature of that conduct partakes more significantly of action than expression.

The statement of the AAUP attempts to make it clear that the right of academic freedom is not a special right given to the professor, or the student, for their benefit but one that they must enjoy if they are to perform the functions of teaching, learning and research. Its role in research is apparent. Since the function of university research is one form of the search for truth, the case for freedom in research has already been made in an earlier part of this lecture. The search for truth has no beginning or end. It is a ceaseless quest, with each scholar building on the developments and mistakes of those who have published before him. These publications may challenge cherished community values that are accepted as doctrine, but history provides an abundance of examples where the radical idea of today becomes the doctrine of tomorrow. There is no correlation between creative ideas and courage. Many constructive ideas are the product of the minds of timid men, and unless the author is protected from persecution, the search for truth will be slowed significantly. Academic freedom does not protect the author's ideas from criticism. Indeed, the demand that all ideas be subjected to critical analysis, evaluation and discussion is a part of that concept. It is designed to protect him from the personal persecution that is calculated to repress his idea and prevent its publication.

The relation of academic freedom to teaching seems more obscure in the public mind, even though in this area it is even more vital to the function of a university. The teaching function of a university has been described as the transmission of that knowledge to each succeeding generation. If knowledge is used in the sense of fact or information, the description is an unfortunate understatement. The university is not grades 13, 14, 15 and 16 of the public school system. If there is any justification in the classification of the university as an institution of higher education, it is that its purpose is to develop the higher functions of the student's mind. Its purpose is to introduce the student into the world of ideas, values, and abstract concepts, and to train him in the skill of using those concepts to solve problems. It deals with the creative and imaginative centers of the mind to the end that the next generation can create new ideas to solve problems that have not yet come into being. It attempts to teach him to express those concepts in all forms, including literature and the arts. In this sense academic freedom is fundamental to the concept of a university. Without the free flow of ideas, training in the creation and use of abstract ideas is impossible.

It is not enough to do this with good ideas and exclude those that are bad. In the first place there is no reason to believe that university administrators and faculty are made of stronger stuff and are any less subject to the corruptive influence of power than any other citizen. Once a group of university officers are given the power to censor ideas, their own bias and needs are as likely to influence their judgment as are the opinions of any other group. The decision to deny William Buckley the right to use the facilities of Hunter College because his opinions were not acceptable to a significant number of the community or to deny Dick Gregory the right to speak at the University of Tennessee because the invitation and the timing were not in the best interests of the institution does not generate confidence in the capacity of this group to restrict anything as precious as liberty.

There is, however, a more important reason for permitting the freedom of invalid opinions, even if they could be identified. The teaching purpose of a university is to train students to work with ideas. A part of that education is to assist students to learn the skills of analysis through which ideas can be analyzed critically and objectively and to help them to formulate a value system by which they can reject the invalid suggestions and embrace the valid ones. In the terms of an old cliché the purpose of a university is not to make ideas safe for the student but to make students safe for ideas. It is quite apparent that this vital part of the educational process cannot be performed if the only ideas the student is allowed to examine are censored and screened to assure that he obtains only a consistent diet of ideas that support a limited political, social and economic philosophy. In the words of John Stewart Mill:

"But the peculiar evil of silencing opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

This concept of a university cannot exist without academic freedom. Its purpose to train students to evaluate ideas can only exist in an open community that encourages a free exchange of ideas. Any institution that denies academic freedom and denies the principles of the First Amendment cannot properly be called a university, and the training its students receive may be called an indoctrination, but it can hardly be called an education. If students want to hear extremists and discover what makes them radical, it should not cause great concern provided it is made abundantly clear that the speakers do not represent the views of the university. Unless we have badly failed our assigned task, the students will be able to cope with their arguments. I have a strong faith that in an honest and open forum the cause of liberty, freedom and human dignity will triumph over all challenges of authoritarianism and anarchy.

The current struggle around academic freedom and the application of the First Amendment to the campus has involved two basic issues; protest demonstrations by students and the speaker policies of universities. It is, perhaps, appropriate to say a word about each of these issues. Both issues have been discussed in a recent Oliver Wendell Holmes lecture delivered by Professor Charles Alan Wright of the University of Texas.

The First Amendment and academic freedom were both designed to protect the freedom of expression and the freedom of assembly. They provide no protection for conduct when that conduct is not a means of expression but principally a form of action. Neither the First Amendment or academic freedom provides protection for violence, even when that violence is committed in the name of protest. The concept of academic freedom makes the university a sanctuary for ideas, not a sanctuary for violence and lawlessness. Wandering groups burning and destroying buildings, throwing rocks and assaulting citizens are performing no academic function. They are subject to sanctions imposed by the state if they violate the criminal code and by the university if they violate university regulations.

Groups who present non-negotiable demands backed by threats of violence and those who prevent a speaker from addressing an audience by violence or disruption and force cancellation of the meeting are engaged in action, not expression, and cannot claim the protection of the First Amendment or academic freedom. Indeed, such conduct denies the meaning of our American heritage and the very concept of academic freedom. It makes the claim that the ideas of those engaged are based upon a higher morality, an omniscience claimed by ancient monarchs, that puts their ideas above the test of public debate and permits them to use force to exercise a power of censorship they would deny others. It is the same position and the same kind of conduct that have been condemned by Milton and every other liberal writer. It is as much a violation of academic freedom as the action of a university president who will not allow students to invite George Wallace or Dick Gregory to speak on the campus. While this kind of case has not reached the Supreme Court, the Tinker case has indicated that the school might act when action materially and substantially interfered with the requirements of appropriate discipline. The university is set aside for research and learning and the institution has an obligation to maintain an environment in which those functions can be performed. When protest disrupts that environment and materially and significantly interferes with the achievement of these ends, it goes beyond expression and becomes action that can be regulated and subject to sanctions imposed by the state or the institution.

Not all of the non-violent disruptions are of this nature. In many cases the students have expressed what they believe is a legitimate grievance. They have exercised their right of free speech but have not been heard by those who have the power to make decisions. Totally frustrated by the bureaucracy of the government or the university, they have resorted to non-violent disruption to gain the attention of those who have the power to redress these grievances. Under these circumstances wisdom and justice may well require that this conduct be treated with understanding and forbearance, despite the wrong involved. But forbearance is a matter of judgment and discretion; it is not commanded by the First Amendment or academic freedom.

The right to impose sanctions for material disruption of the university's purpose does not justify any repression of expression. The right to speak, the right to hear, and the right to peacefully assemble are protected by both academic freedom and the First Amendment, and, in case of doubt, the university, like the state, must weight the scales in favor of free expression.

The right to speak does not include the right to speak at any time or place the speaker chooses. The First Amendment and academic freedom are protections of speech, not invitations to chaos. The university cannot accede to the demand of two organizations that they be permitted to hold independent meetings in the same room at the same time. The Constitution does not require that a student be permitted to address a class in pharmacy on his opposition to the Vietnam war. The First Amendment permits reasonable regulation of the time, place and manner of any meeting or presentation. This power, however, permits the university to regulate the physical aspects of the presentation; it does not permit any regulation of the subject matter of presentation. It would permit the university to designate the areas in which advertising could be posted, to designate the areas in which voice amplification could be used. The institution can designate the area in which demonstrations or speeches may be held to avoid interference with classes and other functions of the university. It is probably broad enough to prohibit demonstrations or speeches in some buildings in which they are peculiarly inappropriate; for example, the library. The regulation cannot be so broad as to repress protests, demonstrations, or expression. All regulations must be reasonable and non-discriminatory. All regulations must bear a reasonable relation to the purpose coordinating the activities, including the demonstrations or speech presentations, with a minimal interference to each activity. It cannot discriminate between various activities on other grounds. It is particularly clear that the institution cannot discriminate on the basis of subject matter or the persons or groups involved. Any attempt to use this power as a facade to permit censorship or repression of freedom of assembly will surely be rejected by the courts as a violation of the First Amendment and be resisted by the academic community as a violation of academic freedom.

The second issue involved in the current attack on academic freedom involves the policies that govern the right to invite speakers to the campus. The appearance of Jerry Rubin on the campus of the University of Utah is an example of the national reaction to similar speakers. The reaction was immediate. It varied from reasonable concern to hysterical demands that all appropriations to the university be terminated. The one common characteristic of the reactions of those opposed to a policy of an open society was the demand that the university exercise a power to deny the facilities of the university to those who, because of their own reputation, the subject matter of their speech or the nature of the presentation, would offend a significant part of the community. This was not a demand that those who violate a law that is constitutional be prosecuted for that violation, but a clear call that the university exercise a power of censorship. It is a demand that the university impose a prior restraint and deny a speaker the right to express his opinion because of what he might say. It was a demand that insisted the university ignore the Supreme Court's opinion in Near v. Minnesota and reverse the progress of liberty beyond the American Revolution and beyond the time of Blackstone who had written: ". . . this [freedom] consists of laying no previous restraint and not in freedom of censure for criminal matter when published. It indeed would turn back the clock to 1644 and Milton's protest to Parliament.

The problem of the student demonstrations was a mixture of action with protest and raised difficult issues of whether it was expression that must be left free or action that could be regulated. Speakers are expression in its pure form. To impose a prior restraint on this form of expression in absence of a clear and present danger clearly violates the First Amendment. It is possible that a university could exclude all speakers, but I know of no institution that has adopted such a drastic and destructive policy. Once however, a university has opened its doors to speakers, its regulations must meet the test of the First and Fourteenth Amendments. The regulations cannot be arbitrary or vague and they cannot discriminate among speakers or those who invite them on the basis of the speaker, the nature of the organization inviting him or the subject matter of his lecture.

Some institutions have attempted to draft regulations that prohibit the appearance of certain types of speakers on campus. These regulations have been tested in the courts. In each case, the regulations have been declared unconstitutional. It is significant that, after an extensive search, I have been unable to find a single case that has sustained a restrictive policy. The cases clearly sustain the right of the inviting group to hear a speaker of their choice, as well as the right of the speaker to express his opinions, as a right protected under the First Amendment. Under these cases the university cannot deny the use of the institution's facilities to a speaker because he has been convicted of a felony, because he has advocated the overthrow of the government by force and violence, because he has advocated the commission of a crime, because he is a known member of the Communist Party, because he has pleaded the Fifth Amendment to inquiries about membership in the Communist Party, or because he is a political candidate or wishes to speak in behalf of a political candidate. The university may not require a speaker or the group inviting him to execute an affidavit that the speaker is not a member of the Communist Party or that he will not publicize the subversive activities of that organization. Regulations that have limited speakers to those speakers whose views are compatible with the educational aims of the institution or that deny the right of students to extend an invitation to a speaker when the invitation or its timing is not in the best interests of the university are equally vague and violate the First Amendment. After reading the cases, I can only concur in the statement of Professor Wright that "I am strongly tempted to believe that the only good speaker ban is the one that has not been tested in the courts."

From what I have said, it is clear that I believe that speaker bans violate the commitment to academic freedom as well as the

First Amendment. The university does not support the views of the speaker nor does it confer any real or imaginary honor upon him. Every year speakers representing all shades of the spectrum of opinion appear on the campus. Whether their views are radical or moderate, liberal or conservative, they are not the views of the institution. The university is and must be essentially neutral. These ideas are the grist for the university mill. The speakers, their opinions and their language are not imaginary matters invented by the institution. They are real people and real issues with which our students must cope after graduation. It is the function of the university to teach students to cut through the rhetoric and militant anger, to objectively analyze, criticize and evaluate a speaker's ideas to the end that they can respond responsibly and effectively after graduation when they become the trustees of governmental power. To attempt to hide the existence of these speakers and their opinions from adult students is futile. It denies not only those who want to hear them their right to hear but denies the constitutional rights of all students, for it suggests that someone else is more capable than they to determine what they may hear and know. It was best expressed by Milton some three centuries ago when, in speaking of censorship, he said:

"What do we do but censor them for a giddy, vicious, and ungrounded people; of such a sick and weak state of faith and discretion as to be able to take nothing down but through the pipe of the licensor."

If students want to hear these speakers, I believe they should, for I have strong faith that they can cope with them, and that in the honest and open forum of the university, liberty and human dignity will triumph over any doctrines of authoritarianism or anarchy that speakers may bring to the campus.

While I have defined academic freedom as a part of a system of free expression expressed in the First Amendment, it is in another sense different. The concept of academic freedom is broader in its scope than the First Amendment, and this is a difference that commends itself to the nation. The First Amendment is designed as a limitation of government power. The concept of academic freedom goes further to place an affirmative obligation on the institution and its members to encourage the free exchange of ideas. Under its demands the universities provide platforms for speakers, journals for publication, time and opportunity for faculty and student research and creative effort, and sponsorship of speakers and symposiums where ideas may be exchanged to the end of advancing the search for truth. Further, while the First Amendment applies only to government, agencies and representatives of those agencies acting in an official capacity, academic freedom applies with equal force to public and private institutions and to all members of the academic community whether they are acting in an official or private capacity. It demands that all members of the academic community accept the rights of all others to think, to speak, to hear and to learn.

Government has no monopoly on repression of freedom of expression. Throughout our history, repression in the private sector of our lives has been more extensive and often more destructive of liberty than the official conduct of our public servants. Our current history is no exception. Employers discharge employees because they fear that the employee's opinion will undermine the good will of the company and reduce sales. People with unpopular ideas are expelled from an organization or denied membership in an organization. Small groups engage in violence or other disruptive tactics for the announced purpose of preventing a speaker from expressing his point of view. Individuals and groups vilify the character of another, solely to suppress his opinion and his right to express it. These examples can be multiplied. The First Amendment is more than a proscription on government. It is a declaration of policy that is fundamental to the concept of American liberty. If we believe in that concept, then the policy must apply to each of us individually and impose a moral, if not legal, obligation to accept and abide by its declaration.

America will justify the faith of those who fought our revolution and conceived our nation as one dedicated to liberty only when we, the people of the United States, can cease talking about tolerating our fellow man and accept the fact that all men are created equal and are endowed by their creator with the inalienable rights of life, liberty and the pursuit of happiness. We will narrow the gap between our ideals and our reality only when we are prepared to defend the right of human dignity of every man, regardless of race, creed, or national origin, with the same energy and dedication with which we defend our own claim to that right. We will reach that maturity as a nation that can justify our claim to the capacity to govern ourselves in freedom only when we can progress beyond tolerating free speech and can cultivate that touch of humility that will permit us to doubt the perfection of our own opinions and to accept the right of others to criticize them. We will reach that maturity when we can listen, cut through the wild rhetoric or stuffy clichés and search for that small insight that will further our search for truth and understanding. We will discover the America conceived by the Patriots who fought the revolution, when each of us, as individuals, can honestly join Thomas Jefferson in the oath he took when he penned the words: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

A GREAT PRESIDENT: DANIEL L. GOLDEN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. PATTEN. Mr. Speaker, Daniel L. Golden, of South River, N.J., recently completed a memorable term as president of the New Jersey State Bar Association.

He was more than a distinguished president; he was a great one—in both achievements and inspiration. A talented lawyer, a man of deep compassion and great integrity, Dan Golden was one of the best presidents in the long history of the State Bar Association.

The lead editorial in the New Jersey Law Journal of May 20, 1971, which follows, reveals some of the qualities that have made Dan Golden the great man and leader he is and I am very proud and honored to be one of his many, many friends:

PRESIDENT DANIEL L. GOLDEN

Dan Golden made his final report as President of the New Jersey State Bar Association at its 73rd annual meeting in Atlantic City on May 15, 1971. It was a fruitful year for Dan and the Association. Although its 8000 members seldom speak to any significant issue with unanimity, in recent years devisive forces have been polarizing the bar somewhat reminiscent of the split within the bar over constitutional reform prior to 1947. It is a credit to Dan's intelligent leadership that he was able to hold together these divergent elements so as to make significant contributions in many areas, such as court congestion, judicial selection, divorce reform and compensating victims of crime.

A past President of the Middlesex County Bar Association, he has been active in many civic, charitable and bar organization activities for many years. He has participated in numerous conferences with lawyers, judges and law students around the world in conjunction with trips sponsored by the United States Department of State, the American Bar Association World Peace Through Law Program and the New Jersey State Bar Association.

With intelligence and understanding, this articulate, dignified man has served well the lawyers of New Jersey and the State Bar Association. For that the bar is sincerely grateful.

A COMMUNITY OF LEARNING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SCHEUER. Mr. Speaker, I should like to draw the attention of my colleagues to the excellent remarks of Dr. Ernest L. Boyer, chancellor of the State University of New York, at the commencement ceremonies of Tel-Aviv University in Tel-Aviv, Israel.

Dr. Boyer emphasizes that in this "global village" of ours, the chancellor of the State University of New York can feel very much at home thousands of miles from New York at another university in Tel-Aviv. This is so not only because television, supersonic jets, and communications satellites have caused our world to shrink, but also because the two universities share a common heritage, common concerns, and are moving toward common goals.

Mr. Speaker, Dr. Boyer's remarks are significant and should be of interest to my colleagues:

A COMMUNITY OF LEARNING

(By Ernest L. Boyer)

INTRODUCTION

It is a special pleasure to be with you tonight on this happy and significant occasion. I am profoundly honored that my first visit to Israel should have been at the invitation of the Tel-Aviv University and its distinguished President, Dr. George S. Wise.

I wish to extend to the graduates my warmest congratulations for having chosen a great University and for having completed successfully your program of study. I am convinced the days ahead will for each of you be marked by much success.

I

Let me begin with the obvious. My first impression, upon arriving in Tel-Aviv, was of how incredibly small is our world of 1971. I know it is hardly original by now to emphasize how television, supersonic jets, and communications satellites have created what Marshall McLuhan calls a "global village," or, to change the metaphor, how they have made us all passengers—voluntary or involuntary—on what Buckminster Puller calls the "Spaceship Earth." No one who has studied the Astronauts' photographs of the earth can ever again feel quite the same about the dimensions of our little planet as it makes its way through space.

Two days ago, I participated in a commencement ceremony at the University of Southern California in Los Angeles. Now, 48 hours later, I speak to you here at the Tel-Aviv University—more than 8,000 miles away!

What would my own ancestors have thought, ancestors who previously crossed that same ocean over two hundred years ago. What would they have thought of a world in which oceans have been reduced to the status of lakes, and in which the distant "New York City" of which they spoke with such awe in their peasant cottages, and the "Israel" of which they read with such reverence in their ancient German Bibles, have become items in the television news roundup, glamorous posters in a travel office window, and entries in the flight schedules of TWA, BOAC, and El Al.

Our world indeed *has* grown almost inconceivably smaller and interlocked, and we are only beginning to adjust—emotionally, politically, *and educationally*—to this stunning fact.

II

But what struck me most forcibly upon my arrival here was not the technological miracles which make it possible for wandering academics to hold forth one day on the shores of the Pacific and two days later by the Mediterranean Sea. It was rather my acute sense that here at Tel Aviv University—in a new city, a new country, and yet in an ancient part of the world—I was *at home,* I was among my own.

The campus, the library, the lecture rooms, the laboratories, the students and the teachers—all seemed satisfyingly and comfortably familiar. Through this experience I have been reminded again that Tel Aviv University, the University of Southern California, the campuses of the State University of New York which I know so well—and all the other universities I have visited over the years—are somehow inextricably and intimately linked.

And this "oneness" transcends, I think, the mere fact that all these institutions are now within a few hours of each other by plane and within instant communication by cable and satellite.

Technology has unquestionably brought the world's universities closer together physically, but this fact only underscores a *spiritual* and *intellectual* affinity which is far older and far more profound.

Whatever our passports may say, to whatever flag we may bear allegiance, those in higher learning—whether students, teachers, administrators, or simply interested supporters—are joined together in common effort, in common purpose—citizens, if you will, of the worldwide community of learning.

This recognition, so vivid to me as I stand before you here in Tel Aviv, has, in fact, dictated the thrust of my remarks tonight. What, I asked myself, is the nature of this international community of scholarship? What sustains it? What implications does its existence have for the future?

These are some of the questions to which my mind turned as that jet bore me toward Israel.

III

To begin at the most fundamental level, the world's universities are united by a *common history*—a *shared tradition*. It is a tradition rooted, ultimately, in human curiosity—the desire to know, the impulse to hack away a bit at the forest of mystery and ignorance. "The field of knowledge," wrote Thomas Jefferson, "is the common property of mankind."

All universities of the twentieth century, whether in Tel-Aviv or Los Angeles or New York—or, for that matter, in Lagos or Dublin or Peking—bear witness to this tradition to inquiry stretching back into antiquity. It is, I suppose, the tradition to which James Bryant Conant of Harvard referred in 1936 when he somewhat grandly declared: "He who enters a university walks on hallowed ground."

From this ancient legacy of organized inquiry have sprung all the so-called disciplines with which we are familiar, each with its distinctive vocabulary, literature, and methodology. As an audiologist, for example, I inevitably feel a surge of fellowship for anyone who shares this particular professional interest, on whatever campus I find him. I know you feel the same.

Certain fields have long transcended national boundaries, but now nearly every subject of scholarly analysis must be worldwide in its focus, or remain incomplete. Can any student of urban affairs be ignorant, for example, of Tel-Aviv's growth from the sand dunes of 70 years ago? Can any serious soil scientist or hydrologist fail to be excited by what is happening today in the Negev?

IV

All this suggests a second point: The international community of scholarship is rooted not only in a common heritage but also in *shared concerns*.

Increasingly, the dilemmas of our time are shared by people the world over. The problems we face together leap oceans and frontiers without the help of visas or customs inspections.

For example, . . . we are all confronted by the social upheavals which result when workers are pushed aside by mechanization and the new technology.

We are confronted by the tangle of troubles which arise in urban concentrations which seem the inevitable by-product of modern life.

We are confronted by man's pollution—pollution and destruction which know no national boundaries. Industrial or other wastes pumped into the earth's atmosphere or waterways by one nation may vitally affect citizens around the world.

And just below the surface of these headline issues, the more chronic human worries still remain.

There is the continuing desperate struggle for food, water, shelter, and medical care which confront so many inhabitants of our globe.

The soaring population growth in countries already barely able to survive.

The harsh fact of discrimination based on ethnic, racial, or religious differences.

And, most frustrating of all, the stubborn streaks of poison in man's own nature which continue to spawn conflict, aggression, and war.

In an age marked not only by shrinking travel times, but also by massive armaments with the potential for global destruction, these persistent problems are, in the most immediate and literal sense, the concern of all of us.

"No man is an island, entire of itself. . . . Any man's death diminishes me, because I am involved in mankind"—the interconnected of all human life is even more true today than it was when John Donne penned his famous lines in the 1590's.

These global concerns press with particular urgency upon the *universities* of the world, for the fate of the university is utterly dependent upon the fate of the human race itself.

Do not misunderstand me. I am no Dr. Pangloss. I do not suggest that the world of higher education possesses the magic formulas to instantly resolve these urgent issues. We can no longer quite agree with H. G. Wells who wrote that human history has become "more and more a race between education and catastrophe." Catastrophe looms even more menacing than it did in Wells' day, but we are no longer quite so positive that even education will save us.

But I do believe that the university, with its tradition of research and a willingness to confront the difficult questions, is the institution to which society has the right to turn with expectancy and urgency as it grapples with the menaces we face.

V

But if the community of scholarship is confronted by a common set of problems, it is also—so far as I have been able to observe it—determined to *respond to those challenges in a creative and responsible way.*

And here I feel there exists a particular affinity between your institution and my own, the State University of New York.

In the first place, we are both *young* institutions—twin artifacts, as it were of the modern world. The State University of New York was created in 1948, just a few weeks, by interesting coincidence, after the State of Israel came into being.

And our story, like yours here at Tel-Aviv, has been one of rapid—even dramatic—expansion. I have read with interest of your own record of growth. It is a heartening record, and one which proves the continuing vitality of the university tradition. Ancient in its roots and trunk, the world university community is continually thrusting out fresh green shoots which soon flourish into sturdy branches.

Similarly, the State University of New York has grown from a few scattered schools in 1948 to a network of 69 campuses, including university and medical centers, two-year colleges, community colleges, and urban centers—even a fashion institute and a maritime training college.

But, like you, we have also faced the mountain of problems associated with dynamic growth. Like you, we find ourselves unable to accommodate all of those who seek and deserve admission.

But—again like you in Tel-Aviv—we are grappling with these problems with confidence and enthusiasm, convinced that they are evidence of vitality, not symptoms of decay.

But, as I have suggested, the *central reason* for the affinity between our two institutions is the fact that we are both intimately linked to the communities of which we are a part. We are both. I think, determined to respond creatively to the problems of our day.

Again, I have read with admiration of your technical and professional training programs—programs which show a keen sensitivity to contemporary needs without slighting the scholarly tradition. I have noted, for example, your continuing medical education, your School of Jewish Studies, and your recently established David Horowitz Research Institute for Developing Countries. Though on a vastly larger scale, you are remaining true to your heritage, which called for the establishment of a municipal school in Tel-Aviv to train the young people of the town in law and economics.

We at the State University of New York feel a similar obligation to plunge into the maelstrom of pressing problems. Our graduates enter in the scholarly professions, medicine, nursing, law, business, and government. We are pushing research in urban and environmental studies. At urban centers, disadvantaged young people are preparing to enter the University or acquiring technical skills in order to lead useful and productive lives.

Our goal is that no young person in the State of New York who can profit by higher education should be denied the *opportunity* for continued study. It is an ambitious goal—but what other could we set for ourselves without betraying our young and undermining our future?

Because of this particular affinity between our two universities, I am especially gratified to have been invited to Tel-Aviv. In a very real sense, I come as a representative of a sister institution. I am delighted, too, by our interinstitutional cooperation, particularly the annual student and faculty seminars in Israel directed by Professor Yonah Alexander of the State University of New York—a program in which Tel-Aviv University is very much involved.

I believe such programs will flourish and expand, rooted as they are in our growing recognition of our common bonds.

CONCLUSION

These, then, are some of the reasons why I so quickly felt at home when I set foot on the grounds of Tel-Aviv University. We are united by a common heritage, we share common concerns, and we are moving confidently toward common goals.

I do not wish to exaggerate the present strength of this community of scholarship. It is still a fragile fabric, too often strained and torn by the stresses and conflicts which divide our world.

And I recognize that many today—some within the academic community—seem to be turning their backs on international problems and international cooperation.

And obviously, too, each University, like each individual, has its particular heritage, its special accomplishments, its unique gifts. I would not alter that uniqueness if I could, for I cherish institutional diversity, just as I cherish the differences of people.

But when all is said and done, the fact remains that the *community* of learning *does* exist. It is gaining year by year in strength and in self-awareness, and I am convinced that it represents one of the most promising signs of hope on a horizon which so often looms stormy and forbidding.

I shall take with me from Tel-Aviv, and perhaps leave here with you as well, a deepened awareness of the reality and the promise of this community.

I wish you well here in Israel, and I solicit your interest as I return to America, for—though widely separated geographically—we are co-workers in the same great enterprise. We embrace in the exciting and unending search for truth.

SUPPORT FOR THE PRESIDENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, June 23, 1971

Mr. BOGGS. Mr. President, The Peninsula Annual Conference of the United Methodist Church has adopted a resolution which I think indicates the broad base of support for the administration's policies in Southeast Asia.

The Peninsula Annual Conference includes all the United Methodist Churches in the State of Delaware and those in nine Eastern Shore counties in Maryland.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION PASSED AT THE PENINSULA ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH—MAY 25–28, 1971

Whereas, there is serious erosion of moral sensitivity of the American people in regard to war, death, and destruction; it is time for Americans of every religious persuasion to take another look at the spiritual, moral, political, and economic implications of United States policy in Indochina, and to register our convictions, be it

Resolved, That we support the President of The United States in his policy of de-escalation of the Vietnamese war, so that:

A cease-fire can stop the death and destruction;

Negotiations can move ahead;

All prisoners can be set free;

Domestic priorities can be met; and

The youth of American can have new hope.

RESOLUTIONS OF THE NATIONAL BOARD OF PRO AMERICA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SCHMITZ. Mr. Speaker, the following resolutions were adopted by the national board of Pro America at their meeting of April 27 to 30, 1971. I would like to insert these resolutions into the CONGRESSIONAL RECORD at this point for the attention of my colleagues.

ACCOMMODATING RED CHINA

Whereas, The recent close vote of the United Nations denying admission of Red China to the United Nations, recent organized agitation for United States diplomatic recognition of this totalitarian regime, and the recent relaxation of trade and travel restrictions, indicate a possible imminent change in the United States relationship with this communist country; and

Whereas, Nothing has changed the fact that the totalitarian government of Communist China is one of the most oppressive regimes on earth, and that there are still no legal, moral or political grounds for the admission for this communist country to the United Nations, nor would any benefits to world peace and stability accrue by the admission of Red China to the United Nations; and

Whereas, If the American concept of representative government is to have any meaning at all, we must never accept any regime that brutally enslaves and murders human beings; and

Whereas, By diplomatic recognition and its accompanying trade and financial benefits the United States saved the Soviet Union at a time when its collapse was imminent; similarly may any future recognition of the Communist China dictatorship or its admission to the United Nations provide probable desperately needed assistance to Mao's ailing regime; and

Whereas, Diplomatic recognition or admission to the United Nations of the Communist Chinese regime would be a great disservice to the free-world and would do immeasureable harm to the hopes for freedom of the Chinese people; now therefore be it

Resolved that the National Association of Pro America strongly oppose any diplomatic recognition of Red China or its admission to the United Nations.

CUBAN COVER-UP

Whereas, The President of the United States in his January 1971 television interview said that the servicing of nuclear submarines in Cuba or from Cuba would be a violation of the so-called "1962 understanding" between President Kennedy and the Soviet Union, as expanded, and that he expected and believed the Soviet Union would abide by their understanding; and

Whereas, According to the excellent recent report of Paul Scott and other reliable intelligent reporters, Naval Intelligence had theretofore advised the White House that late in December, 1970, a Soviet submarine tender operating from Cienfuegos, Cuba, in Caribbean waters carried out servicing exercises with three Russian submarines, including one nuclear-powered submarine; now therefore be it

Resolved that the National Association of Pro America hereby ask the President and Congress to tell the American people the true and full story of Soviet activities in Cuba.

GIVE-AWAY OF SEABED RESOURCES

Whereas, President Nixon, in a special message to Congress on September 15, 1970, has proposed adoption of the Seabed Treaty;

Be it resolved that the National Association of Pro America reaffirm its Resolution No. 294, adopted in 1968; and be it further

Resolved that the National Association of Pro America emphatically proclaim that the proposed treaty to internationalize the seabed under the dominion and control of the United Nations would be a calamity of immeasurable proportions to the United States, and a disastrous give-away of natural resources.

JUSTICE WILLIAM O. DOUGLAS

Whereas, Justice Douglas has written "Points of Revolution", advocating revolution; and

Whereas, Justice Douglas's conduct both in and outside the Court is highly questionable; now therefore be it

Resolved that the National Association of Pro America support all congressional efforts for an investigation and removal of Justice William O. Douglas from the Supreme Court of the United States.

RESTORE STATE JURISDICTION OVER OBSCENITY

Whereas, The confusion created by decisions of the United States Supreme Court and the Federal Courts is the heart of the pornography problem; and

Whereas, The best and only way to dry up the floods of pornographic filth flooding this country is by vigorous and effective enforcement of state laws against obscenity; and

Whereas, The inability to control this pornography is due to the incredible permissiveness of the United States Supreme Court and Federal Courts in the name of free speech so that state convictions are subject to reversal on appeal to the Federal Courts; and

Whereas, The Supreme Court has usurped legislative powers in areas reserved by the United States Constitution to the States in defiance of the intent and plain language of the framers of the Constitution and of the 14th Amendment; and

Whereas, Supreme Court Chief Justice Warren Earl Burger in an address recently to the American Bar Association complained particularly of the increasing multiplication of appeals to federal jurisdiction of state criminal convictions which in one class were 140 times greater last year than in 1940, and then stated that the settlement of this problem at the state level would "eliminate a major source of friction between State and Federal systems"; and

Whereas, Congress has the power to strip all of the Federal Courts including the Supreme Court of the right to hear appeals from state jury convictions for obscenity; and has in fact in the past stripped the Federal Courts of their right to hear certain appeals and the Supreme Court itself has affirmed the Constitutional power of Congress to do this; now therefore be it

Resolved, That the National Association of Pro America urge that Congress act to strip the Federal Courts including the Supreme Court of the right to hear appeals from State jury convictions for obscenity as the Constitutional way to curb the pornographic filth eating away at the moral fiber of our country.

Sedition

Whereas, There are organizations and individuals who have declared their intention to overthrow the government of the United States; and

Whereas, Violent revolution and guerrilla-type warfare are being promoted and conducted against law-enforcement agencies; and

Whereas, Laws governing SEDITION and TREASON are available to the United States Attorney General; now therefore be it

Resolved, That the National Association of Pro America calls upon Attorney General Mitchell to enforce immediately the laws dealing with sedition and treason; and be it further

Resolved, That copies of this resolution be sent to President Nixon, Attorney General Mitchell, and all members of the Subversive Activities Control Board.

Proposed "Constitution for a United Republics of America"

Whereas, The Constitution of the United States of America, based upon Christian concepts and eternal principles, established a representative republican government of strictly limited, delegated powers, assuring justice and liberty under law for its citizens; and

Whereas, The Constitution contains within itself the provision for any alterations in structure deemed necessary to meet the changing circumstances; and

Whereas, The proposed "Constitution for a United Republics of America", authored by Rexford Guy Tugwell and his associates at the Center for the Study of Democratic Institutions, is a blueprint for despotism, providing for complete annihilation of the 50 sovereign states with their political subdivisions, every vestige of civil authority, representative government, private property rights, the unique American system of jurisprudence, and all individual liberty; and whereas since there is no provision for ratification and the proponents of this proposed "Constitution" boldly admit that "both the present Congress and the existing states will be adversely affected by what must be done" and can thus be expected to resist, the assumption is inescapable that it is to be implemented by the forcible overthrow of the United States government; be it

Resolved, That the National Association of Pro America urge its members to familiarize themselves with the provisions of this so-called "Constitution", and do their utmost to expose its plan for a revolutionary take-over.

Clean Out the State Department

Whereas, The forced return of the Lithuanian defector, Simas Kudirka, to the Russian ship from the United States Coast Guard vessel, "Vigilant" is a national disgrace; and

Whereas, There is evidence that a submarine base is being established by the Russians in Cuba, and the very real probability that previously placed missiles were never removed; and

Whereas, The State Department is responsible for the execution of foreign policy in protection of the United States national interest; now therefore be it

Resolved that the National Association of Pro America strongly call upon President Nixon to "clean out the State Department" in the interest of national security of the United States.

Resolution on the Intrusion of the Federal Government Into Local Legal and Police Affairs

Whereas, the federal government is using various avenues and agencies whereby it is intruding into local and state legal and police operations such as the Legal Services Program of the Office of Economic Opportunity and the Law Enforcement Assistance Administration in the Department of Justice; and

Whereas, Although federal programs are always taken in the name of aid or economy the end result is always Federal control; and

Whereas, The philosophy back of programs such as LEAA is that the poor performance of local police departments is the cause of the rising crime rate, but in cities receiving LEAA funds the crime rate is found to be rising faster than in previous years; and

Whereas, The cost of LEAA activities has risen from $63 million in 1969, the first year, to $650 million in 1972 with a projected future allotment for 1973 being from $1 billion to $1.5 billion; and

Whereas, There is grave danger that such federal funds and controls added to the recent computerized and automated programs being used by government could lead to a national police force;

Therefore be it resolved that the National Association of Pro America stress the importance of keeping local law enforcement completely independent of outside control, and urge an end to intrusion by the federal government into areas which the Constitution left to local and state governments; and be it further

Resolved that the National Association of Pro America hereby reaffirm active support of local law enforcement agencies and urge greatest protection possible for police officers.

Voting Age Chaos

Whereas, Article 1, Section 2 of the United States Constitution provides:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature."

and

Whereas, The recent decision of the United States Supreme Court ruling that Congress could reduce the voting age qualifications to 18 years of age of persons voting for members of Congress and the President contrary to State requirements is a clear and blatant repudiation of the Constitution;

Now therefore be it resolved that the National Association of Pro America support legislation proposed by Congressman John G. Schmitz to repeal the Federal Statutes requiring reduction in the voting age to 18 as the only way to resolve the obvious chaos promised by this decision; and be it further

Resolved that the National Association of Pro America urge its members and members of the Bar and Judiciary to speak out against judicial destruction of our Constitution and to heed the following warning of President George Washington in his Farewell Address:

"If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon for which free governments are destroyed."

Abrogate All United Nations Ties

Whereas, The United Nations was largely a communist creation as evidenced by the facts that Alger Hiss presided at both the conference drafting the charter and the founding of the organization, and that an overwhelming number of the men listed in the United States State Department document entitled "Post War Foreign Policy Preparation 1939 to 1945" as shaping United States policies leading up to the creation of the United Nations have since been identified in sworn testimony as secret communist agents; and

Whereas, By reason of a secret agreement at its inception, the United Nations Office of Undersecretary General for Political and Security Council Affairs which has the responsibility for all military, disarmament and atomic energy matters for the Security Council of the United Nations has always been an open communist from a communist country; and

Whereas, The Secretary-General U Thant is himself a self-proclaimed Marxist stated in April, 1970, "Lenin's ideals . . . are in line with the aims of the United Nation's Charter"; and

Whereas, In the United Nation's General Assembly 10% of the world's population contributing only 5% of the United Nation's budget can control ⅔rds of the vote, and the total population of 65 member nations is less than that of the United States with even such tiny countries as Gabon, which has only ⅓rd the population of the Bronx, having 1 vote equal to that of the entire United States; and

Whereas, By agreement at the launching of the United Nations the USSR was given 3 votes to the 1 vote of the United States by the fiction of dividing the USSR into 3 parts; and

Whereas, United Nation assessments against the United States are greater than the combined assessments of 107 members and most of the nations are years behind in their dues; and

Whereas, It is currently planned to expand the facilities of the United Nations through purchase of two full blocks of extremely valuable property in Manhattan and the construction of expanded office space and residential facilities for United Nations personnel for all of which the United States is obligated to pay 82% of the cost while all the other countries contribute only 18%; and

Whereas, It appears that the United Nation's Secretariat and its specialized agencies have long been staffed and controlled by communists and sympathizers as attested to by Joseph Cornfeder, former communist agent, the New York Grand Jury Report and the fact that Alger Hiss was responsible for the initial hiring of 494 United Nation's employees; and

Whereas, J. Edgar Hoover estimates that 80% of the Soviet bloc personnel are intelligence officers and not diplomats; and

Whereas, The United Nations has controlled United States foreign policy since 1945, involving us in two bloody, undeclared, no-win wars in which, according to Senator William Jenner, "Our commanders were not permitted to carry the war to the soil of the enemy, but were compelled to limit all fighting to devastation of the territory of our ally. That was the United Nation's plan in Asia."; and

Whereas, The United State's Arms Control and Disarmament Plans final step is the transfer of all military weapons and equipment to a progressively strengthened United Nations; and

Whereas, It appears that the United Nations was planned, promoted, and has been run by communists to promote communist goals, and has hampered and interfered with the best interests of the United States foreign policy, strategy and national defense, and actually poses a very significant threat to our internal security through its presence here; now therefor be it

Resolved that the National Association of Pro America urge all its members to bring every influence to bear upon the President and the Congress to abrogate all laws, treaties, and conventions involving us with the United Nations, and to get it out of the United States.

Experimental Use of Drugs on Schoolchildren

Whereas, The use of personality-changing, mind-controlling drugs on young school children is becoming more and more widespread, with one estimate reaching as high as 825,000 children in the United States presently involved; and

Whereas, Ritalin (methylphenidate hydrochloride), now outlawed in Sweden, which has also been the subject of a grave warning by the United State's Food and Drug Administration and other eminent authorities because of the danger of addiction, and side effects which include marked anxiety, tension and agitation in adults, is most widely used on children because of its effect on the central nervous system, leading to a tranquilized condition; and

Whereas, The constant use of habit forming drugs from young childhood seems almost certain to lead to the use of stronger and stronger ones in the child's future as he becomes addicted to them, and habituated to solving all problems by taking a pill, instead of growing in strength of character by self-discipline, self-reliance and initiative in keeping with Christian principles of individual responsibility without which a free society is impossible; and

Whereas, The people of the United States suffering the results of wholesale drug abuse, particularly among teenagers and young aduts, with the consequence inevitable rise in crime, and the certainty of skyrocketing costs of maintaining the brain damaged victims of this drug culture; and

Whereas, Some of the plans of the drug therapy advocates seem, to an alarming extent, to parallel Bertrand Russell's dreams of the future in his book, "The Impact of Science in Society," in which he envisions the breeding of human beings managed by an elite through the process of "diet, injection, and injunction"; now therefore; be it

Resolved that the National Association of Pro America urge its members and legislators to study this grave situation and to take appropriate action, including the passage of laws to prohibit the indiscrimnate use of drugs for chldren.

Public Education—1971

Whereas, Public Education, under local control in the United States for a century, was concerned with the systematic teaching of subject matter and basic skills of learning, and with passing on to each generation an understanding of our republican form of government, and the ideals and principles on which it was founded; and

Whereas, in the 20th century "Progressive Education", aiming at federal control, altered the traditional goals of our schools, giving them a revolutionary mission to change our free enterprise system into a collectivist society; and

Whereas, Following World War II our schools became the transmission belt for promoting the philosophy of Internationalism and Global Government; and

Whereas, *Educational Innovations* being practiced in our class rooms today:

(1) explicitly forbid the teaching of organized subject matter;

(2) emphasize helping the child to relate to, and interact with other individuals, especially of other ethnic groups;

(3) replace traditional subjects with classroom discussion of involvement in the social and political issues of civil rights, poverty, free speech, the Viet Nam war, sexual freedom, ecology, etc;

(4) downgrade knowledge and emphasize feeling, substituting the sensual for the intellectual;

(5) derides all basic loyalties: family, country and God; therefore be it

Resolved that the National Association of Pro America recommends immediate return to our traditional philosophy of education which emphasizes the accumulation of knowledge, the exercise of logic, the development of wisdom and good judgment, the acquisition of basic skills, a renewal of all basic loyalties which will enable our youth to direct the Nation to greater and higher accomplishments under our Constitution.

Rescue the Navy

Whereas, The late Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee very recently warned Congress that our nation is in dire jeopardy because the Soviet Union has now surpassed us in military might; that our navy and fleet are being permitted to deteriorate while the Soviet fleet strength mushrooms; that the Soviet Union has 350 operational submarines to our 147, with theirs all under 16 years of age while about one-half of ours are over 16 years in age; and that the Soviet Union is currently feverishly building nuclear powered submarines at the rate of 10 to 14 a year while the House Armed Services Committee actually had to fight for Congressional appropriation of funds, for fiscal 1971, for construction of an advanced type submarine; and

Whereas, The sea is a shield and avenue of commerce only when there is a strong navy, but is a corridor for invasion without it; and

Whereas, The fact that we must import 66 of 76 strategic raw materials such as chrome for jet engines, cobalt for high strength alloys, manganese for steel, thorium—critical in space and military programs, and zircon—critical in nuclear programs, demonstrates the crucial necessity of a strong navy so that our sea corridors remain open to commerce; now therefore be it

Resolved that the National Association of Pro America urge Congress and the President to give immediate attention to strengthening our Navy and fleet in all areas necessary for the security and protection of the United States and its avenues of commerce.

Guaranteed Annual Income

Whereas, The Nixon administration is now promoting a national guaranteed annual income known as the "Family Assistance Plan".

Therefore be it resolved that the National Association of Pro America re-affirms it's Resolution No. 19 adopted in 1970 (Resolution Book II); and be it further

Resolved that all members of the National Association of Pro America vigorously oppose this Marxist multi-billion dollar monstrosity.

Victory in Vietnam—A National Imperative

Whereas, According to United States military experts "victory in Vietnam is possible"; and

Whereas, A "No-Win" policy has been divisive at home to the point of revolution; and

Whereas, Withdrawal short of victory would be:

1. Betrayal of the brave fighting men whose lives have been sacrificed to stop communism;

2. Unconscionable abandonment of United States prisoners of war;

3. Acceptance of a coalition government in VietNam, which would desert VietNam and all South East Asia to certain communist domination;

4. Acknowledgment to the world that the United States is a "paper tiger" unwilling or unable to resist communism, at home or abroad, and assuring neither peace nor security anywhere; now therefore be it

Resolved that the National Association of Pro America urge President Nixon and the Departments of State and Defense to reassess the Vietnam conflict and marshal all national resources for a speedy and decisive victory.

Resolution of Commendation for J. Edgar Hoover—Director of the Federal Bureau of Investigation

Whereas, John Edgar Hoover has given most of his life to the protection of these United States through his leadership of the Federal Bureau of Investigation; and

Whereas, Due to his dedication to his country he has earned the respect, affection of his fellow countrymen, and a perpetual position of honor unequaled in recent times; and

Whereas, There is a wide spread and organized drive by a hodge-podge of malcontents, anarchists, and revolutionaries and sensation-seekers who fear and hate this great man to bring doubt as to his health, judgment and ability in an attempt to remove him as guardian of our American security;

Now therefore be it resolved that the National Association of Pro America hereby express its high esteem, heartfelt gratitude and complete confidence in J. Edgar Hoover, and voice its unqualified opposition to any and all efforts to denigrate this great American; be it further

Resolved that the National Association of Pro America express the fervent hope that J. Edgar Hoover will continue in his present capacity as Director of the Federal Bureau of Investigation as long as he is able.

National Health Insurance

(socialized medicine)

Whereas, The National Association of Pro America in 1944, 1945, 1946, 1958, 1962, and 1965 opposed extension of the provisions of the Social Security Act to provide medical and hospital expenses to all employed persons; and

Whereas, The highest standards of medical care now prevail in the United States, as attested to by the flight of doctors from countries where socialized medicine exists to the United States; and

Whereas, Current proposals for National Health Insurance (Socialized Medicine) would take the responsibility for good medical practice out of the hands of the physicians and transfer it to the bureaucracy of Health, Education, and Welfare, or other government bureaucracies; and

Whereas, The Department of Health, Education, and Welfare, like other government bureaucracies, has demonstrated repeatedly its inability to achieve projected goals, and now it proposes "optimal health care" for all; and

Whereas, Proposals for any National Health Insurance system would establish total controls needed for federalized medicine, destroying doctor-patient relationships, privacy of consultation as all records would be public, and the abrogation of private health insurance covenants; therefore be it

Resolved that the National Association of Pro America emphatically oppose the proposed National Health Insurance and any and all other plans for Socialized Medicine.

Strategic Arms Limitation Treaty Talks

Whereas, The overriding priority of government is the protection of the citizenry from enemies, foreign and domestic; and

Whereas, There are now going on, and have been since late 1969 a series of talks between representatives of the United States and the USSR regarding the limitation of the strategic arms known as the Strategic Arms Limitation Treaty talks (SALT) in which the USSR is seeking particularly to limit United States strategic arms potential, which include the Minutemen and Titan Missile systems, Polaris and Poseidon Nuclear Submarines, strategic bomber forces (The USSR is demanding that the United States scrap its remaining B-52 bombers which can deliver 50 times the Megaton strike of its Minutemen missiles) and the Safeguard ABM; and

Whereas, It is common knowledge throughout the world, and a source of pride to communists, that the Soviet government regards treaties as "pie crust, made to be broken" so that only honorable nations regard themselves as bound and limited by such treaties while communist governments continue to pursue their goals uninhibitedly; and

Whereas, Since 1965 the USSR has forged ahead in almost every area of military capability, including creation of the monster SS-9 missiles, and a powerful navy with the largest submarine fleet ever created, while the United States, through treaties and the disarmament programs, has retreated to a near catastrophic position; and

Whereas, In 1952 65.8% of total federal expenditures were used for national defense while in 1971 only 36.7% is budgeted for that purpose of which one-eighth, or only 4% of total federal expenditure will be used to maintain the United States strategic defense system; and

Whereas, There is every indication that the USSR, through the Strategic Arms Limitation Treaty, plans to freeze the United States into an inferior position in strategic weaponry while it completes military capability for world domination; now therefore be it

Resolved That the National Association of Pro America urge the President of the United States immediately to withdraw the United States from the SALT talks and give urgent first priority to national defense to restore to the United States military superiority and assured survival.

FEDERAL REVENUE SHARING

Whereas, Federal Aid has always brought Federal controls because it is a fact that he who controls the purse controls its use; and

Whereas, "Federal Revenue Sharing" as proposed recently by the President can only result in the total domination of states and cities by the Federal government through the power of the purse; and

Whereas, Most state constitutions expressly forbid deficit spending, but the Federal government is not so enjoined thus emphasizing the need to keep the tax base in the state or face dependence upon and control by the Federal government through Federal subsidies; and

Whereas, It is highly undesirable to separate the level of government that collects taxes from the level which spends the funds because this makes it difficult to control or make accountable the spending level of government; and

Whereas, Any plan which sends local tax monies to Washington for processing and returns them only in a greatly reduced portion back to the states and cities where they should have remained in the first place is economically unsound and feeds bureaucratic wastes; now therefore be it

Resolved that the National Association of Pro America condemn the concept of "Federal Revenue Sharing" as an instrument for total Federal domination of the states and local government, and urge instead a reduction in Federal taxes which will leave the money and control over its use with the citizens in the states and cities where it belongs.

MOUNT PLEASANT COMMUNITY COUNCIL—25 YEARS OF SERVICE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. STOKES. Mr. Speaker, in the last few years, we have seen a concerted effort throughout the country to involve greater numbers of interested citizens in the affairs and problems of our Nation's cities. Community organizations are now in fashion and, through them, much is being done to improve the quality of our lives.

I would like to bring to the attention of my colleagues the efforts and achievements of one such organization which has made a number of important contributions to the city of Cleveland. I refer, Mr. Speaker, to the Mount Pleasant Community Council, which will celebrate its silver anniversary on June 25, 1971. For the past 25 years, the fine men and women of Cleveland's Mount Pleasant area have worked tirelessly to make it a better place to live. When most community organizations had as their sole purpose the pursuit of pleasure, the Mount Pleasant Community Council was engaged in programs of community involvement and action. For example, this group was one of the first in Cleveland to establish a "hot line" to keep residents informed on vital issues; in addition, the council formed a police auxiliary several years ago to encourage communication between the police department and Mount Pleasant residents.

Mr. Speaker, I ask my colleagues in the House to join me in saluting the Mount Pleasant Community Council for its long years of dedication to community improvement as it celebrates its 25th birthday. I have no doubt that during the next 25 years, this organization will continue to be a vital part of the city of Cleveland.

LEGISLATION FOR A SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MARTIN. Mr. Speaker, I am today introducing legislation calling for creation of a Special Action Office for Drug Abuse Prevention. This legislation is in support of the President's proposal for such an executive office to tackle the Nation's drug abuse problem, and would serve the purpose of legislative followup to the initiative the President has taken by an executive order in establishing a Special Action Office for Drug Abuse Prevention.

The purpose of such an office would be to provide the final link in our Nation's war on drug abuse. President Nixon, in a foreign policy statement on February 25, 1971, that included discussion of the drug problem, said that—

> Control of illegal narcotics . . . requires an integrated attack on the demand for them, the supply for them, and their movement across international borders.

After taking office 2 years ago, the Nixon administration began taking steps toward the solution of our Nation's drug abuse problems. The Congress has enacted many of the President's proposals including the Comprehensive Drug Abuse Prevention and Control Act of 1970. The effect of the administration crackdown on illegal drug sales, imports, traffic, and use is being realized.

But now, in order to effectively continue the war on drug abuse, and once and for all solve our Nation's drug problem, the President has proposed the establishment of a Special Action Office for Drug Abuse Prevention to rehabilitate current drug users and educate the young against the dangers of drug abuse, thus eliminating the final important element in drug abuse—the demand for the product.

Such a special office would provide a program for the coordination of all the numerous Federal agencies and programs involving drug abuse. It would provide overall planning, policy, direction, management and funding for the numerous Federal programs of drug abuse training, education, rehabilitation, research and prevention outside of the area of law enforcement.

It would provide a base for the coordination of programs now carried out under numerous laws and activities, including the Narcotic Addict Rehabilitation Act of 1966, the Comprehensive Drug Abuse Prevention and Control Act of 1970, the Drug Abuse Education Act of 1970, the Community Mental Health Centers Act, the Economic Opportunity Act of 1964, Manpower Development and Training Act of 1962, Public Health Service Act, and Omnibus Crime Control and Safe Streets Act of 1968. In addition, it would provide new efforts in the fields of drug abuse prevention, research, education and rehabilitation.

The efforts and activities toward drug abuse control, education, rehabilitation and prevention now carried on in numerous Federal agencies would be coordinated and concentrated into a solid, effective effort to reach this end. This would include programs now being carried out by the National Institutes of Health and National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, the Office of Education and Department of Health, Education and Welfare, the Veterans' Administration, Department of Defense and Office of Economic Opportunity.

Mr. Speaker, we have heard estimates ranging from 25 percent to 50 percent and more of our college youth that have tried illegal drugs of one type or another. How many of these young people eventually become addicted to drugs is not certain, but in recent years, State, local, and other addiction treatment centers have swelled with the numbers of persons on narcotics. We have further heard estimates of 25 percent and more of our young men in uniform serving in Vietnam and other foreign countries being heavy users of drugs, and are aware of an acute problem of drug addiction within the armed services.

For the past 2 years plus, we have been concentrating our efforts on the sellers and illegal traffickers of drugs, as well as the offenders, and I believe all will agree, with a good degree of success. But, any program can only be as successful as it is thorough, and to complete our program in the war on illegal drugs, we must now hit at the demand for the drugs that is the driving force to keep the production and traffic of illegal drugs going, no matter how stringent the law enforcement procedures against it. I quote President Nixon, in his remarks on this subject presented before this Congress last June 17:

As long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

The administration has not waited for legislation to establish programs along these lines. Last fall, in November 1970, the Veterans' Administration opened the first five of 30 drug treatment centers around the country, to get at the problems of addiction with our veterans and returning servicemen. More than 20,000 drug addicts are under treatment in federally funded programs, and the drug abuse education program has produced more than 22 million pieces of information on the subject. The Bureau of Narcotics and Dangerous Drugs and Bureau of Customs agents have increased from 1,626 in 1970 to 2,134 as of June 1971.

It is plain to see that the administration is making a concerted effort toward solution of our Nation's drug problems. Now it is up to the Congress to give the administration the support it needs, by providing this final stage in the war on drug addiction and illegal drugs. By backing the President with the establishment of this Special Action Office for Drug Abuse Prevention, we will be providing the final blow against the drug world that will lead to the elimination of the market for illegal drugs in this country. This legislation aims at a maximum 5-year program, which we can provide, to once and for all solve this critical problem in our country.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. FRASER. Mr. Speaker, the recently concluded health hearings in Minneapolis which I sponsored attempted to bring together spokesmen for all congressional proposals to revise our present health-care system. An effort was made to explore these ideas in depth based on the testimony presented.

Mr. Harry E. Atwood, president of the Northwestern National Life Insurance Co., presented a cogent statement on the health reforms favored by private health insurance companies.

Mr. Clem Duffy, the regional manager of the United of Omaha, Co., provided figures outlining private health insurance companies expense ratio and paid claims ratio.

A representative of the Knutson Insurance Agency, Mr. Richard G. Youngquist, discussed the financial contribution of private health insurance companies.

"PROGRAM FOR HEALTH CARE IN THE 1970's"

(By Harry E. Atwood)

Many solutions have been proposed to the critical health problems that confront this nation.

We feel some of these proposals do not go far enough. We believe others go too far and would destroy that which has proven sound and eminently workable.

Today I should like to report to you on where the private health insurance business stands on these matters of such urgent moment to all of us.

As an industry and as responsible citizens we share a deep concern over the continuing shortage and poor distribution of health manpower, the gaps in organization and delivery of services, the persistent rise in health costs . . . all of which impose hardships on every American though the burden falls heaviest on the urban poor and on those in rural areas.

We fully recognize the pressing need for reforms to restructure the healthcare system and the means of financing medical services.

It was in this light that the Health Insurance Association of America several years ago appointed a special task force to translate the concerns and convictions of the health insurance business into action programs. The Association represents more than 300 insurance companies which are responsible for 80 per cent of the health insurance issued in the United States by companies.

The task force consulted with dozens of medical economists and other health experts.

After some 18 months of work the task force submitted to the Association a sweeping set of recommendations for action. These recommendations were approved by the Association and have become known as the Program for Healthcare in the 1970's.

The Healthcare Program has six major goals, which are to:

Increase the supply of health manpower.

Promote ambulatory and preventive health care, and health insurance benefits for health maintenance.

Strengthen health planning on the state and local level.

Improve controls over the cost and quality of health care.

Develop national health care objectives.

Make comprehensive health insurance available to all.

The concept of this Healthcare Program are contained in the bill (H.R. 4349) submitted by Congressman Omar Burleson (D-Tex.) and known as the "National Health Care Act."

To date twelve Congressmen have joined the democratic Congressman in co-sponsoring the bill. They are:

Shirley Chisholm (D-N.Y.), Don Fuqua (D-Fla.), Cornelius Gallagher (D-N.J.), Edward Garmatz (D-Md.), Alton Lennon (D-N.C.), Ray Roberts (D-Tex.).

Watkins Abbitt (D-Va.), Gus Yatron (D-Pa.), Robert L. F. Sikes (D-Fla.), Tim Lee Carter (R-Ky), James Byrne (D-Pa.), Bob Casey (D-Tex).

We strongly urge endorsement and passage of this proposed legislation to meet the critical health problems that confront this nation.

Let me review very briefly how we propose to fulfill these objectives in each of the problem areas:

First, in responding to the shortage of doctors and other types of health personnel the Health Insurance Association calls for:

The Government to study and make recommendations for the expansion and greater efficiency of Federal loan or grant aid programs for health manpower training and development. Ways of promoting health careers more intensively should also be explored.

In addition, new or improved student loan and Federal grant programs should be established to encourage the training of additional health professionals and their service in inner-city and rural areas.

To improve access to services, ambulatory care facilities ought to be set up in every community. To this end, the Health Insurance Association urges broadening of present Federal hospital construction grant and loan guarantee programs to encourage financing of ambulatory health care centers.

To strengthen the health planning process, the Health Insurance Association calls for greater financial support of health planning agencies, with enlarged responsibility for these agencies at state and community levels to set priority needs and to approve applications for Federal funds for health services and facilities.

Our Association, in addition, endorses the concept of a Council of Health Policy Advisers as a government body to serve the President. This would be a cabinet level agency along the lines of the President's Council of Economic Advisers.

Our business also gives full support to a variety of controls to stabilize costs and ensure quality of care, including peer review of doctors fees to assure appropriateness of care, standard accounting and cost finding systems within hospitals, and the approving in advance each year of hospital budgets and rates.

To remove the financial barriers to dignified health care for all citizens requires, we believe, action on two fronts:

First, Federal stimulus to the development of health insurance coverage which would promote ambulatory and preventive care, thus moving the focus from costly inpatient services to more economical forms of delivery.

Second, the availability to all people of comprehensive coverages, building on the broad base of existing voluntary health insurance plans within a unified Federal-state program.

For most of the population the cost of health insurance would continue to be met by individuals and employers.

Public funds would be used for those who need support, wholly or in part, to pay for their health care.

The key elements of our comprehensive health insurance proposals are these:

One, Federal standards for minimum ambulatory, preventive care and institutional care benefits.

Two, phasing in health care benefits on a time-table basis as the manpower and services became available to meet increased demands.

Three, a system of Federal income tax incentives to help assure that comprehensive benefit levels are maintained. Specifically, as an incentive for employer groups we propose that Federal income tax deductions be allowed for 100 per cent of the premium only for programs that meet Federal standards. If they do not meet these standards, the tax deduction would be limited to 50 per cent of the expenditure.

Tax incentives would also be offered for persons with individual health insurance policies.

A fourth element would involve making full use of the experience and skills of existing private health insurers—including insurance companies, Blue Cross-Blue Shield, and prepaid group practice plans. The innovative skills and efficiency of the private health insurance mechanism have been built up over many years, and they should be brought to bear creatively on problems that need all the help they can get.

The fifth element would involve establishment of state pools of private health insurers to provide comprehensive protection for the poor, the near-poor, and those previously uninsurable for reasons of health. Eventually, these state plans would eliminate the need for Medicaid.

Assuming that our Healthcare Program goes into effect in 1973, the benefits initially would be more extensive under these state programs than for the private plans covering the rest of the population.

By 1976, however, benefits on the same level as the state plans would be extended to everyone.

Then, in successive stages benefits would be further improved and new benefits added for low income families and subsequently for every citizen until by the end of this decade truly comprehensive coverage would be a reality for all Americans . . . with no limits on preventive, primary, specialty and restorative treatment in ambulatory care centers, and realistic limits on institutional care in hospitals, nursing homes, and home care programs.

This comprehensive program which I have described to you today is built upon these principles:

First, Every American should have access to quality health care.

Second, the nation's health system needs overhauling. The strengths of our present system should be combined with necessary reforms in both delivery and financing of health care.

Third, such a new system should draw upon the skills and experience of private health insurers, the innovate technology of the health professions, the enormous capacities of government, and the energies of the consumer at the community level.

Fourth, program reforms can and should take place without imposing a crushing tax burden upon our citizens. This must be a health system our nation can afford.

And, finally, we must keep in proper balance the demands for services and our capacities to meet these demands.

REMARKS BY CLEM DUFFY

Before offering my comments, I would like to commend you, Congressman Fraser, for permitting this type of forum whereby all parties to the Health Care problem have an opportunity to express their opinions and offer their suggestions. As President Nixon stated in his health message to Congress recently, "We must try to see to it that our approach to health problems is a balanced approach." Balance will be all important in deciding whether whatever health laws Congress passes succeed or fail. I feel that government and our people through business and labor as well as the Insurance Industry and the health profession should continue working together in a national partnership to solve our health problems. I do not feel that the solution of the health problems requires nationalization of our Health Insurance Industry. In order to correct the faults in our present system, we do not need to destroy the Insurance system but rather improve it.

As mentioned during your hearings on February 27th, Congressman Omar Burleson of Texas has recently introduced H.R. 4349, a bill entitled "The National Healthcare Act of 1971." This Bill embodies all the basic principles set forth by the Health Insurance Association of America's more than 300 member companies which write over 80 percent of both individual and group Health Insurance. The goal of the "National Healthcare Act of 1971" is to meet the personal health needs of every citizen. It seeks to achieve this goal by containing health care costs, improving the organization and delivery of health services and making comprehensive health insurance available to all. Rather than going into the various points of the Burleson Bill at this time, I would suggest you and your staff review the Bill in detail. I feel this program is far better than some of the alternatives such as Senator Kennedy's Health Security Act for creating an expansive, all encompassing Federal Health bureaucracy in Washington. We already have 1 out of 7 workers on a government payroll in this country. In 1900 we had 1 out of 24 workers on a government payroll. The recent and more frequent revolts by taxpayers would indicate that we have reached the point where the ratio of tax consumers is out of proportion to the number of taxpayers; the burden is becoming too great. It is most important that any changes that occur in our present system must achieve a fair balance between what people pay for themselves and what others pay on their behalf, whether through insurance, employer sharing, or through tax supported programs.

As had been stated by numerous participants in this hearing, the primary problem seems to be in the area of health delivery. There probably would be no health crisis if past legislation had helped more to improve the supply of health services rather than merely expanding the demand. As a result of wage freezes during World War II, fringe benefits such as Group Health Insurance came on the scene. I can remember personally enrolling employees on employee pay all plans covering hospital rooms at $10 per day and coverage was quite adequate. As further evidence of how times have changed, I can remember when air was clean and sex was dirty. Soon negotiations between labor and management eventually produced our Trusteed Welfare Fund plans as well as other types of Group plans. Unfortunately, our expansion of Health Insurance which has increased the demand for services exceeded the expansion and improvement of the services themselves. The result has been to rapidly inflate the health costs.

Undoubtedly, sufficient health services and personnel would slow down the costs under the economic principle of supply and demand. But, irrespective of the cost factors under any program, there simply are not enough facilities or personnel to provide quality care for all. In addition to those who recognize they need care, there is need for public acceptance of preventive care. In the case of preventive care, getting people to utilize facilities if they are available is a problem in itself. Providing sufficient facilities and personnel may not necessarily result in the complete retention of the present system of financing health care. But to sell the public on the idea that all you need to do is to say "Charge it to Uncle Sam" and all the cost problems will go away is plain nonsense. Due to the high amount of taxes being paid, there is an increasing tendency for people to want to "get even" by taking advantage of federal or government plans.

Contrary to the opinion of many, there is no windfall or profit to the Insurance Industry. Last year, of the 37 major Health Insurance underwriters, 35 lost money in spite of increased premium rates. Needless to say, we are also most anxious to help improve the delivery system in order to control costs.

Whatever plan that is selected should keep in mind the important part to continue being played by the Insurance Industry—both the Company and the agent. It has been emphasized as to the importance of attempting to provide medical care as close to the patient as possible—neighborhood health centers. The local insurance agent can assist in the "team approach." He can be the liaison between the consumer and the provider.

The Insurance Company can handle the administration or funding of whatever plan is selected. It has been proven that the Insurance Company or private industry is more experienced and more efficient than the Federal Government would be on a nationalized basis. A good example is our Postal system. As you know, legislation is being considered to place the Postal system under an independent operating organization.

I feel we must reverse the current trend toward more reliance on Federalization in Washington, D.C. where we seem to receive a much lesser return on our tax dollar. If you will review the 1970 Argus Chart, you will find that nearly all of the major writers of Group Health Insurance were returning 90 to 95 cents on the dollar in actual paid claims. In addition, Insurance Companies pay millions of dollars annually in premium taxes besides the hundreds of thousands of employees paying income taxes.

I am most impressed with the dual choice possibilities whereby an individual or Employer-Employee group can choose between an Insurance Company plan or a Health Maintenance organization. This offers the most efficient and least costly Health delivery system with the marketing and enrollment handled by the Insurance Industry as well as the administration of the funds collected from the employers and insured individuals. Depending on the specific plan submitted, the medically indigent or poor people could have their costs paid by Federal funds. This would offer the most comprehensive yet least expensive and most efficient system available. The Insurance Industry has developed a considerable amount of experienced and talented personnel—let's continue to take advantage of them in whatever program that is finally developed.

FIGURES AS OF JAN. 1, 1970, FOR SOME OF THE LARGER COMPANIES EXCEEDING $100,000,000 ANNUAL GROUP HEALTH PREMIUMS

Company	Premium	Paid claims (percent)	Expense ratio (percent)
1. Aetna	$905, 790, 808	93.5	9.7
2. Metropolitan	631, 591, 305	95.7	9.0
3. Prudential	512, 544, 934	94.8	9.6
4. Equitable (New York)	456, 697, 327	94.6	10.6
5. Connecticut General	395, 903, 553	92.6	11.6
6. John Hancock	263, 329, 011	92.1	10.6
7. Provident Life & Accident	183, 385, 147	90.7	9.3
8. Occidental	149, 121, 153	92.2	8.1
9. Mutual of Omaha	142, 211, 285	91.5	8.8
10. Union Labor Life	$129, 995, 089	96.4	6.4
11. New York Life	118, 485, 983	84.7	15.1
12. Lincoln National	106, 784, 424	92.4	10.8
Total	3, 995, 840, 019	92.6	99.7
Minnesota Blue Cross	56, 377, 023	96.6	8.0
Minnesota Blue Shield	34, 619, 234	98.9	14.5

Note: Premium taxes average approximately 2 percent, or nearly $80,000,000, annually.

Remarks by Richard G. Youngquist

Congressman Fraser, I represent the Minneapolis Association of Life Underwriters. We are a chapter of the National Association of Life Underwriters, which has its headquarters in Washington, D.C. Nationally we are a membership of over 100,000, in the State of Minnesota we number about 1700, and in the Minneapolis area we number about 900.

We are professional agents working in the life and health insurance area, selling and servicing life and health insurance products. We lend our support on a non-partisan basis to good insurance legislation on the federal and state level.

We recognize that while Government regulation (preferably on the state level) is necessary and should extend to all organizations providing life and health insurance benefits for the American public, we also feel very strongly that the burden of responsibility for serving the public should be borne by the insurance industry. We also are of the conviction that even before the insurance agent of today came upon the scene, it cannot be disputed that the insurance industry has provided an exceptional service to the American public and we would hope that this service will be permitted to continue at the lowest cost possible.

We would like to emphasize the large extent that insurance companies have provided dollars to pay for health care. For example, in 1966, 82% of the American people were provided with one or more forms of private health insurance benefits. In relation to incomes, also 1966 statistics, 2.5% of income was used to purchase health insurance protection. We would question very seriously if the Federal Government could do as well for the American taxpayer. I am certain, Congressman, you are aware of the amount of dollars poured into the economy by medical care insurors. Also in 1966, private insurance companies paid out over 10.2 billion dollars in health care benefits. This was almost 3 times the amount of benefits paid out 10 years previous in 1956 . . . I am certain that benefits paid out since 1966 have skyrocketed greatly.

As a matter of fact, insurance companies are having a terrific problem in keeping up with soaring medical costs established by hospitals and physicians in our State and throughout America. I also might add that over $500 million was also paid out in 1966 for patients over 65, even though medicare was already in effect in 1966.

It would seem to us that the greatest concern facing the American public is *not medical care*, as some have suggested. I think we could agree that we have the best medical care possible. We are especially blessed in Minnesota for our excellent medical facilities. But rather it seems to us that the greatest concern is the high cost of this care, (whether it is provided by the private or federal sector.) We do not feel that taking it out of the private sector will lower the cost, and putting it under the jurisdiction of the federal sector certainly will not lower the cost as has been so dramatically demonstrated by the medicare program. It is for this reason that our association, as of this time endorse the general idea, principle and approach of HR 19935 as introduced by Democratic Congressman Omar Burleson of Texas.

This bill was patterned after the study made by the health insurance association of America (an association of over 300 private insurance companies).

As we understand it, the purpose and design of this study point out the need to: stabilize medical costs, improve health care and to make comprehensive health care available to everyone at the lowest possible costs.

We are also extremely concerned that the regulation of insurance companies continues to remain at the local level as presently administered and regulated by state insurance commissioners. Keeping government closer to the people.

We also are extremely concerned with costs as much as you are. After all Congressman, we are taxpayers too.

SUPPORT OF H.R. 5492

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today I appeared before the House Subcommittee on Transportation Aeronautics, in connection with H.R. 5492. This bill would prohibit sonic booms caused by civil supersonic aircraft over land by writing into law the regulation proposed by the Federal Aviation Administration last year. Exceptions could be granted by the FAA Administrator for certain limited purposes, such as testing of new aircraft.

Mr. Speaker, in view of the defeat of the SST, the question might be raised as to why we need this legislation. First of all, there is a good possibility that the American SST project may be revived some day. But the more immediate reason for this legislation is the fact that the Anglo-French Concorde and the Russian TU-144 are continuing to make progress. It is likely that both of these aircraft will be in commercial service by 1973. These aircraft do fly supersonically, and they do produce sonic booms. Thus, even without the American SST, the need exists to protect the public from booms created by these foreign aircraft.

The sonic booms created by commercial supersonic transports would add to the problem we already have with booms caused by military jets. Our citizens unfortunate enough to live along the flight paths or within the areas used for flight qualification or testing of these planes are bombarded daily by sonic booms. In many areas of the country, the problem is reaching serious proportions.

Military aircraft are not covered by the legislation, but I bring out this aspect of the problem to illustrate the importance of H.R. 5492.

We are entering an age where supersonic flight will become commonplace. Our action in passing this bill is an exercise in foresight. It is our only lasting guarantee of preventing a situation which could magnify the problem we already have with military aircraft.

Granted the need for sonic boom control one might ask why this should not be done by means of an FAA regulation, rather than by an act of Congress. Under ordinary circumstances, Congress need provide only guiding principles and legislative authority, leaving the making of specific rules to the regulatory agencies. But in this case, I believe there are many reasons for the Congress to write this legislation into law.

During the argument over the American SST, those opposed to the project pointed to the sonic boom as a major reason for cancelling it. The SST proponents declared that the aircraft would not be flown supersonically over land. The administration was prepared to write an FAA regulation giving this assurance. But for the opponents of the SST, this was not good enough. They were afraid that the regulation could easily be revoked as a result of economic pressure. If the SST could only be profitable on the overland routes from the East coast to the West coast, the pressure on the FAA to permit such flights might prevail. The bill which I now support was introduced to eliminate this possibility. It was felt by both proponents and opponents of the SST that putting the antiboom rule in the form of an act of Congress would provide an extra measure of insurance against possible future changes in this rule.

Of course, the situation has changed since the defeat of the SST. But the principle that congressional action is less subject to change than administrative regulation still holds. This might be important if a controversy arose with regard to the Concorde or the Soviet aircraft. Suppose foreign governments were to insist on the right to fly supersonically across the United States, and that these governments attempted to force our Government to give them this right. Our position would be much stronger, if we had a law on the books instead of just an FAA regulation.

Finally, the concern over the sonic boom reflects our increasing concern over maintaining a livable environment. If we had to do so, we could survive the sonic boom. Not too many years ago, that would have been the outcome of this controversy. But today, we must look at advances in technology not only in terms of economics, but also, in terms of humanity—of what the proposed development will do to our way of life. This proposed law is our opportunity to demonstrate our concern for the quality of modern life. For the first time, we are dealing with an environmental problem by preventing damage to the environment before it occurs. This is the way we should deal with environmental problems from now on.

EMERGENCY COMMUTER RELIEF ACT OF 1971

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, on February 25, I introduced the Emergency Commuter Relief Act of 1971 (H.R. 5039) which would provide short-term financial assistance to assure the retention of adequate urban mass transit by State and local governments. All of us, I am sure, are aware of the transportation crisis that is crippling our cities. The urgent need for modernization of our mass transit systems spurred the passage of the Urban Mass Transportation Act, Public Law 91-453, which provides long-term solutions for many of our transit problems. In the meantime emergency relief is needed to maintain our present facilities and hold the line on increased costs which are passed on to the commuter in the form of higher fares. Last Thursday I provided my colleagues with a profile of recent fare increases in major metropolitan areas. Today I would like to insert the recent remarks of Mr. Joseph Vranich, executive director of the National Association of Railroad Passengers, before the Conference on Public Trnasportation. I feel they provide a valuable insight into the human frustrations that the current transit system creates in many thousands of our Nation's commuters.

The remarks follow:

THE COMMUTER—A PLEA FOR ACTION NOW

(By Joseph Vranich)

As executive director of the National Association of Railroad Passengers I am constantly receiving mail from commuters telling me of their woes and anguish. These correspondents usually look to our Association for a solution to their problems and, when possible, we try to be helpful.

But, no matter what I do for a living, transportation is a highly personal thing to me. For example, on November 30 I moved to the Washington area and resided temporarily in Alexandria, Virginia. Within three months I was so disgusted with the daily trip over the 14th Street bridge that I moved into Southwest Washington and now walk to work on Capitol Hill. So, during my brief tenure with this national transportation consumers' organization I have solved the commuter problem for one person, at least.

The nation, however, is filled with people who cannot or will not move into a city to avoid commuting. Consequently, we have the Long Island expressway being called a parking lot since jammed traffic is so often at a standstill. We have motorists on the Los Angeles freeways finding themselves completely immobile due to congestion at nine o'clock *at night*.

Every major city needs to place greater emphasis on mass public transportation by bus, rapid rail systems, and commuter railroads—systems which will preserve the already low levels of sanity of our commuters. Our political leaders and technocrats must offer *immediate* relief from traffic congestion. In other words, we should not allow consideration of esoteric systems—such as tracked air cushion vehicles—to be an excuse for not taking action to improve conventional rail and bus transit. The exotic system may not be ready for another 10 years. The frustrated commuter doesn't want an improved system when he's old and retired. He wants one tomorrow morning when he has to face his steering wheel again.

We must begin *now* to use what is available today. For example, we should rebuild and revitalize our commuter railroad systems where track already exists. We should build busways where land is already available on medial strips of highways. And a greater number of cities have to get down to the serious task of designing a proven type of mass transit system where a demonstrated need exists.

People *will* ride trains and buses when the systems are clean, have a reasonable frequency of service, on-time performance and moderate fares. In Philadelphia, for example, a beefed-up rail commuter network has caused ridership to jump 40% in the past decade—and that's with old cars and old stations. One railroad in Chicago modernized its system completely and scored a 34% increase in ridership in 1970 over 1961.

Transit planners should take pains to meet with citizens and commuters *before* developing their proposals. Otherwise they may engender public opposition which will inevitably delay transit improvements. A fine example is the situation in Pittsburgh. There, the local transit authority plans to rip up existing, main-line, heavy-duty railroad tracks and pave the right-of-way for a busway. This has sparked a tremendous amount of criticism from citizens' groups which are genuinely *pro*-transit. The Pittsburgh case illustrates the hazards of insistence by planners and politicians on something that's "different", which overlooks the practical realities of getting me and you to work by nine a.m., or getting a city dweller out to suburbia where a good percentage of the new jobs are opening.

Transit systems do not have to operate 300 mph vehicles or be excessively glamorous in order to be functional to the person who needs transportation. The average citizen or commuter should inspect his city's transit proposal and ask three basic questions:

1. Do the routes proposed go to the sections of the city which most need improved public transit, such as low-income neighborhoods or traffic-snarled areas?

2. Is a relatively proven system being promoted which will enable the city to proceed with construction in a short period of time?

3. Do the officials of the transit authority conduct their affairs in an above-the-board manner and are they willing to cooperate with the public in exploring ways of improving or modifying their plan?

If the answer to any of those questions is "no", then that city is headed for a transit controversy which may cause a bond issue to be defeated, may jeopardize a capital grant application with the Department of Transportation, and may delay transit improvements a considerable length of time.

Transit improvements must not be delayed because the average commuter is in a rather depressed frame of mind. His daily trip takes him longer and costs him more money each year. Home-to-work travel is a continual source of personal aggravation.

Commuters do not have to be *forced* aboard a public transit vehicle. They will voluntarily board buses and trains if the right combination of service and fares is offered. The best thing about transit systems is that we already know how to build them—what's needed is not technological breakthroughs but political ones. Until those political breakthroughs come along, commuters will continue to be captive to their automobiles. And they—as well as their surrounding environment—will suffer enormously.

MINORITY STAFFING REFORM

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. THONE. Mr. Speaker, it is unfortunate that the resolution introduced today will be generally viewed in partisan terms as an issue of power allocation between the two national political parties. For in my opinion, the real issue underlying this resolution involves a very nonpartisan effort at insuring the highest degree of responsible decisionmaking in our Federal Government and, as such, transcends party politics.

Under the present system of committee staffing there is generally a minority staff for each committee. These staffs, however, are usually very small, and the facilities they have to work with very limited. More importantly, though, these minority staff members are ultimately responsible to the committee chairman, who still retains the power to hire and fire. Thus, the minority party, under present conditions, has no guaranteed direct pipeline to information or the views of the experiences and knowledgeable committee staff members.

There are those who will argue that the present system needed no revision—that the staff members work for the committees, and that the committees have national, rather than political, responsibilities and goals. The argument is appealing, but to accept it is to wink at reality, for it ignores two of the most important aspects of our legislative process.

First of all, congressional committees are more than just an arm of Congress. As the magnitude and complexity of the social and economic problems facing this country have grown, so has the importance of the committee in the overall legislative scheme grown. Today, as students of Congress and Congressmen themselves recognize, committees have, in effect, become minilegislatures where the need for legislation is examined, alternative approaches are scrutinized, and compromises are made in the hope of producing a piece of legislation which represents the consensus of the differing views on the subject. To be sure, changes are sometimes made by Congress acting as a whole—but the overwhelming amount of research and study on a proposed bill is done by the committee and their staff. Thus, it is first necessary to recognize the preeminent position that the committee—and hence the committee staff—plays in Government today.

There are those who would argue, however, that even accepting the critical role the committee plays, the staffs of the committees are there to serve the committee as a whole in its search for the best piece of legislation. Such a view, however, ignores perhaps the fundamental concept on which our Government is built; that is, the premise that government is an adversary process, and that good legislation is the result of the competition between two or more well-researched, well articulated points of view.

Indeed, I think it can be forcefully argued that our present committee system is structured to promote conflict, to produce opposing views, with the idea that a strong airing of all sides of an issue will produce a more carefully considered product coming out of the committee. It is therefore inevitable that in the majority of cases, the important battles in the life of a bill will be fought out in the committee, not on the floor of Congress. Since it is the goal of both parties to achieve legislation which is best designed to deal with the perceived problem, it is crucial that the committee be structured in such a way as to promote a strong, detailed airing on both sides of any issue. If the minority party is to perform the important function of the "loyal opposition," it must be given the tools necessary to fulfill the task. I do not believe that the present system provides those tools.

As mentioned earlier, the minority staffs today are almost uniformly understaffed, paid less than their majority counterparts, and have insufficient facilities at their disposal. Perhaps as important is the fact that today minor staffers generally serve at the pleasure of the committee chairman. The House resolution introduced today would remedy both these faults by providing for at least one third of the investigative staff of a committee to be appointed by, and responsible to, the minority members of the committee. This approach marks a significant step on the road to making our committees the thorough and searching bodies which our Government requires to function properly.

The advantages of this resolution to the minority are obvious—having a well-equipped staff directly responsible to the minority members will have the ability to make a more forceful and comprehensive presentation of their views. It is important to recognize, though, that the majority would also benefit from such a revised structure. To the consensus-seeking members of the majority, the new format will insure that the final product will not stumble on the floor of Congress because of some inadequately researched or overlooked aspect of the bill. It will insure that the committee is made aware of every possible failing, every questionable aspect of a piece of legislation, while the bill is still in the formulation stage.

The ultimate benefactor, though, will be the American public. Because the new format would insure that all sides of an issue are presented, and presented forcefully, to the committee, it would also insure that any committee action would be taken only after a full recognition of the issues and values involved. The result would be legislation more suited to meet the needs of all Americans. Our system of government is founded upon the principle of a viable two-party system. The foundation will remain strong, however, only as long as the two parties themselves remain strong. Under the present committee structure, the majority have full and complete access to the investigative potential and expertise of the committee staff to assist them in performing their duties—this resolution only seeks to give minority members a similar access to the tools which they must have to fulfill their important role in our committee system.

The issue, then, that the resolution introduced today raises is really the quality of the Federal legislature. Passage of the resolution will help to insure that the legislation which comes out of Congress is the type of carefully considered, well-researched effort that the problems of today demand.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A REPLY TO SENATOR PROXMIRE ON THE TIDELANDS SITUATION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HÉBERT. Mr. Speaker, I have inserted various writings in the Congressional Record in which George W. Healy, Jr., editor of the New Orleans Times-Picayune, offered some concrete suggestions to settle the tidelands dispute.

He has received 53 communications from Members of Congress about the matter with only one being opposed to his ideas.

But Mr. Healy refuses to be put down, and he has bounced back with an answer for Senator William Proxmire, the lone dissenter.

I insert the editorial comment at this point in the Record, which you will find self-explanatory:

Coastal States and Tidelands Revenue

The Times-Picayune has received 53 communications from members of Congress commenting on our editorial of June 6 urging legislative action to have the federal government share revenues from offshore oil production with the coastal states. The letters have come from all parts of the nation. The count has been: Favorable, 27; non-committal, 25; opposed, 1.

The single letter expressing disagreement with The Times-Picayune's editorial came from Sen. William Proxmire, D-Wis., chairman of the Joint Economic Committee of the Congress.

Sen. Proxmire's Letter

June 15, 1971.

Dear Mr. Healy: I appreciate your courtesy in sending me a copy of your editorial. I found it quite thoughtful, although I must respectfully disagree.

These lands belong to all the people of the United States and so long as the oil industry continues to pay such a low federal income tax, I think it only fair that the people should receive at least some benefits from the expensive subsidies they provide to the oil industry. The oil import quota program costs well over $5 billion a year to the American economy, the depletion allowance costs in back-door spending, according to chairman of the House Ways and Means Committee Wilbur Mills, about $1 billion a year in lost revenue, the foreign tax credit which is a subsidy to the foreign sheiks costs the American taxpayers about $7 billion in lost revenue, and the multitude of other tax incentives costs the American people far too much money. The amount of money the people receive from these offshore lands is a small token of the subsidies paid to the oil industry.

Sincerely,

William Proxmire,
U.S. Senator.

The Times-Picayune Editorial Reply

June 18, 1971.

Dear Senator Proxmire: Many thanks for your letter of June 15 and, particularly, for your candor.

Granted, as you say, that oil produced from federal lands "belongs to all the people" of the United States. This does not mean, necessarily, that revenues from this oil should be shared equally by all the people of the United States.

You and I might own equal shares in a tract of land. You might live on your individually owned land adjacent to our land. You could build roads through your land, making our land accessible. You could provide schools for the children of people who work on our land and provide many other costly services for them. Under these circumstances, I certainly would not expect you to give me an equal share of revenue from oil, agricultural crops, lumber or other products of our land. You would be entitled to a larger share than I in compensation for having made it possible for our land to become productive.

That, precisely, is the reason Louisiana and other coastal states deserve action by the Congress at this time.

The federal government now collects royalties and other revenues from minerals produced on lands offshore from the coastal states. A portion of these revenues is now going into an escrow fund which amounted to $1.627 billion at the end of 1970. This fund is kept in federal court registry to be distributed when a final determination, under judicial authority, is made as to where Louisiana's boundary ends and where federal offshore land ownership begins. All the other revenues from offshore federal lands have gone to "all the people" of the United States.

"All the people" of the United States, however, haven't built the roads that take offshore workers to boats and helicopters that transport them to drilling rigs and platforms. They don't maintain the schools which educate the children of these workers. They don't provide police and other protection and countless other costly services which are essential to the welfare of the coastal community. The people of Louisiana, through their state and parish governments, provide these services.

The people of Louisiana, like the people of all coastal states, deserve to be treated like the people of other states in the distribution of revenues from federal lands. When federal lands within a state produce revenue under existing law, that state receives a share of that revenue before a larger share goes into the federal treasury. The Congress should make this law which is applicable to inland federal lands apply also to offshore federal lands.

I regret that I cannot agree with you that there is some relevance between federal income taxes that the oil industry does or does not pay and the obvious inequity that exists with regard to oil produced from offshore federal lands.

As to taxes on the oil industry, the federal government collects no severence tax on oil produced from its offshore lands. Louisiana does collect a state severence tax on oil produced from within the state. This disparity encourages the oil industry, of which you seem to be critical, to penalize Louisiana by accelerating offshore exploration and production at the expense of inshore exploration and production.

Obviously, if you have to pay a tax on inshore oil and don't have to pay a tax on offshore oil, you speed up your search for offshore oil. You have another incentive for this, because Louisiana is not permitted to collect its sales tax on materials delivered to offshore drilling operations.

We at The Times-Picayune have followed developments affecting these differences for many years, just as long as our people have suffered from these differences.

Our files contain a mass of information on this subject, just as do the files of members of Louisiana's congressional delegation. If you get the facts from these files and study them, I believe you will support efforts to achieve justice for the coastal states and end inequities which have existed too long.

If we can be of any service in providing you facts, providing that service will be our pleasure.

Sincerely,

George W. Healy, Jr.

FREEDOM OF PRESS VERSUS FREEDOM FROM EMBARRASSMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the publication of former Defense Secretary McNamara's Vietnam papers has raised some very basic questions which go right to the heart of constitutional democracy.

The framers of our Federal Constitution felt so strongly about a free press that this guarantee was included in the first article of the Bill of Rights.

Thomas Jefferson said that, given a choice of government without newspapers, or newspapers without government, he would not hesitate to choose the latter. As a two-term President, and a public figure all his adult life, Jefferson had felt the sting of unpleasant publicity; he had been harassed, embarrassed and ridiculed, but he still recognized the importance of an uncontrolled press.

Today, it seems, we have prominent public figures who would put their own personal freedom from embarrassment above freedom of the press. Their attempts to suppress publication of the Vietnam documents have brought us to one of the most crucial constitutional crises in our history.

The American public, long accustomed to taking its basic freedoms for granted, perhaps does not appreciate the danger. The journalistic profession recognizes the crisis, however, and I have been most gratified to see the united front raised by the responsible press of this Nation.

Among the many arguments used by those who would suppress the McNamara documents, only one has even a tinge of validity—that publication would be damaging to our national security. Not having seen the papers in question, I would not presume to comment on this question. It will be decided in Federal courts, and I am willing to leave the decision in these capable legal hands.

It is the other arguments that give me concern, since they come from men who hold high position, men who are sworn to uphold the Constitution, men who should be taking the lead in defending our basic rights.

We are told that their publication would lead to confusion and misunderstanding by the public. I think the publication would help clear up the confusion and misunderstanding which already exist—created by years of deceit and concealment which are exposed by these documents.

We are told that the publication would be misleading because of selective editing by both the compilers of the study and the writers of the newspaper accounts. I cannot believe that 40 volumes and 2,500,000 words indicate much selective editing on the part of the compilers. And I have considerable faith in the writing and editing ability of the journalists who comprise the staffs of the New York Times, Washington Post, Boston Globe, and other American newspapers.

I would sooner trust their interpretation and editing of the documents than that of administration members, past and present, who are rightfully embarrassed by the disclosures to date, and who seem to be so afraid of what may yet be exposed to public view.

Mr. Speaker, it is no coincidence that a free press does not exist in nations controlled by Communist, Fascist, or military dictatorships. Freedom of the press is basic to every other freedom we possess in our democracy. We must not yield one iota to those who would jeopardize this freedom for the sake of concealing their own mistakes.

SOCIAL SECURITY AND WELFARE REFORM BILL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. NIX. Mr. Speaker, yesterday the House voted to approve H.R. 1 in spite of the unfair and punitive provisions embodied in title IV, the so-called welfare reform section.

One hundred and eighty-six members joined with me in an attempt to strike out title IV. My justification was simple: I very much believe that if title IV is signed into law we will be back here next session attempting to straighten out the more flagrant abuses in the act.

I support Federal administration of the welfare but had hoped that it could have been achieved in an initial form that would not force us to come back and take up the problem again in a much more divisive climate.

The attempt to strike out title IV failed and the House went on to pass the entire measure by a vote of 288 to 132. I was one of those who voted for the legislation and would like this opportunity to explain that vote.

In the first place, however much I oppose the punitive provisions of title IV, I could not in good conscience contribute to the deprivation of the millions of persons who will benefit from the other provisions in H.R. 1.

Those other provisions include changes in the social security system that I and other Members have been fighting to achieve for as long as I can remember.

For example, adult welfare programs for the elderly, blind, and disabled would be federalized and provide $1,800 a year for a single person and $2,400 for a couple.

Medicare benefits will be extended to about 1.5 million disabled persons, including some retired Federal employees.

Social security payments will increase 5 percent next year and, most important, in the future increases will automatically be triggered to rises in the cost of living.

Widows and persons who retire at age 62 will be brought into the social security program in certain instances.

I submit, Mr. Speaker, to have denied these desperately needed benefits to millions of our countrymen due to my serious objections to title IV of the bill would have been a callous, insensitive act.

There is hope that the Senate, in its wisdom, will see fit to amend title IV. I certainly hope that this will come about.

If the bill should pass in its present form, however, I intend to initiate an effort in the House to correct legislatively the punitive and unwise measures in the welfare section.

FLAG DAY IN THE HOUSE, JUNE 14, 1971

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DORN. Mr. Speaker, I commend you and the distinguished committee, Mr. NICHOLS of Alabama, Dr. HALL of Missouri, Mr. KEMP of New York, and Mr. KYROS of Maine, for arranging a very appropriate and splendid ceremony here in the House Chamber on Flag Day. They are ably assisted by Mr. William M. Miller.

Mr. Speaker, the U.S. Army Band and Chorus performed magnificently on this occasion. It was a very special pleasure to hear "Stand Up For America" played by the Army Band and sung by the Chorus. The solo performance by Sp. Kenneth B. Corcoran was outstanding.

This great patriotic song was written by Richard C. Peet in collaboration with Col. Samuel Loboda, a distinguished officer of the U.S. Army.

We are proud of Richard Peet, as he is a very able counsel on the Public Works Committee of the House. Above all, he is a dedicated American and I commend to the attention of the House the words of the song written by Mr. Peet and Colonel Loboda:

STAND UP FOR AMERICA

(By Richard C. Peet and Col. Samuel Loboda)

I

When are you going to stand up for America?
When are you going to show you really care?
Just rise up strong and tall,
It's the time to give your all,
Join up and take a vow.
The time is here and now.

Chorus

So on your feet all America—
Stand up for the causes and the dreams.
Rise up along with me
We can build a world that's free.
Cause you believe with me
In America.

II

Together we'll strike a blow for America,
For freedom for your kids and for your dream.
For every step we take
And the kind of world we make
Is really up to you
And there's a job to do.

Chorus

III

Everyone join hands for our America.
Brothers one and all we'll ever be.
Let's give it all our might,
Work for justice, peace and right.
Together we can't fail.
With God we will prevail.

So on your feet all America—
Stand up for the causes and the dreams.
Rise up along with me
We can build a world that's free.
Cause you believe with me
In America.

'Cause you be-lieve, 'Cause you believe
And I believe, And I believe
'Cause we be-lieve in America.

HIGHWAY SAFETY

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HARSHA. Mr. Speaker, Americans often ignore situations that threaten the public safety until a personal experience hits them so forcefully that they finally resolve to take preventive measures.

The lives of all who use the streets and highways of this Nation are being threatened daily by those whose immoderate drinking habit is combined with a determination to drive—at any cost.

According to the National Safety Council, over 55,000 people died, over 2 million were injured and $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured, and $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development, and implementation of effective alcohol countermeasures.

On Tuesday, June 29, I plan to introduce unique legislation that I believe will, at least partially, remedy the problem of inadequate funding in this area and, thus, be a tremendous encouragement toward reducing accidents and injuries to an irreducible minimum. I am asking my colleagues to join me as cosponsors for this urgently needed legislation.

If there is any doubt as to the need for this bill, I should like to point out an excerpt from a "Factbook" published by the Ohio Insurance Institute in Columbus, Ohio. On four brief pages of their publication, this organization has graphically and emotionally propounded the absolute need for this effort by noting segments from letters they have received during an anti-drunk-driver campaign. I commend these statements to my colleagues and I urge them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety:

ANTI-DRUNK-DRIVER CAMPAIGN

AMHERST, OHIO.—We have a very empty and lost feeling—our 20 year old wonderful Christian daughter (married only 8 months) was killed 12/31/68 while she and her husband were waiting at a traffic light. One of these irresponsible drunken drivers crashed the light when it changed. . . . The drunken driver penalty for all this was only $500 and a suspended six months in jail. . . . Isn't life very cheap these days.

ARCANUM, OHIO.—Three years ago our son was killed in a head-on collision by a drunk driver. . . . We believe that in spite of all of the new safety regulations and devices for cars the real safety lies in the condition of the driver behind the wheel.

BERKEY, OHIO.—It will be four years ago this May that our son was killed by a drunk driver. The driver was on the wrong side of the road, across a double yellow line, doing about 90 miles an hour, and dead drunk!

BLOOMDALE, OHIO.—Stricter laws governing operation of motor vehicles while drivers are under the influence of liquor has helped Great Britain substantially reduce the number of deaths in the last few years from crashes caused by drunk driving. . . . In the year, there were fewer accidents and casualties than in any year since 1962, despite a 48 per cent increase in vehicular traffic in the intervening years, involving the country's 14,000,000 drivers.

BRUNSWICK, OHIO.—We, as the Congregation of the United Church of Christ in Brunswick, Ohio, have a personal interest in your campaign against drunk drivers. Recently one of our finest members was killed by a drunken driver and it made us all realize what a senseless waste of life it was.

BURGETTSTOWN, PA.—My daughter, age 12, went to the school bus stop on March 26, 1969. She was standing off the road . . . . and never had a chance to run . . . . We lost our beautiful daughter that morning just by a reckless drunken driver. It will be one long lonely year without her March 26, 1970.

BURGETTSTOWN, PA.—Last March 26, 1969, my son Dan, age 12, and a young school friend, Brenda, also age 12, were waiting for their school bus. The time 7:25 a.m. The place a secondary road ½ mile off Route 22 in Paris, Pa.—That was all Dan could remember. I don't believe either child saw the car. He left the road 29 feet before striking the children. Dan was struck and thrown clear but Brenda was killed. The doctors believe she must have died instantly. Our son was very fortunate. He had a compound fracture of the left leg. He had four different casts. However, he did manage to finish his school work at home and his leg has healed very well . . . . All this because of a drunk driver at 7:30 a.m. . . . . The people who make the laws should go through one experience such as we have had and the laws might be changed.

CANTON, OHIO.—Can I ever forget when I was told my wonderful brother was killed by a drunken driver who had lost his driver's license repeatedly for accidents—and given them back again, so he could kill.

CANTON, OHIO.—(From the executive committee chairman of a large manufacturing company.) Drunken driving can be stopped. I get to Sweden every year or so and certainly there is no drunken driving in Sweden worth mentioning. When people go to a cocktail party they go in a taxicab and they come home in a taxicab. The law for drunks who drive is severe and positive. As a consequence, Sweden has very few accidents of any sort and certainly an infinitesimal number caused by drunk drivers.

I get to England every year and have been pleased to note the results that have come about from the enforcement of stringent laws concerning driving while under the influence of alcohol.

The State of Ohio and every state in the Union could cut driving by drunks if they really enforced the laws now in effect. We can save millions of dollars and thousands of lives every year if we would just make up our minds to enforce the laws.

CLEVELAND, OHIO.—Having an aunt and uncle killed when a drunk driver rear-ended their car into a canal in Florida makes one especially appreciate that something should be done.

COLUMBUS, OHIO.—(From a doctor.) In my experience one of the drivers has been drinking in at least 70% of the serious automobile accidents. Although deaths are counted in the statistics, the amount of suffering, number of operations, expense, scars, disability, etc. that victims who live sustain from auto accidents are not known to the public. The multiple trauma patient spends more days in the hospital than any other patient. If auto acidents could be decreased, the bed shortage that exists in our hospitals today could help be alleviated.

DAYTON, OHIO.—We have a good reason for pushing this effort as we lost a 20 year old son a year ago because of an 18 year old drunk driver.

EATON, OHIO.—We should learn from other countries. In Germany, you are only caught driving drunk one time. You are sentenced to at least 1 year in jail. This is lesson enough.

FAIRBORN, OHIO.— A known alcoholic hit 4 cars and then my brother-in-law doing 80 miles an hour at 2:15 in the afternoon. The next day he was out on bond. My brother-in-law is still in a coma. . . . It has been 7 months.

FINDLAY, OHIO.—Recently in our city a man was sentenced to jail for 6 or 9 months and a fine of approximately $500. A few days later he was released from jail and almost all of his fine suspended. This was for driving without a license and drunk driving. A day later he was involved again in an accident and he was drunk. If our judges give in for such things they will let him drive until he kills someone.

GLENDALE, OHIO.—I and my family were the recent victims of a drunken driver. We were hit from the rear going 60 mph on a 3 lane well lighted suburban interstate road.

GROVER HILL, OHIO.—We had two dear granddaughters killed last June 22 by a drinking driver. His license was never suspended for even one day.

SHREVE, OHIO.—My date, Jerry, was very handsome and we got in his car and started out for the evening. Fifteen minutes later Jerry lay dead beside me and we were both pinned in the front seat. I could only move one arm and putting my hand to my face I felt a hole in my face. I couldn't see and my whole body was racked with terrible pain. I heard a voice say, 'I think they are all dead.' . . . All the bones in my face were either broken, smashed, or gone completely, my right eye had to be removed. . . . After the accident I developed pneumonia and a kidney infection. Today, 2½ years later I feel like a miracle being able to walk. I am legally blind only having 20/200 sight left in the remaining eye and will soon be having my tenth operation. I will be having surgery for the next five years restoring my face. There is nothing that can be done for my vision.

Why am I in this condition? Why is Jerry dead? Two sisters, aged 24 and 27 at about 8:30 p.m. had a blood alcohol of .27% and were speeding and driving straight down the highway. . . . Straight into our car. They were thrown out of their car along with the motor and were killed instantly. . . . This was the fourth accident for the driver of the car. She had just gotten her license back. At least she can't kill anyone else. . . .

But these people that do drink and drive, don't they have a conscience? I only pray that something can be done so that others don't have to face life as I do now.

TALLMADGE, OHIO.—We have to change some of our antiquated laws, and put some 'teeth in them' making it mandatory to *surrender* license plates, for the length of the suspension time, in *all* cases of driving while intoxicated. Would be a step in that direction. Let the drunks *walk* to work! They will have less time to spend in the bars!

TOLEDO, OHIO.—15 years ago I saw my husband and 5 year, 8 month old daughter killed by one.

VAN BUREN, OHIO.—A dead drunk driver drove into the yard of our country neighbor, killing his educated, lovely young wife. She was not on the highway. Three children under 5 (were) left motherless. . . . The drunk was 70 years old. He got 3 days in jail.

VENEDOCIA, OHIO.—I get real sick deep down in my insides when I read of a drunken driver receiving only a sentence of 3 to 6 months in the workhouse plus $100 fine for the life of an 8 year old boy or girl.

WEIRTON, W. VA.—A 12 year old boy and a 12 year old girl waiting for a school bus 8 feet off the road were struck. The girl was killed instantly and the boy a broken leg in five places and may be crippled for life. . . . The man was found guilty by jury. He was given 2½ years to 4½ years and he served 60 days. He is out and . . . has been seen drinking and drunken driving as before.

WRIGHT-PATTERSON AIR FORCE BASE, OHIO.—As a matter of policy, any individual—military, civilian employee or dependent—guilty of driving under the influence on or off base here at Wright-Patterson AF Base is automatically suspended from driving on base for a minimum of one year. Other disciplinary action appropriate to the offense is also taken either under the Code of Military Justice for the military or for civilians referred to the appropriate civil authorities. In my judgment there is only one way to curb this menace and that is extremely stiff penalties against all proven guilty.

YOUNGSTOWN, OHIO.—To a great extent the courts must shoulder the responsibility for the continued carnage and damage on our highways. Leniency cannot and should not be shown to habitual offenders.

YOUNGSTOWN, OHIO.—I am enclosing the following clipping taken from the front page of our local newspaper dated Nov. 29, 1969. You will notice that it contains a photo of our granddaughter, who was needlessly murdered in a senseless accident on Thanksgiving evening. Police reports will verify that the man responsible for this accident had been drinking just prior to the incident which cost our little one her life. . . . I believe that all the lawlessness we are witnessing in our society today is a result of too lenient court action. . . . I feel that the law enforcement agents are doing a tremendous job in the apprehension of violators, not only in the traffic division, but in all phases of law enforcement, but too often I think their efforts to decrease incidents of crime and accidents are for nothing when law breakers are brought into court and are given a slap on the wrist and given suspended sentences and allowed on the streets to commit the same offense over and over again.

UNTOLD CHAPTER OF REA HISTORY

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DENHOLM. Mr. Speaker, on June 7, 1971, during a special order on the Rural Electrification Administration, I commented in a speech on the House floor that a substantial increase in REA appropriations is necessary for fiscal year 1972 because of the impact of inflation on the costs of various facilities and services provided by the cooperatives—and because of the impact of abandoned services directly the result of vacated premises by rural families in almost every rural area of this country.

I said in part:

> Electrical power did not become readily available in South Dakota and in many other states throughout the Nation until the year of 1944. In that year, Congress passed the Agriculture Organic Act, popularly referred to as the Pace Act for its sponsor, Representative Stephen Pace of Georgia.
>
> When the Pace Act became law, a concept of greater obligation consistent with the intent of the legislation was imposed on the cooperatives.
>
> The rural electric cooperatives were required to adopt "area coverage" covenant resolutions to qualify for loan funds under the REA program. In 1950, the principle of area coverage was incorporated into and made a part of the loan contracts.

That portion of the history of rural electrification is especially significant because of the critical financing need affecting the rural electric cooperatives today.

The record shows that about 700,000 abandoned farms and rural residences required an original construction and service investment of approximately $700 million. The cost of the debt service and mortgage obligation must be paid by the remaining consumers now on the lines at about $31.5 million annually. Because of such circumstances the present debt service cost absorbed by remaining consumers on the lines of rural cooperatives in the State of South Dakota constitutes a sum of about $500,000 annually.

Since making those comments on June 7, I have had an opportunity to review a legislative history of the Pace Act that was compiled by Mr. Charles Samenow, who served with distinction the Rural Electrification Administration for many years. Mr. Samenow was legislative consultant and interagency consultant for the REA administrator when he resigned a few years ago.

The material compiled by Mr. Samenow during his distinguished career with REA is an untold chapter in the history of REA. That material provides undeniable documentation that the Congress intended that the purpose of the 2-percent 35-year REA loans were authorized by an act of the Congress that all people of rural America could have the benefit of electric power.

Two distinguished Members of this body, the Honorable JAMIE L. WHITTEN, and the Honorable WILLIAM R. POAGE, played an important role in the history of the REA program.

The official record of Journals of this House contain the debate that occurred in the second session of the 78th Congress on Public Law 425—the Pace Act—and Congressman POAGE then established clearly the purpose of the act with the following comment:

> . . . This bill takes a long step in the way of providing rural electrification for all of the farms of America. It does it in a twofold manner, by reducing the interest rate and extending the period of time, so that lines can extend to these remote areas spoken of by the gentleman from Idaho (Mr. White). In these great wide open spaces we find the greatest need of the service. This bill simply gives these people the opportunity they need to pay back the money loaned to them . . .

The record is also clear that REA felt at once that it had a mandate from the Congress to demand, as a condition precedent to the granting of 2-percent 35-year loans that the borrowers of approved loan funds must provide service on an "area-coverage" basis.

The record shows how REA emphasized the principle of "area coverage" before applications were approved to potential borrowers of REA funds, how REA required "area-coverage" covenant resolutions, how REA required that borrowers have construction contracts approved—and finally how the "area coverage" provision was made a part of the loan contract obligation of the cooperatives.

Once the Pace Act became law, however, enforcement of the area coverage principle became a primary concern of the Agricultural Subcommittee of the Committee on Appropriations.

It was of special concern to Congressman WHITTEN. The hearings of the subcommittee from 1946 through 1950 reflect his deligence and dedicated interest in support of that issue.

The record indicates that Mr. WHITTEN did on repeated occasions inquire of the officials of REA as to what measures were implemented to assure compliance of the "area coverage" principle by the cooperatives.

Many people in the most remote regions of rural America that have enjoyed electric service for 20 to 25 years have electrical service because Mr. WHITTEN made it clear that this was a condition of the 2 percent, 35-year loans—and that anything less would be unacceptable.

While it is a matter of historical fact that rural electric cooperatives, in some cases, were reluctant to provide service on this area coverage basis, it is also a historical fact that they have done so universally.

Mr. Speaker, this record of service to rural America, for many years in the files of Mr. Samenow, deserves the attention of everyone interested in rural America, in fact everyone in America.

The following excerpts from the hearings of the House Appropriations Agriculture Subcommittee are submitted for the RECORD to provide appropriate recognition of the efforts of colleagues of this House and to document the foundation and the continued justification for the REA loan program:

HEARINGS BEFORE THE SUBCOMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, SEVENTY-NINTH CONGRESS, FIRST SESSION ON THE AGRICULTURE DEPARTMENT APPROPRIATION BILL FOR 1946.

PART 1

Pp. 842, 843, 844, 845

Mr. WHITTEN. There is one other matter I am especially interested in. That is the illustration which you gave us of De Soto County in Mississippi. Having represented that county in different capacities for about 12 years and of course knowing something about the locality I have a great deal of interest in the illustration you gave.

I am wondering what your set-up provides to require the present association there to extend its lines so as to have this over-all coverage of the area which I think is a great advance in your planning of electrical systems under your set-up.

Judge Tarver brought out some of this information through some of his questions, but I would like to ask this. If the cooperative is not interested in connecting these new consumers because it will involve a little bit of expense, and they will not make any money on this particular connection, and I have no reason to believe that is their attitude what means do you have to see that the local association connects these other folks who might want service from them?

Mr. NEAL. I am very willing to answer that question, and it is a good one to raise at this time.

As you probably know, that cooperative has lines in about six counties.

Mr. WHITTEN. I know that.

Mr. NEAL. In those six counties there are 60,000 homes without electric service. We sat down and talked things over with that cooperative, the manager and, I believe, some of the board members. I say that because I went over the whole matter of area coverage with the cooperatives in Mississippi a few weeks ago.

In the first place, in giving consideration to an extension of existing notes from 25 to 35 years, we appraise it primarily upon the basis of increasing the ability of that cooperative to serve the thinner and more sparsely settled areas. When the cooperative applies for funds, it submits an application which includes a map showing the people who have signed up, with the houses designated, and the one who have not signed but who are considered potential consumers. When we make an allocation of funds for primary lines it provides sufficient funds to serve all of the people who have signed up and are included on that application and to serve at least half of the unsigned ones. That is our policy.

In considering applications from now on, provided we have adequate loan fund authorizations, so we can do it, we will consider them pretty generally on an area-wide coverage basis rather than upon the basis of a single line or extension.

On the basis of area-wide coverage, retail rates will be established and the budget set up. We have what amounts to an agreement between the R.E.A. and the cooperative to do these things.

If the board of directors of that cooperative decided that it did not want to go ahead on an area coverage basis and complete the job, this is the time we need to know about it, because there is still enough territory and enough unserved people that we could work with them in order that they could set up their own cooperative.

As you might expect, there have been a few cases where people, who manage the cooperatives, have lost interest in serving those people that are more distant. However, in my visits to about 20 States in the last 6 or 7 months, I have found that when you get the boards of directors and the managers all together and talk things over, they are 100 percent for doing an area coverage job in every State in which I have gone into the matter to that extent.

In some States, as Arkansas and Alabama, we have gone a lot further and a lot faster than we have in other States, because of the local situation, the attitude of the public utility commission, and so forth. We have had agreements and commitments from every cooperative serving the area. We have not yet gone that far in the State of Mississippi, because we do not have the funds and we are not quite ready; and, of course, the war is going on.

Mr. WHITTEN. I might state this: I do not know of any difficulty. I am not speaking from any personal correspondence that I have had, of any difficulty in that whole area. There are several cooperatives in my territory and in my district and I believe all are making an effort to extend their services. But, as you know, the public-utility companies, the privately owned power companies, in many instances have gotten the cream of the crop through the past years, and in some cases it has prevented them from getting a cooperative in there, because the cream was tied up with the local utility companies. For that reason it was uneconomical, and they could not show that they would be self-liquidating. The point of my question is whether you have permitted these older cooperatives to go in and get the cream of the crop and, in a way, do the same thing that the public-utility companies may have done in the past.

Mr. NEAL. That is an excellent question and I am glad to have a chance to answer it; and I assure you that it is not the policy of this Administration to encourage the cooperatives to follow the same course that the utilities have followed.

Mr. WHITTEN. Of course, with your new cooperatives you probably can have an understanding at the time the grant is made. That is, when they submit to you the list of those they have signed up, you can require them to take on additional folks to have an over-all coverage before the application is approved. But you are not in as strong a position with those already organized. Do you have any way, under the present set-up, if the present cooperative in De Soto County, let us say—and I have no basis for this supposition—should fail and should refuse to give adequate coverage of the county—do you have any way of lopping off that part of their system which is in De Soto County and take it in with the rest of the county so as to make an economical, self-liquidating project?

Mr. NEAL. I do not know whether we could force the cooperative to lop off part of its lines if it did not want to do so. But I do not know of any case so far where we have not been able to sit down with the cooperative's board of directors—because they are farmers, just as the other people are who are without that service—and talk things over and find a way to do the job. I am sure we are going to be able to do it in this case.

Mr. WHITTEN. I am vitally interested in this over-all coverage because, while your job may be to get the current to those residences that are now there, from my point of view it is just as vital to get the current to the entire area, because the residences and development will follow. It will be important to the development of the areas that are not now developed.

Mr. NEAL. That is exactly the philosophy we have, too.

Mr. NICHOLSON. May I say just a word in further answer to your question? One reason why we felt that next year we needed the amount of loan funds to which Mr. Neal testified was to take care of situations such as Mr. Whitten has been discussing. Because, when we make an allotment, we are bound by our statute to make a finding that the loan will be economically feasible.

We want to make these allotments on an area basis so far as possible and enable the borrower to design its system in the light of such adequate coverage. A handicap under which we have been suffering in the last 3 years is that we have not been able to allot funds in large enough sums to take care of the kind of project which ultimately will be the most effective and economical. So that, with such loan funds as we have available next year, we would want to be able to make allotments for a total project to be constructed as rapidly as possible. Much of it could be constructed under present conditions; some of it might have to be postponed; but in our consideration of the loan application, we could make available the money for the total project as we envision it, thus taking care of this problem of area coverage at the time when the matter is before us for consideration and when the obligation of the borrower for adequate coverage can best be established.

We have not been able to do that in the last 3 years, as we used to do before the war, and, as Mr. Neal said, we are anxious to get into that type of action on loan applications as far as we can.

That explains, in part, I think the considerable increase in funds that we are now talking about as compared with the sums we have been mentioning here in the last 2 or 3 years.

HEARINGS BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES, SEVENTY-NINTH CONGRESS, SECOND SESSION OF THE AGRICULTURE DEPARTMENT APPROPRIATION BILL FOR 1947

PP. 1524 AND 1525

Mr. WHITTEN. Mr. Wickard, with regard to a cooperative which has already borrowed money from the REA and has gotten set up and organized, as long as they meet their payments to the REA, are they permitted, without any regulation or control by your department, to extend or grant extensions on the line without reference back to the REA; I mean, can they use any accumulated funds if their account is in date?

Mr. WICKARD. Yes; but the connections are subject to our approval.

Mr. WHITTEN. If they see fit to do so?

Mr. WICKARD. Yes; I think they can, subject to our loan contract.

Mr. NEAL. The loan contract provides that we have to approve those connections, but it is always a question of how enforcible those provisions are.

Mr. WHITTEN. The reason I ask that question is that if you have that reserved to yourself; that is, that right, now you could require that in any extension that they make it an area coverage before you approved it. I want to expand the coverage to everybody who wants service.

Mr. WICKARD. About the only real authority or recourse we have, is to foreclose the mortgage if there has been a violation of the mortgage, and that would not be quite the thing we would want to do to correct the situation you refer to.

Mr. TARVER. I think you misunderstood the question by Mr. Whitten.

Mr. WHITTEN. The question has been raised both by the chairman and Mr. Sheppard, too, I think, of high import that something should be done to see that the REA cooperatives themselves do not fall into the same practice that the utility companies did, and that is skimming the cream, so to speak. We all are interested in handling the matter, if it can be done, so that you will control it, so far as you are able, and they will be required to give an area coverage. Once they borrow money from you and set up a cooperative, you cannot go back and require them to do things within that field, but if they have to come back to you on any extensions of the line, then you would have again control in which you could make them give an area coverage in that extension?

Mr. WICKARD. Yes, sir.

Mr. WHITTEN. Before you would permit them to spend their own money or an additional loan to extend the line?

Mr. WICKARD. That is right. However, the trouble is that the instances of which we really are critical are those that do not involve the use of further REA funds, and we cannot add a new requirement to existing contracts.

Mr. WHITTEN. That is true. I knew you

would have a chance if they borrowed funds. I was trying to get to the point if they could use surplus funds, if they could do it themselves without referring it back to you.

Mr. WICKARD. Most of the contracts require that we approve all construction which they undertake. If they do not submit their plans to us we might say that was in violation of our contract. If we could not get them to do it voluntarily we would have to foreclose to enforce the contract.

Mr. WHITTEN. I do not think it is necessary. I doubt if it will ever reach that stage if you have a solvent cooperative. I do not think that you would actually have to carry it into a foreclosure of their mortgage. I think it is a matter that could be worked out between you, if you have such an agreement in your contract; and you state you do have in the average contract.

Mr. WICKARD. We have in the average contract a provision requiring them to inform us of all plans that they have for construction and submit those to us for approval. Is that not right?

Mr. BLACKBURN. That would normally be required in all cases if for no other reason than to make sure that the engineering design would fit in with the design of the part of the system that REA financed.

Mr. WHITTEN. That is a sufficient reason to bring it to you perhaps, but then once it is brought to you I think there are many reasons for you insisting on the other proposition as well.

PP. 1536 AND 1537

Mr. ANDERSEN. I think, as do the other members of the committee from their remarks, that a certain amount of observation is necessary to see to it that the various cooperatives do not skim the cream, but that they do give full service in an area formation?

Mr. WICKARD. Yes, sir.

Mr. ANDERSEN. I have had many instances called to my attention of farmers desiring to be connected up who have been turned down simply on the premise that there is not enough meters per mile. I wonder if your organization could not use its influence to make the local cooperatives more generous in that regard.

Mr. WICKARD. I want to say to you and to other members of the committee who have expressed the same interest, that we are glad to have your moral support in our efforts to get people who are in charge of these systems to see their obligation to their neighbors and to the Congress to make the service available where it is practicable and feasible to do so. I have often said to them that if we were going to grant a franchise to a utility to enter a city we would say, "You cannot use your own discretion about serving certain portions, you will have to make your service available to all." I think we should say that to the private utilities and to the cooperatives when they talk to us about serving the rural territories.

Mr. ANDERSEN. I might say that in my home State of Minnesota I realize what it means to my neighbors. It is entirely along the same line that lately I have been arguing with the Post Office Department relative to changes in their particular routes. They claim that they have a definite point which they cannot go beyond unless there are a certain number of patrons per mile. That policy, I feel they, should change, and I hope that the REA does not become impregnated with that policy to the extent where they will keep any farmer within a reasonable distance from securing the same service that is given and made possible to be received by others.

Mr. WICKARD. I share your anxiety, and I want you to know that REA makes every effort to get people to see their obligations to serve people in their project areas. In the great majority of cases our borrowers realize their obligation to make service available to the largest possible number of people. However, at the present time, we cannot force people to borrow money from us to do the task. That is why I am so glad to have your moral support and backing.

Mr. ANDERSEN. I think that you realize you have the moral support of this entire committee on this REA?

Mr. WICKARD. On this particular issue I am more satisfied now than I was before.

Mr. ANDERSEN. You also realize that it is up to us to see to it that everybody gets a fair break as far as possible.

Mr. WICKARD. Yes, sir.

Mr. ANDERSEN. That is all.

PP. 1519, 1520, 1521, AND 1522

Mr. TARVER. Mr. Wickard, we have had some evidence in past years, with reference to a part of your problem which I think may be briefly summarized in this way:

Some of these REA cooperatives which have been organized have developed a very profitable business. Really most of them appear to be in pretty good financial status but in some cases they have developed an unusually profitable business and they have sometimes a lack of interest in farmers outside of their cooperative whose needs for electric service if service were accorded them now would be initially very small, so small as not to constitute an attractive investment for the cooperative to extend its lines to serve them. Of course, I think the whole program has been founded upon the theory that with electric service the production of farms and the need of farms for electric current will be increased and that the building of extensions, or not, should not be based entirely upon what income results immediately from such extensions.

I think that was one of the reasons why REA was established, because the power companies, a great many of them at least, evinced an attitude of simply skimming off the cream of service and taking no particular interest in the needs of the consumers whose initial requirements would be small. Now what can you do with a cooperative which evinces a disposition of that type? That is, it is satisfied with its present business and does not want to make extensions to farmers where their present power requirements would be small and would not be productive of very large revenue?

Mr. WICKARD. Well, Judge Tarver, let me first say I heartily agree with you. I do not approve of that attitude. I think we should not go on the past records of consumption as the basis for establishing a standard for what might be consumed in the future. I think one reason why the REA came into existence is because the private utilities would not visualize how much electricity the farmers were going to use, and that is perhaps why they are as active as they now are in trying to get the cream off of what is left. You asked what we can do.

Mr. TARVER. First, do you find that some of the cooperatives do evince a disposition of the type I described?

Mr. WICKARD. I do; we have found instances such as you have described in various sections of the country. After a fashion, they might be doing a little cream skimming or at least they are satisfied with the membership or the consumption that they now have.

Mr. TARVER. Having gotten the service themselves they do not care so much about the other fellow.

Mr. WICKARD. Perhaps they have the idea of paying off the debt as quickly as possible so that they will get electricity at cost and then the rates will go down.

Now, we think Congress had the objective of seeing that all people who could be served in a feasible manner should get central station service. That is why Congress adopted various measures and has been so generous in its appropriations.

We only lend money to people who come to us with applications for a loan and we cannot force anybody to come to us with an application for a loan. I do not think Congress would want us to do that.

When we have requests from a large number of people who are unserved and who are apparently not being considered by the board of directors of a private utility, or it may be a cooperative, we write to the cooperative and say that these people have communicated with us in regard to obtaining electric service. They also may have written to their Congressmen. We say we think the cooperative ought to make a survey to see if these people's needs cannot be met within the requirements of the REA statute. We cannot force the cooperatives to build lines; we can only advise and encourage them in every way possible to extend service to the people who should have it and want it.

Mr. TARVER. Is it possible that there could be some amendment to the statute under which your work is conducted so as to require that REA cooperatives give some weight to your request that they should consider the right of such people to service, when the cooperative has refused to accord such service?

Mr. WICKARD. Well, I think perhaps that is a subject of study. However, I always like to think of this program, Judge, as one which came from the demand of the people and it should not be forced upon them.

I like to think of these cooperatives and these public utility districts as being autonomous in running their business and not being subject to severe regulation. Nevertheless when there are people being neglected either because of misunderstanding or selfish motives, responsible people or perhaps the Congress might consider some method of calling that situation to their attention. By this means it could be done more forcibly than we can under present legislation.

Mr. TARVER. I hope you may develop some type of legislation which would enable you to exercise some sort of authority over situations of that kind.

Mr. PLUMLEY. Mr. Chairman, may I interject one thought?

If your cooperatives will not do it, why not allow the public utilities in that area to give the service?

Mr. WICKARD. We are many times forced to tell the person who makes inquiry of us that REA cooperatives do not have lines in an area or that a cooperative could not serve them because they are in an area now being served by some private utility and they must take up the matter with their State commission.

Mr. TARVER. Of course, that question does not arise as a matter of conflict between the REA cooperative and the utilities? It arises where a cooperative has already built lines to serve the cream of an agricultural territory, and over to one side, perhaps, is an area where farms are located which will not be accorded service simply because to do so will not insure adequate revenue to the cooperative; those people cannot get service from a public utility and they cannot get service from the cooperative, for the cooperative sometimes seems to think it is desirable, as you say, to pay off its debt as soon as it can and lower the rates to its own members; and does not sometimes show any interest in trying to serve these other folks. Therefore, there ought to be, it seems to me, some authority somewhere which could investigate cases of that kind and take some corrective action in connection with them.

I hope you will give some study to the matter with a view to submitting to the Committee having jurisdiction suggestions as to how the existing statutes might be amended so as to take care of that problem.

I think I shall defer any further questions until we begin examination of the estimates.

Mr. Sheppard, have you any questions?

Mr. SHEPPARD. I was very much interested in what Judge Tarver brought out, and the complaints you are now receiving are a pattern of the general psychology that caused the birth of the REA.

I would naturally assume that those organizations that are now functioning and functioning under the Organic Act presently, that it would be difficult to reach them through an amendment where they have a sustaining contract during their lifetime?

Mr. WICKARD. That is right.

Mr. SHEPPARD. But other contracts that might be drawn up might be considered upon the basis of service within certain minimum areas of some central point of distribution within the cooperatives' area of operation. At least it would be very interesting because if something like that is not done it might have a tendency to put the REA in somewhat of an unfavorable light, psychologically speaking.

Mr. WICKARD. I think there is that danger. May I make this comment?

Mr. SHEPPARD. Surely

Mr. WICKARD. We have, during the past year, been doing a lot of talking about what we call area coverage planning. You know I referred to it in my prepared statement.

Personally I think it is more desirable to do this thing by education than it would be to try to do it under some act of Congress. As I have said, I do think a lot of persons in some areas are unserved because people in some of the cooperatives do not fully understand the objectives of the program or they have a selfish motive. We are doing a lot of work getting these people to see that they must not be guilty in any sense of the same thing that the private utilities have been guilty of and that they have no business taking out the heart of the territory and letting the rest of the people go without the service.

Now we also point out that they do not fully envisage the future of rural electrification; that there is going to be greater use of electricity in future years than we have seen in the past.

Lower power rates are going into effect all over the country, especially where there are hydroelectric developments, and even fuel-power generation rates are going down.

We point out to them the lower interest rate and the longer amortization period, and we just say we do not think there is any good reason why they should not be planning to extend service to everybody in the project area. The great majority of them in the last year or two have recognized and accepted this viewpoint. Their desire to extend service on an area coverage basis is perhaps why we have this unprecedented demand for REA funds.

Mr. SHEPPARD. We have been tendering REA what might be called a subsidy credit—perhaps "subsidy" is a little bit strenuous?

Mr. WICKARD. I do not like that word "subsidy."

Mr. SHEPPARD. All right, we will put "subsidy" out. We have been making finances available to them for a specific purpose and because the cooperative enjoyed those privileges they expanded their operations as rapidly as they could without destroying their own assets. I think that is a logical conclusion?

Mr. WICKARD. Yes, sir; that is right.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1948

PAGE NO. 1587

Mr. WHITTEN. Now, here is the next thing that leads me to believe that we need a stronger organization nationally.

The minute you make that loan to that local cooperative, you have had the opportunity and the duty, and you have checked the applications, seeing the number of users and the length of the lines and all of the situation that is expected to follow.

Need for persuading cooperatives to extend lines to unserved areas

Now, after you have made that loan, then the affairs of that local cooperative are controlled by the board of directors?

Mr. WICKARD. That is right.

Mr. WHITTEN. And you have no power to force them to extend their lines in any direction other than that which they said they would do when they got the original loan. That leaves, it then, that where only by a degree of persuasion and by constantly calling their attention to the necessity for carrying on to still other rural places, you are able to get them to do those things that were not in the original application.

Mr. WICKARD. Yes, sir.

Mr. WHITTEN. Now, there is one other way that you can have some power, of perhaps persuasion, and that is when they ask for additional loans for further extensions.

You can make those additional loans contingent on them doing certain things so far as an area spread, can you not?

Mr. WICKARD. Yes.

Mr. WHITTEN. When they come back for additional loans, to give attention to the area spread, and if those cooperatives are to really serve all the people in an area, instead of doing as the power companies have done in the years past—that is, serving the cream of the crop.

Mr. WICKARD. Yes, we do. We encourage them, as I said a while ago, to think now in terms of building the system to cover the entire area. We tell them that they should be planning their system so that they could reach that entire area in the most economical manner.

We have, of course, one other requirement which grows out of the so-called Pace Act. If we give them the longer period for amortization of their loans, they obtain it on the pledge of area coverage.

Mr. WHITTEN. What is the percentage? Since that act was passed, how is it running? Will most of them agree to borrowing on the longer period, to carry it out?

Mr. WICKARD. Yes, sir; the larger percentage of them.

Mr. WHITTEN. What is that percentage? You can supply it for the record if you do not have it.

Mr. NEAL. I think we ought to supply it for the record.

Mr. WICKARD. Yes.

(The information is as follows:)

On the basis of resolutions and reports received, it is estimated that approximately 74 percent of existing distribution system borrowers are extending service in their areas in accordance with the principle of area coverage.

Mr. WHITTEN. The point I am getting at is this: While this is a wonderful program, the Congress being on whatever side it was, I think it deserves a world of credit for setting up this program. I would like to call your attention to the fact that the farmer who still has not got current to date, you have not done anything for him until you get current to him.

The members of the old cooperative elect their directors, and an applicant does not have any choice in the selection of those directors, and the natural tendency is to slow down and to become solvent, and to pay off the indebtedness to the Federal Government, and to reduce the rates, and that inclination is a little stronger than it was when they originally set up the cooperative, and I am merely taking this time to urge you in every way possible to see that these cooperatives do not fall into the practice that the power companies did of being satisfied to serve their folks that they already served and not to reach out and bring in the others.

Mr. WICKARD. Congressman Whitten, we have observed some tendency on the part of a few boards, not very many, to say, "Well, now, if we do not serve an additional area, we will get out of debt that much sooner and we will get our electricity at that much less cost."

Of course, we require what we can, but we remind them that Congress created this program to take electricity to unserved people, in the manner that Congress intended when it created this program.

Mr. WHITTEN. I hope you will continue to harp on that situation.

Mr. WICKARD. We shall.

Mr. WHITTEN. Your organization, I think, should say to them that this money is loaned on a sound basis, that these cooperatives should stay on a sound basis, and that they meet the obligations to the Government, but the $20,000,000 which some cooperatives have prepaid in advance of its due date to the Government, I would feel like they would have done a better job if they would show us by force account they had taken that money and carried service to more and more residents in that area.

Mr. HORAN. May I interject there?

Mr. WHITTEN. Yes.

Mr. HORAN. I have asked, Mr. Whitten, a very fine constituent who is the head of an REA area in my district, just such an area as you speak of, who is doing his best successfully to cover an area of isolated farms to come before this subcommittee tomorrow morning at 10. I wish you could be here. His name is Mr. Carl Moore.

Mr. WHITTEN. I will certainly be here.

I have found that all of them want everybody to get service, but there is a difference of degree between wanting it as between as they did when they first got the cooperative and after they get it going and most of the people are satisfied.

There is a little change in the desire to expand the lines.

I wanted to show that you have no way of moving them to do it once you make the original loan.

All of us in Congress have letters from individual people who are unable to get service and who cannot understand why it is that you folks with the Rural Electrification Administration cannot direct the local cooperatives to extend that power out there.

Mr. WICKARD. Well, I am going to admit that we cannot use anything but persuasion, and appeal to them to extend their lines to their neighbors.

Mr. WHITTEN. That fact, now, if you will permit me to cut you off, that fact should come at the time of the approval of the original loan, and at the time of the approval of the supplemental loans, to see to it that the plan is on an area or a spread basis because unless you do it at that time you admit you are powerless later to force them to do it.

Mr. WICKARD. For the new loans, we are taking those steps and talking to people in terms of area coverage. Of course, there are times when, as we said this morning, we may feel that when a first loan is made we had better not make it for too large a territory until we see how they get along and how conditions are, but we feel that today every cooperative should make its plans and lay out its system to cover the entire territory. We are doing everything we can to persuade them to adopt that principle.

PAGE 1952

Mr. WHITTEN. May I say this: One of the troubles in the past, in my judgment, has been that the power companies extended their lines so as to take in the cream of the crop, so to speak, and that is a natural tendency when you are trying to maintain a financial structure and keep solvent.

In your planning, of course, where there is a cluster, or a number of farms in a given locality, it is mighty easy to build a line to them because they are pressing you to give them service, but in doing that are you giving attention to the plan so that service may be given them and then reach out to those who may not be quite as desirable from the standpoint of net income to you?

Mr. MOORE. Yes. We have given that considerable study and have mapped the entire county and the adjoining county, a part of which we served. We have mapped all the farms and marked them as potential consumers where they have not signed up. Although, as I mentioned a moment ago, we are restricted as to the amount of material we can get and the amount of construction we can carry on now. We plan the system on which we are working now in such manner that we can pick up those other farms. I think that is what you have in mind.

Mr. WHITTEN. Do you give attention to having a circular served? By that I mean, have your lines in a circle, as I believe it has been described, so that if there is a break in the line the only man out is the man right at the break and the current will go around both ways from your central station?

Mr. MOORE. That is correct. Up to date we have not been able to complete those loop circuits because it has been more important to us, with the small amount of material we are getting, to serve new consumers. But our lines are so designed that as soon as the material can be obtained we will be able, by beginning a quarter mile here or a half mile there, to complete those loop circuits and offer a better class of service than we are now in a position to offer.

Mr. WHITTEN. By planning it that way it will mean that it will be much less expensive for you to complete loop service than to let the system grow up helter-skelter and try to fit it in afterward.

Mr. MOORE. Yes, I think the engineering planning ahead is one of the important parts of the program.

Mr. WHITTEN. I have one additional thought that I would like to add. I know Mr. Horan has the same thought in mind, although I do not believe that it has been covered thoroughly. You mentioned the chief interest of the members of the committee and the Congress and of the REA would be to protect that investment. I would like to call attention to one other interest that we have quite naturally, and that is that all farmers in the area obtain service. We are just as much interested in the spread of your cooperative.

Now, having your cooperative in the area, doubtless you have taken the cream to the extent that it would be impossible to organize any other cooperative in the area, and whether the man who now lives there and does not get service ever gets it is dependent on you and your organization. Once you borrow the money from the Federal Government and set up your cooperative there is no authority in the Government to require you to extend that service. It leaves us and the people in your area dependent upon you and your board of directors to see that the benefits of this law are extended all the way within the area.

I might say further that, as you prosper personally, I am more interested in the money you get being used to bring in more customers rather than to pay off your debt in advance of its due date.

So it is a twofold proposition. One is to keep your organization solvent and protect the investment but, secondly, to see that the income is used, through force account or contract, to spread the service still further and see that other farmers have the same benefits that those have who now belong to your cooperative. I dare say that you are keeping that in mind in the operation of your cooperative?

Mr. MOORE. Yes. We agree with you entirely, that we have a heavy responsibility there in that we have gone in and taken part of the area and that we should complete the area on a coverage basis. We have certainly made plans to do just that. The delay has not been occasioned by our reluctance to bring about this area coverage but by the world conditions which have created a shortage of material there. I think during the next three years we will complete an area coverage in that area so that we will have no unserved farms.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1949

PAGE 511

Mr. WHITTEN. I have difficulty with some of my colleagues at different times with regard to maintaining supervision. I hear complaints from time to time that once a cooperative gets on a good working basis that there is a tendency to not expand their lines, especially in an area where they want to make too much money, and they will not make very much, but they want to take any increased revenues and use them to further reduce the rate and to make it a little more worth while for the fellow who happened to get in on it early.

Do you have any authority now to force payments of cooperatives, or expansion of cooperatives, to give service to other people?

Mr. WICKARD. We do not. We have no authority to make anybody borrow money who does not want to borrow money.

Mr. WHITTEN. I have several who were not interested in borrowing money. The people in that area would like to see them borrow, but they only use the force accounts.

Mr. WICKARD. We can only do that by a process of education. When people from a district like that write to their Congressman or make complaints about the fact that there is no effort being made, we might ask somebody to go into the territory and talk it over with them, talk it over with the officials, and tell them about their responsibility. Thus far we have been fairly successful in meeting those problems.

We have one in southwest Arkansas right now where, apparently, the officials of the cooperative are determined that they will not use all the funds available to them at the present time. We cannot cure all cases of this type.

Mr. WHITTEN. I knew the answer, of course, to the question that I asked, but I did want to show them for the record.

I have made use of your organization on several occasions to call attention of the local directors to their responsibility to the people generally; and, as I have frequently stated, as fine a program as this is—one of the greatest acts, I think, the National Congress has ever taken—all the REA systems and all the money that has been appropriated is of no benefit and no help to that man who still has no electricity. We have a continuing responsibility insofar as it can be done to expand that line.

Mr. WICKARD. May I say this to Congressman Whitten and the rest of the committee: We have used the very arguments made by nearly every member of the committee, if not every member of the committee, as to what the attitude of Congress was on getting service out of these people.

If we do have some cooperative officials—members, too—who apparently are ultraconservative and do not want to extend these lines, we tell them their action is not in keeping with the wishes of people in Congress who have a great interest in this program, and quite often that is very effective.

Sometimes we have read from the reports of your committee, and from the testimony given before your committee by the various members, to indicate to the cooperatives that they have a responsibility. The Congress does expect this program to be extended to everybody as fast and as rapidly as practical. Nobody should, in trying to get his own rates down, deprive his neighbor of this essential service.

Mr. WHITTEN. I should guess that in most cases I know about, at least, and I suspect in most of the rest of them, it is a case of not thinking much about the responsibility to the people generally, and I feel that the type of education which you mention that you give will be of benefit and will be very helpful.

HEARINGS BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EIGHTY-FIRST CONGRESS, FIRST SESSION ON THE DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1950

PART 2

Pages 676, 677, and 678

Mr. WHITTEN. In connection with that, and this is perhaps a good place to raise the question, as I understand it, once a cooperative is organized and once they get their loan and expend it, as you tell them to, then the actual operation is in the control of the board of directors. Are you having any trouble in getting any of the co-ops. to expand their lines into the thinner areas and to give service to the neighbors who have not been as fortunate as those already on the line?

Mr. WICKARD. Yes, sir, we are having some trouble along that line, Mr. Chairman. I think we are making progress. We have talked about area coverage now for a great many years, and I think it has become better accepted than it was formerly.

There was a time when apparently a lot of people had doubt as to whether these cooperatives would pay out. There were all kinds of prophecies of failure which may have made some of the boards of directors a little too conservative. There are a few instances, I suspect, where the board of directors and present members do not just exactly see the necessity or obligation they have of extending lines out into thinner territories because they have begun to pay off their indebtedness, and they feel if they have to get out into the thinner territories, there is a danger that the time will be delayed when they are completely paid out on their indebtedness to the Government.

Mr. WHITTEN. I have heard of a few cases in which they were anxious to let the benefits of their organization be reflected in reduced rates rather than expansion of the service. Do you have any control over the rates charged?

Mr. WICKARD. We do have control under our loan contract and we do approve the rates. But we do not initiate rate reductions unless they make the request.

Mr. WHITTEN. Let us say they make the request for a reduction in the rates, and you tell them: "Now you are accumulation surpluses here, and we think you should take that and extend your line and give service to the folks over here that have not had it."

Mr. WICKARD. We do take that responsibility. Of course, we have a further obligation, or we feel that we have, under the more liberal loan terms that were granted under the Pace Act in 1944. When the borrowers come to us with proposals to lower rates because of longer amortization period and lower interest, we say: "You must pledge to us that you are going to serve everyone in your territory."

So we are using those factors and those arguments to get the directors to these cooperatives to adopt an area coverage program.

Mr. WHITTEN. I do not know there is any need of filling this record again with the area coverage idea in view of the fact the committee has done that from time to time. I know you people in REA are vitally interested in area coverage, and I am sure all members of this committee are vitally interested in it.

As was stated earlier, the interest of Congress and the American people in this program is stronger perhaps than any other, and as a result of that, we have just wanted to be sure that every provision is made to permit you to see that there is area coverage. Unfortunately, when some folks get service they lose track of the fellow who does not have it or are not as conscious at least of his not having service as they were themselves at the time they wanted it.

And I wondered if, when applications for loans are made by going cooperatives for enlarging lines or for putting heavier lines in, if, at that time, you have the right to attach to it terms and conditions which would require them to give area coverage.

Mr. WICKARD. We do. When we grant advantage of the Pace Act, which is 2 percent interest and 35-year amortization period, we require them to take some board action which will bring about complete area coverage in that territory.

We have a few territories, of course, where some of the cooperatives are getting into position where they do not apply for more money. That presents a more difficult situation.

Mr. WHITTEN. That raises the point whether any change ought to be made in the approach where you retain some control even where the cooperative has met all its payments and obligations. And the question as to whether some jurisdiction and some control should not remain in REA to see that this service is expanded rather than merely paid out and continued to serve the folks in the program originally.

Mr. WICKARD. There is no question, as I say, Mr. Chairman, we do have the authority and we are exercising that authority when there is an application for an additional loan.

Where the people are not applying for additional loans, it is pretty hard for us to add anything to the loan contract already signed by both parties. You cannot very well do that.

Mr. WHITTEN. There is only one thing you can do about that situation. You cannot add to the contract and cannot add to the obligation of the REA borrower. You can learn your lesson and take care of that.

Mr. WICKARD. We are doing it and I think we are succeeding in getting acceptance. We do not have nearly as many cases as we had a few years ago when this committee brought our attention to a number of cases where people were not getting service apparently because of the attitude of the Board of Directors. We do have a few yet.

In the Tennessee Valley territory, a number of our borrowers are municipalities and they have not got quite the same attitude perhaps as the farmers' cooperatives because they have not thought of rural electrification as much as urban electrification.

Service in rural areas

Mr. WHITTEN. That has been one of the chief problems in the past, and I say you can learn your lesson from past experiences. I know many areas where rural areas have been taken on from funds borrowed from REA and by the municipality. Yet, because that rural area is tied in with that municipality, the remaining rural territory is so sparsely settled it would not be feasible to set up a new cooperative. I wonder if there is any basis on which you can call on the municipality to release the area they serve so as to make it available for the organization of a new co-op.

Mr. WICKARD. We have one case before us now which is not only a question of getting the municipality to undertake an area-coverage program, but to give the rural consumers representation upon the governing board.

Mr. BLACKBURN. I believe, recalling the conversation we had a few days ago, in which I said that if the municipality wants to borrow money to extend more lines into the rural territory from us, they must first pledge that they will give everybody service in that territory, and second, give representation to the rural people on the board.

To carry that a little bit further, we contemplate if we cannot accomplish it in that way, a new cooperative may be formed.

Mr. WHITTEN. That is certainly worthy effort to bring about what is being discussed. On the other hand, you probably should reserve the right to make exceptions for the reason that sometimes you may have a rural area which is too small an area to make it feasible to organize a new cooperative. So, if you follow that policy through, you should reserve a right to make exceptions in those cases where that is the only way the rural area can do that.

Mr. WICKARD. In case of municipalities, most of them I know of are receiving enough revenue that they should not worry about it. I think if you will look at it from the standpoint of their having obligations to the entire community there is not much reason to worry.

Mr. WHITTEN. I think you will find the committee here would recognize that they had it, but the problem is getting them to recognize it.

PART 2

Pages 1005, 1006, & 1007

Mr. CRADDOCK. Any cooperative or REA program misses the boat if we follow a cream-skimming policy in serving only part of the people, and that is what I would like to call to your attention here.

Mr. WHITTEN. How can we do something about that? Shall we amend the REA to give authority to the REA to see that it is done, or else move in on your local people, or what?

Mr. CRADDOCK. I think it will eventually take care of itself in the areas we are now serving. Public opinion will force a solution. Our revenues are so much greater than anyone anticipated that now with those extra revenues that they are receiving from more electricity being used, they can move on out into those thinly settled areas.

Mr. WHITTEN. There is no question but what they can do it, but they will not do it. That is what I'm talking about.

Mr. CRADDOCK. Well, your local board of directors on that particular cooperative should have vision enough.

Mr. WHITTEN. I agree with you, but they do not. So what should be done?

Mr. CRADDOCK. That is a problem, of course. It is a problem that confronts each individual cooperative.

Mr. WHITTEN. Do you think it would be wise to require in the basic law as a condition to the loan that the national REA retain some supervisory power whereby they could move in where the cooperative fails to meet the problems?

We have people in every district in the country who feel that Congress has failed to meet this problem and that that is the reason why they have not gotten electricity.

Of course, that is not the reason at all. The funds are here. We have never refused a deficiency appropriation for REA. We have also increased the authorization. The Congress has done everything and yet the local cooperatives will not take advantage of it.

During the war there were, of course, shortages of material, and the shortages were very real. We do have some fine cooperatives where they realize what the situation was. The members themselves did not have electricity a few years ago, and they are just as anxious to carry it to others.

However, over the United States we have many others who are just sitting back and perhaps doing a little work by force account.

I know that, because I get complaints from other members of Congress who call us and want us to give more money to REA. REA has every dollar that is neccessary to meet the problem, and they will get every dollar. However, the solution of the problem rests with the local cooperatives.

Mr. CRADDOCK. You are correct about that. One of the ways to help that along would be to increase the amortization period to 50 years, in my opinion.

Mr. WHITTEN. You could give a man a thousand years, and if the fellow will not come in and ask for it, then what?

Mr. CRADDOCK. Well some boards of directors naturally want to keep their cooperative in tip-top shape, and they should guard it very zealously to see that it pays out as it goes.

Mr. WHITTEN. Some of the local managers have as much a job in running a small cooperative as they would running a large one. It is a lot of trouble getting everything ready.

There seems to be a tendency to leave everything rest in the hands of the manager. These people have not had too much experience with electricity and they leave the things to the manager who should know about the electrical business.

Then you have this division of territory, and one cooperative does not want to get over into another territory, and the other one will not want to get over somewhere else.

This is a serious problem and it really has held back the extension of these lines to the millions of people you are talking about altogether.

The Congress has been willing at all times to provide all the funds necessary.

Mr. CRADDOCK. I will agree with you that that is a problem.

Mr. WHITTEN. Can you give me any suggestions as to how we can handle the problem, Mr. Craddock?

Mr. CRADDOCK. One way to handle it would be to retain in REA supervisory authority to require that the local cooperative go out and serve the farms or rural families that are not getting service. That would be a mighty fine thing and would not hurt the cooperative. I think you have the authority now in that as long as it is feasible from an economic standpoint REA can require it.

Mr. WHITTEN. That is true, as long as they will come in and ask for new loans, under pressure from this committee. They now have an understanding that they will do it.

But our problem is that they will not come in and ask for the additional loan.

Mr. HORAN. Mr. Chairman, I wonder if it would be all right to ask Mr. Craddock to express himself on the feasibility features of the loan requirement. That might have a direct bearing on this point.

Mr. CRADDOCK. Well, about those extensions, I know I am confronted with that because I live in northwest Texas where that is a real problem. I am sure that is also more or less universally true. It is a problem that is going to have to be solved, otherwise you will have 30 percent of your people who will never receive the benefits of electricity.

But to give a horsebacker's opinion on that thing, how it should be handled, that is a major problem. I think it might be brought to attention through the administrative end of REA.

I still say that if the amortization period was to be increased 15 years and then a selling program started all those individual cooperatives would fall in line and it would accomplish what we would like to see accomplished.

Mr. WHITTEN. You are talking about something you would like to see done, but what can you do if a fellow is not taking any money at all?

That is not the thing that is holding them up. It is not the lack of seeing how the loan is paid back that is holding us up; it is something else.

Mr. Craddock. It seems to me that you are going to have to do some hiring and firing to get that accomplished.

Mr. Whitten. We cannot hire and fire, but I do believe it is time to put some authority in Mr. Wickard and his group to require that the local cooperatives carry out the intent of the act and carry out its work to the other rural people just like the Congress carried it out.

I am sorry I did not raise this point earlier so that we might have had the benefit of other people's views.

Of course, there will be a big howl about letting Washington run the local cooperatives, but sometimes it is necessary to do so.

Of course, there is such a thing as one charge lesser than another. You get the charge that the Congress is not trying to get electricity for these people and that that is the reason why they do not have it.

Mr. Horan. To bring the entire problem into focus, it will be necessary also to consider the generation, because there is no point in trying to extend lines if you have no power to put into the lines.

It also brings into focus the possibilities inherent in your main transmission systems. If they would have a grid type, a lot of these isolated areas now would be nearer a main transmission line.

No matter which way you turn, you are going to run into controversy on this problem, unless we solve once and for all the problem of maintaining a sufficient generation of industrial and farm and domestic power and use, and, secondly, solve the problem of getting it to places where it is going to be used.

So we get right in the middle of this fight as to who is going to own the generation facilities, who is going to transmit the power, and who is going to retail it.

We cannot avoid it, so we might just as well enjoy the scrap while it is going on.

Mr. Speaker, the history as documented is clear and the labors of the distinguished chairman, Mr. Whitten, and our colleague, the Honorable Mr. Poage, are a major part of the history of the REA program. The "area coverage" concept prevailed—the darkness of the last frontiers is lighted. The rural people through the REA cooperatives have kept the faith, fulfilled the burden of the covenant and performed beyond the spirit of the program as documented in the annals of history of this House. Who now shall urge bad faith or failure of performance of this Congress? The full appropriation as recommended by the honorable chairman, Mr. Whitten, and the members of that distinguished committee must be and should be approved without delay.

SUMMARY

The need for action is as necessary and equally essential today as it was in the early history of the REA program.

The impact of abandoned services has resulted in accumulated costs to fewer consumers.

The impact of inflation has resulted in higher costs of construction and service of essential facilities.

The resulting consequences of both of the aforesaid factors have brought untold problems to management of REA cooperatives in the constant objective of uninterrupted "area coverage" service to rural America.

I commend the directors, management, and the personnel of the national rural electric effort for the diligence and dedicated effort they have so ably performed through the years in providing the highest quality of continuous service to the people of rural America at an unprecedented and minimal cost to the consumers. In my judgment, REA is the right effort for America. The right effort for America is for this Congress to keep faith and perform the obligation of adequately financing the contract and covenant so long ago committed to the REA cooperatives. The report of the committee must be approved and the appropriation allowed.

TWO STORIES ABOUT RUSSIA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. REID of New York. Mr. Speaker, I insert in the Record an editorial from the Reporter Dispatch which depicts in tragic and human terms the plight of the Jews in the Soviet Union.

Not only have the Soviet Jews been denied knowledge of their culture, the right to speak their language and the right to study their religion, but also they are now persecuted and convicted when their only crime is a desire to emigrate to Israel.

I call this issue to the attention of my colleagues because the need is great for a ringing affirmation by the leaders of this Nation of human rights and liberties throughout this world.

[From the Reporter Dispatch, White Plains, N.Y., May 22, 1971]

Two Stories About Russia

President Nixon obviously attaches high importance to the Soviet Union's agreement to discuss limitations on offensive as well as defensive missiles.

This descision, he said, breaks the SALT (strategic arms limitation talks) deadlock and puts negotiations on a hopeful track. Until now the Soviets have wanted to limit the talks to defensive weapons while the U.S. has contended that any prospective agreement should cover both offensive and defensive nuclear weapons.

Thus, in substance, the Soviets now agree.

At face value that's a promising development, but whether it brings a U.S.-Soviet arms limitation accord any closer is another question that can only be answered by future movement, or lack of it, at the SALT talks.

It is one thing for Communist governments to agree to negotiate. For them to negotiate sincerely toward a mutually acceptable goal is something else again.

If a further note of skepticism may be pardoned, it might not have been the merest coincidence that Moscow helped set the timing of this splashy announcement as a means of topping another story that emerged almost simultaneously from the Soviet Union. That was the one about the labor camp sentences dealt to nine more Jews by a kangaroo court in Leningrad.

This was a sequal to last December's conviction of 10 other Jews accused of conspiring to hijack a plane to Sweden and emigrate from there to Israel.

The defendants in the latest so-called trial were variously accused of helping the conspirators or engaging in "anti-Soviet slanders." What the trial was really all about may never be known. Western correspondents were barred from attending and had to rely on official reports from the Soviet news agency Tass.

Tass said the defendants had all "confessed" and had openly "repented."

Maybe so, but the real culprit in the putative "crime"—which never reached the point of commission—was the Soviet government. In nearly every instance, the defendants had sought, and been denied, permission to emigrate to Israel.

It is not difficult to imagine the desperation that may have caused them to try to flee the country without permission—a high crime in the Soviet Union, even without the hijacking element.

The same restrictions apply to all Soviet citizens, but the difference is that Jews who cling to their religious and cultural traditions are special targets for harassment and persecution in the homeland so few of them are permitted to leave.

So the real "crime" for which the hapless defendants were convicted in Leningrad was the fact of being Jewish and being proud of it.

Such is the continuing condition of Soviet "justice."

"CHARLIE McCARTHYISM"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SCHMITZ. Mr. Speaker, recently, members of the House Republican Conference were asked to attend a meeting to hear the presentation of the report of the 1971 White House Conference on Youth.

The report "Recommendations and Resolutions," is a 313-page affair which is in most respects utterly predictable. The recommendations reflect little consideration and consist of the same tired old cliches we have been subjected to for sometime now:

> Total withdrawal of all U.S. military forces and cessation of logistical support, both overt and covert, from Indochina by December 31, 1971.
>
> We recommend that, so far as criminal laws are concerned, a woman should be free to determine for herself and (sic) her own reproductive life. Therefore, all laws prohibiting abortions should be repealed.

Neither of these "recommendations," of course, takes any account of the innocents who would be slaughtered as a result of the implementation of such policies—neither the South Vietnamese nor the unborn child. But the recommendations go on and on, revealing much of the document as cant and, in many cases, sheer drivel.

Did the delegates who made these recommendations constitute, as they claim to have, a broad and representative cross section of American youth? Eyewitness reports from attending delegates reveal some most startling facts. Of the more than 1,000 youth delegates expected to attend, about 900 actually showed up. There were 400–500 "adult" delegates.

The representative cross section, we find, was actually not so representative. The delegates were drawn from the ranks of leaders and activists, and thus did not represent all those American youth who are not in one way or the other in positions of activism. Additionally, minority groups were over-represented by 50 percent. There was an under-representation of working youth and an over-representation of college students—15 percent of the U.S. population are college students, 21 percent of the delegates were.

Many of the recommendations were voted on in task forces and not by all the delegates. The Foreign Affairs Task Force is illustrative. On questions of U.S. foreign policy, foreign students—who made up 10 percent of the task force—were allowed to vote. Adult delegates—those over 24—were not allowed to vote.

Preparation of the preliminary reports and position papers was done by a staff funded by the White House and headed by Stephen Hess, a presidential appointee. Mr. Hess is anything but sympathetic or objective with regard to what most people regard as administration policies, and it is incredible that he was entrusted with such propaganda machinery. Given the fact that the White House obviously disagreed with many of the ludicrous proposals set forth by this Youth Conference—for example, 37 percent of the delegates voted to demand the resignation of the President, Vice-President and their entire staffs—one can only speculate whether its creation was motivated by masochism or a pronounced death wish.

It appears that the delegates who were invited came, not to discuss the issues, but to announce their solutions to all the problems of the world. They propounded their proposals for the millenia in a hurried, resolution-passing 2½ days. There are still those of us who believe that all ideas are not equal and that one ought to have more than a vague emotional opinion about a subject before issuing ex-cathedra pronouncements.

Members of Congress, the House Republican Conference, were expected to earnestly receive these brayings as the collective voice of American youth. The discouraging thing is, many Congressmen listening to this compilation of schoolboy nonsense seemed actually to take it seriously.

The American public—though it had to foot the bill for this puerile enormity—will hopefully not swallow these recommendations so easily.

YOUNG VETERAN MAJORITY SPEAKS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DERWINSKI. Mr. Speaker, as the debate over Vietnam increases in intensity while the President pursues his Vietnamization policy of reducing U.S. troop involvement, it is necessary that some attention be given to individuals who support the President's program in an effort to balance the tremendous coverage which critics receive from the communications media.

Therefore, I feel a column by the internationally respected foreign correspondent of the Copley Press, Dumitru Danielopol, in the San Diego, Calif., Union of June 14, is worthy of special attention.

The column follows:

YOUNG VETERAN MAJORITY SPEAKS

(By Dumitru Danielopol)

The "Vietnam Veterans for a Just Peace" is another "silent majority" that has decided to speak up.

It challenges the presumption of "the Veterans Against the War in Vietnam" to speak for the majority of Vietnam veterans.

"Only 1,000 anti-war veterans demonstrated," points out Lt. John O'Neill, one of their spokesmen. "Two and a half million Vietnam veterans didn't."

He accused John Kerry, of the anti-Vietnam war veterans organization, of misrepresenting facts when he testified before the Senate Foreign Relations Committee and when he claimed to interpret the feelings of the majority of those who fought in Vietnam.

Kerry cannot speak, O'Neill said, for the 500,000 Vietnam veterans who joined the Veterans of Foreign Wars and the American Legion, nor can he speak in the name of another million men who served in Vietnam and still are in the armed forces.

"The President does our talking for us," he said.

The new organization, P.O. Box 116, Vandeveer Station, Brooklyn, N.Y. 11210, endorses President Nixon's Vietnam policies.

The overwhelming majority of the men who fought this war, it says, believe they were doing the right thing. They were not fighting to preserve the regime of Thieu or Ky, as the liberals and New Left spokesmen intimated, but "our commitment is to the people of Vietnam."

"We believe in the right of self determination and the policy of the President is the correct way to achieve it," O'Neill said.

They support Vietnamization and believe the South Vietnamese can ultimately defend themselves.

O'Neill makes these points:

1. American forces in South Vietnam have helped drive the main enemy forces into the jungles and barren mountains.

2. Eighty per cent of the South Vietnamese people now live in relatively pacified areas. Free local elections have been held and new presidential elections are upcoming.

3. South Vietnam has one million men under arms and almost one million peasants have been armed in local militia to defend their homes and crops.

The veterans warn that the immediate withdrawal of U.S. forces from Vietnam, as advocated by opponents of the President's policies, would play into the hands of the Communists. It wouldn't mean an end of the war, but could precipitate similar Communist aggressions in other parts of the world, they fear.

"The terror and carnage in Hue, Dak Son, Phu Thanh, An Hoa Orphanage, etc., merely serve as a prelude and previews of what may come," the veterans say.

"We went to Vietnam to do a job and we did it under the worst conditions," O'Neill said. "We have given the South Vietnamese the opportunity to be free of outside or Communist domination."

I doubt if O'Neill will get much attention from the "peace at any price" bunch like the Averell Harrimans, the Edward Kennedys, the Frank Churches, the Birch Bayhs, the Mark Hatfields, the Philip Harts, the Paul McCloskeys, the Don Riegles, etc., etc.

But if enough people listen to him, we may not have to create a new crop of veterans in some other Vietnam.

THE NUMBER ONE SOCIAL ISSUE OF OUR TIME

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent statement by Milton J. Shapp, Governor of Pennsylvania, on Drug Addiction and Rehabilitation, before the House of Representatives Select Committee on Crime.

This is a serious problem that must be met at all levels of Government. Governor Shapp is to be complimented on his active interest and deep concern in seeking adequate solutions to the U.S. drug problem, which Governor Shapp correctly calls "the number one social issue of our time."

TESTIMONY OF MILTON J. SHAPP, GOVERNOR OF PENNSYLVANIA ON DRUG ADDICTION AND REHABILITATION

The drug traffic in this nation is the number one social issue of our time.

It could destroy us.

But it could also be contained, controlled and, finally, defeated by enlightened government action.

It is unfortunate that there has been no concerted, nationwide effort to deal with the drug problem, mobilizing the coordinated resources of national, state and local government.

Recent announcements by the Administration here in Washington, and other national sources, are encouraging.

But we have never fought a battle like this before.

We do not have the knowledge we need.

We don't have all the tools and we don't by any means, have the money.

For example, the $155 million sought by the Nixon Administration is woefully inadequate to meet the need.

New York State alone spends $188 million annually.

In Pennsylvania we have estimated our statewide needs at a minimum of $45 million. Facing realistic budget requirements, we have appropriated $20 million for the next fiscal year. This amount will but permit us to inaugurate a reasonable program.

But if such amounts are needed in New York and Pennsylvania, it is obvious that much more than the $155 million allocated by President Nixon will be needed nationwide if we are to really come to grips with this problem.

Gentlemen, you must make up your minds to wage total war on the drug traffic in America.

That war will call for an enormous commitment of our knowledge and our resources.

The alternative to such a commitment will surely be more wrecked lives, further social deterioration, an ever increasing crime rate and ultimately the potential destruction of our society.

In Pennsylvania today, our best estimate of the number of heroin addicts is between 30,000 and 50,000 persons.

In Philadelphia alone there are between 15,000 and 20,000 heroin addicts and between 25,000 and 30,000 persons addicted to other narcotics or dependent upon other dangerous drugs.

The economic impact of the drug problem is as startling as the human toll it takes of its victims.

In order to make the $50 or $70 a day it takes to keep the habit alive, the heroin addict usually steals goods with a market value of $100 to $150 or more which he then sells at a lower price.

Based on these figures, Philadelphia alone suffers a property loss of over $500 million a year. Statewide, it would not be unreasonable to claim that the loss approaches a billion dollars annually. This is in addition to the fact that two-thirds of the muggings and street crimes are drug connected.

Those are the harsh economic facts, facts with which you are probably all too familiar.

But the question you want answered today is this: how can the national government help us, at the state and local level, to deal effectively with the problem? Assuming a federal financial commitment, where would the money go?

When I took office last January, I called upon the State Legislature to inaugurate the first comprehensive statewide drug control and rehabilitation program in our history, to include the problem of alcoholism.

As I said before, estimates as high as $45 million were made to fund the program. Finally, we settled on a first year figure of $20 million, spread through a number of departments, with the central coordinating point being a Council on Drug Abuse within the Office of the Governor.

I was astounded to find that the State of Pennsylvania had, on a payroll of more than 100,000 people, only 30 special narcotics agents charged with the responsibility of controlling the illicit drug traffic.

So, first, we intend to upgrade the positions of the narcotics agents, add more men and give them better training.

Second, we intend to greatly intensify the active role of the Pennsylvania State Police by giving them the tools they need to fight the traffic and apprehend the wholesalers and retailers. For security reasons, I cannot here detail the present work of the State Police in this regard, but I can assure you that their work will have an impact. In my budget for next fiscal year, I have called for the creation of 240 additional positions for State Troopers for assignment to the drug control force.

In both the Departments of Health and Public Welfare, we intend to expand our programs for rehabilitation and for basic and applied research into the proper cures for addiction.

The status of the rehabilitation of addicts, not only in Pennsylvania, but throughout the nation, is in the Dark Ages. I might add though that education concerning the danger of drugs reaches the level of the Stone Age.

We are far short of the need in terms of rehabilitation. Rehabilitation doesn't stop at the door of a treatment center. It must follow the former addict back into the world, to the point where he becomes, once again, a productive member of society.

We are starting to develop realistic programs that recognize that process in Pennsylvania.

For that reason, I have wholeheartedly endorsed the proposal by my Department of Community Affairs that they use part of their on-going job training program to train former addicts for employment. I have increased their job training appropriation for next year, but we are short of sufficient funds to do the job to the fullest extent since we are only able to produce $4 million for the entire program.

Seventy per cent of the men presently serving time in state prisons have drug connected records. Recognition of the drug problem within our prisons and a program to cope with it will become part of our overall program of prison reform.

But, at the same time, I am encouraging our State Board of Probation and Parole to continue seeking federal grants under LEAA and to devise programs whereby those on probation and parole, with drug connected records, can receive the appropriate follow up in this vital arm of our corrections system.

At this point, I want to mention that I am fully aware of the tremendous problem of drugs among our returning Vietnam veterans. Today we are holding a meeting of the appropriate agencies of state government to chart a statewide program for returning veterans, with special emphasis on the drug situation. I shall be happy to report our proposals to this committee.

Presently, in Pennsylvania, treatment is being accomplished by several kinds of facilities. These facilities range from emergency beds in some hospitals for immediate problems to private hospitals for long range treatment.

We have therapeutic communities like Gaudenzia House, Eagleville Sanatorium and Teen Challenge Farms. We have halfway houses, non-profit treatment centers and counseling organizations.

The dominant impression received from those worthy efforts is one of fragmentation. I suspect that "fragmentation" is one of the key descriptions for our nationwide effort thus far.

Another dominant word for the effort thus far is "inadequate."

There are only six methadone maintenance clinics in Pennsylvania, serving approximately 1,300 addicts.

And the Commonwealth of Pennsylvania has *no State facility devoted solely to the drug problem.*

Let me add that my remarks are not meant to downgrade the fine work done by our people at both the private and public levels.

They have done an excellent job.

Particularly through the Law Enforcement Assistance Agency here in Washington, they have had federal help.

But, if they were with me today, they would tell you the same thing I am telling you, that the fight against drug addiction is fragmented and inadequate.

At best, there are a minimum number of beds devoted merely to detox at some state hospitals. Programs for rehabilitation and for after care, to the extent they are available, are privately administered with a negligible degree of state or local involvement.

These activities must be coordinated. Recognizing the need for coordination, I have already discussed with Governor Cahill of New Jersey a joint effort between our states to stop the illicit traffic in drugs over interstate lines.

Under our 1971–72 budget proposal, the state will do more to cooperate with the local communities.

But we desperately need much more than even the state can provide.

More and better facilities . . . professional people in greater numbers . . . better enforcement . . . a full education program starting in the earliest grammar school grades . . . and all of these initiatives call for a massive infusion of help from the federal government.

Gentlemen, provide the professional assistance and financial resources of the federal government to our states and the job can be done.

When analyzing the national need, remember that $45 million is what we really need to cope with the drug problem in the nation's third largest state for the first year of operation. Remember that our state appropriation is also $20 million. Extend those figures nationwide and you will get a good idea of the minimum needed from Washington.

The important thing now is to act.

I am convinced that we can make great strides if we but apply our collective resources and imagination to solving the number one social issue of our time.

Thank you.

BLACK EXPO '71 IMPRESSIVE, INFORMATIVE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BRAY. Mr. Speaker, I was recently privileged to attend Black Expo '71 at the Indiana State Fairgrounds in Indianapolis. The following story from the June 21, 1971, Indianapolis News gives a detailed account of this outstanding civic event:

BLACK EXPO '71 IMPRESSIVE, INFORMATIVE

(By Philip Allen)

Black Expo '71 has left the State Fairgrounds but not without leaving lasting memories, information and even insight into the advancements and progress blacks have made in Indiana.

More than 50,000 persons visited the two-day event over the weekend. Visitors saw more than cultural, educational and commercial booths in Exposition Hall. They saw black identity in all shapes and forms—in commercial products, educational and business opportunities, and most significant, a pictorial history of the Hoosier black man since the Civil War.

James C. Cummings, Jr., chairman of the event, said Black Expo was "a total commitment on the part of the total black community in Indianapolis."

He said the exposition, however, "was designed for the total community."

"The exhibits pointed out exactly where we started and to what heights we have risen," Cummings said. "It was kind of a progress report."

FOR YOUNG BLACKS

He said the exposition was designed particularly to attract young blacks so they might gain insight into the actual advancements their race has made.

"We wanted to show all black people," Cummings added, "that while we still have far to go, potential success now is guaranteed us, and I think this is particularly true in Indiana."

The fair also included entertainment, gospel sounds, a religious service and a basketball game.

At a variety show Saturday night in the Coliseum, the Dells, Honey Cones and Donny Hathaway performed, followed yesterday morning with an ecumenical church service.

The Martin Luther King Jr. benefit basketball game, played yesterday in the Coliseum, featured more than 25 stars from the American and National Basketball Associations.

OTHER FEATURES

In addition, a gospel show, poetry readings, art shows, dramatic presentations and soul music shows were given.

Organizations that helped sponsor Black Expo '71 included the Urban League, National Association for the Advancement of Colored People, Indianapolis Chapter of the Southern Christian Leadership Conference, National Business League and the Federation of Associated Clubs.

Other sponsors included: Black Panther party, Interdenominational Ministerial Alliance, National Council of Negro Women, Community Action Against Poverty and Model Cities.

Businesses with exhibits included The News and The Star, William H. Block Co. and L. S. Ayres & Co. Nonprofit organizations and philanthropic concerns also were represented.

THE NIXON SYNDROME

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. RIEGLE. Mr. Speaker, in last Friday's Washington Post, there appeared an enlightening article written by Rowland Evans and Robert Novak concerning the real story of the discovery of massive heroin addiction among American troops in South Vietnam. Pointing out how a freshman Congressman was the person to bring this tragedy to the public, the article further explains how the Nixon administration minimized the impact of Representative ROBERT STEELE's revelation. A copy of the article follows:

THE NIXON SYNDROME

(By Rowland Evans and Robert Novak)

When a young freshman Republican congressman returned from Vietnam in mid-April with a horrifying story of massive heroin addiction among American troops, he was met by icy irritation from the White House—thereby underlining a political failure that has always bedeviled the Nixon administration.

In fact, the new anti-heroin program unveiled at the White House yesterday stemmed directly from revelations of Rep. Robert Steele of Connecticut. But before that happy point was reached, the 32-year-old first-termer, a Republican moderate, was subjected to the same old mode of operations by President Nixon's staff that has disheartened so many Republican politicians.

Steele's experience is a case study of the Nixon syndrome: the isolation of the President, the arrogance of much of his staff, the White House fetish for secrecy, and the administration's inexplicable refusal to put its best foot forward.

Actually, the Nixon administration has been vigorously working on the drug problem for two and one-half years under the guidance of John Ehrlichman's domestic policy staff at the White House. But nothing much was getting through to the increasingly anxious public or Congress, thanks to the secrecy mania and the Teutonic fastidiousness of the Ehrlichman staff.

Moreover, the White House had been sitting on a secret certain to sicken the American public: beginning in December, 1969, heroin addiction among American troops in Vietnam steadily rose toward epidemic proportions. Typically, instead of putting this problem before the public the White House tried to cover it up.

So pervasive was the heroin traffic among Vietnam GIs, however, that some journalist or visiting congressman was bound to be hit in the face with it. That was precisely what happened when ex-CIA agent Steele and another first-year congressman, 39-year-old Chicago Democrat Morgan Murphy, visited Vietnam. They returned to Washington convinced that the profusion of cheap high-grade heroin in Vietnam was magnifying the national drug crisis in a truly terrifying way.

Even then, the White House could have recouped. Steele, a loyal Republican was not about to attack his own President. Mr. Nixon could have extolled the energy and initiative of a freshman congressman and, in the process, given the impression of forceful prosecution of the problem.

But he did no such thing. At this writing, the President has not even conferred with Steele. Nor has Ehrlichman. Instead, the congressman was shunted off to two young members of Ehrlichman's staff: Egil (Bud) Krogh Jr., 31, Ehrlichman's deputy, and Jeffrey Donfeld, 28, a specialist on drug problems.

Krough and Donfeld greeted Steele's revelations with a posture of boredom and indifference, the hauteur that has made the Ehrlichman staff unloved on Capitol Hill, Donfeld, in particular, confronted Steele in a mood of now, now, my boy, we don't need your advice.

Furthermore, Mr. Nixon tried to minimize the impact of Steele's revelations. At his press conference June 2, the President suggested addiction of Vietnam troops was merely part of the national drug problem—ignoring this harsh fact inherent in Steele's report: soldiers returning home as heroin addicts would never have been introduced to the drug had they not gone to Vietnam.

Both this position by the President and the coolness of his staff toward Steele stem from their awareness that the Vietnam heroin story provides powerful propaganda to the antiwar campaign for a precipitous troop pullout from Vietnam and further undermines diminished faith in the nation's armed services. To cope with this, the White House characteristically pretended it did not exist.

Beyond this, staffers Krogh and Donfeld, having worked night and day on the drug problem, were genuinely irritated by a very junior congressman who had become a 24-hour expert. In so doing, they again betrayed the exasperation of the White House with the legislative branch and its dim realization that Congress exists as a coordinate branch of government.

Within the last few weeks, more politically experienced presidential aides (including counselor Donald Rumsfeld, an ex-congressman) stepped in to take a more conciliatory position with Steele. As a result, Steele, though still chilled by his treatment at the White House, has nothing but praise publicly for the President and his comprehensive new program announced yesterday. But in the Republican cloakroom, the real story is well known and once again betrays to all how shockingly little the White House has learned about the trade of politics.

OPEN DATING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. ROSENTHAL. Mr. Speaker, a recent survey by the Consumer Federation of America showed widespread sale of overage infant formula by grocery and drugstores in five States.

Fifty-seven percent of the stores were selling formula that was more than 18 months old, the maximum shelf life according to industry and medical sources, the CFA reported.

In most cases, consumers were unable to tell the age of the product. Those few that did have expiration dates frequently had them obscured by price stickers or blurred.

This experience points up the need for specific legislative action to protect consumers from the problems of overage and possibly unwholesome foods. It also is further evidence of the need for prompt action on my bill, H.R. 8438, the "Open Dating" bill, which would require that expiration dates be clearly stated on all packaged perishable and semiperishable foods.

I am inserting in the RECORD at this point a news clipping about the CFA survey on infant formula:

[From The Washington Post,
Friday, June 11, 1971]

INFANT FORMULA

The Consumer Federation of America charged yesterday that a spot-check of grocery and drug stores in five states indicated that 57 per cent of the stores are selling infant formula more than 18 months old.

Eighteen months, CFA said, is the "maximum accepted shelf-life established by various companies and the people we have contacted in the medical profession."

The Food and Marketing Committee of the CFA surveyed 110 stores during April and May in Arizona, California, Illinois, Louisiana and Oregon. A similar survey was conducted in Virginia last January which prompted the nationwide check. CFA said large amounts of outdated formula were being sold in Virginia.

The survey revealed evidence of leaking cans, price stickers pasted over expiration dates, and blurred or missing dates and markings, asserted Erma Angevine, CFA executive director.

CFA requested that leading manufacturers—Gerber Products (Modilac), Mead Johnson (Enfamil), Pfizer (Baker's), Borden (Bremil), Ross (Similac)—immediately recall all stale formula, advise retailers of the necessity to make regular and frequent checks of supplies, and begin printing the shelf expiration or manufacturing data clearly on all containers.

CFA urged the Food and Drug Administration to oversee removal of old formula from the market and to set and enforce freshness standards promptly.

A TRULY GOLDEN ANNIVERSARY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BRASCO. Mr. Speaker, not a day passes without some tribute being paid to our immigrant heritage. Most Americans, however, rarely take the trouble to ascertain more about the roots and reality of that heritage.

It comes from many places in the old country, and nowhere is it better represented than in the city of New York and my own borough of Brooklyn. As the immigrants arrived here, more often than not penniless, helpless, and unable to speak English, they relied on the ideals and institutions they were able to uproot and bring with them.

Often these took the form of small societies, based upon what region or town some of these new arrivals hailed from in the old country. Based on religious and communal ties, many of these societies have written glowing chapters in American city life. Such an outstanding group is the First Wloszczower Society, Inc.

This Hebrew association is nonprofit and was formed in New York on March 12, 1921. It shortly began to act as a welcoming and adjustment group for newly arrived immigrants, who so often in the following years came as victims of the worst kind of persecution. Innumerable American citizens today made their first difficult transition from immigrant to useful citizen because of this society.

The First Wloszczower Society acted as a social brotherhood, extending financial aid to the needy, supporting numerous charities, and standing by the new arrivals in times of stress and tragedy. They did everything from help in birthing the living to burying the dead. This work continues today in a glittering example of an ongoing social brotherhood. Such organizations are classic examples of why Americans of Jewish faith have made such significant contributions on all levels of American life.

In recent years, the society has expanded its horizon, outlook, and activities, reaching many who would never have benefited otherwise. It is concerned with the general welfare of the surrounding community, regardless of who belongs or lives there. Its donations and good works on behalf of all the people of New York are well known, respected, and eagerly sought.

This year it celebrates its 50th anniversary. A special day was set aside in its honor by the president of the Borough of Brooklyn. I join in congratulating the First Wloszczower Society of that occasion. Long may they prosper and continue their good works among us.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DICKINSON. Mr. Speaker, last year after considerable debate the House of Representatives voted to include in the Legislative Reorganization Act of 1970 a provision to allow the minority side proper committee staffing. At that time, every Member of this body had an opportunity to decide the question and vote according to the dictates of his own conscience, keeping in mind the general good of the whole House, then, in direct contrast to the will of the "majority"—and I use that term in its generic sense without reference to partisanship—the Democratic caucus in January of this year decided arbitrarily to overturn that vote and bound its members to follow the will of its leadership. With the introduction of the "minority staffing" resolution, the House now has an opportunity to right this grievous wrong in the spirit of fairness and return to the minority side the protection it deserves and needs with the assurance of adequate committee staffing. The very foundation of this body in which we serve is the realization that there are two sides to every question, and I believe it is this willingness to get at both sides of the question and seek the best possible answer for all concerned that has made our country the great Nation it is today. In order to protect the rights of the minority and afford it ample access to the services of professionals who share the views of the minority, we have no other recourse but to pass this resolution.

"PROGRAMS FOR PEACEFUL COMMUNICATIONS"—A PROGRESS REPORT FROM THE AGENCY FOR INTERNATIONAL DEVELOPMENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1971

Mr. ZABLOCKI. Mr. Speaker, in 1969, the House Committee on Foreign Affairs amended the Foreign Assistance Act authorizing the President to use technical assistance funds to carry out "programs for peaceful communications" which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less-developed countries.

This provision of the foreign aid legislation is section 220, programs for peaceful communication.

It resulted from a series of hearings held earlier by the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs.

Those hearings, which I chaired, demonstrated the need for increased U.S. attention to, and assistance for, programs which harness the new electronic media to solving the problems of development by use of effective modern communication.

During the 2 years that section 220 has been in the foreign aid bill, the Agency for International Development—responding positively to this congressional initiative—has increasingly concentrated its attention in this field.

In order to document this increased program support I recently asked the Agency to prepare a detailed report of its activities in pursuit of the objectives set forth by section 220.

It has now responded with a report which indicates that AID's activities in the area of communications technology are expected to grow from $4.5 million in fiscal year 1970 to as much as $13.7 million in fiscal year 1971.

Further, there is the expectation that AID will continue to make this an area of emphasis within its Technical Assistance Bureau.

Because of the importance of these communications-related programs to the cause of worldwide economic development, I am placing the AID report and a letter of transmittal in the RECORD at this point and urge the attention of my colleagues to them:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL
DEVELOPMENT,
Washington, D.C., March 30, 1971.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Per Mr. Bernstein's letter of January 29, 1971 enclosed is a status report of completed or proposed actions relative to Section 220 of the Foreign Assistance Act since April, 1970. Also enclosed are data on actual project obligations for FY 1970 and estimated obligations during FY 1971.

Within existing limitations, we are hopeful that A.I.D. assistance to communications technology activities may increase from 14 projects totalling $4.5 million in FY 1970 to as high as 24 projects totalling $13.7 million in FY 1971. This is a substantial increase in A.I.D.'s communications technology program.

We are encouraged that the operational projects being tested seem to be moving well. For example, in El Salvador schools television is reaching 11,000 students in the seventh and eighth grades and will reach 50,000 by January, 1972. This will be a large enough number to test cost/effectiveness of this type of activity.

Your committee has been interested in A.I.D. establishing centers for concentrated attention to the uses of communications technology in developing countries. We are doing so. FY 1971 funding provides for one center which will be concerned with a broader approach to uses of educational technology in the developing countries. FY 1971 funds have already been allocated to help establish a center in Hawaii. These centers will stress a systems approach and are important in providing trained and skilled personnel from the United States and developing countries to work on communications technology overseas.

In another effort to bring top quality private talent to bear on communications technology in development, A.I.D. has contracted with the Academy for Educational Development to help improve strategies for carrying out both research and action programs and to recommend new applications for such technology. As the report reveals, communications technology work is furthest along in the education field. During FY 1971, it is expanding in family planning work and greater attention will be given to its potential in agricultural development in FY 1972.

We appreciate the support which your subcommittee has given to A.I.D. in programs for peaceful communications and assure you that we will continue to press forward with the program.

Sincerely yours,
MATTHEW J. HARVEY,
Director, Congressional Liaison Staff.

REPORT ON PROGRESS IN IMPLEMENTING SECTION 220 FAA—AUTHORIZING PROGRAMS FOR PEACEFUL COMMUNICATIONS

I. SUMMARY

Section 220 of the Foreign Assistance Act authorizes funds for programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural and community development purposes in the less developed countries (LDCs). A.I.D. is directed to assist the developing countries with research, training, planning assistance and project support in the use of television and related technologies, including satellite transmissions. (See Appendix for full text of Section 220.)

As noted in last year's report to the Congress, A.I.D. believes that communications technology has significant potential for development when effectively applied on a sufficient scale and for an adequate period as a system, not just as an engineering technology or as a supplement to standard educational efforts. By "system" we mean the systematic development and application of concepts, plans, equipment (hardware), instructional materials (software), management and evaluation of results. The system must take account of social, economic and political factors surrounding it. The hardware capabilities are most familiar. Therefore, A.I.D. is concentrating attention on the other aspects of such systems.

In order to support LDC efforts most effectively, A.I.D. is following five general principles in programming its scarce communications resources:

1. Focus on pilot projects which may contribute to major breakthroughs in the development of communications systems.

2. Provide qualified professional staff to help make these pilot efforts effective.

3. Develop programs that are problem-oriented, not communications-media-oriented, i.e., design the technology to meet the needs of the key problems rather than searching for uses of available technology.

4. Develop local competence with particular stress on systems-oriented project planning, project administration, quality content development, careful evaluation, and planning for continuing innovation.

5. Consider the cost-effectiveness of multipurpose communications systems.

A.I.D.'s attention to communications technology is reflected in increased financial support. FY 1970 obligations totalled $4.5 million. Depending on the availability of funds in FY 1971, up to $13.7 million, may be obligated for proposed projects. The number of projects increased from 14 in FY 1970 to 24 proposed in FY 1971. (See project list in appendix.) The possible tripling in A.I.D. funding between FY 1970 and FY 1971 is indicative of the growing efforts by A.I.D. to carry out the intent of Section 220 of the Foreign Assistance Act.

The successful mass dissemination of education and information by traditional means is beyond the financial and resource capabilities of most of the LDCs. Many countries are becoming aware that mass communications techniques may provide a significant part of the answer in education, population, agriculture and other areas.

However, LDC experience with such techniques is still limited. No large development-oriented communications systems have been tried in the developing countries. Therefore, the questions of size and cost/effectiveness cannot yet be satisfactorily addressed. Too few people are trained in key aspects of operating large, public communications technology projects, such as planning, program development, administration, and evaluation. Lack of electricity and maintenance skills, inadequate supply of instructional materials appropriate for newer communication technologies, plus language differences are significant roadblocks in many parts of the developing world.

Utilization of communications technology is farthest along in the educational sector. Interregional staffs are concentrating on communications technology as one of three key areas in education. Use is also increasing in the field of family planning. In those countries in which the "Green Revolution" is taking place, modern communication technologies are being utilized to achieve widespread adoption of new agricultural technology. Countries such as the Philippines, Korea, Vietnam, India, Pakistan and Turkey have one or more daily radio programs and, where available, TV programs to carry pertinent reporting. Especially in the Philippines and Vietnam, mobile audio-visual units have been used to teach farmers the technology needed to cultivate the new high-yielding rice varieties developed at the International Rice Research Institute. Nevertheless, more experimentation is needed to determine whether increased use of communications technology in agriculture would be useful. Expert consultants will be employed during FR 1972 to explore the potential for expanded A.I.D. support of LDC efforts to use communications technology in agriculture.

II. BACKGROUND

In the April 30, 1970 statement of Dr. Joel Bernstein before the Subcommittee on National Security Policy and Scientific Development of the Committee on Foreign Affairs, House of Representatives, A.I.D. reported on its plans and actions in response to Section 220, Programs for Peaceful Communications, of the Foreign Assistance Act of 1970. That statement described twelve projects which A.I.D. has been supporting in the past several years prior to introduction of Section 220. Significant developments for some of these projects during the last year are summarized below.

El Salvador—Educational reform through instructional television

Started in August 1968, this is the most important project involving communications technology assisted by A.I.D. The number of seventh and eighth grade students covered under the new system increased from 7500 in April 30, 1970 to 11,000 in February 1971.

The El Salvador ETV project is a program of potential international significance because of the ambitious attempt by the Government of El Salvador to effect major educational reforms with the help of technology. Television is being used in an effort to reform junior high school education, develop new educational objectives, make curricula more relevant to development needs, introduce new and more effective instructional methods, and retrain every classroom teacher. Television is being used as the key element in modernizing an entire educational system. The scale of operation is large enough to permit adequate analysis of the cost/effectiveness of communications technology innovations. El Salvador hopes to reach 50,000 junior high school students with this program by January 1972.

AID-financed assistance has played a major role in helping to plan and implement this project. Technical assistance totalling $1 million to date has provided help in curriculum development, teacher training, television production, and administration. An $8 million loan for primary level classroom construction and for extension of the television based reform to both primary school grades has been approved by A.I.D. A proposed $1.9 million loan to provide technical assistance for a two-channel instructional television production, transmission, and reception system is under review.

In cooperation with El Salvador A.I.D. started a detailed evaluation of this project in July 1968 through a contract with the Academy for Educational Development, utilizing experts from Stanford University and other institutions. This is perhaps the most comprehensive effort at scientific evaluation of an educational innovation yet undertaken in a developing country. The evaluation encompasses studies of student learning, teacher attitudes, costs, administration and societal effects. The primary function is to learn as much as possible about benefits which may be applied by other countries in similar uses of instructional technology educational reform programs.

Kenya—Radio-correspondence education

This project has developed materials and trained staff for the use of radio to broadcast general education training programs directed toward upgrading the level of education of Kenyans. 55,000 course guides and 400 tapes have been prepared and 7 course writers trained. A.I.D. grant assistance amounting to $670,000 will be completed in FY 1971 and responsibility for program administration will be transferred to Kenya's Institute of Adult Studies at that time.

South Vietnam—Instructional radio program

An educational materials program of substantial magnitude was started in Vietnam in the early 1960's. A radio education project developed through the Instructional Materials Production Center produces radio programs which are broadcast twice daily to Vietnamese classrooms. Started in 1967, this radio service has developed a library of some 300 fifteen-minute radio programs and is designed to reach 95% of the children enrolled in school.

In agriculture, use is made of demonstrations, printed materials, TV and taped radio programs. The effective operation in the National Rice Production Training Center of communications technology contributed to the success of the accelerated rice production program. In public health, newspapers, films, radio spots and TV shows are all used.

Southeast Asia regional center for educational innovation and technology

Under sponsorship of the Southeast Asian Ministers of Education Organization, a Regional Center for Educational Innovation and Technology has been established. The program will focus on identifying and resolving education problems of the region through systematic and innovative approaches. Stress will be on the development of solutions to educational problems involving both new technology and a restructuring of present methods and uses of materials and equipment.

Initial study and training programs are underway at temporary quarters made available by the Government of Singapore pending relocation in Saigon.

The Center program will involve key educational personnel of the eight cooperating countries (Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam) and will be coordinated with current efforts of each country. The A.I.D. FY 1971 grant assistance is estimated at approximately $385,000, including contract services of two U.S. advisors. This compares with A.I.D. grant assistance of $83,000 in FY 1969 and $350,000 in FY 1970. Future support will be on a multi-donor basis.

III. DEVELOPMENT OF NEW INSTITUTIONAL CAPABILITIES AND PROJECTS

Since the report on A.I.D. activities related to peaceful communications on April 30, 1970 considerable progress has been made. A.I.D.'s current assistance efforts can be separated into three major parts:

A. *Research, Development and Evaluation*, laying the groundwork for more effective use of the communications technologies.

B. *Planning and Assisting* with the initiation of projects.

C. *Supporting Operational Projects*. In line with Section 220, A.I.D. uses non-governmental institutions and state universities, coordinates closely with other Federal agencies, such as HEW, NASA and INTELSAT and works with international and regional agencies.

Summaries of selected projects are presented below. A list of other projects may be found in the Appendix.

A. Research, Development, and Evaluation Projects

1. Using Section 211(d) funds, A.I.D. is supporting the establishment of centers for use of modern communications in social and economic development. The first international center for educational technology in the developing countries is being set up at a State university under a $1 million five-year grant. The grant will strengthen the university's capacity to: (1) apply developmental systems research to educational technology, (2) design alternative systems for application of educational technologies, (3) collect, analyze and disseminate research materials, (4) develop an interdisciplinary resource base for research, consulting, and operations, including training of LDC and U.S. specialists and (5) establish working relationships with organizations and projects concerned

with use of educational technologies in the developing countries.

A.I.D. has also agreed to provide $1,047,000 in FY 1971 grant funds to assist in establishing a similar Center at the East-West Center of the University of Hawaii which will focus on the use of radio, television, motion pictures and other modern communications techniques in assisting in family planning and other aspects of economic development. With the help of the Stanford University Communications Center and other U.S. universities, the Hawaiian institution will undertake analysis, planning, training of personnel, research, provsion of consulting services and evaluation of projects relating to the use of communications technology in economic development, with special emphasis on family planning.

2. In one project (Analytical Services in Relating Communications Technology to Development) the Academy for Educational Development (AED) is studying (a) comparative educational effects for LDCs of a variety of technological and media combinations; (b) estimates of the availability of satellites and other communications technologies for the LDCs over the next five years; (c) priorities for research and development in LDC educational technologies; and (d) steps that countries planning to use satellites or similar technologies might desirably take before deployment of such systems. AED is also preparing a series of policy studies on uses of communications systems in nutrition, population, formal and nonformal education, agriculture, and community development. As part of this project George Washington University is studying more effective uses of communications technology focused on the rural family unit and the urban poor family unit. Special attention is being given to integrating the use of these techniques into formal basic education, nutrition, and maternal and child health activities.

3. Negotiations are under way with a leading university to provide advice on costs and engineering and technical aspects of alternative telecommunications techniques. A project is being developed to undertake research on the use of low-cost communications technologies in education.

4. An International Advisory Committee of ten to twelve experts is being established with A.I.D. assistance to meet periodically on policy development and serve as project consultants. The committee will be composed of experts in communications, instructional technologies, education, economics, systems planning, social and behavioral science, electronics technology and possible substantive areas such as nutrition. Members will be drawn from LDCs, multilateral agencies, and the U.S. A.I.D. is also sponsoring an international conference on communications technology and social development to be held in June 1971.

5. A program to test and evaluate El Salvador's ETV-based educational reform described earlier is well established in another A.I.D. project utilizing experts from Stanford, Harvard and Drexel Universities. There has been comprehensive testing of student achievement, student and teacher attitudes, effect on teaching methods and student intellectual skills. Comparisons are being made between classes with TV and other modern elements and traditional classes with no TV by observing teachers and students in the classroom. Cost and manpower requirements are being studied. Initial results useful in policy making will become available by Spring of 1971.

6. Under a project to study Latin American educational technology, Florida State University will help selected Latin America countries analyze, evaluate and prepare project designs involving innovative techniques for reducing educational costs per unit. First studies are planned in Brazil, Colombia, Panama and Guatemala. In a subproject Florida State is studying present use of ETV and potential use of satellite range telecasting in Brazilian schools. These activities will help determine the scope of uses of funds under a proposed educational sector loan to Brazil. A.I.D. provided $118,000 in FY 1970 for research and plans $110,000 in FY 1971.

B. Planning and Assisting in the Initiation of Projects

1. A.I.D. is assisting the planning of field projects using communications technologies. In Korea, Florida State University has completed an analysis of the education sector, including possible application of educational television. A.I.D. has also financed four seminars for LDC participants in family planning communications techniques.

2. A.I.D. will also assist three African countries (Lesotho, Botswana, and Swaziland) in applying educational radio combined with programmed learning. A.I.D. also has sent a team to the Congo to assess possibilities for the expansion of educational television and radio.

3. In FY 1970 India began to test television broadcasting for information-education support of family planning. This was undertaken partly in anticipation of the satellite broadcasting project now planned for FY 1972. The pilot experiment is being funded with trust fund rupees provided by the A.I.D. Mission.

4. A.I.D. staff and consultants have been working with UNESCO and other organizations in developing projects in the Ivory Coast and India.

C. Support of Operational Projects

1. The Government of Colombia has requested grant A.I.D. technical assistance to carry out a major reform of the administrative and planning divisions of the Ministry of Education and to increase cost/effectiveness through use of promising innovations and educational technology in the formal and non-formal educational systems. If the proposed project is approved, an A.I.D.-financed contract team will (a) assist in training the staff of the Ministry and universities, (2) provide computerized data management and capacity for systematic analysis of data and (3) develop capacity for analysis of cost/effectiveness of the formal education system and of innovations involving educational technologies in both formal and non-formal education. If the results of controlled experimentation prove favorable on a cost-effective basis, it is hoped that the Government of Colombia will commit itself to innovations and use of educational systems on a national basis, with A.I.D. assistance in the form of an education sector loan. A.I.D. has tentatively budgeted $440,000 of technical assistance funds for this project in FY 1971.

2. The rapidly evolving satellite technology will understandably play a larger role in the communications field. The INTELSAT system already links more than 40 nations, including many developing nations, and the initial steps are being taken to test the feasibility of using this system for educational and development purposes. In general, use of satellites for internal communications seems to be more practicable in large countries, with widely dispersed populations that are not yet linked together by ground networks with an expansion capacity. Within a few years INTELSAT satellites will have the capability to broadcast directly to thousands of village receiving sets, and, as previously mentioned, several developing countries are considering development of their own satellite capability to serve internal commercial communication needs and at the same time provide new approaches to development problems.

3. Increased assistance is being provided by A.I.D. to strengthen the information, education and communications techniques used by the developing countries to support family planning programs. A.I.D. help is being extended through the International Planned Parenthood Federation, the Pathfinder Fund, the Population Council, the United Nations Program, the Population Center of the University of North Carolina, Church World Service, World Education, Inc., the World Assembly of Youth, and other institutions.

In FY 1971 A.I.D. proposes to finance a contract to improve techniques of family planning education overseas. Specialists will assist selected countries in developing and using audio visual, radio and TV materials to foster family planning.

At the request of the Philippine Government, A.I.D. has provided $774,000 for the first full year of a family planning information program. This money will help support the Media Production Center of the Government with technical advisory aid, commodities and funding help to coordinate the use of information, education and communications techniques by Government, private agencies and institutions. The intended educational-communication support entails extensive use of radio, television, motion picture, and other mass media.

4. In another project (Information Preparation and Dissemination Educational Technology) the Academy for Educational Development is responsible for (a) producing a film on the educational technology projects in El Salvador and Niger for distribution to LDC officials and AID Missions, (b) preparing a handbook and an annotated bibliography for education planners; (c) conducting seminars on modern educational technologies, initially in Brazil, El Salvador, Korea and Singapore; and (d) sending small teams of experts to selected countries to help develop education planning concepts. An information reference service now operating under the project includes a system of responding to inquiries and an Information Center in Washington where visiting overseas specialists can review materials, watch illustrative films and video tapes, and be directed to other sources of information.

APPENDIX

AID PROJECTS RELATED TO COMMUNICATIONS TECHNOLOGY

(Obligations, in thousands of dollars)

Project title	Fiscal year 1969 cumulative	Amount: Fiscal year 1970 actual	Amount: Fiscal year 1971 estimated
INTERREGIONAL			
Education:			
Evaluation of educational technology systems		168	210
Information preparation and dissemination		116	110
Analytical services (strategy)		471	109
Educational technology for training teachers of English as a foreign language	[1]1,444		40
211d grant for Education Technology Center			1,000
Research in educational technology			200

Footnote at end of table.

Project title	Amount		
	Fiscal year 1969 cumulative	Fiscal year 1970 actual	Fiscal year 1971 estimated
Population:			
Assistance in information, education, and communications activities			1,600
Training films—production and distribution			600
Computer-assisted training in family planning			282
Development of information, education, and communication base for services and training (East-West Center)			1,047
Inventory and analysis of information and communications (East-West Center)			312
Family planning education through adult literacy programs	53	295	470
REGIONAL PROJECTS			
Latin America:			
Regional educational technology (in selected Latin American countries)		118	110
Regional development of multidisciplinary competence in education		600	
Regional use of Intelsat as an educational services medium		100	
Brazil: Portion of educational sector loan for innovations, including communications technology			2,500
Colombia:			
Educational technology and management			440
Instructional TV	600		
El Salvador educational reform program:			
Grant	[1] 1,053		
Loans	[1] 10,100		
Africa:			
Kenya:			
Radio correspondence education	482	188	
Radio/TV information	1,139	183	
Nigeria: Advanced Teacher College	4,650	650	190
Near East and South Asia:			
Regional activities: Programed learning (India/Pakistan)	60		10
East Asia:			
Regional: Southeast Asia Center for Educational Innovation and Technology	83	350	385
Korea: Education policy and planning	486	241	178
Thailand: Programed instruction	150		
The Philippines: Social communications center (I.E. & C.)			564
The Philippines: National Media Production Center			109
Vietnam:			
Instructional radio program	206	21	25
Grand total	20,989	4,743	13,681

[1] Cumulative funding, fiscal years 1962–70.

Section 220. Programs for Peaceful Communication.

(a) The President is authorized to use funds made available under Section 212 to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

(b) In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for Part I shall, to the extent possible, assist the developing countries with research, training, planning assistance, and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

(c) In implementing activities under this section the agency primarily responsible for Part I shall coordinate closely with Federal, State, and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not conisistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Sgt. Norman Payne, U.S. Army, RA15577686, Cleveland, Ohio. Graduate of John Adams High School. Officially listed as missing December 19, 1968. As of today Sergeant Payne has been missing in action in Southeast Asia for 916 days.

AND GOD SAID, REPLENISH THE EARTH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, a recent article written by Richard J. Pfeiffer and published in a brochure by North American Rockwell outlines the many important contributions of our national space program to our daily lives. From medicine to astronomy our national space effort is helping to improve our standard of living and solve our problems here on earth. I commend Mr. Pfeiffer's article to your reading:

AND GOD SAID, REPLENISH THE EARTH *

(By Richard J. Pfeiffer)

In the last 30 years, the world has consumed more of its natural resources than since man came on the face of the earth. Before long, some resources will be exhausted.

Two-thirds of the people on earth are poor, hungry, undernourished. Yet by the year 2000, global population is expected to double. That's 7 billion people! How will they be fed, let alone clothed or housed?

Recently, a noted biologist said: "Calling the population explosion a problem of undeveloped nations is like saying to a fellow passenger, 'Your end of the boat in sinking'."

A satellite passes over a given spot on the earth twice a day. And with each pass, it reports another drop in the quality of the air we breathe.

The good earth accepts our DDT, sewage, sludge, trash, smog, noise, phosphate and other contaminants, and quietly, relentlessly deteriorates.

Into the breach have stepped hundreds of Conservation groups, each with a cause. Save the Dunes, Clean up Lake Erie, Zero Population Growth, Ban the Sonic Boom, Friends of Nature, The Mountaineers. They've accomplished much, fanned public awareness, even taken polluters to court.

The government at all levels has put new legislation in the books to deal with the environment. And responding to public outrage and concern, many companies have invested millions in environment control equipment for their factories and accelerated research for solutions they don't have now.

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* Genesis I: 28.

Unfortunately, none of these efforts—or all of them, for that matter—will completely solve the problem. For the problem is the world itself. Everything relates, everything is dependent. It transcends local and national boundaries.

The Mississippi will never be clear, even if all industrial pollution stops along its banks, for the rains wash fertilizer from farmlands into its many tributaries, growing algae and slowing the movement of the water.

"The Houston Ship Channel is too thick to drink and too thin to plow," says an article in a current news magazine.

The Cuyahoga River in Ohio caught fire because it was clogged by volatile wastes. The Rhine River in Germany is even more polluted.

From a spokesman for consumers: "If an individual cannot relieve himself in the Detroit River, I don't see any reason why corporations should be allowed to."

American women carry in their breast milk 3 to 10 times the amount of DDT that the Federal Government permits in dairy milk. And in tiny islands off Bermuda the same pesticide kills fish and wildfowl although it has never been used in the area. The trade winds brought it from North Africa.

And a famed underwater explorer recently said: "The oceans are in danger of dying. The pollution is general. People do not realize that all pollution ends up in the seas. The earth is less polluted. It is washed by the rain which carries everything into the oceans, where life has diminished drastically in the last 20 years."

The world is small indeed. Which is why an international venture of some kind is our only hope for survival. And surprisingly, such a venture exists, one that is capable of helping us solve and manage the problem.

It's more international than you may think. So far, 74 countries have joined us in everything from ground-based studies to actual flight of their satellites. Among the most active have been Great Britain, Germany, Canada, Italy, France, India, Norway, Sweden, Pakistan, Argentina, Brazil.

From space we can extend the liveability of earth. From space orbits, the new lands of our time, man can achieve the overview and the information to cope with threats below.

What are some of the practical applications of space? How will man benefit? What are the returns?

Consider our water resources. From space we can identify a water pattern, predict the development of a watershed, foresee a flood, protect crops and property.

Accurate surveys of timberland are difficult, if not impossible, to achieve, because most forests are in remote areas. From space it's easy. We can instantaneously identify kinds of timber, spot disease, estimate yield and provide early warning of forest fires.

Agricultural data around the world is unreliable, sometimes nonexistent. Yet as hunger and malnutrition spread, such information becomes more and more vital. Space crews, working with remote sensing equipment, can identify crops and acreage, discern the vigor of the crop, any diseases or pests, and estimate yield per acre. They can even spot wheat rust before the farmer can. With all this, regional and global inventories are a matter of simple math.

A national magazine says: "In the U.S. we will be left by 1995 with just 1.4 acres per person upon which to raise a year's supply of food."

Geologists looking at random photographs of the earth from space found a clue to new oil fields in the Near East. From our vantage point in space, we can make a scientific study of the entire face of the globe, searching for petroleum and mineral deposits to replace our dwindling supplies.

With today's weather satellite we can only forecast imprecisely. With a satellite system we can tell a farmer when to plant, plow or harvest, even advise you what the weather will be like on your vacation. Can you imagine the savings in time alone by simply knowing whether there will be sun or rain?

"Now we have a chance to go up and look at ourselves, see how we're crudding up our own place and do something about it".—Frank Dowdall, space engineer.

You've read about Air Traffic Control and how the problem gets worse every day. With navigation reference from satellites, controllers will be able to pinpoint a plane within 50 feet and 1½ mph airspeed.

How about smog? We can measure it accurately from space and plot weather patterns that build up to create it, thereby permitting us to do something about it in advance.

An aerospace company has made an offer to pharmaceutical manufacturers to grow drug cultures in space. In zero gravity these cultures will grow far better and quicker.

In zero gravity, also, we can manufacture a foam-type steel by introducing gases into molten metal. The new material would be as strong and rigid as solid steel, and as light in weight as balsa wood.

Communications satellites that carry TV pictures across the ocean are old hat to us now. But for the moment, let's consider telephone and data transmission networks, already hard pressed to provide adequate service. How will they handle the demands of a burgeoning population? Certainly not with more cables. The cost of laying or stringing them would be prohibitive. Satellites? Naturally. You just dial up and get your information or your neighbor. And if a doctor at Mayo Clinic wants to diagnose a patient in India, that can be arranged too, with instantaneous transmission of voice and picture.

Military surveillance? We can see them. They can see us. Nothing happens. It's that simple.

The oncoming utilization of space will give man the system and the means to overcome the ills that plague his planet. According to a former Secretary of the Interior: "The perspective of space travel has emphasized that earth is where our roots will always remain."

But how will it be done? How much will it cost? And most important, can we afford it?

Or even a more pointed question, why did we spend all that money going to the moon when there was a more important job to do back here on earth?

The answer: Apollo was a technology program. We had to, in effect, write the book on space. During this period we developed our brute force, our engine and thruster technology, our fundamentals so to speak. Now we can profit from our experience. Now the investment pays off.

It starts with a new space transportation system. Not an expendable or throwaway system like Apollo and its Saturn booster, but a system that can be used over and over again.

It's called a Space Shuttle and it's on the drawing boards for NASA right now. It could be operational within eight years. The Shuttle is an engineering and design problem. Most of the technology has been accomplished by Apollo and its predecessors.

If you could imagine a 707 jet strapped to the top of a 747, you would have a fairly good idea of the Shuttle, including its size. The pair are launched vertically with the larger vehicle, the booster, lifting to 215,000 feet where staging occurs. After separation the smaller vehicle, the orbiter, fires its engines and continues on into orbit, while the booster makes a leisurely return to earth, landing like a normal airplane.

After completing its mission in space, the orbiter also returns to earth and lands like an airplane.

The Shuttle will be capable of 100 flights and two weeks' turnaround for each launch. It will deliver crew and cargo to space; place, retrieve, maintain and service satellites; deploy and fuel propulsion stages. In short, it's a truck.

What will it cost? About $8 billion, spread over several years. One-third of what we have spent on all manned space programs to date.

That's a lot of money, to be sure, but look at it another way. A Senator recently said: "On a per capita basis, we spend $134 a year on restaurants and bars; $104 on telephone service; on laundry and cleaning, $37; on automobile repairs, $25; on television sets; $20; on tobacco, $18; on social action programs, $386; on defense, $386. On space we spend $17 per person."

Actually, the space program today accounts for only 1½% of the Federal budget. During the Seventies, it will begin to pay its own way and our investment will be returned a hundredfold.

The Shuttle, for instance, will cut launch costs by 90%. And since it'll be used again and again, the savings in space vehicles will be tremendous. But most of all, space will be easily—and economically—accessible, making possible more benefits than we can imagine.

In the past decade the Free World has put about 700 payloads into space, and many of these satellites are not functioning now, dead in the sky. Our first Orbiting Astronomical Obervatory, for one, suffered a power failure as soon as it arrived in space. With a Shuttle, maintenance men can visit these satellites and any others we put up there, and get them working again. In some cases, all they need is a new battery or other minor service.

Also, we can save about one-third the cost of building a satellite if we know going in that we can repair it in space.

How about the returns in dollars? Here's one example. With an accurate five-day weather forecast from a cluster of satellites parked in orbit around the world, we'll save farmers $2½ billion a year alone. That's $2½ billion! Three-fourths of the entire annual space budget!

Of course, it will take more than a transportation system to exist in space. There must be a house, a workshop, a Space Station of some kind where men can live and work in comfort.

Such a facility is being designed for NASA. It will be about the size of a school bus so that it can fit in the cargo bay of the Shuttle. Once up there, it'll simply be pushed out the door. No launch requirements at all.

The Space Station could be operational following the Shuttle development. Mainly a scientific facility, it'll be programmed for a series of services to earth.

"In our space program we're witnessing the start of a new cooperative effort among nations."—a leading industrialist.

Scientists and industries in countries throughout the Free World are anxious to participate in Space Services with us because they, too, can see how it will reverse the processes of our deteriorating environment.

But time is running out. For the generations to come, we must begin to manage and protect the environment, already a national priority. And of course, it's important that we continue to expand our nation's technological base.

The space program shows the way.

There appears to be an almost universal lack of understanding of the numerous benefits that have accrued and will continue to accrue to mankind as a result of the United States' space program.

In a recent analysis of the space program, the Committee on Science and Astronautics, U.S. House of Representatives, stated in its report:

"Space research already has produced an extremely broad range of concrete benefits, not only to the American citizenry but the people of many nations. The flow of 'hard benefits' has grown from a trickle to a stream, and it is widening to a river as expanding technology uncovers more and more ways of improving man's mode of existence."

The article you have just read is a factual compilation of those benefits as reported in many of this country's leading publications, including: The Wall Street Journal, Aviation Week, The Christian Science Monitor, Newsweek, Look, Business Week, Time, Fortune, and many others.

North American Rockwell.

COMMITTEE STUDIES CARGO OPERATIONS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. EILBERG. Mr. Speaker, because I believe that Congress should be more aware of what its creatures are doing, it is a pleasure for me to submit for the RECORD a statement by James R. Kelly, director, World Trade Division, Delaware River Port Authority, in relation to the study of cargo operations by the House Committee on Merchant Marine and Fisheries. The Delaware River Port Authority is the result of a compact between the Commonwealth of Pennsylvania and the State of New Jersey, created with the consent of Congress.

In my opinion, Mr. Kelly's statement before the committee clearly outlines areas of interest to the communities affected in the area. The statement follows:

STATEMENT BY JAMES R. KELLY

My name is James R. Kelly, Director, World Trade Division, Delaware River Port Authority, Philadelphia, Pennsylvania. In March 1971, Representative Garmatz announced that the Committee on Merchant Marine and Fisheries would conduct an "in-depth" study of cargo operations and listed eleven points to be covered. My statement will cover only some of those items.

The Delaware River Port Authority is a self-sustaining, public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey, created by compact between the States with the consent of Congress. The port district over which the Authority has jurisdiction is defined in the compact as all of the territory within the Counties of Delaware and Philadelphia, in Pennsylvania and the Counties of Burlington, Atlantic, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem in New Jersey. This district includes within its confines the Ports of Philadelphia, Camden, Gloucester, Chester, Marcus Hook and Paulsboro, which ports are referred to generally as the "Ports of Philadelphia"

The purposes of the Authority include the promotion of the Delaware River as a highway of commerce; and the institution, or intervention in any litigation involving rates, preferences, rebates or other matters vital to the interest of the port district; to cooperate with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware River and the Port District.

The Authority maintains sales offices in Chicago, New York, Pittsburgh and Washington, D.C. in the United States. Overseas, it has offices in London, England; Antwerp, Belgium; Milan, Italy; Bogota, Colombia; Tokyo, Japan and Hong Kong. All of these offices maintain close contact with the business community in their area. In the overseas areas, our members are familiar with local business practices and habits.

The Authority spends over $1 million annually promoting the Ports of Philadelphia.

The economy of the area is dependent upon a viable port. There are over 100,000 jobs allied with port operation, including 5000 longshoremen with an annual payroll of $25 million. Custom receipts amount to approximately $130 million per year. The City of Philadelphia is completing a $100 million port improvement program to meet the demands of modern cargo handling methods.

ARE CARGO SOLICITATION EFFORTS ON THE PART OF AMERICAN OPERATORS ADEQUATE?

Solicitation of cargo is a joint endeavor between all parties interested in the flow of goods in foreign commerce. This includes steamship personnel, banks, inland carriers, and port representatives. There is a constant exchange of information between all these parties because of the many different factors which influence the movement. Many of our larger industrial complexes draw upon plants located at several different points, usually great distances apart. Special arrangements are needed to assure that all of the cargo will move on the same ship.

Many of the steamship lines call at several North Atlantic ports. The solicitors representing the vessel operators do not prefer one port over another just so long as the cargo moves via their line. Therefore, it is necessary for the port authorities and the representatives of the local port related businesses to have salesmen in the field endeavoring to influence the flow of cargo. In the United States, the movement of commodities is subject to Federal regulation. All rates for the transportation of cargo are filed either with the Interstate Commerce Commission or the Federal Maritime Commission. There are very few opportunities for one shipper or consignee to receive more favorable rate consideration than another for the same service.

It would appear that the cargo solicitation efforts of the American operator are adequate in the United States because of the cooperation with the other port related industries.

INVESTIGATION OF THE OFF-REPEATED CONTENTION THAT FOREIGN SHIPPING COMPANIES ARE KICKING BACK AND REBATING PART OF THE FREIGHT CHARGES TO THE SHIPPER

As was stated in the discussion of the previous subject, transportation in the United States is regulated by Federal authorities which require that all rates, charges and regulations be filed so that every shipper is treated alike. However, this practice is not followed in other countries and the solicitation of cargo reflects the local business practice. Many of the foreign flag operators are controlled by the local governments who use the financial resources of the state to maintain the line. This enables the solicitor to arrange special provisions depending upon the quantity of cargo involved.

In Continental Europe, for example, the freight forwarder is able to take complete control of a shipment from origin to destination. The shipper is quoted a single figure for the movement. All of the individual charges for the various modes of transportation and terminal services are negotiated by the freight forwarder. The rates usually vary, depending upon the quantity that the forwarder offers the carrier.

In Japan, where the government controls most of industry as well as the shipping companies, it is possible to arrange various different contracts.

This is one of the reasons why the Delaware River Port Authority has established offices in cities throughout the world so that we can be familiar with local practices and customs.

IS THE COMPETITIVE BID PROCEDURE NOW FOLLOWED BY MSC SOUND AND IN THE PUBLIC INTEREST?

This matter is now being investigated by the Federal Maritime Commission in Docket 71–35. The Delaware River Port Authority is a party to the case so we will not enlarge too much on this subject.

However, under the present arrangement, even though a steamship line may be the successful bidder when the cargo is actually offered, the operator can refuse it because he does not have a vessel in position. The government is forced to then contact the next higher bidder until he finds one who will accept the cargo. This means that in some cases cargo may be at a port for a long time until a vessel arrives.

On the other hand, because of certain regulations provided under the rules of the Interstate Commerce Commission (Section 22), it is possible to control the port of exit. This is especially true when you have two or three ports so closely situated as New York, Philadelphia and Baltimore. The present limited access highway system enables motor carrier to go from Philadelphia to either Baltimore or New York in roughly three hours because the mileage is less than 100 miles.

Another factor that influences the movement of military cargo is the location of government owned and operated marine terminals. Even though the bid by a vessel operator may be equal from two ports, if one port has a government owned and operated terminal facility, it will probably be selected over a public or private terminal facility.

THE FUNCTIONS AND ACTIVITIES OF THE FEDERAL MARITIME COMMISSION AS THEY RELATE TO CARGO OPERATIONS FOR AMERICAN FLAG VESSELS

With the development of the movement of cargo in containers, new methods of controlling the shipments have come into existence. Containers loaded at an inland point move over the land to a port, onto a vessel for transportation overseas and turned over to another carrier for delivery at an inland destination, without anyone touching the lading. There has been an effort in the United States to provide a service of transportation similar to the type provided by the freight forwarders in Europe, i.e., one charge from origin to destination. However, with the present operation of both the Federal Maritime Commission and the Interstate Commerce Commission, it is not possible to achieve this.

The I.C.C. regulates the transportation within the United States and the F.M.C., transportation outside the U.S. or foreign commerce. Both organizations require detailed quotations for the section of the transportation under its jurisdiction. As long as the laws governing both the I.C.C. and F.M.C. remain as they are, there is little hope that there will be any simplification or modernization of the transportation picture as it applies to container movement. It appears that Congress will have to act in some fashion to remove the stumbling block. In the 91st session of Congress, some steps were taken by the introduction of the Trade Simplification Act. However, it never reached a successful conclusion. This matter should not be allowed to grow stale, if foreign trade by American concerns is to develop and grow. Some Congressional action is needed to provide overall jurisdiction for shipments that are now subject to the separate rules and regulations of both the I.C.C. and F.M.C.

As stated at the beginning of this statement, no attempt has been made to comment on all of the subjects listed for consideration in your committee's study of cargo operations. I have limited my remarks to those subjects which are closely related to the efforts of the World Trade Division of the Delaware River Port Authority.

GOATS AND DEVILS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BRAY. Mr. Speaker, amidst all the controversy surrounding the Vietnam papers, the following editorial from the Chicago Tribune of June 22, 1971, contributes much to straighten out the matter and give it some much-needed perspective.

The editorial follows:

GOATS AND DEVILS

Mike Mansfield, Senate majority leader, who has proposed a Senate investigation of the Pentagon papers bearing on the record of American involvement in the Indochina War, said very sensibly yesterday that he seeks "neither goat nor devil" in such an inquiry. He said that party politics had nothing to do with "the descent into the morass" and that the people would not be impressed by a search for scapegoats.

This needed badly to be said, for the publication of the bootlegged documents by the New York Times and Washington Post has led to an outburst of harsh and strident accusation. Some of those joining the outcry blandly ignore their own inconsistency, for from the hawk they have transformed themselves to dove with bland disregard of their records.

One such is Sen. Stuart Symington of Missouri, who appeared on television Sunday to praise the Times and imply that the leadership of his own Democratic Party had hoodwinked the public. This is the same Sen. Symington who, in January 1966, criticized limited bombing of enemy targets as ineffective and termed it "incredible" that the United States had failed to bomb the principal Communist port of Haiphong. Sen. Symington echoed these sentiments on many occasions. On Oct. 3, 1967, he proposed a test of Hanoi's intentions toward negotiation, stating that if the enemy refused to deal the United States should "feel free to pursue this war in any manner of its own choosing" and intensify the military effort.

Then there is Larry O'Brien, who served President Lyndon Johnson as postmaster general and Hubert Humphrey as chairman of the Democratic National Committee in the 1968 election. He holds the committee post again now. O'Brien is calling for "full disclosure" of the war documents and has accused his Republican counterpart, Sen. Robert Dole, of trying to make political capital at the expense of the Kennedy and Johnson administrations as an outgrowth of the Viet Nam disclosures. O'Brien until now certainly had no criticism of the course into war pursued by his bosses.

It is our judgment that the Presidents who reluctantly committed the country to war in Southeast Asia did so out of defensible motives. They thought the United States would suffer in its interests and in its standing in the world if all of Viet Nam went Communist. They considered Viet Nam a vital factor in alliance politics and they thought that they could not allow Communist "wars of national liberation" to succeed, for then these grass fire wars would break out in many other places

To this degree, then, neither President Johnson nor any other President who contributed to the continuity of United States policy in Southeast Asia was acting out of evil impulses or conspiring to drag the country into an unnecessary war. They were doing what they conceived to be in our own best interests and if, in their hearts, they knew that military victory was in all likelihood an impossibility, still they believed that if they persevered they would cause the Communists to relent.

This is not to say that mistakes were not made or that the cost in lives, wealth and weariness with the war on the domestic front was given all the consideration it should have received. Certainly the "news managing" proclivities of a vast bureaucracy and the often unwarranted use of "secret" stamps prevented the public from knowing much that it should have known. It is easy to make harsh judgments in the light of hindsight and a record which is still incomplete. But Presidents should not be condemned as totally insensitive or motivated by selfish objectives or even by plainly partisan interest. Mistakes there were in plenty, but these were not evil men.

FARM CREDIT ACT OF 1971 VITAL TO THE FUTURE OF EVERY RURAL COUNTY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. JONES of Tennessee. Mr. Speaker, in that on Monday, July 12, the House Agriculture Committee will begin hearings on the Farm Credit Act of 1971, I believe many Members will want to take a look at this measure. For those of us who represent districts with extensive farming activities, this bill is vital to the future of every rural county. For others who represent largely suburban and urban districts, this bill is important because it will have a long-run effect on prices in the supermarket, the flow of people from rural to urban areas, and the economic health of the Nation's system of providing food and fiber.

For all of us the Farm Credit Act represents an opportunity to improve and modernize the farm credit system which was created here in the Congress 54 years ago. In every rural sector of our land, the system has an outstanding record of success. It has helped channel loan funds into thousands of rural counties in every State, and has stood steadfastly behind the farmer through some of the worst years of modern agriculture.

Despite its successes, however, the system now needs an overhaul. Burdened by unnecessary redtape and a hodgepodge of legislative restrictions which have long outlived their usefulness, the system faces some extremely tough years ahead. Experts predict that farmers' needs for credit will double between now and 1980, and if the farm credit system is to meet its share of this dramatic increase, it must be prepared. We have an important responsibility, because this is something the executive branch cannot do. Neither can State and local governments do this; only the Congress can prepare the system to meet the farm credit challenge of the future.

The bill now before the House Agriculture Committee is the product of several years study by the farmer-owners of the farm credit system. As a result, it is closer to a grassroots bill than most measures we are asked to consider. And in that its passage will affect the futures of so many farmers and rural residents, we are encouraged to note that it has the general support of almost all farm organizations, cooperatives, and many others who represent rural interests.

We hope that those who represent the highly urban areas of America will support this bill, for in the process of benefiting the farmer it will also benefit urban citizens. Why? First, the bill will not require any Federal tax dollars. It will not require any Federal loan guarantees. It will involve no farm subsidies of any kind. Instead it will permit the farm credit system to continue raising its money on the private money markets. Thus, this bill will in no way divert Federal tax money away from urban projects.

Second, 2 years ago the owners of the farm credit system paid back all Federal "seed money" and thus will require no future Government appropriations. System borrowers are mighty proud of their repayment record and deserve our praise for this fine achievement.

Third, by funneling money into rural areas the system is combating migration into the cities.

Fourth, through this bill, the system would help close the rural housing gap and thus relieve some of the pressures for urban and suburban housing by making it more attractive for citizens to live in open country areas. Two-thirds of all substandard housing in America is located in rural areas, and one reason is the lack of a source of credit. The system is willing to meet this need by providing loans for construction of nonfarm rural housing in open country, and in doing so is making an important contribution to rural development.

Fifth, the system is largely the servant of the family farmer. And as we all know, it has been the family farmer, who, through his efficiency and his willingness to adopt the most modern means of production, represents our best bet against soaring food prices. While many ways of farming have been tried, again and again the family farm has turned out to be the most efficient unit of food production. Therefore, with an eye to the future cost of food, the farm credit system should be encouraged in its service to the family-type farmer.

Mr. Speaker, during the Senate hearing, one of my constituents presented some very fine testimony. He is Robert M. Hendrix, a farmer from Dyersburg and a long-time leader in the local Production Credit Association. I include his testimony at this point in the RECORD:

STATEMENT OF ROBERT M. HENDRIX

I am Robert M. Hendrix of Dyersburg, Tennessee. My grandfather pioneered and settled in Western Tennessee in 1870, cleared a large farm, reared ten children and many of these children are still engaged in agriculture. At the present time I own 975 acres of farmland. I farm 1200 acres of row crop and grow cotton, corn, milo, soybeans, lima beans, greens, spinach, and hay. I have 300 head of Angus cattle and I am a member of the Land Bank Association having been active along with the Land Bank.

I have been a member of the Production Credit Association for 15 years and I served on the board of directors as the director for ten years.

I have served on the executive committee for a period of ten years and I am presently vice president of the association.

Having looked at many of the loans that have come to the local association over the years and having a 17-year-old son who hopes to take up the name of Hendrix in the farming enterprise, I well realize the many changes and obstacles that a young man getting into farming face in the future.

At the present time I am chairman of the National Advisory Committee of the Production Credit Associations and we represent the grass roots thinking of 523,000 borrower-owners of 442 PCAs which last year borrowed $8.3 billion of production credit for farmers and ranchers.

We realize that PCAs' credit cooperatives have pioneered in many respects in providing credit services in response to their members' needs; for instance, line credit financing, budgeting, financial planning, electronic farm record keeping, log sharing and participation loans. Broader authority and flexibility requested in this bill would permit PCAs to continue to adapt their credit services to agricultural producers in a rapidly changing environment.

I might say, Mr. Chairman, I only know about the Fourth Farm Credit District as far as reputation on the board and type loans being made. Our present association has six directors. Of these six directors one is a general purpose type farmer, one man is a cattle and soybeans operator. We have two dairymen. We have another farmer who grows wheat and soybeans. We feel like we have a general representation on our local board.

Also, in the Fourth District are the States of Ohio, Kentucky, Indiana, and Tennessee. As you know, in the Appalachia area of Kentucky we have many Production Credit Associations and to my knowledge no person in these areas who has a basis for farm credit has ever been denied the privilege of seeking and getting credit.

Some examples of how Production Credit Associations could provide better credit service under this new Act would be participating more fully in rural areas—which has already been mentioned by some of the others who have testified: financing farm-related businesses such as custom operators, leasing of equipment. As you know, so many large pieces of expensive equipment are required today in some farm operations that it is not feasible for a farmer to purchase this type of equipment. We feel this is a service which would be greatly beneficial to all. And then there are the financially-related services; such as, credit life or estate planning and income tax and so many which would fit right in line with the other services.

Mr. Chairman, farmer-members of the Production Credit Associations are proud of the services which their associations have performed in the past, and we are mindful of the challenges and changes that lie ahead and through enactment of this legislation we believe that our PCA will be in a far better position to adapt to meet our needs.

PRESERVING CENTRAL PARK

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. RYAN. Mr. Speaker, New York City's Central Park is unique in American history. It was the first park to be created in an effort to serve the community around it. Designed by one of our Nation's great landscape architects—Frederick Law Olmsted—Central Park is of tremendous esthetic, recreational, and historic value not only to the residents of the city of New York, but to all Americans.

This value was deservingly recognized in 1965 when then-Secretary of the Interior Stewart Udall designated this great urban park as a national historic landmark.

However, Central Park is now about to be scarred by open-cut subway construction. This should not be allowed to happen. It is essential that the heritage and environmental value of our national landmarks not be impaired and that our citizens not be deprived of their use.

Therefore, I have introduced legislation (H.R. 8631) in the Congress to prohibit the ravages of open-cut construction on the property of any national historic site, building, structure, or area. Under this legislation, the Secretary of the Interior would have the authority to allow open-cut construction only if he finds such construction "to be essential to the preservation" of the historic site or "necessary to protect the health and welfare of the community" in which the site is located.

H.R. 8631 complements legislation introduced in the New York State Legislature by Assemblymen Antonio Olivieri and Peter Berle, which specifically bans disruption of the surface of Central Park in constructing extensions of the Sixth and Seventh Avenue subway lines.

Much of the credit for alerting the public to the threat to Central Park belongs to George Spitz, a Manhattan civic leader, who has been in the forefront of the effort to preserve Central Park.

For far too long, we have tolerated the marring and destruction of our environment, of our recreation areas, of our historic landmarks. It is essential that we insure that all these areas are preserved. I believe my legislation is a step in that direction.

At this point, I include in the RECORD the March 29, 1971, press release issued by Assemblyman Antonio Olivieri outlining efforts to spare Central Park from the ravages of subway construction.

I also include a statement issued on March 29, 1971, by the Parks Council with respect to the plans for subway construction in Central Park and the press release issued by Assemblyman Olivieri on May 21, 1971, announcing the introduction of my legislation in Congress.

Also following is a statement by George Spitz presented on March 17, 1971, to Community Planning Board 8 on proposed Central Park subway construction, and a telegram from Mr. Spitz to Mayor Lindsay in support of my legislation H.R. 8631.

The documents follow:

STATEMENT TO COMMUNITY PLANNING BOARD 8 ON PROPOSED CENTRAL PARK SUBWAY AS IT RELATES TO ENVIRONMENT AND NEW SECOND AVENUE SUBWAY LINE

(By George Spitz)

On June 7, 1965 Central Park was designated a National Historic Landmark by the U.S. Secretary of Interior.

Because of this Federal involvement and increased concern for Ecology, we may expect that environmental and humanitarian organizations throughout the nation will become appalled when they learn that a vital section of this greatest of parks is being torn up for what many now consider dubious transportation purpose.

However, since Mayor Lindsay recently announced approval of a revised plan for open-cut construction in Central Park, many local citizens may feel that further resistance at the local level is futile.

But that is not the case. Any time prior to Mayor Lindsay signing the actual construction contract, the decision for construction in Central Park can be revised, and no construction contract can be signed before competitive bidding and determination who is the low bidder.

Community Planning Board 8 can take the first local step towards stopping the construction of a subway in Central Park by tonight endorsing legislation sponsored by Assemblymen Olivieri and Berle prohibiting open-cut construction in any New York City Park.

If the Berle/Olivieri Bill No. 3325 is made into law or if Mayor Lindsay is persuaded that public opposition to the Central Park Subway is still very much alive and may become indignant as the Park is being torn apart during 1972, the Transit Authority will either have to find alternate routes or tunnel completely under the surface.

Since 1951, there have been proposed alternate routes. For example, the New York City Board of Transportation, the predecessor to the Transit Authority, on June 20, 1951, according to File No. 75, Drawing Number 187, proposed routing trains from Second Avenue to Sixth Avenue along 57th Street.

Among the current alternative proposals, the Counsel of Better Transit Organization has a plan well worth consideration—involving shifting the Second Avenue Subway to First Avenue north of 63rd Street which provides a sufficient area for flexing into 59th Street and go west and under the present 59th Street BMT Crosstown.

As many of you know, I proposed last summer transferring all appropriations for the Central Park Subway into the Second Avenue Subway Account so that the Second Avenue Line would have sufficient funds for more than six stations between 39th and 106th Street and a four-track rather than a two-track line.

In addition, I would like to remind the Committee Planning Board 8 that there are no funds left in the State Bond Issue for building the Second Avenue Subway south of 34th Street. The City has not appropriated any monies for this purpose and Federal Assistance may well be jeopardized if the Transit Authority excavate the surface of a National Historic Landmark.

The Transit Authority has listened to, even if it has not as yet answered, the protests that many of us made last summer concerning sufficient stations and a two-track only—Second Avenue Subway Line.

Right now, there is a debate going on in the Authority over whether or not plans for the Second Avenue Subway from 34th Street to 106th Street should be changed once more for sufficiency as well as transportation convenience to a four-track or at least a three-track line.

However, the main stumbling block is, of course, money. A four-track line from 34th Street north will cost an estimated $38-million more than a two-track system, and a three-track route will cost about $20-million more than a two-track Second Avenue Line.

Yet as I have noted, there is no money left from the New York State Transportation Bond Act of 1967 for New York City Mass Transit purposes and excavation of Central Park, an Historic Landmark, could well jeopardize future Federal Assistance from New York City Mass Transit.

Therefore, Committee Planning Board 8, but publicly supporting the Olivieri/Berle legislation banning open-cut construction, may provide encouragement for those sources within the Transit Authority who feel that it is more important to have sufficient funds to build a three or four-track Second Avenue Subway. At the same time, New York City's prospect of getting Federal Mass Transit Assistance will be enhanced.

As for tunnelling under the Park, the firm, Singstand, Kehart, November and Hurka claim that this is technically impossible. However, Richard Edes Harrison, noted Cartographer, the man who initiated this organized successful campaign to defeat the proposed excavation in Central Park, before the Board of Estimate, furnished a plan to Parks Commissioner Hecksher that would permit tunnelling a subway line without damage to Central Park's surface.

Mr. Harrison suggested rebuttal to his plan and is willing to submit it to the National Research Council or Science for Public Information for an impartial comment.

I hope Committee Planning Board 8 will endorse the Berle/Olivieri Bill No. 3325 so that proposed alternate route to the subway in the Park will have to be considered by the Transit Authority. You will be the first body since the Mayor's public acceptance of the revised open-cut construction plan to oppose the Central Park subway. I am confident you will be joined by many leading public figures, humanitarians and ecologists.

CITY'S TRANSIT NEEDS COULD BE BETTER MET BY SUBWAY ROUTE THAT SPARES PARK

(By Assemblyman Antonio Olivieri)

Manhattan and Queens subway users could be better served and Central Park spared the ravages of open-cut construction if the City would permit consideration of alternate subway routes, as well as of alternate construction methods, it was charged today by Manhattan Assemblyman Antonio Olivieri.

"The City has just spent nearly $100,000 on the Singstadt report—a study of construction methods that could and should have been done by staff engineers prior to announcement of a plan. Instead it was prepared by expensive consultants after an outraged community protested the damage the TA's plan would cause to Central Park," Olivieri said.

"Yet, for some reason the City has consistently refused to discuss alternate routes. The Singstadt report was successful in finding ways to reduce Park damage by only about 54%. Is this the best we can do? We cannot be certain until the alternatives have been examined."

Olivieri's remarks were made at a news conference attended by representatives of several community groups concerned with Central Park. Although some feel their efforts should now be concentrated on reducing damage and enforcing maximum restoration, others continue to vigorously oppose all Park encroachments.

Olivieri specifically recommends consideration of a transit plan developed by Stephen Dobrow, an engineer, who is president of the Committee for Better Transit, Inc. At the same cost as the MTA's proposal this plan would:

Provide the same flow of trains serving Queens;

Avoid all possibility of damage to Central Park;

Allow for direct transfer to the East Side IRT and the proposed 2nd Avenue lines, which is not possible under the MTA proposal.

The plan is also sponsored by George Spitz, East Side civic leader, who has fought for consideration of alternate routes since last spring, and it has won enthusiastic support from Congressman Ben Rosenthal (D-L) of Queens, who called it "an imaginative and desirable approach to a difficult problem."

Under this plan only one West Side line—the BMT line (7th Avenue)—would be connected to the new 63d Street subway tunnel, and it would have a capacity for 30 trains an hour. The MTA plan calls for connection of two lines—the BMT and the IND (6th Avenue)—with a combined capacity of 30 trains an hour.

The route utilizes deep-level construction to run east from 7th Avenue under 59th Street to Second Avenue, then diagonally northeast to 63d Street and First Avenue, and from there into the tunnel. The higher construction costs required for the deep tunneling would be offset by there being only one 2-track line from east to west instead of two.

STATEMENT OF THE PARKS COUNCIL WITH RESPECT TO THE FINAL PLANS FOR THE SUBWAY TUNNEL IN CENTRAL PARK

NEW YORK, N.Y., March 29, 1971.—If we learn nothing else from the protracted arguments over this subway tunnel, which have now consumed the better part of a year, we should learn to abandon the practice of planning in secret for unpopular construction projects. The price of secrecy and uncoordinated planning for this project has already risen so high as to be scandalous. The very fact that this project will disrupt the park to the extent that it will is in large part due to the fact that a subway station completed a few years ago on 6th Avenue at 58th Street was simply built too close to the surface of the street. That was the first failure to look for future consequences. In subsequent planning stages the park was similarly ignored, with the result that the MTA is now committed to spend an additional one million dollars for restoration of park land, in some instances for park land that need not have been damaged in the first place, and in addition must face the escalation of construction costs during the past year.

Who knows what other projects similar in effect to this one are now being prepared, shrouded in secrecy, in one or more offices downtown? The public doesn't know, and it should know. It is ironic that the Federal government should have an "environmental" warning system for projects of this sort, but that New York City should not.

At the time that this project is being launched it is only fitting that some of the City agencies carving up public parkland make some major gestures. Here's one to start with. The Board of Water Supply has made the generous offer to turn over the Central Park Reservoir to the Parks Department some ten years from now, and if experience is any guide, in an "as is" condition. In fact, there is only one reason why the reservoir should not be handed over today—and that is that it needs to be drained, cleaned and repaired. By July 4th of this year, Central Park will indeed be a massive construction site. Surely it is time for some significant gestures in the other direction.

RYAN BILL WOULD END THREAT OF PROPOSED INCURSIONS IN CENTRAL PARK

Open-cut construction in Central Park—for subways, the fire communication center, etc.—may be banned by Washington even if Albany and City Hall fail to act to prevent it.

This would be the effect of a federal bill introduced today by Congressman William Ryan (D-L, Manhattan), which prohibits open-cut construction in any national historic site. Central Park was designated a National Historic Landmark on June 7, 1965.

The Ryan measure carries one step further the principle of a bill introduced in the State legislature last January by Assemblymen Antonio Olivieri and Peter A. A. Berle (both D-L, Manhattan), which specifically bans disruption of the surface of Central Park in constructing extensions of the 6th and 7th Avenue subway lines as planned by the Transportation Administration.

"Central Park was the first park in history to be created for the community. All earlier parks were the exclusive property of ruling families. Central Park holds esthetic value as well. It was designed by one of the country's great landscape architects, Frederick Law Olmsted," Congressman Ryan stated at a news conference held in Central Park this morning.

"My bill would protect Central Park and other great national landmarks from depredation by political and commercial interests for use by the people to whom they belong. New York City holds Central Park—like other official historic landmarks—in trust for all the people of the United States."

Ryan is a member of the House Committee on the Interior and Insular Affairs and of the Subcommittee on Parks.

Assemblyman Olivieri, whose district includes Central Park, called for a moratorium on the subway construction scheduled for Central Park early in July until alternate routes have been considered that would spare the Park.

"Manhattan and Queens subway users could be served and Central Park spared under any one of at least 4 alternatives to the TA's current plan. I have met with the TA. They are frank to admit these alternatives were not considered. I believe they must be. Only after an outraged community protested the damage the TA's initial plan would cause to Central Park did the City bother to find how to reduce the damage. Now it appears there may be no need for any damage at all. We can only be certain after the alternatives have been investigated."

Also participating in the news conference were George Spitz, East Side civic leader, Richard Edes Harrison, chairman of the Save Central Park Committee, and Clare Beckhardt, associate director of The Park Council.

Construction plans can be stopped at any time prior to the Mayor's signing contracts. Bids for the subway project were opened on May 7th, and the TA has 45 days from that date to consider them. The TA then submits its recommendation to the Mayor for approval.

Initially, the MTA received approval for subway extensions "under" Central Park. Specific plans, first revealed last spring, called for extensive open-cut construction—two 75-foot-wode trenches, each 25 feet deep, one running 775 feet from Central Park South, the other 1,010 feet.

Community protests led the city to commission a study of alternate construction methods, and as a result current plans call for approximately 47% as much damage as originally. There are still 2 substantial trenches, however, each 40 feet wide, one running from 6th Avenue, the other from 7th Avenue. They would remain for a period of 2 years.

Mayor JOHN V. LINDSAY,
City Hall,
New York, N.Y.:

Have learned that engineers within the metropolitan transportation authority and the consulting firm, De Leuw Rather and Associates are convinced that the new 2nd Avenue subway will prove hazardous from a safety point of view, and provide mediocre transportation service unless they are allowed to make it a 4-track line at least from 48th to 72nd Street and for 800 feet around 125th Street. Since the cost of the improvements recommended by rank and file engineers is roughly 30 million dollars, I urge you transfer to 2nd Avenue construction fund, approximately 32 million dollars estimated cost for ripping up national historic landmark, Central Park, to build lines which merely duplicate existing routes from Queens to Manhattan West Side.

If the 30 million dollars is available from existing funds, urge you still cancel plans for excavating national historic landmark, as forbidden by bill, just introduced by Congressman William F. Ryan, and use money to make 2nd Avenue 4-track from 72nd to 125th Street, and south of 48th Street, and the entire route.

GEORGE N. SPITZ.

A FORTHRIGHT STATEMENT ON ENDING THIS WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MIKVA. Mr. Speaker, my colleague and friend, Congressman BENJAMIN S. ROSENTHAL of New York, was the first witness on the first day of the historic hearings which began this week on the Vietnam war. The Foreign Affairs Committee, of which Mr. ROSENTHAL is a distinguished member, started hearings on a variety of proposals to end American involvement in the war by specified dates. The Subcommittee on Asian and Pacific Affairs, under Chairman CORNELIUS GALLAGHER of New Jersey, is conducting the sessions.

For reasons Mr. ROSENTHAL eloquently explains, the hour is late and the task of peace is urgent. The House of Representatives assumes its responsibilities very late in questioning our role in Vietnam. I hope fervently that a decisive act of legislating an end to this war will be the most urgent business of both the Foreign Affairs Committee and this Congress.

Mr. ROSENTHAL's statement follows:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL OF NEW YORK BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

Mr. Chairman, for Members of the House of Representatives, it is a privilege, long delayed, to participate in hearings on the Vietnam War.

American resources have been committed to this war since the early 1950's; American military forces, since the early 1960's. At the peak, in 1969, our country placed over 500,000 American servicemen in South Vietnam. The annual cost to Americans reached $30 billion a year at that time. A steady stream of American dead and wounded returned home. Yet the House of Representatives begins only today, ten and twenty years after the decisive commitments, to hold its first public hearings on the war.

As one Congressman who has spent most of the past ten years in this House, I am ashamed to cite this history. I am ashamed that our sense of priorities placed us in the rear guard of those questioning this war. This accusation is not personal for it is not made against individual men by an individual. Each man in this House has arrived or will arrive at a decision about this war by his own personal calculus. Mine happened to register doubt in 1965 and outright opposition to our role in the war by late 1966. Others came before and many others after. But the mood and spirit of this House has been to allow others to question, to doubt, to criticize and even to wonder while a war raged. This has been our tragedy.

I commend our Chairman today who finally brought us to this hearing. I do not think it too late to begin this task. Despair is the sign of the defeated. Rather it is our task, late as it is, to renew the questioning, to reflect on the mood of our constituents, and to bring the House of Representatives to a rightful view of its responsibilities.

This war is the history of a series of blunders, most of them by Western intervenors who failed to understand its nature.

The French, who intervened in 1945 to attempt a reconstruction of their pre-war influence in Indochina, made the first series of errors. Nine years later after thousands of Frenchmen died and after the French suffered their most ignoble defeat in battle since 1940, they withdrew. The French eventually recovered their prestige and self-respect; they never recovered their losses nor did we for we financed a large part of the French war in its last years.

It was both more and less forgiveable for America to take up the discredited war the French lost. More forgiveable, because we thought our motives purer; less forgiveable, for we failed to understand why the French lost. We proceeded to repeat their errors.

Our errors are unfortunately not only in the past. We have created a word "Vietnamization" and called it a policy. But it is no policy. It is a crystallization of all that preceded it. Every error of previous American policy lies within Vietnamization.

Let us recall what Vietnamization does not mean: It does not mean that we recognize that we, and the French, intervened in a civil war; it does not mean that the war is winding down; it does not mean that we recognize that there is a limit to American power, and that American power, too, should be limited; it does not mean, finally, that we are ready to stop killing Asians for their own good.

Rather, Vietnamization means continued killing, with the United States substituting more Vietnamese deaths for American casualties; the casualty rate for 1969, 1970 and the first three months of 1971 show that casualties have not really dropped at all if we count all "allied" casualties and all enemy casualties. (See attached summary).

A continued commitment to maintaining the South Vietnamese government and its military forces in action cannot bring peace to Vietnam. Nor can it bring an end to American responsibility for continuing the war.

An air war, financed and manned by Americans, is, by every estimate I have seen, an essential part of the policy of Vietnamization. Massive military and economic aid to South Vietnam is another part of that policy. The music is still American for we pay the piper.

One year ago I thought it unbelieveable that Congress, and particularly, the House of Representatives, would set a termination date for the war. I was wrong. It is indeed possible today. If it is not possible, I would despair for our country.

The revelations this past week of the documents involving our escalation of the war were serious enough to cause a change in the congressional view that the President alone could lead us out of this war. But the frenzied attack on those disclosures by the present Administration must confirm that revised view that Congress must act.

An Administration afraid to face the past cannot be trusted with the future. An Administration unwilling to disassociate itself from that past, becomes part of those past errors.

I support the December 31, 1971 withdrawal date specified in H.R. 4102 which I sponsored. Prompt action by this Committee and the House would mean a six month notice to the Administration and to the South Vietnamese government for the termination of our military role in Vietnam. I can think of no other step which will prod the Thieu government to the understanding that American props to his unrepresentative government are ending.

Congress must act in this unusual exercise of its powers because the Administration shows no determination to take this difficult but absolutely necessary step of ending support for the South Vietnam regime. To the charge that there is no precedent for Congress to demand such action, one must reply that there has been no such war before in our history. We have supported dictators and repressive governments before but never have we committed so many lives—Americans and non-Americans—to such a commitment.

In no other conflict have we presented a policy like Vietnamization which obliges us to keep American military forces engaged until and unless such a regime can succeed on its own. For Vietnamization is dependent on maintaining in power the unpopular and represssive military government in South Vietnam.

With all of the military influence, President Thieu and Vice President Ky got less than 35 per cent of the votes cast in 1967; over 60 per cent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. That election confirmed that the people of South Vietnam want peace and not a continuation, under a slick name, of the war.

I am convinced that the South Vietnamese want a coalition government which will bring them peace. They are unlikely to get it from either Thieu or Ky or from our support of them. Thieu has one political adversary in jail, Deputy Taan Ngoc Chau, contrary to two rulings of the South Vietnamese Supreme Court. Thieu's rival for the presidency in 1967, Truong Dinh Dzu, is now in jail. And the new election law for this year's presidential election may have eliminated Vice President Ky and many other candidates from the race. Clearly we will not contribute to peace in Vietnam by supporting Thieu or indeed by supporting any government. The Vietnamese must establish their own political process for obtaining a representative government; Vietnamization pits American power indefinitely to one element in South Vietnam which has shown itself unable to win the allegiance of the people.

A prompt withdrawal of American troops will force President Thieu to start serious negotiations for a responsible settlement and a representative government. Such a government should then send a new negotiating team willing and able to seek a compromise settlement with the NLF.

The cynical attempt by this Administration to tie the prisoner of war issue to its Vietnamization policy has already started to deteriorate. Even the families of American POWs, distressed as they are by their personal concerns, are beginning to see the futility of tying their loved ones to a withdrawal schedule. Precedent and commonsense indicate that prisoners will be released when the war is over. But every time someone suggests ending the war—including by the resolutions and bills we consider today—the Administration's reply is that a viable South Vietnamese government is the other condition for ending our role in the war.

Waiting for the Thieu-Ky government, or any other government we maintain, to gain viability will mean an indefinite imprisonment of our prisoners. The realization of this fact is slowly eroding the Administration's support for Vietnamization, as it should.

The American role in Vietnam has, in my judgment, run its course. We have ceased to possess the power to influence the political events there, except negatively. The longer we stay in Vietnam, the more difficult will be the political rebuilding which must be the basis of peace in Southeast Asia.

If Congress was slow in realizing that our country was being drawn into this hopeless whirlpool, it should try now, late as the hour is, to lead us out.

If a mandate ever came to Congress, it arrived in the daily press last week. This American war was made by a series of foolish decisions which are becoming available for all of us to read. The mandate is to change this war policy. Here is the place to do it. The time is now.

HOSTILE ACTION DEATHS IN VIETNAM 1969–71

	Allied[1]	Enemy	United States only
1969:			
January	2,845	10,955	795
February	3,132	14,086	1,073
March	3,380	19,805	1,316
April	2,841	14,539	847
May	3,243	17,443	1,209
June	3,117	16,825	1,100
July	2,242	10,237	638
August	2,409	12,373	795
September	2,077	10,369	477
October	2,277	8,747	377
November	2,328	11,639	446
December	2,217	9,936	341
1970:			
January	2,180	9,187	343
February	1,839	8,828	386
March	2,198	10,335	449
April	3,247	13,063	526
May	3,663	17,256	754
June	3,354	7,861	418
July	2,114	7,183	332
August	2,100	6,446	319
September	1,999	6,138	219
October	1,718	5,549	170
November	1,834	5,607	167
December	2,053	6,183	138
1971:			
January	1,780	6,155	140
February	2,704	11,704	221
March	3,829	19,858	272

[1] Allied figures for 1969 only include averaged monthly figures for South Vietnamese based on quarterly totals.

AGREES WITH GALLUP POLL ON VIETNAM TERMINATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HELSTOSKI. Mr. Speaker, Thursday, June 17, when the Nedzi-Whalen amendment was being considered by the House, I was away from the Capital, having been granted official leave for the period of June 14 through June 22.

Mr. Speaker, because of this I was not able to vote on this important amendment which would prohibit the expenditure of funds by the Defense Department after December 31, 1971, to support continued American presence in all areas of Southeast Asia.

I agree with the majority of the American people, according to the Gallup poll, that our involvement in Vietnam should be terminated. In being involved in this conflict, thousands of miles away from our own shores, we are engaged in a tragic waste of human resources and of financial resources which could be better utilized within the United States to combat our own pressing domestic problems.

Our continued stay in Vietnam adds another problem which will be with us long after the final curtain is drawn down upon this conflict, that of the rehabilitation of our young men who are returning from that war area having become addicts to heroin and other drugs, and maimed, injured or crippled for life. The sooner we get out of Vietnam, the sooner our domestic problems will be resolved.

Over the years, I have spoken out against our participation in the Vietnam war at every opportunity. Again, I speak out against our being there at this time. I supported the purpose behind the Nedzi-Whalen amendment and regret very much that it failed passage when the vote was taken.

I continue to feel a moral obligation to oppose the continuation of this cruel and senseless war. Mr. Speaker, our country is a troubled country. The continued war in Vietnam is causing great worry and anxiety. As a result of this war, the country is torn by dissension. We all look to the day when every American soldier will be removed from this unhappy area of war.

The Nedzi-Whalen amendment was a very sensible approach in terminating our involvement in Southeast Asia. The people of the United States look to Congress and the Chief Executive to withdraw our forces from Vietnam. They hold us responsible for what we do.

Mr. Speaker, had I been present during the debates on this amendment which I had endorsed, I would have urged its adoption and voted for passage to get out of Indochina as soon as possible but certainly by the end of this year. While the result would not have been any different, it would add one more vote in acceptance of the concept that we end our involvement in this war forthwith.

CONGRESS MUST ACT PROMPTLY TO SAVE OUR SCHOOLS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. YOUNG of Florida. Mr. Speaker, the U.S. Supreme Court seems determined to destroy the neighborhood school system and quality education in America. The Court on April 20 acted to circumvent the will of Congress and by decree denied the right of children to attend their neighborhood school because of their color.

To right this tragic wrong, I have introduced a proposed constitutional amendment, House Joint Resolution 600, guaranteeing that the right of students to attend the public school nearest their residence shall not be denied or abridged because of race, color, national origin, religion or sex.

Prompt action by the Congress is essential if we are to save our schools from the caprices of nine men who believe they are law unto themselves.

The issues involved in this struggle go to the very heart of our democratic processes, and our constitutional form of government. This is exceptionally well highlighted in a recent letter to the editor of the Tampa Tribune, one of the fine newspapers serving my home district.

The letter has received the endorsement of the North Tampa Chamber of Commerce, and is included in its entirety for the consideration of our colleagues in the Congress.

COURT DESTROYS NATION'S FREEDOM

TAMPA.—There are two ways for a man or a nation to die: By outside forces such as injury, hostile attack or war, or by internal defects, corruption or disease. When a nation is consumed from within it is usually by slow, small steps, none of which is sufficient to cause the people to react. Day by day, year by year, generation by generation freedom slips from their grasp, the process becoming irreversible when, slaves in all but name, they no longer have the courage and spirit necessary to regain their liberty. For this reason the latest judicial arrogance, by sparking us to action, may yet serve some useful purpose. I refer, of course, to the Supreme Court edict concerning racial mixture in the schools.

The court ruling is no small step, but rather an outrage without parallel in recent history, a move which is at once unconstitutional, illegal and unjust. It is unconstitutional because it denies to the people the equal protection of the law; it is illegal because it is in direct contravention of legislation passed by the Congress; it is unjust because it is applied to only certain sections of the country while elsewhere the same situation goes unchallenged. It raises questions that have no answers in a society of free men.

For instance, if government can assign children to school on the basis of skin color, then it can assign them also on the basis of religion, or ethnic background. The Court thus claims it is empowered to say to a child. "There are too many children of your religion here in this school; you must go to another school. We will, however, take your friend, who is of the right religion." Or perhaps, "Your grandparents came from such-and-such country and we cannot accept you into this school for there are too many of your background here already: you must go to a different school." The Court further decrees that skin color is a proper criterion for hiring teachers.

Since the Court feels there is a legal distinction to be made between Americans of different skin color, will they draw up a definition of color? That is, if a child has one parent of color A and the other of color B will he be considered A or B for school assignment? Will they work his genealogy back through grandparents and great-grandparents, as in Nazi Germany? Is this what we want in America?

If the Court said in 1954 that school assignments based on skin color are unconstitutional, then why is the Court in 1971 assigning students on the basis of skin color?

Without laboring the issue any further, it can be seen that we are at a turning point in the history of the nation. If we permit so great an evil to succeed we shall never again have the opportunity to govern ourselves. But do we dare challenge the immense power of the Federal Government? Do we dare stand firm against this monstrous government?

The history of the United States sparkles like a jewel with the memory of men who refused to accept "inevitable" injustice, but fought on to freedom.

It is said that for evil to triumph it is necessary only that good men do nothing. The cause is just, the issue is clear, the time is now; what then will we do?

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,300 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 244,900 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

OUTLOOK FOR AMERICA

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. CHAPPELL. Mr. Speaker, we often find ourselves so deeply concerned with the problems of America that we fail to look at the many good things that are happening around us. The people of America apparently want to hear voices of hope from time to time. Several of my own constituents have already forwarded a copy of a speech given by the publisher of Look magazine. This speech is entitled "Disaster Lobby." Perhaps our people are a little tired of the "doomsday" attitude of many. At any rate, Mr. Shepard's speech is quite refreshing:

THE DISASTER LOBBY

(By Thomas R. Shepard, Jr.)

(NOTE.—The following is the text of the speech Mr. Shepard delivered Jan. 28, 1971, before the 44th Annual Meeting of the Soap and Detergent Association at the Waldorf-Astoria Hotel, New York City.)

One morning last fall I left my office here in New York and hailed a cab for Kennedy Airport. The driver had the radio tuned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is.

Air pollution. Water pollution. Noise pollution, Racial unrest. Campus unrest. Overpopulation. Underemployment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said—and I quote—"If things are all that bad, how come I feel so good?"

Ladies and gentlemen, I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

Well, I think I have the answer. We feel good because things aren't that bad. Today, I would like to tell you how wrong the pessimists are, and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other "ology" or "ism," are laying siege to our state and federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand-new socio-economic system can save us. I call these people The Disaster Lobby, and I regard them as the most dangerous men and women in America today.

Dangerous not only to the institutions they seek to destroy but to the consumers they are supposed to protect.

Let's begin with a close-in look at that drumbeat of despair I heard in the taxicab and that all of us hear almost every day. Just how much truth is there to the Disaster Lobby's complaints?

Take the one about the oxygen we breathe. The Disaster folks tell us that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. False. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent.

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong. I can deny it. Our air is getting less fouled up all the time, in city after city.

In New York City, for example. New York's Department of Air Resources reports a year-by-year *decrease* in air pollutants since 1965. What's more, the New York City air is immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut the smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back in the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal-clear rivers and lakes were the source of the worst cholera, yellow fever and typhoid epidemics the world has ever known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia.

Our waterways may not be as pretty as they used to be, but they aren't as deadly, either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon *look* as wholesome as they *are*.

Perhaps it's the fear of overpopulation that's getting you down. Well, cheer up. The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be any left in the country. But I wouldn't fret about *under*-population, either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

I now come to the case of the mercury in tuna fish. How did it get there? The Disaster Lobby says it came from American factories. The truth, as scientists will tell you, is that the mercury came from deposits in nature.

To attribute pollution of entire oceans to the 900 tons of mercury released into the environment each year by industry—that's less than 40 carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught 44 years ago and just analyzed contain twice as much mercury as any fish processed this year.

Speaking of fish, what about the charge that our greed and carelessness are killing off species of animals? Well, it's true that about 50 species of wildlife will become extinct this century. But it's also true that 50 species became extinct last century. And the century before that. And the century before *that*.

In fact, says Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. Animals come and animals go, as Mr. Darwin noted, and to blame ourselves for evolution would be the height of foolishness.

Then there is the drug situation. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of *non*-addicts. Seventy years ago, one of every 400 Americans was hooked on hard drugs. Today, it's one in 3,000. So, despite recent experimentation with drugs by teen-agers, the long-range trend is downward, not upward.

Another crisis constructed of pure poppycock is the so-called "youth rebellion," to which the Disaster Lobby points with mingled alarm and glee. But once you examine the scene in depth—once you probe behind a very small gaggle of young trouble-makers who are sorely in need of an education, a spanking and a bath, not necessarily in that order—you can't find any rebellion worth talking about.

A while back *Look* commissioned Gallup to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teen-agers coincided with those of adults. And on those issues where the kids did *not* see eye-to-eye with their elders, the youngsters often tended to be more conservative.

The same assessment can be made of the putative black rebellion. There isn't any. Oh, there are the rantings of a lunatic fringe—a few paranoid militants who in any other country would be behind bars and whose continued freedom here is testimony to the fact that we are the most liberated and least racist nation on earth. But the vast majority of black Americans, as that same Gallup study revealed, are staunch believers in this nation.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of 6 per cent is about par. We've had less, but we've also had more—much more.

During the Kennedy Administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployment reached 5 per cent. So let's not panic over this one.

That word "panic" brings me to the H-bomb. Some people have let the gloom-mongers scare them beyond rational response with talk about atomic annihilation. I can't guarantee immunity from the bomb, but I offer the following as food for thought. Since World War II, over one billion human beings who worried about A-bombs and H-bombs died of other causes. They worried for nothing. It's something to think about.

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill the animals and drive people to distraction with misleading advertisements. But what was life *really* like in America 150 years ago?

For one thing, it was very brief. Life expectancy was 38 years for males. And it was a grueling 38 years. The work week was 72 hours. The average pay was $300. Per *year*, that is.

The women had it worse. Housewives worked 98 hours a week, and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags. In the winter you froze and in summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family. Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than 20 miles from the place you were born.

Ladies and gentlemen, whatever American businessmen have done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back—not a knife *in* it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world.

The point I am trying to make is that we are solving most of our problems, that conditions are getting better, not worse, that American industry is spending over $3 billion a year to clean up the environment and additional billions to develop products that will keep it clean, and that the real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful and most charitable nation on earth.

No, the danger today resides in the Disaster Lobby—those crepe-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

When I speak of a threat to lives, I mean it literally. A classic example of the dire things that can happen when the Disaster Lobby gets busy is the DDT story.

It begins during World War II when a safe, cheap and potent new insecticide made its debut. Known as DDT, it proved its value almost overnight. Grain fields once ravaged by insects began producing bumper crops. Marshland became habitable. And the death rate in many countries fell sharply.

According to the World Health Organization, malaria fatalities dropped from four million a year in the 1930s to less than a million by 1968. Other insect-borne diseases also loosened their grip. Encephalitis. Yellow fever. Typhus.

Wherever DDT was used, the ailment abated. It has been estimated that a hundred million human beings who would have died of one of these afflictions are alive today because of DDT.

But that's not the whole story. In many countries famine was once a periodic visitor. Then, largely because of food surpluses made possible by DDT, famines became relatively rare. So you can credit this insecticide with saving additional hundreds of millions of lives.

Then in 1962 a lady named Rachel Carson wrote a book called *Silent Spring* in which she charged that DDT had killed some fish and some birds. That's all the Disaster Lobby needed.

It pounced on the book, embraced its claims—many of them still unsubstantiated—and ran off to Washington to demand a ban on DDT. And Washington meekly gave them their ban, in the form of a gradual DDT phase-out. Other countries followed the U.S. lead.

The effects were not long in coming. Malaria, virtually conquered throughout the world, is having a resurgence. Food production is down in many areas. And such pests as the gyspy moth, in hiding since the 1940s, are now munching away at American forests.

In some countries—among them Ceylon, Venezuela and Sweden—the renaissance of insects has been so devastating that laws against DDT have been repealed or amended. But in our country the use of DDT, down to 10 per cent of its former level, may soon be prohibited entirely.

The tragedy is that DDT, while it probably did kill a few birds and fish, never harmed a single human being except by accidental misuse. When the ultimate report is written, it may show that the opponents of DDT—despite the best of intentions—contributed to the deaths of more human beings than did all of the natural disasters in history.

In addition to endangering human life, the Disaster Lobbyists are making things as difficult as possible for us survivors. By preventing electric companies from building new power plants, they have caused most of those blackouts we've been experiencing.

By winning the fight for compulsory seat belts in automobiles, they have forced the 67 per cent of all Americans who do not use seat belts to waste $250 million a year buying them anyway.

By demanding fewer sizes in package goods on the ground that this will make shopping easier for the handful of dumbbells in our society, they are preventing the intelligent majority of housewives from buying merchandise in the quantities most convenient and most efficient for their needs.

And I don't have to tell anyone in this room what the Disaster crowd has done and is doing to make washday a nightmare in millions of American homes. By having the sale of detergents banned in some areas and by stirring up needless fears throughout the country, they have missed the point entirely.

As Vice President Charles Bueltman of the Soap and Detergent Association recently pointed out, detergents with phosphates are perfectly safe, eminently effective and admirably cheap. And if they foam up the water supply in some communities, the obvious remedy is an improved sewer system. To ban detergents is the kind of overkill that might be compared with burning down your house to get rid of termites.

But of all activities of the Disaster Lobbyists, the most insidious are their attempts to destroy our free enterprise system. And they are succeeding only too well.

According to Prof. Yale Brozen of the University of Chicago, free enterprise in the United States is only half alive. He cited as evidence our government's control of the mail, water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies, along with its regulatory involvement in other industries.

And his statement was made prior to introduction in Congress last year of 50 bills designed to broaden government influence over private business.

Fortunately, most of the bills were defeated or died in committee. But they will be back in the hopper this year, along with some new bills. And they will have support from the darlings of the Disaster Lobby—senators like Moss, Proxmire, and Hart and Representatives like Rosenthal of New York.

If so many important people are against free enterprise, is it worth saving? I think it is. With all its faults, it is by far the best system yet devised for the production, distribution and widespread enjoyment of goods and services.

It is more than coincidence that virtually all of mankind's scientific progress came in the two centuries when free enterprise was operative in the Western world, and that most of the progress was achieved in the nation regarded as the leading exponent of free enterprise: the United States of America.

For in the past 200 years—an eyeblink in history—an America geared to private industry has conquered communicable diseases, abolished starvation, brought literacy to the masses, transported men to another planet and expanded the horizons of its citizens to an almost incredible degree by giving them wheels and wings and electronic extensions of their eyes, their ears, their hands, even their brains. It has made available to the average American luxuries that a short time ago were beyond the reach of the wealthiest plutocrat.

And by developing quick-cook meals and labor-saving appliances, it has cut kitchen chores in most homes from five hours a day to an hour and a half—and as a result has done more to liberate women than all of the bra-burning Betty Friedans, Gloria Steinems and Kate Milletts combined.

But the practical benefits of free enterprise are not my principal reason for wanting to preserve the system. To me, the chief advantage of free enterprise is in the world "free." "Free" as opposed to controlled. "Free" as opposed to repressed. "Free" as in "freedom."

I am always amazed that members of the Disaster Lobby—libertarians who champion the cause of freedom from every podium, who insist on everyone's right to dissent, to demonstrate, to curse policemen and smoke pot and burn draft cards and fly the flags of our enemies, while trampling our own—these jealous guardians of every citizen's prerogative to act and speak without government restraints are also the most outspoken advocates of eliminating freedom in one area. When it comes to commerce, to the making and marketing of goods, our liberty-loving Disaster Lobby is in favor of replacing freedom with rigid controls.

And let us not minimize the value of this freedom of commerce to every man, woman and child in our country.

This is the freedom that makes it possible for the consumer to buy one quart of milk at a time—even though a government economist may think gallon containers are more efficient and quarts should be abolished.

This is the freedom that enables the consumer to buy rye bread if he prefers the taste—although someone in Washington may feel that whole-wheat is more nutritious and rye should outlawed.

This is the freedom that allows the consumer to buy a refrigerator in avocado green despite some bureaucrat's desire to have all refrigerators made in white because it would be more economical that way.

For in a free economy, the consumer—through his pocketbook—determines what is made and what is sold. The consumer dictates the sizes, the shapes, the quality, the color, even the price.

And anyone who doubts the importance of this element of freedom ought to visit one of those grim, drab countries where the government decides what should and what should not be marketed.

But this is the direction in which the Disaster Lobby is pushing our country. What surprises me is how few of us seem to recognize the enormity of the threat. Instead of fighting back, we keep giving in to each insane demand of the consumerists—in the hope, I suppose, that if we are accommodating enough the danger will go away.

Well, ladies and gentlemen, it won't go away. If I accomplish nothing else today, I hope I can make that fact transparently plain.

Take the Nader group, for example. I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the consumer by improving business methods.

Forget it. Mr. Nader isn't interested in seeing American industry clean house. What he wants is the *house*—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

Find it hard to believe? Then listen to this Associated Press report of a speech he made last September:

"Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail."

Well, we all know which corporations abuse the public interest in the eyes of Mr. Nader, don't we. *All* of them. The automobile companies. The tire companies. The appliance companies. The drug companies. The food companies. And yes, indeed, the soap and detergent companies.

What Mr. Nader really desires, ladies and gentlemen, is for the government to take over *your* companies and to toss all of you into the calaboose, presumably without a trial. At least he never said anything about a trial.

Does anyone still think Mr. Nader and the rest of the Disaster Lobby are just some harmless do-gooders? Those who know them best don't think so. Federal Trade Commissioner Paul Rand Dixon, for example. Not long ago, he said of Mr. Nader—and I quote—"He's preaching revolution, and I'm scared."

So let's start fighting back! It's not an impossible task because the Disaster Lobby is, by and large, not too bright and far too preposterous. All we have to do to win over the American people is acquaint them with the facts.

We must show them that the consumerists are for the most part devout snobs who believe that the average man is too stupid to make his own selections in a free marketplace.

Our Disaster group opponents also have the most cockeyed set of priorities I have ever encountered. To save a few trees, they would prevent construction of a power plant that could provide essential electricity to scores of hospitals and schools. To protect some birds, they would deprive mankind of food. To keep fish healthy, they would allow human beings to become sick.

One curious feature of the Disaster Lobby is an almost total lack of ethics. I say "curious" because these are the people who demand the maximum in ethics from private industry.

Not long ago, an organization favoring clean air ran an ad soliciting funds from New Yorkers. It was full of half-truths and non-truths, including this sentence: "The longer you live with New York's polluted air and the worse it gets, the better your chances of dying from it." But we know that New York's air is *not* getting worse. Just let some private company run that ad and see how fast the consumerism boys would have a complaint on file with the FTC.

Immaturity is also a characteristic of the Disaster man. His favorite question is, Why can't we have everything? Why can't we have simon-pure air *and* plentiful electricity *and* low utility rates, all at the same time? Why can't we have ample food *and* a ban on pesticides? I recommend the same answer you would give a not-too-intelligent five-year-old who asks, "Why can't I eat that cookie and still have it?" You explain that you just *can't* under present technology.

Just recently the Coca-Cola Co. felt it necessary to reply to environmentalists who demand immediate replacement of glass and metal soft drink containers with something that will self-destruct. "A degradable soft drink container sounds like a fine idea," said Coca-Cola, "but it doesn't exist. And the chances are that one can't be made."

And Edward Cole, president of General Motors, responding to a government mandate for drastic reductions in exhaust emissions within the next four years, stated: "The technology does not exist at this time—inside or outside the automobile industry—to meet these stringent emission levels in the specified time."

This inability of the Disaster people to accept reality is reflected in their frequent complaint that mankind interferes with nature. Such a thing is patently impossible. Man is *part* of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying instruments of nature.

You don't accuse a beaver of interfering with nature when it chops down a tree to build a dam. Then why condemn human beings for chopping down a lot of trees to build a lot of dams—or to do anything else that will make their lives safer or longer or more enjoyable?

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am pro-people.

The Disaster Lobbyist's immaturity shows up again and again in his unwillingness to compromise, to understand that man must settle for less than perfection, for less than zero risk, if he is to flourish. Failing to understand, they demand what they call "adequate testing" before any new product is released to the public. But what they mean by adequate testing would, if carried out, destroy all progress.

If penicillin had been tested the way the Disaster Lobby wants all products tested—not only on the current generation but on future generations, to determine hereditary effects—this wonder drug would not be in use today. And millions of people whose lives have been saved by penicillin would be dead.

We simply cannot test every aspect of human endeavor, generation after generation, to make *absolutely* certain that *everything* we do is *totally* guaranteed not to harm *anybody* to *any* degree whatsoever. We must take an occasional risk to do the greater good for the greater number. But that is a rational mature evaluation—something of which the Disaster Lobby seems utterly incapable.

So this is the face of the enemy. Not a very impressive face. Not even a pleasant face. We have nothing to lose, therefore, by exposing it to the American people for what it is.

The time for surrender and accommodation is past. We must let the American public know that, once free enterprise succumbs to the attacks of the consumerists and the ecologists and the rest of the Disaster Lobby, the freedom of the consumer goes with it. His freedom to live the way he wants and to buy the things he wants without some Big Brother in Washington telling him he can't.

Truth and justice and common sense are on our side. And Americans have a history of responding to these arguments. All we have to do is get the story out—as often as possible, in as many forms as possible. And let's not vitiate our efforts by talking to each other—one businessman to a fellow businessman.

The people we must reach are the *consumers* of America, and they're out there right now listening to propaganda from the other side and, as often as not, agreeing with it. But why shouldn't they? They have yet to hear the truth.

It's a bit late to make a New Year's resolution, but I suggest this one for anyone willing to chip in with a tardy entry. Let us resolve that 1971 will be the year we help convince the people of America that our nation is a great one, that our future is a bright one and that the Disaster Lobby is precisely what the name implies. A disaster.

THE PRESIDENT'S MESSAGE DEALING WITH ENERGY RESOURCES

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. TIERNAN. Mr. Speaker, on June 4, 1971, President Nixon sent to Congress a message dealing with energy resources. The President noted:

> A sufficient supply of clean energy is essential if we are to sustain healthy economic growth and improve the quality of our national life.

He sets out the broad outlines of a program which will purportedly meet our growing demands for energy without doing violence to the environment.

Mr. Nixon is to be commended for focusing attention on this most vital area of public policy. But I am afraid he has done little more: The substantive impact of the proposal set forth in his message is likely to be counterproductive to the Administration's professed goals.

I. RESEARCH AND DEVELOPMENT

The first part of the message deals with an expanded research and development program for fiscal year 1972. No one can quarrel with the President's desire to increase research for developing more efficient and less polluting forms of electrical energy production. At a time when environmental concern is mounting in urgency, electric power generation is being identified as a major source of pollution, with individual plants pouring hundreds of tons of wastes into the air annually. At the same time, experts predict that the total level of pollution from all energy used in the United States could be cut in half by more efficient generation methods.

Clearly this need for clean electricity production is an enormous challenge to the electric power industry. The industry has not seen fit, however, to accept the challenge. It spends annually less than one-fourth of 1 percent of its revenue on research and development while most other regulated industries spend in the range of 2 to 3 percent.

The Government has attempted to fill the gap left by the private utilities, but its efforts to date have been wholly inadequate. In fiscal 1970, Federal efforts cost $350 million, 85 percent of which went into nuclear energy research. By way of contrast, we spent over $3 billion that year on our space effort, an area much less vital in terms of the Nation's most pressing needs.

Despite this lack of commitment to research by Government and industry, several promising generation methods have been discovered. Mr. Nixon has chosen one, the liquid metal fast breeder reactor, for accelerated development while other equally promising generation methods remain largely neglected. Some examples are, magnetohydrodynamics, fuel cells, and nuclear fusion.

There are, nevertheless, substantial dangers inherent in the administration's accelerated research program. The President has committed himself to making the fast breeder reactor, a potentially more efficient and less polluting type of reaction operational by 1980. To do this, he has requested an additional $27 million for the Atomic Energy Commission's engineering program and $50 million more for a demonstration plant. The danger here is that the funds requested are grossly inadequate. The consensus of nuclear generation experts is that a much larger expenditure of funds would be necessary to meet the 1980 deadline.

We have already seen the effect of overpromotion of nuclear generation by the AEC. The Commission made glowing predictions in the early 1960's that nuclear power would be the major source of the 1970's. As a result, development of potential fossil fuel resources was brought to a halt as the utilities turned to nuclear power. When atomic generation failed to develop as quickly as the AEC had predicted, the utilities turned back to fossil fuel only to find no supplies available. This oversell of nuclear generation was one of the prime causes of our present power shortage, which is fast assuming crisis dimensions.

If the utilities accept this promise of a feasible fast breeder reactor by 1980 and commit themselves to it in their planning, a failure to come through on this promise could result in an energy crisis which would make the present shortage pale by comparison. Importantly the fast breeder program is the product of the same AEC promotion-regulation paradox that contributed to the last crisis.

II. A DEVELOPING ENERGY RESOURCES MONOPOLY

Of far greater importance and with vastly more potentially adverse consequences is the President's program for development of energy resources. He announced an accelerated coal gasification program as well as accelerated leasing programs for oil, gas, and geothermal energy sources on public lands.

There is substantial evidence to indicate that this leasing program is the worst possible step we could take at the present time. This is so because of the tightening hold that the oil companies are gaining on all alternative fuels. The distinguished Representative from Wisconsin (Mr. KASTENMEIER) recently pointed out that oil companies have been acquiring substantial holdings in the coal and uranium industries, signaling an end to interfuel competition. This competition has been habitually relied upon for consumer protection.

It is generally known that at least 40 to 50 percent of all coal and oil resources in the United States are in the hands of the energy barons, although it is impossible to know the true extent of the concentration, because of the confusing industry structure established by the energy magnates to shield their holdings.

The record of the leasing program to date has been a very poor one. Oil companies hold approximately 30 percent of the total leased acreage. Of a total of 71 leases held by oil companies, only three have been developed, thus resulting in no appreciable increase in the available fuel supply.

Mr. Nixon's stated purpose in accelerating the leasing program is to "make these resources available to meet the growing energy requirements of the Nation." Yet the prior experience of the leasing program is that the result will be the exact opposite as oil companies extended their control over potential competitors.

III. AN ALTERNATIVE

First, we must insure an adequate supply of the fuels used for generation of electric power.

One important way to accomplish this would be to abolish the oil import quota system. This system artificially restrains the market by preventing world producers from competing with domestic oilmen in the U.S. market. The American Public Power Association reports in its study of "Artificial Restraints on Basic Energy Sources" that at a time when oil is selling at $2 per barrel on the world market, American utilities are paying an average of $3.30 per barrel with utilities in New England paying as much as $4.92 per barrel for the inferior grade residual oil. The estimate is that this protection for domestic oil producers costs American consumers $5 billion annually.

Further, it serves to deplete much more rapidly than is actually necessary the remaining oil reserves in this country, and to create an artificial shortage.

The President has the power to stop this artificial constraint on the operation of an open market. His own Cabinet Task Force on Oil Import Control recommended that he take this step. He has, however, adamantly refused to do so. In the face of this refusal, Representative SILVIO CONTE has introduced H.R. 4933, of which I am a cosponsor to abolish oil import quotas.

There is a legitimate national defense consideration which has been used to justify the oil import control program in the past. Certainly we do not want to place the United States in the position of being dependent on interruptible flows of fuels from insecure sources. To meet this problem, we have also introduced a bill, H.R. 9224, which would establish a National Defense Petroleum Reserve. This bill would require the President to set aside Federal land with enough petroleum producing capacity to protect the United States against a 1-year continuous interruption of oil imports from countries which he determined to be insecure sources. This is a sound proposal for guarding the Nation's fuel supply.

The classic American theory of free enterprise postulates that the best product at the lowest possible cost is most likely to be produced through the competitive interplay of the open market. Clearly this competitive system cannot operate when substantial percentages of oil's competitors are owned by the major petroleum companies. The Federal Government should require the dissolution of these energy monopolies. This could be done in one of several ways. The Federal Trade Commission has recently ordered Kennecott Copper to divest itself of Peabody Coal. It is reportedly considering the competitive effects of the Continental Oil-Consolidation Coal merger. If present antitrust law is found to be inadequate, then it could be supplemented by an amendment explicitly requiring divestiture of coal and uranium holdings by oil companies. Such an approach is embodied in H.R. 4731 introduced by Mr. KASTENMEIER.

One immediate step that must be taken is a halt on the leasing of resources on Federal lands. Mr. Nixon's proposed program calls for an accelerated leasing schedule. Secretary of Interior Morton has already announced a new leasing schedule for oil and gas. This is very unwise for several reasons:

First. The present system of leasing requires a high initial bonus payment in advance of development of the lease. This prevents any small companies from bidding and increases the concentration of resources in the hands of the energy magnates.

Second. There is no national energy policy guiding the development of these reserves. President Nixon noted in his message:

> Over half of our nation's remaining oil and gas resources, about 40% of our coal and uranium, 80% of our oil shale, and some 60% of our geothermal energy sources are located on public lands.

These resources must be developed carefully, for when they have been depleted we will have reached the end of our supply. After a thorough study we might find that it would be wiser to decelerate leasing pending the curtailment of overlavish energy use by industry and the development of more efficient methods for utilizing our declining fuel supply.

Third. Some of the potential fuels, particularly the oil shale, are extremely difficult to claim. Recovering the oil using present mining methods would result in a total devastation of the land, akin to the result from strip mining for coal. Leasing of this land should be delayed until adequate assurance can be given that this will not be the result.

Another area in which Federal action is needed is in a thorough reformation and revitalization of the regulatory process. The Federal Power Commission has become a rubberstamp operation for ratifying industry initiatives. Mr. Nixon must accept a large share of the blame for this. He has consistently made appointments which reflect a clear, undisputed, and irresponsible industry orientation. The regulatory commissions were created to protect the consumer from Government-sanctioned monopolies, not vice versa. This, however, is the role they have assumed and no better example can be found than the Federal Power Commission.

In conjunction with a revitalization of the regulatory process, there is a need for an independent agency to be created which would represent the interests of consumers before the regulatory commissions. I have introduced a bill, H.R. 4872, to establish an independent Utility Consumers Counsel. My bill, I feel, would accomplish this goal.

Mr. Nixon is to be lauded for his proposal that a separate energy agency be created. A supply of clean and reliable energy will be central to our efforts to improve the quality of life. An energy agency has an important role to play in insuring that this demand will be met.

An adequately funded energy agency could take the lead in developing sound energy policy. It could work for the revision of rate structures which reward wasteful use of energy. It could research all methods of supplying power free from the kind of institutional commitment to a particular method of production that has seriously reduced the Atomic Energy Commission's contribution to meeting this country's demand for electric power.

An additional role for the Federal Government could be to establish a public corporation to bid for resource leases on public lands. This alternative would assure that the resources would be made available to the consumer in the most economical manner consistent with environmental protection and wise energy policy. It would also serve as an effective regulatory yardstick that would make meaningful rate regulation possible.

Central to the success of any Federal initiative in the field of energy is a genuine commitment to solving the problem. The President's goals are highly commendable—the commitment he makes to achieving them is not. For a $20 billion industry faced with a challenge of this magnitude, an additional $100 million can hardly be called a commitment.

Americans rely on energy to such a great extent that they are wholly dependent on the energy producers. If we do not respond to the present energy crisis with a substantial high priority commitment, tomorrow's energy needs may go unmet. While a journey of a thousand miles may begin with a single step, Mr. Nixon's pace is hardly more than a crawl.

WETA—TRUE PUBLIC SERVICE RADIO

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BINGHAM. Mr. Speaker, those of us who live or work in the Washington, D.C. area are fortunate in having WETA-FM as a new addition to our community.

WETA is a noncommercial, public radio station in the best sense of that term. Not only do they provide a great variety of music, news, and discussion without commercial interruption but their programs are informative and provocative.

As an example, WETA recently presented live coverage of the hearings which were held before the Senate Foreign Relations Committee on various end-the-war resolutions. As a member of the House Foreign Affairs Committee, and as the chief House sponsor of the Vietnam Disengagement Act—H.R. 4100—I feel it is of real value for members of congressional staffs and others to be able to keep abreast of Senate hearings over WETA while continuing their work in their offices.

WETA is only one of a number of stations across the country that make up the network known as National Public Radio. This network, supported in large measure by the Corporation for Public Broadcasting, has the potential for bringing to listeners across the country a type of programing that has never been available before. It is a challenge and an opportunity. I am confident that if other stations meet the same high standards evident on WETA, this potential will be realized.

Mr. Speaker, at this time I would like to place in the RECORD a list of live and tape delayed programs of a public service nature which were aired over WETA-FM during their first year of operation. I feel this list speaks for itself:

WETA-FM LIVE AND TAPE DELAYED COVERAGE OF ACTUALITIES

Event	Date of event	Time of broadcast	Live/tape-delayed (local or network)
President Nixon's Vietnam statement	Apr. 20, 1970	9 p.m. to 9:15 p.m.	Live (from pool).
District of Columbia Council hearing on narcotics tests	Apr. 22, 1970	10 a.m. to 5 p.m.	Live (local).
Maryland abortion hearings	Apr. 23, 1970	7 p.m. to 12:15 a.m.	Tape-delay (local).
Press conference on the Apollo 13 astronauts at National Press Club	Apr. 30, 1970[1]	6 p.m. to 6:45 p.m.	Do.
President Nixon's first report on Cambodia	May 8, 1970	10 p.m. to 10:15 p.m.	Live (from pool).
Demonstrations against U.S. foreign policy on Ellipse (Cambodia reaction)	May 9, 1970	12:50 p.m. to 5 p.m.	Live (fed EPRN).
Secretary of the Interior Walter Hickel at National Press Club luncheon	May 21, 1970	1:10 p.m. to 2 p.m.	Do.
President Nixon's 2d report on Cambodia	June 4, 1970	9 p.m. to 9:10 p.m.	Live (from pool).
Rev. Jesse Jackson, Howard University commencement speech	June 5, 1970	6 p.m. to 7 p.m.	Live (local and tape distribution).
Senate District of Columbia Committee hearings on narcotics problem	June 11, 1970	10:10 to 11:20 a.m.	Live (local).
President Nixon's economic address	June 17, 1970	12 noon to 12:30 p.m.	Live (from pool).
British parliamentary election coverage	June 18, 1970	6 p.m. to 11 p.m.	Live (with BBC and WGBH-FM for EPRN).

Event	Date	Date and time of broadcast	Mode	Distribution
District of Columbia City Council abortion law hearings	June 24, 1970 June 26, 1970	June 27, 1970, 9 a.m. to 5:30 p.m.	Tape	Local.
Selective Service lottery	July 1, 1970	July 1, 1970, 10:10 a.m. to 1:50 p.m.	Live	EPRN.
"Honor America Day" events	July 4, 1970	July 4, 1970, 10:45 a.m. to 12:08 p.m.; 7 p.m. to 9:50 p.m.	do	EPRN, BBC, AFRS, HUGHS.
Profile Plus with Herb Klein and Robert Finch	July 19, 1970	July 19, 1970, 8 p.m. to 9 p.m.	do	From pool.
Senate Investigations Subcommittee hearings on bombing and terrorism	July 21, 1970	July 21, 1970, 10:15 a.m. to 12:25 pm	do	EPRN.
International Platform Association (IPA): Seeress Jeane Dixon	July 28, 1970	July 28, 1970, 10:20 a.m. to 11 a.m.	do	Local.
IPA: Musician-Comedian Victor Borge	do	July 28, 1970, 11:30 a.m. to noon	do	Local
IPA: "An Assessment of Spiro Agnew" with Jack Anderson, Nancy Dickerson, Frank Mankiewicz, Richard Wilson, and Warren Rogers.	do	July 28, 1970, 1 p.m. to 2:15 p.m.	do	Do.
IPA: Attorney General John Mitchell interviewed by James J. Kilpatrick; Betty Friedan on Women's Liberation.	do	July 28, 1970, 8:30 p.m. to 10:15 p.m-	do	Do.
IPA: Senator John Tower, Republican of Texas, on "The Challenge of the 70's"; ABC TV Correspondent John Scali on "Washington Wonderland."	July 29, 1970	July 29, 1970, 10:15 a.m. to 11:20 a.m.	do	Do.
IPA: Ralph Nader on the "Upside Down Society"; H. Ross Perot on freeing U.S. Vietnam war prisoners.	do	July 29, 1970, 8:30 p.m. to 10:15 p.m.	do	Do.
IPA: Lowell Thomas, Ann Landers, Dr. Glenn Seaborg, Art Linkletter	July 30, 1970	July 30, 1970, 9 p.m. to 10 p.m.	do	Do.
President Nixon's press conference from California	do	July 30, 1970, 11 p.m. to 11:35 p.m.	do	From pool.
IPA: "Ask Al Capp"	July 31, 1970	July 31, 1970, 9:30 p.m. to 10:30 p.m.	do	Local.
Senate Subcommittee on Communications hearings on the use of broadcast time	Aug. 4, 1970	Aug. 4, 1970, 10 a.m. to 12:30 p.m.; 1:30 p.m. to 4 p.m.	do	Do.
	Aug. 5, 1970	Aug. 5, 1970, 10 a.m. to 11:45 a.m.; 1:30 p.m. to 3:55 p.m.	do	Do.
	Aug. 6, 1970	Aug. 6, 1970, 10 a.m. to noon; 1:30 p.m. to 3:30 p.m.	do	Do.
Maryland High Week:				
Chancellor's address	Sept. 9, 1970	Sept. 9, 1970, 11:20 a.m. to 11:45 a.m.	do	Do.
Katherine Ann Porter	do	Sept. 9, 1970, 7:35 p.m. to 8:27 p.m.	do	Do.
Adam Clayton Powell	Sept. 10, 1970	Sept. 10, 1970, 1:20 p.m. to 3:50 p.m.	do	Do.
Representative Phillip Crane (R-Ill.), Senator Mike Gravel (D-Alaska)	do	Sept. 10, 1970 6:40 p.m. to 8:55 p.m.	do	Do.
William Kunstler and Jack Garrity	Sept. 11, 1970	September 11, 1970, 11 a.m. to 12:56 p.m.	do	Do.
Tom Sorenson	do	September 11, 1970, 1:25 p.m. to 1:50 p.m.	do	Do.
President Nixon's speech at Kansas State University	Sept. 16, 1970	Sept. 16, 1970, 1 p.m. to 1:40 p.m.	do	From pool.
White House Conference on Children; forum on child development and the mass media	Sept. 21, 1970	Sept. 21, 1970, 9 a.m. to 12:05 p.m.; 1:30 p.m. to 4 p.m.	do	EPRN.
	Sept. 22, 1970	Sept. 22, 1970, 9 a.m. to 11:30 a.m.; 1:30 p.m. to 3 p.m.	do	Do.
CPB report to the people with John Macy, Dean Burch	Sept. 29, 1970	Sept. 29, 1970, 9 to 9:45 p.m.	do	Local.
President Nixon's report to the Nation on Vietnam	Oct. 7, 1970	Oct. 7, 1970, 9 to 9:16 p.m.	do	From pool.
Election night coverage	Nov. 3, 1970	Nov. 3, 1970, 3 minute inserts: 8, 9, and 9:57 p.m., 10 p.m. to 1 a.m.	do	Local (joint prod. with newsroom).
Salute to the Vice President with Al Capp, Martha Mitchell, Rogers Morton, and Spiro Agnew	Nov. 12, 1970	Nov. 13, 1970, 8 to 9 p.m.	Tape	Local.
South Vietnamese Vice President Nguyen Cao Ky at the National Press Club	Nov. 24, 1970	Nov. 24, 1970, 1:05 to 2:10 p.m.	Live	EPRN.
Defense Secretary Melvin Laird testifying before Senate Foreign Relations Committee	do	Nov. 24, 1970, 4:10 to 6:30 p.m.	do	Do.
King Hussein of Jordan at the National Press Club	Dec. 10, 1970	Dec. 10, 1970, 1 to 2 p.m.	do	EPRN.
		Dec. 10, 1970, 8 to 9 p.m. (repeat)	Tape	Local.
President Nixon's press conference	do	Dec. 10, 1970, 9 to 9:34 p.m.	Live	From pool.
Secretary of State William Rogers' news conference	Dec. 23, 1970	Dec. 23, 1970, 12 to 1 p.m.	Tape[2]	EPRN.
A conversation with the President	Jan. 4, 1971	Jan. 4, 1970, 9 to 10 p.m.	Live	From pool.
William Ruckleshaus, Administrator of the Environmental Protection Agency, at the National Press Club.	Jan. 12, 1971	Jan. 12, 1971, 1 to 2 p.m.	do	Local.
District of Columbia City Council hearings on extended care facilities	Jan. 14, 1971	Jan. 14, 1971, 10 a.m.	do	Do.
District of Columbia City Council hearing on air pollution in the District of Columbia	Jan. 20, 1971	Jan. 20, 1971, 10 a.m. to 12 p.m.; 2 p.m. to 4 p.m.	do	Do.
President Richard Nixon's state of the Union address	Jan. 22, 1971	Jan. 22, 1971 9 p.m. to 9:40 p.m.	do	Do.
Net's "state of the Union '70"	do	Jan. 22, 1971, 9:40 p.m. to 11:00 p.m.	do	From TV.
California Gov. Ronald Reagan at the National Press Club	Jan. 25, 1971	Jan. 25, 1971, 1:00 p.m. to 2:00 p.m.	do	EPRN.
House District of Columbia Committee hearing on District of Columbia Junior Village	Jan. 26, 1971	Jan. 26, 1971, 9:30 p.m. to 12 p.m.; 8:30 p.m. to 11 p.m.	do	Local.
			Tape	Local replay.
A conversation with Senator Mike Mansfield (Democratic reply to the state of the Union)	do	Jan. 26, 1971, 7:30 p.m. to 8:30 p.m.	Live	From pool.
House District of Columbia Committee hearings on District of Columbia Junior Village	Jan. 27, 1971	Jan. 27, 1971, 9 a.m. to 12:30 p.m.	do	Local.
	Jan. 28, 1971	Jan. 28, 1971, 9 a.m. to 12:15 p.m.	do	Do.
Senate Armed Services Committee hearings on the draft	Feb. 2, 1971	Feb. 2, 1971, 10 a.m. to 12 p.m.; 2:30 p.m. to 5 p.m.	do	EPRN.
	Feb. 4, 1971	Feb. 4, 1971 10 a.m. to 12:30 p.m.	do	EPRN.
Gov. Nelson Rockefeller at the National Press Club	do	Feb. 4, 1971 1 p.m. to 2 p.m.	do	EPRN.
Apollo XIV splashdown	Feb. 9, 1971	Feb. 9, 1971, 3:30 p.m. to 4:20 p.m.	do	From pool.
District of Columbia City Council hearings on consumer problems in the District	do	Feb. 9, 1971, 7:30 p.m. to 10 p.m.	do	Local.
	Feb. 10, 1971	Feb. 10, 1971, 10 a.m. to 2 p.m.	do	Do.

Footnotes at end of article.

Event	Date	Date and time of broadcast	Mode	Distribution
Washington Metropolitan Area Council of Governments meeting on freeway—subway impasse.	Feb. 16, 1971	Feb. 16, 1971 7 p.m. to 8:30 p.m.	do	Do.
Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights.	Feb. 23, 1971	Feb. 23, 1971, 10:15 a.m. to 1 p.m.; 2:30 p.m. to 4 p.m.	do	EPRN.
	Feb. 24, 1971	Feb. 24, 1971, 10:15 a.m. to 1 p.m.; 2:30 p.m. to 6:30 p.m.	do	Do.
	Feb. 25, 1971	Feb. 25, 1971, 10 a.m. to 1:30 p.m.	do	Do.
President Nixon's message on the state of the World	do	Feb. 25, 1971, 6 p.m. to 6:30 p.m.	Tape delay	Local (pool).
Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights.	Mar. 2, 1971	Mar. 2, 1971, 10 a.m. to 12:30 p.m.; 2:30 p.m. to 6 p.m.	Live	EPRN.
	Mar. 3, 1971	Mar. 3, 1971, 10 a.m. to 1:30 p.m.	do	Do.
	Mar. 4, 1971	Mar. 4, 1971, 10 a.m. to 11:30 a.m.	do	Do.
President Nixon's press conference	Marl 4, 1971	Mar. 4, 1971, 9 p.m. to 9:30 p.m.	do	Local (pool).
Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights.	Mar. 9, 1971	Mar. 9, 1971, 10 a.m. to 1:15 p.m.	do	EPRN.
	Mar. 10, 1971	Mar. 10, 1971, 10 a.m. to 1:30 p.m.; 2:30 p.m. to 4:30 p.m.	do	EPRN.
	Mar. 11, 1971	Mar. 11, 1971, 10 a.m. to 11:45 a.m.	do	EPRN (contract).
Federal Communications Commission hearings on CATV	do	Mar. 11, 1971, 9:25 a.m. to 12:25 p.m.; 2 p.m. to 4:20 p.m.	do	Local.
	Mar. 12, 1971	Mar. 12, 1971, 9:25 a.m. to 12:30 p.m.; 2 p.m. to 4:45 p.m.	do	Do.
	Mar. 15, 1971	Mar. 15, 1971, 9:25 a.m. to 12:45 p.m.; 2 p.m. to 4:40 p.m.	do	Do.
Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights.	Mar. 15, 1971	Mar. 15, 1971, 10 a.m. to 1:15 p.m.	do	EPRN (contract).
Secretary of State William Rogers' news conference	do	Mar. 16, 1971, 12:30 p.m. to 1:15 p.m.	Tape delay [3]	EPRN
Federal Communications Commission hearings on CATV	Mar. 18, 1971	Mar. 18, 1971, 9:25 a.m. to 12:40 p.m.; 2 p.m. to 4:50 p.m.	Live	Local.
District of Columbia City Council hearings on consumer problems in the District	Mar. 30, 1971	Mar. 30, 1971, 10:40 a.m. to 12:40 p.m.; 1:35 p.m. to 3:30 p.m.	do	Do.
District of Columbia City Council hearings on methadone registry and control of drug paraphernalia in the District of Columbia.	Apr. 7, 1971	Apr. 7, 1971, 10 a.m. to 2:30 p.m.	do	Do.
Senator Barry Goldwater at the National Rifle Association convention	do	Apr. 7, 1971, 8:15 p.m. to 8:50 p.m.	do	Do.
District of Columbia City Council hearing on extended health care facilities	Apr. 13, 1971	Apr. 13, 1971, 10 a.m. to 3:45 p.m.	do	Do.
CIA Director Richard Helms speaking before the American Society of Newspaper Editors	Apr. 14, 1971	Apr. 14, 1971, 1:30 p.m. to 2:15 p.m.	do	Do.
Senator Henry Jackson speech and panel discussion before ASNE	Apr. 15, 1971	Apr. 15, 1971, 1:30 p.m. to 2:15 p.m.	do	Do.
Senators George McGovern, Harold Hughes, Birch Bayh, and Hubert Humphrey speak at Press Club of Washington Dinner for ASNE.	Apr. 15, 1971	Apr. 15, 1971, 10 p.m. to 10:50 p.m.	do	Do.
President Richard Nixon interviewed by a panel of editors at ASNE	Apr. 16, 1971	Apr. 16, 1971, 9 p.m. to 10 p.m.	do	EPRN.

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[1] Broadcast May 1, 1970.

[2] 1-hour tape delay due to State Department resolutions.

[3] 1-hour delay required by State Department regulations.

A TRAGEDY WITH A MEANING

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. LENT. Mr. Speaker, recently, I received a letter from a constituent of mine, Mrs. H. L. Mehr of Rockville Centre, N.Y. Mrs. Mehr wrote me of a tragic accident which occurred in her family. While Mrs. Mehr's story is both sad and heartbreaking, there is also a lesson to be learned from it.

Knowing my colleagues might like to share this note of compassion, I commend it to them here:

> It never occurred to us that one day our son would go out in his car and that this would be his last day on earth. Only when we received a telephone call at 11 PM on December 30, 1969, did we realize that this does happen—Our only son of 25 was instantly killed in a bizarre accident on Route 3 in New Jersey, on a road with a small grassy divider of about 10 feet wide, and the scene of the accident was a section over a small rickety arched bridge. Our son was practically at a standstill in his car, when he was killed by a young fellow, driving a borrowed station wagon, who tried to pass a car on the right and in so doing jumped the divider, ripping the roof off of our boy's car and savagely killing him.
>
> The last time we saw our Sandy was on Christmas Day. He was happy about plans for a ski trip. It was snowing that evening and we cautioned him about driving in bad weather. He drove a new car and had on seat and shoulder harness, carrying out all the things we have been told to do. Little did we know that the harness was to be his undoing, locking him to his seat, allowing no body reflexes. He could possibly have had a better chance without that harness—thrown to the floor, to the back of the car or out of the car—people have survived this way. But there was no escape as it was.
>
> Observation by policemen arriving at various accidents indicates that whatever advantages are claimed for the shoulder harness, these are often outweighed by the disadvantages.
>
> The vast majority of drivers do not wear the shoulder harness. They have an aversion to it, it is uncomfortable, it does not permit sufficient freedom and restrains the driver from necessary movement. The harness is controversial. The fact that Ralph Nader recently said ". . . the present seat belt-harness system could be replaced by a more effective restraint system . . ." indicates the necessity for further research.
>
> The course of our lives was changed, the shock devastating, to lose at the brink of life, a son who would have graduated Law School within a few months.
>
> We had occasion to see the driver of the death car, in court. Neither he nor any member of his family ever contacted us in the months before, at least to say something in sympathy. We walked over to him where he was seated in court. He did not turn his head to look at us. When we spoke to him and his female companion, they looked at us with a disdainful expression, the girl said "It could have been us instead of you."
>
> We have nothing but praise for the sympathy, help and understanding of the East Rutherford Police Department. The Captain of Police sent us a personal letter. It helped, at least someone cared.
>
> And the irony of it all—the other five people involved in the accident all jumped on the bandwagon, suing for everything they could get, instead of being thankful that they escaped with minor damage or injury. And the driver of the death car walked out free on a technicality.
>
> We are shocked at the loss of over 44,000 men killed in Vietnam over a period of eight years, but what about the 57,000 killed and 5,000,000 injured in automobile accidents in the year 1969? Some so badly they will never again lead useful lives.
>
> Yes, we are obsessed about automobile accidents which are of almost epidemic proportion. There is rarely a person we speak to who does not have some member of the family or friend involved in an automobile accident. All of the above was brought into sharp focus when we read a news item of December 14, 1970, with its headline "Auto Deaths Drop Sharply, Safety Advocates Credited." Actually, close reading of the report did not present as encouraging a picture of highway safety as the headline would have us believe. The illusionary statistic that "2% fewer people will die on the highways" is not a sharp drop. The projected figure of 55,300 deaths for 1970 which mentions nothing about the injured, is not a victory for the safety advocates. Yet the news release is promoted with such zeal, that the real problem is lost in the rush to concentrate on a safer car. But the only real answer lies in better drivers. The kind of driver who keeps accidents from happening.
>
> Groups headed by Ralph Nader feel that the car itself should be concentrated upon to decrease accidents. While this is important it seems to us that it lulls the driver into a false sense of security when he feels this "better crash packaged car" fortified with the latest improvements in equipment, will lessen the effects of an accident. Statistics show that less than 5% of accidents are due to faulty car equipment, the remaining 95% are caused by the driver himself.
>
> There is a simple and direct way to approach the problem of highway safety: 1) Tougher penalties by the Courts for the speeder, and the drunk driver, particularly when an accident has resulted in death. Make the laws so stringent that the driver would be ever conscious of the dire consequences of any violation. 2) Lowering of speed limits to a maximum of 55 miles per hour. Only a few years back, the maximum speed limit for New York State was 50 miles per hour.
>
> We are told about realistic speeds, taking into account the particular highway or thruway, but the record of dead and injured calls for a re-evaluation of such speed limits. This should receive top priority.
>
> With lowered speed the driver will still get to his destination, even if it be a little later. Driving must now be considered not how fast we can get there, but how safe we can make it.
>
> The attached report is dedicated to our

son and others who have suffered similar loss. We don't want to happen to others what happened to our Sandy.

Mrs. HERMAN L. (EMILY) MEHR.

Mr. Speaker, the problem of safer conditions for the driver and passenger of the cars on our roads poses many questions. We have detailed and analyzed herein the various components that should aid the cause for safe driving and a reduction of highway fatalities and injuries:

SPEEDING

Stricter laws together with tighter enforcement of the laws will curb the speeder. Too much leniency is shown the speeding driver. In New York State for example, it is only after three violations in an 18-month period that the court begins to crack down and the driver's license suspended. This should be changed. The driver who exceeds the posted speed limit, no matter to what extent, should be fined in an increasing amount for every mile above the speed limit. On the second offense the driver should have his license suspended for a month, in addition to a fine. The 18-month period should be cut down to 12 months.

It is common practice to allow up to 5 to 8 miles over the posted speed, perhaps to assure a tighter case against the speeder. This is not the way the law is written. There should be no such differentials and this should be taken into consideration when fixing speed limits. Bad weather, slippery pavements, and poor visibility are handicaps to safe driving. Under such circumstances, a maximum speed limit does not mean that the driver can always travel at the posted speed—night driving and poor weather are the cause of many accidents, speed must be reduced accordingly.

Bermuda, for example, although a small community with different problems, suspends licenses for periods of 3 to 6 months for speeders and drunk drivers with fines of $200 or more on first offense, depending on severity of violation. Similar penalties could very well apply here. This would be sufficient warning to other would-be speeders with the resultant decrease in highway accidents.

The relationship of speeding to automobile accidents was brought out sharply on Long Island by the State parkway police, who for a number of days gave out summons on the parkways for even 1 mile above the speed limit. During this period accidents were virtually eliminated.

Under Connecticut law, the license is automatically suspended for a first speeding offense. New Jersey has a similar law for operating at a speed of 60 miles per hour or greater where speed is 50 miles per hour

Many roads were designed for speed limits of 50 miles per hour and this was the maximum speed for New York State. This was changed in 1970 to 55 miles—60 miles, considering allowances—which should be the absolute maximum. Most people are not geared either mentally or physically to control their car at high speed. Yet under the guise of "realistic speed" limits are raised to speed up traffic. With more and more cars on the highways each year, there will be no plateau on speed. It is the lawmakers who should be realistic and realize that the higher the speed the greater the accident rate. Over half of accidents are caused by the speeders themselves.

The Big Three auto manufacturers have agreed to stop making racing models in order to deemphasize speed. Cars bearing such names as Spitfire, Tempest, Firebird, Fury, Charger which connote bursts of speed tend to have a subliminal effect on the driver. Speeders can be curbed by discontinuing the manufacture of cars whose main attraction is speed.

ALCOHOL, DRUGS, AND THE DRIVER

This is one of our most serious problems and present laws are not sufficient deterrents for the drunk driver. A conviction for driving under the influence of alcohol in New York State calls for mandatory suspension of license for 60 days for the first offense, and 120 days for the second offense within 3 years. These penalties should be doubled and upon a third offense, the license should be revoked if found guilty. Similar penalties should apply to the drug addict.

The National Highway Traffic Safety Administration recommends that a drunk driver be declared legally "drunk" at 0.10 percent blood alcohol. However, many States, for example Missouri, a person is not considered drunk until blood alcohol reaches 0.15 percent—that is dangerously high. In effect under such circumstances "drunk driving" is legal.

FATAL ACCIDENTS

A distinction should be made between accidents involving person or property and accidents in which a fatality has occurred. The law should be changed so that a driver involved in a fatal accident should be taken into custody directly following such accident pending an immediate hearing. This is to protect the safety of other drivers. Facilities could be made available for such a hearing and if the driver is held over for trial he should be required to post sufficient bail to insure his presence at trial.

The whole process including grand jury action should take place in the shortest possible time. Dilatory tactics should be discouraged. Means should be found to minimize undue delay in reaching trial date. It is unfortunate that many of these death drivers are usually represented by astute courtroom lawyers with the result that the driver in many instances walks out free on a mere technicality.

If the driver is found guilty of vehicular homicide, he should suffer the penalty of mandatory revocation of his license in addition to fine and imprisonment, sufficient to be an example to other drivers.

The driver who violates the traffic laws is in a different category from the criminal who commits a crime against person or property. As the holder of a license to drive he agrees to abide by the rules and regulations of the department of motor vehicles. A license to drive is a privilege conferred by the State and the State must make certain that the driver is at all times worthy of that privilege. Therefore on any traffic violation or disregard of the rules of the road, the driver must accept the consequences and be punished within the full provisions of the law. In some cases, the permissive attitude of the court allows drivers to get off with a minimal penalty. The heavy court calendars also contribute to the problem.

A step toward decreasing automobile accidents is the proposal put forth by the National Safety Council—mandatory appearances for all moving violations. It will inconvenience many drivers but will cut down the accident rate.

DRIVER RESPONSIBILITY

The driver who uses tranquilizers and certain cold remedies should be carefully guided by his family physician in the use of such drugs while driving. Pharmaceutical reference material warns against driving after taking drugs that impair ability to drive.

Also, there is the driver who uses his car as an emotional outlet, getting in the car and dashing away to get rid of his phobias or the driver who weaves from one lane to another, cutting off other drivers. To them this seems to be the sporting thing to do. Many movies, books and television often glorify the grandiose behavior of the younger generation, practically putting a premium on speed, giving it a sort of psychological and romantic quality, as depicted in a recent best seller. As long as the public, especially the youth, are exposed to such material, the cause of safety will suffer.

DRIVER TESTS

Age 18 should be the minimum age for a driver's license. The 17 to 25 age group are involved in over a third of fatal accidents. Driving tests should be supplemented with a driver's education course. Present laws permit a driver to retain his license for life without ever reporting in person to the department of motor vehicles. This law should be changed so that the driver reports in person every 3 or 5 years, for a written examination, as well as a new driving test. Certain personality traits would be observed during these visits as well as any obvious physical problems. A modest fee could be paid to defray the expenses of this new procedure.

Lectures and films, particularly of accidents, should be part of the program at the department of motor vehicles. The problem of the defensive driver who has no chance against the driver who wants to be "king of the road" and aggressive drivers, should be schooled in self discipline.

SAFER ROADS

Crossover crashes are a major cause of fatalities, killing the innocent. Dividers should be constructed so that this type of accident does not happen. St. Louis has taken the initiative, building a concrete abutment on a well traveled highway to prevent cross-over accidents. While work is underway for a safer divider on New York's Long Island Expressway, no overall plans have been made. The London Transport ministry has stated that by 1975 the entire British motorways network would have metal dividers of proper height, regardless of cost. It is urgent that we follow this plan and consider it as top priority.

Maximum speed signs should be posted on overhead bars instead of at the side of the road, where they are not conspicuous enough to be seen by the drivers. Such signs should also be placed at closer intervals.

The condition of our roads presents a very serious safety problem. Many are old and unable to withstand the current traffic load. Some have been constructed of poor quality material, causing early deterioration and wear down to a slick surface making it particularly hazardous in wet weather. In many cases resurfacing is too thin for safe driving. A safer and lasting road should have a solid concrete base with a dense overlay of asphalt and well drained subgrading to prevent cracking of the concrete.

Many of our thruways, parkways and expressways were built years ago without projecting the enormity of increased traffic. Roads in many areas do not have acceleration lanes, an added outside lane of a highway to accept incoming traffic. It is hazardous to get on such parkways and to wait at a stop sign to enter requires sheer bravery.

All roads should be patrolled by crews of auxiliary police, given the power to issue summons for traffic violations. Members of the regular police force are just not sufficient in numbers to patrol the highways.

SAFER CARS

Inspection of cars should be under direct supervision of the New York State department of motor vehicles with their own inspection stations and their own personnel instead of the present system of private garages. This will assure experienced and unbiased inspection.

While automobile manufacturers are working toward safer cars with improvements of stronger car tops, reenforcement of car doors, shock absorbing front and rear fenders of uniform height, such improvements will not be under way for a few years. The shoulder harness is controversial and should be replaced as a safer and, more effective system. It is too restrictive and in the case of certain types of accidents. It is actually a contributing factor to fatalities. And it is for this reason many drivers are averse to using it. The Department of Transportation found that only 30 percent of auto occupants use the present lap belts and 5 percent use the shoulder harness.

The most recent safety standards by the Department of Transportation calls for a front seat "passive" restraint system such as the air bag by July 1973 and full protection for all occupants by 1975. These restraints together with contoured seats, energy absorbing padding or other cushioning devices can provide protection in various types of accidents, say the Federal experts.

It may be that with these new restraints, at least the use of the shoulder harness will be found unnecessary. From interviews with drivers in various areas, we have found that they avoid these belts not because of apathy or carelessness, but rather because of a natural protective attitude of self preservation—not to be locked securely in a car colliding in any unorthodox manner.

A recent item reported that preliminary crashability tests on three groups of cars at a 5 mile per hour testing speed by the Insurance Institute for Highway Safety, indicated that 1971 cars have not improved much over 1969 and 1970 in fact they are not as safe. They have the same "glass jaws" as their predecessors, and the same bendable fenders and teacup grills. In the campaign for safer cars, we should not overlook the fact that in the 1950's and 1960's automobiles had bodies of heavy gage metal. Cars coming out of the assembly line today are constructed of a lighter gage metal with an alloy and are more crumple prone.

The sale of used cars leaves much to be desired from a safety standpoint. Cars are traded in by the driver who purchases his car every few years to keep up with the new models and those who turn in their old models with high mileage and mechanical troubles. It is the latter type of used car that may well be a menace on the road. Yearly issuance of inspection stickers is not enough protection to the public against such cars. Since safety groups focus their attention on the better packaged car, there are defects the public should be aware of when purchasing a used car, either from the franchised dealer or "Joe's Used Car Lot" or even the private seller. The independent carlot often gets them from the wholesaler who buys "rejected cars" from the franchised dealer or sometimes an insurance company which has taken over a car involved in an accident.

The franchised dealer selling new cars makes it a practice with his used car lot not to accept cars over 5 years old. They get rid of the car in bad shape and sell it to the wholesaler. The franchised dealer with his own crew of skilled mechanics, has too much at stake to palm off bad cars that would reflect on their new car sales.

With the mushrooming of thousands of independent carlots, some of them in and out of business, the quality and safety of such used cars is lowered to a precarious level. A Midwest State inspection of the older car, pre-1963 models, had the highest percentage of failures. Many of the people who purchased such cars are of the younger generation and foreign born and are easily taken in by some of these dealers.

SUMMARY

The only way we can effectively raise the skill level of the driver is through concerted and continuing national educational campaigns on television and other mass media by means of graphic illustrations and other devices.

We have traveled the New York highways and cannot help but notice the inherent dangers always present on the roads. Drivers rarely adhere to posted speed limits. The right lane is no longer a refuge for people who do not wish to speed up to 55 miles per hour. We know of people who slow down to 50 miles per hour and they have received a summons for impeding traffic. Where is the conservative driver supposed to go? We are told the service roads but even here speeds are exceeded. What has been said about the New York State area can very well apply to the country at large.

One method of getting the message of highway safety to each and every driver throughout the country would be a sticker-type poster in color, large enough to be noticed, mailed out by the Department of Motor Vehicles. The following is an idea of what could be stated:

WARNING

Do Not Exceed the Posted Maximum Speed Limit on the Roads Through Which You Drive.

You Must Consider and Respect the Rights and Safety of the Other Driver.

Speed Limits Must Be Obeyed Under Penalty of Fine, Imprisonment or Both.

The same effort that was expended in the campaign against cigarettes should be expended on this vital problem, which deserves as much if not more attention.

There is too much apathy and procrastination in implementing improvements for safe driving. The lives of millions of people depend upon action. It is unfortunate but it almost seems as though you have to have it happen to you before you become impressed with the staggering toll exacted in highway accidents.

A PRESIDENTIAL MEDAL FOR A MOST DISTINGUISHED PUBLIC OFFICIAL

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SNYDER. Mr. Speaker, on June 10, 1971, in a ceremonial in one of the offices at the Pentagon there was formally bestowed a Presidential Medal of Honor, on a most distinguished soldier-citizen. Reference is made to Lt. Gen. Walter P. Leber, who recently concluded his term as Governor of the Canal Zone and President of the Panama Canal Company—the last post embracing the operation and maintenance of the Panama Canal.

Among the high-ranking officials present were the following: Secretary of the Army Stanley R. Resor, Undersecretary of the Army Thaddeus R. Beal, Chairman of the Board, Panama Canal Company, Deputy Under Secretary of the Army, David H. Ward, Vice Chief of Staff, General Bruce Palmer, Jr., other general officers of the Department of the Army General Staff.

The medal was handsomely designed, beribboned and inscribed; accompanied with a citation, then read, testifying to the splendid services rendered by Governor Leber during his recently completed term as Governor of the Canal Zone and President of the Panama Canal Company. The duties of the first-named post are self-explanatory.

The citation sets forth in sufficient detail the outstanding labors of Governor Leber—performed with great efficiency under conditions that were in many ways difficult.

In truth, the services he rendered were of the most efficient character, and from what I can learn, I would be fully justified in declaring him unexcelled in the discharge of the duties so involved. By all tests, the honor was richly merited.

Among those present, were a few civilians—including members of the Leber family and former Congressman Maurice H. Thatcher of Kentucky and sole surviving member of the Isthmian Canal Commission which had supervision of the construction of the Panama Canal. To him, I am indebted for furnishing me the general details of the occasion and a copy of the citation and the biographical sketch. I have deemed the event to be of praiseworthy value, entitling it to a place in the CONGRESSIONAL RECORD.

I am including as a part of these remarks, the indicated citation and a biographical sketch of General Leber as it appears in the 1969–71 issue of "Who's Who in America."

The material follows:

CITATION

The President of the United States of America, authorized by Act of Congress, July 9, 1918, has awarded the Distinguished Service Medal to Lieutenant General Walter P. Leber, U.S. Army, exceptionally meritorious service in a position of great responsibility:

Lieutenant General Walter P. Leber, (then Major General), United States Army, distinguished himself by exceptionally outstanding meritorious service while serving as Governor of the Canal Zone and President of the Panama Canal Company during the period February 1967 to March 1971. As Governor, appointed by the President of the United States with advice and consent of the Senate, General Leber was charged by law with the official control and jurisdiction of the Canal Zone. This included governing a community of 41,000 U.S. citizens and 9,000 non-U.S. citizens living within the confines of the area. General Leber directed the law enforcement agencies, fire fighting units, public schools, hospital services, postal services and the many other activities that function under the auspices of the Government of the Canal Zone. General Leber took an intense personal interest in the functioning of each of these different areas of the Canal Zone Government and during his term of office, there was considerable progress made in many aspects of government. As President of the Panama Canal Company, it was General Leber's considerable responsibility to manage the operation of one of the world's most important waterways. Reporting directly to the Secretary of the Army and responsible to a Board of Directors composed of many distinguished U.S. citizens both in and out of the U.S. Government, General Leber supervised a work force of 16,000 people operating night and day to keep the vital link between the Atlantic and Pacific Oceans open to the maritime traffic of the world. During the period of time that General Leber was President of the Company, he directed major engineering changes which significantly improved the safety of canal passage. He also was instrumental in developing a comprehensive long term plan which will ultimately assure that the canal's maximum capacity can be realized without interference to operations. As Governor of the Zone and President of the Panama Company, General Leber demonstrated a sincere interest in improving employee-management relationships. The notable improvement in this important area during the time General Leber was in the Canal Zone attests to the marked success that he achieved in these relationships. Throughout his four year term as Governor of the Canal Zone, General Leber demonstrated outstanding ability to lead the Canal Zone Government and Panama Canal Company in their highly successful operations. He consistently brought to this task a dedication and understanding that can be characterized as unique and outstanding. His professional competence and distinguished preformance of duty are in keeping with the most cherished traditions of the military service and reflect great credit on him, and the United States Army.

BIOGRAPHICAL SKETCH

Leber, Walter Philip, army officer: b. St. Louis, Sept. 12, 1918; s. Walter and Bonnie Vera (Blackman) L.; B.S., Mo. Sch. Mines, 1940; M.B.A., George Washington U., 1961.; grad. Command and Gen. Staff Coll., 1956, Indsl. Coll. Armed Forces, 1958; m. Bernice Jean Palus, Sept. 9, 1950; children—Randolph Frank, Bonnie Gay, Philip Kevin. Petroleum engr. Stranolind Oil & Gas Co., 1940–41; commd. 2d lt., C.E., U.S. Army, 1941, advanced through grades to maj. gen., 1967; comdr. engring. troops 2d Inf. Div., 1941–42; mem. faculty Engrs. Sch., Ft. Belvoir, Va., 1942; assigned Office Chief Engr. and Advanced Sect. Communications Zone, ETO, 1942–46, Manhattan Engr. Dist., Oak Ridge, 1946–47; chief tech. div. mil. liaison com. AEC, 1947–49; asst. dist. engr., exec. officer Seattle and Walla Walla dist., C.E., 1949–50; comdr. 46th Engr. Battalion, Ft. Sill, Okla, 1950–51; assigned gen. staff logistics Dept. Army, 1951–55; dep. engr. 8th U.S. Army, Korea, also comdr. 2d Engr. Group, Korea, 1956–57; exec. officer to chief engrs. U.S. Army, 1958–61; lt. gov. C.Z., v.p., dir. Panama Canal Co., 1961–63; div. engr. Army Engr. Div., Ohio River, 1963–66; dir. civil works Office Chief Engrs., United States Army, Washington, 1966–67; gov. Canal Zone, pres. Panama Canal Company, 1967—. Chairman of the gov. C.Z. Council Vol. Giving, 1961—. Mgmt. com. Balboa YMCA; exec. bd. C.Z. council Boy Scouts Am.; trustee, exec. com. C.Z. United Fund. Decorated Legion Merit with 2 oak leaf clusters, Bronze Star medal. Army Commendation with oak leaf cluster; Order British Empire; L'Orde de Leopold II (Belgium). Registered profl. engr., D.C. Mem. Soc. Am. Mil. Engrs., Tau Beta Pi, Phi Kappa Phi. Episcopalian. Home: Gov's House, Balboa Heights. Office: Balboa Heights, C.Z.

My especial interest in this subject is induced, in large measure, by the fact that before General Leber was assigned to his Isthmian task, he served from May 1963 to July 1966 as Chief of the U.S. Engineering System for the Ohio River and its north and south tributaries throughout. For many miles, the Ohio River marks the northern boundary of my congressional district, and throughout the great valley of the Ohio, extending from the Golden Triangle at Pittsburgh during its 1,000-mile course of the river to its contact with the Mississippi at Cairo, Ill., it traverses the greatest industrial and agricultural valley in the world, a part of which I represent in this Chamber.

All in all, General Leber has had a most responsible and efficient career of public service. On leaving the Canal Zone, under presidential appointment, he became manager of the U. S. Army Safeguard System, a post of paramount importance to the defense and security of our Nation. His life and deeds are truly inspiring and worthy of all emulation.

NEW SPACE ERA OPENS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, an editorial in the Houston Chronicle, Wednesday, June 9, 1971, advises that we as a nation should examine carefully the latest Soviet space achievements. The successful operation of a Soviet space station is now underway. As the Houston Chronicle editorial so well points out the utility of this Soviet space station is significant. If we are to achieve the promise of space, in which we have already invested a substantial effort, we would do well to heed this editorial. The editorial follows:

NEW SPACE ERA OPENS

With the success of its manned orbital space station, the Soviet Union has opened up a new and fertile field of space exploration. And it should cause Americans, especially members of Congress, to reappraise our own future in space.

This is the first time so large and commodious a craft—it weighs a total of 25 tons—has been orbited around the planet. Three Russian cosmonauts are aboard.

According to announcements from Moscow, the cosmonauts spent their first day abroad the craft performing scientific chores ranging from medical and biological research to navigation.

Unlike earlier space flights, the cosmonauts have plenty of room in which to operate. The Soyuz-Salute station is 65 feet long and 12 feet across and about as big as a railway car.

There's more involved here than space competition with the United States. Manned orbiting stations will vastly improve man's ability to observe the stars, to chart the Earth's weather, to make maps, to observe our planet from a new perspective. It will give researchers a zero-gravity environment in which to process materials in new ways. It will afford scientists a space vacuum for engineering studies. It will permit doctors to observe the long-term affect on man of weightlessness.

While the United States easily beat the Soviets in the race for the Moon, they are easily ahead of us in the development of space stations.

We do have some similar programs in the works—but these projects are two to ten years away from execution.

The U.S. Air Force once worked on a manned orbiting laboratory (MOL), the first flights of which would be taking place now had not President Nixon overridden his advisers and killed the project in June, 1969.

We have a Skylab program in the works which is similar to the current Soviet endeavor. Three Skylab missions are projected for 1973. Apollo spacecraft will take three successive teams of three astronauts to rendezvous and dock with the orbiting Skylab. The first team is expected to stay aboard for 28 days, the two other teams for 56 days. Once this project has been completed, however, it's over. No follow-through is being planned.

By far the most ambitious and the most costly U.S. program in the planning stage is the multi-billion-dollar space shuttle which, if financed by Congress, might put as many as 50 astronauts and scientists on a space station by the 1980s. They would travel by reusable space craft that would fly back and forth between Earth and space many times, at costs only a fraction of the cost of one-time-only rockets.

This latest Soviet triumph should cause Congress to take another look at its lukewarm support of the U.S. space program. Our space successes have been more spectacular than the Russians', but we're now losing our momentum while the Soviets keep moving along. They currently devote four times as much of their gross national product to space as we do—2 percent of their GNP compared with .5 percent of ours.

FEBRUARY 28, 1947: A FORMOSAN TRAGEDY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. FRASER. Mr. Speaker, the people of Formosa have in this century played only a very minor role in the governance of their island. Until 1945, Japan was the benign colonial master of Formosa. Since the defeat of the Japanese in World War II, Formosa—or Taiwan, as its current masters call it, hoping to wipe out evidences of previous non-Chinese involvement in the affairs of the island—has been ruled by an oppressive dictatorship. I described the present situation in detail in a paper "Political Repression in Free China" reprinted in the August 28, 1970, CONGRESSIONAL RECORD.

Most are familiar with the flight of the Chiang Kai-shek entourage to Formosa in 1949, leaving the mainland under the control of the Chinese Communists. Many do not know of a previous bloody invasion of Formosa by Chiang Kai-shek troops. This occurred in 1947. It is remembered by Formosans in conjunction with the "two-twenty-eight" or February 28 incident in which police killed four demonstrators. Ultimately over 10,000 Formosans were massacred by the Nationalist Chinese. It is the most bloody of the misfortunes that have befallen the people of Formosa since the U.S. Pacific war ended in 1945.

The events which occurred on Formosa in February–March 1947 explain in part Taiwanese nationalism described by April Klimley in a May 21, 1971, Christian Science Monitor feature story. Although almost 25 years have passed, Formosans have continued to be the "Pawn of the Orient." Peter H. Prugh, in his June 10 Wall Street Journal article, indicates that the situation of the Formosans has improved since February–March 1947 but, "The people who live there have not had much to say about their destiny."

Mr. Speaker, these materials on Formosa illustrate what happens when a people are denied fundamental democratic rights. But bloody repression and continuing denial of civil liberties cannot forever stifle the human desire to help determine the collective destiny. We must improve our relations with the Peoples Republic of China. But we must not forget the people of Formosa.

I include the material as follows:

[From *U.S. Relations With China,* 1949 ("China White Paper"), Department of State, pp. 307–310 and pp. 923–938]

XI. FORMOSA

The case of Formosa is a pertinent one in the record of American efforts to encourage reform within the Chinese Government. By the terms of the Cairo Declaration of December 1, 1943, the United States and China declared their intention that Formosa should be restored to China. In September 1945 the administration of the island was taken over from the Japanese by Chinese forces assisted by small American teams pursuant to the Japanese Instrument of Surrender and General Order No. 1 issued by the Japanese Government at the direction of the Supreme Commander for the Allied Powers, dated September 2, 1945.

China found Formosa in favorable circumstances since Japan had made constructive use of the great natural resources of the island and the living standards of the population were higher than anywhere on the Chinese mainland. It possessed a good industrial complex and was more than self-sufficient in foodstuffs. The native population for 50 years had been under the rule of a foreign invader and therefore welcomed the Chinese forces as liberators. During the Japanese occupation the principal hope of the people had been reunion with the mainland. Instead of utilizing this highly favorable situation to its own advantage the National Government appointed to the governorship General Chen Yi, a long-time associate of the Generalissimo, who some years before had given up the governorship of Fukien under curious circumstances. The new Governor arrived with an imposing retinue who proceeded with great efficiency to exploit Formosa. In addition the local population was ruthlessly excluded from any important role in public life and was made to feel that it was again under the rule of a conqueror.

The economic deterioration of the island and the administration of the mainland officials became so bad that on February 28, 1947, popular resentment erupted into a major rebellion. In the ensuing days the Government put down the revolt in a series of military actions which cost thousands of lives. Order was restored but the hatred of the mainland Chinese was increased.

After the rebellion the American Ambassador in Nanking attempted to persuade the Generalissimo that National Government tactics in the long run could never succeed and that the Government by its policy was destroying a source of wealth it desperately needed at that time. The Generalissimo, who professed to be unaware of conditions as they were reported to him by the Ambassador, and who relied on the findings of a Chinese investigating mission whose findings were in large part published and exonerated Chen Yi, was led to request that a memorandum be prepared for him setting forth in detail conditions as American officials saw them. This was done.[1]

The facts set forth were such that General Chen Yi had finally to be relieved of his post as Governor, and in May 1947 a civilian, Wei Taoming, former Ambassador to the United States, was named as his successor. During the ensuing year and a half, Governor Wei made an honest and earnest effort to remedy the situation. The military was kept out of sight, some Formosans were taken into the Government, encouragement was given to the local economy and the Governor himself attempted to isolate the island from the inflationary and destructive forces on the mainland, though many of the key officials were not responsive to his authority. Although it cannot be said that economic conditions improved, it can be said that the situation did not become measurably worse.

During his Mission to China, General Wedemeyer on August 17, 1947, reported to the Secretary of State as follows:

"Our experience in Formosa is most enlightening. The administration of the former Governor Chen Yi has alienated the people from the Central Government. Many were forced to feel that conditions under autocratic rule were preferable. The Central Government lost a fine opportunity to indicate to the Chinese people and to the world at large its capability to provide honest and efficient administration. They cannot attribute their failure to the activities of the Communists or of dissident elements. The people anticipated sincerely and enthusiastically deliverance from the Japanese yoke. However, Chen Yi and his henchmen ruthlessly, corruptly and avariciously imposed their regime upon a happy and amenable population. The Army conducted themselves as conquerors. Secret police operated freely to intimidate and to facilitate exploitation by Central Government officials. . . .

"The island is extremely productive in coal, rice, sugar, cement, fruits and tea. Both hydro and thermal power are abundant. The Japanese had efficiently electrified even remote areas and also established excellent railroad lines and highways. Eighty percent of the people can read and write, the exact antithesis of conditions prevailing in the mainland of China. There were indications that Formosans would be receptive toward United States guardianship and United Nations trusteeship. They fear that the Central Government contemplates bleeding their island to support the tottering and corrupt Nanking machine and I think their fears well founded."

In January 1949, as the Communists were preparing to cross the Yangtze, Governor Wei was summarily removed and replaced by General Chen Cheng, who proceeded to restore military rule. In recent months the population of Formosa has been increased by an estimated 400,000 civilians and over 300,000 military refugees from the mainland. With them they brought the mainland inflation and increased the population to a point which the island may not be able to support. In March 1949 American officials who had surveyed the economic deterioration reported that "mounting economic dislocation will intensify economic friction leading to increased political tension unless remedial action is taken."

In summary, the views of American officials have been that the island is badly and inefficiently run at a time when the best possible efforts are needed unless developments on the mainland are simply to be transferred to Formosa.

Memorandum on the situation in Taiwan[2] *background*

The Formosan Chinese greeted the surrender of Japanese authority to the Chinese with immense enthusiasm on October 25, 1945. After fifty years under Japanese control and intensive economic development they welcomed a return to China, which they had idealized as the "Mother Country." The richness of the island and the relatively light population pressure had made rapid economic and social developments possible. Agriculture, food processing and light industry in the best years produced an overseas trade valued at U.S. $225,000,000. To improve Taiwan's economic value the Japanese had raised the general standard of living. Public health standards were high and literacy widely spread among the masses. Formosans had come to place a high value on orderly procedures in the courts and on the orderly enforcement and observance of government regulations, for they found order both profitable and necessary in a complex and semi-industrialized economy.

With the removal of the Japanese the Formosans looked forward to a return to profitable trade and an expansion of their already established industries, with the markets of China ready to receive all that they could produce. The surpluses which had always gone to Japan would now, they thought, go to China. They expected to return to control of the properties taken from them by the Japanese through fifty years and expected a larger share in the management of their own enterprises. Under pressure of the Japanese overlords who were alien to Taiwan, they had developed an island-wide sense of social solidarity. They were free of all internal political strife. The Japanese had rigorously excluded all Communist influence and activity, and had indeed filled the people with fear, dislike and distrust of Communist doctrines. They revered the Generalissimo, believed the Three People's Principles meant new opportunities, and look forward expectantly to participation in the Central Government. The year 1946 was one of increasing disappointment. Though the majority of petty officials, clerks and office boys of the new Administration were Formosans, they were virtually excluded from all important government offices and from important administrative posts. The legal necessity to place all confiscated Japanese properties and enterprises under Government control led to the creation of syndicates and combines in every field in which the Japanese had had an interest. Though the Government owns (and must heavily subsidize) these companies, the salaried and privileged administrators are in a position to squeeze freely. It is alleged that raw and finished materials and agricultural products find their way into the hands of unscrupulous officials for their use in private trading and smuggling. Judging from Taiwan's former capacity to produce and the fact that its enterprises continue, qualified Formosans estimate that published records show only one-tenth of actual receipts. As an example, it is alleged by persons formerly connected with the Department of Agriculture and Forestry that fishing boats were withdrawn from their normal bases in 1946 and were used for smuggling in the interests of the authorities concerned.

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[1] For text of memorandum to the Generalissimo, see annex 169.

[2] Submitted by Ambassador Stuart to President Chiang Kai-shek on Apr. 18, 1947.

Formosans have been virtually excluded from the higher levels of economic administration. These persistent allegations of corruption lead them to place responsibility on members of the Government who appear and reappear in lucrative posts as Commissioners, members of Committees, and Directors in a manner which concentrates full control of the total economy in the hands of a clique close to the Governor.

There was a progressive decline in Formosan economic enterprise, especially where there was competition with ex-Japanese interests. Unemployment among Formosans has progressively increased, either through direct discharge (frequently to make room for unqualified newcomers) or by the suspension or abolition of various established enterprises which failed to be profitable under the new management. Whereas about 50,000 Formosans had been employed normally in industrial work, by January 1947 UNRRA officials estimated that less than 5,000 were so employed. Whereas the top government officials created a Taiwan Industrial and Mining Enterprises Syndicate with a capital of two billion Taiwan yen, in which the Commissioners and their associates play leading roles, the Department of Mining and Industry announced an appropriation of only eight million Taiwan yen for loans in aid of private (i.e. Formosan) industrial enterprises after June 1946.

The Quarantine Service broke down and the Public Health Service was badly shattered. Cholera epidemics occurred for the first time in about 30 years; bubonic plague appeared after an even longer absence. Educational standards in the schools were markedly lowered Friction spread through the schools between Formosans and mainland students and teachers. Trouble between mainland police and local petty officials increased. The press was filled with public charges and counter-charges of corruption and lawless acts among government officers. Formosans claimed that corruption and nepotism among mainland officials increased rather than abated during the year. The cost of living soared. Bank of Taiwan wholesale commodity price indices show advance as follows from November 1945 to January 1947: foodstuffs 3,323 to 21,058; clothing 5,741 to 24,483; fuel 963 to 14,091; fertilizers 139 to 37,559; building materials 949 to 13,612. (Pre-war June 1937 is used as a basis.) Prices shot up most rapidly during February 1947. These figures on the whole reflect the drain of Taiwan wealth from the island, with little or no return to it.

Although the two rice harvests of 1946 were good, a rice shortage grew acute December 1946 and January 1947. The Government instituted a tax in kind on rice lands, ostensibly to secure an equal distribution, and repeatedly threatened to use military force to punish private hoarders which it blamed for the shortages. In fact there is substantial evidence to support the Formosans in their charges that large quantities of grain were smuggled out or went into private control of officials. It is popularly believed that the army is shipping unpublished quantities to the northern front on the mainland.

Three governmental acts

Against this background of increasing economic and social dislocation three governmental acts in January and February appear to have crystallized Formosan resentment toward economic policies and toward individuals in the Government (1) Throughout 1946 Formosans sought permission to elect city mayors and hsien magistrates, in order to ensure themselves of some direct control over local police and over economic functions and public services. The announcement of China's new Constitution was greeted with relief. Prominent Formosan leaders counseled that demands for local elections could wait until the Constitution would become effective at the end of 1947. In early January, however, the Governor General announced that although the Constitution would be effective on the mainland on December 25, 1947, it would be impossible for the Government to allow local elections of mayors and magistrates in Formosa until December 1949. This had an effect which stirred political discussion to a new pitch. Formosans state that until they can elect their own representatives at all levels of local government they will have no security of person; they cannot control the local police, ensure the enforcement of law nor enjoy security of property.

(2) On February 1 the Government announced a new policy for the disposal at auction of certain large categories of Japanese property—principally real estate abandoned by the Japanese and now occupied by Formosans on a low rental basis. The announced procedures were such that it was widely believed that Formosans without great wealth and its influence would be unable to buy real estate which they had believed would be available, especially in view of the fact that it had been taken from them more or less forcefully by the Japanese over the course of fifty years.

This announced procedure was interpreted as a threat to the security of low-income level Formosans who, having lost their former homes during the war. are not anxious to face eviction from houses now occupied if, as they anticipate, new mainland landlords should suddenly greatly increase rentals. (Rental is the one item in living costs which has not risen excessively since 1945, due to the removal of several hundred thousand Japanese.)

(3) The third governmental act was a February 14 announcement of a series of complex financial and trading regulations which Formosans believed effectually concentrated monopoly control in the hands of a small group of officials. It is believed by some observers that these were announced precipitously and rashly in the belief that the crisis in Shanghai was about to provide an opportunity long awaited to establish a semi-autonomous economy for Taiwan, giving into the hands of a few mainland people an absolute control of all external trade and a general control of internal production and business as well.

As an island people, Formosans have been sensitive to overseas trade, and after the Japanese surrender they anticipated the reestablishment and expansion of seaborne commerce. They had proposed to organize their capital for production and individual business, out of which they had expected to be taxed in support of the Central Government and of the local island administration. These new measures seemed to the Formosans not only a threat to return them to the subservient position they had suffered under the Japanese, but to threaten to destroy the very means to create wealth within the island.

THE FEBRUARY INCIDENT

Spontaneous protest and unorganized riots

On the evening of February 27 certain armed Monopoly Bureau agents and special police agents set upon and beat a female cigarette vendor, who with her two small children, had protested the seizure of her small cash as well as her allegedly untaxed cigarettes. She is reported to have died soon after as a result of the beating at police hands. An angered crowd set after the agents, who shot at random, killing one person before they escaped into a civil police station. Their Monopoly Bureau truck and its contents were burned in the street, although the agents were allowed to be taken away, on foot and unmolested from the police station by military police called for that purpose.

On the morning of February 28 a crowd estimated at about 2,000 marched in orderly fashion from the area in which the incident had occurred, past the American consulate and toward the Monopoly Bureau Headquarters. Placards and banners announced that they intended to protest the action of special armed agents, to demand a death sentence for the responsible man, and to demand the resignation of the Monopoly Bureau Director.

Unfortunately, as they made their way across the city, two Monopoly agents were discovered in a side street molesting a vendor. They were beaten to death by an angry crowd which was not taking part in the initial demonstration. This happened near the Taipei Branch Monopoly Bureau Office buildings which the crowd began to sack. Its contents were burned in the streets. Mainland employees were driven out and if caught were beaten mercilessly. The crowd's anger enlarged to include employees and property of the Trading Bureau, another monopolistic organization greatly disliked. The Consul and the Vice Consul observed the orderly gathering before the Monopoly Bureau Headquarters, where no Monopoly Bureau official would receive the petition which had been brought about noon. Monopoly Bureau police and a few military police were guarding the entrances.

Meanwhile at about one o'clock someone announced to the radio audience that demands were being made on the Government to put an end to its monopolies. All Formosans were urged to support the movement.

The parade, meanwhile, left the Monopoly Bureau for the Governor's office where it was intended to present the petition for reform. At about two o'clock it reached a wide intersection adjacent to the government grounds. Without warning a machine gun mounted somewhere on the government building opened fire, swept and dispersed the crowd and killed at least four. Two consular officers drove through the square immediately after the shots were fired. Two of the dead were picked up a few minutes later by an UNRRA officer.

This shooting was the signal for a citywide outburst of anger against all mainland Chinese, regardless of rank or occupation. Many were beaten, cars were burned and in some few cases offices and houses of minor officials were sacked and the contents burned in the streets. It was observed that the Formosans refrained from looting. One Formosan was found attempting to take cigarettes from a burning heap; he was forced to kneel and beg forgiveness from the crowd and was then driven away. Another was severely beaten. Tires and other equipment were observed to have been left untouched on over turned cars, and remained in evidence until the Formosans lost control of the city March 9. Martial law was invoked in the late afternoon February 28. Armed military patrols began to appear in the city, firing at random wherever they went.

At 10 o'clock a.m., March 1, the Chairman of the Tapei Municipal *People's Political Council* invited the Council, representatives of the National and Provincial P.P.C. Councils and the Taiwan representatives to the National Assembly, to form a committee for settling the so-called Monopoly Bureau incident. It was decided to send a delegation to call on the Governor General, requesting, among other things, that a committee be formed to settle the problems jointly by the people and the Government. These men recognized that with the firing on the crowd at the government building, the issues had become much greater than mere punishment of Monopoly Bureau agents and a financial settlement for the injured and dead. They urged the Governor to lift martial law so that the dangers of a clash between the unarmed civil population and the military would be averted. This the Governor agreed to do at midnight, March 1, meanwhile forbidding meetings and parades.

On that day buses and trucks, filled with squads of government troops armed with machine guns and rifles, began to sweep through the streets, firing indiscriminately. Machine guns were set up at important intersections. Shooting grew in volume during the afternoon. At no time were Formosans observed to have arms and no instances of Formosan use of arms were reported in Taipei. Nevertheless, the military were evidently allowed free use in what appeared to be an attempt to frighten the people into obedience.

At approximately 5 o'clock, the Governor General broadcast a message which appears to have increased the anger of the people. He stated that the Monopoly Bureau incident had been settled by a generous payment of money. Without referring to the machine gun fire from his own office he accused the Formosans of increasing rioting, but generously promised to lift martial law at midnight.

"There is one more point," the Governor broadcast. "The P.P.C. members wish to send representatives to form a committee jointly with the Government to settle this riot. This I have also granted. If you have any opinion, you can tell me through this Committee." (*Hsin Sheng Pai*, March 2, 1947.)

While he was broadcasting, members of the American Consulate staff witnessed a severe clash between armed government forces and unarmed crowds. Mounted troops had killed two pedestrians near the compound. A crowd gathered. A few hundred yards away Railway Administration special armed police suddenly opened fire from within the Administration building and killed two more pedestrians. The crowd turned on any mainland Railway Bureau employee found nearby. Two more pedestrians who looked like coolies were shot about 300 feet from the Consulate gates. Then as the bodies were carried off the crowd was observed to assemble again some distance from a mounted patrol near an intersection. Suddenly, with no warning, a long burst of machine gun fire swept the area. Some of the wounded and dead were carried past the Consulate gates; it is stated reliably that at least 123 were felled by this burst and that 25 died. How many of the injured walked away is not known.

On this afternoon 25 mainland officials from the neighboring Railway Administration compound took refuge in the Consulate. Although the crowd observed them enter, no attempt was made to pursue them. They were removed eight hours later under police guard.

Organization for settlement recognized by General Chen

The temper of the populace was uncertain. Inflammatory handbills and posters began to appear in increasing numbers. There was a general demand that the Government of Taiwan must be thoroughly reformed.

At 12 noon March 2 the "Untaxed Cigarette Incident Investigation Committee of the Taipei Municipal P.P.C." called on the Governor General, and with this began the attempt to meet and clarify the fundamental political and economic problems which lay back of the uprisings. The Governor had with him the Secretary-General, the Commissioners for Civil Affairs, Communications, and Industry and Mining.

The Governor appears to have been told by the Committee that there could be no peace as long as roving armed patrols were permitted to sweep the streets with gunfire and so paralyze all normal activity.

It is believed that if fully determined the people could have overpowered and ended the patrols which were moving only in the central part of the city.

The Governor therefore agreed to several "temporary demands", i.e., stipulations of conditions to be maintained while the people organized their fundamental demands for reform in government. These included (1) an agreement that a schedule of fundamental reforms should be prepared for discussion by March 10, after representatives of the people throughout the island could be consulted; (2) a promise that the Government would not bring additional troops into the city while these consultations were in progress; (3) a volunteer youth organization under the supervision of the Mayor and the municipal Chief of Police (a mainlander) would maintain law and order temporarily; (4) communications would be restored at once in order to avoid a food shortage.

The Governor agreed to broadcast at 3 o'clock p.m. and agreed to reduce the armed patrols gradually, meanwhile ordering them to patrol with rifles and other arms down on the floor of the trucks and busses, for use only if crowds were found disturbing the peace.

At 2:30 o'clock the first general meeting of the Governor's representatives (the Commissioners of Civil Affairs, Police, and Communications, and the Taipei Mayor) and the Settlement Committee met in the Public Hall, with a capacity audience of spectators. It was announced that as a result of the morning conference the Governor had decided to readjust the Committee to bring into it representatives of the Chamber of Commerce, the Labor Union, student organizations, popular organizations, and the important Taiwan Political Reconstruction Association which has been for many months the most outspoken and emphatically nationalist group urging reform in General Chen's government.

The following temporary demands were formulated:

1. All people arrested in connection with the riots will be released;
2. The Government will pay death gratuities and compensations to the wounded;
3. The Government will not prosecute persons involved;
4. Armed police patrols will be stopped immediately;
5. Communications will be restored immediately.

While in session the meeting was disturbed by volleys of shots outside. When the Governor's promised 3 o'clock broadcast was postponed for almost two hours, it began to be rumored that he was delaying in hope that troops would reach the city from the south and he would not be forced to make public acceptance of the demands.

At approximately 5 o'clock, March 2, the Governor again broadcast, concluding his speech with the statement:

"A committee will be organized to settle the incident. Besides Government officials and members of the P.P.C., representatives from the people of all walks of life will be invited to joint the committee so that it may represent opinions of the majority of the people." (*Hsin Sheng Pao*, March 3, 1947)

On the night of March 2, word reached Taipei that the Governor actually had attempted to get troops to the city. Citizens near Hsinchu city, however, were reported to have halted the troop carriers by removing rails from the main line.

From this time (March 3) the confidence of the people appears to have been undermined. The moderate and conservative element represented by the Committee members were willing to trust the Government's word and to proceed with negotiations. The more skeptical elements agreed to support the Committee in its efforts but at the same time determined to prepare resistance to any military action which might be set against them.

This delegation, received by five Government Commissioners and Chief of Staff Ko, urged that the patrols be withdrawn, for they were still firing wildly in the streets despite the Governor's promises. After long discussion the Government representatives agreed:

1. All troops to be withdrawn by 6 p. m., March 3;
2. Public order to be maintained by a temporary Public Security Service Corps including gendarmes, police, and youths;
3. Communications to be restored at 6 p. m.;
4. Military rice stores to be released to avert crisis;
5. Any military personnel making a disturbance to be sent to General Ko for punishment;
6. Any civilians disturbing the peace to be punished according to law, on the guarantee of the Committee;
7. Troops absolutely would not come from the south to the north. (General Ko is reported to have promised "to commit suicide" if his personal guarantee were broken.)

Meanwhile, a Taipei City Provisional Public Safety Committee was organized by the Settlement Committee. Its members were recommended by the Committee and were to constitute a "Loyal Service Corps." Its effective period was to end on the day normal conditions were restored in Taipei. Meanwhile, events at Taipei were known throughout Taiwan. It appears that Formosans became deeply alarmed at persistent rumors that troops were coming from the mainland, and began to arm themselves to resist a military occupation, insisting, however, that they wanted reform, not civil war. Formosans began to take over local administrative posts everywhere held by mainland Chinese. Government troops offered some resistance but it appears that in many places mainlanders agreed to relinquish their posts peacefully, as at Hualienkang (Karenko). The aborigines are reported to be cooperating fully with the Formosan Chinese. Without prearrangement or preparation, by March 5, Formosan-Chinese were in the ascendency or in control throughout the island.

This called for larger organization in order to prevent ruffians under guise of "local patriotism" from taking advantage of confusion. On March 4, the Settlement Committee enlarged its representative character by creating 17 sub-divisions or local Settlement Committees throughout the island. Circumstances beyond control forced the Committee to so enlarge its duties, and in doing so it announced:

"We should acknowledge the aim of this action, that there is no other desire except to demand a reformation of Government." (*Hsin Sheng Pao*, March 5, 1947)

This was without doubt necessary, for the absence of mainland office-holders from their duties threatened to paralyze the administration.

The Governor and his Commissioners received the Committee's representatives at 3:30 p.m., March 4, and the Governor took occasion to remind them that his duties were related to both national administration and local government and expressed his hope that the people would come forth with more proposals for local administration. He stated that he had ordered the police and gendarmes not to carry weapons.

March 5 was quiet at Taipei. Shops were open and primary schools resumed classwork. The city appeared to be returning to normal while the Settlement Committee worked toward a reform program which would remove the sources of conflict between administration and people.

There was intense popular anxiety, however, for rumors of impending troop movements grew stronger. It was said that the March 10 date set for presentation of the reform proposals would be too late. Each rumor strengthened the arguments of the men who desired to organize resistance and made the task of the officially recognized Settlement Committee more difficult. In an attempt to clarify its own position and to strengthen its influence over dissident elements the Settlement Committee published basic Articles of Organization clearly defining its temporary character.

A Youth League of considerable potential significance came into being, stressing as basic principles a desire to make Taiwan a model province of China and to hasten Dr. Sun Yat-sen's program of National Reconstruction. The founder, former president of the Chamber of Commerce, Chiang Wei-chuan, said:

"We absolutely support the Central Government but will eradicate all corrupt officials in this province. This is our aim which I hope every one of you fully grasp." (*Chung Wei Jih Pao*, March 6, 1947)

Spurred by fears of a military invasion, on March 6 the Settlement Committee completed its draft of items of reform which the Governor had agreed to discuss and to refer to the Central Government wherever necessary. The Committee's executive group acted as sponsors and included four members of the National P.P.C., six members of the Taiwan Provincial P.P.C., five members of the Taipei Municipal P.P.C. and two "reserve members". Everyone of these men had received the approval of the Government as P.P.C. members and represent in fact the most conservative elements in Taiwan. One is a former Consul General at San Francisco, and ex-Mayor of Taipei. The reform proposals, made possible March 7, are set forth on pages 15–18 of this despatch.

The Army's explicit promise that the Central Government would not send troops

On March 8 Major-General Chang Wu-tao, Comamnder of the Fourth Gendarme Regiment, at 12:00 noon called on the Settlement Committee at its headquarters. According to the press and to witnesses he made the following categorical statement:

"I can guarantee that there will be no social disturbances if the people do not try to disarm the soldiers. I want especially to report to you that the demands for political reforms in this province are very proper. The Central Government will not dispatch troops to Taiwan. I earnestly entreat the people of Taiwan not to irritate the Central Government, but to cooperate to maintain order. I can risk my life to guarantee that the Central Government will not take any military actions against Taiwan. I speak these words out of my sincere attachment to this province and to the nation. I hope Taiwan will become a model province after these political reforms." (*Hsin Sheng Pao*, March 9, 1947.)

The landing of Government troops and subsequent terrorism

Foreign observers who were at Keelung March 8 state that in mid-afternoon the streets of the city were cleared suddenly by machine gun fire directed at no particular objects or persons. After dark ships docked and discharged the troops for which the Governor apparently had been waiting. Fairly reliable sources estimate that about 2,000 police were landed, followed by about 8,000 troops with light equipment including U.S. Army jeeps. Men and equipment were rushed to Taipei. It is reported that about 3,000 men were landed at Takao simultaneously. Troops were reportedly continuing to arrive on March 17.

Beginning March 9, there was widespread and indiscriminate killing. Soldiers were seen bayonetting coolies without apparent provocation in front of a Consulate staff residence. Soldiers were seen to rob passersby. An old man protesting the removal of a woman from his house was seen cut down by two soldiers. The Canadian nurse in charge of an adjacent Mission Hospital was observed bravely to make seven trips under fire into the crowded area across the avenue to treat persons shot down or bayonetted, and once as she supervised the movement of a wounded man into the hospital the bearers with her were fired upon. Some of the patients brought in had been shot and hacked to pieces. Young Formosan men were observed tied together, being prodded at bayonet point toward the city limits. A Formosan woman primary school teacher attempting to reach her home was shot in the back and robbed near the Mission compound. A British business man attempting to rescue an American woman whose house was being riddled with machine gun fire from a nearby emplacement was fired upon and narrowly escaped, one bullet cutting through his clothing and another being deflected from the steering gear of his jeep. Another foreigner saw a youth forced to dismount from his cycle before a military policeman, who thereupon lacerated the man's hands so badly with his bayonet that the man could not pick up his machine.

Anyone thought to be trying to hide or run was shot down. Looting began wherever the soldiers saw something desirable. In the Manka area, near the Consulate, a general sacking by soldiers took place on March 10; many shopkeepers are believed to have been shot.

On March 11 it was reported that a systematic search for middle school students had begun during the night. School enrollment lists were used. A broadcast earlier had ordered all youths who had been members of the Security Patrol or the Youth League to turn in their weapons. Concurrently, all middle school students were ordered to remain at home. If a student was caught on the street while trying to obey the first order he was killed; if the searchers found a weapon in his house, he met a like fate. If a student was not at home his brother or his father was seized as hostage. A reliable estimate was made that about 700 students had been seized in Taipei by March 13. Two hundred are said to have been seized in Keelung. Fifty are reported to have been killed at Matsuyama and thirty at Kokuto (suburbs of Taipei) on the night of March 9.

From March 8 the Government instituted searches for all members of the Settlement Committee and for all editors, lawyers and many prominent businessmen who had in any way been identified with the activities of the Committee between March 1 and 8. Wang Tien-teng, Chairman of the Settlement Committee, was seized and is alleged to have been executed about March 13. Tan Gim, a leading banker, was taken from his sick bed; Lim Mo-sei, editor of the *Min Pao*, was seized in the night and taken without clothing. Gan Kin-en, head of a large private mining interest, was arrested.

Middle school and normal school teachers began to be seized or to disappear March 14. One teacher who had been deprived of his license as a public prosecutor after exposing a case of police corruption in early 1946, was taken on March 15. Another public prosecutor involved in the arrest and punishment of mainland police officers convicted in court of killing an official of the Taichung Court, is said to have been literally dragged out of the Taipei Higher Court by the convicted man who had apparently won release after March 8. A minor accountant in the Taiwan Navigation Company at Keelung was called out and shot, with the explanation that the Manager did not think well of him.

On March 13 a tense crowd was observed near the homes of the Vice Consul and the U.S.I.S. Director; wailing women who came away incoherently said that two students had just been beheaded. UNRRA personnel observed bodies lying along the road between their hostel and the city office. Unclaimed bodies were reliably reported to be lying in the ditches and along an embankment within 2000 feet of the foreign mission compound. A foreigner reported that on March 15 while at the Army Garrison Headquarters he observed some 15 well-dressed Formosan-Chinese bound and kneeling with necks bared, apparently awaiting execution. On March 14 and 15 many bodies began to float into the inner harbor at Keelung. Foreigners saw sampans tow them for possible identification by anxiously waiting people. It is estimated by a reliable Keelung observer that some 300 people had been seized and killed there.

After three days in Taipei streets, government forces begun to push out into suburban and rural areas. Mounted machine gun patrols were observed along the highroads 15 to 20 miles from Taipei shooting at random in village streets in what appeared to be an effort to break any spirit of resistance. Manhunts were observed being conducted through the hills near the UNRRA hostel. Foreigners saw bodies in the streets of Tamsui.

By March 17 the order of seizure or execution seemed to have become, successively, all established critics of the government, Settlement Committee members and their aides, men who had taken part in the interim policing of Taipei middle school students and teachers, lawyers, economic leaders and members of influential families, and finally, persons who in the past had caused members of the Government or their appointees serious loss of face. On March 16 it was rumored that anyone who spoke English well, or who had close foreign connections was being seized "for examination", and that many Japanese technicians in the employ of the Government were being taken.

On March 9, the Committee began to publish retractions, modifications and denials of acts and proposals made during the preceding ten days. Only the Government's paper, the *Hsin Sheng Pao*, appeared March 9. On that date the Taiwan Garrison Headquarters issued the ambiguous statement that "all illegal organizations must be abolished before March 10 and meeting and parades are prohibited . . ." (Communiqué no. 131, March 9, 1947).

On March 10, General Chen issued the following statement:

"On the afternoon March 2, I broadcast that members of the national, provincial and municipal P.P.C.s, Taiwan representatives to the National Assembly and representatives from the people may jointly form a committee to receive the people's opinion concerning relief work for the February 28 incident.

"Unexpectedly, since its formation, the committee has given no thought to relief work such as medical care for the wounded and compensation to those killed and so forth. On the contrary, it acted beyond its province and on March 7 went so far as to announce a settlement outline containing rebellious elements. Therefore, this committee (including *hsien* and municipal branch committees) should be abolished. Hereafter, opinions on political reforms concerning the province may be brought up by the Provincial P.P.C., and those concerning the *hsien* and municipalities by their respective *hsien* on municipal P.P.C.s. People who have opinions may bring them up to the P.P.C. or to the Government-General direct by writing." (*Hsien Sheng Pao,* March 11, 1947)

On March 13, it was announced that all but three government-sponsored papers were banned or suspended for having published accounts of the uprising and activities of the Committee. The *Min Pao* press was destroyed effectively on March 10.

By March 17, the Government forces were pushing down the main railway lines toward the center of the island. Martial law was rigorously enforced from 8 o'clock p.m. until 6:30 a.m.

THE DRAFT REFORM PROGRAM

Hereafter, events in Formosa and the development of Chinese administration there may be better understood in the light of the draft reform program—the so-called 32 Demands—which are here set forth. Though the rioting after February 27 was spontaneous and the creation of the Settlement Committee an unplanned event, these requests for specific reforms in local government are rooted in fundamental economic and administrative problems which must some day be solved.

It must be pointed out that the Settlement Committee, aware of its responsible official character, was greatly hampered and embarrassed by many impossible demands made on it by individuals and groups who were not authorized to develop a reform program for the Governor's consideration. For example, there were published demands that only Formosans be allowed to hold arms on Taiwan and that all Central Government troops be withdrawn. Some extreme threats to individuals in the Government appeared in handbill and poster form.

Here the Committee's proposals are regrouped as they appear designed to achieve (1) equality in government; (2) security of person and (3) security of means of livelihood. Certain of the measures were clearly open to compromise and negotiation.

Reforms to ensure equality for Formosans in local government

1. A provincial autonomy law shall be enacted and shall become the supreme norm for political affairs in this province so that the ideal of National Reconstruction of Dr. Sun Yat-sen may be here materialized.

2. The appointment of commissioners shall have the approval of the People's Political Council (after new elections have been held.) The People's Political Council shall be newly elected before June 1947. In the meantime such appointments shall be submitted by the Governor General to the Committee for Settling the February Incident for discussion and approval or rejection.

3. More than two-thirds of the Commissioners shall be appointed from those who have lived in this Province for more than ten years. (It is most desirable that such persons only shall be appointed to the Secretariat and to be Commissioners of the Department of Civil Affairs, Finance, Industry and Mining, Agriculture and Forestry, Education, and Police.)

4. Unarmed gatherings and organizations shall enjoy absolute freedom.

5. Complete freedom of speech, of the press and of the right to strike shall be realized. The system requiring registration of newspapers to be published shall be abolished.

6. The Regulations in force covering the formation of popular organizations shall be abolished.

7. The Regulations governing the scrutiny of the capacity of candidates for membership in representative organs of public opinion shall be abolished.

8. Regulations governing the election of members of various grades in representative organs of public opinion shall be revised.

9. A Political Affairs Bureau of the Settlement must be established by March 15. Measures for its organization will be that a candidate be elected by representatives of each village, town and district, and then newly elected by the prefectural or city People's Political Council. The number of candidates to be elected in each city or prefecture are as follows:

[Total 30—figures and allocations here omitted]

10. The Office of the Governor General shall be converted into a Provincial Government. Before this reform is approved by the Central Government, the Office of the Governor General shall be reorganized by the Settlement Committee though popular elections so that righteous and able officers can be appointed.

(NOTE: It has been indicated by a Formosan lawyer that the thought behind this was to provide for the interim period leading sovereignty to China, until which time, it is to the peace treaties and the legal return of widely held, a legal Provincial Government cannot be established.)

Reforms to ensure security of person and property

1. Popular election of prefectural magistrates and city mayors shall be held before June of this year and at the same time there shall be new elections of members to all prefectural and municipal political councils.

(NOTE: The reason given for this is the establishment of control over the police systems and to ensure the supremacy of, and respect for the courts.)

2. The posts of the Commissioner of the Department of Police, and of the directors of all prefectural or municipal Police Bureaus ought to be filled by Formosans. The armed Special Police Contingents and the armed police maintained by the Railway Department of Industry and Mining shall be abolished immediately.

3. No government organs other than the civil police can arrest criminals.

4. Arrest or confinement of a political nature shall be prohibited.

5. All chiefs of local courts of justice and all chief prosecutors in all local courts of justice shall be Formosans.

6. The majority of judges, prosecutors and other court staff membership shall be Formosans.

7. More than half the Committee of Legal Affairs shall be occupied by Formosans and the Chairman of the Committee shall be mutually elected from among its members.

Measures to ensure a revision and liberalization of economic policy and a reform of economic administration

1. A unified Progressive Income Tax shall be levied. No other sundry taxes shall be levied except the Luxury Tax and the Inheritance Tax.

2. Managers in charge of all public enterprises shall be Formosans.

3. A Committee for Inspecting Public Enterprises, elected by the people, shall be established. The disposal of Japanese properties shall be entirely entrusted to the Provincial Government. A Committee for management of industries taken over from the Japanese shall be established. Formosans shall be appointed to more than half the Committee posts.

4. The Monopoly Bureau shall be abolished. A system for rationing daily necessities shall be instituted.

5. The Trading Bureau shall be abolished.

6. The Central Government must be asked to authorize the Provincial Government to dispose of Japanese properties.

Reforms affecting military administration on Formosa

1. The military police shall arrest no one other than military personnel.

2. As many Formosans as possible shall be appointed to Army, Navy and Air Force posts on Taiwan.

3. The Garrison Headquarters must be abolished to avoid the misuse of military privilege.

Reforms affecting social welfare problems

1. The political and economic rights and social position of the aborigines must be guaranteed.

2. Workmen's protection measures must be put into effect from June 1, 1947.

3. Detained war criminals and those suspected of treason must be released unconditionally.

(NOTE: This is stated as designed to secure the release of a number of wealthy and prominent Formosans who have been held for more than a year on general charges of "treason" and "war crimes", who are alleged to be paying continual ransom to ensure the lives of those detained and to ensure the security of their extensive holdings.)

Demands which are subordinate measures or subject to compromise

1. The abolition or unification of the Vocational Guidance Camp and other unnecessary institutions must be determined by the Political Affairs Bureau of the Settlement Committee, after discussion.

(NOTE: An internment camp for persons the Government decides to make into "useful citizens".)

2. The Central Government must be asked to return funds for the sugar exported to the mainland by the Central Government.

3. The Central Government must be asked to pay for 150,000 tons of food exported to the mainland, after estimating the price in accordance with the quotation at the time of export.

In preparing these proposals for reform the Settlement Committee believed that it was preparing a basis for discussion with the Governor and through him with the Central Government. For an examination of public statements by the Governor and his representatives and from the direct testimony of Committee members, it is believed that the Committee was justified in considering itself empowered officially to propose such reforms in administration. These were not put forth as minimum or unalterable demands; they were clearly understood to be intended as a means for reflecting popular opinion. March 10 was mutually agreed upon as a date for presentation in order that people throughout Taiwan could contribute their ideas to the Committee.

AFTERMATH AND SETTLEMENT

Public opinion, Nationalism and Communism

However bitter their criticism of local administrative policy before these uprisings, there can be no question that the Formosan-Chinese have felt loyalty to the Central Government and toward the Generalissimo. Fifty years under Japanese rule had sharpened their sense of Chinese nationality and race and in doing so developed a strong sense of island-wide social unity. Formosans have been ambitious to see Taiwan become a model province of China. From February 28 until March 9, while Formosans were in effective control of the island, the leaders in the Settlement Committee, leaders of the Youth Groups and editors of newspapers which have been most critical of the local government all took great pains to emphasize their fundamental desire to become a model province in China, proud of their race and nationality and proud to be taking part in the National Reconstruction.

(For specific reference, see editorials and speeches quoted in the *Chung Wai Jih Pao*, March 6; *Min Pao*, March 6; *Hsin Sheng Pao*, March 5; and other journals of that week.)

Reference has been made earlier to the intense distrust and fear of communism which was fostered intensively by the Japanese. There are a few Formosans who have been suspected of interest in overseas communism but they have always been counted of little importance. Of direct external influence a few communist pamphlets of mainland origin were found in the autumn of 1946 but they were not especially designed for Taiwan. So long as the living standard remained at a relatively high level there was little danger of communist doctrine finding a reception on Formosa. A large number of Formosans who had been conscripted into Japanese army labor battalions were repatriated from Hainan Island in conditions of extreme poverty in 1946. They had not been treated as "liberated Chinese" but as defeated enemies after the surrender. Failure to find employment on Formosa in the months since has undoubtedly increased their discontent and made them susceptible to the arguments of any confirmed communists who may have come back with them.

It may be therefore said with a high degree of assurance that as of March 1, 1947, communism in any form was of most negligible importance on Taiwan.

However, a local form of communism is not only possible but is believed to be a highly probable development if economic organization collapses under the pressure of continued military occupation.

The military commitment and possible economic consequences

If the Central Government chooses to support a policy of suppression of all criticism of the government and to confirm the authority of present officials by establishment of military garrisons throughout the island, the cost will be very high and will not diminish. Firm control will necessitate the maintenance of troops at all large cities, at all important rail and highway junctions and in the vicinity of the power plants upon which the normal economy depends. The ports and harbors must be garrisoned. Almost 14,000 square miles will have to be policed by military force.

It is not possible before March 17 to assess the truth of some Formosan claims that large supplies of arms had been seized in the central part of the island and transported into hiding. The opportunity presented itself and was probably taken.

It is presumed that the Formosans, if oppression continues, will not attempt a resistance from fixed positions, but will continue to harry Government troops, creating a continuous drain upon men and supplies, and will use the mountainous hinterlands as cover. Perhaps no single province in China involved so little military expenditure as that needed for Formosa before March 1, 1947. It may now well become one of the most costly, if the economic losses in production and hampered transportation are added to outright military costs.

It is significant that throughout the trouble the local government has emphasized the fact that the Army represents the Central Government most directly. Thus, when it began to be clear that the word given by the highest ranking military officers was to be broken, Formosans began to lose faith in the Central Government as well.

With industry in such a precarious condition in February 1947, it must be presumed that the dislocations attendant upon the present trouble and a military occupation will hasten the disintegration of the industrial structure of Taiwan. China loses thereby an asset of immeasurable value. This established industrial structure (including the food processing units which make agriculture so profitable) has a substructure of semi-skilled local labor. UNRRA investigations have shown that young Formosans are no longer able to go into industrial schools or apprenticeships as in the past, but enter the common labor market as they see industry after industry shrivel up as capital investments dwindle and small industries close. Unemployment will increase with acceleration of this trend.

The rice crisis in January indicated that in present circumstances Formosa may have no immediate food surpluses upon which to draw. The addition of large numbers of troops, feeding on the countryside, will further diminish available supplies. Rice and other foods will go into hiding. Sabotage and slow-down tactics may be anticipated.

The total losses of a military occupation are incalculable. Prominent Formosan-Chinese—conservative, liberal and extremists—and many young men have been killed or seized or are driven into hiding. The educational development of the island, especially in the technical schools of middle grade, will be greatly retarded at a time when China needs every trained man. Highly qualified mainland doctors and foreign medical personnel predict that the public health system may break down badly within the year, bringing on a larger scale the cholera epidemics which appeared in 1946.

A state of near anarchy is a distinct possibility for Formosa by the end of 1947 if drastic efforts to revise policy and effect governmental reforms (free of military pressure) are not undertaken speedily. Having known a relatively high standard of living under the Japanese regime, the Formosans are not going to lose what they have without a struggle directed against the forces which they hold responsible. If the Central Government meets increasing difficulties compounded of economics and military struggles of the mainland, the Formosans will be tempted to increase their resistance in proportion.

For eighteen months Formosan-Chinese blamed the provincial administration and at the same time assured themselves that if the Generalissimo were made fully aware of conditions he would reform the system in effect on Taiwan. Later it was assumed that the application of the new Constitution would bring to Taiwan the measure of self-government needed to restore the total economy to its former high level of production, to the permanent benefit of China.

There may be a sullen peace achieved by military action, but it cannot be enforced. Further uprisings of far more serious proportions than these recent spontaneous outbursts may occur at a time when the overall peace settlement in the Far East is underway, and problems are being reviewed for inclusion or exclusion in the conference agenda. Anyone who wishes to embarrass China will find good material in a revolutionary situation on Taiwan.

Formosa should be put to work earning foreign credit for China. Its peculiar character as an industrialized and technically developed province should be sheltered from the greater economic difficulties found on the mainland. Taiwan was returned to China as an outstanding economic asset, and example of the advanced technological economy toward which all other provinces of China are striving. Two years of concentrated rehabilitation effort in Formosa hereafter will produce permanent assets of two kinds. Raw materials and products such as fertilizers, cement, foodstuffs and industrial chemicals will become permanently available to China in increasing amounts. Others such as tea, camphor, sugar, industrial salt, pineapples and light manufactures can be directed to overseas markets. A moderate share of the foreign credit so created must be returned to Formosa for rehabilitation and expansion of state-owned industries and the expansion of private enterprise. Formosan-Chinese must be admitted to greater participation in all aspects of economic administration and reasonable profit if the island is to prosper and to return to the high and constant level of production achieved in former years. Economic stability and expansion must be founded on a sound political and social administration. Now is the time to act. To encourage and ensure wholehearted effort the Formosan-Chinese must be allowed to take a larger part in government at all levels. Changes in personnel as well as in the structure of the administration must be thoroughgoing; it is felt that half-way measures and palliatives now will only postpone a larger repetition of the current protests against corruption, maladministration and autocracy in the provincial government. Formosa can be restored to its former high level of political allegiance and of economic production by prompt and fundamental reform.

The following developments have been reported as occurring during the end of March and the first part of April:

The continuing presence of fresh bodies in Keelung Harbor and other evidence indicate that the elimination of the informed opposition is continuing. The bodies of at least two men known to neutral sources as having taken no part in any activities during the recent incidents have been identified. It is reported at Taipei that although shots and screams in the night have become less frequent, they continue, and that there is no palpable difference in the tense atmosphere of the city. Mainlanders generally are reported to be apprehensive of further trouble, and many of them are said to feel that Formosan cooperation under present circumstances will be difficult for an indefinite time in the future. Of serious import is the reported continued undermining of Taiwan's advanced economic structure.

TAIWANESE NATIONALISM: WILL THERE EVER BE A HARVEST FOR ALL THE YEARS OF HOPING?

(By April Klimley)

TAIPEI, TAIWAN.—"We don't want to be Chinese. We want to be Taiwanese," said a native-born professional man here in Taipei recently, summing up his feelings about his homeland.

His sentiment is common among the 12 million Taiwanese here, but it is rarely expressed because such opinions could be considered treason by the Nationalist Chinese Government.

The government has spent a great deal of time and money over the past 20 years keeping this kind of sentiment within strict bounds. It started in 1947 when Chiang Kai-shek took over the governing of Taiwan, and 2,000,000 mainland refugees began pouring in. Persistent political and police work paid off by preventing the development of any local home-rule movement.

But recently the picture has changed. Taiwanese nationalism appears to be on the rise. Signs of this are everywhere, from a marked increase in Taiwanese-language radio and television shows to a wider use of the Taiwanese language in the business sphere.

ASSASSINATION TRY RECALLED

Most observers trace this burgeoning sense of identity to economic prosperity, higher levels of education, and, most important of all, political events outside the island. They feel it is these events which have triggered the political consciousness of the local population at this time.

Foremost among these events was last year's United Nations vote when Communist China got a majority on the Albanian resolution. Although that in itself was not enough to seat the Peking government or oust the Nationalist, it came as a shock to most people in Taiwan who have long been shielded from international political realities by a carefully controlled press.

Some observers trace the new political consciousness among Taiwanese to the assassination attempt on Chiang Kai-shek's son and heir apparent, Chiang Ching-kuo.

This occurred in the spring of 1970 while Chiang Ching-kuo was in New York City on a visit to the United States. The affiliation of the would-be assassins with the Formosan independence movement in the U.S. was never revealed in the Chinese-language press here. But it was printed in the two English-language papers on the island, and thus filtered down gradually through much of the population.

Other observers date the reemergence of Taiwanese nationalism even earlier. They say it began with the escape of Formosan independence leader Peng Ming-min from the island in January, 1970. Mr. Peng had been under constant surveillance for five years at his home. In 1965 he had been released from prison where he was being held on charges of plotting to overthrow the Nationalist Chinese Government.

Professor Peng's escape to Sweden came as a surprise not only to the island population here, but also to his police guard which was extremely embarassed. Now Professor Peng is teaching at the University of Michigan in the United States. A few people here feel that his admission into the United States indicates indirect American support of the Formosan independence movement.

It is hard to tell just how widespread the new nationalism here is. However, many observers feel that the general restlessness throughout the island is one of its signs.

Even the government concedes that there has been tension building up. But they do not trace this simply to Taiwanese. They point out that both mainlanders and Taiwanese are worried about the U.S. standing up to its defense commitments to Taiwan at this time.

TWO DIFFERENT CONCERNS

But Taiwanese concern about American China policy differs markedly from Nationalist Chinese concern.

Nationalist Chinese Government and party officials are uniformly shocked by and afraid of a U.S. two-China policy. This is not primarily out of fear of being handed over to Communist China. It is out of fear of losing its right to rule Taiwan.

For 20 years the Nationalist Chinese Government has done this through its claim to be the legitimate government of all China. It feels that any two-China policy might lessen its legitimacy and thus its right to rule. It would also lessen hopes of return to the mainland. Even many young mainlanders still believe in this although they think more in terms of reuniting with the mainland politically than of retaking it militarily.

Most Taiwanese, and those mainlanders who have lost their sense of identification with their birthplace, do not feel this way. These Taiwanese do not hold important positions in government or the military, and most feel suppressed both politically and economically.

They would like to see a Taiwan free of both Nationalist and Communist governments. They would welcome a two-China policy which provided for one China, one Taiwan, so long as it also guaranteed Taiwan sufficient military strength to stay independent of Japan and Communist China.

WORLD WAR II ECHOES

But most Taiwanese are not optimistic about a Taiwanese Taiwan. They remember what happened after World War II when the Japanese left the island. At that time some Taiwanese hoped for a UN-supervised referendum so that they could decide their future for the first time in 50 years. Instead, they were handed over to Chiang Kai-shek and the Nationalist Chinese Government under the provisions of the Potsdam Declaration.

Since then the Nationalist Chinese Government has done a good job of keeping the Taiwanese population politically fragmented.

Part of this success is due to ethnic differences among the Taiwanese themselves. There are large minorities of Hakka and mountain aborigines on the island who have never been completely assimilated, although they have lived side by side with Taiwanese for several hundred years.

The Nationalist Chinese Government officially makes no distinction among these groups. But it has been known to play off one minority group against another, particularly in local elections. And the number of Hakkas or aborigines who reach positions of prominence is even lower than the number of Taiwanese.

A second factor in the splintering of the local population has been the economic success many Taiwanese businessmen have enjoyed under the present government. A high percentage of private enterprise is run by Taiwanese. Some of these men have even joined the Kuomitang, the government party. Even those who don't tend to feel that the best course to future political power is present-day economic success.

GOVERNMENT SUPPRESSION

The third, and most important factor, in this strategy of fragmentation has been continuous government suppression of all advocates of home rule. A huge security apparatus watches the island, not only for Communists, but also for indigenous political activity. Suspects are picked up and jailed without specific charges. Most trials are held in secret. Today about 4,000 political prisoners are jailed throughout the island.

The most recent rash of anti-Taiwanese police activity occurred at the end of February. Early in the month security agencies felt that preparation was under way for some kind of demonstration to commemorate the antigovernment uprisings of Feb. 28, 1947. To defuse this they conducted a series of arrests.

Two of those arrested were Wei Ting-chao and Hsieh Tung-min, former students of Peng Ming-min who had served time with him in prison. They are still in jail.

This sophisticated security system has been very effective in squashing any overt political organization here of Taiwanese origin. Most observers feel it has also prevented the formation of any underground Taiwanese movement aligned with the Formosan independence movement in Japan and the United States.

Of course, it has not stamped out all sympathy. But even those radical Taiwanese left here are skeptical of the effectiveness of the independence movement.

"I haven't much hope for the Formosan independence movement," says one thoughtful Taiwanese intellectual about 45 years old. "There are two reasons. For one thing, we Taiwanese are always divided. It's easy to turn us against one another. For another thing, we would have to have arms to effect a revolution. Where would we get them? The U.S. wouldn't give them to us because they wouldn't want to be accused of interfering in internal politics."

UN REFERENDUM HOPE?

The only hope this man sees is for a UN referendum.

But many other politically aware Taiwanese see little hope of that. They feel that despite loud public protestations, the Nationalist Chinese Government is already in the process of accepting some kind of two-China policy. The conditions of the deal would preclude a Taiwanese-run Taiwan and keep the present government in power.

"Basically, Washington likes the Nationalist Chinese Government," says one Taiwanese businessman, "as long as it is subservient to U.S. wishes. The Nationalist government will have to accept whatever new policy the U.S. comes up with—or it's out! So the real question now is what the terms will be—how much military aid the government will get from the U.S., what trade terms, etc."

Not all Taiwanese are so cynical.

"If there is any hope for us," says a Taiwanese politican, "it will only be after 30 years when the older generation dies. Then there will be natural independence. The descendants of mainlanders will forget they came from the mainland. They will be accustomed to Taiwan."

But behind these philosophical words lie visibly frustrating lives for many Taiwanese. Thomas Liao, an independence leader who once led a Formosan government in exile in Japan, summed up these feelings talking to a friend in 1947.

"We Taiwanese are just like a football," he said. "We are kicked around by the United States, Japan, Communist China, and the Kuomintang. In this game, we're not even a player. We're just the football. So how can we control our own fate?"

[The Wall Street Journal, June 10, 1971]

TAIWAN: PAWN OF THE ORIENT

(By Peter H. Prugh)

Now that the United States and Mainland China are becoming less hostile to each other, the issue of Taiwan looms as a major obstacle to better relations.

The beautiful, densely populated island 100 miles off the southern Chinese coast has been the object of bitter competing claims since the U.S.-supported Generalissimo Chiang Kai-shek set up his Nationalist Chinese government there after the Communists took over the mainland in 1949. The Communist Chinese insist that the island, which has about one-fourth the area of Illinois and a population of 14 million, is an integral part of China. So, for that matter, do the Nationalists, who still harbor the hope—if not the realistic expectation—that the Communists will someday be driven out.

What's going to happen to Taiwan? A number of alternatives are worth considering.

One possibility is that in the not too distant future the mountainous island will be united with the Mainland China government, as the Communist Chinese wish. It has long been suggested that the split between the Nationalists and Communists is more one of personalities than ideology. With the passing of the aging Chiang Kai-shek and Mao Tse-tung, much of the bitterness might fade, and a union be effected.

A MERGER QUESTION

But there's a serious question how smoothly Taiwan could be merged into the mainland.

Some 85% of the island's residents are Taiwanese, whose ancestors settled the island over the past few hundred years. They are of Chinese descent and they maintain many Chinese traditions, but they are out of the mainstream of Chinese civilization and their history of separate development has given them an independence and rebelliousness. For obvious reasons of self-interest, influential Taiwanese capitalists and businessmen would be unhappy about a union with the Communist mainland. And there would be the sticky question about what the Communists would do to the large investments of Japanese companies on the island and the growing number of U.S. corporate operations there.

A second possibility is that the status quo will continue. Chiang's Kuomintang Party would remain in power; U.S. military bases would remain. Japanese and U.S. investment would increase.

The difficulty here is that there are some signs that Taiwan's people, with relatively high educational standards and increasing expectations, won't stand much more of the authoritarian ways of the Chiang government.

The national legislature doesn't represent Taiwan; it was elected from all the provinces of China in 1947. The police and military play a heavy-handed role. Thousands of gifted Taiwanese college students are in the United States and Canada; many feel that the island holds few opportunities for them and show no inclination to go back.

The atmosphere within Taiwan is "very tense" and people are "becoming more restive," claims Peng Ming-min, a Taiwanese independence leader who recently escaped from the island and is now a legal researcher at the University of Michigan in Ann Arbor. The island has shown "considerable economic advancement" in recent years, but the "picture is not so rosy as many government propaganda papers say," he says. There has also been recent biting criticism of the Chiang government for an alleged "sell-out" on claims to oil rights in seas north of Taiwan to the Japanese.

Consequently, the U.S. could again find itself backing a tired, unpopular, authoritarian government. That happened to the U.S. in China in 1949, critics say, and that's what they claim has happened in Vietnam.

A third alternative is that Taiwan become independent and neutral under a new, more representative, government. Under ideal circumstances, the island might develop as a "Switzerland of Asia," a center of commerce, finance and industry for a vast Pacific and Asian area. Perhaps it could become an independent, non-colonial Hong Kong or Macao, serving as a contact point between East and West.

Geographically, Taiwan is suited for such a role. The U.S. military bases would have to go, of course, but the island's own military forces could easily provide defense against all conventional military attacks. Its independence, neutrality and protection from nuclear attack could be guaranteed by a treaty involving Communist China, Japan, the U.S. and the USSR. Mr. Peng thinks such a plan would be a good one, if perhaps too "idealistic." Taiwan "shouldn't be a threat to any other country, particularly China," he says, and other countries should "respect Taiwan's political and military neutral position."

A "FIRST PRINCIPLE"

But Mr. Peng, who was under constant surveillance before he escaped, suggests there's a "first principle" that should be employed before any decisions are made about the island. It involves the residents of Taiwan. "Their voice should be heard before anything is decided about their future," he insists. He suggests that a referendum be held on the island's future or the establishment of a "more representative government" to decide the island's destiny.

If such a suggestion were carried out, it would be something new for Taiwan. The island has a history of being a pawn of big powers. Its original inhabitants were people of Malay descent, who like the U.S. Indians were gradually defeated and pushed inland by later settlers. Before the 16th century some Chinese and Japanese knew about the place, but paid little attention to it. Portuguese sailors gave it its European name of "Formosa," and 16th century European maps lumped it together with Okinawa and the other Ryukyu Islands to the Northwest.

The Dutch maintained a settlement in central Taiwan from 1624 to 1662 in the hope of increasing trade and influence with China. For a while, the Spanish had a settlement in north Taiwan, mainly to protect Spain's Philippine colony. During the 17th century, the Japanese and English also made trips to the island. And during the latter part of the 17th century, Taiwan served as the last bastion for the declining Ming dynasty after its rulers had been driven from most of the mainland by the Manchus. (Some observers see parallels between the Ming's last stand there and the modern-day Nationalist Chinese.)

After Taiwan fell to the Manchus it remained a part of China until 1895, when the Japanese took over. Under Japan, the Taiwanese were treated as inferiors, but considerable economic development took place. At the end of World War II, Taiwan, in accordance with the Cairo declaration among the Allies, was given to Chiang's Chinese government.

"This thoughtless tossing to China of a heavily inhabited and strategically important island which had not belonged to it in recent decades, and particularly the taking of this step before we had any idea of what the future China was going to be like, and without any consultation of the wishes of the inhabitants of the island, produced a situation which today represents a major embarrassment to United States policy, and constitutes one of the great danger spots of the postwar world," wrote historian and diplomat George F. Kenan in 1961.

DISILLUSIONMENT AND DEATH

The Nationalist Chinese were originally greeted on Taiwan as liberators. But Taiwanese say that disillusionment set in quickly when Nationalist military leaders began acting like carpetbaggers and treating the Taiwanese like a conquered people. The tragic climax came in the February 1947 Nationalist massacre of an estimated 10,000 Taiwanese after they had protested about conditions on the island. (Estimates on the number of people killed vary. The Independent Formosa, published by a New York group, puts the figure at 20,800.)

The situation has improved since then. The U.S. has pumped more than $4 billion in economic and military aid into the island. An effective land reform program helped increase agricultural production; the island is a substantial producer of rice, tea, bananas, mushrooms, citrus fruits and other products. Its economy has grown spectacularly, and many consumer-oriented industries have been started. By population, it ranks among the top third of the world's nations, and its standard of living by most measurements is second only to Japan in Asia.

Still, as one historian puts it, Taiwan has always been a "marginal island." It has been used as a good strategic spot, a jumping-off base, a potential trading center, a symbol of prestige and a pawn in power politics. It has never been treated as an entity in itself. The people who live there haven't had much to say about their destiny.

"I don't accept the typical colonialist argument that locals can't run their own country," comments Mr. Peng, the independence leader.

That makes sense, but it remains to be seen whether this time around the powers that control Taiwan's future can agree on such a simple notion.

[United States Security Agreements and Commitments Abroad, Republic of China, U.S. Senate Hearings, 1969–1970, pp. 986–994]

INTERNAL SITUATION IN TAIWAN

Mr. **Paul**. Now, I would like to turn for just a minute again to the subject of the internal situation on Taiwan, if I may.

On page 71 you mention as one source of control of opposition to the existing regime the effective internal security controls which the Government of the Republic of China has.

What are you referring to in this reference?

Mr. **McConaughy**. Well, the existence of martial law and the existence of pretty severe penalties against subversive activities of pro-Communist activities or any activities judged to be prejudicial to the essential security interests of the state, and those interests are defined in terms of a wartime situation, a martial law situation.

Mr. **Paul**. When did Nationalist China take control of Taiwan?

Mr. **McConaughy**. In 1945, 4 years before the Central Government moved there; in October of 1945, right after the Japanese surrender, 6 or 7 weeks after the Japanese surrender.

Mr. **Paul**. In the period from 1945 through the next succeeding years was there any rioting or strong opposition to the Nationalist Government's authority?

Mr. **McConaughy**. Yes. There was a pretty serious disturbance in February of 1947 directed really against the policies of the Provincial Government, and the then Governor, Chen Yi.

POLITICAL PUNISHMENT BY ROC GOVERNMENT

Mr. **Paul**. How many people approximately have been either killed or imprisoned by the Government of the Republic of China since it took control of Taiwan as an effort to control anti-Government dissension?

Mr. **McConaughy**. I do not have any figures there.

Mr. **Paul**. Can you give us a minimum figure?

Mr. **McConaughy**. I would not want to do that because I do not feel I have any sound basis.

Mr. **Paul**. You could not confirm that at least 20,000 people have been killed, as reported in the press?

Mr. **McConaughy**. I could not confirm it; no.

Mr. **Paul**. Could I ask you to submit an answer for the record on that?

Mr. **McConaughy**. I doubt if we could give you anything on that. I do not know of a dependable source.

Mr. **Paul**. You mean you have no idea within a wide margin of error on this subject since the public allegation has been that 20,000 people were killed in the early days of the regime on Taiwan?

Mr. **McConaughy**. We can see what we have.

Mr. **Paul**. Thank you.

Mr. **McConaughy**. But I do not believe that we could give you a verifiable figure.

Mr. **Paul**. All right. I would appreciate whatever you could, again obviously speaking only approximately with regard to both killing and imprisonment.

(The following information was later supplied by the State Department.)

THE FEBRUARY 1947 UPRISING

A detailed summary of the circumstances and events leading up to the Taiwanese uprising which began on February 28, 1947, as reported by American officials on Taiwan at the time is provided in a memorandum submitted by Ambassador Leighton Stuart to President Chiang Kai-shek on April 18, 1947, and printed in the Department of State volume *United States Relations with China,* 1949 (known as the "China White Paper") pp. 923–938. The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947. Ambassador Stuart's memorandum, however, does not contain any such estimate. Given the circumstances, marked by considerable undisciplined behavior on the part of the government troops and police throughout Taiwan, it seems unlikely that any reliable estimate of the total number of deaths was available in the months following the uprising. Certainly there were thousands of Taiwanese who were killed; but more precise figures are open to question.

No figures are available in the Department of State on the estimated number of persons imprisoned during these riots.

Mr. Paul. Could you tell us now how many people are incarcerated in Taiwan for anti-Government activities?

Mr. McConaughy. No, I do not have that figure. No figures are announced.

Mr. Paul. Don't we, through sources of our own, have some estimate of this figure?

Mr. McConaughy. [Deleted.]

Mr. Paul. If you do have some report as to this figure, I think it would be useful to the subcommittee.

Is there a large-scale secret police force on Taiwan?

Mr. McConaughy. Well, there is a Taiwan Garrison Command which is responsible for security matters on the island.

Senator Symington. Mr. Ambassador, we will be glad to cooperate with you in taking anything out you feel would be personally embarrassing to you as our representative; but you must have a general idea of how many political prisoners there are in Taiwan, haven't you?

Mr. McConaughy. No; I honestly do not have, Mr. Chairman. This is a matter that just did not——

Senator Symington. Would you say there are 15?

Mr. McConaughy. I would assume there are more than that.

Senator Symington. Well, would you say there are 500?

Mr. McConaughy. But you have got a matter of definition to start with just how are you going to define a political prisoner. Some of these people probably are Communist agents, and if they are truly subversive, as some of them may well be, are you going to call them just political prisoners or not? Where are you going to draw the line?

Senator Symington. People who are imprisoned because they are against the Government.

Mr. McConaughy. Solely because they are against the Government, if they are just against the Government and have not been engaged in subversion, an attempt to bring the Government down, there is quite a good chance they would not be under arrest. People who are just against the Government, who are just dissenters, are not necessarily arrested, if they keep their dissent in bounds.

Senator Symington. Have you been sworn?

Mr. McConaughy. I have.

Senator Symington. I know you have, Mr. Ambassador. But what is the name of this gentleman?

Mr. Shoesmith. Shoesmith.

Senator Symington. Have you been sworn?

Mr. Shoesmith. No; I have not, sir.

Senator Symington. Would you rise and raise your right hand. Do you swear that the information you give this committee will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. Shoesmith. Yes, sir.

Senator Symington. You are the head of the China Desk here?

Mr. Shoesmith. I am the Country Director for Republic of China affairs.

POLITICAL PRISONERS ON TAIWAN

Senator Symington. Have you seen any figures on the number of prisoners, political prisoners on Formosa or Taiwan, sir?

Mr. Shoesmith. [Deleted.]

Senator Symington. Counsel is trying to get the facts; and people are increasingly restless about what the money is being put up for.

[Deleted.]

Could I ask this question, Mr. Ambassador. Aren't you concerned about the number of political prisoners there are in Taiwan? Wouldn't that be part of your job? We believe in democracy and preach it now with military might, all over the Far East.

Mr. McConaughy. I am certainly concerned whenever there is any miscarriage of justice, Mr. Chairman. But I am not sure that the Government is as ruthless in handling this security matter as many of our people assume it is.

Senator Symington. I do not assume it.

Mr. McConaughy. [Deleted.]

Senator Symington. I am asking you a simple question.

Mr. McConaughy. I say if there is any miscarriage of justice naturally I am concerned. I feel for the victims.

Senator Symington. [Deleted.] It would not be a question of whether there was any injustice involved in the case of these people who have been incarcerated, but simply whether these people have had their freedom taken away from them because they were opposed to this regime on Formosa.

Mr. McConaughy. I have no evidence that would be the only charge, Mr. Chairman. In many cases these people could well be active Communist agents.

Senator Aiken. Mr. Chairman, I wanted to ask the nationality of the political prisoners. What nationality are they?

Mr. McConaughy. Mostly Taiwanese, but some mainlanders, too. But, of course, as to nationality, they are all Chinese. They all owe allegiance to the Republic of China. When it comes to passport matters there is no distinction between Taiwanese and the mainlanders on Taiwan. They are all Chinese.

Senator Aiken. Is it not possible that since 86 percent of the population perhaps ought to have more of a voice in the operation of their government, they would not necessarily have to be Communists.

Mr. McConaughy. The political prisoners?

Senator Aiken. Yes. No doubt Communists take advantage of a situation.

Mr. McConaughy. Yes.

Senator Aiken. But was the situation made to order for them to take advantage? I was thinking about that.

Mr. McConaughy. I would not say all of them have been held on political charges. Some may be Chinese Communist agents, but we just do not know. [deleted.]

SECRECY OF ACTION AGAINST POLITICAL PRISONERS

Senator Aiken. If the Government of Chiang Kai-shek were thoroughly warranted in making political prisoners out of them, there would not be any reason for not making them known; would there?

Mr. McConaughy. On principle they feel this security field needs to be dealt with in a very special way. It is just not accorded any publicity.

Senator Aiken. I see.

Senator Symington. The biggest prison I ever saw was in Shanghai in 1946. Are there some large prisons in Formosa?

Mr. McConaughy. I have not been inside one myself, Mr. Chairman. But usually the place where these political prisoners are detained is not generally known.

Senator Symington. Are they in some kind of camp, detention camp?

Mr. McConaughy. Well, there is just not any one place. I think some of them are sent to an island, Green Island, just off the east coast.

Senator Symington. Do you know how many there are on that island?

Mr. McConaughy. No, sir; I do not.

Senator Symington. Do you think anybody knows in our Government?

Mr. McConaughy. I do not know of anybody who knows.

Senator Symington. Has anybody ever asked?

Mr. McConaughy. I do not know.

Senator Symington. You never asked.

Mr. McConaughy. We in the Embassy, we do not ask directly about these matters. It is rather beyond the pale because it is considered in the security sphere. Just as during the war, I guess we, our civilians would not have probed too much into some of the actions we had to take against suspected Nazi and Japanese agents.

Senator Symington. If a Taiwanese objected to the totalitarian control of the island by the people who came over from the Chinese Mainland, are you saying that you would compare that to foreigners in wartime in the United States?

Mr. McConaughy. I am not making any direct comparison, Mr. Chairman. I am just trying to give you some feel for the psychological situation.

Senator Symington. But you did make an indirect comparison. I think that a fair statement.

Mr. McConaughy. I was trying to give you some figure of speech here which would give you an idea of how they feel. They feel this is just as serious, just as much a threat to their security, as our wartime enemies were a threat to our security at that time. I am not saying I feel that way, but I am trying to give you a feel for their feeling.

Senator Aiken. Are political prisoners given a trial of any kind? Are their names made public?

Mr. McConaughy. Oh, yes; they do. They do not have all of the legal safeguards which an ordinary prisoner, tried under the civil law, would have, but they still have something of what they consider a rule of law.

There is a trial, there is a court, a court of several military judges, and there is defense counsel, and there are witnesses for the defense, and the defendant himself is present and can speak for himself. There is an adjudication of the evidence, and then there is a specific sentence.

Senator Aiken. I see.

Mr. McConaughy. Which must be made known to the defendant, and he knows the charge, the formal charge, against him, too.

Senator Aiken. Is there any difficulty in getting witnesses for the defense? Political prisoners do not just disappear in any case. Is that correct? Or do they?

Mr. McConaughy. Well, usually, after the investigation of the case, the close relatives anyway are allowed to visit the defendant, as I understand it.

Senator Symington. You see what we are after is information. We support pretty much of a totalitarian government in Greece.

This Taiwan business remains much of a mystery. What we would like to know are the facts. There is not necessarily any criticism.

Do we support, to some extent, their internal problems?

Mr. McConaughy. In what way, Senator? We do not have any internal security technical assistance.

Senator Symington. Do we give them any assistance in internal security?

Mr. McConaughy. No, we do not, and we do not have any counterinsurgency program going there. There is no insurgency really in that sense on the island.

EFFECT OF U.S. HANDLING OF TAIWANESE ON DEFENSE TREATY OBLIGATIONS

Senator Symington. Could the handling of the Taiwanese affect our defense treaty obligations?

Mr. McConaughy. In what respect, Mr. Chairman?

Senator Symington. If the Chinese are clamping down on them, wouldn't that affect our relationship? We profess to be so anxious to support democratic rule. If we found out they were being unfair to the Taiwanese, wouldn't that affect provisions of the Military Assistance Agreement?

The agreement specifically says on page 20 that the Chinese Government would use the material to maintain its internal security or its legitimate self-defense. That could mean we are either disinterested, based on your testimony as to whether or not they are using our material and supplies to suppress the Taiwanese, or that they have refused to tell us what they are doing.

Mr. McConaughy. We do not have any internal security program under MAP. There is this provision in the exchange of notes. I think that is designed for use in case there were major uprisings affecting the security and stability of the whole island. That situation has not arisen. This whole thing is not on as large a scale, I would say, this problem, as you have indicated.

Senator Symington. I was listening to Counsel. He went out there to get information for the subcommittee. He is asking the questions. I must say it astonishes me you have no idea of any kind whatever how many political prisoners they have, which is always a good way to know to what extent the general mass of the people support their government. We put out a lot of words when it comes to why we support countries. The right of self-government is a term that recently has cost us many thousand young Americans.

JAILING OF ANTI-GOVERNMENT PEOPLE

I do not know of any Americans who are in jail solely because they disagree with this Government, unless forcefully they have done something to try to bring this Government down. You probably have had more experience with Taiwan than any living American in the service today. But you say you have no idea whatever. That surprises me.

Mr. McConaughy. There are very few, I would say, who are detained just because they are dissenters against the Government. Usually it is something much more tangible than that.

Senator Symington. Like what?

Mr. McConaughy. It is something that amounts to at least a prima facie case.

Senator Symington. Of what?

Mr. McConaughy. Subversive intention.

Senator Symington. Are you subversive out there if you say "We don't believe in Chiang Kai-shek; we think that we should have a new President." Would that be considered subversion?

Mr. McConaughy. No, it would take something more than that, an intent to overthrow the government by force or conspire against the government in a way which would prejudice the government's ability to carry on the defense against the Communists in this period of national emergency. This is the sort of thing they have in mind. The charge would be along those lines.

Senator Symington. If I understand it, you say the only people who have been jailed, from a political standpoint, are those who have tried to overthrow the government, or said they were going to try to, right?

Mr. McConaughy. Something that would be of comparable seriousness to that in the eyes of the government.

ELECTION SYSTEM IN TAIWAN

Senator Symington. Have they a two-party system there?

Mr. McConaughy. No, sir. The KMT basically is the major party. Now, there are two or three little minority parties, very small. But the only party of any consqeuence is the KMT.

Senator Symington. How many times did they have an election?

Mr. McConaughy. Well, they have local elections periodically.

Senator Symington. I mean national election.

Mr. McConaughy. The first really national election is to be held this December.

Senator Symington. The first one they have had since 1949?

Mr. McConaughy. That is the election of— yes, sir, this is to elect Taiwan provincial representatives to the Legislative Yuan, the Control Yuan, and National Assembly.

Senator Symington. Did they ever run anybody against Chiang Kai-shek? Has there ever been any opposition?

Mr. McConaughy. No, not on Taiwan.

Senator Symington. I belong to a party that even had the nerve to run somebody against President Eisenhower.

Mr. McConaughy. The election of the President is indirect. The National Assembly elects the President, and I think President Chiang has been the only candidate.

Senator Symington. What percent of the vote do you think he would get if he ran?

Mr. McConaughy. Well, since he is the only candidate I think it is unanimous. I do not think there are abstainers.

Senator Symington. That is closer to the Soviet system than ours.

Mr. McConaughy. There is just no towering national figure to compete with President Chiang there. There is no plausible alternative, so you just do not expect to see a serious opposition candidate.

Senator Symington. It has intrigued me that you have no idea, this government totally dominated by one man and his group who came off the mainland onto this island, how many people are put away who oppose his regime.

REPRESSIVE MEASURES AGAINST TAIWANESE SINCE 1945

Has the Nationalist Government taken repressive measures against the Taiwanese since 1945?

Mr. McConaughy. We have been talking about this for a good while. I do not know what new angle that it is intended to introduce.

Senator Symington. Would you start off by saying what you remember since 1945, when they took such repressive measures?

Mr. McConaughy. This 1947 riot, the events leading up to it, the first case, and the only conspicuous case, that I know of that was in February of 1947.

Senator Symington. I visited General Marshall in Nanking in 1946. The situation was not clear at that time that Chiang Kai-shek was going to be thrown out of China. What were the riots in 1947 all about?

Mr. McConaughy. This was the result of dissatisfaction expressed by the Taiwanese because they did not have more voice in local governmental affairs there.

Senator Symington. Was that before Chiang Kai-shek went to the island?

Mr. McConaughy. It was before he moved the Central Government there.

Senator Symington. Yes.

Mr. McConaughy. But it was under full control of the Central Government at that time. It had been from 1945.

Senator Symington. How many were estimated to be killed in 1947, roughly?

Mr. McConaughy. I never saw any official figure. Do you have any figure, Tom?

Senator Symington. Mr. Shoesmith.

Mr. Shoesmith. There were estimates by various American observers, not official observers, that have been made public. They have ranged from 10,000 to 20,000.

Senator Symington. When was the next major problem along these lines?

Mr. McConaughy. Nothing comparable to that, Mr. Chairman. That is the only disturbance of that nature in the postwar history of Taiwan.

Senator Symington. I could not tell for sure a Taiwanese from a Mainland Chinese, so it is——

Mr. McConaughy. Of course, ethnically they are all Chinese. The Taiwanese are originally from South Fukien Province, their ancestors came over, in most cases, 2 or 3 centuries ago, but ethnically they are fully Chinese, and their habits are Chinese, their traditions.

Senator Symington. Like the other 800 million Chinese on the mainland.

Mr. McConaughy. Yes. In some respects you might say the Taiwanese are more conservative in their family traditions because——

Senator Symington. They must have been more conservative or they would not have been kicked off the mainland. One of the sad things we face in our world wide policing is that in most of the countries of the world, when you talk about communism, you talk about what benefits in that country you might achieve, you might get, whereas in this country, when you talk about communism you talk about what our citizens would lose. If I were a Chinese peasant, or a Korean peasant, I think I might have been looking for something so as to improve my general welfare, my standard of living. That is one of the great worldwide problems.

If you have any information, either you or the State Department, about how many political prisoners are in Taiwan, will you supply it for the record?

(The information referred to is classified and in the committee files.)

HOMILY ON PEACE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DRINAN. Mr. Speaker, I reproduce below a most striking sermon given by Bishop Bernard Flanagan of Worcester, Mass. Bishop Flanagan states that he regrets "the apparent deafness of our national administration to every kind of reasonable proposal for declaring an end-date to our involvement" in the war in Vietnam.

Bishop Flanagan goes on to regret "the fact that a misguided sense of national priorities being used to justify increased military action, especially in the air, to guarantee that we can retire with a so-called victory." Bishop Flanagan's homily was given at St. Paul's Cathedral in Worcester, Mass. on June 9. Following the homily the congregation of the Cathedral of almost 1,000 individuals gave the bishop a standing ovation.

The text of Bishop Flanagan's homily on peace follows:

[From the Catholic Free Press, June 18, 1971]

Text of Bishop's Homily on Peace

In the Gospel that we have just heard (John, 14:23) we are reminded that Jesus left as his special legacy to his followers the gift of peace. It was the mission of those disciples to be ambassadors of this peace—a peace that began in the hearts of men who knew they were reconciled to God, their Father, and which had then to overflow into their relationships with all their human brothers. In the very same address to his disciples Jesus makes this latter aspect of peace explicit—"This is my commandment: love one another as I have loved you" (John 15:12).

This legacy of Christ corresponds to the most ancient striving of man. The impassioned cry of the Psalmist which was the opening Prayer of this Mass for Peace was uttered hundreds of years before Christ: "Give peace O Lord to those who have hoped in you . . . hear the prayers of your servants and your people Israel—give peace, O Lord to those who have hoped in you." This cry is still on the lips of man today and it is more urgent and more insistent than ever. Humanity today is at a crossroads. Because of the extent and power of modern weapons we are faced with two possible paths: the creation of a durable international peace or the very real danger of total destruction.

For this reason we who are the followers of Christ and the inheritors of his legacy of peace have gathered in this cathedral church this evening to reflect on peace and pray for our violence—torn world.

If the Church is to be faithful to the legacy of Christ it must become a more active agent for peace in the world.

* * * * *

There are those who feel that the Church should not get mixed up in social problems or political issues. The role of the Church, they will say, is an exclusively spiritual one.

This objection must be rejected as a serious diminution of the scope of God's sovereignty. God's love and concern encompasses man in all his dimensions—spiritual, social, economic, political. If the Church is concerned about man it must also be concerned about real man in the real world with everything that is necessary to his total well-being.

The Church has striven from the beginning to be faithful to Christ's legacy of peace, nonviolence and servant love. For the first three centuries it bore witness to an almost absolutely pacifist position. Christians were forbidden to bear arms or shed blood.

If our young people today return to these convictions as conscientious objectors it should not be a source of scandal. Their position has ample justification in the earliest and most authentic Christian tradition.

When Christians had to assume political responsibility for the Roman Empire after the edict of Milan in 313 A.D. it was only with grave reservations that the bishops and theologians of that time condoned the active participation of Christians in military service. The theory of the "Just War" which developed at that time was an effort on the part of the Church to restrain the sword of the state and limit the occasion for violence. Similarly, the Medieval Church attempted to modify the savagery of the wars of petty rulers by such strategies as the Peace of God and the Truth of God which limited those who could be involved and the time for waging war.

In more recent times there have been few more energetic and effective agents for peace in the world community than the Popes who have served the Church in this century. Pope Benedict XV, in his famous "Note to the Belligerents" in August, 1917, broke the Church's frequent alliance with kings and rulers and spoke as the spokesman of the ordinary peoples in the world. The same tone was frequently used by Pope Pius XII and Pope John XXIII. The latter, in his final encyclical, "Peace On Earth" listed all the basic rights of every human being and insisted that durable peace would only come if these rights were respected.

For those of us who were privileged to participate in the Second Vatican Council, one of the most dramatic and instructive moments was the Pilgrimage of Peace that Pope Paul made in 1965 to the United Nations. I recall how, stooped with weariness after a 32-hour day, he came directly to the Council Chamber in St. Peter's from the airport to report on his mission. He told us that never had the Gospel message of peace, justice and love been brought to a more truly representative audience of the entire human race.

We do well this evening at this Mass for Peace to recall his words before the United Nations:

"The blood of millions of men . . . numberless and unheard-of sufferings, useless slaughter and frightful ruin (these) are the sanction of the pact which unites you, with an oath which must change the future history of the world; no more war, war never again!"

Despite this constant thread of fidelity to Christ's legacy of peace we must admit the fact that the Church has not always and everywhere been as consistent and obvious an agent of peace as should have been the case. We must be repentant and ask the Father to forgive our inertia and our human fears that may have caused this failing.

The problems of our time, however, are of such urgency that now is not the time for breast-beating but for renewed commitment and more effective action.

In this spirit, the bishops of Northern New England recently issued a Pastoral Letter addressing themselves to the moral aspects of the Vietnam conflict which has rightly troubled the conscience of so many of our people. We pointed out that according to the most traditional Catholic norms the direct and indiscriminate attack on civilians is a morally unacceptable tactic no matter what the cause. The enormous number of refugees created by our indiscriminate use of air power and the permanent ecological damage to the region are facts well attested to by officials of our own government. These realities and the grave consequences on our domestic life led us to ask if all proportion between the good we claim to seek and the evil we are in fact causing has not long since been exceeded. We felt obliged, therefore, to call into question the morality of our Vietnam policy.

I must say that personally I wished our statement had been more explicit.

I would wish also that not just the bishops of our region but all the bishops of our country could have joined in an explicit call for or leaders to stop the violence in Vietnam.

I think however, that in charity, you should realize that the reluctance of some arises not from indifference or cowardice but from indignation at the acknowledged and barbaric crimes of the other side and from a pastoral sensitivity for the deep emotions of all of their people—some of whom have lost sons and husbands in this unhappy conflict.

While we condemn the war we must not forget that it has been the occasion for some of our soldiers to perform generous acts of charity and concern for the poor and suffering people of this country.

At this stage of the conflict, we seem to have reached a growing consensus among our people and especially religious leaders and the young that the multi-faceted violence involved in this war must be brought to an end.

We regret the apparent deafness of our national administration to every kind of reasoned proposal for declaring an end-date to our involvement.

We regret the continued, unauthorized expansions of the war which are being gradually uncovered by the news media—such as the massive military involvement in Laos reluctantly admitted to Congress in secret session only this week.

We regret the fact that a misguided sense of national pride is being used to justify increased military action, especially in the air, to guaranty that we can retire with a "so-called victory."

While we pray this evening that peace may come, we must recommit ourselves to support the efforts of all those who can bring about a speedy end to the situation we have described.

What we must realize as we make our diocesan commitment to work for peace this evening, is that peace in the world will not be achieved when the Vietnam conflict is over. It is a never-ending task and challenge that will be ours for decades to come.

The "Constitution On The Church In The Modern World" of the Second Vatican Council tells us:

"Peace is not merely the absence of war—nor can it be reduced solely to the maintenance of a balance of power between enemies . . . instead it is called "an interprise of justice" (Is 32:7). The common good of men is in its basic sense determined by the eternal law. Still the concrete demands of this common good are constantly changing as time goes on. Hence peace is never attained once and for all, but must be built up ceaselessly" (No. 78).

Justice and love are the tools with which the hard work of building a lasting peace is accomplished. These virtues, however, cannot be allowed to remain ephemeral ideals.

The task of the Christian layman is to determine the practical policies and programs that will best realize these virtues. He must then work strenuously to see that these policies are implemented in the political and social order.

A concern for justice then will lead him to take seriously the specific suggestions offered by Pope Paul in his encyclical on "On Development of Peoples" concerning: generous and altruistic foreign aid to the poorer nations, fairer trade policies that will prevent the exploitation of their natural resources, restrictions on the capitalistic system.

A concern for love and true brotherhood will lead the Christian layman to support the limitation of devastating nuclear weapons and work for disarmament. He will be an enthusiastic supporter of the United Nations and other attempts at a world community and cooperation.

Those in a position to do so should foster education of our people in their parish societies and religious educational programs on these issues so that a true "peace-mentality" may be built up among all our people. All of these are ways we can express our commitment to working for peace.

Less than two years ago we were all thrilled to see the view of the earth from the moon. From that perspective, the earth appeared for what it truly is—a tiny green sphere in the ocean of space. How insignificant and, indeed, absurd the conflicts and divisions of its inhabitants appeared from that vantage point.

At this point in the evolution of humanity we have the greatest opportunity for cultivating a spirit of world unity so that we may truly see every man as our brother. Then the Christian vision of humanity can be realized: "there is one Body, one Spirit, just as you were all called into one hope . . . there is one Lord, one Faith, one Baptism and one God who is Father of all" (Eph. 4:4).

Let us pray and work that it may be so!

THE WAR: THE RECORD AND THE UNITED STATES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MURPHY of New York. Mr. Speaker, since this whole curious business of the so-called McNamara or Pentagon papers reached print in the New York Times, the country has witnessed a tug-of-war between the Government and the press that tends to obscure the documents themselves.

Newsweek magazine put the issue in proper perspective when it pointed out that the study itself has "its own serious shortcomings." Indeed it has. It is based on partial information assembled by men with a predisposition to find villains in the high consuls of Government. It is poor history, and even poorer political analysis.

Walt W. Rostow, who served President Johnson with honor and distinction as principal foreign policy advisor, has responded to the public discussion of the Pentagon study, and in particular to a column by Times correspondent James Reston. I invite my colleagues' attention to Mr. Rostow's rebuttal article in the New York Times of June 22, 1971, as it very clearly places the moral questions in their proper perspective. It dispells the notion, which the incomplete Pentagon study promotes, that the United States of America, and its highest officials, acted in a moral vacuum in developing American policy in Southeast Asia. In fact, the very opposite is true, and it is important for the American people to know the truth.

Publication of the Pentagon study, incomplete and biased as it is, does a great disservice to this Nation. I urge all who read about it to bear in mind its inherent weaknesses, and to be mindful of Mr. Rostow's eloquent discussion of the true moral issues involved.

THE WAR: THE RECORD AND THE U.S.

(By W. W. Rostow)

AUSTIN, TEX.—Mr. Reston's column of June 13, 1971, says this:

"One of the many extraordinary things in this collection is how seldom anybody in the Kennedy or Johnson Administrations ever seems to have questioned the moral basis of the American war effort." He mentions me among others who "concentrated on pragmatic questions . . . rather than whether they were justifiable for a great nation fighting for what it proclaimed were moral purposes."

Mr. Reston is quite wrong. The moral and other bases for the position I held—and hold—on American policy in Asia are set out in "The Prospects for Communist China" (1954); "An American Policy in Asia" (1955); "The United States in the World Arena" (1960); as well as in a good many other pieces, including a talk at Fort Bragg in June 1961 and a number of memoranda written as a public servant which have somehow not yet found their way into the New York Times. My colleagues can speak for themselves, but I am sure their views were as deeply rooted as mine.

I raise the matter now not in personal defense, for I feel no need for that. I do so because the relation of morality to the national interest has been a peculiarly different problem for Americans (as George Kennan, for example, has lucidly pointed out) and because the question is dangerously bedevilled in current discussions of foreign policy. For reasons that reach back to our birth as a nation, out of the ideas of the Enlightenment, we have tended to oscillate between high-flown moralism and a highly pragmatic pursuit of conventional national interests.

There are moral issues involved in supporting the pursuit of the national interest—ours or anyone else's. And they are not simple.

First, and above all, is the question of pacifism. For any reasonably sensitive human being the rejection of pacifism does not come easy. War is ugly and sinful. But pacifism requires an acceptance of all the consequences of never fighting. And this most Americans, including myself, cannot do. That means, however, that all national policy—like the human condition itself—is morally flawed because it envisages war as an ultimate sanction and contingency.

Second is the question of whether the defense of American interests runs with or against the interests of those most directly affected. In Asia this has meant, for example, answering the questions: Did the South Koreans in 1950 and the South Vietnamese in 1961 and in 1965 want to fight for an independent destiny or did they prefer to go with the Communist leadership in Pyongyang and Hanoi? (I can attest that it was this question President Kennedy felt he had to answer above any other before making his critical commitments to South Vietnam in November-December 1961.)

Third is the tactical moral question of conducting war, if it comes, so as to minimize damage to civilian lives. The history of war suggests this is never easy nor wholly successful; but it is clearly a part of the problem and a legitimate claim on the nation and its armed forces.

Fourth is the broad question of whether the raw power interests of the nation, in general, are decent and morally defensible in at least relative terms. I have for long taken the power interest of the United States to be negative: to prevent the dominance of Europe or Asia by a single potentially hostile power; and to prevent the emplacement of a major power in this hemisphere. These objectives demonstrably accord with the interests of the majority of the peoples and nations of Europe, Asia and Latin America. We could not have conducted our post-1940 foreign policy if this were not so. This convergence of our interests with theirs is reflected in treaties and other agreements which have been approved in accordance with our constitutional arrangements and those of other nations. In the world as it is, I find our power interests, as I would define them, to be morally legitimate.

Fifth is the moral question of the nation's word, once given. For a great nation to make the commitments we have to Southeast Asia involves a moral commitment to stay with them. I believe it immoral to walk away from our treaty commitments, which other nations and human beings have taken as the foundations for their lives in the most literal sense.

I do not detect any thoughtful weighing of these inherently complex moral considerations in Mr. Reston's casual *obiter dicta.* What I do detect is a slipping into *realpolitik* in the next column. What he implies is that, for reasons he does not explain, the fate of South Vietnam ceased at some point to relate to the fate of Southeast Asia as a whole. Mr. Reston appears to have unilaterally repealed the domino theory. As late as 1969, when I last toured Asia, there was great and widespread anxiety from Tokyo to Djakarta about the consequences of premature American withdrawal from the area. And I would guess that anxiety is at least as high today. This is not a moral but a factual question and a matter for judgment on the basis of evidence. We ought to able to discuss it in a mature and dispassionate way.

In many years of debate about Southeast Asia, I have studied with care and sympathy the views of those who arrived at judgments different from mine. The issues at stake are such that, as Mr. Rusk used to say, they ought to be approached on our knees. My most profound objection to those who would withdraw our commitment to the defense of the area is the sanctimony with which they sometimes clothe their positions.

It is time for all of us to recall these words of Dean Acheson: "On one thing only I feel a measure of assurance—on the rightness of contempt for sanctimonious self-righteousness which, joined with a sly worldliness, beclouds the dangers and opportunities of our time with an unctuous film. For this is the ultimate sin."

STRIP MINING AND THE RESPONSIBILITY OF CONGRESS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MAZZOLI. Mr. Speaker, the problem of strip mining and its damage to the environment is becoming especially acute in many coal-mining States such as my own State of Kentucky. Thousands of acres of stripped land are often left unreclaimed or unreclaimable. While it is essential that the Nation's energy needs be met, and that jobs in the coal-mining areas be protected, Congress has a clear and present responsibility to enact legislation with respect to strip mining of coal and other minerals in the United States before it is too late.

There is an informative article in this week's Newsweek magazine, entitled "Peeling Back the Land for Coal." I wish to insert this article in the RECORD for the information of my colleagues and of all who care about the preservation of our precious environment:

PEELING BACK THE LAND FOR COAL

From 500 feet in the air, the patch of Belmont County in eastern Ohio looks like the light side of the moon: as far as the eye can see stretch ribbons of tan, boulder-pocked rubble, treeless and bleak. The moonscape's only color is offered by dead water trapped in gullies, blue-green with algae in some spots, blood-red with killing acids in others. And at ground level the sight can be just as chilling. Driving across the Western Kentucky Parkway in the dead of night, through coal-rich Muhlenberg or Hopkins counties, a motorist feels like a science-fiction tourist. Giant power shovels loom like eerie monsters, the floodlights on their superstructures giving them a War of the Worlds quality, their huge buckets screaming like bull elephants as they tear into the earth.

But this is no fantasy. It is the sight and sound of strip miners, slowly but surely chewing their way across tens of thousands of acres of land in 26 states ranging from Pennsylvania in the East to Washington in the West. The prize is an estimated 130 billion tons of coal.

After two decades of dwindling status King Coal is coming back. With energy demands slated to triple in the next 30 years, oil and gas reserves are being exploited faster than new ones are being discovered, and nuclear development is behind schedule. But known coal reserves are fully adequate to meet the nation's energy needs. "A new day is dawning for coal," Carl Bagge, president of the National Coal Association, told his members last week at a Washington convention. "The '70s will be the decade in which coal achieves its natural birthright as the principal energy source for the nation."

If Bagge is right—nobody seriously disputes the thesis—increasingly large portions of this coal will be mined by stripping rather than conventional deep-shaft methods. Stripping dates back all the way to 1832, when miners on Mauch Chunk Mountain in eastern Pennsylvania first used dynamite, picks and shovels to uncover a seam of anthracite. But in recent years the development of huge new machines has brought such staggering new capacity that stripping has almost become a new phenomenon—one that is seriously alarming ecologists, citizens who live near the stripping grounds and state and national lawmakers.

In the Appalachians, mountainsides are being bulldozed into the valleys to expose underlying layers of coal or prepare the way for giant augers—drills up to 5 feet in diameter—to chew into coal seams. On the rolling, wooded lands of southern Ohio, Illinois and Indiana, the bulldozers merely slice the vegetation off to prepare the way for monstrous shovels that can literally peel off a layer of dirt and rock 150 feet thick to get at a stratum of coal. Both the machines and the process nearly defy description. There is, for instance, the Hanna Coal Co.'s Gem of Egypt, a shovel with a 200-ton bite, a boom ten stories high and a body so big it contains a shower room for the crew. Powered by a 7,200-volt power plant, the Gem consumes more electricity each day than all of St. Clairsville, a town of 4,604 near the shovel's work site in Belmont County, Ohio.

Thanks to the Gem and others like it, stripping this year will amount to nearly 40 per cent of total U.S. coal production, as compared to 34 per cent as recently as 1968 and a minuscule 1 per cent 54 years ago. The industry argues that even more stripping is economically inevitable; with the giant machines, a dozen men can mine as much coal as 100 underground miners. Adding to the argument, the Coal Mine Health and Safety Act of 1969 raised underground costs still higher. In fact, a good many smaller operators have closed down entirely, leaving the field to the big companies—and, increasingly, to major steel and oil companies that have bought out the old coal kings. The oil industry now owns 30 of the 50 biggest coal producers, and controls 35 per cent of coal production; Humble Oil Co. alone owns 6 billion tons of coal reserves.

The tragedy is that the apparent economy and efficiency of stripping are grossly misleading, since the cost on the companies' books doesn't include the lasting damage that stripping inflicts on the countryside. Already, some 3,000 square miles of America have been ravaged by strip mining; according to the U.S. Geological Survey, only about a third of this land has been given any reclamation work at all. Moreover, at least 10,000 miles of waterway have been fouled by acids and life-sapping siltation caused by the changes in earth strata and contour. Sums up Dr. Gordon MacDonald of the President's Council on Environmental Quality: "An area almost the size of Connecticut has been scarred. By 1980, at present rates, another Connecticut will be added." Even that would be comparatively small; in the long run, the Geological Survey estimates that there are 71,000 square miles of America that can be profitably strip mined—an area nearly the size of Connecticut, Maryland, New Jersey and New York combined.

Wasteland: While stripping pocks the land from Scranton, Pa., to the West Coast, much of it is concentrated in West Virginia, Ohio, Kentucky, Illinois and Indiana. Perhaps nowhere can one better grasp the all-pervasive effect of strip mining than in Ohio's Belmont County, where 200,000 of the county's 341,000 acres have been leased, sold or optioned to strip-mine operators. Some 40,000 acres have already been stripped.

The Egypt Valley, once a fertile, 30-mile stretch dotted with 50 farms and the crossroads village of Egypt, now is a wasteland—the playground of the ironically named Gem of Egypt and her smaller siblings, the Silver Spade and the Mountaineer. The little village of Hendrysburg, a cluster of soot-covered homes near the I–70 interstate superhighway, shakes periodically with dynamite blasts just over the hill. Foundations have been cracked, residents have been knocked off their feet and the town's water supply has been affected by cracks in the aquifer, the subterranean layer that traps water for wells. A few of the town's residents have tried to fight the strippers in court, but the complexity of the law and the power of the coal companies have worn them down. When Newsweek's Tom Joyce and James Bishop Jr. visited Hendrysburg two weeks ago, they were met by citizens on their front porches with hollow expressions of defeat. "There just ain't nothin' we can do," said one gnarled old-timer. "They have the power and the money. We don't have nothin'."

The coal companies argue, with considerable justice, that their operations are necessary to fuel the nation and benefit at least some people even in the ravaged areas. Strip mining brings jobs to at least a few truck drivers and bulldozer operators, and royalties to local landowners that range from 10 or 15 cents a ton to as much as 45 cents a ton. In Pikeville, Ky., bankers say that more than 50 of the town's 4,400 residents have been made millionaires by coal.

But the cost remains to be counted, "Strip mining," says West Virginia Congressman Ken Hechler, leader of a Congressional fight to ban it altogether, "is like taking seven or eight stiff drinks. You are riding high as long as the coal lasts, but the hangover comes when the coal is gone, the land is gone, the jobs are gone and the bitter truth of the morning after leaves a barren landscape and a mouth full of ashes." And more and more coal-field communities and coal-state legislatures—as well as their representatives in Washington—are coming to that same realization, and pressing for stiff new laws that would force the strippers to repair at least some of the ecological damage they do.

Laws: Repair is the best that can be hoped for; it is flatly impossible to restore the stripped land to anything like its former condition. But local laws governing reclamation range from barely adequate to nonexistent. In Pennsylvania, for example, anthracite miners need only bulldoze their spoil banks into a semblance of the original contour of the land; no seeding, mulching or fertilizing is required. Of 26 states with extensive stripping operations, only nineteen have any reclamation laws at all. And of the existing laws, Interior Secretary Rogers C. B. Morton says bleakly: "I just don't know whether they are being enforced."

Indeed, reclamation is very largely a voluntary affair. And even as they fight tougher legislation in Congress and the state legislatures, the mine operators promise in speeches, advertisements and interviews that they intend to do their part. "It is hard to defend what happened in the past," concedes Carl Bagge, "but the future will be different. The operators are not the same as the people who stripped Kentucky in the 1930s."

Ironically, the Hanna Coal Co., a Continental Oil Co. subsidiary and a major despoiler of the land in Belmont County, has shown what can be done in reclamation, given the money and commitment. Only a few miles from the desecrated Egypt Valley, the company has made a showcase of the 155-acre Sallie Buffalo Park, which has a lake stocked with game fish and offers land for camping. (However, it hardly resembles a wilderness area; there are precious few trees taller than a man.)

So far, according to Hanna president Ralph Hatch, a lay preacher of the Plymouth Brethren who travels from mine to mine with an open Bible on the front seat of his car, his firm has reclaimed about 75 per cent of the 4,000 acres it has stripped in Belmont County. However, the great bulk of it is planted only with crown vetch, a legume of debatable virtues. Hatch argues that crown vetch has more protein than alfalfa and "does a superb job in controlling erosion. Already we have 1½ to 2 inches of humus built up on the raw spoil." But an Agriculture Department official questioned both the nutritional value and the humus-building qualities of crown vetch. "For what it is used for, it is excellent," he conceded, "but that doesn't mean you can compare it with other legumes and grasses that won't grow on spoil banks."

Cost: The main issue in reclamation is obviously money. Ideally, the original topsoil should be set aside and replaced on the graded spoil banks—but that would require more men, machines and time, and major outlays. In the case of Sallie Buffalo, Hanna Coal spent a total of $130,000 to reclaim the 155-acre park, much more than the $450 an acre the company says it spends in other areas. Joseph A. Corgan, head of the environment division of the U.S. Bureau of Mines, estimates that satisfactory reclamation might cost anywhere from $300 an acre, or roughly 10 cents per ton of coal, to $3,000 an acre in difficult cases.

A good many technical problems also remain to be solved. When geological strata are extensively torn up, for instance, the leaching of liquids through the rubble produces unpredictable quantities of acids and such potentially poisonous metals as mercury, cadmium and magnesium. The ecological balance of entire regions may be affected.

In Lackawanna County, Pa., for example, the U.S. Army Corps of Engineers spent nearly $2 million to build a dam and recreational lake less than a mile from a strip mine. But soil acids released by the mining have washed into the stream that feeds the lake. Last month, biologists found no living creatures in the lake, despite an extensive stocking with fish a few months earlier.

Whether such problems will be solved, and whether the strippers will spend the money needed for reclamation, clearly depends mainly on passage of strong new legislation. And after years of indifference, there are some signs of progress. Even though poverty-stricken West Virginia needs every dollar it can earn from coal, the state passed a compromise bill earlier this year banning strip mining in 22 of its counties for two years and doubling the maximum bond that companies must pay to guarantee reclamation efforts. In the past, some miners have found it cheaper to forfeit the bond than try to repair the land; now they must put up as much as $1,000 per acre.

In Washington, there are a total of nineteen bills in the hopper. At the extreme, Ken Hechler's bill would ban strip mining altogether, forcing the miners to go underground. A bit more feasibly, the Nixon Administration has introduced a bill that would establish Federal requirements for reclamation and give the states two years to meet them.

Before the end of the year, Congress is expected to pass a compromise bill stiffening the present rules—and it will come none too soon. While the Gem of Egypt and the other monsters can now devour the geography to a depth of 150 feet, the day is not far off when even bigger behemoths may be able to reopen reclaimed land and dig down to 2,000 feet, causing an ecological upheaval that can now only be guessed. As Rogers Morton summed up the nation's choice when he submitted President Nixon's proposal for a Mined Area Protection Act: "We stand at the threshold of an inevitable confrontation between energy needs and preserving our finite environment."

TYLERTOWN TIMES RATED BEST SMALLTOWN NEWSPAPER IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. GRIFFIN. Mr. Speaker, recently a small town newspaper in the Third Congressional District won the better newspaper contest sponsored by the Mississippi Press Association. This makes the seventh consecutive year that this outstanding award has been won by the Tylertown Times. It is due, in no small part, to the dedicated efforts of one of the most outstanding weekly newspaper editors in the Nation, Paul Pittman. Under his leadership, the Tylertown Times has continually adhered to the very highest principles of journalistic excellence and has more than adequately filled the newspaper needs of Walthall County, in which it is located. Further, the editorial commentary and political observations of the editor have made him respected for his responsibility and judgment. Mr. Speaker, I want to extend my congratulations to Mr. Pittman for this well-deserved honor. As a part of my remarks, I include an article from the June 10, 1971 issue of the Tylertown Times, describing the award. It follows:

SEVENTH STRAIGHT YEAR—TYLERTOWN TIMES RATED "BEST SMALLTOWN PAPER"

The Tylertown Times has been judged the best small town newspaper in Mississippi for the seventh straight year.

The recognition came to The Times Saturday at the conclusion of the Mississippi Press Association Better Newspaper Contest. Winners were announced at the association's annual convention in Biloxi.

In addition to placing first in general excellence, which covers both editorial and mechanical departments of the paper, The Times editorial page was rated as the best of any weekly newspaper in the state.

The local newspaper also won a third place in the best advertising idea category. Their entry was a series of advertisements featuring local merchants who are regular advertisers in The Times.

"The Tylertown newspaper was of great interest to us and caused more comment and discussion than any of the other entries," said Dr. Ben Brown of the journalism department of Memphis State University.

Dr. Brown, who made the awards Saturday, said that the judges found The Times to be "professional, innovative, and highly attuned to serving its readership area. It is a most unusual newspaper for a small community."

As a matter of fact, south Mississippi newspapers dominated the contest. In addition to the awards won by The Times, the McComb City newspaper was judged the best daily newspaper in its class. The McComb paper's editorial page was rated best of all daily papers in the state.

In the general excellence category, The Calhoun County Journal in Bruce placed second. The Ocean Springs Record was second behind The Times in the editorial page division.

New officers for the Mississippi Press Association include Paul Pittman, editor of The Times. Pitman was named to the Board of Governors of the organization.

Joe T. Cook of Louisville was elevated to the post of president of MPA. He is a past-president of the National Editorial Association.

PLIGHT OF SOVIET JEWRY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. SCHEUER. Mr. Speaker, on Friday, June 18, 1971, 41 Members of Congress and I sent a letter to President Nixon asking him to make a statement on the plight of Soviet Jewry. Although the State Department has made a statement on this issue we believe that it is time for the President to make a forceful personal appeal to the Soviet Union on behalf of Soviet Jewry.

The Soviet Government is sensitive to world opinion. It has repeatedly responded to public appeals and media pressure in the past. A strong personal statement by the President could influence Soviet policy toward its Jewish minority.

The Jews in the Soviet Union are denied the rights guaranteed to them by the Soviet Constitution and the United Nations Universal Declaration on Human Rights, to which the Soviet Government is a signatory. Soviet Jews are denied the right to emigrate, they are denied the right to worship in their own way, to study Yiddish or Hebrew, to have their own schools, to maintain healthy Jewish cultural activities such as Yiddish theater and press.

The efforts of the President and Congress must not cease until Soviet Jews, and minority groups in all lands, are granted all the rights enjoyed by citizens in freedom-loving countries.

The text of the letter follows:

JUNE 18, 1971.

The PRESIDENT,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: On June 1, in Kishinev, the Soviet Union will begin the trial of nine Jews linked by Russian authorities to the alleged June 1970 skyjacking attempt. As the State Department has said about the trial of four Jews in Riga connected with the same incident, "it would appear that the defendants (are being) tried for actions which are not even considered a crime in most countries." This trial is thus another example of the failure of the Soviet government to treat its Jewish citizens in accord with the Soviet Constitution and the Universal Declaration of Human Rights.

We believe that the time has come for you, as the nation's spokesman in foreign affairs, to speak forcefully on the subject to the Soviet government.

The Soviet government is sensitive to world opinion. It has been responsive to public appeals. We are convinced that a statement from you, as the only public official elected by the entire nation, could have a desirable effect in changing Soviet policy toward its Jewish minority.

Therefore, we call upon you to make a public statement on this issue and to urge the Soviet government to take affirmative action to grant Soviet Jews the full rights enjoyed by citizens of all freedom-loving nations.

Sincerely,

Bella S. Abzug, Joseph P. Addabbo, John B. Anderson, William R. Anderson, Herman Badillo, Mario Biaggi, Jonathan B. Bingham, John Brademas, Frank J. Brasco, Shirley Chisholm, George W. Collins, James C. Corman, Bob Eckhardt, Joshua Eilberg, Dante B. Fascell, Donald M. Fraser, Bill Frenzel, James G. Fulton, Edward A. Garmatz, Ella T. Grasso, Seymour Halpern, James M. Hanley, Michael Harrington, Ken Hechler, Lawrence J. Hogan, Edward I. Koch, Peter N. Kyros, Mike McCormack, Joseph G. Minish, Parren J. Mitchell, F. Bradford Morse, John E. Moss, Claude Pepper, Bertram L. Podell, Donald W. Riegle, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Robert L. F. Sikes, Charles A. Vanik, Jerome R. Waldie, Sidney R. Yates, Members of Congress.

THE JURY SYSTEM FROM A JUROR'S PERSPECTIVE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HOGAN. Mr. Speaker, the high school debate proposition for the school year 1971–72 is, "*Resolved*, That the jury system in the United States should be significantly changed." During the next few months, more than 150,000 of the Nation's brightest high school students will be focusing their attention on the strengths and weaknesses of the jury system throughout our country.

One perspective these students should carefully consider in formulating positions on jury reform is the perspective of the jurors themselves. In their research, student debators will undoubtedly analyze the ideas of judges, prosecutors, defense attorneys, law professors, and lawmakers who have strong views on retaining or modifying the present system. But they should also examine the views of the thousands of men and women who have served as jurors, for these people may have many excellent suggestions for change and reform.

The following article was written for the Sunday magazine of the Washington Sunday Star last year by a woman who served as a juror in the District of Columbia. It provides several good insights into the operation of the jury system in the Nation's Capital. In submitting this article for publication in the CONGRESSIONAL RECORD, I would hope that local newspapers in many parts of the country will be inspired to seek out articles by jurors in their own localities. These articles would assure that in the national debate on the jury system, the views of jurors will not be overlooked.

This year's national debate proposition offers a splendid opportunity for many Americans to think critically about one of the fundamental institutions in our legal system:

[From the Washington Sunday Star,
Mar. 15, 1970]

THE COMPLEAT JUROR

(By Joan Larson)

If you live in the District and the words strike terror in your heart, don't panic. You may be called soon, but if you accept your "duty" with an open mind, the experience could be interesting—even fascinating.

I served my month and found it enjoyable. For what it's worth, here's a preview of coming attractions, if you're going to be in real life what you see so often on crime shows on television.

First, if you are over 18, the R. L. Polk Co. has noted your name in the city directory. This information is fed into a computer, which picks, say, every 11th name (depending upon the estimated number of jurors needed for a six-month period).

The company mails you a questionnaire (to be returned in 10 days) that determines if you are qualified. This is the time you can ask to be excused if you're eligible. Grounds for excuse include persons over 70, practicing nurses, ministers, physicians, surgeons, dentists and lawyers. Also on the excused list are members of the armed forces, firemen, policemen, teachers and women with children under 10. In the old days women were automatically excused on request but no longer.

You may be deferred for pressing personal or business reasons but you'll possibly be recalled later. Once the questionnaire clears the police check, your name goes on a "qualified wheel." Each month some 300 names are drawn at random from it for jury duty. Seven to 10 people are called to get one qualified juror, what with deaths, drunks (disqualified) excuses and exceptions.

A postcard notifies you to report on the first of the month to the 4th floor juror's lounge at the U.S. District Court at Constitution Avenue and 3rd St. NW. Be there by 9 a.m. sharp. There's roll call daily.

Mrs. William D. Hanson, a patient and gracious lady, presides over the jury lounge and assigns prospective jurors to cases. The lounge is "home base" for the month. Jurors report there daily at 9 unless assigned to a case, in which event they go directly to a court room. The day ends at 4 for non-jurors and usually later for jurors on a case. It all depends on the judge's working habits.

No one can leave the jury lounge without permission. There are rest rooms and dictation rooms there plus tables, chairs, a television room and a legacy of old puzzles, games, books and magazines left by past jurors. The outside world can call and leave a message, which you can return from one of the phone booths in the lounge. Otherwise, you remain fairly incommunicado. When you're on a jury, only urgent messages get to you.

While deliberating a case, the jury lunches together "on the house" in a private basement dining room under the watchful eyes of two marshals.

Despite these restrictions, it is possible not only to survive jury duty but to thrive on it, if you exercise a little ingenuity and imagination. So stop looking for excuses and get on with your sentence.

For jury duty, like everything else in life, it's important to be prepared. You will sit for endless hours, days even, in the lounge waiting to be called for a jury. Once called, you may be "deselected" for your looks, personal experiences and who-knows-what-all. Once chosen, you'll sit for more endless hours hearing the case and then again deliberating and coming to a decision. The point is to make your waiting time pleasant and/or even productive.

You can tell the old hands at jury duty. They come with "survival kits"—briefcases and shopping bags stocked with books, magazines, puzzles, cards, knitting and such. They also grab off the most comfortable seats in the house or make a beeline for one of the three dictation rooms off the main lounge and set up temporary headquarters there.

In your kit, along with your busy work, tuck a thermos of coffee, tea, etc., and a snack. There's no eating in the jury lounge but you can always sneak off to a dictation room. This comes in handy too if you're actually on a jury, which every once in a while happens.

Waiting to be assigned to a case can be a great time to catch up on correspondence or, if the season is right, to do your Christmas cards. You can knit a sweater, or learn chess. Card fiends gravitate almost automatically toward each other. The possibilities are endless.

Around noon you're dismissed for lunch, which can last anywhere from an hour to several hours, depending upon whether you're on a jury or the judge's timetable.

Lunchtime is where the truly adventurous are separated from the meek. You can get a cafeteria pass and eat the inexpensive and unimaginative food served in the courthouse basement cafeteria or grab a standup bite in their snack bar. The apex of lunching is to charm one of the judges into inviting you to their private dining room.

Or you can go on an international food bender in a six-block radius—to the Capitol for the famed bean soup and corn bread, over to Don Pedros for Mexican food served behind beaded curtains; to the Vita health store if you're a calorie counter or health food buff; to The Ranch for chili or the Peking for a Chinese feast. The National Gallery has a good cafeteria and the Monocle on Capitol Hill is worth a trip.

If you're a museum-goer, you can take in the National Collection of Fine Arts, the National Portrait Gallery, the Museum of History and Technology, the Museum of Natural History and the National Gallery. They often have special lecture series that are excellent. Or you can browse in the nearby Archives building.

There are a couple of auction houses—Sloan's and Weschlers—in the area, if you like antiques.

In short, jury duty need not be a drag. You may meet a fascinating cross-section of people and pick up some interesting information on the law. One little old lady, after hearing the lawyers repeatedly request permission from the judge to "approach the bench" (have a whispered conference with the judge), asked permission to approach the bench herself. The judge granted her request.

During my month on jury duty I turned out a needlepoint pillow, read several lengthy books, sent out Christmas cards, caught up on my correspondence, revamped my recipe file and address book, and took in the weekly movie on civilization at the National Gallery as well as serving four times as a juror and once as an alternate.

You even get paid for your work. Non-government employees are paid at the rate of $20 a day plus 10¢ a mile. Government workers get transportation only. You receive an attendance certificate at the end of your service.

Recent figures from the Metropolitan Police show that more people were robbed, slain or raped in Washington last year than ever before, so the computer will be busier than ever, selecting juries.

I can relax. I'm not eligible to be called for another two years. By that time there should be a whole new bag of things to do and see.

BALTIC STATES ANNIVERSARIES

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. GALLAGHER. Mr. Speaker, on this occasion we mark a sad action 30 years ago when tens of thousands of Baltic citizens were departed to Siberian slave labor camps. These large-scale deportations of Estonians, Latvians, and Lithuanians continued after World War II.

These proud peoples, who have lived peacefully on the shores of the Baltic from time immemorial, never have experienced such an extermination and annihilation in their long history.

The three nations, although losing more than one-fourth of their entire population, nevertheless have waged an intensive fight for freedom.

Mr. Speaker, I feel it is important that we pause and reflect on these actions so that the history of the three nations is well known to all. I also include below the text of House Concurrent Resolution 416, adopted by the House June 21, 1965, on a 298-to-0 vote and unanimously passed by the Senate on October 22, 1966:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

SCHAFER HIGH SCHOOL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DINGELL. Mr. Speaker, my good friend and colleague, Congressman WILLIAM D. FORD, delivered the commencement address June 16 at the Schafer High School, in Southgate, Mich., which includes among its students residents of both his district and mine.

Congressman FORD's talk to these youngsters on the completion of their high school education was a truly inspiring message, challenging them to take an active role in society. He asked the students:

> Will thoughtful historians record the class of '71 as honestly concerned citizens who awakened this nation and its leaders to the destruction of man's environment, and who fought to eradicate war, poverty, ignorance, prejudice and violence?

Congressman FORD told the class:

> You have in my opinion an unparalleled opportunity to work for an America at peace with the world and at peace with itself.

Mr. Speaker, I think this excellent message to today's youth should have wide exposure, and for this reason I offer it at this point in the CONGRESSIONAL RECORD:

COMMENCEMENT ADDRESS

(By WILLIAM D. FORD)

As I thought over what I might say to you here tonight, my mind went back over simliar speeches that I have been compelled to listen to.

All of you, the class of '71, your families, your friends, the faculty, and the honored guests are, just as I have been, a captive audience for the speaker. The commencement speaker is as much a part of the tradition and ritual of graduation as the cap and gown, although not necessarily as colorful.

In traditional form, my address to you should be filled with glowing cliches about hordes of untried young people about to experience the great glory of emergence into the real world.

That real world is generally described as a "great, wide, wonderful world," bursting with opportunities for wealth and fame, and ready and waiting for those of you who are possessed of the magic sheepskin.

Always a part of such a speech are the ominous references to the grave and serious problems yet to be solved. In those I was forced to listen to, these generally fell into the category of preventing or curing wars and depressions.

Commencement speakers seem to be talking to the graduates this year mainly about the war and drugs, emphasizing the astonishing conclusion that these are very bad things and may even be injurious to your health. But the political commencement speech is not very helpful these days, if it ever was, for the malaise in the country among old and young alike is not primarily political but philosophical.

Somehow, however, the speeches I heard while sitting where you sit tonight tended to leave the impression with me that I wasn't really expected to have much impact on the great problems of the day nor was I really expected to find their solution by anything I might do in a direct or personal way.

The impression was rather that, by simply entering the so-called mainstream of life, and by following the most direct road toward individual fame and fortune in my chosen field or profession. I would be doing all that anyone expected.

I am afraid that too many of us who sat in the audience were willing to accept the idea that we were individually impotent in terms of our impact on the so-called "system" and the condition of our country and the world.

Sadly enough, the so-called silent majority still seems to believe this.

So maybe this new generation is not so different after all. They are our children with our own features, yearnings and hypocrisies, only they are more visible and vocal and open in expressing their rebbellion about the tangles of life. They look and sound more different than they are—TV and the press having dramatized the differences—but most of them don't even look or sound so different, only more interesting.

For me, or for anyone else, to stand on a platform like this and suggest to the young adults sitting here that you are about to have your eyes opened to the real world for the first time by the simple magic of this ceremony or any of my remarks would be a gratuitous insult to you individually and as a representative group of the bright young Americans of this generation, a group of which I believe to be a typical sample.

Some will try to tell you that you are different from other people in schools across the country. But I have visited many of those schools, in many states, and I can assure you that you are not different.

The young people of America represented by the class of '71 are already showing more concern for our country and its future than any group that has gone before them.

It is only realistic to expect that that part of our population upon whom the burden of a prolonged war in Indo-China and the unsigned peace treaties of World War II and Korea falls most directly must surely feel the imperatives of a real world.

Most of you were born seven or eight years after the last World War. You were seven years old when John Kennedy campaigned for the Presidency, ten when he was killed, twelve when the American ground and air war started in Vietnam. In short, the time of your active memory has been one of unrelieved turmoil, change, confusion, doubt and temptation.

You will embark upon your careers or continue your education after today in a world that scarcely remembers peace and a country less at peace with itself and its people than at any time since the Civil War. If you stop to think about it, one-half of Americans alive today, and all of the class of '71 have not lived one day of their lives when armed American boys were not facing a hostile enemy across a foreign border.

The world and the people of our country do not face today's massive and awesome problems because no one in America has tried, or no one in America has sacrificed, or even that no one in America has succeeded in meeting this challenge.

The tragedy is that more of us have not cared enough, or tried enough, or sacrificed enough, to build a society that fulfills the American dream of which you have heard throughout your years in school.

Some people in this country are trying to escape any risk of failure by saying "the system won't work, so why try?" This statement is most often heard from people who have not made any real and sustained effort to make the system work or to change it for the better.

But this is not a new rationalization—it is the same excuse that far too many people of my generation have used on the other side of the so-called generation gap separating them from the young people here today.

The free riders in America who are unwilling to risk a failure or failures on the route to ultimate success in solving the problems and in meeting the challenges of our time offer the same old refrain and it is not the exclusive music of any age, race, creed, or color or economic group within our country.

Every segment of our society has within it those who sing this sad song because they seek to escape responsibility by "turning off and dropping out."

The bigot who will not listen or try to understand someone because he is too old or too young is no different than the bigot who cannot hear someone who is black or poor or attends the wrong church.

I do not intend here today to attempt to catalogue the problems facing the American society. I do assert that there is no segment of the American populace, young or old, rich or poor, black or white, North or South, which has the right to withdraw its support from the established processes of the society.

If we are to move people to respect and strengthen the legal and judicial processes as well as the ballot, who will provide the leadership?

The class of '71 is facing a world with broader challenges and opportunities than ever before but with better equipment than any who have stood in their place before.

Former Secretary of Health, Education, and Welfare John Gardner said in a recent speech:

". . . while each of us pursues his selfish interest and comforts himself by blaming others, the Nation disintegrates.

"This is a time for the highest order of patriotism. This is a time to ask what it is we stand for as a people. It is a time to examine our founding documents and to reflect on what we tell each other are the American virtues. It is a time to search our hearts.

"It is very, very easy for leaders to appeal to the prejudice and fear and anger that is in us. It is easy for leaders to speak to the selfishness that is in us, to tell us that nothing in this country need be changed and to find villains who may be blamed for our troubles."

"But there is in us as Americans," Secretary Gardner went on, "something better than fear and anger and prejudice, something better than selfishness, something better than the lazy, comfortable inclination to blame others."

He went on to conclude that we as a people must move vigorously to solve our most crucial problems and to heal the spirit of the nation. And he suggested some very simple ground rules which I commend to you.

We must face our problems honestly. Young people are saying "knock off the hypocrisy."

We must be willing to commit resources to solve our problems.

If we mean what we say about issues such as pollution and health, then we must put more money into these areas.

We must reject those who commit acts of violence or coercion.

And we must reject violence as justification for more violence.

We must reject leaders who appeal to our fears and anger and prejudice. We must reject an America where we are divided into minorities.

And finally, he said:

"We must recognize that each of us must give up something to save the nation. We must not ask only the young, the poor, and the sick to bear the costs of lost resources."

These are sober and challenging words from an intelligent and sensitive man who has had a unique opportunity to observe first-hand and close up the dynamics of American society.

More than ever before, the young people in this country must assert themselves as an important part of the leadership of this country. You will all be able to vote for the President, Vice-President, U.S. Representatives and Senators next year. You could start to assert your influence by exercising that right.

This assertion of leadership must come in the form of more direct participation in the processes I have been talking about, and particularly in the political processes of our country.

You have been equipped with the special tools that those processes sorely need.

The graduating class here today is part of a group that will be remembered by thinking people as a generation of students who did not wait for the completion of school to begin expressing their deep concern for their country and the direction in which it moves.

This concern has been expressed in many positive ways. I have sensed in my talks during recent weeks with many young people who have come to Washington, a new resolve on the part of the person privileged to have an education to use that education to rework and improve the institutions of our country.

There have been some painful confrontations between the young people of this country and those they view as part of an unresponsive establishment.

Will thoughtful historians record the class of '71 as honestly concerned citizens who awakened this nation and its leaders to the destruction of man's environment and who fought to eradicate war, poverty, ignorance, prejudice and violence? Or will they deal more harshly with them?

Unless we resolve to lead Americans toward judging each other by what is in their minds and in their hearts rather than by whether they wear long hair or hard hats, the historians will not deal very kindly with any of us who stood by while lawlessness, reaction and repression replace reason and an attempt at understanding.

It has been said that the hope for the future for any nation is in its young people and if that be true, then I do not fear for the future of America.

On the basis of what I have been able to observe, both in this country and abroad as a member of the U.S. House of Representatives, I firmly believe that there has never been a better or more exciting time to be entering the arenas of adult problem solving.

You have, in my opinion, an unparalleled opportunity to work for an America at peace with the world and at peace with itself.

In closing, I would like to quote something Thomas Wolfe said thirty years ago that sets forth the challenge carried in the promise of the "American dream:"

"To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America." (Thomas Wolfe, *You Can't Go Home Again*)

That is both the promise and the challenge, and now perhaps for the first time in your lives; it's really up to you!

THE FEDERAL GOVERNMENT AND CONSUMER INFORMATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. ROSENTHAL. Mr. Speaker, one of my principal concerns in the consumer protection field, has been the scarcity of information about product performance. All of us would agree, I believe, that advertising has failed in its responsibility to provide the American consumer with meaningful information about the performance characteristics of the countless products available in the marketplace.

In an age of great technological sophistication with products becoming increasingly exotic, it is imperative that consumers have the hard performance data they need to make intelligent and informed choices between competing brands. The thrust of my philosophy is that the consumer is thoroughly competent to make sound judgments in the marketplace, but only if detailed information is readily available to him at the point of sale.

On June 19, 1971, Ralph Nader sponsored a conference in Washington, D.C., on "Computers and Consumer Choice." Its purpose was to examine not only the kind of information that should be made available to consumers; but also, the best methods of delivering that information, including the use of computers. I was privileged to address that conference on the subject of "Consumer Information Responsibilities of the Federal Government." In June and July of 1967, I held extensive hearings on the subject and have repeatedly urged a more responsible consumer product information policy by the Federal Government.

I am forced to admit—notwithstanding a newly announced consumer information program by the Nixon administration—that we are hardly closer to such a policy than we were in 1967.

I insert in the RECORD at this point, a copy of the program of the meeting and the statement I delivered to the Nader consumer information conference:

CONFERENCE ON COMPUTERS AND CONSUMER CHOICE

(Saturday, June 19, 1971, Room 500, District Building, 14th and E Streets NW., at Pennsylvania Avenue, Washington, D.C.)

A public discussion of the need for and future of systems for providing consumer information.

PROGRAM

Introductions and Welcome.

Ralph Nader: The need for improving and increasing the flow of information to consumers.

T. D. C. Kuch (National Institute of Health): Proposed Consumer Information System.

Carl Clark (National Bureau of Standards): A model Government information service as a component of the proposed consumer information system.

Congressman Benjamin Rosenthal: Consumer Information Responsibilities of the Federal Government.

Paul Notari (Association for Computer Programmers and Analysts): The Computer Professional: His Place and Responsibilities in the Battle for Better Consumer Protection.

Carl Hammer (Univac, Federal Systems Division): The Challenge of Implementing a Large-Scale Consumer Information System.

Professor Donald Rothschild (National Law Center): Experiences of an Operating Consumer Information Project.

Panel Discussion: Dialogue between conference speakers and attendees on key unresolved ideas.

CONFERENCE SUMMARY

Speaker Affiliation is given for identification purposes only. Views presented will be those of the individual.

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL

Ladies and Gentlemen: I can think of no better way to begin my statement today than to relate a true story about the first consumer hearings I held in the summer of 1967, as Chairman of the Special Consumer Inquiry of the House Committee on Government Operations.

At that time, I had been in Congress for about five years, and was reasonably sensitive to the political intrigues and tender egoes that dominate the House of Representatives. Accordingly, I decide that my first investigation and public hearing should deal with a subject about which there was little or no controversy. We selected as our first hearing topic: "Consumer Information Responsibilities of the Federal Government." Our belief that that subject was non-controversial was a slight miscalculation.

Our basic mistake was not so much our conviction that free enterprise was dependent upon free choice, and that free choice was impossible without information sufficient to make judgments about competing products in the marketplace. Rather, our mistake was in believing that American industry shared that conviction.

The hard lesson I learned from industry's denunciation of our hearings, and what I have had confirmed many times over since then, is that the popular image of American industry as guardian and defender of free enterprise, is an illusion!

I am convinced that what haunts American industry today more than anything else in its pursuit of increased profits and bigger dividends is the specter of meaningful toe-to-toe competition between products on their merits—winner take all!

As a consequence, if competition is to be found today in our economic system, it is competition mostly for the services of the most imaginative advertising agency, or the most glamorous Hollywood star to merchandise a product. And so advertising, which potentially is our most promising vehicle for the communication of information, is primarily an intrument for entertainment.

While there are certainly exceptions to the rule, it is my personal feeling that rather than facilitating choice between products in the marketplace, advertising tends to confuse and make that choice more difficult. In short, any assessment of the adequacy of consumer information and the consumer's ability to choose in today's marketplace, must begin with the fact that, while advertising promotes sales, it does not really foster competition.

At an American Advertising Federation panel discussion of fire hazards in color television sets about a year ago, a Motorola Vice President was reported to have said that while the fire hazard had been engineered out of his company's products three years ago, they would not so advertise, because it was ungentlemanly to knock the competition. The Motorola Vice President merely confirmed my previous views about the state of information and competition in today's marketplace, although his reference to the ungentlemanly aspects of knocking the opposition was probably motivated less by Marquis of Queensbury rules, and more by Dow Jones averages.

I do believe that the American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer, and the motivational research psychologist. He must face the giant corporate structure with its capacity to spawn powerful lobbies in Washington and in state capitals. The consumer must face not simply outright fraud and deception, but sharp practices honed to incredible subtlety.

The effectiveness of a free market economy requires something we all like to call "consumer sovereignty." The preconditions for that sovereignty are knowledge and freedom to choose. When those conditions are ignored or threatened, the most basic economic right, the right to be informed, is placed in extreme jeopardy. And, of course, the effects are felt throughout the market system. For example, in his book, "The Innocent Consumer vs. the Exploiters," Sidney Margolius says that the typical family wastes about $920 a year, or about 12% of its income, because purchases are made on impulse without adequate information.

To protect the consumer's right to be informed is, in the first instance, the responsibility of those who profit most from the system—producers and business men. But if they fail in that responsibility, then government—federal, state and local—must protect that right, both because it is just and to insure the efficiency of the market system.

Government has for a long period of time sought to insure the efficiency and stability of the economy through numerous legal, fiscal and monetary devices. Efficiency of the marketplace through information programs is a logical extension of that activity.

The whole thrust of my philosophy is that the consumer *is* thoroughly competent to make sound judgments in the marketplace, but only if information—all the facts about thousands of sophisticated products and services—is readily available to him *at the point of sale*. Webster's Dictionary defines "information" as "knowledge obtained from investigation, study or instruction." This suggests to me that consumer information should offer the public something more than irrelevancies dressed up in pretty packages or clever slogans. Consumer information should offer hard performance facts about products, which are sufficiently comprehensive and objective to allow for enlightened choice in a complex and confusing marketplace.

It is ironic, that the ultimate beneficiary of the entire marketing system—the consumer—is its most ignored and least informed participant.

Alan Mowbray, in an article in *The Nation* said that "compared with the orderly processes of the industrial marketplace, the consumer marketplace is a scene of anarchy . . . when a manufacturer buys the materials that he uses in making his products, he refers to standards. He gives the materials supplier a standard specification spelling out the performance characteristics the material must have, and he also stipulates the standard test methods that will be used to sample and test the material to insure compliance with the standard specification. When General Motors buys material from U.S. Steel, it does not rely on assurances from the steel company that the shipment will be 'new and improved' with twice the active ingredient of shabby old Brand X. GM says in very hardheaded terms that the steel must meet certain specifications as to strength, hardness, corrosion resistance or whatever property is of interest . . ."

Much of the consumer legislation that has been proposed and enacted by Congress in the last few years, evidences a concern for the absence of meaningful information in today's marketplace. For example, the Food, Drug and Cosmetic Act prohibits, among other things, the sale of food "if its labeling is false or misleading in any particular"; the Federal Hazardous Substances Labeling Act prohibits the introduction into interstate commerce of any misbranded hazardous substance; the Federal Insecticide Act prohibits the distribution of economic poisons which do not bear appropriate warning labels; the Truth in Lending Act is concerned with the dissemination of honest information about credit rates; and the Fair Packaging and Labeling Act declares that "informed consumers are essential to the fair and efficient functioning of a free market economy."

And yet, while Congress has proclaimed legislatively on at least a half-dozen occasions, the absolute right of consumers to product information from industry, the absolute right of consumers to product information from industry, the federal government itself continues to withhold from the public vast amounts of information on product performance stored in its files and developed with public tax dollars.

The reasons for this vary. First and foremost is the bitter opposition by American industry to the release of such information. The opposition, usually takes the form of statements such as "the American consumer is already the most informed consumer in the world today. In fact, he is over-informed." May I take exception to the myth that the American consumer is the most informed consumer in the world today? The reality is that while many Americans are faintly knowledgeable about purchases in the marketplace, the great proliferation and diversity of products and their increasingly exotic nature, make it almost impossible to identify the "best buy" generally, or the most useful purchase for an individual consumer. Which of the enzyme detergents—if any—should you purchase: Biz, Gain, Tide X-K, Amaze, Punch, Axion, or Drive? Moreover, much of the information industry offers as proof of the absurdity of the need for more information, is itself absurd.

My principal preoccupation in Congress has been the examination of whether federal agencies are carrying out their responsibilities to protect and represent America's 200 million consumers. In view of the grossly unsatisfactory nature of information available from the private sector, it is difficult to conceive of a more vital aspect of this responsibility than the dissemination of product information in the government's possession. With respect to the government's overall performance as a protector of consumer rights, my conclusion is that it has been a miserable failure. With respect to governmental policies regarding the release of product information, my conclusion is that the federal government today spends more of its time and money furnishing marketplace information to American industry, than it does to American Consumers:

—The Department of Agriculture is a classic example: It establishes trading terms for grades and standards for the food industry; it keeps food processors and retailers informed about the supply situation for world products at the farm level; it offers a market news service listing the going price of livestock, fruits and vegetables; under the Perishable Agricultural Commodities Act, it makes reparation to retailers for their purchases of substandard perishable products; and, USDA develops new foods with taxpayers dollars, such as instant potato flakes, and then permits private enterprise to market them; it documents for retailers and growers quantifiable changes in trends in consumer demands for food on an individual commodity basis. For the consumer, it does offer "best food buys of the month"—which is as much or more for the benefit of farmers as for the benefit of consumers; and it will tell you how to buy and store cereals and pasta and how to make jellies, jams and preserves at home.

The Department of Commerce and other federal agencies like the Small Business Administration, offer excellent informational guidance to their special-interest clients. Only the consumer must go begging for information.

While it is simple enough for consumers to order from the Government Printing Office, booklets on "Making and Preserving Apple Cider," or "Your Children's Feet and Footwear," it is difficult to find government information that sheds significant light on the important marketplace decisions that we are all called on to make.

Certainly, we could all agree that government test information relating to the safety of products or the wholesomeness of food should be widely disseminated. But personally, I find it difficult to differentiate between the right of the consumer to have absolute safety information from the government about those products which might injure or kill him; and his right to have from the government general performance about those products which might not serve his best economic interests. The government's performance in both the safety and economic areas, however, is sorely lacking.

Although the General Services Administration has long required an "instinctive roller release" safety feature on its wringer washing machines, it never thought that fact important enough to tell the general public—even though there are about 200,000 injuries a year from unsafe wringer washing machines. The Federal Housing Administration has known for years that unsafe patio glass doors were responsible for an estimated 100,000 serious injuries a year, but refused, until I threatened them last year with a public hearing, to require tempered safety glass in its specifications. Although 12,000 persons a year lose their lives in fires, some of them caused by flammable fabrics in and around the home, the federal government refused to publicize the fact that 100% loosely woven acrylic fiber carpet is extremely hazardous. Instead, it took Consumers Union, using the same flammability tests that had been used by the government, to make the disclosure. Let me add an interesting personal footnote: prior to that disclosure, I had purchased this highly flammable type of carpeting for my child's bedroom.

To this date, we cannot get the Department of Health, Education and Welfare to release the brands and serial numbers of those microwave ovens that may have emitted excessive radiation. Recently, the Food and Drug Administration acknowledged that it had found two cases of cancer-like lesions from the use of aerosol-type spray products, and one death attributed to inhalation of such vapors. But, FDA declined to identify them. This revelation followed an announcement by US Army doctors that two brands of aerosol underarm deodorants —which they have also declined to name— have adverse effects on the lungs. Let me cite another very recent example of the government's failure to release safety information: on May 27, 1971, the Food and Drug Administration issued a news release nationwide warning that some Vitamin C tablets on the market contained undeclared sodium ascorbate rather than ascorbic acid, and that excessive use may be hazardous for some persons. But there was one major failure in the announcement—the agency failed to tell which brands of Vitamin C tablets contained sodium ascorbate, even though they had available a list of such brands.

I would like now to talk about the government's consumer information capabilities and later I would like to say a few words about the Nixon Administration's new consumer information program.

The federal government is the single largest purchaser and user of consumer products in the world today. The General Services Administration has identified approximately 4,000 federal procurement items it buys that are consumer-related. Many of these products are tested by procurement or research agencies for purposes of devising or revamping specifications; to determine that procured items comply with specifications; and, occasionally, to determine which of a host of materials or products performs best. Moreover, the government keeps close tabs on the performance of many of its products and, as a result of empirical data, is able to draw certain conclusions about the performance weaknesses and strengths of one product or material versus another.

Many people have had a hand in attempting to get the federal government to share some of its valuable information with the public. In 1965 an interdepartmental study group on government standards, set up by Esther Peterson, reported that there is a wealth of information in the government that could be of help to consumers. In June and July, 1967, I held extensive hearings on "Consumer Information Responsibilities of the Federal Government." In 1968, a report of the Task Force on Product Test Information, established by Betty Furness, concluded: "We believe that a realease policy regarding brand and generic information merits adoption on a government-wide basis." A report of the President's Cabinet Committee on Price Stability in January 1969, stated that "much information about consumer products exists in . . . federal departments that could be . . . prepared for distribution through Welfare Agencies, employers, credit unions, and others."

How worthwhile is the information now available or potentially available in federal agency files? It is my judgment that the quality of that information is excellent and that its widespread dissemination could significantly alter the buying habits of millions of Americans. The government buys for its own use, at one time or another, every consumer product purchased by the public-at-large. It is true that all of these products are not tested in the way that Consumer Union tests products in order to rate them on a brand by brand basis. Nevertheless, the sheer comprehensiveness of the government's purchase of consumer products and its potential for scrutinizing their performance weaknesses and strengths, make Consumer Union's output pale by comparison.

A first step in meeting that potential, but a first step only, has been taken recently by the White House Office of Consumer Affairs. On October 1, 1971, the Consumer Product Information Coordinating Center, working out of the General Services Administration, will begin to identify by brand name those products it buys that are also available to consumers—perhaps under a different name. The potential for providing consumers with useful government information is dependent on establishing this similarity of product and so the Administration's first step is important. But incredibly, the Administration has only announced plans to publish the list of like products. It is their view that merely informing consumers of the fact that some of the products they purchase in the private marketplace are the same as products purchased by the government, is itself useful information. That assessment is totally false and dangerous. It means that, once again, the Administration is deceiving consumers into thinking that something useful is being done for them, while, in reality, they are protecting business by withholding possibly adverse product performance information.

If the Nixon Administration really wants to assist the consumers of this nation, then they must give them detailed performance information about those government-purchased products which are the same as private marketplace products. If, for example, tires purchased by the government for their fleet of automobiles are the same as or comparable to certain grades of tires available to the general public, then the government must scrutinize the performance of those tires and make their assessment available to the public-at-large. If the government purchases different types of carpeting or different types of interior and exterior paint, all of which have their counterparts in the private marketplace, the government must evaluate the performance weaknesses and strengths of the various brands they use, and provide that information to the consuming public.

I am afraid, however, that this is not the government's intention. I fear that the newly announced program of brand name identification is motivated by the same desire to protect business as was the recent brochure published by the Office of Consumer Affairs entitled "Speak Up When You Buy a Car." That booklet, which purports to inform consumers on how to buy a car, fails to even mention the subject of automobile safety—an incredible omission.

I would also urge the Consumer Product Information Center to publish the brand names of those products which are submitted to GSA for inclusion on its Qualified Products List, but fail to meet GSA requirements. Antifreeze, paints, flashlights, auto parts, windshield wipers, brake fluid, floor wax, dry cell batteries, household lights, and other consumer products can be found on the Qualified Products List. It is imperative, as to these products, that the brands failing the tests be named for the general public.

Finally, let me say a word about the efficacy of the Freedom of Information Act, as a device for breaking loose government test information. To date, that Act has really served to hinder rather than facilitate the release of government information on products, for several reasons: first, because it has narrowed and frozen the procedures whereby information is requested from and eventually furnished or withheld by a federal agency; second, because it is highly expensive and time-consuming to contest a refusal to release information. Consumers Union, for example, spent in excess of $40,000 on its Veterans Administration suit. Third, use of the Freedom of Information procedures has diverted attention away from other more effective methods of breaking loose government test results.

The government can and should play a major role in providing consumers with useful product information. My concern, as a Member of Congress, is to see that the government's consumer information program is valid and useful. It is the concern of this conference to suggest ways in which the fruits of that policy can be effectively and quickly communicated to the nation's 210 million consumers. In my judgment, product performance information should be made available, whenever possible, at the point of sale. But made available it must be, and let us work together toward that end.

THE WAR: THE RECORD AND THE UNITED STATES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MURPHY of New York. Mr. Speaker, yesterday I included in the RECORD a New York Times article by W. W. Rostow, former adviser to President Johnson, responding to the moral questions raised about the Vietnam war in connection with publication of the so-called Pentagon or McNamara papers. Mr. Rostow eloquently rebutted the charge that our Vietnam policy was developed without regard for basic moral considerations.

Today I include in the RECORD an article by Gen. Maxwell Taylor, former Ambassador to Vietnam, and former special consultant to the President of the United States. His New York Times article further helps put the matter in its proper perspective, and helps us understand the true context in which the Pentagon papers were developed.

I would urge all those who are concerned about the meaning and impact of the Pentagon papers to carefully consider the views advanced by Mr. Rostow and General Taylor. As principals in the development of our policy in Southeast Asia, their insights concerning the papers are most illuminating. I commend this article, and the article by Mr. Rostow, to my colleagues and to the American people:

THE WAR: THE RECORD AND THE UNITED STATES

(By Maxwell D. Taylor)

WASHINGTON.—I am grateful to The Times for affording me this opportunity to explain why I think the action of the paper in publishing selected portions of the highly classified Gelb study was contrary to the national interest.

In brief, my position is that this action contributes to further misunderstanding and confusion regarding the events portrayed, tends to impair the working of the foreign policy process, and adds to the disunity which is already undermining our strength as a nation. These views are largely independent of the legal aspects of the case, and of the importance or lack of importance of the classified material which has been revealed.

As history, the articles are unreliable and often misleading because of the incompleteness of the basic source material and the omissions and suppressions resulting from the selective process carried out by the Pentagon authors and the editors of The Times. The Gelb group had only limited access to reports from without the Pentagon, whereas the White House, State, C.I.A., and other agencies were key participants in the activities under review.

Starting from this incomplete data base, Gelb's analysis exercised a form of censorship in choosing what data to use, or what to exclude. The Times performed a similar function in deciding what to publish from among the 47 Gelb volumes. Thus, in the final publication, the principle served was not the right of the people to know all about the Government's Vietnam policy, but rather the right of The Times to determine what parts the public should know about it. As one member of that public, I would like to know the criteria employed by The Times in making its determinations.

The resulting literary product is a melange of incidents presented in a disjointed way which makes them difficult to understand and to relate to one another. It is hard to distinguish approved governmental actions from individual views of comparatively low-ranking staff officers. There is often a perceptible antiwar bias in the commentary which suggests that the officials involved were up to something sinister and surreptitious rather than carrying out publicly approved national policy. For these reasons, I am afraid that the articles will confuse rather than enlighten the persistent reader willing to wade through them.

The damage which I foresee to foreign policy is from two sources. If it becomes accepted usage that any disloyal employe of government can find in the press a ready market for governmental secrets, no secret will be safe. In the atmosphere of suspicion and fear of betrayal created within government, one can hardly expect to get forthright opinions and uninhibited recommendations from subordinates who must consider how their views will read in the morning press.

There will be a similar reaction among our international associates. Already we are seeing the embarrassment of allies such as Australia and Canada over references appearing in The Times articles. Other nations are viewing with dismay this latest evidence of internal disarray in the United States and are doubtless reminding themselves of the need for reticence in future dealings with us. Only the propagandists of Hanoi and Moscow find cause for rejoicing. And they are openly enjoying themselves.

My last concern is over the effect of this incident on our national unity, of late a prime target of subversive forces seeking to undermine the sources of our national power. There has been an arrogance in the way The Times has thrown down the gauntlet in challenging the Government's right to identify and protect its secret which assures a bitter public fight. The Times has not only challenged the Government's right to make this determination but has undertaken to substitute its own judgment in deciding what secrets are entitled to protection.

If allowed to continue in its present form, the controversy will provide a further revelation to our enemies of our internal divisions at a time when we need all of our strength and prestige to effect an honorable settlement of the Vietnam war.

There should be ways for reasonable men to reconcile the needs of a free press and of national security without resort to exaggerated classification of documents by the Government or resort to the rule of "fence" on the part of the press. Without security a free press cannot long endure, nor can the society and economy which sustain it. Without strong, articulate information media, the Government cannot communicate with the electorate, or win popular support for the needs of national security.

The press should be able to fulfill its secular role of exposing rascals and mistakes in Government without making common cause with the enemies of Government. We must have both a free press and an effective Government capable of defending and enhancing our national interests (against all enemies, foreign and domestic). If we expect to remain a great nation, these are not alternatives.

Incidentally, there has been frequent reference of late to the presumed embarrassment caused by The Times article to the governmental participants mentioned. If anyone is interested, I am not among the embarrassed. In the period covered by these documents, I was working earnestly for peace and security in Southeast Asia, an objective which the Congress had just determined by an overwhelming majority to be vital to the national interest. We toilers in the hot Vietnamese sun took that mandate seriously, and the Gelb study portrays us hard at work in obedience to it.

PICKING THE POCKETS OF THE POOR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MIKVA. Mr. Speaker, it is unfortunate that even with 8 hours of general debate time the managers of H.R. 1 could not arrange any time for some critics of the bill who were neither of the school that say a pox on all welfare legislation or those who say that anything less than $6,500 per year this year is inadequate. There are Members of the House, including this one, who voted for last year's welfare proposals and were prepared to vote for a reasonable bill this year. Indeed, I intend to vote for the bill on final passage whether or not title IV is stricken. However, I intend to vote to strike title IV for the reason that the absence of a maintenance of effort clause in title IV is an invitation to the hard-pressed States like my own to take a whack at the poor this year. This probability is enhanced mightily by the unique impact of the so-called hold harmless clause. That clause is so constructed that States such as Illinois and New York will benefit mightily by artificially and arbitrarily reducing their caseloads this year. By doing so, the States' financial responsibility for this year and subsequent years will be reduced by the amount of the reduction. More important, in subsequent years the Federal Government will be obligated to pick up the increased caseload once the artificial squeeze is removed.

That kind of unintended raid on the U.S. Treasury is hardly sporting. However, most States are so short of revenue that they are not in a sporting mood. In my own State, the Governor has already announced a current program which will put existing welfare recipients into nonexisting jobs, and "tighten up" the manner in which people become eligible for assistance. Translated into welfare, such a plan means that people will be thrown off the rolls whether they ought to be or not and that the "intake" process will be slowed up substantially. Instead of a 2-week delay in qualifying for assistance, it may take 6 or 8 weeks.

It will not be the first time that this has happened to poor people in my State or in other industrial States. Indeed, it is one of the games that legislators and Governors play regularly with the poor. The ironic tragedy is that the Federal Government has not only joined in the games—in other provisions of the bill—but will give a bonus by way of increased payments under the hold harmless clause to any State that squeezes the poor this year.

Last year's bill had a maintenance of effort clause in it. This year's bill also ought to have such a clause, not only because it would save some money for the Federal Government in subsequent years but also because we ought not bring up the welfare programs that are below minimum standards of decency at the expense of the poor people in those States that have been a little less indecent about their welfare programs.

Picking the pockets of the poor is a very easy way to solve a problem. It just is not very just.

PREELECTION MANEUVERING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. RIEGLE. Mr. Speaker, in this week's English edition of the French Journal, Le Monde, there appeared an excellent appraisal of the present political situation in South Vietnam regarding the October elections. The following article illustrates the political maneuvering presently going on in South Vietnam. Since I have introduced a bill, House Concurrent Resolution 315, calling for the establishment of a congressional commission—served by a full-time Vietnamese staff—to monitor the election proceedings in South Vietnam, this matter is of great importance to me, as I believe it is to many other Members of the House and the Senate. It is my privilege to share this article with my colleagues.

SAIGON—PRE-ELECTORAL MANEUVERING

To all intents and purposes the South Vietnamese presidential election campaign has opened, although it is officially not due to begin until September. Well in control of his country's administrative machinery, President Nguyen Van Thieu has just reshuffled his government, as well as a number of military commands.

In an attempt to ensure his own victory on October 3, he has had the South Vietnamese National Assembly approve a draft bill, the propriety of which is questioned by the opposition, requiring a presidential candidate to have his nomination supported by forty deputies in the assembly or by one hundred provincial councillors. If the legislation in question is passed it could prevent two other likely candidates, Vice-President Nguyen Cao Ky and General Duong Van (Big) Minh, from even getting into the running.

General Minh hardly ever breaks out of his cautious silence. General Ky, on the other hand, is given to making inflammatory statements and using the kind of language more likely to be heard in Hanoi. In obvious reference to President Thieu and his political associates he talks of the "Americans' lackey leaders" with whom, according to him, the North Vietnamese cannot seriously negotiate.

The Saigon leadership is also unlikely to do anything to make it easier for the opposition deputies due to run for re-election in August. The best known of these, the newspaper editor Ngo Cong Duc, recently spent several days in prison following a trivial incident which had all the earmarks of a frame-up.

Neither the president nor certain violently anti-Communist Christian quarters can forgive Mr. Duc, a Catholic, for having publicly proposed an alternative political platform which the Provisional Revolutionary Government of South Vietnam found acceptable. They are also peeved that he has criticized, in his newspaper Tin Sang, the Saigon regime, the conduct of the war in Indochina and American policies in the area.

The US government is following developments here with considerable interest. It is no accident that the American ambassador in Saigon, Ellsworth Bunker, met President Thieu, Vice-President Ky and General Minh before leaving for consultations in Washington.

American's "Vietnamization" policy must rely in part on political stability in Saigon, and this in turn means massive financial support from Washington. South Vietnamese Economy Minister Pham Kim Ngoc left for the United States late last week in an effort to convince private American investors to join his government in its efforts to develop the country. The New York Times has even reported that Mr. Bunker's assistant is believed to be pressing the South Vietnamese minister to ease French oil company interests out of South Vietnam in favour of American ones.

Yet relations between South Vietnam and the United States would not appear to be the only factor weighing on the future election campaign. The recent serious deterioration in the military situation in neighbouring states is believed to be having its effect on the Vietnamization policy.

The South Vietnamese Army might, accordingly, be forced once again to rush to the aid of a hard-pressed "ally." Illustrating the need to find some overall solution to the problems involving these three Southeast Asian countries is the fact that their political crises continually spill over their frontiers in much the same way as do their battles. It is feared that President Thieu's probable re-election, far from opening up potential paths to peace, will only have the effect of sharpening the differences on both sides, and of preventing advocates of some kind of reconciliation from playing an effective role.

ADDRESS TO THE INSURANCE INFORMATION INSTITUTE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. GOLDWATER. Mr. Speaker, I was privileged to give the following address today before the Insurance Information Institute. I feel it concerns us all.

The address follows:

ADDRESS BY REPRESENTATIVE BARRY M. GOLDWATER, JR.

On February 9th of this year, the residents of Los Angeles were awakened at 6 a.m. when a major earthquake rocked the area. Within a few moments there was more than a half-billion dollars in damage and 64 lives were lost. If the quake had been just 60 or 90 minutes later, thousands of people could have been killed.

During the last year and a half, billions of dollars of damage has occurred throughout the country due to a multiplicity of other disasters. Much of the damage has been private loss, with the federal government providing low-cost loans and some grants-in aid to private individuals and businesses.

Today I want to deal with the subject of earthquake insurance and relate it to the overall need of complete disaster insurance for private loss. Basically, I want to deal with four points:

1. The facts about earthquakes;
2. The current availability of insurance;
3. How many people buy it;
4. What the role of the federal government towards disaster insurance should be in the future.

While most people usually regard earthquakes as a West Coast problem, the fact remains that major quakes have occurred in many different areas of the country. The worst occurrence was in 1811 in New Madrid, Missouri. Other major shakeups have been recorded in New York, Utah, South Carolina, Texas, Montana, Alaska, Nevada and Washington. Although California accounts for two-thirds of all recorded occurrences, only a half a dozen of the 50 states have not experienced an earthquake or tidal wave to some degree.

Quakes are erratic; no one ever knows when they will strike. Unlike a hurricane, or tornado, an earthquake gives no warning.

I agree with the reports of the National Academies of Science and Engineering and the President's Office of Science and Technology, that more research should be conducted into the question of internal earth pressure. While both of these questions are far from being answered now, several measures could be undertaken.

The recommendations of the National Academies includes suggestions for such meaures; for example:

1. Studies should be undertaken for better design of public and private buildings and the improved analysis of present structures. The Olive View Hospital in my district was totally destroyed, yet I had just dedicated the new facility exactly one month before the quake.

2. Stiffer building codes should be enacted and improved regulatory systems should be initiated.

3. Stepped-up reappraisals should be made of the strength of major dams, reservoirs, storage tanks, and older buildings in seismic areas.

4. Further investigations should be conducted relative to ground movement and possible forecasting of quakes.

5. Earthquake-hazard maps should be drawn of all densely populated areas. I would go one step further and suggest the maps be made readily available to the general public. This would help to demonstrate to individuals the need for earthquake insurance.

The President's own report made some additional, important points:

1. All federal agencies should require earthquake-resistant design and construction of publicly or privately-owned facilities;

2. Federal agencies should encourage, as well as aid, communities to survey existing structures;

3. The federal government, through its various agencies, should assist the insurance industry in developing the actuarial bases needed for earthquake insurance;

4. Federal and local tax structures should be revised to provide incentives and/or penalties which will aid in reducing the building hazards caused by earthquakes.

Lastly, the President's report urged federal cooperation and support for states most seriously exposed to earthquake hazards, in order to re-examine and develop new ways to reduce hazards.

Basically, the reports emphasized two actions for the government to take:

1. First, research the problem and techniques so eventually earthquakes can be predicted;

2. Secondly, develop programs that could reduce the loss of property, and more importantly of course, human lives.

I believe these steps could also help the insurance industry develop *new* programs to help solve a very *old* problem.

I am specifically concerned about insurance for private property damage. There are residents of my district that have sustained $30,000 in damage on a $40,000 home. With a new loan to cover the damage, the damage victim is obligated to a $70,000 mortgage. He can never really recover from this hardship.

Certainly, it is unreasonable to contend the federal government should continue to pay for the entire loss. Something else must be done.

First, earthquake insurance is available. Some contend that it is extremely expensive, but that is not totally true. For about $5 per month, slightly higher than regular fire insurance, one can purchase a $40,000 policy on both the dwelling and its contents. But that is still too expensive for some people.

Therefore, there are several reasons why people don't buy disaster insurance:

1. First of all, the premium rate is a little high;

2. There is a high deductible clause;

3. Long intervals between quake occurrences which cause serious damage tend to de-emphasize the need for earthquake insurance;

4. And lastly, the industry has not attempted to launch a marketing campaign for this kind of insurance.

It is interesting to note that the concept of flood insurance is experiencing a similar lack of interest. The real tragedy will occur in the next flood when those who did not purchase flood insurance will be forbidden to obtain low-cost SBA loans, due to a new federal law.

With these facts in mind, my experience with the recent earthquake has reaffirmed my belief that the federal government and the insurance industry must face up to the problem of private loss. We cannot expect the federal government to pick up the tab every time our Nation experiences a catastrophe.

Our population is growing. The expansion of communities increases the probability of more disaster damage. This potential increase in loss will be compounded if stiffer building codes are not also enacted. Disaster relief aid in this country has grown from $19 million in 1960 to $348 million in 1970, exclusive of crop loss.

Low-cost disaster insurance is a must—no matter who likes it or does not like it. Remember . . . people are more concerned about whether or not they can obtain coverage, rather than where it comes from.

Earthquake insurance, as you know, can be written and, at the same time, yield the industry a profit. During the last 50 years, property losses have only amounted to three and one-third percent of all the total premiums collected. It will also provide protection to the life investments of millions of Americans.

Two other factors are important. First, historically even moderate earthquakes occur less frequently in the U.S. than hurricanes or tornadoes. Secondly, methodologies are available to determine areas of particular risk and the subsequent actuarial rates.

The industry should work out a program of disaster insurance on its own or the federal government could be forced into a position of establishing its own disaster insurance company. You in the insurance business might say "Well, that takes the responsibility off our shoulders." Gentlemen, the next question is when does the federal government establish its own auto insurance program . . . or what about life insurance? You might say . . . "That's ridiculous!" I must only point to the record of government intervention into almost every area of private enterprise in the last 30 years to nullify that argument.

While I do not want to see the federal government establish its own insurance program, I believe the government can, however, play an important role.

The basic problem is not writing disaster—or specifically, earthquake insurance, but rather getting people to buy it. As you know, flood insurance is not being purchased although it is readily available. The same is true of earthquake coverage. As I mentioned earlier one of the principal reasons for the lack of interest in quake insurance is its high cost and high deductible rate. That is the point where I believe there could be a joint government-industry partnership on a program to assure the purchase of disaster insurance.

Some contend that the Congress should merely pass a law requiring all Americans to carry disaster insurance. I would oppose this, because it smacks of direct intervention of the federal government into private enterprise, not to mention that it would also be in direct defiance of the McCarran-Ferguson Act of 1945.

I would prefer to see this done privately through the inclusion of an all-national risk provision in all standard homeowner policies. The mortgage loan industry could assist such a private program by requiring a disaster insurance provision on all existing and future home loans.

One further step may be necessary. Presently, the federal government picks up the entire tab for disasters. For example, following the Los Angeles quake, the Office of Emergency Preparedness; the Department of Health, Education and Welfare's Office of Education; the Bureau of Public Roads; the Veterans Administration; and the Small Business Administration—all government agencies—appropriated a grand total of $436.1 million dollars for disaster relief. This paid for all off-duty time for policemen and firemen, the rebuilding of broken freeways, reconstruction of all damaged public buildings, and grants-in-aid for private property damage. The grants-in-aid amounted to gifts as high as $2,500.

Remember, this was all paid for by the federal government. No state, city or county funds were involved. This, in itself was wrong. The states should share some sort of responsibility. I would propose that all states require all homeowners to carry disaster insurance from private companies, if the state is to continue to be provided with federal disaster assistance. Such a requirement would leave the regulation of the insurance industry in the state. This has the definite advantage of allowing the states to set their own rates without some overall national rate that could be either too high or too low, depending on the area of the country.

If earthquake insurance was mandatory in California, the cost could drop from $5 per month, to $1.21 per month—a decrease of more than 75 percent.

I would also propose an amendment to the anti-trust laws, if necessary, to permit a national pooling of losses on disaster insurance. If this was coupled with changes in certain tax laws, it would permit the industry greater flexibility.

In order to make these recommendations a reality, I am today proposing to the President a joint, short-term Federal-State-Private Enterprise Task Force that would consider this problem and then, subsequently, ask the Congress for action. I am pleased to announce that Richard Barger, California's Insurance Commissioner, has completely endorsed the proposal. I have also received very positive comments from other government and private industry officials. I want to make it clear that I do not want another two or three year report. We need action *now*. It is up to the Congress, the Administration and you to act. I think we should begin today."

RARICK REPORTS TO HIS PEOPLE ON THE THREAT OF A NATIONALIZED SYSTEM OF STATE COURTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on the dangers inherent in recent statements of President Nixon and Chief Justice Burger which portend a national court system.

The President's new American revolution continues to alter and change the American living pattern as well as the traditional American theory of government by applying the concept that by changing a man's environment, the Government can nonviolently change American goals and ideas. This new revolutionary movement is being accomplished under the promise of revenue sharing between the Federal Government and the State judiciary systems, but behind the promises lurks an increasing concentration of more and more powers in the Federal Government in Washington. The greatest environmental change, therefore, seems to be the further erosion by assaults on local and State governments and a removal of the decisionmakers over the individual American farther and farther from his home and job.

The latest move for federalization of another segment of our Government is the program to nationalize all of the State courts of the United States so that the State judges become more "cooperative" with and "indoctrinated" to the Federal judges' plans and ideas of justice and substantive law, sometimes known as court-made law.

The American people have heard a lot lately about the threat of a national police force. Now they are becoming aware of a real threat of a national court system. And the irony of this is that this program is sold to our judicial scholars as reform and progress to bring about fair and impartial justice. The bridge to gap the chasm between the Federal judiciary and the independence of 50 State court systems is money—Federal grants and tax-free foundation contributions.

Time was when any respectable judge regarded offers of financial reward or outside assistance as a flagrant infringement upon the fearless independence of his court and as casting a reflection on fair and impartial administration of justice. Times have certainly changed. But so has the tenor of court rulings and decisions.

The history of the United States should be a constant reminder of the threat to individual liberty and private property as a result of judges losing their independence and not being responsive to the laws of their people or their customs in justice. The Declaration of Independence was written as an indictment of the Government of England by our American forefathers. One of the charges by the Americans as basis for the resolution was the following:

> The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.

Specifically listed in the Declaration as one of the objects of tyranny was the following charge against King George III:

> He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

Thomas Jefferson, the leading liberal of his time, had much to say about judges and tyranny. Jefferson warned free men that of all tyranny, judicial tyranny is the most fearful. Following are just a few of many remarks of Thomas Jefferson with regard to judicial tyranny:

> The Constitution is a mere thing of wax in the hands of the judiciary.
>
> The great object of my fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.
>
> I am sensible of the inroads daily making by the federal into the jurisdiction of its co-ordinate associates, the State governments. The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass.
>
> Our government is now taking so steady a course as to show by what road it will pass to destruction, to-wit: by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the federal judiciary; the two other branches, the corrupting and corrupted instruments.
>
> It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.
>
> The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. . . . Having found, from experience, that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life; they skulk from responsibility to public opinion, the only remaining hold on them. . . . An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning.

It was for these reasons based upon the sufferings and experiences of the founders of the United States that there was no provision in the Constitution for a national system of State courts in our land. Some States, like Louisiana, elect their judges while, in other States, they are appointed in various manners. And in no two States are either the substantive laws or the procedural laws by which the courts operate identical.

The currently promoted notions that Federal courts are somehow a higher court or an automatic disciplinary supervisor of State courts is also untrue and a disservice to our judical system. Regardless of how the judges in the many States are selected, their courts are constitutional courts created by the Constitution of that respective State. The State courts decide issues and controversies arising in their States under the laws enacted by their people and State legislatures. There is no automatic appeal or review by every State case to a Federal judge. In fact, only the Supreme Court of the United States is a true constitutional court. Article 3, section 1 of the Constitution says:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Constitution also expressly defines the jurisdiction or the authority of cases which the Federal courts are given the right to sit in judgment and review or decide. Such authority is given in article 3, section 2 of the Constitution and is usually called "Federal questions." Additional authority is given to the "inferior" Federal courts from time to time by Congress itself, which is always the master of Federal courts because what Congress creates and gives, it can correspondingly take and abolish. But not so with State courts, because they are created by the Constitution of their own States. In some States, which existed before the creation of the United States, the State courts predate any Federal courts.

The constant erosion of the State courts and the efforts to belittle their powers and prerogatives are not accidental. Seemingly well-meaning people and organized political legal organizations have over the years constantly sought to invent or create "Federal questions" out of State matters to expand the powers and last resort appearances of Federal courts. Once the people have become conditioned to believe that a Federal judge dispenses fairer justice than a State court judge—even though both individuals may have studied at the same law school and come from the same environment—there remains only the routine process of whipping State courts into line as a form of low Federal courts. This is sought to be justified as a necessity to bring about uniform court decisions nationwide for equal justice to all.

Earlier this year at a National Conference on the Judiciary, which met at Williamsburg, Va., several unique and unprecedented events took place.

First, the President of the United States, as Executive, appeared on the same platform with the Chief Justice of the United States, representing the judicial branch, and addressed not only Federal judges but also State court judges, administrators, and State officials such as attorneys general and State administrators who handle the grants from the Federal Law Enforcement Assistance Administration.

The Federal conference, chaired by retired U.S. Supreme Court Justice Tom C. Clark, chided the State judges about heavy dockets and judicial delays without at anytime confessing that many of the problems facing the State courts are a direct result of officious intermeddling and quasi-appellate usurpation by the Federal judiciary.

But more important was the proposal by the Chief Justice, Warren Earl Burger, to "bring into being some kind of national clearinghouse or center to serve all the States and to cooperate with all of the agencies seeking to improve justice at every level." The Chief Justice concluded by offering the full cooperation of his office and the facilities of the Federal Judicial Center and the Administrative Office of the U.S. Courts to the State judges.

And this momentous occasion was not spontaneous. It follows the pattern of uniform laws and uniform decisions through eroding State laws and courts which has long been the goal of such tax-free organizations as the National College of Trial Judges, the American Judicature Society, the Institute of Judicial Administration, the Conference of State Trial Judges, the Appellate Judges Conference, the Council of State Governments and the Conference of Chief Justices.

Apparently President Nixon's appearance was in support of one facet of his revenue-sharing program. The State judges and State law enforcement officials, for their cooperation in surrendering the independence, powers, and prerogatives of their offices, are to be rewarded with grants of taxpayers' money from the Law Enforcement Assistance Administration—presently headed by Mr. Jerris Leonard, former Director of the Civil Rights Division of the Department of Justice. Other rewards for going along with the new Federal court nationalization plan come from the American bar endowment and other tax-free foundations.

Our past experiences with Federal grants to State schools and Federal funds to State welfare agencies should by now prove that any State agency that accepts Federal funds becomes a Federal agency controlled by Federal guidelines, rules, redtape, and regulations. More so, Federal fund recipients become subject to class action suits which end up in the Supreme Court of the United States asking for the ultimate decision. This may well be what the Chief Justice means when he says he will participate "only when asked to do so."

The Washington papers within weeks reported on the progress of the proposals of the Williamsburg meeting that "the Nation's lower courts have established a National Center for State Courts." The new State court organization is quite naturally patterned after the Federal conference on the Judiciary and is to establish temporary headquarters in Washington.

U.S. Chief Justice Burger has reportedly said that the aim of the new National State Court Center would be to promote and support research, studies, education, training, and activities for State courts. This control by uniformity and centralization is said to be "for the purpose of improving the administration of justice in the State courts."

News releases are already referring to the State courts of our land as "lower courts." Apparently this describes the intended inevitable goal of the program; that is, to rank State courts as inferior to Federal courts even though there is nothing in the Constitution so providing.

We are reminded of Vyshinski who, before becoming a Soviet diplomat, wrote the official commentaries on the Soviet constitutional system. He states openly that the judicial process is one of the instruments of political struggle, first for the success, then for the defense, of the Socialist revolution.

I recently received correspondence indicating that Federal funds under the Law Enforcement Assistance Act passed by Congress, without our vote, were being offered to the judges of our State. You may recall that many Congressmen who voted for the LEAA bill which was called amendments to the Crime Control and Safe Streets Act were of the opinion that the money was to be used in upgrading police officers and law enforcement agencies to better handle the ever-growing crime problem in our Nation. Associate Justice Frank Summers of our Louisiana Supreme Court questioned the legal correctness of paying a percentage of law clerk salaries, Federal funds for additional books in the law library and he raised serious questions about the propriety of the grant as well as the loss of independence to our State judiciary upon accepting such funds.

Justice Summers indicated his indignation by saying:

> Federal grants will not strengthen our local governmental units . . . this Court particularly . . . but in time the Federal help will bring with it Federal domination.
>
> If the LEAA "on-going" plan is permitted to involve this Court, it is only a question of time until we find ourselves so much enmeshed in Federal "help" and then "control," which inevitably follows, that the Court's identify as a State institution will have ceased to exist.
>
> I submit that the independence we have heretofore enjoyed as a State Court will be impaired by the requested grant, the purpose of the Act will not be served, and this Court will enjoy no benefit by the use of Federal funds.

Our Louisiana Legislature, likewise concerned with the efforts of the Federal bureaucracy to infringe upon the independence of our State judiciary, passed a senate resolution introduced by Senator Claude Duval by a 35 to 1 vote, asking the Supreme Court of Louisiana to reject Federal funds. The text of the resolution is as follows:

A Resolution Relative to the Use of Federal Funds by the State of Louisiana

> Whereas, the functions of the Supreme Court of the state of Louisiana are now provided for solely through state funds; and
>
> Whereas, it has come to the attention of the Senate of the state of Louisiana that the Federal Safe Streets Act and other Federal legislation is purported to grant to the Supreme Court of Louisiana funds for additional law clerks and/or other expenses; and
>
> Whereas, the Supreme Court of Louisiana should be solely supported by state funds and appropriations so that it might maintain its independence so necessary in the impartial administration of justice; and
>
> Whereas, the acceptance of Federal funds by the Supreme Court of Louisiana would tend to inject into its function reliance upon Federal funds; and
>
> Whereas, the Senate of the State of Louisiana feels that the functions of the Supreme Court of Louisiana should be solely supported by state funds.
>
> Therefore, be it resolved that the Senate of the state of Louisiana does hereby urge and request that the Supreme Court of Louisiana reject the use of Federal or other funds for its operations other than those appropriated and made available by the Legislature and Governor of the state of Louisiana.

I have been advised that the Louisiana agency for the Federal LEAA funding has not made the proposed grant to our State Supreme Court, at least at this time, thanks to the courageous and forthright action of a minority of our Louisiana Supreme Court justices.

But the threat of a federally controlled State judiciary is constantly present.

The price of freedom is eternal vigilance. We must all remember that with Federal moneys comes Federal control and a complete loss of State sovereignty and independence.

OPTOMETRISTS COMMEND SENATOR KENNEDY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. DRINAN. Mr. Speaker, as a cosponsor of H.R. 2162 proposing a progressive program of National Health Insurance which is identical to Senate bill No. 3, I was pleased to note that the New England Council of Optometrists unanimously adopted a resolution at its 49th annual meeting, expressing the organization's appreciation of the work done on this legislation by Senator EDWARD M. KENNEDY, my distinguished colleague from Massachusetts, who played such an important role in the drafting and introduction of the bill.

The text of the New England Council of Optometrists' resolution follows:

> Whereas: vision care in America is a primary health care need, and in so recognizing this need, Senator Edward Kennedy (D-Mass.) and his staff have diligently labored and pursued the various needs of health care in America today, and
>
> Whereas: Senator Edward Kennedy in his recently sponsored legislation has proposed a bill that would greatly increase the availability of vision care to the American people and also establish the professional services of optometry as a primary provider of these services, therefore
>
> Be it resolved: That the New England Council of Optometrists assembled extends its appreciation and thanks to the Honorable Edward M. Kennedy, Democratic Senator from Massachusetts for his untiring efforts to insure vision care as a primary health need for Americans.

The support of organizations such as the New England Council of Optometrists is vital to the enactment of comprehensive health legislation for the good of all Americans. I would like to add my personal expression of appreciation to Senator KENNEDY for his leadership on this legislation.

DEBATE ON H.R. 1

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MITCHELL. Mr. Speaker, myself and many of my distinguished colleagues voted to strike title IV from H.R. 1 yesterday because we felt that it contained numerous harmful provisions that overshadowed the laudable principle of a guaranteed annual income for all Americans. I and numerous other Members detailed the defects of these provisions during a special order on welfare reform this past Friday as well as during yesterday's debate on H.R. 1.

I am certain that if the American people are made aware of the injurious aspects of the legislation which we passed yesterday, they will alert their Senators to these provisions so that they can be modified during Senate consideration of the bill.

Columnist Carl Rowan and National Welfare Rights Organization executive director George Wiley have both written in today's Washington newspapers about some of the harmful portions of the bill. I commend these articles to my fellow legislators and to the American public at large.

The articles follow:

[From the Washington Star, June 23, 1971]

Why Welfare Reform Bill Arouses Opposition

(By Carl T. Rowan)

Why in the world would the National Welfare Rights Organization oppose a welfare reform measure which finally establishes the principle that no family will be allowed to sink below a certain level of degradation?

Are poor people abandoning this floor of $2,400 a year for a family of four out of some naive notion that Congress will soon approve a floor of $6,500, the amount government studies say is the minimum needed for a decent urban life?

No. If it were just the money level, poor people would accept the measure that Rep. Wilbur Mills has pushed to the floor of the House, according to George A. Wiley, NWRO's executive director.

But Wiley cites several little-publicized aspects of the bill that are insulting, demeaning or simply threaten to make hundreds of thousands of poor people worse off than they are under the current crazy jumble of welfare laws.

Wiley points out that the $2,400 federal benefit level is less than current benefits plus food stamps now being received by welfare families in 45 states and the District of Columbia.

Unless NWRO and others can persuade state legislatures to approve programs to supplement the family assistance plan, which is highly unlikely, 90 percent of the welfare families in the country will be worse off after welfare reform.

"We fear that this so-called $2,400 floor will actually become a ceiling," Wiley says.

The reform measure would deny benefits to any family the head of which is a regular student at a college or university—presumably a congressional slap at "student troublemakers." Wiley points out that many welfare mothers attend college under the Work Incentive Program (WIN) and that this new restriction would discourage heads of welfare families from attempting to lift themselves.

NWRO people are deeply concerned that

eligibility for family assistance payments would no longer be based on current need, but on a complicated formula involving what income the family had over the last quarter, or three-quarters.

Under the new law, if a family had $4,320 income over nine months and the breadwinner lost his job, that family could not get welfare help for three months no matter how genuine its need. The law makes the absurd presumption that the family would save enough of the $4,320 to hedge against a period of unemployment.

Wiley points out that this works heavily against migrant workers, seasonal workers and poor minority people who suffer frequent periods of joblessness.

This new restriction also will affect greatly poor workers who seek to organize unions. Without fat strike funds, they have relied on welfare in the event of a strike or lockout. Under the new bill, with welfare unavailable, unionizing activities would become less plausible.

NWRO is especially irritated that the new bill mandates forced work for mothers of children over the age of 6, and after 1974 for mothers of children over 3. Lack of acceptable child care is not recognized as a ground for refusal of employment or training.

Wiley is irritated even more by a "reform" provision which says parents must accept work or training at 75 percent of the federal minimum wage, or $1.20 an hour at present standards. The bill not only would terminate payments to parents who refuse, but directs payment of their children's grants to a third party who would be authorized to manage the family's affairs.

Wiley sees this measure as a form of indentured servitude which "would exploit blacks at $1.20 an hour. This law would undermine wages in marginal industries, for why will anyone pay more if the government hands over a forced supply of cheap laborers?"

There are many other provisions that make Mills' reform measure unacceptable to poor people—especially since the family assistance plan was sent to the House under conditions where it must be voted up or down, without amendments.

Small wonder that the bill is bitterly opposed by the Black Caucus and liberals who see it as a cruel hoax—and by the conservatives who don't want any welfare plan at all.

[From the Washington Post, June 23, 1971]

WELFARE: A REPLY TO SECRETARY RICHARDSON

(By George A. Wiley)

In his statement which appeared in these pages on Monday, Secretary of HEW Elliot Richardson persuasively documented the need for reform of our present public assistance system. He failed to demonstrate, however, that Title IV or H.R. 1, the so-called welfare reform bill which passed the House yesterday, in any way meets the welfare crisis which is facing this country today.

Although H.R. 1 extends welfare coverage to several new categories of people this extension is coupled with severe reductions in the aid furnished current welfare beneficiaries. The vast majority of these families—headed by women, predominantly black or from other minorities—will be substantially worse off under FAP than they are under present law. In some 22 states, the federal grant level of $2,400 guaranteed by H.R. 1 is less than the amounts presently paid under Aid to Families with Dependent Children (AFDC). In 45 states, present grant levels together with the benefits available under the Food Stamp Program (which will be eliminated for welfare recipients under the proposed bill) are greater than the $2,400 federal grant. This could mean drastic cuts in the meager welfare grants of over 70 percent of the current AFDC population. Seven to ten million women and children would be affected.

Although Secretary Richardson attempted to minimize these harmful effects on the poor by asserting that many states will elect to supplement the federal grant from local funds, little in the bill supports his contention. H.R. 1 provides no federal matching grants to encourage the states to provide their own funds for the welfare program. The "hold-harmless" provision in the bill only protects the states against costs due to increases in the welfare rolls *if* the state chooses to supplement, and then only after the state has spent as much money as it spent in 1971. As the secretary must recognize, most states today are looking for relief from their *current* welfare costs and they cannot be expected to contribute even at current levels without a federal requirement that they do so, or some substantial federal incentive.

H.R. 1 abandons the concept of current need which has been the guiding eligibility principle of our present welfare system—one of the few humane aspects of that system. Under the new accounting period regulation of H.R. 1, persons may be disqualified for federal assistance if at some time during the previous nine months they received income which, if earned regularly, would render them ineligible for aid. It is inconsequential whether a family has any previous income available to meet its current need. Thus, for many families, assistance will no longer be available when it is needed most—after a death of the head of household, or the loss of a job, and they will have to wait up to nine months before they will again become eligible. And many families with seasonal or other irregular incomes, such as migrants and small farmers, will be regularly denied benefits.

Title IV of H.R. 1 denies recipients rights and due process protections guaranteed under present law. Durational residence requirements, which have been struck down by the Supreme Court on three separate occasions, are nevertheless included in the bill. The purpose of their inclusion could only be to harass recipients until the issue is again decided by the courts. The Supreme Court ruled in 1970 that recipients must be granted a full hearing *before* their grants may be terminated. Yet the committee report on H.R. 1 indicates that recipients who attempt to exercise that right will have to repay any benefits received during the pendency of their case, if the appeal is not successful. Again, the bill seeks to deter the exercise of constitutionally protected rights.

Rather than trying to alleviate poverty, the bill seeks to perpetuate the myths which have prevented this country from coming to grips with poverty in an honest and effective manner. Numerous studies by HEW and the Department of Labor indicate that welfare recipients are eager to work when adequate and suitable jobs are available to them. The major obstacle to employment for welfare recipients is not that they wish to remain on the public dole, as many in our society would argue, but that adequate numbers of jobs are simply not available. Yet H.R. 1 contains a work requirement which implies both in its scope and administration that poor people must be forced to work. The requirement will only provide an opportunity for officials to force recipients into demeaning and low-paying jobs which reflect the racist and sexist attitudes of the society at large.

If the Nixon administration was serious about providing work opportunities for the poor, it would not have vetoed the Public Service Employment bill passed by Congress last session. The 200,000 public service jobs created by H.R. 1 do not nearly meet the needs of the many welfare recipients who seek employment and ignores the pool of over 5 million unemployed workers whose families may ultimately find their way onto welfare.

Along with an adequate public employment program, the administration should have supported adequate work incentives which allow a recipient to keep the benefits of his labor. H.R. 1 does not allow a recipient to deduct any of his work related expenses and in several other significant ways seriously weakens the work incentives which are provided under current law.

It may be argued that despite its oppressive features, H.R. 1 should not be opposed by persons who favor welfare reform because, in the words of Secretary Richardson, there is no other alternative. There are of course numerous alternatives, including a specific set of proposals prepared by the National Welfare Rights Organization which would insure that no one would be worse off under FAP than under the present welfare system.

FACT AND FICTION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BRAY. Mr. Speaker, the following editorial from a recent Indianapolis Star carries some sobering truth about the chances for release of American POW's. As the experience of the French shows so stark and clear, we cannot afford to make the same mistake they did.

The editorial follows:

FACT AND FICTION

A rumor is being circulated to the effect that the North Vietnamese Communists will release all American prisoners of war within 30 days of an agreement to withdraw all U.S. military personnel from Indochina.

Anyone who believes this rumor should read the treaty the Vietnam Communists signed with the French government on July 20, 1954, during the Geneva Conference.

Article 21 of that treaty reads in part as follows:

"All prisoners of war and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theater."

So reads the treaty. And did the Vietminh who now call themselves the Democratic Republic of Vietnam (DRV) keep the agreement they signed: They did not.

Eight years later, on Nov. 17, 1962, the North Vietnamese government announced over Radio Hanoi:

"After a rather long period of negotiations between the DRV and the government of the Republic of France on the repatriation of French soldiers who had surrendered, on Oct. 25 (1962) the representation of the Republic of France sent a message to the DRV Ministry of Foreign Affairs stating that it had been authorized to work out a plan for transporting, commencing November, 1962, French soldiers who had surrendered and who had applied for repatriation."

As history records, the Communists of North Vietnam not only did not keep the promise they pledged in the peace treaty—they kept their prisoners for more than eight years before they were released.

Does the American public want its government to make the same deal with the Communists the French made 17 years ago?

We say no. Let us get the prisoners first, lest American wives and mothers go through the same agony Frenchwomen did because their government made the mistake of trusting the Communists.

NATIONAL EDUCATIONAL TRUST FUND

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. EILBERG. Mr. Speaker, the monetary crisis currently faced by the Philadelphia School District offers convincing testimony for the contention that this country's educational institutions desperately need significant financial support. In spite of forward-looking ideas, the services of the Philadelphia schools have been victimized by financial erosion.

Expenditure cutbacks in areas that Philadelphia educators regard as essential to a satisfactory educational program have been the result of the continuous diminution of available funds and encroaching problems invited by a rapidly mounting debt. In reality, this dearth of essential moneys has literally starved extensive, quality programs out of existence.

In the Philadelphia School District's budget for 1971–72 there has been a 10-percent across-the-board reduction—$405 million to $365 million—with the possibility that additional cuts of up to $70 million may be necessary depending on the extent to which new revenues are forthcoming. The direct consequence of these reductions has been that instructional service has been reduced to a bare minimum. Specifically, the budgetary cuts have drastically affected these aspects of the school program: first, the number of teachers has been reduced 8 percent; second, class sizes have been increased; third, supervisory staff, especially for new teachers, has been virtually eliminated; fourth, all extracurricular activities, from dramatics to varsity sports, have been eliminated; fifth, summer programs have been drastically curtailed; sixth, evening programs, instructional and recreational, have been discontinued—with the exception of State-mandated programs; seventh, health services have been cut back; eighth, administrative services have been reduced 10 percent; and ninth, staff development programs have virtually ended.

The ramifications of these cutbacks, in terms of negative consequences on the educational development of children, are blatantly discernible. In addition, the school district's concerns for innovative programs, its plans for upgrading the quality of existing services, and its designs for improving upon and disseminating the educational gains that have been made in the last past 5 years, have all been preempted by balance-the-budget, patch-up activities. Thus the school's system is now, as at no other time in its history, in desperate need of a massive infusion of funds.

Given Philadelphia's particular need as corroborated by these recent occurrences, the school district would welcome wholeheartedly a mechanism that would insure a self-replenishing source of funds for educational purposes. The fiscal hardships currently being imposed on urban school systems throughout the country cannot be endured interminably. In light of these facts, the school district of Philadelphia views the national education trust fund, whose structure rests on the surtax principle, as an imaginative and constructive plan to avert impending fiscal disaster.

There are many details to the plan that need careful consideration. For example, we in Philadelphia would naturally be concerned that consideration is given to the high costs of providing educational programs for urban children. But we see the national education trust fund as a bold approach to dealing with the increasingly desperate circumstances in which urban school districts find themselves.

I would, at this point, like to insert in the RECORD Gov. Milton J. Shapp's proposal for a national education trust fund.

PROPOSAL FOR A NATIONAL EDUCATION TRUST FUND

(By Milton J. Shapp, Governor of Pennsylvania)

This memorandum deals with the need to adopt an entirely new concept to support the financial needs of the American Educational System.

At no time in the history of our nation has the need for financial innovation been greater.

The ever mounting cost of education is a principal factor in the fiscal crisis which faces government on every level. If we do not seek to find new ways of financing our educational system, then many of our local boards of education and the cities themselves will soon face bankruptcy.

It can no longer be argued that we can continue with present methods and to raise taxes at the State and local levels to meet the ever mounting cost of education. State and local taxes have reached such heights that the taxpayers have reached the limit of tolerance.

Yet we cannot abdicate our responsibility, cut back on funds for education and sit by while our education system and our entire society erodes.

Already we are seeing the results of much present neglect. Crime and welfare are direct outgrowths of our inability to meet the human needs of our population. For every dollar we fail to put into education, we pay many times over in increased funds for protection and public assistance.

Therefore, I am proposing a new concept and a new method of financing the educational needs of our people.

The method is the creation of a National Education Trust Fund.

The concept is that education is not a cost item but an investment in the future growth of this nation.

As applied to the entire field of education this concept is extremely sound for there is no other investment that can be made in the public sector of our economy that will yield a direct and measurably higher yield. More and higher quality education leads to greater productivity. Greater productivity leads to higher personal and corporate earning power. Higher earning power, in turn, produces more tax revenues. As a result, the initial investment in education pays off handsomely in future yield to the community and to the nation.

There is more than ample evidence to prove this contention. It has been estimated by some economists that the future tax yield that would be generated by a continuing policy of maximizing investment in education would be at least 10 times the investment.

The World War II G.I. Bill of Rights is a clear example of the economic returns that can be expected from Federal investment in education.

The increased tax yield expected from the higher lifetime earnings of the direct beneficiaries of the G.I. Bill will, alone, repay many times over the cost of the program.

It is not possible to calculate the additional economic gain to the nation that resulted from a whole new cycle of technological and economic development made possible by this massive educational breakthrough.

Yet, we continue to consider education as just another operating cost of government and we do so because we have become captives of a tradition.

If we are to break out of the financial chains that throttle educational progress, we can pattern a new mechanism along the lines of the Federal Highway Investment Fund originated during the Eisenhower-Nixon Administration.

The mechanism for handling our investment in education—and for guaranteed repayment of this investment by those who benefit from it—is at hand.

There is ample evidence that the Federal Highway Trust Fund, created in 1956 was not only financially wise, but supplied the major impetus for the modern highway system in America today.

I propose that we utilize this experience to create a National Education Trust Fund (NETF) which would invest in people just as the Highway Trust Fund invests in roads.

We can create a large scale revolving NETF fund by requiring those who would benefit most through increased educational opportunities to repay the fund with a small continuing surtax when they leave the educational system and become wage earners. This parallels the plan whereby relatively low Federal taxes on gasoline and some auto supplies replenish the Highway Trust Fund and pay for the construction of new highways.

It is obvious we would not have our modern, interstate highway system today if we had left the task of financing and building new roads to our states, cities and townships. Yet this is precisely what we are doing with our present, fragmented system for financing education throughout the country.

The self-supporting National Education Trust Fund would call for:

1. An initial investment by the Federal government of $5 to $10 billion.

2. An annual surcharge on federal income taxes according to a formula based on earning power and years of schooling. That formula would be based upon a number of factors including:

a. The level of education achieved by the individual taxpayer.

b. The number of years he has been out of school and earning his livelihood.

c. The amount of income he receives. (Thus, a Ph.D. in Physics, out of school for 20 years, might pay a higher surcharge on his federal income tax into the fund while a nurse out of school five years would pay considerably less. A person satisfied not to seek a college education might pay an even lower surtax.)

Normally, as long as a person was pursuing his education, he would pay no surcharge. We would not become liable until he had been out of school for several years, or until his income reached some selected minimum level.

I want to emphasize at this point that details of this program could be worked out in legislative committee and executive policy sessions. I am not wedded to specific figures or formulas, but the above proposals indicate that such formulations are certainly possible.

I do not envision such a program as an attempt at Federal control of education. I firmly believe that educational programs and policies should be decided at the local level as they are today. But I see no conflict between the proposed NETF and traditional local control.

At present, for example, the states pour vast amounts of money into local school districts. Yet, those districts retain their own School Boards and their autonomy. There is no reason why local autonomy cannot be retained while the Federal government establishes a fund and works with the states to assure survival and improvement of the present system.

Financing a self-supporting National Education Trust Fund would permit this nation to guarantee our future by the best business deal ever made—investing in education for all of our citizens, pre-schoolers, school children, college students, trade school and professional school enrollees. It could even supply the necessary funds for the increasingly critical area of on-going retraining and continuing adult education.

For example, the NETF might decide to finance the crucial pre-school years on a 90 per cent federal—10 per cent state and local fund basis—as we do for the principal interstate highways. The NETF might finance elementary and secondary school years on a 50–50 ratio and college and professional training on a 60–40 basis, or some other arrangement based upon more detailed economic studies. The percentages could be flexible, but the principle is clear. We can use this fund to give emphasis where needed in the national interest and the interest of society in general.

Philadelphia along with many other major cities now faces a severe crisis. We cannot afford to delay creation of the self-supporting National Education Trust Fund. The current method of financing education not only falls short of providing adequate funds, but actually leads to considerable financial waste.

Right now, the Federal Government is pouring millions of dollars into the highly successful Get Set pre-school preparatory program. Get Set has proven that it does help disadvantaged children do better when they get into kindergarten and elementary school.

But, because of the virtual bankruptcy of the Philadelphia School System, kindergarten may be eliminated next year—wiping out any beneficial effects of Get Set. In addition, the Philadelphia School Board is considering dropping all varsity and intramural sports next year, a situaton which cannot help but worsen an already difficult teen-age gang problem in Philadelphia.

Without increased funding from the Federal government, the dollars now supplied by state and local governments will continue to be inadequate and city school systems will turn out a new "Lost Generation," ill-educated and unprepared to cope with the growing demands of a technological society.

At present, it costs the state and Federal governments in Pennsylvania about $3433 to support a welfare family of four for one year. Many families spend ten, twenty, or even more years on welfare. In fact, there are some third generation families now on welfare, and the cost of their support is bound to rise.

The alternative I propose is an appealing one. It calls for investment now, and a continuing investment in a constructive policy of education that will create jobs. It will pay dividends to our society for many years to come and reduce the need for additional welfare funds in the future as we provide the opportunity to make a greater percentage of our population self-reliant.

This investment program must be accomplished on the national level because only the Federal government has the power to insure uniformity of taxation, and only the Federal government can absorb the initial cost of priming the self-supporting trust fund. Also, because of the increasing mobility of our society, investments by individual states and cities might never be repaid to those governments.

Our citizens have wide mobility, and it is wrong to penalize a city or a state by forcing it to finance a major educational system for people who then move to other communities or states.

People ask: "Can we afford a National Education Trust Fund?" This answer is that we cannot afford not to invest in education.

JULY FOURTH IN NEBRASKA

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. MARTIN. Mr. Speaker, on behalf of the people of the Third District and Nebraska, I extend a welcome and wishes for safety on the road to the holiday vacation travelers on this Fourth of July.

We ask only that you exercise care and caution in traveling our Interstate 80 and other fine highways, so that you and all others may enjoy this holiday and return to your homes safely.

The many out-of-State travelers will notice the fine rest stops and recreation facilities located along Interstate 80 and other highways in Nebraska. These are provided for your use in traveling, and we urge that you take advantage of opportunities to take an occasional break from your tiring drives, stop at one of our wayside facilities to freshen up and stretch your legs, and catch a breath of our clean, fresh air.

Of course we welcome you into any of our many fine communities which are within a few minutes along the main thoroughfares. Besides the excellent Nebraska beef and food you will find available, our overnight facilities, automobile and other services are easily accessible, and you will be greeted by warm and friendly Nebraskans.

For those of you who have time, we invite you to the midwestern hospitality that you will find in a side trip through the plains area, at the beginning of the Old West, or along the Mormon or Oregon Trails. There is much of historical importance to interest you in our area, and of course our clean fresh climate is for all to enjoy.

Again, our welcome to you, invitation to visit our fine land in more detail, and request that you observe traffic laws and conditions for a safe and enjoyable trip on this Fourth of July.

MINNESOTA HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. FRASER. Mr. Speaker, at the recent Minneapolis health hearings three representatives of nurses organizations provided important testimony regarding the pivotal role of the nurse in the delivery of health care.

Isabel Harris, R.N., dean of the University of Minnesota School of Nursing, pointed out the ill-advised budget cut proposed by the administration for fiscal 1972, and discussed its impact.

Ruth Lunde, R.N., the executive director of the Minnesota Nurses Association directed her testimony toward restructuring our present system of health care, focusing on the need to establish a rational system.

Mrs. Grace Terry, R.N., the executive director of the Minnesota League for Nursing presented a statement adopted at their conference held February 25–27. It was a privilege to be asked to take part in their conference.

Their testimony provides compelling reasons why the Congress must recognize the critical role provided by nurses. We can support their efforts in the short-run by extending and improving the Nurse Manpower legislation due to expire June 30, 1971. In the long run, nurses must be important representatives in all efforts to improve our health system.

TESTIMONY OF ISABEL HARRIS, DEAN, UNIVERSITY OF MINNESOTA SCHOOL OF NURSING

Congressman Fraser, Ladies and Gentlemen: The University of Minnesota School of Nursing is the only graduate program in nursing in the upper midwest area and the only school in which a large variety of health care professionals are being prepared in the same situation. The opportunity provided for interdisciplinary learning holds promise for improved health team functioning.

In contrast to many other health science disciplines whose interests are more in the pathology or disease an individual is experiencing, a major contribution of the nurse has been and is increasingly involved in promotion of health—of individuals, families, and communities.

The School of Nursing has as a primary concern the education of nurses of essentially three types. The first type is the group of students whose initial study of nursing is in the baccalaureate program; a second group is comprised of individuals with some previous preparation in nursing who wish to complete baccalaureate preparation in order to make a greater contribution to health care. The third group are those students who are seeking graduate preparation—to meet our most critical need within the present nurse shortage. This latter group, on completion of graduate study move into teaching positions to increase the capacity of all nursing programs to prepare health manpower, and into increasingly responsible positions in the delivery of health care to innovative ways. The continuing availability of traineeships and loans to these students is essential if health needs are to be met. Three hundred ninety seven nurses have received graduate preparation in the School of Nursing since 1956 when the first Nurse Training Act was passed. Of these, I believe approximately 380 have received federal traineeships. Few would have been able to do so without the financial support they received. Approximately 400 registered nurse baccalaureate students have received financial support under the same legislation. The present provision expires in June 1971. It is essential that the Nurse Manpower Training Act of 1971 (H.R. 4156) introduced February 10 by Congressman Paul Rogers be enacted. I strongly urge your support of this or comparable legislation.

The University of Minnesota has a unique role in that it is the only source of teachers, clinicians and other leadership personnel in nursing in the upper midwest area. To meet the need for practical nursing, junior college, diploma and baccalaureate programs in nursing in the next five years we are planning to triple enrollment in the graduate program. This will not quite meet the numbers projected by the various schools as their need for new teachers in the same time period—needs occasioned by establishment of new programs, planned growth for existing programs and attrition of faculty through retirement, illness and other causes. We are studying ways of extending the capabilities of both the nurse practitioner and the teacher through development of auto-tutorial programs, validation examinations with supportive study techniques, and multimedia teaching strategies that will permit increased class sizes as well as acceleration and deceleration appropriate for special students. Without traineeships, project grants for improving methods of teaching, and funds for remodeling and construction, we shall not be able to meet the need.

A further concern of this School of Nursing is its responsibility for providing continuing educational opportunities for nursing practitioners, faculty in schools of nursing and other leadership nursing personnel. Funding supplied by the short-term traineeship program is essential to the provision of this service to improve the care being provided to people. As nurses increasingly assume responsibility for health promotion, needs not presently being met—can bet met, and physicians and other specialists can be freed to provide the medical and other specialized types of care needed by the ill and injured. These responsibilities of health promotion are new for many nurses—and they want and need the instruction necessary to assume the extended role. Nurses are already present in many of the rural areas; with opportunity for continuing education they could provide much care that is needed.

Faculty of the School of Nursing have been involved in the development of Primary Nursing—an innovative way of organizing delivery of nursing care which is still in process of development at University Hospitals. Early assessment indicates that this holds great promise for better patient care as well as providing an opportunity for professional nurses to derive much greater satisfaction from their practice. As a consequence it seems highly probable that this may contribute to greater stability of staff—a factor that has important economic implications.

In closing I should like to indicate that we feel we have much to contribute in resolving the health care crisis. And yet, while in the proposed budget for 1972 funds for education of other health professionals has increased by $90 million over 1971, there is a $6.6 million decline in the proposed budget figures for nursing. No existing or proposed health care system will work without adequate numbers of qualified nurses. I strongly urge your support of increased funding in 1972 for nursing.

STATEMENT PRESENTED BY RUTH LUNDE, R.N.

Congressman Fraser: I am Ruth Lunde, Executive Director of the Minnesota Nurses Association, an association representing 5,700 registered nurses in Minnesota. The Minnesota Nurses Association is a constituent of the American Nurses' Association which has a membership of approximately 185,000 nurses, all members of their respective state nurses association.

The concerns of nurses for health care can be identified in three major areas:

1. The need to restructure the health care system into a rational, cohesive base for meeting the health care needs of people, placing more emphasis on preventive care and ambulatory services.

2. The development and support of programs that will provide for the best use of health workers because the provision and availability of care is dependent upon adequate numbers of prepared workers to give that care.

3. Support educational programs for the preparation of nurses at the basic level; i.e., in programs preparing practical nurses and registered nurses. It is also imperative that emphasis be given to graduate programs so that adequate numbers of prepared faculty are available and that there are enough persons prepared in leadership positions. Within this system, opportunity should be provided for disadvantaged persons and also permit, for all, the opportunity to progress from one level of education and training to a higher level without having to begin again. This concept, the career ladder concept, is supported by the Citizens' Committee for Nursing in Minnesota and also by our association.

To go back to the first point, that of restructuring the health care system into a rational, cohesive base for meeting the health care needs of all people, the American Nurses' Association supported Medicare legislation. The ANA in a resolution adopted by its House of Delegates in Miami in May, 1970, supports the development and implementation of a national health insurance program, so that all people may have access to care.

In restructuring the system, some of the gaps in the present system should be considered. We believe these gaps should be closed through focusing on services that would maintain health (preventive services), to avoid unnecessary hospitalization through provision of ambulatory health care services, development of family health care counseling services, home health care services, meals on wheels, household assistance, etc.

The present insurance system does not give recognition to the fact that hospitalization is not always necessary. It should be possible for people to be treated on an out-patient basis thus reducing the cost by not using expensive hospital facilities. Such service would also keep the worker on the job, not disrupt the family, and the patient would still be receiving adequate and necessary care.

In the care of the elderly and chronically ill, the needs are not being met either because of problems of supply and distinction and/or because of problems with the *interpretation* of "skilled nursing care" for reimbursement under Medicare.

The current interpretation of the medicare law by the intermediary regarding "Conditions of Participation" defining "skilled nursing care" (Section 405.1228), does not give recognition to the fact that home care, under the supervision of a public health nurse can help prevent repeated hospitalization and regression of illness. Let me cite an example. The patient was a diabetic, who also had problems with getting around in her home due to arthritis. She tended to be depressed, apprehensive about her symptoms and often was unable to sleep. She expressed apprehension about the ability of the person in the home to care for her adequately. The nurse provided support for her, was able to evaluate her condition and communicate with the patient's physician about her needs. An important factor in the care of the diabetic is adequate foot care. The patient would not let the person in her home do this for her, but would do it herself, risking the possibility of injury because of impaired vision. On one visit the nurse noted a lesion on the foot and signs of inadequate circulation. The nurse contacted the doctor and instructed the patient in the treatment prescribed. The patient was reticent to report symptoms to her physician, but seemed to discuss them freely with the public health nurse.

Before home health care services were initiated, she had been hospitalized frequently for minor complaints which resulted in fear and emotional crises. Since being visited, she was only hospitalized twice for the care of physical problems. Although being under home health care services for more than a year, her condition was not stabilized. Deterioration of her physical condition was evident. The patient needed frequent nursing visits to help keep her out of physical and emotional crises and decrease the number of hospitalizations. Visits during the two month period at the time of the report were rejected for reimbursement by Medicare.

The interpretation is that care being given to the chronically ill is not skilled care, but that it is custodial care. The chronically ill need skilled care to prevent regression and repeated hospitalization; therefore, the need to clarify and not limit it to recovery from initial phases of illness. We urge your attention to this need.

Another illustration of gaps in care to the elderly are shown by these statistics. According to 1970 census figures, there were 28,710 Minnesotans over 65 who needed nursing services. Of these 10,369 (365) were served by public health nurses.

In out-state areas, less than ⅓ of those needing care had it available to them (statistics based on formula established through 1965 National Health Survey data). A bill has been introduced in the Minnesota legislature that would make community health services mandatory in all counties in Minnesota.

Development of a more complete system without gaps is dependent upon an adequate supply of workers to provide that care. Specifically to nursing, the president's budget while increasing by over $90 million the funds for educating other health professionals, decreases by $6.6 million the funds for nursing. In the crucial student loan program there is a cut of $7.5 million from slightly over $17 million appropriated in 1971. The president proposes, moreover, not to release until 1972, $1.5 million of the total sum of $9.5 million authorized by Congress for nursing school construction.

On February 10, 1971 Rep. Paul Rogers of Florida introduced the Health Manpower Training Act of 1971 which would provide assistance to all nursing education programs and to students in these programs. This has been a major source of financial aid for all nursing education programs as well as traineeships, scholarships and loans through the Health Manpower Act of 1968.

In Minnesota in the period 1965–1969 $697,589 in construction grants was granted to two diploma programs. A project grant to improve methods of teaching, utilization of faculty and new approaches to curriculum have been awarded to all types of nursing education programs in Minnesota (one to a baccalaureate program, four grants to a hospital diploma program and one to an AD program). Students in all programs have benefited by scholarships, loans and traineeships. We strongly urge your full support of the Rogers bill so that nursing education programs in Minnesota can continue to provide the quality of education it has provided in the past and also prepare nurses in graduate programs for leadership positions in nursing. Dean Isabel Harris, University School of Nursing, will elaborate further on her needs.

For your reference about the needs in Minnesota for nursing, I refer you to the Recommendations of the Citizens' Committee for Nursing in Minnesota found in the brochure "To Meet the Need".

Thank you for this opportunity to express some of the concerns of nurses for the provision of health care for all citizens of Minnesota.

STATEMENT FROM THE MINNESOTA LEAGUE FOR NURSING, PRESENTED BY MRS. GRACE TERRY, EXECUTIVE DIRECTOR

I represent the Minnesota League for Nursing which is an organization whose membership includes not only nurses, but also allied health professionals and other members of the community who are interested in improving nursing education and nursing services. The following statement was prepared as a statement of consensus by 200 persons registered at a conference sponsored by the Minnesota League for Nursing yesterday and Thursday. "The Minnesota League for Nursing supports the premise that health care is an inherent, legal right of every American citizen. We believe an improved health care delivery plan must encompass all of the following basic components: (1) Health maintenance, (2) Primary care, (3) Specialty care, (4) Restorative care and (5) Health related custodial care. The Minnesota League for Nursing further believes it is essential that nursing be involved in planning for any changes in health care delivery systems."

One of the program committees of the Minnesota League for Nursing, the Minnesota Assembly of Home Health Agencies, has been concerned with bills now before the Minnesota legislature which would provide for licensing of proprietary home health agencies, thus making such agencies eligible to become providers of service for Medicare and Medicaid recipients. We understand that at least one proprietary agency which operates nationwide is seeking change in Social Security standards to allow proprietary home health agencies to be certified as Medicare and Medicaid providers without state licensure. The Board of Directors of the Minnesota League for Nursing is on record as opposed to licensure of proprietary home health agencies or any other means which may be employed to allow such agencies to become certified as providers of Medicare and Medicaid. We hope that any national health program which is enacted will include provision for health care. While we believe that proprietary home health agencies are making a contribution by providing home health services to people able to pay for them, we believe that tax monies should not be used to support such services. We believe that home health services, if tax financed, should be offered only through presently existing community-based, non-profit home health agencies or such new community based, non-profit agencies as might be established to meet future needs. We are opposed to the licensure and certification of proprietary home health agencies for the following reasons:

(1) Though proprietary home health agencies are making a worthwhile contribution by providing services to people able to pay for them, tax moneys should not be appropriated to support such services. Receiving licensure or not receiving it would not affect present operations of proprietary home health agencies, but would only provide opportunity for such agencies to receive tax moneys being spent on Medicare and Medicaid.

(2) Community nursing services should be available to all citizens based upon health needs rather than upon the person's ability to pay. Provision of services should be viewed as a basic right and should not be used as a means of profit-making. Members of the Minnesota Assembly of Home Health Agencies were polled recently and in no case could any of them recall an instance in which a person in need of community nursing services was turned away. Persons desiring luxury services have frequently been referred by community based programs to the proprietary home health agencies who can and will provide luxury services as desired by the patient. Should proprietary services be certified for Medicare, it seems probable that tax moneys would be used to provide luxury care.

(3) Proliferation of agencies would increase the problems of fragmentation of health services to people and is wasteful of the services of professional people. With proliferation of agencies, coordination and community planning are made more difficult.

(4) Proliferation of agencies causes splintering of the financial resources devoted to health and weakens the financial support of each agency in the community. Community-based, non-profit agencies rely on fees from private and third party sources of payment. Lessening of such income could be expected to occur if proprietary agencies are licensed. Maintenance of community-based, non-profit agencies would then require additional tax support and private contributions.

(5) Proliferation of agencies with separate administrative and operating costs will increase the over-all cost of health care.

(6) Community-based agencies practice family centered care as opposed to care centered only upon a specific patient. Since care for one family member might result in that person's being able to assist with care of another family member and so reduce the amount of professional service needed, family centered practice should be encouraged. Community based services may provide care to other members of the family of the person being served by a proprietary agency. One agency, the community-based agency, could more economically serve the entire family.

(7) Community based agencies accept responsibility for teaching of families relative to care being given, with the objective of fostering independence of the family from the agency, ultimately resulting in savings to those who finance care, whether private, public or tax monies are involved.

(8) Proprietary agencies in Minnesota have indicated interest in locating only in urban areas already served by established home health care agencies, therefore proposed services would duplicate services already available. No provision has been proposed for serving areas of the state where profit possibilities are more limited. In addition, no provision has been proposed for continuing care for patients whose Medicare benefits have run out. In other states where proprietary agencies are licensed, the patient who no longer is eligible for Medicare benefits has been shifted back to the community-based agency. In other states, quality of care which patients have received prior to being shifted to community-based agencies has been questionable. Since licensure of proprietary home health agencies could open the door to a great number and variety of agencies certified for home care, quality of care could become very difficult to guarantee.

(9) Following a study of home health care in the Twin Cities area, the Community Health and Welfare Council recommended that a single agency in each county provide centralized recruitment, training and service delivery in home health.

REMARKS IN SUPPORT OF H.R. 4431

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I have appeared before the House Committee on Government Operations to add my voice to the many on Federal consumer legislation as embodied in H.R. 4431.

The need for further action to aid the American consuming public is real and immediate.

Let me quote to you from a cogent statement of my colleague, Congressman BENJAMIN ROSENTHAL of New York, who has been in the vanguard of the consumer movement for many years:

> The American free enterprise system, with its give-and-take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cashregister everywhere, the consumer must face Madison Avenue, the whirling computer and the motivational research psychologist.
>
> The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

It is for this reason that I have cosponsored H.R. 4431, the Consumer Protection Act of 1971.

Briefly, H.R. 4431 would set up a permanent Office of Consumer Affairs in the Office of the President, mandated by Congress to coordinate programs and activities of all Federal agencies relating to the interests of consumers, to encourage and assist in the development of consumer programs in the Federal Government, and to act as the general source of Federal policy in the area of consumer interest.

H.R. 4431 would also provide for general consumer representation before Federal agencies and courts by establishing a new Consumer Protection Agency charged with the consumer advocacy role. I am convinced that the approach delineated in H.R. 4431 would set up the most feasible machinery for coping with the Nation's consumer problems.

First of all, this bill would not establish a superstructure in the form of a new Department of Consumer Affairs. Much discussion in past years has centered around such a department. However, support for this concept has dwindled more recently on the grounds that a new department, encompassing the many consumer functions which now exist in the Federal Government would disrupt present operations and only result in confusion and inefficiency and add to an already top-heavy Federal bureaucracy.

And second, the consumer-advocacy function would be placed in an independent Consumer Protection Agency. Such an organization would be strongly partisan—partisan in favor of the American consumer.

Some supporters have proposed placing the consumer-advocacy function in the Department of Justice. However, such a function would only be buried in a huge Department like Justice, whose overriding interests are not necessarily those of the consumer.

Or placing the consumer advocacy function within the confines of the Federal Trade Commission, as others have suggested, might enmesh such a function in the inevitable conflicts of certain other programs of the FTC in which that agency must act as a referee between conflicting interests of consumers and producers.

Let me sum up by quoting from House Report No. 91–1361 of the 91st Congress to accompany H.R. 18214, which is identical to H.R. 4431:

> What is provided here is a permanent office within the Executive Office of the President with statutory powers and the backing of the Congress and a new permanent independent agency also with statutory powers and the backing of the Congress. Their functions may appear to overlap in some respects but in reality they are complementary—each doing the things that its status enables it to do best. It is obvious that a coordinating role can best be performed under the aegis of the White House where the President has the ultimate power of coordination over the many different officials and agencies within the executive branch. Advocacy and representation, on the other hand, can best be performed by an independent agency which, as is intended, will be less subject to political and economic pressures than agencies with competing interests to protect or a White House Office that inevitably must be concerned with the many varied and conflicting policies which must be reconciled at that high level. Surely, consumers need the strengths that both offices can provide.

Surely, the Congress of the United States must heed the voice of the American consumer. Surely, the Congress of the United States can do no less than meet the needs of the consuming public by swift enactment of H.R. 4431, the Consumer Protection Act of 1971.

FLAG DAY—A DRAMATIC DISPLAY AT RCA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. HUNT. Mr. Speaker, one of the finest demonstrations of patriotism and love of country came to my attention recently in connection with Flag Day as it was celebrated at the RCA parts and accessories plant in Deptford, N.J.

It is my understanding that the vice president and general manager of that plant, Mr. Paul Garver, and his personnel manager, Mr. William Radford, developed an idea which they felt would impart a sense of loyalty to their employees and might even inspire similar ideas around the country with proper recognition.

They purchased more than 500 American flags to represent the total number of employees at that plant and proceeded to have them set along the drive leading to the plant and around the building. Call it patriotism or reverence, I am told by those who witnessed this spectacular sight that it was a deeply inspiring and moving experience.

To fulfill the idea, the employees were advised that as they were leaving at the end of the day, they could take a flag with them. When all had gone, not a flag remained.

To Mr. Garver and Mr. Radford who put their own sense of patriotism and loyalty to work, they are to be commended for providing such an outstanding and dramatic display of the American flag while at the same time enabling others to participate in a way that made the recognition of Flag Day at RCA a truly significant and meaningful event.

CITIZENS' PETITION ON BEHALF OF THE SOVIET JEWRY RELIEF ACT OF 1971

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BINGHAM. Mr. Speaker, I wish to inform the Members of the House that I have recently received a petition supporting passage of H.R. 5606, the Soviet Jews Relief Act of 1971. This petition has been signed by some 560 individuals from the New York area. As a cosponsor and fervent advocate of this legislation, which would make 30,000 U.S. visas available to Soviet Jews who might be permitted to leave the Soviet Union and wish to come to this country, I am pleased to acknowledge this indication of considerable public interest and to draw it to the attention of my colleagues in the House. Although Soviet leaders may prevent Jewish citizens of the Soviet Union from making use of these visas, passage of this legislation would challenge the Soviet Union to part the Iron Curtain and to abide by international standards of freedom of movement for all people. The text of the petition follows:

PETITION

> We, the undersigned, vigorously register our support for passage of the Soviet Jews Relief Act of 1971, HR 5606, as amended, authorizing the issuance of 30,000 special refugee visas for the admission of Soviet Jews to the United States.
>
> This nation has always been and should always remain a haven for the oppressed of other lands. The adoption of this bill will prove to the Soviet leaders and Jews behind their guarded borders, that Americans of all faiths, acting through their elected Congress deplore Soviet treatment of the Jewish minority and open wide the doors of this land to those who wish the right of political and religious freedom. The adoption of this bill will stand as an enduring act of American generosity in a time of need. (560 signatures)

PRESIDENT PUSEY'S FAREWELL ADDRESS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 1971

Mr. BRADEMAS. Mr. Speaker, a series of important votes in the House of Representatives on June 17 prevented me from attending the commencement exercises at Harvard University, where I have the privilege of serving as a member of the board of overseers. Thus I missed the final presidential address of Harvard's distinguished president for the past 17 years, Dr. Nathan Marsh Pusey.

I have had the opportunity to read the text of President Pusey's remarks on this occasion, however, and I think that they are worthy of the attention of the membership of this House.

President Pusey's long tenure at Harvard has been marked by controversy, particularly in the most recent years which have been a time of crisis for higher educational institutions in general, but it would be most unfair and unfortunate if President Pusey's great contributions to Harvard and to higher education were to be overlooked on the occasion of his retirement.

In his first years at Harvard, President Pusey impressed the Nation by the strength and dignity with which he defended academic freedom at Harvard from the right-wing attacks of Senator Joseph R. McCarthy.

In later years, President Pusey foresightedly led Harvard on a path of growth and change that strengthened the university to meet the manifold challenges of the 1970's. President Pusey redirected attention to the needs of undergraduate education, and launched an ultimately successful campaign to raise $82.5 million from private sources for Harvard College.

Under President Pusey's leadership, Harvard's floor space was doubled, its divinity school revived, and the graduate schools of education and design greatly enlarged. Harvard's enrollment grew from 10,000 to 15,000 students and its faculty has doubled from 3,000 to 6,000 members.

College admissions were revamped, as the proportion of public school graduates rose from 46 to 58 percent. The number of black students in the college expanded from 10 to 290. The annual scholarship budget rose dramatically from $566,000 to over $5 million so that now more than one-tenth of the student body comes from families qualified for Federal poverty programs.

Nathan Marsh Pusey has indeed established a remarkable record in his 17 years at Harvard, and his own overview of those years, as recounted in his remarks at the annual meeting of the Associated Harvard Alumni on June 17, 1971, is worthy of attention and reflection. I insert President Pusey's speech at this point in the RECORD:

PUSEY'S SPEECH TO THE ASSOCIATED HARVARD ALUMNI

> Most of us here have sung the first stanza of "Fair Harvard"—sung it or heard it sung

many times. Yet, I must admit though Harvard has made part of my life for nearly forty-seven years, I have never, until recent weeks, felt so deeply as I do now the significance of that verse which speaks of "surrendering" our Alma Mater "from the age that is past to the age that is waiting before."

The age that is just past was an exciting one. For a quarter of a century the general public believed in universities—indeed, admired and looked to them, and was generous in its support of them. Students thronged the campuses in unprecedented numbers, and were at least reasonably helped—and reasonably satisfied—by what they found there. More often than not, they liked what they found in academe. At the same time the teaching profession revived from the depression years and the wartime low. Discovery was in the air. Knowledge advanced. The influence of American universities spread to the far corners of the earth. That better and happier world for which men have been yearning since the beginning of time—an ordered and healthy world—seemed possible of early achievement through the instrumentality of advancing learning, and the general affluence which was sure to follow in its wake.

INTERNATIONAL STUDIES

At the outset of the age just ended we were motivated by considerations which then seemed to us newly important, and we ordered our priorities in their light. The experiences of the Second World War had made us vividly aware of the world as a whole. We were determined to know more about peoples and cultures which up to then had been disgracefully neglected.

For this reason, language institutes and area-study centers blossomed as never before. There was fresh appreciation—born in our understanding of the war—of the importance of free institutions and, along with it, a compelling hunger for world order. We believed that greater knowledge of the diverse peoples of the world and more contact with them (the increased ease of travel was to help this along) could and would lead to stable regional and world political organizations. Or so we hopefully and wishfully thought. In any event international studies of all kinds burgeoned in this and other universities and effected great changes in their curricula.

We believed, too, that the process of social and economic development could be analyzed and understood, and when understood, that it could quickly be fostered everywhere. We assumed that the strands of various local and national political, economic and legal systems could be—indeed inevitably would be—woven together, with better understanding, to achieve and guarantee peace and plenty everywhere. Perhaps also even happiness. At any rate, backwardness, ignorance, hostility, poverty and disease—these things could and would be eliminated, or at least mightily reduced. The task was simply to gain the knowledge and train the people to put the knowledge to work. Science and technology were the given tools and in face of this expectation—and promise—nations and peoples everywhere came to honor and look to universities as never before. Old ones flourished and new ones sprang to life around the globe.

Such was the hope directed toward universities from the outside. Inside, of course, understanding of the potential of universities went deeper. Within reach were the fundamental properties of matter, an infinitely richer understanding of the whole universe—even the origin of life itself. The mysteries of the psyche could now be explored and the development and behavior of men understood. New tools and methods held promise of revealing new facts about the depths of the oceans, and the nearer and the more distant space. It was a great time for all university people to be alive, and especially so here, for Harvard was in the forefront of all this—drawing into the effort older and younger scholars from all over the world. Once a New England college, Harvard had finally been transformed into a national university in Mr. Conant's time. In the postwar years it grew steadily in international influence and esteem.

QUALITY IN LIFE

Nor were our thoughts during all these years focused exclusively on material interests. There was lively concern about questions of quality in life. We continued to direct attention—indeed sought especially to direct attention—to art, letters and music, not as refuges from society or the workaday world, not as escape from reality, but as sources of refreshment, and of deeper understanding of the objective world in human terms, of enhanced experience; and beyond this, for access to the realm of the spirit with its more profound joys.

So we dreamed and so we worked.

LOSS OF ESTEEM

The effort has not come out exactly as we had hoped. At least not yet. But now a change has occurred, and as so frequently happens with the weather, the change was accompanied by storms.

Universities are no longer universally admired. Indeed some people have even come to look upon them less as saviors than as the source of evils from which society must be saved. The general public evidences less esteem for university faculties. Even the professors themselves have come to have doubts about what they are doing, or perhaps rather, about their chances of gaining wider public appreciation and support of the significance of the work they are about so deeply.

A growing number of students are less readily impressed by what professors have to offer and less ready to devote sustained attention to their teaching. These sharply critical students are also less convinced of the integrity and validity of society's institutions, including its colleges and universities; and they are less ready to work in and for them, on established terms, than were the young who for the most part were happy to be attending and serving these same institutions just a few years ago. The aims and methods of universities have come into question—fundamentally. Again they stand in need of articulation and of redefinition. There can be no doubt that we are entering a new, very different, and, it appears, a very troubled period in higher education.

The goals which meant so much to us a generation ago have lost much of their appeal. The public's gaze is now shifting back from the big world to the domestic scene. Prejudice, poverty, urban blight, injustices at home, disturbances and thefts in our own neighborhoods, increasing delinquency—things of this kind force their way to the forefront of attention. They of course deserve attention. But now there is much less certainty that answers will be found in knowledge. At least not quickly. There is also less confidence that universities can or will want to produce the requisite knowledge. And there is even less confidence that, if they knew how and wanted to produce the knowledge, they could also produce the people with the stamina and character to put it to work to accomplish the constructive ends.

A NEW BEGINNING

Once again, it appears, we have returned to a beginning. Mr. Conant, whom we welcome here today, found himself contending with inherited financial depression, then with the overwhelming dislocations of wartime and its aftermath. Now, after a period of readjustment and phenomenal growth, there comes for another president an era of radically altered conditions, sharp change, and formidable obstacles—not just financial, but curricular, methodological and philosophical as well.

This is a time, therefore, which is less likely to be affected by a mere shift of presidents than by the external conditions of our national life, and by a natural process of rebirth and renewal.

A distinguished scholar who came to live and work here at a relatively advanced age nearly a half century ago had much to say in his philosophy of process about ages that were past and ages that were "waiting before." Professor Whitehead's intent was to substitute a philosophy of organism for what he said had been a philosophy of mass. A fundamental point of distinction was that for centuries—at least since Newton—thought had been shaped by the conviction that the basic realities in our universe were particles of matter—senseless, indestructible, valueless, purposeless, revolving in routine ways, reacting only when they were acted upon. He pointed out (this was very exciting at the time) that physics did not know any such particles, that physical things, large and small, were in fact only modifications in space-time, and that therefore any actual thing was only to be understood in terms of its becoming and perishing, that is as an event. And he took special pains to stress the potential for creativity latent in such events. The old world is always dying, he said, and a new one being born. Nature gives us temporal unities which have pasts, presents and futures. But what we experience is a continuous present; and because of its capacity for creativity and the potential that lies within it, this present, at any given moment, is always holy ground.

A NEW HARVARD

So is it here. One Harvard is passing into history and another being born. One is dying while another, burgeoning with new life, is eagerly waiting before. We salute it and welcome it.

Because so many currently question the value of universities, and their ability, in the face of challenge, criticism and increased financial stringency, to continue to serve in their ancient and honorable tradition, it would be easy to feel gloomy about their prospects. But this new present also contains within it great promise.

If the long list of new goals being set for society are to be realized in significant degree, it will only be because we shall have gained increased knowledge of the difficulties standing in the way; because we shall have found in knowledge promising means of attacking the problems; because we shall have discovered, prepared, and inspired individuals to take up the many tasks required with knowledge, with patience and with realistic resolution. The need for universities does not slacken. If anything it grows greater. Standing in this present moment of change, looking back and ahead, it perhaps behooves us simply to perceive that as in all previous periods of our College's history, so in this, challenge and opportunity both persist.

There is so much in Harvard that remains good, generation after generation. I think especially at this moment of certain Yankee traits of character. It was my good fortune to have been associated in the government of Harvard with individuals—some Yankees, some not—who possessed these qualities in exemplary fashion. Not easily impressed by passing fads or fancies, not easily thrown off balance by any sudden alarums or excursions, outside or within, they went steadily about the task of serving Harvard, determined to keep her sane, sensible, useful and strong. They and their kind are deep in our tradition, and, this being so, we shall get on.

A PERSONAL NOTE

I should like now to add a personal word at leave-taking. What has impressed me most about Harvard during my years of serving her are her people. Not all of them of course, but surely a goodly number. There are many of us. "Thy fathers went down into Egypt with threescore and ten persons; and now the Lord thy God hath made thee as the stars of heaven for multitude." (Deuteronomy 10:22) If this could be said of us a hundred years ago, as it was, how much more so today.

If the recent years have been good years in both our own and the world's terms, their goodness has been owed to tens of thousands of individuals. Owed in the first instance to many fine students—fine as persons and as scholars—who have come here from all parts of our country and, especially at the graduate and professional levels, from abroad. From diverse backgrounds and cultures, with various interests and expectations—mostly high expectations—they have in considerable measure been the Harvard of these years; and with very few exceptions they have been good. If the passionate impatience with the wrongs of our society and the world which these students have increasingly come to feel stays with them in later years—that is, if their present concern proves to be more than a momentary impatience—then the world will be well served and Harvard will once again be highly honored in her sons and daughters.

DEBT TO FACULTY

Harvard's debt to faculty is no less large. Not everyone in every respect has measured up to the ideal of the inspired and inspiring scholar-teacher, loving his students and his institution, serving them loyally and imaginatively and selflessly, eschewing all pettiness and self-seeking. Yet the great majority of them surely have. Knowledge has advanced, and students have found help. There have been many creative moments. First-rate work in investigation and in teaching—intelligent and informed teaching, guided by principle and concern—has gone on—and will go on.

Nor can I fail to mention many others, not members of faculties, who have worked here in my time in many capacities, high and low—men and women of intelligence and character whose attachment to Harvard and whose diligence and competence are surpassed by none. Unsung, too frequently taken for granted, they are to be found everywhere in the University. Some have spent long years in the University's service. Of many of them it can truly be said that without their help very little of consequence could be achieved in many parts of this university.

DEBT TO ALUMNI

But above all I wish to express my appreciation to the many alumni who have contributed preeminently to make possible whatever achievements there have been in the Pusey years. I do not wish to be understood as speaking exclusively or even primarily in material terms, though my gratitude encompasses this range of consideration. What I want to say (and I hope very much that this will be heard especially by students and faculty) is that in endeavoring to discharge the responsibility of directing the administration of the great university, again and again I have found indispensable the understanding, the arden concern, the stable belief in the viability and importance of what Harvard is trying to do, and the readiness to help shown on every emergent occasion by many loyal Harvard men who were here before our time. These alumni were clearly moved by fond remembrance of experiences they had had at Harvard, and by gratitude for what Harvard contributed to direction and enrichment in their lives. But, beyond this, by an awareness, which had grown in them after leaving this place, of what Harvard has meant and can mean in our national life, by conviction of the worth and importance of this contribution, this intellectual and moral contribution going out from Harvard which Sibley heralded long ago. What most moves the alumni, I believe, is a deepening realization—in face of the recurringly troubled conditions of our world—of the importance of what has been praiseworthy in Harvard's past and a resolute determination that it shall go on.

FAREWELL AS PRESIDENT

This is the last time I shall speak to you as president. In thanking all of you—especially very many alumni—for what you have meant to Harvard in my time, it is a temptation to dwell on the changeless and the changing Harvard. The bricks of Massachusetts and Harvard halls, the great copper beech looming beside Wadsworth House, once the home of Harvard presidents—things of this kind endure. So does John Harvard sitting on his chair outside University Hall. But Harvard the changeless is also ever changing, ever beginning. Every June there is another Commencement, another in that continuum of endings and beginnings, death and life, which keeps the venerable university young—young, influential, attractive, perhaps occasionally even noble, but still and always worthy of love and of strong, new effort. Let us with high resolve once again rededicate ourselves to her services and may the Lord continue to look after us, strengthen us, and keep us true.